

CITY OF STATHAM

AGENDA

Statham City Hall

327 Jefferson Street, Statham, GA 30666



REGULAR MEETING – June 21, 2022

7:00 P.M.

CALL TO ORDER

Roll Call

PLEDGE OF ALLEGIANCE

VOTING ITEMS

1. **R-21-06:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks to rezone 62.268 acres (part of Map/Parcel ST 03/003) fronting on the south side of State Route 316 and the north side of Doc McLocklin Road from HB, Highway Business District to LI, Light Industrial District. Proposed use: Warehouses/light industrial.
2. **R-21-07:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks to rezone 7.958 acres (part of Map/Parcel ST 03/003) fronting on the west side of Bethlehem Road south of the intersection of Doc McLocklin Road and Bethlehem Road from LI, Light Industrial District, to HB, Highway Business District. Proposed use: Commercial.
3. **C-21-01:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks a conditional use permit for a truck stop/travel center in an HB, Highway Business District for 9.909 acres of property (part of Map/Parcel ST 03/003) fronting on the west side of Bethlehem Road and the north side of Doc McLocklin Road.
4. **R-22-01:** James Konzelman, applicant, Konzco LLC, property owner, seeks rezoning of 0.46 acre fronting on the south side of Atlanta Highway approximately 200 feet east of Pine Street (Map/Parcel ST02/077) (1869 Atlanta Highway, SE) from SR-1 (Suburban Residential – 1) District to HB, Highway Business District. Proposed use: Veterinary hospital and business.

MINUTE APPROVAL

1. June 9, 2022 Public Hearing for FY23 Budget (draft minutes provided to mayor and council on June 14, 2022).
2. June 9, 2022 Public Hearing and Work Session Minutes (draft minutes provided to mayor and council on June 15, 2022).

ADJOURN

**CITY OF STATHAM, GA
CONSULTING CITY PLANNER'S STAFF REPORT**

TO: Honorable Mayor and City Council, City of Statham

DATE: May 23, 2022

SUBJECT: **R-21-06:** Rezoning from HB (Highway Business) to LI (Light Industrial)

COMPANION APP: Development of Regional Impact #3627

PUBLIC HEARING: June 9, 2022 @ 6:30 p.m. (Mayor and City Council)

VOTING SESSION: June 21, 2022 @ 7:00 p.m. (Mayor and City Council)

APPLICANT: LDA Partners, LLC, by Andrew Johnson

OWNER(S): WM SUB CLY PDL, LLC

LOCATION: Fronting on the south side of State Route 316 and the north side of Doc McLocklin Road

PARCEL #: Part of Map/Parcel ST 03/003

ACREAGE: 62.268

EXISTING USE: Vacant/undeveloped

PROPOSED USE: Industrial, manufacturing, distribution (620,000 square feet in three buildings)

SURROUNDING LAND USE/ZONING:

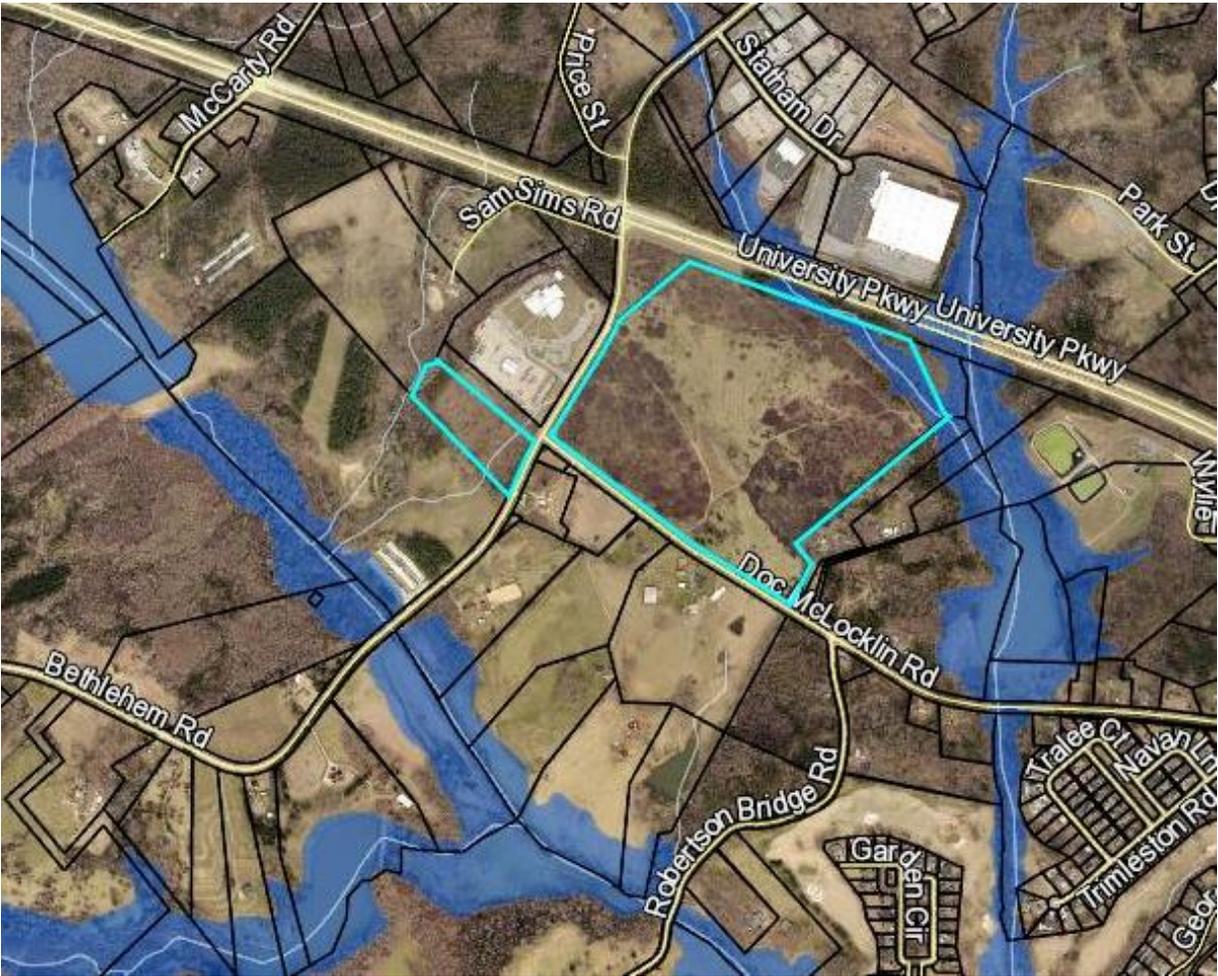
NORTH: Across SR 316: Industrial Park and light industry, LI (Light Industrial)

EAST: GDOT vacant lot remnant, O-I (Office-Institutional); Single-family dwelling, AG (Agricultural) (unincorporated)

SOUTH: Across Doc McLocklin Road: Agricultural (conservation use) and single-family dwelling, AG (Agricultural) (unincorporated)

WEST: Vacant/undeveloped (parts of parent site), HB (Highway Business) (proposed future commercial and truck stop; see C-21-01)

RECOMMENDATION: Approval, Conditional



**Tax Map/Aerial Photo of Property (parent parcel in blue)
(flood plain shown in dark blue)**

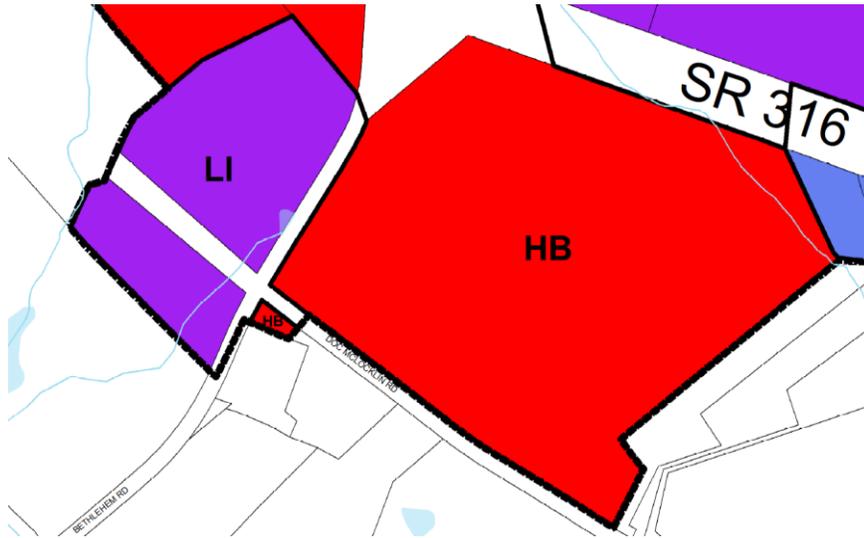
SUMMARY OF REQUEST AND SITE PLAN REVIEW

The subject property consists of approximately 62 acres proposed to be divided from a larger 78-acre parcel. The applicant has submitted a letter of intent (attached) which indicates approximately 620,000 square feet of light industrial, distribution, and/or manufacturing is proposed. A site plan has also been submitted and is attached; it shows three buildings, one 200 foot wide, one 250 feet wide, and another of similar width. For purposes of analysis, the traffic study submitted with the DRI for this project assigns uses for the proposed industrial buildings as 124,000 square feet of general light industrial and 496,000 square feet of warehousing.

The site is currently vacant. A perennial stream exists at the northeast corner of the site, and part of the site lies within the 100-year flood plain. Access to the industrial development is proposed to include two access points onto Doc McLocklin Road, one for trucks and cars and the other serving just cars. Also, the site plan provides for a

**R-21-06 Rezoning from HB, Highway Business, to LI, Light Industrial
Doc McLocklin Road and SR 316**

driveway to connect via future interparcel access easement to Bethlehem Road, through commercial development including a proposed truck stop (see C-21-01).

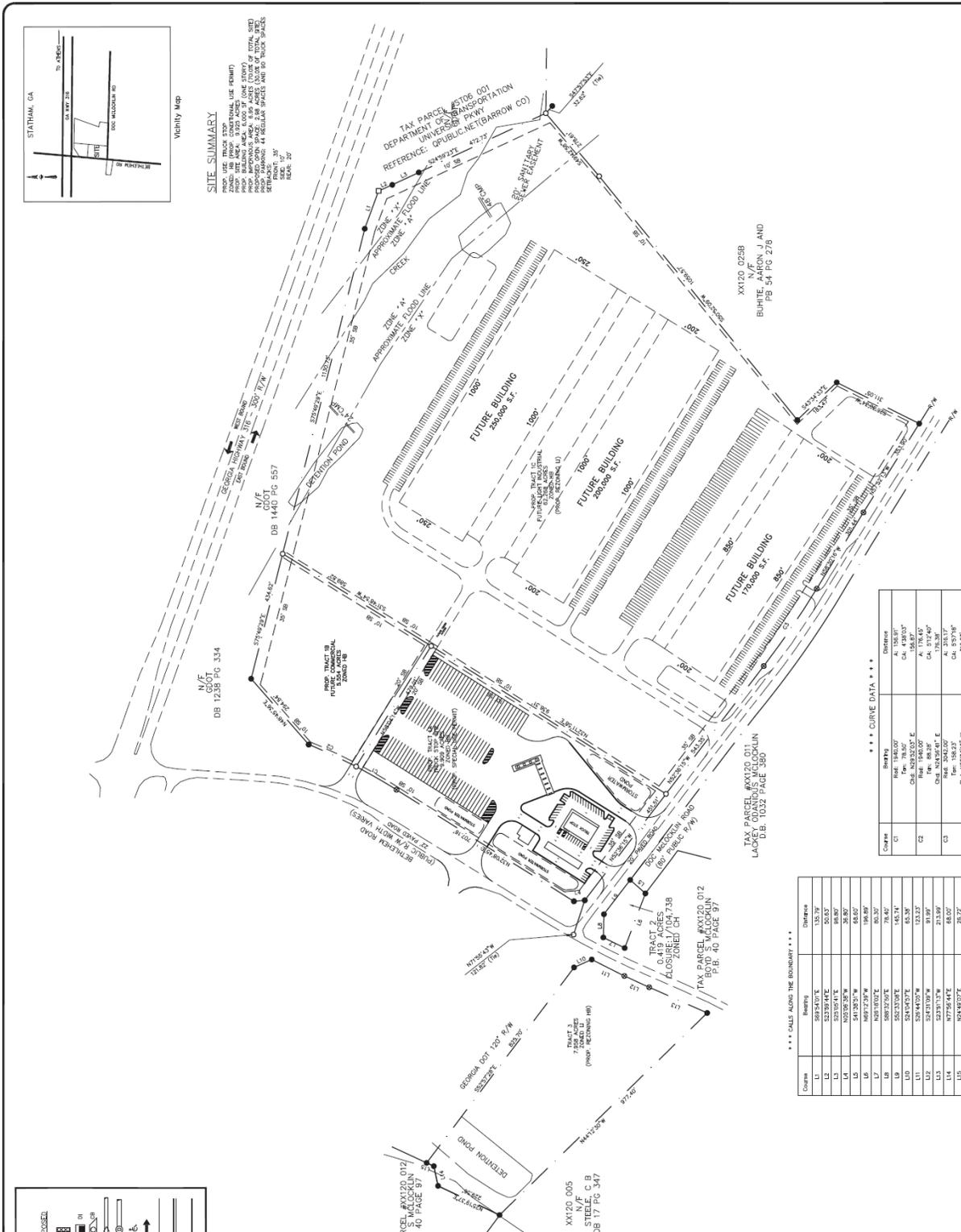


Existing Zoning (zoning map excerpt)

Light Industrial Zoning District Dimensional Requirements

Minimum lot size:	30,000 square feet
Minimum lot width:	100 feet
Maximum building coverage:	80% of site
Minimum landscaped open space:	15% of site
Maximum building height:	2 stories/50 feet
Principal building setbacks:	35 feet front, 10 feet side, 20 foot rear
Landscape strip abutting RW:	10 feet
Natural buffer width abutting res.	25 feet

R-21-06 Rezoning from HB, Highway Business, to LI, Light Industrial Doc McLocklin Road and SR 316



Site Plan (excerpt) (from Traffic Study)

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 purpose of the Light Industrial zoning district is: “to implement the light industrial future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. In some instances this district is intended to implement the transportation, communications, and utilities future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. A public water supply and sanitary sewer are typically available to serve this district. The LI zoning district is intended to establish suitable areas for light manufacturing, assembling, wholesaling, and warehousing. Certain commercial uses appropriately located in light industrial districts are included as permitted uses. The LI zoning district does not involve or permit manufacturing establishments which emit smoke, water pollution, or excessive noise such as those resulting from the conversion of raw materials into finished products. Rather, uses permitted uses in the LI zoning district are primarily those that consist of processing, assembling, cleaning, servicing, testing, or repairing of materials, goods or products.” The request is consistent with this criterion ***(meets criterion/ supports request)***.

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

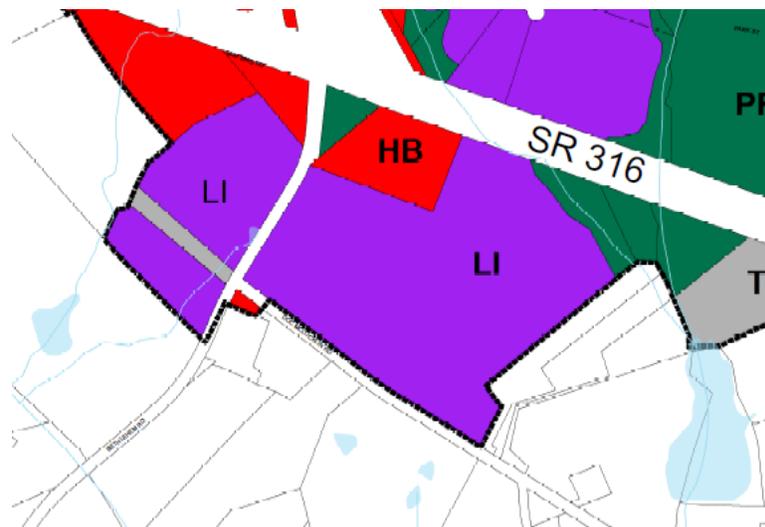
Finding: As noted on the cover page, there is light industrial zoning across University Parkway (SR 316) in the city of Statham, and the U.S. government property in the city on the west side of Bethlehem Road is also zoned LI. The light industrial zoning district, as noted above, permits certain commercial uses and as such it is also compatible with the applicant’s proposed retention of HB (Highway Business) zoning to the west of the proposed 62-acre tract. Furthermore, Barrow County’s wastewater treatment facilities exist a few parcels to the east, making the area appropriate for light industrial development given the relative unattractiveness for other uses near such a facility ***(meets criterion/ supports request)***.

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

Finding: There will be no adverse effects on properties to the north and west of the subject site if this property is rezoned LI and developed for light industrial uses. Additional traffic will be introduced on Doc McLocklin Road, and there will be some impacts on the farmland/ conservation use/ rural residential uses to the south and east of the subject site ***(does not support 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, adopted June 30, 2020, shows the site and adjacent properties are suitable for light industrial development. Therefore, the requested LI zoning is considered to be consistent with the comprehensive plan ***(meets criterion/supports request)***.



Excerpt of Future Land Use Plan 2040 Map

The Barrow County comprehensive plan, character area map, appears to designate lands south of SR 316 in the unincorporated area outside Statham as “SR 316 Innovation Corridor.” The county plan specifically identifies the following as appropriate uses and also suggests that light industrial zoning is appropriate for the Statham portion of the corridor: bio-tech and life sciences, research and development centers, manufacturing, information technology/ back office, distribution/warehousing, and mid-rise offices ***(meets criterion/supports request)***.

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

Finding: The site could be developed as commercial in the highway business zoning district; however, in today's COVID-19 environment, and due to the domination of e-commerce, there is much less demand for commercial uses. The subject property could have just as easily been zoned Light Industrial, as suggested in the future land use plan, but after some discussion with the property owners many months ago now, it was decided to keep it HB (Highway Business) ***(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: There will not be any impact on schools. Water and sewer utility impacts are considered comparatively minor, unless a big water-using industry is sited in the facility. There will be significant truck and auto traffic on adjoining streets as a result of the rezoning, if approved and developed. See also the final report for DRI #3627 and the traffic impact study submitted for that project).

Finding: According to the traffic study submitted with the DRI, Doc McLocklin Road has very low traffic volumes presently (2021) (see Figure 2, a.m. and p.m. peak traffic volumes). The intersection of Doc McLocklin Road and Bethlehem Road operates as a level of service "A" (best possible condition). However, traffic volumes and the level of service standard will change with the proposed rezoning and development, if approved. Total estimated average daily traffic from the light industrial project is 1,339 vehicles per day, or 1,129 vehicles per day if mixed use reduction factors are applied. Per the traffic study, an estimated 92% to 98% of all trips on Doc McLocklin Road will go westward to Bethlehem Road, with only 2% to 8% traveling further east along Doc McLocklin Road. With the proposed development, both a.m. and p.m. peak hour traffic conditions are low enough such that deceleration lanes or left-turn lanes into the development have not been recommended by the traffic engineer in the traffic study. The intersection of the project driveways for the light industrial development and Doc McLocklin Road are projected to operate at level of service "A" (best possible condition).

Finding: Doc McLaughlin Road is a paved rural road with a width of approximately 22 feet. Most of this road is in unincorporated Barrow County and is thus under the jurisdiction of Barrow County rather than the City of Statham. Doc McLocklin Road has an 80 foot right of way (per Q-Public) and is considered by the consulting planner to be a minor collector road per the city's UDC since it connects two major collectors that intersect with and provide access to SR 316, a major arterial. Doc McLocklin Road has an adequate (80 foot) right of way but the pavement width is considered insufficient to support extensive truck traffic unless additional improvements are made by the developer. The required pavement width for a minor collector per the Statham UDC is 36 feet (Reference: Table 6-3-5). The Statham UDC also calls (see generally Sec. 6-206 and Sec. 6-207) for the project developer to upgrade substandard roads along the property frontage at the time of development ***(supports conditional approval)***.

(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: The SR 316 corridor is increasing with regional traffic and land use development. The Georgia DOT has proposed a grade-separated interchange at the intersection of Bethlehem Road and SR 316. This will provide some but not all of the road improvements needed to ensure the commercial/industrial area functions without degrading levels of service. **(inconclusive)**

(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: The public health, safety, and general welfare will be upheld if the subject request is approved **(supports request)**.

CONCLUSION AND RECOMMENDATION

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

RECOMMENDED CONDITION OF ZONING APPROVAL

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

1. There shall be a 40 foot principal building setback along that portion of the eastern property boundary abutting Map/Parcel XX120/025, including a 30 foot natural undisturbed buffer or 30-foot-wide landscape strip meeting buffer standards of the Statham UDC.
2. There shall be a 20-foot wide landscape strip along the entire portion of the property fronting the north side of Doc McLocklin Road, within which twice the amount of landscaping (trees and shrubs) required by the Statham UDC for a 10-foot landscape strip shall be provided.
3. Development on the subject property shall provide for inter-parcel access to the abutting commercial zoning/development to Bethlehem Road.
4. Doc McLocklin Road improvement. At not cost to the city or county, along the entire property frontage along the north side of Doc McLocklin Road, the owner/developer shall install additional road width so that there is 18 feet from the centerline of Doc McLocklin Road to back of curb. Curb, gutter and sidewalk and pavement to the centerline shall be required along the entire property fronting Doc McLocklin Road. Plans for the improvement of Doc McLocklin Road shall also be subject to the approval of Barrow County.

**R-21-06 Rezoning from HB, Highway Business, to LI, Light Industrial
Doc McLocklin Road and SR 316**

LDA Partners, LLC

80 W. Wieuca Road, NE
Suite 204
Atlanta, GA 30342
T. (770)444-3511
C. (404)217-7918
F. (770)444-3773
djohnson@southwooddev.com

August 2, 2021

Ms. April Plank Stephens
City of Statham
327 Jefferson St.
Statham, GA 30666

Dear April:

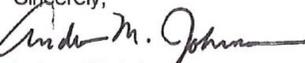
LDA Partners, LLC is excited to propose the mixed use commercial and light industrial development at the SE corner of Highway 316 and Bethlehem Rd. in Statham, GA. We are partnering with Brad Lanier Oil Company and The Rooker Company. Both are family owned and operated and have been in business for over 50 years. They have become one of the most well-respected companies in the southeast within their respective industries.

The subject property is approximately 78 acres and is currently zoned HB. We are proposing the subdivision and rezoning of said tract to include approximately 62 acres of light industrial with the balance of approximately 16 acres on the corner remaining HB. The future land use plan for the city of Statham already designates a big portion of this site as LI. Of the 16 acres of HB, approximately 10 acres will also require a conditional use permit for its intended use as a Blocstop Travel Center. The travel center will include all the amenities of gas, food and drink, and consumer goods, as well as providing truckers with their necessities due to the growing demand of e-commerce along the Highway 316 corridor. Highway 316 has been designated as a freight corridor, and this location will be the first and only travel center servicing the area between Athens and Atlanta. The next closest locations being Commerce on I-85 and Madison on I-20. This will be a huge benefit and service to those residents not only in the immediate area but also to those passenger vehicles and trucks traveling along Highway 316 to and from Athens and its surrounding areas.

A travel center along Highway 316 is desperately needed to better serve the growing demands of e-commerce in the area. Along with approximately 600,000 SF of light industrial manufacturing and distribution, this project will generate tremendous job growth and tax revenue for the city of Statham. These two intended uses compliment each other nicely and conform with the current zonings up and down Highway 316.

We are also proposing the rezoning of approximately 8 acres across Bethlehem Rd. from LI to HB. This 8 acres along with the remaining 6 acres on the corner of Bethlehem Rd. and Highway 316 will be developed as commercial properties in the near future.

We are very excited about this mixed-use commercial and light industrial development and look forward to working with you and the city of Statham. This will be a first-class development that services not only the immediate area but the rapidly growing Highway 316 corridor and northeast Georgia, of which the city of Statham will benefit the most. For more information about our partners, please visit www.bradlanieroil.com and www.rookerco.com.

Sincerely,

Andrew M. Johnson

LDA Partners, LLC

Letter of Intent

**CITY OF STATHAM, GA
CONSULTING CITY PLANNER'S STAFF REPORT**

TO: Honorable Mayor and City Council, City of Statham

DATE: May 23, 2022

SUBJECT: **R-21-07:** Rezoning from LI (Light Industrial) to HB (Highway Business)

PUBLIC HEARING: June 9, 2022 @ 6:30 p.m. (Mayor and City Council)

VOTING SESSION: June 21, 2022 @ 7:00 p.m. (Mayor and City Council)

APPLICANT: LDA Partners, LLC, by Andrew Johnson

OWNER(S): WM SUB CLY PDL, LLC

LOCATION: Fronting on the west side of Bethlehem Road at Doc McLocklin Road

PARCEL #: Part of Map/Parcel ST 03/003

ACREAGE: 7.958

EXISTING USE: Vacant/undeveloped

PROPOSED USE: Commercial

SURROUNDING LAND USE/ZONING:

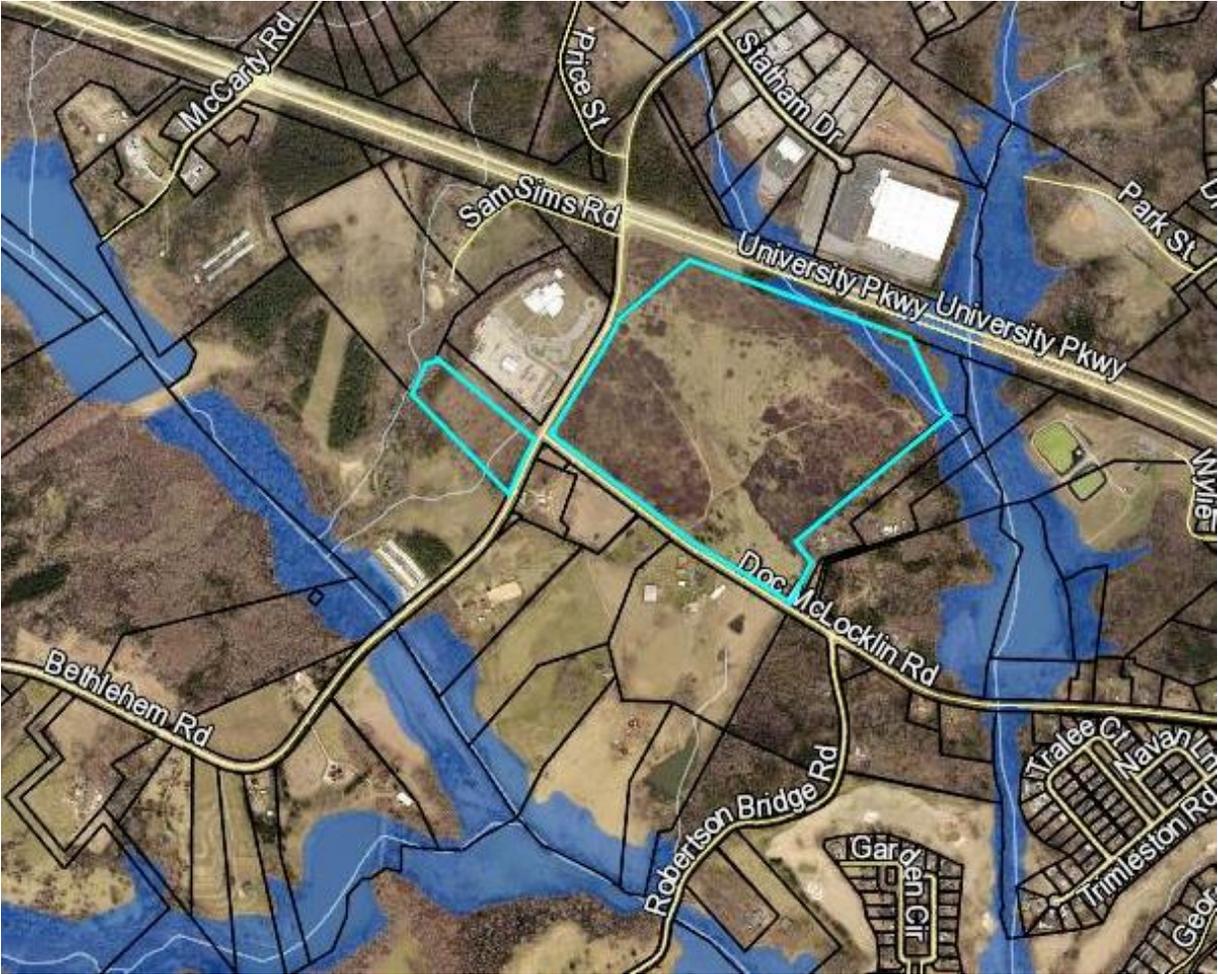
NORTH: U.S. Government facility, LI (Light Industrial)

EAST: Across Bethlehem Road: Vacant/undeveloped (proposed for truck stop per C-21-01), HB (Highway Business)

SOUTH: Vacant/agricultural (conservation use), AG (Agricultural) (unincorporated)

WEST: Vacant/undeveloped (conservation use), AG (Agricultural) (unincorporated)

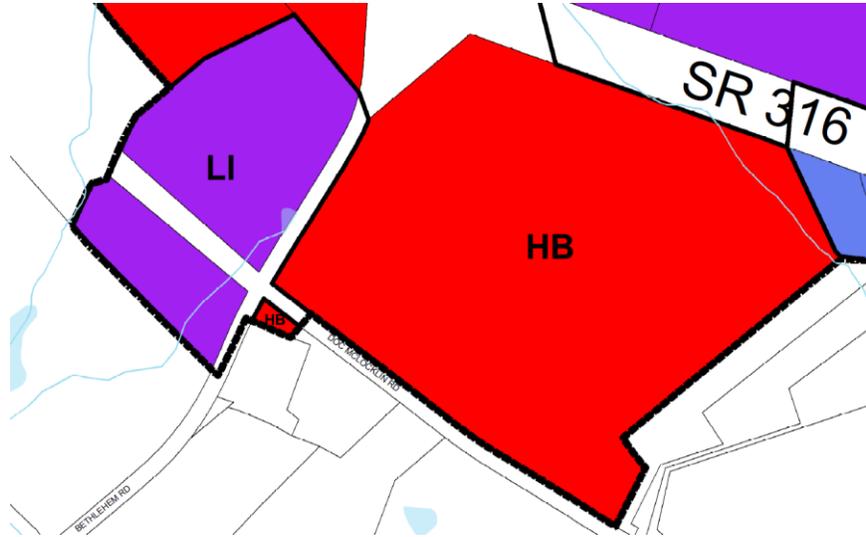
RECOMMENDATION: Approval, Conditional



**Tax Map/Aerial Photo of Property (parent parcel in blue)
(flood plain shown in dark blue)**

SUMMARY OF REQUEST

The applicant has submitted a letter of intent (attached) and a site plan, but the letter of intent only identifies the subject property as future commercial uses. The site plan does not show anything for the subject site. The site is currently vacant. A perennial stream crosses the site within the front one-third of the property. Access to the property would be to Bethlehem Road.



Existing Zoning (zoning map excerpt)

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 purpose of the Highway Business District per the UDC is to “implement the highway business future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. A public water supply and sanitary sewer are typically available to serve this district. This district is intended to establish suitable areas for business activities along major transportation arteries serving the traveling public.” The request is consistent with this criterion because it is located on a major collector that connects to SR 316 (a major arterial) to the north ***(meets criterion/ supports request)***.

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

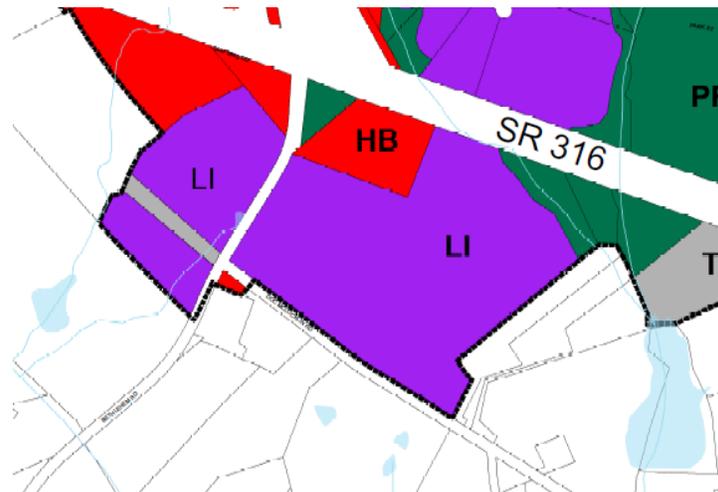
Finding: As noted, there is existing highway business zoning across Bethlehem Road (some proposed for a travel center; see C-21-01). Property to the west is unincorporated and in conservation use (vacant/agricultural). HB zoning and development is considered suitable in view of the zoning and future uses of adjacent and nearby property (**meets criterion/ supports request**).

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

Finding: There will be no adverse effects on any adjacent properties if this property is rezoned from LI to HB and developed for commercial uses. Additional traffic will be introduced on Bethlehem Road, and there may be some impacts on the farmland/conservation use/ rural residential uses to the west subject site hastening the transition of such properties to nonresidential uses (**inconclusive**).

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

Finding: The future land use plan map, adopted June 30, 2020, shows the site and adjacent properties are suitable for light industrial development. However, the requested HB zoning is considered to be similar in nature if not as intensive, and therefore consistent with the comprehensive plan (**meets criterion/supports request**).



Excerpt of Future Land Use Plan 2040 Map

The Barrow County comprehensive plan, character area map, appears to designate lands south of SR 316 in the area of Statham as SR 316 Innovation Corridor. The county plan specifically identifies the following as appropriate uses for the Statham portion of the

corridor: bio-tech and life sciences, research and development centers, manufacturing, information technology/ back office, distribution/warehousing, and mid-rise offices. HB zoning is considered to be compatible with one or more of these proposed uses (**meets criterion/ supports request**).

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

Finding: The site could be developed as light industrial (**does not meet criterion/ does not 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: There will not be any impact on schools. Water and sewer utilities are considered sufficient. There will be significant truck and auto traffic on adjoining streets as a result of the adjacent rezoning (R-21-06) and the proposed travel center (C-21-01), if approved and developed, as well as the subject site. See also the final report for DRI #3627 and the traffic impact study submitted for that project). As is recommended in R-21-06, additional right of way along Bethlehem Road is recommended as a condition of zoning approval to bring Bethlehem Road's right of way along this property frontage up to the standard for a major collector (100 feet; 50 feet from centerline) (**supports conditional approval**). Also, at the time of development, if rezoning is approved, the property can be conditioned by the zoning administrator to include road improvements.

(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: The SR 316 corridor is increasing with regional traffic and land use development. The Georgia DOT has proposed a grade-separated interchange at the intersection of Bethlehem Road and SR 316. This will provide some but not all of the road improvements needed to ensure the commercial/industrial area functions without degrading levels of service (**supports conditional approval**).

(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: The public health, safety, and general welfare will be upheld if the subject request is approved (**supports request**).

CONCLUSION AND RECOMMENDATION

The application meets several of the criteria for zoning decisions. Planning staff therefore recommends approval with one condition regarding right of way dedication.

RECOMMENDED CONDITION OF ZONING APPROVAL

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

1. Bethlehem Road right of way. At no cost to the city, along the entire property frontage along the west side of Bethlehem Road, the owner/developer shall dedicate an additional 10 feet (or 50 feet from the centerline, whichever is less) to the City of Statham prior to the issuance of a certificate of occupancy for any principal building on the site.

**R-21-07 Rezoning from LI, Light Industrial to HB, Highway Business
Bethlehem Road at Doc McLocklin Road**

LDA Partners, LLC

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August 2, 2021

Ms. April Plank Stephens
City of Statham
327 Jefferson St.
Statham, GA 30666

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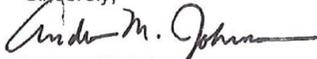
The subject property is approximately 78 acres and is currently zoned HB. We are proposing the subdivision and rezoning of said tract to include approximately 62 acres of light industrial with the balance of approximately 16 acres on the corner remaining HB. The future land use plan for the city of Statham already designates a big portion of this site as LI. Of the 16 acres of HB, approximately 10 acres will also require a conditional use permit for its intended use as a Blocstop Travel Center. The travel center will include all the amenities of gas, food and drink, and consumer goods, as well as providing truckers with their necessities due to the growing demand of e-commerce along the Highway 316 corridor. Highway 316 has been designated as a freight corridor, and this location will be the first and only travel center servicing the area between Athens and Atlanta. The next closest locations being Commerce on I-85 and Madison on I-20. This will be a huge benefit and service to those residents not only in the immediate area but also to those passenger vehicles and trucks traveling along Highway 316 to and from Athens and its surrounding areas.

A travel center along Highway 316 is desperately needed to better serve the growing demands of e-commerce in the area. Along with approximately 600,000 SF of light industrial manufacturing and distribution, this project will generate tremendous job growth and tax revenue for the city of Statham. These two intended uses compliment each other nicely and conform with the current zonings up and down Highway 316.

We are also proposing the rezoning of approximately 8 acres across Bethlehem Rd. from LI to HB. This 8 acres along with the remaining 6 acres on the corner of Bethlehem Rd. and Highway 316 will be developed as commercial properties in the near future.

We are very excited about this mixed-use commercial and light industrial development and look forward to working with you and the city of Statham. This will be a first-class development that services not only the immediate area but the rapidly growing Highway 316 corridor and northeast Georgia, of which the city of Statham will benefit the most. For more information about our partners, please visit www.bradlanieroil.com and www.rookerco.com.

Sincerely,



Andrew M. Johnson

LDA Partners, LLC

Letter of Intent

**CITY OF STATHAM, GA
CONSULTING CITY PLANNER'S STAFF REPORT**

TO: Honorable Mayor and City Council, City of Statham

DATE: May 23, 2022

SUBJECT: **C-21-01:** Conditional use for a truck stop in a HB (Highway Business) zoning district

COMPANION APP: Development of Regional Impact #3627

PUBLIC HEARING: June 9, 2022 @ 6:30 p.m. (Mayor and City Council)

VOTING SESSION: June 21, 2022 @ 7:00 p.m. (Mayor and City Council)

APPLICANT: LDA Partners, LLC, by Andrew Johnson

OWNER(S): WM SUB CLY PDL, LLC

LOCATION: Fronting on the west side of Bethlehem Road and the north side of Doc McLocklin Road

PARCEL #: Part of Map/Parcel ST 03/003

ACREAGE: 9.909

EXISTING USE: Vacant/undeveloped

PROPOSED USE: Blocstop Travel Center (truck stop with 6 truck fueling positions and convenience store with 12 car fueling positions)

SURROUNDING LAND USE/ZONING:

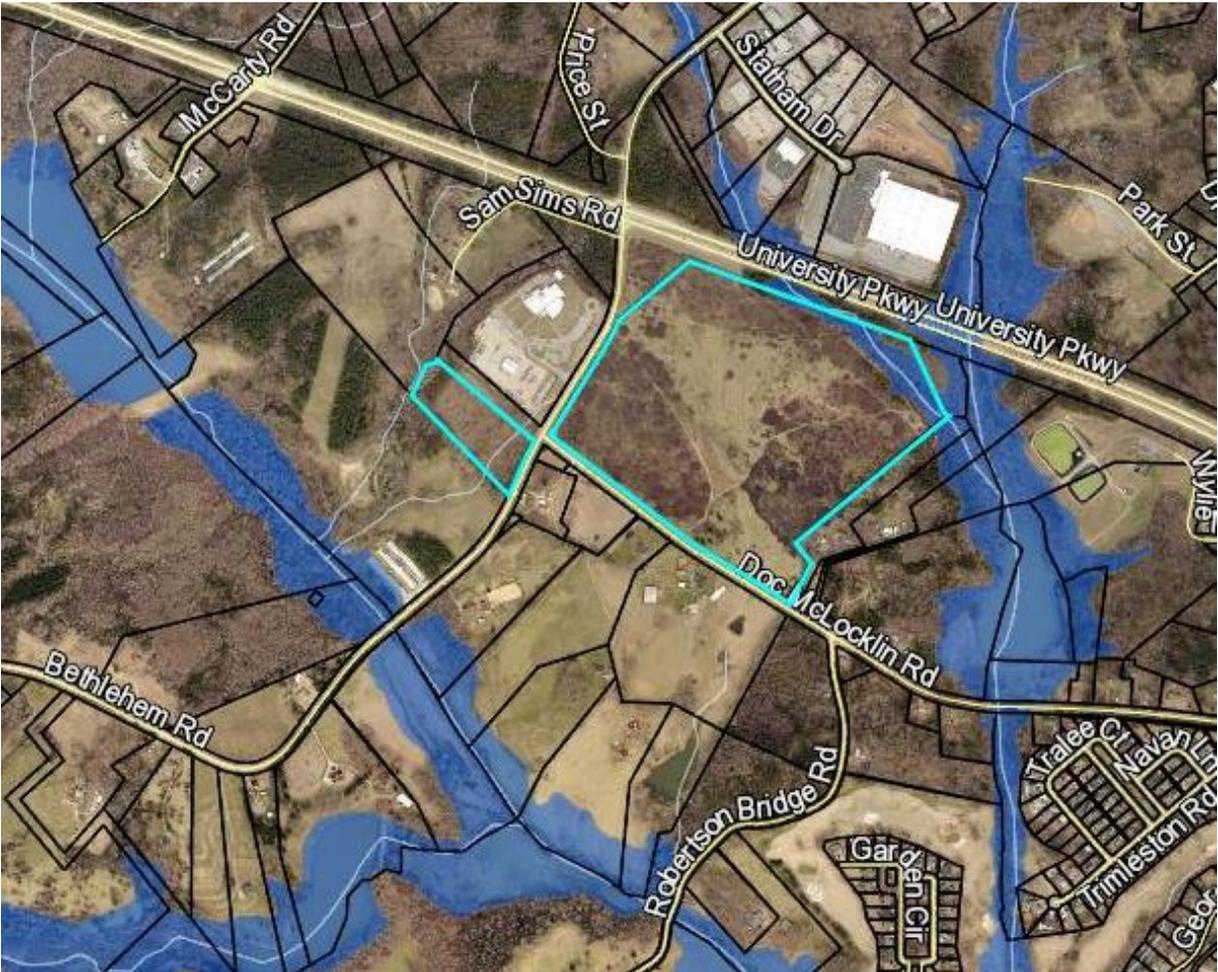
NORTH: Vacant/undeveloped, HB (Highway Business) (part of the applicant's property)

EAST: Vacant/undeveloped, HB (proposed for rezoning to LI (Light Industrial) and light industrial development per R-21-06)

SOUTH: Across Doc McLocklin Road: Vacant/undeveloped, HB (applicant's property); undeveloped/vacant AG (Agricultural) (unincorporated)

WEST: Across Bethlehem Road: U.S. Government property, LI (Light Industrial); Vacant/ undeveloped, LI (applicant's property proposed for rezoning to HB per R-21-07)

RECOMMENDATION: Approval, Conditional



**Tax Map/Aerial Photo of Property (parent parcel in blue)
(flood plain shown in dark blue)**

SUMMARY OF REQUEST AND SITE PLAN REVIEW

The subject property consists of approximately 10 acres proposed to be divided from a larger 78-acre parcel. The applicant has submitted a letter of intent (attached) which indicates an intent to develop a truck stop/ convenience store with truck parking. A site plan has also been submitted and is included (excerpt) in this report.

The site is currently vacant. Access to the travel center is proposed to include three points. One of these is a driveway on Bethlehem Road which would serve both truck and auto parking and would also provide inter-parcel access to the light industrial property (if rezoned and developed) immediately to the east. Two driveways would be constructed onto Doc McLocklin Road, one for cars only for the convenience store portion of the building, and a second one primarily if not predominantly for trucks.

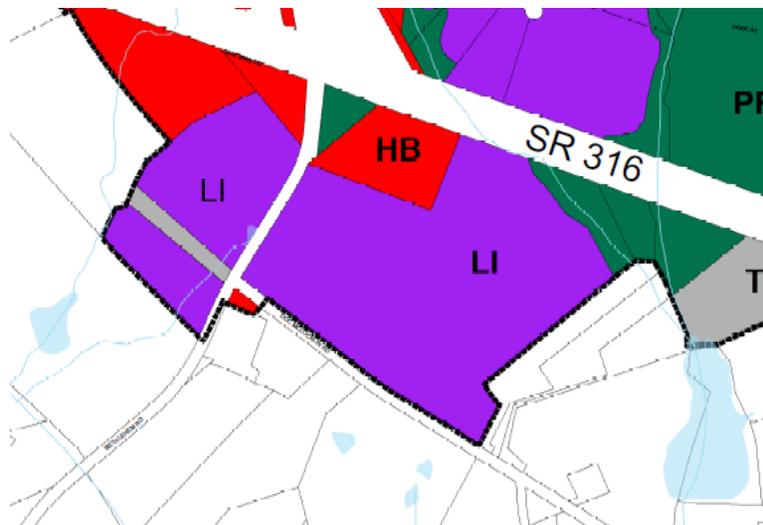
STANDARDS GOVERNING EXERCISE OF ZONING POWER
(Sec. 13-310 Statham UDC)

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) Will the proposed conditional use be consistent with the stated purpose of the zoning district in which it will be located?***

Finding: The purpose of the HB zoning district per the UDC is to “implement the highway business future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. A public water supply and sanitary sewer are typically available to serve this district. This district is intended to establish suitable areas for business activities along major transportation arteries serving the traveling public.” The request is consistent with this criterion because it is located on a major collector road near its intersection with the most significant transportation artery in Barrow County, SR 316 (***supports request***).

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



Excerpt of Future Land Use Plan 2040 Map

Finding: The proposal is consistent with the recommendation of the future land use plan 2040 map, which shows light industrial land use. Per Statham's UDC, a truck stop is a conditional use in the LI zoning district as well as the HB zoning district, but the property itself is zoned HB (Highway Business) (**meets criterion/supports request**).

(c) Will the establishment of the conditional use impede the normal and orderly development of surrounding property for uses predominant in the area?

Finding: Given the location of the proposed travel center near (but not right up to) the intersection of Bethlehem Road and SR 316, and given that the intersection will be reconstructed as a grade separated interchange, traffic from the proposed travel center if approved and constructed will not impede the normal and orderly development of surrounding properties, some of which are under the control of the same applicant (**meets criterion/supports request**).

(d) Is the location and character of the proposed conditional use consistent with a desirable pattern of development for the locality in general?

Finding: The proposed use and its location and character are appropriate given the subject property's location and planned improvements to the Bethlehem Road/ SR 316 intersection (**meets criterion/supports request**).

(e) Is or will the type or functional classification of street providing access to the use be adequate to serve the proposed conditional use?

Finding: The functional classification of Bethlehem Road according to the county transportation plan is a major collector, which is adequate to serve the proposed use. Also, Doc McLaughlin Road will provide access to the proposed development; it is considered to serve a minor collector function once development occurs as proposed, but it is inadequate presently and some road improvements will be required (**supports conditional approval**).

Finding: According to the traffic study submitted with the DRI, Doc McLocklin Road has very low traffic volumes presently (2021) (see Figure 2, a.m. and p.m. peak traffic volumes). The intersection of Doc McLocklin Road and Bethlehem Road operates at a level of service "A" (best possible condition). However, traffic volumes and the level of service standard will change with the conditional use and development, if approved. Total average daily traffic from the convenience store and truck stop is 5,493 vehicles per day, or 2,968 vehicles per day if mixed use reduction factors are applied (these numbers exclude a restaurant if proposed as part of the facility). Per the traffic study, an estimated 92% to 98% of all trips on Doc McLocklin Road will go westward to Bethlehem Road, with only 2% to 8% traveling further east along Doc McLocklin Road. With the proposed development, both a.m. and p.m. peak hour traffic conditions are low enough such that deceleration lanes or left-turn lanes into the development have not

been recommended by the traffic engineer in the traffic study. The intersection of the project driveways for the truck stop convenience store are projected to operate at acceptable levels of service **(supports approval)**.

Finding: Doc McLaughlin Road is a paved rural road with a width of approximately 22 feet. Some of this road is in unincorporated Barrow County and is thus under the jurisdiction of Barrow County rather than the City of Statham. Doc McLocklin Road has an 80 foot right of way (per Q-Public) and is considered by the consulting planner to be a minor collector road per the city's UDC since it connects two major collectors that intersect with and provide access to SR 316 (a major arterial). Doc McLocklin Road has an adequate (80 foot) right of way, but the pavement width is considered insufficient to support extensive truck traffic unless additional improvements are made by the developer. The required pavement width for a minor collector per the Statham UDC is 36 feet (Reference: Table 6-3-5). The Statham UDC also calls (see generally Sec. 6-206 and Sec. 6-207) for the project developer to upgrade substandard roads along the property frontage **(supports conditional approval)**.

Finding: Bethlehem Road at the project site has an 80 foot wide right of way and is shown as having a 22 foot wide pavement width. Both the right of way and pavement width are substandard for a major collector which requires a right of way of 100 feet and a 48-foot wide pavement width. Therefore, Bethlehem Road is inadequate to serve the proposed travel center and other development proposed by the applicant. Additional right of way and road improvements are needed **(supports conditional approval)**.

Finding: With the proposed development and including development in the other applications filed by the applicant, the intersection of Bethlehem Road and SR 316 is expected to operate at an overall level of service of "C" in the a.m. peak hour and "E" during the p.m. peak hour. According to the traffic study (p. 23): "Traffic operations at SR 316 (University Parkway) and Bethlehem Road will improve significantly once the GDOT project to construct an interchange at this intersection is completed as part of its "Transforming SR 316" project. If GDOT's interchange project is not completed at the time the travel center is operational, the traffic engineer recommends installing a northbound left-turn lane on Bethlehem Road at the SR 316 (University Parkway) intersection" **(supports conditional approval)**.

(f) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

Finding: Access to the proposed development is evaluated in detail in a traffic study prepared by a traffic engineer, and the proposed driveways are found to be adequate to provide for traffic safety and to accommodate anticipated traffic volumes and flows **(meets criterion/supports request)**.

(g) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the conditional use?

Finding: There will not be any impact on schools. A fire station is located north of SR 316 on Bethlehem Road within a few minutes of the site at most. Police can serve the facility from the existing location in downtown Statham. Water and sewer are expected to be adequate to serve the development ***(meets criterion/supports request)***.

(h) Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?

Finding: Because the site is removed from any residential development except for very low intensity/rural land on the south side of Doc McLaughlin Road, the parking, loading, solid waste collection and other functions on the site (if approved and constructed) will not have a detrimental impact on adjacent properties, especially if a landscape strip is installed as recommended in the conditions of zoning ***(meets criterion/supports request with conditions)***.

(i) Will the hours and manner of operation of the conditional use have one or more adverse effects on other properties in the area?

Finding: The letter of intent and application do not disclose specific hours of operation. The city council could impose a condition that limits the hours of operation; however, given the location and lack of surrounding residential development except for property south of Doc McLaughlin Road, staff does not see a need to limit the hours of operation of the travel center ***(meets criterion/supports request)***.

(j) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Finding: No description of building height is provided in the letter of intent. However, the HB zoning district will govern, which allows four stories and a height of 50 feet. Such heights are not considered incompatible with any adjacent or nearby development ***(meets criterion/supports request)***.

CONCLUSION AND RECOMMENDATION

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

RECOMMENDED CONDITION OF CONDITIONAL USE APPROVAL

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

1. There shall be a 20-foot wide landscape strip along the entire portion of the property fronting the north side of Doc McLocklin Road (except for approved driveways), within which twice the amount of landscaping required by the Statham UDC for a 10-foot landscape strip shall be provided.
2. Development on the subject property shall provide for inter-parcel access through the site for abutting light industrial zoning/development to access Bethlehem Road.
3. Doc McLocklin Road improvement. At no cost to the city or county, along the entire property frontage along the north side of Doc McLocklin Road (except for access drives), the owner/developer shall install additional road width so that there is 24 feet from the centerline of Doc McLocklin Road to back of curb. Curb, gutter and sidewalk and pavement to the centerline shall be required along the entire property fronting Doc McLocklin Road. Plans for the improvement of Doc McLocklin Road shall also be subject to the approval of Barrow County.
4. Bethlehem Road right of way. At no cost to the city, along the entire property frontage along the east side of Bethlehem Road and extending north past the subject travel center parcel to a point that will intersect with interchange improvement plans by GDOT, the owner/developer shall dedicate an additional 10 feet (or 50 feet from the centerline, whichever is less) to the City of Statham prior to the issuance of a certificate of occupancy for the travel center.
5. Bethlehem Road improvement. At no cost to the city or county, along the entire property frontage along the east side of Bethlehem Road and extending north past the subject travel center parcel to a point that will intersect with interchange improvement plans by GDOT, the owner/developer shall install additional road width so that there is 24 feet of pavement width from the centerline of Bethlehem Road to the back of curb. Curb, gutter and sidewalk and pavement to the centerline shall be required along this road segment. Plans for the improvement of Bethlehem Road shall also be subject to the approval of Georgia Department of Transportation. If GDOT's interchange project is not completed at the time the travel center is operational, the owner/developer, at no cost to the city or state, shall also install a northbound left-turn lane on Bethlehem Road at the SR 316 (University Parkway) intersection.
6. Development plans shall incorporate clearly defined pedestrian access ways from truck and car parking to the entrances to the travel center/convenience store building.

**C-21-01 Conditional Use for a Truck Stop in a HB, Highway Business District
Doc McLocklin Road and Bethlehem Road**

7. At least 20 percent of the façade of the convenience store/travel center facing Bethlehem Road shall be finished with brick, stone, brick veneer, or stone veneer as approved by the zoning administrator. The supports for the gasoline pump island canopy serving the car fueling positions shall be required to be finished with brick, stone, brick veneer, or stone veneer matching the architectural finish used for the convenience store/travel center.

**C-21-01 Conditional Use for a Truck Stop in a HB, Highway Business District
Doc McLocklin Road and Bethlehem Road**

LDA Partners, LLC

80 W. Wieuca Road, NE
Suite 204
Atlanta, GA 30342
T. (770)444-3511
C. (404)217-7918
F. (770)444-3773
djohnson@southwooddev.com

August 2, 2021

Ms. April Plank Stephens
City of Statham
327 Jefferson St.
Statham, GA 30666

Dear April:

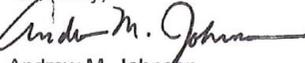
LDA Partners, LLC is excited to propose the mixed use commercial and light industrial development at the SE corner of Highway 316 and Bethlehem Rd. in Statham, GA. We are partnering with Brad Lanier Oil Company and The Rooker Company. Both are family owned and operated and have been in business for over 50 years. They have become one of the most well-respected companies in the southeast within their respective industries.

The subject property is approximately 78 acres and is currently zoned HB. We are proposing the subdivision and rezoning of said tract to include approximately 62 acres of light industrial with the balance of approximately 16 acres on the corner remaining HB. The future land use plan for the city of Statham already designates a big portion of this site as LI. Of the 16 acres of HB, approximately 10 acres will also require a conditional use permit for its intended use as a Blocstop Travel Center. The travel center will include all the amenities of gas, food and drink, and consumer goods, as well as providing truckers with their necessities due to the growing demand of e-commerce along the Highway 316 corridor. Highway 316 has been designated as a freight corridor, and this location will be the first and only travel center servicing the area between Athens and Atlanta. The next closest locations being Commerce on I-85 and Madison on I-20. This will be a huge benefit and service to those residents not only in the immediate area but also to those passenger vehicles and trucks traveling along Highway 316 to and from Athens and its surrounding areas.

A travel center along Highway 316 is desperately needed to better serve the growing demands of e-commerce in the area. Along with approximately 600,000 SF of light industrial manufacturing and distribution, this project will generate tremendous job growth and tax revenue for the city of Statham. These two intended uses compliment each other nicely and conform with the current zonings up and down Highway 316.

We are also proposing the rezoning of approximately 8 acres across Bethlehem Rd. from LI to HB. This 8 acres along with the remaining 6 acres on the corner of Bethlehem Rd. and Highway 316 will be developed as commercial properties in the near future.

We are very excited about this mixed-use commercial and light industrial development and look forward to working with you and the city of Statham. This will be a first-class development that services not only the immediate area but the rapidly growing Highway 316 corridor and northeast Georgia, of which the city of Statham will benefit the most. For more information about our partners, please visit www.bradlanieroil.com and www.rookerco.com.

Sincerely,

Andrew M. Johnson

LDA Partners, LLC

Letter of Intent

**CITY OF STATHAM, GA
CONSULTING CITY PLANNER'S STAFF REPORT**

TO: Honorable Mayor and City Council, City of Statham

DATE: May 23, 2022

SUBJECT: **R-22-01:** Rezoning from SR-1 (Suburban Residential – 1) to HB (Highway Business)

PUBLIC HEARING: June 9, 2022 @ 6:30 p.m. (Mayor and City Council)

VOTING SESSION: June 21, 2022 @ 7:00 p.m. (Mayor and City Council)

APPLICANT: James Konzelman

OWNER(S): Konzco, LLC

LOCATION: Fronting on the south side of Atlanta Highway approximately 200 feet east of Pine Street (1869 Atlanta Highway SE)

PARCEL #: ST02/077

ACREAGE: 0.46

EXISTING USE: Veterinary hospital and business

PROPOSED USE: Veterinary hospital and business

SURROUNDING LAND USE/ZONING:

NORTH: Across Atlanta Highway/Railroad): Vacant, O-I (Office-Institutional)

EAST: Vacant, SR-1 (Suburban Residential – 1)

SOUTH: Single-family dwelling, SR-1 (Suburban Residential – 1)

WEST: Single-family dwelling, SR-1 (Suburban Residential – 1)

RECOMMENDATION: Approval, Conditional



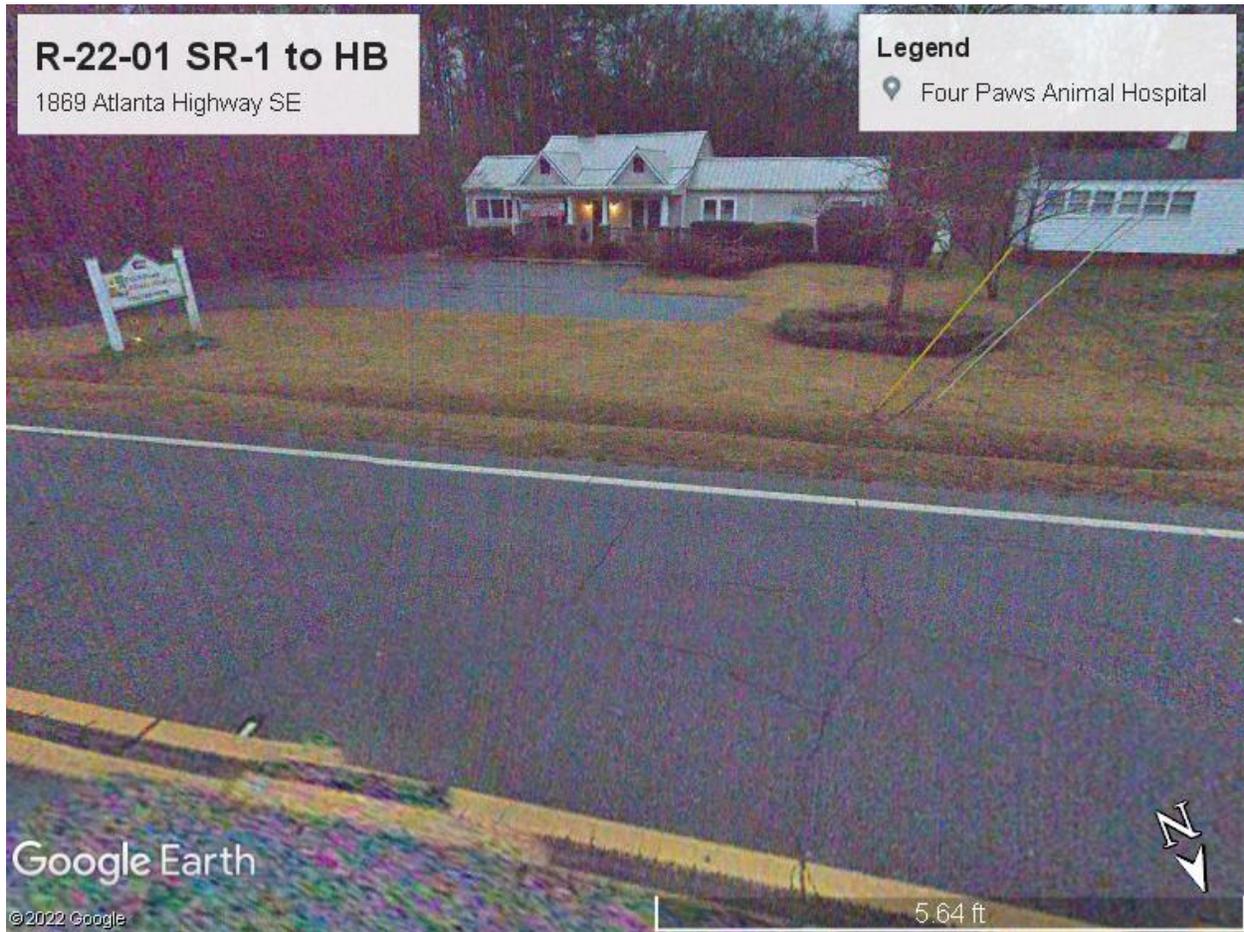
Tax Map/Aerial Photo of Property

BACKGROUND AND SUMMARY OF REQUEST

The subject property is developed as Four Paws Animal Hospital as well as a small hobby breeder referred to as Masterpiece Cavalier King Charles Spaniels (French bulldog puppies). The applicant indicates, and records show, the animal hospital business has been operating at this location since 2005. When the unified development code and official zoning map were adopted on June 30, 2020, they placed the subject property in a residential (SR-1) zoning district instead of a business category. It was not intentional to “downzone” an existing commercial business. Rather, it was based on limited data. First, tax records were consulted in drawing the new zoning map, and the tax record for the subject property showed and still shows (incorrectly), the property is residential, not business. This may mean the property is still assessed at a residential rather than commercial rate. Second, the subject property was shown as office-institution (O-I) but not shown as commercial on the zoning map in effect as of early 2020. Third, the consultant did not field check every parcel in the city for zoning

**R-22-01 Rezoning from SR-1, Suburban Residential 1 District to HB, Highway Business
1869 Atlanta Highway**

compatibility, including the subject property, which would otherwise have been discoverable as a commercial use given the signage on the property.



Google Earth Street View

The applicant indicates he worked with the city administration and mayor at that time to zone the property O-I (Office-Institution). A review of the zoning ordinance of Statham in effect prior to adoption of the unified development code (UDC) and new official zoning map reveals that an animal hospital was not a permitted use in the O-I district (see excerpt below: Sec. 2.04 of the prior zoning ordinance).

Type of Use	R1	R1M	R2	R3	CI	CH	C2	O-I	M1
Accessory Agricultural Buildings									
Accessory Commercial Buildings					P	P	P	P	P
Accessory Office Buildings					P	P	P	P	P
Accessory Convenience Retail Business					P	P	P	P	P
Accessory Residential Buildings	P	P	P	P					
Alternative Tower Structure	C	C	C	C	C	C	C	C	C
Amusement, Recreational and entertainment activities carried on wholly within a permanently enclosed building									P
Animal Hospital, Veterinarian Clinic					P	P	P		

In the adopted UDC, an animal hospital is a permitted use in CB (Central Business) and HB (Highway Business) districts and is a “conditional” use in an O-I (Office-Institutional) zoning district. Therefore, the application for rezoning has been made for HB (Highway Business), a category that permits an animal hospital outright.

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 purpose of the HB zoning district per the UDC is to “implement the highway business future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. A public water supply and sanitary sewer are typically available to serve this district. This district is intended to establish suitable areas for business activities along major transportation arteries serving the traveling public.” The request is consistent with this criterion because it is located on a major transportation artery, Atlanta Highway (***supports request***).

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

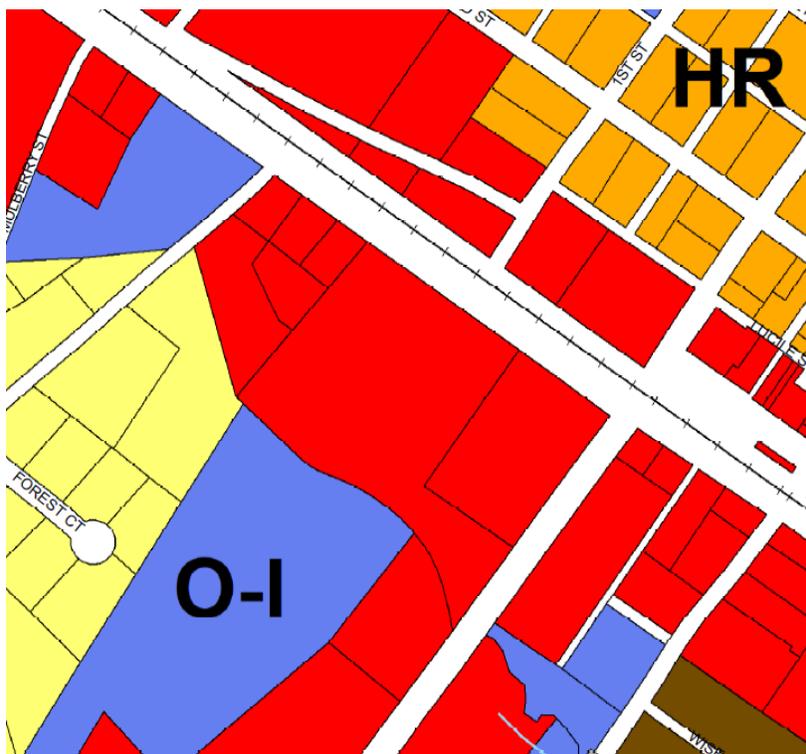
Finding: Properties to the east, west and south are zoned SR-1. This means the site is surrounded by single-family zoning. Across Atlanta Highway and the railroad is a vacant tract zoned O-I (Office-Institutional). It is possible that properties east, west and south of the subject site will eventually be developed for non-residential uses instead of detached single-family dwellings (***tends to support request***). When considering a particular zoning category, the City Council needs to consider not only the use requested, but any use (unless restricted by conditions of zoning) permitted in that zoning district can be made of the property. There are several HB permitted uses that would not, in staff’s view, be compatible at the subject location, especially when there is limited opportunity to provide buffers on the 0.46-acre site (***does not support request or supports conditional approval***).

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

Finding: The HB zoning district requires a principal building setback of 30 feet, including a 20-foot-wide natural undisturbed buffer from an HB zoning district boundary against residential zoning such as SR-1. Those setbacks and natural buffer requirements are intended to protect adjacent residential use from the off-site impacts of commercial uses, such as lighting, odor, and noise. Because the site was originally constructed as a dwelling and then converted to a business, it does not meet these buffer requirements which apply to the west, south, and east property lines (***does not support request***). The building is only 10 to 15 feet from its side property lines, making it a nonconforming building if zoned HB. However, if uses are restricted rather than allowing unrestricted HB zoning, the animal hospital can be compatible without buffers with the abutting SR-1 zoning which exists to the west, south, and east (***supports conditional approval***).

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

Finding: The future land use plan map, adopted June 30, 2020, shows the site and adjacent properties are suitable for commercial use (red color in excerpted map below):



Excerpt of Future Land Use Plan 2040 Map

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

Finding: The existing animal hospital is not a permitted use in the existing zoning district (SR-1) and therefore cannot be used as currently zoned except as a nonconforming use (***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 use as it exists will 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 (***supports request***).

(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: None noted (***inconclusive***).

(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: The public health, safety, and general welfare will be upheld if the subject request is approved. It is in the public interest to change the zoning on the subject site to a category that makes the subject uses legal and conforming, as opposed to nonconforming, and to correct the prior oversights not to zone the property for the established use when it had previously received city council approval (***supports request***).

CONCLUSION AND RECOMMENDATION

The application meets several of the criteria for zoning decisions. Planning staff therefore recommends approval, but with one condition limiting the uses.

RECOMMENDED CONDITION OF ZONING APPROVAL

1. The subject property shall be limited to the following uses as provided in Table 2-1 of the Statham Unified Development Code. Uses not listed here but otherwise permitted in the HB zone shall not be permitted on the subject property):
 - A. Any use permitted in the O-I, Office-Institutional Zoning District (any use requiring a conditional use permit shall still require a conditional use permit).
 - B. Animal hospital or veterinary clinic.
 - C. Retail trade establishment, enclosed.

D. Kennel or animal breeding facility.

From: Jim Konzelman <jkonzelman@gmail.com>
Sent: Tuesday, August 17, 2021 11:56 AM
To: Joe Piper <jpiper@cityofstatham.com>
Subject: Zoning Concerns

Mayor Piper,

I wanted to thank you for taking the time to meet and discuss my zoning concerns yesterday. I truly appreciate it!

The points you made about communication, and how difficult it can be to do it effectively has been echoing in my mind since I left your office. I guess I am not confident that I was effective in my communication and thought it best to try to express myself as best I can.

My wife and I were shocked to find out that the property where Four Paws Animal Hospital has been operating for the past 16 years was zoned residential. Prior to opening the business, we had worked with then mayor Robert Bridges, and the town council, to have the property zoned Office/Industrial. After talking with the city zoning official yesterday, I began to understand how the property at 1865 Atlanta hwy had its zoning changed from office-industrial, to residential. It seems there may have been an oversight when the city updated its zoning map last year.

April indicated to me that the zoning map was updated to ensure that the current zonings were in-line with current usage, as well as future plans. These facts indicate that the zoning for our property should not have been changed back to residential, as it was currently in use as a Veterinary Hospital business, which is not permitted under residential zoning. In addition, the future zoning plans seem to indicate that the land along Atlanta highway is migrating towards highway business zoning, and not back to residential.

These two facts indicate that the changing of the zoning on our property was an oversight, and not in-line with current usage or future planning. I am seeking a way to correct this errant change.

I want to request again, that if it is in any way possible, that the zoning be changed back to Office Industrial by the same process that was used to change it to residential, correcting the initial oversight.

I suggest this route for two reasons:

1- it would not put the burden of the expense on me, as I have gone through this process once before and it is costly.

2-any other route opens the door to failure which would require us to move the business, and again be a disruptive and costly endeavor.

I hope you see this situation from my perspective. We have invested a large amount of effort, a huge portion of our lives, and a large sum of money in our business; prior to doing so, we followed the procedures to obtain proper zoning. For more than 16 years now, my wife has served the community as a respected veterinarian, caring for peoples' pets, providing jobs and paying taxes. I hope you see Four Paws Animal Hospital as a stable pillar of the community worthy of your consideration in this matter.

Again, I thank you for your time and attention to this important matter. I hope I have communicated my thoughts clearly, that we are seeking a resolution to this situation that is workable for everyone concerned, and allows us to continue to operate in Statham.

Regards,
Jim Konzelman

CITY OF STATHAM

AGENDA

Statham City Hall

327 Jefferson Street, Statham, GA 30666



FY23 BUDGET PUBLIC HEARING – June 9, 2022

6:00 P.M.

CALL TO ORDER: Mayor Piper called the meeting to order at 6:03 p.m.

Roll Call

Present: Mayor Piper and Councilmembers Krause, Patterson, Penn, Thrasher and Venable.

Also present: City Accountant April Stephens, City Attorney Jody Campbell, Police Chief Ira Underwood and Interim Public Works Director Jordan McDaniel.

PLEDGE OF ALLEGIANCE – Mayor Piper led the Pledge of Allegiance and thanked all veterans and their families for their service.

PUBLIC HEARING – Mayor Piper welcomed citizens to the public hearing on the FY23 Budget and asked council for a motion to open the public hearing. Councilmember Patterson made a motion to open the public hearing and it was seconded by Councilmember Venable. Motion carried unanimously.

- 1. FY23 BUDGET** City Accountant, April Stephens, welcomed all to the public hearing and explained the general budget process. She then gave a general overview of the FY23 budget highlighting some specific areas and provided copies of the FY23 Draft Budget Document to all elected officials and made copies available for the public. The Mayor, Council, and citizens followed along using documents provided.

Councilmember Venable questioned the cage quote for the PD vehicle. Accountant Stephens relayed that cleaning service funds from departments 150 and 320 can be moved to cover the cost to finish upfitting the vehicle in a total amount of \$4,800. Councilmember Venable approved of the move. Mayor Piper asked if the entirety of the cleaning budget had been shifted to vehicle repairs. Accountant Stephens relayed that there still remained a budget for monthly deep cleaning of the community rental centers.

Councilmember Krause had concerns over the budget for replacing the Hillman Community Center roof. She wanted to know if quotes had been received to justify this cost. Accountant Stephens assured her that the budget was based on quotes but reminded her that this project would go out to bid with an appropriate RFP (Request for Proposal) and Council would have approval rights. Accountant Stephens also relayed that the budget could be revised at any time should it be warranted. Councilmember Krause was also concerned that the budget did not include funds for sidewalk maintenance.

Councilmember Venable asked how soon they could begin discussing projects after the city receives its second installment of the ARPA funds. Accountant Stephens relayed that after the

funds are received, it is up to Council to relay when they would like to discuss projects using these particular funds. He also asked if funds had been budgeted for water source properties.

Accountant Stephens asked if there were any other questions and with none asked, turned the meeting back over to Mayor Piper.

Mayor Piper then asked if any citizen had signed up to speak at the hearing and reminded citizens of the five-minute time limit of public comment. With this being affirmed, Accountant Stephens read through the list for public comment:

1. Cheryl Venable – FY23 budget; addressed her concerns and comments.
2. Dwight McCormic – FY23 budget; addressed his concerns and comments.

Mayor Piper asked if anyone else had signed up to speak on the budget. Accountant Stephens relayed no.

Mayor Piper asked for a motion to close the FY23 Budget Public Hearing. The motion was made by Councilmember Patterson and seconded by Councilmember Thrasher. Motion carried unanimously.

ADJOURN - FY23 Budget Public Hearing was adjourned at 6:54 pm.

CITY OF STATHAM

AGENDA

Statham City Hall

327 Jefferson Street, Statham, GA 30666



PUBLIC HEARING & WORK SESSION – June 9, 2022

6:30 P.M.

CALL TO ORDER: Mayor Piper called the meeting to order at 6:54 p.m.

Roll Call

Present: Mayor Piper and Councilmembers Krause, Patterson, Penn, Thrasher and Venable.

Also present: City Accountant April Stephens, City Attorney Jody Campbell, Police Chief Ira Underwood and City Planning Consultant Jerry Weitz.

PLEDGE OF ALLEGIANCE

Councilmember Venable made a motion to amend the agenda to add discussion for sidewalks, alleys and culverts. Councilmember Krause seconded the motion and the motion passed unanimously. This item is #1 under Discussion items.

PUBLIC HEARING

City Planning Consultant Jerry Weitz presented public hearing items R-21-06, R-21-07 and C-21-01. He summarized each items' staff reports, which were previously provided to all elected officials. Each application, based on findings within the Unified Development Code and the proposed project use, are recommended for approval with conditions.

Jerry Weitz stated that application R-22-01 is due to an oversight on the zoning map of the City, and the office space has been there for over 16 years. He recommends approval with conditions. Applicant and owner, James Konzelman, stated that he and his wife have been in business for years and the former mayor approved the home to be used for a veterinary clinic as it was not considered a business district at that time. They have invested a lot into the property and business and would like to continue here in this community, and they agree to the conditions recommended.

Burton Morgan, attorney for applicant LDA Partners; Drew Johnson of LDA Partners and owner John Rucker were all present for the public hearing.

After R-21-06, R-21-07 and C-21-01 were presented by Jerry Weitz, Attorney Morgan displayed the City's Future Land Use Map showing that the project conforms to and is in compliance with the future land use map. He summarized R-21-06 stating the proposal for the rezone is for warehouse space, approximately 600,000 sq. ft.

Attorney Morgan stated the site plans are not specific, and reminded council of how much process the plans will be required to go through. The applicant does have constitutional rights, and he hopes the council does not forget that.

Property owner, John Rucker, stated there will be screening and buffers, and the plans are speculative thus far. He stated he understands concerns from citizens and will be available to answer any questions.

Attorney Morgan discussed the conditional use application and stated this application required council approval for the conditional use required. He stated this project is an appropriate place for this use

(along the Highway 316 Corridor); it was submitted to and processed by the Department of Community Affairs via a DRI (Development of Regional Impact); a traffic study was completed, and staff had reviewed each application. The applicant is in agreement with all the conditions suggested in the staff reports, and again reminded the council of the property owner's and applicant's constitutional rights. Attorney Morgan said the proposed travel center is a family-owned business called the Blocstop Travel Center, and they have been in business for 60 years. The applicant stated they have been developing since 1979, and all Blocstop's have 24-hour security, it is kept clean, and they maintain the property's landscaping. He provided images of another Blocstop Travel Center as well as renderings of the proposed warehouse site to the mayor, council and public.

Attorney Morgan stated he understood the public's concerns, but the focus is on rezoning and that they meet the standards including the future land use map, studies have been completed, it will not impact schools, public safety or water, and will agree on the terms regarding the roads and land.

1. **R-21-06:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks to rezone 62.268 acres (part of Map/Parcel ST 03/003) fronting on the south side of State Route 316 and the north side of Doc McLocklin Road from HB, Highway Business District to LI, Light Industrial District. Proposed use: Warehouses/light industrial.
2. **R-21-07:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks to rezone 7.958 acres (part of Map/Parcel ST 03/003) fronting on the west side of Bethlehem Road south of the intersection of Doc McLocklin Road and Bethlehem Road from LI, Light Industrial District, to HB, Highway Business District. Proposed use: Commercial.
3. **C-21-01:** LDA Partners, LLC, applicant, WM SUB CLY PDL, LLC, property owner, seeks a conditional use permit for a truck stop/travel center in an HB, Highway Business District for 9.909 acres of property (part of Map/Parcel ST 03/003) fronting on the west side of Bethlehem Road and the north side of Doc McLocklin Road.
4. **R-22-01:** James Konzelman, applicant, Konzco LLC, property owner, seeks rezoning of 0.46 acre fronting on the south side of Atlanta Highway approximately 200 feet east of Pine Street (Map/Parcel ST02/077) (1869 Atlanta Highway, SE) from SR-1 (Suburban Residential – 1) District to HB, Highway Business District. Proposed use: Veterinary hospital and business.

There was a great deal of public interest with approximately 150 or more people in attendance.

Tommy Miller, Barrow County resident and president of the Georgia Club's HOA, spoke on behalf of 1,000 residents who live in the Georgia Club, which is right up the road from the proposed travel center. Mr. Miller and those he represented are opposed of this development as they will be greatly impacted. He stated they are not against development, but against a truck stop and that it does not adhere to the Barrow County Comprehensive Plan. The BCCP considers Highway 316 as an "innovation corridor" to include developments such as biotech, life sciences offices and distribution centers. He also stated that a truck stop initiates a lot of calls for public safety, and whereas he recognized most are minor, they do have to be responded to. Calls regarding pollution, drugs, sex trafficking, prostitution cannot be ignored, and the byproducts of trucks bring contaminates. Moving away from the Comprehensive Plan is jeopardizing the City of Statham, and asks the City bring life sciences to the area just as the plan was designed to do.

The Buhite Family spoke in opposition as their family lives adjacent to the proposed project.

Wes Blakenship, Dan Thomas, Rudy Krause, Lynn McGinsky and Gail Steed spoke in opposition. Several other residents also spoke in opposition.

The McLockin Family, who lives on Doc McLockin Road, fears if one is approved, three will be approved. Mr. McLocklin said he's been a resident for 81 years and asks that council take into consideration the people who live right there. He also asked council to be kind.

Another resident spoke in opposition. They live a half mile away, and are opposed to the trees being removed, the 24/7 noise, lit up at night, lined up trucks, diesel fuel and pollution and no dedicated access roads.

At 8:06 p.m., the mayor and council ended the public hearing.

DISCUSSION ITEMS

1. Added Agenda Item: Sidewalks, Culverts and Alleys

Councilman Venable stated he understands funding these types of projects, however, the City Charter states the City is not responsible for sidewalks but the home owner is. He would like to look at this on a case by case basis because sidewalks, alleys and culverts predate purchases of homes. There are no easements on plats, no drainage in alleyways, and the City should be cleaning and maintaining drainage issues. Councilman Patterson tends to agree, and that the City should clean ditches and take other steps necessary that the City can afford. Councilmember Krause stated that the City needs to take responsibility.

CITIZEN INPUT

Rudy Krause commented on the granting of variances on Sunset Drive and the damage done to the road. Claire Maki commented on sidewalks and ethics. Cheryl Venable commented on alleyways, sidewalk repair at city hall and the City Charter. Gail Steed commented on the FY23 Budget draft, sidewalks and alleyways. Kathy White commented on sidewalks. Dwight McCormic commented on ethics.

MINUTE APPROVAL

Councilman Venable made a motion to accept the May 17, 2022 and May 24, 2022 minutes. Councilman Patterson seconded the motion, and the motion approved unanimously.

1. May 17, 2022 Regular Meeting Minutes (draft minutes provided to mayor and council on May 20, 2022).
2. May 24, 2022 FY23 Budget Workshop Minutes (draft minutes provided to mayor and council on May 31, 2022).

ADJOURN

At 8:39 p.m., Councilmember Krause made a motion to adjourn the meeting. Councilman Venable seconded the motion, and the motion passed unanimously.

Mayor Joe Piper

April Stephens, City Accountant

Date