

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO.

OR 17-449

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 103 Carrie Mae Lane, more particularly described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to R-3 (Single Family Residential District) - Conditional, 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. Such rezoning shall be conditioned on the following:

1. To the owner's agreement to abide by the site plan received by the Department of Community Development on July 3, 2017. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

2. Registration as an historic site by the state of Georgia within three years from approval

3. If the historic structure is torn down, the Conditional Use Permit allowing the zoning exception will be removed and the property will revert back to its current use as R-3 (Single-Family Residence).

4. Compliance with ADA accessibility guidelines and parking requirements.

5. Variance from development regulations:

- (a) Reduce the minimum front yard setback from required 50'.

- (b) Reduce the minimum lot width requirement from 100 feet to 83.50 +/- feet for

"Parcel 1" .

- (c) Reduce the minimum side yard setback for corner lots from 30 feet to 24.98 +/- feet for "Parcel 1".
- (d) Eliminate the buffer on " Parcel 1" to accommodate the existing structure and parking area.
- (e) Allow accessory structure to be located in required buffer on rear property line of "Parcel 1".
- (f) Reduce accessory structure setback from 10 feet to 3 feet on "Parcel 2".
- (g) Reduce front setback for "Parcel 2" from 50 feet to 40 +/- feet.
- (h) Reduce accessory structure side setback on "Parcel 2" from 10 feet to 1 +/- feet.
- (i) Allow accessory dwelling on "Parcel 2" to be located in the front yard.
- (j) Allow accessory dwelling on "Parcel 2" to be located on a lot served by City sewer less than 18,000 square feet in size.

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.

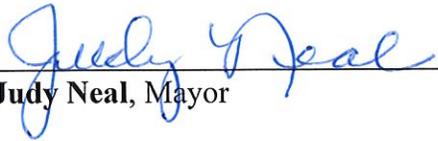
Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

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.

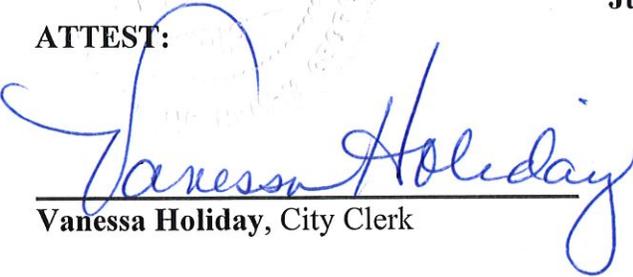
ORDAINED this 13th day of November 2017.

CITY OF STOCKBRIDGE, GEORGIA



Judy Neal, Mayor

ATTEST:



Vanessa Holiday, City Clerk

APPROVED AS TO FORM:



Michael Williams, City Attorney

Date Presented to Mayor: _____

Date Received from Mayor: 12/11/2017

EXHIBIT "A"

[Attach legal description]



Rezoning Evaluation Report
RZ-17-20-S
VR-17-19-S

Applicant: Diane Miller
804 Rum Hill Comi
Stockbridge, GA 30281
(770) 367-7961

Agent: Philip Logan
104 Johnson Comi
Decatur, GA 30030
(404)557-3105

Location: 103 Carrie Mae Lane
Land Lot 36 of the 12th District

Request: Rezoning from R-3 (Single-Family Residential) to C-2 (General Commercial)

Parcel ID: S20-03010000 (a portion of this parcel)

Proposed Use /Purpose: Restaurant

Current Land Use: Rezoning-Vacant / Variance - Single-Family Home/ Vacant commercial building (after lot subdivision)

Future Land Use: Medium-Density Residential

Sign Posted: October 4, 2017

ZAB Meeting: October 26, 2017

Lot Size: 0.277 +/- acres & .666 +/- acres

Road Access: Carrie Mae Lane (Local Road)
2nd Street (Local Road)

Zoning History: The subject property is zoned R-3 (**Single Family Residence**) according to the City of Stockbridge Official Zoning Map, adopted on February 13, 2017.

HENRY COUNTY PLANNING AND ZONING DEPARTMENT
RECOMENDTION
APPROVAL W/CONDITONS

City of Stockbridge Planning & Zoning Department
RECOMMENDATION
R3 TO R3 WITH A CONDITIONAL USE PERMIT

City of Stockbridge Zoning Advisory Board
October 26, 2017

RECOMMENDATION
R3 TO R3 WITH A CONDITIONAL USE PERMIT

CITY OF STOCKBRIDGE MAYOR/COUNCIL
November 13, 2017
ACTION

RECOMMENDATION

R3 TO R3 WITH A CONDITIONAL USE PERMIT. Approval of the subject site for C-2 would lead to "SPOT ZONING". Staff recommends that a request be approved as a "Use Permit" that would enable the Applicant to achieve their intended goal without changing the Current and Future Land Use Maps for the City of Stockbridge.

Should the ZAB and Mayor/Council **APPROVE** the Application, it should be subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by Mayor and Council.

1. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on July 3, 2017. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
2. Registration as an historic site by the state of Georgia within three years from approval
3. If the historic structure is torn down, the Conditional Use Permit allowing the zoning exception will be removed and the property will revert back to its current use as R-3 (Single- Family Residence).
4. Variance from development regulations:
 - 1) Reduce the minimum front yard setback from required 50'.
 - 2) Reduce the minimum lot width requirement from 100 feet to 83.50 +/- feet for "Parcel 1" .
 - 3) Reduce the minimum side yard setback for corner lots from 30 feet to 24.98 +/- feet for "Parcel 1".
 - 4) Eliminate the buffer on "Parcel 1" to accommodate the existing structure and parking area.
 - 5) Allow accessory structure to be located in required buffer on rear property line of "Parcel 1".
 - 6) Reduce accessory structure setback from 10 feet to 3 feet on "Parcel 2".
 - 7) Reduce front setback for "Parcel 2" from 50 feet to 40 +/- feet.

- 8) Reduce accessory structure side setback on "Parcel 2" from 10 feet to 1 +/- feet.
- 9) Allow accessory dwelling on "Parcel 2" to be located in the frontyard.
- 10) Allow accessory dwelling on "Parcel 2" to be located on a lot served by City sewer less than 18,000 square feet in size.



Henry County Planning & Zoning

RZ-17-20-S

City of Stockbridge

Report Prepared By: Juli Yoder, Planner I

Applicant: Diane Miller
804 Rum Hill Court
Stockbridge, GA 30281
(770) 367-7961

Agent: Philip Logan
104 Johnson Court
Decatur, GA 30030
(404)557-3105

Location: 103 Carrie Mae Lane
Land Lot 36 of the 12th District

Request: Rezoning from R-3 (Single-Family Residential) to C-2 (General Commercial)

Parcel ID: S20-03010000 (a portion of this parcel)

Proposed Use /Purpose: Restaurant

Current Land Use: Vacant

Future Land Use: Medium-Density Residential

Sign Posted: October 4, 2017

ZAB Meeting: October 26, 2017

Lot Size: 0.277+/- acres

Road Access: Carrie Mae Lane (Local Road)
2nd Street (Local Road)

Zoning History:

The subject property is zoned **R-3 (Single-Family Residence)** according to the City of Stockbridge Official Zoning Map, adopted on February 13, 2017. **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	R-3 (Single Family Residential)	Single-Family Residence/ Church
East	R-3 (Single Family Residential)	Single-Family Residence
South	R-3 (Single Family Residential)	Single-Family Residence
West	R-3 (Single Family Residential)	Vacant

Source: City of Stockbridge Official Zoning Map

Executive Summary:

The applicant intends to rezone 0.277+/- acres of 103 Carrie Mae Lane from R-3 (Single-Family Residence) to C-2 (General Commercial) for the purpose of utilizing the existing structure on the north end of the lot of record as a restaurant. The requested C-2 zoning will allow the owner to use the subject property for a restaurant; however, an approved variance is required. A Variance application will be heard concurrently with this case. The lot of record currently includes a single-family residence and an accessory dwelling unit, as well as a vacant commercial building. The property will have to be subdivided; the lot of record will be split into two (2) separate ownerships. This subdivision would create two non-conforming lots per existing development standards, which is why there is also a variance application.

The vacant structure on the north end of the lot of record was built in 1920 as a restaurant. The approval of this rezoning will be an effort to allow the preservation of an historic building, and allow it to be used as intended when built.

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 inconsistent with the Future Land Use Map (FLUM) of the Henry County/Cities Joint 2030 Comprehensive Plan (Comp Plan). The only commercial zoned property in this area is approximately one block away along 2nd Street to the west of the subject property. The area is mostly comprised of residential uses. However, there are many policies listed in the Comp Plan (below) that support the preservation and continued use of historic properties, as well as the redevelopment and re-use of infrastructure that has already been built.

Land Use Policies

LU-11: Give priority to developments that mix uses and redevelop and revitalize existing underutilized commercial and industrial areas.

LU-16: Encourage the maintenance of all historic structures and, when appropriate, their adaptive reuse.

LU-17: Support recognition of exemplary preservation, renovation, and restoration of historic structures.

LU-19: New development will contribute to, not take away from, our community's character and sense of place.

LU-20: Encourage development that is sensitive to the historic context, sense of place, and overall setting of the community.

LU-28: Redevelop and enhance existing commercial and industrial areas within our community in preference to new development in Greenfield (previously undeveloped) areas of the community.

LU-29: Support appropriate residential and non-residential in-fill development and redevelopment in way that complement surrounding areas.

Economic Development

ED-3: Support local tourism, including historic and sports tourism.

ED-8: Target reinvestment to declining, existing neighborhoods, vacant or underutilized sites or buildings in preference to new economic development projects in Greenfield (previously undeveloped) areas of our community.

Natural and Cultural Resources

NC-1: The protection and conservation of our community's resources will play an important role in the land use decision-making process.

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 does not meet 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. A variance has been filed and will be heard concurrently with this case.

Table 2.0 Ordinance Requirements for C-2 Zoning District

ORDINANCE REQUIREMENTS		PROPOSED	COMPLIANCE
Minimum Lot Area	10,000 sq. ft.	12,066.12 sq. ft.	Yes
Minimum Lot Width	100 feet	83.50 feet	No
Minimum Front Yard Setback	50 feet	21.02 feet	Yes
Minimum Side Yard Setback	Corner lots have a min. street side yard of 30 feet	24.98 feet	No
Minimum Rear Yard Setback	20 feet	50+ 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 affect the character of the area as it is comprised mostly of residential uses. A potential positive effect of rezoning would allow the re-use of an historic structure for its intended purpose as a restaurant, which may enhance the quality of life and help to protect the cultural resource.

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, with an approved variance. Any issues regarding 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. A variance request will be heard concurrently with this rezoning.

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

The subject property is currently a vacant historic restaurant, with an accessory structure. Possible impacts upon adjacent property owners, should the property be rezoned, include a small increase in vehicular traffic.

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

Water and Sewerage – A letter dated August 24, 2017, states that the City of Stockbridge services water and sewer at this location.

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

Name of Applicant: Diane Miller Phone: 770-367-7961 Date: 9-1-17
 Address Applicant: 804 Rum Hill Ct Fax: _____ Pager/Cell # 770 367 7961
 City: Stockbridge State: GA Zip: 30281 E-mail: dianedmiller@swimarenterprises.com
 Name of Agent: Philip Logan Phone: 404-557-3105 Date: 9-1-17
 Address Agent: 104 Johnson Ct Fax: _____ Pager/Cell # 404-557-3105
 City: Decatur State: GA Zip: 30030 E-mail: philiplogan7@aol.com

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

Request from R-100 to C-2
(Present Zoning) (Requested Zoning)

For the Purpose of restaurant
(Type of Development)

Address of Property: 103 Carrie Mae Ln Nearest intersection to the property: _____
(Street Address)

Size of Tract: _____ acre(s), Land Lot Number(s): 36 L Dist 12, District(s): 003 Stockbridge

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

Property Tax Parcel Number: 510-0301-0000 (Required)

Philip Logan
 Witness Signature

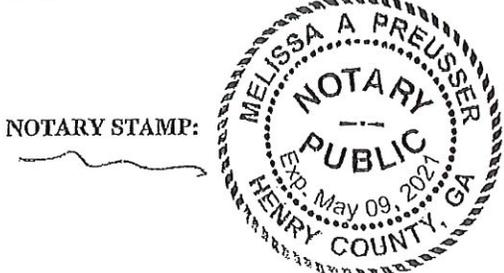
Philip Logan
 Printed Name of Witness

Melissa A Preusser
 Notary

Diane Miller
 Signature of Applicant/s

Diane Miller
 Printed Name of Applicant/s

Melissa A Preusser
 Signature of Agent



(For Office Use Only)

Total Amount Paid \$ 800 Cash _____ Check # 10187 Received by: Stoder (FEES ARE NON-REFUNDABLE)

Application checked by: Stoder Date: 9/5/17 Map Number(s): 520

Pre-application meeting: 3/14/17 Date: Stoder

Recommendation of Zoning Advisory Board: _____

BOC Decision: _____

Planning Director's Signature: _____ Date: _____

Diane D. Miller
804 Rum Hill Ct.
Stockbridge, GA 30281

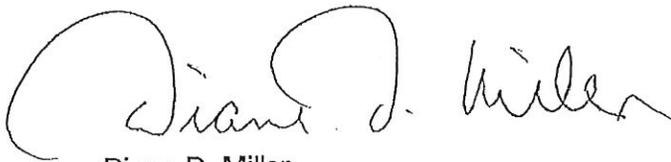
August 31, 2017

RE: Letter of Intent for The Green Front Café, 112 2nd Street, Stockbridge, GA 30281

Ladies and Gentlemen:

I am requesting permission to divide the property at 103 Carrie Mae Ln to separate the Green Front Café (112 2nd Street) from the private residence of the current owner. I intend to reopen the Green Front Café as a neighborhood eatery, mini-museum to honor the former proprietor, Mrs. Carrie Mae Hambrick, and potential information point to serve the MLK Sr. Heritage Trail.

Thank you.

A handwritten signature in cursive script that reads "Diane D. Miller". The signature is written in black ink and is positioned to the right of a large, decorative flourish that starts with a large loop and extends to the left.

Diane D. Miller
770.367.7961
dianedmiller@gmail.com

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

Streets and Sidewalks – The subject property sits on Carrie Mae Lane and 2nd Street, both local roads. There are no sidewalks in the vicinity of the subject property, and no sidewalks are proposed.

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 utilize the vacant historic restaurant on the lot of record as a commercial restaurant, which may help preserve the historical structure as well as the cultural resource. This would also require a subdivision of the property, creating two (2) non-conforming lots, which is the reason for the variance running concurrently with this case.

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

The subject property was developed as a commercial restaurant in 1920.

Recommendation:

Staff recommends **Approval** of the applicant's request with the following conditions.

- 1.) If the historic structure is torn down, the rezoning will revert to its current zoning of R-3 (Single-Family Residence).

Attachments:

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



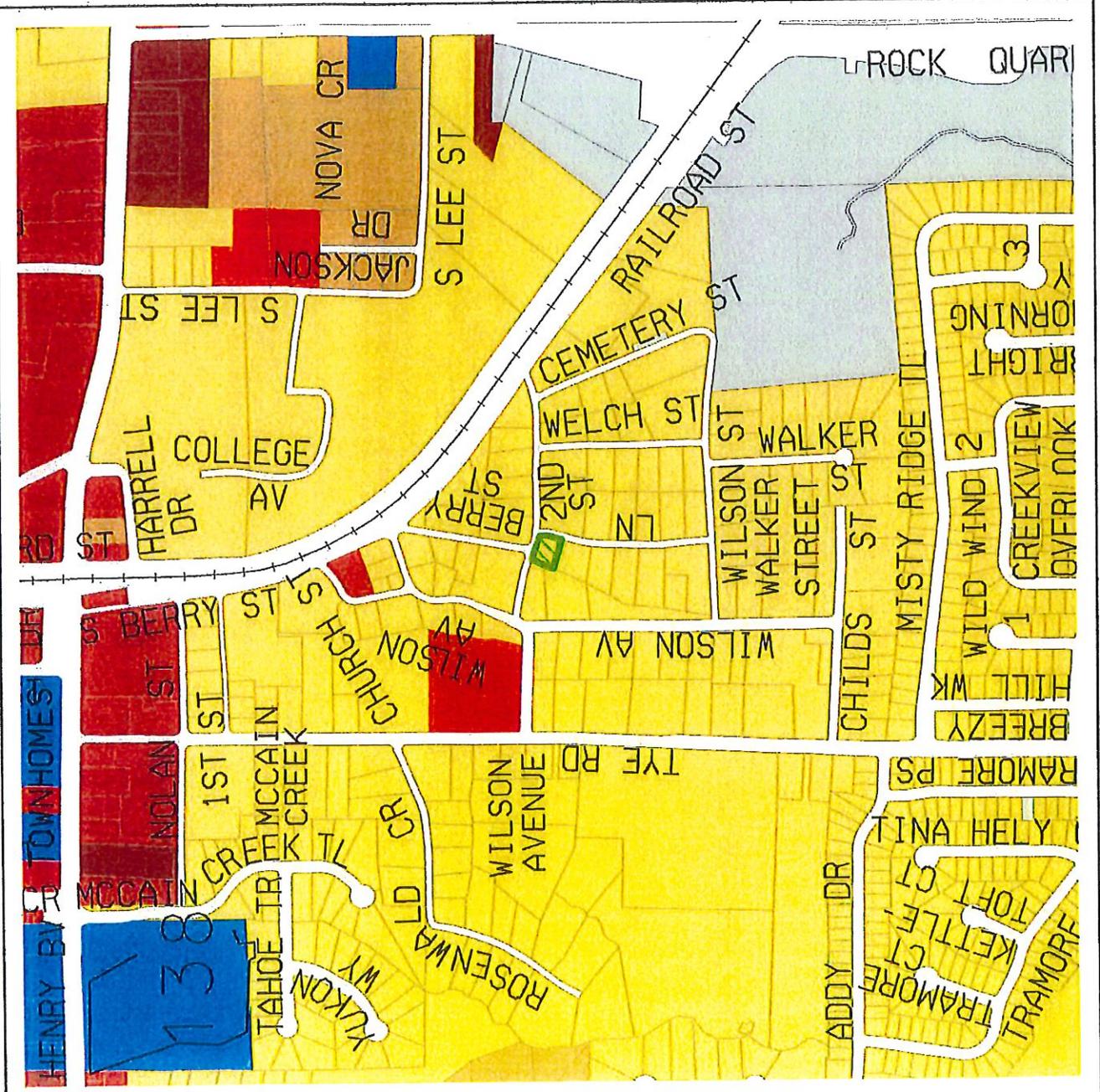
Legend

Request	Color/Pattern
RZ-17-20-S	Green with diagonal lines
RA	White
R-1	White
R-2	Yellow with diagonal lines
R-3	Yellow
R-4	Light Yellow
RD	Orange
RM	Light Orange
RMH	Brown
OI	Blue
C-1	Red
C-2	Dark Red
C-3	Dark Red
M-1	Light Blue
M-2	Dark Blue
PD	Light Purple
CITY	Light Green

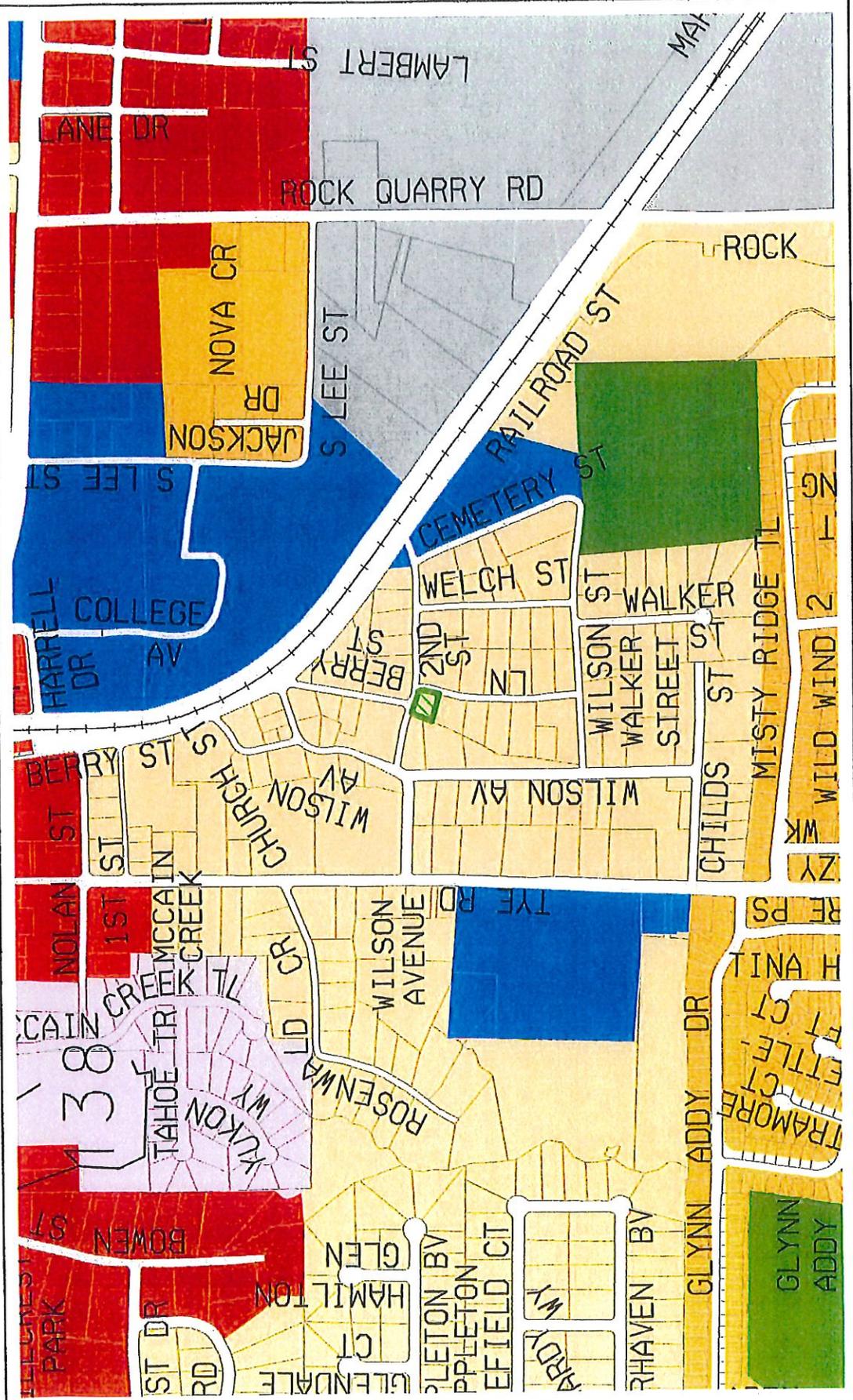
Scale: 1"= 600'

Current Zoning Map

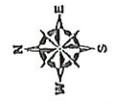
This map is for graphical representation only. It is not a legal document.



Future Land Use Map



- Request**
- RZ-17-20-S
 - FLU
- Request Legend:**
- LD - Low Density Residential
 - MD - Medium Density Residential
 - HD - Medium-High Density Residential
 - VHD - High Density Residential
 - RR - Rural Residential
 - COM - Commercial
 - OI - Office Institutional
 - INDUS - Industrial
 - PI - Public/Institutional
 - PRC - Park/Recreation/Conservation
 - TCU - Transportation/Communication/Utilities



Legend

Request



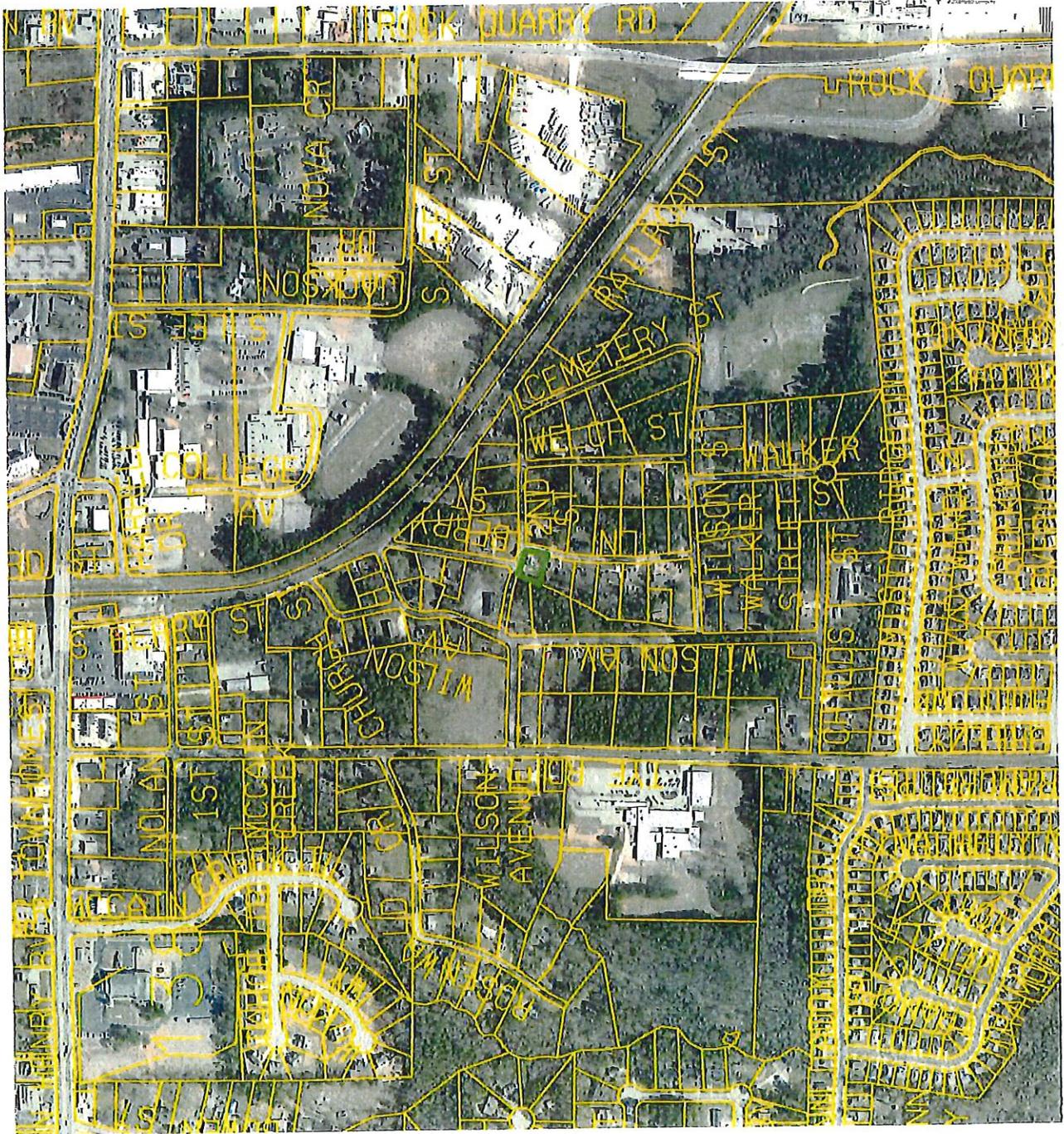
RZ-17-20-S

AERIAL MAP

Scale: 1"= 600'



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



VARIANCE REZONING

CITY OF STOCKBRIDGE PUBLIC HEARING
(COUNCIL)

RE: R3 TO C2

DATE: NOV 13, 2017

TIME: 6:00 PM

LOCATION: Stockbridge City Hall
4640 North Henry Blvd., Stockbridge, GA

FOR MORE INFO:
770-288-7526 / www.hcpz.org

VARIANCE REZONING

PUBLIC HEARING
CITY OF STOCKBRIDGE

RE: R-3 TO C-2

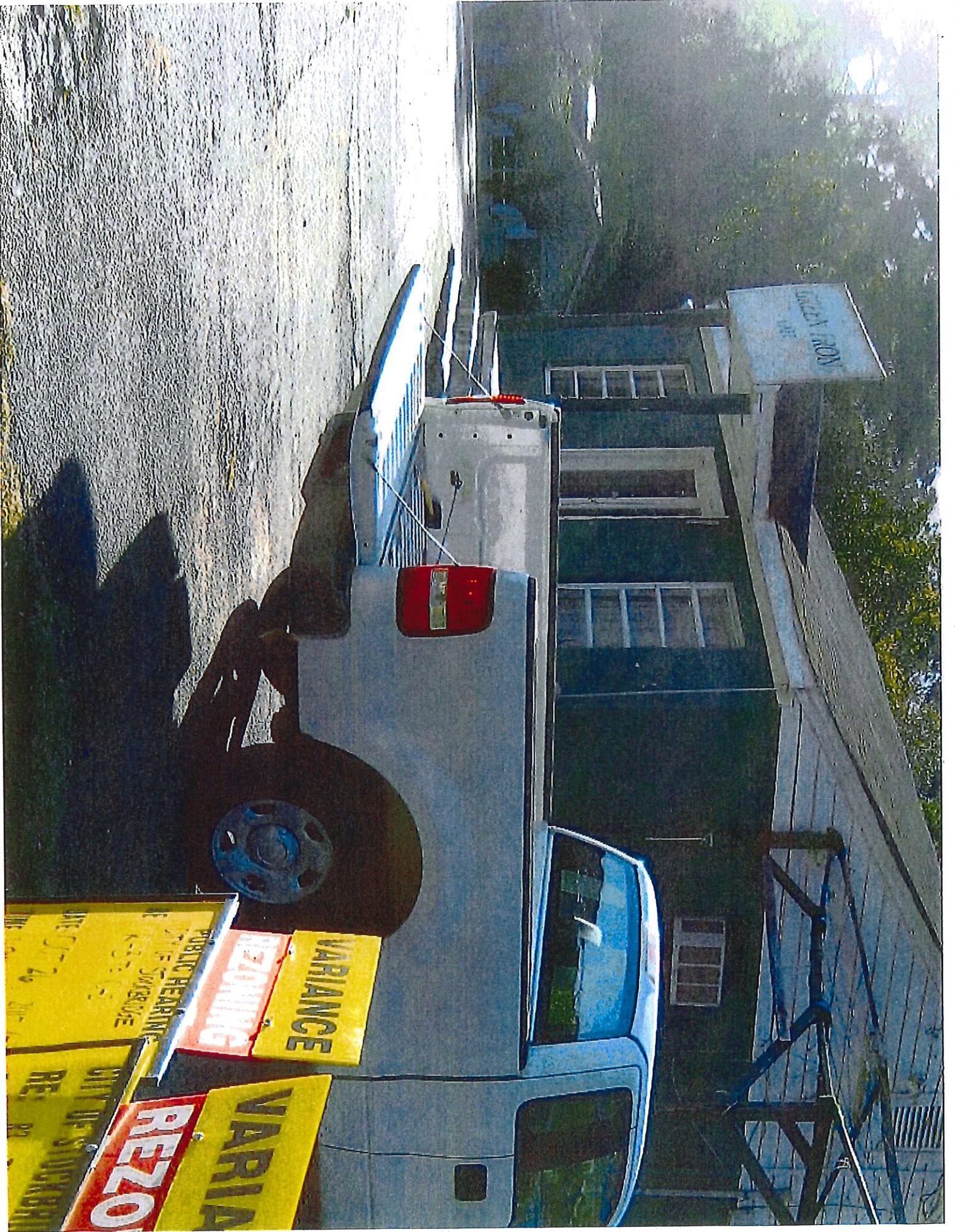
DATE: OCT 26, 2017 (ZAB)

TIME: 6 PM

City Hall- Stockbridge
4640 North Henry Blvd, Stockbridge, GA

FOR MORE INFO: 770-288-7526

10/04/2017



CITY OF...

VARIANCE

REZONING

VARIANCE
REZONING

PUBLIC HEARING

VARIANCE

REZONING

PUBLIC HEARING

CITY OF STOCKBRIDGE

RE: R-3 TO C-2

DATE: OCT 26, 2017 (ZAB)

TIME: 6 PM

Stockbridge City Hall
4640 North Henry Blvd.
Stockbridge, GA

FOR MORE INFO: 770-288-7526

VARIANCE

REZONING

CITY OF STOCKBRIDGE PUBLIC HEARING

RE: R3 TO C2

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10/04/2017