



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
August 25, 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, AUGUST 25, 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**
July 28, 2022 Summary Minutes

PUBLIC HEARING

Item # 1 - ANNEXATION CASE #AX-2022-01 -- The City of Stockbridge Planning Commission and the City of Stockbridge Mayor and City Council will hear an Annexation Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to annex a parcel, as described below, into the Stockbridge City Limits from unincorporated Henry County in order to allow the parcel to be combined with an adjacent parcel for an age-restricted residential development.

Parcel #071-01034012 – Subject property is in unincorporated Henry County, with frontage on Highway 42 North, across from Summit View Drive. Currently zoned 'MU' (Mixed-Use), with a land use designation of 'MIX' (Mixed-Use). Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.

NOTE: This case was deferred at the July 28, 2022 Planning Commission meeting.

Presented by: Ryan Anderson

Item # 2 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-02 -- Consideration of a Comprehensive Plan Amendment Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to change the future land use designations of certain parcels, as are described below, from 'Light Industrial' and 'Mixed-Use' to 'High-Density Residential' in order to allow for an age-restricted residential development.

Parcel #071-01034014—Located within the Stockbridge City Limits, with frontage on Highway 42 North and situated at the end of Technology Parkway. Applicant proposes to change the current land use designation from 'Light Industrial' to 'High-Density Residential'. Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.

Parcel #071-01034012 – Subject property is in unincorporated Henry County, with frontage on Highway 42 North, across from Summit View Drive. Applicant proposes to change the current County land use designation of 'Mixed-Use' to the City land use designation of 'High-Density Residential' after the parcel is annexed into the Stockbridge City Limits. Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.

NOTE: This case (AX-2022-01) was deferred at the July 28, 2022 Planning Commission meeting.

Presented by: Ryan Anderson

Item # 3 - REZONING CASE #RZ-2022-02 -- Consideration of a Rezoning Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to rezone certain property from 'OI' (Office-Institutional) and 'LI' (Light Industrial) in the Stockbridge City Limits and 'MU' (Mixed-Use) in unincorporated Henry County to 'PUD' (Planned Unit Development) to allow for an age-restricted residential development. The property contains two parcels, as are listed below, with 42.01 +/- total acres.

Parcel #071-01034014—Located within the Stockbridge City Limits, with frontage on Highway 42 North and situated at the end of Technology Parkway. Currently zoned 'OI' (Office-Institutional) and 'LI' (Light Industrial). Property also lies within the Parkway Mixed-Use Overlay District. Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.

Parcel #071-01034012 – Subject property is in unincorporated Henry County, with frontage on Highway 42 North, across from Summit View Drive. Currently zoned 'MU' (Mixed-Use). Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.

NOTE: This case (RZ-2022-02) was deferred at the July 28, 2022 Planning Commission meeting.

Presented by: Ryan Anderson

Item # 4 - REZONING CASE #RZ-2022-03 -- Consideration of a request for a change in zoning from RR (Rural Residential District) to OI (Office-Institutional District) for 0.964 acres at 3884 Walt Stephens Road in Land Lot 25 of Section 12, comprising Parcel #031-02012000. Application by CKC Commercial Properties, LLC, c/o Battle Law, P.C.

Presented by: Ryan Anderson

Item # 5 - VARIANCE CASE #VR-2022-02 -- Consideration of a request for (1) a variance to reduce the required minimum lot width of 125 feet to 96.37 feet; (2) a variance to reduce the buffer on the eastern side from 50 feet to 0 feet; and (3) a variance to reduce the buffer on the western side of the property from 50 feet to 0 feet for 0.964 acres at 3884 Walt Stephens Road in Land Lot 25 of District 12, comprising Parcel #031-02012000. Application by CKC Commercial Properties, LLC, c/o Battle Law, P.C.

Presented by: Ryan Anderson

Item # 6 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-03 -- Consideration of a request for an amendment to the City of Stockbridge Comprehensive Future Land Use Plan from Low-Density Vertical Mixed-Use to High Density Residential to allow for a mixed-use residential development. Application by Highway 138/Spivey Road Land Assemblage, LLC, represented by Randy Stamey, the Agent. The property contains 26.5 +/- total acres within twelve (12) parcels in Land Lot 42 of District 12, as are listed below, within the Stockbridge City Limits.

Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Contains 14.01 +/- acres. Zoned 'RR' (Rural Residential).

Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned 'SR' (Suburban Residential).

Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01012000—Located at the southeast corner of Tributary Parkway and Berkeley Drive. Contains 0.501 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01007000-- Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01009000—Located at 1700 Starr Circle. Contains 1.21 acres. Zoned 'C-2' (General Commercial).

Parcel #012D01010000-- Located at the northwest corner of Berkeley Drive and Spivey Road. Contains 0.737 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).

Presented by: Ryan Anderson

Item # 7 - REZONING CASE #RZ-2022-04 -- Consideration of a request for a change in zoning for 26.5 +/-total acres from 'RR' (Rural Residential), 'SR' (Suburban Residential), and 'C-2' (General Commercial) to 'PUD' (Planned Unit Development) to allow for a mixed-use residential development. Application by Highway 138/Spivey Road Land Assemblage, LLC, represented by Randy Stamey, the Agent. The property contains twelve (12) parcels in Land Lot 42 of District 12, as are listed below, within the Stockbridge City Limits.

Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Contains 14.01 +/- acres. Zoned 'RR' (Rural Residential).

Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned 'SR' (Suburban Residential).

Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01012000—Located at the southeast corner of Tributary Parkway and Berkeley Drive. Contains 0.501 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01007000-- Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01009000—Located at 1700 Starr Circle. Contains 1.21 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01010000-- Located at the northwest corner of Berkeley Drive and Spivey Road. Contains 0.737 +/- acres. Zoned 'C-2' (General Commercial).

Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).

Presented by: Ryan Anderson

Item # 8 - RECOMBINATION PLAT CASE #RC-2022-01 -- Consideration of a request for combination plat approval for 26.5 +/-total acres in Land Lot 42 of District 12 within the Stockbridge City Limits. Application by Highway 138/Spivey Road Land Assemblage, LLC, represented by Randy Stamey, the Agent, to assemble twelve (12) parcels of land that are listed below to form a development site for a mixed-use residential development.

Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Contains 14.01 +/- acres. Zoned 'RR' (Rural Residential).

Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned 'SR' (Suburban Residential).

Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary

Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).
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Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).
Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).
Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).
Parcel #012D01007000--Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).
Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).
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Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).
Presented by: Ryan Anderson

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, July 28, 2022 at 6:30 p.m.**

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; 6:30 PM

II. INVOCATION – Led by Harold Thibodeaux.

III. PLEDGE OF ALLEGIANCE – Done in unison.

IV. ROLL CALL (6 members):

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

V. ADOPTION OF THE AGENDA

A motion to adopt the Agenda was made by David Planchon, and it was seconded by Stanley Dumas. A vote was taken, and the Agenda was unanimously approved.

VI. APPROVAL OF MINUTES – June 23, 2022 Summary Minutes

A motion to approve the Summary Minutes from the June 23, 2022 meeting was made by Kathleen Nelson, and it was seconded by David Planchon. A vote was taken, and the Summary Minutes were unanimously adopted.

VII. REVISION OF PLANNING COMMISSION MEETING FORMAT -- The Planning Commission will consider a revision to its meeting format (in-person versus virtually) due to the recent ending of the Statewide pandemic emergency declaration.

To be presented by Brecca Carter, Community Development Director.

Ms. Carter presented the current and proposed 2022 Planning & Zoning Schedules. The current Schedule states that Planning Commission meetings are conducted by Zoom, whereas the proposed Schedule states that Planning Commission meetings will be held in the Council Chamber at the Stockbridge City Hall. Ms. Logan further stated that a statement had been added to the proposed Schedule to indicate that each row in the table represents an "application cycle."

Chairman Abdullah made a motion to adopt the revised 2022 Planning & Zoning Schedule, and it was seconded by Kathleen Nelson. A vote was taken, and the motion was unanimously adopted.

VIII. PUBLIC HEARINGS – A, B, & C

To be presented by the Community Development Staff.

A. ANNEXATION CASE #AX-2022-01 -- The City of Stockbridge Planning Commission and the City of Stockbridge Mayor and City Council will hear an Annexation Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to annex a parcel, as described below, into the Stockbridge City Limits from unincorporated Henry County in order to allow the parcel to be combined with an adjacent parcel for an age-restricted residential development.

Parcel #071-01034012 – Subject property is in unincorporated Henry County, with frontage on Highway 42 North, across from Summit View Drive. Currently zoned 'MU' (Mixed-Use), with a land use designation of 'MIX' (Mixed-Use). Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.

NOTE: The applicant for this case (AX-2022-01) has submitted a letter to request the deferral of the public hearing until the August 25, 2022 Planning Commission meeting.

Ms. Carter explained that the applicant had requested a deferral of this case

until the August 25th meeting, and that Staff had accepted the request.

Ms. Nelson made a motion to defer the case until the August 25th meeting, and Mr. Dumas seconded the motion. A vote was taken, and the motion was unanimously approved.

B. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-02 -- The City of Stockbridge Planning Commission and the City of Stockbridge Mayor and City Council will hear a Comprehensive Plan Amendment Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to change the future land use designations of certain parcels, as are described below, from 'Light Industrial' and 'Mixed-Use' to 'High-Density Residential' in order to allow for an age-restricted residential development.

- **Parcel #071-01034014**—Located within the Stockbridge City Limits, with frontage on Highway 42 North and situated at the end of Technology Parkway. Applicant proposes to change the current land use designation from 'Light Industrial' to 'High-Density Residential'. Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.
- **Parcel #071-01034012** – Subject property is in unincorporated Henry County, with frontage on Highway 42 North, across from Summit View Drive. Applicant proposes to change the current County land use designation of 'Mixed-Use' to the City land use designation of 'High-Density Residential' after the parcel is annexed into the Stockbridge City Limits. Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.

NOTE: This case (CP-2022-02) has been postponed by Staff until the August 25, 2022 Planning Commission meeting.

Ms. Carter explained that Staff decided to postpone this case so that it could be discussed along with the annexation case (AX-2022-01) at the August 25th meeting.

Ms. Nelson made a motion to defer the case until the August 25th meeting, and Mr. Dumas seconded the motion. A vote was taken, and the motion was unanimously approved.

C. REZONING CASE #RZ-2022-02 -- The City of Stockbridge Planning Commission and the City of Stockbridge Mayor and City Council will hear a Rezoning Request by S3 Capital Investments, LLC, the Applicant, represented by Battle Law, P.C., the Agent, to rezone certain property from 'OI' (Office-Institutional) and 'LI' (Light Industrial) in the Stockbridge City Limits and 'MU' (Mixed-Use) in unincorporated Henry County to 'PUD' (Planned Unit Development) to allow for an age-restricted residential development. The property contains two parcels, as are listed below, with 42.01 +/- total acres.

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Parkway. Currently zoned 'OI' (Office-Institutional) and 'LI' (Light Industrial). Property also lies within the Parkway Mixed-Use Overlay District. Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.

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NOTE: This case (RZ-2022-02) has been postponed by Staff until the August 25, 2022 Planning Commission meeting.

Ms. Carter explained that Staff decided to postpone this case so that it could be discussed along with the annexation case (AX-2022-01) at the August 25th meeting.

Ms. Nelson made a motion to defer the case until the August 25th meeting, and Harold Thibodeaux 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.

Ms. Carter provided the following project updates:

1. Bridges at Jodeco – Staff have held discussions with a proposed “big box” commercial developer. Residential “rooftops” are needed first. The approved Jodeco Master Plan requires a commercial component.
2. Winding Creek Townhomes, Phase 3 – This project is underway.
3. Oaks at Eagles Landing – This project is 90 percent complete.
4. Tru Hilton Hotel – This project is underway.
5. Best Western Hotel – The applicant's plans are being finalized with the contractor.
6. Brannan Road Subdivision – Not much is happening with this project.

X. STAFF COMMENTS

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

1. Comprehensive Plan -- Ms. Carter stated that the Staff would be updating the City's Comprehensive Plan next year, and that City Council has approved the use of assistance from the Atlanta Regional Commission (ARC).
2. Amphitheater – Ms. Carter said that the Amphitheater will be starting its fall season of concerts.

XI. BOARD COMMENTS

Board members expressed their interest in visiting some of the project sites for various proposed developments. Ms. Carter said that Ryan Anderson could coordinate such visits with two or three members at a time, in order to avoid the presence of a quorum of members to prevent the visits from being official meetings.

XII. ADJOURNMENT

Roger Hornes made a motion to adjourn the meeting, and it was seconded by Mr. Thibodeaux. The meeting was adjourned at 6:45 p.m.



City of Stockbridge

4640 North Henry Blvd. Stockbridge, GA 30281

City Hall: (770) 389-7900 Fax (770) 389-7912

Greetings Potential City of Stockbridge Resident and / or Property Owner.

We thank you for taking the next steps of bringing your property into the City limits of Stockbridge. We have attached the necessary Annexation Petitions (100% and 60% Methods). Please complete the sections titled "Annexation Parcels" and "Applicant or Primary Point of Contact" on both pages 3 and 4 of the enclosed documents.

City Staff will assist in the completion of the remaining sections. All original signatures should be mailed back to the city at the following address:

Attn: Brecca R. Carter

Director of Community Service

4640 North Henry Blvd

Stockbridge, GA 30336

We are excited to have you join our City of Stockbridge family! Please contact me directly if you have questions at planning@cityofstockbridge-ga.gov or 770-389-7900.

We are looking forward to hearing from you.

All the best,

Director of Community Development



CITY OF STOCKBRIDGE | ANNEXATION CHECKLIST

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

☒ **NON-REFUNDABLE APPLICATION FEE - \$300.00**

Payment: Check or Money Order Payable to the City of Stockbridge.

☒ **APPLICATION FORM**

Two Original (2) Copies: Complete and signed with original signatures.

☒ **PETITION FOR ANNEXATION**

Two (2) Original Copies: The Annexation Petitions must be notarized and signed by the owner or authorized applicant. (The petition for the 60% Method must clearly indicate if the applicant is an elector or a landowner.)

☒ **CONSENT OF OWNER(S)**

Original: If the property owner does not sign the application and/or petition, submit a notarized affidavit signifying the approval or consent of all owners. (An affidavit form is attached.) Use additional affidavits, if necessary, for multiple owners.

☒ **PLAT OF SURVEY AND/OR LEGAL DESCRIPTION**

Original and One (1) copy - Submit an accurate, as-built survey showing all improvements on the site, to scale. The survey must be completed by a registered surveyor and must be reproducible. If a photocopy is submitted, the original seal must be visible and the survey must still be to scale. The survey must not be more the 1 year old.

☒ **VERIFIED LEGAL DESCRIPTION FORM**

Original and One (1) Copy - Submit one original, signed copy of the verified legal description form and 1 copy. Forms should be typed and include acreage. If the legal description does not fit on one form, additional forms shall be used and numbered accordingly.



ANNEXATION METHOD	100% Methodology 1. We, the undersigned, all owners of all real property of the territory described herein respectfully request that the City Council annex this territory into the City of Stockbridge, Georgia, and extend the city boundaries to include the same. 2. The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of the City of Stockbridge, Georgia, and the description of such territory is as follows:				
ANNEXATION PARCELS	Parcel ID#:	Address:	Print Name:	Signature:	Date:
	071-01034012	2125 Highway 42 North McDonough, GA 30253	Southern Crescent Rehab & Retirement Co Inc	<i>[Signature]</i>	2-21-12
An additional list for parcels and signatures is attached.					
APPLICANT OR PRIMARY POINT OF CONTACT	Name <u>S3 Capital Investments, LLC</u> Address <u>2125 Highway 42 North McDonough, GA 30253</u> Phone # <u>678-565-7710</u> Email <u>kelsawi@sctbi.com</u>		ATTORNEY	Name <u>Battle Law, P.C.</u> Address <u>3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084</u> Phone # <u>404-601-7616</u> Email <u>mlb@battlelawpc.com</u>	
UTILITIES		Existing		Proposed	
	Water	Henry County Water Authority		Henry County Water Authority	
	Sewer	Henry County		Henry County	
	Fire/ EMS	Henry County		Henry County	
	Police	Henry County		City of Stockbridge	
	Electricity	Georgia Power		Georgia Power	
PROPOSED DEVELOPMENT	Location Address: <u>2125 Highway 42 North McDonough, GA 30253</u> Present Zoning: <u>MU</u> Proposed Zoning: <u>PUD</u> Proposed Use of the Property (attach additional sheets if necessary): <u>proposed age-restricted residential development</u> ATTACH LEGAL DESCRIPTION				



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name:

Southern Crescent Rehab & Retirement Co Inc

Property Address: 2125 Highway 42 North McDonough, GA 30253 and Highway 42 Near Technology Parkway

Telephone: (678) 565-7710

Email: kelsawi@sctbi.com

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

Signature: _____

Date: _____

2/20/22

Personally appeared before me,

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

Tessa J. Davis
Notary Public

February 20, 2022
Date



Print

RESERVED FOR CLERK OF THE SUPERIOR COURT

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEY ORDERED BY: KHALED EL-SAWI
FIELDWORK COMPLETED ON: 4-28-2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Tim L. Miller GA. RLS # 3150 Date: 4-29-2021

SURVEYORS CERTIFICATION:

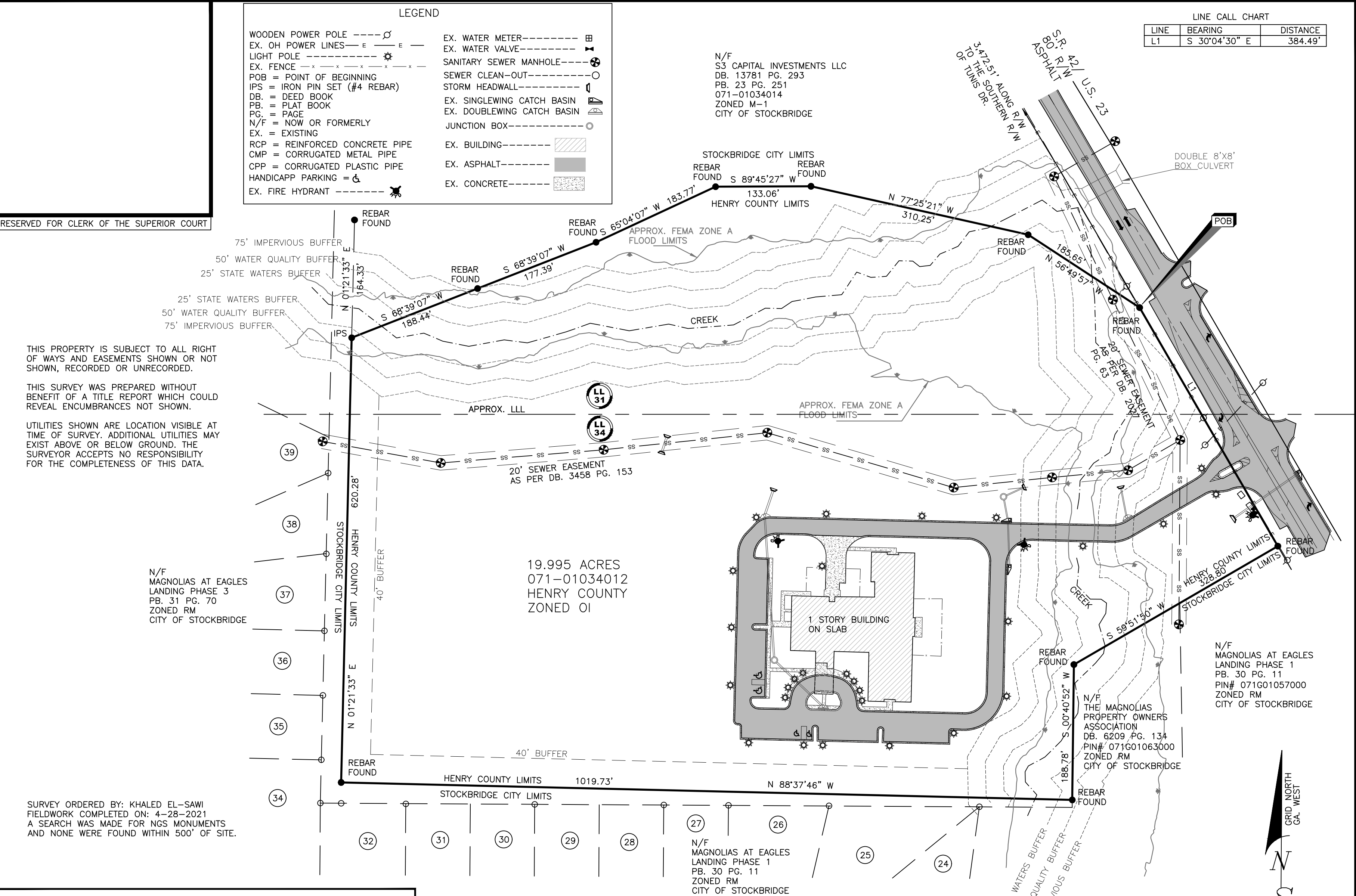
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,985 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.
EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A., A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA (ZONE A) AS PER COMMUNITY - PANEL NUMBER 13151C0156D DATED: OCTOBER 6, 2016

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

GENERAL NOTES:

AREA: 19.995 ACRES
PARCEL: 071-01034012
ZONED OI
MINIMUM LOT AREA= 10,000 SQ.FT. (COUNTY WATER & SEWER)
MINIMUM LOT WIDTH=125'
FRONT SETBACK----- 50'
REAR SETBACK----- 20'
SIDE SETBACK:----- 15'
SEWER AS PER HCWA.
WATER AS PER HCWA



LINE CALL CHART		
LINE	BEARING	DISTANCE
L1	S 30°04'30" E	384.49'

BOUNDARY SURVEY
S3 CAPITAL INVESTMENTS LLC
TRACT 2 19.995 ACRES
LAND LOTS 31, & 34,
7th. DISTRICT
HENRY COUNTY, GEORGIA

PROJECT #: **B15008**
BOUNDARY SURVEY
19.995 ACRES

DRAWN BY: TLM
SCALE: 1" = 100'
DATE: 04/29/2021

SHEET: 1 OF 1

SIBLEY-MILLER
SURVEYING & PLANNING INC.

*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www.sibleysurveying.com

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2014 OCT 22 PM 1:30

BK: 13781 PG: 293-299
Filed and Recorded Oct-23-2014 08:51:45AM
DOC#: D2014-023643
Real Estate Transfer Tax Paid \$110.00
0752014007392
BARBARA A. HARRISON
CLERK OF SUPERIOR COURT Henry County GA.

Return to:
LANE & KARLO, LLP
1827 Powers Ferry Road
Building Five
Atlanta, Georgia 30339

File No: LK144911
Auction #JDA30-7102

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made and entered into this 16th day of October, in the year two thousand fourteen, by and between

HARVEST POINT UNITED METHODIST CHURCH, INC.

of the County of Henry, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

S3 CAPITAL INVESTMENTS, 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 (\$10.00) DOLLARS 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, convey and confirm unto the said Grantee, the following described property, to-wit:

All those tracts or parcels of land lying and being in Land Lots 31, 32 and 33, 7th District, Henry County, Georgia, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

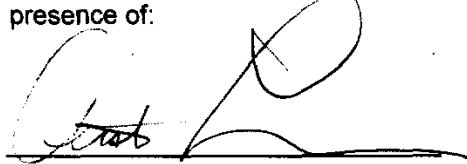
This conveyance is made and authorized in accordance with and pursuant to *The Book of Discipline of the United Methodist Church (2012)*, as set forth and confirmed in and by that certain Certification and Consent, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, 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.

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 claiming by, through or under Grantor herein.

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

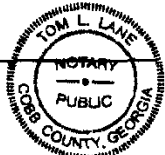
Signed, sealed and delivered in the presence of:



Witness

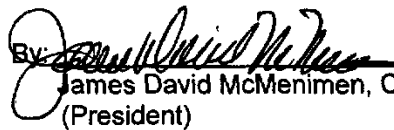


Notary Public



My Commission Expires
October 2, 2018

HARVEST POINT UNITED METHODIST
CHURCH, INC.

By:  (SEAL)
James David McMenimen, Chairman
(President)

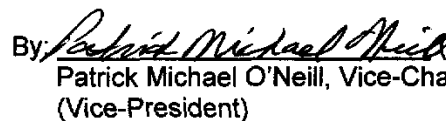
By:  (SEAL)
Patrick Michael O'Neill, Vice-Chairman
(Vice-President)

EXHIBIT A

TRACT I: All that tract or parcel of land lying and being in Land Lots 31, 32 and 33 of the 7th District of Henry County, Georgia, and being 14.169 acres designated as Tract I on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S. 23 (80' R/W), said iron pin being 2,721.51 feet Southeasterly as measured along said right-of-way line from its intersection with the Southern right-of-way line of Tunis Drive; thence leaving said right-of-way line South 59 degrees 56 minutes 54 seconds West 447.09 feet to a ½" R.R. found; thence proceeding South 30 degrees 02 minutes 01 second East 100.14 feet to an iron pin set; thence proceeding South 59 degrees 55 minutes 51 seconds West 113.17 feet to an iron pin set; thence proceeding North 30 degrees 04 minutes 09 seconds West 138.00 feet to a ½" R.R. found; thence proceeding South 59 degrees 55 minutes 51 seconds West 320.47 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING; thence proceeding from said true point of beginning South 23 degrees 24 minutes 14 seconds West 71.99 feet to a ½" R.R. found; thence proceeding South 71 degrees 56 minutes 43 seconds West 150.56 feet to a ½" R.R. found; thence proceeding North 65 degrees 57 minutes 01 second West 115.18 feet to a ½" R.R. found; thence proceeding South 88 degrees 21 minutes 41 seconds West 280.93 feet to a ½" R.R. found; thence proceeding South 78 degrees 36 minutes 17 seconds West 311.03 feet to a ½" R.R. found; thence proceeding South 38 degrees 58 minutes 41 seconds West 549.45 feet to a ½" R.R. found on the Eastern right-of-way line of Southern Railway (150' R/W); thence proceeding along the Eastern right-of-way line of Southern Railway North 09 degrees 06 minutes 42 seconds East 1,345.95 feet to an iron pin set; thence leaving the Eastern right-of-way line of Southern Railway South 54 degrees 14 minutes 16 seconds East 932.52 feet to a ½" R.R. found; thence proceeding South 47 degrees 05 minutes 54 seconds East 325.48 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING.

TRACT II: All that tract or parcel of land lying and being in Land Lot 31 of the 7th District of Henry County, Georgia, and being 7.841 acres designated as Tract II on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

BEGINNING at an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S. 23 (80' R/W), said iron pin being 2,721.51 feet Southeasterly as measured along said right-of-way line from its intersection with the Southern right-of-way line of Tunis Drive; thence proceeding along the Southwestern right-of-way line of S.R. 42/U.S. 23 in a Southeasterly direction and following the curvature thereof to the right along the arc of a curve to the left of a chord having been subtended a distance of 527.58 feet to a point, said arc having a radius of 70,788.22 feet and said chord having a bearing and distance of South 31 degrees 06 minutes 07 seconds East 527.58 feet; thence continuing along said right-of-way line South 30 degrees 04 minutes 50 seconds East 221.42 feet to a ½" R.R. found; thence leaving said right-of-way line North 56 degrees 46 minutes 58 seconds West 185.53 feet to a ½" R.R. found; thence proceeding North 77 degrees 25 minutes 46 seconds West 310.32 feet to a ½" R.R. found; thence proceeding South 89 degrees 44 minutes 18 seconds West 133.15 feet to a point; thence proceeding South 65 degrees 03 minutes 09 seconds West 183.81 feet to a ½" R.R. found; thence proceeding South 68 degrees 42 minutes 10 seconds West 177.27 feet to a point; thence proceeding South 68 degrees 48 minutes 50 seconds West 188.03 feet to a point; thence proceeding North 01 degree 21 minutes 34 seconds East 163.77 feet to an iron pin set; thence proceeding North 64 degrees 51 minutes 15 seconds West 109.25 feet to a ½" R.R. found; thence proceeding North 23 degrees 24 minutes 14 seconds East 71.99 feet to a ½" R.R. found; thence proceeding North 59 degrees 55 minutes 51 seconds East 320.47 feet to a ½" R.R. found; thence proceeding South 30 degrees 04 minutes 09 seconds East 138.00 feet to an iron pin set; thence proceeding North 59 degrees 55 minutes 51 seconds East 113.17 feet to an iron pin set; thence proceeding North 30 degrees 02 minutes 01 second West 100.14 feet to a ½" R.R. found; thence proceeding North 59 degrees 56 minutes 54 seconds East 447.09 feet to an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S.23, said iron pin being the POINT OF BEGINNING.

(Auction #JDA30-7102)

STATEMENT OF INTENT

And
Other Material Required by the City of Stockbridge, Georgia
Zoning Ordinance
For

Applications for Comprehensive Plan Amendment and
Rezoning pursuant to the City of Stockbridge Zoning
Ordinance

Of

S3 Capital Investments, LLC.,
For

+/- 20.0 acres of
Land Being all of

Parcel Nos. 071-01034012
Being in the
City of Stockbridge

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
3562 Habersham at Northlake,
Building J, Suite 100 Tucker,
Georgia 30084
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

S3 Capital Investments, LLC. (the “Applicant”) is seeking to annex and rezone property in Henry County located at 2125 Highway 42 North, McDonough, GA. 30253. This property is approved for a mixture of 100 attached and detached age-restricted single-family homes to serve as housing for the patients of Southern Crescent Traumatic Brain Injury Center and bears the parcel number

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the Stockbridge 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 Stockbridge 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 Stockbridge City Council to amend the annex 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 and conditional use permit 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 annexation, land use amendment and/or Rezoning and Conditional Use Permit in questions 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 annexation, land use amendment and/or Rezoning and Conditional Use Permit 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 land use designation and/or 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 County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton 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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant



TO: Mayor/Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

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

DATE: August 25, 2022

SUBJECT: **Annexation Case #AX-2022-01** for Property at 2125 Highway 42 North within unincorporated Henry County

I. PURPOSE

Consider a petition to annex 22.01 +/- acres of land at **2125 HIGHWAY 42 NORTH** within unincorporated Henry County, located in Land Lot 31+ of District 7, and comprising Parcel #071-01034012. The application by S3 Capital Investments, LLC, is represented by Battle Law, P.C., as part of a development proposal to include Parcel #071-01034014 within the Stockbridge City Limits at Highway 42 North and Technology Parkway).

II. BACKGROUND

Proposed Development	Age-restricted residential development.
Site Address	2125 Highway 42 North, across from Summit View Drive.
Parcel Identification	Parcel #071-01034012.
Parcel Acreage	20.01 +/- acres.
Applicant	S3 Capital Investments, LLC.
Owner	Southern Crescent Rehabilitation & Retirement Community, Inc.
Current County Zoning	'MU' (Mixed-Use).
Current City Zoning	N/A
County Land Use Designation	'MIX' (Mixed-Use).
City Land Use Designation	N/A
Current Use	Southern Crescent Rehabilitation &

	Retirement Center.
Surrounding Land Uses	• <u>North</u>—Vacant land. • <u>South and West</u>—Magnolias @ Eagles Landing Subdivision. • <u>East</u>—Highlands at Eagles Landing Subdivision; Summit at Eagles Landing Subdivision; a Thai restaurant.

III. FINDINGS OF FACT

- The applicant had submitted a letter which requested the deferral of this application from the July 28, 2022, Planning Commission meeting and the August 8, 2022, City Council meeting. The Staff recommended the deferral of this case, and AX-2022-01 was subsequently deferred at both meetings.
- The applicant has also applied for a Comprehensive Plan Amendment (CP-2022-02) and a rezoning of the property (RZ-2022-02).
- The applicant seeks to combine the subject property with Parcel # 071-01034014 to the north, within the Stockbridge City Limits, for which a Recombination Plat application will be required.
- A small stream borders the subject property to the north. It appears to be a tributary of Wolfe Creek.

IV. PROJECT DESCRIPTION

The applicant requests the annexation of the subject property at 2125 Highway 42 North (Tract 1) as part of an independent living residential development proposal, which would include the adjacent property to the north. Tract 1 would include the existing Southern Crescent Rehabilitation & Retirement Center, as well as the construction of 100 new independent living units, including 7 detached units and 93 attached units, with a density of 5 units per acre. The adjacent parcel (Tract 2), which is currently vacant, would feature the construction of 176 independent living units, including 52 detached units and 124 attached units, with a density of 8 units per acre. The total development, including both parcels, would contain 276 independent living units, with a density of 6.6 units per acre.

To allow for the proposed development, the applicant has also applied for a rezoning of the subject property (from Henry County's 'MU' (Mixed Use) to the City's 'PUD' (Planned Unit Development), as well as a change in the property's land use designation (from Henry County's 'MIX' (Mixed Use) to the City's 'High-Density Residential'. Further, the applicant would need to apply for a Recombination Plat to combine the two parcels.

The applicant's submitted Conceptual Site Plan shows that three accesses would be provided into the proposed development. These include the existing driveway at 2125

Highway 42 North, which serves the existing Southern Crescent Rehabilitation & Retirement Center; a new entrance off Highway 42 North, across from Glenmore Lane; and the extension of Technology Parkway. A central street would connect the two tracts, crossing over the existing stream.

Each tract would have its own set of amenities. The subject property (Tract 1) would contain a clubhouse, a pool, and a cabana, while Tract 2 would contain pickleball courts, a pool, and a cabana. Tract 1 would contain two small detention ponds and Tract 2 would contain a larger detention pond.

The submitted rendering suggests that the proposed residential units would have pitched roofs, hardiplank veneers, and single-car garages.

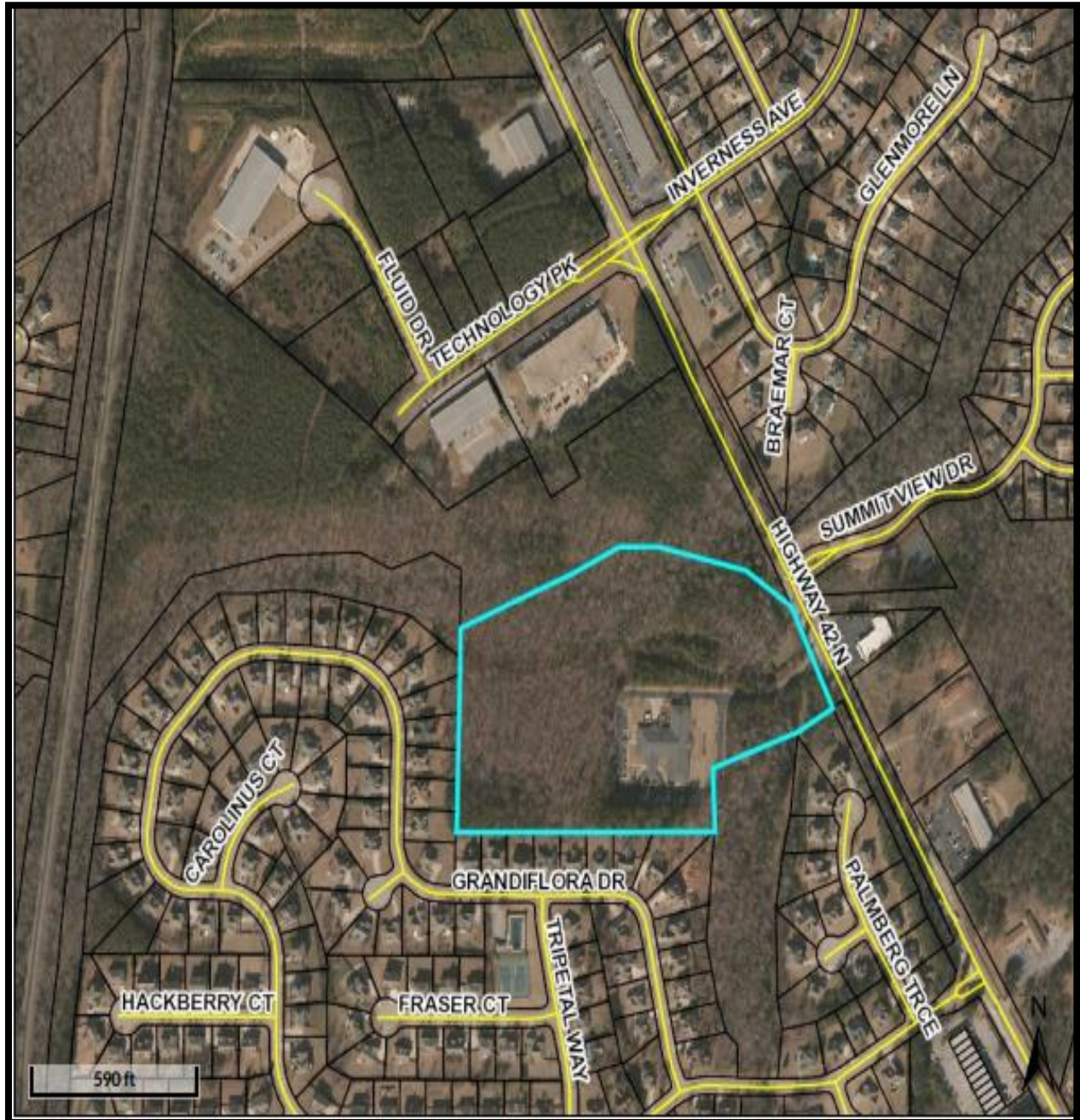
The companion rezoning application states that the applicant will be submitting a proposed list of conditions for adoption, but such list has not yet been received by Community Development.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

- A. Aerial Photograph
- B. Boundary Survey
- C. Henry County Zoning Map
- D. City of Stockbridge Zoning Map
- E. Henry County Land Use Designation Map
- F. Conceptual Site Plan
- G. Rendering

AERIAL PHOTOGRAPH

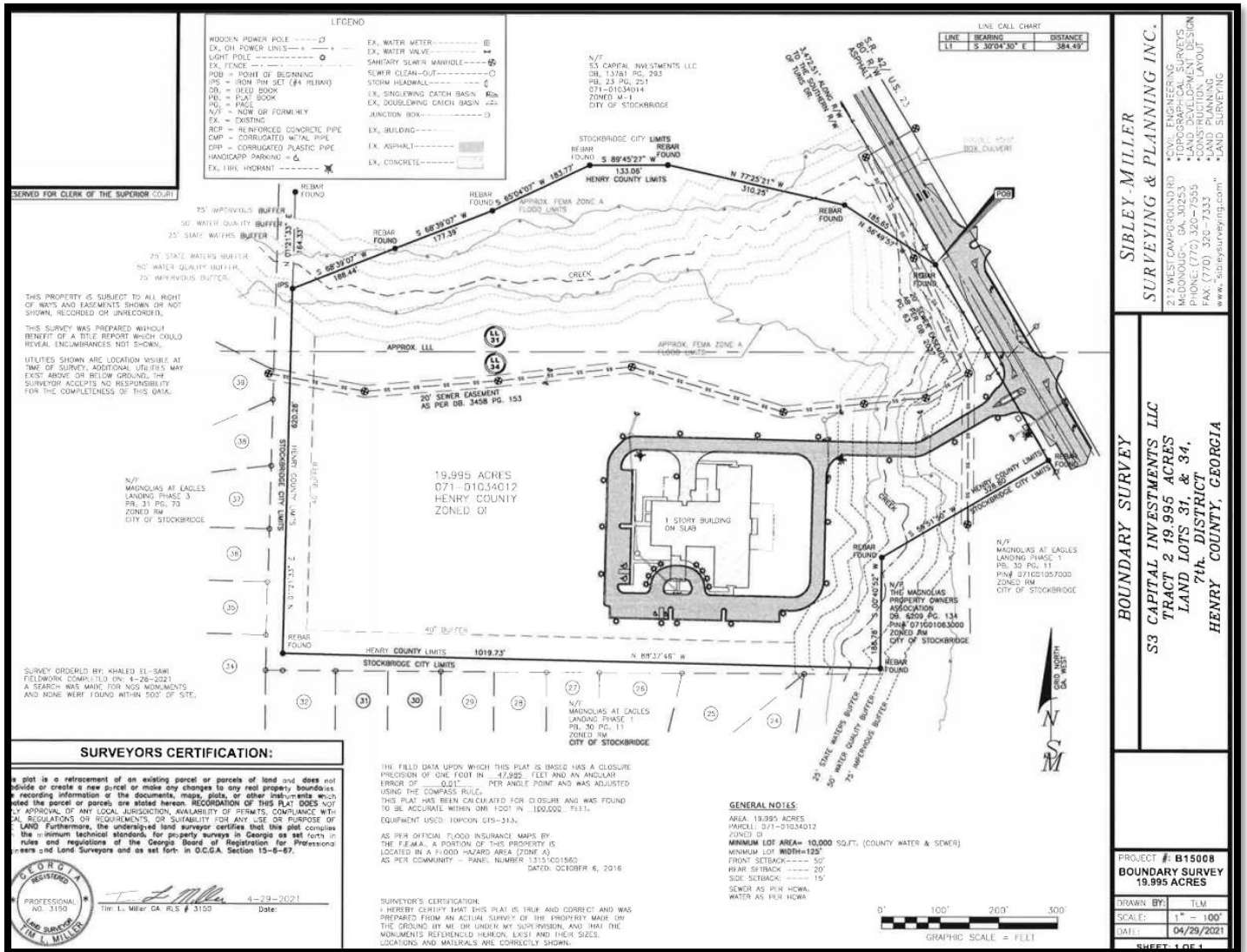
Subject Property:
2125 Highway 42 North
Parcel #071-01034012
a.k.a. "Tract 1"



Subject Property:

2125 Highway 42 North
Parcel #071-01034012
a.k.a. "Tract 1"

The Boundary Survey shows the presence of the existing Southern Crescent Rehabilitation & Retirement Center.



HENRY COUNTY ZONING MAP

From the Henry County Tax Assessors' Office

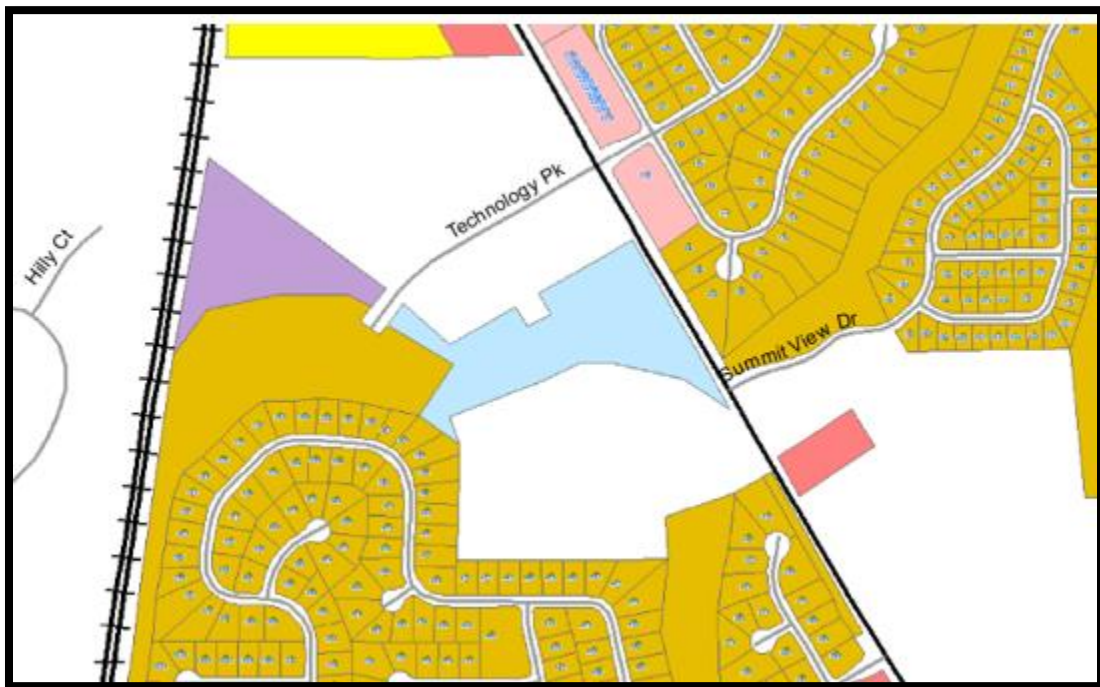
The subject property (a.k.a. "Tract 1") is shown in the buff color on the map. It is zoned 'MU' (Mixed Use).



CITY OF STOCKBRIDGE ZONING MAP

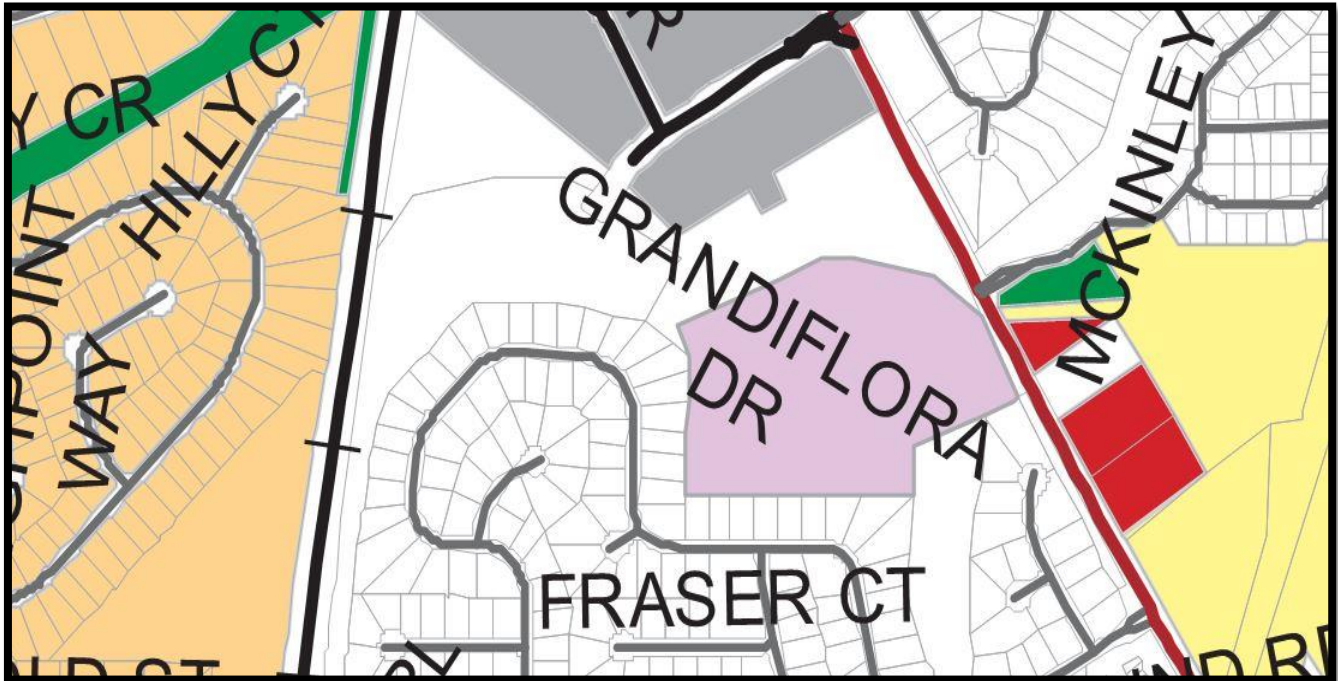
Legend:

Main Road – Highway 42 North
Lavender – LI (Light Industrial)
Light Blue – OI (Office-Institutional)
Gold – MFR (Multiple Family Residential)
Gold area to the west and south -- Magnolias at Eagles Landing Subdivision
Gold area to the east -- Highlands at Eagles Landing Subdivision &
Summit at Eagles Landing Subdivision
Light Pink – C-1 (Neighborhood Commercial)
Medium Pink – C-2 (General Commercial)
Yellow – SR (Suburban Residential)
White – Located outside of the City



HENRY COUNTY LAND USE DESIGNATION MAP

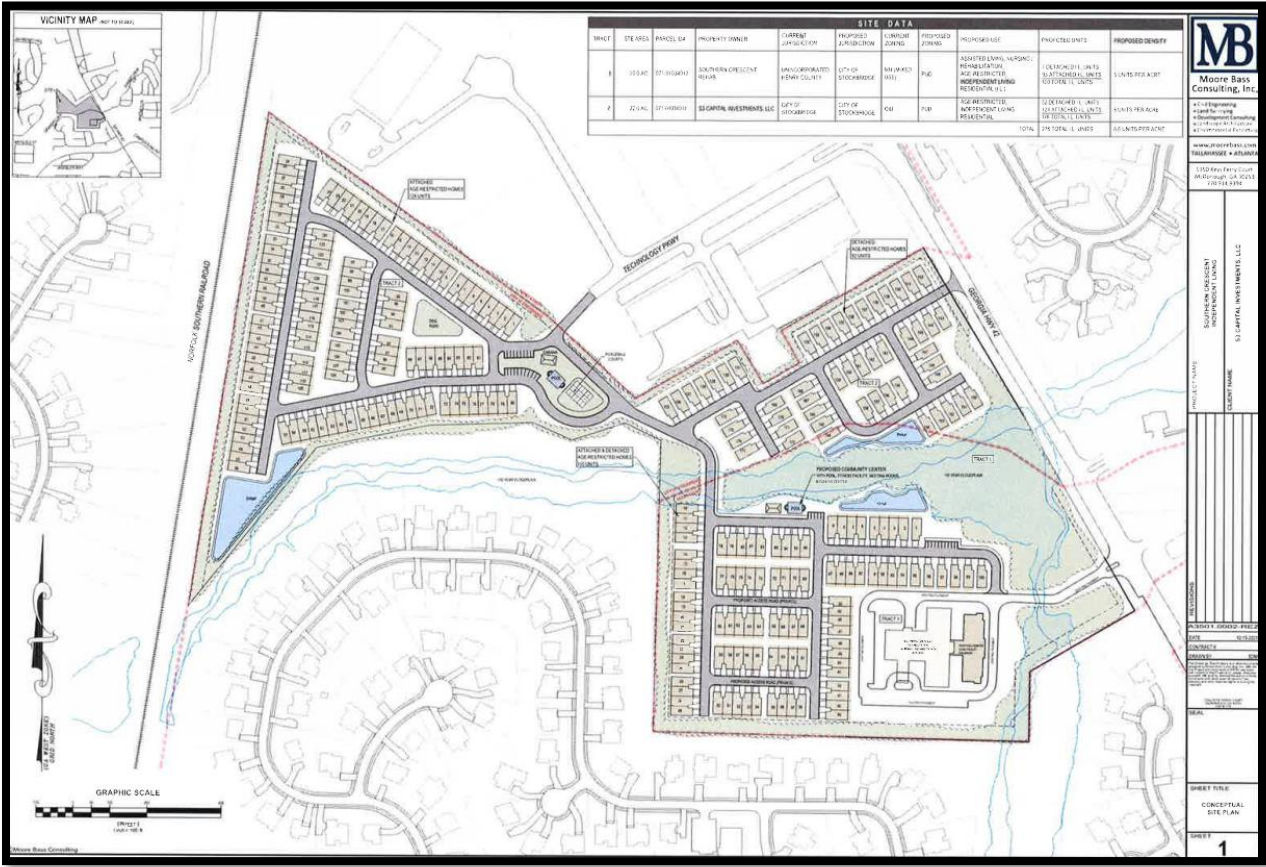
The subject property (a.k.a. "Tract 1") is shown in the lavender color on the map below. It has a future land use designation of 'MIX' (Mixed Use). The other colors on the map show properties which are also located within unincorporated Henry County.



CONCEPTUAL SITE PLAN

The Conceptual Site Plan shows three proposed accesses into the site, a central street

connecting the two tracts and crossing over a stream, amenities for each tract, and three detention ponds.



G. RENDERING

This rendering suggests the provision of pitched roofs, mostly hardiplank siding, and single-car garages.



V. ANALYSIS OF REQUEST

The applicant requests a **petition for annexation** under the City of Stockbridge Unified Development Code, Section 9.8. The Planning Commission and the City Council shall consider the following standards in considering any proposal that would result in a change to the text or map of this UDC, giving due weight or priority to those factors that are

appropriate to the circumstances of each proposal.

- 1. *Is the subject property contiguous to the existing corporate limits with at least one-eighth of the aggregate external boundaries coinciding? Contiguous means-- abuts the municipal limits, or is separated by a street, river or railroad-type of right-of-way, or city land, or land owned by some other political subdivision, or lands, or lands owned by the state.***

Yes. The subject property is contiguous with Parcel #071-01034014 to the north, which would be combined with the subject property to form the overall proposed development.

- 2. *Describe what method (100%, 60% or Referendum and Resolution) the applicant is utilizing for the proposed annexation.***

The 100% Method would be used.

- 3. *Is any part of the subject property being proposed for annexation [located] within the boundary of another municipal corporation or county?***

Yes. It is located within Henry County.

- 4. *Is any part of the subject property receiving municipal services from any entity other than the city proposing annexation?***

Yes. Water and sewer services are provided by the Henry County Water Authority. Fire and EMS services are provided by Henry County. Electricity is provided by Georgia Power Company. Police services are provided by Henry County.

- 5. *Is the subject property for the proposed annexation being developed for urban purposes-- defined as a minimum of two people per acre?***

Yes. The applicant proposes to maintain the existing rehabilitation and rehabilitation facility, and to construct 100 "independent living" units on the subject property.

- 6. *Is the proposed annexation consistent with the Comprehensive Plan?***

No. The subject property has a Henry County land use designation of 'MIX' (Mixed-Use). The adjacent Tract 2 to the north, which would be combined with the subject property for the proposed development, has a dual land use designation of 'Low-Density Residential' and 'Light Industrial'. Although the applicant's proposed Comprehensive Plan Amendment of the subject property to 'High-Density Residential' would not be compatible with these designations, the applicant also seeks to change the land use designations of Tract 2 to 'High-Density Residential'.

- 7. *Does the proposed annexed property share a common zoning classification***

with the adjoining City property as described in Section 9.8 of the Unified Development Code?

No. However, the applicant seeks to rezone both properties to 'PUD' (Planned Unit Development).

8. *Potential positive effects of the proposed annexation on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.*

As part of the proposed development, the developer would maintain the existing Southern Crescent Rehabilitation & Rehabilitation Center. Since many of the proposed residential units would be located to the rear of this facility or at the end of Technology Parkway, they may not be visible from Highway 42 North.

9. *The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.*

The subject property is already developed with the existing Southern Crescent Rehabilitation & Retirement Center. The Conceptual Site Plan shows the presence of a stream, which would be traversed by a proposed internal street. A large open space area would be designated along the stream, which should be preserved.

10. *The impact upon adjacent property owners should the request be granted.*

To the south and west of the subject property lies The Magnolias at Eagles Landing Subdivision, which appears to be fully developed. The proposed residential units would be near the lots in that subdivision, but a significant buffer is shown on the site plan. It may be prudent for the developer to also install a fence along the perimeter of the property.

11. *The potential impact of the annexation on City infrastructure including water and sewage system.*

A letter from the Henry County Water Authority, dated May 23, 2022, stated that water service, sewage treatment, and sewer line capacity are all available for the subject property. However, it further states that the proposed site plan would be "in conflict" with an existing 8-inch sewer line, and that the sewer would need to be relocated at the developer's expense. In addition, an easement would be required to access the sewer line from Highway 42 North.

12. *The impact of the proposed annexation on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.*

The City's Fire Marshal reviewed the Conceptual Site Plan. He was pleased that an additional access would be provided off Highway 42 North, and he did not identify any

issues with the proposed internal traffic circulation.

Regarding the new access to be provided from Highway 42 North across from Glenmore Lane, it is recommended that a deceleration lane be added.

Traffic from the residential units to be constructed at the end of Technology Parkway would use the same intersection on Highway 42 North as traffic from the Highlands at Eagles Landing Subdivision to the east. The developer should coordinate with Georgia DOT officials to determine whether any intersection improvements would be needed.

Summary of Impacts / Concerns

Code Compliance	Property's zoning and land use designation are not compatible, but applicant has requested a rezoning and Comprehensive Plan amendment.
Police Department	To be served by Stockbridge Police Department.
Fire Marshal	Acceptable access and internal circulation.
Water and Sewer	Available water service, sewage treatment, and sewer line capacity, but developer would need to relocate the existing sewer line and obtain an easement.
Building	N/A
Traffic	Would bring additional traffic to the intersection of Highway 42 North / Technology Parkway / Inverness Avenue.
Environmental Conditions	Developer would need to coordinate with City engineers and other environmental officials regarding a bridge crossing over the stream, and the protection of sensitive floodplain areas.

VI. STAFF RECOMMENDATION

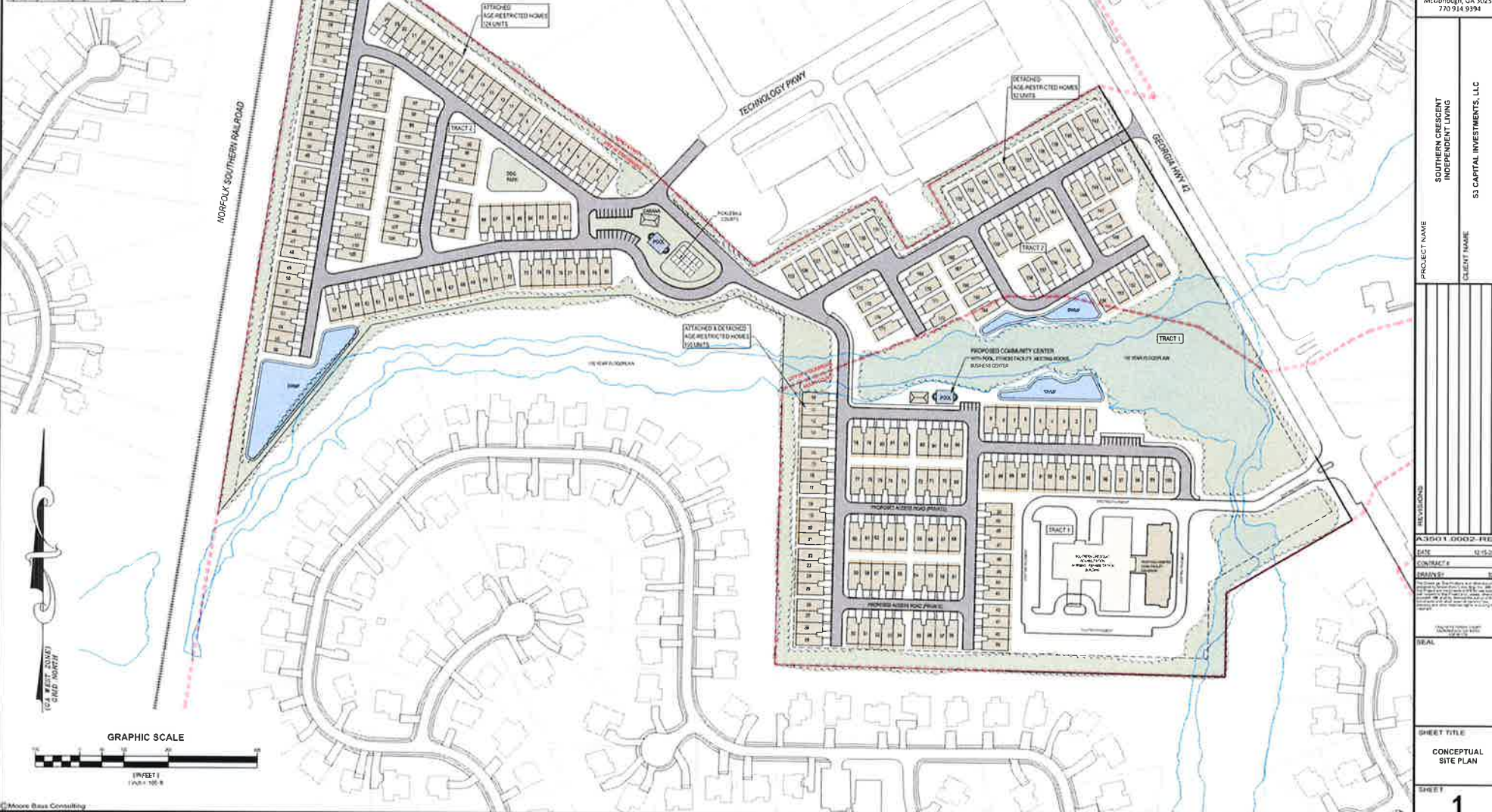
The proposed annexation is reasonable in view of 1) the applicant's plans to include the subject parcel with the adjacent parcel for a proposed independent living/age-restricted development traversing both parcels; 2) the surrounding land uses and conditions; and 3) the satisfactory findings of the twelve (12) Analysis criteria above. The Community Development Staff therefore recommends the **APPROVAL** of AX-2022-01 for the annexation of the subject property at 2125 Highway 42 North into the Stockbridge City Limits.



SITE DATA										
TRACT	STE AREA	PARCEL ID#	PROPERTY OWNER	CURRENT JURISDICTION	PROPOSED JURISDICTION	CURRENT ZONING	PROPOSED ZONING	PROPOSED USE	PROPOSED UNITS	PROPOSED DENSITY
1	20.0 AC	071-01034012	SOUTHERN CRESCENT REHAB	UNINCORPORATED HENRY COUNTY	CITY OF STOCKBRIDGE	MU (MIXED USE)	PUD	ASSISTED LIVING / NURSING / REHABILITATION / AGE RESTRICTED INDEPENDENT LIVING RESIDENTIAL (I, L)	7 DETACHED I.L. UNITS 93 ATTACHED I.L. UNITS 100 TOTAL I.L. UNITS	5 UNITS PER ACRE
2	22.0 AC	071-01034014	S3 CAPITAL INVESTMENTS, LLC	CITY OF STOCKBRIDGE	CITY OF STOCKBRIDGE	OSI	PUD	AGE RESTRICTED INDEPENDENT LIVING RESIDENTIAL	52 DETACHED I.L. UNITS 124 ATTACHED I.L. UNITS 176 TOTAL I.L. UNITS	8 UNITS PER ACRE
TOTAL									276 TOTAL I.L. UNITS	6.6 UNITS PER ACRE



Moore Bass Consulting, Inc.
 • Civil Engineering
 • Land Surveying
 • Development Consulting
 • Landscape Architecture
 • Environmental Permitting
 www.moorebass.com
 TALLAHASSEE • ATLANTA
 1350 Keys Ferry Court
 McDonough, GA 30253
 770.914.9394



PROJECT NAME	SOUTHERN CRESCENT INDEPENDENT LIVING																				
CLIENT NAME	S3 CAPITAL INVESTMENTS, LLC																				
REVISIONS	<table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																				
DATE	10-15-2011																				
CONTRACT #																					
DRAWN BY	SWP																				
CHECKED BY																					
DESIGNED BY																					
REAL																					
SHEET TITLE	CONCEPTUAL SITE PLAN																				
SHEET	1																				



TO: Mayor/Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

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

DATE: August 25, 2022

SUBJECT: **Comprehensive Plan Amendment Case #CP-2022-02** for Two Parcels:
1) Property at 2125 Highway 42 North within unincorporated Henry County; and 2) Property at Highway 42 North and Technology Parkway in the City of Stockbridge.

I. PURPOSE

Consider a Comprehensive Plan Amendment application by S3 Capital Investments, LLC, represented by Battle Law, P.C., to change the future land use designations of two parcels, from 'Light Industrial', 'Low-Density Vertical Mixed-Use', and 'Mixed-Use' to 'High-Density Residential,' to allow for an independent living/age-restricted residential development. The parcels and the requested land use designation changes are listed below. The applicant has also applied for an annexation (AX-2022-01) of Parcel #071-01034012 in unincorporated Henry County and a rezoning of both parcels (RZ-2022-02).

- Parcel #071-01034012 – Represents Tract 1. Located at 2125 Highway 42 North in unincorporated Henry County, across from Summit View Drive. Applicant proposes to change the current Henry County land use designation of 'Mixed-Use' to the City of Stockbridge's land use designation of 'High-Density Residential' when the parcel is annexed into the Stockbridge City Limits via the applicant's companion annexation application, AX-2022-01. Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.
- Parcel #071-01034014—Represents Tract 2. Located within the Stockbridge City Limits, with frontage on Highway 42 North and situated at the end of Technology Parkway. Applicant proposes to change the current land use designation from 'Light Industrial' and 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'. Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.

II. BACKGROUND

Proposed Development	Independent living /age-restricted residential development.
Site Address	2125 Highway 42 North, across from Summit View Drive; and Highway 42 North at Technology Parkway.
Parcel Identification	Subject property includes two parcels: 1) Parcel #071-01034012 with 20.00 acres in unincorporated Henry County; and 2) Parcel # 071-01034014 with 22.01 in the City of Stockbridge.
Parcel Acreage	42.01 +/- total acres within two parcels.
Applicant	S3 Capital Investments, LLC.
Owner	Southern Crescent Rehabilitation & Retirement Community, Inc.
Current County Zoning	'MU' (Mixed-Use).
Current City Zoning	'LI' (Light Industrial) and 'OI' (Office-Institutional)
County Land Use Designation	'MIX' (Mixed-Use).
City Land Use Designation	'Light Industrial' and Low-Density Vertical Mixed Use'
Current Use	The Southern Crescent Rehabilitation & Retirement Center is located on Parcel #071-01034012 at 2125 Highway 42 North.
Surrounding Land Uses	• <u>North</u>—Industrial warehouses; church. • <u>South and West</u>—Magnolias at Eagles Landing Subdivision. • <u>East</u>—Industrial warehouse; Highlands at Eagles Landing Subdivision; Summit at Eagles Landing Subdivision; a Thai restaurant.

III. FINDINGS OF FACT

- If the proposed Annexation (AX-2022-01) is approved, and the applicant wishes to proceed with the proposed development, then the applicant would need to combine both parcels for both the requested Comprehensive Plan Amendment (CP-2022-02) and the requested rezoning (RZ-2022-02) to be approved. To facilitate this, a

Recombination Plat application would be required, and it could be handled administratively.

- A small stream borders the subject property to the north. It appears to be a tributary of Wolfe Creek.

IV. PROJECT DESCRIPTION

The applicant requests a Comprehensive Plan Amendment to change the land use designations of both parcels to allow for an independent living / age-restricted residential development proposal, which would include both parcels. Tract 1 would include the existing Southern Crescent Rehabilitation & Retirement Center, as well as the construction of 100 new independent living units, including 7 detached units and 93 attached units, with a density of 5 units per acre. Tract 2, which is currently vacant, would feature the construction of 176 independent living units, including 52 detached units and 124 attached units, with a density of 8 units per acre. The total development, including both parcels, would contain 276 independent living units, with a density of 6.6 units per acre.

To allow for the proposed development, the applicant has also applied for a rezoning of the subject property by requesting that Tract 1 be rezoned from Henry County's 'MU' (Mixed Use) district to the City's 'PUD' (Planned Unit Development) district, and that Tract 2 be rezoned from 'OI' (Office-Institutional) and 'LI' (Light Industrial) to PUD. Tract 2 is also located within the Parkway Mixed-Use Overlay District. Further, the applicant would need to apply for a Recombination Plat to combine the two parcels.

The applicant's submitted a Conceptual Site Plan shows that three accesses would be provided into the proposed development. These include the existing driveway at 2125 Highway 42 North, which serves the existing Southern Crescent Rehabilitation & Retirement Center; a new entrance off Highway 42 North, across from Glenmore Lane; and the extension of Technology Parkway. A central street would connect the two tracts, crossing over the existing stream.

Each tract would have its own set of amenities. The subject property (Tract 1) would contain a clubhouse, a pool, and a cabana, while Tract 2 would contain pickleball courts, a pool, and a cabana. Tract 1 would contain two small detention ponds and Tract 2 would contain a larger detention pond.

The submitted rendering suggests that the proposed residential units would have pitched roofs, hardiplank veneers, and single-car garages.

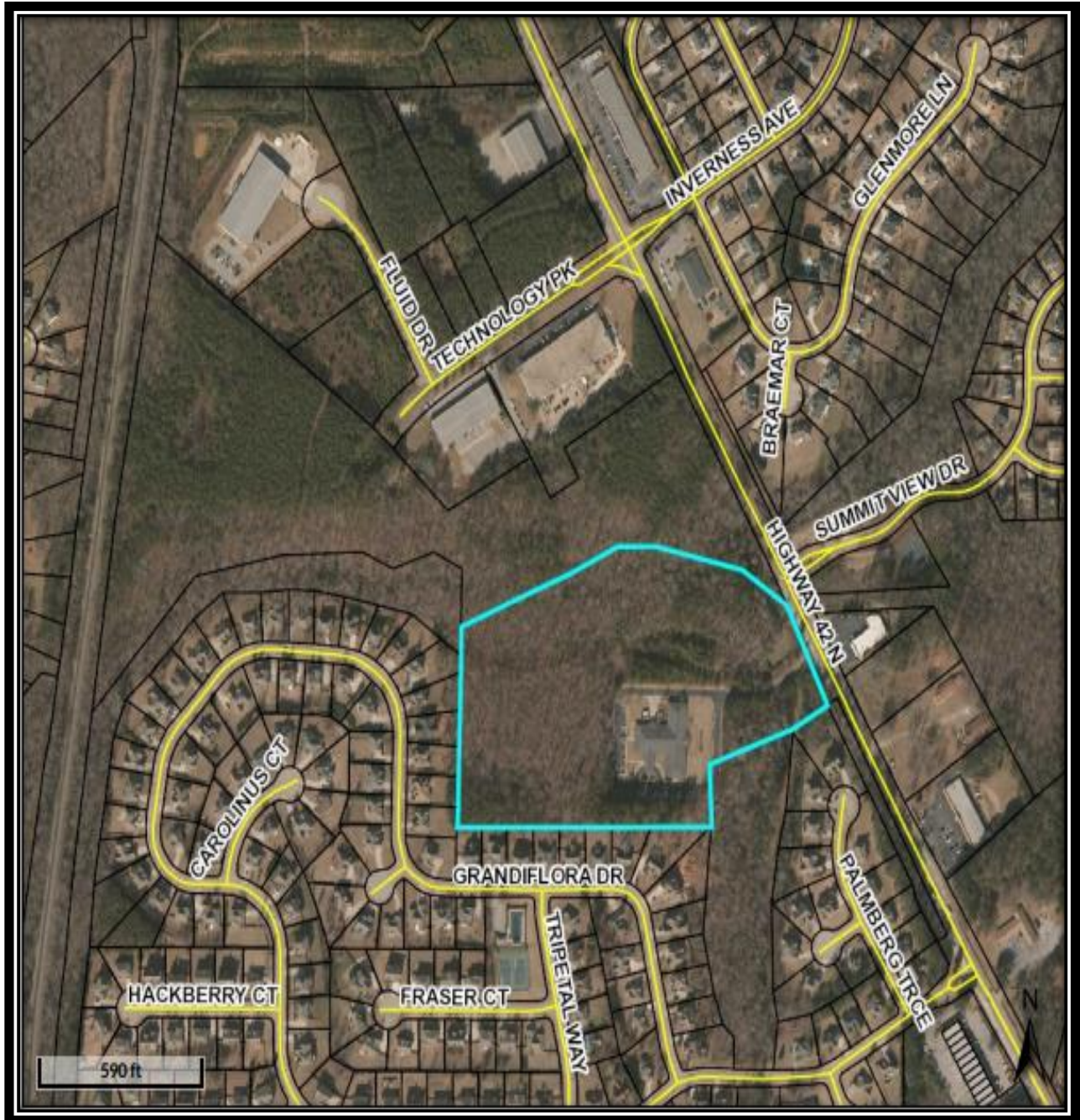
The companion rezoning application states that the applicant will be submitting a proposed list of conditions for adoption, but such list has not yet been received by Community Development.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

- A. Aerial Photograph
- B. Boundary Survey
- C. Henry County Zoning Map
- D. City of Stockbridge Zoning Map
- E. Henry County Land Use Designation Map
- F. Conceptual Site Plan
- G. Rendering

A. AERIAL PHOTOGRAPH

Subject Property:
2125 Highway 42 North
Parcel #071-01034012
a.k.a. "Tract 1"



C. HENRY COUNTY ZONING MAP

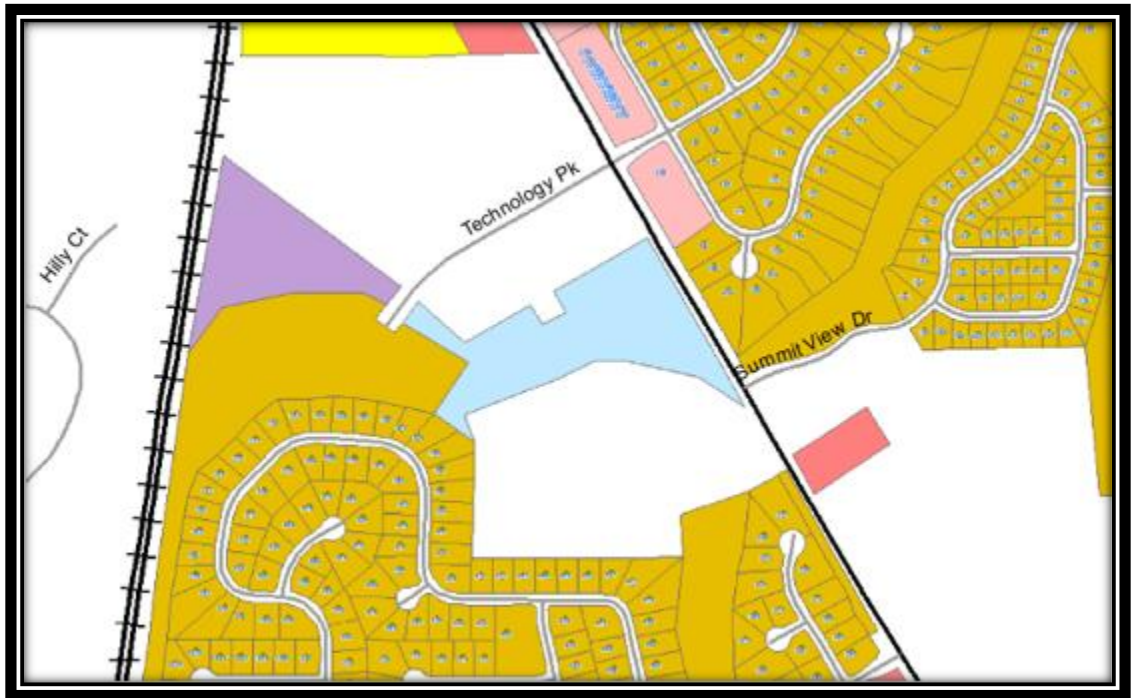
The subject property (a.k.a. "Tract 1") is shown in the buff color on the map. It is zoned 'MU' (Mixed Use).



D. CITY OF STOCKBRIDGE ZONING MAP

Legend:

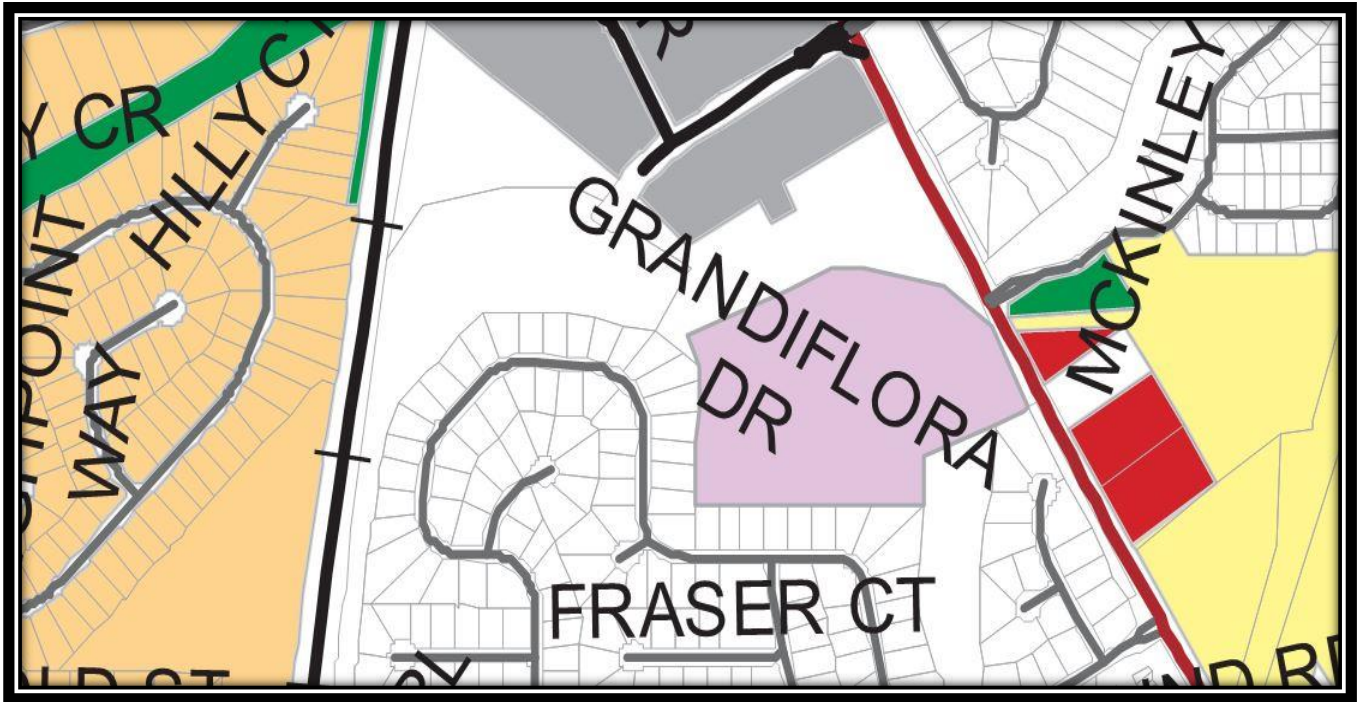
- Main Road – Highway 42 North
- Lavender – LI (Light Industrial)
- Light Blue – OI (Office-Institutional)
- Gold – MFR (Multiple Family Residential)
- Gold area to the west and south -- Magnolias at Eagles Landing Subdivision
- Gold area to the east -- Highlands at Eagles Landing Subdivision & Summit at Eagles Landing Subdivision
- Light Pink – C-1 (Neighborhood Commercial)
- Medium Pink – C-2 (General Commercial)
- Yellow – SR (Suburban Residential)
- White – Located outside of the City



E. HENRY COUNTY LAND USE DESIGNATION MAP

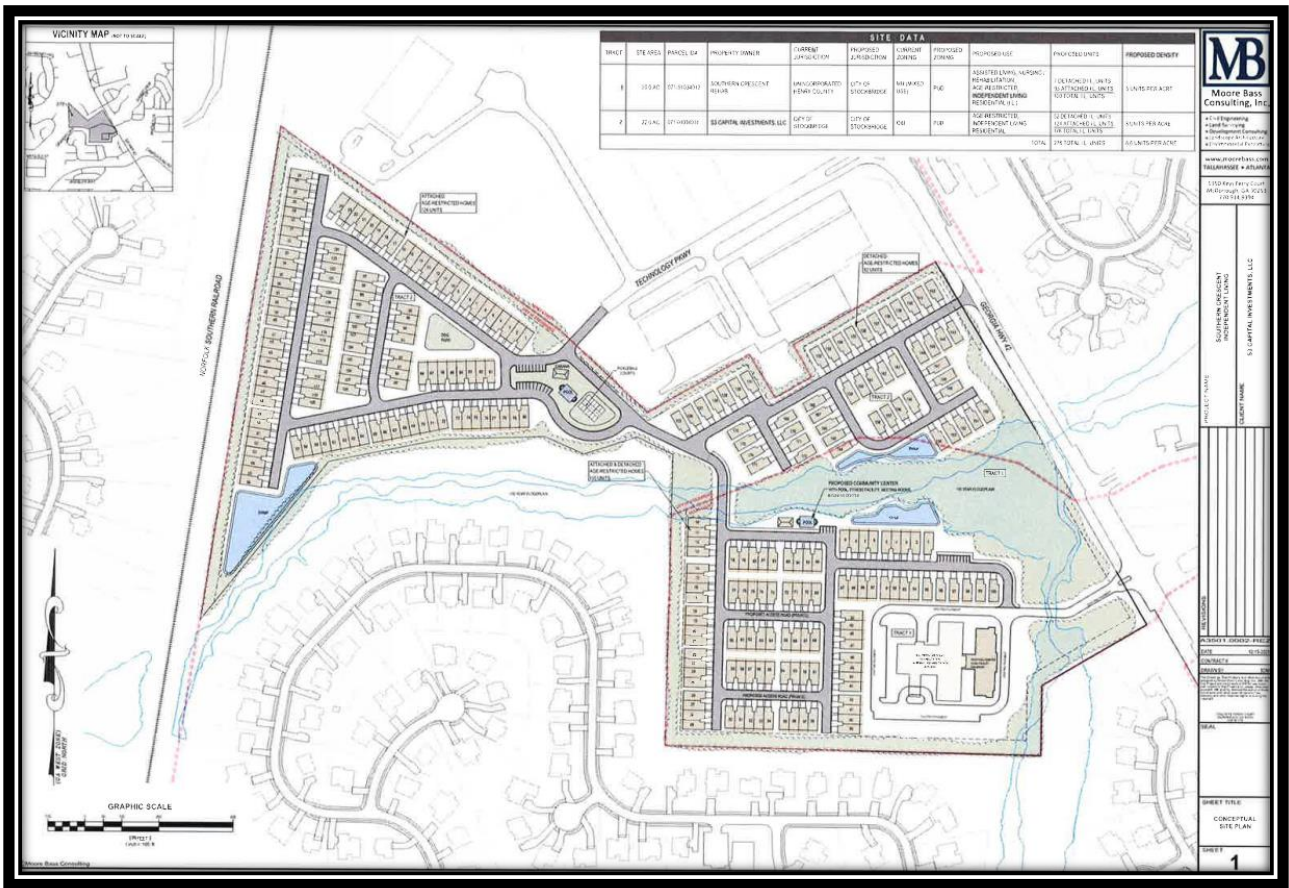
From the Henry County Comprehensive Plan

The subject property (a.k.a. "Tract 1") is shown in the lavender color on the map below. It has a future land use designation of 'MIX' (Mixed Use). The other colors on the map show properties which are also located within unincorporated Henry County.



F. CONCEPTUAL SITE PLAN

The Conceptual Site Plan shows three proposed accesses into the site, a central street connecting the two tracts and crossing over a stream, amenities for each tract, and three detention ponds.



G. RENDERING

This rendering suggests the provision of pitched roofs, mostly hardiplank siding, and single-car garages.



V. ANALYSIS OF REQUEST

A. Consistency with the Comprehensive Plan.

The proposed development is not consistent with the Comprehensive Plan's land use designations for the subject property. The requested Comprehensive Plan Amendment for the proposed land use designation changes is necessary because the current land use designations do not allow the type of development which the applicant is proposing, or they do not allow the proposed residential densities. The applicant therefore proposes to change the future land use designations of the two parcels as follows:

- Tract 1--From Henry County's land use designation of 'Mixed-Use' to the City of Stockbridge's land use designation of 'High-Density Residential', which would be more appropriate for the applicant's proposed type of development and would indicate the approximate density of the project.
- Tract 2—From the City's land use designations of 'Light Industrial' and 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'. The existing 'Light Industrial' land use designation does not allow residential uses, and the existing 'Low-Density Vertical Mixed-Use' land use designation is intended for buildings which contain commercial uses on the ground floor and residential uses on the upper floors.

B. Relation to the Zoning of the Property. The property's requested zoning districts are not permitted within the property's existing land use designations. To allow for the proposed development, the applicant has therefore requested the rezoning of the subject property (via RZ-2022-02) as follows:

- Tract 1—From Henry County's zoning district of 'MU' (Mixed-Use) to the City of Stockbridge's zoning district of 'PUD' (Planned Unit Development). Although Henry County's MU district is believed to be like the City's PUD district, if Tract 1 is annexed into the City, it would need to be assigned a City zoning district.
- Tract 2—From the City of Stockbridge's zoning districts of 'OI' (Office-Institutional) and 'LI' (Light Industrial) to 'PUD' (Planned Unit Development). The OI and LI districts do not allow residential uses.

But there is no need to change the property's land use designations unless the property is rezoned per the above specifications. Therefore, any approval of the requested Comprehensive Plan Amendment via CP-2022-02 must be contingent upon the simultaneous approval of the requested rezoning of the property via RZ-2022-02.

C. Suitability of the Site's Location. The proposed 'High-Density Residential' land use designation would be compatible with the 'High-Density Residential' land use designation of the Magnolias at Eagles Land Subdivision to the south.

D. Maintaining the Current Land Use Designation. Tract 1 is already partially developed with the existing Southern Crescent Rehabilitation and Retirement Center, but for this parcel to be annexed into the City, per AX-2022-01, it would need to have a City land use designation assigned to it. For Tract 2, additional industrial uses could be developed on the northwestern portion of the parcel due to its proximity to other existing industrial uses, the remainder of this parcel is unlikely to be developed with vertical mixed-use buildings under the existing 'Low-Density Vertical Mixed-Use' designation due to the parcel's size, odd shape, and proximity to the existing industrial uses. The proposed 'High-Density Residential' land use designation, with its higher density, would be more appropriate for this location.

STAFF RECOMMENDATION

This Staff Report has demonstrated that the requested Comprehensive Plan Amendment, via CP-2022-02, would be necessary and desirable for the subject property in conjunction with the requested rezoning of the property, via RZ-2022-02, to allow for the proposed independent living/age-restricted residential development. The Planning and Zoning Staff recommends **CONDITIONAL APPROVAL** of the requested Comprehensive Plan Amendment based upon:

1. **Recombination Approval --** The two parcels shall be officially combined via an administrative recombination plat application, after the applicant has submitted proof to the Community Development Department that an acceptable new plat has been recorded by the Henry County Superior Court / Real Estate Records Division.

INFEET I
108 108 8

Amendment to the Comprehensive Plan Application



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR APPLYING FOR AN AMENDMENT TO THE STOCKBRIDGE COMPREHENSIVE PLAN.

APPLICATION REVIEW PROCESS. COMPREHENSIVE PLAN AMENDMENT APPLICATIONS ARE FIRST REVIEWED BY THE PLANNING AND ZONING STAFF, WHO MAKE RECOMMENDATIONS TO THE PLANNING COMMISSION. THE PLANNING COMMISSION THEN HOLDS A PUBLIC HEARING DURING ONE OF THEIR REGULARLY-SCHEDULED MEETINGS AND MAKES RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL. FINALLY, THE CASE GOES TO THE STOCKBRIDGE MAYOR AND CITY COUNCIL, WHO HOLD A PUBLIC HEARING DURING ONE OF THEIR REGULARLY-SCHEDULED MEETINGS. THEY MAKE THE FINAL DECISION ON THE APPLICATION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

REQUIRED PRE-APPLICATION MEETING—BEFORE SUBMITTING YOUR APPLICATION, PLEASE CONTACT THE PLANNING AND ZONING DIVISION OFFICE TO SCHEDULE A PRE-APPLICATION MEETING. THIS MEETING MUST BE HELD AT LEAST ONE WEEK BEFORE YOU SUBMIT YOUR APPLICATION.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

FOR ASSISTANCE, YOU MAY CONTACT OUR OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (678) 833-3344.

ALL PUBLIC HEARINGS TAKE PLACE IN THE COUNCIL CHAMBER AT THE STOCKBRIDGE CITY HALL AT 4640 NORTH HENRY BOULEVARD IN STOCKBRIDGE, GEORGIA, 30281, UNLESS THEY ARE HELD VIRTUALLY VIA ZOOM.

CITY OF STOCKBRIDGE Planning and Zoning Division
Application Checklist for Requesting an Amendment to the Comprehensive Plan

APPLICANT/AGENT, PLEASE ENSURE THAT YOU HAVE SUBMITTED ALL OF THE REQUIRED ITEMS THAT ARE LISTED BELOW. AFTER YOU SUBMIT YOUR APPLICATION, THE STAFF WILL UTILIZE THE LAST COLUMN TO CHECK OFF EACH REQUIRED ITEM TO DETERMINE THE COMPLETENESS OF YOUR APPLICATION. PLEASE INCLUDE THE CHECKLIST WITH YOUR APPLICATION.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT AN APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK / INTIAL
Pre-Application Review Form (Meeting Notes)	1	To be completed by a Staff planner during a Pre-Application Meeting, at least one week before you submit your application.	/
Application Form	1	Signed and notarized by property owner. Or, in lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	/
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents who are parties to this application. The Form must be notarized .	/
Letter of Ownership	1	Letter stating that the owner is aware of the amendment being requested and owns the subject property.	/
Letter of Intent	1	Must clearly state the proposed amendment to the Comprehensive Plan.	/
Site Plans (11 x 17)	20	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, North arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and proposed lot layout.	/
Survey Plat-- Sheet size must be Size 8-1/2" x 11" or 11" x 17".	1	Of the subject property. Must be prepared and sealed within the last five years by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	/

City of Stockbridge Planning and Zoning Division
Application for an Amendment to the Comprehensive Plan

Name of Applicant S3 Capital Investments, LLC Phone: 678-565-7710 Date: June 1, 2022

Address of Applicant: 2125 Highway 42 North Cell # 678-565-7710

City: McDonough State: Georgia Zip: 30253 E-mail: kelsawi@sctbi.com

Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: June 1, 2022

Address of Agent: 3562 Habersham at Northlake Building J, Suite 100 Cell # 404-601-7616

City: Tucker State: Georgia Zip: 30084 E-mail: mlb@battlelawpc.com

THE PERSONS NAMED ABOVE AFFIRM THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS THAT THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN BE GRANTED:

FROM: Light Industrial and Low Density Vertical Mixed-Use, and Mixed Use

To: High Density Mixed Use

Property Address: Grandiflora Drive

Nearest intersection to the property: Highway 42 N and Summit View Drive

Size of Tract: 42 acre(s). Land Lot Number(s): 31+, 31. District(s): 7

Property Tax Parcel Number(s):
071-01034012, 071-01034014 (Required)

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 the Planning Commission and Mayor/City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

MB (Acknowledgement)

Witness' Signature

Signature of Applicant

Printed Name of Witness

S3 Capital Investments, LLC
Printed Name of Applicant

Notary

Signature of Agent

Notary Seal:

(For Office Use Only)

Total Amount Paid \$ _____ Check # _____ Credit Card # _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

Mayor/City Council Decision: _____

Planning 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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 20 day of February, 2022

S3 Capital Investments, LLC
Applicant's Name - Printed

Dmar F. Sawi
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 20 day of February, 2022



Tessa J. Davis
Notary Public

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



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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 20 day of February, 2022

Southern Crescent Rehab & Retirement Co Inc

Applicant's Name - Printed

Omar El Sawi

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 20 day of February, 2022.



Tressa J. Davis

Notary Public

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



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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No ☒

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 1st day of March, 2022

Michele Battle

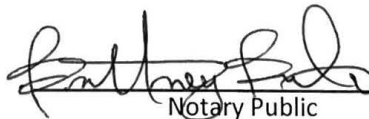
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of March, 2022.


Notary Public



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



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name:

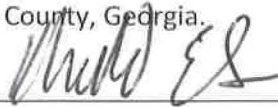
Southern Crescent Rehab & Retirement Co Inc

Property Address: 2125 Highway 42 North McDonough, Georgia 30253

Telephone: (678) 565-7710

Email: kelsawi@sctbi.com

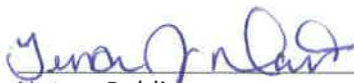
I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature: 

Date: 2/22/22

Personally appeared before me,

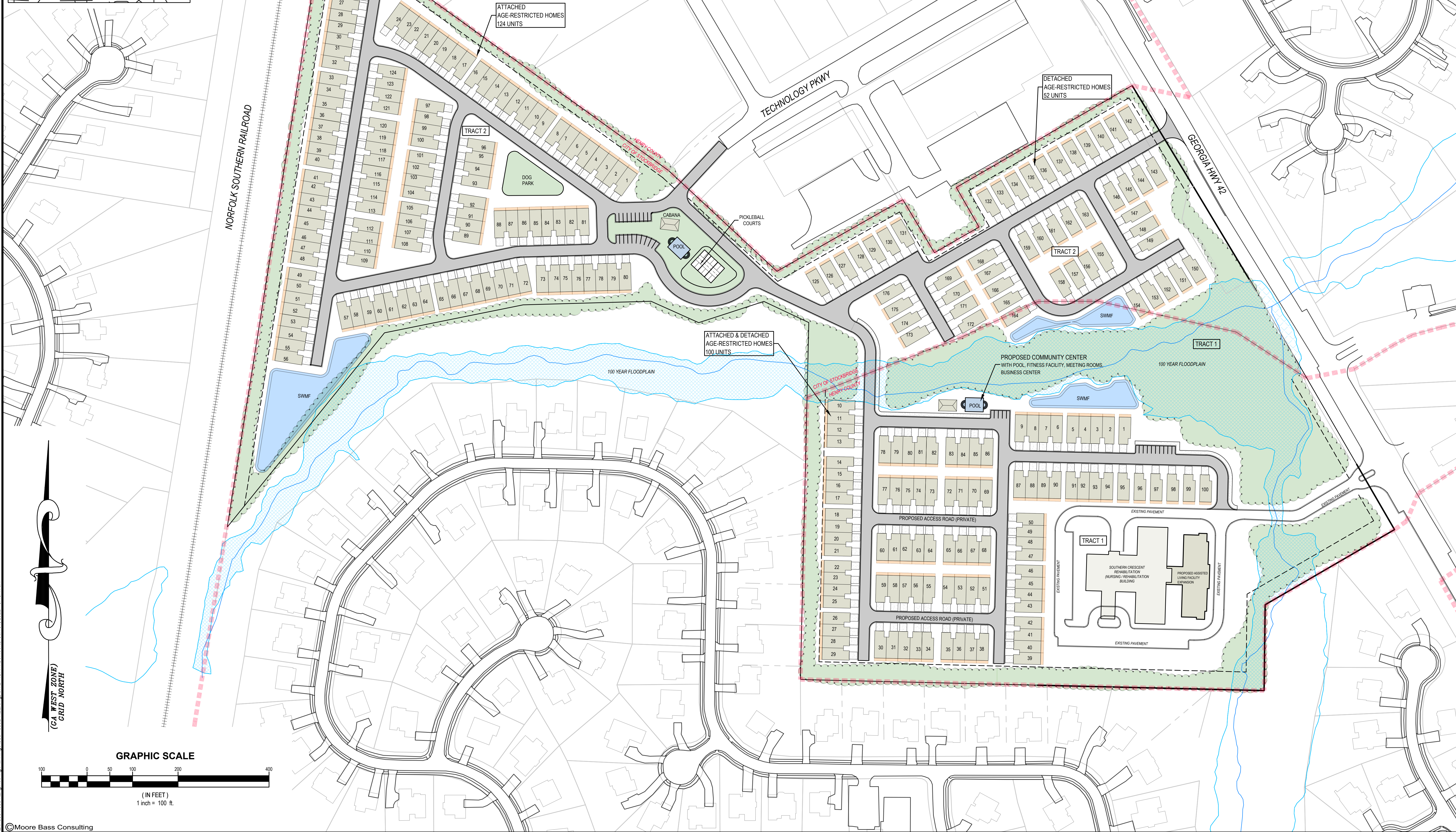
Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.


Notary Public

2/20/2022
Date



Print



1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394

SOUTHERN CRESCENT
INDEPENDENT LIVING

S3 CAPITAL INVESTMENTS, LLC

PROJECT NAME

CLIENT NAME

[illegible]

DATE	12-15-2021
CONTRACT #	

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

SEAL

SHEET TITLE

**CONCEPTUAL
SITE PLAN**

SHEET
1

RESERVED FOR CLERK OF THE SUPERIOR COURT

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEY ORDERED BY: KHALED EL-SAWI
FIELDWORK COMPLETED ON: 4-28-2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Tim L. Miller GA. RLS # 3150 Date: 4-29-2021

SURVEYORS CERTIFICATION:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,985 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A., A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA (ZONE A) AS PER COMMUNITY - PANEL NUMBER 13151C0156D DATED: OCTOBER 6, 2016

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

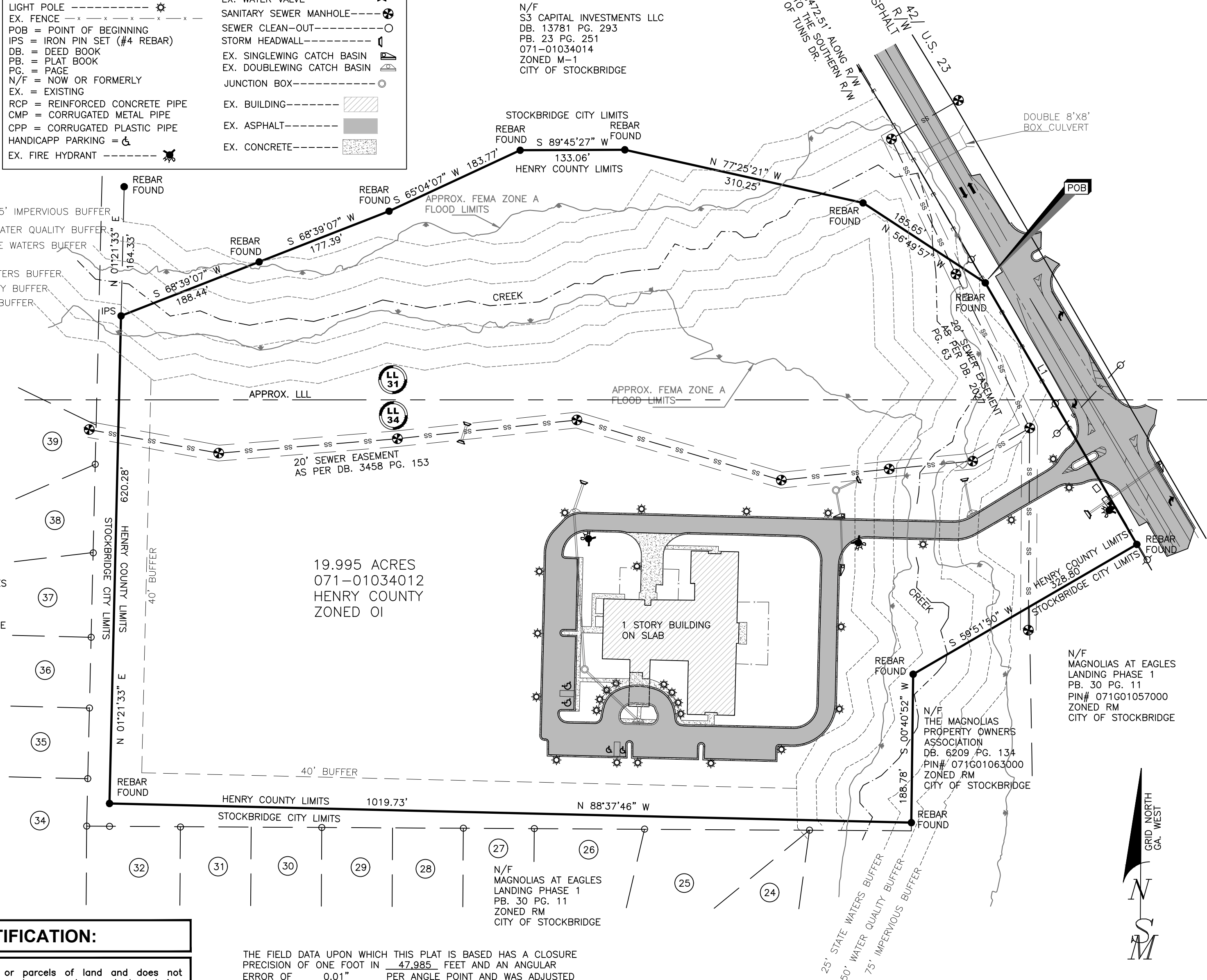
GENERAL NOTES:

AREA: 19.995 ACRES
PARCEL: 071-01034012
ZONED OI
MINIMUM LOT AREA= 10,000 SQ.FT. (COUNTY WATER & SEWER)
MINIMUM LOT WIDTH=125'
FRONT SETBACK----- 50'
REAR SETBACK----- 20'
SIDE SETBACK:----- 15'
SEWER AS PER HCWA.
WATER AS PER HCWA



LEGEND	
WOODEN POWER POLE	---
EX. OH POWER LINES	---
LIGHT POLE	---
EX. FENCE	---
POB = POINT OF BEGINNING	
IPS = IRON PIN SET (#4 REBAR)	
DB. = DEED BOOK	
PB. = PLAT BOOK	
PG. = PAGE	
N/F = NOW OR FORMERLY	
EX. = EXISTING	
RCP = REINFORCED CONCRETE PIPE	
CMP = CORRUGATED METAL PIPE	
CPP = CORRUGATED PLASTIC PIPE	
HANDICAPP PARKING	
EX. FIRE HYDRANT	
EX. WATER METER	
EX. WATER VALVE	
SANITARY SEWER MANHOLE	
SEWER CLEAN-OUT	
STORM HEADWALL	
EX. SINGLEWING CATCH BASIN	
EX. DOUBLEWING CATCH BASIN	
JUNCTION BOX	
EX. BUILDING	
EX. ASPHALT	
EX. CONCRETE	

LINE CALL CHART		
LINE	BEARING	DISTANCE
L1	S 30°04'30" E	384.49'



BOUNDARY SURVEY
S3 CAPITAL INVESTMENTS LLC
TRACT 2 19.995 ACRES
LAND LOTS 31, & 34,
7th. DISTRICT
HENRY COUNTY, GEORGIA

SIBLEY-MILLER
SURVEYING & PLANNING INC.

*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www.sibleysurveying.com

PROJECT #: **B15008**
BOUNDARY SURVEY
19.995 ACRES

DRAWN BY: TLM
SCALE: 1" = 100'
DATE: 04/29/2021

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2014 OCT 22 PM 1:30

BK: 13781 PG: 293-299

Filed and Recorded Oct-23-2014 08:51:45AM

DOC#: D2014-023643

Real Estate Transfer Tax Paid \$110.00

0752014007392

BARBARA A. HARRISON

CLERK OF SUPERIOR COURT Henry County GA.

Return to:
LANE & KARLO, LLP
1827 Powers Ferry Road
Building Five
Atlanta, Georgia 30339

File No: LK144911
Auction #JDA30-7102

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made and entered into this 16th day of October, in the year two thousand fourteen, by and between

HARVEST POINT UNITED METHODIST CHURCH, INC.

of the County of Henry, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

S3 CAPITAL INVESTMENTS, 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 (\$10.00) DOLLARS 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, convey and confirm unto the said Grantee, the following described property, to-wit:

All those tracts or parcels of land lying and being in Land Lots 31, 32 and 33, 7th District, Henry County, Georgia, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

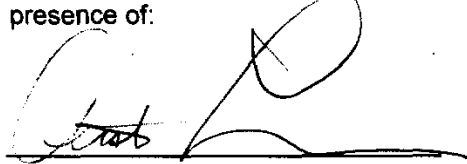
This conveyance is made and authorized in accordance with and pursuant to *The Book of Discipline of the United Methodist Church (2012)*, as set forth and confirmed in and by that certain Certification and Consent, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, 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.

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 claiming by, through or under Grantor herein.

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

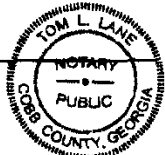
Signed, sealed and delivered in the presence of:



Witness

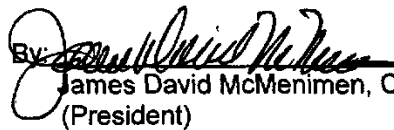


Notary Public



My Commission Expires
October 2, 2018

HARVEST POINT UNITED METHODIST
CHURCH, INC.

By:  (SEAL)
James David McMenimen, Chairman
(President)

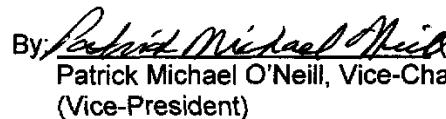
By:  (SEAL)
Patrick Michael O'Neill, Vice-Chairman
(Vice-President)

EXHIBIT A

TRACT I: All that tract or parcel of land lying and being in Land Lots 31, 32 and 33 of the 7th District of Henry County, Georgia, and being 14.169 acres designated as Tract I on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S. 23 (80' R/W), said iron pin being 2,721.51 feet Southeasterly as measured along said right-of-way line from its intersection with the Southern right-of-way line of Tunis Drive; thence leaving said right-of-way line South 59 degrees 56 minutes 54 seconds West 447.09 feet to a ½" R.R. found; thence proceeding South 30 degrees 02 minutes 01 second East 100.14 feet to an iron pin set; thence proceeding South 59 degrees 55 minutes 51 seconds West 113.17 feet to an iron pin set; thence proceeding North 30 degrees 04 minutes 09 seconds West 138.00 feet to a ½" R.R. found; thence proceeding South 59 degrees 55 minutes 51 seconds West 320.47 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING; thence proceeding from said true point of beginning South 23 degrees 24 minutes 14 seconds West 71.99 feet to a ½" R.R. found; thence proceeding South 71 degrees 56 minutes 43 seconds West 150.56 feet to a ½" R.R. found; thence proceeding North 65 degrees 57 minutes 01 second West 115.18 feet to a ½" R.R. found; thence proceeding South 88 degrees 21 minutes 41 seconds West 280.93 feet to a ½" R.R. found; thence proceeding South 78 degrees 36 minutes 17 seconds West 311.03 feet to a ½" R.R. found; thence proceeding South 38 degrees 58 minutes 41 seconds West 549.45 feet to a ½" R.R. found on the Eastern right-of-way line of Southern Railway (150' R/W); thence proceeding along the Eastern right-of-way line of Southern Railway North 09 degrees 06 minutes 42 seconds East 1,345.95 feet to an iron pin set; thence leaving the Eastern right-of-way line of Southern Railway South 54 degrees 14 minutes 16 seconds East 932.52 feet to a ½" R.R. found; thence proceeding South 47 degrees 05 minutes 54 seconds East 325.48 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING.

TRACT II: All that tract or parcel of land lying and being in Land Lot 31 of the 7th District of Henry County, Georgia, and being 7.841 acres designated as Tract II on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:



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STATEMENT OF INTENT

and

Other Material Required by
City of Stockbridge Zoning Ordinance

For

Annexation, Rezoning, and Future Land Use Map Amendment

of

**S3 Capital Investments, LLC
c/o Battle Law, P.C.**

for

19.995 +/- Acres located at PIN #071-01034012, 071-01034014
Highway 42 and Summit View Drive

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 30084
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



I. LETTER OF INTENT

S3 Capital Investments, LLC (the “Applicant”) is requesting annexation into the Incorporated City of Stockbridge for the rezoning of 19.995 acres of land, which is further described as parcel 071-01034012. The subject property is currently developed under the unincorporated Henry County Office and Institutional and Mixed-Use zoning districts. The applicant is requesting to be rezoned from OI, LI and MU to PUD a companion Future Land Use Map Amendment request to change the land use designation from Light Industrial to High Density Residential.

The subject property will be adjacent to the Southern Crescent Rehabilitation Center, which is zoned Mixed Use. S3 Capital Investments’ proposal includes 52 detached housing units and 124 attached units for an age-restricted independent living community. The applicant is requesting the petition of zoning and other applicable zoning actions to obtain approval and acceptance of the annexation of both parcels of land which will include a total of 276 total units, which 100 of the units will be provided as part of the South Crescent tract that is designated for assisted living, nursing and rehabilitation.

STE AREA	PARCEL ID#	PROPERTY OWNER	CURRENT JURISDICTION	PROPOSED JURISDICTION	CURRENT ZONING	PROPOSED ZONING	PROPOSED USE	PROPOSED UNITS
20.0 AC.	071-01034012	SOUTHERN CRESCENT REHAB	UNINCORPORATED HENRY COUNTY	CITY OF STOCKBRIDGE	MU (MIXED USE)	PUD	ASSISTED LIVING, NURSING / REHABILITATION, AGE-RESTRICTED, INDEPENDENT LIVING RESIDENTIAL (I.L.)	7 DETACHED I.L. UNITS 93 ATTACHED I.L. UNITS 100 TOTAL I.L. UNITS
22.0 AC.	071-01034014	S3 CAPITAL INVESTMENTS, LLC	CITY OF STOCKBRIDGE	CITY OF STOCKBRIDGE	O&I	PUD	AGE-RESTRICTED, INDEPENDENT LIVING RESIDENTIAL	52 DETACHED I.L. UNITS 124 ATTACHED I.L. UNITS 176 TOTAL I.L. UNITS
TOTAL								276 TOTAL I.L. UNITS

The applicant currently has a list of conditions for the proposed development that is being revised for the transition into the City of Stockbridge. This document is currently being drafted and will be submitted as an attachment to this application.

This document is submitted as a Statement of Intent with regard to this Application, preservation of the Applicant’s constitutional rights, and an application of the criteria provided in the Steinberg



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Act to provide a rigorous analysis of the proposed rezoning and land use amendment. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. REVIEW CRITERIA FOR JUSTIFICATION

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property** The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.

The Subject Property is abutted by a residential neighborhood to the south. There are commercial-zoned parcels adjacent east and north of the property. The Southern Crescent site is currently developed and the adjacent tract, which is referenced as tract 2 is currently undeveloped with heavy tree coverage throughout the parcel. The proposed use appears to be suitable in view of the surrounding properties as a residential addition to the Highway 42 corridor.

- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property** The land use amendment and zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

The proposed land use amendment and zoning proposal will allow the Applicant to improve upon the area surrounding the Subject Property by bringing high-quality architectural design, road access through the Subject Property, jobs, and senior services that are in high demand according to the regional market.

- C. Whether the property will be affected by the zoning proposal has a reasonable economic use as currently zoned.**



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The Subject Property does have a reasonable economic use as zoned. However, the land-use amendment and zoning proposal will not change this fact. There is an annexation request which will allow this development to be added to the City of Stockbridge. We believe that this project would best benefit from the regulations established within the City of Stockbridge Zoning Ordinance.

D. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The land use amendment and zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

E. Whether the zoning proposal is in conformity with the policy and intent of the land-use plan. The land use amendment and zoning proposal is in conformity with the policy and intent of the land-use plan.

The zoning proposal is appropriate for the simultaneous land use amendment because the assigned land use designation is not compatible as industrial land use. The proposed site will be residential with a low-density yield. The requested change appears to be more conforming with the area given that there are existing residential land uses adjacent to the subject property.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The Applicant is aware of the conditions that were assigned by Henry County's staff. The applicant intends to carry some of the conditions with some alterations in the



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language that will best suit the development regulations and policies of the City of Stockbridge.



III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT'S CONSTITUTIONAL RIGHTS

The portions of the City of Stockbridge Ordinance, facially and as applied to the Subject Property, which restricts 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 Stockbridge 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



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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 Council/ Commission to amend the land use and/or 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 the 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 herein above.

A refusal to allow the land use amendment and/or rezoning in questions 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 land use amendment and/or 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 land use designation and/or 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



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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.

The portions of the City of Stockbridge Ordinance, facially and as applied to the Subject Property, which restricts 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 Stockbridge 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



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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 to allow the special land use permit 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

IV. Conclusion

Thank you for your consideration for this project. The applicant is more than willing to provide any additional documents and supporting details. For the foregoing reasons, the Applicant respectfully requests that the simultaneous Annexation, Land Use Amendment, and Rezoning application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stockbridge so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 1st day of June 2022.

Respectfully submitted,

Michele L. Battle, Esq. Attorney for the Applicant

c/o Tyler McSwain, Senior Urban Planner







TO: Mayor/Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

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

DATE: August 25, 2022

SUBJECT: **Rezoning Case #RZ-2022-02 for Two Parcels:**
1) Property at 2125 Highway 42 North within unincorporated Henry County; and 2) Property at Highway 42 North and Technology Parkway in the City of Stockbridge.

I. PURPOSE

Consider a Rezoning application (#RZ-2022-02) by S3 Capital Investments, LLC, represented by Battle Law, P.C., to change the zoning classifications of two parcels, from 'MU' (Mixed-Use) in unincorporated Henry County and both 'OI' (Office-Institutional) and 'LI' (Light Industrial) in the Stockbridge City Limits to 'PUD' (Planned Unit Development), to allow for an independent living / age-restricted residential development. The two parcels would have 42.01 +/- total acres. Their locations and requested zoning changes are described below.

- Parcel #071-01034012 – Represents Tract 1. Located at 2125 Highway 42 North in unincorporated Henry County, across from Summit View Drive. Applicant proposes to rezone the property from the Henry County zoning classification of 'MU' (Mixed-Use) to the City of Stockbridge's zoning classification of 'PUD' (Planned Unit Development) if the parcel is annexed into the Stockbridge City Limits via the applicant's companion annexation application, AX-2022-01. Contains 20.00 +/- acres. Located in Land Lot 31 of District 7.
- Parcel #071-01034014—Represents Tract 2. Located within the Stockbridge City Limits, with frontage on Highway 42 North and situated at the end of Technology Parkway. Applicant proposes to change the property's zoning classification from 'OI' (Office-Institutional) and 'LI' (Light Industrial) to 'PUD' (Planned Unit Development). Contains 22.01 +/- acres. Located in Land Lot 31 of District 7.

II. BACKGROUND

Proposed Development	Independent living /age-restricted residential development.
Site Address	2125 Highway 42 North, across from Summit View Drive; and Highway 42 North at Technology Parkway.
Parcel Identification	Subject property includes two parcels: 1) Parcel #071-01034012 with 20.00 acres in unincorporated Henry County; and 2) Parcel # 071-01034014 with 22.01 in the City of Stockbridge.
Parcel Acreage	42.01 +/- total acres within two parcels.
Applicant	S3 Capital Investments, LLC.
Owner	Southern Crescent Rehabilitation & Retirement Community, Inc.
Current County Zoning	'MU' (Mixed-Use).
Current City Zoning	'LI' (Light Industrial) and 'OI' (Office-Institutional)
Surrounding Zoning	'OI' (Office-Institutional); 'MFR' (Multiple Family Residential); 'C-2' (General Commercial)
County Land Use Designation	'MIX' (Mixed-Use).
City Land Use Designation	'Light Industrial' and Low-Density Vertical Mixed Use'
Current Use	The Southern Crescent Rehabilitation & Retirement Center is located on Parcel #071-01034012 at 2125 Highway 42 North.
Surrounding Land Uses	• <u>North</u>—Industrial warehouses; a church. • <u>South and West</u>—Magnolias at Eagles Landing Subdivision. • <u>East</u>—Industrial warehouse; Highlands at Eagles Landing Subdivision; Summit at Eagles Landing Subdivision; a Thai restaurant.

III. FINDINGS OF FACT

- If the requested companion annexation case (AX-2022-01) is approved, and the applicant wishes to proceed with the proposed development, then the applicant would need to combine both parcels for both the requested rezoning case (RZ-2022-02) and the requested Comprehensive Plan amendment case (CP-2022-02) to be approved. To facilitate this, a Recombination Plat application would be required, and it could be handled administratively.
- The applicant has also applied for the annexation of Parcel #071-01034012 (Tract 1) in unincorporated Henry County via AX-2022-01, and a Comprehensive Plan amendment via CP-2022-02 for both parcels. If Tract 1 is approved for annexation into the City, then its future land use designation would need to be changed from Henry County's land use designation of 'MIX' (Mixed-Use) to the City's land use designation of 'High-Density Residential'. Tract 2 would need to have its future land use designation changed from 'Light Industrial' and 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'.
- A small stream borders the subject property to the north. It appears to be a tributary of Wolfe Creek.

IV. PROJECT DESCRIPTION

The applicant requests a rezoning of the subject property to allow for an independent living / age-restricted residential development proposal, which would include both parcels. Tract 1 would include the existing Southern Crescent Rehabilitation & Retirement Center, as well as the construction of 100 new independent living units, including 7 detached units and 93 attached units, with a density of 5 units per acre. Tract 2, which is currently vacant, would feature the construction of 176 independent living units, including 52 detached units and 124 attached units, with a density of 8 units per acre. The total development, including both parcels, would contain 276 independent living units, with a density of 6.6 units per acre.

The applicant's submitted Conceptual Site Plan shows that three accesses would be provided into the proposed development. These include the existing driveway at 2125 Highway 42 North, which serves the existing Southern Crescent Rehabilitation & Retirement Center; a new entrance off Highway 42 North, across from Glenmore Lane; and the extension of Technology Parkway. A central street would connect the two tracts, crossing over the existing stream.

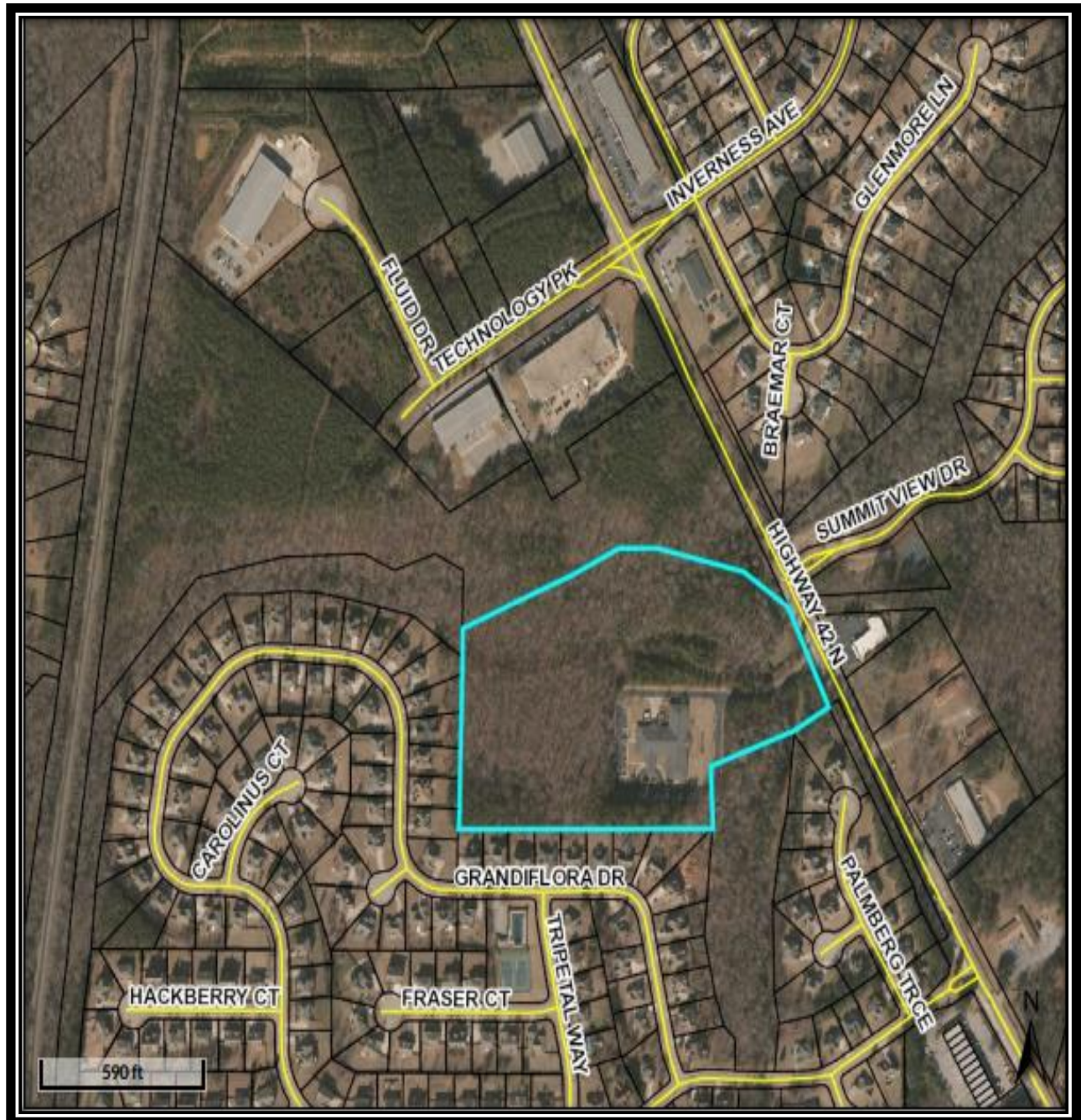
Each tract would have its own set of amenities. The subject property (Tract 1) would contain a clubhouse, a pool, and a cabana, while Tract 2 would contain pickleball courts, a pool, and a cabana. Tract 1 would contain two small detention ponds and Tract 2 would contain a larger detention pond. The submitted rendering suggests that the proposed residential units would have pitched roofs, hardiplank veneers, and single-car garages.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

- A. Aerial Photograph
- B. Boundary Survey
- C. Henry County Zoning Map
- D. City of Stockbridge Zoning Map
- E. Henry County Land Use Designation Map
- F. Conceptual Site Plan
- G. Rendering

A. AERIAL PHOTOGRAPH

Subject Property:
2125 Highway 42 North
Parcel #071-01034012
a.k.a. "Tract 1"



C. HENRY COUNTY ZONING MAP

From the Henry County Tax Assessors' Office

The subject property (a.k.a. "Tract 1") is shown in the buff color on the map. It is zoned 'MU' (Mixed Use).



D. CITY OF STOCKBRIDGE ZONING MAP

Legend:

Main Road – Highway 42 North

Lavender – LI (Light Industrial)

Light Blue – OI (Office-Institutional)

Gold – MFR (Multiple Family Residential)

Gold area to the west and south -- Magnolias at Eagles Landing Subdivision

Gold area to the east -- Highlands at Eagles Landing Subdivision &

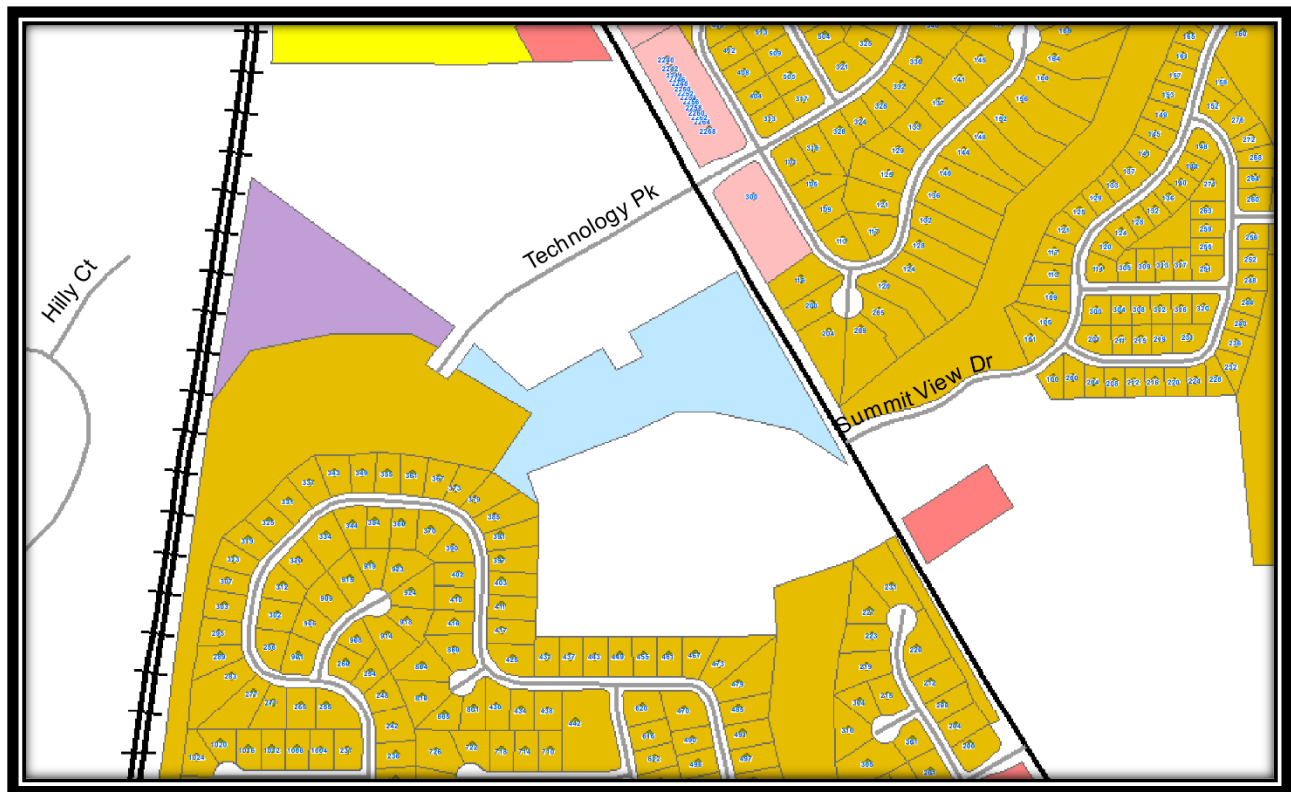
Summit at Eagles Landing Subdivision

Light Pink – C-1 (Neighborhood Commercial)

Medium Pink – C-2 (General Commercial)

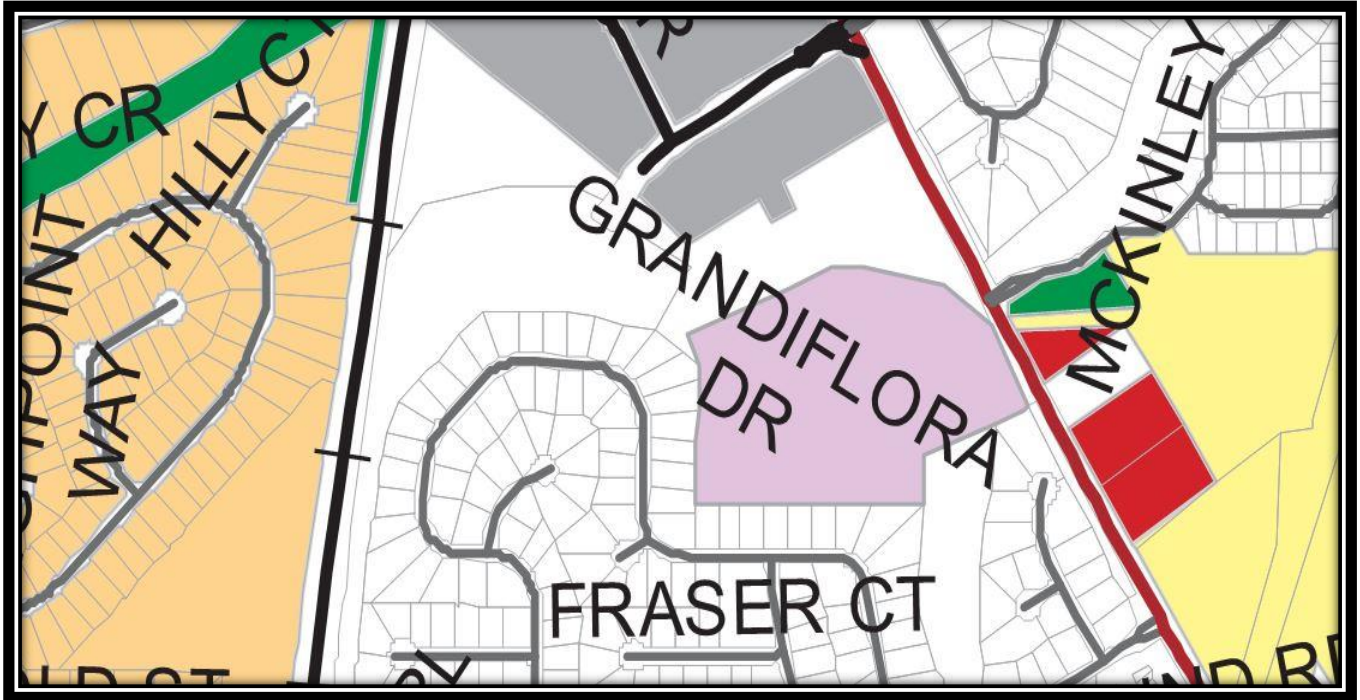
Yellow – SR (Suburban Residential)

White – Located outside of the City



E. HENRY COUNTY LAND USE DESIGNATION MAP (Excerpts)

The subject property (a.k.a. “Tract 1”) is shown in the lavender color on the map below. It has a future land use designation of ‘MIX’ (Mixed Use). The other colors on the map show properties which are also located within unincorporated Henry County.



G. RENDERING

This rendering suggests the provision of pitched roofs, mostly hardiplank siding, and single-car garages.



V. ANALYSIS OF REQUEST

The applicant requests a **Rezoning** under Section 9.2.1(C) of the City of Stockbridge's Unified Development Code (UDC). The Planning Commission and the City Council shall consider the following nine (9) standards in considering any proposal that would result in a change to the text or map of the UDC, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal.

STANDARD #1--Consistency with the Comprehensive Plan.

The proposed development is not consistent with the Comprehensive Plan's land use designations for the subject property. A Comprehensive Plan amendment is necessary because the current land use designations do not allow the type of development which the applicant is proposing, or they do not allow the proposed residential densities. The applicant therefore has applied for a Comprehensive Plan amendment via CP-2022-02 to change the future land use designations of the two parcels as follows:

- Tract 1--From Henry County's land use designation of 'Mixed-Use' to the City of Stockbridge's land use designation of 'High-Density Residential', which would be more appropriate for the applicant's proposed type of development and would indicate the approximate density of the project.
- Tract 2—From the City's land use designations of 'Light Industrial' and 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'. The existing 'Light Industrial' land use designation does not allow residential uses, and the existing 'Low-Density Vertical Mixed-Use' land use designation is intended for buildings which contain commercial uses on the ground floor and residential uses on the upper floors.

STANDARD #2 -- The relation that the proposed rezoning amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of the City of Stockbridge Unified Development Code (UDC).

The rezoning of the subject property to the requested 'PUD' (Planned Unit Development) is necessary because the proposed development would include both attached and detached residential units, as well as the existing Southern Crescent Rehabilitation and Retirement Center. The property is justified for rezoning to PUD, as opposed to MFR (Multiple Family Residential) due to 1) the inclusion of Southern Crescent; and 2) the presence of the Wolfe Creek tributary and its associated floodplain areas, which necessitates some flexibility in site design.

STANDARD #3 -- Potential positive effects of the rezoning amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.

Since the proposed development would be primarily composed of residential uses, the

requested PUD zoning would be compatible with the MFR zoning districts to the west, south, and east, where the Magnolias at Eagles Landing, the Highlands at Eagles Landing, and the Summit at Eagles Landing Subdivisions are located. PUD zoning would also serve as a good transition from the LI and OI districts to the north. Further, PUD zoning would be comparable to Henry County's MU (Mixed Use) zoning for Tract 1.

STANDARD #4 -- The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

The subject property has an unusual shape, and it is traversed by a tributary of Wolfe Creek. These may present challenges for the final site design of the property. The applicant's Conceptual Site Plan shows that due to the presence of the creek, the proposed residential units would be separated into northern and southern sections on the site. A bridge would likely need to be constructed over the creek, and the units in the southern section would be constructed away from the floodplain area.

STANDARD #5 --The impact upon adjacent property owners should the request be granted.

The proposed development would be compatible with the adjacent residential uses to the west, south, and east; and it would be a good transition from the warehouse uses and church to the north.

STANDARD # 6 -- The potential impact of the rezoning on City infrastructure including water and sewage system.

A letter from the Henry County Water Authority, dated May 23, 2022, states that water service, sewage treatment, and sewer line treatment are available at the subject property. However, it further states as follows:

Please note that the proposed layout for the project conflicts with an existing 8-inch sewer line; consequently, the sewer will have to be relocated at the developer's expense. Additionally, an easement will be required to access the sewer line from Hwy 42 North.

The letter further states that the availability of water and sewer service to the site will be re-evaluated at the time when development plans are submitted. Based on this, the developer will need to work closely with the Water Authority to ensure that adequate water and sewer service will be available to serve the proposed development.

STANDARD #7 -- The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

The Conceptual Site Plan shows that the proposed development would have three accesses. These include the existing driveway which serves the Southern Crescent Rehabilitation & Retirement Center, the extension of Technology Parkway, and a new

access from Highway 42 across from Glenmore Drive. Since Highway 42 North is a State highway, the developer should coordinate both Georgia DOT and Henry County DOT in providing deceleration lanes at all three accesses, as well as the possible installation of a new traffic signal. Pedestrian crosswalks should also be installed.

STANDARD #8 -- The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan.

The proposed development qualifies for the requested PUD zoning because it meets the requirement that PUD districts contain at least two types of residential uses.

The proposed development would further the objectives of the Parkway Mixed-Use Overlay district by including a mixture of land uses, representing an attractive gateway into the City (upon the successful annexation of Tract 1 into the City), and representing an innovative type of development.

STANDARD #9 -- The ability of the subject land to be developed as it is presently zoned.

Tract 1 could be developed under its existing Henry County zoning classification of MU (Mixed-Use) since that is similar to the City's PUD district. Tract 2 could also be developed with additional warehouses and office-institutional uses. However, due to the irregular shape of Tract 2, the development of those types of uses may be challenging, and PUD zoning offers greater flexibility in land uses and site design.

SUMMARY OF IMPACTS AND CONCERNS

Code Compliance	The proposed development would comply with the requested PUD district.
Police Department	Police services would be provided by the Stockbridge Police Department.
Fire Marshal	The Fire Marshal has required and approved the location of the new access that is shown on the Conceptual Site Plan.
Henry County Water and Sewer	The developer must meet the requirements that are stated in the Henry County Water Authority's letter, dated May 23, 2022.
Building	Any additional requirements would be identified during the plan review stage. City engineers should look closely at the site design of the creek and floodplain areas.
Traffic	The developer should coordinate with Henry County DOT regarding the installation of the new access, deceleration lanes, and a possible new traffic signal.

STAFF RECOMMENDATION

This Staff Report has demonstrated that the requested Rezoning of the subject property to 'PUD' (Planned Unit Development) via RZ-2022-02 would be necessary and desirable for the subject property to allow for the proposed independent living/age-restricted residential development. The Planning and Zoning Staff therefore recommends the **APPROVAL WITH CONDITIONS** of the requested Rezoning via RZ-2022-02. The recommended conditions are as follows:

1. **Annexation Approval** – The rezoning shall not be approved until the requested annexation of Tract 1 via AX-2022-01 is approved before, or simultaneously with, the approval of RZ-2022-02.
2. **Comprehensive Plan Amendment Approval** – The rezoning shall not be approved until the requested Comprehensive Plan Amendment, via CP-2022-02, to change the land use designations of both parcels to 'High-Density Residential', is approved before, or simultaneously with, the approval of RZ-2022-02.
3. **Recombination Approval** – No permits shall be issued for the proposed development until the two parcels comprising the subject property are officially combined via an administrative recombination plat application. This shall only occur after the applicant has submitted proof to the Community Development Department that an acceptable new plat has been recorded by the Henry County Superior Court / Real Estate Records Division.
4. **Adherence to Conceptual Site Plan** – The developer shall adhere substantially to the submitted Conceptual Site Plan. Any major deviations in the number of residential units, the density, or the overall design shall require City Council approval.
5. **Water and Sewer Availability** – The developer shall comply with the requirements of the Henry County Water Authority in relocating the existing 8-inch sewer line, providing the required easement, and taking any other necessary steps to ensure that adequate water and sewer services are available to serve the proposed development.

Rezoning Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Community Development Department

REZONING APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS.

ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	/
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	/
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application, and must be notarized .	/
Letter of Ownership	01	Letter stating that the owner is aware of the rezoning request and owns the property in question.	/
Letter of Intent	1	Must clearly state the proposed use and development intent.	/
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	/
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	/
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	/
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	/

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant S3 Capital Investments, LLC Phone: 678-565-7710 Date: November 10, 2021
Address Applicant: 2125 Highway 42 North Fax _____ Cell # 678-565-7710

City: McDonough State: Georgia Zip: 30253 E-mail: kelsawi@sctbi.com
Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: November 10, 2021
Address Agent: 3562 Habersham at Northlake Building J, Suite 100 Fax _____ Cell # 404-601-7616

City: Tucker State: Georgia Zip: 30084 E-mail: mlb@battlelawpc.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 REZONING OF THE PROPERTY.

Rezoning being requested from OI, LI, and MU to PUD for
an age-restricted residential development

The property will be POSTED with a City of Stockbridge rezoning 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. MB Acknowledgement

Address of Property: 2125 Highway 42 North and Highway 42 North Near Technology Parkway

Nearest intersection to the property: Highway 42 N and Summit View Drive
(Street Address)

Size of Tract: 42 acre(s), Land Lot Number(s): 31+, 31, District(s): 7

Property Tax Parcel Number(s): 071-01034012, 071-01034014 (Required)

Witness' Signature

Signature of Applicant

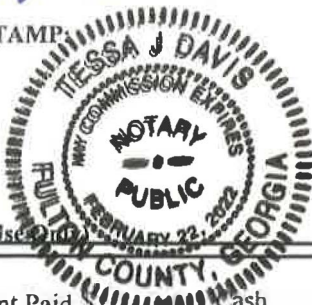
Printed Name of Witness

S3 Capital Investments, LLC
Printed Name of Applicant

Notary

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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 20 day of February, 2022

S3 Capital Investments, LLC
Applicant's Name - Printed

Dmar F. Sawi
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 20 day of February, 2022



Tessa J. Davis
Notary Public

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



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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 20 day of February, 2022

Southern Crescent Rehab & Retirement Co Inc

Applicant's Name - Printed

Omar El Sawi

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 20 day of February, 2022.



Tressa J. Davis

Notary Public

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



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(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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No ☒

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 1st day of March, 2022

Michele Battle

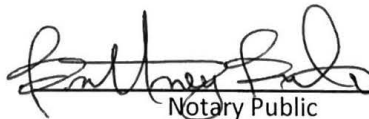
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of March, 2022.


Notary Public



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



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name:

Southern Crescent Rehab & Retirement Co Inc

Property Address: 2125 Highway 42 North and Highway 42 North Near Technology Parkway McDonough, Georgia 30253

Telephone: (678) 565-7710

Email: kelsawi@sctbi.com

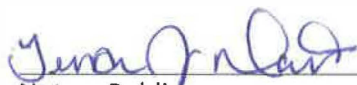
I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature: 

Date: 2/22/22

Personally appeared before me,

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


Notary Public

2/20/2022
Date



Print

zoned with Comp. Plan Amendment

M1

FLUID DR

INVER

SH

SUMMIT VIEW DR

HIGHWAY 42 N

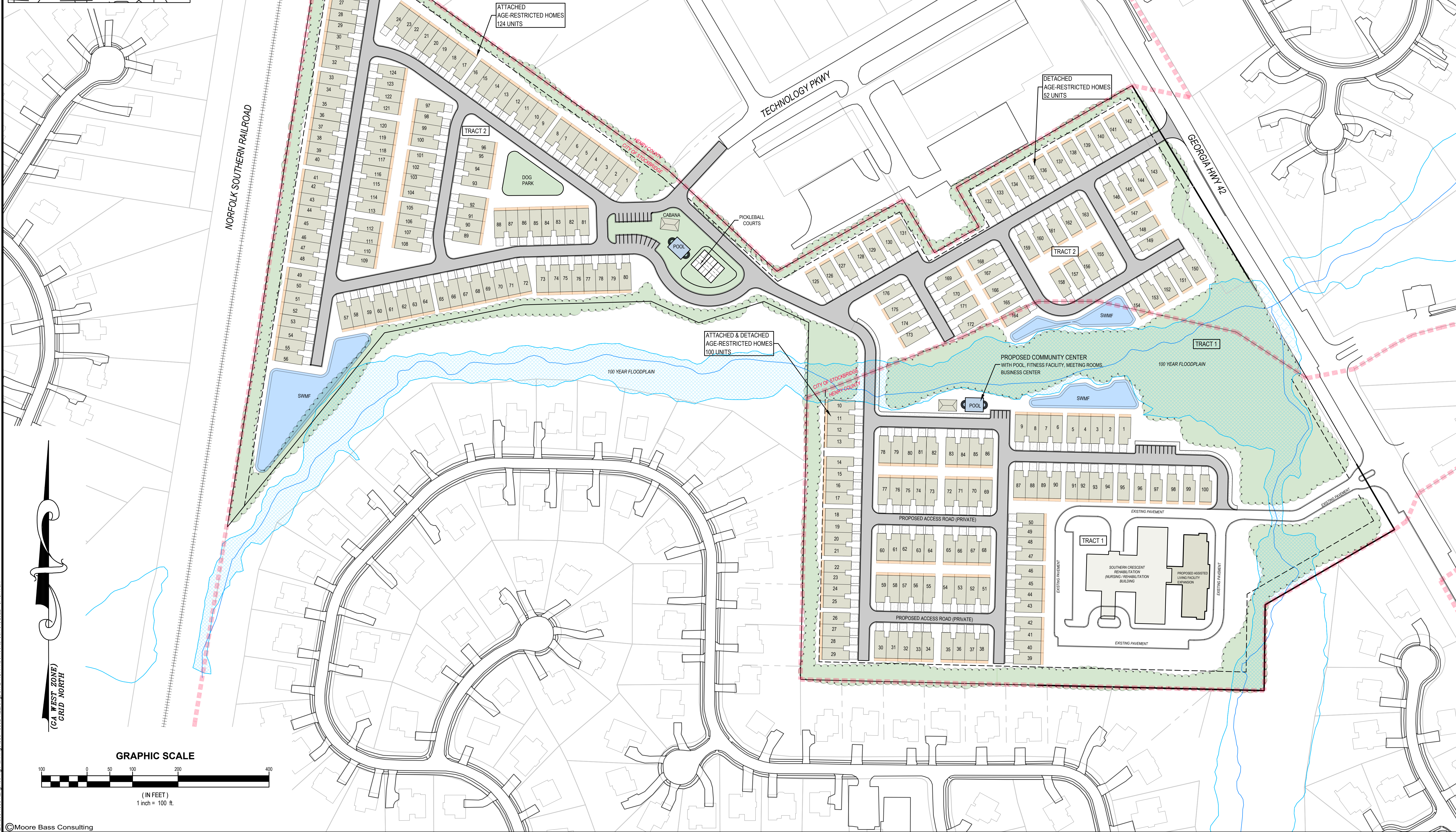
C2

PALMBERG TR

TRIPETA

MU
To be Annexed

CAROLINUS CT



Moore Bass Consulting, Inc.

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

1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394

[illegible]

prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

SEAL

CONCEPTUAL SITE PLAN

SHEET
1

RESERVED FOR CLERK OF THE SUPERIOR COURT

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEY ORDERED BY: KHALED EL-SAWI
FIELDWORK COMPLETED ON: 4-28-2021
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Tim L. Miller GA. RLS # 3150 4-29-2021
Date:

SURVEYORS CERTIFICATION:

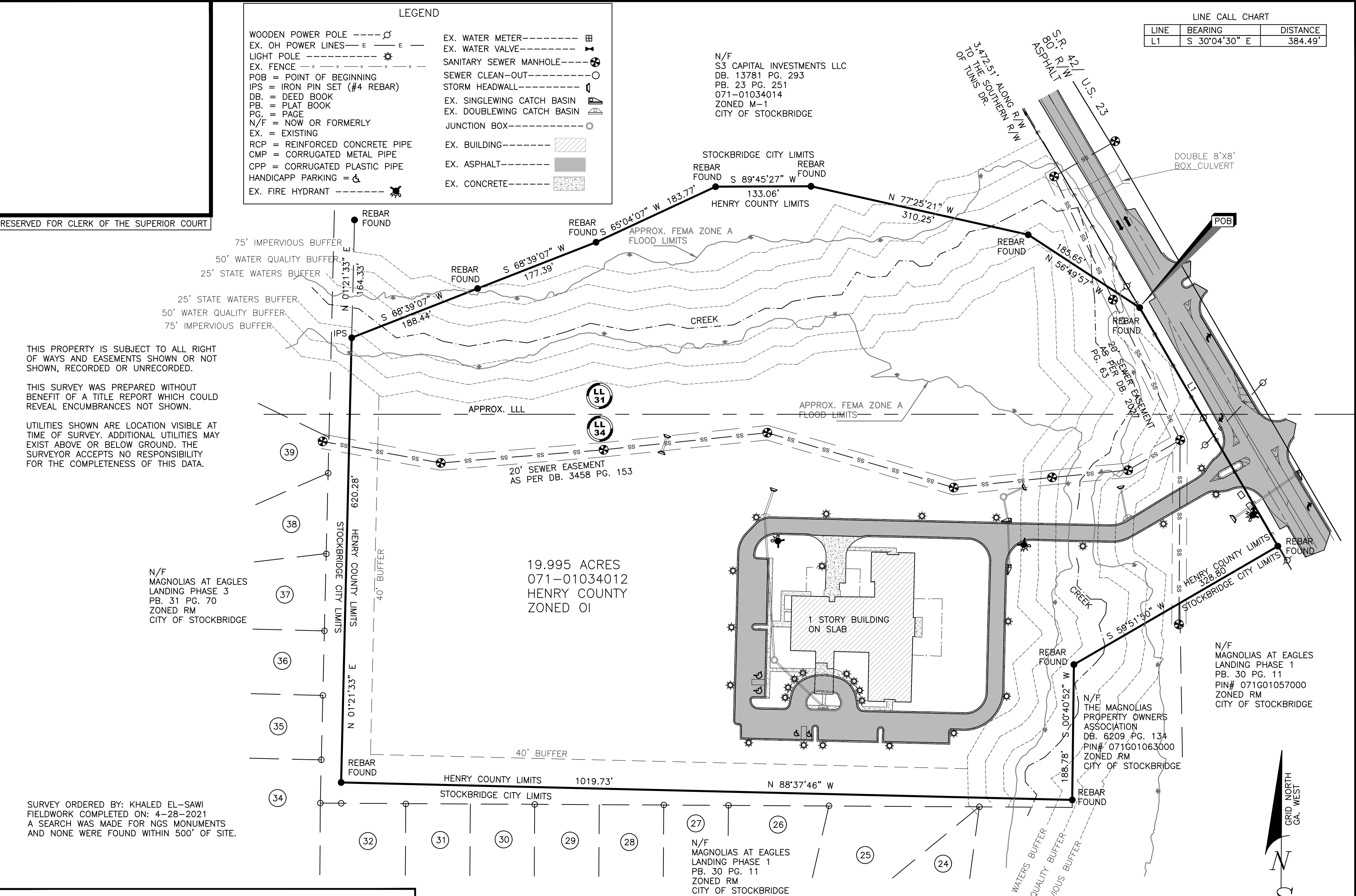
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 47,985 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.
EQUIPMENT USED: TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A., A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA (ZONE A) AS PER COMMUNITY - PANEL NUMBER 13151C0156D DATED: OCTOBER 6, 2016

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

GENERAL NOTES:

AREA: 19.995 ACRES
PARCEL: 071-01034012
ZONED OI
MINIMUM LOT AREA= 10,000 SQ.FT. (COUNTY WATER & SEWER)
MINIMUM LOT WIDTH=125'
FRONT SETBACK----- 50'
REAR SETBACK----- 20'
SIDE SETBACK:----- 15'
SEWER AS PER HCWA.
WATER AS PER HCWA



LINE CALL CHART		
LINE	BEARING	DISTANCE
L1	S 30°04'30" E	384.49'

BOUNDARY SURVEY
S3 CAPITAL INVESTMENTS LLC
TRACT 2 19.995 ACRES
LAND LOTS 31, & 34,
7th. DISTRICT
HENRY COUNTY, GEORGIA

SIBLEY-MILLER
SURVEYING & PLANNING INC.

*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www.sibleysurveying.com

PROJECT #: **B15008**
BOUNDARY SURVEY
19.995 ACRES

DRAWN BY: TLM
SCALE: 1" = 100'
DATE: 04/29/2021

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2014 OCT 22 PM 1:30

BK: 13781 PG: 293-299

Filed and Recorded Oct-23-2014 08:51:45AM

DOC#: D2014-023643

Real Estate Transfer Tax Paid \$110.00

0752014007392

BARBARA A. HARRISON

CLERK OF SUPERIOR COURT Henry County GA.

Return to:
LANE & KARLO, LLP
1827 Powers Ferry Road
Building Five
Atlanta, Georgia 30339

File No: LK144911
Auction #JDA30-7102

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made and entered into this 16th day of October, in the year two thousand fourteen, by and between

HARVEST POINT UNITED METHODIST CHURCH, INC.

of the County of Henry, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

S3 CAPITAL INVESTMENTS, 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 (\$10.00) DOLLARS 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, convey and confirm unto the said Grantee, the following described property, to-wit:

All those tracts or parcels of land lying and being in Land Lots 31, 32 and 33, 7th District, Henry County, Georgia, and being more particularly described in Exhibit A, attached hereto and made a part hereof.

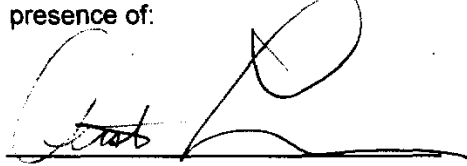
This conveyance is made and authorized in accordance with and pursuant to *The Book of Discipline of the United Methodist Church (2012)*, as set forth and confirmed in and by that certain Certification and Consent, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, 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.

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 claiming by, through or under Grantor herein.

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

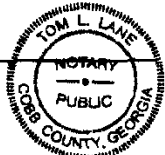
Signed, sealed and delivered in the presence of:



Witness

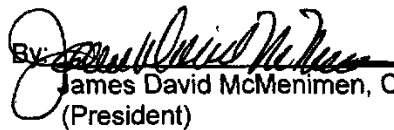


Notary Public



My Commission Expires
October 2, 2018

HARVEST POINT UNITED METHODIST
CHURCH, INC.

By:  (SEAL)
James David McMenimen, Chairman
(President)

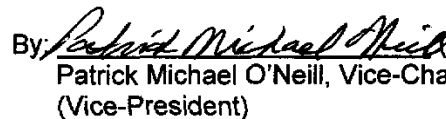
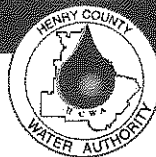
By:  (SEAL)
Patrick Michael O'Neill, Vice-Chairman
(Vice-President)

EXHIBIT A

TRACT I: All that tract or parcel of land lying and being in Land Lots 31, 32 and 33 of the 7th District of Henry County, Georgia, and being 14.169 acres designated as Tract I on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at an iron pin set on the Southwestern right-of-way line of S.R. 42/U.S. 23 (80' R/W), said iron pin being 2,721.51 feet Southeasterly as measured along said right-of-way line from its intersection with the Southern right-of-way line of Tunis Drive; thence leaving said right-of-way line South 59 degrees 56 minutes 54 seconds West 447.09 feet to a ½" R.R. found; thence proceeding South 30 degrees 02 minutes 01 second East 100.14 feet to an iron pin set; thence proceeding South 59 degrees 55 minutes 51 seconds West 113.17 feet to an iron pin set; thence proceeding North 30 degrees 04 minutes 09 seconds West 138.00 feet to a ½" R.R. found; thence proceeding South 59 degrees 55 minutes 51 seconds West 320.47 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING; thence proceeding from said true point of beginning South 23 degrees 24 minutes 14 seconds West 71.99 feet to a ½" R.R. found; thence proceeding South 71 degrees 56 minutes 43 seconds West 150.56 feet to a ½" R.R. found; thence proceeding North 65 degrees 57 minutes 01 second West 115.18 feet to a ½" R.R. found; thence proceeding South 88 degrees 21 minutes 41 seconds West 280.93 feet to a ½" R.R. found; thence proceeding South 78 degrees 36 minutes 17 seconds West 311.03 feet to a ½" R.R. found; thence proceeding South 38 degrees 58 minutes 41 seconds West 549.45 feet to a ½" R.R. found on the Eastern right-of-way line of Southern Railway (150' R/W); thence proceeding along the Eastern right-of-way line of Southern Railway North 09 degrees 06 minutes 42 seconds East 1,345.95 feet to an iron pin set; thence leaving the Eastern right-of-way line of Southern Railway South 54 degrees 14 minutes 16 seconds East 932.52 feet to a ½" R.R. found; thence proceeding South 47 degrees 05 minutes 54 seconds East 325.48 feet to a ½" R.R. found at the TRUE POINT OF BEGINNING.

TRACT II: All that tract or parcel of land lying and being in Land Lot 31 of the 7th District of Henry County, Georgia, and being 7.841 acres designated as Tract II on a plat of survey prepared for Davis Development, Inc., prepared by Carlton Rakestraw, Jr. of Carlton Rakestraw & Associates, Ga. R.L.S. #2236, dated July 11, 2003, and last revised September 3, 2003, which said plat of survey is incorporated herein and by reference thereto being more particularly described as follows:



Henry County Water Authority
Engineering Division

May 23, 2022

Re: Water and Sewer Services - Availability

Proposed Development: **Age Restricted Residential Development**

Property Information: **2125 Hwy 42 North Parcel Nos. 071-01034012, 071-01034014**

LLs 31, 32, 33 & 34; District 7; 42.0+/- acres

Zoning: **PUD**

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 available to the property described above. A fire flow test calculated in the area revealed the following data:

Static:	108	psi
Residual:	98	psi
Flow	1570	gpm
Calculated Flow @ 20 psi:	5080	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. *Please note that the proposed layout for the project is in conflict with an existing 8-inch sewer line; consequently, the sewer will have to be relocated at the developer's expense. Additionally, an easement will be required to access the sewer line from Hwy 42 North.*

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 Conceptual Site Plan dated 05/17/22 prepared by Moore Bass Consulting, Inc.

 Date:
2022.05.23
09:12:01 -04'00'

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



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
City of Stockbridge Zoning Ordinance

For

Annexation and Future Land Use Map Amendment

of

**S3 Capital Investments, LLC
c/o Battle Law, P.C.**

for

19.995 +/- Acres located at PIN#071-01034012, 071-01034014
Highway 42 and Summit View Drive

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 30084
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



I. LETTER OF INTENT

S3 Capital Investments, LLC (the “Applicant”) is requesting annexation into the Incorporated City of Stockbridge for the rezoning of 19.995 acres of land, which is further described as parcels 071-01034012 and 071-01034014. The subject property is currently developed under the unincorporated Henry County Office and Institutional and Mixed-Use zoning districts. The applicant is requesting to be rezoned from OI and MU there will be a companion Future Land Use Map Amendment request to change the land use designation from Light Industrial to Low-Density Vertical Mixed-Use.

The subject property will be adjacent to the Southern Crescent Rehabilitation Center, which is zoned Mixed Use. S3 Capital Investments’ proposal includes 52 detached housing units and 124 attached units for an age-restricted independent living community. The applicant is requesting the petition of zoning and other applicable zoning actions to obtain approval and acceptance of the annexation of both parcels of land which will include a total of 276 total units, which 100 of the units will be provided as part of the South Crescent tract that is designated for assisted living, nursing and rehabilitation.

STE AREA	PARCEL ID#	PROPERTY OWNER	CURRENT JURISDICTION	PROPOSED JURISDICTION	CURRENT ZONING	PROPOSED ZONING	PROPOSED USE	PROPOSED UNITS
20.0 AC.	071-01034012	SOUTHERN CRESCENT REHAB	UNINCORPORATED HENRY COUNTY	CITY OF STOCKBRIDGE	MU (MIXED USE)	PUD	ASSISTED LIVING, NURSING / REHABILITATION, AGE-RESTRICTED, INDEPENDENT LIVING RESIDENTIAL (I.L.)	7 DETACHED I.L. UNITS 93 ATTACHED I.L. UNITS 100 TOTAL I.L. UNITS
22.0 AC.	071-01034014	S3 CAPITAL INVESTMENTS, LLC	CITY OF STOCKBRIDGE	CITY OF STOCKBRIDGE	O&I	PUD	AGE-RESTRICTED, INDEPENDENT LIVING RESIDENTIAL	52 DETACHED I.L. UNITS 124 ATTACHED I.L. UNITS 176 TOTAL I.L. UNITS
TOTAL								276 TOTAL I.L. UNITS

The applicant currently has a list of conditions for the proposed development that is being revised for the transition into the City of Stockbridge. This document is currently being drafted and will be submitted as an attachment to this application.



Battle Law

This document is submitted as a Statement of Intent with regard to this Application, preservation of the Applicant's constitutional rights, and an application of the criteria provided in the Steinberg Act to provide a rigorous analysis of the proposed rezoning and land use amendment. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. REVIEW CRITERIA FOR JUSTIFICATION

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property** The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.

The Subject Property is abutted by a residential neighborhood to the south. There are commercial-zoned parcels adjacent east and north of the property. The Southern Crescent site is currently developed and the adjacent tract, which is referenced as tract 2 is currently undeveloped with heavy tree coverage throughout the parcel. The proposed use appears to be suitable in view of the surrounding properties as a residential addition to the Highway 42 corridor.

- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property** The land use amendment and zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

The proposed land use amendment and zoning proposal will allow the Applicant to improve upon the area surrounding the Subject Property by bringing high-quality architectural design, road access through the Subject Property, jobs, and senior services that are in high demand according to the regional market.



Battle Law

- C. Whether the property will be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The Subject Property does have a reasonable economic use as zoned. However, the land-use amendment and zoning proposal will not change this fact. There is an annexation request which will allow this development to be added to the City of Stockbridge. We believe that this project would best benefit from the regulations established within the City of Stockbridge Zoning Ordinance.

- D. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The land use amendment and zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the land-use plan. The land use amendment and zoning proposal is in conformity with the policy and intent of the land-use plan.**

The zoning proposal is appropriate for the simultaneous land use amendment because the assigned land use designation is not compatible as industrial land use. The proposed site will be residential with a low-density yield. The requested change appears to be more conforming with the area given that there are existing residential land uses adjacent to the subject property.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**



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The Applicant is aware of the conditions that were assigned by Henry County's staff. The applicant intends to carry some of the conditions with some alterations in the language that will best suit the development regulations and policies of the City of Stockbridge.



III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT'S CONSTITUTIONAL RIGHTS

The portions of the City of Stockbridge Ordinance, facially and as applied to the Subject Property, which restricts 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 Stockbridge 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



Battle Law

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 Council/ Commission to amend the land use and/or 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 the 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 herein above.

A refusal to allow the land use amendment and/or rezoning in questions 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 land use amendment and/or 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 land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property.



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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.

The portions of the City of Stockbridge Ordinance, facially and as applied to the Subject Property, which restricts 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 Stockbridge 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.



Battle Law

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 to allow the special land use permit 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

IV. Conclusion

Thank you for your consideration for this project. The applicant is more than willing to provide any additional documents and supporting details. For the foregoing reasons, the Applicant respectfully requests that the simultaneous Annexation, Land Use Amendment, and Rezoning application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stockbridge so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 1st day of June 2022.

Respectfully submitted,

Michele Battle
Michele L. Battle, Esq. Attorney for the Applicant

c/o Tyler McSwain, Senior Urban Planner



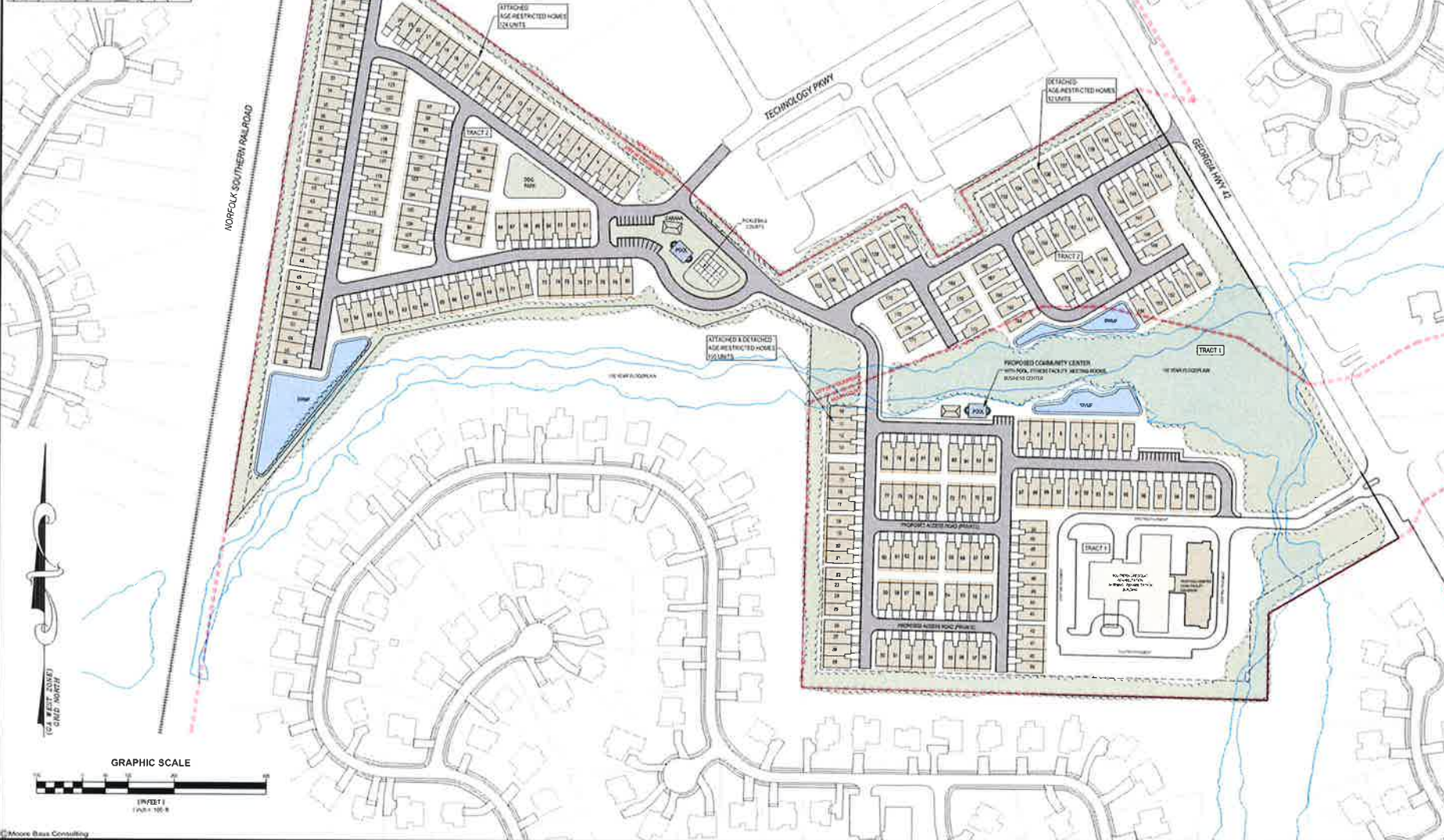




SITE DATA										
TRACT	STE AREA	PARCEL ID#	PROPERTY OWNER	CURRENT JURISDICTION	PROPOSED JURISDICTION	CURRENT ZONING	PROPOSED ZONING	PROPOSED USE	PROPOSED UNITS	PROPOSED DENSITY
1	20.0 AC	071-01034012	SOUTHERN CRESCENT REHAB	UNINCORPORATED HENRY COUNTY	CITY OF STOCKBRIDGE	MU (MIXED USE)	PUD	ASSISTED LIVING / NURSING / REHABILITATION / AGE RESTRICTED INDEPENDENT LIVING RESIDENTIAL (I, L)	7 DETACHED I.L. UNITS 93 ATTACHED I.L. UNITS 100 TOTAL I.L. UNITS	5 UNITS PER ACRE
2	22.0 AC	071-01034014	S3 CAPITAL INVESTMENTS, LLC	CITY OF STOCKBRIDGE	CITY OF STOCKBRIDGE	OSI	PUD	AGE RESTRICTED INDEPENDENT LIVING RESIDENTIAL	52 DETACHED I.L. UNITS 124 ATTACHED I.L. UNITS 176 TOTAL I.L. UNITS	8 UNITS PER ACRE
TOTAL									276 TOTAL I.L. UNITS	6.6 UNITS PER ACRE



Moore Bass Consulting, Inc.
 • Civil Engineering
 • Land Surveying
 • Development Consulting
 • Landscape Architecture
 • Environmental Permitting
 www.moorebass.com
 TALLAHASSEE • ATLANTA
 1350 Keys Ferry Court
 McDonough, GA 30253
 770.914.9394



REVISIONS		PROJECT NAME	SOUTHERN CRESCENT INDEPENDENT LIVING
		CLIENT NAME	S3 CAPITAL INVESTMENTS, LLC
A3601.00002-FB			
DATE		10-15-11	
CONTRACT #			
DRAWN BY		E	
CHECKED BY			
APPROVED BY			
SCALE			
SHEET TITLE		CONCEPTUAL SITE PLAN	
SHEET #		1	



Henry County Water Authority
Engineering Division

May 23, 2022

Re: Water and Sewer Services - Availability

Proposed Development: **Age Restricted Residential Development**
Property Information: **2125 Hwy 42 North Parcel Nos. 071-01034012, 071-01034014**
LLs 31, 32, 33 & 34; District 7; 42.0+/- acres
Zoning: **PUD**
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 available to the property described above. A fire flow test calculated in the area revealed the following data:

Static:	108	psi
Residual:	98	psi
Flow	1570	gpm
Calculated Flow @ 20 psi:	5080	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. ***Please note that the proposed layout for the project is in conflict with an existing 8-inch sewer line; consequently, the sewer will have to be relocated at the developer's expense. Additionally, an easement will be required to access the sewer line from Hwy 42 North.***

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 Conceptual Site Plan dated 05/17/22 prepared by Moore Bass Consulting, Inc.

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

Comp Plan Conditions

1. The residential portion of the project shall be single-family attached and detached units arranged in a cluster style with a minimum of a six foot side yard setback to maintain properly distanced residences without the firewall requirement. Front yards can be a minimum of 20 feet to help reduce the need for extensive yard maintenance.
2. ~~The community Development (Planning & Zoning) Department should have architectural control to ensure that the constructed buildings conform to the surrounding residential and commercial/industrial area. Of primary concern would be the compatibility of the institutional building in relation to the cluster homes, and in turn with the entire development and adjoining properties.~~
3. Lighting should be subdued, especially with respect to the bordering residential units. A lighting plan should be submitted at the tie of development to ensure that little intrusion occurs to the adjacent properties.
4. A sizeable undisturbed or landscaped buffer should exist at the entrance of the site as well as all border of the property. The entrance to the property should be left as undisturbed or with enhanced landscaping to separate the property from S.R. 42 and its associated traffic noise.
5. All of the common grounds – including the parking area – should be heavily landscaped, ~~with Community Development (Planning & Zoning) retaining approval of landscaping, especially in regards to our new proposed landscape ordinance currently underway.~~
6. Interior sidewalks, streetlights, and sodded lawns should be conditioned for the cluster assisted living units. In addition, two trees shall be planted in the front of the cluster units should these areas be completely graded for construction.
7. ~~Access should be gated to provide for the security of the entire facility.~~
8. ~~Any deviation from the submitted site plan is subject to further review by the Community Development (Planning & Zoning) Department, this (Zoning Advisory) Board, and, if needed, the Board of Commissioners.~~

Rezoning Conditions

1. The use of the subject property shall be limited to memory care, assisted living, and independent living with associated amenities and provision of care, meeting use requirements.
2. Entrances shall be located such that the minimum intersection sight distance and the minimum spacing requirement are met per the road's posted speed limit, and shall have a deceleration lane and acceleration taper designed and constructed to HCDOT standards.
3. All disturbed areas shall be sodded, except where landscaping is present or installed.
4. The residential portion of the development shall consist of cluster single-family attached and detached units, only. The total number of dwelling units shall be limited to 100. Compliance with the zoning conditions and development standards may further limit the number of dwelling units.
5. ~~An on-site amenity package shall be provided and shall consist of at least the following:~~
 - a. ~~One (1) Community Center which includes, at a minimum, the following:~~
 - i. Pool
 - ii. Fitness facility

iii. Meeting rooms

iv. Business Center

b. Two (2) outdoor recreation areas including walking trails and three (3) pavilions.

The pavilions shall be no less than 1,200 square feet.

6. The community center shall be completed prior to the issuance of the fiftieth (50th) building permit of a single-family attached or detached dwelling unit.
7. ~~The residential portion of the development shall comply with Section 4.03.30 of the ULDC regarding single-family senior adult housing.~~
8. Provision of care and/or personal services, as defined by O.C.G.A. 31-7-12.2(b)(2), shall be provided to any assisted living and independent living residents before the first single-family attached or detached unit receives any certificate of occupancy.
9. ~~Any approved development shall be limited to a maximum of 60 dwelling units until the proposed access point to the north, as depicted on the site plan dated April 9, 2021, is designed and constructed to HCDOT and City of Stockbridge standards, and connects to an already existing public right of way. This access point shall be open for the use of the residents within five (5) years from the date of approval of this rezoning resolution or before the issuance of the Certificate of Occupancy (CO) of the 61st dwelling unit, whichever occurs first. No additional permits shall be issued until the developer has engineered and constructed the secondary access.~~
10. The subject property shall not, at any time, be developed as a traditional single-family and/or multi-family residential development (even if it is age-marketed or age-targeted) or any other type of residential community that does not require each single-family attached or detached unit to house an individual which requires a level of care that is provided by the assisted living facility.
11. No more than fifteen percent (15%) of the homes shall be rented out at any one time.
12. Only the management of the owners/operators of the existing rehabilitation center and/or assisted living facility at the subject property, currently Southern Crescent Rehab & Rehab Retirement Co., Inc. as per current public tax records, may rent dwelling units.
13. Community facilities, recreational areas, access gate(s), if any, public space(s), and open space(s) shall be maintained by the existing, and all subsequent, owners/operators of the existing rehabilitation center and/or assisted living facility at the subject property, currently Southern Crescent Rehab & Retirement Co., Inc., As per current public tax records.
14. ~~A traffic impact study (TIS) shall be required before the approval of the first development permit. At a minimum, the developer/owner's engineer shall provide an Intersection Control Evaluation Study to GDOT of the site's existing access per GDOT's requirements. The developer/owner shall be responsible to provide all of the indicated Improvements as required by the ULDC.~~
15. ~~The dwelling units shall be limited to condominium units.~~
16. The dwelling units shall be limited to units with two (2) or three (3) bedrooms. Each dwelling unit shall have a minimum of two (2) full bathrooms.
17. The dwelling units shall have a minimum of 1,600 square feet with a running minimum average of 1,800 square feet.
18. ~~The dwelling units shall be Craftsman style as approved by the planning & Zoning Department and shall have a minimum 3' high water table consisting of brick or similar.~~

19. Each permitted home in the development shall be compatible with existing homes, as determined by the planning & Zoning Department. ~~The Planning & Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined.~~
20. Each dwelling unit shall have a garage. Garages shall be setback a minimum of 12" from the front dripline of the home. Greater than 50% of the dwelling units shall have a two-car garage. The balance shall have one and a half car garages. Garages shall have crown molding complimentary to the exterior of the homes.
21. Four (4) of the dwelling units shall be reserved for those leaving the care of assisted living, needing transitional living arrangements. No permits of any kind shall be approved unless all four of these transitional living units are included.
22. All stormwater management facilities shall be environmentally friendly, landscaped, enclosed with a minimum 4' high fence, and be included in the common area to be maintained by the HOA. No detention pond shall be located on private property.
23. An HOA shall be required and shall maintain the common areas and building exteriors. Community facilities, recreational areas, access gate(s), if any, public space(s), and open space(s) shall be maintained by the existing, and all subsequent, owners/operators of the existing rehabilitation center and/or assisted living facility at the subject property, currently Southern Crescent Rehab & Retirement Co., Inc., As per current public tax records, the HOA.
24. Interior sidewalks shall be a minimum of 8' wide. Exterior sidewalks along Highway 42 shall be a minimum of 10' wide.



TO: Mayor/Council
Planning Commission

FROM: Gordon Linton, Planner I

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

DATE: August 25, 2022

Subject: #RZ-2022-03 For 3884 Walt Stephens Road

I. PURPOSE

Consider a request to rezone property from RR (Rural Residential District) to O-I (Office-Institutional District) to allow a children's speech therapy facility. Application by CKC Commercial Properties, LLC.

II. Background

Proposed Development	The applicant proposes to open a speech therapy facility at the existing building.
Site Address	3884 Walt Stephens Road
Parcel Identification	The parcel number is #031-02012000.
Parcel Acreage	0.964 +/- acres
Applicant	CKC Commercial Properties, LLC. 5200 Buffington Road Atlanta, GA, 30349 678-634-9969
Owner	CKC Commercial Properties, LLC. 5200 Buffington Road Atlanta, GA, 30349 678-634-9969
Historic District	N/A
Current Zoning	RR (Rural Residential District)
Zoning History	The property was annexed into the city upon

	the request of Angela Arnold of Anointed Prayers of Faith on December 10, 2016.
Current Use	There is currently a building located at the property.

SURROUNDING LAND USE AND ZONING

Location	Existing Land Use	Existing Zoning
Property to the North	Hội Thánh Nguồn Sống (Church)	MFR (Multiple Family Residential District)
Property to the South	Red Oak Elementary School	PUD (Planned Unit Development District)
Property to the East	Red Oak United Methodist Church	RR (Rural Residential District)
Property to the West	House of Prayer & Fellowship; Practical Learning Ivy League College Preparatory Academy	RR (Rural Residential District); C-1 (Neighborhood Commercial District)

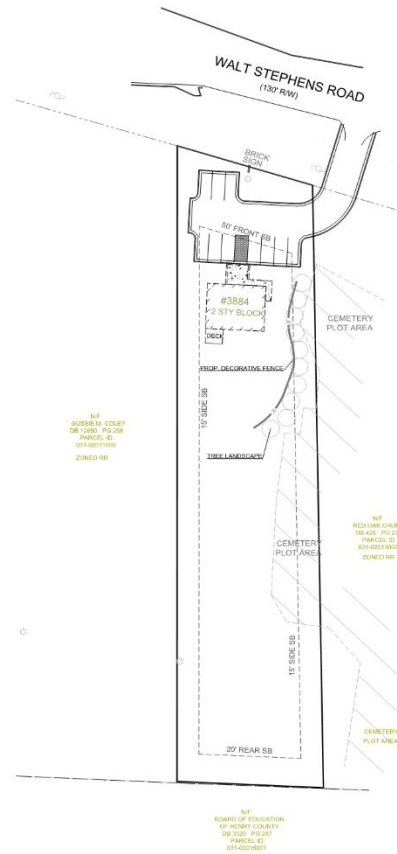
III. Finding of Facts

- The future land use designation of the subject property is **Public/Institutional**.
- The subject property is a part of the **Parkway Mixed-Use Overlay District**.
- The subject property has previously been a church known as **Anointed Prayers of Faith** and a **Masonic lodge**.
- The building was constructed in **1970**.

IV. Maps and Illustrations



Aerial Photo of 3884 Walt Stephens Road



LAND USE SUMMARY

CURRENT ZONING :
RR: RURAL RESIDENTIAL DISTRICT

TOTAL SITE AREA : .96 ac

PROPOSED ZONING:
O1: OFFICE INSTITUTIONAL

STANDARDS:

- MIN. LOT AREA : 20,000 SQ FT
- MIN. LOT WIDTH : 125' *
- FRONT S/B : 50'
- SIDE S/B : 15'
- REAR S/B : 20'
- BUFFER: 50' **
- PARKING REQUIRED: 10
- PARKING PROVIDED: 10

*MINIMUM LOT WIDTH VARIANCE FROM
TO 95'

**BUFFER VARIANCE REQUIRED ADJACENT
TO CEMETERY ON THE EASTERN BOUNDARY
AND ALONG THE WESTERN BOUNDARY

CONCEPT PLAN
FOR
3884 WALT STEPHENS ROAD

LOCATED IN:
LAND LOT 25, DISTRICT 12
STOCKBRIDGE, GEORGIA

REVISIONS

DATE	REVISIONS
1	
2	
3	
4	
5	
6	
7	
8	

See notes below.
Call us today!
www.mpsystems.com
1-800-368-7444 ext. 200
OR 503-627-1111



DATE:	25-02-22
SCALE:	AS SHOWN
PROJECT NUMBER:	050 001
DRAWN BY:	JP
REVIEWED BY:	-
REVISED BY:	XXXX

SHEET NUMBER

CP-1

GENERAL NOTES:

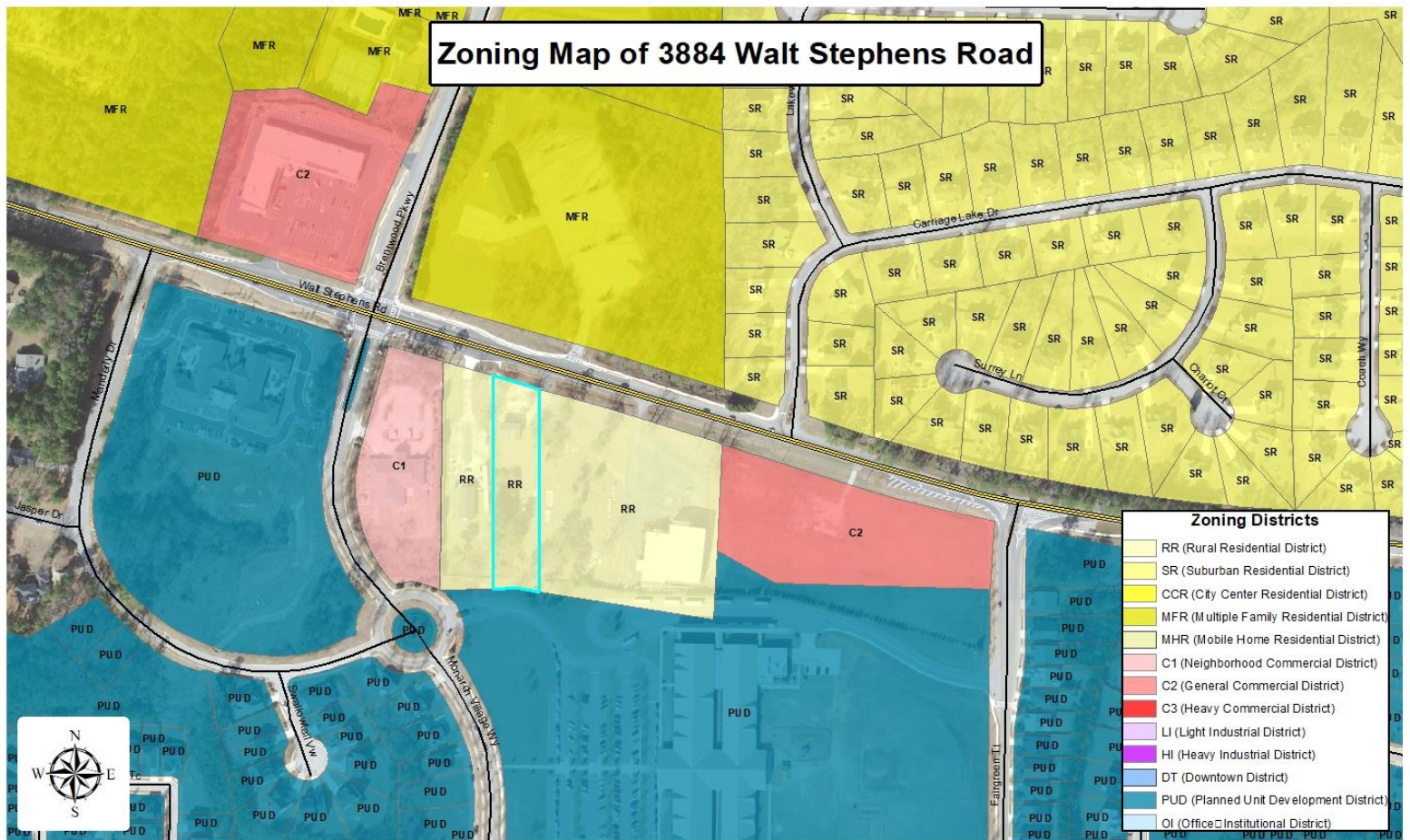
1. LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
2. PROPERTY BOUNDARIES OBTAINED FROM ALTA SURVEY PERFORMED BY SES ENGINEERING.
3. HYDROLOGY AND SEPTIC DESIGN WAS NOT INCLUDED AS PART OF THIS CONCEPT.

**BUFFER VARIANCE REQUIRED ADJACENT TO CEMETERY ON THE EASTERN
BOUNDARY AND ALONG THE WESTERN BOUNDARY

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft

Conceptual Site Plan of 3884 Walt Stephens Road



Zoning Map of 3884 Walt Stephens Road



Current Building

V. Analysis

Project Description

The applicant intends to rezone 0.964 +/- acres of 3884 Walt Stephens Road from RR (Rural Residential District) to O-I (Office-Institutional District) for the purpose of utilizing the existing structure as a speech therapy facility. The requested O-I will allow the owner to use the subject property for the speech therapy facility. The Future Land Use Map of the Comprehensive Plan designates the subject property for Public/Institutional land uses.

Staff Analysis

The applicant requests a **Rezoning** under the City of Stockbridge Unified Development Code Section (**Sec. 9.2.1 C**):

The Planning Commission and the City Council shall consider the following standards in considering any proposal that would result in a change to the text or map of this UDC, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal.

ANALYSIS OF REQUEST

1. Consistency with the Comprehensive Plan.

The request to rezone the subject property to O-I is consistent with the current Comprehensive Plan, which designates the property for Public/Institutional land uses.

2. The relation that the proposed rezoning amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of the City of Stockbridge Zoning Code.

The proposed rezoning does meet all the requirements of the minimum development standards of the O-I zoning districts. In addition, the proposed speech therapy facility is consistent with the zoning character of the area and with the Future Land Use Map designation of Public Institutional land uses.

3. Potential positive effects of the rezoning amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.

Rezoning the subject property will not affect the character of Walt Stephens Road. The location of the proposed speech therapy facility will benefit Red Oak Elementary School since it will help students who have difficulties with speech therapy.

4. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

The site appears to be suitable for the proposed rezoning with approved variances. Issues regarding buffering, topography, drainage, access, size, and shape of the property will be addressed. Variance requests will be heard concurrently with the rezoning. The applicant will be seeking approval for the following variances: 1. A variance to reduce the minimum lot width from 125 to 96.37 feet; 2. A variance to reduce the eastern section of the property from 50 feet to 0 feet; and 3. A pending variance to reduce the western section of the property from 50 feet to 0 feet.

5. The impact upon adjacent property owners should the request be granted.

The possible impact upon the adjacent property owners, should the property be rezoned, is a small increase in vehicular traffic.

6. The potential impact of the rezoning on City infrastructure including water and sewage system.

A letter from the Henry County Water and Sewerage Authority, dated July 5, 2022, states the County and water services are provided to the subject property.

7. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

The subject property has frontage on Walt Stephens Road, which is a local road. Therefore, there should be minimal impact on the adjacent thoroughfares and pedestrian and vehicular traffic.

8. The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan.

Approval of the request would allow the applicant to utilize the existing building as a speech therapy facility.

9. The ability of the subject land to be developed as it is presently zoned.

The subject property can be developed since it is zoned RR (Rural Residential District).

Summary of Impacts/Concerns

Fire Marshall	N/A
Henry County Water and Sewer	A letter from the Henry County Water and Sewerage Authority, dated July 5, 2022, states the County and water services are provided to the subject property.

VI. STAFF RECOMMENDATION

Staff recommends approval with conditions for the proposed rezoning from RR (Rural Residential District) to O-I (Office-Institutional District) with the following conditions:

- Variance approval to reduce the minimum lot width from 125 to 96.37 feet.
- Variance approval to reduce the eastern section of the property from 50 feet to 0 feet.
- Variance approval to reduce the western section of the property from 50 feet to 0 feet.

Rezoning Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Community Development Department

REZONING APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS.

ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	/
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	/
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application, and must be notarized .	/
Letter of Ownership	01	Letter stating that the owner is aware of the rezoning request and owns the property in question.	/
Letter of Intent	1	Must clearly state the proposed use and development intent.	/
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	/
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	/
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	/
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	/

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant CKC Commercial Properties LLC Phone: 678-634-9969 Date: May 19, 2022
Address Applicant: 5200 Buffington Road Fax _____ Cell # 678-634-9969

City: Atlanta State: Georgia Zip: 30349 E-mail: ryan.haning@cfacorp.com

Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: May 19, 2022
Address Agent: 3562 Habersham at Northlake Building J, Suite 100 Fax 404-745-0045 Cell # 404-601-7616

City: Tucker State: Georgia Zip: 30084 E-mail: mlb@battlelawpc.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 REZONING OF THE PROPERTY.

Rezoning being requested from RR to OI to allow for the development
of a children's speech therapy facility

The property will be POSTED with a City of Stockbridge rezoning 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. MB Acknowledgement

Address of Property: 3884 Walt Stephens Road

Nearest intersection to the property: Walt Stephens Road and Monarch Village Way
(Street Address)

Size of Tract: 0.963 acre(s), Land Lot Number(s): 25, District(s): 12

Property Tax Parcel Number(s): 031-02012000 (Required)

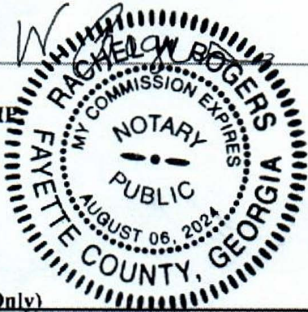
Witness' Signature

Kim Sebastian

Printed Name of Witness

Rachel W. Rogers
Notary

NOTARY STAMP



Signature of Applicant

CKC Commercial Properties LLC

Printed Name of Applicant

Signature of Agent

(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 rezoning, campaign contributions aggregating \$250 or more, or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes _____ No _____

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 _____ day of _____,

CKC Commercial Properties LLC

Applicant's Name - Printed

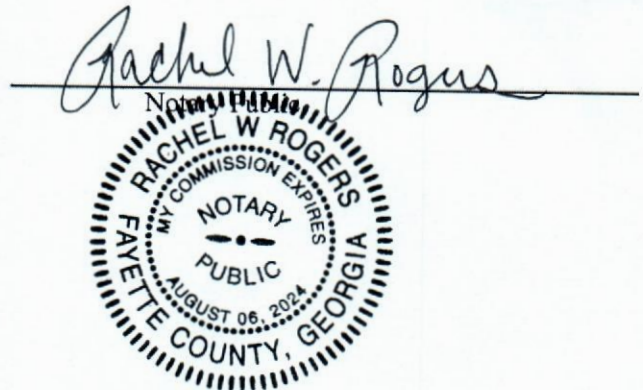
By: A. Ryan Hapting

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 28 day of June, 2022.



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



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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No ☒

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 1st day of March, 2022

Michele Battle

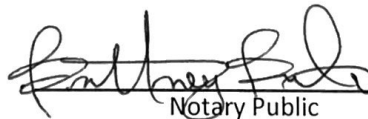
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of March, 2022.


Notary Public



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



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

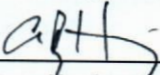
The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name: CKC Commercial Properties LLC

Property Address: 3884 Walt Stephens Road

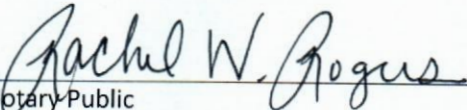
Telephone: (678) 634-9969 Email: ryan.haning@cfacorp.com

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

Signature:  Date: 6/28/2022
By: A. Ryan Haning

Personally appeared before me,
A. Ryan Haning

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


Notary Public

6/28/22
Date



Print

CKC COMMERCIAL PROPERTIES, LLC

WRITTEN CONSENT OF THE SOLE MEMBER
IN LIEU OF MEETING

The undersigned, being the sole member of CKC Commercial Properties, LLC, a Georgia limited liability company (the "Company"), pursuant to Section 14-11-309 of the Georgia Limited Liability Company Act, does hereby adopt to be effective as of January 1, 2022, the following resolutions by written consent:

WHEREAS, Cynthia K. Cathy is and shall remain the sole member and managing member of the Company; and

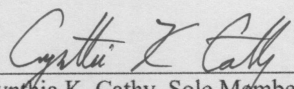
WHEREAS, it is the desire of the sole member, in accordance with the Operating Agreement of the Company, to elect officers to serve on behalf of the Company until their successors shall have been duly elected and qualified.

NOW, THEREFORE, BE IT RESOLVED, that the following persons, and the same hereby are, elected to the offices set forth next to their names below, each to serve as an officer of the Company until his or her respective successor shall have been duly elected and qualified:

Cynthia K. Cathy	President
Donald M. Cathy	Vice President
A. Ryan Haning	Secretary and Treasurer

FURTHER RESOLVED, that all contracts, purchases, compensations, proceedings, appointments and any other actions and activities taken, and any documents executed, by or in the name of the Company, by the sole member or managing member of the Company, in either such capacity, or any officer of the Company, or any representative of the Company authorized by the sole member or managing member or any officer of the Company to take such actions or execute such documents, as applicable, since January 1, 2020, and through the date hereof, are hereby authorized, approved, ratified and confirmed in all respects as the acts and deeds of the Company, effective as of the respective dates of such actions and documents.

IN WITNESS WHEREOF, the undersigned, as the sole member of the Company, has executed this Written Consent as of the day and year first above written.



Cynthia K. Cathy, Sole Member

BK:18951 PG:325-327

Filed and Recorded

Mar-10-2022 02:42 PM

DOC# 2022 - 009902

Real Estate Transfer Tax

Paid: \$ 350.00

0752022002638

SABRIYA HILL

CLERK OF SUPERIOR COURT

HENRY COUNTY, GA

Participant ID: 0397807349

After recording, please return to:

Burgess Title & Escrow, LLC

2330 Patrick Henry Parkway, Suite 350

McDonough, GA 30253

File #22-1466

TAX PARCEL: 031-02012000

STATE OF GEORGIA

COUNTY OF HENRY

LIMITED WARRANTY DEED

THIS INDENTURE is made this 9th day of March 2022, by and between
SOLUTIONS DEVELOPMENT, LLC, a Georgia limited liability company (hereinafter called
"Grantor") and

CKC COMMERCIAL PROPERTIES, LLC, a Georgia limited liability company (hereinafter
called "Grantee"). The words "Grantor" and "Grantee" include the neuter, masculine and
feminine genders, and the singular and the plural.

W I T N E S S E T H:

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand
paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other
good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,
Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal
representatives and assigns of Grantee, all that tract or parcel of land lying and being in **HENRY**
County, Georgia, being more particularly described as follows:

**SEE EXHIBIT "A" WHICH IS ATTACHED HERETO AND INCORPORATED
HEREIN BY THIS REFERENCE.**

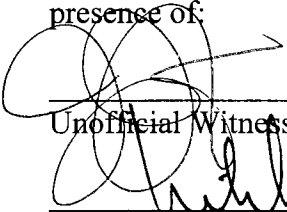
TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever in fee simple.

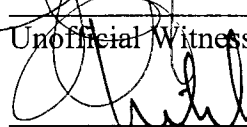
THIS CONVEYANCE IS made subject to all easements, covenants and restrictions of record.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons claiming by, through or under Grantor;

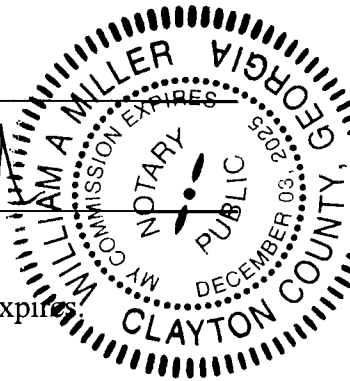
IN WITNESS WHEREOF, Grantor has caused its duly authorized agent to execute this indenture, and to deliver this indenture to Grantee, all the day and year first written above.

Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

My Commission Expires



GRANTOR:

SOLUTIONS DEVELOPMENT, LLC
a Georgia limited liability company


By: JAMES TURNER
Its: Sole Member

(SEAL)

(NOTARIAL SEAL)

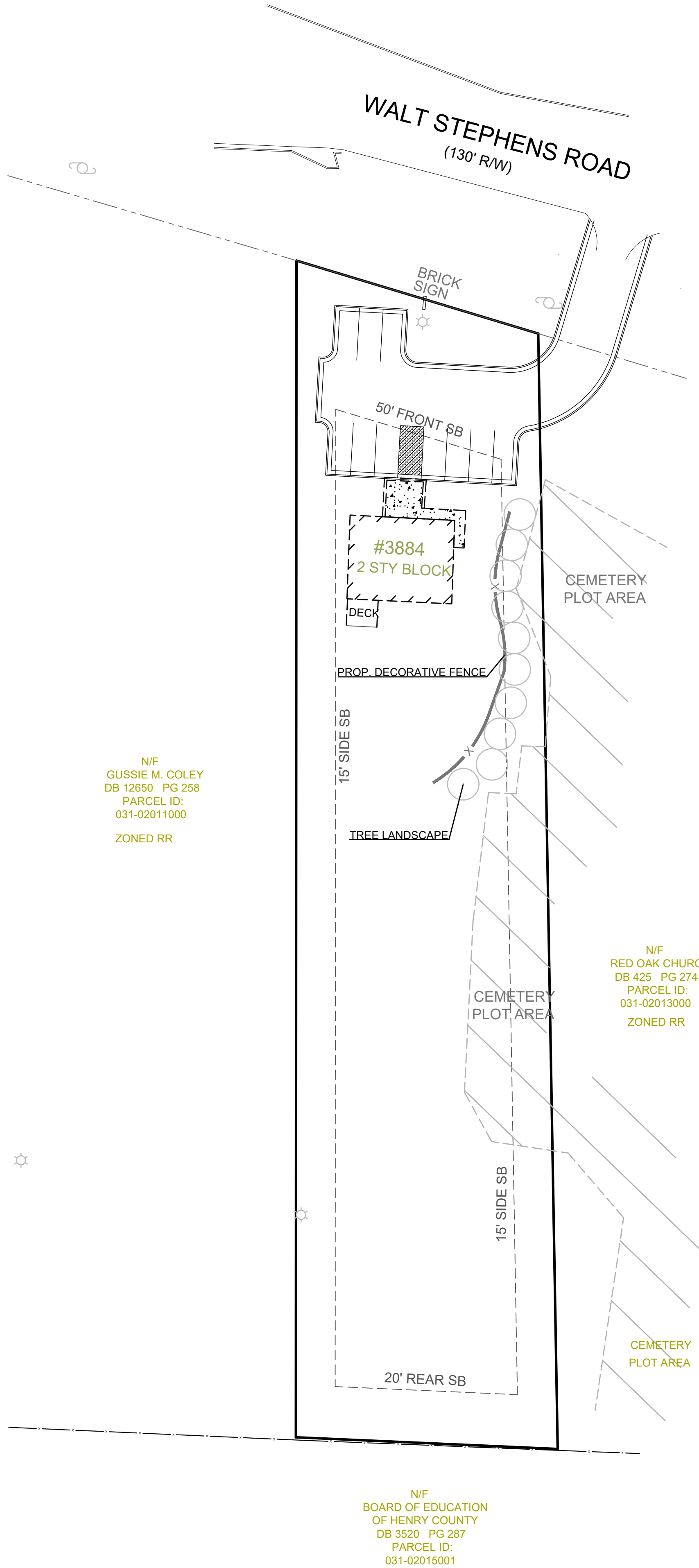
EXHIBIT "A"

Full legal description: Lying and being in land lot No. 25 in the 12th Land District of Henry County, Georgia, containing one (1) acre, more or less, described as follows: Beginning at the northwest corner of the Red Oak Church and Cemetery lot running west one hundred (100) feet; thence south parallel with the west line of Red Oak Church lot four hundred twenty (420) feet to a south line; thence east one hundred (100) feet to an iron stake; thence north four hundred twenty (420) feet along the west side of the Red Oak Church and cemetery property to beginning point. This property is also known as 3884 Walt Stephens Drive, Stockbridge, GA 30281.

GENERAL NOTES:

- LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- PROPERTY BOUNDARIES OBTAINED FROM ALTA SURVEY PERFORMED BY SES ENGINEERING.
- HYDROLOGY AND SEPTIC DESIGN WAS NOT INCLUDED AS PART OF THIS CONCEPT.

**BUFFER VARIANCE REQUIRED ADJACENT TO CEMETERY ON THE EASTERN BOUNDARY AND ALONG THE WESTERN BOUNDARY



LAND USE SUMMARY

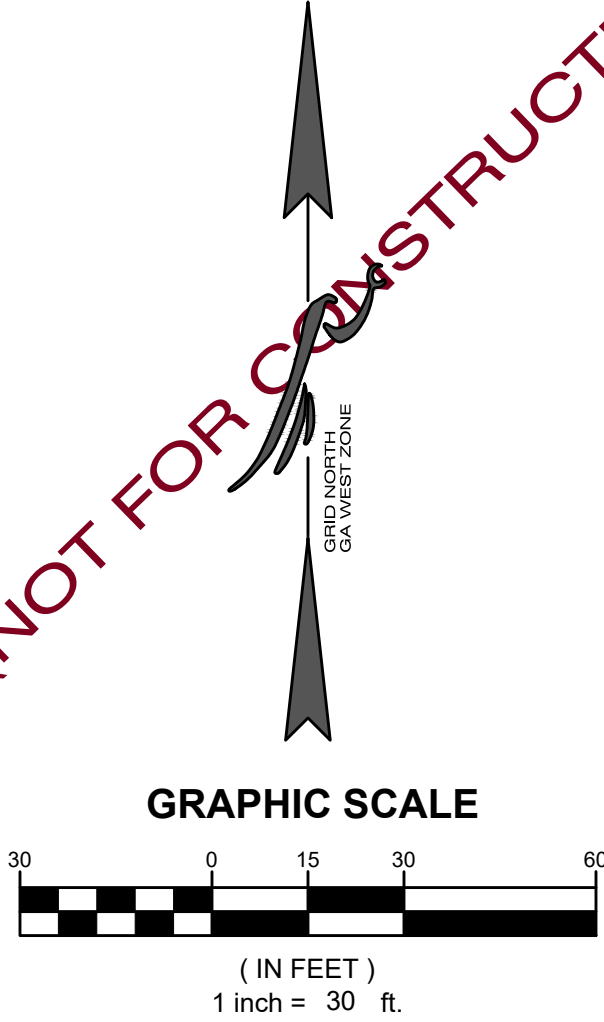
CURRENT ZONING :
RR: RURAL RESIDENTIAL DISTRICT

TOTAL SITE AREA : .96 ac

PROPOSED ZONING:
O/I OFFICE INSTITUTIONAL
STANDARDS:
MIN. LOT AREA : 20,000 SQ FT
MIN. LOT WIDTH : 125' *
FRONT S/B : 50'
SIDE S/B : 15'
REAR S/B : 20'
BUFFER: 50' **
PARKING REQUIRED: 10
PARKING PROVIDED: 10

*MINIMUM LOT WIDTH VARIANCE FROM 125' TO 95'

**BUFFER VARIANCE REQUIRED ADJACENT TO CEMETERY ON THE EASTERN BOUNDARY AND ALONG THE WESTERN BOUNDARY



CIVIL
ENGINEERING
COA NO. PER 004790

LAND
SURVEYING
COA NO. LST 000995

CONSTRUCTION
MANAGEMENT

LANDSCAPE
ARCHITECT

LAND
PLANNING

FALCON DESIGN
CONSULTANTS

STOCKBRIDGE OFFICE
255 CORP. CT. SW., STE. 200
STOCKBRIDGE, GEORGIA 30281
PH (770) 989-8666 - Fax (770) 989-8666

NEWNAN OFFICE
40 GREENWAY CT., STE. A
NEWNAN, GEORGIA 30565
PH (770) 755-7978

CUMMING OFFICE
500 PERKLE FERRY RD., STE. C
CUMMING, GEORGIA 30041
PH (678) 807-7100

www.fdc-llc.com

CONCEPT PLAN
FOR

3884 WALT STEPHENS ROAD

LOCATED IN:
LAND LOT 25, DISTRICT 12
STOCKBRIDGE, GEORGIA

DATE	REVISIONS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Know what's below.
Call before you dig.
UTILITIES PROTECTION CENTER
(800) 485-5844
OR DIAL 811

DATE:	6-22-22
SCALE:	AS SHOWN
PROJ NUMBER:	000.001
DRAWN BY:	JP
REVIEWED BY:	-
REVISED BY:	XXX

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

CP-1





City of Stockbridge

Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

This form must be completed and submitted to the Planning and Zoning Office with all zoning applications for properties that are not served by public sewer.

Name of Applicant: CKC Commercial Properties LLC Phone: 678-634-9969 Mobile: 678-634-9969
Applicant Address: 5200 Buffington Road City, State: Atlanta, Georgia Zip: 30349
Name of Agent: Battle Law, P.C. Phone: 404-601-7616 Mobile: 404-601-7616
Agent Address: 3562 Habersham at Northlake Building J, Suite 100 City, State: Tucker, Georgia Zip: 30084

Request (Check one):

Rezoning (Current Zoning RR Requested Zoning O1 Conditional Use _____ Variance _____ Zoning Modification _____)

For the Purpose of a children's speech therapy facility

Property Address: 3884 Walt Stephens Road Nearest Intersection to property: Walt Stephens Road and Monarch Village Way

Size of Tract: 0.963 acres Land Lot(s): 25 District(s): 12

Property Tax Parcel Number(s): 031-02012000 Proposed Number of Lots: 1

Signature of Owner: [Signature] Printed Name of Owner: CKC Commercial Properties LLC

Signature of Agent: _____ Printed Name of Agent: Battle Law, P. C.

(To be Completed by Henry County Environmental Health)

Check all that apply

- _____ There are suitable soils for the installation of a septic system on the subject property.
_____ There are not suitable soils for the installation of a septic system on the subject property.
_____ There is an existing septic system on the subject property.
_____ The existing septic system will support the proposed development and/or use.
_____ The existing septic system will not support the proposed development and/or use.

Comments: _____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____

For questions, please contact the City of Stockbridge Planning and Zoning Office at (770) 389-7900. - 11 -



City of Stockbridge
Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

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Applicant Address: 5200 Buffington Road City, State: Atlanta, Georgia Zip: 30349
Name of Agent: Battle Law, P.C. Phone: 404-601-7616 Mobile: 404-601-7616
Agent Address: 3562 Habersham at Northlake Building J, Suite 100 City, State: Tucker, Georgia Zip: 30084

Request (Check one):

Rezoning (Current Zoning RR Requested Zoning OI Conditional Use _____ Variance _____ Zoning Modification _____)

For the Purpose of children's speech therapy facility

Property Address: 3884 Walt Stephens Road Nearest Intersection to property: Walt Stephens Road and Monarch Village Way

Size of Tract: 0.963 acres Land Lot(s): 25 District(s): 12

Property Tax Parcel Number(s): 031-02012000 Proposed Number of Lots: 1

Signature of Owner: _____ Printed Name of Owner: CKC Commercial Properties LLC

Signature of Agent: _____ Printed Name of Agent: Battle Law, P.C.

(To be Completed by Henry County Environmental Health)

Check all that apply

- _____ There are suitable soils for the installation of a septic system on the subject property.
_____ There are not suitable soils for the installation of a septic system on the subject property.
_____ There is an existing septic system on the subject property.
_____ The existing septic system will support the proposed development and/or use.
_____ The existing septic system will not support the proposed development and/or use.

Comments: _____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
The City of Stockbridge Zoning Ordinance
For
A Rezoning from
RR to O-I

of

CKC COMMERCIAL PROPERTIES, LLC.
c/o Battle Law, P.C.

for

+/-0.963 Acres of Land
Being 3884 Walt Stephens Road
Stockbridge, Georgia and
Parcel Nos. 031-02012000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

CKC Commercial Properties, LLC. (the “Applicant”) is seeking to develop on +/- 0.963 acres of land being Tax Parcel No. 031-02012000 having frontage on 3884 Walt Stephens Road (the “Subject Property”) with a medical office that will serve as a children’s speech therapy facility. The Applicant is seeking a Rezoning of the Subject Property from RR to O-I.

This document serves as a statement of intent, analysis of the criteria under the Steinberg Act, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. STEINBERG CRITERIA/REZONING CRITERIA

Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Subject Property is immediately abutted by a school and a cemetery. In the immediate area there are churches, a senior living facility, and a commercial building that has various retail and restaurant uses. The zoning proposal requests a rezoning to O-I to allow for a medical office that will be used for a children’s speech therapy facility. This use fits in nicely with the nearby institutional uses and would not be adverse to the immediately surrounding uses. In fact, with the school being next door, a speech therapy facility that services children could be a great help to any children attending the school who are in need of speech therapy. This zoning proposal would create a convenient option for those students. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The Subject Property was used as a church, but is not vacant. The zoning proposal to allow for the children’s speech therapy facility will in no way adversely affect the surrounding properties. Furthermore, the intensity of use that is brought on by this proposed zoning is likely to be much lower than the old use as a church. As a church, the Subject Property likely attracted a great deal of visitors several times a week. As a children’s speech therapy facility, that number will almost certainly be less. A children’s speech therapy facility will not generate any noise or add students to any schools. The impact from this use will be minimal. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;



Battle Law

The property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned. The current RR zoning allows for some residential uses (single-family, boarding house/group home, manufactured homes, and senior adult housing), public/institutional uses (cemeteries, government buildings, school, and emergency response and public safety facilities), and communications/utilities uses (wireless telecommunications, utility substation, and a water tower). None of these uses truly qualify as a “reasonable economic use” because the Subject Property is already developed in such a way that precludes these uses (save for the public/institutional uses). Rezoning the Subject Property in accordance with this zoning proposal would allow the current building to be remodeled and used for the children’s speech therapy facility. The uses outlined above would almost certainly require that the existing building be torn down and the Subject Property redeveloped. Therefore, the property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned.

Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal will draw very little traffic, much less than what the church drew. The transportation facilities and streets will be minimally impacted by this proposal. The zoning proposal will have very little impact on utilities as well given that the building on the Subject Property is serviced by septic tank rather than sewer. Lastly, no schools will be adversely affected by the zoning proposal. Therefore, the zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

The zoning proposal is in conformity with the policy and intent of the land use plan.

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The Applicant is not aware of any other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Rezoning from/to RR to O-I be approved. The Applicant welcomes any questions and feedback from the planning staff.



Battle Law

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of Stockbridge 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 Stockbridge 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 Stockbridge City Council to amend the land use and/or 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.



Battle Law

A refusal to allow the land use amendment and/or Rezoning in questions 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 land use amendment and/or 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 land use designation and/or 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 County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton 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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant



TO: Mayor/Council
Planning Commission

FROM: Gordon Linton, Planner I

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

DATE: August 25, 2022

Subject: #VR-2022-02 For 3884 Walt Stephens Road

I. PURPOSE

The applicant is requesting three variances from the development regulations in the Unified Development Code. These variances are as follows:

1. Reduce the required minimum lot width of 125 feet to 96.37 feet.
2. Reduce the buffer on the eastern side from 50 feet to 0 feet.
3. Reduce the buffer on the western side of the property from 50 feet to 0 feet.

Application by CKC Commercial Properties, LLC.

II. Background

Proposed Development	The applicant proposes to open a speech therapy facility at the existing building.
Site Address	3884 Walt Stephens Road
Parcel Identification	The parcel number is #031-02012000.
Parcel Acreage	0.964 +/- acres
Applicant	CKC Commercial Properties, LLC. 5200 Buffington Road Atlanta, GA, 30349 678-634-9969
Owner	CKC Commercial Properties, LLC. 5200 Buffington Road Atlanta, GA, 30349 678-634-9969

Historic District	N/A
Current Zoning	RR (Rural Residential District)
Zoning History	The property was annexed into the city upon the request of Angela Arnold of Anointed Prayers of Faith on December 10, 2016.
Current Use	There is currently a building located at the property.

SURROUNDING LAND USE AND ZONING

Location	Existing Land Use	Existing Zoning
Property to the North	Hội Thánh Nguồn Sống (Church)	MFR (Multiple Family Residential District)
Property to the South	Red Oak Elementary School	PUD (Planned Unit Development District)
Property to the East	Red Oak United Methodist Church	RR (Rural Residential District)
Property to the West	House of Prayer & Fellowship; Practical Learning Ivy League College Preparatory Academy	RR (Rural Residential District); C-1 (Neighborhood Commercial District)

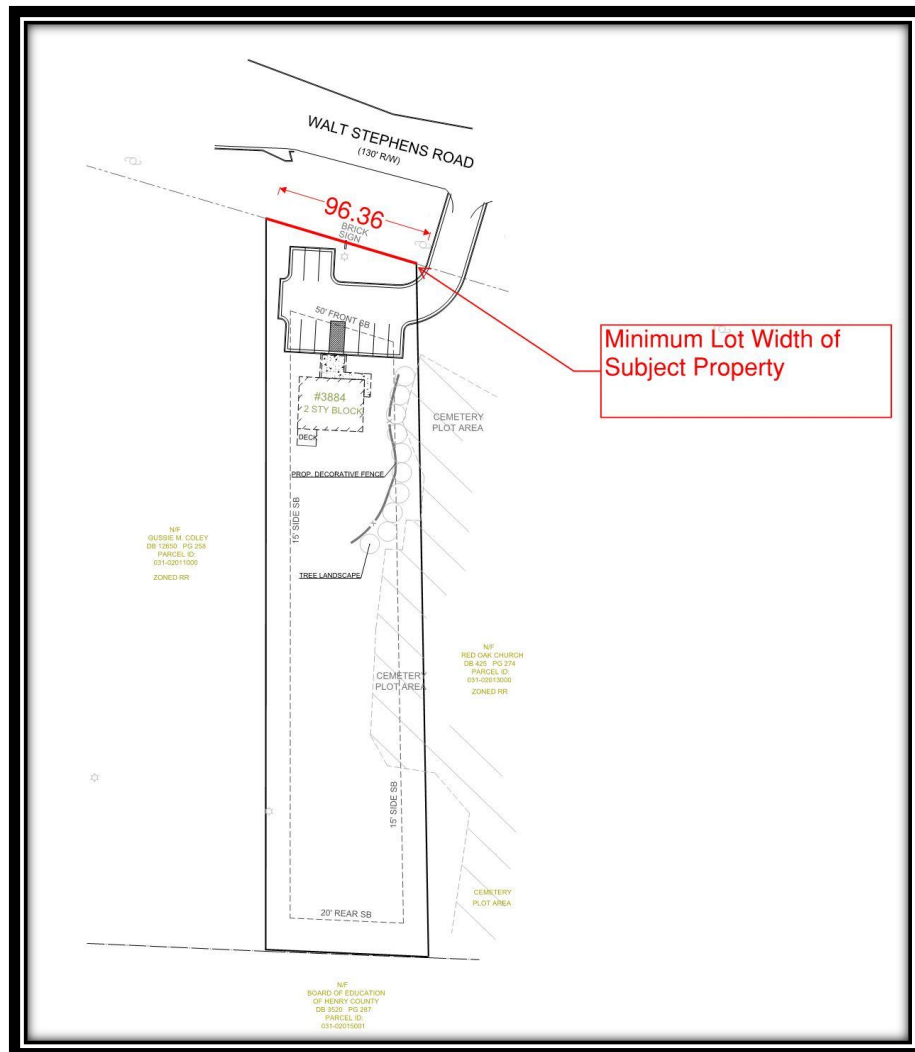
III. Finding of Facts

- The future land use designation of the subject property is **Public/Institutional**.
- The subject property is a part of the **Parkway Mixed-Use Overlay District**.
- The subject property has previously been a church known as **Anointed Prayers of Faith** and a **Masonic lodge**.
- The building was constructed in **1970**.

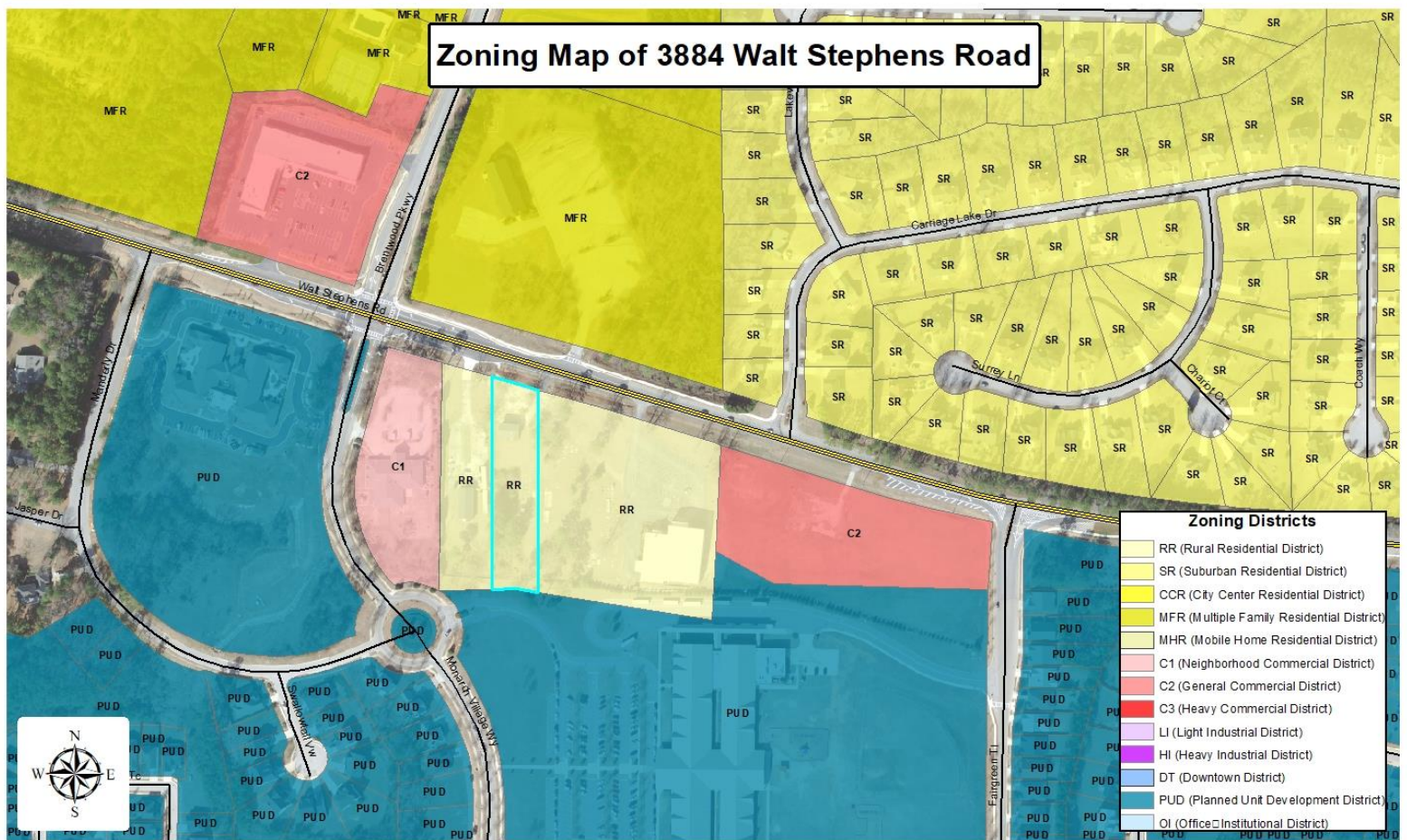
IV. Maps and Illustrations



Aerial Photo of 3884 Walt Stephens Road



Conceptual Site Plan of 3884 Walt Stephens Road



Zoning Map of 3884 Walt Stephens Road



Current Building

V. Analysis

Project Description

The applicant is requesting three variances from the development regulations in the Unified Development Code. These variances are as follows:

4. Reduce the required minimum lot width of 125 feet to 96.37 feet.
5. Reduce the buffer on the eastern side from 50 feet to 0 feet.
6. Reduce the buffer on the western side of the property from 50 feet to 0 feet.

A rezoning request is running concurrently with the variance request to rezone the subject property from RR (Rural Residential District) to OI (Office-Institutional District).

Staff Analysis

The applicant requests a **variance** under the City of Stockbridge Unified Development Code Section **(Sec. 10.1)**. **The Planning Commission and the City Council shall consider the weight and merits of each of the following factors before granting variances:**

Section 10.1.1.1

- A. A variance may be granted where owing to special conditions, a literal enforcement of the provisions of this Unified Development Code will result in an individual case result in unnecessary hardship.
- B. A variance shall observe the spirit of this Unified Development Code, secure public safety and welfare, and deliver substantial justice.
- C. The existence of a nonconforming use on adjacent or nearby property shall not constitute a justification for granting a variance.
- D. The Planning Commission shall make recommendations to the Mayor and City Council which shall have the authority to render a decision on a variance application pursuant to the public notice and hearing requirements set forth in Chapter 9.
- E. A variance may not be granted for a use specifically prohibited by the Unified Development Code. A variance is intended to compensate for a shortfall in a dimension of property that would prevent the property from complying with a site design standard. Variances may only be granted following a review of an application against the **criteria** listed below:

ANALYSIS OF REQUEST (Section 10.1.2)

A variance may be granted only upon a finding by the Mayor and City Council that all the following conditions are met.

1. **Extraordinary and exceptional circumstances pertaining to the particular piece of property exist due to its size, shape, or topography that are not found on other properties in the same zoning district;**
 - There are extraordinary and exceptional circumstances pertaining due to the size of the subject property that are not found on the other properties in the same zoning district. The

subject property is 96.37 feet on the front section of the property and is 100 feet in the rear section of the property. As a result, the property is very narrow, which would not meet the minimum lot requirements of the Unified Development Code.

The reduction of the buffers would allow any necessary development of the subject property.

2. A literal interpretation of the provisions of this Unified Development Code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

- A literal interpretation of the provisions of the Unified Development Code would deprive the applicant of the rights commonly enjoyed by owners of other properties located in the same zoning district. Since the building is not 125 feet wide as required by the development standards of the O-I, the applicant may not use it for institutional purposes. By reducing the minimum lot width from 125 to 96.37 feet, the applicant could utilize the existing building for institutional purposes.

3. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

- Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district.

4. The variance will be consistent with the purposes and intent of this Unified Development Code, will be compatible with uses on neighboring properties, and will serve the public welfare;

- The requested variances will be consistent with the purposes and intent of the Unified Development Code, and will be compatible with uses on neighboring properties, and will serve the public welfare. By approving the requested variances, the subject property will be used to assist children who need speech therapy assistance.

5. The extraordinary circumstances are not the result of actions by the applicant;

- The extraordinary circumstances are not the result of actions by the applicant. The building was developed as a church and a masonic lodge with a narrow front section.

6. The variance is the minimum relief that will allow the legal use of the land, building or structure.

- The requested variances are the minimum relief that will allow the legal use of the land, building or structure.

7. The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

- The proposed rezoning to OI will allow the owner to use the subject property for the speech

therapy facility. Therefore, the variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

Summary of Impacts/Concerns

Fire Marshal	N/A
Henry County Water and Sewer	A letter from the Henry County Water and Sewerage Authority, dated July 5, 2022, states the County and water services are provided to the subject property.

VI. STAFF RECOMMENDATION

Staff recommends approval of the three requested variances.

Variance Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR VARIANCE APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE
PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM,
MONDAY THROUGH FRIDAY,
AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD
VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

City of Stockbridge Planning and Zoning Division
Community Development Department

VARIANCE APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL VARIANCE APPLICATIONS.

ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease"	
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application and must be notarized .	
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question.	
Letter of Intent	1	Must clearly state the proposed use and development intent.	
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	
Letter from the Henry County Water and Sewerage Authority	1	This letter must accompany the application at the time of submittal. For properties that receive water and sewer service from the City of Stockbridge, please contact the Stockbridge Public Works Department.	
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	

Procedures

A pre-application meeting with one of the staff planners before submission of any application is required. A scheduled appointment is required. *(No opinions or guidance can be given over the phone).* Staff will review the request and discuss all necessary code requirements that affect the request. Staff may also need to consult other City departments before accepting the application. The request will then be advertised in the *Henry Daily Herald* and a sign will be posted at least 15 days prior to the scheduled public meeting date.

No application will be accepted unless all necessary documentation is complete and a pre-application meeting has been held (there will be no exceptions.)

The City of Stockbridge Planning Commission meets on the 4th Thursday of each month (except for holidays) to hear requests. Please contact the Planning and Zoning Office to obtain a copy of the schedule.

Notes

Contacts

City of Stockbridge Planning and Zoning Division
Community Development Department
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (770) 389-7900

City of Stockbridge Building Services
Municipal Court Building
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (678) 833-3314

City of Stockbridge Business Services Office
Stockbridge City Hall
4640 North Henry Boulevard
Stockbridge, GA 30281
Tel. (678) 833-3302

City of Stockbridge Code Enforcement Office
Municipal Court Building
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (678) 833-3321

City of Stockbridge Public Works Department -----Water Department tel.: (770) 474-1232
Stockbridge Public Works Building Sewer Department tel.: (678) 833-3301
321 Taylor Drive
Stockbridge, GA 30281

Henry County Water and Sewer Authority
1695 Highway 20 West
McDonough, GA 30253
tel. (770) 957-6659

Henry County Health Department
Environmental Health Section
137 Henry Parkway
McDonough, GA 30253
tel. (770) 954-2078

Henry County Fire Department
664 Industrial Boulevard
McDonough, GA 30253
tel. (770) 288-6600

Henry County Police Department
100 Henry Parkway
McDonough, GA 30253
tel. (770) 288-8200

Henry County Environmental Compliance
And Plan Review
140 Henry Parkway
McDonough, GA 30253
tel. (770) 288-6064

Henry County Board of Education
33 North Zach Hinton Parkway
McDonough, GA 30253
tel. (770) 957-6601

City of Stockbridge Planning and Zoning Division
Variance Application

Name of Applicant CKC Commercial Properties, LLC. Phone: 7678-634-9969 Date: July 5, 2022

Address Applicant: 5200 Buffington Road Fax _____ Pager/Cell # 678-634-9969

City: Atlanta State: GA Zip: 30349 E-mail: ryan.harding@cfacorp.com (harding)

Name of Agent Battle Law, P.C. Phone: 404-601-7616 Date: July 5, 2022

Address Agent: 3562 Habersham at Northlake Building J, Ste. 100 Fax 404-745-0045 Pager/Cell # 404-601-7616

City: Tucker State: GA Zip: 30084 E-mail: mlb@battlelawpc.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.

Variance(s) being requested _____

Variance to reduce minimum lot width from 125' to 96.37'.

Variance to reduce buffer on East side of property from 50' to 0'.

Variance to reduce buffer on West side of property from 50' to 0'.

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: 3884 Walt Stephens Road

Nearest intersection to the property: Walt Stephens Road and Brentwood Parkway
(Street Address)

Size of Tract: 0.963 acre(s), Land Lot Number(s): 25, District(s): 12

Property Tax Parcel Number(s): 031-02012000 (Required)

Kendall C Elliott
Witness' Signature

ARH
Signature of Applicant

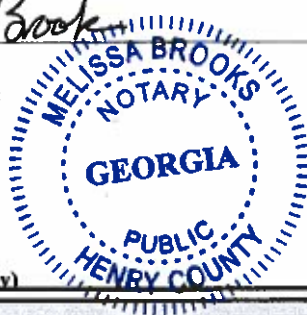
Kendall Elliott
Printed Name of Witness

CKC Commercial Properties, LLC
Printed Name of Applicant

Melissa Brooks
Notary

ARH
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 rezoning, campaign contributions aggregating \$250 or more, or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes _____ No _____

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 _____ day of _____,

CKC Commercial Properties LLC

Applicant's Name - Printed

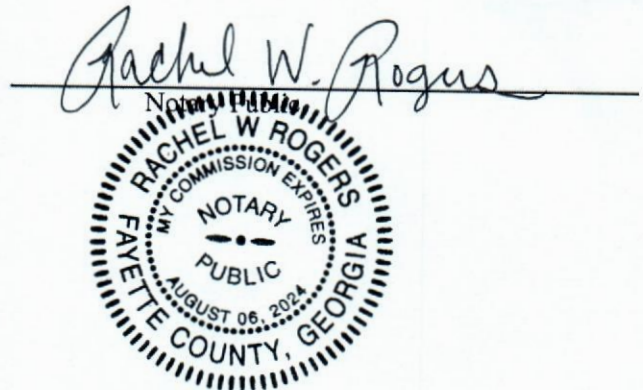
By: A. Ryan Hapting

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 28 day of June, 2022.



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



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 rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or the Stockbridge City Council, who will consider the application?

Yes _____ No ☒

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

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

We certify that the foregoing information is true and correct, this 1st day of March, 2022

Michele Battle

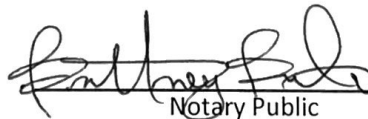
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of March, 2022.


Notary Public



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



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a rezoning of the property.

Name:

CKC Commercial Properties LLC

Property Address: 3884 Walt Stephens Road

Telephone: (678) 634-9969

Email: ryan.haning@cfacorp.com

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

Signature:

By: A. Ryan Haning

Date:

6/28/2022

Personally appeared before me,

A. Ryan Haning

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

Notary Public

Date

6/28/22



Print

CKC COMMERCIAL PROPERTIES, LLC

WRITTEN CONSENT OF THE SOLE MEMBER
IN LIEU OF MEETING

The undersigned, being the sole member of CKC Commercial Properties, LLC, a Georgia limited liability company (the "Company"), pursuant to Section 14-11-309 of the Georgia Limited Liability Company Act, does hereby adopt to be effective as of January 1, 2022, the following resolutions by written consent:

WHEREAS, Cynthia K. Cathy is and shall remain the sole member and managing member of the Company; and

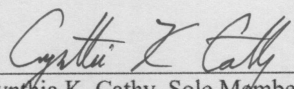
WHEREAS, it is the desire of the sole member, in accordance with the Operating Agreement of the Company, to elect officers to serve on behalf of the Company until their successors shall have been duly elected and qualified.

NOW, THEREFORE, BE IT RESOLVED, that the following persons, and the same hereby are, elected to the offices set forth next to their names below, each to serve as an officer of the Company until his or her respective successor shall have been duly elected and qualified:

Cynthia K. Cathy	President
Donald M. Cathy	Vice President
A. Ryan Haning	Secretary and Treasurer

FURTHER RESOLVED, that all contracts, purchases, compensations, proceedings, appointments and any other actions and activities taken, and any documents executed, by or in the name of the Company, by the sole member or managing member of the Company, in either such capacity, or any officer of the Company, or any representative of the Company authorized by the sole member or managing member or any officer of the Company to take such actions or execute such documents, as applicable, since January 1, 2020, and through the date hereof, are hereby authorized, approved, ratified and confirmed in all respects as the acts and deeds of the Company, effective as of the respective dates of such actions and documents.

IN WITNESS WHEREOF, the undersigned, as the sole member of the Company, has executed this Written Consent as of the day and year first above written.

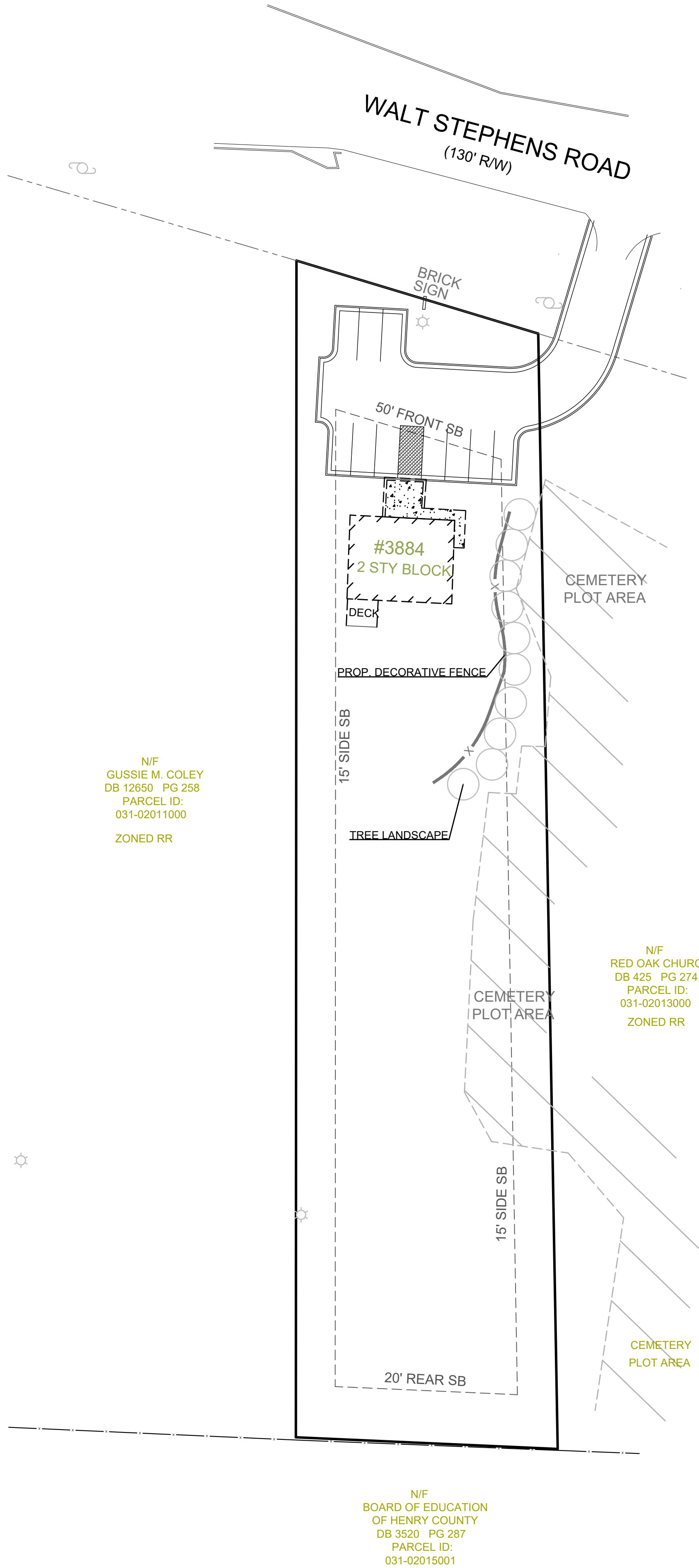


Cynthia K. Cathy, Sole Member

GENERAL NOTES:

- LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- PROPERTY BOUNDARIES OBTAINED FROM ALTA SURVEY PERFORMED BY SES ENGINEERING.
- HYDROLOGY AND SEPTIC DESIGN WAS NOT INCLUDED AS PART OF THIS CONCEPT.

**BUFFER VARIANCE REQUIRED ADJACENT TO CEMETERY ON THE EASTERN BOUNDARY AND ALONG THE WESTERN BOUNDARY



LAND USE SUMMARY

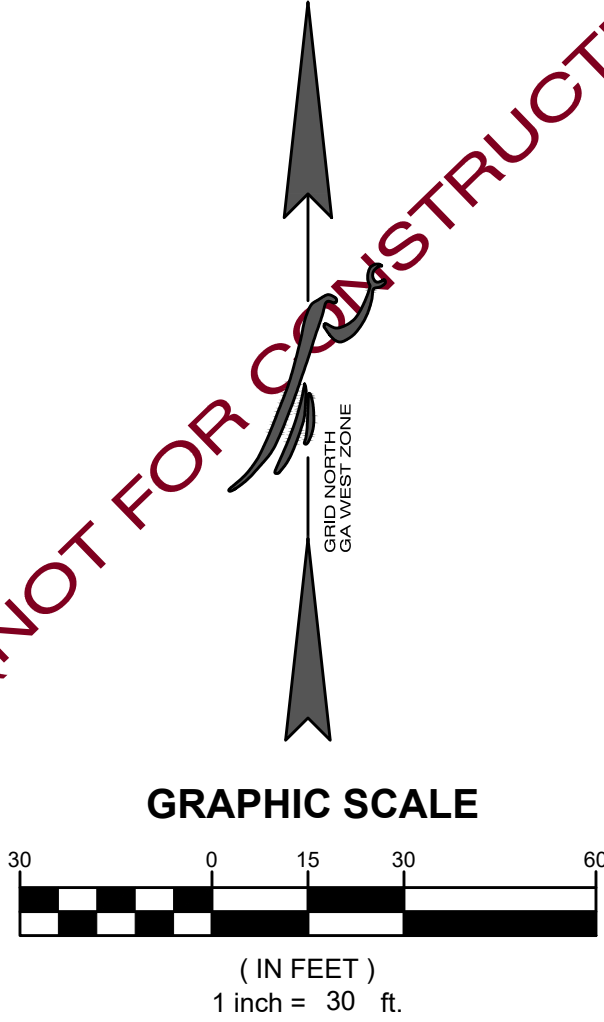
CURRENT ZONING :
RR: RURAL RESIDENTIAL DISTRICT

TOTAL SITE AREA : .96 ac

PROPOSED ZONING:
O/I OFFICE INSTITUTIONAL
STANDARDS:
MIN. LOT AREA : 20,000 SQ FT
MIN. LOT WIDTH : 125' *
FRONT S/B : 50'
SIDE S/B : 15'
REAR S/B : 20'
BUFFER: 50' **
PARKING REQUIRED: 10
PARKING PROVIDED: 10

*MINIMUM LOT WIDTH VARIANCE FROM 125' TO 95'

**BUFFER VARIANCE REQUIRED ADJACENT TO CEMETERY ON THE EASTERN BOUNDARY AND ALONG THE WESTERN BOUNDARY



CIVIL
ENGINEERING
COA NO. PER 864790

LAND
SURVEYING
COA NO. LST 460995

CONSTRUCTION
MANAGEMENT

LANDSCAPE
ARCHITECT

LAND
PLANNING

FALCON DESIGN
CONSULTANTS

STOCKBRIDGE OFFICE
255 CORP. CT. DR. STE 200
STOCKBRIDGE, GEORGIA 30281
PH (770) 880-8666 Fax (770) 880-8666

NEWNAN OFFICE
40 GREENWAY CT., STE A
NEWNAN, GEORGIA 30055
PH (770) 755-7978

CUMMING OFFICE
500 PERKLE FERRY RD., STE C
CUMMING, GEORGIA 30041
PH (678) 807-7100

www.fdc-llc.com

CONCEPT PLAN
FOR

3884 WALT STEPHENS ROAD

LOCATED IN:
LAND LOT 25, DISTRICT 12
STOCKBRIDGE, GEORGIA

DATE	REVISIONS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Know what's below.
Call before you dig.
UTILITIES PROTECTION CENTER
(800) 485-5844
OR DIAL 811

DATE:	6-22-22
SCALE:	AS SHOWN
PROJ NUMBER:	000.001
DRAWN BY:	JP
REVIEWED BY:	-
REVISED BY:	XXX

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

CP-1





City of Stockbridge

Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

This form must be completed and submitted to the Planning and Zoning Office with all zoning applications for properties that are not served by public sewer.

Name of Applicant: CKC Commercial Properties LLC Phone: 678-634-9969 Mobile: 678-634-9969
Applicant Address: 5200 Buffington Road City, State: Atlanta, Georgia Zip: 30349
Name of Agent: Battle Law, P.C. Phone: 404-601-7616 Mobile: 404-601-7616
Agent Address: 3562 Habersham at Northlake Building J, Suite 100 City, State: Tucker, Georgia Zip: 30084

Request (Check one):

Rezoning (Current Zoning RR Requested Zoning O1 Conditional Use _____ Variance _____ Zoning Modification _____)

For the Purpose of a children's speech therapy facility

Property Address: 3884 Walt Stephens Road Nearest Intersection to property: Walt Stephens Road and Monarch Village Way

Size of Tract: 0.963 acres Land Lot(s): 25 District(s): 12

Property Tax Parcel Number(s): 031-02012000 Proposed Number of Lots: 1

Signature of Owner: [Signature] Printed Name of Owner: CKC Commercial Properties LLC

Signature of Agent: _____ Printed Name of Agent: Battle Law, P. C.

(To be Completed by Henry County Environmental Health)

Check all that apply

- _____ There are suitable soils for the installation of a septic system on the subject property.
_____ There are not suitable soils for the installation of a septic system on the subject property.
_____ There is an existing septic system on the subject property.
_____ The existing septic system will support the proposed development and/or use.
_____ The existing septic system will not support the proposed development and/or use.

Comments: _____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____

For questions, please contact the City of Stockbridge Planning and Zoning Office at (770) 389-7900. - 11 -

City of Stockbridge
Planning and Zoning Office

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Signature of Agent: _____ Printed Name of Agent: Battle Law, P.C.

(To be Completed by Henry County Environmental Health)

Check all that apply

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There are **not** suitable soils for the installation of a septic system on the subject property.

_____ There is an existing septic system on the subject property.

 The existing septic system will support the proposed development and/or use.

 The existing septic system will **not** support the proposed development and/or use.

Comments: _____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
The City of Stockbridge Zoning Ordinance
For
Variances on
Minimum Lot Width and Buffer Requirements

of

CKC COMMERCIAL PROPERTIES, LLC.
c/o Battle Law, P.C.

for

+/-0.963 Acres of Land
Being 3884 Walt Stephens Road
Stockbridge, Georgia and
Parcel Nos. 031-02012000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

CKC Commercial Properties, LLC. (the “Applicant”) is seeking to develop on +/- 0.963 acres of land being Tax Parcel No. 031-02012000 having frontage on 3884 Walt Stephens Road (the “Subject Property”) with a medical office that will serve as a children’s speech therapy facility. The Applicant is seeking a Variance on the Subject Property to reduce the minimum lot width under OI from 125 feet to 96.37 feet; a variance to reduce the buffer on the East side of the property from fifty (50) feet to zero (0) feet; and a variance to reduce the buffer on the West side of the property from fifty (50) feet to zero (0) feet.

This document serves as a statement of intent, analysis of the criteria under the City of Stockbridge Unified Development Code, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. VARIANCE CRITERIA

Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due to its size, shape, or topography that are not found on other properties in the same zoning district;

There are extraordinary and exceptional circumstances pertaining to the particular piece of property in questions due to its size that are not found on other properties in the same zoning district. The Subject Property is just under one acre and has 96.37 feet of frontage on Walt Stephens Road. The rear of the property is one hundred (100) feet wide. Additionally, this parcel is already developed with a building that was once used as a church (i.e. for an institutional use). This parcel’s narrowness keeps it from conforming with the minimum lot width under the City’s Unified Development Code, despite the fact that it was used for institutional purposes in the past. This variance proposal would remedy that by reducing the minimum lot width and allow the parcel to be used for institutional uses.

The required buffers on this parcel are put in place by the Unified Development Code. The Code requires fifty (50) feet of buffer when a parcel zoned OI abuts a parcel zoned RR. In this case, because the Subject Property is only one hundred (100) feet wide, the two buffers would meet right in the center of the Subject Property and prohibit any development on the Subject Property. The Subject Property is already developed, though. So, the variance requests to reduce the buffers to zero (0) feet would remedy an existing issue. No further development of the Subject Property would be required to introduce the new use. Only remodeling of the existing building.

A literal interpretation of the provisions of the Unified Development Code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

A literal interpretation of the provisions of the Unified Development Code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning



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district. Other property owners in the OI district enjoy the right to use their property for institutional uses and to develop their property with buildings where institutional uses can take place. In this case, the building already exists on the Subject Parcel, but it may not be used for institutional uses because the lot upon which the building sits is not 125 feet wide. By reducing this minimum lot width, the Applicant will be able to enjoy the same rights as other property owners with property zoned OI.

Additionally, the buffers on the Subject Property totally prohibit any development of the Subject Property. The buffers are so large and the Subject Property so narrow that the buffers entirely encompass the Subject Property. However, the Subject Property is already developed. So, reducing the buffers to zero (0) feet will remedy the existing nonconformity.

Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

Granting any of the variances requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district. Rather, granting all of the requested variances is the only way the Subject Property may be used for institutional uses at all.

The variance will be consistent with the purposes and intent of this Unified Development Code, will be compatible with uses on neighboring properties, and will serve the public welfare;

The variances requested will be consistent with the purposes and intent of the Unified Development Code and will be compatible with uses on neighboring properties, and will serve the public welfare. The Subject Property abuts a cemetery and a school. Granting all three of the variances requested will simply allow for the Subject Property to be used for the proposed children's speech therapy facility. This use will in no way adversely impact the abutting uses. Development of the Subject Property is not at all required, only remodeling of the existing building. Thus, there will be no external changes to the Subject Property save for a new parking lot. Granting the variances herein will allow for a currently unused plot of land to once again be used. In this case, the Subject Property will be used to benefit children who suffer from speech impediments. Thus, the variance requests will be consistent with the purposes and intent of the Unified Development Code and will be compatible with uses on neighboring properties, and will serve the public welfare.

The extraordinary circumstances are not the result of actions of the applicant;

While the OI regulations apply to the Subject Property due to a rezoning of the Applicant, the extraordinary circumstances that affect the Subject Property are not the result of actions of the applicant. The extraordinary circumstances in this case are not the zoning regulations, but the narrowness of the Subject Property. The OI zoning regulations interact with the narrowness of the Subject Property to create an undue burden upon the property owner that calls for relief via the requested variances. The narrowness of the Subject Property is in no way connected with the actions of the Applicant.



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The variance is the minimum relief that will allow the legal use of the land, building or structure; and

The variance is the minimum relief that will allow the legal use of the land, building or structure

The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

The medical office use that will allow for the children's speech therapy facility is a permitted use in the OI district. Therefore, the variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for Variances to reduce the minimum lot width under OI from 125 feet to 96.37 feet; to reduce the buffer on the East side of the property from fifty (50) feet to zero (0) feet; and to reduce the buffer on the West side of the property from fifty (50) feet to zero (0) feet be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of Stockbridge 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 Stockbridge 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



Battle Law

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 Stockbridge City Council to grant the variance on the Subject Property 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 approval of a variance 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 grant the Variances in questions 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 grant the Variances 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 land use designation and/or 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 County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton 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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant



TO: Mayor/Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

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

DATE: August 25, 2022

SUBJECT: Comprehensive Plan Amendment Case #CP-2022-03 for Twelve (12) Parcels for the Proposed “Tranquil Trails” Residential Development

I. PURPOSE

Consider a Comprehensive Plan Amendment application by Highway 138 Spivey Road Land Assemblage, LLC, represented by Randy Stamey, to change the future land use designations of certain property from ‘Low-Density Vertical Mixed-Use’ to ‘High Density Residential’ to allow for a mixed-residential development with 318 apartments and 50 townhomes. The property has frontage on Highway 138 West (Lake Spivey Parkway), Spivey Road, Berkeley Drive, Starr Circle, and Tributary Parkway. It contains 26.5 +/- total acres within twelve (12) parcels, as are listed below, in Land Lot 42 of District 12, within the Stockbridge City Limits. The applicant has also applied for a Rezoning via RZ-2022-04 (from RR, SR, and C-2 to PUD) and a Recombination via RC-2022-01. The developer would be Tellus Partners, LLC.

II. COMPONENT PARCELS

The proposed site would contain the twelve (12) parcels that are listed below. The first two parcels below are owned by Everything VM, LLC. The remaining ten parcels are owned by Martin Gonzalez; they are zoned ‘C-2’ (General Commercial); and they are part of the Pinnacle Pointe @ Spivey Subdivision. (It is important to note that Parcel #012-02013000 with 2.00 +/- acres at 3020 Highway 138 West, owned by Southern Crescent Financial Group, would NOT be included within the site).

1. Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Owned by Everything VM, LLC. Contains 14.01 +/- acres. Zoned ‘RR’ (Rural Residential).
2. Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned ‘SR’ (Suburban Residential).

3. Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).
4. Parcel #012D01012000—Located at the southeast corner of Tributary Parkway and Berkeley Drive. Contains 0.501 +/- acres. Zoned 'C-2' (General Commercial).
5. Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).
6. Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).
7. Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).
8. Parcel #012D01007000-- Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).
9. Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).
10. Parcel #012D01009000—Located at 1700 Starr Circle. Contains 1.21 acres. Zoned 'C-2' (General Commercial).
11. Parcel #012D01010000-- Located at the northwest corner of Berkeley Drive and Spivey Road. Contains 0.737 +/- acres. Zoned 'C-2' (General Commercial).
12. Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).

III. BACKGROUND

Proposed Development	Mixed-residential project, including 318 apartments and 50 townhomes.
Site Address	Includes multiple addresses and parcel numbers.
Parcel Identification	Subject property includes 12 parcels, per the list above.
Parcel Acreage	26.5 +/- total acres within 12 parcels.
Applicant	Highway 138 Spivey Road Land Assemblage, LLC
Owner	Three owners – Everything VM, LLC; Martin Gonzalez; Martin Bonea
Current County Zoning	N/A
Current City Zoning	Varies by parcel, per the list above.
County Land Use Designation	N/A
City Land Use Designation	Low-Density Vertical Mixed-Use
Current Use	Vacant land
Surrounding Land Uses	• <u>North</u> — Glen Devon Subdivision off Glen Devon Road (County); vacant

	shopping center (Spivey Commons) at 1175 Highway 138 West; vacant land. • <u>South</u> — Spivey Ridge Subdivision off Spivey Ridge Circle (County). • <u>West</u> — Vacant land. • <u>East</u> — Baileys Estates Subdivision off Spivey Glen Drive (City), and Spivey Glen Subdivision off Spivey Glen Drive (County).
--	---

IV. FINDINGS OF FACT

- The applicant submitted three topographical surveys of the project area. They show that the property is traversed, from west to east, by the Reeves Creek Tributary and its associated floodplain.
- The property also contains a 25-foot “undisturbed State waters stream buffer” and a 20-foot sanitary sewer easement in the same area.

IV. PROJECT DESCRIPTION

The applicant’s submitted Conceptual Site Plan shows that the proposed apartment complex would be built in the southwest corner of the site, with its entrance off Highway 138 West / Lake Spivey Parkway from Tributary Parkway, which is currently a dead-end street. The apartment Leasing Center, along with a swimming pool, would be located directly in front of Lake Spivey Parkway, at 1225 Highway 138 West (currently Parcel #012D01001000, which has 1.444 +/- acres), at the west side of Tributary Parkway. A new bridge would be built across or under Tributary Parkway, just south of the street’s intersection with Berkeley Drive. A trash dumpster would be located on a stub street off Tributary Parkway, and a large “stormwater management” would be located beyond that.

The proposed townhome community would be built at the northeast corner of the site, with entrances off Berkeley Drive and Starr Circle, which both lead to Spivey Road. The apartment complex would feature a Leasing Office with mail center, a maintenance office, a trash center, and 500 parking spaces (1.58 spaces per unit). A large Dog Park would be located to the north of the apartment complex. An “Amenity Area” is shown as part of the townhome community, and a small Dog Park would be located nearby.

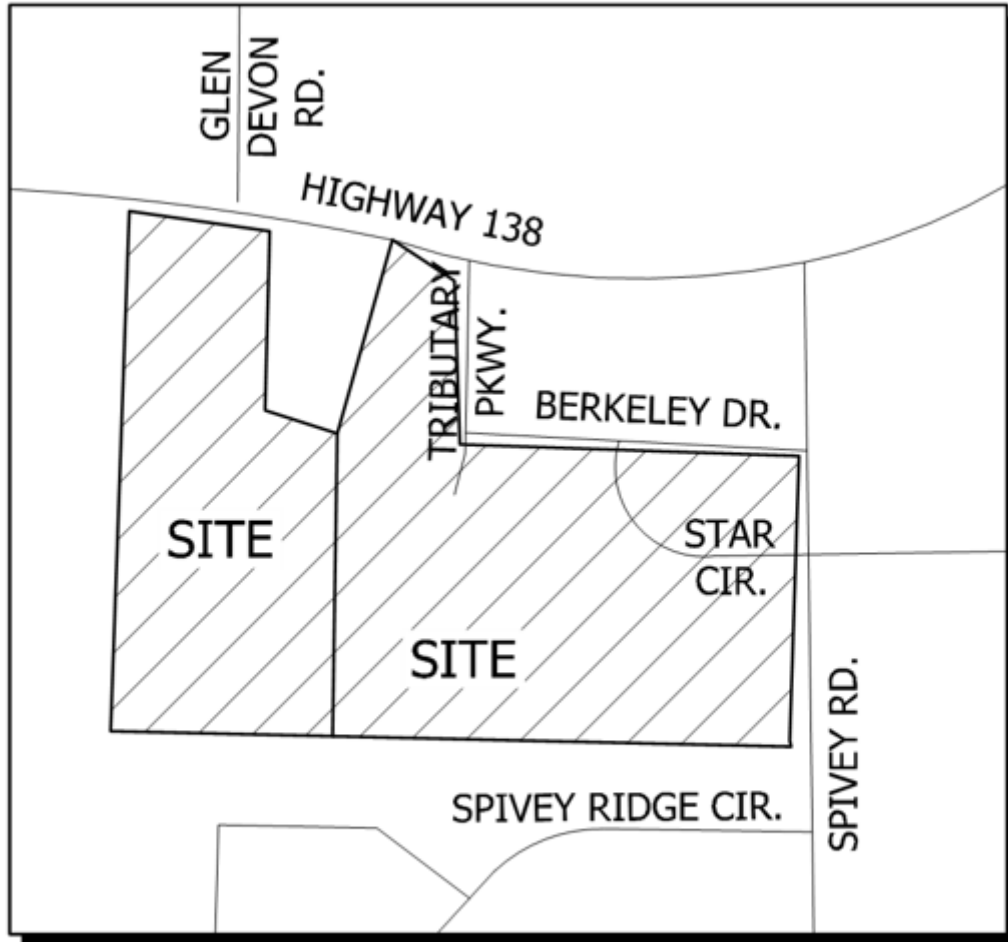
V. MAPS AND ILLUSTRATIONS TO FOLLOW:

- A. Aerial Photograph
- B. Vicinity Map
- C. Zoning and Parcel Map
- D. Future Land Use Map
- E. Conceptual Site Plan

A. AERIAL PHOTOGRAPH



B. VICINITY MAP



VICINITY MAP (N.T.S.)

C. ZONING AND PARCEL MAP

External Streets:

To the North – Highway 138 West / Lake Spivey Parkway

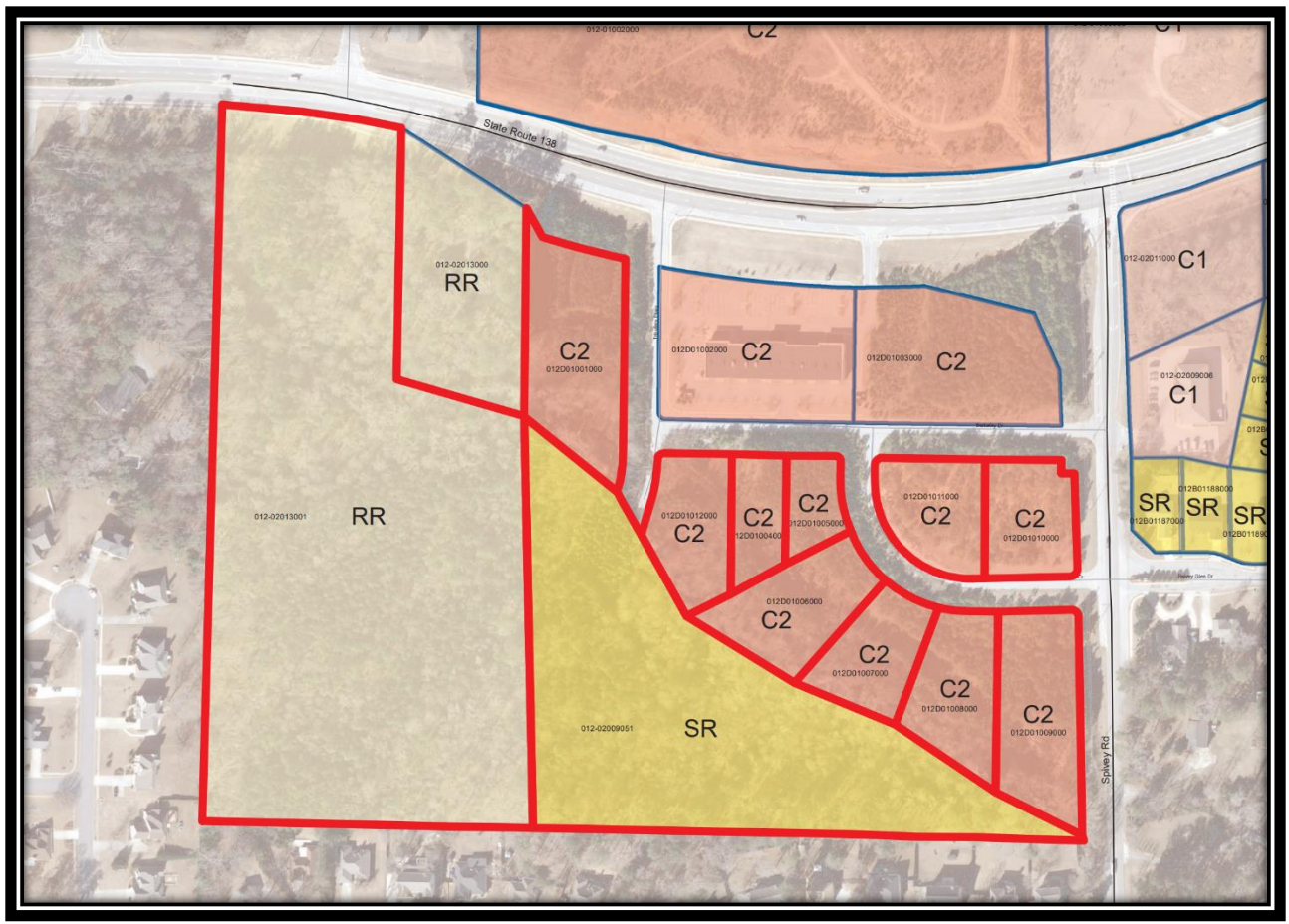
To the East – Spivey Road

Internal Streets:

Tributary Parkway

Berkeley Drive

Starr Circle



D. FUTURE LAND USE MAP

Existing Land Use Designation for the Subject Property –
'Low-Density Vertical Mixed-Use'
(Shown in Light Pink)



E. CONCEPTUAL SITE PLAN

Legend for Colors:

Peach – Townhomes

Periwinkle – Apartments

Green – Dog parks, walking trails, and green space

Yellow – Amenity area

Notes for Gray "Out Parcels":

Northwest corner – Included within the proposed site

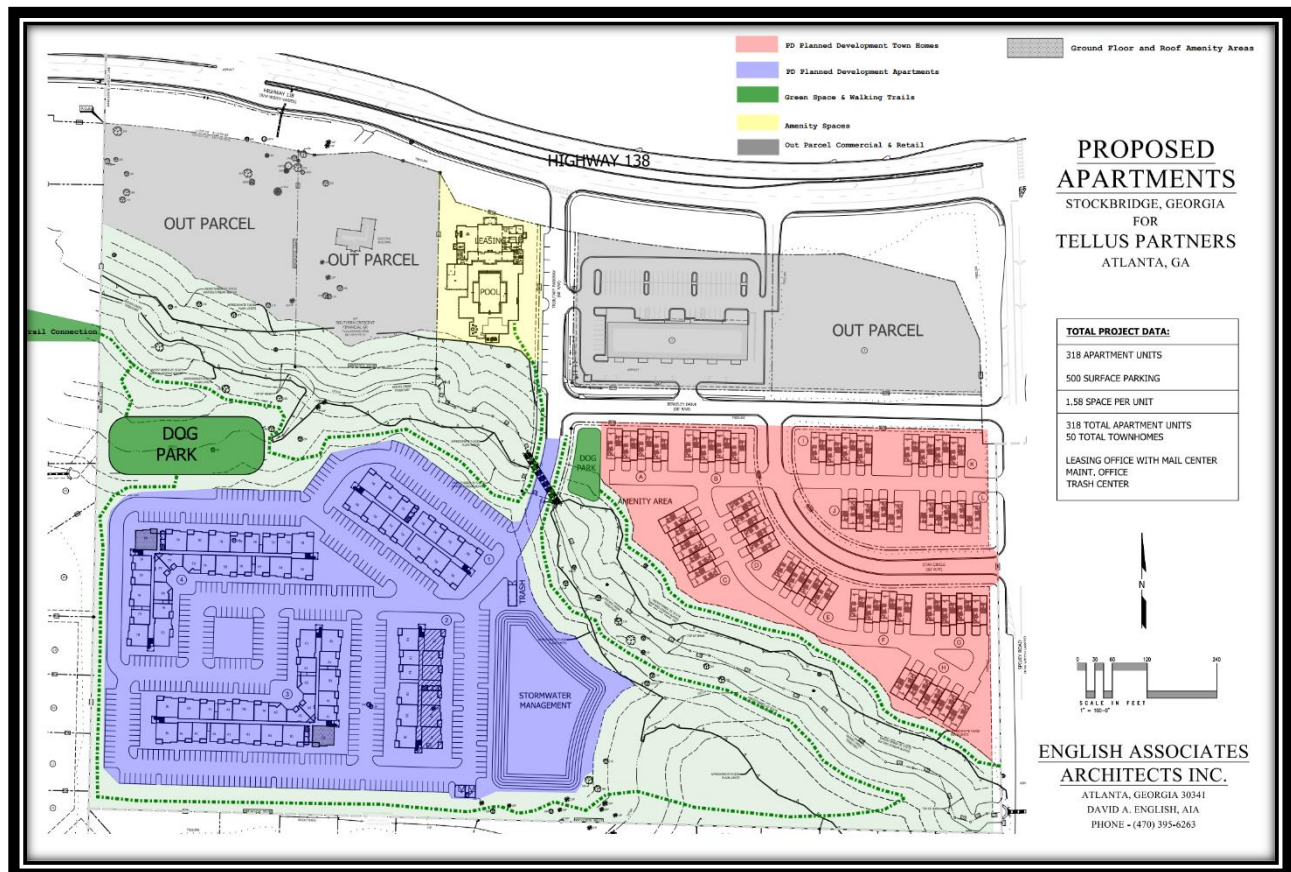
West of yellow amenity area – Excluded from proposed site

East of yellow amenity area – Excluded from proposed site

Northeast corner – Excluded from proposed site

The proposed site is traversed from west to east

By the existing Tributary for Reeves Creek.



V. ANALYSIS OF REQUEST

A. Consistency with the Comprehensive Plan. The proposed development is not consistent with the Comprehensive Plan's future land use designation of 'Low-Density Vertical Mixed-Use' for the subject property. The existing designation calls for low-rise buildings with commercial uses on the ground floor and residential uses on the upper floors, whereas the applicant is proposing to build a purely residential development with apartments and townhomes. The applicant has requested a Comprehensive Plan amendment via CP-2022-03 to change the property's land use designation to 'High-Density Residential', which would allow the proposed residential densities.

B. Relation to the Zoning of the Property. The applicant does not wish to develop the types of uses which the 'Low-Density Vertical Mixed-Use' future land use designation calls for, as was stated above. To allow for the proposed development, the applicant has therefore requested the rezoning of all twelve (12) parcels, via RZ-2022-04, to PUD. The PUD district is like the old 'PTD' (Planned Town Development) district, which is allowed under High-Density Residential.

Currently, Parcel #012-02013001 with 14.01 acres is zoned 'RR' (Rural Residential), Parcel #012-02009051 with 7.40 +/- acres is zoned 'SR' (Suburban Residential), and the remaining ten parcels are all zoned 'C-2' (General Commercial). The development of Parcel #012-02013001 with RR-type uses is unlikely due to the parcel's frontage on Highway 138 North. Although the development of commercial uses on the ten parcels which are zoned 'C-2' might seem reasonable, the fact that the Spivey Commons retail center at 1175 Highway 138 West has remained vacant for many years suggests that there is no current market for additional retail uses in this area.

But there is no need to change the property's land use designation unless the property is rezoned to PUD via RZ-2022-04, and the existing twelve parcels are officially combined via RC-2022-01. Therefore, any approval of CP-2022-03 must be contingent upon the simultaneous approval of RZ-2022-04 and the simultaneous or subsequent approval of RC-2022-01.

C. Suitability of the Site's Location. The proposed 'High-Density Residential' land use designation for the subject property is reasonable due to the property's frontage on Highway 138 West, which is a State highway, where higher densities are appropriate.

D. Maintaining the Current Land Use Designation.

Due to the subject property's frontage on Highway 138 West, which is a State highway, it is unlikely that the property would be developed with the types of uses which are called for by the existing Low-Density Vertical Mixed-Use designation.

STAFF RECOMMENDATION

This Staff Report has demonstrated that the requested Comprehensive Plan Amendment via CP-2022-03 would be necessary and desirable for the subject property in conjunction with the requested rezoning of the property via RZ-202204 to allow for the proposed mixed residential development. As a result, Planning and Zoning Staff recommends **APPROVAL** of CP-2022-03.



City of Stockbridge Planning and Zoning Division,

Community Development Department

Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS. ATTACH
THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

	REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/ INITIAL
1.	Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application (by appointment only).	
2.	Application Form	1	1. Signed and notarized by owner. 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease"	
3.	Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application and must be notarized	
4.	Letter of Ownership	1	Letter stating that the owner is aware of the zoning request and owns the property in question	
5.	Letter of Intent	1	Must clearly state the proposed use and development intent	
6.	Site Plans (24 x 36) And (11 x 17)	1 20	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers and proposed lot layout. Subject to the discretion of the Planning & Zoning Director	
7.	Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed within the last five years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100 year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property	
8.	Letter from the Henry County Water and Sewerage Authority	1	This letter must accompany the application at the time of submittal.	
9.	Form from the Health Department	1	This letter must accompany the application at the time of submittal (Only needed if property is not on sewer)	
10.	Form from the Henry County School Board	1	This letter must be available and accompany application at the time of submittal (Only needed for residential rezoning applications)	

City of Stockbridge Planning and Zoning Division
Application for an Amendment to the Comprehensive Plan

Name of Applicant: Hwy 138 Spivey Rd Land Assemblage, LLC Phone: 470.980.4220 Date: 06/28/2022
Address of Applicant: 121 N Main Street Cell # 470.980.4220
City: Jonesboro State: GA Zip: 30236 E-mail: info@franksandwhite.com
Name of Agent: Randy Stamey Phone: 770.560.4819 Date: 06/28/2022
Address of Agent: 121 N Main Street Cell # 770.560.4819
City: Jonesboro State: GA Zip: 30236 E-mail: randystamey@gmail.com

THE PERSONS NAMED ABOVE AFFIRM THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS THAT THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN BE GRANTED:

FROM: _____
TO: _____

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 the Planning Commission and Mayor/City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

(Acknowledgement)

Property Address: 0 Hwy 138 & Spivey Rd
Nearest intersection to the property: Hwy 138 & Spivey Rd

Size of Tract: 26.5 +/- acre(s). Land Lot Number(s): 42. District(s): 12
Property Tax Parcel Number(s): 012-02013001, 012-02009051, 012D01001000, 012D01012000, 012D01004000, 012D01005000, 012D01006000, 012D01007000, 012D01008000, 012D01009000, 012D01010000 & 012D01011000 (Required)

Miranda F Bradford
Witness' Signature

Randy Stamey
Signature of Applicant

Miranda F Bradford
Printed Name of Witness

Hwy 138 Spivey Rd Land Assemblage, LLC / Randy Stamey
Printed Name of Applicant

Sheila Brooks
Notary



Signature of Agent

Notary Seal:

(For Office Use Only)

Total Amount Paid \$ _____ Check # _____ Credit Card # _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

Mayor/City _____ Council _____ Decision: _____

Planning 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*, agent, or property owner made, within two (2) years immediately preceding the filing of this application, 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 the Mayor/City Council, who will consider this application?

Yes _____ No **X**

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29th day of June, 2022.

Robert G Franks

Applicant's Name -- Printed



Signature of Applicant/Property Owner/Agent

N/A

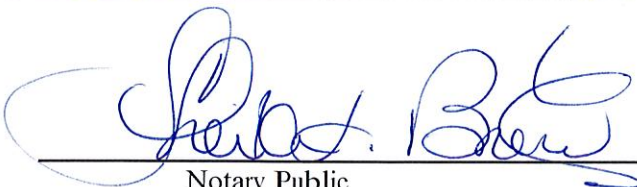
Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.





Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a Comprehensive Plan Amendment with the City of Stockbridge.

Applicant Campaign Disclosure Form

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

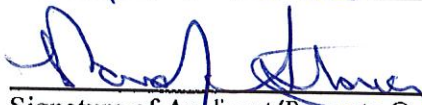
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Yes _____ No **X**

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Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Hwy 138 Spivey Rd Land Assemblage, LLC by Randy Stamey
Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

N/A
Applicant's Attorney, if applicable -- Printed

N/A
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.

Carmen A Blount
Henry County, Georgia
My Commission Expires
November 17, 2023
Notary Public


Notary Public

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Yes _____ No **X**

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Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Randy Stamey
Applicant's Name -- Printed

[Signature]
Signature of Applicant/Property Owner/Agent

N/A
Applicant's Attorney, if applicable -- Printed

N/A
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.

Carmen A Blount
Henry County, Georgia
My Commission Expires
November 17, 2023
Notary Public

Carmen A. Blount
Notary Public

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Yes _____ No **X**

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Everything VM, LLC

Applicant's Name -- Printed

Bora Mond
Signature of Applicant/Property Owner/Agent

N/A

Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29 day of June, 2022.



Denissa Bonea
Notary Public

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Yes _____ No **X**

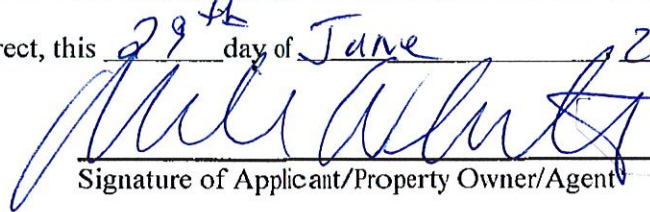
If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29th day of June, 2022.

Mike White

Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

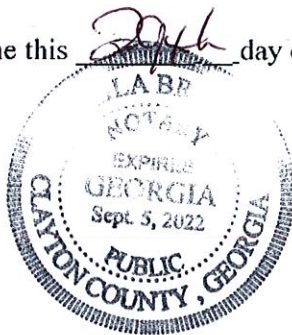
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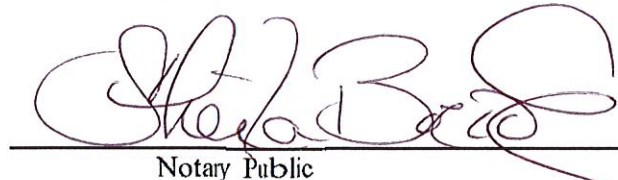
Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.




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Yes _____ No **X**

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Everything VM, LLC
Applicant's Name -- Printed

Bona M. L.
Signature of Applicant/Property Owner/Agent

N/A
Applicant's Attorney, if applicable -- Printed

N/A
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29 day of June, 2022.



Denissa Bonea
Notary Public

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Yes _____ No ✓

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

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

MARTIN GONZALES - OWNER

Applicant's Name -- Printed

X

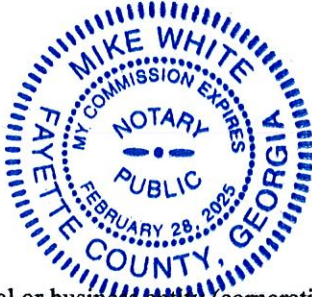
Signature of Applicant/Property Owner/Agent

06/28/22

Applicant's Attorney, if applicable -- Printed

Signature of Applicant's Attorney, if applicable

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



Mike White
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a Comprehensive Plan Amendment with the City of Stockbridge.

LETTER OF OWNERSHIP

Date: May 4, 2022

I, Martin Gonzales (property/landowner) give permission to
Randy Stamey / Mike White (applicant) to request a
Mixed use (type of zoning application) for
property located at Hwy 138, Spivey Rd. (see attached EXHIBIT "A")

Thank You,



Property/landowner Signature Martin Gonzales
05/05/22

Notary Seal Here



Notary Information Name: Mike White

Date: 5-5-22

Notary Expires: _____

LETTER OF OWNERSHIP

Date 05/03/2022

I,

MARTIN BONEA (property/landowner)
give permission to Randy Stamey / Mike white (applicant)
to request a Mixed use for the back 18 acres / C3 for the (type of
zoning application) for property located at front 3 acres on 138
Property ID #: 012-02009051 + 012-02013001.

Thank You,

Bona Mon

Property/landowner Signature

Please Note: This form should be notarized

Notary Seal Here



Notary Information: Phone # 678 748 6674

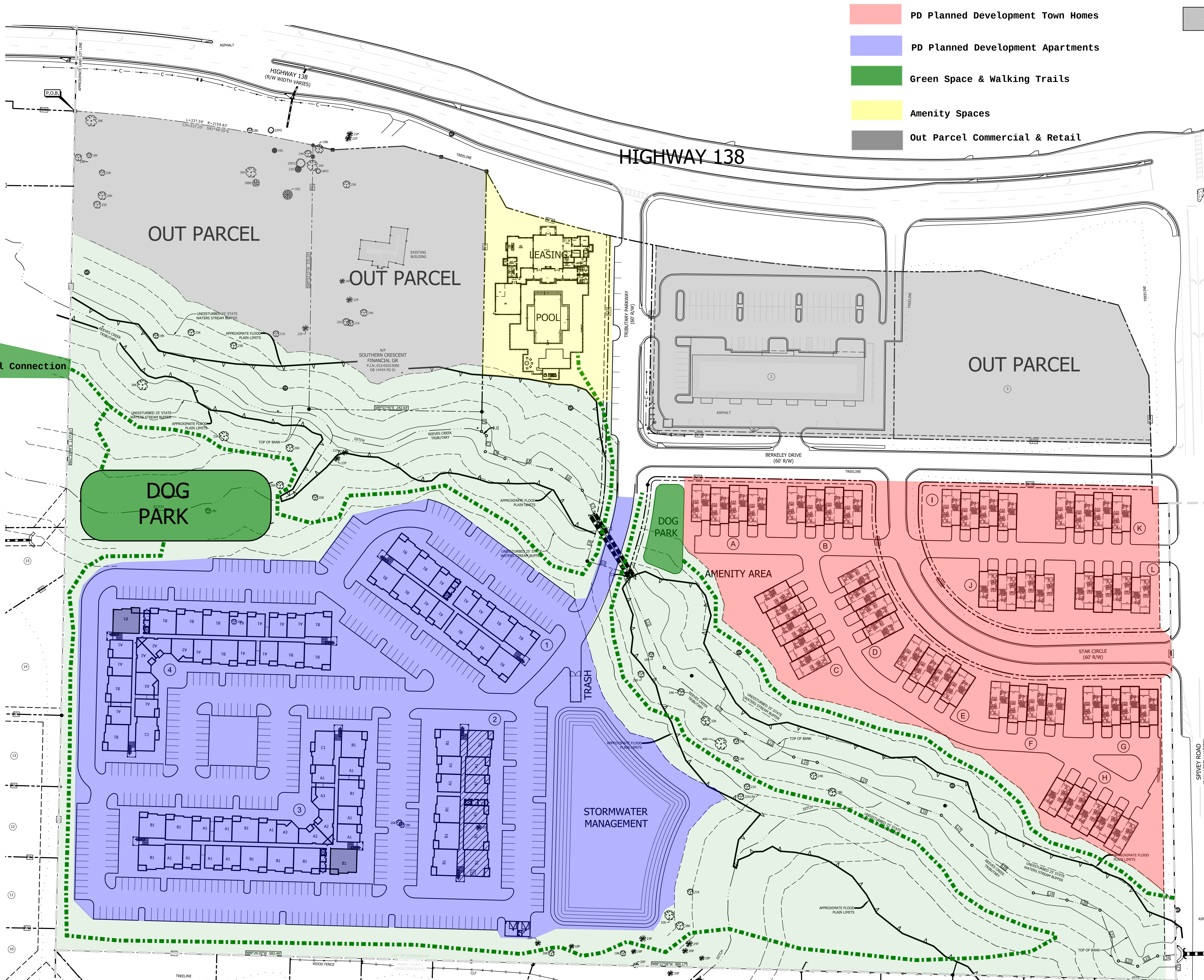
Expiration Date: 03/31/2026

signature: Dani Bonea

Zoning Submittal Letter of Intent:

Tellus Partners, LLC would like to develop the ~21-acre site located off of Highway 138 by building a 318-unit apartment complex, developing a community of 50 town homes, that we feel will perpetuate the economic growth Stockbridge has seen over the last decade. Tellus has extensive experience in the town center, mixed use, multifamily development market and has completed over \$500 million in total project costs between Georgia and Florida.

With considerable population, housing, and business needs in Stockbridge as well as the communities surrounding it, Tellus is excited about the opportunity to continue these trends by delivering a high-quality product to a budding market.

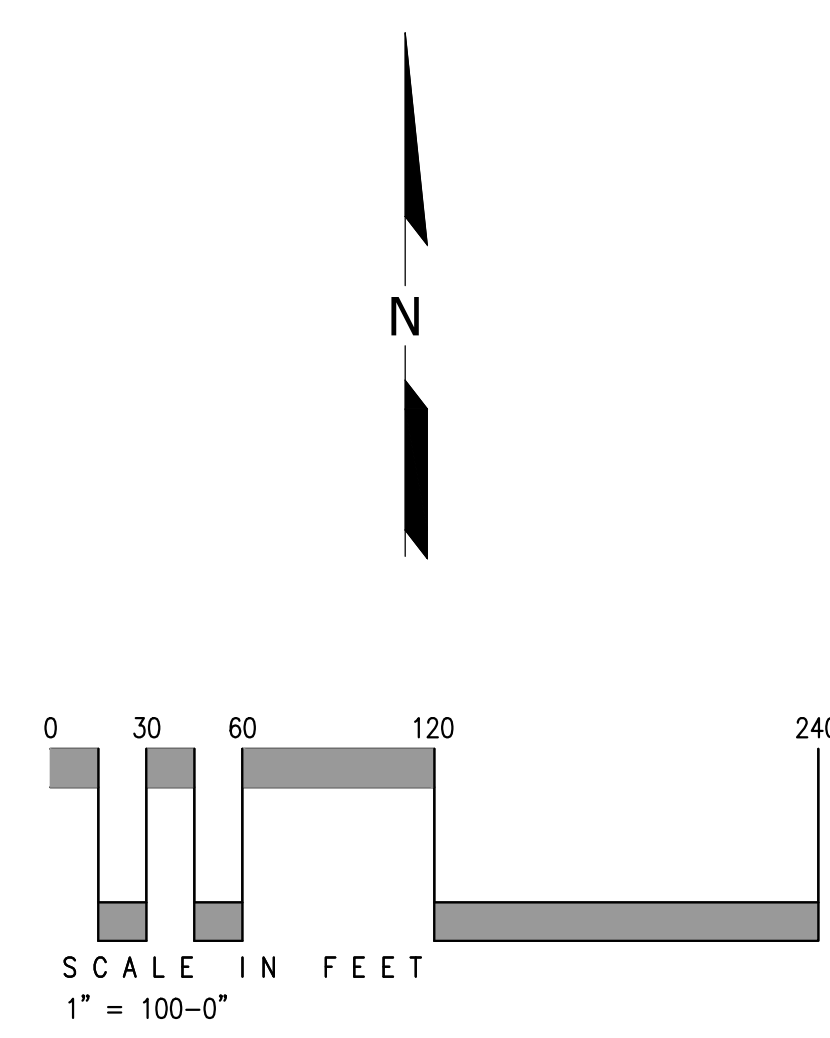


- PD Planned Development Town Homes
- PD Planned Development Apartments
- Green Space & Walking Trails
- Amenity Spaces
- Out Parcel Commercial & Retail
- Ground Floor and Roof Amenity Areas

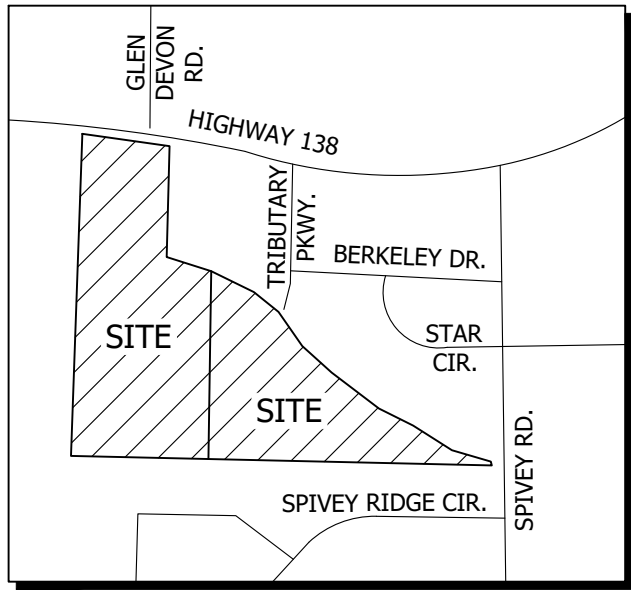
PROPOSED APARTMENTS

STOCKBRIDGE, GEORGIA
FOR
TELLUS PARTNERS
ATLANTA, GA

TOTAL PROJECT DATA:
318 APARTMENT UNITS
500 SURFACE PARKING
1.58 SPACE PER UNIT
318 TOTAL APARTMENT UNITS 50 TOTAL TOWNHOMES
LEASING OFFICE WITH MAIL CENTER MAINT. OFFICE TRASH CENTER



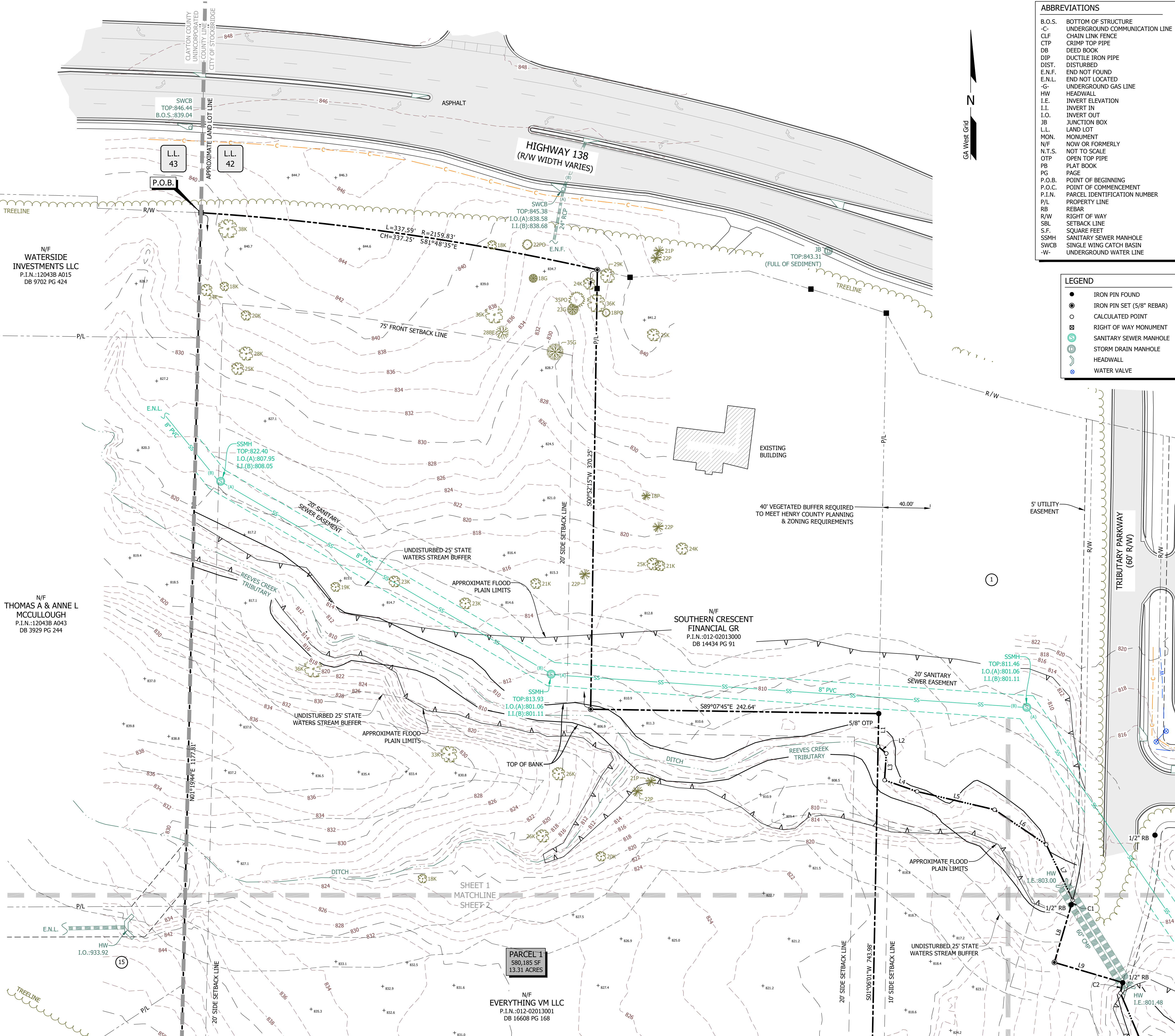
ENGLISH ASSOCIATES
ARCHITECTS INC.
ATLANTA, GEORGIA 30341
DAVID A. ENGLISH, AIA
PHONE - (470) 395-6263



VICINITY MAP (N.T.S.)

ZONING NOTE
CITY OF STOCKBRIDGE
PARCEL 1
ZONING: RA - RESIDENTIAL AGRICULTURAL
SETBACKS:
FRONT YARD: 75 FEET
SIDE YARD: 20 FEET
REAR YARD: 40 FEET
PARCEL 2
ZONING: R3 - SINGLE FAMILY RESIDENTIAL
SETBACKS:
FRONT YARD: 50 FEET
SIDE YARD: 10 FEET
REAR YARD: 40 FEET
REFERENCE: STOCKBRIDGE CODE OF ORDINANCES,
CHAPTER 12.02 - ZONING DISTRICTS; AS RETRIEVED
FROM WWW.MUNICODE.COM ON JULY 24, 2020.
THE SURVEYOR DOES NOT CERTIFY TO ANY
MATTERS OF ZONING.

- GENERAL NOTES:**
- THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR OF LAND ENGINEERING, INC. AUTHORITY OF O.C.G.A. 43-15-22.
 - THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS OF RECORD OR OTHER TITLE MATTERS AFFECTING THE SUBJECT PROPERTY MAY EXIST. LAND ENGINEERING, INC. AND THE LAND SURVEYOR WHOSE SEAL IS AFFIXED HEREON DO NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
 - THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE. PARCEL 1 IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 585,983 FEET; PARCEL 2 IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 237,915 FEET. A ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 17,039 FEET AND AN ANGULAR ERROR OF 07" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE ADJUSTMENT METHOD. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. THE HORIZONTAL DATUM REFERENCED HEREON IS REFERENCED TO THE N.A.D.83, GEORGIA WEST ZONE STATE PLANE COORDINATE SYSTEM. THE VERTICAL DATUM IS BASED ON AND RELATIVE TO N.A.V.D. 88, GEOID 12B. A CARLSON BRX6 WAS USED TO PERFORM A NETWORK ADJUSTED REAL TIME KINEMATICS G.N.S.S. SURVEY REFERENCED TO THE EGPS C.O.R.S. NETWORK.
 - THE LOCATION AND DEPICTION OF UNDERGROUND UTILITIES IS BASED ON MARKINGS PROVIDED BY SUBSURFACE UTILITIES, INC., A PROFESSIONAL UNDERGROUND UTILITY LOCATING COMPANY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED MAY EXIST ON THIS SITE, BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. VERIFICATION OF EXACT UNDERGROUND UTILITY LOCATIONS SHOULD BE MADE PRIOR TO ANY CONSTRUCTION ACTIVITIES.
 - THIS PROPERTY IS LOCATED IN A FLOOD AREA, PER FEMA F.I.R.M. MAP NUMBER 13151C0066D, MAP REVISED OR ISSUED OCTOBER 6TH, 2016 AND HENRY COUNTY PRESENT AND FUTURE CONDITIONS MAP, PANEL 66 OF 305, ISSUED MAY 2010.
 - MONUMENTS FOUND ARE AS INDICATED ON DRAWING. MONUMENTS PLACED ARE EITHER A 5/8" REBAR WITH CAP (INSCRIBED LSF0946) OR A NAIL WITH WASHER (UNSCRIBED LSF0946).
 - THIS SURVEY WAS PREPARED BY LAND ENGINEERING, INC. REFERENCE NUMBER: 1116-002
1601 SOUTH ZACK HINTON PARKWAY, McDONOUGH, GEORGIA 30253
OFFICE: (678) 814-4346 FAX: (678) 814-4348
WWW.LAND.ENGINEERING
 - THE LAST DAY OF FIELD WORK FOR THIS SURVEY WAS 6-23-20.



- ABBREVIATIONS**
- B.O.S. BOTTOM OF STRUCTURE
 - C- UNDERGROUND COMMUNICATION LINE
 - CLF CHAIN LINK FENCE
 - CTP CRIMP TOP PIPE
 - DB DEED BOOK
 - DIP DUCTILE IRON PIPE
 - DIST. DISTURBED
 - E.N.F. END NOT FOUND
 - E.N.L. END NOT LOCATED
 - G- UNDERGROUND GAS LINE
 - HW HEADWALL
 - I.E. INVERT ELEVATION
 - I.I. INVERT IN
 - I.O. INVERT OUT
 - JB JUNCTION BOX
 - L.L. LAND LOT
 - MON. MONUMENT
 - N/F NOW OR FORMERLY
 - N.T.S. NOT TO SCALE
 - OTP OPEN TOP PIPE
 - PB PLAT BOOK
 - PG. PAGE
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - P.I.N. PARCEL IDENTIFICATION NUMBER
 - P/L PROPERTY LINE
 - REB. REBAR
 - R/W RIGHT OF WAY
 - SBL SETBACK LINE
 - S.F. SQUARE FEET
 - SSMH SANITARY SEWER MANHOLE
 - SWCB SINGLE WING CATCH BASIN
 - W- UNDERGROUND WATER LINE

- LEGEND**
- IRON PIN FOUND
 - ⊙ IRON PIN SET (5/8" REBAR)
 - CALCULATED POINT
 - ⊞ RIGHT OF WAY MONUMENT
 - ⊞ SANITARY SEWER MANHOLE
 - ⊞ STORM DRAIN MANHOLE
 - ⊞ HEADWALL
 - ⊞ WATER VALVE

LAND ENGINEERING
1601 S Zack Hinton Parkway
McDonough, Georgia 30253
T 678.814.4346, F 678.814.4348
www.land.engineering
GA LSF #0946

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811 Know what's below. Call before you dig. Dial 811.
Utilities PROTECTION CENTER
DIG SAFELY! 800-282-7411

Notes:

Project Number: 1116-002
Drawn By: AJB
Date: 6-29-20

Submittals:		
No.	Date	Description

Revisions:		
No.	Date	Description

Client / Prepared for:

MARTIN BONEA
619 HIGHWAY 138 WEST
STOCKBRIDGE, GEORGIA 30281

Project Name:

TRIBUTARY PARKWAY

Project Location:
TRIBUTARY PARKWAY
Land Lot: 42
District: 12TH
Section: -
City: STOCKBRIDGE
County: HENRY
State: GEORGIA

Drawing Scale:
0 40' 80'
Graphic Scale in Feet
1" = 40'

Sheet Title:

TOPOGRAPHIC SURVEY

Drawing Number: Total Sheets: Revision:

1 3 0

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Professional Seal:



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Project Number: 1116-002
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Revisions:

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Client / Prepared for:

MARTIN BONEA

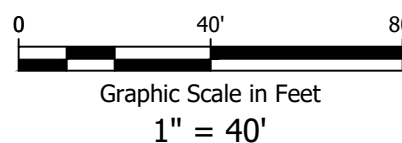
619 HIGHWAY 138 WEST
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Drawing Scale:



Sheet Title:

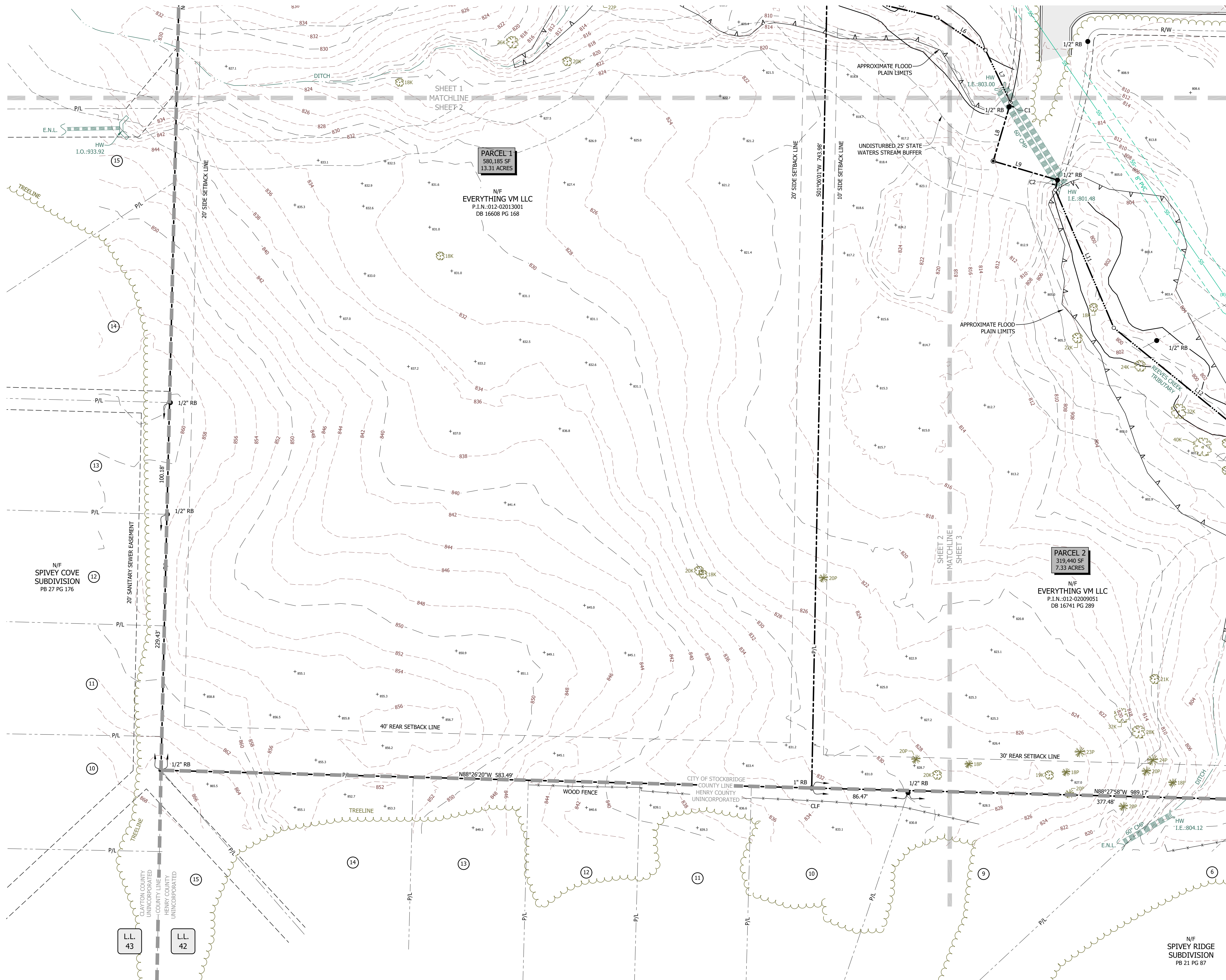
TOPOGRAPHIC SURVEY

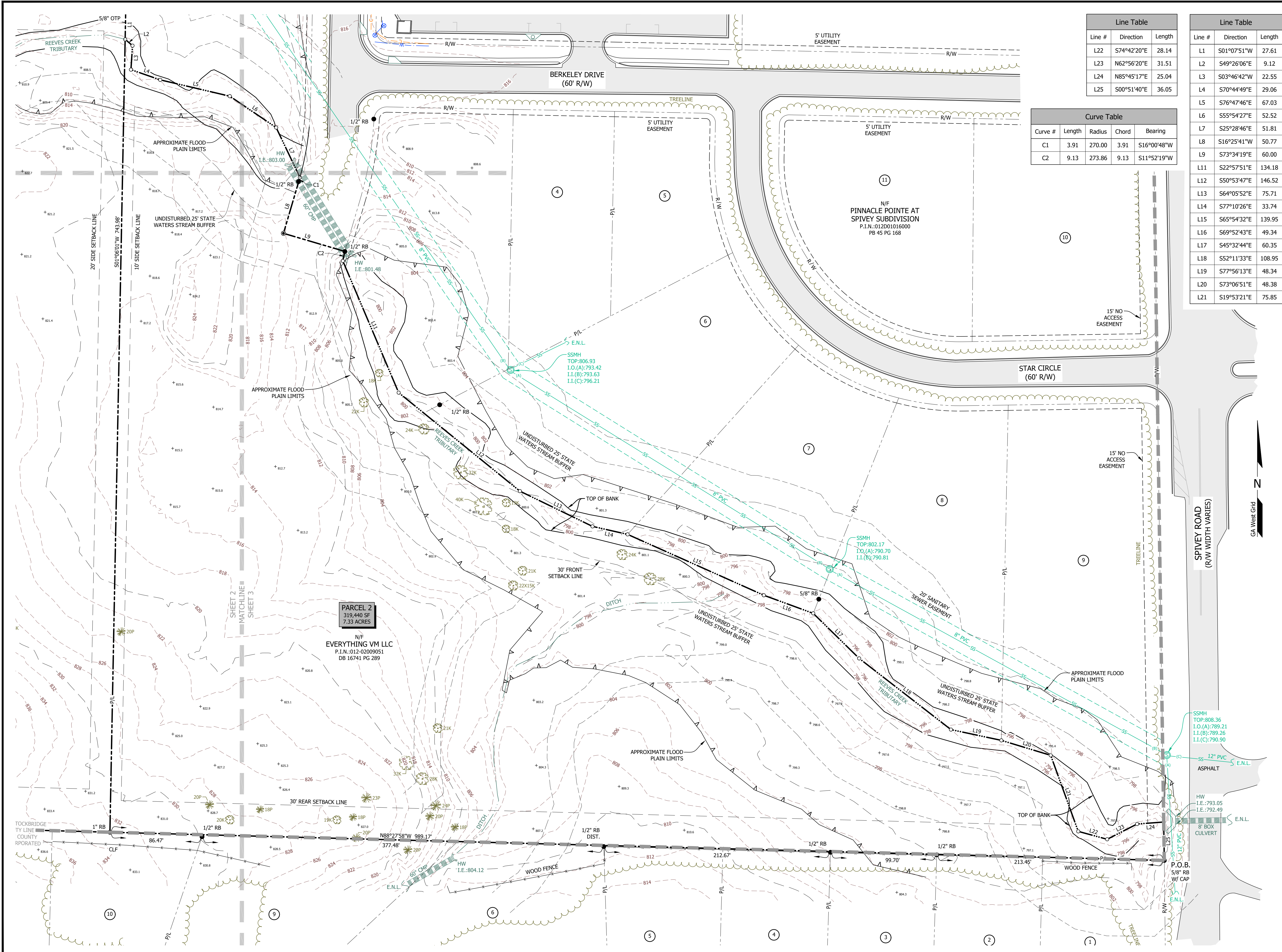
Drawing Number: Total Sheets: Revision:

2

3

0





Line Table		
Line #	Direction	Length
L22	S74°42'20"E	28.14
L23	N62°56'20"E	31.51
L24	N85°45'17"E	25.04
L25	S00°51'40"E	36.05

Curve Table				
Curve #	Length	Radius	Chord	Bearing
C1	3.91	270.00	3.91	S16°00'48"W
C2	9.13	273.86	9.13	S11°52'19"W

Line Table		
Line #	Direction	Length
L1	S01°07'51"W	27.61
L2	S49°26'06"E	9.12
L3	S03°46'42"W	22.55
L4	S70°44'49"E	29.06
L5	S76°47'46"E	67.03
L6	S55°54'27"E	52.52
L7	S25°28'46"E	51.81
L8	S16°25'41"W	50.77
L9	S73°34'19"E	60.00
L11	S22°57'51"E	134.18
L12	S50°53'47"E	146.52
L13	S64°05'52"E	75.71
L14	S77°10'26"E	33.74
L15	S65°54'32"E	139.95
L16	S69°52'43"E	49.34
L17	S45°32'44"E	60.35
L18	S52°11'33"E	108.95
L19	S77°56'13"E	48.34
L20	S73°06'51"E	48.38
L21	S19°53'21"E	75.85

LAND ENGINEERING
1601 S Zack Hinton Parkway
McDonough, Georgia 30253
T 678.814.4346, F 678.814.4348
www.land.engineering
GA LSF #0946

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DIG SAFELY! 800-282-7411

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MARTIN BONEA
619 HIGHWAY 138 WEST
STOCKBRIDGE, GEORGIA 30281

TRIBUTARY PARKWAY
Project Location:
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State: GEORGIA

Drawing Scale:
0 40' 80'
Graphic Scale in Feet
1" = 40'

Sheet Title:
TOPOGRAPHIC SURVEY

Drawing Number: 3 Total Sheets: 3 Revision: 0



Providing Quality Water and Quality Services to Our Community

April 18, 2022

Jonathon Schrader
Tellus Partners
4983 New Peachtree Road, Suite B
Chamblee, GA 30341

Re: Tributary Parkway Court & Berkeley Drive
Parcels 012-02013001 and 012-02009051
Henry County, Georgia

Mr. Schrader,

Clayton County Water Authority owns and maintains a 12-inch water main running along the north side of Highway 138 and an 8-inch water main running along the east side of Tributary Parkway Court at the above referenced property. The Authority has a treatment capacity of 42 MGD and is currently producing an average of 25.36 MGD.

The Authority also owns and maintains an 8-inch sanitary sewer main running within parcel 012-02013001 and an 8-inch sanitary sewer main running along the north side of a Reeves Creek tributary approximately 60 feet north of parcel 102-02009051. The sanitary sewer main may need to be extended, may require easements and would be at the developer's expense. Wastewater generated from your development would receive treatment at the WB Casey WRF. This facility has a design capacity of 24.0 MGD and is presently treating 14.77 MGD. The Authority does not guarantee capacity of plant or infrastructure; capacity is allocated only when purchased.

The data contained in this letter is for informational purposes only indicating location and size. A survey, by the above referenced property owner, may be necessary to determine connection to the Authority's system.

Potable water and sanitary sewer service to this property is subject to the existing and future policies of the Clayton County Water Authority, State EPD and Federal EPA.

Sincerely,

A handwritten signature in blue ink that reads "Keith Watkins".

Keith Watkins
Engineering Supervisor

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Professional Seal:

PRELIMINARY
NOT FOR RECORD
OR CONSTRUCTION



Notes:

Project Number: 1116-002
Drawn By: BJD
Date: 8-17-22

Submittals:

No.	Date	Description

Revisions:

No.	Date	Description

Client / Prepared for:

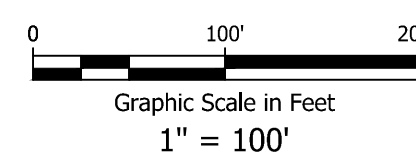
RANDY STAMEY

Project Name:

TRIBUTARY PARKWAY

Project Location:
TRIBUTARY PARKWAY
Land Lot: 42
District: 12TH
Section: -
City: STOCKBRIDGE
County: HENRY
State: GEORGIA

Drawing Scale:



Sheet Title:

LAND MAP

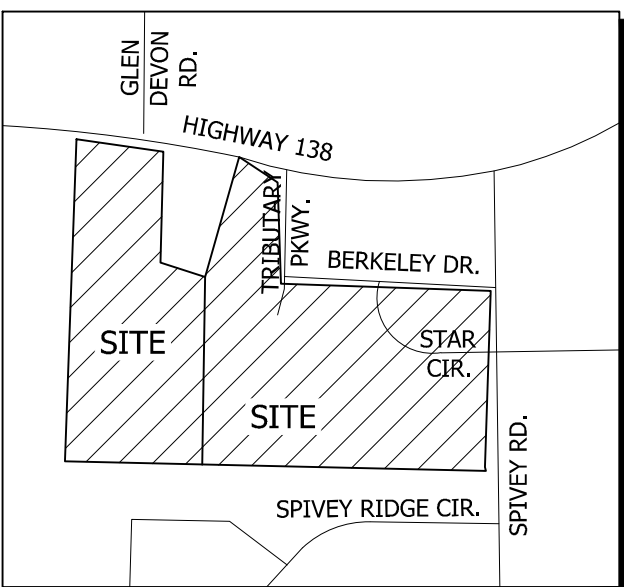
Drawing Number: Total Sheets: Revision:

1

1

0

TOTAL COMBINED AREA:
APPROXIMATELY 29.2 ACRES



ABBREVIATIONS

-C-	UNDERGROUND COMMUNICATION LINE
CLF	CHAIN LINK FENCE
CTP	CRIMP TOP PIPE
DB	DEED BOOK
DIP	DUCTILE IRON PIPE
DIST.	DISTURBED
E.N.F.	END NOT FOUND
E.N.L.	END NOT LOCATED
-G-	UNDERGROUND GAS LINE
HW	HEADWALL
L.L.	LAND LOT
MON.	MONUMENT
N/F	NOW OR FORMERLY
N.T.S.	NOT TO SCALE
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.I.N.	PARCEL IDENTIFICATION NUMBER
P/L	PROPERTY LINE
RB	REBAR
R/W	RIGHT OF WAY
SBL	SETBACK LINE
S.F.	SQUARE FEET
SSMH	SANITARY SEWER MANHOLE
-W-	UNDERGROUND WATER LINE

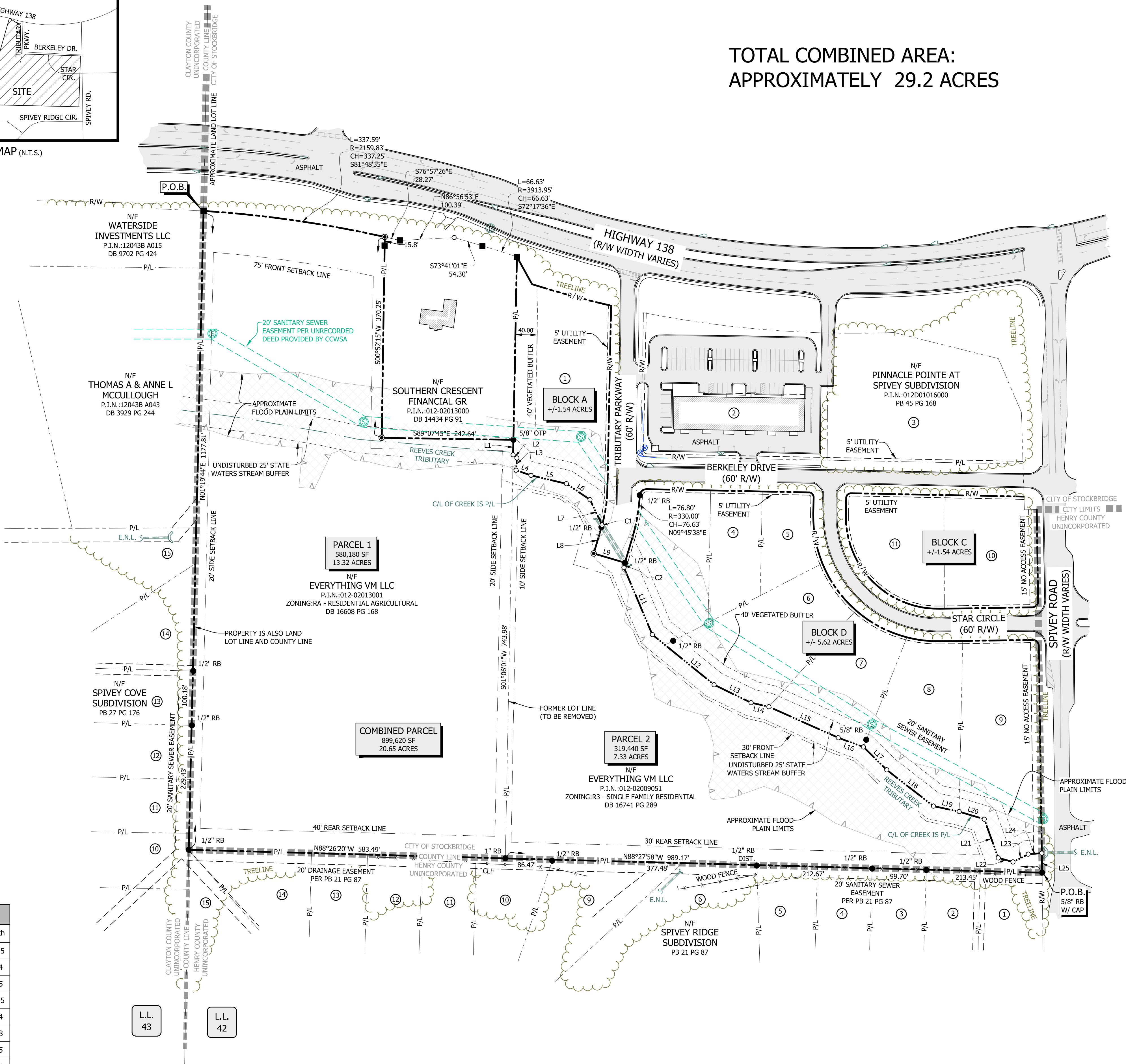
LEGEND

●	IRON PIN FOUND
⊙	IRON PIN SET (5/8" REBAR)
○	CALCULATED POINT
⊠	RIGHT OF WAY MONUMENT
⊕	SANITARY SEWER MANHOLE
⊕	STORM DRAIN MANHOLE
⊕	HEADWALL
⊕	WATER VALVE

Curve Table				
Curve #	Length	Radius	Chord	Bearing
C1	3.91	270.00	3.91	S16°00'48"W
C2	9.13	273.86	9.13	S11°52'19"W

Line Table		
Line #	Direction	Length
L1	S01°07'51"W	27.61
L2	S49°26'06"E	9.12
L3	S03°46'42"W	22.55
L4	S70°44'49"E	29.06
L5	S76°47'46"E	67.03
L6	S55°54'27"E	52.52
L7	S25°28'46"E	51.81
L8	S16°25'41"W	50.77
L9	S73°34'19"E	60.00
L11	S22°57'51"E	134.18
L12	S50°53'47"E	146.52
L13	S64°05'52"E	75.71
L14	S77°10'26"E	33.74

Line Table		
Line #	Direction	Length
L15	S65°54'32"E	139.95
L16	S69°52'43"E	49.34
L17	S45°32'44"E	60.35
L18	S52°11'33"E	108.95
L19	S73°56'13"E	48.34
L20	S73°06'51"E	48.38
L21	S19°53'21"E	75.85
L22	S74°42'20"E	28.14
L23	N62°56'20"E	31.51
L24	N85°45'17"E	25.04
L25	S00°51'40"E	36.05



ZONING NOTE

CITY OF STOCKBRIDGE

PARCEL 1

ZONING: RA - RESIDENTIAL AGRICULTURAL
SETBACKS:
FRONT YARD: 75 FEET
SIDE YARD: 20 FEET
REAR YARD: 40 FEET

PARCEL 2

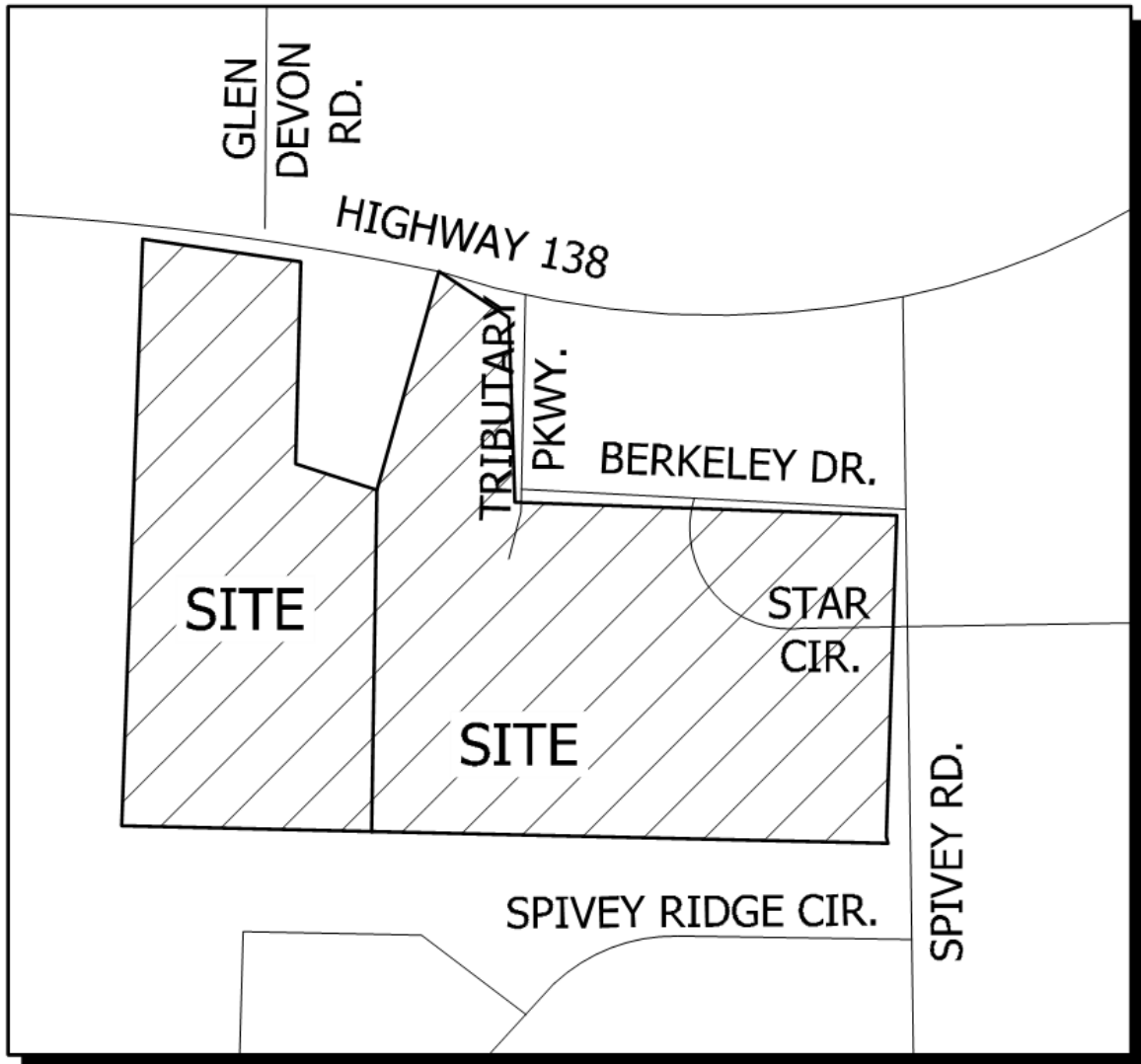
ZONING: R3 - SINGLE FAMILY RESIDENTIAL
SETBACKS:
FRONT YARD: 50 FEET
SIDE YARD: 10 FEET
REAR YARD: 40 FEET

REFERENCE: STOCKBRIDGE CODE OF ORDINANCES, CHAPTER 12.02 - ZONING DISTRICTS, AS RETRIEVED FROM WWW.MUNICODE.COM ON JULY 24, 2020.

THE SURVEYOR DOES NOT CERTIFY TO ANY MATTERS OF ZONING.

GENERAL NOTES:

- THIS DRAWING WAS CREATED ELECTRONICALLY, THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR OF LAND ENGINEERING, INC. AUTHORITY OF O.C.G.A. 43-15-22.
- THIS MAP IS NOT TO BE USED OR CONSTRUED AS A BOUNDARY SURVEY. THE PURPOSE OF THIS MAP IS TO SHOW APPROXIMATE LAND AREAS FROM PROPOSED PURCHASE AND A SURVEY WAS NOT PERFORMED ON THE ENTIRETY OF THE LAND SHOWN HEREON. ALL MEASUREMENTS ARE APPROXIMATE.
- THE LOCATION AND DEPICTION OF UNDERGROUND UTILITIES IS BEYOND THE SCOPE OF SERVICES CONTRACTED FOR THIS PROJECT. NO ATTEMPT WAS MADE TO TRACE, MARK, OR SURVEY THE LOCATION OF UNDERGROUND UTILITIES. ONLY ABOVE GROUND APPURTENANCES BASED ON OBSERVED EVIDENCE ARE SHOWN HEREON. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED MAY EXIST ON THIS SITE, BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. VERIFICATION OF EXACT UNDERGROUND UTILITY LOCATIONS SHOULD BE MADE PRIOR TO ANY CONSTRUCTION ACTIVITIES.
- THIS PROPERTY IS LOCATED IN A FLOOD AREA, PER FEMA F.I.R.M. MAP NUMBER 13151C00660, MAP REVISED OR ISSUED OCTOBER 6TH, 2016 AND HENRY COUNTY PRESENT AND FUTURE CONDITIONS MAP, PANEL 66 OF 305, ISSUED MAY 2010.
- THIS MAP WAS PREPARED BY LAND ENGINEERING, INC. REFERENCE NUMBER: 1116-002 1601 SOUTH ZACK HINTON PARKWAY, MCDONOUGH, GEORGIA 30253 OFFICE: (678) 814-4346 FAX: (678) 814-4348 WWW.LAND.ENGINEERING



VICINITY MAP (N.T.S.)



TO: Mayor/Council
Planning Commission

FROM: R. Ryan Anderson, Chief Planner

CC: Brecca Carter, Community Development Director

DATE: August 25, 2022

Subject: RZ-2022-04 Tranquil Trails

I. PURPOSE

Consider a request for a change in zoning for 26.5 +/-total acres from RR (Rural Residential), SR (Suburban Residential), and C-2 (General Commercial) to PUD (Planned Unit Development) to allow for a mixed-use residential development. Application by Highway 138/Spivey Road Land Assemblage, LLC, represented by Randy Stamey, the Agent. The property contains twelve (12) parcels in Land Lot 42 of District 12.

II. COMPONENT PARCELS

The proposed site would contain the twelve (12) parcels that are listed below. The first two parcels below are owned by Everything VM, LLC. The remaining ten parcels are owned by Martin Gonzalez; they are zoned C-2 (General Commercial); and they are part of the Pinnacle Pointe @ Spivey Subdivision. (It is important to note that Parcel #012-02013000 with 2.00 +/- acres at 3020 Highway 138 West, owned by Southern Crescent Financial Group, would NOT be included within the site).

1. Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Owned by Everything VM, LLC. Contains 14.01 +/- acres. Zoned 'RR' (Rural Residential).
2. Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned 'SR' (Suburban Residential).
3. Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).
4. Parcel #012D01012000—Located at the southeast corner of Tributary Parkway and Berkeley Drive. Contains 0.501 +/- acres. Zoned 'C-2' (General Commercial).
5. Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).
6. Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and

- Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).
7. Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).
 8. Parcel #012D01007000-- Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).
 9. Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).
 10. Parcel #012D01009000—Located at 1700 Starr Circle. Contains 1.21 acres. Zoned 'C-2' (General Commercial).
 11. Parcel #012D01010000-- Located at the northwest corner of Berkeley Drive and Spivey Road. Contains 0.737 +/- acres. Zoned 'C-2' (General Commercial).
 12. Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).

III. BACKGROUND

Proposed Development	Mixed-residential project, including 318 apartments and 50 townhomes.
Site Address	Includes multiple addresses and parcel numbers.
Parcel Identification	Subject property includes 12 parcels, per the list above.
Parcel Acreage	26.5 +/- total acres within 12 parcels.
Applicant	Highway 138 Spivey Road Land Assemblage, LLC
Owner	Three owners – Everything VM, LLC; Martin Gonzalez; Martin Bonea
Current County Zoning	N/A
Current City Zoning	Varies by parcel, per the list above.
County Land Use Designation	N/A
City Land Use Designation	Low-Density Vertical Mixed-Use
Current Use	Vacant land
Surrounding Land Uses	• <u>North</u> — Glen Devon Subdivision off Glen Devon Road (County); vacant shopping center (Spivey Commons) at 1175 Highway 138 West; vacant land. • <u>South</u> —Spivey Ridge Subdivision off Spivey Ridge Circle (County). • <u>West</u> — Vacant land. • <u>East</u>— Baileys Estates Subdivision off Spivey Glen Drive (City), and Spivey Glen Subdivision off Spivey Glen Drive (County).

III. FINDINGS OF FACT

- Topographical surveys that were submitted by the applicant show that the property is traversed, from west to east, by the Reeves Creek Tributary and its associated floodplain. The property also contains a 25-foot “undisturbed State waters stream buffer” and a 20-foot sanitary sewer easement in the same area.
- The applicant has also applied for a Rezoning via RZ-2022-04 (from RR, SR, and C-2 to PUD) and a Recombination via RC-2022-01. The developer would be Tellus Partners, LLC.

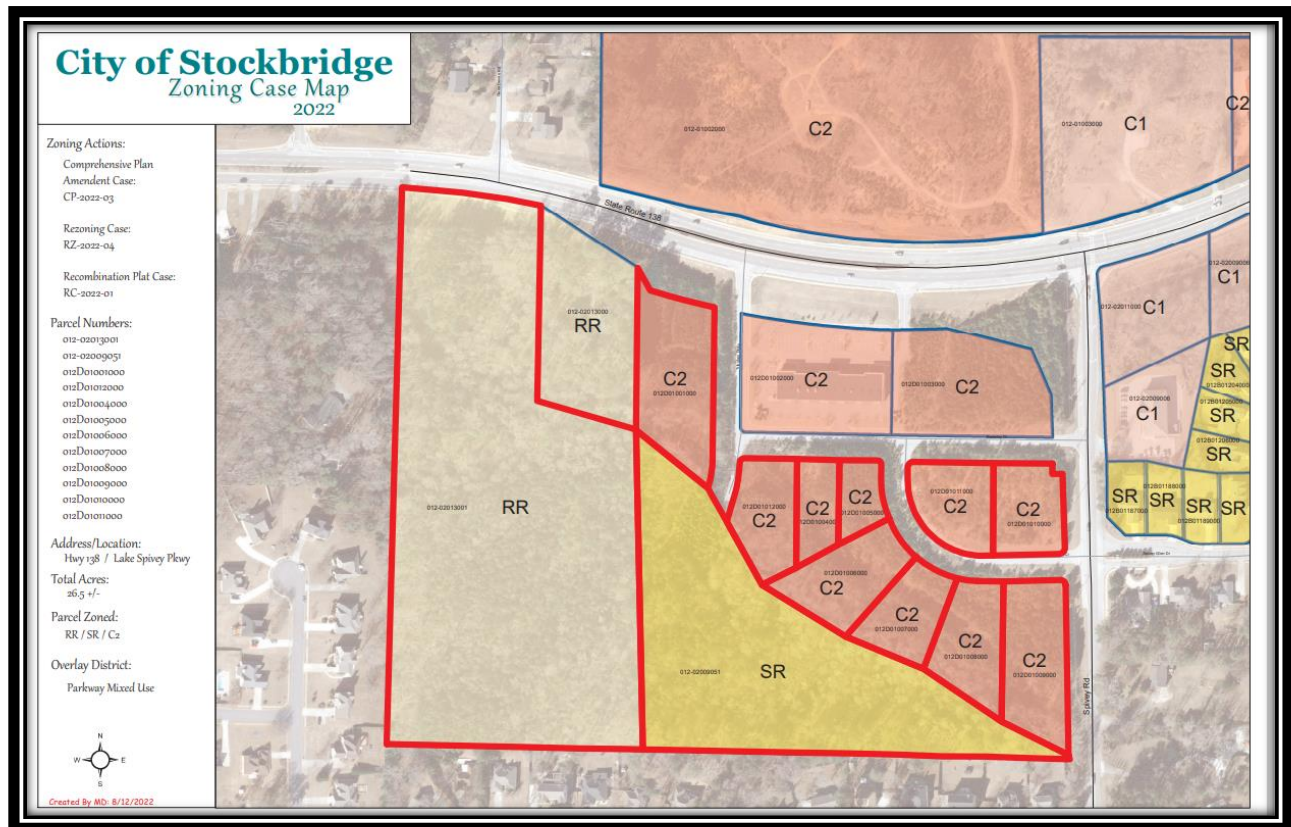
IV. PROJECT NARRATIVE

The applicant’s submitted Conceptual Site Plan shows that the proposed apartment complex would be built in the southwest corner of the site, with its entrance off Highway 138 West / Lake Spivey Parkway from Tributary Parkway, which is currently a dead-end street. The apartment Leasing Center, along with a swimming pool, would be located directly in front of Lake Spivey Parkway, at 1225 Highway 138 West (currently Parcel #012D01001000, which has 1.444 +/- acres), at the west side of Tributary Parkway. A new bridge would be built across or under Tributary Parkway, just south of the street’s intersection with Berkeley Drive. A trash dumpster would be located on a stub street off Tributary Parkway, and a large “stormwater management” would be located beyond that.

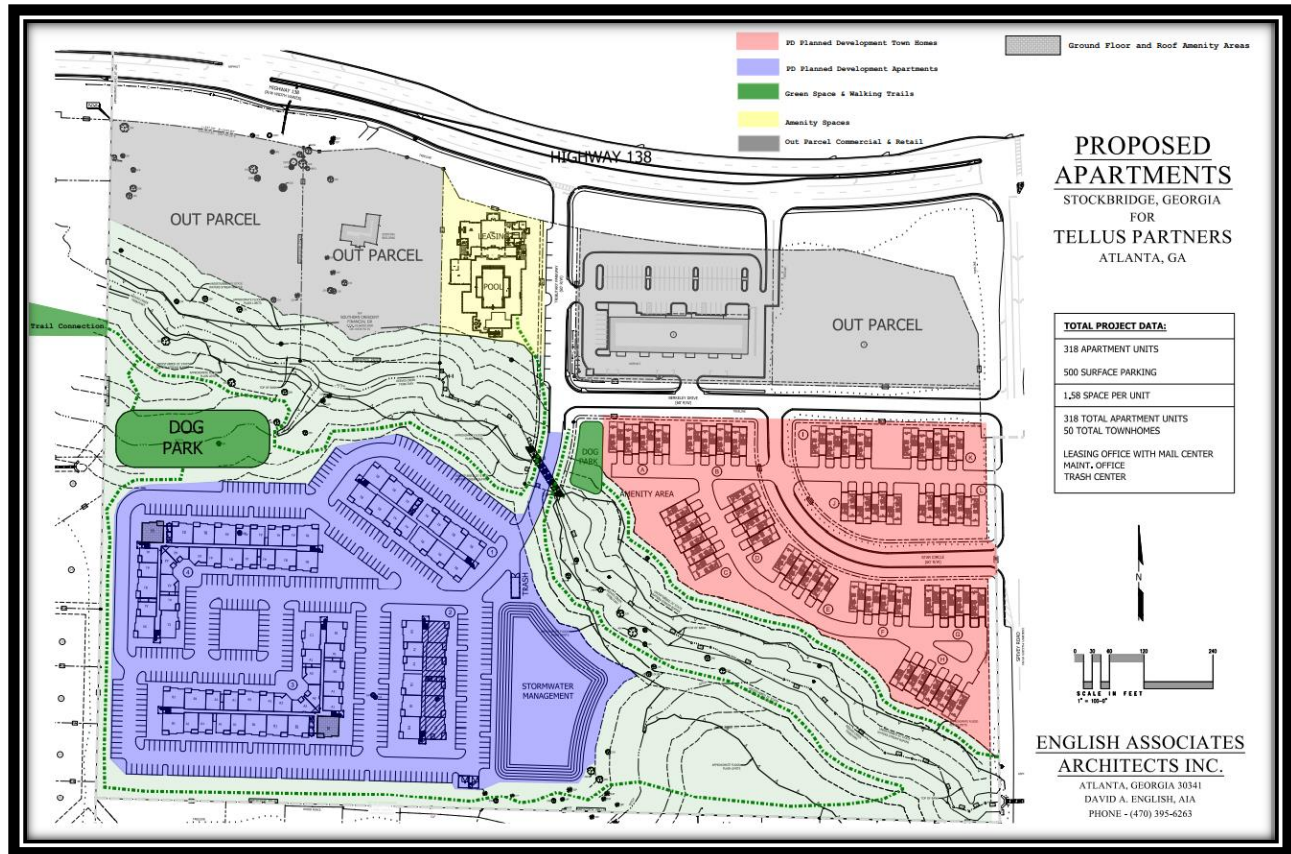
The proposed townhome community would be built at the northeast corner of the site, with entrances off Berkeley Drive and Starr Circle, which both lead to Spivey Road. The apartment complex would feature a Leasing Office with mail center, a maintenance office, a trash center, and 500 parking spaces (1.58 spaces per unit). A large Dog Park would be located to the north of the apartment complex. An “Amenity Area” is shown as part of the townhome community, and a small Dog Park would be located nearby.

IV. Maps and Illustrations

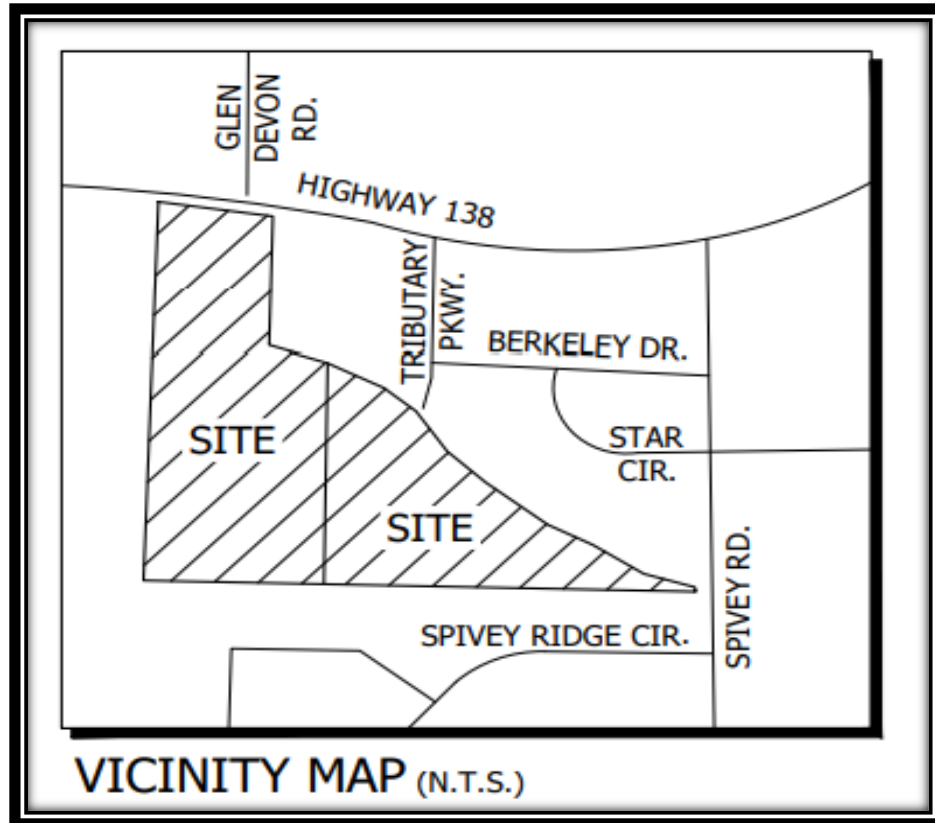
Subject Property on GIS



Site Plan



General Vicinity Map



Aerial Photo



V. Analysis

Project Description

The applicant proposes a mixed-use development consisting of 318 apartment units and 50 townhomes and to be determined commercial components.

Staff Analysis

The applicant requests a **Rezoning** under the City of Stockbridge Unified Development Code Section (Sec. 9.2.1 C):

The Planning Commission and the City Council shall consider the following standards in considering any proposal that would result in a change to the text or map of this UDC, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal.

ANALYSIS OF REQUEST

1. Consistency with the Comprehensive Plan.

The applicant's proposal in its current form is not consistent with the Low Density Vertical Mixed Use Land Use designation. The density for the proposed project is 13.88 units per acre which places the proposed project into the High-Density Residential Land Use category which allows a density rate between 6-16 units per acre. This rezoning proposal is accompanied by a Comprehensive Plan Amendment to change the land use to High-Density Residential and that would allow for the proposed development.

2. The relation that the proposed rezoning amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of the City of Stockbridge Zoning Code.

This proposed project meets one of the main goals of the Purpose and Intent of the City of Stockbridge's Unified Development Code, and that is "*Encourage the most appropriate and best use of land, buildings, and other structures throughout the City.*" This proposal in its current form meets the purpose and intent of the UDC. Also, the proposed project can serve as a catalyst for future commercial development in the City.

3. Potential positive effects of the rezoning amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.

The proposed mixed-use development project is expected to have a positive effect on the subject property and the surrounding area. Currently, the City is predominantly single-family residential, and this proposed project can further serve to diversify the housing stock within the City limits.

4. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

The property is traversed from west to east by the Reeves Creek Tributary and its associated floodplain. The property also contains a 25-foot "undisturbed State waters

stream buffer” and a 20-foot sanitary sewer easement in the same area. The subject property is physically challenged due to the presence of Reeves Creek Tributary and its surrounding floodplain areas. The developer plans to protect these areas by leaving them in their natural state. The remainder of the development site is relatively level and suitable for the proposed mixed-use development.

5. The impact upon adjacent property owners should the request be granted.

The proposed mixed residential development with townhomes and apartments would represent an acceptable land use transition between the existing single-family detached housing to the east and west and the existing retail uses along Highway 138 West and Mount Zion Parkway. The proposed project does not meet the threshold of a regional development review and, therefore, the impacts from the proposed development will be considered acceptable and considered a normal part of daily living in an urbanized area.

6. The potential impact of the rezoning on City infrastructure including water and sewage system.

The applicant has obtained a letter from the Clayton County Water Authority, dated April 18, 2022. It states that a twelve (12)-inch water main is present along the north side of Highway 138 West and an 8-inch water main running along the east side of the Tributary Parkway Court at the above referenced property. The Authority also owns and maintains along the north side of Reeves Creek tributary approximately 60 feet north of parcel 102-02009051. The sanitary sewer main might need to be extended to serve the proposed development. This may require easements and it would be at the owner’s or developer’s expense.

7. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

No trip generation memorandum has been submitted. However, since the proposed project will be located along a state roadway, Georgia DOT and Henry County DOT would be required to be consulted in the design of the transportation network of the development including ingress and egress. The developer will consult with officials from Georgia DOT and Henry County DOT to determine whether any road improvements or traffic signalization adjustments need to be made along Highway 138 West.

Regarding access to the site, Section 4.5.1 of the UDC states that any improvements along major highways are subject to Georgia DOT approval. Further, Section 16.4(J) states that any developments which have an entrance onto a state highway must provide deceleration lanes, and that these must meet Georgia DOT’s design requirements. Internally, the streets would be 28 feet wide, from the back of the curb on one side of the street to the back of the curb on the other side of the street. This would meet the requirements of the Unified Development Code (UDC), and it would meet the specifications of the Stockbridge Fire Marshal. Sidewalks will be provided along all the internal streets. Sidewalks must be at least ten (10) feet wide along Highway 138 West. The Streetscape Design Standards of the UDC also specify that along a major highway, a building frontage zone, a pedestrian travel zone, and a fixtures/planting zone must all be provided. Internally, sidewalks must be at least eight (8) feet wide on commercial streets and at least five (5) feet wide on residential streets. The proposed development will have approximately 500 parking spaces for the 368-unit development at a rate of 1.58 spaces per unit.

8. The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan.

The proposed development would meet purposes of the Parkway Mixed-Use Overlay District. The project will feature a balanced mixture of residential densities and proposed commercial uses whereby residents can truly “live, work and play.” The proposed development can be a panacea for future economic development activity in the target area.

9. The ability of the subject land to be developed as it is presently zoned.

The subject properties as currently zoned are less likely to be developed than a high density mix use development due to the subject properties’ location on a State highway, Reeves Creek Tributary, and other environmental challenges, and the lack of pedestrian access for customers who are seeking neighborhood retail products and services. The subject property in its current form is less likely to be developed. Only a high-density development would be feasible at the location because of the challenges associated with the land. A mix use development with commercial uses would be more realistic, and the proposed rezoning of the subject property to PUD would allow for such action. The rezoning of the subject property to PUD would allow for flexibility in design and greater usage of the total site area than would the current zoning.

Summary of Impacts/Concerns

Code Compliance	N/A
Police Department	No comments
Fire Marshall	Mandated two means of ingress/egress
Henry County Water and Sewer	Acceptable water/sewer
Building	No Comments
Traffic	Will be addressed later during development phsase

VI. STAFF RECOMMENDATION

The Planning and Zoning Staff recommends APPROVAL WITH CONDITIONS for the proposed rezoning of the subject property from RR (Rural Residential), SR (Suburban Residential), and C-2 (General Commercial) to PUD (Planned Unit Development).

Conditional Approval:

1. The project will be developed in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding site development standards and requirements.
2. The approval of Case #CP-2022-02 to change the property’s future land use designation from Low-Density Vertical to High-Density Residential shall occur simultaneously with the approval of Case #RZ-2022-04 for the rezoning of the property.
3. The rezoning shall not be finalized until the applicant receives approval from Mayor/Council for Recombination Plat Case #RC-2022-01 and this shall not be finalized until a new plat is officially recorded by the Henry County Super Court (Real Estate Records Division).

4. Regarding the Issuance of Land Disturbance and Building Permits – No land disturbance or building permit shall be issued for the subject property until the applicant has had the new recombination plat officially recorded and has submitted a copy of the recorded plat to the Community Development Department.

Rezoning Application

City of Stockbridge, Georgia



THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM,
MONDAY THROUGH FRIDAY,
AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Community Development Department

REZONING APPLICATION CHECKLIST

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING APPLICATIONS.
 ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease."	
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application, and must be notarized.	
Letter of Ownership	01	Letter stating that the owner is aware of the rezoning request and owns the property in question.	
Letter of Intent	1	Must clearly state the proposed use and development intent.	
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	
Form from the Health Department	1	This letter must accompany the application at the time of submittal (<i>Only needed if property is not on sewer</i>).	

A pre-application meeting with one of the staff planners before submission of any application is required. A scheduled appointment is required. (No opinions or guidance can be given over the phone). Staff will review the request and discuss all necessary code requirements that affect the request. Staff may also need to consult other City departments before accepting the application. The request will then be advertised in the *Henry Daily Herald* and a sign will be posted at least 15 days prior to the scheduled public meeting date.

The City of Stockbridge Planning Commission meets on the 4th Thursday of each month (except for holidays) to hear requests. Please contact the Planning and Zoning Office to obtain a copy of the schedule.

Contacts

Henry County Board of Education
33 North Zach Hinton Parkway
McDonough, GA 30253
tel. (770) 957-6601

City of Stockbridge Planning and Zoning Division Rezoning Application

Name of Applicant:

Everything VM, LLC 3102 South Bay Dr. Jonesboro, GA 30236 Martin Gonzales

235 Jefferson St. Newnan, GA 30263

Name of Agent:

Randy Stamey for Hwy 138 Spivey Rd. Land Assemblage, LLC(Murray)

Date: 06/29/2022

Office Phone: 770-477-5959

Cell Phone: 770-560-4819

Fax: 770-692-1258

Email: randystamey@gmail.com

Address Applicant:

121 N Main St. Jonesboro, GA 30236

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 REZONING OF THE PROPERTY.

Rezoning being requested: Planned Unit Development (P.U.D.)

Address of Property: 0 Highway 138 Stockbridge, GA 30281, 0 Berkeley Dr., Stockbridge, GA 30281, 0 Star Cr. Stockbridge, GA 30281

The property will be POSTED with a City of Stockbridge rezoning 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. 7-1-22 acknowledgement
RS

Nearest intersection to the property:

0 Hwy 138 Stockbridge, GA 30281 & 0 Spivey Rd. Stockbridge, GA 30281

Size of Tract: 26.5 +/- acre(s)

Land Lot Number(s): 42

District(s): 12

Property Tax Parcel Number(s):(Required)

012-02013001, 012-02009051, 012D01001000, 012D01012000, 012D01004000, 012D01005000, 012D01006000, 012D01007000, 012D01008000, 012D01009000, 012D01010000, 012D01011000

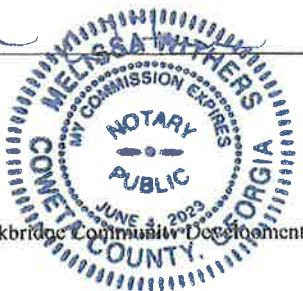
Signature of Witness

Randall James

Printed Name of Witness

Notary

NOTARY STAMP:



City of Stockbridge Community Development

Signature of Applicant

Randy Stamey
Printed Name of Applicant

Signature of Agent

North

GA 30281 770-389-7900

Applicant Campaign Disclosure Form

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

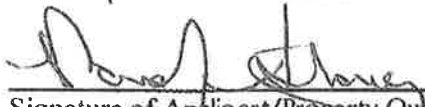
Has the applicant*, agent, or property owner made, within two (2) years immediately preceding the filing of this application, campaign contributions aggregating \$250 or more, or made gifts having in the aggregate a value of \$250 or more, to a member of the City of Stockbridge Planning Commission or the Mayor/City Council, who will consider this application?
Yes _____ No **X**

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Hwy 138 Spivey Rd Land Assemblage, LLC by Randy Stamey
Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

N/A
Applicant's Attorney, if applicable -- Printed

N/A
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.

Carmen A Blount
Henry County, Georgia
My Commission Expires
November 17, 2023
Notary Public


Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a Comprehensive Plan Amendment with the City of Stockbridge.

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*, agent, or property owner made, within two (2) years immediately preceding the filing of this application, 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 the Mayor/City Council, who will consider this application?

Yes ☐ No ☒

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29th day of June, 2022

Robert G Franks

Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

N/A

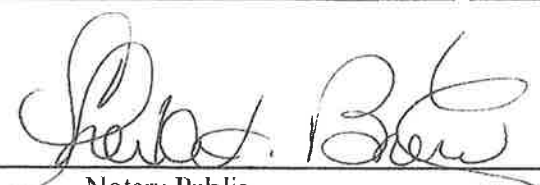
Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022




Notary Public

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Yes _____ No **X**

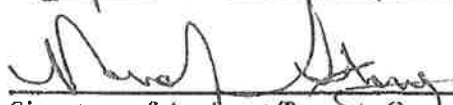
If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Randy Stamey

Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

N/A

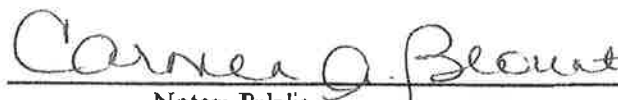
Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.

Carmen A Blount
Henry County, Georgia
My Commission Expires
November 17, 2023
Notary Public


Notary Public

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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*, agent, or property owner made, within two (2) years immediately preceding the filing of this application, 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 the Mayor/City Council, who will consider this application?

Yes _____ No **X**

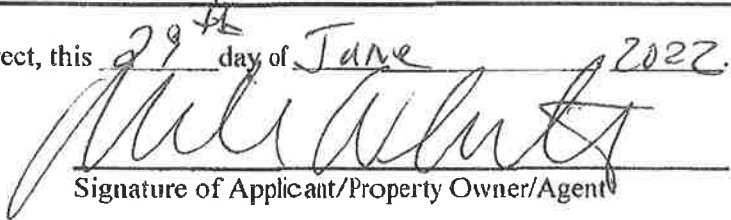
If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29th day of June, 2022.

Mike White

Applicant's Name -- Printed


Signature of Applicant/Property Owner/Agent

N/A

Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.




Notary Public

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Applicant Campaign Disclosure Form

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

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Yes _____ No **X**

If **Yes**, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

We certify that the foregoing information is true and correct, this 29 day of June, 2022.

Everything VM, LLC

Applicant's Name -- Printed

Brian Woods

Signature of Applicant/Property Owner/Agent

N/A

Applicant's Attorney, if applicable -- Printed

N/A

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29 day of June, 2022.



Denissa Bonea
Notary Public

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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*, agent, or property owner made, within two (2) years immediately preceding the filing of this application, 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 the Mayor/City Council, who will consider this application?

Yes _____ No 1

If Yes, the applicant/agent/property owner and the representing attorney must file the following information with the City of Stockbridge Mayor/City Council within ten (10) days after this application is first filed:

Name Of Planning Commissioner(s)	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater Given to Board Member

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

MARTIN GONZALES - OWNER

Applicant's Name -- Printed

X 
Signature of Applicant/Property Owner/Agent

06/28/22

Applicant's Attorney, if applicable -- Printed

Signature of Applicant's Attorney, if applicable

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



Mike White
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a Comprehensive Plan Amendment with the City of Stockbridge.



Providing Quality Water and Quality Services to Our Community

April 18, 2022

Jonathon Schrader
Tellus Partners
4983 New Peachtree Road, Suite B
Chamblee, GA 30341

Re: Tributary Parkway Court & Berkeley Drive
Parcels 012-02013001 and 012-02009051
Henry County, Georgia

Mr. Schrader,

Clayton County Water Authority owns and maintains a 12-inch water main running along the north side of Highway 138 and an 8-inch water main running along the east side of Tributary Parkway Court at the above referenced property. The Authority has a treatment capacity of 42 MGD and is currently producing an average of 25.36 MGD.

The Authority also owns and maintains an 8-inch sanitary sewer main running within parcel 012-02013001 and an 8-inch sanitary sewer main running along the north side of a Reeves Creek tributary approximately 60 feet north of parcel 102-02009051. The sanitary sewer main may need to be extended, may require easements and would be at the developer's expense. Wastewater generated from your development would receive treatment at the WB Casey WRF. This facility has a design capacity of 24.0 MGD and is presently treating 14.77 MGD. The Authority does not guarantee capacity of plant or infrastructure; capacity is allocated only when purchased.

The data contained in this letter is for informational purposes only indicating location and size. A survey, by the above referenced property owner, may be necessary to determine connection to the Authority's system.

Potable water and sanitary sewer service to this property is subject to the existing and future policies of the Clayton County Water Authority, State EPD and Federal EPA.

Sincerely,

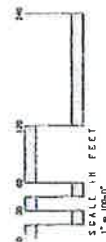
Keith Watkins
Engineering Supervisor

Ground Floor and Roof Amenity Areas

PROPOSED APARTMENTS

STOCKBRIDGE, GEORGIA
FOR
TELLUS PARTNERS
ATLANTA, GA

<u>TOTAL PROJECT DATA:</u>
318 APARTMENT UNITS
500 SURFACE PARKING
1.58 SPACE PER UNIT
318 TOTAL APARTMENT UNITS 50 TOTAL TOWNHOMES
LEASING OFFICE WITH MAIL CENTER MAINT. OFFICE TRASH CENTER



ENGLISH ASSOCIATES
ARCHITECTS INC.

ATLANTA, GEORGIA 30341

DAVID A. ENGLISH, ALA

PHONE - (470) 395-6263

LAND ENGINEERING
 1001 S 24th Street, Suite 100
 Columbus, GA 31906
 Phone: (706) 321-1111
 Fax: (706) 321-1112
 www.land-engineering.com

THIS SURVEY, INCLUDING THE PLANS, SPECIFICATIONS, AND NOTES, IS THE PROPERTY OF LAND ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS SURVEY FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF LAND ENGINEERING, INC. IS STRICTLY PROHIBITED. ANY VIOLATION OF THIS NOTICE SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO LAND ENGINEERING, INC.



811
 Know what's below.
 Call before you dig.
 1-800-4-A-DIG
 www.811.com

Project Number: 1116-002
 Date: 6/29/20
 Schedule:

Client / Prepared by:

MARTIN BONEA
 STOCKBRIDGE, GEORGIA 30087

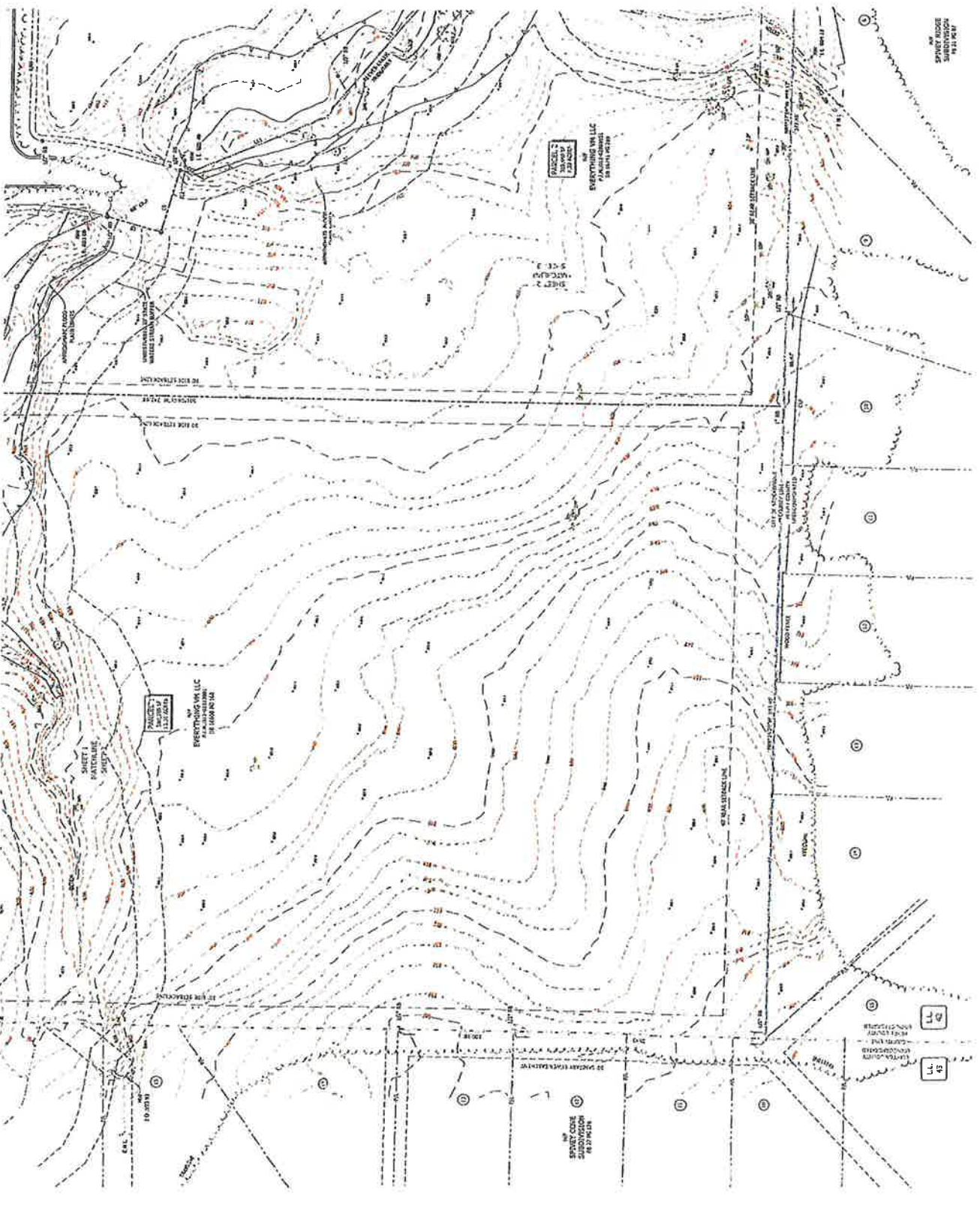
Project Name:
 TRIBUTARY PARKWAY

Project Location:
 Land Lot: 92
 District: 1271
 City: STOCKBRIDGE
 County: HENRY
 State: GEORGIA
 Drawing Scale:
 Graphic Scale: 1" = 40'

Sheet No.:

TOPOGRAPHIC SURVEY

Drawing Number: 2 3 0
 Total Sheets: 3
 Revision:



LA 1000-012

SPRINT MOBILE
 1001 S 24th Street, Suite 100
 Columbus, GA 31906

LAND ENGINEERING
 1401 S. Oak Street, Suite 203
 Marietta, Georgia 30067
 (770) 421-5546, (770) 421-5548
 www.land-engineering.com

The engineer, in accordance with the Georgia Surveying and Mapping Act of 1998, has prepared this plan for the purpose of showing the location and extent of the proposed project. The engineer does not warrant the accuracy of the information provided by the client or the results of the survey. The engineer's liability is limited to the professional fee paid for the services rendered.



811
 Call before you dig
 800 811 811
 www.811.com

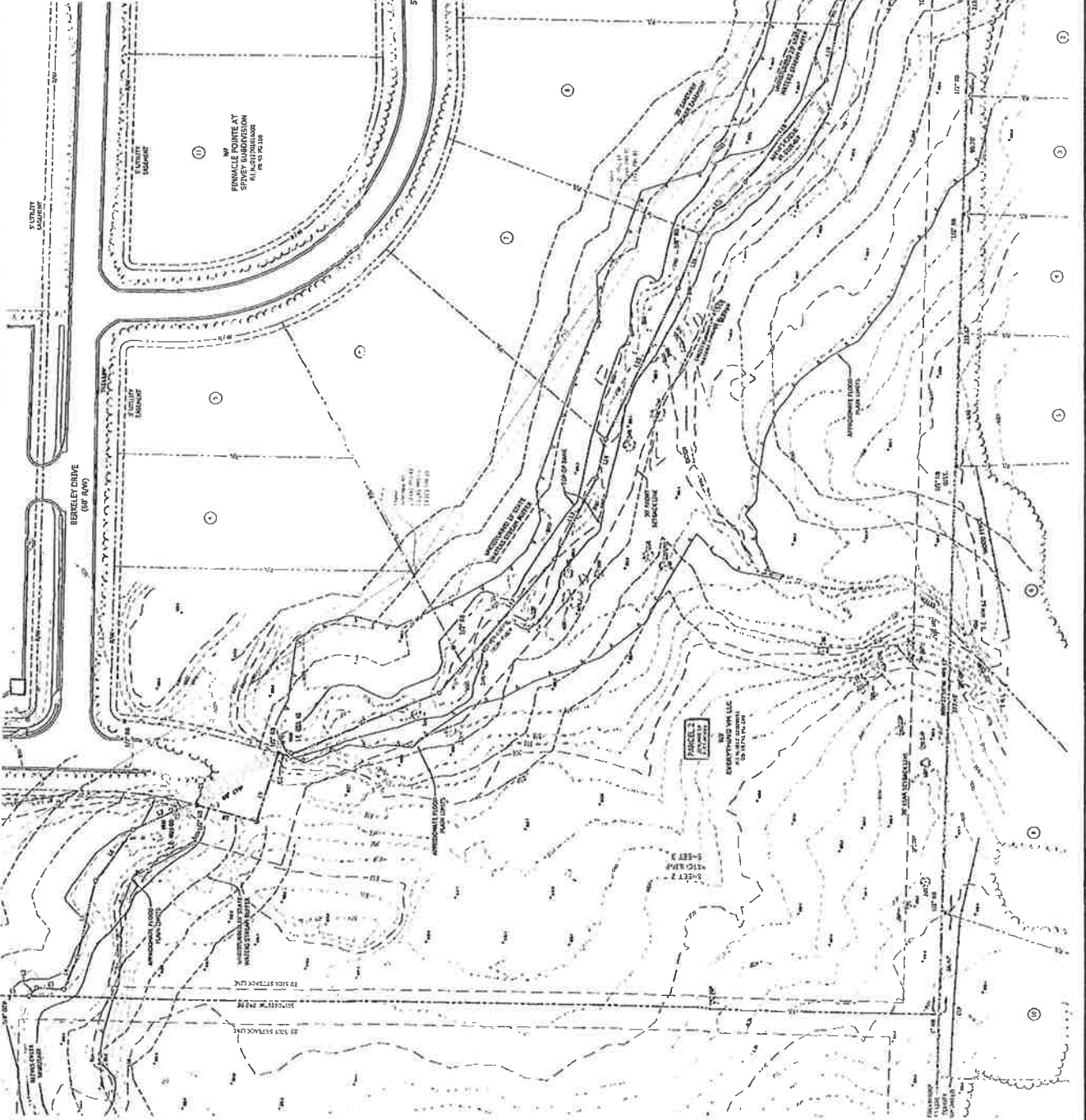
Project Number	1115-002
Owner	See Note
Location	See Note
Scale	See Note
Drawn	See Note
Check	See Note

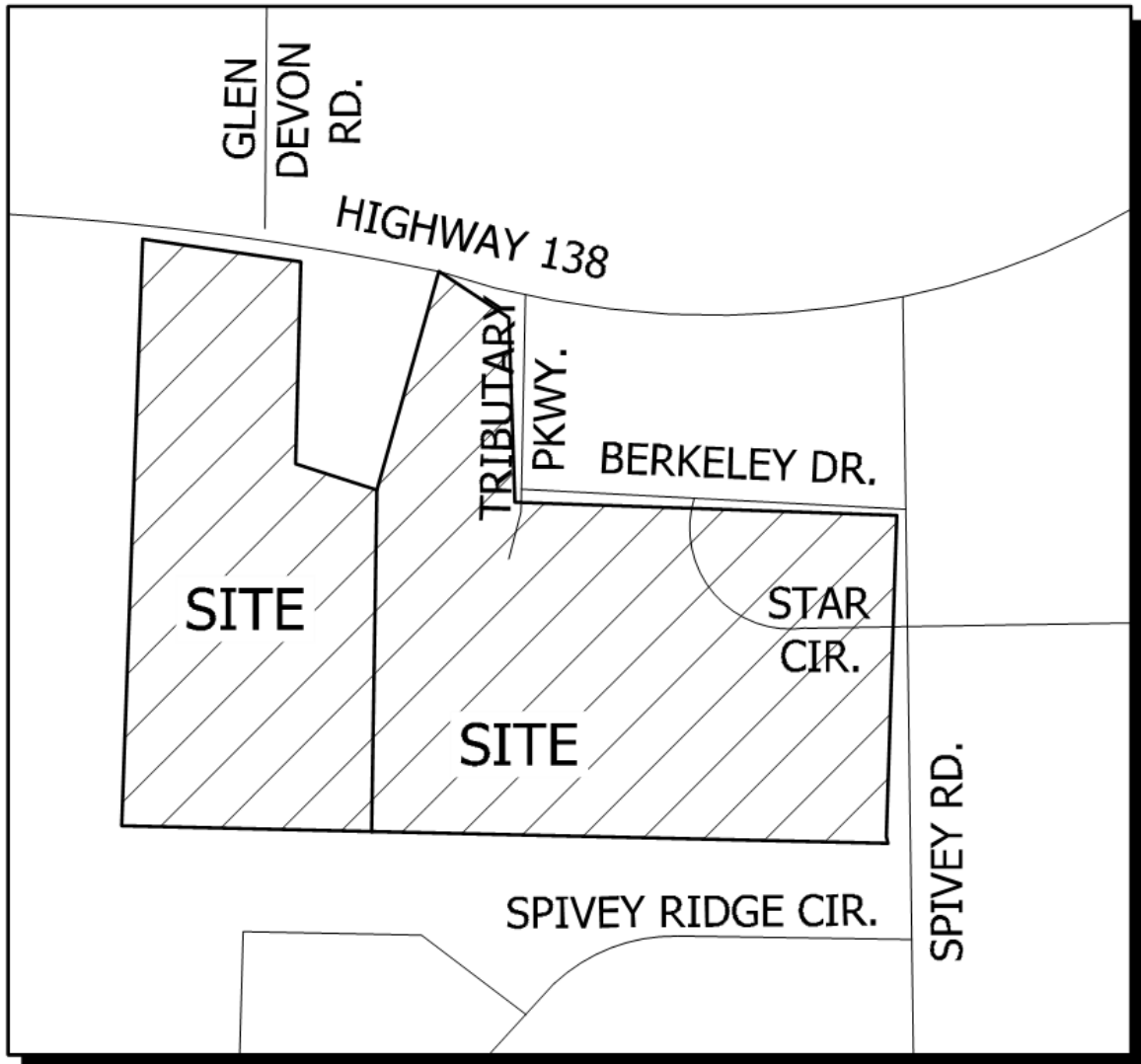
Client / Prepared by:
MARTIN BONEA
 1115-002
 811

Project Name:
TRIBUTARY PARKWAY
 Project Location:
 TRIBUTARY PARKWAY
 DISTRICT 12TH
 SECTION 12TH
 CITY: ST. LOUIS
 STATE: MISSOURI
 Drawing Scale:
 1" = 40'

Sheet No.
3
 TOPOGRAPHIC SURVEY
 Drawing Number: 1115-002
 Revision: 0

Line #	Direction	Length
L1	S 89° 02' 14" W	27.61
L2	S 89° 02' 14" W	1.83
L3	S 89° 02' 14" W	22.35
L4	S 89° 02' 14" W	29.88
L5	S 89° 02' 14" W	07.00
L6	S 89° 02' 14" W	51.22
L7	S 89° 02' 14" W	51.31
L8	S 89° 02' 14" W	58.29
L9	S 89° 02' 14" W	58.29
L10	S 89° 02' 14" W	58.29
L11	S 89° 02' 14" W	58.29
L12	S 89° 02' 14" W	58.29
L13	S 89° 02' 14" W	58.29
L14	S 89° 02' 14" W	58.29
L15	S 89° 02' 14" W	58.29
L16	S 89° 02' 14" W	58.29
L17	S 89° 02' 14" W	58.29
L18	S 89° 02' 14" W	58.29
L19	S 89° 02' 14" W	58.29
L20	S 89° 02' 14" W	58.29
L21	S 89° 02' 14" W	58.29





VICINITY MAP (N.T.S.)



TO: Mayor/Council
Planning Commission

FROM: R. Ryan Anderson, Chief Planner

CC: Brecca Carter, Community Development Director

DATE: August 25, 2022

Subject: RECOMBINATION PLAT CASE #RC-2022-01

I. PURPOSE

Consider a request for combination plat approval for 26.5 +/-total acres in Land Lot 42 of District 12 within the Stockbridge City Limits. Application by Highway 138/Spivey Road Land Assemblage, LLC, represented by Randy Stamey, the Agent, to assemble twelve (12) parcels of land that are listed below to form a development site for a mixed-use residential development.

II. COMPONENT PARCELS

The proposed site would contain the twelve (12) parcels that are listed below. The first two parcels below are owned by Everything VM, LLC. The remaining ten parcels are owned by Martin Gonzalez; they are zoned 'C-2' (General Commercial); and they are part of the Pinnacle Pointe @ Spivey Subdivision. (It is important to note that Parcel #012-02013000 with 2.00 +/- acres at 3020 Highway 138 West, owned by Southern Crescent Financial Group, would NOT be included within the site).

1. Parcel #012-02013001—Located on the south side of Highway 138 West / Lake Spivey Parkway, across from Glen Devon Road. Owned by Everything VM, LLC. Contains 14.01 +/- acres. Zoned 'RR' (Rural Residential).
2. Parcel #012-02009051—Located on Spivey Road, south of Tributary Parkway. Contains 7.40 +/- acres. Zoned 'SR' (Suburban Residential).
3. Parcel #012D01001000—Located at 1225 Highway 138 West, west of Tributary Parkway. Contains 1.444 +/- acres. Zoned 'C-2' (General Commercial).
4. Parcel #012D01012000—Located at the southeast corner of Tributary Parkway and Berkeley Drive. Contains 0.501 +/- acres. Zoned 'C-2' (General Commercial).
5. Parcel #012D01004000—Located at 1300 Berkeley Drive, between Tributary Parkway and Star Creek Drive. Contains 0.475 +/- acres. Zoned 'C-2' (General Commercial).
6. Parcel #012D01005000—Located at the southwest corner of Berkeley Drive and Star Creek Drive. Contains 0.375 +/- acres. Zoned 'C-2' (General Commercial).

7. Parcel #012D01006000—Located at 1660 Starr Circle. Contains 1.018 +/- acres. Zoned 'C-2' (General Commercial).
8. Parcel #012D01007000-- Located at 1600 Starr Circle. Contains 0.731 +/- acres. Zoned 'C-2' (General Commercial).
9. Parcel #012D01008000—Located at 1650 Starr Circle. Contains 0.968 +/- acres. Zoned 'C-2' (General Commercial).
10. Parcel #012D01009000—Located at 1700 Starr Circle. Contains 1.21 acres. Zoned 'C-2' (General Commercial).
11. Parcel #012D01010000-- Located at the northwest corner of Berkeley Drive and Spivey Road. Contains 0.737 +/- acres. Zoned 'C-2' (General Commercial).
12. Parcel #012D01011000—Located at the southeast corner of Berkeley Drive and Starr Circle. Contains 0.799 +/- acres. Zoned 'C-2' (General Commercial).

III. BACKGROUND

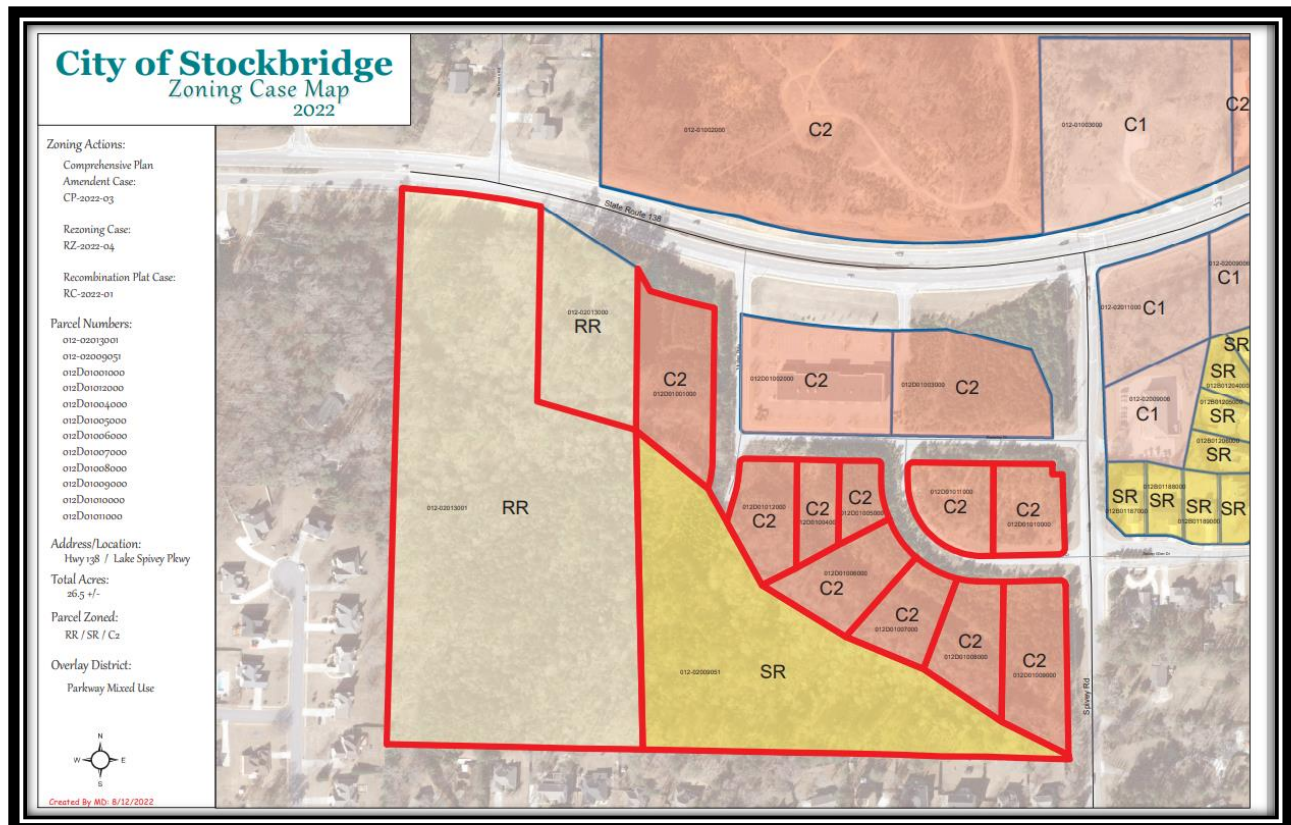
Proposed Development	Mixed-residential project, including 318 apartments and 50 townhomes.
Site Address	Includes multiple addresses and parcel numbers.
Parcel Identification	Subject property includes 12 parcels, per the list above.
Parcel Acreage	26.5 +/- total acres within 12 parcels.
Applicant	Highway 138 Spivey Road Land Assemblage, LLC
Owner	Three owners – Everything VM, LLC; Martin Gonzalez; Martin Bonea
Current County Zoning	N/A
Current City Zoning	Varies by parcel, per the list above.
County Land Use Designation	N/A
City Land Use Designation	Low-Density Vertical Mixed-Use
Current Use	Vacant land
Surrounding Land Uses	• <u>North</u> — Glen Devon Subdivision off Glen Devon Road (County); vacant shopping center (Spivey Commons) at 1175 Highway 138 West; vacant land. • <u>South</u> —Spivey Ridge Subdivision off Spivey Ridge Circle (County). • <u>West</u> — Vacant land. • <u>East</u> — Baileys Estates Subdivision off Spivey Glen Drive (City), and Spivey Glen Subdivision off Spivey Glen Drive (County).

III. FINDINGS OF FACT

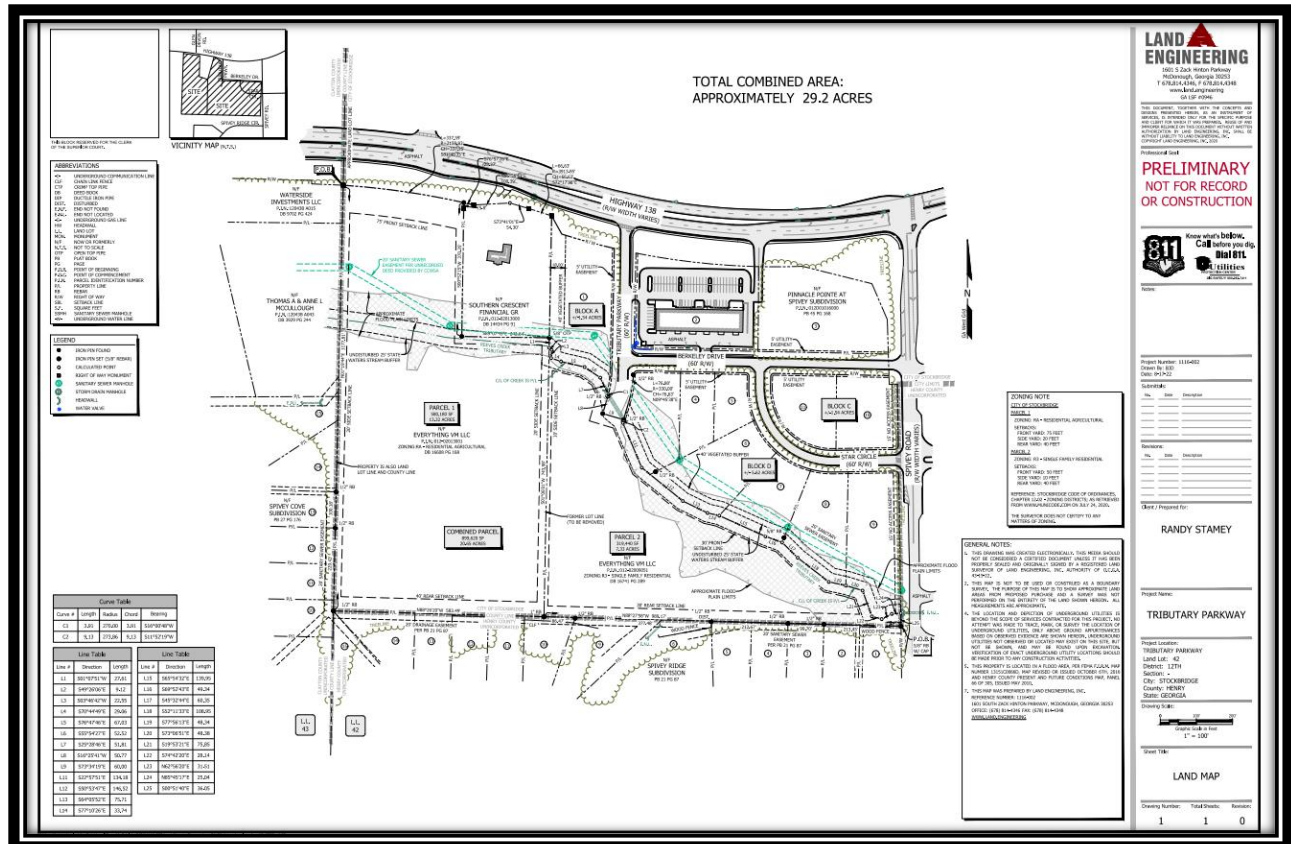
- Topographical surveys that were submitted by the applicant show that the property is traversed, from west to east, by the Reeves Creek Tributary and its associated floodplain. The property also contains a 25-foot “undisturbed State waters stream buffer” and a 20-foot sanitary sewer easement in the same area.
- The applicant has also applied for a Rezoning via RZ-2022-04 (from RR, SR, and C-2 to PUD) and a Recombination via RC-2022-01. The developer would be Tellus Partners, LLC.

IV. Maps and Illustrations

Subject Property on GIS



Preliminary Plat



The Planning and Zoning Staff recommends **APPROVAL** of RC-2022-01.



Stockbridge City Hall | 4640 North Henry Boulevard Stockbridge, GA 30281
Phone: (770) 389-7900

Short-cut Subdivision/Plat Application

This application is intended to be utilized by applicants intending to seek approval of a plat pursuant to the provisions of Section 8.32.170 of the City's ordinance.

Proposed Subdivision/Plat

Subdivision/Plat Name: N/A

Property Identification Number(s) (PIN):

012-02013001, 012-02009051, 012D01001000, 012D01012000, 012D01004000, 012D01005000, 012D01006000, 012D01007000, 012D01008000, 012D01009000, 012D01010000, 012D01011000

Address or General Street Location (nearest street intersections):

Hwy 138 & Spivey Rd.

Area of Subject Property (acres):

26.5 +/- acre(s)

Water Provider:

Clayton County Water Authority

Sewer Provider:

Clayton County Water Authority

Current Zoning District(s):

Rural Residential RA / Commercial C-2 / Single Family Residential SFR

Number of Lots:

12 Existing

50 TH 318 MF Proposed

Purpose (circle):

PUD

Subdivision/Plat Type (circle):

Recombination

Property Owner(s)

Property Owner's Name: Everything VM, LLC 3102 South Bay Dr. Jonesboro, GA 30236
Martin Gonzales, 235 Jefferson St. Newnan, GA 30263

Agent/Contact Person

Name:

Randy Stamey 121 N Main St. Jonesboro, GA 30236

Phone: 770-560-4819

Fax: 770-692-1258

randystamey@gmail.com

Surveyor

Name:

Land Engineering, INC.

1601 Zack Hinton Pkwy. S.

McDonough, GA 30253

Phone: 678-814-4346

Previous Submission

Has this tract been previously submitted as a subdivision to the city?

No

If yes, provide the following:

Narrative Statement

Attach a narrative statement to this application describing the subdivision and whether improvements are needed to provide access to public infrastructure to all new lots created by this subdivision plat. If no improvements are needed, please state that no infrastructure improvements are necessary. If improvements are required, the consulting engineer shall provide a statement and signed itemized cost estimate for review by City staff and an explanation of the planned improvements. Both the narrative statement and construction bond estimate shall be stamped and signed by a registered Professional Engineer.

Applicant Certification

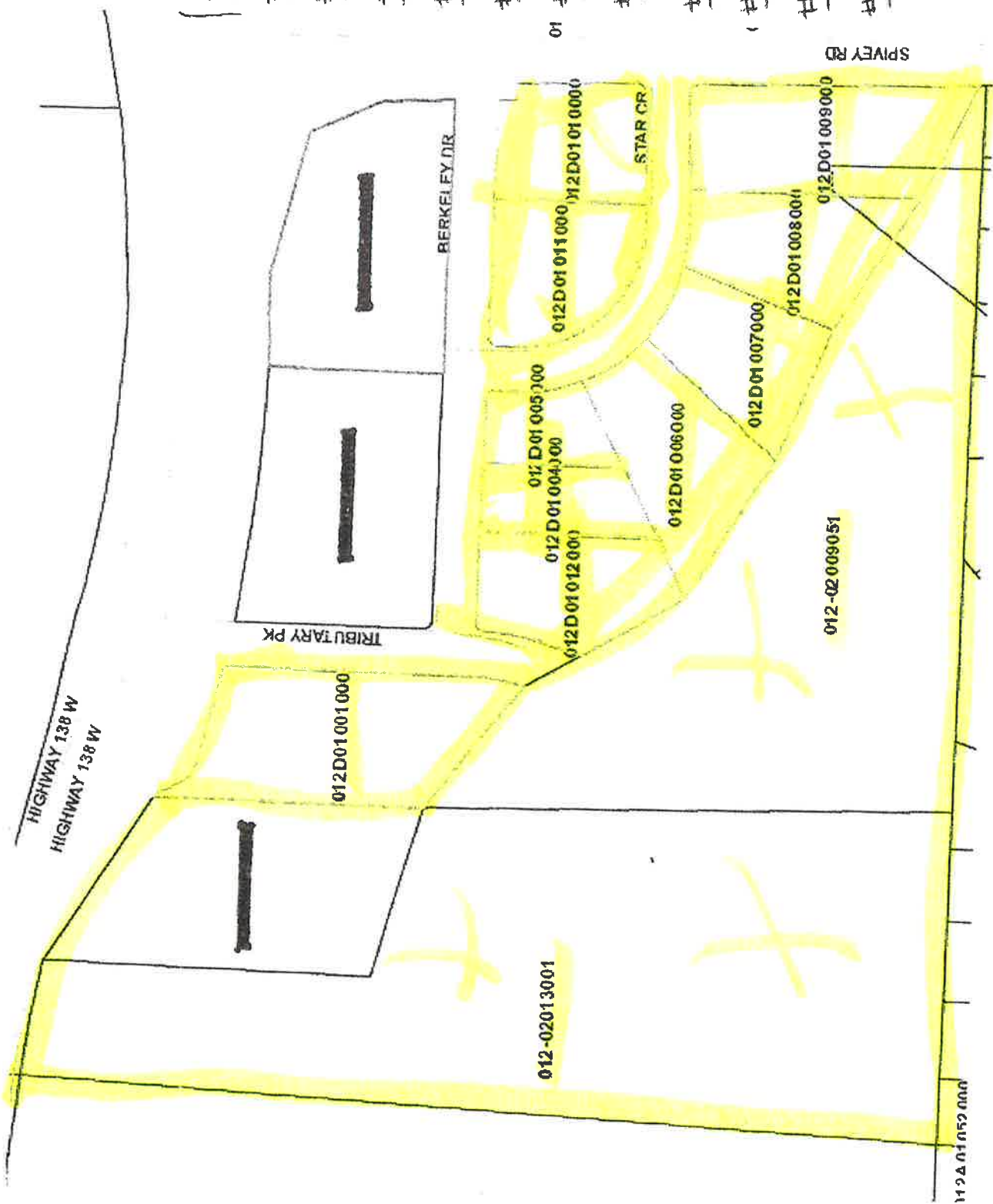
I hereby certify that I am the owner or authorized agent of the property being proposed for subdivision, and that this proposed subdivision plat does not violate any covenants or deed restrictions, that all taxes applicable to this property have been paid and that there are no delinquent taxes outstanding. I hereby certify that I have answered all the questions contained herein and know the same to be true and correct.

Randy Stamey for Hwy 138 Spivey Rd Land Assemblage, LLC

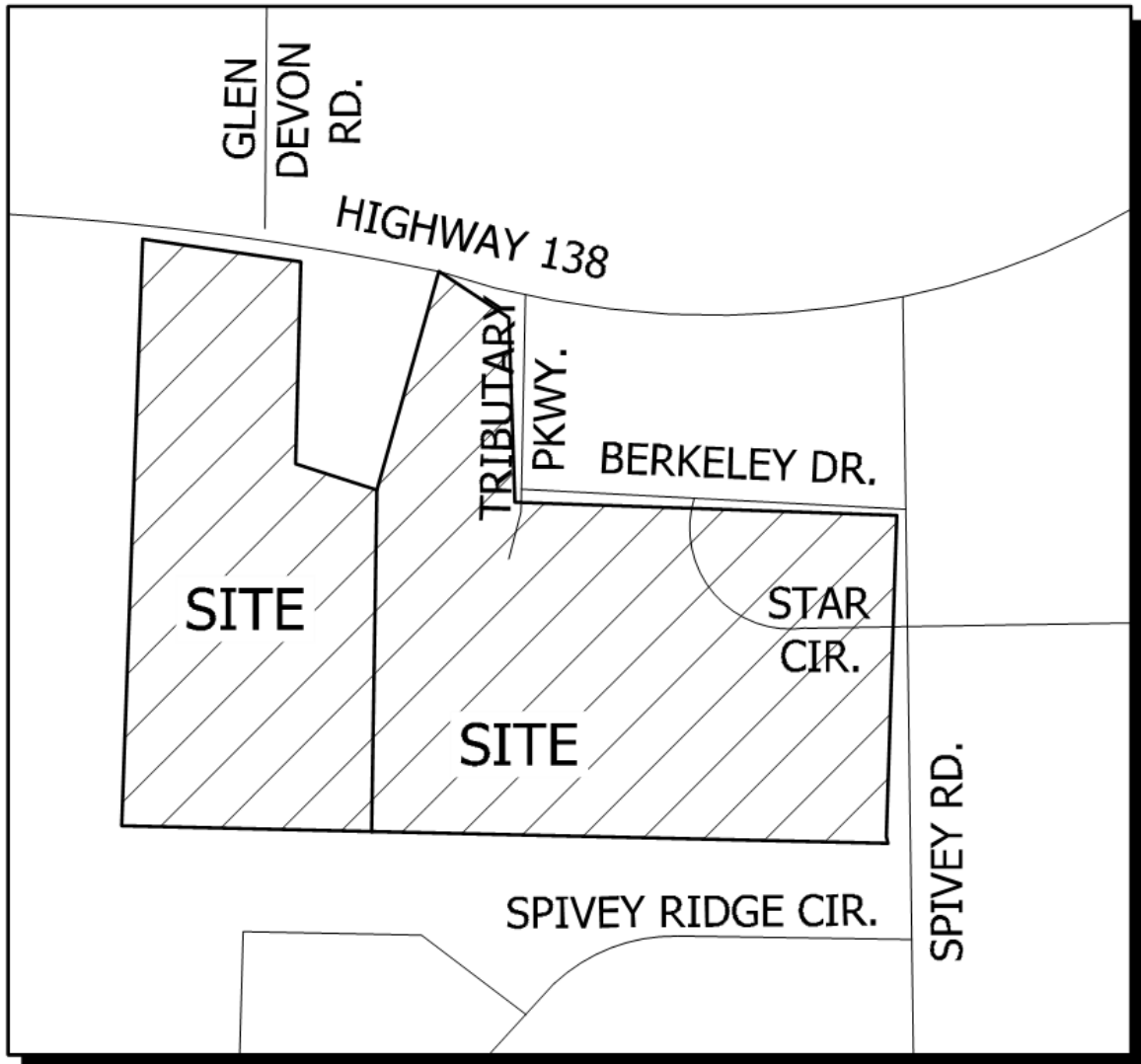
Printed Name of Applicant (Not Company Name)

Signature of Applicant

Date



- #1: 012-02013001
- #2: 012D01001000
- #3: 012D01012000
- #4: 012D01004000
- #5: 012D01005000
- #6: 012D01006000
- #7: 012D01007000
- #8: 012D01008000
- #9: 012D01009000
- #10: 012D01011000
- #11: 012D01010000
- #12: 012-02009051



VICINITY MAP (N.T.S.)

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICES, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION BY LAND ENGINEERING, INC. SHALL BE WITHOUT LIABILITY TO LAND ENGINEERING, INC. COPYRIGHT LAND ENGINEERING, INC. 2020

Professional Seal:

PRELIMINARY
NOT FOR RECORD
OR CONSTRUCTION



Notes:

Project Number: 1116-002
Drawn By: BJD
Date: 8-17-22

Submittals:

No.	Date	Description

Revisions:

No.	Date	Description

Client / Prepared for:

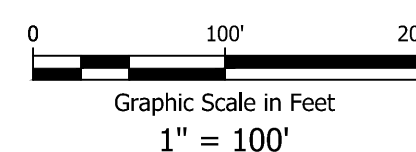
RANDY STAMEY

Project Name:

TRIBUTARY PARKWAY

Project Location:
TRIBUTARY PARKWAY
Land Lot: 42
District: 12TH
Section: -
City: STOCKBRIDGE
County: HENRY
State: GEORGIA

Drawing Scale:



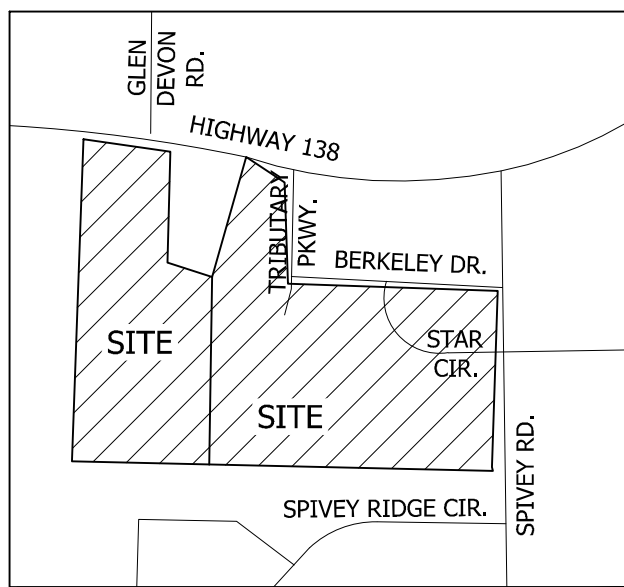
Sheet Title:

LAND MAP

Drawing Number: Total Sheets: Revision:

1 1 0

TOTAL COMBINED AREA:
APPROXIMATELY 29.2 ACRES



VICINITY MAP (N.T.S.)

ABBREVIATIONS

-C-	UNDERGROUND COMMUNICATION LINE
CLF	CHAIN LINK FENCE
CTP	CRIMP TOP PIPE
DB	DEED BOOK
DIP	DUCTILE IRON PIPE
DIST.	DISTURBED
E.N.F.	END NOT FOUND
E.N.L.	END NOT LOCATED
-G-	UNDERGROUND GAS LINE
HW	HEADWALL
L.L.	LAND LOT
MON.	MONUMENT
N/F	NOW OR FORMERLY
N.T.S.	NOT TO SCALE
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.I.N.	PARCEL IDENTIFICATION NUMBER
P/L	PROPERTY LINE
RB	REBAR
R/W	RIGHT OF WAY
SBL	SETBACK LINE
S.F.	SQUARE FEET
SSMH	SANITARY SEWER MANHOLE
-W-	UNDERGROUND WATER LINE

LEGEND

●	IRON PIN FOUND
⊙	IRON PIN SET (5/8" REBAR)
○	CALCULATED POINT
⊠	RIGHT OF WAY MONUMENT
⊕	SANITARY SEWER MANHOLE
⊕	STORM DRAIN MANHOLE
⊕	HEADWALL
⊕	WATER VALVE

Curve Table				
Curve #	Length	Radius	Chord	Bearing
C1	3.91	270.00	3.91	S16°00'48"W
C2	9.13	273.86	9.13	S11°52'19"W

Line Table		
Line #	Direction	Length
L1	S01°07'51"W	27.61
L2	S49°26'06"E	9.12
L3	S03°46'42"W	22.55
L4	S70°44'49"E	29.06
L5	S76°47'46"E	67.03
L6	S55°54'27"E	52.52
L7	S25°28'46"E	51.81
L8	S16°25'41"W	50.77
L9	S73°34'19"E	60.00
L11	S22°57'51"E	134.18
L12	S50°53'47"E	146.52
L13	S64°05'52"E	75.71
L14	S77°10'26"E	33.74

Line Table		
Line #	Direction	Length
L15	S65°54'32"E	139.95
L16	S69°52'43"E	49.34
L17	S45°32'44"E	60.35
L18	S52°11'33"E	108.95
L19	S73°56'13"E	48.34
L20	S73°06'51"E	48.38
L21	S19°53'21"E	75.85
L22	S74°42'20"E	28.14
L23	N62°56'20"E	31.51
L24	N85°45'17"E	25.04
L25	S00°51'40"E	36.05

