

RESOLUTION NO. 19- 82

**RESOLUTION APPROVING A REZONING REQUEST FROM RM (MULTI-FAMILY RESIDENTIAL) TO C-3 (HIGHWAY COMMERCIAL) BY GENE MORRIS FOR PROPERTY LOCATED WEST OF 3248 HIGHWAY 81 WEST IN LAND LOT 185 OF THE 6<sup>TH</sup> DISTRICT CONSISTING OF 7.06 +/- ACRES**

WHEREAS, Gene Morris of McDonough, GA requests a rezoning (RZ-18-24) from RM (Multi-family Residential) to C-3 (Highway Commercial) for property located west of 3248 Highway 81 West (a portion of Parcel ID# 019-02031000) in Land Lot 185 of the 6<sup>th</sup> District consisting of 7.06 +/- acres for future commercial development; and

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

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

WHEREAS, the Henry County Zoning Advisory Board reviewed and recommended approval of the applicant's request on January 24, 2019;

NOW, THEREFORE, BE IT RESOLVED, that the Henry County Board of Commissioners approves the applicant's request with the following condition:


- I. Truck parking is prohibited as a use.

BE IT SO RESOLVED THIS 19<sup>TH</sup> DAY OF MARCH 2019.

BOARD OF COMMISSIONERS  
OF HENRY COUNTY, GEORGIA

  
June Wood, Chair

ATTEST:

  
Stephanie Braun, County Clerk

C:\Users\braun\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.I58\24\Gene Morris Highway 81 West BCC 1-29-19 AS APPROVED.docx



RZ-18-24 Gene Morris of McDonough, GA requests a rezoning from RM (Multifamily Residential) to C-3 (Highway Commercial) for property located west of 3248 Highway 81 West in Land Lot 185 of the 6<sup>th</sup> District. The property consists of 7.05 +/- acres, and the request is for future commercial development. **District 2**

Stacey Jordan Rudeseal stated the applicant's request to rezone had been reevaluated and he staff recommendation as included in the original staff report is being modified from denial to approval based in part upon a more in-depth look at the re-alignment of the road, the zonings of nearby parcels, and the character of the area. The applicant has stated that it is not feasible to develop the subject property under its current zoning of RM (Multifamily Residential) because sewer service is not available. According to the applicant, the subject property has been zoned RM since 1963. There is a C-3 (Highway Commercial) zoned parcel several hundred feet to the east of the subject property which establishes a precedence for C-3 in the area. Though this C-3 zoned parcel is being used for truck parking at the current time, the applicant has stated that truck parking is not the intended use for the subject property.

The applicant is requesting to rezone the subject property from RM (Multifamily Residential) to C-3 (Highway Commercial) for the purpose of marketing the subject property for future commercial development. The Future Land Use Map (FLUM) designates the subject property for High Density Residential land uses. There is an associated Comprehensive Plan amendment case running concurrently to change the land use designation of the subject property from High Density Residential to Commercial.

Chairman Nelson called for questions.

Ms. King asked what spurred the decision to reevaluate this request.

Mr. Jordan-Rudeseal responded that the applicant was diligent in studying the property for the proposed development and reevaluated the request. Mr. Gibbs confirmed that it was indeed an error and needed to be addressed.

Mr. Risher if this would fall under the standards of the Highway Corridor Overlay District.

Mr. Jordan-Rudeseal confirmed that the property would be required to comply with Highway Corridor Overlay standards.

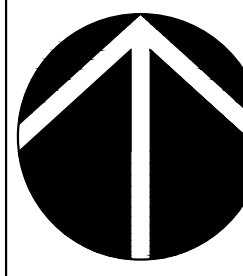
Chairman Nelson called for those speaking in favor of the case. There were none.

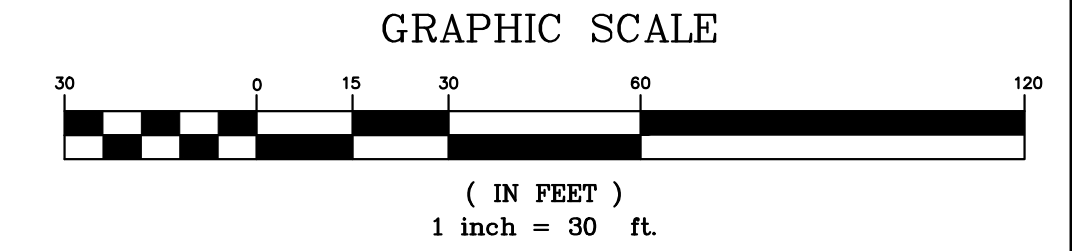
Chairman Nelson called for those speaking in opposition of the case.

John Hawkins, 344 Highway 81 of Hampton expressed his concerns for increased traffic and heavy commercial zoning near his home.

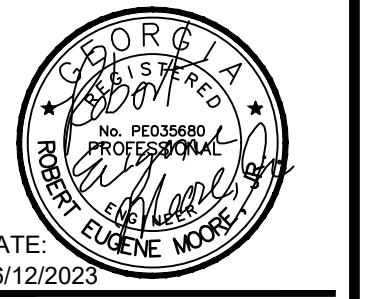
Mr. Moore asked Mr. Morris to address the concerns of Mr. Hawkins.

Mr. Morris responded that the development standards of Highway Corridor Overlay standards which prohibits several of the intensive commercial developments.

CAUTION	
CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING THE SERVICES OF A PRIVATE UTILITY LOCATOR FIRM DURING THE ENTIRE COURSE OF CONSTRUCTION. CONTRACTOR SHALL PAY FOR SAID SERVICES. CONTRACTOR SHALL REPAIR ALL UTILITIES DAMAGED BY CONSTRUCTION ACTIVITIES, AT NO ADDITIONAL COST TO THE OWNER/DEVELOPER.	
THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SITE DESIGN PROFESSIONAL ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF UTILITIES WITHIN THE LIMITS OF THE WORK. DAMAGE TO EXISTING UTILITIES BY THE CONTRACTOR, FROM HIS/HER OPERATIONS SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.	
CONTRACTOR SHALL BE RESPONSIBLE FOR COMPACTION OF BACKFILL OF ALL UTILITY TRENCHES WITHIN SITE WORK LIMITS. THIS INCLUDES TRENCHES DUG AND BACKFILLED BY LOCAL UTILITIES SUCH AS POWER, GAS, TELEPHONE, ETC. CONTRACTOR SHALL PROVIDE ADDITIONAL BACKFILL AND COMPACTION AS NECESSARY, IF SETTLEMENT OCCURS.	
	DO NOT DUPLICATE DRAWINGS WITHOUT PERMISSION



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DATE: 06/12/2023

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REVISIONS:

6/21/22	GRADING PLAN
10/21/22	1st LDP SUBMITTAL
10/21/22	1ST GDOT SUBMITTAL
01/30/2023	NEW LAYOUT
02/21/2023	NEW LAYOUT
05/09/2023	2nd LDP SUBMITTAL
05/09/2023	2nd GDOT SUBMITTAL
12/19/2023	3rd GDOT SUBMITTAL
12/19/2023	3rd LDP SUBMITTAL
03/05/2023	4rd LDP SUBMITTAL
03/05/2023	3rd GDOT SUBMITTAL
04/24/2024	6TH GDOT SUBMITTAL
05/21/2024	7TH GDOT SUBMITTAL
12/12/2024	8TH GDOT SUBMITTAL
03/06/2025	5TH LDP SUBMITTAL
07/03/2025	6TH LDP SUBMITTAL

**HWY 81 C-STORE**  
 HWY 81  
 HAMPTON, GA 30228

SHEET TITLE:  
ZONING RESOLUTION

SHEET NUMBER:  
C.105