Stockbridge

Where Community Connects

STOCKBRIDGE

PLANNING COMMISSION

BOARD MEMBERS

Vacant, Chair

Stanley Dumas, Vice Chair

Harold Thibodeaux

David Planchon

Anthony Mitten

Jayden Williams

ADMINISTRATION

Vacant

Community Development Director

Ryan Anderson

Chief Planner

Linda Logan

Senior Planner, Secretary

Gordon Linton, Planner I

Valerie Ross, Attorney

Planning Commission Meeting Agenda January 25, 2024 6:30 PM

STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

Fax: 770-389-7912

AGENDA
PLANNING COMMISSION MEETING
CITY OF STOCKBRIDGE

THURSDAY, JANUARY 25, 2024 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
Approval of the December 21, 2023 Summary Minutes.

NEW BUSINESS

Item # 1 - TEXT AMENDMENT CASE #TX-2024-01: ORDINANCE TO ALLOW ADDITIONAL LICENSES AND LOCATIONS IN THE CITY FOR SEVERAL TYPES OF BUSINESSES.
Consideration of an ordinance to amend the City of Stockbridge Code of Ordinances relating to dealers in distilled spirits, pawn shops, tire shops, used car dealerships, and precious gems, so as to clarify the number of licenses available, and to provide a process for allowing additional licenses based upon Census data.

Presented by: Ryan Anderson

PUBLIC HEARING

Item # 1 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-08. (Located in Council District 4.)
Consideration of a request for a Comprehensive Plan Amendment to change the future land use designation of certain property at 135 & 305 East Atlanta Roadfrom "Low-Density Mixed-Use" to "Special Purpose" to allow for the construction of a townhome development. The applicant is Harold R. Singer, Jr. of Gibeon Consulting Group. The property contains two parcels in Land Lot 68 of District 12, as are listed below, with 1.65 +/- total acres within the Stockbridge City Limits.

- **135 East Atlanta Road (Parcel # S25-01022000)—Contains 1.28 +/- acres.**
- **305 East Atlanta Road (Parcel # S25-01022005)—Contains 0.37 +/-acres.**

Presented by: Ryan Anderson

Item # 2 - REZONING CASE #RZ-2023-09. (Located in Council District 4.) Consideration of a request for a rezoning to rezone certain property at 135 & 305 East Atlanta Road from 'SR' (Suburban Residential) to 'MFR' (Multiple Family Residential) to allow for the construction of a townhome development. The applicant is Harold R. Singer, Jr. of Gibeon Consulting Group. The property contains two parcels in Land Lot 68 of District 12, as are listed below, with 1.65 +/- total acres within the Stockbridge City Limits.

- **135 East Atlanta Road (Parcel # S25-01022000)—Contains 1.28 +/- acres.**
- **305 East Atlanta Road (Parcel # S25-01022005)—Contains 0.37 +/-acres.**

Presented by: Ryan Anderson

Item # 3 - VARIANCE CASE #VR-2023-05. (Located in Council District 4.) Consideration of three variances for certain property at 135 & 305 East Atlanta Road to allow for the construction of a townhome development. The variance requests are as follows: 1) to reduce the front yard setbacks from the required 50 feet to 15 feet; 2) to reduce the required side yard setbacks from 15 feet to 10 feet; and 3) to increase the allowable maximum lot coverages from 50 percent to 60 percent. The applicant is Harold R. Singer, Jr. of Gibeon Consulting Group. The property contains two parcels in Land Lot 68 of District 12, as are listed below, with 1.65 +/- total acres within the Stockbridge City Limits.

- **135 East Atlanta Road (Parcel # S25-01022000)—Contains 1.28 +/- acres.**
- **305 East Atlanta Road (Parcel # S25-01022005)—Contains 0.37 +/-acres.**

Presented by: Ryan Anderson

Item # 4 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09. (Located in Council District 4.) Consideration of a request for a Comprehensive Plan Amendment to change the future land use designation of certain property on the north side of North Henry Boulevard and west side of Center Street, as are listed below, from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential" to allow for the construction of a townhome development. The applicant is Forestar (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP. The property contains five parcels in Land Lot 12 of District 6, as are listed below,

with 15.601 +/- total acres within the Stockbridge City Limits.

1. **4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use).**
2. **4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use).**
3. **4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres. Existing future land use designation: 'MDR' (Medium-Density Residential).**
4. **4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres. Existing future land use designation: LDMU' (Low-Density Mixed-Use).**
5. **Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use).**

Presented by: Ryan Anderson

Item # 5 - REZONING CASE #RZ-2023-10. (Located in Council District 4.) Consideration of a request for a rezoning to rezone certain property on the north side of North Henry Boulevard and west side of Center Street, as are listed below, from 'SR' (Suburban Residential), 'OI' (Office-Industrial), and 'C-1' (Neighborhood Commercial) to MFR (Multiple Family Residential) to allow for the construction of a townhome development. The applicant is Forestar (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP. The property contains five parcels in Land Lot 12 of District 6, as are listed below, with 15.601 +/- total acres within the Stockbridge City Limits.

1. **4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Zoned 'OI' (Office-Institutional).**
2. **4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Zoned 'OI' (Office-Institutional).**
3. **4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres. Zoned 'SR' (Suburban Residential).**
4. **4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres. Zoned 'OI' (Office-Institutional).**
5. **Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres. Zoned 'C-1' (Neighborhood Commercial).**

Presented by: Ryan Anderson

Item # 6 - VARIANCE CASE #VR-2023-06. (Located in Council District 4.) Consideration of a request for a variance on certain property on the north side of

North Henry Boulevard and west side Center Street, as are listed below, to allow for the construction of a townhome development. The purpose of the variance is to reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR (Multiple Family Residential) zoning.

The applicant is Forestar (USA) Real Estate Group, Inc., represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP. The property contains five parcels in Land Lot 12 of District 6, as are listed below, with 15.601 +/- total acres within the Stockbridge City Limits.

1. **4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres.**
2. **4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres.**
3. **4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres.**
4. **4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres.**
5. **Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres.**

Presented by: Ryan Anderson

STAFF COMMENTS

BOARD COMMENTS

ADJOURNMENT

PROJECT UPDATES

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, December 21, 2023 at 6:30 p.m.

BOARD MEMBERS:

Askia Abdullah, Chairman
Stanley Dumas, Vice Chairman
Harold Thibodeaux
David Planchon
Anthony Mitten
Jayden Williams

ADMINISTRATION:

Ryan Anderson, Interim Director
Valerie Ross, City Zoning Attorney
Vanessa Holiday, City Clerk
Linda Logan, Senior Planner / PC Sect'y
Gordon Linton, Planner I

I. CALL TO ORDER – Made by Stanley Dumas, Vice Chairman, at 6:30 p.m.

II. INVOCATION – Led by Harold Thibodeaux.

III. PLEDGE OF ALLEGIANCE – Done in Unison.

IV. ROLL CALL – Taken by Linda Logan:

	Present:	Absent:
~ Askia Abdullah	_____	_____X_____
~ Stanley Dumas	_____X_____	_____
~ Harold Thibodeaux	_____X_____	_____
~ David Planchon	_____X_____	_____
~ Anthony Mitten	_____X_____	_____
~ Jayden Williams	_____X_____	_____

A quorum of Board members was achieved.

V. ADOPTION OF THE AGENDA

A motion to adopt the Agenda was made by Jayden Williams, and Harold Thibodeaux seconded the motion. A vote was taken, and the agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – November 16, 2023 Summary Minutes.

A motion to approve the Minutes was made by Harold Thibodeaux, and Jayden seconded the motion. A vote was taken, and the Minutes were unanimously adopted.

VII. REVISED PROVISIONS TO THE STATE ZONING PROCEDURES LAW.

A presentation to be made on the State of Georgia's Zoning Procedures Law regarding the new mandated requirements.

A presentation was made by Richard Edwards, a consultant from Clark Patterson Lee, of the provisions of the State Zoning Procedures Law. He made the following points:

1. The ZPL was amended in July 2022, and changes took effect in July 2023.
2. The ZPL originated in House Bill 1045 and House Bill 916.
3. All local governments in Georgia are required to comply with the ZPL.
4. The ZPL imposes procedures on quasi-judicial decisions and zoning decisions.
5. Senate Bill 213 prohibits local governments from preventing the continuance of a lawful nonconforming use of a property when a preexisting manufactured or mobile home is replaced with another such home.
6. Multiple zoning signs and ads are no longer needed.
7. Places of worship cannot be treated any differently from other mass assembly centers.
8. The ZPL now requires that community zoning information meetings be held.
9. The list of allowed variances has been replaced with a list of prohibited variances.
10. The City's 2024 Planning & Zoning Schedule should reflect the ZPL's changes in advertising time periods.

A motion to approve the State Zoning Procedure Law was made by Anthony Mitten, and the motion was seconded by Jayden Williams. A vote was taken, and the motion passed unanimously.

Vice Chairman Stanley Dumas read into the record the legal advertisements for the following four cases. Ryan Anderson stated that the cases would be presented first, and then questions could be asked by the Board members.

Joint presentations were made, and a joint public hearing was held for four cases pertaining to certain property on Brannan Road: AX-2023-05, CP-2023-06, RZ-2023-07, and VR-2023-03, as are listed below.

VIII. ANNEXATION CASE #AX-2023-05. (To be located in Council District 5.)

Consideration of a request for the annexation of certain property on Brannan Road to allow for the construction of a single-family detached residential development (subdivision). The applicant is Pulte Group, Inc., c/o Battle Law, P.C. The property contains four parcels in Land Lots 2 & 3 of District 7, as are listed below, with 134.31+/- total acres in unincorporated Henry County.

- 941 Brannan Road (Parcel #088-02055000)—Contains 5.0 +/- acres.
- 1100 Brannan Road (Parcel #088-02057000)—To include the southwestern tract only, which contains 29.09 +/-acres.
- Parcel #088-02056000—Contains 87.33 +/- acres.
- Parcel #070-01005001—Contains 12.89 +/- acres.

IX. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-06. (To be located in Council District 5.)

Consideration of a request for a Comprehensive Plan Amendment to assign the future land use designation of 'Low-Density Residential' to certain property on Brannan Road to allow for the construction of a single-family detached residential development (subdivision). The applicant is Pulte Group, Inc., c/o Battle Law, P.C. The property contains four parcels in Land Lots 2 & 3 of District 7, as are listed below, with 134.31+/- total acres in unincorporated Henry County.

- 941 Brannan Road (Parcel #088-02055000)—Contains 5.0 +/- acres.
- 1100 Brannan Road (Parcel #088-02057000)—To include the southwestern tract only, which contains 29.09 +/-acres.
- Parcel #088-02056000—Contains 87.33 +/- acres.
- Parcel #070-01005001—Contains 12.89 +/- acres.

X. REZONING CASE #RZ-2023-07. (To be located in Council District 5.)

Consideration of a request for a rezoning to assign the zoning district of 'SR' (Suburban Residential District) to certain property on Brannan Road to allow for the construction of a single-family detached residential development (subdivision). The applicant is Pulte Group, Inc., c/o Battle Law, P.C. The property contains four parcels in Land Lots 2 & 3 of District 7, as are listed below, with 134.31+/- total acres in unincorporated Henry County.

- 941 Brannan Road (Parcel #088-02055000)—Contains 5.0 +/- acres.
- 1100 Brannan Road (Parcel #088-02057000)—To include the southwestern tract only, which contains 29.09 +/-acres.
- Parcel #088-02056000—Contains 87.33 +/- acres.
- Parcel #070-01005001—Contains 12.89 +/- acres.

XI. VARIANCE CASE #VR-2023-03. (To be located in Council District 5.)

Consideration of a request for a variance on certain property on Brannan Road to allow for the construction of a single-family detached residential development (subdivision). The purpose of the variance request is to allow the reduction in the front yard setbacks from the required 50 feet to 35 feet. The applicant is Pulte Group, Inc., c/o Battle Law, P.C. The property contains four parcels in Land Lots 2 & 3 of District 7, as are listed below, with 134.31+/- total acres in unincorporated Henry County.

- 941 Brannan Road (Parcel #088-02055000)—Contains 5.0 +/- acres.
- 1100 Brannan Road (Parcel #088-02057000)—To include the southwestern tract only, which contains 29.09 +/-acres.
- Parcel #088-02056000—Contains 87.33 +/- acres.
- Parcel #070-01005001—Contains 12.89 +/- acres.

CASE DISCUSSIONS FOR AX-2023-05, CP-2023-06, RZ-2023-07, AND VR-2023-03:

AX-2023-05 Discussion and Action – The Staff presentation was made by Gordon Linton. Harold Thibodeaux asked whether a traffic study had been done and whether the applicant had met with the community. Then, Michele Battle of Battle Law, LLC made a presentation on behalf of the developer, Pulte Group. She said that a 25-foot zoning buffer would be provided next to the adjacent properties, and that the developer would prepare an environmental impact study. David Planchon asked for verification on the setback change. Jayden Williams made a motion to deny AX-2023-05, and Harold Thibodeaux seconded the motion. A vote was taken, and the motion to deny this case was unanimously approved.

CP-2023-06 Discussion and Action – The Staff presentation was made by Gordon Linton. Jayden Williams made a motion to deny CP-2023-06, and Harold Thibodeaux seconded the motion. A vote was taken, and the motion to deny this case was approved unanimously.

RZ-2023-07 Discussion and Action -- Linda Logan made the Staff Presentation for RZ-2023-07. She said that the subject property contained several abandoned structures and a small cemetery. Two accesses would be provided off Brannan Road. She highlighted the proposed amenities, which would be located on the northern portion of the property. Ms. Logan explained that the applicant's conceptual site plan showed open space around the floodplain areas, and that two detention ponds and buffer zones would also be provided. The parking requirement was met. The proposed homes would have a minimum of 3,030 square feet, with two or three stories and two-car garages. Ten different floor plans would be offered, with prices in the $551,000 to $666,999 price range. The land use impacts on adjacent property owners would be minimal since there are other detached subdivisions in the immediate area. Adequate water and sewer infrastructure is available, and only four new classrooms would be needed. A traffic impact study was prepared by NV5 Engineers, which concluded that the projected traffic impacts on the surrounding streets would be acceptable, although the study was done about two years ago. The study recommended the installation of deceleration lanes at both project entrances. Ms. Logan read the list of Staff recommended zoning conditions. Michele Battle stated that she agreed with them.

VR-2023-03 Discussion and Action:

Staff Presentation -- Linda Logan made the Staff presentation. She stated that the requested variance would be justified by the presence of the significant floodplains on the property, which significantly reduced the developable area of the property. There would be several different lot configurations. The Staff recommended the approval of VR-2023-03, conditioned upon the site plan and the developer meeting the required lot coverage.

Applicant's Presentation – Michele Battle of Battle Law made a presentation on behalf of the developer, Pulte Group. She said that the developer has built many subdivisions in Metro Atlanta, including Henry County. She stated that 161 units would be built at a density of 1.19 units per acre, and that the number of units was reduced after receiving citizen input. She explained that the net acreage would be 80.94 after accounting for the unbuildable areas of the property. A 50-foot buffer would be provided along Brannan Road, and a walking trail would be provided. The proposed setback reductions would allow for larger areas to be left undisturbed. Lots would have minimum lot sizes of 12,000 square feet, which would match those in the Clark Meadows Subdivision, and which would be larger than the lot sizes in the Summit at Eagles Landing Subdivision. The developer would offer several house designs, which would allow for a diversity in

aesthetics. The proposed homes would have two stories, with some components of brick or hardiplank. Single-storied homes would be offered for individuals who prefer ranch-style homes. They would have 2,360 to 3,000 square feet and be priced from the mid-$400,000s to the high $500,000s. The two-story homes would be priced around $700,000. Ms. Battle pointed out that since the traffic study was based on a greater number of homes, the traffic impact would be even less. The developer would take measures to protect the stream, and no lots or amenities would be located in the environmentally-sensitive areas. An HOA would own all of the green space and amenity areas, and it would be responsible for all of the maintenance and upkeep of the property. The stream and buffer areas need to stay in the natural states. The developer is comfortable with the Staff's recommended conditions.

Board Questions of the Applicant – Stanley Dumas stated that he did not hear anything about community meetings being held. Ms. Battle stated that she was open to holding a community meeting prior to the Council meeting. Mr. Dumas felt that the proposed low density of under two units per acre was desirable. He wondered about the distance between homes, he but noted that the rear yard setback requirement would be met. Jayden Williams thought that the applicant should also meet with school officials to accommodate the wishes of the new students and their parents. Ms. Battle said that she had contacted the school officials to ensure that they were aware of the proposed development. Anthony Mitten asked whether any homes would be rentals. Ms Battle said that the developer was not looking to have rental community, but that that issue could be addressed if it was desired. But this is intended to be a community with homeowners. Jayden Williams asked about an HOA. Ms. Battle said that an HOA would be mandatory once a certain percentage of homes was sold. The HOA would then be responsible for all property maintenance and upkeep.

Joint Public Hearing for AX-2023-05, CP-2023-06, RZ-2023-07, AND VR-2023-03:

Sarah Lesley of 354 Newcastle Vista – Ms. Lesley believed that the applicant's annexation request is an attempt to get around the previous rezoning denial by Henry County, when concerns were raised about protecting the watershed area, and possible runoff from construction after trees are cut down. An environmental study needs to be done. Several other residential developments are already being built in the area, and more houses are coming. The Springdale development is coming. There are too many students for the schools. There are not enough roads, schools, or doctors. Traffic from this project would have a direct adverse impact on the area. Adding more people in this area would push existing residents out. The rezoning would affect citizens' property values, and there is no infrastructure to support more people. Local governments need to stop building and take care of the residents who are already here. Existing subdivision residents should be allowed to choose whether or not the new homeowners become citizens of Stockbridge. She wondered who on City Council would benefit from this development. There are no benefits to becoming part of the City, with the corruption of the Stockbridge City Council. This is all about money.

Barbara Fleishman of 1026 Brannan Road – Ms. Fleishman complained that this meeting is happening right before the holidays, and therefore, people are not able to get the chance to say anything. She believed that citizens should be given more time. Henry County denied this development proposal, so why should the City of Stockbridge allow it? She wondered whether this property is located next to an area that is in the City. There is a dangerous curve on Brannan Road, and she wondered where the project entrance would be located. Ms. Fleishman read from a typed statement. She objected to the variance request because that would cause houses to be too close to Brannan Road for safety issues, plus there is a dangerous curve in front of the property. The area cannot handle more stormwater runoff, more sewage, and more power lines. Water is running onto her property. Would Brannan Road be closed during the construction process, and would Brannan Road have to be widened to accommodate that many people coming to the area? Traffic should always be a concern. When the school was annexed, a traffic study was done. Ms. Fleishman said that she could not get to her house during school hours. Homeowners should get a complete plan. How much would the City have to pay for this development, and when would that money be recouped? Many deer, mice, and foxes reside on the property. Why is the City eliminating green space that is associated with global warming? The destruction of trees would contribute to global warming. Until a better plan is put forward, this proposal should be denied. She said that she has lived in the area for thirty years, and that this is the first objection which she has had. Ms. Fleishman thought that growth and development sh. There would benefit those who live in the area. She wanted everyone to work together on something that would benefit everyone. She only received some of the information in the mail, and she did not know a lot about this development proposal. Ms. Fleishman said that she had asked people on NextDoor to come to this meeting, and that Councilman Elton Alexander had said that this development would have luxurious homes, but she did not see anything luxurious about the. Besides, 161 units would represent a lot of new houses, and another new subdivision is already being built down the road. The proposed houses would be ugly. There were no meetings with the community, and she was upset about that.

Gwendolyn Thompson of 128 Radcliffe Drive – Ms. Thompson said that she lives directly across from the subject property, and that she was opposed to this development. There are already so many homes in the area, and their impact should be more than what was mentioned. She was just finding out about this proposal, and that was not enough time for her community to discuss the possibility of 161 new homes being built directly across from them. Ms. Thompson further said that this was the holiday season, and people were out of town. or they did not know about this proposal. With the City Council meeting being scheduled for January 9 [actually, January 8], there is no time for citizens to give input before then. An environmental study needs to be done to identify possible enfironmental impacts.

Lavell Sanders of 313 Warwick Place – Mr. Sanders complained that the posting of the sign for this meeting was a sign that was placed on a curve. If anyone stopped to read the sign, that would cause an accident, and no one could read it. This was not an effective way of posting of the notification of this meeting taking place. Mr. Sanders said that he has assisted people who have crashed on that curve. He said that it appeared that this

was the same presentation which residents of the area had heard a year and a half ago, and that those concerns were still present. It appeared that the developer was trying to annex the property into the City as another way of getting this development to go forward. This showed a lack of integrity by the developer. Meetings with the community have not happened, and environmental studies caused the project to not be approved the last time. He did not see this as being a good development for anyone who lives on Brannan Road. There are too many people for a two-lane road, and adding would be disastrous.

Responses by the Applicant – Stanley Dumas asked Michele Battle to return to the podium. She said that it was the developer's decision to withdraw their rezoning application with Henry County. Henry County officials did not ask the applicant to withdraw, and the application was not denied. The developer wants to be a part of what the City of Stockbridge is doing, and the developer is coming before the Planning Commission mainly because the annexation process takes too long in Henry County. There has been a surge in annexations within the City because Stockbridge is a wonderful place to live. The parcels comprising the subject property are not marketable for other types of development, and they already have a residential zoning. This project offers the opportunity to grow the City. Pulte Homes does not have anything in Stockbridge yet, and the company wants to be a part of what the City is trying to develop. Ms. Battle said that she was aware that there would be citizen opposition. But it did not appear that there was much wiggle room with the group who was at the meeting. The property is currently zoned for residential use in Henry County, and density is not currently oversaturating the area. The developer was clearly not "pushing the envelope" on what the density could be. A portion of the property already has the appropriate land use designation, so Henry County saw this as an area with additional density well above what is being proposed. The developer opted for low density rather than the maximum density which could be allowed on this property. The applicant is open to having dialogue with the community. The developer originally proposed 198 lots for this site, and that is now down to 161 lots. This is no longer a farming area; that is not practical.

Board Action on AX-2023-05, CP-2023-06, RZ-2023-07, and VR-2023-03:

- AX-2023-05: Jayden Williams made a motion to deny this case, and Harold Thibodeaux seconded the motion. A vote was taken, and there was aunanimous approval to deny this case.
- CP-2023-06: Jayden Williams made a motion to deny this case, and Harold Thibodeaux seconded the motion. A vote was taken, and there was a unanimous approval to deny this case.
- RZ-2023-07: No motion or vote was taken on this case. Rather, this case was automatically denied by operation of law since AX-2023-05 and CP-2023-06 were denied.
- VR-2023-03: No motion or vote was taken on this case. Rather, this case was automatically denied by operation of law since AX-2023-05 and CP-2023-06 were denied.

Joint presentations were made and a joint public hearing was held for four cases pertaining to certain property on Patrick Henry Parkway: AX-2023-06, CP-2023-07, RZ-2023-08, and VR-2023-04, as are listed below.

XII. ANNEXATION CASE #AX-2023-06. (To be located in Council District 5.)

Consideration of a request for the annexation of certain property on and near Patrick Henry Parkway to allow for the construction of a mixed-use development consisting of multifamily residential and retail commercial uses on a portion of the property. The applicant is Waypoint Residential (c/o Dennis J. Webb, Jr. of Smith, Gambrell, and Russell, LLP. The property contains four parcels in Land Lot 46 of District 6, as are listed below, with 20.91 +/- total acres in unincorporated Henry County.

- Parcel #052-01025024—Contains 4.035 +/- acres.
- Parcel #052-01025027—Contains 11.428 +/- acres.
- Parcel #052-01025028—Contains 4.279 +/- acres.
- Parcel #052-01025021—To be annexed but not included within the proposed development. Contains 1.164 +/- acres.

XIII. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-07. (To be located in Council District 5.)

Consideration of a request for a Comprehensive Plan Amendment to assign the future land use designation of 'Medium Density Mixed-Use' to certain property on and near Patrick Henry Parkway to allow for the construction of a mixed-use development consisting of multifamily residential and retail commercial uses. The applicant is Waypoint Residential (c/o Dennis J. Webb, Jr. of Smith, Gambrell, and Russell, LLP). The property contains three parcels in Land Lot 46 of District 6, as are listed below, with 20.91 +/- total acres in unincorporated Henry County.

- Parcel #052-01025024—Contains 4.035 +/- acres.
- Parcel #052-01025027—Contains 11.428 +/- acres.
- Parcel #052-01025028—Contains 4.279 +/- acres.

XIV. REZONING CASE #RZ-2023-08. (To be located in Council District 5.)

Consideration of a request for a rezoning to assign the zoning districts of 'PUD' (Planned Unit Development) and 'PMU' (Parkway Mixed-Use Overlay District) to certain property on Patrick Henry Parkway to allow for the construction of a mixed-use development consisting of multifamily residential and retail commercial uses. The applicant is Waypoint Residential (c/o Dennis J. Webb, Jr. of Smith, Gambrell, and Russell, LLP). The property contains three parcels in Land Lot 46 of District 6, as are listed below, with 20.91 +/- total acres in unincorporated Henry County.

- Parcel #052-01025024—Contains 4.035 +/- acres.

- Parcel #052-01025027—Contains 11.428 +/- acres.
- Parcel #052-01025028—Contains 4.279 +/- acres.

XV. VARIANCE CASE #VR-2023-04. (To be located in Council District 5.)

Consideration of a request for three variances on certain property on Patrick Henry Parkway to allow for the construction of a mixed-use development consisting of multifamily residential and retail commercial uses. The applicant has requested three variances on the property: 1) a variance to allow residential uses on the first floor of buildings; 2) a variance to eliminate the requirement for a vehicular connection between adjoining properties; and 3) a variance to allow parking in front of the buildings. The applicant is Waypoint Residential (c/o Dennis J. Webb, Jr. of Smith, Gambrell, and Russell, LLP). The property contains three parcels in Land Lot 46 of District 6, as are listed below, with 20.91 +/- total acres in unincorporated Henry County.

- Parcel #052-01025024—Contains 4.035 +/- acres.
- Parcel #052-01025027—Contains 11.428 +/- acres.
- Parcel #052-01025028—Contains 4.279 +/- acres.

Staff Presentations – Gordon Linton made presentations for AX-2023-06, CP-2023-07, RZ-2023-08, and Linda Logan made a presentation for VR-2023-04. David Planchon was trying to understand why a parcel that was to be a part of the proposed development could be annexed. Ms. Logan explained that the applicant had used the 60 percent application method, whereby not all of the property owners have to agree to participate in the proposed annexation. She said that the applicant did not want to leave out the fourth parcel because it was landlock adjacent to I-75. Jayden Williams said that he did not have a problem with the development, but that it seemed that there was an effort to turn Patrick Henry Parkway into a boulevard, and that there already was a hotel and a medical center there. He asked whether the City had a master plan for Patrick Henry Parkway. Ryan Anderson replied that yes, the City worked with Henry County officials to create it.

Applicant's Presentation – Dennis Webb, an attorney with SGR Law (Smith, Gambrell & Russell) made a presentation on behalf of the applicant, Waypoint Residential, who has been wanting to develop in the City. He explained why the fourth parcel is not being included in the proposed development. The developer would provide a buffer around the existing small cemetery in the northwest corner of the property. He said that he had heard that the City wants to have urban design. No parking would be provided in front of the proposed apartment buildings. In addition to surface parking lots, there would be some covered parking in garages next to Patrick Henry Parkway. They were not sure whether a variance would be needed, but requested one in case they needed it. There would be seven buildings and 324 units, at a density of 16.4 units per acre. Building 6 would have 14,000 square feet of non-residential uses on the first floor, with a possible restaurant. There would be two detention ponds, with a walking trail around the northern

one. Parking would be ample. Henry County did not file an objection to the annexation with DCA. This development would be compatible with the other proposed development to the south (at 77 & 87 Holloway Road).

Board Questions and Comments – David Planchon asked about price points. Chris Moore of Waypoint Residential stated that market rates would be charged. The smallest unit would have 670 square feet, and middle-sized units would have 1,200 to 1,400 square feet, and the largest units would have 1,900 to 2,000 square feet. Buildout is expected by 2025. Harold Thibodeaux asked whether the applicant had spoken with anyone in the community. Mr. Webb replied that no, there are no residents living near the subject property, and he did not think that any residents would be impacted by this development. But he is open to holding a community meeting.

Public Hearing:

Connie Snow of 426 Chase Marion Way – Ms. Snow said that no one had spoken with her about this proposal. She was afraid that schools would lose their accreditation. There is already an approved multi-use development right by her neighborhood. The schools would be exactly like the ones in Clayton County. Property values would tumble. Everything building would go down in price. She believed that there was corruption between the City and County officials, and that it needed to be stopped.

Frederick Skinner of 112 Saxton Lane -- Mr. Skinner said that he lives near the public schools. He referenced Councilman Alexander, whom he said was not "for us." No one had talked with the nearby residents. There is too much traffic in the area. Patrick henry Parkway is so busy, and I-75 and Jodeco Road are backed up. There is no need for another apartment complex. There is parking on the street because everyone needs three cars (the parents' cars and a teenager's car). He wants space, otherwise he would have moved to Atlanta. Mr. Skinner said that he had attended the Henry County zoning meetings for this property. Developers are coming to Stockbridge because Henry County is denying them. He did not move to Atlanta because he did not want to live in that traffic. He asked for the Board's help in denying this proposal.

Applicant's Response – Dennis Webb stated that the proposed development would have ample parking, so there would be no way that anybody would need to park on the street. He said that the developer was not trying to run through Henry County. This property has a land use designation of mixed-use, and the developer would like to be in the City.

Board Questions and Comments – Stanley Dumas said that he also lives in the City and experiences traffic congestion. He asked Dennis Webb to return to the podium. Mr. Webb said that the property is already zoned 'C-2', which allows even more development. He said that he is not trying to get something from the City which he could not get from Henry County, and that Henry County is going in the direction of mixed-use. Harold Thibodeaux said that he lives near the subject property, and he wondered whether it was still in the high-rise overlay district, because there were supposed to be high-rise offices in this area.

BOARD ACTION ON AX-2023-06, CP-2023-07, RZ-2023-08, AND VR-2023-04:

- AX-2023-06: David Planchon made a motion to approve this case, but there was no second to the motion; therefore, the motion failed. Then Jayden Williams made a motion to deny this case, and Anthony Mitten seconded the motion. A vote was taken, and the motion to deny this case was approved by a vote of 3-0-1, with David Planchon abstaining.
- CP-2023-07: No motion was made, and no vote was taken since the Board members had denied AX-2023-06.
- RZ-2023-08: No motion was made, and no vote was taken since the Board members had denied AX-2023-06.
- VR-2023-04: No motion was made, and no vote was taken since the Board members had denied AX-2023-06.

XVI. PROJECT UPDATES

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

[None.]

XVII. STAFF COMMENTS

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

[None.]

XVIII. BOARD COMMENTS

[None.]

XIX. ADJOURNMENT

No vote was taken, but the meeting was adjourned.

STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO DEALERS IN DISTILLED SPIRITS, PAWN SHOP, TIRE SHOP, USED CAR DEALERSHIPS, AND PRECIOUS GEMS SO AS TO CLARIFY THE NUMBER OF LICENSES AVAILABLE TO PROVIDE A PROCESS FOR ALLOWING ADDITIONAL LICENSES BASED UPON CENSUS DATA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SECTION 1. **Ordinance**. That Title 9, Chapter 04, section 090 (A) of the current Stockbridge Code be deleted, and a new Title 9, Chapter 04, section 090 (A) be added to the Code of Ordinances, City of Stockbridge, Georgia, so as to read as follows:

9.04.090 – Premises – Additional restrictions for distilled spirits retail licenses.

A. No retail license for the sale of distilled spirits shall be issued unless the location is located within five hundred (500) feet of the streets or roads designated in the following five (5) areas and has direct access onto such streets or roads:

Area 1: Those portions of Mount Zion Parkway and Highway 138 lying west of I-75;

Area 2: Those portions of Highway 138 and North Henry Parkway lying east of I-75;

Area 3: Those portions of Eagles Landing Parkway/Hudson Bridge Road from their intersection with west right-of-way line of Highway 42 to the west city limits line.

Area 4: Those portions of Rock Quarry Road lying east of I-75;

Area 5: Those portions of Jodeco Road that are at least the distance restrictions of a church and/or school buildings.

SECTION 2. **Repeal.** The existing Title 9, Chapter 04, Section 090 (A) is hereby repealed. From the Code of Ordinances, city of Stockbridge, Georgia. All ordinances in conflict with this Ordinance are repealed, except as otherwise provided herein.

SECTION 3. **Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall be come and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 4. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to enact this Ordinance.

SECTION 5. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 6. Authority to Amend The City Attorney is granted authority to amend or correct this Ordinance, with the express consent of the City Council, to reflect the intent of the Council and ensure compliance with applicable laws.

SECTION 7. Effective Date This ordinance becomes effective immediately upon adoption and recording by the City Clerk.

SO ORDAINED this____day of_____, 2024.

_____
ANTHONY S. FORD, Mayor

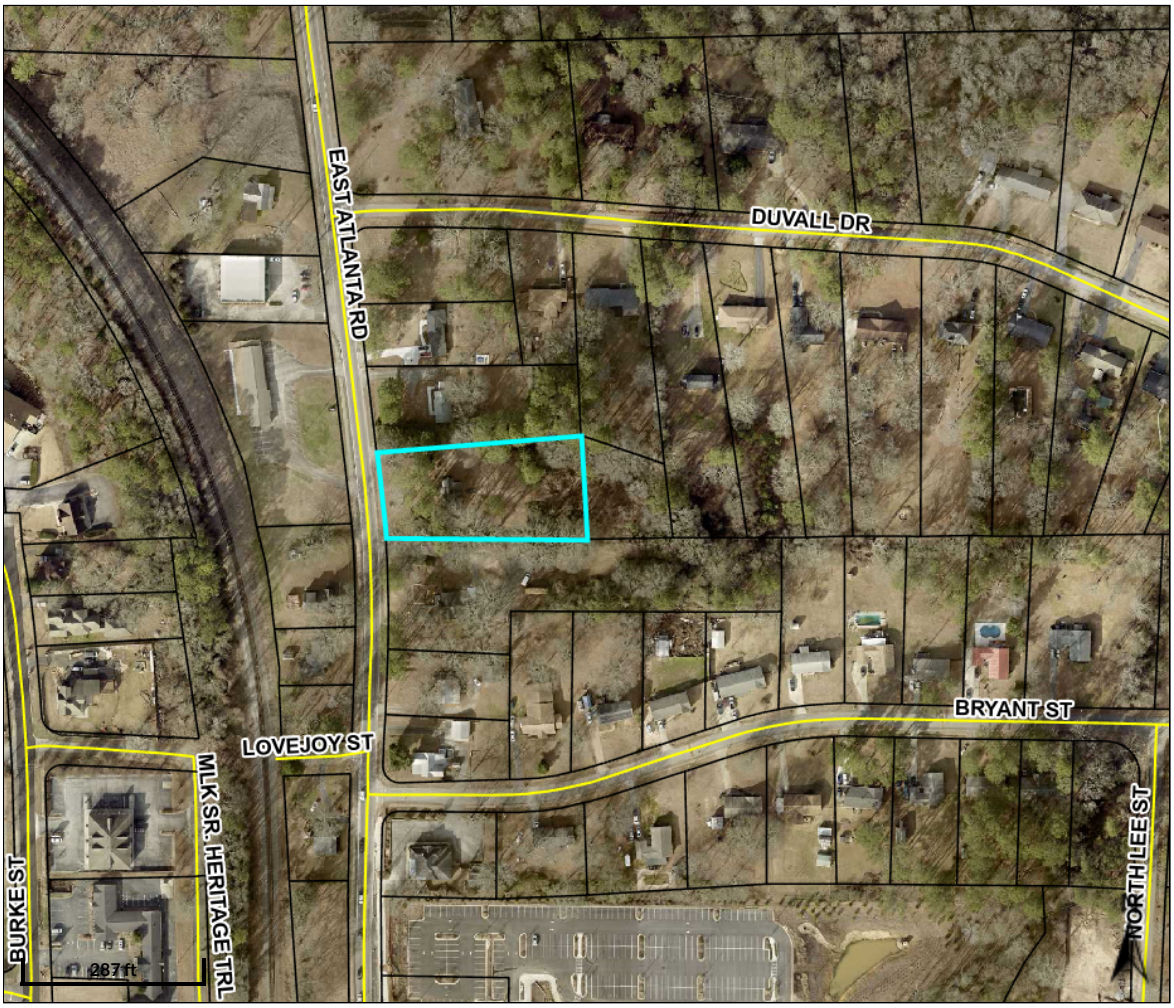
ATTEST:

_____ (SEAL)
VANESSA HOLIDAY, City Clerk

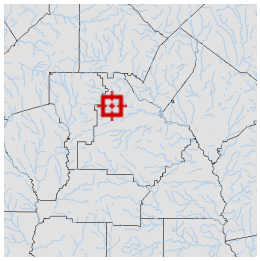
APPROVED AS TO FORM:

_____
QUINTON G. WASHINGTON, City Attorney

qPublic.net™ Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022000	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$24000			
Property	135 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**				
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$144900	**Last 2 Sales**		
District	City/Stockbridge				MCDONOUGH GA	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					30253	**Misc**	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$168900				
						Value:					

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

Date created: 12/29/2023
Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by Schneider GEOSPATIAL

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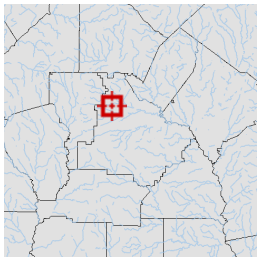
Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022005	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$1500				
Property	305 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**					
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$0	**Last 2 Sales**			
District	City/Stockbridge				MCDONOUGH GA 30253	**Value:**		**Date**	**Price**	**Reason**	**Qual**
						Misc	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$1500				
						Value:					

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

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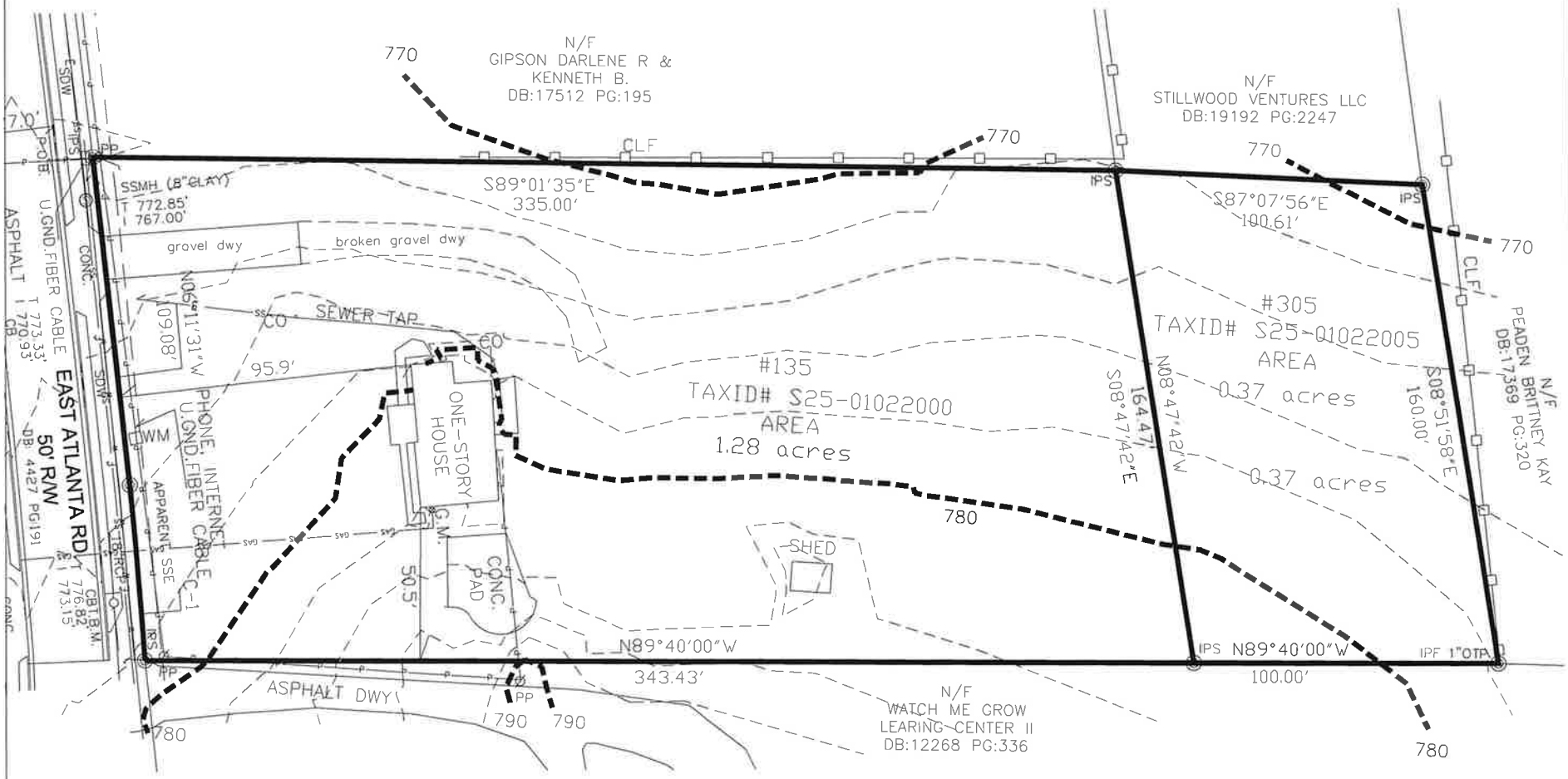

1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC COPYRIGHT 2022

Y STUDIO, LLC
883 B Peachtree Rd. Ste. 104
Norcross, GA 30071
Tel: 770.355.7422
Fax: 770.243.0257
email: louis@ystudio.com

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL

FOR

135 EAST ATLANTA R
STOCKBRIDGE, GA 303
RELEASES / DATES
DATE:
DATE:
DATE:
DATE:
DATE:
NOT FOR CONSTRUCTION
RELEASED FOR CONSTRUCTION

SHEET TITLE
EXISTIN
SITE PLA

DATE: 08 30 2022
PROJECT NUMB
Y2022 E003 01

SHEET NUMBER
A-0.0

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.

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
321 Taylor Drive
Stockbridge, GA 30281
Sewer Department tel.: (678) 833-3301

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

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.	RS
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."	RS
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents who are parties to this application. The Form must be **notarized.**	RS
Letter of Ownership	1	Letter stating that the owner is aware of the amendment being requested and owns the subject property.	RS
Letter of Intent	1	Must clearly state the proposed amendment to the Comprehensive Plan.	RS
Site Plans (11 x 17)	1	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.	RS
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.	RS

City of Stockbridge GA Community Dev. Dept. 4640 N. Henry Blvd. Stockbridge GA 30281 770/389-7900

APPLICATION CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING.
NO INCOMPLETE APPLICATION WILL BE ACCEPTED.

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK √
1.	PRE-APPLICATION REVIEW FORM	1 Digital, 1 Hard Copy	X
2.	APPLICATION FORM	1 Digital, 1 Hard Copy	X
3.	LEGAL DESCRIPTIONS	1 Digital, 1 Hard Copy	X
4.	SITE PLAN & SURVEY	1 Digital Copy – 4 hard Copies	X
5.	DEVELOPMENT RENDERINGS AND ELEVATIONS	1 Digital Copy – 1 Hard Copy	X
6.	LETTERS OF INTENT	1 Digital, 1 Hard Copy	X
7.	ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS	1 Digital, 1 Hard Copy	X
8.	DEPARTMENTAL SIGN-OFF LETTERS	1 Digital, 1 Hard Copy	X
9.	DISCLOSURE FORM	1 Digital, 1 Hard Copy	X

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

Name of Applicant Sylvain Capital Ventures, LLC Phone: (404) 578-5654 Date: 12/04/23

Address of Applicant: 135 East Atlanta Rd Cell # (404) 578-5654

City: Stockbridge State: GA Zip: 30281 E-mail: rsylvain@bellsouth.net

Name of Agent Regonald Sylvain Phone: (404) 578-5654 Date: 12/04/23

Address of Agent: 135 East Atlanta Rd Cell # (404) 578-5654

City: Stockbridge State: GA Zip: 30281 E-mail: rsylvain@bellsouth.net

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: Low-Density Mixed-Use

TO: Special Purpose

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.

RS **(Acknowledgement)**

Property Address: 135 & 305 E Atlanta Rd Stockbridge, GA 30281

Nearest intersection to the property: Bryant St

Size of Tract: 1.65 acre(s). Land Lot Number(s): #S25-01022000 & #S25-01022005. District(s):

Property Tax Parcel Number(s):
#S25-01022000 & #S25-01022005 **(Required)**

Derrick Harris
Witness' Signature

Regonald Sylvain
Signature of Applicant

Derrick Harris
Printed Name of Witness

Regonald Sylvain
Printed Name of Applicant

Harold Singer
Notary

Regonald Sylvain
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:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 305 East Atlanta Rd Stockbridge, GA 30281 [address], with Parcel Number s25-01022005, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures LLC /Regonald Sylvain

Property Owner's Address: 139 Bayberry Hills MsDonough, GA30253

Telephone: (404) 578-5654 E-mail: rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Regonald Sylvain Date: 12/28/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Slyvain

Company/law firm (if applicable): Sylvian Capital Ventures LLC

Telephone, E-Mail, & Address: (404) 578-5654, rsylvain@bellsouth.net, 139 Bayberry Hills McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

12/28/23

Date

Harold Singer

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

12/28/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR. NOTARY PUBLIC COMMISSION EXPIRES SEPTEMBER 12, 2025 DOUGLAS COUNTY, GEORGIA

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 135 East Atlanta Road [address], with Parcel Number S25-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Regonald Sylvain
Property Owner's Address: 139 Bayberry Hills McDonough, GA 30253
Telephone: 404-578-5654 E-mail: Rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ Date: 10/9/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Sylvain

Company/law firm (if applicable): Sylvain Capital Ventures, LLC

Telephone, E-Mail, & Address: 404-578-5654 Rsylvain@bellsouth.net

139 Bayberry Hills, McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/08/23

Date

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

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

Name of Applicant Sylvain Capital Ventures, LLC Phone: (404) 578-5654 Date: 12/04/23

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Name of Agent Regonald Sylvain Phone: (404) 578-5654 Date: 12/04/23

Address of Agent: 135 East Atlanta Rd Cell # (404) 578-5654

City: Stockbridge State: GA Zip: 30281 E-mail: rsylvain@bellsouth.net

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: SR (Suburban Residential District) & Parkway Mixed Use Overlay District (PMU)

TO: MFR- Multiple Family Residential

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.

RS **(Acknowledgement)**

Property Address: 135 & 305 E Atlanta Rd Stockbridge, GA 30281

Nearest intersection to the property: Bryant St

Size of Tract: 1.65 acre(s). Land Lot Number(s): #S25-01022000 & #S25-01022005. District(s):

Property Tax Parcel Number(s):
#S25-01022000 & #S25-01022005 **(Required)**

Derrick Harris
Witness' Signature

Regonald Sylvain
Signature of Applicant

Derrick Harris
Printed Name of Witness

Regonald Sylvain
Printed Name of Applicant

Harold Singer
Notary

Regonald Sylvain
Signature of Agent

Notary Seal:

HAROLD SINGER JR. MY COMMISSION EXPIRES NOTARY PUBLIC HENRY COUNTY, GEORGIA

(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 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 8th day of October, _____.

Regonald Sylvain
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 8th day of October, _____.

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

Harold Singer
Notary Public

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

Henry County Water Authority

Engineering Division
100 Westridge Industrial Blvd.
McDonough, GA 30253

Application for Water/Sewer Availability Letter

Date: 11/22/23

Name of Applicant Sylvain Capital Ventures LLC Phone: (404) 578-565 Mobile: (404) 578-5654
Address of Applicant: 135 East Atlanta Fax: _____
City: Stockbridge State: GA Zip: 30281 E-mail: haroldsinger@hotmail.com
Name of Agent Harold Singer Phone: (678)758-1607 Mobile: (678) 758-1607
Address of Agent: 4034 Lions Gate Fax: _____
City: Douglasville State: GA Zip: 30135 E-mail: haroldsinger@hotmail.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE PURPOSE OF LETTER REQUEST AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

VERIFICATION OF SERVICE: ☒ **Conditional Use/Exception** ☐ **Variance** ☐ **In-law Suite/Addition** ☐ **Bank Loan**

AVAILABILITY: ☐ **General Availability** ☒ **Rezoning**
Availability letters will require a minimum of three weeks from the date of payment and application submittal.

Request from SR (Present Zoning)) to DT (Requested Zoning)

For the Purpose of Multifamily Townhomes (Type of Development)

Address of Property: 135 East Atlanta, Stockbridge (Street Address, if Applicable, Nearest Intersection, Etc.) Nearest intersection to the property: Duvall Dr.

Size of Tract: 1.65 acre(s), Land Lot Number(s): _____, District(s): _____

Development Estimated Average Daily Sewer Flow (GPD): _____

Property Tax Parcel Number: 525 - 010 - 22 - 0005 Proposed number of lots: 28

Information beyond this point is not required for service verifications.

(Below: For properties within protected watershed districts only)

Gross Density: _____ units per acre Net Density: _____ units per acre

Estimated amount of impervious surface: _____ Minimum Lot Size: _____

Witness _____ **Signature of Owner(s)/Agent(s)** _____

Printed Name of Witness _____ **Printed Name of Owner/s** _____

Notary _____ **Signature of Agent** _____

770-914-3688 (Office) 770-914-3359 (Fax) www.hcwa.com

Pre Application Meeting at 135 East Atlanta Road

Gordon Linton <Glinton@cityofstockbridge-ga.gov>

Mon 11/27/2023 4:15 PM

To:haroldsinger@hotmail.com <haroldsinger@hotmail.com>;Ryan Anderson <randerson@cityofstockbridge-ga.gov>;Linda Logan <LLogan@cityofstockbridge-ga.gov>;Demetries Wells <DWells@cityofstockbridge-ga.gov>;rsylvain@bellsouth.net <rsylvain@bellsouth.net>; derrickrh@yahoo.com <derrickrh@yahoo.com>;jadorehomes@icould.com <jadorehomes@icould.com>;louis@theystudio.com <louis@theystudio.com>;Jordyn Bucholtz <jbucholtz@stockbridgega.org>;Mark Whitley <mark@whitleyeng.com>

2 attachments (13 MB)

Townhomes at Stockbridge (1).pdf; 135 East Atlanta-zoning map.PNG;

Meeting to discuss a rezoning at 135 East Atlanta Road. The applicant wants to build townhomes

The name of the applicant is Harold R. Singer, Jr. (Gibeon Consulting Group)

The name of the property owner is Reginald Sylvain

The developers are Derrick Harris and Salim Morency.

Attached is the site plan along with the zoning map of the property.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: 294 984 721 38
Passcode: fjXYjs
Download Teams | Join on the web

Learn More | Meeting options

Letter of Intent
for
Proposed Rezoning
135 and 305 East Atlanta Road, Stockbridge, GA, identified by Parcel IDs #S25-01022000 and #S25-01022005.

- The parcels affected are under common ownership, contiguous and can most readily be identified as the:
  - Assemblage of multiple tracts currently zoned SR (Suburban Residential District). Additionally, Parcel #S25-01022000 & S25-0102200 falls within the Parkway Mixed Use Overlay District (PMU) comprising of approximately 1.65 acres with frontage on East Atlanta Rd.

- The two parcels have been consolidated pending recording in to one parcel. The purpose is to rezone the consolidated parcel to 2.4.4 MFR- Multiple Family Residential District.
  - 2.4.4 MFR- Multiple Family Residential District. The intent of the multiple Family Residential district is to allow the development of multiple family residences served by public water and sewer systems. The provisions that regulate this land use district provide for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets or higher. Permitted Uses: Residential - Townhomes
  - 2.4.4 MFR- Multiple Family Residential District for the balance (+/- 1.65 acres) Details as follows:
    - Twenty-Seven (27) Lots
    - Lot Size = 24’ X 75”
    - Building Footprint = 24’ X 55’
- We are submitting an application for a Comprehensive Plan Amendment. We humbly request that the property’s future land use designation be changed from “Low-Density Mixed-Use” to “Special Purpose.”.
  - We humbly request three variances & Amendment to the Comprehensive Plan;
  - Reduce min. lot area from 2 acres to 1.65 ac
  - Reduce min. front yard setback from 50’ to 15’
  - Reduce min. side yard setback from 15’ to 10’
  - Increase max. lot coverage from 50% to 60%

- Overlay Districts
- Road Data
- CityofStockbridge_ZoningParcels
  - C1 - Neighborhood Commercial District
  - C2 - General Commercial District
  - C3 - Heavy Commercial District
  - CCR - City Center Residential District
  - DT - Downtown District
  - HI - Heavy Industrial District
  - LI -Light Manufacturing District
  - MFR - Multiple Family Residential District
  - MHR - Mobile Home Residential District
  - OI - Office Industrial District
  - PUD - Planned Unit Development District
  - RR - Rural Residential District
  - SR - Suburban Residential District
- 2023 Council Districts
- Future Land Use_Parcels
  - Downtown District
  - Heavy Industrial

TO: Planning Commission; Mayor/Council

FROM: Gordon Linton, Planner I

CC: R. Ryan Anderson, Interim Community Development Director; Chief Planner

DATE: January 25, 2023

Subject: #CP-2023-08 For 135 and 305 East Atlanta Road, #S25-01022000 and #S25-01022005

I. PURPOSE

Consider a Comprehensive Plan Amendment application by Sylvan Capital Ventures to change the future land use designation from Low Density Mixed Use to Special Purpose to allow for the construction of a townhome development at 135 and 305 East Atlanta Road. The property contains two parcels with 1.65 +/- total acres.

II. Background

Proposed Development	Townhome development with 27 units
Site Address	135 East Atlanta Road 305 East Atlanta Road
Parcel Identification	#S25-01022000 #S25-01022005
Parcel Acreage	135 East Atlanta Road: 1.28 +/- acres 305 East Atlanta Road: 0.37 +/- acres
Applicant	Sylvan Capital Ventures
Agent	Harold R. Singer, Jr. (Gibeon Consulting Group)
Owner	Sylvan Capital Ventures
City Land Use Designation	LDMU – Low Density Mixed Use

City Land Use Zoning	SR – Suburban Residential
Number of Proposed Units Per Acre	16.36 units per acre
Current Use	Single Family Residence

SURROUNDING LAND USE DESIGNATION

Location	Existing Land Use	Existing Future Land Use Designation
Property to the North	Single-Family Residence	Low Density Mixed Use
Property to the South	Watch Me Grow Toddlerville (Day care center)	Downtown District
Property to the East	Single-Family Residence	Low Density Mixed Use
Property to the West	Church at Stockbridge (Church)	Medium Density Residential Downtown District

SURROUNDING LAND USE DENSITIES

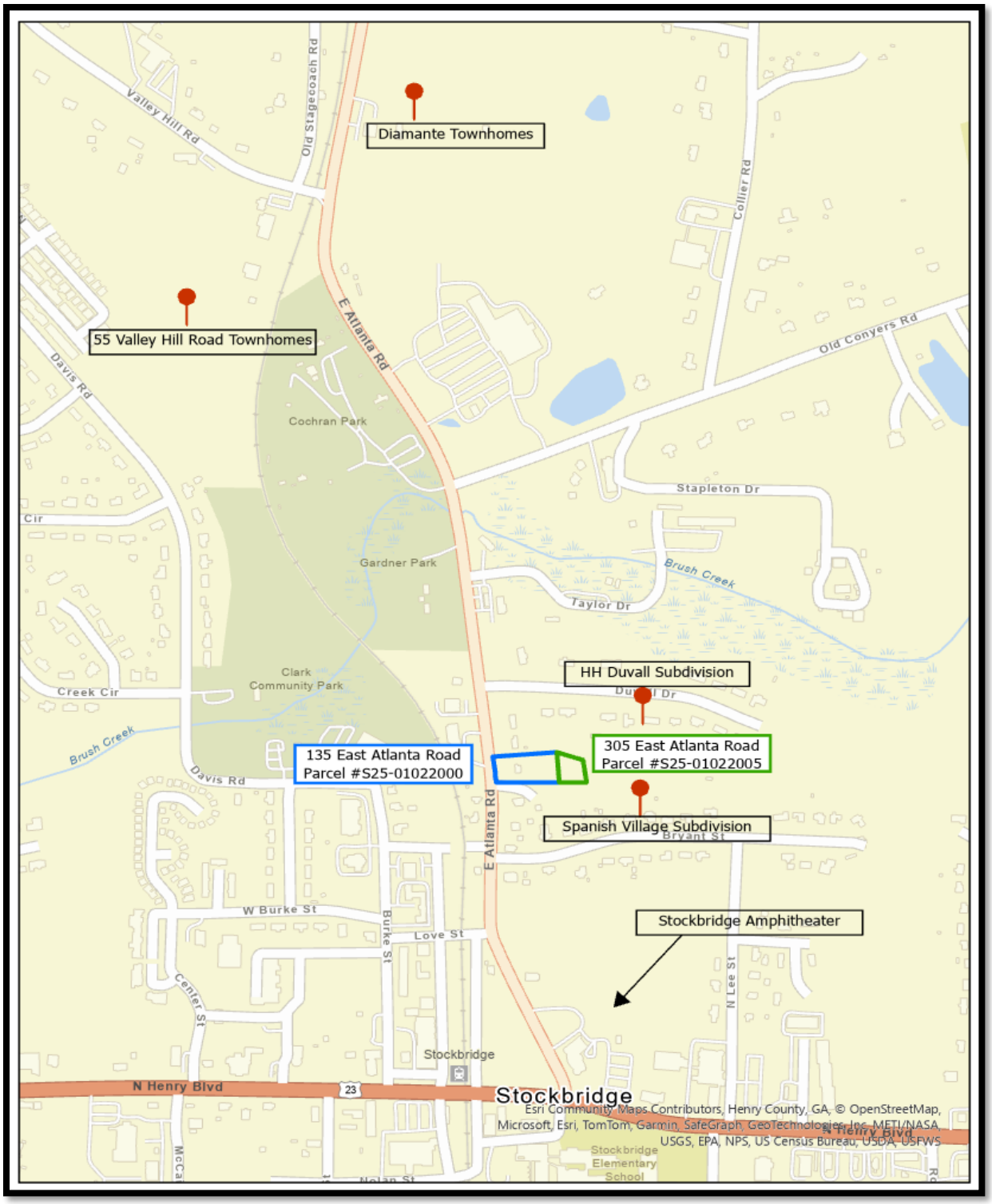
Name of Subdivision/Development	Units	Estimate Density Per Acres
Spanish Village Subdivision	28	1.5 units per acre
HH Duvall Subdivision	16	1 units per acre
Diamante Townhomes	200	7 units per acre
DR Horton Townhomes	165	6.62 units per acre
135 East Townhomes	**27**	**16.36 units per acre**

III. Findings of Fact

1. The applicant has requested a Rezoning application (RZ-2023-09) to rezone from 'SR' (Suburban Residential) to 'MFR' (Multi Family Residential).
2. The applicant has requested a Variance application (VR-2023-05) on the subject property. A variance to reduce the front yard setback from 50 to 15 feet, a variance to reduce the required side year setback from 15 to 10 feet, and a third variance to increase the allowable maximum lot coverages from 50% to 60%.
3. The surrounding land use designations that are in the vicinity of the area are as follows: Medium Density Residential (MDR), Low Density Mixed Use (LDMU), Downtown District (DD), Public/Institutional (PI), and Parks/Recreation/Conservations (PRC)
4. The subject property at 135 East Atlanta Road is also part of the Parkway Mixed Use Overlay District.
5. The subject property is a part of the TAD (Tax Allocation District) a district that is designed to attract quality development to an underutilized or distressed redevelopment area.

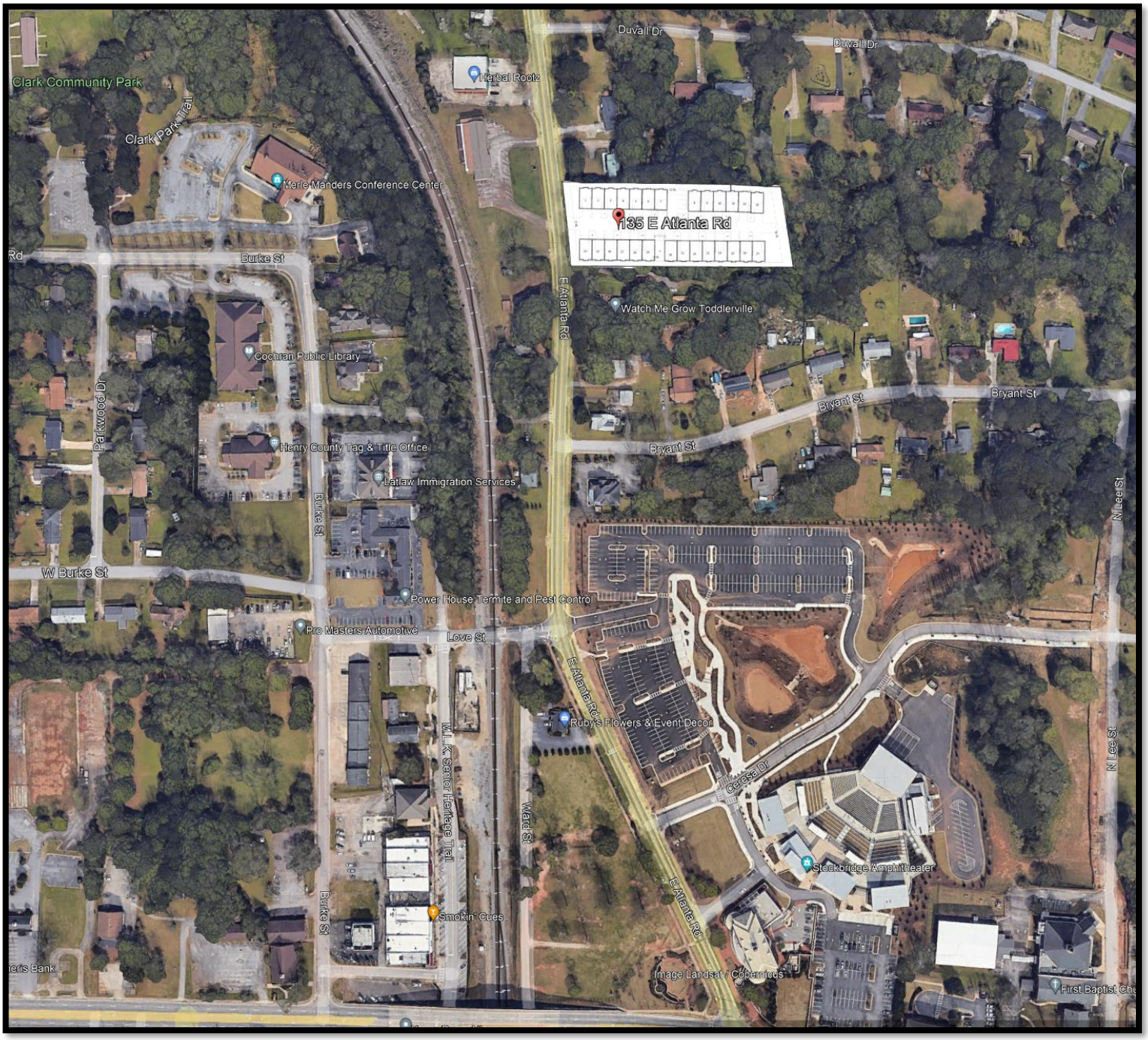
IV. Maps and Illustrations

Vicinity Map of 135 and 305 East Atlanta Road



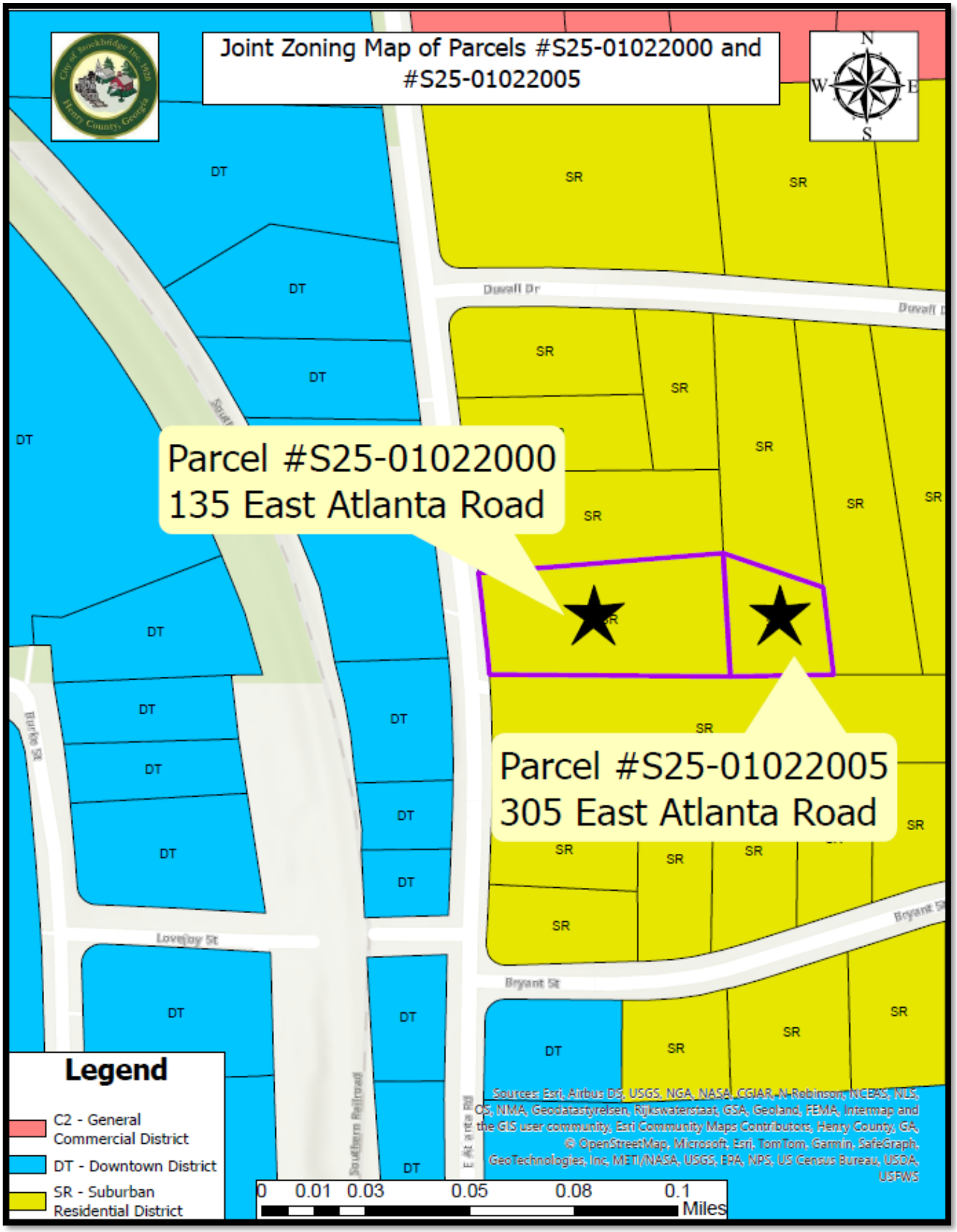
Aerial Photo of 135 and 305 East Atlanta Road

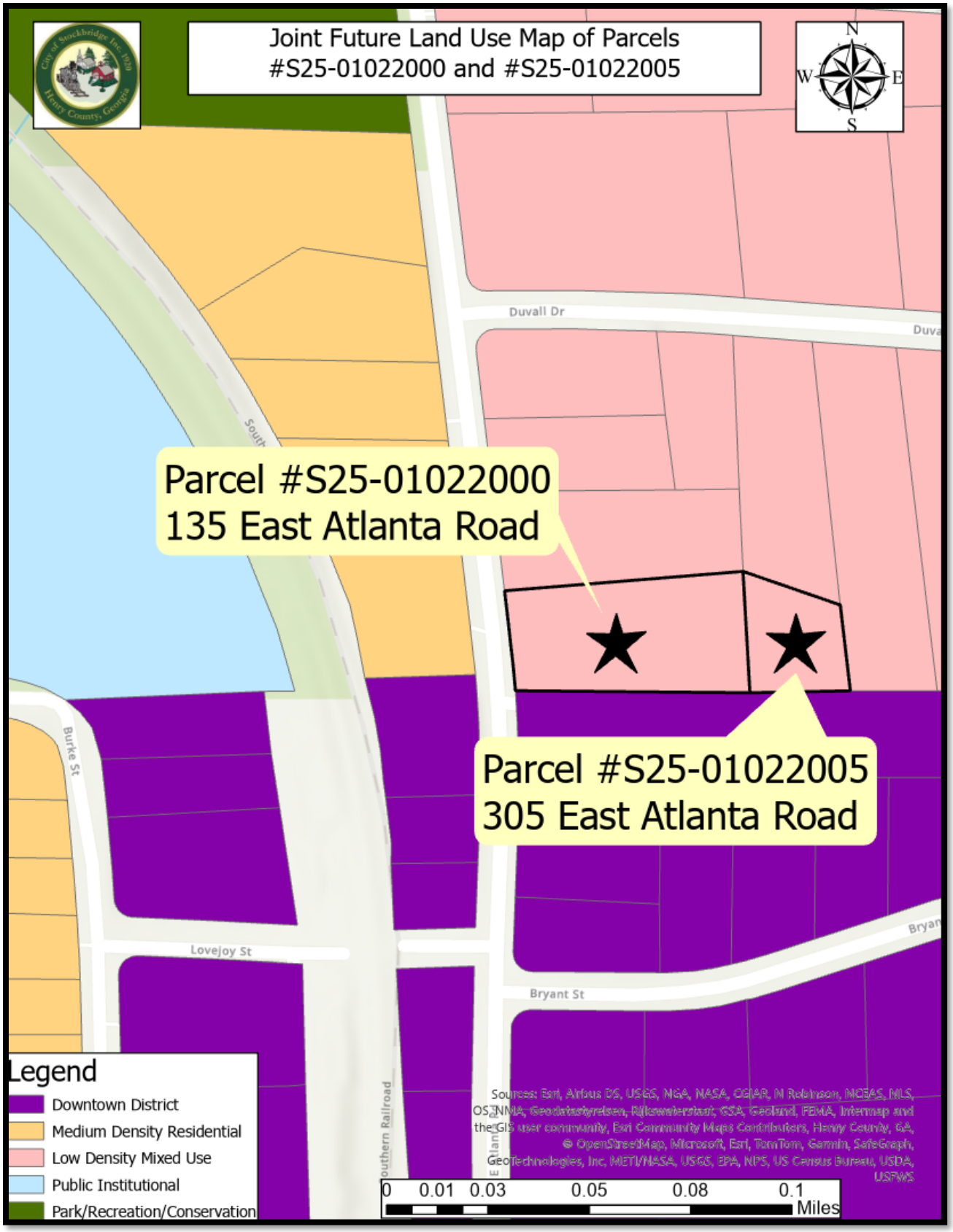
Aerial Photo with Site Plan

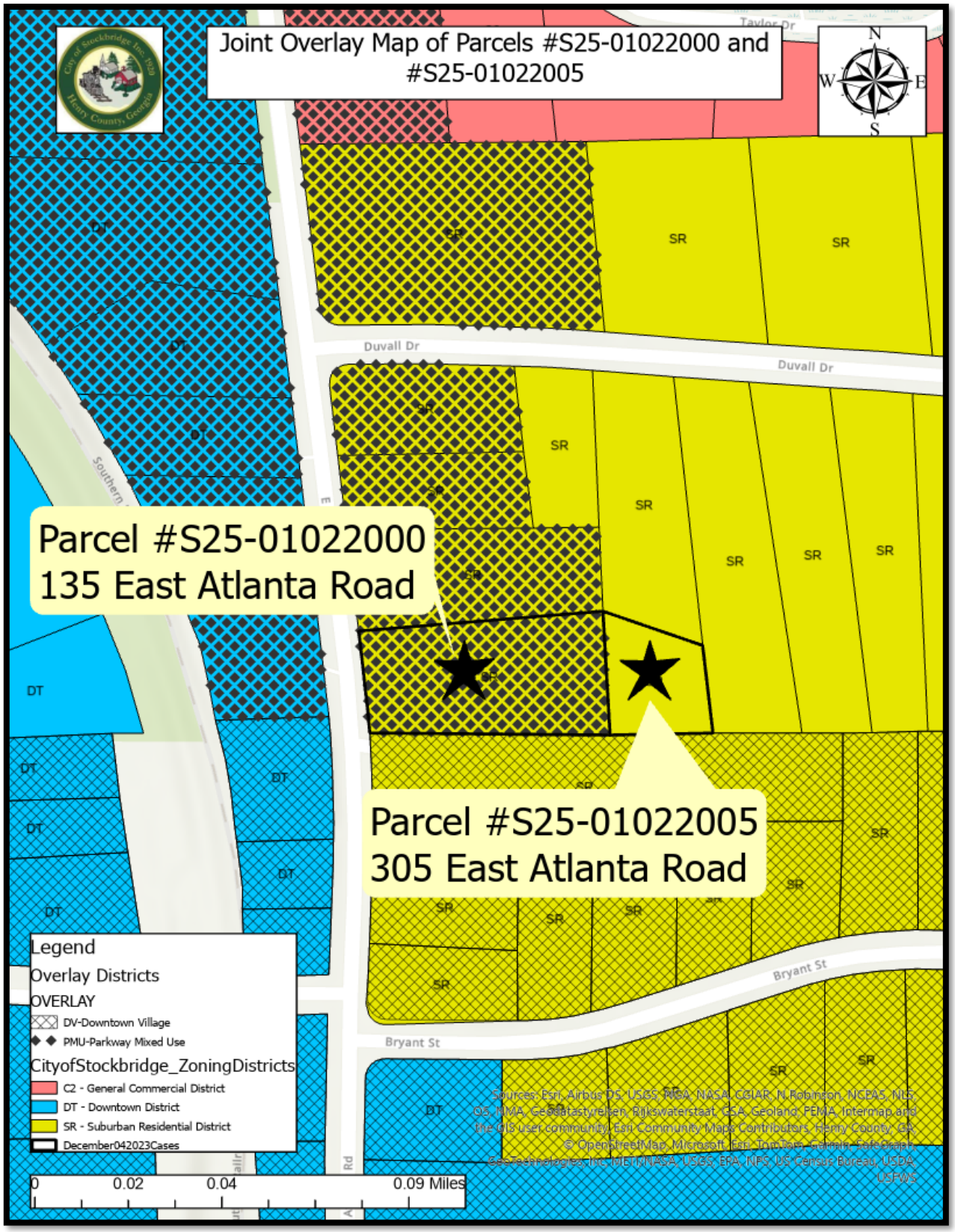


Site Plan of 135 and 305 East Atlanta Road

Renderings of Townhomes


Joint Zoning Map of Parcels #S25-01022000 and #S25-01022005
N
W
E
S
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
DT
SR
Duvall Dr
Lovejoy St
Bryant St
Burke St
Southern Railroad
E Atlanta Rd
Legend
C2 - General Commercial District
DT - Downtown District
SR - Suburban Residential District
0 0.01 0.03 0.05 0.08 0.1 Miles
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Henry County, GA, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS


Joint Future Land Use Map of Parcels
#S25-01022000 and #S25-01022005
N
W
E
S
Duvall Dr
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
Burke St
Lovejoy St
Bryant St
Legend
Downtown District
Medium Density Residential
Low Density Mixed Use
Public Institutional
Park/Recreation/Conservation
0 0.01 0.03 0.05 0.08 0.1
Miles


Joint Overlay Map of Parcels #S25-01022000 and #S25-01022005
N
W
E
S
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
Duvall Dr
Bryant St
Southern
DT
SR
Legend
Overlay Districts
OVERLAY
DV-Downtown Village
PMU-Parkway Mixed Use
CityofStockbridge_ZoningDistricts
C2 - General Commercial District
DT - Downtown District
SR - Suburban Residential District
December042023Cases
0
0.02
0.04
0.09 Miles

Analysis

Project Description

The applicant, Sylvan Capital Ventures, requests a change to the future land use designation from Low Density Mixed Use to Special Purpose of two properties at 135 and 305 East Atlanta Road.

The applicant proposes to build a townhome development with 27 units with 5 guest parking spots and a mail kiosk. The size of the 27 proposed townhomes is 24' wide and 75' tall, with a building footprint of 24' by 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,950 square feet. The proposed development will provide vehicular access to the site via a turn lane that would be located along East Atlanta Road.

Staff Analysis

The applicant requests a **Comprehensive Plan Amendment** under the City of Stockbridge Unified Development Code Section **(Sec. 9.2.7):**

ANALYSIS OF REQUEST

1. **Consistency with the Comprehensive Plan.**

The City of Stockbridge 2024 Comprehensive Plan states that the future land use designation of Special Purpose is for properties with 16.01-24 units per acre. This proposed townhome development has a density of 16.36 units per acre.

Page 51 of the City of Stockbridge 2024 Comprehensive Plan states that the intent of the Special Purpose future land use designation is intended for special, innovative projects which could include anything from different model residential, to larger mixed use or commercial development. In addition, the Special Purpose Future Land Use designation is compatible with all the zoning districts including the MFR District. The proposed townhome development is consistent with the policy goals of the 2024 Comprehensive Plan on pages 42-44.

Community Goals and Policies (pg. 42-44)	To provide additional housing in the downtown core. (Housing Goal)
	Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods.
	Provide a mixture of housing options to attract young professionals, singles, and small families.

2. Relation to the Zoning of the Property.

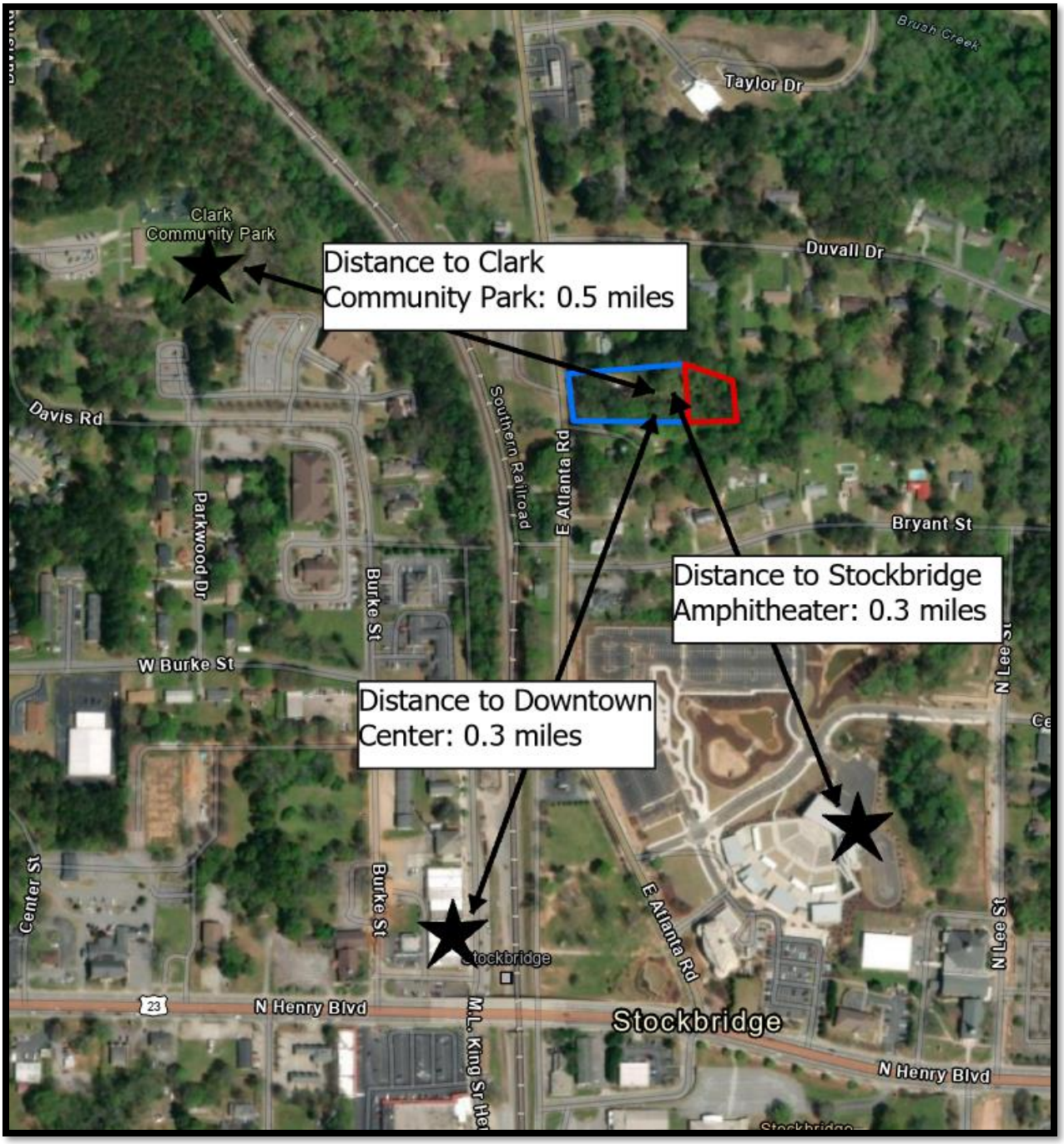
In addition to this comprehensive plan amendment, the applicant is requesting to rezone the subject properties from SR (Suburban Residential) to MFR (Multi Family Residential). Page 51 of the 2024 Comprehensive Plan identifies both the SR and MFR zoning districts as being compatible with the requested Future Land Use designation of Special Purpose.

Townhomes are not allowed in the SR zoning district; however, they are compatible with MFR zoning district. The City of Stockbridge Unified Development Code states that the city should promote an average density of 14 dwelling units per acre or higher in MFR districts – this proposed townhome development exceeds this recommendation and is, therefore, compatible.

3. Suitability of the Site's Location.

The applicant is proposing 27 units on 1.65 total acres with a density of 16.36 dwelling units per acre. Regarding the surrounding densities of the area, this development has a significantly higher density. The nearby subdivisions, Spanish Village and HH Duvall (see vicinity map), have densities of 1.5 units per acre and 1 unit per acre, respectively. There are two townhomes in the vicinity, Diamante and DR Horton; their respective densities are 7 units per acre and 6.62 units per acre.

While there have been a lot of recent housing developments in other areas of Stockbridge, there haven't been sufficient housing/townhome developments in the downtown area. The addition of a highly dense townhome community in the downtown area would provide necessary housing options for residents looking to live close to the city center. The location of this townhome development is within walking distance of the amphitheater (0.3 miles), Clark Community Park (0.5 miles), and other downtown amenities and shops (0.3 miles) (see figure below).



4. Maintaining the Current Land Use Designation.

With surrounding land use designations of low-density mixed use, medium-density residential, and downtown district, the addition of this townhome development would provide modern housing options for potential residents to choose from. Although there have been recent townhome developments to the north, there hasn't been much housing growth in the downtown center. Thus, the proposed townhome development would be

suitable for the current land use designation.

V. STAFF RECOMMENDATION

- This Staff Report has demonstrated that the requested Comprehensive Plan Amendment via CP-2023-08 would be necessary and desirable for the subject property in conjunction with the requested rezoning of RZ-2023-09 to change the zoning district from 'SR' (Suburban Residential) to 'MFR' (Multi Family Residential), and with the requested variance of VR-2023-05. Therefore, the Planning and Zoning staff recommends **APPROVAL**.

ZONING APPLICATION FOR

135 & 305 EAST TOWNHOMES

135 & 305 EAST ATLANTA RD
STOCKBRIDGE, GA 30281

Project Information

OWNER:	EMERGENT DEVELOPMENT, REGGIE SYLVAIN, TEL: 404-578-5654
ARCHITECT:	Y STUDIO, LLC, 853 S. PEACHTREE ST. STE. 104, NORCROSS, GA 30071 TEL: 770-355-7423

APPLICABLE CODES

- INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FIRE CODE, 2018 EDITION
- INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH GEORGIA AMENDMENTS (2021)
- INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- LIFE SAFETY CODE 2018 EDITION WITH STATE AMENDMENTS (2020)
- ACCESSIBILITY CODE GEORGIA ACCESSIBILITY CODE (120-3-20A/2010 ADA STANDARDS)

General Notes

1. THE CONSTRUCTION DOCUMENT SET CONSISTS OF DRAWINGS AND SPECIFICATIONS, AND IS INTENDED TO BE UNDERSTOOD AS A SINGLE ENTITY. DO NOT DIVIDE THESE DOCUMENTS INTO PARTS OR SUB-PARTS. EACH CONTRACTING ENTITY SHALL BE RESPONSIBLE FOR ALL WORK RELATED TO ITS TRADE WHEREVER THAT INFORMATION IS SHOWN IN THE CONSTRUCTION DOCUMENT SET.
2. DO NOT SCALE THE DRAWINGS FOR DIMENSIONAL INFORMATION. CRITICAL DIMENSIONS ARE TYPICALLY INDICATED IN THE DRAWINGS. IF ANY REQUIRED DIMENSIONS ARE NOT INDICATED IN THE DRAWINGS, CONTACT THE ARCHITECT FOR SPECIFIC DIMENSIONS PRIOR TO INITIATING RELATED CONSTRUCTION ACTIVITY.
3. THE DRAWINGS ILLUSTRATE GENERAL SCOPE OF WORK REQUIREMENTS AND DO NOT PROVIDE INFORMATION REGARDING INSTALLATION TECHNIQUES OR PROCEDURES. ALL WORK PERFORMED SHALL MEET OR EXCEED INDUSTRY STANDARDS, AND SHALL BE PERFORMED IN CONFORMANCE WITH ALL FEMA TECHNICAL REQUIREMENTS AND THE C.O.A. ORDINANCE
4. CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF ALL GOVERNING FEDERAL, STATE, AND LOCAL CODES. IN ADDITION, CONSTRUCTION SHALL BE IN COMPLIANCE WITH ANSI GUIDELINES, AMERICANS WITH DISABLITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
5. ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
6. THE GENERAL CONTRACTOR IS REQUIRED TO VISIT THE SITE PRIOR TO SUBMITTING A FINAL BID AND REVIEW EXISTING CONDITIONS AS THEY RELATE TO THE PROPOSED WORK. CONSIDER REMOVAL AND NECESSARY RELOCATION (WHEN NECESSARY) OF ALL VISIBLE STRUCTURAL, ARCHITECTURAL. PLUMBING, HVAC AND ELECTRICAL SYSTEMS IN AREAS AFFECTED BY REMODELING EFFORT.
7. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR ACCURATE EXECUTION OF THE BUILDING CONSTRUCTION. ANY CONFLICTING INFORMATION OR DISCREPANCIES IN THE DOCUMENT SET SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO INSTALLATION OF THE WORK.
8. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN, ADEQUACY, AND SAFETY OF ALL ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, AND ANY OTHER MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE CONSTRUCTION WORK.
9. THE GENERAL CONTRACTOR IS REQUIRED TO KEEP A FULL SET OF REVIEWED AND APPROVED "FOR CONSTRUCTION" DRAWINGS AT THE JOBSITE AT ALL TIMES DURING CONSTRUCTION.
10. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING, PAYING FOR, AND PROPERLY DISPLAYING ALL REQUIRED PERMITS AS PERTAINING TO THE WORK BEING DONE AT THE JOBSITE.
11. WHERE EXISTING EQUIPMENT IS SCHEDULED TO REMAIN, CONTRACTOR SHALL VERIFY SECURE MOUNTINGS. THE GENERAL CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF UNSOUND MOUNTINGS, CONNECTIONS, OR UNSAFE CONDITIONS.
12. THE CURRENT EDITION OF THE NFPA CODES AND STANDARDS AS ADOPTED AND MODIFIED BY THE STATE FIRE MARSHAL, NFPA 101 LIFE SAFETY CODE 2000 EDITION, INTERNATIONAL FIRE CODE 2006 EDITION, OCGA TITLES 25 AND 30 GEORGIA ACCESSIBILITY CODE.
13. SPECIAL INSPECTION REPORTS AND FINAL REPORT IN ACCORDANCE WITH SECTION 1704.2.4 SHALL BE SUBMITTED TO THE BUILDING OFFICIAL PRIOR TO THE TIME THAT PHASE OF WORK IS APPROVED FOR OCCUPANCY. (IBC SECTION-AMENDEMENT 1701.4)
14. SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVIES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
15. SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPIRC.

SCOPE OF WORK

RE-ZONING APPLICATION FROM SR TO MFR IN 1.65 ACRES LAND

PROJECT DATA

OCCUPANCY CLASSIFICATION
20+ UNITS-MULTI FAMILY RESIDENTIAL 3-STORY

CONSTRUCTION CLASSIFICATION

TYPE V, UNPROTECTED,
FIRE ALARM: NO
SMOKE ALARM YES,
SPRINKLER: YES, NAPA-13D

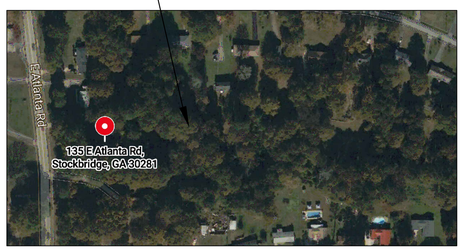
APPROX. 2,200 TO 2,400 SQ. FT. 3 STORY UNIT.

CURRENT 10' SETBACK FOR FRONT, SIDES AND REAR OF THE PROPERTY.

Index of Drawings

SHEET	TITLE
G-1	COVER SHEET / DRAWING INDEX
A-0.0	EXISTING SITE PLAN
A-0.1	PROPOSED SITE PLAN
A-4.1	OVERALL EXTERIOR ELEVATIONS
A-4.2	EXTERIOR PERSPECTIVE RENDERING

PROJECT LOCATION



VICINITY MAP
NOT TO SCALE

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

RELEASES / DATES

1 DATE:
2 DATE:
3 DATE:
4 DATE:
5 DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

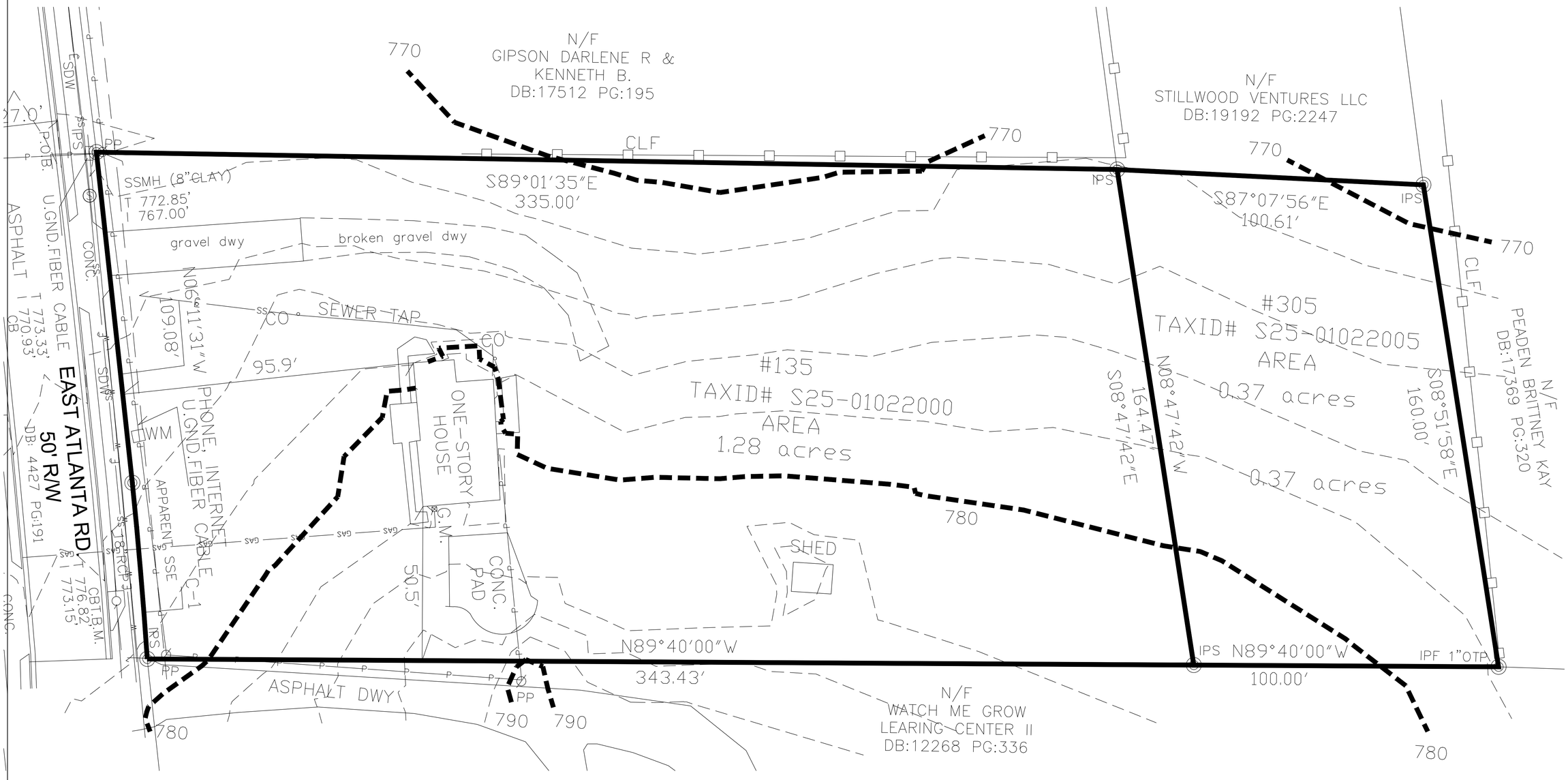
COVER SHEET & DRAWING INDEX

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

G-1

Y STUDIO, LLC COPYRIGHT 2023



1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR

135 EAST TOWNHOMES

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

RELEASES / DATES

1 DATE:
2 DATE:
3 DATE:
4 DATE:
5 DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

EXISTING
SITE PLAN

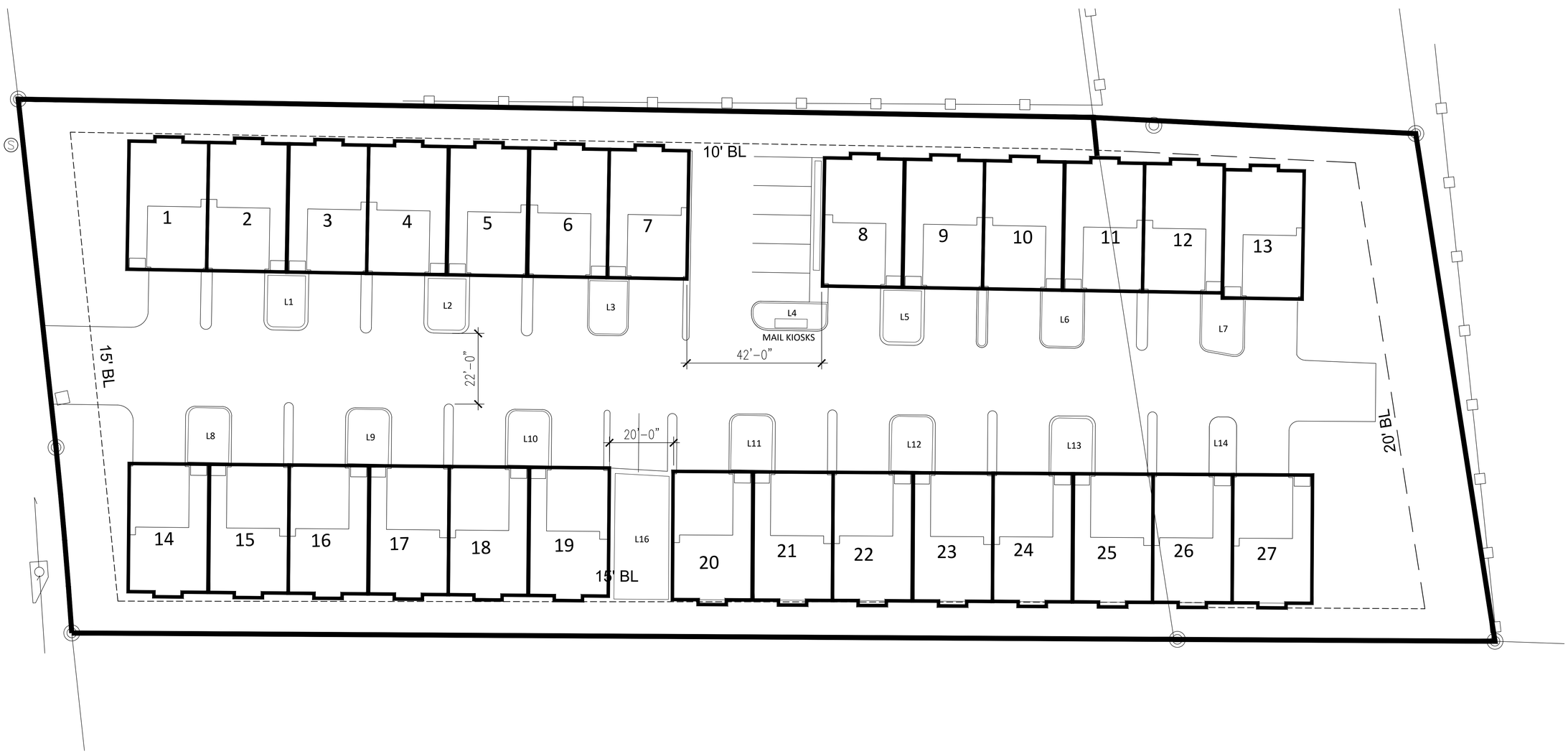
DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

A-0.0

Y STUDIO, LLC COPYRIGHT 2023

SITE ANALYSIS	
SITE:: 1.65 ACRES (71, 874) SQ. FT.	
BUILDING # 1-7:	7,055 SQ. FT.
BUILDING # 8-13:	6,020 SQ. FT.
BUILDING # 14-20:	7,055 SQ. FT.
BUILDING # 21-27:	7,950 SQ. FT.
PAVE/DRIVE WAY:	19,588 SQ. FT.
SUB TOTAL:	47,700 SQ. FT
LESS LANDSCAPE:	4,372 SQ. FT.
TOTAL:	43,328 SQ. FT.
SITE COVERAGE = 60%	
SETBACK:	
FRONT = 15' SETBACK	
SIDE = 10' BUFFER,	
REAR = 20' SETBACK	



1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR

135 EAST TOWNHOMES

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

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PROPOSED
SITE PLAN

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Y STUDIO, LLC COPYRIGHT 2023

2 PROPOSED EXTERIOR ELEVATION
SCALE: 3/16"= 1'-0"

1 PROPOSED EXTERIOR GARAGE ELEVATION
SCALE: 3/16"= 1'-0"

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SHEET TITLE:

OVERALL
EXTERIOR ELEVATIONS

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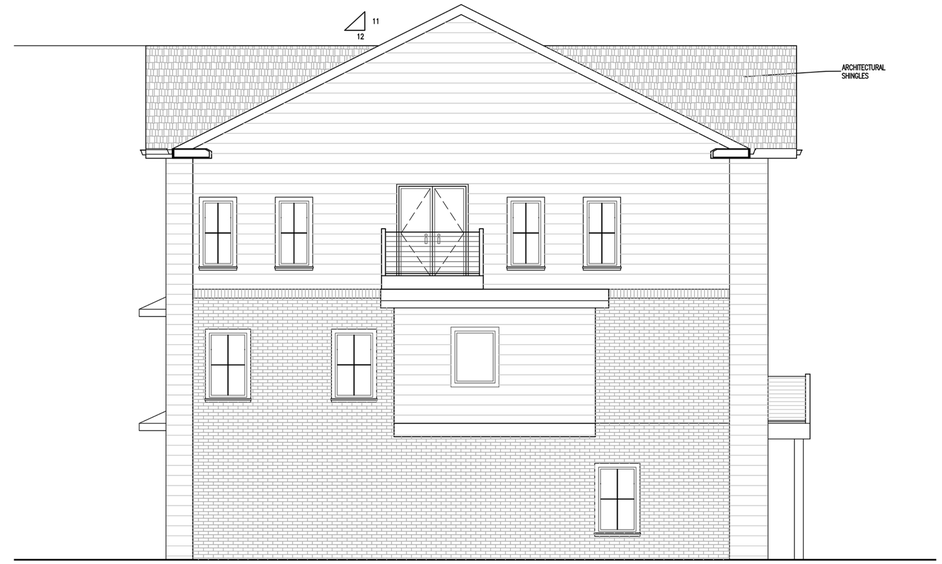

2 PROPOSED SIDE ELEVATION
SCALE: 3/16"= 1'-0"

VIEW INTO THE COMMUNITY

1 PROPOSED SIDE ELEVATION
SCALE: 3/16"= 1'-0"

VIEW FROM EAST ATLANTA ROAD

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SHEET TITLE:

EXTERIOR PERSPECTIVE RENDERING

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

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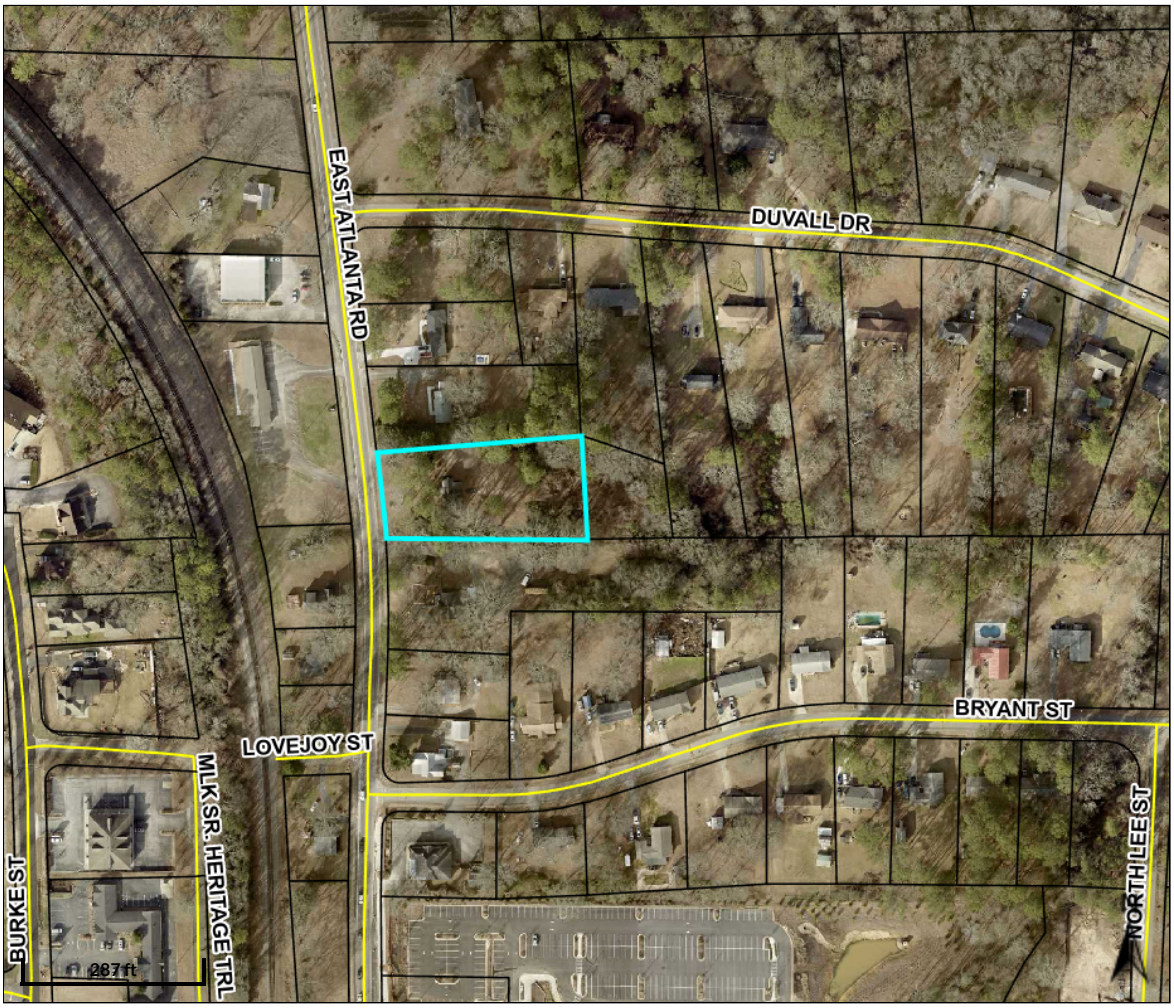
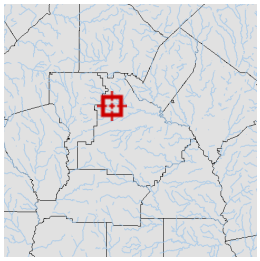


Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022000	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$24000			
Property	135 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**				
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$144900	**Last 2 Sales**		
District	City/Stockbridge				MCDONOUGH GA	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					30253	**Misc**	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$168900				
						Value:					

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

Date created: 12/29/2023
Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by Schneider GEOSPATIAL

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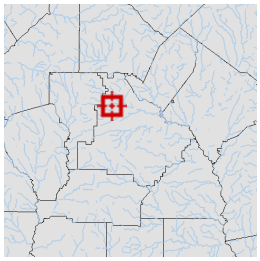
Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022005	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$1500				
Property	305 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**					
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$0	**Last 2 Sales**			
District	City/Stockbridge				MCDONOUGH GA 30253	**Value:**		**Date**	**Price**	**Reason**	**Qual**
						Misc	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$1500				
						Value:					

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

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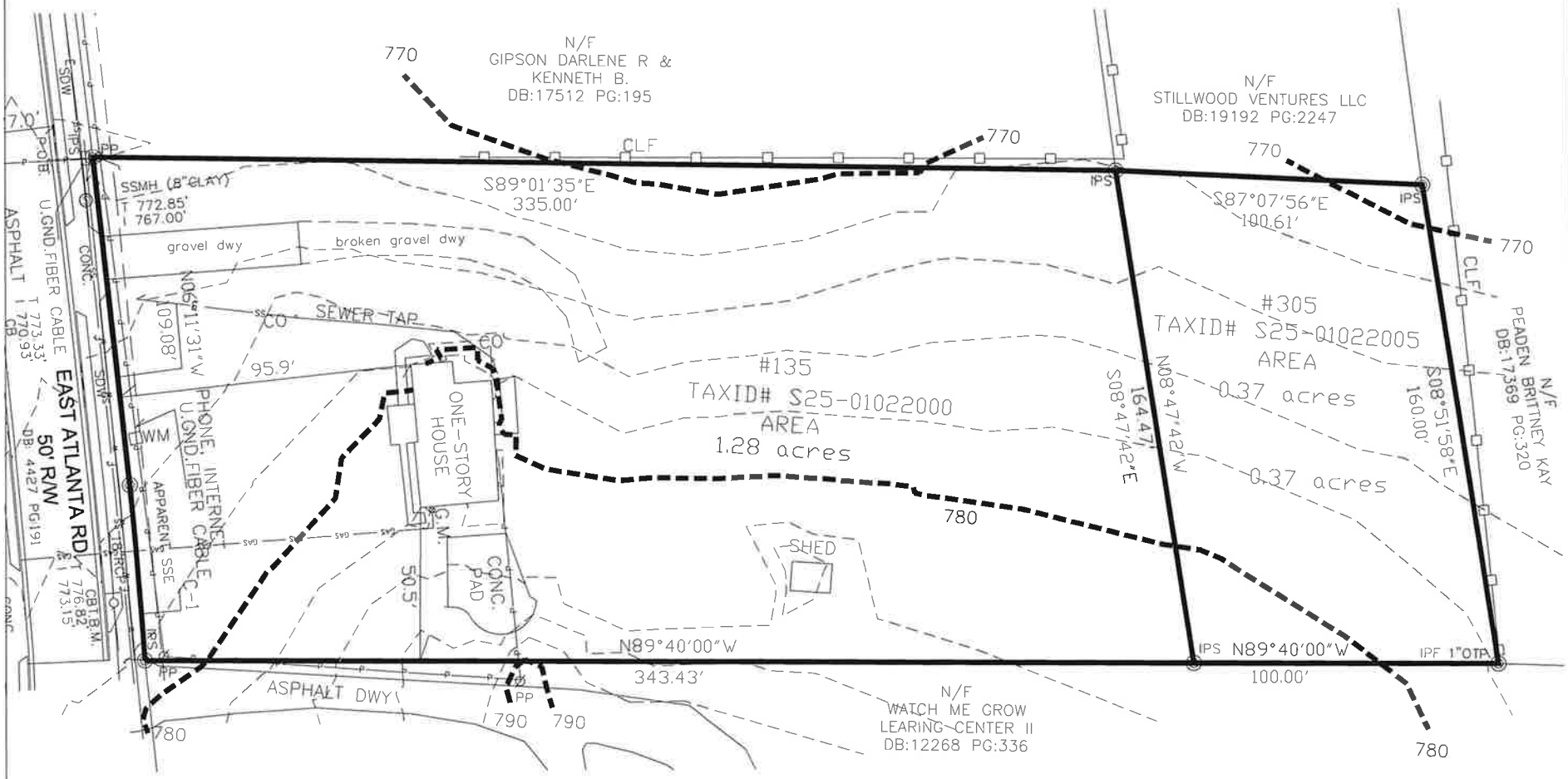

1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC COPYRIGHT 2022

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883 B Peachtree Rd. Ste. 104
Norcross, GA 30071
Tel: 770.355.7422
Fax: 770.243.0257
email: louis@ystudio.com

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL

FOR

135 EAST ATLANTA R
STOCKBRIDGE, GA 303
RELEASES / DATES
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RELEASED FOR CONSTRUCTION

SHEET TITLE
EXISTIN
SITE PLA

DATE: 08 30 2022
PROJECT NUMB
Y2022 E003 01

SHEET NUMBER
A-0.0

ZONING APPLICATION FOR

135 & 305 EAST TOWNHOMES

135 & 305 EAST ATLANTA RD
STOCKBRIDGE, GA 30281

Project Information

OWNER:	EMERGENT DEVELOPMENT, REGGIE SYLVAIN, TEL: 404-578-5654
ARCHITECT:	Y STUDIO, LLC, 853 S. PEACHTREE ST. STE. 104, NORCROSS, GA 30071 TEL: 770-355-7423

APPLICABLE CODES

- INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FIRE CODE, 2018 EDITION
- INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH GEORGIA AMENDMENTS (2021)
- INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- LIFE SAFETY CODE 2018 EDITION WITH STATE AMENDMENTS (2020)
- ACCESSIBILITY CODE GEORGIA ACCESSIBILITY CODE (120-3-20A/2010 ADA STANDARDS)

General Notes

1. THE CONSTRUCTION DOCUMENT SET CONSISTS OF DRAWINGS AND SPECIFICATIONS, AND IS INTENDED TO BE UNDERSTOOD AS A SINGLE ENTITY. DO NOT DIVIDE THESE DOCUMENTS INTO PARTS OR SUB-PARTS. EACH CONTRACTING ENTITY SHALL BE RESPONSIBLE FOR ALL WORK RELATED TO ITS TRADE WHEREVER THAT INFORMATION IS SHOWN IN THE CONSTRUCTION DOCUMENT SET.
2. DO NOT SCALE THE DRAWINGS FOR DIMENSIONAL INFORMATION. CRITICAL DIMENSIONS ARE TYPICALLY INDICATED IN THE DRAWINGS. IF ANY REQUIRED DIMENSIONS ARE NOT INDICATED IN THE DRAWINGS, CONTACT THE ARCHITECT FOR SPECIFIC DIMENSIONS PRIOR TO INITIATING RELATED CONSTRUCTION ACTIVITY.
3. THE DRAWINGS ILLUSTRATE GENERAL SCOPE OF WORK REQUIREMENTS AND DO NOT PROVIDE INFORMATION REGARDING INSTALLATION TECHNIQUES OR PROCEDURES. ALL WORK PERFORMED SHALL MEET OR EXCEED INDUSTRY STANDARDS, AND SHALL BE PERFORMED IN CONFORMANCE WITH ALL FEMA TECHNICAL REQUIREMENTS AND THE C.O.A. ORDINANCE
4. CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF ALL GOVERNING FEDERAL, STATE, AND LOCAL CODES. IN ADDITION, CONSTRUCTION SHALL BE IN COMPLIANCE WITH ANSI GUIDELINES, AMERICANS WITH DISABLITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
5. ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
6. THE GENERAL CONTRACTOR IS REQUIRED TO VISIT THE SITE PRIOR TO SUBMITTING A FINAL BID AND REVIEW EXISTING CONDITIONS AS THEY RELATE TO THE PROPOSED WORK. CONSIDER REMOVAL AND NECESSARY RELOCATION (WHEN NECESSARY) OF ALL VISIBLE STRUCTURAL, ARCHITECTURAL. PLUMBING, HVAC AND ELECTRICAL SYSTEMS IN AREAS AFFECTED BY REMODELING EFFORT.
7. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR ACCURATE EXECUTION OF THE BUILDING CONSTRUCTION. ANY CONFLICTING INFORMATION OR DISCREPANCIES IN THE DOCUMENT SET SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO INSTALLATION OF THE WORK.
8. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN, ADEQUACY, AND SAFETY OF ALL ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, AND ANY OTHER MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE CONSTRUCTION WORK.
9. THE GENERAL CONTRACTOR IS REQUIRED TO KEEP A FULL SET OF REVIEWED AND APPROVED "FOR CONSTRUCTION" DRAWINGS AT THE JOBSITE AT ALL TIMES DURING CONSTRUCTION.
10. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING, PAYING FOR, AND PROPERLY DISPLAYING ALL REQUIRED PERMITS AS PERTAINING TO THE WORK BEING DONE AT THE JOBSITE.
11. WHERE EXISTING EQUIPMENT IS SCHEDULED TO REMAIN, CONTRACTOR SHALL VERIFY SECURE MOUNTINGS. THE GENERAL CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF UNSOUND MOUNTINGS, CONNECTIONS, OR UNSAFE CONDITIONS.
12. THE CURRENT EDITION OF THE NFPA CODES AND STANDARDS AS ADOPTED AND MODIFIED BY THE STATE FIRE MARSHAL, NFPA 101 LIFE SAFETY CODE 2000 EDITION, INTERNATIONAL FIRE CODE 2006 EDITION, OCGA TITLES 25 AND 30 GEORGIA ACCESSIBILITY CODE.
13. SPECIAL INSPECTION REPORTS AND FINAL REPORT IN ACCORDANCE WITH SECTION 1704.2.4 SHALL BE SUBMITTED TO THE BUILDING OFFICIAL PRIOR TO THE TIME THAT PHASE OF WORK IS APPROVED FOR OCCUPANCY. (IBC SECTION-AMENDEMENT 1701.4)
14. SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVIES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
15. SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPIRC.

SCOPE OF WORK

RE-ZONING APPLICATION FROM SR TO MFR IN 1.65 ACRES LAND

PROJECT DATA

OCCUPANCY CLASSIFICATION
20+ UNITS-MULTI FAMILY RESIDENTIAL 3-STORY

CONSTRUCTION CLASSIFICATION

TYPE V, UNPROTECTED,
FIRE ALARM: NO
SMOKE ALARM YES,
SPRINKLER: YES, NAPA-13D

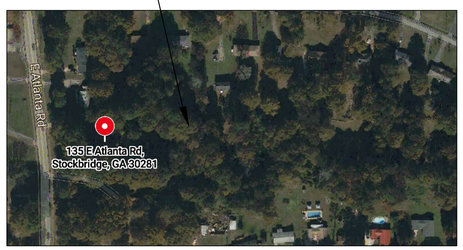
APPROX. 2,200 TO 2,400 SQ. FT. 3 STORY UNIT.

CURRENT 10' SETBACK FOR FRONT, SIDES AND REAR OF THE PROPERTY.

Index of Drawings

SHEET	TITLE
G-1	COVER SHEET / DRAWING INDEX
A-0.0	EXISTING SITE PLAN
A-0.1	PROPOSED SITE PLAN
A-4.1	OVERALL EXTERIOR ELEVATIONS
A-4.2	EXTERIOR PERSPECTIVE RENDERING

PROJECT LOCATION



VICINITY MAP
NOT TO SCALE

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

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SHEET TITLE:

COVER SHEET & DRAWING INDEX

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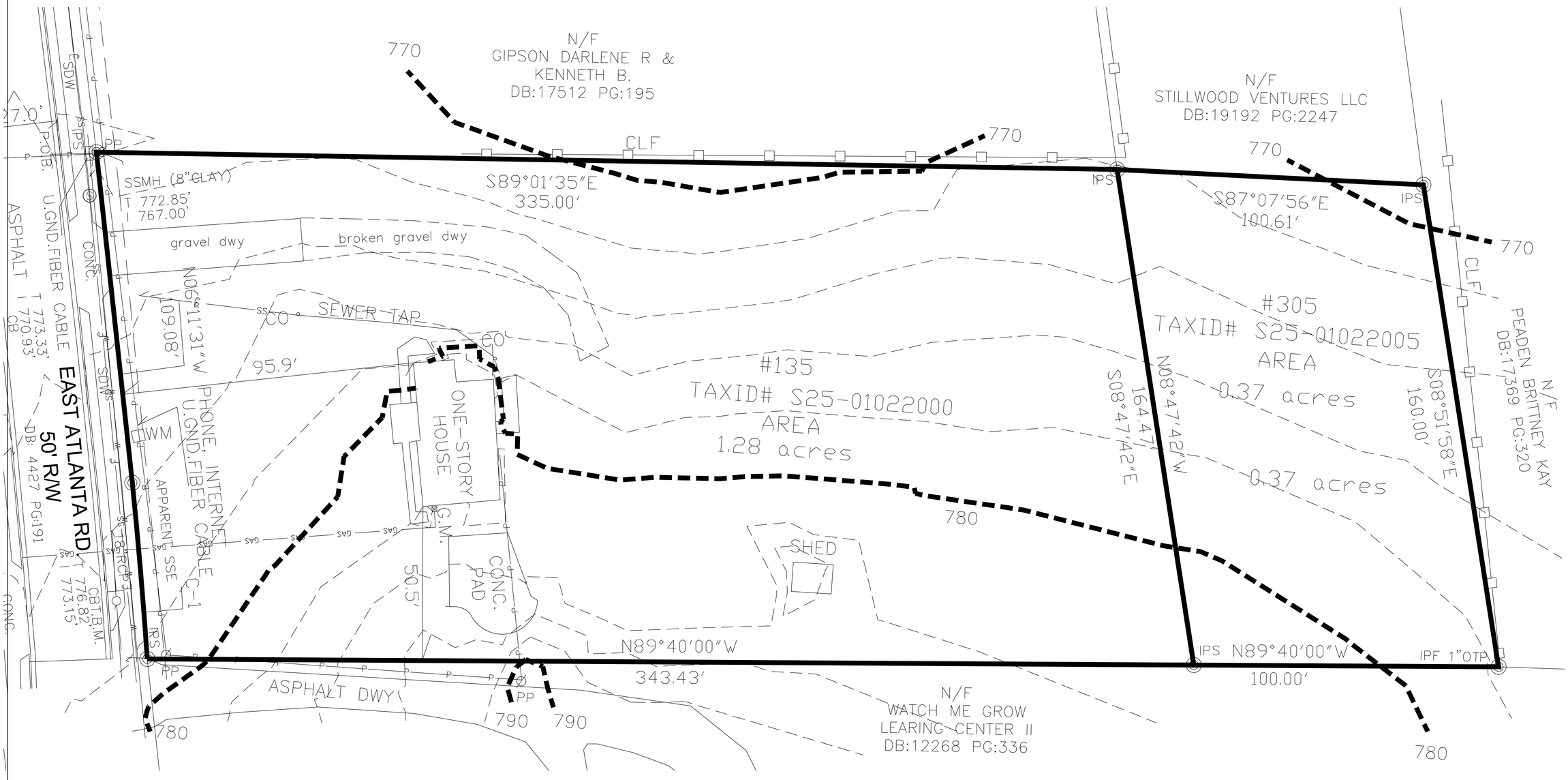

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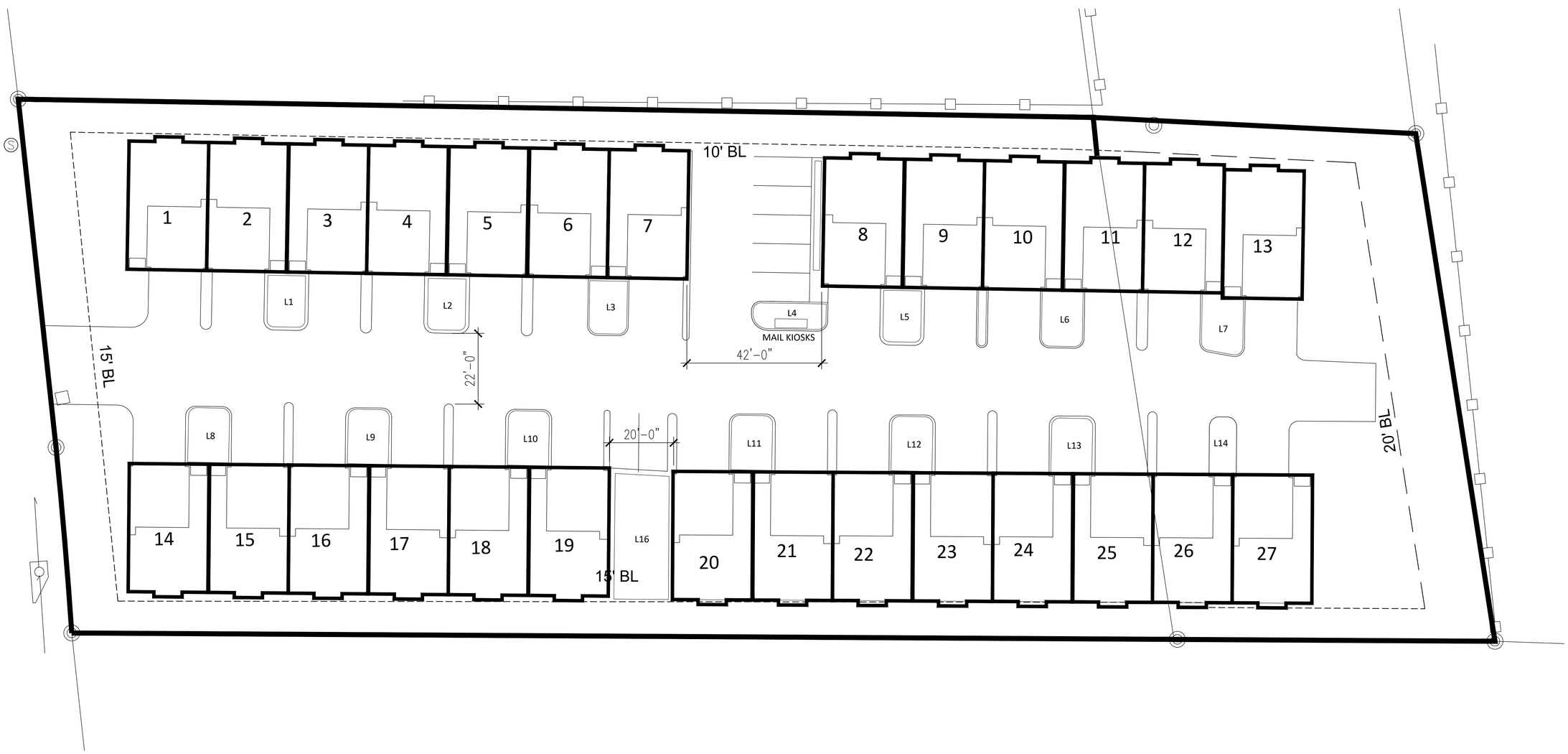

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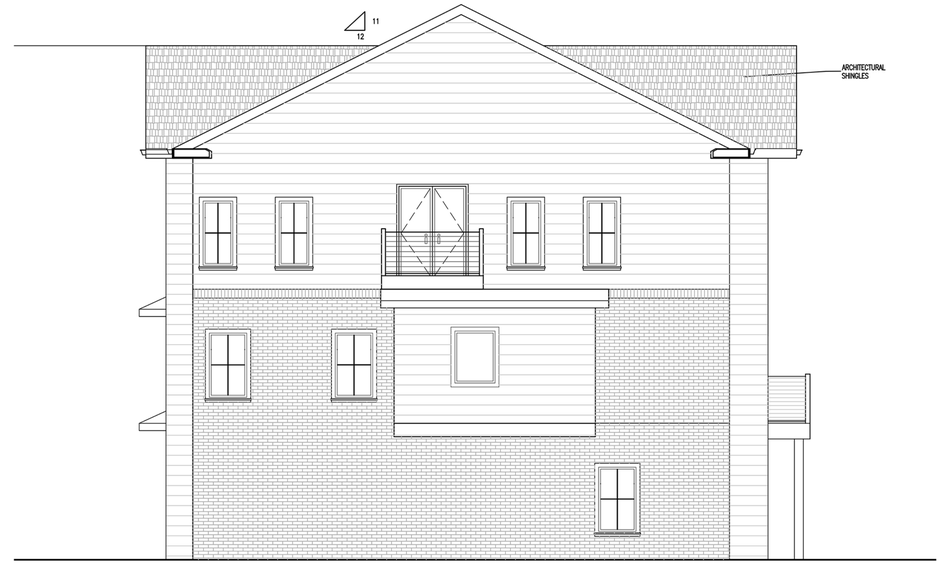

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EXTERIOR PERSPECTIVE RENDERING

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A-4.2

Y STUDIO, LLC COPYRIGHT 2023

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.]

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
321 Taylor Drive
Stockbridge, GA 30281
Sewer Department tel.: (678) 833-3301

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

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	as one for each owner	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 ***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.	✓
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 ***(Only needed if property is not on sewer).***	✓

APPLICATION CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING.
NO INCOMPLETE APPLICATION WILL BE ACCEPTED.

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK √
1.	PRE-APPLICATION REVIEW FORM	1 Digital, 1 Hard Copy	√
2.	APPLICATION FORM	1 Digital, 1 Hard Copy	√
3.	LEGAL DESCRIPTIONS	1 Digital, 1 Hard Copy	√
4.	SITE PLAN & SURVEY	1 Digital Copy – 4 hard Copies	√
5.	DEVELOPMENT RENDERINGS AND ELEVATIONS	1 Digital Copy – 1 Hard Copy	√
6.	LETTERS OF INTENT	1 Digital, 1 Hard Copy	√
7.	ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS	1 Digital, 1 Hard Copy	√
8.	DEPARTMENTAL SIGN-OFF LETTERS	1 Digital, 1 Hard Copy	√
9.	DISCLOSURE FORM	1 Digital, 1 Hard Copy	√

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant: Sylvain Capital Ventures LL Phone: (404) 578-5654 Date: 10/09/23

Address Applicant: 135 East Atlanta Rd Fax _____ Cell # (404) 578-5654

City: Stockbridge State: GA Zip: 30281 E-mail: rsylvain@bellsouth.net

Name of Agent: Harold Singer Phone: (678) 758-1607 Date: 10/09/23

Address Agent: 4034 Lions Gate Douglasville Fax _____ Cell # (678) 758-1607

City: Douglasville State: GA Zip: 30135 E-mail: haroldsinger@hotmail.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 Rezone parcels from SR-Suburban Residential to MFR- Multiple Family Residential to develop 27 Townhomes

> 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._____Acknowledgement

Address of Property: 135 & 305 East Atlanta Rd Stockbridge, G.

Nearest intersection to the property: Duvall Dr. & Bryant St
(Street Address)

Size of Tract: 1.65 acre(s), Land Lot Number(s): 68, District(s): 12th

Property Tax Parcel Number(s): S25-01022000 / S25-01022005 **(Required)**

Derrick Harris
Witness' Signature

Regonald Sylvain
Signature of Applicant

Derrick Harris
Printed Name of Witness

Regonald Sylvain
Printed Name of Applicant

Harold Singer
Notary

Signature of Agent

NOTARY STAMP:

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

(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: _____

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 305 East Atlanta Rd Stockbridge, GA 30281 [address], with Parcel Number s25-01022005, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures LLC /Regonald Sylvain

Property Owner's Address: 139 Bayberry Hills MsDonough, GA30253

Telephone: (404) 578-5654 E-mail: rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Regonald Sylvain Date: 12/28/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Slyvain

Company/law firm (if applicable): Sylvian Capital Ventures LLC

Telephone, E-Mail, & Address: (404) 578-5654, rsylvain@bellsouth.net, 139 Bayberry Hills McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

12/28/23

Date

Harold Singer

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

12/28/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR. NOTARY PUBLIC COMMISSION EXPIRES SEPTEMBER 12, 2025 DOUGLAS COUNTY, GEORGIA

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 135 East Atlanta Road [address], with Parcel Number S25-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Regonald Sylvain
Property Owner's Address: 139 Bayberry Hills McDonough, GA 30253
Telephone: 404-578-5654 E-mail: Rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ Date: 10/9/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Sylvain

Company/law firm (if applicable): Sylvain Capital Ventures, LLC

Telephone, E-Mail, & Address: 404-578-5654 Rsylvain@bellsouth.net

139 Bayberry Hills, McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/08/23

Date

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

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 8th day of October, _____.

Regonald Sylvain
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 8th day of October, _____.

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

Harold Singer
Notary Public

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

Henry County Water Authority

Engineering Division
100 Westridge Industrial Blvd.
McDonough, GA 30253

Application for Water/Sewer Availability Letter

Date: 11/22/23

Name of Applicant Sylvain Capital Ventures LLC Phone: (404) 578-565 Mobile: (404) 578-5654
Address of Applicant: 135 East Atlanta Fax: _____
City: Stockbridge State: GA Zip: 30281 E-mail: haroldsinger@hotmail.com
Name of Agent Harold Singer Phone: (678)758-1607 Mobile: (678) 758-1607
Address of Agent: 4034 Lions Gate Fax: _____
City: Douglasville State: GA Zip: 30135 E-mail: haroldsinger@hotmail.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE PURPOSE OF LETTER REQUEST AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

VERIFICATION OF SERVICE: ☒ **Conditional Use/Exception** ☐ **Variance** ☐ **In-law Suite/Addition** ☐ **Bank Loan**

AVAILABILITY: ☐ **General Availability** ☒ **Rezoning**
Availability letters will require a minimum of three weeks from the date of payment and application submittal.

Request from SR (Present Zoning)) to DT (Requested Zoning)

For the Purpose of Multifamily Townhomes (Type of Development)

Address of Property: 135 East Atlanta, Stockbridge (Street Address, if Applicable, Nearest Intersection, Etc.) Nearest intersection to the property: Duvall Dr.

Size of Tract: 1.65 acre(s), Land Lot Number(s): _____, District(s): _____

Development Estimated Average Daily Sewer Flow (GPD): _____

Property Tax Parcel Number: 525 - 010 - 22 - 0005 Proposed number of lots: 28

Information beyond this point is not required for service verifications.

(Below: For properties within protected watershed districts only)

Gross Density: _____ units per acre Net Density: _____ units per acre

Estimated amount of impervious surface: _____ Minimum Lot Size: _____

Witness _____ **Signature of Owner(s)/Agent(s)** _____

Printed Name of Witness _____ **Printed Name of Owner/s** _____

Notary _____ **Signature of Agent** _____

770-914-3688 (Office) 770-914-3359 (Fax) www.hcwa.com

Pre Application Meeting at 135 East Atlanta Road

Gordon Linton <Glinton@cityofstockbridge-ga.gov>

Mon 11/27/2023 4:15 PM

To:haroldsinger@hotmail.com <haroldsinger@hotmail.com>;Ryan Anderson <randerson@cityofstockbridge-ga.gov>;Linda Logan <LLogan@cityofstockbridge-ga.gov>;Demetries Wells <DWells@cityofstockbridge-ga.gov>;rsylvain@bellsouth.net <rsylvain@bellsouth.net>; derrickrh@yahoo.com <derrickrh@yahoo.com>;jadorehomes@icould.com <jadorehomes@icould.com>;louis@theystudio.com <louis@theystudio.com>;Jordyn Bucholtz <jbucholtz@stockbridgega.org>;Mark Whitley <mark@whitleyeng.com>

2 attachments (13 MB)

Townhomes at Stockbridge (1).pdf; 135 East Atlanta-zoning map.PNG;

Meeting to discuss a rezoning at 135 East Atlanta Road. The applicant wants to build townhomes

The name of the applicant is Harold R. Singer, Jr. (Gibeon Consulting Group)

The name of the property owner is Reginald Sylvain

The developers are Derrick Harris and Salim Morency.

Attached is the site plan along with the zoning map of the property.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: 294 984 721 38
Passcode: fjXYjs
Download Teams | Join on the web

Learn More | Meeting options

Letter of Intent
for
Proposed Rezoning
135 and 305 East Atlanta Road, Stockbridge, GA, identified by Parcel IDs #S25-01022000 and #S25-01022005.

- The parcels affected are under common ownership, contiguous and can most readily be identified as the:
  - Assemblage of multiple tracts currently zoned SR (Suburban Residential District). Additionally, Parcel #S25-01022000 & S25-0102200 falls within the Parkway Mixed Use Overlay District (PMU) comprising of approximately 1.65 acres with frontage on East Atlanta Rd.

- The two parcels have been consolidated pending recording in to one parcel. The purpose is to rezone the consolidated parcel to 2.4.4 MFR- Multiple Family Residential District.
  - 2.4.4 MFR- Multiple Family Residential District. The intent of the multiple Family Residential district is to allow the development of multiple family residences served by public water and sewer systems. The provisions that regulate this land use district provide for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets or higher. Permitted Uses: Residential - Townhomes
  - 2.4.4 MFR- Multiple Family Residential District for the balance (+/- 1.65 acres) Details as follows:
    - Twenty-Seven (27) Lots
    - Lot Size = 24’ X 75”
    - Building Footprint = 24’ X 55’
- We are submitting an application to request Comprehensive Plan Amendment. The amendment is necessary because the proposed density & land use are both higher than what the current Comprehensive Plan will allow.
  - We humbly request three variances & Amendment to the Comprehensive Plan;
  - Reduce min. lot area from 2 acres to 1.65 ac
  - Reduce min. front yard setback from 50’ to 15’
  - Reduce min. side yard setback from 15’ to 10’
  - Increase max. lot coverage from 50% to 60%

- Overlay Districts
- Road Data
- CityofStockbridge_ZoningParcels
  - C1 - Neighborhood Commercial District
  - C2 - General Commercial District
  - C3 - Heavy Commercial District
  - CCR - City Center Residential District
  - DT - Downtown District
  - HI - Heavy Industrial District
  - LI -Light Manufacturing District
  - MFR - Multiple Family Residential District
  - MHR - Mobile Home Residential District
  - OI - Office Industrial District
  - PUD - Planned Unit Development District
  - RR - Rural Residential District
  - SR - Suburban Residential District
- 2023 Council Districts
- Future Land Use_Parcels
  - Downtown District
  - Heavy Industrial

TO: Planning Commission; Mayor/Council

FROM: Gordon Linton, Planner I

CC: R. Ryan Anderson, Interim Community Development Director; Chief Planner

DATE: January 25, 2023

Subject: #CP-2023-08 For 135 and 305 East Atlanta Road, #S25-01022000 and #S25-01022005

I. PURPOSE

Consider a Comprehensive Plan Amendment application by Sylvan Capital Ventures to change the future land use designation from Low Density Mixed Use to Special Purpose to allow for the construction of a townhome development at 135 and 305 East Atlanta Road. The property contains two parcels with 1.65 +/- total acres.

II. Background

Proposed Development	Townhome development with 27 units
Site Address	135 East Atlanta Road 305 East Atlanta Road
Parcel Identification	#S25-01022000 #S25-01022005
Parcel Acreage	135 East Atlanta Road: 1.28 +/- acres 305 East Atlanta Road: 0.37 +/- acres
Applicant	Sylvan Capital Ventures
Agent	Harold R. Singer, Jr. (Gibeon Consulting Group)
Owner	Sylvan Capital Ventures
City Land Use Designation	LDMU – Low Density Mixed Use

City Land Use Zoning	SR – Suburban Residential
Number of Proposed Units Per Acre	16.36 units per acre
Current Use	Single Family Residence

SURROUNDING LAND USE DESIGNATION

Location	Existing Land Use	Existing Future Land Use Designation
Property to the North	Single-Family Residence	Low Density Mixed Use
Property to the South	Watch Me Grow Toddlerville (Day care center)	Downtown District
Property to the East	Single-Family Residence	Low Density Mixed Use
Property to the West	Church at Stockbridge (Church)	Medium Density Residential Downtown District

SURROUNDING LAND USE DENSITIES

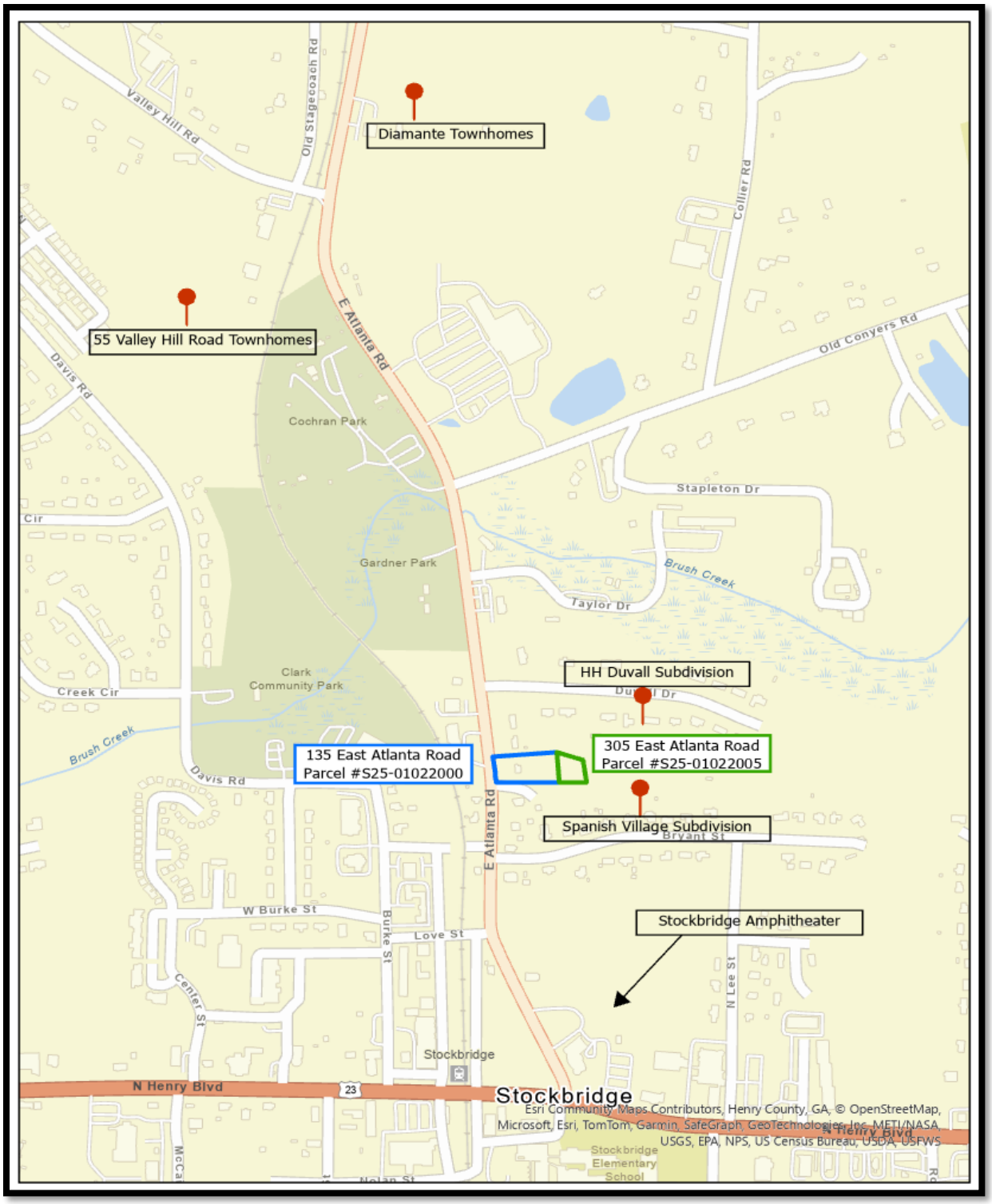
Name of Subdivision/Development	Units	Estimate Density Per Acres
Spanish Village Subdivision	28	1.5 units per acre
HH Duvall Subdivision	16	1 units per acre
Diamante Townhomes	200	7 units per acre
DR Horton Townhomes	165	6.62 units per acre
135 East Townhomes	**27**	**16.36 units per acre**

III. Findings of Fact

1. The applicant has requested a Rezoning application (RZ-2023-09) to rezone from 'SR' (Suburban Residential) to 'MFR' (Multi Family Residential).
2. The applicant has requested a Variance application (VR-2023-05) on the subject property. A variance to reduce the front yard setback from 50 to 15 feet, a variance to reduce the required side year setback from 15 to 10 feet, and a third variance to increase the allowable maximum lot coverages from 50% to 60%.
3. The surrounding land use designations that are in the vicinity of the area are as follows: Medium Density Residential (MDR), Low Density Mixed Use (LDMU), Downtown District (DD), Public/Institutional (PI), and Parks/Recreation/Conservations (PRC)
4. The subject property at 135 East Atlanta Road is also part of the Parkway Mixed Use Overlay District.
5. The subject property is a part of the TAD (Tax Allocation District) a district that is designed to attract quality development to an underutilized or distressed redevelopment area.

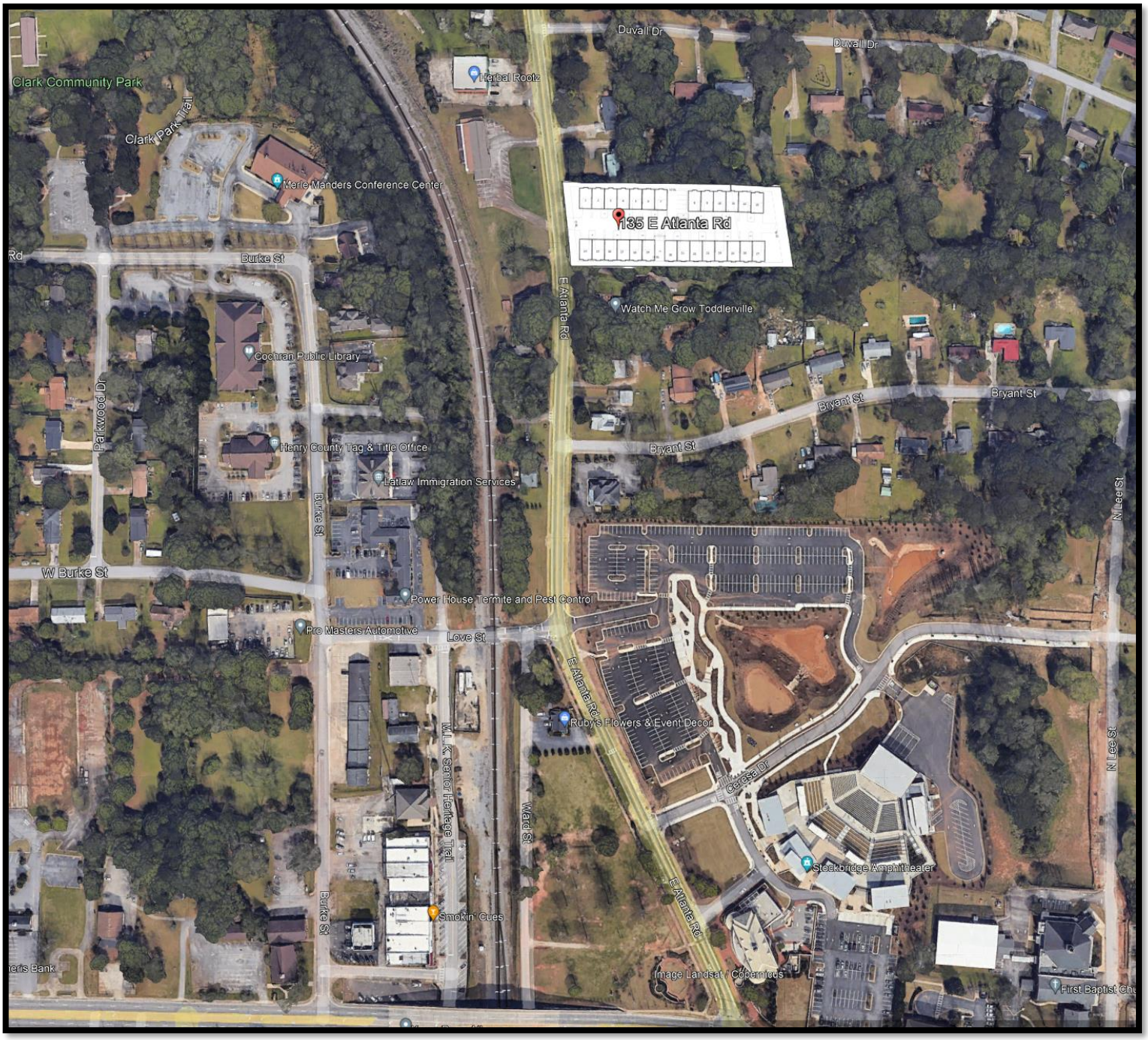
IV. Maps and Illustrations

Vicinity Map of 135 and 305 East Atlanta Road



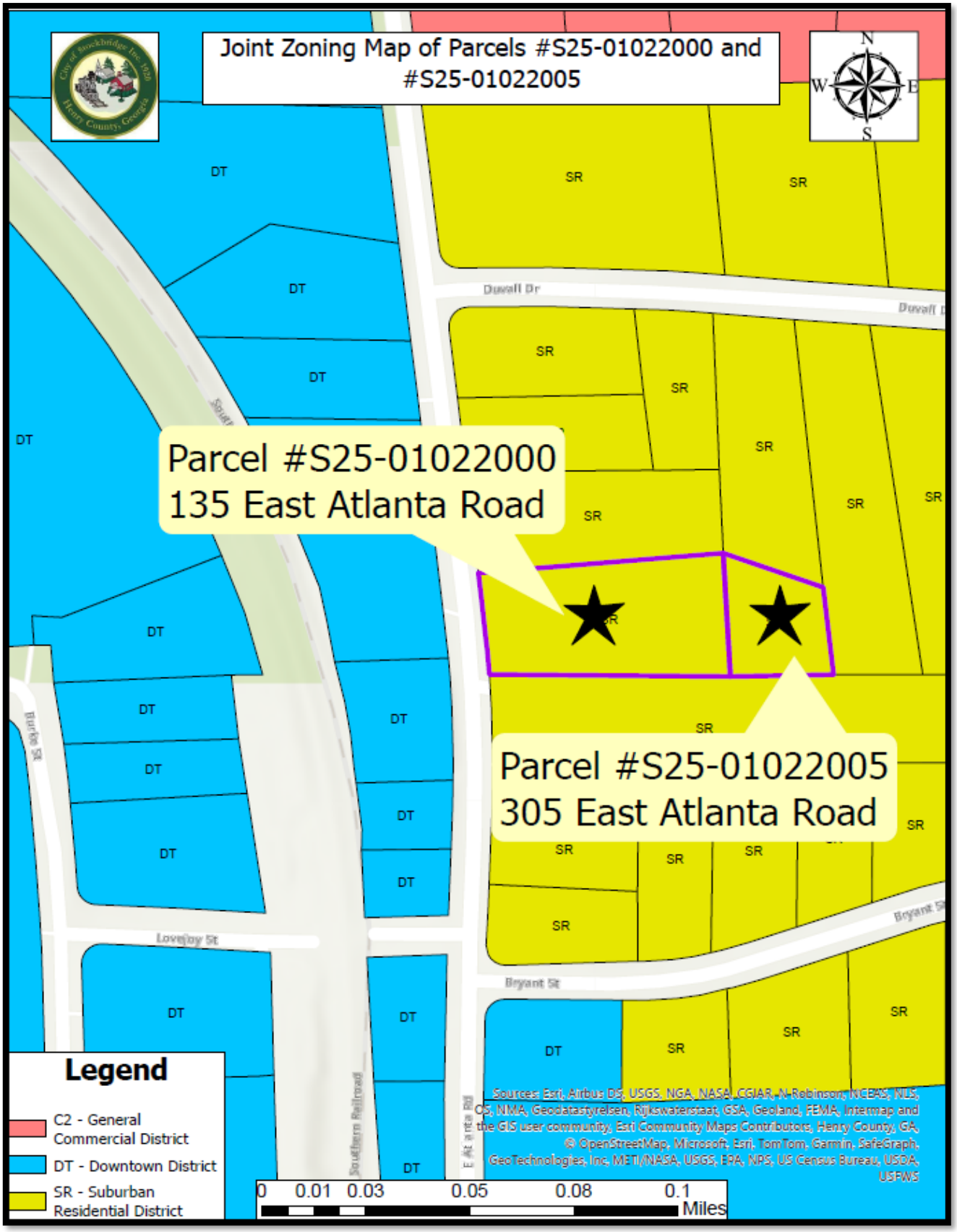
Aerial Photo of 135 and 305 East Atlanta Road

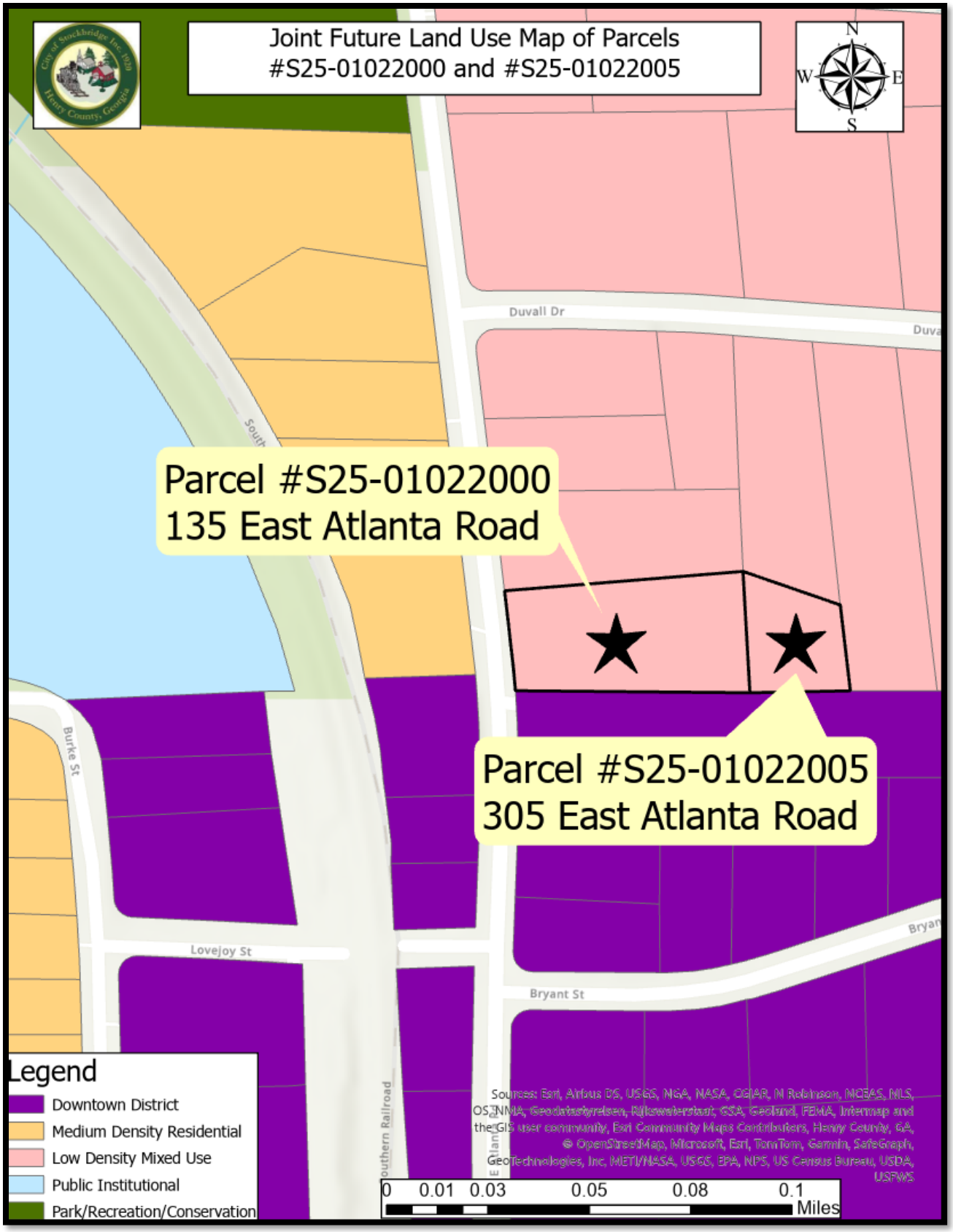
Aerial Photo with Site Plan

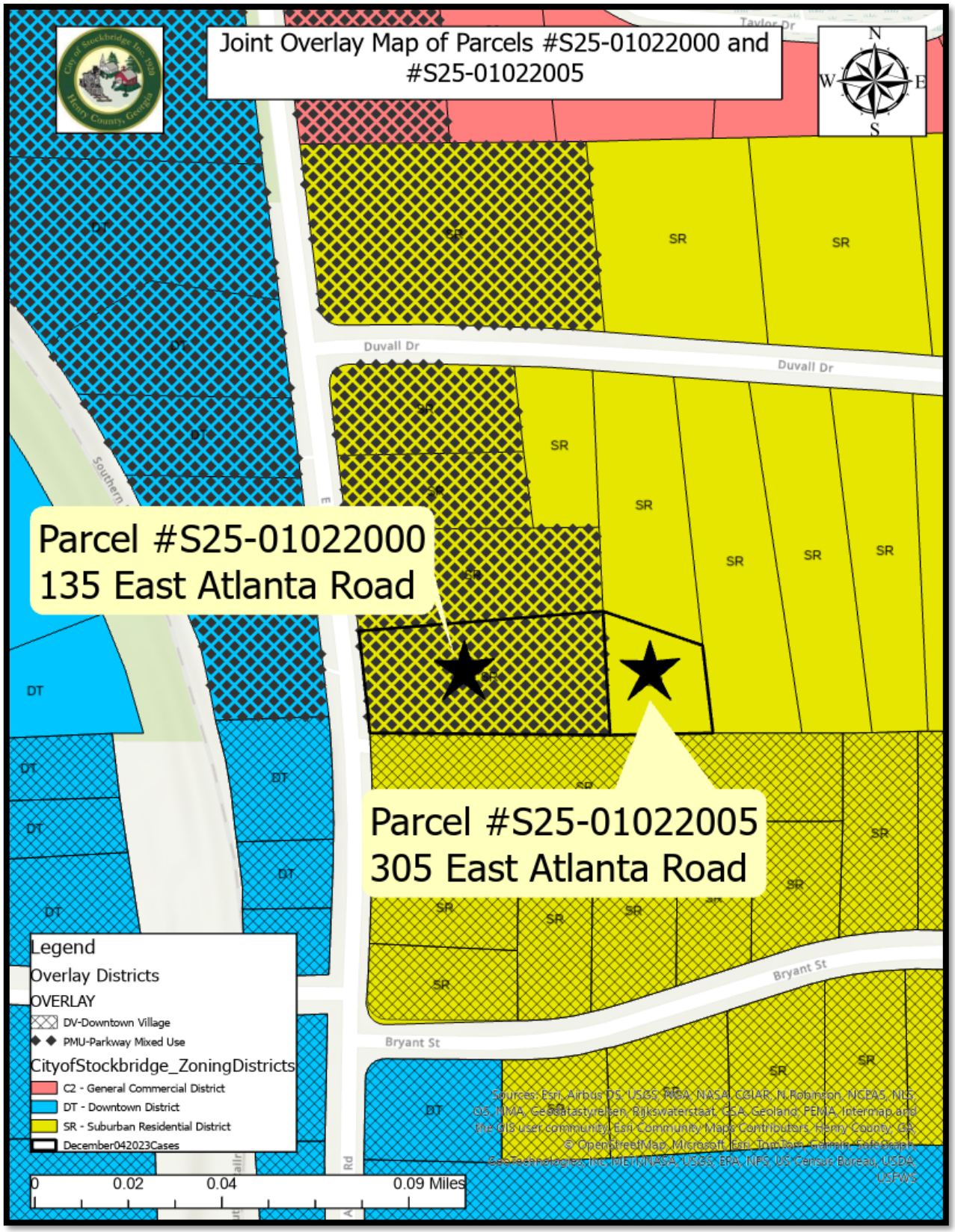


Site Plan of 135 and 305 East Atlanta Road

Renderings of Townhomes


Joint Zoning Map of Parcels #S25-01022000 and #S25-01022005
N
W
E
S
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
DT
SR
Duvall Dr
Lovejoy St
Bryant St
Burke St
Southern Railroad
E Atlanta Rd
Legend
C2 - General Commercial District
DT - Downtown District
SR - Suburban Residential District
0 0.01 0.03 0.05 0.08 0.1 Miles
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Henry County, GA, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS


Joint Future Land Use Map of Parcels
#S25-01022000 and #S25-01022005
N
W
E
S
Duvall Dr
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
Burke St
Lovejoy St
Bryant St
Legend
Downtown District
Medium Density Residential
Low Density Mixed Use
Public Institutional
Park/Recreation/Conservation
0 0.01 0.03 0.05 0.08 0.1
Miles


Joint Overlay Map of Parcels #S25-01022000 and #S25-01022005
N
W
E
S
Parcel #S25-01022000
135 East Atlanta Road
Parcel #S25-01022005
305 East Atlanta Road
Duvall Dr
Bryant St
Southern
DT
SR
Legend
Overlay Districts
OVERLAY
DV-Downtown Village
PMU-Parkway Mixed Use
CityofStockbridge_ZoningDistricts
C2 - General Commercial District
DT - Downtown District
SR - Suburban Residential District
December042023Cases
0
0.02
0.04
0.09 Miles

Analysis

Project Description

The applicant, Sylvan Capital Ventures, requests a change to the future land use designation from Low Density Mixed Use to Special Purpose of two properties at 135 and 305 East Atlanta Road.

The applicant proposes to build a townhome development with 27 units with 5 guest parking spots and a mail kiosk. The size of the 27 proposed townhomes is 24' wide and 75' tall, with a building footprint of 24' by 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,950 square feet. The proposed development will provide vehicular access to the site via a turn lane that would be located along East Atlanta Road.

Staff Analysis

The applicant requests a **Comprehensive Plan Amendment** under the City of Stockbridge Unified Development Code Section **(Sec. 9.2.7):**

ANALYSIS OF REQUEST

1. **Consistency with the Comprehensive Plan.**

The City of Stockbridge 2024 Comprehensive Plan states that the future land use designation of Special Purpose is for properties with 16.01-24 units per acre. This proposed townhome development has a density of 16.36 units per acre.

Page 51 of the City of Stockbridge 2024 Comprehensive Plan states that the intent of the Special Purpose future land use designation is intended for special, innovative projects which could include anything from different model residential, to larger mixed use or commercial development. In addition, the Special Purpose Future Land Use designation is compatible with all the zoning districts including the MFR District. The proposed townhome development is consistent with the policy goals of the 2024 Comprehensive Plan on pages 42-44.

Community Goals and Policies (pg. 42-44)	To provide additional housing in the downtown core. (Housing Goal)
	Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods.
	Provide a mixture of housing options to attract young professionals, singles, and small families.

2. Relation to the Zoning of the Property.

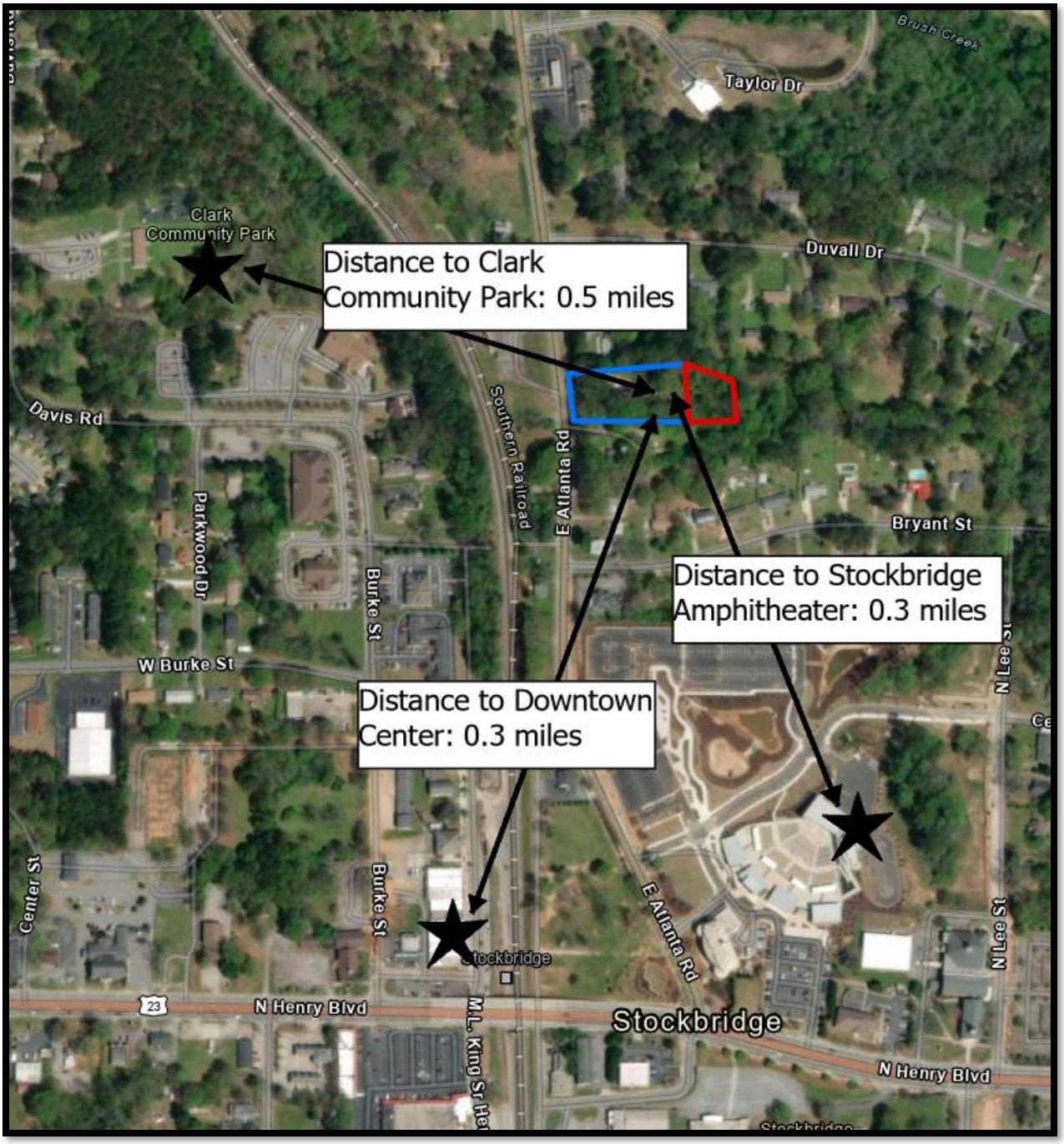
In addition to this comprehensive plan amendment, the applicant is requesting to rezone the subject properties from SR (Suburban Residential) to MFR (Multi Family Residential). Page 51 of the 2024 Comprehensive Plan identifies both the SR and MFR zoning districts as being compatible with the requested Future Land Use designation of Special Purpose.

Townhomes are not allowed in the SR zoning district; however, they are compatible with MFR zoning district. The City of Stockbridge Unified Development Code states that the city should promote an average density of 14 dwelling units per acre or higher in MFR districts – this proposed townhome development exceeds this recommendation and is, therefore, compatible.

3. Suitability of the Site's Location.

The applicant is proposing 27 units on 1.65 total acres with a density of 16.36 dwelling units per acre. Regarding the surrounding densities of the area, this development has a significantly higher density. The nearby subdivisions, Spanish Village and HH Duvall (see vicinity map), have densities of 1.5 units per acre and 1 unit per acre, respectively. There are two townhomes in the vicinity, Diamante and DR Horton; their respective densities are 7 units per acre and 6.62 units per acre.

While there have been a lot of recent housing developments in other areas of Stockbridge, there haven't been sufficient housing/townhome developments in the downtown area. The addition of a highly dense townhome community in the downtown area would provide necessary housing options for residents looking to live close to the city center. The location of this townhome development is within walking distance of the amphitheater (0.3 miles), Clark Community Park (0.5 miles), and other downtown amenities and shops (0.3 miles) (see figure below).



4. Maintaining the Current Land Use Designation.

With surrounding land use designations of low-density mixed use, medium-density residential, and downtown district, the addition of this townhome development would provide modern housing options for potential residents to choose from. Although there have been recent townhome developments to the north, there hasn't been much housing growth in the downtown center. Thus, the proposed townhome development would be

suitable for the current land use designation.

V. STAFF RECOMMENDATION

- This Staff Report has demonstrated that the requested Comprehensive Plan Amendment via CP-2023-08 would be necessary and desirable for the subject property in conjunction with the requested rezoning of RZ-2023-09 to change the zoning district from 'SR' (Suburban Residential) to 'MFR' (Multi Family Residential), and with the requested variance of VR-2023-05. Therefore, the Planning and Zoning staff recommends **APPROVAL**.

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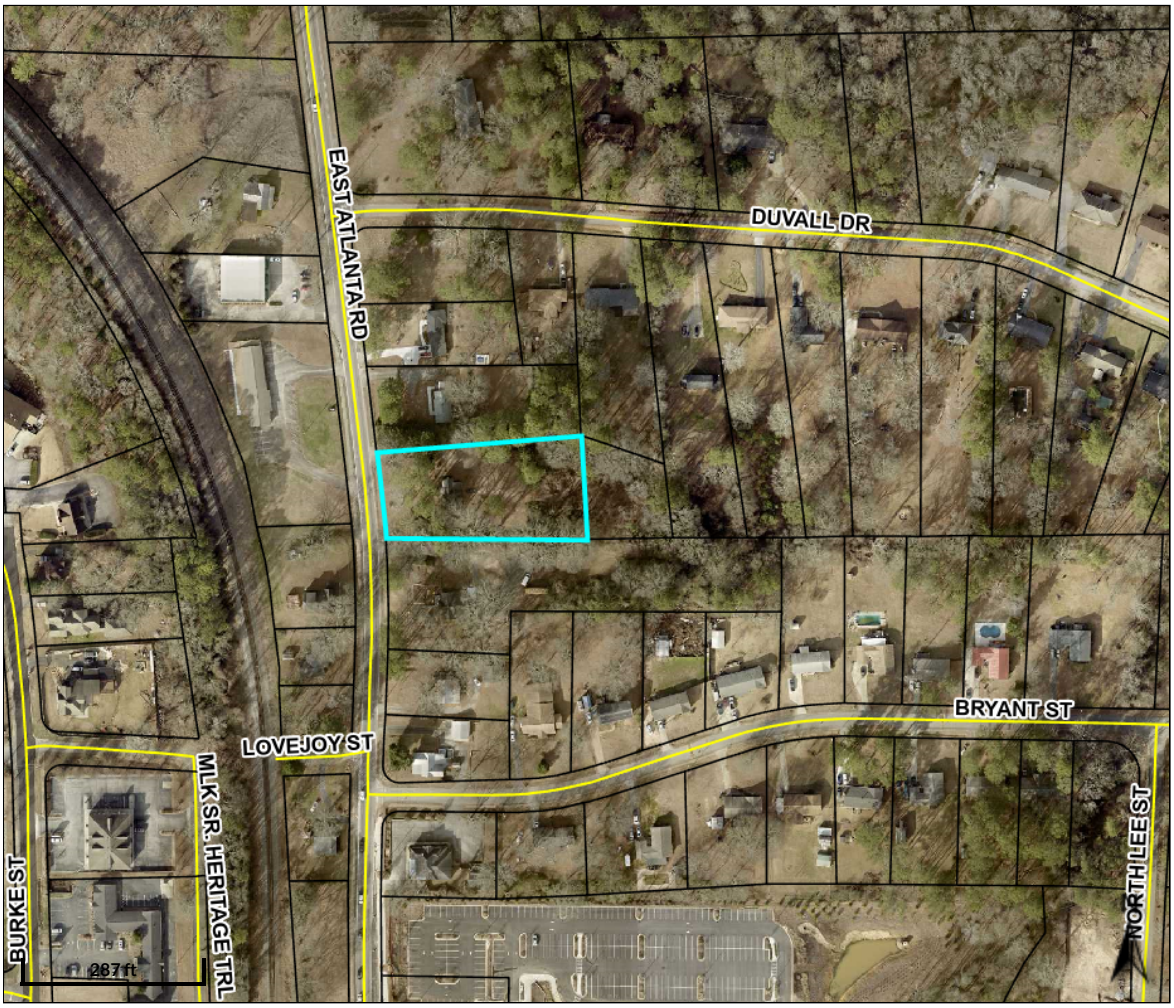
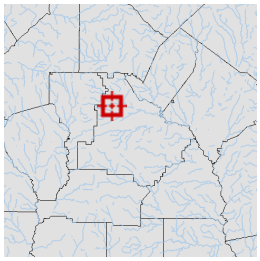


Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022000	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$24000			
Property	135 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**				
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$144900	**Last 2 Sales**		
District	City/Stockbridge				MCDONOUGH GA	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					30253	**Misc**	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$168900				
						Value:					

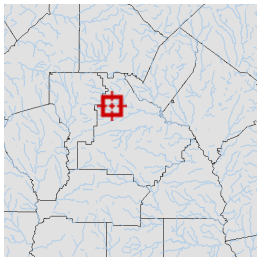
Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed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

Date created: 12/29/2023
Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by Schneider GEOSPATIAL

qPublic.net™ Henry County, GA

Overview



Legend

- Parcels
- Roads

Parcel ID	S25-01022005	**Class**	R	**Owner**	SYLVAIN CAPITAL	**Land**	$1500				
Property	305 EAST	**Acreage**	n/a	**Address**	VENTURES LLC	**Value:**					
Address	ATLANTA RD				139 BAYBERRY HILLS	**Building**	$0	**Last 2 Sales**			
District	City/Stockbridge				MCDONOUGH GA 30253	**Value:**		**Date**	**Price**	**Reason**	**Qual**
						Misc	$0	3/2/2023	$175,000	n/a	Q
						Value:		8/29/2001	$100,000	n/a	U
						Total	$1500				
						Value:					

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

Date created: 12/29/2023
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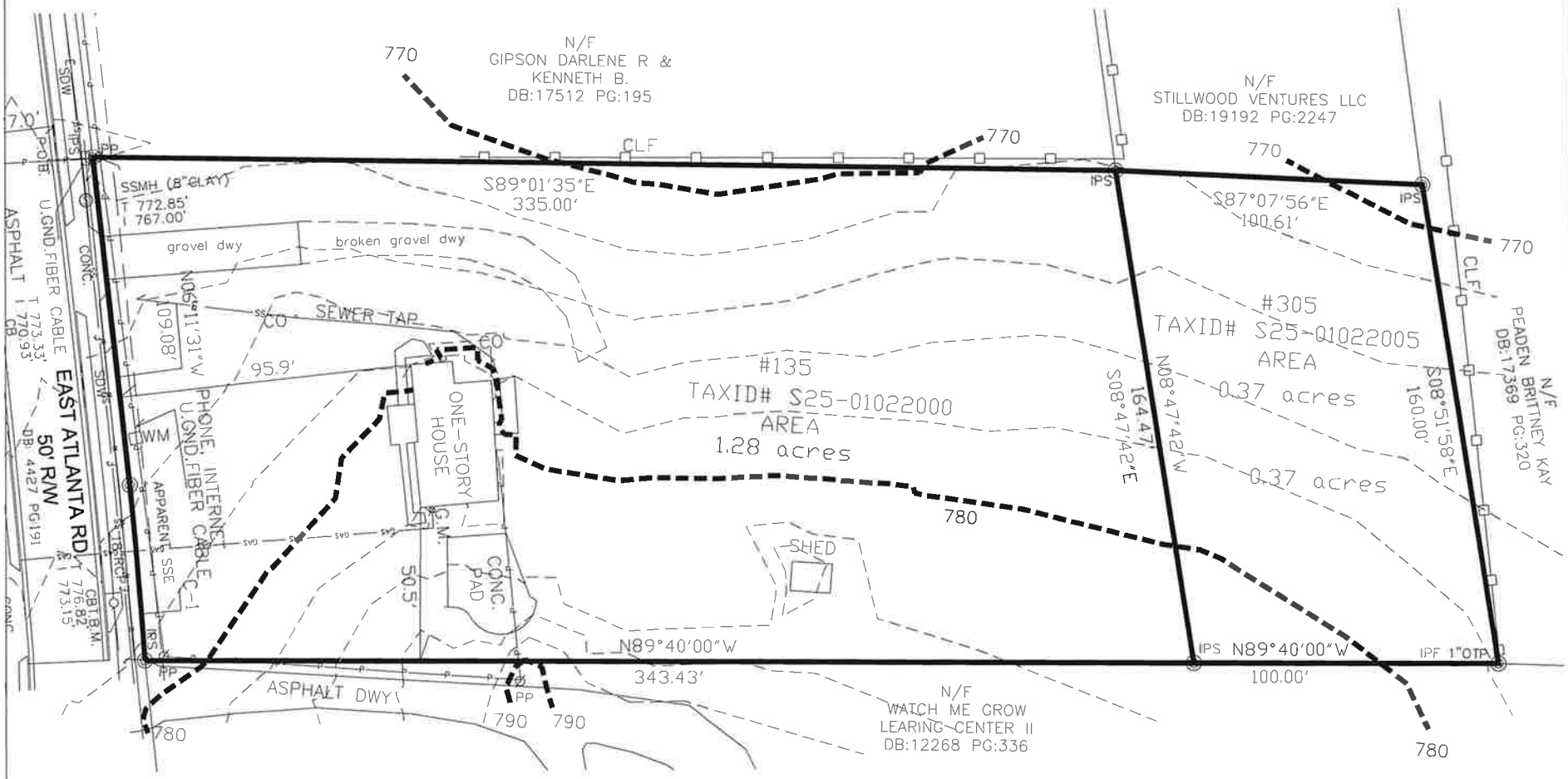
Developed by Schneider GEOSPATIAL



1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC COPYRIGHT 2022

Y STUDIO, LLC
883 B Peachtree Rd. Ste. 104
Norcross, GA 30071
Tel: 770.355.7422
Fax: 770.243.0257
email: louis@ystudio.com

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL

FOR

135 EAST ATLANTA R
STOCKBRIDGE, GA 303
RELEASES / DATES
DATE:
DATE:
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DATE:
NOT FOR CONSTRUCTION
RELEASED FOR CONSTRUCTION

SHEET TITLE
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SITE PLA

DATE: 08 30 2022
PROJECT NUMB
Y2022 E003 01

SHEET NUMBER
A-0.0

ZONING APPLICATION FOR

135 & 305 EAST TOWNHOMES

135 & 305 EAST ATLANTA RD
STOCKBRIDGE, GA 30281

Project Information

OWNER:	EMERGENT DEVELOPMENT, REGGIE SYLVAIN, TEL: 404-578-5654
ARCHITECT:	Y STUDIO, LLC, 853 S. PEACHTREE ST. STE. 104, NORCROSS, GA 30071 TEL: 770-355-7423

APPLICABLE CODES

- INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FIRE CODE, 2018 EDITION
- INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020), (2022)
- NATIONAL ELECTRICAL CODE, 2020 EDITION, WITH GEORGIA AMENDMENTS (2021)
- INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2020), (2022), (2023)
- INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- LIFE SAFETY CODE 2018 EDITION WITH STATE AMENDMENTS (2020)
- ACCESSIBILITY CODE GEORGIA ACCESSIBILITY CODE (120-3-20A/2010 ADA STANDARDS)

General Notes

1. THE CONSTRUCTION DOCUMENT SET CONSISTS OF DRAWINGS AND SPECIFICATIONS, AND IS INTENDED TO BE UNDERSTOOD AS A SINGLE ENTITY. DO NOT DIVIDE THESE DOCUMENTS INTO PARTS OR SUB-PARTS. EACH CONTRACTING ENTITY SHALL BE RESPONSIBLE FOR ALL WORK RELATED TO ITS TRADE WHEREVER THAT INFORMATION IS SHOWN IN THE CONSTRUCTION DOCUMENT SET.
2. DO NOT SCALE THE DRAWINGS FOR DIMENSIONAL INFORMATION. CRITICAL DIMENSIONS ARE TYPICALLY INDICATED IN THE DRAWINGS. IF ANY REQUIRED DIMENSIONS ARE NOT INDICATED IN THE DRAWINGS, CONTACT THE ARCHITECT FOR SPECIFIC DIMENSIONS PRIOR TO INITIATING RELATED CONSTRUCTION ACTIVITY.
3. THE DRAWINGS ILLUSTRATE GENERAL SCOPE OF WORK REQUIREMENTS AND DO NOT PROVIDE INFORMATION REGARDING INSTALLATION TECHNIQUES OR PROCEDURES. ALL WORK PERFORMED SHALL MEET OR EXCEED INDUSTRY STANDARDS, AND SHALL BE PERFORMED IN CONFORMANCE WITH ALL FEMA TECHNICAL REQUIREMENTS AND THE C.O.A. ORDINANCE
4. CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF ALL GOVERNING FEDERAL, STATE, AND LOCAL CODES. IN ADDITION, CONSTRUCTION SHALL BE IN COMPLIANCE WITH ANSI GUIDELINES, AMERICANS WITH DISABLITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
5. ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
6. THE GENERAL CONTRACTOR IS REQUIRED TO VISIT THE SITE PRIOR TO SUBMITTING A FINAL BID AND REVIEW EXISTING CONDITIONS AS THEY RELATE TO THE PROPOSED WORK. CONSIDER REMOVAL AND NECESSARY RELOCATION (WHEN NECESSARY) OF ALL VISIBLE STRUCTURAL, ARCHITECTURAL. PLUMBING, HVAC AND ELECTRICAL SYSTEMS IN AREAS AFFECTED BY REMODELING EFFORT.
7. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR ACCURATE EXECUTION OF THE BUILDING CONSTRUCTION. ANY CONFLICTING INFORMATION OR DISCREPANCIES IN THE DOCUMENT SET SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO INSTALLATION OF THE WORK.
8. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DESIGN, ADEQUACY, AND SAFETY OF ALL ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, AND ANY OTHER MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE CONSTRUCTION WORK.
9. THE GENERAL CONTRACTOR IS REQUIRED TO KEEP A FULL SET OF REVIEWED AND APPROVED "FOR CONSTRUCTION" DRAWINGS AT THE JOBSITE AT ALL TIMES DURING CONSTRUCTION.
10. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING, PAYING FOR, AND PROPERLY DISPLAYING ALL REQUIRED PERMITS AS PERTAINING TO THE WORK BEING DONE AT THE JOBSITE.
11. WHERE EXISTING EQUIPMENT IS SCHEDULED TO REMAIN, CONTRACTOR SHALL VERIFY SECURE MOUNTINGS. THE GENERAL CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF UNSOUND MOUNTINGS, CONNECTIONS, OR UNSAFE CONDITIONS.
12. THE CURRENT EDITION OF THE NFPA CODES AND STANDARDS AS ADOPTED AND MODIFIED BY THE STATE FIRE MARSHAL, NFPA 101 LIFE SAFETY CODE 2000 EDITION, INTERNATIONAL FIRE CODE 2006 EDITION, OCGA TITLES 25 AND 30 GEORGIA ACCESSIBILITY CODE.
13. SPECIAL INSPECTION REPORTS AND FINAL REPORT IN ACCORDANCE WITH SECTION 1704.2.4 SHALL BE SUBMITTED TO THE BUILDING OFFICIAL PRIOR TO THE TIME THAT PHASE OF WORK IS APPROVED FOR OCCUPANCY. (IBC SECTION-AMENDEMENT 1701.4)
14. SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVIES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
15. SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPIRC.

SCOPE OF WORK

RE-ZONING APPLICATION FROM SR TO MFR IN 1.65 ACRES LAND

PROJECT DATA

OCCUPANCY CLASSIFICATION
20+ UNITS-MULTI FAMILY RESIDENTIAL 3-STORY

CONSTRUCTION CLASSIFICATION

TYPE V, UNPROTECTED,
FIRE ALARM: NO
SMOKE ALARM YES,
SPRINKLER: YES, NAPA-13D

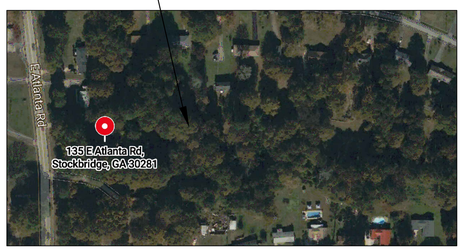
APPROX. 2,200 TO 2,400 SQ. FT. 3 STORY UNIT.

CURRENT 10' SETBACK FOR FRONT, SIDES AND REAR OF THE PROPERTY.

Index of Drawings

SHEET	TITLE
G-1	COVER SHEET / DRAWING INDEX
A-0.0	EXISTING SITE PLAN
A-0.1	PROPOSED SITE PLAN
A-4.1	OVERALL EXTERIOR ELEVATIONS
A-4.2	EXTERIOR PERSPECTIVE RENDERING

PROJECT LOCATION



VICINITY MAP
NOT TO SCALE

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR
135 EAST TOWNHOMES
135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

RELEASES / DATES

1 DATE:
2 DATE:
3 DATE:
4 DATE:
5 DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

COVER SHEET & DRAWING INDEX

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

G-1

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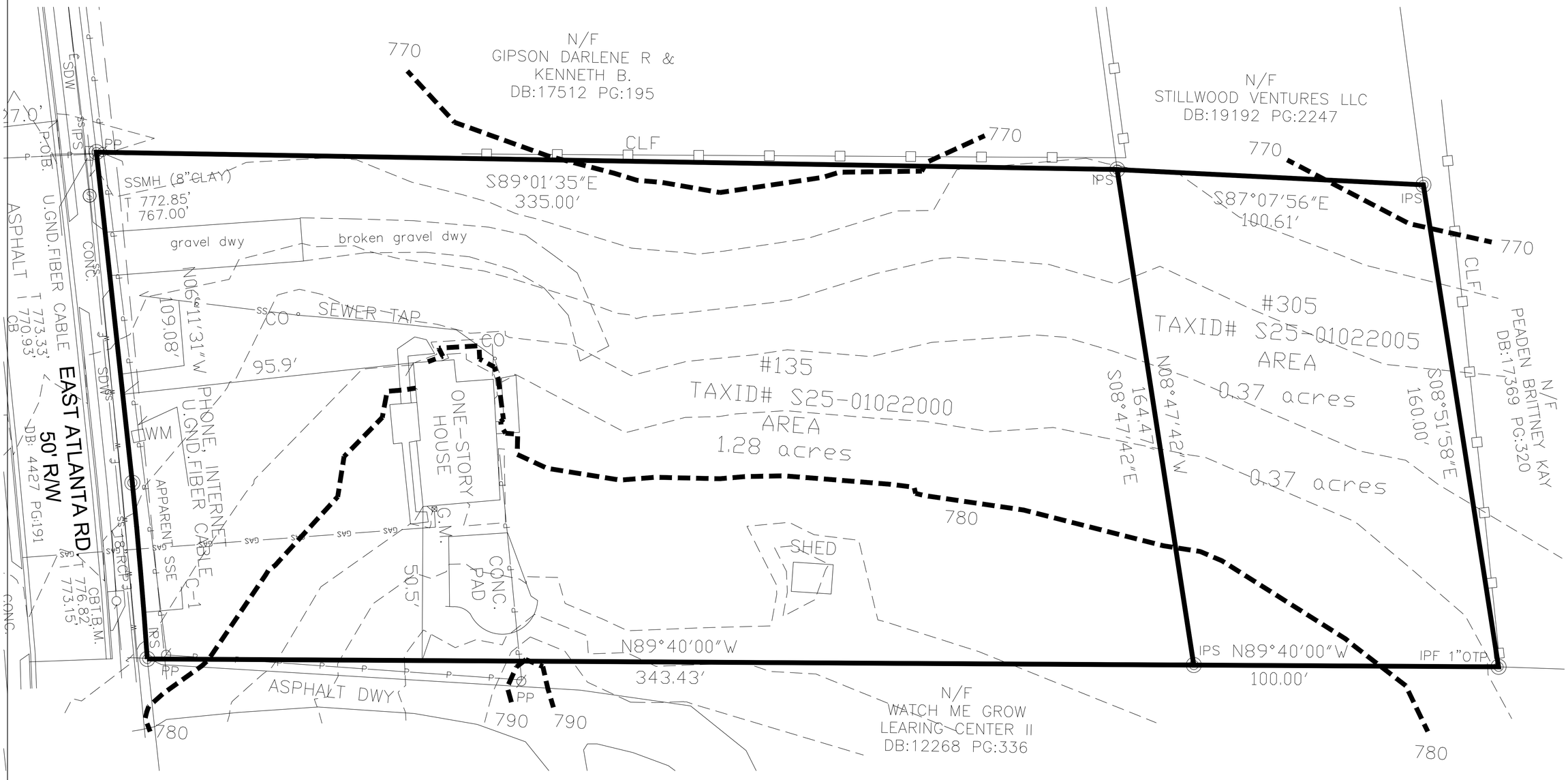

1 OVERALL SITE PLAN
SCALE: 10'= 1'-0"

Y STUDIO, LLC
853 S. PEACHTREE ST. STE. 104
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RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

EXISTING
SITE PLAN

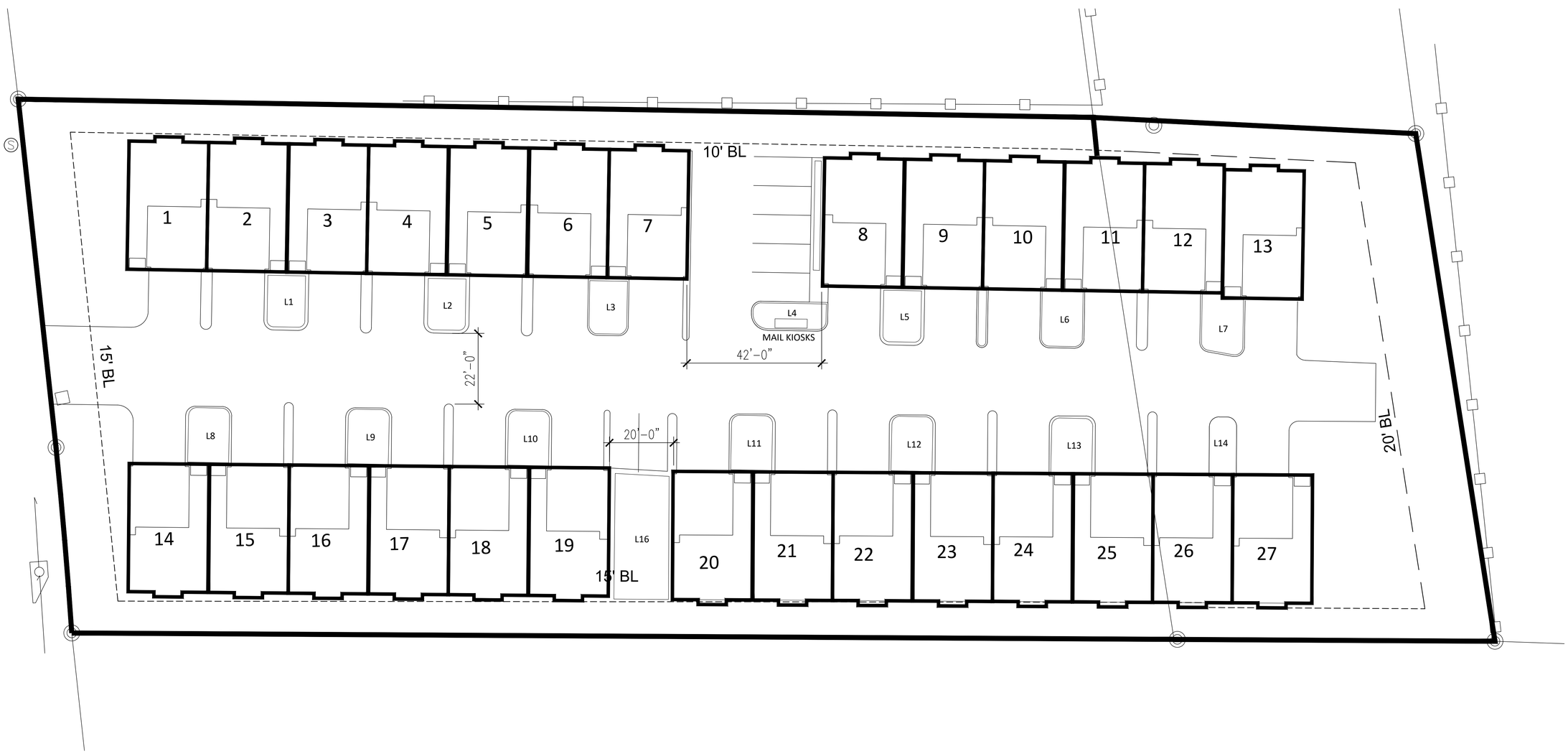
DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

A-0.0

Y STUDIO, LLC COPYRIGHT 2023

SITE ANALYSIS	
SITE:: 1.65 ACRES (71, 874) SQ. FT.	
BUILDING # 1-7:	7,055 SQ. FT.
BUILDING # 8-13:	6,020 SQ. FT.
BUILDING # 14-20:	7,055 SQ. FT.
BUILDING # 21-27:	7,950 SQ. FT.
PAVE/DRIVE WAY:	19,588 SQ. FT.
SUB TOTAL:	47,700 SQ. FT
LESS LANDSCAPE:	4,372 SQ. FT.
TOTAL:	43,328 SQ. FT.
SITE COVERAGE = 60%	
SETBACK:	
FRONT = 15' SETBACK	
SIDE = 10' BUFFER,	
REAR = 20' SETBACK	



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RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

A-0.1

Y STUDIO, LLC COPYRIGHT 2023

2 PROPOSED EXTERIOR ELEVATION
SCALE: 3/16"= 1'-0"

1 PROPOSED EXTERIOR GARAGE ELEVATION
SCALE: 3/16"= 1'-0"

Y STUDIO, LLC
853 S. PEACHTREE ST, STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR

135 EAST TOWNHOMES

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281

SEAL:

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STOCKBRIDGE, GA 30281

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5 DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

OVERALL
EXTERIOR ELEVATIONS

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

A-4.1

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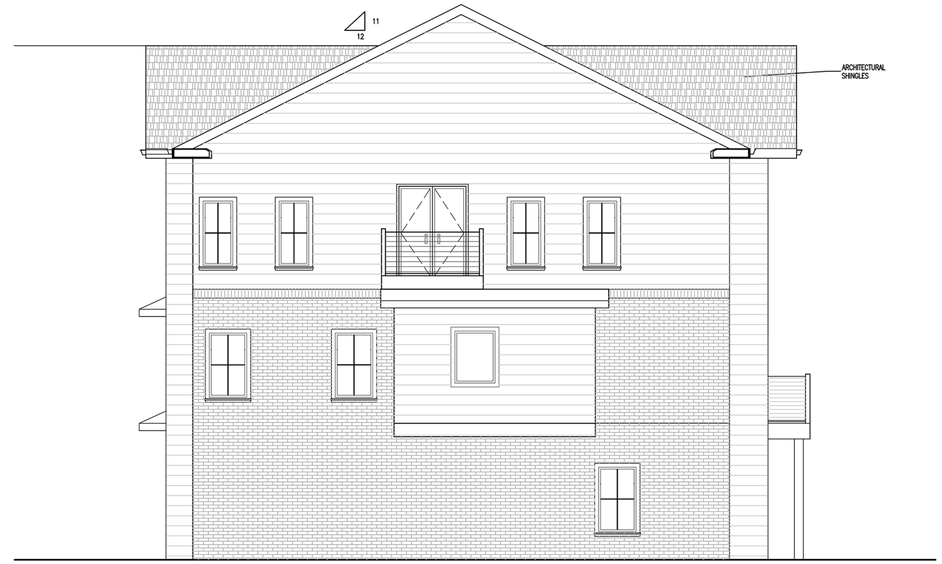

2 PROPOSED SIDE ELEVATION
SCALE: 3/16"= 1'-0"

VIEW INTO THE COMMUNITY

1 PROPOSED SIDE ELEVATION
SCALE: 3/16"= 1'-0"

VIEW FROM EAST ATLANTA ROAD

Y STUDIO, LLC
853 S. PEACHTREE ST, STE. 104
NORCROSS, GA 30071
TEL: 770.355.7423
FAX: 770.242.0257
EMAIL: LOUIS@THEYSTUDIO.COM

PRELIMINARY SITE PLAN FOR

135 EAST TOWNHOMES

135 EAST ATLANTA RD.
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5	DATE:

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RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:

EXTERIOR PERSPECTIVE RENDERING

DATE: 08.20.2023
PROJECT NUMBER: Y2023-E003-01

SHEET NUMBER

A-4.2

Y STUDIO, LLC COPYRIGHT 2023

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.

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
321 Taylor Drive
Stockbridge, GA 30281

Sewer Department tel.: (678) 833-3301

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

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/INTIAL
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 ***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.	
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 ***(Only needed if property is not on sewer).***	

City of Stockbridge Community Development Department--4602 North Henry Blvd.; Stockbridge, GA 30281 770-389-7900

APPLICATION CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING.
NO INCOMPLETE APPLICATION WILL BE ACCEPTED.

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK √
1.	PRE-APPLICATION REVIEW FORM	1 Digital, 1 Hard Copy	√
2.	APPLICATION FORM	1 Digital, 1 Hard Copy	√
3.	LEGAL DESCRIPTIONS	1 Digital, 1 Hard Copy	√
4.	SITE PLAN & SURVEY	1 Digital Copy – 4 hard Copies	√
5.	DEVELOPMENT RENDERINGS AND ELEVATIONS	1 Digital Copy – 1 Hard Copy	√
6.	LETTERS OF INTENT	1 Digital, 1 Hard Copy	√
7.	ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS	1 Digital, 1 Hard Copy	√
8.	DEPARTMENTAL SIGN-OFF LETTERS	1 Digital, 1 Hard Copy	√
9.	DISCLOSURE FORM	1 Digital, 1 Hard Copy	√

City of Stockbridge Planning and Zoning Division
Variance Application

Name of Applicant Sylvan Road Capital Ventures LLC Phone: (404) 578-5654 Date: 12/28/23

Address Applicant: 135 East Atlanta Rd Fax _____ Pager/Cell # _____

City: Stockbridge State: GA Zip: 30281 E-mail: rsylvain@bellsouth.net

Name of Agent Harold Singer Gibeon Consulting Group Phone: (678) 758-1607 Date: 12/28/23

Address Agent: 4034 Lions Gate Fax _____ Pager/Cell # (678) 758-1607

City: Douglasville State: GA Zip: 30135 E-mail: haroldsinger@hotmail.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

- Reduce min. lot area from 2 acres to 1.65 ac
- Reduce min. front yard setback from 50' to 15'
- Reduce min. side yard setback from 15' to 10'
- Increase max. lot coverage from 50% to 60%

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: 135 & 305 East Atlanta Rd Stockbridge, GA 30281

Nearest intersection to the property: Duvall Dr & Bryant St
(Street Address)

Size of Tract: 1.65 acre(s), Land Lot Number(s): 68, District(s): 12th

Property Tax Parcel Number(s): S25-01022000 & S25-01022005 **(Required)**

Derrick Harris
Witness' Signature

Regonald Sylvain
Signature of Applicant

Derrick Harris
Printed Name of Witness

Regonald Sylvain
Printed Name of Applicant

Harold Singer
Notary

Signature of Agent

NOTARY STAMP:

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

(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: _____

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 305 East Atlanta Rd Stockbridge, GA 30281 [address], with Parcel Number s25-01022005, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures LLC /Regonald Sylvain

Property Owner's Address: 139 Bayberry Hills MsDonough, GA30253

Telephone: (404) 578-5654 E-mail: rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Regonald Sylvain Date: 12/28/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Slyvain

Company/law firm (if applicable): Sylvian Capital Ventures LLC

Telephone, E-Mail, & Address: (404) 578-5654, rsylvain@bellsouth.net, 139 Bayberry Hills McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

12/28/23

Date

Harold Singer

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

12/28/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR. NOTARY PUBLIC COMMISSION EXPIRES SEPTEMBER 12, 2025 DOUGLAS COUNTY, GEORGIA

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 135 East Atlanta Road [address], with Parcel Number S25-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Regonald Sylvain
Property Owner's Address: 139 Bayberry Hills McDonough, GA 30253
Telephone: 404-578-5654 E-mail: Rsylvain@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ Date: 10/9/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Regonald Sylvain

Company/law firm (if applicable): Sylvain Capital Ventures, LLC

Telephone, E-Mail, & Address: 404-578-5654 Rsylvain@bellsouth.net

139 Bayberry Hills, McDonough, GA 30253

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Regonald Sylvain

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/08/23

Date

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

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 8th day of October, _____.

Regonald Sylvain
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 8th day of October, _____.

HAROLD SINGER JR
MY COMMISSION EXPIRES
NOTARY
PUBLIC
SEPTEMBER 12, 2025
DOUGLAS COUNTY, GEORGIA

Harold Singer
Notary Public

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

Henry County Water Authority

Engineering Division
100 Westridge Industrial Blvd.
McDonough, GA 30253

Application for Water/Sewer Availability Letter

Date: 11/22/23

Name of Applicant Sylvain Capital Ventures LLC Phone: (404) 578-565 Mobile: (404) 578-5654
Address of Applicant: 135 East Atlanta Fax: _____
City: Stockbridge State: GA Zip: 30281 E-mail: haroldsinger@hotmail.com
Name of Agent Harold Singer Phone: (678)758-1607 Mobile: (678) 758-1607
Address of Agent: 4034 Lions Gate Fax: _____
City: Douglasville State: GA Zip: 30135 E-mail: haroldsinger@hotmail.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE PURPOSE OF LETTER REQUEST AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

VERIFICATION OF SERVICE: ☒ **Conditional Use/Exception** ☐ **Variance** ☐ **In-law Suite/Addition** ☐ **Bank Loan**

AVAILABILITY: ☐ **General Availability** ☒ **Rezoning**
Availability letters will require a minimum of three weeks from the date of payment and application submittal.

Request from SR (Present Zoning)) to DT (Requested Zoning)

For the Purpose of Multifamily Townhomes (Type of Development)

Address of Property: 135 East Atlanta, Stockbridge (Street Address, if Applicable, Nearest Intersection, Etc.) Nearest intersection to the property: Duvall Dr.

Size of Tract: 1.65 acre(s), Land Lot Number(s): _____, District(s): _____

Development Estimated Average Daily Sewer Flow (GPD): _____

Property Tax Parcel Number: 525 - 010 - 22 - 0005 Proposed number of lots: 28

Information beyond this point is not required for service verifications.

(Below: For properties within protected watershed districts only)

Gross Density: _____ units per acre Net Density: _____ units per acre

Estimated amount of impervious surface: _____ Minimum Lot Size: _____

Witness _____ **Signature of Owner(s)/Agent(s)** _____

Printed Name of Witness _____ **Printed Name of Owner/s** _____

Notary _____ **Signature of Agent** _____

770-914-3688 (Office) 770-914-3359 (Fax) www.hcwa.com

Pre Application Meeting at 135 East Atlanta Road

Gordon Linton <Glinton@cityofstockbridge-ga.gov>

Mon 11/27/2023 4:15 PM

To:haroldsinger@hotmail.com <haroldsinger@hotmail.com>;Ryan Anderson <randerson@cityofstockbridge-ga.gov>;Linda Logan <LLogan@cityofstockbridge-ga.gov>;Demetries Wells <DWells@cityofstockbridge-ga.gov>;rsylvain@bellsouth.net <rsylvain@bellsouth.net>; derrickrh@yahoo.com <derrickrh@yahoo.com>;jadorehomes@icould.com <jadorehomes@icould.com>;louis@theystudio.com <louis@theystudio.com>;Jordyn Bucholtz <jbucholtz@stockbridgega.org>;Mark Whitley <mark@whitleyeng.com>

2 attachments (13 MB)

Townhomes at Stockbridge (1).pdf; 135 East Atlanta-zoning map.PNG;

Meeting to discuss a rezoning at 135 East Atlanta Road. The applicant wants to build townhomes

The name of the applicant is Harold R. Singer, Jr. (Gibeon Consulting Group)

The name of the property owner is Reginald Sylvain

The developers are Derrick Harris and Salim Morency.

Attached is the site plan along with the zoning map of the property.

Microsoft Teams meeting

Join on your computer, mobile app or room device
Click here to join the meeting

Meeting ID: 294 984 721 38
Passcode: fjXYjs
Download Teams | Join on the web

Learn More | Meeting options

Letter of Intent
for
Proposed Rezoning
135 and 305 East Atlanta Road, Stockbridge, GA, identified by Parcel IDs #S25-01022000 and #S25-01022005.

- The parcels affected are under common ownership, contiguous and can most readily be identified as the:
  - Assemblage of multiple tracts currently zoned SR (Suburban Residential District). Additionally, Parcel #S25-01022000 & S25-0102200 falls within the Parkway Mixed Use Overlay District (PMU) comprising of approximately 1.65 acres with frontage on East Atlanta Rd.

- The two parcels have been consolidated pending recording in to one parcel. The purpose is to rezone the consolidated parcel to 2.4.4 MFR- Multiple Family Residential District.
  - 2.4.4 MFR- Multiple Family Residential District. The intent of the multiple Family Residential district is to allow the development of multiple family residences served by public water and sewer systems. The provisions that regulate this land use district provide for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets or higher. Permitted Uses: Residential - Townhomes
  - 2.4.4 MFR- Multiple Family Residential District for the balance (+/- 1.65 acres) Details as follows:
    - Twenty-Seven (27) Lots
    - Lot Size = 24’ X 75”
    - Building Footprint = 24’ X 55’
- We are submitting an application to request Comprehensive Plan Amendment. The amendment is necessary because the proposed density & land use are both higher than what the current Comprehensive Plan will allow.
  - We humbly request three variances & Amendment to the Comprehensive Plan;
  - Reduce min. lot area from 2 acres to 1.65 ac
  - Reduce min. front yard setback from 50’ to 15’
  - Reduce min. side yard setback from 15’ to 10’
  - Increase max. lot coverage from 50% to 60%

- Overlay Districts
- Road Data
- CityofStockbridge_ZoningParcels
  - C1 - Neighborhood Commercial District
  - C2 - General Commercial District
  - C3 - Heavy Commercial District
  - CCR - City Center Residential District
  - DT - Downtown District
  - HI - Heavy Industrial District
  - LI -Light Manufacturing District
  - MFR - Multiple Family Residential District
  - MHR - Mobile Home Residential District
  - OI - Office Industrial District
  - PUD - Planned Unit Development District
  - RR - Rural Residential District
  - SR - Suburban Residential District
- 2023 Council Districts
- Future Land Use_Parcels
  - Downtown District
  - Heavy Industrial

TO: Planning Commission; Mayor and Council

FROM: Gordon Linton, Planner I

CC: R. Ryan Anderson, Community Development Director

DATE: January 21, 2024 (Planning Commission)

February 12, 2024 (Mayor and Council)

Subject: #VR-2023-05 For 135 and 305 East Atlanta Road

I. PURPOSE

Consider a variance application (VR-2023-05) by Sylvain Capital Ventures, LLC (represented by Harold R. Singer of Gibeon Consulting Group to allow the development of a townhome development with 27 units. The subject property contains two parcels, which are as follows:

- 135 East Atlanta Road (Parcel #S25-01022000) — Contains 1.28 +/- acres.
- 305 East Atlanta Road (Parcel #S25-01022005) — Contains 0.37 +/- acres.

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

1. Reduce front yard setback from 50 to 15 feet
2. Reduce the required side yard setback from 15 to 10 feet
3. Increase the allowable maximum lot coverages from 50 percent to 60 percent

The applicant also simultaneously submitted two other applications to the City of Stockbridge as are listed below:

- Comprehensive Plan Amendment (CP-2023-08) – The applicant requests to change the future land use designation from Low-Density Mixed Use to Special Purpose.

- Rezoning (RZ-2023-09) – The applicant requests to rezone the subject property from SR (Suburban Residential) to MFR (Multiple Family Residential).

II. Background

Proposed Development	Townhome development with 27 units
Site Address	135 East Atlanta Road; 305 East Atlanta Road
Parcel Identification	135 East Atlanta Road (Parcel #S25-01022000) 305 East Atlanta Road (Parcel #S25-01022005)
Parcel Acreage	1.65 +/- acres
Applicant	Sylvain Capital Ventures, LLC.
Agent:	Harold R. Singer Jr. (Gibeon Consulting Group)
Owner:	Sylvain Capital Ventures, LLC.
Current Zoning	SR (Suburban Residential District)
Current Use	Single-Family Residence

SURROUNDING LAND USE AND ZONING

Location	Existing Land Use	Existing Zoning
Property to the North	Single-Family Residence	SR (Suburban Residential District)
Property to the South	Watch Me Grow Toddlerville (Day care center)	SR (Suburban Residential District)
Property to the East	Single-Family Residence	SR (Suburban Residential District)
Property to the West	Church at Stockbridge (Church)	DT (Downtown District)

III. Finding of Facts

1. The applicant has requested a Comprehensive Plan Amendment (CP-2023-08) to change the future land use designation from Low-Density Mixed Use to Special Purpose.

2. The vicinity of the area is mostly residential with the following zoning classifications: SR (Suburban Residential District) and DT (Downtown District).

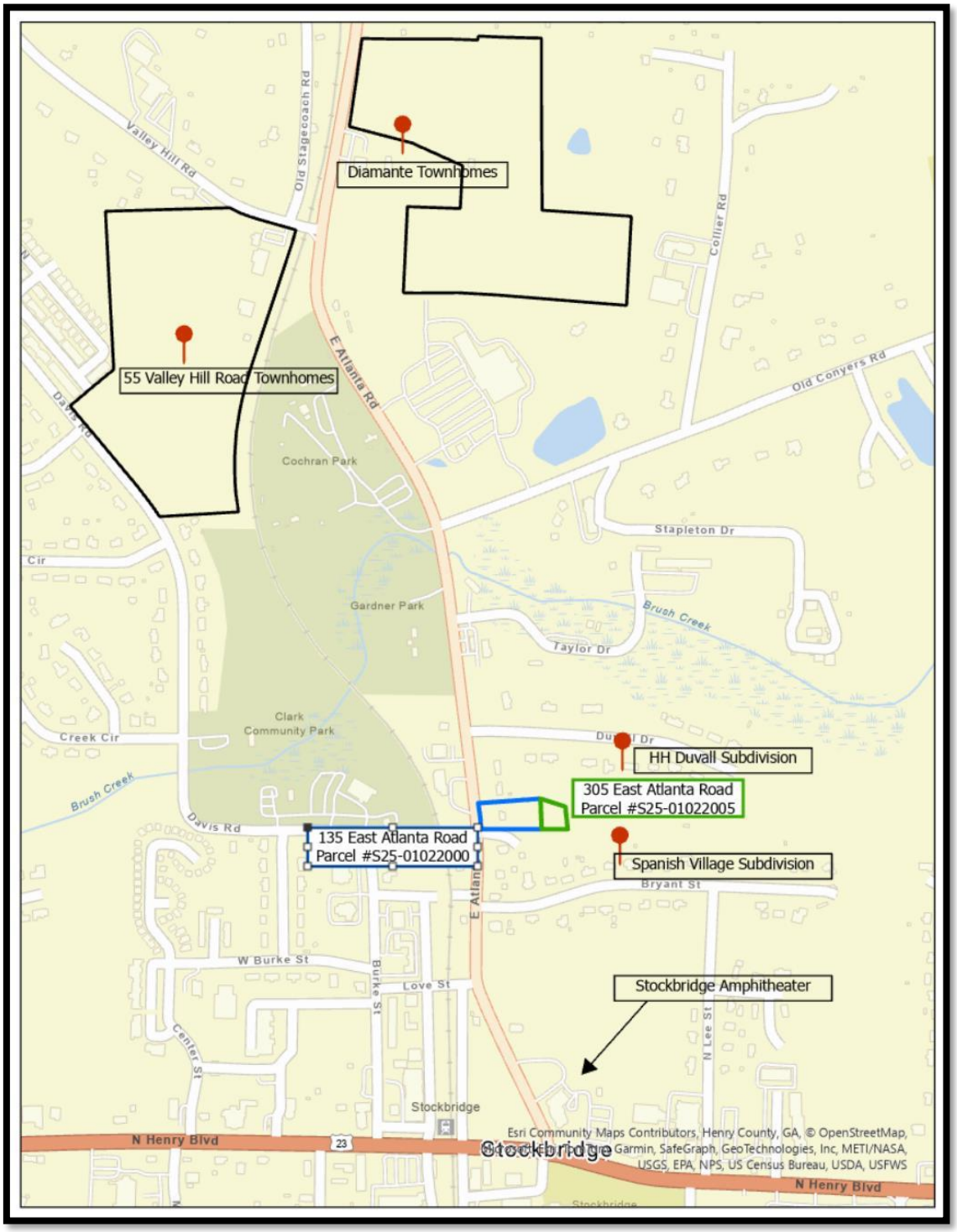
3. The subject property is also a part of the Parkway Mixed Use Overlay District.

4. The two parcels were combined as part of a Recombination Plat.

5. The subject property is a part of the TAD (Tax Allocation District) a district that is designed to attract quality development to an underutilized or distressed redevelopment area.

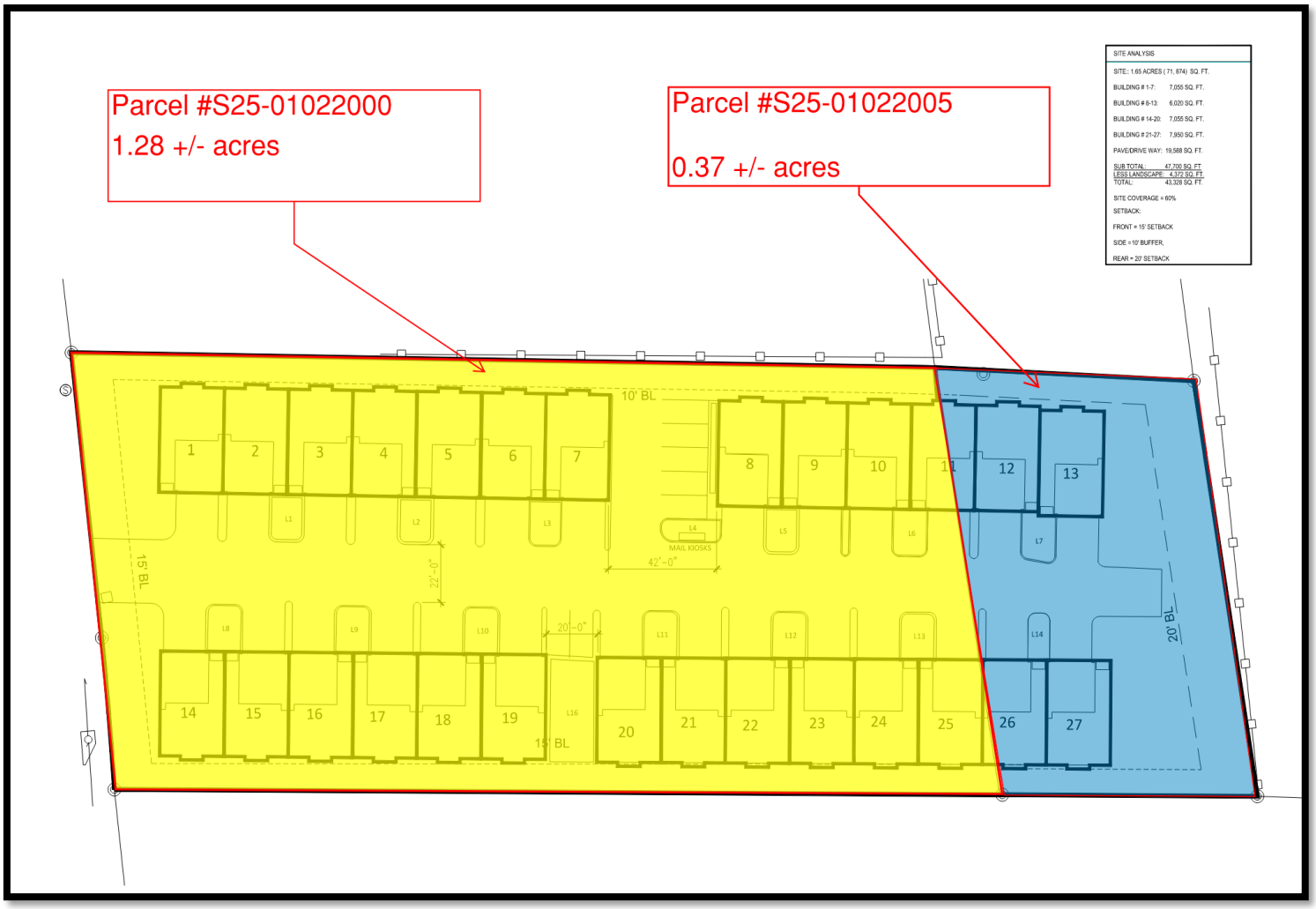
IV. Maps and Illustrations

Vicinity Map

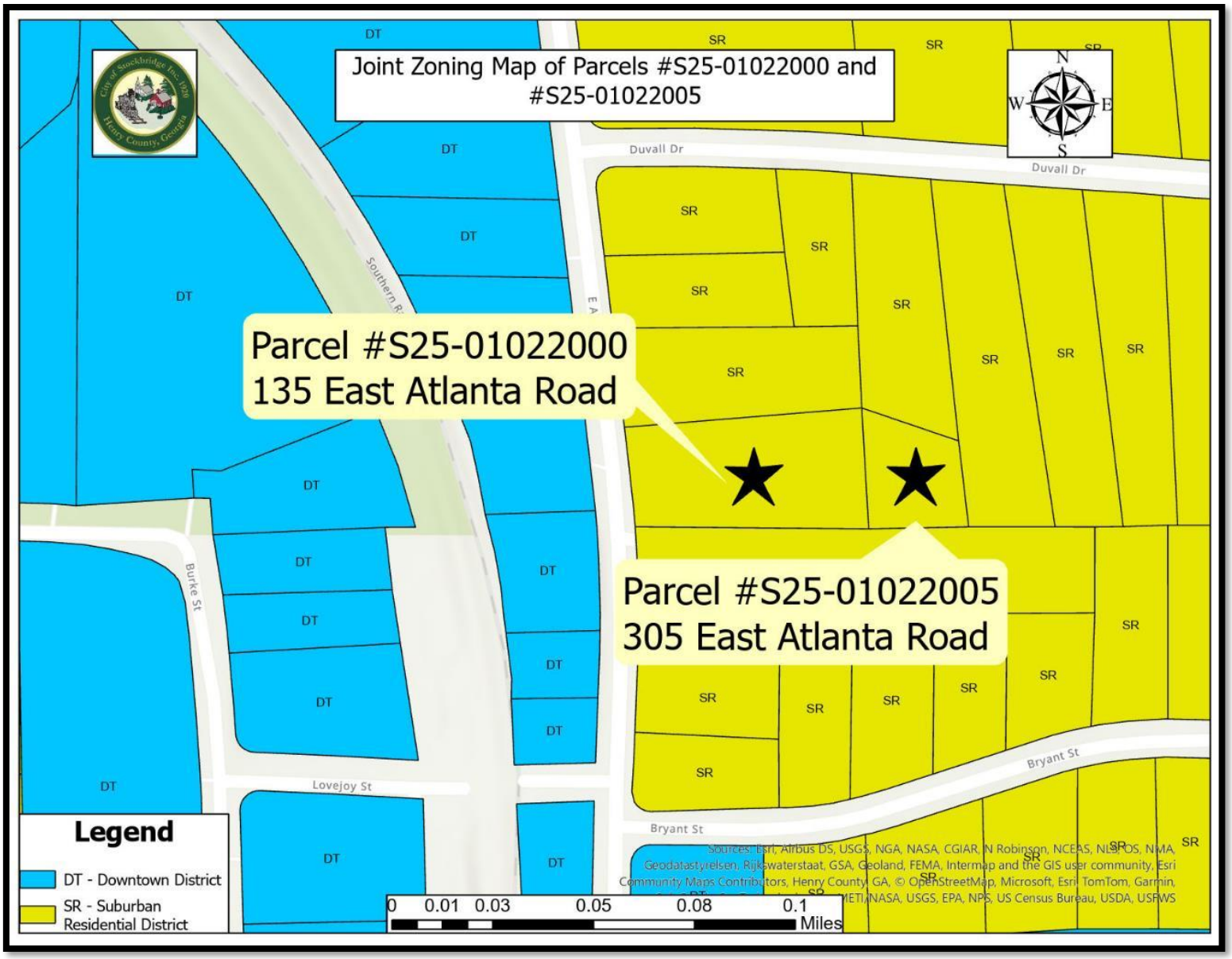


Aerial Photo with Site Plan

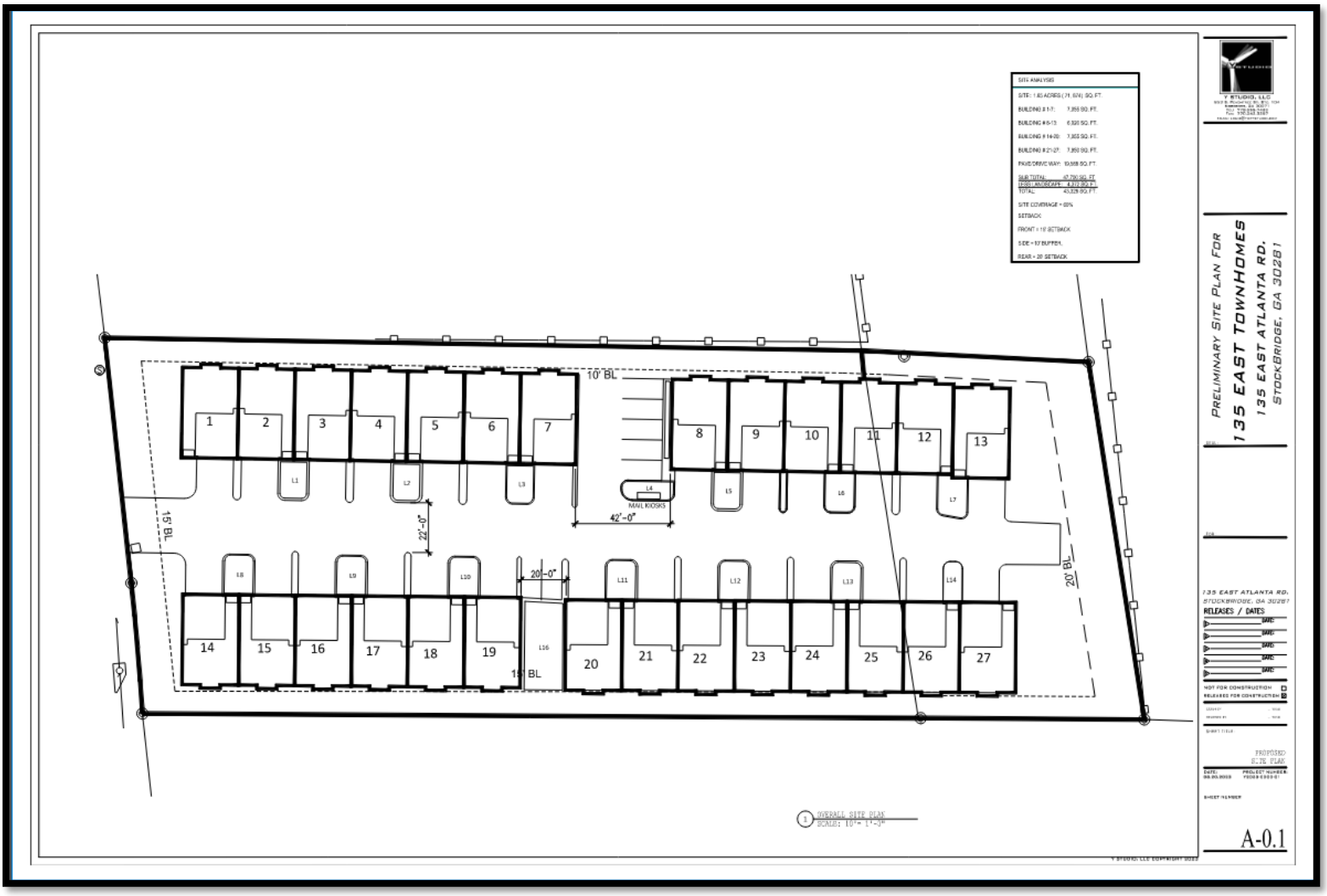
Site Plan with Parcels Labeled



Zoning Map of 135 and 305 East Atlanta Road



Site Plan of 135 and 305 East Atlanta Road



Development Data Summary for Site Plan of 135 and 305 East Atlanta Road

SITE ANALYSIS

SITE:: 1.65 ACRES (71, 874) SQ. FT.

BUILDING # 1-7: 7,055 SQ. FT.

BUILDING # 8-13: 6,020 SQ. FT.

BUILDING # 14-20: 7,055 SQ. FT.

BUILDING # 21-27: 7,950 SQ. FT.

PAVE/DRIVE WAY: 19,588 SQ. FT.

SUB TOTAL: 47,700 SQ. FT

LESS LANDSCAPE: 4,372 SQ. FT.

TOTAL: 43,328 SQ. FT.

SITE COVERAGE = 60%

SETBACK:

FRONT = 15' SETBACK

SIDE =10' BUFFER,

REAR = 20' SETBACK

Exterior Elevations of Proposed Townhomes

Renderings of Proposed Townhomes

(Exterior Perspective Rendering)

V. Analysis

Project Description

The applicant, Sylvain Ventures, LLC. proposes to build a 27-unit townhome development at 135 and 305 East Atlanta Road. Section 10.1.2 of the Stockbridge Unified Development Code identifies the following requests for a variance, which includes the reduction of the property's front, side, or rear yard setbacks. The applicant is requesting three variances (VR-2023-05) from the MFR development regulations found in the Unified Development Code. These variances, as shown in the table below are as follows:

1. Reduce the front yard setback from 50 to 15 feet
2. Reduce the required side yard setback from 15 to 10 feet
3. Increase the allowable maximum lot coverages from 50 percent to 60 percent

In addition, Section 10.1.3 of the Stockbridge Unified Development Code states that a variance can be granted only by the Mayor and Council that all seven of the listed conditions are met.

MFR District Standards

MFR Requirement	**Request From Applicant**
Front Yard Setback: 50 feet	**Front Yard Setback: 15 feet**
Side Yard Setback: 15 feet	**Side Yard Setback: 10 feet**
Maximum Lot Coverage: 50%	**Maximum Lot Coverage: 60%**

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.

A. A variance may be granted where owning 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:

10.1.2 - Types of variances.

A. A request for a variance shall be limited to the following site design standards:

1. Maximum building height
2. Minimum lot width
3. Minimum lot area
4. Required spacing for driveways
5. Minimum front, side, or rear yard setbacks
6. Dimensional standards for parking or loading spaces; or
7. Sign as it relates to number, set back, building material, size, or sign style.

ANALYSIS OF REQUEST (Section 10.1.3)

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 to the subject property due to the size of the property that are not found in other townhomes that were recently approved as shown in the table on page 14. First, the size of the subject property is 71,874 square feet (1.65 acres), which is uniquely small compared to the other recently approved townhomes. Second, the lot width of the subject property is 104.4 feet, which is small. The lot depth of the property is approximately 272.2 feet which is small as well, compared to the other townhomes. Overall, the subject property is uniquely small and lacks the overall depth to build the proposed townhomes. These factors represent development constraints toward the developability of the subject property in general as well as the ability of the developer to create a reasonable site plan with townhomes that are similar to the ones that are found in other developments in the city of Stockbridge.

RECENTLY APPROVED TOWNHOMES

Name of Townhome	Address	Property Size	Frontage of Property
Valley Hill Road Tract	55 Valley Hill Road	24.96 acres	719.7 feet
Davis Road Townhomes	576 Davis Road	27.635 acres	595.80 feet
Diamante Townhomes	438 East Atlanta Road	27.73 acres	446.40 feet
135 East Townhomes	**135 and 305 East Atlanta Road**	**1.65 acres**	**104.4 feet**

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.**

   Section 10.1.1 A of the Unified Development Code states that "A variance may be granted where owing to special conditions, a literal enforcement of the provisions of this unified development code will in an individual case result in unnecessary hardship." Therefore, due to the size of the property, the applicant may be deprived of the ability to develop a townhome community that is similar sizes to the other townhomes that are found in the MFR zoning districts.

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 requested variances would not confer any special privileges upon the property owner. Furthermore, the denial of the requested variances would force the developer to unfairly comply with the same standards in the developing the proposed site, even though the proposed characteristics of the subject property would make it very difficult to do, thus creating an unnecessary hardship for the developer itself.

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 variance would be consistent with the overall purpose and intent of the Unified Development Code by encouraging the most appropriate land use on the subject property. Furthermore, the granting of the variance would allow the development of the subject property in an area which has not seen a lack of residential growth. The proposed townhome would be a desirable use in this area. In addition, the reduction of the front yard setback from 50 to 15 feet would be advantageous since the proposed townhomes are located in the downtown area and will provide walking distance for the sidewalk to the amphitheater.

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

   The physical conditions of the subject property were not created by the applicant. However, it is limiting the ability of the applicant to develop the property into a reasonable use, which is the proposed townhomes.

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

   Although the subject property could still be developed with townhomes under the proposed MFR zoning district, without granting the requested variances, the developer would be not be able to move forward with the proposed development.

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

   The MFR zoning districts provide a list of permitted uses, which includes townhomes.

VI. STAFF RECOMMENDATION

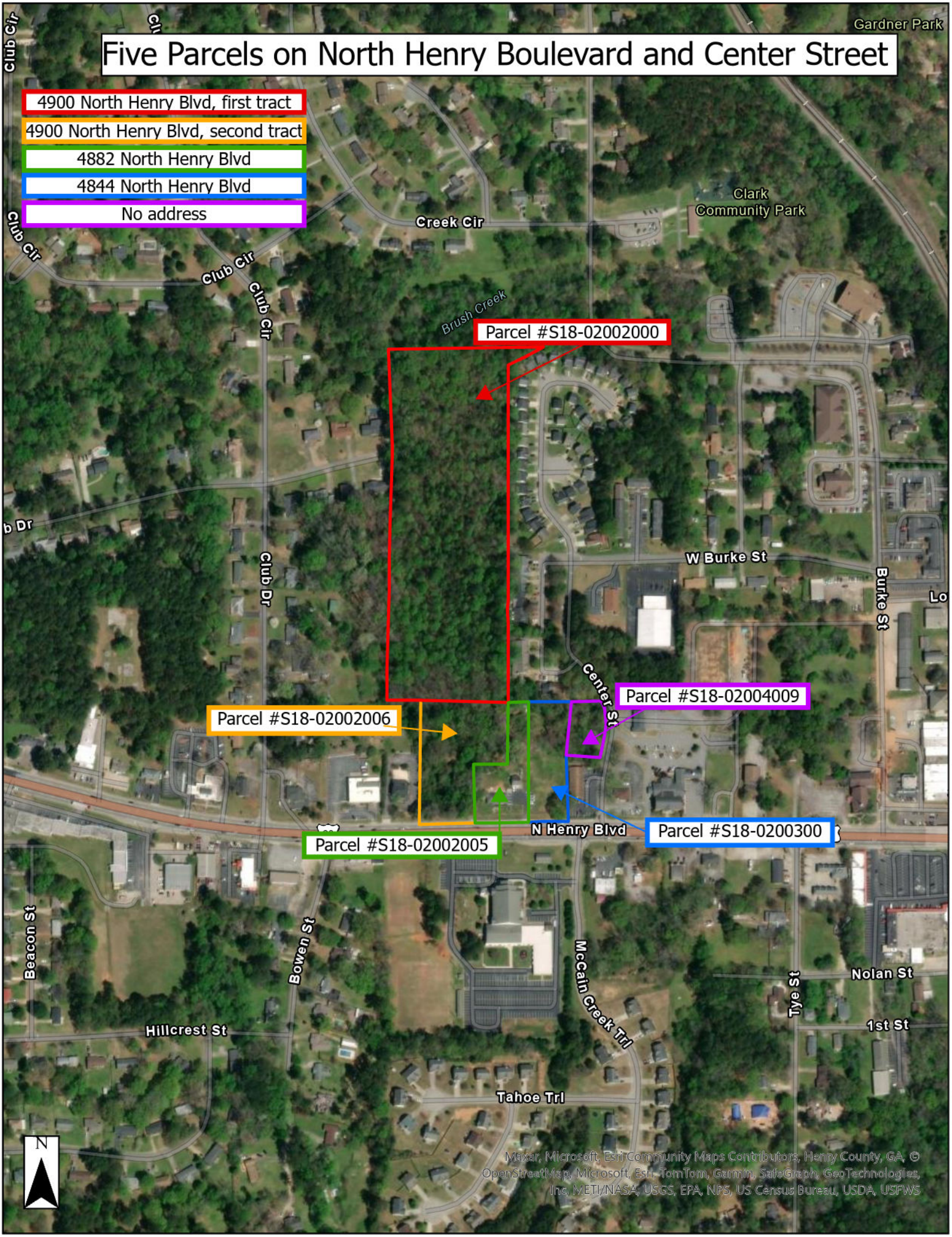
Based on the Staff analysis above, the Planning and Zoning Staff therefore recommends **APPROVAL** for the following variance requests that the applicant submitted under VR-2023-05:

1. **Variance Request #1**: Reduce the front yard setback from 50 to 15 feet.

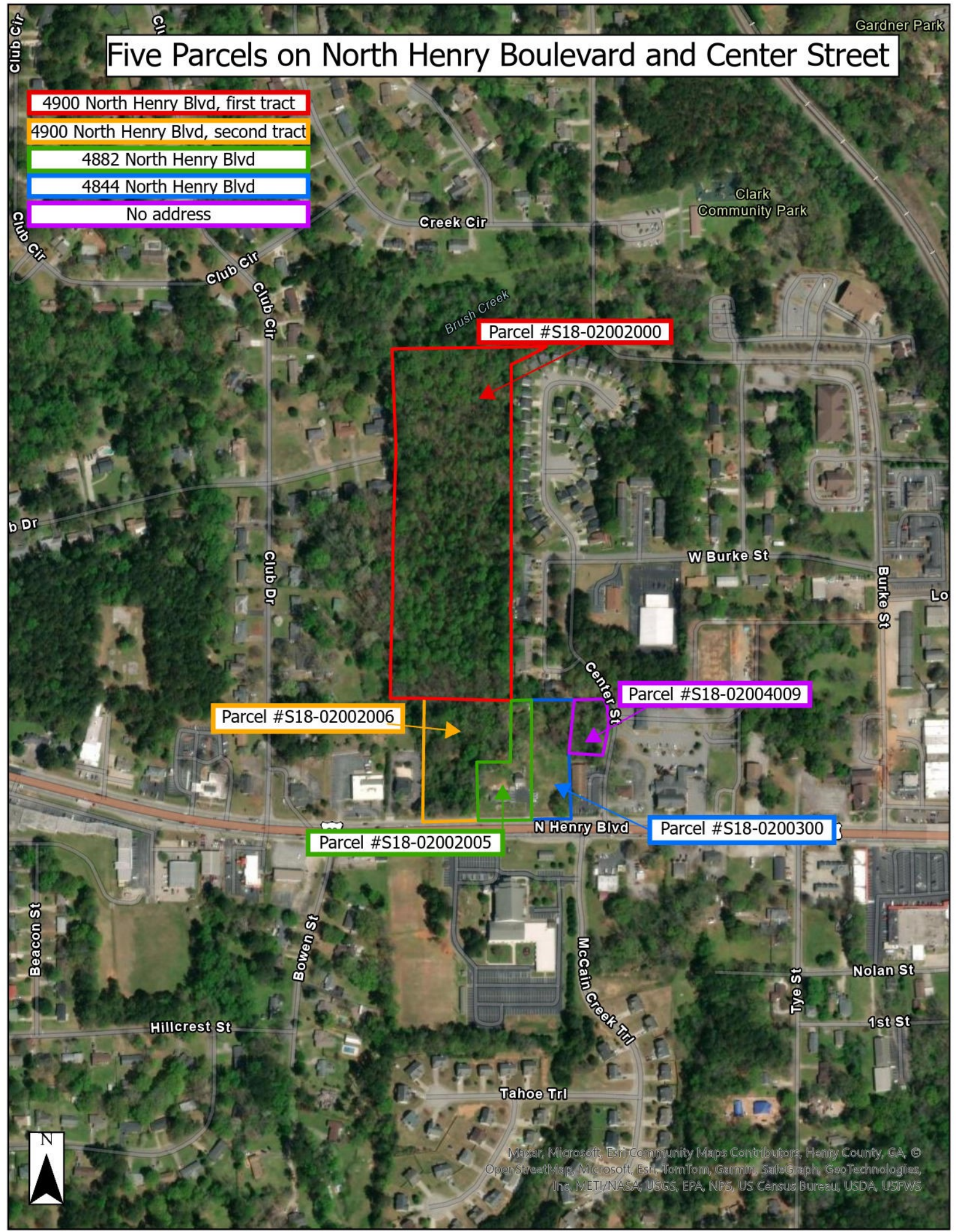
2. **Variance Request #2**: Reduce the required side yard setback from 15 to 10 feet.

3. **Variance Request #3**: Increase the allowable maximum lot coverages from 50 percent to 60 percent

Five Parcels on North Henry Boulevard and Center Street



Five Parcels on North Henry Boulevard and Center Street



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.	**N/A** Pre-App Meeting held on 11.18.2023
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)	1	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 GA Community Dev. Dept. 4640 N. Henry Blvd. Stockbridge GA 30281 770/389-7900

Application

City of Stockbridge Planning and Zoning Division

Application for an Amendment to the Comprehensive Plan

Name of Applicant Forestar (USA) Real Estate Group, Inc. Phone: 804.400.7926 Date: 11.15.2023

Address of Applicant: 3330 Cumberland Blvd., Suite 275 Cell #

City: Atlanta State: GA Zip: 30339 E-mail: jabrock@sgrlaw.com

Name of Agent Alex Brock - Smith, Gambrell & Russell, LLP Phone: 404.815.3603 Date: 11.15.2023

Address of Agent: 1105 W. Peachtree St., NE, Suite 1000 Cell #

City: Atlanta State: GA Zip: 30309 E-mail: jabrock@sgrlaw.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: Low Density Vertical Mixed Use (LDVMU) and Medium Density Residential (MDR)

TO: Medium Density Residential

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.

_____ JAB _____ **(Acknowledgement)**

Property Address: 4844, 4882, and 4900 N. Henry Blvd.

Nearest intersection to the property: North Henry Blvd. and Center St.

Size of Tract: + 15.601 acre(s). Land Lot Number(s): 60. District(s): 12th

Property Tax Parcel Number(s):

_____ **(Required)**

Jack Burke
Witness' Signature

Signature of Applicant

Jack Burke
Printed Name of Witness

Chris Wilson
Printed Name of Applicant
(Authorized Agent for Forestar (USA) Real Estate Group, Inc)

Robyn Funderburg
Notary

JAB
Signature of Agent (J. Alexander Brock - Smith, Gambrell, and Russell, LLP)

Notary Seal: Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

(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: _____

Disclosures

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** [X]

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 4th day of December, 2023

Chris Wilson
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent
Forestar (USA) Real Estate Group, Inc.

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4 day of December, 2023

Robyn Fu
Notary Public

Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

* 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 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 17 day of November, 2023

Cynthia C. Quillian
George W. Quillian

~~Applicant's~~ Owner's Name - Printed (QMS Enterprises, LP and George W. & Cynthia Quillan)

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 17th day of November, 2023.

Pamela L. Buttersnitz
Notary Public

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

J. Alexander Brock - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA.
NOTARY PUBLIC

Beverly D. Campbell

Notary Public

* 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 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 x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kathryn M Zickert

Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Dennis J. Webb - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

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

Letters of Ownership

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, George & Cynthia Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

Cynthia L Quillian
George W. Quillian
(George W & Cynthia Quillian)

Date: 11-17-23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, QMS Enterprises hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

George W. Quillian
(Authorized Agent for QMS Enterprises LP)

Date: 11/17/23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L. Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Property Owner’s Authorizations

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at [No Address] [address], with Parcel Number S18-02004009, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia E. Quillan / George W. Quillan Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia E. Quillan / George W. Quillan

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

November 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2007

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4882 North Henry Blvd. [address], with Parcel Number S18-02002005, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Cynthia G. Quillian

Signature: George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian
George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4844 North Henry Blvd. [address], with Parcel Number S18-04003000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia L. Quillian / George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia L. Quillian / George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 North Henry Blvd. [address], with Parcel Number S18-02002000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia G. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

STATE OF GEORGIA
PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 Highway 42 [address], with Parcel Number S18-02002006, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: 404 788 0339 E-mail: GW Quillan@gmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia C. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia C. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
DeKalb County
My Commission Expires
APRIL 5, 2027

Letter of Intent

<u>LETTER OF INTENT</u>

and

Other Material Required by the
City of Stockbridge Unified Development Code
for the Rezoning,
Future Land Use Map Amendment, and Concurrent Variances Application

of

FORESTAR (USA) REAL ESTATE GROUP, INC.

for

± 15.601 Acres of Land
located in
Land Lot 60
12th District, Henry County

<u>REZONE</u>: SR, OI, and C1 to MFR
<u>FLUMA</u>: LDVMU to MDR

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

Forestar (USA) Real Estate Group, Inc. ("Applicant") seeks to rezone ± 15.601 acres of land located in Land Lot 60, 12th District of Henry County to allow a townhome development. The Subject Property is an assemblage of five parcels (S18-02004009, S18-02003000, S18-02002005, S18-02002006, and S18-02002000) fronting the northern right-of-way of North Henry Boulevard and the western right-of-way of Center Street (the "Subject Property"). The Subject Property currently has three different zonings: Suburban Residential District (SR) for parcel S18-02002000; Office Industrial District (OI) for parcels S18-02002005, S18-02002006 and S18-02003000; and Neighborhood Commercial District (C1) for parcel S18-02004009. Additionally, parcels S18-02002005, S18-02002006 and S18-02003000 are within the Parkway Mixed Use Overlay (PMU Overlay). The Subject Property is also located in multiple future land use character areas: Medium Density Residential (MDR) for parcel S18-02002000; and Low Density Vertical Mixed Use (LDVMU) for parcels S18-02002000, S18-02002005, S18-02002006 and S18-02003000. To allow for a cohesive development of the Subject Property, the Applicant files this request to (a) rezone the Subject Property to the City of Stockbridge MFR (Multifamily Residential) zoning district; (b) amend the Future Land Use Map to designate those parcels within the Subject Property that are currently LDVMU as MDR under the City of Stockbridge's Comprehensive Plan; and (c) a concurrent variance to the City of Stockbridge Unified Development Code ("UDC") to reduce the minimum front setbacks.

The City of Stockbridge has experienced significant population growth over the last few decades, but the number of new housing units has not kept pace with that growth. The City of Stockbridge 2024 Comprehensive Plan ("Comp Plan") notes that its population has grown by 24.3 percent over the decade from 2010 to 2020 and is expected to continue to expand

significantly through 2050.[1] The housing supply, however, has lagged behind with only a 13.2 percent growth in new housing units during the 2010-2020 timeframe.[2] As people continue to flock to the City, the need for quality new housing becomes even more apparent. In fact, the Comp Plan predicts that over the next five years, housing demand will require an additional 800 residential units and by 2040 Stockbridge will need 1,700 new residential units.[3]

Additionally, the City's existing housing stock lacks options, which primarily consists of single family detached homes and older small-medium apartments.[4] The lack of housing options has limited home ownership opportunities for young professionals, who are renting rather than buying.[5] The proposed townhomes correct this issue by adding a mix of housing options that are attractive to this demographic. In general, townhomes residences tend to appeal to younger professionals and empty nesters, demographics that are not currently served by the aging duplexes or single family residences in the area. The need for new, diverse housing is also recognized in the Comp Plan:

> Stockbridge's housing profile consists predominantly of single family detached homes and older small-medium apartments with 3 to 49 units. Additional detached and attached homes would better balance the City's housing mix.
> *See Comp Plan, pg. 18.*

> Seventy-nine percent of young professionals entering the workforce and young families (ages 25-34) are renting rather than buying, suggesting a lack of diversity in housing options.
> *See Comp Plan, pg. 12.*

> While Stockbridge has seen some diversification in housing types there is still a need for additional options and price points. This is especially important to accommodate both traditional and non-traditional households as well as to attract young professionals, and serve seniors.
> *See Comp Plan, pg. 25.*

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[1] *See City of Stockbridge 2024 Comprehensive Plan, pp. 13 and 20.*
[2] *Id. at 13.*
[3] *Id.*
[4] *Id. at 12.*
[5] *Id. at 13.*

> The majority of housing in Stockbridge was constructed between 1980 and 1999 at 50% followed by 35% between 2000-2009. Only 11% was constructed between 2010-2019. There is a need for new development in Stockbridge.
> *See Comp Plan, pg. 24.*

The proposed townhomes meet the City's demands for quality housing options.

The Applicant's proposed development will consist of 90 townhome units at a density of ±5.769 units per acre along with amenities and associated site improvements ("Proposed Development"). The unit sizes and heights will meet the requirements of the MFR district and the Parkway Overlay District. The units will all be 3-bedroom units[6] with a mix of units with either 1-car or 2-car garages.[7] The garage parking will total 137 spaces, plus there will be an additional 137 driveway spaces and 24 surface parking spaces for guest parking for a total of 298 parking spaces for the development. The Stockbridge UDC § 4.8.5 requires a minimum of 2.25 parking spaces per 3-bedroom unit and the Proposed Development has 3.31 spaces per unit, which is 95 spaces above the requirement. It is the Applicant's intent to provide ample parking within the development for both the residents and guests. The Proposed Development is also preserving approximately 4.8 acres, or ±30% of the overall property, as open space.[8] The open space includes the preservation of natural vegetation to the north, near Brush Creek. Additionally, the Proposed Development will contain amenities including a pool, clubhouse, and dog park.

The Subject Property is well situated for the proposed townhome development and is surrounded by a compatible mix of residential types and zonings. The Subject Property is bordered to the east by the Oak Hill Terrace duplex community zoned MFR, and single-family

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[6] The proposed units are typically a 3-bedroom unit, however the Applicant is not the end builder and the final bedroom count may vary.
[7] The Applicant is developing the property and the townhome structures will be built by a subsequent home builder.
[8] Open space calculations include undeveloped land, amenity areas, and flood plain. The open space area does not

lots within the Turning Point subdivision, zoned SR. To the west, the Subject Property borders single-family lots along Club Drive and Club Place that are zoned SR, as well as, the right-of-way of Club Place. To the southwest, the Subject Property borders a parcel zoned OI and developed with a professional office building. To the south, the Subject Property borders the right-of-way of North Henry Boulevard.

The development along North Henry Boulevard is largely commercial with some residential development extending away from it, such as the existing residential along Club Drive. North Henry Boulevard is a classified as a principal arterial per the Henry County Road Functional Classification Map. *See the Henry County Transportation Plan, 2022 Update, Figure A-6.* The Stockbridge UDC 2.4.4 notes that the MFR district is intended to have access to a street that is classified as collector streets or higher, thus its location on North Henry Boulevard meets the intent of the UDC.[9] The Proposed Development is also located less than one-half mile west of the Stockbridge's downtown area containing the Stockbridge Amphitheater, Ted Strickland Community Center, and the restaurant/retail in downtown Stockbridge. The property is also within a short distance of many restaurant, retail and grocery uses that are supportive of residential.

In addition to the rezoning, the Applicant is requesting an amendment to the City's Future Land Use Map to designate the Subject Property as MDR land use. It is important to note that a portion of the Subject Property is already designated as MDR on the City's Future Land Use Map.[10] The Applicant seeks to change the Future Land Use Map designation for the front parcels from LDVMU to MDR to allow a cohesive development of the entire property. The Comp Plan notes the following intent for the MDR land use: "This designation is intended for

include buffers, proposed right-of-way or stormwater ponds.

[9] A principal arterial is a more intense (i.e., higher classified) roadway than a collector street.

residential developments…including parcels zoned for single family attached…"[11] The proposed MDR designation is harmonious with the existing land use designations in the vicinity. In fact, the Subject Property is surrounded on three sides, to the north, east and west, by other MDR character areas. The presence of a similarly situated MDR land uses in the area, points to the appropriateness of the Applicant's requested land use.

The Applicant submits this document as a Letter of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written justification for the Application, and an analysis of the factors to be considered for a rezoning per the City of Stockbridge Unified Development Code ("UDC"), § 9.2.2. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

To the Applicant's knowledge, no rezoning applications have been filed concerning the Subject Property.

III. REZONING IMPACT ANALYSIS

A. WHETHER THE PROPOSAL IS CONSISTENT AND/OR COMPATIBLE WITH THE CITY'S PLANS, GOALS AND OBJECTIVES REFLECTED IN THE CITY'S COMPREHENSIVE PLAN.

Yes. As noted above, the Applicant's request for the City designate the Subject Property as MDR land use. The Proposed Development is consistent with this designation and will advance a number of policy goals outlined in the City's Comprehensive Plan, including:

- To provide a variety of housing choices to suit the changing needs and lifestyles of City residents.
- Providing an infusion of new housing to meet the City's population growth;

[10] Parcel S18-02002000 is currently MDR.
[11] *See Comp Plan, pg. 49.*

- Provide a mixture of housing options to attract young professionals, singles, and small families.
- Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods;
- Reduce the impact of new development through the preservation of greenspace; and
- Creating a "sense of place" for the community.

See City of Stockbridge 2024 Comprehensive Plan, pp. 43-44.

In addition, the MDR designation is compatible with character area designations adjacent residential properties. In all, the Applicant's request is in line with the City's goals for growth and is harmonious with what exists in the surrounding areas.

B. HOW THE PROPOSAL IMPACTS THE PURPOSES OF THE OVERALL ZONING SCHEME, AND WHETHER THE PROPOSED CHANGE FURTHERS THE PURPOSE OF THESE ZONING REGULATIONS.

As noted in the paragraphs above, the proposed townhomes and the MFR zoning will be a compatible residential use with the exiting development in the area. The proposed MFR district is also consistent with the existing zoning in the area, which includes MFR districts adjacent to the Subject Property. Moreover, four of the Subject Property's parcels are within the Parkway Mixed Use Overlay, which permits, among others, uses allowed in the MFR district including townhome residential. Accordingly, the proposed townhomes and the MFR zoning are fitting for the area and consistent with the Zoning Regulations.

C. HOW THE PROPOSAL IMPACTS THE ZONING DISTRICT, THE PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, OR THE COMMUNITY.

The Proposed Development will be a positive addition to the area. The Applicant is also paying close attention to scale and buffers to limit any potential impact on the adjacent residential. The primary goal of land use planning is to eliminate or minimize the potential

adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on a particular property to protect neighborhoods from adverse effects. To achieve the onsite transition, the proposed site design will incorporate a 25-foot buffer along the property lines adjacent to SR districts. The Applicant is also preserving ±2.4 acres to the rear of the property that will buffer the properties to the north. The result is a development that is compatible and will exist harmoniously with the surrounding development.

D. WHETHER THE PROPOSAL CREATES AN ISOLATED DISTRICT UNRELATED TO ADJACENT PROPERTIES AND NEARBY DISTRICTS.

No. As noted in the paragraphs above, the adjacent Oak Hill Terrace duplex community is zoned MFR. The Oak Hill Terrace development was built in or around 1985 and has existed harmoniously with the surrounding community for the past 38 years.

E. HOW THE PROPOSAL IMPACTS THE AESTHETIC CHARACTER OF EXISTING AND FUTURE USES OF THE PROPERTY AND THE SURROUNDING AREA.

The proposed townhomes will blend harmoniously with the surrounding developments. The Applicant is preserving a significant amount of natural, wooded area that will buffer the SR zoned properties to the north. Additionally, the Applicant is proposing ±30% of the site as open space and providing onsite amenities for the residents.

F. WHETHER THE PROPOSAL IS CONSISTENT WITH ADJACENT DEVELOPMENT DENSITIES AND THE DENSITY PATTERNS REFLECTED IN THE COMPREHENSIVE PLAN.

Yes. The property is bordered to the east by residential developments with higher densities than the Applicant's proposed ±5.769 units per acre. For example, the adjacent Oak Hill Terrace

duplex community, a property zoned MFR, has a density of ±6.54 units per acre.[12] Also, the Turning Point Subdivision, zoned SR, is even denser at ±7.88 units per acre.[13] It should be noted that Oak Hill Terrace was built in ±38 years ago and the Turning Point subdivision was built ±26 years ago with little newer residential in the immediate area. The proposed MFR zoning will allow a townhome development that is less dense than the adjacent existing development and will provide much needed options for newer housing.

G. HOW THE PROPOSAL IMPACTS THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

The proposal will benefit the public health, safety and general welfare. The Applicant proposes to create a new, vibrant and modern development that diversifies the housing stock available and advances a number of goals outlined in the City's Comprehensive Plan. *See, e.g., Comp Plan at pp. 43-44.*

H. HOW THE PROPOSAL IMPACTS WATER, SEWERAGE, OTHER PUBLIC FACILITIES, OR PUBLIC SERVICES, AND HOW THE PROPOSED AMENDMENT IMPACTS EXPENDITURES OF PUBLIC FUNDS.

The Proposed Development will have access to water in sewer in the adjacent right-of-way. The Applicant has obtained utility availability letters from the City of Stockbridge that demonstrate that water and sewer are available and adequate to serve the Subject Property.

I. HOW THE PROPOSAL IMPACTS TRAFFIC SAFETY AND CONGESTION.

The Applicant does not anticipate any significant impact to the vehicular traffic from the amount of trips that the Proposed Development will generate. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (ITE Category 230 Residential Condo/Townhouse), to calculate vehicle trips for the Proposed Development.

[12] The Oak Hill Terrace community is on ±2.43 acres, as measured through the Henry County Tax Map, and contains 16 units.

[13] Measurements taken from the Henry County Tax Assessors Map show the overall Turning Point subdivision as

According to the ITE Trip Generation Manual, the 90 townhome units will generate ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. The Proposed Development's vehicular trips are not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. The Proposed Development will have direct access to North Henry Boulevard, which is classified as a principal arterial roadway per the Henry County Roadway Functional Classification Map. North Henry Boulevard is a major roadway intended for a high volume of traffic and has an average daily trip count of 30,100 trips.[14] Thus, the Proposed Development's projected trips are inconsequential when compared to the number of vehicles currently accommodated on North Henry Boulevard. Additionally, the Subject Property is approximately one mile from Intrastate Highway 675 (I-675) which can provide quick access to regional transportation. Because the Subject Property is located in proximity to a number of major roadways, its impacts on traffic is anticipated to be minimal.

J. HOW THE PROPOSAL IMPACTS ENVIRONMENTAL CONDITIONS, INCLUDING, BUT NOT LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY, WATER QUALITY AND QUANTITY.

The Applicant will mitigate any potential impacts to the environment by following all City, County, State and Federal requirements related to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.

K. HOW THE PROPOSAL IMPACTS THE PROVISIONS OF ADEQUATE LIGHT AND AIR.

The proposal will have no negative impacts on the provision of adequate light and air. *See also* J, above.

±5.71 acres and containing 45 units.

[14] Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 151-0361.

L. HOW THE PROPOSAL IMPACTS THE VALUE OF ADJACENT PROPERTY.

As the site plan submitted with the application demonstrates, the proposal is a thoughtful residential neighborhood that will deliver quality design and construction, all of which should "raise-the-bar" for future development on adjacent and nearby properties and generate renewed interest in the area.

M. WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED IN ACCORDANCE WITH EXISTING REGULATIONS.

See Section C above.

N. PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL CARRY GREATER WEIGHT THAN OTHER FACTORS. WHERE PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF THE RESIDENTIAL AREA SHALL CARRY GREATER WEIGHT.

The current proposal will have not have a negative impact on the integrity of adjacent and nearby residential neighborhoods. The Applicant has taken careful consideration in the proposed design and incorporated appropriate buffers and setbacks to minimize negative impacts, if any.

IV. CONCURRENT VARIANCE ANALYSIS

The Applicant is seeking one concurrent variance with its request to the following requirement of the Stockbridge UDC:

A. Stockbridge Zoning Ordinance § 2.4.4 to reduce the minimum front yard setback from 50-feet to 30-feet

The Subject Property has an odd L-shape that prevents the efficient layout of the property and inhibits compliance with the 50-foot setback. If the 50-foot front setback were strictly enforced, not only would it result in the loss of units, but it would also push the remaining townhomes closer to the adjacent property. The Applicant's current design leaves much of the existing vegetation undisturbed along the adjacent SR properties. If a 50-foot front setback is required much of the existing vegetation will be removed to construct the units, with no benefit

to the adjacent homeowners or the public in general. Also, the 50-foot setback is excessive and is much larger than what is typically required for townhome developments. For example, Henry County's RS (Residential Suburban) district, which allows townhomes, requires a minimum 25-foot front yard setback. *See Henry County Code of Ordinances § 2.01.02.I*. The strict enforcement of the 50-foot front yard setback would result in a large front yard that will require more maintenance. One of the major benefits to living in a townhome, compared to a traditional single family detached home, is the absence of yard maintenance. Consequently, requiring a 50-foot front yard would eliminate one of the major attractions to owning a townhome as compared to a single family detached residence.

Pursuant to the City of Stockbridge UDC § 10.1.2, the criteria for granting the variance are met. First, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. Second, a literal interpretation of the Stockbridge UDC would deprive the Applicant of rights commonly enjoyed by other properties of the district in which the property is located. Third, the grant of the variance will not confer any special privileges upon the Applicant that are denied to other properties of the same district. Fourth, the requested variance will be consistent with the purpose and intent of the UDC, will be compatible with uses on neighboring properties, and will serve the public welfare. Fifth, the special circumstances necessitating the variance are not the result of the actions of the Applicant. Sixth, the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Finally, the variances will not permit a use of land, buildings, or structures that are not permitted by right in the proposed zoning district.

V. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional and contrary to the best interest of the health and welfare of the citizens of the City of Stockbridge, and constitutes an arbitrary and capricious act. As a result, the City of Stockbridge Unified Development Code is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the current zoning violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional in that it renders the Subject Property unusable and destroys its marketability. Therefore, the current zoning constitutes a taking of the Applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The Zoning Ordinance of the City of Stockbridge lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance

violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

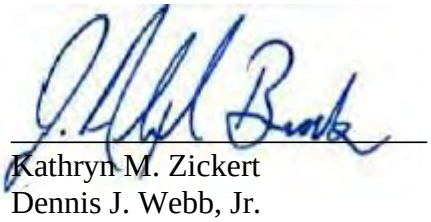
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning, Future Land Use Map Amendment, and Concurrent Variance Applications 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.

This 4th day of December, 2023.

Respectfully submitted,



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J. Alexander Brock
Attorneys For Applicant

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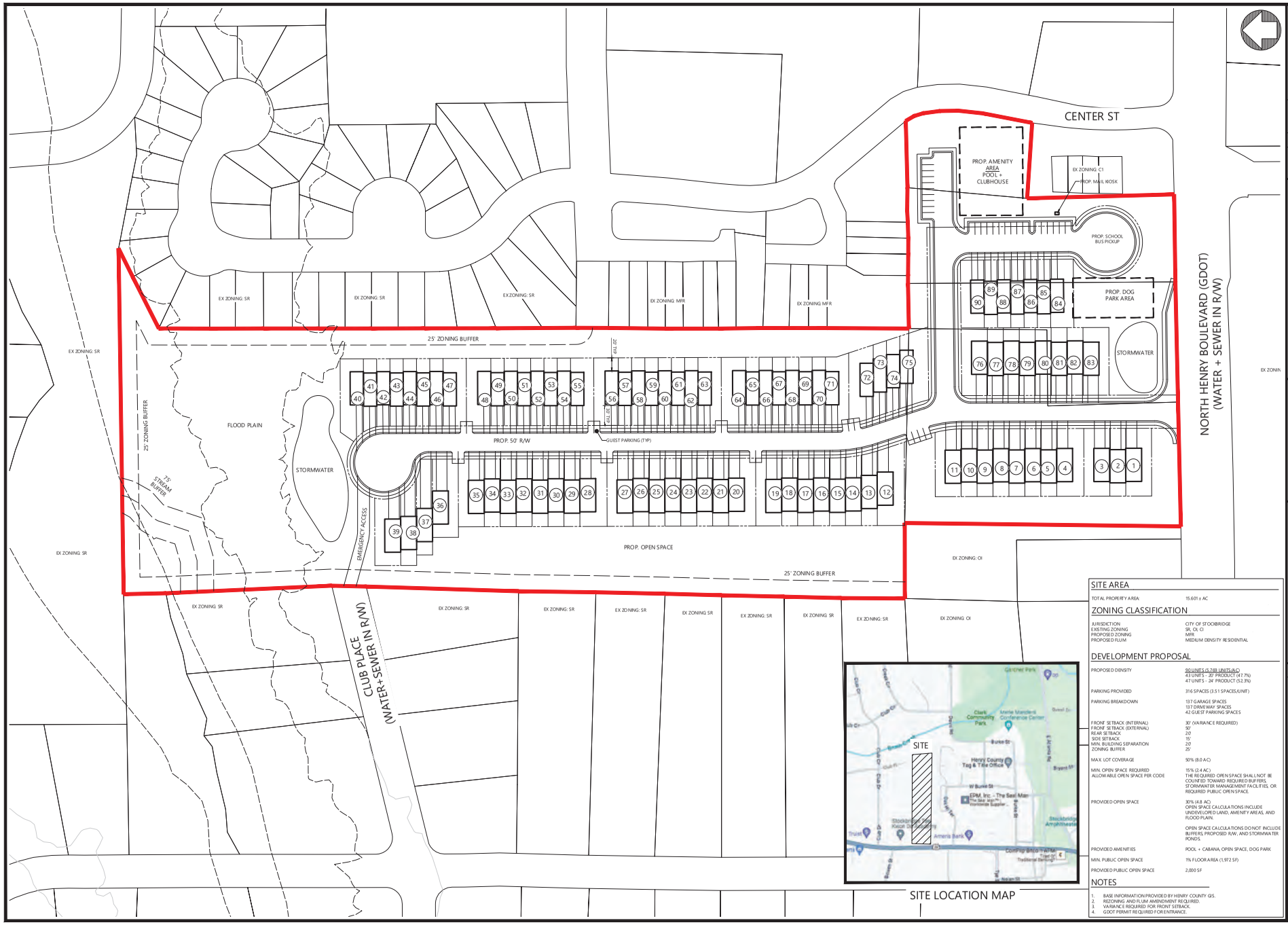
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

Site Plan



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON AN APPROXIMATE BASIS ONLY. THE LOCATIONS MUST BE INDEPENDENTLY VERIFIED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTING UTILITIES PRIOR TO BEGINNING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONTRACTOR IS SOLE SAFETY IS THE SOLE RESPONSIBILITY ON THIS SITE. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR AT THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
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MARIETTA, GA
770.423.0507
COA# PEF002604

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES
FORESTAR
ZONING PLAN

DATE 12-01-2023

REVISIONS

0 30' 60
SCALE: 1" = 60'

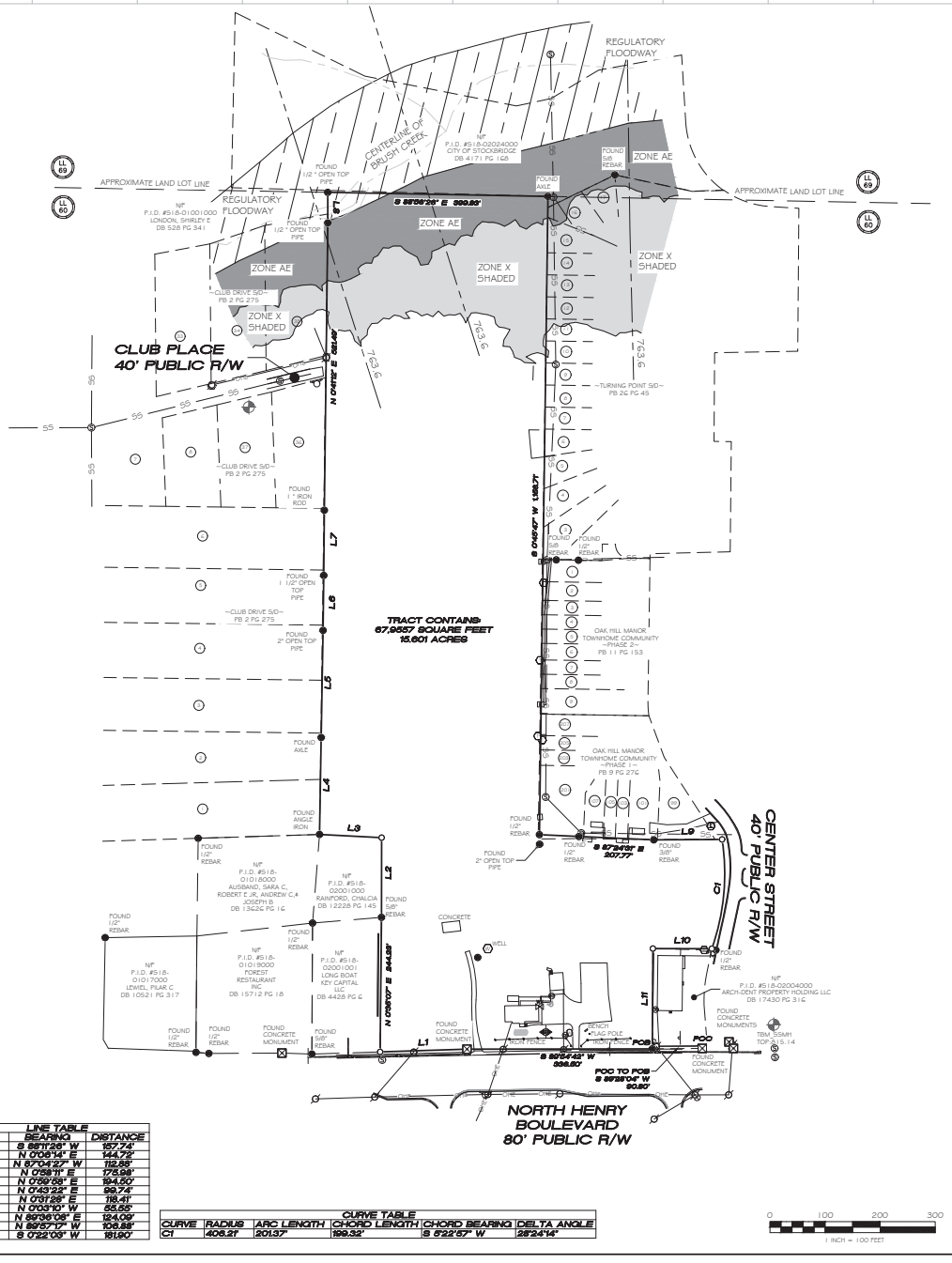
DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ###
SHEET NO. ZP1

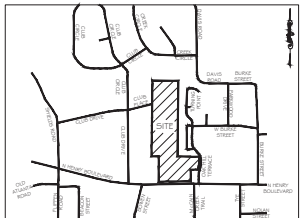
NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

Survey

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.





VICINITY MAP - NOT TO SCALE

SURVEY NOTES

1. All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Henry County, Georgia, (Community-panel number 13151C0086D, dated October 6, 2014), a portion of the property lies within the following zones: Zone X, Zone X Shaded, Zone AE, and Regulatory Floodway with BFE.
4. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 11-28-2023 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
5. The field data upon which this plat is based was gathered using base and rover using multiple setups and duplicate observations on corners. The processed data has a horizontal position of less than .035'. The scale factor used to adjust the points to ground distances: 1.0001325354290.
6. This plat has been calculated for closure and is found to be accurate within one foot in xx,xxx feet.
7. Equipment used for measurement: GPS: Leica GS18 GPS Base and Rover Receivers
8. Contours and spot elevations shown hereon are based on U.S.G.S. datum (NAVD 88), site benchmarks are shown hereon.
9. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
10. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
11. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
12. There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field Survey.
13. LJA Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
14. At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
15. Current property owner/Site address:

SURVEYOR CERTIFICATION

TO: XXXXXX & XXXXXXX Title Insurance Company

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF NOVEMBER OF 2023.

DRAFT

12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

SURVEYOR CERTIFICATION

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.

DRAFT

12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

LEGEND

SIGN
GROUND LIGHT
LIGHT POLE
SPOT ELEVATION
WATER VALVE
FIRE HYDRANT
WATER METER
IRRIGATION CONTROL VALVE
WATER MARKER/ MONUMENT
WATER VAULT
GRATE INLET
STORM SEWER MANHOLE
SANITARY SEWER MANHOLE
CLEANOUT
GREASE TRAP
UTILITY POLE
GUY WIRE
ELECTRIC BOX
ELECTRIC MANHOLE
ELECTRIC METER
GAS VALVE
GAS METER
TELEPHONE MANHOLE
TELEPHONE BOX
TELEPHONE PEDESTAL
FIBER OPTIC MARKER
FIBER OPTIC BOX
TRAFFIC SIGNAL POLE
PARKING COUNT
HANDICAP PARKING COUNT
HARDWOOD TREE
ORNAMENTAL TREE
MAILBOX
BENCHMARK
IRON PIN FOUND
COMPUTED POINT
IRON PIN SET
R/W MARKER

ASPHALT
CONCRETE
GRAVEL
(M) MEASURED DISTANCE
(C) CALCULATED DISTANCE
(R) RECORD DISTANCE
CTP CRIMP TOP PIPE
OTP OPEN TOP PIPE
CMP CORRUGATED METAL PIPE
HDPE HIGH DENSITY POLYETHYLENE PIPE
DIP DUCTILE IRON PIPE
PVC POLYVINYL CHLORIDE PIPE
RCP REINFORCED CONCRETE PIPE
OCS OUTLET CONTROL STRUCTURE
HW HEADWALL
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
STORM SEWER LINE
SANITARY SEWER
WATER LINE
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
PROPERTY LINE
ADJACENT PROPERTY LINE
FENCE
SINGLE WING CATCH BASIN
DOUBLE WING CATCH BASIN
LAND LOT

File Location: n:\projects\stockbridge\forestar\2023 (forestar)\2301 (north henry road)\06 survey\ljaf.2301 (north henry road)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°26' W	157.74'
L2	N 00°34' E	144.72'
L3	N 87°04'27" W	112.85'
L4	N 05°31' E	173.59'
L5	N 05°59' E	194.50'
L6	N 04°32' E	99.74'
L7	N 01°28' E	118.41'
L8	N 00°10' W	65.68'
L9	N 89°06'06" E	124.09'
L10	N 89°57'17" W	106.88'
L11	S 02°09' W	181.90'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	406.21'	201.37'	199.32'	S 5°22'57" W	28°24'14"

0 100 200 300

1 INCH = 100 FEET

LJA SURVEYING INC.
4525 SOUTH LEE STREET
BUFORD, GA 30518
Phone: 713.953.5200
LSF No.: 1390

LOCATED IN:
LAND LOT 60
12TH DISTRICT
HENRY COUNTY, GEORGIA

ALTA/NSPS LAND TITLE SURVEY
NORTH HENRY TRACT
FOR
FORESTAR GROUP

ISSUE	DATE	DESCRIPTION
INITIAL	11-04-23	
REV. 1		
REV. 2		
REV. 3		
REV. 4		
REV. 5		
REV. 6		
REV. 7		

DRAFTED BY: JTH

CHECKED BY: MCB

PROJECT #: LJA54283-2301

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE WHOLLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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SHEET NO: 1 OF 1

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 2.201 acres, more or less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) a distance of 521.45 feet to an iron pin and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence N 0° 34' 49" W a distance of 409.52 feet to a point; run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence S 0° 1' 35" E a distance of 207.8 feet to a point; run thence S 85° 33' 22" W a distance of 109.17 feet to a point; run thence S 4° 11' 54" E a distance of 185.71 feet to a point on the margin of the Right-Of-Way of State Route No. 42; run thence S° 87 50' 59" W a distance of 187.77 feet to the TRUE POINT OF BEGINNING.

ALSO: ALL THAT TRACT OR PARCEL OF LAND LYING and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 10.72 acres, more of less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Route No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Route No. 42) a distance of 521.45 feet to an iron pin found; run thence N 0° 34' 49" a distance of 409.52 feet to a point and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence N 01° 27' 26" W a distance of 9.02 feet to a ½" rebar; run thence 01° 27' 26" W a distance of 1,166.58 feet to a point; run thence S 88° 54' 18" W a distance of 399.82 feet to a point; run thence S 01° 36' 16" E a distance of 795.09 feet to a point; run thence S 01° 11' 25" E a distance of 371.5 feet to a point; run thence S 89° 47' 51" E a distance of 113.18 feet to a ½" rebar and the TRUE POINT OF BEGINNING.

All according to survey for Mrs. Marion Power Geis, prepared by Griffin Engineering Company, dated March 17, 1980, and bearing the certification of Robert S. Mitchell, G.R.L.S.

All of the above being that same property that was conveyed by Warranty Deed recorded in Book 646, Page 136 of the Records of the Clerk of the Superior Court, Henry County, Georgia, and being the same property that was conveyed to George W. Quillian by Warranty Deed recorded in Book 646, Page 136 of the Superior Court Clerk, Henry County, Georgia.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lot 60 of the12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.24' left of and opposite station 91.41.13 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 00° 09' 13" E a distance of 19.76' to a point; thence N 88° 43' 08" E a distance of 156.53' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 29.88' to a point; thence S 02° 50' 59" E a distance of 19.39' to a point; thence S 88° 36' 54" W a distance of 187.43' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as shown on Plat of Survey made by Lewis Roland Hurd, a Georgia Registered Land Surveyor, dated April 17, 1979, and revised November 12, 1985, entitled "Property of Miriam Dodd Mays, Lewis Hurd Surveyors drawing No. LHS 78362-D," the same Plat of survey being recorded at Plat Book _____, Page _____, Henry County, Georgia, Records, and more particularly described as follows:

A POINT OF REFERENCE as the intersection of the centerline of Club Drive and the extension of the north right-of-way line of (50' R/W) of North Henry Boulevard; from the Point of Reference N 87° 50' 59" E 694.1 feet along the north right-of-way (50' R/W) line of North Henry Boulevard to the POINT OF BEGINNING; thence N 00° 40' 58" W 184.55 feet to an iron pin; thence, N 85° 06' 33" E 114.41 feet to an iron pin; thence, 00° 01" 35" W 207.80 feet to an iron pin; thence, S 89° 48' 14" E 70.00 feet to an iron pin; thence, S 00° 18' 54" E 394.95 feet to a point on the north right-of-way line of North Henry Boulevard; thence, S 87° 50' 59" W 184.0 feet along the north right-of-way line of North Henry Boulevard to the Point of Beginning.

BEING A TRACT OF LAND containing 1.087 acres, bounded on the west by lands of George W. Quillian, on the north by Mostok, Inc., on the east by the Turpin Estate and on the south by North Henry Boulevard, and being the same property conveyed to J.T. Mays, Jr., at Deed Book 103, Page 574, Henry County Records.

This conveyance is subject to a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 287, Henry County Records; and a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 288, Henry County Records.

LESS AND EXCEPT: ALL that tract or parcel of land lying and being in Land Lot 60 of the 12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.64' left of and opposite station 93+28.50 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 02° 50' 59" W a distance of 19.39' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 169.01' to a point; thence S 00° 34' 42" W a distance of 19.08' to a point; thence westerly along a curving line having a radius of 11,449.16' for an arc distance of 167.86' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per a plat of survey prepared by Alvin E. Vaughn & Associates, Inc. dated October 13, 1987 for George W. Quillian being more particularly described as follows:

To ascertain the True Point of Beginning, commence at a reference point located at the intersection of the North right of way line of North Henry Boulevard with the West right of way line of Burke Street; thence West along the North right of way line of North Henry Boulevard 1044.5 feet to an iron pin; thence North 01 degrees 16 minutes 00 seconds East a distance of 200 feet to the True Point of Beginning; thence North 01 degrees 25 minutes 29 seconds East a distance of 197.47 feet to an iron pin found; thence South 89 degrees 23 minutes 38 seconds East a distance of 124.17 feet to a point located on the Western right of way of Center Street; thence in a South South West direction along and following the curvature of said Center Street a distance of 201.37 feet to an iron pin; thence North 88 degrees 56 minutes 20 seconds West a distance of 106.88 feet to an iron pin and The True Point of Beginning. Said tract containing .559 acres.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per plat prepared by Lewis Hurd Surveyors, Registered Land Surveyor of the Beverly Ross Turpin Estate dated April 12, 1981 containing 1.25 acres and recorded in Plat book 9, Page 49, Henry County Records. Said plat and the record thereof is hereby incorporated by reference for description and all other legal purposes.

LESS AND EXECPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 26.03 feet left of and opposite station 94+99.99 on the construction centerline of S.R. 42 and S.R. 138 (US 23) on Georgia Highway Project FR-037-2(32); running thence North 0 degrees 34 minutes 42 seconds East a distance of 18.08 feet to a point; thence

Easterly along a curving line having a radius of 11,504.16 feet for an arc distance of 137.31 feet to a point; thence South 00 degrees 38 minutes 09 seconds West a distance of 18.96 feet to a point; thence Westerly along a curving line having a radius of 11,449.16 feet for an arc distance of 137.29 feet back to the point of BEGINNING.

Water and Sewer Availability Letter/Email

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

November 22, 2023

Mr. Renato Ghizoni
Director of Entitlements
3300 Cumberland BLVD Suite 275
Atlanta, Georgia 30339

RE: Parcel Nos. S18-02002000, S18-02002005, S18-02002006, S18-02003000, and S18-02004009

Dear Mr. Ghizoni,

The City has reviewed your request for water and sewer services for the proposed ninety (90) unit townhome community located at 4900 North Henry BLVD. The estimated water and sewage usage is as follow:

- Water – 90 Units x 300 gpd = 27,300
- Sewer – 90 Units x 300 gpd = 27,300

Water and sewer services are available; however, the following are required:

- All costs associated with connecting to the water and sewer systems are the developer's responsibility.
- The developer must adhere to the City's Minimum Development Standards.

Currently there is available capacity in the sanitary sewer collection system for the requested flows of 27,300 gpd but, if construction plans are not submitted within one (1) year (November 22, 2024), this reservation of capacity shall expire.

Please let me know if you have any further questions.

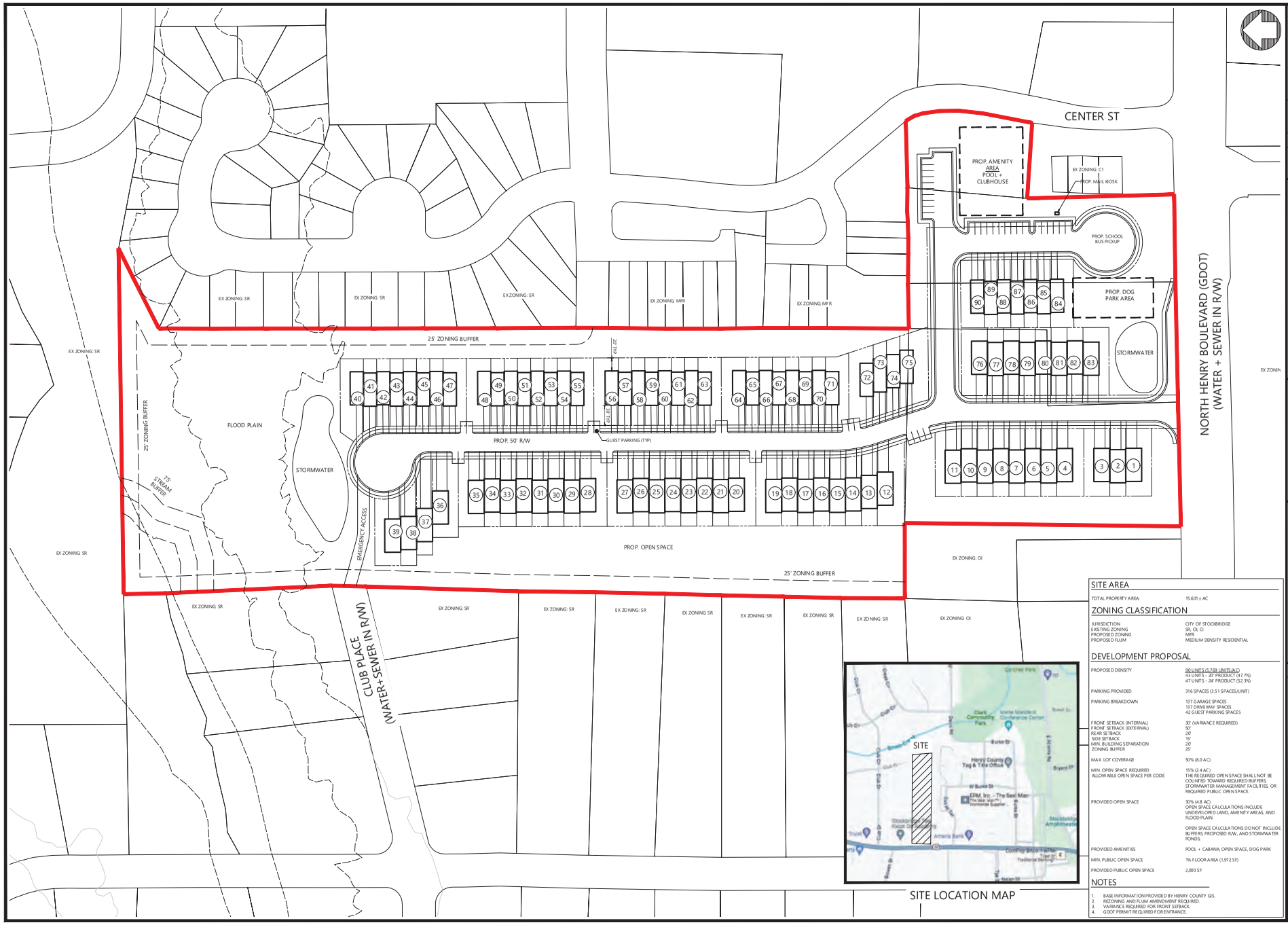
Sincerely,

Decius T. Aaron

Decius T. Aaron
Public Works Director

Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

811 Know what's below. Call before you dig.

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NOTICE:

CONTRACTOR IS SOLE SAFETY IS THE SOLE RESPONSIBILITY ON THIS SITE. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR AT THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA
770.423.0507
COA# PEF002604

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES
FORESTAR
ZONING PLAN

DATE 12-01-2023

REVISIONS

0 30' 60
SCALE: 1" = 60'

DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ###
SHEET NO. ZP1

NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

TO: Stockbridge Mayor and City Council

Stockbridge Planning Commission

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

CC: Ryan Anderson, Chief Planner

DATE: January 25, 2024

SUBJECT: **Combined Staff Report for Three Cases (CP-2023-09, RZ-2023-10, and VR-2023-05) Pertaining to a Proposed Townhome Development to be Located on Five Parcels at North Henry Boulevard and Center Street (Council District 4).**

I. PURPOSE

The applicant, Forestar (USA) Real Estate Group, Inc. (represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP), proposes to build a townhome development on five parcels which are located on the north side of North Henry Boulevard and the west side of Center Street. For such purpose, the applicant has filed three applications, which were received by the Planning and Zoning Office on December 4, 2023. This is a combined staff report which analyzes the three cases which are listed below.

- Comprehensive Plan Amendment Case #CP-2023-09 – The applicant proposes to change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

- Rezoning Case #RZ-2023-10 – The applicant proposes to rezone the subject property from 'SR' (Suburban Residential), 'OI' (Office-Industrial), and 'C-1' (Neighborhood Commercial) to MFR (Multiple Family Residential).

- Variance Case #RZ-2023-05 – The applicant requests a variance to reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR (Multiple Family Residential) zoning.

The subject property is located in Land Lot 12 of District 6, with 15.601 +/- total acres within the Stockbridge City Limits. The five parcels are listed below.

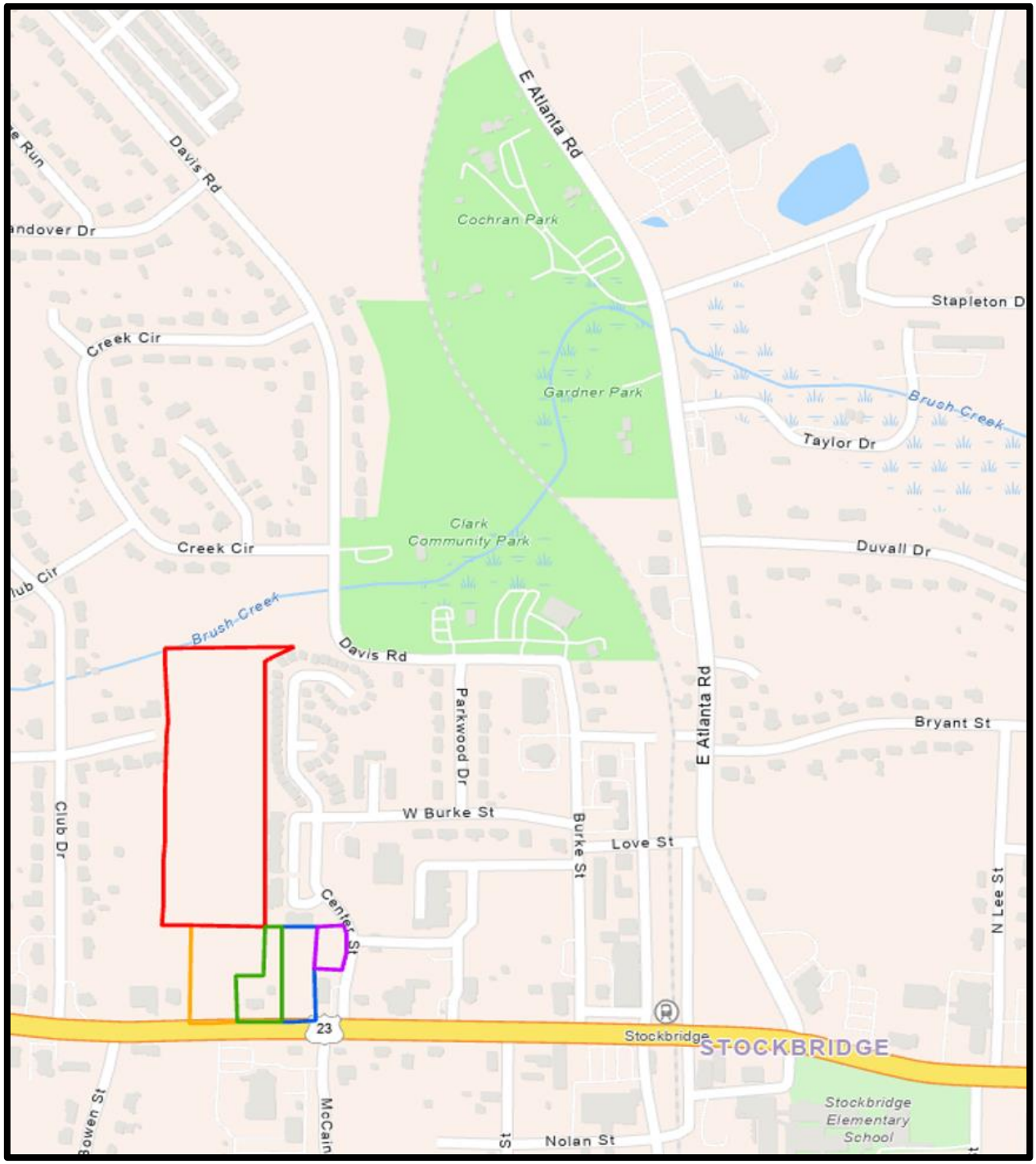
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
3. 4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres. Existing future land use designation: 'MDR' (Medium-Density Residential). Zoned 'SR' (Suburban Residential).
4. 4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres. Existing future land use designation: LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
5. Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'C-1'.

II. CASE FACTS

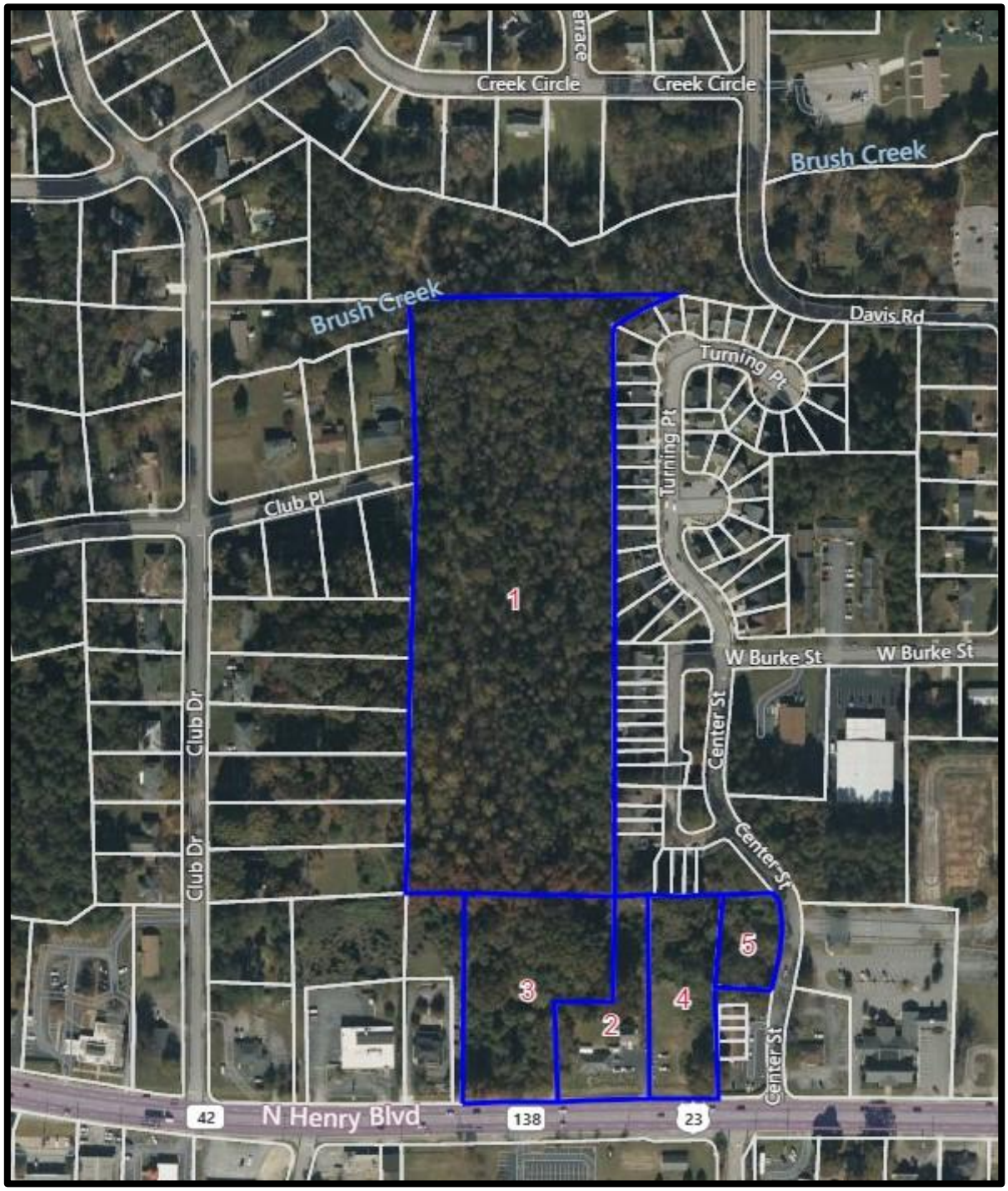
Proposed Development:	90 townhome units at a density of +/- 5.769 units per acre.
Applicant:	Forestar (USA) Real Estate Group, Inc.
Site Address:	4844, 4882, and 4900 (two tracts) on North Henry Boulevard, plus Parcel #S18-02004009 on Center Street.
Parcel ID and Acreage:	Listed above.
District and Land Lot:	District 6, Land Lot 12
Owner:	QMS Enterprises, LP and George @. & Cynthia Quillan.
Property Location:	North side of North Henry Boulevard and west side

	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ North—Vacant land. ~ West—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ East—Holly Salon and Ameris Bank. ~ South—North Henry Boulevard. ~ Northeast—Oak Hill Manor and Turning Point subdivisions.
Existing and Proposed Zoning:	From OI (Office-Institutional), SR (Suburban Residential), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential). All but the rear of 4900 North Henry Boulevard also lies within the PMU (Parkway Mixed-Use Overlay District).
Surrounding Zoning:	OI to the west, SR to the north, and MFR to the east and northeast.
Existing and Proposed Future Land Use Designation:	From LDMU (Low-Density Mixed-Use) and MDR (Medium-Density Residential) to MDR (Medium-Density Residential).
Surrounding Future Land Use Designations:	Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/Downtown Village Overlay District to the east.
Property Conditions:	Site is mostly wooded, except for the structures along North Henry Boulevard. The rear of the property is bordered by Brush Creek and its floodplain.

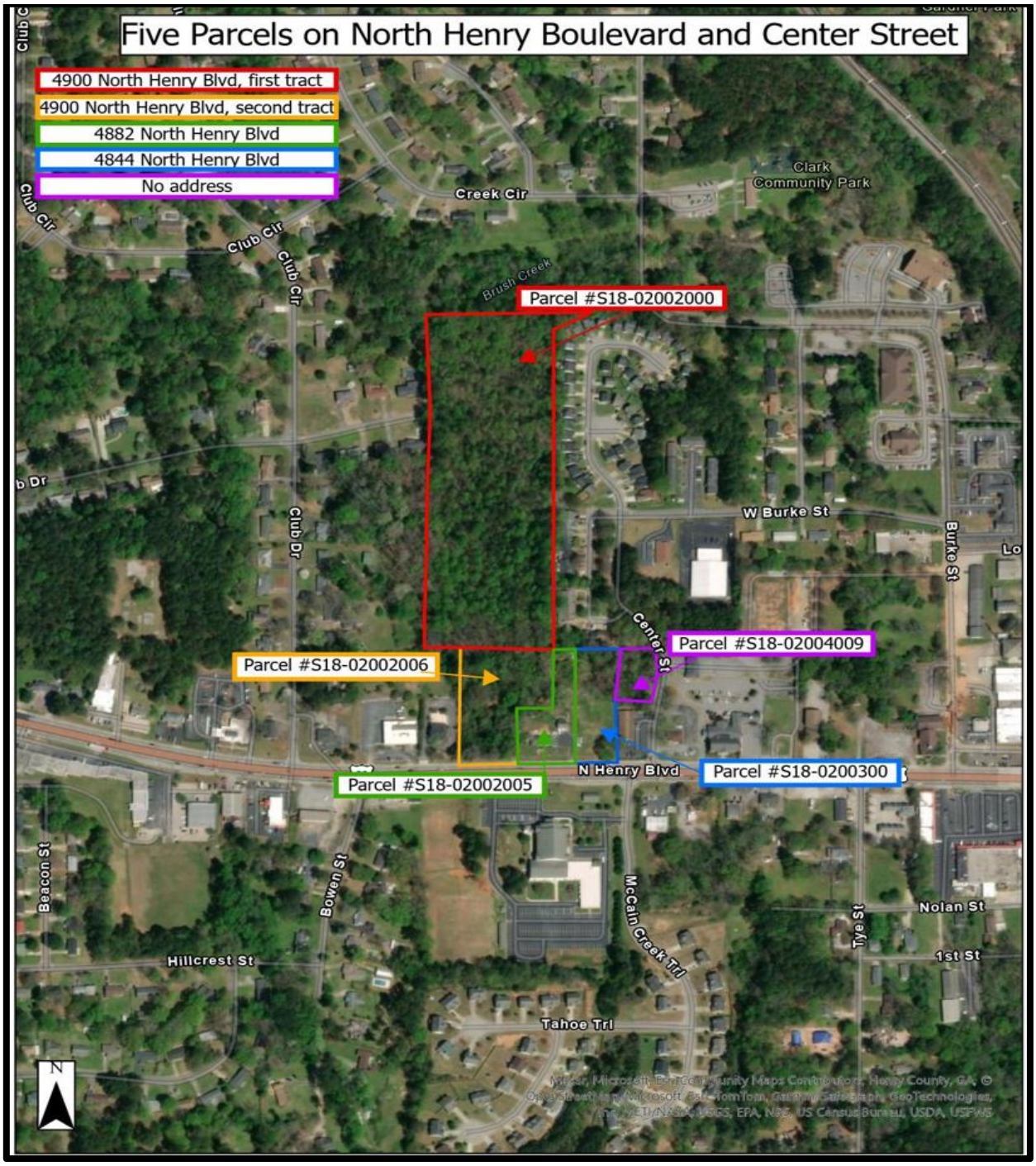
VICINITY MAP



NEIGHBORHOOD MAP FROM THE APPLICANT

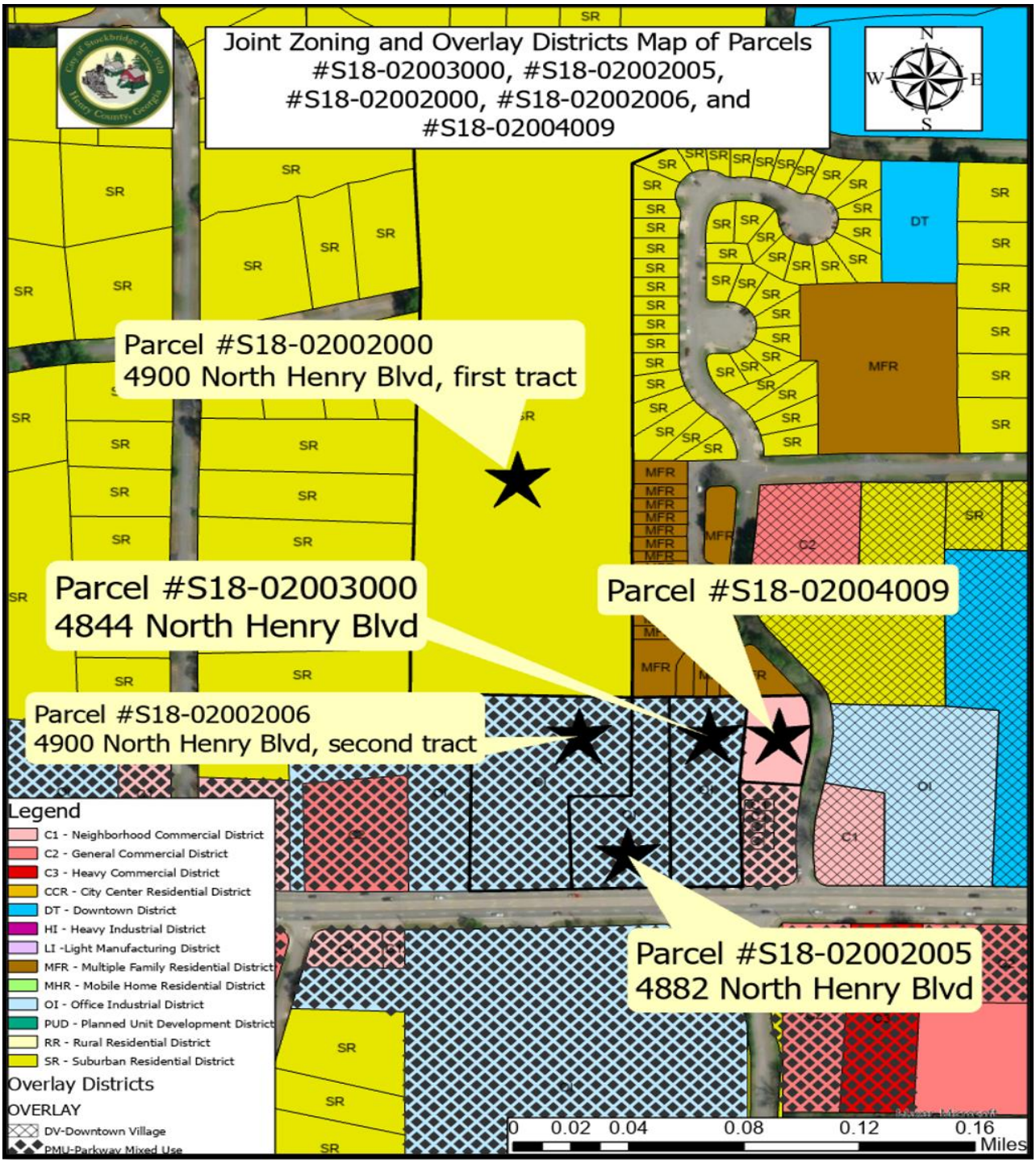


AERIAL PHOTOGRAPH SHOWING FIVE PARCELS

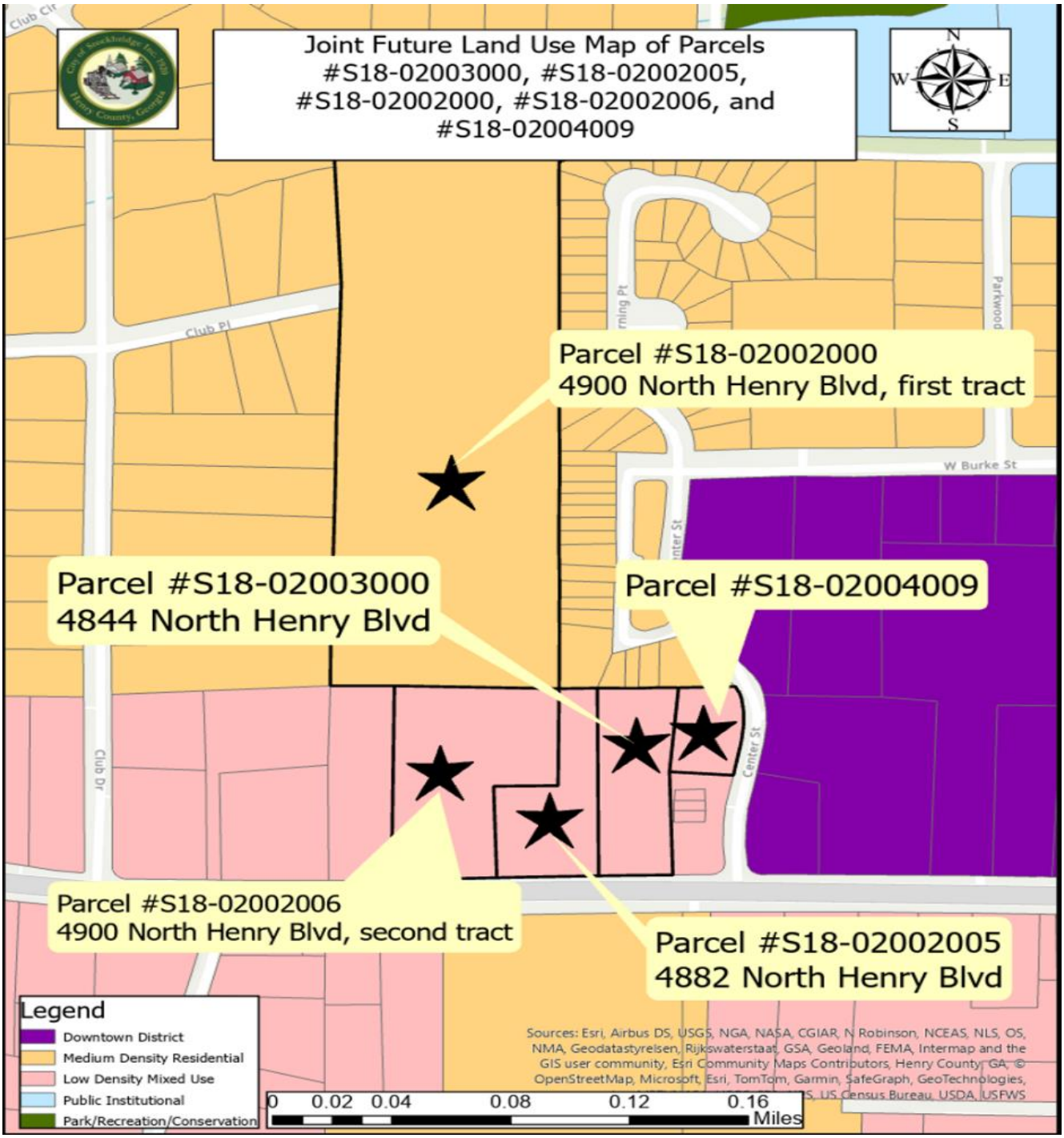


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

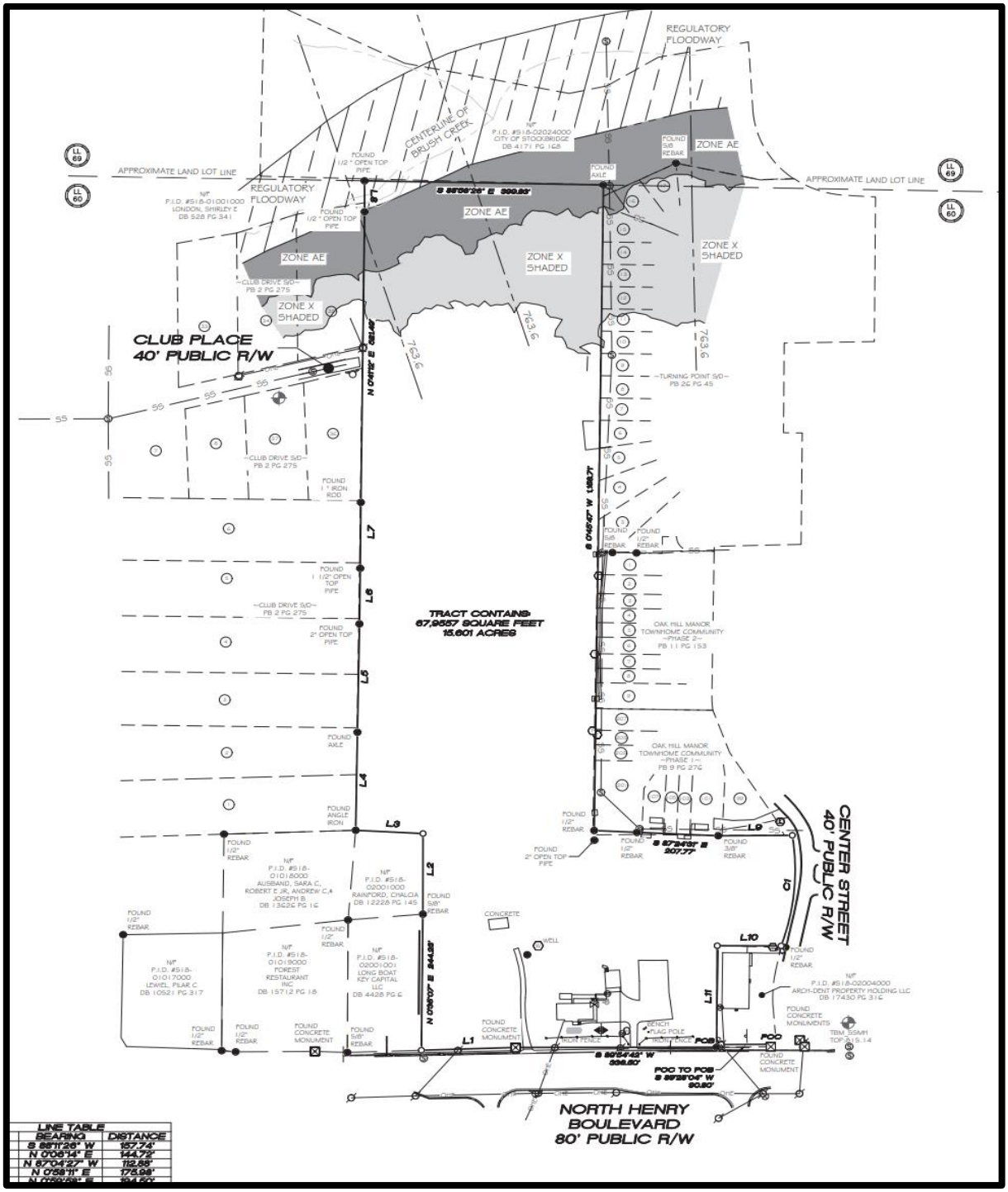
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

III. PROPOSED DEVELOPMENT

A. Project Description. The applicant proposes to build 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres. All units would have three bedrooms. Some units would have two-car garages, while others would have one-car garages. The proposed amenities include a swimming pool with a cabana, a dog park, and open space areas. The applicant submitted a site plan which was entitled "North Henry Townhomes: Forestar Zoning Plan", prepared by Atwell Group on 12/01/23, and received by the Planning and Zoning Staff on 12/04/23."

B. Site Accesses. The proposed development site would be accessed from North Henry Boulevard, and the applicant has noted that a right-of-way permit would be required from the Georgia Department of Transportation for this access. An emergency access would also be provided at the rear of the property to connect with Club Place to the west. There would also be two cul-de-sacs for turnarounds. The Fire Marshal has reviewed these accesses, and he would require that the emergency access have a gate, and that it be constructed of acceptable materials. Further, the internal streets would need to be at least 28 feet wide, from curb to curb.

C. Traffic Impacts. The applicant has not submitted a traffic impact study, but has made the following traffic projections for the proposed 90 townhomes by using the Institute of Traffic Engineers' Trip Generation Manual: ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. These volumes are expected to have minimal traffic impacts on North Henry Boulevard since it is a principal arterial.

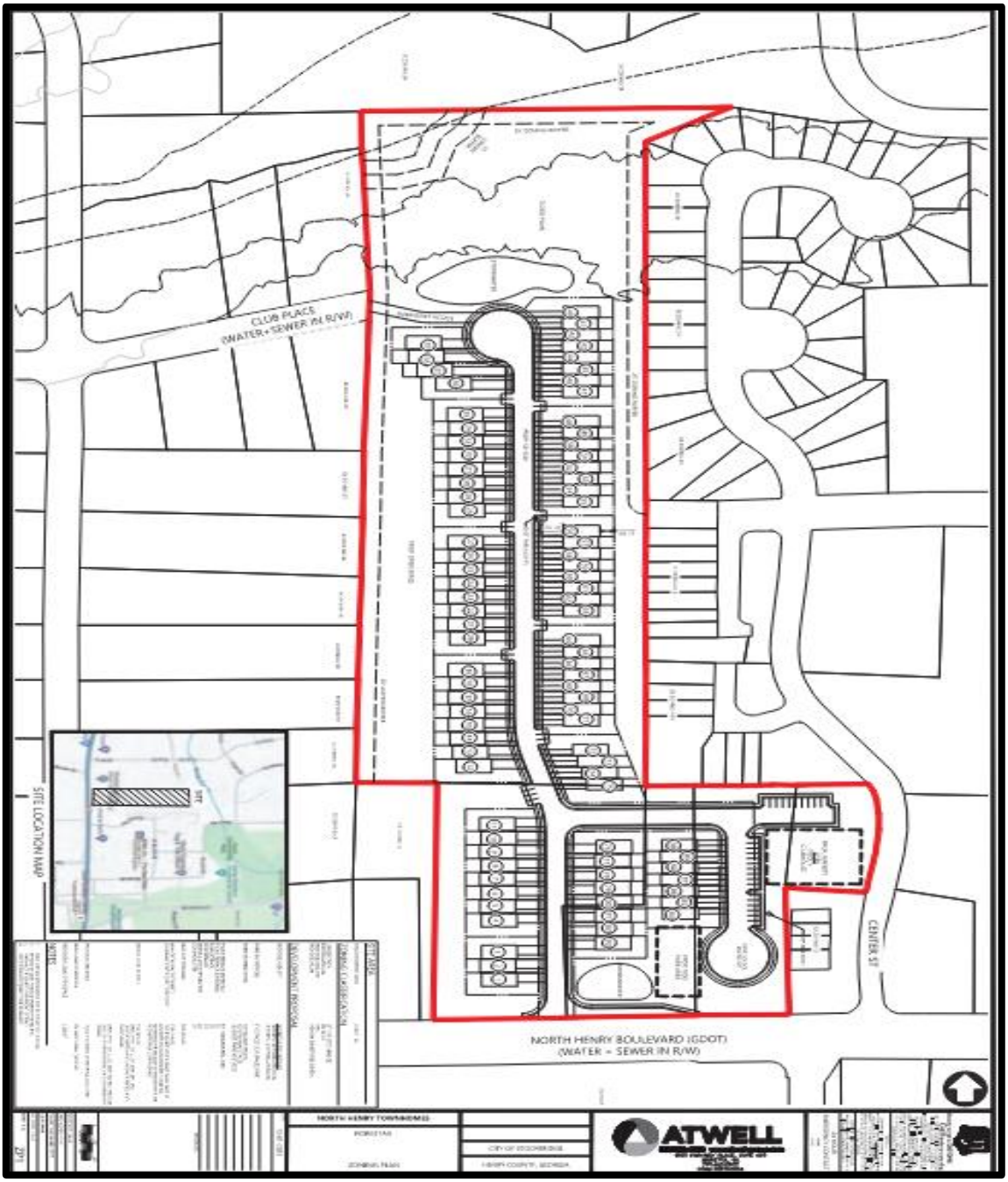
D. Site Plan Design. Regarding the internal site components, a swimmming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain buffer. The required 25-foot zoning buffer would surround the property. A total of 316 parking spaces would be provided, which would consist of 137 surface spaces, 137 driveway spaces, and 42 guest spaces. This would be significantly more than the 203 parking spaces that are required, based on 2.25 required spaces per three-bedroom unit.

E. Open Space. The applicant plans to provide 30 percent of the site for open space, which exceeds the required 15 percent. This would include undeveloped land, the amenity areas, and floodplain areas. Buffers, right-of-way areas, and stormwater ponds would not be included in the provided open space areas. About thirty (30) percent of the site would be

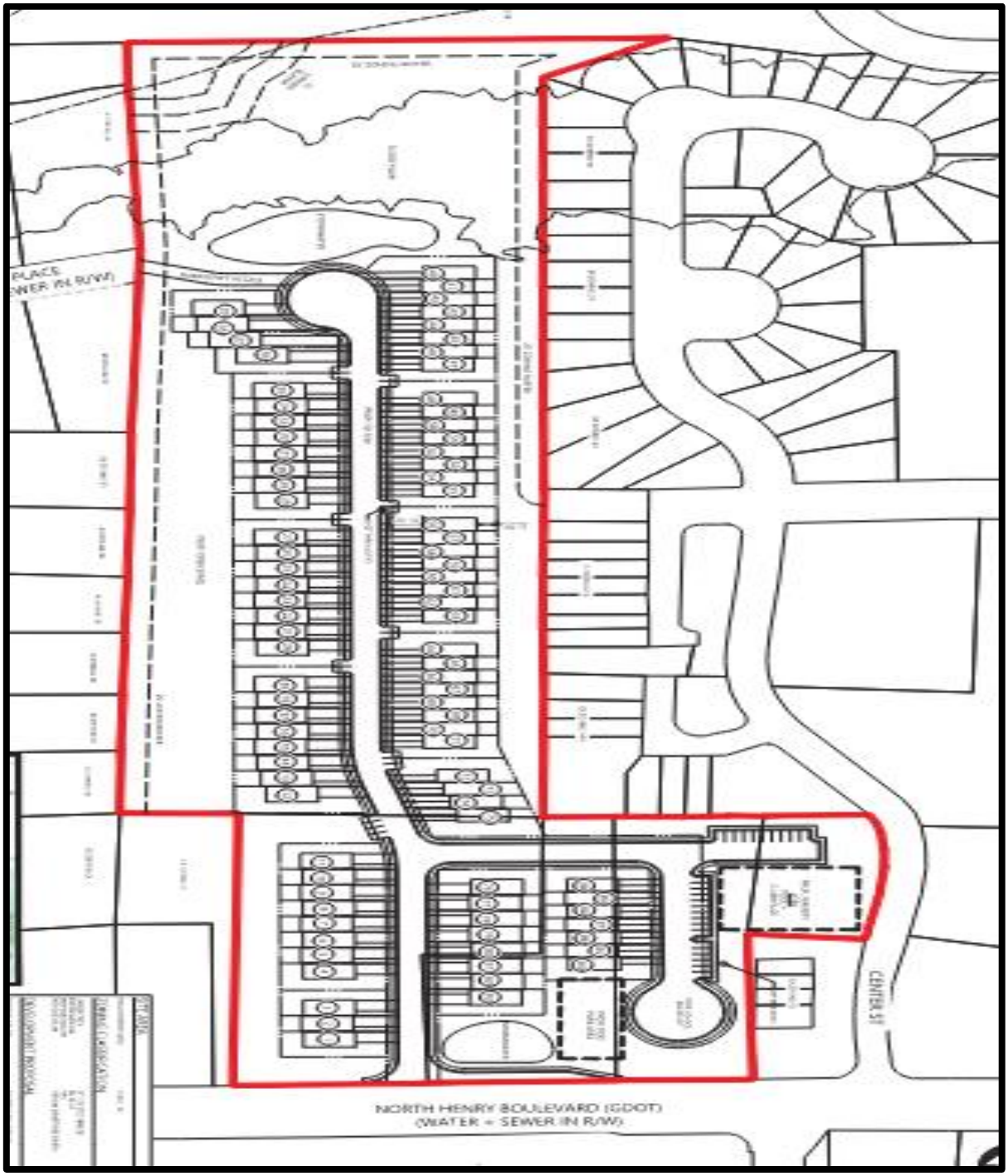
preserved as open space, which includes undeveloped land, amenity areas, and floodplain areas.

F. Townhome Lots and Units. The proposed site plan shows thirteen (13) townhome buildings, which would be spaced at least 20 feet apart, thereby meeting the spacing requirement of the MFR district. Although the overall site would meet the required setbacks, the applicant is seeking a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet to 30 feet. Diagrams of the proposed townhome lots are shown below. The townhome lots would be 24 feet wide for townhome units having two-car garages and 20 feet wide for townhome units having one-car garages. Sample townhome renderings are also shown.

CONCEPTUAL SITE PLAN—TOTAL AREA



CONCEPTUAL SITE PLAN—ENLARGED



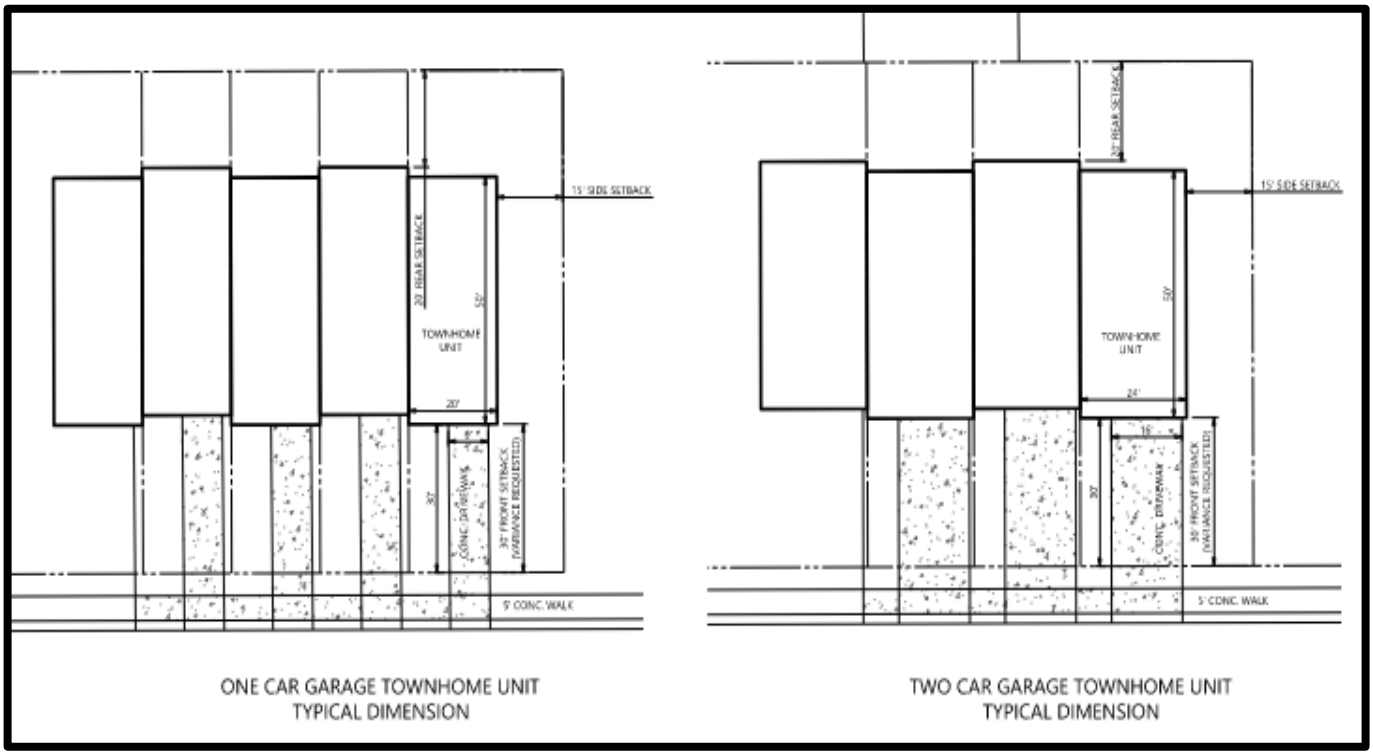
SITE DATA

PROPOSED DENSITY	90 UNITS (5.769 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED	15% (2.4 AC)
ALLOWABLE OPEN SPACE PER CODE	THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

DIAGRAMS OF PROPOSED TOWNHOME LOTS



PROPOSED TOWNHOME RENDERINGS

Townhome Units with One-Car Garages:

Townhome Units with Two-Car Garages:

IV. ANALYSES OF REQUESTS --

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09: Change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

A. Discussion. The City of Stockbridge has adopted the City of Stockbridge Comprehensive Plan 2024-2028 as a guide for the future development of the City, and its Land Use Element provides a vision for the development or redevelopment of land in the City. The current Future Land Use Map shows that four of the parcels comprising the subject property have a future land use designation of "Low-Density Mixed-Use", and the rear portion of the parcel at 4900 North Henry Boulevard is designated as "Medium-Density Residential." The applicant seeks to combine all five parcels under the Medium-Density Residential designation. Both designations are described below.

> Low-Density Mixed-Use. This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail) low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.
>
> Medium-Density Residential (4-7.99 Units / Acre). This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single family attached and detached homes, as well as duplex residential development and mobile home/manufactured home developments.

Since the applicant is not proposing to build any commercial, office, or apartment/condo/loft uses which the Low-Density Mixed-Use designation calls for, this designation would not be appropriate for the proposed townhome development. The Medium-Density Residential designation, though, allows single-family attached homes (i.e., townhomes), which the applicant proposes to build. In addition, the applicant's proposed development would have a density of +/- 5.769 units per acre, which falls within the allowable density of 4-7.99 units per acre. Further, large areas to the east and west of the subject property are designated as Medium-Density Residential; thus, the subject property would be compatible with them.

The Comprehensive Plan also mentions the need for additional housing in the City, as well as a greater diversity in the housing stock to serve young professionals, seniors, and empty nesters. These population groups would be attracted to townhome living, which offers the ability to have home ownership rather than renting; as well as the reduced yard maintenance due to the much smaller size of typical townhome lots. The proposed townhomes would meet these needs.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.

VI. ANALYSES OF REQUESTS – REZONING CASE #RZ-2023-10: Rezone property from SR, OI, and C-1 to MFR

The applicant requests to rezone the subject property via Rezoning Case #RZ-2023-01 from its existing three zoning classifications of SR (Suburban Residential), OI (Office-Institutional), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential) in order to allow for the proposed townhome development. Rezonings are governed by Section 9.2.1(C) of the City of Stockbridge's Unified Development Code (UDC). It states that 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 analysis for CP-2023-09 above pointed out that the applicant's requested land use designation of Medium-Density Residential allows single-family attached homes (i.e., townhomes). The applicant's requested zoning of MFR (Multiple Family Residential) allows townhomes, and the proposed density of +/- 5.769 units per acre, would be within the allowable density range for the Medium-Density Residential designation. Further, the large areas to the east and west of the subject property are designated as Medium-Density Residential. And finally, the proposed townhomes would serve to fill the need for additional housing in the City, particularly for certain population groups, which the Comprehensive Plan has identified. For these reasons, the proposed rezoning would be consistent with the spirit and specifications Comprehensive Plan.

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 UDC states that MFR developments are to be located "with access provided on streets that are classified as collector streets of higher." According to the map of Functional Road Classifications within the 2022 Henry County Transportation Plan, North Henry Boulevard is classified as a a "principal arterial", which is a higher road classification than a collector street. Therefore, townhomes are an acceptable use for the subject property.

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.

The applicant's requested rezoning of the subject property to MFR would be compatible with the existing MFR zoning of the existing Oak Hill Manor and Turning Point subdivisions to the east and northeast, especially because of the proposed development's low density. Further, the presence of an MFR district would serve as an acceptable transition between the C-1 and C-2 districts to the west and east along North Henry Boulevard, and the large SR district to the northwest.

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 is of irregular shape, and it is bordered by Brush Creek and its associate floodplain areas to the north. These factors thereby limit the developability of the site. However, the applicant has designed the site such a manner that the proposed townhomes would avoid the sensitive areas of the property.

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

The submitted site plan shows that the proposed project would not have any accesses to adjacent properties (except for an emergency access to Club Place to the west), thus none of the project's traffic would be traveling through them. In addition, the required 25-foot zoning buffer would surround the site, plus a significant open space area would be provided along the western side of the property, adjacent to the lots comprising the Club Drive Subdivision.

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

The applicant has submitted a letter from the City's Public Works Department, dated

November 22, 2023. It states that the estimated water and sewer usage for the proposed 90 townhome units would be 27,300 gallons each, per day. Further, water and sewer capacity are currently available to serve the proposed development, but the developer must pay for all required connection costs and adhere to the City's Minimum Development Standards. The letter also stated that the developer must submit construction plans to the Public Works Office within one year of the date of the letter, or the reservation of capacity in the sanitary sewer system would expire.

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

The applicant has not submitted a traffic impact study, but projects minimal adverse traffic impacts on North Henry Boulevard, the principal access point. Further, the lack on another access onto surrounding streets (except for an emergency access from Club Drive) would prevent any adverse traffic impacts on the adjacent and nearby residential streets.

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.

No other merits of the requested rezoning have been identified.

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

The subject property could be developed under its three existing zoning classifications, which currently allow neighborhood commercial and office/institutional uses along North Henry Boulevard, and single-family uses on the rear tract for 4900 North Henry Boulevard. However, rather than having several different types of uses in a piecemeal fashion, the rezoning of the property to MFR would allow the development of all five tracts under a unified plan to provide much-needed housing for the City, with primary access from an arterial road.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to rezone all five parcels comprising the subject property to MFR (Multiple Family Residential). Therefore, the Planning and Zoning Staff recommends **APPROVAL WITH CONDITIONS** for RZ-2023-10, based on the zoning conditions that are listed below.

1. **Site Plan –** The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled "North Henry Townhomes: Forestar Zoning Plan", which was prepared by Atwell Group on 12/01/23 and received by the Planning and Zoning Staff on 12/04/23."

2. **Access and Streets –** The developer shall comply with the requirements of the City's Fire Marshall regarding the location, dimensions, and materials for all site accesses and internal streets.

3. **Utilities –** The developer shall comply with the requirements of the City's Public Works Department in a timely manner for the provision of water and sewer facilities to the development site.

4. **Waste Collection –** A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.

5. **Architectural Design:**
   a. All townhome units shall have brick on at least three sides.
   b. At least 80 percent of the townhome units shall have two-car garages.
   c. This shall be a gated community.

6. **Rental Units –** No more than 10 percent of the townhome units may be rented at any one time.

7. **Property Maintenance –** The developer shall create and maintain a townhome association, or secure a property management company, who shall maintain all common areas of the property.

8. **Environmental Protection –** The developer shall take appropriate steps to preserve Brush Creek and adjacent floodplain areas, including wildlife protection measures.

VII. ANALYSES OF REQUESTS – VARIANCE CASE #RZ-2023-05: Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

A. Discussion. The applicant has submitted a **Variance** application (Case #VR-2023-05) to request a variance for the development of the proposed townhome community on the subject property. Section 10.1.2 of the Stockbridge Unified Development Code (UDC) identifies the reduction of a property's front, side, and rear yard setbacks as one of the reasons why an applicant may be allowed to request a variance. The purpose of the applicant's variance request in this case is to reduce the front yard setback within the site from the required minimum of 50 feet to 30 feet within the applicant's requested MFR

(Multiple Family Residential) zoning district.

Section 10.1.2 further states that a variance may be granted only upon a finding by the Mayor and City Council that all of seven listed conditions (i.e., criteria) are met. An analysis of the applicant's variance request is made in the sections below relative to each of the required seven UDC criteria.

ANALYSIS OF U.D.C. CRITERIA:

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

The subject property has an irregular shape and a considerable amount of the land area is unusable due to the presence of a floodplain area at the rear of the property along Brush Creek. These factors make site design challenging by limiting the amount of buildable area and its configuration.

Criterion 'B'. 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.

The applicant may be deprived of the ability to develop a townhome community with lots that are of similar sizes to those which are found in other MFR districts.

Criterion 'C'. 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 requested variance would not confer any special privileges upon the property owner. The same type of variance request has been approved by City Council for several other recently-proposed townhome developments in the City. Further, the denial of the applicant's requested variance would force the developer to unfairly comply with the required standards in developing the site, even though the physical characteristics of the property would make it very difficult to do so, thus cause creating an unnecessary hardship for the developer.

Criterion 'D'. 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 variance would be consistent with the purpose and intent of the Unified Development Code by encouraging the most appropriate use of land and buildings on the

subject property. By having smaller lots, the proposed townhomes would be able to attract buyers who are seeking to do less yard maintenance. Further, more land would be available on the periphery to be left in its natural state, thereby serving as a larger buffer between this development and adjacent properties.

Criterion 'E'. The extraordinary circumstances are not the result of actions of the applicant.

The physical conditions of the subject property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

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

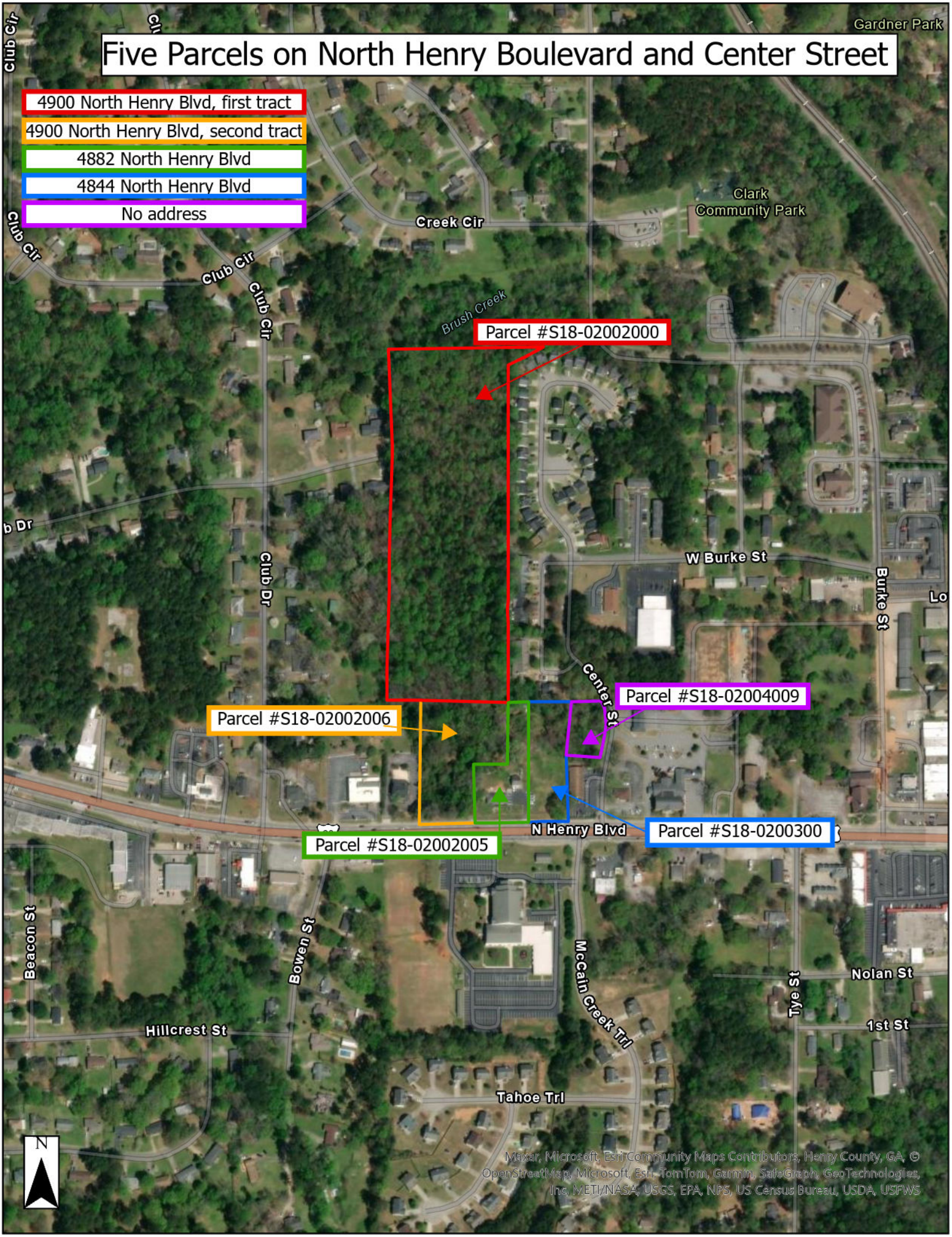
The subject property could still be developed with office-institutional and neighborhood commercial uses under the property's OI and C-1 districts along North Henry Boulevard, but the rear portion of the parcel at 4900 North Henry Boulevard is unlikely to be developed with single-family residential uses under its existing SR classification with its primary access off North Henry Boulevard, between existing commercial and office-institutional uses. And although townhomes could still be developed under the applicant's requested MFR zoning without the granting of front yard setback variance, the developer would be significantly constrained in designing a site plan which would allow the construction of a sufficient number of units to be economically feasible.

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

Townhomes are a permitted use within the requested MFR district.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to approve the applicant's variance request. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.

Five Parcels on North Henry Boulevard and Center Street



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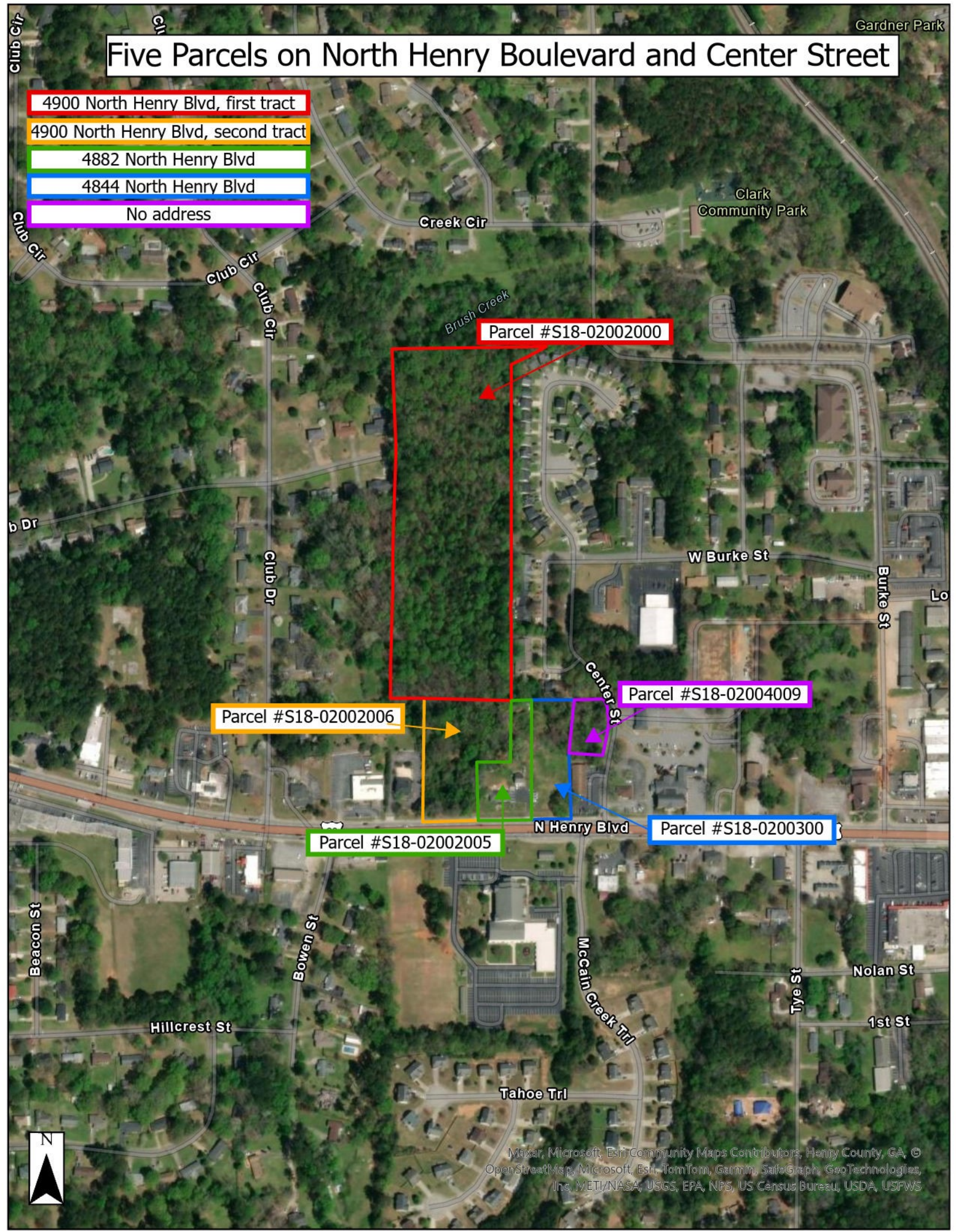


TO: Stockbridge Mayor and City Council

Stockbridge Planning Commission

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

CC: Ryan Anderson, Chief Planner

DATE: January 25, 2024

SUBJECT: **Combined Staff Report for Three Cases (CP-2023-09, RZ-2023-10, and VR-2023-05) Pertaining to a Proposed Townhome Development to be Located on Five Parcels at North Henry Boulevard and Center Street (Council District 4).**

I. PURPOSE

The applicant, Forestar (USA) Real Estate Group, Inc. (represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP), proposes to build a townhome development on five parcels which are located on the north side of North Henry Boulevard and the west side of Center Street. For such purpose, the applicant has filed three applications, which were received by the Planning and Zoning Office on December 4, 2023. This is a combined staff report which analyzes the three cases which are listed below.

- Comprehensive Plan Amendment Case #CP-2023-09 – The applicant proposes to change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

- Rezoning Case #RZ-2023-10 – The applicant proposes to rezone the subject property from 'SR' (Suburban Residential), 'OI' (Office-Industrial), and 'C-1' (Neighborhood Commercial) to MFR (Multiple Family Residential).

- Variance Case #RZ-2023-05 – The applicant requests a variance to reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR (Multiple Family Residential) zoning.

The subject property is located in Land Lot 12 of District 6, with 15.601 +/- total acres within the Stockbridge City Limits. The five parcels are listed below.

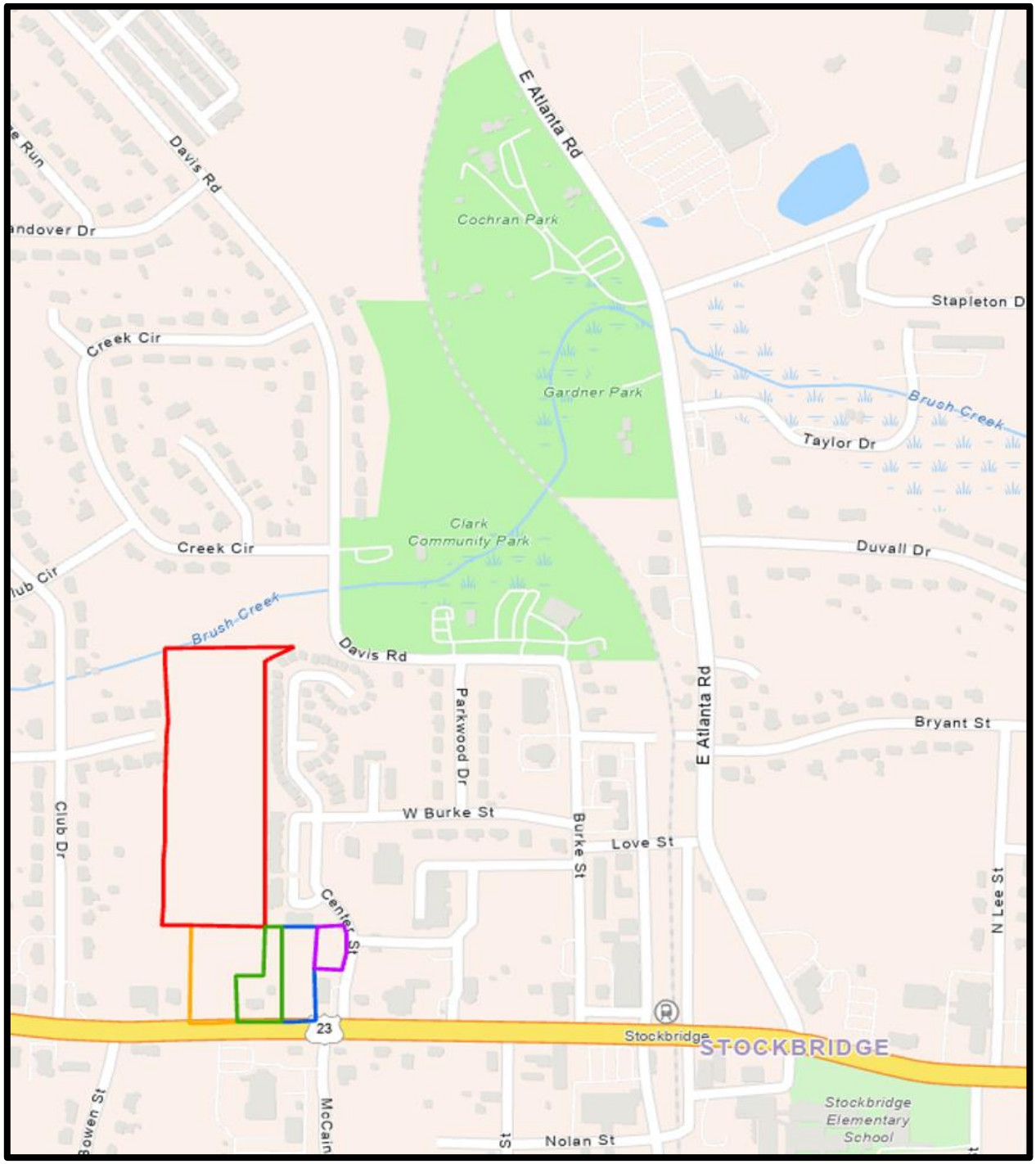
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
3. 4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres. Existing future land use designation: 'MDR' (Medium-Density Residential). Zoned 'SR' (Suburban Residential).
4. 4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres. Existing future land use designation: LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
5. Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'C-1'.

II. CASE FACTS

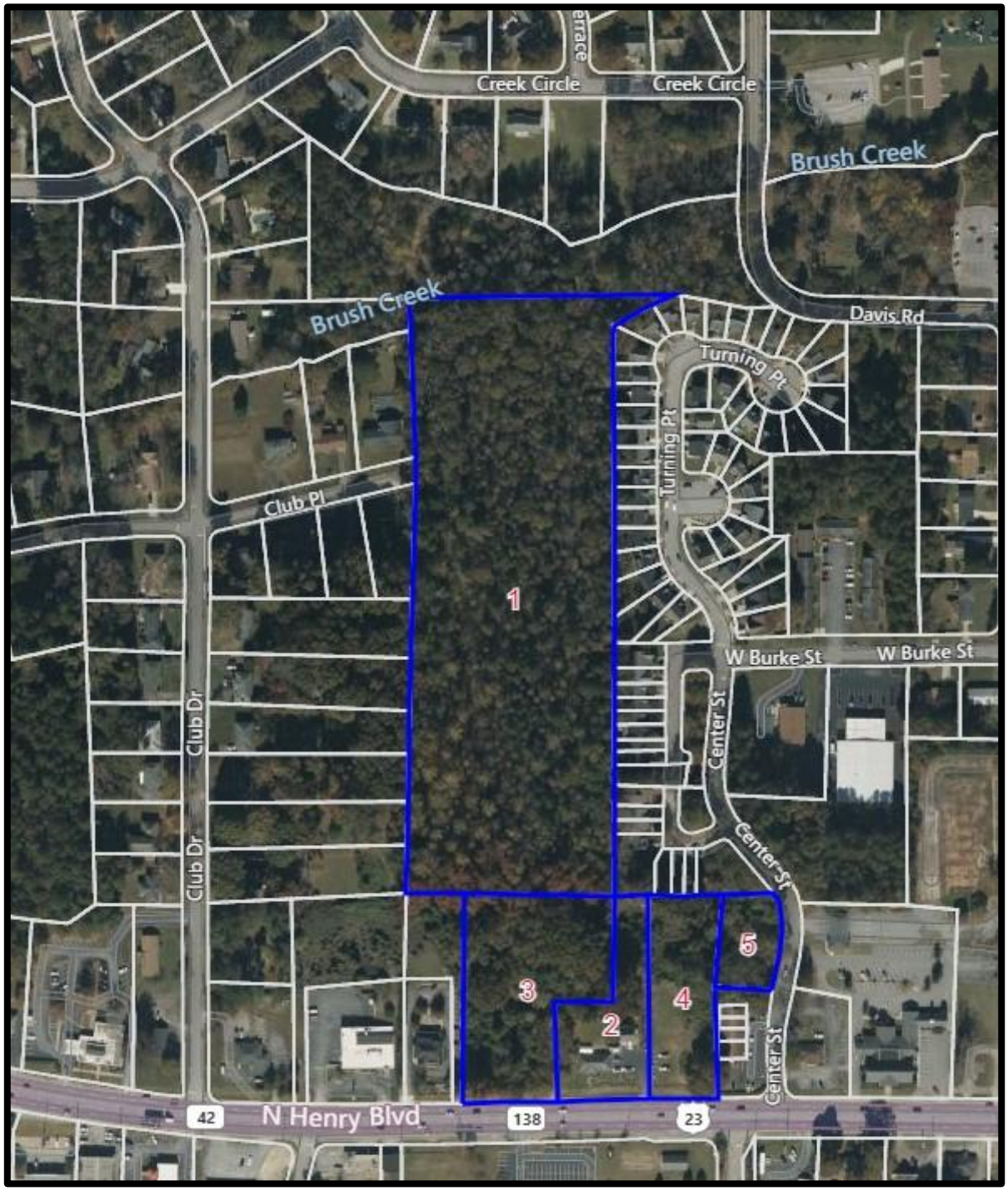
Proposed Development:	90 townhome units at a density of +/- 5.769 units per acre.
Applicant:	Forestar (USA) Real Estate Group, Inc.
Site Address:	4844, 4882, and 4900 (two tracts) on North Henry Boulevard, plus Parcel #S18-02004009 on Center Street.
Parcel ID and Acreage:	Listed above.
District and Land Lot:	District 6, Land Lot 12
Owner:	QMS Enterprises, LP and George @. & Cynthia Quillan.
Property Location:	North side of North Henry Boulevard and west side

	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ North—Vacant land. ~ West—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ East—Holly Salon and Ameris Bank. ~ South—North Henry Boulevard. ~ Northeast—Oak Hill Manor and Turning Point subdivisions.
Existing and Proposed Zoning:	From OI (Office-Institutional), SR (Suburban Residential), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential). All but the rear of 4900 North Henry Boulevard also lies within the PMU (Parkway Mixed-Use Overlay District).
Surrounding Zoning:	OI to the west, SR to the north, and MFR to the east and northeast.
Existing and Proposed Future Land Use Designation:	From LDMU (Low-Density Mixed-Use) and MDR (Medium-Density Residential) to MDR (Medium-Density Residential).
Surrounding Future Land Use Designations:	Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/Downtown Village Overlay District to the east.
Property Conditions:	Site is mostly wooded, except for the structures along North Henry Boulevard. The rear of the property is bordered by Brush Creek and its floodplain.

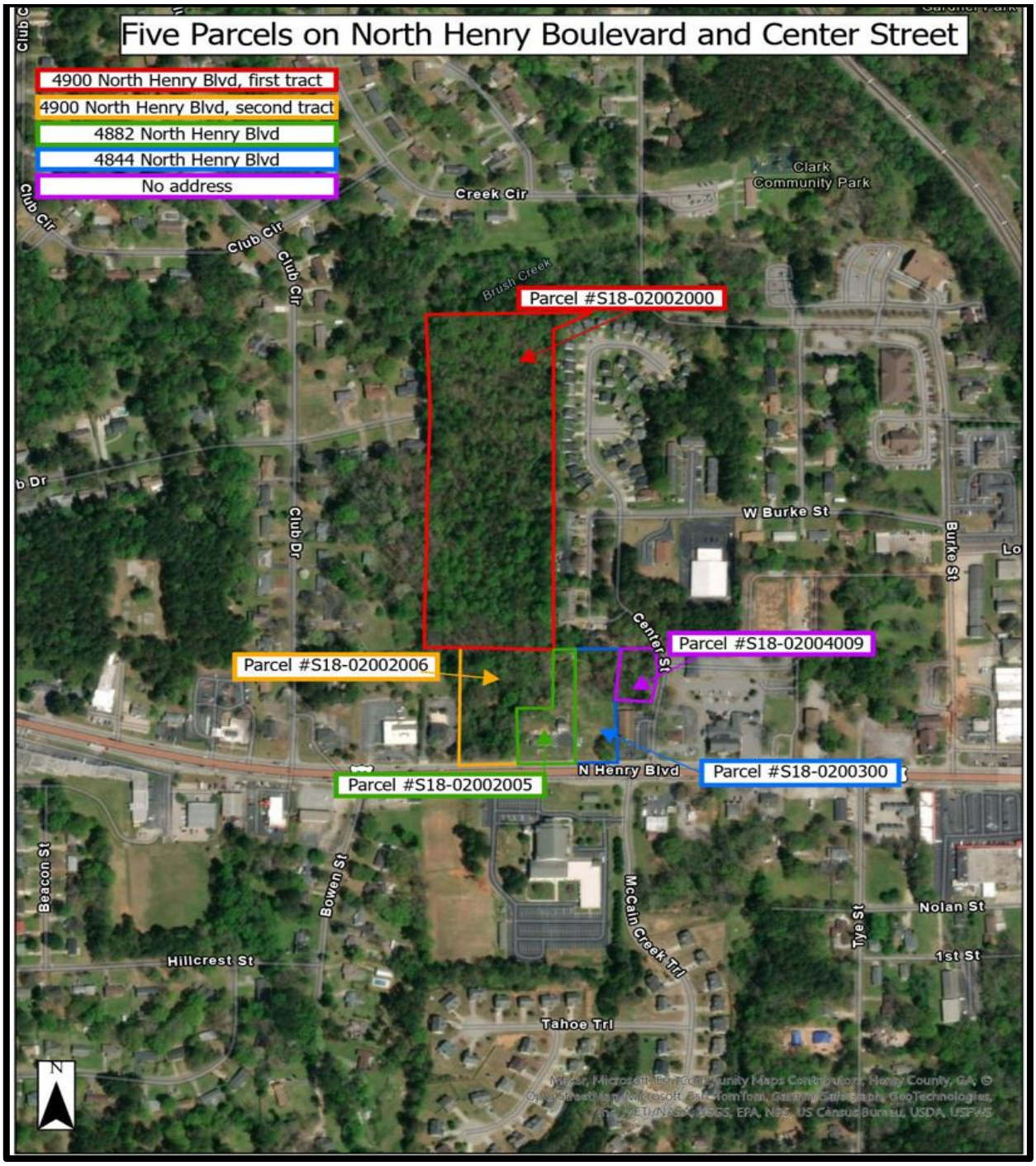
VICINITY MAP



NEIGHBORHOOD MAP FROM THE APPLICANT

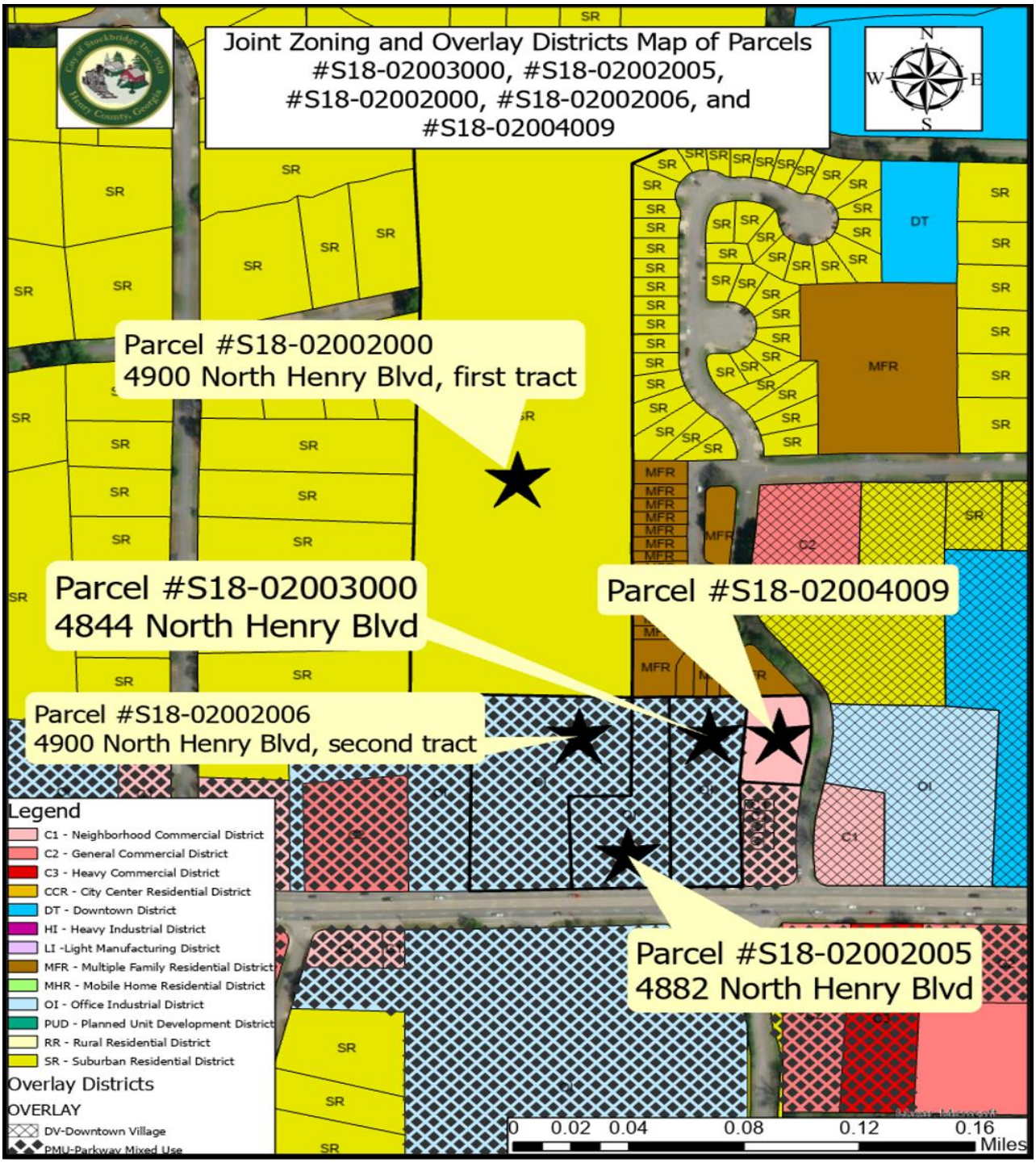


AERIAL PHOTOGRAPH SHOWING FIVE PARCELS

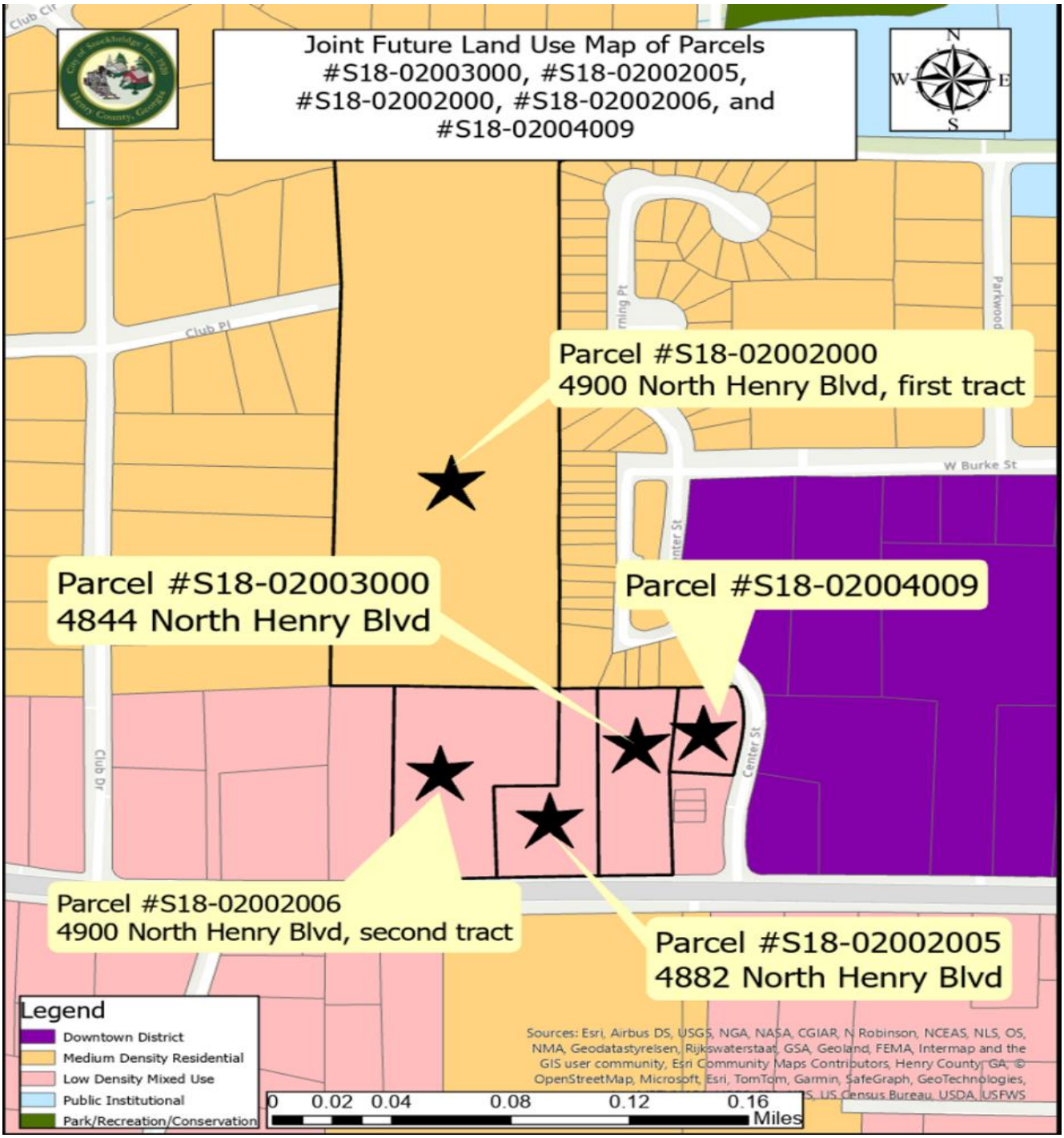


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

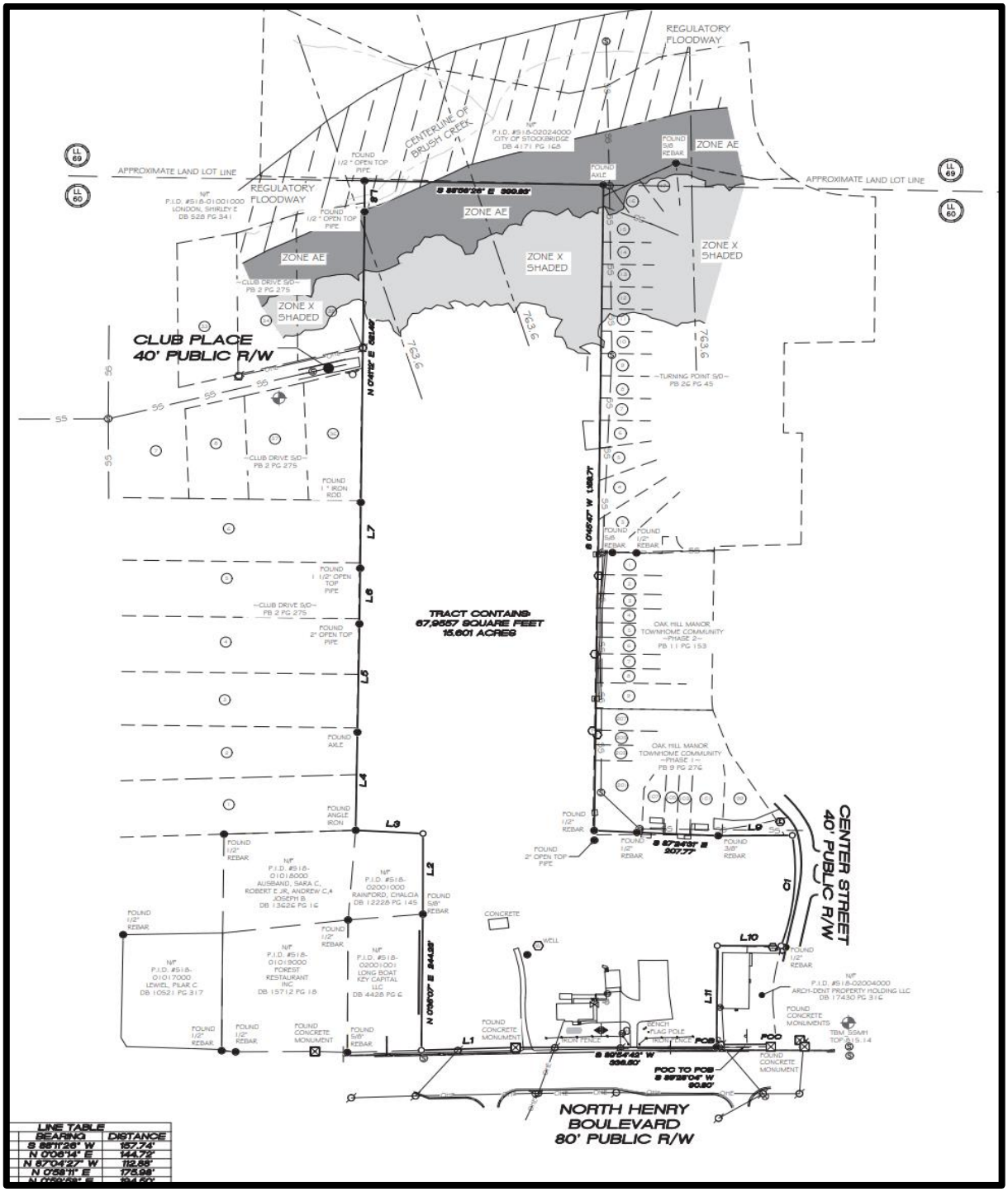
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

III. PROPOSED DEVELOPMENT

A. Project Description. The applicant proposes to build 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres. All units would have three bedrooms. Some units would have two-car garages, while others would have one-car garages. The proposed amenities include a swimming pool with a cabana, a dog park, and open space areas. The applicant submitted a site plan which was entitled "North Henry Townhomes: Forestar Zoning Plan", prepared by Atwell Group on 12/01/23, and received by the Planning and Zoning Staff on 12/04/23."

B. Site Accesses. The proposed development site would be accessed from North Henry Boulevard, and the applicant has noted that a right-of-way permit would be required from the Georgia Department of Transportation for this access. An emergency access would also be provided at the rear of the property to connect with Club Place to the west. There would also be two cul-de-sacs for turnarounds. The Fire Marshal has reviewed these accesses, and he would require that the emergency access have a gate, and that it be constructed of acceptable materials. Further, the internal streets would need to be at least 28 feet wide, from curb to curb.

C. Traffic Impacts. The applicant has not submitted a traffic impact study, but has made the following traffic projections for the proposed 90 townhomes by using the Institute of Traffic Engineers' Trip Generation Manual: ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. These volumes are expected to have minimal traffic impacts on North Henry Boulevard since it is a principal arterial.

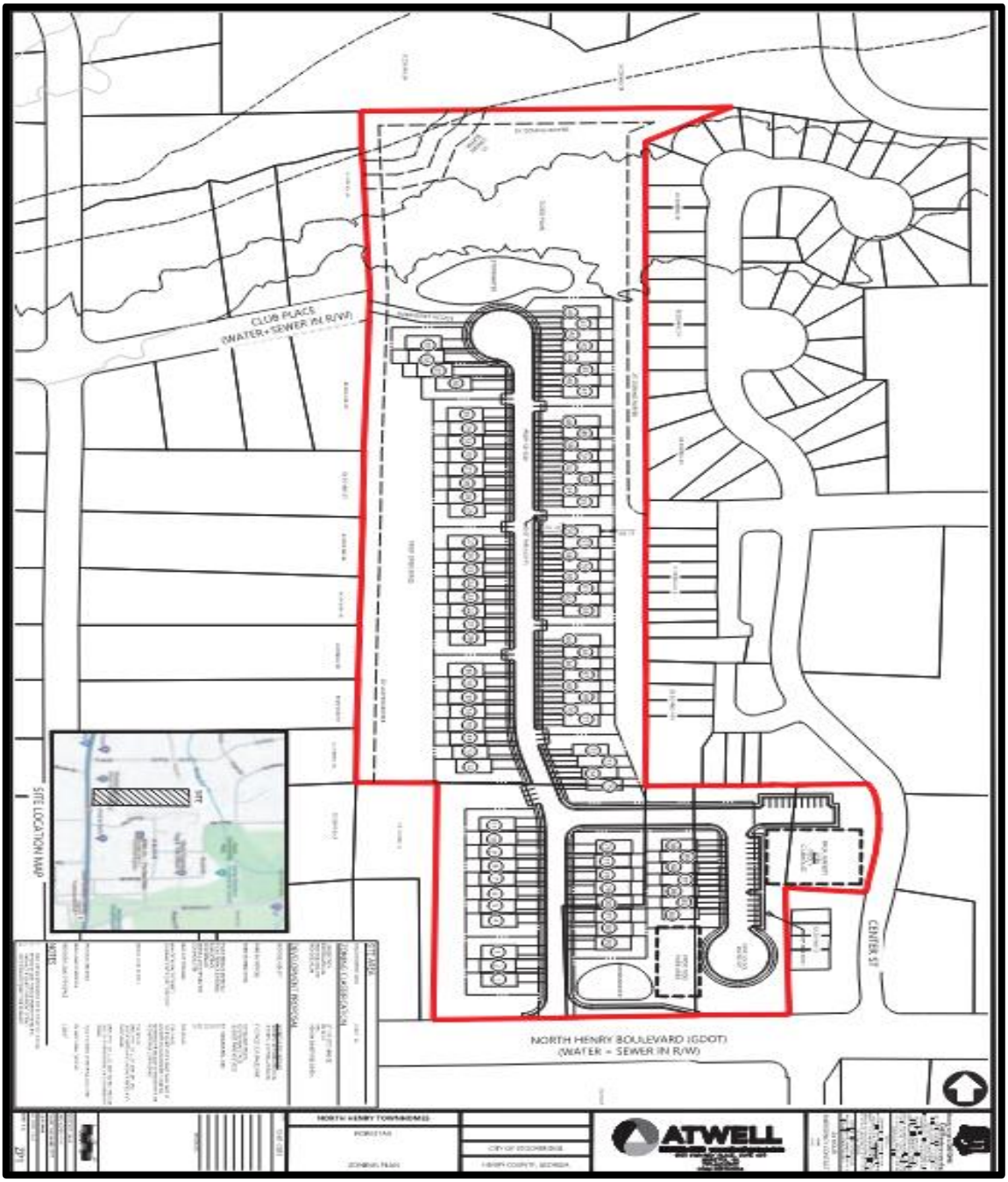
D. Site Plan Design. Regarding the internal site components, a swimmming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain buffer. The required 25-foot zoning buffer would surround the property. A total of 316 parking spaces would be provided, which would consist of 137 surface spaces, 137 driveway spaces, and 42 guest spaces. This would be significantly more than the 203 parking spaces that are required, based on 2.25 required spaces per three-bedroom unit.

E. Open Space. The applicant plans to provide 30 percent of the site for open space, which exceeds the required 15 percent. This would include undeveloped land, the amenity areas, and floodplain areas. Buffers, right-of-way areas, and stormwater ponds would not be included in the provided open space areas. About thirty (30) percent of the site would be

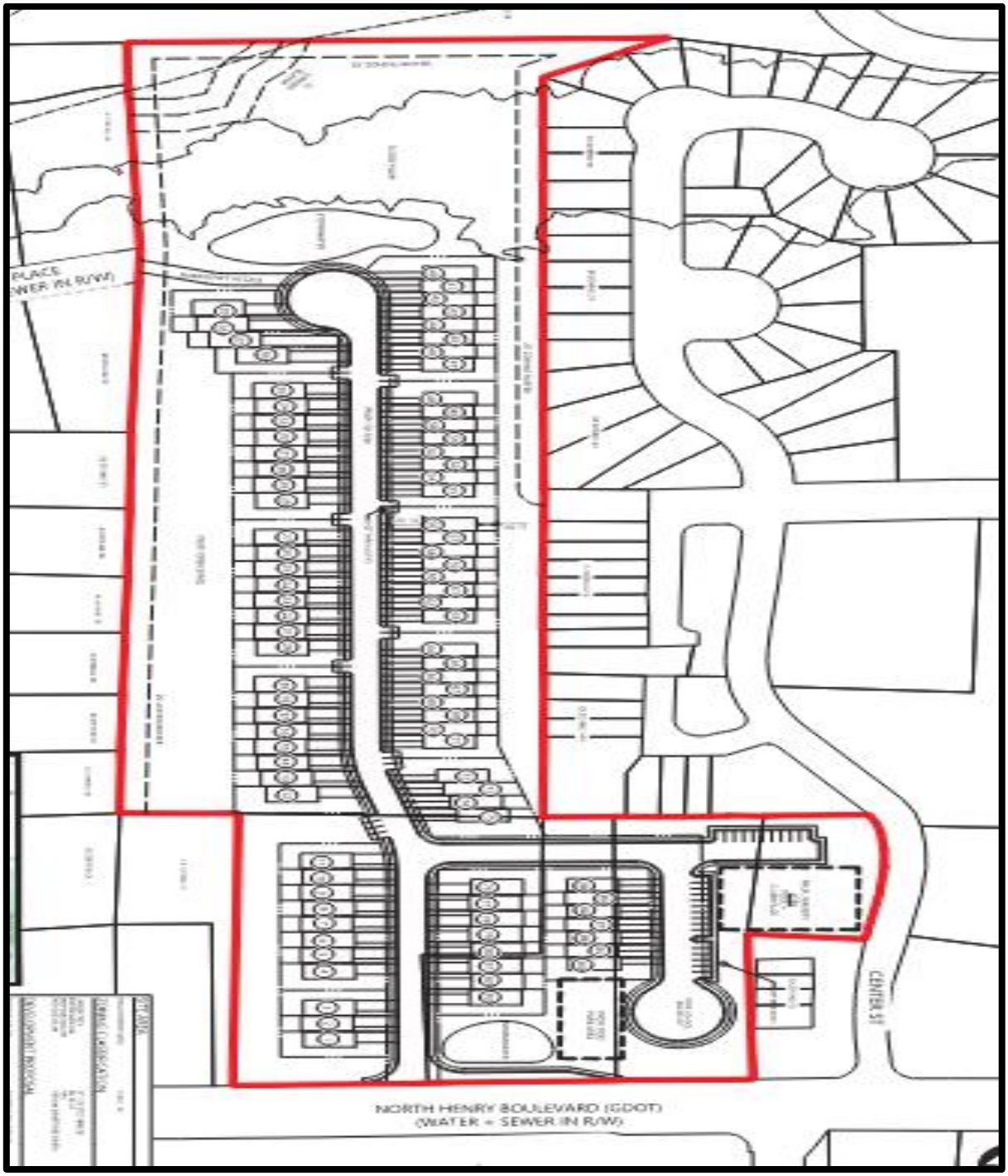
preserved as open space, which includes undeveloped land, amenity areas, and floodplain areas.

F. Townhome Lots and Units. The proposed site plan shows thirteen (13) townhome buildings, which would be spaced at least 20 feet apart, thereby meeting the spacing requirement of the MFR district. Although the overall site would meet the required setbacks, the applicant is seeking a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet to 30 feet. Diagrams of the proposed townhome lots are shown below. The townhome lots would be 24 feet wide for townhome units having two-car garages and 20 feet wide for townhome units having one-car garages. Sample townhome renderings are also shown.

CONCEPTUAL SITE PLAN—TOTAL AREA



CONCEPTUAL SITE PLAN—ENLARGED



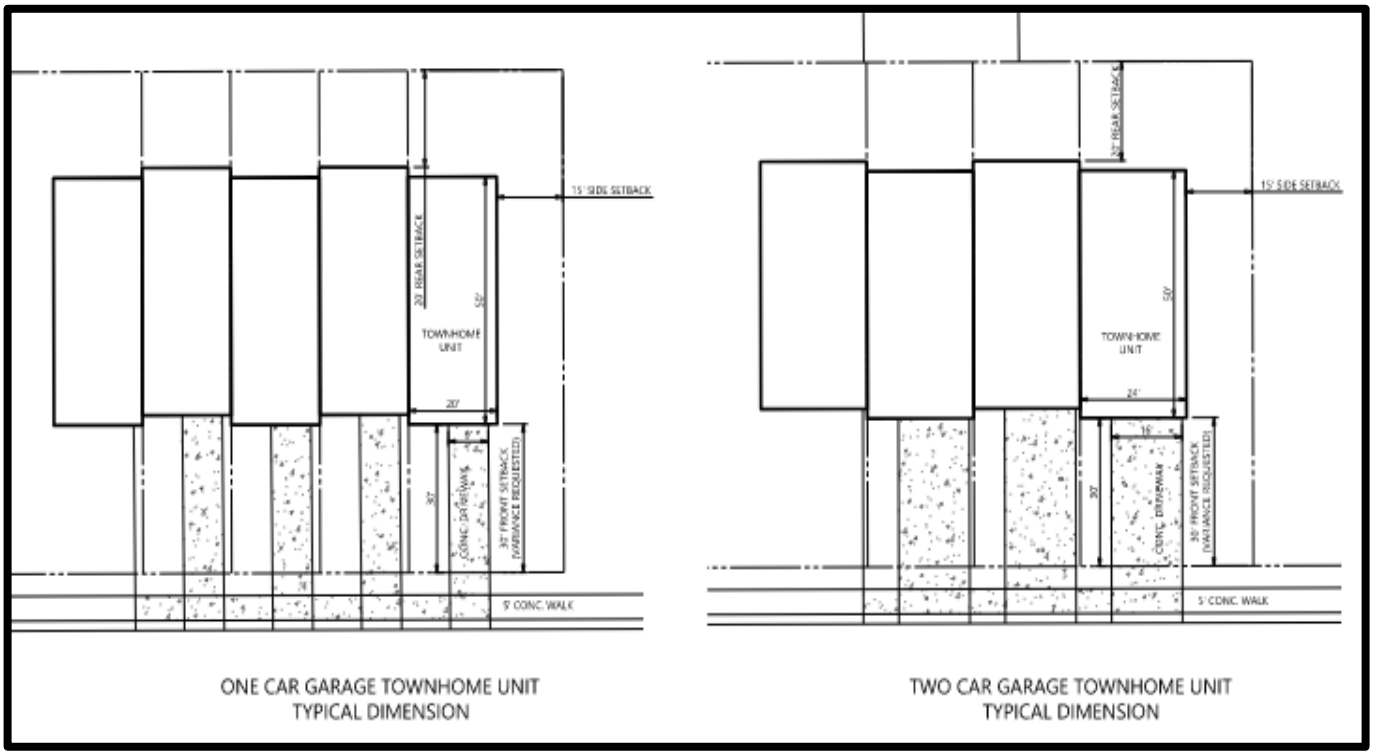
SITE DATA

PROPOSED DENSITY	90 UNITS (5.769 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED	15% (2.4 AC)
ALLOWABLE OPEN SPACE PER CODE	THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

DIAGRAMS OF PROPOSED TOWNHOME LOTS



PROPOSED TOWNHOME RENDERINGS

Townhome Units with One-Car Garages:

Townhome Units with Two-Car Garages:

IV. ANALYSES OF REQUESTS --

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09: Change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

A. Discussion. The City of Stockbridge has adopted the City of Stockbridge Comprehensive Plan 2024-2028 as a guide for the future development of the City, and its Land Use Element provides a vision for the development or redevelopment of land in the City. The current Future Land Use Map shows that four of the parcels comprising the subject property have a future land use designation of "Low-Density Mixed-Use", and the rear portion of the parcel at 4900 North Henry Boulevard is designated as "Medium-Density Residential." The applicant seeks to combine all five parcels under the Medium-Density Residential designation. Both designations are described below.

> Low-Density Mixed-Use. This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail) low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.
>
> Medium-Density Residential (4-7.99 Units / Acre). This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single family attached and detached homes, as well as duplex residential development and mobile home/manufactured home developments.

Since the applicant is not proposing to build any commercial, office, or apartment/condo/loft uses which the Low-Density Mixed-Use designation calls for, this designation would not be appropriate for the proposed townhome development. The Medium-Density Residential designation, though, allows single-family attached homes (i.e., townhomes), which the applicant proposes to build. In addition, the applicant's proposed development would have a density of +/- 5.769 units per acre, which falls within the allowable density of 4-7.99 units per acre. Further, large areas to the east and west of the subject property are designated as Medium-Density Residential; thus, the subject property would be compatible with them.

The Comprehensive Plan also mentions the need for additional housing in the City, as well as a greater diversity in the housing stock to serve young professionals, seniors, and empty nesters. These population groups would be attracted to townhome living, which offers the ability to have home ownership rather than renting; as well as the reduced yard maintenance due to the much smaller size of typical townhome lots. The proposed townhomes would meet these needs.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.

VI. ANALYSES OF REQUESTS – REZONING CASE #RZ-2023-10: Rezone property from SR, OI, and C-1 to MFR

The applicant requests to rezone the subject property via Rezoning Case #RZ-2023-01 from its existing three zoning classifications of SR (Suburban Residential), OI (Office-Institutional), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential) in order to allow for the proposed townhome development. Rezonings are governed by Section 9.2.1(C) of the City of Stockbridge's Unified Development Code (UDC). It states that 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 analysis for CP-2023-09 above pointed out that the applicant's requested land use designation of Medium-Density Residential allows single-family attached homes (i.e., townhomes). The applicant's requested zoning of MFR (Multiple Family Residential) allows townhomes, and the proposed density of +/- 5.769 units per acre, would be within the allowable density range for the Medium-Density Residential designation. Further, the large areas to the east and west of the subject property are designated as Medium-Density Residential. And finally, the proposed townhomes would serve to fill the need for additional housing in the City, particularly for certain population groups, which the Comprehensive Plan has identified. For these reasons, the proposed rezoning would be consistent with the spirit and specifications Comprehensive Plan.

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 UDC states that MFR developments are to be located "with access provided on streets that are classified as collector streets of higher." According to the map of Functional Road Classifications within the 2022 Henry County Transportation Plan, North Henry Boulevard is classified as a a "principal arterial", which is a higher road classification than a collector street. Therefore, townhomes are an acceptable use for the subject property.

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.

The applicant's requested rezoning of the subject property to MFR would be compatible with the existing MFR zoning of the existing Oak Hill Manor and Turning Point subdivisions to the east and northeast, especially because of the proposed development's low density. Further, the presence of an MFR district would serve as an acceptable transition between the C-1 and C-2 districts to the west and east along North Henry Boulevard, and the large SR district to the northwest.

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 is of irregular shape, and it is bordered by Brush Creek and its associate floodplain areas to the north. These factors thereby limit the developability of the site. However, the applicant has designed the site such a manner that the proposed townhomes would avoid the sensitive areas of the property.

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

The submitted site plan shows that the proposed project would not have any accesses to adjacent properties (except for an emergency access to Club Place to the west), thus none of the project's traffic would be traveling through them. In addition, the required 25-foot zoning buffer would surround the site, plus a significant open space area would be provided along the western side of the property, adjacent to the lots comprising the Club Drive Subdivision.

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

The applicant has submitted a letter from the City's Public Works Department, dated

November 22, 2023. It states that the estimated water and sewer usage for the proposed 90 townhome units would be 27,300 gallons each, per day. Further, water and sewer capacity are currently available to serve the proposed development, but the developer must pay for all required connection costs and adhere to the City's Minimum Development Standards. The letter also stated that the developer must submit construction plans to the Public Works Office within one year of the date of the letter, or the reservation of capacity in the sanitary sewer system would expire.

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

The applicant has not submitted a traffic impact study, but projects minimal adverse traffic impacts on North Henry Boulevard, the principal access point. Further, the lack on another access onto surrounding streets (except for an emergency access from Club Drive) would prevent any adverse traffic impacts on the adjacent and nearby residential streets.

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.

No other merits of the requested rezoning have been identified.

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

The subject property could be developed under its three existing zoning classifications, which currently allow neighborhood commercial and office/institutional uses along North Henry Boulevard, and single-family uses on the rear tract for 4900 North Henry Boulevard. However, rather than having several different types of uses in a piecemeal fashion, the rezoning of the property to MFR would allow the development of all five tracts under a unified plan to provide much-needed housing for the City, with primary access from an arterial road.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to rezone all five parcels comprising the subject property to MFR (Multiple Family Residential). Therefore, the Planning and Zoning Staff recommends **APPROVAL WITH CONDITIONS** for RZ-2023-10, based on the zoning conditions that are listed below.

1. **Site Plan –** The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled "North Henry Townhomes: Forestar Zoning Plan", which was prepared by Atwell Group on 12/01/23 and received by the Planning and Zoning Staff on 12/04/23."

2. **Access and Streets –** The developer shall comply with the requirements of the City's Fire Marshall regarding the location, dimensions, and materials for all site accesses and internal streets.

3. **Utilities –** The developer shall comply with the requirements of the City's Public Works Department in a timely manner for the provision of water and sewer facilities to the development site.

4. **Waste Collection –** A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.

5. **Architectural Design:**
   a. All townhome units shall have brick on at least three sides.
   b. At least 80 percent of the townhome units shall have two-car garages.
   c. This shall be a gated community.

6. **Rental Units –** No more than 10 percent of the townhome units may be rented at any one time.

7. **Property Maintenance –** The developer shall create and maintain a townhome association, or secure a property management company, who shall maintain all common areas of the property.

8. **Environmental Protection –** The developer shall take appropriate steps to preserve Brush Creek and adjacent floodplain areas, including wildlife protection measures.

VII. ANALYSES OF REQUESTS – VARIANCE CASE #RZ-2023-05: Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

A. Discussion. The applicant has submitted a **Variance** application (Case #VR-2023-05) to request a variance for the development of the proposed townhome community on the subject property. Section 10.1.2 of the Stockbridge Unified Development Code (UDC) identifies the reduction of a property's front, side, and rear yard setbacks as one of the reasons why an applicant may be allowed to request a variance. The purpose of the applicant's variance request in this case is to reduce the front yard setback within the site from the required minimum of 50 feet to 30 feet within the applicant's requested MFR

(Multiple Family Residential) zoning district.

Section 10.1.2 further states that a variance may be granted only upon a finding by the Mayor and City Council that all of seven listed conditions (i.e., criteria) are met. An analysis of the applicant's variance request is made in the sections below relative to each of the required seven UDC criteria.

ANALYSIS OF U.D.C. CRITERIA:

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

The subject property has an irregular shape and a considerable amount of the land area is unusable due to the presence of a floodplain area at the rear of the property along Brush Creek. These factors make site design challenging by limiting the amount of buildable area and its configuration.

Criterion 'B'. 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.

The applicant may be deprived of the ability to develop a townhome community with lots that are of similar sizes to those which are found in other MFR districts.

Criterion 'C'. 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 requested variance would not confer any special privileges upon the property owner. The same type of variance request has been approved by City Council for several other recently-proposed townhome developments in the City. Further, the denial of the applicant's requested variance would force the developer to unfairly comply with the required standards in developing the site, even though the physical characteristics of the property would make it very difficult to do so, thus cause creating an unnecessary hardship for the developer.

Criterion 'D'. 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 variance would be consistent with the purpose and intent of the Unified Development Code by encouraging the most appropriate use of land and buildings on the

subject property. By having smaller lots, the proposed townhomes would be able to attract buyers who are seeking to do less yard maintenance. Further, more land would be available on the periphery to be left in its natural state, thereby serving as a larger buffer between this development and adjacent properties.

Criterion 'E'. The extraordinary circumstances are not the result of actions of the applicant.

The physical conditions of the subject property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

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

The subject property could still be developed with office-institutional and neighborhood commercial uses under the property's OI and C-1 districts along North Henry Boulevard, but the rear portion of the parcel at 4900 North Henry Boulevard is unlikely to be developed with single-family residential uses under its existing SR classification with its primary access off North Henry Boulevard, between existing commercial and office-institutional uses. And although townhomes could still be developed under the applicant's requested MFR zoning without the granting of front yard setback variance, the developer would be significantly constrained in designing a site plan which would allow the construction of a sufficient number of units to be economically feasible.

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

Townhomes are a permitted use within the requested MFR district.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to approve the applicant's variance request. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.

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 Community Development Department--4602 North Henry Blvd.; Stockbridge, GA 30281 770-389-7900

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/INTIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (**by appointment only**)	**N/A** Pre-App Meeting held on 11.18.2023
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	as one for each owner	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	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 ***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.	☐
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 ***(Only needed if property is not on sewer).***	N/A

Application

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant Forestar (USA) Real Estate Group, Inc. Phone: 804.400.7926 Date: 11.15.2023

Address Applicant: 3330 Cumberland Blvd., Suite 275 Fax _____ Cell # _____

City: Atlanta State: GA Zip: 30309 E-mail: jabrock@sgrlaw.com

Name of Agent J. Alexander Brock - Smith, Gambrell, & Russell, LLP Phone: 404.815.3603 Date: 11.15.2023

Address Agent: 1105 W. Peachtree St., NE, Suite 1000 Fax 404.685.6903 Cell # _____

City: Atlanta State: GA Zip: 30309 E-mail: jabrock@sgrlaw.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 MFR (Multiple Family Residential)

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. JAB/BL **Acknowledgement**

Address of Property: 4844, 4882 and 4900 N. Henry Blvd.

Nearest intersection to the property: North Henry Blvd. and Center St.
(Street Address)

Size of Tract: ± 15.601 acre(s), Land Lot Number(s): 60, District(s): 12th

Property Tax Parcel Number(s): S1802002000, S18-02002005, S18-02002006, S18-02003000, and S18-02004009 **(Required)**

Jack Burke - [signature]
Witness' Signature

[signature]
Signature of Applicant

Jack Burke - Forestar (USA) Real Estate Group, Inc.
Printed Name of Witness

Chris Wilson
Printed Name of Applicant

(Authorized Agent for Forestar (USA) Real Estate Group, Inc.)

[signature]
Notary

JAB/BL
Signature of Agent

(J. Alexander Brock - Smith, Gambrell, and Russell, LLP)

NOTARY STAMP:

Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

(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: _____

Disclosures

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** [X]

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 4th day of December, 2023

Chris Wilson
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent
Forestar (USA) Real Estate Group, Inc.

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4 day of December, 2023

Robyn Fu
Notary Public

Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

* 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 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 17 day of November, 2023

Cynthia C. Quillian
George W. Quillian

~~Applicant's~~ Owner's Name - Printed (QMS Enterprises, LP and George W. & Cynthia Quillan)

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 17th day of November, 2023.

Pamela L. Buttersnitz
Notary Public

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

J. Alexander Brock - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA.
NOTARY PUBLIC

Beverly D. Campbell

Notary Public

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

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(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 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:

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Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kathryn M Zickert

Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

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Yes_____**No** x

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:

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We certify that the foregoing information is true and correct, this 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Dennis J. Webb - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

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

Letters of Ownership

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, George & Cynthia Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

Cynthia L Quillian
George W. Quillian
(George W & Cynthia Quillian)

Date: 11-17-23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, QMS Enterprises hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

George W. Quillian
(Authorized Agent for QMS Enterprises LP)

Date: 11/17/23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L. Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Property Owner’s Authorizations

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at [No Address] [address], with Parcel Number S18-02004009, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia E. Quillan / George W. Quillan Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia E. Quillan / George W. Quillan

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

November 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2007

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4882 North Henry Blvd. [address], with Parcel Number S18-02002005, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Cynthia G. Quillian

Signature: George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian
George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4844 North Henry Blvd. [address], with Parcel Number S18-04003000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia L. Quillian / George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia L. Quillian / George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 North Henry Blvd. [address], with Parcel Number S18-02002000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia G. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

STATE OF GEORGIA
PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 Highway 42 [address], with Parcel Number S18-02002006, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: 404 788 0339 E-mail: GW Quillan@gmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia C. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia C. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
DeKalb County
My Commission Expires
APRIL 5, 2027

Letter of Intent

<u>LETTER OF INTENT</u>

and

Other Material Required by the
City of Stockbridge Unified Development Code
for the Rezoning,
Future Land Use Map Amendment, and Concurrent Variances Application

of

FORESTAR (USA) REAL ESTATE GROUP, INC.

for

± 15.601 Acres of Land
located in
Land Lot 60
12th District, Henry County

<u>REZONE</u>: SR, OI, and C1 to MFR
<u>FLUMA</u>: LDVMU to MDR

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

Forestar (USA) Real Estate Group, Inc. ("Applicant") seeks to rezone ± 15.601 acres of land located in Land Lot 60, 12th District of Henry County to allow a townhome development. The Subject Property is an assemblage of five parcels (S18-02004009, S18-02003000, S18-02002005, S18-02002006, and S18-02002000) fronting the northern right-of-way of North Henry Boulevard and the western right-of-way of Center Street (the "Subject Property"). The Subject Property currently has three different zonings: Suburban Residential District (SR) for parcel S18-02002000; Office Industrial District (OI) for parcels S18-02002005, S18-02002006 and S18-02003000; and Neighborhood Commercial District (C1) for parcel S18-02004009. Additionally, parcels S18-02002005, S18-02002006 and S18-02003000 are within the Parkway Mixed Use Overlay (PMU Overlay). The Subject Property is also located in multiple future land use character areas: Medium Density Residential (MDR) for parcel S18-02002000; and Low Density Vertical Mixed Use (LDVMU) for parcels S18-02002000, S18-02002005, S18-02002006 and S18-02003000. To allow for a cohesive development of the Subject Property, the Applicant files this request to (a) rezone the Subject Property to the City of Stockbridge MFR (Multifamily Residential) zoning district; (b) amend the Future Land Use Map to designate those parcels within the Subject Property that are currently LDVMU as MDR under the City of Stockbridge's Comprehensive Plan; and (c) a concurrent variance to the City of Stockbridge Unified Development Code ("UDC") to reduce the minimum front setbacks.

The City of Stockbridge has experienced significant population growth over the last few decades, but the number of new housing units has not kept pace with that growth. The City of Stockbridge 2024 Comprehensive Plan ("Comp Plan") notes that its population has grown by 24.3 percent over the decade from 2010 to 2020 and is expected to continue to expand

significantly through 2050.[1] The housing supply, however, has lagged behind with only a 13.2 percent growth in new housing units during the 2010-2020 timeframe.[2] As people continue to flock to the City, the need for quality new housing becomes even more apparent. In fact, the Comp Plan predicts that over the next five years, housing demand will require an additional 800 residential units and by 2040 Stockbridge will need 1,700 new residential units.[3]

Additionally, the City's existing housing stock lacks options, which primarily consists of single family detached homes and older small-medium apartments.[4] The lack of housing options has limited home ownership opportunities for young professionals, who are renting rather than buying.[5] The proposed townhomes correct this issue by adding a mix of housing options that are attractive to this demographic. In general, townhomes residences tend to appeal to younger professionals and empty nesters, demographics that are not currently served by the aging duplexes or single family residences in the area. The need for new, diverse housing is also recognized in the Comp Plan:

> Stockbridge's housing profile consists predominantly of single family detached homes and older small-medium apartments with 3 to 49 units. Additional detached and attached homes would better balance the City's housing mix.
> *See Comp Plan, pg. 18.*

> Seventy-nine percent of young professionals entering the workforce and young families (ages 25-34) are renting rather than buying, suggesting a lack of diversity in housing options.
> *See Comp Plan, pg. 12.*

> While Stockbridge has seen some diversification in housing types there is still a need for additional options and price points. This is especially important to accommodate both traditional and non-traditional households as well as to attract young professionals, and serve seniors.
> *See Comp Plan, pg. 25.*

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[1] *See City of Stockbridge 2024 Comprehensive Plan, pp. 13 and 20.*
[2] *Id. at 13.*
[3] *Id.*
[4] *Id. at 12.*
[5] *Id. at 13.*

> The majority of housing in Stockbridge was constructed between 1980 and 1999 at 50% followed by 35% between 2000-2009. Only 11% was constructed between 2010-2019. There is a need for new development in Stockbridge.
> *See Comp Plan, pg. 24.*

The proposed townhomes meet the City's demands for quality housing options.

The Applicant's proposed development will consist of 90 townhome units at a density of ±5.769 units per acre along with amenities and associated site improvements ("Proposed Development"). The unit sizes and heights will meet the requirements of the MFR district and the Parkway Overlay District. The units will all be 3-bedroom units[6] with a mix of units with either 1-car or 2-car garages.[7] The garage parking will total 137 spaces, plus there will be an additional 137 driveway spaces and 24 surface parking spaces for guest parking for a total of 298 parking spaces for the development. The Stockbridge UDC § 4.8.5 requires a minimum of 2.25 parking spaces per 3-bedroom unit and the Proposed Development has 3.31 spaces per unit, which is 95 spaces above the requirement. It is the Applicant's intent to provide ample parking within the development for both the residents and guests. The Proposed Development is also preserving approximately 4.8 acres, or ±30% of the overall property, as open space.[8] The open space includes the preservation of natural vegetation to the north, near Brush Creek. Additionally, the Proposed Development will contain amenities including a pool, clubhouse, and dog park.

The Subject Property is well situated for the proposed townhome development and is surrounded by a compatible mix of residential types and zonings. The Subject Property is bordered to the east by the Oak Hill Terrace duplex community zoned MFR, and single-family

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[6] The proposed units are typically a 3-bedroom unit, however the Applicant is not the end builder and the final bedroom count may vary.
[7] The Applicant is developing the property and the townhome structures will be built by a subsequent home builder.
[8] Open space calculations include undeveloped land, amenity areas, and flood plain. The open space area does not

lots within the Turning Point subdivision, zoned SR. To the west, the Subject Property borders single-family lots along Club Drive and Club Place that are zoned SR, as well as, the right-of-way of Club Place. To the southwest, the Subject Property borders a parcel zoned OI and developed with a professional office building. To the south, the Subject Property borders the right-of-way of North Henry Boulevard.

The development along North Henry Boulevard is largely commercial with some residential development extending away from it, such as the existing residential along Club Drive. North Henry Boulevard is a classified as a principal arterial per the Henry County Road Functional Classification Map. *See the Henry County Transportation Plan, 2022 Update, Figure A-6.* The Stockbridge UDC 2.4.4 notes that the MFR district is intended to have access to a street that is classified as collector streets or higher, thus its location on North Henry Boulevard meets the intent of the UDC.[9] The Proposed Development is also located less than one-half mile west of the Stockbridge's downtown area containing the Stockbridge Amphitheater, Ted Strickland Community Center, and the restaurant/retail in downtown Stockbridge. The property is also within a short distance of many restaurant, retail and grocery uses that are supportive of residential.

In addition to the rezoning, the Applicant is requesting an amendment to the City's Future Land Use Map to designate the Subject Property as MDR land use. It is important to note that a portion of the Subject Property is already designated as MDR on the City's Future Land Use Map.[10] The Applicant seeks to change the Future Land Use Map designation for the front parcels from LDVMU to MDR to allow a cohesive development of the entire property. The Comp Plan notes the following intent for the MDR land use: "This designation is intended for

include buffers, proposed right-of-way or stormwater ponds.

[9] A principal arterial is a more intense (i.e., higher classified) roadway than a collector street.

residential developments…including parcels zoned for single family attached…"[11] The proposed MDR designation is harmonious with the existing land use designations in the vicinity. In fact, the Subject Property is surrounded on three sides, to the north, east and west, by other MDR character areas. The presence of a similarly situated MDR land uses in the area, points to the appropriateness of the Applicant's requested land use.

The Applicant submits this document as a Letter of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written justification for the Application, and an analysis of the factors to be considered for a rezoning per the City of Stockbridge Unified Development Code ("UDC"), § 9.2.2. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

To the Applicant's knowledge, no rezoning applications have been filed concerning the Subject Property.

III. REZONING IMPACT ANALYSIS

A. WHETHER THE PROPOSAL IS CONSISTENT AND/OR COMPATIBLE WITH THE CITY'S PLANS, GOALS AND OBJECTIVES REFLECTED IN THE CITY'S COMPREHENSIVE PLAN.

Yes. As noted above, the Applicant's request for the City designate the Subject Property as MDR land use. The Proposed Development is consistent with this designation and will advance a number of policy goals outlined in the City's Comprehensive Plan, including:

- To provide a variety of housing choices to suit the changing needs and lifestyles of City residents.
- Providing an infusion of new housing to meet the City's population growth;

[10] Parcel S18-02002000 is currently MDR.
[11] *See Comp Plan, pg. 49.*

- Provide a mixture of housing options to attract young professionals, singles, and small families.
- Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods;
- Reduce the impact of new development through the preservation of greenspace; and
- Creating a "sense of place" for the community.

See City of Stockbridge 2024 Comprehensive Plan, pp. 43-44.

In addition, the MDR designation is compatible with character area designations adjacent residential properties. In all, the Applicant's request is in line with the City's goals for growth and is harmonious with what exists in the surrounding areas.

B. HOW THE PROPOSAL IMPACTS THE PURPOSES OF THE OVERALL ZONING SCHEME, AND WHETHER THE PROPOSED CHANGE FURTHERS THE PURPOSE OF THESE ZONING REGULATIONS.

As noted in the paragraphs above, the proposed townhomes and the MFR zoning will be a compatible residential use with the exiting development in the area. The proposed MFR district is also consistent with the existing zoning in the area, which includes MFR districts adjacent to the Subject Property. Moreover, four of the Subject Property's parcels are within the Parkway Mixed Use Overlay, which permits, among others, uses allowed in the MFR district including townhome residential. Accordingly, the proposed townhomes and the MFR zoning are fitting for the area and consistent with the Zoning Regulations.

C. HOW THE PROPOSAL IMPACTS THE ZONING DISTRICT, THE PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, OR THE COMMUNITY.

The Proposed Development will be a positive addition to the area. The Applicant is also paying close attention to scale and buffers to limit any potential impact on the adjacent residential. The primary goal of land use planning is to eliminate or minimize the potential

adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on a particular property to protect neighborhoods from adverse effects. To achieve the onsite transition, the proposed site design will incorporate a 25-foot buffer along the property lines adjacent to SR districts. The Applicant is also preserving ±2.4 acres to the rear of the property that will buffer the properties to the north. The result is a development that is compatible and will exist harmoniously with the surrounding development.

D. WHETHER THE PROPOSAL CREATES AN ISOLATED DISTRICT UNRELATED TO ADJACENT PROPERTIES AND NEARBY DISTRICTS.

No. As noted in the paragraphs above, the adjacent Oak Hill Terrace duplex community is zoned MFR. The Oak Hill Terrace development was built in or around 1985 and has existed harmoniously with the surrounding community for the past 38 years.

E. HOW THE PROPOSAL IMPACTS THE AESTHETIC CHARACTER OF EXISTING AND FUTURE USES OF THE PROPERTY AND THE SURROUNDING AREA.

The proposed townhomes will blend harmoniously with the surrounding developments. The Applicant is preserving a significant amount of natural, wooded area that will buffer the SR zoned properties to the north. Additionally, the Applicant is proposing ±30% of the site as open space and providing onsite amenities for the residents.

F. WHETHER THE PROPOSAL IS CONSISTENT WITH ADJACENT DEVELOPMENT DENSITIES AND THE DENSITY PATTERNS REFLECTED IN THE COMPREHENSIVE PLAN.

Yes. The property is bordered to the east by residential developments with higher densities than the Applicant's proposed ±5.769 units per acre. For example, the adjacent Oak Hill Terrace

duplex community, a property zoned MFR, has a density of ±6.54 units per acre.[12] Also, the Turning Point Subdivision, zoned SR, is even denser at ±7.88 units per acre.[13] It should be noted that Oak Hill Terrace was built in ±38 years ago and the Turning Point subdivision was built ±26 years ago with little newer residential in the immediate area. The proposed MFR zoning will allow a townhome development that is less dense than the adjacent existing development and will provide much needed options for newer housing.

G. HOW THE PROPOSAL IMPACTS THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

The proposal will benefit the public health, safety and general welfare. The Applicant proposes to create a new, vibrant and modern development that diversifies the housing stock available and advances a number of goals outlined in the City's Comprehensive Plan. *See, e.g., Comp Plan at pp. 43-44.*

H. HOW THE PROPOSAL IMPACTS WATER, SEWERAGE, OTHER PUBLIC FACILITIES, OR PUBLIC SERVICES, AND HOW THE PROPOSED AMENDMENT IMPACTS EXPENDITURES OF PUBLIC FUNDS.

The Proposed Development will have access to water in sewer in the adjacent right-of-way. The Applicant has obtained utility availability letters from the City of Stockbridge that demonstrate that water and sewer are available and adequate to serve the Subject Property.

I. HOW THE PROPOSAL IMPACTS TRAFFIC SAFETY AND CONGESTION.

The Applicant does not anticipate any significant impact to the vehicular traffic from the amount of trips that the Proposed Development will generate. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (ITE Category 230 Residential Condo/Townhouse), to calculate vehicle trips for the Proposed Development.

[12] The Oak Hill Terrace community is on ±2.43 acres, as measured through the Henry County Tax Map, and contains 16 units.

[13] Measurements taken from the Henry County Tax Assessors Map show the overall Turning Point subdivision as

According to the ITE Trip Generation Manual, the 90 townhome units will generate ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. The Proposed Development's vehicular trips are not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. The Proposed Development will have direct access to North Henry Boulevard, which is classified as a principal arterial roadway per the Henry County Roadway Functional Classification Map. North Henry Boulevard is a major roadway intended for a high volume of traffic and has an average daily trip count of 30,100 trips.[14] Thus, the Proposed Development's projected trips are inconsequential when compared to the number of vehicles currently accommodated on North Henry Boulevard. Additionally, the Subject Property is approximately one mile from Intrastate Highway 675 (I-675) which can provide quick access to regional transportation. Because the Subject Property is located in proximity to a number of major roadways, its impacts on traffic is anticipated to be minimal.

J. HOW THE PROPOSAL IMPACTS ENVIRONMENTAL CONDITIONS, INCLUDING, BUT NOT LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY, WATER QUALITY AND QUANTITY.

The Applicant will mitigate any potential impacts to the environment by following all City, County, State and Federal requirements related to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.

K. HOW THE PROPOSAL IMPACTS THE PROVISIONS OF ADEQUATE LIGHT AND AIR.

The proposal will have no negative impacts on the provision of adequate light and air. *See also* J, above.

±5.71 acres and containing 45 units.

[14] Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 151-0361.

L. HOW THE PROPOSAL IMPACTS THE VALUE OF ADJACENT PROPERTY.

As the site plan submitted with the application demonstrates, the proposal is a thoughtful residential neighborhood that will deliver quality design and construction, all of which should "raise-the-bar" for future development on adjacent and nearby properties and generate renewed interest in the area.

M. WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED IN ACCORDANCE WITH EXISTING REGULATIONS.

See Section C above.

N. PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL CARRY GREATER WEIGHT THAN OTHER FACTORS. WHERE PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF THE RESIDENTIAL AREA SHALL CARRY GREATER WEIGHT.

The current proposal will have not have a negative impact on the integrity of adjacent and nearby residential neighborhoods. The Applicant has taken careful consideration in the proposed design and incorporated appropriate buffers and setbacks to minimize negative impacts, if any.

IV. CONCURRENT VARIANCE ANALYSIS

The Applicant is seeking one concurrent variance with its request to the following requirement of the Stockbridge UDC:

A. Stockbridge Zoning Ordinance § 2.4.4 to reduce the minimum front yard setback from 50-feet to 30-feet

The Subject Property has an odd L-shape that prevents the efficient layout of the property and inhibits compliance with the 50-foot setback. If the 50-foot front setback were strictly enforced, not only would it result in the loss of units, but it would also push the remaining townhomes closer to the adjacent property. The Applicant's current design leaves much of the existing vegetation undisturbed along the adjacent SR properties. If a 50-foot front setback is required much of the existing vegetation will be removed to construct the units, with no benefit

to the adjacent homeowners or the public in general. Also, the 50-foot setback is excessive and is much larger than what is typically required for townhome developments. For example, Henry County's RS (Residential Suburban) district, which allows townhomes, requires a minimum 25-foot front yard setback. *See Henry County Code of Ordinances § 2.01.02.I*. The strict enforcement of the 50-foot front yard setback would result in a large front yard that will require more maintenance. One of the major benefits to living in a townhome, compared to a traditional single family detached home, is the absence of yard maintenance. Consequently, requiring a 50-foot front yard would eliminate one of the major attractions to owning a townhome as compared to a single family detached residence.

Pursuant to the City of Stockbridge UDC § 10.1.2, the criteria for granting the variance are met. First, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. Second, a literal interpretation of the Stockbridge UDC would deprive the Applicant of rights commonly enjoyed by other properties of the district in which the property is located. Third, the grant of the variance will not confer any special privileges upon the Applicant that are denied to other properties of the same district. Fourth, the requested variance will be consistent with the purpose and intent of the UDC, will be compatible with uses on neighboring properties, and will serve the public welfare. Fifth, the special circumstances necessitating the variance are not the result of the actions of the Applicant. Sixth, the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Finally, the variances will not permit a use of land, buildings, or structures that are not permitted by right in the proposed zoning district.

V. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional and contrary to the best interest of the health and welfare of the citizens of the City of Stockbridge, and constitutes an arbitrary and capricious act. As a result, the City of Stockbridge Unified Development Code is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the current zoning violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional in that it renders the Subject Property unusable and destroys its marketability. Therefore, the current zoning constitutes a taking of the Applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The Zoning Ordinance of the City of Stockbridge lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance

violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

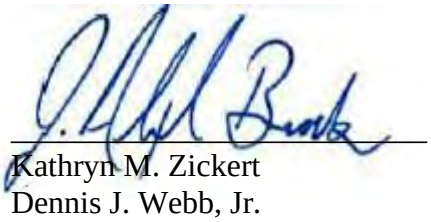
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning, Future Land Use Map Amendment, and Concurrent Variance Applications 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.

This 4th day of December, 2023.

Respectfully submitted,



Kathryn M. Zickert
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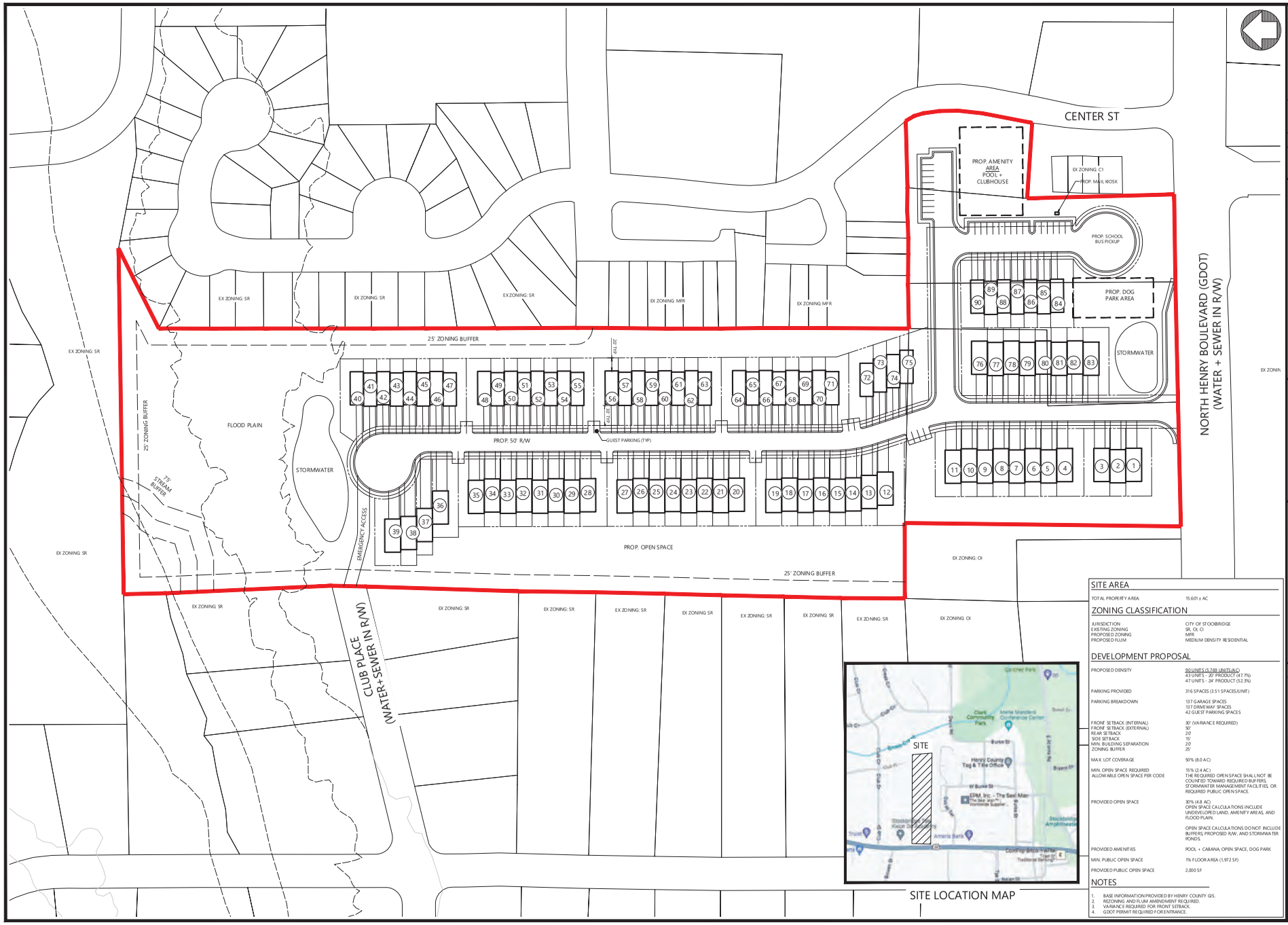
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

Site Plan



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON AN APPROXIMATE BASIS ONLY. THE LOCATIONS MUST BE INDEPENDENTLY VERIFIED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTING UTILITIES PRIOR TO BEGINNING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONTRACTOR IS SOLE SAFETY IS THE SOLE RESPONSIBILITY ON THIS SITE. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR AT THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA
770.423.0507
COA# PEF002604

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES
FORESTAR
ZONING PLAN

DATE 12-01-2023

REVISIONS

0 30' 60
SCALE: 1" = 60'

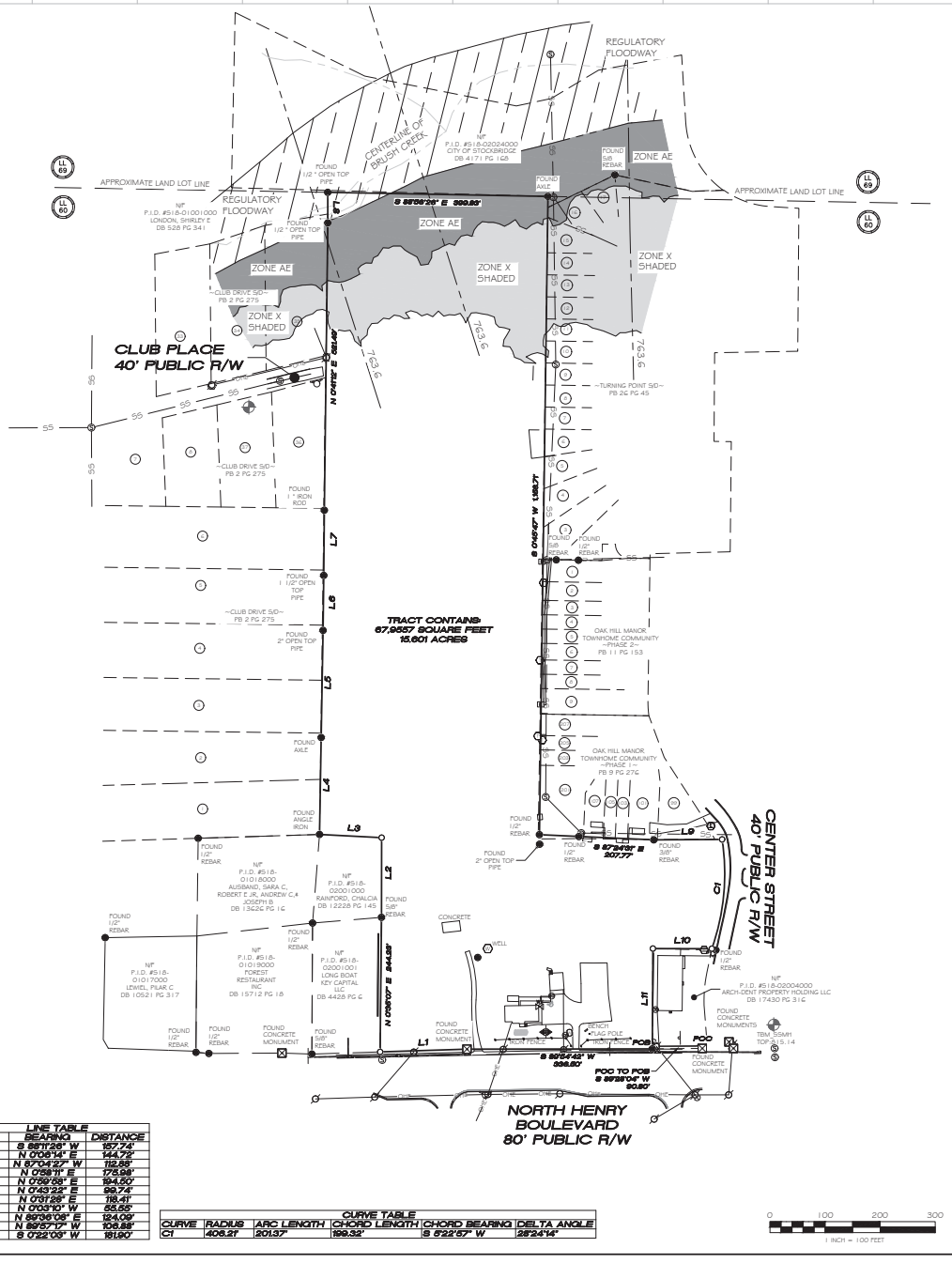
DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ###
SHEET NO. ZP1

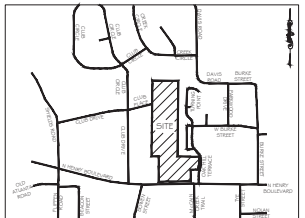
NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

Survey

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.





VICINITY MAP - NOT TO SCALE

SURVEY NOTES

1. All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Henry County, Georgia, (Community-panel number 13151C0086D, dated October 6, 2014), a portion of the property lies within the following zones: Zone X, Zone X Shaded, Zone AE, and Regulatory Floodway with BFE.
4. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 11-28-2023 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
5. The field data upon which this plat is based was gathered using base and rover using multiple setups and duplicate observations on corners. The processed data has a horizontal position of less than .035'. The scale factor used to adjust the points to ground distances: 1.0001325354290.
6. This plat has been calculated for closure and is found to be accurate within one foot in xx,xxx feet.
7. Equipment used for measurement: GPS: Leica GS18 GPS Base and Rover Receivers
8. Contours and spot elevations shown hereon are based on U.S.G.S. datum (NAVD 88), site benchmarks are shown hereon.
9. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
10. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
11. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
12. There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field Survey.
13. LJA Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
14. At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
15. Current property owner/Site address:

SURVEYOR CERTIFICATION

TO: XXXXXX & XXXXXXX Title Insurance Company

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF NOVEMBER OF 2023.

DRAFT

12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

SURVEYOR CERTIFICATION

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.

DRAFT

12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

LEGEND

SIGN
GROUND LIGHT
LIGHT POLE
SPOT ELEVATION
WATER VALVE
FIRE HYDRANT
WATER METER
IRRIGATION CONTROL VALVE
WATER MARKER/ MONUMENT
WATER VAULT
GRATE INLET
STORM SEWER MANHOLE
SANITARY SEWER MANHOLE
CLEANOUT
GREASE TRAP
UTILITY POLE
GUY WIRE
ELECTRIC BOX
ELECTRIC MANHOLE
ELECTRIC METER
GAS VALVE
GAS METER
TELEPHONE MANHOLE
TELEPHONE BOX
TELEPHONE PEDESTAL
FIBER OPTIC MARKER
FIBER OPTIC BOX
TRAFFIC SIGNAL POLE
PARKING COUNT
HANDICAP PARKING COUNT
HARDWOOD TREE
ORNAMENTAL TREE
MAILBOX
BENCHMARK
IRON PIN FOUND
COMPUTED POINT
IRON PIN SET
R/W MARKER

ASPHALT
CONCRETE
GRAVEL
(M) MEASURED DISTANCE
(C) CALCULATED DISTANCE
(R) RECORD DISTANCE
CTP CRIMP TOP PIPE
OTP OPEN TOP PIPE
CMP CORRUGATED METAL PIPE
HDPE HIGH DENSITY POLYETHYLENE PIPE
DIP DUCTILE IRON PIPE
PVC POLYVINYL CHLORIDE PIPE
RCP REINFORCED CONCRETE PIPE
OCS OUTLET CONTROL STRUCTURE
HW HEADWALL
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
STORM SEWER LINE
SANITARY SEWER
WATER LINE
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
PROPERTY LINE
ADJACENT PROPERTY LINE
FENCE
SINGLE WING CATCH BASIN
DOUBLE WING CATCH BASIN
LAND LOT

File Location: n:\projects\stockbridge\forestar\2023 (forestar)\2301 (north henry road)\06 survey\ljaf.2301 (north henry road)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°26' W	157.74'
L2	N 00°34' E	144.72'
L3	N 87°04'27" W	112.85'
L4	N 05°31' E	173.59'
L5	N 05°59' E	194.50'
L6	N 04°32' E	99.74'
L7	N 01°28' E	118.41'
L8	N 00°10' W	65.68'
L9	N 89°06'06" E	124.09'
L10	N 89°57'17" W	106.88'
L11	S 02°09' W	181.90'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	406.21'	201.37'	199.32'	S 5°22'57" W	28°24'14"

0 100 200 300

1 INCH = 100 FEET

LJA SURVEYING INC.
4525 SOUTH LEE STREET
BUFORD, GA 30518
Phone: 713.953.5200
LSF No.: 1390

LOCATED IN:
LAND LOT 60
12TH DISTRICT
HENRY COUNTY, GEORGIA

ALTA/NSPS LAND TITLE SURVEY
NORTH HENRY TRACT
FOR
FORESTAR GROUP

ISSUE	DATE	DESCRIPTION
INITIAL	11-04-23	
REV. 1		
REV. 2		
REV. 3		
REV. 4		
REV. 5		
REV. 6		
REV. 7		

DRAFTED BY: JTH

CHECKED BY: MCB

PROJECT #: LJA54283-2301

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SHEET NO: 1 OF 1

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 2.201 acres, more or less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) a distance of 521.45 feet to an iron pin and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence N 0° 34' 49" W a distance of 409.52 feet to a point; run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence S 0° 1' 35" E a distance of 207.8 feet to a point; run thence S 85° 33' 22" W a distance of 109.17 feet to a point; run thence S 4° 11' 54" E a distance of 185.71 feet to a point on the margin of the Right-Of-Way of State Route No. 42; run thence S° 87 50' 59" W a distance of 187.77 feet to the TRUE POINT OF BEGINNING.

ALSO: ALL THAT TRACT OR PARCEL OF LAND LYING and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 10.72 acres, more of less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Route No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Route No. 42) a distance of 521.45 feet to an iron pin found; run thence N 0° 34' 49" a distance of 409.52 feet to a point and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence N 01° 27' 26" W a distance of 9.02 feet to a ½" rebar; run thence 01° 27' 26" W a distance of 1,166.58 feet to a point; run thence S 88° 54' 18" W a distance of 399.82 feet to a point; run thence S 01° 36' 16" E a distance of 795.09 feet to a point; run thence S 01° 11' 25" E a distance of 371.5 feet to a point; run thence S 89° 47' 51" E a distance of 113.18 feet to a ½" rebar and the TRUE POINT OF BEGINNING.

All according to survey for Mrs. Marion Power Geis, prepared by Griffin Engineering Company, dated March 17, 1980, and bearing the certification of Robert S. Mitchell, G.R.L.S.

All of the above being that same property that was conveyed by Warranty Deed recorded in Book 646, Page 136 of the Records of the Clerk of the Superior Court, Henry County, Georgia, and being the same property that was conveyed to George W. Quillian by Warranty Deed recorded in Book 646, Page 136 of the Superior Court Clerk, Henry County, Georgia.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lot 60 of the12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.24' left of and opposite station 91.41.13 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 00° 09' 13" E a distance of 19.76' to a point; thence N 88° 43' 08" E a distance of 156.53' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 29.88' to a point; thence S 02° 50' 59" E a distance of 19.39' to a point; thence S 88° 36' 54" W a distance of 187.43' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as shown on Plat of Survey made by Lewis Roland Hurd, a Georgia Registered Land Surveyor, dated April 17, 1979, and revised November 12, 1985, entitled "Property of Miriam Dodd Mays, Lewis Hurd Surveyors drawing No. LHS 78362-D," the same Plat of survey being recorded at Plat Book _____, Page _____, Henry County, Georgia, Records, and more particularly described as follows:

A POINT OF REFERENCE as the intersection of the centerline of Club Drive and the extension of the north right-of-way line of (50' R/W) of North Henry Boulevard; from the Point of Reference N 87° 50' 59" E 694.1 feet along the north right-of-way (50' R/W) line of North Henry Boulevard to the POINT OF BEGINNING; thence N 00° 40' 58" W 184.55 feet to an iron pin; thence, N 85° 06' 33" E 114.41 feet to an iron pin; thence, 00° 01" 35" W 207.80 feet to an iron pin; thence, S 89° 48' 14" E 70.00 feet to an iron pin; thence, S 00° 18' 54" E 394.95 feet to a point on the north right-of-way line of North Henry Boulevard; thence, S 87° 50' 59" W 184.0 feet along the north right-of-way line of North Henry Boulevard to the Point of Beginning.

BEING A TRACT OF LAND containing 1.087 acres, bounded on the west by lands of George W. Quillian, on the north by Mostok, Inc., on the east by the Turpin Estate and on the south by North Henry Boulevard, and being the same property conveyed to J.T. Mays, Jr., at Deed Book 103, Page 574, Henry County Records.

This conveyance is subject to a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 287, Henry County Records; and a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 288, Henry County Records.

LESS AND EXCEPT: ALL that tract or parcel of land lying and being in Land Lot 60 of the 12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.64' left of and opposite station 93+28.50 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 02° 50' 59" W a distance of 19.39' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 169.01' to a point; thence S 00° 34' 42" W a distance of 19.08' to a point; thence westerly along a curving line having a radius of 11,449.16' for an arc distance of 167.86' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per a plat of survey prepared by Alvin E. Vaughn & Associates, Inc. dated October 13, 1987 for George W. Quillian being more particularly described as follows:

To ascertain the True Point of Beginning, commence at a reference point located at the intersection of the North right of way line of North Henry Boulevard with the West right of way line of Burke Street; thence West along the North right of way line of North Henry Boulevard 1044.5 feet to an iron pin; thence North 01 degrees 16 minutes 00 seconds East a distance of 200 feet to the True Point of Beginning; thence North 01 degrees 25 minutes 29 seconds East a distance of 197.47 feet to an iron pin found; thence South 89 degrees 23 minutes 38 seconds East a distance of 124.17 feet to a point located on the Western right of way of Center Street; thence in a South South West direction along and following the curvature of said Center Street a distance of 201.37 feet to an iron pin; thence North 88 degrees 56 minutes 20 seconds West a distance of 106.88 feet to an iron pin and The True Point of Beginning. Said tract containing .559 acres.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per plat prepared by Lewis Hurd Surveyors, Registered Land Surveyor of the Beverly Ross Turpin Estate dated April 12, 1981 containing 1.25 acres and recorded in Plat book 9, Page 49, Henry County Records. Said plat and the record thereof is hereby incorporated by reference for description and all other legal purposes.

LESS AND EXECPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 26.03 feet left of and opposite station 94+99.99 on the construction centerline of S.R. 42 and S.R. 138 (US 23) on Georgia Highway Project FR-037-2(32); running thence North 0 degrees 34 minutes 42 seconds East a distance of 18.08 feet to a point; thence

Easterly along a curving line having a radius of 11,504.16 feet for an arc distance of 137.31 feet to a point; thence South 00 degrees 38 minutes 09 seconds West a distance of 18.96 feet to a point; thence Westerly along a curving line having a radius of 11,449.16 feet for an arc distance of 137.29 feet back to the point of BEGINNING.

Water and Sewer Availability Letter/Email

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

November 22, 2023

Mr. Renato Ghizoni
Director of Entitlements
3300 Cumberland BLVD Suite 275
Atlanta, Georgia 30339

RE: Parcel Nos. S18-02002000, S18-02002005, S18-02002006, S18-02003000, and S18-02004009

Dear Mr. Ghizoni,

The City has reviewed your request for water and sewer services for the proposed ninety (90) unit townhome community located at 4900 North Henry BLVD. The estimated water and sewage usage is as follow:

- Water – 90 Units x 300 gpd = 27,300
- Sewer – 90 Units x 300 gpd = 27,300

Water and sewer services are available; however, the following are required:

- All costs associated with connecting to the water and sewer systems are the developer's responsibility.
- The developer must adhere to the City's Minimum Development Standards.

Currently there is available capacity in the sanitary sewer collection system for the requested flows of 27,300 gpd but, if construction plans are not submitted within one (1) year (November 22, 2024), this reservation of capacity shall expire.

Please let me know if you have any further questions.

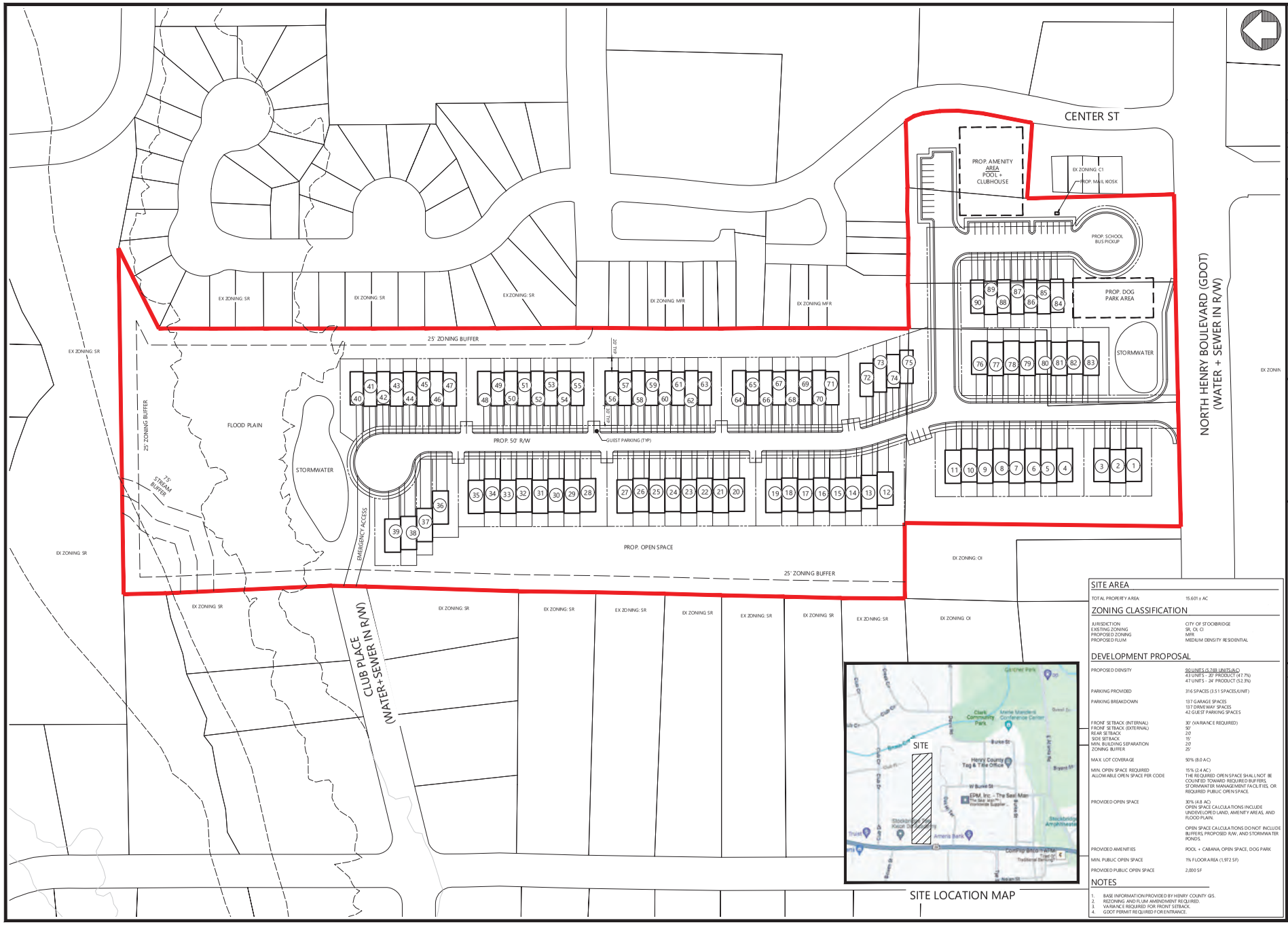
Sincerely,

Decius T. Aaron

Decius T. Aaron
Public Works Director

Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON AN APPROXIMATE BASIS ONLY. THE LOCATIONS MUST BE INDEPENDENTLY VERIFIED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTING UTILITIES PRIOR TO BEGINNING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONTRACTOR IS SOLE SAFETY IS THE SOLE RESPONSIBILITY ON THIS SITE. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR AT THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA
770.423.0507
COA# PEF002604

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES
FORESTAR
ZONING PLAN

DATE 12-01-2023

REVISIONS

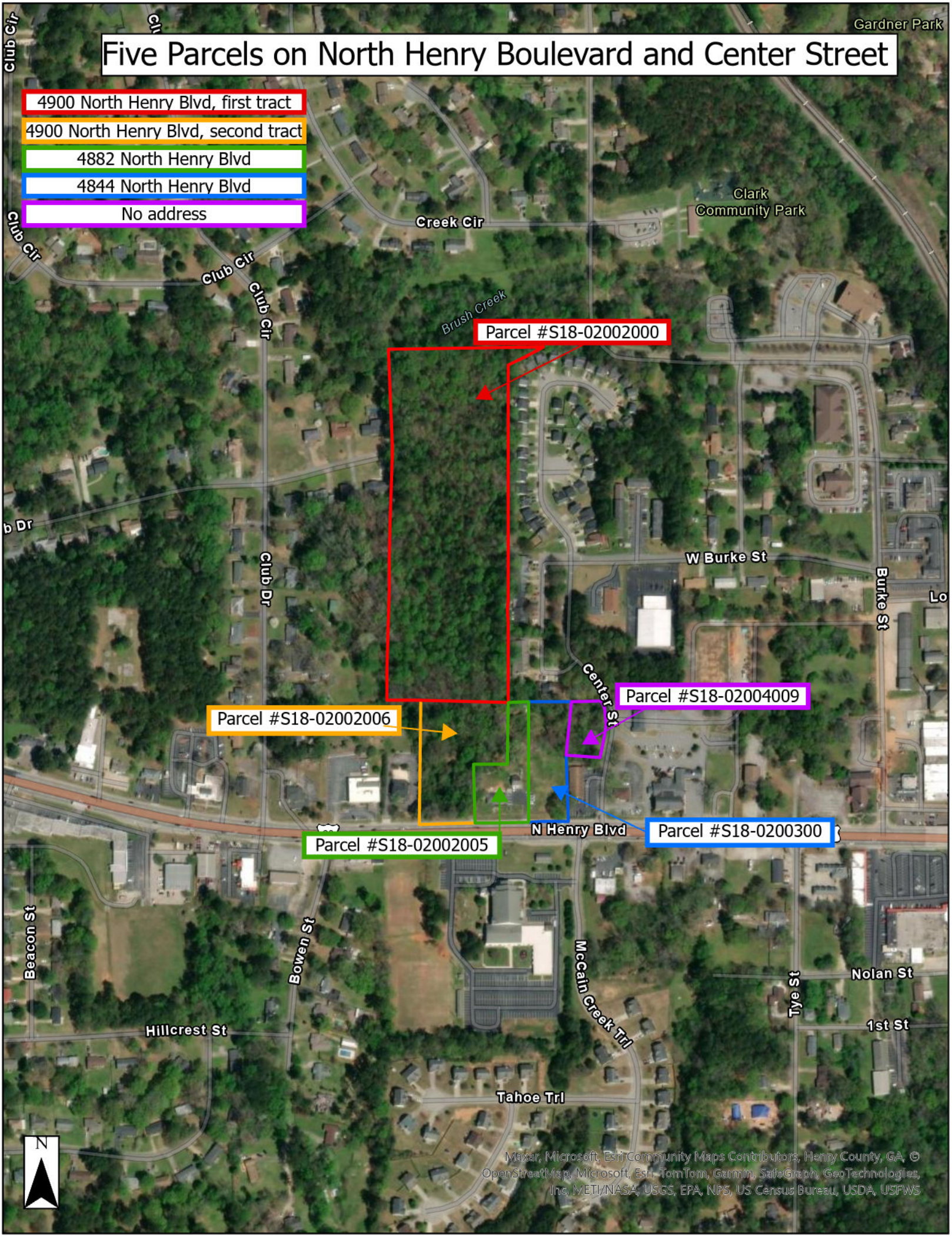
0 30' 60
SCALE: 1" = 60'

DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ###
SHEET NO. ZP1

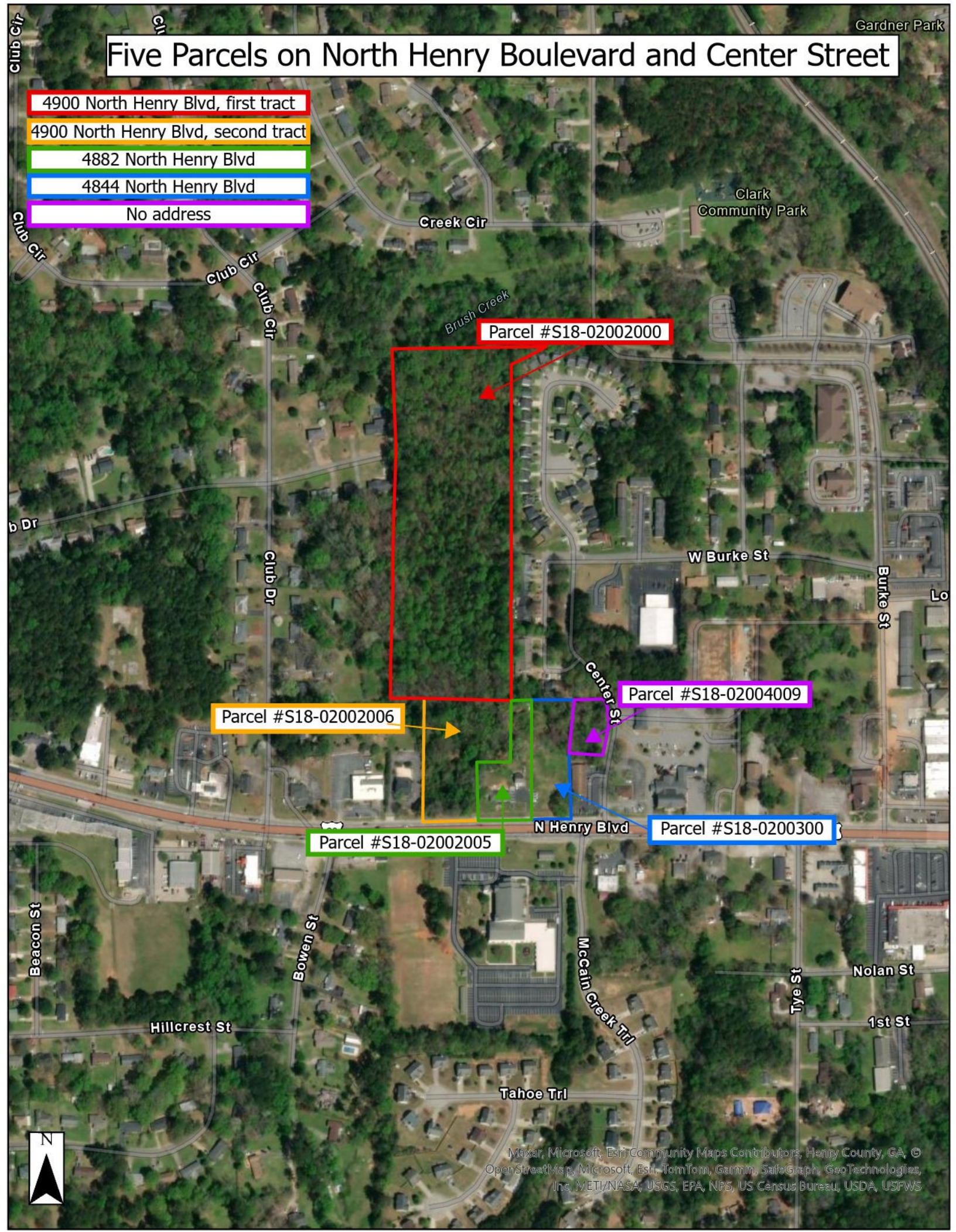
NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

Five Parcels on North Henry Boulevard and Center Street



Five Parcels on North Henry Boulevard and Center Street



TO: Stockbridge Mayor and City Council

Stockbridge Planning Commission

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

CC: Ryan Anderson, Chief Planner

DATE: January 25, 2024

SUBJECT: **Combined Staff Report for Three Cases (CP-2023-09, RZ-2023-10, and VR-2023-05) Pertaining to a Proposed Townhome Development to be Located on Five Parcels at North Henry Boulevard and Center Street (Council District 4).**

I. PURPOSE

The applicant, Forestar (USA) Real Estate Group, Inc. (represented by J. Alexander Brock of Smith, Gambrell & Russell, LLP), proposes to build a townhome development on five parcels which are located on the north side of North Henry Boulevard and the west side of Center Street. For such purpose, the applicant has filed three applications, which were received by the Planning and Zoning Office on December 4, 2023. This is a combined staff report which analyzes the three cases which are listed below.

- Comprehensive Plan Amendment Case #CP-2023-09 – The applicant proposes to change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

- Rezoning Case #RZ-2023-10 – The applicant proposes to rezone the subject property from 'SR' (Suburban Residential), 'OI' (Office-Industrial), and 'C-1' (Neighborhood Commercial) to MFR (Multiple Family Residential).

- Variance Case #RZ-2023-05 – The applicant requests a variance to reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR (Multiple Family Residential) zoning.

The subject property is located in Land Lot 12 of District 6, with 15.601 +/- total acres within the Stockbridge City Limits. The five parcels are listed below.

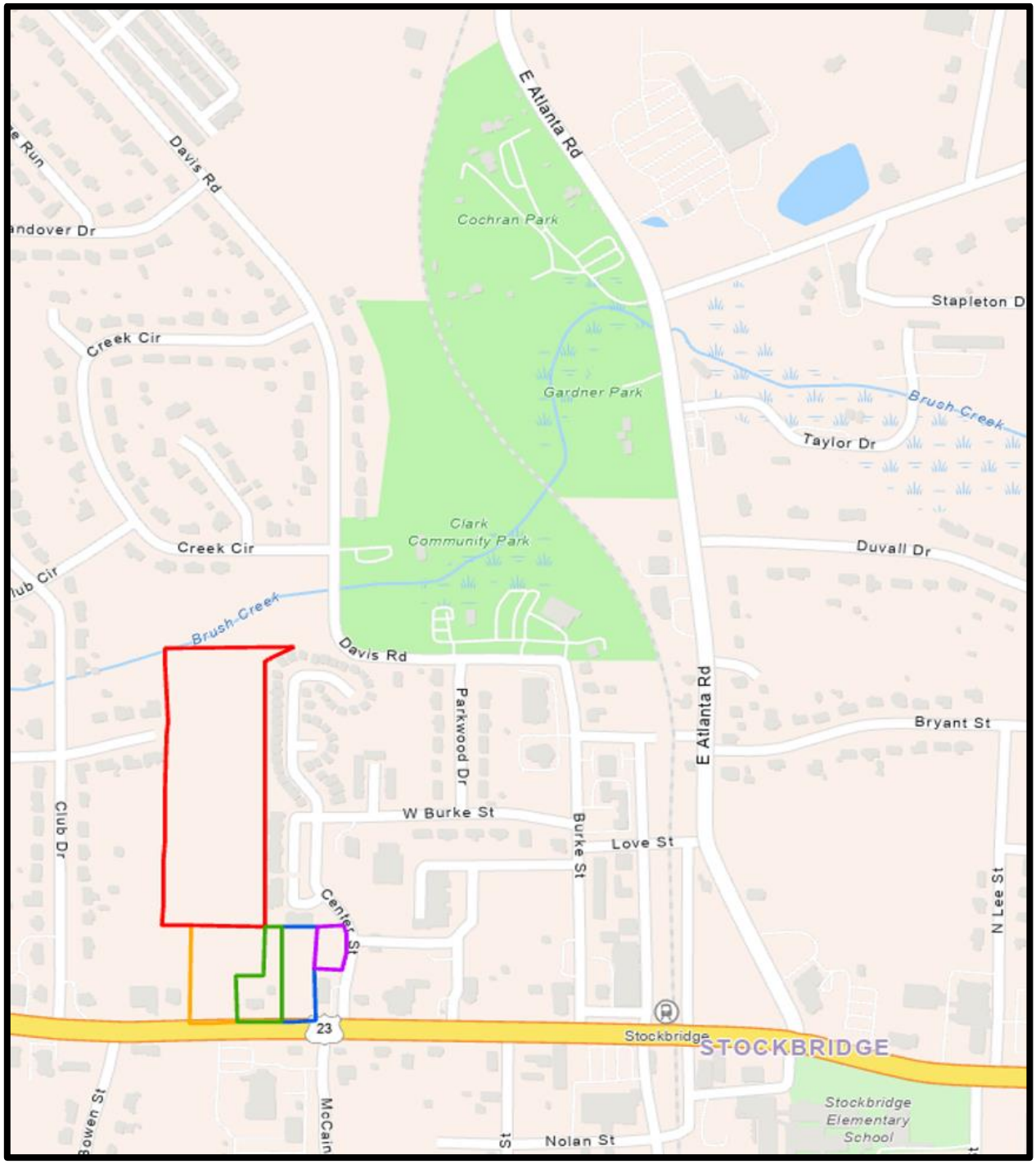
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
3. 4900 North Henry Boulevard, first tract (Parcel #S18-02002000) -- Contains 10.62 +/- acres. Existing future land use designation: 'MDR' (Medium-Density Residential). Zoned 'SR' (Suburban Residential).
4. 4900 North Henry Boulevard, second tract (Parcel #S18-02002006) -- Contains 2.21 +/- acres. Existing future land use designation: LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
5. Parcel on Center Street with No Address (Parcel #S18-02004009) -- Contains 0.56 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'C-1'.

II. CASE FACTS

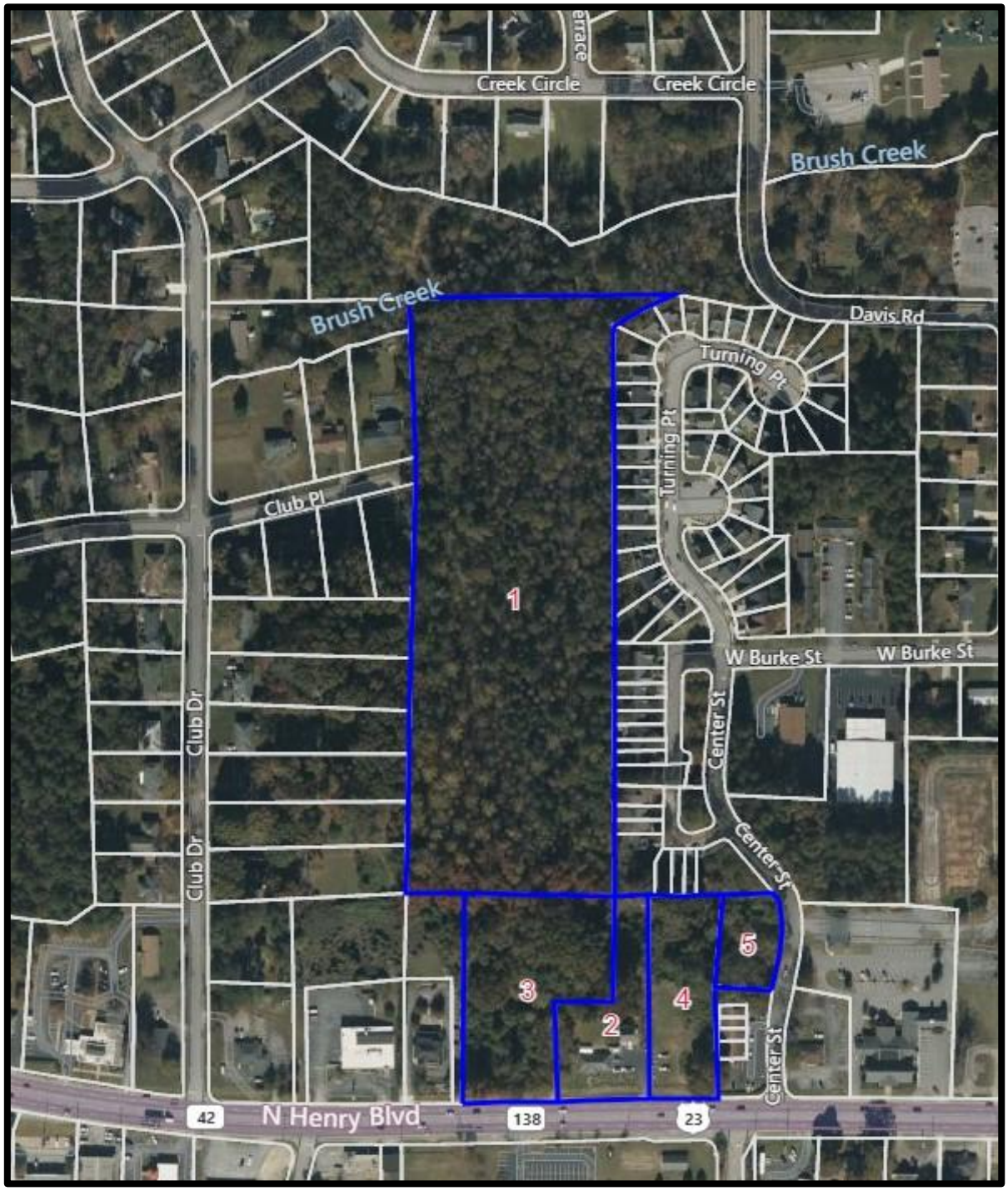
Proposed Development:	90 townhome units at a density of +/- 5.769 units per acre.
Applicant:	Forestar (USA) Real Estate Group, Inc.
Site Address:	4844, 4882, and 4900 (two tracts) on North Henry Boulevard, plus Parcel #S18-02004009 on Center Street.
Parcel ID and Acreage:	Listed above.
District and Land Lot:	District 6, Land Lot 12
Owner:	QMS Enterprises, LP and George @. & Cynthia Quillan.
Property Location:	North side of North Henry Boulevard and west side

	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ North—Vacant land. ~ West—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ East—Holly Salon and Ameris Bank. ~ South—North Henry Boulevard. ~ Northeast—Oak Hill Manor and Turning Point subdivisions.
Existing and Proposed Zoning:	From OI (Office-Institutional), SR (Suburban Residential), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential). All but the rear of 4900 North Henry Boulevard also lies within the PMU (Parkway Mixed-Use Overlay District).
Surrounding Zoning:	OI to the west, SR to the north, and MFR to the east and northeast.
Existing and Proposed Future Land Use Designation:	From LDMU (Low-Density Mixed-Use) and MDR (Medium-Density Residential) to MDR (Medium-Density Residential).
Surrounding Future Land Use Designations:	Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/Downtown Village Overlay District to the east.
Property Conditions:	Site is mostly wooded, except for the structures along North Henry Boulevard. The rear of the property is bordered by Brush Creek and its floodplain.

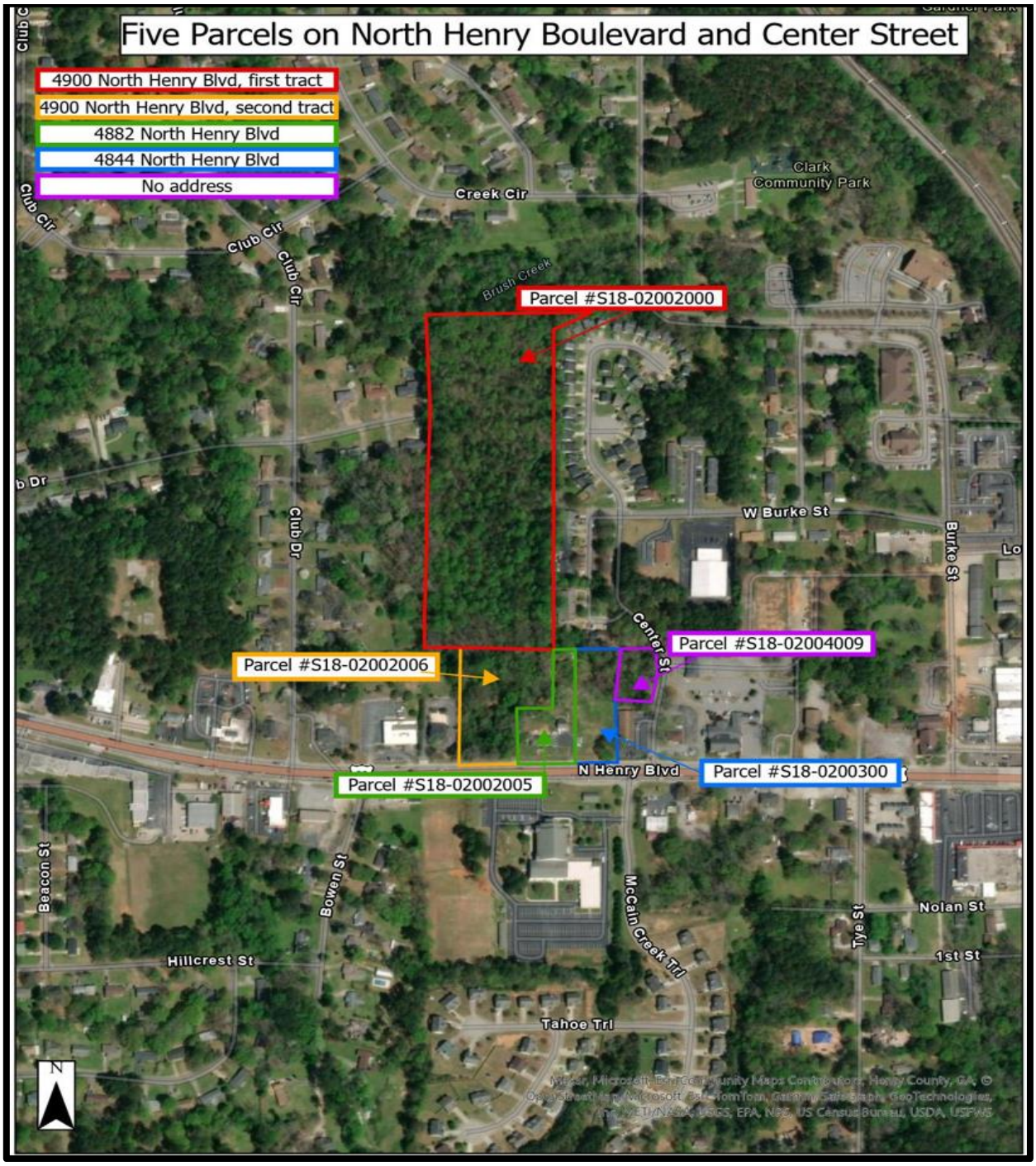
VICINITY MAP



NEIGHBORHOOD MAP FROM THE APPLICANT

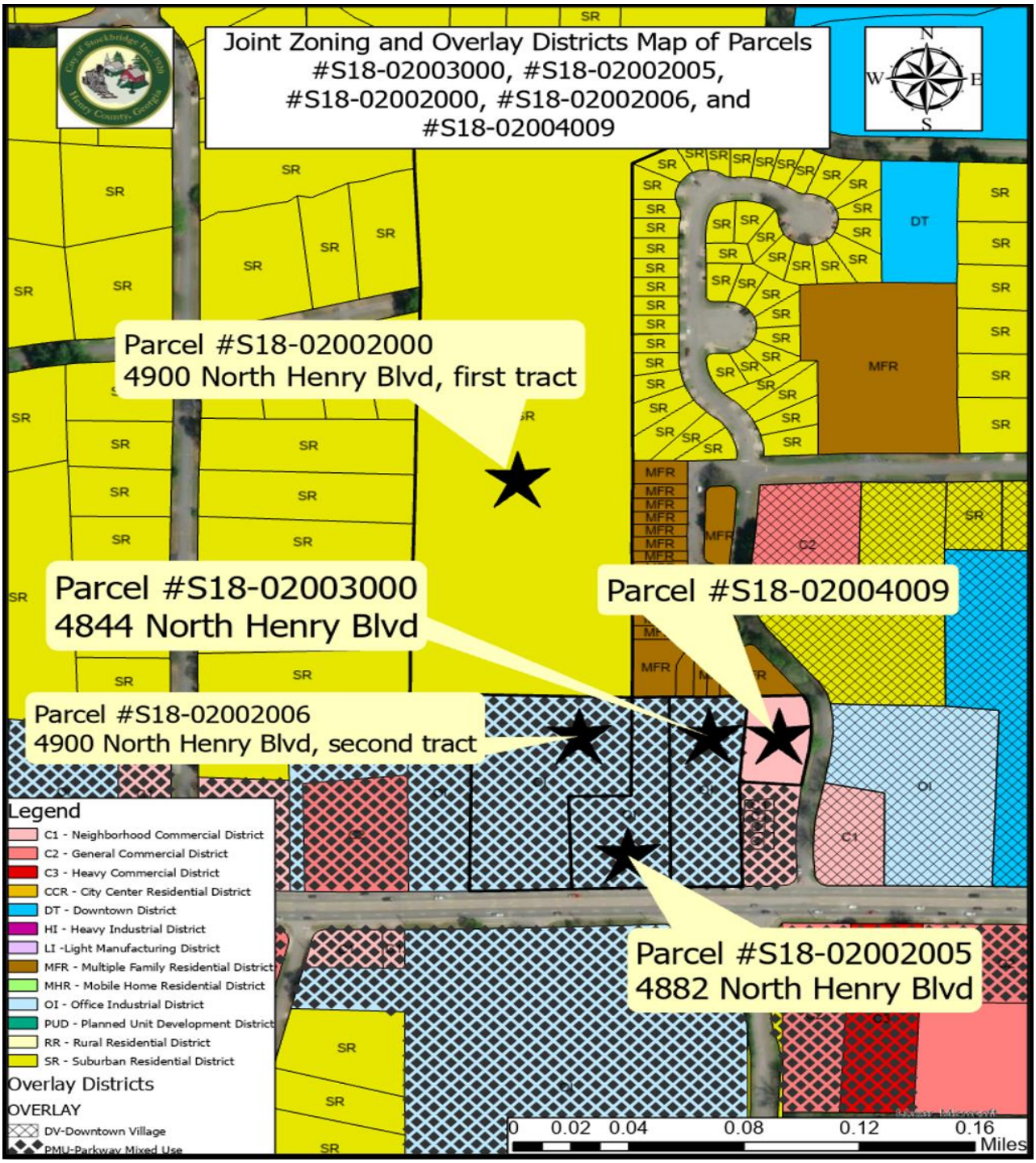


AERIAL PHOTOGRAPH SHOWING FIVE PARCELS

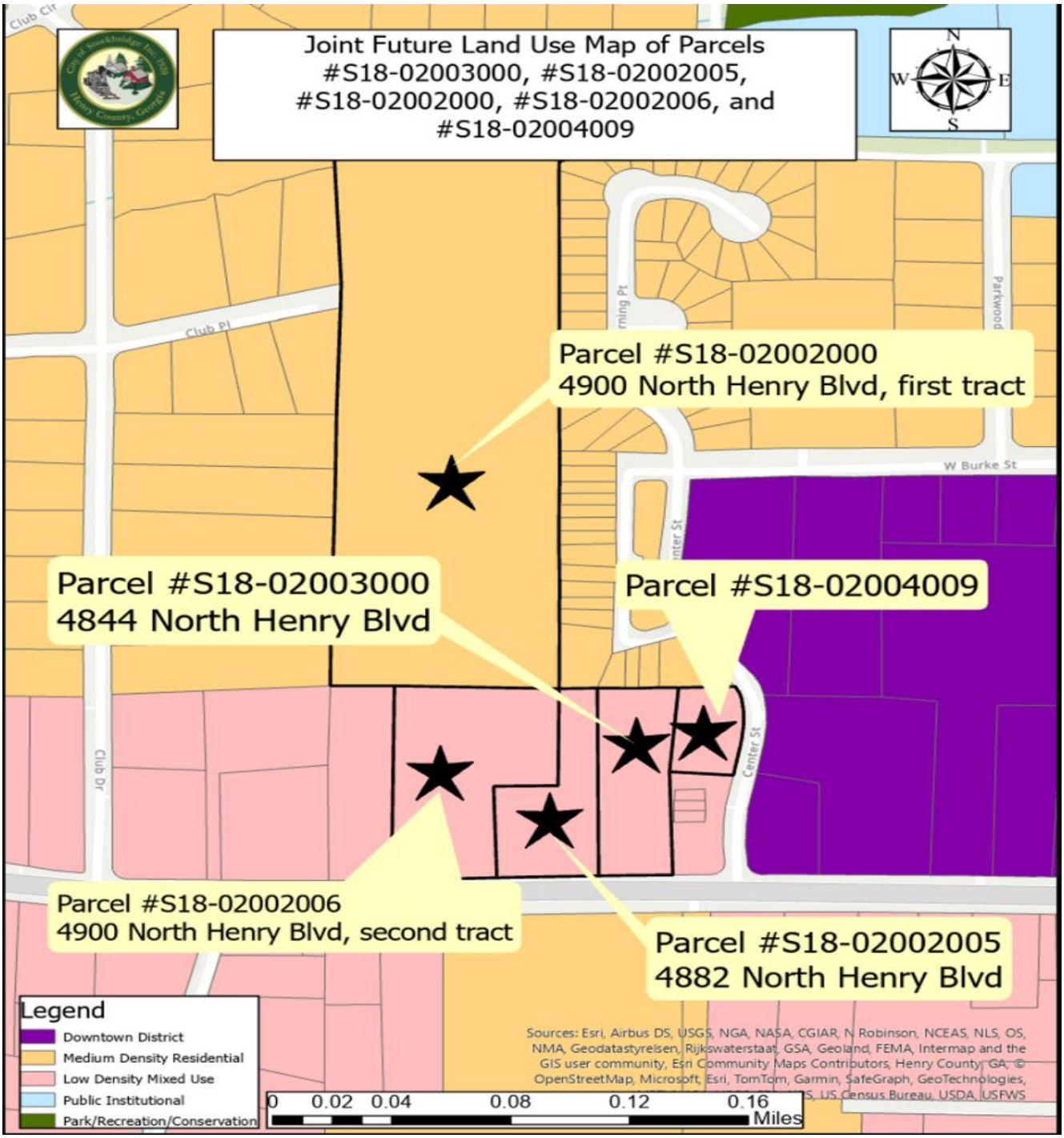


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

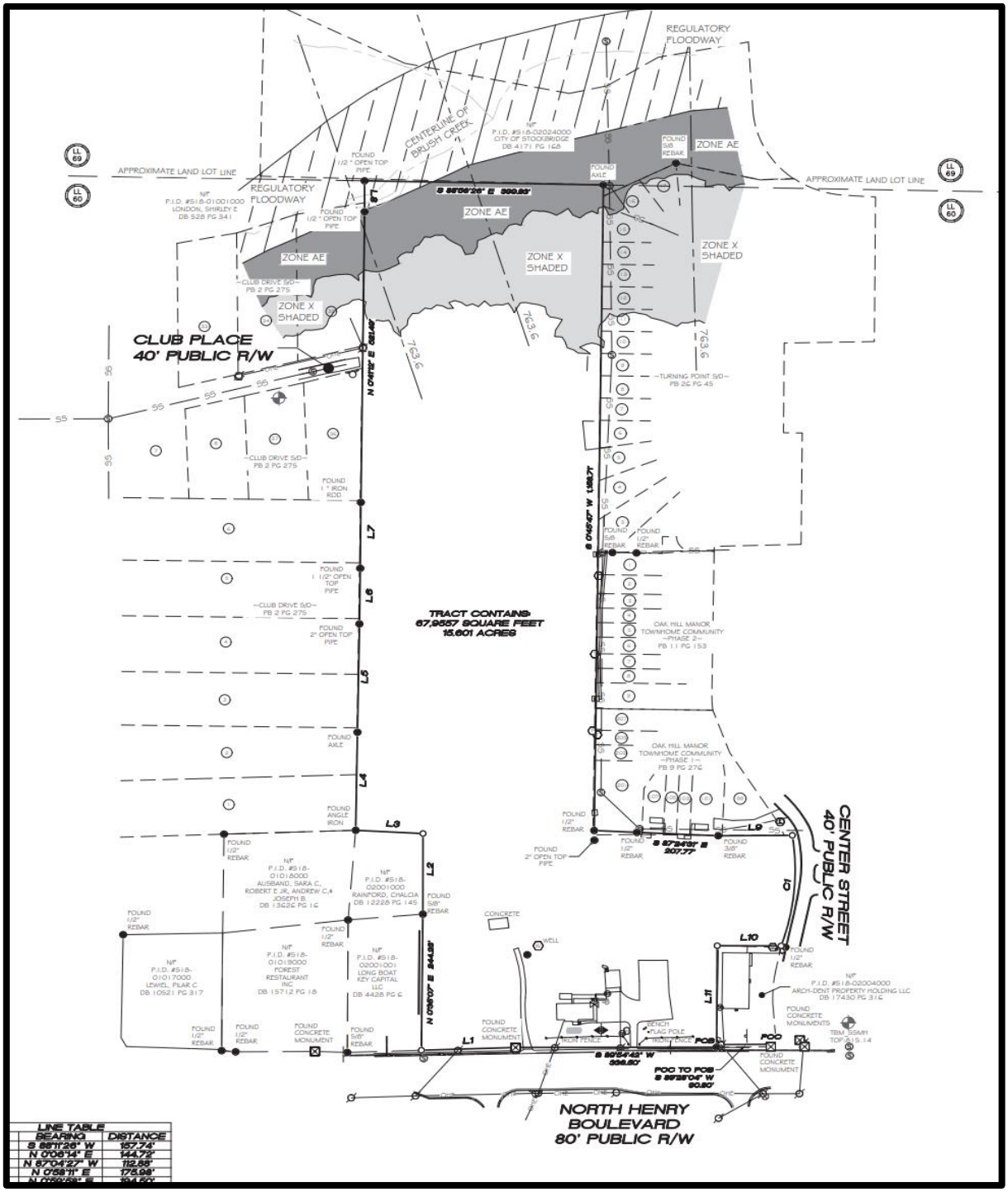
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

III. PROPOSED DEVELOPMENT

A. Project Description. The applicant proposes to build 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres. All units would have three bedrooms. Some units would have two-car garages, while others would have one-car garages. The proposed amenities include a swimming pool with a cabana, a dog park, and open space areas. The applicant submitted a site plan which was entitled "North Henry Townhomes: Forestar Zoning Plan", prepared by Atwell Group on 12/01/23, and received by the Planning and Zoning Staff on 12/04/23."

B. Site Accesses. The proposed development site would be accessed from North Henry Boulevard, and the applicant has noted that a right-of-way permit would be required from the Georgia Department of Transportation for this access. An emergency access would also be provided at the rear of the property to connect with Club Place to the west. There would also be two cul-de-sacs for turnarounds. The Fire Marshal has reviewed these accesses, and he would require that the emergency access have a gate, and that it be constructed of acceptable materials. Further, the internal streets would need to be at least 28 feet wide, from curb to curb.

C. Traffic Impacts. The applicant has not submitted a traffic impact study, but has made the following traffic projections for the proposed 90 townhomes by using the Institute of Traffic Engineers' Trip Generation Manual: ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. These volumes are expected to have minimal traffic impacts on North Henry Boulevard since it is a principal arterial.

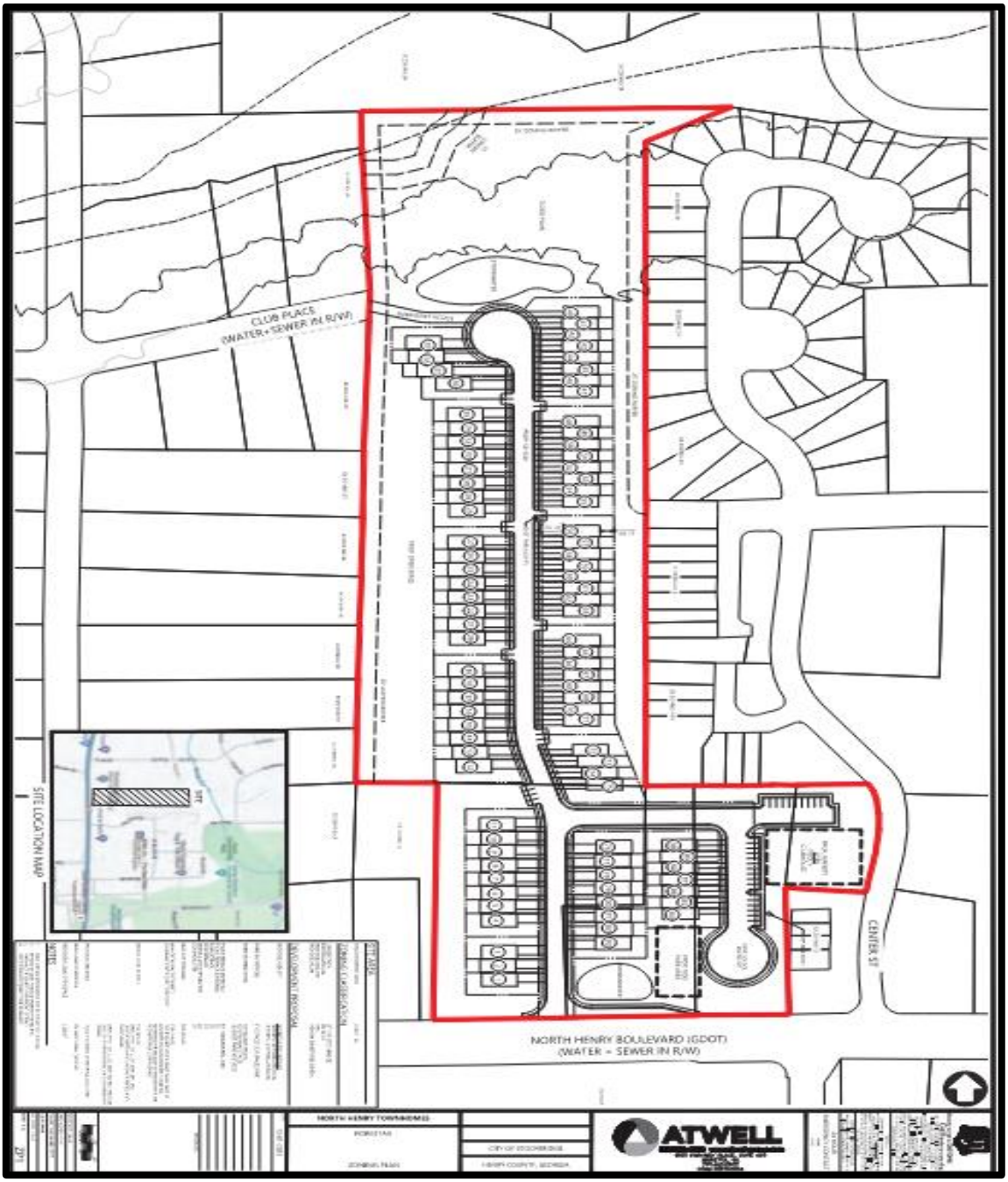
D. Site Plan Design. Regarding the internal site components, a swimmming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain buffer. The required 25-foot zoning buffer would surround the property. A total of 316 parking spaces would be provided, which would consist of 137 surface spaces, 137 driveway spaces, and 42 guest spaces. This would be significantly more than the 203 parking spaces that are required, based on 2.25 required spaces per three-bedroom unit.

E. Open Space. The applicant plans to provide 30 percent of the site for open space, which exceeds the required 15 percent. This would include undeveloped land, the amenity areas, and floodplain areas. Buffers, right-of-way areas, and stormwater ponds would not be included in the provided open space areas. About thirty (30) percent of the site would be

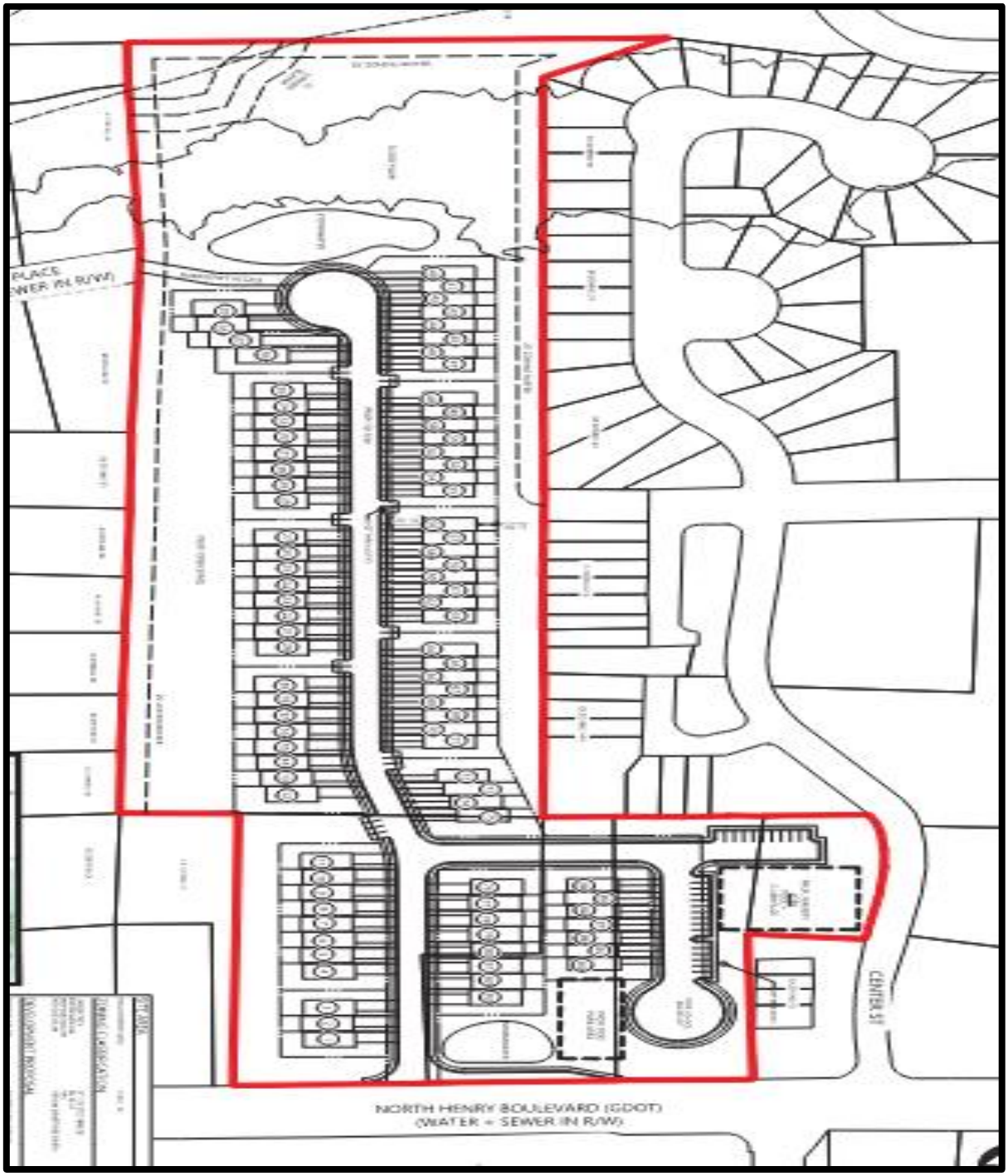
preserved as open space, which includes undeveloped land, amenity areas, and floodplain areas.

F. Townhome Lots and Units. The proposed site plan shows thirteen (13) townhome buildings, which would be spaced at least 20 feet apart, thereby meeting the spacing requirement of the MFR district. Although the overall site would meet the required setbacks, the applicant is seeking a variance to reduce the front yard setbacks of the townhome lots from the required 50 feet to 30 feet. Diagrams of the proposed townhome lots are shown below. The townhome lots would be 24 feet wide for townhome units having two-car garages and 20 feet wide for townhome units having one-car garages. Sample townhome renderings are also shown.

CONCEPTUAL SITE PLAN—TOTAL AREA



CONCEPTUAL SITE PLAN—ENLARGED



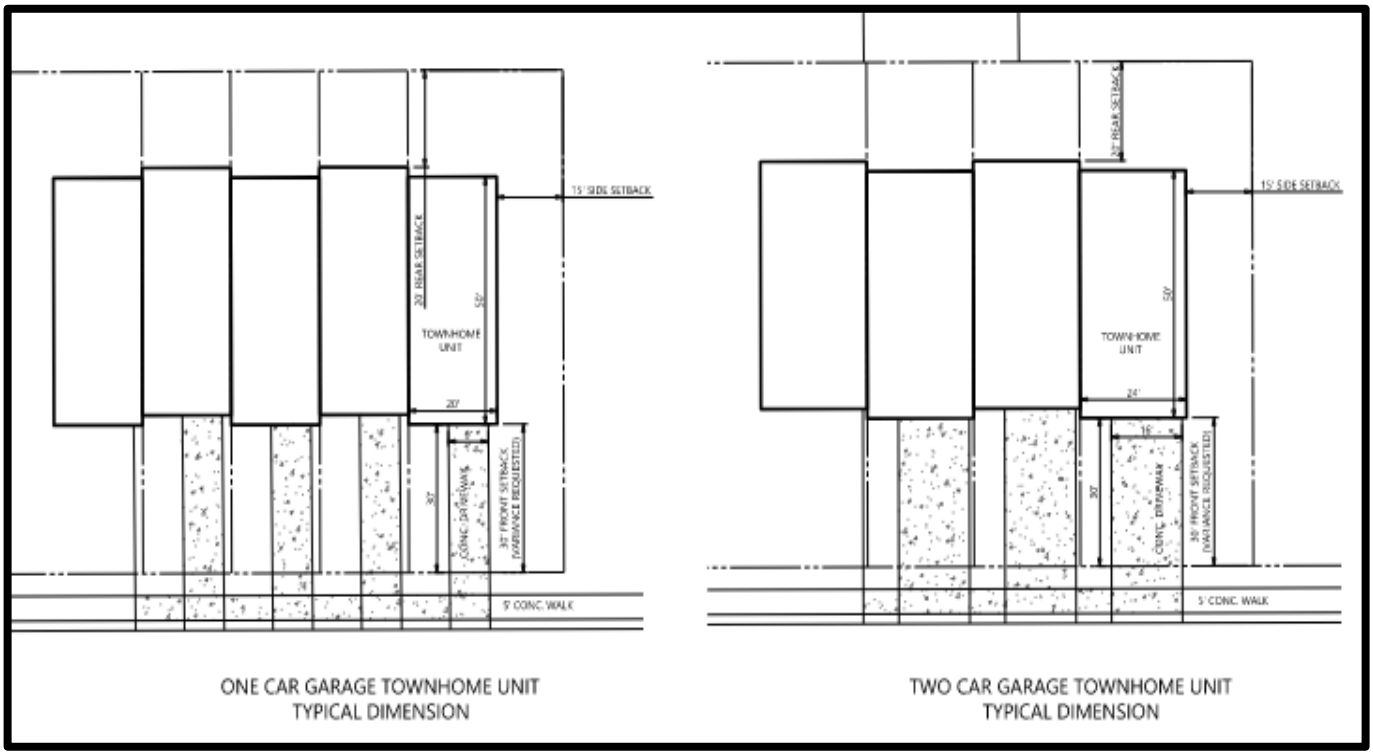
SITE DATA

PROPOSED DENSITY	90 UNITS (5.769 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED	15% (2.4 AC)
ALLOWABLE OPEN SPACE PER CODE	THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

DIAGRAMS OF PROPOSED TOWNHOME LOTS



PROPOSED TOWNHOME RENDERINGS

Townhome Units with One-Car Garages:

Townhome Units with Two-Car Garages:

IV. ANALYSES OF REQUESTS --

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09: Change the subject property's future land use designation from "Low-Density Mixed-Use" and "Medium-Density Residential" to "Medium-Density Residential."

A. Discussion. The City of Stockbridge has adopted the City of Stockbridge Comprehensive Plan 2024-2028 as a guide for the future development of the City, and its Land Use Element provides a vision for the development or redevelopment of land in the City. The current Future Land Use Map shows that four of the parcels comprising the subject property have a future land use designation of "Low-Density Mixed-Use", and the rear portion of the parcel at 4900 North Henry Boulevard is designated as "Medium-Density Residential." The applicant seeks to combine all five parcels under the Medium-Density Residential designation. Both designations are described below.

> Low-Density Mixed-Use. This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail) low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.
>
> Medium-Density Residential (4-7.99 Units / Acre). This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single family attached and detached homes, as well as duplex residential development and mobile home/manufactured home developments.

Since the applicant is not proposing to build any commercial, office, or apartment/condo/loft uses which the Low-Density Mixed-Use designation calls for, this designation would not be appropriate for the proposed townhome development. The Medium-Density Residential designation, though, allows single-family attached homes (i.e., townhomes), which the applicant proposes to build. In addition, the applicant's proposed development would have a density of +/- 5.769 units per acre, which falls within the allowable density of 4-7.99 units per acre. Further, large areas to the east and west of the subject property are designated as Medium-Density Residential; thus, the subject property would be compatible with them.

The Comprehensive Plan also mentions the need for additional housing in the City, as well as a greater diversity in the housing stock to serve young professionals, seniors, and empty nesters. These population groups would be attracted to townhome living, which offers the ability to have home ownership rather than renting; as well as the reduced yard maintenance due to the much smaller size of typical townhome lots. The proposed townhomes would meet these needs.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.

VI. ANALYSES OF REQUESTS – REZONING CASE #RZ-2023-10: Rezone property from SR, OI, and C-1 to MFR

The applicant requests to rezone the subject property via Rezoning Case #RZ-2023-01 from its existing three zoning classifications of SR (Suburban Residential), OI (Office-Institutional), and C-1 (Neighborhood Commercial) to MFR (Multiple Family Residential) in order to allow for the proposed townhome development. Rezonings are governed by Section 9.2.1(C) of the City of Stockbridge's Unified Development Code (UDC). It states that 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 analysis for CP-2023-09 above pointed out that the applicant's requested land use designation of Medium-Density Residential allows single-family attached homes (i.e., townhomes). The applicant's requested zoning of MFR (Multiple Family Residential) allows townhomes, and the proposed density of +/- 5.769 units per acre, would be within the allowable density range for the Medium-Density Residential designation. Further, the large areas to the east and west of the subject property are designated as Medium-Density Residential. And finally, the proposed townhomes would serve to fill the need for additional housing in the City, particularly for certain population groups, which the Comprehensive Plan has identified. For these reasons, the proposed rezoning would be consistent with the spirit and specifications Comprehensive Plan.

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 UDC states that MFR developments are to be located "with access provided on streets that are classified as collector streets of higher." According to the map of Functional Road Classifications within the 2022 Henry County Transportation Plan, North Henry Boulevard is classified as a a "principal arterial", which is a higher road classification than a collector street. Therefore, townhomes are an acceptable use for the subject property.

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.

The applicant's requested rezoning of the subject property to MFR would be compatible with the existing MFR zoning of the existing Oak Hill Manor and Turning Point subdivisions to the east and northeast, especially because of the proposed development's low density. Further, the presence of an MFR district would serve as an acceptable transition between the C-1 and C-2 districts to the west and east along North Henry Boulevard, and the large SR district to the northwest.

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 is of irregular shape, and it is bordered by Brush Creek and its associate floodplain areas to the north. These factors thereby limit the developability of the site. However, the applicant has designed the site such a manner that the proposed townhomes would avoid the sensitive areas of the property.

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

The submitted site plan shows that the proposed project would not have any accesses to adjacent properties (except for an emergency access to Club Place to the west), thus none of the project's traffic would be traveling through them. In addition, the required 25-foot zoning buffer would surround the site, plus a significant open space area would be provided along the western side of the property, adjacent to the lots comprising the Club Drive Subdivision.

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

The applicant has submitted a letter from the City's Public Works Department, dated

November 22, 2023. It states that the estimated water and sewer usage for the proposed 90 townhome units would be 27,300 gallons each, per day. Further, water and sewer capacity are currently available to serve the proposed development, but the developer must pay for all required connection costs and adhere to the City's Minimum Development Standards. The letter also stated that the developer must submit construction plans to the Public Works Office within one year of the date of the letter, or the reservation of capacity in the sanitary sewer system would expire.

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

The applicant has not submitted a traffic impact study, but projects minimal adverse traffic impacts on North Henry Boulevard, the principal access point. Further, the lack on another access onto surrounding streets (except for an emergency access from Club Drive) would prevent any adverse traffic impacts on the adjacent and nearby residential streets.

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.

No other merits of the requested rezoning have been identified.

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

The subject property could be developed under its three existing zoning classifications, which currently allow neighborhood commercial and office/institutional uses along North Henry Boulevard, and single-family uses on the rear tract for 4900 North Henry Boulevard. However, rather than having several different types of uses in a piecemeal fashion, the rezoning of the property to MFR would allow the development of all five tracts under a unified plan to provide much-needed housing for the City, with primary access from an arterial road.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to rezone all five parcels comprising the subject property to MFR (Multiple Family Residential). Therefore, the Planning and Zoning Staff recommends **APPROVAL WITH CONDITIONS** for RZ-2023-10, based on the zoning conditions that are listed below.

1. **Site Plan –** The proposed townhome development shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled "North Henry Townhomes: Forestar Zoning Plan", which was prepared by Atwell Group on 12/01/23 and received by the Planning and Zoning Staff on 12/04/23."

2. **Access and Streets –** The developer shall comply with the requirements of the City's Fire Marshall regarding the location, dimensions, and materials for all site accesses and internal streets.

3. **Utilities –** The developer shall comply with the requirements of the City's Public Works Department in a timely manner for the provision of water and sewer facilities to the development site.

4. **Waste Collection –** A consolidated waste collection system shall be used, with no individual waste receptacles being permitted.

5. **Architectural Design:**
   a. All townhome units shall have brick on at least three sides.
   b. At least 80 percent of the townhome units shall have two-car garages.
   c. This shall be a gated community.

6. **Rental Units –** No more than 10 percent of the townhome units may be rented at any one time.

7. **Property Maintenance –** The developer shall create and maintain a townhome association, or secure a property management company, who shall maintain all common areas of the property.

8. **Environmental Protection –** The developer shall take appropriate steps to preserve Brush Creek and adjacent floodplain areas, including wildlife protection measures.

VII. ANALYSES OF REQUESTS – VARIANCE CASE #RZ-2023-05: Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

A. Discussion. The applicant has submitted a **Variance** application (Case #VR-2023-05) to request a variance for the development of the proposed townhome community on the subject property. Section 10.1.2 of the Stockbridge Unified Development Code (UDC) identifies the reduction of a property's front, side, and rear yard setbacks as one of the reasons why an applicant may be allowed to request a variance. The purpose of the applicant's variance request in this case is to reduce the front yard setback within the site from the required minimum of 50 feet to 30 feet within the applicant's requested MFR

(Multiple Family Residential) zoning district.

Section 10.1.2 further states that a variance may be granted only upon a finding by the Mayor and City Council that all of seven listed conditions (i.e., criteria) are met. An analysis of the applicant's variance request is made in the sections below relative to each of the required seven UDC criteria.

ANALYSIS OF U.D.C. CRITERIA:

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

The subject property has an irregular shape and a considerable amount of the land area is unusable due to the presence of a floodplain area at the rear of the property along Brush Creek. These factors make site design challenging by limiting the amount of buildable area and its configuration.

Criterion 'B'. 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.

The applicant may be deprived of the ability to develop a townhome community with lots that are of similar sizes to those which are found in other MFR districts.

Criterion 'C'. 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 requested variance would not confer any special privileges upon the property owner. The same type of variance request has been approved by City Council for several other recently-proposed townhome developments in the City. Further, the denial of the applicant's requested variance would force the developer to unfairly comply with the required standards in developing the site, even though the physical characteristics of the property would make it very difficult to do so, thus cause creating an unnecessary hardship for the developer.

Criterion 'D'. 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 variance would be consistent with the purpose and intent of the Unified Development Code by encouraging the most appropriate use of land and buildings on the

subject property. By having smaller lots, the proposed townhomes would be able to attract buyers who are seeking to do less yard maintenance. Further, more land would be available on the periphery to be left in its natural state, thereby serving as a larger buffer between this development and adjacent properties.

Criterion 'E'. The extraordinary circumstances are not the result of actions of the applicant.

The physical conditions of the subject property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

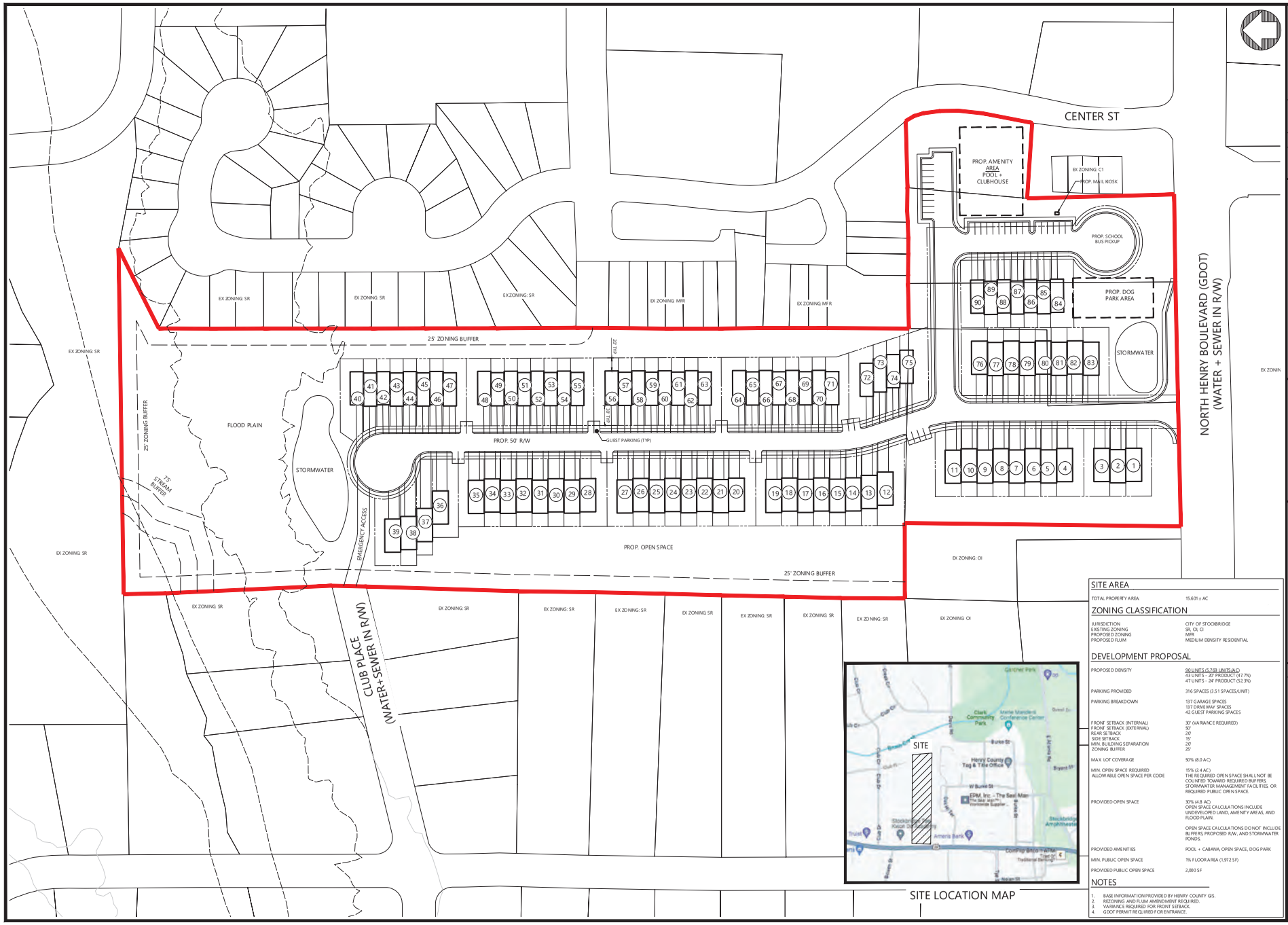
Criterion 'F'. The variance is the minimum relief that will allow the legal use of the land, building or structure.

The subject property could still be developed with office-institutional and neighborhood commercial uses under the property's OI and C-1 districts along North Henry Boulevard, but the rear portion of the parcel at 4900 North Henry Boulevard is unlikely to be developed with single-family residential uses under its existing SR classification with its primary access off North Henry Boulevard, between existing commercial and office-institutional uses. And although townhomes could still be developed under the applicant's requested MFR zoning without the granting of front yard setback variance, the developer would be significantly constrained in designing a site plan which would allow the construction of a sufficient number of units to be economically feasible.

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

Townhomes are a permitted use within the requested MFR district.

B. Staff Conclusions and Recommendation. Based on the findings above, it is reasonable to approve the applicant's variance request. Therefore, the Planning and Zoning Staff recommends the **APPROVAL** of this request.



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE.
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

811 Know what's below. Call before you dig.

THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON AN APPROXIMATE BASIS ONLY. THE LOCATIONS MUST BE INDEPENDENTLY VERIFIED BY THE OWNER'S REPRESENTATIVE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXISTING UTILITIES PRIOR TO BEGINNING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONTRACTOR IS SOLE SAFETY IS THE SOLE RESPONSIBILITY ON THIS SITE. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR AT THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA
770.423.0507
COA# PEF002604

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES
FORESTAR
ZONING PLAN

DATE 12-01-2023

REVISIONS

0 30' 60
SCALE: 1" = 60'

DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ###
SHEET NO. ZP1

NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

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/INTIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. **(by appointment only)**	**N/A** Pre-App Meeting held on 11.18.2023
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 ***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.	✓
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 ***(Only needed if property is not on sewer).***	N/A

City of Stockbridge Community Development Department--4602 North Henry Blvd.; Stockbridge, GA 30281 770-389-7900

Application

City of Stockbridge Planning and Zoning Division
Variance Application

Name of Applicant: Forestar (USA) Real Estate Group, Inc. Phone: 804-400-7926 Date: 11.30.2023

Address Applicant: 3330 Cumberland Blvd., Suite 275 Fax: - Pager/Cell #: -

City: Atlanta State: GA Zip: 30339 E-mail: jabrock@sgrlaw.com

Name of Agent: Alex Brock - Smith, Gambrell, and Russell, LLP Phone: 404.815.3603 Date: 11.30.2023

Address Agent: 1105 W. Peachtree St., NE, Suite 1000 Fax: - Pager/Cell #: 404.815.3603

City: Atlanta State: GA Zip: 30309 E-mail: jabrock@sgrlaw.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: Stockbridge Zoning Ordinance, Sec. 2.4.4: to reduce the minimum front yard setback from 50-feet to 30-feet.

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.

JAB

Acknowledgement

Address of Property: 4844, 4882, and 4900 North Henry Blvd.

Nearest intersection to the property: North Henry Blvd. and Center Street
(Street Address)

Size of Tract: ± 15.601 acre(s), Land Lot Number(s): 60, District(s): 12th

Property Tax Parcel Number(s): S18-02002000, S18-02002005, S18-02002006, S18-02003000, and S18-02004009 **(Required)**

Witness' Signature

Signature of Applicant

Jack Burke
Printed Name of Witness

Chris Wilson
Printed Name of Applicant

Notary

JAB (Authorized Agent For Forestar (USA) Real Estate Group)
Signature of Agent
(J. Alexander Brock - Smith, Gambrell and Russell, LLP)

NOTARY STAMP:

Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

(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: _____

Disclosures

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** [X]

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 4th day of December, 2023

Chris Wilson
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent
Forestar (USA) Real Estate Group, Inc.

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4 day of December, 2023

Robyn Fu
Notary Public

Robyn Funderburg
NOTARY PUBLIC
Cobb County, Georgia
My Commission Expires March 1, 2026

* 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 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 17 day of November, 2023

Cynthia C. Quillian
George W. Quillian

~~Applicant's~~ Owner's Name - Printed (QMS Enterprises, LP and George W. & Cynthia Quillan)

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 17th day of November, 2023.

Pamela L. Buttersnitz
Notary Public

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

J. Alexander Brock - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA.
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Kathryn M Zickert

Kathryn M. Zickert - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA.
NOTARY PUBLIC

Beverly D. Campbell

Notary Public

* 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 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** x

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 30 day of November, 2023

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Dennis J. Webb - Smith, Gambrell, and Russell, LLP

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 30th day of November, 2023.

BEVERLY D CAMPBELL
MY COMMISSION EXPIRES
JUNE 25 2027
HENRY COUNTY, GA
NOTARY PUBLIC

Beverly D. Campbell
Notary Public

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

Letters of Ownership

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, George & Cynthia Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

Cynthia L Quillian
George W. Quillian
(George W & Cynthia Quillian)

Date: 11-17-23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Letter of Ownership

QMS ENTERPRISES LP and
GEORGE W & CYNTHIA QUILLIAN
1482 N DECATUR RD
ATLANTA, GA 30306-2423

S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

I, QMS Enterprises hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

George W. Quillian
(Authorized Agent for QMS Enterprises LP)

Date: 11/17/23

Sworn to and subscribed before me
this 17th day of November, 2023

Pamela L. Buttersnitz
NOTARY PUBLIC

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

Property Owner's Authorizations

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at [No Address] [address], with Parcel Number S18-02004009, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia C. Quillan / George W. Quillan Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia C. Quillan / George W. Quillan

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

November 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2007

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4882 North Henry Blvd. [address], with Parcel Number S18-02002005, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia G. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

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PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4844 North Henry Blvd. [address], with Parcel Number S18-04003000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia C. Quillian / George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia C. Quillian / George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 North Henry Blvd. [address], with Parcel Number S18-02002000, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: _____ E-mail: _____

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia G. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

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1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia G. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23

Date

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERSNITZ

Printed Name of Notary Public

NOVEMBER 17, 2023

Date

Notary Public's Seal or Stamp:

STATE OF GEORGIA
PAMELA L. BUTTERSNITZ
Notary Public, Georgia
Dekalb County
My Commission Expires
APRIL 5, 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 4900 Highway 42 [address], with Parcel Number S18-02002006, which is the subject of this application.

Name of Property Owner: QMS Enterprises LP and George W. & Cynthia Quillan

Property Owner's Address: 1482 N. Decatur Road, Atlanta, GA 30306-2423

Telephone: 404 788 0339 E-mail: GW Quillan@aol.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Cynthia E. Quillian George W. Quillian Date: 11/17/23

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Forestar (USA) Real Estate Group, Inc. c/o J. Alexander Brock c/o Smit

Company/law firm (if applicable): Smith, Gambrell & Russell, LLP

Telephone, E-Mail, & Address: 404-815-3603, jabrock@sgrlaw.com

1105 W. Peachtree St., NE, Suite 1000, Atlanta, Ga 30309

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Cynthia E. Quillian George W. Quillian

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/17/23
Date

Signature of Notary Public

PAMELA L. BUTTERSNITZ
Printed Name of Notary Public

NOVEMBER 17, 2023
Date

Notary Public's Seal or Stamp:

PAMELA L. BUTTERSNITZ
Notary Public, Georgia
DeKalb County
My Commission Expires
APRIL 5, 2027

Letter of Intent

LETTER OF INTENT

and

Other Material Required by the
City of Stockbridge Unified Development Code
for the Rezoning,
Future Land Use Map Amendment, and Concurrent Variances Application

of

FORESTAR (USA) REAL ESTATE GROUP, INC.

for

± 15.601 Acres of Land
located in
Land Lot 60
12th District, Henry County

REZONE: SR, OI, and C1 to MFR
FLUMA: LDVMU to MDR

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

Forestar (USA) Real Estate Group, Inc. ("Applicant") seeks to rezone ± 15.601 acres of land located in Land Lot 60, 12th District of Henry County to allow a townhome development. The Subject Property is an assemblage of five parcels (S18-02004009, S18-02003000, S18-02002005, S18-02002006, and S18-02002000) fronting the northern right-of-way of North Henry Boulevard and the western right-of-way of Center Street (the "Subject Property"). The Subject Property currently has three different zonings: Suburban Residential District (SR) for parcel S18-02002000; Office Industrial District (OI) for parcels S18-02002005, S18-02002006 and S18-02003000; and Neighborhood Commercial District (C1) for parcel S18-02004009. Additionally, parcels S18-02002005, S18-02002006 and S18-02003000 are within the Parkway Mixed Use Overlay (PMU Overlay). The Subject Property is also located in multiple future land use character areas: Medium Density Residential (MDR) for parcel S18-02002000; and Low Density Vertical Mixed Use (LDVMU) for parcels S18-02002000, S18-02002005, S18-02002006 and S18-02003000. To allow for a cohesive development of the Subject Property, the Applicant files this request to (a) rezone the Subject Property to the City of Stockbridge MFR (Multifamily Residential) zoning district; (b) amend the Future Land Use Map to designate those parcels within the Subject Property that are currently LDVMU as MDR under the City of Stockbridge's Comprehensive Plan; and (c) a concurrent variance to the City of Stockbridge Unified Development Code ("UDC") to reduce the minimum front setbacks.

The City of Stockbridge has experienced significant population growth over the last few decades, but the number of new housing units has not kept pace with that growth. The City of Stockbridge 2024 Comprehensive Plan ("Comp Plan") notes that its population has grown by 24.3 percent over the decade from 2010 to 2020 and is expected to continue to expand

significantly through 2050.[1] The housing supply, however, has lagged behind with only a 13.2 percent growth in new housing units during the 2010-2020 timeframe.[2] As people continue to flock to the City, the need for quality new housing becomes even more apparent. In fact, the Comp Plan predicts that over the next five years, housing demand will require an additional 800 residential units and by 2040 Stockbridge will need 1,700 new residential units.[3]

Additionally, the City's existing housing stock lacks options, which primarily consists of single family detached homes and older small-medium apartments.[4] The lack of housing options has limited home ownership opportunities for young professionals, who are renting rather than buying.[5] The proposed townhomes correct this issue by adding a mix of housing options that are attractive to this demographic. In general, townhomes residences tend to appeal to younger professionals and empty nesters, demographics that are not currently served by the aging duplexes or single family residences in the area. The need for new, diverse housing is also recognized in the Comp Plan:

> Stockbridge's housing profile consists predominantly of single family detached homes and older small-medium apartments with 3 to 49 units. Additional detached and attached homes would better balance the City's housing mix.
> *See Comp Plan, pg. 18.*

> Seventy-nine percent of young professionals entering the workforce and young families (ages 25-34) are renting rather than buying, suggesting a lack of diversity in housing options.
> *See Comp Plan, pg. 12.*

> While Stockbridge has seen some diversification in housing types there is still a need for additional options and price points. This is especially important to accommodate both traditional and non-traditional households as well as to attract young professionals, and serve seniors.
> *See Comp Plan, pg. 25.*

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[1] *See City of Stockbridge 2024 Comprehensive Plan, pp. 13 and 20.*
[2] *Id. at 13.*
[3] *Id.*
[4] *Id. at 12.*
[5] *Id. at 13.*

> The majority of housing in Stockbridge was constructed between 1980 and 1999 at 50% followed by 35% between 2000-2009. Only 11% was constructed between 2010-2019. There is a need for new development in Stockbridge.
> *See Comp Plan, pg. 24.*

The proposed townhomes meet the City's demands for quality housing options.

The Applicant's proposed development will consist of 90 townhome units at a density of ±5.769 units per acre along with amenities and associated site improvements ("Proposed Development"). The unit sizes and heights will meet the requirements of the MFR district and the Parkway Overlay District. The units will all be 3-bedroom units[6] with a mix of units with either 1-car or 2-car garages.[7] The garage parking will total 137 spaces, plus there will be an additional 137 driveway spaces and 24 surface parking spaces for guest parking for a total of 298 parking spaces for the development. The Stockbridge UDC § 4.8.5 requires a minimum of 2.25 parking spaces per 3-bedroom unit and the Proposed Development has 3.31 spaces per unit, which is 95 spaces above the requirement. It is the Applicant's intent to provide ample parking within the development for both the residents and guests. The Proposed Development is also preserving approximately 4.8 acres, or ±30% of the overall property, as open space.[8] The open space includes the preservation of natural vegetation to the north, near Brush Creek. Additionally, the Proposed Development will contain amenities including a pool, clubhouse, and dog park.

The Subject Property is well situated for the proposed townhome development and is surrounded by a compatible mix of residential types and zonings. The Subject Property is bordered to the east by the Oak Hill Terrace duplex community zoned MFR, and single-family

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[6] The proposed units are typically a 3-bedroom unit, however the Applicant is not the end builder and the final bedroom count may vary.
[7] The Applicant is developing the property and the townhome structures will be built by a subsequent home builder.
[8] Open space calculations include undeveloped land, amenity areas, and flood plain. The open space area does not

lots within the Turning Point subdivision, zoned SR. To the west, the Subject Property borders single-family lots along Club Drive and Club Place that are zoned SR, as well as, the right-of-way of Club Place. To the southwest, the Subject Property borders a parcel zoned OI and developed with a professional office building. To the south, the Subject Property borders the right-of-way of North Henry Boulevard.

The development along North Henry Boulevard is largely commercial with some residential development extending away from it, such as the existing residential along Club Drive. North Henry Boulevard is a classified as a principal arterial per the Henry County Road Functional Classification Map. *See the Henry County Transportation Plan, 2022 Update, Figure A-6.* The Stockbridge UDC 2.4.4 notes that the MFR district is intended to have access to a street that is classified as collector streets or higher, thus its location on North Henry Boulevard meets the intent of the UDC.[9] The Proposed Development is also located less than one-half mile west of the Stockbridge's downtown area containing the Stockbridge Amphitheater, Ted Strickland Community Center, and the restaurant/retail in downtown Stockbridge. The property is also within a short distance of many restaurant, retail and grocery uses that are supportive of residential.

In addition to the rezoning, the Applicant is requesting an amendment to the City's Future Land Use Map to designate the Subject Property as MDR land use. It is important to note that a portion of the Subject Property is already designated as MDR on the City's Future Land Use Map.[10] The Applicant seeks to change the Future Land Use Map designation for the front parcels from LDVMU to MDR to allow a cohesive development of the entire property. The Comp Plan notes the following intent for the MDR land use: "This designation is intended for

include buffers, proposed right-of-way or stormwater ponds.

[9] A principal arterial is a more intense (i.e., higher classified) roadway than a collector street.

residential developments…including parcels zoned for single family attached…"[11] The proposed MDR designation is harmonious with the existing land use designations in the vicinity. In fact, the Subject Property is surrounded on three sides, to the north, east and west, by other MDR character areas. The presence of a similarly situated MDR land uses in the area, points to the appropriateness of the Applicant's requested land use.

The Applicant submits this document as a Letter of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, a written justification for the Application, and an analysis of the factors to be considered for a rezoning per the City of Stockbridge Unified Development Code ("UDC"), § 9.2.2. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

To the Applicant's knowledge, no rezoning applications have been filed concerning the Subject Property.

III. REZONING IMPACT ANALYSIS

A. WHETHER THE PROPOSAL IS CONSISTENT AND/OR COMPATIBLE WITH THE CITY'S PLANS, GOALS AND OBJECTIVES REFLECTED IN THE CITY'S COMPREHENSIVE PLAN.

Yes. As noted above, the Applicant's request for the City designate the Subject Property as MDR land use. The Proposed Development is consistent with this designation and will advance a number of policy goals outlined in the City's Comprehensive Plan, including:

- To provide a variety of housing choices to suit the changing needs and lifestyles of City residents.
- Providing an infusion of new housing to meet the City's population growth;

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[10] Parcel S18-02002000 is currently MDR.
[11] *See Comp Plan, pg. 49.*

- Provide a mixture of housing options to attract young professionals, singles, and small families.
- Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods;
- Reduce the impact of new development through the preservation of greenspace; and
- Creating a "sense of place" for the community.

See City of Stockbridge 2024 Comprehensive Plan, pp. 43-44.

In addition, the MDR designation is compatible with character area designations adjacent residential properties. In all, the Applicant's request is in line with the City's goals for growth and is harmonious with what exists in the surrounding areas.

B. HOW THE PROPOSAL IMPACTS THE PURPOSES OF THE OVERALL ZONING SCHEME, AND WHETHER THE PROPOSED CHANGE FURTHERS THE PURPOSE OF THESE ZONING REGULATIONS.

As noted in the paragraphs above, the proposed townhomes and the MFR zoning will be a compatible residential use with the exiting development in the area. The proposed MFR district is also consistent with the existing zoning in the area, which includes MFR districts adjacent to the Subject Property. Moreover, four of the Subject Property's parcels are within the Parkway Mixed Use Overlay, which permits, among others, uses allowed in the MFR district including townhome residential. Accordingly, the proposed townhomes and the MFR zoning are fitting for the area and consistent with the Zoning Regulations.

C. HOW THE PROPOSAL IMPACTS THE ZONING DISTRICT, THE PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, OR THE COMMUNITY.

The Proposed Development will be a positive addition to the area. The Applicant is also paying close attention to scale and buffers to limit any potential impact on the adjacent residential. The primary goal of land use planning is to eliminate or minimize the potential

adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on a particular property to protect neighborhoods from adverse effects. To achieve the onsite transition, the proposed site design will incorporate a 25-foot buffer along the property lines adjacent to SR districts. The Applicant is also preserving ±2.4 acres to the rear of the property that will buffer the properties to the north. The result is a development that is compatible and will exist harmoniously with the surrounding development.

D. WHETHER THE PROPOSAL CREATES AN ISOLATED DISTRICT UNRELATED TO ADJACENT PROPERTIES AND NEARBY DISTRICTS.

No. As noted in the paragraphs above, the adjacent Oak Hill Terrace duplex community is zoned MFR. The Oak Hill Terrace development was built in or around 1985 and has existed harmoniously with the surrounding community for the past 38 years.

E. HOW THE PROPOSAL IMPACTS THE AESTHETIC CHARACTER OF EXISTING AND FUTURE USES OF THE PROPERTY AND THE SURROUNDING AREA.

The proposed townhomes will blend harmoniously with the surrounding developments. The Applicant is preserving a significant amount of natural, wooded area that will buffer the SR zoned properties to the north. Additionally, the Applicant is proposing ±30% of the site as open space and providing onsite amenities for the residents.

F. WHETHER THE PROPOSAL IS CONSISTENT WITH ADJACENT DEVELOPMENT DENSITIES AND THE DENSITY PATTERNS REFLECTED IN THE COMPREHENSIVE PLAN.

Yes. The property is bordered to the east by residential developments with higher densities than the Applicant's proposed ±5.769 units per acre. For example, the adjacent Oak Hill Terrace

duplex community, a property zoned MFR, has a density of ±6.54 units per acre.[12] Also, the Turning Point Subdivision, zoned SR, is even denser at ±7.88 units per acre.[13] It should be noted that Oak Hill Terrace was built in ±38 years ago and the Turning Point subdivision was built ±26 years ago with little newer residential in the immediate area. The proposed MFR zoning will allow a townhome development that is less dense than the adjacent existing development and will provide much needed options for newer housing.

G. HOW THE PROPOSAL IMPACTS THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

The proposal will benefit the public health, safety and general welfare. The Applicant proposes to create a new, vibrant and modern development that diversifies the housing stock available and advances a number of goals outlined in the City's Comprehensive Plan. *See, e.g., Comp Plan at pp. 43-44.*

H. HOW THE PROPOSAL IMPACTS WATER, SEWERAGE, OTHER PUBLIC FACILITIES, OR PUBLIC SERVICES, AND HOW THE PROPOSED AMENDMENT IMPACTS EXPENDITURES OF PUBLIC FUNDS.

The Proposed Development will have access to water in sewer in the adjacent right-of-way. The Applicant has obtained utility availability letters from the City of Stockbridge that demonstrate that water and sewer are available and adequate to serve the Subject Property.

I. HOW THE PROPOSAL IMPACTS TRAFFIC SAFETY AND CONGESTION.

The Applicant does not anticipate any significant impact to the vehicular traffic from the amount of trips that the Proposed Development will generate. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) (ITE Category 230 Residential Condo/Townhouse), to calculate vehicle trips for the Proposed Development.

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[12] The Oak Hill Terrace community is on ±2.43 acres, as measured through the Henry County Tax Map, and contains 16 units.

[13] Measurements taken from the Henry County Tax Assessors Map show the overall Turning Point subdivision as

According to the ITE Trip Generation Manual, the 90 townhome units will generate ±39.6 trips during the weekday A.M. peak hour, ±46.8 trips during the weekday P.M. peak hour, and ±522.9 total trips on a weekday. The Proposed Development's vehicular trips are not anticipated to cause any significant detrimental impacts on the adjacent roadways, however. The Proposed Development will have direct access to North Henry Boulevard, which is classified as a principal arterial roadway per the Henry County Roadway Functional Classification Map. North Henry Boulevard is a major roadway intended for a high volume of traffic and has an average daily trip count of 30,100 trips.[14] Thus, the Proposed Development's projected trips are inconsequential when compared to the number of vehicles currently accommodated on North Henry Boulevard. Additionally, the Subject Property is approximately one mile from Intrastate Highway 675 (I-675) which can provide quick access to regional transportation. Because the Subject Property is located in proximity to a number of major roadways, its impacts on traffic is anticipated to be minimal.

J. HOW THE PROPOSAL IMPACTS ENVIRONMENTAL CONDITIONS, INCLUDING, BUT NOT LIMITED TO, DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY, WATER QUALITY AND QUANTITY.

The Applicant will mitigate any potential impacts to the environment by following all City, County, State and Federal requirements related to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.

K. HOW THE PROPOSAL IMPACTS THE PROVISIONS OF ADEQUATE LIGHT AND AIR.

The proposal will have no negative impacts on the provision of adequate light and air. *See also* J, above.

±5.71 acres and containing 45 units.

[14] Trip data was taken from the Georgia Department of Transportation's Traffic Analysis and Data Application, Station ID 151-0361.

L. HOW THE PROPOSAL IMPACTS THE VALUE OF ADJACENT PROPERTY.

As the site plan submitted with the application demonstrates, the proposal is a thoughtful residential neighborhood that will deliver quality design and construction, all of which should "raise-the-bar" for future development on adjacent and nearby properties and generate renewed interest in the area.

M. WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED IN ACCORDANCE WITH EXISTING REGULATIONS.

See Section C above.

N. PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL CARRY GREATER WEIGHT THAN OTHER FACTORS. WHERE PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF THE RESIDENTIAL AREA SHALL CARRY GREATER WEIGHT.

The current proposal will have not have a negative impact on the integrity of adjacent and nearby residential neighborhoods. The Applicant has taken careful consideration in the proposed design and incorporated appropriate buffers and setbacks to minimize negative impacts, if any.

IV. CONCURRENT VARIANCE ANALYSIS

The Applicant is seeking one concurrent variance with its request to the following requirement of the Stockbridge UDC:

A. Stockbridge Zoning Ordinance § 2.4.4 to reduce the minimum front yard setback from 50-feet to 30-feet

The Subject Property has an odd L-shape that prevents the efficient layout of the property and inhibits compliance with the 50-foot setback. If the 50-foot front setback were strictly enforced, not only would it result in the loss of units, but it would also push the remaining townhomes closer to the adjacent property. The Applicant's current design leaves much of the existing vegetation undisturbed along the adjacent SR properties. If a 50-foot front setback is required much of the existing vegetation will be removed to construct the units, with no benefit

to the adjacent homeowners or the public in general. Also, the 50-foot setback is excessive and is much larger than what is typically required for townhome developments. For example, Henry County's RS (Residential Suburban) district, which allows townhomes, requires a minimum 25-foot front yard setback. *See Henry County Code of Ordinances § 2.01.02.I.* The strict enforcement of the 50-foot front yard setback would result in a large front yard that will require more maintenance. One of the major benefits to living in a townhome, compared to a traditional single family detached home, is the absence of yard maintenance. Consequently, requiring a 50-foot front yard would eliminate one of the major attractions to owning a townhome as compared to a single family detached residence.

Pursuant to the City of Stockbridge UDC § 10.1.2, the criteria for granting the variance are met. First, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. Second, a literal interpretation of the Stockbridge UDC would deprive the Applicant of rights commonly enjoyed by other properties of the district in which the property is located. Third, the grant of the variance will not confer any special privileges upon the Applicant that are denied to other properties of the same district. Fourth, the requested variance will be consistent with the purpose and intent of the UDC, will be compatible with uses on neighboring properties, and will serve the public welfare. Fifth, the special circumstances necessitating the variance are not the result of the actions of the Applicant. Sixth, the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. Finally, the variances will not permit a use of land, buildings, or structures that are not permitted by right in the proposed zoning district.

V. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional and contrary to the best interest of the health and welfare of the citizens of the City of Stockbridge, and constitutes an arbitrary and capricious act. As a result, the City of Stockbridge Unified Development Code is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the current zoning violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the current zoning of the Subject Property and any intervening zoning district other than that requested is unconstitutional in that it renders the Subject Property unusable and destroys its marketability. Therefore, the current zoning constitutes a taking of the Applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The Zoning Ordinance of the City of Stockbridge lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance

violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

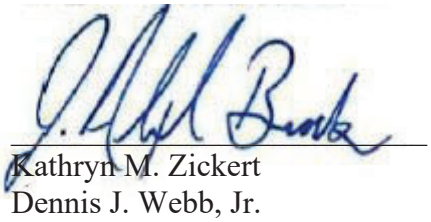
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning, Future Land Use Map Amendment, and Concurrent Variance Applications 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.

This 4th day of December, 2023.

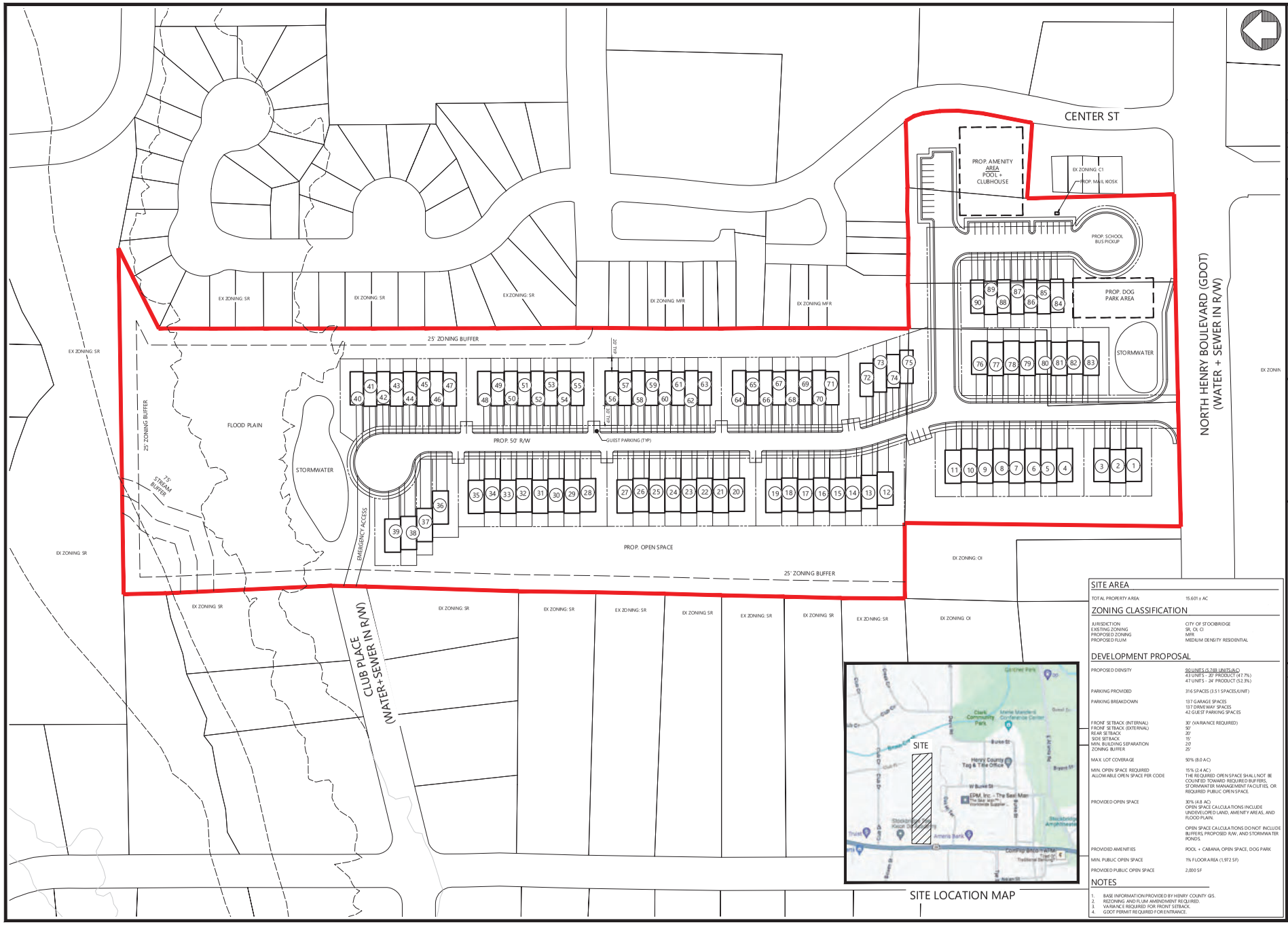
Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500

Site Plan



SITE AREA

TOTAL PROPERTY AREA	15.601 ± AC

ZONING CLASSIFICATION

JURISDICTION	CITY OF STOCKBRIDGE
EXISTING ZONING	SR, OI, C1
PROPOSED ZONING	MFR
PROPOSED FLUM	MEDIUM DENSITY RESIDENTIAL

DEVELOPMENT PROPOSAL

PROPOSED DENSITY	90 UNITS (5.768 UNITS/AC) 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
PARKING BREAKDOWN	137 GARAGE SPACES 137 DRIVEWAY SPACES 42 GUEST PARKING SPACES
FRONT SETBACK (INTERNAL)	30' (VARIANCE REQUIRED)
FRONT SETBACK (EXTERNAL)	50'
REAR SETBACK	20'
SIDE SETBACK	15'
MIN. BUILDING SEPARATION	20'
ZONING BUFFER	25'
MAX. LOT COVERAGE	50% (8.0 AC)
MIN. OPEN SPACE REQUIRED ALLOWABLE OPEN SPACE PER CODE	15% (2.4 AC) THE REQUIRED OPEN SPACE SHALL NOT BE COUNTED TOWARD REQUIRED BUFFERS, STORMWATER MANAGEMENT FACILITIES, OR REQUIRED PUBLIC OPEN SPACE
PROVIDED OPEN SPACE	30% (4.8 AC) OPEN SPACE CALCULATIONS INCLUDE UNDEVELOPED LAND, AMENITY AREAS, AND FLOOD PLAIN. OPEN SPACE CALCULATIONS DO NOT INCLUDE BUFFERS, PROPOSED R/W, AND STORMWATER PONDS.
PROVIDED AMENITIES	POOL + CABANA, OPEN SPACE, DOG PARK
MIN. PUBLIC OPEN SPACE	1% FLOOR AREA (1,972 SF)
PROVIDED PUBLIC OPEN SPACE	2,000 SF

NOTES

1. BASE INFORMATION PROVIDED BY HENRY COUNTY GIS.
2. REZONING AND FLUM AMENDMENT REQUIRED.
3. VARIANCE REQUIRED FOR FRONT SETBACK.
4. GDOT PERMIT REQUIRED FOR ENTRANCE.

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THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN ON AN APPROXIMATE BASIS ONLY. THE LOCATIONS WERE NOT INDEPENDENTLY VERIFIED BY THE OWNER OR HIS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONTRACTOR IS SOLE SAFETY & THE SOLE RESPONSIBILITY ON SITE CONDITIONS. NEITHER THE OWNER NOR ATWELL SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF PERSONS OR PROPERTY ON THIS SITE OR ON THE WORK OR ANY NEARBY STRUCTURES, OR ANY OTHER PERSONS.

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24 HOUR EMERGENCY CONTACT
####
####

ATWELL
####-####-#### WWW.ATWELL.COM ####
1850 PARKWAY PLACE, SUITE 650
MARIETTA, GA
770.423.0507
COA# PEF002804

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

NORTH HENRY TOWNHOMES

FORESTAR

ZONING PLAN

DATE 12-01-2023

REVISIONS

0 30' 60'
SCALE: 1" = 60'

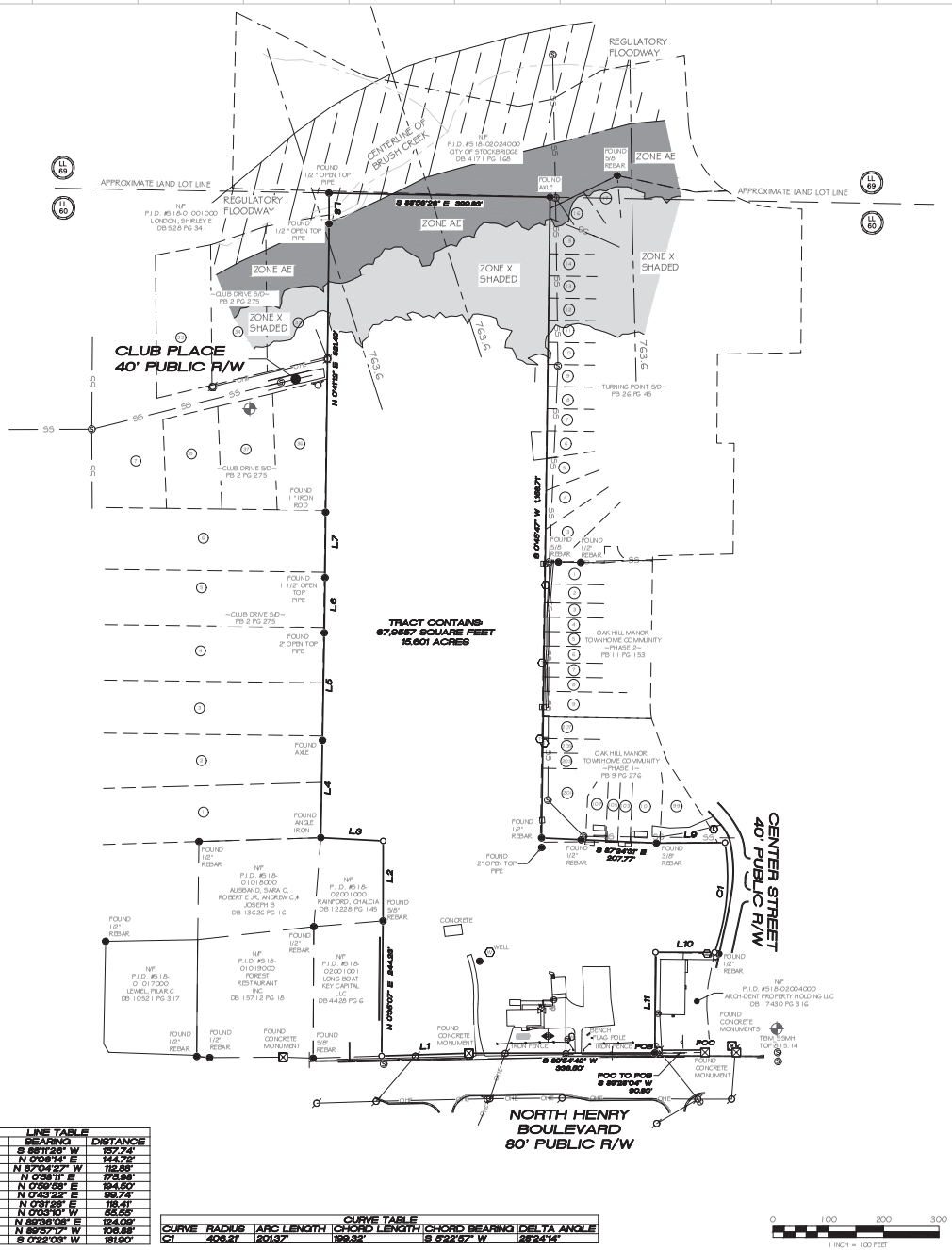
DRAWN BY: ####
CHECKED BY: ####
PROJECT MANAGER: ####
JOB #: ####
FILE CODE: ####
SHEET NO. ZP1

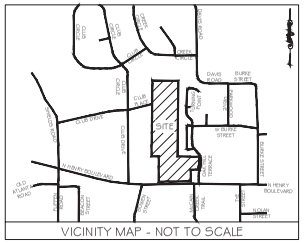
NOT ISSUED FOR CONSTRUCTION

CAD FILE: ZONING1

Survey

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT





VICINITY MAP - NOT TO SCALE

SURVEY NOTES

1. All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Henry County, Georgia, (Community-panel number 13151C0036D, dated October 6, 2016), a portion of the property lies within the following zones: Zone X, Zone X Shaded, Zone AE, and Regulatory Floodway with BFE.
4. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 11-28-2023 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
5. The field data upon which this plat is based was gathered using base and rover using multiple setups and duplicate observations on corners. The processed data has a horizontal position of less than .03ft. The scale factor used to adjust the points to ground distances is 1.0001325364230.
6. This plat has been calculated for closure and is found to be accurate within one foot in xx,xxx feet.
7. Equipment used for measurement: GPS: Leica GS18 GPS Base and Rover Receivers
8. Contours and spot elevations shown hereon are based on U.S.G.S. datum (NAVD 88), site benchmarks are shown hereon.
9. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
10. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
11. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
12. There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field Survey.
13. LJA Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
14. At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
15. Current property owner<s> address:

SURVEYOR CERTIFICATION

TO: XXXXXX # XXXXXXX Title Insurance Company

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF NOVEMBER OF 2023.

DRAFT 12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

SURVEYOR CERTIFICATION

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 AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

DRAFT 12/04/2023

Michael C. Bell, GA P.L.S. #3465 Date

LEGEND

SIGN
GROUND LIGHT
LIGHT POLE
SPOT ELEVATION
WATER VALVE
FIRE HYDRANT
WATER METER
IRRIGATION CONTROL VALVE
WATER MARKER/ MONUMENT
WATER VAULT
GRATE INLET
STORM SEWER MANHOLE
SANITARY SEWER MANHOLE
CLEANOUT
GREASE TRAP
UTILITY POLE
GUY WIRE
ELECTRIC BOX
ELECTRIC MANHOLE
ELECTRIC METER
GAS VALVE
GAS METER
TELEPHONE MANHOLE
TELEPHONE BOX
TELEPHONE PEDESTAL
FIBER OPTIC MARKER
FIBER OPTIC BOX
TRAFFIC SIGNAL POLE
PARKING COUNT
HANDICAP PARKING COUNT
HARDWOOD TREE
ORNAMENTAL TREE
MAILBOX
BENCHMARK
IRON PIN FOUND
COMPUTED POINT
IRON PIN SET
R/W MARKER

ASPHALT
CONCRETE
GRAVEL
(M) MEASURED DISTANCE
(C) CALCULATED DISTANCE
(R) RECORD DISTANCE
CTP CRIMP TOP PIPE
OTP OPEN TOP PIPE
CMP CORRUGATED METAL PIPE
HDPE HIGH DENSITY POLYETHYLENE PIPE
DIP DUCTILE IRON PIPE
PVC POLYVINYL CHLORIDE PIPE
RCP REINFORCED CONCRETE PIPE
OCS OUTLET CONTROL STRUCTURE
HW HEADWALL
POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
STORM SEWER LINE
SANITARY SEWER
WATER LINE
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND ELECTRIC
PROPERTY LINE
ADJACENT PROPERTY LINE
FENCE
SINGLE WING CATCH BASIN
DOUBLE WING CATCH BASIN
LL 263 LAND LOT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 85°26' W	157.74'
L2	N 00°14' E	144.72'
L3	N 87°04'27" W	112.85'
L4	N 05°11' E	173.59'
L5	N 05°05' E	194.50'
L6	N 04°32' E	99.74'
L7	N 03°28' E	118.41'
L8	N 00°10' W	65.68'
L9	N 87°06'06" E	124.00'
L10	N 89°57'17" W	106.88'
L11	S 02°09' W	181.90'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	406.21'	201.37'	199.32'	S 5°22'57" W	28°24'14"

0 100 200 300

1 INCH = 100 FEET

LJA SURVEYING INC.
4525 SOUTH LEE STREET
BUFORD, GA 30518
Phone: 713.953.5200
LSF No.: 1380

LOCATED IN:
LAND LOT 60
1 2TH DISTRICT
HENRY COUNTY, GEORGIA

ALTA/NSPS LAND TITLE SURVEY
NORTH HENRY TRACT
FOR
FORESTAR GROUP

ISSUE/ INITIAL	DATE (CHANGE)	DESCRIPTION
REV. 1		
REV. 2		
REV. 3		
REV. 4		
REV. 5		
REV. 6		
REV. 7		

DRAFTED BY: JTH

CHECKED BY: MCB

PROJECT #: LJA54283-2301

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SHEET NO.: 1 OF 1

Legal Description

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 2.201 acres, more or less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Rt. No. 42) a distance of 521.45 feet to an iron pin and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence N 0° 34' 49" W a distance of 409.52 feet to a point; run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence S 0° 1' 35" E a distance of 207.8 feet to a point; run thence S 85° 33' 22" W a distance of 109.17 feet to a point; run thence S 4° 11' 54" E a distance of 185.71 feet to a point on the margin of the Right-Of-Way of State Route No. 42; run thence S° 87 50' 59" W a distance of 187.77 feet to the TRUE POINT OF BEGINNING.

ALSO: ALL THAT TRACT OR PARCEL OF LAND LYING and being in Land Lot 60 of the 12th District of Henry County, Georgia, containing 10.72 acres, more of less, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the intersection of the center line of Club Drive with the northern Right-Of-Way line of Jonesboro Road (GA State Route No. 42) and run thence easterly along the northerly Right-Of-Way line of Jonesboro Road (GA State Route No. 42) a distance of 521.45 feet to an iron pin found; run thence N 0° 34' 49" a distance of 409.52 feet to a point and the TRUE POINT OF BEGINNING, and from said true point of beginning run thence S 89° 48' 14" E a distance of 286.94 feet to a point; run thence N 01° 27' 26" W a distance of 9.02 feet to a ½" rebar; run thence 01° 27' 26" W a distance of 1,166.58 feet to a point; run thence S 88° 54' 18" W a distance of 399.82 feet to a point; run thence S 01° 36' 16" E a distance of 795.09 feet to a point; run thence S 01° 11' 25" E a distance of 371.5 feet to a point; run thence S 89° 47' 51" E a distance of 113.18 feet to a ½" rebar and the TRUE POINT OF BEGINNING.

All according to survey for Mrs. Marion Power Geis, prepared by Griffin Engineering Company, dated March 17, 1980, and bearing the certification of Robert S. Mitchell, G.R.L.S.

All of the above being that same property that was conveyed by Warranty Deed recorded in Book 646, Page 136 of the Records of the Clerk of the Superior Court, Henry County, Georgia, and being the same property that was conveyed to George W. Quillian by Warranty Deed recorded in Book 646, Page 136 of the Superior Court Clerk, Henry County, Georgia.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lot 60 of the12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.24' left of and opposite station 91.41.13 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 00° 09' 13" E a distance of 19.76' to a point; thence N 88° 43' 08" E a distance of 156.53' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 29.88' to a point; thence S 02° 50' 59" E a distance of 19.39' to a point; thence S 88° 36' 54" W a distance of 187.43' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as shown on Plat of Survey made by Lewis Roland Hurd, a Georgia Registered Land Surveyor, dated April 17, 1979, and revised November 12, 1985, entitled "Property of Miriam Dodd Mays, Lewis Hurd Surveyors drawing No. LHS 78362-D," the same Plat of survey being recorded at Plat Book _____, Page _____, Henry County, Georgia, Records, and more particularly described as follows:

A POINT OF REFERENCE as the intersection of the centerline of Club Drive and the extension of the north right-of-way line of (50' R/W) of North Henry Boulevard; from the Point of Reference N 87° 50' 59" E 694.1 feet along the north right-of-way (50' R/W) line of North Henry Boulevard to the POINT OF BEGINNING; thence N 00° 40' 58" W 184.55 feet to an iron pin; thence, N 85° 06' 33" E 114.41 feet to an iron pin; thence, 00° 01" 35" W 207.80 feet to an iron pin; thence, S 89° 48' 14" E 70.00 feet to an iron pin; thence, S 00° 18' 54" E 394.95 feet to a point on the north right-of-way line of North Henry Boulevard; thence, S 87° 50' 59" W 184.0 feet along the north right-of-way

line of North Henry Boulevard to the Point of Beginning.

BEING A TRACT OF LAND containing 1.087 acres, bounded on the west by lands of George W. Quillian, on the north by Mostok, Inc., on the east by the Turpin Estate and on the south by North Henry Boulevard, and being the same property conveyed to J.T. Mays, Jr., at Deed Book 103, Page 574, Henry County Records.

This conveyance is subject to a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 287, Henry County Records; and a Right-Of-Way Deed to the State Highway Board of Georgia from J.T. Mays, dated July 5, 1927, and recorded at Book 23, Page 288, Henry County Records.

LESS AND EXCEPT: ALL that tract or parcel of land lying and being in Land Lot 60 of the 12th Land District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 25.64' left of and opposite station 93+28.50 on the construction centerline of S.R. 42/138 (US 23) on Georgia Highway Project FR-037-2(32); running thence N 02° 50' 59" W a distance of 19.39' to a point; thence easterly along a curving line having a radius of 11,504.16' for an arc distance of 169.01' to a point; thence S 00° 34' 42" W a distance of 19.08' to a point; thence westerly along a curving line having a radius of 11,449.16' for an arc distance of 167.86' back to the point of BEGINNING.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per a plat of survey prepared by Alvin E. Vaughn & Associates, Inc. dated October 13, 1987 for George W. Quillian being more particularly described as follows:

To ascertain the True Point of Beginning, commence at a reference point located at the intersection of the North right of way line of North Henry Boulevard with the West right of way line of Burke Street; thence West along the North right of way line of North Henry Boulevard 1044.5 feet to an iron pin; thence North 01 degrees 16 minutes 00 seconds East a distance of 200 feet to the True Point of Beginning; thence North 01 degrees 25 minutes 29 seconds East a distance of 197.47 feet to an iron pin found; thence South 89 degrees 23 minutes 38 seconds East a distance of 124.17 feet to a point located on the Western right of way of Center Street; thence in a South South West direction along and following the curvature of said Center Street a distance of 201.37 feet to an iron pin; thence North 88 degrees 56 minutes 20 seconds West a distance of 106.88 feet to an iron pin and The True Point of Beginning. Said tract containing .559 acres.

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per plat prepared by Lewis Hurd Surveyors, Registered Land Surveyor of the Beverly Ross Turpin Estate dated April 12, 1981 containing 1.25 acres and recorded in Plat book 9, Page 49, Henry County Records. Said plat and the record thereof is hereby incorporated by reference for description and all other legal purposes.

LESS AND EXECPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, being more particularly described as follows:

BEGINNING at a point 26.03 feet left of and opposite station 94+99.99 on the construction centerline of S.R. 42 and S.R. 138 (US 23) on Georgia Highway Project FR-037-2(32); running thence North 0 degrees 34 minutes 42 seconds East a distance of 18.08 feet to a point; thence

Easterly along a curving line having a radius of 11,504.16 feet for an arc distance of 137.31 feet to a point; thence South 00 degrees 38 minutes 09 seconds West a distance of 18.96 feet to a point; thence Westerly along a curving line having a radius of 11,449.16 feet for an arc distance of 137.29 feet back to the point of BEGINNING.