

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. OR 17-429

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property located at 5104 North Henry Boulevard, more particularly described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to C-2 (General Commercial) District (City of Stockbridge's Classification), such rezoning to be noted on the City of Stockbridge Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Stockbridge Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this

Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or

sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

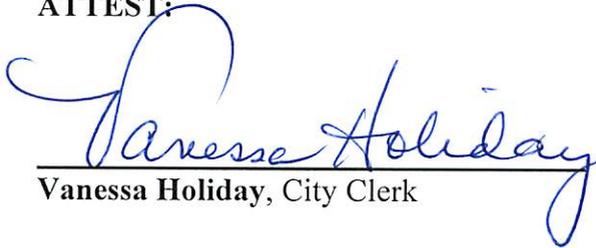
Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 10th day of April 2017.

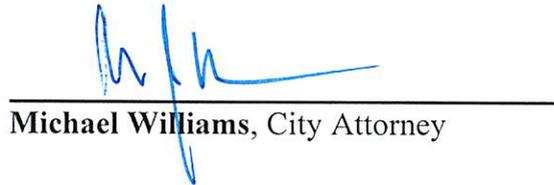
CITY OF STOCKBRIDGE, GEORGIA


Judy Neal, Mayor

ATTEST:


Vanessa Holiday, City Clerk

APPROVED AS TO FORM:


Michael Williams, City Attorney

Date Presented to Mayor: 4-13-2017

Date Received from Mayor: 4-19-2017

EXHIBIT "A"

[Attach legal description]



Henry County Planning & Zoning

RZ-16-39-S

City of Stockbridge
Report Prepared By: Stacey Jordan-Rudeseal, Chief Planner

Applicant: Bruce Brown
5104 North Henry Boulevard
Stockbridge, GA 30281
(404) 713-7755

Location: 5104 North Henry Boulevard
Land Lot 59 of the 12th District

Request: Rezoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial)

Parcel ID: S12-01-005-000

Proposed Use
/Purpose: Operation of Swim School/Sale of Property

Current Land Use: Retail Sales and Indoor Recreation

Future Land Use: Commercial

Sign Posted: March 17, 2017

ZAB Meeting: March 23, 2017

Lot Size: 0.75+/- acres

Road Access: North Henry Boulevard (major arterial)

Zoning History:

The subject property is zoned C-1 (Neighborhood Commercial) according to the City of Stockbridge Official Zoning Map, adopted on December 10, 2012. A review of zoning records indicates that there is a file (89-01) that indicates that the subject property was rezoned from R-3 (Single Family Residential) to C-1 (Neighborhood Commercial District) on December 12, 1988. No conditions were included in the previous rezoning. **Table 1.0** illustrates the current zoning and land uses of surrounding properties.

Table 1.0 Current Zoning and Land Uses of Adjacent Properties

	Current Zoning	Current Land Use
North	OI (Office-Institutional)	Vacant
East	C-1 (Neighborhood Commercial) & R-2 (Single-Family Residence)	Retail Store & Single-Family Residence
South	C-2 (General Commercial)	Vacant
West	OI (Office-Institutional) & C-1 (Neighborhood Commercial)	Vacant & Office

Source: City of Stockbridge Official Zoning Map

Executive Summary:

The applicant intends to rezone 0.75+/- acres, on the north side of North Henry Boulevard from C-1 (Neighborhood Commercial) to C-2 (General Commercial) for the operation of a swimming lessons or resale of the property. The City of Stockbridge does not specifically provide for swimming lessons in the zoning code. Therefore, the applicant is requesting a rezoning to C-2 which would allow the subject property to be used for professional training purposes.

The requested C-2 zoning will allow the uses permitted in compliance with *Section 2.04.03*. Requirements of the ordinance were not revisited in the staff recommendations. Omissions of reference to ordinance requirements should not be taken or implied as exceptions to ordinance requirements.

Development Regulations Relevant to Request:

- City of Stockbridge Code of Ordinances.
- Henry County/Cities Joint 2030 Comprehensive Plan.
- All other City and County Code sections regarding site development standards and requirements.

Analysis of Request (Sec. 12.02.09.C.2):***Criteria point 1: Consistency with the Comprehensive Plan.***

The proposed zoning change is consistent with the Future Land Use Map (FLUM) of the Henry County/Cities Joint 2030 Comprehensive Plan (Comp Plan), which designates the character area as "Downtown" along this section of North Henry Boulevard. It should not have a negative effect on the character of the existing neighborhood as the subject property and the neighboring property is currently zoned for commercial and office activity.

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

The proposed rezoning meets all of the minimum development regulations of the C-2 (General Commercial) zoning district. Table 2.0 lists the requirements of the C-2 zoning district.

Table 2.0 Ordinance Requirements for C-2 Zoning District

ORDINANCE REQUIREMENTS		PROPOSED	COMPLIANCE
Minimum Lot Width	100 feet	100+ feet	Yes
Minimum Front Yard Setback	50 feet	50+ feet	Yes
Minimum Side Yard Setback	none	15+ feet	Yes
Minimum Rear Yard Setback	20 feet	20+ feet	Yes

Sources: City of Stockbridge Zoning Code Section 2.04.03. C-2, General Commercial District

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

Rezoning the subject property will not affect the character of the area as it is mainly comprised of commercial uses along North Henry Boulevard. The area has been established through the Comp Plan and FLUM as downtown area.

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

The site appears to be suitable for the proposed rezoning. Any issues with regard to physical conditions will be addressed during the development plan review process. Issues regarding buffering, topography,

drainage, access, size and shape of the property will be addressed through the development plan review phase.

Criteria Point 5: *The impact upon adjacent property owners should the request be granted.*

The subject property is currently a retail commercial use. Possible impacts upon adjacent property owners, should the property be rezoned, include a minor increase in vehicular traffic. Negative impacts can be mitigated by appropriate zoning conditions.

Criteria Point 6: *The potential impact of the rezoning on City infrastructure including water and sewage system, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes.*

Streets and Sidewalks – Sidewalks currently exist at the site's frontage along North Henry Boulevard.

Criteria Point 7: *Can the subject land be developed as it is currently zoned?*

The subject property has been developed as it is currently zoned C-1.

Criteria Point 8: *The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Zoning Advisory Board and Board of Commissioners may use in furthering the objective of the comprehensive plan.*

Approval of the request would allow the owner to expand the use of existing infrastructure on the site.

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

The approval of a C-2 zone would add to the amount of potential other uses should the property owner choose to sell the property.

Recommendation:

Staff recommends **Approval** of the applicant's request.

Attachments:

- Application
- Letter of Intent
- Survey/Site Plan
- Site Photos
- Exhibit Maps

**Henry County Planning & Zoning
Rezoning Request Application**

Name of Applicant Bruce Brown Phone: 404-713-7755 Date: _____
 Address Applicant: 5104 N. Henry Blvd. Fax N/A Pager/Cell # _____
 City: Stockbridge State: GA Zip: 30281 E-mail: bruce@wetscuba.com
 Name of Agent _____ Phone: _____ Date: _____
 Address Agent: _____ Fax _____ Pager/Cell # _____
 City: _____ State: _____ Zip: _____ E-mail: _____

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS

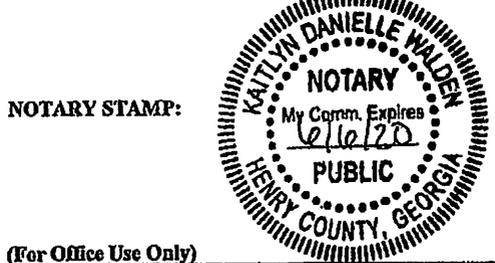
Request from C-1 (Present Zoning) to C-2 (Requested Zoning)
 For the Purpose of operation of swim school / sale of property (Type of Development)
 Address of Property: 5104 N. Henry Blvd (Street Address) Nearest intersection to the property: Shields Rd.
 Size of Tract: .75 acre(s), Land Lot Number(s): _____, District(s): _____
 Gross Density: _____ units per acre Net Density: _____ units per acre

Property Tax Parcel Number: 512-010-050-00 (Required)

Maggie Toney
Witness Signature
Maggie Toney
Printed Name of Witness
Kaitlyn Danielle Walden
Notary

Bruce Brown
Signature of Applicant/s
Bruce Brown
Printed Name of Applicant/s

Signature of Agent



(For Office Use Only)

Total Amount Paid \$ 788 Cash Check # 6907 Received by: SPR (FEES ARE NON-REFUNDABLE)
 Application checked by: SPR Date: 1-27-17 Map Number(s): 512
 Pre-application meeting: SPR Date: _____
 Recommendation of Zoning Advisory Board: _____
 BOC Decision: _____
 Planning Director's Signature: _____ Date: _____

Letter of Intent for Rezoning at:

5104 N Henry Blvd. Stockbridge GA 30281

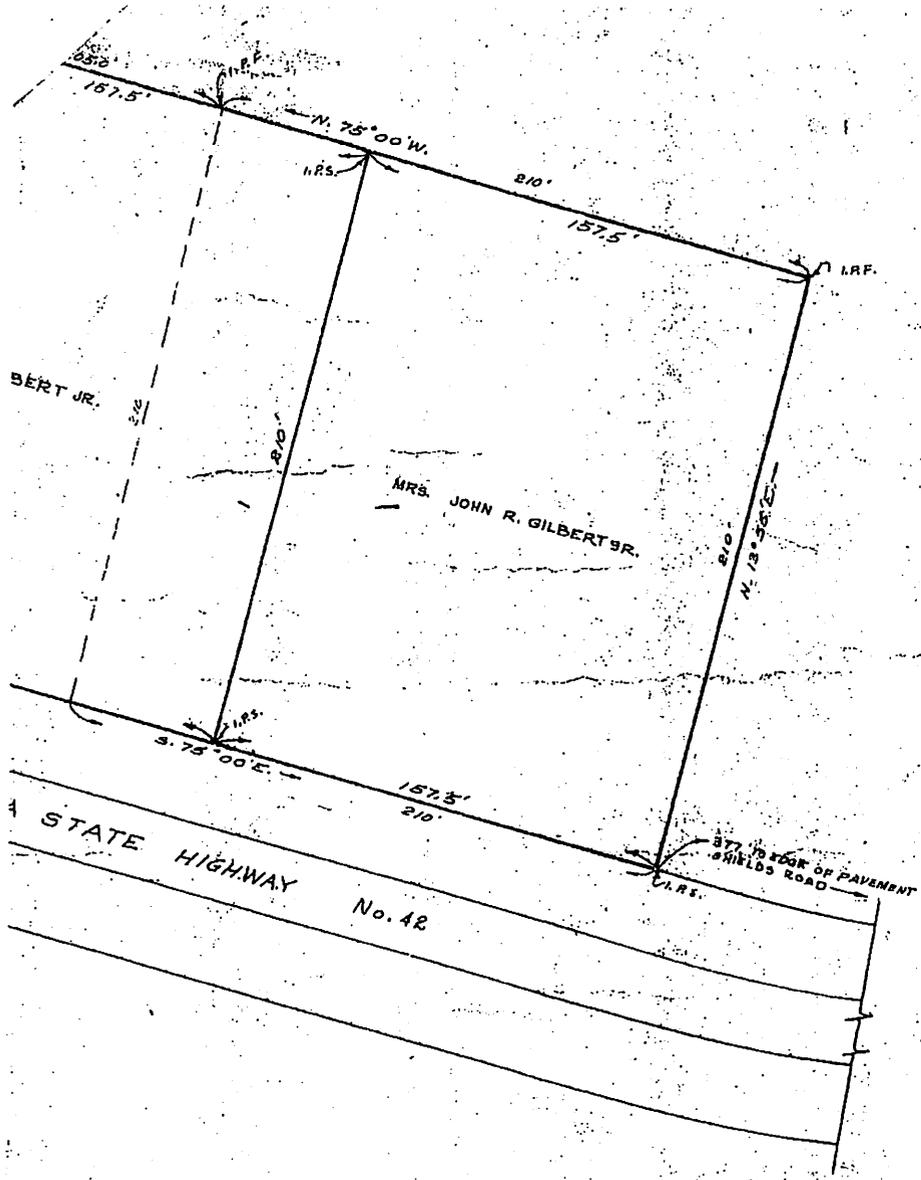
The request for rezoning from C-1 to C-2 is to be able to sell the business and or property as a swim "school" as this becomes more of a percentage of the locations revenue which has operated as a Scuba & Swim facility at this location since January of 1998.

Bruce Brown

Bruce Brown

Date

1-23-17



PLAT SHOWING

SURVEY MADE FOR
 MRS. JOHN R. GILBERT SR.
 IN LAND LOT 59 - 12TH DISTRICT
 HENRY COUNTY, GEORGIA.

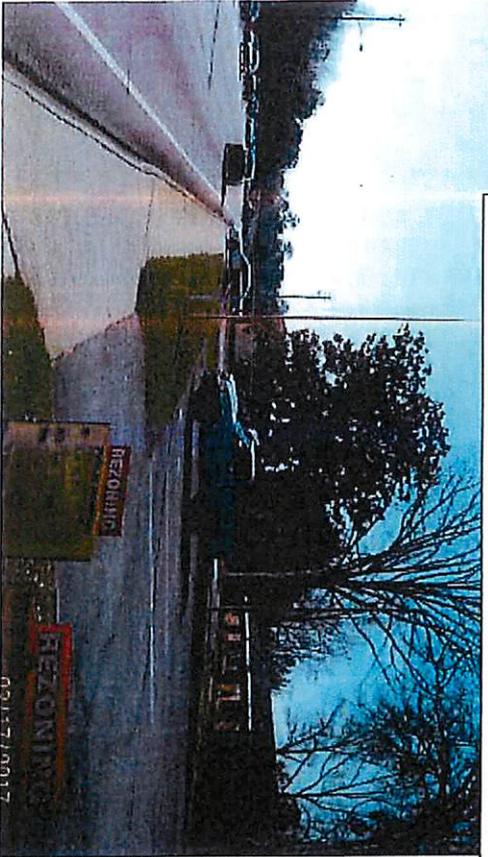
DATE:
 JULY 1959

SCALE:
 1" = 40'

JOB No.
 59142

JAMES T. HENRY
 LAND SURVEYOR
 EAST ATLANTA BANK BUILDING
 1296 GLENWOOD AVE. S.E.
 ATLANTA, GEORGIA.

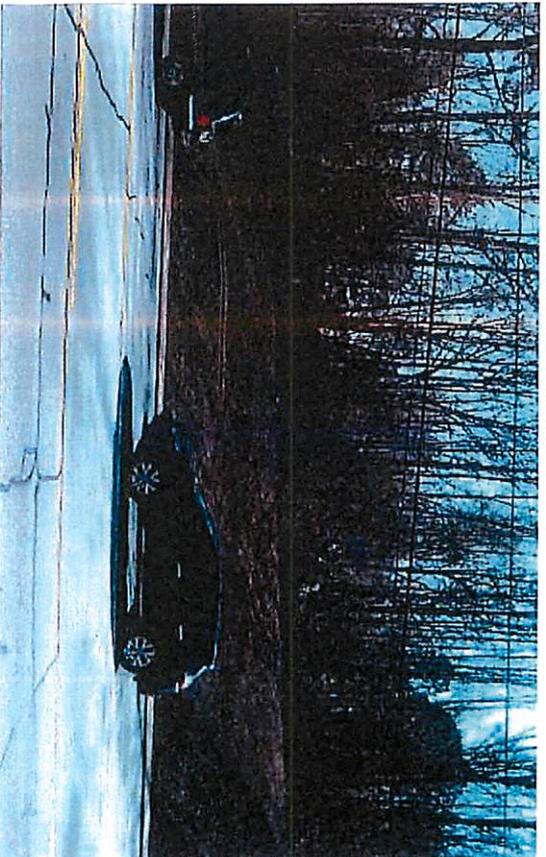
Bruce Brown, 5104 North Henry Boulevard (RZ-17-01-S)



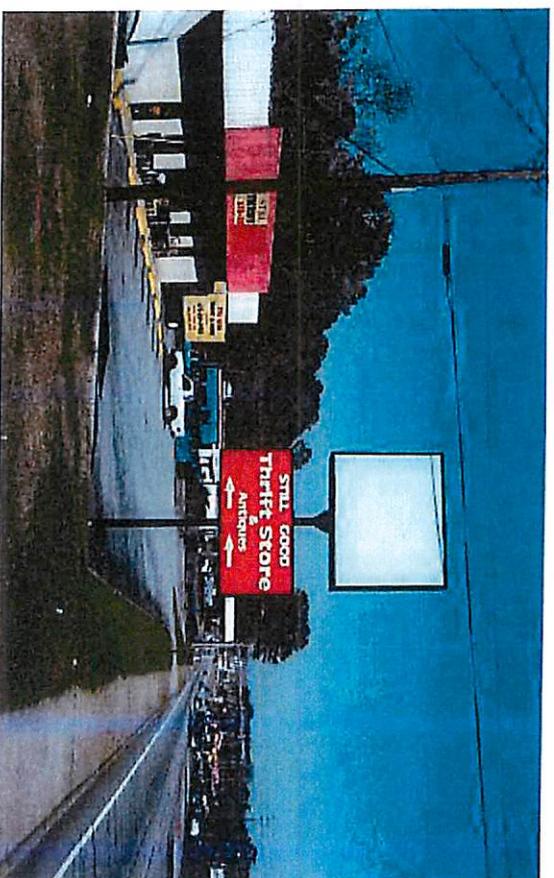
View to the West



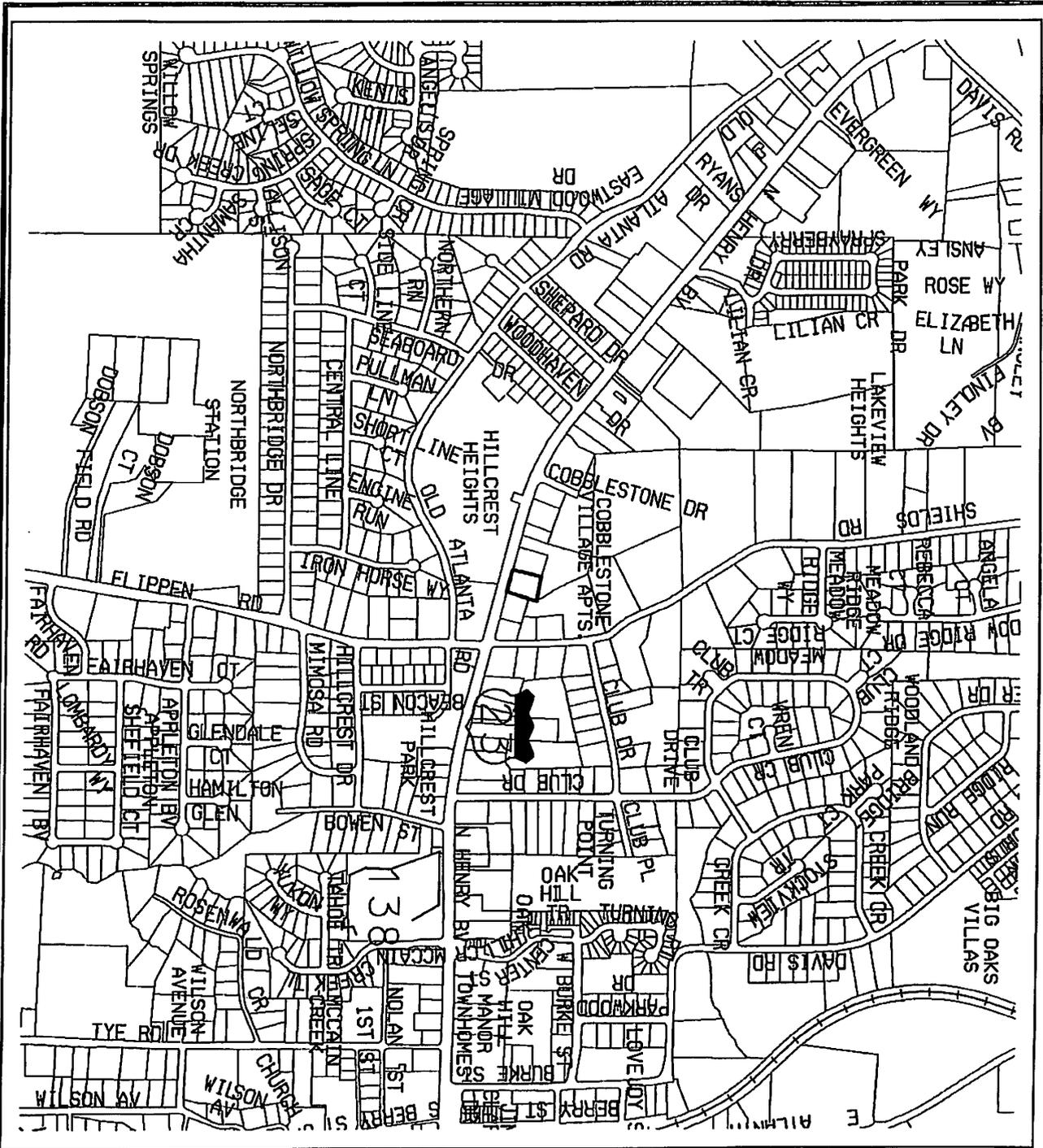
Subject Property



View across North Henry Boulevard



View to the East



Legend

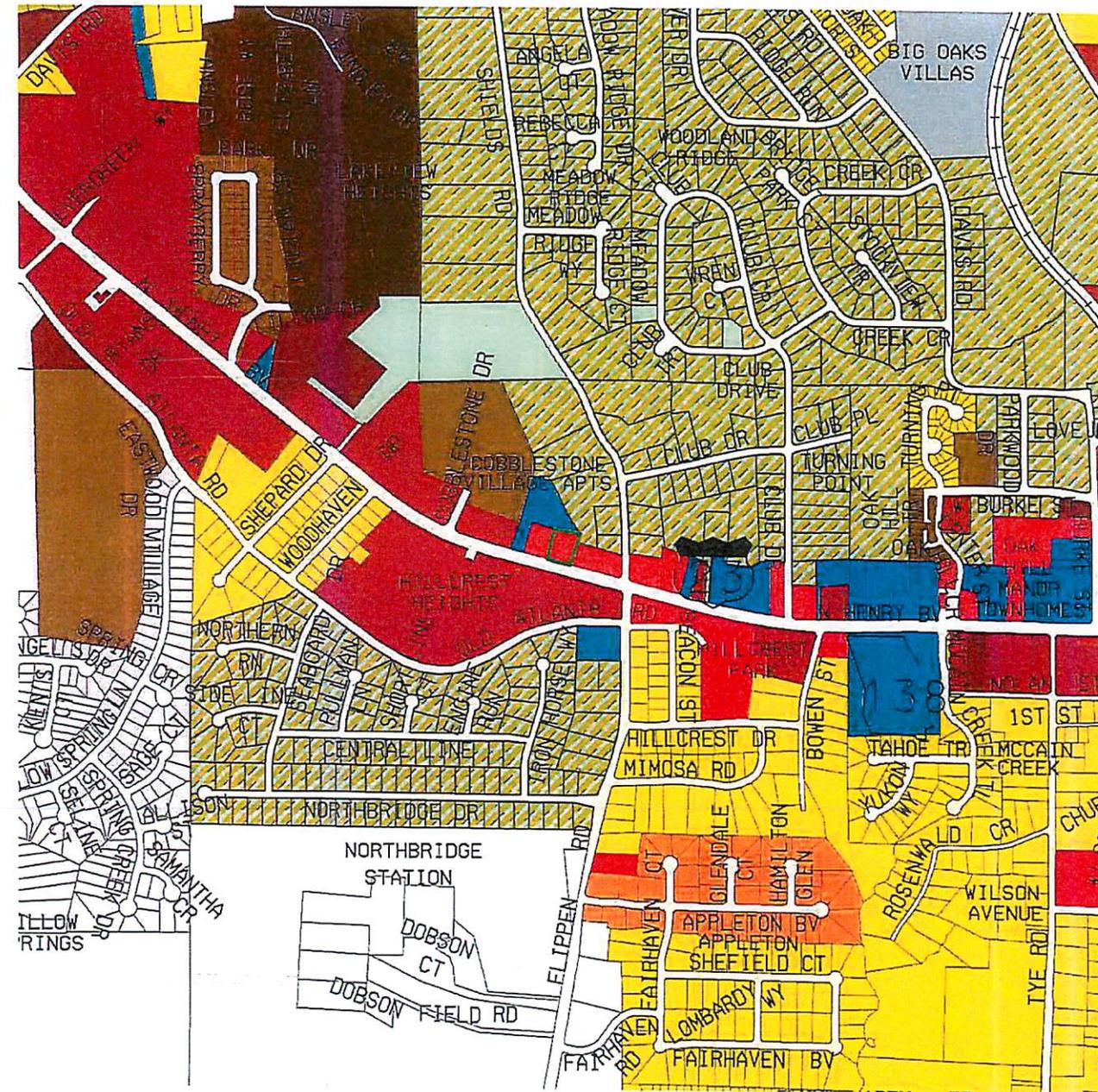
Request
RZ-17-01-S

TAX MAP

Scale: 1" = 1000'



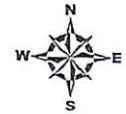
This map is for graphical representation only. It is not a legal document.



Legend

Request

-  RZ-17-01-S
-  RA
-  R-1
-  R-2
-  R-3
-  R-4
-  RD
-  RM
-  RMH
-  OI
-  C-1
-  C-2
-  C-3
-  M-1
-  M-2
-  PD
-  CITY

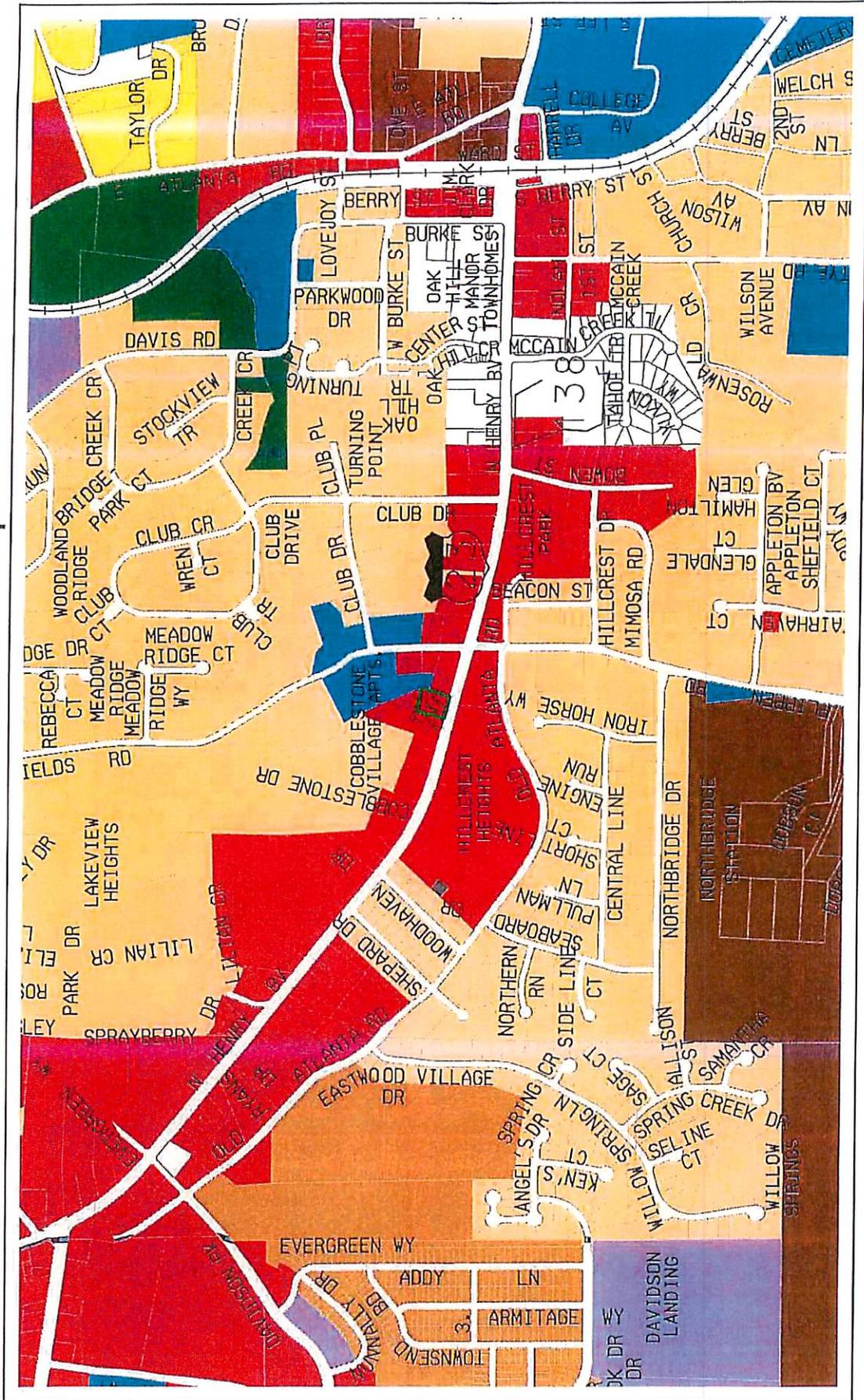


Scale: 1" = 1000'

Current Zoning Map

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Future Land Use Map



RR - Rural Residential
 LD - Low Density Residential
 MD - Medium Density Residential
 HD - Medium-High Density Residential
 VHD - High Density Residential
 COM - Commercial
 INDUS - Industrial
 PI - Public/Institutional
 PRC - Park/Recreation/Conservation
 TCU - Transportation/Communication/Utilities

Request
 RZ-17-01-S





Legend

Request

 RZ-17-01-S

AERIAL MAP

Scale: 1" = 1000'



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