



PLANNING COMMISSION MEETING
 Stonecrest City Hall's *Zoom Video* - 6:00 PM
 December 7, 2021

A G E N D A

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 lillian.lowe@stonecrestga.gov by noon the day of the hearing, December 7, 2021, and 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. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated November 9, 2021.
- VI. Old Business: None
- VII. New Business

1. Public Hearing(s):

LAND USE PETITION:	AX-21-002
PETITIONER:	GBG 2 Lithonia Group, LLC on behalf of the property owners Charles M. Bettis and J. Ed Seagraves
LOCATION:	1724 Rodgers Lake Rd (Parcel ID 16 157 05 003)
PROPOSED AMENDMENT:	Proposed annexation of 19.28 acres and rezoning from Light Industrial (M-DeKalb County) to Light Industrial (M-City of Stonecrest) for a gravel parking lot.

LAND USE PETITION:	RZ-21-009
PETITIONER:	City of Stonecrest (on behalf of the property owner Marie Colson)
LOCATION:	6547 Chupp Road (Parcel ID 16 120 02 004)

PROPOSED AMENDMENT: Proposed rezoning from Stonecrest Area Overlay, Tier 6, Viewshed to Stonecrest Area Overlay Tier 2, Mid-Rise Mixed-Use Zone

LAND USE PETITION: SLUP-21-005
PETITIONER: Courageous Care Home LLC, c/o business and property owner Chantelle Morrison
LOCATION: 4460 Idlewood Park

PROPOSED AMENDMENT: Special Land Use Permit for an Adult Day Care Facility in a Small Lot Residential District (RSM) within the Arabia Mountain Conservation Overlay District.

LAND USE PETITION: TMOD-21-013
PETITIONER: Planning & Zoning Department
LOCATION: Citywide

PROPOSED AMENDMENT: Amendments to the Stonecrest Zoning Ordinance, Chapter 27, to mitigate the potential conflicts between residential and industrial land uses.

LAND USE PETITION: TMOD-21-014
PETITIONER: Planning & Zoning Department
LOCATION: Citywide

PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 7 – Administration concerning the actions by the Planning Commission.

LAND USE PETITION: TMOD-21-015
PETITIONER: Planning & Zoning Department
LOCATION: Citywide – Overlay Districts

PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

LAND USE PETITION: TMOD-21-016
PETITIONER: Planning & Zoning Department
LOCATION: Citywide

PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions, including the provisions for Solar

Energy, Distilleries, and Breweries, and Towing
and Wreckage Services.

VIII. Public Comments – The Secretary, Lillian Lowe, will read public general comments submitted before the meeting not related to any particular matter already discussed, if any were received.

IX. Adjournment



PLANNING COMMISSION MEETING MINUTES SUMMARY STONECREST CITY HALL'S *ZOOM-Video MEETING*, 6:00 PM

November 9, 2021

I. Call to Order

The Chairman called the Planning Commission meeting to order on Tuesday, November 9, 2021, at 6:02 PM via *ZOOM-Video* meeting. The Chairman read the Rules and Procedures for the Planning Commission Meetings and Public Hearings.

II. Roll Call

Chairman Hubbard called the roll. Commissioners JW Eady, Joyce Walker, and Cheryl Moore-Mathis were present. Commissioner Pearl Hollis was not present. There was a quorum.

Planning & Zoning Director Jim Summerbell and Attorney Alicia Thompson were present.

III. Approval of the Agenda

Chairman Hubbard called for a motion. Commissioner Walker motioned to **APPROVE** the Agenda for the November 9, 2021, Planning Commission Meeting. Commissioner Mathis seconded the motion. The motion was unanimously **APPROVED**.

IV. Presentations - Presentation by Jim Summerbell, AICP, Planning and Zoning Director on department activities and upcoming cases (**ATTACHMENT D**) includes:

The City Council just recently held a special work session to extend the local state of emergency, due to the COVID-19 pandemic to the end of January 2022.

January 2022 – Meet with City Council to discuss Zoning Ordinance text amendments.

November 17th – Planning Information Meeting (Tentatively Scheduled)

November 30th – Zoning Summit Meeting

December 7th – Planning Commission Meeting (TMODs)

V. Public Comments – Secretary Lillian Lowe read the public comments submitted.

VI. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated October 5, 2021.

Chairman Hubbard called for a motion. Commissioner Walker motioned to **APPROVE** the Planning Commission Meeting Minutes Summary dated October 5, 2021. Commissioner Eady seconded the motion. Commissioner Mathis interrupted the vote and stated unreadiness with one correction, "I'm listed as Gwen Mathis, that's not my name." The correction is the spelling of Commissioner Moore-Mathis' name. Instead of Gwen Mathis, the correct name is Cheryl Moore-Mathis.

Chairman Hubbard called for another motion to approve the Planning Commission Meeting Minutes Summary dated October 5, 2021. Commissioner Walker motioned to **APPROVE** the Planning Commission Meeting Minutes Summary dated October 5, 2021, with the correction. Commissioner Eady seconded the motion. The motion was unanimously **APPROVED** with the one correction.

VII. Old Business: None

VIII. New Business

1. Public Hearing(s):

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 the 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 presented **PETITION RZ-21-006**. Spoke on the general information; the undeveloped wooded lot; the site plan; stream on the north side of the development; and the development to be located on the south side. Staff recommended **APPROVAL OF PETITION RZ-21-006 to RSM 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 Homeowners 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.

Attorney Michelle Battle represented the Petitioner, Ray of Hope Christian Church Disciples of Christ, Inc. Attorney Battle showed a PowerPoint and spoke on Reverend Dr. Hale’s commitment to put senior housing on this Property; the compromise with the community; the conditions proposed project and site; and developer(**ATTACHMENT II**).

The Chairman opened the public hearing for those in **support**. There were none in support.

The Chairman opened the public hearing for those in **opposition**. There were six (6) in opposition, three (3) spoke-in-person (**ATTACHMENT III**):

1. *Spoke-in-person:* Ms. Bola Tolase applauded Attorney Battle for being a Community Advocate for various new constructions within the community. Ms. Tolase spoke on the email sent to Ms. Lowe with concerns regarding the swampland that was sold to the church; the history of the land; gentrification, the right-turn in, and accidents; insurance coverage; drainage; and human actions. Ms. Tolase stated that if the city does decide to approve, put in rental restrictions.
2. *Spoke-in-person:* Ms. Joy Graham stated that, “I am still opposed to the proposed project and ask that you reject request. While not opposed to affordable housing or this type of project, I am

opposed to this project at 4700 Panola Mill Road. The citizens of Stonecrest have already expressed concerns regarding increased traffic and decrease in road service safety. As well as potential economic impacts of high-density rentals for anyone other than seniors, the responses to those concerns have included routing the traffic into the property from the right side. As she (Attorney Battle) shared already, there has not been a formal traffic study because one was not required, apparently. Pledges to require the homeowners association, but they cannot legally enforce rental limitations on individual property... We can protect the area from misaligned development going forward by requiring that client or the applicant to either develop what they have already been granted or to develop something that is in line with adjacent and nearby properties..."

The Secretary called time.

The Chairman motioned to extend the time for both, the opposition and applicant, to five (5) minutes. Commissioner Mathis seconded the motion to extend the time. The vote was unanimously approved.

Ms. Graham continued speaking on driving, additional cars coming up and down Browns Mill Road, and the cut throughs.

3. *Spoke-in-person*: Mr. Kenneth Taylor's biggest concern about this project is traffic and access to the property off of Browns Mill Road. Mr. Taylor stated, "...The Attorney talked about barriers or some type of configuration that will make it difficult or impossible for cars to turn left into the property from Browns Mill Road. Confused about exactly how those barriers will be effective. People will try to make left turns into the property...I am a little skeptical or in the dark about how those so-called barriers areas will actually be effective. At some point in the future, it will cause problems. I know the history of that intersection...Another thing I had some concerns about DR Horton's involvement in other projects in the area, they were involved in the Bryce Lakes Townhome Project. I sent an email to both the attorney and folks at DR Horton addressing some concerns about how narrow the road was in that project separating the fronts of the townhomes because, it's impossible for two cars to go through that road at any one time...I want to be sure that wasn't going to be the case for this particular project because, frankly, it is very dangerous in that project for cars not being able to get through more than one at a time, especially for emergency vehicles. Finally, with whether or not those restrictions on group homes, rentals, and Airbnb would be enforced with this project...The other conditions about amenities are another thing that the community was concerned about, I'm concerned about as well."

The Secretary read the three (3) comments submitted in opposition from (**ATTACHMENT IV**):

4. Ms. Pam Childs asked for a denial of this application.
5. Ms. Courtney Killings objects to the removal of the special conditions for this project.
6. Ms. Joyce Windsor objects to the property being rezoned.

Attorney Battle responded to the concerns raised, "We are required to comply with the flood ordinance and the county's requirements. The property is developable and that is shown by the fact it is already approved for 112-units. There will be a mandatory homeowners association and detention ponds. The city's land development or the engineers will ensure that we comply with the flood requirements and ordinance. We can control the water appropriately. There is no problem with a rental restriction on the site."

The Chairman closed the public hearing before going into discussion.

The Chairman asked for a motion. Commissioner Mathis motioned to **DENY PETITION RZ-21-006 BASED ON COMMUNITY CONCERNS**. The vote was 1-0 and **DID NOT PASS**. Commissioner Mathis voted to DENY. There were three abstentions, the Chairman, Commissioners Eady and Walker.

The Chairman asked again for a motion. Commissioner Eady motioned to **APPROVE PETITION RZ-21-006 WITH STAFF'S FIVE (5) CONDITIONS**. The Chairman seconded the motion. The vote was 3-1 and **PASSED**. The Chairman, Commissioner Eady, and Walker voted for **RZ-21-006**. Commissioner Mathis voted against **RZ-21-006**. **The vote was not unanimously passed.**

IX. Adjournment

The vote was carried unanimously to adjourn the meeting at 7:17 PM. The Chairman motioned to adjourn. Commissioner Eady seconded the motion.

The Chairman told everyone to be safe, acknowledged the upcoming Veteran's Day, and thanked servicemen for their services.

The meeting can be viewed on [Stonecrest YouTube Live Channel](#).

APPROVED:

Chairman Date

ATTEST:

Secretary Date



PLANNING COMMISSION MEETING

November 9, 2021

ATTACHMENT I

PowerPoint

Presentation on Upcoming Cases

by

Planning & Zoning Director
Jim Summerbell, AICP



Planning Commission

November 9, 2021

Zoom
Meeting ID: 879 2995 5240
Passcode: 664557

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Presentation on Upcoming Cases

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Upcoming Cases

- City Council has extended the local state of emergency due to the Covid-19 pandemic to the end of January 2022. All meeting will continue to be held virtually.
- Planning Information Meeting tentatively scheduled on November 17 to review Planning and Zoning Activities and upcoming cases with the community.
- Zoning Summit tentatively scheduled for Tuesday, November 30
- Next PC meeting will be held on the first Tuesday of the month, December 7. Agenda will include a number of text amendments.

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RZ-21-006
4700 Browns Mill Rd

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Petition Information

RZ-21-006

APPLICANT:	Ray of Hope Christian Church Disciples of Christ, Inc c/o Battle Law, P.C.
LOCATION:	4700 Browns Mill Rd
ACREAGE:	24.9 Acres
REQUEST:	Proposed change in zoning conditions, rezoning from RSM (Small Lot Residential Mix) with conditions to RSM (Small Lot Residential Mix) with other conditions for the development of a 73-townhome community with park amenities.

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RZ-21-006

General Information

- Current zoning: RSM (Small Lot Residential Mix with conditions. DeKalb County zoning case CZ-05-32 tied the rezoning of the parcel to allow for 112 senior housing units
- Future Land Use Character Area: Suburban Neighborhood
- Policies for this area emphasize:
 - Protect stable neighborhoods from incompatible development that could alter established single-family residential development pattern and density.
 - Limited small scale convenience goods services to meet the needs of the surrounding residents.
- Existing use – Undeveloped wooded lot
- Surrounding uses: Single-family Residential
- Surrounding zoning: (R-100) Residential Medium Lot-100 District

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Aerial Map

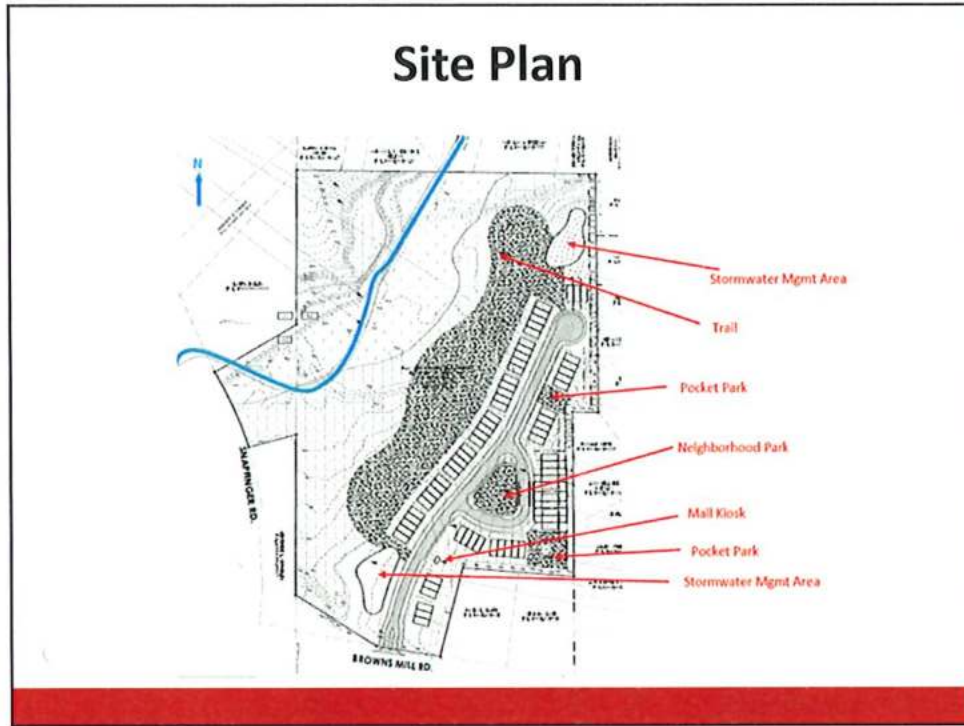


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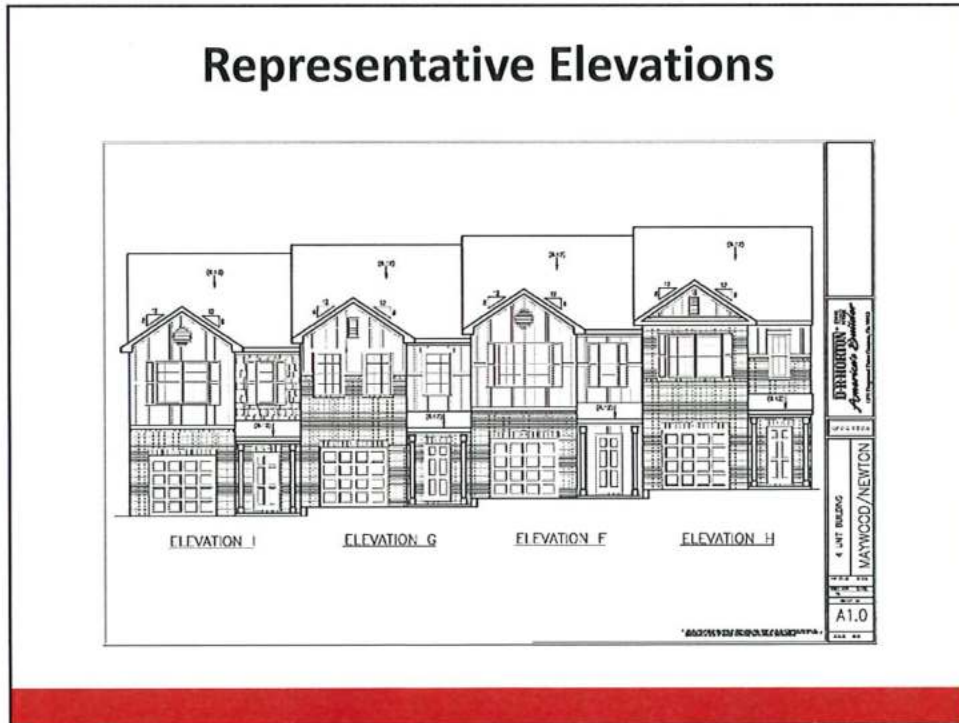
Zoning Map



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STANDARDS OF REVIEW

- A. Whether the zoning proposal is 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 property or properties.
- C. Whether the property to be affected by the zoning proposal has a 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.
- 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.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
- 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.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

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Zoning Review

A. Conformity with Policy and Intent of Comp Plan

- Located within the Suburban character area of the Stonecrest Comprehensive Plan. The character area intends to recognize those areas of the city that have developed in a traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.
- The proposed zoning is in an area transitioning from low-density housing to south to medium density housing to the north.
- The proposed zoning change and development of a townhome community would be in keeping with the policy and intent of the Comp Plan.

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Zoning Review

B. Suitable in view of the use and development of adjacent and nearby property or properties.

- The proposed site plan shows a reduction of density from 4.8 units/ acre to 2.9 units/acre
- A townhome community would have less of an impact on surrounding uses than what the current zoning allows.

C. Reasonable Economic Use

- The property is currently zoned RSM with conditions which allows for 112-unit senior living attached units. The property owner, Ray of Hope Christian Church Disciples of Christ, has tried for several years to find an interested developer without success.

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Zoning Review

D. Affect existing use or usability of nearby properties

- The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties.
- The applicant is not requesting a change in the zoning, only the conditions of zoning from the 2005 case.
- Right now, senior apartments are allowed on the property. Townhomes would be more compatible with adjacent and nearby properties.

E. Conditions giving either approval or disapproval

- There is a stream in the northwest portion of the subject parcel that impacts the development of the site. The stream would require a 75' buffer on each side. The proposed site plan reflects this requirement.

F. Adversely affect environmental and historic sites

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

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Zoning Review

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 Browns Mill Road that staff believes would have the capacity to handle the volume of traffic generated by the modification of zoning conditions. The 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 have harmful or oppressive use of schools.

H. Adversely affect environmental and natural resources.

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

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RZ-21-006 Staff Recommendation

Based on the findings and conclusions, staff recommends **Approval** of RZ-21-006 to RSM, **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 Homeowners 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.

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PLANNING COMMISSION MEETING

November 9, 2021

ATTACHMENT II

PETITION RZ-21-006

PowerPoint Presentation

4700 Browns Mill Road | Stonecrest, GA
Rezoning /Change of Conditions

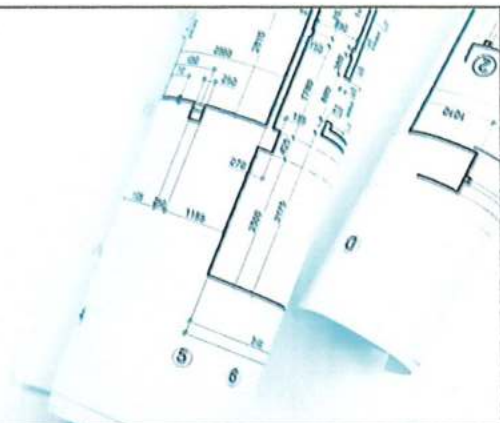
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Proposed Conditions for 4700 Browns Mill Road
Last Updated 10/5/2021

Presented
by
Attorney Michelle Battle
Battle Law on 11/09/2021



Battle Law



4700 Browns Mill Road,
Stonecrest, GA

Rezoning/ Change of Conditions

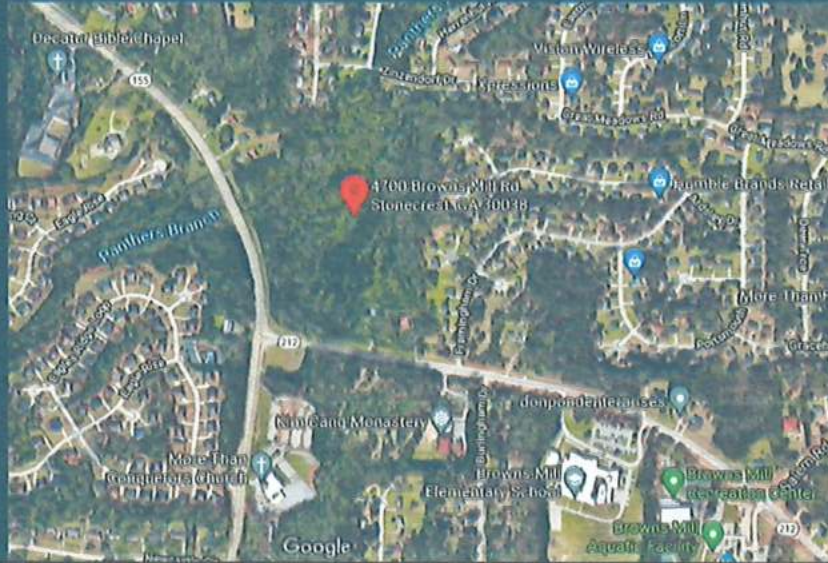
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PURPOSE

- Ray of Hope Christian Church Disciples of Christ
- Rezone RSM with Conditions to RSM with Other Conditions
 - *73 Townhomes*
 - *Landscaped common area with fire pits and seating*

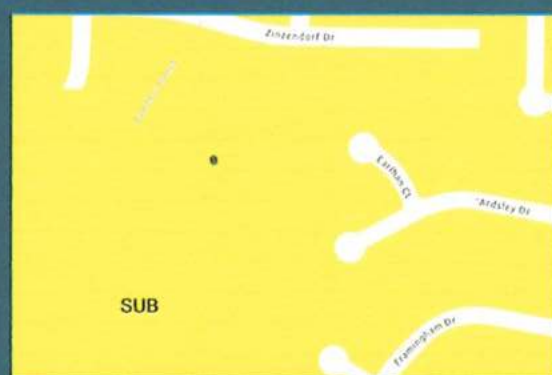
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GOOGLE EARTH



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ZONING AND FUTURE LAND USE MAP



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SUMMARY:	
CURRENT ZONING: RSM	
GROSS ACREAGE.....	124.9 AC
USEABLE AREA*.....	19.7 AC
TOTAL OPEN SPACE REQUIRED.....	15.0 AC
<i>(20% OF GROSS ACREAGE)</i>	
DEVELOPED AREA.....	15.5 AC
<i>ROADS (1.9 AC) + LOTS (3.6 AC)</i>	
TOTAL OPEN SPACE PROVIDED.....	119.4 AC
<i>GROSS ACREAGE (124.9 AC) - DEVELOPED AREA (15.5 AC)</i>	
ENHANCED OPEN SPACE REQUIRED.....	12.5 AC
ENHANCED OPEN SPACE PROVIDED.....	14.6 AC
<i>GREENWAY.....13.9 AC</i>	
<i>NEIGHBORHOOD PARK.....10.3 AC</i>	
<i>POCKET PARK #1.....10.3 AC</i>	
<i>POCKET PARK #2.....10.1 AC</i>	
TOTAL STORMWATER MANAGEMENT AREA.....	10.8 AC
TOTAL UNITS (20'X46' FOOTPRINT).....	73 UNITS
<i>20'X90' LOTS</i>	
GROSS DENSITY.....	2.9 U/AC
NET DENSITY*.....	7.5 U/AC
*USABLE AREA IS AREA OUTSIDE OF THE FLOODPLAIN AND PRACTICAL FOR SITE ACCESS.	
REPRESENTS AREA TO BE COMBINED TOWARDS ENHANCED OPEN SPACE.	

- NOTES:
1. SETBACKS ARE 20' FRONT, 15' REAR, WITH 10' MINIMUM BUILDING SEPARATION.
 2. WATER AND SEWER TO BE PROVIDED BY DEKALB COUNTY.
 3. SITE PLAN MAY REQUIRE ADJUSTMENT UPON FINAL WETLANDS VERIFICATION AND TREE SURVEY BEING PERFORMED.
 4. MAXIMUM BUILDING HEIGHTS TO BE 45' OR 3 STORIES.
 5. ALL ADJACENT PARCELS ARE ZONED R-100.
 6. NO KNOWN UNDERGROUND ELECTRICAL LINES OR UTILITIES ON SITE.
 7. CONTOURS DERIVED FROM THE 2010 DEKALB COUNTY LIDAR.

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Proposed Conditions for 4700 Browns Mill Road
Last Updated 10/5/2021

1. The maximum number of units shall be 73 single family attached townhome units.
2. The development shall include sidewalks on both sides of all internal streets, underground utilities, and streetlights.
3. There shall be no vinyl or aluminum siding used within the development. All buildings shall have exteriors of brick, stucco, stone, or other masonry, "Hardi-Plank" clapboards, cedar shake or shingles, or some combination of these materials.
4. The Applicant agrees to provide for adequate turn lanes into the developments determined by DeKalb and Georgia DOT
5. The entrance to the development shall have a decorative landscaped entrance. The design plan, including the decorative landscaped entrance, shall be submitted with the sketch plat approval application and shall be subject to review by the Planning Commission.
6. The proposed development shall be conditioned upon the concept site plan prepared by Thomas & Hutton, dated October ____, 2021,.
7. All single family attached townhome unit(s) shall have a minimum heated floor area of 1,400 square feet.
8. There shall be an entrance monument identifying the development, to be constructed out of brick or stacked stone.
9. The roofing materials shall be three-dimensional, architectural styled shingles.
10. All on-site outdoor lighting shall be designed and constructed in a manner that prevents glare on neighboring single-family residential properties
11. A deceleration lane shall be provided along the property's frontage on Browns Mill Road
12. The actual location of the green space, playground, water quality area, detention, streets, sidewalks, amenity areas, and other depicted improvements shall be subject to actual site conditions and the requirements of the Code of the City of Stonecrest.



PLANNING COMMISSION MEETING

November 9, 2021

ATTACHMENT III RZ-21-006

In Opposition: Spoke-n-Person

1. Ms. Bola Tolase (Comments Submitted)
2. Ms. Joy Graham (Comments Submitted)
3. Mr. Kenneth (Ken) Taylor (Comments Not Submitted)

Lillian Lowe

From: Bola Tolase <tolasegroup@gmail.com>
Sent: Sunday, November 7, 2021 6:48 PM
To: Lillian Lowe
Subject: Denial for Zoning Application and Variance 4700 Brownsmill

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

Dear Zoning Board Members,

I ask that you deny the zoning application and variance to remove the 55-plus stipulations for 4700 Brownsmill for the following reasons. After attending the zoom community meetings held by Esquire Battle and watching them. It's clear that the DeKalb County Commissioners at the time likely felt bad for Ray of Hope for purchasing swampland and wetland terrain that should remain undeveloped. As one citizen on the zoom meeting mentioned she has been living in this community since the 70's and has seen it transform over the years and the one thing that zoning needs to remember is that Stonecrest terrain literally sits on and around a rocky mountain ie Arabia Mountain. So if this particular area has been wetland for centuries why do the developers think it will change all of a sudden by adding 3 or 4 drains. Right now the city of Atlanta is dealing with evicting homeowners out of Peoplestown living in flood terrains so they turn that area into a park with drains to help alleviate flooding issues in this particular area.

Secondly the church has owned the property for years and has gotten several developers in the past involved, yet each project has fail to come to fruition and fell by the wayside. It feels as if the owners want us to buy into a vision with no detail plans. Even the first presentation had no concrete developer and builder giving any design concepts or layout. There were no specific plot plans, home names, or square footage etc. Just a basic stock photo for townhomes.

This leads me to my 3rd objection. Once the builder and developer has sold all the lots there's no ramification for an innocent first-time likely home buyer to be aware that the home is in a wetland. It feels like the seller wants a stamp of approval so the land can be passed down as someone else headache which unfortunately will be innocent consumers.

My fourth objection is that if you drive down anywhere from Highway 212 or HWY 155. Going all the way into Henry County Rockdale County as well as Newton County. You will not see a single townhome development as they don't fit the masterplan for homes in these areas. All the homes are either are R100 or single family detached homes in subdivisions.

5th there is an actual need for a 55 plus community. Peachtree City along with homes in Lawrenceville, Loganville and various counties in Metro Atlanta already have a existing 55 plus community and continue to build new construction homes that caters to this grown demographics. And let's face this demographic is less likely to turn a townhome community into rental homes.

Lastly anyone who has driven by or around this intersection understands that corner is very dangerous with high volumes of traffic during morning and evening rush hours. The turning is backed up literally over a half a mile as there are several commuters coming and going from Newton, Rockdale, and Henry county.

Please note on one zoom call a citizen of Stonecrest stated that she had been living near the area for 5 years and in the last 4 of those years her and members of her household have gotten in accidents around each year. We ask that no further zoning application even be considered for this area as well as Brownsmill and Panola Rd until DeKalb County, the City of Stonecrest and GDOT do a current traffic study and resolve the traffic issues and safety first before adding more

people to this dangerous intersections. Citizens also mentioned they can't even get out to make a left turn out of their subdivisions.

Therefore I'm asking that you deny I the zoning application and variance to remove the 55-plus from the Townhomes for these reasons. Also possibly rezoning the land to Parks and Recreation which would go well since the Browns Mill Parks and Recreation Center, and Aquatic Center is down the street. Creating a new walking trail creates a cohesive and uniform development plan for that area as well as it places less strain on the land will not add as much traffic. I also recommend that the land be possibly rezoned into a small plaza for a multi-use office or a beautiful event center that captures the beauty of the wetland with walking trails for the same reason no additional strain on the land and the event center would be more cohesive with that area given the churches already a few blocks away.

However if the planning Commissioners decided to remove this 55 plus with the townhomes. I ask strict no rent guidelines be placed and limit the amount of homes to 40 homes on the buildable acres to avoid the homes in that area being flooded or an unforeseen environmental catastrophe.

In the end this variance only benefits a few; the seller Ray of Hope and the prespective developer financially. Unfortunately, if the zoning is approved this swampland will be passed down to harmless consumers who will have no clue the history of their property which may come back and hunt the city.

Sincerely
Best,

Bola Tolase
Stonecrest resident

Please confirm receipt

Lillian Lowe

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



PLANNING COMMISSION MEETING

November 9, 2021

ATTACHMENT IV RZ-21-006

In Opposition: The Secretary Read Comments
Submitted
by

4. Ms. Pam Childs
5. Ms. Courtney Killings
6. Ms. Joyce Windsor

Lillian Lowe

From: Pam C <pam.childs@gmail.com>
Sent: Thursday, November 4, 2021 8:53 AM
To: Lillian Lowe
Subject: General Use request Brownsmill RD

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

Ms Lowe,

I am emailing to request that this general use zoning application for the intersection of Brownsmill and Snapfinger / Hwy 155 be denied. This intersection is already extremely heavy due to traffic from Newton, Rockdale, and Henry county. This development would contribute to the bottlenecks that occur in this area. Consideration should also be considered on the quality of life impact on residents on this area.

Deny this application.

Thank You,
Pam

Lillian Lowe

From: Courtney Killings <courtneykillings@gmail.com>
Sent: Sunday, November 7, 2021 11:29 AM
To: Lillian Lowe
Subject: Development at 4700 Browns Mill

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

Good morning,

I'd like to submit this email to you in objection of the developer removing the special conditions for this property. A senior citizens community was what was initially asked and what should be done.

Should you need me, please do not hesitate to contact me at this email address. Thanks in advance.

Lillian Lowe

From: Joyce Windsor <jazul10@icloud.com>
Sent: Tuesday, November 9, 2021 6:23 AM
To: Lillian Lowe
Subject: Browns Mill Rd Townhouses

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

Dear Ms. Lowe,

I've lived on Panola Rd between Browns Mill and Snapfinger since 1991. We have seen all the changes in the area over the years - the new subdivisions and the traffic that they have brought. We object to the property being rezoned to accommodate general use townhomes.

Our reasons...

- increased traffic in an already congested area
- increased heavy truck traffic
- the size and condition of the land space
- a probable increase in crime

Thank you for reaching out to the community.

Sincerely,
Joyce Windsor



PLANNING & ZONING STAFF REPORT

AX-21-002

Meeting Date December 7, 2021

GENERAL INFORMATION

Petition Number:	AX-21-002
Applicant:	GBG 2 Lithonia Group, LLC
Owners:	Charles M. Bettis and J. Ed Seagraves
Project Location:	1724 Rodgers Lake Rd (Parcel ID 16 157 05 003)
City Council District:	District 1
Acreage:	19.68 acres
Existing Zoning:	Light Industrial (M – DeKalb County)
Proposed Zoning:	Light Industrial (M – City of Stonecrest)
Comprehensive Plan Character Area Designation: (Map)	Light Industrial (DeKalb County 2035 Future Land Use Map)
Proposed Development/Request:	The applicant is requesting to annex into the City of Stonecrest for the purpose of development a Gravel Parking Lot. As part of this annexation the subject property would be rezoned to Light Industrial (M – City of Stonecrest) and would be designated on the Stonecrest Future Land Use Map as Light Industrial Character area.
Staff Recommendations:	Approval

PROJECT OVERVIEW

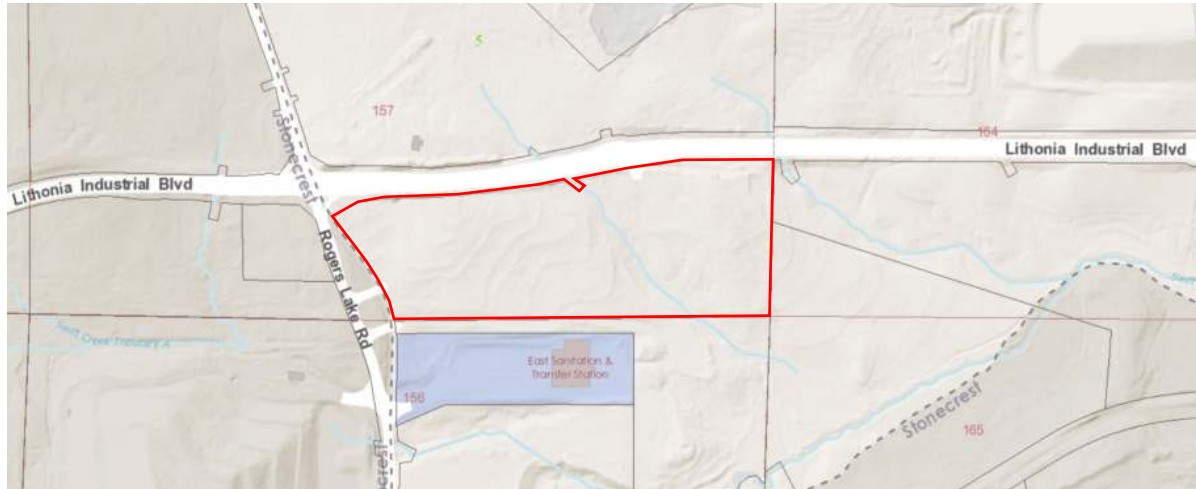
Location. The subject property is located at the southeast corner of the intersection of Rodgers Lake Road and Lithonia Industrial Boulevard, on the north side of the city. It is currently undeveloped and wooded with a stream running through the middle of the parcel. The surrounding area is industrial, with a landfill located west of the site and a county sanitation and transfer station to the south.



PLANNING & ZONING STAFF REPORT

AX-21-002

Location map, AX-21-002



The subject property and all surrounding parcels are zoned industrial, either in DeKalb County or City of Stonecrest. The property to the south is heavy industrial (M-2) while all the other parcels are zoned light industrial (M). The future land use map for DeKalb County shows this property as Light Industrial.

The city boundary is located along the western side of the subject property and meets the one-eight contiguous area requirement for the 100 percent annexation method as allowed under state law by Article 2 of Chapter 36, Title 36, of the Official Code of Georgia Annotated,

Background

GBG 2 Lithonia Group would like to build a gravel parking lot pursuant to Section 6.1.3 of the Stonecrest Zoning Ordinance, which was recently revised per TMOD-21-012 by the City Council on November 22, 2021. The county zoning code does not allow gravel parking for trucks thus the desire for the annexation. The applicant and their legal counsel met with city staff and Councilman Jimmy Clanton on October 5, 2021 for a pre-application meeting. It was made clear at the meeting that city was in the process of updating their parking requirements and that the applicant would need to meet these requirements to the letter and construct a “model” gravel parking per the new standards if the annexation was approved.

The new parking lot would include a ten foot high opaque corrugated metal fence and two rows of evergreen trees or bushes. The surface of the lot would be 10-inch graded aggregate base of granite stone and stone dust, and would meet all state stormwater requirements. The applicant has offered to have security cameras providing coverage for all entrances and exits, one from Rogers Lake Road and one from Lithonia Industrial Boulevard. Both entrances will be gated. No traffic improvements will be required to the property as existing curb cuts exist on both roads. The proposed use is for parking only, no repair operations or other businesses will be allowed on site. As per TMOD-21-012, the site will be inspected annually to ensure proper maintenance of the aggregate base and storm water facilities.



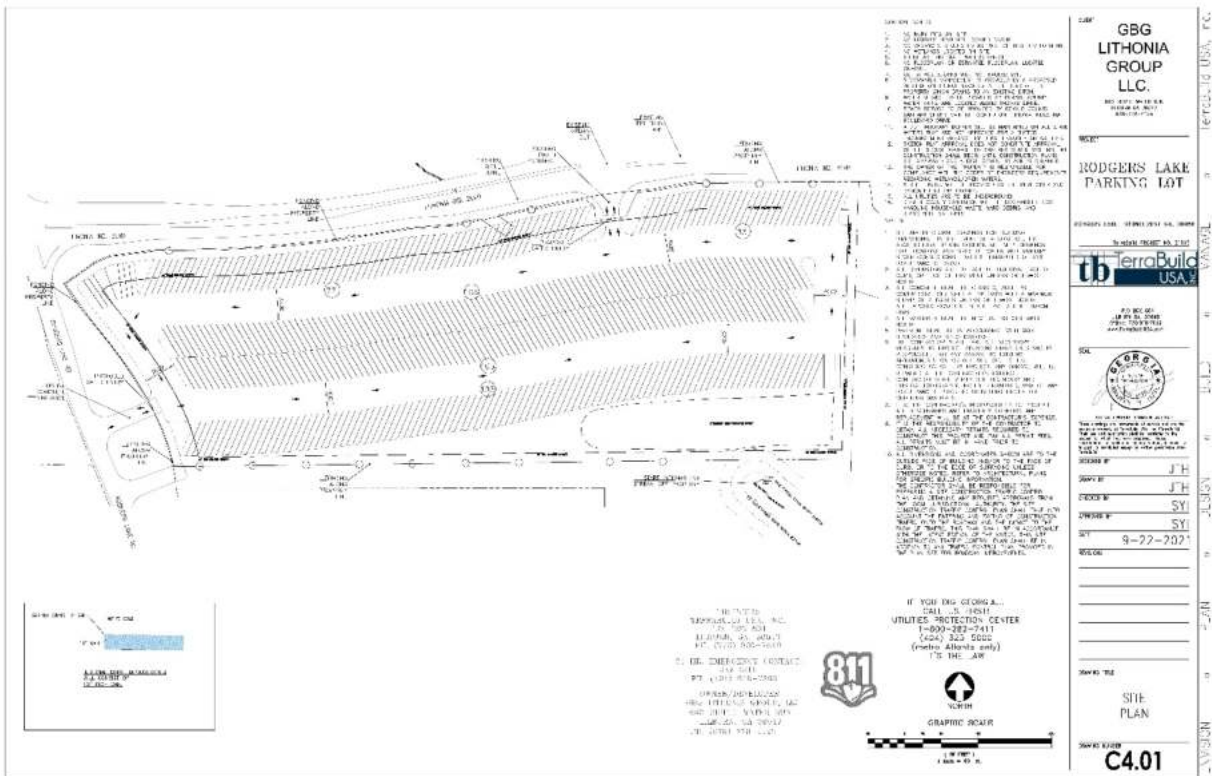
PLANNING & ZONING STAFF REPORT

AX-21-002

Annexation Request

The city has notified the county of the proposed annexation, and to date no objections have been raised. The proposed parking facility will have no impact on area schools or county water and sewer infrastructure. If the annexation is approved, the property would maintain its light industrial zoning and future land use designation. The property is not currently under any county zoning overlay district or proposed city overlay district.

Proposed Site Plan





PLANNING & ZONING STAFF REPORT

AX-21-002

Public Participation

A community planning information meeting was held on November 30 at 6 PM when the proposed annexation was discussed. The meeting was hosted by the City on Zoom and broadcasted on YouTube. Merits of the case that were brought up include:

- The fact that the applicant GBG 2 Lithonia Group already operates a gravel parking lot in the city and its well maintained and constructed.
- The surrounding area is totally industrial with no potential impacts on residential uses.
- The parking lot would expand the city's commercial tax base benefiting the city's budget

Opposition to the case included:

- The potential impact on environment, removing trees on an undeveloped lot, and possible contamination to the stream running through the site from runoff.
- Additional truck traffic and impact on local road conditions.
- Fears that the site would not be maintained as required by the code.

STANDARDS OF ANNEXATION REVIEW

An annexation request includes both a comprehensive plan amendment and a rezoning. Section 7.3.4 of the Zoning Ordinances lists seven factors to be considered in a technical review of a comprehensive plan amendment and Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case. The two sets for factors are basically identical with the exception that in reviewing a rezoning, decision makers need to consider the conformity with the policies and intent of the comprehensive plan. Each of the eight rezoning standards for review are listed with staff analysis below.

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

The subject property is located within the Light Industrial character area of the DeKalb County Comprehensive Plan, in keeping with the surrounding uses and current zoning, and in similar fashion the proposed land use designation on the Stonecrest Future Land Use Plan would be Light Industrial. The economic policies of the city's plan encourage the attraction of and recruitment of new businesses (Goal ED-1), and the goals and policies for industrial uses call for locating industrial development away from environmentally sensitive areas, minimizing the encroaching effect of industrial development and expansion in areas already developed for industrial uses with existing public infrastructure, and the encourage development of vacant industrial land (Goal LU-8).

The Light Industrial character area intends to identify areas that are appropriate for industrial type uses. The location of these areas shall preserve the appeal and appearance of residential and



PLANNING & ZONING STAFF REPORT

AX-21-002

commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics.

The proposed light industrial use is keeping with existing character and use of the area, the city's zoning map, and the goals of the Comprehensive Plan and its Future Land Use Map.

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.

The area surrounding the site is industrial, and the proposed use is in keeping with the existing development of adjacent and nearby properties.

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

The zoning is essentially remaining the same, and so it does have economic use. The applicant is seeking to come into Stonecrest to allow the building of a gravel parking lot, which is currently not allowed in DeKalb County's Light Industrial (M) zoning, but is in the City's Light Industrial (M) zoning.

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.

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.

The city has recently revised its requirements for gravel parking lots, and the applicant is willing to meet

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

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



PLANNING & ZONING STAFF REPORT

AX-21-002

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.

Due to the low impact nature of the intended use, which contains no housing or requires any water or sewer hookups. The proposal will not cause an excessive or burdensome on utilities or have any demands on schools. Roads access to the property is already designed for truck traffic, and no transportation improvements are necessary to accommodate the use.

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

If the proposed use is designed and maintained as required by city and state regulations, the use should not have adverse impact on the environment or surrounding resources.

STAFF RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **AX-21-002**

Attachments:

1 – AX-21-002 Application

2 - November 30, 2021 Community Planning Information Minutes

Attachment 1 - AX-21-002 Application



COPY
Received

NOV 2 2021

City of Stonecrest, Georgia
Planning & Zoning Department

Application for Annexation

Applicant must review each zoning district and use regulations before submitting application.

One (5) original paper copies and a digital copy the completed application and all other required items must be submitted to the of the Planning and Zoning Department. All information to be presented to the Planning Commission and City Council should be assembled. This application will not be processed any items are missing or if the appropriate fee does not accompany it.

- Completed application forms signed by 100% of the land owners and/or electors (in the case of existing residential property owners) residing in the area to be annexed and by owners of not less than 100% of the total land area, by acreage. The application contains a "Contiguity Statement" which must be signed by an engineer or surveyor
- Current land survey by a registered surveyor that includes a legal description and lists acreage to be annexed.
- Utility Availability Letters – A letter by the service providers must be obtained, Watershed (water and sewer availability) and Dekalb County Board of Education (discussing impact the development will have on schools in the area).
- Attach names and addresses of owners of all property within 250 feet of the subject property. Once an application has been accepted for presentation the applicant must also demonstrate that all property owners within 250 feet of the subject property have been notified of the Public Hearings.
- Application Fee of \$350.00 per parcel*** - You will be billed any additional amount spent on advertising. It is necessary for this fee to be paid prior to any meeting dates.

* Fee maybe reduced (\$275.00) if property is split by the city boundaries.

Petitioner will be notified by Mail/Email of the scheduled Public Hearing for which his/her application will be considered.



GENERAL INFORMATION*

Date: November 1, 2021

Applicant/ Owner Name: Charles M. Bettis & J. Ed Seagraves - Owners Jody Charles Campbell - Attorney for Applicants
GBG 2 Lithonia Group, LLC - Applicants jody@blumcampbell.com

Phone: Work # 470-365-2890 Cell# 770-712-0923

Address Blum & Campbell, LLC, 3000 Langford Road, Bldg. 100, Peachtree Corners, Georgia 30071

Location and address if available of the subject property
1724 Rogers Lake Drive, Lithonia, Georgia 30058. The property is located at the southeast corner of the intersection
of Lithonia Industrial Boulevard and Rogers Lake next to the Waste Transfer Station.

The size/acreage of the subject property 19.28 acres

The proposed land use category of the subject property upon annexation
Outdoor commercial parking with NO repair operations allowed on premises

Present Dekalb County Zoning Classification(s) M (Light Industrial) District

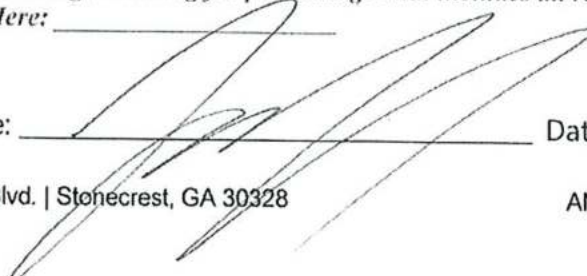
Desired City of Stonecrest Zoning Classification(s) M (Light Industrial) District

List the number of houses, if any, on property being submitted N/A

The territory to be annexed is unincorporated and contiguous (as described in O.C.G.A. § 36-36-20) to the existing corporate limits of Stonecrest, Georgia, and the description of such territory is as follows:

LEGAL DESCRIPTION ATTACHED

Special Note: If the application is incomplete, the applications will be rejected. *Incomplete applications will not be accepted or will be denied. Application fees are non-refundable. All applications must be 100% completed before submitting to Planning & Zoning for processing. That includes all required supporting documents and fees, if applicable. Signed Here: _____

Applicant Signature:  Date 11/2/21



LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 157 of the 16th District of DeKalb County, Georgia and being more particularly described as follows:

Beginning at an iron pin found (½ inch rebar) located at the southeast intersection of Rogers Lake Road (variable right of way) and Lithonia Industrial Boulevard (variable right of way), said point being the POINT OF BEGINNING

Traveling thence North 55 degrees, 53 minutes, 20 seconds East a distance of 84.48 feet to a point; thence North 68 degrees, 22 minutes, 34 seconds East a distance of 32.79 feet to a point; thence North 83 degrees, 00 minutes, 13 seconds East a distance of 100.72 feet to a point; thence South 89 degrees, 59 minutes, 13 seconds East a distance of 59.64 feet to a point; thence along a curve having an arc radius of 2914.58', arc length of 496.67 feet, and chord bearing North 84 degrees, 57 minutes, 42 seconds East a distance of 496.07 feet to a point; thence North 85 degrees, 31 minutes, 57 seconds East a distance of 102.71 feet; thence North 79 degrees, 06 minutes, 41 seconds East a distance of 54.13 feet; thence South 55 degrees, 19 minutes, 09 seconds East a distance of 69.31; thence North 36 degrees, 31 minutes, 28 seconds East a distance of 26.91 feet; thence North 54 degrees, 38 minutes, 27 seconds West a distance of 43.86 feet; thence North 78 degrees, 44 minutes, 29 seconds East a distance of 119.20 feet; thence along a curve having an arc radius of 1738.00', arc length of 222.51 feet, and chord bearing North 82 degrees, 03 minutes, 27 seconds East a distance of 222.36 feet to a point; thence North 80 degrees, 21 minutes, 00 seconds East a distance of 98.18 feet; thence along a curve having an arc radius of 1750.00', arc length of 32.28 feet, and chord bearing North 89 degrees, 49 minutes, 22 seconds East a distance of 32.28 feet to a point; thence South 89 degrees, 56 minutes, 59 seconds East a distance of 318.79 to iron pin found (½ inch rebar); thence South 01 degrees, 29 minutes, 44 seconds West a distance of 232.94 feet to an iron pin found (1 inch open top pipe); thence South 01 degrees, 34 minutes, 50 seconds West a distance of 360.05 feet to an iron pin found (½ inch iron rod); thence South 89 degrees, 51 minutes, 11 seconds West 486.83 feet to an iron pin found (½ inch rebar); thence South 89 degrees, 51 minutes, 57 seconds West 990.66 feet to an iron pin found (½ inch rebar); thence along a curve having an arc radius of 775.57', arc length of 287.83 feet, and chord bearing North 29 degrees, 20 minutes, 24 seconds West a distance of 222.36 feet; thence North 39 degrees, 58 minutes, 19 seconds West a distance of 58.39 feet to a point; thence North 33 degrees, 47 minutes, 16 seconds West a distance of 109.22 feet to an iron pin found (½ inch rebar) and the POINT OF BEGINNING.

Said property being shown on the Retracement Survey for GBG 2 Lithonia Group, LLC dated October 2, 2021, prepared by Patrick & Associates, Inc., James S. Hull, Jr., GRSL No. 2856, recorded in Plat Book 297, Page 30, DeKalb County, Georgia records, said plat being specifically incorporated herein by reference.

Said property being known as 1724 Rogers Lake Road, Lithonia, Georgia 30058 according to the present system of numbering of properties in DeKalb County, Georgia and Tax Parcel ID No. 16 156 05 003.



We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Stonecrest, Georgia, and extend the city boundaries to include the same.

LAND OWNER(S)

Name (Print)	Address (Print)	Signature	Date (Print)
1 Charles Bettis	133 Low St. DECATUR, GA 30030	<i>[Handwritten Signature]</i>	11-1-21
2 J. Ed Seagraves		<i>[Handwritten Signature]</i>	
3			
4			
5			
6			
7			
8			
9			
10			



We, the undersigned, all of the owners of all real property of the territory described herein respectfully request that the City Council annex this territory to the City of Stonecrest, Georgia, and extend the city boundaries to include the same.

LAND OWNER(S)

Name (Print)	Address (Print)	Signature	Date (Print)
1 Charles Bettis			
2 J. Ed Seagraves	1000 Commerce Dr., Decatur, GA 30030	<i>J. Ed Seagraves</i>	10/29/21
3			
4			
5			
6			
7			
8			
9			
10			



CONTIGUITY STATEMENT

Contiguous areas mean, at the time the annexation procedures are initiated, any area that meets the following conditions:

- (1) At least one-eighth of the aggregate external boundary or 50 feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary or would directly about the municipal boundary if it were not otherwise separated, in whole or in part, from the municipal boundary by lands owned by the municipal corporation or some other political subdivision, by lands owned by this state or by the definite width of (A) any street or street right-of-way, (B) any creek or river, or (C) any right-of-way of a railroad or other public service corporation which divides the municipal boundary and any area proposed to be annexed;
- (2) The entire parcel or parcels of real property owned by the person seeking annexation is being annexed; provided, however, that lots shall not be subdivided in an effort to evade the requirements of this paragraph; and
- (3) The private property annexed, excluding any right of way of a railroad or other public service corporation, complies with the annexing municipality's minimum size requirements, if any, to construct a building or structure occupiable by persons or property under the policies or regulations of the municipal development, zoning, or subdivision ordinances.

I, James Hull, a registered Surveyor in the State of Georgia, hereby certify that the parcel requested to be annexed into the City of Stonecrest lying in land lot(s) 157 of the 16th district, Dekalb County, has a contiguous boundary of 453.79 feet with the existing City limits of the City of Stonecrest.

This the 1 day of NOVEMBER, 2021

James A. Hull Jr.
Signature

2056
Georgia Registered Surveyor #



Pursuant to O.C.G.A 36-36-111 The City of Stonecrest will give official notice to Dekalb County of your intent to annex. The County Commission must vote in an open meeting whether or not to object to the annexation and provide written notice of the vote by certified mail or statutory overnight delivery not later than the end of the 30th day following receipt of the notice of annexation.

The county's objection must be substantiated with evidence of financial impact forming the basis of the objection AND the objection must be based on a material increase in burden upon the county directly related to:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; or
- (3) Infrastructure demand related to the proposed change in zoning or land use.

Additionally, for an objection to be valid, the proposed change in zoning or land use must differ substantially from the uses of the property suggested by the county's comprehensive land use plan or permitted for the property by the county's zoning ordinance AND must result in:

- (1) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; OR
- (2) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project furnished by the county to the area to be annexed.

BLUM & CAMPBELL, LLC

Attorneys at Law

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

JODY CHARLES CAMPBELL
ATTORNEY AT LAW
LICENSED IN GA

TELEPHONE: (470) 365-2890
FACSIMILE: (470) 365-2899
JODY@BLUMCAMPBELL.COM

November 2, 2021

VIA HAND DELIVERY

Honorable Mayor Jason Lary
Council Member Jimmy Clayton
Council Member Robert Turner
Council Member Jazzmin Cobble
Council Member George Turner
Council Member Tammy Grimes
City of Stonecrest, Georgia
3120 Stonecrest Blvd, Suite 100
Stonecrest, Georgia 30038

Re: GBG 2 Lithonia Group, LLC

Application for Annexation

Property Address: 1724 Rogers Lake Road, Lithonia, Georgia 30058

Parcel No. 16 157 05 003

Dear Mayor and City Council Members:

This law firm has the pleasure of representing GBG 2 Lithonia Group, LLC. My client is a prospective purchaser of the real property located at 1724 Rogers Lake Road, Lithonia, Georgia 30058 (the "Property"). The Property is currently located within unincorporated Dekalb County, Georgia on the southeast corner of Rogers Lake Road and Lithonia Industrial Boulevard. The property is bordered to the south by the Dekalb County East Sanitation and Transfer Station and the East by properties owned by the current owners of the Property. My client seeks to have this Property annexed into the City of Stonecrest and developed for use as an outdoor parking facility.

Enclosed herewith is a proposed site plan showing the property with the proposed use. Several features of the proposed development bear mention. First, my client and I have been informed that the City is in the process of amending its outdoor parking regulations to require enhanced fencing and landscape requirements. In preparing the proposed site plan, GBG has incorporated these enhanced revisions from the unapproved revisions to the zoning regulations including a ten foot high opaque fence and two rows of evergreen trees or bushes. The parking lot will be created using 10-inch Graded Aggregate Base of granite stone and stone dust. The development will have two gated entrances with security cameras providing coverage for all entrances and exits, one from Rogers Lake Road and one from Lithonia Industrial Boulevard. No traffic improvements will be required to the Property as existing curb cuts exist on both Lithonia

Industrial Boulevard and Rogers Lake Road. A traffic deceleration lane and median cut exist on Lithonia Industrial Boulevard that provides access to the Property. The proposed use will allow for parking only, and no repair operation or business will be allowed on site.

We believe that this development and project is uniquely tailored to this location and would be a valuable addition to the City of Stonecrest. This Property is currently vacant, and its location next to a solid waste transfer station and landfill significantly limits the possible uses. Current Dekalb County regulations make the proposed use and other proposed uses of this Property cost prohibitive. By contrast, Stonecrest's regulations provide a much more business-friendly environment where development and maximization of property use exists. No rezoning, variances, or special use permits are required in order to conduct the proposed business, should the annexation be approved. The proposed use is consistent with that of other businesses and properties in the immediate area. The Property is not located near residential developments and has minimal impact on traffic patterns and flow in the area.

In terms of benefits to the City, the creation of 19 acres of income producing property in the City limits will greatly expand the City's commercial tax base on a property that is not otherwise suitable for many uses. By adding a new property to the City's commercial tax digest, the City will have additional flexibility to promote other uses and redevelopment of commercial properties located closer to residential areas without negatively impacting the City's budget and tax revenue. The business also supports individuals and residents in Stonecrest and surrounding communities by providing both a long- and short-term storage location for trucks and equipment that might otherwise be stored in residential areas.

My clients look forward to working with the City to create a quality development that both the City and GBG 2 Lithonia Group can be proud of. We believe that annexation allows the Property to achieve the highest and best use, and that denial of the application will deprive the Property and my client of substantial economic value. The subject property has been vacant for many years and cannot economically support the present value of the land as presently zoned. If you have any questions or need any additional information to process this application, please do not hesitate to contact me.

Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell

BLUM & CAMPBELL, LLC

Attorneys at Law

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

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November 2, 2021

VIA HAND DELIVERY

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Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell

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Parcel No. 16 157 05 003

Dear Mayor and City Council Members:

This law firm has the pleasure of representing GBG 2 Lithonia Group, LLC. My client is a prospective purchaser of the real property located at 1724 Rogers Lake Road, Lithonia, Georgia 30058 (the "Property"). The Property is currently located within unincorporated Dekalb County, Georgia on the southeast corner of Rogers Lake Road and Lithonia Industrial Boulevard. The property is bordered to the south by the Dekalb County East Sanitation and Transfer Station and the East by properties owned by the current owners of the Property. My client seeks to have this Property annexed into the City of Stonecrest and developed for use as an outdoor parking facility.

Enclosed herewith is a proposed site plan showing the property with the proposed use. Several features of the proposed development bear mention. First, my client and I have been informed that the City is in the process of amending its outdoor parking regulations to require enhanced fencing and landscape requirements. In preparing the proposed site plan, GBG has incorporated these enhanced revisions from the unapproved revisions to the zoning regulations including a ten foot high opaque fence and two rows of evergreen trees or bushes. The parking lot will be created using 10-inch Graded Aggregate Base of granite stone and stone dust. The development will have two gated entrances with security cameras providing coverage for all entrances and exits, one from Rogers Lake Road and one from Lithonia Industrial Boulevard. No traffic improvements will be required to the Property as existing curb cuts exist on both Lithonia

Industrial Boulevard and Rogers Lake Road. A traffic deceleration lane and median cut exist on Lithonia Industrial Boulevard that provides access to the Property. The proposed use will allow for parking only, and no repair operation or business will be allowed on site.

We believe that this development and project is uniquely tailored to this location and would be a valuable addition to the City of Stonecrest. This Property is currently vacant, and its location next to a solid waste transfer station and landfill significantly limits the possible uses. Current Dekalb County regulations make the proposed use and other proposed uses of this Property cost prohibitive. By contrast, Stonecrest's regulations provide a much more business-friendly environment where development and maximization of property use exists. No rezoning, variances, or special use permits are required in order to conduct the proposed business, should the annexation be approved. The proposed use is consistent with that of other businesses and properties in the immediate area. The Property is not located near residential developments and has minimal impact on traffic patterns and flow in the area.

In terms of benefits to the City, the creation of 19 acres of income producing property in the City limits will greatly expand the City's commercial tax base on a property that is not otherwise suitable for many uses. By adding a new property to the City's commercial tax digest, the City will have additional flexibility to promote other uses and redevelopment of commercial properties located closer to residential areas without negatively impacting the City's budget and tax revenue. The business also supports individuals and residents in Stonecrest and surrounding communities by providing both a long- and short-term storage location for trucks and equipment that might otherwise be stored in residential areas.

My clients look forward to working with the City to create a quality development that both the City and GBG 2 Lithonia Group can be proud of. We believe that annexation allows the Property to achieve the highest and best use, and that denial of the application will deprive the Property and my client of substantial economic value. The subject property has been vacant for many years and cannot economically support the present value of the land as presently zoned. If you have any questions or need any additional information to process this application, please do not hesitate to contact me.

Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell

BLUM & CAMPBELL, LLC

Attorneys at Law

JODY CHARLES CAMPBELL
ATTORNEY AT LAW
LICENSED IN GA

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

TELEPHONE: (470) 365-2890
FACSIMILE: (470) 365-2899
JODY@BLUMCAMPBELL.COM

November 2, 2021

VIA HAND DELIVERY

Honorable Mayor Jason Lary
Council Member Jimmy Clayton
Council Member Robert Turner
Council Member Jazzmin Cobble
Council Member George Turner
Council Member Tammy Grimes
City of Stonecrest, Georgia
3120 Stonecrest Blvd, Suite 100
Stonecrest, Georgia 30038

Re: GBG 2 Lithonia Group, LLC
Application for Annexation
Property Address: 1724 Rogers Lake Road, Lithonia, Georgia 30058
Parcel No. 16 157 05 003

Dear Mayor and City Council Members:

This law firm has the pleasure of representing GBG 2 Lithonia Group, LLC. My client is a prospective purchaser of the real property located at 1724 Rogers Lake Road, Lithonia, Georgia 30058 (the "Property"). The Property is currently located within unincorporated DeKalb County, Georgia on the southeast corner of Rogers Lake Road and Lithonia Industrial Boulevard. The property is bordered to the south by the DeKalb County East Sanitation and Transfer Station and the East by properties owned by the current owners of the Property. My client seeks to have this Property annexed into the City of Stonecrest and developed for use as an outdoor parking facility.

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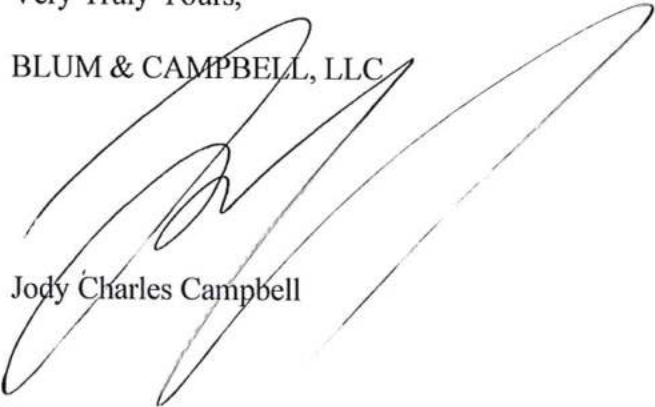
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Very Truly Yours,

BLUM & CAMPBELL, LLC

Jody Charles Campbell



Attachment 2 -
November 30, 2021 Community Planning Information Meeting Minutes



COMMUNITY PLANNING INFORMATION MEETING SUMMARY

Stonecrest City Hall's *Zoom Video** - 6:00 PM

November 30, 2021

**Meeting was held virtually via the www.zoom.com, see link below. Meeting can also be viewed on the City of Stonecrest YouTube page.*

The meeting was called to order at 6:02 PM by Planning & Zoning Director Jim Summerbell. The goal of the Community Planning Information Meeting (CPIM) is to gain feedback from the community regarding upcoming cases.

I. Introductions

An overview of each case was presented by Planning & Zoning Director Jim Summerbell. The audience was told to be respectful of presentations.

The presenters, besides Jim Summerbell, included Marie Colson (RZ-21-009), Chantelle Morrison (SLUP-21-005), and Jody Campbell (AX-21-002). Attorney Campbell said that other members from the firm and the applicant would be speaking. Mr. Summerbell confirmed their participation.

II. Presentations –

- a. Presentation by Jim Summerbell, on Planning and Zoning Department activities and upcoming cases.

- b. **Upcoming Cases**

LAND USE PETITION:

AX-21-002

PETITIONER:

GBG 2 Lithonia Group, LLC on behalf of the property owners Charles M. Bettis and J. Ed Seagraves

LOCATION:

1724 Rodgers Lake Rd (Parcel ID 16 157 05 003)

PROPOSED AMENDMENT:

Proposed annexation of 19.28 acres and rezoning from Light Industrial (M-DeKalb County) to Light Industrial (M-City of Stonecrest) for a gravel parking lot.

- **Attorney Jay Gills**, representing the applicant, spoke on the future land use map for DeKalb County; regulations in the city; asphalt, and gravel parking lots. Mr. Gills stated that in City Council meetings, the Council recently amended the gravel parking requirements.

This new law would help those environments to include having a corrugated metal fencing around the perimeter, six feet evergreen trees and shrubs landscaping aesthetic, and stream. It should look fairly appealing, have to maintain all the standard based aggregates, all the stormwater, and everything regarding the development. The basic location is off of Rogers Lake Road and Lithonia Industrial Boulevard. Right now, it is light industrial, tract South, which is M2 (Heavy Industrial).

The application and the concept plans, various surveys and graphs were used to show the project's intent. Attorney Campbell with the law firm GBG 2 Group LLC, represented the applicants.

The project is 19.28 acres according to the survey. The property is in the intersection of Rogers Lake Road in Mountain Industrial Boulevard, and the proposed use is a commercial outdoor parking facility for larger vehicles, tractor trailer trucks, and mobile homes.

Several uses of the other properties being used for this exact purpose in the city. We obviously want to be the gold standard out there. As Mr. Summerbell mentioned, when we introduced this project to the city, the city indicated to us that they were in the process of updating their gravel parking lot ordinance. Our submissions complied with those revised requirements even before they had been adopted. because we certainly want to let know city know that we intend to create a project. Use out there. That is to the highest standards possible.

We are not asking in changing the zoning classification, and this is a zoning use that is already permitted on the property. We come to the city of Stonecrest because the regulations are frankly more favorable for such a project. Mr. Gills continued to speak on the proposed concept plan; property to the direct South of it--a strip and access strip; to the East a waste transfer station; the landfill property. It's not really an imminently developable property but, we think that this project provides an ample opportunity for this to be a very valuable income producing commercial property, which of course would benefit the City of Stonecrest tax base. And it is consistent with other uses. There would be no infrastructure, transportation feature, transportation infrastructure improvements necessary. There is already existing curb and access point (off of Lithonia Industrial Boulevard) cuts. Changes already existing acceleration lanes. Per Mr. Gills, if the property is contiguous on the other side, Rogers Lake Road on this side, over here, in terms of the new requirements for row parking lots, the 10' foot corrugated metal fencing will be no problem.

Additionally, we do intend to have plants that are 6' foot high. Two rows of 69 Evergreen trees and bushes, which will be watered, cared for, and maintained. The topography actually alleviates any aesthetic concerns one might have when traveling from East to West on like the Industrial Blvd. The property rises from to the intersection of Rogers Lake Road and then it floats down to the South. The natural topography enables us to create a buffer. There will be no other business operations on the property. There is parking only; no repairs; and no overnight staying. Purely a parking facility that will support other businesses.

For every acre of commercial income producing property, that is generating property taxes for the city of Stonecrest. Stonecrest flexibility with one existing acre of property that maybe needs redevelopment. The city can be a little bit more creative and flexible with those properties because they are not to sacrifice or trade off any kind of commercial tax base. Per Mr. Gills, another parking lot facility is located down along the Lithonia Industrial Boulevard, closer to the 124-highway corridor. These are people who understand the business, understand security concerns, customer needs, community needs, and they would welcome anyone to go and visit their existing facilities so that you can see just what kind of property owners they are and how they do their business.

Mr. Summerbell asked for comments. There were no comments in the Chat Box.

There was a comment from Mr. Bernard Knight.

Mr. Bernard Knight spoke on being Chairman of the Industrial Council, stated that Mr. Gill and his company are members of the Industrial Council, and are very valued members. They are engaged with the city of Stonecrest to be responsible and maintain sustainable industrial development within the city of Stonecrest. This existing lot is the state of the art. A beautiful facility and very organized. Mr. Gills is committed to going ahead with the aesthetic upgrades that will be required by the revisions to the Gravel Parking ordinance, which were recently adopted by City Council last week. I think this is a real win for the city. That area is very problematic. There are no fewer than four landfills very close to this area.

The major one is the Rogers Lake Landfill, is right across the street from the proposed annexation. In addition, the proposed annexation property is right next to the Dekalb County Waste Transfer Station, which was recently expanded by the county. These parking lots are a great interim solution to unused property which really cannot be used for all that much.

Infrastructure alongside Lithonia Industrial Boulevard is a designated truck route by both the county and the city. It is a developmental highway and always been the intention to do that.

It needs more infrastructure before we can build things like a Home Depot, warehouse, or anything else there. And really, any of these parking lots that are going in can be easily relatively converted later on to do structures to warehouses, to manufacturing plants and whatever. Mr. Knight stated that this is a great proposal and is going to be a great addition to the city. Mr. Gills' family, which is already engaged with the city, respects the city, and that they are great corporate citizens.

LAND USE PETITION: RZ-21-009
PETITIONER: City of Stonecrest (on behalf of the property owner Marie Colson)
LOCATION: 6547 Chupp Road (Parcel ID 16 120 02 004)
PROPOSED AMENDMENT: Proposed rezoning from Stonecrest Area Overlay, Tier 6, Viewshed to Stonecrest Area Overlay Tier 2, Mid-Rise Mixed-Use Zone

Ms. Marie Colson, the applicant, spoke on the City Council meetings and work session in November and the site. The rezoning issue was brought up regarding potential housing development (multi-family homes) next to the property.

Mr. Summerbell spoke on the tax records, Mixed-use permits (C-1, C-2, O-I, O-D and HR-2 except as prohibited in Sub-Sec.3.5.1B). Mr. Summerbell displayed the 2008 and 2009 Stonecrest Area Overlay map. Ms. Colson's concerns about some text modifications are the heart of her concerns. There was a rezoning done back in 2018 that created or revised Stonecrest's area overlay. They did change Tier 2 and Tier 6 took away some of the abilities or capabilities of the potential site.

The base underlying zoning in the area South of the road is industrial to the North. Hearing recently that this tract East was recently approved by the Housing Authority for some senior housing. The Overlay guidelines, not sure where they are in that process.

Mr. Summerbell asked if there were comments.

Mr. Bernard Knight stated that in 2001 the County created the Overlay and there was a Tier 2. In response, the Viewshed was proposed. Attorney Michelle Battle subdivided three (3) parcels and asked for the lines to be drawn and not The Kelley's. Not in opposition or property, put back in Tier 1. In the meantime, do not want another Metro Green. If, Colson is rezoned, need advisory committee to look at Chupp Road and I-20.

Commissioner Cheryl Moore- Mathis, District 5, stated that Councilwoman Tammy Grimes is looking into this matter.

Ms. Renae Cail had a question regarding the parking lot; emission coming from the area and asked who will monitor the site. Also, wants the project to be attractive and not just to put in as a tax-base.

Mr. Summerbell stated this being a challenge of any community, know that added site inspections for erosion at minimum and stormwater regulations will meet the codes.

Ms. Jody Campbell spoke on inspection, the code, and denial of renewal. Ms. Campbell agrees to attract businesses but where?

Ms. Cail asked to put all in writing.

Mr. Dave Marcus responded to Ms. Cail’s question about having a comprehensive plan. Mr. Marcus spoke on key questions to be happy, the ARC study, jobs, and the 2038 Comprehensive Plan.

Mr. Summerbell recommended putting updates in the next comprehensive plan.

LAND USE PETITION: SLUP-21-005
PETITIONER: Courageous Care Home LLC, c/o business and property owner Chantelle Morrison
LOCATION: 4460 Idlewood Park
PROPOSED AMENDMENT: Special Land Use Permit for an Adult Day Care Facility in a Small Lot Residential District (RSM) within the Arabia Mountain Conservation Overlay District.

Courageous Care Homes LLC is requesting a permit for an Adult Day Care in a small lot residential district within the Arabia Mountain Conservation Overlay District, on a 0.2-acre lot.

Ms. Morrison spoke on being a certified medical assistant and having an associate degree in Science in Pre-Nursing. The desire to operate in adult day care. Taking care of the seniors, grandmas, and grandpas during the day. There will be no overnight stay.

Mr. Summerbell advised that the next steps in all these cases is going to the Planning Commission on Tuesday, December 7th, 6:00 PM. All comments will read into the record. The meeting will be held virtually. The Planning Commission set times for comments and time is limited on both sides. Please feel free to contact Lillian.Lowe@stonecrestga.gov for the link.

Other upcoming cases:

- **City Council Work Session** will be on **Monday, December 13, 2021.**
- **Zoning Board of Appeals** will be on **Tuesday, December 21, 2021.**
- **Regular Council meeting** has been moved up a week this month, due to holidays, to **Monday, December 20, 2021**

III. **Adjournment**

The meeting adjourned at 7:05 PM.



PLANNING & ZONING STAFF REPORT

RZ-21-009

Meeting Date December 7, 2021

GENERAL INFORMATION

Petition Number:	RZ-21-009
Applicant:	City of Stonecrest
Owner:	Ms Lillie “Marie” Colson
Project Location:	6547 Chupp Road (Parcel ID 16 120 02 004)
Council District:	District 5
Acreage:	0.9 acres
Existing Zoning:	Light Industrial (M), Stonecrest Area Overlay, Tier VI - Viewshed
Proposed Zoning:	Light Industrial (M), Stonecrest Area Overlay, Tier II – Mid-rise Mixed Use
Comprehensive Plan Character Area Designation:	City Center
Proposed Development/Request:	None at this time, though the applicant is considering building a mixed-use housing development with ground floor retail in keeping with the HR-2 zoning district as allowed under Tier 2 of the Stonecrest Area Overlay
Staff Recommendations:	Approval



PLANNING & ZONING STAFF REPORT

RZ-21-009

Zoning Map for RZ-21-009



Overlay Map for RZ-21-009

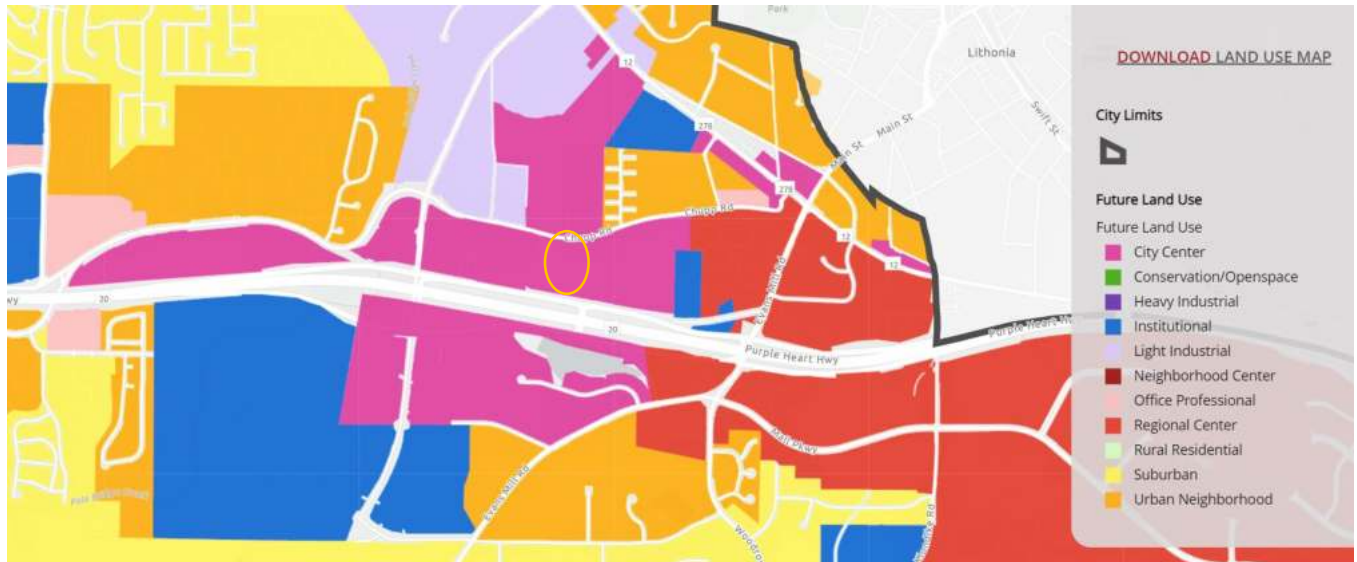




PLANNING & ZONING STAFF REPORT

RZ-21-009

Future Land Use Map



PROJECT OVERVIEW

Location

The subject property is located along Chupp Road and contains a single-family home where the property owner lives. The lot primarily wooded, with light industrial land uses to the north and west. The adjacent properties to the east and south are currently undeveloped. Though a senior housing development, the Union at Stonecrest, is proposed to the east.



PLANNING & ZONING STAFF REPORT

RZ-21-009



The Union at Stonecrest as proposed will be a four-story structure containing 122 senior housing units. In the last few years development activity along the road has been active with an apartment complex and townhome developments being constructed further east of the subject property. The area has good access to I-20 at Evans Mill Road which is located just south and parallel to Chupp Road.

Background

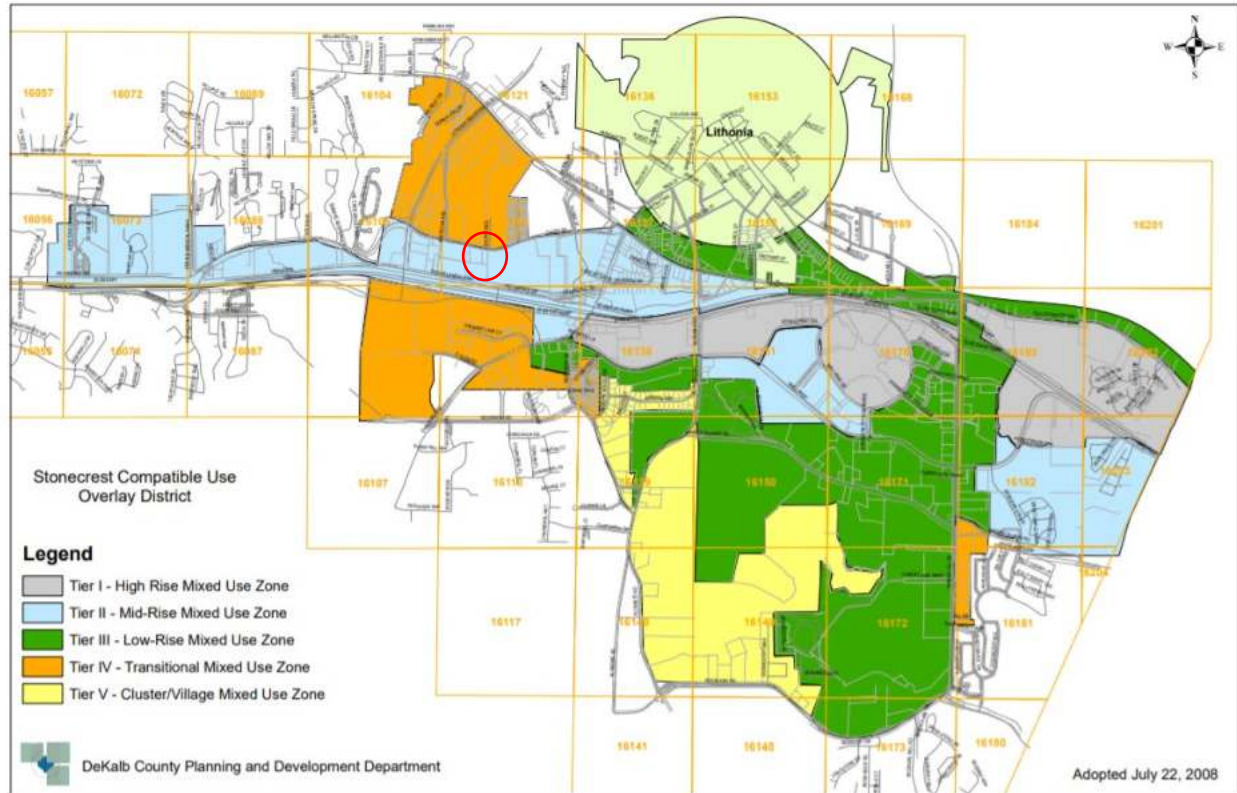
The subject property was rezoned to Tier 6 Viewshed when the Stonecrest Area Overlay was revised in November 2019. Prior to that the property was Tier 2, as the 2008 Stonecrest Area Overlay Map shows on the next page. This rezoning was city initiated and property owner was unaware of the change at the time or its implications.

- Tier 6 – Viewshed restricts permitted uses to the underlying district, which in this case in light industrial (M), except those listed as prohibited in Sub-Sec 3.5.15.D.
- Tier 2 - Mid-rise Mixed-Use permits any uses allowed in the underlying district, and authorizes those uses allowed in C-1, C-2, O-I, O-D and HR-2, except those listed as prohibited in Sub-Sec. 3.5.1.B.
- The change in which tier of the overlay that the subject property lies within greatly reduced the development potential of the property, and in fact made the current use of the property , a single family home, a legal non-conforming use.



PLANNING & ZONING STAFF REPORT

RZ-21-009



Rezoning Request

The property owner has asked the city to revert the zoning of her property back to Tier 2 of the Stonecrest Area Overlay. She has no development plans at this time, but wants to keep her development options open as Tier 2 allows. She is considering building a mixed-use housing development with ground floor retail in keeping with the HR-2 zoning district as allowed under Tier 2 of the Stonecrest Area Overlay

Public Participation

A community planning information meeting was held on November 30 at 6 PM when the proposed city initiated rezoning was discussed. The meeting was hosted by the City on Zoom and broadcasted on YouTube. No objections to the reversion of the zoning were brought up.

STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case. Each element is listed with staff analysis.



PLANNING & ZONING STAFF REPORT

RZ-21-009

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

The subject property is located within the City Center character area of the Stonecrest Comprehensive Plan. The intent of the City Center Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage. The plan states that the areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre/

The proposed reversion of the subject property rezoning is actually more in keeping with purpose and intent of the Comprehensive Plan than it is currently zoned.

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.

The subject property has industrial uses to the west and north, and proposed multifamily housing to the east. Rezoning to Tier 2 would be in keeping with the development trends of the area.

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

As currently zoned it is legal non-conforming use. It would have to be redeveloped as industrial has lower economic value than what is allowed in Tier 6, which offers a wide variety of development options.

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. This rezoning would only reinstate development rights that were in place prior to November 2019.

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.

The development trends along Chupp Road favor the reversion of the rezoning, as all new development along the road has been for uses in keeping with the Tier 2 of the Stonecrest Overlay. No new industrial uses have been developed along the road recently.



PLANNING & ZONING STAFF REPORT

RZ-21-009

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.

Plans for public services to the area are likely to take into account the future land use designation of the area, and so have been planned for in making capital investment decisions. As the rezoning would be more in keeping with the vision of the comprehensive plan, the rezoning of the property should not have an adverse impact on public services.

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 city-initiated rezoning meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-009**.



PLANNING & ZONING STAFF REPORT

SLUP-21-005

Meeting Date December 7, 2021

GENERAL INFORMATION

Petition Number:	SLUP-21-005
Applicant:	Courageous Care Home, LLC, c/o Chantelle Morrison, business owner
Property Owner:	Chantelle Morrison
Project Location:	4460 Idlewood Park (Parcel ID 11 251 01 192)
Council District:	District 5– Tammy Grimes
Acreage:	0.2 acres
Existing Zoning:	RSM, Arabia Mountain Conservation Overlay
Proposed Zoning:	Same as existing with a SLUP for an Adult Day Care
Comprehensive Plan Character Area Designation:	Suburban Neighborhood
Proposed Development/Request:	Adult Day Care, less than 6 clients
Staff Recommendations:	Approval with conditions.



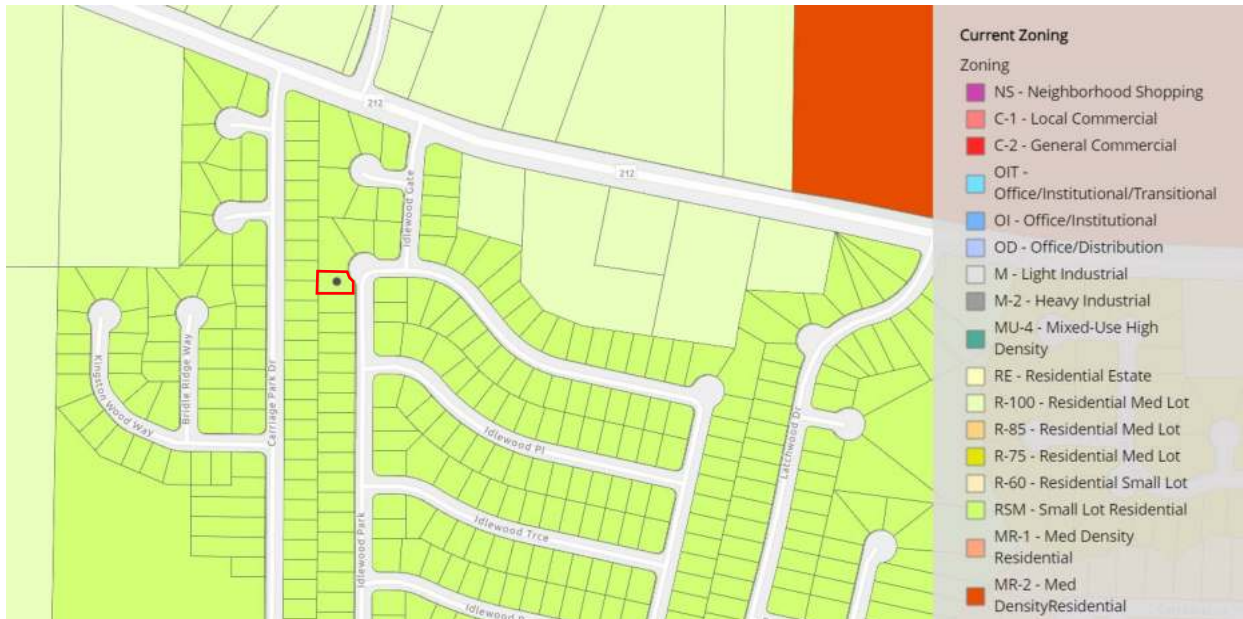
PLANNING & ZONING STAFF REPORT

SLUP-21-005

Aerial Map for SLUP-21-005



Zoning Map for SLUP-21-005

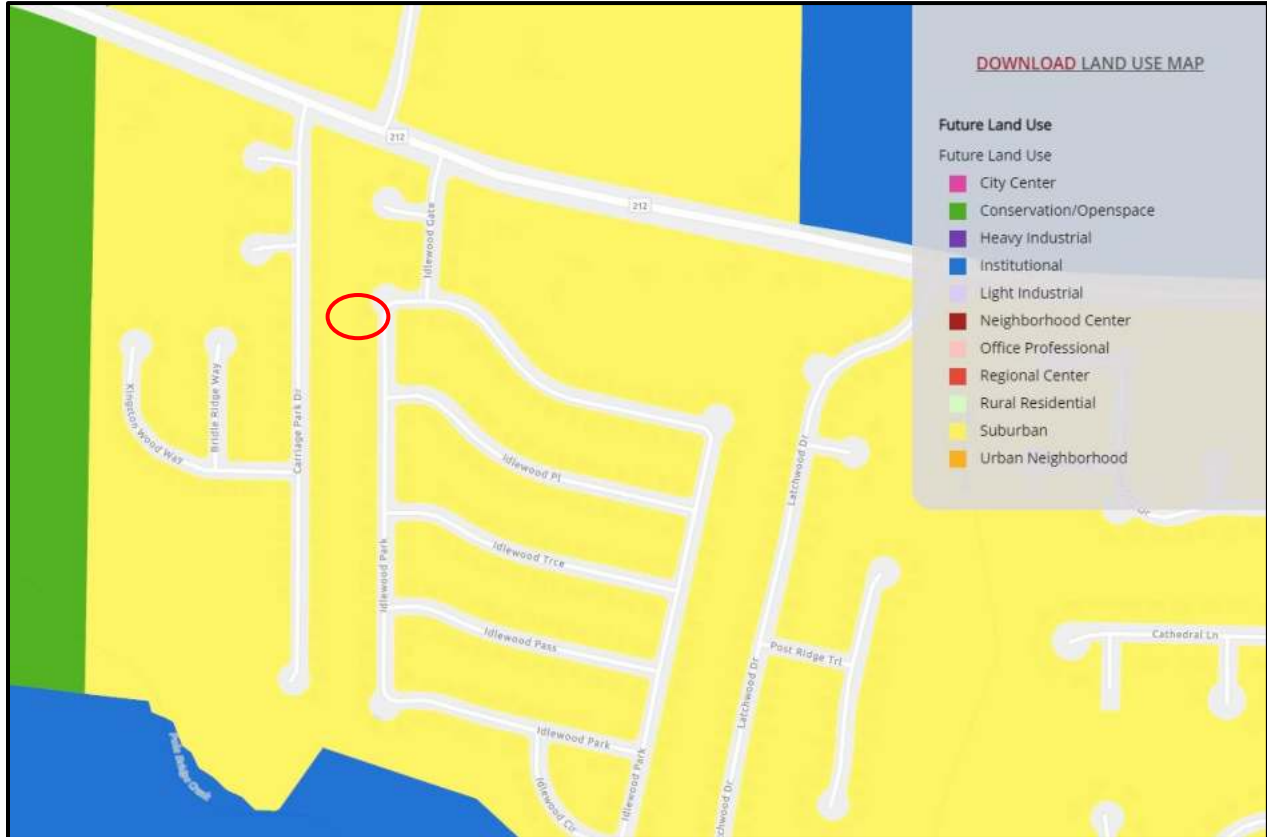




PLANNING & ZONING STAFF REPORT

SLUP-21-005

Future Land Use Map





PLANNING & ZONING STAFF REPORT

SLUP-21-005

PROJECT OVERVIEW

Location

The subject property is located in the Idlewood Crossing Subdivision in a single-family home on a 0.2 acre lot. The property is surrounded by similar homes all within the Residential Small Lot (RSM) zoning designation. Below are photos of the site. The upper row shows the front of the house and side yards. The lower row is the backyard.

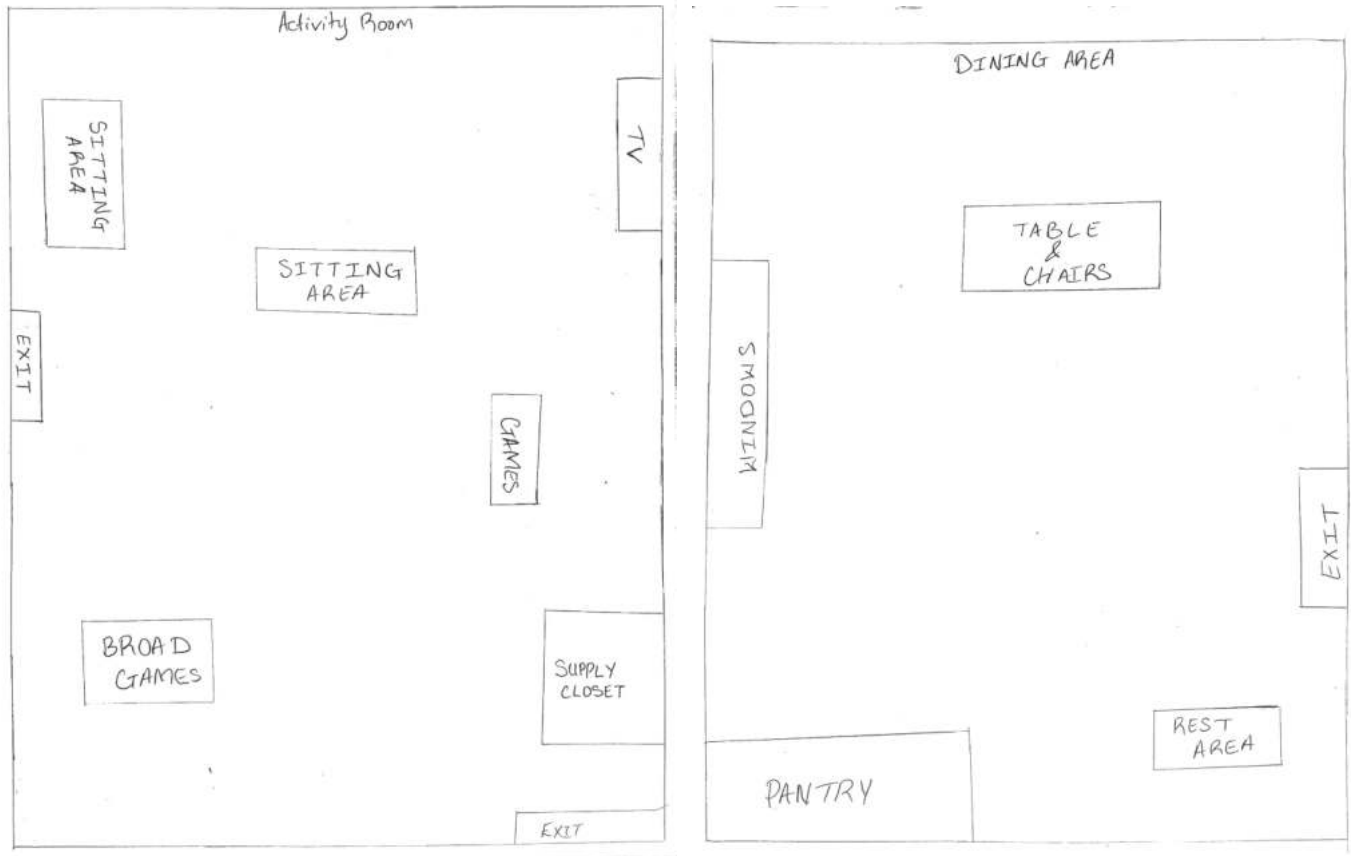


On the following page are hand drawn sketches of the two main rooms of the house that will be used for the business.



PLANNING & ZONING STAFF REPORT

SLUP-21-005



Background

The Idlewood Crossing subdivision was constructed in 2001 after a March 2000 rezoning of the property from R-100 to RA8, DeKalb Case number CZ-99059. The conditions of the rezoning have no bearing on the request, and can be found in the attachments. As part of a revision of the DeKalb Zoning Ordinance and readoption of their zoning map all properties zoned RA8 were rezoned to RSM.

The applicant is a certified medical assistant with an associates degree in Science for Pre-Nursing, and is seeking to operate an Adult Day Care on the site for less than 6 clients, anticipating just 2 clients



PLANNING & ZONING STAFF REPORT

SLUP-21-005

Rezoning Request

Adult Day Care (up to six clients) requires a SLUP according to the Permitted Use Table in Sec. 4.1.3 and is regulated under Section 4.2.5 of the Stonecrest Zoning Ordinance, which states the following:

“Each adult daycare facility shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each adult daycare facility shall provide off-street parking spaces as required by the applicable zoning district.
- C. No adult daycare facility shall be located within 1,000 feet of another adult daycare facility.
- D. No adult daycare facility may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
 1. Permit application. Persons seeking to operate an adult daycare facility in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult daycare facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
 2. Notwithstanding the above provisions, if a proposed adult daycare facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.”

According to state health facility records there are no other adult day care facilities within 1000 feet of the subject property.



PLANNING & ZONING STAFF REPORT

SLUP-21-005

Public Participation

A community planning information meeting was held on November 30 at 6 PM when the proposed Special Land Use Permit was discussed. The meeting was hosted by the City on Zoom and broadcasted on YouTube. No objections to the SLUP were brought up.

STANDARDS OF REZONING REVIEW

Section 7.4.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case. Each element is listed with staff analysis.

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The city regulations regarding Adult Day Care do not place any minimum size guidelines on the site. By limiting the client size to less than 6, there should be adequate room, though some improvements to the back yard such as fencing will be required.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed adult day care for less than six persons are compatible with other single-family residences. There will be no outside physical changes to the existing single-family structure or signage indicating the use.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The subject property is in an established single-family residential area; it appears that there are adequate public services, public facilities, and utilities to serve it.

- D. Adequacy of the public street on which the use is proposed to be located and whether there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

The subject property is sited on a local street; the staff believes there will be little or no impact on the public streets or traffic in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

The traffic of the vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.



PLANNING & ZONING STAFF REPORT

SLUP-21-005

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The existing residential structure on the site is accessed by vehicles via an existing curb cut with a driveway and emergency vehicles can access the site from the existing driveway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed use may not create an adverse impact upon any adjoining single-family land uses by reason of noise, smoke, odor, dust or vibration,

- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

Per the information submitted with the application, the applicant intends to run a personal care home during the daytime hours and states that it will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The operation of adult day care does not affect the adjoining single-family residences. The site will operate basically as a single-family residence with the owner/operator residing on the property.

- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed use is otherwise consistent with the requirement of the zoning district.

- K. Whether the proposed use is consistent with the policies of the comprehensive plan.**

The proposed use is consistent with the comprehensive plan housing policy P-3, which encourages the development of services to allow the aging population to age in place.

- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

Transitional buffers are not required.



PLANNING & ZONING STAFF REPORT

SLUP-21-005

M. Whether there is adequate provision of refuse and service areas.

An adequate refuse area will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

Staff believes there is not a compelling reason to limit the special land use duration as the applicant appears to be the only adult day care within the vicinity.

O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

The adult day care would be in an existing residential structure which is consistent in size, scale, and massing with adjacent surrounding single-family residence in the area.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permits.

The proposed appears to satisfy the requirements contained within the supplemental regulations Sec.4.2.5 for the special land use permits for adult day care, with the exception of backyard fencing. A condition on zoning is recommended to be added to address this.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

Adjacent and surrounding residential properties are structures which are the same as the existing residence on the site. There will be no negative shadow impact on any adjoining lot.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community, be compatible with the neighborhood, and would not conflict with the overall objective of the comprehensive plan.

The proposed use would not conflict with the overall objective of the comprehensive plan, as the Stonecrest Comprehensive plan states the city will encourage the need for adequate care for the elderly.



PLANNING & ZONING STAFF REPORT

SLUP-21-005

STAFF RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-005** with the condition that the backyard be fenced in by at least a six foot high wood privacy fence to allow outdoor recreation opportunities for the clients.

Attachments:

- 1 – RZ-21-006 Application including:
- 2 - DeKalb County 2005 Rezoning Case File for CZ-99059

Chantelle Morrison
4460 Idlewood Park
Stonecrest, Ga 30038

Dear City of Stonecrest,

My name is Chantelle Denisha Morrison, owner of property 4460 Idlewood Park, Stonecrest, Ga 30038. I am Certified Medical Assistant with her associate degree in Science for Pre-Nursing. I love to care for the elderly. As a child my aunt had a stroke and I was the one who found her unconscious on the bathroom floor. It is important that our loved ones have the care that they need 24/7. Which is why I would like to transition my home into an Adult Day Care, so they have medical profession taking excellent care of them during the day. I will have available hours such as Monday to Friday from 6am to 5 pm. For any additional information my contact is 770-568-3020.

Best Regards,

Chantelle Morrison



Special Land Use Permit Application

Applicant Information

Name:	Courageous Care Home LLC	
Address:	4460 Idlewood Park, Stonecrest, GA 30038	
Phone:	770 568 3020	Email: morrisonchantelle5@gmail.com
Owner's Name:	Chartelle Morrison	
Owner's Address:	4460 Idlewood Park, Stonecrest, GA 30038	
Phone:	770 568 3020	Email:

Owner Information

Property Address:	4460 Idlewood Park	Acreage:
Parcel ID:		
Current Zoning Classification:		
Proposed Use of Property:	Adult Daycare Facility	
Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?	<input type="radio"/> Yes <input checked="" type="radio"/> No	

Property Information

Property Information: The property located at 4460 Idlewood Park, Stonecrest, GA 30038 is a residential home that will be transformed as an "Adult Daycare Facility".

Affidavit

To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.

Applicant's Name:	Chartelle Morrison	
Applicant's Signature:		Date: 09/14/21
Sworn to and subscribed before me this	14th	Day of September 20 21

Notary

Notary Public:	Jaleseya Goodall	
Signature:		
My Commission Expires:	Jan. 2, 2024	

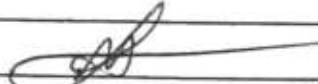
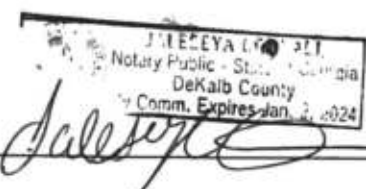
Application Fee Sign Fee Legal Fee

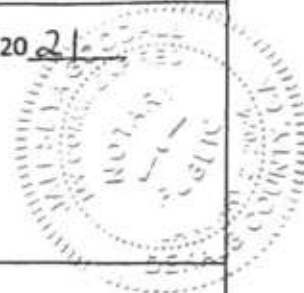
Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	Date:	



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use 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 and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

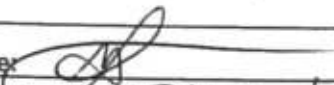
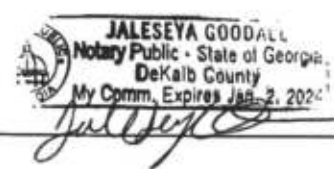
Property Owner (If Applicable)	Signature: 		Date: 09/14/21
	Address: 4460 Idlewood Pk		City, State: Stonecrest, GA Zip: 30038
	Phone: 770 568 3020		
	Sworn to and subscribed before me this 14th day of September, 2021		
	Notary Public:  Exp Jan 2, 2024		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public:		

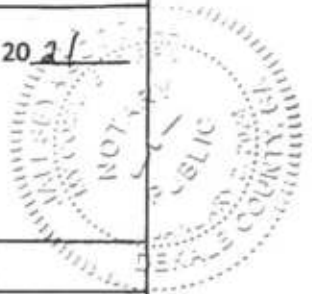




Applicant/Petitioner Notarized Certification

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").

Applicant / Petitioner	Signature: 		Date: 09/14/21
	Address: 4460 Idlewood Park		City, State: Stonecrest, GA Zip: 30038
	Phone: 770 568 3020		
	Sworn to and subscribed before me this 14th day of September, 2021		
Attorney / Agent	Notary Public: 		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
Notary Public:			






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?

Yes No

Applicant / Owner	Signature: 
	Address: 4460 Idlewood Park, Stonecrest GA 30038
	Date: 09/14/2021

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

Date	Government Official	Official Position	Description	Amount

2020065841 DEED BOOK 28264 Pg 621
Filed and Recorded: 4/23/2020 4:45:00 PM
Recording Fee: \$25.00
Prepared By:
1938367481
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

Return recorded document to:
K.G. Hughes & Associates, LLC
1895 Phoenix Blvd., Suite 260
Atlanta, GA 30349
File# 20-0115

Parcel# 11 251 01 192

STATE OF GEORGIA

COUNTY OF FULTON

QUITCLAIM DEED

THIS INDENTURE MADE THIS 16TH DAY OF April 2020, BY AND BETWEEN

VIVIAN ANN JOHNSON

PARTY(IES) OF THE FIRST PART, HEREINAFTER CALLED GRANTOR, AND

DONALD LEE GATES

PARTY(IES) OF THE SECOND PART, HERINAFTER CALLED GRANTEE.(THE WORDS "GRANTOR" AND "GRANTEE" INCLUDE THEIR RESPECTIVE HEIRS, SUCCESSOR AND ASSIGNEES WHERE THE CONTEXT REQUIRES OR PERMITS.)

WITNESSETH THAT: GRANTOR, FOR AND IN CONSIDERATION OF TEN DOLLARS (\$10.00) AND OF THE GOOD AND VALUABLE CONSIDERATIONS IN HAND PAID AT AND BEFORE THE SEALING AND DELIVERY OF THESE PRESENTS, THE RECEIPTS WHEREOF IS HEREBY ACKNOWLEDGED, BY THESE PRESENTS DOES HEREBY REMISE, CONVEY AND FOREVER QUITCLAIM UNTO SAID GRANTEE THE FOLLOWING DESCRIBED PROPERTY:

All that tract or parcel of land lying and being in Land Lot 251, 11th District of DeKalb County, Georgia, being shown as Lot 10, Block A, Idlewood Crossing, as per Plat recorded in Plat Book 121, Pages 20-21 and revised at Plat Book 121, Pages 104-109, DeKalb County, Georgia Records, which Plats are by reference incorporated herein and made a part hereof.

TO HAVE AND TO HOLD THE SAID DESCRIBED PREMISES TO GRANTEE, SO THAT NEITHER GRANTOR NOR ANY PERSON OR PERSONS CLAIMING UNDER GRANTOR SHALL AT ANY TIME, BY ANY MEANS OR WAYS, HAVE, CLAIM OR DEMAND ANY RIGHT TO TITLE TO SAID PREMISES OR APPURTENANCES, OR ANY RIGHTS THEREOF.

IN WITNESS WHEREOF, THE GRANTOR HAS SIGNED AND SEALED THIS DEED, THE DAY AND YEAR FIRST ABOVE WRITTEN.

Signed, sealed and delivered in the presence of:

UNOFFICIAL WITNESS

NOTARY PUBLIC
MY COMMISSION EXPIRES



VIVIAN ANN JOHNSON

Deed 28264 Pg 621
20th April 2020

[Handwritten mark]



FOR THE YEAR
THOMAS PRITTS & ASSOC., INC.



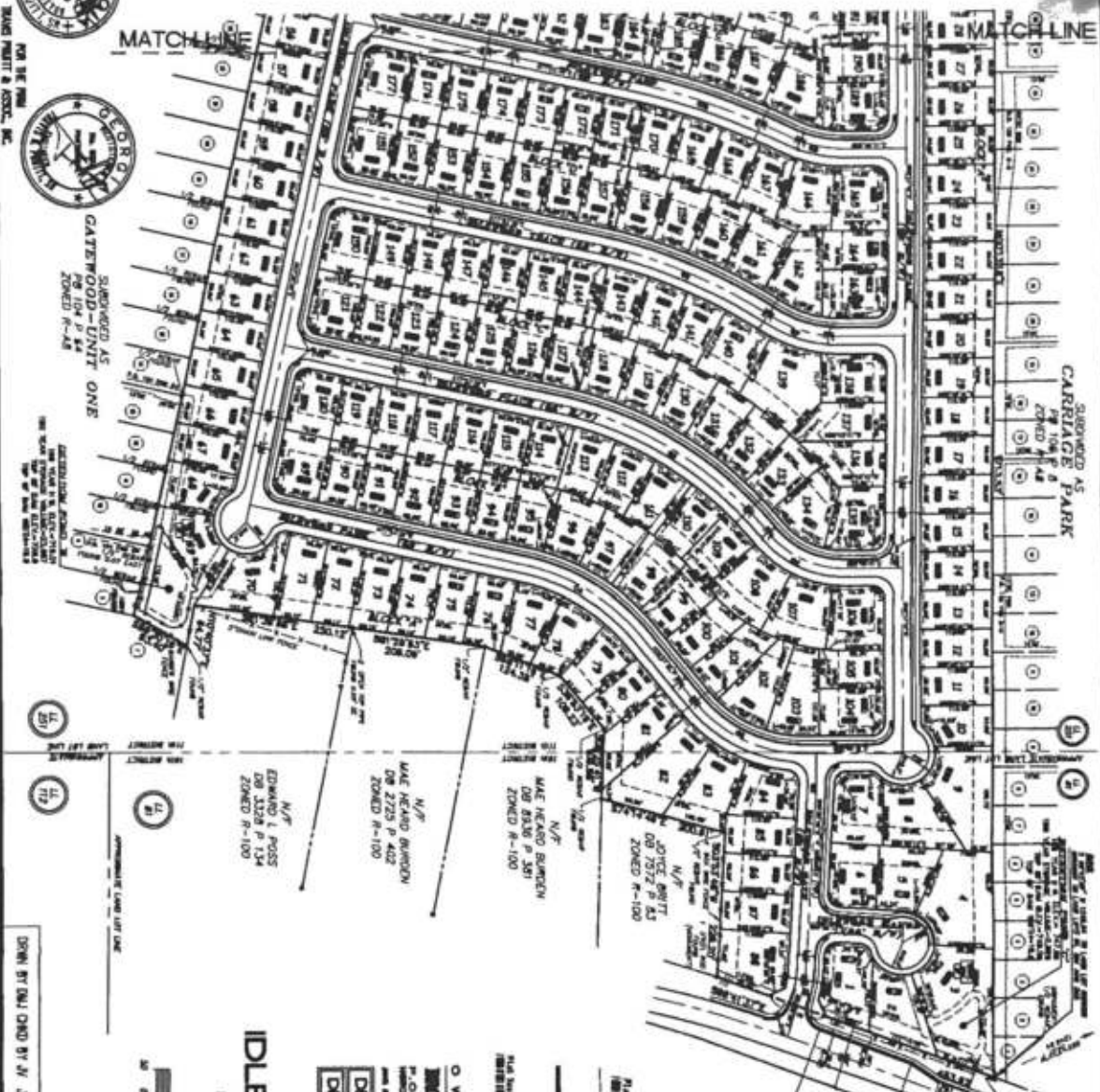
STANDARD AS
GATEWOOD - UNIT ONE
PG 104 P 44
ZONED R-45

DEVELOPING AGENCY
THOMAS PRITTS & ASSOC., INC.
100 W. WASHINGTON ST., SUITE 200
ATLANTA, GA 30334
TEL: 404.525.1100

MATCHLINE

MATCHLINE

GATEWOOD AS
CARRIAGE PARK
PG 104 P 44
ZONED R-45



IDLEWOOD CROSSING

LAND LOT 81 - 15TH DISTRICT
LAND LOT 251 - 11TH DISTRICT
DEKALB COUNTY, GEORGIA
APRIL 18, 2001 1" = 100'
DRAWN: J. J. JONES - R. J. JONES

OWNER / DEVELOPER
BROWNS MILL CONSTRUCTION LLC
P.O. BOX 9241-48
ATLANTA, GEORGIA 30338
TEL: 404.525.1100
WWW.BROWNSMILL.COM

DEKALB COUNTY PROJECT NO. 0004471
DEKALB COUNTY CONTRACT NO. 01-8328

1/4" = 100'
1/8" = 50'
1/16" = 25'
1/32" = 12.5'
1/64" = 6.25'

BROWNS MILL ROAD
(100' R/W)
GA. HWY. 212

1/4" = 100'
1/8" = 50'
1/16" = 25'
1/32" = 12.5'
1/64" = 6.25'

DOWN ST. ONLY OWNED BY J. J. JONES ON 5/25/07. W. W. 1450 P.L. 116-C-1987
2

4/11/01 1:00P 01-20-23 01-20-24 01-20-25 01-20-26 01-20-27 01-20-28 01-20-29 01-20-30 01-20-31 01-20-32 01-20-33 01-20-34 01-20-35 01-20-36 01-20-37 01-20-38 01-20-39 01-20-40 01-20-41 01-20-42 01-20-43 01-20-44 01-20-45 01-20-46 01-20-47 01-20-48 01-20-49 01-20-50 01-20-51 01-20-52 01-20-53 01-20-54 01-20-55 01-20-56 01-20-57 01-20-58 01-20-59 01-20-60 01-20-61 01-20-62 01-20-63 01-20-64 01-20-65 01-20-66 01-20-67 01-20-68 01-20-69 01-20-70 01-20-71 01-20-72 01-20-73 01-20-74 01-20-75 01-20-76 01-20-77 01-20-78 01-20-79 01-20-80 01-20-81 01-20-82 01-20-83 01-20-84 01-20-85 01-20-86 01-20-87 01-20-88 01-20-89 01-20-90 01-20-91 01-20-92 01-20-93 01-20-94 01-20-95 01-20-96 01-20-97 01-20-98 01-20-99 01-20-100



TRAVIS PRUITT & ASSOC., INC.
FOR THE ENGINEER

SUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

RESUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

RESUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

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ON PLAT OF
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7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

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ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

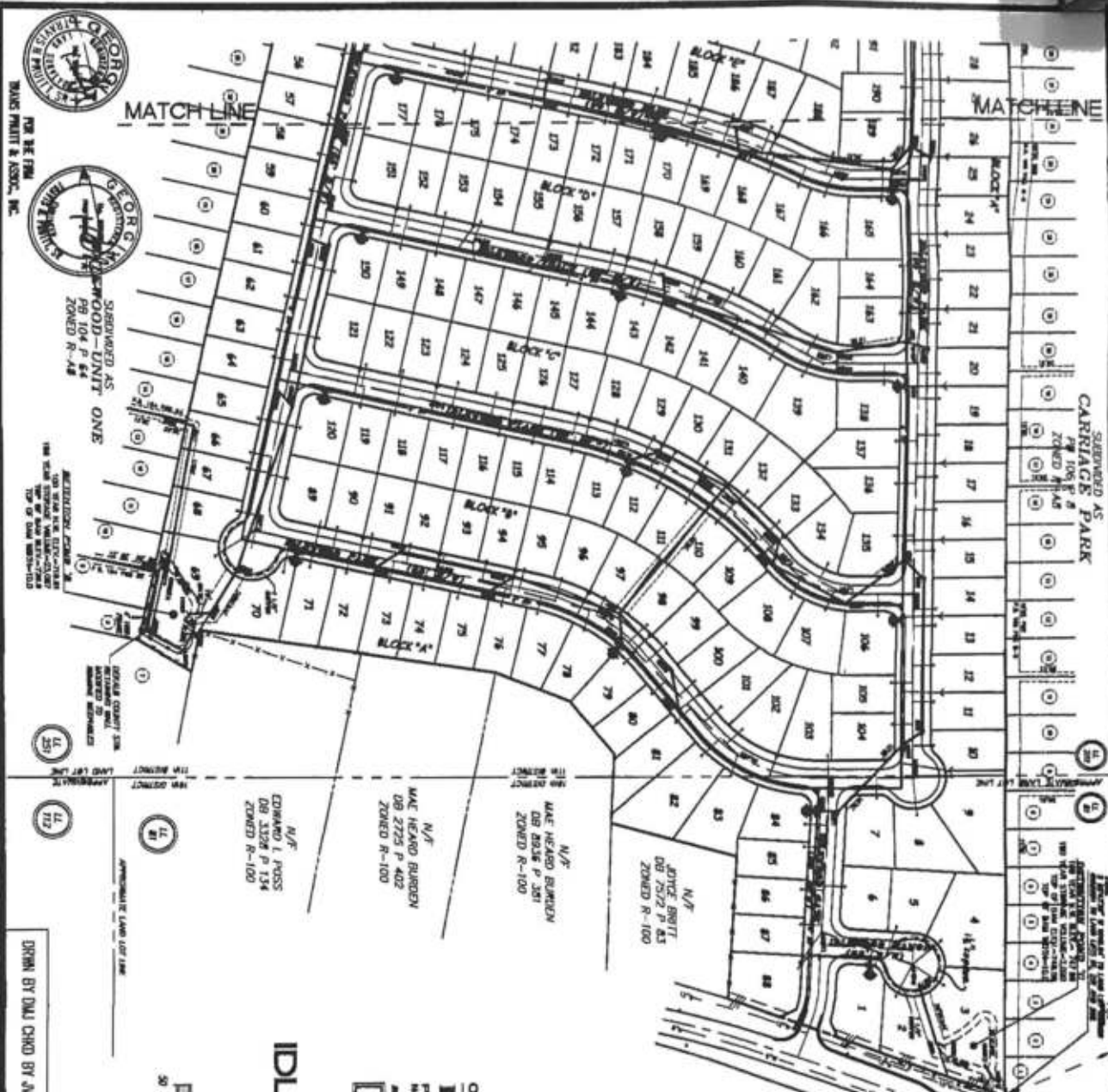
RESUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

RESUBDIVISION AS SHOWN
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"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

RESUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

MATCH LINE

MATCH LINE



SUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

SUBDIVISION AS SHOWN
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"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

SUBDIVISION AS SHOWN
ON PLAT OF
"CARRIAGE PARK" ZONED R-45
7/10/04 P. 44
7/10/04 P. 44
ZONED R-45

DEKALB COUNTY CONTRACT NO.

DRIVEN BY DANA CHOD BY JV JAN 985388 ON 985388P WN W-1450 RN 116-C-1987

Sheet No. 4

11/17/19 10:02:52 AM 1/13/20 08:48:00 AM

N/E
EDWARD I. POSS
DB 3128 P. 134
ZONED R-100

N/E
WAC HEARD BURDEN
DB 2725 P. 402
ZONED R-100

N/E
WAC HEARD BURDEN
DB 8036 P. 281
ZONED R-100

N/E
JOYCE BRIT
DB 2522 P. 85
ZONED R-100

BROWNS MILL ROAD
(100' R/W)
GA. HWY. 212

FILE
NAME: BROWNS MILL
DRAWING: 24623

IDLEWOOD CROSSING

LAND LOT 81 - 16TH DISTRICT
LAND LOT 251 - 11TH DISTRICT
DEKALB COUNTY, GEORGIA
APRIL 19, 2000 / 1" = 100'



5555 Oakbrook Parkway - Suite 280
Atlanta, GA 30328
Phone: (770) 416-2511 / (770) 418-4328
www.travispruit.com

OWNER / DEVELOPER
BROWNS MILL CONSTRUCTION LLC
P.O. BOX 922149
MARIETTA, GEORGIA 30008
770-426-8888

DEKALB COUNTY PROJECT NO 00044R

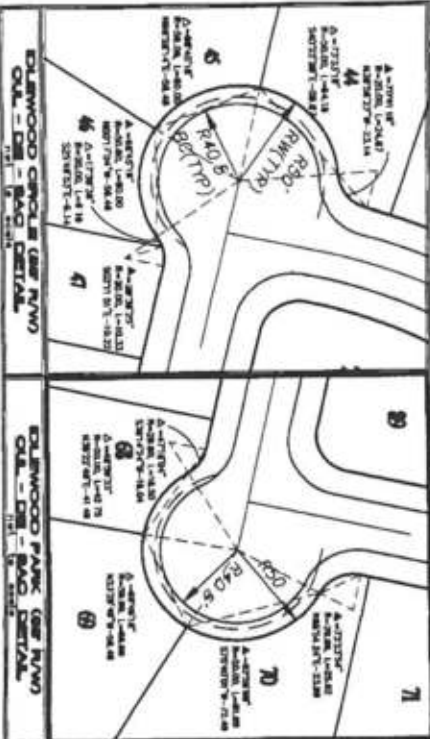


11/17/19 10:02:52 AM 1/13/20 08:48:00 AM



LOT AREA CHART

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)	PERCENTAGE OF TOTAL AREA
1	1,262,491	28.97	10.00
2	1,262,491	28.97	10.00
3	1,262,491	28.97	10.00
4	1,262,491	28.97	10.00
5	1,262,491	28.97	10.00
6	1,262,491	28.97	10.00
7	1,262,491	28.97	10.00
8	1,262,491	28.97	10.00
9	1,262,491	28.97	10.00
10	1,262,491	28.97	10.00



CENTRAL CURVE DATA

LOT NO.	CHORD	ARC	ANGLE	AREA (SQ. FT.)
1	1,262,491	28.97	10.00	1,262,491
2	1,262,491	28.97	10.00	1,262,491
3	1,262,491	28.97	10.00	1,262,491
4	1,262,491	28.97	10.00	1,262,491
5	1,262,491	28.97	10.00	1,262,491
6	1,262,491	28.97	10.00	1,262,491
7	1,262,491	28.97	10.00	1,262,491
8	1,262,491	28.97	10.00	1,262,491
9	1,262,491	28.97	10.00	1,262,491
10	1,262,491	28.97	10.00	1,262,491

Copyright 2001
 This drawing and all other information contained hereon are the property of the undersigned and shall remain confidential and shall not be disclosed to any third party without the written consent of the undersigned.

STREET DIMENSIONS
 30' ROW MARKS
 13.5' CENTERLINE - ROW
 30' ROW MARKS

AREA SUMMARY
 AREA IN LOTS = 1,262,491 Sq. Ft. or 28.97 Acres
 AREA IN R/W = 471,491 Sq. Ft. or 10.823 Acres
 OPEN SPACE = 818,540 Sq. Ft. or 18.790 Acres
 TOTAL AREA = 2,552,522 Sq. Ft. or 58.583 Acres
 DENSITY = 3.19

IDLEWOOD CROSSING

LAND LOT 81 - 18TH DISTRICT
 LAND LOT 251 - 11TH DISTRICT
 DEKALB COUNTY, GEORGIA
 APRIL 10, 2001
 TRAVIS PELLET & ASSOCIATES, INC.
 CONSULTANTS ENGINEERS, SURVEYORS
 & LANDSCAPE ARCHITECTS
 5555 Oakdale Parkway - Suite 280
 Marietta, Georgia 30067
 Phone: (770) 418-7051 Fax: (770) 418-4708
 www.travispellet.com

OWNER / DEVELOPER
BROWN HILL CONSTRUCTION LLC
 P. O. BOX 923149
 NORCROSS, GEORGIA 30070
 AND DEKALB COUNTY

DEKALB COUNTY PROJECT NO. 000449



DEKALB COUNTY CONTRACT # 10

DRUM ST/DAL DRVD BY JV M 965588 CA 965587 IN 8-1450 FN 116-C-1387

DEKALB COUNTY
BOARD OF COMMISSIONERS

ITEM NO. 7

ZONING - AGENDA/MINUTES

MEETING DATE: March 28, 2000

RESOLUTION
ORDINANCE X
PROCLAMATION

PREL.
ACTION
PUB. HRG. X

SUBJECT: Remanded Rezoning Application by the Superior Court – Browns Mill Development Co.
COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning

PUBLIC HEARING: X YES NO

ATTACHMENT: X YES NO 5 PP

INFORMATION CONTACT: *Ray White* Ray White/Bob Maxey
PHONE NUMBER: (404) 371-2155

Deferred from the 3/14/00 BOC public hearing for decision only.

PURPOSE:

CZ-99059 – To reconsider the application of Browns Mill Development Co. to rezone property located on the south side of Browns Mill Road, 4500 feet southwest of Klondike Road, from R-100 to R-A8 (conditional). The property has frontage of 454 feet on Browns Mill Road and contains 65.5 acres. On September 14, 1999, after holding a public hearing the Board of Commissioners voted to rezone the subject property to R-85 conditional. The Superior Court of DeKalb County found that the zoning map amendment for the property to R-85 attempts to permit a use not in accordance with the underlying land use category applicable to the subject property contrary to the requirements of the Zoning Ordinance. As such, the Superior Court has remanded both the land use and zoning map amendment applications for rehearing. On March 14, 2000, the Board of Commissioners approved a land use plan change from POS and LDR to LMR.

SUBJECT PROPERTY:

11-251-1-2, 5 & pt.4

RECOMMENDATION(S):

PLANNING DEPARTMENT: As the Board desires. If this property is to be redeveloped, a more intensive single family residential zoning district may well be called for. This property is surrounded by the R-A8 zoning classification, although that category was placed on the adjacent properties more than 25 years ago.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Brown, seconded by Commissioner Boyer, and passed 7-0-0-0, to approve R-A5 on the Browns Mill Development Company with the following conditions: underground utilities, front façade to be of brick or stone, sodded front yards, mandatory homeowners association to maintain entrance and recreation area, sidewalks on one side of the street, two car garages, monument entrance, a minimum of 1,600', not more than 4 houses per acre and approved conditioned upon the site plan.

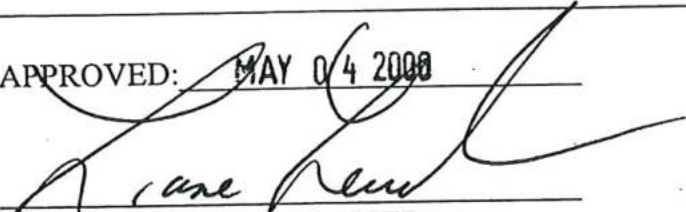
ADOPTED: MAR 28 2000
(DATE)

CERTIFIED: MAR 28 2000
(DATE)


PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS


CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: MAY 04 2000

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETOED: _____
CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

Attachment

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 2 - GALE WALLDORFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 3 - JACQUELINE SCOTT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 4 - KEN DAVIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 5 - WILLIAM C. BROWN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 6 - JUDY YATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DISTRICT 7 - PORTER SANFORD, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CZ-99059

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY LOCATED ON THE SOUTH SIDE OF BROWNS MILL ROAD, 4500 FEET SOUTHWEST OF ITS INTERSECTION WITH FLAT BRIDGE ROAD, FROM R-100 (SINGLE FAMILY RESIDENTIAL) CLASSIFICATION TO ~~R-A8~~ CONDITIONAL (SINGLE FAMILY RESIDENTIAL - CONDITIONAL) CLASSIFICATION, AND FOR OTHER PURPOSES.

APPLICANT: ^{R-A5} Browns Mill Development Company
OWNER:
COMMISSION DISTRICTS: 5 & 7

WHEREAS, the Browns Mill Development Company has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the south side of Browns Mill Road, 4500 feet southwest of its intersection with Flat Bridge Road, and more particularly described as follows:

All that tract or parcel of land lying and being in **District 11, Land Lot 251, Block 1, Parcel 1, part of Parcel 4, and Parcel 5** of DeKalb County, Georgia, containing 65.5 acres, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IV, Division 1, Section 27-832 and Section 27-833 for amending the DeKalb County Zoning Ordinance for the subject property from the R-100 (Single Family Residential) classification to ~~R-A8~~ - ^{R-A8} Conditional (Single Family Residential - Conditional) classification.

**THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA,
HEREBY ORDAINS:**

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, as set forth in Section 27-4 of the DeKalb County Zoning Ordinance, an amendment to rezone property on the south side of Browns Mill Road, 4500 feet southwest of its intersection with Flat Bridge Road is hereby approved per the site plan.


Part 2: That if this amendment is approved conditionally under the provisions of Section 27-833 and Section 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Section 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance (Attachment A).

Part 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

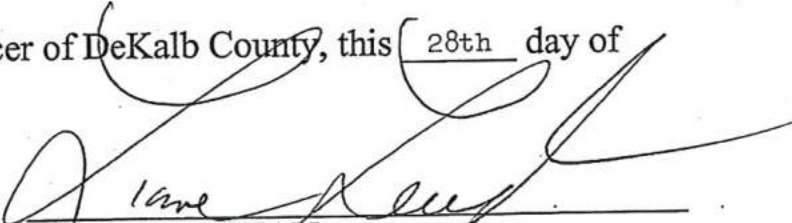
Part 4. This ordinance hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Zoning Board of Appeals.

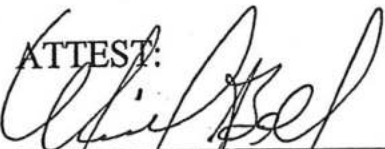
.....

ADOPTED by the DeKalb County Board of Commissioners this 28th day of March, 2000.


GALE WALLDORFF
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 28th day of March, 2000.


LIANE LEVETAN
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

MICHAEL J. BELL
Ex-officio Clerk
Board of Commissioners
DeKalb County

APPROVED AS TO FORM:

JONATHAN WEINTRAUB
County Attorney

ATTACHMENT "A"

FINAL CONDITIONS FOR CZ-99059

.....
Requested by Applicant:

None.

.....
By Planning Department:

None.

.....
By Planning Commission:

1. Approval to rezone the property from R-100 to RA-8 subject to the 13 conditions on the attached sheet.

I, the undersigned, Jean G. Silvey, Dep Clerk of the Board of Commissioners, DeKalb County, Georgia, DO HEREBY CERTIFY that the foregoing is a true and correct Copy of an ordinance adopted by said Board in meeting lawfully assembled on 28th day of March, 2000.

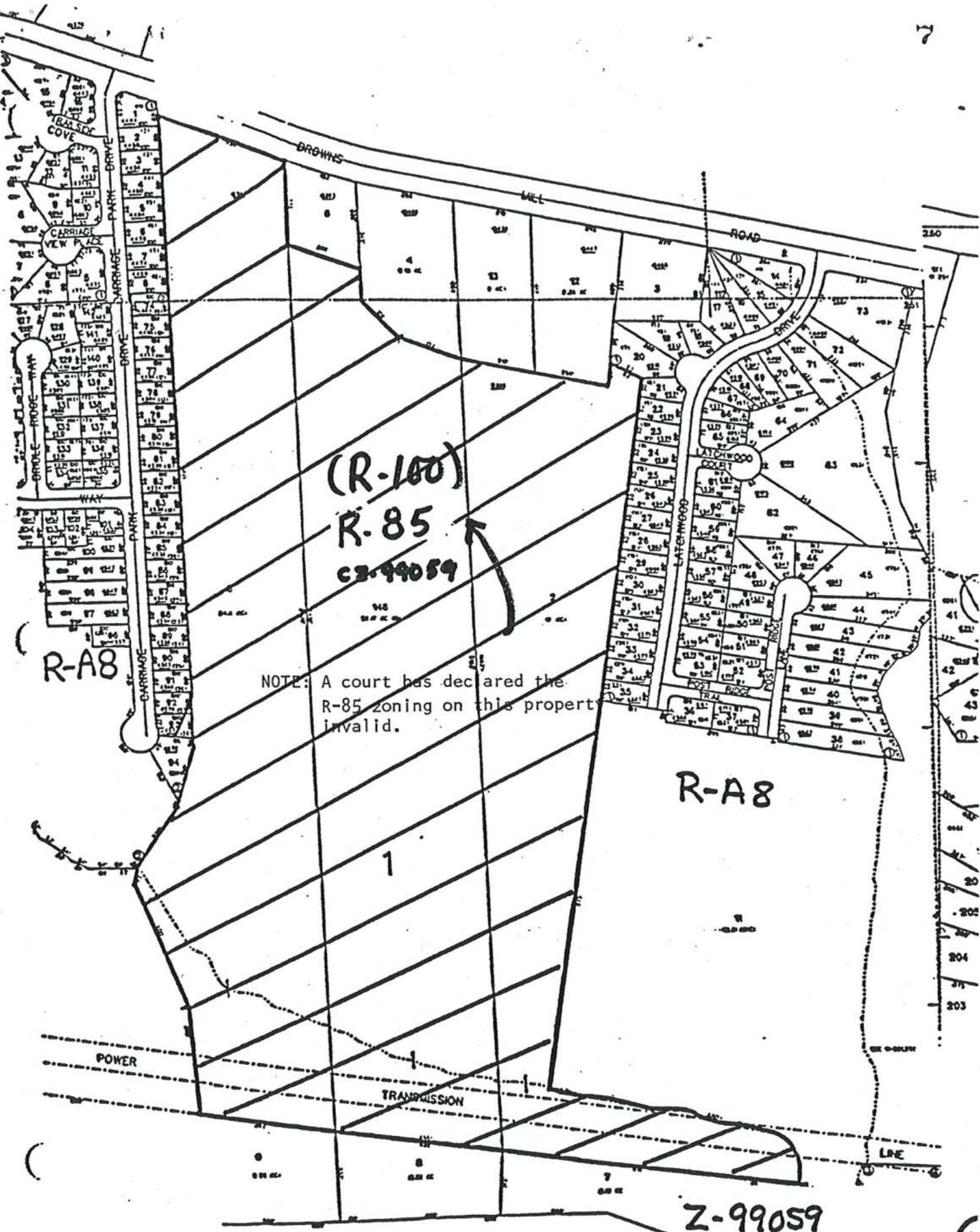
And same appears in Minutes of said Board this 9th day of July, 2000.

Jean G. Silvey
Deputy Clerk, Board of Commissioners
DeKalb County, Ga.

Motion To Approve Application To Amend Official Zoning Map

I make a motion to approve the application of Browns Mill Development Company to rezone the property from R-100 to ~~RA-8~~ ^{PAS}, subject to the following conditions:

1. The subdivision will be developed in accordance with the site plan dated January 5, 1999, which has been previously submitted to the Planning Department.
2. The subdivision will contain no more than four lots per acre.
3. The approximate twenty acres shown on the plat as a park will be maintained as a passive park for use by residents of the subdivision.
4. Minimum house size will be 1600 square feet.
5. All front yards will be sodded.
6. The front facades of all houses will be brick or stucco.
7. All houses will have double garages.
8. Sidewalks will be constructed on one side of all interior streets of the subdivision.
9. Underground utilities will be provided throughout the subdivision.
10. The flood plain area will remain undisturbed except for utility or detention facilities.
11. There will be public streets throughout the subdivision.
12. The developer shall establish a mandatory homeowners' association to own and maintain a community recreation area and entrance monument sign.
13. The Dekalb County Tree Ordinance shall be observed.



(R-100)
 R-85
 C2-99059

NOTE: A court has declared the R-85 zoning on this property invalid.

R-A8

R-A8

1

POWER

TRANSMISSION

Z-99059
 R-100 to R-A8

(1)

DEKALB COUNTY
BOARD OF COMMISSIONERS

ITEM NO. _____

ZONING - AGENDA/MINUTES

PREL. _____
ACTION _____
PUB.HRG. X

MEETING DATE September 14, 1999

RESOLUTION _____
ORDINANCE X
PROCLAMATION _____

SUBJECT: Rezoning Application - Brown's Mill Development Co.

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning

PUBLIC HEARING: X Yes ___ No

ATTACHMENT: X Yes ___ No 13PP

INFORMATION CONTACT: Ray White
dd Delores Davis
PHONE NUMBER: (404) 371-2155

Deferred from the 7/26/99, 8/10/99 and 8/24/99 zoning public hearings for Decision Only.

PURPOSE:

Z-99059 - To consider the application of Browns Mill Development Co., Inc. to rezone property on the south side of Browns Mill Road, 4500' southwest of Klondike Road, from R-100 to RA-8 . The property has frontage of 454' on Browns Mill Road and contains 65.5 acres.

SUBJECT PROPERTY:

11-251-1-2,5 & pt.4

RECOMMENDATION(S):

PLANNING DEPARTMENT: Approval of R-75 with conditions. This application is more suited for the R-75 zoning classification which has recently been approved in the area, especially given the amount of acreage involved. Staff recommendation includes the following conditions:

1. Not more than four (4) units per acres.
2. Not less than 1,600 square foot houses.
3. Two car attached garage for each house.
4. Public streets.
5. Front yards to be sodded.
6. Front facades of brick or stucco.
7. Flood plain area to remain undisturbed, except for utility or detention facilities.
8. Underground utilities.

PLANNING COMMISSION: Deferral.

COMMUNITY COUNCIL: Denial.

Z- 99059

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP/

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY LOCATED ON THE SOUTHSIDE OF BROWNS MILL ROAD, 4500 FEET SOUTHWEST OF ITS INTERSECTION WITH FLAT BRIDGE ROAD, FROM THE R-100 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO THE R-A5 (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND FOR OTHER PURPOSES.

APPLICANT: BROWN'S MILL DEVELOPMENT COMPANY
OWNER: BROWN'S MILL DEVELOPMENT COMPANY
COMMISSION DISTRICT(S): 5 AND 7

WHEREAS, The Brown's Mill Development Company has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the southside of Browns Mill Road, 4500 feet southwest of its intersection with Flat Bridge Road, and more particularly described as follows:

ALL THAT TRACT or parcel of land lying and being in District 11, Land lot 251, Block 1, parcel 1, parcel 5, and part of parcel 4 (containing 65.5 acres) of DeKalb County, Georgia, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IV, Division 1, Section 27-832 and Section 27-833, for amending the DeKalb County Zoning Ordinance for the subject property from the R-100 (Single Family Residential) district to the R-A5 (Single Family Residential) district.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, as set forth in section 27- 4 of the DeKalb County Zoning Ordinance, an amendment to rezone property located on the southside of Browns Mill Road, 4500 feet southwest of its intersection with Flat Bridge Road, from the R-100 (Single Family Residential) district to the R-A5 (Single Family Residential) district is hereby approved:

Part 2. That if this amendment is approved conditionally under the provisions of Section 27-833 and 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in part 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance (attachment A).

Part 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby appealed.

Part 4. This ordinance hereby approved does not authorized the violation of any zoning district regulations. District regulation variances can be approved only by application to the Zoning Board of Appeals.

ADOPTED by the DeKalb County Board of Commissioners this _____ day of

_____, 19__.

PORTER SANFORD, III
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of

_____, 199__.

LIANE LEVETAN
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

MICHAEL J. BELL
Ex-officio Clerk
Board of Commissioners
DeKalb County

APPROVED AS TO FORM:

JONATHAN WEINTRAUB
County Attorney

ATTACHMENT A

RECOMMENDED CONDITIONS FOR CZ-99059

Staff Recommended Conditions

1. Not more than four (4) units per acre.
2. Not Less than 1,600 s.f. houses.
3. Two-car attached garage for each house.
4. Public streets
5. Front yards to be sodded.
6. Front facades of brick or stucco.
7. Flood plain area to remain undisturbed, except for utility or detention facilities.
8. Underground utilities.

ZONING ANALYSIS

AGENDA NO. 14 ZONING CASE NO. Z-99059 MONTH OF JULY

APPLICANT BROWN'S MILL DEVELOPMENT CO. OWNER (x) AGENT ()

AGENT AUTHORIZED BY _____

LOCATION ON THE SOUTHSIDE OF BROWN'S MILL ROAD, 2,600' SW OF ITS
INTERSECTION WITH FLAT BRIDGE ROAD.

MAP REFERENCE NO. 11-251-1-2,5 & pt. 4

ACREAGE	<u>65.5</u>	EST. MAX. NET DENSITY/ACRE	<u>2.0</u>
EXISTING ZONING	<u>R - 100</u>	EST. MAX. UNITS	<u>131</u>
PROPOSED ZONING	<u>R - A8</u>	EST. MAX. NET DENSITY/ACRE	<u>8.0</u>
COMMISSIONER DISTRICT	<u>5 & 7</u>	EST. MAX. UNITS	<u>524</u>

CONDITIONS REQUESTED BY APPLICANT: NONE

ZONING HISTORY: NONE

TRAFFIC:

BROWNS MILL ROAD	
MAJOR THOROUGH FARE	
Capacity	10,000
Latest Count	5,457 4/14/97
Hourly Capacity	1,000
Peak Hours Volume	545

TPD
TPD
VPH
VPH

Trips generated upon development of existing zoning 1702 TPD
Trips generated upon development of proposed zoning 5238 TPD

Comments on conditions and planned improvements A PERMIT FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION WILL BE REQUIRE FOR APPROVAL OF ACCESS POINTS AND ROAD IMPROVEMENTS.

WATER: Size of main serving property 6'',12'' Existing zoning (adequate)
Proposed zoning (adequate*)
Size of line required if inadequate N/A N/A
Existing Zoning Proposed Zoning
Distance from property to nearest main N/A

Comments on current conditions or proposed main extension or improvements N/A

*Indication that water supply is adequate for rezoning purposes does not constitute approval of a specific project. In certain cases additional water may be required to provide adequate fire protection.

SEWER: Outfall serving project POLE BRIDGE Existing zoning (adequate)
Proposed zoning (adequate)
Is sewer adjacent to this property? YES
If not, distance to nearest line N/A
Treatment Plant POLE BRIDGE W.T.F. (adequate)

Waste Generation If Residential

Capacity	<u>15</u>	MGPD		
Current Flow	<u>6.9</u>	MGPD	<u>41,920 GPD</u>	<u>167,680 GPD</u>
			Existing Zoning	Proposed Zoning

Comments on current conditions/planned improvements N/A

DRAINAGE: Drainage basin affected POLE BRIDGE CREEK

Upstream drainage area passing the property proposed for rezoning _____
18.41 SQ. MI.

Percentage of this property covered by IRF 30%

Impact on properties (flood, erosion and sedimentation) under existing zoning
Under proposed zoning NO IMPACT EXPECTED AS LONG AS PROPER STORMWATER CONTROL IS PROVIDED.

Recommendations: (With or without options; in addition to Environmental Code requirements.)

NOTE: IN THE FLOODPLAIN REGS. APPLY.

SCHOOLS:

	HIGH	ELEMENTARY
School Name	LITHONIA	MURPHY CANDLER
Recommended Capacity	1326	806
Latest Enrollment	1452	669

Students to be generated by existing zoning High: 25 Elementary: 37

Students to be generated by proposed zoning High: 94 Elementary: 109

Planned capacity expansion _____

PLANNING DEPARTMENT:

Site characteristics GULF COURSE PROPERTY WHICH SLOPES DOWN TO A STREAM.

**BROWNS MILL ROAD TRACT
ZONING PLAN AMENDMENT**

- A. This rezoning proposal is in conformity with the surrounding uses and conforms to the policy and intent of the comprehensive plan (as requested in the attached amendment).
- B. The requested zoning is the same as the parcels located to the east and west of the subject tract.
- C. The property is currently zoned R-100. Rezoning is required to make reasonable economic use of the land due to land costs and given that 20 acres of the property lies within a flood plain.
- D. The proposed rezoning will not adversely affect adjacent or nearby property. The proposed use, a single family subdivision, is compatible with the existing lanes and subdivisions in the area.
- E. Same question as C.
- F. No existing or changing condition that would affect this zoning change have been observed.
- G. The existing use of the subject property is a golf course, no historic buildings, sites, districts or archeological resources have been observed.
- H. Rezoning the subject property will not present a burdensome use of the existing infrastructure. Adequate utilities are available to serve the site.

#1

PLANNING DEPARTMENT COMMENTS
ON ZONING MATTERS SET FORTH IN
O. C. G. A. 36-67-3

AGENDA # 14

Application # Z-99059

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

The zoning proposal will not permit a use that is 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:

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

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

The property affected by the zoning proposal does have a reasonable economic value as currently zoned.

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

The zoning proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

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

The zoning proposal does have a reasonable economic use as currently zoned.

- 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:

See Zoning Analysis and Staff Recommendation

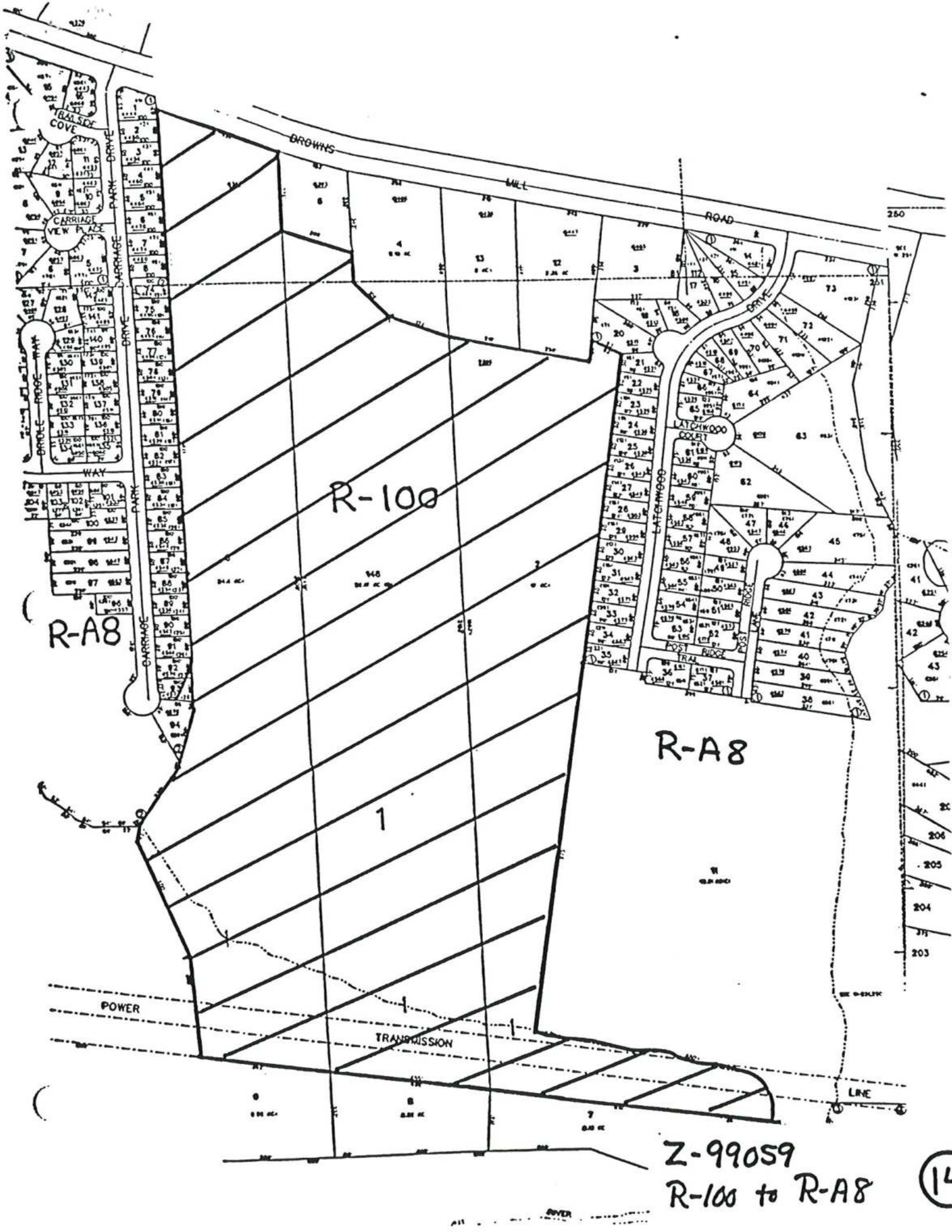
- G. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

There are no historic buildings, sites, or districts affected by this rezoning proposal.

- 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.

This zoning proposal will not result in a use which will cause an excessive or burdensome use of existing streets, utilities, schools, or transportation facilities.



Z-99059
R-100 to R-A8

14

CASE NO.

COMMENTS

Z-99050-

- ① CONSTRUCTION PLANNED IS TOO CLOSE TO CONLEY CREEK, ESP. DRIVEWAY SHOULDER & SLOPES.
- ② IN SOAPSTONE RIDGE

LP-99059

INTOWN LAND CO.

- ① NO GREEN SPACE
- ② IN INDUSTRIAL PARK

LANDSTONE INVESTMENT

40 KATHARIN M ZICKERT

(KROGERS ON MORELAND

- ① THIS SHOPPING CENTER IS LESS THAN 1/2 MILE FROM SKYHAVEN SCHOOL AND PARK. IT SHOULD HAVE PEDESTRIAN ACCESS FROM CORNER OF RIPPLEWATER DR & SKYHAVEN DR.

MILBOURNE CORPORATION

HOLT ROAD

- ① EMMIE SMITH PARK IS WALKING DISTANCE, LESS THAN 1 MILE.
- ② THERE SHOULD BE PEDESTRIAN ACCESS SHOWN TO SHADOW ROCK LANE (TO GET TO PARK) & SILVER SPUR.
- ③ REDAN ELEMENTARY SCHOOL IS AC. FROM S/O ENTRANCE. SO IS ACTIVE RR LINE.
- ④ TRIBUTARY BUFFER SHOULD BE GREEN SPACE.

**Amended Conditions for Browns Mill Development, Inc.
September 13, 1999**

Planning Department staff analysis review and findings has been amended to establish conditions for Z99059 to CZ99059 for Browns Mill Development, Inc.

Recommendations:

Approval of R-75 with the following conditions.

- 1. The maximum of 4 units per acre.**
- 2. No less than 1600 square feet per dwelling unit.**
- 3. Front facades on all dwelling units shall be brick or stucco.**
- 4. Each dwelling unit shall have a two car attached garage.**
- 5. All lots shall have sodded front yards.**
- 6. Subdivision shall have underground utilities.**
- 7. Sidewalks on both sides of all interior streets.**
- 8. All interior streets shall have streetlights that meet DeKalb County codes.**
- 9. Floodplain area to remain undisturbed, except for utility or detention facilities.**
- 10. Public streets.**
- 11. The Developer shall establish a mandatory homeowners association to own and maintain a community recreation area and entrance monument sign.**
- 12. The DeKalb County Tree Ordinance shall be observed.**

CASE NO.

COMMENTS

Z-99050-

- ① CONSTRUCTION PLANNED IS TOO CLOSE TO CONLEY CREEK, ESP DRIVEWAY SHOULDER & SLOPES.
- ② IN SOAPSTONE RIDGE

LP-99059

INTOWN LAND CO.

- ① NO GREEN SPACE
- ② IN INDUSTRIAL PARK

LANDSTONE INVESTMENT

40 KATHYRN M ZICKERT

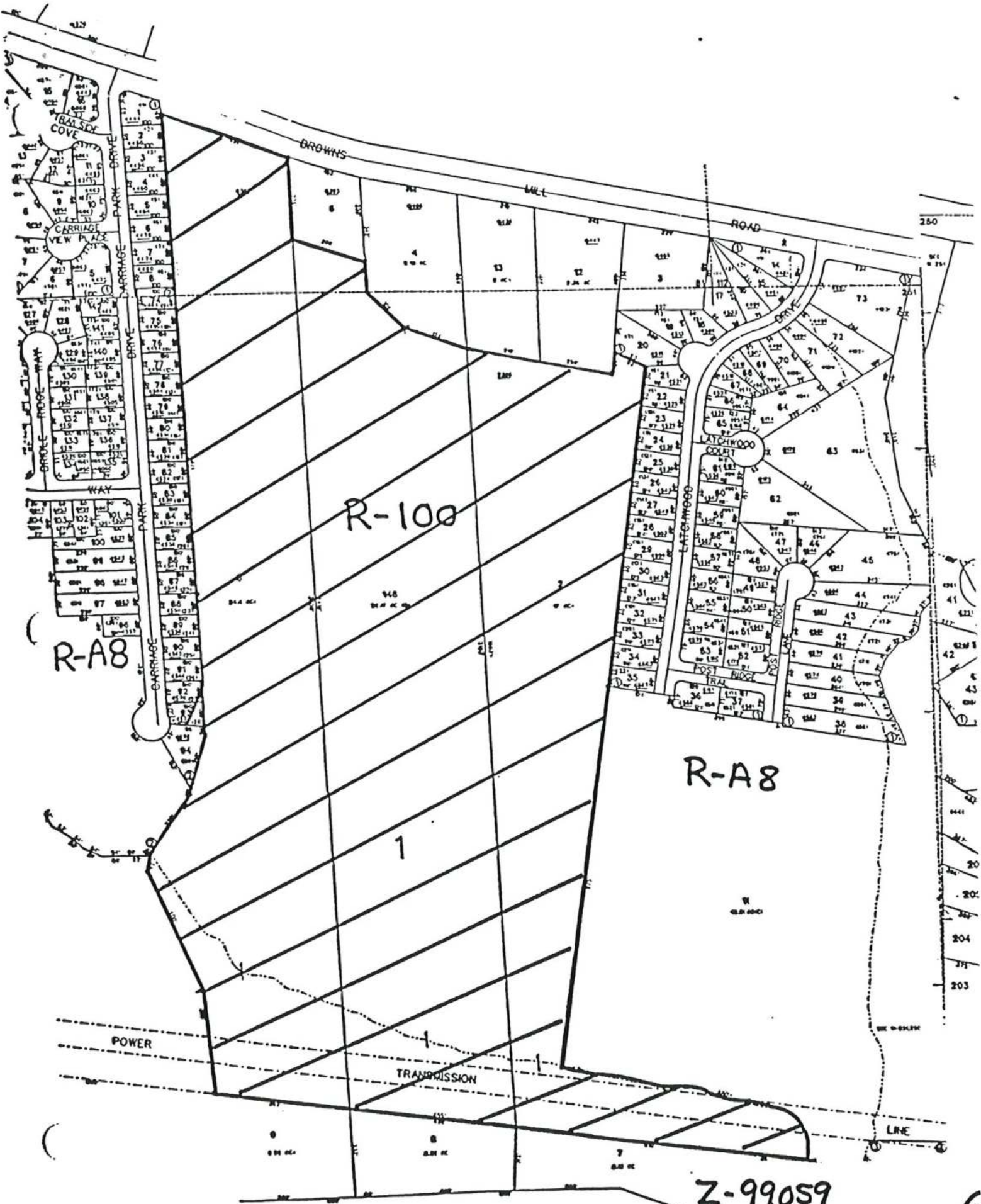
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MILBOURNE CORPORATION

HOLT ROAD

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- ③ REDAN ELEMENTARY SCHOOL IS A FROM S/O ENTRANCE. SO IS ACTIVE RR LINE.
- ④ TRIBUTARY BUFFER SHOULD BE GREEN SPACE.



R-100

R-A8

R-A8

1

POWER

TRANSMISSION

LINE

Z-99059
R-100 to R-A8

(1)



PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

Petition Number: TMOD-21-013

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, to mitigate the potential land use conflicts between residential and industrial land uses.

FACTS AND ISSUES:

- The city council has already adopted two text amendments that help to mitigate the potential impacts between residential and industrial land uses, in particular TMOD-21-010 and TMOD-21-011.
 - TMOD-21-010 placed prohibitions on certain heavy industrial activities in the city and removed residential land uses from industrial zones on the permitted land use table
 - TMOD-21-011 which revised the intent and purpose of the industrial zoning districts to discourage the conversion of industrial buildings to residential uses.
- This text modification offers several additional measures which are being presented in three parts:
 1. Modification of the authorized uses in the Stonecrest Area Overlay, Tier 3 by removing those uses allowed in the M district from being permitted to develop there. Note that there are no industrial uses in Tier 3 currently.
 2. Zoning reversion of parcels from residential to industrial that were originally rezoned from industrial to residential by DeKalb County many years ago and which are no longer used for residential purposes.



PLANNING & ZONING STAFF REPORT

3. Requiring a Special Land Use permit for properties being rezoned for residential uses adjacent to industrial zoned properties where adequate transitional buffers are not in place.

Staff is recommending that the Planning Commission recommend approval of all three parts to the City Council, but by presenting this different tools in such a manner Planning Commission may election to different actions on each part.

Part 1. Modification of Stonecrest Area Overlay, Tier 3 authorized use list.

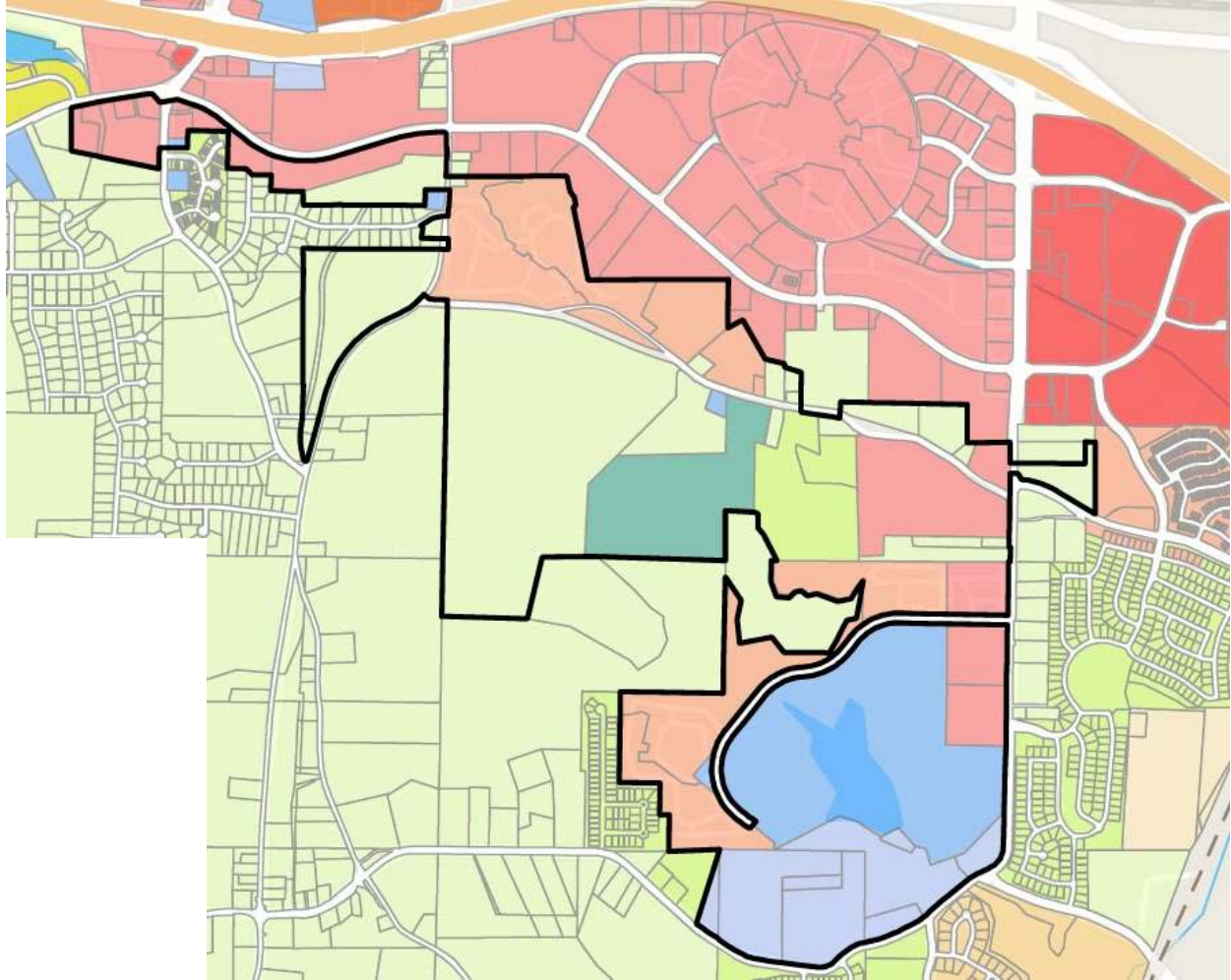
Proposal: Remove light industrial zoning (M) from the list of authorized uses in Tier 3 of the Stonecrest Area Overlay.

Reasons for proposal:

- One potential source of potential conflicts between residential and industrial uses is the permitted use list for Tier 3 of the Stonecrest Area Overlay. Tier 3 is the Low Rise Mixed Use Zone for which Sub-section 3.5.15.A. authorizes all uses allowed in the M – light industrial district to be developed by right, along with all uses allowed in C-1, C-2, O-I, OD, and MR-2, see Section.
- MR-2, Medium Density Residential District, in particular, allows a variety of residential uses, including single family homes, multi-family homes, and townhouses. And several such residential development have been built or proposed under this authorization.
- No industrial uses have yet to be built in Tier 3, despite the allowance to do so, but certainly could, which could cause potential land use conflict due to noise, truck traffic, and emissions. See underlying zoning map for Tier 3 on the following page.

PLANNING & ZONING STAFF REPORT

Stonecrest Area Overlay, Tier 3 and underlying zoning



- | | |
|---|--------------------------------|
| C-1 - Local Commercial | R-100 - Residential Med Lot |
| C-2 - General Commercial | R-85 - Residential Med Lot |
| OIT - Office/Institutional/Transitional | R-60 - Residential Small Lot |
| OI - Office/Institutional | RSM - Small Lot Residential |
| OD - Office/Distribution | MR-1 - Med Density Residential |
| MU-4 - Mixed-Use High Density | MR-2 - Med Density Residential |



PLANNING & ZONING STAFF REPORT

- The general Overlay Regulations contained in Sec. 3.1.1. also allows any use permitted in the underlying zoning to be built as long as they are not listed as a prohibited use in the Overlay. As the underlying zoning map for Tier 3 shows there are four zoning districts currently within Tier which are not on the authorized district list just described in Sub-section 3.5.15.A. The underlying but non-authorized zoning districts include MR-1, MU-4, RSM, and R-100. It should be noted that no parcels are currently zoned M in Tier 3.

PART 1 RECOMMENDED TEXT CHANGES: To remove the potential for a land use conflict between residential and industrial land uses. Revise Section 3.5.15 – Low rise mixed use zone (Tier III) of the Stonecrest Area Overlay as shown below in track changes.

Sec. 3.5.15. - Low-rise mixed-use zone (Tier III).

A. Permitted uses and structures. The principal uses of land and structures allowed in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, ~~M (Light Industrial) District~~, and MR-2 (Medium Density Residential) District except those listed in B., below.

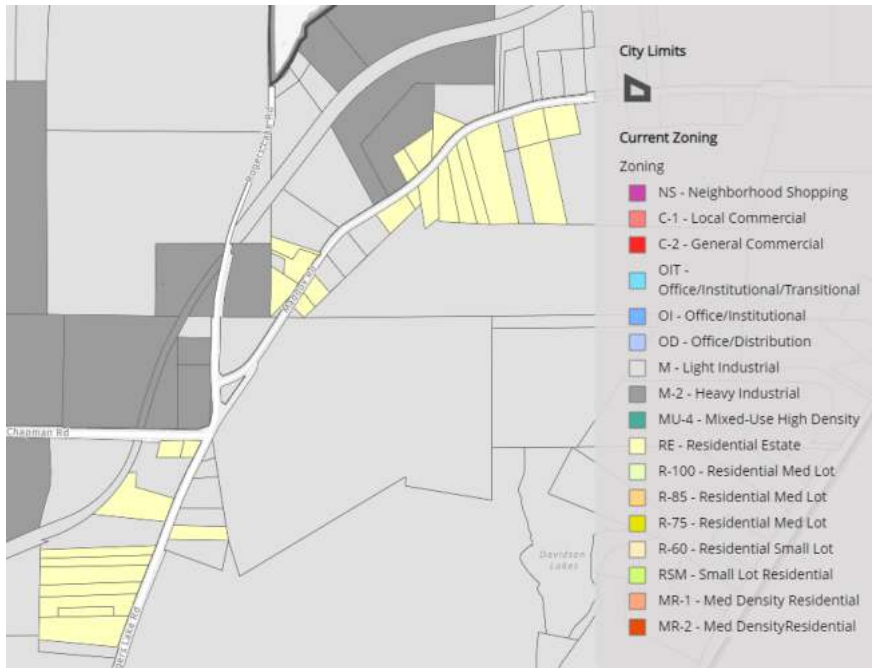
PLANNING & ZONING STAFF REPORT

Part 2. Reversion of previously zoned industrial property.

Proposal: Add new section providing that residential parcels which have not been used as residences for twelve months, or which have been used for industrial purposes for twelve months, are deemed to have reverted to industrial zoning if they formerly were rezoned to residential from industrial.

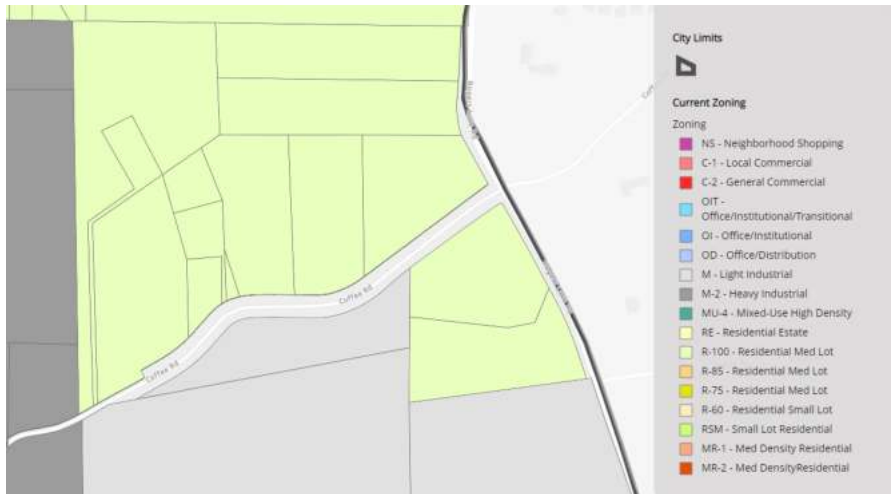
Reason for proposal: There are several parcels along Maddox Road, Rogers Lake Road and Coffee Road which were spot-zoned from the M (Light Industrial) District to residential in 1979, despite opposition from County planning staff due to questions about their future viability as residential. Those questions were well-founded. The properties remain surrounded by or near Light Industrially zoned properties. The rezoning to residential for many of this parcels has failed, either because houses on them are now derelict and abandoned or because the properties are being illegally used for industrial purposes.

Zoning Map of the Maddox Road-Rodgers Lake Area



PLANNING & ZONING STAFF REPORT

Zoning Map of the Coffe Road Area



PART 2 RECOMMENDED TEXT CHANGES:

[NEW]

Sec. 1.1.17. – Reversion of parcels which were rezoned from industrial to residential.

Any parcel which was rezoned by DeKalb County prior to incorporation from industrial to residential at the request of the owner, and is subsequently vacant for twelve months or is partly or entirely used for industrial purposes for twelve months shall be deemed to have reverted to the prior industrial zoning. Upon determining that a reversion has taken place, the planning director shall notify the property owner and shall begin a city-initiated rezoning of the property back to industrial for Planning Commission recommendation and City Council action.

Part 3. SLUP requirement for residential development adjacent to industrial zones.

Proposal: Add new section requiring a Special Land Use Permit for new residential development adjoining to industrial.

Reason for Proposal: Locating new residential adjoining to industrial land creates potential conflicts. Moreover, there currently is no public hearing process for the adjoining industrial owner to be notified of the proposed residential development; to be apprised of the plans for the development; and to obtain a public hearing on the merits of the residential development and the potential negative impact on the industrial property and the public welfare. Imposing a SLUP requirement on residential development will require a full, public staff analysis and a full public hearing before City Council, with an opportunity for members of the Stonecrest Community and the adjoining industrial owners to be heard.



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PART 3 RECOMMENDED TEXT CHANGES:

[NEW]

Sec. 4.2.70. – Special land use permit required for residential development adjoining to industrial.

A special land use permit shall be required for any proposed residential development or construction which is adjoining to industrially zoned parcel(s), unless one or more of the following criteria are met:

- A. A one hundred fifty (150) foot undisturbed transitional buffer zone exists or will be observed along the adjoining property line. The buffer zone may be within the residential parcel, the industrial parcel, or both.
- B. The industrial parcel is separated from the residentially zoned parcel by a stream buffer.
- C. The residential parcel is protected by conditions of zoning which were previously imposed on the industrial parcel for the purpose of protecting residential parcels.
- D. The residential parcel was rezoned from industrial to residential at the request of a present or former property owner and conditions of rezoning were imposed on the residential parcel for the purpose of protecting the residential parcel.

STAFF RECOMMENDATION: Recommend Approval of all three parts of TMOD -21-013 to the City Council.



PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

- Petition Number:** TMOD-21-014
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 7 – Administration concerning the actions by the Planning Commission

FACTS AND ISSUES:

- At a recent work session, the City Council has requested that the provisions of the Article 7 of the Stonecrest Zoning Ordinance be revised to clarify the role and intent of all motions made by the Planning Commission.
- In particular, they want to limit all motions made by the Planning Commission to recommendations only to the City Council in keeping with their role as a recommending body. This would remove the ability of the Planning Commission to defer action on case before transmittal of the case to City Council.

Recommended Text Changes

Proposal: Clarify the list of motions that the Planning Commission can make at a public hearing.

Reasons for proposal: To simplify the and shorten the rezoning process.

Track Changes version of recommended changes

Sec. 7.3.7. Action by the planning commission.

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any



TMOD-21-014

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~~recommendation of deferral of an application~~ by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

RECOMMENDED ACTION: Recommend Approval of TMOD-21-0141.



PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

- Petition Number:** TMOD-21-015
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

FACTS AND ISSUES:

- The Overlay Zones allow uses to constructed that are inconsistent with the underlying zoning district. For example, Tier 1 of the Stonecrest Area Overlay allows the construction of uses permitted in C1, C2, OI, OD, and HR-2, regardless of the underlying zoning. C1, C2, OI, OD and HR-2 would be considered authorizing districts, since all land uses authorized in these districts are permitted within the Tier unless they are strictly prohibited by the Tier.
- Sec. 3.1.1 states “All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.” This means that besides the uses permitted by the authorizing district, the uses allowed by the underlying district are permitted as well.
- Sometimes development is requested that is authorized but neither the underlying zoning nor the regulations of the overlay district offer guidance as so how they should be designed. For example, there have been situations where the underlying zoning is C-1, but the authorized use is townhomes or



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single family homes, which are permitted under HR-2. One would assume the development standards of HR-2 would be controlling, but it is not stated in the code.

- Another issue is that there have been legal authorized uses built that do not conform to the underlying zoning, so the base zoning does not reflect the existing use on the property. This creates an issue when a provision of the zoning ordinance is triggered by the presence of a neighboring district, the best example of which is a buffer requirement.

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

1. Proposed Changes to Chapter 27 – Zoning Ordinance

ARTICLE 3. OVERLAY DISTRICT REGULATIONS

DIVISION 1. OVERLAY DISTRICTS

Sec. 3.1.1. Overlay districts generally.

Overlay districts are supplemental to the zoning district classifications established in article 2 of this chapter. This section shall supersede the applicability statements in each overlay district except as provided in subsection (F) of this section, and are applicable as follows:

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.
- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1))

Sec. 3.1.2. Purpose and intent.

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.

(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.
- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. The plans must clearly state the governing district requirements by which the plans will be reviewed. If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.
- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance for the governing district requested by the applicant. If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
 2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application.
 3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3))

Sec. 3.1.4. Conceptual plan package review.

A. The conceptual plan package shall include the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;
2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
 - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
 - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
 - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
 - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
 - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
 - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;

The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE
ARTICLE 3. OVERLAY DISTRICT REGULATIONS

- g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
 - h. Delineation of all existing structures and whether they will be retained or demolished;
 - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
 - j. Height and setback of all existing and proposed buildings and structures;
 - k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
 - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
 - m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
 - n. Development density and lot sizes for each type of use;
 - o. Areas to be held in joint ownership, common ownership or control;
 - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
 - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
 - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;
 - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
 - t. Seal and signature of the professional preparing the plan.
- 5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.
 - 6. Lighting plan. See article 5 of this chapter.
 - 7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4))

Sec. 3.1.5. Final design package.

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color .pdf copies, for review and approval. The final design package must contain a statement of which governing district standards are being applied, full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

(Ord. of 8-2-2017, § 1(3.1.5))

Article 9 – Definitions

Section 9.1.3 Defined Terms

District, Zoning – Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform.

District, base zoning– see Underlying District

District, underlying zoning – Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

District, overlay zoning – a zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

District, authorized zoning – a zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

District, governing zoning – an underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers



PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

- Petition Number:** TMOD-21-016
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions, including the provisions for Micro-Distilleries, Craft Distilleries, Craft Breweries, Brew Pubs, Beer Growlers Towing and Wreckage Services, and Solar Energy.

FACTS AND ISSUES:

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.
- Towing and Wreckage Services sites should be screened from view similar to how gravel parking lots are to improve community aesthetics
- Solar energy generation as a accessory use does exist in community but there is no definition or regulations regarding their use.

RECOMMENDED ACTION: Recommend approval of TMOD-21-016

ATTACHMENTS:

1. Revisions to the zoning Ordinance related to Distillery and Brewery related uses
2. Revisions to the Zoning Ordinance related to Towing and Wreckage Services
3. Revisions to the Zoning Ordinance with regard to Solar Energy Systems

TMOD-21-016

STONECREST ZONING ORDINANCE UPDATE

1. Revisions to the Zoning Ordinance related to Distillery and Brewery related uses

A. Add definitions of brewery and distillery related uses

Proposal: To clarify the terms and definitions used to describe land uses associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.3 Defined terms.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

Craft brewery (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

Craft distillery (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers

Large-scale brewery means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

Large-scale distillery means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

B. Revise the Permitted Use Table, Sec. 4.3.1 with regard to brewery and distillery related uses

Brewery and distillery related uses are only permitted with certain commercial, mixed-use and industrial land use categories as shown in the modified use table below. Note brewpubs/Brew Growlers are already listed in the Permitted use table

	NS	C-1	C-2	M	M-2	MU Districts	See Section 4.2
Brewpub/ Beer Growler, accessory	P	P	P	P		P	
Craft Brewery		P	P	P		SP	✓
Craft Distillery		P	P	P		SP	✓
Large scale brewery					P		
Large scale Distillery					P		

C. Add supplemental use regulations regarding Craft Distilleries and Craft Breweries

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.59 Craft breweries and Craft distilleries

(1) Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:

(2) Shall be a maximum of 20,000 square feet.

(3) No outdoor public address system shall be permitted

(4) Production space shall be in a wholly enclosed building.

2. Revisions to the Supplemental Use Regulations related to Towing and Wreckage Services

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.60 Towing Wreckage Service

- A. Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.
- B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.
- C. Any area of the site used for the short-term storage of cars shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
- D. The parking area shall be at least 25 feet from the street right-of-way.
- E. 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 at 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.
- F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.
- G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.

3. Revisions to the Zoning Ordinance related to Solar Energy Systems

A. Add New Definitions related to Solar Energy Systems, Sec. 9.1.3

1. Solar Energy System: Solar Energy System (SES) means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. For purposes of this ordinance, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling. SES as used here excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity. The following are the types of permitted SES's:

- A. Integrated Solar Energy System means an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- B. Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.
- C. Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.

The Footprint of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The Footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the Footprint. Ground Mounted SESs shall be delineated by size as follows:

- Small Scale Ground Mounted Solar Energy System (Small Scale SES) means a Ground Mounted SES with a Footprint of less than two [2] acres.
- Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

- Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

2. Revisions to the Supplemental Use Regulations related to Solar Energy Systems

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.60 Solar Energy Systems, Principal Use

Principal solar energy systems (SES) shall be subject to the following standards:

- A. *Permitting.* No principal SES shall be constructed without issuance of a building permit except for a repair or modification of an existing SES that does not increase the spatial coverage of the SES by more than ten percent and does not encroach on any required building height or setback limits of the applicable zoning district.
- B. *UL-approved SES electric components.* Electric components shall have an Underwriters Laboratory listing.
- C. *Height.* Principal solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Height of ground- or pole-mounted SES shall be computed separately for each unit or structure except power transmission poles or towers.
- D. *Setbacks.* Ground-mounted or pole-mounted principal SES and supportive buildings and structures except electric transmission poles shall provide a minimum setback of 30 feet from all property lines.
- E. *Buffers.* All principal SES solar collection units and supportive buildings and structures except electric transmission poles shall be screened from view from public rights-of-way and abutting properties by a 25-foot wide vegetative buffer that is continuous around the perimeter of the property except for perpendicular crossings of approved driveways and utilities. The vegetative buffer shall provide a visually opaque screen not less than 20 feet in height at maturity.
- F. *Security.*
 1. The perimeter of the site of a principal SES shall be secured by an eight-foot tall security fence or wall that is constructed on the inside boundary of the required 25-foot buffer. Driveway entrances shall be gated.
 2. The operator must provide the City Police Department with a 24-hour contact responsible for operations.

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.61 Solar Energy Systems, Accessory Use

- A. *Nonresidential.* Active solar energy systems shall be allowed as an accessory limited use in all commercial or industrial zoning districts under the following standards:

1. *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

- a. Pitched roof-mounted solar systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- b. Flat roof-mounted solar systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
- c. The underlying zoning district maximum height for these systems shall be complied with.

2. *Ground-mounted solar systems.* Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in height.

3. *Visibility.* Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way or adjacent residentially-zoned property per the standards of [Chapter 320](#).

4. *Approved solar components.* Electric solar system components must have a UL listing.

5. *Plan approval required.* All solar systems shall require a limited use approval by the Planning and Zoning Director.

6. *Plan applications.* Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

7. *Plan approvals.* Applications that meet the design requirements of this section shall be granted administrative approval by the Planning and Zoning Director.

8. *Compliance with building code.* All active solar systems shall meet approval of the building code.

9. *Compliance with electric code.* All photovoltaic systems shall comply with the National Electrical Code, current edition.

10. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Development Director that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

B. *Residential.* An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:

1. All solar energy collectors, whether ground-mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located.

C. Addition of Solar Energy Systems to the Use Table

See the following page for district recommendations or modifications to the Permitted Use Table, Sec. 4.1.3.

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SOLAR ENERGY SYSTEMS (SES)																										
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR 1,2,3	MHP	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	
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P						✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP						✓