



**AGENDA
CITY OF MCDONOUGH
CITY COUNCIL MEETING
CITY HALL – THURSDAY, MAY 5, 2022
6:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of the Agenda**
- 4. Invocation**
- 5. Pledge of Allegiance**
- 6. Public Comments**
- 7. Fire Department - Chief Dave Williams and Chief Robert Singletary, Georgia Association of Fire Chiefs**
 - A. Recognition for achievement and presentation of certifications to two (2) McDonough Fire Department personnel, Barry Jenkins and Tony Griffin, who both earned certifications through the Georgia Association of Fire Chiefs.
- 8. City Event Sponsorship Discussion**
- 9. Public Works – Highways and Streets - Gerald Brown, Supervisor**
 - A. Request approval to remove approximately 40 trees from City easement between Laurel Springs and Willow Bend, at a total cost of \$15,000.00.
Funding Source: General Fund – Highways and Streets Line Item: 100–5.4210.52.3850
- 10. Public Works – Highways and Streets - Gerald Brown, Supervisor**
 - A. Approval to seek sealed bids for the 2022 Local Maintenance & Improvement Grant (LMIG) for the following roads:

Road Name	From	To	Rating	Width	Length
James Street	Washington Street	Old Griffin Rd	82	24	1838
Washington Street	Phillips Drive	Payne Drive	85	21	2054
Tillman Court	Head Lane	Cul- de -sac	93	22	1143
Talbot Court	Tillman Court	End	95	22	484
Head Lane	Phillips Drive	End	84	22	743

Tomlinson Street	McGarity Road	1823 Subd.	65	18	1665
Long Needle Drive	Madison Grace Ave	Pinehaven Court	95	22	1670
Pinehaven Court	Long Needle Drive	McGarity Road	98	22	1409
Madison Grace Ave	Long Needle Drive	Melanie Jean Drive	98	22	148
Holly Smith Drive	Phillips Drive	George W Lemon Drive	63	22	1433
Ronnie Stewart Drive	Phillips Drive	Work Camp Road	31	22	1570
Cherry Street	Phillips Drive	Key Street	86	15	747
Fairview Road	Phillips Drive	Key Street	86	15	757
Key Street	Cherry Street	Fairview Road	87	15	412

The paving projects will be paid from the 2022 L-MIG Grant estimated (\$264,095.29 + 30% matching) from GDOT and SPLOST IV. Line item: 325-5.4210.54.1401

11. Finance Department - Jim Elliott, City Attorney

- A. Request approval of revision to requirements for occupation tax permit registration; and the adoption of Ordinance 22-05-05

12. Community Development - Jim Elliott, City Attorney

- A. Moratorium for Multi-Family Zoning Districts: Code Section 17.40 (RM-75/Multi-Family Residential); Code Section 17.44 (RTD/Residential Townhouse District); and Code Section 17.48 (RCD/Residential Condominium District)

13. Community Development - Mr. Charles Reese, Director

- A. Case # **210102** **District 1:** Rufus Stewart
Applicant: Steven Jones for **Eagles Rest PH 2**
Address: Hampton St. (#M0.35-01004003)
Request: To rezone property to RTD (Residential Townhouse District)
Zoning: R-50 (Single Family Residential) per ORD#00-07-03F
Land Lot(s) 156 of the 7th District **3.085 +/- total acres**
MPC Workshop (3/8/22) MCC Workshop (4/7/22)
MPC Public Review (4/12/22)
MCC Public Hearing & Vote (4/18/22)- Postponed
MCC Public Hearing & Vote (5/5/22)
- B. Case # **220201** **District 4:** Kam Varner
Applicant: Nick Patel for **Staybridge @ South Point**
Address: 239 Hwy. 81 W. Tract 4.
Request: A variance pertaining to a height increase of an additional ten (10') feet above code allowance of forty (40') feet to allow a fifty (50') feet, four (4) story hotel.
Zoning: C-3 (Highway Commercial) w/conditions per ORD #18-03-19001(Z)

Land Lot(s) 161 of the 7th District **1.30 +/- total acres**
MPC Workshop (3/8/22) MCC Workshop (4/7/22)
MPC Public Review (4/12/22)
MCC Public Hearing & Vote (4/18/22) - Postponed
MCC Public Hearing & Vote (5/5/22)

C. Case # **210618** **District 3:** Scott Reeves

Applicant: Michael Burdette for the Copeland House

Address: 94 Macon St.

Request: To rezone property to O-I (Office Institutional)

Zoning: RM-75 (Multi-Family Residential)

Land Lot(s) 134 of the 7th District

D. Case # **220301** **District 1:** Rufus Stewart

Applicant: Allen Carmichael for Hampton Road Market

Address: 502-522 Hampton Rd. (aka Hwy. 20/81)

Request: To rezone property to C-3 (Highway Commercial)

Zoning: C-2 (Central Commercial) with conditions per ORD #07-02-05001(Z)

Land Lot(s) 157 of the 7th District **6.64 +/- total acres**

14. **Executive Session (if needed) for:** **Litigation O.C.G.A. 50-14-2**
 Real Estate O.C.G.A. 50-14-3 (b)(1)
 Personnel O.C.G.A. 50-14-3 (b)(2)

15. **Approval of the April 18, 2022 City Council Meeting Minutes.**

16. **Project Updates:**

A. District I | Rufus Stewart District III | Scott Reeves At-Large | Ben Pruett
 District II | Jamal Burt District IV | Kam Varner At-Large | Vanessa
 Thomas

17. **City Clerk, City Attorney, and Mayor Comments**

18. **Adjournment**

OPEN MEETINGS COMPLIANCE NOTICE: This is a regularly scheduled meeting of Mayor and Council of the City of McDonough duly noticed pursuant to the requirements of the Georgia Open Meetings Law (O.C.G.A. § 50-14-1, et seq). Notice of the meeting schedule was published in the Henry Herald on DATE; and a copy the meeting schedule was posted at City Hall and on the City's website, as required by law.

DATE @ TIME

AGENDA ITEM SUMMARY
Date: May 5, 2022

ITEM NUMBER: 7.A.

ITEM SUMMARY:

SPECIAL CONSIDERATIONS OR CONCERNS:

RECOMMENDATION:

FINANCIAL IMPACT:

ATTACHMENTS:

1. 05.05.2022 Agenda Item 7 Firefighter Presentations

Submitted by:

AGENDA ITEM SUMMARY
May 5, 2022 Workshop
Item Number: 7



Presented by: Fire Chief Dave Williams & Chief Robert Singletary

Department: Fire Department & GA Association of Fire Chiefs

ITEM SUMMARY:

Recognition for achievement and presentation of certifications to two (2) McDonough Fire Department personnel Barry Jenkins and Tony Griffin. They both earned certifications through the Georgia Association of Fire Chiefs.

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

FINANCIAL IMPACT:

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

OTHER DEPARTMENTAL REVIEW NEEDED:

☐ Yes

☒ No



AGENDA ITEM SUMMARY

(May 5, 2022)
Item Number: 9

Presented by: Gerald Brown

Department: Highways & Streets

ITEM SUMMARY:

Request approval to remove approximately 40 trees from City easement between Laurel Springs and Willow Bend.

SPECIAL CONSIDERATIONS OR CONCERNS:

Dead trees are in danger of falling on homes, which has previously occurred

STAFF RECOMMENDATION:

Staff recommends moving forward with this project

FINANCIAL IMPACT:

Total Cost: \$ 15,000.00
Funded by City Administrator

FUNDING SOURCE:

Line Item: 100 – 5.1300.52.1200

ATTACHMENTS:

Lowest Bid: Toby's Tree Service

OTHER DEPARTMENTAL REVIEW NEEDED:

☐ Yes

☒ No

OTHER DEPARTMENTAL REVIEW

☐ Finance

☐ Fire

☐ Stormwater

☐ Highway and Streets

☐ Main Street

☐ Water Distribution

☐ Human Resources

☐ Police

☐ Water/Sewer Operations

☐ Community Development

☐ Technology Services

☐ Other

Department Name:

Comments:

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



AGENDA ITEM SUMMARY
(May 5, 2022)
Item Number: 10

Presented by: Gerald Brown

Department: Highways & Streets

ITEM SUMMARY:

Approval to seek sealed bids for the 2022 L-MIG paving project.
(See road list below)

SPECIAL CONSIDERATIONS OR CONCERNS:

Road Name	From	To	Rating	Width	Length
James Street	Washington Street	Old Griffin Rd	82	24	1838
Washington Street	Phillips Drive	Payne Drive	85	21	2054
Tillman Court	Head Lane	Cul- de -sac	93	22	1143
Talbot Court	Tillman Court	End	95	22	484
Head Lane	Phillips Drive	End	84	22	743
Tomlinson Street	McGarity Road	1823 Subd.	65	18	1665
Long Needle Drive	Madison Grace Ave	Pinehaven Court	95	22	1670
Pinehaven Court	Long Needle Drive	McGarity Road	98	22	1409
Madison Grace Ave	Long Needle Drive	Melanie Jean Drive	98	22	148
Holly Smith Drive	Phillips Drive	George W Lemon Drive	63	22	1433
Ronnie Stewart Drive	Phillips Drive	Work Camp Road	31	22	1570
Cherry Street	Phillips Drive	Key Street	86	15	747
Fairview Road	Phillips Drive	Key Street	86	15	757
Key Street	Cherry Street	Fairview Road	87	15	412

STAFF RECOMMENDATION:

Staff recommends moving forward with the invitation to bid.

FINANCIAL IMPACT:

The paving will be paid from the 2022 L-MIG grant estimated (\$264,095.29 + 30% matching) from GDOT and SPLOST IV

FUNDING SOURCE:

Line Item: 325 5.4210.54.1401

ATTACHMENTS:**OTHER DEPARTMENTAL REVIEW NEEDED:**☐ Yes☒ No**OTHER DEPARTMENTAL REVIEW**☐ Finance☐ Fire☐ Stormwater☐ Highway and Streets☐ Main Street☐ Water Distribution☐ Human Resources☐ Police☐ Water/Sewer Operations☐ Community Development☐ Technology Services☐ Other**Department Name:****Comments:**

AGENDA ITEM SUMMARY
May 5, 2022 Workshop
Item Number: 11



Presented by: Jim Elliott

Department: City Attorney

ITEM SUMMARY:

Request approval of revision to requirements for occupation tax permit registration; and the adoption of Ordinance 22-05-05

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

FINANCIAL IMPACT:

FUNDING SOURCE:

ATTACHMENTS:

Proposed changes
Proposed New Ordinance (22-05-05)

OTHER DEPARTMENTAL REVIEW NEEDED:

☐ Yes

☐ No

COMPARISON OF CHANGES TO CODE SEC. 5.04.030
SEE CHANGE IN PAR. C

5.04.030 - Administrative and Regulatory Fee Structure.

A.A non-prorated, non-refundable administrative fee of \$50.00 shall be required on all business and occupation tax accounts for the initial start-up, renewal, or reopening of those accounts.

B.A regulatory fee will be imposed as permitted under O.C.G.A. § 48-13-9 on applicable businesses for which regulations under the City's police power are adopted.

1.

The regulatory fee schedule for persons in such occupations and professions is as follows:

EXPAND

	Occupation	Regulatory Fee
1.	Carnivals	\$250.00
2.	Taxicab and limousine operators	200.00
3.	Tattoo artists	250.00
4.	Stables	150.00
5.	Shooting galleries and firearm ranges	250.00
6.	Scrap metal processors	100.00
7.	Pawnshops/precious metals/guns	1,500.00
8.	Peddlers	150.00
9.	Parking lots	150.00
10.	Newspaper vending boxes	150.00
<u>11.</u>	Modeling agencies	200.00
12.	Massage parlors	250.00
13.	Landfills	350.00

	Occupation	Regulatory Fee
14.	Auto and motorcycle racing	250.00
15.	Boarding houses	200.00
16.	Businesses which provide appearance bonds	250.00
17.	Boxing/wrestling promoters	250.00
18.	Hypnotists	250.00
19.	Handwriting analysts	250.00
20.	Health clubs/gyms/spas	250.00
21.	Fortunetellers	250.00
22.	Escort bureau	2,500.00
23.	Poolrooms	250.00
24.	Wrecker services	250.00
25.	Dance establishments/night clubs	250.00
26.	Game rooms/arcades	250.00
27.	Flea markets	250.00
28.	Burglar and fire alarm installers	200.00
29.	Locksmiths	200.00
30.	Adult Entertainment Business	5,000.00

THIS EXISTING SECTION WILL BE DELETED:

C.The regulatory fee must be paid to the Occupation Tax Clerk before commencing business or the practice of a profession or occupation as a condition precedent for transacting business, or practicing a profession or occupation so regulated by the City.

AND WILL BE REPLACED WITH THIS:

“C. Prior to the initial start-up, renewal, or reopening of a business entity under this chapter, the following shall be submitted to the Occupation Tax Clerk: (i) a registration form; (ii) a United States government-issued photo ID and one of the documents specified in Official Code of Georgia Annotated § 50-36-2; and (iii) the specified regulatory fee, all being a condition precedent for transacting business or practicing a profession or occupation regulated by the City. For permits issued to corporate entities, said information shall be submitted on behalf of a designated local manager.”

D. Every business, individual and location subject to payment of a regulatory fee levied by this Chapter shall display a current regulatory fee certificate in a conspicuous place at the location for which such certificate was issued. If the business or person does not have a permanent location within the City, the regulatory fee certificate or an unaltered duplicate of such certificate shall be shown to the Occupation Tax Clerk or his/her designee or any public safety officer upon request.

STATE OF GEORGIA
COUNTY OF HENRY

ORDINANCE NO.: _____

WHEREAS, city staff recommends an amendment to chapter 5.04 of the code of ordinances related to business occupation taxes, administrative fee and regulatory fees; and

WHEREAS, the Mayor and Council deem such recommendation to be in the best interest of the City.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF McDONOUGH that Title 5 of the code of ordinances regarding business licenses and regulation be amended as follows:

-1-

Section 5.04.030(C) of the city code shall be deleted in its entirety and the following inserted in lieu thereof:

“C. Prior to the initial start-up, renewal, or reopening of a business entity under this chapter, the following shall be submitted to the Occupation Tax Clerk: (i) a registration form; (ii) a United States government-issued photo ID and one of the documents specified in Official Code of Georgia Annotated § 50-36-2; and (iii) the specified regulatory fee, all being a condition precedent for transacting business or practicing a profession or occupation regulated by the City. For permits issued to corporate entities, said information shall be submitted on behalf of a designated local manager.”

-2-

Except as set forth herein, all remaining provisions of Sec. 5.04.030 shall remain in full force and effect.

-3-

If any ordinance, or part thereof, is in conflict herewith, this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

This ordinance shall become effective upon adoption this _____ day of _____, 2022.

CITY OF McDONOUGH, GEORGIA

By: _____
Sandra Vincent, Mayor

Attest: _____
Christy Taylor, City Clerk

Approved as to form:

James E. Elliott, Jr., City Attorney

2014 Georgia Code

Title 50 - STATE GOVERNMENT

Chapter 36 - VERIFICATION OF LAWFUL PRESENCE WITHIN UNITED STATES

§ 50-36-2 - Secure and verifiable identity document; applicability

Universal Citation: [GA Code § 50-36-2 \(2014\)](#)

(a) This Code section shall be known and may be cited as the "Secure and Verifiable Identity Document Act."

(b) As used in this Code section, the term:

(1) "Agency or political subdivision" means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(2) "Public official" means an elected or appointed official or an employee or an agent of an agency or political subdivision.

(3) (A) "Secure and verifiable document" means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies and shall include:

(i) An original or certified birth certificate issued by a state, county, municipal authority, or territory of the United States bearing an official seal;

(ii) A certification of report of birth issued by the United States Department of State;

(iii) A certification of birth abroad issued by the United States Department of State; or

(iv) A consular report of birth abroad issued by the United States Department of State.

(B) The term "secure and verifiable document" shall not include any foreign passport unless the passport is submitted with a valid United States Homeland Security Form I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law, or a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status. Only those documents approved and posted by the Attorney General

pursuant to subsection (g) of this Code section shall be considered secure and verifiable documents.

(c) Unless required by federal law, on or after January 1, 2012, no agency or political subdivision shall accept, rely upon, or utilize an identification document for any official purpose that requires the presentation of identification by such agency or political subdivision or by federal or state law unless it is a secure and verifiable document.

(d) Copies of secure and verifiable documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this subsection, electronic submission shall include, but shall not be limited to, submission via facsimile, Internet, or any other electronically assisted transmitted method approved by the agency or political subdivision.

(e) Any person acting in willful violation of this Code section by knowingly accepting identification documents that are not secure and verifiable documents shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.

(f) This Code section shall not apply to:

(1) A person reporting a crime;

(2) An agency official accepting a crime report, conducting a criminal investigation, or assisting a foreign national to obtain a temporary protective order;

(3) A person providing services to infants, children, or victims of a crime;

(4) A person providing emergency medical service;

(5) A peace officer in the performance of the officer's official duties and within the scope of his or her employment;

(6) Instances when a federal law mandates acceptance of a document;

(7) A court, court official, or traffic violation bureau for the purpose of enforcing a citation, accusation, or indictment;

(8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or paragraph (2) of subsection (a) of Code Section 40-5-21.1;

(9) An attorney or his or her employees for the purpose of representing a criminal defendant; or

(10) The provision of utility services related to basic human necessities, including water, sewer, electrical power, communications, and gas.

(g) Not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General.

AGENDA ITEM SUMMARY
May 5, 2022 Workshop
Item Number: 12



Presented by: Jim Elliott

Department: Community Development

ITEM SUMMARY:

Specialty Item:

Moratorium for Multi-Family Zoning Districts: Code Section 17.40 (RM-75/Multi-Family Residential); Code Section 17.44 (RTD/Residential Townhouse District); and Code Section 17.48 (RCD/Residential Condominium District)

SPECIAL CONSIDERATIONS OR CONCERNS:

The City has experienced a proliferation of multi-family developments over the last decade which have brought about increased traffic, burdens on its public safety departments, and excessive demands on utility infrastructure

STAFF RECOMMENDATION:

Staff recommends approval

FINANCIAL IMPACT:

FUNDING SOURCE:

ATTACHMENTS:

Proposed New Ordinance

OTHER DEPARTMENTAL REVIEW NEEDED:

☐ Yes

☐ No

**STATE OF GEORGIA
COUNTY OF HENRY**

ORDINANCE NO. _____

WHEREAS, the City of McDonough is vested with the power under Article XI, Sec. 2, Par. 4 of the Georgia constitution to adopt and implement zoning regulations for the City; and

WHEREAS, the City has experienced a proliferation of multi-family developments over the last decade which have brought about increased traffic, burdens on its public safety departments, and excessive demands on utility infrastructure, and

WHEREAS, there currently exists an adequate number of multi-family developments in the City, providing affordable housing opportunities for low and moderate-income current and future residents; further, a significant number of properties within the City, unaffected by the amendment made herein, are currently zoned for apartment developments, further meeting such future housing needs; and

WHEREAS, amending the City's zoning ordinance as provided herein will allow the housing market to balance and adjust existing multi-family developments into a proper mix of housing opportunities within the City; and

WHEREAS, the courts have recognized Georgia local governments' inherent ability to impose moratoria when acting on behalf of the public welfare;

WHEREAS, City officials and staff, in order to protect the public welfare, believe that it is appropriate and necessary for the City to evaluate and review the current and future housing needs of the City and consider zoning ordinance amendments, particularly as they relate to existing and pending multi-family developments; and

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF McDONOUGH AS FOLLOWS:

-1-

In order to adequately study, evaluate and review said issues and any recommended zoning ordinance amendments, the Mayor and Council find as follows:

- It is necessary that the mayor and council have the opportunity to consider recommendations for zoning ordinance amendments;
- Substantial detriment and irreparable harm may result if further commitments are made for approval of new multi-family developments in the City;
- Said evaluation and review requires that a cessation of approvals and acceptances of multi-family land use developments be implemented for a limited duration; and

- It is necessary and in the public's interest to delay, for a reasonable and finite period of time, the acceptance or processing of any applications for such land development projects pending the possible amendment of the City's zoning ordinance.

-2-

(a) There is hereby imposed a moratorium on the acceptance or processing of any application for the rezoning of property to "RM-75 Multi-Family Residential," "RTD," and "RCD" zoning districts.

(b) The duration of this moratorium shall be until the City is afforded an adequate period to study, evaluate, and adopt, if deemed appropriate, amendment to the City's zoning ordinance, or until _____, 2022, whichever shall occur first.

(c) This moratorium shall have no effect upon parcels currently zoned "RM-75 Multi-Family Residential," "RTD," "RCD" or on applications pending as of the date of adoption of this ordinance for the rezoning of property to "RM-75 Multi-Family Residential," "RTD," or "RCD."

(d) Pursuant to Georgia case law, a property owner, prior to the adoption of this ordinance, may have acquired vested rights in approval of a project that includes the rezoning of property to "RM-75 Multi-Family Residential," "RTD," or "RCD" but unknown to the City. In that event, such an owner shall have to right to submit a written application, including verified supporting data, documents, and fact, requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exception.

(e) This ordinance shall become effective immediately upon adoption.

- 3 -

If any ordinance, or part thereof, is in conflict herewith, this this ordinance shall have preference. If any provisions of this ordinance are held invalid, such invalidity shall not affect any of the other provisions which can be given effect without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

This ordinance shall become effective upon adoption this _____ day of _____, 2022.

CITY OF McDONOUGH, GEORGIA

By: _____
Sandra Vincent, Mayor

Attest: _____
Christy Taylor, City Clerk

Approved: _____
James E. Elliott, Jr., City Attorney

AGENDA ITEM SUMMARY

(May 5, 2022)

Item Number: 13A



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case # (210102) is for **Rezoning** to RTD (Residential Townhouse District) from R-50 (Single Family Residential) for **Eagles Rest Phase II**. The subject property recognized as Tax Parcel ID # (M0.35-01004003).

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 3/8/22 Municipal Planning Commission Workshop
- 4/12/22 Municipal Planning Commission Public Review
- 4/7/22 City Council Workshop
- 4/18/22 City Council Public Hearing & Vote-Postponed
- 5/5/22 City Council Public Hearing & Vote

STAFF RECOMMENDATION:

MPC

Rezoning – Stanley Head made the Motion for Approval with Staff Recommendations and that the Council further review and discuss adding speed bumps as a condition along the boulevard off of Hwy 20/81.

Second - Latonua Hawkins

➤ **Vote: 5 / Approved**

CDD –Approval with Staff Conditions

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- ORD # 22-05-05001(Z)
- P/Z Final Staff Report

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes

No

OTHER DEPARTMENTAL REVIEW

<u>McDonough Police</u>	<u>McDonough Fire</u>	<u>Building & Inspections</u>
<u>City Engineer</u>	Public Works	<u>Stormwater</u>
<u>Water Distribution</u>	Water/Sewer Operations	<u>HC Water & Sewer</u>
<u>HCDOT</u>	<u>HCBOE</u>	HC GIS
HC Environmental Health Dept.	<u>GDOT</u>	Other

Department Name: McDonough Police - Police Chief (Mr. Ken Noble)

Comments: Not a reviewing agency

Department Name: McDonough Fire - Police Chief (Mr. Ken Noble)

Comments: Not a reviewing agency

Department Name: Building & Inspections - Building Official (Mr. Mark Dobson)

Comments (Rezoning not applicable to Building Code Compliance)

Department Name: City Engineer - (Mr. Mark Whitley)

Comments: *Civil/Stormwater design will be addressed during LDP Review*

Department Name: Stormwater - (Mr. Mark Whitley)

Comments: *Civil/Stormwater design will be addressed during LDP Review*

Department Name: Public Works

Comments: Reviewed by City Engineer (Mark Whitley)

Department Name: McDonough Water/Sewer Operations – Not a reviewing agency

Comments:

Department Name: HC Water & Sewer - Henry County Water Authority (Ms. Fritz Jacques)

Comments: *If a formal availability letter is required, the applicant will need to submit an availability request packet.*

Department Name: Water Distribution - Henry County Water Authority (Ms. Fritz Jacques)

Comments: *If a formal availability letter is required, the applicant will need to submit an availability request packet.*

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

Department Name: HCDOT - Henry County Dept. of Transportation (Mr. David Simmons)

Comments: *If they did an ICE study for GDOT for Phase 1, GDOT may require an update to the ICE study with the additional townhomes proposed (GDOT's jurisdiction concerning access to Hampton st (SR20/81). With these townhomes getting utilities placed, including utility services, has been a difficult task, particularly with street trees and it wide 2 lane driveways are required—so I'd recommend the developer/owner solidify where all utilities (including services) go as part of permitting the site with the utility companies, and it's recommended to avoid placing street trees.*

Department Name: GDOT – Donald Wilkerson

Comments: This might be inside a current GDOT project. It will be subject to review by the project manager as well.

Department Name: HCBOE –(Dr. Carl Knowlton)

Comments: PHASE 2] 20 units proposed with additional 40 students (average of 2 students per unit) for a need of 2 additional classrooms. $40\text{units}/25\text{classroom capacity} = 1.6$ (2) classrooms
[PHASE 1] 91 units ($91\text{ units} \times 2\text{ students} = 182\text{ students}/25\text{ classroom capacity} = 7.28$ (7) classrooms

Department Name: HC GIS – Not a reviewing agency

Comments:

Department Name: HC Environmental Health Dept. – Not a reviewing agency

Comments:

**STATE OF GEORGIA
CITY OF MCDONOUGH**

ORDINANCE NO. 22-05-05001(Z)

AN ORDINANCE, PURSUANT TO MCDONOUGH CODE OF ORDINANCES SECTION 17.104.020(A)(1), AMENDING THE ZONING MAP OF THE CITY OF MCDONOUGH; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MCDONOUGH AND IT IS HEREBY ORDAINED BY AUTHORITY HEREOF:

SECTION 1.

This ordinance applies to the following real property per the application filed by Steven Jones for Eagles Rest PH 2:

All that lot, tract or parcel of land, otherwise known as Parcel #M0.35-01004003, lying and being in Land Lot(s) 156 of the 7th District of Henry County, Georgia, consisting of 3.085 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned RTD (Residential Townhouse District), and subject to the new conditions of development contained in Exhibit "B," attached hereto and incorporated herein by reference.

SECTION 3.

The sections, subsections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, subsection, paragraph, sentence, clause or phrase shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining section, subsections, paragraphs, sentences, clauses and phrases of this ordinance.

SECTION 4.

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

SECTION 5.

This ordinance shall become effective immediately upon adoption.

So ordained this 5th day of May, 2022.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

APPROVED TO FORM:

CHRISTY TAYLOR, CITY CLERK

JIM ELLIOTT, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156, 7TH DISTRICT, HENRY COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR FOUND ON THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 20/81 (ALSO KNOWN AS HAMPTON STREET) (80 FOOT RIGHT-OF-WAY WIDTH) LOCATED 951 FEET FROM THE INTERSECTION OF PHILLIPS DRIVE AND HAMPTON STREET;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, 550.89 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 520.77 FEET AND A CHORD BEARING SOUTH 70 DEGREES 36 MINUTES 29 SECONDS EAST, 525.56 FEET) TO A 1/2 INCH REBAR;

THENCE, SOUTH 06 DEGREES 56 MINUTES 53 SECONDS EAST, 146.79 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 48 DEGREES 06 MINUTES 44 SECONDS WEST, 67.50 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 04 DEGREES 35 MINUTES 24 SECONDS WEST, 86.09 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 84 DEGREES 01 MINUTES 22 SECONDS WEST, 46.63 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, SOUTH 58 DEGREES 50 MINUTES 35 SECONDS WEST, 69.84 FEET TO A 1/4 INCH REBAR;

THENCE, NORTH 82 DEGREES 42 MINUTES 01 SECONDS WEST, 295.90 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 06 MINUTES 06 SECONDS WEST, 354.92 FEET TO A 1/4 INCH REBAR;

THENCE, NORTH 31 DEGREES 58 MINUTES 30 SECONDS WEST, 105.94 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING **3.085 ACRES (134,388 SQUARE FEET)**.

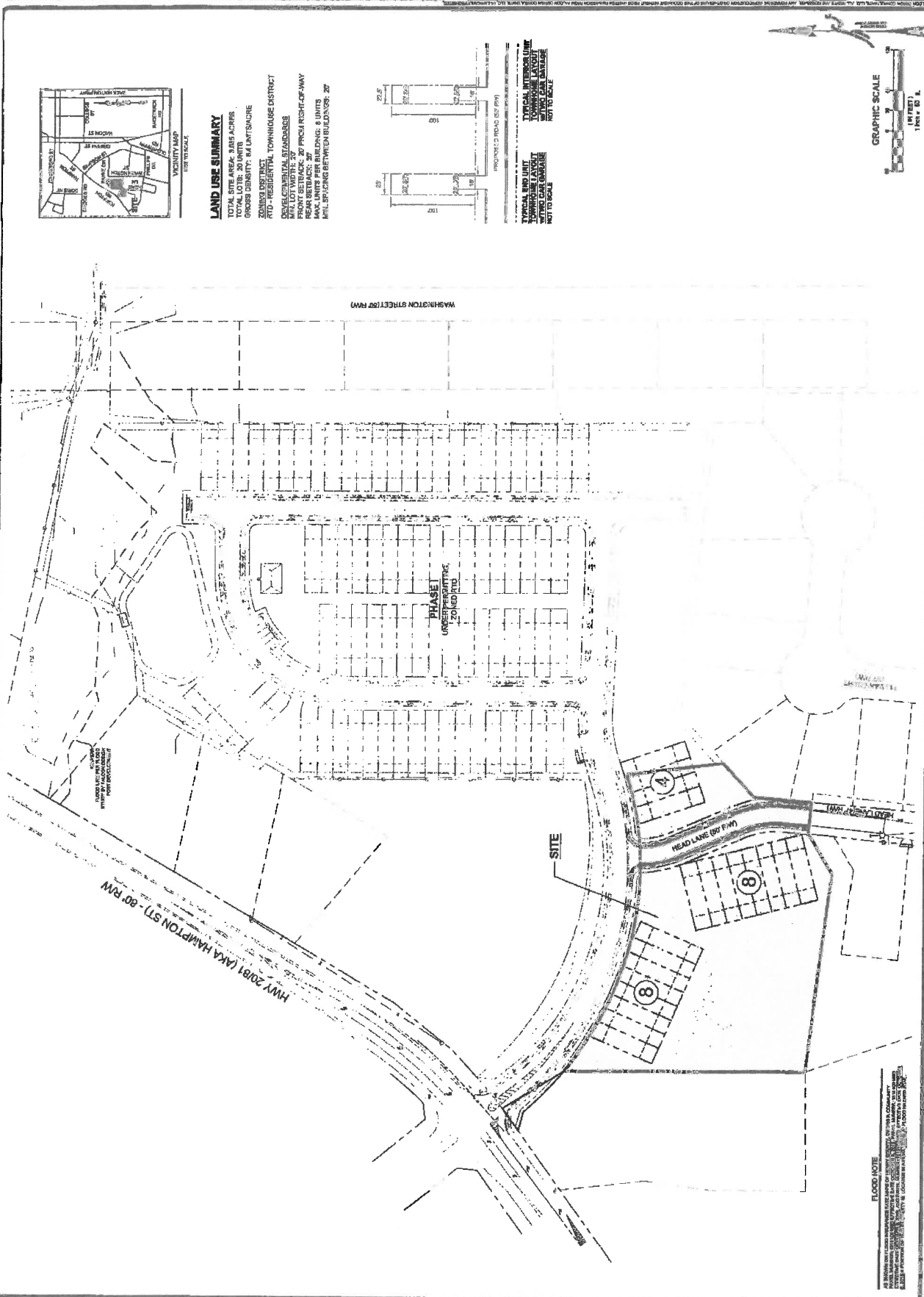


Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Case Petition

210203

Applicant

Steven Jones of Bovis, Kyle, Burch & Medlin, LLC

Address/Location

Eagles Rest Phase 2

Council District 4

Hampton Street

Kamali Varner

Request

Land Lot District

Land Lot(s) 156 of the 7th District

Tract Size

Approximately 3.085 Acres +/-

(Parcel # M035-01004003)

Meetings

03/08/22

Planning Commission Workshop

04/07/22

City Council Workshop

04/12/22

Planning Commission "Public Review"

04/18/22

City Council "Public Hearing"

Background Information

Current Zoning

Zoned R-50 (Single Family Residential)

Phase 1-Eagles Rest Townhome Community-Zoned RTD

Location

Hampton Street



North Boundary

Zoned: R-50 (Single Family Residential)

Land Use: Vacant Residential Tract

East Boundary

Zoned: RTD (Residential Townhouse District)

Land Use: Townhome Community

South Boundary

Zoned: R-50 (Single Family Residential)

Land Use: Developed lot with dwelling structure

West Boundary

Zoned: C-2 (Central Commercial District)

Land Use : Vacant Commercial



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

► Isolated district	No
► Possible overtaxing load on public facilities	Yes
<i>Minimal change to school and water/sewer resources</i>	
► Cost increase to the City	Yes
<i>Developer will make improvements required to gain access from SR 20/81</i>	
► Impact to environment	No
► Amendment will be a deterrent to adjacent properties	No
► Current zoning may be used for the purpose intended	No
<i>Only feasibility of development</i>	
► Property to stay compatible with adjacent properties	Yes
► Property is consistent with FLUM	Yes
► Any character change to the Zoning District	No
► Does the amendment follow the zoning regulations	Yes
► Applicant submitted all information	Yes
► Any impact to neighboring residential properties	No
► Buffers have been adhered to	Yes



Professional Staff (City/Henry County/State) Analysis:

Section 17.104.050 Review by other agencies

Police Chief (Mr. Ken Noble) – Not applicable at this time (Police only receive the Final Plat for review.)



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Fire Chief (Mr. Steve Morgan) – Not applicable at this time (Fire will review LDP when submitted.)

City Engineer (Mr. Mark Whitley) – *Civil/Stormwater design will be addressed during LDP Review*

Building Official (Mr. Mark Dobson) – N/A (Rezoning not applicable to Building Code Compliance)

Public Works Director (Mr. Ronnie Thompson) – Recommends approval

City Environmental Engineer (Mr. Tom Fleming) - No comments returned.

Henry County Board of Education (Dr. Carl Knowlton) – [PHASE 2] 20 units proposed with additional 40 students (average of 2 students per unit) for a need of 2 additional classrooms.
40units/25classroom capacity = 1.6 (2) classrooms [PHASE 1] 91 units (91 units x 2 students = 182 students/25 classroom capacity = 7.28 (7) classrooms

Henry County Dept. of Transportation (Mr. David Simmons) – *If they did an ICE study for GDOT for Phase 1, GDOT may require an update to the ICE study with the additional townhomes proposed (GDOT's jurisdiction concerning access to Hampton st (SR20/81). With these townhomes getting utilities placed, including utility services, has been a difficult task, particularly with street trees and it wide 2 lane driveways are required—so I'd recommend the developer/owner solidify where all utilities (including services) go as part of permitting the site with the utility companies, and it's recommended to avoid placing street trees.*

Henry County Environmental Health Dept. (Ms. Glenda Scott) – *Not applicable*

Henry County Water Authority (Ms. Fritz Jacques) – *Is a formal availability letter required? If so, the applicant will need to submit an availability request packet.*

Georgia Department of Transportation (Mr. Donald Wilkerson) No further comment.

Infrastructure: Water Service:	City of McDonough
Sewer Service:	City of McDonough
Electricity:	Georgia Power
Telephone:	TBD
Cable Television:	TBD
Schools:	Henry County Schools



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Final Staff Recommendation by: Charles Reese, Community Development Director

Staff recommends *Approval* of the Rezoning to *RTD (Residential Townhouse District)* = 3.085 +/- acres with the following stipulations outlined herein: Approval of rezoning from R-50 to RTD with the following conditions:

1. The development shall include sidewalk and street lighting along all roadways within the development.
2. The development shall include a Children's playground in either Phase 1 or Phase 2.
3. The development shall include auxiliary/overflow off street parking in Phase 1 and Phase 2.
4. All townhomes shall be a minimum of twenty-two Feet (22') wide and all townhomes shall have a two (2) car garage.
5. Facades of the residences shall have at least fifty percent (50%) of the front elevation consisting of brick/stone with the remainder to be either brick/stone, stucco or fibrous concrete board (e.g., hardi-plank)
6. Vinyl shall only be permitted to be used for eaves and soffits.
7. There shall be a Boulevard style entrance with extensive landscaping from Hwy 20/81
8. Connection to water and sewer is required prior to development.
9. A homeowner's association shall be established for the proposed development for the purpose of providing maintenance of the common areas.
10. Restrictive covenants regulating uses and structures shall be imposed upon the development.
11. Speed bumps to be installed along boulevard connecting to Hwy 20/81
12. Agreement needed between neighbor and adjacent property for easement at 20/81 connection/decel lane including GDOT approval and permit. **Has been received.**
13. No on-street parking
14. All other conditions of development will be in accordance with the development ordinances of the City.

From PC PR meeting-Resident-construction should not block roadway-Payne drive, hours of operation, Must have water truck to keep down dust ("leave the neighborhood as they found it")
Questions about speed bumps along blvd.

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Case Petition

210203

Applicant

Steven Jones of Bovis, Kyle, Burch & Medlin, LLC

Address/Location
Council District 4

Eagles Rest Phase 2

Hampton Street
Kamali Varner

Request

Land Lot District
Tract Size

Land Lot(s) 156 of the 7th District
Approximately 3.085 Acres +/-
(Parcel # M035-01004003)

Meetings

03/08/22
04/07/22
04/12/22
04/18/22

Planning Commission Workshop
City Council Workshop
Planning Commission "Public Review"
City Council "Public Hearing"

Background Information

Current Zoning

Zoned R-50 (Single Family Residential)

Location

Phase 1-Eagles Rest Townhome Community-Zoned RTD
Hampton Street



North Boundary

Zoned: R-50 (Single Family Residential)
Land Use: Vacant Residential Tract

East Boundary

Zoned: RTD (Residential Townhouse District)
Land Use: Townhome Community

South Boundary

Zoned: R-50 (Single Family Residential)
Land Use: Developed lot with dwelling structure

West Boundary

Zoned: C-2 (Central Commercial District)
Land Use : Vacant Commercial



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

▶ Isolated district	No
▶ Possible overtaxing load on public facilities	Yes
<i>Minimal change to school and water/sewer resources</i>	
▶ Cost increase to the City	Yes
<i>Developer will make improvements required to gain access from SR 20/81</i>	
▶ Impact to environment	No
▶ Amendment will be a deterrent to adjacent properties	No
▶ Current zoning may be used for the purpose intended	No
<i>Only feasibility of development</i>	
▶ Property to stay compatible with adjacent properties	Yes
▶ Property is consistent with FLUM	Yes
▶ Any character change to the Zoning District	No
▶ Does the amendment follow the zoning regulations	Yes
▶ Applicant submitted all information	Yes
▶ Any impact to neighboring residential properties	No
▶ Buffers have been adhered to	Yes



Professional Staff (City/Henry County/State) Analysis:

Section 17.104.050 Review by other agencies

Police Chief (Mr. Ken Noble) – Not applicable at this time (Police only receive the Final Plat for review.)



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Fire Chief (Mr. Steve Morgan) – Not applicable at this time (Fire will review LDP when submitted.)

City Engineer (Mr. Mark Whitley) – *Civil/Stormwater design will be addressed during LDP Review*

Building Official (Mr. Mark Dobson) – N/A (Rezoning not applicable to Building Code Compliance)

Public Works Director (Mr. Ronnie Thompson) – Recommends approval

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40units/25classroom capacity = 1.6 (2) classrooms [PHASE 1] 91 units (91 units x 2 students = 182 students/25 classroom capacity = 7.28 (7) classrooms

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Henry County Environmental Health Dept. (Ms. Glenda Scott) – *Not applicable*

Henry County Water Authority (Ms. Fritz Jacques) – *Is a formal availability letter required? If so, the applicant will need to submit an availability request packet.*

Georgia Department of Transportation (Mr. Donald Wilkerson) No further comment.

Infrastructure: Water Service:	City of McDonough
Sewer Service:	City of McDonough
Electricity:	Georgia Power
Telephone:	TBD
Cable Television:	TBD
Schools:	Henry County Schools



City of McDonough, Georgia

Community Development Department

Rezoning Staff Report

For Recommendation Only

Final Staff Recommendation by: Charles Reese, Community Development Director

Staff recommends *Approval* of the Rezoning to *RTD (Residential Townhouse District)* = 3.085 +/- acres with the following stipulations outlined herein: Approval of rezoning from R-50 to RTD with the following conditions:

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3. The development shall include auxiliary/overflow off street parking in Phase 1 and Phase 2.
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5. Facades of the residences shall have at least fifty percent (50%) of the front elevation consisting of brick/stone with the remainder to be either brick/stone, stucco or fibrous concrete board (e.g., hardi-plank)
6. Vinyl shall only be permitted to be used for eaves and soffits.
7. There shall be a Boulevard style entrance with extensive landscaping from Hwy 20/81
8. Connection to water and sewer is required prior to development.
9. A homeowner's association shall be established for the proposed development for the purpose of providing maintenance of the common areas.
10. Restrictive covenants regulating uses and structures shall be imposed upon the development.
11. Speed bumps to be installed along boulevard connecting to Hwy 20/81
12. Agreement needed between neighbor and adjacent property for easement at 20/81 connection/decel lane including GDOT approval and permit.
13. No on-street parking
14. All other conditions of development will be in accordance with the development ordinances of the City.

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*

AGENDA ITEM SUMMARY

(May 5, 2022)

Item Number: 13B



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case # (220201), is for Nick Patel for **Staybridge at South Point** and is a **Variance** pertaining to a height increase of an additional ten (10') feet above code allowance of forty (40') feet to allow a fifty (50') feet, four (4) story hotel. The subject property recognized as Tax Parcel ID # (075-01030000).

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 3/8/22 Municipal Planning Commission Workshop
- 4/12/22 Municipal Planning Commission Public Review
- 4/7/22 City Council Workshop
- 4/18/22 City Council Public Hearing & Vote-Postponed
- 5/5/22 City Council Public Hearing & Vote

STAFF RECOMMENDATION:

MPC

Variance - Stanley Head made the Motion for Approval with Staff Recommendations

Second - Calvin McClenden

➤ **Vote: 5 / Approved**

CDD –Approval with Staff Stipulations

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- Variance Letter
- P/Z Final Staff Report

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

OTHER DEPARTMENTAL REVIEW NEEDED:Yes

No

OTHER DEPARTMENTAL REVIEWMcDonough PoliceMcDonough FireBuilding & InspectionsCity Engineer

Public Works

StormwaterWater Distribution

Water/Sewer Operations

HC Water & Sewer

HCDOT

HCBOE

HC GIS

HC Environmental Health Dept.

GDOT

Other

Department Name: McDonough Police - Police Chief (Mr. Ken Noble)

Comments: Not a reviewing agency

Department Name: McDonough Fire - Fire Chief (Mr. Steve Morgan)

Comments: Not a reviewing agency

Department Name: Building & Inspections - Building Official (Mr. Mark Dobson)

Comments: Recommends increase height to fifty (50') feet. The Commercial Building Code allows sixty (60') feet.

Department Name: City Engineer - (Mr. Mark Whitley)

Comments: Civil/Stormwater design will be addressed during LDP review.

Department Name: Stormwater -(Mr. Mark Whitley)

Comments: Civil/Stormwater design will be addressed during LDP review.

Department Name: Public Works

Comments: Reviewed by City Engineer (Mark Whitley)

Department Name: McDonough Water/Sewer Operations

Comments: Not a reviewing agency

Department Name: HC Water & Sewer - Henry County Water Authority (Ms. Fritz Jacques)

Comments: *If a formal availability letter is required, the applicant will need to submit an availability request packet.*

Department Name: Water Distribution - Henry County Water Authority (Ms. Fritz Jacques)

Comments: *If a formal availability letter is required, the applicant will need to submit an availability request packet.*

Department Name: HCDOT – (Mr. David Simmons)

Comments: Not a reviewing agency

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency

Department Name: GDOT- Georgia Department of Transportation (Mr. Donald Wilkerson)
Comments: No comments returned

Department Name: HCBOE – (Dr. Carl Knowlton)
Comments: Not a reviewing agency

Department Name: HC GIS
Comments: Not a reviewing agency

Department Name: HC Environmental Health Dept. (Ms. Glenda Scott)
Comments: No comments returned

DRAFT



City of McDonough
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622

May 6, 2022

Nick Patel
101 Eagles Pointe Pkwy.
Stockbridge, GA 30281

Re: (Staybridge Hotel @ South Point – 239 Hwy. 81 W, Tract 4)

To Whom It May Concern:

This is to provide you with official notification of the action(s) pertaining to the issuance of approval for the variance petition associated with Case #220201 (Refer to Attachments) in accord with Chapter 17.96, Variances, of city codes.

- 5/5/22 – Decision Pending

Should you have any questions, please contact the Department of Community Development office and speak with Tina Tebo, Executive Assistant to Director at 678-782-6221.

Sincerely,

Charles Reese
Community Development Director

CC: Christy Taylor, City Clerk
Diane Johnson, City Planner
File Copy



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

Case Petition

Applicant
Address/Location
Council District

#220201

Nick Patel for Staybridge Suites (Corporate Hotel)
Highway 81 West
Kamali Varner

Request-Variance

**Increase building height by 10 feet above allowable
code height of 40 feet (Code:17.84.010)
Final Height is 49'- 4"**

District
Tract Size

Land Lot(s) 161 of the 7th District
Approximately 1.30 Acres +/- (Parcel 075-0103000)

Meetings

03/08/22
04/07/22
04/12/22
04/18/22

Planning Commission Workshop
City Council Workshop
Planning Commission "Public Review"
City Council "Public Hearing"

Background Information

Current Zoning

C-3 (Highway Commercial) with conditions per
ORD#18-03-19001(Z)

Location

Highway 81 West

Site Photo(s)



North Boundary

Zoned: C-3 Highway Commercial
Land Use: Dave & Busters

East Boundary

Zoned: C-3 Highway Commercial
Land Use: BJ's Fuel Station

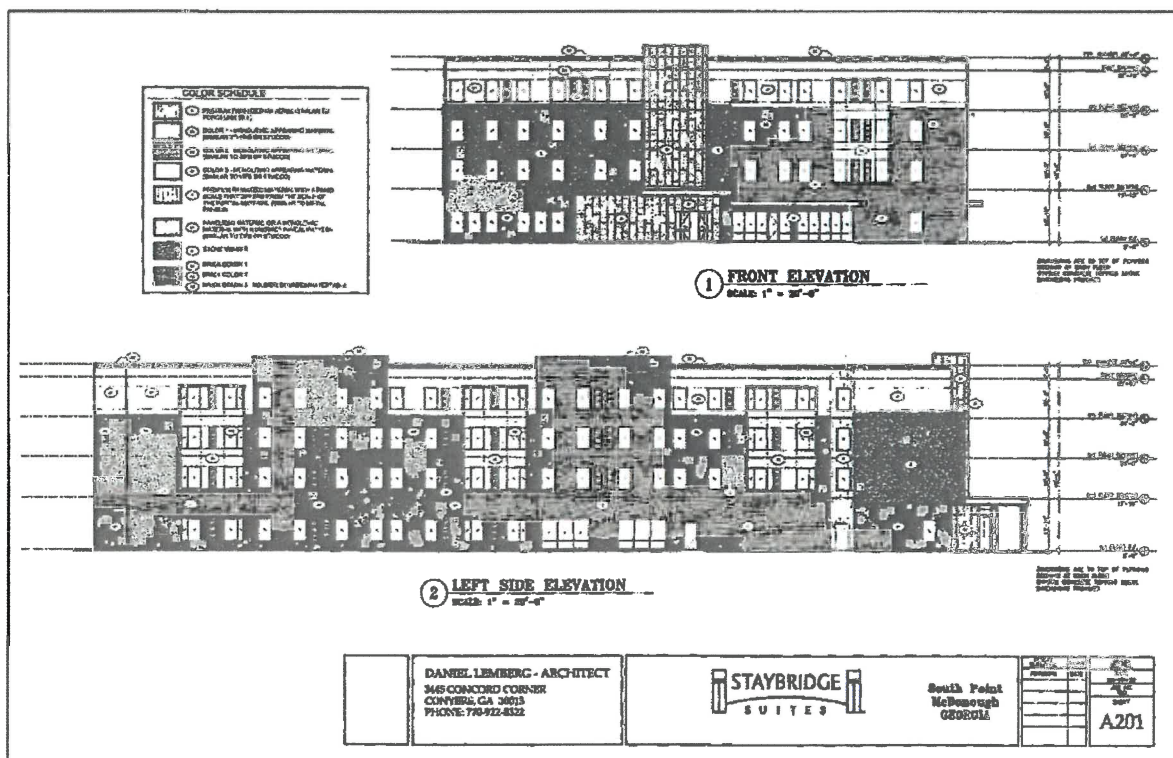
South Boundary

Zoned: C-3 Highway Commercial
Land Use: South Point Shopping

West Boundary

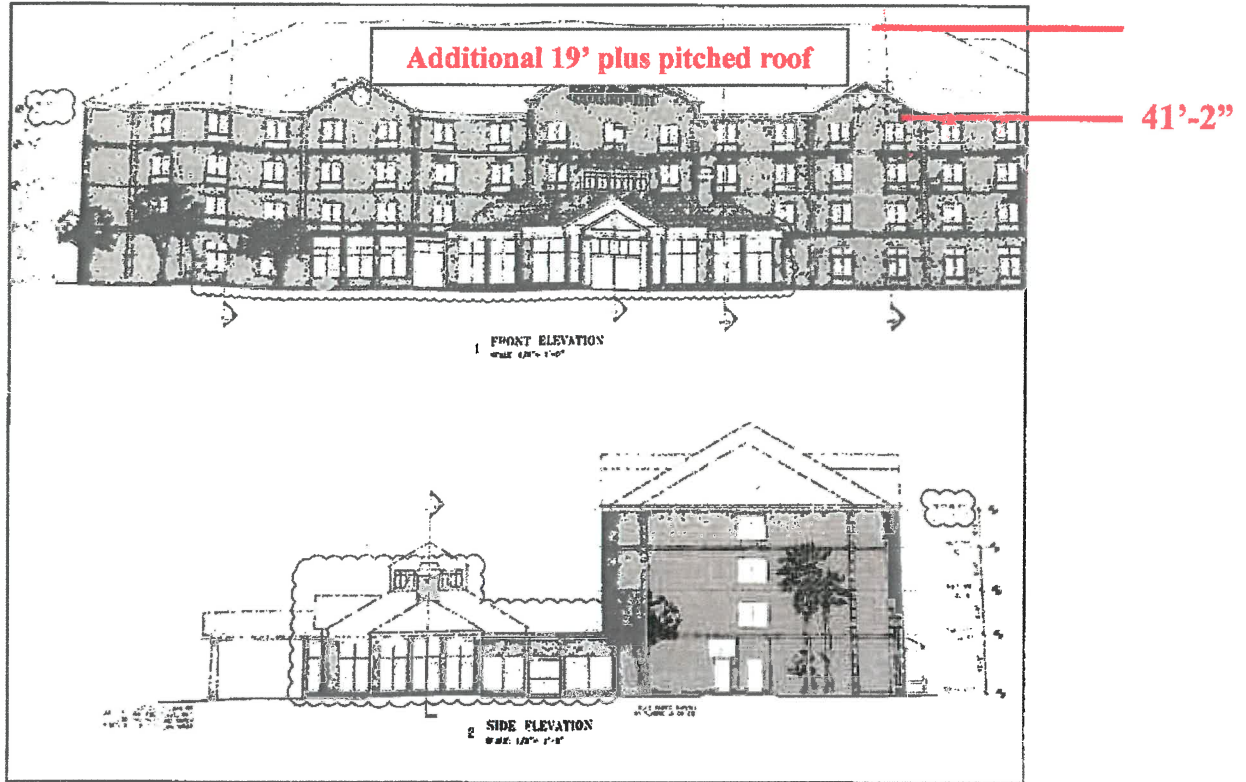
Zoned: C-1 Neighborhood
Commercial
Land Use : Vacant

City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only





City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only



Hilton Garden Inn C-4 Zoning (no longer within Code)

Overall building height approximately 61' including roof

Professional Staff (City/Henry County/State) Analysis:

Section 17.104.050 Review by other agencies

Police Chief (Mr. Ken Noble) - Not applicable at this time (*Police only receive the Final Plat for review.*)

Fire Chief (Mr. Steve Morgan) - Not applicable at this time (Fire will review LDP when submitted.)

City Engineer (Mr. Mark Whitley) – Civil/Stormwater design will be addressed during LDP review.

Building Official (Mr. Mark Dobson)-Recommends increase height to fifty (50') feet. The Commercial Building Code allows sixty (60') feet.

Public Works Director (Vacant)



City of McDonough, Georgia
Community Development Department
Rezoning Staff Report
For Recommendation Only

City Environmental Engineer (Mr. Tom Fleming) – Not applicable at this time

Henry County Board of Education (Dr. Carl Knowlton) – Not applicable at this time

Henry County Dept. of Transportation (Mr. David Simmons) – Not applicable at this time

Henry County Environmental Health Dept. (Ms. Glenda Scott)-No comments returned

Henry County Water Authority (Ms. Fritz Jacques) - Is a formal availability letter required? If so, the applicant will need to submit an availability request packet.

Georgia Department of Transportation (Mr. Donald Wilkerson)-*No comments returned*

Infrastructure:	Water Service:	City of McDonough
	Sewer Service:	City of McDonough
	Electricity:	Georgia Power
	Telephone:	TBD
	Cable Television:	TBD
	Schools:	Henry County Schools

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

► Isolated district	No
► Possible overtaxing load on public facilities	No
► Cost increase to the City	No
► Impact to environment	No
► Amendment will be a deterrent to adjacent properties	No
► Current zoning may be used for the purpose intended	No
► Property to stay compatible with adjacent properties	Yes
► Property is consistent with FLUM	Yes
► Any character change to the Zoning District	No
► Does the amendment follow the zoning regulations	No
► Applicant submitted all information	Yes
► Any impact to neighboring residential properties	No
► Buffers have been adhered to	Yes

Final Staff Recommendation by: Charles Reese, Community Development Director



City of McDonough, Georgia

Community Development Department

Rezoning Staff Report

For Recommendation Only

Community Development Staff recommendation

Staff recommends Approval of the variance to increase the building height to fifty (50) feet.

1) The increase in height is congruent with other hotels in the area specifically the Hilton Garden Inn at an overall height of 61 feet. (Image page 5), Comfort Suites – 41'-4" plus another roughly 27' to apex of roof

2) The increase in height allows for the needed space for the appropriate ceiling height, parking, and the amenity area.

3) The Commercial Building Code allows for 60' height

GENERAL CODE COMPLIANCE DISCLAIMER

The proposed project shall be developed consistent with the conditions in this report, all codes and ordinances of the City of McDonough, the State of Georgia and all other applicable regulatory agencies.

NOTE: *All Concept Plans are accepted as an illustrative drawing to represent an idea only and are not approved during the rezoning process as an official review and approval by Staff showing compliance with City Codes, State Laws, and Zoning conditions which are required during the plan review process.*

AGENDA ITEM SUMMARY

(May 5, 2022)

Item Number: 13C



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220209 for **Michael Burdette for the Copeland House** is for a rezoning to O-I (Office / Institutional) from RM-75. The subject property is recognized as Tax Parcel ID #M20-12012000, located at 94 Macon Street.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 4/12/2022 Municipal Planning Commission Workshop
- 5/10/2022 Municipal Planning Commission Public Review
- 5/5/2022 City Council Workshop
- 5/16/2022 City Council Public Hearing & Vote

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

CDD –Pending Final Staff Report

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes – PENDING REVIEW AND COMMENTS

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665

MEMORANDUM

April 1, 2022

TO: City and County Reviewing Agencies
CC: Municipal Planning Commission Members
FROM: Tina Tebo, Executive Assistant to Community Development Director
SUBJECT: Initial Review of Proposed Petition(s) Request – Case #220209

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Michael Burdette for the Copeland House
Request: To rezone property to O-I (Office Institutional)
Zoning History: RM-75 (Multi-Family Residential)
Tax-Parcel ID#: M20-12012000
Address: 94 Macon St.
Tract Size: Approximately 0.68 +/- acres
Location: Land Lot(s) 134 of the 7th District
Infrastructure: Water & Sewer Service: City of McDonough
Electrical Service: Georgia Power
Telephone: N/A
Cable: N/A

Attachments:

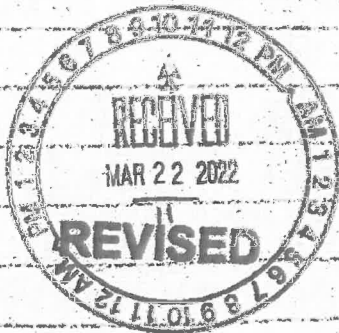
1/3/22

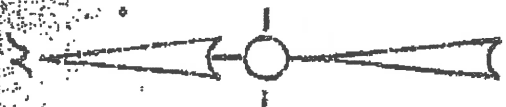
To Whom It may Concern

I am petitioning for the rezoning of my property located at 94 Mason Street which is currently zoned RM-75. My request is to rezone the property from RM-75 to O-1 (Office/Institutional) to be utilized as professional office space.
Thanks

Michael D Burdette

1/3/22



[illegible]

Approved For Recording
City of McDonough Planning Commission

By T. E. Thudley
Building Inspector

PROPERTY SURVEY FOR
THE ESTATE OF MACIE E. COPELAND

APPROVED BY: **AGW**
DATE: **1-60**

DATE: DEC. 17, 1976

LAND LOT 134	-	DISTRICT SEVEN
HENRY COUNTY	-	GEORGIA

NOTE: THIS PLAY IS A REPRESENTATION
OF ACTUAL FIELD CONDITIONS

HE 2
LEADING NUMBER

the 14th of July

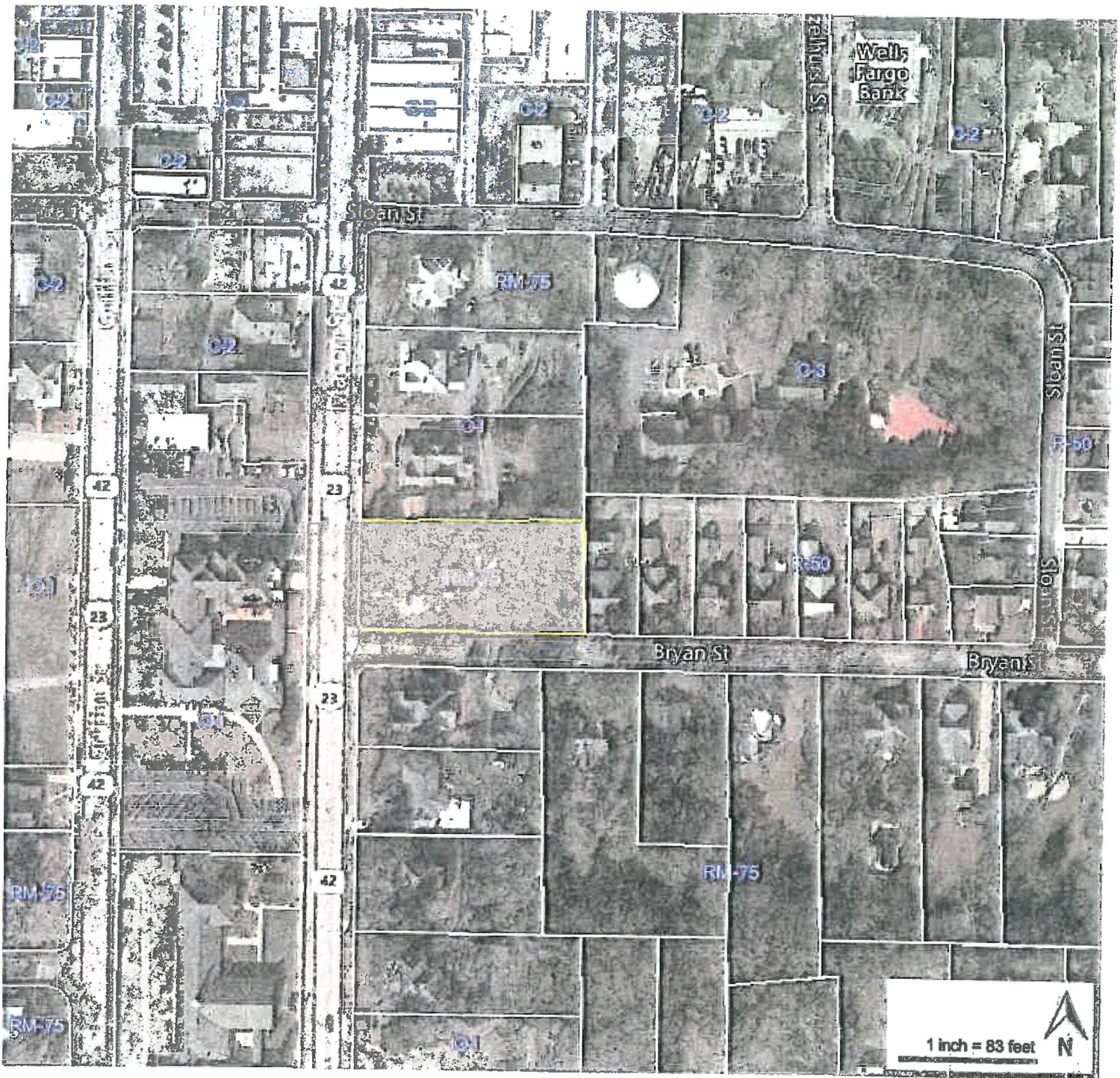
27 of January 1977

3:00 PM

Leach & Taylor

Clerk Superior Court

ATTENTION - SUBMITTING TO BE ATTACHED



AGENDA ITEM SUMMARY

(May 5, 2022)

Item Number: 130



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220301 for **Richard Allen Carmichael for Hampton Road Market** is for a rezoning to C-3 Highway Commercial. The subject property recognized as Tax Parcel ID #092-01011000, #092-01009005, and #092-01010000 located at 502-522 Hampton Road.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

- 4/12/2022 Municipal Planning Commission Workshop
- 5/10/2022 Municipal Planning Commission Public Review
- **5/5/2022 City Council Workshop**
- 5/16/2022 City Council Public Hearing & Vote

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

CDD –Pending Final Staff Report

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes – PENDING REVIEW AND COMMENTS

GOOD GOVERNANCE

Guiding Principle: Fiscal Responsibility, Accountability, Transparency



City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665

MEMORANDUM

April 1, 2022

TO: City and County Reviewing Agencies

CC: Municipal Planning Commission Members

FROM: Tina Tebo, Executive Assistant to Community Development Director

SUBJECT: Initial Review of Proposed Petition(s) Request – Case #220301

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Richard Allen Carmichael for Hampton Road Market

Request: Rezone property to C-3 (Highway Commercial)

Zoning History: C-2 (Central Commercial) w/conditions per ORD #07-02-05001(Z)

Tax-Parcel ID#: #092-01011000, #092-01009005 & #092-01010000

Address: **502-522 Hampton Rd.**

Tract Size: Approximately 6.64 +/- acres Total
(Tract 1 = 0.32 +/- acres; Tract 2 = 0.65 +/- acres; Tract 3 = 5.67 +/- acres)

Location: Land Lot(s) 157 of the 7th District

Infrastructure: Water & Sewer Service: Henry County Water Authority
Electrical Service: GA Power
Telephone: AT & T
Cable: Charter

Attachments:



Tract 1 = 092-01010000

Tract 2 = 092-01011000

Tract 3 = 092-01009005



LETTER OF INTENT

February 21, 2022

ABSTRACT

This letter of intent is presented to City of McDonough for its review and approval of rezoning for the property to allow building of convenience store/gas station, restaurant and shopping center.

Allen Carmichael

February 21, 2022

Director, Planning and Zoning
City of McDonough
McDonough, Georgia

RE: Request for rezoning from current C-2 zoning to C-3 zoning

It is my pleasure to submit this letter of intent to pursue rezoning of current property from C-2 to C-3 zoning for the development of the 6.64-acre land located in the City of McDonough. I am the current owner and have owned the property for over four decades as an ancestral property. Two houses located on the property are currently rented. Due to the location of the land in a very busy commercial area it is best suited for a commercial development. I have also identified developers who have offered to purchase and develop the property with condition that property is rezoned to C-3 zoning. The majority of the proposed businesses (c-store/gas station, restaurant, and shopping center) will be operated by the developer except for some of the rental units. It is the intent that rental units will be leased to businesses which serve the local community and generate revenue for the city and county.

The proposed project is currently zoned C-2 which is intended for retail sales, service, and shopping facilities. The letter of intent requesting approval of C-3 zone will allow development of a convenience store with gas station. The requested zoning is also consistent with the zoning that has been provided to the property located adjacent to the property. It is worth noting that a gas station has been approved for the adjacent property for several years, however, there has not been any development or sign of any development in the near future.

The whole project will be developed with one goal in mind to serve the local community and make the businesses attractive with customers' first motto. The new development priorities are to keep the property clean, organized, well maintained, landscaped, lighted in the nighttime, walkways, and provide a safe and friendly environment to its customers.

Our proposed plan is also aligned with the needs and vision of the city by increased revenue for the city and county, providing job opportunities to the community, providing dining and shopping opportunities for the locals, and contributing to the overall economic growth.

We will gladly provide any additional information that is needed by the zoning committee and will address any concerns to ensure that the project is viable and serves the community's best interest.

Sincerely,

Allen Carmichael

Project Summary

The proposed project will be located at 502/522 Hampton Road (Highway 20/81 W), McDonough, GA 30253. The project will consist of four buildings (a total of approx. 25,000 SF) which will be developed in three phases.

1. **C-store with gas station:** The C-store building (5,400 SF) will be used for a convenience store, a laundromat. The convenience store will be supported by a 6 MPDs gas station with a fully covered canopy.
2. **Restaurant:** One building (5,500 SF) will be used for an upscale restaurant that will serve American food with a southern style of menu and recipes developed based on our knowledge and experience of the South Georgia market.
3. **Shopping center A:** Six to seven rental unit shopping center (9,000 SF) will be developed.
4. **Shopping center B:** Two-three rental unit shopping center (5,300 SF) will be developed.

A total of 117 parking spaces will be available along with ADA-accessible spaces and landscape islands to meet zoning requirements. The project will be accessible by one curb cut from GA-20/81 W and one from Autumn Lake Drive. All building materials and exterior will be of high quality consisting of brick, stone, synthetic stone, glass windows, canopies, and other amenities meeting all building codes. The proposed project consists of two houses and vacant land that is zoned C-2 and a request is being made to approve to C-3 zoning to allow construction of C-store/gas station, restaurant and shopping center.

Proposed Development Impacting City of McDonough

- Economic development to increase city revenue by generating property tax and sales tax revenue
- Need for redevelopment/attractiveness of Highway 20/81 (West)
- Need for restaurant and entertainment facility
- Job creation
- Improve business development opportunities
- Develop vacant properties
- Encourage development of businesses for evening hours-shopping, dining options

Project Layout

The proposed project will be laid out as shown in the site plan below. A convenience store with gas station will located on the east side of the project accessible by a drive from the GA 20/81 (Hamilton Road). A restaurant will occupy the center space of the project which will also be accessible from the Hamilton Road. This is to ensure that customers have easy access to the property and in and out during the day or night time will not cause too much traffic congestion. Next to the restaurant there will one shopping center which will be available for leasing. The property will have an access road with turning lane from GA-20/81 and a second access road from Autumn Lake Drive. We have proposed 117 parking spaces (including ADA compliant spaces) for the total project meeting zoning ordinance. There will be a landscape island after every 10 parking spaces. Two enclosed dumpsters (12 ft x 24 ft) are proposed for the project to ensure all the trash are properly contained and disposed without any extra trash accumulation on the property. The dumpsters will have gates to ensure that it is only accessible by the businesses.

Project Specifics

Location:	Highway 20/81 Hamilton Road 502/522
Current zoning:	C-2
Proposed zoning:	C-3
County sewer/water:	Yes
Total Sq. Ft. Build Area:	25,000 SF
Type of Building:	One story building, metal, stone and brick exterior
Land Area:	6.64 Acres
Total Estimated Increase in County/city Revenue:	\$600,000/Year
Vehicle Parking:	Approximately 117 vehicle parking spaces
Site Access:	Highway GA 20/81 and Autumn Lake Drive
Open Space:	82%
Lot Coverage:	18%
No of jobs created:	Approx. 70-80
Economic impact to the County:	Approx. \$20 million annually

Images of proposed project 3D Rendering

Aerial view of project showing complete project





View of Convenience store and gas station





View of restaurant

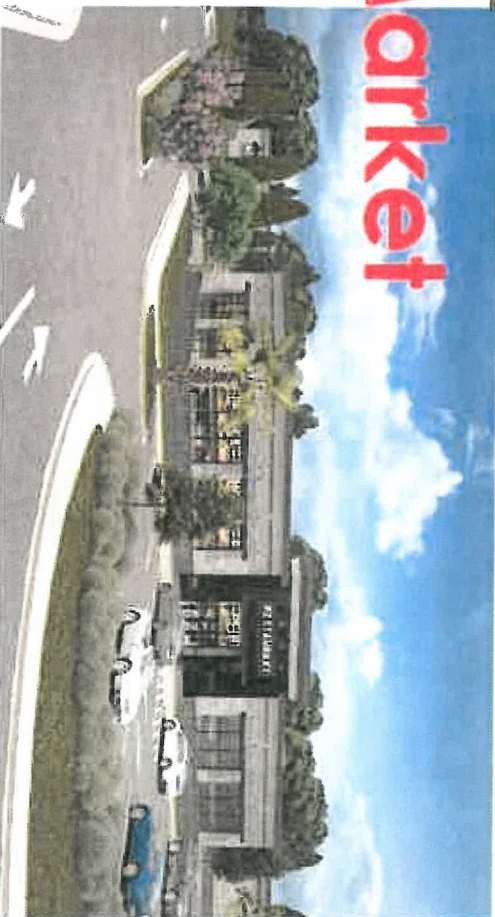


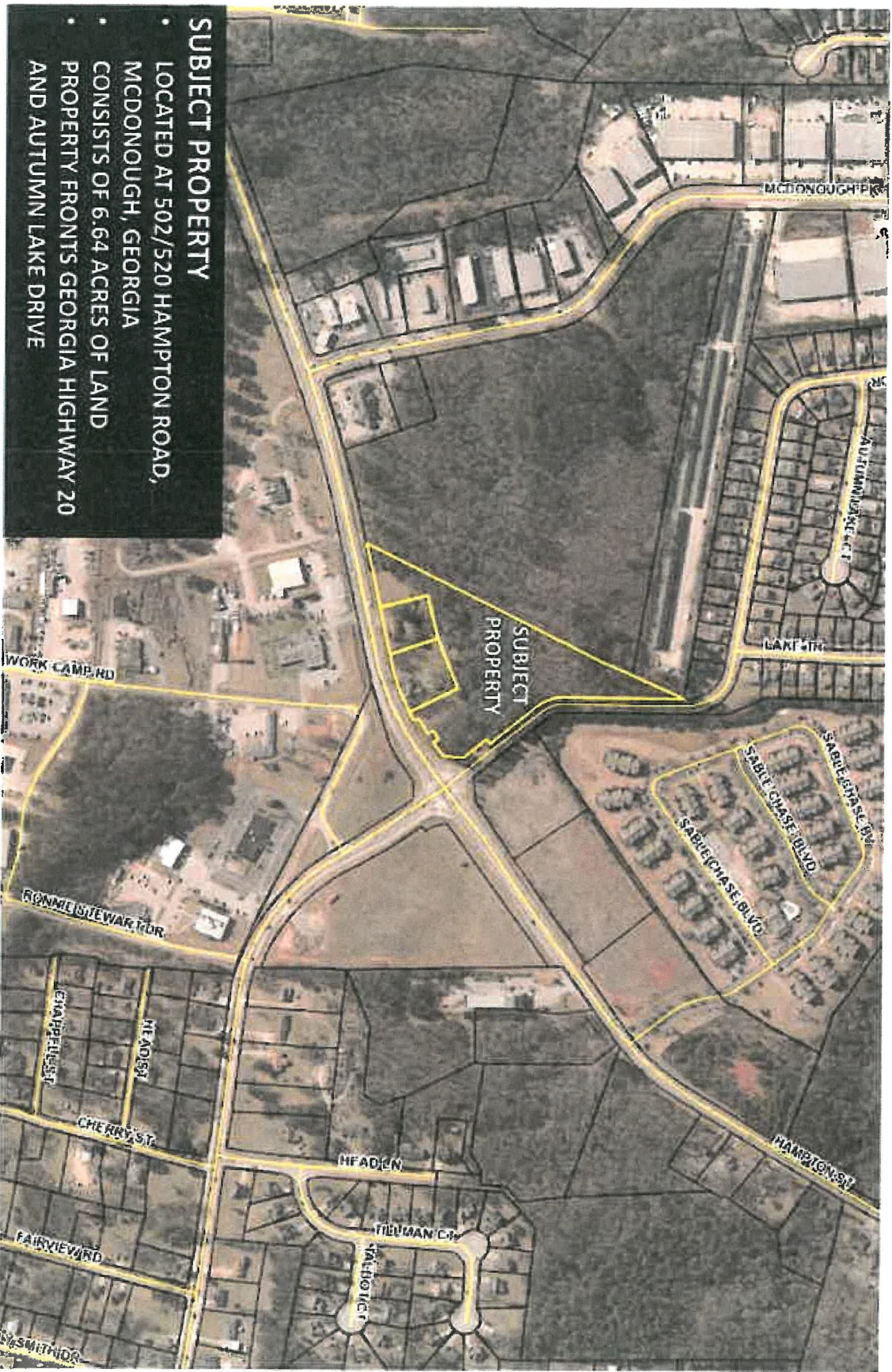




Hampton Market

502/522 Hampton Road
McDonough, GA





SUBJECT PROPERTY

- LOCATED AT 502/520 HAMPTON ROAD, MCDONOUGH, GEORGIA
- CONSISTS OF 6.64 ACRES OF LAND
- PROPERTY FRONTS GEORGIA HIGHWAY 20 AND AUTUMN LAKE DRIVE

SUBJECT PROPERTY

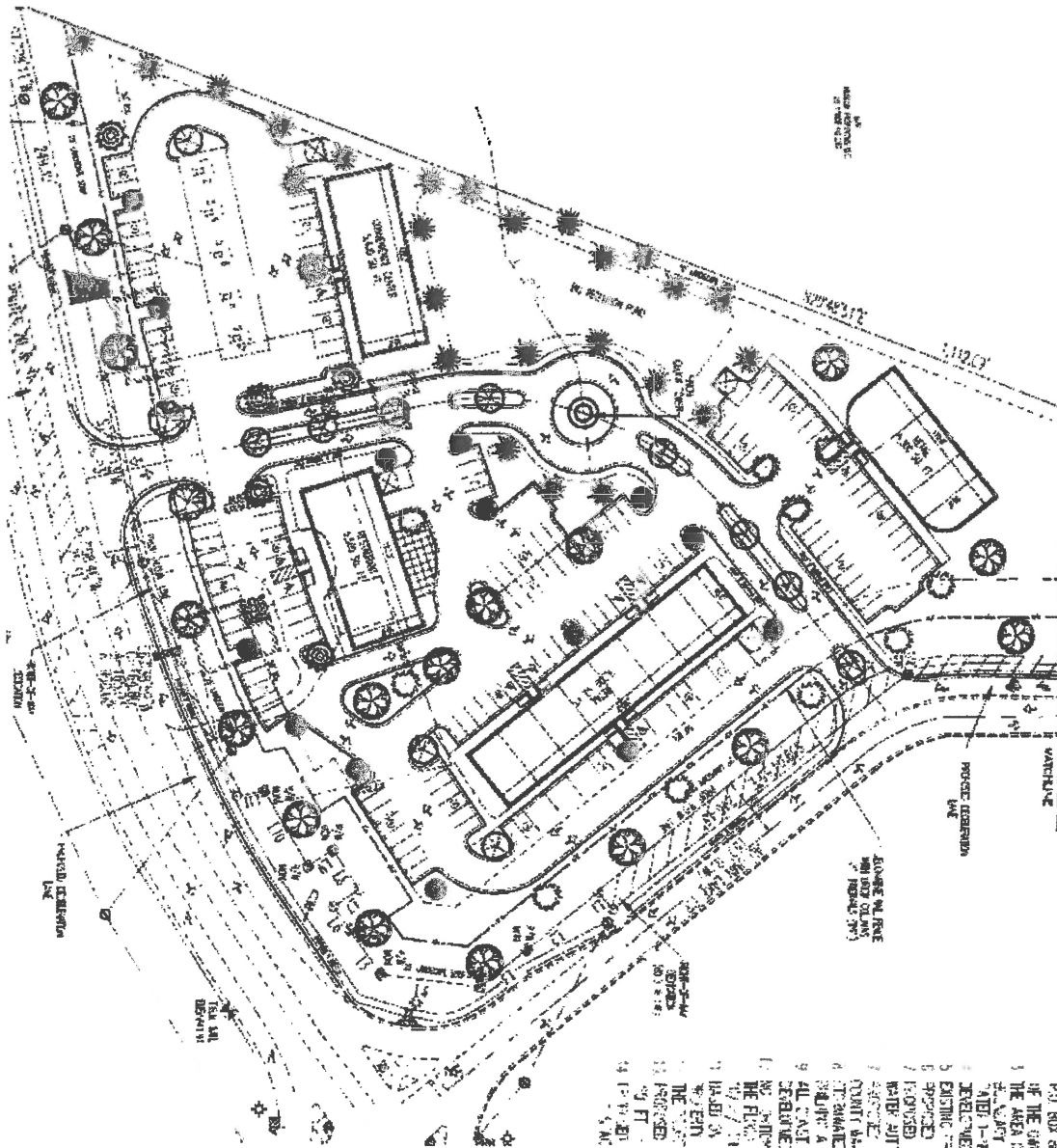
- PROPERTY IS CURRENTLY ZONED C-2
- ADJACENT TO C-3 ZONED PROPERTY TO THE WEST (IN UNINCORPORATED HENRY COUNTY)
- ADJACENT TO C-3 AND RM ZONED PROPERTIES TO THE EAST
- ADJACENT TO O-1 ZONED PROPERTY TO THE SOUTH (ACROSS HWY 20)



PROPOSED REQUEST

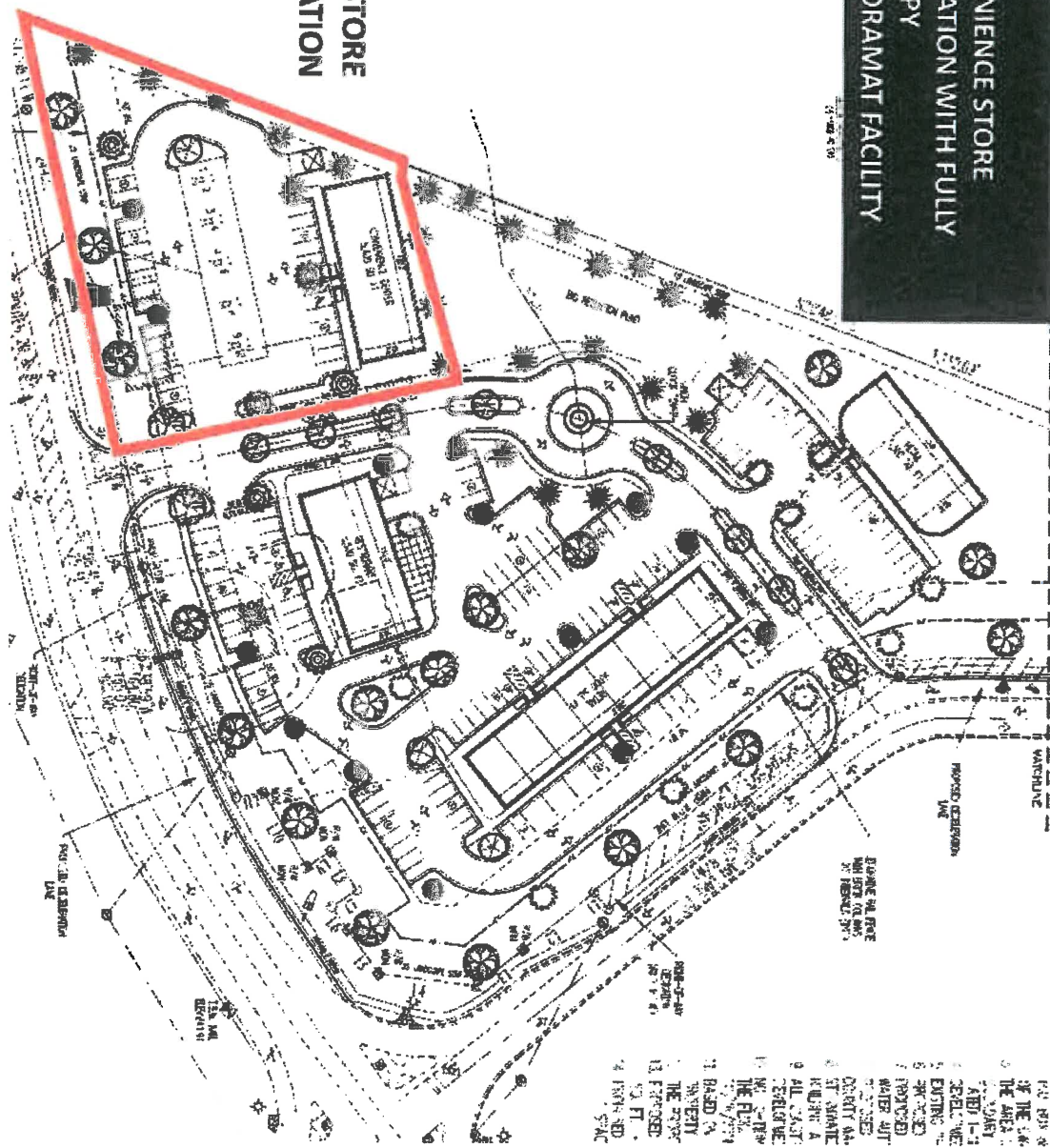
- REZONE THE SUBJECT PROPERTY TO C-3
- PROVIDES A CONSISTENT ZONING PATTERN FOR THE NORTH SIDE OF HIGHWAY 20
- COMPATIBLE WITH CURRENT, ADJACENT ZONING DISTRICTS





- C-STORE
- 5,400 SF CONVENIENCE STORE
- 6 MPD'S GAS STATION WITH FULLY COVERED CANOPY
- POSSIBLE LAUNDRAMAT FACILITY

CONVENIENCE STORE
WITH FUEL STATION



CONVENIENCE STORE VIEW



RESTAURANT VIEW





RESTAURANT INTERIOR VIEW



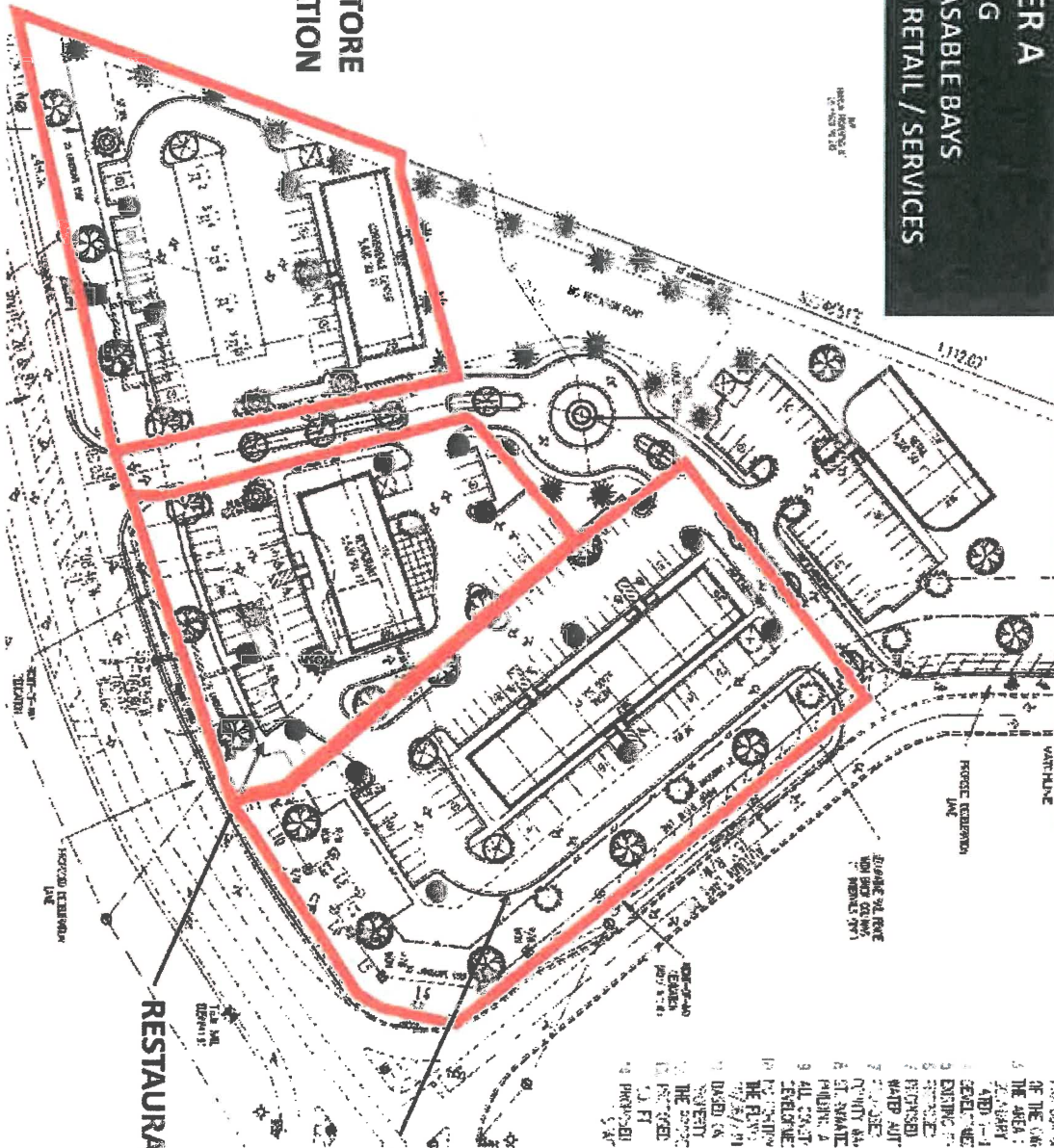
RESTAURANT INTERIOR VIEW

- 9,000 SF BUILDING
- SIX TO SEVEN LEASABLE BAYS
- NEIGHBORHOOD RETAIL / SERVICES

**CONVENIENCE STORE
WITH FUEL STATION**

SHOPPING CENTER A

RESTAURANT





SHOPPING CENTER B

- 5,300 SF BUILDING
- TWO TO THREE RETAIL BAYS
- POSSIBLE URGENT CARE USE AND/OR NEIGHBORHOOD RETAIL / SERVICES

- 5,300 SF BUILDING
- TWO TO THREE RETAIL BAYS
- POSSIBLE URGENT CARE USE AND/OR NEIGHBORHOOD RETAIL / SERVICES

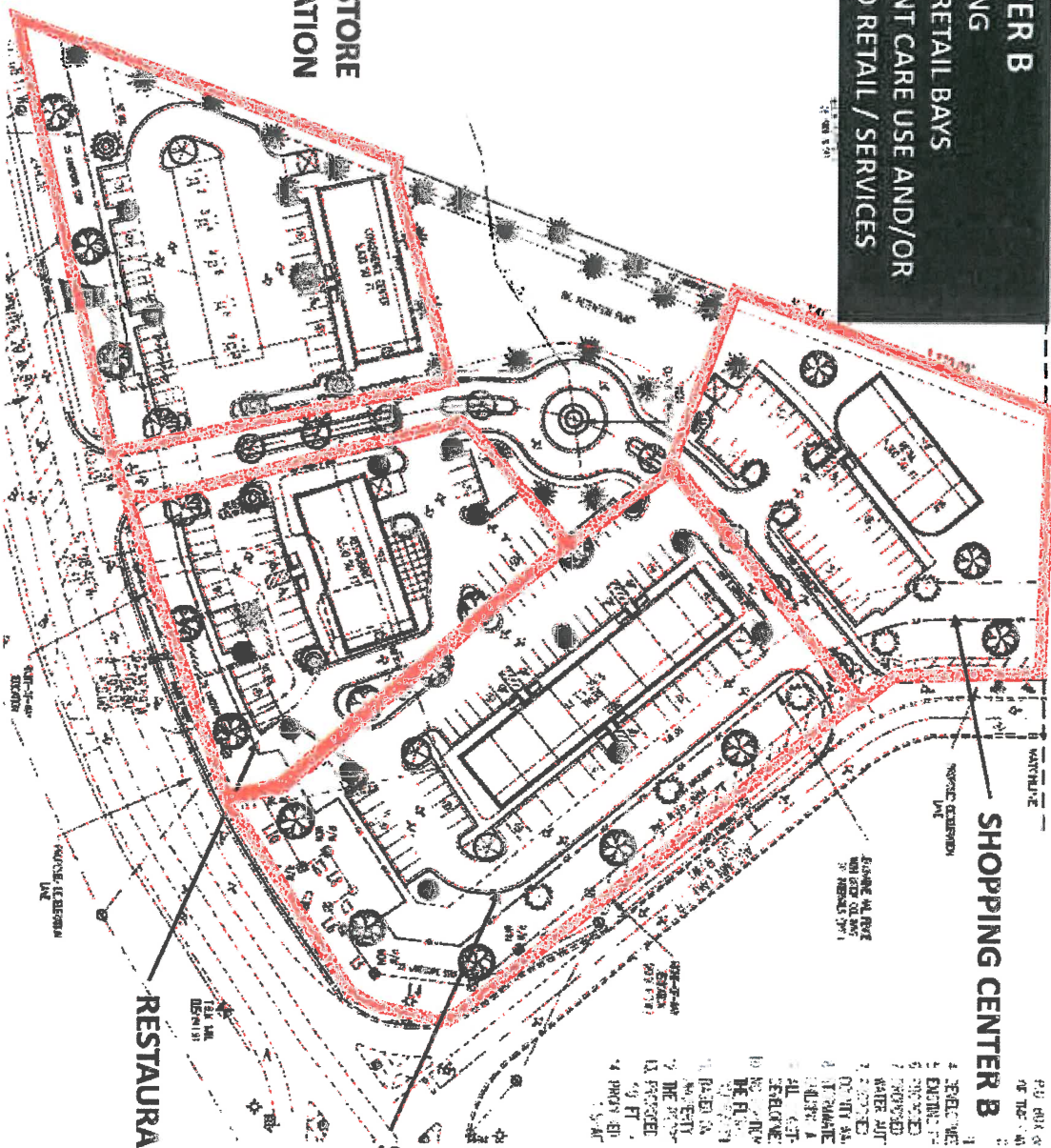
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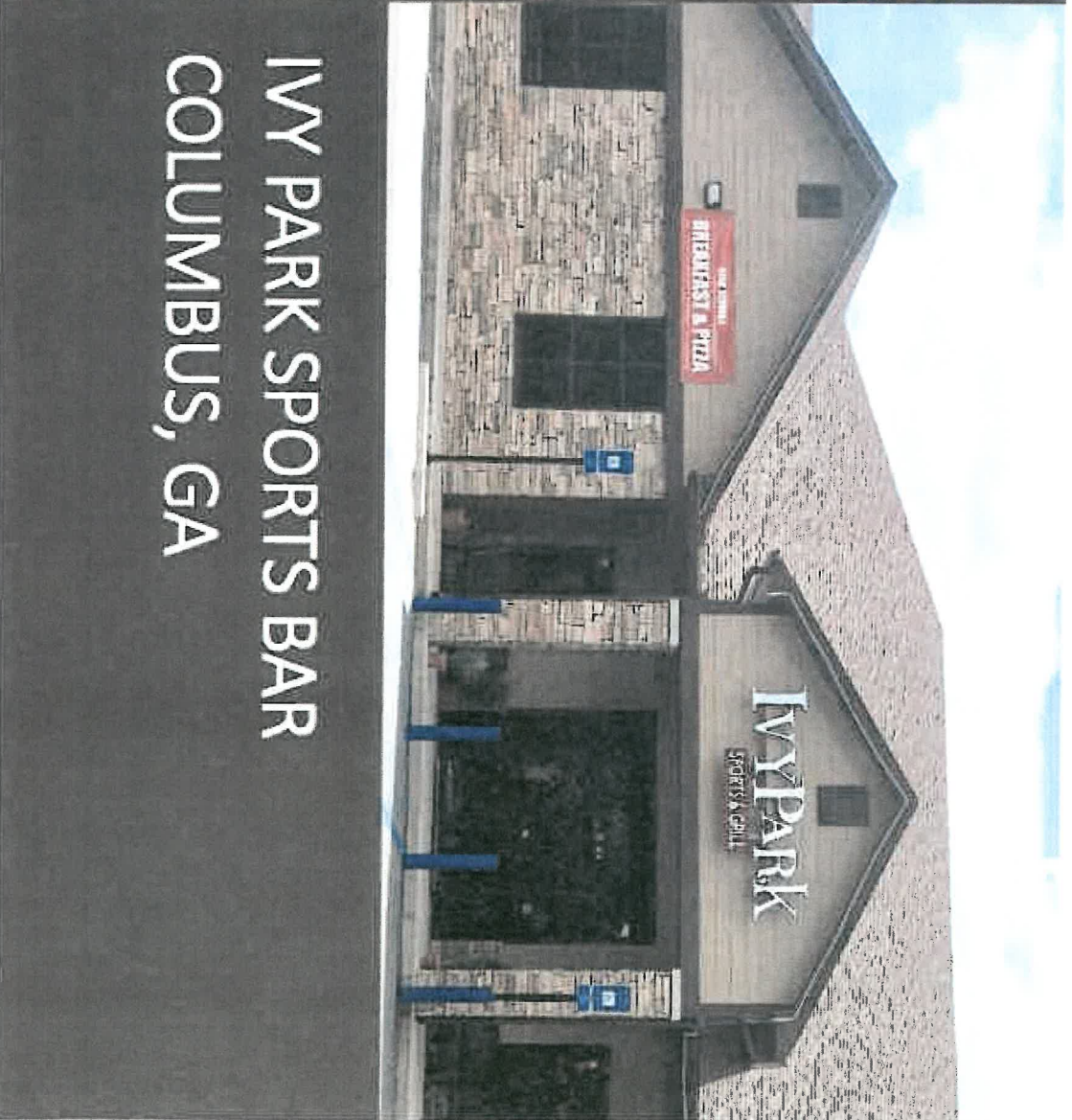
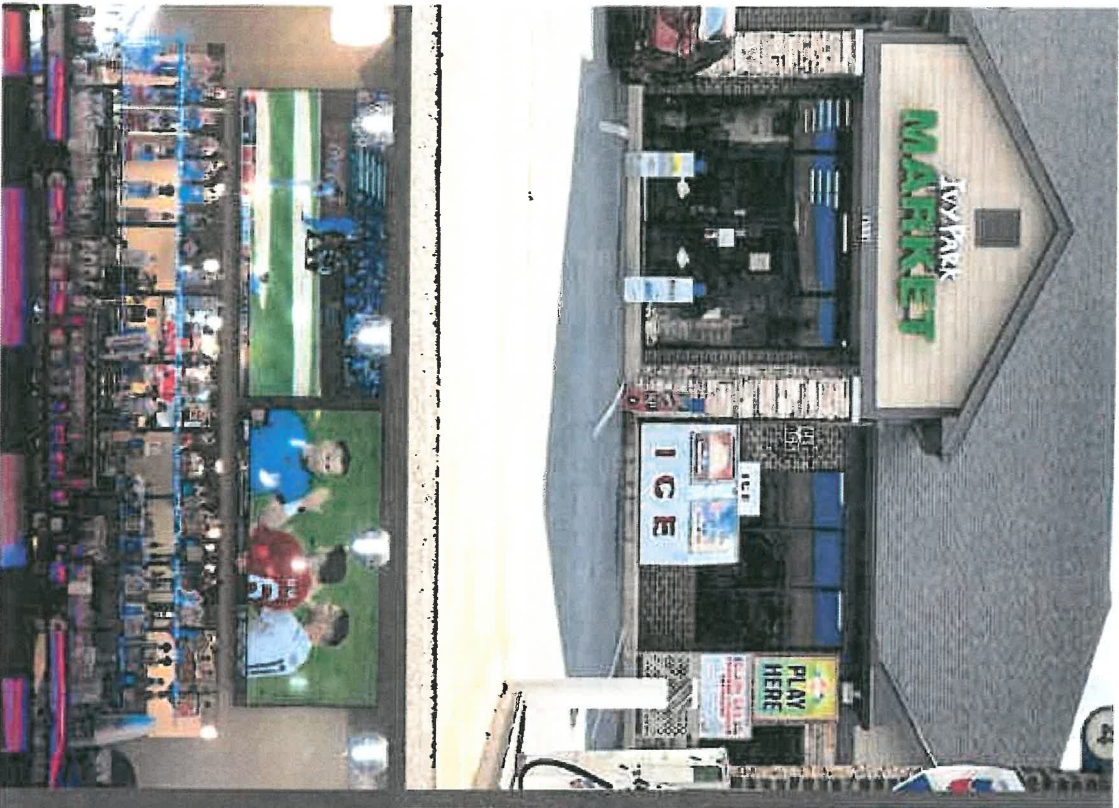
SHOPPING CENTER A

RESTAURANT



SHOPPING CENTER B





IVY PARK SPORTS BAR COLUMBUS, GA





METRO DINER ATLANTA, GA

PROJECT SUMMARY

- 4 PROPOSED BUILDINGS
- 25,000 SF TOTAL
- PRIMARY ACCESS VIA HIGHWAY 20
- SECONDARY ACCESS VIA AUTUMN LAKE DRIVE
- 117 PAVED PARKING SPACES
- ESTIMATED \$600,000 ANNUAL TAX REVENUE
- ESTIMATED TO CREATE 70-80 JOBS
- WILL PROVIDE NEIGHBORHOOD SHOPPING AND SERVICES TO THE SURROUNDING COMMUNITIES





Hampton Market

502/522 Hampton Road
McDonough, GA

