

RESOLUTION NO. 24-78

RESOLUTION APPROVING A REZONING REQUEST FROM RA (RESIDENTIAL-AGRICULTURAL) TO R-2 (SINGLE-FAMILY RESIDENTIAL) FOR PROPERTY LOCATED ON AIRLINE ROAD IN LAND LOT 44 OF THE 11TH DISTRICT CONSISTING OF 51.26 +/- ACRES

WHEREAS, DRB Group, LLC of Fayetteville, GA requests a rezoning (**RZ-22-15**) from RA (Residential-Agricultural) to R-2 (Single-Family Residential) for property located on Airline Road (Parcel ID: a portion of 134-01044000) in Land Lot 44 of the 11th District consisting of 51.26 +/- acres for the purpose of a single-family residential subdivision service by individual septic system; and

WHEREAS, all County and State requirements for legal advertisement and a public hearing have been met; and

WHEREAS, the Planning & Zoning Staff for Henry County has reviewed the request and submitted a report that is part of the public record;

WHEREAS, the Henry County Zoning Advisory Board reviewed and recommended denial of the applicant's request on October 13, 2022; and

NOW, THEREFORE, BE IT RESOLVED THAT the Henry County Board of Commissioners **approves** the applicant's requested rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residential) with the following conditions:

Generally:

1. The development standards of the ULDC shall govern regardless of the conceptual site plan or other application document except as conditioned otherwise.

Infrastructure:

2. All entrances shall be located such that the minimum intersection sight distance and the minimum spacing requirement are met per the road's posted speed limit. All entrances shall have a deceleration lane and acceleration taper designed and constructed to HCDOT & GDOT standards.
3. A traffic impact study (TIS) shall be required. All indicated improvements shall be required of the owner/developer by HCOD

Residential Standards

4. Planning and Zoning Staff shall provide final approval for all elevations before final plat submittal.

5. The number of total dwelling units shall not exceed 49 lots. Compliance with zoning conditions and development standards may further limit the number of dwelling units.
6. All disturbed areas shall be sodded, except where landscaping is present or installed.
7. All houses shall be built on site (no modular or manufactured homes) and a minimum of 1,600 square feet of heated floor space.
8. Each permitted home in the development shall be compatible with existing homes, as determined by the Planning and Zoning Department. The Planning and Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined.
9. All homes shall have a minimum two-car garage. Garages shall be side entry.
10. All driveways shall be a minimum of forty feet (40') in length measured from the back of curb with a minimum width of twenty feet (20').
11. At least 1/3 of the front façade of all homes shall be of brick or stone. The remainder shall consist of a combination of brick, stone, or cement fiberboard. The developer/builder shall be responsible for notating the percentage breakdown of materials on each building plan submitted for review and will be verified by Building & Plan Review.
12. No lot shall be permitted to have the same house plan replicated within 3 lots on either side. The developer and/or builder shall provide a site plan indicating the proposed house plans for each respective lot in the 6-lot vicinity for the purpose of review at the time of permit application.
13. No residential dwelling shall be located within 110% of the height recorded for the adjacent cell tower.

Landscaping and Signage:

14. Entrance signs shall be monument-based meeting the approval of the Planning and Zoning Department. The sign structure shall be constructed of materials consistent with the architecture and exterior treatment of the residential buildings.
15. There shall be a ninety (90') foot enhanced landscape buffer along Airline Road, with the exception of any recorded easements and not to prohibit access to the site. There shall be a thirty (30') foot undisturbed or enhanced landscape buffer along the south property line which may be located on the building lots. The buffers shall meet the standards of *Chapter 5, Section 5.02.00* of the ULDC and be subject to approval from the Henry County Building and Plan Review Department and the Planning and Zoning Department prior to the issuance of a land disturbance permit.
16. There shall be a twenty foot (20') enhanced landscape strip along the rear property line of those that share a rear property line (10' along each property line) which may be on the

residential lots. The landscape strip shall be planted with shrubs and/or small trees where vegetation is disturbed or non-existent. Planning and Zoning Staff shall provide final approval for the landscape strip before final plat submittal.

17. There shall be no clear cutting of the property.

Amenities:

18. The developer/owner shall place a centralized covered mailbox unit, constructed in an architectural style consistent with that of the residential units it serves, with a drive-thru outside of the public right-of-way for those homes that will not be served individually by the United States Postal Service. The mailbox unit shall be landscaped with shrubs and ground cover plant material meeting the standards of Chapter 5, Section 5.01.04 of the ULDC.
19. An amenity area shall be provided and include, at a minimum: a passive green space park with enhanced landscaping and a covered 1000 square foot pavilion and sitting area. The required covered mailbox kiosk shall not be considered to satisfy this condition.

Homeowner's Association:

20. An HOA shall be required. Covenants shall be recorded which mandate that control of the HOA shall be transferred to the homeowner immediately upon the initial sale of seventy percent (70%) of the completed homes. A copy of the recorded covenants shall be provided to the Building and Plan Review Department before final plat is approved.
21. The subdivision shall be developed as an owner-occupied community. No more than ten (10%) percent of the homes may be rented or lease-purchased at any one time.

BE IT SO RESOLVED THIS 5th DAY OF MARCH 2024.

**BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA**



Carlotta Harrell, Chair

ATTEST:



Stephanie Braun, County Clerk



Moore Bass Consulting, Inc.
 • Civil Engineering
 • Development Consulting
 • Landscape Architecture
 • Environmental Planning
 www.moorebass.com
 TALLAHASSEE • ATLANTA
 1810 Kaye Ferry Court
 McDonough, GA 30253
 770.531.6394

PROJECT NAME
**HELLER SPRINGS
 HENRY COUNTY, GA**

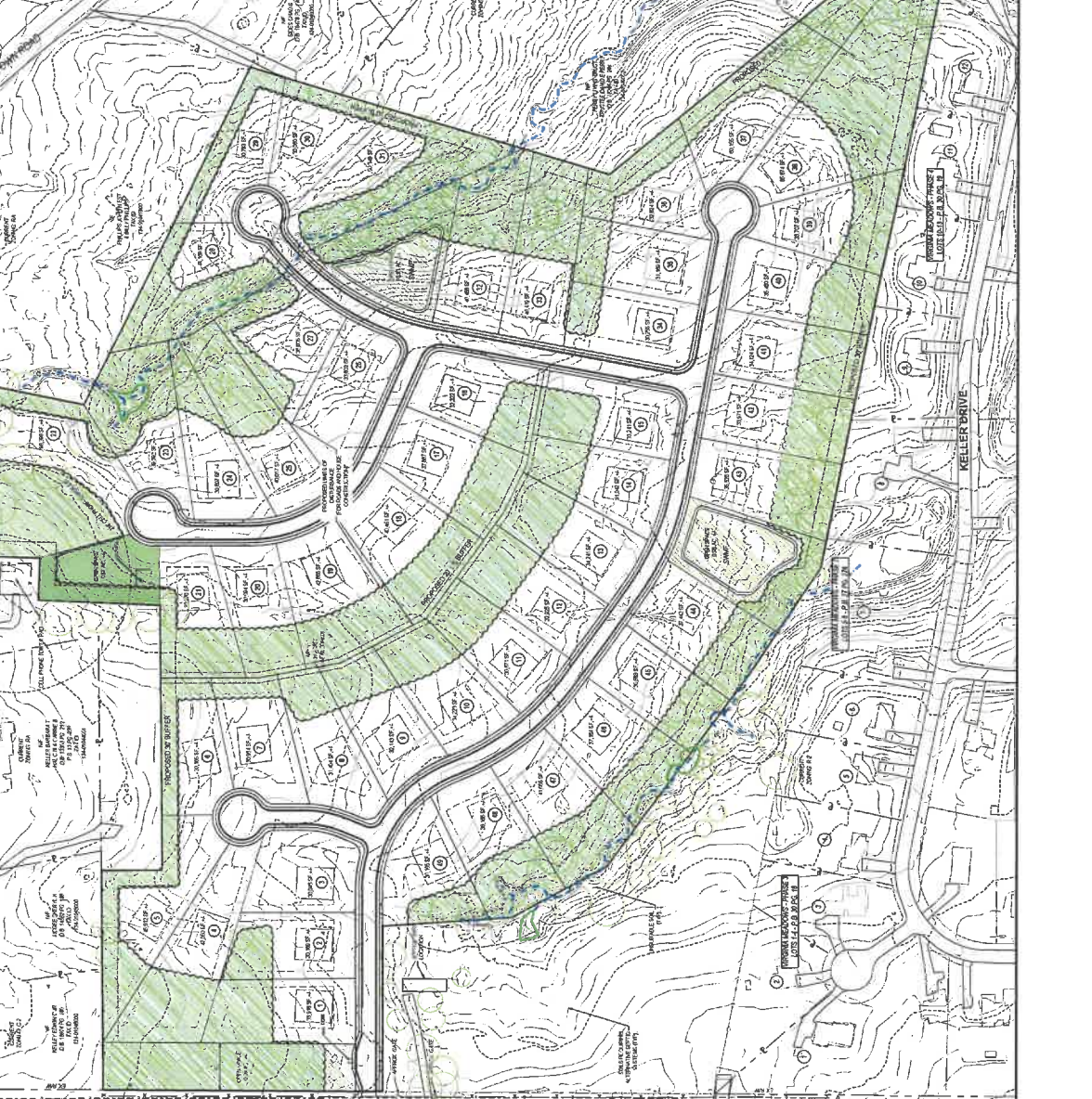
CLIENT NAME
DBS GROUP

REVISIONS
 1. REVISED TO ADD PERMITS AND EROSION CONTROLERS - 11-29-23
 2. REVISED PER PLANNING AND EROSION CONTROLERS - 11-29-23

DATE: 07-26-2023
 CONTRACT #
 DRAWN BY
 CHECKED BY
 DESIGNED BY
 APPROVED BY

SHEET TITLE
**CONCEPTUAL
 SITE PLAN**

SHEET NUMBER
1



SITE DATA

PROJECT NAME	HELLER SPRINGS
TOTAL SITE AREA	51.31 AC. ±
BOUNDARY SOURCE	SURVEY BY MOORE-BASS CONSULTING, INC.
CURRENT ZONING	RA (RURAL RESIDENTIAL)
FUTURE LAND USE DESIGNATION	RES (RURAL RESIDENTIAL)
PROPOSED DEVELOPMENT INFORMATION	
PROPOSED USE	SINGLE-FAMILY RESIDENTIAL SUBDIVISION
PROPOSED LOT COUNT	49
UNIT SIZE	30,000 SF MIN.
PROPOSED ZONING	R2
PROPOSED LAND USE DESIGNATION	LOW-DENSITY RESIDENTIAL
MAXIMUM ALLOWABLE DENSITY	20 UNITS/ACRE
NET DENSITY CALCULATION	
TOTAL SITE AREA	51.31 AC.
LESS PROPOSED RW	-5.02 AC.
LESS PROPOSED PONDS	-1.88 AC.
LESS PROPOSED OPEN SPACE	-1.36 AC.
NET LAND AREA	42.84 AC.
PROPOSED UNITS TO BE RECEIVED	49
PROPOSED NET DENSITY	1.14 UNITS/ACRE

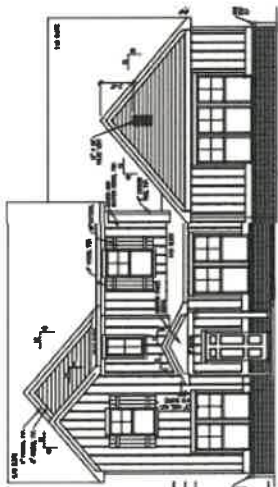
NOTE: THIS PROPOSED LAYOUT OF DISTURBANCE IS PROVISIONAL. ADDITIONAL CLEARING DISTURBANCE OF THE LIMITS OF DISTURBANCE MAY BE REQUIRED FOR MOORE PAVING, INSTALLATION OF CURBS, AND/OR OTHER DISTURBANCE ACTIVITIES ON REQUEST BY THE CONTRACTOR. HOMEOWNERS.



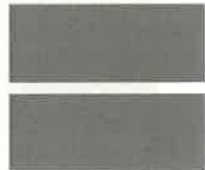
GRAPHIC SCALE
 0 20 40 FEET
 (CA BEST ZONING AND METRIC)
 © Moore Bass Consulting



RAINIER

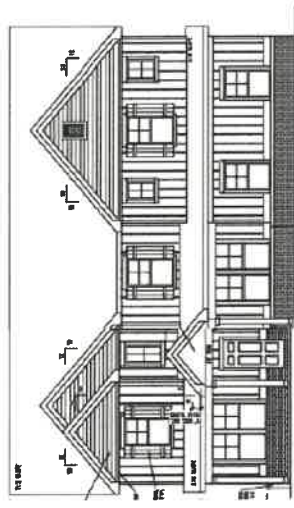


Siding: SW7005 Pure White
 B&B: SW7005 Pure White
 Shutters: SW6187 Rosemary
 Trim/Soffits/Gutters: White
 Windows: White
 Stone: Smoky Mountain
 Front Door: Wood Stained



DRB
HOMES

ISABELLA II

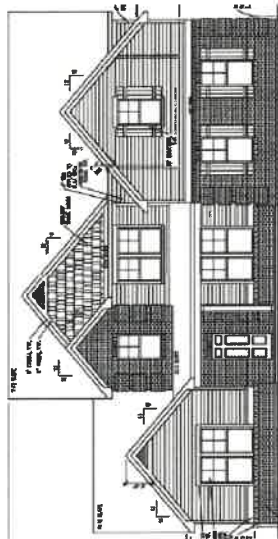


Siding: SW6246 North Star
 B&B: SW6246 North Star
 Shutters: SW6250 Granite Peak
 Trim/Soffits/Gutters: White
 Windows: White
 Stone: Harbor Bluff
 Front Door: Wood Stained

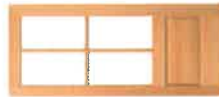


DRB
HOMES

HENRY II

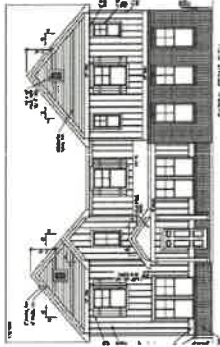


Siding: SW7065 Argos
 Shake: SW9163 Tin Lizzie
 B&B: Colonnade Grey
 Shutters: SW7068 Grizzle Grey
 Trim/Soffits/Gutters: White
 Windows: White
 Front Door: Wood Stained
 Stone: Canyon Ridge

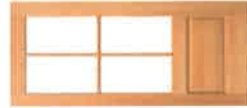


DRB
 HOMES

MCKINLEY II



Siding: SW7674 Peppercorn
 B&B: SW7067 Cityscape
 Trim/Soffits: White
 Windows: White
 Gutters: White
 Stone: Ledgerstone Hermitage
 Front Door: Wood Stained



DRB
 HOMES

Henry County Zoning Advisory Board

The Henry County Zoning Advisory Board held a Public Meeting at 6:30 p.m. on Thursday, October 13, 2022, in the community room located at 140 Henry Parkway. The meeting was also streamed live on the county website, as well as on the Board's social media page. Notice of this meeting was posted in the *Henry Herald*.

Those present were:

Delander Nelson, Chairman, District V
Dawn Randolph, County-at-Large
Jim Risher, District III
Noreen Walker, District IV
Don Veum, District I
Bobby Crawley Jr, District II

Planning & Zoning staff present were:

Toussaint Kirk, Director of Planning & Economic Development
Kenta Lanham, Planner II
Faith Palmer, Planner I
Kamau As-Salaam, Planner III

0:03:23.2

Chair: Good evening. I would like to welcome everyone to the Henry County Zoning Advisory Board Meeting, Thursday, October 13, 2022. This meeting is being televised on Spectrum Channel 180 and can be viewed live on Facebook or YouTube. Please turn off all cell phones and laptops. If you need to set them on vibrate, please do so now. We will now hear the pledge by Mr. Crawley.

0:04:00.5

PLEDGE OF ALLEGIANCE

[Bobby Crawley Jr. leads pledge of allegiance.]

CALL TO ORDER

Chair: This meeting is now called to order.

0:04:31.7

ACCEPTANCE OF AGENDA

Chair: Can I get an approval of the minutes, please?

Randolph: I move for approval of the minutes.

Walker: Second.

Chair: All in favor?

Veum: For which month?

Chair: Oh, I'm sorry. That's going to be for, minutes for...

Walker: September?

Chair: August, I believe.

Randolph: Yep, next, September? This is October.

Chair: Yeah, September, that's correct.

Veum: Or should we wait until next month and actually, you know, because I haven't been able to read the minutes, for one thing.

0:05:17.7

Chair: Staff, do we have copies of those minutes?

Staff: No, sir, they haven't been completed, I guess.

Chair: Okay, so we'll wait till next month for approval of September minutes.

Randolph: So I remove my motion.

0:05:33.1

Chair: Okay, we have a removal of motion. Do we have a...?

Walker: I take my second.

Chair: And we have a removal of second for approval of minutes. Okay. Can I get a motion to approve the agenda?

Randolph: So moved.

Walker: Second.

Chair: Okay, we have a motion and a second. All in favor? Okay.

0:05:49.5

PLANNING STAFF COMMENTS

Chair: Staff, do we have any comments?

Staff: No, sir, not this evening.

Chair: Okay. If there is no comments, we'd like to move forward with the first case.

0:05:58.2

PRESENTATION/STAFF RECOMMENDATION

Chair: Call the next case, please.

1:49:07.5

Gore: RZ-22-15. DRB Group, LLC, of Fayetteville, Georgia, requests a rezoning from RA, residential agricultural, to R-2, single-family residence, for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26 +/- acres, and the request is for a single-family residential subdivision. District 4, presented by Kenta Lanham, Planner II.

Lanham: Good evening once again, Chair and Board Members.

Chair: Good evening.

Lanham: The item before you is for the same subject property, south of the intersection of Kelleytown Road and Airline Road. The property is currently zoned RA, residential agricultural, and the rezoning request before you is to rezone the property to R-2, single-family residence on septic. Once again, the Future Land Use Map for this property is rural residential. Here is the site plan that was submitted by the applicant. It is a 49-lot subdivision, once again on septic. Here are some elevations provided from the applicant and some comments from various departments regarding the proposed development. The applicant is requesting to rezone the property from RA to R-2 on septic for the purpose of a 49-lot single-family residential subdivision. The proposed development will have a net density of 1.08 dwelling units per net acre. There is an existing 178-foot-tall cell tower to the north of the subject property. Any new structures would need to be setback 196 feet or 110% of the tower height from the base of the tower, in accordance with Chapter 7. This proposed R-2 subdivision with a density of 1.09 dwelling units per acre is inconsistent with the Future Land Use Map designation of rural residential. And with that,

the Planning Staff does recommend denial of the applicant's request to rezone the property from RA to R-2. Thank you, and I'd be happy to take any questions you might have.

1:51:42.8

Chair: Okay, thank you. Does the Board have questions for Staff? Okay.

REPRESENTATION

Chair: If not, would like the applicant to come forward once again.

Steve Moore: Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Court in McDonough. Representing DRB Group on the associated rezoning case. I've told you about the project, and I understand we have this challenge with the Land Use Map. I just also wanted to make one other point about the Future Land Use Map and the Comp Plan and a conflict, even just in the language. The straight density of a two-acre lot, so again that's the only lot size you can put, that's the minimum lot size you can put in the rural residential district, the density, the best density you would ever ask for is 0.5 units per acre, but it allows you up to 1 unit per acre. It's impossible to comply. It's impossible to get to one unit. It should say either half of an acre or it should make the lot sizes one acre. I'm just saying, that's just math, one lot per two acres is 0.5 units per acre. So that's just again just a conflict in the language of the ordinance. As far as creeks and buffers, we do have those protected, like I mentioned in my first presentation. There is a creek that runs right through there. There is a 50-foot undisturbed buffer, 100-foot total width on either side, with an additional 75-foot impervious setback. For as far as any houses or driveways could be along that creek area, that is mandated by EPD. Actually, EPD only mandates 25 feet. Your county ordinances add an additional 25 feet to that with an additional 25-foot impervious setback. So there are accommodations for protecting those areas. And again, you can see the majority of the lots just back up to those areas, and it's intended to remain natural there, undisturbed buffers, as required by the state and

the county ordinances. And again, I'll just draw the distinction of where we fit in relation to our surrounding areas. And it's unfortunate for the property owners that they either didn't go to the meetings, the townhall meetings when they were adopting the Future Land Use Map, but clearly, to me, and again, just when you're surrounded by the same, similar development pattern, just feels like it's an appropriate request. But again, I understand that we're having to deal with the cards we're dealt, and so I'm willing to accept that. But I do think it is a reasonable request. I don't think it is a very aggressive request. I think our density is again consistent with the area. And I think we have a proven track record of successful projects in this area that have well exceeded the expectations of the Board of Commissioners at the time that was approved. And this could be as equally successful. Again, thanks for your time, and look forward to answering any questions that you've got. Thank you.

1:55:04.7

Chair: Okay, thank you, Mr. Moore. Does the Board have questions for the applicant?

PUBLIC PARTICIPATION

Chair: Okay. We have 6 minutes and 55 seconds for anyone wishing to speak in favor. No one's coming forward. We'd also like to allot 10 minutes for anyone wishing to speak in opposition. Please state your name and address for the record.

1:55:39.8

Hello, my name's Jamie Mallick (sp?). I'm at 1109 Sequoia Trail. I just want to add that we are in the neighborhood, as well, and we oppose, would ask for denial of this request, as well. While he says that it's consistent with the neighborhood, that doesn't necessarily mean that all the neighbors want to see all these homes, all this land built up with homes. It's nice to have the space for the habitat, and the wildlife,

and the open space. So I just wanted to add that we also request your denial. Thank you.

1:56:15.4

Chair: We have 9 minutes, 25 seconds. Anyone else wishing to speak in opposition? I don't see anyone coming forward.

QUESTIONS/COMMENTS

Chair: Does the Board have additional questions for Staff or the applicant?

MOTION

Chair: Okay, call the case, please.

1:56:35.1

Gore: RZ-22-15. DRB Group, LLC, of Fayetteville, Georgia, requests a rezoning from RA, residential agricultural, to R-2, single-family residence, for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26 +/- acres, and the request is for a single-family residential subdivision. District 4, presented by Kenta Lanham, Planner II.

Chair: Okay, we've heard the case. Do we have a motion?

Walker: I make a motion that we deny the request.

Chair: Have a motion by Ms. Walker to deny . Do we have a second?

Randolph: Second.

Chair: Have a second by Ms. Randolph. Any discussion? All in favor? Motion carries, unanimous.

Lanham: Thank you.

1:57:38.7

ADJOURNMENT

Chair: Okay. Have an announcement. The next upcoming meeting, if I'm looking at this correct, Mr. Toussaint, is November 10? November 10.

Kirk: Yes, sir, November 10.

Chair: Okay, and with that being said, have a motion to adjourn?

Randolph: So moved.

Chair: Okay, this meeting is now adjourned. Thank you.

1:58:06.8

END OF MEETING


Delander Nelson, Chairman


TOUSSAINT KIRK, DIRECTOR

The above signatures reflect the approval of meeting minutes by the Henry County Zoning Advisory Board for the Public Meeting, held at 6:30 p.m. on Thursday, October 13th, 2022.



Commission District: 4
Commissioner: Vivian Thomas
ZAB Member: Noreen Walker, (678) 565-8218
Report Prepared by: Kenta Lanham, Planner II

Applicant: DRB Group, LLC
160 Whitney Street
Fayetteville, GA 30214

Agent: Moore Bass Consulting, Inc.
1350 Keys Ferry Court
McDonough, GA 30253
(770) 914-9394

Location: Property located near the southeast corner of the intersection of Kelleytown Road and Airline Road
Land Lot 44 of the 11th District

Parcel ID(s): Portion of 134-01044000

Request: Rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence)

Proposed Use /Purpose: Single-family residential subdivision

Current Land Use: Undeveloped

Future Land Use: Rural Residential (up to 1.0 dwelling unit per net acre)

Postcards Mailed: September 27, 2022

Sign Posted: September 28, 2022

ZAB Meeting: **October 13, 2022**

Lot Size: 51.26 +/- acres

Road Access: Airline Road (major arterial)

Proposed Density: 1.08 dwelling units per net acre

Proposed Lots: 49 lots

Zoning History:

The subject property is zoned RA (Residential-Agricultural) as illustrated on the Henry County Official Zoning Map, adopted on November 19, 2013 by the Henry County Board of Commissioners. A review of zoning files indicates there have been no previously approved zoning actions for the subject property.

Table 1.0 (following page) illustrates the current zoning and land use of surrounding properties.

Table 1.0 Current Zoning and Land Uses of Adjacent Properties

	Current Zoning	Current Land Use
North	C-2 (General Commercial) RA (Residential-Agricultural) R-1 (Single-Family Residence)	Single-Family Residences Single-Family Residential Subdivision
East	RA (Residential-Agricultural)	Single-Family Residence
South	R-2 (Single-Family Residence)	Single-Family Residential Subdivision
West	RA (Residential-Agricultural)	Single-Family Residences

Source: Henry County Zoning Map & Tax Assessor's *Q*public website

Executive Summary:

The applicant is requesting to rezone 51.26 +/- acres from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for the purpose of a 49 lot single-family residential subdivision on septic with a net density of 1.08 dwelling units per net acre. The applicant's request is not consistent with the Future Land Use Map (FLUM) designation of Rural Residential, which supports residential development with a density of up to 1.0 dwelling units per net acre. The applicant is requesting a concurrent Comprehensive Plan Amendment (COMP-AM-22-09) to modify the current FLUM designation from Rural Residential to Low Density Residential, which supports the requested R-2 zoning district and a net density of up to 2.0 dwelling units per net acre.

There is an existing cell tower north of the subject property. According to the Building and Plan Review Department, the height of the cell tower is 178 feet. The required setback from the base of the tower to all property lines shall be equal to its height and the setback from all off-site residential dwellings shall be 110% of the tower height, or 196 ft, as per *Chapter 7, Section 7.05.00* of the ULDC.

Development Regulations Relevant to Request:

- *Chapter 2, Section 2.01.02(C). R-2 Single-Family Residence*
- Henry County/Cities Joint 2040 Comprehensive Plan
- All other sections regarding site development standards and requirements

Analysis of Request [*Chapter 12, Section 12.02.09(C)(2)(a-i)*]:

Criteria point 1: Consistency with comprehensive plan.

The request to develop an R-2 (Single-Family Residence) subdivision is not consistent with the Future Land Use Map (FLUM), which designates the subject property for Rural Residential land uses with a net density of up to 1.0 dwelling units per net acre. The proposed net density is 1.08 dwelling units per acre.

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

The development of the subject property as a single-family residential subdivision is consistent with the purpose of the R-2 zoning district, which is, "*intended to provide for detached single-family residential dwellings that are either site-built or industrialized on lots.*" per *Section 2.01.02(C)* of the ULDC.

Table 2.0 (following page) lists the ordinance requirements for the R-2 zoning district.

Table 2.0 Ordinance Requirements for R-2 Zoning District

	Ordinance Requirements	Proposed	Compliance
Minimum Lot Area (Septic):	30,000 sq. ft.	30,000 sq. ft.	Yes
Minimum Lot Width:	125 feet	150 feet	Yes
Building Setback:	Front: 40 feet from right-of way Side: 15 feet Rear: 30 feet	(not specified)	Required
Min. Heated Floor Area:	1,500 square feet	(not specified)	Required

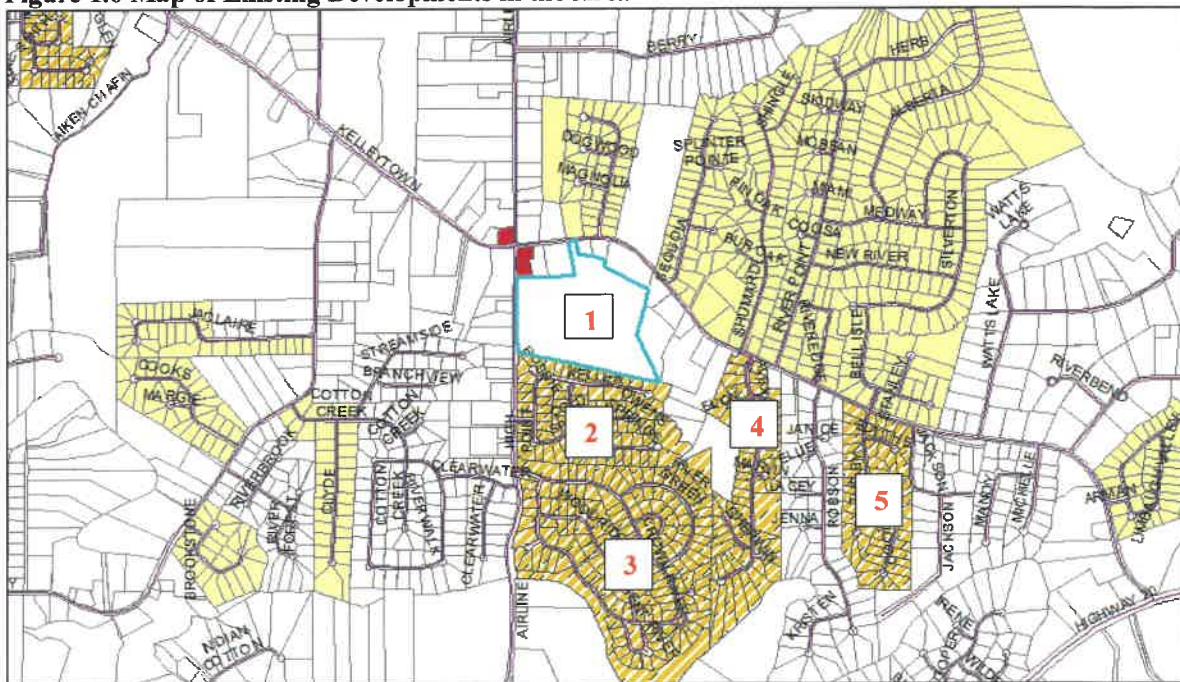
Source: ULDC Section 2.01.02(C) & Application Materials

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

The area in the immediate vicinity of the subject property consists of a mixture of land uses, including RA (Residential-Agricultural) single-family lots, which typically have no zoning conditions, R-1 (Single-Family Residence) subdivisions, R-2 (Single-Family Residence) subdivisions, and a C-2 (General Commercial) commercial development to the northwest of the subject property. This rezoning offers the opportunity to zone the subject property for a unique single-family development with appropriate development standards.

Figure 1.0 depicts the proximity of nearby residential developments to the subject site, and **Table 3.0** (following page) summarizes the characteristics of existing residential subdivisions in the area coded by number (in red). Numbers on **Figure 1.0** reference **Table 3.0**.

Figure 1.0 Map of Existing Developments in the Area



Source: Henry County Official Zoning Map

Table 3.0 Characteristics of Developments in the Area

Map #	Subdivision	Zoning	Acreage +/-	Lots	Minimum Lot Size (sq. ft.)	House Size (sq. ft.)	Density
1	Proposed	R-2	51.26 +/-	49	30,000	(not specified)	1.08 net
2	Virginia Meadows	R-2	75.716 +/-	78	30,000 sq. ft.	1,500 sq. ft.	1.03 gross
3	Crown River	R-2	171.003 +/-	154	30,000 sq. ft.	(not specified)	0.9 gross
4	Kelleytown Station	R-2	71.646	64	30,000 sq. ft.	1,700 sq. ft.	0.89 gross
5	Thompson Place	R-2	61.93 +/-	56	34,848 sq. ft.	1,650 sq. ft.	0.97 net

Source: Approved final plats from County records and case files

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

It would seem that the subject property is physically capable of being developed as proposed; however, any issues with regards to drainage and access will be determined after the submittal of development plans, during the Development Plan Review stage.

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

The impact upon adjacent property owners should be typical of a new residential subdivision. However, potentially negative impacts upon the surrounding community which may arise from incompatibility with neighboring developments, may be mitigated by appropriate zoning conditions.

Criteria Point 6&7: The potential impact of the proposed amendment on County infrastructure including water and sewage system, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes.

Water and Wastewater Treatment

A letter from the Henry County Water Authority, dated June 23, 2022, states that water service is available to the subject property. However, public sewer service is not available to the subject property.

A form from the Henry County Environmental Health Department, dated July 6, 2022, states that the department cannot determine the suitability of on-site sewage management systems without a high intensity Level 3 soil report. Development on the lots would be subject to any and all applicable Environmental Health Department requirements.

Streets and Sidewalks

The access to Airline Road will be required to meet minimum spacing per ULDC requirements, meet intersection sight distance per road's posted speed limit (45 mph), and is to have a deceleration lane and acceleration taper designed and constructed to Henry County Department of Transportation (HCDOT) standards. A traffic impact study (TIS) will not be required for the development as currently proposed as per the ULDC as the site traffic is estimated to be less than the 750 daily trip threshold.

As per Henry County Department of Transportation staff, the Henry County Comprehensive Transportation Plan (CTP) recommends a multi-use path along Airline Road. The applicant is recommended to preserve at least 60 feet (60') of right-of-way from centerline along Airline Road.

Schools

Correspondence received from the Henry County Board of Education, dated June 30, 2022 states that the schools serving the proposed development are Timber Ridge Elementary, Union Grove Middle, and Union Grove High Schools. This letter was based on a preliminary proposal of 56 dwelling units. The request has since been modified to a proposal of 49 dwelling units. Based on the calculation used by the Board of Education to generate estimated numbers of students, the proposed development will generate an estimated additional 37 students for the schools collectively based upon the 49 dwelling units of the modified proposal. At this time, there are no modular classrooms at Timber Ridge Elementary, four (4) trailers at Union Grove Middle, and six (6) trailers at Union Grove High Schools. Based on the calculations used by the Board of Education, the additional students would result in a need for two (2) additional classrooms collectively. The projected capital improvement costs are \$25,000 per modular classroom, and \$300,000 per permanent classroom.

Public Safety

According to the Henry County Police Department, one (1) additional officer would be required for the 147 estimated new residents this development would produce.

The proposed development would be served by Henry County Fire Station #16 located at 1575 Kelletown Road which is located approximately 0.7 miles from the subject property.

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

The applicant is proposing a development which is not consistent with the Rural Residential Future Land Use Map (FLUM) designation which supports the RA (Residential-Agricultural) zoning district and supports residential developments with a density of up to 1.0 dwelling unit per net acre. The applicant is requesting a concurrent Comprehensive Plan Amendment (COMP-AM-22-09) to modify the current designation from Rural Residential to Low Density Residential, which supports the R-2 zoning district and the proposed density.

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

The subject property can be developed as a two-acre lot subdivision meeting the development regulations outlined in *Section 2.01.02(A)* of the ULDC for the RA (Residential-Agricultural) zoning district, and any other applicable regulations and/or code sections.

Recommendation:

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

Attachments:

- Application
- Renderings
- Site Photos
- Sign Photo
- Exhibit Maps

PRE-APPLICATION FORM

DATE 03/31/2022

APPLICANT: MOORE BASS CONSULTING, INC.

TYPE OF APPLICATION: REZONING

PROPERTY ADDRESS: AIRLINE ROAD & KELLEYTWON ROAD

DIST: 11 LAND LOT(S): 44 PARCEL I.D.: 134-01044000

MAP NUMBER: 134 CURRENT ZONING: RA PROPOSED ZONING: R-2

FUTURE LAND USE MAP DESIGNATION:
RURAL RESIDENTIAL (UP TO 1.0 DU/ACRE, NET)

REQUEST/ITEMS DISCUSSED:

APPLICANT IS INTERESTED IN REZONING THE PROPERTY TO R-2 ON
INDIVIDUAL SEPTIC FOR A TRADITIONAL SINGLE-FAMILY RESIDENTIAL
SUBDIVISION FOR APPROX. 50 LOTS.

PROPERTY IS NOT LOCATED WITHIN ANY OVERLAY DISTRICT.

PROPERTY IS LOCATED WITHIN THE RURAL RESIDENTIAL FUTURE
LAND USE MAP (FLUM). A CONCURRENT COMPREHENSIVE PLAN
AMENDMENT WILL BE REQUIRED. APPLICANT CAN EITHER REQUEST TO
MODIFY THE FLUM DESIGNATION FROM RURAL RESIDENTIAL TO LOW
DENSITY RESIDENTIAL OR REQUEST TO AMEND THE COMPATIBILITY TO
ALLOW FOR R-1 AND/OR R-2, AS LONG AS THE DENSITY IS UP TO 1.0
DU/ACRE, NET.

NEXT AVAILABLE ZONING ADVISORY BOARD (ZAB) MEETING IS
JULY 2022. THE SUBMISSION DEADLINE FOR JULY IS TUESDAY, MAY 3.
HOWEVER, STAFF CANNOT GUARANTEE AVAILABILITY ON ANY MEETING
SCHEDULE, REGARDLESS OF WHEN AN APPLICATION IS SUBMITTED.

ADJACENT PROPERTIES ZONING:

NORTH: RA & R-1 SOUTH: R-2 EAST: RA WEST: RA

PREVIOUS REZONING REQUESTS IN THE AREA/INCLUDING SURROUNDING SUBDIVISIONS:

DISCUSSED TIMELINE- PLEASE ALLOW AT LEAST 9-12 MONTHS FROM TIME OF SUBMISSION TO A FINAL DECISION BY THE BOARD OF COMMISSIONERS.

PLEASE ALLOW AT LEAST THREE (3) WEEKS FOR SCHOOL BOARD AND HCWA WATER AND SEWER AVAILABILITY LETTERS TO BE PREPARED.

STAFF RESERVES THE RIGHT TO RECOMMEND DENIAL OF ANY REQUEST.

ATTENDANTS:

_____	Signature (Owner/Agent)
<u>Planner III</u>	Signature
<u>Steve Moore</u>	Signature
<u>Pam Powers</u>	Signature

PLEASE NOTE:

No application will be accepted unless all necessary documentation is complete and a pre-application meeting has been held (No exceptions).

The property will be POSTED with a Henry County Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to either ZAB and/or BOC meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

Rz-22-15

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

Name of Applicant DRB Group, LLC / Kelleytown Rd. Phone: _____ Date: 3/23/2022

Address Applicant: 160 Whitney Street Fax _____ Pager/Cell # _____

City: Fayetteville State: GA Zip: 30214 E-mail: chrisknight@drbgroup.com

Name of Agent Moore Bass Consulting, Inc./Pam Powers Phone: 770-914-9394 Date: 3/23/2022

Address Agent: 1350 Keys Ferry Court Fax _____ Pager/Cell # _____

City: McDonough State: GA Zip: 30253 E-mail: ppowers@moorebass.com

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

The property will be POSTED with a Henry County Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to either ZAB and/or BOC meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. PP Acknowledgement

Request from RA to _____
(Current Zoning)

R2-Septic
(Requested Zoning)

For the Purpose of Single Family Residential
(Type of Development)

Address of Property: Kelleytown Road Nearest intersection to the property: Airline Road
(Street Address)

Size of Tract: 51.26 acre(s), Land Lot Number(s): 44, District(s): 11

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

Property Tax Parcel Number: 134-01044000 - - - (Required)

[Signature]
Witness' Signature

[Signature]
Signature of Applicant/s

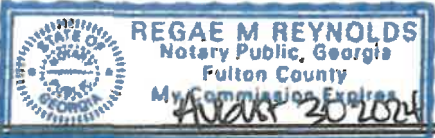
Dave Ransom
Printed Name of Witness

Chris Knight - DRB Group Georgia LLC
Printed Name of Applicant/s

[Signature]
Notary

[Signature]
Signature of Agent

NOTARY STAMP:



(For Office Use Only)

Total Amount Paid \$ 333.50 Cash CRD Check # _____ Received by: [Signature] (FEES ARE NON-REFUNDABLE)

Application checked by: K. Lanham Date: 7/0/22 Map Number(s): 134

Pre-application meeting: YN Date: 3-31-2022

Recommendation of Zoning Advisory Board: Recommendation of Denial, 10-13-2022

BOC Decision: _____

Planning Director's Signature: _____ Date: _____

PAID
ave
\$ 333.50

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Henry County Board of Commissioners or Zoning Advisory Board who will consider the application?

Yes No

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Commissioner/Zoning Advisory Board Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 29th day of June, 2022

Chris Knicker - DDB Group Georgia LLC
Applicant's Name - Printed

[Signature]
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29th day of June, 2022.



[Signature]
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

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Yes _____ No xx

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Commissioner/Zoning Advisory Board Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 15th day of July, 2022

Hal Cooper Keller III
Applicant's Name - Printed

Hal Cooper Keller III
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 15th day of July, 2022

Krista Boyle
Notary Public



* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

Applicant Campaign Disclosure Form

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Yes _____ No xx

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Commissioner/Zoning Advisory Board Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 1st day of July, 2022

Penelope Kellen Harrison
Applicant's Name - Printed

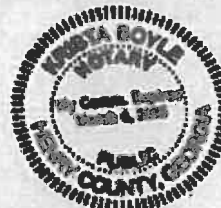
Penelope Kellen Harrison
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of July, 2022.

Krista Boyle
Notary Public



* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Henry County Board of Commissioners or Zoning Advisory Board who will consider the application?

Yes _____ No xx

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Commissioner/Zoning Advisory Board Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 1st day of July, 2022

Steve Moore

Applicant's Name - Printed

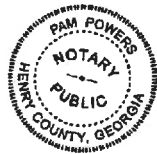


Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1st day of July, 2022.



Pam Powers

Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

July 1, 2022

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

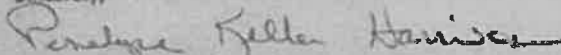
RE: Keller Springs – Henry County
Parcel ID#: part of 134-01044000
Letter of Ownership for Re-Zoning

To Whom It May Concern:

This letter is being written to confirm that I am the **owner of the above referenced property**. Further, I am aware of the proposed rezoning request and do **authorize Moore Bass Consulting and /or their agents, to represent this request on my behalf.**

If you have any questions concerning the above or if any additional information is required, please do not hesitate to call me at 404-909-9527.

Sincerely,


Penelope Keller Harrison

July 1, 2022

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

RE: Keller Springs – Henry County
Parcel ID#: part of 134-01044000
Letter of Ownership for Re-Zoning

To Whom It May Concern:

This letter is being written to confirm that I am the owner of the above referenced property. Further, I am aware of the proposed rezoning request and do authorize Moore Bass Consulting and /or their agents, to represent this request on my behalf.

If you have any questions concerning the above or if any additional information is required, please do not hesitate to call me at 678-300-5653.

Sincerely,



Hal Cooper Keller III

Moore Bass Consulting, Inc.
 • Civil Engineering
 • Surveying
 • Development Consulting
 • Landscape Architecture
 • Environmental Planning

www.moorebass.com
 1534 Keys Ferry Court
 Marietta, Georgia 30067
 770.974.8338

PROJECT NAME: HENRY COUNTY, GEORGIA
 DRB GROUP GA, LLC
 160 WHITNEY STREET,
 PAYETTEVILLE, GEORGIA 30214

CLIENT NAME: DRB GROUP GA, LLC

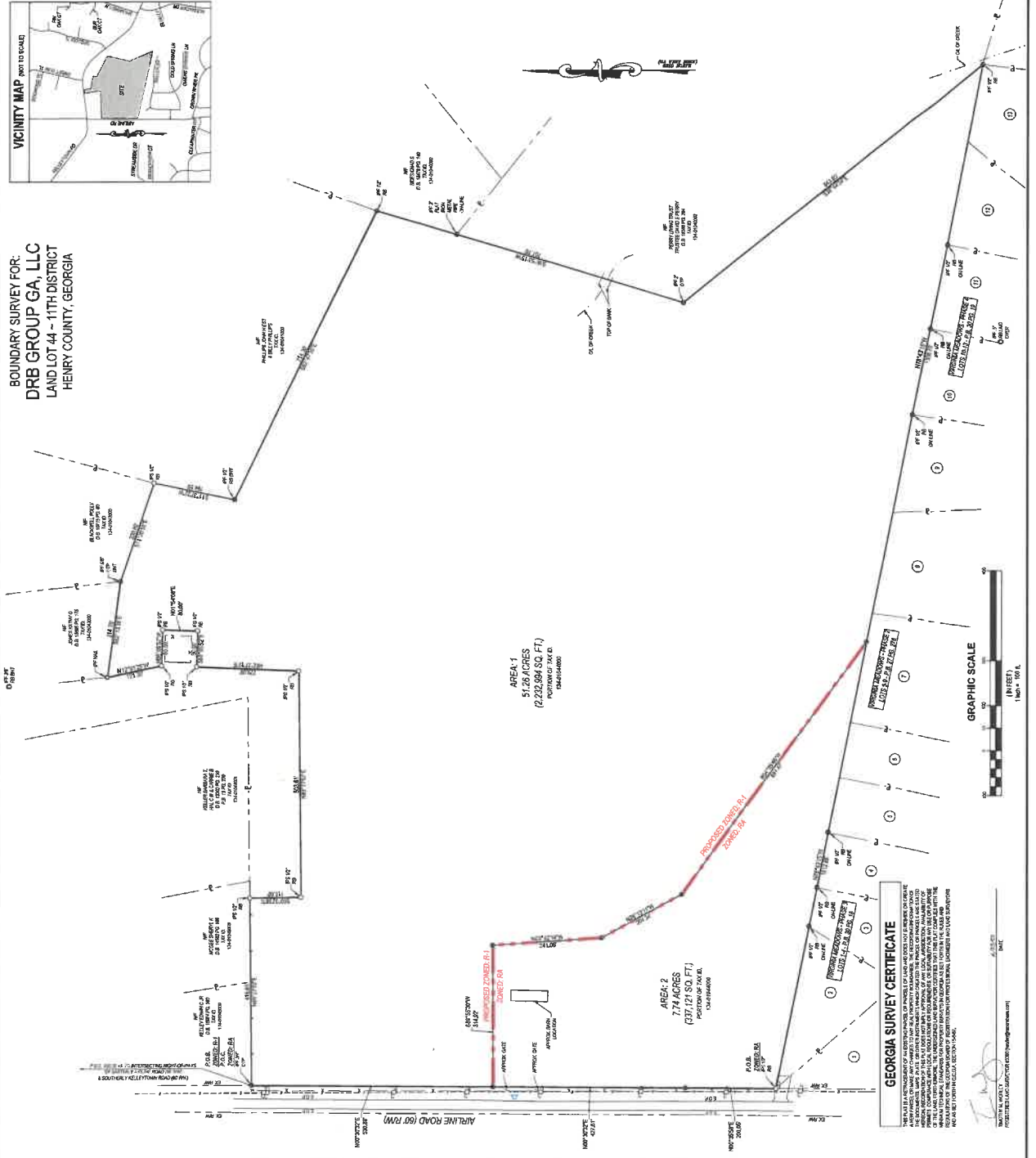
REVISIONS
 1. REVISION TO DISPLAY CORNER MARKS 4-25-2023

DATE: 4-25-2023
 CONTRACT # ADR230207
 DRAWN BY: DMG, DC
 CHECKED BY: DMG, DC
 SCALE: AS SHOWN
 SHEET TITLE: BOUNDARY SURVEY

SHEET TITLE: BOUNDARY SURVEY
 SHEET: 1 OF 1



BOUNDARY SURVEY FOR:
DRB GROUP GA, LLC
 LAND LOT 44 - 11TH DISTRICT
 HENRY COUNTY, GEORGIA



REFERENCES

1. STATE OF GEORGIA, DEPARTMENT OF REVENUE, "PROPERTY TAX MAPS", 2022.
2. DEED RECORDED IN THE PUBLIC RECORDS OF HENRY COUNTY, GEORGIA, BOOK 12345, PAGE 6789.

FLOOD NOTE

AS BEING AN ADJACENT PROPERTY OWNER, I HAVE REVIEWED THE FLOOD HAZARD MAPS FOR THE SUBJECT PROPERTY AND HAVE DETERMINED THAT THE PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA.

SURVEY NOTES

ALL SURVEY DATA WAS OBTAINED FROM A TOTAL STATION SURVEY CONDUCTED ON 4/25/23. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS.

LEGEND

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74	18 1/2" = 100'	18 1/2" = 100'
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76	19" = 100'	19" = 100'
77	19 1/4" = 100'	19 1/4" = 100'
78	19 1/2" = 100'	19 1/2" = 100'
79	19 3/4" = 100'	19 3/4" = 100'
80	20" = 100'	20" = 100'

GEORGIA SURVEY CERTIFICATE

I, the undersigned, being a duly Licensed Professional Engineer in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the client, and that the same has been prepared in accordance with the Rules and Regulations of the Board of Professional Engineers of the State of Georgia.

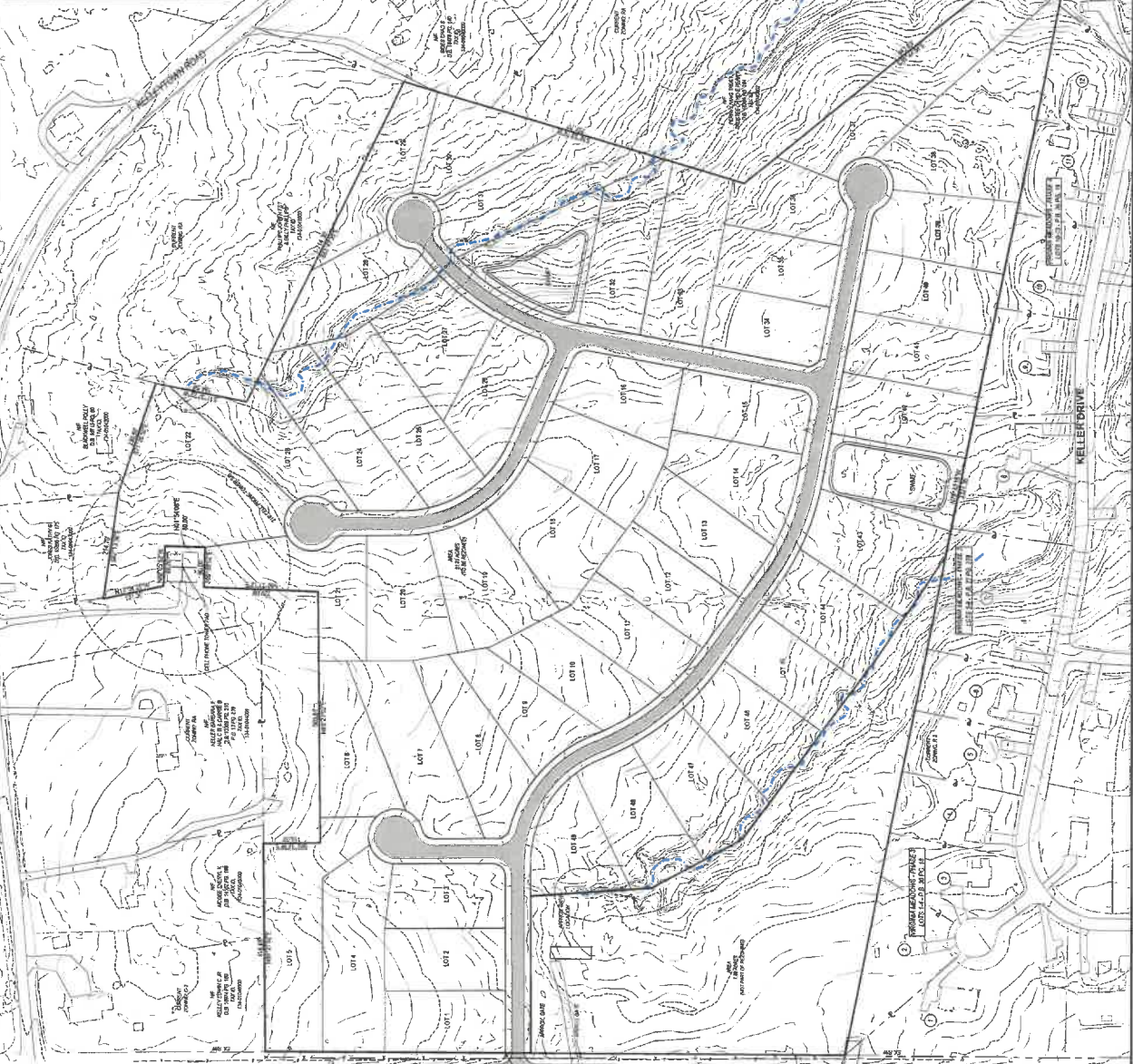
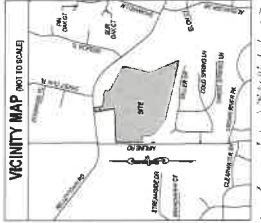
DAVID M. GALLOWAY
 LICENSE NO. 12465
 PROFESSIONAL ENGINEER
 STATE OF GEORGIA

ALL DATA ON THIS PLAN WAS OBTAINED FROM A TOTAL STATION SURVEY CONDUCTED ON 4/25/23. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING BOARD OF GEORGIA RULES AND REGULATIONS.

MOORE BASS CONSULTING, INC.
 1534 KEYS FERRY COURT
 MARIETTA, GEORGIA 30067
 770.974.8338

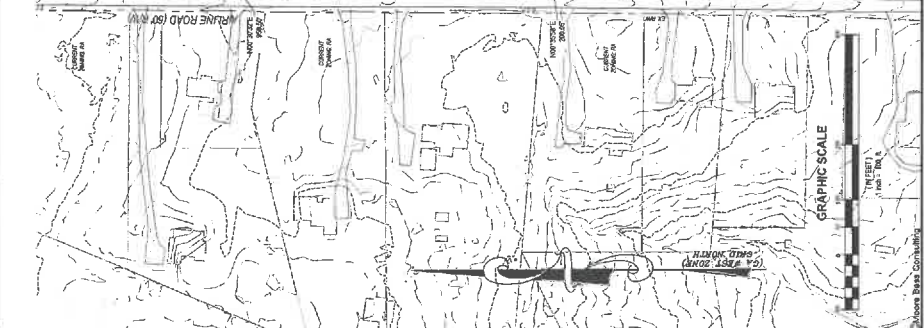
MB
Moore Bass Consulting, Inc.
 • Civil Engineering
 • Surveying
 • Landscape Architecture
 • Environmental Planning
 www.moorebass.com
 1330 Kings Ferry Court
 McDonough, GA 30253
 770.234.9224

PROJECT NAME	KELLER SPRINGS, GA
CLIENT NAME	DRB GROUP
REVISIONS	
DATE	07/20/20
DRAWN BY	SKM
CHECKED BY	SKM
SCALE	AS SHOWN
DESIGNED BY	
APPROVED BY	
SHEET TITLE	CONCEPTUAL SITE PLAN
SHEET	1



SITE DATA

PROJECT NAME	KELLER SPRINGS
TOTAL SITE AREA	5.28 AC. ±
BOUNDARY SOURCE	SURVEY BY MOORE BASS CONSULTING, INC.
CURRENT ZONING	RA
FUTURE LAND USE DESIGNATION	RR (RURAL RESIDENTIAL)
PROPOSED DEVELOPMENT INFORMATION	
PROPOSED USE	SINGLE-FAMILY RESIDENTIAL SUBDIVISION
PROPOSED UNIT COUNT	48
UNIT SIZE	3000 SF MIN.
PROPOSED ZONING	R2
PROPOSED LAND USE DESIGNATION	LOW-DENSITY RESIDENTIAL
MAXIMUM ALLOWABLE DENSITY	20 UNITS/ACRE
NET DENSITY CALCULATION	
TOTAL GROSS AREA	61.26 AC.
LESS PROPOSED OPEN SPACES	5.98 AC.
NET LAND AREA	45.28 AC.
PROPOSED UNITS TO BE DEVELOPED	48
PROPOSED NET DENSITY	1.06 UNITS/ACRE





Land Use Planning • Engineering Design • Environmental Permitting • Landscape Architecture • Land Surveying

July 1, 2022

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

RE: Keller Springs – Henry County
Parcel ID#: part of 134-01044000
Letter of Intent - ReZoning

To Whom It May Concern:

This document is intended to serve as the Letter of Intent for the rezoning request of the above referenced property, located at the southeastern corner of Enterprise and Airline Road, in Henry County, Georgia.

The property has frontage on Airline Road. The proposed intent is to rezone the property from RA to R-2 for the development of 56 single-family residential lots with public water service with septic.

If you have any questions concerning the above or if any additional information is required, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Moore Bass Consulting, Inc.

A handwritten signature in blue ink, appearing to read "Jennifer F. Christman".

Jennifer F. Christman, PE



Henry County Water Authority
Engineering Division

June 23, 2022

Re: Water Services - Availability
Proposed Development: **Single Family Residential Subdivision**
Property Information: **Kelleytown Road Parcel No. 134-01044000**
LL 44; District 11; 60 +/- acres
Zoning: **R-2**
Sewer Basin: **N/A**
Watershed Basin: **Big Cotton Indian Creek**

TO WHOM IT MAY CONCERN:

You have requested that this Authority provide you with information concerning the present availability of water services to the above-described property. This letter is being provided for informational purposes only and will not act to reserve water capacity to you or the property and will not create any liability to the Authority. The information contained in this letter will remain in effect for a period of **365** days from the date of this letter unless subsequently notified in writing by the Authority. The information provided herein is based upon the above-stated zoning of the property. Any deviation in zoning that would increase density or usage above that evaluated by the Authority will automatically void the information provided herein and will require a separate re-evaluation by this Authority.

Water service is available to the property described above. A fire flow test calculated in the area revealed the following data:

Static:	109	psi
Residual:	52	psi
Flow	950	gpm
Calculated Flow @ 20 psi:	1208	gpm

As shown, these results are above the minimum adopted standards of 20 psi residual pressure at 750 gpm for said residential development as established by the Henry County Board of Commissioners.

Public sewer service is not currently available.

The Authority provides water services where capacity is available on a first-come, first served basis. Each customer, developer, and property owner must also comply with the rules, regulations, and ordinances of the Authority.

The Authority will reevaluate the availability of water services to the property at the time that the development plans are submitted. If there are any additional requirements, or if water capacity is not available, you will be notified in writing.

This letter was prepared with information submitted to HCWA on a Conceptual Site Plan dated 06/01/2022 prepared by Moore Bass Consulting, Inc.

Scott Sage, P. E.
Engineering Division Manager
Henry County Water Authority



District Office
 33 N. Zack Hinton Parkway
 McDonough, GA 30253
 770.957.6601



Henry County
 Board of Education

Holly Cobb
 Board Chair
 District 3

Annette Edwards
 Board Vice-Chair
 District 5

Dr. Pam Nutt
 District 1

Makenzie McDaniel
 District 2

Sophe Pope
 District 4

Mary Elizabeth Davis, PhD
 Superintendent

We share a **VISION** to ensure a high-quality, world-class education for every student.

Our **MISSION** is to empower all students with exceptional opportunities and access that lead to success in a global society.

www.henry.k12.ga.us

To: Pam Powers

Date: 6/30/2022

Re: DBR Group

Property Address and Nearest Intersection: Kelleytown and Airline

Projected Number of Dwelling Units: 6

Estimated Period of Construction:

The below information is provided in response to your request.

Schools Serving Proposed Development	Current Number of Trailers	Projected Number of School Children for Development	Projected Number of Additional Classrooms to Serve Proposed Development	Projected Capital Improvement Costs
Timber Ridge Elem	0	56 Units x .75 Children per unit	students ÷25 per class	If Modular \$25,000 per Classroom
Union Grove Middle	4			
Union Grove High	6	42 students	2 Classrooms	If Permanent \$300,000 per Classroom

Respectfully,

Jim Jones
 Planning and Growth Coordinator
 Operations
Jim.Jones@henry.k12.ga.us



Henry County Department of Planning & Zoning
Septic System Information for Zoning Requests
 135 Henry Parkway McDonough, GA 30253
 (770) 954-2078

This form must be completed and submitted to Planning and Zoning with all zoning applications for properties that are not served by public sewer.

Name of Applicant: DRB Group, LLC Phone: 678-272-4542 Mobile: _____
 Applicant Address: 160 Whitney Street City, State: Fayetteville, GA Zip: 30214
 Name of Agent: Moore Bass Consulting, Inc./Pam Powers Phone: 770-914-9394 Mobile: _____
 Agent Address: 1350 Keys Ferry Court City, State: McDonough, GA Zip: 30253

Request (Check one):

Rezoning (Current Zoning RA Requested Zoning R2-Septic) Conditional Use

For the Purpose of Single Family Residential

Property Address: Kelleytown Road Nearest Intersection to property: Airline Road
 Size of Tract: 51.26 acres Land Lot:(s) 44 District(s): 11
 Property Tax Parcel Number: 134-01044000 Proposed Number of Lots: 49

Signature of Owner: [Signature] Printed Name of Owner: Hal Cooper Keller III

Signature of Agent: [Signature] Printed Name of Agent: Pam Powers-Moore Bass Consulting, Inc.

(To be Completed by Henry County Environmental Health)

Check all that apply

- There are suitable soils for the installation of a septic system on the subject property.
- There are not suitable soils for the installation of a septic system on the subject property.
- There is an existing septic system on the subject property.
- The existing septic system will support the proposed development.
- The existing septic system will not support the proposed development and/or use.

Comments: The office of Henry County Environmental Health cannot determine the suitability of an on-site sewage management system without a high intensity Level 3 soil report.

Name of Person Completing: Jermarco Christian Title: EHS III
 Signature: [Signature] Date: 7/6/2022
 E-mail Address: jermarco.christian@dph.ga.gov Phone Number: 470-661-0044

Contact Planning and Zoning with questions at (770) 288-7526.

RZ-22-15 & COMP-AM-22-09 View- North



Sep 28, 2022 10:26:34 AM
3479 Airline Road
McDonough
Henry County
Georgia

RZ-22-15 & COMP-AM-22-09 View- East



Sep 28, 2022 10:26:52 AM
3479 Airline Road
McDonough
Henry County
Georgia

RZ-22-15 & COMP-AM-22-09 View- South



RZ-22-15 & COMP-AM-22-09 View- West



RZ-22-15 & COMP-AM-22-09 Sign



Legend

Request

 RZ-22-15

AERIAL MAP

Scale: 1"= 1000'



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



Legend

Request

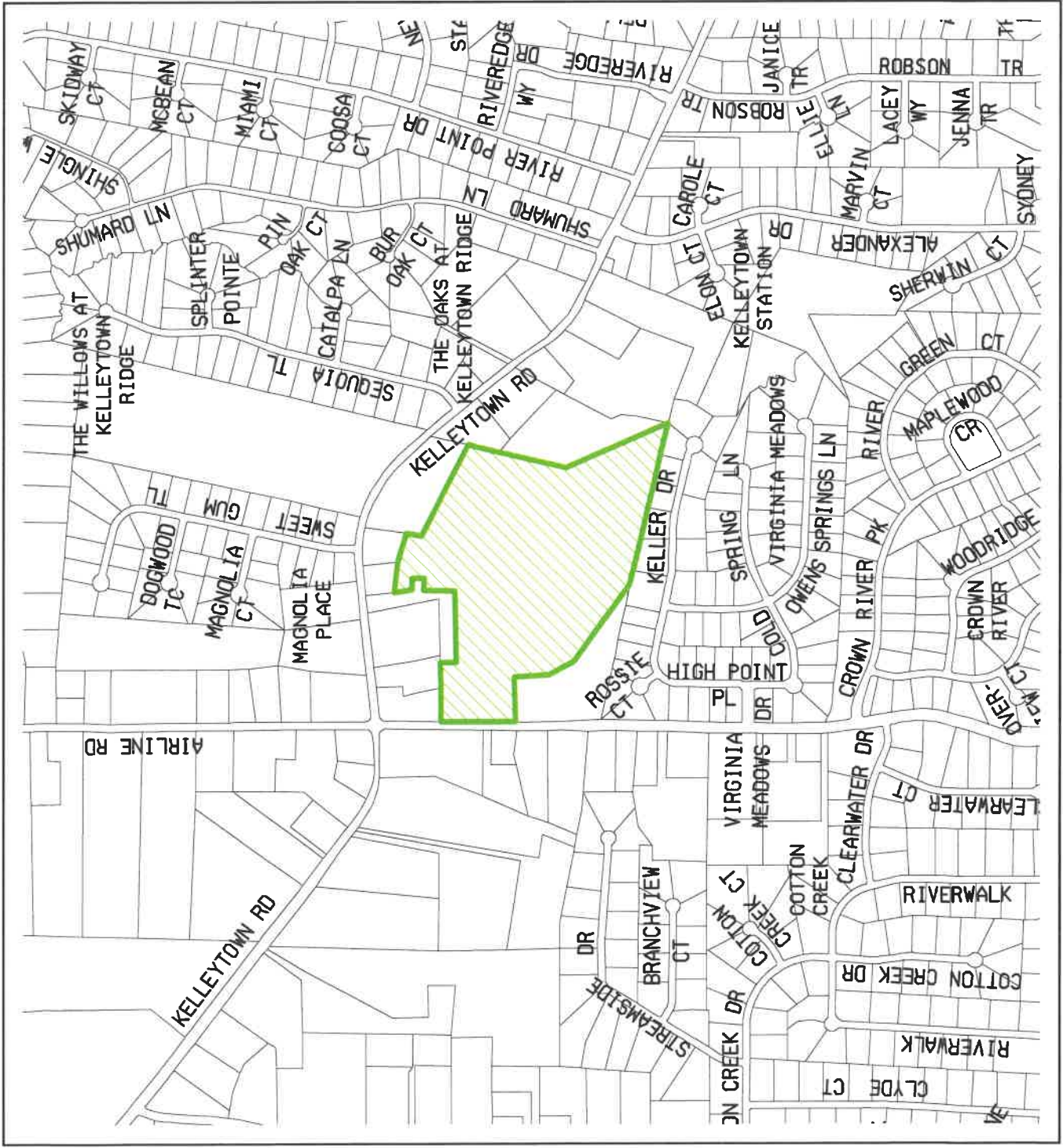


TAX MAP

Scale: 1" = 1000'



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





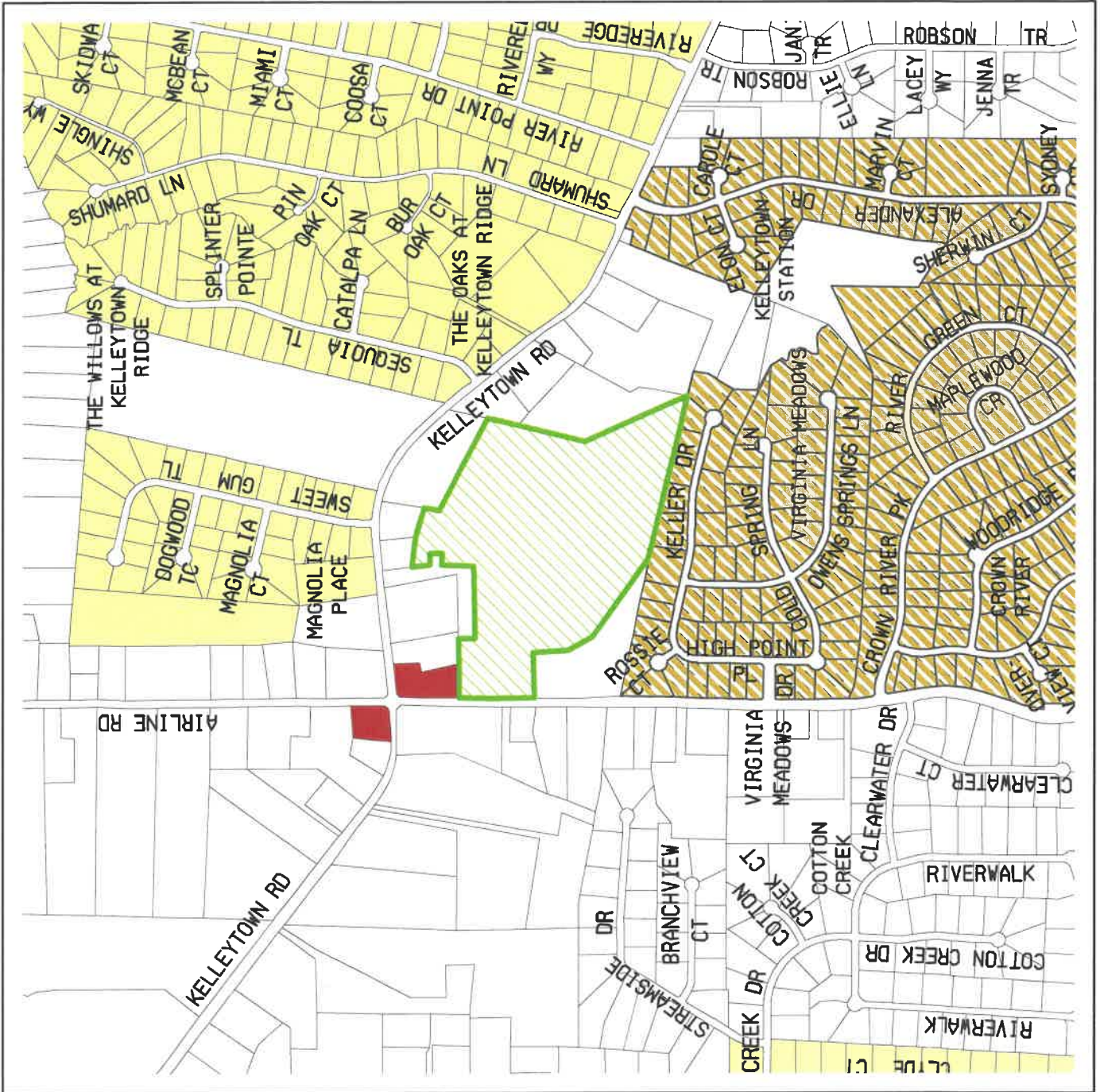
Legend

Request	Color/Pattern
RZ-22-15	Green diagonal lines
RS	Light yellow
RMH	Dark brown
RM	Medium brown
RD	Orange
RA	White
R-4	Light green
R-3	Yellow
R-2	Yellow diagonal lines
R-1	Light yellow
PD	Pink
OI	Blue
MU	Light orange
MR2	Dark brown
MR1	Medium brown
M-2	Grey
M-1	Light grey
DTRC	Blue
DTMU	Dark blue
CITY	Light green
C-3	Dark red
C-2	Red
C-1	Dark red

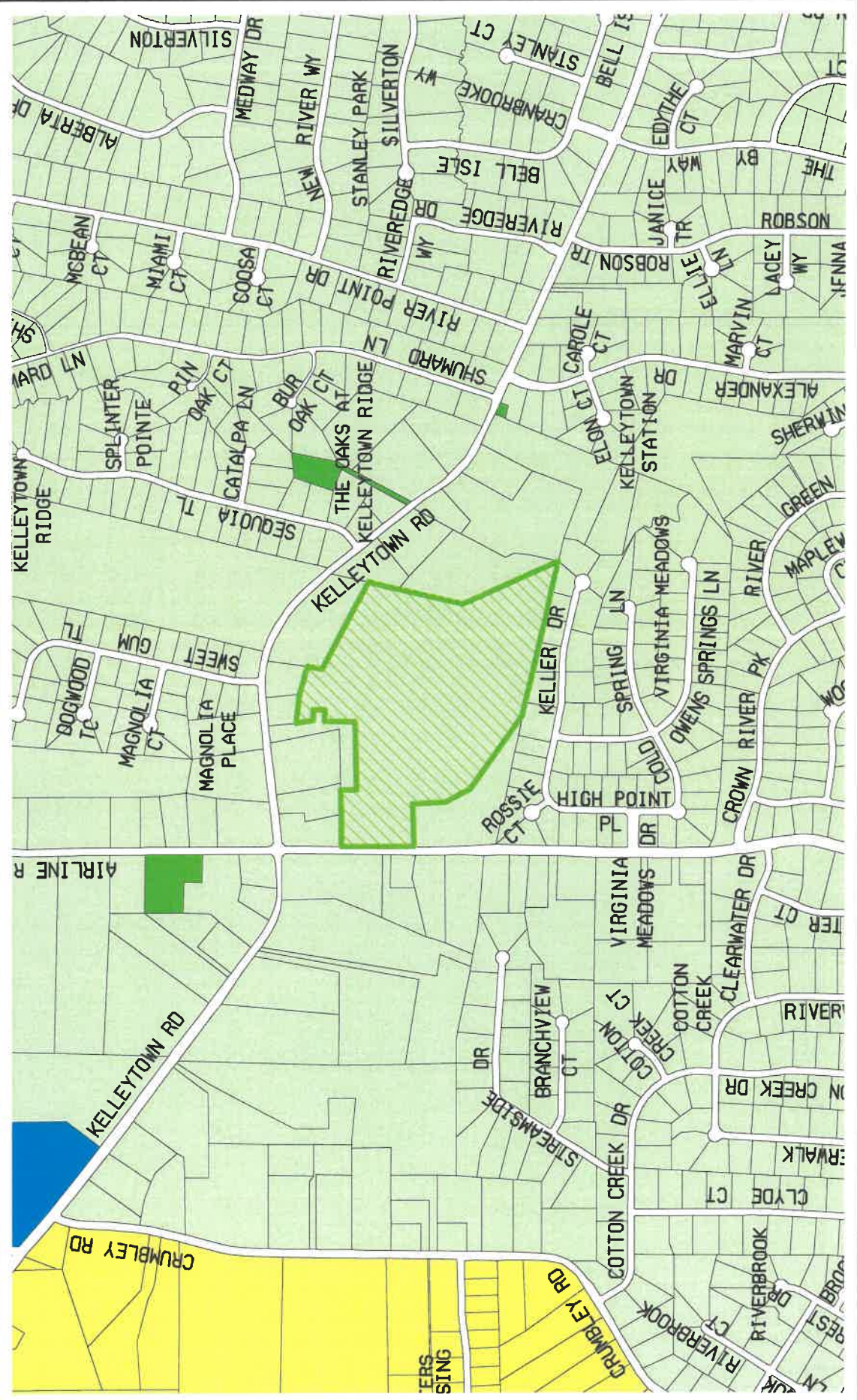
Scale: 1" = 1000'

Current Zoning Map

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



Future Land Use Map



Request

- RZ-22-15
- FLU
- CITY
- MX - Mixed Use
- RR - Rural Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential
- COM - Commercial
- OI - Office Institutional
- INDUS - Industrial
- PI - Public/Institutional
- PRC - Park/Recreation/Conservation
- TCU - Transportation/Communication/Utilities



Henry County

EXECUTIVE SUMMARY

BOARD OF COMMISSIONERS MEETING

Meeting Date:

March 5, 2024

Department Requesting Agenda Item:

Planning & Zoning

Action Type:

- Action requested by BOC
- For informational purposes only

Attachments/Exhibits for Agenda Item:

1. Executive Summary
2. Resolution
3. Site Plan, rec 1-23-24
4. Renderings
5. ZAB Minutes, 10-13-2022
6. Staff Report

Presenter:

Kenta Lanham, Planner III

Agenda Item:

DRB Group, LLC of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26 +/- acres, and the request is for a single-family residential subdivision. **District 3**

Applicant: DRB Group, LLC

Case Number: RZ-22-15

Agent: Moore Bass Consulting, Inc.

Commission District: 3

Background/Summary:

The applicant is requesting to rezone 51.26 +/- acres from RA (Residential-Agricultural) to R-2 (Single-Family Residential) for the purpose of a single-family residential development served by individual septic system.

Financial Implications/Considerations: N/A

The project is budgeted.	Y	or	N
The project will require the use of Fund Balance.	Y	or	N
If yes, please state amount _____.			
The project will require no funds.	Y	or	N
The project is grant funded and will require a _____% match and those funds are/are not budgeted.	Y	or	N
Is this request a Capital Project and part of the Capital Project List?	Y	or	N

Additional Comments / Recommendation:

On October 13, 2022, the Zoning Advisory Board recommended denial of the applicant's request to rezone the subject property from RA (Residential-Agricultural) to R-2 (Single-Family Residential) due to incompatibility with the Future Land Use Map (FLUM) designation at the time.

On October 30, 2023, the Henry County Board of Commissioners adopted an update to the Comprehensive Plan and FLUM which designates the subject property as Low Density Residential, supporting up to 2.0 dwelling units per acre, net.

Staff recommends approval of the applicant's request to rezone the subject property from RA (Residential-Agricultural) to R-2 (Single-Family Residential) with the following conditions:

Generally:

1. The development standards of the ULDC shall govern regardless of the conceptual site plan or other application document except as conditioned otherwise.

Infrastructure:

2. All entrances shall be located such that the minimum intersection sight distance and the minimum spacing requirement are met per the road's posted speed limit. All entrances shall have a deceleration lane and acceleration taper designed and constructed to HCDOT & GDOT standards.
3. A traffic impact study (TIS) shall be required. All indicated improvements shall be required of the owner/developer by HCOD.

Residential Standards:

4. Planning and Zoning Staff shall provide final approval for all elevations before final plat submittal.
5. The number of total dwelling units shall not exceed 48 lots. Compliance with zoning conditions and development standards may further limit the number of dwelling units.
6. All disturbed areas shall be sodded, except where landscaping is present or installed.
7. All houses shall be built on site (no modular or manufactured homes) and a minimum of 1,600 square feet of heated floor space.
8. Each permitted home in the development shall be compatible with existing homes, as determined by the Planning and Zoning Department. The Planning and Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined.
9. All homes shall have a minimum two-car garage. Garages shall be side entry.
10. All driveways shall be a minimum of forty feet (40') in length measured from the back of curb with a minimum width of twenty feet (20').
11. At least 1/3 of the front façade of all homes shall be of brick or stone. The remainder shall consist of a combination of brick, stone, or cement fiberboard. The developer/builder shall be responsible for notating the percentage breakdown of materials on each building plan submitted for review and will be verified by Building & Plan Review.

12. No lot shall be permitted to have the same house plan replicated within 3 lots on either side. The developer and/or builder shall provide a site plan indicating the proposed house plans for each respective lot in the 6-lot vicinity for the purpose of review at the time of permit application.
13. No residential dwelling shall be located within 110% of the height recorded for the adjacent cell tower.

Landscaping and Signage:

14. Entrance signs shall be monument-based meeting the approval of the Planning and Zoning Department. The sign structure shall be constructed of materials consistent with the architecture and exterior treatment of the residential buildings
15. There shall be a ninety (90') foot enhanced landscape buffer along Airline Road, with the exception of any recorded easements and not to prohibit access to the site. There shall be a thirty (30') foot undisturbed or enhanced landscape buffer along the south property line which may be located on the building lots. The buffers shall meet the standards of *Chapter 5, Section 5.02.00* of the ULDC and be subject to approval from the Henry County Building and Plan Review Department and the Planning and Zoning Department prior to the issuance of a land disturbance permit.
16. There shall be a twenty foot (20') enhanced landscape strip along the rear property line of those that share a rear property line (10' along each property line) which may be on the residential lots. The landscape strip shall be planted with shrubs and/or small trees where vegetation is disturbed or non-existent. Planning and Zoning Staff shall provide final approval for the landscape strip before final plat submittal.
17. There shall be no clear cutting of the property.

Amenities:

18. The developer/owner shall place a centralized covered mailbox unit, constructed in an architectural style consistent with that of the residential units it serves, with a drive-thru outside of the public right-of-way for those homes that will not be served individually by the United States Postal Service. The mailbox unit shall be landscaped with shrubs and ground cover plant material meeting the standards of Chapter 5, Section 5.01.04 of the ULDC.
19. An amenity area shall be provided and include, at a minimum: a passive green space park with enhanced landscaping and a covered 1000 square foot pavilion and sitting area. The required covered mailbox kiosk shall not be considered to satisfy this condition.

Homeowner's Association:

20. An HOA shall be required. Covenants shall be recorded which mandate that control of the HOA shall be transferred to the homeowner immediately upon the initial sale of seventy percent (70%) of the completed homes. A copy of the recorded covenants shall be provided to the Building and Plan Review Department before final plat is approved.
21. The subdivision shall be developed as an owner-occupied community. No more than ten (10%) percent of the homes may be rented or lease-purchased at any one time.