STONECREST

PLANNING COMMISSION MEETING

Stonecrest City Hall's **Zoom Video* -** 6:00 PM October 5, 2021

AGENDA

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

*Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit their request via email address <u>lillian.lowe@stonecrestga.gov</u> by noon the day of the hearing, October 5, 2021. A zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. Call to Order
- II. Roll Call
- III. Approval of the Agenda
- **IV. Presentations** Presentation by Jim Summerbell, AICP, Planning and Zoning Director on department activities and upcoming cases.
- V. Public Comments Lillian Lowe will read public comments submitted.
- VI. Approval of Minutes The Planning Commission Meeting Minutes Summary dated September 7, 2021.
- VII. Approval of Schedule 2022 Planning Commission Meeting Schedule
- VIII. Old Business
 - IX. New Business
 - 1. Public Hearings:

LAND USE PETITION:

RZ-21-007

PETITIONER:

City of Stonecrest, Planning & Zoning Dept.

LOCATION: 17 parcels of land east of Klondike Rd and Plunkett Rd,

south of Hayden Quarry Road, and north of Rockland

Road

Parcel ID	Address
16 139 02 010	6815 Hayden Quarry Road
16 139 02 017	3216 Klondike Road
16 139 02 020	3220 Klondike Road

16 139 02 008	3230 Klondike Road
16 139 02 016	3240 Klondike Road
16 139 02 007	3278 Klondike Road
16 139 02 019	3304 Klondike Road
16 140 03 018	3280 Plunkett Road
16 140 03 027	3310 Plunkett Road
16 140 03 016	3350 Plunkett Road
16 140 03 019	3332 Plunkett Road
16 140 03 020	3418 Plunkett Road
16 140 03 028	3466 Plunkett Road
16 140 03 008	6900 Rockland Road
16 140 03 026	6914 Rockland Road
16 141 06 001	3582 Plunkett Road
16 141 06 002	6888 Rockland Road
16 140 03 028 16 140 03 008 16 140 03 026 16 141 06 001	3466 Plunkett Road 6900 Rockland Road 6914 Rockland Road 3582 Plunkett Road

PROPOSED AMENDMENT:

Proposed rezoning from Stonecrest Area Overlay, Tier 5

to Arabia Mountain Conservation Overlay

LAND USE PETITION:

RZ-21-008

PETITIONER:

ACE Homes LLC

LOCATION:

2241 South Stone Mountain Lithonia Road

PROPOSED AMENDMENT:

Rezoning of 2241 South Stone Mountain Lithonia Road (part) from C-1 (Local Commercial) to MR-1 (Medium Density Residential), and change in conditions for a proposed Medium Density Residential (MR-1) development at 2241 South Stone Mountain Lithonia Road, 2261 South Stone Mountain Lithonia Rd, and

1780 Phillips Rd.

LAND USE PETITION:

TMOD-21-009

PETITIONER: LOCATION:

Planning & Zoning Department

Citywide

PROPOSED AMENDMENT:

Amendment to the Stonecrest Code of Ordinance, Chapter 4 – Alcoholic Beverages, and Chapter 27 – Zoning Ordinance to further define and regulate special events, temporary outdoor events, late-night

establishments, and similar uses.

LAND USE PETITION:

TMOD-21-010

PETITIONER:

Planning & Zoning Department

LOCATION: Citywide

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PROPOSED AMENDMENT:

Amendment to Stonecrest Zoning Ordinance, Chapter 27 to remove inconsistencies in land use terms and definitions, and to clarify and update the uses allowed in each zoning district.

LAND USE PETITION:

TMOD-21-011

PETITIONER:

Planning & Zoning Department

LOCATION: Citywide

Amendment to Stonecrest Zoning Ordinance, Chapter

27 to remove language encouraging residential conversion of industrial buildings and allowing residential construction in industrial zoning districts.

LAND USE PETITION:

TMOD-21-012

PETITIONER:

Planning & Zoning Department

LOCATION:

PROPOSED AMENDMENT:

PROPOSED AMENDMENT:

Citywide

Amendment to Stonecrest Zoning Ordinance, Chapter

27, Article 6 - Parking to amend the parking regulations concerning gravel truck parking lots.

X. Adjournment



PLANNING COMMISSION MEETING MINUTES SUMMARY

STONECREST CITY HALL'S **ZOOM-Video* MEETING**, 6:00 PM

September 7, 2021

I. Call to Order

The Chairman called the Planning Commission meeting to order on Tuesday, September 7, 2021, at 6:02 PM via *ZOOM-Video* meeting. The Chairman read the Rules and Procedures for Planning Commission Meetings and Public Hearings.

II. Roll Call

Chairman Eric Hubbard called the roll. Commissioners JW Eady, Joyce Walker, Pearl Hollis, and Cheryl Moore-Mathis were present. There was a quorum. Planning & Zoning Director Jim Summerbell and City Planner Tuyanna Daniels were present. Attorney Andy Clark, Fincher & Denmark, was not present.

The Chairman explained the **Agenda** format. Mr. Summerbell will do the **Presentations**. The **Public Comments** will be read by the Planning Commission Secretary, Ms. Lillian Lowe after each case is heard.

III. Approval of the Agenda

Chairman Hubbard asked the Commissioners if they agreed with the said Agenda. The Commissioners were unanimously in **AGREEMENT**.

The Chairman turned the meeting over to Mr. Summerbell.

IV. **Presentations** - Presentation by Jim Summerbell, AICP, Planning and Zoning Director on department activities and upcoming eases. The upcoming cases include:

September 17th (Tentatively Scheduled) Staff & City Council to Discuss Zoning Ordinance Text Amendments:

- Community Council Establishment
 - Arabia Mountain Conservation Overlay
- Supplemental Use Provision for Special Event Facilities and Associated Premises
- Updates to the permitted Use Table & Supplemental Use Regulations

September 18th (Tentatively Scheduled) Planning Information Meeting

Zoning Case(s) currently being reviewed by the Planning Commission is on the September 7th Agenda includes:

- **RZ-21-007**, City initiated rezoning to expand the Arabia Mtn Conservation Overlay District to the east side of Plunkett Road.
- **RZ-21-008**, 2241 S. Stone Mountain Lithonia Road. Rezoning part of 4 acres C-1 zoned to MR-1 for a townhome development to the west side at 2261 S. Stone Mountain Lithonia Road.
- V. Public Comments Not read at this time. The Chairman instructed the Planning Commission Secretary Lillian Lowe to read the public comments submitted, after each case is presented.

VI. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated August 3, 2021.

Chairman Hubbard called for a motion to approve the August 3, 2021, Planning Commission Meeting Minutes Summary. Commissioner Mathis motioned to approve the August 3, 2021, Planning Commission Meeting Minutes Summary. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

VII. Old Business

1. WITHDRAWALS – On August 19, 2021, the following two (2) cases were requested to be withdrawn by the Applicant. Mr. Harold Buckley Jr. from Duke Realty Corporation sent an email to Mr. Summerbell. Staff recommended ACCEPTANCE OF APPLICANT'S WITHDRAWAL (ATTACHMENT I):

LAND USE PETITION:

CP-21-001

PETITIONER:

Duke Realty

LOCATION:

SE Corner of Lithonia Industrial Blvd and I-20 (official address

of 2975 Evans Mill Rd and 6378 East Glen Rd)

PROPOSED AMENDMENT:

Proposed amendment to the 2038 Stonecrest Comprehensive Plan, amending the Future Land Use Map from City Center to

Light Industrial.

LAND USE PETITION:

RZ-21-004

PETITIONER:

Duke Realty

LOCATION:

SE Corner of Lithonia Industrial Blvd and I-20 (Official address

of 2975 Evans Mill Rd and 6378 East Glen Rd)

PROPOSED AMENDMENT:

Proposed rezoning from R-100 (Residential Medium Lot-100) Stonecrest Overlay Tier 4 to OD (Office/ Distribution) for the development of 329,280 sf Distribution Center. The rezoning would remove the subject property from the Stonecrest Overlay

District.

2. Public Hearing:

LAND USE PETITION

RZ-21-003

PETITIONER:

APEX Land Company, LLC

LOCATION:

3177 Panola Road and 5207 Thompson Mill Road

PROPOSED AMENDMENT:

Proposed rezoning from NS (Neighborhood Shopping) and

R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential Mix) for the development of a 76-unit townhome

community.

Planning & Zoning Director Jim Summerbell presented PETITION RZ-21-003. The Planning Commission heard the case on August 3, 2021 and DEFERRED PETITION RZ-21-003 in hope that the applicant would reach back out to the community; hold another community meeting; and do a traffic study. A public information meeting was set for September 1. The Applicant did not prepare a traffic study. Instead, reduced the scale of development from 76 to 65 housing units. Staff recommends APPROVAL OF PETITION RZ-21-003 with the following conditions:

- 1. The future development of the site shall be for a maximum of 65 townhome units, and in general conformity with conceptual plan submitted with this rezoning application amendment prepared by Contineo Group for Apex Land Company and dated 8/27/21.
- 2. The roof line for each building shall be varied.
- 3. Exterior building materials shall comply with the Article 5 standards of the Stonecrest Zoning Ordinance. The front façade of the units shall incorporate multiple textures and materials similar to the elevations submitted to the Stonecrest Planning Department.
- 4. A 20ft undisturbed buffer, along with a 10ft landscape strip, shall be in place along the southern boundary line of the Subject Property.
- 5. Opaque privacy fencing shall be placed along or near the perimeter of the southern boundary line of the property adjacent to the Panola Mills subdivision.
- 6. There shall be a Mandatory Homeowner's Association which shall own and maintain the common areas, and enforce the covenants placed on the townhome community.
- 7. The maximum height of the units shall be 2 stories or 35ft in height.
- 8. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity. Such legal mechanism shall include a declaration of restrictive covenants and the formation of a Homeowner's Association, which assure in perpetuity each of the following mandatory requirements:
 - a. That all land held in open space will remain undivided and shall not be subdivided or removed from joint access or benefit in perpetuity;
 - b. That all subsequent property owners in the development will be placed on notice of this development restriction through the deed records filed with the Superior Court of DeKalb County;
 - c. That all land held as greenspace will be properly maintained and that no liability or maintenance responsibilities for the land held as greenspace shall accrue to the City of Stonecrest (the "City");
 - d. That a legal entity exists for notice of deficiencies in maintenance of the land held as greenspace, correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third party or the City;
 - e. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the Subject Property; and
 - f. That all requirements of the legal mechanism used to comply with the regulations of this condition will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.
 - g. Equal access and right of use to all greenspace by all homeowners;
 - h. Mandatory and automatic membership in the Homeowner's Association for all homeowners and their successors;
 - i. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
 - j. Homeowner's Association lien authority to ensure the collection of dues from all members:
 - k. Perpetual and continued maintenance and liability by the Homeowner's Association of land held as greenspace; and
 - Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.
 - m. The recorded covenants shall contain a 15% rental restriction, which rental restriction shall be enforced solely by the Homeowner's Association to the extent permitted by law, with an exception for active military personal that are required to relocate. THE CITY WILL VERIFY THAT THE 15% RENTAL RESTRICTION IS IN THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED

SIMULTANEOUSLY WITH THE FINAL PLAT FOR THE COMMUNITY, HOWEVER, THE CITY HAS NO ABILITY TO ENFORCE THE RENTAL RESTRICTION AND DOES NOT EXPRESS ANY OPINION AS TO THE ENFORCEABILITY OF RENTAL RESTRICTIONS IN RESIDENTIAL COMMUNITIES.

- 9. Each unit shall have either a 1 or 2 car garage with each unit having a pad in front for two cars. Additionally, the development shall provide a minimum of 29 guest parking spaces.
- 10. The access on Panola Road shall be a right in-right out only, and a deceleration lane shall be installed.
- 11. A 5ft sidewalk and minimum 6ft landscape strip shall be installed along the property frontage on Thompson Mill Road and Panola Road. Additionally, the sidewalk on Panola Road shall connect offsite into the existing sidewalk in front of the Panola Mill Subdivision.
- 12. The development shall provide a minimum of 20% enhanced open space.

Per Mr. Summerbell, Attorney Michelle Battle of Battle Law, PC, representing the applicant, submitted an alternative set of proposed conditions which will be presented as part of the applicant's presentation.

The Chairman turned the floor over to the Applicant.

Attorney Battle from Battle Law Firm, 3562 Habersham at Northlake, Tucker, GA addressed the Commissioners. A PowerPoint presentation was shown. Attorney Battle discussed the zoning map; why they did not do a traffic study; proposed conditions; maintenance of property; mandatory Homeowners' Association; Panola Road corridor, and recent construction. Attorney Battle requested a recommendation of approval.

There were none in support of PETITION RZ-21-003.

There were two in opposition (ATTACHMENT II):

1. Spoke-in-person: Ms. Betty Sykes is in opposition.

Comment was read by the Secretary:

2. Ms. Marcia White Laster is in opposition.

Attorney Battle returned to give a rebuttal and closing remarks. Believe this project to be appropriate for the area. Respectfully request recommendation of approval to the City Council.

The Chairman closed the public hearing before going into discussion.

Chairman Hubbard asked for a motion. Commissioner Mathis motioned to **DENY PETITION RZ-21-003**. The motion was not carried.

The Chairman asked for another motion for PETITION RZ-21-003. Commissioner Eady motion to APPROVE PETITION RZ-21-003 WITH STAFF RECOMMENDED CONDITIONS. Commissioner Hollis seconded the motion. The motion was not unanimous. The vote was 04-01. The Chairman and Commissioners Eady, Walker, and Hollis voted for the APPROVAL OF PETITON RZ-21-003. The Chairman recognized Commissioner Mathis' abstention.

VIII. New Business

1. Public Hearings:

LAND USE PETITION:

RZ-21-005

PETITIONER:

WSM Associates, LLC c/o Battle Law, P.C.

LOCATION:

6301 Browns Mill Rd

PROPOSED AMENDMENT:

Proposed rezoning from R-100 (Residential Medium Lot-

100) to RSM (Small Lot Residential Mix) for the development of a 31 single family detached house

community. The subject property is within and is proposed to remain within the Arabia Mountain Overlay District.

Planning & Zoning Director Jim Summerbell presented PETITION RZ-21-005. Staff recommends APPROVAL OF PETITION RZ-21-005 with the following conditions:

- 1. The site plan must be revised and approved by the Planning & Zoning Director to reflect the intent and purpose of the Arabia Mountain Conservation Overlay District prior to permits being issued.
- 2. The applicant must submit a tree save and landscaping plan to the Director prior to receiving building or land development permits.
- 3. There shall be a Mandatory Homeowner's Association which shall own and maintain the common areas, and enforce the covenants placed on the community.
- 4. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
- 5. A minimum 5-foot sidewalk shall be installed along the property frontage on Browns Mill Road.

Attorney Michelle Battle, Battle Law Firm, 3562 Habersham at Northlake, Tucker, GA addressed the Commissioners. A PowerPoint presentation was shown. Attorney Battle discussed the site plan; walking trails; stated that this is an older project; the lot size is smaller; the buffer is not required; does not believe it is out of line; a tree survey was not required; believes this is usable use; and will address the water issues. Proposing to route water release slowing from the retention pond to the address the community concerns. Attorney Battle requested a recommendation of approval.

There were none in support of PETITION RZ-21-005. There were none in opposition.

The Chairman closed the public hearing before going into discussion.

Chairman Hubbard called for a motion. Commissioner Hollis motioned to CONDITIONALLY APPROVE PETITION RZ-21-005 WITH THE MODIFICATION OF THE SITE PLAN TO SHOW THE SETBACK AND TRANSITIONAL BUFFER BEING ADDED TO THE SITE PLAN. Commissioner Eady seconded the motion. The motion was unanimously APPROVED.

LAND USE PETITION:

RZ-21-006

PETITIONER:

Ray of Hope Christian Church Disciples of Christ, Inc

c/o Battle Law, P.C.

LOCATION:

4700 Browns Mill Rd

PROPOSED AMENDMENT:

Proposed change in zoning conditions, rezoning from RSM (Residential Medium Lot-100) with conditions to RSM (Small Lot Residential Mix) with other conditions for the development of a 73-townhome community with park

amenities.

Planning & Zoning Director Jim Summerbell stated that DeKalb County held cases in 2005; had a hard time finding the conditions of that zoning; and not really sure of the full details of what is required. The parcel is wooded and remains vacant. The site is not required to have a traffic study. It is less than 200 units. There will not be an adverse impact on the environment or surrounding natural resources. The development is going to meet the state and local laws regarding the stormwater. The Homeowner's Association will maintain the common areas and enforce the covenants placed on the community. Staff recommended APPROVAL OF PETITION RZ-21-006 with the following conditions:

- 1. The property shall be developed in general conformance with the site plan submitted with this application, dated 8/06/2021.
- 2. There shall be a Mandatory Homeowner's Association which shall own and maintain the common areas, and enforce the covenants placed on the community.
- 3. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
- 4. The applicant must submit a tree save and landscaping plan to the Director prior to issuance of building or land development permits.
- 5. The city Engineer shall review and approve driveway location prior to the issuance of building or land development permits.

At the end of Mr. Summerbell's conclusion of the presentation for PETITION RZ-21-006, Commissioner Mathis interrupted the meeting at approximately 7:40 PM.

Commissioner Mathis addressed the Chairman and asked that the motion for **PETITION RZ-21-005** be re-read. Did it state with conditions the staff recommended?

The Secretary read, "Commissioner Hollis motioned to CONDITIONALLY APPROVE WITH THE MODIFICATION OF THE SITE PLAN TO SHOW THE SETBACK AND TRANSITIONAL BUFFER BEING ADDED TO THE SITE PLAN." Conditions were not mentioned, stated the Secretary.

Commissioner Hollis asked to amend the previous motion. The Chairman stated that the motion had been voted on and passed.

The Secretary asked the Chairman, if Attorney Andy Clark was on board.

Commissioner Mathis addressed the Chairman and said, "I'm also hearing that people are trying to get on and unable to get in on the Zoom meeting."

The Secretary advised the Chairman that, "If I did not receive an email request before 12 noon today, they were not given the link. The legal ad stated, must be submitted by Noon."

The Chairman thanked Ms. Lowe for the clarification. Commissioner Mathis said, "So, Mr. Chair, I understand what Ms. Lowe is saying and I know that is known. However, you did ask for anyone else wanted to speak for or against, right?"

The Chairman and Commissioner Mathis believes the breakdown was people were not able to get in to make their comments and were not able to get into the meeting.

The Chairman apologized that if someone wanted to speak for the application and they did not get the opportunity to speak. Things being virtual, it appears that we had a hiccup for those people that could not get on the zoom call .

Commissioner Hollis asked if the Attorney was on the zoom call?

The Chairman asked if the City of Stonecrest Attorney was on the call to answer the question. There was no answer.

The Chairman stated that the Commissioners will come back to the question asked by Commissioner Mathis and Hollis. The Chairman suggested that the Communication Team reach out to Attorney Clark and get him on the line.

The Chairman asked Commissioner Eady what was his motion? I seconded the motion, replied Commissioner Eady. The Secretary stated, Commissioner Eady said "I seconded the motion."

The Chairman continued the public hearing for PETITION RZ-21-006.

Mr. Summerbell made another point. Had some concerns raised by the residents regarding **PETITION RZ-21-006.** Residents did not have, were not allowed, the opportunity for adequate public input. The community information meeting that was held was lightly attended. Recommend **DEFFERAL** or at least recommend another public meeting be held before it goes to the City Council. Staff recommend that we approve **PETITION RZ-21-006** with the following conditions:

The Chairman turned the floor over to Attorney Battle for rebuttal.

Attorney Battle stated, "I have been involved with this project for the church about 10-15 years. I've been working with Dr. Hale and the Ray of Hope Church. This property was actually owned -- entitled in The City of Hope; which was their 501-C company during some development related things in DeKalb County; and this is when this property was rezoned back in 2000 or 2005 for this site plan. Columbia Residential was the perspective developer, but unfortunately never bought the property.

The church was very much interested in providing senior housing in the area; this property I believe it may have been donated to them; at one point they have been sitting on the property; decided to develop and were looking to do a senior project near South DeKalb Mall. We tried repeatedly over the last 15 years to get somebody to buy this project to develop it in this manner, and it didn't happen. The church has other missions they have other desires.

Dr. Hale is very committed to continuing the ministry of the church and we had an opportunity to market this property for sale for townhomes. We believe that that was a natural offshoot of what had already been proposed. We are not really changing the build in a sense,

we are changing some of the building configuration, but the concept of having townhomes on this property has already been approved. The only difference here is that this will serve just a regular community and it will not be limited to seniors occupying the space.

So, we don't have a builder currently on the site; we have been approached by different companies with regards to the development for townhomes; and the church felt that it was in their best financial interest to do this themselves to maximize their return. Believe the proposal that is presented is one that is reasonable at 73 units...well below the density that was previously approved, below what is allowed under the RSM district regulations.

We are only at 2.9 units per acre because of the amount of floodplain that we have on this site. Everything is kind of leaning towards one side. We tried to make use of this space with the walking trails which are actually encouraged within these floodplain and wetland areas..."

The church is not the builder and would not be looking to build but is looking to put this property in a position that allows the church to market. As their legal representative, placing conditions on here to ensure that it will be a quality project but, I did provide staff with a copy of the conditions. The church cannot locate the letter and Attorney Battle said the County Clerk may have a copy of that letter.

Mr. Summerbell indicated correctly that there was a very light crowd at the public meeting and a deferral is acceptable. We have no problem if we need to do that in order to give the community an opportunity to meet with us and to express any concerns." Attorney Battle respectfully requested recommendation of approval.

There were none in support of PETITION RZ-21-006.

There were several in opposition of PETITION RZ-21-006

The Secretary read comments submitted via email from (ATTACHMENT III):

- 1. Mr. Franklin D.R. Wesley asked, "How can the county allow this project to go forward in this flooding area?" Is in opposition.
- 2. Ms. Joy Graham wrote to express opposition to land use PETITION RZ-21-006.
- 3. Mr. Kenneth Roberts is in opposition.
- 4. Mr. Stanley Williams is in opposition.

The Chairman stated that a Mr. Tony Marks wanted to speak in opposition:

5. Spoke-in-person. Mr. Marks said he lives in the Woodstream Subdivision and his property is in the back of the proposed petition. Lived here since 1987 and attended all of the meetings that were held at the New Birth Church and now Ray of Hope. The reason they couldn't build the church on that property - there is an underground spring that is protected by the EPA.

They decided to do a senior living facility. That was also turned down because they were going to build more units than they were allowed too. It was not to their advantage to develop it. The traffic on Browns Mill and Snapfinger Road is a nightmare! The only way they could get out of that property, would be to build a road out onto Browns Mill. There is no way that could help the traffic situation.

At least once or twice a week, there are traffic accidents there every month. They are replacing the turn signal that gives you the amount of time that you have before the light turns red. They are constantly replacing that light and you don't have to take my word for it. All you got to do is to look at what's going on at that intersection. It is a floodplain. The spring is underground. Anytime I go out my subdivision, in fall and winter you can see the water running on the street -- it's going downstream. I am opposed to this and like I said, we

did call. Its almost 20 years ago. It looks like you all are passing everything but, I got a postcard.

My property backs up to it, and on that postcard, it said Zoom Meeting but, it did not give a zoom number to get into the meeting. I had to call today to get the information from Marla Green. I mean it had, attend meeting at www.zoom.com and it also then tell you that your questions had to be in at a certain time." We were not notified properly, and I just got this postcard but, the first time this past Thursday. I didn't know anything about an August 6th meeting so, yes, I am opposed. We have been talking in Next Door Neighbor. There are a lot of people that are opposed to it. They did not know what was going on here and this is not fair. You all are approving everything but, you're not taking into consideration how the neighborhood feels."

The Chairman stated that a Ms. Joy Graham wanted to speak in opposition:

6. Spoke-in-person: Ms. Graham stated, "She (the Secretary) already read my comments. I have listened to some of the things that were said. I'm here with my neighbor. Involved in those previous meetings and they don't feel like it was passed before. Mr. Summerbell mentioned some history around the documentation. Even just looking at that preliminary, I guess site plan -- at this point turning left into a subdivision, that is a recipe for disaster. Quite honestly, I never looked at the elevations that were provided today. You want to put some single car garage. No rental restrictions. The buildable land, already been shared and discussed, is on a floodplain. So, there's only so much of the land is buildable. I would really like to know how many units are actually on the buildable land not necessarily on the overall 24.9 acres. You can't use it so, it's not usable.

I agree with someone else who said, maybe we should do a housing or a feasibility study in his community to find out what's reasonable around here and what's not. So, I oppose. I request that you deny. Would you like to hear from my neighbor? She didn't write in but, she is here."

The Chairman acknowledged the following speakers:

- 7. Spoke-in-person: Ms. Joyce said that she lives on Browns Mill Road and, "I was one of them that went to that meeting at New Birth in 2005. We oppose the house and still oppose putting anything there. This morning, there was an accident right in front of my house, the traffic here is ridiculous. Unless you live around this area, you don't know what going wrong in this area. So, I oppose."
- 8. Spoke-in-person. Mr. Stanley stated listening to this rezoning and what everybody else said about the traffic conditions. A child was hit by a car and killed in front of this subdivision after exiting the school bus. Mr. Stanley lives in the Salem West Subdivision and requested some clarity on trying to cut a road through the back of the 4700's address, in order to come through via Moravia Drive. Mr. Stanley is in total opposition.
- 9. Spoke-in-person: Ms. Carolyn Talley I would like to oppose this. Also, just like Mr. Tony Marks, we can look out our back door and see where we're going. When we come out of the subdivision, they are coming down the hill, from the school, so fast. We have to really fly out to get on the road. There is no room for us to merge right and get on Browns Mill Road. It is just too much going on there. People don't live over here. They do not understand. We know what's going on and love our property. We don't want that over here. I object this project.
- 10. *Spoke-in-person:* Ms. Annie Jackson lives in this area, the Burlington Subdivision, and stated, "I echo what everyone has said, especially about the traffic. It is very hard on a Friday

afternoon or anytime the traffic is high, to make a left-hand turn to go out on Browns Mill Road. So, many times to make a right-hand turn, I go all the way around in order to get out. Just like the lady just said, the traffic is coming down so fast and there have been several accidents right in front of the subdivision. People just take that chance. On that corner, the traffic on a Friday afternoon or weekends, is always backed up. I oppose this project at this time."

11. Spoke-in-person: Mr. Stanley Williams returned and asked for clarification, "Will there be a road coming through our Salem West Subdivision from that 4700 Browns Mill location?

Attorney Battle returned and spoke on the approval in 2005 by the DeKalb County Board's letter; spoke on the water issues and retention pond; building within 12 acres of usable land; traffic issue; and happy to have meetings with the community.

The Chairman closed the public hearing before going into discussion.

Chairman Hubbard called for a motion. Commissioner Mathis motioned to **DEFER PETITION RZ-21-006**; ALLOW APPLICANT TO MEET WITH THE COMMUNITY; **RETURN BACK TO THE PLANNING COMMISSION TO HEAR THE FINDINGS**; **AND APPROVE PETITION RZ-21-006 WITH THE CONDITIONS RECOMMENDED BY THE STAFF.** Commissioner Eady seconded the motion. The motion was unanimously **DEFERRED**.

Commissioner Mathis asked if the motion for RZ-21-005 can be rescinded at this time. To make sure that the recommendations of the planning department were included in the motion. Which was given as part with the transitional buffer. It was just assumed that the staff recommendations were included but, it was never stated.

The Chairman stated that with a point of clarification, Commissioner Hollis is the author of that motion and Commissioner Eady seconded that motion.

Attorney Clark was on the call earlier. The Chairman said a notification was received that Attorney Clark had an emergency and left the call.

The Commissioners moved forward with PETITION RZ-21-005.

Mr. Summerbell said it is an amended motion.

Commissioner Hollis stated trying to do initially amend the motion.

The Chairman stated not sure if that was legally the correct way to do it, and when we called to see if the attorney was online, he was not. Not sure of what the legality of that but, we can amend the initial motion for **PETITION RZ-21-005** to include the staff recommendations in addition to a transitional buffer which must be shown on the site plan.

The Chairman told Commissioners that there was a question posed by Commissioner Hollis. Does she need to repeat? Discussion took place on how to legally rescind and/or amend the motion for PETITION RZ-21-005, in order to add, "APPROVED WITH THE STAFF RECOMMENDED CONDITIONS."

The Chairman called for a motion to AMEND PETITION RZ-21-005. Commissioner Hollis motioned to APPROVE PETITION RZ-21-005 WITH ALL THE STAFF RECOMMENDED

Planning Commission Meeting Minutes Summary | 09-07-2021 | Page 10 of 17

CONDITIONS AND IN ADDITION, THE TRANSITIONAL BUFFER MUST BE SHOWN ON THE SITE PLAN(S). Commissioner Eady seconded the motion. The motion was unanimously APPROVED.

LAND USE PETITION: TMOD-21-007

PETITIONER: Stonecrest Planning & Zoning Dept

LOCATION: Citywide

PROPOSED AMENDMENT: Amendment Stonecrest Code of Ordinances, Chapter 7 -

Building and Construction. Adoption of the GMA model ordinance for Private Permitting Prequalification for review and

inspection.

Planning & Zoning Director Jim Summerbell presented TMOD-21-007. Recommending adoption of the GMA model ordinance for Private Permitting Prequalification for review and inspection. House Bill 493 was signed by the Governor and made effective July 1, 2019. Model GMA Ordinance was modified for Stonecrest. TMOD was renumbered from TMOD-21-010 as presented to the City Council at the Special Called Work Session on August 13, 2021, to maintain sequential numbering with previously adopted text amendments. Staff recommended APPROVAL OF TMOD-21-007 TO THE CITY COUNCIL.

There were none in support of TMOD-21-007. There were none in opposition.

The Chairman closed the public hearing before going into discussion.

Chairman Hubbard motioned to ACCEPT TMOD-21-007. Commissioner Mathis seconded the motion. The motion was unanimously ACCEPTED TMOD-21-007.

LAND USE PETITION: TMOD-21-008

PETITIONER: Planning & Zoning Department

LOCATION: Citywide

PROPOSED AMENDMENT: Amendments to Stonecrest Zoning Ordinance, Chapter 27

Article 7 – Administration regarding application procedures, training requirements for commission and board members, and

public notification of the rezoning and building activity.

Planning & Zoning Director Jim Summerbell presented **TMOD-21-008**. Regarding all administrative codes. Includes recommendations to training requirements for commissions and boards; application procedures; as well as public notification of rezoning building activity.

Mr. Summerbell spoked on the draft Zoning Ordinance presented to the City Council in March 2020 (prepared by the Collaborative Firm). Amendments were later presented to the City Council at the Special Called Work Session held on August 13, 2021. Council members were very much in favor of the draft. Some modifications were part of the original text amendments. We have modified it slightly and included it in the September 7th meeting packet for consideration.

Clarification regarding the training and education of board and commissioners referenced **Sec.** 7.1.2 – Governing Bodies, B. Training and Education of Boards and Commissions. Members must attend one (1) training by the 365th day of their term of appointment or reappointment or one or more classes or courses seminars (Sec.2.6.17.b).

Also, saying that the education training opportunities not included/limited to any organized training activities that is the opinion of the Planning & Zoning Director are relevant activities, operations, and duties of said board or commission (Sec.2.6.17.e). Again, this is already required for training in Article 7. - Administration, Section 7.2.2. - Applications, B.2.

Mr. Summerbell discussed housekeeping matters:

- 1. No application shall be processed by the Planning and Zoning Director unless it complies with the procedure requirements of this division and is found to be a complete application. We are trying to make sure that when we receive applications, everything is in place before it goes further to council and commission.
- 2. Section 7.2.4 C.1 Public Hearings. This would increase the distance from the subject's property. When we send out mail notifications, right now it is 250 feet, we would like to extend that to property within 1000 feet.
- 3. We added a new in Section 7.2.5, A.2. Community Impact Notification. This includes any development or building project with aggregate 12,000 square feet of construction or any other similar work requiring a building permit within the next 24 months.
- 4. Lastly, Mr. Summerbell discussed Section 7.2.5. B. Requirements, how the community is notified and an effort to be transparent with the community about what is happening on any development or building project with average of 12,000 square foot of warranty.

Officials shall notify or shall provide notification to the pertinent district council members. The Posting Notice by the applicant shall place one or more signs in a conspicuous location on the property. Each sign shall contain the location, nature of the proposed project, and web address to access and the view plans. Written notice shall be emailed or by first class mail by the applicant to all owners of property within 1,000 feet of boundaries and some subject property. Statin state the location and nature of the proposed development.

Staff recommends APPROVAL OF TMOD-21-008 TO THE CITY COUNCIL.

Chairman asked the Commissioners if there were questions for Mr. Summerbell.

There were none in support of TMOD-21-008. There were none in opposition.

The Chairman closed the public hearing before going into discussion.

Chairman Hubbard asked for a motion. Commissioner Mathis motioned to **DEFER TO THE CITY COUNCIL AND COME BACK TO MR. SUMMERBELL**. The Chairman seconded the motion. The vote was unanimously **DEFERRED**.

IX. Adjournment

The vote was carried unanimously to adjourn the meeting at 8:38 PM. Commissioner Mathis motioned to adjourn. Commissioner Hubbard seconded the motion.

SPECIAL NOTE:

All comments received are included in the September 7, 2021, Planning Commission Meeting Minutes Summary.

	APPROVED:
	Chairman
	Date
ATTESTED:	
Secretary	
Date	
	STONE CREST GEORGIA

Planning Commission Meeting September 7, 2021

ATTACHMENT I

CP-21-001 & RZ-21-004
EMAILED WITHDRAWAL REQUEST

From: Mr. Harold Buckley, Jr. Duke Zoning

Date: August 19, 2021



From:

Harold Buckley < hbuckley@wbilegal.com>

Sent:

Thursday, August 19, 2021 6:23 PM

To:

Jim Summerbell

Cc:

janiceallenjackson@stonecrestga.gov; Jim Nichols; Lillian Lowe; David Sprinkle; Natalie

Tyler-Martin; Wes Hardy; Larry M. Dingle; associatehubbard@yahoo.com; Tammy

Grimes; Jazzmin Cobble; Tuyanna Daniel

Subject:

Duke Zoning Withdrawal Request

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Jim,

I am reaching out to let you know that, after careful consideration, Duke has decided to withdraw its zoning application without prejudice. Duke remains convinced that the proposed warehouse is fully consistent with the city's land use policies/standards and that it would be an asset to Stonecrest. Nevertheless, Duke does not think it would be productive to move forward with its zoning application for the following reasons:

- 1. There is a good bit of mudslinging going on that could be interpreted as intellectual untruthfulness.
- 2. The mudslinging has resulted in media reports that mischaracterized Duke Realty's high integrity.
- 3. The instability of Stonecrest's past, present and potentially future staff, as reflected by the extraordinarily high city staff turnover since Duke submitted its application.

Please let me know if there is anything further that I need to do to perfect this withdrawal request.

Harold Buckley, Jr., AICP Partner WILSON BROCK & IRBY, L.L.C. Overlook I, Suite 700 2849 Paces Ferry Road Atlanta, Georgia 30339 mail to: hbuckley@wbilegal.com

Tel: 770-803-3707 (Direct)

404-853-5050 (Main) Fax: 404-853-1812

Please think about the environment before you print this e-mail.

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Planning Commission Meeting September 7, 2021

ATTACHMENT II

EMAILED COMMENTS FOR RZ-21-003

Read by

Secretary Lillian Lowe



RZ-21-003

From:

Betty Sykes

sykes38@gmail.com>

Sent:

Monday, September 6, 2021 4:34 PM

To:

Jim Summerbell; Lillian Lowe; Tuyanna Daniel; cobble@stonecrestga.gov; Jason Lary;

George Turner; Jimmy Clanton; Tammy Grimes

Subject:

Opposition to the rezoning of Panola RD

Attachments:

Opposition to Rezoning.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please enter the following letter into record for the rezoning meeting for panola Rd and Thompson Mill Road scheduled for 9/7/2021. I have requested a zone code for the meeting, however, I have not received a response.

To Commissioner Clanton,

I am writing to you to express my strong opposition to the proposed rezoning of the property located at 3177 Panola Road and 5207 Thompson Mill Road. My family and I have been residents of the Panola Mill Subdivision for 21 years. As you are aware the Panola Mill subdivision is located directly behind the properties that are under consideration for rezoning. The potential development of 76 town homes would have negative impact on the quality of life for the residents of Panola Mill, Glen Croft, Haven wood and Wood Grove subdivisions. These subdivisions are already surrounded by two apartment complexes and the residents are faced with the daily challenge of navigating in and out of heavy traffic along Panola Rd. Our homes which are one of our largest financial investments will be adversely affected by this proposed development. Increased traffic, a sagging and inadequate infrastructure, crime and increase in population density are just a few of the problems and challenges that this townhouse community will exacerbate. This development will have a negative impact on the entire community.

As a concerned citizen and longtime resident, I have to ask why would the city of Stonecrest seek to add townhomes to an area where the roads, traffic lights and services do not support the current homeowners and businesses? In addition, take into account the schools in the area. Has any one completed a study to see how this community would impact the schools in the area? Our schools on this end of the county are dealing with overcrowding, struggling students, a high teacher to student ratio and a lack of parental involvement. Is the developer willing to contribute financially to build additional classrooms for our schools?

There are currently several townhome developments on Covington Highway, Chupp Road and Phillips Road being built at this time, this includes the home or townhomes being built along Rock Spring Road. There appears to be a desire to saturate an area with little regards for the individuals who live in the area, particularly the tax paying home owners. We are concerned with what these community will look like four to five years from now. We can see the results of dilapidated and abandoned townhouses on Snap finger Road near Miller Road which are an eye sore to the community. We do not want to see this happen in our community, I am concerned that our property values will plummet due to the fact that multi-family homes or townhomes over a period of time may not be maintained. While I see some business development in the area, there is simply not t enough quality restaurants, stores and services in the to support additional growth. I am asking that the city of Stonecrest focus on keeping this area as a green space.

In closing, I urge you to deny the proposed rezoning and from talking with my neighbors I know many share my opinion. The infrastructure in the area is not designed to support a 76-unit townhome community. Please support the homeowners of Stonecrest who are supporting the city with their tax dollars. Do not sell us out.

Sincerely,

Betty Sykes

RZ-21-003

From: Marcia White Laster < mwhitelaster@gmail.com>

Sent: Friday, September 3, 2021 7:39 AM

To: Jim Summerbell
Cc: Lillian Lowe

Subject: Rezoning of land at Thompson Mill Road & Panola Road for Townhomes

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Greetings Mr. Summerbell,

I am writing today to first thank you for serving as the Planning Director for Stonecrest. Secondly, I want to bring to your attention the request to rezone the land at the corner of Thompson Mill Rd and Panola Rd to accommodate the building of a townhome development.

This part of Stonecrest is the most heavily trafficked and that specific corner has been the site of many traffic accidents as the area has become more congested. The townhome development would create even more congestion and add to the traffic and accidents in that area. There is already so much traffic on Panola Rd that people living in the Panola Mill subdivision have trouble entering and leaving the subdivision as a traffic light is sorely needed there. This proposed townhome development would only add to the congestion on Panola Rd as the subdivision is within close proximity of the proposed development. There is also a stream that runs through this land. The stream coupled with the congestion concerns make the current infrastructure insufficient to accommodate building townhomes there.

Those of us who own homes in the area did so expecting a quiet suburban environment. This development would put many townhomes on a small plot of land and would not support a suburban environment. It would invariably help reduce current homeowners property values and invite an unwelcome element into our community.

Lastly, the properties involved in the rezoning request are being sold by East Metro Brokers, LLC whose registered agent is Edwina Clanton, the wife of District 1 Councilman, Jimmy Clanton. I do find this to be a conflict of interest. It would benefit them while harming the community at large. We know we cannot keep this land wooded forever, but this is the wrong development for this area.

Please do not pass this rezoning request. Your service as Planning Director for Stonecrest is appreciated.

Sincerely.

Marcia White Laster 5100 Panola Mill Drive Stonecrest, Ga

Planning Commission Meeting September 7, 2021

ATTACHMENT III

EMAILED COMMENTS FOR RZ-21-006

Read by

Secretary Lillian Lowe



RZ-21-006

From:

Franklin D.R. Wesley, fwesley@bellsouth.net>

Sent:

Tuesday, September 7, 2021 11:13 AM

To:

Lillian Lowe; sandra s roberts mrs.; john webb; larry2 mincey

Cc:

stanley williams mr

Subject:

Re: Floodplain map for this property.

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Folks please contact Ms. LOWE, before noon today to get on list to speak about road coming thru our Subdivision, and any other problem we have with this project. Send her an email.

Sent from AT&T Yahoo Mail on Android

On Thu, Sep 2, 2021 at 2:34 PM, Franklin D.R. Wesley,I <fwesley@bellsouth.net> wrote:

Ms.lowe: How can the county allow this project to go forward in this Flooding area? Thanks.

Sent from AT&T Yahoo Mail on Android

From:

Joy Graham <joygraham@outlook.com>

Sent:

Thursday, September 2, 2021 9:27 PM

To:

Lillian Lowe

Subject:

Planning Commission Meeting -- Public Comment

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Councilmembers,

I am writing to express opposition to Land Use Petition RZ-21-006 for the following reasons:

- 1. As other Stonecrest residents have expressed on previous City Council meetings, we do not want an influx of dense/multi-family housing in this area. The current zoning conditions for the property at 4700 Browns Mill Road (Residential Medium Lot-100) is aligned with the other houses in this area -- with the smallest adjacent property being .42 acres. Allowing Small Lot Residential Mix conditions here would devalue the surrounding properties, even more so if Land Use Petition RZ-21-003 passes and townhouses are also built at Panola and Thompson Mill roads.
- 2. There is already a considerable amount of traffic at the intersection of Browns Mill Road and Highway 155, with the turning lane regularly backing up to the Family Dollar that was unnecessarily erected last year. There have also been quite a few accidents at the intersection as people attempt to make the light out of frustration. Adding 73 townhouses here would only amplify and exacerbate the traffic challenges -- risking both lives and properties.
- 3. This Petition has been presented to the City before and did not pass. The Stonecrest residents who opposed it then, still oppose it now, along with some newer homeowners. If the petitioner, Ray of Hope Christian Church Disciples of Christ, Inc., is truly interested in developing a townhouse community, they have 17+ acres -- directly across the street from their church, outside of the City boundaries -- where traffic does not bottleneck and their neighbors likely welcome their growth and development.

I will be viewing the live meeting and am happy to elaborate further if needed.

Thank you for considering the concerns, needs and desires of Stonecrest residents, Joy Graham

RZ-21-006

From:

noreply@salesforce.com on behalf of City of Stonecrest

<cityofstonecrest@jacobs.com>

Sent:

Tuesday, September 7, 2021 11:36 AM

To:

Tuyanna Daniel; ivelys.lipsey@jacobs.com; Jim Summerbell; Lillian Lowe;

sharon.flint@jacobs.com; julie.macker@jacobs.com

Subject:

City of Stonecrest Case Number: 00075236 - Planning and Zoning - ref:_00D6gsr8d._

5005b1EwgiE:ref

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Case Details:

Initial Date & Time: 9/7/2021, 11:24 AM EDT

Case Subject: Planning and Zoning

Method of Contact: Phone

Priority: Medium

Description: The caller stated he received a notice about a change in zoning for property 4700 Browns mill rd. He stated they are going to build some townhomes there but it has severe flooding there. He stated this will only make it worse.

Issue Address: 4700 Browns Mill Road

Cross St:

Business Name and Address:

Citizen Information:

Customer's Name: Kenneth Roberts

Phone: 7709873667 Ext.

Cell Phone: Email Address:

Citizen Address: 3392 Herrenhut Rd

Activity History:

Comments: I advised the caller I will get the information over to planning and zoning.

Completed Date & Time: 9/7/2021, 11:36 AM EDT

To update this case, please reply to this email. This will ensure the case is automatically updated. Please allow one (1) business day for processing.

For urgent assistance, please contact Sharon Flint sharon.flint@jacobs.com, Citizen Responder, and Ivelys Lipsey ivelys.lipsey@jacobs.com, Operations Manager.

ref:_00D6gsr8d._5005b1EwgiE:ref

From:

Stanley Williams <safehunter2@yahoo.com>

Sent:

Tuesday, September 7, 2021 11:57 AM

To:

Lillian Lowe

Subject:

Opposing rezoning petition: RZ-21-006

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Reason being due to excessive traffic on Moravia dr/Fetter st. A child was hit by car and killed exiting school bus. She lived on Moravia dr. I would like to make a comment tonight.

Stanley Williams

Sent from Yahoo Mail on Android

Planning Commission Meeting September 7, 2021

ATTACHMENT IV

EMAILED COMMENTS RECEIVED AFTER 12 NOON

Not Read by

Secretary Lillian Lowe

From:

Dave Marcus <dmarcus123@gmail.com>

Sent:

Tuesday, September 7, 2021 4:50 PM

To:

Lillian Lowe

Cc:

mathis3181@yahoo.com; Jim Summerbell; Eric Hubbard

Subject:

Public Comment in Oppositions to RZ-21-005 / 6301 Browns Mill Rd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good evening Commissioners,

I like almost everything about the proposal for this development.

HOWEVER, I ask you to either defer it due to the site plan being out of conformance with the Arabia Mountain Overlay District or to approve it with two conditions: First, that no variances may be applied for. Second, that the zoning change will be void if a variance is applied for.

Worth noting is that at the first public meeting about this, we were told that no variance would be needed. Yet the site plan does not include the required buffer between the property to be developed and other properties.

I understand that the developer's argument is that a buffer should not be needed where the adjacent property is protected green space. This is contrary to what the overlay district requires. There is nothing that says buffer is required only when there is an adjacent residence.

The purpose of buffer is not to ensure only green space for the sake of the residents of the houses being built. It is also for the sake of the users of the adjacent property. In this case, if a trail is built or extended to be near the proposed development, it will not be as shielded as it would be if the overlay district requirements were met. And residents would not be as shielded from green space users.

I believe that the proposed houses are very attractive, and their size and price point is appropriate. I am in favor of this development. HOWEVER, I believe that the site plan needs to be modified to conform to the overlay district BEFORE the rezoning is approved. Either that or the approval should be contingent on the developer creating a site plan that is in conformance with the current zoning, including the overlay district.

Thank you,

Dave Marcus 6501 Rockland Road

From: Sent:	Marla Greene Tuesday, September 7, 2021 5:30 PM
To:	Jim Summerbell; Lillian Lowe
Cc:	Toni Marks; Marla Greene
Subject:	Re: Zoning Petition RZ-21-006 Ray of Hope
,	in a constant of the constant
Jim,	
Per our conversation, please see	Ms. Marks questions
rei oui conversation, piease see	ivis. Iviains questions.
Thanks,	
Marla	
Sent from my iPhone	
	ni Marks <tmarks0822@gmail.com> wrote:</tmarks0822@gmail.com>
> CALITION: This amail originates	d from outside your organization. Exercise caution when opening attachments or clicking
links, especially from unknown s	
>	enacio.
> Ms Greene,,	
>	
> My question to the zoning pan	
	traffic will be impacted f the petition is approved? There are at least 2 to 3 accidents at
	month. The signal that tell how many seconds are left before the light changes has to be
replaced at least once a month o	lue to accidents.
	count when making your decisions.
>	,
> Concerned citizen and residen	t,
>	
> Antoinette Marks	
>	
>	
>	
> Sent from my iPad	

From:

Ken Taylor <kentaylor701@gmail.com>

Sent:

Tuesday, September 7, 2021 7:06 PM

To:

Lillian Lowe

Cc:

George Turner; Jim Summerbell

Subject:

Re: RZ-21-006 - 4700 Browns Mill Rd.

Attachments:

RZ-21-006 - Public Comment Card.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see attached my public comment form for the subject rezoning request that is being held tonight. I understand it is common practice to submit the form prior to the meeting but I was not aware of the Zoom meeting until late this afternoon...

Thank you

On Tue, Sep 7, 2021 at 6:00 PM Ken Taylor < kentaylor701@gmail.com > wrote:

Just heard from a neighbor that the meeting is being held via Zoom and you had to request a link by noon today to view. Gentlemen, my sole and simple request in regard to this matter is to have a community meeting that is openly communicated to residents that will be impacted by this project. That community meeting should take place prior to any decision by your Planning & Zoning Commission or the city council.

Thanks for your consideration of this request and the community's right to know about development projects that impact residents.

Ken Taylor

On Tue, Sep 7, 2021 at 5:06 PM Jim Summerbell < jsummerbell@stonecrestga.gov > wrote:

A public hearing will be held tonight, but we will have to see what the recommendation of the Planning Commission is with regard to matter. You are correct in that ultimate decision does rest with the city council.

Jim Summerbell, AICP | Planning & Zoning Director | 470-727-0069



From: George Turner < GTurner@stonecrestga.gov >

Sent: Tuesday, September 7, 2021 5:02 PM

To: Jim Summerbell < jsummerbell@stonecrestga.gov >; Ken Taylor < kentaylor701@gmail.com >

Subject: RE: RZ-21-006 - 4700 Browns Mill Rd.

We need a conference on this matter. It has been my understanding that once an item has been advertised for public hearing, it was obligated to public hearing. While the PC can recommend a deferral, the ultimate decision rest with the city council.

From: Jim Summerbell < jsummerbell@stonecrestga.gov>

Sent: Tuesday, September 7, 2021 9:40 AM

To: Ken Taylor < kentaylor701@gmail.com >
Cc: George Turner < GTurner@stonecrestga.gov >
Subject: RE: RZ-21-006 - 4700 Browns Mill Rd.

The case has been advertised, so a public hearing will be held tonight, but I am working with the Chairman of the PC to see if they will defer the case to allow more time for public input.

Jim Summerbell, AICP | Planning & Zoning Director | 470-727-0069



From: Ken Taylor < kentaylor701@gmail.com > Sent: Tuesday, September 7, 2021 9:26 AM

To: George Turner < GTurner@stonecrestga.gov >; Jim Summerbell < jsummerbell@stonecrestga.gov >

Subject: Fwd: RZ-21-006 - 4700 Browns Mill Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning, Mr. Turner and Mr. Summerbell. You may recall I spoke to both of you about this subject last Thursday. You assured me that something could be done to arrange another community meeting to properly inform area residents about this project. I hope that at the very least the item can be deferred on the agenda of the Planning and Zoning Commission meeting which is scheduled for later today. Please advise...

Thank you,

Ken Taylor

----- Forwarded message -----

From: Ken Taylor < kentaylor701@gmail.com >

Date: Thu, Sep 2, 2021 at 10:18 AM

Subject: RZ-21-006 - 4700 Browns Mill Rd.

To: Lillian Lowe < Lillian.Lowe@stonecrestga.gov >, cc: George Turner < GTurner@stonecrestga.gov >, Jim Summerbell

<jsummerbell@stonecrestga.gov>, Mafe, Rosie <<u>Rosie.Mafe@jacobs.com</u>>, Tuyanna Daniel

<TDaniel@stonecrestga.gov>

Cc: Mal Parker < President1erb@gmail.com >, < Treasurer1erb@gmail.com >, < businessmanager1erb@gmail.com >,

<cmeertin@gmail.com>, <vicepresident1erb@gmail.com>, Michele Battle <mlb@battlelawpc.com>

Ladies and Gentlemen: This email is in reference to the community meeting that was held on August 18, 2021 via Zoom to discuss the subject rezoning request. The City of Stonecrest referred me to this meeting after I noticed a sign posted on the property this past weekend mentioning a Planning & Zoning Commission meeting for decisioning on September 7 and one for a final hearing before the Stonecrest City Council on September 27.

Earlier this week, I viewed the community meeting on the recorded Zoom call that discussed the project. The meeting covered both the subject rezoning request and a second request (RZ-21-005 at 6301 Browns Mill Rd.). It is unfortunate that there were very few residents who participated in the August 18 meeting to offer feedback on the rezoning request. In fact and as you probably know, there were only two or perhaps three residents in total who were on the call. Bottom line, the community was not given adequate, effective or direct notice of the date of the community meeting. Someone on the call for the August 18 meeting even stated that there was little "proactive notification" to the community of the meeting. I later learned that only those who were signed up for "alerts" for the City of Stonecrest were given notice of the meeting or perhaps there was some other communication of the meeting of which I am unaware.

Regardless, the community meeting held on August 18 did not provide or represent a fair opportunity for the community to provide input on the project due to the fact there was not adequate notice of the date of the meeting given to the community. After listening to the call there were a number of issues, questions and concerns relative to the RZ-21-006 project that (in my mind) were not adequately covered or explored that I believe are important to the community and must be addressed *prior* to the Planning & Zoning Commission meeting scheduled for September 7.

Therefore, I respectfully request that another community meeting be scheduled that will give the community a more robust opportunity to evaluate the subject project and address specific issues, questions and concerns that were not addressed on the August 18th Zoom call. Furthermore, I respectfully request that consideration of the subject rezoning request be withdrawn from the agenda for the Planning & Zoning Commission meeting scheduled for September 7. This should allow adequate time to reschedule a community meeting to address the subject rezoning request and provide proper and adequate notice to the community to attend or participate in that meeting in whatever format that the City of Stonecrest determines is most appropriate.

As you know, both of the projects discussed and presented during the August 18th community meeting are fairly substantial in scope and will impact a sizable portion of community residents in the area. It is only fair, reasonable and prudent on the part of the City of Stonecrest to give those residents ample opportunity to review these projects and weigh in on whether they will be suitable and desirable for the community. Please respond to this communication at your earliest convenience.

Thank you,

Ken Taylor

From:

Sent:

Tuesday, September 7, 2021 7:26 PM

To:

Lillian Lowe

Subject:

Planning Commission 09072021

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Evening Ms. Lowe

Regarding the project requested at the intersection of Browns Mill and Snapfinger (155), there was not sufficient Public Notice to the neighboring communities. I ask that the commission defer the vote until there is an additional public hearing for the community.

Thank You in Advance,

Mal Parker

Lillian Lowe

From: Ken Taylor <kentaylor701@gmail.com>
Sent: Tuesday, September 7, 2021 10:47 PM

To: Lillian Lowe; Jim Summerbell; Mafe, Rosie; Tuyanna Daniel; George Turner;

ehubbard@stonecrestga.gov

Cc: Mal Parker; Treasurer1erb@gmail.com; businessmanager1erb@gmail.com;

cmeertin@gmail.com; vicepresident1erb@gmail.com; jg2mason; fwesley; Michele Battle;

staceythibodeaux; Lila B Lucas; DAVID TANKS JR.

Subject: RZ-21-006 - 4700 Browns Mill Rd. (Deferral of Application)

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To: Officials Addressed at City of Stonecrest

As you know, a hearing for the Planning and Zoning Commission for the City of Stonecrest was held earlier tonight to address the subject rezoning application. The Commission voted to defer consideration of the application to allow a community information meeting to convene to give residents in the area an opportunity to review the subject request and determine if the project proposed is suitable and acceptable for their community. I understand it may take time to determine the date and time of this meeting and arrange the necessary logistics to conduct it. Speaking on behalf of the large swath of residents that will be directly impacted by the outcome of this application, I'd like to ensure that the City of Stonecrest will make a transparent and good faith effort to communicate the date and logistics of the community meeting to ensure maximum participation by those residents.

As such, I respectfully request that you reveal the process and manner in which you will communicate the date and logistics of the community meeting and the medium or media you will use to communicate that information.

I make this request in order to ensure that residents affected by the proposed rezoning and project will be given ample time and notice of the community meeting including its date, time and logistics. As you saw from the hearing this evening, there seemed to be some degree of confusion and even misinformation about the scheduling and logistics of the previous August 18 community meeting and even the commission meeting held earlier tonight. I believe that partially explains the dearth of residents who were able to vocally participate on the call. Residents need and deserve clear, accurate and transparent notice on matters of rezoning as they relate to residential and commercial development that affect their interests. Such notice on the subject rezoning request in particular will allow residents to review the information presented on the Zoom call earlier tonight, fully analyze and evaluate the impact the proposed project will have on the community, consult with independent professionals (if necessary) regarding appropriate and preferred land use at the subject location, and discuss the project amongst themselves prior to the community meeting.

Again and to summarize, please outline where and how citizens can access information on the date, time and logistics for the community information meeting to be held to discuss the subject rezoning request and application. My plan is to share that information immediately with citizens residing within a one mile radius of the subject location for their preparatory and planning purposes.

Respectfully yours, Ken Taylor

[For communication efficiency and documentation purposes, please copy all parties mentioned on this email in your response]

1

PLANNING COMMISSION MEETING SCHEDULE

Meets on the 1st Tuesday of each month at 6:00 PM unless otherwise stated.



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August 2nd

*September 6th

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October 4th

November 8th

December 6th

		Federal holidays 2022				
Jan 1	New Year's Day	Jul 4	Independence Day	Nov 11	Veterans Day	
Jan 17	Martin Luther King Day	Sep 5	Labor Day	Nov 24	Thanksgiving Day	
Feb 21	Presidents' Day	Oct 10	Columbus Day	Dec 25	Christmas Day	
May 30	Memorial Day			Dec 26	Christmas Day (obs.)	

Holiday Week* DRAFT 10-5-21/LL



RZ-21-007

Planning Commission Meeting October 5, 2021

GENERAL INFORMATION

Petition Number: RZ-21-007

Applicant: City of Stonecrest, Planning & Zoning Dept

Owner/ Property Location: Multiple owners see chart below. Seventeen (17) parcels of land east of Klondike Rd and Plunkett Rd, south of Hayden Quarry Road, and north of Rockland Road

Parcel ID	Address	Acreage	Owner/Developer
16 139 02 010	6815 Hayden Quarry Rd	25.0	Dekalb County Budget Dept
16 139 02 017	3216 Klondike Road	0.6	Kelly, James Roger *
16 139 02 020	3220 Klondike Road	1.0	Tannehill, Carol Torbush *
16 139 02 008	3230 Klondike Road	3.2	Torbush, Elizabeth Diane *
16 139 02 016	3240 Klondike Road	0.5	Brown, C H *
16 139 02 007	3278 Klondike Road	42.0	Brantley Investments LP
16 139 02 019	3304 Klondike Road	1.0	McAllister, Shonette
16 140 03 018	3280 Plunkett Road	0.4	State of Georgia
16 140 03 027	3310 Plunkett Road	2.4	Ballew, Avery *
16 140 03 016	3350 Plunkett Road **	41.0	Treefort Properties LLC
16 140 03 019	3332 Plunkett Road	2.5	Treefort Properties LLC
16 140 03 020	3418 Plunkett Road **	12.2	Merrit Homes Inc
16 140 03 028	3466 Plunkett Road	14.5	Morris, Fred B *
16 140 03 008	6900 Rockland Road	6.1	Latsis, David *
16 140 03 026	6914 Rockland Road	7.0	Brown, Patrick L *
16 141 06 001	3582 Plunkett Road	0.4	Landell, Shani Ruth Augustin
16 141 06 002	6888 Rockland Road	0.5	Landell, Shani Ruth Augustin

^{*} Owner Occupied, Address of owner matches property address

Council District: District 1 – Jimmy Clanton

Acreage: Approximately 160.03 acres

Existing Zoning: R-100 (Residential Med Lot) District, Stonecrest Area

Overlay, Tier 5

^{**} Address has open permits



RZ-21-007

Proposed Zoning: R-100 (Residential Med Lot) District, Arabia Mountain

Conservation Overlay

Comprehensive Plan Character

Area Designations:

Conservation/Open Space, Suburban, and Rural

Residential

Proposed Development/Request: Proposed city-initiated rezoning from Stonecrest Area

Overlay, Tier 5 to Arabia Mountain Conservation

Overlay.

Staff Recommendations: Approval

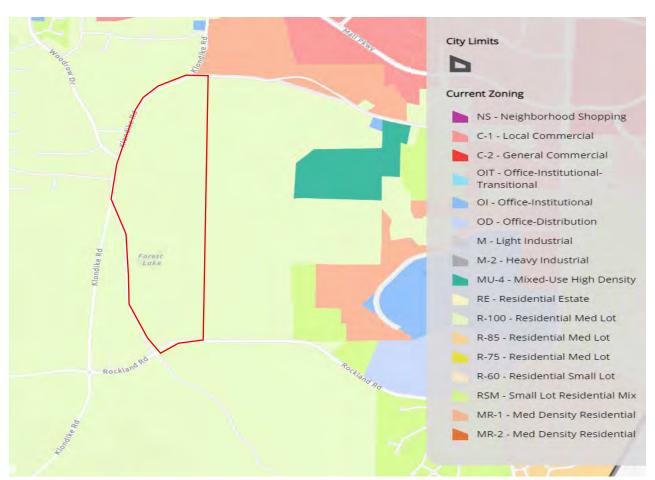
Aerial Map, RZ-21-007





RZ-21-007

Zoning Map, RZ-21-007

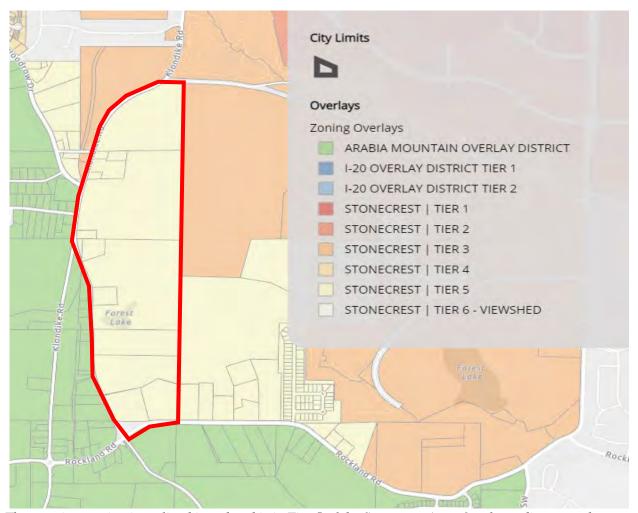


The area in question is outlined in red and is zoned R-100, Single Family Residential



RZ-21-007

Overlay District Map

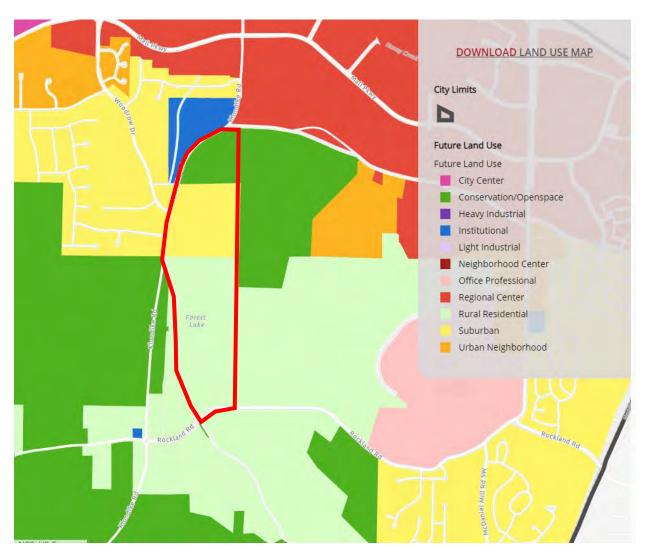


The area in question is outlined in red and is in Tier 5 of the Stonecrest Area Overlay, adjacent to the Arabia Mountain Conservation Overlay to the west and south.



RZ-21-007

Future Land Use Map, RZ-21-007



Subject Area includes 3 character areas on the Future Land Use Plan: Conservation/Open Space, Suburban, and Rural Residential



RZ-21-007

OVERVIEW

Location

The subject property is comprised of seventeen (17) parcels of land east of Klondike Rd and Plunkett Rd, south of Hayden Quarry Road, and north of Rockland Road and includes approximately 160 acres.

Background and reason for the rezoning

Currently, the area contains a number of single-family homes in wooded and agricultural setting, dotted with rock outcropping, consistent with the character with the other lands in Arabia Mountain Conservation Overlay. Klondike and Plunkett Road is a major gateway to the Davidson-Arabia Mountain Nature Preserve, and the offices of the Arabia Mountain Alliance are across Plunkett Road from the subject area.

Though the area is currently very much character with the Arabia Mountain overlay, it also lies with in the Stonecrest Area Overlay District, which would allow the future development of office and commercial uses along Plunkett Road. Recently some permits have been granted for construction in the area, which has raised concerns about maintaining the overall rural character of the area. The best way to preserve that character is to expand the adjacent Arabia Mountain Conservation Overlay to include the subject area.



One of these proposed developments that raised interest in the rezoning is a 11-lot subdivision being development by Merritt Homes at 3418 Plunkett Road on 12.2 acres, the location is denoted by a red star on the map above. The other development that raised interest in the rezoning is the restoration of an historic home at 3350 Plunkett Road on 42 acres by Treefort Properties, location denoted by a green star on the map above. The historic home is being proposed to be used as a special event venue and Bed n Breakfast.

Rezoning Request

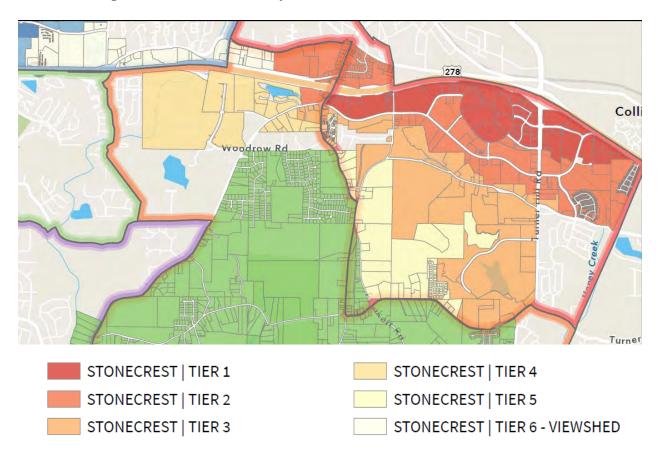
The city is proposing to rezone the area from the Stonecrest Area Overlay, Tier 5 to the Arabia Mountain Conservation Overlay. The base zoning of R-100 would remain in place. To better understand what the implication of this rezoning would be, here are some basic facts about overlay districts in general and the two overlay districts in question.



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- An overlay district is a zoning district which is applied over one or more previously established zoning districts (base zones), establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. In this case the base zone is R-100.
- Communities often use overlay zones to protect special features, such as historic buildings, wetlands, steep slopes, and waterfronts. The Arabia Mountain Conservation Overlay is protective Overlay District. It is intended to preserve the natural resources of the Davidson-Arabia Mountain Nature Preserve, one of the city's major attractions and natural assets.
- Overlay zones can also be used to promote specific development projects, such as mixed-used developments, housing along transit corridors, or to impose design guidelines. The Stonecrest Area Overlay is a promotional Overlay District. It is intended to promote the economic growth in and around the city's largest commercial center.

Current Zoning – Stonecrest Area Overlay





RZ-21-007

The Stonecrest Area Overlay is a <u>promotional Overlay District</u>:

- It is comprised of six tiers, Tier 5 can be found in Section 3.15.2 of the Zoning Ordinance
- Tier 5, Cluster Village Mixed-use Zone "primary intent is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept." [Sub-section A.]
- "Tier 5 also seeks to preserve the rural and scenic beauty of the Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development."
- It does permit non-residential uses along Plunkett Road, but restricts office and commercial uses fronting Klondike and Rockland roads. [Subsection E.4.]
- Imposes Design Guidelines to ensure that development is in keeping with look and character of the Mall area.

Permitted uses are governed by the base zoning, but also include the following:

- 1. Adult day care facility.
- 2. Bed and breakfast.
- 3. Child day care facility.
- 4. Assembly hall.
- 5. Cultural facility.
- 6. Detached single-family dwelling.
- 7. Office uses.
- 8. Personal care facility.
- 9. Place of worship.
- 10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and recreation, indoor.
- 11. Office/medical.
- 12. Personal services establishment.

Though the Stonecrest Area Overlay allows many non-residential uses to be built by right in Tier 5, it does also include a list of **prohibited uses**:

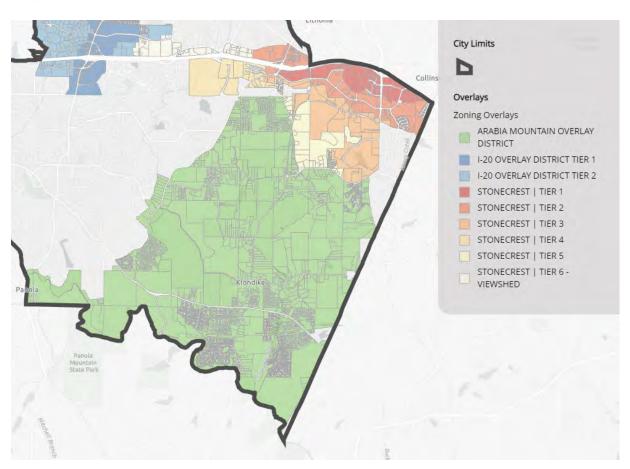
- 1. Kennels.
- 2. Junkyard.
- 3. Tire retreading and recapping.
- 4. Sexually oriented businesses.
- 5. Go-cart concession.
- 6. Outdoor storage.
- 7. Automobile repair, major.
- 8. Hotel/motel.
- 9. Automobile sales.
- 10. Temporary outdoor sales.
- 11. Pawn shops.



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- 12. Liquor stores.
- 13. Nightclubs.
- 14. Late-night establishments.
- 15. Car wash, self service.
- 16. Self-storage.
- 17. Funeral home.
- 18. Mortuary.
- 19. Crematorium.
- 20. Farm equipment and supplies sales establishment.
- 21. Multifamily dwelling unit.

Proposed Zoning - Arabia Mountain Conservation Overlay



The Arabia Mountain Conservation Overlay is the largest overlay district in the City, occupying approximately a third of the city area. It includes a number of design requirements above and beyond what a typical R-100 subdivision must adhere to. These requirements include:



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Sec. 3.4.7 Lot Coverage

- Net lot coverage shall not exceed 25%

Sec. 3.4.8 Clearing and grading of lots

- Clearing/grading shall be limited to 35% of net lot area

Sec. 3.4.9 Development Standards

- Prohibits Clear cutting of trees
- Minimum side yard setback shall be 10 feet
- 30% greenspace required
- Internal radius of cul-de-sac can be maximum of 35 feet; must have grass and vegetation for the inner circle of turn-arounds (Sec. 3.4.9 B.b)
- Required exterior boundary buffer (Sec. 3.4.9 C) of 50 feet

Like the Stonecrest Area Overlay, the Arabia Mountain Conservation Overlay also expressly includes a list of permitted uses regardless of the underlying zoning, which are:

- 1. Recreation, passive and nature preserve
- 2. Dog parks
- 3. Bed and breakfast homes
- 4. Outdoor Concert Halls
- 5. Urban Garden

The list of prohibited uses in the Arabia Mountain Conservation Overlay is longer that the Stonecrest Area Overlay, Tier 5 prohibited list, and includes the following:

- 1. Sexually-oriented businesses.
- 2. Drive-in Theater.
- 3. Fairground or Amusement Park.
- 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
- 5. Coliseum or stadium, except for outdoor Concert Halls.
- 6. Nightclub or late night establishment.
- 7. Outdoor storage, mini-warehouses, and storage buildings.
- 8. Pawn shops.
- 9. Mortuary or Crematorium.
- 10. Alcohol Outlets.
- 11. Salvage yards and junk yards.
- 12. Motel or Extended Stay Motel.
- 13. Shelter for homeless persons.



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- 14. Transitional housing facility.
- 15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
- 16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
- 17. Commercial parking garage/structure; Commercial parking lots.
- 18. Convenience store.
- 19. Drive-through facilities.
- 20. Personal service establishments.
- 21. Check cashing facility.
- 22. Heavy equipment storage.
- 23. Truck stops.
- 24. Warehouses.
- 25. Solid waste disposal, Private industry solid waste disposal facility.
- 26. Bus station or terminal.
- 27. Ambulance service facility, Private ambulance service, Dispatch office.

Comparison between the two overlay districts

Bringing the subject area into the Arabia Mountain Conservation Overlay would protect Plunkett Road from commercial development and help preserve the tree canopy of the area. The basic question should the area be promoted for future development in line with the goals of the Stonecrest Area Overlay, or be protected from future commercial encroachment more inline with the character of the areas to the west and south?

Public Participation

Property owners within 100 feet of subject property were mailed notices of the proposed rezoning, and the rezoning was presented at a Community Planning Information Meeting on September 20, 2021 at 6 PM via Zoom.com. The meeting was well attended, and the general consensus of the group was in favor of the rezoning.

STANDARDS OF REZONING REVIEW

Section 7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Planning and Zoning Department and Planning Commission. Each element is listed with staff analysis.



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A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The subject property is located within three character areas on the Future Land Use Map of the Stonecrest Comprehensive Plan: Conservation/Open Space, Suburban Neighborhood, and Rural Residential.

- The intent of the Conservation and Open Space Character Area is to preserve areas in the city with significant natural and ecological features, as well as environmentally sensitive recreational facilities for public enjoyment. These areas consist of undeveloped natural lands, environmentally sensitive and conservation areas that are not suitable for development. It also includes land used for active recreational purposes that provide for a wide range of activities with some land designated for cultural and historic preservation.
- The intent of the **Suburban Neighborhood** character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.
- The purpose of the **Rural Residential** Character Area is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity uses.

The proposed rezoning would be in compliance with the purpose and intent of each of these character areas and would be in conformity with the overall goals of the comprehensive plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

As shown in the table below, the subject property is primarily surrounded by properties zoned for single family residential, the only difference being the overlay districts.



RZ-21-007

Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District
Subject Property	R-100 (Residential Med Lot) District	Stonecrest Area, Tier 5
Adjacent: North	R-100 and MR-1 (Residential Med Lot) Districts	Stonecrest Area, Tier 3
Adjacent: West	R-100 (Residential Med Lot) District	Arabia Mountain Conservation, Stonecrest Area, Tiers 3 and 5
Adjacent: East	R-100 (Residential Med Lot) District	Stonecrest Area, Tiers 3 and 5
Adjacent: South	R-100 (Residential Med Lot) District	Arabia Mountain Conservation

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The rezoning would allow a medium density development that is consistent with the adjacent R-100 and MR-1 zoning, but also built to a higher conservation standard consistent with the intent of the Arabia Mountain Conservation Overlay District.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property is currently zoned R-100 and will remain so, which permits single family detached homes. The change in overlay districts would just impose stricter conservation standards than those currently allowed. The property does have reasonable economic use as currently zoned.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties, but rather preserve overall character of the area and its natural resources, and promote quality development.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.



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F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

There are currently no historic buildings, sites, districts, or archaeological resources registered on the subject property on the subject property. However, as described earlier 3350 Plunkett Road does contain an old farm house, built in late 19th Century that is being renovated. This rezoning would help preserve the historic context of the site it sits on.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This rezoning will not impact existing streets, transportation facilities, utilities or schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal will help preserve the environment or surrounding natural resources, and will have no adverse impact on these resources.

STAFF RECOMMENDATION

Staff recommends unconditional APPROVAL of RZ-21-007.

Attachments: None



RZ-21-008

Planning Commission Meeting October 5, 2021

GENERAL INFORMATION

Petition Number: RZ-21-008

Applicant: ACE Homes LLC, represented by Prime Engineering

Owner: ACE Homes LLC

Project Location: 2261 South Stone Mountain Lithonia Rd (Parcel ID# 16

124 02 011), 2241 South Stone Mountain Lithonia Rd (Parcel ID# 16 124 02 016, and 1780 Phillips Rd (Parcel

ID# 16 101 03 011)

Council District: District 1 – Jimmy Clanton

Acreage: Approximately 70 acres

Existing Zoning: Medium Density Residential (MR-1) and Local

Commercial (C-1)

Proposed Zoning: Rezoning of 2241 South Stone Mountain Lithonia Road

(part) from C-1 to MR-1, decreasing the size of the C-1 from 3.92 acres to 2.68 acres, and a change in conditions for a proposed Medium Density Residential (MR-1) development at 2241 South Stone Mountain Lithonia Road, 2261 South Stone Mountain Lithonia Rd, and

1780 Phillips Rd

Comprehensive Plan Character

Area Designation: Suburban Neighborhood

Proposed Development/Request: Stonecrest Estates, a mixed-use development consisting

of 131town homes and 202 single family homes, with new roads, clubhouse, pool, walking trail, pavilion and a

2.68 acre commercial lot.

Staff Recommendations: Approval with conditions



Aerial Map, RZ-21-008

RZ-21-008





RZ-21-008

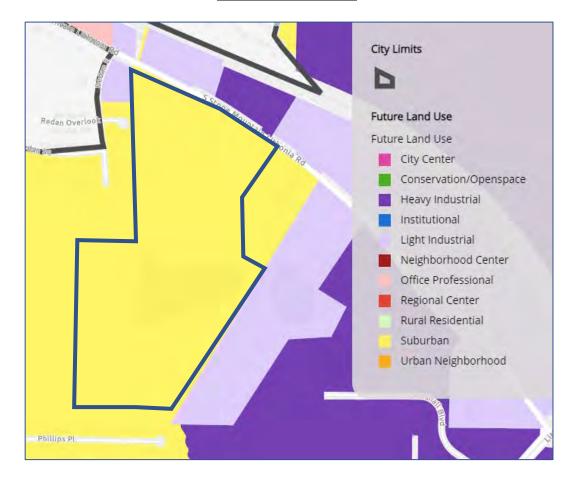
Zoning Map





RZ-21-008

Future Land Use Map





RZ-21-008

PROJECT OVERVIEW

Location

The subject property is located on the south side of South Stone Mountain Lithonia Road, just west of the E DeKalb County Board of Health office and just west of Redan Square Townhome Community off of Redan East.

Background

Currently, the subject property is undeveloped forest land. But was approved in 2007, Z-07-13333, by DeKalb County for a medium density residential development that included Senior Living, townhomes, single-family (on MR-1) and small scale commercial (on C-1). Due to the real estate crash in 2008 the development was never constructed as proposed.

The topography of the property slopes down toward three former lakes, and associated streams. The dams that created the lakes were breached in the mid 2000s. As a result there are some wetlands and two streams on the site but they will not be disturbed. A separate stream buffer variance to encroach in 7 locations around the wetlands was approved by the Zoning Board of Appeals, on September 21, 2021, case V-21-003.



Rezoning Request

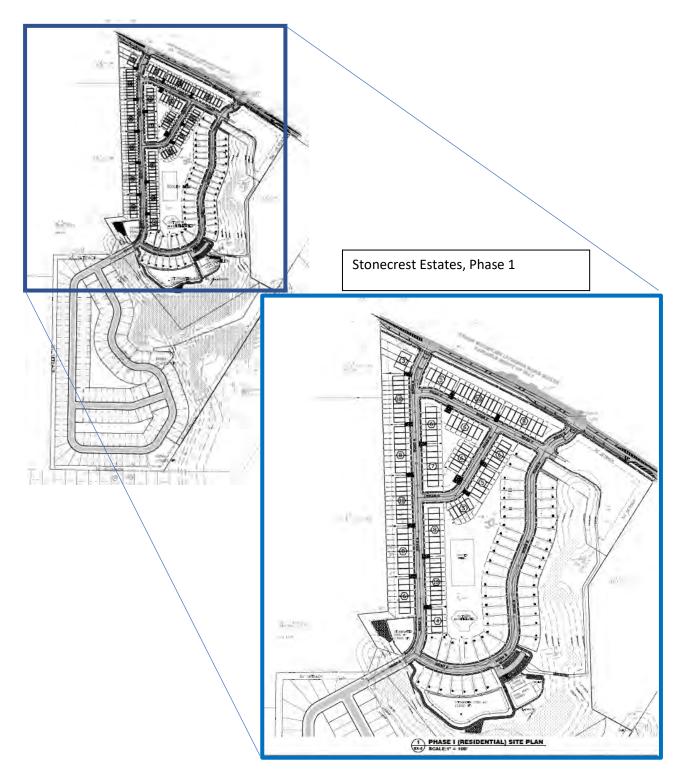
The applicant is requesting to slightly reconfigure the zoning boundaries between the approved C-1 and MR-1, and change the conditions of the Z-07-13333 zoning case to adhere to a new site plan. The original 2007 site plan included a senior living component that is no longer part of the proposal.

The commercial portion of the Stonecrest Estates will be decreasing the size from 3.92 acres to 2.68 acres. Adding more land to the MR-1 zoned portion of the project. As proposed the mixed-use development would consist of 131town homes and 202 single family homes, with new roads, clubhouse, pool, walking trail, pavilion and the small commercial lot.



RZ-21-008

Conceptual Site Plan prepared by Prime Engineering, received September 7, 2021





RZ-21-008

The site plan presented in this report is the result of several concept plan reviews by staff with the applicant in July and August 2021. These meetings included the Planning & Zoning Director, the Chief Building Official, and the City Engineer. This latest version of the plan submitted on September 7 was found to conform to the zoning and site design requirements of MR-1 and C-1. Modifications to the plan were made ensure proper buffers between the C-1 and MR-1 portions of the site and to allow adequate parking for townhome visitors.

Public Participation

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning. The city-sponsored community information meeting was held on September 20, 2021, at 6:00 pm via Zoom.com. Several residents show up at the community meeting regarding the rezoning application and others watch via YouTube. There were some concerns expressed from the participants about the impacts on streams and traffic, as well as the potential for residential-industrial land use conflicts if the industrial areas to the east ever were developed.

STANDARDS OF REZONING REVIEW

Section 7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Planning and Zoning Department and Planning Commission. Each element is listed with staff analysis.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The subject property is located within the Suburban Neighborhood character area of the Stonecrest Comprehensive Plan. The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

The proposed development would meet the intent of the Comprehensive Plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

As shown in the table on the next page, the subject property is surrounded by a mix of land uses.



RZ-21-008

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Subject Property	MR-1 and C-1,	Undeveloped	NA
Adjacent: North	C-1 and C-2	Gas station and body shop	NA
Adjacent: West	R-100, RSM and M	Two churches, a residential development and neighborhood scale commercial properties	Varied, less than 6 units/ac
Adjacent: East	R-100 and M	Government Bldg	NA
Adjacent: South	RSM (Small Lot Residential Mix)	Single family subdivision	5 units/ac

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The rezoning would allow a medium density residential development and neighborhood scale commercial that is consistent with the adjacent residential development. The stream buffer and preserved open space on the site will serve as a natural buffer to any potential industrial development to the east.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property is currently zoned the same as proposed, just in a different configuration. It does have a reasonable economic use, that will not change with the rezoning.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties, thanks to the careful preservation of wetlands on the property proper buffers.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.



RZ-21-008

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Access to the property will be S Stone Mountain Lithonia Road that staff believes would have the traffic capacity to handle the volume of traffic generated by the zoning change. The zoning proposal will not cause an excessive or burdensome on utilities as Dekalb County states the property has the sewer capacity for the intended use. The proposed use will not create an excessive burden on schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal will not adversely impact the environment or surrounding natural resources.

STAFF RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-008** the following conditions:

- 1. The future development of the site shall be in compliance with the general concept plan submitted on September 7, 2021 with this rezoning application prepared by Prime Engineering.
- 2. A Home Owners Association (HOA) will be established prior to the approval of a final plat for the development. HOA membership will be requirement of all property owners within the development.
- 3. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
- 4. The applicant must submit a tree save and landscaping plan to the Director prior to issuance of building or land development permits.
- 5. The City Engineer shall review and approve driveway location prior to the issuance of building or land development permits.
- 6. A minimum 5-foot sidewalk shall be installed along the property frontage on S Stone Mountain Lithonia Road.



RZ-21-008

Attachments:

- 1 RZ-21-008 Application Materials
- 2 Sewer Capacity Evaluation
- 3 Site Plan Exhibits
- 4 DeKalb County Rezoning Case File Z-07-13333

Attachment 1: RZ-21-008 Application Materials



September 7, 2021 (Revised)

City of Stonecrest Community Development Department 3120 Stonecrest Blvd. Stonecrest, GA 30038

Re: Letter of Intent

Stonecrest Estates Stonecrest, GA

To Whom It May Concern:

This serves as our letter of intent of rezoning for the MR-1 and C-1 properties on our parcel. The purpose of the rezoning will be to adjust the property lines to meet the new developments (primarily residential) design. Specifically, we will be decreasing the size of the C-1 from 3.92 acres to 2.68 acres. The MR-1 will increase by 1.24 acres. No change in use is proposed. The pre-application meeting was held virtually through Microsoft TEAMS on August 2, 2021 at 11:00 AM.

The Subject Property will be a 70-acre mixed-use development consisting of 131 town homes and 202 single family homes, with new asphalt roads, clubhouse, pool, walking trail, pavilion and a 2.7-acre commercial lot in the northeast portion of the property. The existing Subject Property is an undeveloped forest area.

Comprehensive Plan Land Use Map Amendments:

The land use will not be changing. We are adjusting property lines to meet the zoning requirements for the commercial portion of the Subject Property so there will be no impact to the existing zoning. (See Attached Comprehensive Plan Land Use Map Amendments)

Zoning Map Amendments:

Amendments required to the zoning map include reflection of the new zoning district line locations for the commercial and residential properties, and an update to the approved site plan on the subject property. (See Attached Zoning Map Amendments and Site Plan)

Sincerely,

Robert R. MacPherson, P.E.

Vice President

Prime Engineering, Inc.



Rezoning Application

	Owner's Name: Mehbs Omar				
	Owner's Address: 5945 Peachtree Corne	ers East, Norcross, GA	30071		
u	Phone: 770-560-5069 Fax:		ar@bellsouth.net		
Intormation	2261 South Stone Mountain Lithonia Rd, Property Address: Stoncrest, GA 30327 Parcel Size: 70.01 Acres				
tori	Parcel ID: 16-124-02-001				
=	Current Zoning Classification: MR-1 (Medium Density Residential) and C-1 (Local Commercial)				
	Requested Zoning Classification: MR-1 (Medium Density Residential) and C-1 (Local Commercial				
	Name: Stonecrest Estates - Phase I				
	Address: 2261 South Stone Mountain	Lithonia Rd, Stoncre	st, GA 30327		
	Phone: 404-425-7124	Fax:			
	Cell: 678-457-3592	Email:(Rob MacPherson) R	RMacPherson@prime-eng.com		
	s this development and/or request seeking any ince		he City of Stonecrest or any entity		
) 	that can grant such waivers, incentives, and/or abat		□ Yes 🛭 No		
	1. Will the zoning proposal permit a use that is suita properties?	ble in view of the use and develop	ment of adjacent and nearby		
Ē	·				
	Yes				
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?				
	Yes				
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?				
	No				
פ					
5	4. Are other existing or changing conditions affecting	g the existing use or usability of the	e development of the property		
	which give supporting grounds for either approval or disapproval of the zoning proposal?				
<u>ን</u>	No				
	5. Will the zoning proposal adversely affect historic	buildings, sites, districts, or archae	ological resources?		
	No				
	5. Will the zoning proposal result in a use which will cransportation facilities, utilities or schools? No	or could cause an excessive or bur	densome use of existing streets,		



Applicant's Name: What Must Must May	Date: 09/07/2021
Sworn to and subscribed before me this	
1 (P) (P) (P) (P)	
Judith G. Wilaus	Day of <u>September</u> 20 <u>21</u>
Notary Public: Judith HWdgus	
signature:	TH G. WILGUS Y PUBLIC-GEORGIA
My Commission Expires: My Commission Expires:	1. Expires Oct. 20, 2022
Application Fee Sign Fee Legal Fee	
Fee: \$ 2,000 Pay	ment: Cash Check Date: 09/07/2023

^{*}One sign is required per street frontage and/or every 500 feet of street frontage



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

- Alue		Date: 09 (02/		
Signature: SMAC S945 LEACHTIVEE COL Address:	NEN POPULOSS, GA	Zip: 3007		
	122 1119 8971			
Sworn to and subscribed before me this 02 day of September, 20 2/ OFFICIAL SEAL TABISH CHAUDHARY Notary Public, Georgia GWINNETT COUNTY My Commission Expires MARCH 14, 2022				
				Signature:
Address:	City, State:	Zip:		
Phone:				
Sworn to and subscribed before me thisday of, 20				
				Signature:
Address:	City, State:	Zip:		
Phone:				
	me thisday of	, 20		
Sworn to and subscribed before				



Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Signature: Willia		Date: 09 01 121
Address: S945 PEACHTILEE CONVE	ENS EASTCITY, State	MOSS, GA Zip: 30071
Phone: 678-249-8971		
Sworn to and subscribed before me thi	sday of	rptember , 2021
Address: S94S TEACHTISE COMPETER Phone: 648 - 149 - 897 Sworn to and subscribed before me this Notary Public:	Notary P GWINNE My Comm	CIAL SEAL CHAUDHARY ublic, Georgia TT COUNTY alssion Expires
Signature:	MARC	H14,2023 Date:
e Address:	City, State:	Zip:
Phone:	4.45.40	
Sworn to and subscribed before me thi	sday of	, 20
Notary Public:		



Campaign Disclosure Ordinance

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions *38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

(Current through 2000 General Assembly)

36-67 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - The name and official position of the local government official to whom the campaign contribution was made; and
 - The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.



☐ Yes ☑ No

Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Signature:			
Address: S945 PEACHTI	REE COMPENS	EAST, MOPELLOSS,	GA 30071
Address: S945 PEACHTI			

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount
				HP/FI
				NLA:



September 7, 2021

City of Stonecrest Community Development Department 3120 Stonecrest Blvd. Stonecrest, GA 30038

Re: Environmental Site Analysis

Stonecrest Estates -Phase I Stonecrest, GA

To Whom It May Concern:

We would like to request modifications to the existing zoning for the MR-1 and C-1 properties on our parcel. As part of this process, an Environmental Site Analysis is required.

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site: The Subject Property will be a 70-acre mixed-use development consisting of 131 town homes and 202 single family homes, with new asphalt roads, clubhouse, pool, walking trail, pavilion and a 2.7-acre commercial lot in the northeast portion of the property. The existing Subject Property is an undeveloped forest area. The site formerly had three ponds on the parcel that appeared to have been breached in the mid 2000's. As a result, there are some wetlands on the site but will not be disturbed. Furthermore, two streams exist onsite. The streams will also not be impacted.
- **b. Describe the adjacent properties:** The adjacent properties consist of a gas station and body shop to the north, a government building to the east, industrial property to the southeast, single family residential to the south, two churches, a residential development and commercial properties to the west.
- c. Describe how the project conforms to the Comprehensive Land Use Plan: The existing zoning is MR-1 (medium density residential) and C-1 (local commercial). The proposed project will conform to the same zoning since no change in land use is proposed.
- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan: A copy of the City of Stonecrest's Zoning Map is included.
- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies: The proposed project does not affect the existing land use suggestion.

2. Environmental Impacts of the Proposed Project

The attached survey shows both the wetlands, streams and flood plain on the Subject property. The proposed rezoning for the development will have minimal impact to these environmental measures.

a. Wetlands: According to the National Wetlands Inventory and an onsite wetlands survey, the Subject Property area has designated as Wetlands within 200 feet of the site.



Community Development City of Stonecrest September 7th, 2021 Page 2

- **b. Floodplain:** According to the FEMA National Flood Hazard interactive mapping system, the Subject Property is in an area within the 100-year flood Zone AE.
- **c. Streams/Stream Buffers:** Based on field observations and the DeKalb County topographic map there are streams that runs through the Subject Property that require 25-foot, 50-foot and 75-foot stream buffers.
- **d.** Slopes exceeding 25 percent over a 10-foot rise in elevation: Based on verification by the Applicant's surveyor, there are slopes exceeding 25 percent over a 10-foot rise in elevation on the Subject Property. USGS Topographic Quadrangle map is included in civil construction plans.
- **e. Vegetation:** The Subject Property consists of an undeveloped forest area. Tree replacement in accordance with the City's code will be satisfied.
- **f.** Wildlife Species (including fish and endangered species): Based on field observation, to the Applicant's knowledge, there are no endangered species located on the Subject Property.
- **g. Archeological/Historical Sites:** Based on field observation, to the Applicant's knowledge, there are no archeological or historical sites located on the Subject Property.

3. Project Implementation Measures

- **a. Protection of environmentally sensitive areas:** All environmentally sensitive areas located on the Subject Property shall be adequately protected with temporary and permanent Erosion Control Measures, as referenced on the civil construction documents.
- **b. Protection of water quality:** All stormwater runoff generated from a site shall be adequately treated before discharge in accordance with the City of Stonecrest. We have designed 2 stormwater detention ponds withs water quality that stormwater will enter and be filtered before discharging.
- **c. Minimization of negative impacts on existing infrastructure:** The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project.
- **d. Minimization on archeological/historically significant areas:** Based on field observation, to the Applicant's knowledge, there are no archeological or historical sites located on the Subject Property.
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal and industrial uses: The Subject Property will not have a negative impact on the environmentally stressed communities.
- f. Creation and preservation of green space and open space: Tree save areas will be created on the Subject Property using Erosion Control Measures to preserve existing trees and open space areas have been created throughout the development, as referenced on the civil construction documents.
- **g.** Protection of citizens from the negative impacts of noise and lighting: It is the Applicant and Owner's intent to adhere to the City of Stonecrest Noise and Lighting ordinances for the Subject Property.
- h. Protection of parks and recreational green space: None exist on the Subject Property



Community Development City of Stonecrest September 7th, 2021 Page 3

but there will be proposed recreational green space, as referenced on the civil construction documents.

i. Minimization of impacts to wildlife habitats: Based on field observation, to the Applicant's knowledge, there are no endangered species located on the Subject Property.

Sincerely,

Robert R. MacPherson, P.E.

Vice President

Prime Engineering, Inc.

Attached

- 1. Overall Site Plan
- 2. Boundary/Topographic Map
- 3. Legal Description (Existing)
- 4. Legal Description (Proposed)
- 5. Phase I (Residential) Site Plan



Comprehensive Plan Land Use Map Amendments

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

- a. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property; The proposed zoning request will have no impact to the use or development of adjacent or nearby property.
- b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property; The proposed rezoning will have no adverse effect on existing use or useability of adjacent or nearby property.
- c. Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools; The proposed rezoning will have no impact to existing infrastructure or facilities in the area.
- d. Whether the amendment is consistent with the written policies in the comprehensive plan text; The proposed rezoning is consistent with the comprehensive plan. The C-1 property will be reconfigured and decreased in size by 1.24 acres and the residential will be increased the same.
- e. Whether there are environmental impacts or consequences resulting from the proposed change; We anticipate no impact to any environmental areas as a result of the proposed rezoning.
- f. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near city boundary lines; The proposed rezoning should have no impact to adjacent jurisdictional cases as the property is surrounded by the City of Stonecrest on public streets.
- g. Whether there are other existing or changing conditions affecting the use and development of the affected land areas that support either approval or denial of the proposed land use change; We know of no other existing or changing conditions affecting the use of this property.
- h. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change; We know of no impacts to any historical buildings, sites or archaeological resources as a result of this rezoning.

Robert R. MacPherson, P.E.

Robert & Macheson



Community Participation Plan

2261 S. Stone Mountain Lithonia Road Stonecrest, GA 30327

The applicant will provide the community with the opportunity to participate in local meetings to fully understand what the rezoning request is all about. The plan includes the following:

Part 1

- 1) Distribution of a flier /letter to all residents and businesses within 500 feet of the subject property. We will also distribute flier to HOA's and industrial organizations in the immediate vicinity of the parcel. (List of addresses to be provided by city to applicant).
- 2) Applicant will mail flier/letter by the October 1, 2021 identifying a time and location of an informational meeting which we will conduct to allow the community to better understand the proposed rezoning.

Part 2

The applicant will submit a community meeting report summarizing the results of the meetings identified above. The report shall include:

- 1) Sign-in sheet of attendees.
- 2) Summary of concerns or issues expressed in community meeting.
- 3) A summary of applicant responses of concerns or issues expressed.

Robert R MacPherson, P.E.

Robert R Macheson



Zoning Map Amendments

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

- a. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; We believe this rezoning is in conformity with the plan.
- b. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; Copy blue, we believe the use is suitable to adjacent and nearby properties.
- c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; Copy blue, this request is simply cleaning up the zoning to make the development more useable for the intended zoning of the site.
- d. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; Copy blue, there should be no adverse effects on the use of adjacent properties.
- e. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal; Due to the proposed develop plans of the entire site, this proposed relocation of the commercial zoning will enhance both parcels zoning because the lot lines will provide greater improved buffers between the two zoning uses.
- f. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; No impacts to historical building, sites or archeological resources are anticipated.
- g. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools; *The proposed rezoning (relocation of property/lines) will have no impact to schools, streets or utilities.*

Robert R. MacPherson, P.E.

Robert R Macheran

Property Line Description: Stonecrest Estates

All that tract or parcel of land lying and being in Land Lot 124 and Land lot 101 of the 16th District, 2nd Section, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a common corner to land lots 100, 125, 124 & 101' Thence along common land lot line to L.L. 124 and 101; Thence South 01 degrees 10 minutes 20 seconds East, 17.50 feet to a point at the south right of way line of Stone Mountain Lithonia Road (Variable R/W); Said point being the POINT OF BEGINNING.

Thence along the south right of way line of Stone Mountain Lithonia Road (Variable R/W) South 63 degrees 58 minutes 10 seconds East, 583.15 feet to a point;

Thence continuing along said the south right of way line a curve to the right, an arc distance of 447.7 feet, said curve having a radius of 3619.84 feet and being subtended by a chord of 447.41 feet, at South 60 degrees 29 minutes 25 seconds East, to a point; Thence continuing along said the south right of way line South 57 degrees 00 minutes 39 seconds East, 110.28 feet to a point; Thence continuing along said the south right of way line a curve to the right, an arc distance of 216.13 feet, said curve having a radius of 7667.09 feet and being subtended by a chord of 216.12 feet, at South 56 degrees 11 minutes 37 seconds East, to a point;

Thence continuing along said the south right of way line South 55 degrees 22 minutes 34 seconds East, 8.38 feet to a point;

Thence leaving said the right of way South 32 degrees 05 minutes 20 seconds West, 548.85 feet to a point;

Thence South 01 degrees 50 minutes 18 seconds East, 533.9 feet to a 1/2" rebar set;

Thence South 61 degrees 01 minutes 24 seconds East, 199.94 feet to a 1/2" rebar set;

Thence South 31 degrees 56 minutes 22 seconds West, 1472.10 feet to a 1/2" rebar set;

Thence North 89 degrees 04 minutes 31 seconds West, 788.73 feet to a 1/2" rebar set;

Thence North 01 degrees 05 minutes 35 seconds East, 627.79 feet to a 1/2" rebar set;

Thence North 00 degrees 46 minutes 32 seconds East, 861.56 feet to a 1" open top;

Thence North 89 degrees 23 minutes 38 seconds East, 398 feet to a 1/2" rebar set;

Thence North 20 degrees 56 minutes 50 seconds East, 111.99 feet to a point at center of stream;

Thence (a tie line-centerline stream is property line) North 30 degrees 29 minutes 42 seconds West, 167.8 feet to a point;

Thence leaving the stream North 84 degrees 35 minutes 20 seconds East, 133.34 feet to an axle found;

Thence North 01 degrees 36 minutes 11 seconds West, 1238.71 feet to a point at the south right of way line of Stone Mountain Lithonia Road (Variable R/W); said point being the POINT OF BEGINNING;

Said tract or parcel of land contains 70.01 acres.

Attachment 2: Sewer Capacity Evaluation

770.621.7200 (o) 770.621.7271 (f) DeKalbCountyga.gov

Watershed Management 1580 Roadhaven Drive Stone Mountain, GA 30083



Chief Executive Officer Michael Thurmond

Board of Commissioners

District 1 Nancy Jester

District 2

Jeff Rader

District 3 Larry Johnson

District 4 Stephen Bradshaw

District 5 Mereda Davis Johnson

> District 6 Kathie Gannon

LETTER SHOWING SEWER CAPACITY

December 02, 2020

Attention: Kalyn Keeney Prime Engineering, Inc. 3715 Northside Pkwy NW. Bldg 300, Ste. 200 Atlanta, GA 30327

Dear Ms. Kenney:

Polebridge District 7

Re: 2261 S Stone Mountain Lithonia Rd.

Craft HB 334 Unit Subdivision

16th Dist. LL 124

The DeKalb County Department of Watershed Management ("DWM") received a sewer capacity request regarding the potential availability of sanitary sewer capacity at the above-referenced location. In response to the inquiry, DWM staff confirms that sanitary sewer capacity may be available for the subject property at this time. After evaluating your capacity request, it has been determined based on the criteria set forth in DWM's Interim Sanitary Sewer Capacity Evaluation Program dated July 13, 2018 that DWM's wastewater collection, transmission, and treatment system has adequate capacity to receive the wastewater flow contribution from your sewer service connection as documented in your sewer capacity request. As such, approval to proceed with the project is granted with regards to sanitary sewer capacity.

Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the provided anticipated capacity needs associated with the project. In the event that sewer system infrastructure improvements are required to accommodate any new flow contribution and ensure adequate sewer system capacity as a result of development on the referenced property, the developer will be responsible for the cost associated with installing any such improvements to the existing sewer system infrastructure pursuant to DeKalb County Code of Ordinances, Chapter 25, Article IV - "Sewers and Sewerage Disposal". Once installed and accepted by DeKalb County, the improvements will be owned and maintained by DeKalb County.

This information is based on currently available data and should only be used to substantiate the potential availability of sewer services as of the date of this correspondence. Circumstances are subject to change and the potential capacity indicated herein is in no way guaranteed.

Should you have any questions or concerns in reference to this response, please do not hesitate to contact the Division of Planning & Development of DWM at mlotts@dekalbcountyga.gov.

Sincerely.

Executive Assistant/Chief Operating Officer

Williams

Assistant Director, Dept. of Watershed Mgmt.



DEKALB COUNTY, GEORGIA DEPARTMENT OF WATERSHED MANAGEMENT CAPACITY ANALYSIS

Craft HB 334 Unit Subdivision

Request Date: 07/31/2020

Request Closing Date: 09/09/2020

1		Property Name and Address		2261 S Stone Mountain Lithonia Rd			
2		Sewershed/Basin		Polebridge			
3		Proposed Property Tie-in Manhole ID		16-124-s203			
4		Net Prop. Daily Ave. Flow from Property		63,852.50 GPD			
		Net Prop. Peak Flow from Property 159,			D		
5		Downstr	eam historical SSOs with incomplete remedial actions to preven	nt reoccurrence?		No	
6		Downstr	earn gravity sewer capacity available per 6a-6c below?			Yes	
	а	: Model Check	Model predicted dry weather flow less than 85% of the pipe of the pipe diameter for all downstream gravity pipes?	apacity or 80%	No¹		
		Hydraulic Model Capacity Check	Model predicted max month average daily flow (MMADF) flow of the pipe capacity for all downstream gravity pipes?	· I No! I			
			if 6a = No, are model results due to gravity sewer model netw (reverse-grade pipes, flat-grade pipes, etc)?	Vec1			
	b	Model Network Anomaly		pacity determined by reviewer to be available for gravity pipes with			
		Mod	is capacity determination documentation provided?		Yes		
	n Capacity Request	quest	is capacity request flow monitoring data available and analyze	N/A			
		city Rec Monit	is capacity determined by reviewer to be available based upon monitoring data?	N/A			
		Сара	Is capacity determination documentation provided?		N/A		
7		All downstream lift station firm capacities greater than model predicted flow for MMADF scenario?					
8		Downstream treatment facility hydraulic capacity greater than model predicted flow for MMADF scenario? ²					
9	313	Downstream intergovernmental connection capacity greater than model predicted flow for MMADF scenario?					
10		Comments: 'In this profile there are positive sloped flat pipes (less than minimum design slopes) and negative slindicating full pipe capacity less than 85% during dry weather. In such cases, engineering judgement has been unadequate capacity exists for the flow rates calculated by the model, which includes 0.8 d/D open channel flow, this flow path is 0.66					
10		² Treatment plant capacity was determined and provided by the County (January 1, 2018 email). Average design flot treatment capacity evaluation. Treatment plant MMADF flow of 9.03 mgd for Pole Bridge was evaluated through Capacity parameters for Snapfigner and Pole Bridge Wastewater Treatment Facilities (WWTFS)* Technical Memo (2019 prepared by the Concent Decree Program Management Team.					
11				Hydraulic	: Modeler Initial	PS & SM	

By signing below, this certifies, based on sound engineering judgement, that capacity is available having considered appropriate factors necessary to make that determination including sanitary flow contributions from site specific sources, use of the County's hydraulic model as certified by CH2M Hill, flow data, and historical data, which are all incorporated into the County's interim Capacity Program and SOPs as authorized by DeKalb County government on July 13, 2018.

M Hacken. Otto, PE

Name: Michelle L. (Jackam) Otts, PE

Title: Engineer Principal
Date: 09/09/2020



SEWER CAPACITY EVALUATION REQUEST

Department of Watershed Management

Project Informati	on:		TELL TO		
DeKalb County A	AP#				
Project Address:	2261	S Stone Mtn. Lithonia Rd Lithonia, GA 30028	Project Name: Type of Development	Craft HB 334 Unit Subdivision Commercial	
Intended Tie-In M	lanhole ID:	(Gry, State, Tip Code) 16-124-s203	Land Lots 101&124 of the16th District Land Lot and Parce! (D: Parce! # 1612402016, 1612402001, 16101030		
Total Peak Flow R	lequesting:	159,631.25 GPD Proposed Peak Flow minus existing peak flow	Sewershed:	Snapfinger Basin	
Developer/Owne	r Informatio	on:			
Company's Name	: Craft	Home Builders	Address:	5945 Peachtree Corners East	
Contact Name:		Anthony Duncun	City, State, Zip Code:	Norcross, GA 30071	
Phone Number:	(770) 271-1554	Email Address:	anthonyduncan150@gmail.com	
Engineer Informa	tion:			3715 Northside Parkway N	
Company's Name	:	Prime Engineering, Inc.	Address:	Bldg 300, Suite 200	
Contact Name:		Kalyn Keeney, P.E.	City, State, Zip Code:	Atlanta, Georgia 30327	
Phone Number:		404-425-7145	Email Address:	kkeeney@prime-eng.com	
	Proposed F	items in your submittal package: Peak Daily Flow Calculation based on ng Developments	attached guidelines (See	Appendix 8)	
	Separate d	etailed calculation sheet signed by th	ne owner or owner's repr	esentative for each project	
X	All request	ed flows greater than 500 gpd ADF n	nust be sealed by Profess	ional Engineer	
		cal Information System (GIS) map cle utility plan, if available	arly showing the propose	d site (s) some ones, and utilities	
	Proposed t	rtility pian, ir available		EGI97ER	
Name: Signed:	Kalyr Kalyn L	L. Keeney, P.E. Table prod to Form L. Agency Product Control Cont	Date:	07/ 1/20203651 PROFESSIONAL	
		ili not be accepted until form is fully co dekalbcountyga.gov	ompleted and all suppleme	EWIS submit	
Internal Use Only					
Date Capacity Req Reviewed and Acc			Received By: Signed:		

DeKalb County Sewer Capacity Evaluation Form

The project includes the construction of 334 residences, a 1,350 SF coffee shop, a 6,600 SF convenience store and a two-story club house with a total area of 6,000 SF (3,000 SF/floor).

Calculation of Average Daily Flow Based on Appendix B, using peaking factor of 4.

Proposed Residence, Single family at 185 GPD/residence:

334 Residences x 185 GPD = 61,790 GPD

Proposed Full Service Restaurant/Bar/Caterer

Coffee Shop: 30 ft x 45 ft = 1,350 SF/1,000 SF x 550 GPD = 742.50 GPD

Proposed Service Station/Convenience Store

Convenience Shop: $60 \text{ ft x } 110 \text{ ft} = 6{,}600 \text{ SF}/1{,}000 \text{ SF x } 100 \text{ GPD} = 660 \text{ GPD}$

Proposed Club House, two-story (Using Offices not including food service 110 GPD/1,000 SF):

 $(50 \text{ ft x } 60 \text{ ft}) \times 2 = 3,000 \text{ SF x } 2 = 6,000 \text{ SF}/1,000 \text{ SF x } 110 = 1,050 \text{ GPD}$

Proposed Total Flow = 61,790 + 742.50 + 660 + 660 = 63,852.50 GPD

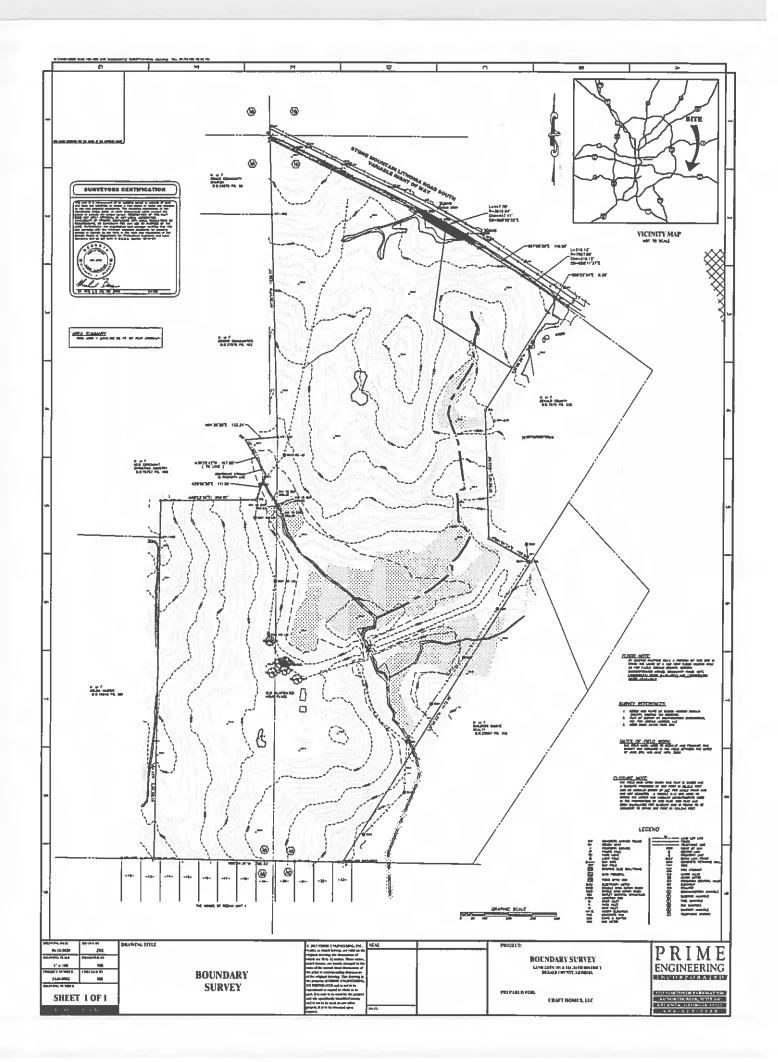
1. Total Peak Flow using a peaking factor of 2.5 from Appendix B on the Sewer Capacity Form.

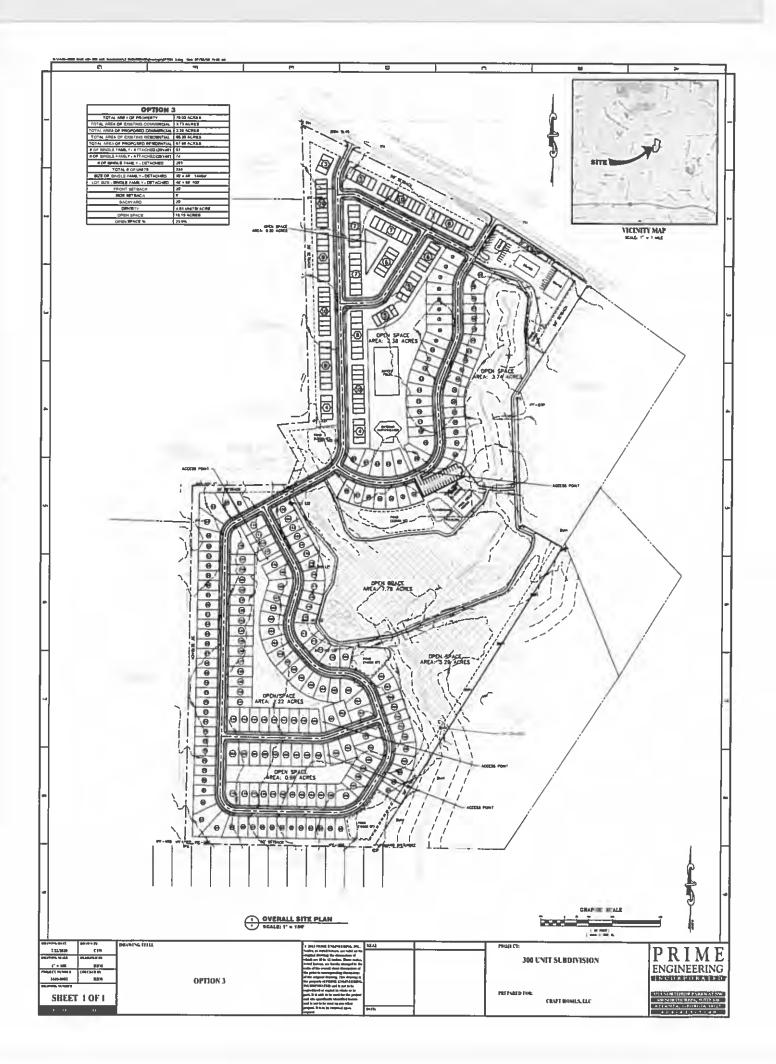
Total Peak Flow Requesting:

Total = Proposed x Peaking Factor = 63,852.50 GPD x 2.5 = 159,631.25 GPD



Cigase/ signed by Kalyn L. Keeney
DNCCeUS,
DNCCE





Sewer Capacity Request Address: 2261 S Stone Mountain Lithonia Rd

Job Name: Craft HB 334 Unit Subdivision

Manhole Connection: 16-124-5203

Basin: Polebridge

pipe surcharge <80% of depth (<0.8 max surcharge)

pipe surcharge between 80-99% of depth (0.8 to 0.99 max surcharge)

pipe at full capacity on only one end of the pipe (max surcharge=1)

pipe at full capacity throughout pipe (max surcharge=2)

in profiles, pipe above 85% capacity for DWF and 100% for MMADF

in plan view, flow path from tie-in to end of system

Historic SSO in plan view

♣ Pump station

Node/manhole

Height (in)=height of pipe in inches

Grad (%)=gradient of pipe in percent

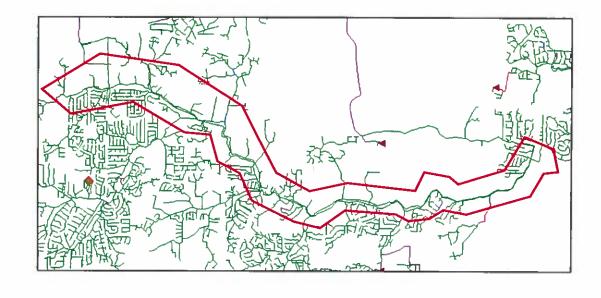
PFC (MGD)=pipe full capacity is an approximation of the pipe flow capacity running full using Manning's Equations in MGD

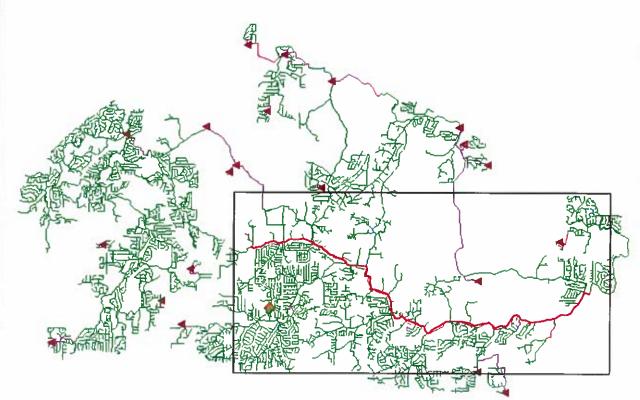
Surc=maximum surcharge state or depth over diameter of pipe (colors of pipes in profile and plan to match)

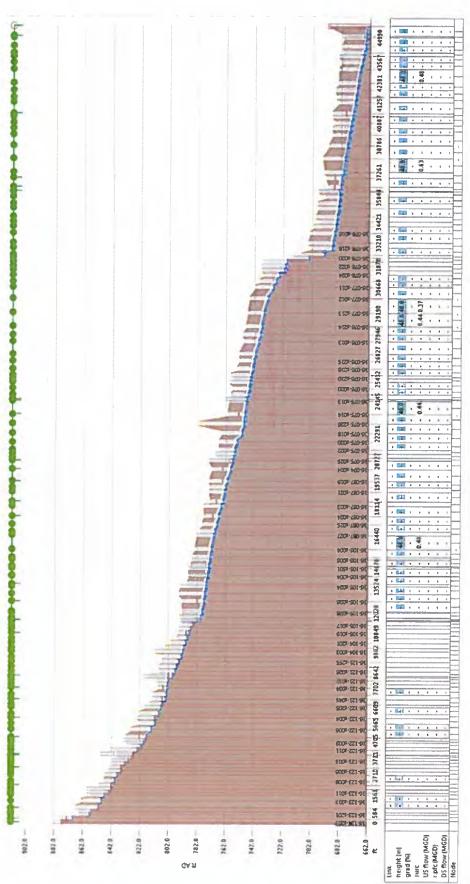
US and DS Flow (MGD)=model predicted upstream and downstream flow within the pipe

capacity less than 85% during dry weather. In such cases, engineering judgement shall be used to determine whether adequate capacity Note 1: Any hydraulic model calculations showing negative or zero pipe capacity are invalid for reverse-grade (negative slope) and flatgrade (O slope) pipe segments. In addition, positive sloped flat pipes (less than minimum design slopes) will likely indicate full pipe exists for the flow rates calculated by the model, which includes 0.8 d/D open channel flow.

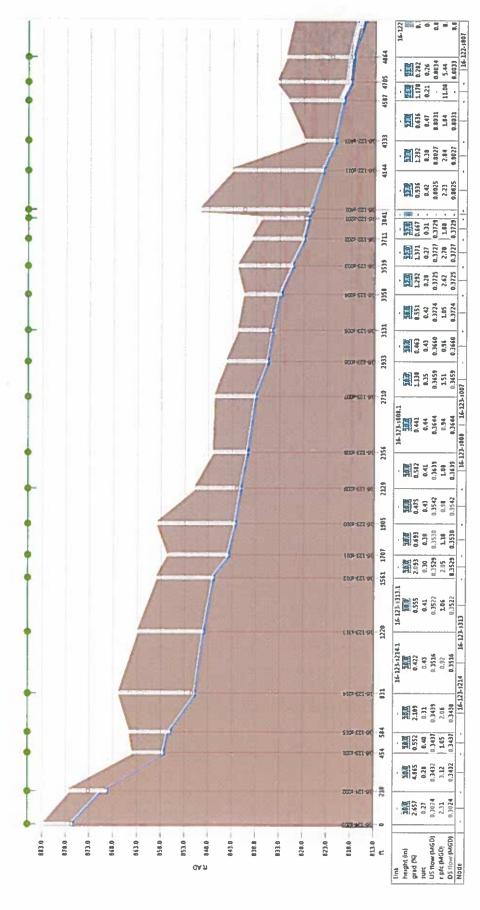
2261 Stone Mountain Lithonia Road - December 2017 Model DWF Run Version 104 - 2020 Scenario



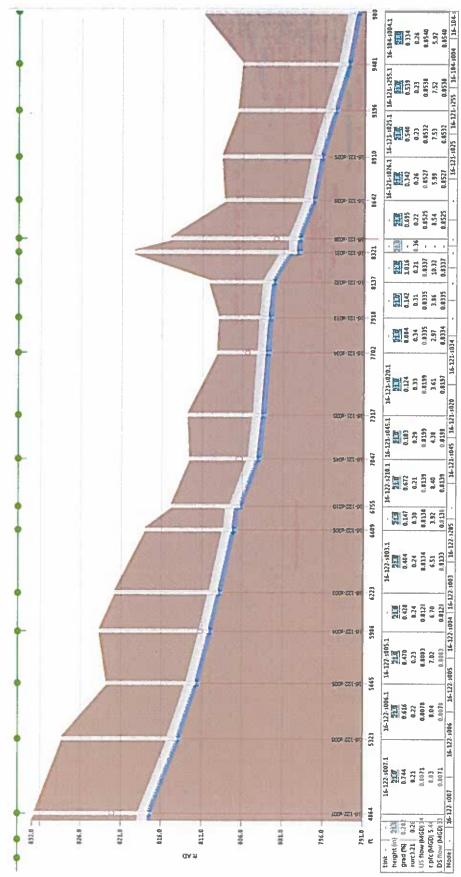




Entire Section

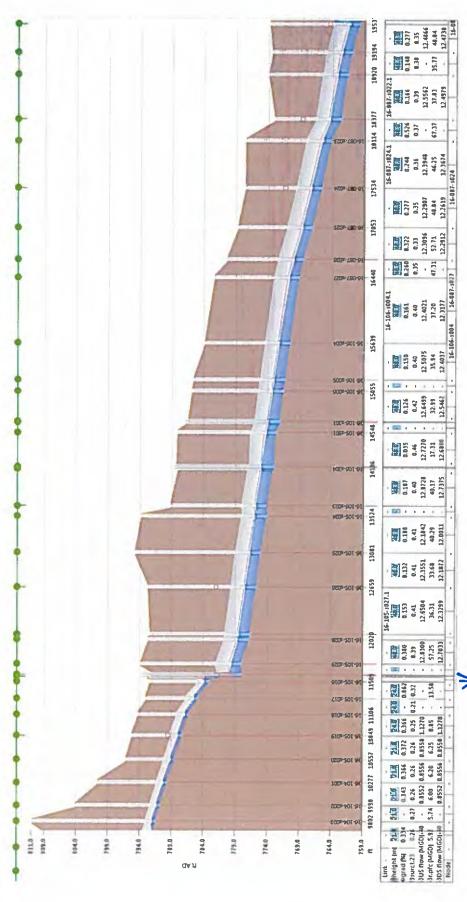


Section 1

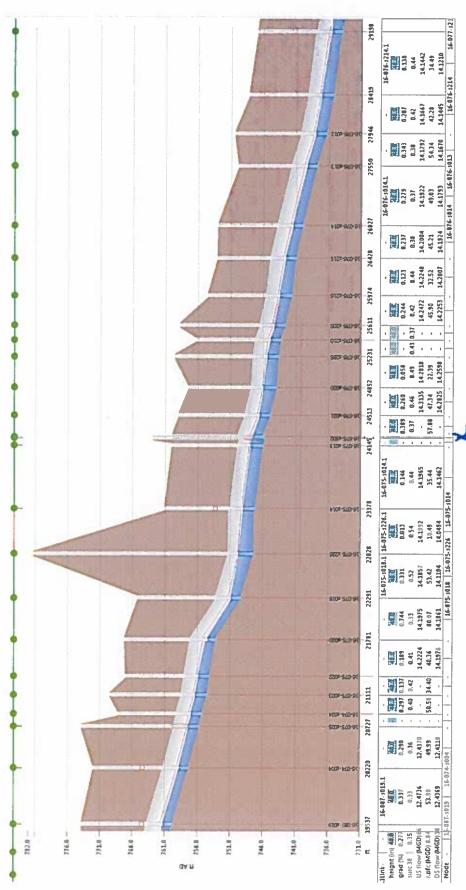




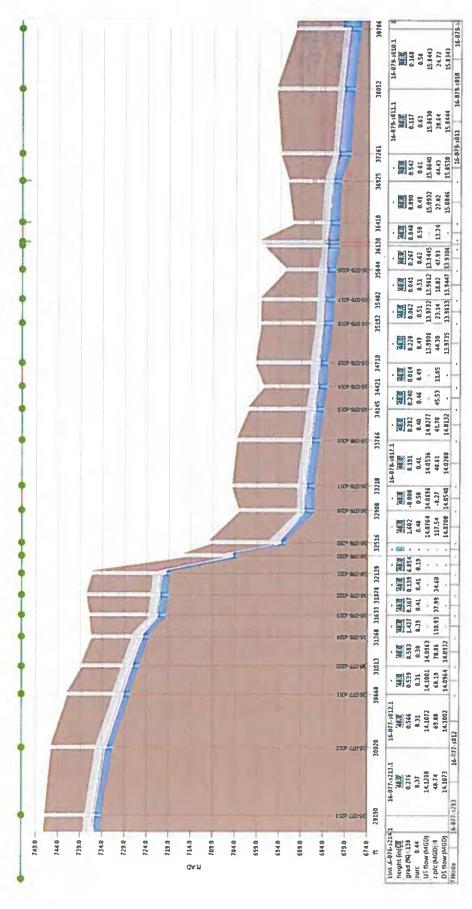
Section 2



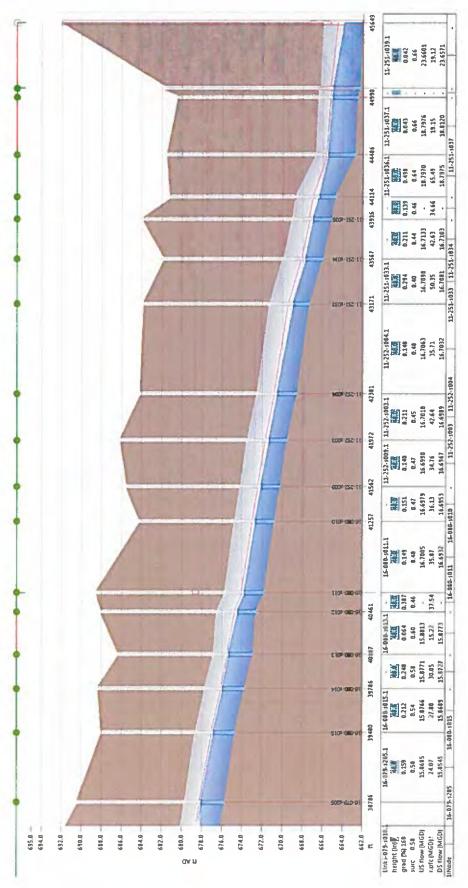
Section 3



Section 4

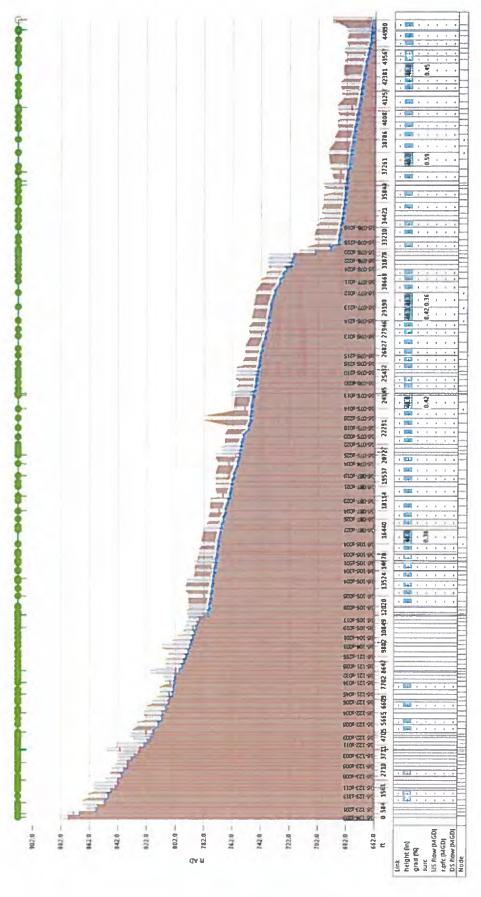


Section 5

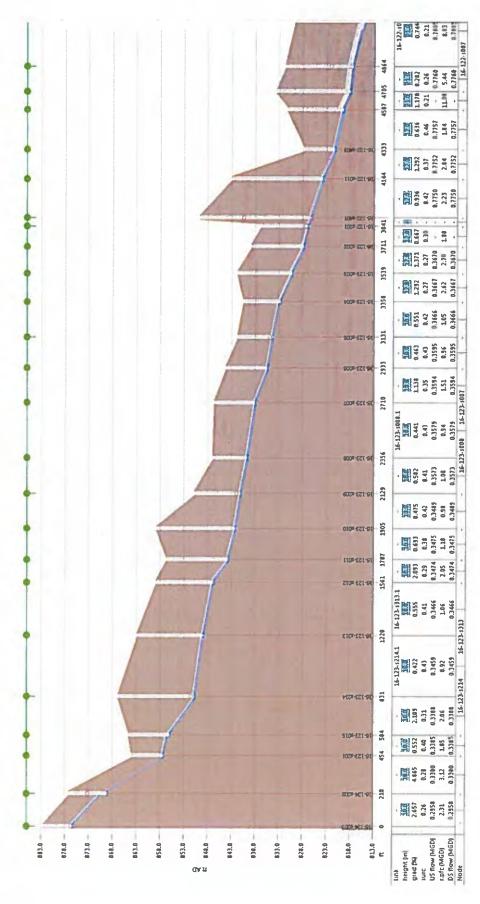


Section 6

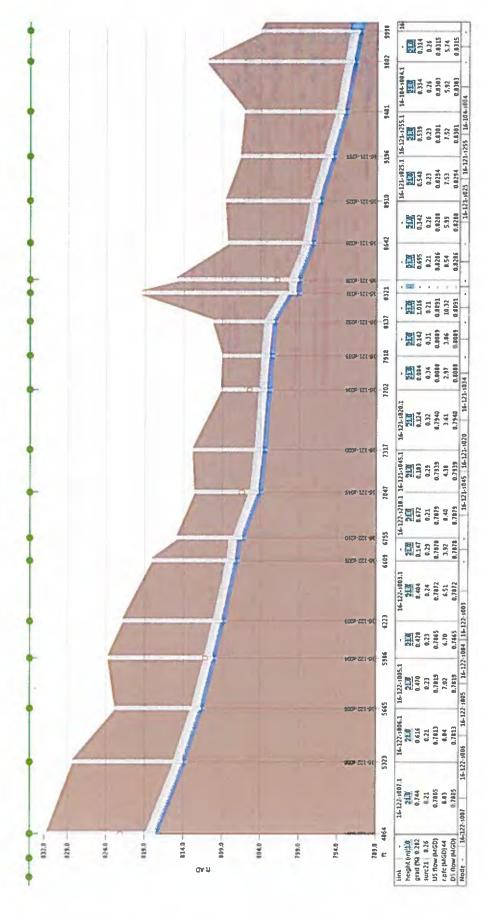
2261 S Stone Mountain Lithonia Rd – December 2017 Model MMADF Run Version 80 – 2020 Scenario



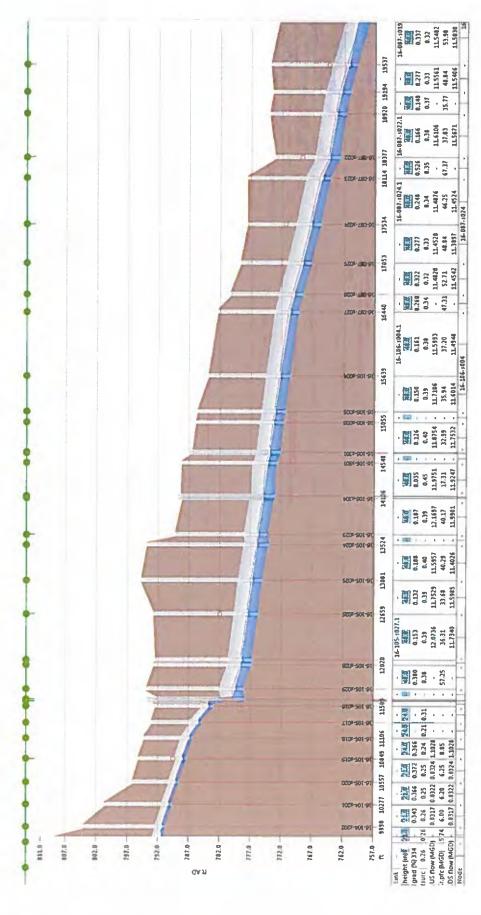
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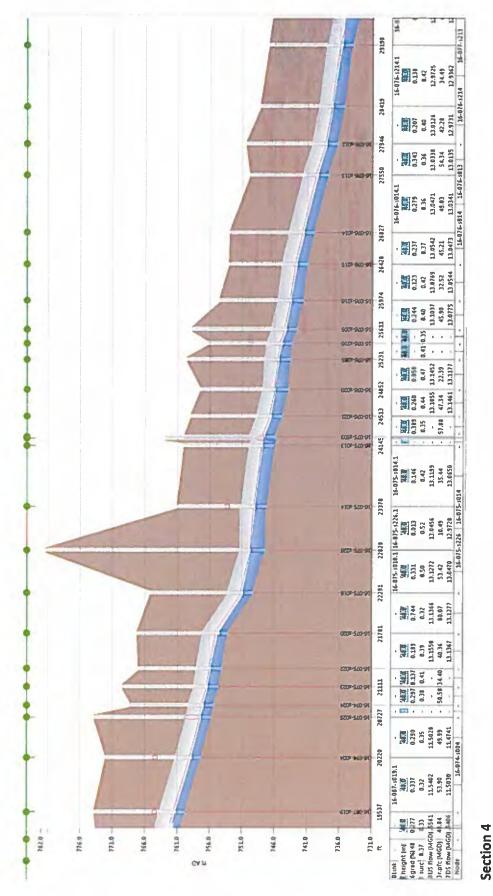
Section 1



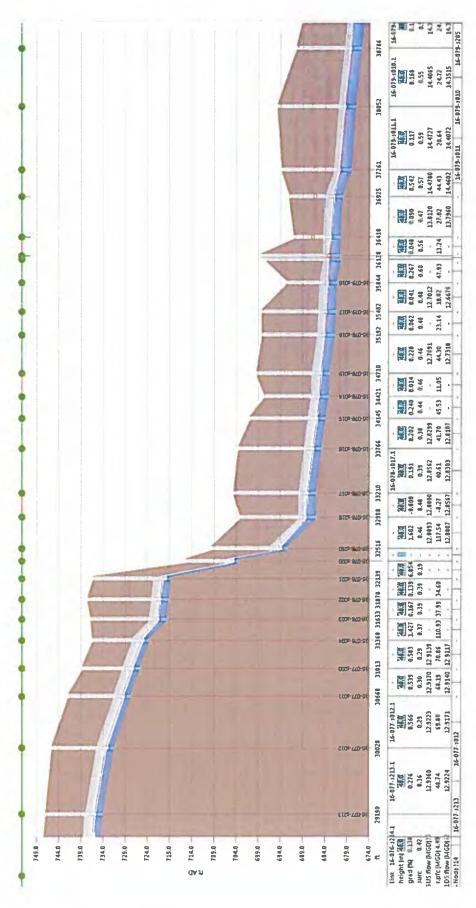
Section 2



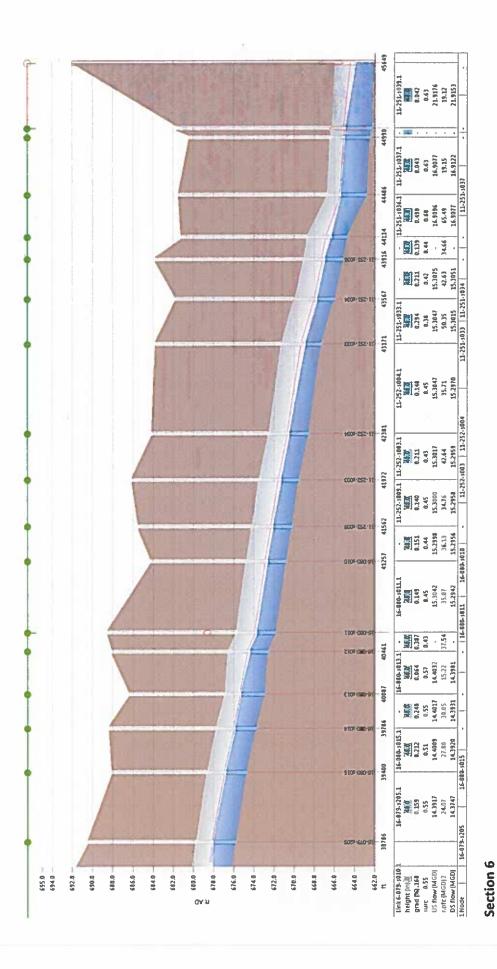
Section 3



Section 4



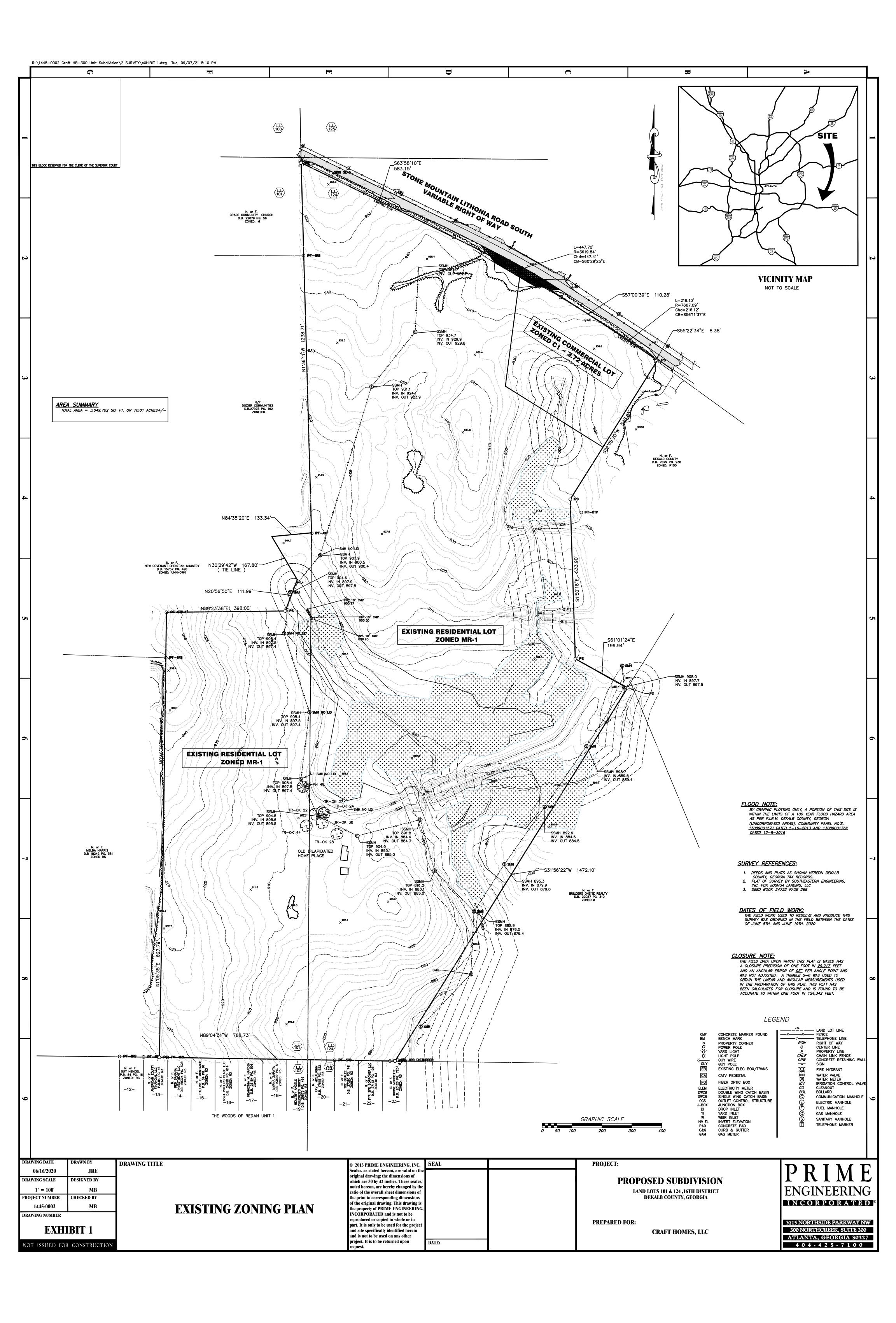
Section 5

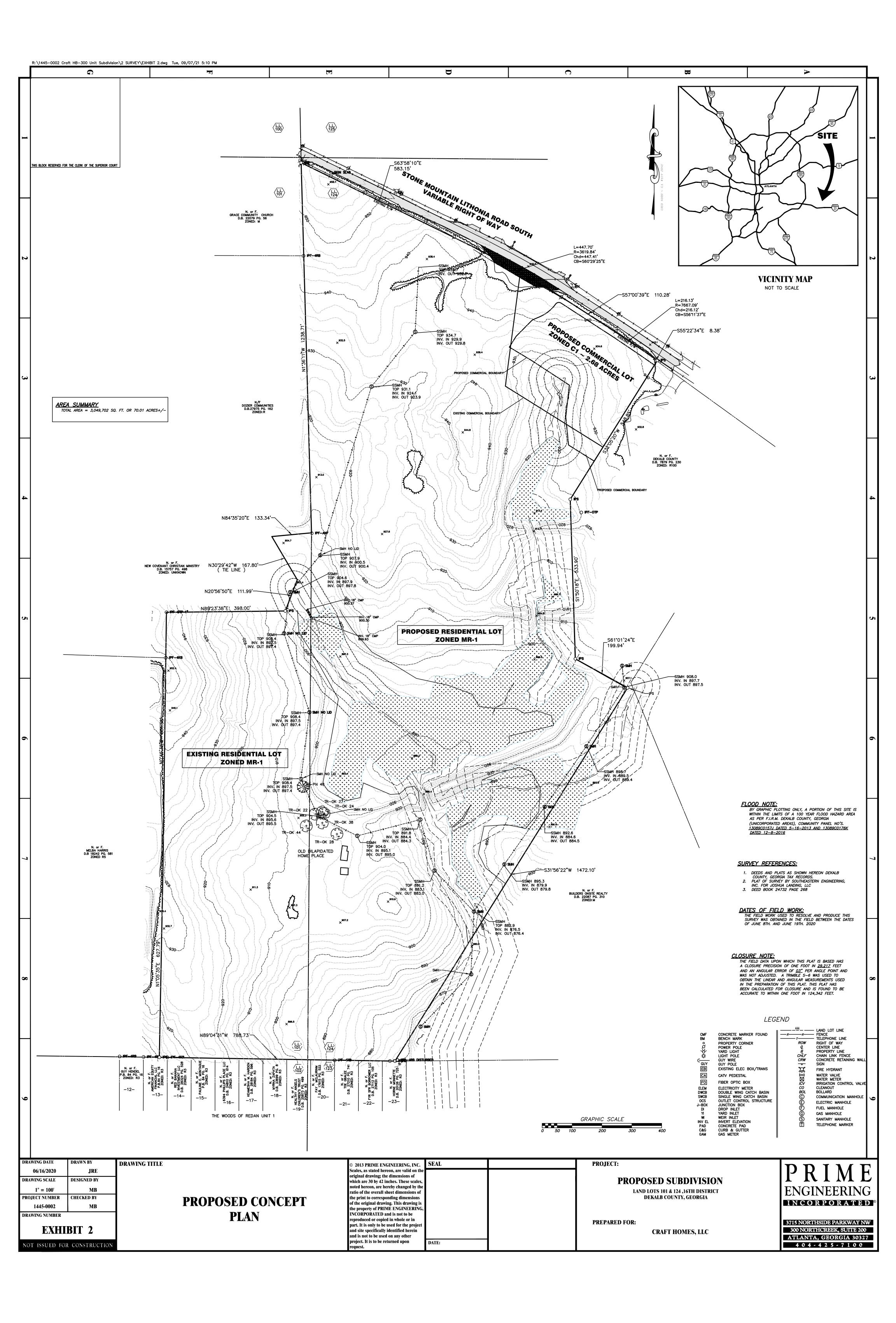


The Maximum Monthly Average Daily flow at Polebridge IPS Plant Capacity is 20 MGD

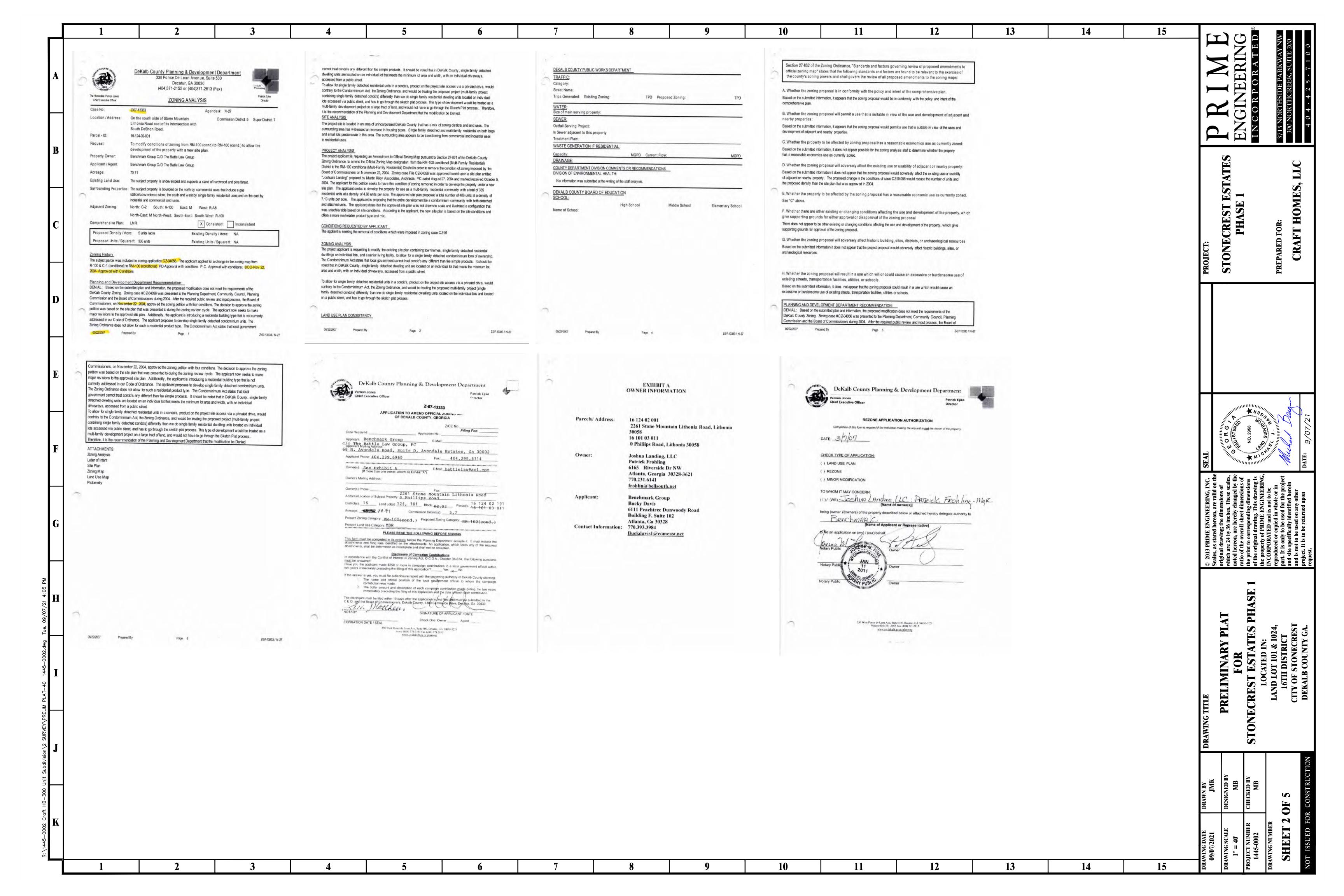
Attachment 3: Site Plan Exhibits

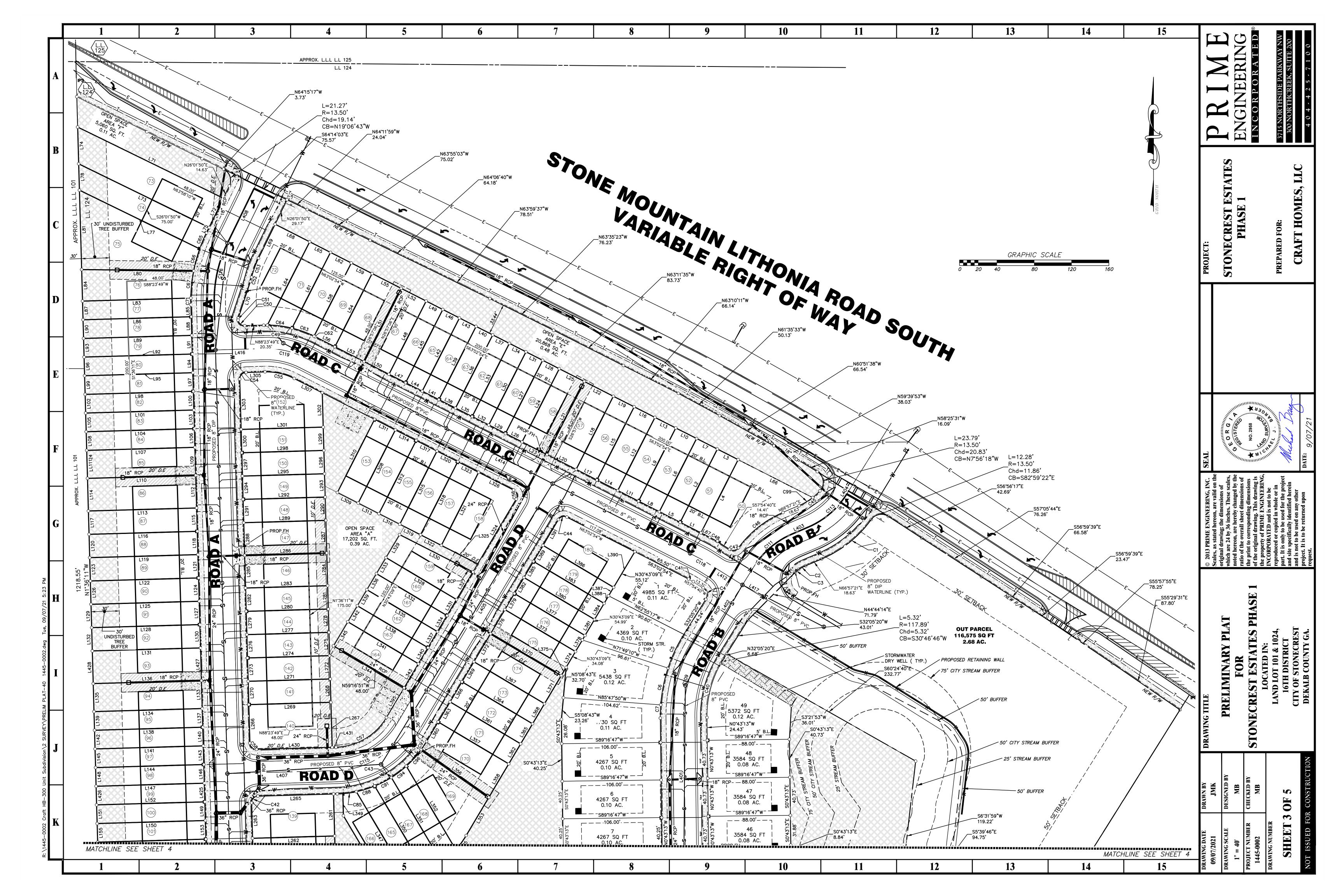
- 1 Existing Zoning Boundaries
- 2 Proposed Zoning Boundaries
- 3 Blow up of Commercial Area
 - 4 Overall Site Plan
 - 5 Phase 1 Site Plan

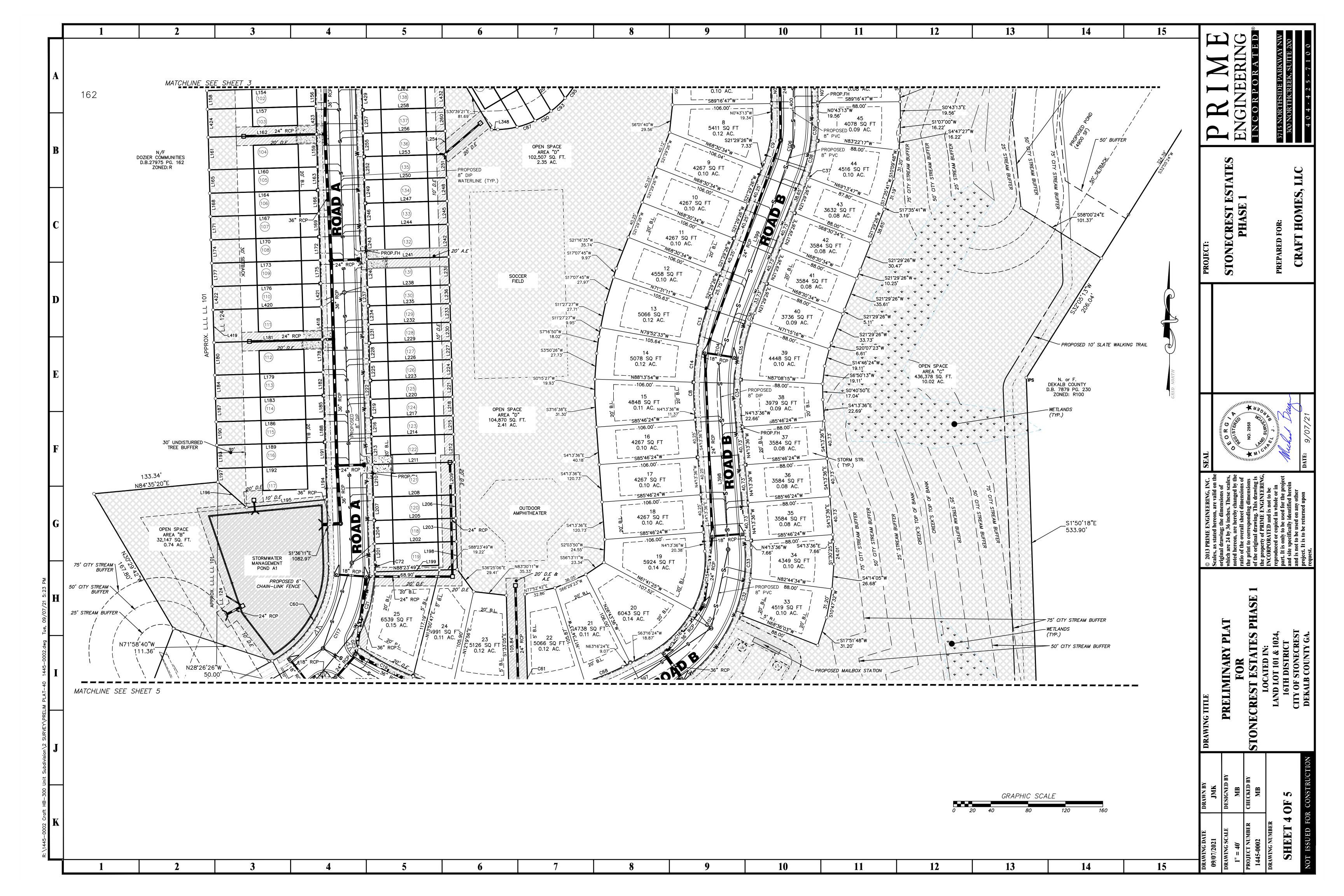


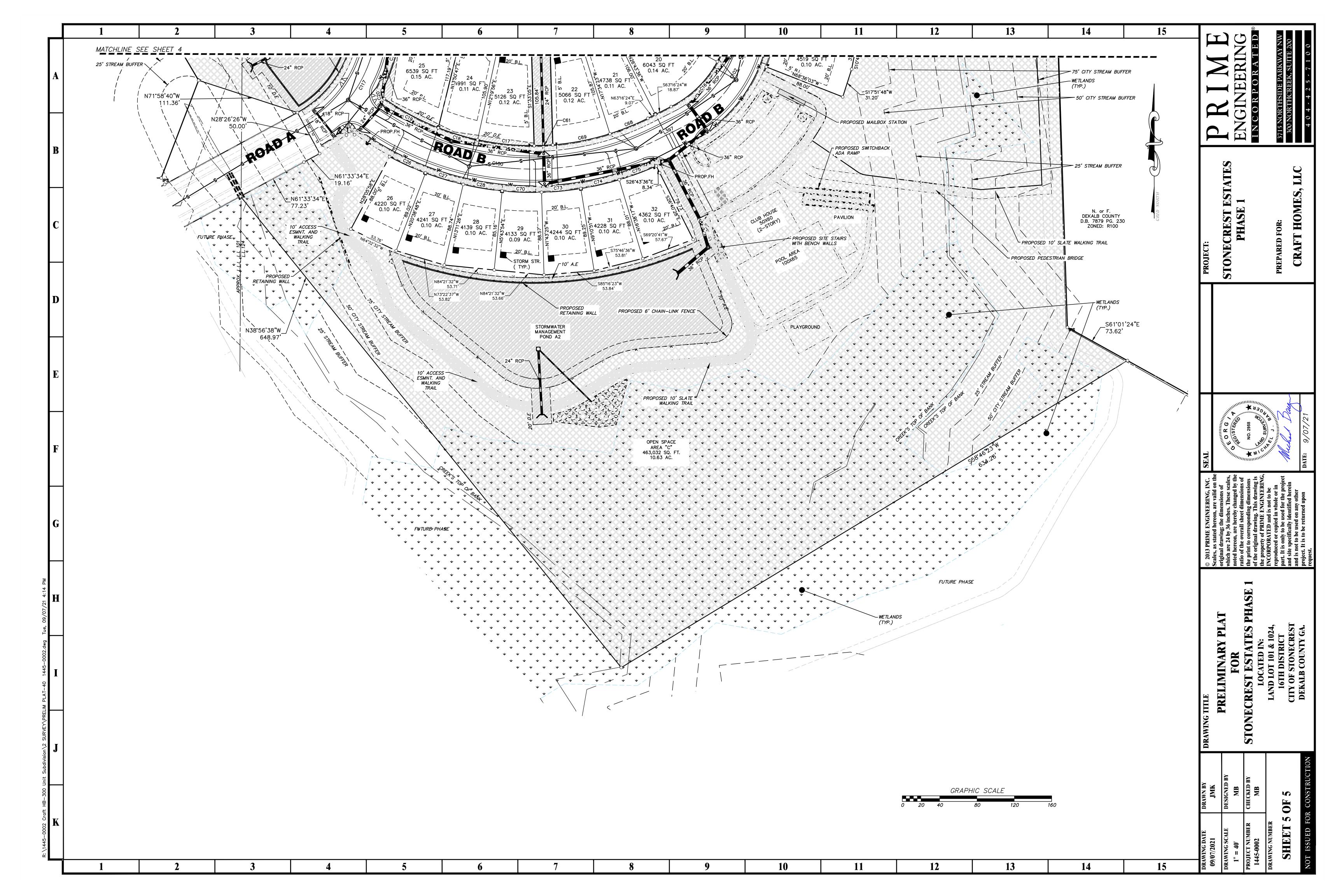


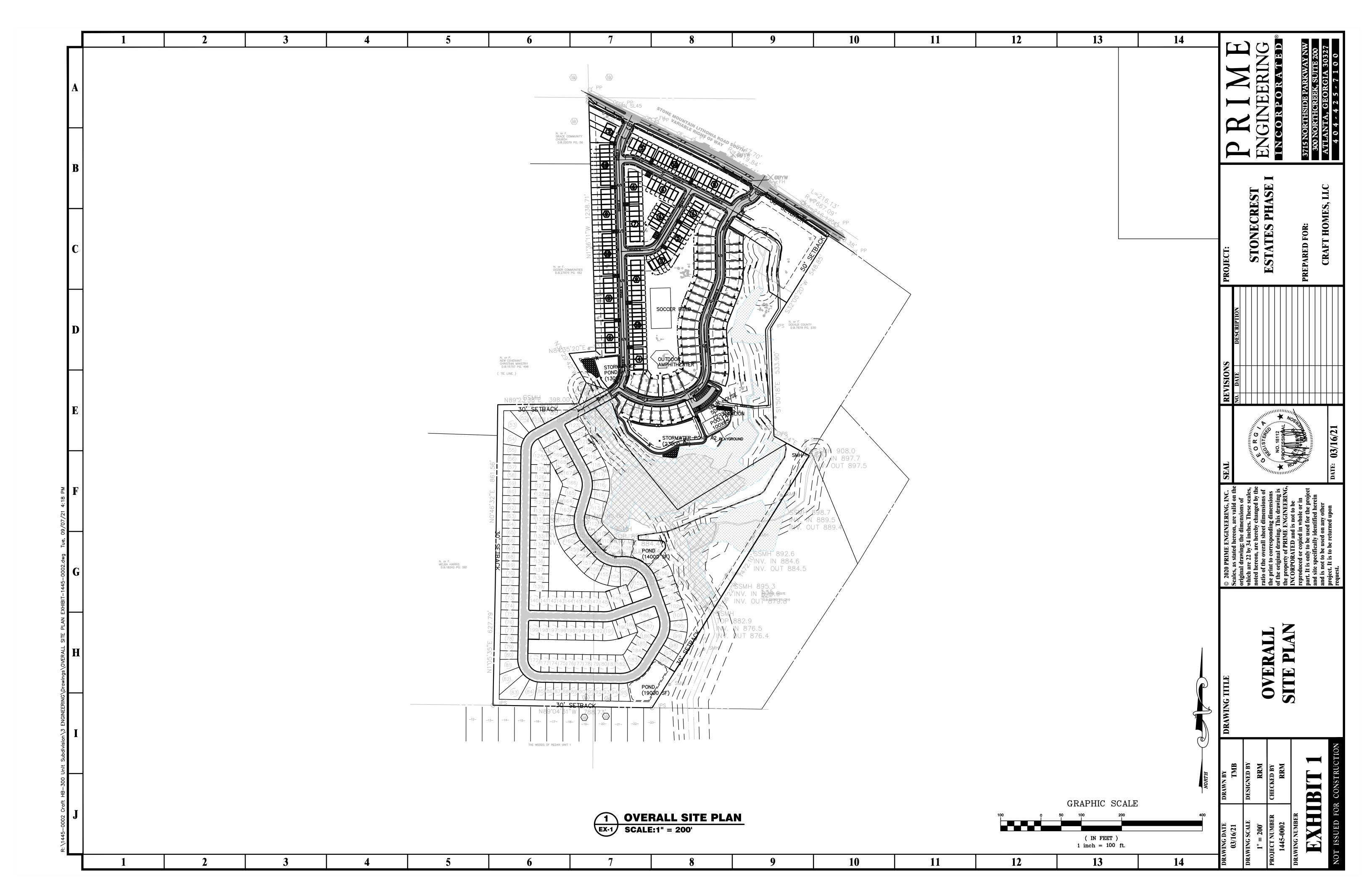
13 15 COUNTY NOTES: PRELIMINARY PLAT SANITARY SEWER AND WATER SERVICE TO BE PROVIDED BY DEKALB COUNTY **FOR** A 75' TRIBUTARY BUFFER WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB COUNTY OR GA. E.P.D. STONECREST ESTATES SKETCH PLAT APPROVAL DOES NOT CONSTITUTE APPROVAL OF THE STORM DRAINAGE AND SANITARY SEWER SYSTEMS. NO CONSTRUCTION SHALL BEGIN BEFORE CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTAINED. PHASE 1 THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS REQUIREMENTS REGARDING WETLANDS. **LAND LOT 101 & 124, 16th DISTRICT** NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED AND **CITY OF STONECREST** MAINTAINED THROUGHOUT THE WIDENING OF AND CONSTRUCTION OF DEKALB COUNTY ROADS. EXISTING SEPTIC TANK(S) WILL BE REMOVED AS PER DEKALB COUNTY ENVIRONMENTAL HEALTH **TAX PARCEL ID: 16 124 02 001** TO THE BEST OF OUR KNOWLEDGE, NO INERT WASTE BURY PITS EXIST ON SITE. **ZONING: C-1 AND RM-100 (COND.)** A HYDROLOGY REPORT WILL BE SUBMITTED WITH THE LAND DISTURBANCE PERMIT PROOVING DETENTION IS NOT REQUIRED AS PER DEKALB COUNTY REQUIREMENTS. (CASE# CZ04056) WATER QUALITY WILL BE TREATED ON SITE BY SNOUT RETROFITS IN THE STORM DRAINAGE SYSTEM AND INDIVIDUAL WATER QUALITY TRENCHES WILL BE PROVIDED ON A LOT PER LOT BASIS. SITE DISCHARGES TO CLARKS CREEK (±300') AND THEN TO SOUTH RIVER. ALL CUL-DE-SACS REQUIRE A ISLAND WITH MOUNTABLE CURB. **VICINITY MAP** ALL INTERSECTIONS REQUIRE ADA HANDICAP WHEELCHAIR RAMPS. **OWNER/ DEVELOPER:** ADDRESSES OR NUMBERS MUST BE LOCATED ON STRUCTURE PLAINLY VISIBLE FROM THE STREET OR CRAFT HOMEBUILDERS SHEET 2: ZONING CASE ADDRESS: 1230 PEACHTREE ST, NE, SHEET 3, 4 & 5: PRELIMINARY PLAT TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HISTORIC RESOURCES LOCATED ON SITE. SHEET 6: SOILS & PARCEL ACREAGE PROMENADE, SUITE 800 ATLANTA, GA SHEET 7 & 8: BOUNDARY /TOPOGRAPHY TOPOGRAPHIC INFORMATION PROVIDED BY US SHEET 9: LOT CALLS ELECTRICAL SERVICE WILL BE UNDERGROUND. <u>24HOUR CONTACT:</u> ANTHONY L. DUNCAN FLOOD INSURANCE RATE MAP A FENCE WILL BE REQUIRED IF PROPOSED PONDS ARE IN EQUAL OR GREATER THAN 4' DEEP. DEKALB COUNTY, (770)271-1554 GEORGIA AND INCORPORATED AREAS BOUNDARY SURVEY PREPARED BY PRIME ENGINEERING, DATED 5-27-03. PANEL 157 OF 201 CIVIL ENGINEER & SURVEYOR: (SEE MAP INDEX FOR FIRM PANEL LAYOUT) NATURAL FEATURES INCLUDE THE EXISTING LAKE WITH ASSOCIATED BUFFERS, STATE WATERS WITH ASSOCIATED BUFFERS AND EXISTING STRUCTURES AS SHOWN ON PLAN. TO THE BEST OF OUR KNOWLEDGE; THERE ARE COMMUNITY NUMBER PANEL SUFFIX 1990/LS COUNTY 1990/6 (19) / PRIME ENGINEERING, INC. NO CEMETARIES, WETLANDS, ARCHEOLOGICAL RESOURCES OR ROCK OUTCROPPINGS LOCATED ON SITE. 3715 NORTHSIDE PARKWAY 300 NORTHCREEK, SUITE 200 ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES. ATLANTA, GEORGIA 30318 CONTACT: ROBERT R. MACPHERSON ALL MATERIALS AND CONSTRUCTION METHODS TO BE IN ACCORDANCE WITH THE DEKALB COUNTY STANDARDS PHONE: (404) 425-7100 AND THE GEORGIA DEPARTMENT OF TRANSPORTATION, AS APPLICABLE. DEVIATION FROM THESE PLANS AND SPECIFICATIONS WITHOUT THE PRIOR WRITTEN CONSENT OF THE ENGINEER **SURVEY REFERENCES:** MAY CAUSE THE WORK TO BE UNACCEPTABLE. 1. DEEDS AND PLATS AS SHOWN HEREON DEKALB THERE MAY BE ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THESE PLANS. THE ENGINEER ASSUMES COUNTY, GEORGIA TAX RECORDS. NO RESPONSIBILITY FOR LOCATIONS SHOWN AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO 2. PLAT OF SURVEY BY SOUTHEASTERN ENGINEERING, INC. VERIFY THE LOCATIONS AND NECESSARY INVERTS OF ALL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION. FOR JOSHUA LANDING, LLC 3. DEED BOOK 24732 PAGE 268 PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE DEPARTMENT OF THE UTILITY COMPANIES. THE CONTRACTOR IS RESPONSIBLE FOR THE NOTIFICATIONS AND LIAISON WITH UTILITY COMPANIES IN THE PROCESS OF LOCATING, RELOCATING AND TIE-IN TO THE PUBLIC UTILITIES. DATES OF FIELD WORK: IF CONTRACTOR DAMAGES ANY EXISTING UTILITIES DURING CONSTRUCTION, HE SHALL, AT HIS OWN EXPENSE, THE FIELD WORK USED TO RESOLVE AND REPLACE OR REPAIR THE UTILITIES TO ORIGINAL CONDITION AND QUALITY, AS APPROVED BY THE ENGINEER BY GRAPHIC PLOTTING ONLY, A PORTION OF THIS SITE IS WITHIN THE LIMITS OF A 100 PRODUCE THIS SURVEY WAS OBTAINED IN THE AND REPRESENTATIVE OF THE APPROPRIATE UTILITY COMPANY. YEAR FLOOD HAZARD AREA AS PER F.I.R.M. DEKALB COUNTY, GEORGIA (UNICORPORATED FIELD BETWEEN THE DATES OF JUNE 8TH. AREAS), COMMUNITY PANEL NO'S. <u>13089C0157J DATED 5-16-2013 AND 13089C0176K</u> AND JUNE 19TH. 2020 THE CONTRACTOR SHALL TELEPHONE TOLL FREE 1-800-282-7411 A MINIMUM OF 48 HOURS PRIOR TO THE START OF ANY EXCAVATION AS SHOWN AND NOTED ON THE PLANS FOR A UTILITY LOCATION SERVICE. IN THE CASE OF UNFORESEEN CONSTRUCTION COMPLICATIONS OR DISCREPANCIES. THE CONTRACTOR IS TO **CLOSURE NOTE:** NOTIFY THE OWNER'S REPRESENTATIVE AND ENGINEER. LAND DISTURBANCE PERMIT TO BE DISPLAYED ON SITE THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AT ALL TIMES DURING CONSTRUCTION. A CLOSURE PRECISION OF ONE FOOT IN 29,217 FEET CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN RIGHT-OF-WAY AND MUST BE STORED WITHIN SITE. AND AN ANGULAR ERROR OF 03" PER ANGLE POINT THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A MARKED—UP SET OF DESIGN DRAWINGS AND WAS NOT ADJUSTED. A TRIMBLE S-6 WAS USED SHOWING ALL "AS-BUILT" CONDITIONS. TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THIS PLAT THESE "RECORD DRAWINGS" SHALL BE MADE AVAILABLE TO THE DESIGNER AND/OR THE COUNTY INSPECTOR HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 124.342 THE MARKUPS SHALL BE AT THE SITE AT ALL TIMES AND SHALL BE UTILIZED BY THE CONTRACTOR TO DEVELOP FINAL RECORD DRAWINGS. STUMPS AND CONSTRUCTION DEBRIS SHALL BE DEPOSITED IN A PROPERLY PERMITTED LANDFILL. **DEPARTMENT OF PLANNING** NO BURY PITS ALLOWED ON THIS SITE. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. ALL SPOT ELEVATIONS ARE TO THE THIS SKETCH PLAT HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING COMMISSION OF DEKALB BOTTOM FACE CURB AND/OR PAVEMENT. A FINAL INSPECTION WILL BE MADE BASED ON THE APPROVED LEGEND COUNTY, ON THIS_____DAY OF_____2021 ----- LAND LOT LINE ALL CHANGES TO THE APPROVED PLANS MUST BE MADE IN WRITING SO THAT THESE CHANGES MAY BE CONCRETE MARKER FOUND *----x-----x-----* FENCE REVIEWED BEFORE APPROVAL. (DIRECTOR) PLANNING COMMISSION CHAIRMAN — r——— TELEPHONE LINE BENCH MARK DEKALB COUNTY, GEORGIA RIGHT OF WAY THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS POWER POLE CENTER LINE REQUIREMENTS REGARDING WETLANDS. EXISTING SEPTIC TANK(S) WILL BE REMOVED AS PER DEKALB COUNTY PROPERTY LINE ENVIRONMENTAL HEALTH DEPARTMENT REQUIREMENTS. TO THE BEST OF OUR KNOWLEDGE, **SITE NOTES** CHAIN LINK FENCE LIGHT POLE CRW CONCRETE RETAINING WALL GUY WIRE GUY NO INERT WASTE BURY PITS EXIST ON SITE. GUY POLE **SURVEYORS CERTIFICATION** 70.03 ACRES TOTAL AREA OF PROPERTY EXISTING ELEC BOX/TRANS FIRE HYDRANT WATER QUALITY WILL BE TREATED ON SITE BY SNOUT RETROFITS IN THE STORM DRAINAGE SYSTEM AND CA WATER VALVE CATV PEDESTAL INDIVIDUAL WATER QUALITY TRENCHES WILL BE PROVIDED ON EACH LOT. TOTAL AREA OF EXISTING COMMERCIAL 3.73 ACRES WATER METER FO FIBER OPTIC BOX IRRIGATION CONTROL VALVE 2.35 ACRES TOTAL AREA OF PROPOSED COMMERCIAL ALL STREET INTERSECTIONS REQUIRE ADA HANDICAP WHEELCHAIR RAMPS. and does not subdivide or create a new parcel or make any changes ELEM ELECTRICITY METER CLEANOUT to any real property boundaries. The recording information of the 66.30 ACRES DOUBLE WING CATCH BASIN BOLLARD TOTAL AREA OF EXISTING RESIDENTIAL DWCB SUBDIVISION WILL BE SUBJECT TO PRIVATE COVENANTS AND A MANDATORY HOMEOWNER'S ASSOCIATION. documents, maps, plats, or other instruments which created the SWCB SINGLE WING CATCH BASIN COMMUNICATION MANHOLE parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, 67.68 ACRES TOTAL AREA OF PROPOSED RESIDENTIAL ocs OUTLET CONTROL STRUCTURE ELECTRIC MANHOLE NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE J-BOX JUNCTION BOX AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR # OF SINGLE FAMILY - ATTACHED (20'x48') NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED AND MAINTAINED FUEL MANHOLE DROP INLET REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE THROUGHOUT THE WIDENING OF AND CONSTRUCTION OF DEKALB COUNTY ROADS. GAS MANHOLE YARD INLET LAND. Furthermore, the undersigned land surveyor certifies that this # OF SINGLE FAMILY - ATTACHED (25'x48') plat complies with the minimum technical standards for property WFIR INLFT SANITARY MANHOLE surveys in Georgia as set forth in the rules and regulations of the INVERT ELEVATION # OF SINGLE FAMILY - DETACHED TELEPHONE MARKER Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15—6—67. PAD CONCRETE PAD C&G CURB & GUTTER TOTAL # OF UNITS GAS METER 30' x 48' - 1440sf SIZE OF SINGLE FAMILY - DETACHED G GISTERA 40' x 88'-100' LOT SIZE - SINGLE FAMILY - DETACHED FRONT SETBACK SIDE SETBACK BACKYARD <u>AREA SUMMARY</u> TOTAL AREA PHASE 1= 1,409,995 SQ. FT. OR 32.37 ACRES DENSITY 4.93 UNITS/ ACRE TOTAL OPEN SPACES AREA PHASE 1= 14.09 ACRES OPEN SPACE 20.86 ACRES GA. REG. L.S. LIC. NO. 2958 DATED: 29.8% OPEN SPACE %

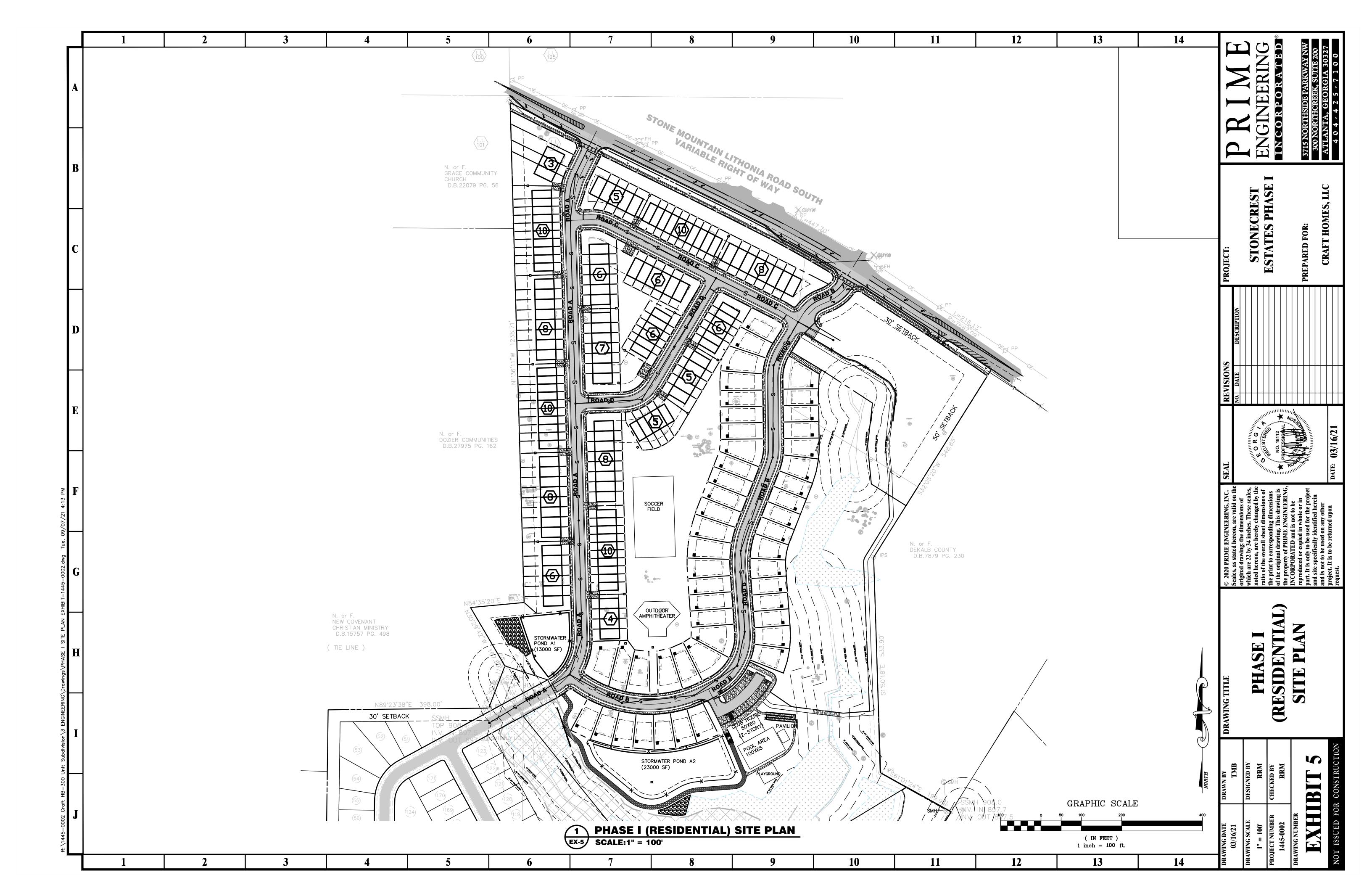












DEKALB COUNTY

BOARD OF COMMISSIONERS ZONING AGENDA / MINUTES

MEETING DATE: July 24, 2007

ACTION TYPE
ORDINANCE

ITEM NO.

SUBJECT: Rezone – Benchmark Group c/o The Battle Law Group

DEPARTMENT: Planning	PUBLIC HEARING:	YES ✓ NO
ATTACHMENT: ✓ YES □ No	INFORMATION CONTACT:	Patrick Ejike/Kevin Hunter
PAGES: 23 Deferred from 5/22/07, 6/12/07, 6/26/07 & 7/24/07 for de	PHONE NUMBER:	(404) 371-2155

PURPOSE:

Z-07-13333

Application of Benchmark Group c/o The Battle Law Group to modify conditions of zoning from RM-100 (cond.) to RM-100 (cond.). The property is located on the southwest side of South Stone Mountain Lithonia Road, approximately 1,556 feet southeast of South Deshon Road. The property has frontage of 1,347 feet and contains 70.6 acres.

Subject Property:

16-124-02-001

RECOMMENDATION(S):

HEARING TYPE

PUBLIC HEARING

PLANNIG DEPARTMENT:

Denial. Based on the submitted plan and information, the proposed modification does not meet the requirements of the DeKalb County Zoning. Zoning case #CZ-04056 was presented to the Planning Department, Community Council, Planning Commission and the Board of Commissioners during 2004. After the required public review and input process, the Board of Commissioners, on November 22, 2004, approved the zoning petition with four conditions. The decision to approve the zoning petition was based on the site plan that was presented to during the zoning review cycle. The applicant now seeks to make major revisions to the approved site plan. Additionally, the applicant is introducing a residential building type that is not currently addressed in our Code of Ordinance. The applicant proposes to develop single family detached condominium units. The Zoning Ordinance does not allow for such a residential product type. The Condominium Act states that local government cannot treat condo's any different than fee simple products. It should be noted that in DeKalb County, single family detached dwelling units are located on an individual lot that meets the minimum lot area and width, with an individual driveways, accessed from a public street. To allow for single family detached residential units in a condo's, product on the project site access via a private drive, would contrary to the Condominium Act, the Zoning Ordinance, and would be treating the proposed project (multi-family project containing single family detached condos) differently than we do single family residential dwelling units located on individual lots accessed via public street, and has to go through the sketch plat process. This type of development would be treated as a multi-family development project on a large tract of land, and would not have to go through the Sketch Plat process. Therefore, it is the recommendation of the Planning and Development Department that the modification be "Denied"

PLANNING COMMISSION:

Approval.

COMMUNITY COUNCIL:

No recommendation.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:	H20

MOTION was made by Commission 6-0-0-1, to approve with condition May, the rezoning application of B Commissioner Boyer was absent and application of the commissioner Boyer was absent and commissioner boyer was		onded by Commis al conditions subs up c/o The Battle	intled by Com	and passed missioner (300 Commerts ful Clinc's office
ADOPTED: JUL 2 4 2007				
(DATE)		CERTIFIEI	JUL 2	2007
PRESIDING OFFICER DEKALB COUNTY BOARD OF CO	(DATE)	CLERK,	infl	13.24
2 DONALD OF CO	MMISSIONE	RS DEKALB (COUNTY BOA	ard /
EOD Hair	D. D.V.		ISSIONERS	1
- TOR USI	E BY CHIEF E	EXECUTIVE OF	FICER ONLY	
Yelmon Jones				
CHIEF EXECUTIVE OFFICER DEKALB COUNTY	0	HIEF EXECUTI	VE OFFICER	
DEKALB COUNTY	D	HIEF EXECUTI EKALB COUNT	VE OFFICER Y	
CHIEF EXECUTIVE OFFICER DEKALB COUNTY VETO STATEMENT ATTACHED: MINUTES:	D	HIEF EXECUTI EKALB COUNT	VE OFFICER Y	
VETO STATEMENT ATTACHED:	E., Atlanta, Ga	EKALB COUNT	Y	application.
VETO STATEMENT ATTACHED: MINUTES: Michele Battle, 999 Peachtree Street, N. No one spoke in opposition of the application of	E., Atlanta, Ga	EKALB COUNT	Y	application. ABSENTX_
VETO STATEMENT ATTACHED: MINUTES: Michele Battle, 999 Peachtree Street, N. No one spoke in opposition of the application of	E., Atlanta, Garation. FOR X X	a. 30309, spoke in	support of the	ABSENT
VETO STATEMENT ATTACHED: MINUTES: Michele Battle, 999 Peachtree Street, N. No one spoke in opposition of the applic DISTRICT 1 - ELAINE BOYER DISTRICT 2 - JEFF RADER DISTRICT 3 - LARRY JOHNSON	E., Atlanta, Garation. FOR X	a. 30309, spoke in	support of the	ABSENT



The Honorable Vernon Jones Chief Executive Officer

DeKalb County Planning & Development Department

330 Ponce De Leon Avenue, Suite 500 Decatur, GA 30030 (404)371-2155 or (404)371-2813 (Fax)



Patrick Ejike Director

ZONING ANALYSIS

Case No:

Z-07-13333

Agenda #: N-27

Location / Address:

On the south side of Stone Mountain

Lithonia Road east of its intersection with

Commission District: 5

Super District: 7

South DeShon Road

Parcel - ID:

16-124-02-001

Request:

To modify conditions of zoning from RM-100 (cond) to RM-100 (cond.) to allow the

development of the property with a new site plan.

Property Owner:

Benchmark Group C/O The Battle Law Group

Applicant / Agent:

Benchmark Group C/O The Battle Law Group

Acreage:

70.71

Existing Land Use:

The subject property is undeveloped and supports a stand of hardwood and pine forest.

Surrounding Properties: The subject property is bounded on the north by commercial uses that include a gas

station/convenience store; the south and west by single family residential uses; and on the east by

industrial and commercial land uses.

Adjacent Zoning:

North: C-2

South: R-100

East: M

West: R-A8

North-East: M North-West: South-East: South-West: R-100

Comprehensive Plan:

LMR

Consistent

Inconsistent

Proposed Density / Acre:

5 units /acre

Existing Density / Acre:

NA

Proposed Units / Square ft: 335 units

Existing Units / Square ft: NA

Zoning History

The subject parcel was included in zoning application CZ-04056. The applicant applied for a change in the zoning map from R-100 & C-1 (conditional) to RM-100 (conditional) PD-Approval with conditions P.C. Approval with conditions; BOC-Nov 22, 2004- Approved with Conditions

Planning and Development Department Recommendation:

DENIAL: Based on the submitted plan and information, the proposed modification does not meet the requirements of the DeKalb County Zoning. Zoning case #CZ-04056 was presented to the Planning Department, Community Council, Planning Commission and the Board of Commissioners during 2004. After the required public review and input process, the Board of Commissioners, on November 22, 2004, approved the zoning petition with four conditions. The decision to approve the zoning petition was based on the site plan that was presented to during the zoning review cycle. The applicant now seeks to make major revisions to the approved site plan. Additionally, the applicant is introducing a residential building type that is not currently addressed in our Code of Ordinance. The applicant proposes to develop single family detached condominium units. The Zoning Ordinance does not allow for such a residential product type. The Condominimum Act states that local government

cannot treat condo's any different than fee simple products. It should be noted that in DeKalk County, single family detached dwelling units are located on an individual lot that meets the minimum lot area and width, with an individual driveways, accessed from a public street.

To allow for single family detached residential units in a condo's, product on the project site access via a privated drive, would contrary to the Condominimum Act, the Zoning Ordinance, and would be treating the proposed project (multi-family project containing single family detached condo's) differently than we do single family residential dwelling units located on individual lots accessed via public street, and has to go through the sketch plat process. This type of development would be treated as a multi-family development project on a large tract of land, and would not have to go through the Sketch Plat process. Therefore, it is the recommendation of the Planning and Development Department that the modification be Denied.

SITE ANALYSIS

The project site is located in an area of unincorporated DeKalb County that has a mix of zoning districts and land uses. The surrounding area has witnessed an increase in housing types. Single family detached and multi-family residential on both large and small lots predominate in this area. The surrounding area appears to be transitioning from commercial and industrial uses to residential uses.

PROJECT ANALYSIS

The project applicant is requesting an Amendment to Official Zoning Map pursuant to Section 27-821 of the DeKalb County Zoning Ordinance, to amend the Official Zoning Map designation from the RM-100 conditional (Multi-Family Residential) District to the RM-100 conditional (Multi-Family Residential) District in order to remove the condition of zoning imposed by the Board of Commissioners on November 22, 2004. Zoning case File CZ-04056 was approved based upon a site plan entitled "Joshua's Landing" prepared by Martin Riley Associates, Architects, PC dated August 27, 2004 and marked received October 5, 2004. The applicant for this petition seeks to have this condition of zoning removed in order to develop the property under a new site plan. The applicant seeks to develop the property for use as a multi-family residential community with a total of 335 residential units at a density of 4.88 units per acre. The approved site plan proposed a total number of 489 units at a density of 7.13 units per acre. The applicant is proposing that the entire development be a condominium community with both detached and attached units. The applicant states that the approved site plan was not drawn to scale and illustrated a configuration that was unachievable based on site conditions. According to the applicant, the new site plan is based on the site conditions and offers a more marketable product type and mix.

CONDITIONS REQUESTED BY APPLICANT

The appliant is seeking the removal of conditions which were imposed in zoning case CZ-04

ZONING ANALYSIS

The project applicant is requesting to modify the existing site plan containing townhomes, single family detached residential dwellings on individual lots, and a senior living facility, to allow for a single family detached condominimum form of ownership. The Condominimum Act states that local government cannot treat condo's any different than fee simple products. It should be noted that in DeKalk County, single family detached dwelling unit are located on an individual lot that meets the minimum lot area and width, with an individual driveways, accessed from a public street.

To allow for single family detached residential units in a condo's, product on the project site access via a privated drive, would contrary to the Condominimum Act, the Zoning Ordinance, and would be treating the proposed multi-family project (single family detached condo's) differently than we do single family residential dwellling units located on the individual lots and located on a public street, and has to go through the sketch plat process.

LAND USE PLAN CONSISTENCY

ACCESS AND CIRCULATION

Access to the South Stone Mountain Lithonia Road from the project site is proposed to be via private drives. It should be noted that the DeKalb COunty Zoning Ordinance only allows single family detached residential dwellings to be located on a public street. Therefore, access and circulation impacts relating to the proposed project would be significant.

DEVELOPMENT ANALYSIS

Zoning Case CZ-04056 was approved on November 22, 2004. The applicant must adhere to the conditions of zoning that apply to the access, circulation and infrastructure improvements for the proposed development. The applicant must install such traffic improvements as are recommended by the traffic study entitled "Traffic Impact Study, Stone Mountain-Lithonia, Mixed Use development" prepared by URS and dated July 23, 2004 subject to the approval and modification of the DeKalb County Department of Planning and Development and the Department of Public Works.

TRAFFIC:				
Category:				
Street Name:				
Trips Generated: Existing Zoning:		TPD Propo	sed Zoning:	TPD
WATER: Size of main serving property:	*			
SEWER:				
Outfall Serving Project:				
Is Sewer adjacent to this property				
Treatment Plant:				
WASTE GENERATION IF RESIDENT	AL:			
Capacity:	MGPD	Current Flow	?	MGPD
DRAINAGE:				
COUNTY DEPARTMENT DIVISION COM DIVISION OF ENVIRONMENTAL HEALT		MENDATIONS		
No information was submitted at the writing	g of the staff analysis.	4		
DEKALB COUNTY BOARD OF EDUC SCHOOL:	ATION			
Name of School:	High School		Middle School	Elementary School

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to official zoning map" states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the zoning maps:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

Based on the submitted information, it appears that the zoning proposal would be in conformity with the policy and intent of the comprehensive plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

Based on the submitted information, it appears that the zoning proposal would permit a use that is suitable in view of the uses and development of adjacent and nearby properties.

C. Whether the property to be affected by zoning proposal has a reasonable economics use as currently zoned: Based on the submitted information, it does not appear possible for the zoning analysis staff to determine whether the property

has a reasonable economics use as currently zoned.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property: Based on the submitted information it does not appear that the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property. The proposed change in the conditions of case CZ-04056 would reduce the number of units and the proposed density than the site plan that was approved in 2004.

E. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. See "C" above.

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal

There does not appear to be other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval of the zoning proposal.

G. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources Based on the submitted information it does not appear that the project proposal would adversely affect historic buildings, sites, or archaeological resources.

H. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Based on the submitted information, it does not appear that the zoning proposal could result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATION:

DENIAL: Based on the submitted plan and information, the proposed modification does not meet the requirements of the DeKalb County Zoning. Zoning case #CZ-04056 was presented to the Planning Department, Community Council, Planning Commission and the Board of Commissioners during 2004. After the required public review and input process, the Board of

Commissioners, on November 22, 2004, approved the zoning petition with four conditions. The decision to approve the zoning petition was based on the site plan that was presented to during the zoning review cycle. The applicant now seeks to make major revisions to the approved site plan. Additionally, the applicant is introducing a residential building type that is not currently addressed in our Code of Ordinance. The applicant proposes to develop single family detached condominium units. The Zoning Ordinance does not allow for such a residential product type. The Condominimum Act states that local government cannot treat condo's any different than fee simple products. It should be noted that in DeKalk County, single family detached dwelling units are located on an individual lot that meets the minimum lot area and width, with an individual driveways, accessed from a public street.

To allow for single family detached residential units in a condo's, product on the project site access via a privated drive, would contrary to the Condominimum Act, the Zoning Ordinance, and would be treating the proposed project (multi-family project containing single family detached condo's) differently than we do single family residential dwelling units located on individual lots accessed via public street, and has to go through the sketch plat process. This type of development would be treated as a multi-family development project on a large tract of land, and would not have to go through the Sketch Plat process.. Therefore, it is the recommendation of the Planning and Development Department that the modification be Denied.

ATTACHMENTS: Zoning Analysis Letter of Intent Site Plan Zoning Map Land Use Map Pictometry



DeKalb County Planning & Development Department



Patrick Ejike Director

Z-07-13333

APPLICATION TO AMEND OFFICIAL ZUNING IIIC. OF DEKALB COUNTY, GEORGIA

		Z/CZ No	
Date Received:			ee:
Applicant: Benchmark Group	E Maile		
c/o The Battle Law Group, Applicant Mailing Address: 68 N. Avondale Road, Suite	D, Avondale	Estates, Ga	30002
Applicant Phone: 404.299.6960	Fax:	404.299.6	114
Owner(s): See Exhibit A (If more than one owner, attach as Owner's Mailing Address:	F-Mail:	battlelaw@a	ol.com
Owner(s) Phone:	Stone Mounta	in Lithonia	
Joet i Toponty. U PII	LILIPS ROAD		
District(s): 16 Land Lot(s): 124,	101 Block: 02,0	Parcel(s: 1	6 124 02 101 6 101 03 011
Acreage: 70.7	ommission District(s): _	5,7	
Present Zoning Category: _RM=100(cond) Present Land Use Category: MDR	******	********	
	E FOLLOWING BEFOR		
This form must be completed in its entirety be attachments and filing fees identified on the attachments, shall be determined as incomplete.			must include the y of the required
must be answered:		apter 36-67A, the fol	
Have you the applicant made \$250 or more in two years immediately preceding the filling of the	campaign contributions is application?Y	to a local governme es x No	ent official within
If the answer is yes, you must file a disclosure r 1. The name and official position contribution was made.	of the local governme	ent official to whom	the campaign
The dollar amount and description immediately preceding the filing of	n of each campaign cor this application and the	tribution made durin	ng the two years
The disclosure must be filed within 10 days afte C.E.O. and the Board of Commissioners, Dekall	r the application is first fi county, 1300 Commer	red and must be sub ce prive, Decatur, G	mitted to the a 30030.
NOTARY	SIGNATURE OF	APPLICANT / DATE	
EXPIRATION DATE / SEAL	Check One: Owne	er Agent	

EXHIBIT A OWNER INFORMATION

Parcels/ Address:

16 124 02 001

2261 Stone Mountain Lithonia Road, Lithonia

30058

16 101 03 011

0 Phillips Road, Lithonia 30058

Owner:

Joshua Landing, LLC

Patrick Frohling

6165 Riverside Dr NW

Atlanta, Georgia 30328-3621

770.231.6141

frohlin@bellsouth.net

Applicant:

Benchmark Group

Bucky Davis

6111 Peachtree Dunwoody Road

Building F, Suite 102

Atlanta, Ga 30328

Contact Information:

770.393.3984

Buckdavis1@comcast.net



DeKalb County Planning & Development Department

Patrick Ejike Director



REZONE APPLICATION AUTHORIZATION Completion of this form is required if the individual making the request is not the owner of the property. CHECK TYPE OF APPLICATION: () LAND USE PLAN () REZONE () MINOR MODIFICATION TO WHOM IT MAY CONCERN: (1)1 (WE), Joshun Landing LLC: Patience Fresh line - Mgr.
[Name of owner(s)] being (owner)/(owners) of the property described below or attached hereby delegate authority to [Name of Applicant or Representative] to file an application on (my) / (our) behalf Notary Public Owner Notary Public Owner Notary Public Owner

ZONING AMENDMENT TO CHANGE CONDITIONS LETTER OF INTENT

Project Description

The Applicant, Benchmark Group, is seeking to develop a 70.71 acre tract of land located on Stone-Mountain Lithonia which was zoned C-1 and RM-100 pursuant to zoning case CZ-04056. The project, known as Joshua's Landing, was rezoned in 2005 by Pat Frohling the current owner of the Project subject to, amongst other things, a conceptual site plan entitled "Joshua's Landing" prepared by Martin Riley Associates. Architects, PC dated August 27, 2004 and marked received October 5, 2004. The Conceptual Site Plan was not drawn to scale and showed a configuration of units for the townhome product which was unachievable based upon the number of units proposed and the amount of area designated. Additionally, due to site conditions necessitating the relocation of many of the proposed units, as well as a desire to group product types in a more marketable pattern, the Applicant was compelled to submit this Zoning Amendment for Change of Conditions Application seeking a modification of condition 1 of CZ-04056, by proposing to substitute the Revised Site Plan submitted with this Application for the Conceptual Site Plan approved in Condition 1 of CZ-04056.

The Applicant's desire is to create an integrated condominium community with a mixture of product types. The Revised Site Plan which the Applicant is seeking to substitute for the Conceptual Site Plan contains the following changes:

 Because the Project will be a condominium community, all of the proposed public streets have been converted to private driveways.

 The driveway layout has been modified to provide for better circulation for ingress and egress to and from the Project, with two points of access.

 The townhomes scattered throughout the site have been grouped along the northern and western boundary lines of the project

 The single-family detached product has been reconfigured to line the driveway into the project, and then grouped into one phase at the rear of the project.

5. Most importantly, the density of the project has been reduced from 489 units at 7.13 units per acre to 335 units at a density of 4.88 units per acre.

It is the Applicant's intent to develop the entire site as a condominium community, including the single-family detached product and the senior housing component of the project. The condominium association will maintain the common areas and will help to insure the overall maintenance and up keep of the Joshua's Landing community.

Based upon the foregoing, the Applicant is respectfully requesting the approval of this Application.

JOSHUA'S LANDING

DENSITY CALCULATIONS

Approved Site Plan Information

Total Acreage: 68.52 (to be utilized solely for non-commercial usage)

Unit Type	Maximum No. of Units
Single-Family Attached	169
Single-Family Detached	100
Multi-Family (Senior Living)	220
Total No. of Units	489
Density	7.130 units per acre

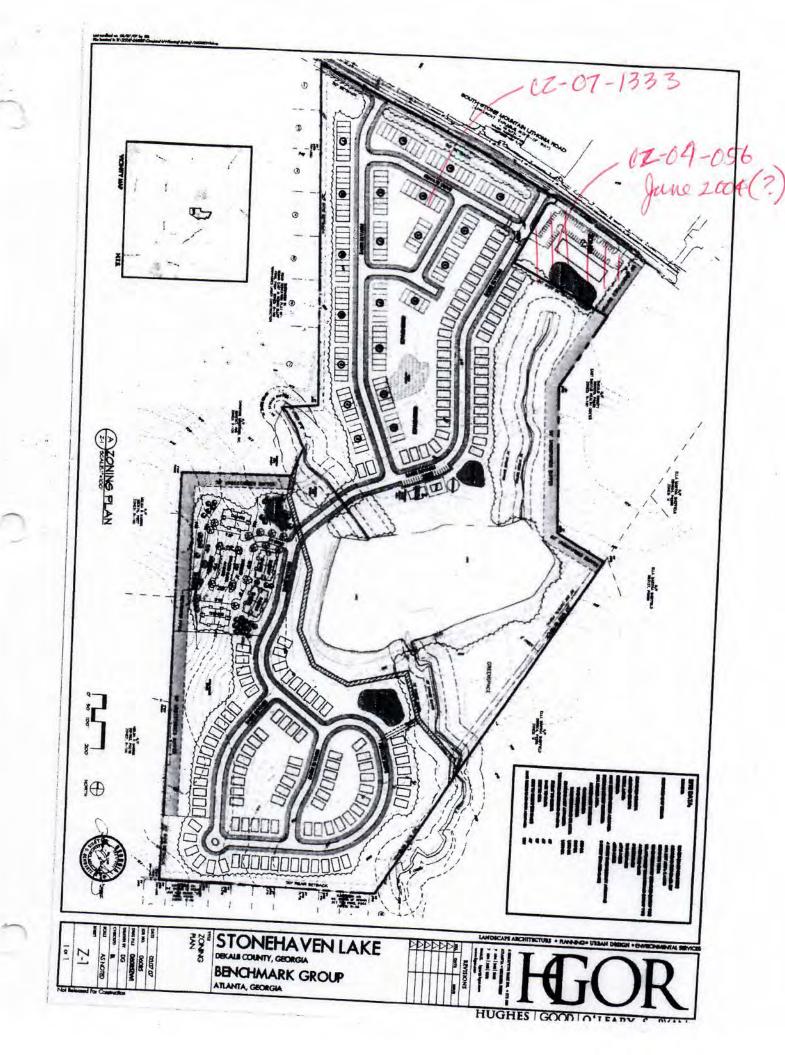
Proposed Site Plan Information

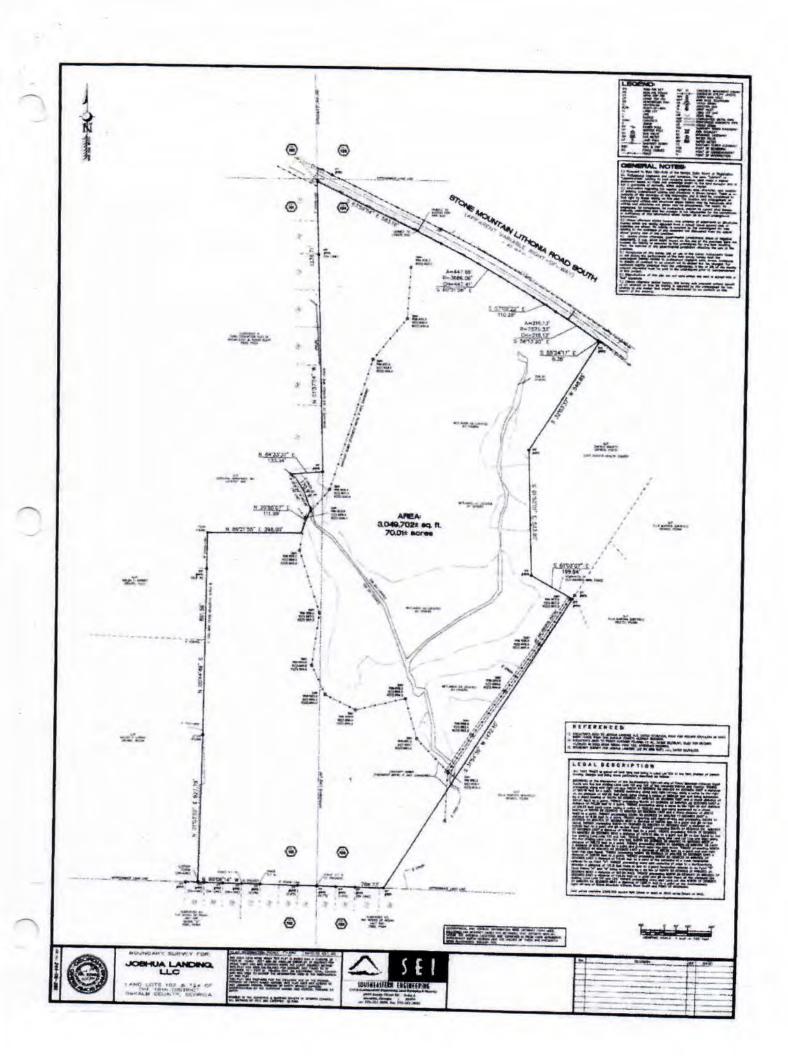
Total Acreage: 68.52 (to be utilized solely for non-commercial usage)

Unit Type	Maximum No. of Units
Single-Family Attached	153
Single-Family Detached	138
Multi-Family (Senior Living)	44
Total No. of Units	335
Density	4.88 units per acre

BREAKDOWN PER PHASE FOR ENTIRE 70.71 ACRE SITE

PHASE	APPROVED SITE PLAN	PROPOSED SITE PLAN
Phase I & II – Single Family Attached	126	153
Phase III – Single-Family Detached	37	47
Phase IV – Multi-Family Senior Living	220	44
Phase V – Single-Family Attached	43	Greenspace
Phase VI Single-Family Detached	45	. 91
Phase VII – Single Family Detached	18	Greenspace
Phase VIII Neighborhood Retail	18,000 sq. ft.	16,800 sq. ft.
Amenities	Clubhouse, Pool, Walking Trails, Picnic Pavilion	Clubhouse, Pool, Walking Trails, Picnic Pavilion





LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 124 of the 16th District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the Southwesterly right-of-way of Stone Mountain-Lithonia Road South and the line dividing Land Lots 101 and 124 of the aforesaid District and County; THENCE proceeding along said right-of-way SOUTH 63 DEGREES 59 MINUTES 54 SECONDS EAST a distance of 583.16 feet to a point; THENCE continuing along said right-of-way along a curve to the right an arc distance of 447.69 feet (said curve having a radius of 3686.06 feet and being subtended by a chord bearing of SOUTH 60 DEGREES 31 MINUTES 08 SECONDS EAST and a chord distance of 447.41 feet) to a point; THENCE proceeding SOUTH 57 DEGREES 02 MINUTES 22 SECONDS EAST a distance of 110.28 feet to a point; THENCE proceeding along a curve to the right an arc distance of 216.13 feet (said curve having a radius of 7575.33 feet and being subtended by a chord bearing of SOUTH 56 DEGREES 13 MINUTES 20 SECONDS EAST and a chord distance of 216.12 feet) to a point; THENCE proceeding SOUTH 55 DEGREES 24 MINUTES 17 SECONDS EAST a distance of 8.38 feet to a point; THENCE departing said right-of-way and proceeding SOUTH 32 DEGREES 03 MINUTES 37 SECONDS WEST a distance of 548.85 feet to a point and #4 re-bar found; THENCE proceeding SOUTH 01 DEGREES 52 MINUTES 01 SECONDS EAST a distance of 533.90 feet to a point and #4 re-bar found; THENCE proceeding SOUTH 61 DEGREES 03 MINUTES 07 SECONDS EAST a distance of 199.94 feet to a point; THENCE proceeding SOUTH 31 DEGREES 54 MINUTES 39 SECONDS WEST a distance of 1472.10 feet to a point and #4 re-bar found on the line dividing Land Lots 123 and 124; THENCE proceeding along said Land Lot Line and then along the line dividing Land Lots 101 and 102, NORTH 89 DEGREES 06 MINUTES 14 SECONDS WEST a distance of 788.73 feet to a point; THENCE proceeding NORTH 01 DEGREES 03 MINUTES 52 EAST a distance of 627.79 feet to a point and 2-inch open-top pipe found; THENCE proceeding NORTH 00 DEGREES 44 MINUTES 49 SECONDS EAST a distance of 861.56 feet to a point and oneinch open-top pipe found; THENCE proceeding NORTH 89 DEGREES 21 MINUTES 55 SECONDS EAST a distance of 398.00 feet to a point; THENCE proceeding NORTH 20 DEGREES 55 MINUTES 07 SECONDS EAST a distance of 111.99 feet to a point in the centerline of a creek hereinafter referred to as Point "A"; THENCE proceeding along said centerline of creek in a Northwesterly direction a distance of 170.9 feet more or less to a point hereinafter referred to as Point "B" (Said Points "A" and "B" being subtended by a tie line of NORTH 30 DEGREES 31 MINUTES 25 SECONDS WEST a distance of 167.80 feet); THENCE proceeding NORTH 84 DEGREES 33 MINUTES 37 SECONDS EAST a distance of 133.34 feet to a point and #4 re-bar found on the aforesaid line dividing Land Lots 101 and 124; THENCE proceeding along said Land Lot Line NORTH 01 DEGREES 37 MINUTES 54 SECONDS WEST a distance of 1238.71 feet to a point on the Southwesterly right-of-way of Stone Mountain-Lithonia Road South and POINT OF BEGINNING.

Said parcel contains 3,049,702 square feet (more or less) or 70.01 acres (more or less).

IMPACT ANALYSIS

LAND LOT:

124 and 101

DISTRICT: 16th

ADDRESS:

2261 Stone Mountain Lithonia Road

0 Phillips Road

Tax Parcel No.: 16 124 02 001

16 101 03 011

CHANGE OF CONDITION: C-1 and RM-100 (cond.) to C-1 and RM-100 (cond.)

APPLICANT:

Benchmark Group

CONTACT PERSON:

Michèle L. Battle, Esq. The Battle Law Group, P.C. 68 N. Avondale Road, Suite D Avondale Estates, Georgia 30002

Phone: (404) 299-6960

- (a) <u>Suitability of use</u>: The change of condition will permit a use that is suitable in view of the uses and developments adjacent and nearby the subject property.
- (b) <u>Effect on adjacent property</u>: The uses of the subject property as contemplated in this Application will have no adverse impact on the adjacent property owners.
- (c) <u>Economic use of current zoning</u>: The subject property can be utilized as currently zoned.
- (d) Effect on public facilities: The approval of this change of conditions application will not have any adverse impact on the public facilities in the area.
- (e) Effect on historic building, sites, etc. The approval of this change of conditions application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this change of conditions application will not result in any adverse environmental impact.
- (e) <u>Conformity with Comprehensive Plan or Land Use Plan:</u> The Subject Property as currently zoned is in conformity with the comprehensive land use plan for the area.

Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

CONSTITUTIONAL ALLEGATIONS

The portions of the Zoning Resolution of DeKalb County as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of DeKalb County to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to approve the proposed change of condition to the Zoning Ordinance as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



DEKALB COUNTY PLANNING DEPARTMENT

1300 Commerce Drive, Suite 400, Decatur, Georgia 30030-3221

Phone: (404)371-2155

Fax: (404)371-2813



Board of Commissioners

November 22, 2004

The Honorable Vernon Jones Chief Executive Officer

REZONE ACTIONS

Shari R.C. Strickland Acting Planning Director

Deferred

D-1 LP-04044

144

Commission Districts:

and 7

Parcel-ID: 16-101

16-124

Application of Infinity Development to amend the land use plan on property located on the southwest side of South Stone Mountain Lithonia Road, approximately 1,556 feet southeast of South Deshon Road, from LDR to MDR and LIC. The property has frontage of 1,347 feet and contains 70.6 acres.

Community Council Recommendation:

Denial. (12-0-2): DENIAL DUE TO INFRASTRUCTURE AND TRAFFIC TROUBLES, AND THE ZONING NEEDS TO STAY AT R-100; Denial - too dense and too much of the same already there

Planning Department Recommendation:

Approval of MDR and LIC. A proposed change in the land use would help to establish positive developmental trends in the community and in the nearby vicinity. The proposed plan for a mixed-use development of some limited commercial and residential usage with considerable open-space preservation is a positive approach to development for this region. As a result, staff issues a recommendation of approval.

Planning Commission Decision:

Approval per staff.

Board of Commission Decision: Approved - November 22, 2004



PLANNING & ZONING STAFF REPORT

MEETING DATE: October 5, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-009

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to the Stonecrest Code of Ordinance,

Chapter 4 – Alcoholic Beverages, and Chapter 27 –

Zoning Ordinance to further define and regulate special

events, temporary outdoor events, late-night

establishments, and similar uses.

FACTS AND ISSUES:

- Currently staff is spending an inordinate amount of time processing applications for temporary special outdoor events.
- In particular, certain locations are applying for special event permits, or what the Zoning Ordinance refers to as Special Administrative Permits, on a regular basis, with very little lead time for staff to review and coordinate with DeKalb County
- Proper coordination for Special Outdoor Events with the DeKalb Fire Marshall, Police, Sanitation, and Health Departments takes 30 to 45 days.
- Many establishments get a business license for a certain use, but really
 operate as another. Definitions of such uses needs to be improved, and
 closely coordinated with Finance Department who administers business
 licenses.
- Late night hours for alcohol sales are the latest in the county, 3:55 AM M-F, 2:55 AM Sat and Sun.



PLANNING & ZONING STAFF REPORT

GOAL OF THE PROPOSED CHANGES

To more clearly define the types of entertainment related businesses and the requirements governing their operation.

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

1. Proposed Changes to Chapter 4 – Alcoholic Beverages, and Chapter 27 – Zoning Ordinance

STONECREST ZONING CODE UPDATE

REVISIONS and NEW ORDINANCES

Removal of Sec. 4.2.5. – Temporary Permits

<u>Proposal</u>: Delete the provisions for Temporary Alcohol licenses in Chapter 4 -Alcoholic Beverages. This would require a location to already have a license or to hire a caterer, which is allowed in Sec. 4.2.6.

Track changes version of proposed changes.

Sec. 4.2.5. Temporary permits.

Any nonprofit civic organization may be issued temporary alcoholic beverage permits for events. Such permits shall have the effect of a license issued pursuant to the provisions of this article and shall authorize sale by the drink of such alcoholic beverages as are specified in the permit. The nonprofit civic organization must make application and pay a fee in the amount established by action of the city council, a copy of which is on file with the clerk of the city. Such civic organizations shall comply with all the general ordinances and the licensing and regulations for a consumption on the premises establishment, apart from having a full-service kitchen.

Revise the definitions of entertainment related uses

<u>Proposal</u>: To clarify the terms and definitions used to describe entertainment related uses found in Article 9, Definitions, Sec 9.1.3 Defined terms.

A. Revise the term "restaurant" and add term for eating and drinking establishments

Restaurant means an <u>eating and drinking</u> establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Eating and drinking establishments mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto.

B. Revise definition of Nightclub

Nightclub means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed, where music

may be live, disc-jockey, karaoke, and/or non-acoustic. a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

C. Revise definition of special events facility by adding the terms small and large

Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

- 1. The term "special events facility" shall not include places of worship.
- 2. <u>Small Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.</u>
- 3. <u>Large Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons</u>

D. Add definition of Smoking Lounge

Smoking Lounge means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

Revise Supplemental use criteria regarding entertainment related uses.

A. Revise regulations regarding Temporary Outdoor Events.

Sec. 4.3.5. - Temporary outdoor events.

Temporary outdoor events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

A. Use regulations. Temporary outdoor events shall be governed by the following regulations:

- 1. Site conditions.
 - a. Employees shall be uniformed and identified.
 - b. Security or off-duty police officers shall be on-site during operating hours.
 - c. Portable toilets or access to bathrooms shall be provided.
 - d. Approval from the property owner
 - e. Traffic Control Plan must be approved by the fire marshal's office

- 2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by <u>article 7</u> of this chapter shall indicate compliance with all zoning ordinance requirements.
- B. Lot and parcel restrictions. Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.
- C. Temporary sites for worship. The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

B. Edit Table 4.3 (Sec. 4.3.2) to eliminate 2/year regulation for temporary outdoor events

Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Temporary Use	nent maximums for tem Duration	Frequency	Hours of Operation	Special
remporary use	Duration	rrequency	nours of Operation	Administrative
Chuistas a tara a sala a	No. 45 thansan		C	Permit Required?
Christmas tree sales	Nov. 15 through		Cease at 9:00 p.m.	Yes
	Jan. 1		Mon.—Thurs. and	
			Sun; 10:00 p.m. Fri.	
			and Sat.	
Pumpkin and	Sept. 15 through		Cease at 9:00 p.m.	Yes
Halloween sales	Oct. 31		Mon.—Thurs. and	
			Sun; 10:00 p.m. Fri.	
		_	and Sat.	
Charitable/non-	7 consecutive days	4 times/calendar	Daylight hours only	Yes
profit event		year		
Temporary Produce	One full year	Year round	Daylight hours only	Yes
stand				
All other seasonal	3 consecutive days	4 times/calendar	Daylight hours only	Yes
sales		year		
Temporary outdoor	30 consecutive days	4 times/calendar	Cease at 9:00 p.m.	Yes
retail sales display		year	Mon.—Thurs. and	
			Sun; 10:00 p.m. Fri.	
			and Sat.	
Temporary outdoor	14 consecutive days	2 times/calendar	Cease at 9:00 p.m.	Yes
event		year	Mon.—Thurs. and	
			Sun; 10:00 p.m. Fri.	
			and Sat.	
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days	Cease at 9:00 p.m.	Yes
		per month or one	Mon.—Thurs. and	
		day per week	Sun; 10:00 p.m. Fri.	
			and Sat.	

C. Add New Section 4.2.59 - Eating and Drinking Establishments – supplemental use provision

Sec. 4.2.59 – Eating and Drinking Establishment that also operate another use

Any establishment that serves food and drink, but which also operates as another use under Chapter 4
(the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27
applicable to that use.

D. Add New Section 4.2.60- Smoking Lounges – supplemental use provision Sec. 4.2.60 – Smoking Lounges

Smoking Lounges shall be subject to the following restrictions:

- A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
- B. Hours of operation shall not extend past 11:00 p.m.
- C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.



PLANNING & ZONING STAFF REPORT

MEETING DATE: October 5, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-010

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27

to remove inconsistencies in land use terms and

definitions, and to clarify and update the uses allowed in

each zoning district.

FACTS AND ISSUES:

- The current code includes inconsistent terminology for the same uses in the Use Table, Supplemental Regulations, Overlay Language and Definitions
- In addition, many land use related terms are not defined at all, and the code does not address their proper use such as micro-brewery and distilleries, hookah bar and lounge, homeless shelters, etc.
- Finally, there are many uses listed in the table that should be universally prohibited and that do not fit the vision for city as outlined the comprehensive plan, such as glue manufacture, paper mills, fat rendering, and explosive manufacturing.

RECOMMENDED ACTION: Efforts to address all the issues regarding permitted and prohibited uses are still ongoing, and will be presented later in another text amendment. However, there are some revisions that the staff recommends be considered now. **Recommend Approval to the City Council of prohibited use list** and restrictions on residential uses in industrial areas.

ATTACHMENTS:

1. Proposed Changes to Chapter 27 – Zoning Ordinance

TMOD-21-010 Use Table Revisions

Sec. 4.1.3. Use table.

Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article 3 of this chapter, overlay districts.

- A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
 - 1. A permitted use (P):
 - 2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
 - 3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
 - 4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
 - 5. Uses lawfully established prior to the effective date of this zoning ordinance.
- B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.
- C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.
- D. Prohibited Uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.
 - 1. <u>Distillation of bones or glue manufacture</u>
 - 2. Dry Cleaning Plant
 - 3. <u>Dye Works</u>
 - 4. Explosive Manufacture or storage
 - 5. <u>Fat rendering or fertilizer manufacture</u>
 - 6. <u>Fuel Manufacture</u>
 - 7. <u>Incineration of garbage or refuse</u>
 - 8. Landfills
 - 9. Paper or Pulp Manufacture
 - 10. Petroleum or inflammable liquids
 - 11. Radioactive materials
 - 12. Rubber or plastics manufacture
 - 13. Thermal treatment technology or hazardous/toxic materials
 - 14. Smelting copper, iron, zinc or ore
 - 15. Sugar refineries
 - 16. Tire retreading or recapping

Table 4.1. Use Table

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)														
Use	RE	RLG	R-100	1		R-60	RSM	MR-1	MR-2	HR-	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See
										1,2,3															Section 4.2
AGRICULTURAL																									
Agriculture and Forestry																									
Commercial greenhouse or plant	Р														Р	Р	Р		Р	Р	Р				✓
nursery																		<u> </u>							
Temporary or portable sawmill	Р																		Р	Р					✓
Urban, community garden, up to 5	Р	Р	Р	Р	Р	Р	Р	Р	P	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	P	Р	Р	\checkmark
ac.	1			1	1														1						
Urban, community garden, over 5	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
ac.																									<u></u>
Animal Oriented Agriculture	1-	1	1	1	1	1		1	1	1			ı	ı		1	1	1	Т-	1.					Τ.
Dairy	P	<u> </u>		1	ļ			1	 			1	1		-	1		1	P	Р					✓
Keeping of livestock	Р	Р	Р	Р	Р							Р							Р						✓
Keeping of poultry/pigeons	Р	Р	Р	Р	Р							Р							Р						✓
Livestock sales pavilion	Р																			Р					✓
Riding academies or stables	Р	Р	Р	Р	Р																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, cottage home						Р	Р	Р	Р	Р		Р													✓
Dwelling, mobile home											Р								Pa	Pa					√
Dwelling, multi-family								Р	Р	Р			Р						SP	SP	Р	Р	Р	Р	
Dwelling, townhouse							Р	Р	Р	Р		Р		Р							Р	Р	Р	Р	√
Dwelling, urban single-family							Р	Р	Р	Р		Р		Р							Р	Р	Р	Р	√
High-rise apartment										Р			SP										Р	Р	
Dwelling, single-family (attached)							Р	Р	Р	Р				Р							Р	Р	Р	Р	1
Dwelling, single-family (detached)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р									Р	Р	Р		
Dwelling, three-family							Р	Р	Р	Р		Р									Р	Р	Р	Р	
Dwelling, two-family							Р	Р	Р	Р		Р									Р	Р	Р	Р	
Dwelling, single-family, accessory	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
(guesthouse, in-law suite)																									
Home occupation, no customer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
contact																									
Home occupation, with customer	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓
contact								<u> </u>	 	 		1	1	 	_	1	<u> </u>	 			<u> </u>	_			
Live/work unit	1					<u> </u>		Р	Р	Р			Р	Р	1	Р	Р	1	Þ	P	Р	Р	Р	Р	✓
Mobile home park	1	<u> </u>		ļ	<u> </u>	 		 	 	+	Р	+		<u> </u>	1	1-	-	 	1	1 -		_	_		
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging	1			1	1			_	1	_				1	1	-	1		1				_	1	
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	Р	1	Р	Р					Р	Р	Р	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP			1										✓
Boarding/Rooming house		1	1					SP	Р	Р				1			1								

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Child caring home,-5 or less	SP	SP	SP	SP	SP	SP	SP					SP	Р	Р	Р	Р	Р				SP	SP	SP	SP	√
Child caring facility, 6 or more													Р	Р	SP	Р	Р				SP	SP	SP	SP	√
Child day care center													Р	Р	Р	Р	Р				Р	Р	Р	Р	
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				Р	Р								Р	Р	Р	√
Dormitory													Pa	Pa		Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	√
Fraternity house or sorority house								SP	Р	Р			SP									Р	Р		
Hotel/Motel													Р			Р	Р	Р				Р	Р	Р	
Nursing care facility or hospice								Р	Р				Р	Р		Р	Р				Р	Р	Р	Р	
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							SP	SP	SP	SP	✓
Personal care home,-7 or more							SP	SP	SP	SP			Р	S P	SP	Р	Р	P			SP	SP	SP	SP	√
Personal care home, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	Р	S P	SP	Р	Р				P	P	P	P	✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		Р	Р								√
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									√
Short Term Vacation Rental	SP	SP	SP					SP													SP	SP			1
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		Р	Р								√
INSTITUTIONAL/PUBLIC						•																			
Community Facilities																									
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			Р	P				Р							✓
Club, order or lodge, fraternal, non- commercial													Р	Р		Р	Р	Р	Р		Р	Р	Р	Р	
Coliseum or stadium/not associated with church or school																Р	Р	Р					SP	Р	√
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP	
Funeral home, mortuary													Р	Р		Р	Р				Р	Р	Р	Р	
Golf course or clubhouse, public or private	Р	Р	P	Р	Р	Р	Р				Р		Р	Р			Р	Р	Р						✓
Government facilities	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Hospital or accessory ambulance service													Р	Р					Þ				Р	Р	
Library or museum								Р	Р	Р			Р	Р	Р	Р	Р	Р			Р	Р	Р	Р	
Neighborhood or subdivision clubhouse or amenities	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р							Р	Р	Р	Р	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						Р						SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	1	SP	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	√
Recreation, outdoor					1			1				1			1	1	Р	Р	Р	Р					√
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Р	Р		Р	Р	Р	Р	1	1	Pa	Pa	Pa	√
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Р	Р		Р	Р	Р	Р	1		Pa	Pa	Pa	√

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Education																									
Colleges, universities, research and training facilities													Р	Р		Р	Р	Р	Р		Р	Р	Р	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						Р			Pa	Pa			✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Р	Р		Р	Р	Р				SP	SP	SP	√
Specialized schools				1									P	P		P	P	D	SP	SP	P	P	P	D	
Vocational schools				1				SP	SP	SP			P	P	P	P	P .	D D	SP	SP	P	P	P	P .	√
COMMERCIAL			<u> </u>	<u> </u>		<u> </u>		1 31	<u> </u>	1 31			<u> </u>	1 31	1 31	<u> </u>	<u> </u>	<u> </u>	<u> </u>	1 V					
Automobile, boat and trailer sales an	d servic	`A																							
Automobile brokerage	l servic	.c	I	1		1		I			T		I		1	Р	Р	I	Р	Гр	1				T /
Automobile or truck rental or													Р	Р		Р	Р		P	'		P	Р	P	✓ ✓
leasing facilities			+	1											1				P	D					
Auto recovery, storage Automobile sales or truck sales																D	P		P	D					√
Automobile service stations															SP	SP	SP		P	P					√
															38	3P	D D		P	D					√
Automobile upholstery shop Automobile wash/wax service			+	 												D	D		P		1				
Boat sale				<u> </u>											+	P	P		P			-			
																P	P		P	D					√
Automobile repair, major				1											_		'		<u> </u>	<u>'</u>					√
Automobile repair or maintenance, minor																Р	Р		Р	Р					√
Retail automobile parts or tire store																Р	Р		Р						✓
Service area, outdoor																	Pa		Pa	Pa					√
Trailer or RV salesroom and lots																Р	Р		Р						√
Office			1	1	ı	<u> </u>	1	1	ı		1		1				L		1		1	•			
Accounting office								Pa	Pa	Pa			Р	Р	Р	Р	Р	Р			Р	Р	Р	Р	
Building or construction office,								Pa	Pa	Pa			Р	Р		Р	Р	Р	Р	Р					√
Building, landscape, heavy construction contractor office																	Р	Р	Р	Р					√
(material, equipment, storage)																									
Engineering or architecture office								Pa	Pa	Pa			Р	Р	P	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Finance office or banking				1				Pa	Pa	Pa			Р	Р	Р	Р	Р	Р			Р	Р	Р	Р	
General business office				1				Pa	Pa	Pa			Р	Р	Р	Р	Р	Р			Р	Р	Р	Р	
Insurance office	ļ			<u> </u>				Pa	Pa	Pa			P	P	P	P	P	P	<u> </u>	<u> </u>	P	P	P	P	
Legal office		<u> </u>	ļ					Pa	Pa	Pa			P	P	P	Р	Р	Р		_	Р	Р	Р	P	<u> </u>
Medical office		<u> </u>	ļ					Pa	Pa	Pa			P	P	P	Р	P	Р		_	Р	Р	Р	P	<u> </u>
Real estate office				1			<u> </u>	Pa	Pa	Pa			Р	Р	Р	Р	Р	Р			Р	Р	Р	Р	<u> </u>
Recreation and Entertainment		ı	T	1	1	ı	T	I	T	<u> </u>	T	1	1		1	I	ı	T	1	Τ.	T	T	1	T	T .
Sexually Oriented Business																			<u> </u>	P					✓
Drive-in theater																	Р	<u> </u>	Р	Р					✓

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Fairground or amusement park																	Р		Р	Р					√
Indoor recreation (bowling alleys,															Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
movie theatres and other activities																									
conducted wholly indoors)																									
Nightclub or Late night													Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	√
establishments																									
Outdoor recreation (miniature golf,	SP																Р	Р	SP						✓
batting cages, tennis, Go-cart and																									
other outdoor activities)																									
Special events facility	SP												Р	Р		Р	Р	Р	Р		Р	Р	Р	Р	
Theaters with live performance,													Р	Р		Р	Р						Р	Р	
assembly or concert halls, or similar																									
entertainment within enclosed																									
building																									
Retail				•			T					•			T		•	Ť				T	•	Ť	
Alcohol outlet-package store,																SP	SP	Р	Р		SP	SP	SP	SP	\checkmark
primary																									
Alcohol outlet- beer and/or wine															SP	SP	SP	Р	Р		SP	SP	SP	SP	\checkmark
store, beer growler, primary																									
Alcohol outlet-beer and wine,															SP	SP	SP	Р	Р		SP	SP	SP	SP	\checkmark
accessory to retail less than 12,000																									
sf (see also 4.1.3 (F))		1								-				-											
Apparel or accessories store															Р	Р	Р			1	Р	Р	Р	Р	
Art gallery								Pa	Pa	Pa					Р	Р	Р	Р			Р	Р	Р	Р	
Book, greeting card, or stationery															Р	Р	Р	Р			Р	Р	Р	Р	
store																									
Camera or photography															Р	Р	Р	Р			Р	Р	Р	Р	
Commercial greenhouse or plant															Р	Р	Р		Р		Р				\checkmark
nursery																									
Computer or computer software store															P	P	Р	P			P	P	Р	P	
Convenience store (see alcohol															Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	√
outlet or fuel pumps accessory)																									
Drive-through facilities													Р		Р	Р	Р	Р	Р		SP	SP	SP	SP	√
Farm or garden supply store	Р				1								1	1	Р	Р	Р	Р	Р		Р	Р			
Farmer's market, permanent													Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	√
Farmer's market, temporary/	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
seasonal	'					']							
Florist		†	1		1			1		†		1	Pa	1	Р	Р	Р	Р	1	1	Р	Р	Р	Р	
Specialty food stores (e.g., coffee,		†	1		1			1		†		1	Pa	1	P	P	P	P	1	1	P	P	P	P	
ice cream) (see alcohol outlet)															1		1								

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Fuel dealers, manufacturers or																	Р		Р	Р					
wholesalers																			1						
Fuel pumps													SP	SP	SP	SP	SP	SP	SP	SP					✓
Fuel pumps, accessory to large																Pa	Pa	Pa	Pa						✓
scale retail w/in 1000 feet of																									
interstate highway																									
interchange measured from RW to																									
property line	-													1	<u> </u>	<u> </u>	-		1	<u> </u>	D	-	<u> </u>	-	
Gift, novelty, or souvenir store	-												Pa	<u> </u>	Р	P	P	P	1	-	P	Р	Р	Р	<u> </u>
Gold buying, precious metals																Pa	Р	Р							<u> </u>
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					Р	Р	Р	Р			Р	Р	Р	Р	
Hardware store or other building															Р	Р	Р	Р	Р	Р	P	P	Р	Р	
materials store																									
Hobby, toy or game store															Р	Р	Р	Р			Р	Р	Р	Р	
Jewelry store														ļ	Р	Р	Р	Р			Р	Р	Р	Р	
Music or music equipment store															Р	Р	Р	Р			Р	P	Р	P	
(retail)																									
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	Р	Р						✓
News dealer or news store													Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Office supplies and equipment															Р	Р	Р	Р	Р		P	Р	Р	Р	
store																									
Pawn shop, title loan																	Р	Р	P						✓
Pet supply store															Р	Р	Р	Р	Р		Р	Р			
Pharmacy or drug store (see								Pa	Pa	Pa		Pa	Pa	Pa	Р	Р	Р	Р			Р	Р	Р	Р	
alcohol outlet)																									
Radio, television or consumer																Р	Р	Р			Р	Р	Р	Р	
electronics store																									
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	Pa	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
Retail, over 5,000 sf (see also															Р	Р	Р	Р			Р	Р	Р	Р	
shopping center)																									
Retail warehouses/wholesales																Р	Р	Р	Р		Р	Р	Р	Р	
providing sales of merchandise with																									
no outdoor storage																			1						├
Shopping center	1				ļ				ļ				<u> </u>	 	Р	Р	Р	Р	1	1	Р	Р	Р	Р	├
Specialty store								1	ļ					 	Р	Р	Р	Р		1	Р	Р	Р	Р	
Sporting goods or bicycle sale	1		ļ		ļ			ļ					_	 	Р	Р	Р	Р	 	ļ	Р	Р	Р	Р	
Thrift, secondhand, antique store														<u> </u>		Р	Р		Р						
Trade shops: electrical, plumbing,													Р	Р		Р	Р	Р	Р	Р					1
heating/cooling, roofing/siding, with																									1
no outside storage								1	ļ					 						1	<u> </u>	<u> </u>			├
Variety store													Pa		Р	Р	Р	Р	<u> </u>		Р	P	Р	Р	<u></u>

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Temporary Commercial Uses	•	•	•				•	•	•	•	•	•		•		•		•	•	•			•	•	
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
Restaurant/Food Eating and Drinking	establi	shments	•				•		•	•	•	•	•	•	•	•		•		•		•		•	
Brewpub/Beer Growler															Р	Р	Р		Р		Р	Р	Р	Р	
Catering establishments													Р	Р		Р	Р		Р		Р	Р	Р	Р	
Restaurants (acc. to hotel/motel)													Р			Р	Р	Р				Р	Р	Р	
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	Р	Р	Р		Р		Р	Р	Р	Р	
Restaurants with a drive-thru configuration													Р	Р		SP	SP		SP						✓
Transportation and Storage						•				•	•	•		•	•				•						•
Bus or rail stations or terminals for																SP	SP		SP	SP	SP	SP	SP	SP	
passengers																									
Heliport													SP			SP	SP	SP	Р	Р			SP	SP	✓
Parking, commercial lot													Pa			Р	Р	Р	Р	<u>P</u>	Р	Р	Р	Р	✓
Parking, commercial garage													Pa			Р	Р	Р	Р		Р	Р	Р	Р	
Taxi, ambulance or limousine																	Р	Р	Р	Р					✓
service, dispatching or storage.																									
Taxi stand													Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	P	Р	
Services	ī		T	T	1	ı		ı	1	ı	T	1		1			1		1	1		1		T	•
Adult day care center—7 or more								Р	Р	P	Р		Р	Р	Р	Р	Р	Р	Р			Р	Р	Р	✓
Adult day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP			Р	Р	Р	Р			Р	Р	Р	Р	\checkmark
Animal hospitals, veterinary clinic															Р	Р	Р	Р	Р	Р	Р	Р			\checkmark
Animal shelter/rescue center	SP																Р	Р	Р	Р					✓
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			Р	Р	Р	Р	Р		Р		Р	Р	Р	Р	
Barber shop/beauty salon or								Pa	Pa	Pa			Pa	Р	Р	Р	Р	Р	Р		Р	Р	Р	Р	
similar establishments																1	P		<u>D</u>						,
Check cashing establishment, primary																	P		¥						✓
Check cashing establishment, accessory																Р	Р		Þ	Đ	Р	Р	Р	Р	✓
Child day care center (Kindergarten)—7 or more								Р	Р	Р	Р		Р	Р	Р	Р	Р	Р	Р		Р	Р	Р	Р	√

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	Р	Р	Р		SP	Р	Р	Р	Р	Р	Р				Р	Р	Р	√
Coin laundry								Pa	Pa	Pa		Pa			Р	Р	Р					Р	Р	Р	
Dog day care								SP	SP	SP						Р	Р		Р	Р	Р	SP	SP	SP	√
Dog grooming						1		Pa	Pa	Pa					1	Р	Р		Р	Р	Р	Р	Р	Р	1
Dry cleaning agencies, pressing								Pa	Pa	Pa			Р	Р	Р	Р	Р		Р	Р	Р	Р	P	Р	•
establishments, or laundry pick-up																									
stations																									
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Р	Р	Р	Р	Р		Р	Р	P	Р	Р	Р	
Kennel, breeding or boarding	SP														Pa	Pa	Р		Р	Р					\checkmark
Kennel, commercial	SP															Р	Р		Р	Р					
Kennel, noncommercial	Р	SP	SP	SP	SP																				
Landscape business																Р	Р		Р	Р					
Mini-warehouse														SP		Р	Р	Р	Р	Р					\checkmark
Outdoor storage, commercial																	Р		Р	Р					√
Personal services establishment								Pa	Pa	Р		Pa	Pa	Pa	Р	Р	Р		P		Р	Р	Р	Р	
Photoengraving, typesetting,																	Р		Р	Р	Р	Р			
electrotyping																									
Photographic studios													Р	Р	Р	Р	Р		Р		Р	Р	Р	Р	
Plumbing, HV/AC equipment																Р	Р		Р	Р					
establishments with no outdoor																									
storage																									
Publishing or printing													Р	Р			Р		Р	Р					
establishments																									
Quick copy printing store													Р	Р	Р	Р	Р		Р	Р	Р	Р	Р	Р	
Services, Medical and Health																									
Ambulance service or emergency																Р	Р		Р						
medical services, private																									
Health services clinic													Р	Р	Р	Р	Р	Р	Р		Р	Р	Р	Р	
Home healthcare service													Р	Р		Р	Р		Р		Р	Р	Р	Р	
Kidney dialysis center													Р	Р		Р	Р		Р		Р	Р	Р	Р	
Medical or dental laboratories													Р	Р		Р	Р		Р	Р			SA	SA	
Services, Repair																									
Furniture upholstery or repair;																Р	Р		Р	Р					
home appliance repair or service																									
Personal service, repair (watch,								Pa	Pa	Pa			Р	Р	Р	Р	Р		Р		Р	P	Р	Р	
shoes, jewelry)																									
Service area, outdoor																	Pa		Pa	Р					\checkmark
INDUSTRIAL																									
Alcohol or alcoholic beverage																			Р	Р					
manufacturing											<u> </u>						<u> </u>				<u> </u>	<u> </u>			
Alternative energy production			1															SP	Р	Р					
Automobile/truck manufacturing																				Р					
Brick, clay, tile, or concrete																				Р					
products terra cotta manufacturing																									<u> </u>

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Building materials or lumber supply establishment																	Р		Р						
Cement, lime, gypsum, or plaster of Paris manufacturing																				Р					
Compressed gas fuel station																	SP		Р	Р					
Chemical manufacture, organic or inorganic																				Р					
Contractor, general (See also Building or Construction Office)																	Р		Р	Р		Р	Р		✓
Contractor, heavy construction, outside storage																	Р		Р	Р					√
Contractor, special trade																	Р		Р	Р					
Crematoriums											1		SP			SP	SP		P	P					√
-Distillation of bones or glue																				Þ					
manufacture																				<u> </u>					
-Dry cleaning plant													-						P	P					
— Dye works																				P D					
Explosive manufacture or storage																				P					
Fabricated metal manufacture																				P P					
Fat rendering or fertilizer manufacture																				*					
Fuel dealers, <mark>manufactures</mark> or wholesalers																			Р	Р					
General aviation airport																			<u>S</u> P	<u>S</u> P					✓
Heavy equipment repair service or trade																	Р		Р	Р					
Ice manufacturing plant																			Р	Р					
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																				Đ					
Industrial, heavy																				Р					
Industrial, light																			Р	Р					
Intermodal freight terminal, bus or rail freight or passenger terminal, or																				Р					
truck terminal Leather manufacturing or														1						Р					
processing																									
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		Р	Р	Pa	Pa	Pa	Pa	
Light manufacturing															1			1	Р	Р					
Manufacturing, heavy									1			1			1	1	1	1	1	Р			1	1	√

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR- 1,2,3	МНР	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Manufacturing operations not housed within a building																				Р					√
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																				Р					✓
Mines or mining operations, Asphalt Plant																			<u>SP</u>	<u>SP</u>					
Outdoor storage, industrial																			Р	Р					√
-Paper or pulp manufacture																				₽					4
Petroleum or inflammable liquids production, refining																				₽					4
-Radioactive materials: utilization, manufacture, processing or emission																				Þ					4
Railroad car classification yards or team truck yards																			Р	Р					√
Recovered materials facility wholly within a building																			Р	Р					√
Recovered materials processing wholly within a building																			Р	Р					√
Recycling collection													Pa		Pa	Pa	Pa		Р	Р					
Recycling plant																			Р	Р					
Repair/manufacture of clocks, watches, toys, electrical appliances,																			Р	Р					
electronic Research, experimental or testing laboratories																			Р	Р					
Rubber or plastics manufacture																			₽	₽					
Salvage yard (Junkyard)																				Р					1
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																				Р					✓
-Smelting: copper, iron, zinc, or ore																				Þ					
Storage yard, except vehicle																				Р					√
Storage yard for damaged or confiscated vehicles																				Р					√
-Sugar refineries																				P					
-Tire retreading or recapping																			P	P					
Towing or wreckage service Transportation equipment																			Р	P P					
manufacture Transportation equipment storage																			Р	Р					√
or maintenance (vehicle)																									

Truck stop or terminal		I	1			1		l			1	1	1	Ι		1	1	l	Ь	Гр	Ι	1			T
Vehicle storage yard		1												 					P	P	 				
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	М	M-2	MU-1	MU-2	MU-3	MU-4,5	See
USE	KE	KLG	K-100	K-85	K-75	K-6U	KSIVI	IVIK-1	IVIK-Z	1,2,3	IVIHP	RIVC	0	OII	INS	C-1	C-2	OD	IVI	IVI-Z	IVIO-1	IVIU-2	IVIU-3	1010-4,5	Section 4.2
Warehousing or Storage																		Р	Р	Р					
SOLAR ENERGY SYSTEMS																									
Integrated SES																									
Rooftop SES																									
Ground Mounted SES, Small Scale																									
Ground Mounted SES, Intermediate Scale																									
Ground Mounted SES, Large Scale																									
COMMUNICATION—UTILITY																									
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP														√
Electric transformer station, gas regulator station or telephone exchange																				Р					
Radio or television broadcasting studio													Р				Р		Р	Р	Р	Р	Р	Р	
Radio or television broadcasting transmission facility													Pa				Р		Р	Р					
Satellite television antennae	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р		Р	Р	Р	Р	Р	Р	√
WIRELESS TELECOMMUNICATION (ce	ll towe	r)																							
New support structure from 51 feet	SP	SP	SP	SP	SP	SP	SP							SP	SP				I		I				
to 150 feet in or near residential uses																									
New support structure from 50 feet up to 199 feet away from residential uses													SA			SA	SA	SA	SA	SA					√
Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√
Carrier on Wheels (declared emergency)	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	√
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																		
Attached wireless telecommunication facility								Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	√
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	√



PLANNING & ZONING STAFF REPORT

MEETING DATE: October 5, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-011

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27

to remove language encouraging residential conversion

of industrial buildings and allowing residential

construction in industrial zoning districts.

FACTS AND ISSUES:

- Stonecrest has a long industrial history, the county had allowed residential encroachment through rezoning decisions over the years that has led to land use conflicts.
- Steps need to be taken to mitigate potential impacts between residential and industrial uses and discourage residential encroachment into industrial areas.
- The first step is to remove language in the code that encourages conversion of industrial districts for residential uses.
- Additional steps will be presented as part of other text amendments, such as TMOD-21-010 which modified the permitted use and list of prohibited uses.

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

1. Proposed Changes to Chapter 27 –Zoning Ordinance

TMOD-21-011 STONECREST ZONING CODE UPDATE

REVISIONS and NEW ORDINANCES

<u>Reason for Proposed Changes:</u> Allowing conversion of industrial buildings to residential uses is an unnecessary encroachment into industrial areas. It would create potential future land use conflicts. Moreover, it is doubtful that there are any older industrial buildings in the Stonecrest in the Industrial Districts that would be eligible for Subsection G. conversion.

Revision to Sec. 2.31.1. – Statement of purpose and intent of the M (Light Industrial District.

<u>Proposal</u>: Delete current Subsection G., which says a purpose and intent of the M (Light Industrial) District is to allow for converting certain industrial buildings in the M district to multifamily dwellings.

Track changes version of proposed changes.

Sec. 2.31.1. - Statement of purpose and intent.

The purpose and intent of the City Council in establishing the M (Light Industrial) District is as follows:

- A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;
- B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas:
- C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
- E. To generate employment opportunities and economic development;

- F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;
- G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;
- H.G. To implement the future development map of the city's most current comprehensive plan.

Revision to Sec. 2.31.5. – Conversion of buildings to residential prohibited. [Revision; formerly "Multifamily use provisions for industrial conversion".]

<u>Proposal:</u> The section currently specifies criteria for converting buildings in the M (Light Industrial) District to residential. The proposed revision prohibits such conversions.

Track changes version of proposed changes.

Sec. 2.31.5. – <u>Conversion of buildings to residential prohibited.</u> <u>Multifamily use provisions for industrial conversion.</u>

- A. The conversion of industrial buildings in the M (Light Industrial) District to residential use is prohibited. shall be permitted by a special land use permit. The following shall be considered:
 - 1. Whether the building is located on the interior or periphery of an established industrial park or area;
 - 2. Whether the building or area should no longer be used for industrial uses:
 - 3. Adequate parking is provided in accordance with article 6 of this chapter, for multifamily or live- work.

Revision to Sec. 2.32.1. – Statement of purpose and intent of the M-2 Heavy Industrial District.

<u>Proposal:</u> Revise the section by limiting the statement of purpose and intent in Subsection D. The subsection currently says that "any" negative noise impact from using land in the M-2 Heavy Industrial District should be contained in that District and not "create noise

problems" for adjoining districts. The revision would simplify the statement and refer to the adopted noise standards in the ordinance.

<u>Reason for proposal:</u> The current statement is too broad and too strict. The revision would substitute a more reasonable standard.

Track changes version of proposed changes.

Sec. 2.32.1. - Statement of purpose and intent.

The purpose and intent of the City Council in establishing the M-2 (Heavy Industrial) District is as follows:

- A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;
- B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;
- C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;
- D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter; and that negative noise impact resulting from the use of land within the M-2 (Heavy Industrial) District is contained within the boundaries of said district and does not create unreasonable noise problems for adjoining residential, office or commercial districts;
- E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;
- F. To implement the future development map of the city's most current comprehensive plan.

Add New Sec. 2.32.6 – Conversion of buildings to residential use prohibited.

<u>Proposal:</u> This new section would prohibit conversion of buildings in the M-2 (Heavy Industrial) district to residential use.

Track changes version of proposed changes.

Sec. 2.32.6. – Conversion of buildings to residential use prohibited.

The conversion of buildings in the M-2 (Heavy Industrial) District to residential use is prohibited.

Revision to Sec. 4.1.3. – Use table.

<u>Proposal:</u> To prohibit residential uses in the industrial districts. Note that these recommendations are formally a part of TMOD-21-010, however they reiterated here for clarity.

Summary of proposed changes included in TMOD-21-010

List of prohibited residential and housing and lodging uses in M and M-2:

- 1. Dwelling, mobile home
- 2. Dwelling, multi-family
- 3. Live/Work unit
- 4. Dormitory
- 5. Nursing care facility or hospice



PLANNING & ZONING STAFF REPORT

MEETING DATE: October 5, 2021

GENERAL INFORMATION

Petition Number: TMOD 21-012

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27,

Article 6 - Parking to amend the parking regulations

concerning gravel truck parking lots.

FACTS AND ISSUES:

The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement. The street frontage fencing and landscaping of S & W Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard as of the beginning of 2025.

PROPOSAL:

Revise Subsection B.10. to improve the appearance of parking lots. Fences along street frontage would be upgraded to the standard of fences which are currently in place along the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling. Frontage fences of new parking lots could not be made of chain link or wood, and must be ten feet high.

Vegetation between streets and fences would have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All existing parking lots would have to upgrade to this new standard no later than January 1, 2025.



PLANNING & ZONING STAFF REPORT

RECOMMENDED ACTION: Recommend Approval to the City Council **ATTACHMENTS:**

1. Proposed Changes to Article 6 – Parking – Zoning Ordinance

REVISIONS and NEW ORDINANCES

STONECREST ZONING CODE UPDATE

Revision to Sec. 6.1.3. – Parking regulations, off-street parking spaces

Proposal:

- Revise Subsection B.10. to improve the appearance of parking lots. Fences along street
 frontage would be upgraded to the standard of fences which are currently in place along
 the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling.
 Frontage fences of new parking lots could not be made of chain link or wood, and must
 be ten feet high.
- Vegetation between streets and fences would have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All existing parking lots would have to upgrade to this new standard no later than January 1, 2025.

Photos illustrating the recommended fencing type for Gravel Parking





Reason for proposal:

The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement. The street frontage fencing and landscaping of S & W Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard as of the beginning of 2025.

Track changes version of proposed changes.

Sec. 6.1.3. - Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
 - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
 - All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
 - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
 - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
 - 7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
 - 8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:

- (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
- (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
- (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.

9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Park	ring Space Dimensions		
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized v	vehicles	I	I
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehic	cles	I	
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

- 10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
 - a. The parking area shall be screened from view of the public street with an opaque fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched. d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. The parking lot has a minimum of one acre.
 - g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storgage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than January 1, 2025.
- 11. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
 - a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;
 - b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
 - c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;
 - d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;

- e. Parking areas shall be inspected by the City of Stonecrest every two years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;
- g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.