

The Henry County Board of Commissioners held a Public Meeting at 9:00 a.m. on Tuesday, November 6, 2007

Lovejoy Realty of McDonough, GA – RZ-07-26

Lovejoy Realty of McDonough, GA requested a rezoning from RA (Residential-Agricultural) to PD (Planned Development) for property located on the west side of Selfridge Road near Lower Woolsey Road. The property is located in Land Lots 16 and 17 of the 3rd District, consisting of 96.63+/- acres. The request is for a Mixed Use Planned Development. The Zoning Advisory Board recommended approval on September 27, 2007.

Stacey Jordan, Chief Planner, presented the agenda item to the Board. The subject property is south of Tara Field/Clayton County Airport and one block west of the Atlanta Motor Speedway. The applicant's proposal is for 352 residential units and approximately 900,000 square feet of airplane hanger space. They also proposed ground level retail with residential condominiums above. The Federal Aviation Administration (FAA) has opposed any development that includes detention ponds within five miles of an airport; particularly ones that include residential components. **The Atlanta Regional Commission (ARC) resolved that this particular development is not in the best interest of the region do to the FAA. The Department of Community Affairs (DCA) requires a letter from Henry County, if the Board approves the request, listing any mitigating factors. The Georgia Regional Transportation Authority (GRTA) recommended approval with conditions. Staff recommended approval with the conditions from GRTA. The Zoning Advisory Board recommended approval with conditions recommended by staff with three additional conditions regarding landscaping.**

Chairman Harper stated he is the Chairman for the ARC's Land Use Committee and he recused himself from chairing the meeting but not from voting. **It was a spilt vote to recommend that this rezoning was not in the best interest. The committee voted in opposition based on Clayton County's objection to the request.** Clayton County objected to the project because they receive Federal Funding for the airport and the grant funding states they must object to any land use surrounding the airport that the FAA expresses concern over. Clayton County did their part in objecting; no one was at the committee meeting in objection. The airport is in Henry County and its Henry County's Land Use and the decision is Henry County's decision.

Doug Dillard, Dillard & Galloway, represented the applicant in the rezoning request. The request is a planned development community of mixed uses of condominiums, hangars and retail. Mr. Dillard stated the existing RA (Residential Agriculture) classification is unconstitutional. That it is a taking of the valuable property rights which are protected under the Georgia Constitution.

William Abbate, Managing Member, made the following presentation to the Board:

Overview of Proposed 97 acre Planned Use Development at Tara Field Airport Henry County, Georgia

- **Project Overview**

- Project is located on a 97 acre land parcel contiguous with, and southeast of, Clayton County-Tara Field Airport (4A7), physically located in Henry County.
- **The Big 5 Enterprises, LLC (B5E)** development is a secured access, aviation/airport driven ***planned development*** consisting of approximately 900,000 SF of FAA compliant aircraft hangars, approximately 480 Eagle's Landing Country Club quality luxury condominiums, condo/hotel and retail space, and a state-of-the-art 20,000 SF fixed-base-operator (FBO) that is slated to be the finest in the U.S.
- Project is to be completed in two (2) phases. Duration of construction estimated to be thirty-six (36) months.

- **Target Market**

- Target market is the NASCAR community, including team owners, drivers, corporate sponsors, and affluent fans of the 75 million NASCAR fan base. Additionally, affluent non-NASCAR aviation enthusiasts who desire to reside in an executive quality fly-in community will be attracted to the development.

- **Proposed Amenities**

- Concierge service

- Charter services
- Pilot's lounge
- Passenger's lounge
- Flight planning area
- Conference rooms
- Private gym
- Rental car concession
- Swimming pool
- Tennis Courts
- AvGas & Jet A Fuel (full service only)
- Pilot's supply shop
- Playground
- Golf cart paths
- Flight School
- Water features
- Book store/Coffee Shop
- Restaurant with lounge
- VIP suites
- Limo services
- Security offices
- Executive protection services
- Full Service aircraft maintenance
- **Economic Impact**
 - **Clayton County:**
 - B5E's "Thru-the-Fence Agreement" (TTF) with Clayton County was approved by UNANIMOUS vote of the Clayton County BOC in September 2006, and **again** by UNANIMOUS vote of the Clayton County BOC in December 2006. It was subsequently approved by a 4/1 MAJORITY vote of the Clayton County Airport Authority.

- The term of this agreement is 30 years with 10 year renewals.
- The TTF stipulates the terms and conditions via which residents of the B5E development can access and use the airport property. It also delineates and grants three (3) easements from the B5E property to the Clayton County-Tara Field Airport.
- This agreement has been executed by both parties and has been recorded in Henry County (**Book 10079, Page 195**).
- Prior to completion of the development, B5E has agreed to “make whole” the Clayton County Airport which has a history of operating at approximately a \$200k/year loss. B5E will pay to Clayton County an amount up to \$200k per year for a maximum of two years while the development is under construction to ensure that the airport operates at break-even.
- After completion of the development, the TTF provides for Aircraft Access Fees (AAF) to be paid to Clayton County for all resident aircraft residing upon the development. The fees are graduated from \$600 per year for a single engine piston aircraft, up to \$2,400.00 per year for a turbine powered aircraft (prop or jet). These fees are collected by B5E and paid to the County. The residents of the development pay these fees in ADDITION to fees incurred to hangar their aircraft on the development.
- B5E will lease from Clayton County, and build upon the leased land (at no expense to the County or utilizing any federal funding), a 20,000 SF FBO that is slated to be the finest in the country. Vis-a- vis the TTF Agreement, Clayton County has agreed to lease back the FBO on a 30 year lease. The FBO is projected to cost in the \$5 million range. At the end of the lease term, Clayton County will own the FBO. This lease arrangement will allow Clayton County to retain all revenues generated from the sale of fuel and **immediately saves Clayton County tax payers \$5 million earmarked to be spent at Tara Field on a new FBO and sewer extension.**
- Revenue projections to Clayton County, based solely upon resident *turbine* AAF’s and FFF’s anticipate up to \$200,000.00 in annual fees generated for a minimum of 45 aircraft of this category. This projection does NOT include revenues from

smaller aircraft, which will represent the vast majority of the aircraft residing upon the development.

- Clayton County generates 25% more annual revenue via the TTF Agreement for aircraft residing upon the B5E property than they do for aircraft residing on their own property.
- Total annual revenues could exceed \$1 million due to increased fuel sales if Clayton County pursues the lease agreement delineated in the TTF Agreement by capturing profit due to increased fuel sales.
- Development increases the amount of hangar space available upon the field from some 27,000 SF owned by Clayton County, to approximately 900,000 SF. More hangar space equals more resident aircraft. This relates to vast increases in fuel sales for Clayton County.
- The B5E development effectively increases the size of the airport approximately 68% upon completion.
- The B5E development will bring sewer to the airport, an improvement vital to the future development of the airport. The proposed cost of running the sewer line was estimated by Clayton officials to be \$1.5 million. Clayton County will bear this expense if B5E builds the FBO upon its own property.

Henry County:

- Real estate taxes for the development are projected to exceed \$3 million per year. The current taxes are less than \$18,000.00 per year. These tax revenues will be paid to Henry County.
- The B5E development fits Henry County's future land use plan.
- Henry County is the recipient of ad valorem tax revenues generated by Tara Field based aircraft. Property improvements and an increase in the resident aircraft fleet will substantially increase annual property taxes paid to Henry County.
- Projected Fees Due to Henry County:
 - Permits:
 - Hangars-\$224,630
 - Condos-\$150,000

- Plan Review:
 - Hangars-\$56,000
 - Condos-\$37,600
- Impact Fees:
 - \$1,660 per unit
- 400-600 jobs to be brought to Henry County during construction phase

Atlanta Motor Speedway (AMS):

- AMS is enthusiastic about the B5E development, calling it, “ambitious, but much needed.”
- The potential exists for at least one race team to locate their super speedway program at the B5E development. This means more revenues for AMS, more jobs for Henry County, and more taxable assets for Henry County.

State of Georgia

- B5E development fits into Governor Perdue’s initiative to expand general aviation airports
- The synergy of the project with NASCAR also corresponds with the states effort to promote the sport.

• **Impact in General**

This Project:

- Creates an important buffer around the airport preventing less desirable non-aviation friendly residential communities from locating in close proximity to the airport.
- This exclusive, “country club” type development sets the tone for future development in this area of Henry County, as well as the panhandle region of Clayton County.
- Removes almost 100 acres of hazardous wildlife habitat from the airport environment.
- Will be extremely exclusive, yet will likely be less than 50% occupied even when sold out.
- Paves the way for the more desirable, southwest runway expansion away from Hampton, Hwy 19/41, and established

residential areas that are already less than ¼ mile from the runway.

- Will set the standard for security at an airport where NO security exists.
- Will create a revenue stream to make the airport self sufficient and in compliance with Federal Grant Assurances.
- Is a strong economic machine for not one, but TWO counties!

Commissioner Mathis stated with the “Thru-the-Fence” agreement with Clayton County and the resolution that was recently passed by the Henry County Board of Commissioners opposing the eastward expansion of the current runway, this will encourage any expansion to be westward away from the residential areas. Mr. Abbate responded yes and stated after meetings with the Georgia Department of Transportation the ramifications of a southwest expansion was discussed and when they saw details of the project and the taxi was to the southwest, it opened their eyes to the southwest expansion and there could be some cooperative effort with GaDOT to ensure the southwest expansion is a reality.

Commissioner Mathis asked for the record what lies to southwest of the property. Mr. Abbate stated wooded land that is currently owned by Clayton County; no land will have to be acquired from landowners. While the expansion will be to the southwest of the property, it does not change the traffic patterns. It will not lower the aircraft over Highway 19/41 and the existing residential areas.

Commissioner Mathis stated there is a master development plan presented and if the rezoning is approved would the plan be approved also. Mr. Jordan confirmed it would.

Chairman Harper called for public comments from anyone wishing to speak regarding the rezoning request; there was no response.

Commissioner Mathis made the **motion** to approve the rezoning from RA to PD with the conditions recommended by staff and also adding condition #10 to read: The development shall be constructed in accordance with the proposed master development plan that is presented. Any minor variance from the proposal must be approved by the Planning and Zoning Department but major variances must be brought to the Board of Commissioners for approval. Also regarding the Master Development Plan, on page 5 of 11 and condition #5 adding “And is not to exceed 352 units.”

The applicant stated they were in agreement with the conditions.

Commissioner Basler seconded the motion. The motion carried unanimously approving the following conditions:

NOW, THEREFORE, BE IT RESOLVED THAT the Henry County Board of Commissioners approves the request with the following conditions:

1. The developer shall meet all conditions of the GRTA Notice of Decision:

Road Connectivity

- No internal intersections within 100' of Selfridge Road

Bicycle and Pedestrian Facilities

- Provide sidewalks adjacent to external roadway frontage
- Provide sidewalks adjacent to both sides of internal roadways

US 19/41 at Speedway Boulevard/Revolutionary Drive

- Install a traffic signal if warranted

Non-state Route Improvements

- Pave Selfridge Road from Speedway Boulevard to Lower Woolsey Road

Alterations to Site Plan

- The on-site development will be constructed materially (substantially) in accordance with the site plan.

2. The developer shall design and construct improvements to Selfridge Road to HCDOT standards and shall be responsible for all necessary utility relocation and acquisition of right-of-way and easements.
3. (West) Selfridge Road shall be design and constructed to meet AASHTO 35 mph design speed requirements; 2001 or 2004 AASHTO horizontal curve and sag vertical curve requirements; and 1990 AASHTO crest vertical curve requirements.

4. All curb cuts onto (West) Selfridge Road shall be placed such that the minimum intersection sight distance is obtained per a 35 mph posted speed limit.
5. The developer shall coordinate with HCDOT concerning typical section of roadway (number of lanes, lane widths, median specifications, median opening spacing, shoulder width and slope, front slope, ditch width and depth, back slope, pavement typical sections, etc.)
6. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.
7. A landscape plan meeting the approval of the Planning and Zoning Department is required to be submitted before the first certificate of occupancy is issued.
8. Any buffer are determined by the Planning and Zoning Department to require additional plantings shall be enhanced with plantings for each fifty linear feet or portion thereof of the required material:
 - a. one canopy
 - b. one evergreen
 - c. one understory
 - d. five shrubs.
9. Applicant will be required to submit and have approved a Tree Save Program prior to issuance of the development permit.
10. The development shall be constructed in accordance with the proposed master development plan that is presented. Any minor variance from the proposal must be approved by the Planning and Zoning Department but major variances must be brought to the Board of Commissioners for approval