

STOCKBRIDGE CITY COUNCIL

Mayor Anthony S. Ford
At-Large

Mayor Pro Tem Kyle D. Berry, Sr.
Council District 3

Councilmember Elton Alexander
Council District 5

Councilmember Yolanda Barber
Council District 4

Councilmember LaKeisha Gantt
Council District 1

Councilmember Alphonso Thomas
Council District 2

CITY MANAGER

Frederick Gardiner

CITY CLERK

Vanessa Holiday

CITY TREASURER

Vacant

CITY ATTORNEY

Quinton G. Washington

Samantha Embry

Council Meeting Agenda February 12, 2024 6:00 PM



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

Fax: 770-389-7912

Translation and Interpretation Services are available with (7) days prior notice. Please contact the City's HR Manager at 770-389-7908 for assistance.



AGENDA COUNCIL MEETING CITY OF STOCKBRIDGE

MONDAY, FEBRUARY 12, 2024 6:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

ADOPTION OF THE MINUTES

- 1 Adoption of the January 8, 2024 Minutes
- 2 Adoption of the January 30, 2024 Minutes

PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting. You must sign your name, address, and phone number. You will be able to address the Mayor and Council for three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated while meetings are in session.

CEREMONIAL REVIEW

- 3 Review of Proclamations: Black History Month, Human Trafficking Awareness and Prevention Month, Nasiara Riley - Flip City South and Unity Grove
Rosenwald School Preservation, Board Appointment Renewals

PUBLIC HEARING

- 4 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 Road from "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. Planning Commission recommendation -- Approval. Staff Recommendation -- Approval.

- 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

5 **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. Planning Commission recommendation -- Approval with conditions. Staff recommendation -- Approval with conditions.

- 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

6 **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 coverage 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. Planning Commission recommendation -- Denial. Staff recommendation -- Approval.

- 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

7 **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. Planning Commission recommendation -- Approval. Staff recommendation -- Approval.

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

8 **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. Planning Commission recommendation -- Approval with conditions. Staff recommendation -- Approval with conditions.

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

9 **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. Planning Commission recommendation -- Denial. Staff recommendation -- Approval.

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

NEW BUSINESS

10 **RESOLUTION TO ACCEPT THE DEDICATION OF PORTIONS OF PROPERTY AT 3986 JODECO ROAD, NEAR CANDLER ROAD, TO BE USED AS A PUBLIC PARK.**

Consideration of a resolution to accept portions of the property at 3986 Jodeco Road, near Candler Road, within the Stockbridge City Limits, to be dedicated to the City of Stockbridge by its owner, Candler Road Stockbridge Propco, LLC, per the executed Dedication Agreement between the parties, dated December 13, 2023, for use by the City of Stockbridge as a public park, and for other public purposes, which is to be constructed by the property owner according to a mutually-agreeable development plan. The property comprises Parcel #071B03046000, located in Land Lots 63 and 66 of District 7 within Henry County, Georgia, and it contains two tracts with 1.400 +/- total acres: "Tract One" containing 0.593 +/- acres and "Tract Three" containing 0.811 +/- acres, as are depicted by Exhibit "A" and Exhibit "B" of the Dedication Agreement.

ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- **Citywide Development Authority Meeting, 2nd Tuesday of each month, 6:00 p.m.- City Hall Levi Meeting Room (Feb 13)**
- **Planning Commission Meeting, 3rd Thursday of each month, 6:30 p.m. - City Hall Council Chamber - (Feb 15)**
- **Downtown Development Authority Meeting, 3rd Tuesday of each month Welcome Center 130 M L King, Sr. Heritage Trail (Feb 20)**
- **Youth Council Advisory Committee Meeting, 6:30 p.m. -3rd Tuesday of each month Levi Meeting Room - City Hall (Feb 20)**
- **City Council Work Session Meeting, last Tuesday of each month at 6:00 p.m. - City Hall Council Chamber (Feb 27)**
- **City Council Meeting SPECIAL DATE Monday, March 4th 6:00 p.m. - City Hall Council Chamber (Mar 4)**
- **Stockbridge Citizens-Police Advisory Council meeting 1st Thursday of each month at 6:00 p.m. at the Stockbridge Police Community Room 4545 N. Henry Blvd. (Mar 7)**
- **Main Street Advisory Board Meeting 2nd Friday of each month - Welcome Center/Main Street Offices located at 130 M L King, Sr. Heritage Trail at 9am (Mar 8).**
- **Youth Council Meeting 2nd Monday of each month at 6:30 p.m. - City Hall Levi Meeting Room (Mar 11)**

UPCOMING CITY EVENTS/INITIATIVES

- **Join Councilman Thomas for the monthly Senior Bingo Bash taking place on Wednesday, February 21st from 10am - 12pm at the Merle Manders Conference Center, 111 Davis Rd. for raffles, prizes, games, snacks and fun!**
- **Join Councilman Alexander for the Quarterly Town Hall on Thursday, February 22nd at 7pm- Location: TBD.**
- **Join Councilman Thomas for the 13th Annual African American Heritage Celebration, Saturday, February 24th from 5pm – 7pm at the Merle Manders Conference Center**
- **Join Councilman Alexander for the Women's History Month Honors taking place on Sunday, March 3, 2024 at 3pm at the Merle Manders Conference Center.**
- **Join Mayor Ford for the monthly *Meet the Mayor* on Monday, February 26th from 10am – noon.**
- **Join Councilman Thomas for the *Don't Trash Stockbridge* initiative centered around education highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.**
- **Councilman Thomas is honoring *Veterans with a Continuous Salute* all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service.**

For more information regarding Meet the Mayor and Council Initiatives, please contact Rosalynd Rawls at 678-833-3348 or via email at rrawls@stockbridgega.org

MAYOR'S COMMENTS (Mayor Anthony Ford)

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

ADJOURNMENT



CITY COUNCIL MEETING SUMMARY MINUTES

MONDAY, JANUARY 8, 2024 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5
Councilmember Kyle Berry – Council District 3
Councilmember LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2

Administration

Frederick Gardiner – City Manager
Vanessa Holiday – City Clerk
Vacant – City Treasurer
Quinton Washington – City Attorney
Samantha Embry – City Attorney

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.

The meeting was called to order by Mayor Ford at 6:00 p.m.

Judge McCord issued the Oath of Office to Councilmembers Elton Alexander, Yolanda Barber and Kyle D. Berry, Sr.

Invocation by Councilmember Berry

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All Members were present.

Motion to adopt the Agenda made by Councilmember Alexander; seconded by Councilmember Barber. The motion passed unanimously 5-0.

Motion to approve the Minutes for the following meetings was made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed unanimously 5-0.

1. Council Meeting Minutes November 13, 2023
2. Work Session Minutes November 28, 2023
3. Council Meeting Minutes December 11, 2023

PUBLIC COMMENTS

All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting noting your name, address, and phone number. You will be allotted three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated.

There were no public comments.

CEREMONIAL REVIEW

2. Mayor Ford reviewed the proclamation for: Dr. Martin Luther King, Jr, Day and asked everyone to participate in activities, taking a day on and not a day off. Mayor Ford also referenced the swearing-in of newly and re-appointed members of Boards and Committees and thanked them for their service.

ORGANIZATIONAL APPOINTMENTS

3. Appointment of the City Clerk
Motion to appoint Vanessa Holiday, City Clerk was made by Councilmember Thomas; seconded by Mayor Pro Tem Barber. The motion passed unanimously 5-0.

Appointment of the Executive Assistant to Mayor & Council
Motion to appoint Rosalynd Rawls, Executive Assistant to Mayor & Council was made by Councilmember Gantt; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

Appointment of the City Auditor
Motion to place the Auditor out for bid and bring back to the Council to award at the March 4, 2024 meeting was made by Councilmember Thomas; seconded by Councilmember Barber. The motion passed 3-1-1 (Thomas, Barber, and Berry Approved), (Alexander Opposed) (Gantt Abstained).

Appointment of the City Attorney
Motion to appoint Washington and Dreyer, City Attorney was made by Councilmember Gantt; seconded by Councilmember Alexander. The motion passed 4-0-1 (Barber Abstained citing questions/concerns that have not been addressed).

Appointment of the Mayor Pro Tem
Motion to nominate Kyle Berry, Mayor Pro Tem was made by Councilmember Barber; seconded by Councilmember Thomas.

Councilmember Gantt referenced the rotation of the Mayor Pro Tem, and that it is her turn to serve in the position, and that in the rotation it would have been former Councilmember Blount, now Councilmember Berry, next year and asked that the rotation remain in that order.

Councilmember Thomas stated there is no reference in the Charter regarding rotation, nor is there a policy regarding the rotation of the Mayor Pro Tem, and that the Charter states the Council shall appoint the Mayor

Pro Tem and believes the intent of the forefathers was that the Council appoint an appropriate and qualified member for the position that would be respected and approved by the consensus of the Council.

Councilmember Alexander stated that a policy needs to be enacted so that the rotation of the Mayor Pro Tem position and recommended establishing a policy beginning with the following ranking order: Councilmember Berry 2024, Councilmember Gantt in 2025, Councilmember Alexander 2026, Councilmember Thomas 2027, and Councilmember Barber 2028.

Mayor Ford noted the Mayor Pro Tem acts in the absence of the Mayor should the Mayor not be available to participate in proceedings or at functions, or be out of capacity, and noted that during his six years as Mayor, the Mayor Pro Tem has not had to perform those duties as he has been primarily present, however, the Mayor Pro Tem would be in the position to act if he were not able to do so, and agreed there is nothing in the Charter that outlined and indicates a rotation.

Councilmember Berry stated that while there is not an official policy in place, you have to consider if there was an agreement, and that ethics matters.

Councilmember Barber noted that she does not support rotating because every two years there is an election and you could potentially have a new member on the Council; and noted there are several factors to consider when appointing a Mayor Pro Tem.

Councilmember Alexander asked Councilmember Berry to make the request to Councilmember Thomas to withdraw his motion and allow a motion to come forward to appoint Councilmember Gantt.

Councilmember Thomas noted he would not be in favor of any withdrawal of the motion and stated that he does not support rotation of the Mayor Pro Tem.

The motion passed 3-0-2 (Thomas, Barber, and Berry Approved), (Alexander and Gantt Abstained)

Appointment of the Municipal Court Judge
Motion to amend the Agenda and appoint Matthew McCord, Municipal Court Judge, was made by Councilmember Gantt; seconded by Councilmember Barber. The motion passed unanimously 5-0.

Appointment of the Municipal Court Solicitor
Motion to amend the Agenda and to appoint Julie Kert, Municipal Court Solicitor, was made by Councilmember Barber; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

Mayor Ford read the Public Hearing Rules.

PUBLIC HEARING

4. ANNEXATION CASE #AX-2023-05. (To be located in Council District 5.) Council 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. The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Mr. Anderson gave a brief overview of Annexation Case No. AX-2023-05, Comprehensive Plan Amendment Case No. CP-2023-06 and Rezoning Case No. RZ-2023-07, noting each case will require a separate action vote from the City Council and that the associated Variance would have a separate Public Hearing and subsequent vote of the Council.

The applicant's attorney was represented by Attorney Michele Battle of the Battle Law firm and gave an overview of the proposed development, and fielded questions from the governing body.

Public Hearing Opened

Speakers in Favor: Ms. Sharon Wilson

Speakers Opposed: Ms. Anne Fields, Ms. Heather Gawel, Ms. Barbara Fleischman, Ms. Marion D. Calhoun, Mr. James Henderson, Ms. Faithleen Henderson, and Ms. Sarah Lesley

Public Hearing Closed.

Additional Conditions were added to the development:

Flock Cameras at all entrances.

50% of the homes will have 4-sided Brick with flexibility around the windows and the garage, and the buyer will have the option to select brick.

10' Sidewalk along the entire frontage of the development.

Condition 2 will be removed on the Variance.

Remove/modify the Condition regarding the Environmental Impact Study, noting the report has already been provided.

Motion to approve ANNEXATION CASE #AX-2023-05 made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

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

Council 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.

The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Motion to approve COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-06 made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

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

Council 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. The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Motion to approve REZONING CASE #RZ-2023-07 to include staff's recommendations and Additional Conditions as noted: Flock Cameras at all entrances; 50% of the homes will have 4-sided Brick with flexibility around the windows and the garage, and the buyer will have the option to select brick; 10' Sidewalk along the entire frontage of the development. Condition 2 will be removed on the Variance; Remove/modify the Condition regarding the Environmental Impact Study, noting the report has already been provided made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

7. VARIANCE CASE #VR-2023-03. (To be located in Council District 5.) Council 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. The Planning Commission recommends denial. Staff recommends approval.

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.

Presented by: Ryan Anderson, Chief Planner

Mr. Anderson gave a brief overview of Variance Request VR-2023-03.

The applicant's attorney was represented by Attorney Michele Battle of the Battle Law firm and gave an overview of the proposed Variance noting the request is reduce the setback from 50 feet to 35 feet, and fielded questions from the governing body.

Public Hearing Opened

Speakers in Favor: Ms. Sharon Wilson

Speakers Opposed: Ms. Anne Fields, Ms. Heather Gawel, and Ms. Connie Snow

Public Hearing Closed.

Motion to approve VARIANCE CASE No. VR-2023-03 with the reduction to 35 feet made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

8. ANNEXATION CASE #AX-2023-06. (To be located in Council District 5.) Council 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 #052-01025027—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. The Planning Commission recommends denial. Staff recommends approval.
- Presented by: Ryan Anderson, Chief Planner

Mr. Anderson gave a brief overview of Annexation Case No. AX-2023-06, Comprehensive Plan Amendment Case No. CP-2023-07 and Rezoning Case No. RZ-2023-08, noting each case will require a separate action vote from the City Council and that the associated Variance would have a separate Public Hearing and subsequent vote of the Council.

The applicant's attorney was represented by Attorney Dennis J. Webb, Jr, of the Smith, Gambrell and Russell, LLP firm and gave an overview of the proposed development, and fielded questions from the governing body.

Public Hearing Opened

Speakers in Favor: Mr. Charles Marshall and Mr. James White

Speakers Opposed: Ms. Anne Fields, Ms. Connie Snow, Mr. Frederick Skinner, Mr. Joseph Crissey, and Ms. Tasha Kemple.

Public Hearing Closed.

Mr. Gardiner noted a shared cost for Transportation Improvements on Patrick Henry Parkway between the City of Stockbridge, Henry County, and the Developer.

Mr. Webb confirmed that the cemetery would be fenced with 50' buffer and access as required by Georgia law.

Additional Conditions agreed upon include: the addition of a fountain in the retention pond; flock cameras at all entrance/exit points; 10' path around the development; stamped pavers in the crosswalk; and in the future when there is a need to change them out, install black mast; and to amend the language for referencing the "existing" easements to: "shall provide easement access".

Motion to approve ANNEXATION CASE #AX-2023-06 made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 4-0. (Councilmember Thomas was not present for the vote).

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

The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Motion to approve COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-07 made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

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

Council 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.

The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Motion to approve REZONING CASE #RZ-2023-08 to include staff's recommendations and Additional Conditions as noted: the addition of a fountain in the retention pond; flock cameras at all entrance/exit points; 10' path around the development; stamped pavers in the crosswalk; and in the future when there is a need to change them out, install black mast; and to amend the language for referencing the "existing" easements to: "shall provide easement access" made by Councilmember Alexander; seconded by Councilwoman Gantt. The motion passed unanimously 5-0.

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

Council 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.

The Planning Commission recommends denial. Staff recommends approval.

Presented by: Ryan Anderson, Chief Planner

Mr. Anderson gave a brief overview of Variance Request VR-2023-03.

The applicant's attorney was represented by Attorney Dennis J. Webb, Jr, of the Smith, Gambrell, and Russell, LLP firm and gave an overview of the proposed (3) three variances and requested approval.

Public Hearing Opened
Speakers in Favor
Speakers Opposed
Public Hearing Closed.

Motion to approve VARIANCE CASE No. VR-2023-04 made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

NEW BUSINESS

12. Council consideration to reclassify the Crime Scene Investigator position and to approve a job description for Property & Evidence Custodian.
Presented by: Frank Trammer, Police Chief
Chief Trammer noted there would be no changes to the budget.
Motion to approve made by Councilmember Gantt; seconded by Councilmember Berry. The motion passed unanimously 5-0.
13. Council consideration to reclassify the Police Sergeant position and approving the job description for a Crime Scene Investigation Supervisor.
Presented by: Frank Trammer, Police Chief
Chief Trammer noted there would be no changes to the budget.
Motion to approve made by Councilmember Gantt; seconded by Councilmember Berry. The motion passed unanimously 5-0.
14. Council consideration to approve the purchase of (4) four Ford Mavrick XL trucks not exceeding \$117,200.00. Funding Source: Police Department Operating Budget.
Presented by: Frank Trammer, Police Chief
Chief Trammer noted these vehicles are for the (4) four Public Safety Officers approved in the FY2024 Budget.
Motion to approve made by Councilmember Berry; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

ANNOUNCEMENTS OF UPCOMING MEETINGS

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- Citywide Development Authority Meeting, 2nd Tuesday of each month at 6:00 p.m. - City Hall Levi Meeting Room (Jan 9)

During the reading of the announcements, Councilmember Alexander made a request for the Council to take a re-vote on the Mayor Pro Tem position noting the vote should be a unanimous vote and asked Councilmember Berry to rescind his vote for the appointment of Mayor Pro Tem.

Mayor Ford asked for a legal opinion from Council on how to proceed.

Attorney Embry noted a member from the prevailing vote would need to make a request to rescind their vote, and then the Council would need to vote to amend the Agenda to take a vote again for the Mayor Pro Tem position.

Councilmember Berry motioned to rescind his vote; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

Councilmember Alexander nominated Kyle Berry as Mayor Pro Tem for 2024; seconded by Councilmember Barber. The motion passed unanimously 5-0.

Councilmember Alexander motioned to amend the Agenda to add making the rotation of the Mayor Pro Tem an official policy of the city; seconded by Councilmember Gantt. The motion passed 4-1(Thomas opposed)

Councilmember Alexander motioned to approve a policy making the rotation of the Mayor Pro Tem an official policy of the city; seconded by Councilmember Gantt. The motion passed 3-1-1 (Thomas Opposed citing this action is a Charter Violation) (Barber Abstained citing there will be an election in two years and this action has already places names for the Mayor Pro Tem for the next 4 years).

Councilmember Alexander motioned to approve a Mayor Pro Tem Rotation Policy as referenced in an email with the rotation would be as follows: Berry (2024), Gantt (2025) Alexander (2026) Thomas (2027) and Barber (2028); seconded by Councilmember Gantt. The motion passed 3-2 (Alexander, Berry, Gantt Approved); (Barber and Thomas Opposed citing violation of the Charter).

Mayor Ford noted the city's Charter does not reference Rotation of the Mayor Pro Tem position.

Attorney Embry stated there is nothing in the City's Code or Charter that speaks to the rotation of the Mayor Pro Tem; and that the selection could be changed by Resolution by rotation, alphabetical order, or by District.

Attorney Embry corrected her previous statement noting the Council would need to vote to adopt an Ordinance, not a Resolution.

Councilmember Barber stated the Council agreed not to amend tonight's Agenda, and since they have since amended the Agenda, she is bringing forth her motions as discussed and motioned to amend the Agenda to direct the HR Manager to forward

the job descriptions for the City Clerk and the Executive Assistant to the Governing Body; seconded by Councilmember Thomas. The motion failed 2-2-1 (Barber/Thomas Approved), (Alexander/Gantt Opposed), (Berry Abstained). Mayor Ford voted in opposition. The final vote: 2-3-1.

Councilmember Thomas noted that because the Council has violated the Charter, he would not participate in any further action and exited the meeting.

Councilmember Barber motioned to amend the Agenda to direct staff to put the City Attorney out for bid; the motion failed the lack of the second.

Councilmember Barber motioned to amend the Agenda to direct staff to put out an RFP for an Independent Auditor; the motion failed for lack of the second.

Councilmember Barber motioned to amend the Agenda to reactivate the Finance Committee; the motion failed for lack of a second.

- Main Street Advisory Board Meeting 2nd Friday of each month - Welcome Center/Main Street Offices located at 130 M L King, Sr. Heritage Trail at 9am (Jan 12).
- Downtown Development Authority Meeting, 3rd Tuesday of each month Welcome Center 130 M L King, Sr. Heritage Trail (Jan 16)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Levi Meeting Room - City Hall (Jan 16)
- Planning Commission Meeting, 6:30 p.m. - City Hall Council Chamber - (Jan 24)
- City Council Work Session Meeting, last Tuesday of each month at 6:00 p.m. - City Hall Council Chamber (Jan 30)
- Stockbridge Citizens-Police Advisory Council meeting 1st Thursday of each month at 6:00 p.m. at the Stockbridge Police Community Room 4545 N. Henry Blvd. (Feb 1)
- City Council Meeting 2nd Monday of each month at 6:00 p.m. - City Hall Council Chamber (Feb 12)
- Youth Council Meeting 2nd Monday of each month at 6:30 p.m. - City Hall Levi Meeting Room (Feb 12)

UPCOMING CITY EVENTS/INITIATIVES

- Join Councilman Alexander for the Annual MLK Jr. Day of Service Community Cleanup on Hudson Bridge Rd., Saturday, January 13th from 9am - 11am; Please park the Hudson Bridge Parking Lot, For more information please contact Rosalynd Rawls at 678-833-3348 or rrawls@stockbridgega.org
- Join Councilman Thomas for the monthly Senior Bingo Bash on Wednesday, January 17th from 10am - 12pm at the Merle Manders Conference Center, 111 Davis Rd. for raffles, prizes, games, snacks and fun! For more information, please contact Rosalynd Rawls at 678-833-3348 or rrawls@stockbridgega.org
- Join Mayor Ford for the monthly *Meet the Mayor* on Monday, January 22nd from 10am – noon. Please contact Rosalynd Rawls to schedule an appointment at 678-833-3348 or via email at rrawls@stockbridgega.org

- Join Councilman Thomas for the *Don't Trash Stockbridge* initiative centered around education highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.
- Councilman Thomas is honoring *Veterans with a Continuous Salute* all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service to rrawls@stockbridgega.org

MAYOR'S COMMENTS

Mayor Ford wished everyone Happy New Year; asked that everyone get their flu shots and protection against the RSV virus, and to enjoy the M L King, Jr. Holiday weekend with service as a day on and not a day off.

Motion to adjourn made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed 3-0. (Barber and Thomas were not present for the vote). The meeting adjourned at 10:45 p.m.

Respectfully submitted by:

Vanessa Holiday, City Clerk

Anthony S. Ford, Mayor



CITY COUNCIL WORK SESSION MEETING SUMMARY MINUTES

TUESDAY, JANUARY 30, 2024 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5
Councilmember Kyle Berry – Council District 3
Councilmember LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2

Administration

Frederick Gardiner – City Manager
Vanessa Holiday – City Clerk
Vacant – City Treasurer
Quinton Washington – City Attorney
Samantha Embry – City Attorney

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.

The meeting was called to order by Mayor Ford at 6:13 p.m.

Invocation by Principal Christian, Henry County Schools

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All Members were present.

Motion to amend the Agenda to remove Item #12 to be heard at the March 4, 2024 meeting made by Mayor Pro Tem Berry; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

Motion to adopt the Agenda made by Councilmember Barber; seconded by Mayor Pro Tem Berry. The motion passed unanimously 5-0.

1. Review of the January 8, 2024 Work Session Meeting Minutes; no action taken.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Motion to remove the Johnson Controls contract renewal from the Consent Agenda made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously. 5-0.

2. **Consent Agenda** - Council consideration to adopt the Metropolitan North Georgia Water Planning District (MNGWP) Model Litter Control Ordinance.

Motion to approve the Consent Agenda made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.

ITEM REMOVED FROM CONSENT AGENDA

3. Council consideration to approve the renewal of contract No. 2019-0032P, Johnson Controls, Security Solutions, LLC (Tyco Integrated Security, LLC) for Facility Equipment Systems and Services in the amount of \$100,000.00. Funding source is from Government Buildings budgeted funds.

Staff were asked to elaborate on what was covered under the contract.

Mr. Gardiner noted Johnson Controls is the city's vendor for the security system and keycard access control.

Mr. Arron noted the city's conference center now has access cards similar to what is used for hotel rooms, and that additional upgrades have been made throughout city hall and the Amphitheater.

Motion to approve was made by Councilmember Gantt; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

PRESENTATION

4. Henry County Board of Education Update
Presented by: Dr. Elizabeth Davis, Superintendent and Mr. Cemond Robinzine, Assistant Superintendent

Dr. Davis and Mr. Robinzine presented the Henry County Schools District Update and introduced the Stockbridge Cluster Team; noted the tagline "Winning for Kids...Every, Kid, Every Minute, Every Day; referenced the following statistics: Enrollment of 42,963 for 2023-2024, 8th Largest District in Georgia, 1.3% Increase in Enrollment From 2022-2023, 52 District Schools, including 2 Academies, Approximately 6,000 employees and Graduated 3,424 in class of 2023; referenced the following Advancing Academic Opportunities: Furniture replacement for (3) elementary schools, CTAE equipment and supplies, Talent Development in Elementary – 2,000 more students identified for gifted services, Advanced Mathematics in 3rd grade – New in 2023-2024, Increased enrollment in 4th and 5th grade Advanced Mathematics, Twice as many middle school students earning high school course credit, Every high school offers increased course offerings along with increased enrollment in Advanced Placement (AP) courses, World languages to be offered at all elementary schools within three years; noted the STEM (Science, Technology, Engineering and Mathematics) school, located in the City of Stockbridge, is planned to open 2026-2027; noted the school system will be Advancing the Arts with Fine

Arts equipment and supplies, Band and orchestra equipment, Band uniform replacement schedule, Orchestra at every middle and high school over the next three years, Visual arts equipment and supplies, Choral programs at all schools, and Theatre programs at many elementary schools; noted the Board of Education has made a \$33 million Campus Security Investment with structural changes and improvements that layer security prevention tools on school campuses

Members of the Governing Body thanked Dr. Davis and Mr. Robinzine for the presentation; noted the Henry County Schools system was a factor in moving to the area, requested reporting from school clusters where city of Stockbridge students reside; inquired about bus driver shortages and student pickup/drop off delays; inquired about the criteria for the STEM School and becoming a Partner in Education, inquired about the Arts in schools and the correlation to academic performance, and inquired about number of students in schools as it relates to overcrowding.

Dr. Davis noted there have been improvements regarding the bus driver shortage with better compensation and incentives being offered and the efforts are recruitment ongoing; noted there is an Advisory Board overseeing the STEM School selection process; noted (4) four Henry County Schools that include both Dutchtown and Eagles Landing High Schools who had improvements in SAT/ACT scores; and that seven years ago there was not an Arts teacher, and now there is great focus on Arts in schools giving students exposure and agreed there is a strong correlation to academics; and noted Henry County Schools are at 76% capacity, noting there are hot spots that are monitored for projections for the upcoming school year, and noted there are 11 schools being added through the E-SPLOST that will eliminate the 69 trailers.

5. Economic Development Strategic Plan (Draft Presentation)
Presented by: Kim Allonce, Economic Development Director, and KB Advisory Group Staff: Geoff Koski, Tate Davis, and Gabrielle Oliverio
KB Advisory Group presented the Draft Economic Development Strategic Plan; noted the hospital was added via the annexation and that housing for professionals was essential for the medical hub; noted the challenges of the railroad and the bridge in the downtown area; suggest the City Go Big and preserve its history and pursue the TAD; referenced the city of Douglasville as an example that if you don't go in that direction, you will fall behind as a city; and noted the deadline for comments and feedback is February 9, 2024 with the final adoption at the February 27, 2024 meeting.

OLD BUSINESS

6. VETO of Ordinance OR24-553 – To Amend the City of Stockbridge Charter, Article II, Section 3.11 (B), Regarding the appointment of the Mayor Pro Tem.
Presented by: Mayor Anthony S. Ford
Mayor Ford read Section 3.23 and the Veto Letter. There was no motion to override. The Veto of OR24-553 stands.

NEW BUSINESS

7. Council consideration to approve a Resolution to establish a systematic approach for the appointment of the Mayor Pro Tem in the City of Stockbridge.
Presented by: Samantha Embry, City Attorney
Motion to approve made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed 3-2 (Alexander, Berry and Gantt In Favor); (Barber and Thomas Opposed).
8. Council consideration to adopt the Model Findings Resolution on the proposed Local Amendment to Plumbing Code for water efficiency code requirements by the Georgia Department of Community Affairs.
Presented by: Jeremy Goodwin, Assistant Public Works Director
Motion to approve made by Councilmember Alexander; seconded by Councilmember Gantt. The motion passed unanimously 5-0.
9. Council consideration to approve the annual contract (RFP 2020-0026) with Site Engineering, Inc. for on-call water & sewer emergency & operational repair/maintenance and construction services in the amount of \$400,000.00 as approved in the FY2024 Stormwater budget. The account number is 510-42500-542515 (Stormwater Repair).
Presented by: Decius Aaron, Public Works Director
Mr. Aaron referenced problem areas along Mays Rd, noting this vendor has been the city's on-call repair and maintenance vendor for a number of years, and prior to his employment with the city, and noted there have been no complaints or issues with the vendor.

Councilmember Barber inquired about the original contract, noting contracts should be re-bid periodically to encourage competition.

Motion to approve made by Councilmember Gantt; seconded by Councilmember Alexander. The motion passed 4-0-1 (Barber Abstained citing the absence of the original contract between the City of Stockbridge and Site Engineering as referenced by Mr. Aaron prior to his employment with the City).
10. Council consideration to approve the purchase of (2) Ford Transit F-250 Cargo Vans from Lithia Springs Ford at the lowest quoted price. Not exceeding \$99,500 as an emergency exception to the city's procurement code. FUNDING SOURCE: Budget Transfer/Fund Balance.
Presented by: Frank Trammer, Police Chief
Chief Trammer noted the vehicles will replace vehicles involved in (3) three accidents and totaled, noting two were not at fault, one at fault; and that the primary purchase is for CSI who currently use pickup trucks, and the pickup trucks will be used by patrol officers.

Motion to approve made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed unanimously 5-0.

Councilmember Alexander asked Chief Trammer about arrests for refusal to sign citations.

Chief Trammer noted, the state law currently allows for an arrest for refusal to sign, however the City of Stockbridge does not practice custodial arrests.

Motion to convene Executive Session for Personnel made by Councilmember Gantt; seconded by Councilmember Alexander. The motion passed 3-2. (Alexander, Berry and Gantt In Favor); (Barber and Thomas Opposed).

Motion to adjourn Executive Session and approve an Affidavit for Personnel made by Councilmember Barber; seconded by Mayor Pro Tem Berry. The motion passed unanimously 5-0.

11. Council Consideration to approve an Ordinance to allow hiring/firing authority to Council-Appointed staff and non-appointed Department Heads and Directors for respective departments.
Presented by: Samantha Embry, City Attorney
Motion to approve made by Councilmember Thomas; seconded by Councilmember Berry. The motion passed unanimously 5-0.

PUBLIC HEARING

12. Ordinance to approve the revised provisions to the State Zoning Procedure Law.
Presented by: Ryan Anderson, Chief Planner
Item Tabled to the March 4, 2024 meeting.

ANNOUNCEMENTS OF UPCOMING MEETINGS

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- Stockbridge Citizens-Police Advisory Council meeting 1st Thursday of each month at 6:00 p.m. at the Stockbridge Police Community Room 4545 N. Henry Blvd. (Feb 1)
- Council Retreat – February 6 – 8 from 9am – 5pm. Location Sandy Springs, GA.
- Main Street Advisory Board Meeting 2nd Friday of each month - Welcome Center/Main Street Offices located at 130 M L King, Sr. Heritage Trail at 9am (Feb 9).
- URA (Urban Redevelopment Agency) Meeting Monday, February 12th at 5:00 p.m. - City Hall Council Chamber (Feb 12)

- City Council Meeting 2nd Monday of each month at 6:00 p.m. - City Hall Council Chamber (Feb 12)
- Youth Council Meeting 2nd Monday of each month at 6:30 p.m. - City Hall Levi Meeting Room (Feb 12)
- City Wide Development Authority 2nd Tuesday of each month at 6:00 p.m. - City Hall Levi Meeting Room (Feb 13)
- Planning Commission Meeting, 3rd Thursday of each month, 6:30 p.m. - City Hall Council Chamber - (Feb 15)
- Downtown Development Authority Meeting, 3rd Tuesday of each month Welcome Center 130 M L King, Sr. Heritage Trail (Feb 20)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Levi Meeting Room - City Hall (Feb 20)
- City Council Work Session Meeting, last Tuesday of each month at 6:00 p.m. - City Hall Council Chamber (Feb 27)

UPCOMING CITY EVENTS/INITIATIVES

- Join Councilman Thomas and the Stockbridge Youth Council on February 10th for the installation of the Adopt-A-Road Sign on Tye Street. More information to follow.
- Join Councilman Thomas the monthly Senior Bingo Bash on Wednesday, February 21 from 10am - 12pm at the Merle Manders Conference Center, 111 Davis Rd. for raffles, prizes, games, snacks and fun! For more information, please contact Rosalynd Rawls at 678-833-3348 or rrawls@stockbridgega.org
- Join Councilman Alexander for the Quarterly Town Hall on Thursday, February 22nd at 7pm - Location: TBD
- Join Councilman Thomas for the 13th Annual African American Heritage Celebration, Saturday, February 24th from 5pm – 7pm at the Merle Manders Conference.
- Join Mayor Ford for the monthly *Meet the Mayor* on Monday, February 26th from 10am – noon. Please contact Rosalynd Rawls to schedule an appointment at 678-833-3348 or via email at rrawls@stockbridgega.org
- Join Councilman Thomas for the *Don't Trash Stockbridge* initiative centered around education highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.
- Councilman Thomas is honoring *Veterans with a Continuous Salute* all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service to rrawls@stockbridgega.org

MAYOR'S COMMENTS

Mayor Ford offered condolences to the families of the three Army Reserve soldiers recently killing in a drone attack in Jordan, who were identified as: Sergeant Williams Rivers, Specialist Breona Moffett and Specialist Kennedy Sanders; and noted they were from Carrollton, Savannah, and Waycross, and noted the President of the United States, Joe Biden, has also personally reached out to the families and offered condolences and support and asked that everyone keep the families in prayer; noted COVID-19 and RSV are still with us, and encouraged everyone to get their flu shots and boosters to try to

remain healthy; and referenced the GMA Cities United Summit where officials attended for training and networking opportunities.

Motion to adjourn the meeting at 9:45 p.m. made by Mayor Pro Tem Berry; seconded by Councilmember Thomas. The motion passed 5-0.

Respectfully submitted by:



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-08. To consider a request to change the future land use designation of two parcels with 1.65 +/- acres at 135 and 305 East Atlanta Road from 'Low-Density Mixed-Use' to 'Special Purpose' to allow for a townhome development with 27 units. The applicant is Sylvain Capital Ventures, LLC, represented by Harold R. Singer, Jr. of Gibeon Consulting Group. The applicant has also applied for a rezoning via RZ-2023-09 and three variances via VR-2023-05.

BACKGROUND INFORMATION:

The subject property lies within the Parkway Mixed-Use Overlay District; it is part of a Tax Allocation District; and the 2012 LCI Study identified it as being a part of the Downtown Growth Center. Staff recommendation: Approval. Planning Commission recommendation at its January 25, 2024 meeting: Approval, by a 3-1 vote.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

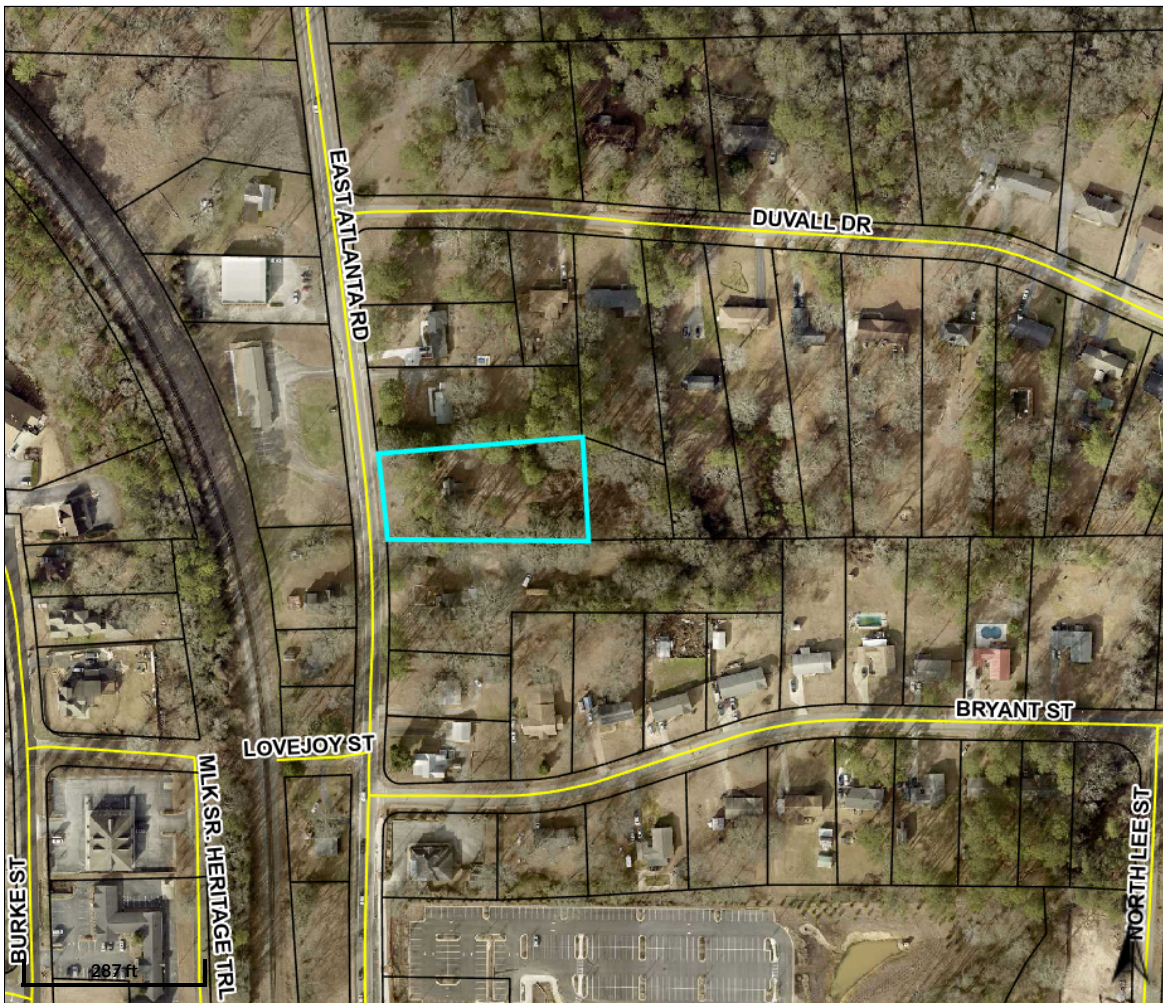
COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-08.

BACKGROUND INFORMATION:

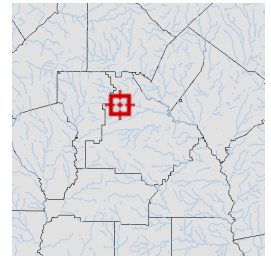
STAFF RECOMMENDATION:

APPROVAL.

Staff Signature_____



Overview



Legend

- Parcels
- Roads

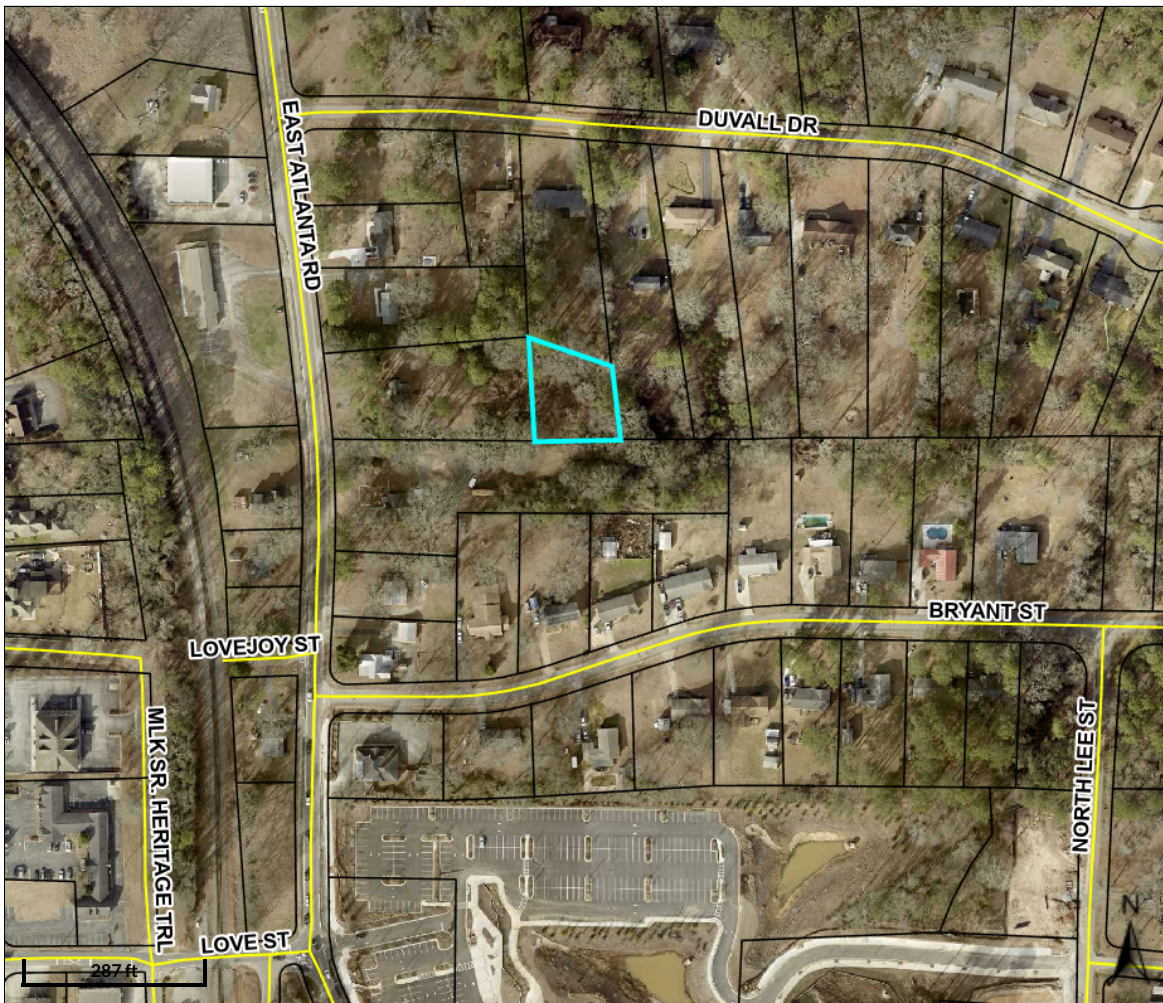
Parcel ID	S25-01022000	Class	R	Owner	SYLVAIN CAPITAL	Land	\$24000								
Property	135 EAST	Acreage	n/a	Address	VENTURES LLC	Value:									
Address	ATLANTA RD					Building	\$144900	Last 2 Sales							
District	City/Stockbridge					Value:		Date	Price	Reason	Qual				
						Misc	\$0	3/2/2023	\$175,000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

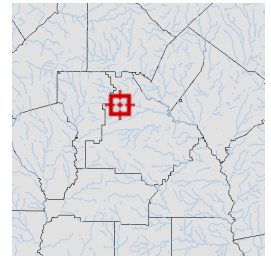
Date created: 12/29/2023

Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by  **Schneider**
GEOSPATIAL



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							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

Last Data Uploaded: 12/28/2023 11:25:28 PM

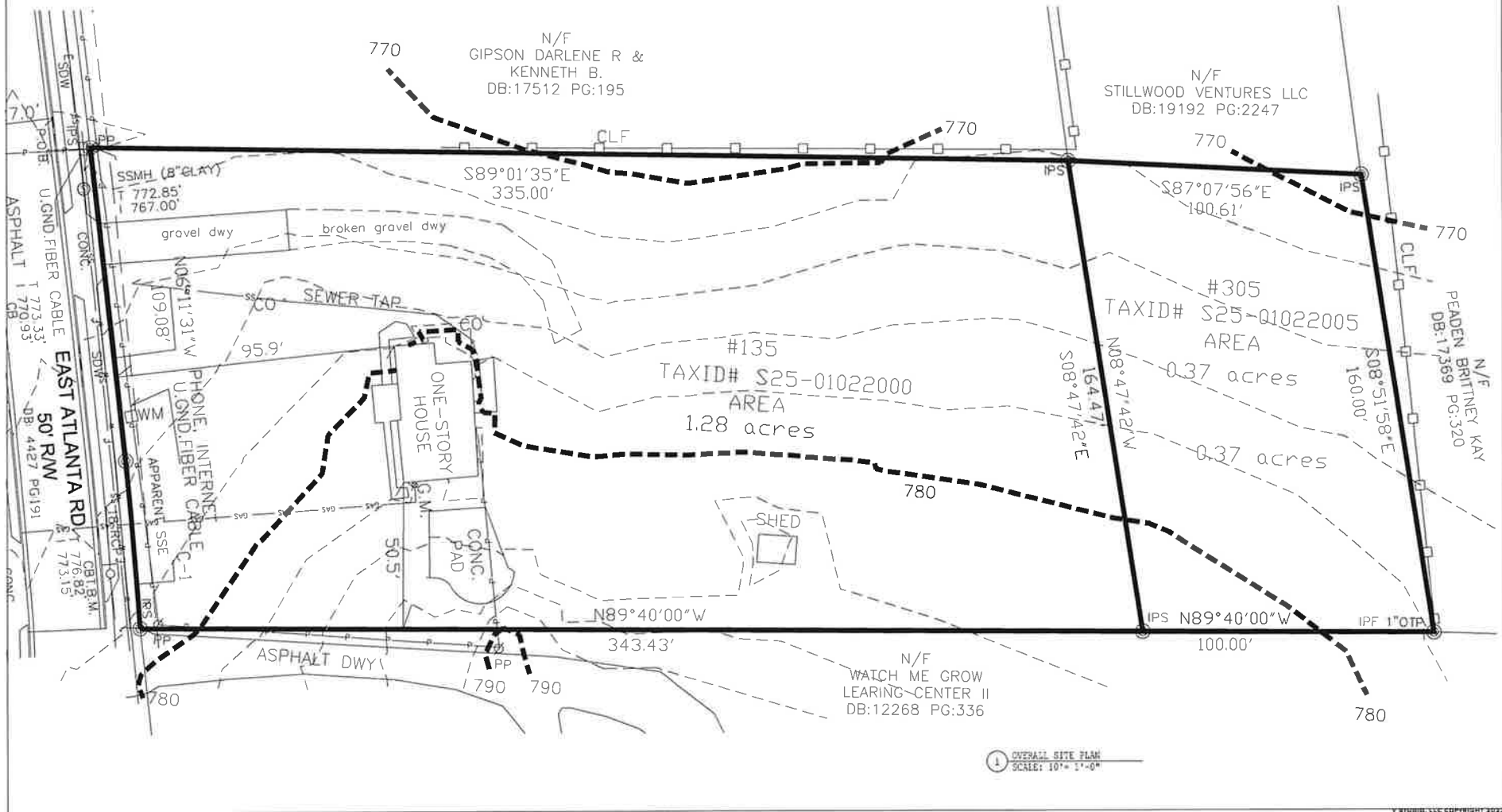
Developed by  **Schneider**
GEOSPATIAL



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

135 EAST ATLANTA RD STOCKBRIDGE, GA 30281	
RELEASES / DATES	
DATE:	
DATE:	
DATE:	
DATE:	
NOT FOR CONSTRUCTION RELEASED FOR CONSTRUCTION	
DATE:	
DATE:	
SHEET TITLE:	
EXISTING SITE PLAN	
DATE:	PROJECT NUMBER
08/30/2023	Y2023-0003-01
SHEET NUMBER	

A-0.1



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.	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 <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	RS



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

Regonald Sylvain

Printed Name of Witness

Printed Name of Applicant

Harold Singer

Regonald Sylvain
Signature of Agent

Notary

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

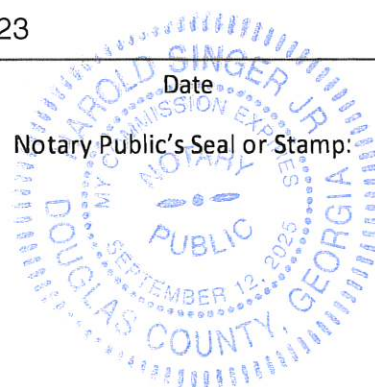
Harold Singer

Printed Name of Notary Public

12/28/23

Date

Notary Public's Seal or Stamp:



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 525-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Reginald 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: [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): Reginald 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.

Reginald 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]

Signature of Notary Public

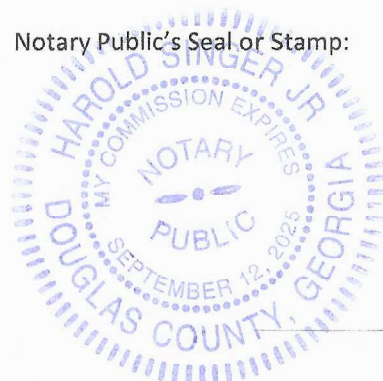
Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:



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: 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:

(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.

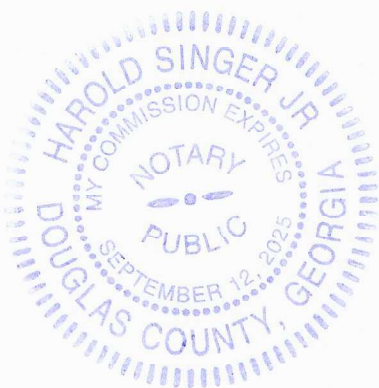
Reginald Sylvain
Applicant's Name - Printed

[Signature]
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.



[Signature] 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 to DT
(Present Zoning) (Requested Zoning)

For the Purpose of Multifamily Townhomes
(Type of Development)

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

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

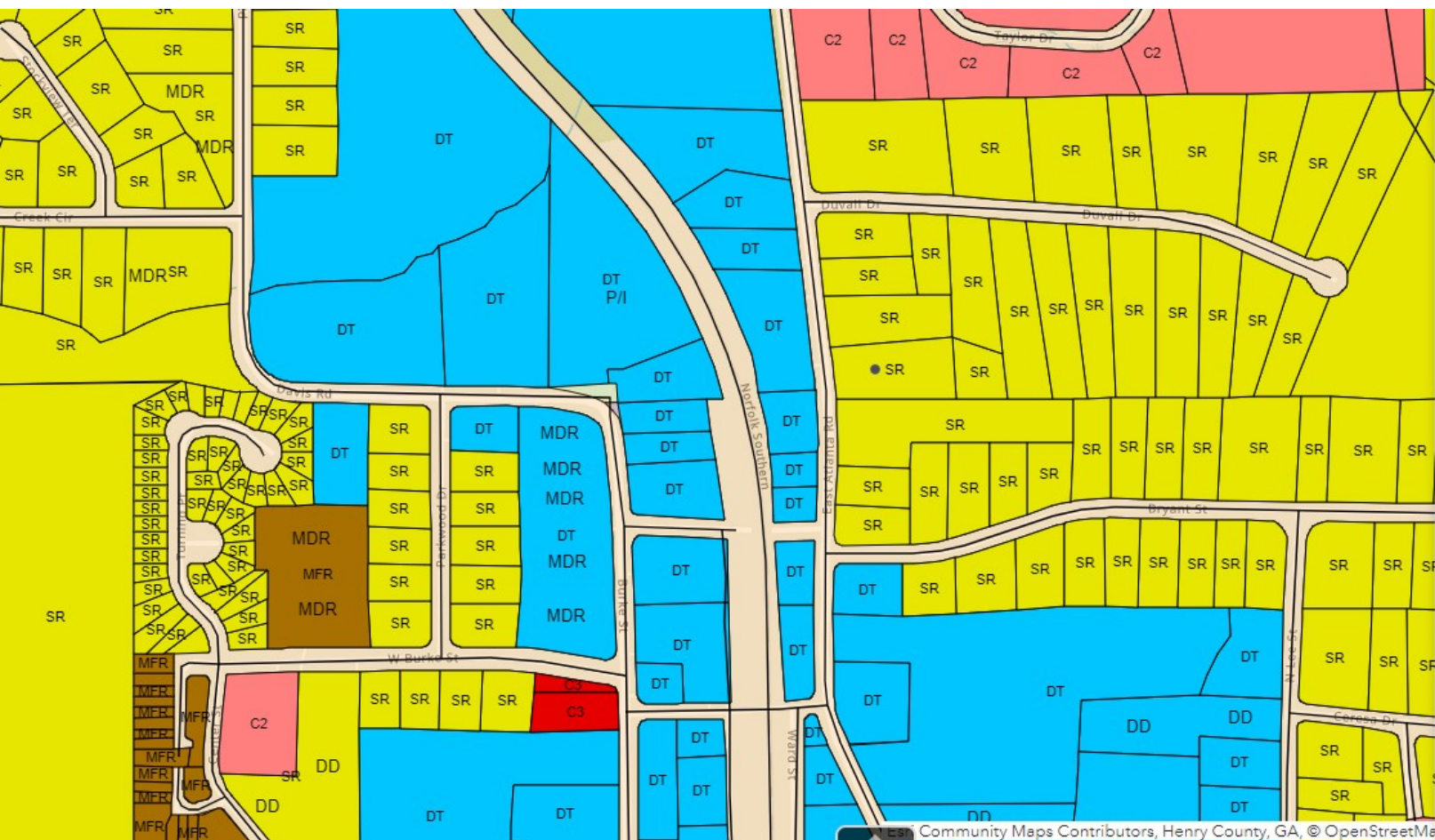
Passcode: fjXYjs

[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

PowerPoint
Presentations
For RZ-2023-09, CP-
2023-08, VR-2023-05

135 and 305 East
Atlanta Road

Presented To:

Planning Commission – January 25, 2024

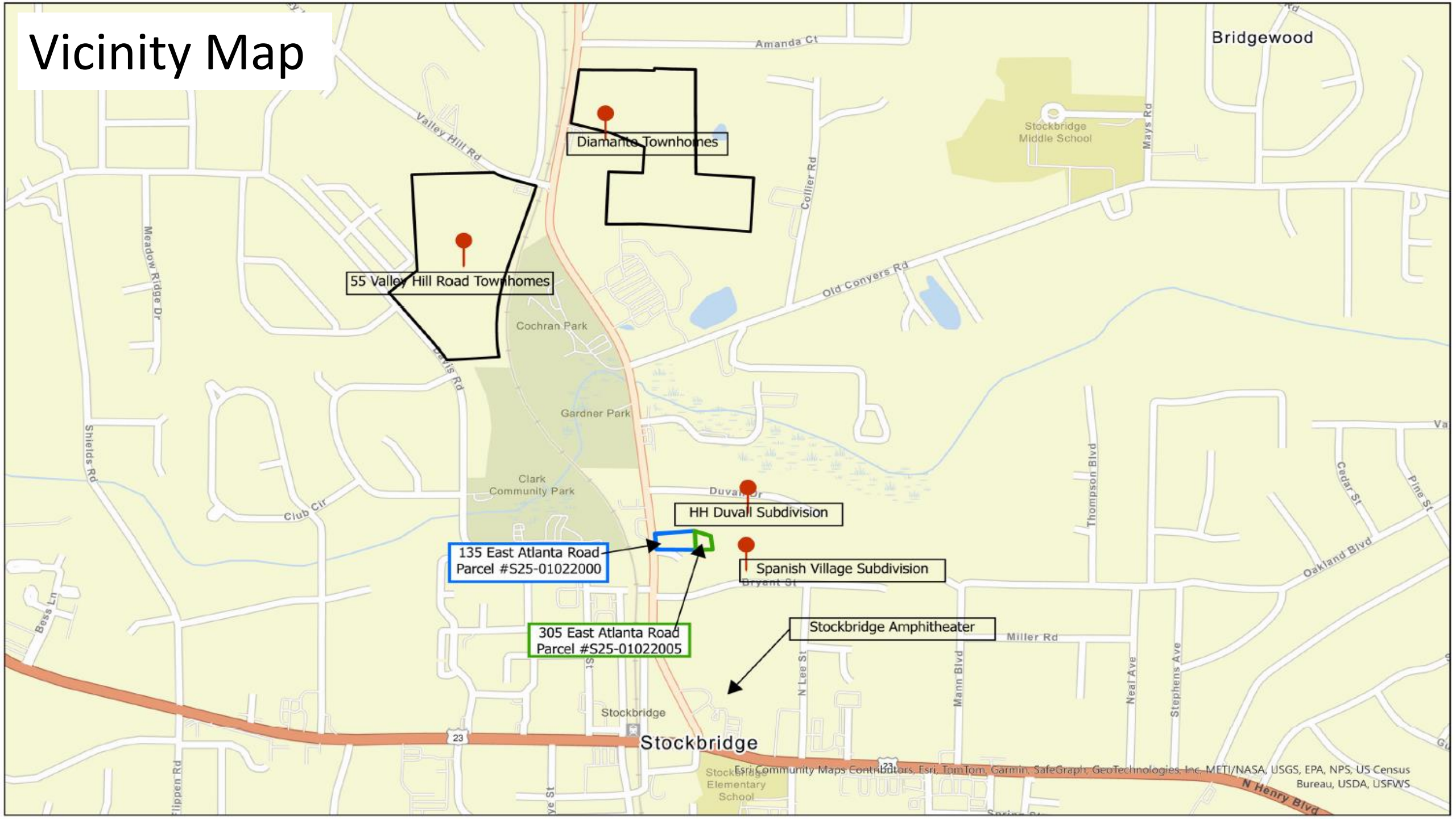
Mayor and Council – February 12, 2024



Case Facts

-
- Applicant: Sylvain Capital Ventures, LLC.
 - Owner: Sylvain Capital Ventures, LLC.
 - Agent: Harold R. Singer Jr. (Gibeon Consulting Group)
 - Number of Proposed Units Per Acre: 16.36 units per acre
 - Address of Property: 135 and 305 East Atlanta Road
 - Number of Acres: 1.65 +/- acres
 - Project Characteristics: Existing Single-Family Residence
 - City Land Use Designation: Low Density Mixed Use
 - Land Use Zoning : SR – Suburban Residential
 - Sign Posting: January 4, 2024

Vicinity Map



Aerial Photo

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Aerial Photo with Site Plan

Proposed
Townhomes



Site Visit on January 4, 2024

Existing House

 CITY OF STOCKBRIDGE
NOTICE OF PUBLIC HEARING

PROPOSAL FOR THIS PROPERTY:

☒ REZONING ☒ VARIANCE ☐ ANNEXATION ☐ CONDITIONAL USE PERMIT

☒ COMPREHENSIVE PLAN AMENDMENT ☐ ZONING MODIFICATION ☐ OTHER

APPLICANT: SYLVAIN CAPITAL VENTURES CASE NUMBER(S): CP-2023-08
135 AND 305 EAST ATLANTA ROAD R2-2023-09
PLANNING COMMISSION PUBLIC HEARING: JANUARY 25, 2024 AT 6:30 p.m.
CITY COUNCIL PUBLIC HEARING: FEBRUARY 12, 2024 AT 6:00 p.m.

PUBLIC HEARINGS WILL BE HELD AT STOCKBRIDGE CITY HALL, IN THE COUNCIL CHAMBER.
FOR FURTHER INFO, PLEASE CALL THE CITY OF STOCKBRIDGE AT 770-389-7900.
REMOVAL OR DEFAACEMENT OF THIS SIGN IS PROHIBITED.

Site Visit on January 4, 2024

Church at Stockbridge -
Lacy Hawkins, Minister



Herbal Rootz, LLC; D & J
Printing; TDK Designs



Presentation for CP-2023-08



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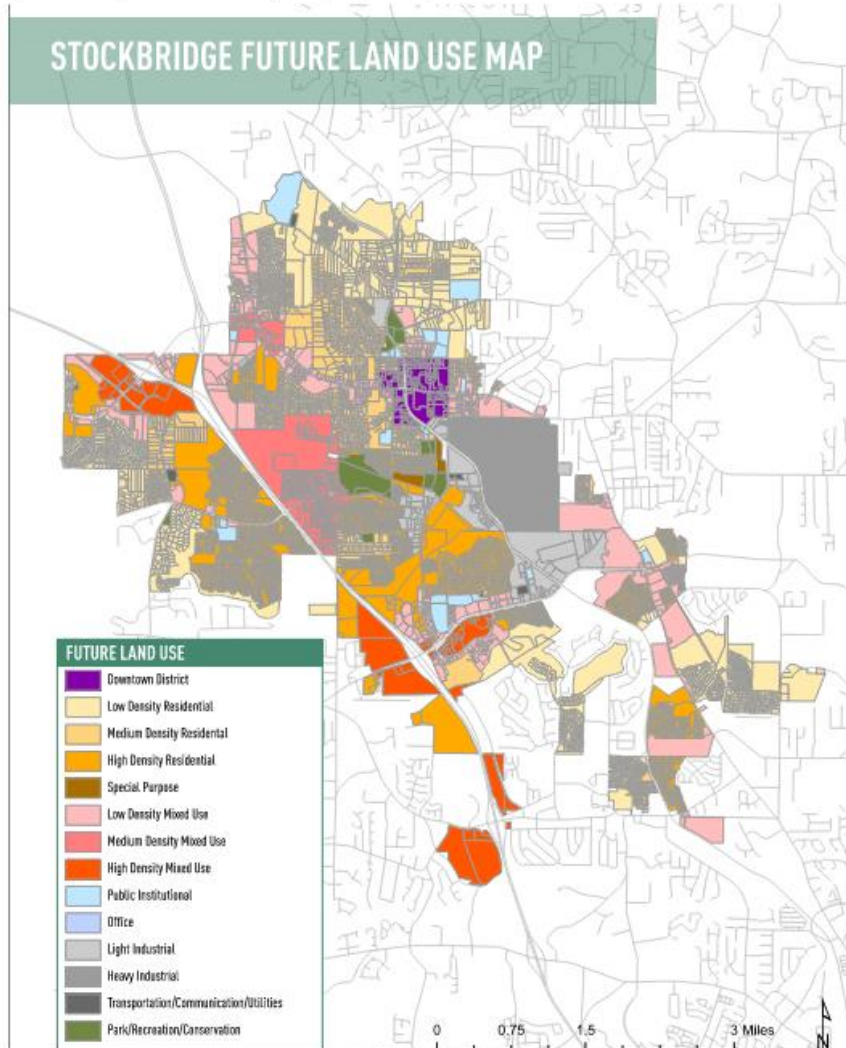
Applicant's
Request:

Change the future land use designation
from Low-Density Mixed Use to Special
Purpose.



City of Stockbridge Comprehensive Plan (2024)

Compatible Zoning: Planned Unit Development (PUD) is compatible in all districts.



SPECIAL PURPOSE (16.01-24 UNITS/ ACRE

This designation has been developed to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development. All zoning is appropriate.



Joint Zoning Map of Parcels #S25-01022000 and
#S25-01022005

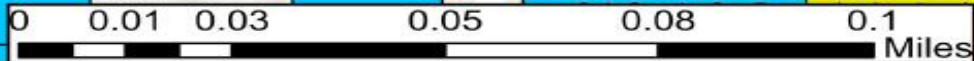


Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

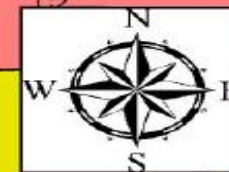
- DT - Downtown District
- SR - Suburban Residential District



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, GA, © Community Maps Contributors, Henry County, GA, © OpenStreetMap, Microsoft, Esri, TomTom, USGS, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Joint Overlay Map of Parcels #S25-01022000 and #S25-01022005



Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

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



Sources: Esri, Airphoto, USGS, NGA, NASA, Google, Bing, OpenStreetMap, NCEAS, NLS, OS, NOAA, GeoData, Esri, Bils, Waterstaat, GSA, Geoland, FEMA, Intermap, and the US user community. Esri Community Maps Contributors, Henry County, GA, Esri, OpenStreetMap, Microsoft, Esri, Terracon, Garmin, SafeGraph, GeoTechnologies, Inc., MCR/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Joint Future Land Use Map of Parcels #S25-01022000 and #S25-01022005



Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

-  Downtown District
-  Medium Density Residential
-  Low Density Mixed Use
-  Public Institutional

0 0.01 0.03 0.05 0.08 0.1 Miles

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 Residences	Low Density Mixed Use
Property to the West	Church at Stockbridge (Church) Existing Single-Family Residence	Medium Density Residential Downtown District

SURROUNDING LAND USE DENSITIES

Name of Subdivision	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

A large orange circle is positioned on the left side of the slide, partially cut off by the edge.

Project Information

- The applicant proposes to build a townhome development with 27 units with 5 guest parking spots and a mail kiosk.



Staff Analysis
(Section 9.2.7 of The Unified
Development Code)

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 to 24 units per acre. This proposed townhomes 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.

Staff Analysis (cont.)

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.

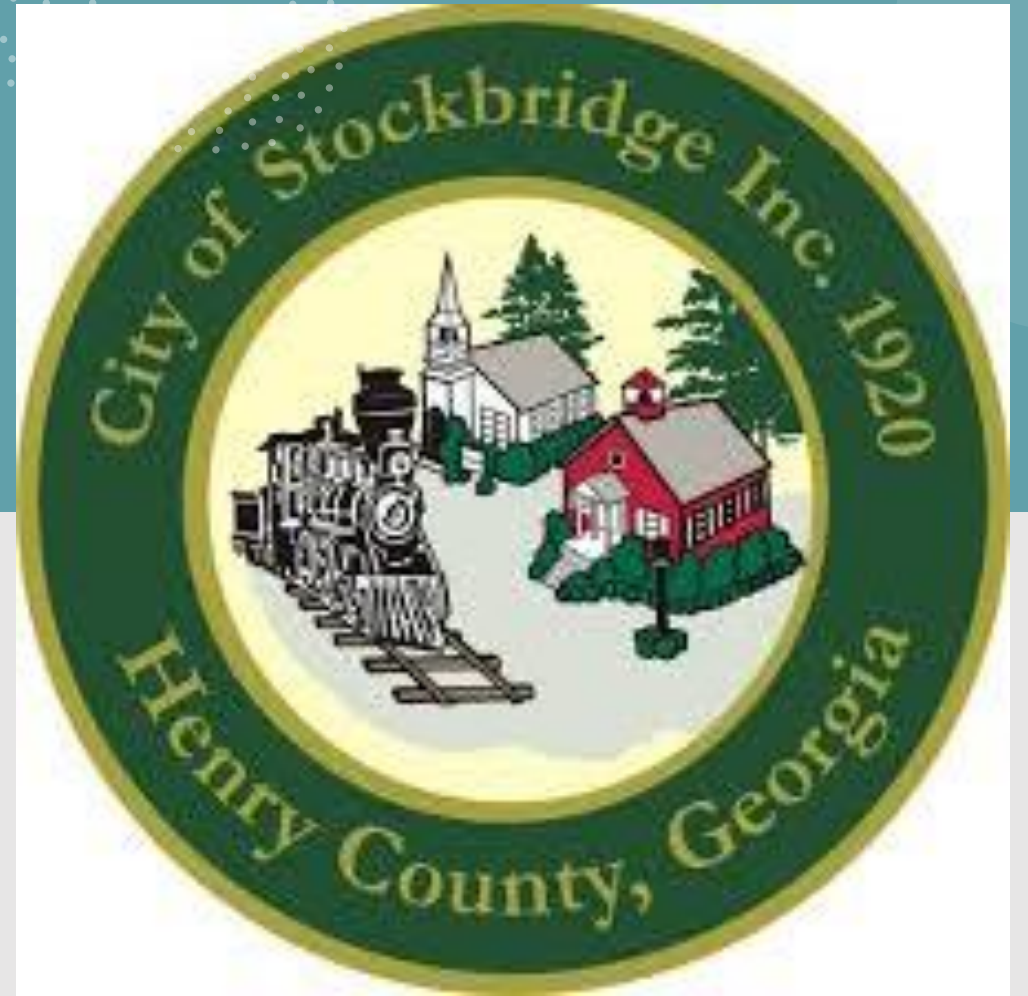
Townhomes are not allowed in the SR zoning district; however, they are compatible with MFR zoning district. The City of Stockbridge Unified Development Code states that the city should promote an average density of 14 dwelling units per acre or higher in MFR districts – this proposed townhome development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

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**.

Presentation for RZ- 2023-09



Applicant's Request:

Rezone from SR (Suburban Residential) to MFR (Multiple Family Residential) to allow for the construction of a townhome development.

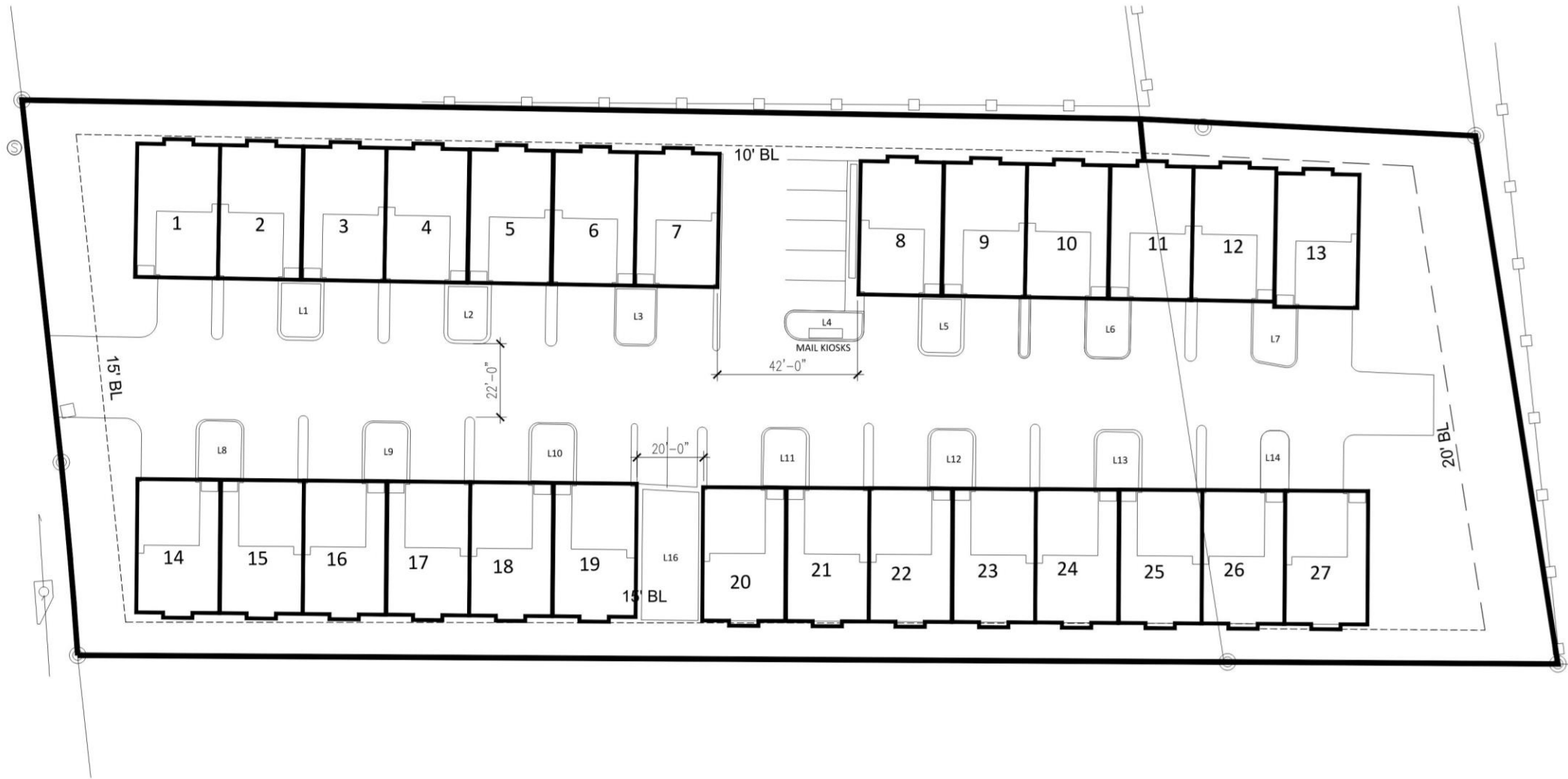
Parcel #S25-01022000
1.28 +/- acres

Parcel #S25-01022005
0.37 +/- acres

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	



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

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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: J. TOWN
REVIEWED BY: J. TOWN

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08.20.2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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



Y STUDIO, LLC
853 S. Peachtree St., 104
N.W., Atlanta, GA 30309
Tel: 770.242.0257
Fax: 770.242.0257
EMAIL: info@y-studio.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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YAK
REVIEWED BY: L. YAK

SHEET TITLE:

OVERALL
EXTERIOR ELEVATIONS
DATE: 08.20.2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-4.1



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



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



VIEW INTO THE COMMUNITY



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



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



VIEW FROM EAST ATLANTA ROAD



Y STUDIO, LLC
855 S. PHOENIX AVE., SUITE 104
TAMPA, FL 33603
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EMAIL: LUCAS@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

DATE:
DATE:
DATE:
DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DESIGN BY: L. YARD
REVISED BY: L. YARD

SHEET TITLE:

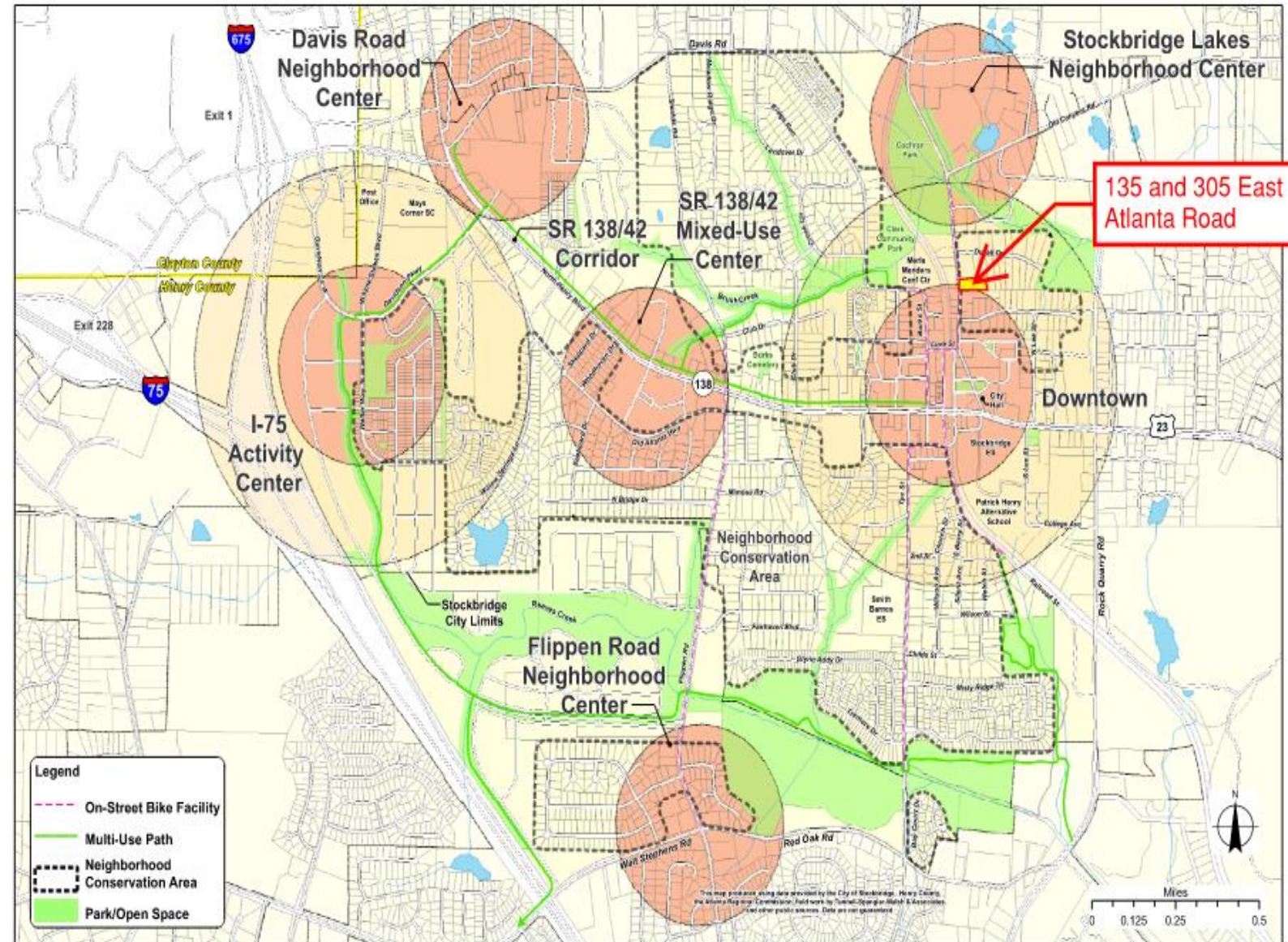
EXTERIOR PERSPECTIVE
RENDERING

DATE: 08.30.2023 PROJECT NUMBER: 13023-ED03-01

SHEET NUMBER

A-4.2

LCI Study Showing
Location of
Property as part of
Growth Center in
Downtown Area of
Stockbridge



Tax Allocation District

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastylelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Sample of Townhomes

- These townhomes are the type that would be desirable in the City of Stockbridge.



Project Description

- The applicant, Sylvain Capital Ventures, LLC. proposes to build a 27-unit townhome development at a density of 16.36 units per acre on 1.65 acres of land at 135 and 305 East Atlanta Road. The size of the 27 proposed lots is 24" W x 75'D with a building footprint of 24' x 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,920 square feet. The proposed development will provide vehicular access to the site via a turning lane that will be located along East Atlanta Road. A total of 59 parking spaces would be provided including 54 driveway spaces and 5 guest parking spaces that are located close to the kiosk.
- A site plan that was submitted on December 29, 2023, shows the renderings of the proposed townhomes. The renderings of the townhomes show that the front and side elevation will feature brick.



Staff Analysis

1. Consistency with the Comprehensive Plan

The City of Stockbridge 2024 Comprehensive Plan identifies on page 43 the following housing goals: (1) “To provide a variety of housing choices to suit the changing needs and lifestyles of City residents” and, (2) “to provide additional housing in the downtown core.” Thus, the requested rezoning of the subject property located at 135 and 305 East Atlanta Road to allow for the construction of the 27-unit townhome would meet the requirement of the housing goals that are found in the City of Stockbridge 2024 Comprehensive Plan. In addition, the proposed townhomes would meet the following housing policies that are listed on page 43 of the City of Stockbridge 2024 Comprehensive Plan: (1) Provide a mixture of housing options to attract young professionals, singles, and small families. (2) Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods.

The applicant has requested a Comprehensive Plan Amendment to change the future land use designation from the existing Low-Density Mixed Use to Special Purpose. The purpose and intent of the Special Purpose land use designation is to “to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development.” Since the applicant is building a townhome development on smaller lots, the Special Purpose land use designation would be appropriate. The Special Purpose land use designation allows 16.01 to 24 units per acre to be built. The applicant’s proposed density would be 16.36 units per acre, which would be compatible with the required density. Furthermore, page 48 of the City of Stockbridge 2024 Comprehensive Plan states that “all zoning is appropriate.” Therefore, the required MFR zoning district would be compatible.



Staff Analysis (cont.)

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

The development of the site as a townhome meets the overall purpose and intent of the Stockbridge Unified Development Code. Section 1.4 of the Unified Development Code provides a list of objectives to accomplish, which are listed as follows: (A.) Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge. (I.) Encourage the most appropriate and best use of land, buildings, and other structures throughout the city.

The development is consistent with the purpose and intent of the MFR zoning district. Section 2.4.4 of the Stockbridge Unified Development Code states that the intent and purpose of the MFR zoning 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 provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.” According to the map of the Functional Road Classification found in page 69 of the 2022 Henry County Transportation Plan, East Atlanta Road is considered a minor arterial road. Thus, the proposed townhome would be an acceptable use for the subject property.



Staff Analysis (cont.)

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

Section 2.4.4 of the Stockbridge Unified Development Code states that, “The city should promote an average density of fourteen (14) dwelling units per acre or higher.” Since the proposed density of the townhome is 16.36 units per acre, it would meet the allowable density of the requested MFR zoning district. The subject property is also a part of the Parkway Mixed Use Overlay District. Overall, the proposed townhomes meet the criteria of the Parkway Mixed-Use Overlay District. Section 2.5.2 of the Stockbridge Unified Development Code provides a list of objectives, which includes the following: (1) To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play; (2) To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.



Staff Analysis (cont.)

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 requested rezoning from SR (Suburban Residential) to MFR (Multiple Family Residential) will be very beneficial to the downtown area of the city of Stockbridge in various ways. While other areas in the city of Stockbridge have seen residential growth over the past couple of years, the downtown area lacks modern residential developments. Currently, there are two townhome developments that are located north of the downtown area with a zoning of MFR (Multiple Family Residential). The Diamante Townhomes, located 0.9 miles away from the proposed townhomes, is currently building 200 units on 27.73 total acres for a density of 7 units per acre. The recently approved D.R. Horton townhome development located 0.6 miles away from the proposed townhomes, is building 156 units on 24.908 total acres for a density of 6.26 units per acre. With these two townhome developments located north of the downtown area, the center of the downtown area has not seen residential growth. Thus, the proposed townhomes will serve as a catalyst for future developments to occur in the downtown area of Stockbridge.

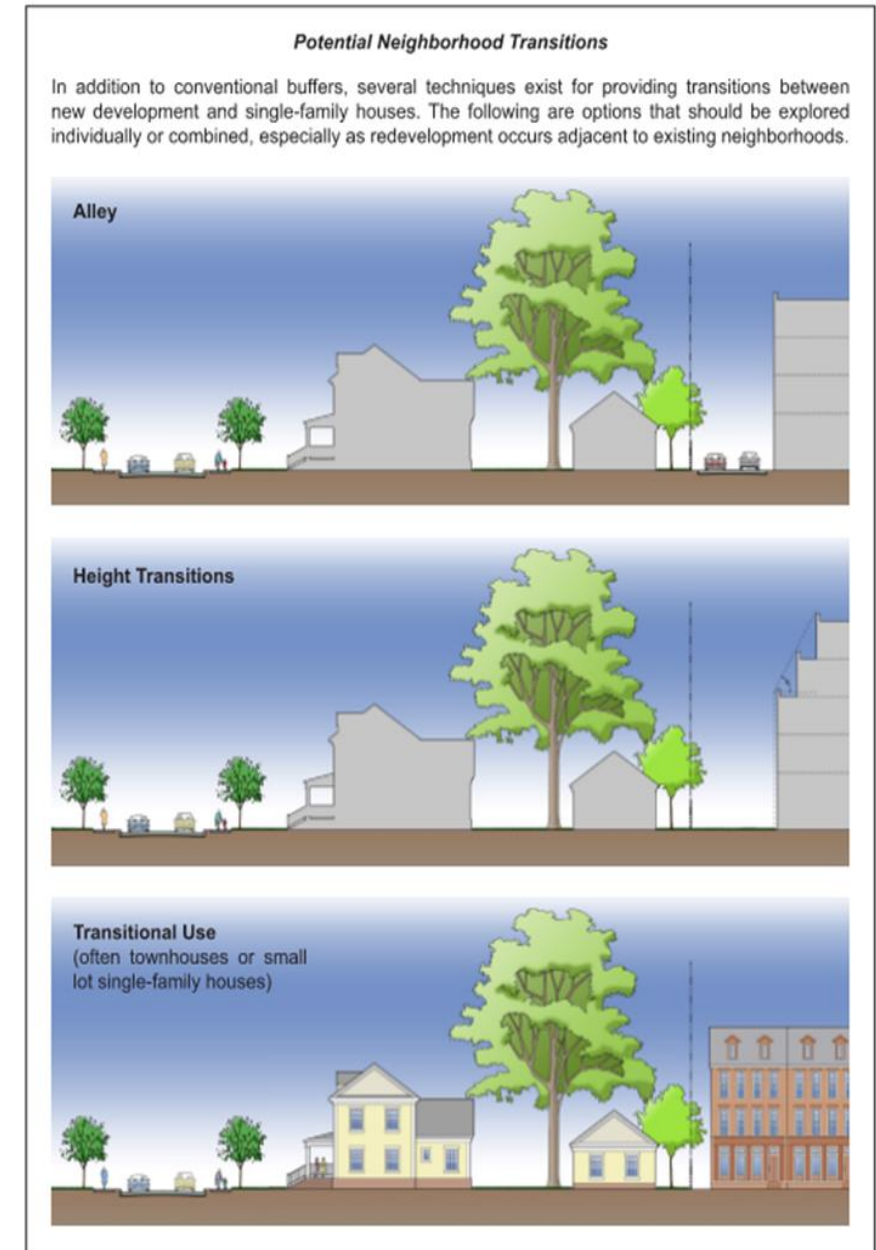


Staff Analysis (cont.)

July 9, 2012

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 (cont.)** Second, the addition of the proposed townhomes along the downtown area will be beneficial since it will provide an alternative type of housing than which currently exists in the vicinity of the area. The Spanish Village and the H.H. Duvall Subdivision are the two subdivisions that are located in the vicinity of the area. The Spanish Village subdivision has a total of 25 houses. Of the 25 houses that are built in the subdivision, 24 were built during the 1970's and one was built during the 1990's. The H.H. Duvall Subdivision has a total of fifteen houses. Of the fifteen houses that are built in the subdivision, thirteen were built during the 1960's, one was built during the 1980's and one was built in 2006. There are also nine houses that are located outside of the two subdivisions within the vicinity of the area. Of the nine houses that are located outside of the two subdivisions within the vicinity, one was built during the 1920s, one was built during the 1930's, one was built during the 1940's, and four were built during the 1960's. Based on this information, it can be concluded that there is a need for new housing stock in the downtown area of Stockbridge.

Recent studies that focused on the city of Stockbridge also recommended that there is a need for new housing in the downtown area of Stockbridge. The Downtown Residential and Retail Market Analysis, which focused on the retail and housing market in the downtown area of Stockbridge, stated that, "In downtown Stockbridge, new condominiums, attached townhomes, and clustered single-family home with a variety of price points will help satisfy a diversity of housing needs." The City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 selected a series of growth centers and the subject property is included as part of the Downtown area. The LCI study created a list of recommendations the city should follow that will impact the residents both in the short term and long term. Among the recommendations the LCI made was that the city should "provide appropriate transitions between new development and existing neighborhoods." The LCI stated in this recommendation that "these could include conventional techniques such as buffers, or innovative site planning that uses small lot single family houses or townhomes to make the transition."



Staff Analysis (cont.)

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 (cont.)

Lastly, the proposed townhomes will be beneficial since the site is a prime location to the downtown area, amphitheater, and the parks. The proposed townhomes will incorporate a new urbanism concept by having the frontage of the proposed townhomes to the sidewalk. Since both the amphitheater and the downtown area are 0.3 miles away from the proposed site of the townhomes, it will provide walking distance for future residents. In addition, the site of the proposed townhomes are 0.5 miles away from Clark Community Park making it more convenient for incoming residents. The Downtown Residential and Retail Market Analysis stated, "Downtown Stockbridge has an opportunity to transform into a higher density, walkable town center with restored historic buildings, a variety of new housing options, mixed-use development, and park space." Moreover, the City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 stated on page 76 that "To position Stockbridge for changing local, regional, and national market and demographic trends, particularly the needs of aging residents and the so-called Millennials, the downtown must be revitalized in a way that builds on its historic character and positions it as a walkable, mixed-use alternative to surrounding areas – many of which will be less suitable to adapt to these changes."



Distance from
Proposed
Townhomes to
Amphitheater, Clark
Park, and
Downtown Area of
Stockbridge

Distance to Clark
Community Park: 0.5 miles

Distance to Downtown
Center: 0.3 miles

Distance to Stockbridge
Amphitheater: 0.3 miles

Staff Analysis (cont.)

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 size, shape and topography of the assembled parcels will not allow the proposed townhomes to proceed. Thus, the applicant has submitted the following variances that will be heard concurrently at the Planning Commission: (1) a variance to reduce front yard setback from 50 to 15 feet (2) a variance to reduce the required side yard setback from 15 to 10 feet (3) a variance to increase the allowable maximum lot coverages from 50 percent to 60 percent.
5. **The impact upon adjacent property owners should the request be granted:** The preliminary site plan the applicant submitted shows that the proposed townhome would not have any access to the nearby H.H. Duvall subdivision. Thus, the proposed townhome will not have any impact on traffic.
6. **The potential impact of the rezoning on City infrastructure including water and sewage system:** A letter from the Stockbridge Public Works Department dated January 22, 2024, states that water service can be made available to the subject property. However, the letter also states that all costs associated with connecting to the water and sewer are the developer's responsibility. The letter also states that the developer must adhere to the City's Minimum Development Standards. In addition, the letter states that if plans are not submitted within one year (January 22, 2025), the reservation of capacity will expire.
7. **The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes:** The applicant did not submit a traffic study, and as a result, the staff is unable to comment on the overall impact the proposed subdivision will have on the existing road (East Atlanta Road). The applicant will use the existing driveway located at 135 East Atlanta Road as a turning lane towards the site location.

Staff Analysis (cont.)

8. The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan: The request to rezone the property from SR (Suburban Residential) to MFR (Multiple Family Residential) is consistent with the policies and goals of the Unified Development Code. Furthermore, the proposed townhomes would meet the overall purpose and intent of the MFR (Multiple Family Residential) zoning district. The required density of a MFR (Multiple Family Residential) is 14 dwelling units per acre. Since the proposed density of the proposed townhome development is 16.36 units per acre, it would meet the allowable density of the MFR zoning district. The proposed townhome development would meet the purpose of the Parkway Mixed-Use Overlay District. Since the distance between both the amphitheater and the downtown area are 0.5 miles away from the site of the proposed townhomes, it would be a prime location for future residents to walk and enjoy the entertainment.
9. The ability of the subject land to be developed as it is presently zoned: Currently, the subject property is zoned SR (Suburban Residential). There remains a lack of modern style housing stock in the downtown area of Stockbridge. Thus, the subject property will be a prime location for the proposed to be built.

Staff Recommendation

Staff recommends **approval with conditions** to rezone the subject property from SR (Suburban Residential) to MFR (Multiple Family Residential) with the following conditions:

1. A 10-foot sidewalk shall be established across the frontage.
2. The proposed development shall include a two-car garage.
3. Site Plan – The proposed townhome shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled Preliminary Site For 135 East Townhomes", which was prepared by Y Studio, dated 08/20/23, and representing Sheet #A-0.1."
4. The project will be in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding the site development standards and other requirements that are found.
5. The townhomes shall be comprised of brick, stone, cement-based siding, or shake siding.

VR-2023-05



Applicant's Request

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

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

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.

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

Staff Analysis

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.



Staff Analysis

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.



Staff Analysis

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.



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



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

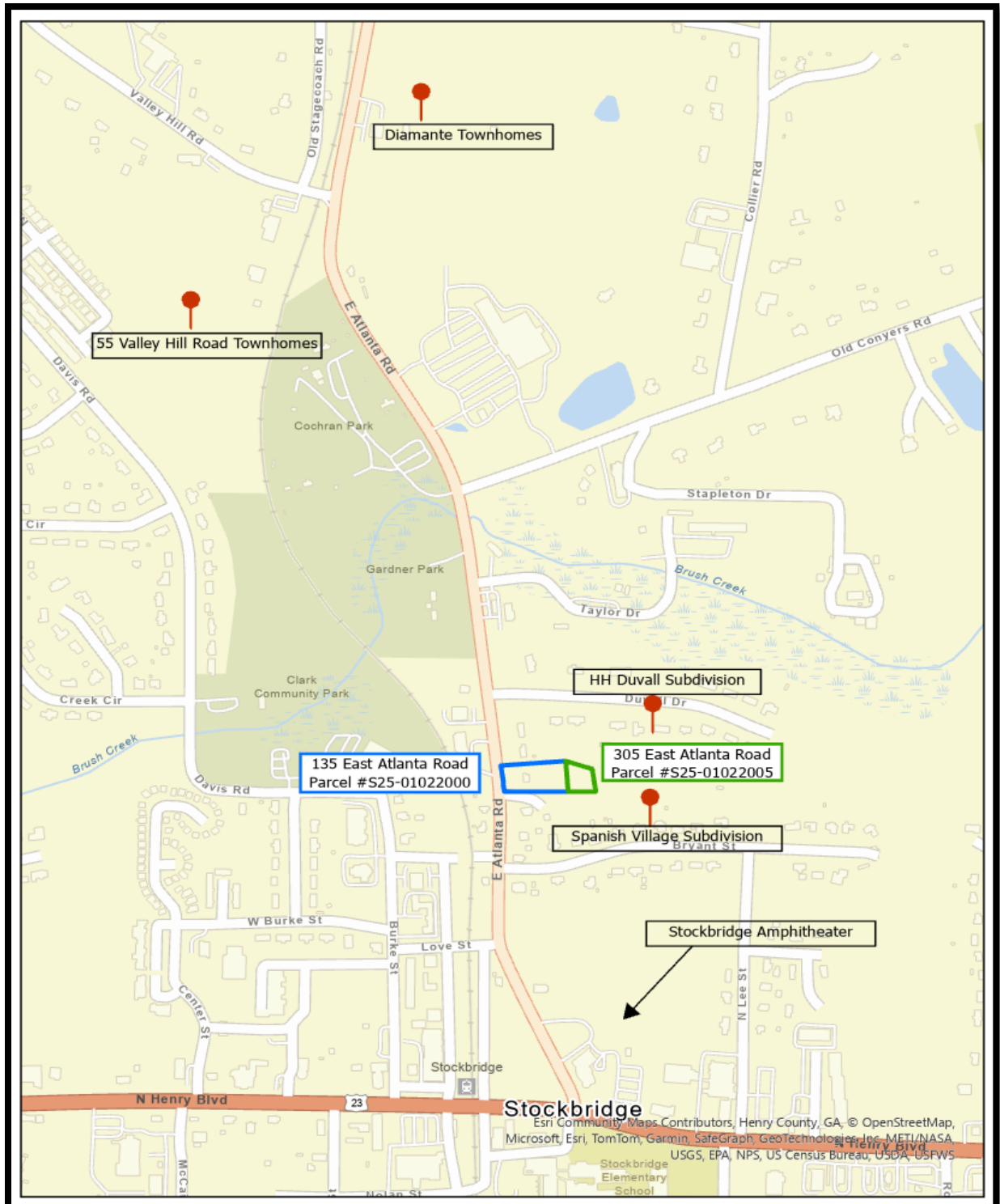
Name of Subdivision/Development	Units	Estimate Density Per Acres
Spanish Village Subdivision	28	1.5 units per acre
HH Duvall Subdivision	16	1 units per acre
Diamante Townhomes	200	7 units per acre
DR Horton Townhomes	165	6.62 units per acre
135 East Townhomes	27	16.36 units per acre

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 yard 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

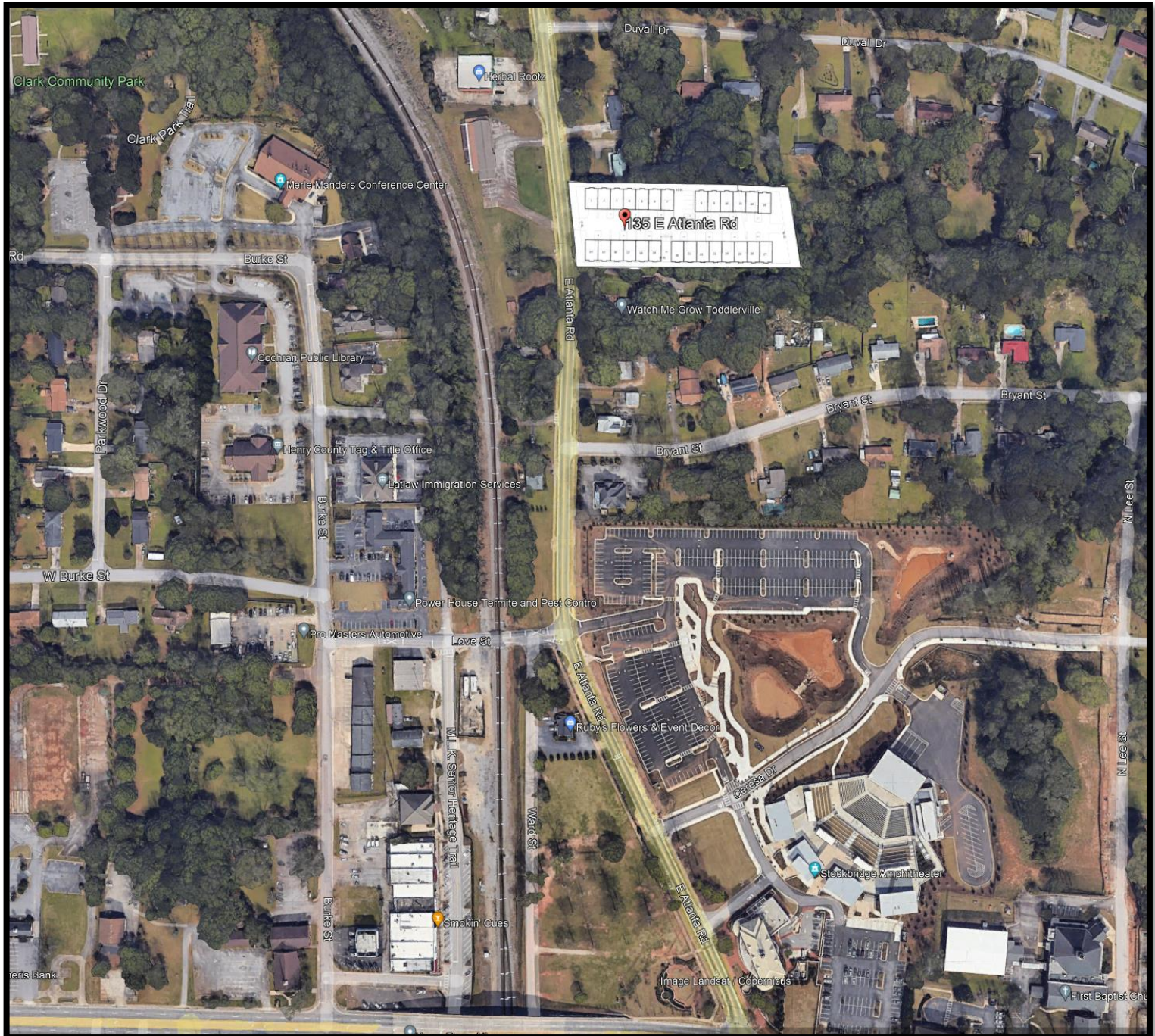
Vicinity Map of 135 and 305 East Atlanta Road



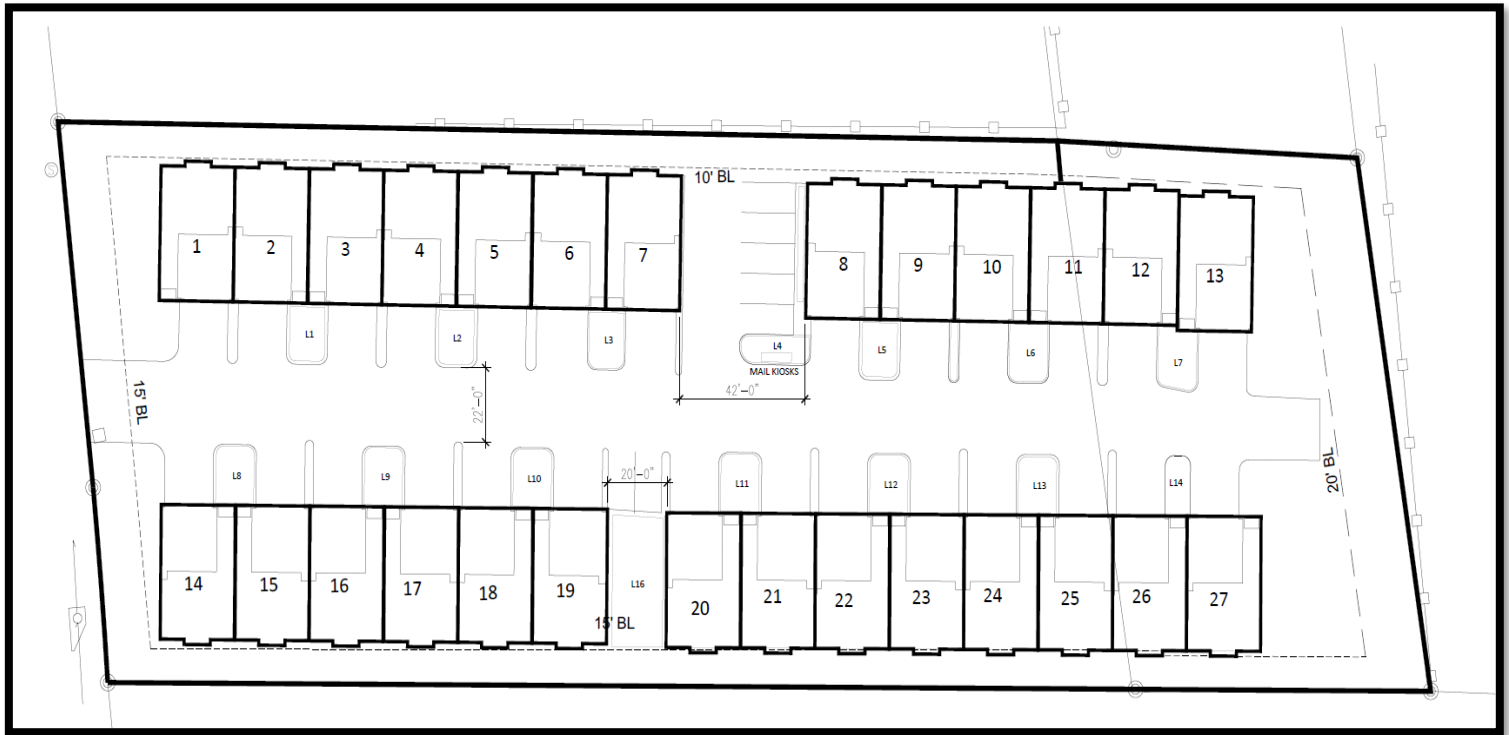
Aerial Photo of 135 and 305 East Atlanta Road



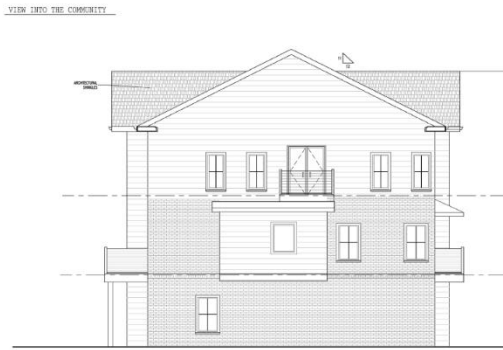
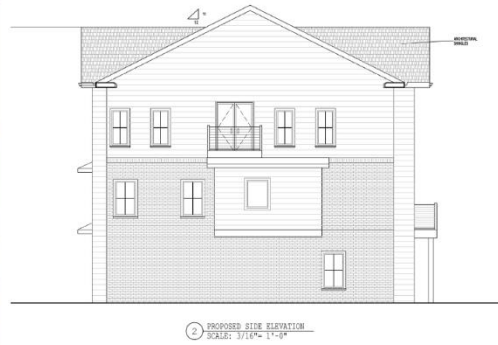
Aerial Photo with Site Plan

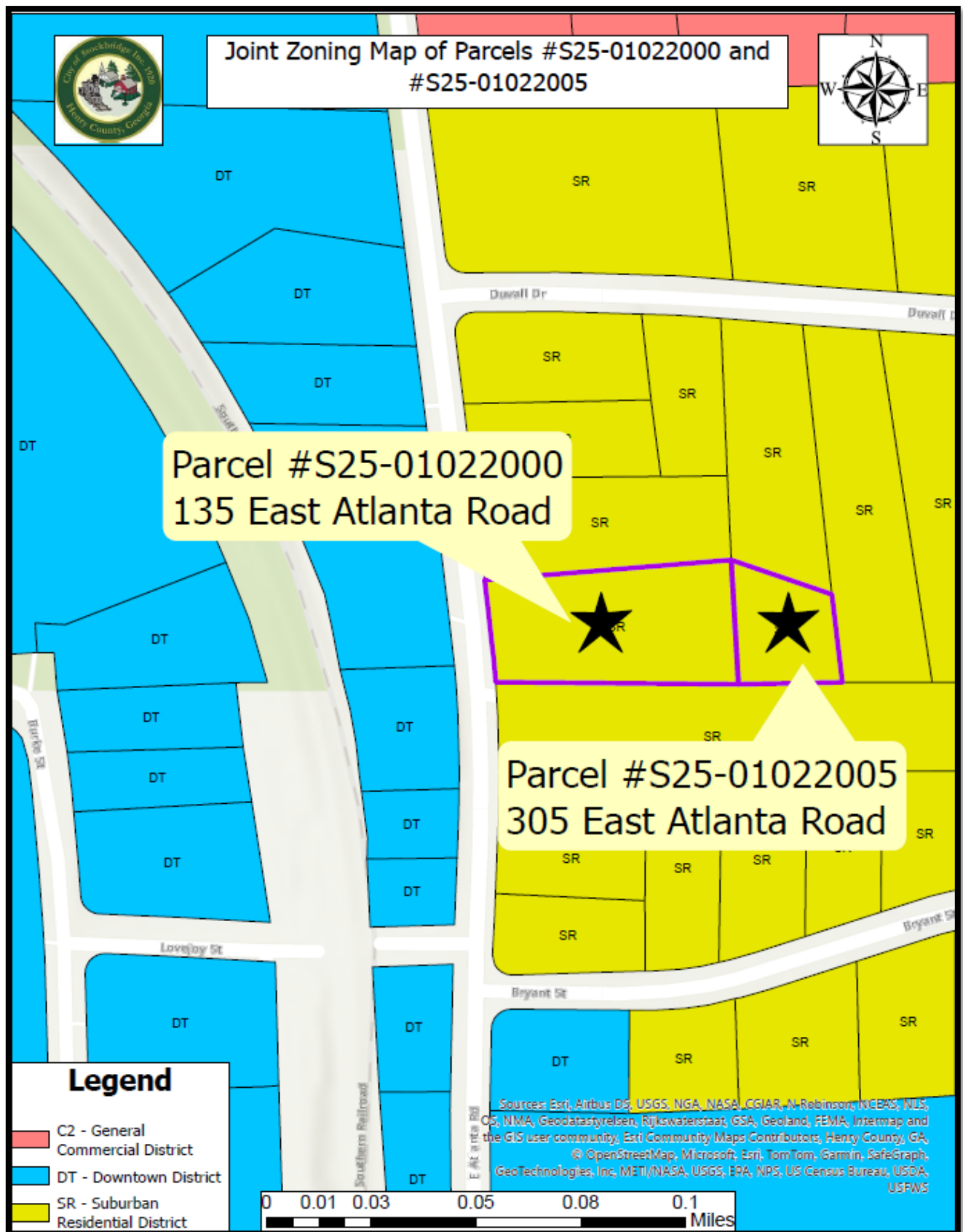


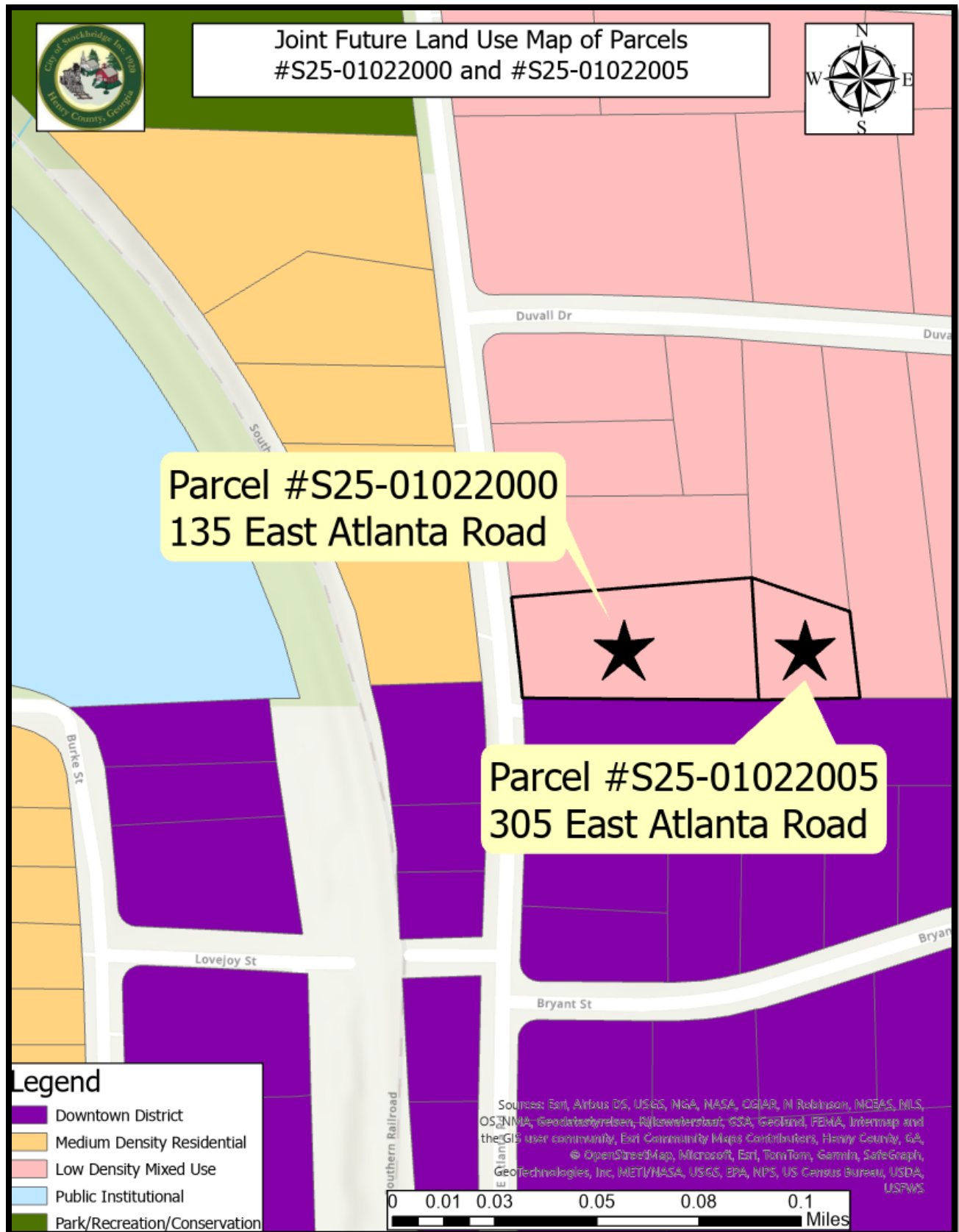
Site Plan of 135 and 305 East Atlanta Road



Renderings of Townhomes









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.

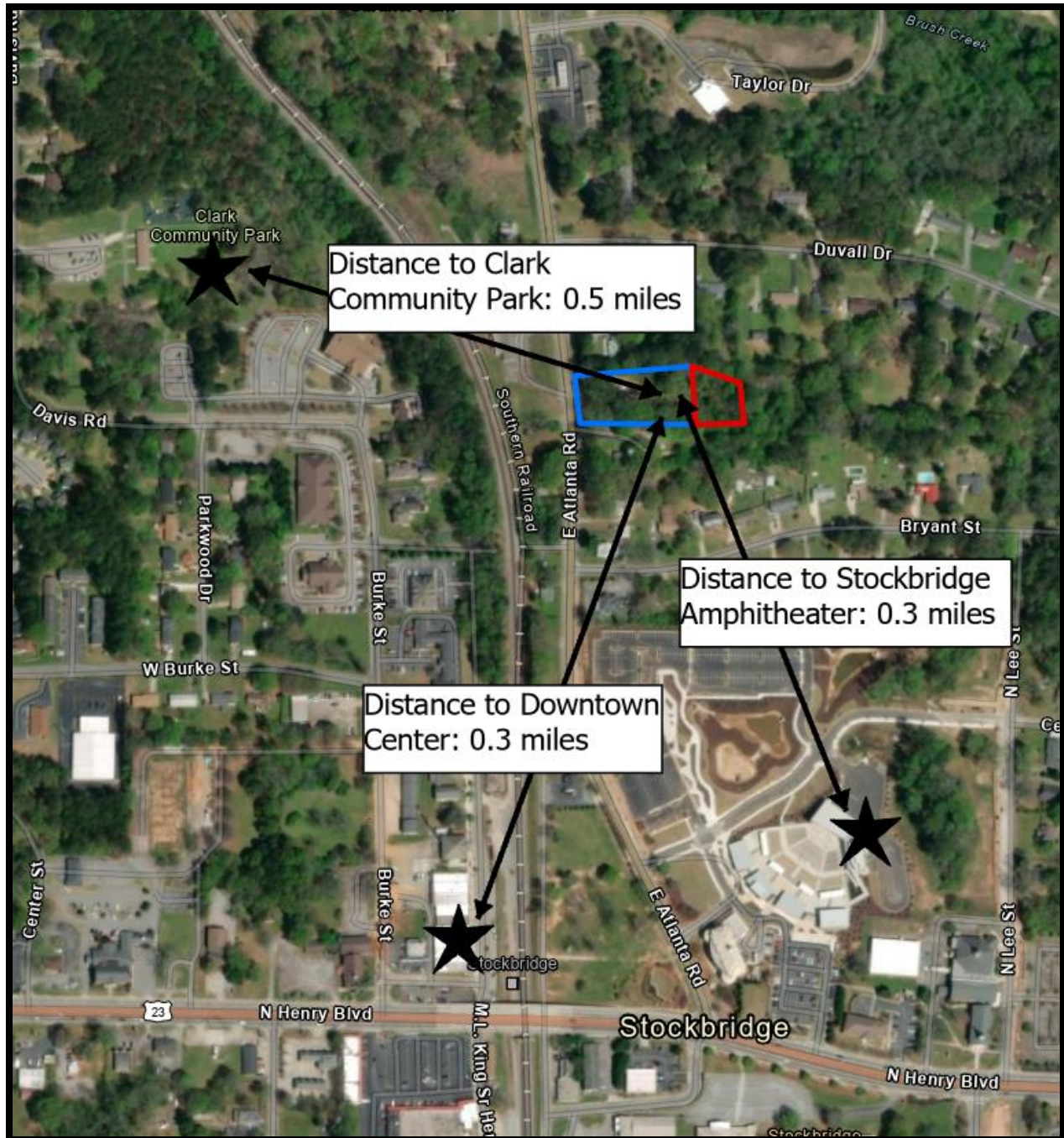
In addition to this comprehensive plan amendment, the applicant is requesting to rezone the subject properties from SR (Suburban Residential) to MFR (Multi Family Residential). Page 51 of the 2024 Comprehensive Plan identifies both the SR and MFR zoning districts as being compatible with the requested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

- 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.
- 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. 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.
- 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 DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
- ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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)
- SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
- SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPMC.

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

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281
RELEASES / DATES

DATE: _____
DATE: _____
DATE: _____
DATE: _____
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-ED03-01

SHEET NUMBER



Y STUDIO, LLC
853 S. PEACHTREE ST., STE. 104
NORCROSS, GA 30071
TEL: 770-355-7423
FAX: 770-242-0259
EMAIL: LOUIE@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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

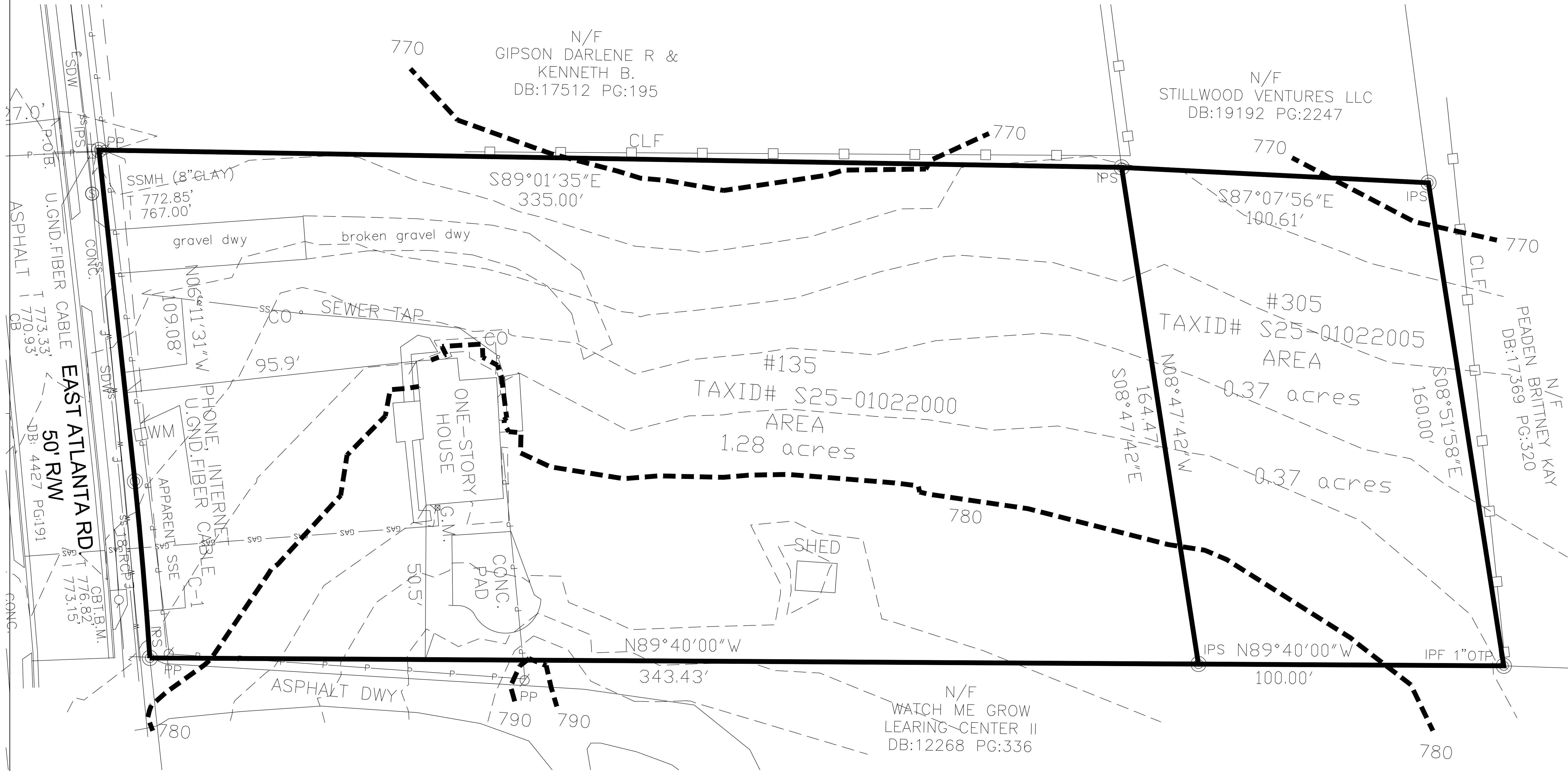
DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:
EXISTING
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-0.0



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: 770-242-0259
EMAIL: LOUIE@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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

SHEET TITLE:

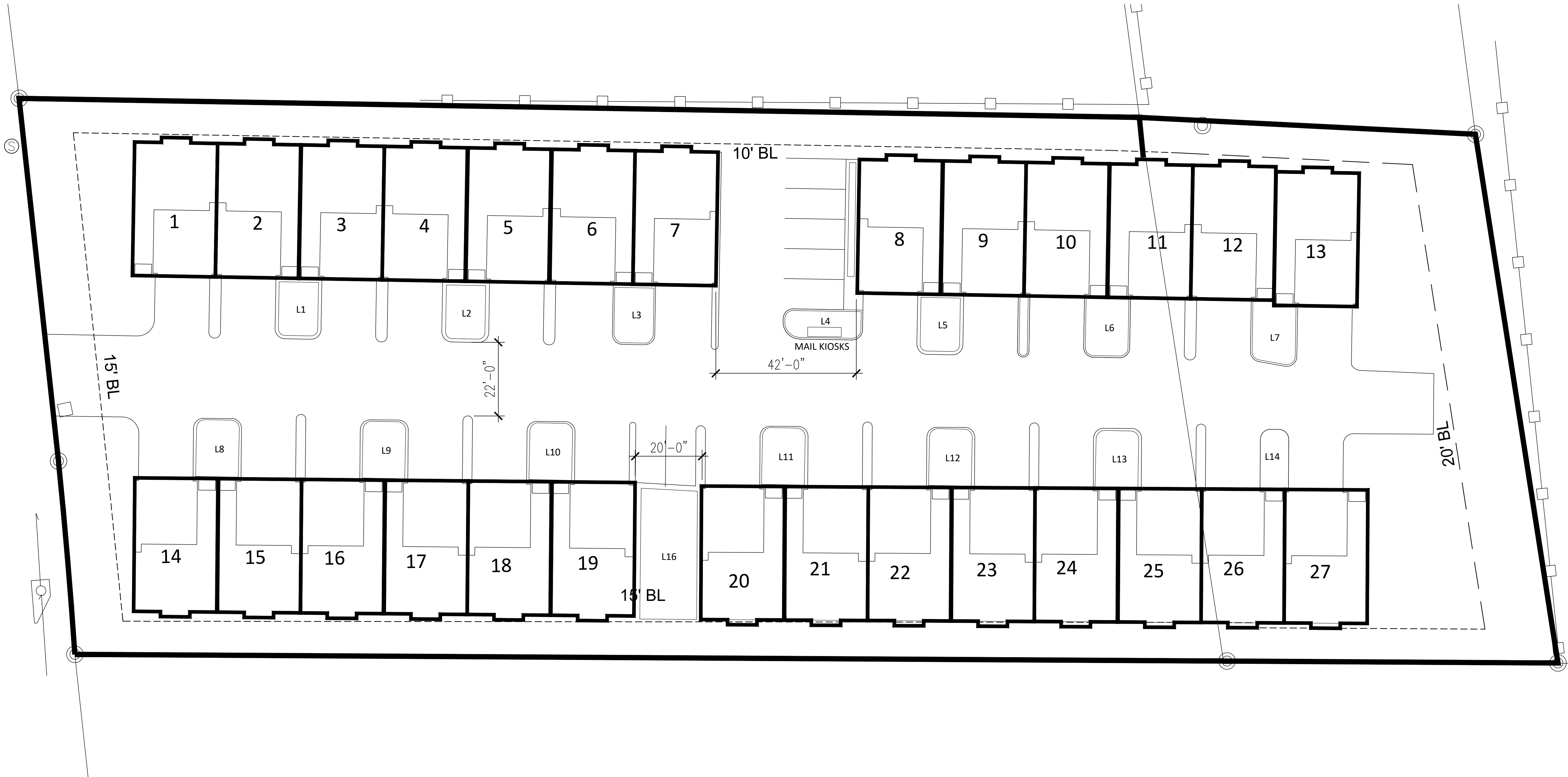
PROPOSED
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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: LOUIE@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

DATE:
DATE:
DATE:
DATE:
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-EDG3-01

SHEET NUMBER

A-4.1



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



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



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: LOUIE@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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

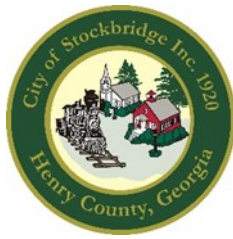
SHEET TITLE:

EXTERIOR PERSPECTIVE
RENDERING

DATE: 08.20.2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-4.2



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

REZONING CASE #RZ-2023-09. To consider a request to rezone two parcels with 1.65 +/- acres at 135 and 305 East Atlanta Road from 'SR' (Suburban Residential) to 'MFR' (Multiple Family Residential) allow for a townhome development with 27 units. The applicant is Sylvain Capital Ventures, LLC, represented by Harold R. Singer, Jr. of Gibeon Consulting Group. The applicant has also applied for a Comprehensive Plan Amendment via CP-2023-08 and three variances via VR-2023-05.

BACKGROUND INFORMATION:

The subject property lies within the Parkway Mixed-Use Overlay District; it is part of a Tax Allocation District; and the 2012 LCI Study identified it as being a part of the Downtown Growth Center. Staff recommendation: Approval with conditions. Planning Commission recommendation at its January 25, 2024 meeting: Approval with conditions, by a 3-1 vote.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

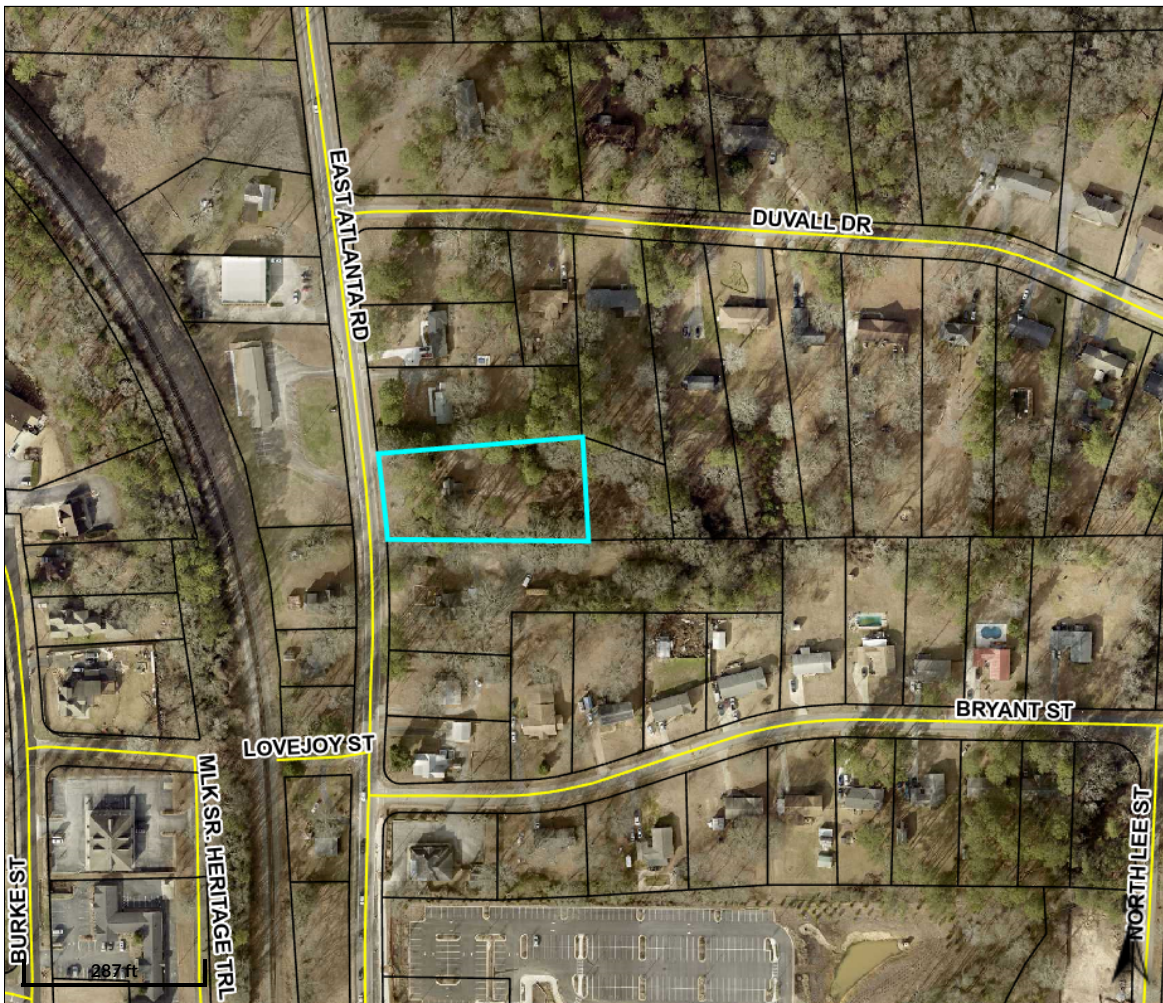
REZONING CASE #RZ-2023-09

BACKGROUND INFORMATION:

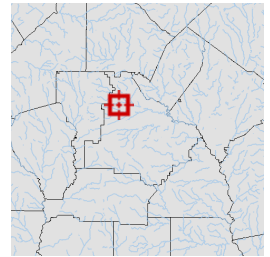
STAFF RECOMMENDATION:

APPROVAL WITH CONDITIONS.

Staff Signature_____



Overview



Legend

- Parcels
- Roads

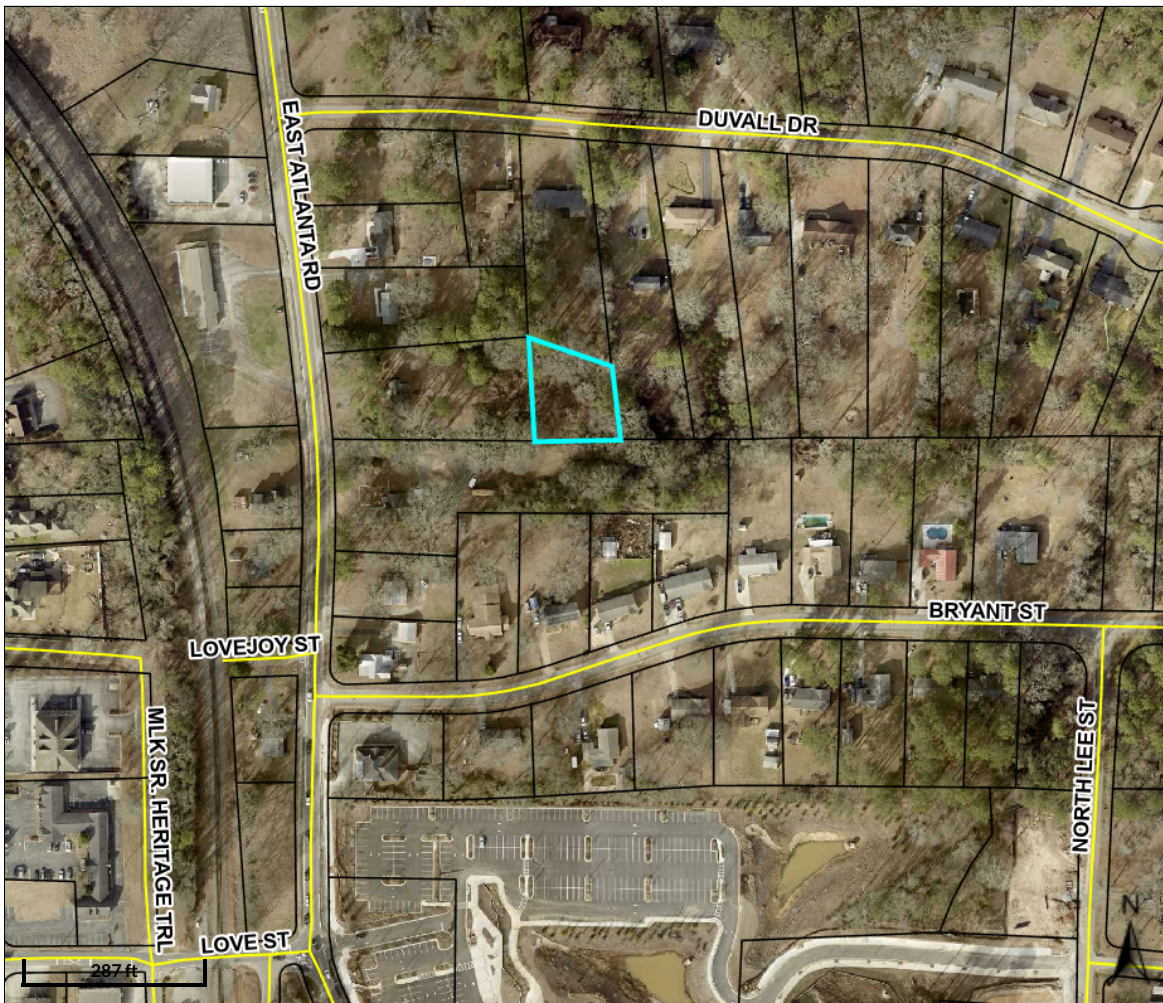
Parcel ID	S25-01022000	Class	R	Owner	SYLVAIN CAPITAL	Land	\$24000								
Property	135 EAST	Acreage	n/a	Address	VENTURES LLC	Value:									
Address	ATLANTA RD					Building	\$144900	Last 2 Sales							
District	City/Stockbridge					Value:		Date	Price	Reason	Qual				
						Misc	\$0	3/2/2023	\$175,000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

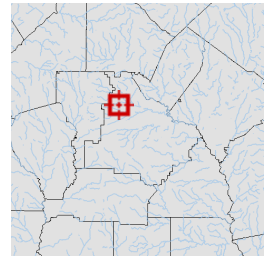
Date created: 12/29/2023

Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by  **Schneider**
GEOSPATIAL



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							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

Last Data Uploaded: 12/28/2023 11:25:28 PM

Developed by  **Schneider**
GEOSPATIAL

PowerPoint
Presentations
For RZ-2023-09, CP-
2023-08, VR-2023-05

135 and 305 East
Atlanta Road

Presented To:

Planning Commission – January 25, 2024

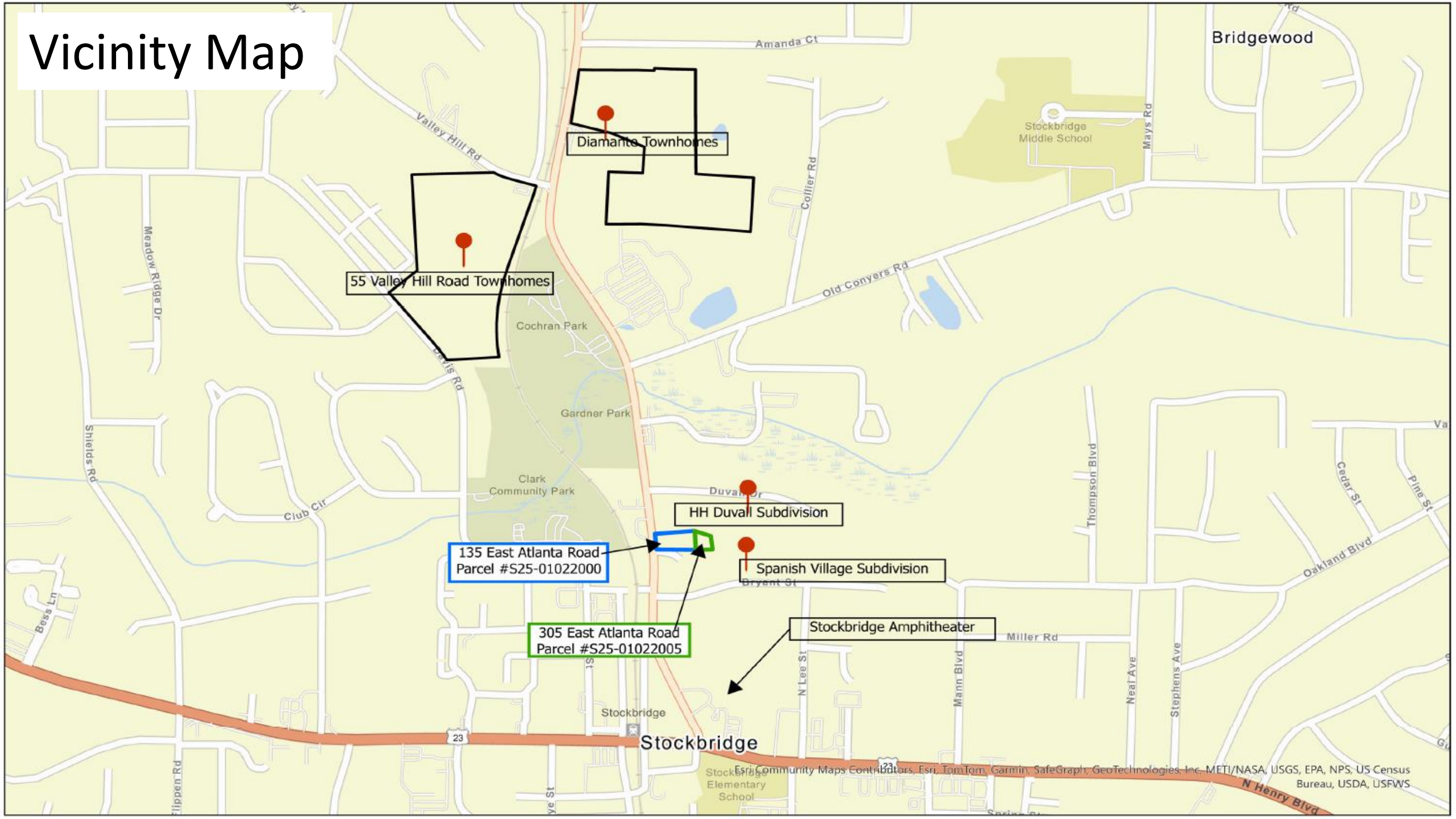
Mayor and Council – February 12, 2024



Case Facts

-
- Applicant: Sylvain Capital Ventures, LLC.
 - Owner: Sylvain Capital Ventures, LLC.
 - Agent: Harold R. Singer Jr. (Gibeon Consulting Group)
 - Number of Proposed Units Per Acre: 16.36 units per acre
 - Address of Property: 135 and 305 East Atlanta Road
 - Number of Acres: 1.65 +/- acres
 - Project Characteristics: Existing Single-Family Residence
 - City Land Use Designation: Low Density Mixed Use
 - Land Use Zoning : SR – Suburban Residential
 - Sign Posting: January 4, 2024

Vicinity Map



Diamante Townhomes

55 Valley Hill Road Townhomes

HH Duval Subdivision

135 East Atlanta Road
Parcel #S25-01022000

Spanish Village Subdivision

305 East Atlanta Road
Parcel #S25-01022005

Stockbridge Amphitheater

Stockbridge

Aerial Photo

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Aerial Photo with Site Plan



Proposed
Townhomes



Site Visit on January 4, 2024

Existing House

 CITY OF STOCKBRIDGE
NOTICE OF PUBLIC HEARING

PROPOSAL FOR THIS PROPERTY:

☒ REZONING ☒ VARIANCE ☐ ANNEXATION ☐ CONDITIONAL USE PERMIT

☒ COMPREHENSIVE PLAN AMENDMENT ☐ ZONING MODIFICATION ☐ OTHER

APPLICANT: SYLVAIN CAPITAL VENTURES CASE NUMBER(S): CP-2023-08
135 AND 305 EAST ATLANTA ROAD R2-2023-09
PLANNING COMMISSION PUBLIC HEARING: JANUARY 25, 2024 AT 6:30 p.m.
CITY COUNCIL PUBLIC HEARING: FEBRUARY 12, 2024 AT 6:00 p.m.

PUBLIC HEARINGS WILL BE HELD AT STOCKBRIDGE CITY HALL, IN THE COUNCIL CHAMBER.
FOR FURTHER INFO, PLEASE CALL THE CITY OF STOCKBRIDGE AT 770-389-7900.
REMOVAL OR DEFAACEMENT OF THIS SIGN IS PROHIBITED.

Site Visit on January 4, 2024

Church at Stockbridge -
Lacy Hawkins, Minister



Herbal Rootz, LLC; D & J
Printing; TDK Designs



Presentation for CP-2023-08



A large orange circle is positioned on the left side of the slide, partially cut off by the edge.

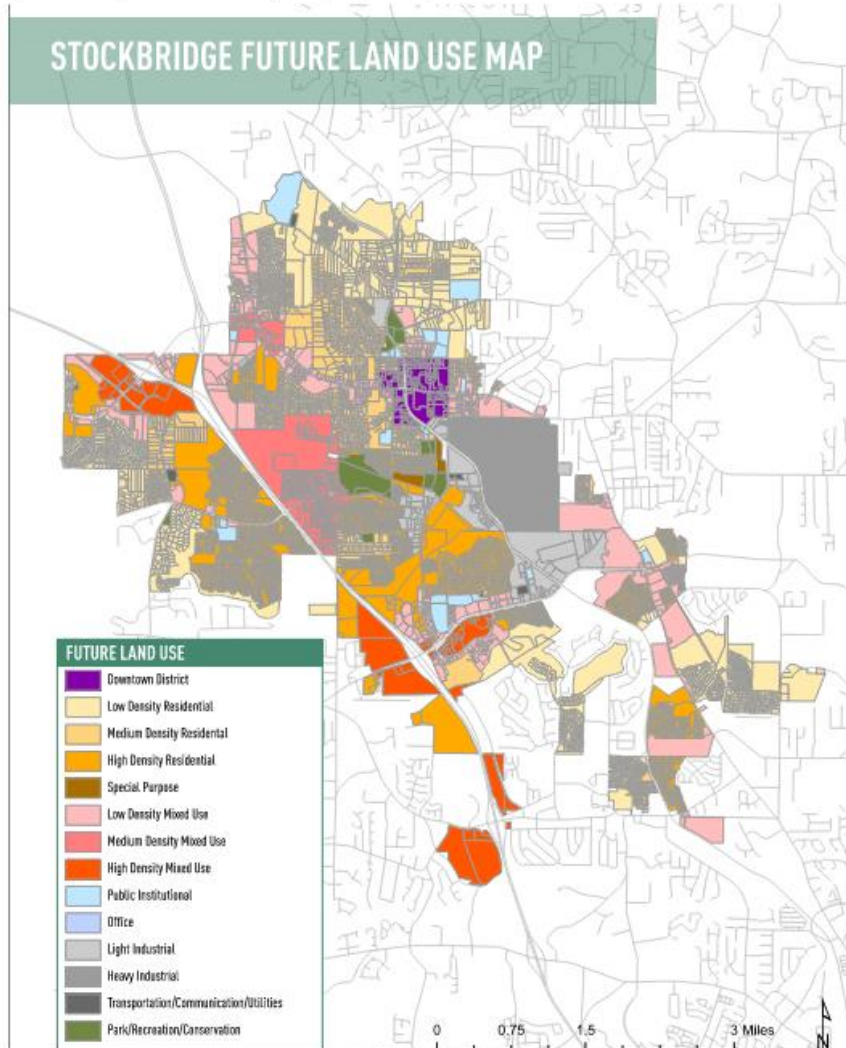
Applicant's
Request:

Change the future land use designation
from Low-Density Mixed Use to Special
Purpose.



City of Stockbridge Comprehensive Plan (2024)

Compatible Zoning: Planned Unit Development (PUD) is compatible in all districts.



SPECIAL PURPOSE (16.01-24 UNITS/ ACRE

This designation has been developed to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development. All zoning is appropriate.



Joint Zoning Map of Parcels #S25-01022000 and
#S25-01022005

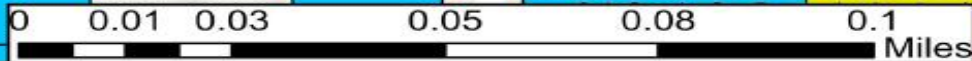


Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

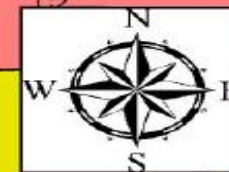
- DT - Downtown District
- SR - Suburban Residential District



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, GA, © Community Maps Contributors, Henry County, GA, © OpenStreetMap, Microsoft, Esri, TomTom, USGS, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Joint Overlay Map of Parcels #S25-01022000 and #S25-01022005



Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

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



Sources: Esri, Airphoto, USGS, NGA, NASA, GOAR, Robinson, NCEAS, NLS, OS, NOAA, GeoData, Esri, Bilgewater, GSA, Geoland, FEMA, Intermap and the US user community, Esri Community Maps Contributors, Henry County, GA, Esri, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., MCR/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USDA/NR



Joint Future Land Use Map of Parcels #S25-01022000 and #S25-01022005



Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

- Downtown District
- Medium Density Residential
- Low Density Mixed Use
- Public Institutional

0 0.01 0.03 0.05 0.08 0.1 Miles

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 Residences	Low Density Mixed Use
Property to the West	Church at Stockbridge (Church) Existing Single-Family Residence	Medium Density Residential Downtown District

SURROUNDING LAND USE DENSITIES

Name of Subdivision	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

A large orange circle is positioned on the left side of the slide, partially cut off by the edge.

Project Information

- The applicant proposes to build a townhome development with 27 units with 5 guest parking spots and a mail kiosk.



Staff Analysis
(Section 9.2.7 of The Unified
Development Code)

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 to 24 units per acre. This proposed townhomes 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.

Staff Analysis (cont.)

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.

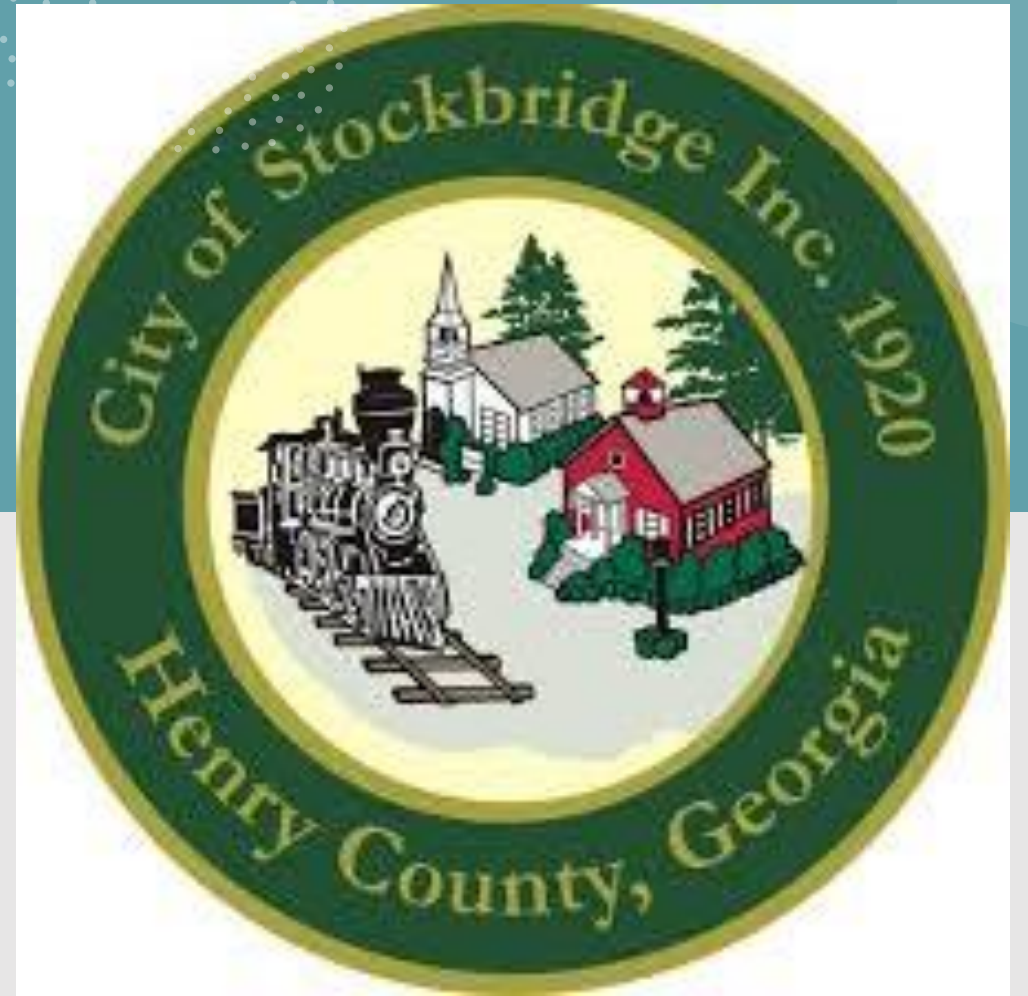
Townhomes are not allowed in the SR zoning district; however, they are compatible with MFR zoning district. The City of Stockbridge Unified Development Code states that the city should promote an average density of 14 dwelling units per acre or higher in MFR districts – this proposed townhome development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

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**.

Presentation for RZ- 2023-09



Applicant's Request:

Rezone from SR (Suburban Residential) to MFR (Multiple Family Residential) to allow for the construction of a townhome development.

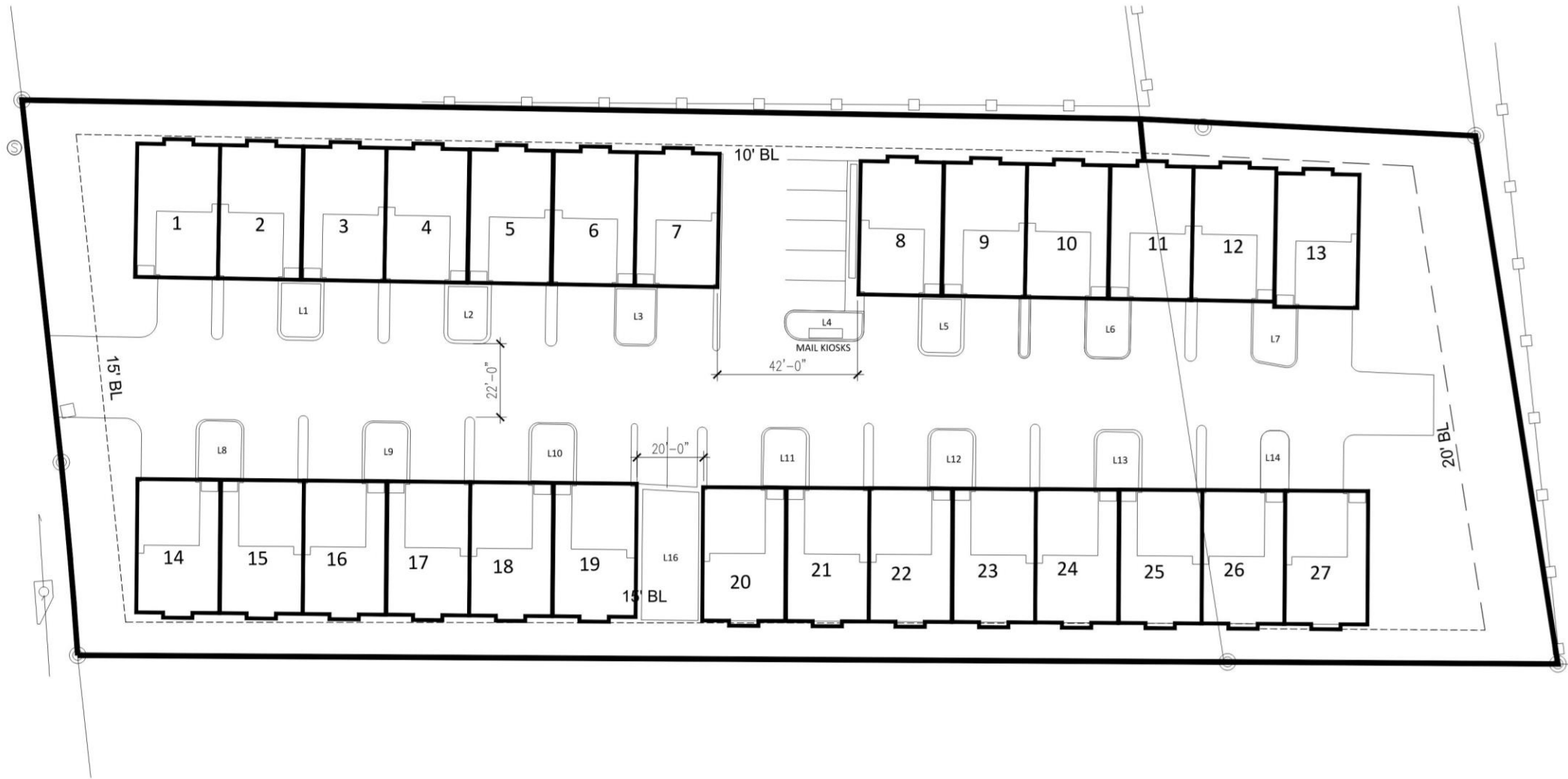
Parcel #S25-01022000
1.28 +/- acres

Parcel #S25-01022005
0.37 +/- acres

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	



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

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

DATE:
DATE:
DATE:
DATE:
DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: J. TOWN
REVIEWED BY: J. TOWN

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08.20.2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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



Y STUDIO, LLC
853 S. Peachtree St., 104
N.W., Atlanta, GA 30309
Tel: 770.242.0257
Fax: 770.242.0257
EMAIL: info@y-studio.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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DESIGN BY: L. YAK
REVIEWED BY: L. YAK

SHEET TITLE:

OVERALL
EXTERIOR ELEVATIONS
DATE: 08.20.2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-4.1



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



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



VIEW INTO THE COMMUNITY



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



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



VIEW FROM EAST ATLANTA ROAD



Y STUDIO, LLC
855 S. PHOENIX AVE., SUITE 104
DUBLIN, GA 31024
TEL: 770.245.7433
FAX: 770.245.7437
EMAIL: LUCAS@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

DATE:
DATE:
DATE:
DATE:
DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DESIGN BY: L. YARD
REVISED BY: L. YARD

SHEET TITLE:

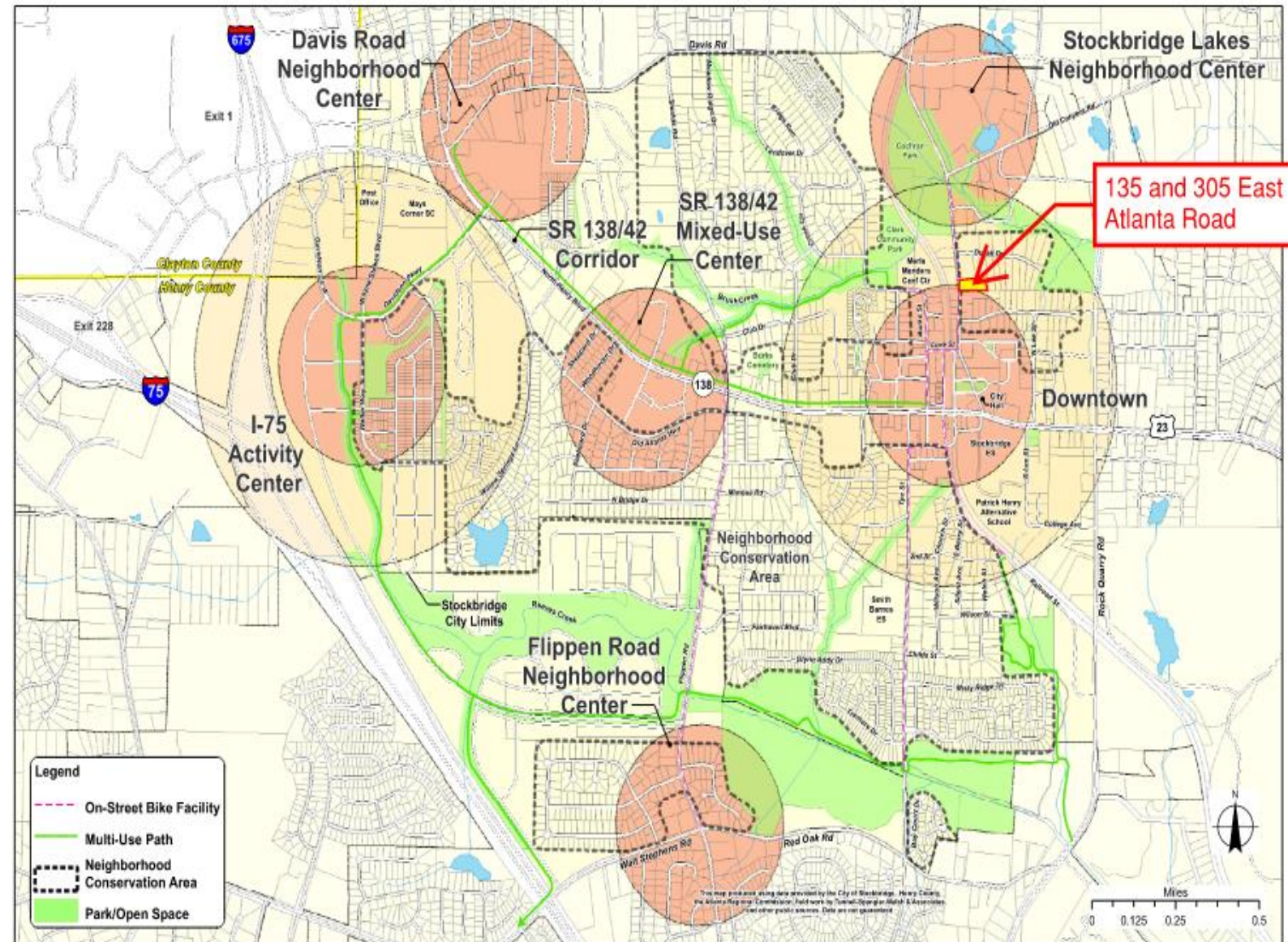
EXTERIOR PERSPECTIVE
RENDERING

DATE: 08.20.2023 PROJECT NUMBER: 13023-ED03-01

SHEET NUMBER

A-4.2

LCI Study Showing
Location of
Property as part of
Growth Center in
Downtown Area of
Stockbridge



Tax Allocation District

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastylelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Sample of Townhomes

- These townhomes are the type that would be desirable in the City of Stockbridge.



Project Description

- The applicant, Sylvain Capital Ventures, LLC. proposes to build a 27-unit townhome development at a density of 16.36 units per acre on 1.65 acres of land at 135 and 305 East Atlanta Road. The size of the 27 proposed lots is 24" W x 75'D with a building footprint of 24' x 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,920 square feet. The proposed development will provide vehicular access to the site via a turning lane that will be located along East Atlanta Road. A total of 59 parking spaces would be provided including 54 driveway spaces and 5 guest parking spaces that are located close to the kiosk.
- A site plan that was submitted on December 29, 2023, shows the renderings of the proposed townhomes. The renderings of the townhomes show that the front and side elevation will feature brick.



Staff Analysis

1. Consistency with the Comprehensive Plan

The City of Stockbridge 2024 Comprehensive Plan identifies on page 43 the following housing goals: (1) “To provide a variety of housing choices to suit the changing needs and lifestyles of City residents” and, (2) “to provide additional housing in the downtown core.” Thus, the requested rezoning of the subject property located at 135 and 305 East Atlanta Road to allow for the construction of the 27-unit townhome would meet the requirement of the housing goals that are found in the City of Stockbridge 2024 Comprehensive Plan. In addition, the proposed townhomes would meet the following housing policies that are listed on page 43 of the City of Stockbridge 2024 Comprehensive Plan: (1) Provide a mixture of housing options to attract young professionals, singles, and small families. (2) Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods.

The applicant has requested a Comprehensive Plan Amendment to change the future land use designation from the existing Low-Density Mixed Use to Special Purpose. The purpose and intent of the Special Purpose land use designation is to “to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development.” Since the applicant is building a townhome development on smaller lots, the Special Purpose land use designation would be appropriate. The Special Purpose land use designation allows 16.01 to 24 units per acre to be built. The applicant’s proposed density would be 16.36 units per acre, which would be compatible with the required density. Furthermore, page 48 of the City of Stockbridge 2024 Comprehensive Plan states that “all zoning is appropriate.” Therefore, the required MFR zoning district would be compatible.



Staff Analysis (cont.)

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

The development of the site as a townhome meets the overall purpose and intent of the Stockbridge Unified Development Code. Section 1.4 of the Unified Development Code provides a list of objectives to accomplish, which are listed as follows: (A.) Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge. (I.) Encourage the most appropriate and best use of land, buildings, and other structures throughout the city.

The development is consistent with the purpose and intent of the MFR zoning district. Section 2.4.4 of the Stockbridge Unified Development Code states that the intent and purpose of the MFR zoning 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 provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.” According to the map of the Functional Road Classification found in page 69 of the 2022 Henry County Transportation Plan, East Atlanta Road is considered a minor arterial road. Thus, the proposed townhome would be an acceptable use for the subject property.



Staff Analysis (cont.)

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

Section 2.4.4 of the Stockbridge Unified Development Code states that, “The city should promote an average density of fourteen (14) dwelling units per acre or higher.” Since the proposed density of the townhome is 16.36 units per acre, it would meet the allowable density of the requested MFR zoning district. The subject property is also a part of the Parkway Mixed Use Overlay District. Overall, the proposed townhomes meet the criteria of the Parkway Mixed-Use Overlay District. Section 2.5.2 of the Stockbridge Unified Development Code provides a list of objectives, which includes the following: (1) To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play; (2) To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.



Staff Analysis (cont.)

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 requested rezoning from SR (Suburban Residential) to MFR (Multiple Family Residential) will be very beneficial to the downtown area of the city of Stockbridge in various ways. While other areas in the city of Stockbridge have seen residential growth over the past couple of years, the downtown area lacks modern residential developments. Currently, there are two townhome developments that are located north of the downtown area with a zoning of MFR (Multiple Family Residential). The Diamante Townhomes, located 0.9 miles away from the proposed townhomes, is currently building 200 units on 27.73 total acres for a density of 7 units per acre. The recently approved D.R. Horton townhome development located 0.6 miles away from the proposed townhomes, is building 156 units on 24.908 total acres for a density of 6.26 units per acre. With these two townhome developments located north of the downtown area, the center of the downtown area has not seen residential growth. Thus, the proposed townhomes will serve as a catalyst for future developments to occur in the downtown area of Stockbridge.

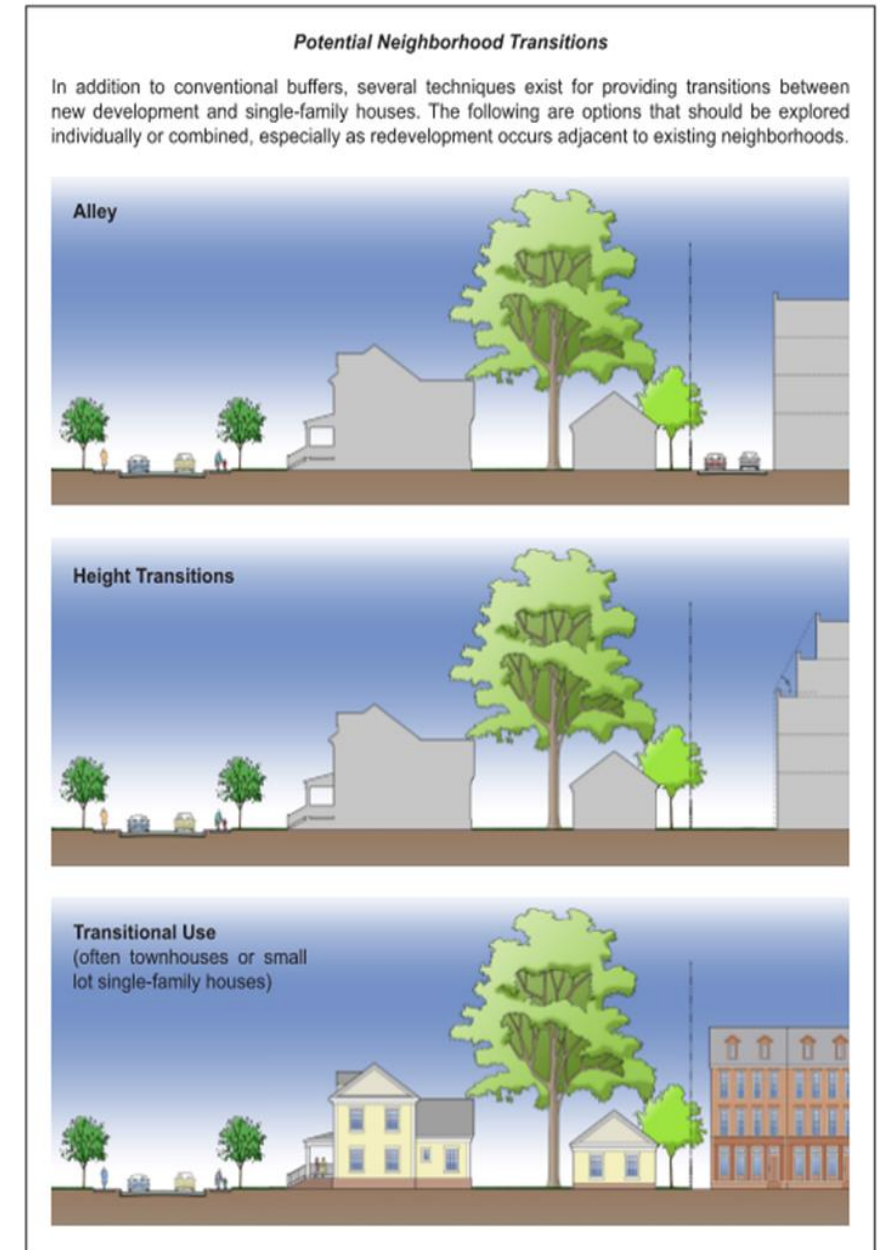


Staff Analysis (cont.)

July 9, 2012

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 (cont.)** Second, the addition of the proposed townhomes along the downtown area will be beneficial since it will provide an alternative type of housing than which currently exists in the vicinity of the area. The Spanish Village and the H.H. Duvall Subdivision are the two subdivisions that are located in the vicinity of the area. The Spanish Village subdivision has a total of 25 houses. Of the 25 houses that are built in the subdivision, 24 were built during the 1970's and one was built during the 1990's. The H.H. Duvall Subdivision has a total of fifteen houses. Of the fifteen houses that are built in the subdivision, thirteen were built during the 1960's, one was built during the 1980's and one was built in 2006. There are also nine houses that are located outside of the two subdivisions within the vicinity of the area. Of the nine houses that are located outside of the two subdivisions within the vicinity, one was built during the 1920s, one was built during the 1930's, one was built during the 1940's, and four were built during the 1960's. Based on this information, it can be concluded that there is a need for new housing stock in the downtown area of Stockbridge.

Recent studies that focused on the city of Stockbridge also recommended that there is a need for new housing in the downtown area of Stockbridge. The Downtown Residential and Retail Market Analysis, which focused on the retail and housing market in the downtown area of Stockbridge, stated that, "In downtown Stockbridge, new condominiums, attached townhomes, and clustered single-family home with a variety of price points will help satisfy a diversity of housing needs." The City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 selected a series of growth centers and the subject property is included as part of the Downtown area. The LCI study created a list of recommendations the city should follow that will impact the residents both in the short term and long term. Among the recommendations the LCI made was that the city should "provide appropriate transitions between new development and existing neighborhoods." The LCI stated in this recommendation that "these could include conventional techniques such as buffers, or innovative site planning that uses small lot single family houses or townhomes to make the transition."



Staff Analysis (cont.)

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 (cont.)

Lastly, the proposed townhomes will be beneficial since the site is a prime location to the downtown area, amphitheater, and the parks. The proposed townhomes will incorporate a new urbanism concept by having the frontage of the proposed townhomes to the sidewalk. Since both the amphitheater and the downtown area are 0.3 miles away from the proposed site of the townhomes, it will provide walking distance for future residents. In addition, the site of the proposed townhomes are 0.5 miles away from Clark Community Park making it more convenient for incoming residents. The Downtown Residential and Retail Market Analysis stated, "Downtown Stockbridge has an opportunity to transform into a higher density, walkable town center with restored historic buildings, a variety of new housing options, mixed-use development, and park space." Moreover, the City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 stated on page 76 that "To position Stockbridge for changing local, regional, and national market and demographic trends, particularly the needs of aging residents and the so-called Millennials, the downtown must be revitalized in a way that builds on its historic character and positions it as a walkable, mixed-use alternative to surrounding areas – many of which will be less suitable to adapt to these changes."



Distance from
Proposed
Townhomes to
Amphitheater, Clark
Park, and
Downtown Area of
Stockbridge

Distance to Clark
Community Park: 0.5 miles

Distance to Downtown
Center: 0.3 miles

Distance to Stockbridge
Amphitheater: 0.3 miles

Staff Analysis (cont.)

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 size, shape and topography of the assembled parcels will not allow the proposed townhomes to proceed. Thus, the applicant has submitted the following variances that will be heard concurrently at the Planning Commission: (1) a variance to reduce front yard setback from 50 to 15 feet (2) a variance to reduce the required side yard setback from 15 to 10 feet (3) a variance to increase the allowable maximum lot coverages from 50 percent to 60 percent.
5. **The impact upon adjacent property owners should the request be granted:** The preliminary site plan the applicant submitted shows that the proposed townhome would not have any access to the nearby H.H. Duvall subdivision. Thus, the proposed townhome will not have any impact on traffic.
6. **The potential impact of the rezoning on City infrastructure including water and sewage system:** A letter from the Stockbridge Public Works Department dated January 22, 2024, states that water service can be made available to the subject property. However, the letter also states that all costs associated with connecting to the water and sewer are the developer's responsibility. The letter also states that the developer must adhere to the City's Minimum Development Standards. In addition, the letter states that if plans are not submitted within one year (January 22, 2025), the reservation of capacity will expire.
7. **The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes:** The applicant did not submit a traffic study, and as a result, the staff is unable to comment on the overall impact the proposed subdivision will have on the existing road (East Atlanta Road). The applicant will use the existing driveway located at 135 East Atlanta Road as a turning lane towards the site location.

Staff Analysis (cont.)

8. The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan: The request to rezone the property from SR (Suburban Residential) to MFR (Multiple Family Residential) is consistent with the policies and goals of the Unified Development Code. Furthermore, the proposed townhomes would meet the overall purpose and intent of the MFR (Multiple Family Residential) zoning district. The required density of a MFR (Multiple Family Residential) is 14 dwelling units per acre. Since the proposed density of the proposed townhome development is 16.36 units per acre, it would meet the allowable density of the MFR zoning district. The proposed townhome development would meet the purpose of the Parkway Mixed-Use Overlay District. Since the distance between both the amphitheater and the downtown area are 0.5 miles away from the site of the proposed townhomes, it would be a prime location for future residents to walk and enjoy the entertainment.
9. The ability of the subject land to be developed as it is presently zoned: Currently, the subject property is zoned SR (Suburban Residential). There remains a lack of modern style housing stock in the downtown area of Stockbridge. Thus, the subject property will be a prime location for the proposed to be built.

Staff Recommendation

Staff recommends **approval with conditions** to rezone the subject property from SR (Suburban Residential) to MFR (Multiple Family Residential) with the following conditions:

1. A 10-foot sidewalk shall be established across the frontage.
2. The proposed development shall include a two-car garage.
3. Site Plan – The proposed townhome shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled Preliminary Site For 135 East Townhomes", which was prepared by Y Studio, dated 08/20/23, and representing Sheet #A-0.1."
4. The project will be in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding the site development standards and other requirements that are found.
5. The townhomes shall be comprised of brick, stone, cement-based siding, or shake siding.

VR-2023-05



Applicant's Request

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

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

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.

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

Staff Analysis

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.



Staff Analysis

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.



Staff Analysis

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.



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

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

- 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.
- 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. 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.
- 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 DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
- ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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)
- SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
- SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPMC.

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

SEAL:

FOR:

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281
RELEASES / DATES

DATE: _____
DATE: _____
DATE: _____
DATE: _____
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-ED03-01

SHEET NUMBER



Y STUDIO, LLC
853 S. PEACHTREE ST., STE. 104
NORCROSS, GA 30071
TEL: 770-355-7423
FAX: 770-242-0259
EMAIL: LOUIE@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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

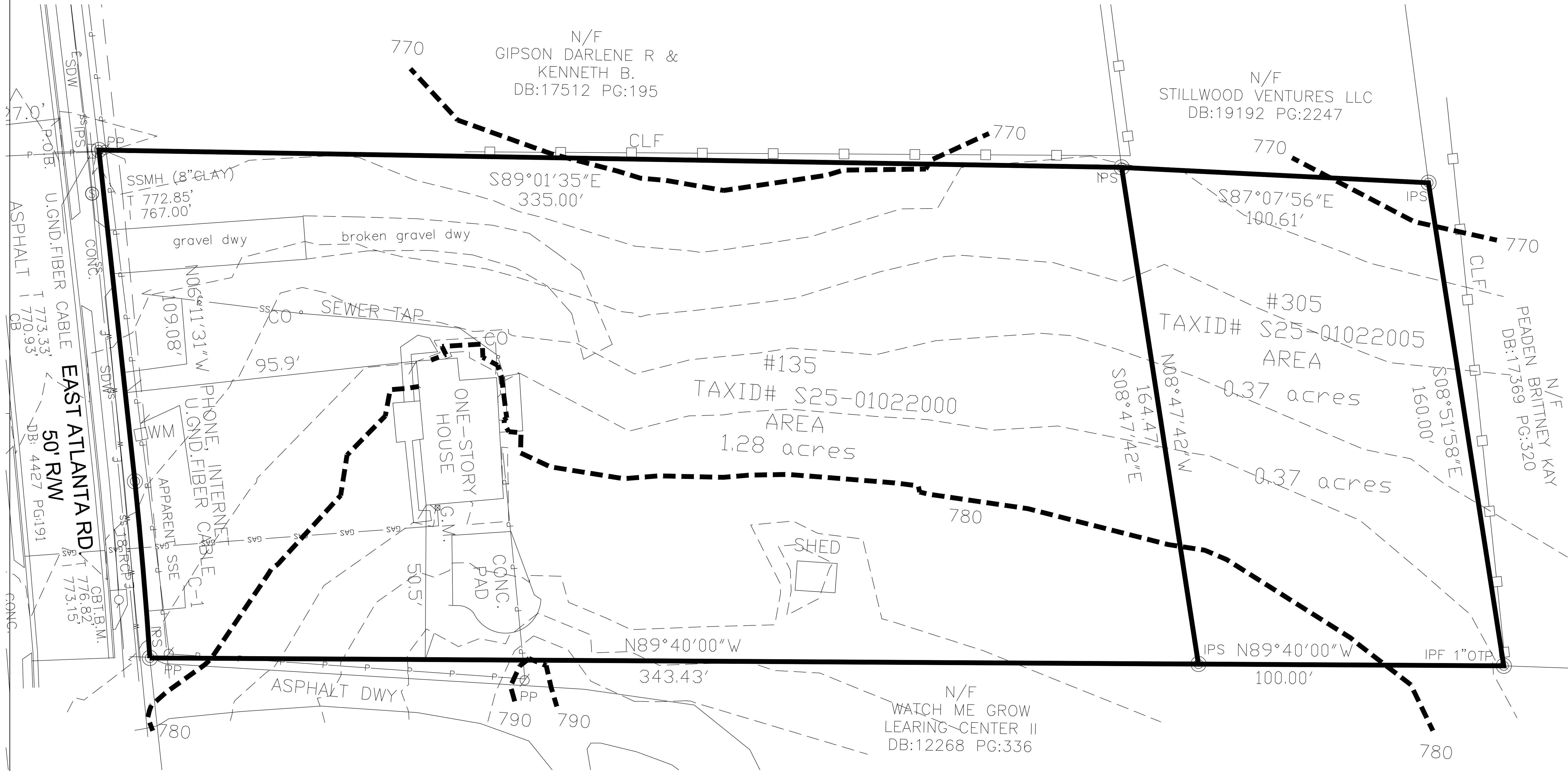
DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:
EXISTING
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-0.0



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: 770-242-0259
EMAIL: LOUIE@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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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.

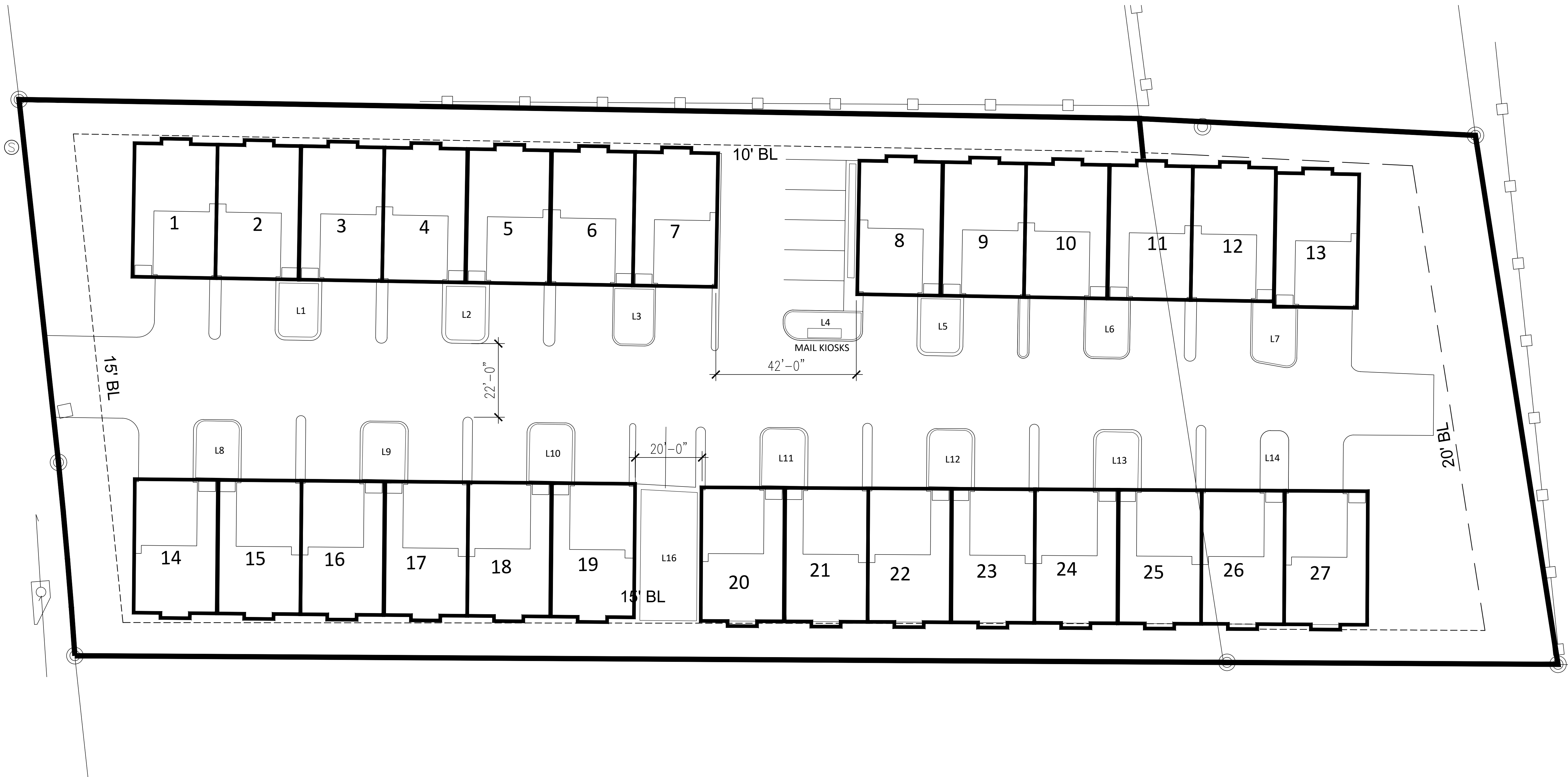
SITE COVERAGE = 60%

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: LOUIE@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

DATE:	
DATE:	
DATE:	
DATE:	
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-EDG3-01

SHEET NUMBER

A-4.1



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



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



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: LOUIE@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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

SHEET TITLE:

EXTERIOR PERSPECTIVE
RENDERING

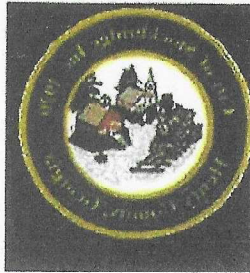
DATE: 08.20.2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-4.2

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.]

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

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

Contacts

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

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

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

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

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

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

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

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

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

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

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

City of Stockbridge Planning and Zoning Division
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	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	✓
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	✓
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	✓
Form from the Health Department	1	This letter must accompany the application at the time of submittal (<i>Only needed if property is not on sewer</i>).	✓



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:

(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

Harold Singer

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.

Signature of Notary Public

Harold Singer

Printed Name of Notary Public

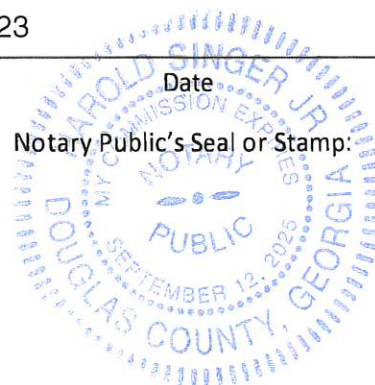
12/28/23

12/28/23

Date

Date

Notary Public's Seal or Stamp:



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 525-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Reginald 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: [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): Reginald 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.

Reginald 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]

Signature of Notary Public

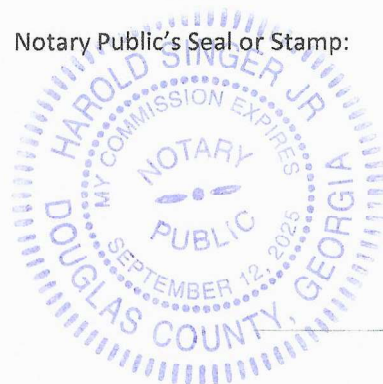
Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:



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.

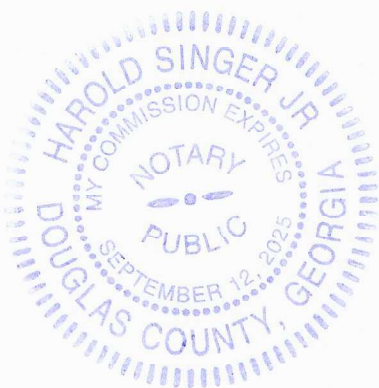
Reginald Sylvain
Applicant's Name - Printed

[Signature]
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.



[Signature] 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 to DT
(Present Zoning) (Requested Zoning)

For the Purpose of Multifamily Townhomes
(Type of Development)

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

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

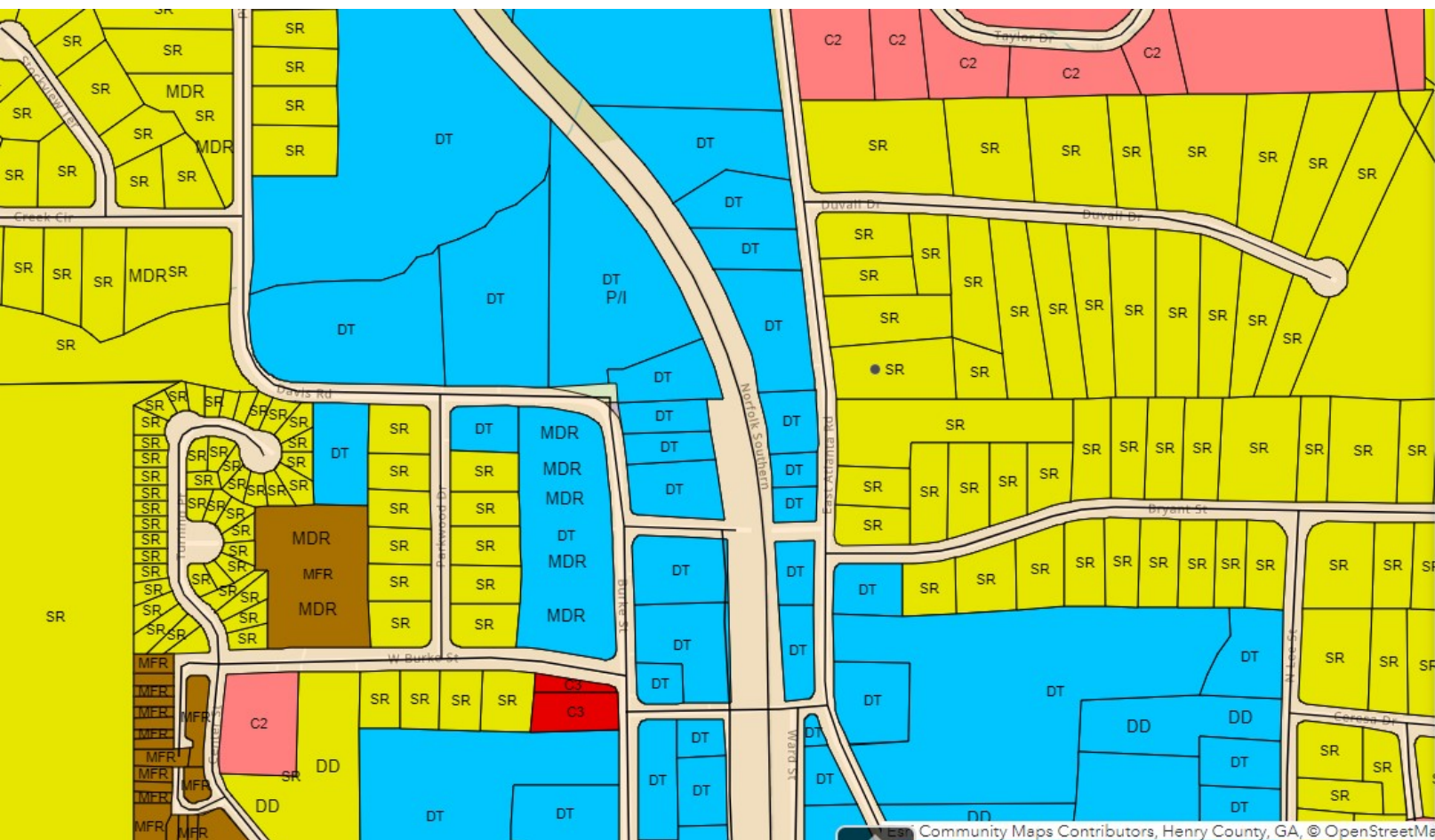
Passcode: fjXYjs

[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 25, 2024 (Planning Commission)
February 12, 2024 (Mayor and Council)

Subject: #RZ-2023-09 For 135 and 305 East Atlanta Road

I. PURPOSE

Consider a rezoning request by Sylvain Capital Ventures, LLC. (represented by Harold R. Singer Jr. of Gibeon Consulting Group) to rezone certain property located at 135 and 305 East Atlanta Road from SR (Suburban Residential) to MFR (Multiple Family Residential) to allow for the construction of a townhome development. 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 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.
- Variance (VR-2023-05) – The applicant submitted three variances on the subject property which 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

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

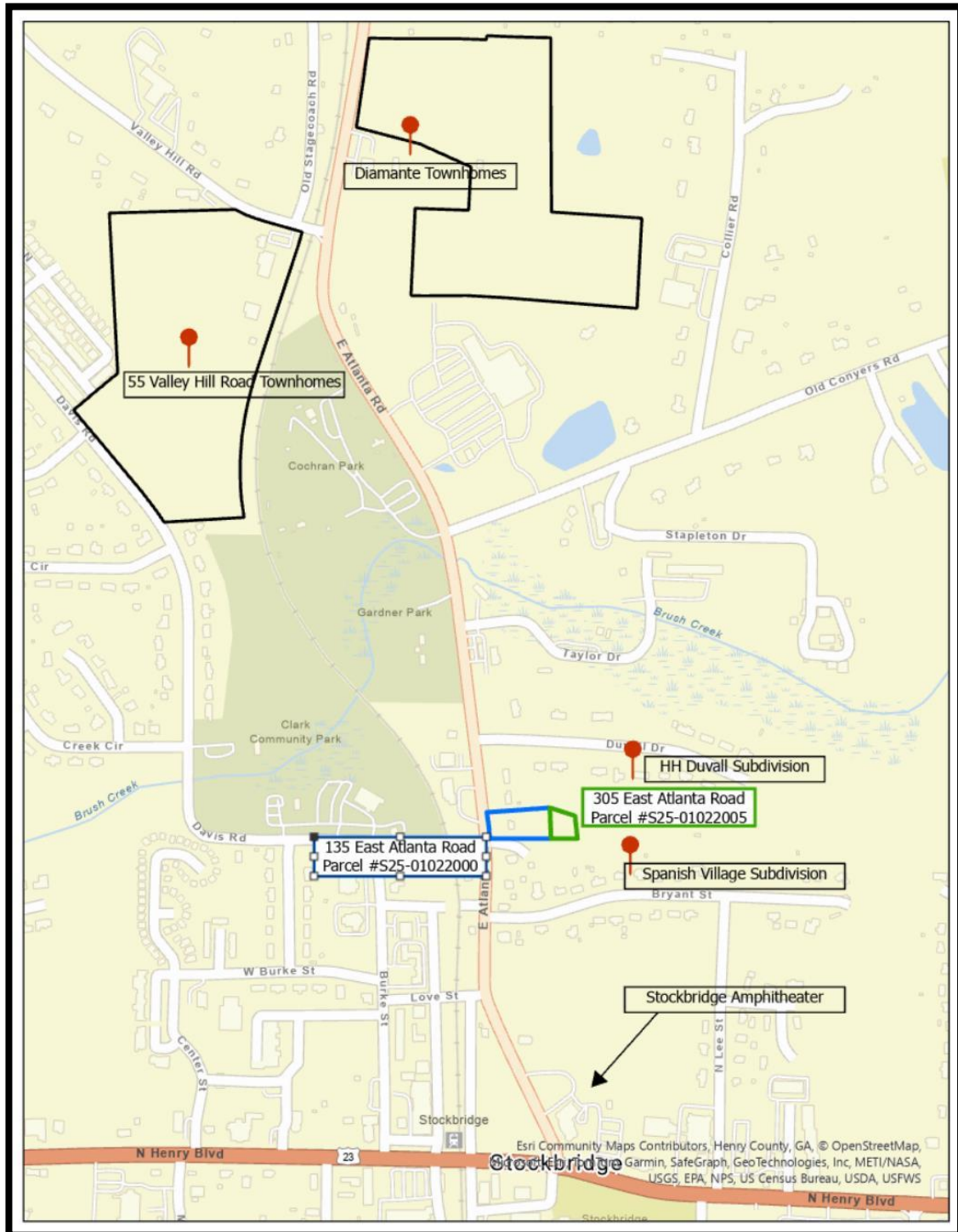
Location	Existing Land Use	Existing Zoning
Property to the North	Single-Family Residence	SR (Suburban Residential District)
Property to the South	Watch Me Grow Toddlerville (Day care center)	SR (Suburban Residential District)
Property to the East	Single-Family Residence	SR (Suburban Residential District)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

III. Finding of Facts

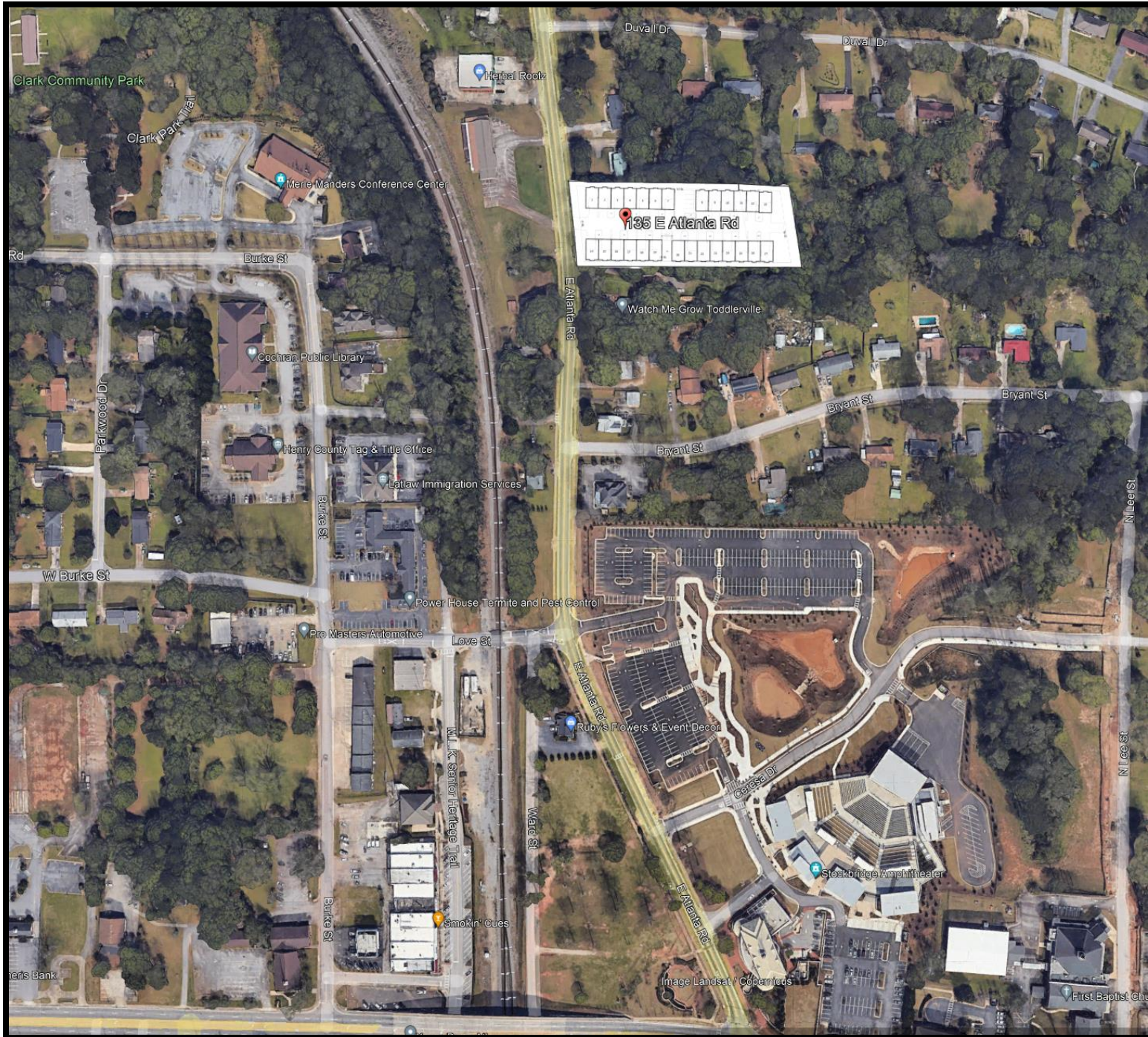
1. The applicant has requested a Comprehensive Plan Amendment (CP-2023-08) to change the future land use designation from Low-Density Mixed Use to Special Purpose.
2. The applicant has requested the following variances (VR-2023-05) on the subject property:
 - a. a variance to reduce front yard setback from 50 to 15 feet
 - b. a variance to reduce the required side yard setback from 15 to 10 feet
 - c. a variance to increase the allowable maximum lot coverages from 50 percent to 60 percent
3. The vicinity of the area is mostly residential with the following zoning classifications: SR (Suburban Residential District) and DT (Downtown District).
4. The surrounding land use designations that are in the vicinity of the area are as follows: MDR (Medium Density Residential), LDMU (Low Density Mixed Use), DD (Downtown District), PI (Public/Institutional), and PRC (Park/Recreation/Conservation).
5. The subject property is also a part of the Parkway Mixed Use Overlay District.
6. 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

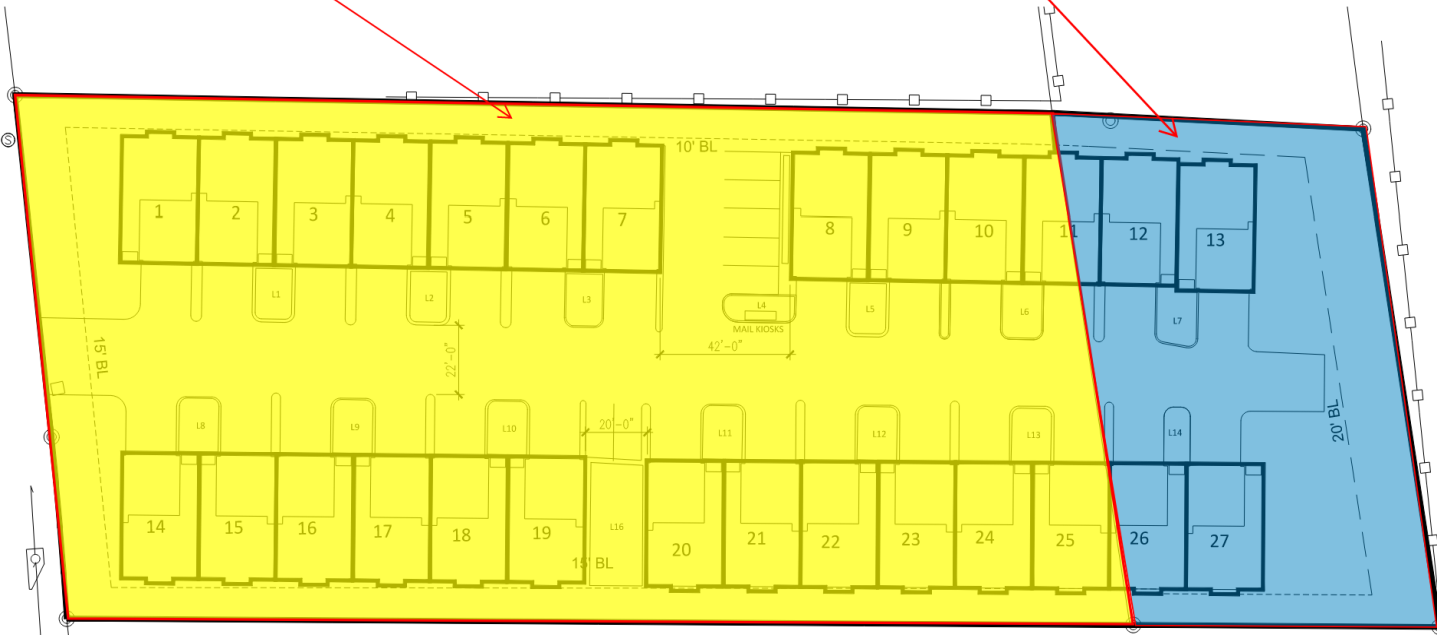


Site Plan with Parcels Labeled

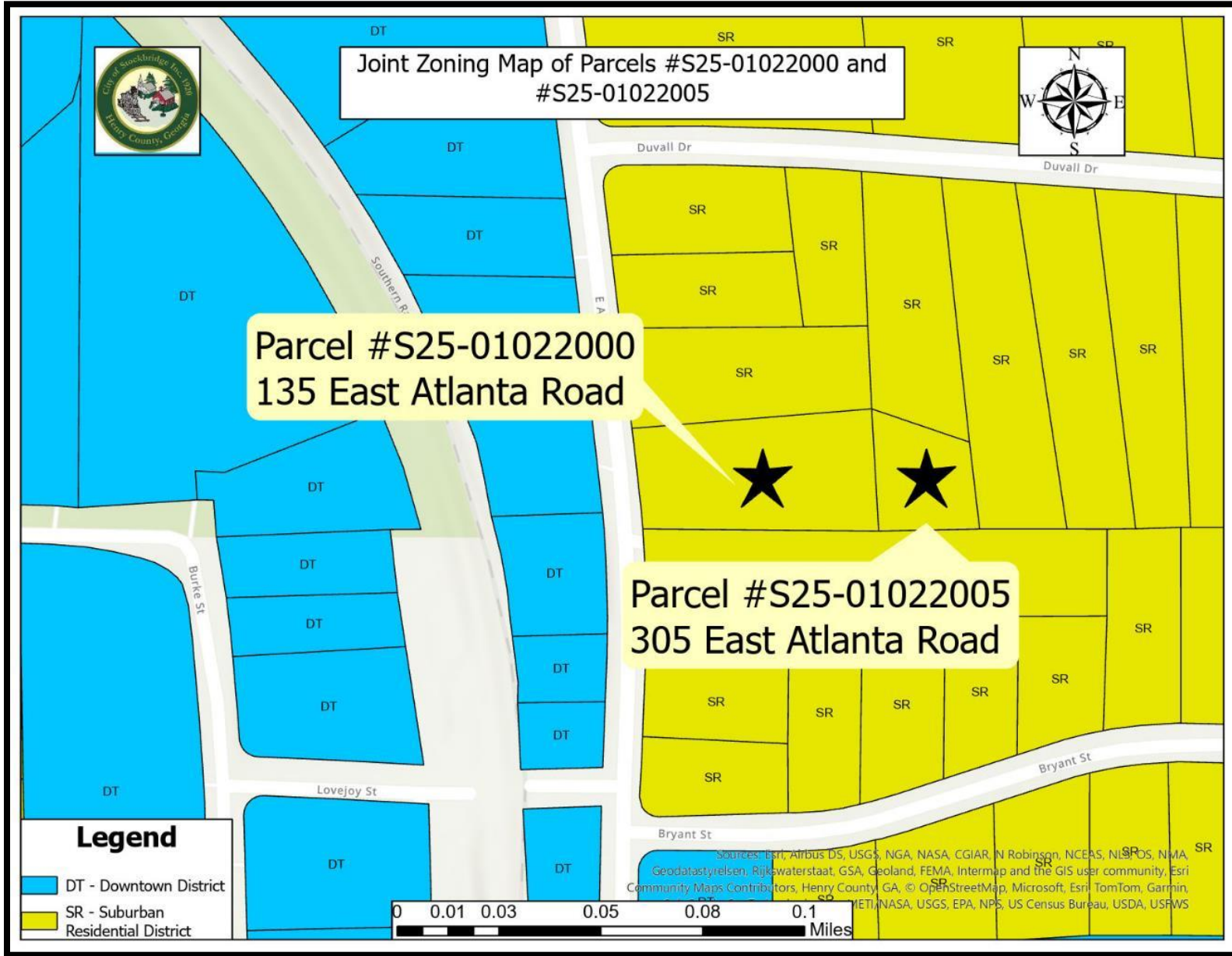
Parcel #S25-01022000
1.28 +/- acres

Parcel #S25-01022005
0.37 +/- acres

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:	7,055 SQ. FT.
PAVE/DRIVE WAY:	19,548 SQ. FT.
SUB TOTAL: 47,789 SQ. FT.	
LESS LANDSCAPE: 4,372 SQ. FT.	
TOTAL: 43,388 SQ. FT.	
SITE COVERAGE = 60%	
SETBACK:	
FRONT = 15' SETBACK	
SIDE = 10' BUFFER	
REAR = 20' SETBACK	



Zoning Map of 135 and 305 East Atlanta Road



Overlay Map 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

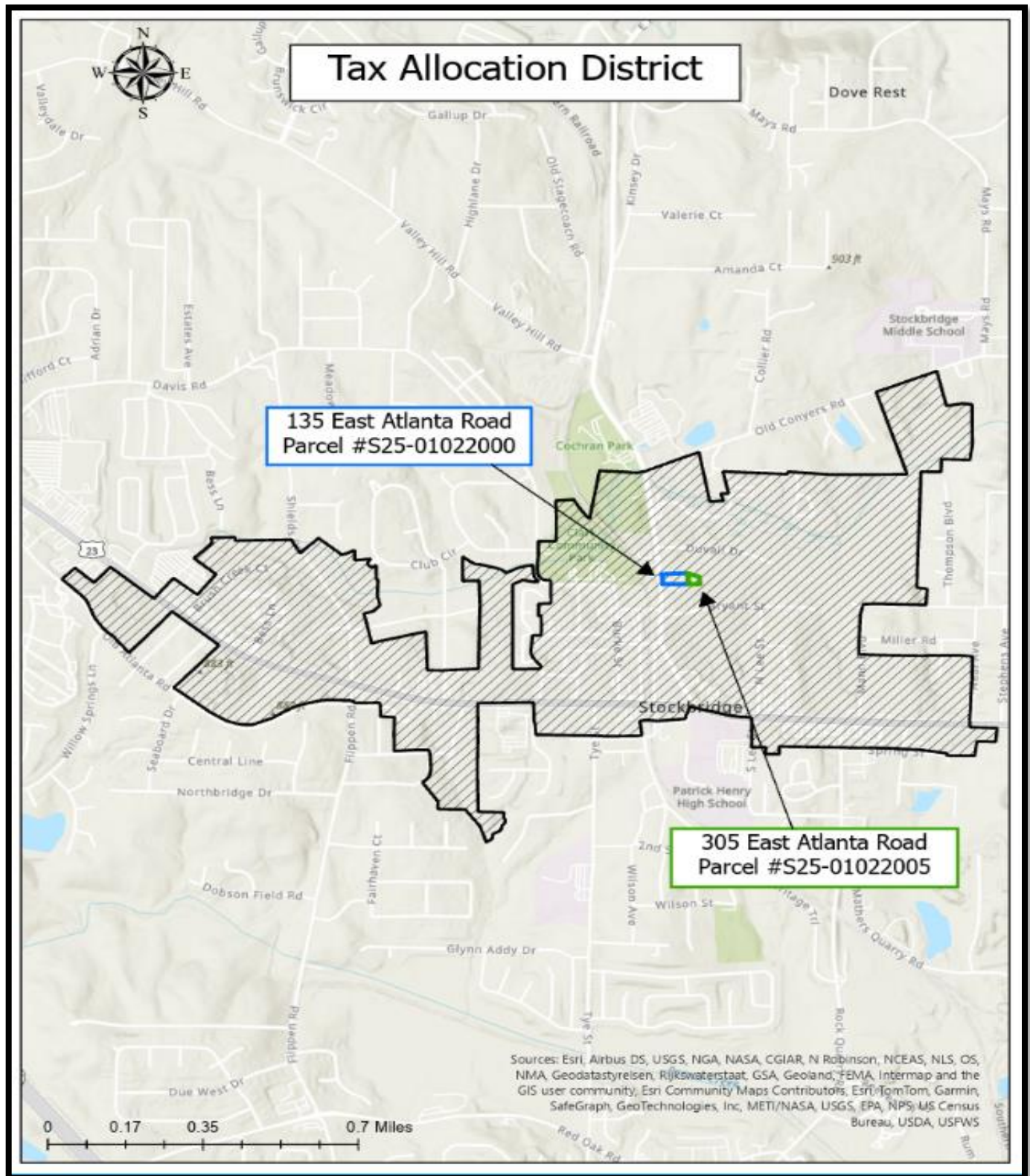


2 PROPOSED EXTERIOR ELEVATION
SCALE: 3/16" = 1'-0"

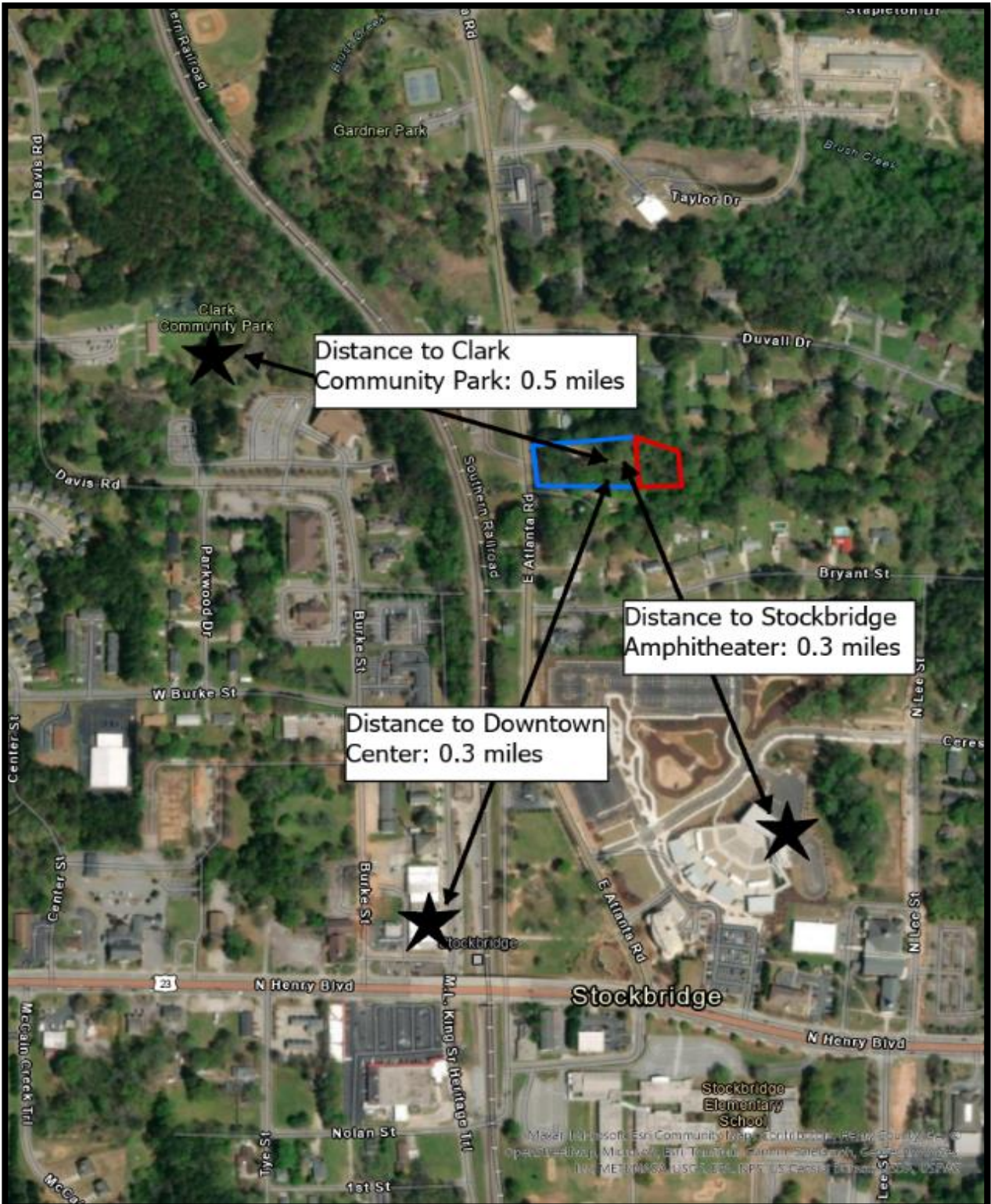


1 PROPOSED EXTERIOR GARAGE ELEVATION
SCALE: 3/16" = 1'-0"

Tax Allocation District



Distance from Proposed Townhomes to Amphitheater, Clark Park, and Downtown Area of Stockbridge



V. Analysis

Project Description

The applicant, Sylvain Capital Ventures, LLC. proposes to build a 27-unit townhome development at a density of 16.36 units per acre on 1.65 acres of land at 135 and 305 East Atlanta Road. The size of the 27 proposed lots is 24" W x 75'D with a building footprint of 24' x 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,920 square feet. The proposed development will provide vehicular access to the site via a turning lane that will be located along East Atlanta Road.

The subject property is currently zoned SR (Suburban Residential District). However, the SR zoning district provides a list of permitted use, which does not include townhomes. Thus, the applicant has requested to rezone the subject property from SR (Suburban Residential District) to MFR (Multiple Family Residential). The MFR zoning district provides a list of permitted uses, which includes townhomes.

The requested MFR zoning district requires the following setbacks: 50 feet in the front yard, 15 feet in the side yard, and 20 feet in the rear yard. The applicant has submitted two variances to reduce the front yard setback from 50 feet to 15 feet and to reduce the side yard setback from 15 to 10 feet. The MFR zoning district requires the allowable lot coverage of 50 percent. However, the applicant requested a variance to increase the lot coverage from 50 percent to 60 percent.

A total of 59 parking spaces would be provided including 54 driveway spaces and 5 guest parking spaces that are located close to the kiosk. Overall, the applicant would meet the total required parking spaces.

A site plan that was submitted on December 29, 2023, shows the renderings of the proposed townhomes. The renderings of the townhomes show that the front and side elevation will feature brick.

Staff Analysis

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

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

ANALYSIS OF REQUEST

1. Consistency with the Comprehensive Plan.

The City of Stockbridge 2024 Comprehensive Plan identifies on page 43 the following housing goals: (1) "To provide a variety of housing choices to suit the changing needs and lifestyles of City residents" and, (2) "to provide additional housing in the downtown core." Thus, the requested rezoning of the subject property located at 135 and 305 East Atlanta Road to allow for the

construction of the 27-unit townhome would meet the requirement of the housing goals that are found in the City of Stockbridge 2024 Comprehensive Plan. In addition, the proposed townhomes would meet the following housing policies that are listed on page 43 of the City of Stockbridge 2024 Comprehensive Plan:

- 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.

The applicant has requested a Comprehensive Plan Amendment to change the future land use designation from the existing Low-Density Mixed Use to Special Purpose. The purpose and intent of the Special Purpose land use designation is to “to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development.” Since the applicant is building a townhome development on smaller lots, the Special Purpose land use designation would be appropriate. The Special Purpose land use designation allows 16.01 to 24 units per acre to be built. The applicant’s proposed density would be 16.36 units per acre, which would be compatible with the required density. Furthermore, page 48 of the City of Stockbridge 2024 Comprehensive Plan states that “all zoning is appropriate.” Therefore, the required MFR zoning district would be compatible.

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

The development of the site as a townhome meets the overall purpose and intent of the Stockbridge Unified Development Code. Section 1.4 of the Unified Development Code provides a list of objectives to accomplish, which are listed below:

- A. Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge.
- I. Encourage the most appropriate and best use of land, buildings, and other structures throughout the city.

The development is consistent with the purpose and intent of the MFR zoning district. Section 2.4.4 of the Stockbridge Unified Development Code states that the intent and purpose of the MFR zoning 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 provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.” According to the map of the Functional Road Classification found in page 69 of the 2022 Henry County Transportation Plan, East Atlanta Road is considered a minor arterial road. Thus, the proposed townhome would be an acceptable use for the subject property.

Section 2.4.4 of the Stockbridge Unified Development Code states that, “The city should promote an average density of fourteen (14) dwelling units per acre or higher.” Since the proposed density

of the townhome is 16.36 units per acre, it would meet the allowable density of the requested MFR zoning district.

The subject property is also a part of the Parkway Mixed Use Overlay District. Overall, the proposed townhomes meet the criteria of the Parkway Mixed-Use Overlay District. Section 2.5.2 of the Stockbridge Unified Development Code provides a list of objectives, which includes the following:

- To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play.
- To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.

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 requested rezoning from SR (Suburban Residential) to MFR (Multiple Family Residential) will be very beneficial to the downtown area of the city of Stockbridge in various ways. While other areas in the city of Stockbridge have seen residential growth over the past couple of years, the downtown area lacks modern residential developments. Currently, there are two townhome developments that are located north of the downtown area with a zoning of MFR (Multiple Family Residential). The Diamante Townhomes, located 0.9 miles away from the proposed townhomes, is currently building 200 units on 27.73 total acres for a density of 7 units per acre. The recently approved D.R. Horton townhome development located 0.6 miles away from the proposed townhomes, is building 156 units on 24.908 total acres for a density of 6.26 units per acre. With these two townhome developments located north of the downtown area, the center of the downtown area has not seen residential growth. Thus, the proposed townhomes will serve as a catalyst for future developments to occur in the downtown area of Stockbridge.

Second, the addition of the proposed townhomes along the downtown area will be beneficial since it will provide an alternative type of housing than which currently exists in the vicinity of the area. The Spanish Village and the H.H. Duvall Subdivision are the two subdivisions that are located in the vicinity of the area. The Spanish Village subdivision has a total of 25 houses. Of the 25 houses that are built in the subdivision, 24 were built during the 1970's and one was built during the 1990's. The H.H. Duvall Subdivision has a total of fifteen houses. Of the fifteen houses that are built in the subdivision, thirteen were built during the 1960's, one was built during the 1980's and one was built in 2006. There are also nine houses that are located outside of the two subdivisions within the vicinity of the area. Of the nine houses that are located outside of the two subdivisions within the vicinity, one was built during the 1920s, one was built during the 1930's, one was built during the 1940's, and four were built during the 1960's. Based on this information, it can be concluded that there is a need for new housing stock in the downtown area of Stockbridge.

Recent studies that focused on the city of Stockbridge also recommended that there is a need for new housing in the downtown area of Stockbridge. The Downtown Residential and Retail Market Analysis, which focused on the retail and housing market in the downtown area of Stockbridge,

stated that, “In downtown Stockbridge, new condominiums, attached townhomes, and clustered single-family home with a variety of price points will help satisfy a diversity of housing needs.” The City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 selected a series of growth centers and the subject property is included as part of the Downtown area. The LCI study created a list of recommendations the city should follow that will impact the residents both in the short term and long term. Among the recommendations the LCI made was that the city should “provide appropriate transitions between new development and existing neighborhoods.” The LCI stated in this recommendation that “these could include conventional techniques such as buffers, or innovative site planning that uses small lot single family houses or townhouses to make the transition.”

Lastly, the proposed townhomes will be beneficial since the site is a prime location to the downtown area, amphitheater, and the parks. The proposed townhomes will incorporate a new urbanism concept by having the frontage of the proposed townhomes to the sidewalk. Since both the amphitheater and the downtown area are 0.3 miles away from the proposed site of the townhomes, it will provide walking distance for future residents. In addition, the site of the proposed townhomes are 0.5 miles away from Clark Community Park making it more convenient for incoming residents. The Downtown Residential and Retail Market Analysis stated, “Downtown Stockbridge has an opportunity to transform into a higher density, walkable town center with restored historic buildings, a variety of new housing options, mixed-use development, and park space.” Moreover, the City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 stated on page 76 that “To position Stockbridge for changing local, regional, and national market and demographic trends, particularly the needs of aging residents and the so-called Millennials, the downtown must be revitalized in a way that builds on its historic character and positions it as a walkable, mixed-use alternative to surrounding areas – many of which will be less suitable to adapt to these changes.”

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 size, shape and topography of the assembled parcels will not allow the proposed townhomes to proceed. Thus, the applicant has submitted the following variances that will be heard concurrently at the Planning Commission:

- a variance to reduce front yard setback from 50 to 15 feet
- a variance to reduce the required side yard setback from 15 to 10 feet
- a variance to increase the allowable maximum lot coverages from 50 percent to 60 percent

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

The preliminary site plan the applicant submitted shows that the proposed townhome would not have any access to the nearby H.H. Duvall subdivision. Thus, the proposed townhome will not have any impact on traffic.

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

A letter from the Stockbridge Public Works Department dated January 22, 2024, states that water service can be made available to the subject property. However, the letter also states that all costs associated with connecting to the water and sewer are the developer's responsibility. The letter also states that the developer must adhere to the City's Minimum Development Standards. In

addition, the letter states that if plans are not submitted within one year (January 22, 2025), the reservation of capacity will expire.

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

The applicant did not submit a traffic study, and as a result, the staff is unable to comment on the overall impact the proposed subdivision will have on the existing road (East Atlanta Road). The applicant will use the existing driveway located at 135 East Atlanta Road as a turning lane towards the site location.

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

The request to rezone the property from SR (Suburban Residential) to MFR (Multiple Family Residential) is consistent with the policies and goals of the Unified Development Code. Furthermore, the proposed townhomes would meet the overall purpose and intent of the MFR (Multiple Family Residential) zoning district. The required density of a MFR (Multiple Family Residential) is 14 dwelling units per acre. Since the proposed density of the proposed townhome development is 16.36 units per acre, it would meet the allowable density of the MFR zoning district.

The proposed townhome development would meet the purpose of the Parkway Mixed-Use Overlay District. Since the distance between both the amphitheater and the downtown area are 0.5 miles away from the site of the proposed townhomes, it would be a prime location for future residents to walk and enjoy the entertainment.

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

Currently, the subject property is zoned SR (Suburban Residential). There remains a lack of modern style housing stock in the downtown area of Stockbridge. Thus, the subject property will be a prime location for the proposed to be built.

VI. STAFF RECOMMENDATION

Staff recommends **approval with conditions** to rezone the subject property from SR (Suburban Residential) to MFR (Multiple Family Residential) with the following conditions:

1. A 10-foot sidewalk shall be established across the frontage.
2. The proposed development shall include a two-car garage.
3. The exterior façade of the townhomes shall be three-sided brick.
4. Site Plan – The proposed townhome shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled Preliminary Site For 135 East Townhomes", which was prepared by Y Studio, dated 08/20/23, and representing Sheet #A-0.1."

5. The project will be in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding the site development standards and other requirements that are found.



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

VARIANCE CASE #VR-2023-05. To consider three variance requests for two parcels with 1.65 +/- acres at 135 and 305 East Atlanta Road to allow for a townhome development with 27 units. Variance requests: 1) reduce the front yard setbacks from 50 to 15 feet; 2) reduce the front yard setback from 50 to 15 feet; and 3) increase the allowable maximum lot coverages from 50 percent to 60 percent. The applicant is Sylvain Capital Ventures, LLC, represented by Harold R. Singer, Jr. of Gibeon Consulting Group. The applicant has also applied for a Comprehensive Plan Amendment via CP-2023-08 and a Rezoning via RZ-2023-09.

BACKGROUND INFORMATION:

The subject property lies within the Parkway Mixed-Use Overlay District; it is part of a Tax Allocation District; and the 2012 LCI Study identified it as being a part of the Downtown Growth Center. Staff recommendation: Approval. Planning Commission recommendation at its January 25, 2024 meeting: Denial, by a 2-3 vote (including a tie-breaking vote for denial by the Vice-Chairman).

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

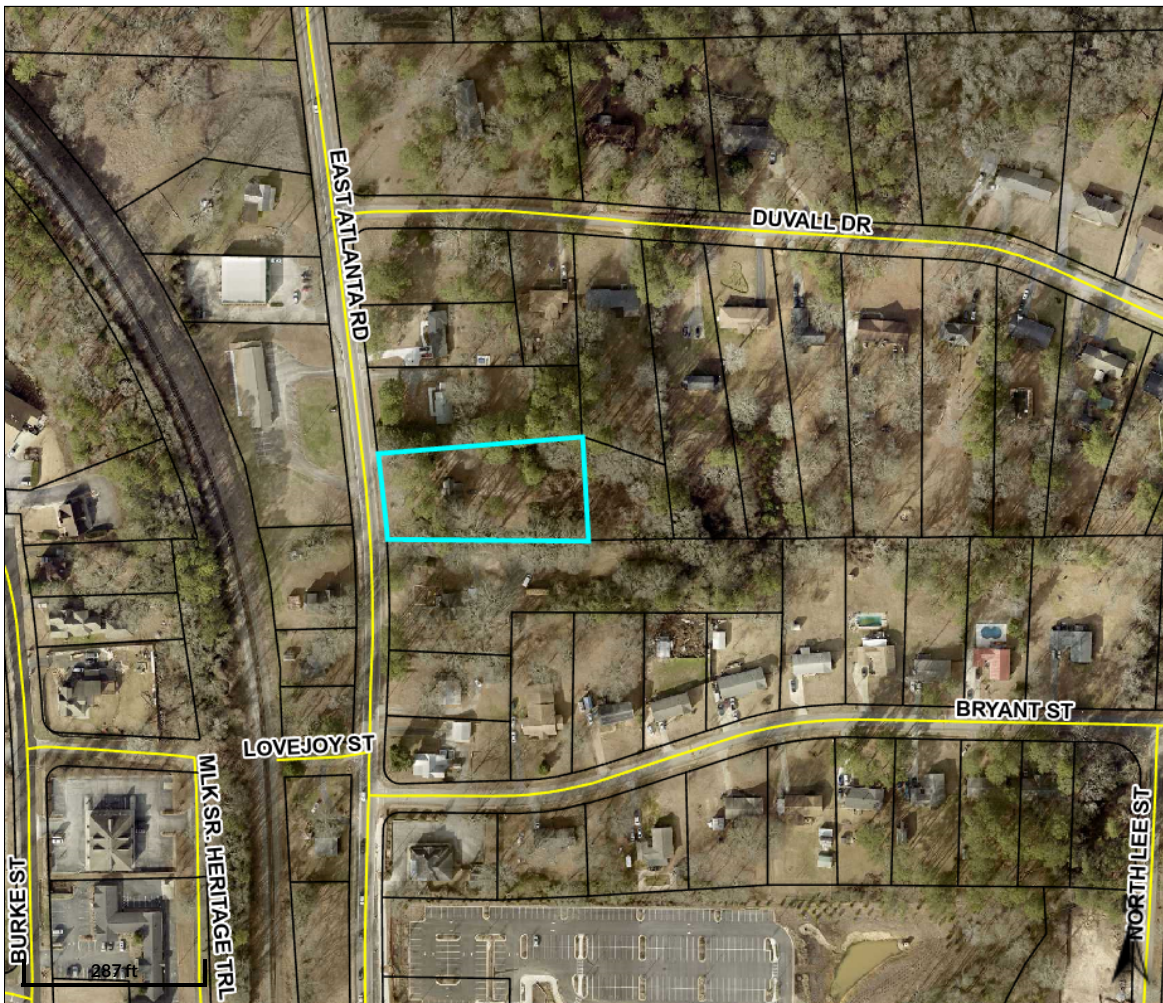
VARIANCE CASE #VR-2023-05

BACKGROUND INFORMATION:

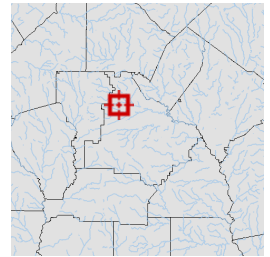
STAFF RECOMMENDATION:

APPROVAL.

Staff Signature_____



Overview



Legend

- Parcels
- Roads

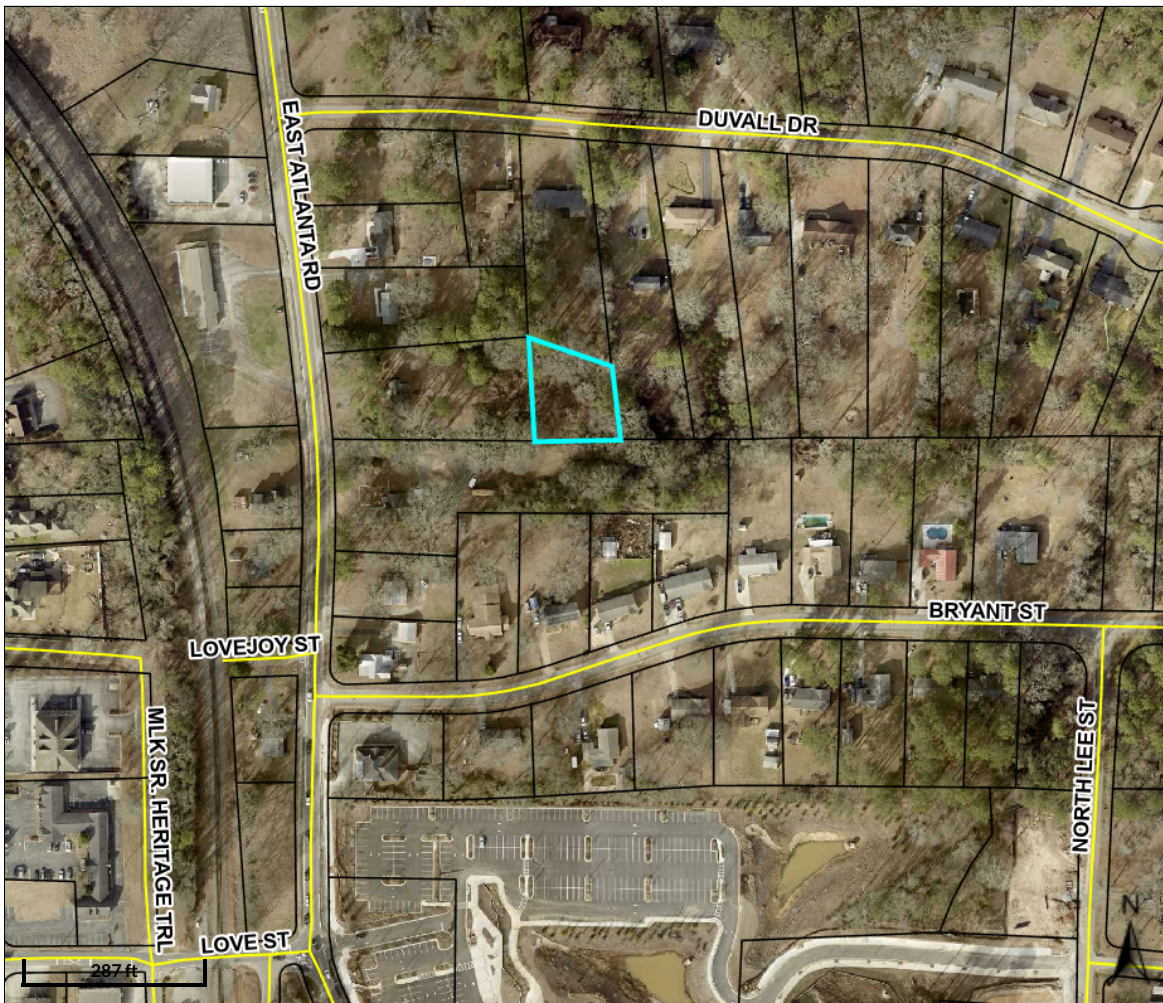
Parcel ID	S25-01022000	Class	R	Owner	SYLVAIN CAPITAL	Land	\$24000								
Property	135 EAST	Acreage	n/a	Address	VENTURES LLC	Value:									
Address	ATLANTA RD					Building	\$144900	Last 2 Sales							
District	City/Stockbridge					Value:		Date	Price	Reason	Qual				
						Misc	\$0	3/2/2023	\$175,000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

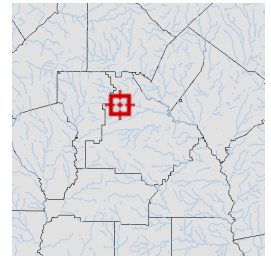
Date created: 12/29/2023

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Developed by  **Schneider**
GEOSPATIAL



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					Building	\$0	Last 2 Sales							
District	City/Stockbridge					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.

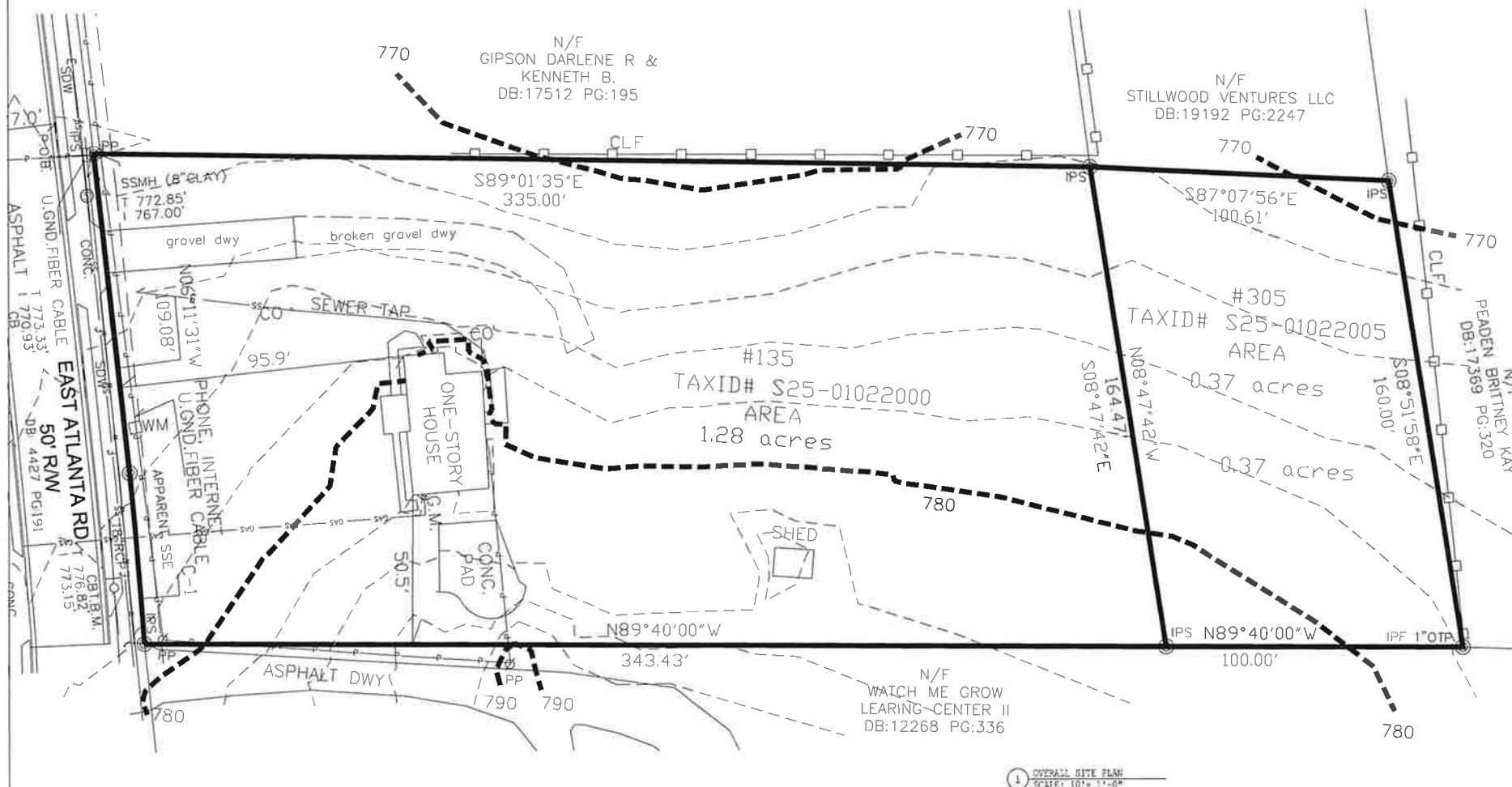
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Developed by  **Schneider**
GEOSPATIAL



A-0.0



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PowerPoint
Presentations
For RZ-2023-09, CP-
2023-08, VR-2023-05

135 and 305 East
Atlanta Road

Presented To:

Planning Commission – January 25, 2024

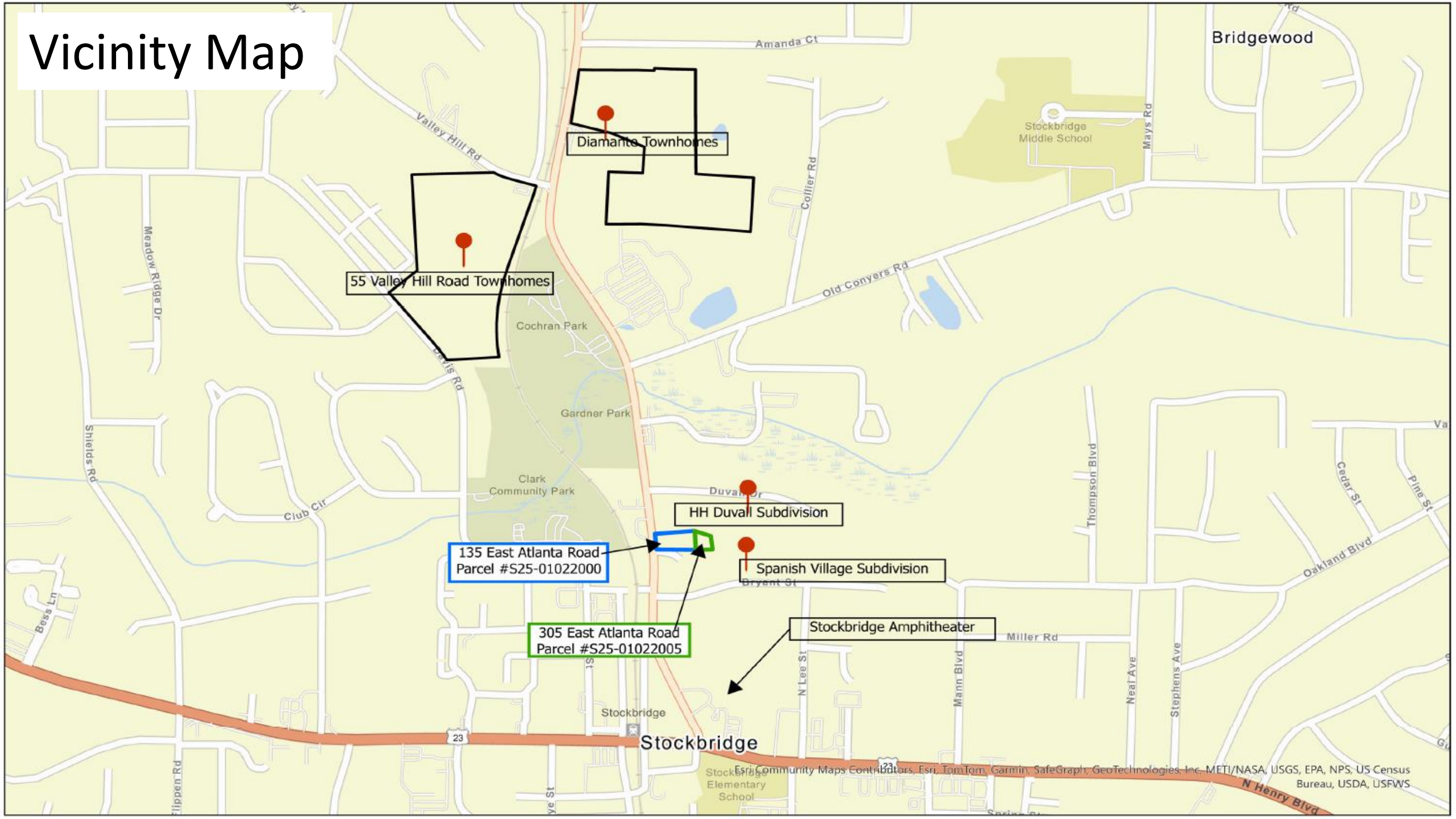
Mayor and Council – February 12, 2024



Case Facts

-
- Applicant: Sylvain Capital Ventures, LLC.
 - Owner: Sylvain Capital Ventures, LLC.
 - Agent: Harold R. Singer Jr. (Gibeon Consulting Group)
 - Number of Proposed Units Per Acre: 16.36 units per acre
 - Address of Property: 135 and 305 East Atlanta Road
 - Number of Acres: 1.65 +/- acres
 - Project Characteristics: Existing Single-Family Residence
 - City Land Use Designation: Low Density Mixed Use
 - Land Use Zoning : SR – Suburban Residential
 - Sign Posting: January 4, 2024

Vicinity Map



Aerial Photo

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Aerial Photo with Site Plan

Proposed
Townhomes



Site Visit on January 4, 2024

Existing House

 CITY OF STOCKBRIDGE
NOTICE OF PUBLIC HEARING

PROPOSAL FOR THIS PROPERTY:

☒ REZONING ☒ VARIANCE ☐ ANNEXATION ☐ CONDITIONAL USE PERMIT

☒ COMPREHENSIVE PLAN AMENDMENT ☐ ZONING MODIFICATION ☐ OTHER

APPLICANT: SYLVAIN CAPITAL VENTURES CASE NUMBER(S): CP-2023-08
135 AND 305 EAST ATLANTA ROAD R2-2023-09
PLANNING COMMISSION PUBLIC HEARING: JANUARY 25, 2024 AT 6:30 p.m.
CITY COUNCIL PUBLIC HEARING: FEBRUARY 12, 2024 AT 6:00 p.m.

PUBLIC HEARINGS WILL BE HELD AT STOCKBRIDGE CITY HALL, IN THE COUNCIL CHAMBER.
FOR FURTHER INFO, PLEASE CALL THE CITY OF STOCKBRIDGE AT 770-389-7900.
REMOVAL OR DEFAACEMENT OF THIS SIGN IS PROHIBITED.

Site Visit on January 4, 2024

Church at Stockbridge -
Lacy Hawkins, Minister



Herbal Rootz, LLC; D & J
Printing; TDK Designs



Presentation for CP-2023-08



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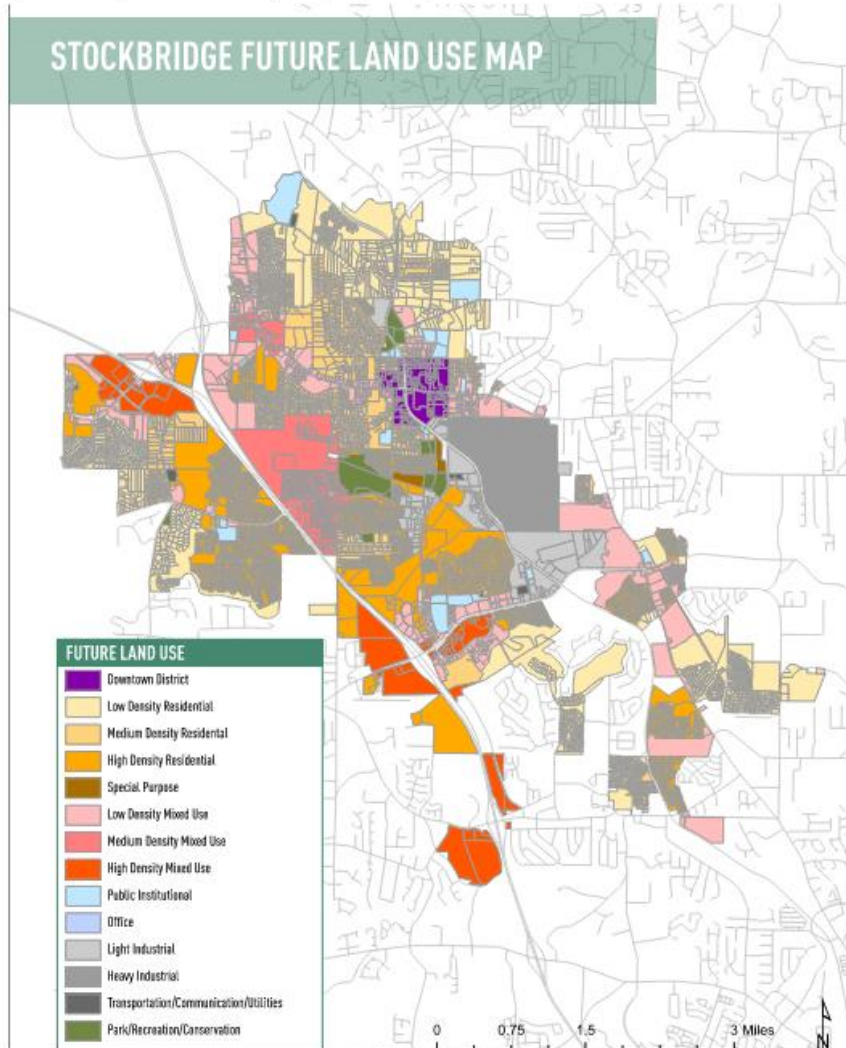
Applicant's
Request:

Change the future land use designation
from Low-Density Mixed Use to Special
Purpose.



City of Stockbridge Comprehensive Plan (2024)

Compatible Zoning: Planned Unit Development (PUD) is compatible in all districts.



SPECIAL PURPOSE (16.01-24 UNITS/ ACRE

This designation has been developed to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development. All zoning is appropriate.



Joint Zoning Map of Parcels #S25-01022000 and
#S25-01022005

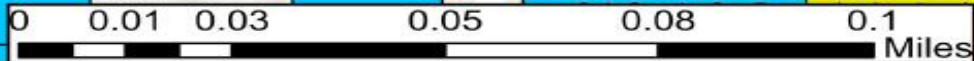


Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

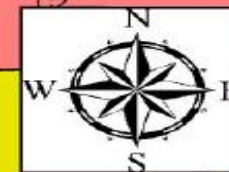
- DT - Downtown District
- SR - Suburban Residential District



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, GA, © Community Maps Contributors, Henry County, GA, © OpenStreetMap, Microsoft, Esri, TomTom, USGS, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



Joint Overlay Map of Parcels #S25-01022000 and #S25-01022005



Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

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



Sources: Esri, Airphoto, USGS, NGA, NASA, GOAR, Robinson, NCEAS, NLS, OS, NOAA, GeoData, Esri, Bilgewater, GSA, Geoland, FEMA, Intermap and the US user community, Esri Community Maps Contributors, Henry County, GA, Esri, OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., MCR/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USDA, USDA



Joint Future Land Use Map of Parcels #S25-01022000 and #S25-01022005

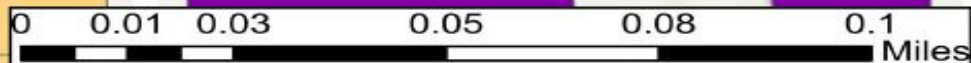


Parcel #S25-01022000
135 East Atlanta Road

Parcel #S25-01022005
305 East Atlanta Road

Legend

-  Downtown District
-  Medium Density Residential
-  Low Density Mixed Use
-  Public Institutional



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 Residences	Low Density Mixed Use
Property to the West	Church at Stockbridge (Church) Existing Single-Family Residence	Medium Density Residential Downtown District

SURROUNDING LAND USE DENSITIES

Name of Subdivision	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

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Project Information

- The applicant proposes to build a townhome development with 27 units with 5 guest parking spots and a mail kiosk.



Staff Analysis
(Section 9.2.7 of The Unified
Development Code)

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 to 24 units per acre. This proposed townhomes 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.

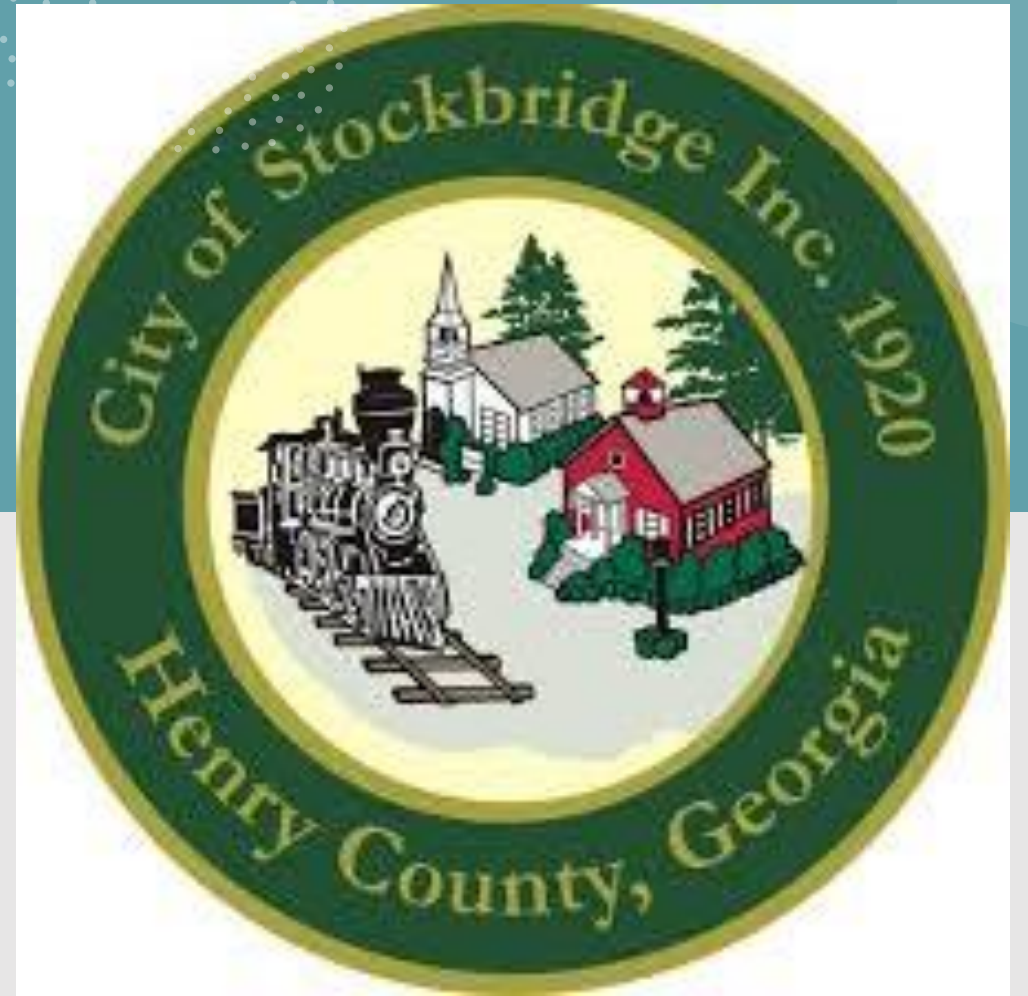
Staff Analysis (cont.)

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).
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

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**.

Presentation for RZ- 2023-09



Applicant's Request:

Rezone from SR (Suburban Residential) to MFR (Multiple Family Residential) to allow for the construction of a townhome development.

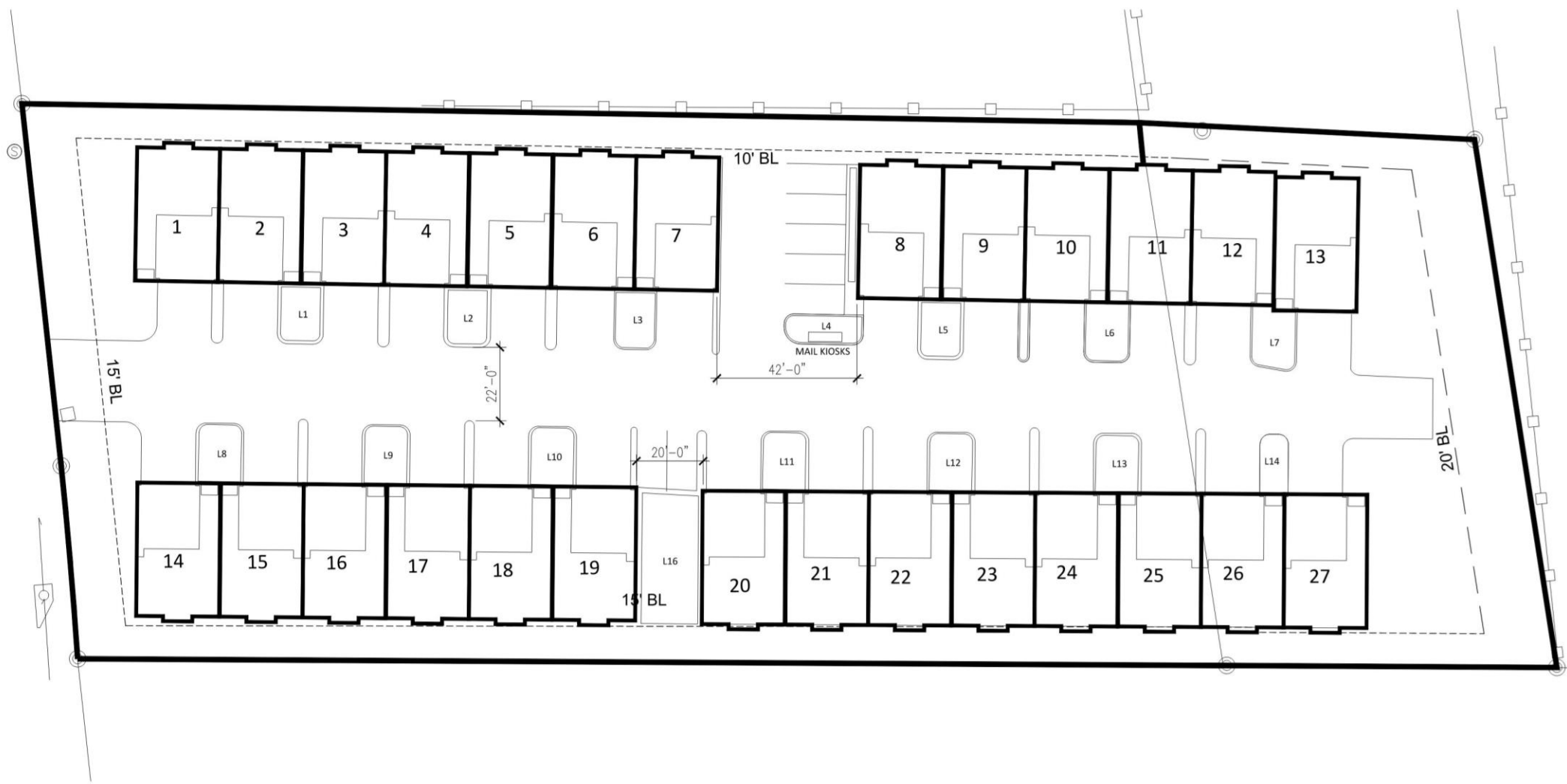
Parcel #S25-01022000
1.28 +/- acres

Parcel #S25-01022005
0.37 +/- acres

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	



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

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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: J. TOWN
REVIEWED BY: J. TOWN

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08.20.2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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



Y STUDIO, LLC
853 S. Peachtree St., 104
N.W., Atlanta, GA 30309
Tel: 770.242.0257
Fax: 770.242.0257
EMAIL: info@y-studio.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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DRAWN BY: L. YAK
REVIEWED BY: L. YAK

SHEET TITLE:

OVERALL
EXTERIOR ELEVATIONS
DATE: 08.20.2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-4.1



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



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



VIEW INTO THE COMMUNITY



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



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



VIEW FROM EAST ATLANTA ROAD



Y STUDIO, LLC
855 S. PHOENIX AVE., SUITE 104
DUBLIN, GA 30128
TEL: 770.245.7433
FAX: 770.245.7437
EMAIL: LUCAS@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

DATE:
DATE:
DATE:
DATE:
DATE:

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

DESIGN BY: L. YARD
REVISED BY: L. YARD

SHEET TITLE:

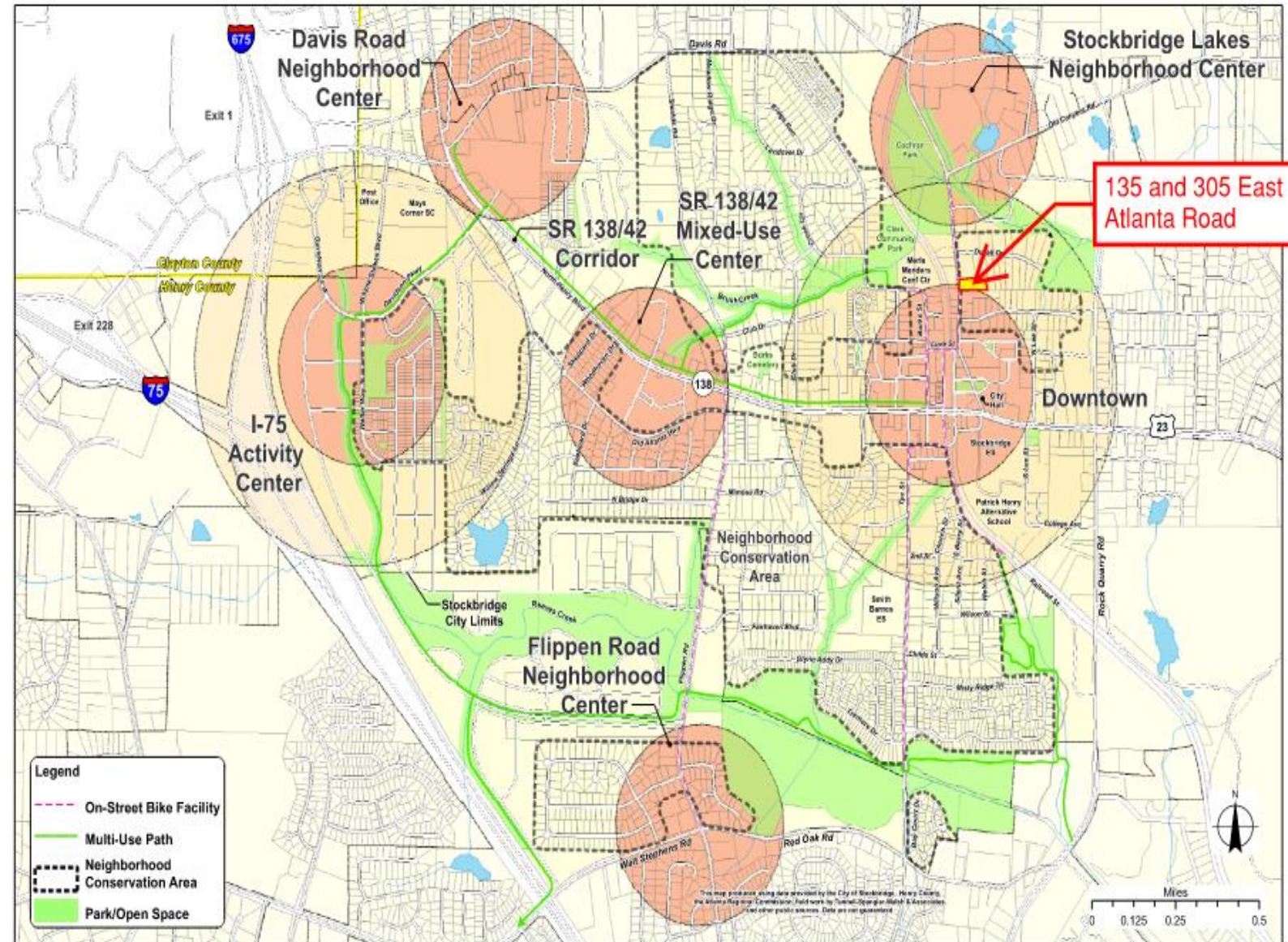
EXTERIOR PERSPECTIVE
RENDERING

DATE: 08.20.2023 PROJECT NUMBER: 12023-ED03-01

SHEET NUMBER

A-4.2

LCI Study Showing
Location of
Property as part of
Growth Center in
Downtown Area of
Stockbridge



Tax Allocation District

135 East Atlanta Road
Parcel #S25-01022000

305 East Atlanta Road
Parcel #S25-01022005

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastylelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Sample of Townhomes

- These townhomes are the type that would be desirable in the City of Stockbridge.



Project Description

- The applicant, Sylvain Capital Ventures, LLC. proposes to build a 27-unit townhome development at a density of 16.36 units per acre on 1.65 acres of land at 135 and 305 East Atlanta Road. The size of the 27 proposed lots is 24" W x 75'D with a building footprint of 24' x 55'. The square footage of the proposed buildings ranges from 6,020 square feet to 7,920 square feet. The proposed development will provide vehicular access to the site via a turning lane that will be located along East Atlanta Road. A total of 59 parking spaces would be provided including 54 driveway spaces and 5 guest parking spaces that are located close to the kiosk.
- A site plan that was submitted on December 29, 2023, shows the renderings of the proposed townhomes. The renderings of the townhomes show that the front and side elevation will feature brick.



Staff Analysis

1. Consistency with the Comprehensive Plan

The City of Stockbridge 2024 Comprehensive Plan identifies on page 43 the following housing goals: (1) “To provide a variety of housing choices to suit the changing needs and lifestyles of City residents” and, (2) “to provide additional housing in the downtown core.” Thus, the requested rezoning of the subject property located at 135 and 305 East Atlanta Road to allow for the construction of the 27-unit townhome would meet the requirement of the housing goals that are found in the City of Stockbridge 2024 Comprehensive Plan. In addition, the proposed townhomes would meet the following housing policies that are listed on page 43 of the City of Stockbridge 2024 Comprehensive Plan: (1) Provide a mixture of housing options to attract young professionals, singles, and small families. (2) Preserve and enhance older, existing neighborhoods by promoting rehabilitation of existing housing stock and infill of new development to revitalize established neighborhoods.

The applicant has requested a Comprehensive Plan Amendment to change the future land use designation from the existing Low-Density Mixed Use to Special Purpose. The purpose and intent of the Special Purpose land use designation is to “to allow for special, innovative projects which could include anything from different model residential to larger mixed use or commercial development.” Since the applicant is building a townhome development on smaller lots, the Special Purpose land use designation would be appropriate. The Special Purpose land use designation allows 16.01 to 24 units per acre to be built. The applicant’s proposed density would be 16.36 units per acre, which would be compatible with the required density. Furthermore, page 48 of the City of Stockbridge 2024 Comprehensive Plan states that “all zoning is appropriate.” Therefore, the required MFR zoning district would be compatible.



Staff Analysis (cont.)

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

The development of the site as a townhome meets the overall purpose and intent of the Stockbridge Unified Development Code. Section 1.4 of the Unified Development Code provides a list of objectives to accomplish, which are listed as follows: (A.) Promote the health, safety, aesthetics, convenience, order, prosperity, and general welfare of the present and future residents of the City of Stockbridge. (I.) Encourage the most appropriate and best use of land, buildings, and other structures throughout the city.

The development is consistent with the purpose and intent of the MFR zoning district. Section 2.4.4 of the Stockbridge Unified Development Code states that the intent and purpose of the MFR zoning 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 provides for the development of residential neighborhoods in a high-density urban development environment with access provided on streets that are classified as collector streets of higher.” According to the map of the Functional Road Classification found in page 69 of the 2022 Henry County Transportation Plan, East Atlanta Road is considered a minor arterial road. Thus, the proposed townhome would be an acceptable use for the subject property.



Staff Analysis (cont.)

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

Section 2.4.4 of the Stockbridge Unified Development Code states that, “The city should promote an average density of fourteen (14) dwelling units per acre or higher.” Since the proposed density of the townhome is 16.36 units per acre, it would meet the allowable density of the requested MFR zoning district. The subject property is also a part of the Parkway Mixed Use Overlay District. Overall, the proposed townhomes meet the criteria of the Parkway Mixed-Use Overlay District. Section 2.5.2 of the Stockbridge Unified Development Code provides a list of objectives, which includes the following: (1) To promote the general health, safety, and welfare of the community where residents and visitors can live, work, eat, and play; (2) To improve public health and provide safe and efficient movement within the overlay district by promoting development patterns that encourage physical activity such as walking and bicycling.



Staff Analysis (cont.)

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 requested rezoning from SR (Suburban Residential) to MFR (Multiple Family Residential) will be very beneficial to the downtown area of the city of Stockbridge in various ways. While other areas in the city of Stockbridge have seen residential growth over the past couple of years, the downtown area lacks modern residential developments. Currently, there are two townhome developments that are located north of the downtown area with a zoning of MFR (Multiple Family Residential). The Diamante Townhomes, located 0.9 miles away from the proposed townhomes, is currently building 200 units on 27.73 total acres for a density of 7 units per acre. The recently approved D.R. Horton townhome development located 0.6 miles away from the proposed townhomes, is building 156 units on 24.908 total acres for a density of 6.26 units per acre. With these two townhome developments located north of the downtown area, the center of the downtown area has not seen residential growth. Thus, the proposed townhomes will serve as a catalyst for future developments to occur in the downtown area of Stockbridge.

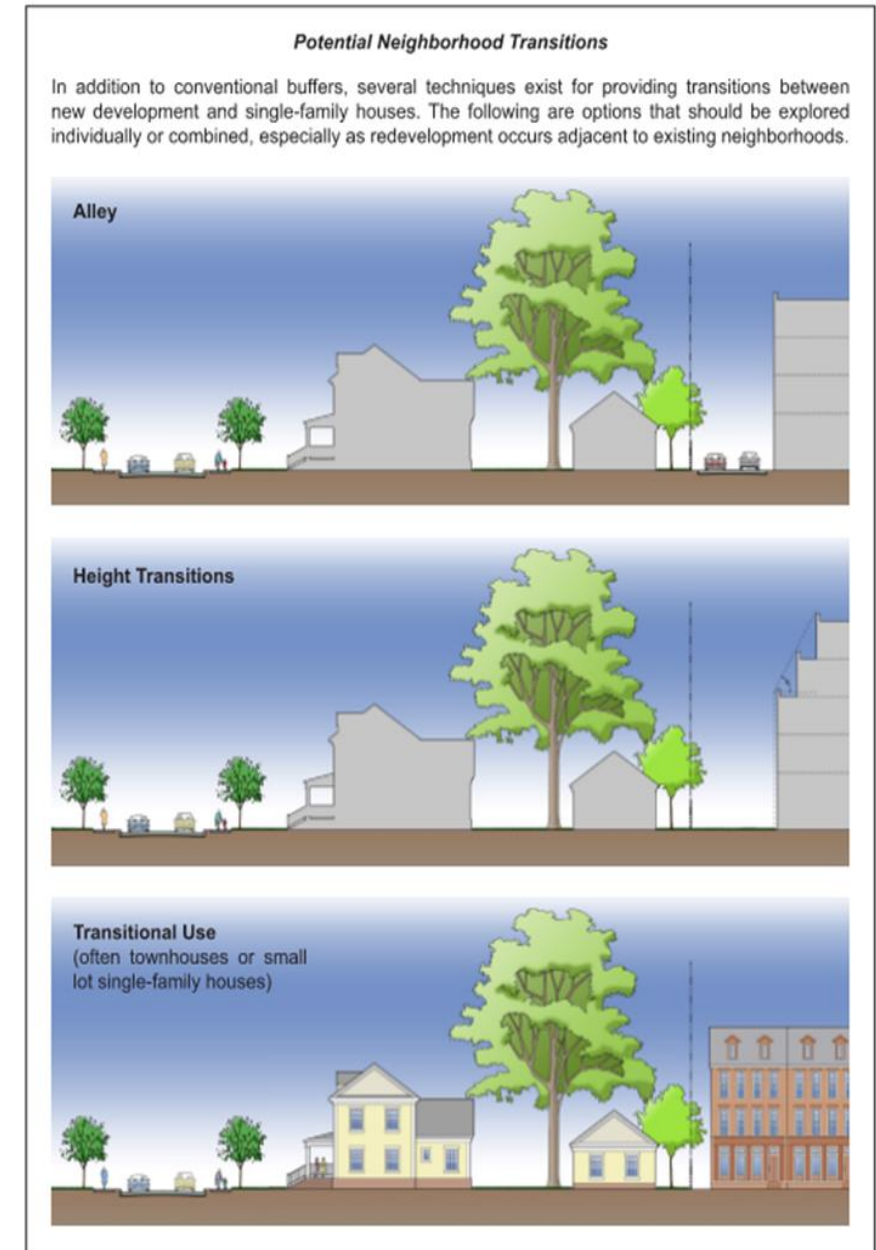


Staff Analysis (cont.)

July 9, 2012

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 (cont.)** Second, the addition of the proposed townhomes along the downtown area will be beneficial since it will provide an alternative type of housing than which currently exists in the vicinity of the area. The Spanish Village and the H.H. Duvall Subdivision are the two subdivisions that are located in the vicinity of the area. The Spanish Village subdivision has a total of 25 houses. Of the 25 houses that are built in the subdivision, 24 were built during the 1970's and one was built during the 1990's. The H.H. Duvall Subdivision has a total of fifteen houses. Of the fifteen houses that are built in the subdivision, thirteen were built during the 1960's, one was built during the 1980's and one was built in 2006. There are also nine houses that are located outside of the two subdivisions within the vicinity of the area. Of the nine houses that are located outside of the two subdivisions within the vicinity, one was built during the 1920s, one was built during the 1930's, one was built during the 1940's, and four were built during the 1960's. Based on this information, it can be concluded that there is a need for new housing stock in the downtown area of Stockbridge.

Recent studies that focused on the city of Stockbridge also recommended that there is a need for new housing in the downtown area of Stockbridge. The Downtown Residential and Retail Market Analysis, which focused on the retail and housing market in the downtown area of Stockbridge, stated that, "In downtown Stockbridge, new condominiums, attached townhomes, and clustered single-family home with a variety of price points will help satisfy a diversity of housing needs." The City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 selected a series of growth centers and the subject property is included as part of the Downtown area. The LCI study created a list of recommendations the city should follow that will impact the residents both in the short term and long term. Among the recommendations the LCI made was that the city should "provide appropriate transitions between new development and existing neighborhoods." The LCI stated in this recommendation that "these could include conventional techniques such as buffers, or innovative site planning that uses small lot single family houses or townhomes to make the transition."



Staff Analysis (cont.)

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 (cont.)

Lastly, the proposed townhomes will be beneficial since the site is a prime location to the downtown area, amphitheater, and the parks. The proposed townhomes will incorporate a new urbanism concept by having the frontage of the proposed townhomes to the sidewalk. Since both the amphitheater and the downtown area are 0.3 miles away from the proposed site of the townhomes, it will provide walking distance for future residents. In addition, the site of the proposed townhomes are 0.5 miles away from Clark Community Park making it more convenient for incoming residents. The Downtown Residential and Retail Market Analysis stated, "Downtown Stockbridge has an opportunity to transform into a higher density, walkable town center with restored historic buildings, a variety of new housing options, mixed-use development, and park space." Moreover, the City of Stockbridge Livable Centers Initiative (LCI Study) from 2012 stated on page 76 that "To position Stockbridge for changing local, regional, and national market and demographic trends, particularly the needs of aging residents and the so-called Millennials, the downtown must be revitalized in a way that builds on its historic character and positions it as a walkable, mixed-use alternative to surrounding areas – many of which will be less suitable to adapt to these changes."



Distance from
Proposed
Townhomes to
Amphitheater, Clark
Park, and
Downtown Area of
Stockbridge

Distance to Clark
Community Park: 0.5 miles

Distance to Downtown
Center: 0.3 miles

Distance to Stockbridge
Amphitheater: 0.3 miles

Staff Analysis (cont.)

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 size, shape and topography of the assembled parcels will not allow the proposed townhomes to proceed. Thus, the applicant has submitted the following variances that will be heard concurrently at the Planning Commission: (1) a variance to reduce front yard setback from 50 to 15 feet (2) a variance to reduce the required side yard setback from 15 to 10 feet (3) a variance to increase the allowable maximum lot coverages from 50 percent to 60 percent.
5. **The impact upon adjacent property owners should the request be granted:** The preliminary site plan the applicant submitted shows that the proposed townhome would not have any access to the nearby H.H. Duvall subdivision. Thus, the proposed townhome will not have any impact on traffic.
6. **The potential impact of the rezoning on City infrastructure including water and sewage system:** A letter from the Stockbridge Public Works Department dated January 22, 2024, states that water service can be made available to the subject property. However, the letter also states that all costs associated with connecting to the water and sewer are the developer's responsibility. The letter also states that the developer must adhere to the City's Minimum Development Standards. In addition, the letter states that if plans are not submitted within one year (January 22, 2025), the reservation of capacity will expire.
7. **The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes:** The applicant did not submit a traffic study, and as a result, the staff is unable to comment on the overall impact the proposed subdivision will have on the existing road (East Atlanta Road). The applicant will use the existing driveway located at 135 East Atlanta Road as a turning lane towards the site location.

Staff Analysis (cont.)

8. The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan: The request to rezone the property from SR (Suburban Residential) to MFR (Multiple Family Residential) is consistent with the policies and goals of the Unified Development Code. Furthermore, the proposed townhomes would meet the overall purpose and intent of the MFR (Multiple Family Residential) zoning district. The required density of a MFR (Multiple Family Residential) is 14 dwelling units per acre. Since the proposed density of the proposed townhome development is 16.36 units per acre, it would meet the allowable density of the MFR zoning district. The proposed townhome development would meet the purpose of the Parkway Mixed-Use Overlay District. Since the distance between both the amphitheater and the downtown area are 0.5 miles away from the site of the proposed townhomes, it would be a prime location for future residents to walk and enjoy the entertainment.
9. The ability of the subject land to be developed as it is presently zoned: Currently, the subject property is zoned SR (Suburban Residential). There remains a lack of modern style housing stock in the downtown area of Stockbridge. Thus, the subject property will be a prime location for the proposed to be built.

Staff Recommendation

Staff recommends **approval with conditions** to rezone the subject property from SR (Suburban Residential) to MFR (Multiple Family Residential) with the following conditions:

1. A 10-foot sidewalk shall be established across the frontage.
2. The proposed development shall include a two-car garage.
3. Site Plan – The proposed townhome shall be constructed according to a design which is similar to the one that is shown on the applicant's submitted site plan, entitled Preliminary Site For 135 East Townhomes", which was prepared by Y Studio, dated 08/20/23, and representing Sheet #A-0.1."
4. The project will be in conformance with the City of Stockbridge Unified Development Code and all other City Code sections regarding the site development standards and other requirements that are found.
5. The townhomes shall be comprised of brick, stone, cement-based siding, or shake siding.

VR-2023-05



Applicant's Request

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

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

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.

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

Staff Analysis

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.



Staff Analysis

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.



Staff Analysis

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.



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

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

- 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.
- 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. 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.
- 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 DISABILITIES ACT ACCESSIBILITY GUIDELINES (ADAAG), AND THE STATE OF GEORGIA ACCESSIBILITY CODE (GA 120-3-20).
- ALL MATERIALS, FIXTURES, AND HARDWARE SHALL BE TESTED AND CERTIFIED BY UNDERWRITER'S LABORATORY (UL) OR AN EQUALLY QUALIFIED TESTING AND CERTIFICATION ORGANIZATION.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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)
- SPECIAL (PERIODIC AND CONTINUOUS) INSPECTIONS REQUIRED FOR THIS PROJECT INCLUDES THE SCHEDULE OF SPECIAL INSPECTION SERVES IN ACCORDANCE WITH IBC SECTIONS 1704.2, 1704.3.1, AND 1705.1
- SCHEDULE OF SPECIAL INSPECTION SERVICES REQUIRED BY THE DPMC.

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

SEAL:

FOR:

**135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281**
RELEASES / DATES

DATE: _____
DATE: _____
DATE: _____
DATE: _____
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-ED03-01

SHEET NUMBER



Y STUDIO, LLC
853 S. PEACHTREE ST., STE. 104
NORCROSS, GA 30071
TEL: 770-355-7423
FAX: 770-242-0259
EMAIL: LOUIE@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

DATE:	
DATE:	
DATE:	
DATE:	
DATE:	

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

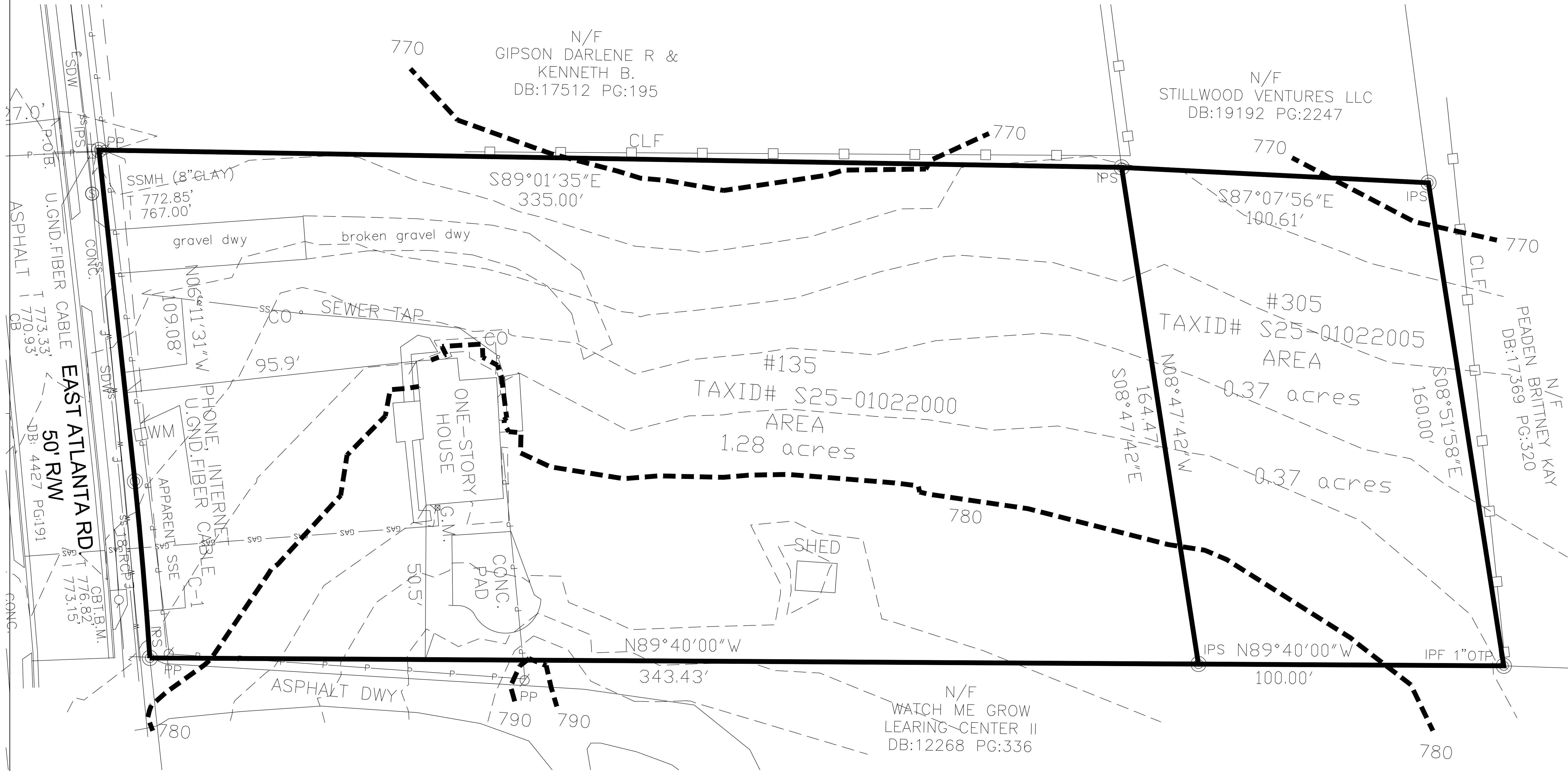
DRAWN BY: L. YUAN
REVIEWED BY: L. YUAN

SHEET TITLE:
EXISTING
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-0.0



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: LOUIE@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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

SHEET TITLE:

PROPOSED
SITE PLAN

DATE: 08/20/2023 PROJECT NUMBER: Y2023-ED03-01

SHEET NUMBER

A-0.1

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.

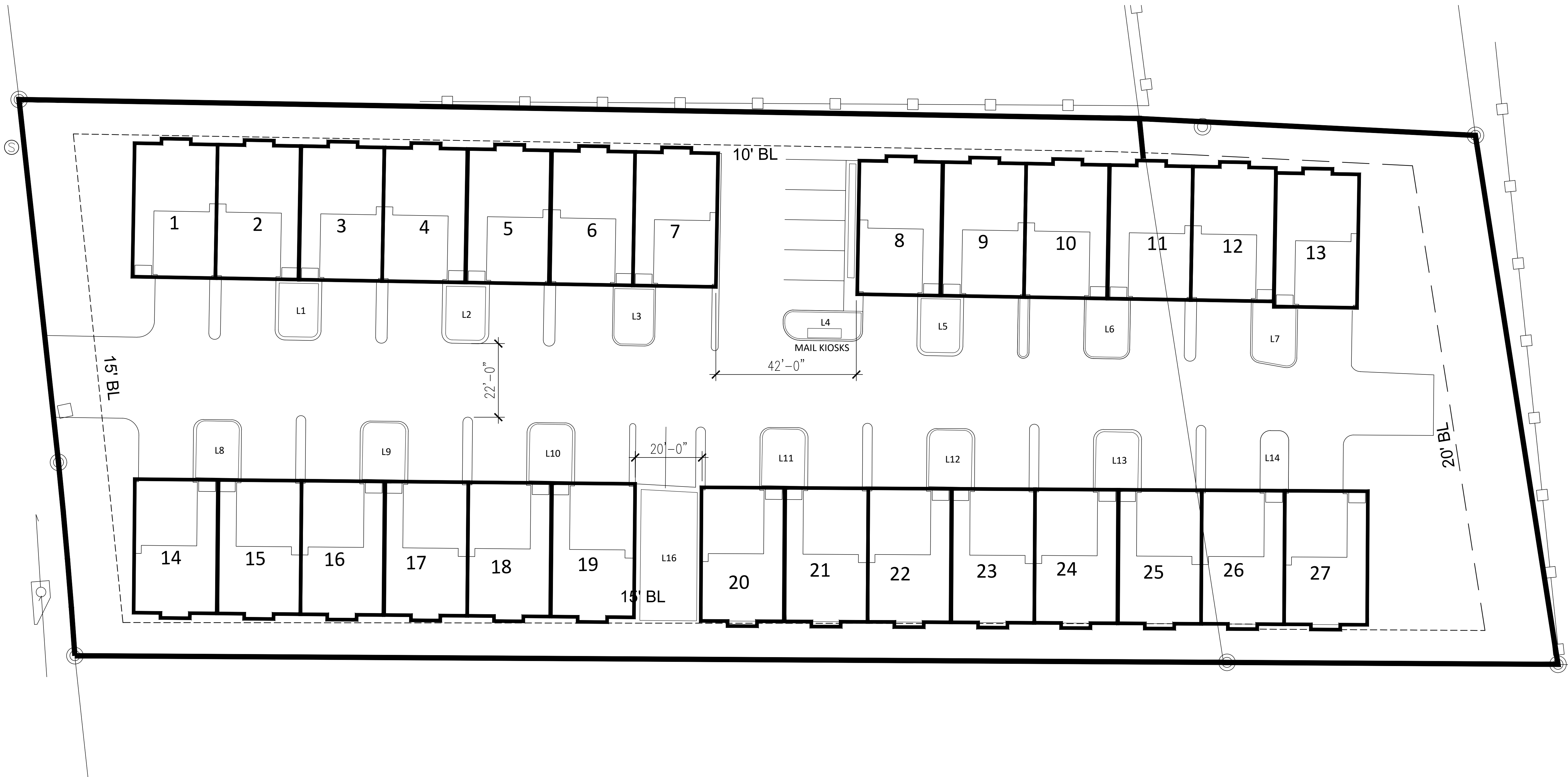
SITE COVERAGE = 60%

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: LOUIE@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

DATE:
DATE:
DATE:
DATE:
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-EDG3-01

SHEET NUMBER

A-4.1



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



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



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: LOUIE@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

DATE: _____
DATE: _____
DATE: _____
DATE: _____
DATE: _____

NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒

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

SHEET TITLE:

EXTERIOR PERSPECTIVE
RENDERING

DATE: 08.20.2023 PROJECT NUMBER:
Y2023-ED03-01

SHEET NUMBER

A-4.2

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 -----
Stockbridge Public Works Building
321 Taylor Drive
Stockbridge, GA 30281

Water Department tel.: (770) 474-1232
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/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	
Application Form	1	1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized a copy of a "Contract", "Power of Attorney" or "Lease"	
Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application and must be notarized .	
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question.	
Letter of Intent	1	Must clearly state the proposed use and development intent.	
Site Plans (24 x 36) and (11 x 17)	1 10	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, and the proposed lot layout.	
Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	
Letter from the Henry County Water and Sewerage Authority	1	This letter must accompany the application at the time of submittal. For properties that receive water and sewer service from the City of Stockbridge, please contact the Stockbridge Public Works Department.	
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	



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%

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

Nearest intersection to the property: Duval 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

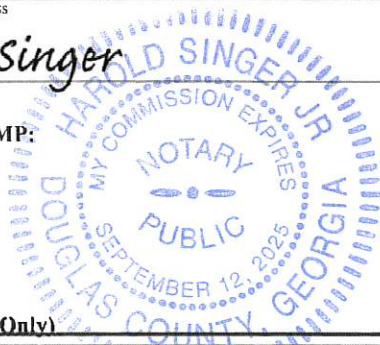
Derrick Harris
Printed Name of Witness

Regonald Sylvain
Printed Name of Applicant

Harold Singer
Notary

Signature of Agent

NOTARY STAMP:



(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

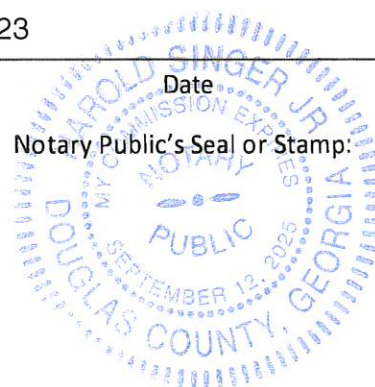
Harold Singer

Printed Name of Notary Public

12/28/23

Date

Notary Public's Seal or Stamp:



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 525-01022000, which is the subject of this application.

Name of Property Owner: Sylvain Capital Ventures, LLC / Reginald 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: [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): Reginald 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.

Reginald 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]

Signature of Notary Public

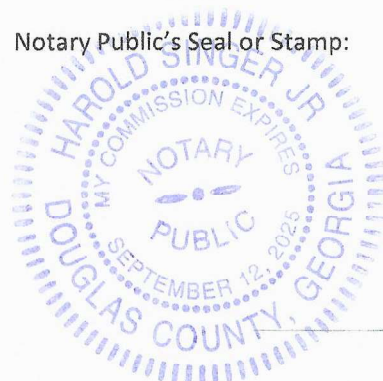
Harold Singer

Printed Name of Notary Public

10/08/23

Date

Notary Public's Seal or Stamp:



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.

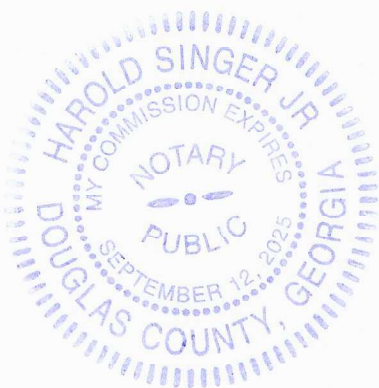
Reginald Sylvain
Applicant's Name - Printed

[Signature]
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.



[Signature] 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 to DT
(Present Zoning) (Requested Zoning)

For the Purpose of Multifamily Townhomes
(Type of Development)

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

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

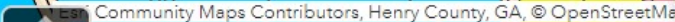
Passcode: fjXYjs

[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

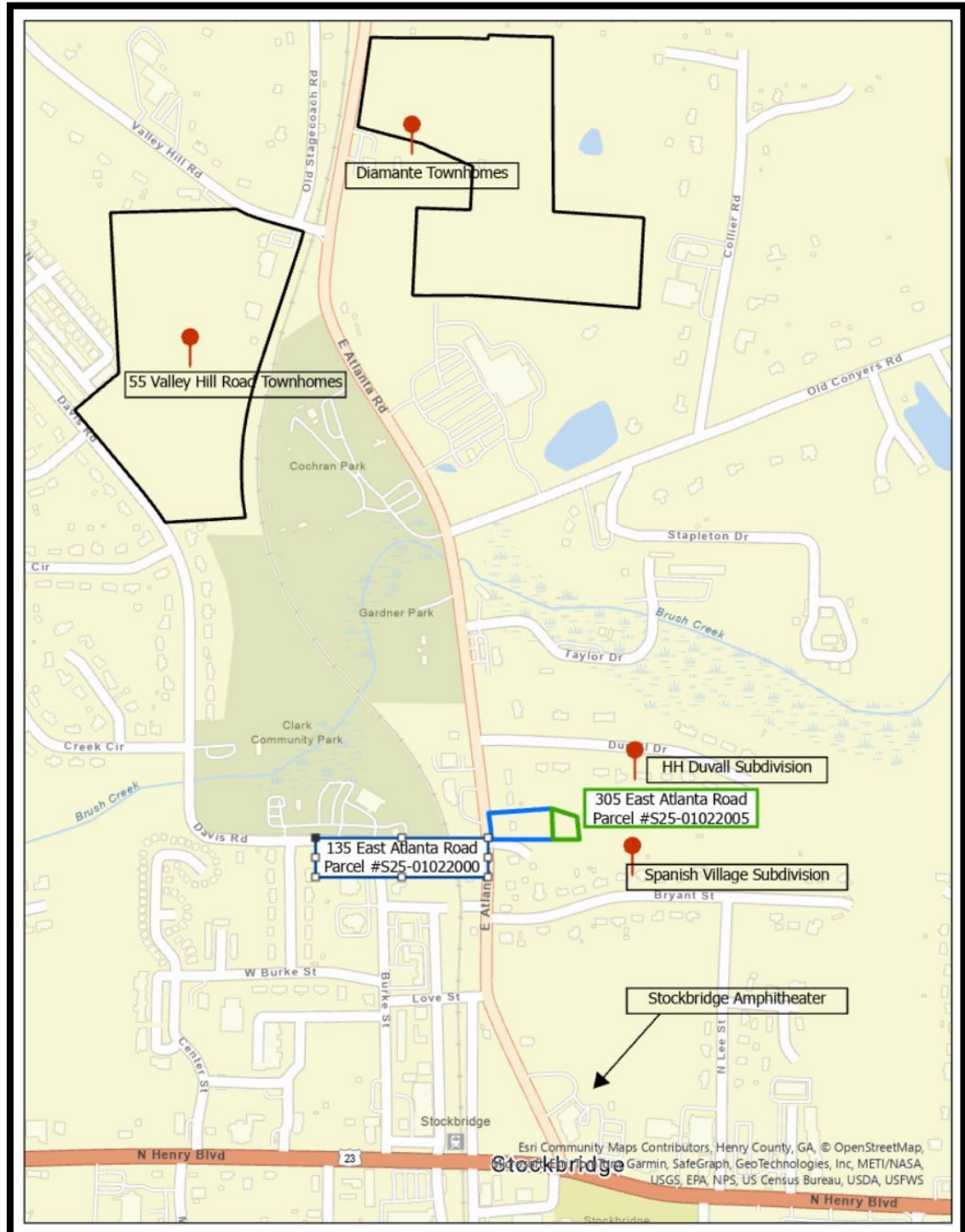
Location	Existing Land Use	Existing Zoning
Property to the North	Single-Family Residence	SR (Suburban Residential District)
Property to the South	Watch Me Grow Toddlerville (Day care center)	SR (Suburban Residential District)
Property to the East	Single-Family Residence	SR (Suburban Residential District)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

III. Finding of Facts

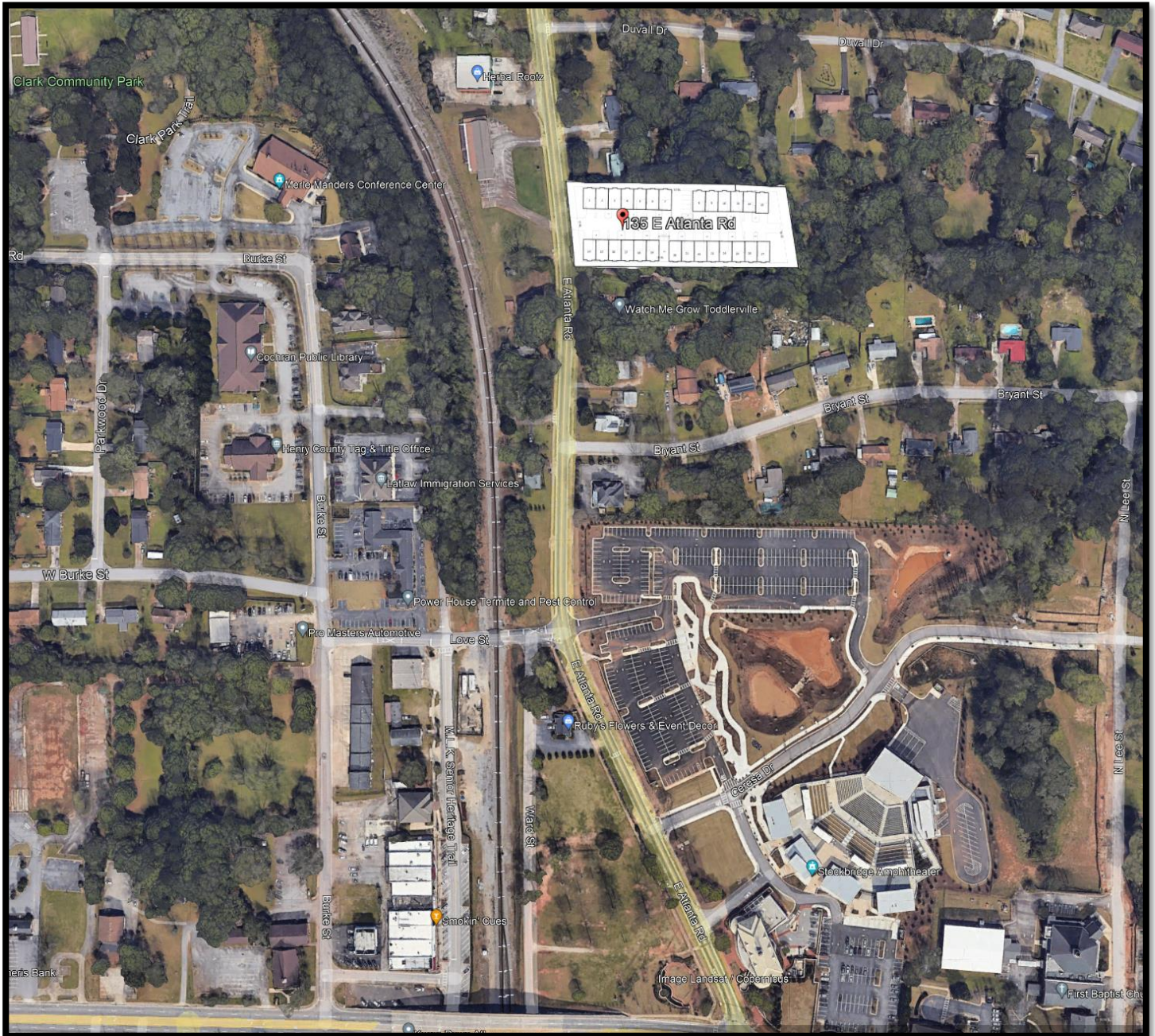
1. The applicant has requested a Comprehensive Plan Amendment (CP-2023-08) to change the future land use designation from Low-Density Mixed Use to Special Purpose.
2. The vicinity of the area is mostly residential with the following zoning classifications: SR (Suburban Residential District) and DT (Downtown 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

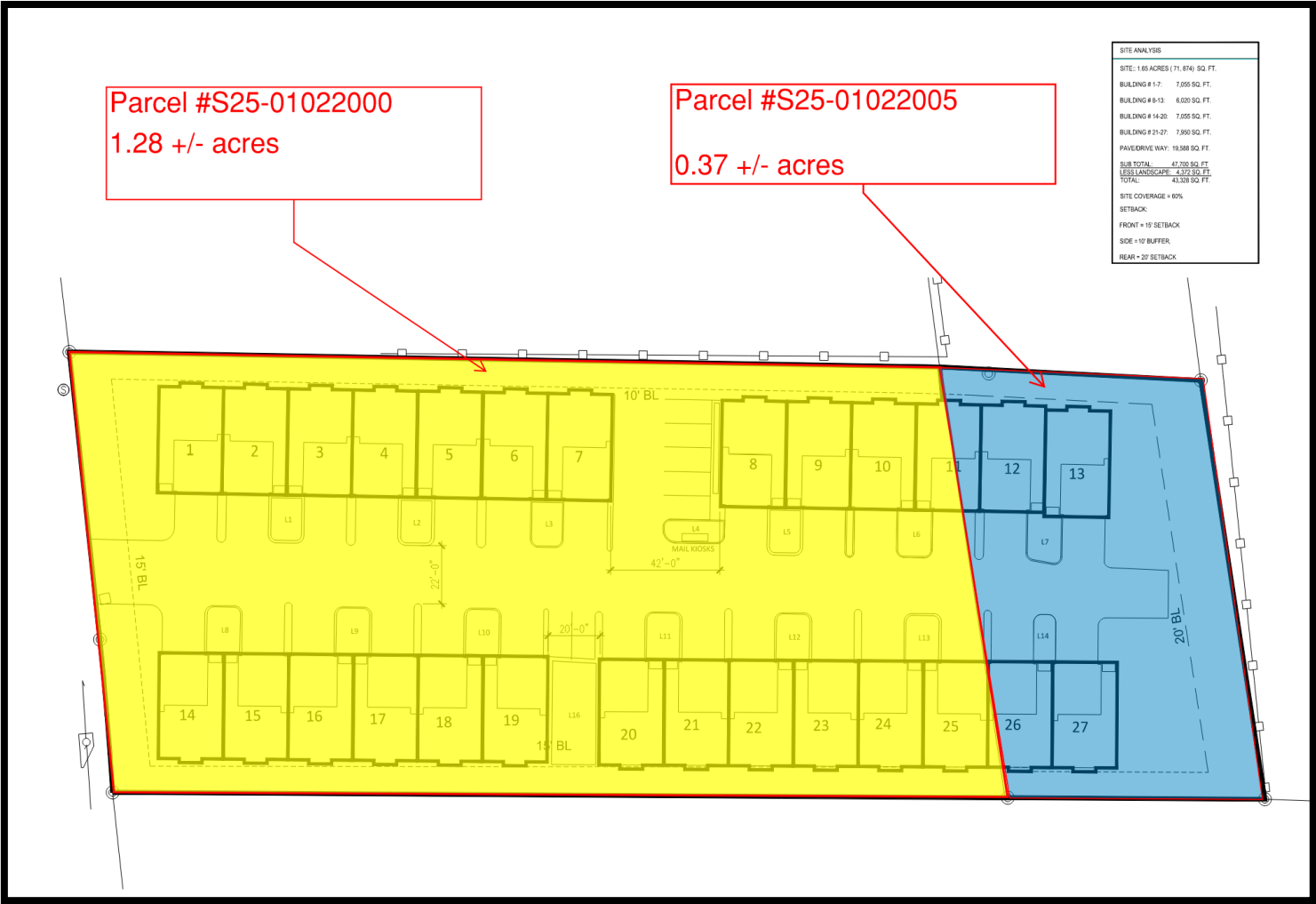
Vicinity Map



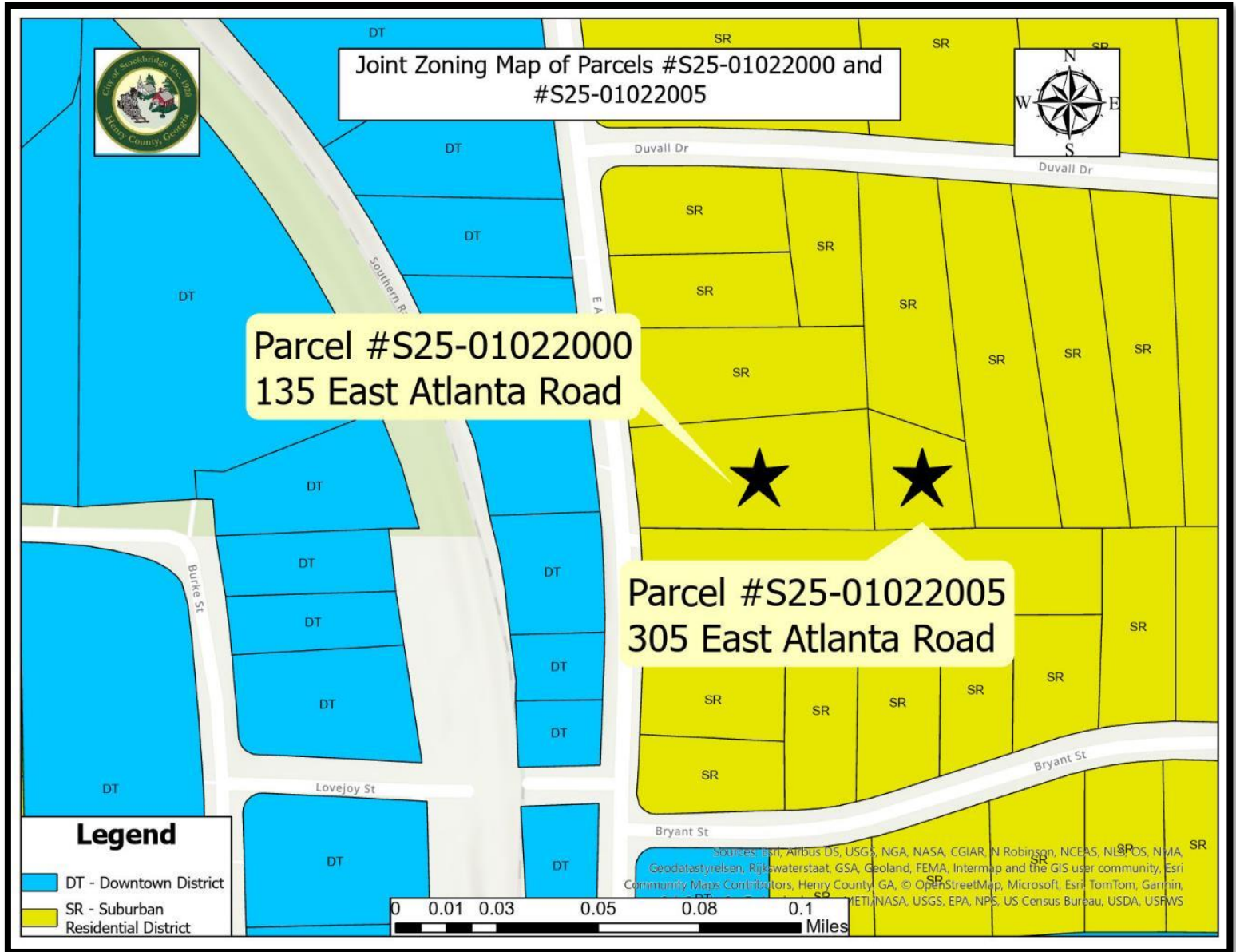
Aerial Photo with Site Plan



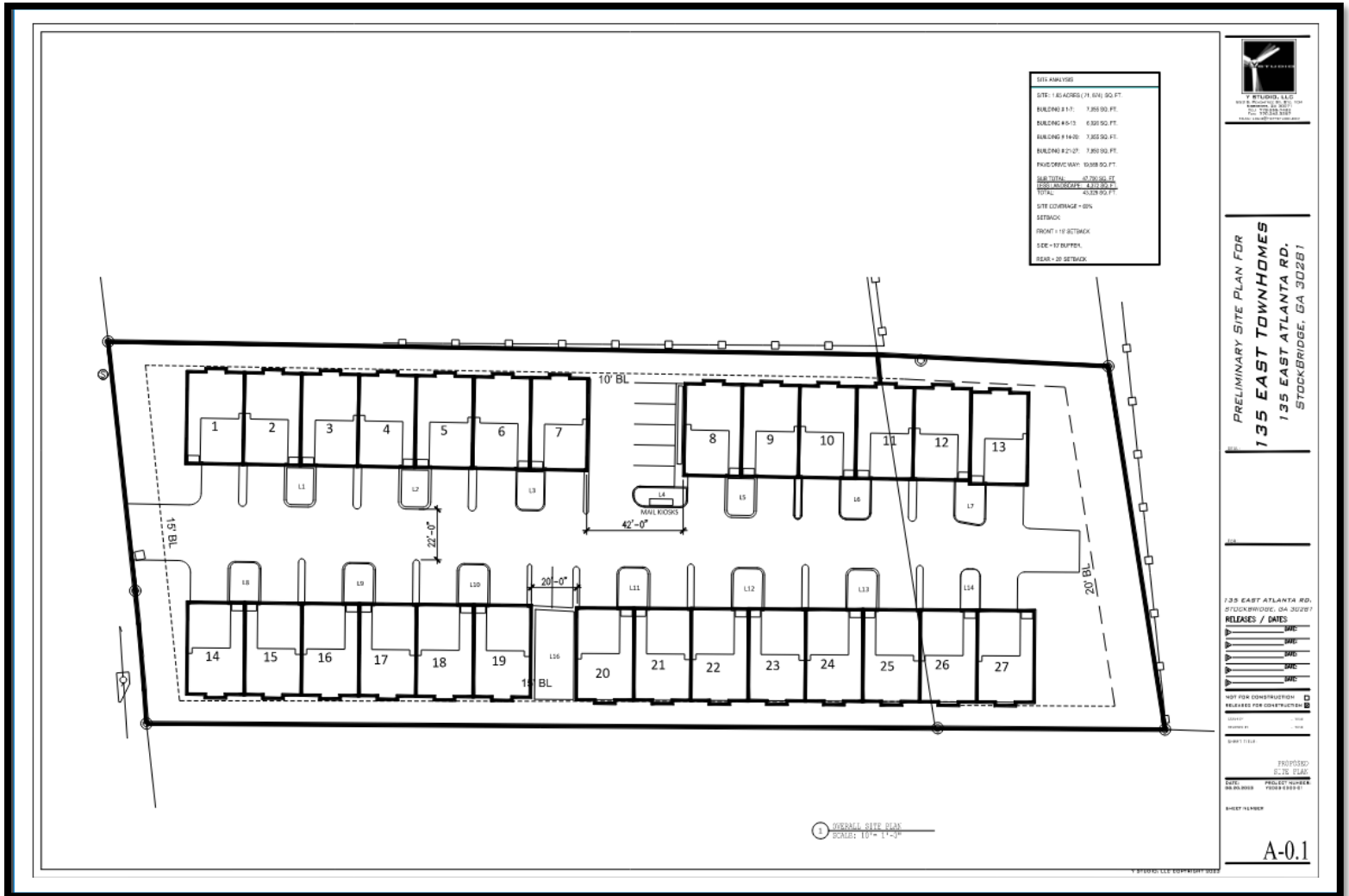
Site Plan with Parcels Labeled



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



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



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

Renderings of Proposed Townhomes (Exterior Perspective Rendering)



VIEW INTO THE COMMUNITY



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



VIEW FROM EAST ATLANTA ROAD



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

135 EAST ATLANTA RD.
STOCKBRIDGE, GA 30281
RELEASES / DATES
DATE: _____
DATE: _____
DATE: _____
DATE: _____
NOT FOR CONSTRUCTION ☐
RELEASED FOR CONSTRUCTION ☒
DATE: _____
PROJECT NUMBER: 10000-0000-01
SHEET NUMBER

A-4.2

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 owing to special conditions, a literal enforcement of the provisions of this Unified Development Code will result in an individual case result in unnecessary hardship.
- B. A variance shall observe the spirit of this Unified Development Code, secure public safety and welfare, and deliver substantial justice.
- C. The existence of a nonconforming use on adjacent or nearby property shall not constitute a justification for granting a variance.

- D. The Planning Commission shall make recommendations to the Mayor and City Council which shall have the authority to render a decision on a variance application pursuant to the public notice and hearing requirements set forth in Chapter 9.
- E. A variance may not be granted for a use specifically prohibited by the Unified Development Code. A variance is intended to compensate for a shortfall in a dimension of property that would prevent the property from complying with a site design standard. Variances may only be granted following a review of an application against the **criteria** listed below:

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



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09. To consider a request to change the future land use designation of five parcels with 15.601 +/- acres on North Henry Boulevard at Center Street from 'Low Density Mixed-Use' and 'Medium-Density Residential' to 'Medium-Density Residential' to allow for a townhome development with 90 units. Applicant: Forestar Real Estate Group, represented by Alex Brock of Smith, Gambrell & Russell. The applicant has also applied for a rezoning via RZ-2023-10 and a variance via VR-2023-06.

BACKGROUND INFORMATION:

The subject property comprises five parcels on the north side of North Henry Boulevard and the west side of Center Street. All but the rear tract of 4900 North Henry Boulevard lie within the Parkway Mixed-Use Overlay District. Brush Creek and its floodplain border the property to the north. Staff recommendation: Approval. Planning Commission recommendation at its January 25, 2024 meeting: Approval, by a 3-1 vote.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-09.

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

APPROVAL.

Staff Signature_____

Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02002005

Parcel #S18-02004009

Parcel #S18-0200300



Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02004009

Parcel #S18-02002005

Parcel #S18-0200300

Joint Presentation For

Three Cases:

CP-2023-09,

RZ-2023-10,

And VR-2023-06

For Proposed
Townhomes On
North Henry Blvd. At
Center Street

Presented To:

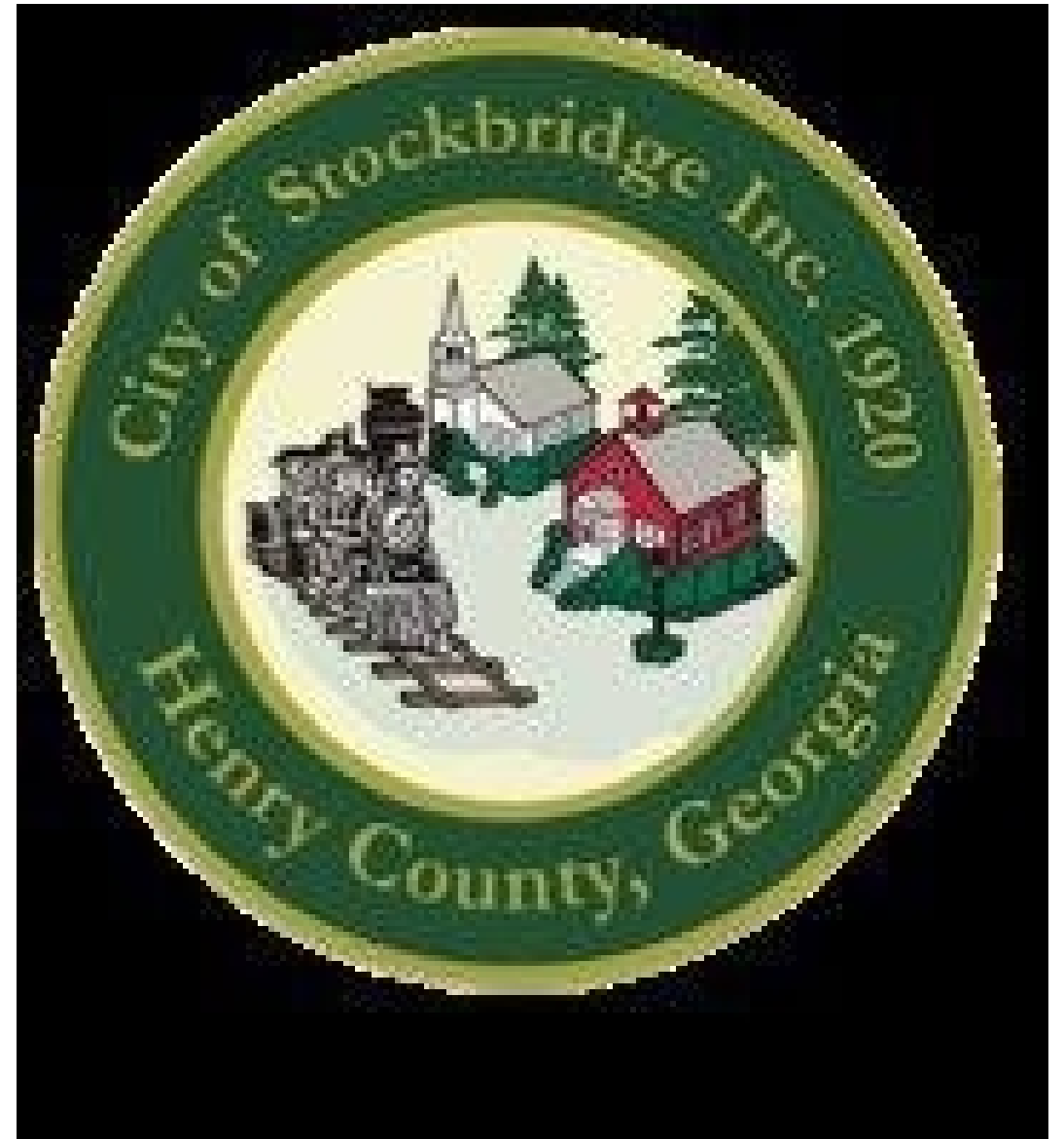
Planning Commission –

January 25, 2024

City Council – Feb. 12, 2024

Presented By:

City of Stockbridge Community
Development Department,
Planning and Zoning Division
Linda Logan, Senior Planner



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:

- **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-2023-06** – 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.

COMPONENT PARCELS

The subject property has 15.601 +/- total acres within five parcels on the north side of North Henry Boulevard and the west side of Center Street, as 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'.

CASE FACTS (Slide #1)

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.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.

CASE FACTS (Slide #2)

Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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).

CASE FACTS (Slide #3)

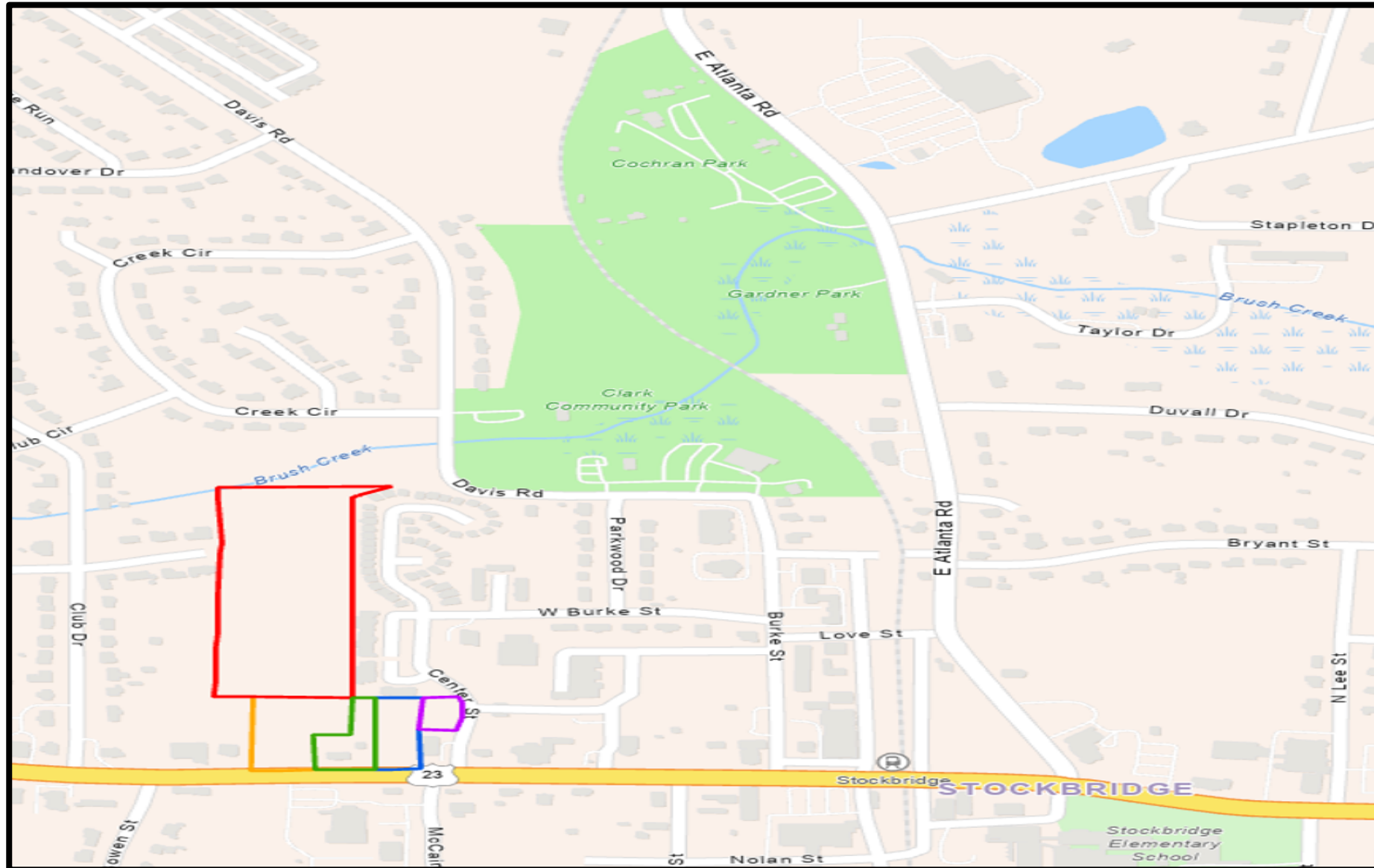
Surrounding Future Land Use Designations:

Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/ Downtown Village Overlay District to the east.

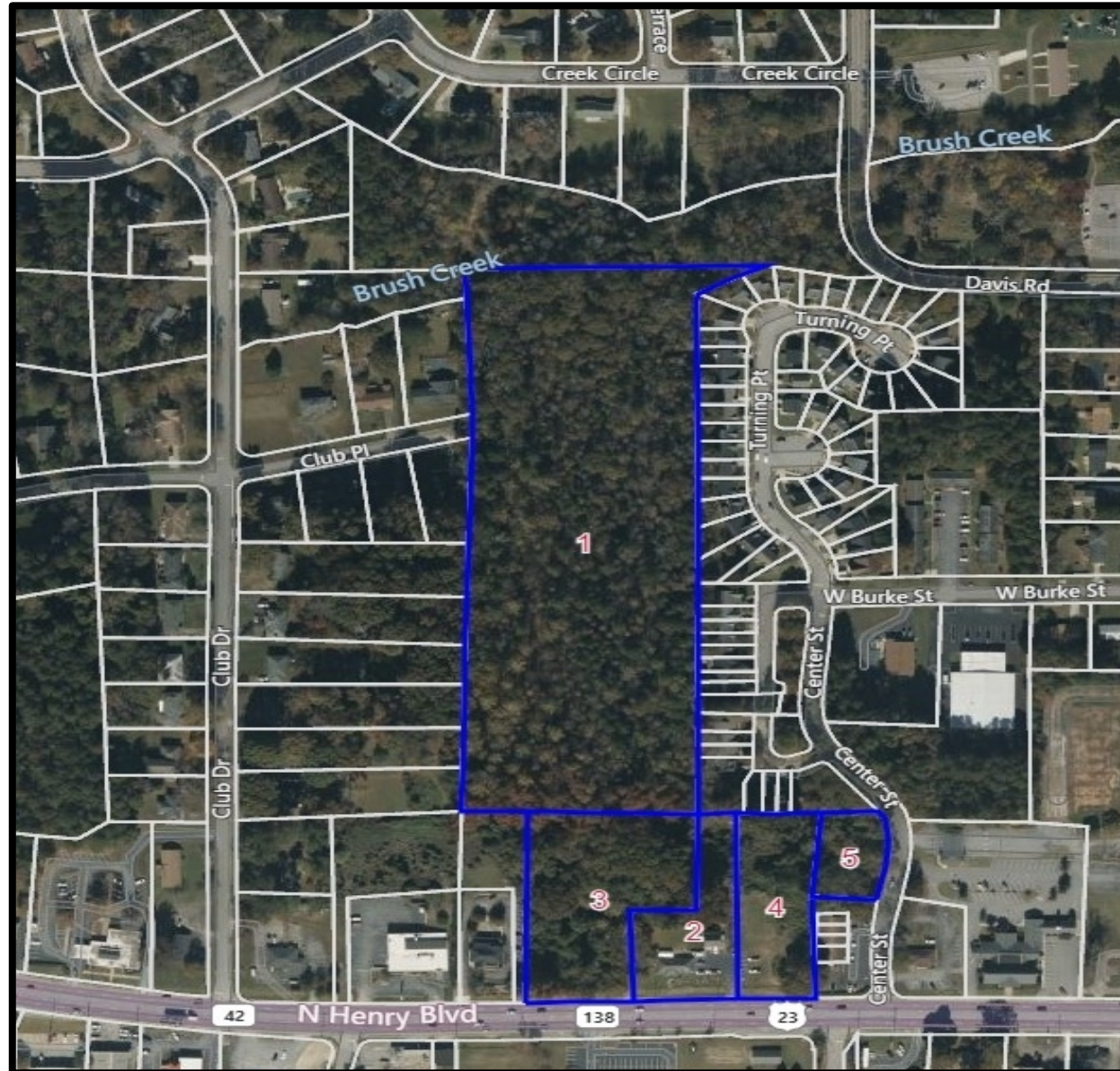
Property Conditions:

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.

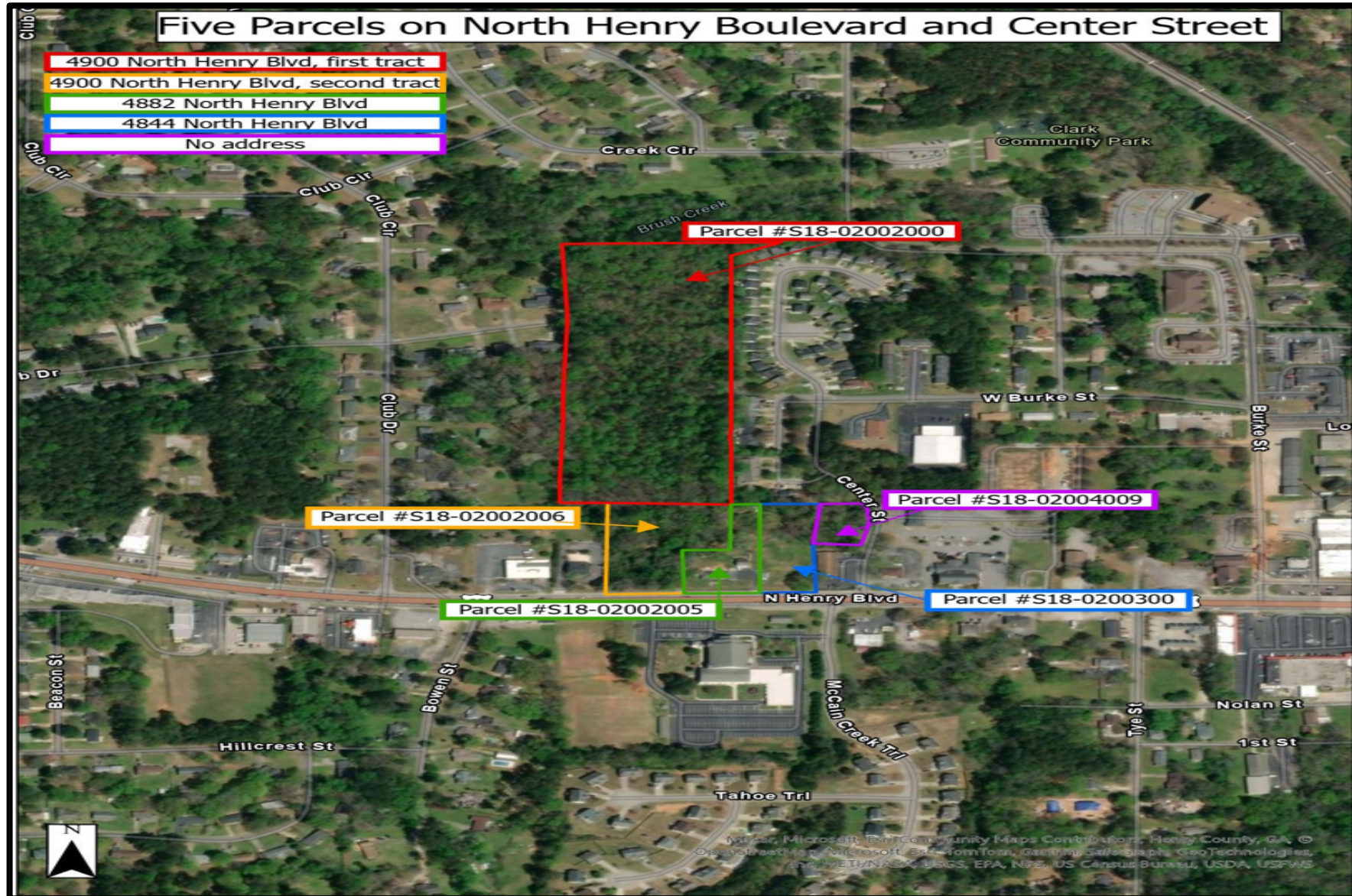
VICINITY MAP



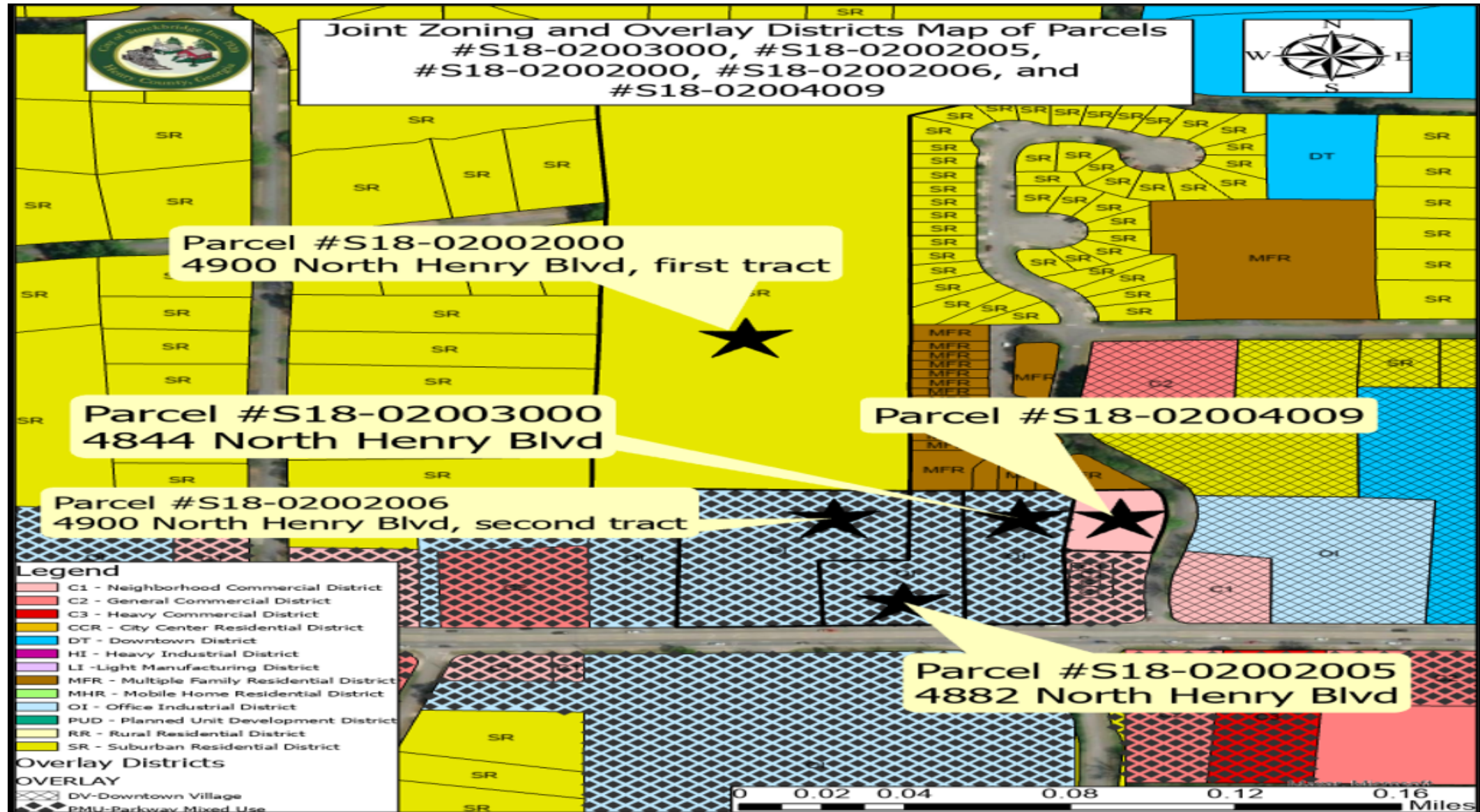
NEIGHBORHOOD MAP FROM THE APPLICANT



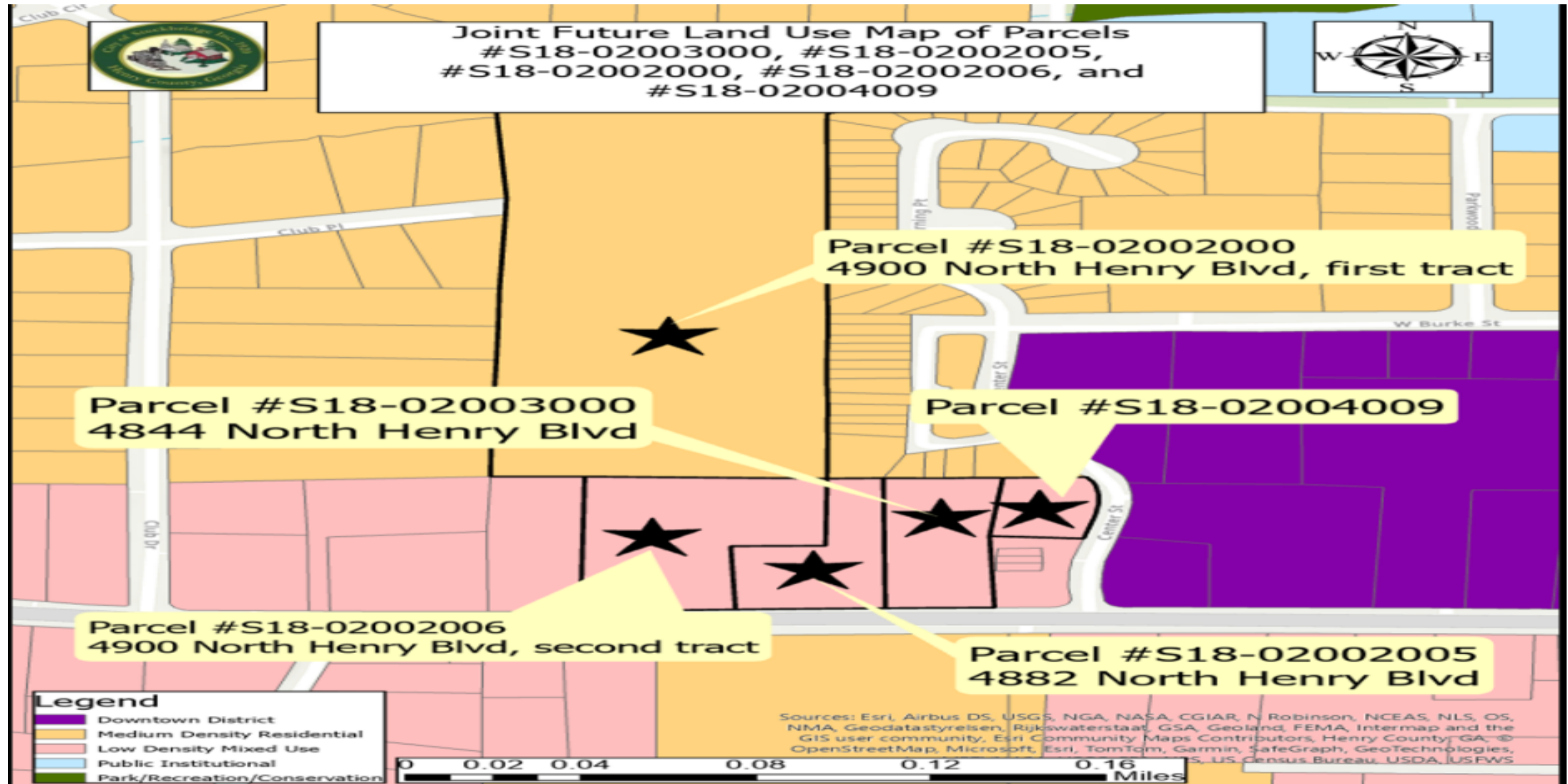
AERIAL PHOTOGRAPH SHOWING FIVE PARCELS



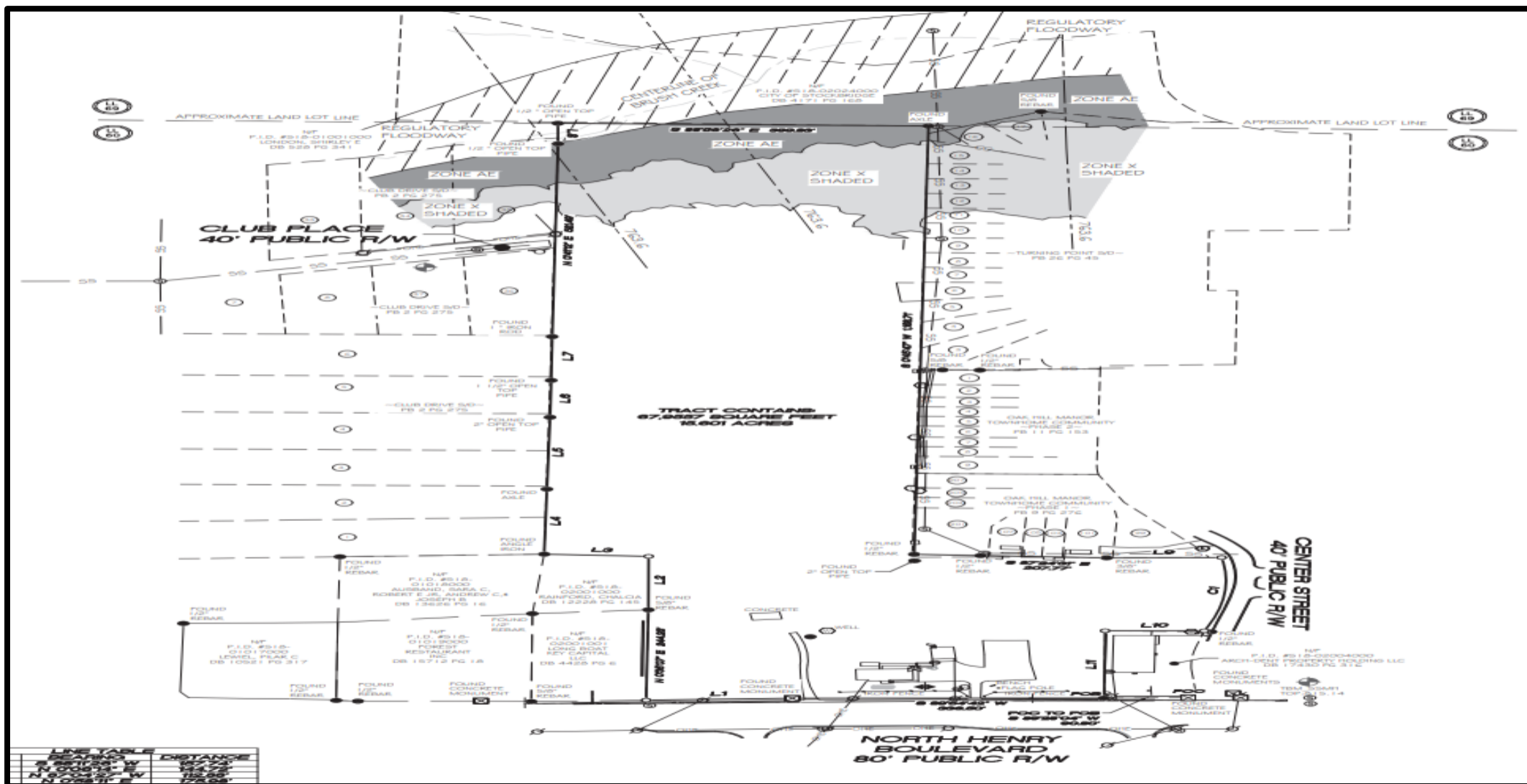
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



PROPOSED DEVELOPMENT (Slide #1)

A. Project Description:

- ~ 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres.
- ~ All units would have three bedrooms.
- ~ Amenities—Pool, cabana, dog park, and open space areas.

B. Site Accesses:

- ~ Main Entrance off North Henry Boulevard (needs a GDOT R/W permit).
- ~ Emergency access off Club Place, at the rear of the site.

C. Traffic Impacts:

- ~ About 40 trips in the morning and about 47 trips in afternoon peak hours.
- ~ Minimal adverse impacts are expected since North Henry Boulevard is a principal arterial.

PROPOSED DEVELOPMENT (Slide #2)

D. Site Plan Design:

- ~ Pool, dog park, mail kiosk, and stormwater pond located near project entrance.
- ~ Another stormwater pond and a 75-foot floodplain buffer at the rear.
- ~ 25-foot zoning buffer surrounding the property.
- ~ Total of 316 parking spaces (exceeding the required 203 spaces), including 42 guest spaces.

E. Open Space:

- ~ 30 percent of site would be open space, exceeding the required 15 percent.
- ~ Includes undeveloped land, the amenity areas, and floodplain areas.
- ~ Excludes buffers, right-of-way areas, and stormwater ponds.

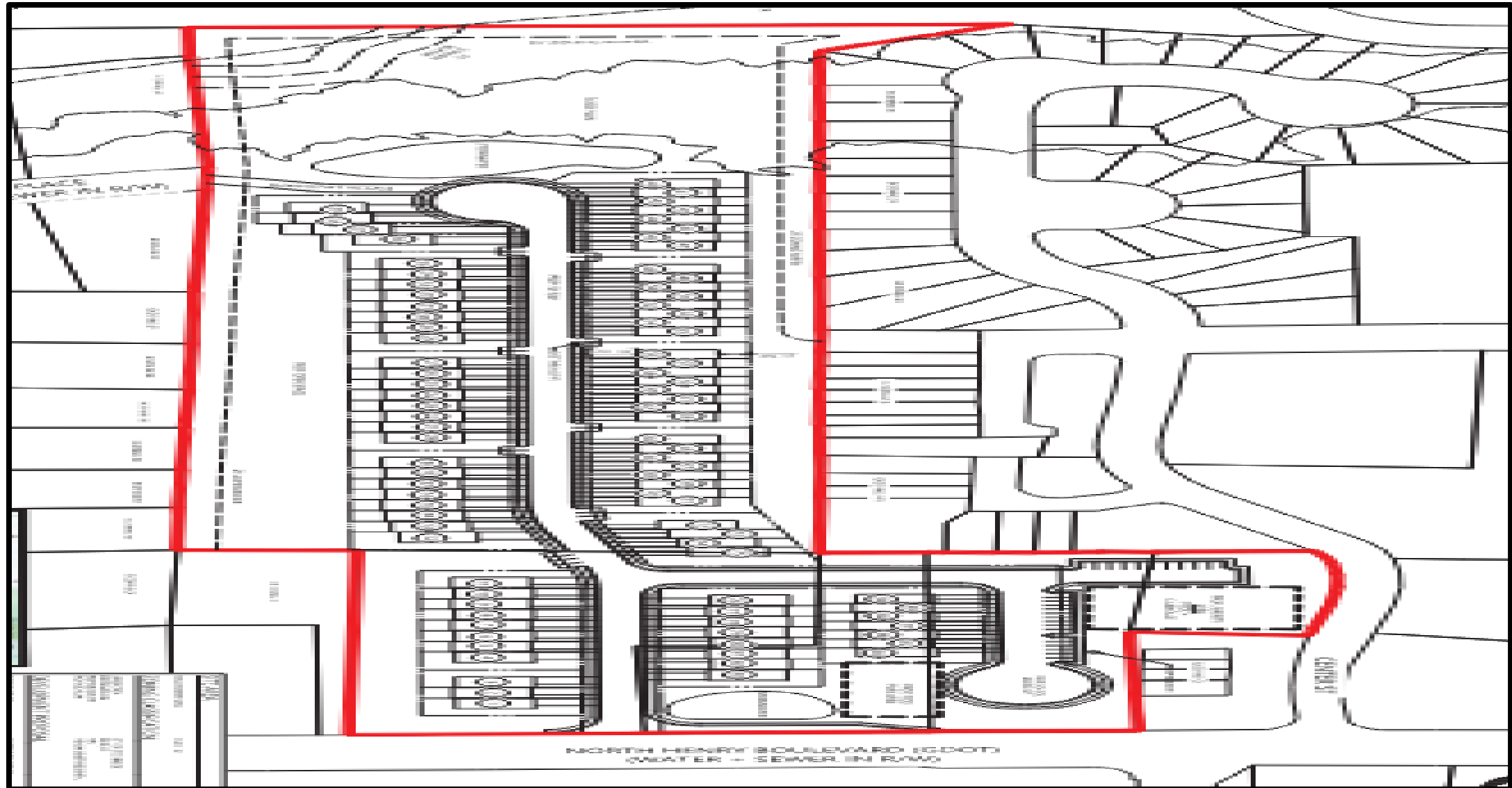
F. Townhome Lots and Units:

- ~ 13 townhome buildings, spaced at least 20 feet apart.
- ~ Variance requested to reduce the front yard setbacks of lots from 50 feet to 30 feet.
- ~ Lots would be 24 feet wide for 2-car garage units and 20 feet wide for 1-car garage units.

CONCEPTUAL SITE PLAN – TOTAL AREA



CONCEPTUAL SITE PLAN -- ENLARGED



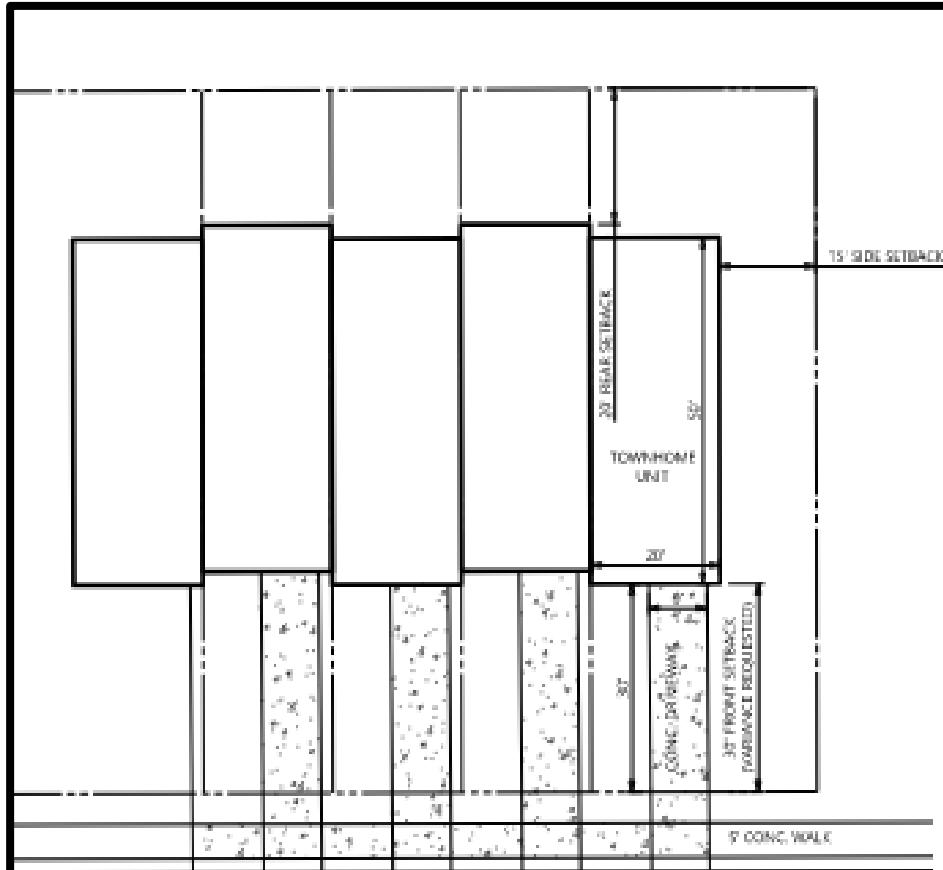
SITE DATA

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

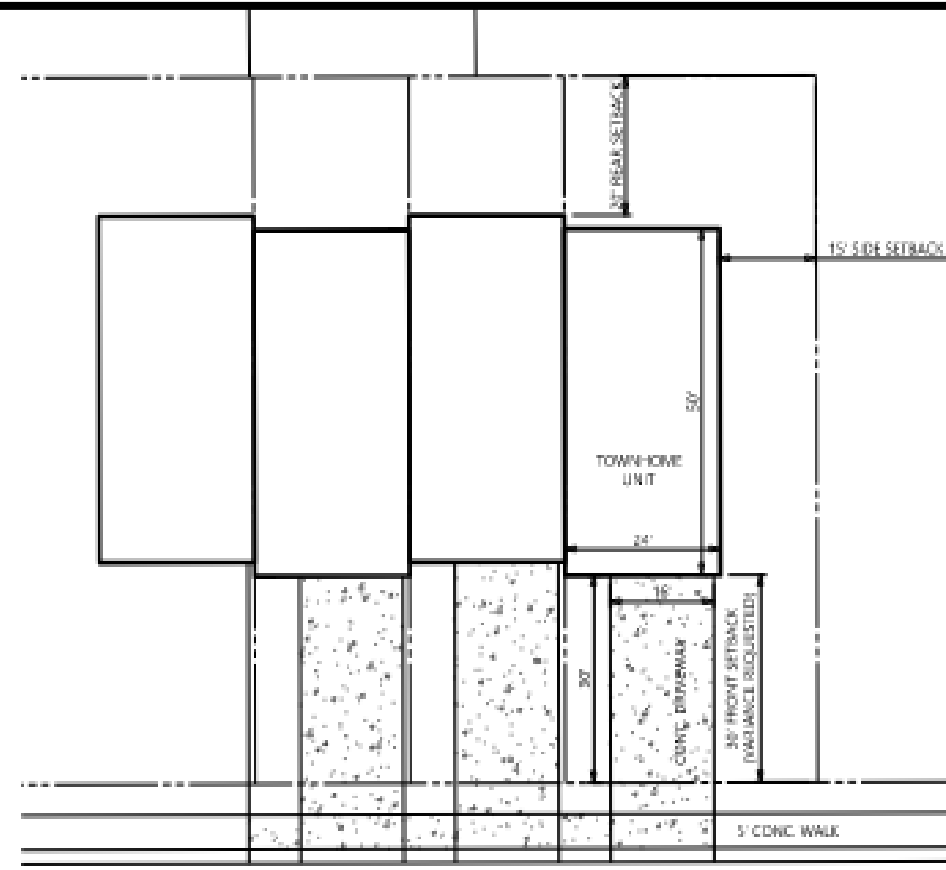
NOTES

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



ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION

PROPOSED TOWNHOME RENDERINGS (Slide #1)

Townhome Units with One-Car Garages:



PROPOSED TOWNHOME RENDERINGS (Slide #2)

Townhome Units with Two-Car Garages:



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTUALLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.

ANALYSIS FOR COMPREHENSIVE PLAN AMENDMENT

CASE #CP-2023-09 (Slide #1):

Proposal to Change the subject property's future land use designation

From “Low-Density Mixed-Use” and “Medium-Density Residential”

To “Medium-Density Residential.”

Existing Land Use Designations:

- ~ Four parcels are designated as Low-Density Mixed-Use, which allows low-intensity mixed uses to serve the surrounding residential neighborhoods.
- ~ The rear parcel of 4900 North Henry Boulevard is designated as Medium-Density Residential, which allows single-family detached homes and single-family attached homes (townhomes) at a density of 4 to 7.99 units per acre.

Applicant's Request – Change the rear parcel, so that all five parcels have the same Medium-Density Residential designation.

ANALYSIS FOR CASE #CP-2023-09 (Slide #2):

**Proposal to Change the subject property's future land use designation
From "Low-Density Mixed-Use" and "Medium-Density Residential"
To "Medium-Density Residential."**

CP-2023-09 ANALYSIS FINDINGS:

- 1.** The applicant's proposed density of 5.769 +/- units per acre would be within the allowable density range for the Medium-Density Residential designation.
- 2.** Large areas to the east and west of the subject property are designated as Medium-Density Residential, thus this property would be compatible with them.
- 3.** The proposed development would provide additional needed housing in the City, as well as offering diversity in housing, which the Comprehensive Plan calls for.

Conclusion – Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential.

Staff Recommendation – APPROVAL.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #1):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

-
1. Consistency with the Comprehensive Plan -- Yes, per the CP-2023-09 findings above.
2. Located on a road having a classification of “collector” or higher, which is required for MFR districts – Yes, the property is located on a “principal arterial” (North Henry Boulevard).
3. Compatible with adjacent MFR zoning districts – Yes, it would be compatible with the MFR zoning of the Oak Hill Manor and Turning Point subdivisions to the east and northeast. It would also be 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.
4. Physical Suitability of the Property – Although the property has an irregular shape, and it is bordered by Brush Creek and its floodplain areas to the north, the site plan shows that an acceptable design would be used, and the sensitive area of the property would be avoided.
5. Impacts on Adjacent Property Owners – These should be minimal since no accesses would be provided to the adjacent subdivision streets (except for an emergency access). Also, a 25-foot zoning buffer would surround the site, and a significant open space area would be provided along the western side of the property, adjacent to the Club Drive Subdivision.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #2):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

6. Utilities Impacts – A letter from the Public Works Department (dated November 22, 2023) stated that water and sewer capacity were currently available to serve the proposed townhomes, but that the developer must pay for all required connection costs, adhere to the City's Minimum Development Standards, and submit construction plans to that office within one year, or the reservation of capacity in the sanitary sewer system would expire.
7. Traffic Impacts – Projected traffic volumes are anticipated to have minimal impacts on North Henry Boulevard, and the lack of another access onto surrounding subdivision streets (except for an emergency access) would prevent any adverse traffic impacts on the adjacent streets.
8. Relation to Any Other City Policies – None were identified.
9. Ability of the Property to be Developed Under the Current Zoning – That is possible, but it would result in piecemeal development, whereas the rezoning would allow for a unified plan.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #3):

Rezone property from SR, OL, and C-1 to MFR

Conclusion – Based on the findings above, it is reasonable to rezone property to MFR (Multiple Family Residential).

Staff Recommendation – APPROVAL WITH CONDITIONS, based on the zoning conditions 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 Marshal 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.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #4):

Rezone property from SR, OI, and C-1 to MFR

- 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #1):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

- A. Whether the property has an extraordinary or exceptional circumstances pertaining to its size, shape, or topography – Yes.** The property has an irregular shape and a floodplain area at the rear along Brush Creek, which limit the amount of buildable land.
- B. Whether a literal interpretation of the regulations would deprive the applicant of rights which other MFR property owners enjoy –** Yes, 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.
- C. Whether the granting of the variance would confer any special privileges upon the property owner –** No, this same type of variance request has been recently approved by City Council for several other 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #2):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

D. Consistency with the UDC and computability with uses on neighboring properties – Yes.

The variance would encourage the most appropriate use of land and buildings on the property. Smaller lots would allow the proposed townhomes to attract buyers who want less yard maintenance. This would leave more land to be left in its natural state, thus serving as a larger buffer between this development and neighboring properties.

E. Whether the extraordinary circumstances are the result of actions of the applicant – The physical conditions of the property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #3):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

F. Whether the requested variance is the minimum relief that will allow the legal use of the land, build, or structure – Yes. The property could still be developed with office, institutional, or neighborhood commercial uses under its OI and C-1 zoning 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 zoning having primary access off North Henry Boulevard, in between the existing commercial and office-institutional uses. And although townhomes could still be developed under the requested MFR zoning without the 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.

G. Whether the variance would permit a use of land, buildings, or structures that are prohibited in the same zoning district – No. Townhomes are a permitted use in the MFR district.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #4):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

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 VR-2023-06.



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-2023-06) 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).

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

- Variance Case #VR-2023-06 – 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.

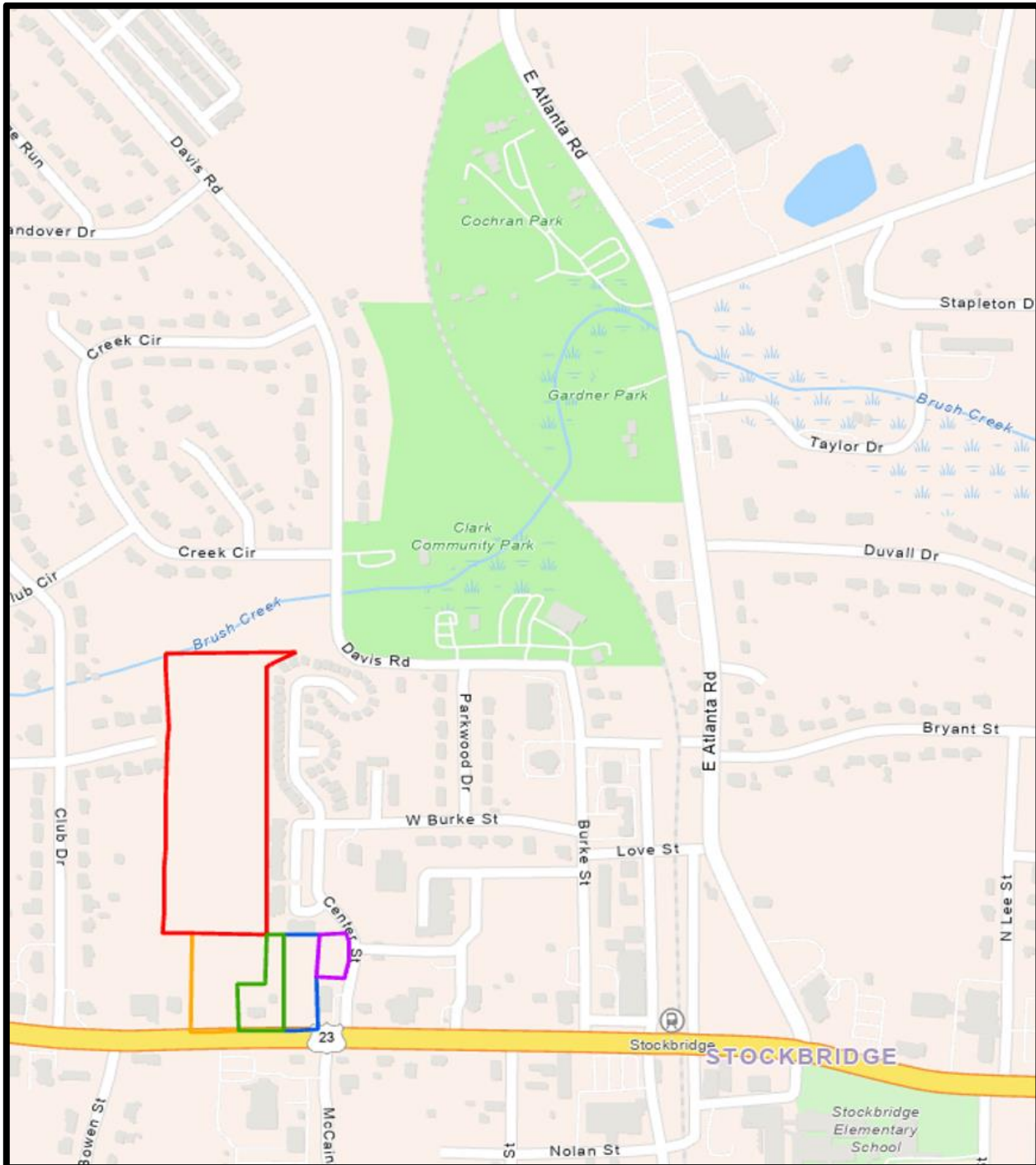
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: '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

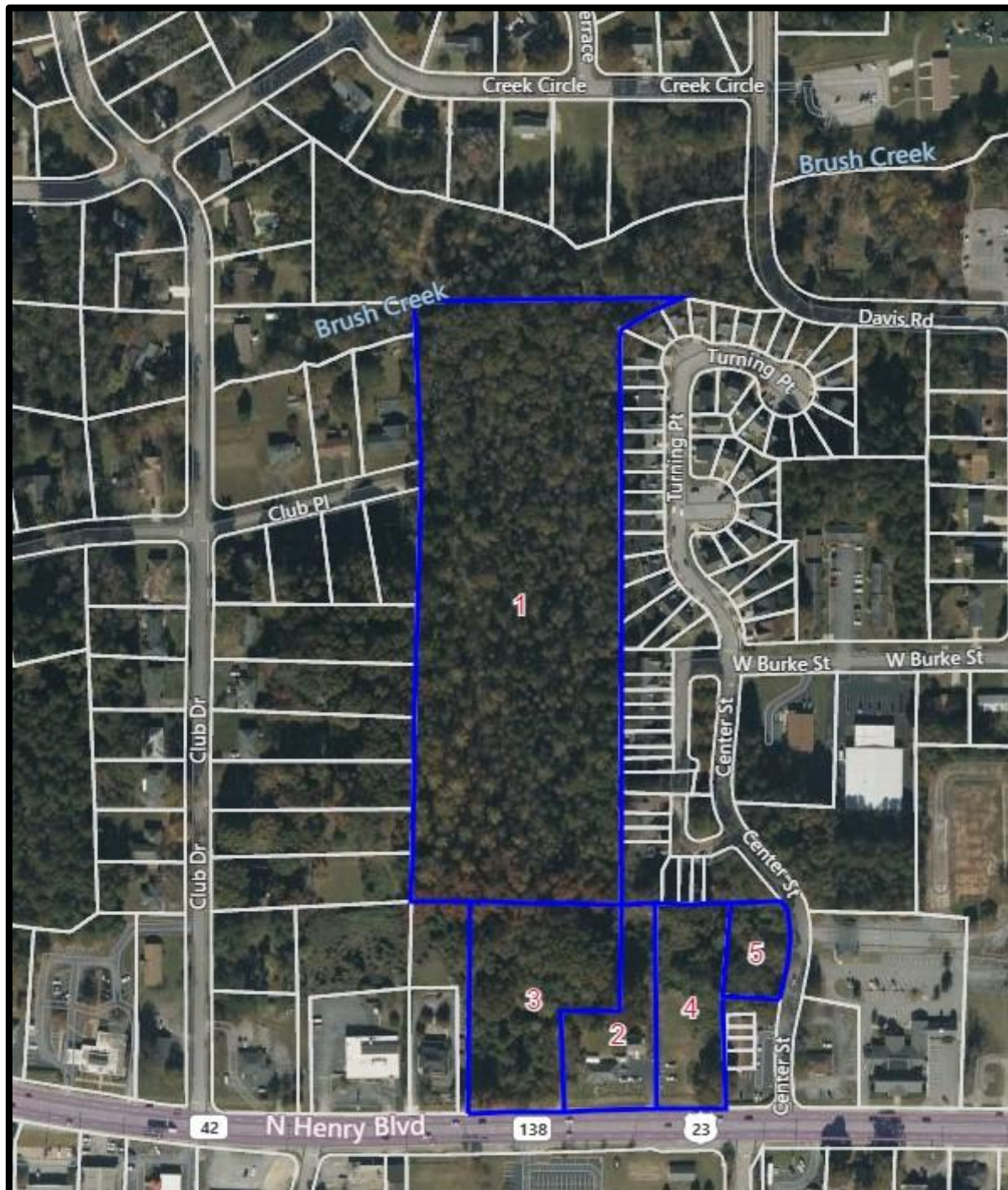
	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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



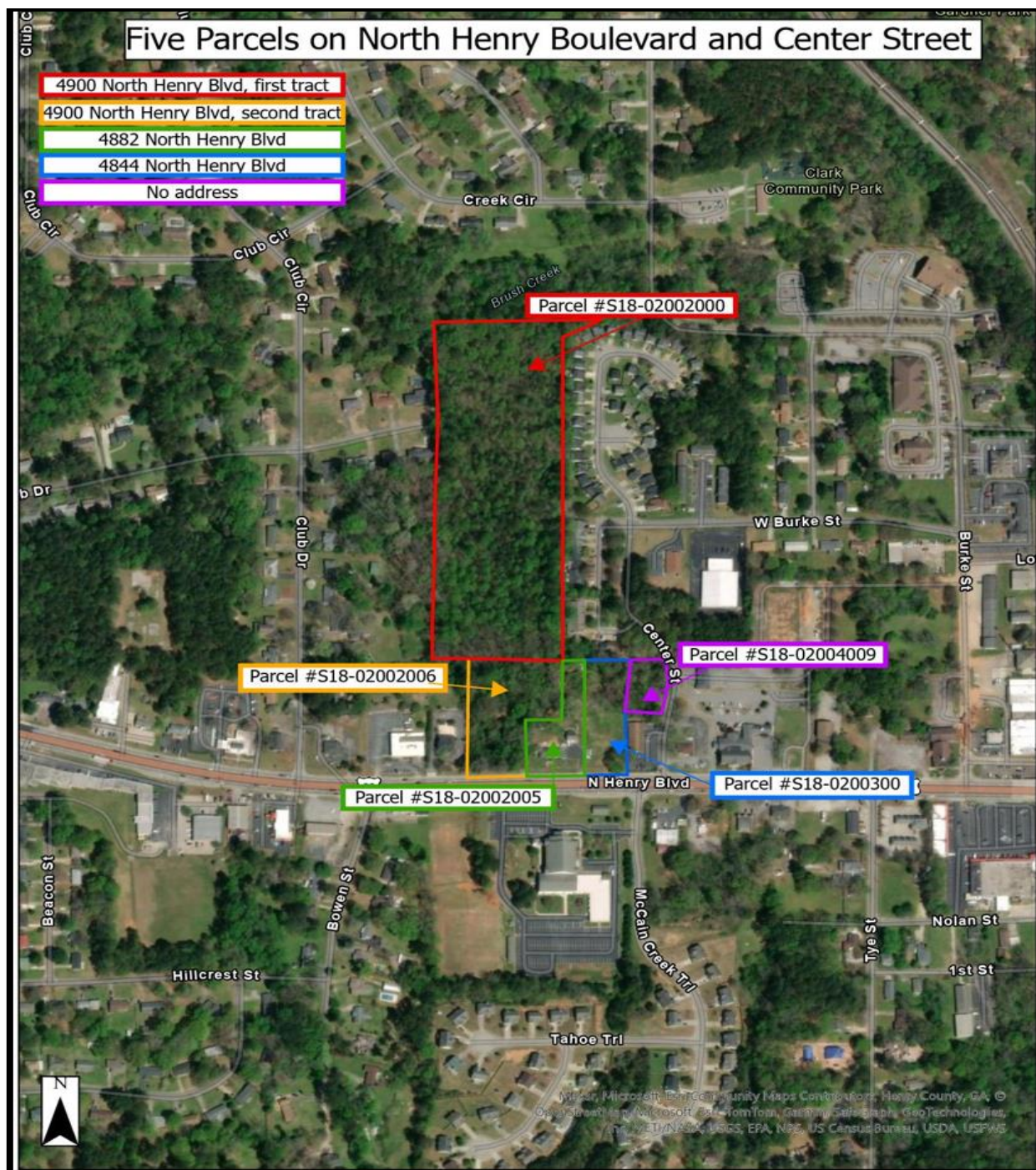
Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
 City of Stockbridge, Georgia Community Development Department / January 25, 2024

NEIGHBORHOOD MAP FROM THE APPLICANT



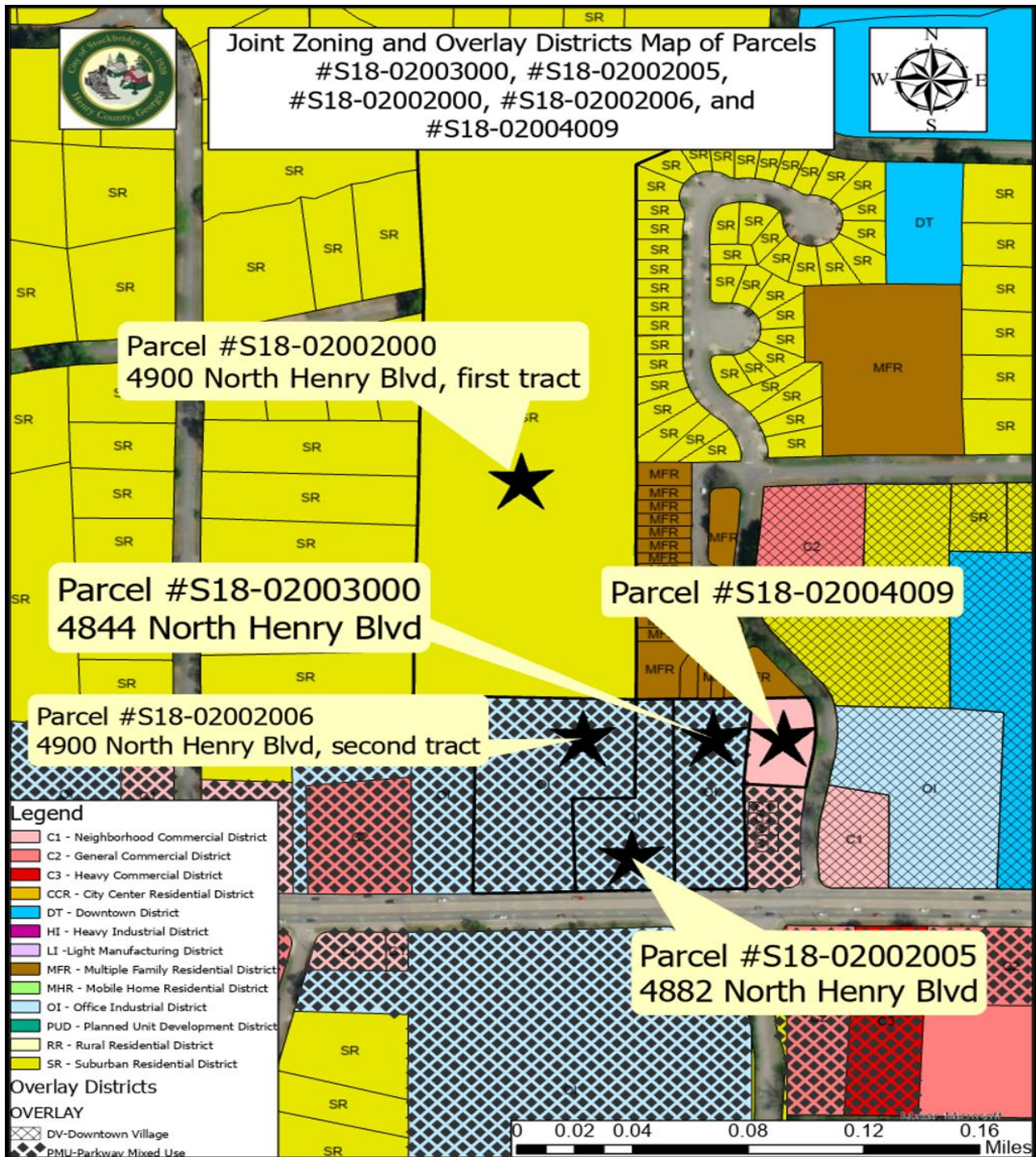
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AERIAL PHOTOGRAPH SHOWING FIVE PARCELS

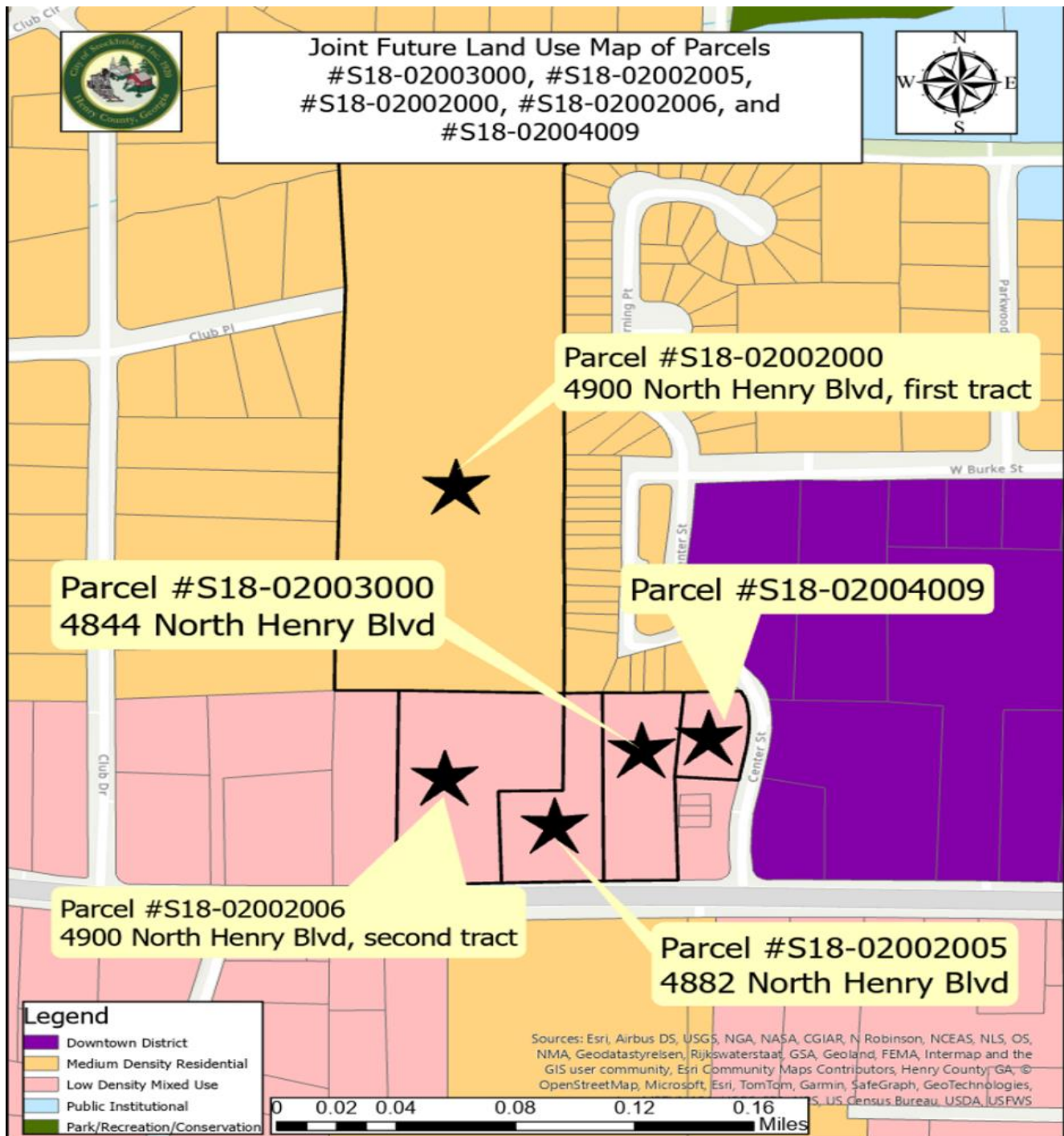


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

ZONING AND OVERLAY DISTRICTS MAP

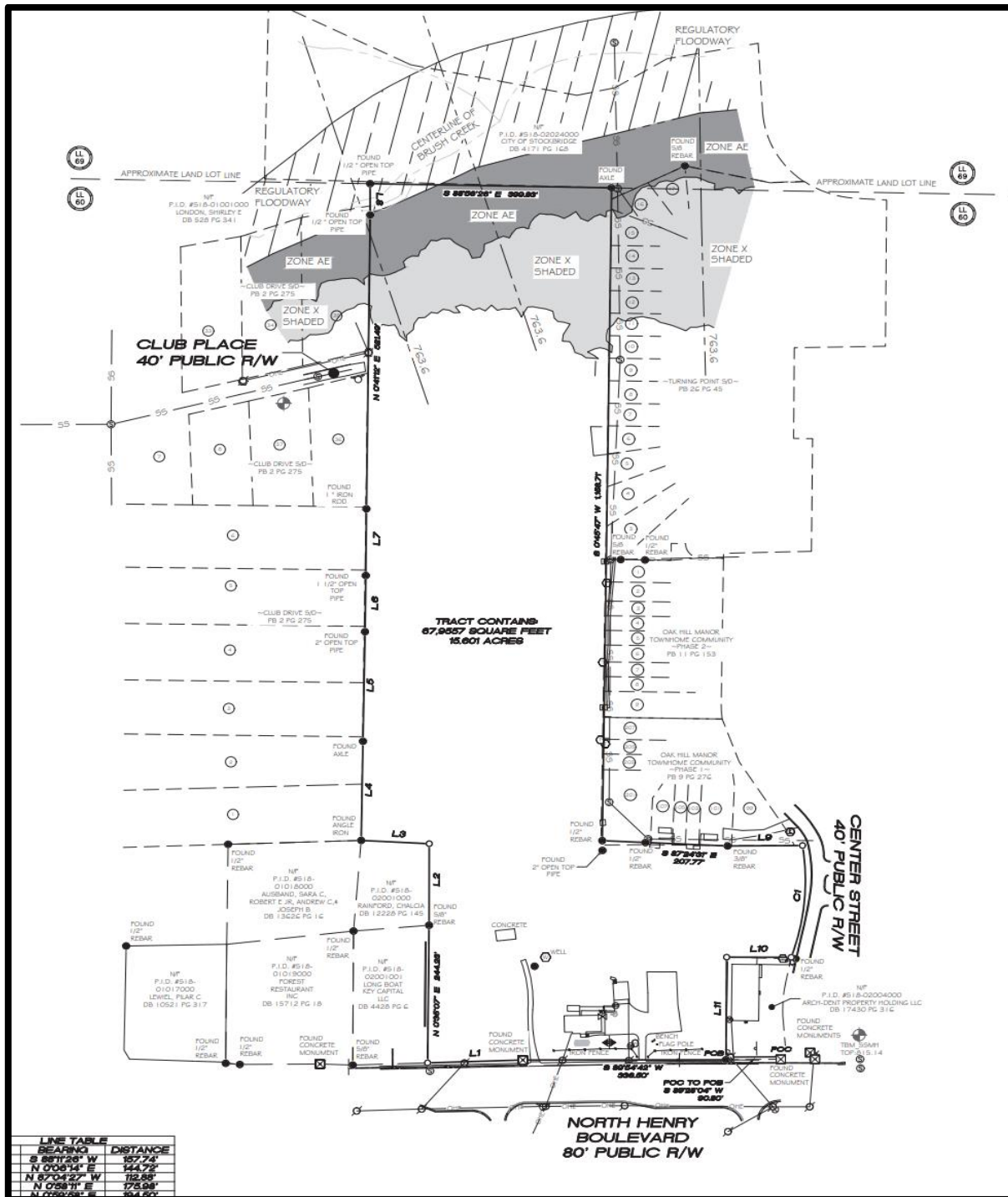


FUTURE LAND USE MAP



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

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.

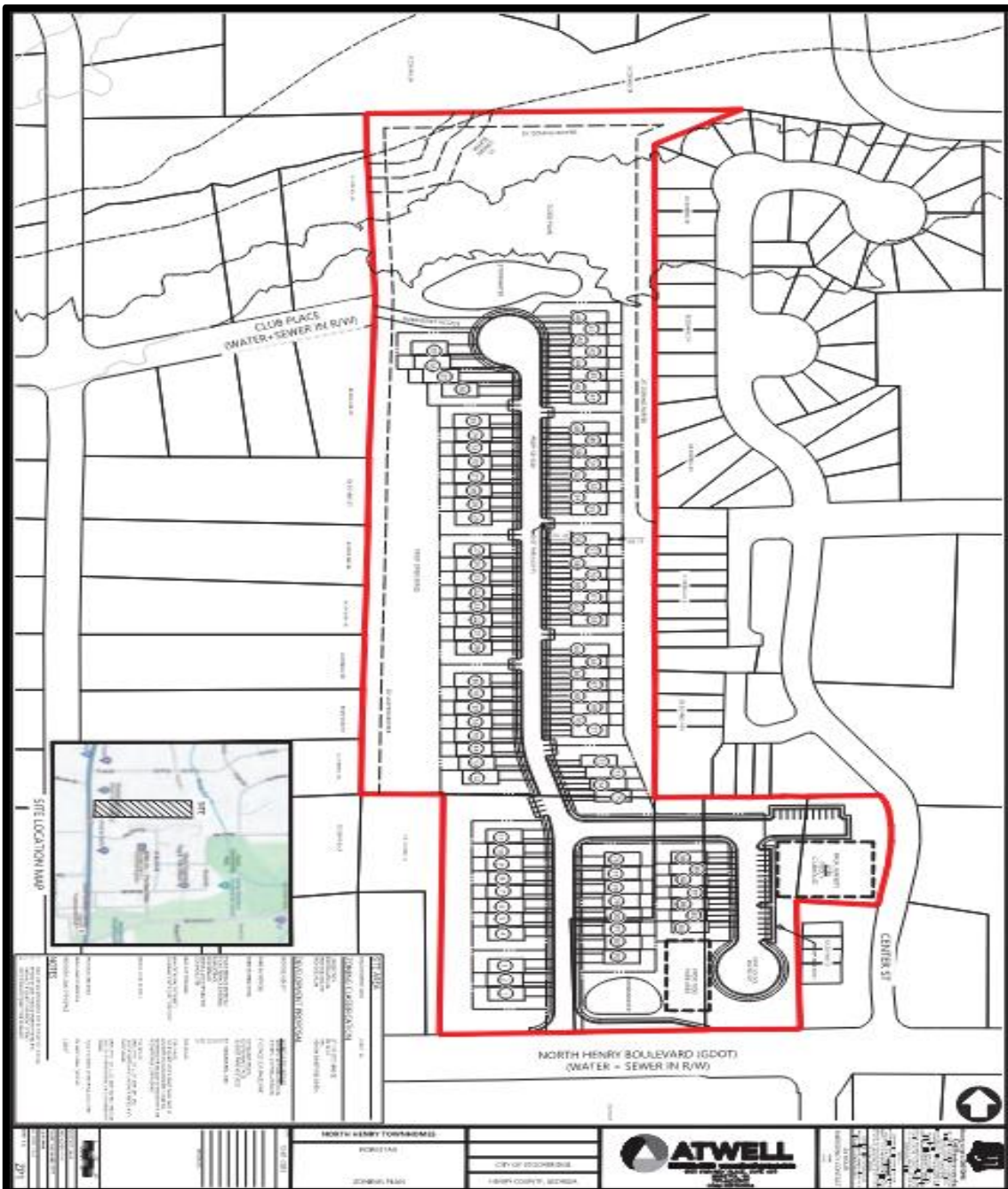
D. Site Plan Design. Regarding the internal site components, a swimming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain 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.

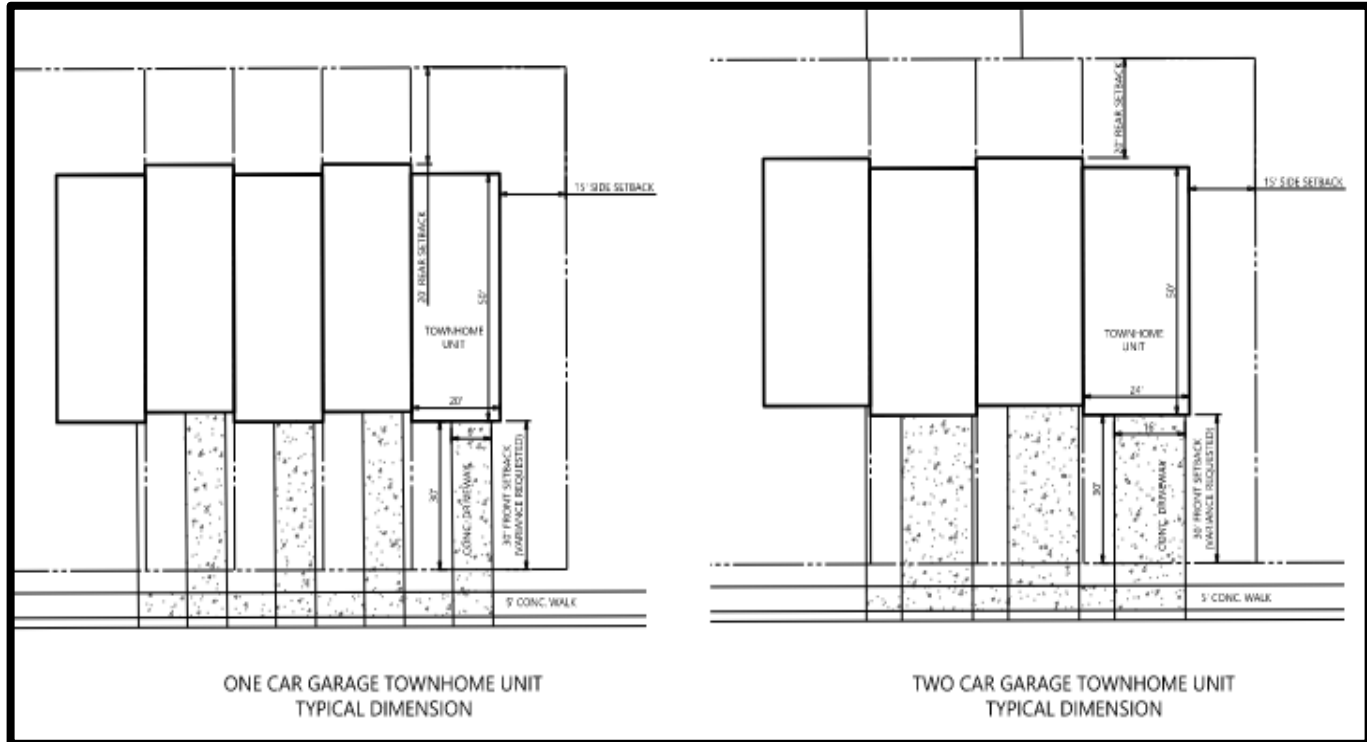
CONCEPTUAL SITE PLAN—TOTAL AREA



SITE DATA

PROPOSED DENSITY	<u>90 UNITS (5.769 UNITS/AC)</u> 43 UNITS - 20' PRODUCT (47.7%) 47 UNITS - 24' PRODUCT (52.3%)
PARKING PROVIDED	316 SPACES (3.51 SPACES/UNIT)
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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 “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 associated 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 #VR-2023-06: 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-2023-06) 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.

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 / INITIAL
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.	☐

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:

Low Density Vertical Mixed Use (LDVMU) and Medium Density
FROM: 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.

Jabrock (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 Signature of Applicant
Witness' Signature

Chris Wilson
Printed Name of Applicant

(Authorized Agent for Forestar (USA) Real Estate Group, Inc)

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

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

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: _____

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 ☒

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]

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

[Signature]

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.

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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 ☒

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

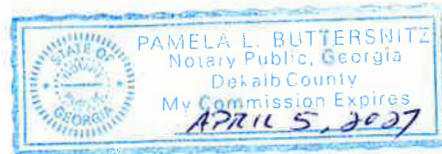
Signature of Applicant/Property Owner/Agent

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



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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:

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
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:

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

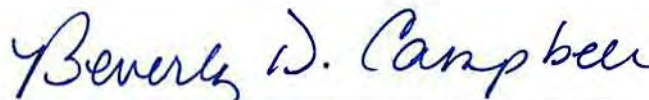
Kirk R. Fjelstul - Smith, Gambrell, and Russell, LLP



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



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 - Smith, Gambrell, and Russell, LLP

Kathryn M Zickert

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
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

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

Applicant's Attorney, if applicable - Printed

Signature of Applicant/Property Owner/Agent

Signature of Applicant's Attorney, if applicable

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



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)

George & Cynthia

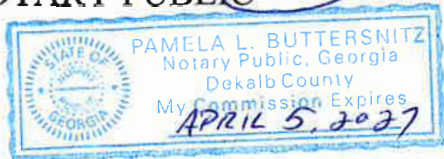
I, Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

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



Letter of Ownership

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

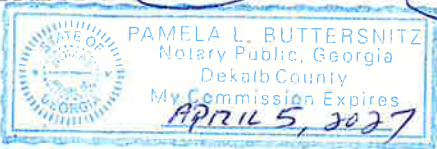
S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

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


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 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. BUTTERS NITZ

Printed Name of Notary Public

November 17, 2023
Date

Notary Public's Seal or Stamp:



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

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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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. BUTTERSNTZ

Printed Name of Notary Public

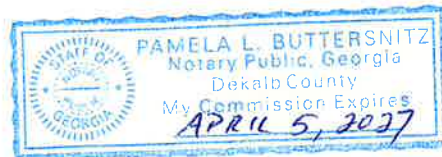
November 17, 2023

11/17/23

Date

Date

Notary Public's Seal or Stamp:



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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: 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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. Buttersnitz

Printed Name of Notary Public

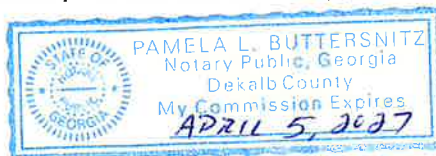
NOVEMBER 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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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 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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. Buttersnitz

Printed Name of Notary Public

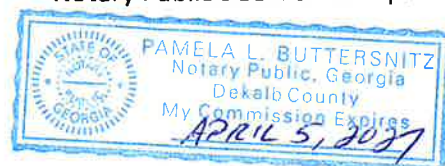
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PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 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 Quillian

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

Telephone: 404 788 0339 E-mail: GW.Quillian@qms.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: *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.

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.

Patricia L. Buttersnitz
Signature of Notary Public

Patricia L. Buttersnitz
Printed Name of Notary Public

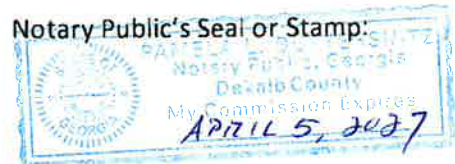
11/17/23

Date

November 17, 2023

Date

Notary Public's Seal or Stamp:



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.

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 units⁶ 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 $\pm 30\%$ 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

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 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 $\pm 30\%$ 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.

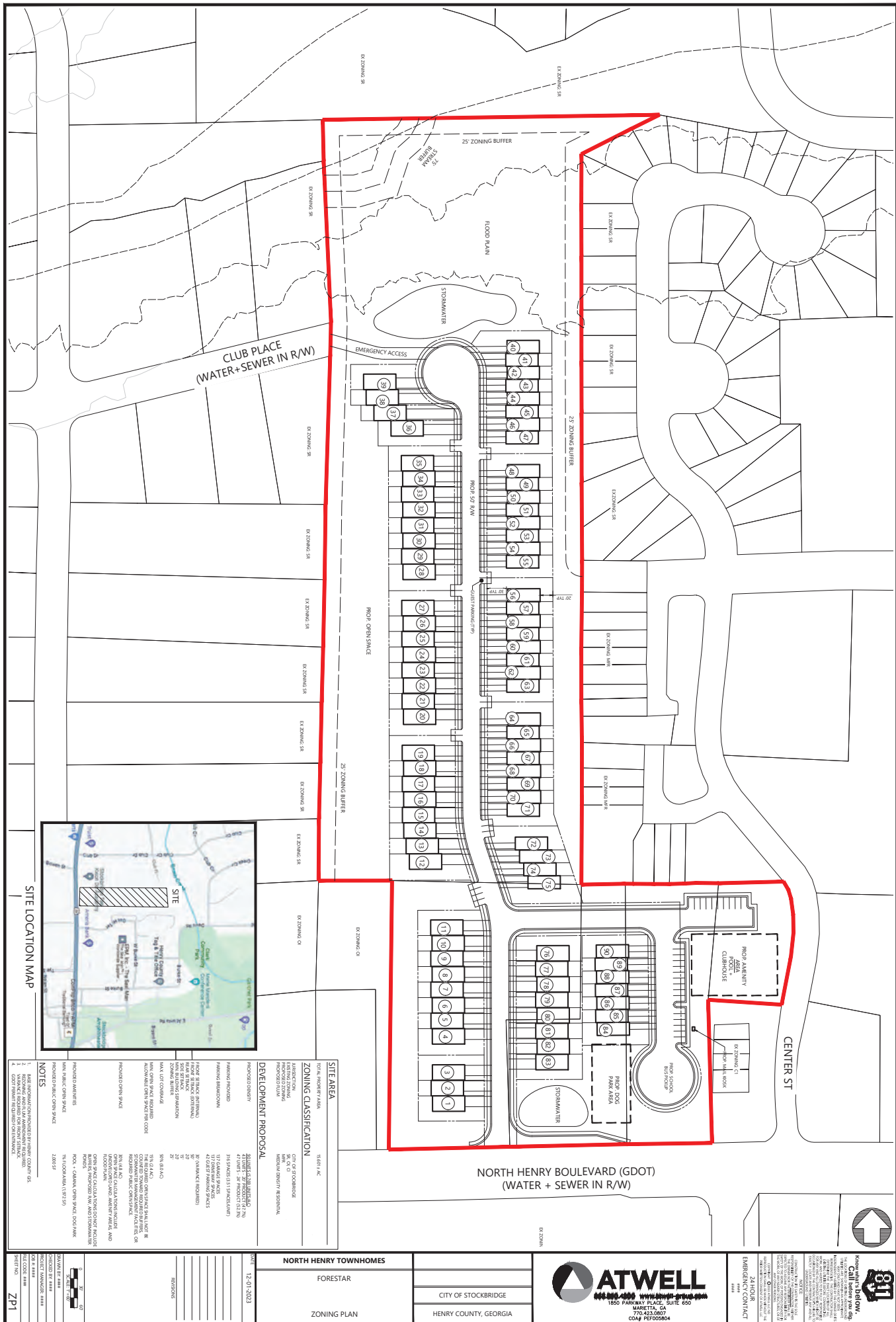
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Alexander Brock", is written over a horizontal line.

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



Survey

Legal Description

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 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 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 1/2" 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 1/2" 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 the 12th 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.

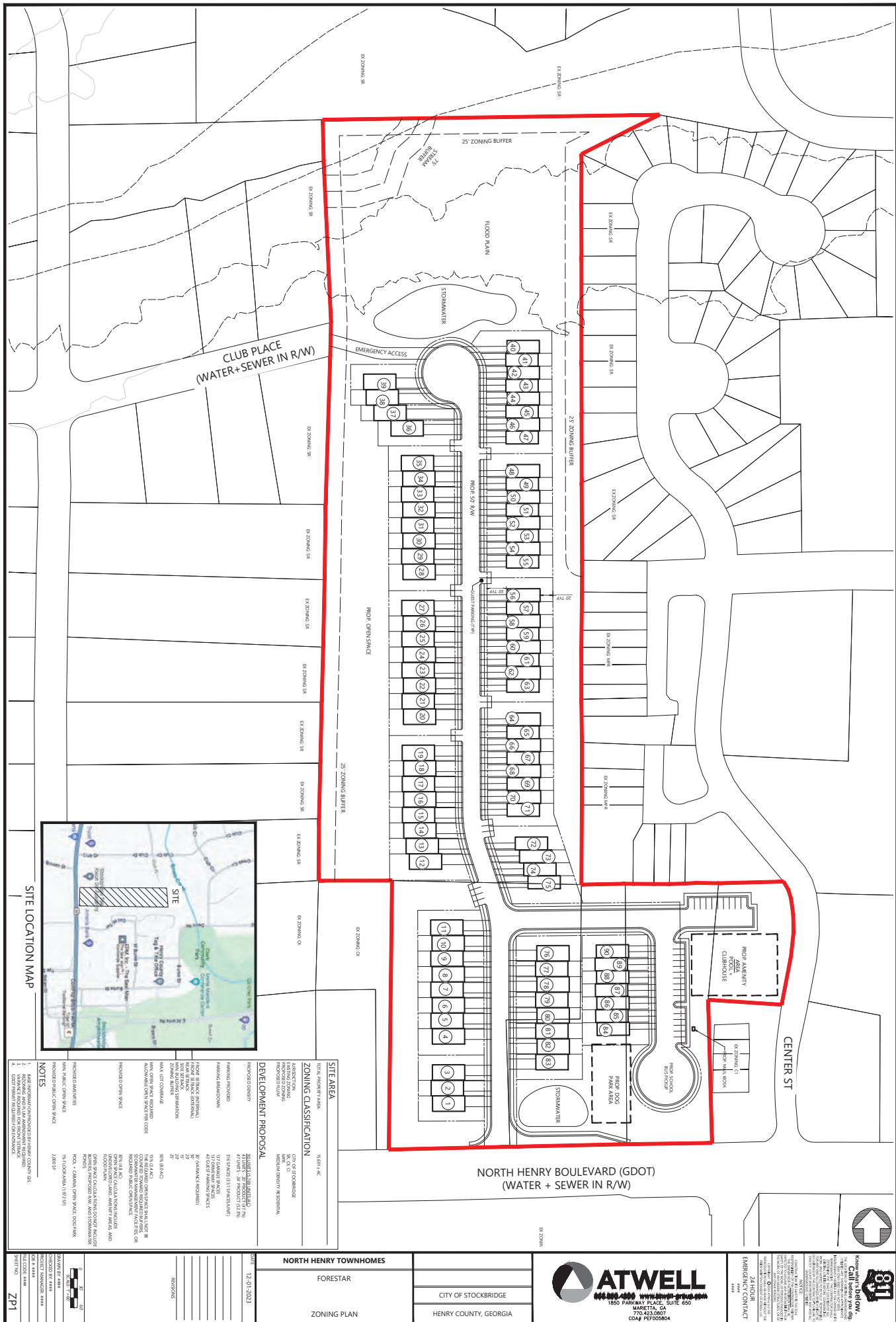
Sincerely,

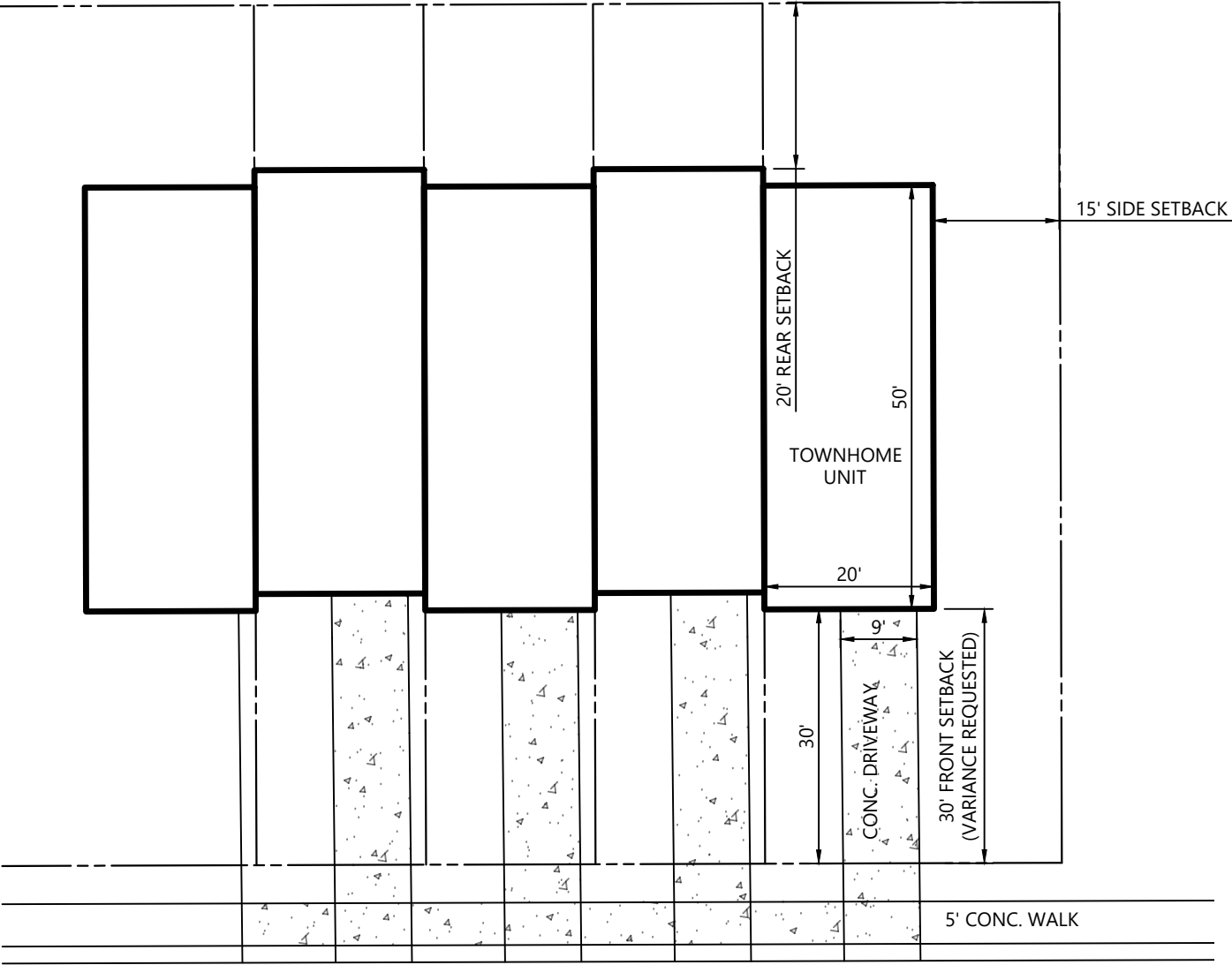


Decius T. Aaron
Public Works Director

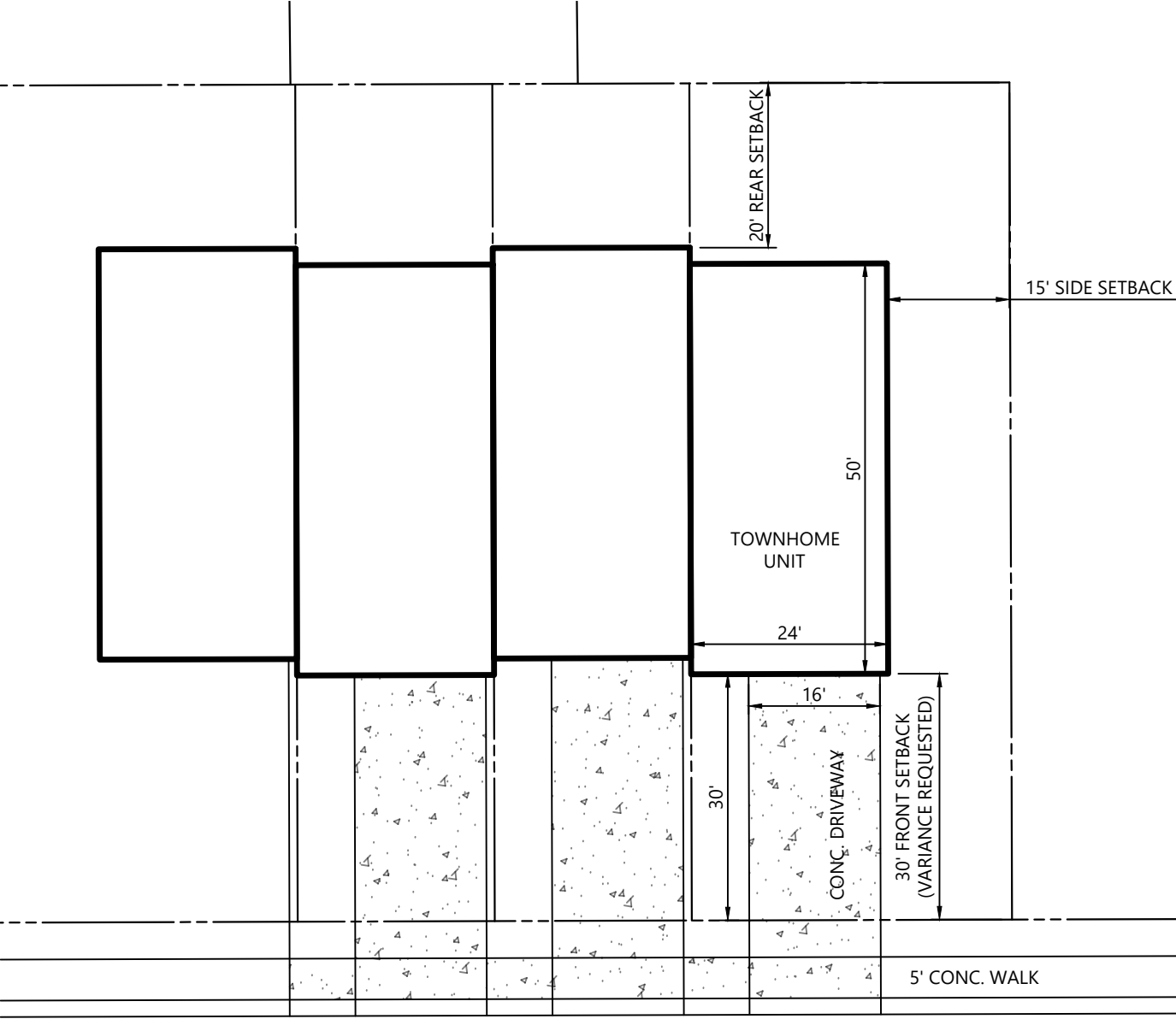
Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da





ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



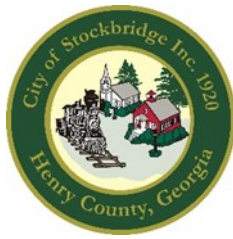
TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

REZONING CASE #RZ-2023-10 To consider a request to rezone five parcels with 15.601 +/- acres on North Henry Boulevard at Center Street from 'SR' (Suburban Residential), 'OI' (Office-Institutional), and 'C-1' (Neighborhood Commercial) to allow for a townhome development with 90 units. Applicant: Forestar Real Estate Group, represented by Alex Brock of Smith, Gambrell & Russell. The applicant has also applied for a Comprehensive Plan Amendment via CP-2023-09 and a variance via VR-2023-06.

BACKGROUND INFORMATION:

The subject property comprises five parcels on the north side of North Henry Boulevard and the west side of Center Street. All but the rear tract of 4900 North Henry Boulevard lie within the Parkway Mixed-Use Overlay District. Brush Creek and its floodplain border the property to the north. Staff recommendation: Approval with conditions. Planning Commission recommendation at its January 25, 2024 meeting: Approval with conditions, by a 3-1 vote.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

REZONING CASE #RZ-2023-10.

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

APPROVAL WITH CONDITIONS.

Staff Signature_____

Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02002005

Parcel #S18-02004009

Parcel #S18-0200300



Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02004009

Parcel #S18-02002005

Parcel #S18-0200300

Joint Presentation For

Three Cases:

CP-2023-09,

RZ-2023-10,

And VR-2023-06

For Proposed
Townhomes On
North Henry Blvd. At
Center Street

Presented To:

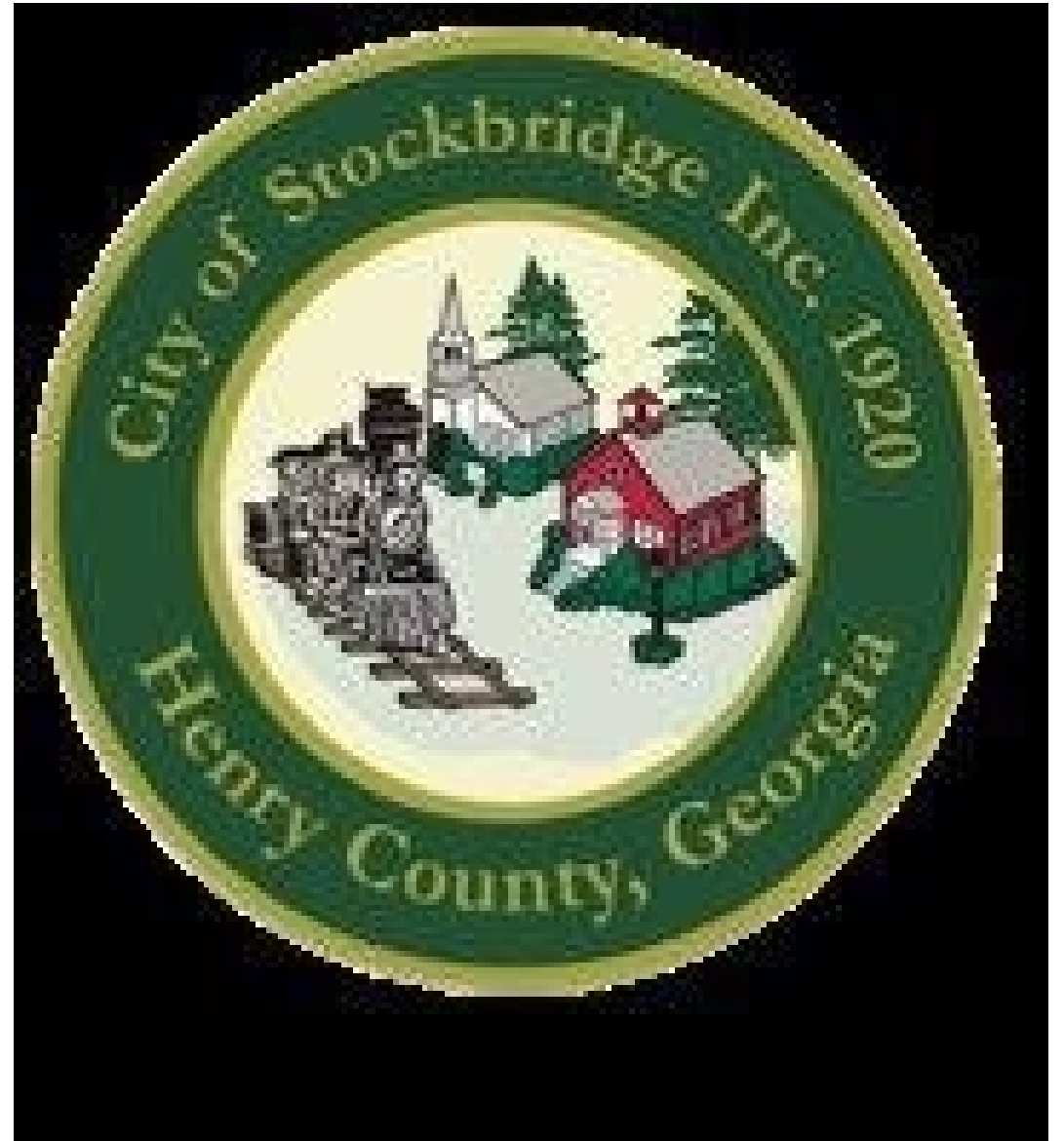
Planning Commission –

January 25, 2024

City Council – Feb. 12, 2024

Presented By:

City of Stockbridge Community
Development Department,
Planning and Zoning Division
Linda Logan, Senior Planner



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:

- **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-2023-06** – 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.

COMPONENT PARCELS

The subject property has 15.601 +/- total acres within five parcels on the north side of North Henry Boulevard and the west side of Center Street, as 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'.

CASE FACTS (Slide #1)

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.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.

CASE FACTS (Slide #2)

Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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).

CASE FACTS (Slide #3)

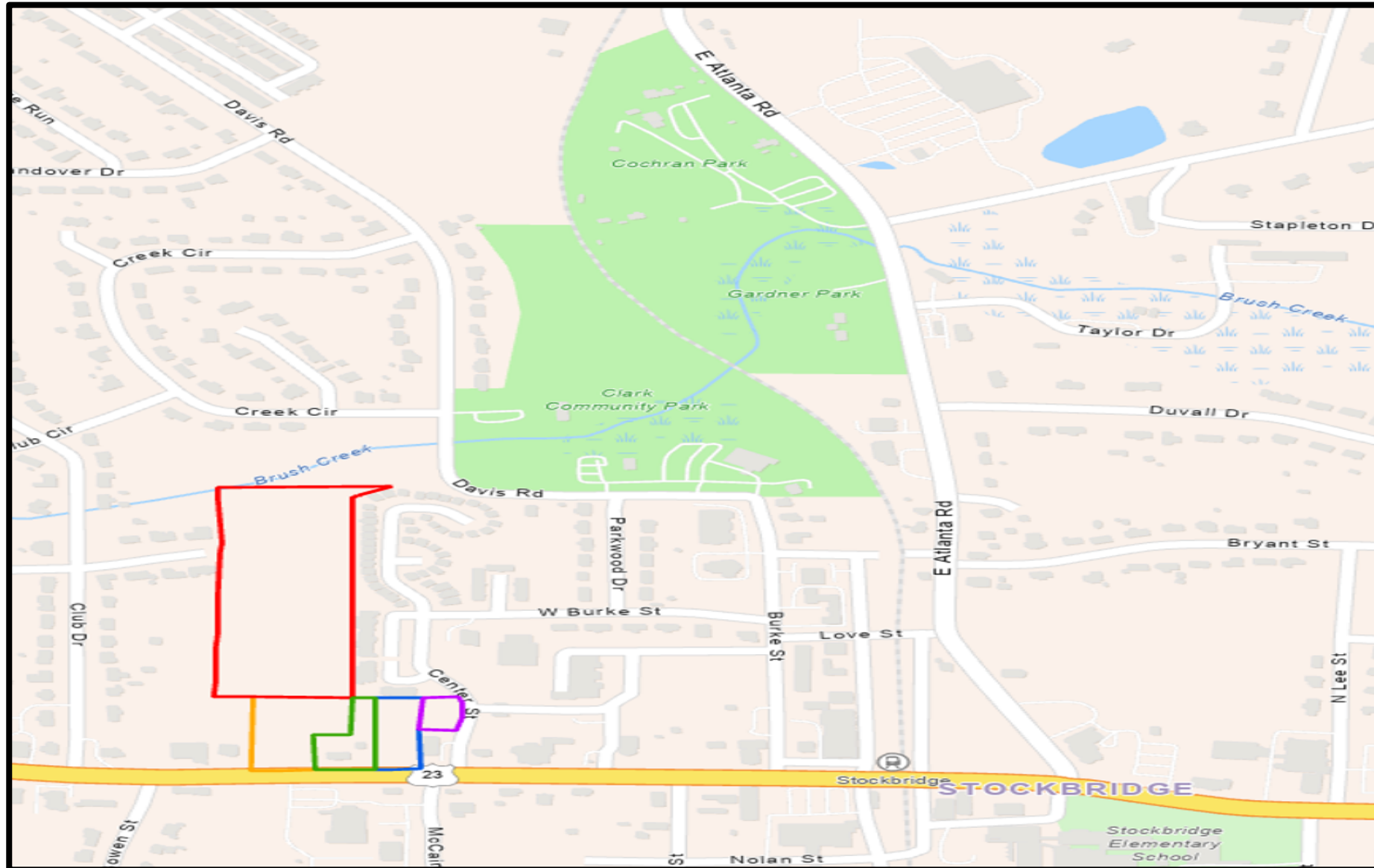
Surrounding Future Land Use Designations:

Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/ Downtown Village Overlay District to the east.

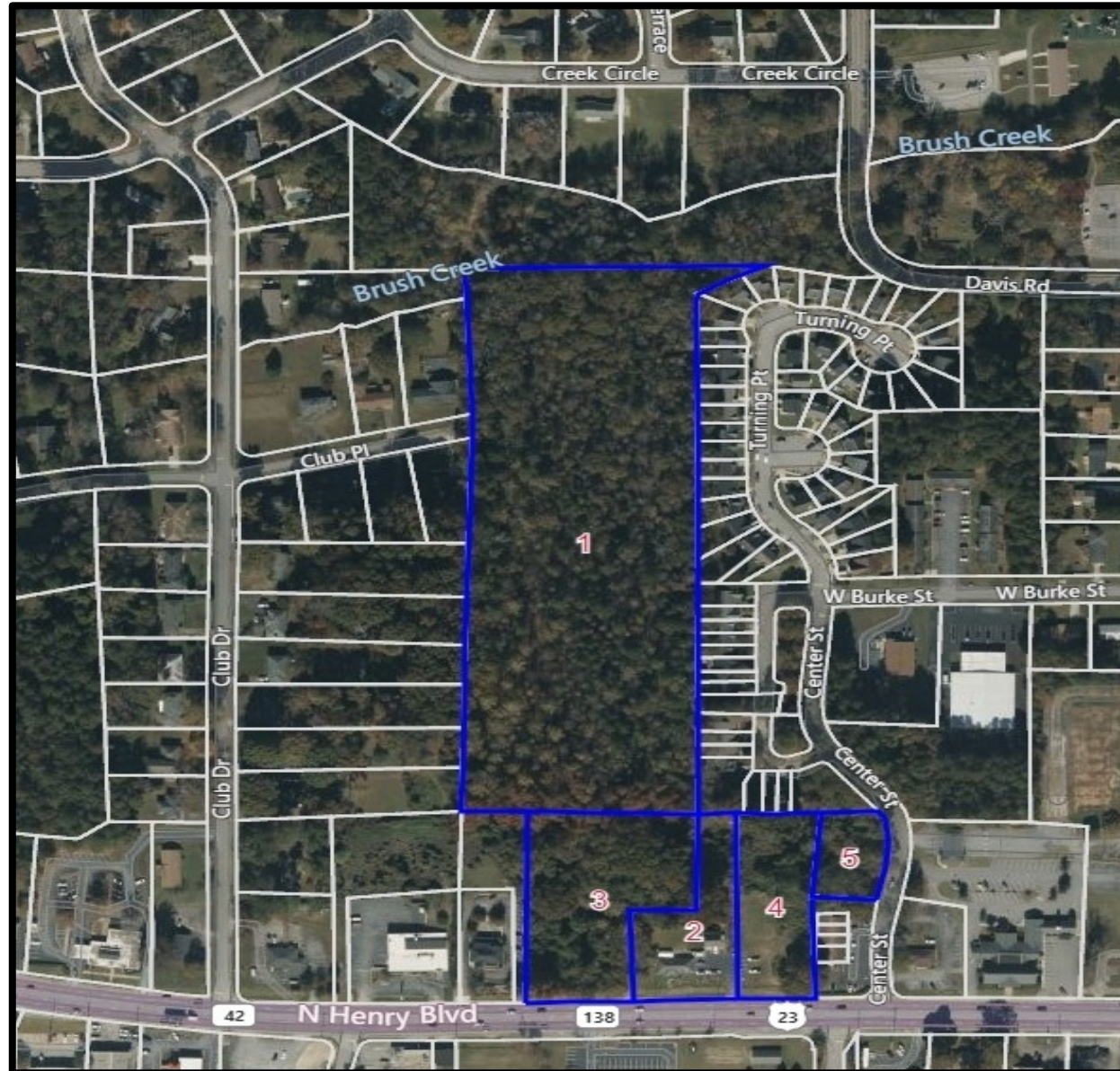
Property Conditions:

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.

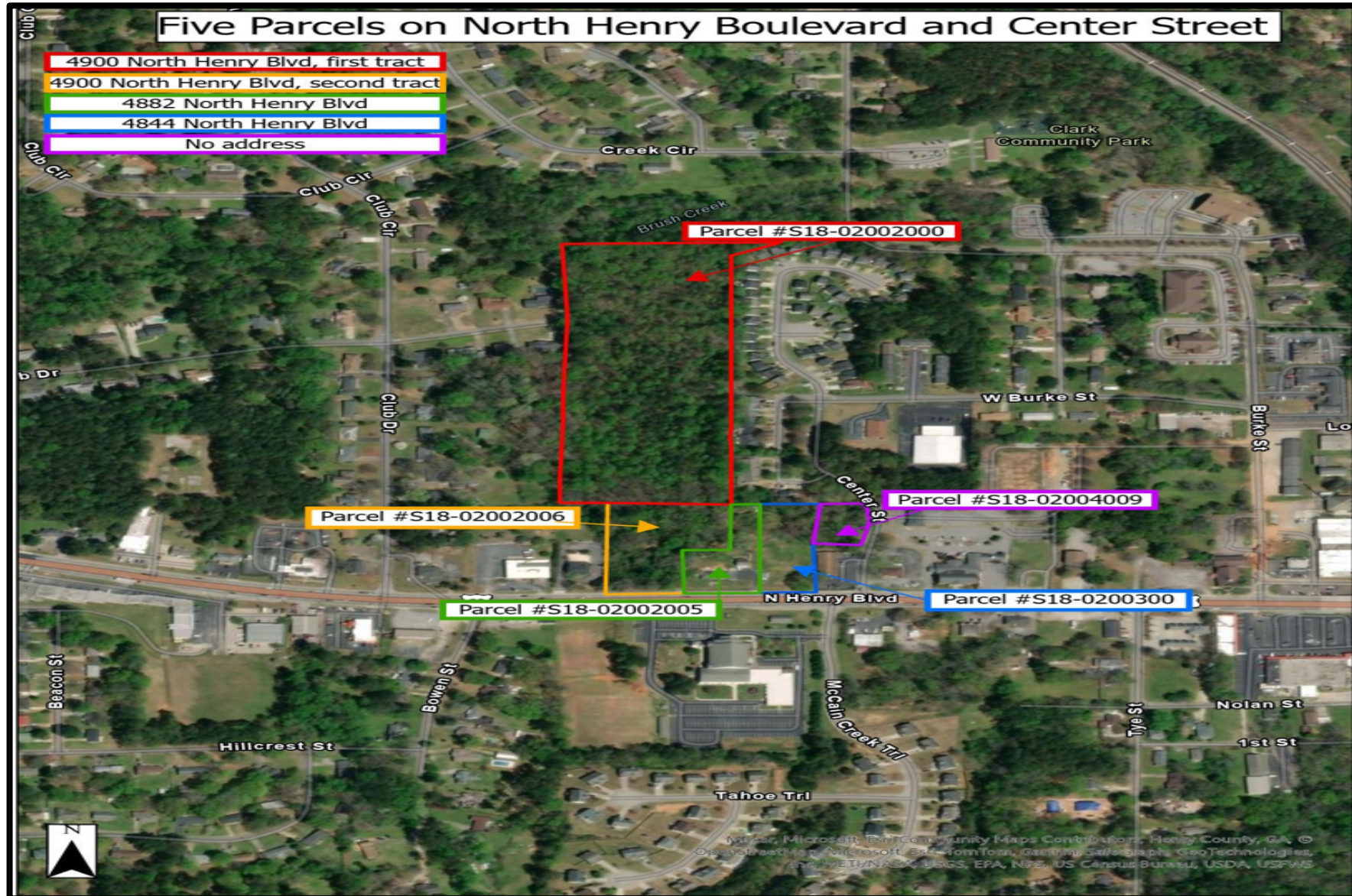
VICINITY MAP



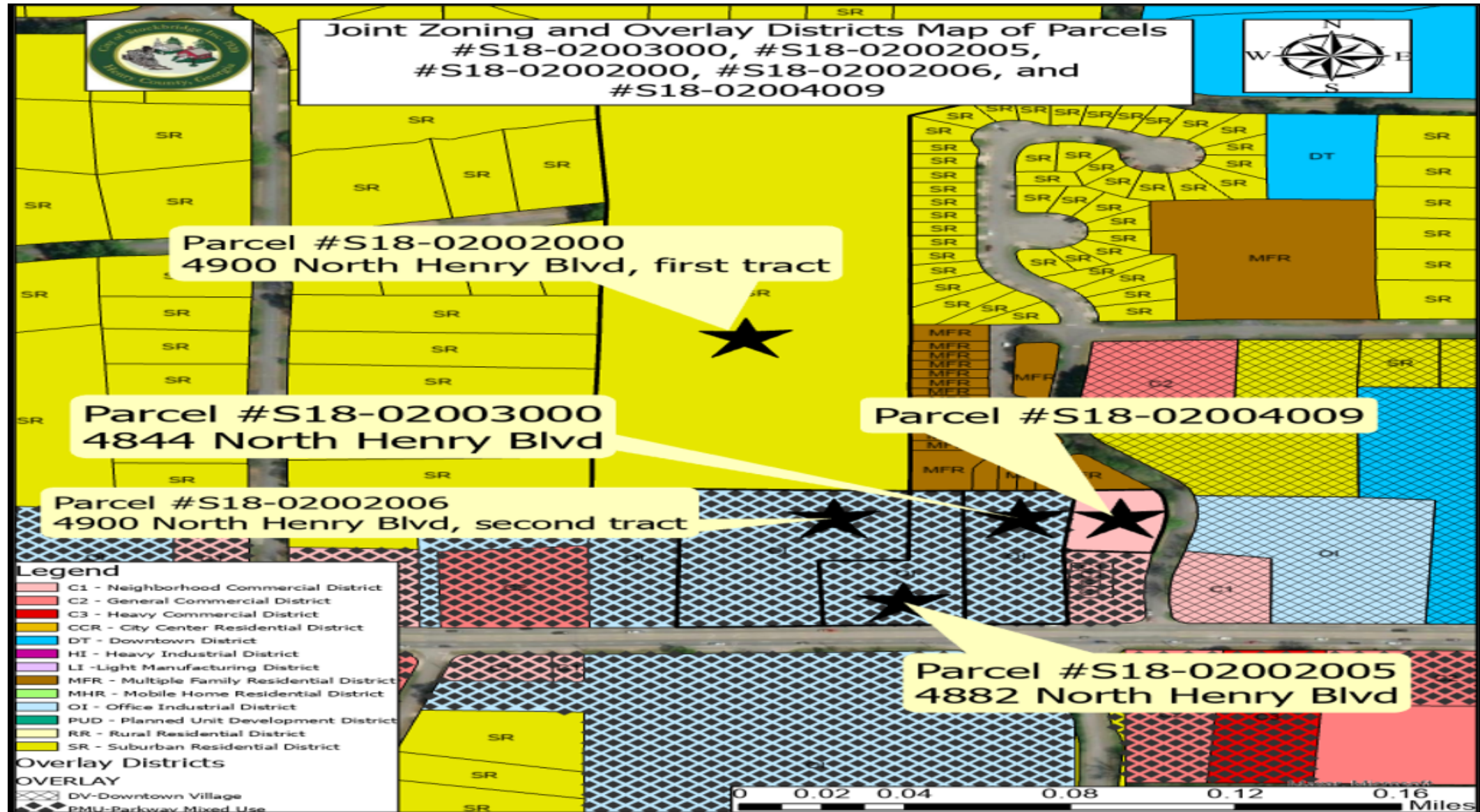
NEIGHBORHOOD MAP FROM THE APPLICANT



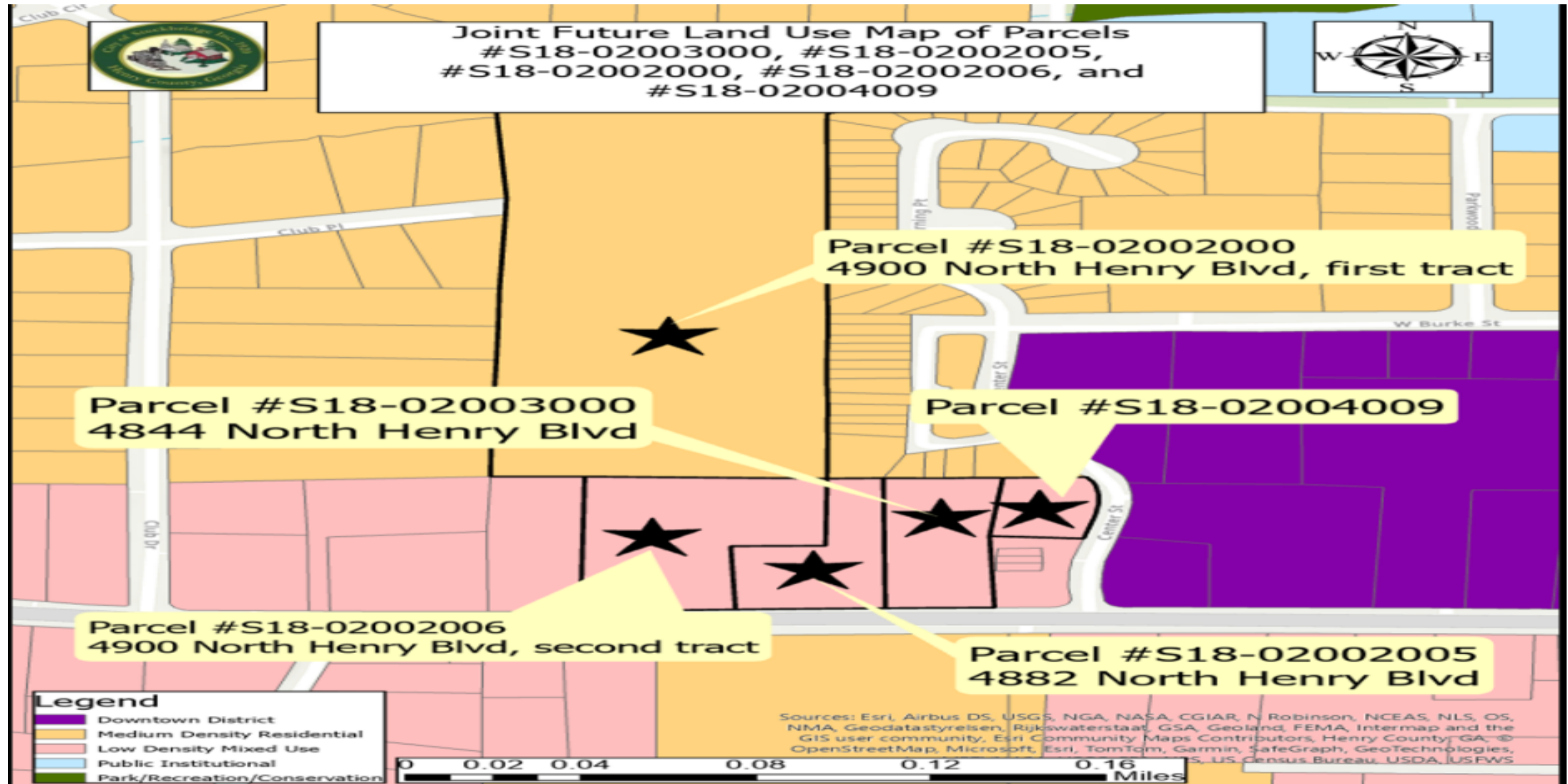
AERIAL PHOTOGRAPH SHOWING FIVE PARCELS



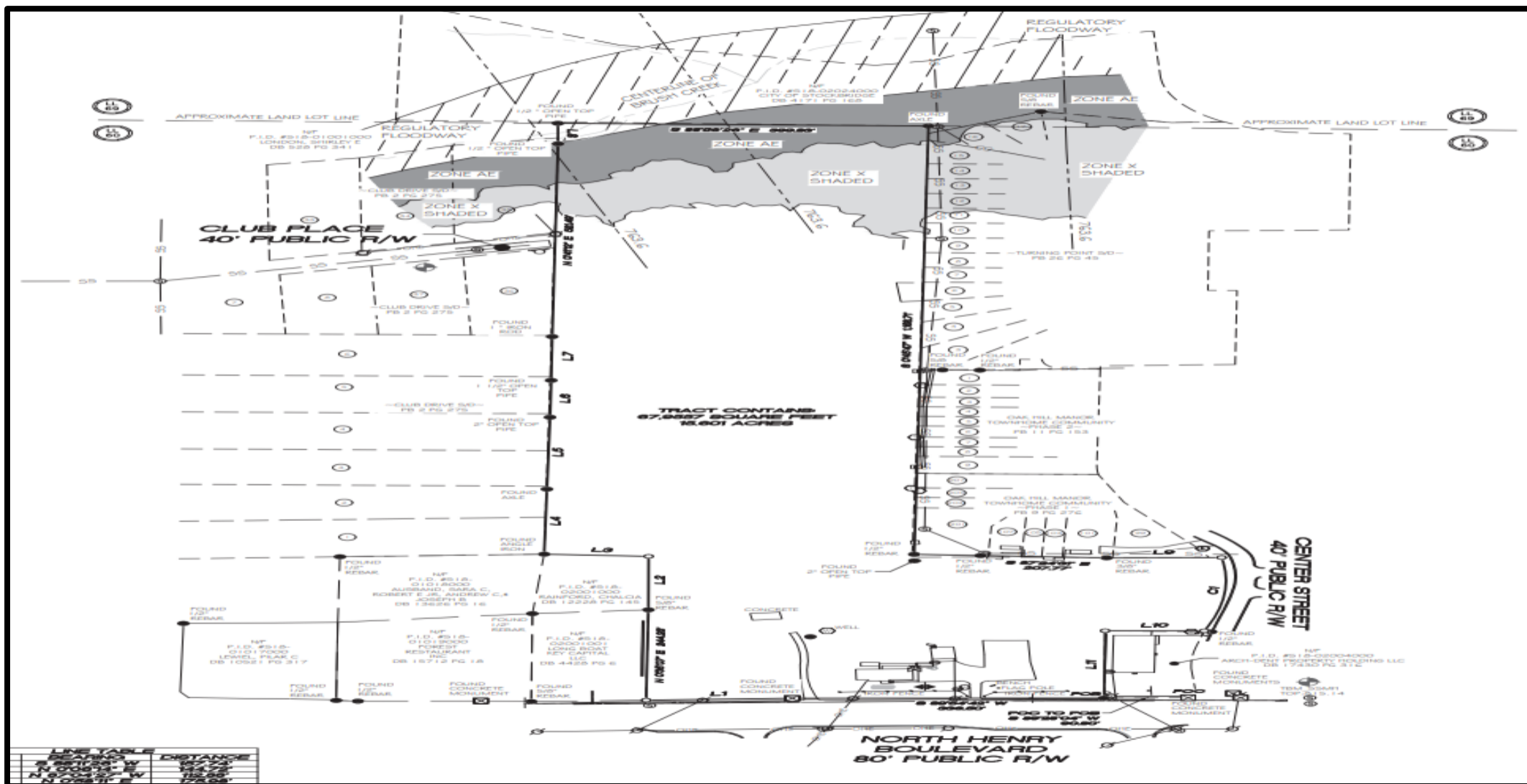
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



PROPOSED DEVELOPMENT (Slide #1)

A. Project Description:

- ~ 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres.
- ~ All units would have three bedrooms.
- ~ Amenities—Pool, cabana, dog park, and open space areas.

B. Site Accesses:

- ~ Main Entrance off North Henry Boulevard (needs a GDOT R/W permit).
- ~ Emergency access off Club Place, at the rear of the site.

C. Traffic Impacts:

- ~ About 40 trips in the morning and about 47 trips in afternoon peak hours.
- ~ Minimal adverse impacts are expected since North Henry Boulevard is a principal arterial.

PROPOSED DEVELOPMENT (Slide #2)

D. Site Plan Design:

- ~ Pool, dog park, mail kiosk, and stormwater pond located near project entrance.
- ~ Another stormwater pond and a 75-foot floodplain buffer at the rear.
- ~ 25-foot zoning buffer surrounding the property.
- ~ Total of 316 parking spaces (exceeding the required 203 spaces), including 42 guest spaces.

E. Open Space:

- ~ 30 percent of site would be open space, exceeding the required 15 percent.
- ~ Includes undeveloped land, the amenity areas, and floodplain areas.
- ~ Excludes buffers, right-of-way areas, and stormwater ponds.

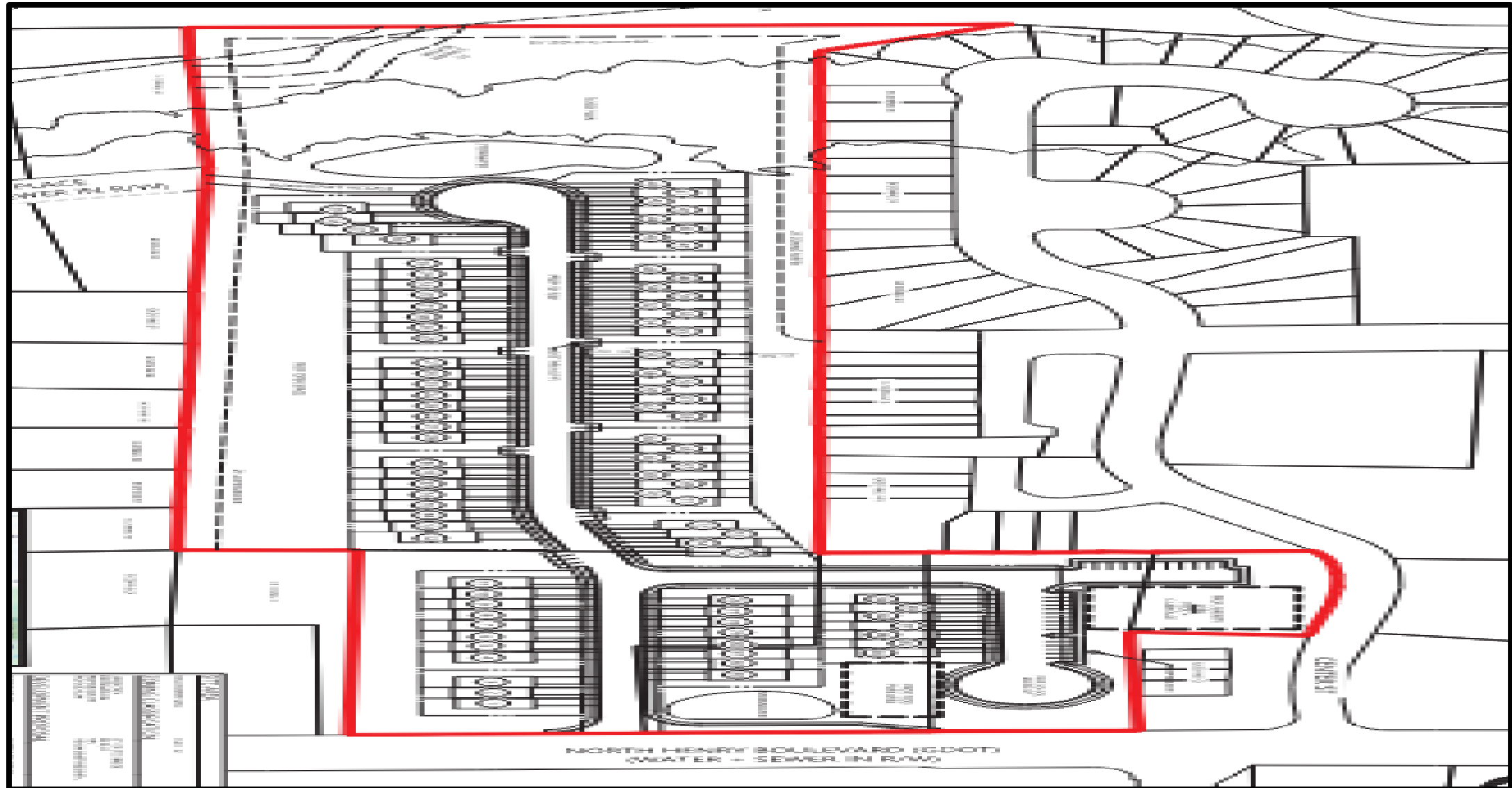
F. Townhome Lots and Units:

- ~ 13 townhome buildings, spaced at least 20 feet apart.
- ~ Variance requested to reduce the front yard setbacks of lots from 50 feet to 30 feet.
- ~ Lots would be 24 feet wide for 2-car garage units and 20 feet wide for 1-car garage units.

CONCEPTUAL SITE PLAN – TOTAL AREA



CONCEPTUAL SITE PLAN -- ENLARGED



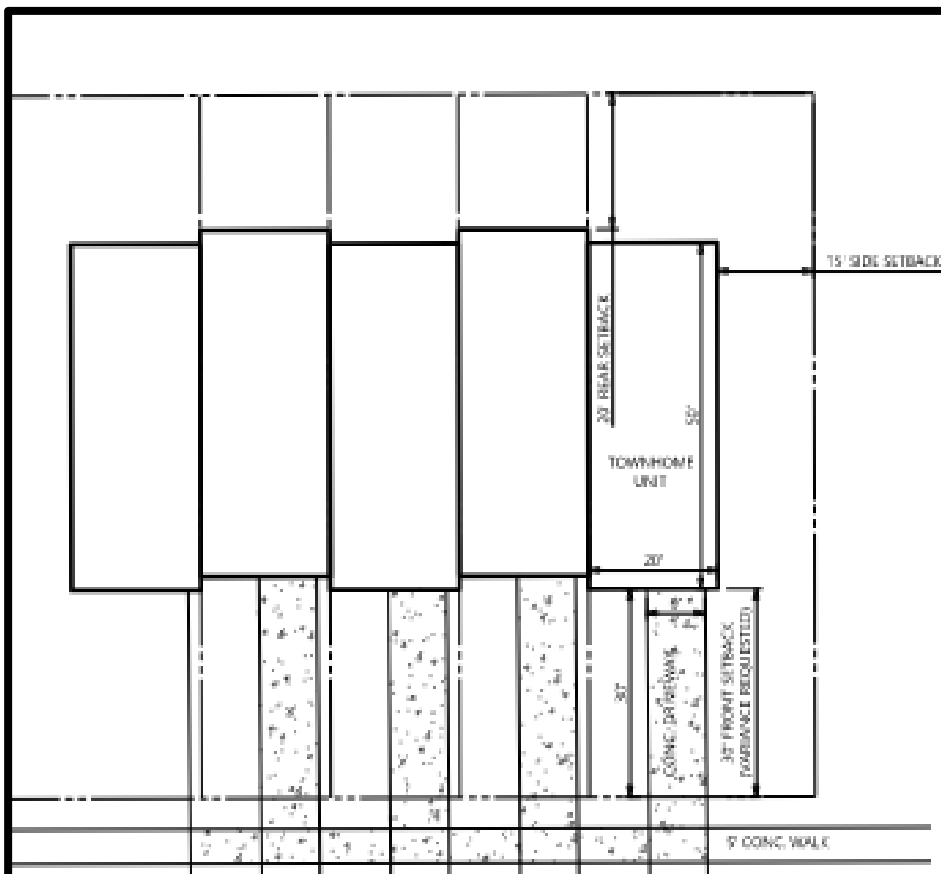
SITE DATA

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

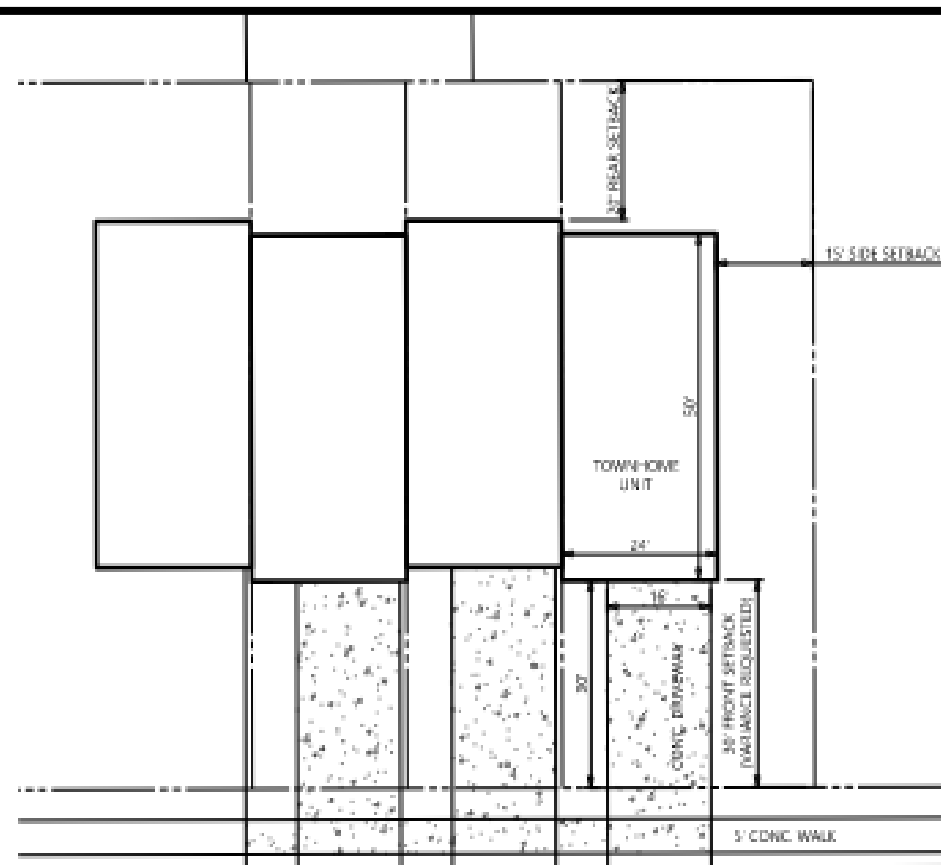
NOTES

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



ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION

PROPOSED TOWNHOME RENDERINGS (Slide #1)

Townhome Units with One-Car Garages:



PROPOSED TOWNHOME RENDERINGS (Slide #2)

Townhome Units with Two-Car Garages:



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTUALLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.

ANALYSIS FOR COMPREHENSIVE PLAN AMENDMENT

CASE #CP-2023-09 (Slide #1):

Proposal to Change the subject property's future land use designation

From “Low-Density Mixed-Use” and “Medium-Density Residential”

To “Medium-Density Residential.”

Existing Land Use Designations:

- ~ Four parcels are designated as Low-Density Mixed-Use, which allows low-intensity mixed uses to serve the surrounding residential neighborhoods.
- ~ The rear parcel of 4900 North Henry Boulevard is designated as Medium-Density Residential, which allows single-family detached homes and single-family attached homes (townhomes) at a density of 4 to 7.99 units per acre.

Applicant's Request – Change the rear parcel, so that all five parcels have the same Medium-Density Residential designation.

ANALYSIS FOR CASE #CP-2023-09 (Slide #2):

**Proposal to Change the subject property's future land use designation
From "Low-Density Mixed-Use" and "Medium-Density Residential"
To "Medium-Density Residential."**

CP-2023-09 ANALYSIS FINDINGS:

- 1.** The applicant's proposed density of 5.769 +/- units per acre would be within the allowable density range for the Medium-Density Residential designation.
- 2.** Large areas to the east and west of the subject property are designated as Medium-Density Residential, thus this property would be compatible with them.
- 3.** The proposed development would provide additional needed housing in the City, as well as offering diversity in housing, which the Comprehensive Plan calls for.

Conclusion – Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential.

Staff Recommendation – APPROVAL.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #1):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

-
1. Consistency with the Comprehensive Plan -- Yes, per the CP-2023-09 findings above.
2. Located on a road having a classification of “collector” or higher, which is required for MFR districts – Yes, the property is located on a “principal arterial” (North Henry Boulevard).
3. Compatible with adjacent MFR zoning districts – Yes, it would be compatible with the MFR zoning of the Oak Hill Manor and Turning Point subdivisions to the east and northeast. It would also be 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.
4. Physical Suitability of the Property – Although the property has an irregular shape, and it is bordered by Brush Creek and its floodplain areas to the north, the site plan shows that an acceptable design would be used, and the sensitive area of the property would be avoided.
5. Impacts on Adjacent Property Owners – These should be minimal since no accesses would be provided to the adjacent subdivision streets (except for an emergency access). Also, a 25-foot zoning buffer would surround the site, and a significant open space area would be provided along the western side of the property, adjacent to the Club Drive Subdivision.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #2):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

6. Utilities Impacts – A letter from the Public Works Department (dated November 22, 2023) stated that water and sewer capacity were currently available to serve the proposed townhomes, but that the developer must pay for all required connection costs, adhere to the City's Minimum Development Standards, and submit construction plans to that office within one year, or the reservation of capacity in the sanitary sewer system would expire.
7. Traffic Impacts – Projected traffic volumes are anticipated to have minimal impacts on North Henry Boulevard, and the lack of another access onto surrounding subdivision streets (except for an emergency access) would prevent any adverse traffic impacts on the adjacent streets.
8. Relation to Any Other City Policies – None were identified.
9. Ability of the Property to be Developed Under the Current Zoning – That is possible, but it would result in piecemeal development, whereas the rezoning would allow for a unified plan.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #3):

Rezone property from SR, OL, and C-1 to MFR

Conclusion – Based on the findings above, it is reasonable to rezone property to MFR (Multiple Family Residential).

Staff Recommendation – APPROVAL WITH CONDITIONS, based on the zoning conditions 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 Marshal 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.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #4):

Rezone property from SR, OI, and C-1 to MFR

- 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #1):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

- A. Whether the property has an extraordinary or exceptional circumstances pertaining to its size, shape, or topography – Yes.** The property has an irregular shape and a floodplain area at the rear along Brush Creek, which limit the amount of buildable land.
- B. Whether a literal interpretation of the regulations would deprive the applicant of rights which other MFR property owners enjoy –** Yes, 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.
- C. Whether the granting of the variance would confer any special privileges upon the property owner –** No, this same type of variance request has been recently approved by City Council for several other 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #2):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

D. Consistency with the UDC and computability with uses on neighboring properties – Yes.

The variance would encourage the most appropriate use of land and buildings on the property. Smaller lots would allow the proposed townhomes to attract buyers who want less yard maintenance. This would leave more land to be left in its natural state, thus serving as a larger buffer between this development and neighboring properties.

E. Whether the extraordinary circumstances are the result of actions of the applicant – The physical conditions of the property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #3):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

F. Whether the requested variance is the minimum relief that will allow the legal use of the land, build, or structure – Yes. The property could still be developed with office, institutional, or neighborhood commercial uses under its OI and C-1 zoning 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 zoning having primary access off North Henry Boulevard, in between the existing commercial and office-institutional uses. And although townhomes could still be developed under the requested MFR zoning without the 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.

G. Whether the variance would permit a use of land, buildings, or structures that are prohibited in the same zoning district – No. Townhomes are a permitted use in the MFR district.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #4):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

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 VR-2023-06.



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-2023-06) 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).

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

- Variance Case #VR-2023-06 – 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.

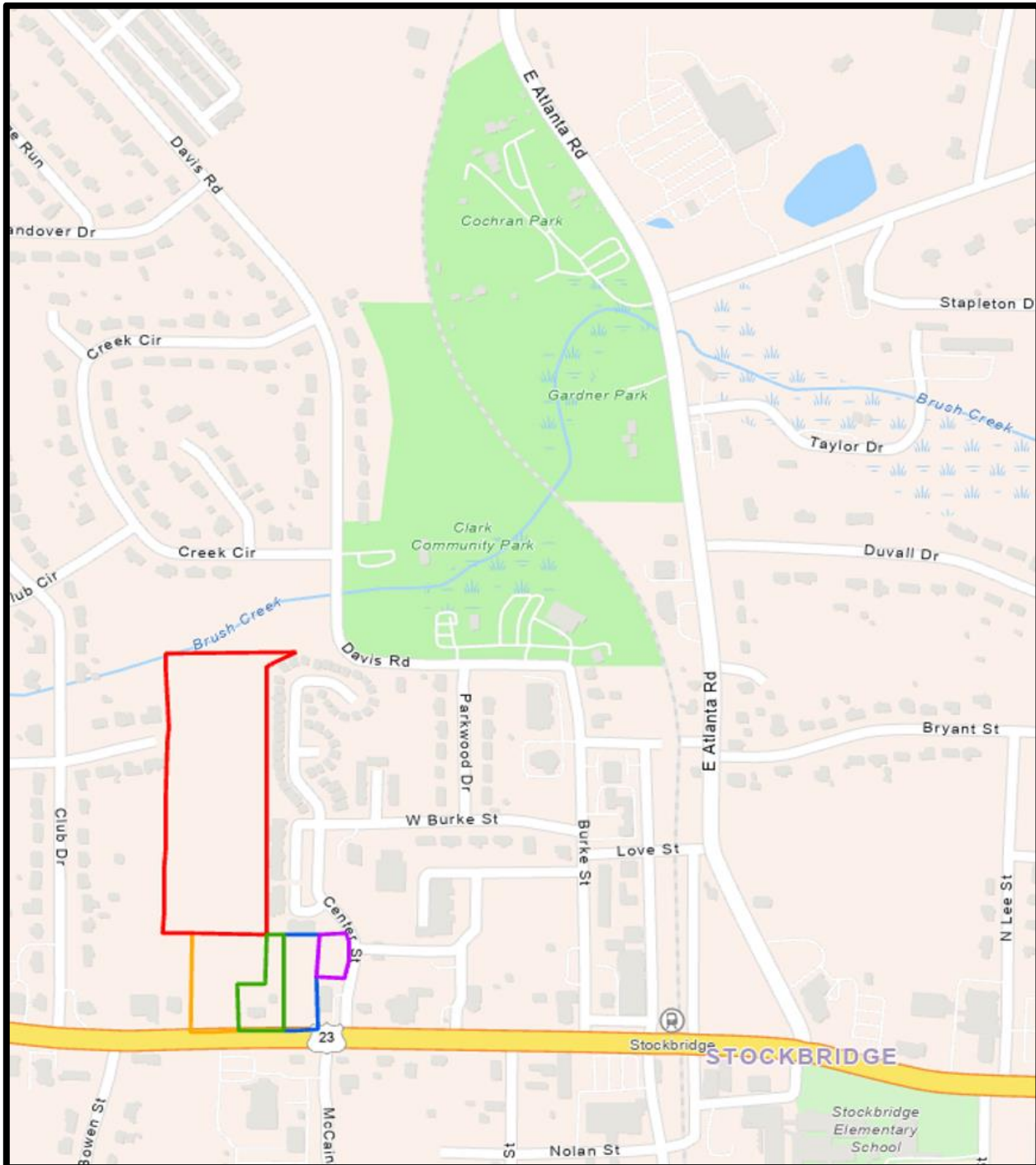
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: '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

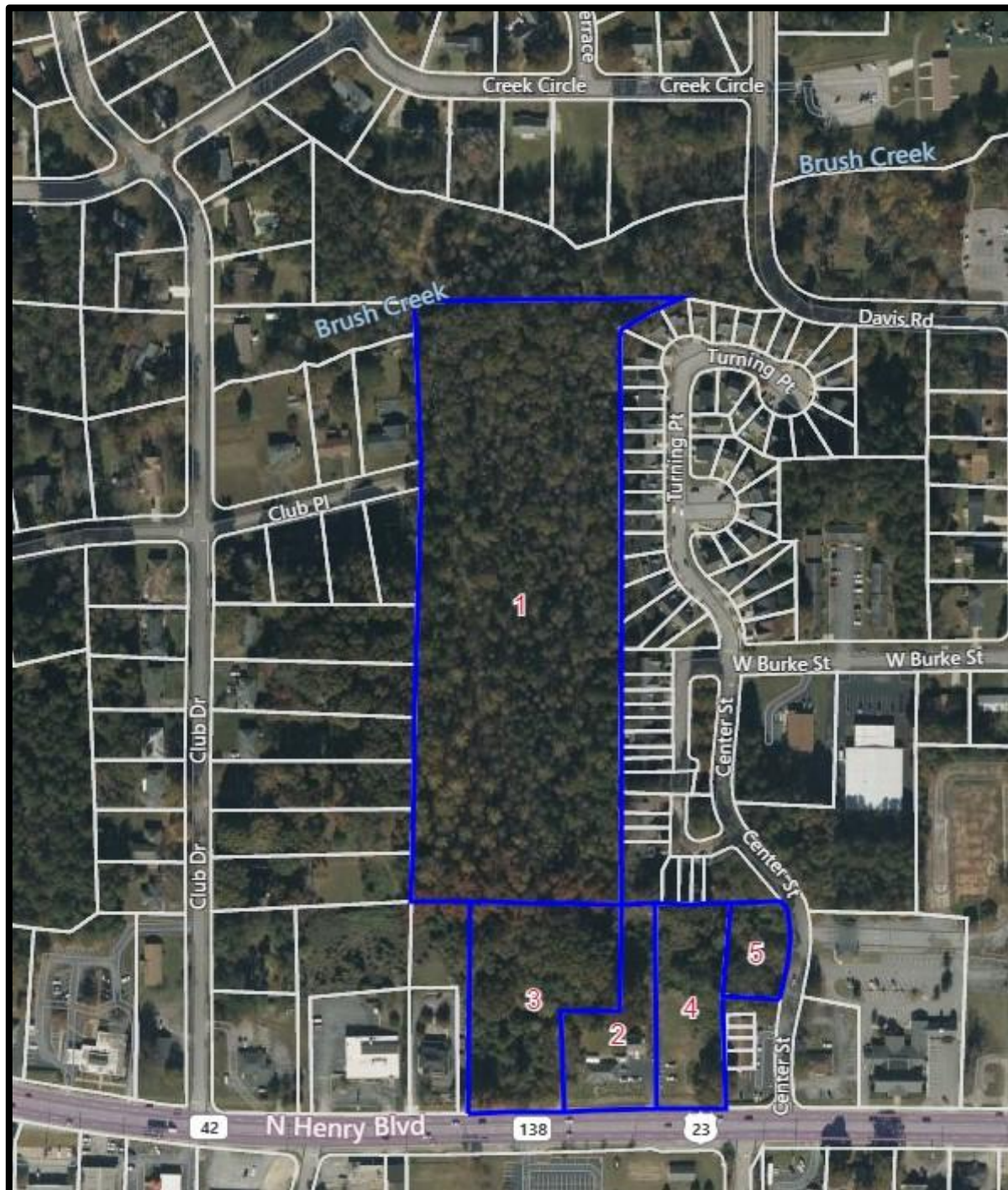
	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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



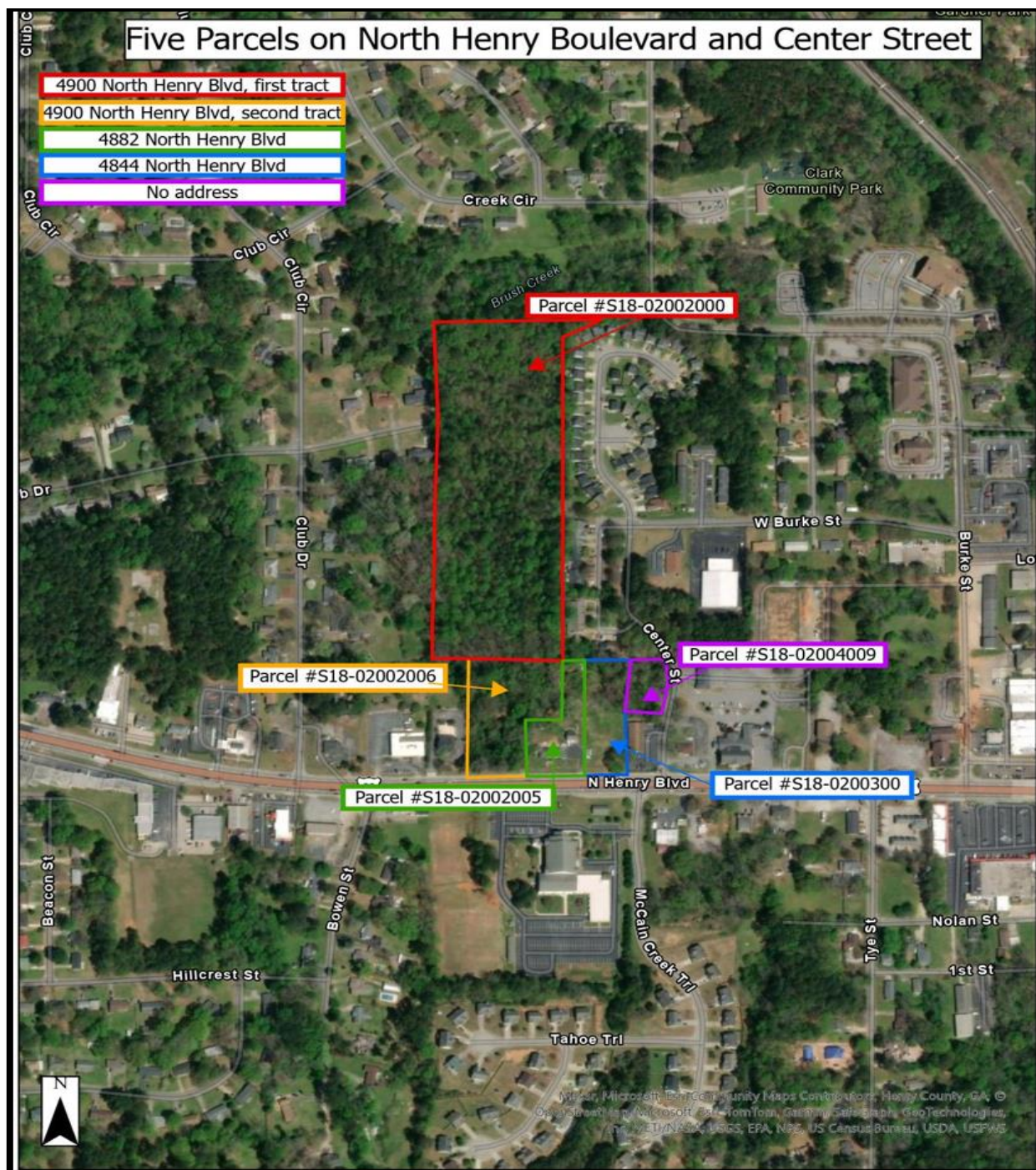
Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
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NEIGHBORHOOD MAP FROM THE APPLICANT



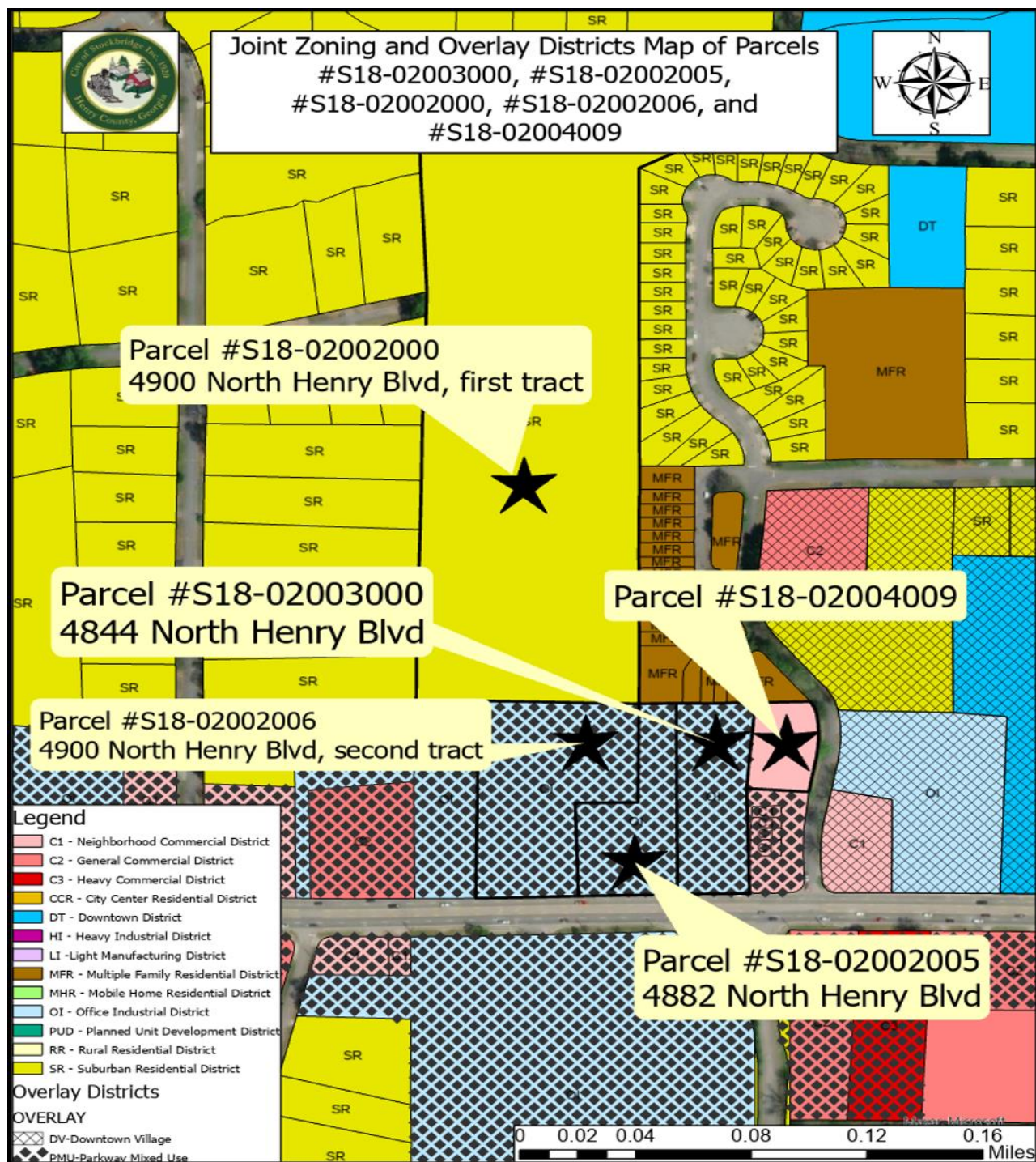
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AERIAL PHOTOGRAPH SHOWING FIVE PARCELS



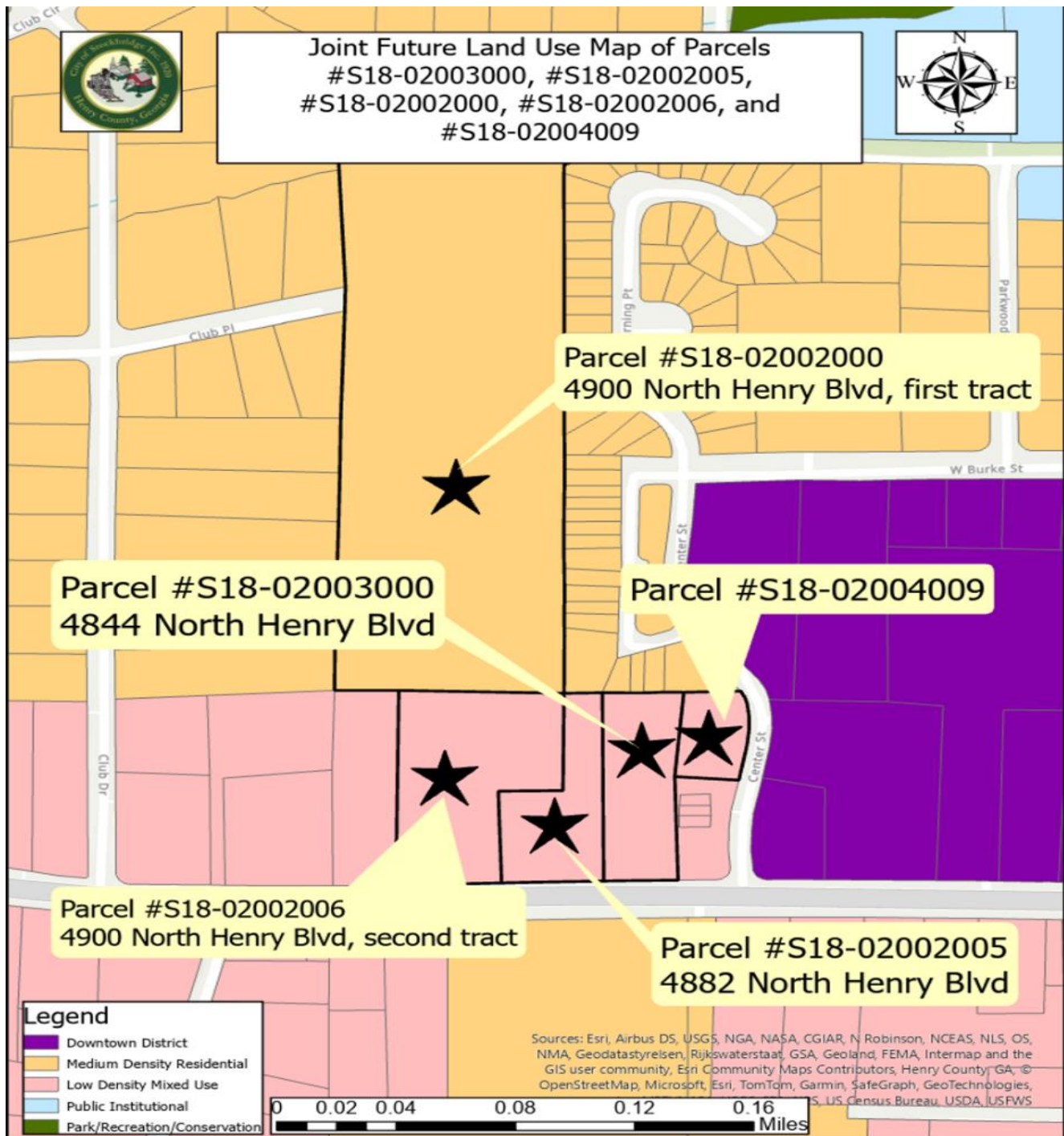
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ZONING AND OVERLAY DISTRICTS MAP



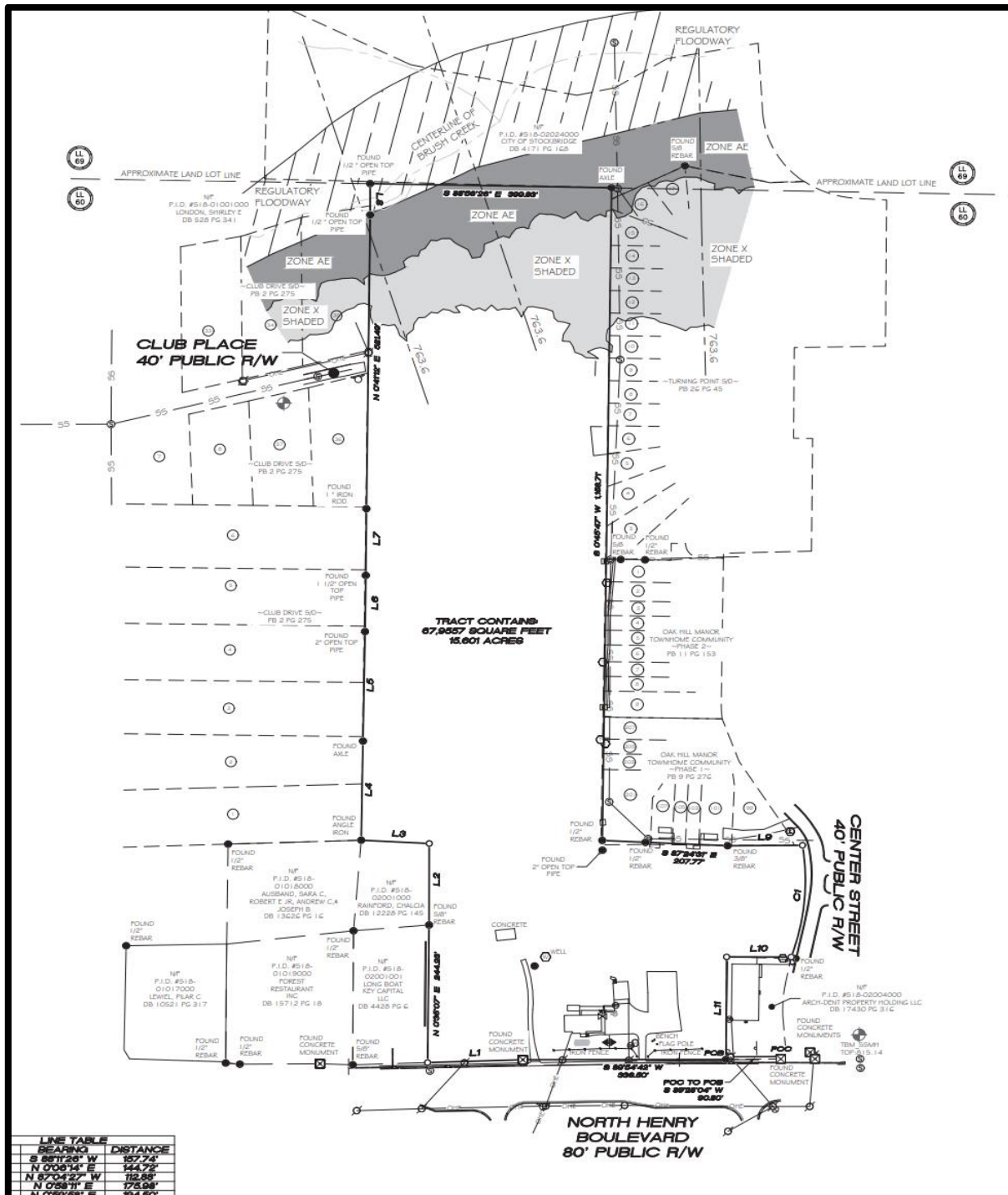
Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
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FUTURE LAND USE MAP



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

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.

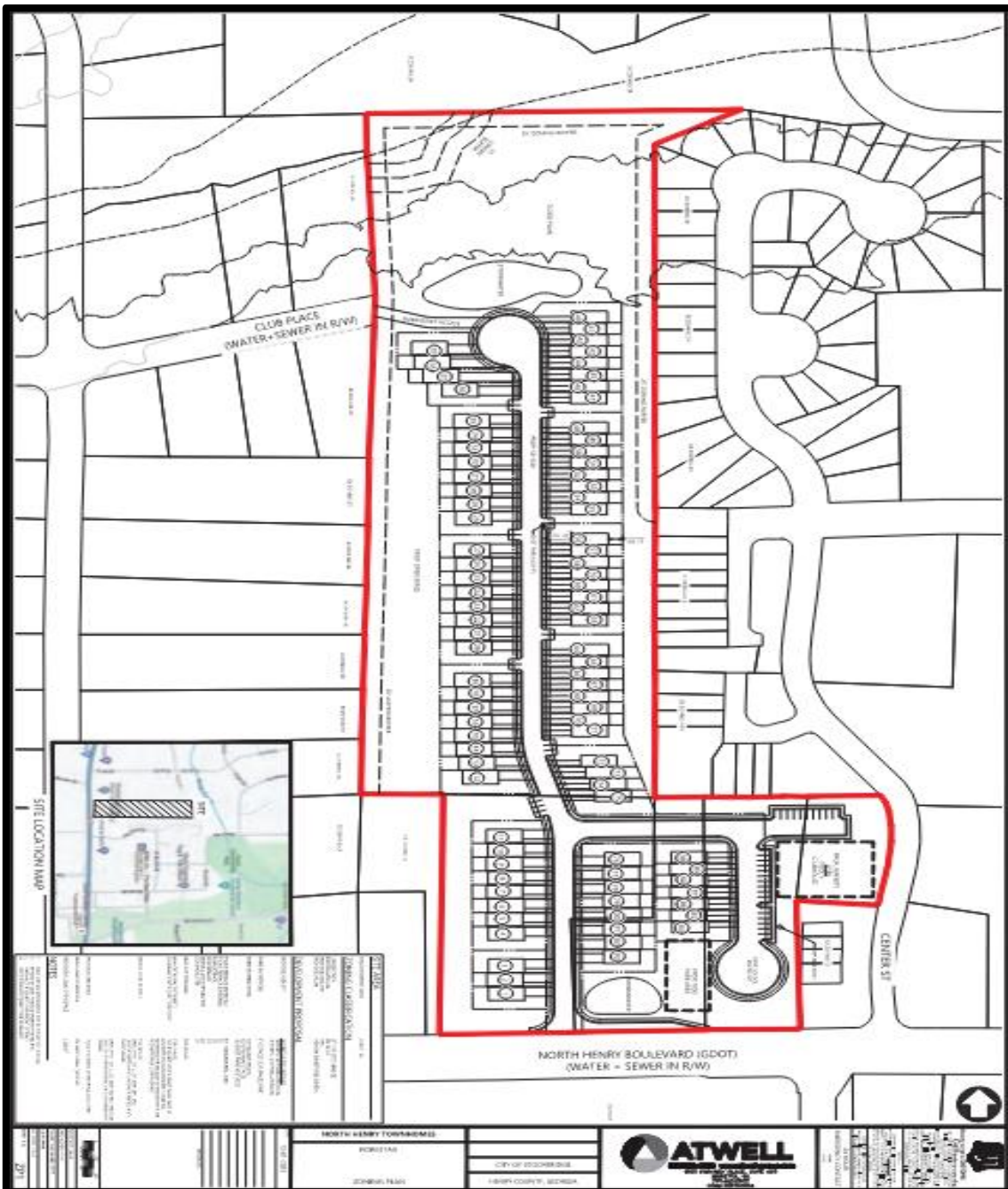
D. Site Plan Design. Regarding the internal site components, a swimming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain 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

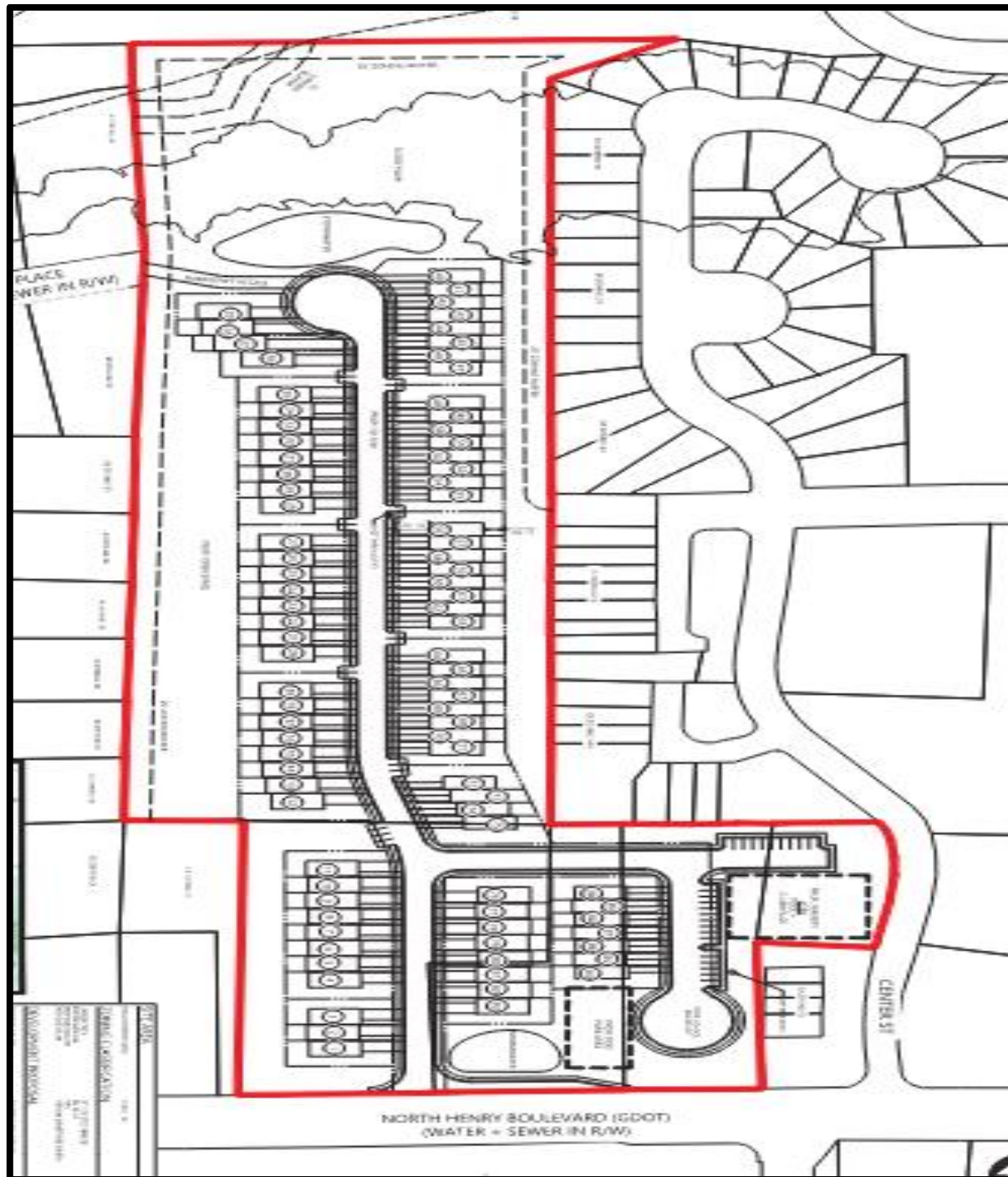
preserved as open space, which includes undeveloped land, amenity areas, and floodplain areas.

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

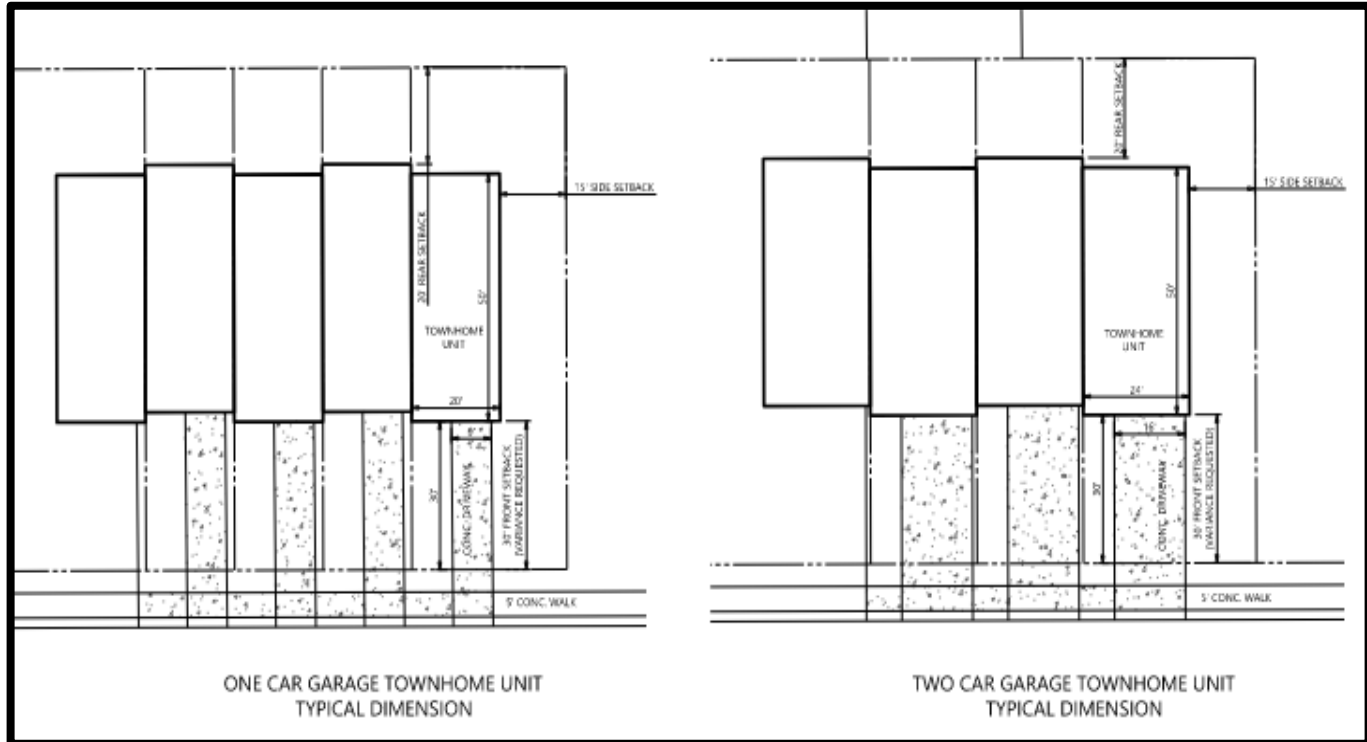


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
City of Stockbridge, Georgia Community Development Department / January 25, 2024

SITE DATA

PROPOSED DENSITY	<u>90 UNITS (5.769 UNITS/AC)</u> 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 “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 associated 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 #VR-2023-06: 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-2023-06) 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 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)	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 1/2 x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	☐
Water and sewer availability letter	1	This letter must accompany the application at the time of submittal. It should state that water and sewer are available to serve the property, or such services can be extended to the site. Please obtain the letter from the appropriate office which serves the property, such as Henry County Water Authority, City of Stockbridge Public Works Department, or a Clayton County office.	☐
Form from the Health Department	1	This letter must accompany the application at the time of submittal (<i>Only needed if property is not on sewer</i>).	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* Acknowledgement

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

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

Size of Tract: ± 15.601 (Street Address) 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 - John Burke
Witness' Signature

Chris Wilson
Signature of Applicant

Jack Burke - Forestar (USA) Real Estate Group, Inc.

Printed Name of Witness

Chris Wilson
Printed Name of Applicant

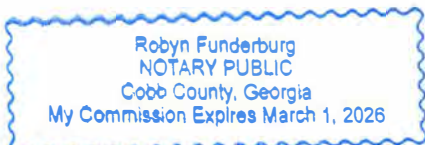
(Authorized Agent for Forestar (USA) Real Estate Group, Inc.)

Notary

Signature of Agent

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

NOTARY STAMP:



(For Office Use Only)

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

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

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____

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 ☒

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]

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

[Signature]

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

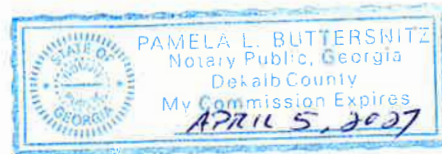
Signature of Applicant/Property Owner/Agent

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



* 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.)

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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:

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
Notary Public

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Applicant Campaign Disclosure Form

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

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Yes _____ No x

If Yes, the applicant 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



Notary Public

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Applicant Campaign Disclosure Form

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

Has the applicant 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 - Smith, Gambrell, and Russell, LLP

Kathryn M Zickert

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
Notary Public

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Applicant Campaign Disclosure Form

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

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Yes _____ No x

If Yes, the applicant 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

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

Applicant's Attorney, if applicable - Printed

Signature of Applicant/Property Owner/Agent

Signature of Applicant's Attorney, if applicable

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



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)

George & Cynthia

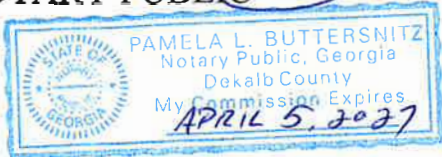
I, Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

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



Letter of Ownership

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

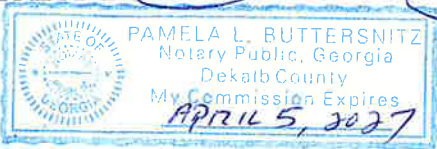
S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

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


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 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. BUTTERS NITZ

Printed Name of Notary Public

November 17, 2023
Date

Notary Public's Seal or Stamp:



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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. BUTTERSNTZ

Printed Name of Notary Public

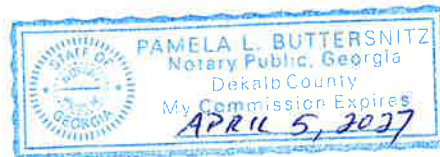
November 17, 2023

11/17/23

Date

Date

Notary Public's Seal or Stamp:



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: 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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. BUTTERS NITZ

Printed Name of Notary Public

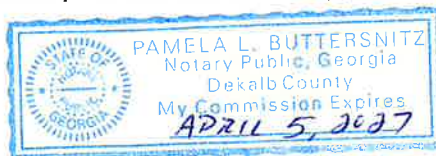
NOVEMBER 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. Buttersnitz

Printed Name of Notary Public

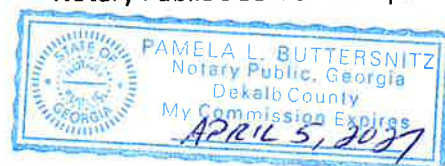
NOVEMBER 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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 Quillian

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

Telephone: 404 788 0339 E-mail: GW.Quillian@qms.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: *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.

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.

Patricia L. Buttersnitz
Signature of Notary Public

Patricia L. Buttersnitz
Printed Name of Notary Public

11/17/23

Date

November 17, 2023

Date

Notary Public's Seal or Stamp:



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.

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 units⁶ 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 $\pm 30\%$ 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

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 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 $\pm 30\%$ 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.

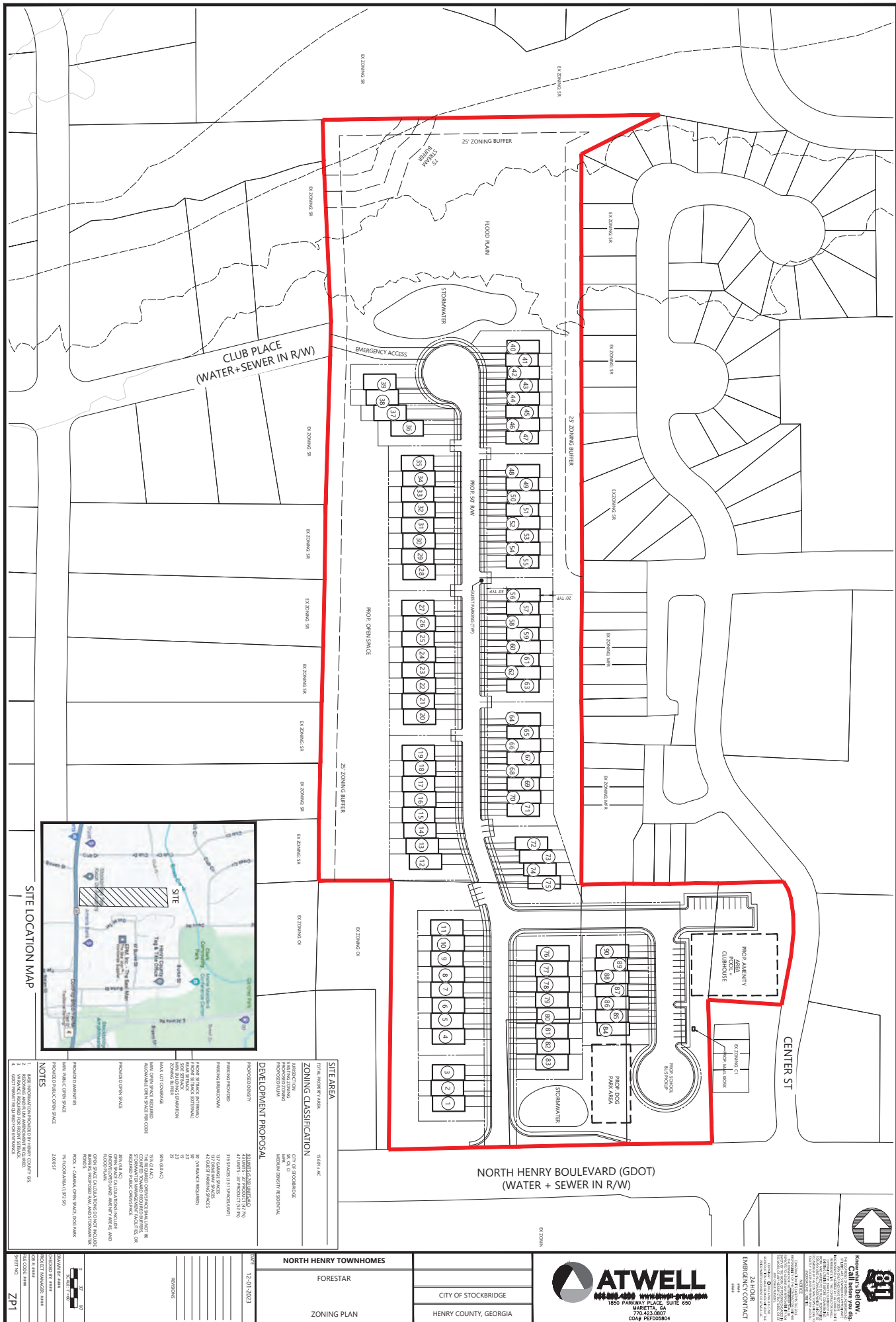
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Alexander Brock", is written over a horizontal line.

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



Survey

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 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 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 1/2" 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 1/2" 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 the 12th 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.

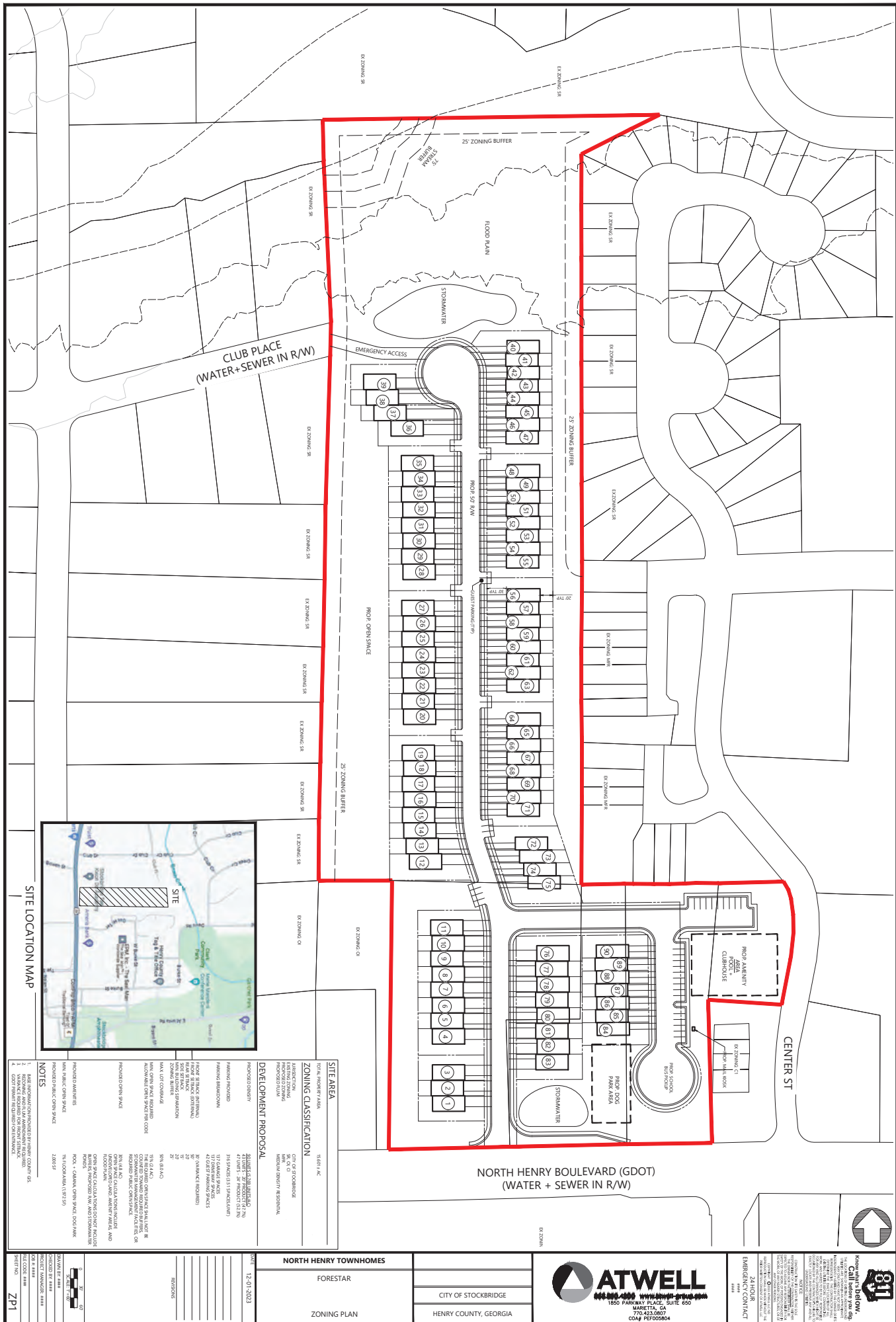
Sincerely,

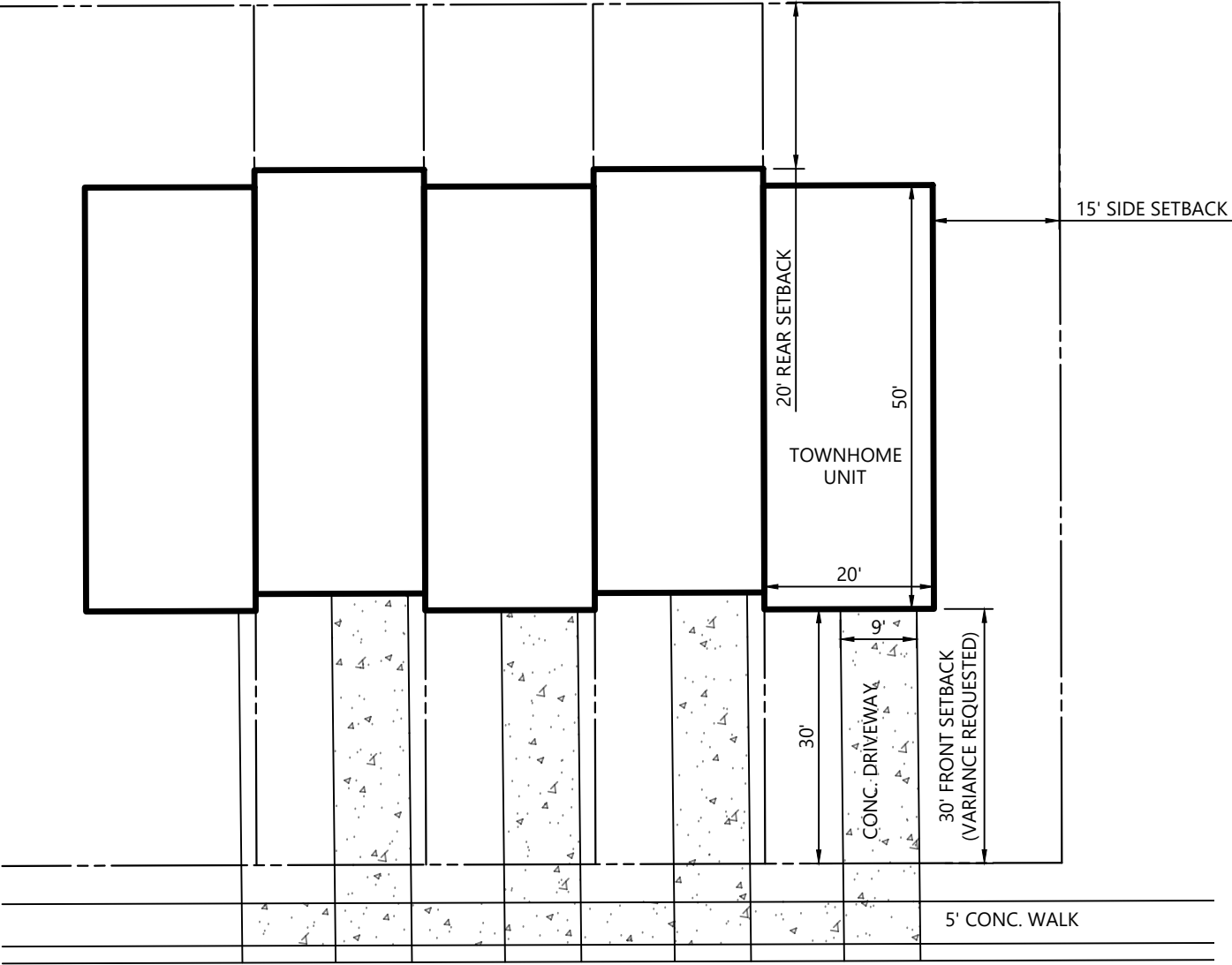


Decius T. Aaron
Public Works Director

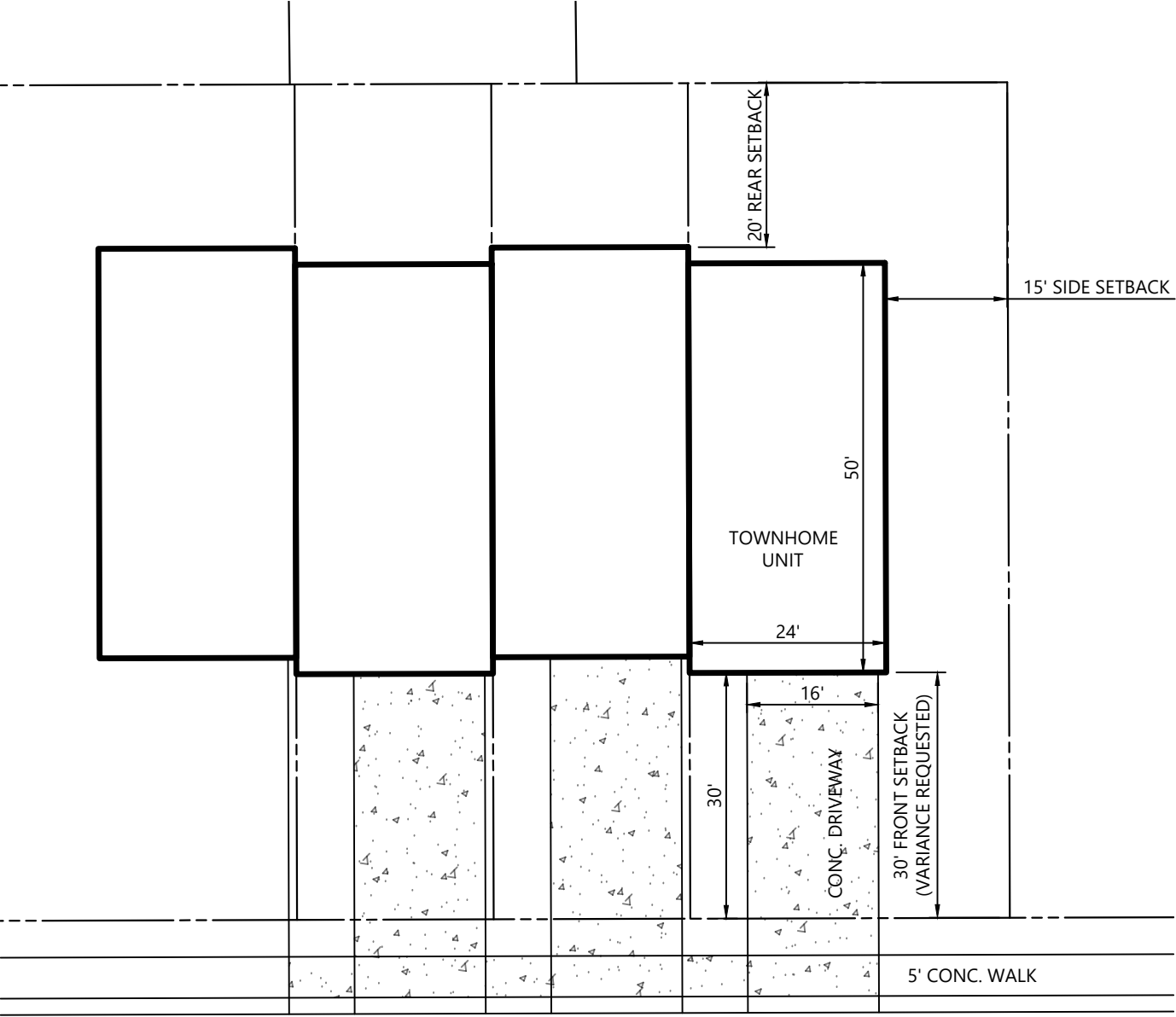
Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da





ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☒ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

VARIANCE CASE #VR-2023-06. To consider a request for a variance for five parcels with 15.601 +/- acres on North Henry Boulevard at Center Street to allow for a townhome development with 90 units. The purpose of the variance is to reduce the front yard setbacks of the townhome lots from 50 feet to 30 feet. Applicant: Forestar Real Estate Group, represented by Alex Brock of Smith, Gambrell & Russell. The applicant has also applied for a Comprehensive Plan Amendment via CP-2023-09 and a Rezoning via RZ-2023-10.

BACKGROUND INFORMATION:

The subject property comprises five parcels on the north side of North Henry Boulevard and the west side of Center Street. All but the rear tract of 4900 North Henry Boulevard lie within the Parkway Mixed-Use Overlay District. Brush Creek and its floodplain border the property to the north. Staff recommendation: Approval. Planning Commission recommendation at its January 25, 2024 meeting: Denial, by a 1-3 vote.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

VARIANCE CASE #VR-2023-06.

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

APPROVAL.

Staff Signature_____

Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02002005

Parcel #S18-02004009

Parcel #S18-0200300



Five Parcels on North Henry Boulevard and Center Street

4900 North Henry Blvd, first tract

4900 North Henry Blvd, second tract

4882 North Henry Blvd

4844 North Henry Blvd

No address

Parcel #S18-02002000

Parcel #S18-02002006

Parcel #S18-02004009

Parcel #S18-02002005

Parcel #S18-0200300

Joint Presentation For

Three Cases:

CP-2023-09,

RZ-2023-10,

And VR-2023-06

For Proposed
Townhomes On
North Henry Blvd. At
Center Street

Presented To:

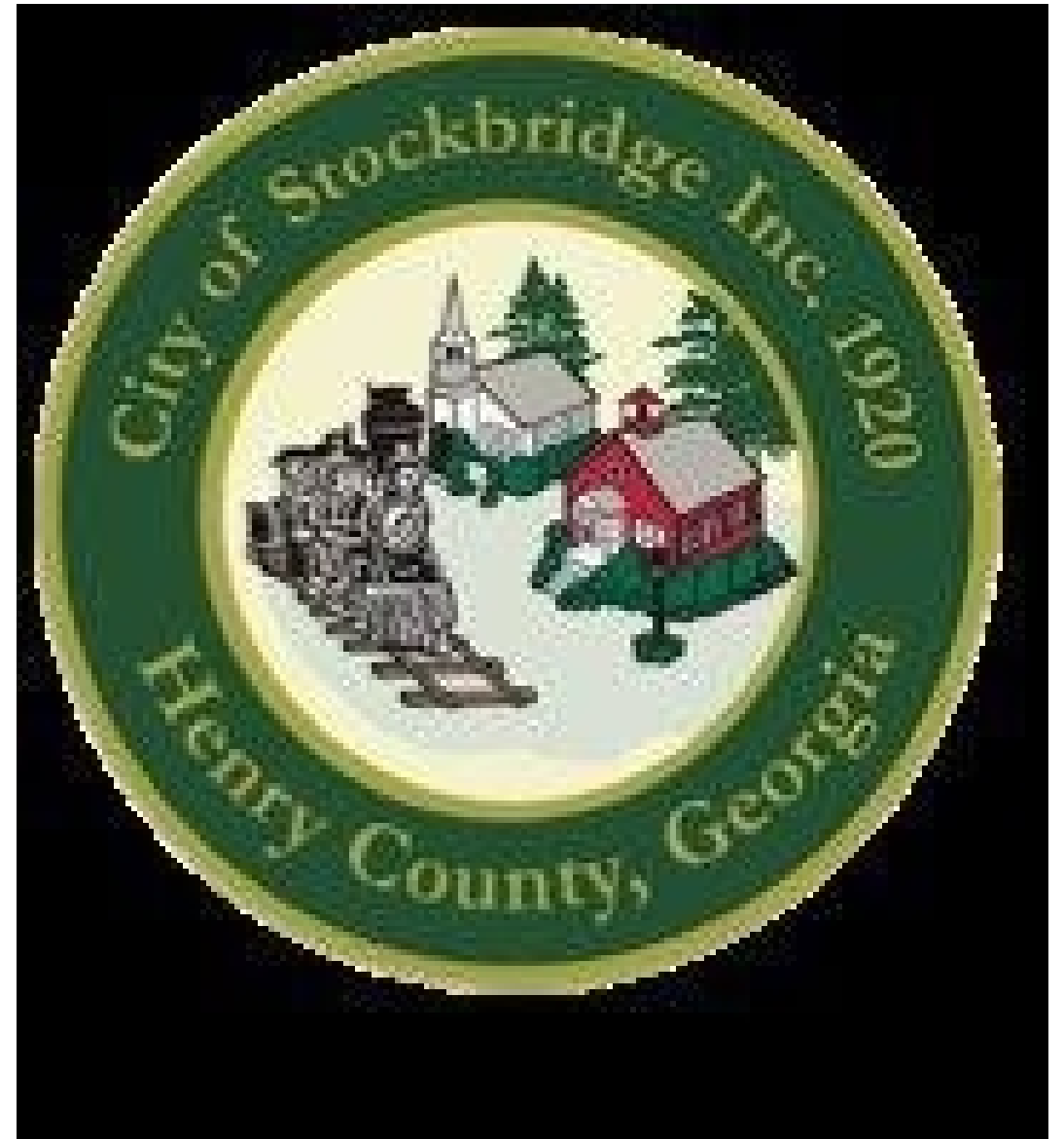
Planning Commission –

January 25, 2024

City Council – Feb. 12, 2024

Presented By:

City of Stockbridge Community
Development Department,
Planning and Zoning Division
Linda Logan, Senior Planner



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:

- **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-2023-06** – 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.

COMPONENT PARCELS

The subject property has 15.601 +/- total acres within five parcels on the north side of North Henry Boulevard and the west side of Center Street, as 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'.

CASE FACTS (Slide #1)

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.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.

CASE FACTS (Slide #2)

Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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).

CASE FACTS (Slide #3)

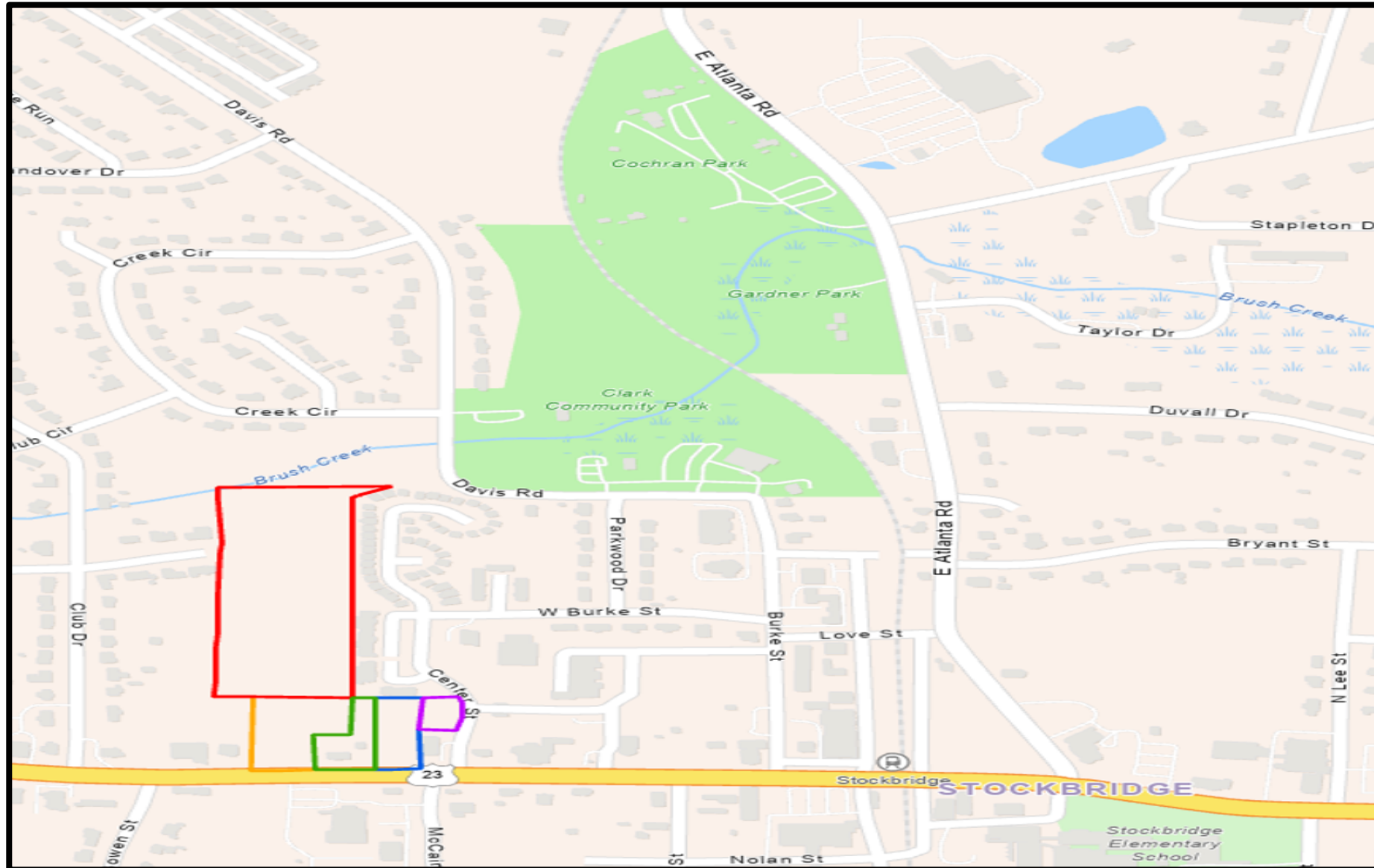
Surrounding Future Land Use Designations:

Low-Density Mixed-Use to the west, Medium-Density Residential to the north, and Downtown District/ Downtown Village Overlay District to the east.

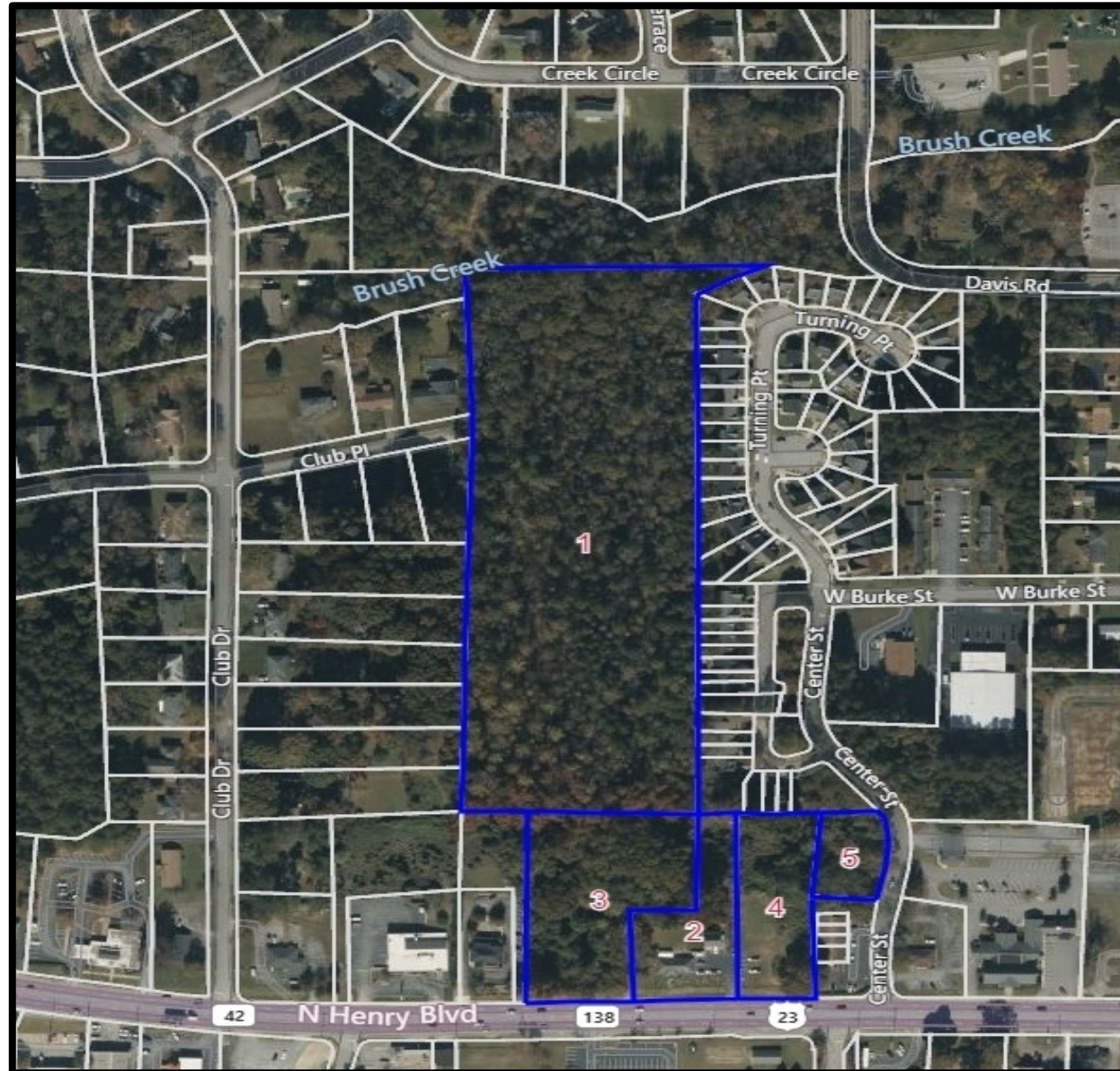
Property Conditions:

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.

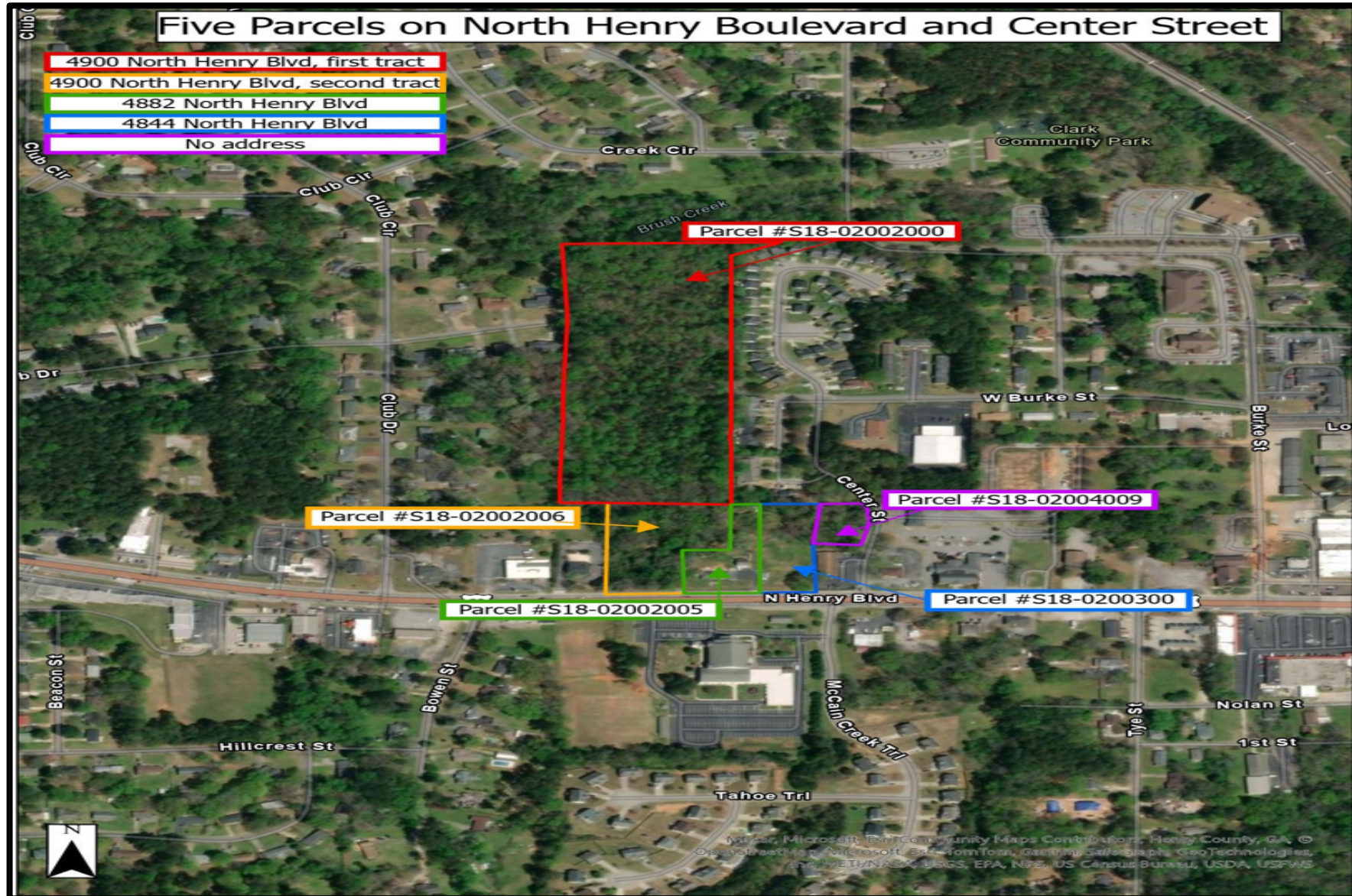
VICINITY MAP



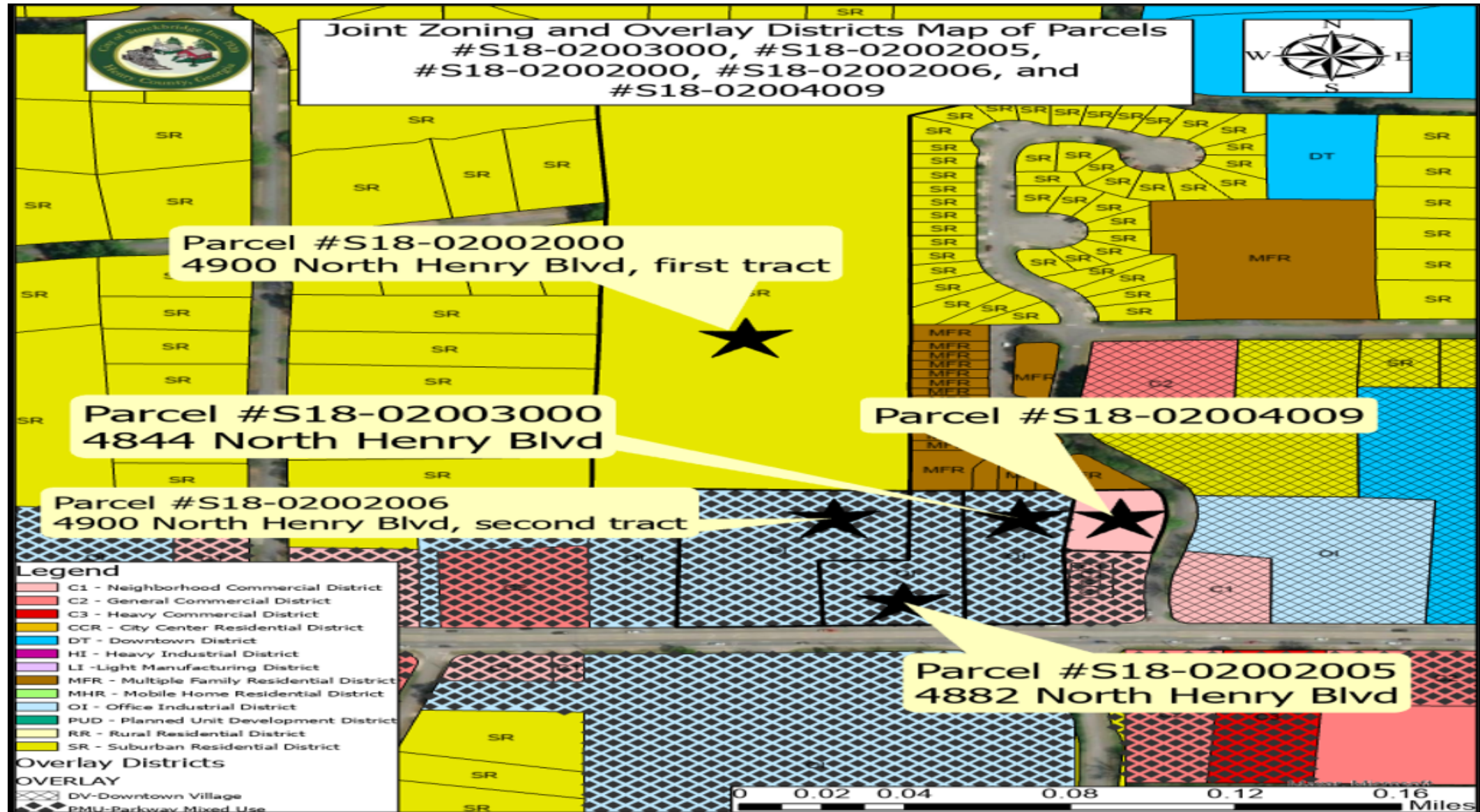
NEIGHBORHOOD MAP FROM THE APPLICANT



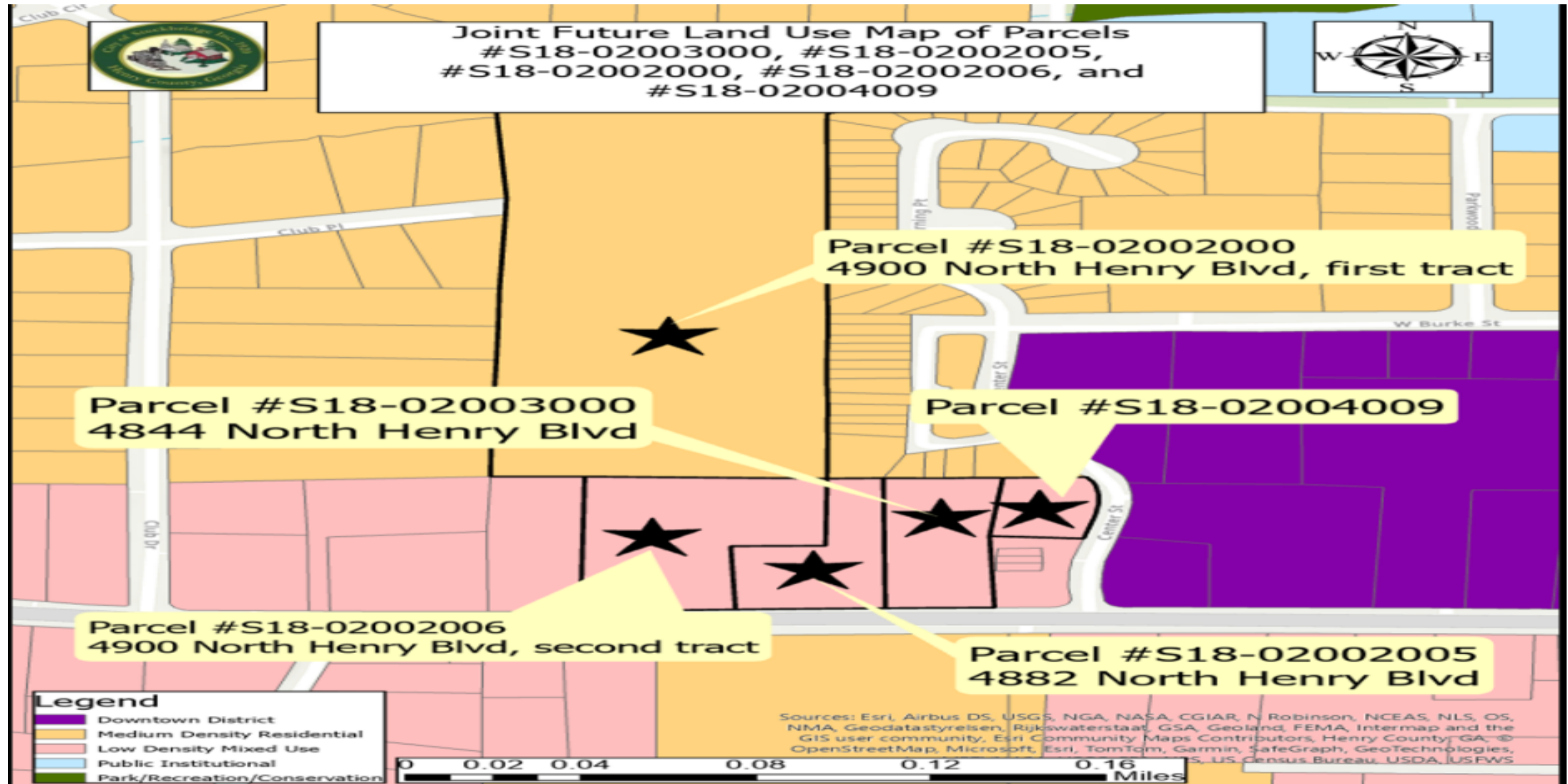
AERIAL PHOTOGRAPH SHOWING FIVE PARCELS



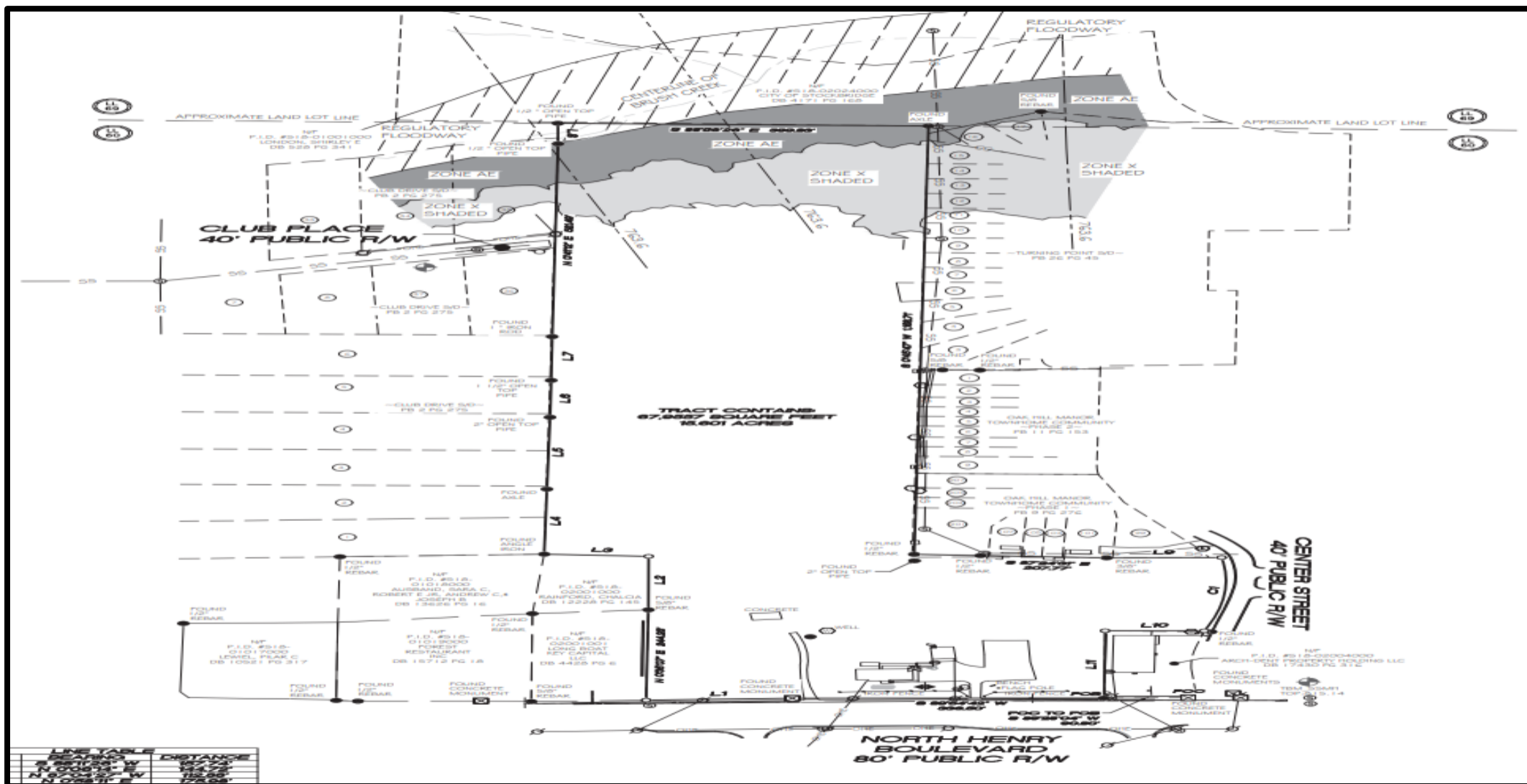
ZONING AND OVERLAY DISTRICTS MAP



FUTURE LAND USE MAP



BOUNDARY SURVEY



PROPOSED DEVELOPMENT (Slide #1)

A. Project Description:

- ~ 90 townhomes at a density of +/- 5.769 units per acre on 15.601 +/- total acres.
- ~ All units would have three bedrooms.
- ~ Amenities—Pool, cabana, dog park, and open space areas.

B. Site Accesses:

- ~ Main Entrance off North Henry Boulevard (needs a GDOT R/W permit).
- ~ Emergency access off Club Place, at the rear of the site.

C. Traffic Impacts:

- ~ About 40 trips in the morning and about 47 trips in afternoon peak hours.
- ~ Minimal adverse impacts are expected since North Henry Boulevard is a principal arterial.

PROPOSED DEVELOPMENT (Slide #2)

D. Site Plan Design:

- ~ Pool, dog park, mail kiosk, and stormwater pond located near project entrance.
- ~ Another stormwater pond and a 75-foot floodplain buffer at the rear.
- ~ 25-foot zoning buffer surrounding the property.
- ~ Total of 316 parking spaces (exceeding the required 203 spaces), including 42 guest spaces.

E. Open Space:

- ~ 30 percent of site would be open space, exceeding the required 15 percent.
- ~ Includes undeveloped land, the amenity areas, and floodplain areas.
- ~ Excludes buffers, right-of-way areas, and stormwater ponds.

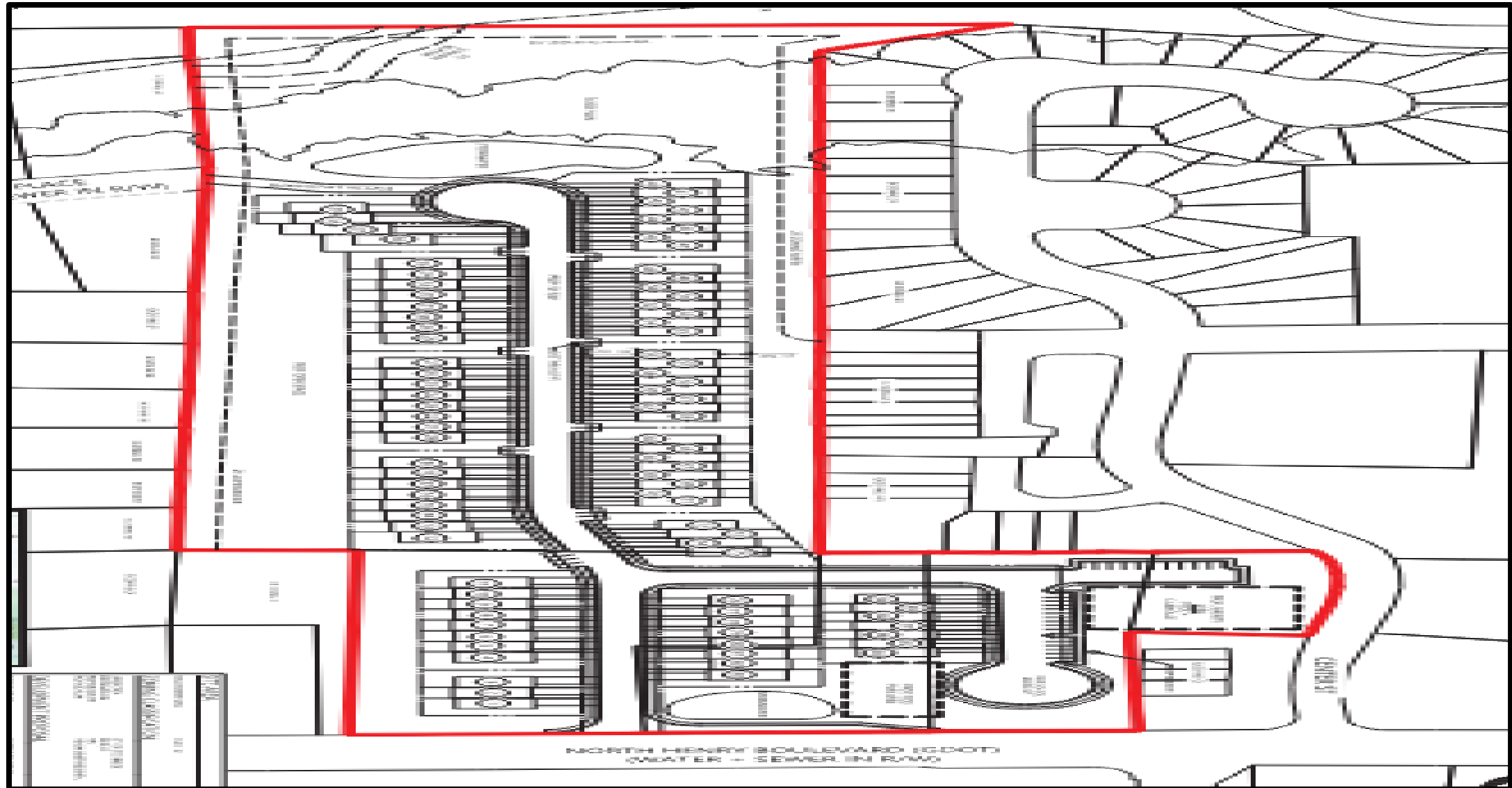
F. Townhome Lots and Units:

- ~ 13 townhome buildings, spaced at least 20 feet apart.
- ~ Variance requested to reduce the front yard setbacks of lots from 50 feet to 30 feet.
- ~ Lots would be 24 feet wide for 2-car garage units and 20 feet wide for 1-car garage units.

CONCEPTUAL SITE PLAN – TOTAL AREA



CONCEPTUAL SITE PLAN -- ENLARGED



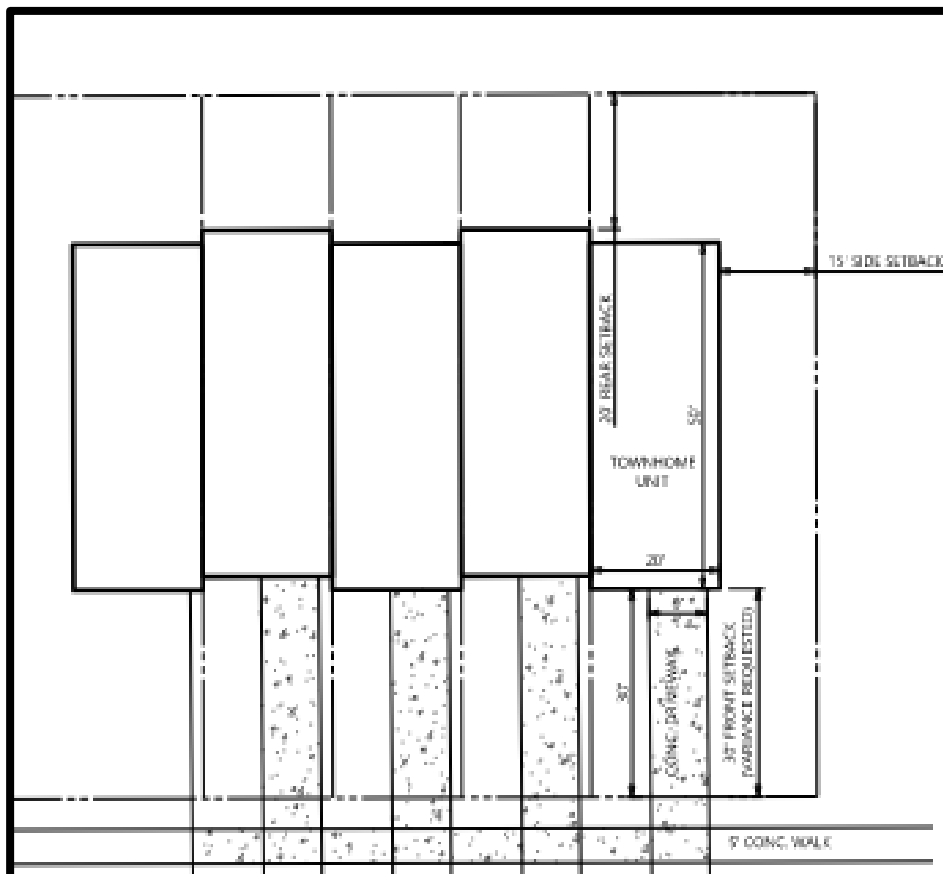
SITE DATA

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

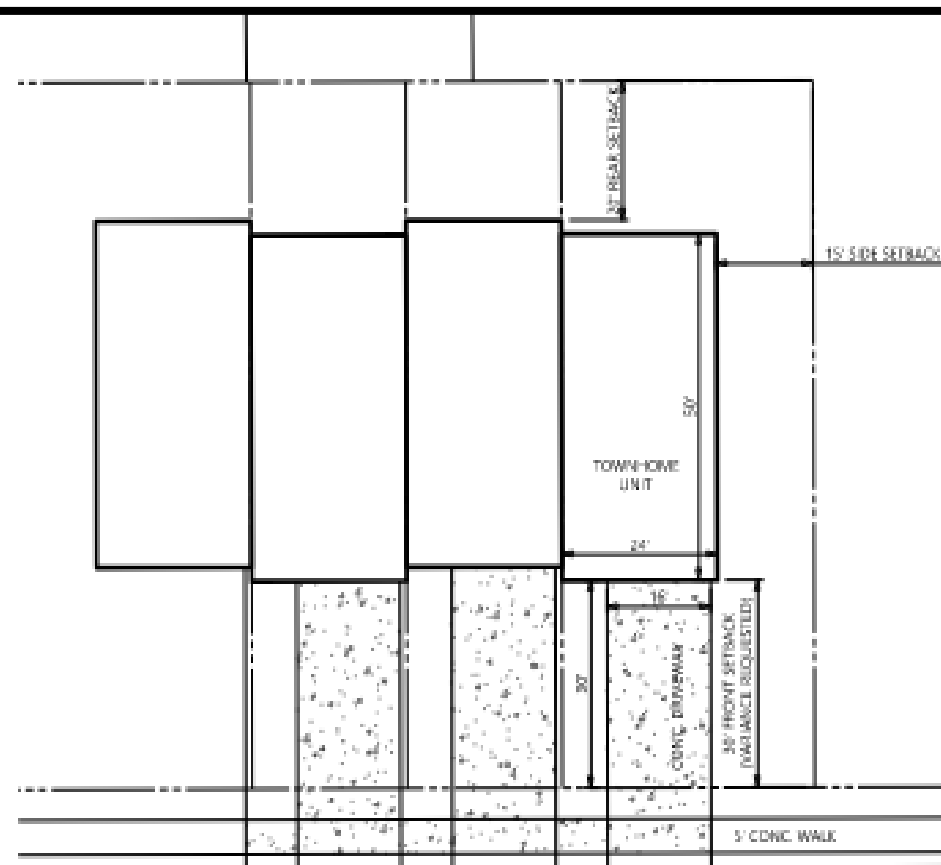
NOTES

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



ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION

PROPOSED TOWNHOME RENDERINGS (Slide #1)

Townhome Units with One-Car Garages:



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PROPOSED TOWNHOME RENDERINGS (Slide #2)

Townhome Units with Two-Car Garages:



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ANALYSIS FOR COMPREHENSIVE PLAN AMENDMENT

CASE #CP-2023-09 (Slide #1):

Proposal to Change the subject property's future land use designation

From "Low-Density Mixed-Use" and "Medium-Density Residential"

To "Medium-Density Residential."

Existing Land Use Designations:

- ~ Four parcels are designated as Low-Density Mixed-Use, which allows low-intensity mixed uses to serve the surrounding residential neighborhoods.
- ~ The rear parcel of 4900 North Henry Boulevard is designated as Medium-Density Residential, which allows single-family detached homes and single-family attached homes (townhomes) at a density of 4 to 7.99 units per acre.

Applicant's Request – Change the rear parcel, so that all five parcels have the same Medium-Density Residential designation.

ANALYSIS FOR CASE #CP-2023-09 (Slide #2):

**Proposal to Change the subject property's future land use designation
From "Low-Density Mixed-Use" and "Medium-Density Residential"
To "Medium-Density Residential."**

CP-2023-09 ANALYSIS FINDINGS:

- 1.** The applicant's proposed density of 5.769 +/- units per acre would be within the allowable density range for the Medium-Density Residential designation.
- 2.** Large areas to the east and west of the subject property are designated as Medium-Density Residential, thus this property would be compatible with them.
- 3.** The proposed development would provide additional needed housing in the City, as well as offering diversity in housing, which the Comprehensive Plan calls for.

Conclusion – Based on the findings above, it is reasonable to designate the entire property as Medium-Density Residential.

Staff Recommendation – APPROVAL.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #1):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

-
1. Consistency with the Comprehensive Plan -- Yes, per the CP-2023-09 findings above.
2. Located on a road having a classification of “collector” or higher, which is required for MFR districts – Yes, the property is located on a “principal arterial” (North Henry Boulevard).
3. Compatible with adjacent MFR zoning districts – Yes, it would be compatible with the MFR zoning of the Oak Hill Manor and Turning Point subdivisions to the east and northeast. It would also be 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.
4. Physical Suitability of the Property – Although the property has an irregular shape, and it is bordered by Brush Creek and its floodplain areas to the north, the site plan shows that an acceptable design would be used, and the sensitive area of the property would be avoided.
5. Impacts on Adjacent Property Owners – These should be minimal since no accesses would be provided to the adjacent subdivision streets (except for an emergency access). Also, a 25-foot zoning buffer would surround the site, and a significant open space area would be provided along the western side of the property, adjacent to the Club Drive Subdivision.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #2):

Rezone property from SR, OL, and C-1 to MFR

RZ-2023-10 ANALYSIS FINDINGS:

6. Utilities Impacts – A letter from the Public Works Department (dated November 22, 2023) stated that water and sewer capacity were currently available to serve the proposed townhomes, but that the developer must pay for all required connection costs, adhere to the City's Minimum Development Standards, and submit construction plans to that office within one year, or the reservation of capacity in the sanitary sewer system would expire.
7. Traffic Impacts – Projected traffic volumes are anticipated to have minimal impacts on North Henry Boulevard, and the lack of another access onto surrounding subdivision streets (except for an emergency access) would prevent any adverse traffic impacts on the adjacent streets.
8. Relation to Any Other City Policies – None were identified.
9. Ability of the Property to be Developed Under the Current Zoning – That is possible, but it would result in piecemeal development, whereas the rezoning would allow for a unified plan.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #3):

Rezone property from SR, OL, and C-1 to MFR

Conclusion – Based on the findings above, it is reasonable to rezone property to MFR (Multiple Family Residential).

Staff Recommendation – APPROVAL WITH CONDITIONS, based on the zoning conditions 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 Marshal 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.

ANALYSIS FOR REZONING CASE #RZ-2023-10 (Slide #4):

Rezone property from SR, OI, and C-1 to MFR

- 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #1):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

- A. Whether the property has an extraordinary or exceptional circumstances pertaining to its size, shape, or topography – Yes.** The property has an irregular shape and a floodplain area at the rear along Brush Creek, which limit the amount of buildable land.
- B. Whether a literal interpretation of the regulations would deprive the applicant of rights which other MFR property owners enjoy –** Yes, 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.
- C. Whether the granting of the variance would confer any special privileges upon the property owner –** No, this same type of variance request has been recently approved by City Council for several other 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.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #2):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

D. Consistency with the UDC and computability with uses on neighboring properties – Yes.

The variance would encourage the most appropriate use of land and buildings on the property. Smaller lots would allow the proposed townhomes to attract buyers who want less yard maintenance. This would leave more land to be left in its natural state, thus serving as a larger buffer between this development and neighboring properties.

E. Whether the extraordinary circumstances are the result of actions of the applicant – The physical conditions of the property were not created by the applicant, yet they are limiting the applicant's ability to develop the property into a reasonable use.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #3):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

VR-2023-06 ANALYSIS FINDINGS:

F. Whether the requested variance is the minimum relief that will allow the legal use of the land, build, or structure – Yes. The property could still be developed with office, institutional, or neighborhood commercial uses under its OI and C-1 zoning 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 zoning having primary access off North Henry Boulevard, in between the existing commercial and office-institutional uses. And although townhomes could still be developed under the requested MFR zoning without the 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.

G. Whether the variance would permit a use of land, buildings, or structures that are prohibited in the same zoning district – No. Townhomes are a permitted use in the MFR district.

ANALYSIS FOR VARIANCE CASE #VR-2023-06 (Slide #4):

Reduce the front yard setbacks of the proposed townhome lots from the required 50 feet to 30 feet under the requested MFR zoning.

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 VR-2023-06.



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-2023-06) 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).

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

- Variance Case #VR-2023-06 – 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.

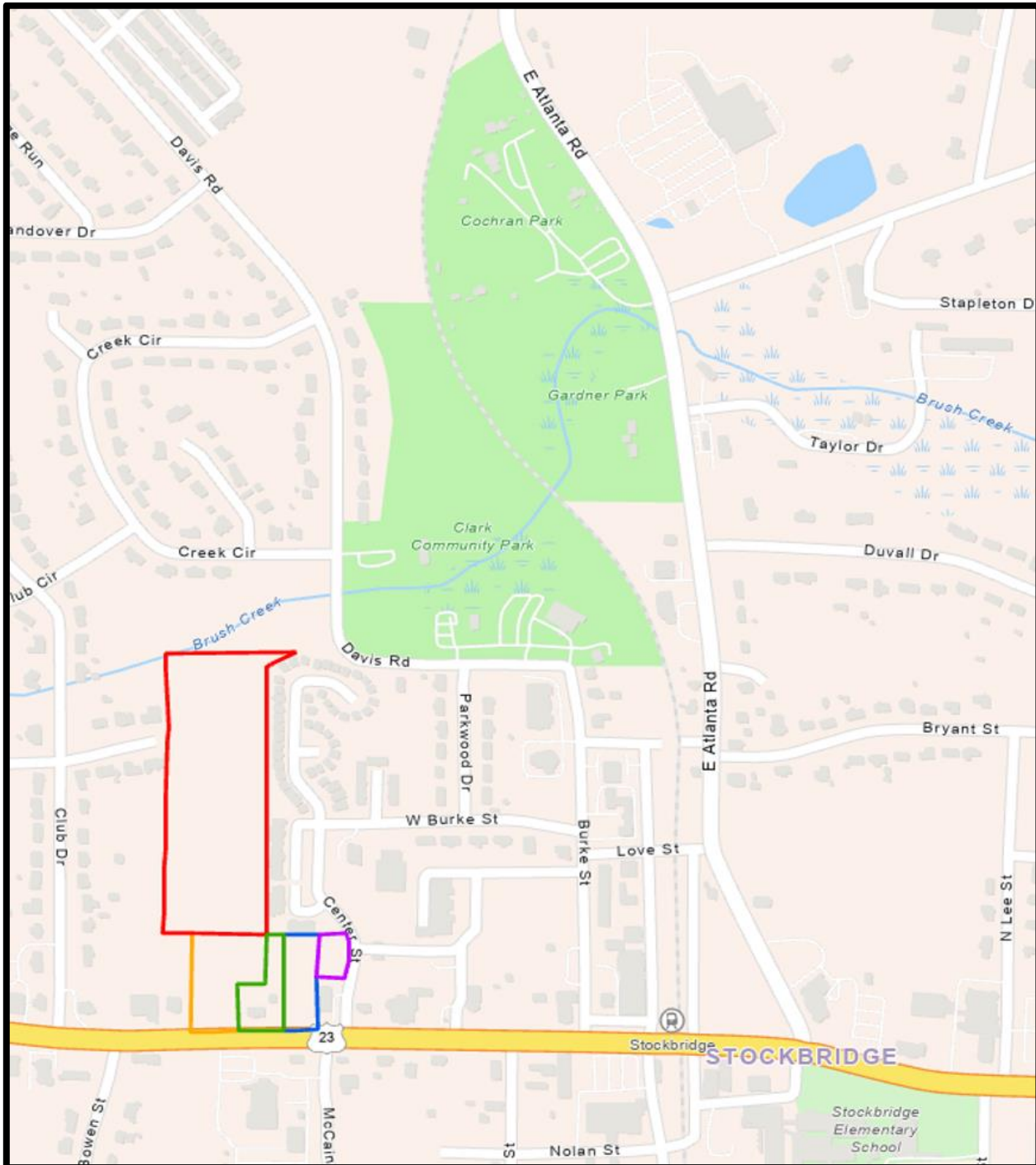
1. 4844 North Henry Boulevard (Parcel #S18-02003000) -- Contains 1.20 +/- acres. Existing future land use designation: 'LDMU' (Low-Density Mixed-Use). Zoned 'OI' (Office-Institutional).
2. 4882 North Henry Boulevard (Parcel #S18-02002005) -- Contains 1.09 +/- acres. Existing future land use designation: '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

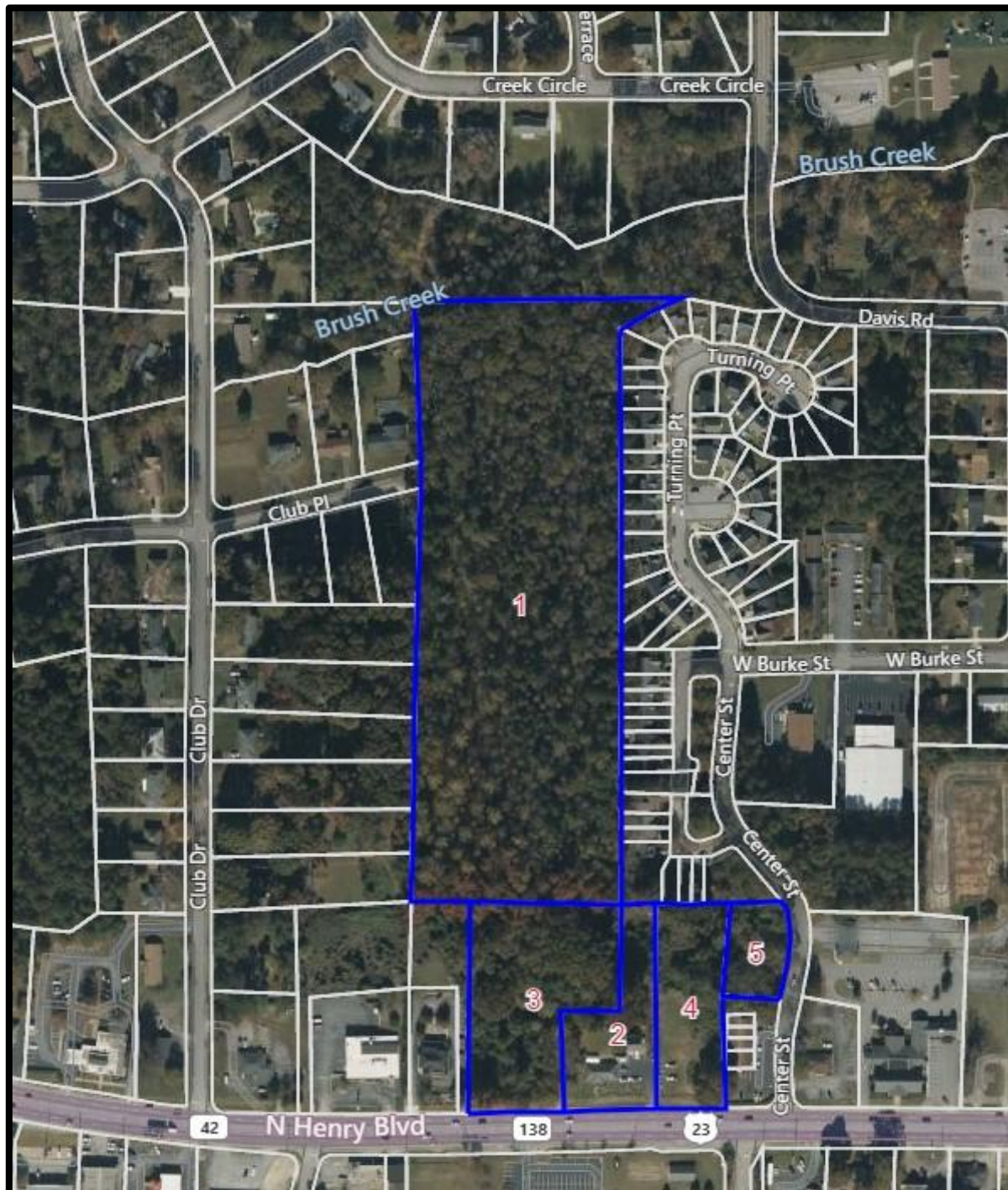
	of Center Street.
Current Use:	A funeral home and garage apartment at 4844 and 4882 North Henry Boulevard, plus vacant land on the other three parcels.
Surrounding Uses:	~ <u>North</u>—Vacant land. ~ <u>West</u>—Stockbridge Tae Kwon Do Academy and the Club Drive Subdivision. ~ <u>East</u>—Holly Salon and Ameris Bank. ~ <u>South</u>—North Henry Boulevard. ~ <u>Northeast</u>—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



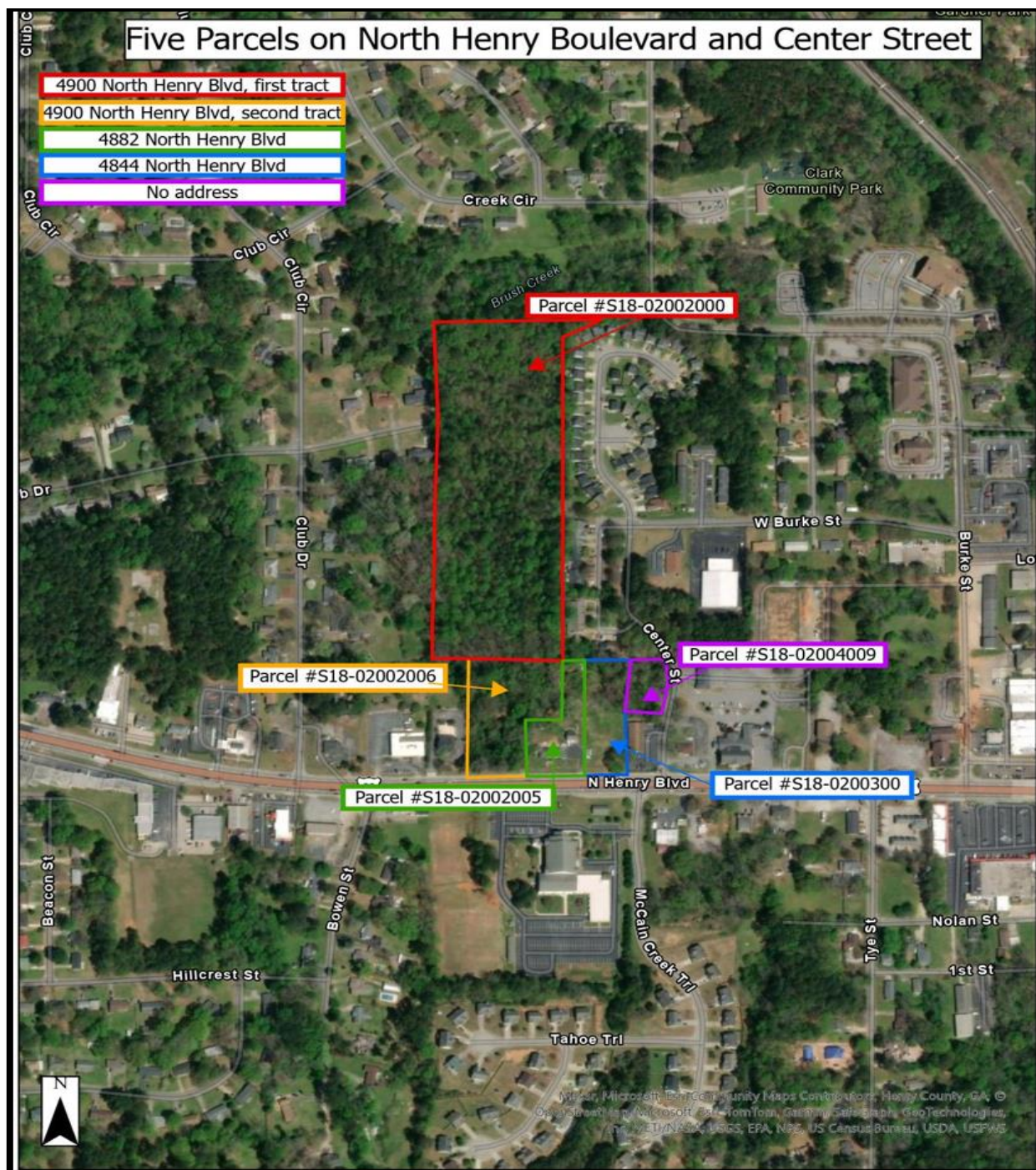
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NEIGHBORHOOD MAP FROM THE APPLICANT



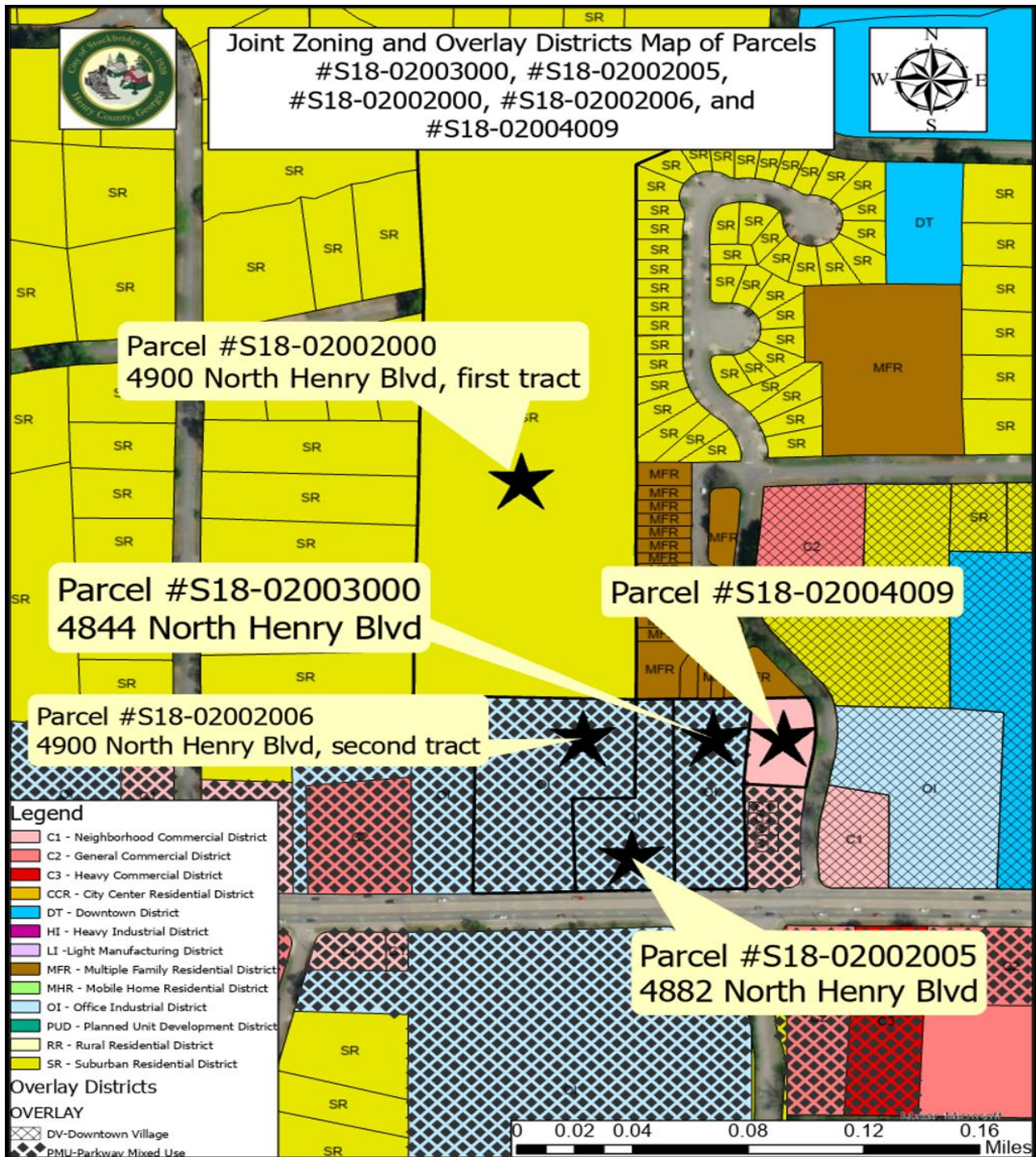
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AERIAL PHOTOGRAPH SHOWING FIVE PARCELS

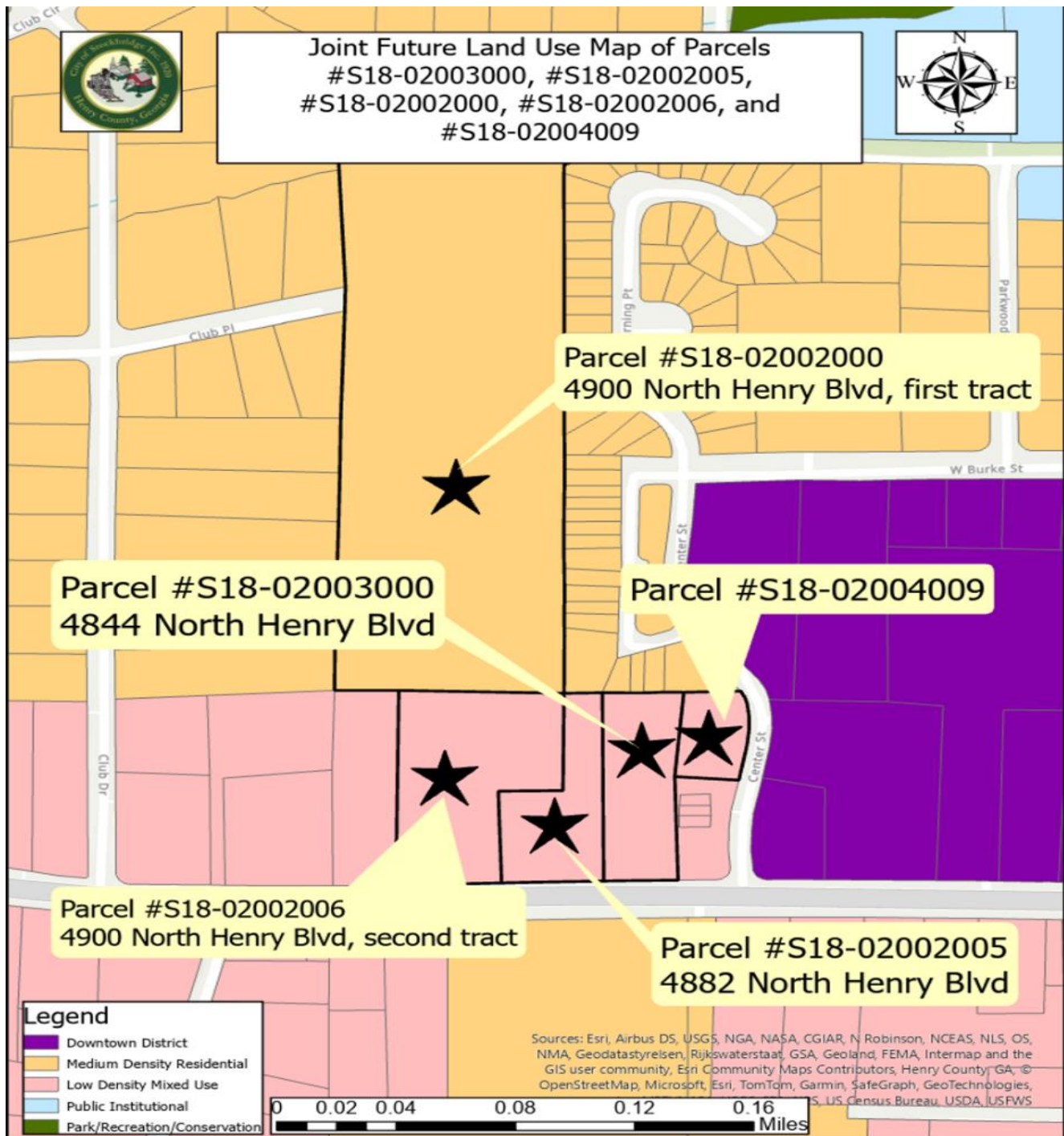


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ZONING AND OVERLAY DISTRICTS MAP

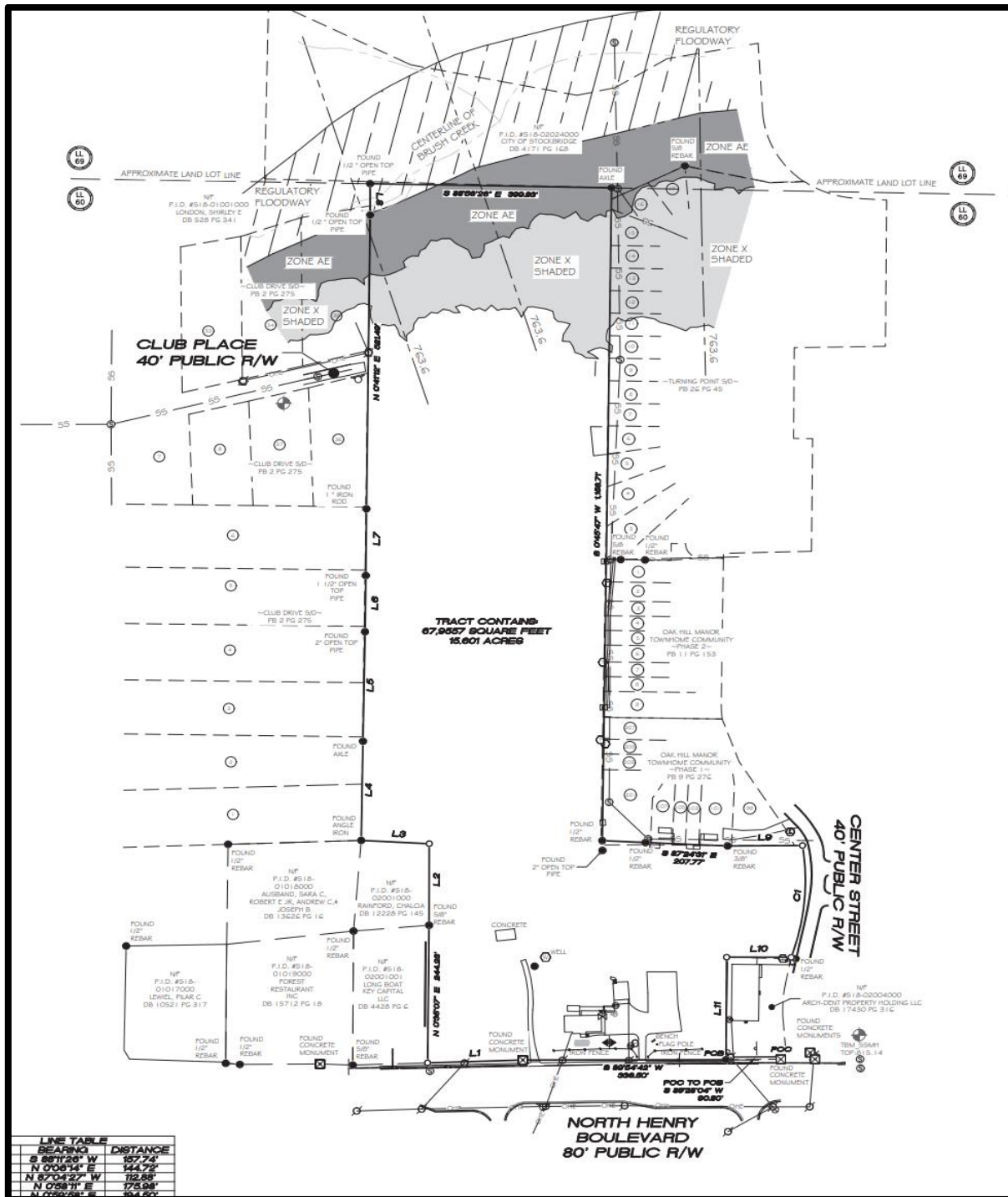


FUTURE LAND USE MAP



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BOUNDARY SURVEY



Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
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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.

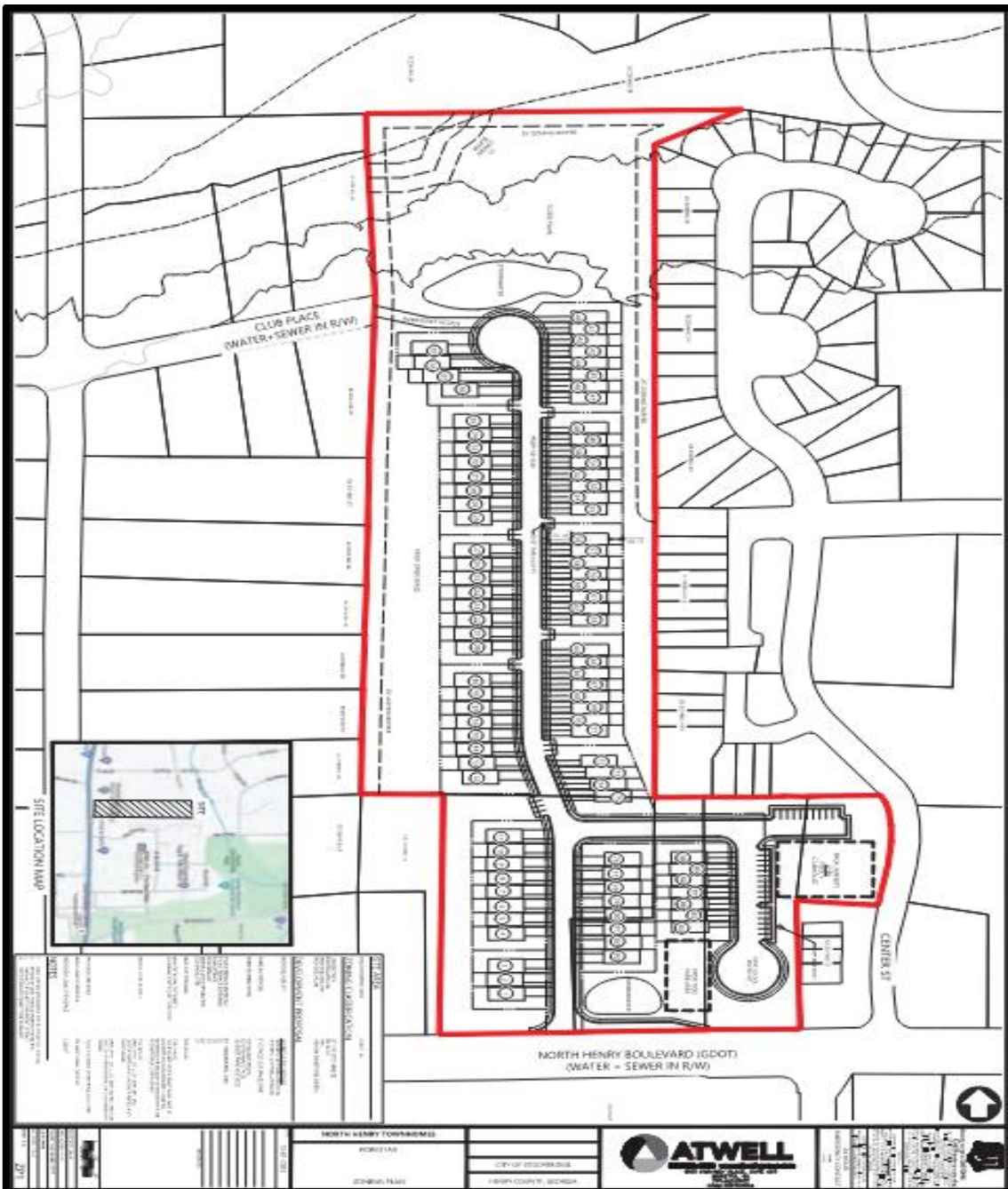
D. Site Plan Design. Regarding the internal site components, a swimming pool, dog park, mail kiosk, and stormwater pond would all be located near the project entrance, close to North Henry Boulevard. Another stormwater pond would be located near the rear of the property, as well as a 75-foot floodplain 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

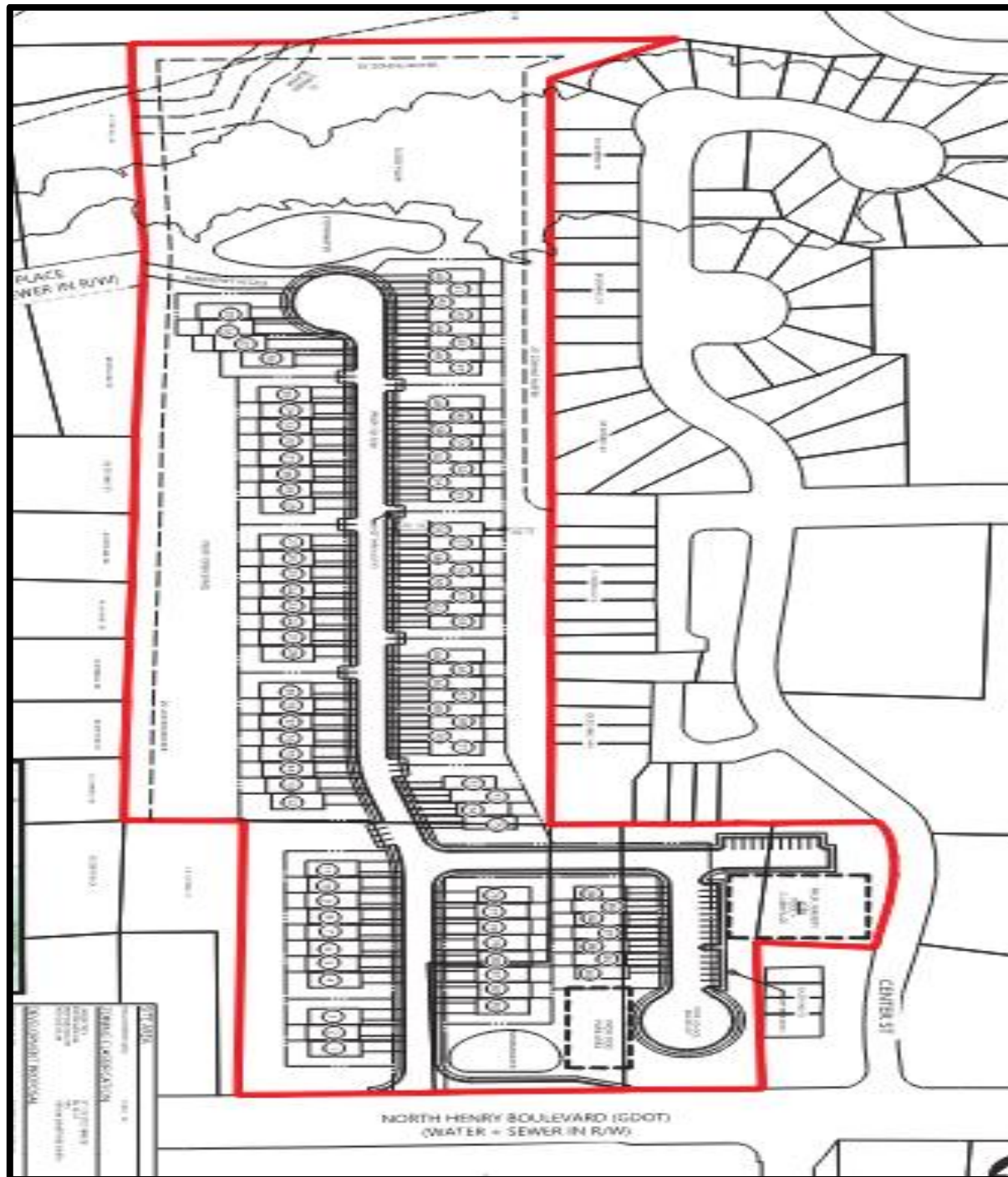
preserved as open space, which includes undeveloped land, amenity areas, and floodplain areas.

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

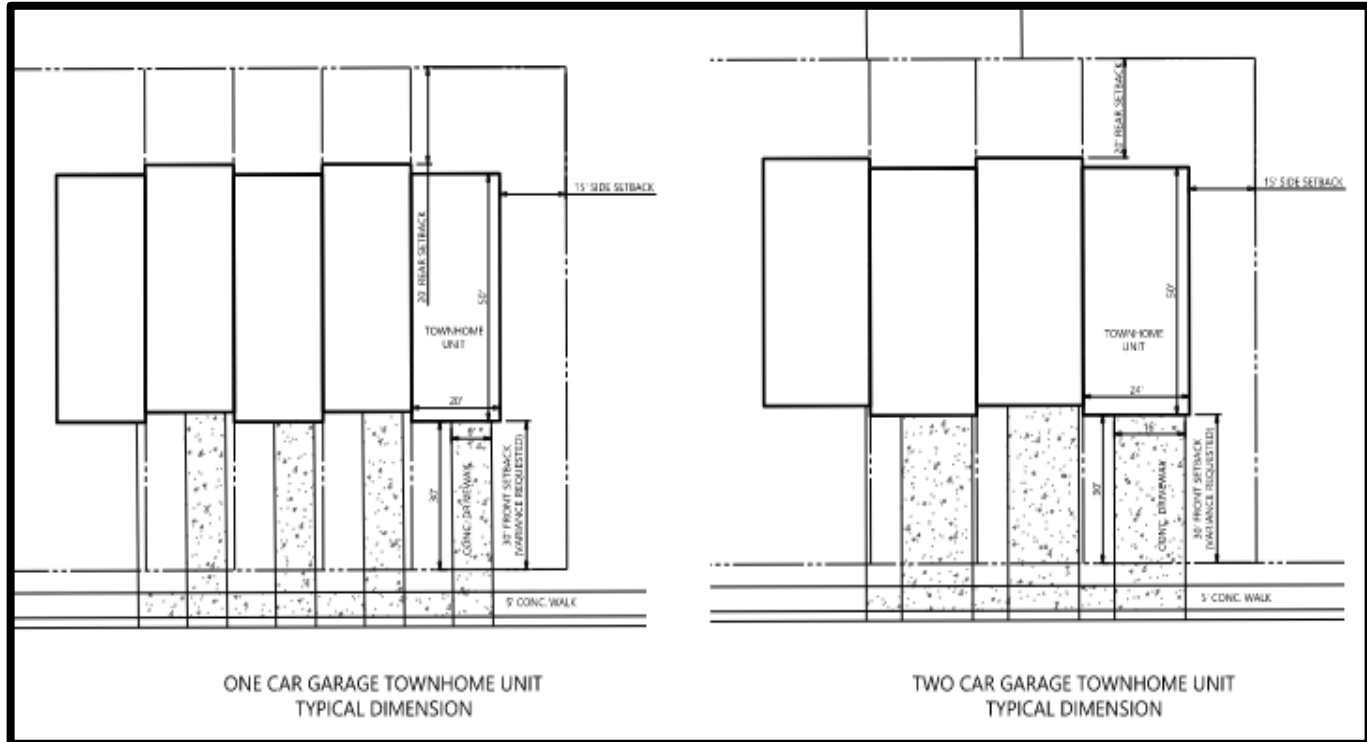


Combined Staff Report for Five Parcels at North Henry Boulevard and Center Street
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SITE DATA

PROPOSED DENSITY	<u>90 UNITS (5.769 UNITS/AC)</u> 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. Rezoning is 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 “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 associated 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 #VR-2023-06: 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-2023-06) 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.

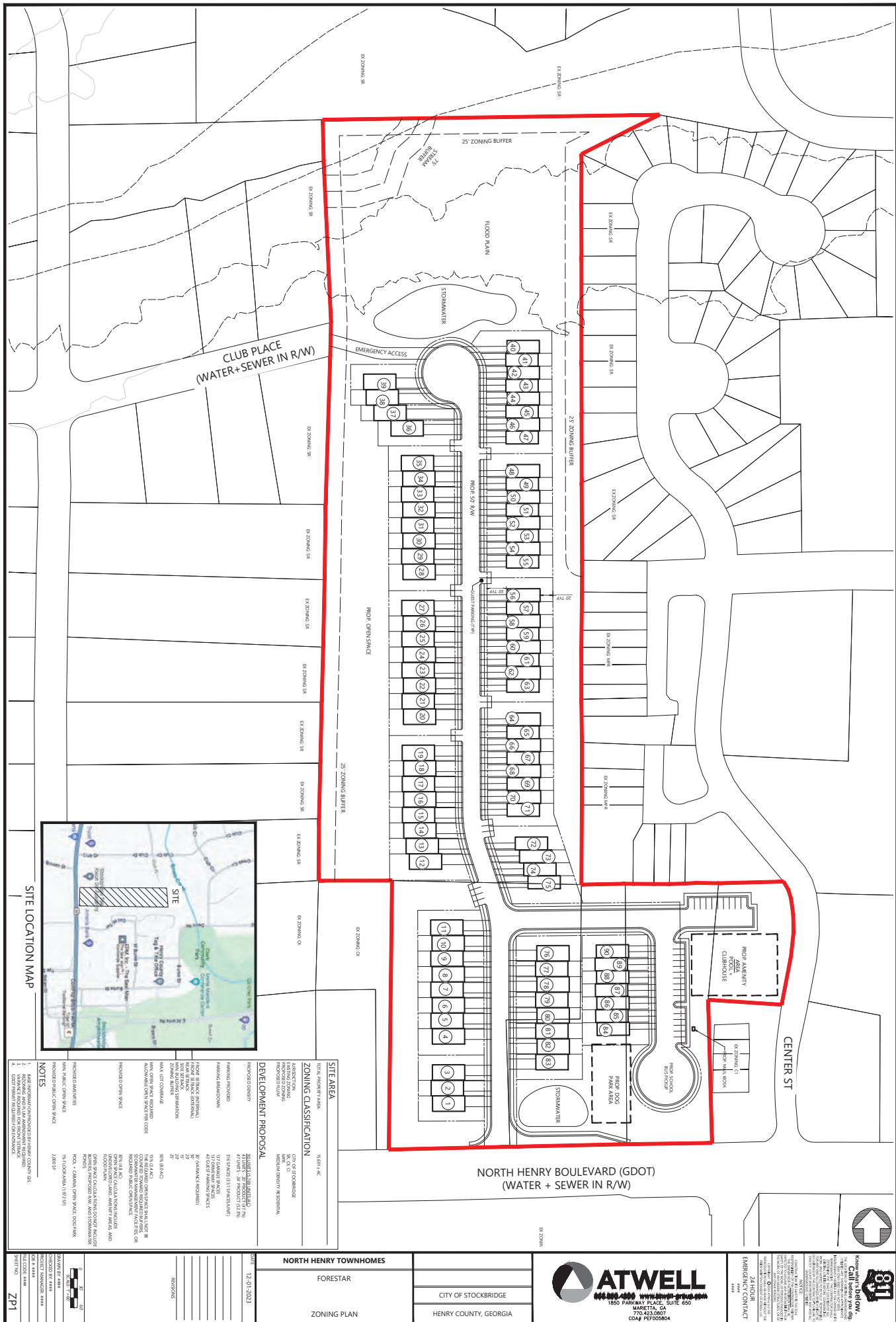
Criterion ‘F’. The variance is the minimum relief that will allow the legal use of the land, building or structure.

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.

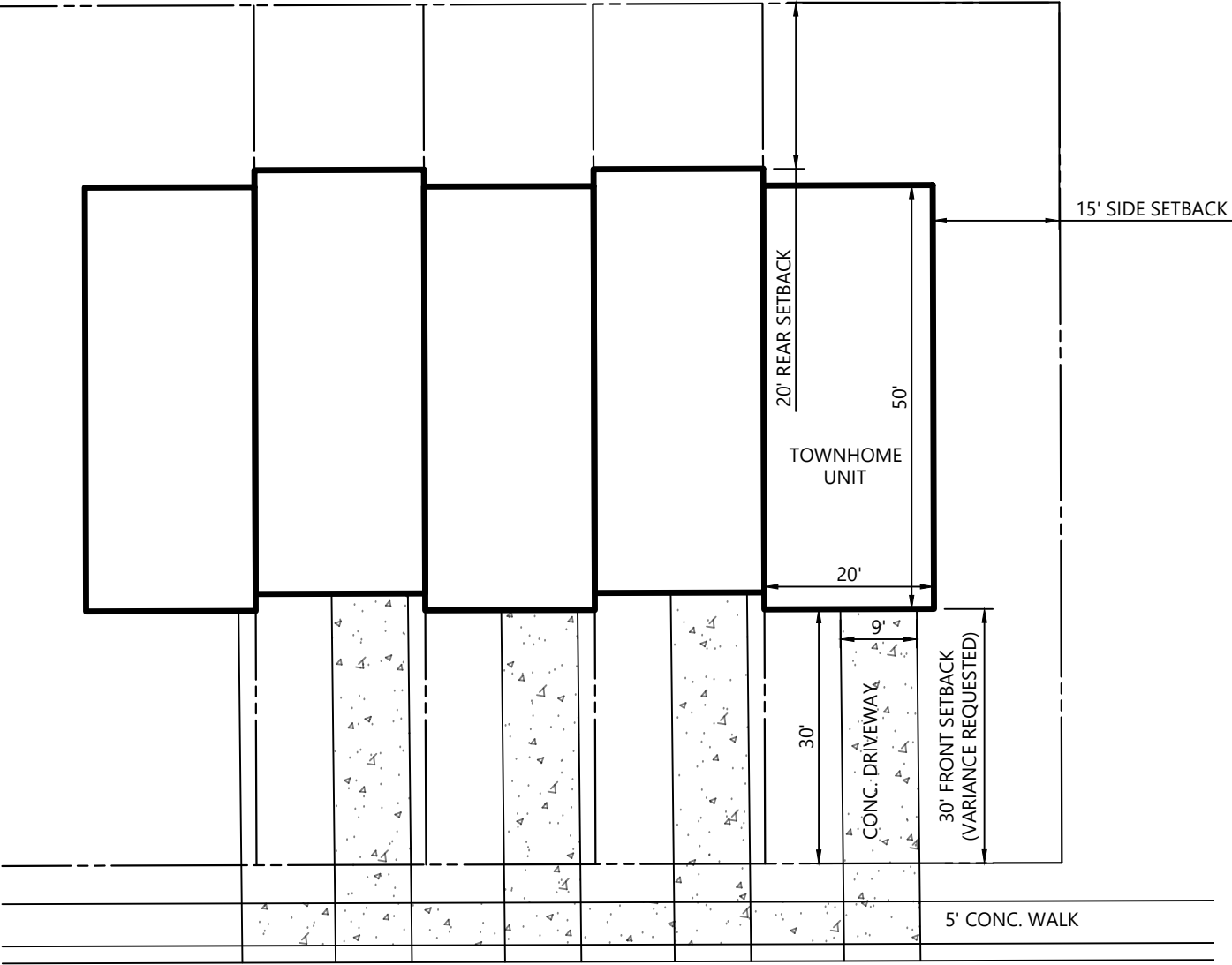




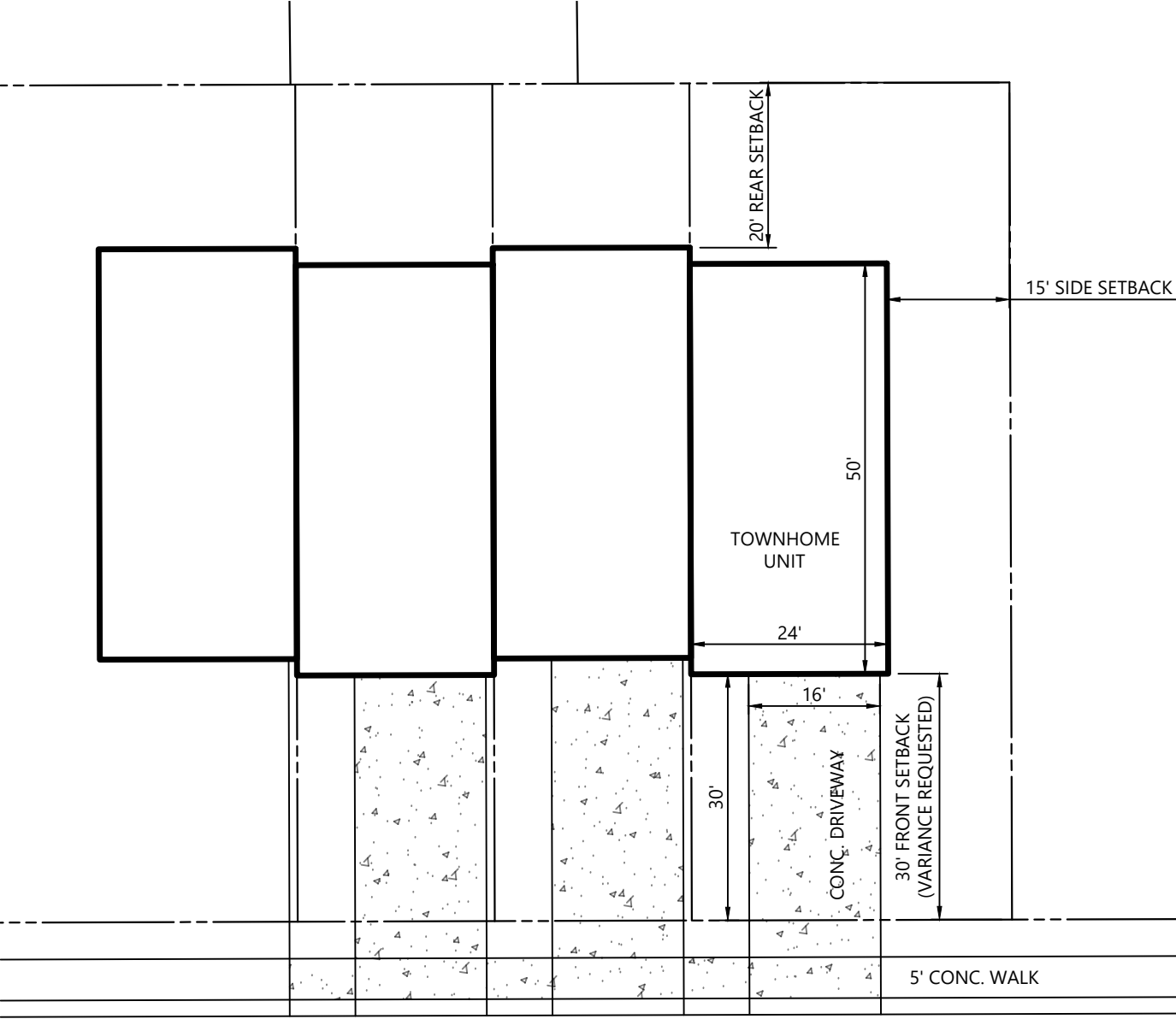
NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



NOTE: THE ELEVATION SHOWN ARE FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO CONVEY WHAT WILL ACTULLY BE BUILT. THE APPLICANT IS NOT THE BUILDER AND WILL COORDINATE WITH BUILDERS AT THE TIME OF BUILDING PERMITS TO ENSURE ALL CITY AND BUILDING CODE REQUIREMENTS ARE FOLLOWED.



ONE CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION



TWO CAR GARAGE TOWNHOME UNIT
TYPICAL DIMENSION

Variance Application

City of Stockbridge, Georgia



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

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

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

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

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

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

City of Stockbridge Planning and Zoning Division
Community Development Department

VARIANCE APPLICATION CHECKLIST

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

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK/INITIAL
Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. (by appointment only)	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 <i>within the last five years</i> by a professional engineer, landscape architect, or land surveyor who is registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) include a notation as to the total acreage or square footage of the subject property.	☒
Letter from the Henry County Water and Sewerage Authority	1	This letter must accompany the application at the time of submittal. For properties that receive water and sewer service from the City of Stockbridge, please contact the Stockbridge Public Works Department.	☒
Form from the Health Department	1	This letter must accompany the application at the time of submittal <i>(Only needed if property is not on sewer)</i> .	N/A

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

Printed Name of Witness

Printed Name of Applicant

Notary

Signature of Agent

NOTARY STAMP:

(Authorized Agent For Forestar (USA) Real Estate Group)
(J. Alexander Brock - Smith, Gambrell and Russell, LLP)

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 ☒

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]

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

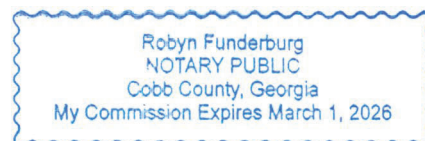
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

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

[Signature]

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 ☒

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

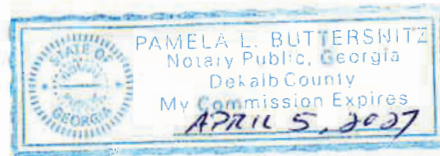
Signature of Applicant/Property Owner/Agent

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



* 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:

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
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:

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.



Notary Public

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Applicant Campaign Disclosure Form

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

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Yes _____ No x

If Yes, the applicant 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 - Smith, Gambrell, and Russell, LLP

Kathryn M Zickert

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
Notary Public

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Applicant Campaign Disclosure Form

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

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Yes _____ No x

If Yes, the applicant 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

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

Applicant's Attorney, if applicable - Printed

Signature of Applicant/Property Owner/Agent

Signature of Applicant's Attorney, if applicable

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



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)

George & Cynthia

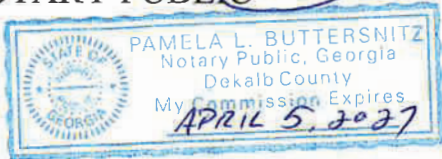
I, Quillian, hereby affirm that I solely own the above-referenced tax parcel. I also acknowledge that I am aware of the rezoning request filed by Forestar (USA) Real Estate Group, Inc. (c/o J. Alexander Brock – Smith, Gambrell & Russell, LLP) related to the referenced property and consent to same.

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



Letter of Ownership

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

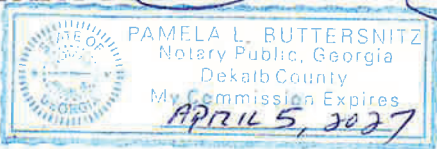
S18-02002000 (4900 North Henry Blvd), S18-02002006 (4900 Highway 42), S18-02002005 (4882 North Henry Blvd), S18-02003000 (4844 North Henry Blvd), S18-02004009 (No Address)

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


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 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

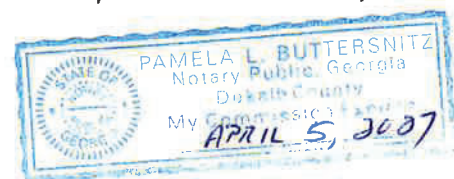
Signature of Notary Public

Pamela L. BUTTERS NITZ

Printed Name of Notary Public

November 17, 2023
Date

Notary Public's Seal or Stamp:



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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. BUTTERSNTZ

Printed Name of Notary Public

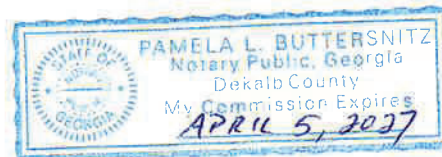
November 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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: 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.

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.

Signature of Notary Public

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.

Signature of Notary Public

Pamela L. Buttersnitz

Printed Name of Notary Public

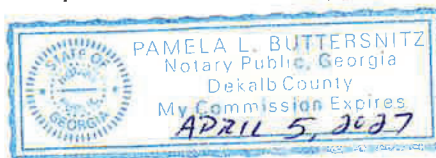
NOVEMBER 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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. 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 G. 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.

Pamela L. Buttersnitz

Signature of Notary Public

PAMELA L. BUTTERS NITZ

Printed Name of Notary Public

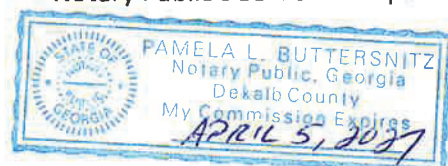
NOVEMBER 17, 2023

Date

11/17/23

Date

Notary Public's Seal or Stamp:



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 Quillian

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

Telephone: 404 788 0339 E-mail: GW.Quillian@qms.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: *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.

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.

Signature of Notary Public

Printed Name of Notary Public

11/17/23

Date

November 17, 2023

Date

Notary Public's Seal or Stamp:



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.

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 units⁶ 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 $\pm 30\%$ 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

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 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 $\pm 30\%$ 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.

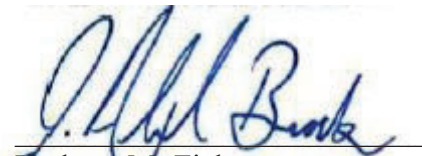
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

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
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

Survey

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 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 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 the 12th 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

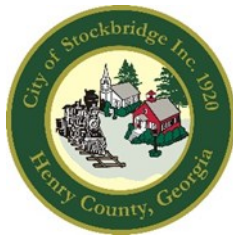
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 60 of the 12th District of Henry County, Georgia, as per plat prepared by Lewis Hurd Surveyors, Registered Land Surveyor of the Beverly Ross Turpin Estate dated April 12, 1981 containing 1.25 acres and recorded in Plat book 9, Page 49, Henry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

LESS AND EXCEPT:

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.



City of Stockbridge

AGENDA ITEM

MEETING DATE

February 12, 2024

FUNDING SOURCE

- ☒ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST or TSPLOST
- ☐ ARPA
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

Community Development Staff

DEPARTMENT:

Community Development

ITEM/PROJECT/EVENT:

Resolution to accept portions of the property at 3986 Jodeco Road, near Candler Road, to be dedicated by the property owner, Candler Road Stockbridge Propco, LLC, for use by the City as a public park, and for other public purposes, per the terms of a Dedication Agreement between the parties, executed on December 13, 2023.

BACKGROUND INFORMATION:

The property is located at the southeast corner of Jodeco Road and Candler Road. It contains three tracts, with two of them ("Tract One" and "Tract Three"), containing 1.4 +/- acres, to be dedicated to the City. A Lot Division Subdivision Plat was approved by the City on 11-13-23.

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT \$

ATTACHMENTS:

☐

ITEM/PROJECT/EVENT:

Resolution to accept the dedication of portions of the property at 3986 Jodeco Road.

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

APPROVAL.

Staff Signature_____

DEDICATION AGREEMENT

THIS DEDICATION AGREEMENT (this "Agreement"), dated as of December 8th, 2023 (the "Effective Date"), is made by and between **CANDLER ROAD STOCKBRIDGE PROPCO, LLC**, a Delaware limited liability company ("Owner"), and **THE CITY OF STOCKBRIDGE, GEORGIA**, a political subdivision of the State of Georgia (the "City").

W I T N E S S E T H:

WHEREAS, Owner is the owner of certain real property located in Stockbridge, Georgia, as described on Exhibit "A" and depicted on Exhibit "B" attached hereto (the "Property");

WHEREAS, Owner desires to dedicate the Property to the City for public use, namely use as a public park (the "Dedication"); and

WHEREAS, the parties desire to enter into this Agreement for purposes of documenting their mutual understanding with respect to the Dedication.

NOW THEREFORE, in consideration of the premises and of the respective representations, warranties, covenants and conditions contained herein, the parties hereto agree as follows:

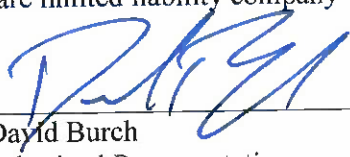
1. Dedication and Acceptance. Subject to approval of the City Council of the City of Stockbridge (the "City Council"), Owner agrees to dedicate to the City, and the City agrees to accept from the Owner, the Property for use as a public park and other public purposes. Notwithstanding anything contained herein to the contrary, in the event the City Council fails to approve the acceptance of such Dedication and other terms of this Agreement within _____ days from the Effective Date, this Agreement shall automatically terminate and neither party shall have any further rights or obligations hereunder.
2. Construction of Park. Upon approval by the City Council of the Dedication and terms of this Agreement, the Owner agrees that it shall construct a park upon the Property substantially in accordance with the plans and specifications attached as Exhibit "C" attached hereto (the "Park Improvements").
3. Conveyance of Property. Upon completion of the Park Improvements, the Owner and the City shall execute and record a Deed of Dedication substantially in the form attached hereto as Exhibit "D" for purposes of formally dedicating the Property to the City for public use.
4. Miscellaneous. This Agreement may not be modified or amended except pursuant to an instrument in writing signed by the Owner and the City. In case any provision contained in this Agreement should be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.
5. Counterparts. This Agreement may be executed in any number of separate counterparts, each such counterpart being deemed to be an original instrument, and all such counterparts will together constitute the same Agreement. Executed signature pages to this Agreement may be delivered by facsimile or other electronic means and will be deemed as sufficient as if original signature pages had been delivered.

[Signatures Commence on Following Page]

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered by the duly authorized officers of the parties hereto as of the date first hereinabove written.

OWNER:

**CANDLER ROAD STOCKBRIDGE
PROPCO, LLC,**
a Delaware limited liability company

By: 
Name: David Burch
Title: Authorized Representative

CITY:

THE CITY OF STOCKBRIDGE, GEORGIA,
a political subdivision of the State of Georgia

By: 
Name: FREDERICK GARDINER
Title: CITY MANAGER

**RATIFICATION AND APPROVAL
BY THE CITY COUNCIL OF
THE CITY OF STOCKBRIDGE, GEORGIA**

By: 
Name: FREDERICK GARDINER
Title: CITY MANAGER

EXHIBIT "A"

Legal Description of Property

TRACT ONE

All that tract or parcel of land lying and being in Land Lots 63 and 66 of the 7th District, Henry County, Georgia, and being more particularly described as follows:

COMMENCING at a point formed at the intersection formed by the southerly right of way line of Jodeco Road (80' R/W) and the northeasterly right of way line of Norfolk Southern Railroad; THENCE, easterly along the southerly right of way of Jodeco Road a distance of 451.38 feet to a 5/8" inch rebar found; said 5/8" rebar also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and easterly along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 155.34 feet, having a radius of 1,580.00 feet and being subtended by a chord with a bearing of North 71 degrees 43 minutes 24 seconds East, a distance of 155.28 feet to a point on the common line with the Proposed Right of Way Tract;

THENCE, southerly leaving said right of way of Jodeco Road along the common line with the Proposed Right of Way Tract following a curve to the left with an arc length of 119.98 feet, having a radius of 330.00 feet and being subtended by a chord with a bearing of South 35 degrees 23 minutes 35 seconds East, a distance of 119.32 feet to a point;

THENCE, southerly continuing along said common line a bearing of South 21 degrees 38 minutes 52 seconds West, a distance of 67.39 feet to a point located in Candler Road;

THENCE, westerly along the centerline of Candler Road the following courses and distances: North 89 degrees 09 minutes 23 seconds West, a distance of 100.28 feet to a point; THENCE, following a curve to the right with an arc length of 103.50 feet, having a radius of 220.81 feet and being subtended by a chord with a bearing of North 76 degrees 29 minutes 15 seconds West, a distance of 102.56 feet to a point on the common line with Hayn C Jones;

THENCE, northerly along said common line North 05 degrees 31 minutes 33 seconds East, a distance of 86.17 feet to the POINT OF BEGINNING.

The herein described tract of land contains 25,832 square feet or 0.593 acre, more or less.

TRACT THREE

All that tract or parcel of land lying and being in Land Lots 63 and 66 of the 7th District, Henry County, Georgia, and being more particularly described as follows:

COMMENCING at a point formed at the intersection formed by the southerly right of way line of Jodeco Road (80' R/W) and the northeasterly right of way line of Norfolk Southern Railroad; THENCE, easterly along the southerly right of way of Jodeco Road a distance of 451.38 feet to a 5/8" inch rebar found; THENCE, following a curve to the left with an arc length of 155.34 feet, having a radius of 1,580.00 feet, and being subtended by a chord with a bearing of North 71 degrees 43 minutes 24 seconds East, a distance of 155.28 feet to a point at the common corner with the Proposed Right of Way Tract; THENCE, continuing along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 60.09 feet, having a radius of 1,580.00 feet, and being subtended by a chord with a bearing of North 67 degrees 49 minutes 02 seconds East, a distance of 60.08 to a point; said point also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and easterly along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 226.48 feet, having a radius of 1,580.00 feet and being subtended by a chord with a bearing of North 62 degrees 37 minutes 17 seconds East, a distance of 226.29 feet to a 1-inch square tube found on the common line with John Martin;

THENCE, southerly leaving said right of way of Jodeco Road along the common line with John Martin a bearing of South 09 degrees 04 minutes 05 seconds East, a distance of 260.68 feet to a point on the common line with the Proposed Right of Way Tract;

THENCE, westerly along said common line the following bearings and distances: North 88 degrees 53 minutes 14 West, a distance of 3.74 feet to a point; THENCE, following a curve to the right with an arc length of 35.58 feet, having a radius of 265.62 feet and being subtended by a chord with a bearing of North 85 degrees 07 minutes 12 seconds West, a distance of 35.55 feet to a point; THENCE, following a curve to the right with an arc length of 72.56 feet, having a radius of 442.85 feet and being subtended by a chord with a bearing of North 73 degrees 37 minutes 54 seconds West, a distance of 72.48 feet to a point; THENCE, following a curve to the right with an arc length of 190.00 feet, having a radius of 270.00 feet and being subtended by a chord with a bearing of North 45 degrees 45 minutes 31 seconds West, a distance of 186.10 feet to the POINT OF BEGINNING.

The herein-described tract of land contains 35,325 square feet or 0.811 acre, more or less.

Depiction of Property

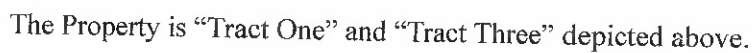


EXHIBIT "D"

**Prepared by and after
recording to be returned to:**

Thompson Burton PLLC
One Franklin Park
6100 Tower Circle, Suite 200
Franklin, TN 37067
Attn: Walt Burton, Esq.

DEED OF DEDICATION

THIS INDENTURE made this 8th day of December 2023, between the undersigned **CANDLER ROAD STOCKBRIDGE PROPCO, LLC**, a Delaware limited liability company (hereinafter referred to as the "Grantor") and **THE CITY OF STOCKBRIDGE, GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as the "Grantee").

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) in hand paid, and the benefits flowing from the project hereinafter described, Grantor does grant and convey unto Grantee, its successors and assigns, all that tract or parcel of land lying and being in Henry County, Georgia, as more particularly described on **Exhibit "A"** attached hereto (the "Land"), for public use, namely, a public park and other public purposes.

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee simple.

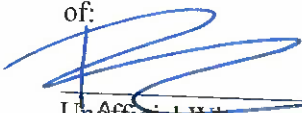
Grantor will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns the claims of all persons claiming by, through or under Grantor, but no further or otherwise.

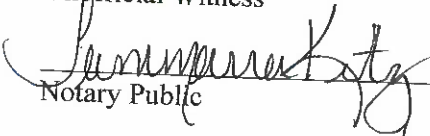
The Grantee does hereby join in the execution of this Indenture for purposes of documenting its acceptance of the foregoing dedication and conveyance.

[Signatures commence on the following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed, the day, month and year first above written.

Signed, sealed and delivered in the presence of:


Unofficial Witness

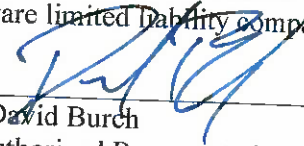

Notary Public

My commission expires: 12/5/2027

(NOTARY SEAL)

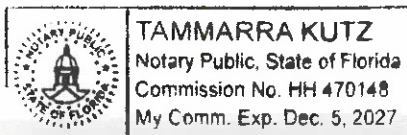
GRANTOR:

CANDLER ROAD STOCKBRIDGE PROPCO, LLC,
a Delaware limited liability company

By: 

Name: David Burch

Title: Authorized Representative



The foregoing dedication and conveyance is hereby accepted on behalf of the City of Stockbridge, Georgia, a political subdivision of the State of Georgia, as of the 13 day of December, 2023.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

My commission expires: _____

(NOTARY SEAL)

GRANTEE:

THE CITY OF STOCKBRIDGE, GEORGIA,
a political subdivision of the State of Georgia

By: _____

Name: Frederick Gardiner

Title: City manager

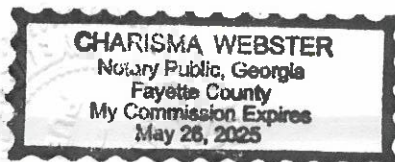
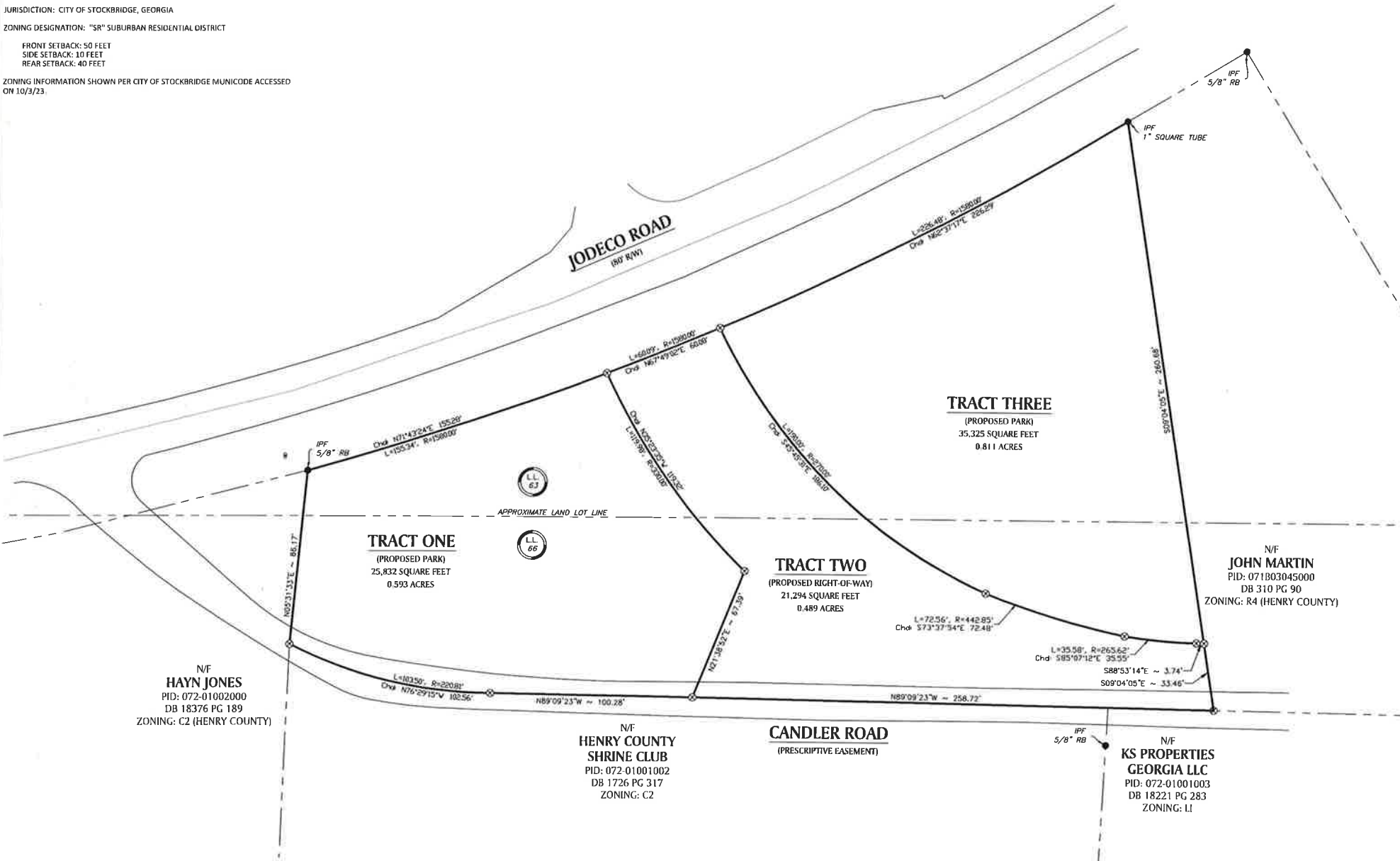


EXHIBIT A – Legal Description (to be added)

11/2023 2023220 0 SURVEY LING 2023220 JODECO RD SD PLAT MAT WORKING CITY MATTHEW ROLLINS 10/4/2023 4:08:10 PM

Community Development Director: *[Signature]*
Community Development Engineering: *[Signature]*

PROPERTY INFORMATION
OWNER: CANDLER ROAD STOCKBRIDGE PROPCO LLC
ADDRESS: 3986 JODECO ROAD
STOCKBRIDGE, GA 30253
PARCEL ID: 071803046000
JURISDICTION: CITY OF STOCKBRIDGE, GEORGIA
ZONING DESIGNATION: "SR" SUBURBAN RESIDENTIAL DISTRICT
FRONT SETBACK: 50 FEET
SIDE SETBACK: 10 FEET
REAR SETBACK: 40 FEET
ZONING INFORMATION SHOWN PER CITY OF STOCKBRIDGE MUNICODING CODE ACCESSED ON 10/3/23.



LEGEND	
BOUNDARY	BUILDING LINE
ADJACENT BOUNDARY	LAND LOT LINE
SD STORM SEWER LINE	WALL
SD STORM SEWER LINE	TREE LINE
SS SANITARY SEWER LINE	FENCE
A.D.A. PARKING	IRON PIN SET
DROP INLET	IRON PIN FOUND
JUNCTION BOX	POWER POLE
DOUBLE-WING CATCH BASIN	LIGHT POLE
SINGLE-WING CATCH BASIN	ELECTRIC BOX
SANITARY SEWER MANHOLE	ELECTRIC METER
CLEAN OUT	PULL BOX
WATER METER	TELEPHONE PEDESTAL
WATER VALVE	GAS VALVE
FIRE HYDRANT	SIGN
IRRIGATION CONTROL VALVE	TREE
FIRE DEPT. CONNECTION	BOLLARD



- SURVEYOR'S NOTES
- THE PROPERTY DESCRIBED HEREIN MAY BE SUBJECT TO OTHER EASEMENTS, SURFACE CONDITIONS, PRESCRIPTIONS, CLAIMS OR ADDITIONAL MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED OR DISCLOSED WITHIN THE TITLE COMMITMENT.
 - THE UTILITIES SHOWN HEREIN ARE STRICTLY FOR THE CLIENT'S CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES THAT ARE NOT SHOWN ON THE FACE OF THIS SURVEY. PAULSON MITCHELL, INCORPORATED, INCLUDING THE SURVEYOR LISTED HEREIN, DOES NOT ASSUME ANY RESPONSIBILITY FOR THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN ON THIS SURVEY.
 - THIS PLAT IS INTENDED FOR THE EXCLUSIVE USE OF THE PARTIES STATED HEREIN. THE USE OF THIS SURVEY BY ANY THIRD PARTIES IS AT THEIR OWN RISK.
 - PER F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 13151C0156D, EFFECTIVE DATE OF 10/06/2016, HENRY COUNTY, GEORGIA, THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA. THE SUBJECT PROPERTY LIES IN UNSHADED FLOOD ZONE X.
 - FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 07/15/2020 USING A TRIMBLE S6 ROBOTIC TOTAL STATION AND A TRIMBLE TSC3 DATA COLLECTOR. THE LINEAR PRECISION OF THE TRAVERSE IS 1/79,117 FEET, HAVING AN ANGULAR ERROR OF 1.3" PER SETUP. THE LINEAR PRECISION OF THIS PLAT IS 1/620,675 FEET.
 - BEARINGS SHOWN HEREIN ARE BASED ON GRID NORTH, USING THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM - NAD83 ESTABLISHED BY GPS OBSERVATIONS.
 - ALL STREAMS AND BODIES OF WATER MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS AND/OR RESTRICTIONS. THE SURVEYOR MAKES NO INTERPRETATION REGARDING THESE BUFFERS AND/OR RESTRICTIONS. THE USER OF THIS SURVEY SHOULD CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.

SURVEYOR'S CERTIFICATIONS
(i) As required by subsection (b) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

FINAL
Matthew Rollins, GA PLS 3509
11/07/2023
Date

LAND PLANNERS
ENGINEERS • SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS
PAULSON MITCHELL
INCORPORATED
85-A MILL STREET
SUITE 200
ROSWELL, GEORGIA 30077
VOICE 770.650.7685
FAX 770.650.7684
www.paulsonmitchell.com

JODECO ROAD AT
CANDLER ROAD
LAND LOTS 63 & 66
DISTRICT 7
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

REVISIONS
PROJECT NUMBER: 2023220
DATE: 10/03/2023
FIELD DATE: 8/14/2023
DRAWN BY: MBR
CHECKED BY: MRE
FILE NAME: 2023220_JODECO RD SD PLAT

As-Surveyed Legal Description

TRACT ONE

All that tract or parcel of land lying and being in Land Lots 63 and 66 of the 7th District, Henry County, Georgia, and being more particularly described as follows:

COMMENCING at a point formed at the intersection formed by the southerly right of way line of Jodeco Road (80' R/W) and the northeasterly right of way line of Norfolk Southern Railroad; THENCE, easterly along the southerly right of way of Jodeco Road a distance of 451.38 feet to a 5/8" inch rebar found; said 5/8" rebar also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and easterly along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 155.34 feet, having a radius of 1,580.00 feet and being subtended by a chord with a bearing of North 71 degrees 43 minutes 24 seconds East, a distance of 155.28 feet to a point on the common line with the Proposed Right of Way Tract;

THENCE, southerly leaving said right of way of Jodeco Road along the common line with the Proposed Right of Way Tract following a curve to the left with an arc length of 119.98 feet, having a radius of 330.00 feet and being subtended by a chord with a bearing of South 35 degrees 23 minutes 35 seconds East, a distance of 119.32 feet to a point;

THENCE, southerly continuing along said common line a bearing of South 21 degrees 38 minutes 52 seconds West, a distance of 67.39 feet to a point located in Candler Road;

THENCE, westerly along the centerline of Candler Road the following courses and distances: North 89 degrees 09 minutes 23 seconds West, a distance of 100.28 feet to a point; THENCE, following a curve to the right with an arc length of 103.50 feet, having a radius of 220.81 feet and being subtended by a chord with a bearing of North 76 degrees 29 minutes 15 seconds West, a distance of 102.56 feet to a point on the common line with Hayn C Jones;

THENCE, northerly along said common line North 05 degrees 31 minutes 33 seconds East, a distance of 86.17 feet to the POINT OF BEGINNING.

The herein described tract of land contains 25,832 square feet or 0.593 acre, more or less.

As-Surveyed Legal Description

TRACT TWO

All that tract or parcel of land lying and being in Land Lots 63 and 66 of the 7th District, Henry County, Georgia, and being more particularly described as follows:

COMMENCING at a point formed at the intersection formed by the southerly right of way line of Jodeco Road (80' R/W) and the northeasterly right of way line of Norfolk Southern Railroad; THENCE, easterly along the southerly right of way of Jodeco Road a distance of 451.38 feet to a 5/8" inch rebar found; THENCE, following a curve to the left with an arc length of 155.34 feet, having a radius of 1,580.00 feet, and being subtended by a chord with a bearing of North 71 degrees 43 minutes 24 seconds East, a distance of 155.28 feet to a point; said point also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northeasterly along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 60.09 feet, having a radius of 1,580.00 feet and being subtended by a chord with a bearing of North 67 degrees 49 minutes 02 seconds East, a distance of 60.08 feet to a point on the common line with Tract Three;

THENCE, southerly leaving said right of way of Jodeco Road along the common line with Tract Three the following bearings and distances: southerly following a curve to the left with an arc length of 190.00 feet, having a radius of 270.00 feet and being subtended by a chord with a bearing of South 45 degrees 45 minutes 31 seconds East, a distance of 186.10 feet to a point; THENCE, following a curve to the left with an arc length of 72.56 feet, having a radius of 442.85 feet and being subtended by a chord with a bearing of South 73 degrees 37 minutes 54 seconds East, a distance of 72.48 feet to a point; THENCE, following a curve to the left with an arc length of 35.58 feet, having a radius of 265.62 feet and being subtended by a chord with a bearing of South 85 degrees 07 minutes 12 seconds East, a distance of 35.55 feet to a point; THENCE, a bearing of South 88 degrees 53 minutes 14 seconds East, a distance of 3.74 feet to a point on the common line with Now or Formerly John Martin;

THENCE, southerly along said common line a bearing of South 09 degrees 04 minutes 05 seconds East, a distance of 33.46 feet to a point located on the centerline of Candler Road;

THENCE, westerly along said centerline of Candler Road a bearing of North 89 degrees 09 minutes 23 seconds West, a distance of 258.72 feet to a point on the common line with Tract One;

THENCE, northerly leaving the centerline of Candler Road along the common line with Tract One the following bearings and distances: North 21 degrees 38 minutes 52 seconds East, a distance of 67.39 feet to a point; THENCE, following a curve to the right with an arc length of 119.98 feet, having a radius of 330.00 feet and being subtended by a chord with a bearing of North 35 degrees 23 minutes 35 seconds West, a distance of 119.32 feet to the POINT OF BEGINNING.

The herein described tract of land contains 21,294 square feet or 0.489 acre, more or less.

As-Surveyed Legal Description

TRACT THREE

All that tract or parcel of land lying and being in Land Lots 63 and 66 of the 7th District, Henry County, Georgia, and being more particularly described as follows:

COMMENCING at a point formed at the intersection formed by the southerly right of way line of Jodeco Road (80' R/W) and the northeasterly right of way line of Norfolk Southern Railroad; THENCE, easterly along the southerly right of way of Jodeco Road a distance of 451.38 feet to a 5/8" inch rebar found; THENCE, following a curve to the left with an arc length of 155.34 feet, having a radius of 1,580.00 feet, and being subtended by a chord with a bearing of North 71 degrees 43 minutes 24 seconds East, a distance of 155.28 feet to a point at the common corner with the Proposed Right of Way Tract; THENCE, continuing along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 60.09 feet, having a radius of 1,580.00 feet, and being subtended by a chord with a bearing of North 67 degrees 49 minutes 02 seconds East, a distance of 60.08 to a point; said point also being known as the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and easterly along the southerly right of way of Jodeco Road following a curve to the left with an arc length of 226.48 feet, having a radius of 1,580.00 feet and being subtended by a chord with a bearing of North 62 degrees 37 minutes 17 seconds East, a distance of 226.29 feet to a 1-inch square tube found on the common line with John Martin; THENCE, southerly leaving said right of way of Jodeco Road along the common line with John Martin a bearing of South 09 degrees 04 minutes 05 seconds East, a distance of 260.68 feet to a point on the common line with the Proposed Right of Way Tract; THENCE, westerly along said common line the following bearings and distances: North 88 degrees 53 minutes 14 West, a distance of 3.74 feet to a point; THENCE, following a curve to the right with an arc length of 35.58 feet, having a radius of 265.62 feet and being subtended by a chord with a bearing of North 85 degrees 07 minutes 12 seconds West, a distance of 35.55 feet to a point; THENCE, following a curve to the right with an arc length of 72.56 feet, having a radius of 442.85 feet and being subtended by a chord with a bearing of North 73 degrees 37 minutes 54 seconds West, a distance of 72.48 feet to a point; THENCE, following a curve to the right with an arc length of 190.00 feet, having a radius of 270.00 feet and being subtended by a chord with a bearing of North 45 degrees 45 minutes 31 seconds West, a distance of 186.10 feet to the POINT OF BEGINNING.

The herein described tract of land contains 35,325 square feet or 0.811 acre, more or less.

BK:19182 PG:332-338

Filed and Recorded

Jun-20-2022 02:17 PM

DOC# 2022 - 023537

Real Estate Transfer Tax

Paid: \$ 6600.00

0752022007120

SABRIYA HILL

CLERK OF SUPERIOR COURT

HENRY COUNTY, GA

Participant ID: 0397807349

After recording, please return to:

Thompson Burton PLLC
6100 Tower Circle, Suite 200
Franklin, TN 37067
Attn: Walt Burton, Esq.

(Above Space for Recorder's Use)

STATE OF GEORGIA
COUNTY OF HENRY

LIMITED WARRANTY DEED

THIS INDENTURE is made this 17th day of June, 2022 from **BLACKSTONE CANDLER DEV LLC**, a Georgia limited liability company (hereinafter collectively, referred to as the "Grantor"), to **CANDLER ROAD STOCKBRIDGE PROPCO, LLC**, a Delaware limited liability company (hereinafter referred to as the "Grantee") (the words "Grantor" and "Grantee" shall include their respective heirs, legal representatives, successors and assigns where the context requires or permits).

W I T N E S S E T H:

THAT GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, aliened, bargained, sold, and conveyed, and by these presents does hereby grant, alien, bargain, sell, and convey unto the Grantee, its successors, legal representatives and assigns all that tract or parcel of land lying and being in Henry County, Georgia, being more particularly described on **Exhibit A** attached hereto and by this reference made a part hereof, and all rights, improvements, alleys, timber, shrubbery, trees, plants, fixtures, easements, benefits, privileges, and appurtenances pertaining thereto or held and enjoyed in connection therewith (collectively, the "**Property**"), subject to the matters set forth on **Exhibit B** attached hereto and by this reference made a part hereof (the "**Permitted Title Exceptions**").

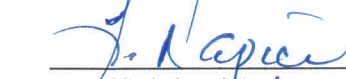
TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, its successors, legal representatives and assigns forever in FEE SIMPLE.

AND THE GRANTOR shall warrant and forever defend the right and title to the Property hereby conveyed by the Grantor, unto the Grantee against the claims of all persons whomsoever claiming by, through, or under such Grantor, subject only to the Permitted Title Exceptions.

[Signatures commence on following page]

IN WITNESS WHEREOF, the Grantor has executed this Indenture under seal on the day and year written above.

Signed, sealed and delivered in the presence of:



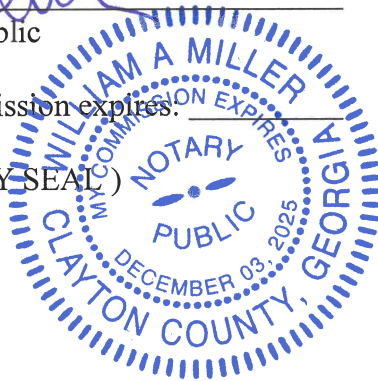
Unofficial Witness



Notary Public

My commission expires: _____

(NOTARY SEAL)



GRANTOR:

BLACKSTONE CANDLER DEV LLC,
a Georgia limited liability company

By: HFG DEVELOPMENT LLC, its Manager



(Seal)
By: Alvin D. Hosford
Title: Manager

Exhibit A
Legal Description of Property

PARCEL I:

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 1.8 ACRES, LYING AND BEING IN LAND LOT 63 OF THE 7TH DISTRICT OF HENRY COUNTY, GEORGIA, PER SURVEY AND PLAT MADE FOR HENRY F. ALLEN BY JOE ROWAN, JR., HENRY COUNTY SURVEYOR, DATED NOVEMBER 26, 1965, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROUTE 351, SAID IRON PIN BEING 535 FEET EASTERLY ALONG SAID RIGHT OF WAY LINE FROM THE INTERSECTION OF SAID RIGHT OF WAY LINE WITH THE CENTER OF SOUTHERN RAILWAY COMPANY TRACK IN FLIPPEN COMMUNITY, THENCE RUNNING NORTH 69 DEGREES 30 MINUTES EAST ALONG SAID RIGHT OF WAY LINE 218 FEET; THENCE NORTH 62 DEGREES 30 MINUTES EAST ALONG SAID RIGHT OF WAY LINE 225 FEET TO AN IRON PIN; THENCE SOUTH 10 DEGREES 03 MINUTES EAST 292 FEET TO THE CENTER OF A PUBLIC ROAD; THENCE WESTERLY ALONG THE CENTER OF SAID PUBLIC ROAD 450 FEET; THENCE NORTH 2 DEGREES 00 MINUTES WEST 92 FEET TO THE POINT OF BEGINNING, BEING IMPROVED PROPERTY WITH A FRAME HOUSE AND BARN THEREON.

SAID PROPERTY BEING FURTHER DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 63 AND 66 OF THE 7TH DISTRICT, HENRY COUNTY, GEORGIA AND BEING 1.915 ACRES AS SHOWN AND DELINEATED ON A PLAT OF SURVEY FOR HOSPITALITY DEVELOPMENT GROUP AND FIRST AMERICAN TITLE INSURANCE COMPANY, BY JAMES R. GREEN, REGISTERED LAND SURVEYOR NO. 2543, DATED NOVEMBER 4, 2001 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT FORMED AT THE INTERSECTION OF SOUTHERLY RIGHT OF WAY LINE OF JODECO ROAD (80' RIGHT-OF-WAY) AND NORTHERN RIGHT OF WAY LINE OF NORFOLK SOUTHERN RAILROAD; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF JODECO ROAD AT A DISTANCE OF 451.38 FEET TO AN IRON PIN FOUND AND THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF JODECO ROAD ON THE ARC OF A CURVE TO THE LEFT A DISTANCE OF 441.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 66 DEGREES 32 MINUTES 26 SECONDS EAST, 440.86 FEET TO A SQUARE TUBE FOUND; THENCE SOUTH 09 DEGREES 03 MINUTES 17 SECONDS EAST, 265.50 FEET TO AN IRON PIN FOUND; THENCE NORTH 89 DEGREES 29 MINUTES 38 SECONDS WEST,

359.00 FEET TO A POINT; THENCE ALONG THE CENTERLINE OF CANDLER ROAD (A PERSCRIPTIVE EASEMENT) ON THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 104.37 FEET, SAID ARC BEING SUBTENDE BY A CHORD BEARING NORTH 75 DEGREES 10 MINUTES 40 SECONDS WEST, 103.28 FEET TO A POINT; THENCE NORTH 05 DEGREES 32 MINUTES 21 SECONDS EAST, 85.16 FEET TO AN IRON PIN FOUND AND THE POINT OF BEGINNING.

PARCEL II:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF THE 7TH DISTRICT OF HENRY COUNTY, GEORGIA, CONTAINING 40 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH SIDE OF PUBLIC ROAD AT NORTHWEST CORNER OF LANDS OF R.T. TURNER, AND RUNNING THENCE SOUTH ALONG WEST LINE OF TURNER PROPERTY TO NORTH LINE OF RIGHT OF WAY OF SOUTHERN RAILWAY COMPANY; THENCE NORTHWESTERLY ALONG RIGHT OF WAY OF SOUTHERN RAILWAY COMPANY TO EAST LINE OF L. B. CASON PROPERTY; THENCE NORTH ALONG EAST LINE OF CASON PROPERTY TO SOUTH SIDE OF AFOREMENTIONED PUBLIC ROAD; THENCE EASTERLY ALONG SOUTH SIDE OF SAID PUBLIC ROAD TO POINT OF BEGINNING.

LESS AND EXCEPT ALL PARCELS WHICH HAVE BEEN CONVEYED FROM THE ABOVE DESCRIBED PROPERTY.

SAID PROPERTY ALSO BEING DESCRIBED AS FOLLOWS:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF THE 7TH DISTRICT, HENRY COUNTY, GEORGIA AND BEING 44.315 ACRES AS SHOWN AND DELINEATED ON A PLAT OF SURVEY FOR HOSPITALITY GROUP AND FIRST AMERICAN TITLE INSURANCE COMPANY, BY JAMES R. GREEN, REGISTERED LAND SURVEYOR NO. 2543, DATED NOVEMBER 2, 2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY BOUNDARY OF LAND LOT 66 AND THE SOUTHERN RIGHT OF WAY OF LINE OF CANDLER ROAD, A COUNTY ROAD HAVING A RIGHT OF WAY OF 60 FEET IN WIDTH; BEING MARKED WITH A ½ INCH REBAR AND CAP PLACED; THENCE LEAVING SAID RIGHT OF WAY ALONG THE EASTERLY BOUNDARY OF LAND LOT 66 AND COMMON WITH LANDS OWNED BY BURNETTE; SOUTH 00 DEGREES 12 MINUTES 32 SECONDS WEST, A DISTANCE OF 1417.03 FEET TO A 3/8 INCH REBAR FOUND; THENCE LEAVING SAID LAND LOT LINE ALONG LANDS COMMON TO HAMMOCK; SOUTH 89 DEGREES 57 MINUTES 30 SECONDS WEST, A DISTANCE OF 503.05 FEET TO A 3/8 INCH REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF THE NORFOLK SOUTHERN RAILROAD (HAVING A RIGHT OF WAY OF 150 FEET); THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING COURSES; NORTH 56 DEGREES 35 MINUTES 23 SECONDS WEST, A DISTANCE OF 438.17 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 7072.12 FEET AND AN ARC LENGTH OF 678.26 FEET AND BEING SUBTENDE BY

A CHORD HAVING A BEARING OF NORTH 59 DEGREES 18 MINUTES 37 SECONDS WEST, A DISTANCE OF 678.00 FEET TO A POINT; THENCE NORTH 62 DEGREES 06 MINUTES 36 SECONDS WEST, A DISTANCE OF 192.00 FEET TO A 3/8 INCH REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY ALONG LANDS COMMON WITH KS PROPERTIES, NORTH 00 DEGREES 06 MINUTES 57 SECONDS EAST, A DISTANCE OF 771.82 FEET TO A ½ INCH REBAR AND PLASTIC CAP PLACED ON THE SOUTHERN RIGHT OF WAY LINE OF CANDLER ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 88 DEGREES 53 MINUTES 14 SECONDS EAST, A DISTANCE OF 1625.47 FEET TO THE POINT OF BEGINNING.

Exhibit B
Permitted Title Exceptions

1. All taxes for the year 2022 and subsequent years.
2. A plat of survey for Hospitality Group, LLC and First American Title Insurance Company, by James R. Green, Registered Land Surveyor No. 2543, dated November 4, 2021 reflects the following (as to Parcel I):
 - a. The edge of paving for Candler Road encroaches the southern boundary line by 28.02 feet and runs along the entire property line.
3. A plat of survey for Hospitality Group, LLC and First American Title Insurance Company, by James R. Green, Registered Land Surveyor No. 2543, dated November 2, 2021 reflects the following (as to Parcel II):
 - a. a 70 foot front set back line
 - b. a 20 foot rear set back line