



CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

COUNCIL MEETING DATE:
10/5/26 Work Session
10/13/26 Regular Meeting

Requesting Agency (Initiator):

Krishan Gupta Revocable Trust & Vinod Kumar Jain, and Pivotal Development LLC

Sponsor(s):

Agenda Language:

Council to consider 26-VAR-002 variance for the property located at 0 Tara Blvd, Parcel No. 05239 241002, Jonesboro, Georgia 30236. The subject property is proposed to be rezoned to RM (Multi-Family). The property consists of approximately 6.15 acres and is also located in the Gateway South Overlay District. The request is for a reduction in the minimum apartment unit sizes for the proposed age-restricted, senior apartment community and other miscellaneous R-M zoning standards.

Requested Action/Recommendation:

Approval with conditions for 26-VAR-002 Variance for certain standards for age-restricted, senior apartment community.

Requirements for Mayor & Council Action:

Review R-M standards and Gateway South requirements for apartments

Is this Item Goal Related?

Yes

Summary and Background:

Staff Report

Zoning History

The subject property is currently zoned C-2 (Highway Commercial) and is located in the Gateway South Overlay District, according to the City's Official Zoning Map. This property is within the Gateway South Character Area, which is "a vibrant area with an intelligent mix of land uses that, through thoughtful planning and design guidelines, will improve the viability of this strategic area of the City." The residential component of the Gateway South will "help develop a more diverse range of quality housing to supplement the City's aging housing stock, including options for the 55-year-old-plus, active living demographic."

Adjacent Zoning/Land Use

Current Zoning		Current Land Use
North	C-2 (Highway Commercial) and R-2 (Single-Family Residential)	Commercial and Single-Family Residential
East	R-2 (Single-Family Residential)	Single-Family Residential
South	C-2 (Highway Commercial)	Commercial
West	C-2 (Highway Commercial)	Commercial

Site Analysis

The subject property has been vacant and wooded for many years. There are two separate self-storage businesses to the north and to the south of the subject property. Access for the subject property is only to Tara Blvd. The other parcel to the north that the applicant also owns has access to Cloud Street / South Avenue and Bastiste Park Road.



Development Regulations Relevant to Request

- Article VI, Sec. 86-205 and 86-101 – Standards for apartments
- Sec. 86-118 - Gateway South Overlay standards
- Article XI specifies the Variance requirements and procedures.
- All other Code Sections regarding site development and requirements

Per the applicant:

Pivotal Development LLC proposes to develop Tara Preserve, a 150-unit, age-restricted (55+) senior apartment community on approximately 6.15 acres fronting Tara Boulevard (U.S. 19/41) in the City of Jonesboro. The project will be financed with 4% Low-Income Housing Tax Credits and developed in a single phase. The unit program consists of 136 one-bedroom units and 14 two-bedroom units within a single four-story building (approximately 45 feet in height), served by 225 on-site parking spaces.

This staff report will summarize all standards below that are applicable to both the rezoning and the conditional use application.

Sec. 86-205. - Multi-family (apartment communities).

The following conditions are assigned in the R-2, R-4, CCM, R-M, H-1, H-2 and M-X districts:

(1) The standards of the R-M district shall control development of apartments. See below.

(2) Must be located off a street having a classification of collector or greater. Tara Blvd is an arterial road. This will be the only access.

(3) A minimum 25-foot wide buffer shall be maintained along all property lines adjacent to any single-family, detached residential property. This would apply to the eastern and northern property boundaries and is shown on the concept plan. Ideally, these need to be undisturbed buffers to better protect subdivision residents.

(b) Development standards. Unless otherwise provided in this chapter, uses permitted in the R-M district shall conform to the following development standards:

(1) Minimum tract area: 87,120 square feet (two acres) The subject property is approximately 6.15 acres.

(2) Minimum lot area per unit: Not applicable; this is not just a duplex, triplex, or quadruplex. The building is proposed to contain 150 units.

a. Duplex: 4,000 square feet

b. Triplex: 4,000 square feet

c. Quadraplex: 4,000 square feet

(3) Minimum development tract width: 150 feet Tract width along Tara Blvd is 515 feet. Most narrow tract width is 315 feet.

(4) Minimum front yard: 25 feet Concept plan exceeds requirement.

(5) Minimum side yard: 25 feet Concept plan exceeds requirement.

(6) Minimum rear yard: 35 feet Concept plan exceeds requirement.

(7) Minimum floor area for all individual dwelling units:

a. One-bedroom units: 900 square feet Though the property is within the Gateway South Overlay, where a conflict with other city Code and ordinance provisions exists, the more restrictive standard shall apply. R-M dwelling unit size is the most restrictive. Variance required.

b. Two-bedroom units: 1,200 square feet Though the property is within the Gateway South Overlay, where a conflict with other city Code and ordinance provisions exists, the more restrictive standard shall apply. R-M dwelling unit size is the most restrictive. Variance required.

c. Three-bedroom units: 1,400 square feet None planned.

(8) Maximum building height: Three-story and 40 feet Building is planned to be four-story and 45 feet in height. The Gateway South Overlay standard is maximum 4 stories and 60 feet. Variance required.

(9) Maximum number of units per building: 12 One building with 150 units; The Gateway South Overlay maximum standard for this is none. Variance required.

(10) Maximum density: 12 units per acre 150 units / 6.15 acres = 24.39 units / per acre, due to it being all units concentrated in one 4-story building. The Gateway South Overlay standard is maximum 40 units per acre. Variance required.

(11) Minimum greenspace: 20 percent of gross acreage The listed open space on the concept plan is 40%.

(12) Minimum building separation: **Not applicable; One building.**

All such variances must be based upon evidence submitted before the mayor and council and upon findings, supported by the testimony or by documentary testimony, that such variance shall be required in the following instances:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. **No extraordinary conditions.***
- b. The property subject to the variance possesses one or more unique characteristics generally not applicable to similarly situated properties. **No unique conditions.***
- c. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located. **No recent, similar development in the district.***
- d. The grant of the variance will not grant a special privilege to the property owner. No special privileges. **Most of the requests already meet the desired Gateway South Overlay standards.***
- e. The applicant can demonstrate that without a variance there can be no reasonable use of the property. **The property has been undeveloped for many years, which is a rarity along Tara Blvd.***
- f. The grant of the variance is not based solely on economic reasons, nor is the need for the variance the result of actions of the applicant. **The design intent is aligned with desired standards for a 55-plus community, which are more specific than a general apartment development.***
- g. The variance is the minimum necessary to allow reasonable use of the property. **The minimum necessary is requested.***
- h. The grant of the variance will not be injurious to the public health, safety or welfare. **No harm to the public health, safety or welfare is foreseen.***
- i. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare. **The request will be in harmony with Gateway South standards, which is the driving force for the subject property and the nearby area.***

In terms of the dwelling size, since the development is designed for the 55-plus active adult demographic, with no children allowed and less maintenance desired, the smaller unit sizes make more sense, and staff does not have a problem with the proposed 700 square-foot one-bedroom size and the 900 square-foot two-bedroom size.

As far as the building height, maximum number of units per building, and maximum density, staff does not have a problem with following the newer Gateway South standards over the older, more general R-M zoning standards. In a 55-plus active adult development, the desire is for all residents to be concentrated into one-building and not have multiple buildings spread out over many acres.

Staff recommends approval of the variance application, with the following minimum approval conditions:

1. **Permitted Development.** The multifamily residential use authorized by this rezoning shall be limited to a rental apartment community intended and operated as housing for persons 55 years of age or older. The property shall not be developed or operated as an unrestricted multifamily apartment community without approval of an amendment to these zoning conditions by the Mayor and City Council.
2. **Maximum Development.** The development shall contain no more than 150 dwelling units within one principal residential building. The building shall not exceed four stories or approximately 45 feet in height, subject to any more restrictive requirement of the City Code or Gateway South Overlay District.
3. **Unit Composition.** The development shall contain no more than 14 two-bedroom units. Three-bedroom and larger dwelling units are prohibited. Any material change in the approved unit composition shall require approval in accordance with the City's applicable zoning procedures.
4. **Federal and State Compliance.** The owner shall continuously operate the development in compliance with the Housing for Older Persons Act, 42 U.S.C. § 3607(b), 24 C.F.R. §§ 100.300 through 100.308, O.C.G.A. § 8-3-205 and the applicable Georgia Fair Housing regulations, as those provisions may be amended.
5. **Occupancy Standard.** The development shall be operated such that at least eighty percent (80%) of the occupied dwelling units have at least one permanent occupant 55 years of age or older, consistent with the Housing for Older Persons Act, 42 U.S.C. § 3607(b), and 24 C.F.R. §§ 100.300–100.308. The written occupancy policy may recognize lawful exceptions, including surviving spouses and household members under the qualifying age, live-in caregivers, qualifying management or maintenance personnel, persons necessary to provide a reasonable accommodation to a resident with a disability, and temporary circumstances addressed by applicable law. The development shall not be advertised, leased, or operated as general occupancy housing.
6. **Children as Permanent Residents.** The development shall be operated as housing for older persons and not as housing intended for permanent occupancy by families with minor children. Any exceptions shall be stated in the written occupancy policy and administered consistently with federal and state fair housing law, including reasonable accommodation requirements.
7. **Written Occupancy Policy.** Before issuance of the first certificate of occupancy, the owner shall submit to the Community Development Director and City Attorney a written occupancy policy that:
 - a. States the development's intent to operate as housing for persons 55 years of age or older.
 - b. Establishes lawful age qualification and verification procedures.
 - c. Addresses surviving spouses, live-in caregivers, qualifying employees, temporary guests, custody changes and reasonable accommodations.
 - d. Requires consistent application of the occupancy standards.
 - e. Prohibits advertising or representations inconsistent with the development's status as housing for older persons.
8. **Age Verification.** The owner or property manager shall verify the age qualification of residents through documentation permitted by 24 C.F.R. § 100.307. Occupancy information shall be updated at least once every two years. The owner shall maintain the supporting records necessary to demonstrate continued compliance.
9. **Annual Certification.** Beginning with the first full calendar year after issuance of the initial certificate of occupancy, the owner shall submit an annual certification to the Community Development Director stating:
 - a. The total number of occupied units.
 - b. The number and percentage of occupied units containing at least one person age 55 or older.
 - c. Whether the required age verification procedures have been completed.
 - d. Whether the development continues to qualify as housing for older persons.The certification shall report aggregate information and shall not include resident birth dates, identification documents or other unnecessary personal information.
10. **Loss of Qualifying Status.** Failure to maintain the development as qualifying housing for persons 55 years of age or older shall constitute a violation of these zoning conditions. Loss or abandonment of that status shall not authorize conversion to an unrestricted apartment community. Any proposed conversion shall require approval of an amendment to these zoning conditions.
11. **Recorded Restriction.** Before issuance of the first building permit, the property owner shall record a declaration of restrictive covenants, in a form approved by the City's Community Development Director, providing that:
 - a. The age restricted use requirements run with the land.
 - b. The requirements bind the owner and all successors, assigns, property managers and operators.

c. The restrictions may not be amended, terminated or released without written approval by the City.

d. The City may enforce the restrictions through all remedies available for enforcement of zoning conditions.

12. Facilities and Services for Older Persons. The development shall provide and maintain facilities and services designed to address the physical or social needs of older residents. Before issuance of a building permit, the owner shall submit an amenity and resident services plan for review by the Community Development Director. The plan shall include, at minimum:

- a. An accessible indoor community or multipurpose room.
- b. An accessible fitness or wellness area.
- c. Accessible outdoor seating, gathering areas and pedestrian paths.
- d. Space for resident programs, education and social activities.
- e. Onsite management and resident service coordination.
- f. Programs or referral services addressing transportation, health, recreation and community services.

The facilities and services approved under this condition shall be maintained for as long as the property is operated under this rezoning.

13. Substantial Conformity. Development shall substantially conform to the final concept plan included in the application record and identified by the Community Development Director before adoption of the rezoning ordinance. The final ordinance shall identify that plan by title and date. Material changes affecting the number of units, building location, building height, access, buffers, parking or principal amenities shall require approval under the City's applicable zoning procedures.

14. Separate Land Use Approvals. Approval of this rezoning does not constitute approval of the requested conditional use permit, dwelling size variance, site development plan or any other required permit. No building permit shall be issued unless all required approvals have been obtained.

15. Architecture and Overlay Compliance. The development shall comply with the Gateway South Overlay District and receive all required approvals from the Design Review Commission. Building elevations, materials, roof treatment, entrances, lighting, signage, mechanical equipment screening and other exterior elements shall be substantially consistent with the plans approved through that process.

16. Parking. The development shall provide at least 225 off-street parking spaces unless a reduction is subsequently approved through the applicable City process. Parking, loading, internal circulation, accessible spaces, landscaping and screening shall comply with Articles XIII and XV of the Zoning Ordinance.

17. Residential Buffers. A 100-foot-wide undisturbed buffer shall be maintained along the eastern property boundary, adjacent to the property zoned and used for single-family residential purposes. A 25-foot-wide undisturbed buffer shall be maintained along the northern property boundary, adjacent to the property zoned for single-family residential purposes. Existing mature vegetation on both buffers shall remain undisturbed except where removal is approved because of dead, diseased or hazardous vegetation, because a utility or drainage crossing cannot reasonably be located elsewhere, or for a pervious, unpaved pedestrian walking trail not exceeding six (6) feet in width. Any such trail shall be constructed of natural or permeable materials, shall be located and designed to minimize the removal of mature trees and understory vegetation, and shall not include impervious paving, buildings, or stormwater facilities. Supplemental evergreen screening shall be installed where existing vegetation does not provide an effective visual screen.

18. Neighborhood Access. All regular vehicular access shall be from Tara Boulevard. Vehicular access to South Avenue, Cloud Street, Conkle Street, Batiste Park Road or Batiste Garden Circle is prohibited. If required fire and emergency access cannot be provided from Tara Boulevard without access through the adjoining residential neighborhood, no building permit shall be issued unless the Mayor and City Council amend this condition through the applicable public process.

19. Exterior Balconies. Exterior balconies shall not face, directly or indirectly, the eastern property boundary.

20. Transportation Approvals. Before issuance of a building permit, the applicant shall obtain written approval from the Georgia Department of Transportation for the Tara Boulevard access and written approval from the Clayton County Fire Department concerning emergency access, fire lanes and building access.

21. Tree Protection. Before land disturbance, the applicant shall obtain approval of a tree protection and tree replacement plan from the Community Development Director. The plan shall prioritize preservation of mature trees within the required northern and eastern buffers.

22. Stormwater and Environmental Compliance. The development shall comply with all applicable stormwater management, erosion control, floodplain, water quality and environmental requirements. Stormwater facilities shall not be placed within the required residential buffers except where the Community Development Director determines that no reasonable alternative exists and appropriate screening is provided.

23. Continuing Effect. These conditions apply to the property and bind the present owner and all successors, assigns, lessees, property managers and operators. Sale, transfer, refinancing or change in management shall

not terminate or modify any condition. **Affordable Housing Commitment.** The development shall be financed and operated as an age-restricted affordable housing development under the Low Income Housing Tax Credit program substantially as represented in the application. Before issuance of the first certificate of occupancy, the owner shall provide the City with a copy of the recorded land use restriction agreement or comparable affordability instrument establishing the applicable income, rent and compliance restrictions. If the applicant does not obtain the represented financing or proposes to develop the property without the represented affordability restrictions, the applicant shall obtain approval of an amendment to this condition before commencing the alternative development.

24. If the owner elects to create a Private Enterprise Agreement in the future, then a Payment in Lieu of Taxes (PILOT) agreement shall be approved for the property by the Mayor and Council.

25. Reversionary Clause: The zoning shall revert to the original C-2 (Highway Commercial) classification if the applicant does not receive the necessary Low-Income Housing Tax Credit award for the development within two (2) years of rezoning approval.

Update for October Council Meetings

At the September 14th Council Meeting, this item and the related conditional use and variance items were tabled due to a Councilmember's concerns about the property still being taxable (property taxes) if the development was LIHTC and was in corroboration with the Jonesboro Housing Authority. It was suggested that the City consult with Ed Wall about the concern.

Mr. Wall:

These projects are normally exempt from property taxes, but they have to be owned by the Housing Authority. They have an agreement as a part of these deals called a Private Enterprise Agreement.

Here you say that the Housing Auth isn't going to the the owner. That would make it taxable for property taxes. It could be owned by a non profit and then it would be up to Emmet George, the Tax Assessor as to whether he makes it tax exempt or not.

Ask again about the ownership and a Private Enterprise Agreement.

Response from applicant:

- *Will it be privately owned?*
 - o *Yes, a for-profit entity will own the development, and as a for-profit owner it is subject to property tax.*
- *Will it be owned by a non-profit?*
 - o *It is likely that there will be a non-profit partner in the development. However, they will not own the asset. They will set up a for-profit subsidiary who will be the co-owner. Therefore, the ownership entity is subject to property tax.*
- *Will there be any kind of Private Enterprise Agreement involved?*
 - o *Pivotal requested a PEA from the Jonesboro Housing Authority and Clayton County Housing Authority. Those requests were denied. The project has no PEA and is subject to property taxes. That said, we reserve the right to consider this in the future. A PEA is very helpful in the financing of affordable housing. It allows us to deliver meaningful below market rents to seniors in Jonesboro.*

Affordable housing is desperately needed in Jonesboro / Clayton County, especially for the senior population. This proposal will bring 150 units of new affordable housing to seniors in Jonesboro. This ~\$42,000,000 investment in Jonesboro will allow lifelong residents to age in place gracefully.

Mr. Wall: <i>There you have it. It is subject to property tax and will pay it</i>
Fiscal Impact: Private Development
Exhibits/Supporting Documents Attached: - Application - Letter of Intent - Floor Plan - Building Rendering
Contact Information: David Allen, 470-726-1625 Date Submitted:

FOLLOW-UP APPROVAL ACTION		
Typed Name and Title:	Date:	
Signature:	Form Revised 7/28/26 sj	