

**CITY OF STATHAM**  
**AGENDA**  
Statham City Hall  
327 Jefferson Street, Statham, GA 30666



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**WORK SESSION & PUBLIC HEARING – November 4, 2021**

**6:30 P.M.**

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**CALL TO ORDER**

Roll Call

**PLEDGE OF ALLEGIANCE**

**REPORTS** - provided to Mayor and City Council

1. Finance Department
2. Public Works Department

**PUBLIC HEARING**

1. **Millage Rate for Tax Year 2021:** The City of Statham property tax levied for Barrow County increased for the 2021 tax year by \$40,000. The City of Statham anticipates the property tax levies for Barrow County for the tax year 2021 will be set at 4.345 mills, which is a 16.64% increase from the proposed rollback rate of 3.725. A tax report was provided to the Mayor, Council and Citizens at the September 9, 2021 Work Session and is available on the City's website and social media page.
2. **R-21-08:** Presidential Oaks Properties, LLC, by Mitchell Tress, applicant, Margaret Ann Hamway, property owner, seek to rezone property (9.0 acres) fronting on the south side of Atlanta Highway, S.E. and the west side of Mulberry Street (part of Map/Parcel ST02/029) from SR-1, Suburban Residential-1 District to MFR, Multiple-Family Residential District. Proposed use: 62 fee simple townhouses.
3. **R-21-09:** Presidential Oaks Properties, LLC, by Mitchell Tress, applicant, Margaret Ann Hamway, property owner, seek to rezone property (2.6 acres) fronting on the south side of (1811) Atlanta Highway, S.E. (Map/Parcels ST01/024, part of ST02/029, ST01/025A, and ST01/025 from SR-1, Suburban Residential-1 District to HB, Highway Business District. Proposed use: commercial.

**DISCUSSION ITEMS**

1. **Impact Fees:** To discuss the City implementing and utilizing impact fees. Impact fees, which are on-time fees charged to land developers to help defray the costs of expanding capital facilities to serve new growth, can be a substantial source of revenue for financing capital improvements. Impact fee funds are utilized for specific improvement categories.



Examples of these public improvements include parks and open space; public safety facilities; stormwater facilities; water supply, production, treatment and distribution facilities, and roads, streets and bridges, landscaping and any components of state or federal highways. With proper planning and execution, the City's impact fee schedule of improvements can be established for a five-year plan up to a 20-year plan. The cost to prepare, plan and process impact fees which entail an amendment to the comprehensive plan, an impact fee ordinance, structure of the fee, complying with the planning requirements of DIFA (Georgia Development Impact Fee Act), and developing a CIE (Capital Improvements Element), is approximately \$10,000 - \$15,000, all of which is a reimbursable expense.

2. **Preliminary Plat Statham Place:** Application for Preliminary Plat Approval for "Statham Place," Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095).

#### CITIZEN INPUT

#### MINUTE APPROVAL

1. October 19, 2021 Regular Meeting & Public Hearing Minutes

**EXECUTIVE SESSION:** Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, Administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation.**

#### ADJOURN

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#### Public Notices:

**Millage Rate for Tax Year 2021:** The City of Statham will set the millage rate at the Regular Meeting on Tuesday, November 16th at 7:00 p.m. at Statham City Hall, 327 Jefferson St., Statham, Georgia 30666. The five-year tax and levy history will be published no less than 14 days prior to its adoption.



**PT-32.1 - Computation of Millage Rate Rollback and Percentage Increase in Property Taxes - 2021**

<b>COUNTY:</b>	BARROW	<b>TAXING JURISDICTION:</b>	STATHAM
<b>ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW</b>			
<b>DESCRIPTION</b>	<b>2020 DIGEST</b>	<b>REASSESSMENT OF EXISTING REAL PROP</b>	<b>OTHER CHANGES TO TAXABLE DIGEST</b>
REAL	76,116,901	5,481,443	(7,207,666)
PERSONAL	5,122,882		326,240
MOTOR VEHICLES	664,500		216,090
MOBILE HOMES	292,643		39,963
TIMBER -100%	0		0
HEAVY DUTY EQUIP	0		3,091
GROSS DIGEST	82,196,926	5,481,443	(6,622,282)
EXEMPTIONS	13,186,059	769,191	(792,611)
NET DIGEST	69,010,867	4,712,252	(5,829,671)
	(PYD)	(RVA)	(NAG)
<b>2020 MILLAGE RATE:</b>	4.003		<b>PROPOSED 2021 MILLAGE RATE:</b> 4.600

**CALCULATION OF ROLLBACK RATE**

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2020 Net Digest	PYD	69,010,867	
Net Value Added-Reassessment of Existing Real Property	RVA	4,712,252	
Other Net Changes to Taxable Digest	NAG	(5,829,671)	
2021 Net Digest	CYD	67,893,448	(PYD+RVA+NAG)
2020 Millage Rate	PYM	4.003	PYM
Millage Equivalent of Reassessed Value Added	ME	0.278	(RVA/CYD) * PYM
Rollback Millage Rate for 2021	<b>RR - ROLLBACK RATE</b>	<b>3.725</b>	PYM - ME

**CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES**

If the 2020 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)			
Rollback Millage Rate	3.725		
2021 Millage Rate	4.600		
<b>Percentage Tax Increase</b>	<b>23.09%</b>		



## CITY OF STATHAM

The City of Statham does hereby announce that the millage rate will be set at a meeting to be held at Statham City Hall, 327 Jefferson St., Statham, Georgia 30666 on November 16, 2021 at 7:00 p.m., and pursuant to O.C.G.A. 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and the levy for the past five years.

	2017	2018	2019	2020	2021
<b>CITY OF STATHAM</b>					
Real and Personal	\$ 52,989,745	\$ 62,679,238	\$ 68,478,920	\$ 81,239,783	\$ 79,839,800
Motor Vehicle	1,374,170	1,119,400	1,112,190	664,500	880,590
Mobile Homes	293,688	271,387	285,416	292,643	332,606
Timber 100%	0	0	0	0	0
Heavy Duty Equipment	0	0	0	0	3091
Gross Digest	54,657,601	64,070,025	69,876,526	82,196,926	81,056,087
Less M&O Exemptions	7,306,485	7,658,985	9,486,240	13,186,059	13,162,639
Net M&O Digest	47,351,116	56,411,067	60,390,286	69,010,867	67,893,448
Gross M&O Millage	12.106	10.8	10.715	11.94	11.574
Less Rollbacks	7.189	6.445	6.522	7.937	8.4
Net M&O Millage	4.917	4.355	4.193	4.003	4.345
Net Taxes Levied	\$ 232,825	\$ 245,670	\$ 253,216	\$ 276,250	\$ 295,000
Net Taxes \$ Increase	28,944	-12,845	-7,546	-23,034	-18,750
Net Taxes % Increase	12.43%	-5.52%	-3.07%	-9.10%	-6.79%





# CITY OF STATHAM

The City of Statham does hereby announce that the millage rate will be set at its meeting to be held at Statham City Hall on October 18, 2016, immediately following a public hearing at 7:00 p.m., and pursuant to the requirements of O.C.G.A., do hereby publish the following presentation of the current year's tax digest and levy along with the history of the tax digest and the levy for the past five years.

## CURRENT TAX DIGEST AND FIVE-YEAR HISTORY OF LEVY

CITY OF STATHAM	2011	2012	2013	2014	2015	2016
Real and Personal	\$49,763,035	\$43,950,050	\$44,011,526	\$51,966,944	\$51,738,829	\$49,881,238
Motor Vehicle	3,592,830	3,573,470	3,752,480	3,257,310	2,287,560	1,761,600
Mobile Homes	361,363	353,922	325,902	304,627	298,123	296,412
Timber 100%	0	0	0	0	0	0
Heavy duty Equipment	0	0	0	0	0	0
Gross Digest	53,717,228	47,877,442	48,089,908	55,528,881	54,324,512	51,939,250
Less M & O Exemptions	992,000	988,000	980,000	978,000	970,000	942,000
Net M & O Digest	52,725,228	46,889,442	47,109,908	54,550,881	53,354,512	50,997,250
Gross M & O Millage	11.012	12.581	12.756	11.381	11.864	11.714
Less Rollbacks	5.671	6.653	6.828	5.604	6.087	6.581
Net M & O Millage	5.341	5.928	5.928	5.777	5.777	5.133
Net Taxes Levied	281,605	277,960	279,268	315,140	308,229	261,769
Net Taxes \$ Increase	-29,999	-3,645	1,308	35,872	-6,911	-46,460
Net Taxes % Increase	-9.62%	-1.29%	0.47%	12.80%	-2.19%	-15.07%



Home Value	Assessed Value (40%)	Rollback Rate (RB)	City Tax @ RB	Proposed Rate (PR)	City Tax @ PR	Difference from 2020
\$ 150,000.00	\$ 60,000.00	3.725	\$ 223.50	4.6	\$ 276.00	\$ 52.50
\$ 175,000.00	\$ 70,000.00	3.725	\$ 260.75	4.6	\$ 322.00	\$ 61.25
\$ 225,000.00	\$ 90,000.00	3.725	\$ 335.25	4.6	\$ 414.00	\$ 78.75
\$ 275,000.00	\$ 110,000.00	3.725	\$ 409.75	4.6	\$ 506.00	\$ 96.25
\$ 300,000.00	\$ 120,000.00	3.725	\$ 447.00	4.6	\$ 552.00	\$ 105.00
\$ 350,000.00	\$ 140,000.00	3.725	\$ 521.50	4.6	\$ 644.00	\$ 122.50



**CITY OF STATHAM, GA  
ZONING ADMINISTRATOR'S STAFF REPORT**

**TO:** Honorable Mayor and City Council, City of Statham

**DATE:** October 29, 2021

**SUBJECT:** **R-21-08:** Rezoning From SR-1 (Suburban Residential-1) District to MFR (Multiple-Family Residential District)

**PUBLIC HEARING:** November 4, 2021 @ 6:30 p.m. (Mayor and City Council)

**VOTING SESSION:** November 16, 2021 @ 7:00 p.m. (Mayor and City Council)

**APPLICANT:** Presidential Oaks Properties, LLC, by Mitchell Tress

**OWNER(S):** Margaret Ann Hamway

**LOCATION:** Fronting on the south side of Atlanta Highway, S.E. and the west side of Mulberry Street

**PARCEL #:** Part of Map/Parcel ST02/029

**ACREAGE:** 9.0

**EXISTING LAND USE:** Vacant/undeveloped

**PROPOSED USE:** 62 fee simple townhouses

**SURROUNDING LAND USE/ZONING:**

**NORTH:** Single-family dwelling, SR-1 (Suburban Residential 1); Single-family dwellings and vacant (SR-1) (proposed to be rezoned to HB per Case #R-21-09)

**EAST:** Across Mulberry Street: Single-family dwellings, SR-1; multi-family/ care facility, O-I (Office-Institutional)

**SOUTH:** Single-family dwelling, SR-1

**WEST:** Commercial (mini-storage buildings), and vacant (multi-family approved called Lyle's Corner)

**RECOMMENDATION:** Approval, Conditional



**Tax Map/Aerial Photo of Property**

**SUMMARY OF REQUEST**

The applicant seeks to subdivide Map/Parcel ST02/029 (9.68 acres), most of which is proposed for a 62-unit fee simple townhouse development (i.e., this rezoning application for MFR) and the remainder of which is proposed for HB (Highway Business) zoning (part of R-21-09). A conceptual site plan for the 62 townhouses is provided at the end of this report.

The subject property (approximately 9 acres) has frontage on both Atlanta Highway and Mulberry Street. However, the only proposed access point is to Mulberry Street. The access road serving the development, is designed as a loop road with no dead-end. Parking bays are proposed abutting the access street for additional parking within the development and for parking at the proposed mailbox kiosk.

For fee simple townhouses, where each unit is constructed on its own lot and therefore involves the subdivision of land, the access road is required to be constructed to public street standards of the city. The road could be public or private.

Listed below are various code requirements for the MFR zoning district, and for fee-simple townhouse dwellings.

**MFR Zoning District and Other Requirements (Table 2-2 UDC):**

Maximum density in units per acre:	8 units per acre
Maximum building height, feet:	50'
Maximum building height, stories:	3
Maximum building coverage:	45% of lot
Minimum heated floor area per unit:	700 square feet
Building setbacks:	35' front, 15' side, 25' rear
Building setback abutting residential:	30'
Buffer abutting residential (non-MFR):	20'
Minimum landscaped open space:	15% of lot
Landscape strip abutting right of way:	10'
Minimum parking spaces per unit:	2 (Sec. 6-703 UDC)

The conceptual site plan demonstrates compliance with many but not all of these requirements. The buildings are proposed to be two-story. A 20' building separation will be required between townhouse buildings; in addition, the end-unit lots will have to have 15' wide building setbacks (making the effective minimum distance between buildings of 30 feet). Along the south property line, a building setback abutting SR-1 zoning of 30 feet is required, within which a 20-foot-wide natural buffer is required. The site plan shows only a 15 foot building setback. This will necessitate a design change.

**Fee-simple Townhouse Dwelling Requirements (Sec. 3-032):**

Maximum # units in a building:	6
Minimum building separation:	10' per story
Zero lot line:	Permitted between units in same building
Minimum lot area townhouse lot:	None specified
Minimum lot width townhouse lot:	None specified
Minimum lot frontage townhouse lot:	20' (Sec. 1-111)
Plat approval:	Preliminary and final plats by City Council

**Water Supply Watershed Protection:**

Although most of Statham south of the railroad tracks is in the Upper Barber Creek watershed, the subject property appears to be in the Bear Creek Water Supply watershed. There are no streams on site. Therefore, no buffers to streams are required by Article 3 of the UDC. However, impervious surface is limited to 30% of the total site area (Sec. 4-110 UDC). The maximum number of dwelling units proposed to be

constructed on the property (62) may not be attainable, given zoning buffer and maximum impervious surface requirements, and other design limitations.

**STANDARDS GOVERNING EXERCISE OF ZONING POWER**  
**(Sec. 13-210 Statham UDC)**

***Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in their own determinations, as it determines appropriate. The council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does not need to address each and every criterion, but only those that are relevant to support its own determination.***

***(a) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?***

Finding: The application is considered consistent with the Multiple-Family Residential zoning district which is intended to establish suitable areas primarily for a wide variety of housing types including apartments, residential condominiums, fee-simple townhouses, and one- and two-family dwellings with resulting densities not exceeding 8 units per acre (minimum area per dwelling unit of 5,445 square feet). With 62 units proposed on approximately 9 acres, the conceptual site plan demonstrates it can comply with the maximum density of 8 units per acre (***meets criterion/supports request***).

***(b) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?***

Finding: MFR zoning is considered appropriate considering: (1) the site's frontage on Atlanta Highway; (2) approved multi-family development abutting to the west (i.e., Lyle's Corner); and (3) its proximity across the street from multi-family care facility zoned MFR (***meets criterion/supports request***).

***(c) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?***

Finding: A natural buffer of 20 feet with a 35 foot setback is required along the south property line abutting SR-1 zoning, which should be adequate to protect the adjacent single-family neighborhood. With the required buffer, the proposed development will not adversely affect the use or usability of adjacent or nearby property. Homes that now exist to the north of the site, along Atlanta Highway, are proposed to be rezoned for highway commercial use. Assuming they are, no buffer would be required and the proposed townhouse development would not adversely affect commercial development (***meets criterion/supports request***).



**(d) Is the proposed use compatible with the goals, objectives, purpose and intent of the comprehensive plan?**

Finding: The future land use plan map for the City of Statham, amended June 2021, shows the site is suitable for commercial land use. Multi-family development in the form of fee simple townhouses is not consistent with that recommendation (**inconsistent**) but it is considered a viable alternative to commercial land use on the site (**appropriate**).

**(e) Are there substantial reasons why the property cannot or should not be used as currently zoned?**

Finding: None noted (inconclusive).

**(f) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?**

Finding: The plan shows there is sanitary sewer running along the south side of Atlanta Highway. It is the applicant's responsibility to ensure that appropriate water and sanitary sewer facilities area available to serve the development. Rezoning does not guarantee or promise such service (**inconclusive**).

Finding: The residential development will generate additional public school students, though the exact generation rate cannot be estimated. It is likely to be less than a detached, single-family subdivision (**inconclusive**).

Each unit will generate approximately 7 vehicle trips per day, for an estimated total of 434 trips, or approximately 43 during each a.m. and p.m. peak hour. Per the Barrow County Transportation Plan (2015 Update), Atlanta Highway is functionally classified as a rural minor collector. Atlanta Highway through the City of Statham is not (no longer) on the state route system, per local staff and planning documents. This means the city has control and jurisdiction over access to Atlanta Highway, rather than the Georgia Department of Transportation.

Finding: Mulberry Street is only a 30-foot right of way, which is considered substandard. The conceptual site plan indicates a proposal to dedicate right of way such that there is 30 feet from the centerline along the property frontage, which is considered appropriate when development abuts a substandard street without curb and gutter. This is also a code requirement (reference Sec. 6-303e UDC). The site plan also shows a sidewalk along the Mulberry Street frontage. The existing road width is not evident from the site plan, but staff recommends widening of the pavement width along the property frontage to provide for 13 feet from the centerline (another code requirement (see Sec. 6-207 UDC). Also, the code requires the provision of a southbound deceleration lane into the proposed development (Reference: Sec. 6-321 UDC).

- (g) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?**

Finding: Not applicable/no finding.

- (h) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?**

Finding: Considering that highway business zoning would be appropriate for the site, considering the recommendation of the future land use plan, staff believes that MFR zoning, with conditions, is appropriate for the site.

### **CONCLUSION AND RECOMMENDATION**

The application meets several of the criteria for zoning decisions. Planning staff recommends approval with several conditions.

### **RECOMMENDED CONDITIONS OF ZONING APPROVAL**

If this request for zoning is approved, it should be approved **CONDITIONAL**, subject to the owner's agreement to abide by the following conditions:

1. **Use and density.** The subject property shall be limited to no more than 62 fee-simple townhouses, including accessory uses and structures and recreational uses.
2. **Building height.** The height of buildings shall not exceed two stories and 40 feet.
3. **Minimum lot size and width.** The minimum lot size of any townhouse lot shall be 2,400 square feet, and the minimum lot width shall be 24 feet.
4. **Two-car garage.** Each unit shall have a two-car garage.
5. **Minimum heated floor area per dwelling unit.** The minimum heated floor area per dwelling unit shall be 1,725 square feet (excludes garage space).
6. **Exterior material finishes.** No less than 40% of all building sides, excluding windows and doors, shall be comprised of brick (masonry), stone, brick veneer and/or natural stone veneer. The remainder of the exterior walls shall be finished with fiber cement siding and other trim or accent materials approved by the zoning administrator.
7. **No access to Atlanta Highway.** There shall be no access from this lot or any individual lot created within the development onto Atlanta Highway. A 10-foot

wide no access easement shall be required on the final plat along the entire property frontage of Atlanta Highway.

8. **Internal access required.** All units shall access an internal street; no driveways for individual units shall be permitted onto Mulberry Street. The internal access street shall be private but built to city standards for a public street.
9. **Mulberry Street additional right of way dedication.** At no cost to the city, prior to final plat approval, the owner shall dedicate additional right of way along the entire property frontage of Mulberry Street to provide for 30 feet of right of way from the centerline.
10. **Mulberry Street road improvement.** The owner shall install a deceleration lane (right turn lane) southbound on Mulberry Street to the project entrance meeting requirements of the city. The owner shall widen Mulberry Street's pavement to a minimum of 13 feet from the centerline and install a 5-foot minimum wide sidewalk along the entire property frontage.
11. **Detention pond fencing.** Any detention pond on the subject site shall be fenced with a minimum height of five (5) feet. If chain link fencing is utilized, it shall be vinyl coated.
12. **Water/sewer.** The owner/developer shall be required to upgrade, relocate, and/or replace water lines and sanitary sewer lines within the subject property serving the development as a condition of connection to the city's utility systems. Also, the owner/developer shall contribute any capacity reservation fee if required by the city or Barrow County Water and Sewerage Authority to allocate and/or reserve sanitary sewer capacity for the proposed development.

**Presidential Oaks Properties, LLC**

**Letter of Intent**

**September 8, 2021**

**City of Statham  
Planning Division  
330 Jefferson St  
Statham, Ga 30666**

**Property Address: Atlanta Hwy SE**

**To the City of Statham:**

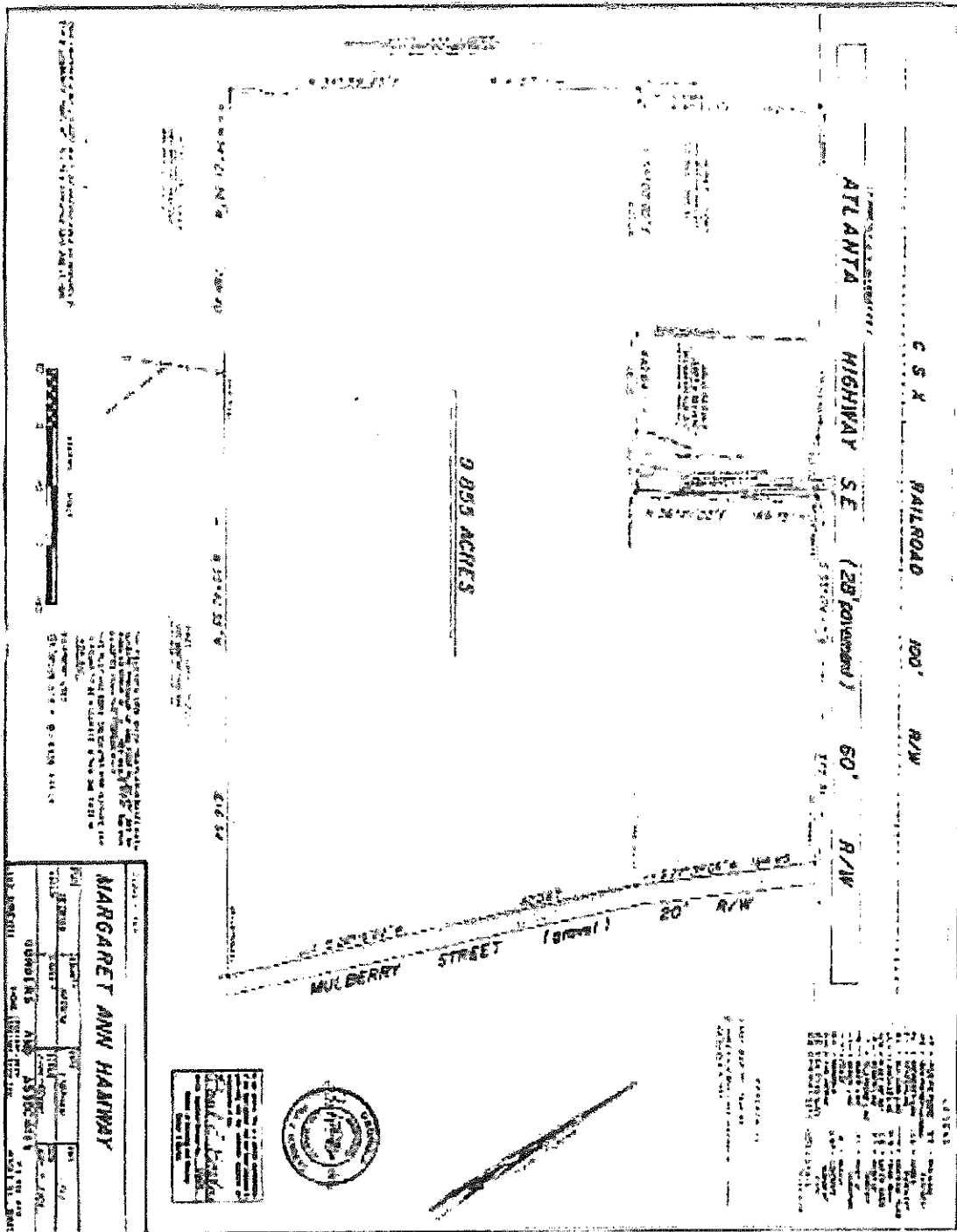
**Our company, Presidential Oaks Properties, on behalf of the property owner, Margaret Hamway, is proposing a project within the City of Statham. The project is located at the corner of Atlanta Highway SE & Mulberry Street (Plat- Book 56 Page 103 and parcel ID number ST02 029). The project includes 10.98 acres (478,288.80 Sq Ft) and is currently zoned SR-1.**

**The proposed development includes multi-family zoning that will contain 62 fee simple townhomes on the Mulberry Street side of the property. The development will also include three large highway business tracts along Atlanta Highway to correspond with the Future Land Use Map.**

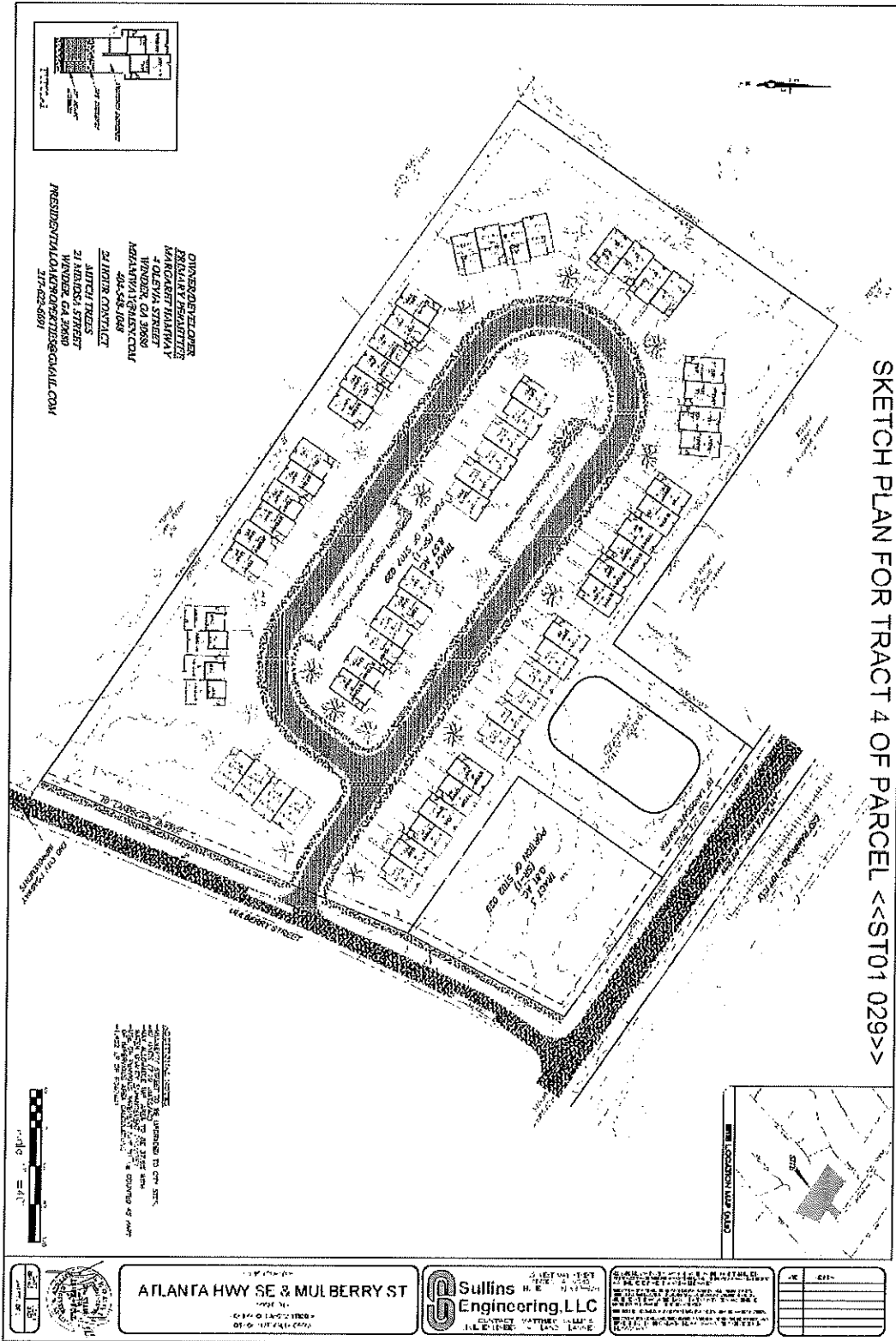
- **Density – 7.19 Units Per Acre**
- **Townhouse Square Footage – 1725 Sq Ft to 1792 Sq Ft**
- **Development Contact**
  - **Mitchell Trees: 217-622-6691**

**Sincerely,**

**Mitchell Tress**



Boundary Survey



Site Plan

**CITY OF STATHAM, GA  
ZONING ADMINISTRATOR'S STAFF REPORT**

**TO:** Honorable Mayor and City Council, City of Statham

**DATE:** October 29, 2021

**SUBJECT:** **R-21-09:** Rezoning From SR-1 (Suburban Residential-1) District to HB (Highway Business) District

**PUBLIC HEARING:** November 4, 2021 @ 6:30 p.m. (Mayor and City Council)

**VOTING SESSION:** November 16, 2021 @ 7:00 p.m. (Mayor and City Council)

**APPLICANT:** Presidential Oaks Properties, LLC, by Mitchell Tress

**OWNER(S):** Margaret Ann Hamway

**LOCATION:** Fronting on the south side of Atlanta Highway, S.E.

**PARCEL #:** ST01/024 (1.16 acre), ST01/025A (0.43 acre), ST01/025 (0.26 acre) and part of ST02/029 (to be divided) (0.81 acre)

**ACREAGE:** 2.66 (in three existing parcels and one proposed parcel)

**EXISTING LAND USE:** Single-family dwellings and undeveloped

**PROPOSED USE:** Commercial

**SURROUNDING LAND USE/ZONING:**

**NORTH:** Across Atlanta Highway: Single-family dwellings, SR-1 (Suburban Residential-1) District

**EAST:** Vacant/undeveloped, SR-1 (proposed MFR zoning, R-21-08);  
Across Mulberry Street: Single-family dwelling, SR-1

**SOUTH:** Vacant/undeveloped, SR-1 (proposed MFR zoning, R-21-08)

**WEST:** Single-family dwelling, SR-1

**RECOMMENDATION:** Approval, Conditional



**Tax Map/Aerial Photo of Property (1 of 4 parcels highlighted)**

**SUMMARY OF REQUEST**

The subject property consists of three existing parcels zoned SR-1 and one proposed parcel all currently zoned SR-1. The applicant seeks Highway Business (HB) zoning for all four parcels, three of which are contiguous and one that will be divided off of Map/Parcel ST02/029.

Listed below are various code requirements for the HB zoning district:

**HB Zoning District and Other Requirements (Table 2-2 UDC):**

Minimum lot size:	20,000 square feet
Maximum building height, feet:	50'
Maximum building height, stories:	4
Maximum building coverage:	60% of lot
Building setbacks:	35' front, 10' side, 20' rear
Minimum landscaped open space:	15% of lot
Landscape strip abutting right of way:	10'



### **Water Supply Watershed Protection:**

Although most of Statham south of the railroad tracks is in the Upper Barber Creek watershed, the subject properties appear to be in the Bear Creek Water Supply watershed. There are no streams on site. Therefore, no buffers to streams are required by Article 3 of the UDC. However, impervious surface is limited to 60% of the total site area (Sec. 4-110 UDC).

### **Site Plans**

Conceptual plans for commercial development are provided for each parcel at the end of this report. The site plan for two of the tracts is combined. These site plans are conceptual in nature and have not been reviewed for compliance with UDC requirements. Buffer requirements abutting SR-1 to the west, as well as impervious surface limitations may restrict commercial development of the sites as shown on the conceptual plans. Taken together, the three contiguous tracts would be developed with inter-parcel access, which is a code requirement (therefore no condition of zoning approval to that effect is needed). Access points onto Atlanta Highway would be determined at the time of development plan approval.

### **STANDARDS GOVERNING EXERCISE OF ZONING POWER** **(Sec. 13-210 Statham UDC)**

***Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in their own determinations, as it determines appropriate. The council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does not need to address each and every criterion, but only those that are relevant to support its own determination.***

- (a) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?**

Finding: The application is considered consistent with the Highway Business zoning district purpose and intent, which is to establish suitable areas for business activities along major transportation arteries serving the traveling public (***meets criterion/supports request***).

- (b) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?**

Finding: The subject properties are considered suitable for commercial land use given their frontage on Atlanta Highway (***meets criterion/supports request***). However, there are still single-family dwellings zoned SR-1 to abutting the properties to the west

and east (across Mulberry Street). Such properties may or may not transition from detached single-family residential to commercial. If they remain residential, the UDC requires a natural buffer abutting SR-1 zoning and a larger setback. Also, staff recommends that certain uses otherwise allowed in the HB zoning district should be restricted on these parcels given the possibility that single-family dwellings will remain to the west and east of the site (**supports conditional approval limiting certain uses**).

**(c) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?**

Finding: As noted above, the UDC requires a natural buffer when an HB zoning district abuts SR-1 zoning. Staff recommends that certain uses otherwise allowed in the HB zoning district should be restricted on these parcels given the possibility that single-family dwellings will remain to the west and east of the site. If certain use limitations are imposed, staff believes there will not be any adverse effects on abutting single-family properties (**supports conditional approval limiting certain uses**). Commercial development would not have an adverse impact on the proposed townhouses to the south, if rezoned MFR as requested in Case No. R-21-08 (**supports request**).

**(d) Is the proposed use compatible with the goals, objectives, purpose and intent of the comprehensive plan?**

Finding: The future land use plan map for the City of Statham, amended June 2021, shows the site is suitable for commercial land use. The requested HB zoning district is consistent with that recommendation (**meets criterion/supports request**).

**(e) Are there substantial reasons why the property cannot or should not be used as currently zoned?**

Finding: As traffic increases along Atlanta Highway, the viability of properties zoned SR-1 and/or developed for detached, single-family uses decreases significantly due to noise, particulate matter, air pollution, and other external impacts. These conditions give supporting grounds for rezoning the parcels commercial in accordance with the future land use plan (**meets criterion/supports request**).

**(f) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?**

Finding: The plan shows there is sanitary sewer running along the south side of Atlanta Highway. It is the applicant's responsibility to ensure that appropriate water and sanitary sewer facilities area available to serve the development. Rezoning does not guarantee or promise such service (**inconclusive**).

Finding: Non-residential development will not generate additional public school students (**supports application**).

Finding: Per the Barrow County Transportation Plan (2015 Update), Atlanta Highway is functionally classified as a rural minor collector. Atlanta Highway through the City of Statham is not (no longer) on the state route system, per local staff and planning documents. This means the city has control and jurisdiction over access to Atlanta Highway, rather than the Georgia Department of Transportation.

**(g) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?**

Finding: Not applicable/no finding.

**(h) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?**

Finding: Considering that highway business zoning would be appropriate for the site, and considering the recommendation of the future land use plan, staff believes that HB zoning, with conditions, is appropriate for the site.

#### **CONCLUSION AND RECOMMENDATION**

The application meets several of the criteria for zoning decisions. Planning staff recommends approval with conditions.

**RECOMMENDED CONDITIONS OF ZONING APPROVAL**

If this request for zoning is approved, it should be approved **CONDITIONAL**, subject to the owner's agreement to abide by the following conditions:

1. **Prohibited uses.** The following uses otherwise permitted in the HB zoning district shall be prohibited on the tracts: Automobile or other vehicle repair or maintenance or paint; Automobile or other vehicle sales, rental, lease, pre-owned/used; automobile (or other vehicle) service or wash; Bail bonding or bondsperson; Body piercing; Check cashing or payday loan establishment; Consumer fireworks retail sales facility or stand; Contractor's establishment; fuel pumps; Flea, farmer, or other outdoor market; Funeral home, mortuary, or mausoleum; Gasoline service station; Kennel or animal breeding facility; Lodging service, including extended stay; Manufactured or industrialized building sales; Pawn shop or pawnbroker; Recreational vehicle dealer; Self-service storage facility (mini-warehouses); Tattoo studio; Taxi-cab or limousine or bus service, or vehicle for hire; Tire shop or tire display; Tow service; Vapor bar or vapor lounge; Vehicle emission testing facility; Fuel dealer or fuel oil or gas distributor; Welding; Wrecked motor vehicle compound; Manufacturing of signs; Ambulance service; Animal shelter (quasi-public or private); Riding stable.
2. **Building Height.** Maximum building height shall be limited to two stories and 40 feet.
3. **Water/sewer.** The owner/developer shall be required to upgrade, relocate, and/or replace water lines and sanitary sewer lines within the subject property serving the development as a condition of connection to the city's utility systems. Also, the owner/developer shall contribute any capacity reservation fee if required by the city or Barrow County Water and Sewerage Authority to allocate and/or reserve sanitary sewer capacity for the proposed development.

**Presidential Oaks Properties, LLC**

**Letter of Intent**

**September 8, 2021**

**City of Statham  
Planning Division  
330 Jefferson St  
Statham, Ga 30666**

**Property Address: Atlanta Hwy SE**

**To the City of Statham:**

**Our company, Presidential Oaks Properties, on behalf of the property owner, Margaret Hamway, is proposing a project within the City of Statham. The project is located at the corner of Atlanta Highway SE & Mulberry Street (Plat- Book 56 Page 103 and parcel ID number ST02 029). The project includes 10.98 acres (478,288.80 Sq Ft) and is currently zoned SR-1.**

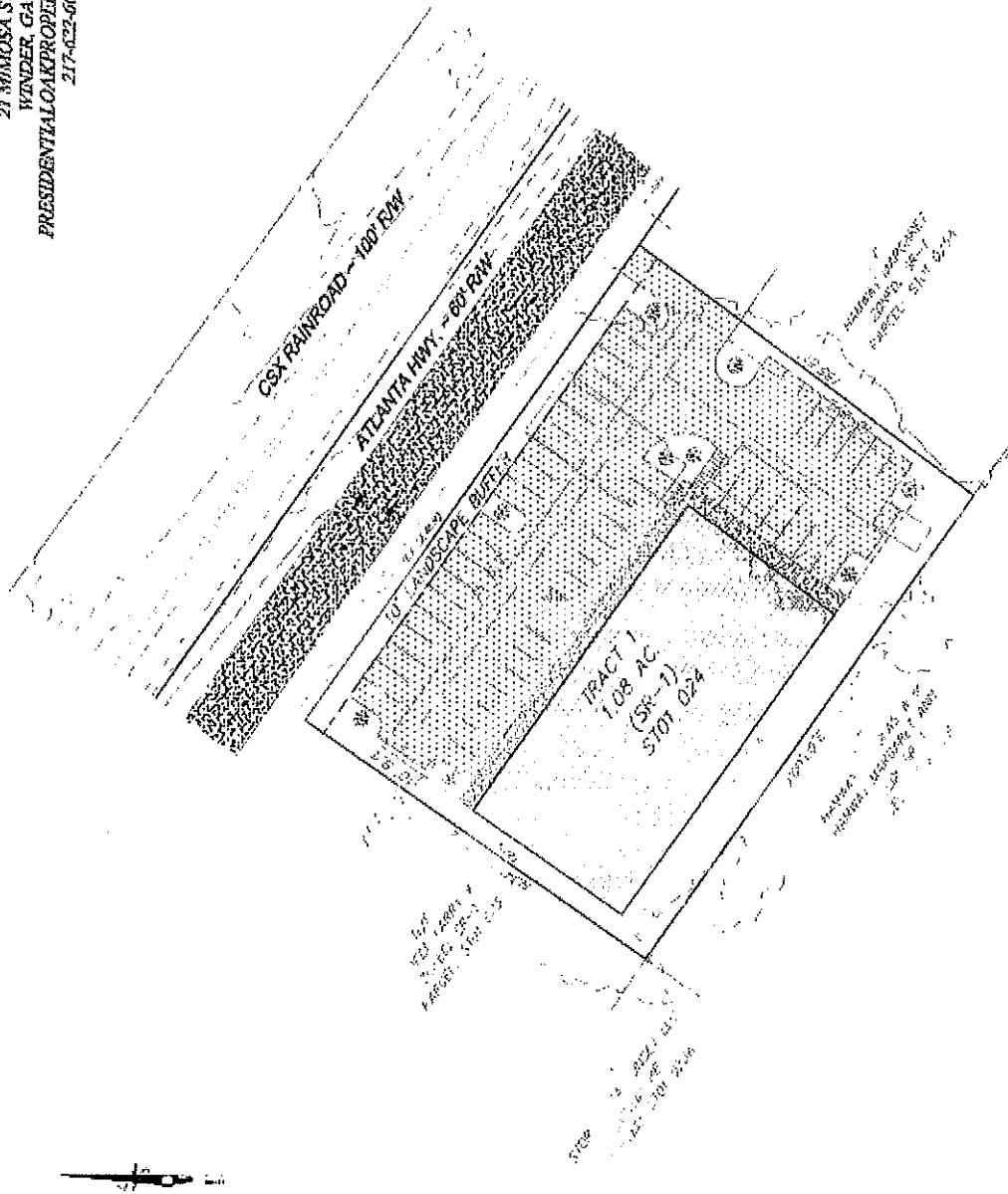
**The proposed development includes multi-family zoning that will contain 62 fee simple townhomes on the Mulberry Street side of the property. The development will also include three large highway business tracts along Atlanta Highway to correspond with the Future Land Use Map.**

- **Density – 7.19 Units Per Acre**
- **Townhouse Square Footage – 1725 Sq Ft to 1792 Sq Ft**
- **Development Contact**
  - **Mitchell Trees: 217-622-6691**

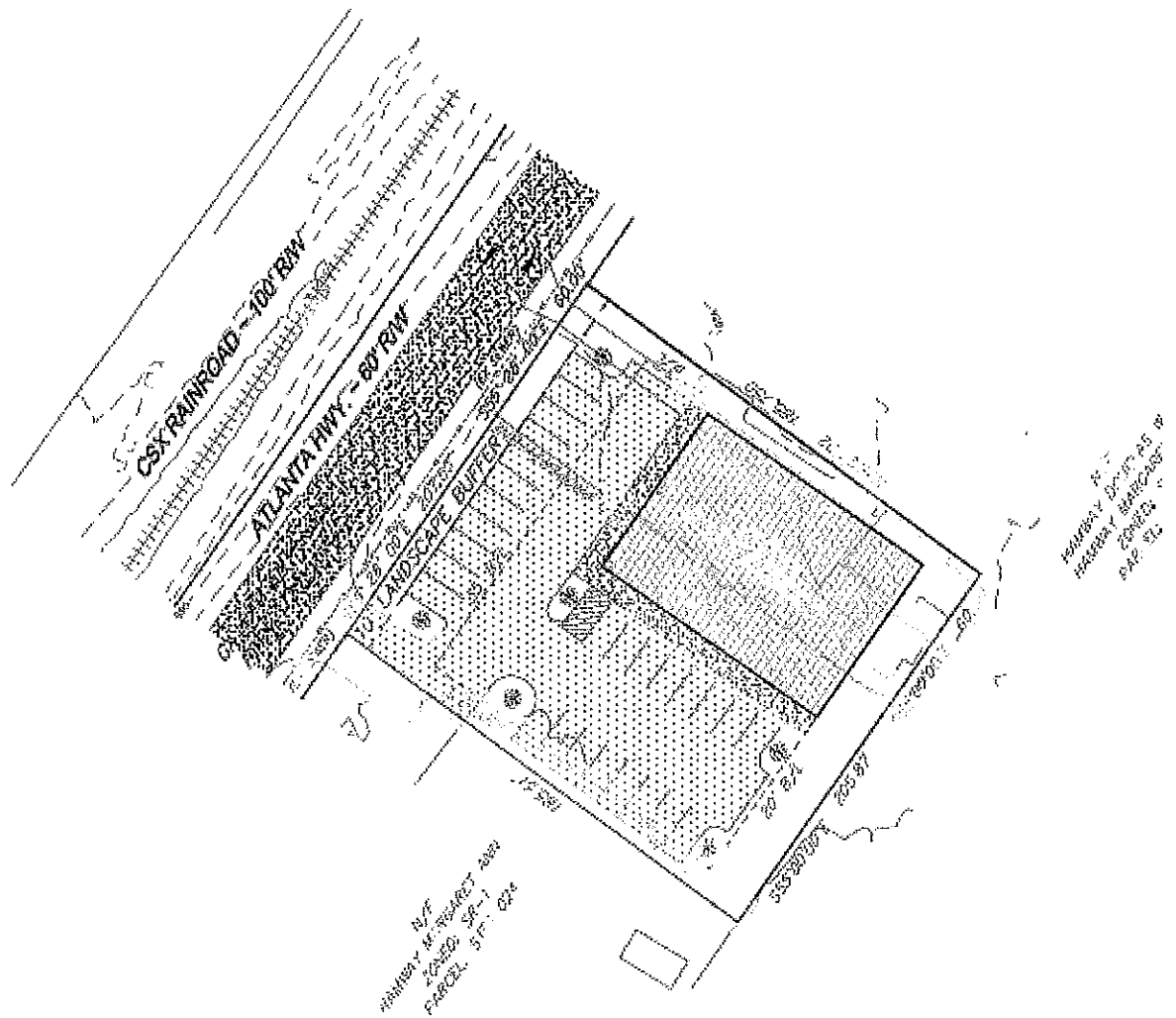
**Sincerely,**

**Mitchell Tress**

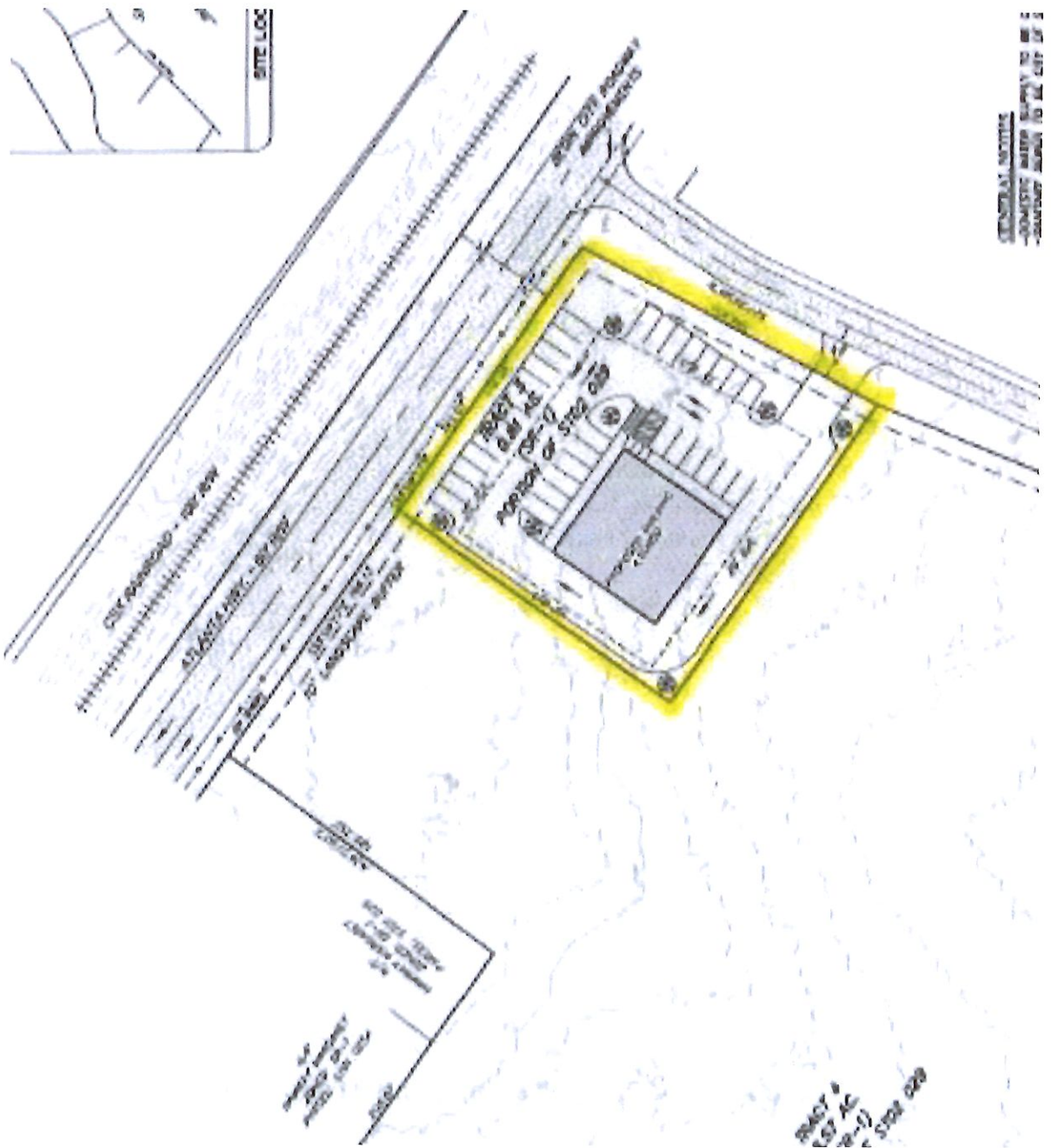
MITCH TREES  
21 MIMOSA STREET  
WINDER, GA 30680  
PRESIDENTIALOAKPROPERTIESINC  
217-622-6691



Site Plan Excerpt, ST01/024



Site Plan Excerpt, ST01/025 and ST01/025A



**Proposed Division of Property and  
Commercial Site Plan, Part of SR02/029**



R-21-08  
R-21-09



RECEIVED  
SEP 07 2021

BY: AS

# PLANNING AND DEVELOPMENT DEPARTMENT

## ZONING APPLICATION

Note: The applicant must complete this and all attached forms except as noted. Failure to complete them will result in the refusal of the application. The Planning Department has up to five (5) working days to review all applications submitted for sufficiency. If the application is found insufficient, an agenda date will not be set until the required information is submitted.

Applicant Name & Address	Property Owner Name & Address
<u>Presidential Oaks Properties, LLC</u>	<u>Margaret Ann Hamway</u>
<u>21 Mimosa St.</u>	<u>PO Box 508</u>
<u>Winder, GA 30680</u>	<u>Winder, GA 30680</u>

Phone: <u>(217) 622-6691</u>	Phone: <u>(404) 548-1048</u>
E-Mail: <u>presidentoaksproperties@gmail.com</u>	E-Mail: <u>mhamway@msn.com</u>

Existing Zoning District: SR-1

Proposed Zoning District: HB and MF (HB: ST01 024, ST01 025A, ST01 025, ST02 029 / MF: ST02 029)

Existing Use of Property: Vacant and Residential (Vacant: ST02 029, ST01 025A / Residential: ST01 024, ST01 025)

Proposed Use: Commercial and Retail Business Park

Tax Map/Parcel Number ST01 024, ST01 025A, ST01 025, ST02 029 and TBD Parcel Acreage: Total 11.53

Location of Property (for legal ad): All tracts are located on Atlanta Highway, Southeast, Statham, GA 30666  
ST01 024 - 1811 Atlanta Hwy, SE  
ST01 025 - 1819 Atlanta Hwy, SE and ST01 025A - 0 Atlanta Hwy, SE  
ST02 029 - Atlanta Hwy, SE and Mulberry Street

I hereby certify that the above information and all attached information are true and correct.

Signature: [Signature] Date: 9-7-21

Application Withdraw:  
I hereby withdraw the application. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Staff Use Only

Application Date: 09-07-2021 Taken by: April Stephens  
Tentative City Council Date: \_\_\_\_\_  
Date Applicant posts signs: \_\_\_\_\_ Fee: \$ 3,800

PAID  CASH  
 CHECK 359 +  
 CREDIT 361



R-21-08 + R-21-09

RECEIVED  
SEP 07 2021

BY: AS



# PLANNING AND DEVELOPMENT DEPARTMENT

## ZONING APPLICATION

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<u>Presidential Oaks Properties, LLC</u>	<u>Margaret Ann Hamway</u>
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<u>Winder, GA 30680</u>	<u>Winder, GA 30680</u>

Phone: <u>(217) 622-6691</u>	Phone: <u>(404) 548-1048</u>
E-Mail: <u>presidentialoaksproperties@gmail.com</u>	E-Mail: <u>mhamway@msn.com</u>

Existing Zoning District: SR-1

Proposed Zoning District: HB and MF (HB: ST01 024, ST01 025A, ST01 025, ST02 029 / MF: ST02 029)

Existing Use of Property: Vacant and Residential (Vacant: ST02 029, ST01 025A / Residential: ST01 024, ST01 025)

Proposed Use: Commercial and Retail Business Park

Tax Map/Parcel Number	<u>ST01 024, ST01 025A, ST01 025,</u> <u>ST02 029 and TBD Parcel</u>	Acreage: <u>Total 11.53</u>
-----------------------	---	-----------------------------

Location of Property (for legal ad): All tracts are located on Atlanta Highway, Southeast, Statham, GA 30666  
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ST01 025 - 1819 Atlanta Hwy, SE and ST01 025A - 0 Atlanta Hwy, SE  
ST02 029 - Atlanta Hwy, SE and Mulberry Street

I hereby certify that the above information and all attached information are true and correct.

Signature: \_\_\_\_\_ Date: 9-7-21

Application Withdraw:  
I hereby withdraw the application. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Staff Use Only

Application Date: 09-07-2021 Taken by: April Stephens  
Tentative City Council Date: \_\_\_\_\_  
Date Applicant posts signs: \_\_\_\_\_ Fee: \$ 3,800

**PAID**  CASH  
 CHECK 359 +  
 CREDIT 361

**ZONING DECISION CRITERIA**  
(optional – encouraged but not required)

The Unified Development Code specifies several criteria that may be applicable to the decision to approve or deny the rezoning request. The planning staff will make its own findings regarding these criteria. You are encouraged to complete the information on this page or as a separate attachment as to which of these criteria you believe apply to your rezoning case, and provide information and facts that you believe are relevant and support your case:

Existing Uses and Zoning of Nearby Property	Applicant's Response
Whether the proposal will permit a use that is suitable in view of the use and development of nearby property (existing land use). <i>[Are the uses in the proposed zoning district compatible with uses of nearby property?]</i>	Yes
Whether the proposal will adversely affect the existing use or usability of nearby property. <i>[Will there be any adverse effects if rezoned and developed?]</i>	No
The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. <i>[Will rezoning create a "spot zone"?)]</i>	No
Possible effects of the change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district. <i>[Will the existing character of the area likely change with rezoning and development?]</i>	No
Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of nearby property in accordance with existing regulations. <i>[Will any nearby property owner be deterred, or will any property value drop, or will the peace, quiet, or enjoyment of a nearby property owner be adversely affected?]</i>	No
The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on 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. <i>[Is there an</i>	Yes

<i>established residential neighborhood nearby and, if so, will the proposal pose a threat to its integrity?</i>	Yes
<b>The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.</b>	No
Existing value of the property under the existing zoning and/or overlay district classification. <i>[What is the tax assessor's established value? Is there appraisal information available? Is there any evidence of what nearby land in the proposed zoning district has sold for recently?]</i>	?
Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. <i>[What uses are feasible under the current zoning, or are they all impractical?]</i>	No
<b>The extent to which the destruction of property values [if any, resulting from the existing zoning district regulations] promotes the health, safety, morals or general welfare of the public.</b>	No
Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. <i>[What are the likely impacts on public facilities?]</i>	No
The possible impact on the environment, including but not limited to, drainage, soil erosion, flooding, air quality and water quality. <i>[Will the proposal result in worse environmental conditions?]</i>	No
The extent to which the proposed rezoning or conditional use will contribute to or detract from the community with regard to greenspace, architectural design, and landscaping. <i>[If zoned and used will it contribute to or detract from aesthetic considerations?]</i>	No
The relative gain to the public, as compared to the hardship imposed upon the individual property owner.	More commercial use

Rezoning Application # R-21-08

Value of the property under the proposed zoning district and/or overlay district classification. <i>[Would a higher value if rezoned tend to be a sign of greater harm or hardship to property owner if rezoning is denied?]</i>	No
Suitability of the subject property under the proposed zoning district and/or overlay district classification. <i>[Is the property proposed for rezoning suitable physically for proposed uses?]</i>	Yes
The relation that the proposed map amendment or conditional use 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 zoning regulations. <i>[What public purposes (stated in the land use management code) would be derived from the proposed zoning?]</i>	Increase of density and value to property
Suitability of the subject property for the zoned purposes.	Yes
Existing use(s) and zoning of subject property. <i>[What is the existing use? What is the existing zoning? Are there reasons why the property cannot be used for uses permitted in the existing zoning district?]</i>	Yes, R-1 is current zoning. Will need multi-family for this project, and HO.
Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. <i>[Are there any trends in land use that support or do not support the request?]</i>	This project would be a plus with housing and commercial use.
Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element. <i>[Does the future land use map call for uses consistent with the existing zoning, or the proposed zoning, or something else? Are there adopted plan policies that support or tend to argue against the request?]</i>	Yes, the plan will need an amendment.
Length of time the property has been vacant or unused as currently zoned considered in the context of land development in the area in the vicinity of the property.	Multiple decades.

Rezoning Application # R-21-08

<p>Description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district classification. <i>[How long has the property been for sale? What active measures have been used to market the property under its current zoning (i.e., listing with realtor)? Is a high asking price a possible reason for the property not selling?]</i></p>	<p>N/A</p>
<p>The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested. <i>[Is there nearby property that is vacant and zoned the same as the subject property, and if so, does this provide evidence of a lack of feasibility for uses in that zoning district?]</i></p>	<p>Yes</p>





## Presidential Oaks Properties, LLC

### Letter of Intent

September 8, 2021

City of Statham  
Planning Division  
330 Jefferson St  
Statham, Ga 30666

Property Address: Atlanta Hwy SE

To the City of Statham:

Our company, Presidential Oaks Properties, on behalf of the property owner, Margaret Hamway, is proposing a project within the City of Statham. The project is located at the corner of Atlanta Highway SE & Mulberry Street (Plat- Book 56 Page 103 and parcel ID number ST02 029). The project includes 10.98 acres (478,288.80 Sq Ft) and is currently zoned SR-1.

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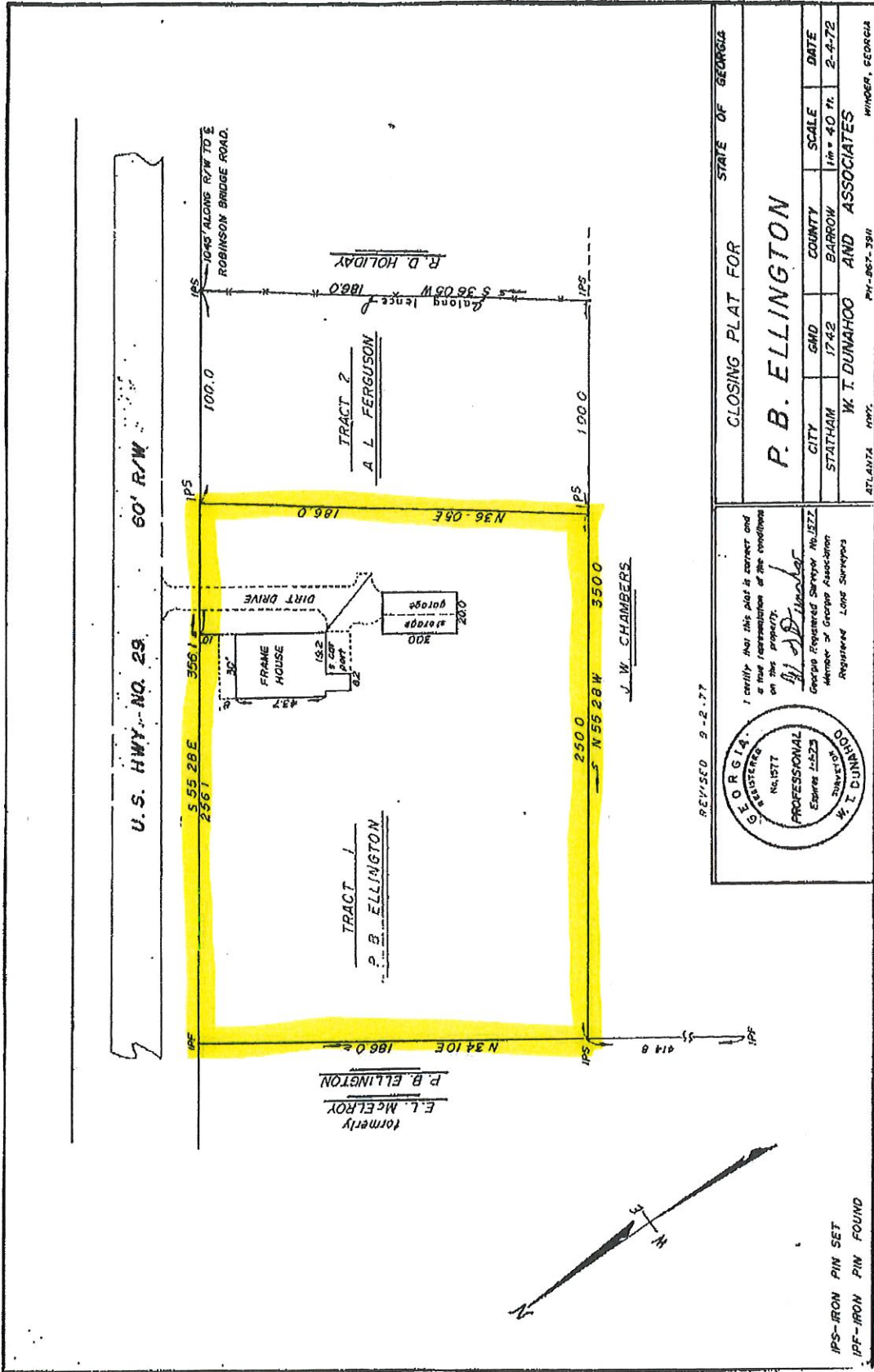
- Density – 7.19 Units Per Acre
- Townhouse Square Footage – 1725 Sq Ft to 1792 Sq Ft
- Development Contact
  - Mitchell Trees: 217-622-6691

Sincerely,

Mitchell Tress



ST01 024 Tract 1



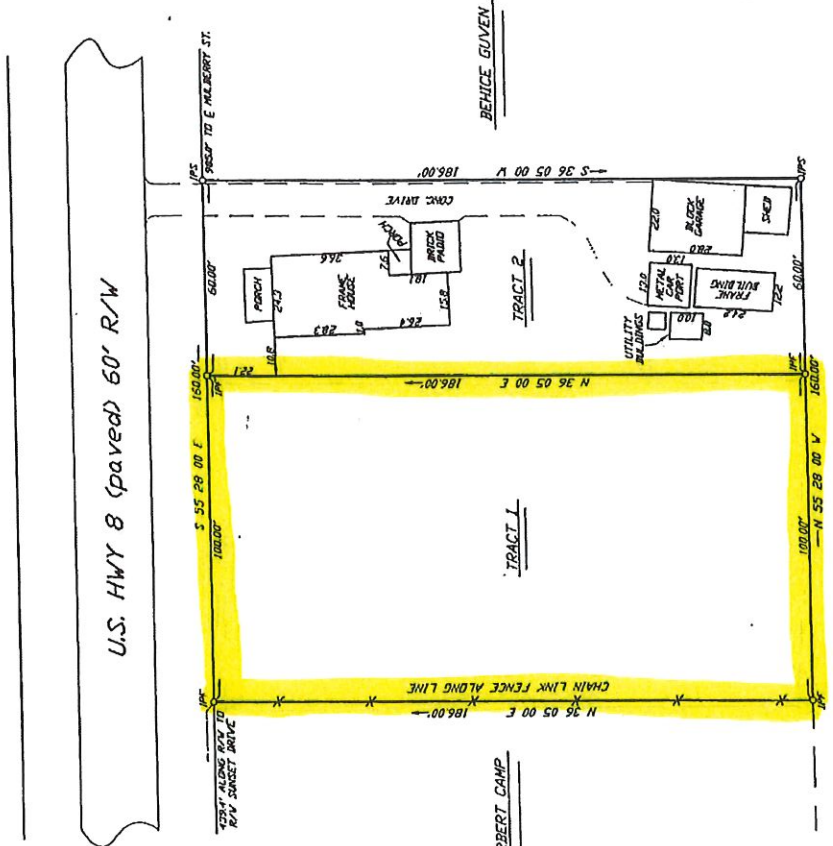


ST01 025A  
 Tract 2A

A TRIPOLI STATION  
 was used to obtain the linear and angular  
 measurements used in the preparation of this plot.  
 The field data upon which this plot is based has  
 a linear accuracy of one foot in 25,000 feet  
 and an angular error of 1/100,000 per angle point and  
 was adjusted using the CRANFIELD rule.  
 This survey has been calculated for closure and  
 is found to be accurate within one foot in  
 250,000 feet.



STATE OF GEORGIA			
SURVEY FOR			
LAVERNE FERGUSON ESTATE			
CITY	GRID	COUNTY	SCALE
STATHAM	1742	BARRON	1"=50'
DATE		02-04-03	
W. T. DUNAHOOD AND ASSOCIATES			
MINNER, GEORGIA			
CPB 04-1-2011			
PL. 200-102			

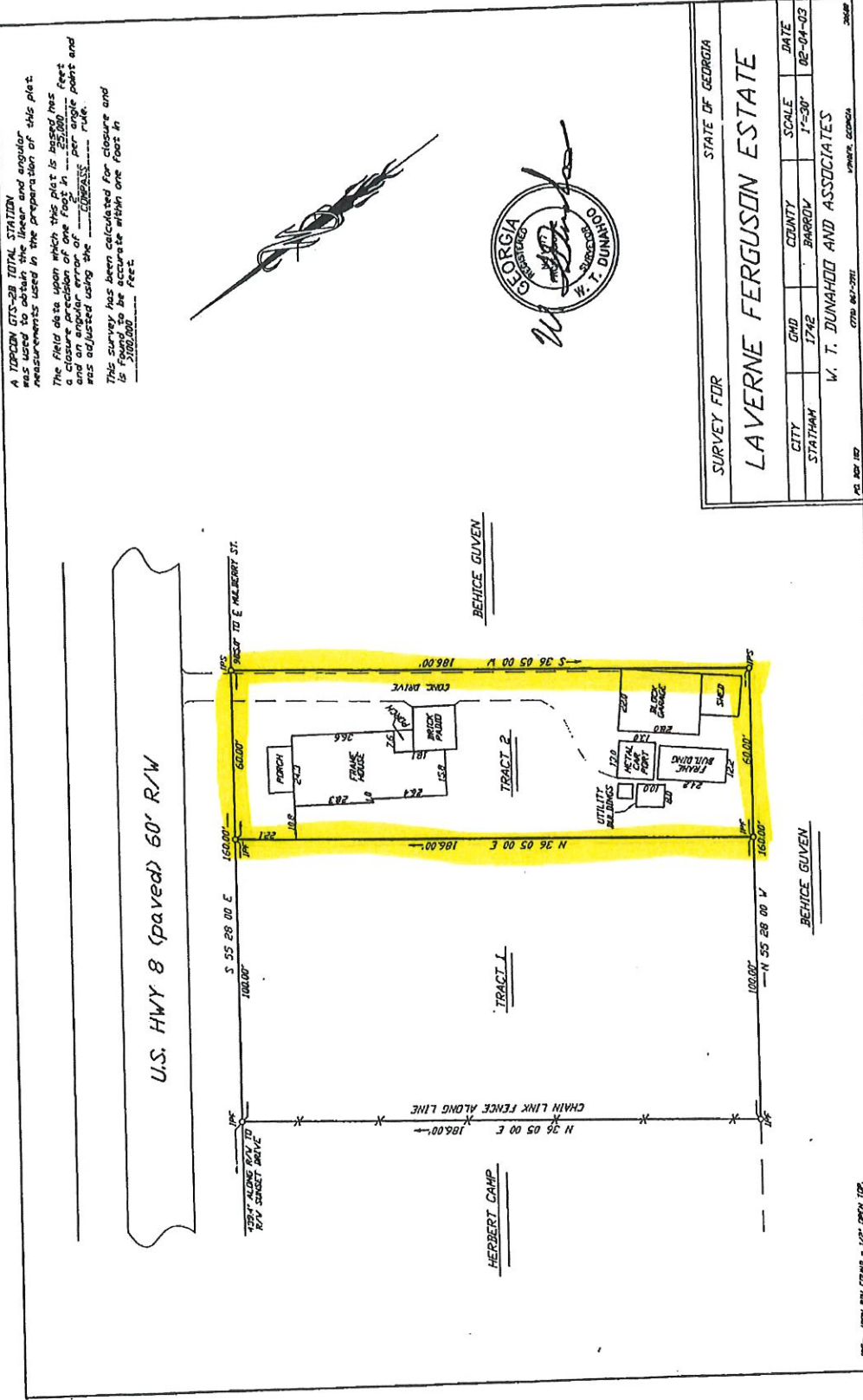


Filed & Recorded 3-21-03

1/4" = 50' FOR  
 1/4" = 50' FOR



ST01 025  
Tract 2



A TOPCON GTS-2B TOTAL STATION was used to obtain the linear and angular measurements used in the preparation of this plat. The field data upon which this plat is based has a precision of one foot in 25,000 feet and an angular error of 2" per angle point and was adjusted using the  $\frac{1}{250000}$  rule. This survey has been calculated for closure and is found to be accurate within one foot in 3100,000 feet.



STATE OF GEORGIA			
SURVEY FOR			
LAVERNE FERGUSON ESTATE			
CITY	GRID	COUNTY	SCALE
STATHAM	1742	BARRON	1"=20'
DATE		DATE	
02-04-03		02-04-03	
W. T. DUNHAM AND ASSOCIATES			
PLAT NO. 182			
DATE 04-27-2011			

Filed & Recorded 3-21-03

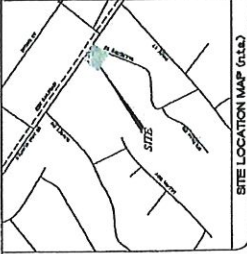
NOTES: 1. SEE PLAN FOR DIMENSIONS - 1/4" = 20'00" FOR DISTANCES. 2. SEE PLAN FOR DIMENSIONS - 1/4" = 20'00" FOR DISTANCES.





Tract 3  
Map + Parcel TBD

SKETCH PLAN FOR TRACT 3 OF PARCEL <ST01 029>>



202 WEST HAY STREET  
WINDER, GA 30680  
PHONE: (478) 687-2310  
FAX: (478) 687-2311

**Sullins Engineering, LLC**  
CIVIL ENGINEERS & LAND PLANNERS

CONTRACT NO. 11-11-11-001  
DATE: 11/11/11  
SHEET 023

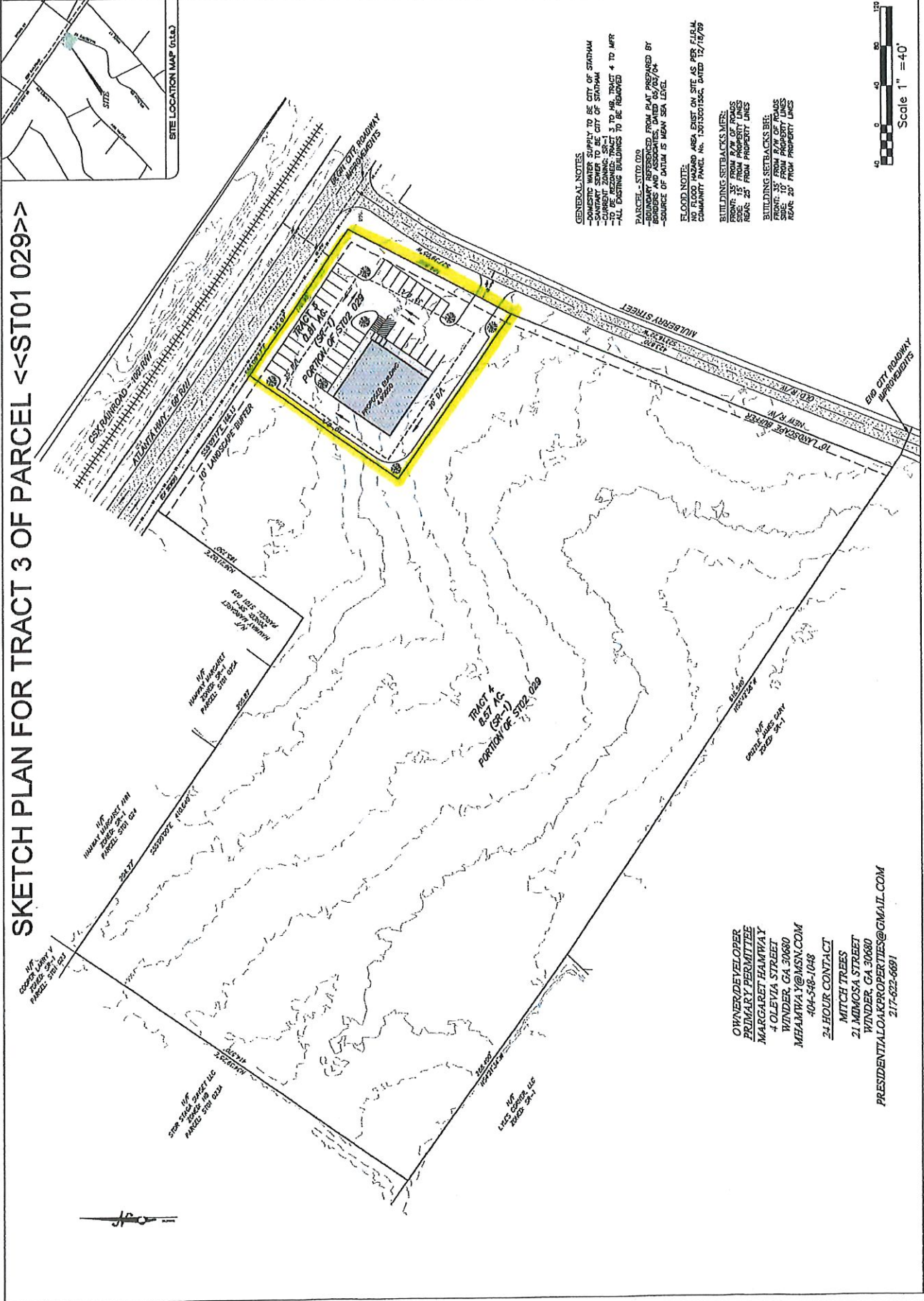
ATLANTA HWY SE & MULBERRY ST  
MECHANICAL PLAN  
CITY OF FAYETTE, GEORGIA  
PROJECT NO. 130150150C, DATED 12/15/09

**GENERAL NOTES:**  
-DOMESTIC WATER SUPPLY TO BE CITY OF STAMPAH  
-SANITARY SEWER TO BE CITY OF STAMPAH  
-TO BE RECONSTRUCTED TRACT 3 TO MB, TRACT 4 TO MFR  
-ALL EXISTING BUILDINGS TO BE REMOVED  
-SOURCE OF DATA IS MEAN SEA LEVEL

PARCEL - ST01 029  
-BOUNDARY REFERENCED FROM PLAT PREPARED BY  
-BONDERS AND ASSOCIATES, DATED 02/02/04  
-FLOOD NOTE:  
NO FLOOD HAZARD AREA EXIST ON SITE AS PER F.U.R.A.L  
COMMUNITY PANEL No. 130150150C, DATED 12/15/09

BUILDING SETBACKS: METERS:  
FRONT: 15' FROM PROPERTY LINES  
REAR: 25' FROM PROPERTY LINES

BUILDING SETBACKS: FEET:  
FRONT: 50' FROM PROPERTY LINES  
REAR: 25' FROM PROPERTY LINES



OWNER/DEVELOPER  
PRIMARY PERMITTEE  
MARGARET HALMWAY  
4 OLEVIA STREET  
WINDER, GA 30680  
MEHALMWAY@MSN.COM  
404-538-1048

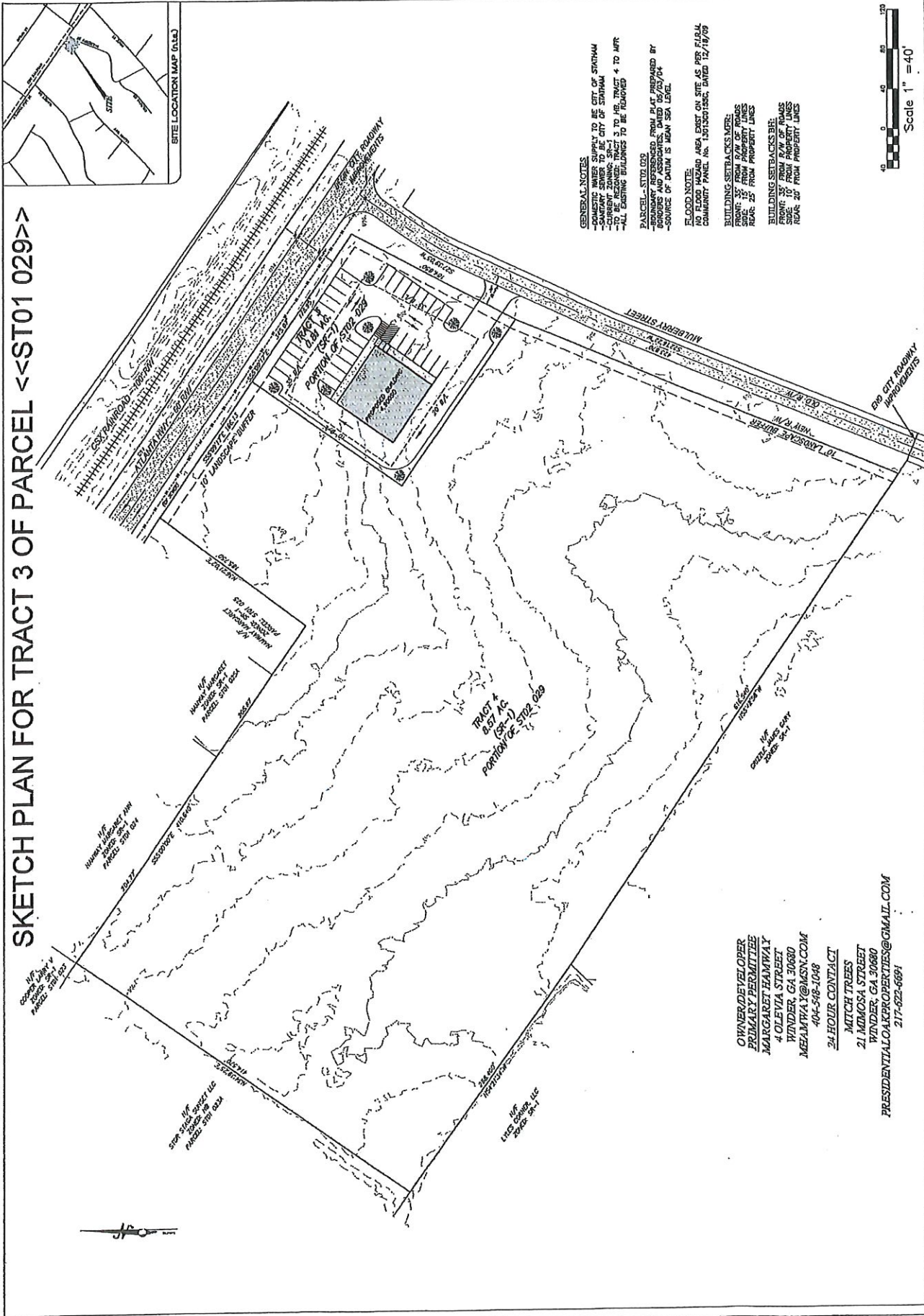
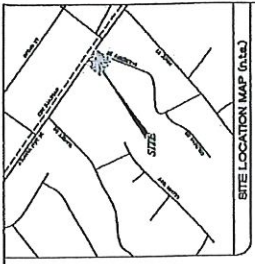
24 HOUR CONTACT  
MITCH TREES  
21 MIMOSA STREET  
WINDER, GA 30680  
PRESIDENTIALLOCALPROPERTIES@GMAIL.COM  
277-622-6681

J.P.C.



ST01 029  
Tract 4

SKETCH PLAN FOR TRACT 3 OF PARCEL <ST01 029>



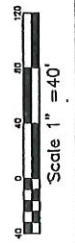
RESUME PLATTOR  
ATLANTA HWY SE & MULBERRY ST  
LOCATED IN  
CITY OF BATHING, GEORGIA  
PORTAL OF PARCEL: 012102

**Sullins Engineering, LLC**  
CIVIL ENGINEERS -- LAND PLANNERS  
CONTACT: MATTHEW SULLINS  
PHONE: (478) 687-2118  
302 WEST LANE STREET  
ROCKDALE, GA 30080

DATE	REVISION



**GENERAL NOTES:**  
 -DOMESTIC WATER SUPPLY TO BE CITY OF SATHAM  
 -SANITARY SEWER TO BE CITY OF SATHAM  
 -TO BE REZONED: TRACT 3 TO ILE, TRACT 4 TO MFR  
 -ALL EXISTING BUILDINGS TO BE REMOVED  
 -SOURCE OF DATA IS MAIN SEA LEVEL  
 -BOUNDARY REFERENCED FROM PLAT PREPARED BY  
 BORDERS AND ASSOCIATES, DATED 05/03/04  
 -SOURCE OF DATA IS MAIN SEA LEVEL  
 FLOOD NOTES:  
 NO FLOOD HAZARD AREA EXIST ON SITE AS PER FLOOD  
 COMMUNITY PANEL No. 1301300158C, DATED 12/18/09  
 BUILDING SETBACKS MET:  
 FRONT: 25' FROM PROPERTY LINES  
 REAR: 25' FROM PROPERTY LINES  
 BUILDING SETBACKS BE:  
 SIDE: 10' FROM PROPERTY LINES  
 REAR: 20' FROM PROPERTY LINES



OWNER/DEVELOPER  
 PRIMARY PERMITTEE  
 MARGARET HAMWAY  
 4 OLEVIA STREET  
 WINDER, GA 30080  
 MEAMWVY@MSN.COM  
 404-548-1048  
 24-HOUR CONTACT  
 MITCH TREES  
 21 MIMOSA STREET  
 WINDER, GA 30080  
 PRESIDENTIALOAKPROPERTIES@GMAIL.COM  
 217-622-6691



# Development Impact Fees & Capital Improvements Planning

## CONTACT

[pemd.opqga@dca.ga.gov](mailto:pemd.opqga@dca.ga.gov)

The Georgia Development Impact Fee Act (DIFA) was enacted into law in 1990. It sets rules for local governments that wish to charge new development for a portion of the additional capital facilities needed to serve it. Under DIFA, local governments may impose exactions on developers to help finance the expansion of their infrastructure systems only through an impact fee system and only for the specific types of facilities and infrastructures listed in the law.

The intent of the Act is to:

Ensure that adequate public facilities are available to serve new growth and development;

1. Promote orderly growth and development by establishing uniform standards by which municipalities and counties may require that new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development;
2. Establish minimum standards for the adoption of development impact fee ordinances by municipalities and counties; and
3. Ensure that new growth and development is required to pay no more than its proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development exactions.

Local governments that wish to impose development impact fees must have an adopted comprehensive plan that meets the Minimum Standards and Procedures for Local Comprehensive Planning. The comprehensive plan must include a Capital Improvements Element (CIE) in order to be in compliance with DIFA. A current plan can be amended to include a CIE.

The requirements for local governments that include CIEs in their comprehensive plans include:

1. Updating their CIEs annually. The annual update must include:

1. the Annual Financial Report on impact fees required by DIFA; and
  2. a new fifth year schedule of improvements, and any changes to or revisions of previously listed CIE projects, including alterations in project costs, proposed changes in funding sources, construction schedules, or project scope.
2. Updating their entire Short Term Work Programs (STWP) annually.

### Qualified Local Government (QLG) Status

To encourage local governments' engagement in comprehensive planning, Georgia incentivizes it by allowing cities and counties with DCA-approved comprehensive plans access to a special package of financial resources to aid in implementing their plans. This includes Community Development Block Grants (CDBG), water and sewer loans from the Georgia Environmental Finance Authority (GEFA), economic development funding from the OneGeorgia Authority, and a variety of other programs from DCA and partner agencies (a detailed list is available in the "Fact Sheets" section, below). Eligibility for this package of incentives is called **Qualified Local Government (QLG) status**.

The CIE's which are required in order to for a local government to collect development impact fees become separate, distinct part of communities' local comprehensive plans. Keeping those CIE's up-to-date by completing the necessary annual CIE updates is a component of the standard maintenance and upkeep of the local comprehensive plan for communities who undertake the collection of these fees. In recognition of this link to the comprehensive plan, a city or county's Qualified Local Government (QLG) status can be adversely affected if it is unable to complete its annual CIE updates on-schedule.

**NOTE: Various statutes provide DCA with 30-45 days to review CIE-related submittals to verify their compliance with applicable standards. Be aware that all deadlines are the dates by which the local government must have formally adopted a DCA-approved annual CIE update--the deadlines are not submittal dates, they are process completion dates. We recommend 60-90 day lead times to ensure that reviews can be completed and any necessary revisions conducted and subsequently reviewed before passage of applicable deadlines.**



Local Governments

**AUTHORIZED TO COLLECT DEVELOPMENT IMPACT FEES**

Pursuant to the Development Impact Fee Act, O.C.G.A. § 36-71-1, et seq. as of January 1, 2021.

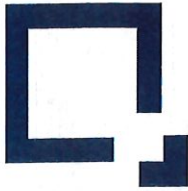
Government	Type	Region
Acworth	City of	ARC
Alpharetta	City of	ARC
Atlanta	City of	ARC
Braselton	City of	NEG
Brooks	Town of	ARC
Bryan	County	CG
Butts	County	TR
Camden	County	CG
Canton	City of	ARC
Cartersville	City of	NWG
Cherokee	County	ARC
Cumming	City of	GM
Dawson	County	GM
East Ellijay	City of	NWG
Effingham	County	CG
Ellijay	City of	NWG
Fayette	County	ARC
Fayetteville	City of	ARC
Flemington	City of	CG
Forsyth	County	GM
Gainesville	City of	GM
Gilmer	County	NWG
Hall	County	GM
Hampton	City of	ARC
Henry	County	ARC
Hoschton	City of	NEG
Jasper	County	NEG

Government	Type	Region
Jefferson	City of	NEG
Jones	County	MG
Kennesaw	City of	ARC
Lee	County	SWG
Long	County	CG
Macon-Bibb	County	MG
McDonough	City of	ARC
Milton	City of	ARC
Newnan	City of	TR
Newton	County	NEG
Orchard Hill	City of	TR
Peachtree City	City of	ARC
Pike	County	TR
Powder Springs	City of	ARC
Rockdale	County	ARC
Roswell	City of	ARC
Sandy Springs	City of	ARC
Senoia	City of	TR
Spalding	County	TR
Stockbridge	City of	ARC
Sunny Side	City of	TR
Thomas	County	SWG
Troup	County	TR
Tyrone	Town of	ARC
Walton	County	NEG
Woodstock	City of	ARC
Woolsey	City of	ARC

\*This information is accurate at the time of its production. Please contact DCA to determine if any governments have been subsequently authorized or de-authorized.







**Jerry Weitz & Associates, Inc.**  
**Planning & Development Consultants**

1225 Rucker Road, Alpharetta, Georgia 30004  
Phone: (404) 502-7228 E-Mail: [jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)

Growth Management  
Comprehensive Planning  
Zoning & Land Use Regulations  
Land Development Applications  
Expert Testimony  
Zoning Administration

**MEMORANDUM**

TO: Honorable Mayor and City Council, City of Statham

FROM: Jerry Weitz, Consulting Planner, City of Statham

DATE: October 29, 2021

RE: Application for Preliminary Plat Approval for "Statham Place," Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095)

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A review was completed of the above-referenced application. Several comments were made and the preliminary plat was revised per staff's comments. Planning Staff recommends approval of the preliminary plat.

Hard copies of the preliminary plat (copy attached) have been submitted to city hall for distribution.

Attachment





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REGULAR MEETING & PUBLIC HEARING

October 19, 2021

7:00 P.M.

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## I. CALL TO ORDER

Mayor Piper called the meeting to order at 7:02 p.m.

Present: Mayor Piper and Councilmembers Lyle, Venable, Crawley, McCormic and Thrasher

Also Present: Sandra Bennett, City Clerk and Jody Campbell, City Attorney

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Piper. Mayor Piper thanked all veterans and their families for their service.

Mayor Piper updated the citizens on the audits, speed cameras at our schools, speed bumps on Railroad Street, well exploration, the lake at the water plant, and two new hires for the public works department.

## II. PUBLIC HEARING

**Millage Rate for Tax Year 2021:** The City of Statham property tax levied for Barrow County increased for the 2021 tax year by \$40,000. The City of Statham anticipates the property tax levies for Barrow County for the tax year 2021 will be set at 4.345 mills, which is a 16.64% increase from the proposed rollback rate of 3.725. A tax report was provided to the Mayor, Council and Citizens at the September 9, 2021 Work Session and is available on the City's website and social media page.

## III. CITIZEN INPUT

There were comments and questions from citizens Kurt Bogenrider and Cheryl Venable regarding the proposed millage for the tax year, and Mayor Piper responded, and also invited any citizen to visit City Hall to get a more in-depth explanation from our City Accountant.

At 7:37 p.m., Councilmember Venable made a motion to close the public hearing. Councilmember Lyle seconded the motion, and the motion passed unanimously.

## IV. VOTING ITEMS

1. **Renew Agreement with Duplicating Products:** To approve renewing an agreement with Duplicating Products and for an upgraded copy machine for City Hall. The monthly installment for a new machine is \$279.00 per month for 60 months, and will be replacing the existing agreement of \$409.00 per month (\$130.00 per month savings).

## DRAFT MINUTES

Councilmember McCormic made a motion to approve Mayor Piper to sign the agreement with Duplicating Products to upgrade and replace the printer at City Hall. Councilmember Venable seconded the motion, and the motion passed unanimously.

### V. MINUTE APPROVAL

1. October 7, 2021 Work Session and Public Hearing  
Councilmember Venable made a motion to approve the minutes from October 7, 2021 Work Session and Public Hearing. Councilmember McCormic seconded the motion and the motion passed unanimously.

### VI. ADJOURN

At 7:50 p.m., Councilmember Venable made a motion to adjourn. Councilmember Crawley seconded the motion, and the motion passed unanimously.

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#### **Public Notices:**

**Millage Rate for Tax Year 2021:** The City of Statham, per O.C.G.A. 48-5-32, will hold an additional Public Hearing on Thursday, November 4th at 6:30 p.m. at Statham City Hall, 327 Jefferson St., Statham, Georgia 30666.

The City will set the millage rate at the Regular Meeting on Tuesday, November 16th at 7:00 p.m. at Statham City Hall, 327 Jefferson St., Statham, Georgia 30666. The five-year tax and levy history will be published no less than 14 days prior to its adoption.