

STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

RESOLUTION NO. R15-639

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HIGHWAY 42 NORTH AND BRANNAN ROAD (PARCEL ID 070-01-005-000 AND LAND LOTS 1, 2 31 AND 32 OF DISTRICT 7); AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; AUTHORIZING THE CITY CLERK TO ATTEST SIGNATURES AND AFFIX THE OFFICIAL SEAL OF THE CITY, AS NECESSARY; PROVIDING FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, The City of Stockbridge (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City;

WHEREAS, Eagles Landing First Baptist Church requests a conditional use for the property located at the southeast corner of Highway 42 North and Brannan Road (Parcel ID 070-01-005-000 and Land Lots 1, 2 31 and 32 of District 7);

WHEREAS, the property consists of 64.689+/- acres, and the request is for a church/religious facility; and

WHEREAS, the Zoning Advisory Board heard the request on January 22, 2015 and recommended approval of the request with certain conditions;

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE GEORGIA AS FOLLOWS:

SECTION 1. Authorization – The proposed conditional use is hereby authorized with the conditions set forth on Exhibit A attached hereto which are incorporated herein by reference as if fully set forth herein. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Stockbridge.

SECTION 2. Approval of Execution – The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution.

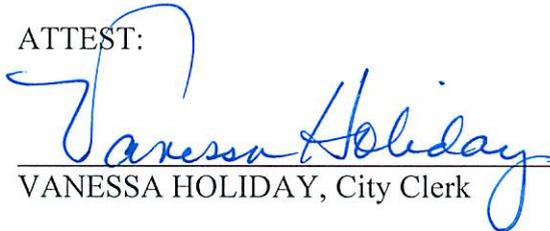
SECTION 3. Attestation – The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this resolution, subject to approval as to form by the City Attorney.

SECTION 4. Effective Date. This resolution shall become effective immediately upon its adoption by the Mayor and City Council of the City of Stockbridge as provided in the City Charter.

SO BE IT RESOLVED this 9th day of March 2015.


ALPHONSO THOMAS, MAYOR PRO TEM

ATTEST:


VANESSA HOLIDAY, City Clerk (SEAL)

APPROVED AS TO FORM:


MICHAEL WILLIAMS, City Attorney



EXHIBIT A

1. All buildings shall be constructed of brick, stone, stucco, glass or any combination thereof, allowing a uniform design with the existing church campus.
2. Any dumpster(s) shall be placed on a concrete pad and enclosed on three (3) sides. The enclosure shall be constructed of a material consistent with the structures on the existing church campus and shall be a minimum of eight (8') feet in height.
3. Sixty feet (60') of right-of-way from the centerline of Highway 42 North is required to be preserved all along the subject property's frontage along Highway 42 North.
4. Any curb cuts are to be located so that minimum intersection site distance and spacing requirements are met per the road's posted speed limit as determined by the Henry County Department of Transportation. All curb cuts shall include a deceleration lane/acceleration taper designed and constructed to meet HCDOT requirements.
5. Georgia Department of Transportation (GDOT) requirements shall be used to determine if left turn lanes are warranted along Brannan Road. Should left turn lanes be warranted, the applicant/developer shall design and construct the left turn lane and related improvements to meet HCDOT requirements. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
6. Should the uses that take access from the curb cuts add daycare facilities, school expansion facilities, or other traffic generators at a later date, the applicant/developer will be required to coordinate with the HCDOT at that time regarding designing and constructing left turn lanes to meet HCDOT and/or GDOT standards, as warranted. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
7. The applicant/developer shall provide inter-parcel automobile and pedestrian access to the existing church campus (Parcel ID# 070-01-007-012) consisting of a minimum of one (1) travel lane in each direction providing a continuous connection to existing roadways. The applicant/developer shall present a sidewalk plan to the Mayor and Council for approval prior submittal of building plans.
8. In order to provide for consistent signage throughout the Eagles Landing development area, the property owner shall be allowed to submit a master sign plan for approval utilizing signage standards currently approved for other properties within the Eagles Landing development.
9. A lighting plan is required to be presented for approval with development plans. Lighting for parking, recreational uses, and otherwise shall be downcast and of moderate brightness. No lighting other than that approved for parking shall be on past 10:00 pm. No lighting shall be allowed to illuminate or otherwise glare on any portion of adjacent parcels of land or onto any county or state road. Lighting screens/guards or the discontinuation of the use of the offending lighting may be required to accomplish this provision.
10. No outdoor amplification of sound shall be permitted before 10:00 am and after 10:00 pm, provided that no outdoor amplification is allowed to constitute a nuisance.

11. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.
12. The 0.25 acre cemetery site (shown on the survey for Eagles Landing First Baptist Church, Inc. by Houston Engineering dated November 15, 2014) shall be secured with a decorative fence constructed of metal (no chain link), at least four feet (4') in height, but not more than eight feet (8') in height, with at least one (1) gate large enough to allow landscape maintenance equipment to easily pass.
13. The 0.25 acre cemetery site (shown on the survey for Eagles Landing First Baptist Church, Inc. by Houston Engineering dated November 15, 2014) shall be surrounded by a twenty-five foot (25') undisturbed buffer.
14. The 0.25 acre cemetery site (shown on the survey for Eagles Landing First Baptist Church, Inc. by Houston Engineering dated November 15, 2014) shall be shown on all future development plans.

City of Stockbridge

EXECUTIVE SUMMARY

CITY COUNCIL MEETING

Meeting Date:

March 9, 2015

Department Requesting Agenda Item:

Planning & Zoning

Action Type:

Action requested by City Council

For informational purposes only

Attachments/Exhibits for Agenda Item:

1. Executive Summary
2. Legal Ad
3. Sign Photo
4. ZAB Minutes (January 22, 2015)
5. Staff Report with Attachments
6. Application
7. Letter of Intent

Presenter:

Planning & Zoning Staff

Applicant:

Eagles Landing First Baptist Church

Case Number: CU-14-18-S

Agenda Item:

Eagles Landing First Baptist Church of McDonough, GA requests a conditional use for property located on the southeast quadrant of the intersection of Highway 42 North and Brannan Road, in Land Lot 1, 2, 31, & 32 of the 7th District. The property consists of 64.689+/- acres and the request is for the expansion of a church and related religious facilities.

Background:

See attached staff report.

Recommendation:

The Zoning Advisory Board heard the request on January 22, 2015, and made a recommendation for approval. The original staff recommendation was for approval with the following conditions:

1. All buildings shall be constructed of brick, stone, stucco, glass or any combination thereof.
2. Any dumpster(s) shall be placed on a concrete pad and enclosed on three (3) sides. The enclosure shall be constructed of a material consistent with the structures on the existing church campus and shall be a minimum of eight (8') feet in height.

3. Sixty feet (60') of right-of-way from the centerline of Highway 42 North is required to be preserved all along the subject property's frontage along Highway 42 North.
4. Any curb cuts are to be located so that minimum intersection site distance and spacing requirements are met per the road's posted speed limit as determined by the Henry County Department of Transportation. All curb cuts shall include a deceleration lane/acceleration taper designed and constructed to meet HCDOT requirements.
5. Georgia Department of Transportation (GDOT) requirements shall be used to determine if left turn lanes are warranted along Brannan Road. Should left turn lanes be warranted, the applicant/developer shall design and construct the left turn lane and related improvements to meet HCDOT requirements. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
6. Should the uses that take access from the curb cuts add daycare facilities, school expansion facilities, or other traffic generators at a later date, the applicant/developer will be required to coordinate with the HCDOT at that time regarding designing and constructing left turn lanes to meet HCDOT and/or GDOT standards, as warranted. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
7. The applicant/developer shall provide inter-parcel automobile and pedestrian access to the existing church campus (Parcel ID# 070-01-007-012) consisting of a minimum of one (1) travel lane in each direction and at least one (1) five foot (5') wide sidewalk, providing a continuous connection to an existing roadway and sidewalk respectively, before the first certificate of occupancy is issued.
8. Signage shall be monument based, limited to eight feet (8') in height.
9. A lighting plan is required to be presented for approval with development plans. Lighting for parking, recreational uses, and otherwise shall be downcast and of moderate brightness. No lighting other than that approved for parking shall be on past 10:00 pm. No lighting shall be allowed to illuminate or otherwise glare on any portion of adjacent parcels of land or onto any county or state road. Lighting screens/guards or the discontinuation of the use of the offending lighting may be required to accomplish this provision.
10. No outdoor amplification of sound shall be permitted before 10:00 am and after 10:00 pm, provided that no outdoor amplification is allowed to constitute a nuisance.
11. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes

The Zoning Advisory Board discussed changing Condition 8 to read: Signage shall be monument based with a master sign plan developed in conjunction with the City of Stockbridge to require signage to have a uniform appearance with the Eagles Landing Country Club Community signs.

PUBLIC HEARINGS

PUBLIC HEARING NOTICE
Stockbridge City Council

Date: Monday, March 9,
2015
Location: Stockbridge City
Hall
4640 North Henry Bou-
levard, Stockbridge, GA
30281
Public Hearing: 6:00 P.M.

CONDITIONAL USE:

CU-14-18-S
Eagles Landing First Baptist
Church of McDonough, GA
requests a conditional use
for property located on the
southeast quadrant of the
intersection of Highway 42
North and Brannan Road, in
Land Lot 1, 2, 31, & 32 of
the 7th District. The property
consists of 64.689 +/- acres,
and the request is for the
expansion of a church and
related religious facilities.
928-236937, 2/11

CONDITIONAL USE

CITY OF STOCKBRIDGE PUBLIC HEARING

RE: Church

DATE: March 5

TIME: 6:00 pm

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

FOR MORE INFO:

770-288-7526 / www.hcpz.org

02/11/2015

SUMMARY MINUTES

HENRY COUNTY ZONING ADVISORY BOARD

The Henry County Zoning Advisory Board held a Public Meeting with a Work Session at 6:00 p.m. and a Public Hearing at 7:30 p.m. on Thursday, **January 22, 2015** in the Henry County Administration Building, 140 Henry Parkway, McDonough, Georgia, 30253. Notice of this meeting was posted in the entrance foyer of the County Administration Building and posted in the Henry Daily Herald Newspaper.

Those present were:

Alton Head, District I
Sandra Nesbit, District II
Jim Risher, District III
Vikki Consiglio, District IV
Delander Nelson, District V
Warren Bailey, City of Hampton
Alton Alexander, City of Stockbridge
Larry Babb, County At Large

Also attending were Daunte' Gibbs, Interim Planning and Zoning Director; Stacey Jordan, Planner I; Tyler McSwain, Planner I; David Simmons, Henry County Department of Transportation.

(Note: This copy of meeting minutes are summary minutes only) The official minutes of the meeting are located on audio files that are available with the County Clerk in the Board of Commissioner's Office. The audio files will be retained for a period of no less than twelve (12) months from the date of this meeting.)

A public Work Session was held at 6:00 p.m. The Zoning Advisory Board discussed the agenda with no official action taken.

Chairman Consiglio welcomed everyone to the Henry County Zoning Advisory Board Meeting.

There are a few housekeeping items she wished to express. The meeting is being televised on Charter Channel 180 and AT&T U-verse Channel 99. It will be rebroadcast each Thursday at 7:00 p.m. A video is available on demand at the county website. She advised that everybody turn off their cell phones and their laptops. Anyone wishing to speak tonight must fill out a Public Hearing Speaker Card. A total of ten (10) minutes will be allowed for anyone in favor of a case and ten (10) minutes for anyone in opposition of a case. For example, if ten (10) people wish to speak, they must share the ten (10) minute slot. She further advised that when speaking to address the board members directly, not the audience.

INVOCATION AND PLEDGE

Mr. Head led the invocation and Pledge of Allegiance.

CALL TO ORDER

Chairman Consiglio called the meeting to order at 7:32 pm.

ACCEPTANCE OF THE AGENDA

Mr. Nelson made a motion to accept the agenda. **Mr. Babb** seconded the motion. Motion carried. (6-0)

ELECTION OF OFFICIALS

Chairman – **Ms. Nesbit** made a motion to nominate Vikki Consiglio as Chairman. **Mr. Babbs** seconded the motion. Motion carried. (6-0)

Vice-Chairman – **Mr. Risher** made a motion to nominate Delander Nelson as Vice-Chairman. **Mr. Head** seconded the motion. Motion carried. (6-0)

Secretary – **Mr. Alexander** made a motion to nominate Daunte Gibbs as Secretary. **Mr. Nelson** seconded the motion. Motion carried. (6-0)

APPROVAL OF MINUTES

Ms. Nesbit made a motion to approve the minutes. **Mr. Risher** seconded the motion. Motion carried. (6-0)

PLANNING STAFF COMMENTS

Mr. Gibbs congratulated the Board members on their appointment to the Zoning Advisory Board for 2015.

Chairman Consiglio asked staff to call the first case.

VARIANCE

VR-14-11

Lisa and Greg Campbell of McDonough, GA requests a variance from development regulations for property located at 3456 South Bay Drive in Land Lot 8 of the 6th District. The request is to allow the development of a single-family residence. District 5

Mr. Gibbs called the case.

Mr. McSwain presented the case.

Mr. McSwain stated the applicants request for a variance to reduce the 175 foot lot width requirement for a lot within the RA (Residential Agricultural) zoning district. According to the submitted site plan, the lot would be conforming at the 82.52 ft. marker from the right of way

line on the property. The vacant lot is 1.728 +/- acres and is zoned RA (Residential Agricultural).

Mr. McSwain stated that according to Henry County records, there has not been a rezoning or change in zoning associated with the subject property. In addition, there are no records indicating zoning conditions applicable to the subject property. The applicant proposes to construct a 1517 square foot building on the lot. The ULDC states that there shall be a 50 foot setback in a subdivision front yard setback from the right of way line. The front yard setback can only be active when the minimum lot width is met. Furthermore, most of the Lake Spivey properties on South Bay Drive have portions of their lots located within a flood plain area. The flood plain will restrict development of any kind within the portion of the rear of the lot of the subject property.

Mr. McSwain showed the proposed site plan on the overhead. Staff recommends approval of the application as submitted.

Chairman Consiglio called for questions from the Board for staff.

Mr. Nelson asked what the average distance between the houses. **Mr. McSwain** stated the ULDC requires a minimum front yard setback of 50 feet.

Chairman Consiglio called the applicant forward.

Mr. Greg Campbell, 835 Collier Hill, McDonough, GA. clarified the property width at the street and the distance from the lake.

Chairman Consiglio called for questions from the Board for the applicant.

Mr. Nelson asked what the average distance from the adjacent properties from the new structure. **Mr. Campbell** stated the new structure would be approximately 100 feet from the east side of the home and 100-200 feet on the west.

Mr. Nelson asked if the property will be used as a primary dwelling. **Mr. Campbell** stated that this property would be a 2nd home and will be used as a lake home.

Mr. Alexander asked if the property will be a rental property. **Mr. Campbell** stated no.

Mr. Head asked if the septic will be in the floodplain. **Mr. Campbell** stated that the builder and planning department proposes the septic will be placed away from the floodplain towards the front of the property.

Chairman Consiglio called for those wishing to speak in favor of the case. There were none.

Chairman Consiglio called for those wishing to speak in opposition of the case. There were none.

Chairman Consiglio called the applicant forward and called for any questions from the Board.

Chairman Consiglio asked staff to call the case.

Mr. Nelson made a motion to approve the variance as recommended by staff. **Mr. Head** seconded the motion. The motion to approve was unanimous. (6-0)

VR-14-12

Gerald Taylor of McDonough, GA requests a variance from development regulations for property located at 365 Conyers Road in Land Lot 122 of the 7th District. The request is to allow multiple additions. District 3

Mr. Gibbs called the case.

Mr. Jordan presented the case.

Mr. Jordan stated that the property is zoned RA (Residential-Agricultural). The survey as submitted is drawn out to the standards of the R-2 (Single-Family Residence) zoning district which is incorrect. The applicant intends to modify the home and to construct additions to the home including a covered porch to the rear, a new detached garage to the rear, to enclose the garage on the front of the house, and to construct a bay window on the front of the home.

Mr. Jordan stated that the County records indicate that the primary structure was built in 1957 which was before the zoning codes were adopted in Henry County. Before any modifications can be made to the structure, the property must be brought into compliance. Staff has identified multiple variances that would permit the existing primary structure to be modified and enlarged. The requested variances are as follows:

- 1) Reduce the required minimum lot area from one (1) acre to 0.940 acres.
- 2) Reduce the required minimum lot width from one hundred seventy five (175') to ninety nine feet (99') to accommodate the existing dimensions of the lot.
- 3) Reduce the required minimum front yard setback from seventy five feet (75') to seventy feet (70') to accommodate the proposed addition.
- 4) Reduce the required minimum side yard setback (east property line) for the primary structure as well as the two (2) existing accessory structures to one foot (1').
- 5) Reduce the required minimum side yard setback (west property line) from twenty feet (20') to twelve feet (12') to accommodate the existing primary structure.

The staff recommends approval of the application as submitted.

Chairman Consiglio called for questions from the Board for staff. There were none.

Chairman Consiglio called the applicant forward.

Frank Prince, Agent for Gerald Taylor, 35 Kiddie Hawk Drive, Stockbridge, GA. Mr. Prince noted that during the widening of the road, approximately thirty feet (30') of the property was dedicated for right-a-way.

Chairman Consiglio called for questions from the Board to the applicant.

Mr. Alexander asked what the proposed use was. **Mr. Prince** stated that the home will be renovated and sold.

Chairman Consiglio called for those wishing to speak in favor of the case. There were none.

Chairman Consiglio called for those wishing to speak in opposition of the case. There were none.

Chairman Consiglio called the applicant forward and called for any questions from the Board. There were none.

Chairman Consiglio asked staff to call the case.

Mr. Risher made a motion to approve the variance as recommended by staff. **Mr. Babb** seconded the motion. The motion to approve was unanimous. (6-0)

CONDITIONAL USE

CU-14-18-S

Eagles Landing First Baptist Church of McDonough, GA requests a conditional use for property located on the southeast quadrant of the intersection of Highway 42 North and Brannan Road, in Land Lot 1, 2, 31, & 32 of the 7th District. The property consists of 64.689+/- acres and the request is for the expansion of a church and related religious facilities. City of Stockbridge

Mr. Gibbs called the case.

Mr. Jordan presented the case.

Mr. Jordan stated that application as presented is a recommendation to the City Council and will be presented to the City Council with the Zoning Advisory Board's recommendations. The applicant is requesting a conditional use to allow a church/religious facility to be constructed on a vacant tract of land. The subject property is zoned C-2 (General Commercial) consisting of 64.689+/- acres. The City of Stockbridge Code allows church/religious facilities to be located within a commercial zoning district subject to the approval of a conditional use.

Mr. Jordan stated that the subject property is characterized by a topography that slopes toward Wolf Creek which forms the southern property line and flows to the southeast corner of the subject property. A letter from the Henry County Water & Sewerage Authority dated November 6, 2014, indicates that water and sewer services are available to the subject property.

Mr. Jordan stated that in terms of transportation access, Brannan Road is a County road and is under the jurisdiction of the Henry County Department of Transportation. Access to Brannan Road must meet the criteria of Henry County Department of Transportation. **Mr. Jordan** also stated that Hwy 42 is under the jurisdiction of the Georgia Department of Transportation and their requirements must be satisfied for access to Hwy 42.

Mr. Jordan stated that the Planning staff is unaware of any binding agreements for specific limitations or conditions that may or may not have been made by the applicant with the surrounding

property owners. If approved, the applicant will be required to comply with any zoning conditions placed on the request by the Mayor and Council of the City of Stockbridge.

The Planning and Zoning Staff recommends approval of this request with the following conditions:

1. All buildings shall be constructed of brick, stone, stucco, glass or any combination thereof, allowing a uniform design with the existing church campus.
2. Any dumpster(s) shall be placed on a concrete pad and enclosed on three (3) sides. The enclosure shall be constructed of a material consistent with the structures on the existing church campus and shall be a minimum of eight (8') feet in height.
3. Sixty feet (60') of right-of-way from the centerline of Highway 42 North is required to be preserved all along the subject property's frontage along Highway 42 North.
4. Any curb cuts are to be located so that minimum intersection site distance and spacing requirements are met per the road's posted speed limit as determined by the Henry County Department of Transportation. All curb cuts shall include a deceleration lane/acceleration taper designed and constructed to meet HCDOT requirements.
5. Georgia Department of Transportation (GDOT) requirements shall be used to determine if left turn lanes are warranted along Brannan Road. Should left turn lanes be warranted, the applicant/developer shall design and construct the left turn lane and related improvements to meet HCDOT requirements. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
6. Should the uses that take access from the curb cuts add daycare facilities, school expansion facilities, or other traffic generators at a later date, the applicant/developer will be required to coordinate with the HCDOT at that time regarding designing and constructing left turn lanes to meet HCDOT and/or GDOT standards, as warranted. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
7. The applicant/developer shall provide inter-parcel automobile and pedestrian access to the existing church campus (Parcel ID# 070-01-007-012) consisting of a minimum of one (1) travel lane in each direction and at least one (1) five foot (5') wide sidewalk, providing a continuous connection to an existing roadway and sidewalk respectively, before the first certificate of occupancy is issued.
8. Signage shall be monument based, limited to eight feet (8') in height.
9. A lighting plan is required to be presented for approval with development plans. Lighting for parking, recreational uses, and otherwise shall be downcast and of moderate brightness. No lighting other than that approved for parking shall be on past 10:00 pm. No lighting shall be allowed to illuminate or otherwise glare on any portion of adjacent parcels of land or onto any county or state road. Lighting screens/guards or the discontinuation of the use of the offending lighting may be required to accomplish this provision.
10. No outdoor amplification of sound shall be permitted before 10:00 am and after 10:00 pm, provided that no outdoor amplification is allowed to constitute a nuisance.

11. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.

Chairman Consiglio called for questions from the Board for staff.

Mr. Alexander asked if any positive or negative feedback had been received from the community. **Mr. Jordan** spoke to a resident whose property abuts the subject property and his concern was lighting and noise. **Mr. Jordan** addressed those issue in the recommended conditions.

Chairman Consiglio called the applicant forward.

Mr. Tim Luke, 2400 Hwy 42 North, McDonough, Eagles Landing First Baptist Church's immediate plan is to construct a road connecting the campus to Brannan Road to with the intention to alleviate congestion. Currently Hwy 42 is the only access road leaving the campus. **Mr. Luke** expressed concern regarding condition #1 relating to the uniform design of the building, condition #7, requests flexibility in regards to the sidewalk to add the sidewalk at a later date, and condition #8 in regards to the monument sign restriction to not exceed eight (8) feet in height, request a master sign plan with the City of Stockbridge.

Mr. Jordan addressed the concerns regarding conditions #1 and #7. **Mr. Jordan** edited the recommended condition #8 as requested by the applicant to read as follows:

8) Signage shall be monument based with a master sign plan in conjunction with the City of Stockbridge to look similar to the Eagles Landing Country Club signs.

Chairman Consiglio called for questions from the Board to the applicant. There were none.

Chairman Consiglio called for those wishing to speak in favor of the case. There were none.

Chairman Consiglio called for those wishing to speak in opposition of the case. There were none.

Chairman Consiglio called the applicant forward and called for any questions from the Board.

Chairman Consiglio asked if the road will accommodate the additional traffic. **Mr. Luke** stated that the traffic would remain the same but they simply would like an additional outlet from the campus.

Chairman Consiglio asked staff to call the case.

Mr. Alexander made a motion "to approve CU-14-18-S with the conditions specified and notwithstanding the change that we made" [*staff is awaiting clarification from Mr. Alexander regarding condition #8*]. **Mr. Risher** seconded the motion. The motion to approve was unanimous. (6-0)

CU-14-19-H

TL Phillips Financial Group of Stockbridge, GA requests a conditional use for property located at 2 East Main Street, in Land Lot 249 of the 6th District. The property consists of 2,411 square feet, and the request is for a ground floor residence in the C-2 (General Commercial) zoning district. City of Hampton

Mr. Jordan explained that the subject property is located in downtown Hampton at the corner of East Main Street and James Street. The rear of the building is on Cherry Street. The building is a two story brick building and currently houses a salon on the first floor. On January 9, 2007 the Hampton City Council issued a temporary conditional use permit for no more than three apartments. The upstairs has been renovated for residences.

This Conditional Use request is for a 900 square foot residence on the ground floor in the rear which fronts on Cherry Street. The property is zoned C-2. Staff could not find any additional conditions placed on the property. The additional residence is not expected to cause additional traffic congestion. Two additional parking spaces will be required. This is less than would be needed if the space were a business. Parking is on the street. A letter from the City of Hampton states that water and sewer services are provided to the subject property.

Staff is not aware of any binding agreements for specific limitations or conditions. The applicant will be required to comply with any zoning conditions placed on the property by the Hampton City Council. The use of the property for an additional residence should not change the character of the area or be unduly detrimental to the surrounding properties.

The Future Land Use for that area of Hampton is for High Density Residential/Mixed Use with four (4) to eight (8) dwelling units per acre. Technically the property is comprised of 0.055 +/- acres and even one (1) dwelling unit on the property will push them over the eight (8) unit per acre policy guide established by the Hampton City Council.

Planning staff has taken all of these issues into consideration and recommends approval of the request with four (4) conditions as listed in the staff report.

Chairman Consiglio called for questions from the Board for staff.

Mr. Bailey asked staff about the acceptable density of four (4) to eight (8) dwelling units per acre. **Mr. Jordan** explained that it would depend on the number of residences there are. The Conditional Use approved on January 9, 2007, allowed for up to three (3). **Mr. Jordan** did not know how many were developed on the second floor, but he thought that there was currently one. **Mr. Bailey** asked about high density residential. **Mr. Jordan** stated that the Future Land Use designation for high density residential/mixed use is the Cities policy and should be considered when making a decision on this property.

Mr. Bailey asked if staff found any documents associated with the conditional use for the second level of apartments that would place restrictions on the building. **Mr. Jordan** had a copy of the City Council minutes from January 9, 2007, meeting. The approval was to allow residences on

just the second floor. **Mr. Jordan** was not aware of limitations on the remainder of the building and the ground floor.

Mr. Bailey asked if the C-2 zoning designation set restrictions on residential requirements in a commercial building. **Mr. Jordan** stated that the C-2 portion of the Hampton Code lists several permitted uses that are allowed by right. Even with the Conditional Use any of these land uses would be permitted at this location. Section 67-153-D of the Hampton Code lists the conditions that would be permissible. Condition #9 states *"upon the approval of the City Council and so long as all applicable safety rules, regulations, laws, and ordinances are satisfied; commercially zoned structures or any part thereof may be used residentially."* The City Council is able to consider and approve this request with appropriate conditions.

Mr. Nelson asked about the current commercial use of the building. **Mr. Jordan** stated that the front of the ground floor is used for a salon and spa. The back of the ground floor is vacant. The second floor has a least one residence.

Chairman Consiglio asked if the applicant was just trying to get something that could be rented since it was currently vacant. **Mr. Jordan** agreed and stated that the back of the building does not have good visibility for a commercial tenant.

Mr. Nelson asked about the parking on the site. **Mr. Jordan** noted on the plan that the building takes up the entire lot and there is a zero lot line. As a downtown row building there is no on-site parking. The City of Hampton does provide public parking in the area within walking distance for residences and businesses.

Mr. Nelson asked if the residential code required parking for residences. **Mr. Jordan** stated that the code required two (2) parking spaces per residence. The proposed space would require two (2) parking spaces. If this space was used as an office space it would require one (1) parking space per 300 square feet. That would mean an office use would require three (3) parking spaces for this location. With regard to parking, the use as a residence is less intensive than a commercial use.

Mr. Nelson asked if the parking was available for a commercial use. **Mr. Jordan** stated that there is no parking available on-site for commercial use. All parking is off site.

Mr. Alexander stated that with no on-site parking it would seem like it is designed for walkability as a commercial area even though residential was approved for the second floor.

Mr. Jordan noted that this building was originally a twelve room hotel. This is a very old downtown building that is being retrofitted to today's standards. **Mr. Alexander** had concerns about commercial and residential on the same floor.

Chairman Consiglio called for any further questions from the Board for staff. There were none.

Chairman Consiglio called the applicant forward.

Mr. Ted Phillips, 102 Roundtree Court, Stockbridge, GA spoke. **Mr. Phillips** stated that he has owned the property since it was the Edna Earl Hotel. It had 12 rooms and 6 bathrooms. The building has been renovated. **Mr. Phillips** noted that there are 12 first floor lofts style

apartments on Cherry Street now. When the property was initially designed the commercial tenant was to take the entire first floor. The salon did not need all the space. He has been unsuccessful in leasing the back section to a commercial tenant.

Chairman Consiglio called for any questions from the Board for the applicant.

Mr. Bailey asked about the two doors on James Street and if they both accessed the apartments. **Mr. Phillips** explained that the former tenant was a deli and required wheel-chair accessibility. They converted one of the windows to a doorway for this purpose. **Mr. Bailey** asked if the business would be able to access the apartment. **Mr. Phillips** said no. **Mr. Bailey** asked if the units on the first floor were rental. **Mr. Phillips** stated that when he bought the building his original intention was to sell the units. He now intends to keep them and lease them.

Mr. Nelson asked if the first floor apartment would have windows since one was removed to create a door. **Mr. Phillips** stated that there were windows and the doors are glass with side lights. **Mr. Nelson** asked about parking. **Mr. Phillips** stated that parking had not been an issue. Most of the tenants are single or newly married. He further stated that Hampton has done a very good job of making parking available in the downtown area and the parking is free. **Mr. Phillips** noted that a commercial use would take three (3) parking spaces and residential would only take two (2).

Mr. Nelson asked about the concerns regarding sprinklers access. **Mr. Phillips** stated that there was no need to access the sprinkler system and alarm within the building. The County does not inspect the alarm system. In the event there was a fire, there would not be any need for the fire department to access the sprinkler system alarm. **Mr. Nelson** asked if they were going to provide access to the fire department. **Mr. Phillips** noted that the fire department would need a key to enter the commercial building however, there is a residence on the rear of the building and the fire department does not want access to the residence. **Mr. Nelson** asked if the residence had access to the sprinkler system. **Mr. Phillips** stated that yes, the residence has access to the sprinkler system wires.

Mr. Alexander asked how many residential units were in the building and how many were occupied. **Mr. Phillips** stated that there were three (3) residential units occupied in his building.

Chairman Consiglio called for those wishing to speak in favor of the case. There were none.

Chairman Consiglio called for those wishing to speak in opposition of the case. There were none.

Chairman Consiglio called the applicant forward and called for any questions from the Board.

Chairman Consiglio asked the applicant if the apartment was already built out. **Mr. Phillips** stated that he is asking to complete the build out. **Chairman Consiglio** asked if the deli unit had access to the fire system. **Mr. Nelson** stated yes and if the wires were cut it would set off an alarm.

Chairman Consiglio asked staff to call the case.

Mr. Bailey made a motion to the City of Hampton for approval with the conditions recommended by staff. **Mr. Head** seconded the motion. The motion was approved. (5-2)

Chairman Consiglio asked for public comment. There was none.

ADJOURNMENT

Meeting was adjourned at 8:50 pm.

Vikki Consiglio, Chairman

Daunte' Gibbs, Secretary

Adrienne Senter, Transcriber

DRAFT



City of Stockbridge

Advisory Board Member: Elton Alexander, (678) 571-2477
Staff Report Prepared By: Stacey Jordan, Planner I

Applicant: Eagles Landing First Baptist Church
 2400 Highway 42 North
 McDonough, GA 30253
 (678) 618-4451

Location: Southeast corner of Highway 42 North and Brannan Road
 Land Lots 1, 2, 31 & 32 of the 7th District

Parcel ID: 070-01-005-000

Request: Conditional Use

**Proposed Use/
Purpose:** Church/Religious Facility

Current Land Use: Vacant

Posted Sign: January 6, 2015

ZAB Meeting: **January 22, 2015**

Size of Tract: 64.689 +/- acres

Road Access: Highway 42 North, Major Arterial Road
 Brannan Road, Minor Arterial Road

Zoning History:

The subject property is zoned C-2 (General Commercial) according to the Official City of Stockbridge Zoning Map, adopted on December 10, 2012. No zoning file was found for the subject property. **Table 1.0** illustrates the zoning and current land uses for the adjacent properties.

Table 1.0 Current Zoning & Land Uses of Adjacent Properties

	Current Zoning	Land Use
North	C-2 (General Commercial) OI (Office/Institutional) RM (Multi-Family Residential)	Retail Center/Funeral Home Church Single-Family Residences
East	R-3 (Single-Family Residence)	Single-Family Residences
South	RM (Multi-Family Residence)	Church & Private School
West	C-2 (General Commercial) M-1 (Light Manufacturing) M-2 (Heavy Manufacturing)	Vacant Warehouse - Distribution

Source: Henry County Official Zoning Map

Executive Summary:

The applicant is requesting a conditional use to allow a church/religious facility to be constructed on a vacant tract of land. The subject property is zoned C-2 (General Commercial) consisting of 64.689+/- acres. The City of Stockbridge Code allows church/religious facilities to be located within a commercial zoning district subject to the approval of a conditional use.

Development Regulations Affected by Request:

- City of Stockbridge Ordinance No. 03-76
- *Section 3-7-153(e) Space limits*
- *Section 3-7-292. Application procedure; evaluation*
- All other applicable codes

Criteria Point 1. The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties in the area.

The subject property is proposed to have road access from Highway 42 North, which is classified as a major arterial road on the Henry County Functional Road Plan, and from Brannan Road, which is classified as a minor arterial road. The conditional use may be approved with conditions which will help to mitigate any effects the proposed use may have on surrounding properties. **Table 2.0** below outlines the C-2 (General commercial) zoning district requirements, Section 3-7-153(e).

Table 2.0: C-2 (General Commercial) Development Standards**City of Stockbridge C-2: General Commercial Development standards.**

Minimum lot area	10,000 square feet
Minimum lot width	100 feet with public sewer
Minimum front yard setback	50 feet from right-of-way line
Minimum side yard setback	None, except 30 feet on corner lots
Minimum rear yard setback	20 feet
Maximum height	35 feet

Source: City of Stockbridge code Section 3-7-153(e) (1-6)

Criteria Point 2. The physical conditions of the site, including topography, drainage, size, and shape are suitable for the proposed development.

The subject property is characterized by a topography that slopes toward Wolf Creek which forms the southern property line and flows to the southeast corner of the subject property. The physical conditions of the site appear to be suitable for the requested use as a church/religious facility. There are wetlands and floodplain on the subject property, but any issues with regards to the topography, drainage and size or shape of the property will be addressed during the Development Plan Review stage.

Criteria Point 3. There are adequate public facilities to serve the proposed use.

A letter from the Henry County Water & Sewerage Authority dated November 6, 2014, indicates that water and sewer services are available to the subject property.

Brannan Road is a county road according to the service delivery strategy approved by Henry County and the City of Stockbridge. Per Georgia Department of Transportation (GDOT) traffic count information, the average daily traffic (ADT) count on Brannan Road near Springdale Road was 4,550 cars per day in 2013. The west end of Brannan Road near the site and closer to Highway 42 North may exceed this count. Any curb cut access from Brannan Road should be located such that the minimum intersection sight distance is met per the road's posted speed limit and should be such that the minimum spacing requirement between curb cuts and intersections is met as determined by the Henry County Department of Transportation (HCDOT). A

deceleration lane and acceleration taper should be required for access to the site, and should be designed and constructed to HCDOT requirements. Henry County will require that GDOT criteria be used to determine if a left turn lane is warranted for applicable curb cuts into the site from Brannan Road. The left turn lane warrant for an ADT less than 6,000 cars per day is 250 left turning vehicles in one day. Should a left turn lane be warranted, the applicant/developer shall be required to design and construct the left turn lane and related improvements to meet HCDOT requirements. These requirements may include possible relocation of utilities, acquisition of necessary additional right-of-way and/ or easements.

Highway 42 North is included in Henry County's Comprehensive Transportation Plan (CTP) as well as the Atlanta Regional Commission's Regional Transportation Plan (HE-107, PI# 0007855) as a future widening project. The CTP includes findings that undesirable performance is due in part to the following (*Chapter 10, Page X-7*):

- Numerous turning vehicles;
- Absence of mid-block and intersection turning lanes;
- Limited inter-parcel connections; and
- Varying land uses.

The subject property is located along Character Area 1 of the Long-Term Corridor Vision (*Chapter 10, Page X-10*). This segment of the widening plan at eighty feet (80') of right-of way does not include the adequate right-of-way of one hundred twenty feet (120') for the ideal divided four-lane highway, much less room for right-turn lanes. The Henry County Department of Transportation requests that the applicant preserve sixty feet (60') from the centerline of Highway 42 North for future right-of-way. Since the site has access from both Brannan Road and from the existing campus, it may be desirable to eliminate access from Highway 42 North altogether. Access from Highway 42 North will be determined by the GDOT.

Should the site at a later date add daycare facilities, school expansion facilities, or other traffic generator, depending on the volume of traffic generated by the site, the applicant may be required to design and construct a left turn lane at that time to HCDOT and/or GDOT standards.

Inter-parcel access to the existing Eagles Landing First Baptist Church campus should be provided before the first certificate of occupancy is issued. This connectivity will allow greater mobility between the existing campus and the subject property, and provide access for the existing campus to Brannan Road.

Criteria Point 4. The applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

Planning staff is unaware of any binding agreements for specific limitations or conditions that may or may not have been made by the applicant with the surrounding property owners. If approved, the applicant will be required to comply with any zoning conditions placed on the request by the Mayor and Council of the City of Stockbridge.

Criteria Point 5. That the conditional use or conditional exception with specific limitations and design features as may have been required will further the aims of the land use plan and will not be unduly detrimental to nearby properties

The conditional use, with specific limitations and required design features as required within the City of Stockbridge Code of Ordinances, should not be unduly detrimental to nearby properties.

Recommendation:

The Planning and Zoning Staff recommends **Approval** of this request with the following conditions:

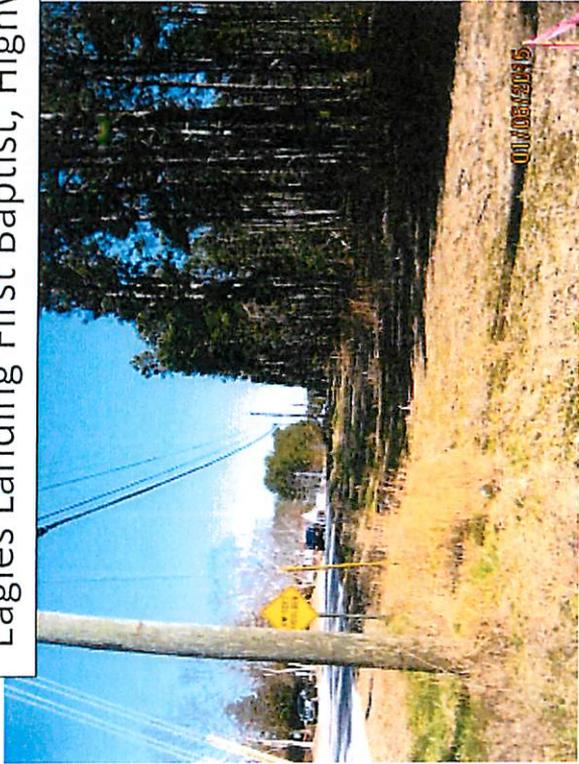
1. All buildings shall be constructed of brick, stone, stucco, glass or any combination thereof, allowing a uniform design with the existing church campus.

2. Any dumpster(s) shall be placed on a concrete pad and enclosed on three (3) sides. The enclosure shall be constructed of a material consistent with the structures on the existing church campus and shall be a minimum of eight (8') feet in height.
3. Sixty feet (60') of right-of-way from the centerline of Highway 42 North is required to be preserved all along the subject property's frontage along Highway 42 North.
4. Any curb cuts are to be located so that minimum intersection site distance and spacing requirements are met per the road's posted speed limit as determined by the Henry County Department of Transportation. All curb cuts shall include a deceleration lane/acceleration taper designed and constructed to meet HCDOT requirements.
5. Georgia Department of Transportation (GDOT) requirements shall be used to determine if left turn lanes are warranted along Brannan Road. Should left turn lanes be warranted, the applicant/developer shall design and construct the left turn lane and related improvements to meet HCDOT requirements. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
6. Should the uses that take access from the curb cuts add daycare facilities, school expansion facilities, or other traffic generators at a later date, the applicant/developer will be required to coordinate with the HCDOT at that time regarding designing and constructing left turn lanes to meet HCDOT and/or GDOT standards, as warranted. This may require the acquisition of additional easement or right-of-way by the applicant/developer, as well as possible relocation of utilities.
7. The applicant/developer shall provide inter-parcel automobile and pedestrian access to the existing church campus (Parcel ID# 070-01-007-012) consisting of a minimum of one (1) travel lane in each direction and at least one (1) five foot (5') wide sidewalk, providing a continuous connection to an existing roadway and sidewalk respectively, before the first certificate of occupancy is issued.
8. Signage shall be monument based, limited to eight feet (8') in height.
9. A lighting plan is required to be presented for approval with development plans. Lighting for parking, recreational uses, and otherwise shall be downcast and of moderate brightness. No lighting other than that approved for parking shall be on past 10:00 pm. No lighting shall be allowed to illuminate or otherwise glare on any portion of adjacent parcels of land or onto any county or state road. Lighting screens/guards or the discontinuation of the use of the offending lighting may be required to accomplish this provision.
10. No outdoor amplification of sound shall be permitted before 10:00 am and after 10:00 pm, provided that no outdoor amplification is allowed to constitute a nuisance.
11. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.

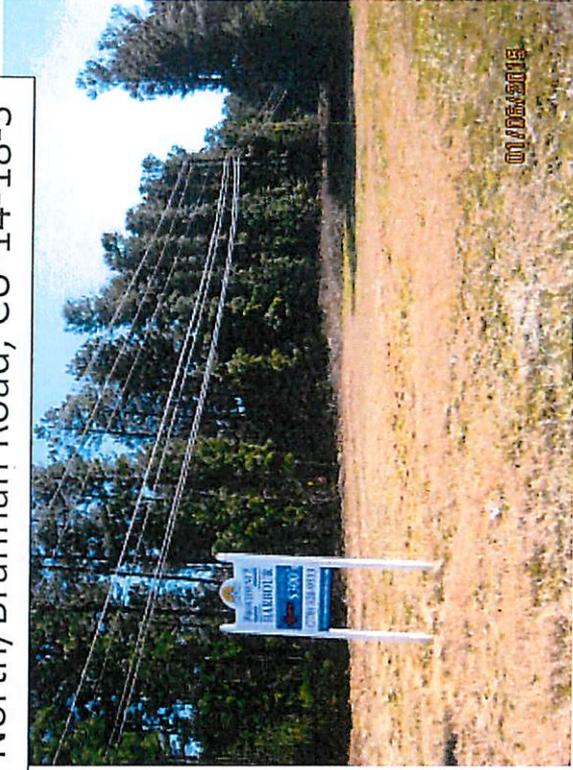
Attachments:

- Survey Plat/ Site Plan
- Site Photos
- Tax Map
- Zoning Map
- Aerial Map

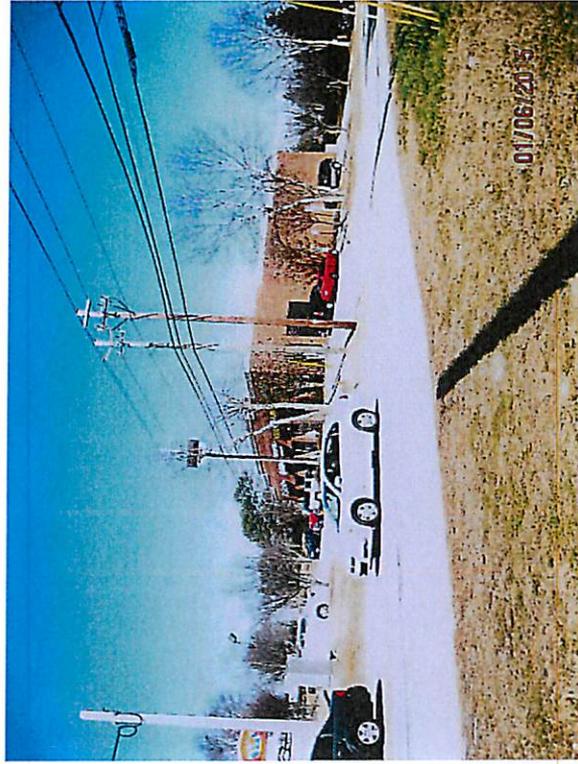
Eagles Landing First Baptist, Highway 42 North/Brannan Road, CU-14-18-S



View to the East along Brannan Road



Subject Property



Across Brannan Road



Across Highway 42 North

Legend

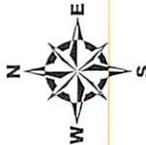
Request

CU-14-18-S



AERIAL MAP

Scale: 1"=1,000'



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





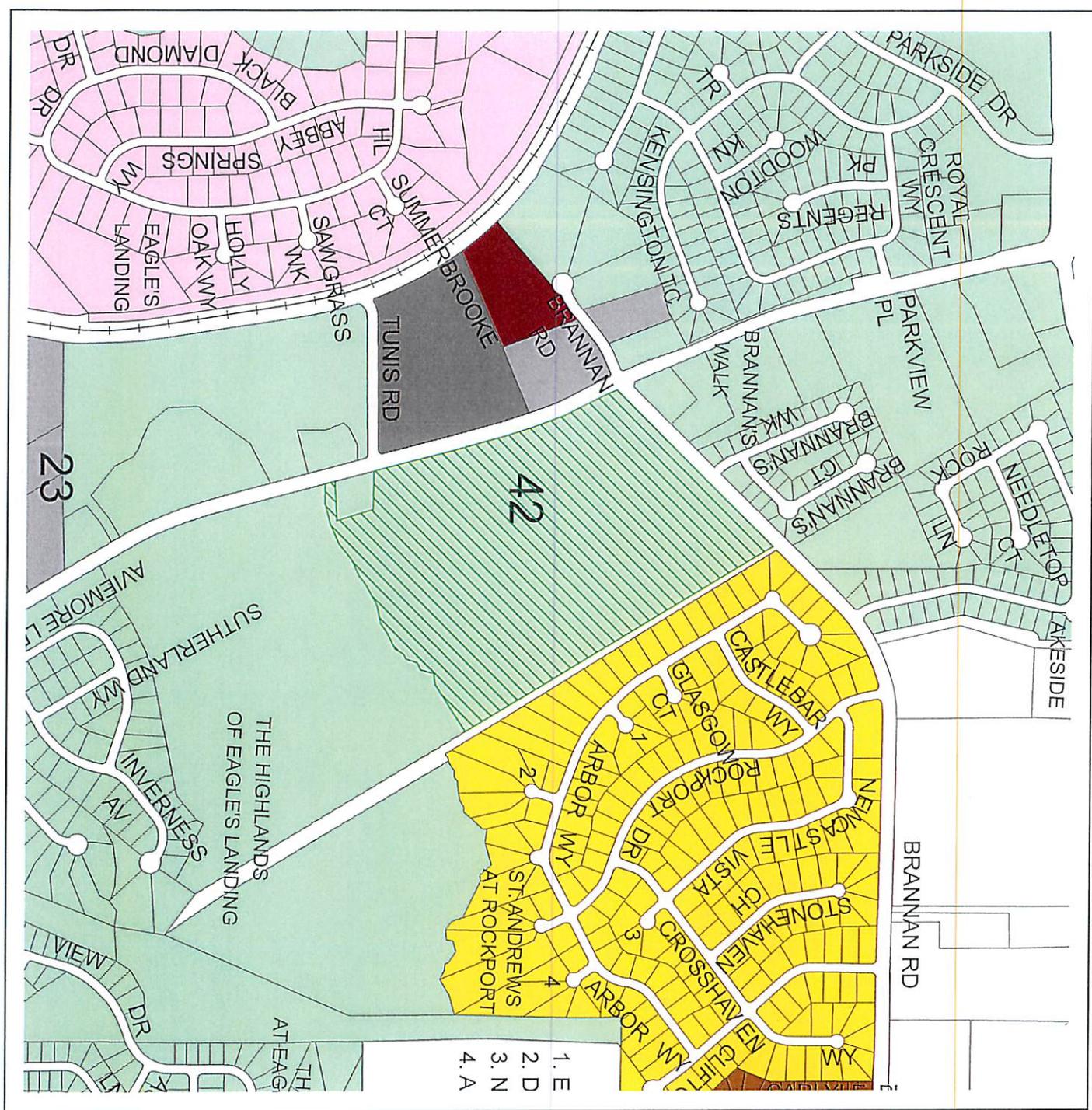
Legend

- 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
- Request**
- CU-14-18-S

Scale: 1" = 800'

Current Zoning Map

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



**Henry County Planning & Zoning
Conditional Use Request Application**

Name of Applicant Eagle's Landing First Baptist Church Phone: 770-957-1355 Date: 10/30/14
Address Applicant: 2400 Hwy, 42 North Fax 678-818-1090 Pager/Cell # 678-618-4451
City: M^EDonough State: GA Zip: 30253 E-mail: luke@eagleslanding.org
Name of Agent Tim Luke Phone: 678-618-4451 Date: 10/30/14
Address Agent: Same Fax 678-818-1090 Pager/Cell # 678-618-4451
City: M^EDonough State: GA Zip: 30253 E-mail: luke@eagleslanding.org

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

Conditional use being requested Churches

Address of Property: _____ (Street Address) Nearest intersection to the property: Hwy. 42 North & Brannan Rd.

Size of Tract: 64.78 acre(s), Land Lot Number(s): 2 & 31, District(s): 7

Property Tax Parcel Number: 070 - 010 - 050 - 00 (Required)

Witness' Signature

Printed Name of Witness

Notary

Signature of Applicant/s

Printed Name of Applicant/s

Signature of Agent

NOTARY STAMP:



(For Office Use Only)

Total Amount Paid \$825 - Cash _____ Check # 59362 Received by: [Signature] (FEES ARE NON-REFUNDABLE)
Application checked by: [Signature] Date: 11-20-14 Map Number(s): 70
Pre-application meeting: [Signature] Date: 10-29-14
Zoning Advisory Board Decision: Approval with change recommended for condition # 8
BOC Decision: _____
Planning Director's Signature: _____ Date: _____



eagle's landing
first baptist church

November 18, 2014

Henry County Zoning and Planning
140 Henry Parkway
McDonough, GA 30253

To Whom It May Concern:

Eagle's Landing First Baptist Church is under contract for and intends to purchase the land described in Henry County records as 64.78 acres, District 7, Land Lots 2 and 31, Parcel ID No. 070-01005000. This property is located directly southeast of the intersection of Highway 42 North and Brannan Road.

This land is adjacent to the north boundary of our current campus at 2400 Highway 42 North. Our immediate plan for this land is to construct a road extending from our current campus to Brannan Road, thereby providing another entrance/exit for traffic to access another road besides Highway 42. Currently, the only way in and out of our campus is via Highway 42. This not only causes congestion on Highway 42, but delays egress from our campus after highly attended events like church services each week. We believe the new intra-campus road to Brannan Road will alleviate traffic volume on Highway 42, speed mass exit from our campus, and be a benefit to the community.

Our long-term goals include construction of a new worship center and church campus on the new land we are purchasing. The intent is to move the church onto the new campus while our school, Eagle's Landing Christian Academy, remains on our current campus. We believe this also will benefit the county as it spreads out the volume of traffic between two campuses, and, again, provides access for traffic to reach Brannan Road.

We have no set timetable to construct a building on the new land, as it will be dependent upon fundraising and finances. However, we intend to begin the process of constructing the intra-campus road to Brannan Road immediately after the purchase is finalized. The contract to purchase this land is contingent upon approval of the Conditional Use Permit to allow the church to construct facilities on this new land.

Sincerely,

Tim Luke
Administrative Pastor, CFO
Eagle's Landing First Baptist Church
2400 Highway 42 North
McDonough, GA 30253
Cell: 678-618-4451

2400 Hwy 42 North
McDonough, GA 30253

tel.770.957.1355
fax.678.818.1090

www.eagleslanding.org