



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1 Council Member Rob Turner - District 2

Council Member Jazzmin Cobble – District 3 Council Member George Turner - District 4

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL WORK SESSION - *AGENDA*

Monday, November 8, 2021, at 6:30 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

I. CALL TO ORDER: George Turner, Mayor Pro Tem

II. ROLL CALL: Tomika Lewis, Acting City Clerk

III. AGENDA DISCUSSION ITEMS:

- a. **Presentation** – Discover Dekalb Contract – *Jonathan Bartlett*
- b. **Presentation** – Municode Overview – *Keidra Harris & Allen Tyler, Municode Project Manager*
- c. **Presentation** - Stonecrest Soulful Christmas Tree Lighting Ceremony – *Brandon Riley*
- d. **Presentation** – Panola Road Improvements Update – *Janice Allen Jackson & Tom Udell*
- e. **Presentation** – Creation of a Historic Preservation Commission – *Councilmember Jimmy Clanton, Jr.*
- f. **Presentation** – TMOD-21-008, Administration – *Jim Summerbell*
- g. **Presentation** – TMOD-21-009, Special Events – *Jim Summerbell*
- h. **Presentation** – TMOD-21-010, Prohibited Uses and Limitation on Industrial Zones – *Jim Summerbell*
- i. **Presentation** – TMOD-21-011, Restrictions on Residential Conversion – *Jim Summerbell*
- j. **Presentation** – TMOD-21-012, Gravel Parking – *Jim Summerbell*
- k. **Presentation** – RZ-21-003, 3177 Panola Rd and 5207 Thompson Mill Rd – *Jim Summerbell*
- l. **Presentation** – RZ-21-005, 6301 Browns Mill Road – *Jim Summerbell*
- m. **Presentation** – RZ-21-007, Arabia Mountain Conservation Overlay Expansion – *Jim Summerbell*
- n. **Presentation** – RZ-21-008, ACE Homes – *Jim Summerbell*

IV. EXECUTIVE SESSION:

(When an executive session is required, one will be called for the following issues: 1) Personnel, 2) Litigation, 3) Real Estate)

V. ADJOURNMENT



CITY OF STONECREST, GEORGIA

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: 2022 DMO Contract Preparation

AGENDA SECTION: *(check all that apply)*

PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE:

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

SUBMITTED BY: Jonathan Bartlett, Economic Development Director

PRESENTER: Jonathan Bartlett

PURPOSE: To discuss the extension of the City's contract with Discover Dekalb through 2022.

FACTS: Discover Dekalb has been contracted to serve as the City's Destination Marketing Organization (DMO) through the end of 2021. Council has the option to enter a new annual or longer-term agreement with Discover Dekalb, or to consider alternative solutions.

OPTIONS: Discussion only

RECOMMENDED ACTION: NA

ATTACHMENTS:

(1) Attachment 1 - Current Discover Dekalb Contract

**AGREEMENT BETWEEN
CITY OF STONECREST, GEORGIA, AND
DEKALB CONVENTION AND VISITORS BUREAU, INC.**

THE AGREEMENT is made by and between the City of Stonecrest, Georgia, a political subdivision of the State of Georgia, acting by and through its Acting City Manager and City Council (hereinafter sometimes referred to as the “City”), and the DeKalb Convention and Visitors Bureau, Inc., a non-profit corporation, chartered in the State of Georgia, acting by and through its duly elected Board of Directors (hereinafter sometimes referred to as “Corporation”).

WITNESSETH:

WHEREAS, Acting City Manager and City Council of the City of Stonecrest, Georgia, have levied a tax of 8% pursuant to the provisions of O.C.G.A. § 48-13-51(a)(3) (the “Tax”); and

WHEREAS, the provisions of O.C.G.A. § 48-13-51(a)(3) further require that the amount of the Tax in excess of 3% (the “Expenditures”) be expended for certain purposes stated therein, including but not limited to, promoting tourism, conventions, and trade shows; and

WHEREAS, the provisions of O.C.G.A. § 48-13-51(a)(3) further require that the expenditure of the Expenditures be made only through a contract or contracts with certain entities stated therein, including, but not limited to, a private sector nonprofit organization; and

WHEREAS, the Corporation is a private sector nonprofit organization as defined in O.C.G.A. § 48-13-50.2(3) and satisfies all other requirements for an appropriate entity to contract with to make expenditures of the Expenditures; and

WHEREAS, the Corporation has covenanted and agreed that it shall make expenditures of the Expenditures in accordance with an established budget for those funds (the “Budgeted Funds”) which budget and any amendments or modifications thereof shall be subject to the prior approval of the City.

NOW, THEREFORE, for and in consideration of the mutual obligations herein assumed, the sufficiency of which is hereby acknowledged, the parties agree as follows:

I.

The City hereby agrees that the Corporation shall make expenditures of the Tax in the amounts approved by the City as Budgeted Funds, and Corporation hereby agrees to receive and make expenditures of the Tax in accordance with the terms and conditions hereinafter set forth.

The general nature of the Corporation's activities shall be as set forth in Exhibit A attached hereto and incorporated herein by this reference.

II.

Corporation agrees to submit a budget acceptable to the City showing the planned expenditure of all Expenditures to be received from the City and to maintain accurate records of the expenditure and disposition of such funds, such records to be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of O.C.G.A. § 48-13-51(a)(9). All such records will be made available for inspection and audit by the City, upon its request.

III.

Corporation shall be responsible from the time of signing this Agreement, or from the time of the beginning of the first work, whichever shall be the earlier, for all injury or damage of any kind resulting from its work or the work of any subcontractor, or anyone directly or indirectly employed by or under the supervision of any of them, to persons or property, including employees and property of the City. Corporation shall exonerate, indemnify, and save harmless the City from and against all claims or actions, and all expenses incidental to the defense of any such claims or actions, based upon or arising out of damage or injury (including death) to person or property caused by or sustained in connection with its performance of this Agreement or the work of any of them or by conditions created thereby or arising out of or in any way connected with work performed under this Agreement and shall assume and pay for, without cost to the City, the defense of any and all claims and actions based on, or arising out of, an act or omission of Corporation, or any subcontractor, or anyone directly or indirectly employed by or under the supervision of any of them. The Corporation expressly agrees to defend against any claims brought or actions filed against the City where such claim or action involves, in whole or in part, the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed.

IV.

Corporation shall furnish the following to the City:

- A. Certificates of insurance from companies doing business in Georgia and acceptable to the City covering:

1. Statutory Workers' Compensation Insurance, or proof that Corporation is not required to provide such coverage under state law.
 2. Comprehensive Liability Insurance covering all operations and automobiles:
 - a. With limits of \$300,000 for each occurrence of bodily injury – general liability coverage, and with limits of \$100,000 for each person and \$300,000 for each occurrence – automobile liability coverage.
 - b. With limits of \$100,000 for each occurrence of property damage – general liability coverage and automobile liability coverage.
 - c. “Umbrella” or “Excess” coverage cannot be used to reach the limits stated in subparagraphs a and b above.
- B. Certificates of Insurance must be executed in accordance with the following provisions:
1. Certificates to contain policy number, policy limits, and policy expiration date of all policies issued in accordance with the agreement;
 2. Certificates to contain the locations and operations to which the insurance applies;
 3. Certificates to contain Corporation's protective coverage for any subcontractor's operations;
 4. Certificates to contain Corporation's contractual insurance coverage;
 5. Certificates are to be issued to:

City of Stonecrest, Georgia
3120 Stonecrest Blvd. Suite 190
Stonecrest, GA 30038
 6. Certificates referred to in subparagraph 5 above must be mailed to:

City of Stonecrest, Georgia
3120 Stonecrest Blvd. Suite 190
Stonecrest, GA 30038
- C. Corporation shall be wholly responsible for obtaining certificates of insurance showing coverage as set forth above for all subcontractors who are engaged in work covered by this Agreement.
- D. Corporation agrees to carry statutory Workers' Compensation Insurance and to have all subcontractors likewise carry statutory Workers' Compensation Insurance, or provide proof that such coverage is not required under state law.

V.

The City agrees that it will pay to Corporation the amount equal to 100% of the Tax actually collected by it in excess of 3%. Corporation will be paid within fifteen (15) calendar days following the end of the month in which the money is collected. The city will retain an administrative charge of three percent (3%) of each total monthly payment. Any penalties assessed against hotel-motels for late payment of the Tax will be retained by the City.

VI.

The Corporation shall expend the funds received from the City, as a result of the collection of taxes levied pursuant to O.C.G.A. § 48-13-51, et seq., to plan, conduct, or participate in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows.

VII.

The City designates it's Acting City Manager as its point of contact, coordinator, and liaison person with Corporation in the execution of the terms of this Agreement.

VIII.

Subject to Paragraph X below, this Agreement may be modified or amended by mutual agreement of the parties; provided, however, that no wavier, modification, or amendment of any term, condition, or provision of this Agreement will be valid, or of any force of effect, unless made in writing, approved by the respective parties' governing bodies, and properly executed by the parties' authorized representatives. Renewal of this Agreement may be accomplished through the process of amendment or modification as provided for herein.

IX.

Subject to Paragraph X below, this Agreement may be terminated, with or without cause, by either party hereto by the giving of ninety (90) days prior written notice of such termination.

X.

This Agreement will remain in effect from May 15, 2021, until midnight of November 31, 2021, unless it shall sooner have been terminated, modified, or amended in the manner set forth in it. Thereafter, this Agreement shall be automatically renewed on December 1st of each succeeding calendar year during which Expenditures is collected by the City unless a party to it delivers written notice to the other party of such party's intent not to renew this Agreement at least ninety (90) days prior to the end of a calendar year. Except to the extent specifically agreed

upon by the parties, any modification or termination of this Agreement in the manner set forth above or any other modification or termination of this Agreement for whatever cause or under whatever circumstances, shall not relieve or impair the obligations of either party arising prior to the effective date of any such modification or termination. Without limiting the generality of the foregoing, the provisions of Paragraphs I, II, III, V, and VI of this Agreement shall survive its termination until the accomplishment of all the requirements imposed by those paragraphs, as they exist as of the date of the termination of this Agreement. By way of illustration, Corporation shall continue to be obligated to devote any and all non-expended Expenditures funds received from the City, and not returned to the City in accordance with the provisions of this Agreement, for the purposes provided in this Agreement and the City shall continue to be obligated to advance funds under Paragraph V of this Agreement for the payment of actual costs incurred or committed to be incurred by Corporation prior to the termination of this Agreement.

XI.

This Agreement shall be executed in an original and two (2) copies, any one of which may be used for any purpose for which the original may be used.

XII.

For the purposes of this Agreement, any notices required to be sent to the parties to it shall be mailed to the following respective addresses:

CORPORATION

DeKalb Convention and Visitors
Bureau, Inc.
1990 Lakeside Parkway, Suite 170
Tucker, Georgia 30084

CITY

City of Stonecrest
3120 Stonecrest Blvd. Suite 190
Stonecrest, Georgia 30038

XIII.

It is the intent of the parties that nothing contained in this Agreement shall be interpreted to assign to Corporation any status under this Agreement other than that of an independent contractor.

XIV.

This Agreement shall be deemed to have been made and performed in DeKalb County, Georgia. For the purposes of venue, all suits or causes of action based on, arising out of, this Agreement shall be brought in the Courts of DeKalb County, Georgia.

XV.

The parties agree that the validity and interpretation of, and all rights and obligations created by this Agreement shall be governed, controlled, and defined by and under the laws of the State Georgia.

The parties hereto have affixed their hands and seals on this _____ day of _____, 2021.

DEKALB CONVENTION &
VISITORS BUREAU

CITY OF STONECREST

JAMES TSISMANAKIS
Executive Director & CEO

JANICE ALLEN JACKSON
Acting City Manager

ATTEST:

ATTEST:

Secretary

City Clerk

(SEAL)

(SEAL)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

PURPOSE AND NATURE OF AGREEMENT

City Purpose: The City wishes to promote tourism, conventions, and trade shows and wishes to advertise, promote, and encourage the use of all facilities and businesses relating to conventions, trade shows, and tourism, both public and private, within the City, thereby increasing the City's revenue and creating employment opportunities within the City.

Corporation Purpose: The Corporation is a nonprofit organization under the Georgia Nonprofit Corporation Code and has been recognized as exempt from taxation under Section 501(c)(6) of the Internal Revenue Code. Through its activities, it is anticipated that the Corporation will plan, conduct, or participate in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows to and within the City. Such activities are expected to be broad-based and to benefit a wide range of businesses and are not to benefit the City's government per se. and such activities are related to and consistent with the performance of the Corporation's tax exempt activities.

Nature of Expenditures: It is understood and agreed that the Expenditures are to be made by the Corporation in strict compliance with the provisions of O.C.G.A. § 48-13-50, et seq., and for the purpose of promoting conventions, tourism, and trade shows within the City. The activities of the Corporation under the Agreement do not constitute the rendition of services to the City, but rather the Agreement constitutes the specified manner of compliance with the above statute for the levying of the Tax and the expenditure of the Expenditures.

Intentions of the Parties: It is the understanding of the parties that the Hotel/Motel tax funds when received by the Corporation will not be taxable income under either the IRS Code or the Income Tax Code of the State of Georgia. The Corporation agrees to notify the IRS and the Georgia Revenue Department (if necessary) of this agreement and to seek confirmation of this understanding. If necessary, the parties agree to amend and modify this agreement in order to preserve the tax exempt status of the Corporation and the tax exempt status of the funds covered by this Agreement.

STATEMENT OF SERVICES

Corporation agrees to operate a convention and visitors bureau which will enable Stonecrest, Georgia, and the hotels and motels located therein to market the City as a destination for specific inbound groups, increase the occupancy rate of hotel and motel rooms, and promote the development of facilities designed to enhance the growth of the convention, trade show, and tourism industry. Corporation shall also perform the following:

1. Corporation will hire and direct staff members whose duties will include the following:
 - a. Develop and implement marketing plans for convention, trade show, and tourism sales.
 - b. Produce and distribute publications in support of facilities and attractions in the City, DeKalb County, and its other cities.
 - c. Implement a tourism program to increase tourist visitation and spending in the City, DeKalb County, and its other cities.
 - d. Make contact with meeting planners and other groups to provide them with information about facilities located in the City, DeKalb County, and its other cities that are available to host their events and make appropriate referrals of such groups to such facilities.
2. Corporation will require and assure performance of its Annual Marketing Plan, which is on file with the Corporation and which is incorporated herein by this reference.
3. Corporation will (a) submit monthly programmatic and financial progress reports indicating its accomplishment of the Program to the City not later than the 15th day of each month for the preceding month and (b) report its accomplishment of the above in the Corporation's annual report and provide copies of all such publications to designated City personnel and to the City Council.
4. Corporation will use its best efforts to ensure that all funds received under this Agreement are expended for the purposes set forth in this Agreement.



CITY COUNCIL AGENDA ITEM

SUBJECT: Municode Meetings Overview

AGENDA SECTION: *(check all that apply)*

PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: **Brief Training**

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, November 8, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Tomika R. Lewis, Acting City Clerk

PRESENTER: Keidra Harris

PURPOSE: Municode Project Manager, Allen Tyler will present a brief overview of how Council will vote using an electronic agenda management software for future Council meetings.

FACTS: MuniCode services have been expanded to allow for access to more features in carrying out our City business. One of those expanded services is the electronic agenda management program that will allow for more efficient agenda creation and Council meeting management. These features will be reviewed by the MuniCode project manager as staff intends to put them into effect at the November 22 Council meeting.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: N/A

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Stonecrest Soulful Christmas Tree Lighting Ceremony

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Presentation

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, November 8, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Brandon Riley

PRESENTER: Brandon Riley

PURPOSE: Stonecrest Soulful Christmas Tree Lighting Ceremony

FACTS: The City of Stonecrest is hosting our Annual Holiday Tree Lighting Ceremony on December 11th, 2021 from 4:00pm-8:00pm with holiday characters and a live performance by Something for The Soul. Festivities include Free admission, Tree illumination, Live entertainment, Santa Meet and Greet, and Hot chocolate and coffee available.

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Discussion

ATTACHMENTS:

- (1) Attachment 1 - Powerpoint
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.

The City of Stonecrest

**STONECREST'S
SOULFUL TREE
LIGHTING
SPECTACULAR**

PARKS AND RECREATION DEPARTMENT



CITY OF STONECREST PRESENTS

Stonecrest's Soulful Tree Lighting Spectacular

DECEMBER 11, 2021 / 4:00PM-8PM

2994 TURNER HILL RD, STONECREST, GA 30038

Join the City of Stonecrest for our Annual Holiday Tree Lighting Ceremony with holiday characters and a live performance by Something for The Soul.

-  Free admission
-  Tree illumination
-  Live entertainment
-  Santa Meet and Greet
-  Hot chocolate and coffee available

 @StonecrestParksRec

Event Details

SPREAD HOLIDAY CHEER FOR ALL OF STONECREST TO HEAR

DATE:

Saturday, December 11, 2021

TIME:

4:00PM - 8:00PM

ADDRESS:

2994 Turner Hill RD. Stonecrest, GA 30038

What To Expect

MEET AND GREET

Take photos with Santa and his helpers.

ENTERTAINMENT

Our favorite holiday selections will be performed by "Something for the Soul" band.

REFRESHMENTS

Hot chocolate, coffee and pastries will be available for purchase.

TREE LIGHTING

Celebrate the holiday season with our annual lighting,



CITY COUNCIL AGENDA ITEM

SUBJECT: Panola Road Improvements Update

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: **DECISION** **DISCUSSION**, **REVIEW**, or **UPDATE ONLY**

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Monday, November 8, 2021

Current Council Meeting: Click or tap to enter a date.

SUBMITTED BY: Thomas Udell

PRESENTER: Janice Allen-Jackson

PURPOSE: Update on the status of coordination of the Panola Road improvements between the city and county

FACTS: The Panola Road project started as a county project in 2016. It was listed in the Atlanta Regional Commission's Transportation Improvement Program (TIP) with DeKalb as sponsor. The project was initially a two to four-lane widening but was reduced in scope to a three lane (one lane in each direction and a center turn lane. The project also included bike lanes sidewalks and intersection upgrades. Preliminary plans were developed and approved but the project was dropped before the right of way phase could be started. Once the project became inactive the outside funding shown in the TIP was pulled and is now shown as locally funded. Due to the length of inactivity on the project, The concept studys (traffic analysis, environmental, etc.) will need to be redone and reapproved as well as right of way plans to be updated.

OPTIONS: Choose an item. Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - DK-065B Panola Rd Fact Sheet

Short Title PANOLA ROAD: SEGMENT 2 OPERATION IMPROVEMENTS FROM SR 212 (BROWNS MILL ROAD) TO FAIRINGTON ROAD

GDOT Project No. 0006879

Federal ID No. CSSTP-0006-00(879)

Status Programmed

Service Type Roadway / Operations & Safety

Sponsor DeKalb County

Jurisdiction DeKalb County

Analysis Level Exempt from Air Quality Analysis (40 CFR 93)



Existing Thru Lane **LCI**

Planned Thru Lane **Flex**

Network Year

Corridor Length miles

Detailed Description and Justification

This segment of Panola Road is from Snapfinger Woods Drive to US 278 (Covington Highway). The proposed typical section will consist of a four 12-foot lanes, a flush center turn lane, 4-foot bike lanes, and curb and gutter with 5-foot sidewalks. For all segments along Panola Road, all crossroad intersections would be improved based on design year traffic data, including improvements to approach lane configurations and turn lane lengths. Roadway widening would generally be symmetrical from existing centerlines; however, asymmetrical widening would be performed where factors such as utility impacts, ROW restrictions, or geometric restrictions dictate. The proposed project would also straighten the alignment of Panola Road at the existing curve located between Salem Drive and Oaktree Trail/Old Panola Road. After construction of the proposed project, traffic signals would be adjusted with an optimized signal timing plan. The traffic signals along the corridor would be interconnected using fiber optic cables, and optimized timing plans would be developed for the morning, midday, afternoon, and weekend rush hour periods.

Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
PE	Local Jurisdiction/Municipality Funds	AUTH	AUTH	\$482,000	\$0,000	\$0,000	\$0,000	\$482,000
PE-OV	STP - Statewide Flexible (GDOT)	AUTH	2011	\$50,000	\$40,000	\$10,000	\$0,000	\$0,000
ROW	Surface Transportation Block Grant (STBG) Program - Urban (>200K) (ARC)	AUTH	2019	\$7,080,000	\$4,800,000	\$0,000	\$0,000	\$2,280,000
UTL	Local Jurisdiction/Municipality Funds		2022	\$4,100,000	\$0,000	\$0,000	\$0,000	\$4,100,000
CST	Local Jurisdiction/Municipality Funds		2022	\$19,414,278	\$0,000	\$0,000	\$0,000	\$19,414,278
				\$31,126,278	\$4,840,000	\$10,000	\$0,000	\$26,276,278

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases



CITY COUNCIL AGENDA ITEM

SUBJECT: Creation of a Historic Preservation Commission

AGENDA SECTION: *(check all that apply)*

- PRESENTATION PUBLIC HEARING CONSENT AGENDA OLD BUSINESS
 NEW BUSINESS OTHER, PLEASE STATE:
-

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: DISCUSSION
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session:

Current Council Meeting:

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Councilmember Jimmy Clanton

PURPOSE: To discuss the creation of a Historic Preservation Commission.

FACTS:

OPTIONS: Discussion only

RECOMMENDED ACTION: N/A

ATTACHMENTS: none



MEMORANDUM

TO: Councilman Jimmy Clanton, Jr.
FROM: Winston Denmark, Alicia Thompson
DATE: October 13, 2021
SUBJECT: Historic Preservation in the City of Stonecrest

I. INTRODUCTION

This memorandum primarily addresses the creation of a Historic Preservation Commission in the City of Stonecrest (the “City”). As a brief explanation, the City must establish a Historic Preservation Commission (the “Commission”) and adopt an ordinance designating properties or districts as historic. The Commission will be governed under the Georgia Historic Preservation Act. In addition to the creation of a Historic Preservation Commission, this memo will also address the necessary steps to nominate entries to the National Register of Historic Places and the process for the placement of historical markers.

II. BACKGROUND

By way of background, this matter concerns a request to identify avenues available in the city of Stonecrest for historic preservation. The City seeks to understand the mechanisms available locally or at the county level to install historic markers. What makes a property historic? According to the Georgia Historic Preservation Division, a property is historic if it possesses three attributes: age, integrity and significance.¹ The state of Georgia has established processes and implemented public preservation policy to address the need of understanding what is historic in the state of Georgia and how we work to preserve it.² Preservation is achieved by adopting ordinances for local designations, submitting properties and districts to the National Register of Historic Places and the Georgia Register of Historic Places. Additionally, historical markers provided by National Historic Landmarks Program and the Georgia Historical Society are used to recognize places of historic significance.

III. LEGAL ANALYSIS

A. Georgia Historic Preservation Act

The Georgia General Assembly established the Georgia Historic Preservation Act (the “Historic Preservation Act”) with the goal of preserving the historical, cultural, and aesthetic

¹ https://www.dca.ga.gov/sites/default/files/whatmakesapropertyhistoric_0.pdf

² Id.

heritage of the state. The Historic Preservation Act is a tool accessible to local governments to stimulate the revitalization of central business districts in each municipality. O.C.G.A. § 44-10-20 establishes the Historic Preservation Act for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historical, cultural, or aesthetic interest or value.³

i. Historic Preservation Commission

Pursuant to O.C.G.A § 44-10-24 the local governing body of a municipality choosing to enact an ordinance to provide for the protection, enhancement, perpetuation, or use of historic properties or historic districts shall establish or designate a historic preservation commission (the “Commission”). The ordinance must:

- State the number of members of the commission, which shall be at least three;
- Establish the length of member’s terms, which shall be no greater than three years;
- Provide that a majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture;
- Provide that all the members shall reside within the historic preservation jurisdiction of their respective municipality;
- Provide that members shall serve without compensation; and
- State that local governing body seeks the advice of any state or local historical agencies, societies, or organizations.

A governing authority of a county and at least one municipality lying within its boundaries may establish or designate a joint historic preservation commission. The county and the municipality or municipalities involved shall determine the residence requirements for members of the joint commission.⁴

ii. Historic Preservation Commission Powers and duties

A historic preservation commission shall be authorized to:

- Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
- Recommend to the local governing body specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
- Review applications for certificates of appropriateness and grant or deny the same in accordance with Code Section 44-10-28;
- Recommend to the local governing body that the designation of any place, district, site, building, structure, or work of art as a historic property or as a historic district be revoked or removed;
- Restore or preserve any historic properties acquired by the municipality or county;
- Promote the acquisition by the governing authority of conservation easements in accordance with Code Sections 44-10-1 through 44-10-8;
- Conduct an educational program on historic properties located within its historic preservation jurisdiction;

³ Ga. Code Ann. § 44-10-20 (West)

⁴ Ga. Code Ann. § 44-10-24 (West)

- Make such investigations and studies of matters relating to historic preservation as the local governing body or the commission itself may from time to time deem necessary or appropriate for the purposes of this article;
- Seek out state and federal funds for historic preservation and make recommendations to the local governing body concerning the most appropriate use of any funds acquired;
- Consult with historic preservation experts in the Department of Community Affairs or its successor and the Georgia Trust for Historic Preservation, Inc.; and
- Submit to the Department of Community Affairs or its successor a list of historic properties or historic districts designated as such pursuant to Code Section 44-10-26.⁵

iii. ***Ordinances to Designate Historic Properties or Districts***

Following the establishment of the Historic Preservation Commission local governing authorities must adopt ordinances of designation. Ordinances adopted by local governing bodies to designate historic properties or historic districts shall be subject to the following requirements:

- Require that the designated property or district be shown on the official zoning map of the City;
 - In the absence of an official zoning map, the designated property or district shall be shown on a map of the City and kept as a public record to provide notice of such designation in addition to other notice requirements specified by Code section;
- Describe each property to be designated;
- State the name or names of the owner or owners of the property;⁶
- Require that a certificate of appropriateness be obtained from the historic preservation commission prior to any material change in appearance of the designated property;
- Include a description of the boundaries of the district;
- List each property located within the district;
- Set forth the name or names of the owner or owners of each property;
- Require that a certificate of appropriateness be obtained from the historic preservation commission prior to any material change in appearance of any structure, site, or work of art located within the designated historic district.⁷

iv. ***Historic Properties or District Required Procedural Steps***

No local governing body can adopt an ordinance designating any property as a historic property and designating any district as a historic district until the following procedural steps have been taken:

- The commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building, structure, or work of art proposed for designation or acquisition;

⁵Ga. Code Ann. § 44-10-25 (West)

⁶Ga. Code Ann. § 44-10-26 (West)

⁷ Ga. Code Ann. § 44-10-26 (West)

- This report shall be submitted to the Department of Community Affairs or its successor which will be allowed 30 days to prepare written comments concerning the report;
- The commission and the local governing body shall hold a public hearing on the proposed ordinance.
 - Notice of the hearing shall be published at least three times in the principal newspaper of general circulation within the City;
 - Written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties;
 - All the notices shall be published or mailed not less than ten nor more than 20 days prior to the date set for the public hearing; and
 - Following the public hearing, the local governing body may adopt the ordinance as prepared, adopt the ordinance with any amendments it deems necessary, or reject the proposal.

Within 30 days immediately following the adoption of the ordinance, the owners and occupants of each designated historic property and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the local governing body, which notice shall apprise said owners and occupants of the necessity for obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic property designated or within the historic district designated.⁸

v. *Certificate of Appropriateness*

There may be need, following the designation by ordinance of a historic property or of a historic district, for necessary changes or modifications. No material changes in the appearance of the historic property or a structure, site, or work of art within the historic district shall be made or be permitted to be made unless the commission issues a certificate of appropriateness. A certificate of appropriateness will only be issued if: The owner or occupant submits an application for a certificate of appropriateness for approval to the commission. Such application shall be accompanied by such drawings, photographs, or plans as may be required by the commission. The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from obtaining a certificate of appropriateness. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.⁹

vi. *Standard of Review for Appropriateness for Modifications*

O.C.G.A. § 44-10-28 provides standards by which the Commission can issue a certificate of appropriateness including procedures governing rejection; negotiations for acquisitions, variances and appeals. Prior to reviewing an application for a certificate of appropriateness, the Commission shall: (1) Take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application; and (2) Give the applicant and

⁸ Id.

⁹ Ga. Code Ann. § 44-10-27 (West)

such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.¹⁰

If the Commission finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic property or the historic district, the Commission shall approve the application and issue a certificate of appropriateness. In making this determination, the Commission shall consider: (1) The historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and (2). The relationship to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.¹¹

In its review of applications for certificates of appropriateness, the Commission shall not consider interior arrangement or uses having no effect on exterior architectural features. The commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing by the owner or occupant of a historic property or of a structure, site, or work of art located within a historic district. The Commission shall issue a certificate of appropriateness. Failure of the Commission to act within the 45-day period shall constitute approval.¹² In the event the Commission rejects an application, it shall: (1) state its reasons for doing so; and (2) transmit a record of such action and the reasons therefor, in writing, to the applicant.

The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so. Rejections shall be binding upon building inspectors or other administrative officers charged with issuing building permits and no building permit shall be issued.¹³

Where action is authorized by the City's governing body, the Commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise strictly for the preservation of a unique historic property. Under circumstances where the strict application of any provision under the Commission's standard of review would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions. Modifying the applications would mean that the Commission interprets the meaning of the provision so as to relieve such difficulty or hardship. This is only applicable if the interpretation remains in harmony with the general purpose and intent of the provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. The Commission may impose such reasonable and additional stipulations and conditions as will in its judgment.¹⁴

The Commission shall keep a record of all applications for certificates of appropriateness and of all its proceedings. In accordance with Georgia law, any person adversely affected by any determination made by the Commission may appeal such determination to the governing body of the municipality. The governing body may approve, modify and approve, or reject the

¹⁰ Ga. Code Ann. § 44-10-28 (West)

¹¹ Id.

¹² Id.

¹³ Ga. Code Ann. § 44-10-28 (West)

¹⁴ Id.

determination made by the Commission if the governing body finds that the Commission abused its discretion in reaching its decision. The ordinance establishing the historical designation must specify the procedures for the review of decisions of the Commission by the governing body of the City. Appeals from decisions of the governing body made pursuant to the Historical Preservation Act may be taken to superior court in the manner provided by law for appeals from a conviction for municipal ordinance violations.¹⁵

vii. Maintenance and Repair of Property

The Georgia Historical Preservation Act allows for the ordinary maintenance or repair of any exterior architectural feature in or on a historic property as long as the maintenance or repair does not involve a material change in design, material, or outer appearance. The maintenance or repair cannot be prohibited by other laws, ordinances, or regulations.¹⁶

viii. Authorized Legal Action

The City, its governing body or its Commission shall be authorized to institute any appropriate legal action to prevent any material change in the appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of an ordinance adopted under the Historical Preservation Act. The Commission also has the authority to act to prevent any illegal act or conduct with respect to such historic property or historic district.¹⁷ Violations of any ordinance adopted under the Historical Preservation Act shall be punished in the same manner as provided by the City’s charter or local law for the punishment of violations of other validly enacted municipal ordinances.¹⁸

B. National Register of Historic Places

The Georgia Department of Community Affairs Historic Preservation Division (“HPD”) is the state of Georgia’s historic preservation office. Every state has a State Historic Preservation Office (“SHPO”), as established by the National Historic Preservation Act of 1966, often referred to simply as the NHPA. The key functions of the HPD are as follows:

- Act as a watchdog over federal agencies doing business in the state, helping to ensure that they respect the state’s most important historic resources;
- Administer various economic development programs that leverage private capital to encourage business growth, especially in smaller towns and communities; and
- Through programs like the National Register of Historic Places, certified local governments, and others, we work with partners both inside and outside state government to encourage regional and local planning, neighborhood conservation, downtown revitalization, heritage tourism and archaeological site protection.¹⁹

i. National Register of Historic Places Nomination Process

The National Register of Historic Places (“NRHP”) is the official list of historic properties worthy of preservation within the United States. The NRHP was established under the National Historic Preservation Act of 1966. It lists buildings, sites, structures, objects and districts significant in American History, architecture, archaeology, engineering, and culture. The HPD

¹⁵ Id.

¹⁶ Ga. Code Ann. § 44-10-29 (West)

¹⁷ Ga. Code Ann. § 44-10-30 (West)

¹⁸ Ga. Code Ann. § 44-10-31 (West)

¹⁹ <https://www.dca.ga.gov/georgia-historic-preservation-division>

administers the NRHP program in Georgia. Additionally, the state of Georgia has established a Georgia Register of Historic Places. The Georgia Register of Historic Places uses the same criteria and documentation procedures as the NRHP. Therefore, properties listed in the NRHP are automatically listed in the Georgia Register. The NRHP is not regulatory in nature, but rather established for purposes of recognition.²⁰

Listed below are the steps for nomination and approval on the NRHP:

- Determine what historic property to nominate;
 - Historic properties are buildings, sites, structures or objects generally 50 years old or older; Historic Districts are defined as a concentration of historic buildings, sites, structures, and objects generally 50 years or older;
 - Historic properties listed in the National Register must have historic significance and integrity;
- Complete a National Register of Historic Places Registration Form (10-900) and packet;
 - The packet has detailed information on specific documents needed for the review by HPD;
 - Anyone can complete a packet with consent from the property owner(s); In Georgia, a majority of proposed nominations are written by the property owner or a sponsoring organization; Sponsors may be a local historical society, neighborhood association, volunteer, historic preservation commission, or another interested party;
- Review process by the HPD;
 - HPD is responsible for nominating eligible properties to the NRHP;
 - HPD evaluates all documents submitted in a packet, federal regulations give a timeline of 60 days to review;
 - Reviews of proposed nominations follow the guidance set forth by the National Park Service;
 - HPD can approve, deny, request for additional documentation or request a site visit for further determination;
- Review by the Georgia National Register Review Board;
 - The review board meets twice a year. Prior to meeting, information on the staff approved properties is summarized and prepared for presentation to the review board;
 - After hearing a presentation, the board votes on whether or not the proposed nomination appears to meet the National Register Criteria; For most proposed nominations, the board votes in favor and the nomination goes to the next step in the process; Nominations can be table. The board's decision is advisory, but the final nomination to the National Register rests with the SHPO officer;
- The final step in the National Register process is preparing the official documentation to submit to the National Park Service ("NPS") in Washington, DC.

The entire NRHP process can take anywhere from 12 to 24 months. A property, place, site, building or district can exist both on the National Register of Historic Places and as a local Historic Preservation Site. Municipalities can choose to apply for entry on the NRHP prior to passing a

²⁰ <https://www.dca.ga.gov/georgia-historic-preservation-division/national-register-research-survey/national-register-0>

local ordinance or choose to pass a local ordinance and then apply for entry on the NRHP. Plaques are available, but not mandatory for approved entries.²¹

C. National Historic Landmarks

National Historic Landmarks (“NHL”s) are historic properties found across the United States. NHLs include historic buildings, sites, structures, objects, and districts. Each NHL represents an aspect of American history and culture. The National Historic Landmarks Program is a federal designation program. Before designation can occur, a building, site, structure, object, or district must be nominated. To complete the nomination process for the NHLP one must:

- Determine eligibility; to determine eligibility a landmark must:
 - be of national significance under one or more of the six NHL criteria;
 - retain a high degree of integrity;
- Submit a letter of inquiry that introduces the property to the NHL Program staff; The letter should provide a written overview of the property, its historic significance, and its historic integrity;
- Research: Conduct detailed research on both the specific history and/or archeology of your property and the broad national story associated with your property;
- Compile information to complete the nomination form;
- Write a draft national historic landmark nomination form;
- Submit form and supporting documentation;
- NHL Program staff will complete an editorial review of the nomination;
- Present the nomination to the National Park System Advisory Board National Historic Landmarks Committee;
- After the National Park System Advisory Board National Historic Landmarks Committee approves a nomination, the Advisory Board will make a recommendation to the Secretary of the Interior whether to designate the property.²²

D. Georgia Historical Society

The Georgia Historical Society administers Georgia’s statewide marker program. The Society has erected over 250 historical markers across Georgia on a wide variety of subjects. Roadside historical markers display Georgia history and create travel routes to view markers based on individual interests such as Georgia in the Civil War or the Civil Rights Movement.²³

E. Certified Local Government program

Local governments in the state of Georgia also have the option of joining The Certified Local Government (“CLG”) program. The CLG assists local governments with integrating historic preservation concerns into local planning decisions.²⁴ The CLG is open to any city, town, or county that has enacted a historic preservation ordinance, enforces that ordinance through a local preservation commission, and has met requirements outlined in the Procedures for Georgia’s Certified Local Government Program. The benefits of a CLG are eligibility for federal Certified Local Government Grants, the opportunity to review local nominations for the National Register

²¹ <https://www.dca.ga.gov/georgia-historic-preservation-division/national-register-research-survey/national-register-0>

²² <https://home.nps.gov/subjects/nationalhistoriclandmarks/designation.htm>

²³ <https://georgiahistory.com/about-ghs/programs/>

²⁴ <https://www.dca.ga.gov/georgia-historic-preservation-division/community-assistance/certified-local-governments>

of Historic Places prior to consideration by the Georgia National Register Review Board, opportunities for technical assistance, improved communication and coordination among local, state, and federal preservation activities.²⁵

F. Taxes & Grants

i. Certified Local Government Grants

The Historic Preservation Fund (HPF) Grant program is appropriated annually from Congress through the National Park Service to the states. HPD reserves 10 percent of each year's appropriation for grants to Certified Local Governments (CLGs). The 60/40 matching grants enable cities, towns, and rural areas to undertake projects that aid in the preservation of historic properties. View the list of 2020 grantees here.²⁶

ii. Federal Tax Incentives

Federal tax incentives are available for owners of an income-producing historic property who carry out a substantial rehabilitation.²⁷

iii. Federal Rehabilitation Investment Tax Credit (RITC), 20 percent

The RITC is a federal income tax credit equal to 20 percent of the project's qualified rehabilitation expenses available ONLY for income-producing properties. Properties must be:

- Listed in, or eligible for, the National Register of Historic Places, either individually or as part of a National Register Historic District;
- Must meet the Secretary of the Interior's Standards for Rehabilitation; and
- Decisions are made by the Historic Preservation Division (HPD) and the National Park Service.²⁸

iv. Charitable Contribution Deduction

The charitable contribution deduction is taken in the form of a conservation easement, and enables the owner of a "certified historic structure" to receive a one-time tax deduction. To be eligible for the charitable contribution deduction, a property must be listed in the National Register of Historic Places, either individually or as a contributing building within a historic district. If located in a National Register Historic District, it must be submitted to HPD for review and certification by NPS.²⁹

v. Georgia Heritage Grant

The Program offers matching funds on a statewide competitive basis to local governments and nonprofit organizations for the preservation of Georgia Register-eligible historic properties. State tax incentives are available for owners of a historic property who carry out a substantial rehabilitation. All properties must be listed in, or eligible for, the National/Georgia Register of Historic Places, either individually or as part of a National/Georgia Register Historic District. Project work must meet the Secretary of the Interior's Standards for Rehabilitation and the Georgia Department of Natural Resources Standards for Rehabilitation.³⁰

²⁵ <https://www.dca.ga.gov/georgia-historic-preservation-division/community-assistance/certified-local-governments>

²⁶ <https://www.dca.ga.gov/georgia-historic-preservation-division/tax-incentives-grants>

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ <https://www.dca.ga.gov/georgia-historic-preservation-division/tax-incentives-grants>

IV. CONCLUSION

In accordance with state law, the city of Stonecrest may establish a Historic Preservation Commission to preserve the historical, cultural, and aesthetic heritage of the state present within the City. In order to accomplish this goal, the City may adopt an ordinance designating properties and districts as historic. The Commission will be governed under the Georgia Historic Preservation Act. In addition to the creation of a Historic Preservation Commission the City may also submit entries to the National Register of Historic Places. Historical markers provided by National Historic Landmarks Program and the Georgia Historical Society are used to recognize places of historic significance within the state of Georgia.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-008, Administration

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

Previously Heard Date(s): 10/11/21 - 10/25/21

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss TMOD-21-008, Administration

FACTS: This text amendment was deferred after holding a public hearing at the 10/25/2021 City Council Regular Meeting, the topic is being brought back before the City Council for further discussion. See staff report.

OPTIONS: Choose an item. NA -

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-008 Staff Report
- (2) Attachment 2 - Proposed changes to Article 7 - Administration
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.

Attachment 1, TMOD-21-008 - Staff report to the City Council



PLANNING & ZONING STAFF REPORT

MEETING DATE: October 25, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-008
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendments to Stonecrest Zoning Ordinance, Chapter 27 Article 7 – Administration regarding application procedures, training requirements for commission and board members, and public notification of the rezoning and building activity.

FACTS AND ISSUES:

The draft Zoning Ordinance presented to the City Council in March 2020 and prepared by The Collaborative Firm, included amendments to application procedures and two new provisions related to public notification. These amendments were later presented to the City Council with some modifications on August 13, 2021 at their Special Called Work Session, and some minor modifications were made based on feedback.

STAFF RECOMMENDation: Approval

PLANNING COMMISSION RECOMMENDation: Deferral to the City Council, and to consider a provision of stipends for board and commission members. These additional provision are included in the track changes version of the code.

Attachment 2, TMOD-21-008, Proposed changes to Article 7, Administration

Attachment 1: Proposed Changes to Article 7 – Administration

ARTICLE 7. - ADMINISTRATION

Sec. 7.1.2. – Governing Bodies

B. Training and Education of Boards and Commissions

1. Members of the Planning Commission and Zoning Board of Appeals shall attend by the 365th day of their term of appointment or re-appointment one (1) or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Sec 2.6.17.b).

2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the Planning and Zoning Director are relevant to the activities, operations, and duties of said board or commission. (Sec. 2.6.17.e)

C. Stipends for Board and Commission Members

1. Board and Commission members may receive stipend for meetings attended, if such a stipend is approved by the City Council as part of the Annual Budget.
2. Stipends will be for an amount set by the City Council as part of the budget process and will be administered by the City’s Finance Director.
3. The secretary of each board and commission will report on member attendance monthly to the Finance Director to determine which members are eligible to receive a stipend.

Sec. 7.2.2. - Applications.

B. *Processing of said applications.* The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.

1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.

~~2- Any application that is found to be incomplete during the review for completeness shall be rejected from processing and returned to the applicant. Return of the rejected application shall constitute notice of the rejection to the applicant.~~

2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.

Sec. 7.2.4. - Public hearings.

C. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning

decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:

1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the director of planning to all owners of property within ~~250 feet~~ one thousand (1000) of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.
-

Sec. 7.2.5 Community Impact Notification

A. Applicability

1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
- ~~1.2.~~ This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.

B. Requirements

1. Council notification. The Chief Building Official shall provide notification to the pertinent district councilmember.
2. Posted notice. Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. Written notice. Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-009, Special Events, Late-night establishments, and similar uses

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

Previously Heard Date(s): Click or tap to enter a date. -

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss TMOD-21-009, Special Events, Late-night establishments, and similar uses before presentation at the November 25, 2021 regular city council meeting for action.

FACTS: See staff report.

OPTIONS: Choose an item. NA

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-008 Staff Report
- (2) Attachment 2 - Proposed changes to Article 4 – Alcoholic Beverages and Chapter 27 – Zoning Ordinance
- (3) Attachment 3 - Click or tap here to enter text.

TMOD-21-009 Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 8, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-009
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to the Stonecrest Code of Ordinance, Chapter 4 – Alcoholic Beverages, and Chapter 27 – Zoning Ordinance to further define and regulate special events, temporary outdoor events, late-night establishments, and similar uses.

FACTS AND ISSUES:

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



TMOD-21-009

PLANNING & ZONING STAFF REPORT

GOAL OF THE PROPOSED CHANGES

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

RECOMMENDED ACTION: In agreement with Staff recommendations the Planning Commission Recommend Approval to the City Council on October 5, 2021.

TMOD-21-009 - Attachment 2 - Proposed Changes

TMOD-21-009
STONECREST ZONING CODE UPDATE
REVISIONS and NEW ORDINANCES

Removal of Sec. 4.2.5. – Temporary Permits

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

Track changes version of proposed changes.

~~Sec. 4.2.5. Temporary permits.~~

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

Revise the definitions of entertainment related uses

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

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

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

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

B. Revise definition of Nightclub

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

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

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

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

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

D. Add definition of Smoking Lounge

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

Revise Supplemental use criteria regarding entertainment related uses.

A. Revise regulations regarding Temporary Outdoor Events.

Sec. 4.3.5. - Temporary outdoor events.

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

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

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

2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.

B. Lot and parcel restrictions. Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.

C. Temporary sites for worship. The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

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

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

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

Table 4.3. Temporary Outdoor Uses Operational Requirements

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

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

Sec. 4.2.59 – Eating and Drinking Establishment that also operate another use
Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

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

Sec. 4.2.60 – Smoking Lounges

Smoking Lounges shall be subject to the following restrictions:

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



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-010, Prohibited Uses Citywide and uses allowed in the Industrial Zoning Districts

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

Previously Heard Date(s): Click or tap to enter a date. -

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss TMOD-21-010, Prohibited uses citywide and uses allowed in the industrial zoning districts before presentation at the November 25, 2021 regular city council meeting for action.

FACTS: See staff report.

OPTIONS: Choose an item. NA

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-010 Staff Report
- (2) Attachment 2 - Proposed changes to Chapter 27 – Zoning Ordinance, Sec 4.1.3 Use Table
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.

TMOD-21-010 Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 8, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-010
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27 to clarify and update the land uses allowed in the industrial zoning districts and those prohibited citywide.

FACTS AND ISSUES:

- There are many uses included in the permitted table that should be universally prohibited and that do not fit the vision for city as outlined the comprehensive plan, such as glue manufacture, paper mills, fat rendering, and explosive manufacturing. This text amendment lists those prohibited uses.
- In addition, there are a number of uses currently allowed in the industrial zoning districts that increase the potential of conflict between industrial and residential uses. This text amendment revises the permitted use table help mitigate those future impacts.

RECOMMENDED ACTION: Based on staff recommendation, the Planning Commission **Recommend Approval** to the City Council of prohibited use list and restrictions on residential uses in industrial areas at their October 5, 2021 meeting.

TMOD-21-010 - Attachment 2 - Proposed changes

TMOD-21-010 Use Table Revisions

Sec. 4.1.3. Use table.

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

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

Table 4.1. Use Table

Use	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													See Section 4.2		
	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	
AGRICULTURAL																										
Agriculture and Forestry																										
Commercial greenhouse or plant nursery	P														P	P	P		P	P	P					✓
Temporary or portable sawmill	P																		P	P						✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Animal Oriented Agriculture																										
Dairy	P																		P	P						✓
Keeping of livestock	P	P	P	P	P														P							✓
Keeping of poultry/pigeons	P	P	P	P	P														P							✓
Livestock sales pavilion	P																			P						✓
Riding academies or stables	P	P	P	P	P																					✓
RESIDENTIAL																										
Dwellings																										
Dwelling, cottage home						P	P	P	P	P		P														✓
Dwelling, mobile home											P									Pa	Pa					✓
Dwelling, multi-family								P	P	P			P							SP	SP	P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P								P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P								P	P	P	P	✓
High-rise apartment										P			SP											P	P	
Dwelling, single-family (attached)							P	P	P	P				P								P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P										P	P	P		
Dwelling, three-family							P	P	P	P		P										P	P	P	P	
Dwelling, two-family							P	P	P	P		P										P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA										SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP										SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P				Pa	Pa	P	P	P	✓
Mobile home park											P															
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																										
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	P		P	P						P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP														✓
Boarding/Rooming house								SP	P	P																

(Supp. No. 1)

Use	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	
Child caring home,-5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓	
Child caring facility, 6 or more													P	P	SP	P	P				SP	SP	SP	SP	✓	
Child day care center													P	P	P	P	P				P	P	P	P		
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓	
Dormitory													Pa	Pa		Pa	Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓	
Fraternity house or sorority house								SP	P	P			SP									P	P			
Hotel/Motel													P			P	P	P				P	P	P		
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P		
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP								SP	SP	SP	SP	✓
Personal care home,-7 or more							SP	SP	SP	SP			P	SP	SP	P	P	P				SP	SP	SP	SP	✓
Personal care home, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	SP	SP	P	P					P	P	P	P	✓
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓	
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓	
Short Term Vacation Rental	SP	SP	SP					SP														SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓	
INSTITUTIONAL/PUBLIC																										
Community Facilities																										
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P								✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P		
Coliseum or stadium/not associated with church or school																P	P	P						SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP		
Funeral home, mortuary													P	P		P	P				P	P	P	P		
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P							✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P					Pa					P	P	
Library or museum								P	P	P			P	P	P	P	P	P				P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P						SP		✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P						✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P				Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P				Pa	Pa	Pa	✓

Use	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	
Education																										
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P		
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓	
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P					SP	SP	SP	✓
Specialized schools													P	P		P	P	P	SP	SP	P	P	P	P	✓	
Vocational schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓	
COMMERCIAL																										
Automobile, boat and trailer sales and service																										
Automobile brokerage																P	P		P	P					✓	
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓	
Auto recovery, storage																			P	P					✓	
Automobile sales or truck sales																P	P		P	P					✓	
Automobile service stations																SP	SP	SP		P	P				✓	
Automobile upholstery shop																			P	P						
Automobile wash/wax service																P	P		P						✓	
Boat sale																P	P		P						✓	
Automobile repair, major																			P	P					✓	
Automobile repair or maintenance, minor																P	P		P	P					✓	
Retail automobile parts or tire store																P	P		P						✓	
Service area, outdoor																	Pa		Pa	Pa					✓	
Trailer or RV salesroom and lots																P	P		P						✓	
Office																										
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Building or construction office,								Pa	Pa	Pa			P	P		P	P	P	P	P					✓	
Building, landscape, heavy construction contractor office (material, equipment, storage)																	P	P	P	P					✓	
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P	P	P	P	P	P		
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
General business office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Insurance office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Legal office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Medical office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Real estate office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Recreation and Entertainment																										
Sexually Oriented Business																				P					✓	
Drive-in theater																	P		P	P					✓	

Use	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	
Fairground or amusement park																P			P	P					✓	
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P		
Nightclub or Late night establishments													Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓	
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP															P	P		SP						✓	
Special events facility	SP												P	P		P	P	P	P		P	P	P	P		
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P		
Retail																										
Alcohol outlet-package store, primary																SP	SP	P	P		SP	SP	SP	SP	✓	
Alcohol outlet- beer and/or wine store, beer growler, primary															SP	SP	SP	P	P		SP	SP	SP	SP	✓	
Alcohol outlet-beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	P	P		SP	SP	SP	SP	✓	
Apparel or accessories store															P	P	P				P	P	P	P		
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Book, greeting card, or stationery store															P	P	P	P			P	P	P	P		
Camera or photography															P	P	P	P			P	P	P	P		
Commercial greenhouse or plant nursery															P	P	P		P		P				✓	
Computer or computer software store															P	P	P	P			P	P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)															P	P	P	P	P	P	P	P	P	P	✓	
Drive-through facilities													P		P	P	P	P	P		SP	SP	SP	SP	✓	
Farm or garden supply store	P														P	P	P	P	P		P	P				
Farmer's market, permanent													P	P	P	P	P	P	P	P	P	P	P	P	✓	
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Florist													Pa		P	P	P	P			P	P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)													Pa		P	P	P	P			P	P	P	P		

Use	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	
Fuel dealers, manufacturers or wholesalers																	P		P	P						
Fuel pumps													SP	SP	SP	SP	SP	SP	SP	SP						✓
Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa							✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P		
Gold buying, precious metals																Pa	P	P								
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P		
Hobby, toy or game store															P	P	P	P			P	P	P	P		
Jewelry store															P	P	P	P			P	P	P	P		
Music or music equipment store (retail)															P	P	P	P			P	P	P	P		
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P							✓
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P		
Office supplies and equipment store															P	P	P	P	P		P	P	P	P		
Pawn shop, title loan																	P	P	P							✓
Pet supply store															P	P	P	P	P		P	P				
Pharmacy or drug store (see alcohol outlet)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P	P			P	P	P	P		
Radio, television or consumer electronics store																P	P	P			P	P	P	P		
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P		
Retail, over 5,000 sf (see also shopping center)															P	P	P	P			P	P	P	P		
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P		
Shopping center															P	P	P	P			P	P	P	P		
Specialty store															P	P	P	P			P	P	P	P		
Sporting goods or bicycle sale															P	P	P	P			P	P	P	P		
Thrift, secondhand, antique store																P	P		P							
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage													P	P		P	P	P	P	P						
Variety store													Pa		P	P	P	P			P	P	P	P		

Use	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		
Temporary Commercial Uses																											
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Restaurant/Food Eating and Drinking establishments																											
Brewpub/Beer Growler															P	P	P		P		P	P	P	P			
Catering establishments													P	P		P	P		P		P	P	P	P			
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P			
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P			
Restaurants with a drive-thru configuration													P	P		SP	SP		SP							✓	
Transportation and Storage																											
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	SP		
Heliport													SP			SP	SP	SP	P	P				SP	SP	✓	
Parking, commercial lot													Pa			P	P	P	P	P	P	P	P	P	P	✓	
Parking, commercial garage													Pa			P	P	P	P	P		P	P	P	P		
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P						✓	
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	P		
Services																											
Adult day care center—7 or more								P	P	P	P		P	P	P	P	P	P	P			P	P	P	P	✓	
Adult day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP			P	P	P	P			P	P	P	P	✓		
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P	P				✓	
Animal shelter/rescue center	SP															P	P	P	P							✓	
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P			
Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P			
Check cashing establishment, primary																	P		P							✓	
Check cashing establishment, accessory																P	P		P	P	P	P	P	P	✓		
Child day care center (Kindergarten)—7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	✓		

Use	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	
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P				P	P	P	✓	
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P		
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP														Pa	Pa	P		P	P					✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse														SP		P	P	P	P	P					✓	
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments													P	P			P		P	P						
Quick copy printing store													P	P	P	P	P		P	P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P	P		P	P	P	P		
Home healthcare service													P	P		P	P		P		P	P	P	P		
Kidney dialysis center													P	P		P	P		P		P	P	P	P		
Medical or dental laboratories													P	P		P	P		P	P			SA	SA		
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																	Pa		Pa	P					✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																		SP	P	P						
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																				P						

Use	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
Building materials or lumber supply establishment																	P		P						
Cement, lime, gypsum, or plaster of Paris manufacturing																				P					
Compressed gas fuel station																	SP		P	P					
Chemical manufacture, organic or inorganic																				P					
Contractor, general (See also Building or Construction Office)																			P	P		P	P		✓
Contractor, heavy construction, outside storage																			P	P					✓
Contractor, special trade																			P	P					
Crematoriums													SP			SP	SP		P	P					✓
-Distillation of bones or glue manufacture																				P					
-Dry cleaning plant																			P	P					
-Dye works																				P					
-Explosive manufacture or storage																				P					
Fabricated metal manufacture																				P					
-Fat rendering or fertilizer manufacture																				P					
Fuel dealers, manufactures or wholesalers																			P	P					
General aviation airport																			SP	SP					✓
Heavy equipment repair service or trade																			P	P					
Ice manufacturing plant																			P	P					
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa					
-Incineration of garbage or refuse when conducted within an enclosed plant																				P					
Industrial, heavy																				P					
Industrial, light																			P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P					
Leather manufacturing or processing																				P					
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	
Light manufacturing																			P	P					
Manufacturing, heavy																				P					✓

Use	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
Manufacturing operations not housed within a building																				P					✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																				P					✓
Mines or mining operations, Asphalt Plant																			SP	SP					
Outdoor storage, industrial																			P	P					✓
Paper or pulp manufacture																				P					✓
Petroleum or inflammable liquids production, refining																				P					✓
Radioactive materials: utilization, manufacture, processing or emission																				P					✓
Railroad car classification yards or team truck yards																			P	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic																			P	P					
Research, experimental or testing laboratories																			P	P					
Rubber or plastics manufacture																			P	P					
Salvage yard (Junkyard)																				P					✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																				P					✓
Smelting: copper, iron, zinc, or ore																				P					
Storage yard, except vehicle																				P					✓
Storage yard for damaged or confiscated vehicles																				P					✓
Sugar refineries																				P					
Tire retreading or recapping																			P	P					
Towing or wreckage service																			P	P					
Transportation equipment manufacture																				P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓

Truck stop or terminal																			P	P						
Vehicle storage yard																			P	P						
Use	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	
Warehousing or Storage																		P	P	P						
SOLAR ENERGY SYSTEMS																										
Integrated SES																										
Rooftop SES																										
Ground Mounted SES, Small Scale																										
Ground Mounted SES, Intermediate Scale																										
Ground Mounted SES, Large Scale																										
COMMUNICATION—UTILITY																										
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP															✓
Electric transformer station, gas regulator station or telephone exchange																				P						
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	P	
Radio or television broadcasting transmission facility													Pa				P		P	P						
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
WIRELESS TELECOMMUNICATION (cell tower)																										
New support structure from 51 feet to 150 feet in or near residential uses	SP	SP	SP	SP	SP	SP	SP								SP	SP										✓
New support structure from 50 feet up to 199 feet away from residential uses														SA			SA	SA	SA	SA	SA					✓
Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																			
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓

TMOD-21-010 Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 8, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-010
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27 to clarify and update the land uses allowed in the industrial zoning districts and those prohibited citywide.

FACTS AND ISSUES:

- There are many uses included in the permitted table that should be universally prohibited and that do not fit the vision for city as outlined the comprehensive plan, such as glue manufacture, paper mills, fat rendering, and explosive manufacturing. This text amendment lists those prohibited uses.
- In addition, there are a number of uses currently allowed in the industrial zoning districts that increase the potential of conflict between industrial and residential uses. This text amendment revises the permitted use table help mitigate those future impacts.

RECOMMENDED ACTION: Based on staff recommendation, the Planning Commission **Recommend Approval** to the City Council of prohibited use list and restrictions on residential uses in industrial areas at their October 5, 2021 meeting.

TMOD-21-010 - Attachment 2 - Proposed changes

TMOD-21-010 Use Table Revisions

Sec. 4.1.3. Use table.

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

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

Table 4.1. Use Table

Use	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													See Section 4.2		
	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	
AGRICULTURAL																										
Agriculture and Forestry																										
Commercial greenhouse or plant nursery	P														P	P	P		P	P	P					✓
Temporary or portable sawmill	P																		P	P						✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Animal Oriented Agriculture																										
Dairy	P																		P	P						✓
Keeping of livestock	P	P	P	P	P														P							✓
Keeping of poultry/pigeons	P	P	P	P	P														P							✓
Livestock sales pavilion	P																			P						✓
Riding academies or stables	P	P	P	P	P																					✓
RESIDENTIAL																										
Dwellings																										
Dwelling, cottage home						P	P	P	P	P		P														✓
Dwelling, mobile home											P									Pa	Pa					✓
Dwelling, multi-family								P	P	P			P							SP	SP	P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P								P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P								P	P	P	P	✓
High-rise apartment										P			SP											P	P	
Dwelling, single-family (attached)							P	P	P	P				P								P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P										P	P	P		
Dwelling, three-family							P	P	P	P		P										P	P	P	P	
Dwelling, two-family							P	P	P	P		P										P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA										SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP										SP	SP	SP	SP	✓
Live/work unit								P	P	P			P	P		P	P				Pa	Pa	P	P	P	✓
Mobile home park											P															
Accessory uses or structures	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Housing and Lodging																										
Bed and breakfast	SP	SP	SP				SP	SP	SP	SP			P	P		P	P						P	P	P	✓
Bed and breakfast, home stay	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP														✓
Boarding/Rooming house								SP	P	P																

(Supp. No. 1)

Use	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	
Child caring home,-5 or less	SP	SP	SP	SP	SP	SP	SP					SP	P	P	P	P	P				SP	SP	SP	SP	✓	
Child caring facility, 6 or more													P	P	SP	P	P				SP	SP	SP	SP	✓	
Child day care center													P	P	P	P	P				P	P	P	P		
Convents or monasteries	SP	SP	SP	SP	SP	SP	SP	SP	SP				P	P								P	P	P	✓	
Dormitory													Pa	Pa		Pa	Pa	Pa	Pa	Pa		Pa	Pa	Pa	Pa	
Extended stay hotel/motel													SP			SP	SP					SP	SP	SP	✓	
Fraternity house or sorority house								SP	P	P			SP									P	P			
Hotel/Motel													P			P	P	P				P	P	P		
Nursing care facility or hospice								P	P				P	P		P	P				P	P	P	P		
Senior housing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP								SP	SP	SP	SP	✓
Personal care home,-7 or more							SP	SP	SP	SP			P	SP	SP	P	P	Ⓟ			SP	SP	SP	SP	✓	
Personal care home, 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Ⓟ	SP	P	SP	SP	P	P				Ⓟ	Ⓟ	Ⓟ	Ⓟ	✓	
Shelter for homeless persons, 7—20									SP	SP			SP	SP		P	P								✓	
Shelter for homeless persons for no more than six (6) persons								SP	SP	SP			SP	SP		SP									✓	
Short Term Vacation Rental	SP	SP	SP					SP														SP	SP			
Transitional housing facilities, 7—20								SP	SP	SP			SP	SP		P	P								✓	
INSTITUTIONAL/PUBLIC																										
Community Facilities																										
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P				P								✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P		
Coliseum or stadium/not associated with church or school																P	P	P						SP	P	✓
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP		
Funeral home, mortuary													P	P		P	P				P	P	P	P		
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P							✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P					Ⓟ					P	P	
Library or museum								P	P	P			P	P	P	P	P	P				P	P	P	P	
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	✓
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P							SP	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P						✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P				Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P				Pa	Pa	Pa	✓

Use	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
Education																									
Colleges, universities, research and training facilities													P	P		P	P	P	P		P	P	P	P	
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		Pa						P			Pa	Pa			✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP	✓
Specialized schools													P	P		P	P	P	SP	SP	P	P	P	P	✓
Vocational schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P	✓
COMMERCIAL																									
Automobile, boat and trailer sales and service																									
Automobile brokerage																P	P		P	P					✓
Automobile or truck rental or leasing facilities													P	P		P	P		P			P	P	P	✓
Auto recovery, storage																			P	P					✓
Automobile sales or truck sales																P	P		P	P					✓
Automobile service stations																		SP	SP	SP		P	P		✓
Automobile upholstery shop																			P	P					
Automobile wash/wax service																P	P		P						✓
Boat sale																P	P		P						✓
Automobile repair, major																			P	P					✓
Automobile repair or maintenance, minor																P	P		P	P					✓
Retail automobile parts or tire store																P	P		P						✓
Service area, outdoor																		Pa		Pa	Pa				✓
Trailer or RV salesroom and lots																P	P		P						✓
Office																									
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Building or construction office,								Pa	Pa	Pa			P	P		P	P	P	P	P					✓
Building, landscape, heavy construction contractor office (material, equipment, storage)																		P	P	P	P				✓
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P	P	P	P	P	P	
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
General business office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Insurance office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Legal office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Medical office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Real estate office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P	
Recreation and Entertainment																									
Sexually Oriented Business																				P					✓
Drive-in theater																		P		P	P				✓

Use	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	
Fairground or amusement park																P			P	P					✓	
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)															P	P	P	P	P	P	P	P	P	P		
Nightclub or Late night establishments													Pa		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓	
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	SP															P	P		SP						✓	
Special events facility	SP												P	P		P	P	P	P		P	P	P	P		
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building													P	P		P	P						P	P		
Retail																										
Alcohol outlet-package store, primary																SP	SP	P	P		SP	SP	SP	SP	✓	
Alcohol outlet- beer and/or wine store, beer growler, primary															SP	SP	SP	P	P		SP	SP	SP	SP	✓	
Alcohol outlet-beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))															SP	SP	SP	P	P		SP	SP	SP	SP	✓	
Apparel or accessories store															P	P	P				P	P	P	P		
Art gallery								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Book, greeting card, or stationery store															P	P	P	P			P	P	P	P		
Camera or photography															P	P	P	P			P	P	P	P		
Commercial greenhouse or plant nursery															P	P	P		P		P				✓	
Computer or computer software store															P	P	P	P			P	P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)															P	P	P	P	P	P	P	P	P	P	✓	
Drive-through facilities													P		P	P	P	P	P		SP	SP	SP	SP	✓	
Farm or garden supply store	P														P	P	P	P	P		P	P				
Farmer's market, permanent													P	P	P	P	P	P	P	P	P	P	P	P	✓	
Farmer's market, temporary/seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Florist													Pa		P	P	P	P			P	P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)													Pa		P	P	P	P			P	P	P	P		

Use	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	
Fuel dealers, manufacturers or wholesalers																	P		P	P						
Fuel pumps													SP	SP	SP	SP	SP	SP	SP	SP						✓
Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line																Pa	Pa	Pa	Pa							✓
Gift, novelty, or souvenir store													Pa		P	P	P	P			P	P	P	P		
Gold buying, precious metals																Pa	P	P								
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P		
Hobby, toy or game store															P	P	P	P			P	P	P	P		
Jewelry store															P	P	P	P			P	P	P	P		
Music or music equipment store (retail)															P	P	P	P			P	P	P	P		
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P							✓
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P		
Office supplies and equipment store															P	P	P	P	P		P	P	P	P		
Pawn shop, title loan																	P	P	P							✓
Pet supply store															P	P	P	P	P		P	P				
Pharmacy or drug store (see alcohol outlet)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P	P			P	P	P	P		
Radio, television or consumer electronics store																P	P	P			P	P	P	P		
Retail, 5,000 sf or less								Pa	Pa	Pa			Pa	Pa	P	P	P	P	P	P	P	P	P	P		
Retail, over 5,000 sf (see also shopping center)															P	P	P	P			P	P	P	P		
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P	P	P		P	P	P	P		
Shopping center															P	P	P	P			P	P	P	P		
Specialty store															P	P	P	P			P	P	P	P		
Sporting goods or bicycle sale															P	P	P	P			P	P	P	P		
Thrift, secondhand, antique store																P	P		P							
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage													P	P		P	P	P	P	P						
Variety store													Pa		P	P	P	P			P	P	P	P		

Use	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		
Temporary Commercial Uses																											
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Temporary trailer, as home sales office or construction trailer	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Restaurant/Food Eating and Drinking establishments																											
Brewpub/Beer Growler															P	P	P		P		P	P	P	P			
Catering establishments													P	P		P	P		P		P	P	P	P			
Restaurants (acc. to hotel/motel)													P			P	P	P				P	P	P			
Restaurants (non-drive-thru)								Pa	Pa	Pa		Pa	Pa	Pa	P	P	P		P		P	P	P	P			
Restaurants with a drive-thru configuration													P	P		SP	SP		SP							✓	
Transportation and Storage																											
Bus or rail stations or terminals for passengers																SP	SP		SP	SP	SP	SP	SP	SP	SP		
Heliport													SP			SP	SP	SP	P	P				SP	SP	✓	
Parking, commercial lot													Pa			P	P	P	P	P	P	P	P	P	P	✓	
Parking, commercial garage													Pa			P	P	P	P	P		P	P	P	P		
Taxi, ambulance or limousine service, dispatching or storage.																	P	P	P	P						✓	
Taxi stand													P	P	P	P	P	P	P	P	P	P	P	P	P		
Services																											
Adult day care center—7 or more								P	P	P	P		P	P	P	P	P	P	P			P	P	P	P	✓	
Adult day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP			P	P	P	P			P	P	P	P	P	✓	
Animal hospitals, veterinary clinic															P	P	P	P	P	P	P	P	P	P	P	✓	
Animal shelter/rescue center	SP															P	P	P	P							✓	
Banks, credit unions or other similar financial institutions								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P	P		
Barber shop/beauty salon or similar establishments								Pa	Pa	Pa			Pa	P	P	P	P	P	P		P	P	P	P	P		
Check cashing establishment, primary																	P		P							✓	
Check cashing establishment, accessory																P	P		P	P	P	P	P	P	P	✓	
Child day care center (Kindergarten)—7 or more								P	P	P	P		P	P	P	P	P	P	P		P	P	P	P	P	✓	

Use	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	
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P	P				P	P	P	✓	
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P		
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP														Pa	Pa	P		P	P					✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse														SP		P	P	P	P	P					✓	
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments													P	P			P		P	P						
Quick copy printing store													P	P	P	P	P		P	P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P	P		P	P	P	P		
Home healthcare service													P	P		P	P		P		P	P	P	P		
Kidney dialysis center													P	P		P	P		P		P	P	P	P		
Medical or dental laboratories													P	P		P	P		P	P				SA	SA	
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																	Pa		Pa	P					✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																		SP	P	P						
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																				P						

Use	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
Building materials or lumber supply establishment																	P		P						
Cement, lime, gypsum, or plaster of Paris manufacturing																				P					
Compressed gas fuel station																	SP		P	P					
Chemical manufacture, organic or inorganic																				P					
Contractor, general (See also Building or Construction Office)																			P	P		P	P		✓
Contractor, heavy construction, outside storage																			P	P					✓
Contractor, special trade																			P	P					
Crematoriums													SP			SP	SP		P	P					✓
-Distillation of bones or glue manufacture																				P					
-Dry cleaning plant																			P	P					
-Dye works																				P					
-Explosive manufacture or storage																				P					
Fabricated metal manufacture																				P					
-Fat rendering or fertilizer manufacture																				P					
Fuel dealers, manufactures or wholesalers																			P	P					
General aviation airport																			SP	SP					✓
Heavy equipment repair service or trade																			P	P					
Ice manufacturing plant																			P	P					
Incidental retail sales of goods produced or processed on the premises																			Pa	Pa					
-Incineration of garbage or refuse when conducted within an enclosed plant																				P					
Industrial, heavy																				P					
Industrial, light																			P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																				P					
Leather manufacturing or processing																				P					
Light malt beverage manufacturer (See also Brewpub)															Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	
Light manufacturing																			P	P					
Manufacturing, heavy																				P					✓

Use	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
Manufacturing operations not housed within a building																				P					✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																				P					✓
Mines or mining operations, Asphalt Plant																			SP	SP					
Outdoor storage, industrial																			P	P					✓
Paper or pulp manufacture																				P					✓
Petroleum or inflammable liquids production, refining																				P					✓
Radioactive materials: utilization, manufacture, processing or emission																				P					✓
Railroad car classification yards or team truck yards																			P	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa		Pa	Pa	Pa		P	P					
Recycling plant																			P	P					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic																			P	P					
Research, experimental or testing laboratories																			P	P					
Rubber or plastics manufacture																			P	P					
Salvage yard (Junkyard)																				P					✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																				P					✓
Smelting: copper, iron, zinc, or ore																				P					
Storage yard, except vehicle																				P					✓
Storage yard for damaged or confiscated vehicles																				P					✓
Sugar refineries																				P					
Tire retreading or recapping																			P	P					
Towing or wreckage service																			P	P					
Transportation equipment manufacture																				P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓

Truck stop or terminal																			P	P						
Vehicle storage yard																			P	P						
Use	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	
Warehousing or Storage																		P	P	P						
SOLAR ENERGY SYSTEMS																										
Integrated SES																										
Rooftop SES																										
Ground Mounted SES, Small Scale																										
Ground Mounted SES, Intermediate Scale																										
Ground Mounted SES, Large Scale																										
COMMUNICATION—UTILITY																										
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP				SP															✓
Electric transformer station, gas regulator station or telephone exchange																				P						
Radio or television broadcasting studio													P				P		P	P	P	P	P	P	P	
Radio or television broadcasting transmission facility													Pa				P		P	P						
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
WIRELESS TELECOMMUNICATION (cell tower)																										
New support structure from 51 feet to 150 feet in or near residential uses	SP	SP	SP	SP	SP	SP	SP								SP	SP										✓
New support structure from 50 feet up to 199 feet away from residential uses														SA			SA	SA	SA	SA	SA	SA				✓
Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA																			
Attached wireless telecommunication facility								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-011, Restriction on Residential Conversion in the Industrial Zoning Districts

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

Previously Heard Date(s): Click or tap to enter a date. -

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss TMOD-21-011, Restrictions on Residential Conversion in the industrial zoning districts before presentation at the November 25, 2021 regular city council meeting for action.

FACTS: See staff report.

OPTIONS: Choose an item. NA

RECOMMENDED ACTION: NA

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-011 Staff Report
- (2) Attachment 2 - Proposed changes to Chapter 27 – Zoning Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.

TMDO-21-011 Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 8, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-011
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27 to remove language encouraging residential conversion of industrial buildings.

FACTS AND ISSUES:

- Stonecrest has a long industrial history, the county had allowed residential encroachment through rezoning decisions over the years that has led to land use conflicts.
- Steps need to be taken to mitigate potential impacts between residential and industrial uses and discourage residential encroachment into industrial areas.
- An important step in this process is to remove language in the code that encourages conversion of industrial districts for residential uses.
- Additional text amendments will be addressing other aspects of how to mitigate potential conflicts will be presented but this text amendment plays an important role in supporting those other amendments and making them more legally defensible.

RECOMMENDED ACTION: The Planning Commission deferred recommendation on this text amendment to City Council at their October 5, 2021 meeting.

TMOD-21-011 Attachment 2 - Proposed Changes

TMOD-21-011
STONECREST ZONING CODE UPDATE
REVISIONS and NEW ORDINANCES

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

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

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

Track changes version of proposed changes.

Sec. 2.31.1. - Statement of purpose and intent.

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

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

F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;

~~G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;~~

~~H.G.~~ To implement the future development map of the city's most current comprehensive plan.

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

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

Track changes version of proposed changes.

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

~~A. The conversion of industrial buildings in the M (Light Industrial) District to residential use is prohibited. shall be permitted by a special land use permit. The following shall be considered:~~

- ~~1. Whether the building is located on the interior or periphery of an established industrial park or area;~~
- ~~2. Whether the building or area should no longer be used for industrial uses;~~
- ~~3. Adequate parking is provided in accordance with article 6 of this chapter, for multifamily or live-work.~~

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

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

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

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

Track changes version of proposed changes.

Sec. 2.32.1. - Statement of purpose and intent.

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

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

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

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

Track changes version of proposed changes.

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

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



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-012, Gravel Parking

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Text Amendment

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting:

Previously Heard Date(s): Click or tap to enter a date. -

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss TMOD-21-012, Gravel Parking before presentation at the November 25, 2021 regular city council meeting for action.

FACTS: See staff report.

OPTIONS: Choose an item. NA

RECOMMENDED ACTION: NA

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-012 Staff Report
- (2) Attachment 2 - Proposed changes to Chapter 27 – Zoning Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

TMOD-21-012 - Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 8, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-012
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 6 - Parking to amend the parking regulations concerning gravel truck parking lots.

FACTS AND ISSUES:

- The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement.
- The street frontage fencing and landscaping of S & W Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard.
- Monitoring of the existing gravel lots has been strain on code enforcement and site inspection staff. Steps should be put in place to require pre-approved third party inspections of these sites at the cost of the parking lot operator.

PROPOSAL:

- Revise Subsection B.10. to improve the appearance of parking lots. Fences along street frontage would be upgraded to the standard of fences which are currently in place along the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling. Frontage fences of new parking lots could not be made of corrugated metal fencing.
- Vegetation between streets and fences would have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All



PLANNING & ZONING STAFF REPORT

existing parking lots would have to upgrade to this new standard no later than at the time of business license renewal in 2023.

- Issuance of a Business License for such a gravel parking lot is dependent on submittal of site inspection report approved by the Building Department showing that the gravel lot pervious and impervious surface conditions, as well as onsite storm water facilities meet the requirements of the City Code of Ordinances.
- Removal of the 2-year exemption from this ordinance that granted in 2018, as the exemption has expired.

RECOMMENDED ACTION: Based on staff recommendations, the Planning Commission recommend **Approval** to the City Council at their meeting on October 5, 2021 as shown in Attachment 2, with the exception of the third party site inspection report and the removal of grandfathered exemption from this ordinance which was added by staff based on recommendations received at the Zoning Summit participants on October 14, 2021.

TMOD-21-012 - Attachment 2 - Proposed Changes

TMOD-21-012
STONECREST ZONING CODE UPDATE
REVISIONS and NEW ORDINANCES

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

Proposal:

- Revise Subsection B.10. to improve the appearance of parking lots. Fences along street frontage would be upgraded to the standard of fences which are currently in place along the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling. Frontage fences of new parking lots will be made of corrugated metal, and must be ten feet high.
- Revise Subsection B.10, to improve vegetated buffer between streets and fences. Vegetated buffers have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All existing parking lots would have to upgrade to this new standard no later than time for business license renewal in 2023.
- Remove the 2 year exemption from these requirements for grandfathered uses as granted with the adoption of the 2018 gravel parking ordinance, Ordinance 2018-07-02, signed on July 16, 2018, as the compliance period for this exemption as already expired.

Photos illustrating the recommended fencing type for Gravel Parking



Reason for proposal:

The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement. The street frontage fencing and landscaping of S & W

Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard as of the beginning of 2025.

Track changes version of proposed changes.

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

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

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
 - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.
 - 4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
 - 5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
 - 6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.

7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
 - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
 - (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
 - (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

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

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

Table 6.1. Minimum Parking Space Dimensions

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

60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
- a. The parking area shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ~~six~~ ten feet in height. Chain link and wooden fences along street frontage are prohibited.
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched. ~~75 percent evergreens and at least two rows of plants.~~
 - d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. The parking lot has a minimum of one acre.
 - g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than at the time of business license renewal in 2023.
11. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
- a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;
 - b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
 - c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;

- d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
- e. Parking areas shall be inspected by the City of Stonecrest or a third-party inspector approved by the City of Stonecrest every year ~~two years~~ to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- f. ~~Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;~~
- g. ~~All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.~~



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-003, 3177 Panola Rd and 5207 Thompson Mill Rd

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Rezoning

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, September 30, 2021

Current Work Session: **Monday, November 8, 2021**

Current Council Meeting: Click or tap to enter a date.

Previously Heard Date(s): Click or tap to enter a date. - Click or tap to enter a date.

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on action taken on RZ-21-003 at 3177 Panola Rd and 5207 Thompson Mill Road by the Planning Commission on September 7, 2021, in preparation of the November 22, 2021 Regular City Council Meeting when the item will be presented as an action item.

FACTS: Apex Land Company is requesting to rezone from R-100 (Residential Med Lot) District and NS (Neighborhood Shopping) to RSM (Small Lot Residential) for the development of a 65-unit townhome community. The applicant is APEX Land Company, LLC represented by Battle Law, P.C. The subject property was rezoned to R-100 and NS in 2005 by DeKalb County with conditions. The Planning Commission recommended Approval of the rezoning to RSM with conditions on a vote of 4 to 1.

OPTIONS: Choose an item. N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

(1) Attachment 1 - RZ-21-003 APEX Land Staff Report



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Rezoning Application amendment submitted on August 27, 2021 with updated letter of intent, and original zoning application dated June 2, 2021
- (3) Attachment 3 - Technical memorandums concerning traffic impacts
- (4) Attachment 4 - RZ-21-003 Public Participation Plan
- (5) Attachment 5 - Zoning Agreement between Panola Mills HOA and the property owners of subject property, which includes the conditions of zoning placed on the property by DeKalb County in 2008 (Z-08-15000)

RZ-21-003 Attachment 1: Staff Report



PLANNING & ZONING STAFF REPORT

RZ-21-003

Work Session: November 8, 2021

GENERAL INFORMATION

Petition Number:	RZ-21-003
Applicant:	Apex Land Company, LLC
Owner:	Zacharia Majed; Mohammed Al Mulki Rania; Amir Haffer
Project Location:	3177 Panola Rd and 5207 Thompson Mill Road, Parcel Numbers 16 022 01 245 and 16 022 01 023
District:	District 3 – Jazzmin Cobble
Acreage:	Approximately 9.56 acres
Existing Zoning:	R-100 (Residential Med Lot) District and NS (Neighborhood Shopping)
Proposed Zoning:	RSM (Small Lot Residential)
Comprehensive Plan Character Area Designation	Suburban
Proposed Development/Request:	A 65-unit townhome community
Staff Recommendations:	Approval with conditions
Planning Commission Recommendation:	Planning Commission recommended Approved with conditions on September 7, 2021.

Aerial Map



Zoning Case: RZ-21-003

Address: 3177 Panola Road and 5207 Thompson Mill Road



PLANNING & ZONING STAFF REPORT

RZ-21-003

Zoning Map



Zoning Case: RZ-21-003

Current Zoning: R-100 and NS

Address: 3177 Panola Road and 5207 Thompson Mill Road

Proposed Zoning: RSM



PLANNING & ZONING STAFF REPORT

RZ-21-003

PROJECT OVERVIEW

Location

The subject property is located at 3177 Panola Road and 5207 Thompson Mill Road. The property is located at the intersection of Thompson Mill Rd and Panola Road.

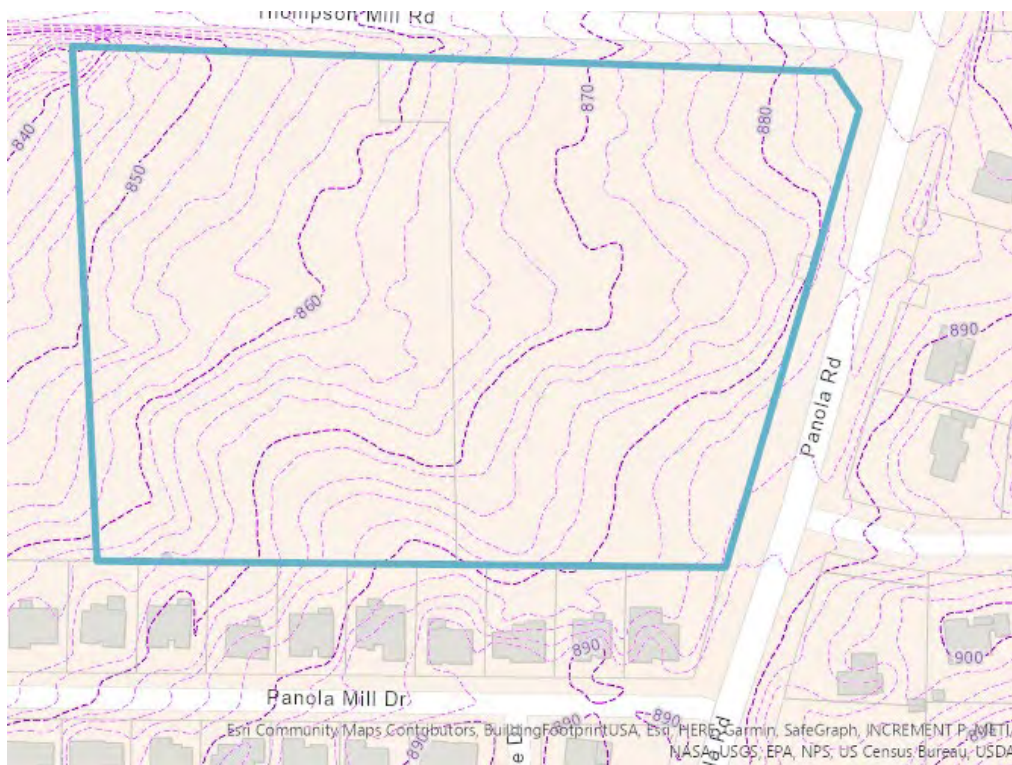
The property is bounded by Thompson Mill Road to the north, a single family home to the west. Panola Mill Subdivision to the South, and Panola Road to the east. Winslow Crossing Subdivision is located across Panola Road to the east, and Cavalier @100 apartment complex is located across Thompson Mill Road to the north.

Background

Currently, the property is vacant, and zoned for single-family residential, R-100 and Neighborhood Shopping. The subject property was previously rezoned by DeKalb County in 2008, CZ-08-15000 for a 25,000 sf shopping center, see attached DeKalb County case report.

The topography of the property relatively level sloping away from Panola Road toward to stream to the west of the site. The site is currently wooded. There are no streams on the property, but a stream does traverse near the northwest corner of

Topo Map of the Subject Property



PLANNING & ZONING STAFF REPORT

RZ-21-003

Elevations (see attached application materials for full set of elevations.)



FRONT ENTRY RENDERING





PLANNING & ZONING STAFF REPORT

RZ-21-003

Public Participation

The applicant did submit a public participation plan, and held multiple community meetings with the Panola Mills, Glencroft, Havenwood and Woodgrove communities via Zoom prior to August 3. These meetings did lead to scaling back of the density of original proposal for the development, see attached application materials. The applicant conducted another public meeting on September 1. Prior to the September 7, 2021 Planning Commission meeting.

Traffic Analysis

Staff has received many emails voicing concerns over the potential impact of the development, particularly concerning increased traffic congestion and safety. A trip generation report, dated 6/8/2021 and prepared by Lumin8 Transportation Technologies indicates that the traffic impact to the area for residential use would be half that if developed as currently approved for retail development. The applicant did not prepare a traffic study as requested by the Planning Commission, but as stated earlier did scale down the proposed density of the development, which would reduce any potential traffic impacts.

STANDARDS OF REZONING REVIEW

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

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

The subject property is located within the Suburban character area of the Stonecrest 2038 Comprehensive Plan, as described on page 128 of the Comp Plan.

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

The residential requested density is within the policy guidelines of Comp Plan.

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

As described before, the subject property is surrounded by residential uses, and proposed townhome development is more suitable to the residential character of the area than currently permitted retail development, see previous zoning map.



PLANNING & ZONING STAFF REPORT

RZ-21-003

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

The property is currently zoned R-100 and NS, and does have limited economic use as currently zoned, though market conditions have not favored development, The requested use of the property is less intensive than that as currently zoned, and considered to have more market value or greater economic use.

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. Staff believes the suggested zoning for a townhome development would complement the area better than the currently allowed use of a shopping center.

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

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

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.

According to a trip generation report, dated 6/8/2021 and prepared by Lumin8 Transportation Technologies the traffic impact to the area for residential use would be half that if developed as currently approved for retail development. As also indicated in a memo from the City Engineer dated June 14, planned improvements to Thompson Mill Road for widening from 2 to 4 lanes and for its intersection with Panola Road will help to mitigate the negative impacts of the proposed development and a full traffic study is not required for the site, as it does not meet the 190 units requirement for such a study.

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

Environmental Site Analysis included in the application indicates no significant environmental impact. The zoning proposal will not adversely impact the environment or surrounding natural resources. Steps are being taken to mitigate any potential stormwater runoff.

STAFF RECOMMENDATION



PLANNING & ZONING STAFF REPORT

RZ-21-003

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-003** the following condition:

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



PLANNING & ZONING STAFF REPORT

RZ-21-003

- m. The recorded covenants shall contain a 15% rental restriction, which rental restriction shall be enforced solely by the Homeowner's Association to the extent permitted by law, with an exception for active military personal that are required to relocate. **THE CITY WILL VERIFY THAT THE 15% RENTAL RESTRICTION IS IN THE DECLARATION OF RESTRICTIVE COVENANTS RECORDED SIMULTANEOUSLY WITH THE FINAL PLAT FOR THE COMMUNITY, HOWEVER, THE CITY HAS NO ABILITY TO ENFORCE THE RENTAL RESTRICTION AND DOES NOT EXPRESS ANY OPINION AS TO THE ENFORCEABILITY OF RENTAL RESTRICTIONS IN RESIDENTIAL COMMUNITIES.**
9. Each unit shall have either a 1 or 2 car garage with each unit having a pad in front for two cars. Additionally, the development shall provide a minimum of 29 guest parking spaces.
10. The access on Panola Road shall be a right in-right out only, and a deceleration lane shall be installed.
11. A 5ft sidewalk and minimum 6ft landscape strip shall be installed along the property frontage on Thompson Mill Road and Panola Road. Additionally, the sidewalk on Panola Road shall connect offsite into the existing sidewalk in front of the Panola Mill Subdivision.
12. The development shall provide a minimum of 20% enhanced open space.

Attachment 2:

RZ-21-003 Application Amendment VsfW
August 27 1 \$' \$#ž



Battle Law

August 27, 2021

VIA: Email {jsummerbell@stonecrestga.gov}

CLIENT/MATTER REF: Apex Land Company, LLC., 3177 Panola Road & 5207 Thompson Mill Road, Stonecrest, GA

Attn: Jim Summerbell, AICP
Planning and Zoning Director
City of Stonecrest Planning and Zoning Division
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Mr. Summerbell,

We hereby submit this amended Site Plan and amended Statement of Intent in reference to the above-mentioned application, located on Panola Road and Thompson Mill Road, Stonecrest, GA. Please find the latest documents, attached. Thank you.

Best,

Dani Blumenthal

Danielle Blumenthal
Urban Planner
Email: dlb@battlelawpc.com

**AMENDED AND RESTATED
STATEMENT OF INTENT**

And
Other Material Required by the City of Stonecrest, Georgia Zoning Ordinance
For

A Rezoning from NS and R-100 to RSM pursuant to the City of
Stonecrest Zoning Ordinance

Of

Apex Land Company, LLC.
c/o Battle Law, P.C.

For

+/- 9.56 acres of Land being all of
Parcel Nos. 16 022 01 245 and 16 022 01 023
Being in the 3rd District, City of Stonecrest

Submitted for Applicant by:

Michèle L, Battle
Battle Law, P.C.
3562 Habersham at Northlake
Building J, Suite 100
Tucker, GA 30084

I. STATEMENT OF INTENT

Apex Land Company, LLC. (the “Applicant”) is seeking a rezoning for property located at the corner of Panola Road and Thompson Mill Road. The property is comprised of addresses 3177 Panola Road and 5207 Thompson Mill Road, bearing the parcel numbers 16 022 01 245 and 16 022 01 023, (the “Subject Property”). The Subject Property is currently zoned R-100 and NS with a land use designation of Suburban. The Applicant is seeking a rezoning to rezone the Subject Property to RSM for the development of a sixty-five (65) unit fee simple townhome community.

In addition to the above and the following the Applicant would like to point out that the Subject Property, as it lies today, is slated for development as a 25,000 square-foot shopping center. The NS zoning district, as well as the zoning conditions attached to the property, allow for the owner of this land to construct a shopping center in what is clearly a residential corridor. It is the contention of the Applicant that, in addition to the Rezoning Application Criteria below, the City Council take into consideration this fact. That intense of a use in this residential area would be highly out of place. This zoning proposal is much more in line with the abutting and nearby uses already in place and would improve upon them by creating a diversity of product and a transitional buffer between the apartments to the North and the single-family homes to the South and West.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Rezoning Application Criteria. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT’S CONSTITUTIONAL RIGHTS

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant’s property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant’s Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of

Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stonecrest City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of DeKalb demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal to allow the special land use permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the simultaneous Future Land Use Amendment Application and Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stonecrest so that such recommendations or input might be incorporated as conditions of approval of this Application.

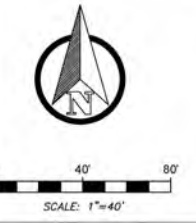
This 27th day of August 2021.

Respectfully submitted,



Michèle L. Battle, Esq.

D:\DROPOUT (CONTINUED-MASTER) (DROPOUT) (CONTINUED-MASTER) (CONTINUED-MASTER) PROJECTS\2021\21-120 - SHEPCO - PANOLA & THOMPSON MILL ASSEMBLAGE\DWG\21-120-CP909-RSM



VICINITY MAP
N.T.S.

SITE LEGEND

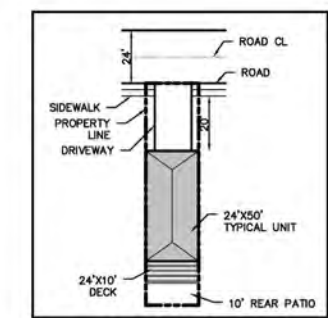
- PROPERTY LINE
- BUILDING SETBACK/BUFFER
- FENCE
- 10 UNIT COUNT

SITE DATA

LOCAL JURISDICTION	CITY OF STONECREST
PRIMARY PARCEL ID	1602201023, 1602201002
ZONING DESIGNATION	R-100/NS
PROPOSED ZONING	RSM
TOTAL PROPERTY ACREAGE	±9.59 ACRES
TOTAL DISTURBED ACREAGE	TBD
PROPOSED USE	TOWNHOMES
NUMBER OF UNITS	65
MAXIMUM HEIGHT	3 STORIES OR 45'
LOT COVERAGE	75%
FRONT SETBACK	0' + ROW + STREETSCAPE
SIDE SETBACK	0' MIN. WITH 10' BETWEEN BLDGS
REAR SETBACK	20'
OPEN SPACE PROVIDED	4.87 Acres (50.7% OF TOTAL)
STREETSCAPE(FRONTAGE ROAD)	6' LANDSCAPE STRIP +5' SIDEWALK
TRANSITIONAL BUFFER	20' FROM RSM ZONING

DENSITY BONUS: (DWELLING UNITS PER ACRE (DU/ACRE))

CHARACTER AREA:	NEIGHBORHOOD CHARACTER AREA
BONUS TYPES IN PROJECT:	PUBLIC IMPROVEMENTS (EXTENDED SIDEWALK) ADDITIONAL ENHANCED OPEN SPACE (20%)
METHOD:	MULTIPLY THE BASE X % = ADDITIONAL UNITS ELIGIBLE
STEP 1: CALCULATE DENSITY GAINED BY BONUS TYPE:	
PUBLIC IMPROVEMENTS	
BASE DENSITY: 4	ENHANCED OPEN SPACE (20%)
% BONUS: 20%	BASE DENSITY: 4
	% BONUS: 50%
BASE X 20% = 4 X 20% = 0.8	BASE X 50% = 4 X 50% = 2
STEP 2: ADD BONUS DENSITY TO BASE DENSITY	
BASE + CUMULATIVE BONUS = TOTAL DENSITY ALLOWED	
4 + (0.8 + 2) = 6.80 DU/ACRE CALCULATED DENSITY	
USE DENSITY FOR RSM = 6.80 DU/ACRE	
STEP 3: PROPOSED DENSITY	
TOTAL UNITS PROPOSED / TOTAL AREA = PROPOSED UNITS PER ACRE	
65 UNITS / 9.56 ACRES = 6.77 DU/ACRE	



TYPICAL UNIT DETAIL
N.T.S.



CONTINUED GROUP
755 COMMERCE DRIVE
SUITE 800
DECATUR, GA 30030
770.335.9403
www.tcg.engineer



APEX
LAND COMPANY

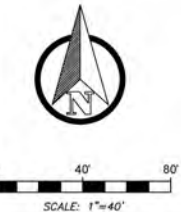
THOMPSON MILL &
PANOLA ROAD
ISSUED FOR: CONCEPT
JURISDICTION: CITY OF STONECREST
LOCATION: 5207 & 5165 THOMPSON MILL RD
LITHONIA, GA

#	DATE	REVISIONS

DRAWN: EGS
CHECK: BHR
JOB NO: 21-120
DATE: 08/27/21

CONCEPT
PLAN 9
SHEET C100

D:\DROPOBOX (CONTINUED-MASTER)\DROPOBOX (CONTINUED-MASTER)\PROJECTS\2021\21-120 - SHEPCO - PANOLA & THOMPSON MILL ASSEMBLAGE\DWG\21-120-CSR09-RSM



VICINITY MAP
N.T.S.

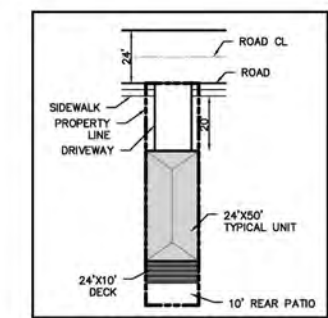
SITE LEGEND

- PROPERTY LINE
- - - - - BUILDING SETBACK/BUFFER
- XX---XX---XX--- FENCE
- (10) UNIT COUNT

SITE DATA

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PROPOSED USE	TOWNHOMES
NUMBER OF UNITS	65
MAXIMUM HEIGHT	3 STORIES OR 45'
LOT COVERAGE	75%
FRONT SETBACK	0' + ROW + STREETSCAPE
SIDE SETBACK	0' MIN. WITH 10' BETWEEN BLDGS
REAR SETBACK	20'
OPEN SPACE PROVIDED	5.32 Acres (55.5% OF TOTAL)
STREETSCAPE(FRONTAGE ROAD)	6' LANDSCAPE STRIP +5' SIDEWALK
TRANSITIONAL BUFFER	20' FROM RSM ZONING

DENSITY BONUS: (DWELLING UNITS PER ACRE (DU/ACRE))	
CHARACTER AREA:	NEIGHBORHOOD CHARACTER AREA
BONUS TYPES IN PROJECT:	PUBLIC IMPROVEMENTS (EXTENDED SIDEWALK) ADDITIONAL ENHANCED OPEN SPACE (20%)
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TYPICAL UNIT DETAIL
N.T.S.



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**APEX
LAND COMPANY**

THOMPSON MILL &
PANOLA ROAD
ISSUED FOR: CONCEPT
JURISDICTION: CITY OF STONECREST
LOCATION: 5207 & 5165 THOMPSON MILL RD
LITHONIA, GA

#	DATE	REVISIONS

DRAWN: EGS
CHECK: BHR
JOB NO: 21-120
DATE: 08/27/21

CONCEPT
PLAN 9
SHEET C101

I hereby certify that the design represented herein is the exclusive property of the client and shall remain confidential. No part of this project, including but not limited to the drawings, shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the express written consent of The Continued Group, Inc. Any unauthorized use will be subject to legal action.

RZ-21-003:

AdY[S^dMa` [YSbb^USf[a` VsfW<g` WSl S' S#z

STATEMENT OF INTENT

And

Other Material Required by the City of Stonecrest, Georgia
Zoning Ordinance
For

A Rezoning from NS and R-100 to RSM pursuant to the City
of Stonecrest Zoning Ordinance

Of

Apex Land Company, LLC.,
For

+/-9.56 acres of Land
Being all of

Parcel Nos. 16 022 01 245 and 16 022 01 023
Being in 3rd District,
City of Stonecrest

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite
750 Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

Apex Land Company, LLC. (the “Applicant”) is seeking a rezoning for property located at the corner of Panola Road and Thompson Mill Road. The property is comprised of addresses 3177 Panola Road and 5207 Thompson Mill Road, bearing the parcel numbers 16 022 01 245 and 16 022 01 023, (the “Subject Property”). The Subject Property is currently zoned R-100 and NS with a land use designation of Suburban. The Applicant is seeking a rezoning to rezone the Subject Property to RSM for the development of a seventy-six (76) unit fee simple townhome community.

In addition to the above and the following the Applicant would like to point out that the Subject Property, as it lies today, is slated for development as a 25,000 square-foot shopping center. The NS zoning district, as well as the zoning conditions attached to the property, allow for the owner of this land to construct a shopping center in what is clearly a residential corridor. It is the contention of the Applicant that, in addition to the Rezoning Application Criteria below, the City Council take into consideration this fact. That intense of a use in this residential area would be highly out of place. This zoning proposal is much more in line with the abutting and nearby uses already in place and would improve upon them by creating a diversity of product and a transitional buffer between the apartments to the North and the single-family homes to the South and West.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Rezoning Application Criteria. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. REZONING APPLICATION CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. While the rezoning alone would not conform to the comprehensive plan, the combination of the rezoning and land use amendment does conform with the plan. Granting both will change the future land use from Suburban Neighborhood to Urban Neighborhood. This change will allow for the rezoning proposal from NS and R-100 to M-1 in full satisfaction 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 use and development

of adjacent and nearby properties. Currently, taking into consideration the future land use, zoning, and existing conditions on the Subject Property, it is slated to be developed as a shopping center. However, the property is almost exclusively surrounded by residential uses. The zoning proposal will allow the development of a residential use that will bring much less intensity to the residential developments that surround the Subject Property. Therefore, the zoning proposal will permit use that is suitable in view of the use and 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 Subject Property as currently zoned has an economic use, albeit an unreasonable one given the surrounding area. The Subject Property is currently laid out to be developed as a shopping center. The zoning, future land use, and current conditions were put in place for the purpose of developing a shopping center. So, while the Subject Property could be used for this economic end, putting a shopping center on this property would be an unreasonable burden on the surrounding residences. The shopping center would be built directly in the middle of various residential neighborhoods and would generate traffic late into the evening. The zoning proposal would allow for a townhome community to be built here instead, which would generate much less traffic than a shopping center.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will be much more in line than what the Subject Property is currently laid out for. The proposed townhome community will serve as another residential development to serve the area's housing market. One detail to point out is that the ingress/egress plan is designed to maximize access to the nearby highway, while simultaneously minimizing the amount of traffic that would be traveling past neighboring communities. This is achieved by placing an exit at the Northern side of the Subject Property to allow quick access to the light, and thereby the highway. The ingress/egress on the Southeastern portion of the property will be a right-in/right-out only. This way, residences returning to their home can turn right into their community without having to cross the ingress/egress of the neighboring community to the South.

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

The Applicant is not aware of any existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, district, or archaeological resources.

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

III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT'S CONSTITUTIONAL RIGHTS

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stonecrest City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and

owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of DeKalb demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the

United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal to allow the special land use permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the simultaneous Future Land Use Amendment Application and Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stonecrest so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 8th day of June, 2021.

Respectfully submitted,



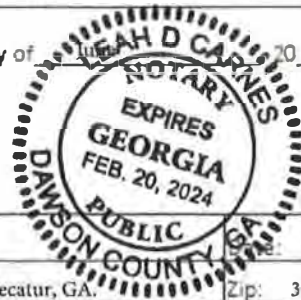
Michèle L. Battle, Esq.
Attorney For Applicant



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: 6/ 2/2021
	Address: 4080 McGinnis Ferry Road, Suite 203	City, State: Alpharetta, GA.	Zip: 30005
	Phone: 770-777-4704		
Sworn to and subscribed before me this <u>2</u> day of <u>June</u> , 20 <u>21</u>			
Notary Public: <u>Seah D. Carnes</u>			
Attorney / Agent	Signature:		Date: 6/ 1 /2021
	Address: One West Court Square, Suite 750	City, State: Decatur, GA.	Zip: 30030
	Phone: 404-601-7616		
Sworn to and subscribed before me this <u>1st</u> day of <u>June</u> , 20 <u>21</u>			
Notary Public:			





Affidavit
Notary
Fee

To the best of my knowledge, this zoning 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: Apex Land Company, LLC.

Applicant's Signature:  Date: 6/ 2 /2021

Sworn to and subscribed before me this 2 Day of June 20 21

Notary Public: Leah D. Carnes

Signature: Leah D. Carnes

My Commission Expires: 02/20/24



Application Fee Sign Fee Legal Fee

Fee: \$ Payment: Cash Check CC Date:

Approved Approved with Conditions Denied Date:

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



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: 4080 McGinnis Ferry Road, Suite 203, Alpharetta, GA. 30005
	Date: 6/2/2021

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


Date	Government Official	Official Position	Description	Amount



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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: One West Court Square, Suite 750, Decatur, GA. 30030
	Date: 6/ 1 /2021

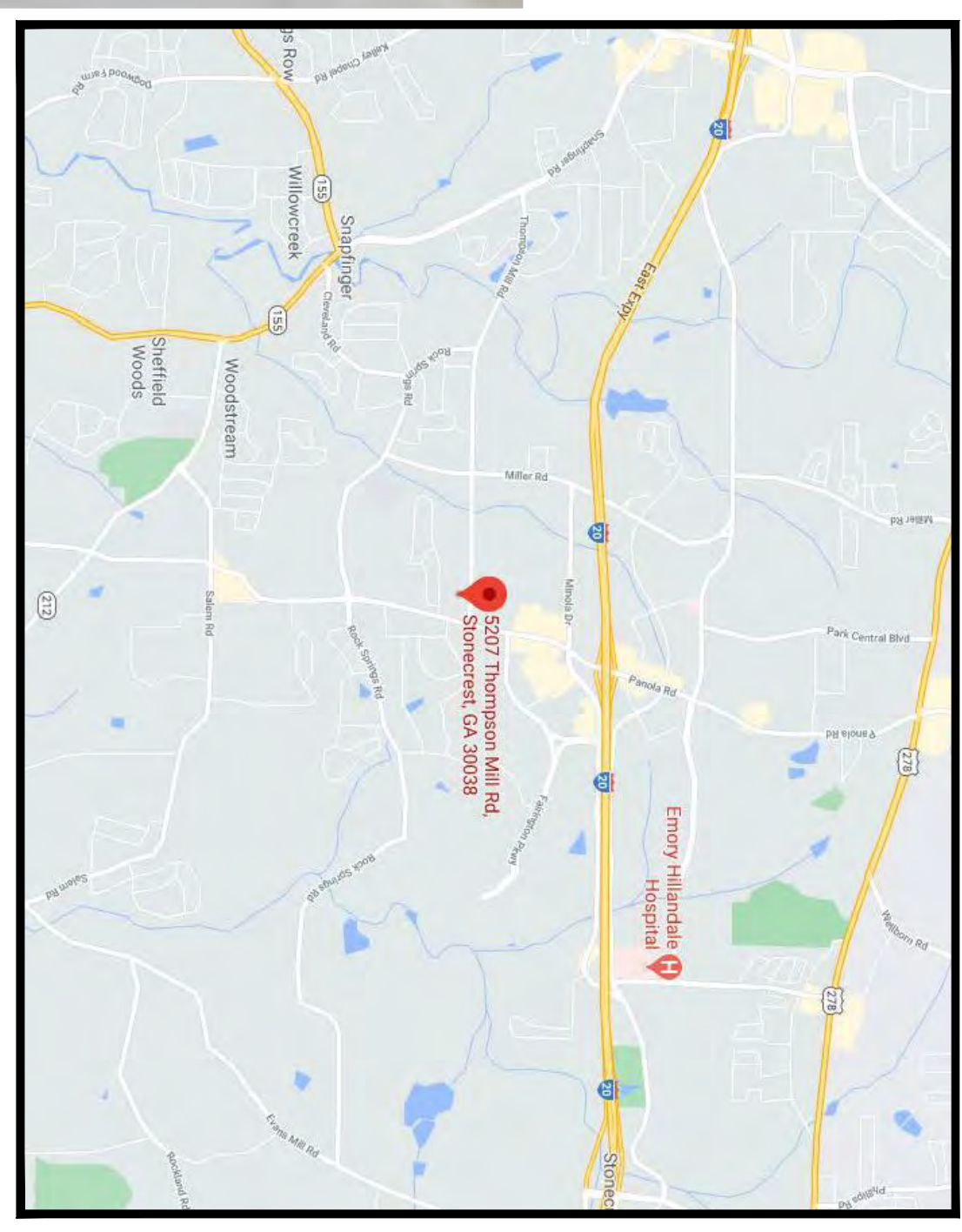
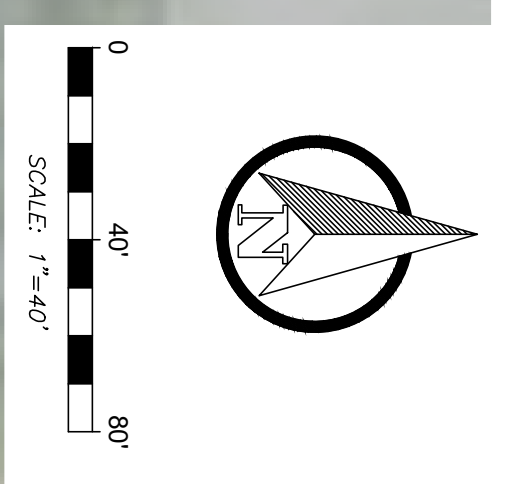
If you answered yes above, please complete the following section:

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Rezoning Application

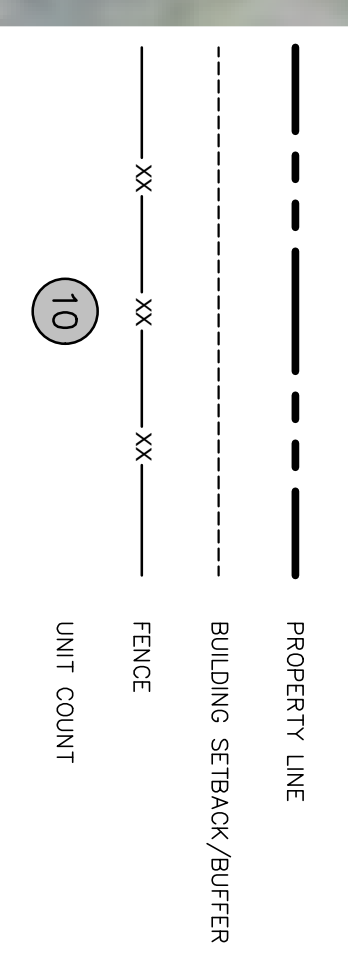
Owner Information	Owner's Name: Zacharia Majed; Mohammed Al Mulki Rania; Amir Haffer		
	Owner's Address: 1275 VINTAGE CLUB DR. DULUTH GA 30097		
	Phone:	Fax:	Email:
	Property Address: 3177 Panola Road and 5207 Thompson Mill Road		Parcel Size:
	Parcel ID: 16 022 01 245; 16 022 01 023		
	Current Zoning Classification: NS and R-100		
	Requested Zoning Classification: RSM		
	Name: Apex Land Company, LLC.		
	Address: 4080 McGinnis Ferry Road Suite 203, Alpharetta, GA. 30005		
	Phone: 770-7774704		Fax:
Cell: 404-732-4136		Email: aaronrissler@icloud.com	
Property Information	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>		
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? <div style="text-align: center;">Yes.</div>		
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? <div style="text-align: center;">Yes.</div>		
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? <div style="text-align: center;">No.</div>		
	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? <div style="text-align: center;">None that the Applicant are aware of.</div>		
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? <div style="text-align: center;">No.</div>		
	6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? <div style="text-align: center;">No.</div>		
Questionnaire			



VICINITY MAP

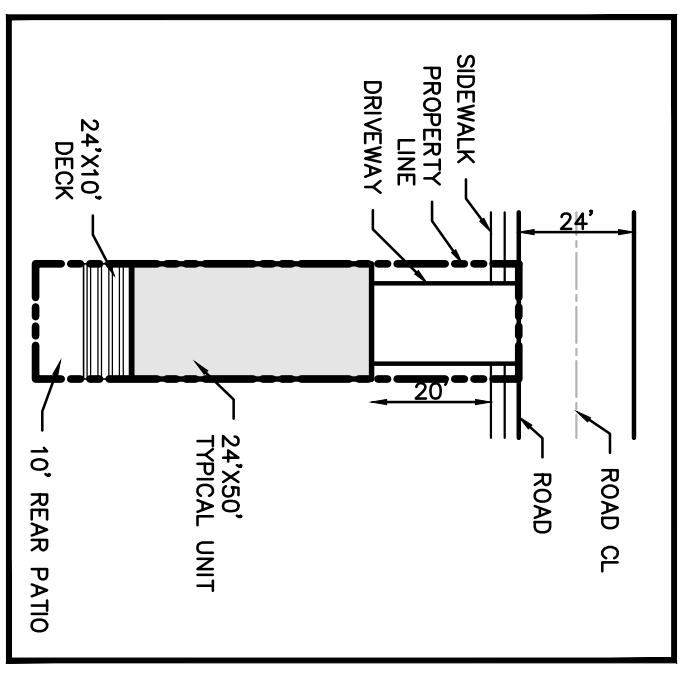
N.T.S.

SITE LEGEND



SITE DATA	
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TRANSITIONAL BUFFER	30' FROM RSM ZONING

DENSITY BONUS: (DWELLING UNITS PER ACRE (DU/ACRE))	NEIGHBORHOOD CHARACTER AREA
CHARACTER AREA:	PUBLIC IMPROVEMENTS
BONUS TYPES IN PROJECT:	SUSTAINABILITY ELEMENTS
	ADDITIONAL ENHANCED OPEN SPACE
METHOD:	MULTIPLY THE BASE X * = ADDITIONAL UNITS ELIGIBLE
PUBLIC IMPROVEMENTS	SUSTAINABILITY ELEMENTS
BASE DENSITY: 20%	BASE DENSITY: 40%
% BONUS: 20%	% BONUS: 100%
BASE X 20% = 4 X 20% = 0.8	BASE X 100% = 4 X 100% = 4
STEP 2: ADD BONUS DENSITY TO BASE DENSITY	
BASE + CUMULATIVE BONUS = TOTAL DENSITY ALLOWED	
4 + (0.8 + 2 + 4) = 10.8 DU/ACRE CALCULATED DENSITY	
USE MAX ALLOWED DENSITY FOR RSM = 8 DU/ACRE	
STEP 3: PROPOSED DENSITY	
TOTAL UNITS PROPOSED / TOTAL AREA = PROPOSED UNITS PER ACRE	
76 UNITS / 8.98 ACRES = 7.94 DU/ACRE	

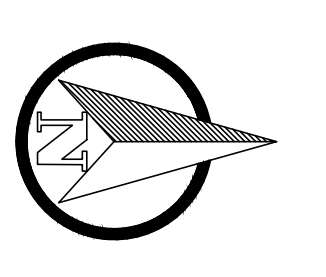
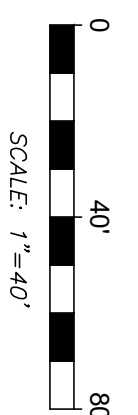
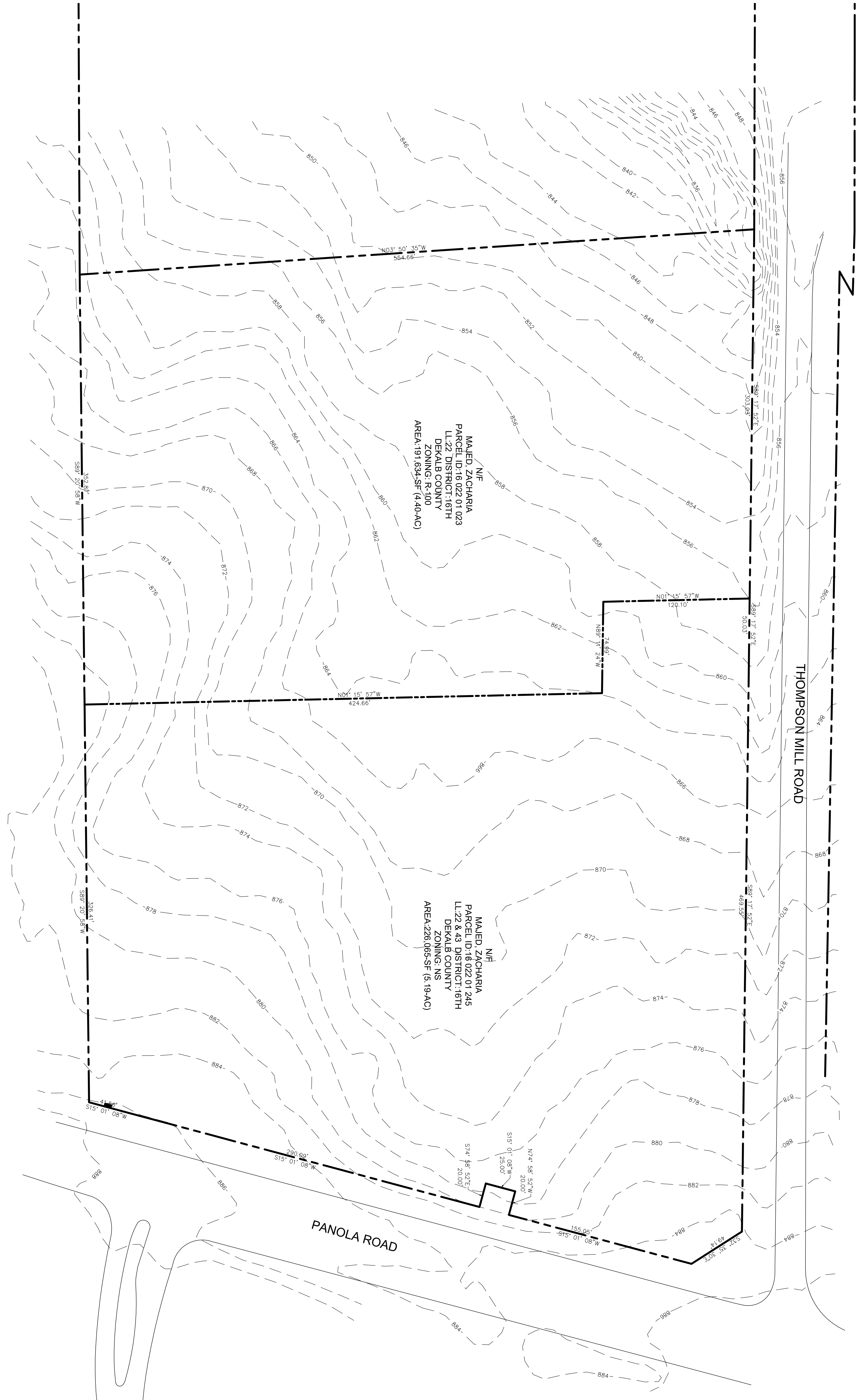


PRELIMINARY CONCEPT

NOTE: CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN WAS DESIGNED FROM LIMITED MATERIAL AND HAS ITS INACCURACIES. THEREFORE, IT SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL APPLICABLE MATERIAL NEEDED HAS BEEN REVIEWED AND INCORPORATED.

SHEET C100	CONCEPT PLAN 6	DRAWN: EGS	CHECK: BHR
		JOB NO.: 21-120	DATE: 06/07/21
THOMPSON MILL & PANOLA ROAD ISSUED FOR: CONCEPT JURISDICTION: CITY OF STONECREST LOCATION: 5207 & 5165 THOMPSON MILL RD LITHONIA, GA		APEX LAND COMPANY	
REVISIONS # DATE REVISIONS		CONTINEO GROUP 755 COMMERCE DRIVE SUITE 800 DECATUR, GA 30030 770.335.9403 www.fcg.engineer	

These drawings and the design represented herein are the exclusive property of the Continuo Group. Reproduction or any use of these drawings other than for the project intended without the express written consent of the Continuo Group is prohibited. Any unauthorized use will be subject to legal action.



#	DATE	REVISIONS

These drawings and the design represented herein are the exclusive property of the Contineo Group. Reproduction or any use of these drawings other than for the project intended without the express written consent of The Contineo Group is prohibited. Any unauthorized use will be subject to legal action.

THOMPSON MILL & PANOLA ROAD

ISSUED FOR: CONCEPT
 JURISDICTION: CITY OF STONECREST
 LOCATION: 5207 & 5165 THOMPSON MILL RD
 LITHONIA, GA

**APEX
 LAND COMPANY**



CONTINEO GROUP
 755 COMMERCE DRIVE
 SUITE 800
 DECATUR, GA 30030
 770.335.9403
 www.fcg.engineer

**PROPERTY
 BOUNDARY**

DRAWN: SBA
 CHECK: BHR

JOB NO.: 21-120
 DATE: 06/07/21

SHEET **S100**



Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Signature: <u>[Signature]</u>	Zacharia Majed	Date: <u>6/7/2021</u>
	Address: 1275 Vintage Club Drive	City, State: Duluth, GA.	Zip: 30097
	Phone: <u>678-957-9293</u>		
	Sworn to and subscribed before me this <u>7</u> day of June 20 <u>21</u>		
	Notary Public: <u>Leah D. Carnes</u>		
Property Owner (If Applicable)	Signature: <u>[Signature]</u>	Mohammed A. Rafiki Rana	Date: <u>6/7/2021</u>
	Address: 1275 Vintage Club Drive	City, State: Duluth, GA	Zip: 30097
	Phone: <u>404-931-2825</u>		
	Sworn to and subscribed before me this <u>7</u> day of June 20 <u>21</u>		
	Notary Public: <u>Leah D. Carnes</u>		
Property Owner (If Applicable)	Signature: <u>[Signature]</u>	Amr Haffer	Date: <u>6/7/2021</u>
	Address: 1275 Vintage Club Drive	City, State: Duluth, GA	Zip: 30097
	Phone: <u>404-252-7975</u>		
	Sworn to and subscribed before me this <u>7</u> day of June 20 <u>21</u>		
	Notary Public: <u>Leah D. Carnes</u>		





FRONT ENTRY RENDERING



LEFT SIDE ELEVATION

J. Casper '17



REAR ELEVATION

J. Casper '17



RIGHT SIDE ELEVATION

J. Casper '17

24'x 50' Front Entry Product Townhomes
Typical Side & Rear Elevations



Front Elevation - 5 Units Building

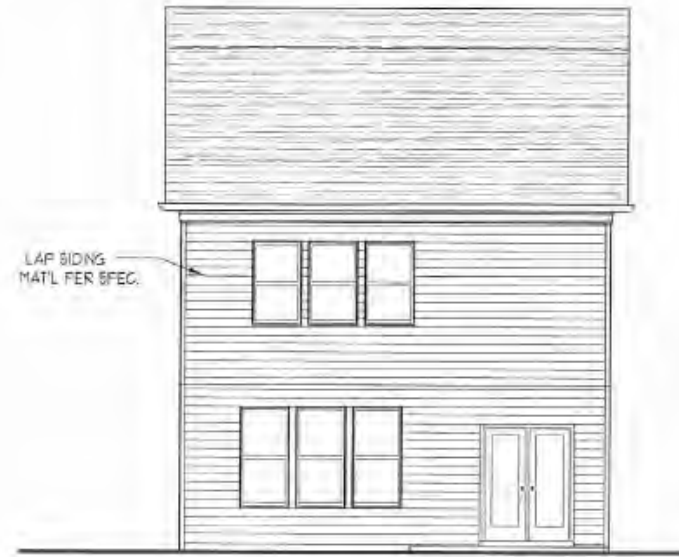


LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

EXTERIOR MATERIALS:		
BUILDING ELEMENT	MATERIAL	TYPE
FACADE	BRICK	QUEEN SIZE
	BOARD & BATTEN	FIBER CEMENT PANEL SIDING W/ 1X3 BATTS AT 12" OC
	SIDING	CONCRETE LAP SIDING
	SHAKE	HARDIE STRAIGHT LAY
FRONT OFFSET	BRICK	QUEEN SIZE
SIDES & REAR	SIDING	CONCRETE LAP SIDING
ROOF	ARCHITECTURAL SHINGLES	LANDMARK PRO
SHED DORMER/ ACCENT ROOF	ARCHITECTURAL SHINGLES	LANDMARK PRO
FRONT PORCH ROOF	ARCHITECTURAL SHINGLES	LANDMARK PRO
PORCH FLOOR	CONCRETE	MONO
FRONT WINDOWS	VINYL	SDI W/ GRILL & OVER 4, WHITE
SIDE & REAR WINDOWS	VINYL	1 OVER 1, WHITE
FRONT DOOR	WOOD	3/0X6/8 6-LITE/1 PANEL W/ 12" TRANSOM



REAR ELEVATION

Sides & Rear Elevations





J. Casper 2017



LEFT SIDE ELEVATION

G. Casapu '17



RIGHT SIDE ELEVATION

G. Casapu '17



REAR ELEVATION

G. Casapu '17



ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D

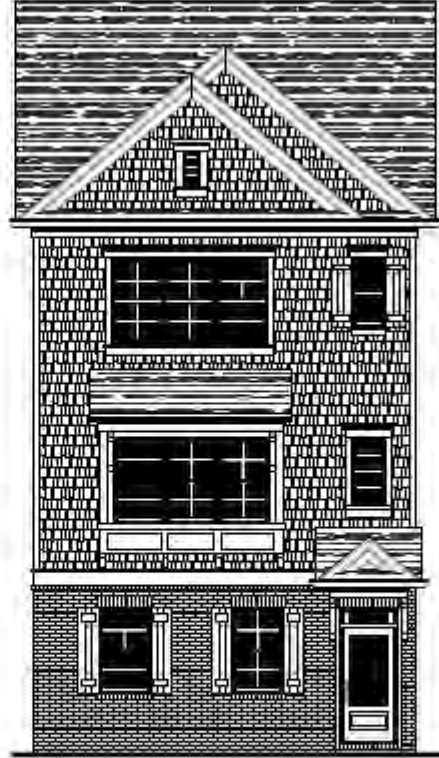




ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D

Attachment 3, RZ-21-003:

Technical Memorandums concerning traffic impacts

TECHNICAL MEMORANDUM

55 Millard Farmer Ind. Blvd.
Newnan, GA 30263
678.423.0050
www.Lumin8.com

Subject: Land Use Comparison
Location: Stonecrest, GA
Date: 06/08/2021
To: Aaron Rissler, Apex Land Company
From: Speedy Boutwell, PE, PTOE

INTRODUCTION

This technical memorandum includes conducting a trip generation comparison between a residential development and a retail development for the southwest corner of the Thompson Mill Road and Panola Road intersection in Stonecrest, GA. The proposed location is shown in Figure 1.

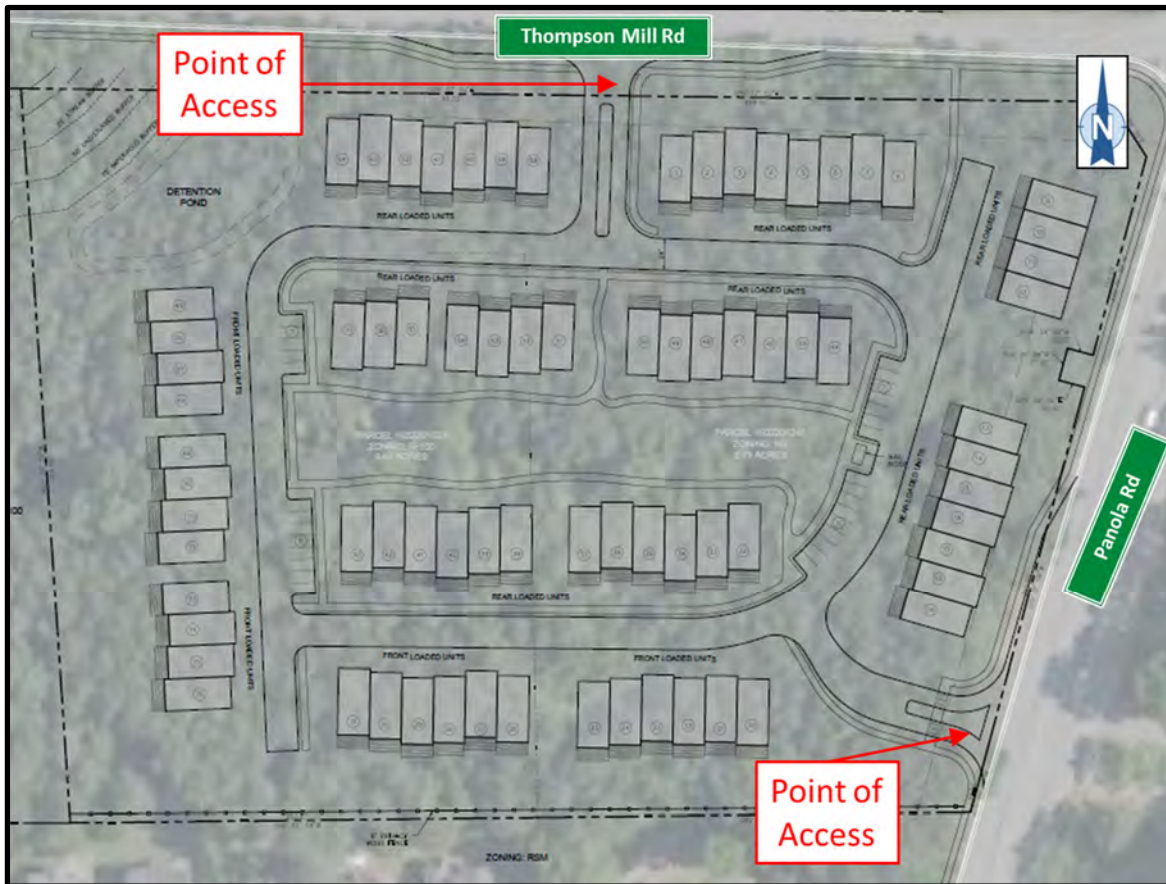
Figure 1: PROPOSED LOCATION



DEVELOPMENT TYPES

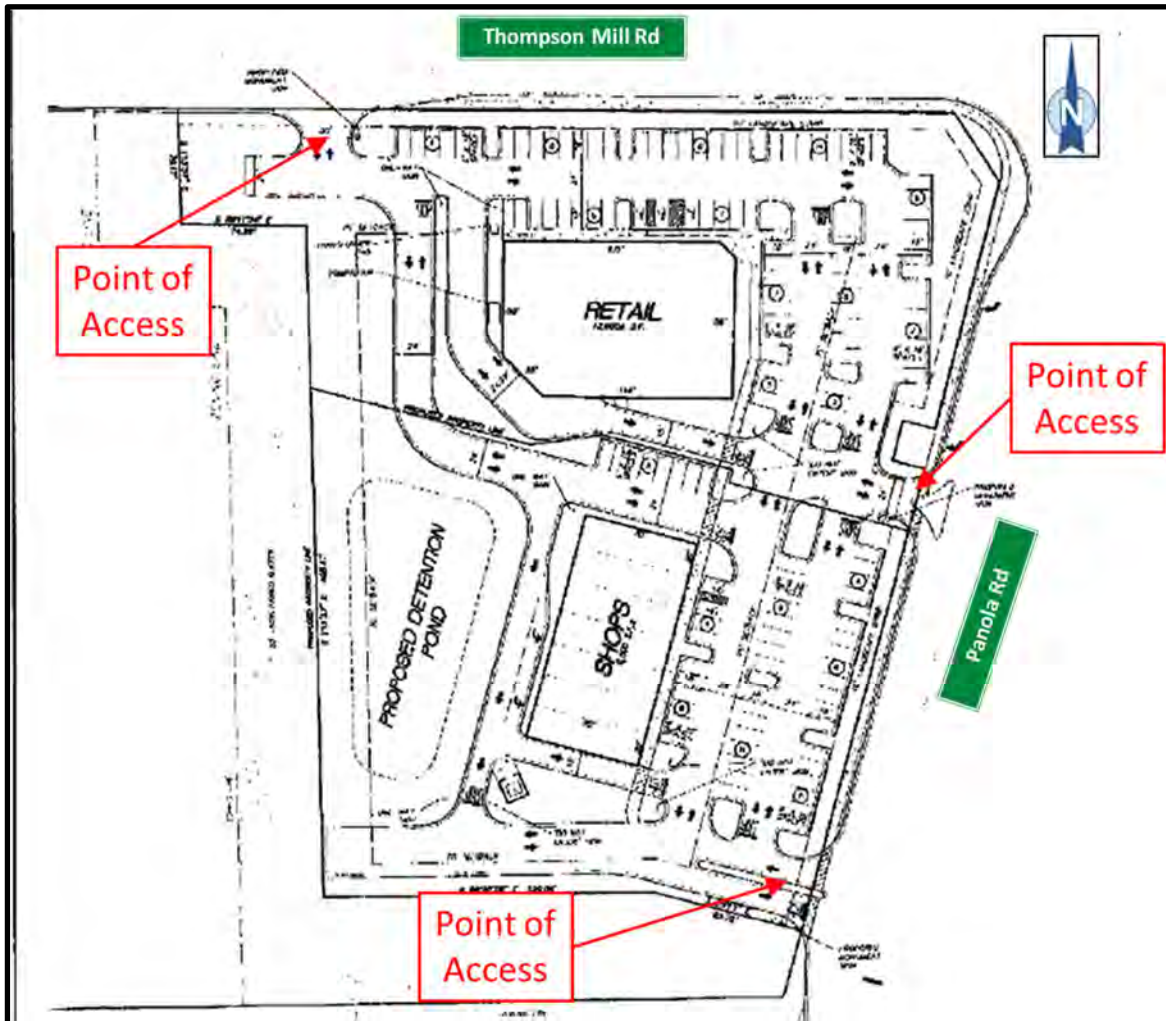
The residential development proposes a total of 76 townhomes. According to the site plan the residential development would have two points of access. The site plan for the residential development is shown below in Figure 2.

Figure 2: RESIDENTIAL PLAN



The retail development proposes two separate buildings with a gross total of 21,800 SF of retail space. According to the site plan the retail development would have three points of access. The site plan for the retail development is shown below in Figure 3.

Figure 3: RETAIL PLAN



PROJECTED CONDITIONS

TRIP GENERATION

The trips generated by the development were estimated using trip generation rates found in ITE’s publication *Trip Generation*, 10th Edition. *TripGen 10* software from Trafficware was used to facilitate the calculation. The trip generation publication contains multiple associated trip rates for the listed land use. The rate that resulted in the larger trip generation was used for this study. The weekday AM and PM Peak Hour trip generation estimates correspond to the peak hour of the adjacent street.

RESIDENTIAL

The trip generation for the residential development can be seen below in Table 1. ITE Code 220 (Multifamily (Low-Rise)) was used for the proposed development, as this code specifically calls out the ‘townhouse’ use. The trip generation data is attached.

Table 1: TRIP GENERATION – RESIDENTIAL

ITE CODE	LAND USE DESCRIPTION	SIZE	DAILY TRIPS	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
220	Townhouses	76 units	556	9	28	37	29	17	46

RETAIL

The trip generation for the retail development can be seen below in Table 2. The ITE Codes used for the retail development were assumed based on the site plan in Figure 3. The trip generation data is attached.

Table 2: TRIP GENERATION – RETAIL

ITE CODE	LAND USE	SIZE	DAILY 2-WAY TRIPS	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
814	Shops	9.8 KSF	622	18	13	31	35	32	67
815	Retail	12 KSF	638	10	4	14	29	29	58
UNADJUSTED VOLUME			1260	28	17	45	64	61	125
PASS-BY TRIPS			-240	0	0	0	-16	-16	-32
ADJUSTED VOLUME (TOTAL NEW TRIPS)			1020	28	17	45	48	45	93

CONCLUSION

Based on the findings of this technical memorandum, the conclusions are as follows:

- A trip generation was completed for a residential development with 76 townhomes:
 - The development is estimated to produce 556 daily trips to the adjacent streets (278 entering, 278 exiting).
 - The AM peak hour produces 37 total trips (9 entering, 28 exiting).
 - The PM peak hour produces 46 total trips (29 entering, 17 exiting).

- A trip generation was completed for a retail development with 21,800 SF of space:
 - The development is estimated to produce 1,260 total daily trips including pass-by trips (630 entering, 630 exiting).
 - The AM peak hour produces 45 total trips (28 entering, 17 exiting).
 - The PM peak hour produces 93 total trips (48 entering, 45 exiting).

- Based on the results of the Trip Generations, it is expected the retail development would generate twice the number of daily trips than the residential development.

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 6/8/2021

Project: Residential

Analysis Date: 6/8/2021

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic					
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
220	LOW-RISE 1 76 Dwelling Units		278	278	556		9	28	37		29	17	46
Unadjusted Volume			278	278	556		9	28	37		29	17	46
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			278	278	556		9	28	37		29	17	46

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Source: Institute of Transportation Engineers, Trip Generation Manual 10th Edition

TRIP GENERATION 10, TRAFFICWARE, LLC

Trip Generation Summary

Alternative: Alternative 1

Phase:

Open Date: 6/8/2021

Project: Retail

Analysis Date: 6/8/2021

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic					
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
814	STOREVARIETY 2 9.8 1000 Sq. Ft. GFA		311	311	622		18	13	31		35	32	67
815	STOREDISC 1 12 1000 Sq. Ft. GFA		319	318	638		10	4	14		29	29	58
Unadjusted Volume			630	630	1260		28	17	45		64	61	125
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			120	120	240		0	0	0		16	16	32
Volume Added to Adjacent Streets			510	510	1020		28	17	45		48	45	93

Total Weekday Average Daily Trips Internal Capture = 0 Percent

Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Ten 10th Street, NW, Suite 1400
Atlanta, Georgia 30309
United States
T +1.404.978.7600
F +1.404.978.7660
www.jacobs.com

Subject	Proposed Townhome Development, Thompson Mill Road at Panola Road	Project Name	Stonecrest, Georgia
Attention	Jim Summerbell, Planning and Zoning Director		
From	Tom Udell, City Engineer		
Date	June 14, 2021		

A townhome development has been proposed at the southwest corner of Thompson Mill Road at Panola Road. The proposal will construct 78 units. This is below the threshold of 190 units to trigger a traffic study. The current zoning is for a commercial development which will produce more traffic than the proposed residential. The city's transportation master plan identifies Thompson Mill Road for widening from 2 to 4 lanes, as well as intersection improvements at Panola Road.

Attachment 4:

RZ-21-003 Public Participation Plan

**PUBLIC PARTICIPATION PLAN
FORM D**

Applicant: Apex Land Company, LLC.

1. The following individuals (property owners within a quarter mile of the property), homeowner’s associations, political jurisdictions, other public agencies, etc., will be notified in accordance with the requirements of Article 28.4.7 of the City of South Fulton Zoning Ordinance:

Everybody living in the following communities: Panola Mills, Glencroft, Havenwood, and Woodgrove communities.

2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters and meeting notices to set up meetings that will be held via Zoom

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

We will hold Zoom meetings with the community members.

Attach additional sheets as needed.

Havenwood Community Meeting Registration Report

First Name	Last Name	Email	Registration Time	Approval Status	
Donna	Priest-Brown	dpriestbrown@bellsouth.net	2021-06-01 17:55:57	approved	
Tracy	Smith	mmsmuscular@gmail.com	2021-06-01 18:00:56	approved	
Percy	Butler	percydecatour@aol.com	2021-05-31 20:46:48	approved	
Joel	Thibodeaux	jbthibodeaux@gmail.com	2021-06-01 18:05:35	approved	
Cecile	Bryant	cecilebryant1@gmail.com	2021-06-01 18:12:05	approved	
Michele	Battle	battlelawpc@gmail.com	2021-06-01 17:56:54	approved	
LaShawnda	Walker	lashawnda.walker9@gmail.com	2021-06-01 18:10:13	approved	
Sharon	McPherson	sharon_mcperson@yahoo.com	2021-06-01 13:38:23	approved	
Harold	Smith	famu4us@bellsouth.net	2021-05-31 19:09:41	approved	
Gabby Miles		gabbymiles706@gmail.com	2021-06-01 18:10:21	approved	
Diane Robinson		dianemrobinson49@gmail.com	2021-06-01 16:39:52	approved	
Franklin Eaves		franklin2230038@yahoo.com	2021-06-01 18:30:55	approved	
Danielle	Blumenthal	Dlb@battlelawpc.com	2021-06-01 17:57:44	approved	
faye Coffield		faye@fayecoffieldinvestigations.com	2021-06-01 18:15:51	approved	
Sandra	Willis	handsofjazz27@gmail.com	2021-05-31 13:55:23	approved	
Gabby	Miles	edwina328@gmail.com	2021-06-01 17:50:22	approved	
		mlb@battlelawpc.com	2021-06-01 17:56:56	approved	
Erma	Brown	erma324@gmail.com	2021-06-01 18:20:37	approved	
Jazzmin Randall Cobble		jazzmin.cobble@gmail.com	2021-06-01 18:07:34	approved	
Aaron	Rissler	aaronrissler@icloud.com	2021-06-01 18:05:43	approved	
Carl	Manson	crlmanson@aol.com	2021-05-28 16:51:54	approved	
Clara	DeLay	lithonialawyer@gmail.com	2021-06-01 17:54:05	approved	
Doris	Johnson	dorisej@bellsouth.net	2021-05-27 23:56:39	approved	
Bernard	Knight	bknightattorney@att.net	2021-06-01 18:12:54	approved	
T.PG.		togm03@gmail.com	2021-06-01 18:04:45	approved	
Aristo 5		lsharpefranklin@gmail.com	2021-05-27 18:17:06	approved	
Staci Hopkins		shopkins1975@gmail.com	2021-06-01 17:54:47	approved	
Joysjazz		1joysjazz@gmail.com	2021-05-30 13:09:25	approved	
Pat		pwil789@comcast.net	2021-06-01 05:41:09	approved	
Stacey	Thibodeaux	staceythibodeaux@gmail.com	2021-06-01 18:01:11	approved	

Glencroft Community Meeting Registration Report

First Name	Last Name	Email	Registration Time	Approval Status	
Wanda	McKenzie	DMack71@yahoo.com	2021-05-26 18:31:36	approved	
Tracy	Smith	mamuscular@gmail.com	2021-06-01 19:13:34	approved	
Patsi Turner		turnerg1@comcast.net	2021-06-01 18:49:49	approved	
Pat Coffee		coffee48@bellsouth.net	2021-06-01 18:52:30	approved	
Jazzmin Randall Cobble		jazzmin.cobble@gmail.com	2021-06-01 18:06:46	approved	
Michele	Battle	battlelawpc@gmail.com	2021-06-01 19:09:21	approved	
Valorie		valoriemccoy@outlook.com	2021-05-31 22:20:19	approved	
Diane Robinson		dianemrobinson49@gmail.com	2021-06-01 19:15:30	approved	
Aaron	Rissler	aaronrissler@icloud.com	2021-06-01 18:05:09	approved	
		mlb@battlelawpc.com	2021-06-01 19:09:25	approved	

Woodgrove Community Meeting Registration Report

First Name	Last Name	Email	Registration Time	Approval Status	
Donna	Priest-Brown	dpriestbrown@bellsouth.net	2021-06-03 18:00:20	approved	
Kathy		bollikat@yahoo.com	2021-06-03 18:09:47	approved	
Lois Hyde		loiswhyde01@gmail.com	2021-06-03 18:05:03	approved	
Samuel Long		lonsam0324@gmail.com	2021-06-02 15:18:24	approved	
Michele	Battle	battlelawpc@gmail.com	2021-06-03 18:01:06	approved	
LaShawnda	Walker	lashawnda.walker9@gmail.com	2021-06-02 18:12:39	approved	
Mickey		starbord2562@gmail.com	2021-06-03 18:12:48	approved	
Sharunda	Buchanan	sdb4@cdc.gov	2021-05-28 10:38:09	approved	
Jean	Brooks-Eberhardt	jbjean7@gmail.com	2021-06-01 19:44:56	approved	
Danielle	Blumenthal	Dlb@battlelawpc.com	2021-06-03 17:55:14	approved	
Alisa	Clark	alisaclark@glorypcs.com	2021-05-28 09:02:45	approved	
Luther	Tookes	luthertookes@bellsouth.net	2021-06-03 13:43:38	approved	
		mlb@battlelawpc.com	2021-06-03 18:01:08	approved	
Barbara Senior		seniorbarbara133@gmail.com	2021-06-03 18:23:25	approved	
Galaxy S20+ 5G		robert3476@aol.com	2021-05-26 20:14:46	approved	
Nijel	Bordenave	nbordenave@yahoo.com	2021-06-03 18:13:53	approved	
A Jackson		Arquidalebutler@yahoo.com	2021-05-29 07:39:30	approved	
Jazzmin Randall Cobble		jazzmin.cobble@gmail.com	2021-06-01 18:05:12	approved	
alecia washington		cityofhopeoutreach@yahoo.com	2021-06-03 16:35:03	approved	
R Rasberry		rlrasberry@bellsouth.net	2021-06-03 18:25:43	approved	
Shanta Morris		smorris411@outlook.com	2021-06-03 18:38:24	approved	
Aaron	Rissler	aaronrissler@icloud.com	2021-06-01 14:30:30	approved	
Christine	Character	faithprinting123@gmail.com	2021-06-02 00:20:09	approved	
joyce		ja5233@yahoo.com	2021-06-03 18:07:53	approved	
Carl	Manson	crlmanson@aol.com	2021-06-03 18:20:36	approved	

May 20, 2021

RE: A Proposed Rezoning and Comprehensive Land Use Change for 3177 Panola Rd and 5207 Thompson Mill Rd.

Dear Property Owner:

We would like to invite you to join our Zoom Video Meeting on **Tuesday, June 3, 2021**, from 6:00 pm to 7:00pm to discuss a proposed rezoning and land use amendment for the properties located at 3177 Panola Rd. and 5207 Thompson Mill Rd. My client, Apex Land Company, is seeking to develop a townhome project on the property.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 7 or email us at jtm@battlelawpc.com and we will send you a summary of the meeting.

You are invited to a Zoom meeting.

When: June 3, 2021 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 864 8203 1456

Passcode: 853279

After registering, you will receive a confirmation email containing information about joining the meeting.

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

Michèle L. Battle

Michèle L. Battle



Zoom Step by Step Instructions

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” (the meeting ID will be a 9 digit or 10 digit number)

If joining from a mobile Device

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If joining from a computer

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

Join Audio via Computer

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio.

Join Audio via Telephone

Dial in using (646) 558-8656, after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

Raising Your Hand

As the non-speaker if you wish to ask a question or make a point during the meeting it’s good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

Leave Meeting

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”

Attachment 5, RZ-21-005:

Zoning Agreement between Panola Mills HOA and the property owners of subject property, which includes the conditions of zoning placed on the property by DeKalb County in 2008 (Z-08-15000)



Filed and Recorded:
4/16/2009 4:16:41 PM
Linda Carter
Clerk of Superior Court
DeKalb County, Georgia

Space Above Reserved for Recording Data

After Recording, return to:
Michèle L. Battle
Smith, Gambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree St., N.E.
Atlanta, GA 30309

Cross Reference to Owner Deed:
Deed Book: 5492
Page: 684

ZONING AGREEMENT

This Zoning Agreement (the "Agreement") is entered into this ___ day of February, 2009, by and between PANOLA MILLS HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation (the "Association") and M.S. Zakaria, Trustee for M.S. Zakaria M.D., P.C., Employers Profit Sharing Trust; Mohammad Al-Mulki, Trustee for Rania Al-Mulki; Mohammad Al-Mulki, Trustee for Izat Al-Mulki; Mohammad Al-Mulki, Trustee for Dania Al-Mulki and Amin Haffar, (collectively "Owner")

As of the date of execution of this Agreement, the parties listed as the "Owner" have fee simple title to the Zoning Tract and the Residential Tract. This Agreement is made in contemplation of the sale of the Zoning Tract to Cornerstone Development Partners, LLC or another development company, with the Owner retaining the Residential Tract

WITNESSETH

If the rezoning of the Zoning Tract is approved by the DeKalb County Board of Commissioners, the Association agrees that the Owner will be bound by the following:

WHEREAS, Owner owns approximately 5.190 acres of land (the "Zoning Tract") lying and being in Land Lots 22 and 43 of the 16th District of DeKalb County, Georgia as more particularly described in Exhibit "A" attached hereto labeled Tract 2 and by this reference incorporated herein; and

WHEREAS, Owner owns approximately 4.39 acres of land (the "Residential Tract") lying and being in Land Lot 22 of the 16th District of DeKalb County, Georgia as more particularly described in Exhibit "B" attached hereto labeled Tract 1 and by this reference incorporated herein; and

LIT:1057150.4

WHEREAS, Owner filed with the DeKalb County Planning Department (the "Planning Department") Rezoning Application No. Z-08-15000 (the "Rezoning Application") to rezone the Zoning Tract from R-100 to NS; and

WHEREAS, Owner and the Association desire to enter into this Agreement governing the development of both the Zoning Tract and the Residential Tract (the "Subject Properties").

NOW, THEREFORE, for and in consideration of the agreement of Owner to amend its Rezoning Application (and future applications) as hereinafter provided to incorporate certain conditions and in consideration of the mutual benefits flowing between the parties and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of said parties, Owner hereby agrees as follows:

1. Use of Zoning Tract. The approval of the Rezoning Application by the DeKalb County Board of Commissioners shall be subject to certain conditions of zoning, which are contained in Exhibit "D" attached hereto and by this reference incorporated herein (the "Zoning Conditions"). In addition, the parties have agreed that when the Zoning Tract is developed and the sidewalks along Panola Rd are installed, the owner of record at the time that the Zoning Tract is developed will, at its cost, extend the sidewalks along Panola Road to the entrance of the Association's subdivision. Further, when the Zoning Tract is developed, as part of the landscaping design for its frontage, the owner of record at the time that the Zoning Tract is developed agrees to spend up to \$5000.00 to assist the Association in improving the landscape design at the entrance to their subdivision as shown on Exhibit "C" attached hereto and by this reference incorporated herein (the "Panola Mills Entrance Landscape Plan"). Notwithstanding anything herein to the contrary, the terms and conditions set forth in this paragraph 1 regarding the use of the Zoning Tract, shall terminate automatically and become immediately null and void and of no force and effect if subsequent to the approval of the Rezoning Application the Zoning Tract is rezoned to any residential zoning district under the DeKalb County Zoning Ordinance, or under the zoning ordinance of the then applicable governing authority.
2. Use of Residential Tract. Owner has agreed and hereby does agree that the use of the Residential Tract shall be limited to residential dwellings and neither Owner nor any developer of the Residential Tract shall seek to rezone the Residential Tract to any non-residential zoning classification. The foregoing use restriction does not exclude the use of the Residential Tract for non-residential uses permitted in residential dwellings by Special Land Use Permit, Special Exception or otherwise, under the residential zoning district then applicable to the Residential Tract.
3. Covenant Running with the Land. The parties have agreed that the uses of the Subject Properties are central to the entry of this Agreement by the Association. Upon execution of this Agreement and approval of the Rezoning Application, subject to the Zoning Conditions and any other additional conditions approved by the DeKalb County Board of Commissioners, Owner shall record this Agreement as a covenant on its title to the Subject

Properties. This Agreement shall be recorded so as to run with and bind the Subject Properties and any successors, successors-in-title, legal representatives and assigns of Owner and shall run to the benefit of and be enforceable by the Association. This Agreement is deemed a covenant and shall extend for twenty (20) years, and shall renew itself automatically every twenty (20) years, unless within sixty (60) days prior to the expiration of such twenty (20) year term, the Association elects to terminate this Agreement by recording in the DeKalb County, Georgia real property records written notice of the Association's election to terminate the Agreement. Notwithstanding anything herein to the contrary, this entire Agreement shall terminate automatically and become immediately null and void and of no force and effect upon: (i) the denial of the Rezoning Application by the DeKalb County Board of Commissioners, (ii) the voluntary dissolution of the Association, or (iii) twenty-four (24) months after the date that the Association is administratively dissolved by the Georgia Secretary of State's Office.

4. Breach. If Owner breaches any of the terms or conditions set forth herein, the Association shall have the right to give Owner written notice of such breach, simultaneously with filing a complaint with the DeKalb County Code Enforcement Department. If Owner fails to cure such breach within thirty (30) days after receipt of such notice, then the Association shall have the right to: (i) enforce the covenants and agreements hereunder by injunction, specific performance or other appropriate proceedings in law or in equity in the Superior Court of DeKalb County, Georgia, or through mediation, to which Owner hereby consents.
5. Notices. (a) All notices shall be in writing and shall be deemed to have been properly given (i) when delivered in person, or (ii) one (1) business day, after deposit with Federal Express, Express Mail, or other overnight delivery service for next day delivery, addressed to the appropriate party at the address set forth below:

Contact info for Owner at the time of this Agreements Execution

M.S Zakeria, M.D,
1590 Bethsaida Rd
Riverdale Ga. 30296

Mohammad Al-Mulki, M.D
830 Heards Ferry Rd
Atlanta, Ga. 30328-4726

With a Copy

to: Any Owner of Record at time of Notice if different from above

With a Copy
to:

Cornerstone Development Partners
Mark Renier
3625 Cumberland Boulevard
Suite 540
Atlanta, GA 30339

With a copy
to:

Michèle L. Battle, Esq.
Land Use Group
Smith, Gambrell & Russell, LLP
1230 Peachtree St., N.E.
Promenade II, Suite 3100
Atlanta, GA 30309

Association: Jackie Johnson
5002 Panola Mill Drive
Lithonia, GA 30038

Rejection or other refusal by the addressee to accept, or the inability of the courier service to deliver because of a change of address of which no notice was given, shall be deemed to be receipt of the notice sent. Any party shall have the right, from time to time, to change the address to which notices to it shall be sent by giving to the other party at least ten (10) days prior notice of the change of address.

(b) In an effort to keep the line of communication open between the Zoning Tract owner, the Association and the surrounding communities, Owner shall notify the Association in writing (the "Change of Developer Notice") of any conveyance of all or any portion of the Zoning Tract to a successor owner and/or developer of the improvements to be developed on the Zoning Tract. The Change of Developer Notice shall include contact information for the new owner/developer, including, name of the new owner or developer, address, telephone number, fax number and e-mail address and the name of the primary contact person for such owner or developer.

6. MISCELLANEOUS.

- a. This Agreement shall be binding on the successors, successors-in-title, legal representatives and assigns of Owner. Time is of the essence. This Agreement shall survive the sale of all or a portion of the Subject Properties.
- b. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all such counterparts together shall constitute one and the same instrument.

- c. No representations that are not contained herein shall be binding upon the parties. Each signatory hereto is authorized to execute this Agreement.
- d. The introductory paragraphs to this Agreement are incorporated herein by this reference.
- e. This Agreement constitutes the entire agreement among the parties hereto pertaining to the subject matter hereof and shall be controlled in all respects by the laws of the State of Georgia. Notwithstanding anything herein, no modification of this Agreement, shall have any force or effect except where agreed in writing, signed by all parties hereto.
- f. Should any part of this Agreement be declared invalid or void by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion or portions hereof, and such remaining portion or portions shall be deemed to be in full force and effect.
- g. The preambles of this Agreement are incorporated into this Agreement and made a part hereof as if fully restated herein in their entirety. A waiver by any of the parties hereto of any breach hereof shall not operate nor be construed as a waiver of any subsequent breach by any party.
- h. As it is the intent of the parties hereto that this Agreement be enforceable, the parties hereto do hereby waive, surrender and forego any defense which might prevent the enforcement of this Agreement as a covenant, including, but not limited to the following: any defense regarding any lack of privity, any issue of standing, or consideration. The parties further acknowledge the ability, if necessary, to enforce this Agreement as a covenant through privity of conscience.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

OWNER:

Signed, sealed and delivered in the presence of:

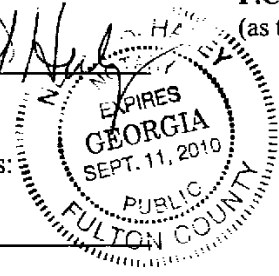
Karen B. Peritt
Witness

M.S. Zakaria

M.S. Zakaria, Trustee for M.S. Zakaria M.D., P.C., Employers Profit Sharing Trust
(as to an undivided 50% interest)

Nedon A. Haley
Notary Public

My Commission Expires:



[Notary Seal]

Signed, sealed and delivered in the presence of:

Karen B. Peritt
Witness

Mohammad Al-Mulki
Mohammad Al-Mulki, Trustee for Rania Al-Mulki
(as to an undivided 21% interest)

Nedon A. Haley
Notary Public

Mohammad Al-Mulki
Mohammad Al-Mulki, Trustee for Izat Al-Mulki (as to an undivided 12% interest)

My Commission Expires:

Nedon A. Haley
[Notary Seal]

Mohammad Al-Mulki
Mohammad Al-Mulki, Trustee for Dania Al-Mulki (as to an undivided 12% interest)

Signed, sealed and delivered in the presence of:

Karen B. Peritt
Witness

Mohammad Al-Mulki
Amin Haffar, Individually
(as to an undivided 5% interest)

Nedon A. Haley
Notary Public

My Commission Expires:

[Notary Seal]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

ASSOCIATION:

Signed, sealed and delivered in the presence of:

PANOLA MILLS HOMEOWNERS ASSOCIATION, INC., a Georgia nonprofit corporation

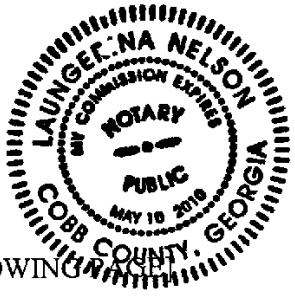
Britta
Witness

By: Jackie Johnson
Jackie Johnson, Its President

Laungerine Nelson
Notary Public

My Commission Expires: May 10 2010

[Notary Seal]



[SIGNATURES CONTINUE ON FOLLOWING PAGE]

EXHIBIT "A"
Legal Description

Zoning Tract

All that tract or parcel of land lying and being in Land Lots 22 and 43, 16th District of Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a right of way monument found at the northwest end of the mitered intersection of the south right of way of Thompson Mill Road (80 foot right of way) and the northwest right of way of Panola Road (variable right of way);
thence along said mitered right of way intersection South 32 degrees 35 minutes 30 seconds East, a distance of 49.14 feet to a right of way monument;
thence along the northwest right of way of Panola Road South 15 degrees 01 minutes 08 seconds West, a distance of 155.05 feet to a point;
thence continuing along said right of way North 74 degrees 58 minutes 52 seconds West, a distance of 20.00 feet to a point;
thence continuing along said right of way South 15 degrees 01 minutes 08 seconds West, a distance of 25.00 feet to a right of way monument;
thence continuing along said right of way South 74 degrees 58 minutes 52 seconds East, a distance of 20.00 feet to a point;
thence continuing along said right of way South 15 degrees 01 minutes 08 seconds West, a distance of 290.09 feet to a point;
thence continuing along said right of way South 15 degrees 01 minutes 08 seconds West, a distance of 41.56 feet to a point;
thence leaving said right of way South 89 degrees 20 minutes 58 seconds West, a distance of 326.41 feet to a point;
thence North 01 degrees 15 minutes 57 seconds West, a distance of 424.66 feet to a point;
thence North 89 degrees 11 minutes 24 seconds West, a distance of 74.99 feet to a point;
thence North 01 degrees 15 minutes 57 seconds West, a distance of 120.10 feet to a point on the south right of way of Thompson Mill Road;
thence along said right of way South 89 degrees 17 minutes 52 seconds East, a distance of 50.03 feet to a point;
thence continuing along said right of way South 89 degrees 17 minutes 52 seconds East, a distance of 469.55 feet to a right of way monument;
said point being the POINT OF BEGINNING.
Said tract or parcel containing 226,065 square feet or 5.190 acres.

EXHIBIT "B"**Legal Description****Residential Tract**

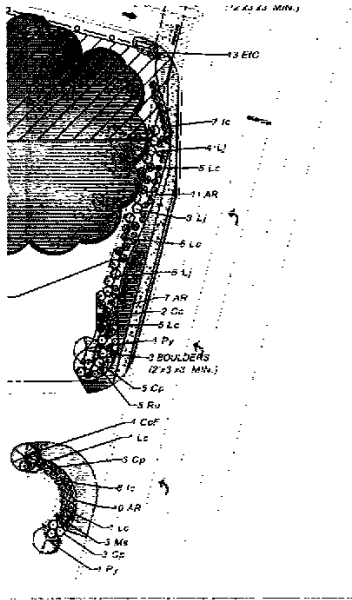
All that tract or parcel of land lying and being in Land Lots 22, 16th District of Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a right of way monument found at the northwest end of the mitered intersection of the south right of way of Thompson Mill Road (80 foot right of way) and the northwest right of way of Panola Road (variable right of way);
thence along the south right of way of Thompson Mill Road North 89 degrees 17 minutes 52 seconds West, a distance of 469.55 feet to a point;
thence continuing along said right of way North 89 degrees 17 minutes 52 seconds West, a distance of 50.03 feet to a point;
said point being the POINT OF BEGINNING;
thence leaving said right of way South 01 degrees 15 minutes 57 seconds East, a distance of 120.10 feet to a point;
thence South 89 degrees 11 minutes 24 seconds East, a distance of 74.99 feet to a point;
thence South 01 degrees 15 minutes 57 seconds East, a distance of 424.66 feet to a point;
thence South 89 degrees 20 minutes 58 seconds West, a distance of 352.87 feet to a 3/8" rebar;
thence North 03 degrees 50 minutes 35 seconds West, a distance of 554.66 feet to a 1/2" crimped top pipe on the south right of way of Thompson Mill Road;
thence along said right of way South 89 degrees 17 minutes 52 seconds East, a distance of 303.03 feet to a point;
said point being the POINT OF BEGINNING.

Said tract or parcel containing 191,634 square feet or 4.40 acres and being more particularly shown on a Zoning Plat for Cornerstone Development Partners, LLC by Armstrong Land Surveying, Inc. dated July 2, 2008, last revised September 19, 2008, and being the portion of Tract 2 outside of the limits of rezoning.

EXHIBIT "C"

"Panola Mills Entrance Landscape Plan"



PLANT LIST

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	MATURE HT
TREES						
Cd	12	<i>Carya carolinensis</i> 'Forest Pansy'	FOREST PANSY REDBUD	3" CAL.	REFER TO PLAN	20-30'
Py	7	<i>Prunus Y yedoensis</i>	YOSHINO CHERRY	3" CAL.	REFER TO PLAN	20-30'
Ge	8	<i>Quercus shumardii</i>	SHUMARD OAK	3" CAL.	REFER TO PLAN	40-60'
Op	10	<i>Ulmus parvifolia</i>	LACESBARK ELM	3" CAL.	REFER TO PLAN	40-60'
SHRUBS						
AR	89	<i>Abelia chinensis</i> 'Rose Creek'	ROSE CREEK ABELIA	3 GAL.	3'-0" O.C.	
Gc	5	<i>Chamaecyparis obtusa</i> 'Gracile'	GLENDEN HINOKI	6-8" HT.	REFER TO PLAN	
Op	17	<i>Chamaecyparis pisifera</i> 'Nana'	GOLDEN MOP CYPRESS	3 GAL.	5'-0" O.C.	
ic	104	<i>Ilex cornuta</i> 'Catesa'	CARISSA HOLLY	18-24" HT.	3'-6" O.C.	
lo	11	<i>Lagerströmia 'GAMAD II'</i>	RASPBERRY DAZZLE CREPE MYRTLE	2-3" HT.	4'-0" O.C.	
lj	12	<i>Ligustrum japonicum</i> 'Recurvifolium'	RECURVE LEAFED LIGUSTRUM	3-4" HT.	6'-0" O.C.	
lc	88	<i>Loropetalum chinensis</i> var. 'rubrum'	RUBY LOROPETALUM	2-3" HT.	4'-0" O.C.	
Ms	28	<i>Miscanthus sinensis</i> 'Gracillimus'	MAIDEN GRASS	3 GAL.	5'-0" O.C.	
NG	25	<i>Nandina domestica</i> 'Gulf Stream'	GULF STREAM NANDINA	18-24" HT.	3'-0" O.C.	
Rj	64	<i>Rhoeo spathulata</i> 'Georgia Petite'	GEORGIA PETITE INDIAN PAWTHORN	12-18" HT.	3'-0" O.C.	
GROUNDCOVER						
EC	59	<i>Eucnymus fortunei</i> var. <i>coloratus</i>	WINTERCREEPER EUCNYMUS	1 GAL.	2'-0" O.C.	
ANNUALS						

EXHIBIT "D"

Conditions of Zoning

(Z-08-15000)

Dated 12/04/08

Special Conditions. As of the date of execution of this Agreement, the parties listed as the "Owner" have fee simple title to the Zoning Tract and the Residential Tract. This Agreement is made in contemplation of the sale of the Zoning Tract to Cornerstone Development Partners, LLC ("Purchaser") with the Owner retaining the Residential Tract.

Notwithstanding anything herein to the contrary, the party nominally listed as "Owner" shall have absolutely no obligations under paragraph 1 of this Agreement and any notice affecting the Residential Tract shall be sent to M. S. Zakaria, M.D., 1590 Bethsaida Road, Riverdale, GA 30296.

ZONING CONDITIONS (Z-08-15000)
Dated 12/04/08

1. The Subject Property shall be developed as a retail or office or restaurant center substantially similar to the concept plan dated July 7, 2007, subject to modifications and eliminations approved by the DeKalb County Planning Department, and prepared by LAI Engineering, Job No.: 8193PROJ (the "Site Plan"), a copy of which was submitted to the DeKalb County Planning and Development Department on December 4, 2008 and is attached hereto as Exhibit "A" and by this reference incorporated herein. The development on the Subject Property shall be limited to buildings with a total square footage not to exceed 25,000 sq. ft.

2. While the landowner has pursued the much lighter zoning designation of NS (Neighborhood Shopping) instead of the more intense C1 designation, the landowner has agreed to further restrict the NS allowable uses. All of the following uses A-G are allowed under the NS designation. However, the landowner has agreed that any of the uses below that have a strike through will be prohibited uses. All other uses A – G below without a strike through will be the allowable uses.
 - a. ~~Animal hospital, veterinary clinic, pet supply store, and animal grooming shop;~~
 - b. Art Gallery and art supply store;
 - d. ~~Child day care center;~~
 - e. Office uses as follows:
 - (1) Accounting office;
 - (2) Engineering and architectural office;
 - (3) Financial services office;
 - (4) Insurance office;
 - (5) Legal office;
 - (6) Medical office;
 - (7) Real estate office;
 - f. ~~Recreational facilities where such activities are wholly enclosed within a building;~~
 - g. Restaurants, but not including drive-through restaurants; **The Subject Property will not lease space to a "restaurant" tenant that in Owners's reasonable judgment is inconsistent with restaurants typically found in first class shopping centers. For example, no pizza take out only, Chinese take out only, or Mexican take out only restaurants will be permitted. Furthermore, those allowable restaurants tenants will occupy no less than 1,000 square feet and such restaurants whose primary use is for the sale of lunch and dinner food items will be permitted so long as its take out sales do not exceed 50% of its total sales.**

Furthermore, if there are any freestanding restaurants located within Subject Property, they will occupy no less than 3,500 SF and will have no less than 50 seats.
 - h. ~~Place of worship~~

LIT1057245.2

- i. Retail sales as follows, but not including adult entertainment establishment and not including adult service facility:
- (1) Apparel and accessory store; with the exception that Jean Stores or athletic apparel/shoe stores will be prohibited
 - (2) Book, greeting card and stationary store;
 - (3) Camera and photographic supply store;
 - (4) ~~Convenience store;~~
 - (5) Florist;
 - (6) Food stores, including bakeries
 - (7) Gift novelty and souvenir stores, excluding any dollar store (i.e., Dollar General, Family Dollar, Dollar Tree, 99 Cent Stores or other similar store);
 - (8) ~~Hardware store;~~
 - (9) Hobby, toy and game store; with the exception that electronic video game stores will be prohibited
 - (10) ~~Jewelry store;~~
 - (11) Music and musical equipment store;
 - (12) ~~News dealers and newsstand;~~
 - (13) Office supplies and equipment store
 - (14) Pharmacy, including convenience items;
 - (15) Quick copy printing store;
 - (16)
 - (17) Sporting goods and bicycle sale;
 - (18) ~~Variety store;~~
 - (19) ~~Video tape sales and rental store;~~
- f. Services, personal, as follows:
- (1) ~~Barbershop, beauty shop, and similar personal service establishments;~~
 - (2) ~~Coin-operated laundry and dry cleaning store;~~
 - (3) ~~Laundry and dry cleaning establishment and pickup station;~~
 - (4) ~~Personal care home, congregate;~~
 - (5) ~~Personal care home, family;~~
 - (6) ~~Personal care home, group;~~
 - (7) ~~Personal care home, registered;~~
 - (8) Day spas offering personal services such as massages and skin treatments, as well as other personal care services which may include hair and nail care.
 - (9) Photographic studios.
- g. Services, repair, as follows:
- (1) ~~Jewelry repair store;~~
 - (2) ~~Shoe repair store.~~

3. Accessory uses and structures allowed on the Subject Property shall consist of all accessory uses and structures allowed within the NS Zoning District as enumerated in DeKalb County Zoning Code Sec. 27-559.
4. In order to be clear about other uses **not permitted** in NS and thus this property, the following uses shall also be strictly prohibited on the Subject Property;

- a. Electronic game playing centers.
 - b. Adult entertainment centers.
 - c. Adult novelty stores.
 - d. Pawn shops.
 - e. Pool halls.
 - f. Tattoo parlors.
 - g. Individual barbershops and beauty salons, but not businesses operating as a day spa offering two (2) or more of the individually prohibited service establishments, along with massages, skin treatments, etc.
 - h. Liquor store, spirits wholesale or retail, and wine shops. Notwithstanding the foregoing, this condition shall not prevent liquor, wine, beer or other spirits from being sold in restaurant(s) on the Subject Property.
 - i. Rental stores leasing furniture, trucks, tools and/or equipment (excluding stores lasing items used for the improvement of physical fitness and health).
 - j. Automobile, boat, and trailer sales and service (excluding sale or leasing of self propelled water craft, like canoes).
 - k. Car title offices.
 - l. Farmers' or flea markets, defined as an occasional or periodic market held in an open area or structure where individual non-tenant sellers offer goods to the public.
5. No outdoor storage of merchandise will be permitted within the development, and no outdoor vending machines or supplies will be permitted within the development.
6. There shall be designated bicycle parking.
7. No exposed neon or box signs shall be permitted on the exterior of the buildings.
8. All four sides of buildings on the Subject Property shall consist of brick, stone, stucco or glass (including metal and glass store fronts and/or curtain wall systems). E.I.F.S., painted dimensioned wood, cement material (such as hardieplank), metal panels, colored precast concrete, cast stone, architectural blocks and/or cedar shake may be used as an accent material only, not to exceed 20% of the surface area. The building façade plans to be substantially similar to the elevations attached hereto as Exhibit "B" subject to modifications as some national restaurants and other retailers may require.
9. The common areas within the development shall be kept and maintained in first class order and repair as compared to any other first class mixed use development similar to the caliber, type and character of the development on the Subject Property and located in the general area. A Property

Owners Association ("POA") shall be created and shall assume maintenance responsibilities for the Subject Property's common area once the development is completed.

10. As shown on the Landscape Plan dated July 7, 2008 prepared by LAI, Engineering Job NO.: 8193PROJ attached hereto as Exhibit "C", the Panola Rd and Thompson Mill Rd frontages shall be heavily landscaped with flowering trees, shrubs, and perennials. Developer will also agree to an improved landscape strip in the right of way outside the north and east property lines to the curb line of Panola Rd and Thompson Mill Rd and in order to soften the view of the parking fields, developer will create a landscaped berm along Panola Rd and Thompson Mill Road frontages as topography allows. Once planted, developer shall be responsible for the maintenance of planted materials within the limits of its property for a period of 24 months from the date a Land Disturbance Permit is issued for development of the project, and shall replace any diseased or dead landscape material as needed. After this 24 month period, the obligation and financial responsibility to maintain landscaping shall be imposed upon the mandatory POA established to maintain all common areas of the Subject Property.
11. Free standing signage along the road frontage shall be monument style with sign bases constructed of brick, stone or stucco finishes/veneers in compliance with all other standards of Chapter 21, Sign Regulations.
12. Any exterior lights, including building lights, walkway lighting, safety/security lights and parking lot lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. No lighting will bleed or shine onto neighboring properties. The west and south lighting of the building will be implemented with wall pack fixtures. Front lighting will be implemented with shoebox or decorative type fixtures with low (e.g. 20 foot) lighting standards. Gooseneck and "Historical period" lighting fixtures will be incorporated in building and parking lot design.
13. Outdoor seating shall be allowed in the front or side of restaurant uses..
14. Detention structures on the Subject Property shall conform to all DeKalb County Code requirements and shall reduce the current run-off rate by 10%. Further, draining improvements shall be subject to approval of the Development Division of the Planning and Development Department, and the Drainage Division of the Public Works Department. Class 3 concrete piping will run from detention facility and flow to allowable culvert on Thompson Mill Rd.
15. No construction shall take place Monday through Thursday, 7:00 p.m. – 7:00 a.m., Friday, 7:00 p.m. – Saturday, 9:00 a.m., and Saturday, 4:00 p.m. – 12:00 a.m. No construction will be allowed on Sunday. Inaudible interior construction will be allowed Monday through Thursday, 7:00 p.m. – 8:00 p.m. General construction activities shall be limited to Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. and Saturday between the hours of 9:00 a.m. and 4:00 p.m.
16. All utilities are to be underground.
17. Transportation and access improvements shall be subject to approval by the Development Division of the Planning and Development Department, and the Transportation Division of the Public Works Department.
18. Garbage dumpsters shall have sound-deadening gaskets and shall be located within a gated, masonry enclosure. Excluding special circumstances, Garbage dumpster pickup shall be between 6:30 a.m. and 8:00 p.m., Monday through Saturday.

19. The Site Plan may include portions of the Subject Property that will be subdivided in the future. Parts of the Subject Property may be conveyed as separate tracts and to separate owners with different ownership structures under the zoning plan. Should there be a conveyance of part of the Subject Property to different owners, all zoning conditions (and variances, if any) shall remain applicable to any portion of the conveyed property, regardless of what future person or entity owns the subdivided portion of the Subject Property. Conveyance of part of the Subject Property to different owners shall not require any changes to the zoning plan for the development (nor variances, if any). The newly-created property lines which arise from these conveyances are not required to observe setback, buffer or other requirements provided the building layout for the project as a whole continues to comply substantially with the Site Plan. The development at issue is a master planned development and shall be developed as such.
20. HVAC Root Top units will be screened from view and not visible from the ground or neighboring properties.
21. The owner of the Subject Property agrees to enter into a binding agreement with Panola Mills Subdivision and DeKalb County and a deed restriction will be placed on the balance of this 9.5 acre tract prohibiting any future retail/shopping center zoning.

EXHIBIT "A" to ZONING CONDITIONS

SITE PLAN

EXHIBIT "B" to ZONING CONDITIONS

Elevation

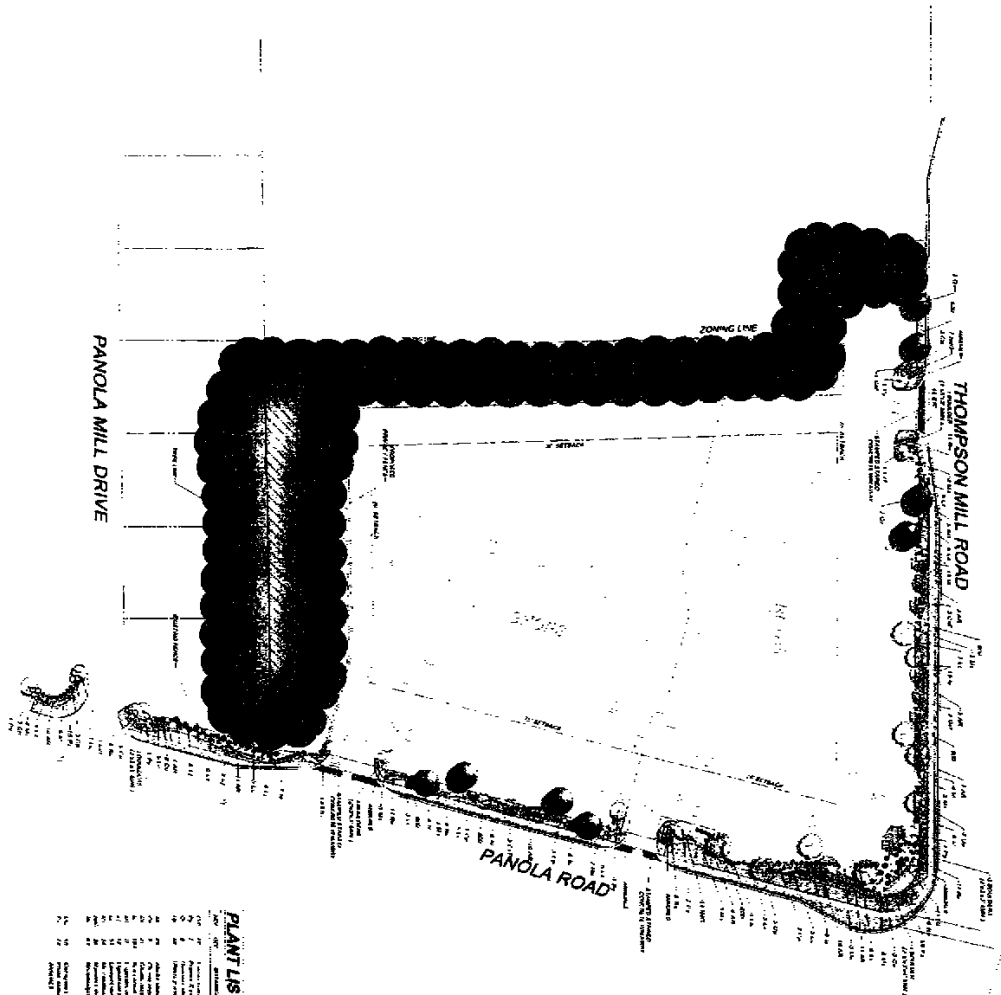


Panola Mill Station

DeKalb County, Georgia

EXHIBIT "C" to ZONING CONDITIONS

Landscape Plan

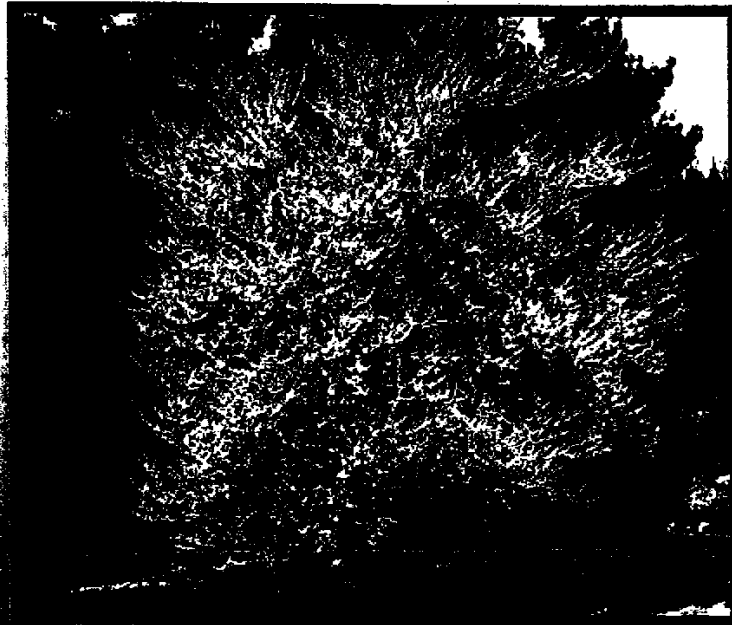


PLANT LIST

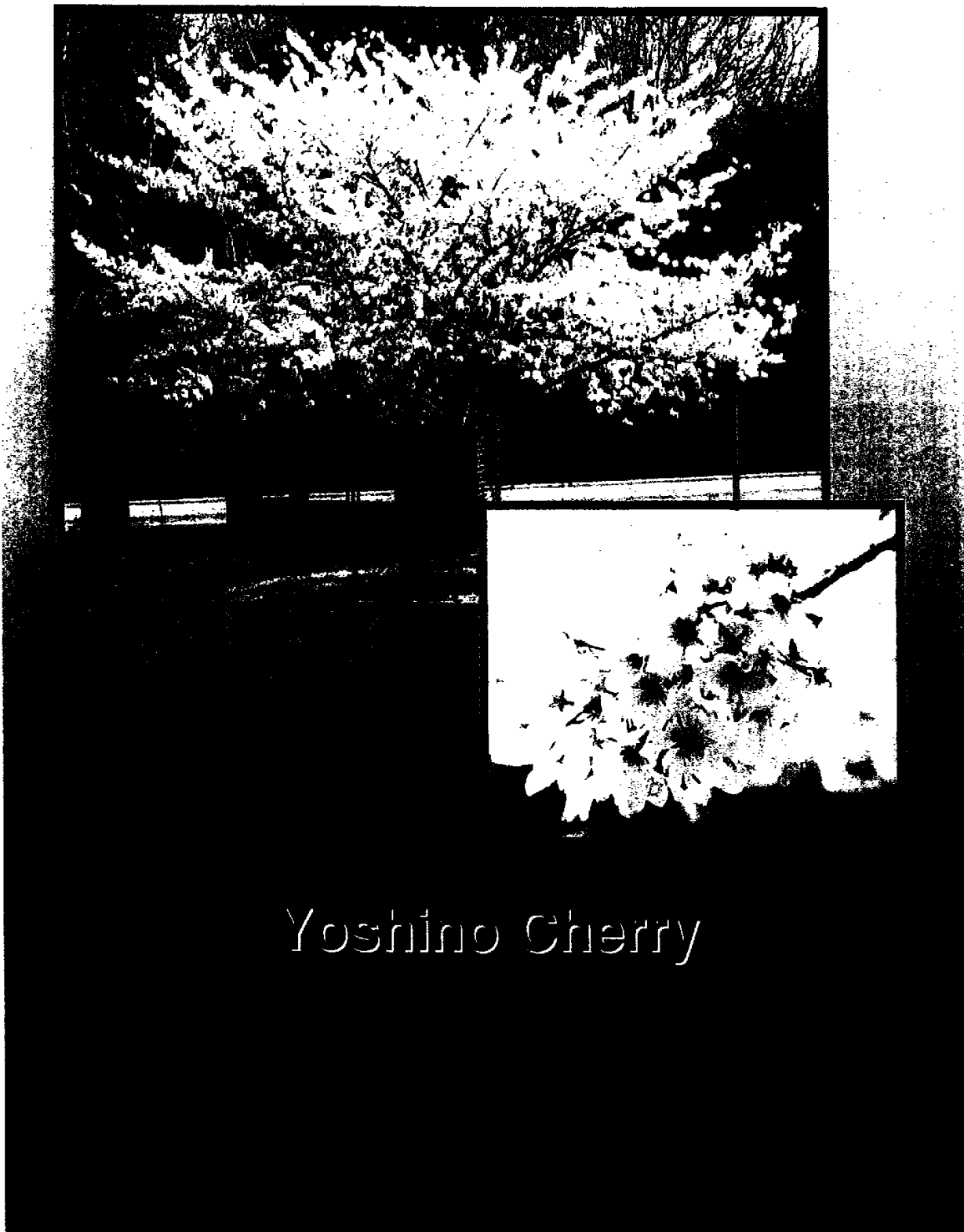
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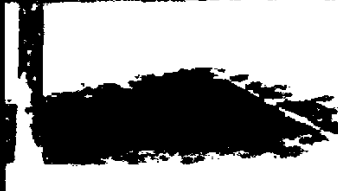
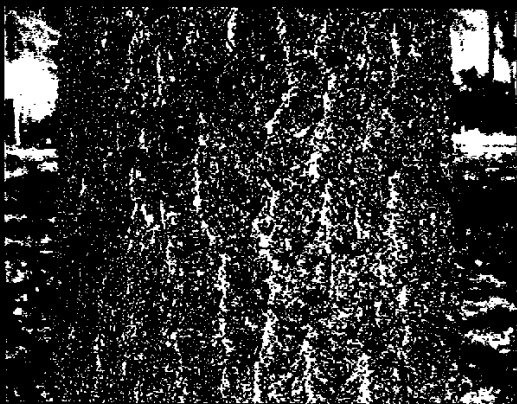
<p>DATE: 01/11/2011 DRAWN BY: J. BARNETT CHECKED BY: J. BARNETT PROJECT: PANOLA ROAD RETAIL SHEET: 1 OF 1</p>	<p>LAI ENGINEERING</p>	<p>LAI ENGINEERING PARKWAY CENTER - 1800 PARKWAY PL. - STE. 720 MARIETTA, GA 30067 PHONE: 770.423.0877 FAX: 770.423.1262 WWW.LAIENGINEERING.COM</p>	<p>PANOLA ROAD RETAIL 2156 PANOLA ROAD PREPARED FOR: CONCRETE DEVELOPMENT PARTNERS, LLC LITHONIA, GEORGIA</p>
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Forest Pansy Redbud



Yoshino Cherry



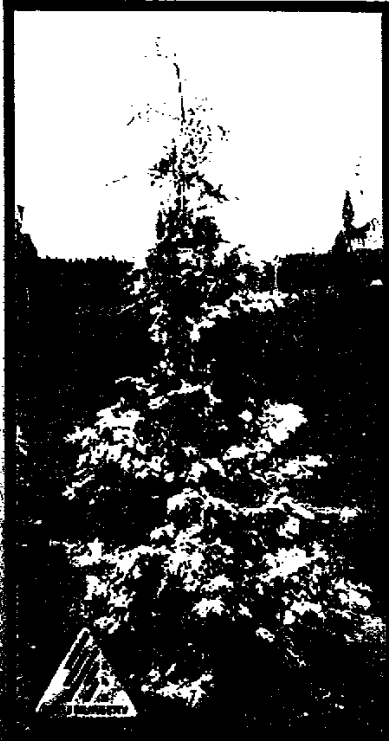
Shumard Oak



Lace Bark Elm



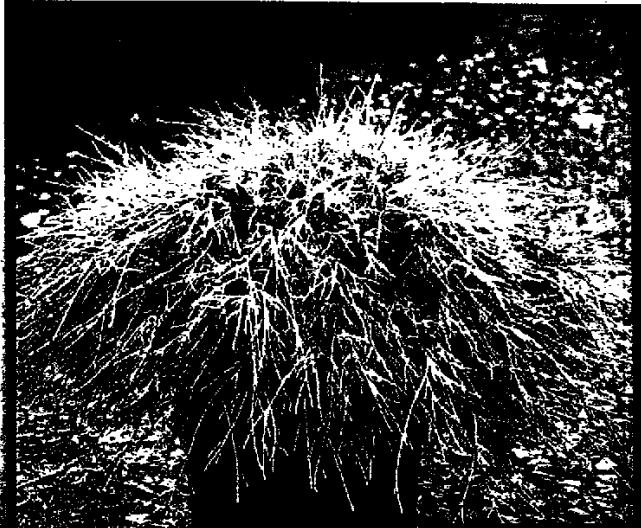
Rose Creek Abelia



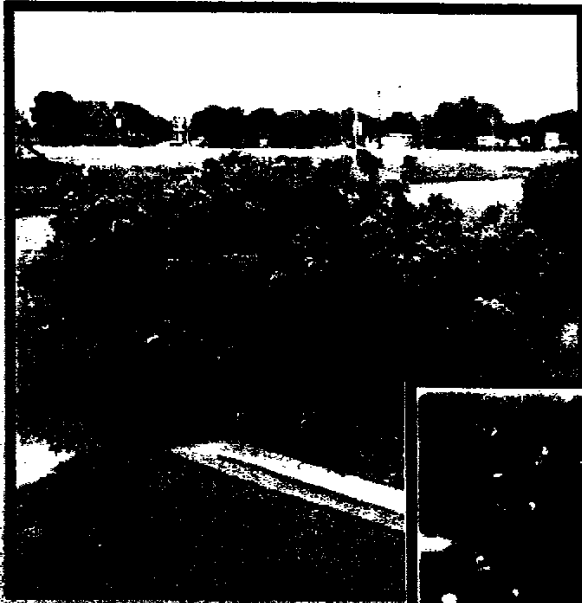
Slender Hinoki

Carissa Holly





Golden Mop Cypress



Raspberry Dazzle Crepe Myrtle



Euonymus
Wintercreeper

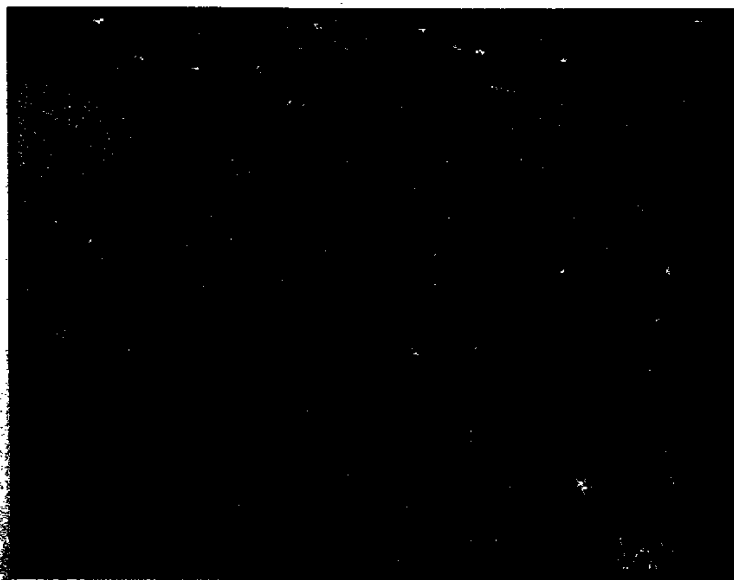




Recurve Ligustrum



Georgia Petite
Indian Hawthorn



Ruby Loropetalum



Maiden Grass



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-005, 6301 Browns Mill Road

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Rezoning

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, September 30, 2021

Current Work Session: **Monday, November 8, 2021**

Current Council Meeting: Click or tap to enter a date.

Previously Heard Date(s): **10/25/21** - Click or tap to enter a date.

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To discuss RZ-21-005 in light of the City Council deferral on October 25, 2021 in preparation of the November 22, 2021 Regular City Council Meeting when the item is tentatively scheduled for action.

FACTS: See staff report

OPTIONS: Choose an item. N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

- (1) Attachment 1 - RZ-21-005, 6301 Browns Mill Staff Report
- (2) Attachment 2 - Rezoning Application RZ-21-005 submitted on July 2, 2021
- (3) Attachment 3 - Modified Site Plan for James Retreat, 6301 Browns Mill prepared by CivTech Consulting, Inc on September 10, 2021
- (4) Attachment 4 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - [Click or tap here to enter text.](#)

Attachment 1:
RZ-21-005 Staff Report to the City Council



PLANNING & ZONING STAFF REPORT

RZ-21-005

City Council Work Session November 8, 2021

GENERAL INFORMATION

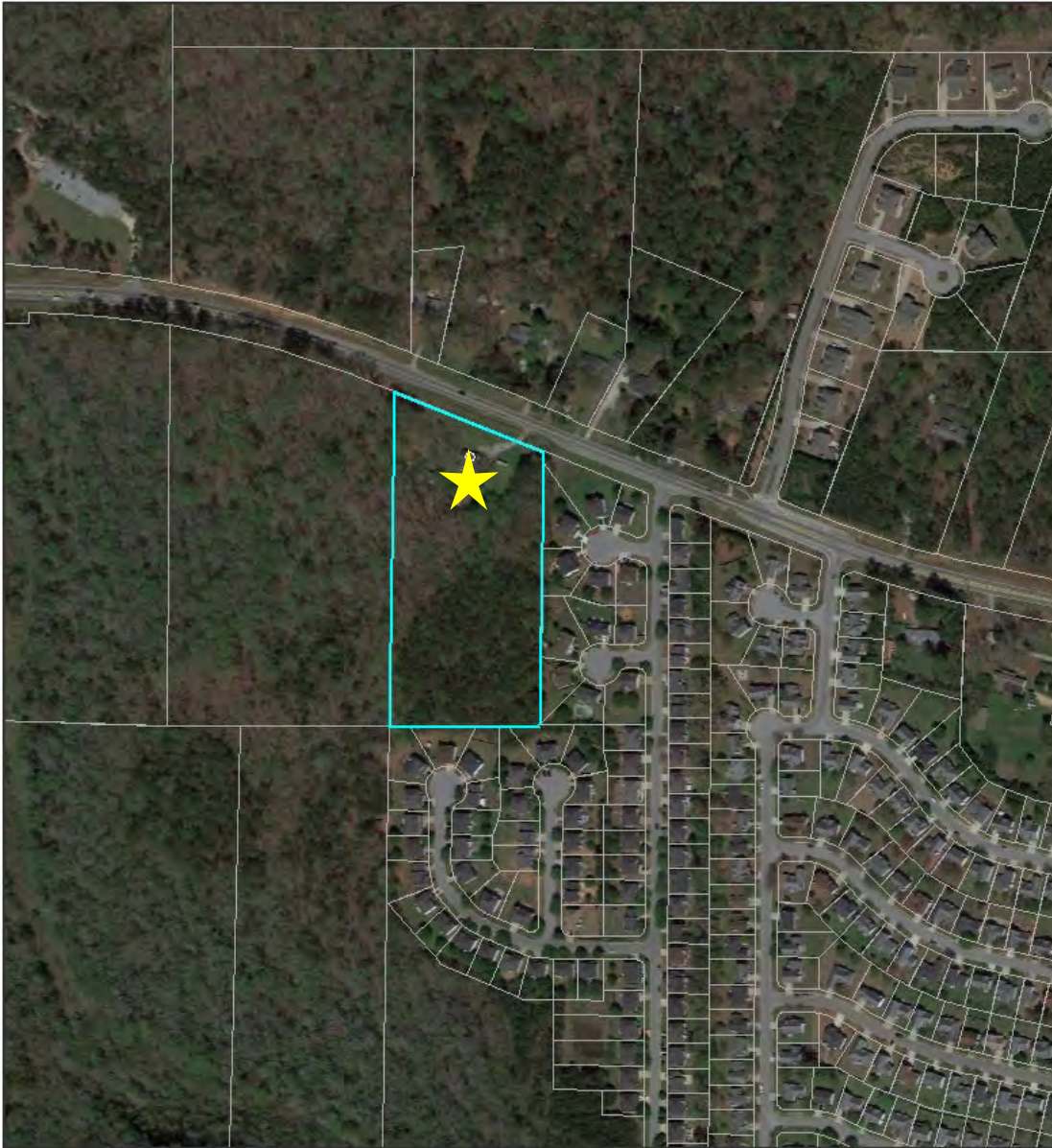
Petition Number:	RZ-21-005
Applicant:	WSM Associates, LLC c/o Battle Law, P.C.
Owner:	Donna Oliver, 6301 Browns Mill Rd
Project Location:	6301 Browns Mill Road, Parcel ID 16 081 01 004
Council District:	District 5 – Tammy Grimes
Acreage:	Approximately 6.07 acres
Existing Zoning:	R-100 (Residential Med Lot) District, Arabia Mountain Conservation Overlay
Proposed Zoning:	RSM (Small Lot Residential Mix), Arabia Mountain Conservation Overlay
Comprehensive Plan Character Area Designation:	Suburban Neighborhood
Proposed Development/Request:	The applicant is requesting to rezone the subject property within the Arabia Mountain Conservation Overlay from R-100 (Residential Med Lot) to RSM (Small Lot Residential Mix) for the development of a 20 single family detached house community.
Staff Recommendations:	Approval with conditions
Planning Commission Recommendation:	Approval with conditions
Previous Action:	Following a public hearing on this case on October 25, 2021, the City Council deferred action to the next regular City Council Meeting.



PLANNING & ZONING STAFF REPORT

RZ-21-005

Aerial Map



ZONING CASE: **RZ-21-005**

ADDRESS: **6301 Browns Mill Road**

CURRENT ZONING: **R-100 (Residential Med Lot)**

FUTURE LAND USE: **Suburban**

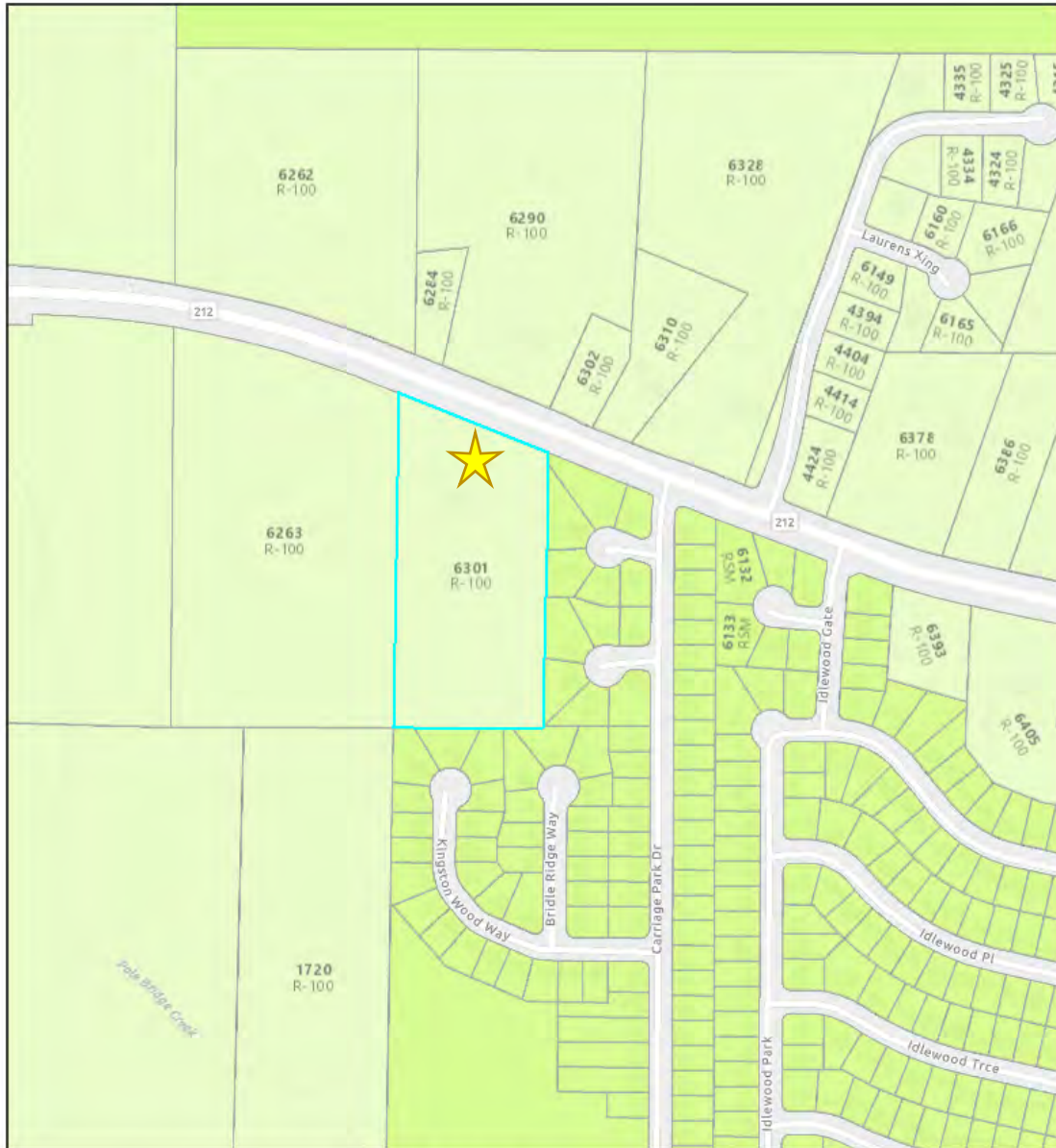
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PLANNING & ZONING STAFF REPORT

RZ-21-005

Zoning Map



ZONING CASE: **RZ-21-005**

ADDRESS: **6301 Browns Mill Road**

CURRENT ZONING: **R-100 (Residential Med Lot)**

FUTURE LAND USE: **Suburban**

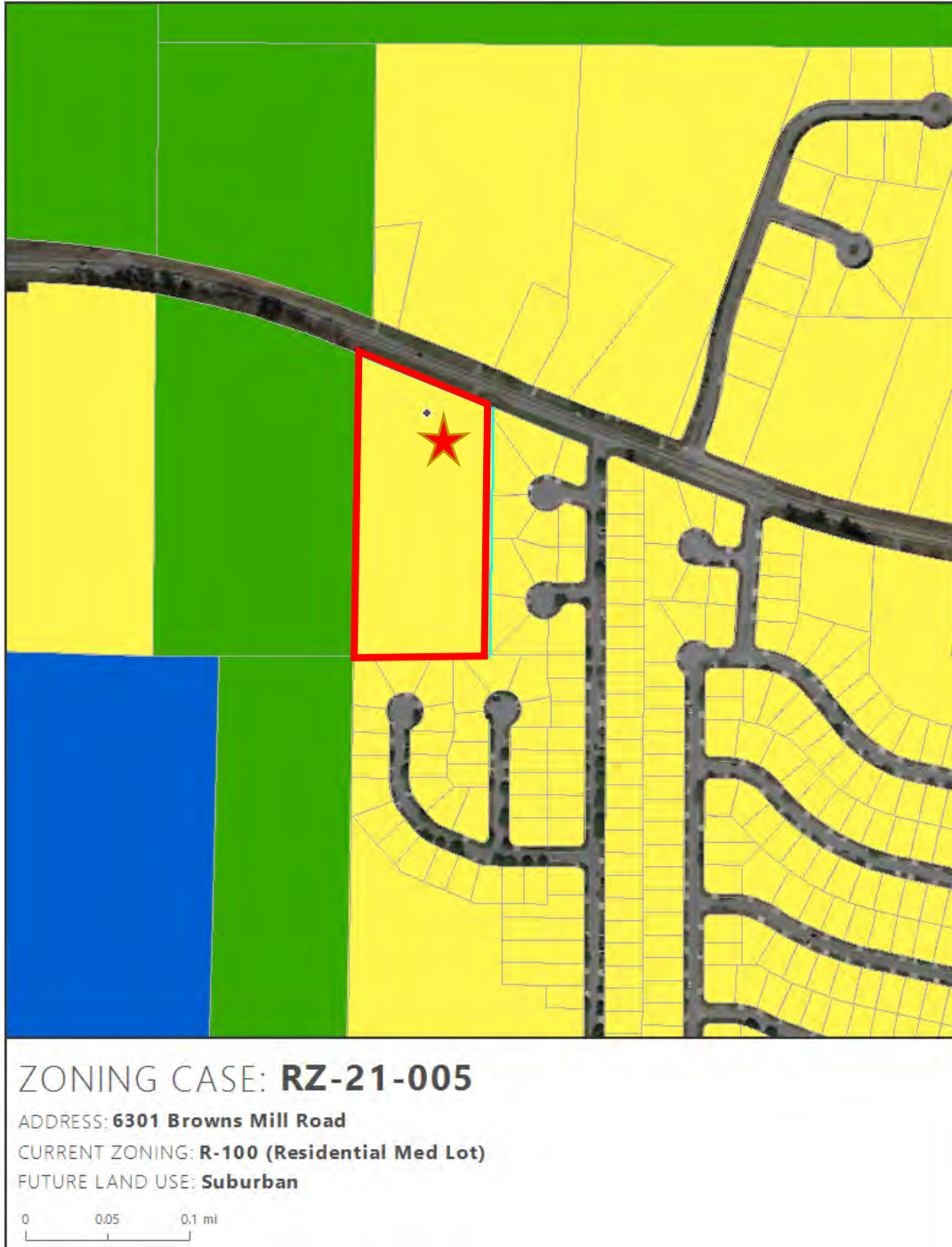




PLANNING & ZONING STAFF REPORT

RZ-21-005

Future Land Use Map

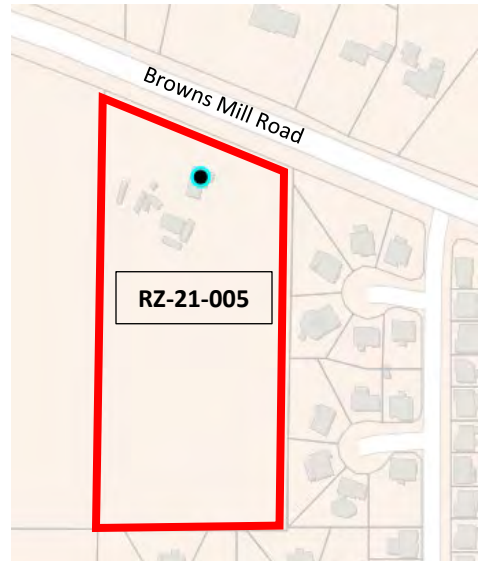


PROJECT OVERVIEW

Location

The subject property is located at 6301 Browns Mill Road. The property is located on the south side of Browns Mill Road and east of the Browns Mill Road and Flat Bridge Road intersection.

To the east and south of the subject property is the Carriage Park subdivision, a RSM-zoned single-family residential development. Carriage Park subdivision was built in 1998, before the creation of the Arabia Mountain Conservation Overlay. Typical lots in the subdivision are approximately 0.3 acres in area. To the west is a undeveloped parcel zoned R-100, but that is owned by DeKalb County and part of the Davidson Arabia Mountain Nature Preserve.



Background

Currently, the property has one single family home on it as well as a few small out buildings. The lot is heavily wooded behind the house.

The topography of the property is relatively level sloping about 20 feet lower on the west side of the parcel.



PLANNING & ZONING STAFF REPORT

RZ-21-005

Representative Elevations, Mid-Century Modern





PLANNING & ZONING STAFF REPORT

RZ-21-005

The Arabia Mountain Conservation Overlay includes a number of design requirements above and beyond what a typical RSM subdivision must adhere to. These requirements include:

Sec. 3.4.7 Lot Coverage

- Net lot coverage shall not exceed 25%

Sec. 3.4.8 Clearing and grading of lots

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

Sec. 3.4.9 Development Standards

- Minimum lot width shall be 70'
- Minimum lot area shall be 7,500 square feet
- Minimum side yard setback shall be 10 feet
- 30% greenspace required
- Internal radius of cul-de-sac can be maximum of 35 feet; must have grass and vegetation for the inner circle of turn-arounds (Sec. 3.4.9 B.b)
- Show sidewalks (Sec. 3.4.9 B.e)
- Required exterior boundary buffer (Sec. 3.4.9 C) of 25 feet

The site plan presented does not fully comply with the overlay, but is one of the first ever presented to the City for an RSM subdivision within the Arabia Mountain Conservation Overlay, and staff has worked with the applicant to arrive a plan that in concept meets the intent of the Overlay. Further modifications to the plan will be needed.

Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning. The city-sponsored community information meeting was held on August 18, 2021, at 5:00 pm via Zoom.com. Several residents show up at the community meeting regarding the rezoning application and others watch via YouTube. There were questions from the public about the buffer and why it did not go all the way around the property.

STANDARDS OF REZONING REVIEW

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



PLANNING & ZONING STAFF REPORT

RZ-21-005

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

The subject property is located within the Suburban Neighborhood character area of the Stonecrest Comprehensive Plan. The 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 Residential Medium Lot (RSM) is a permitted zoning district within the Suburban Neighborhood character area.

The proposed rezoning is in an area that is partially surrounded by single family detached homes and vacant parcels, and as long as the standards in the Arabia Mountain Overlay are met, the proposed development would meet the intent of the Comprehensive Plan.

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

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

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Subject Property	R-100, proposed RSM	Detached Single Family Home	1 housing unit on 6.1 acres
Adjacent: North	R-100 (Residential Med Lot) District	Detached Single Family Home	1 housing unit on 8.7 acres
Adjacent: West	R-100 (Residential Med Lot) District	Undeveloped Nature Preserve	N/A
Adjacent: East	RSM (Small Lot Residential Mix)	Residential development of single-family homes	3.3 housing units/ac
Adjacent: South	RSM (Small Lot Residential Mix)	Residential development of single-family homes	3.3 units/ac

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



PLANNING & ZONING STAFF REPORT

RZ-21-005

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

The property is currently zoned R-100, which permits single family detached homes like those proposed. RSM allows for smaller lots and smaller setbacks, however the standards and considerations in the Arabia Mountain Conservation Overlay supersede those required in the underlying zoning district. Regardless of the zoning district, the Overlay standards must be met. The property does have reasonable economic use as currently zoned.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. The Arabia Mountain Conservation Overlay requires a buffer around the outside of the development, so that would protect the residences to the east and the wooded areas to the west while providing an amenity for the residents of the subject property.

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

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

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

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-005

RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, the Planning Commission and Staff recommends **APPROVAL** of **RZ-21-005** the following conditions:

1. The future development of the site shall be for a maximum of 20 single family lots, and in general conformity with conceptual plan prepared by Civtech Consulting, LLC and dated 9/10/21.
2. The applicant must submit a tree save and landscaping plan to the Director prior to receiving building or land development permits.
3. There shall be a Mandatory Homeowners Association which shall own and maintain the common areas, and enforce the covenants placed on the community.
4. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
5. A minimum 5-foot sidewalk shall be installed along the property frontage on Browns Mill Road.
6. The architectural style and character of any homes constructed on the subject property will match the general style and character of the homes illustrated in the elevations as shown in this staff report, labeled "Proposed Representative Elevations Mid-Century Modern."

Note: Condition #6 was added after the Planning Commission Hearing, at the presentation of the case to the City Council as the October 11, 2021 Work Session, and is just a recommendation by staff.

Attachment 2: RZ-21-005 Application Materials



Rezoning Application

Owner Information	Owner's Name: Donna Oliver			
	Owner's Address: 6301 Browns Mill Road Stonecrest, GA 30038			
	Phone:	Fax:	Email:	
	Property Address: 6301 Browns Mill Road Stonecrest, GA 30038		Parcel Size: 6.07 acres	
	Parcel ID: 16 081 02 004			
	Current Zoning Classification: R-100			
	Requested Zoning Classification: RSM			
	Name: WSM Associates, LLC c/o Battle Law, P.C.			
	Address: One West Court Square Suite 750 Decatur, GA 30030			
	Phone: 404-601-7616	Fax: 404-745-0045		
Cell:	Email: mlb@battlelawpc.com			
Property Information	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?			
	Yes, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties			
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?			
	No, the property has no reasonable economic use as currently zoned R-100.			
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			
	No, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.			
	Questionnaire	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?		
		Not that the Applicant is aware of.		
		5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?		
The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.				
6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?				
No, the zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.				

STATEMENT OF INTENT

and

Other Material Required by
City of Stonecrest Zoning Ordinance
For
A Rezoning Application Pursuant to
City of Stonecrest Zoning Ordinance

of

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

for

6.07± Acres of Land located at 6301 Browns Mill Road
Being Tax Parcel No. 160 081 02 004
Stonecrest, Georgia

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, WSM Associates, LLC, seeking to rezone 6.07 acres of land located at 6301 Browns Mill Road, Stonecrest, GA 30038, being Tax ID No. 160 081 02 004 (“Subject Property”). The property is currently zoned R-100 with a future land use designation of Suburban, and is in the Arabia Mountain Overlay District. The Applicant is seeking to rezone this property to RSM to allow for a community of 31 single family-detached homes. The proposed RSM zoning and development are consistent with the future land use designation, as established in Figure LU-06 of City of Stonecrest Comprehensive Plan 2038. Additionally, the proposed rezoning and proposed development are appropriate for the area. While properties to the West of the Subject Property are currently zoned R-100, a number of properties to the immediate East of the Subject Property are zoned RSM. The Subject Property would be well suited being zoned RSM to allow for a 31 single family home community, considering its future land use designation and surrounding properties.

Proposed Building Materials	Hardy siding, wood, stucco, and stone accents
Unit Sizes	1,650 sf
Number of Bedrooms	3 minimum/unit
Will there be a garage for each unit?	Yes, 2 Car Garages
Will units be rear entry, front entry, or a mixture?	Mostly front entry, with some side entry garages
Anticipated List Price	\$270,000 +

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, the Rezoning Application Criteria, and the Future Land Use Map Amendment Criteria. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other

required materials.

II. REZONING APPLICATION CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The rezoning would be in conformity to the comprehensive plan.

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 use and development of adjacent and nearby properties. The properties immediately surrounding the Subject Property are zoned R-100 and RSM, and are developed as such. Additionally, all of these properties have a future land use designation of Suburban, which is consistent with the proposed rezoning and development.

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

The Subject Property has no reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposed community will serve as another residential development to enhance the area's housing market.

Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

The Applicant is not aware of any existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, district, or archaeological resources.

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

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

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT'S CONSTITUTIONAL RIGHTS

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Stonecrest City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the

Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of DeKalb demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution

of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal to allow the rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the simultaneous Future Land Use Amendment Application and Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stonecrest so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 2nd day of July, 2021.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant



Environmental Site Analysis

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.

The proposal is to rezone from R-100 to RSM for the development of a thirty-one (31) unit single family-detached community. Currently, a large majority of the land is heavily wooded, with a single family-detached home located along Browns Mill Road.

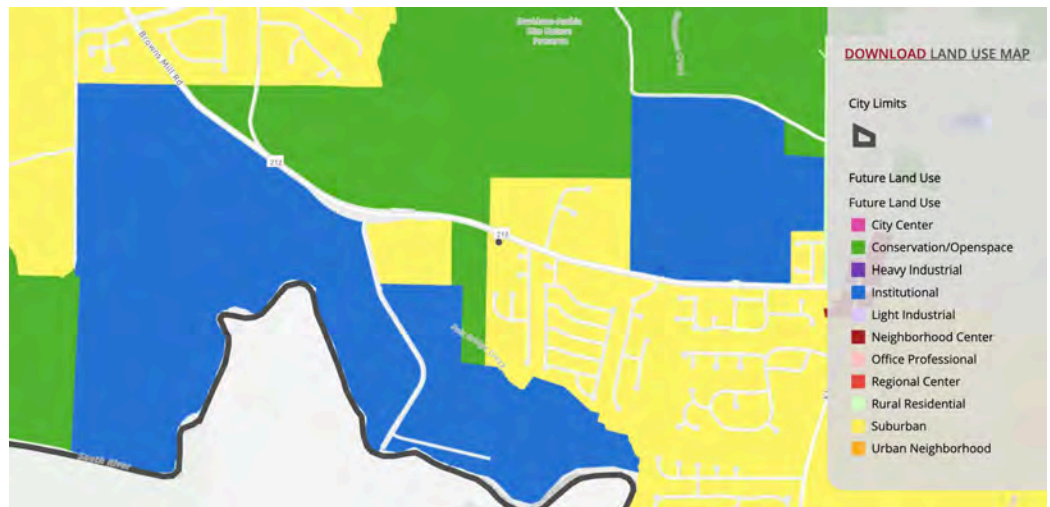
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.

Adjacent properties to the West include heavily wooded areas and Pole Bridge Creek. To the North there are four single family-detached homes. Lastly, to the East and South is a single family-detached community with a single entrance point on Browns Mill Road.

- c. Describe how the project conforms to the Comprehensive Land Use Plan.

The Future Land Use designation of the Subject Property is Suburban. The proposed rezoning to RSM, and proposed thirty-one (31) unit single family-detached community both conform to the Comprehensive Land Use Plan, as they both fall within the Suburban Land Use category.

- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.





- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

The proposed project is in conformance with the land use suggestion of the Comprehensive Plan and pertinent Plan policies. The Plan allows for RSM zoning within the the Suburban Land Use designation. The proposed density is also supported by the Suburban land use designation.

2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

To the Applicant's knowledge, there are no wetlands on the property.

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

To the Applicant's knowledge, there are no floodplains on the property.

c. Streams/stream buffers

- Field observation and verification

To the Applicant's knowledge, there are no streams on the property, but a stream does traverse near the Northern edge of the property .The stream buffer does not cross over the property.

d. Slopes exceeding 25 percent over a 10-foot rise in elevation

- United States Geologic Survey Topographic Quadrangle Map
- Field observation and verification

To the Applicant's knowledge, there are no slopes exceeding 25% over a 10-foot rise in elevation.

e. Vegetation • United States Department of Agriculture, Nature Resource Conservation Service

- Field observation

The property is heavily wooded.

f. Wildlife Species (including fish)

- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

To the Applicant's knowledge, there are no wildlife habitats on the property.



g. Archeological/Historical Sites

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

To the Applicant's knowledge, there are no archeological/historical sites.

3. Project Implementation Measures

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

The applicant will do whatever deemed necessary to protect environmentally sensitive areas.

- b. Protection of water quality

The applicant will do whatever deemed necessary to protect water quality.

- c. Minimization of negative impacts on existing infrastructure

The applicant will do whatever deemed necessary to minimize negative impacts on existing infrastructure.

- d. Minimization on archeological/historically significant areas

To the Applicant's knowledge, there are no archeological/historically significant areas on the property.

- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

To the Applicant's knowledge, the community is not an environmentally stressed one.

- f. Creation and preservation of green space and open space

3120 Stonecrest Blvd. • Stonecrest, Georgia 30038 • (770) 224-0200 •



The proposed development will include open/green space for each individual home. With a density of 5.1 units/acre, each home has both a front and back yard for residents to enjoy.

- g. Protection of citizens from the negative impacts of noise and lighting

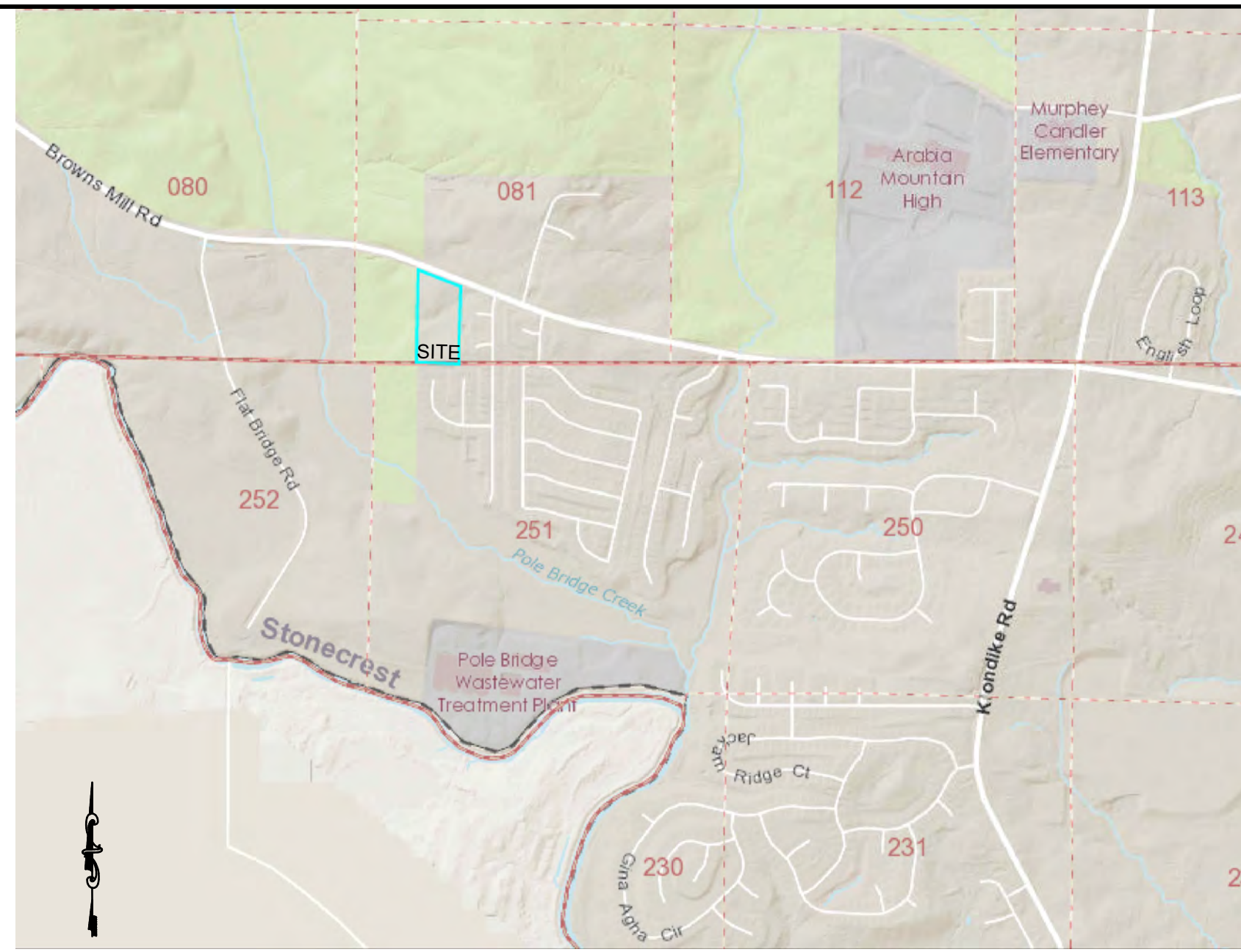
The proposed single family-detached community minimally impact current citizens in terms of noise and lighting.

- h. Protection of parks and recreational green space

To the Applicant's knowledge, the proposed development will not adversely impact existing parks and recreational green space.

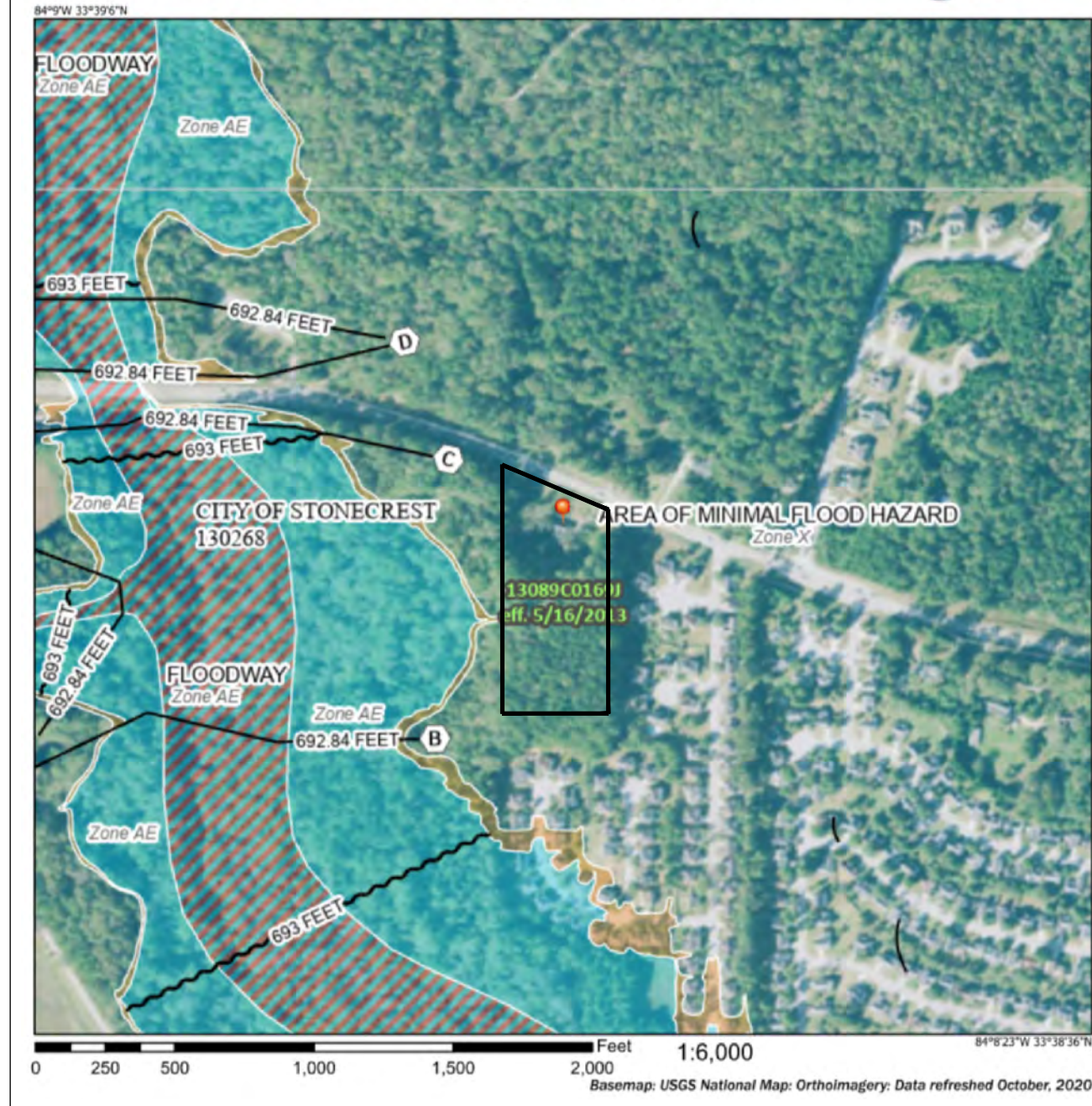
- i. Minimization of impacts to wildlife habitats

To the Applicant's knowledge, there is no nearby wildlife habitats.



VICINITY MAP
N.T.S.

National Flood Hazard Layer FIRMeTte



Legend

SEE FIRM REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) With 0.2% ACF Depth (Zone AE, AE-1, AE-2)
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)
- Future Conditions 1% Annual Chance Flood Hazard (Zone X-1)
- Area with Reduced Flood Risk due to Levee, Sea Walls, etc. (Zone V)
- Area with Flood Risk due to Levee (Zone V-1)

OTHER AREAS

- Area of Minimal Flood Hazard (Zone M)
- Effective LOMs
- Area of Undetermined Flood Hazard (Zone U)

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Truncated Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Constant Truncated Baseline Profile Baseline
- Hydrographic Feature

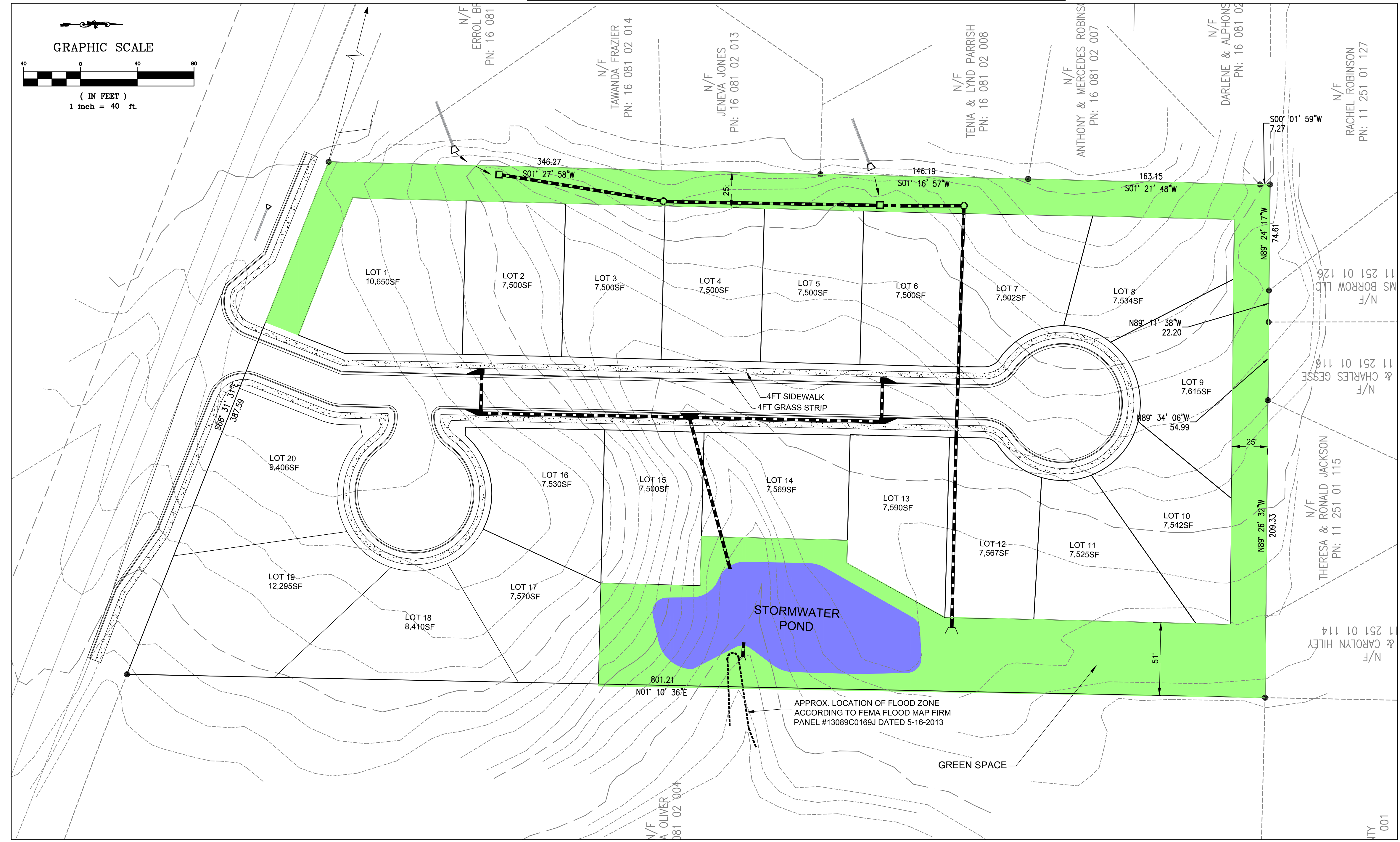
MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

This map complies with FEMA's standards for the use of digital flood maps. If it is not used as described below, the base map shown complies with FEMA's base map accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was updated on 6/20/2021 at 12:23 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRMeTte panel number, and FIRMeTte effective date. Map images for unmapped and unbordered areas cannot be used for regulatory purposes.



PROPERTY INFORMATION

ADDRESS: 6301 BROWNS MILL ROAD, STONECREST, GA
 PARCEL ID: 16 081 02 004
 CURRENT ZONING: R100
 PROPOSED ZONING: RSM
 LOT SIZE: 6,074C

DEVELOPER

SEED CAPITAL INVESTMENTS, LLC
 3112 MAIN STREET, SUITE 200
 DULUTH, GA 30096

CONTACT: WAYNE S. MOREHEAD

TEL: 678-641-2284
 EMAIL: wmorehead@seedcapitalinvestment.com

DEVELOPMENT STANDARDS (RSM ZONING, SINGLE FAMILY DETACHED)

DENSITY:	4 UNITS/AC
LOT AREA:	5,000SF
LOT WIDTH:	50FT
LOT COVERAGE:	50%
FRONT SETBACK:	15FT
SIDE SETBACK - INTERIOR:	3FT (10FT BETWEEN BUILDINGS)
SIDE SETBACK - CORNER LOT:	15FT
REAR SETBACK:	20FT
HEATED AREA:	1,200SF

DEVELOPMENT STANDARDS (ARABIAN MOUNTAINS OVERLAY DISTRICT)

DENSITY:	8 UNITS/AC (of developable land)
LOT AREA:	7,500SF (10,000SF ON PERIPHERY)
LOT WIDTH:	70FT (35FT AT CUL-DE-SAC)
LOT COVERAGE:	50%
FRONT SETBACK:	20FT
SIDE SETBACK:	10FT
REAR SETBACK:	20FT (Not defined, use Stonecrest)
GREEN SPACE (Sec. 3.4.9):	30% (65% on contiguous tract)
GREEN SPACE INCLUDES:	1. NATURAL UNDISTURBED AREAS 2. PASSIVE RECREATIONAL AREAS 3. TRAILS AND GREEN WAYS 4. BIKEWAYS AND PATHS 5. MATURE WOODED AREAS

BUFFER REQUIREMENTS:

EXTERIOR BUFFER INCLUDED IN REQUIRED GREEN SPACE
 NOT INCLUDED AS PART OF PLATTED LOTS
 LOTS LESS THAN 10,000SF: 25FT

DEVELOPMENT SUMMARY

SITE AREA:	6.09AC
UNDEVELOPABLE AREAS:	
STREAMS AND STREAM BUFFERS:	0AC
WETLANDS:	0AC
ROCK OUTCROPPINGS:	0AC
SLOPES STEEPER THAN 2:1:	0AC
ARCHAEOLOGICAL SITES:	0AC
FLOODPLAINS:	0AC
DEDICATED RIGHT-OF-WAY:	1.25AC
TOTAL UNDEVELOPABLE AREAS:	1.25AC
DEVELOPABLE AREAS (6.09 - 1.25):	4.84AC
MAX. NO. OF LOTS @ 8 UNITS/AC:	38 LOTS
NO. OF LOTS:	20
GREEN SPACE:	
REQUIRED (30% x 4.84):	1.45AC
PROVIDED:	1.55AC
STREETS:	
R.O.W. WIDTH:	50FT
ROADWAY WIDTH:	24FT (FOC TO FOC)
PAVEMENT WIDTH:	21FT

CIVITECH CONSULTING, LLC
 4221 GRANT FOREST CIRCLE
 ELLENWOOD, GA 30294
 TEL: 770-756-4699

THE JAMES RETREAT
 6301 BROWNS MILL RD
 STONECREST, GA 30038



DATE:	06/28/2021
SCALE:	As Shown
DESIGNED BY:	SMC
DRAWN BY:	JL
CHECKED BY:	SMC
APPROVED BY:	SMC
DRAWING NO.:	

PRELIMINARY, NOT ISSUED FOR CONSTRUCTION

Proposed Representative Elevations Mid-Century Modern



PUBLIC PARTICIPATION PLAN

Applicant: WSM Associates, LLC

1. The following individuals (property owners within a minimum of 500 ft of the property), homeowner's associations, political jurisdictions, other public agencies, etc. will be notified

Everyone listed on the mailing list provided by City of Stonecrest Staff

along with all property owners within a minimum of 750 ft of the boundaries of the property.

2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Letters will be mailed to all individuals listed in Paragraph 1 above.

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

A community meeting will be held via Zoom between the hours of 6pm and 8:30pm on a
a weekday, with the exception of Friday.

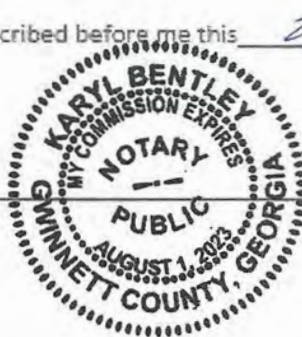
Attach additional sheets as needed.



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	WSM Associates, LLC Signature: <i>Waymen</i>		Date: <i>6/28/21</i>
	Address: 3344 Folly Beach Park		City, State: Lawrenceville, GA Zip: 30044
	Phone: 678-641-2284		
	Sworn to and subscribed before me this _____ day of _____, 20____		
Notary Public:			
Attorney / Agent	Signature: <i>Karyl Bentley</i>		Date: <i>6/28/21</i>
	Address: One West Court Square, Suite 750		City, State: Decatur, GA Zip: 30030
	Phone: 404-601-7616		
	Sworn to and subscribed before me this <i>28th</i> day of <i>June</i> , 20 <i>21</i>		
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: <i>Wayne March</i>
	Address: <i>3112 Main St, Ste 202 Duluth GA 30096</i>
	Date: 7/6/2021

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

Date	Government Official	Official Position	Description	Amount



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

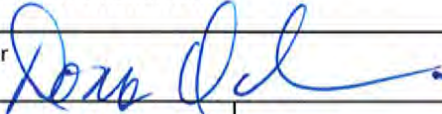

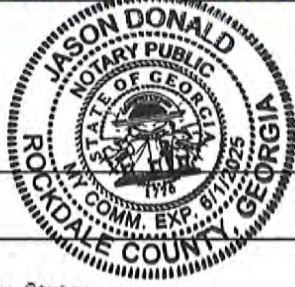
Applicant / Owner	Signature:
	Address: One West Court Square, Suite 750, Decatur, GA 30030
	Date: 7/6/2021

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

Date	Government Official	Official Position	Description	Amount

Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Donna Oliver, as owner		Date: <u>6-28-2021</u>
	Signature: 		
	Address: 6301 Browns Mill Road	City, State: Stonecrest, GA	Zip: 30038
Property Owner (If Applicable)	Phone:		
	Sworn to and subscribed before me this <u>28th</u> day of <u>June</u> , 20 <u>21</u>		
	Notary Public: 		
Property Owner (If Applicable)	Signature: 		Date:
	Address:	City, State:	Zip:
	Phone:		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
	Signature:		Date:
Property Owner (If Applicable)	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			

Attachment 3: Revised Site Plan for James Retreat, RZ-21-005



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-007, Arabia Mountain Conservation Overlay Expansion

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Rezoning

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting: Click or tap to enter a date.

Previously Heard Date(s): - Click or tap to enter a date.

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on the recommendation concerning RZ-21-007 by the Planning Commission on October 25, 2021 in preparation of the November 22, 2021 Regular City Council Meeting when the item is tentatively scheduled for action.

FACTS: See staff report

OPTIONS: Choose an item. N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

- (1) Attachment 1 - RZ-21-007, Staff Report
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.

RZ-21-007 - Arabia Mountain Conservation Overlay Expansion - Staff Report



PLANNING & ZONING STAFF REPORT

RZ-21-007

Work Session November 8, 2021

GENERAL INFORMATION

Petition Number: RZ-21-007

Applicant: City of Stonecrest, Planning & Zoning Dept

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

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

* Owner Occupied, Address of owner matches property address

** Address has open permits

Council District: District 1 – Jimmy Clanton

Acreage: Approximately 160.03 acres

Existing Zoning: R-100 (Residential Med Lot) District, Stonecrest Area Overlay, Tier 5

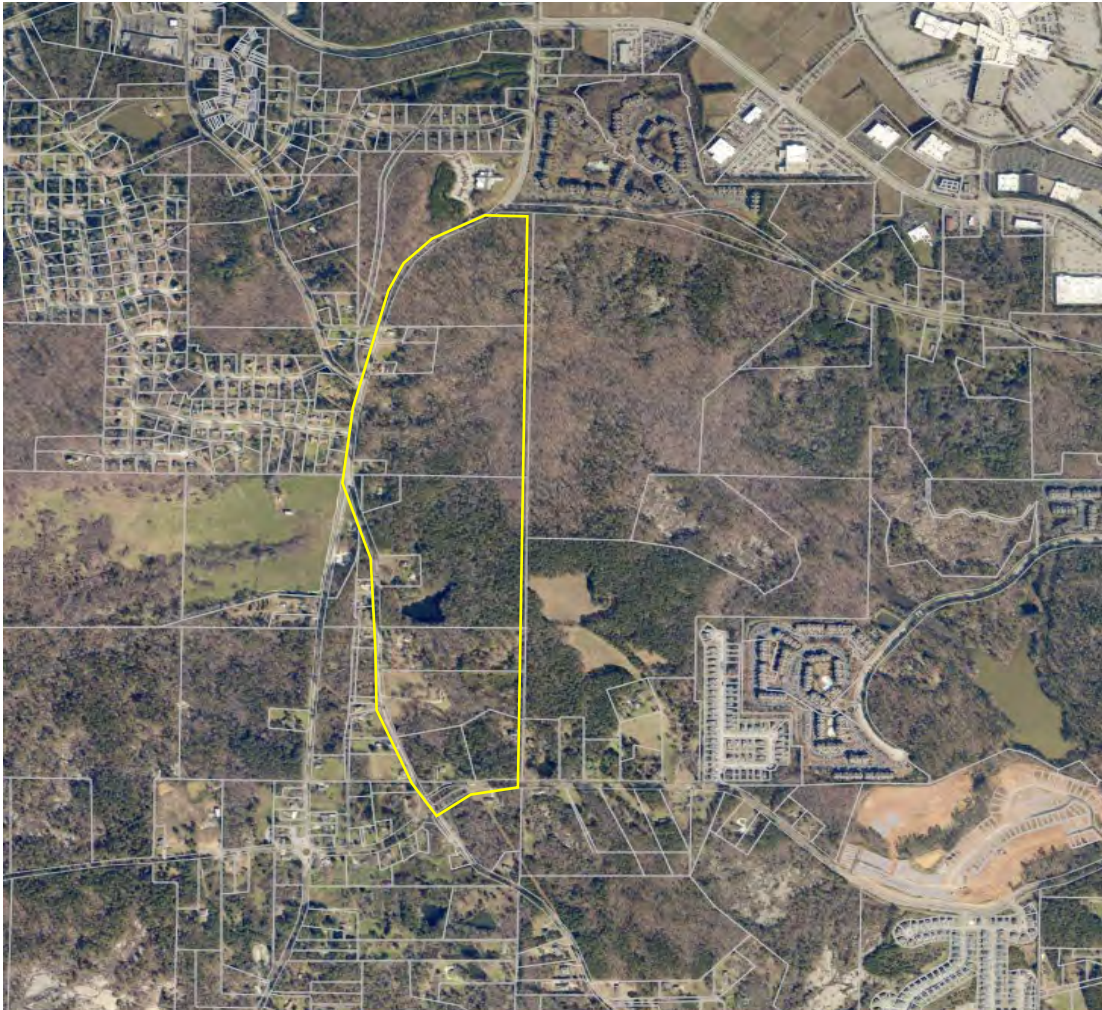


PLANNING & ZONING STAFF REPORT

RZ-21-007

Proposed Zoning:	R-100 (Residential Med Lot) District, Arabia Mountain Conservation Overlay
Comprehensive Plan Character Area Designations:	Conservation/Open Space, Suburban, and Rural Residential
Proposed Development/Request:	Proposed city-initiated rezoning from Stonecrest Area Overlay, Tier 5 to Arabia Mountain Conservation Overlay.
Staff Recommendations:	Approval
Planning Commission Recommendation:	Approval.

Aerial Map, RZ-21-007

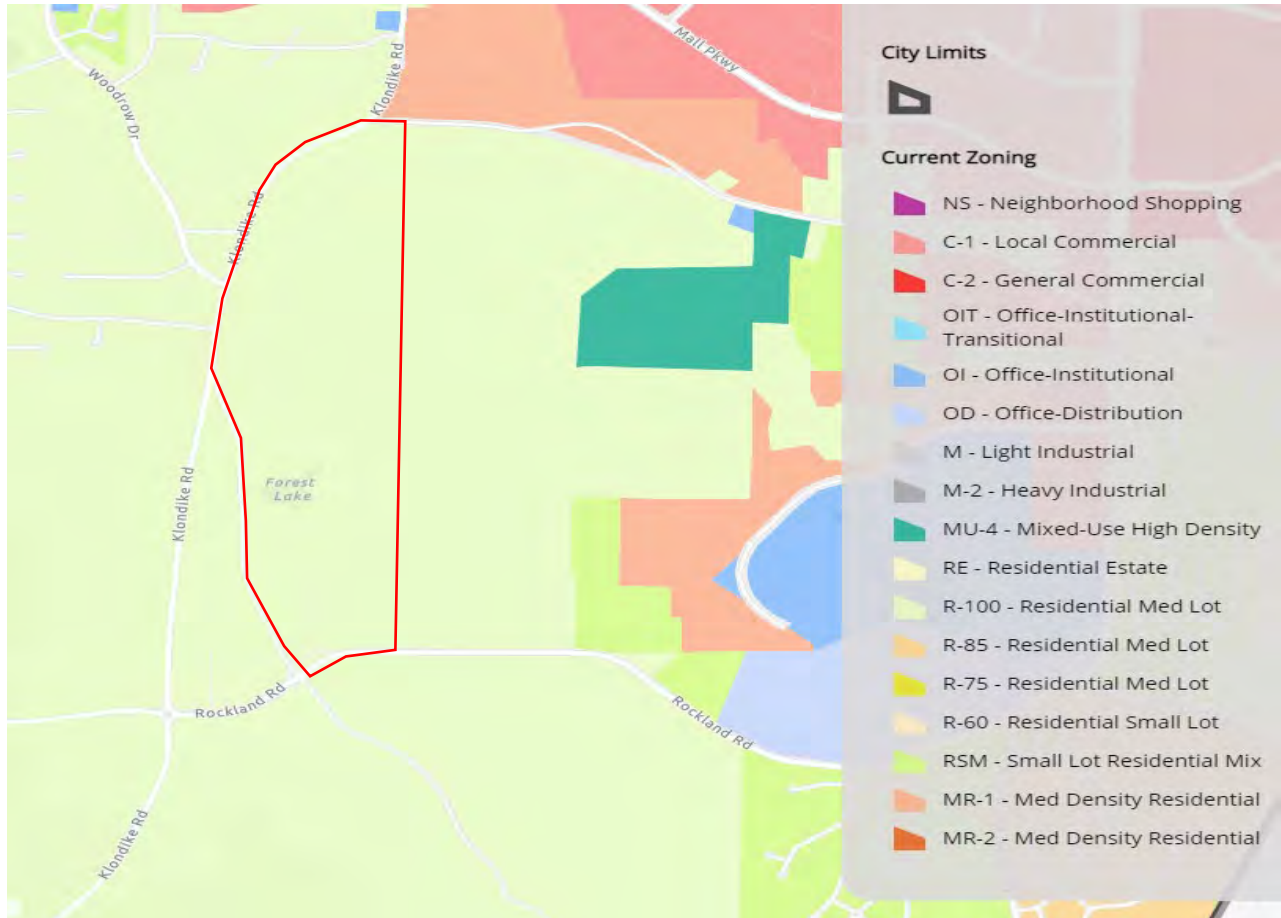




PLANNING & ZONING STAFF REPORT

RZ-21-007

Zoning Map, RZ-21-007

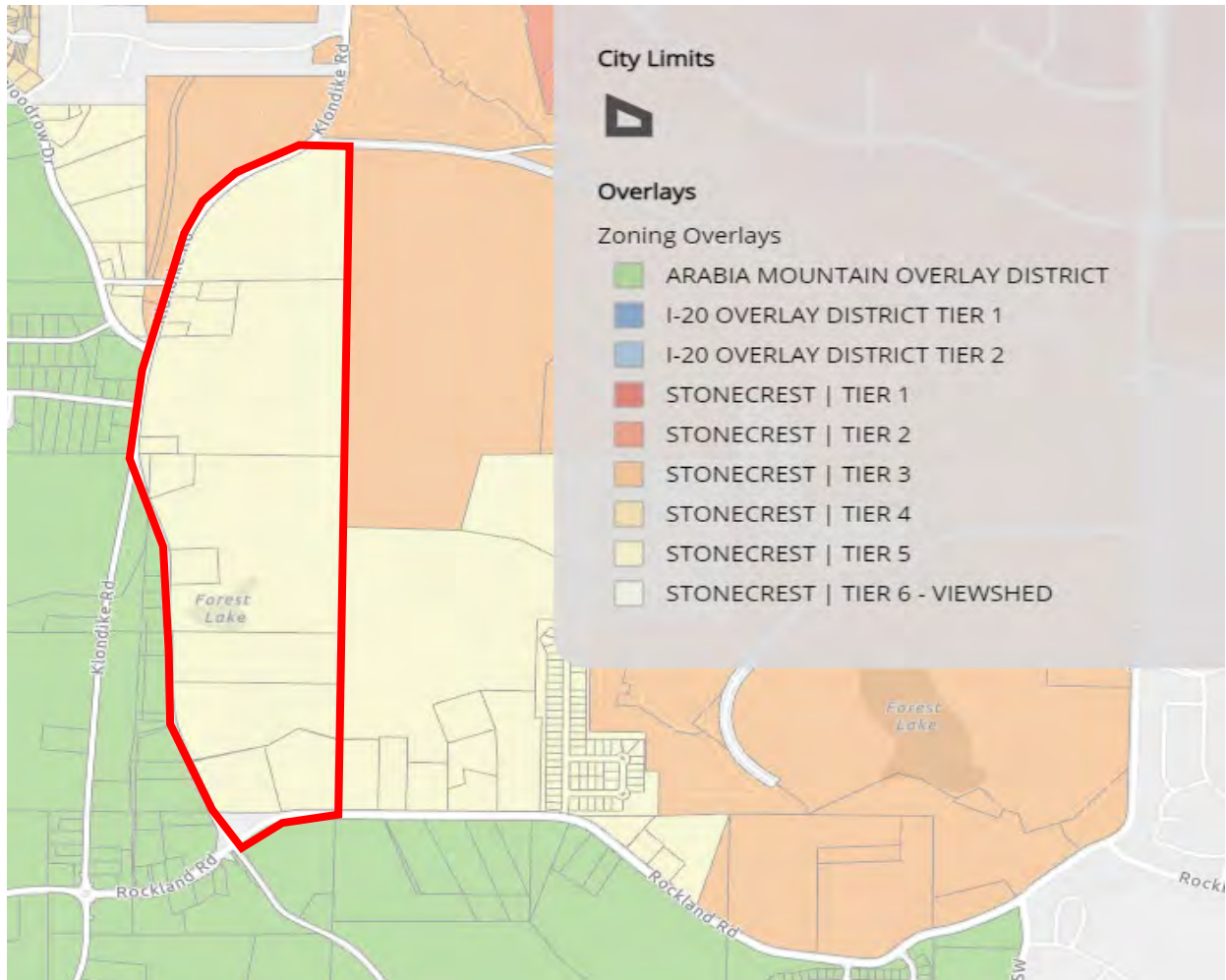


The area in question is outlined in red and is zoned R-100, Single Family Residential

PLANNING & ZONING STAFF REPORT

RZ-21-007

Overlay District Map



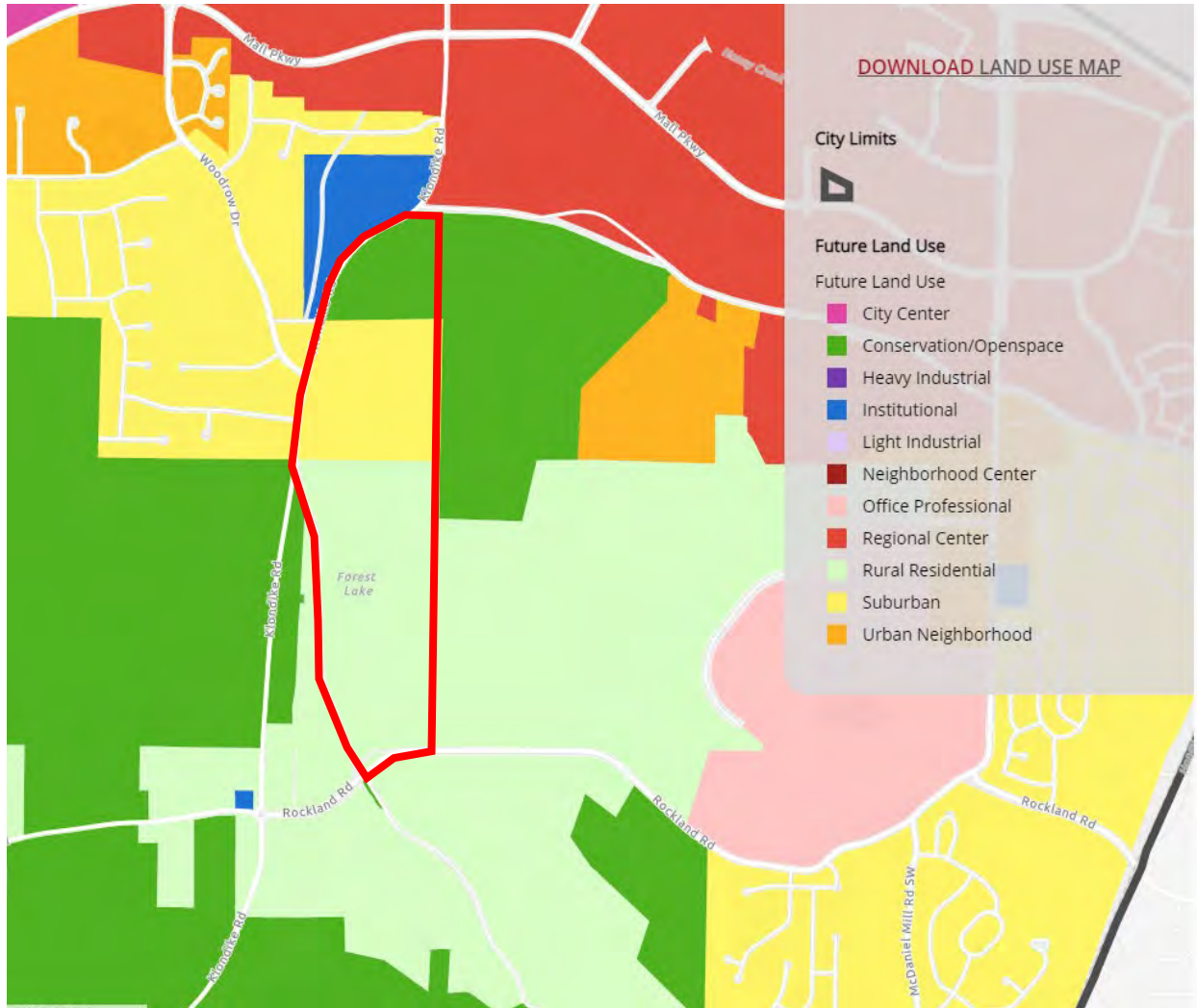
The area in question is outlined in red and is in Tier 5 of the Stonecrest Area Overlay, adjacent to the Arabia Mountain Conservation Overlay to the west and south.



PLANNING & ZONING STAFF REPORT

RZ-21-007

Future Land Use Map, RZ-21-007



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

PLANNING & ZONING STAFF REPORT

RZ-21-007

OVERVIEW

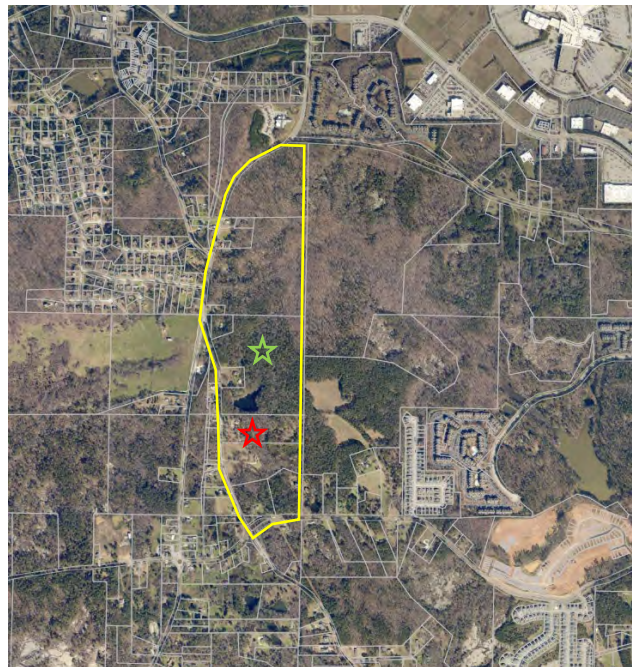
Location

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

Background and reason for the rezoning

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

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



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

Rezoning Request

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

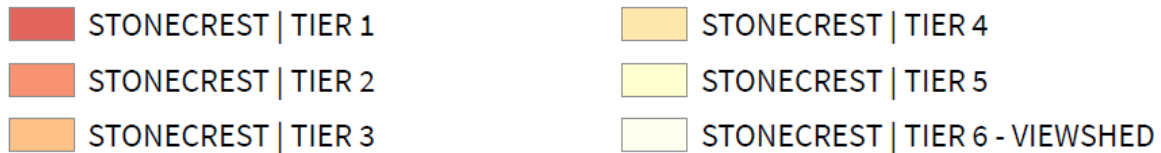
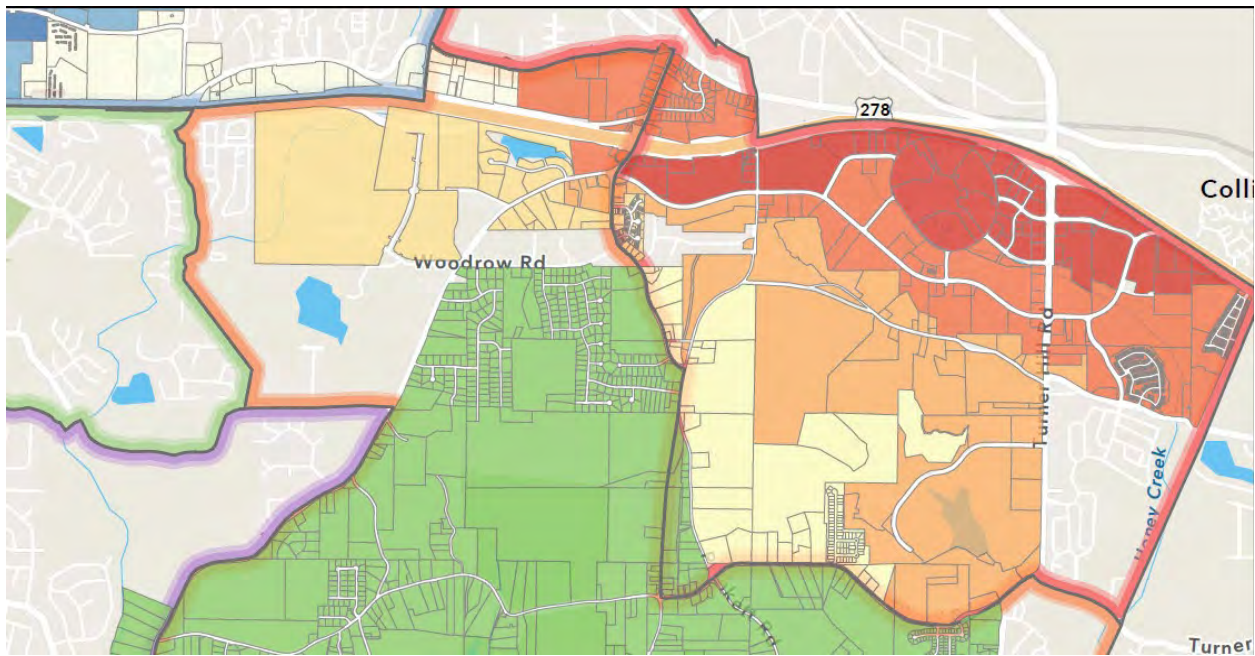


PLANNING & ZONING STAFF REPORT

RZ-21-007

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

Current Zoning – Stonecrest Area Overlay





PLANNING & ZONING STAFF REPORT

RZ-21-007

The Stonecrest Area Overlay is a promotional Overlay District:

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

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

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

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

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

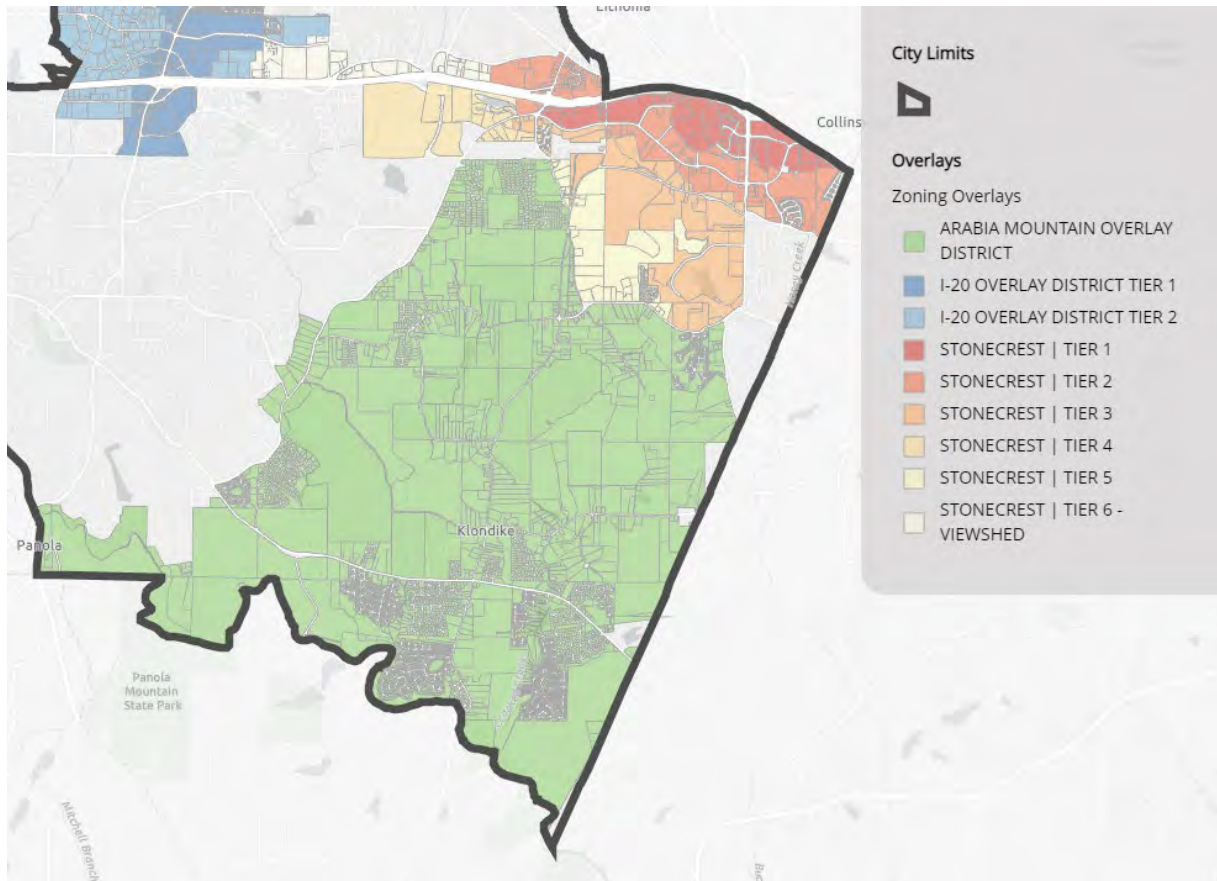


PLANNING & ZONING STAFF REPORT

RZ-21-007

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

Proposed Zoning – Arabia Mountain Conservation Overlay



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



PLANNING & ZONING STAFF REPORT

RZ-21-007

Sec. 3.4.7 Lot Coverage

- Net lot coverage shall not exceed 25%

Sec. 3.4.8 Clearing and grading of lots

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

Sec. 3.4.9 Development Standards

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-007

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

Comparison between the two overlay districts

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

Public Participation

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

STANDARDS OF REZONING REVIEW

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



PLANNING & ZONING STAFF REPORT

RZ-21-007

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

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-007

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

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

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

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-007

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

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

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

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

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

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

RECOMMENDATION

Staff and Planning Commission recommends unconditional **APPROVAL** of **RZ-21-007**.



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-008, ACE Homes

AGENDA SECTION: *(check all that apply)*

PRESENTATION **PUBLIC HEARING** **CONSENT AGENDA** **OLD BUSINESS**
 NEW BUSINESS **OTHER, PLEASE STATE:** Click or tap here to enter text.

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE: Rezoning

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, October 28, 2021

Current Work Session: Monday, November 8, 2021

Current Council Meeting: Click or tap to enter a date.

Previously Heard Date(s): - Click or tap to enter a date.

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on the recommendation concerning RZ-21-008 by the Planning Commission on October 25, 2021 in preparation of the November 22, 2021 Regular City Council Meeting when the item is tentatively scheduled for action.

FACTS: See staff report

OPTIONS: Choose an item. N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

- (1) Attachment 1 - RZ-21-008, Staff Report
- (2) Attachment 2 - RZ-21-008 Application Materials
- (3) Attachment 3 - Sewer Capacity Evaluation
- (4) Attachment 4 - Site Plan Exhibits



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - DeKalb County Rezoning Case File, Z-07-13333

Attachment 1: RZ-21-008 Staff Report



PLANNING & ZONING STAFF REPORT

RZ-21-008

Work Session November 8, 2021

GENERAL INFORMATION

Petition Number:	RZ-21-008
Applicant:	ACE Homes LLC, represented by Prime Engineering
Owner:	ACE Homes LLC
Project Location:	2261 South Stone Mountain Lithonia Rd (Parcel ID# 16 124 02 011), 2241 South Stone Mountain Lithonia Rd (Parcel ID# 16 124 02 016), and 1780 Phillips Rd (Parcel ID# 16 101 03 011)
Council District:	District 1 – Jimmy Clanton
Acreage:	Approximately 70 acres
Existing Zoning:	Medium Density Residential (MR-1) and Local Commercial (C-1)
Proposed Zoning:	Rezoning of 2241 South Stone Mountain Lithonia Road (part) from C-1 to MR-1, decreasing the size of the C-1 from 3.92 acres to 2.68 acres, and a change in conditions for a proposed Medium Density Residential (MR-1) development at 2241 South Stone Mountain Lithonia Road, 2261 South Stone Mountain Lithonia Rd, and 1780 Phillips Rd
Comprehensive Plan Character Area Designation:	Suburban Neighborhood
Proposed Development/Request:	Stonecrest Estates, a mixed-use development consisting of 131 town homes and 202 single family homes, with new roads, clubhouse, pool, walking trail, pavilion and a 2.68 acre commercial lot.
Staff Recommendation:	Approval with conditions
Planning Commission Recommendation:	Approval with conditions



PLANNING & ZONING STAFF REPORT

RZ-21-008

Aerial Map, RZ-21-008



PLANNING & ZONING STAFF REPORT

RZ-21-008

Zoning Map

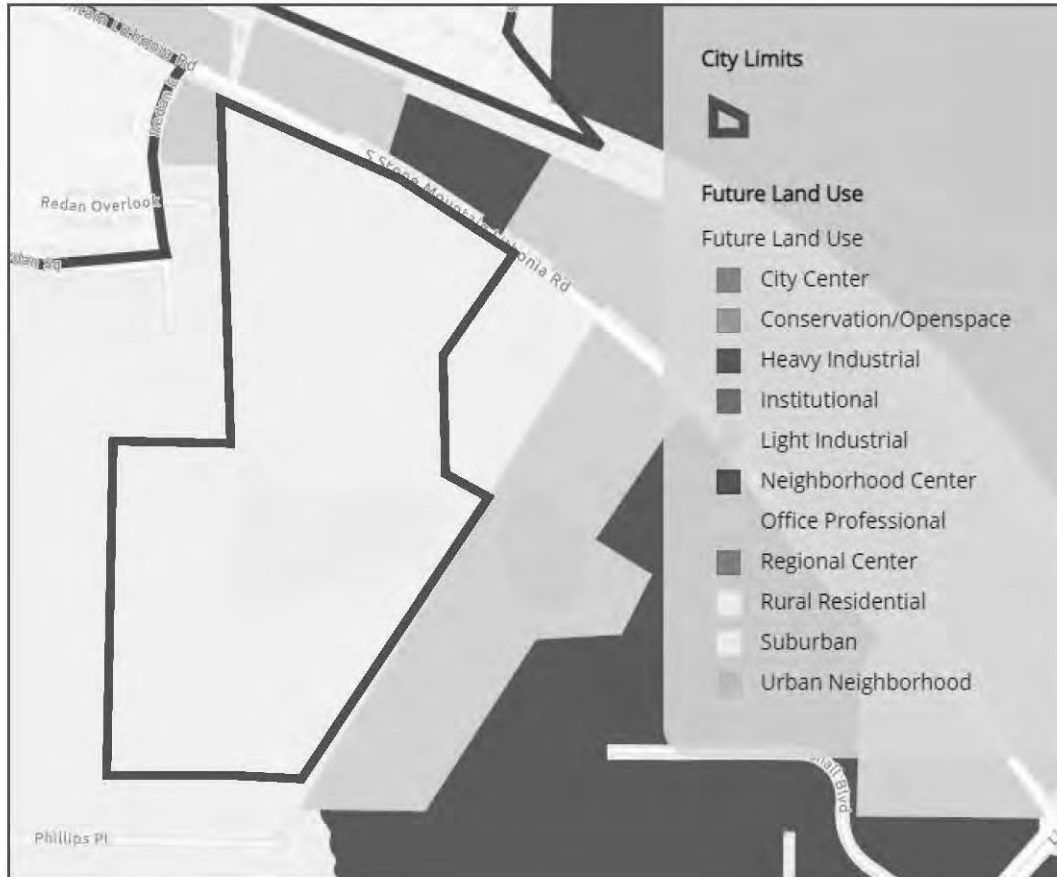




PLANNING & ZONING STAFF REPORT

RZ-21-008

Future Land Use Map



PROJECT OVERVIEW

Location

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

Background

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

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



Rezoning Request

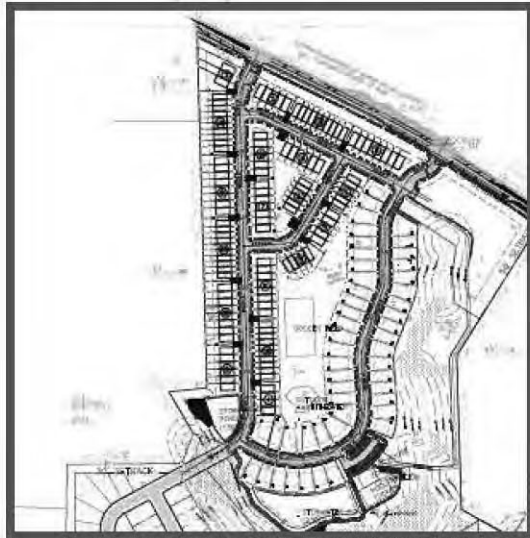
The applicant is requesting to slightly reconfigure the zoning boundaries between the approved C-1 and MR-1, and change the conditions of the Z-07-13333 zoning case to adhere to a new site plan. The original 2007 site plan included a senior living component that is no longer part of the proposal.

The commercial portion of the Stonecrest Estates will be decreasing the size from 3.92 acres to 2.68 acres. Adding more land to the MR-1 zoned portion of the project. As proposed the mixed-use development would consist of 13 town homes and 202 single family homes, with new roads, clubhouse, pool, walking trail, pavilion and the small commercial lot.

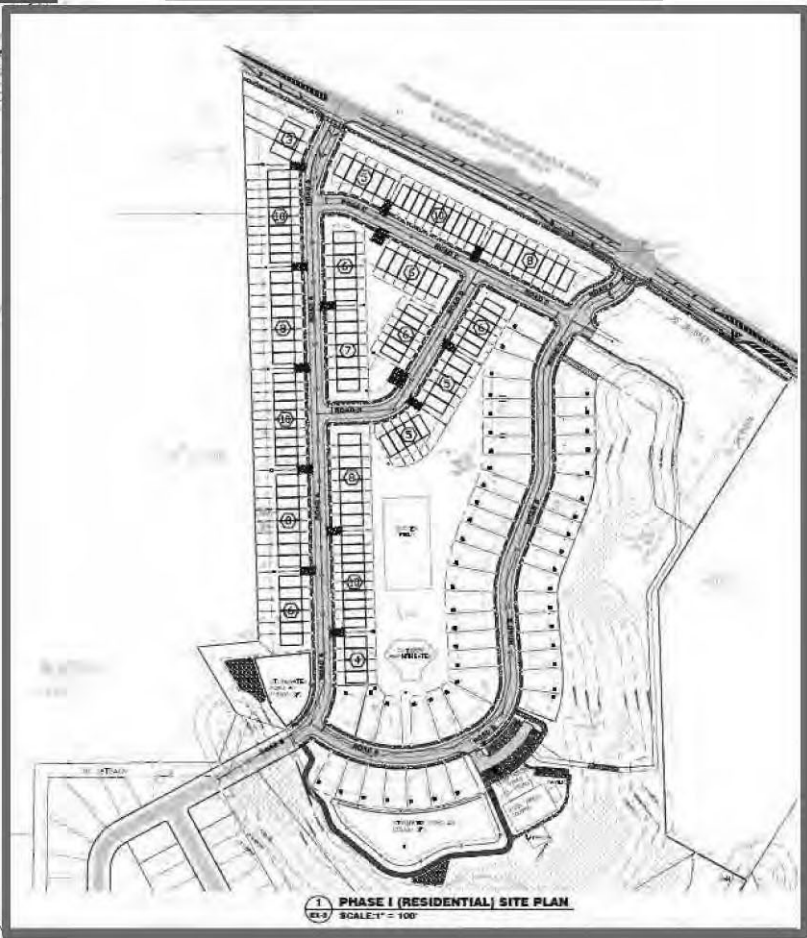
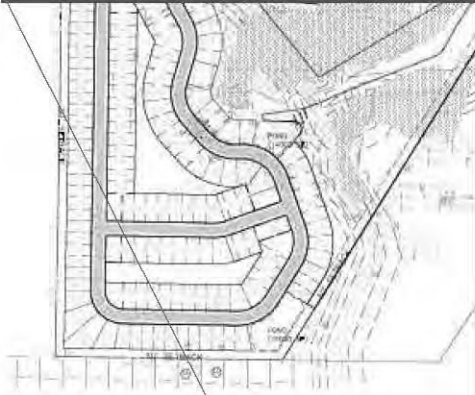
PLANNING & ZONING STAFF REPORT

RZ-21-008

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



Stonecrest Estates, Phase 1





PLANNING & ZONING STAFF REPORT

RZ-21-008

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

Public Participation

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

STANDARDS OF REZONING REVIEW

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

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-008

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

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

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

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-008

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

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

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

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

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

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

RECOMMENDATION

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

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

Attachment 2: RZ-21-008 Application Materials

PRIME ENGINEERING INCORPORATED®

September 7, 2021 (Revised)

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

Re: **Letter of Intent**
Stonecrest Estates
Stonecrest, GA

To Whom It May Concern:

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

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

Comprehensive Plan Land Use Map Amendments:

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

Zoning Map Amendments:

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

Sincerely,



Robert R. MacPherson, P.E.
Vice President
Prime Engineering, Inc.



Rezoning Application

Owner Information	Owner's Name:				
	Owner's Address:				
	Phone:	Fax:	Email:		
	Property Address:			Parcel Size:	
	Parcel ID:				
	Current Zoning Classification:				
	Requested Zoning Classification:				
	Name:				
	Address:				
	Phone:	Fax:			
Cell:	Email:				
Property Information	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>				
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?				
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?				
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?				
	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?				
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?				
	6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?				
	Questionnaire				



Affidavit

To the best of my knowledge, this zoning 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.

Robert R. MacPherson

Applicant's Name: *Robert R MacPh*

Applicant's Signature: _____ Date: 09/07/2021

Sworn to and subscribed before me this 7th Day of September 20 21

Notary Public: *Judith G. Wilgus*

Signature: _____
OFFICIAL SEAL
JUDITH G. WILGUS
NOTARY PUBLIC-GEORGIA
COBB COUNTY
My Comm. Expires Oct. 20, 2022

My Commission Expires:

Application Fee Sign Fee Legal Fee

Fee: \$ 2,000 Payment: Cash Check CC Date: 09/07/2021

Approved Approved with Conditions Denied Date: _____

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

Notary

Fee



Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Signature:		Date: 09/02/2021
	Address: 5945 PEACHTREE COUNTRY EAST		City, State: NORCROSS, GA
	Phone: 678-249-8971		
Property Owner (If Applicable)	Sworn to and subscribed before me this 02 day of September, 2021		
	Notary Public:		
	Signature:		
Property Owner (If Applicable)	Address:		City, State:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
Property Owner (If Applicable)	Notary Public:		Date:
	Signature:		
	Address:		City, State:
Property Owner (If Applicable)	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: 09/02/2021
	Address: 5945 PEACHTREE CORNERS EAST, City, State: NORCROSS, GA		Zip: 30071
	Phone: 678-249-8971		
Sworn to and subscribed before me this <u>02</u> day of <u>September</u> , 20 <u>21</u>			
Attorney / Agent	Notary Public:		
	Signature:		
	Address:	City, State:	
Phone:			
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			



Campaign Disclosure Ordinance

Campaign Disclosure Ordinance

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

GA Citation/Title

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

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

(Current through 2000 General Assembly)

36-67 Disclosure of campaign contributions.

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

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

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