CONSENT AGENDA ITEM SUMMARY

June 6, 2024, City Council Workshop
Item Number: 6A

Presented by: Steve Morgan, City Administrator

ITEM SUMMARY:

Request approval to authorize Johnson Demolition to move forward with the demolition of property and removal of debris located at 128 Rankin Circle, McDonough, Georgia, 30253, at a cost of $16,500.00.

SPECIAL CONSIDERATIONS OR CONCERNS:

Demolition required per Order of the Court

STAFF RECOMMENDATION:

Staff recommends approval.

FINANCIAL IMPACT:

$16,500.00

FUNDING SOURCE:

FY Budget 2024-2025: Line Item - 100-5.7450.52.3850 Building / Inspections Contract Labor.

ATTACHMENTS:

1 Quote from Johnson Demolition $16,500.00
1 Quote from GH Grading $17,580.00

OTHER DEPARMENTAL REVIEW NEEDED:

_Yes ___ No

OTHER DEPARMENTAL REVIEW

___Finance

Johnson Sewer Pipeline & Demolition Inc
1320 Carver Road Griffin GA 30224
770-412-6528 ext 3

May 1, 2024

City of McDonough

Reference: 128 Rankin Circle McDonough GA 30253

This is a price quote for the above address. Price consists of the following:

- Demolition of house
- Removal of debris

TOTAL $16,500.00

Price does not include the removal of slab nor driveway.

Thank you!

Ron Johnson

CH Grading

BID

Mark Dobson City of McDonough

Bid # 0000001

Bid Date 05/15/2024

Item	Description	Unit Price	Quantity	Amount
Service	Demo and Remove house leaving slab pad and drive way/Cap Sewer/Seed and straw	17580.00	1.00	17,580.00
Service	Permit provided by City of McDonough			

NOTES: property/house location: 128 Rankin Circle

Subtotal	17,580.00
Total	17,580.00
Amount Paid	0.00
Bid	$17,580.00

CONSENT AGENDA ITEM SUMMARY
June 6, 2024, City Council Workshop
Item Number: 6B

Presented by: Brian Linton, Director Technology Services Department

ITEM SUMMARY:

Request for approval to pay Tyler Technologies' annual invoice in the amount of $43,505.96, for Incode Accounting, Utility Billing, Permitting and Business License software.

SPECIAL CONSIDERATIONS OR CONCERNS:

This expenditure was approved in the FY 23 – 24 Budget.

STAFF RECOMMENDATION:

Staff recommends approval.

FINANCIAL IMPACT:

$43,505.96

FUNDING SOURCE:

Line Item - 100.5.1535.52.1301

ATTACHMENTS:

Tyler Technologies invoice

OTHER DEPARMENTAL REVIEW NEEDED:

_X__Yes ___No

OTHER DEPARMENTAL REVIEW

_X__Finance

tyler technologies

Remittance:
Tyler Technologies, Inc
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
025-466945	06/01/2024	1 of 2

Questions:
Tyler Technologies- Local Government
Phone: 1-800-772-2260 Press 2, then 2
Email: ar@tylertech.com

Bill To CITY OF MCDONOUGH
136 KEYS FERRY STREET
MCDONOUGH, GA 30253-3215

Ship To CITY OF MCDONOUGH
136 KEYS FERRY STREET
MCDONOUGH, GA 30253-3215

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
43824 - MAIN - MAIN	186183		USD	NET30	07/01/2024

Contract Date	Description	Units	Rate	Extended Price
Contract No.: McDonough, GA				
06/Jun/2006	Annual fee to support and host Web Site Cycle: Start: 01/Jul/2024, End: 30/Jun/2025	1	600.00	600.00
05/Jun/2006	Utility Billing Online Component - Annual Fee Cycle: Start: 01/Jul/2024, End: 30/Jun/2025	1	2,400.00	2,400.00
09/Dec/2010	Incode Content/Document Management Suite - Maintenance-Additional FO Forms Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Office Exporter Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/May/2010	LF Financial Suite Interface Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/May/2010	LF CRM Suite Interface Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Core Financials Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Payroll/Personnel Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Forms Overlay Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Secure Signatures Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
30/Nov/2010	Positive Pay - Maintenance Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
11/Feb/2014	Subscription - Incode Address Verification and Presort Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Aug/2017	Project Accounting - Maintenance Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Oct/2009	Utility CIS System Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Oct/2009	Utility Handheld Meter-Reader Interface Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Oct/2009	Central Cash Collection Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	Building Projects Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	Business License			

tyler technologies

Remittance:
Tyler Technologies, Inc
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
025-466945	06/01/2024	2 of 2

Questions:
Tyler Technologies- Local Government
Phone: 1-800-772-2260 Press 2, then 2
Email: ar@tylertech.com

Bill To: CITY OF MCDONOUGH
136 KEYS FERRY STREET
MCDONOUGH, GA 30253-3215

Ship To: CITY OF MCDONOUGH
136 KEYS FERRY STREET
MCDONOUGH, GA 30253-3215

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
43824 - MAIN - MAIN	186183		USD	NET30	07/01/2024

Contract Date	Description	Units	Rate	Extended Price
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	Call Center			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	CRM Mobile Server Software			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	Building Projects Mobile Interface			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Jan/2010	Call Center			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Enhanced Utility Bill Printing			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
27/Aug/2015	Incode Customer Relationship Suite - Utility Handheld Meter Reader Interface Maintenance Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Basic Network Support Services			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	System Software Non SQL Maintenance			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	System Software Non SQL Maintenance			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			
01/Sep/2009	Tyler U			
	Cycle: Start: 01/Jul/2024, End: 30/Jun/2025			

****ATTENTION****
Order your checks and forms from Tyler Business Forms at 877-749-2090 or tylerbusinessforms.com to guarantee 100% compliance with your software.

Subtotal	43,505.96
Sales Tax	$0.00
Invoice Total	43,505.96

AGENDA ITEM SUMMARY
June 6, 2024, City Council Workshop
Item Number: 11

Presented by: Deborah Upshaw and Mike Clark Finance Department

ITEM SUMMARY:

Presentation of the Proposed Budget for Fiscal Year 2024-2025

SPECIAL CONSIDERATIONS OR CONCERNS:

STAFF RECOMMENDATION:

FINANCIAL IMPACT:

FUNDING SOURCE:

ATTACHMENTS:

EXHIBIT: POWERPOINT

OTHER DEPARMENTAL REVIEW NEEDED:

__Yes _X_ No

OTHER DEPARMENTAL 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
June 6, 2024, City Council Workshop
Item Number: 12

Presented by: Sylvia Smith, Director Community Development Department

ITEM SUMMARY:

The request for Case **#240205** (Lake Dow Storage Facility) is to obtain a Special Use Permit. The address of the subject property is Lake Dow Rd, (Parcel #107-01004000), and lies within the 3rd Council District (Scott Reeves).

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed following schedule herein:

- 3/12/2024 Municipal Planning Commission Workshop
- 4/4/2024 City Council Workshop
- 4/9/2024 Municipal Planning Commission Public Review
- 4/15/2024 City Council Public Hearing & Vote - **POSTPONED**
- 5/20/2024 City Council Public Hearing & Vote – **POSTPONED**
- **6/6/2024 City Council Public Hearing & Vote - POSTPONED**
- **06/03/2024 - APPLICANT SUBMITTED A FORMAL REQUEST TO DEFER CASE 240205, TO THE JULY 22, 2024, CITY COUNCIL MEETING.**

RECOMMENDATION:

MPC
- Latonua Hawkins made motion for denial, Eric Calhoun seconded.
- Motion passed (6-0)

CDD STAFF: Approval with conditions

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- ORD #24-06-06001(SUP)
- P/Z Final Staff Report

OTHER DEPARMENTAL REVIEW NEEDED: YES

REFER TO FINAL STAFF REPORT

City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only (2nd Revision)

Case Petition:	**240205**
Applicant:	Steve Moore of Moore Bass for Storage Units McDonough (Lake Dow Self Storage)
Address/Location	Lake Dow Rd.
Council District 3:	Scott Reeves
Request:	A Special Use Permit to allow for a multistory climate-controlled self-storage facility.
Land Lot District:	152 of the 7th District
Tract Size:	Approximately 5.15 +/- (Parcel 107-01004000)

Meetings:

03/12/24	Planning Commission Workshop
04/04/24	City Council Workshop
04/09/24	Planning Commission "Public Review" **(Deferred to May 14, 2024)**
04/15/24	City Council "Public Hearing" **(Deferred to 5/20 then 6/6 2024)**

Background Information:

The parcel adjoins a Master Development Plan that was rezoned from C-2 (central commercial) to C-3 (highway commercial) with conditions per ORD #07-08-06006(Z). The subject property consists of 10.16 acres of land, however, a portion of the above-referenced tract, consisting of 5.15 acres of land is proposed to be developed as a self-storage facility. The recently approved text amendment allows for the SUP.

North Boundary
Zoned: R-50 (Single Family Residential)
Land Use: Recreational (Heritage Park)

East Boundary
Zoned: R-75 Single Family Residential
Land Use: Residential

South Boundary
Zoned: C-2 (Central Commercial)
Land Use: Commercial

West Boundary
Zoned: C-3 (highway commercial)
Land Use: Vacant

City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

Staff Analysis:

Section 17.104.048 Standards of Review for Rezoning

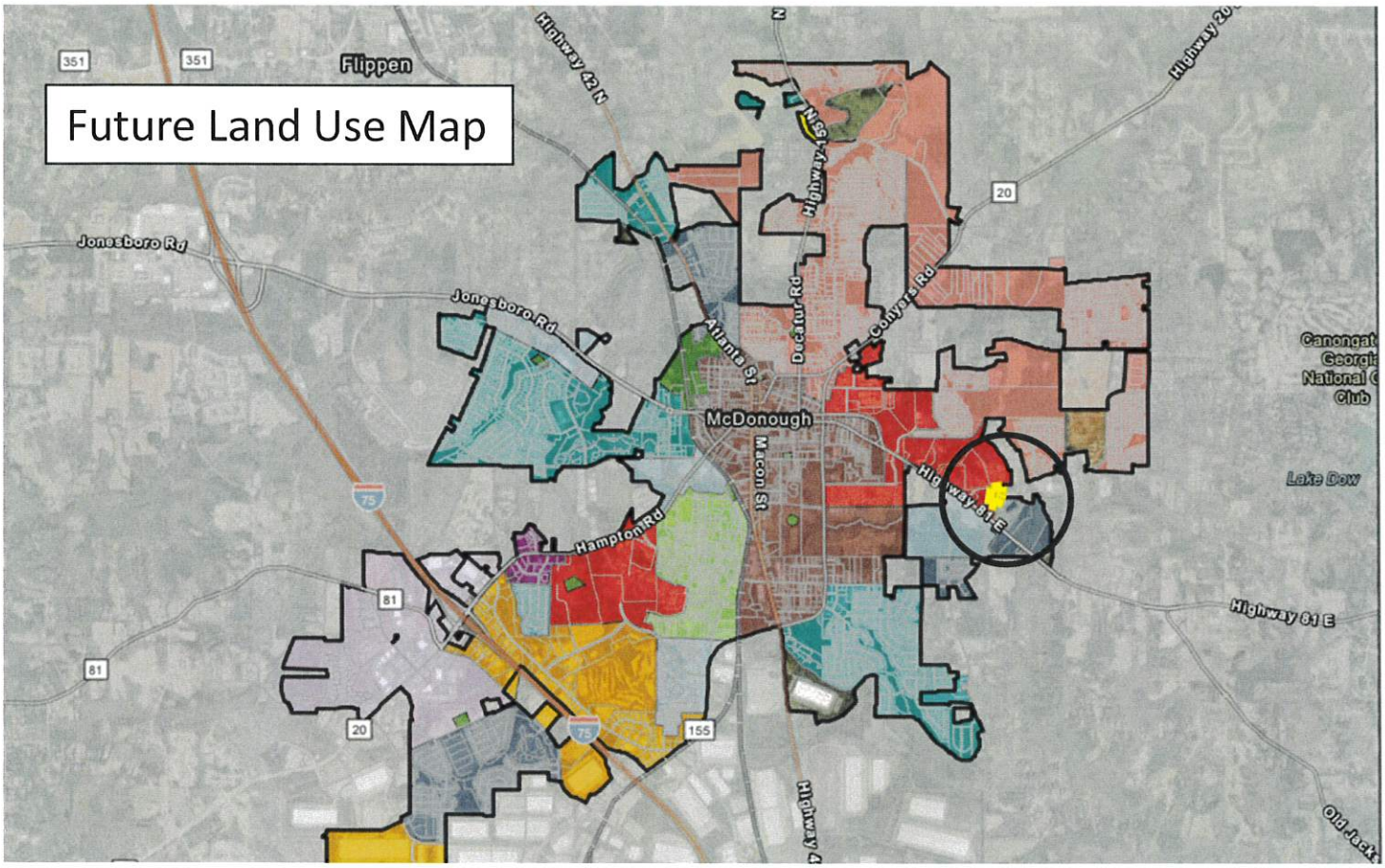
▶ Isolated District	No
▶ Possible overtaxing load on public facilities	No
▶ Cost increase to the City*(Public Utilities, schools streets, other public safety measures*	No
▶ Impact on environment	No
▶ Amendment will be a deterrent to adjacent properties	No
▶ Current zoning may be used for the purpose intended *The applicant is requesting a special use permit.*	Yes
▶ 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

City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

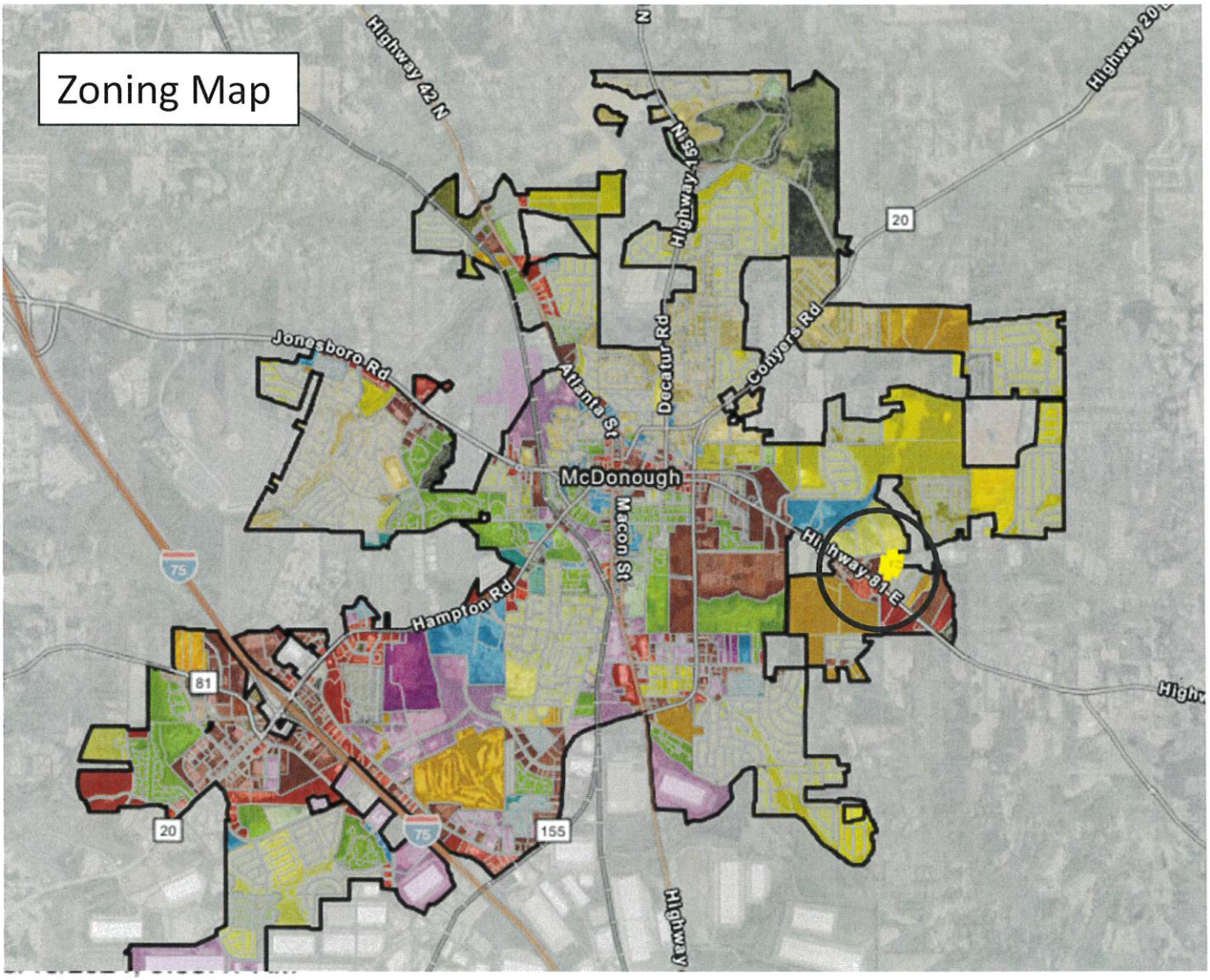


City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only



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

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

Department Name: McDonough Police
Comments: Not a reviewing agency.

Department Name: McDonough Fire
Comments: Approval based on review for code compliance.

Department Name: Building & Inspections
Comments: Approval based on review for code compliance.

Department Name: City Engineer
Comments: Approval based on review for code compliance.

Department Name: Public Works
Comments: Approval of the development.

Department Name: Stormwater
Comments: No initial comments returned – official plan review required.

Department Name: Water Distribution
Comments: No initial comments returned – official plan review required.

Department Name: Water/Sewer Operations
Comments: Not a reviewing agency.

Department Name: HC Water & Sewer
Comments: Not a reviewing agency.

Department Name: HCDOT
Comments: Not a reviewing agency.

Department Name: HCBOE
Comments: Not a reviewing agency.

Department Name: HC GIS
Comments: Not a reviewing agency.

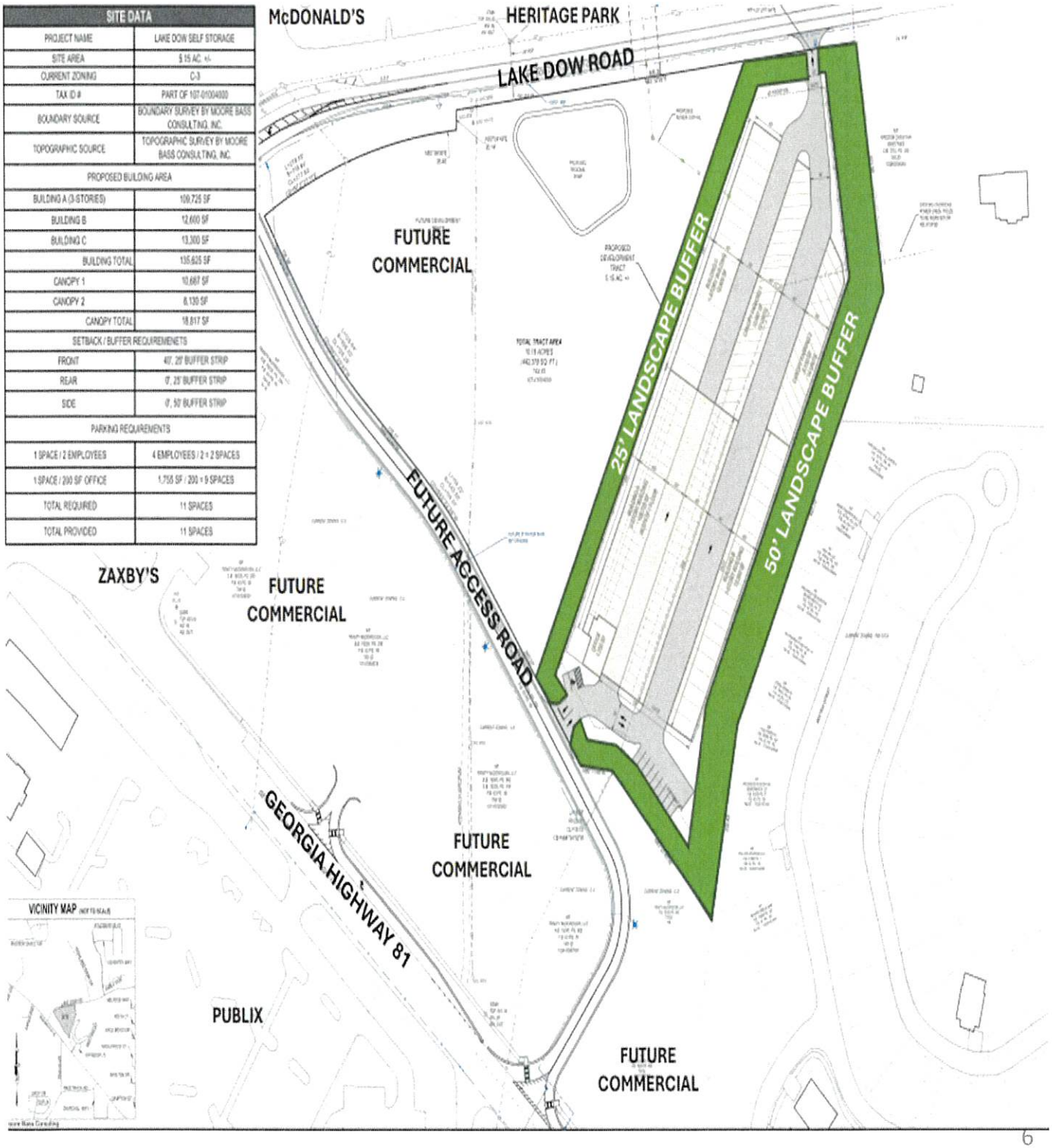
City of McDonough, GA

Community Development Department

Rezoning Staff Report

For Recommendation Only

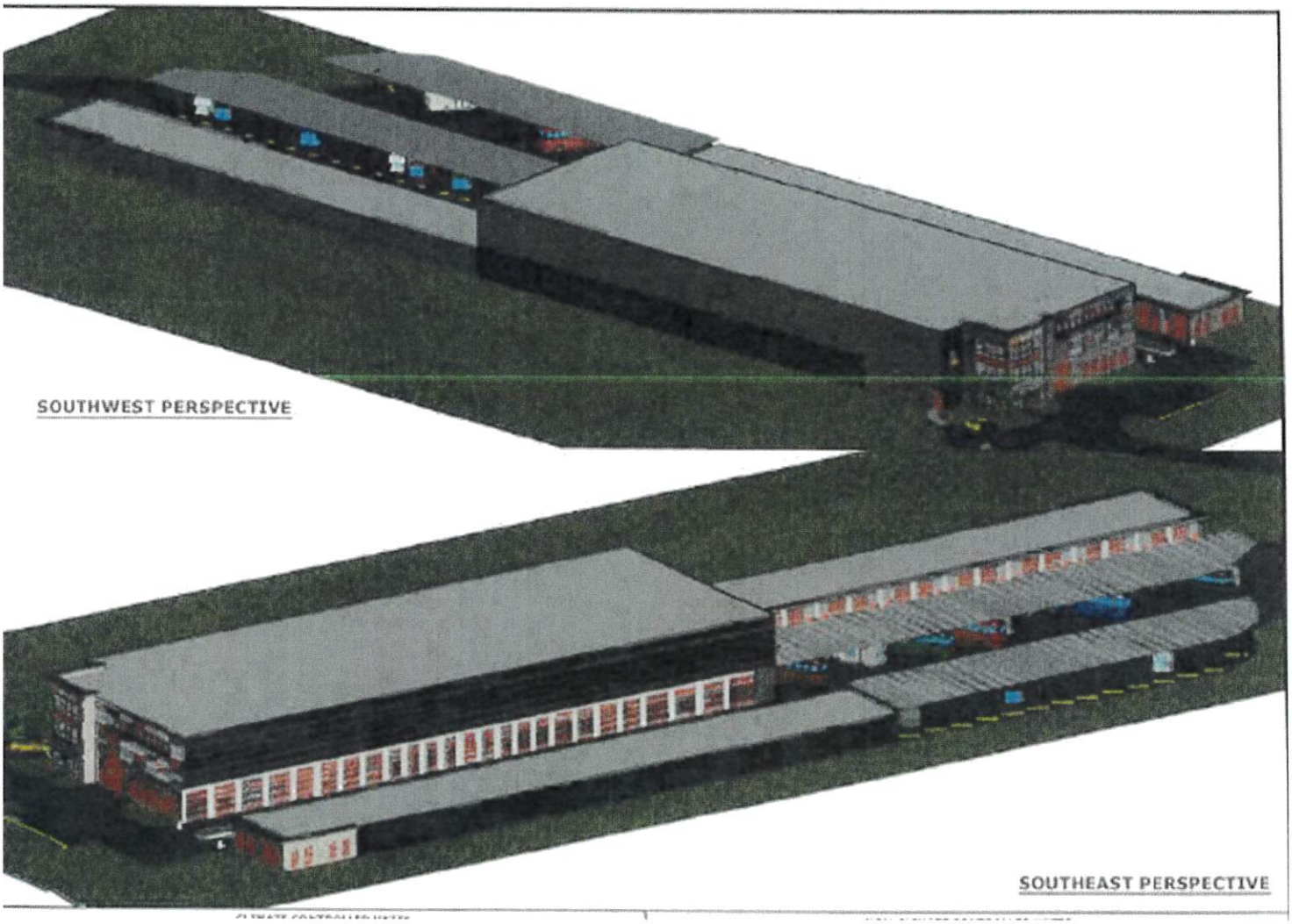
SITE DATA	
PROJECT NAME	LAKE DOW SELF STORAGE
SITE AREA	5.15 AC. +/-
CURRENT ZONING	C-3
TAX ID #	PART OF 107-01004000
BOUNDARY SOURCE	BOUNDARY SURVEY BY MOORE BASS CONSULTING, INC.
TOPOGRAPHIC SOURCE	TOPOGRAPHIC SURVEY BY MOORE BASS CONSULTING, INC.
PROPOSED BUILDING AREA	
BUILDING A (3-STORIES)	109,725 SF
BUILDING B	12,600 SF
BUILDING C	13,300 SF
BUILDING TOTAL	135,625 SF
CANOPY 1	10,687 SF
CANOPY 2	8,130 SF
CANOPY TOTAL	18,817 SF
SETBACK / BUFFER REQUIREMENETS	
FRONT	40', 25' BUFFER STRIP
REAR	0', 25' BUFFER STRIP
SIDE	0', 50' BUFFER STRIP
PARKING REQUIREMENTS	
1 SPACE / 2 EMPLOYEES	4 EMPLOYEES / 2 = 2 SPACES
1 SPACE / 200 SF OFFICE	1,755 SF / 200 = 9 SPACES
TOTAL REQUIRED	11 SPACES
TOTAL PROVIDED	11 SPACES



City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

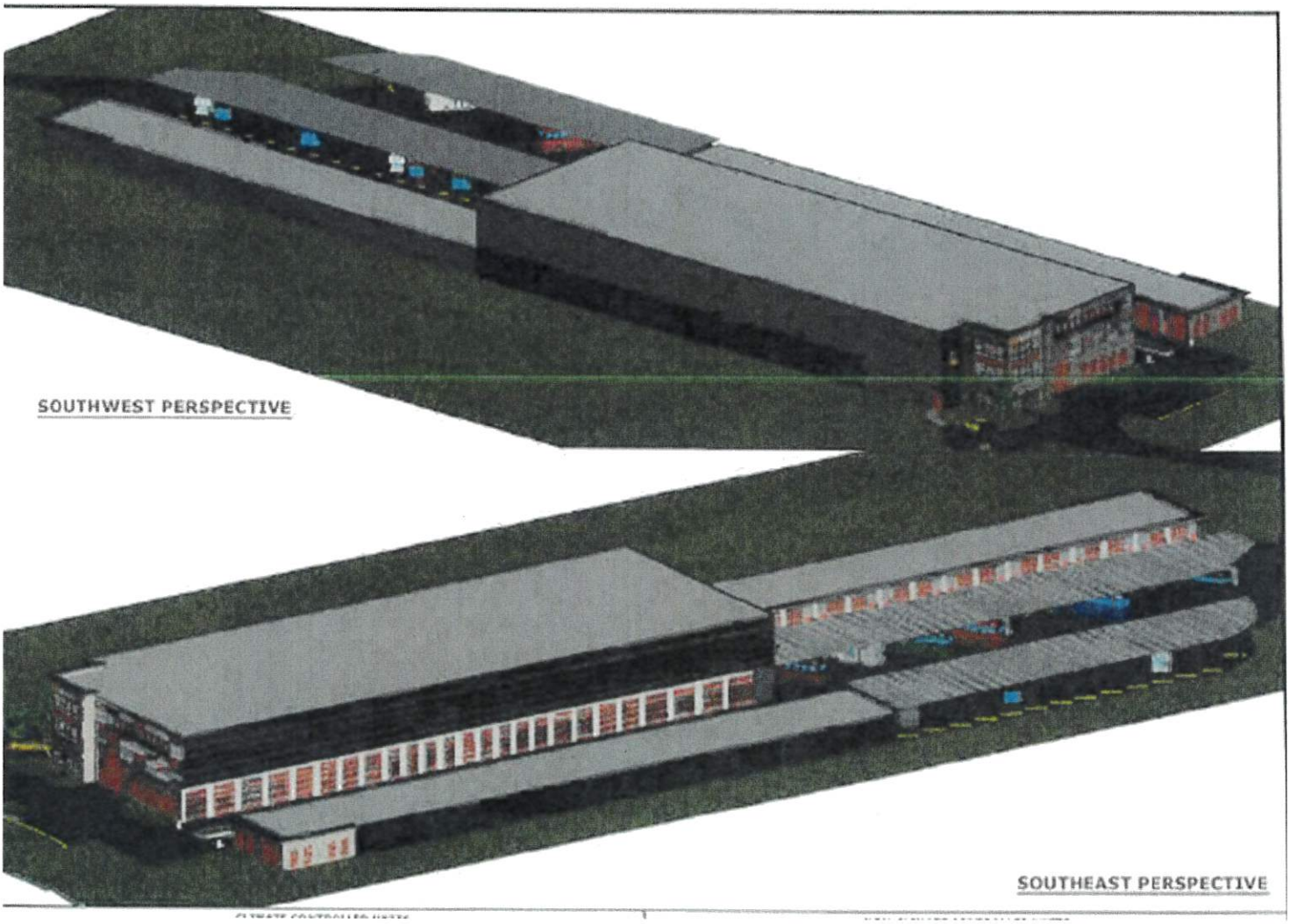
Original Conceptual Plan



City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

Original Conceptual Plan



City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

Conceptual Plan

City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

Original Conceptual Plan included RV and Boat Storage (Removed)

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

Infrastructure:	Water Service:	City of McDonough
	Sewer Service:	City of McDonough
	Electricity:	Snapping Shoals EMC
	Telephone:	AT & T
	Cable Television:	Charter
	Schools:	Henry County Schools

Final Staff Report by: Andrew Baker, Interim Community Development Director

Your Storage Units McDonough is proposing a multi-story, climate-controlled, self-storage facility, located southeast of the intersection of Georgia Highway 81 and Lake Dow Road. Primary access to the development is proposed via a new frontage road outline in the Lake Dow Master Plan (under development). A secondary, exit-only access is proposed to Lake Dow Road. The development consists of three (3) enclosed buildings and two (2) canopies for covered RV and boat storage.

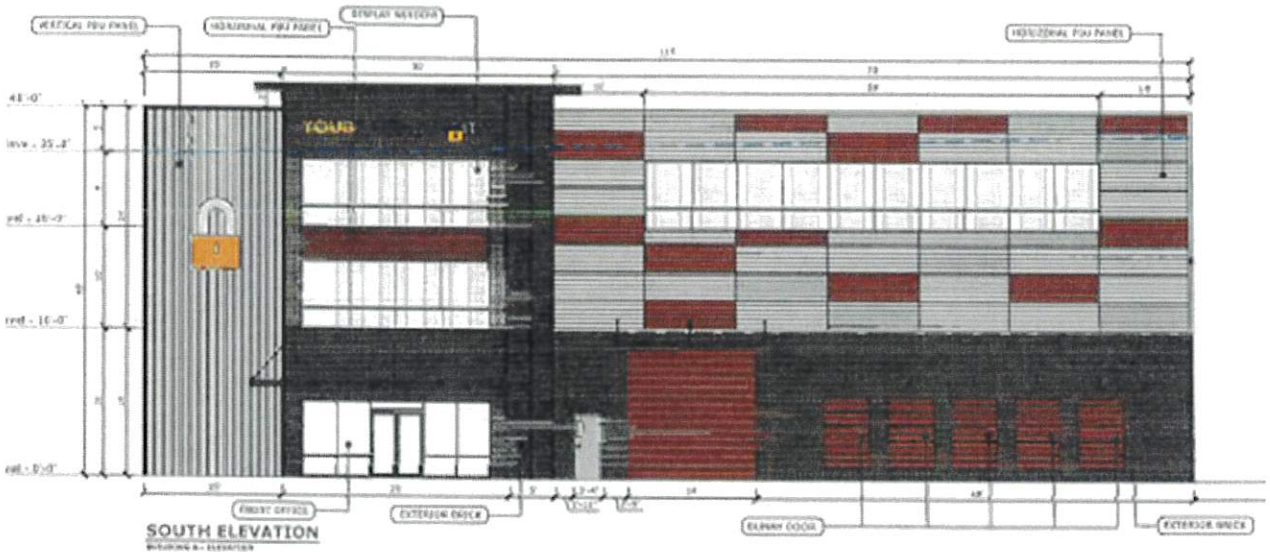
As adopted in 2023, multi-story climate-controlled storage facilities can be allowed in C-3 (highway commercial) with a Special Use Permit (SUP). Under this text amendment, the development must resemble a Class-A office building. According to BOMA International (Building Owners and Managers Association International), the term [building class] also includes such criteria as the quality of materials used, hardware and finishes, architectural design and detailing. Class A buildings are considered the most prestigious buildings in an area with high quality finishes and above average rents. The proposed building consists of PBU Panels (metal) appear to be inconsistent with building materials associated with a Class A building and more suitable to structures in an industrial park.

In addition, the allowance of outside parking and overnight parking boats and RVs is inconsistent with a Class A office building and the intent of the Self Storage text amendment.

City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

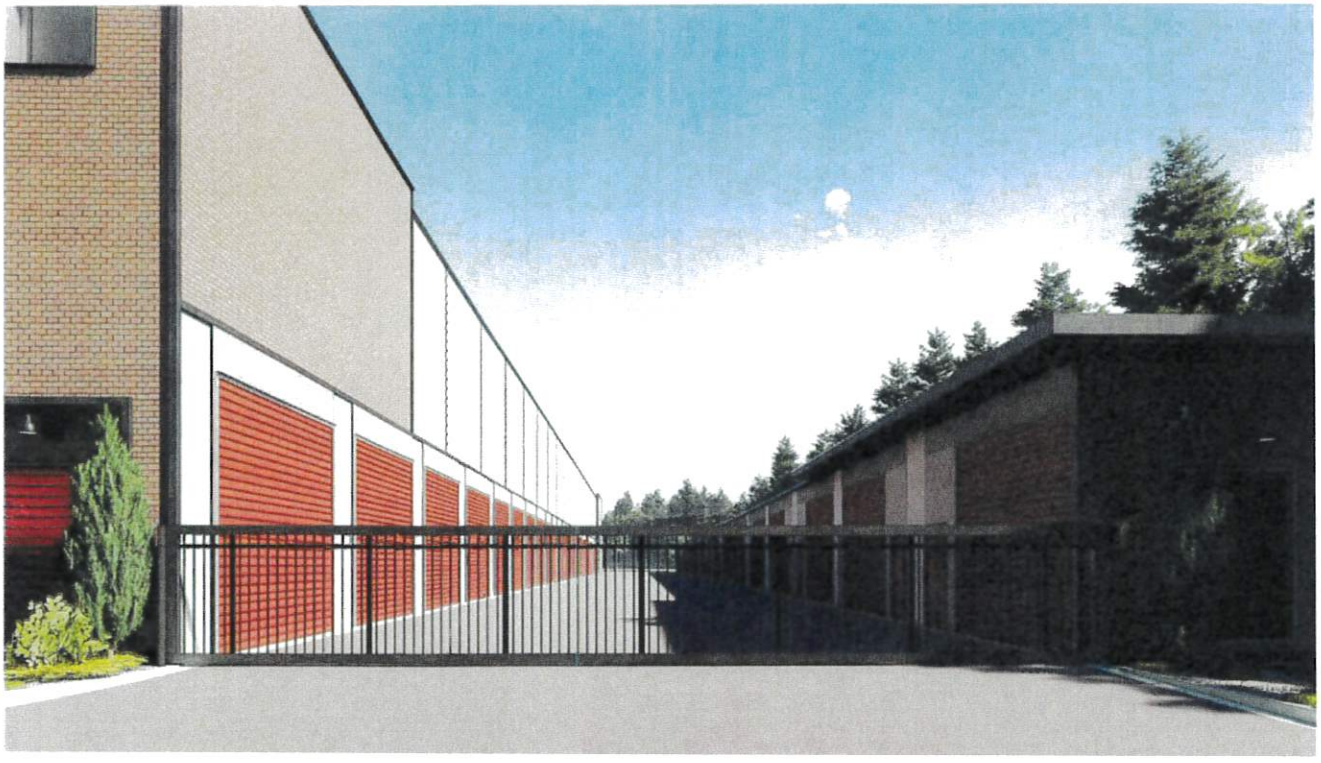
Original & Proposed Building Façade and Materials



City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

Revised Building Façade and Materials & Fencing



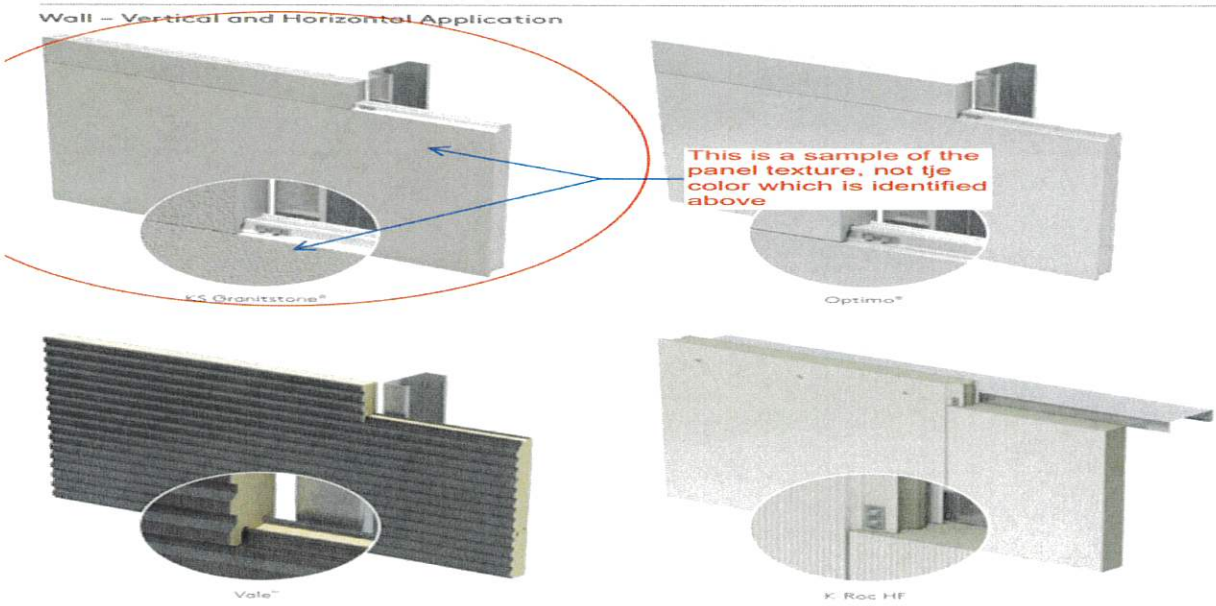
City of McDonough, GA
Community Development Department
Rezoning Staff Report
For Recommendation Only

Proposed Building Façade and Materials

Insulated Panel Systems
Product Portfolio

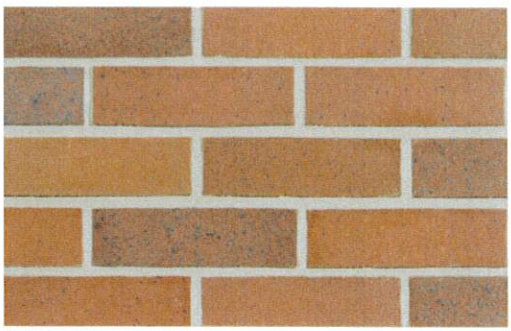
Products at a Glance

Wall – Vertical and Horizontal Application



BELDEN
THE BELDEN BRICK COMPANY

Home / Brick / Face / 470-479 Dark Range Smooth



470-479 DARK RANGE SMOOTH

Type	Face
Color	Brown
Texture	Smooth
Plant	Plant 4
Manufacturing Method	Extruded

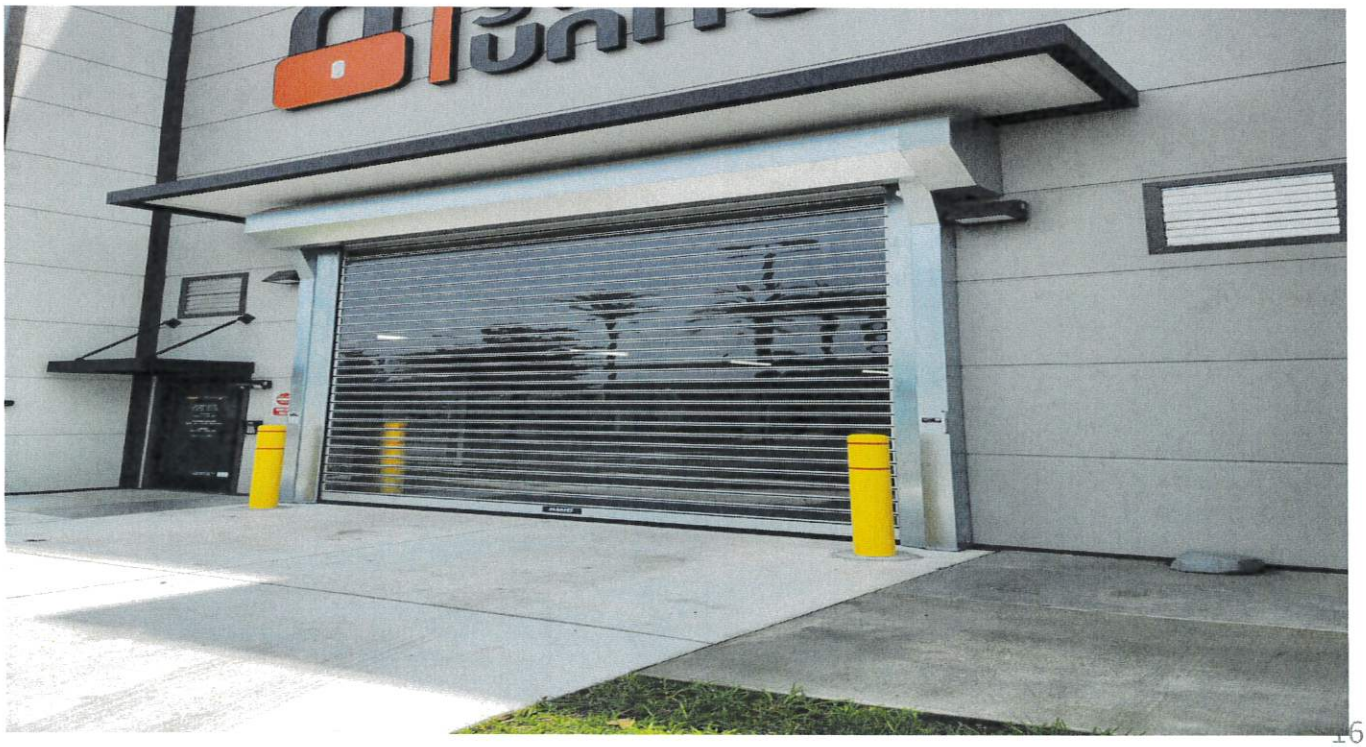
Gallery

470-479 Dark Range Smooth

City of McDonough, GA

Community Development Department
Rezoning Staff Report
For Recommendation Only

Proposed Building Complex and Gated Entry



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

Infrastructure:	Water Service:	City of McDonough
	Sewer Service:	City of McDonough
	Electricity:	Snapping Shoals EMC
	Telephone:	AT & T
	Cable Television:	Charter
	Schools:	Henry County Schools

Final Staff Recommendation by: Andrew Baker, Interim Community Development Director

Based on the text amendment approved by Mayor & Council in 2023, multi-story climate controlled self storage is allowed in C-3 zoning as Special Use Permit provided it resembles a "Class A" office building. Further, according to Ordinance 07-08-06006(Z) adopted August 6, 2007, the following conditions shall be **met**:

1. Architectural design/streetscape/landscaping standards shall demonstrate compatibility with SR 81E Village Activity Center thematic design standards
2. Variations in the use of exterior building materials (brick; stone; hardy plank siding and/or efis) having compatible design features regarding/pertaining to size, color, and texture for enhanced visual aesthetic values.
3. Buildings shall be clad in all brick for full elevation face with the front elevation being allowed to have a mix of exterior materials.
4. Capstone fencing of the same type (color/material/height) as that of Zaxby's (adjacent developed site along the SR 81 E corridor for enhanced aesthetic values and continuation of the streetscape.

As depicted, the large loading doors on the front façade and well as the single story secondary buildings continue to resemble storage units. However due to the irregular shape of the lot and the enhanced landscape the units on the side will not be visible from the street frontage. As it relates to the front entry drive through door, the applicant has proposed a plexi-glass to resemble a large window. *The proposed use generates a minimal amount of traffic as compared to other high impact uses ALLOWED BY RIGHT under Highway Commercial (without a public hearing or input). The proposed use will have the least traffic impact on the area.*

Based on the changes made by the applicant to the façade, the minimal impact on traffic, and the enhanced landscaping, the Community Development Department does not object to the proposed SUP.

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 illustrative drawings 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.*

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. 24-06-06001(SUP)

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 **Steve Moore of Moore Bass for Storage Units McDonough (Lake Dow Self Storage)**:

All that lot, tract or parcel of land, otherwise known as Lake Dow Rd. and further described as Parcel #107-01004000, lying and being in Land Lot(s) 152 of the 7th District of Henry County, Georgia, consisting of 5.15 +/- acres and being more particularly described on Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2.

The above property is hereby zoned C-3 (Highway Commercial), 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 6th day of June 2024.

CITY OF MCDONOUGH, GEORGIA

SANDRA VINCENT, MAYOR

ATTEST:

CHRISTY TAYLOR, CITY CLERK

APPROVED AS TO FORM:

EMILIA WALKER, CITY ATTORNEY

Exhibit A
Legal Description (See Attached)

Exhibit B
Conditions of Development

REFER TO FINAL STAFF REPORT

AGENDA ITEM SUMMARY
June 6, 2024, City Council Workshop
Item Number: 13

Presented by: Sylvia Smith, Director Community Development Department

ITEM SUMMARY:

The request for Case #240402 (Calliope Crossing/fka Crown Summit) is for a zoning modification of certain zoning conditions per ORD #04-03-01009(Z) & ORD #05-03-21001(Z) for Parcels #090-01022000, #090-01023000 & #105-01035000. The location is McDonough Pkwy., in the 2nd Council District (Jamal Burt).

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed following schedule herein:

- 5/142024 Municipal Planning Commission Workshop
- **6/6/2024 City Council Workshop**
- 6/11/2024 Municipal Planning Commission Public Review
- 6/17/2024 City Council Public Hearing & Vote

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

FINANCIAL IMPACT: N/A

FUNDING SOURCE: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARMENTAL REVIEW NEEDED:

Yes, comments are pending.

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

MEMORANDUM

May 6, 2024

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 #240402

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

Applicant: Joshua Williams of McDonough Parkway Atlanta, LLC for Calliope Crossing.

Request: A petition for a zoning modification to allow changes to current zoning conditions on the property. There is no change in the zoning.

Zoning History: R-75/R-85 w/conditions per ORD #04-03-01009(Z) & #05-03-21001(Z)

Tax-Parcel ID#: Parcel #090-01022000, #090-01023000 & #105-01035000

Address: McDonough Pkwy. (undeveloped property)

Tract Size: 71 +/- acres

Location: Land Lot(s) 90, 91 & 92 of the 7th District

Infrastructure: Water & Sewer Service: Henry County Water Authority
Electrical Service: Georgia Power
Telephone: TBD
Cable: TBD

Attachments:

drapac
capital
partners

April 5, 2024

VIA EMAIL ABaker@McDonoughGa.org
AND HAND DELIVERY

Mr. Andrew A. Baker, Interim Community Development Director
Community Development Department
City of McDonough
136 Keys Ferry Street, 3rd Floor
McDonough, Georgia 30253

RE: Letter of Intent - McDonough Parkway Atlanta, LLC f/k/a Drapac Group 17, LLC
City of McDonough Zoning Modification Application (the "Application")
Tax Parcels: 090-01022000, 090-01023000, and 105-01035000 (the "Property")

Dear Mr. Baker,

Drapac Capital Partners ("**Drapac**"), though its affiliate McDonough Parkway Atlanta, LLC f/k/a/ Drapac Group 17, LLC, is the current owner of the Property. We are submitting the attached Zoning Modification Application under Section 17.104, *et seq.* of Title 17 - Zoning (the "**Zoning Ordinance**") of the Code of Ordinances, City of McDonough, Georgia (the "**Code of Ordinances**") to modify the conditions of zoning for Zoning Ordinance 04-03-01009(Z), as described in more detail below.

The Property consists of 71 +/- acres, identified as TPN(s) 090-01022000 (20.20 acres); 090-01023000 (18.87 acres); and 105-01035000 (23.61 acres). In 2004, the Property was annexed into the City of McDonough per ORD 03-12-29005A and zoned R-75 (Single Family Residential) and R-50 (Single Family Residential) with conditions, per ORD 04-03-01009(Z).

The Property is directly North of TPN 090-01024000 (17.45 acres), which was subsequently annexed into the City of McDonough in 2005, per ORD 05-03-21001A and zoned R-50 (Single Family Residential) with conditions, per ORD 05-03-21001(Z) (the "**Adjacent Parcel**").

On May 22, 2023, a Preliminary Plat was approved by City Counsel, encompassing both the Adjacent Parcel and the Property, for the subdivision known as "**Crown Summit.**" As shown on the Preliminary Plat, Crown Summit consists of 225 single family detached residential lots directly to the south of the McDonough Reservoir Dam. The Property consists of 197 single family detached residential lots, with the additional 28 lots located on the Adjacent Parcel.

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The market conditions since the prior owner rezoned and annexed the Property have drastically changed, such that one of the zoning conditions agreed upon by the previous owner is now outdated and not feasible. To facilitate this development moving forward in its immediate capacity, we would like to modify the Built Environment Zoning Condition Number 6 of ORD 04-03-01009(Z) ("**Condition #6**")[1]. Condition #6 requires that 50% of the lots on the Property feature a side entry two-car garage. Our proposed new Condition #6 (the "**Proposed Zoning Condition Change**") is to reduce the percentage from 50% to 31% side entry dwelling units.

In our conversations with the City, there are two major points of concern with R-50 lots in Crown Summit, and surrounding areas; (1) the limited driveway lengths on R-50 lots results in cars obstructing sidewalks, and (2) the difficulty of the City employing the variable front setback condition, styled as the Built Environment Zoning Condition Number 7 per ORD 03-12-29005A[2]. Therefore, we also propose that the R-50 lots affected by the Proposed Zoning Condition Change shall be in conformance with the lot layout attached hereto as **Exhibit C**, which will allow for a 22-foot-long driveway, which will thereby mitigate the City's concerns.

Section 17.104.060 of the Zoning Ordinance states that the following rezoning factors are the criteria that must be used to analyze a rezoning application. Below those factors are restated along with the Applicant's analysis of those factors, which shows that they all weigh in favor of approval of the Application.

(1) The existing land use pattern.

The development of the Property proposed by the Application will be consistent with the overall development theme of the surrounding area. The area encompassing the Property contains a diversity of residential land uses. In reviewing the land use pattern from nearby neighborhoods, we looked at neighborhoods with similar lot size, density, and zoning conditions as the Property. The three closest neighborhoods with similar entitlements and zoning conditions as the Property do not have side entry garage zoning conditions, and have the statistics in regard to side entry garages as shown on the chart below. Therefore, a 19% reduction to 31% side entry lots is well above the surrounding neighborhoods with similar lot size, density, and zoning conditions as the Property.

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[1] "*Dwellings shall feature attached and/or detached two-car garages. Placement shall be as follows:*
- *One half (1/2) front entry*
- *One half (1/2) side entry*

** Dwellings on corner lots shall have side entry garages.*"

[2] "Variable front setbacks for built structures shall be employed to add variety to the streetscape per review of the Community Development Director or his designee."

Nearby Neighborhood	Number of Homes	Number of Side Entry Garages	Percentage
Pinnacle Pointe Subdivision	133	6	4.51%
The Preserve at Mountain Brook	52	2	3.85%
Mountain Brook Village	142	0	0.00%

(2) **The possible creation of an isolated district unrelated to adjacent and nearby districts.**

N/A. We are not seeking a rezoning, but we are seeking a zoning condition change. Therefore, there is no possibility of creating an isolated district unrelated to adjacent and nearby districts.

(3) **The population density pattern and possible increase or overtaxing load on public facilities including, but not limited to, schools, utilities, and streets.**

The Proposed Zoning Condition Change will have no impact to population density pattern and will not result in an increase or overtaxing load of the public utilities.

(4) **The cost of the City and other governmental entities in providing, improving, increasing, or maintaining public utilities, schools, streets, and other public safety measures.**

The Proposed Zoning Condition Change will have no impact on any cost related to public utilities, schools, streets, and other public safety measures.

(5) **The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quantity.**

The Proposed Zoning Condition Change will have minimal to no impact on the environment.

(6) **Whether the proposed Zoning Map amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

No. The Proposed Zoning Condition Change will not be a deterrent to the value or improvement of development of adjacent properties.

(7) **Whether there are substantial reasons why the property cannot be used in accordance with existing regulations.**

Yes. The current size and shape of the lots are not conducive to accommodating a side entry garage while still allowing for adequate driveway space and maneuverability. Additionally, in talks with local home builders, our land development team has found that the market does not accommodate side entry garages because it would substantially impact the lot layout and the square footage of each individual home.

(8) The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

The Proposed Zoning Condition Change will be similar to the aesthetic effect of the surrounding neighborhoods with similar lot size, density, and zoning conditions as the Property.

(9) The extent to which the proposed Zoning Map amendment is consistent with the Land Use Plan.

The Proposed Zoning Condition Change will have no effect on the City's Zoning Map and will not cause any inconsistencies with the Land Use Plan.

(10) The possible effects of the proposed Zoning Map amendment to the character of a Zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The Proposed Zoning Condition Change will have no adverse effects on, and will be substantially similar to, the character of the zoning districts in adjacent and nearby properties, neighborhoods, and/or communities.

(11) The relation that the proposed Zoning Map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these regulations.

The Proposed Zoning Condition Change will permit a use that is suitable in view of the use and development of the overall zoning and development scheme of adjacent and nearby properties.

(12) Applications for a Zoning Map amendment which do not contain specific site plans carry a rebuttal presumption that such rezoning shall adversely affect the zoning scheme.

Not Applicable. The City has already approved a preliminary plat outlining a format that includes specific site design standards and layout in conformance with the City's ordinances.

(13) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight.

The Property does not abut any established residential neighborhoods; however, the Proposed Zoning Condition Change would complement and be substantially similar to surrounding neighborhoods with similar lot size, density, and zoning conditions as the Property.

(14) **In those instances, in which property fronts a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.**

Not Applicable.

Enclosed hereto are the following additional documents:

1. Application for zoning modification (inclusive of Campaign Disclosure Form)
2. Standard Constitutional and York Objections
3. Check for payment of the Application Fee
4. Legal Description (Exhibit A)
5. R-50 Lot Layout (Exhibit B)
6. Site Exhibit (Exhibit C)
7. Water Availability Letter (Exhibit D)

Submitted with the Application are our Constitutional Objection and York Objection (collectively, the "**Objections**") of Drapac. Decisions of Georgia's appellate courts require the Owner to submit to the City Council the Objections prior to their respective final, official actions on the Application, as applicable. The purpose of the Objections is to request that the City Council approve, and the Planning Commission recommend approval, as applicable, the Application as presented with only the conditions consented to by the Owner.

Should you have any questions or require additional information regarding this Application, please do not hesitate to contact me. Thank you, in advance for your attention to this Application.

Sincerely,

Joshua Williams, Esq.
Corporate Counsel – Real Estate

drapac
capital
partners

April 5, 2024

VIA EMAIL ABaker@McDonoughGa.org
AND HAND DELIVERY

City of McDonough, Georgia
Mr. Andrew A. Baker, Interim Community Development Director
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, Georgia 30253

City of McDonough, Georgia Mayor and City Council Members
c/o Andrew A. Baker, Interim Community Development Director
136 Keys Ferry Street, 3rd Floor
McDonough, Georgia 30253

Planning Commission for the City of McDonough, Georgia
c/o Andrew A. Baker, Interim Community Development Director
136 Keys Ferry Street, 3rd Floor
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RE: McDonough Parkway Atlanta, LLC f/k/a Drapac Group 17, LLC
City of McDonough Zoning Modification Application (the "Application")
Tax Parcels: 090-01022000, 090-01023000, and 105-01035000 (the "Subject Property")

Dear Mayor and City Councilmembers, and Planning Commission Members,

Enclosed for your consideration, as the Mayor and City Councilmembers (the "**City Council**") of the City of McDonough, Georgia (the "**City**"), and the members of the Planning Commission (the "**Planning Commission**") for the City, prior to the City Council's and the Planning Commission's official actions on the Application, as applicable, are the enclosed Constitutional Objection and York Objection (collectively, the "**Objections**") of the Owner regarding the Application. The Objections are attached hereto as Exhibit "A" and Exhibit "B and incorporated herein by this reference as if fully set forth herein. Decisions of Georgia's appellate courts require the Owner to submit to the City Council the enclosed objections prior to their respective final, official actions on the Application, as applicable.

All terms defined herein are incorporated in the attached Objections as if fully set forth therein.

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The Owner respectfully requests that the City Council approve, and the Planning Commission recommend approval, as applicable, the Application as presented with only the conditions consented to by the Owner.

Should you have any questions or concerns regarding this letter or its attachments/enclosures, please do not hesitate to contact me.

Sincerely,

Joshua Williams, Esq.
Corporate Counsel – Real Estate

EXHIBIT "A"

CONSTITUTIONAL OBJECTION

As applied to the real property of McDonough Parkway Atlanta, LLC f/k/a/ Drapac Group 17, LLC, a Delaware limited liability company (the "**Owner**"), which is identified as Henry County Tax Assessor Parcel Nos. ("TPN(s)"): Fayette, respectively, (collectively, the "**Subject Property**") and is the subject to the now filed zoning modification application (collectively, the "Application"), filed by the Owner, if the Application is not approved or is approved with condition(s) not consented to by the Owner, The 1981 Zoning Ordinance of the City of McDonough, Georgia, as amended, (the "**Zoning Ordinance**") codified at Title 17 to the Code of the Ordinances, City of McDonough, Georgia, will be unconstitutional in that the Owner's property rights in and to the Subject Property will be destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property, in such case, such action on the Application and the Zoning Ordinance will deprive the Owner of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

If the Application is not approved or is approved with condition(s) not

consented to by the Owner, such action on the Application and application of the Zoning Ordinance to the Subject Property will be unconstitutional, illegal, arbitrary, capricious, null, and void, constitute a taking of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Owner an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owner to use the Subject Property and simultaneously comply with the Zoning Ordinance and in the event the Application is not approved or is approved with condition(s) not consented to by the Owner, such action on the Application and application of the Zoning Ordinance to the Subject Property will constitute arbitrary, capricious, and unreasonable acts by the City of McDonough, Georgia, by and through the Council of the City of McDonough, without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the

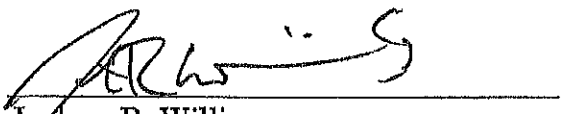
Fourteenth Amendment to the Constitution of the United States of America.

If the Application is not approved or is approved with condition(s) not consented to by the Owner, such action on the Application and application of the Zoning Ordinance to the Subject Property will be unconstitutional and discriminate against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

WHEREFORE, the Owner requests that the City (by and through the Council of the City) approve the Application, as specified and designated therein, with only additional condition(s) consented to by the Owner.

Respectfully submitted this 5th day of April 2024.

Drapac Capital Partners, LLC
Corporate Counsel for the Owner



Joshua R. Williams
Georgia State Bar No.: 538951

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EXHIBIT "B"

OBJECTION TO AND FOR ZONING HEARINGS BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the real property of McDonough Parkway Atlanta, LLC f/k/a Drapac Group 17, LLC, a Delaware limited liability company (the "**Owner**"), which is identified as Henry County Tax Assessor Parcel Nos. ("TPN(s)"): 090-01022000, 090-01023000, and 105-01035000, respectively, (collectively, the "**Subject Property**") and is the subject of the now filed zoning modification application (the "**Application**"), filed by the Owner, the public hearing regarding and any action of the City of McDonough, Georgia (the "**City**"), by and through the Council of the City of McDonough (the "**City Council**") of the City, on the same are objected to by the Owner based on, but not limited to, the reasons set forth herein (collectively, the "**York Objection**" and each an "**Objection**"), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Owner is filing a Constitutional Objection to any action by the City Council that does not approve the Application or approves the Application with condition(s) not consented to by the Owner, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Owner objects to the hearing before the City Council on the Application because the time limitation, if any, imposed on the presentation of evidence and testimony in support of the Application deprives the Owner a meaningful opportunity

to be heard and preserve issues, in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraphs I, II, XI, and XII of the Constitution of Georgia of 1983. Likewise, the Owner objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony or opinion) at the hearing, if any, before the City Council to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the purview of the City Council with respect to the Application as set out in the 1981 Zoning Ordinance of the City of McDonough, Georgia, as amended, (the "**Zoning Ordinance**") codified at Title 17 to the Code of the Ordinances, City of McDonough, Georgia; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence.

Additionally, the Owner objects to any City Council action that does not approve the Application or approves the Application with condition(s) not consented to by the Owner to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in excess of

the constitutional, statutory, and/or ordinance authority of the City Council; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (c) contrary to or outside of the purview of the City Council, and/or procedure, for the Application set out in the Zoning Ordinance; (d) based, in whole or part, on evidence or other information received outside of the hearing(s) on the Application and/or in any manner which does not afford the Owner an opportunity to review or respond to the same; and/or (e) not made pursuant and in conformance with the Zoning Ordinance; the Code of Ordinances, City of City of McDonough, Georgia; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, and/or any other law of the state of Georgia or the United States of America.

By and through this *York* Objection, the Owner hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered by the Owner at or prior to the City Council hearing on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the City Council.

WHEREFORE, the Owner requests that the City approve the Application, as specified and designated therein, with only additional condition(s) consented to by the Owner.

[SIGNATURE ON NEXT PAGE]

Respectfully submitted this 5th day of April 2024.

Drapac Capital Partners, LLC
Corporate Counsel for the Owner

Joshua R. Williams
Georgia State Bar No.: 538951

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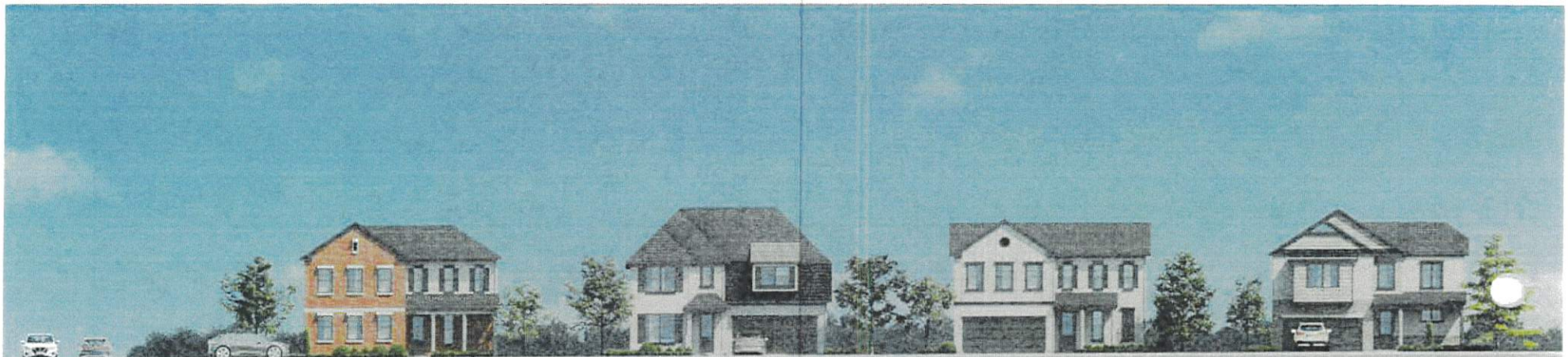
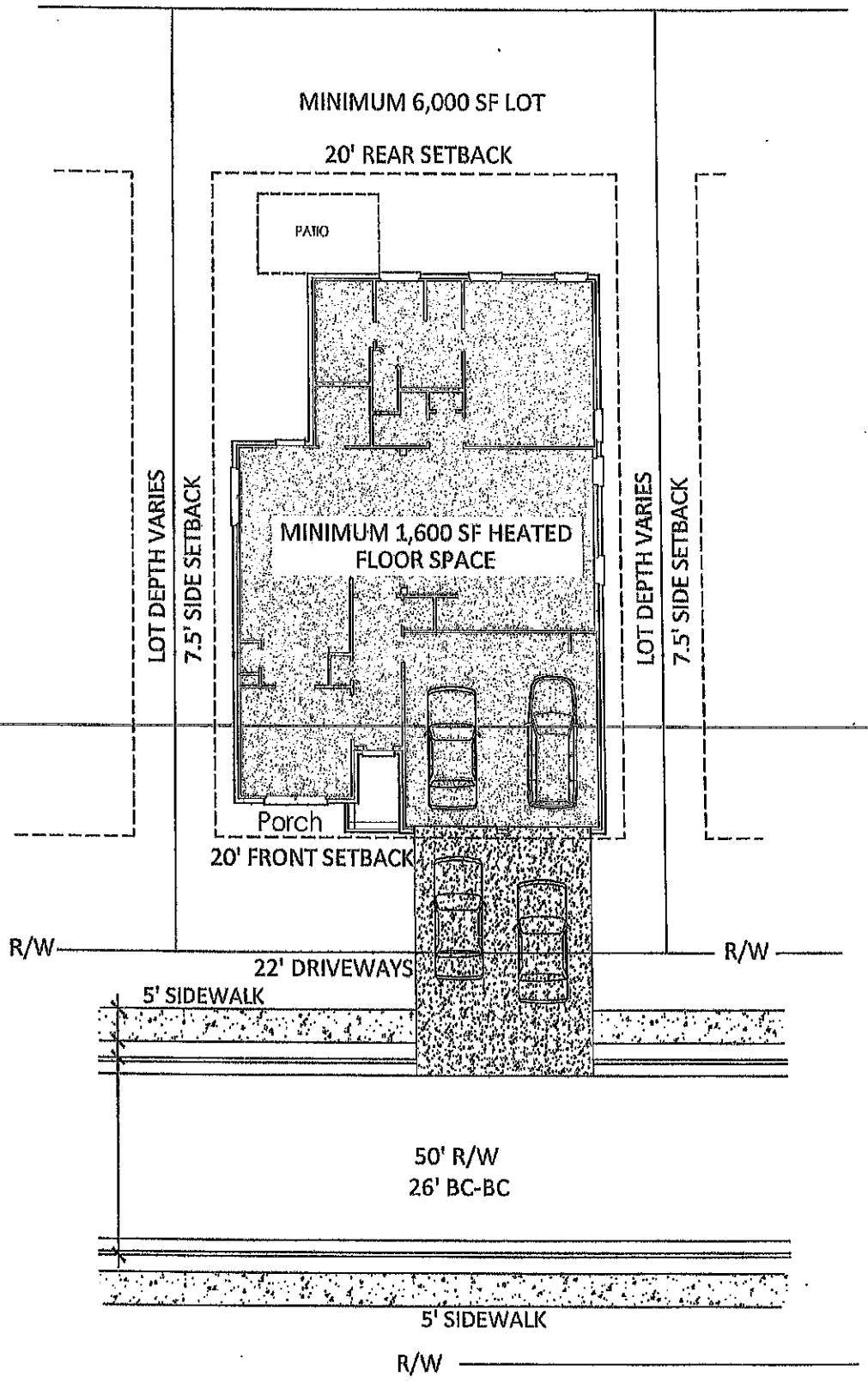


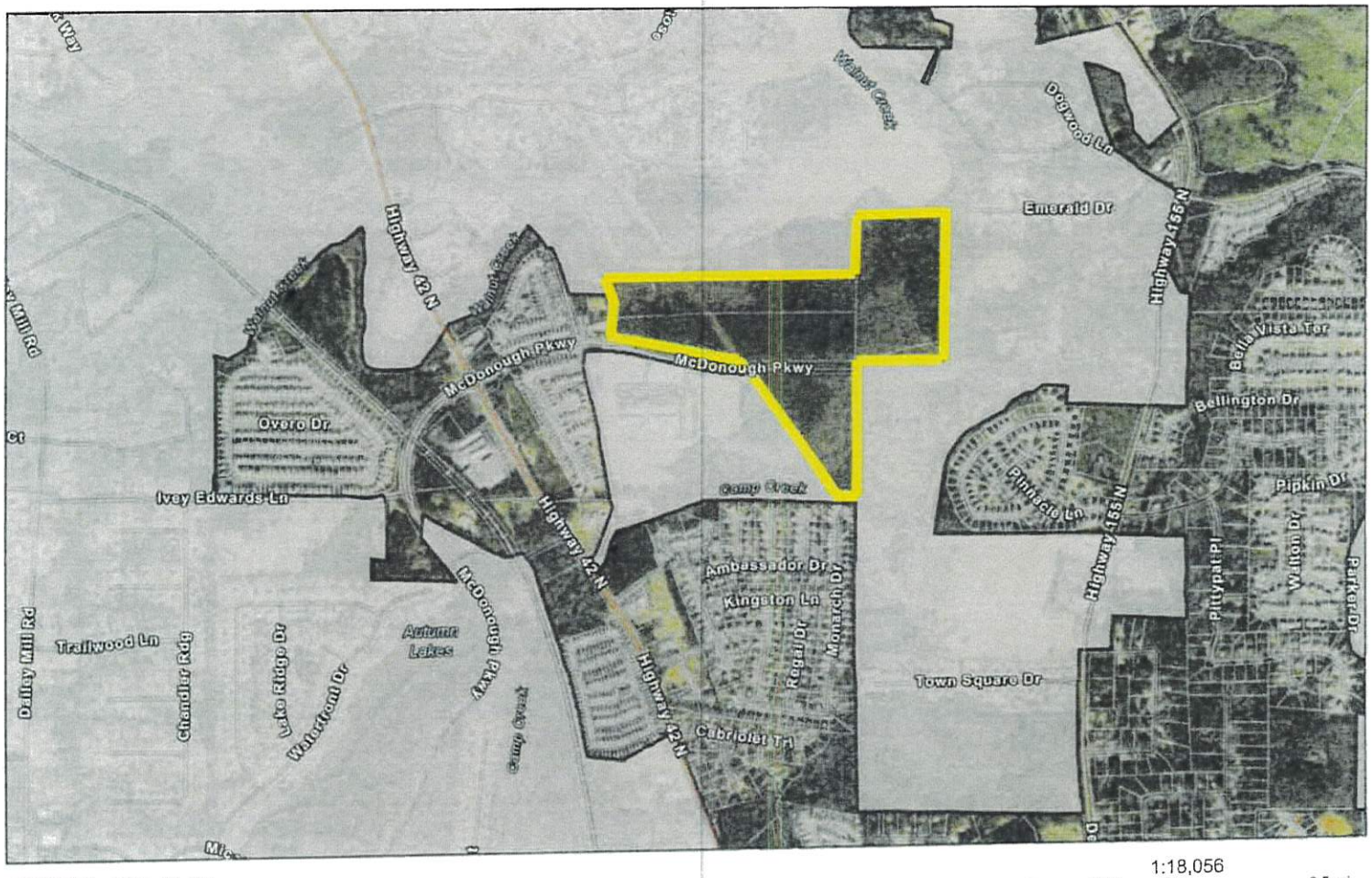
FRONT ENTRY HOMES

SIDE ENTRY HOMES



TYPICAL DETACHED 60' SINGLE FAMILY FRONT LOADED LOT

McDonough GIS



4/24/2024, 10:33:53 AM

Parcels

City Limits

Streets

Outside City

1:18,056

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community. Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph,

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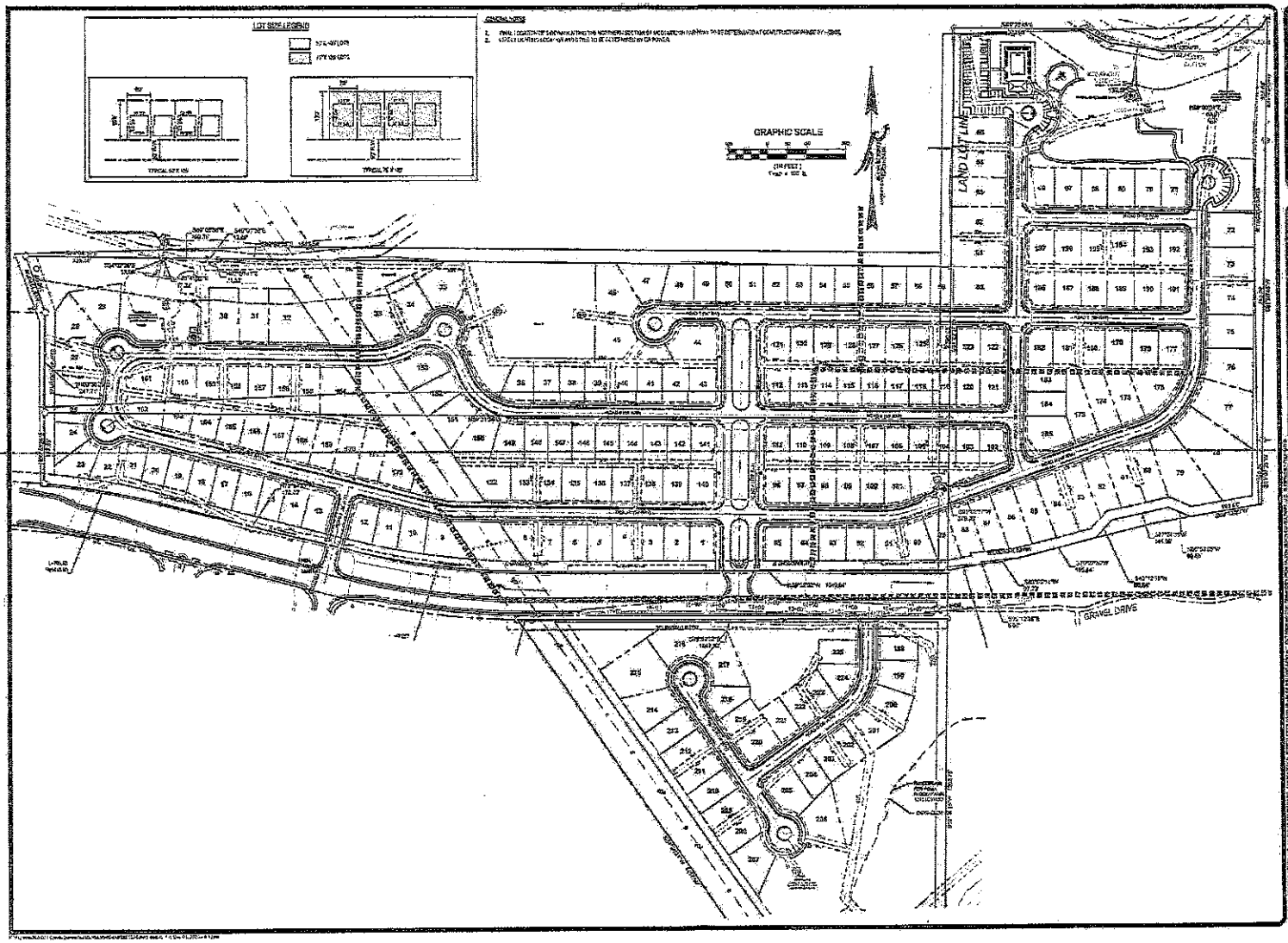

FALCON DESIGN CONSULTANTS

OVERALL SITE PLAN
FOR
CROWN SUMMIT
LOCATED IN:
LAND LOTS 91 & 92, 7TH DISTRICT
CITY OF MCDONOUGH, GEORGIA, GEORGIA

SHEET NUMBER
7.5