

**PLANNING COMMISSION MEETING**  
Stonecrest City Hall - 6:00 PM \**In-Person Meeting*  
July 5, 2022



**A G E N D A**

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

*Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit their request via email address [kjackson@stonecrestga.gov](mailto:kjackson@stonecrestga.gov) by noon the day of the hearing, July 5, 2022. A zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.*

- I. Call to Order**
- II. Roll Call**
- III. Approval of the Agenda**
- IV. Presentations** - Presentation by Acting Director/Senior Planner Keedra Jackson, Planning and Zoning Department on department activities and upcoming cases.
- V. Approval of Minutes** - Planning Commission Meeting Minutes Summary dated June 7, 2022
- VI. Old Business:**
  - 1. Public Hearing(s):**
- VII. New Business:**

Land use Petition:	SLU-22-005
Petitioner:	Robert Peterson on behalf of Dapet Enterprises, LLC
LOCATION:	3935 Cain Mill Drive, Stonecrest, GA 30038
PROPOSED AMENDMENT:	To seek a Special Land Use Permit to operate a short-term rental. The subject property is located near the southernly corner of Cain Mill Drive and Button Gate Court. The property is zoned R-100 (Residential Medium Lot)

LAND USE PETITION:	TMOD-22-010
PETITIONER:	Planning & Zoning Department
LOCATION:	Citywide
PROPOSED AMENDMENT:	Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

**VIII. Adjournment**

PLANNING COMMISSION MEETING MINUTES SUMMARY  
Stonecrest City Hall - 6:00 PM \*In-Person Meeting  
June 7, 2022



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- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the in-person meeting to order at 6:09 PM.
  
- II. **Roll Call:** Chairman Hubbard called the roll. Commissioner Joyce Walker (District 2), and Pearl Hollis (District 4) were present. Commissioners Stefanie Brown (District 1) was absent. District 5 is currently VACANT. There was a quorum.  
  
Acting Director/Senior Planner Keedra Jackson, MPA, was present. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.
  
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Ms. Hollis motioned to **APPROVE THE AGENDA**. Ms. Walker seconded the motion. The motion was unanimously **APPROVED**.
  
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated May 3, 2022. Chairman Hubbard called for a motion to approve the Planning Commission Meeting Minutes Summary dated May 3, 2022. Ms. Hollis motioned to **APPROVE**. Ms. Walker seconded the motion. The motion was unanimously **APPROVED**.
  
- V. **Presentations: Upcoming Cases Presented by Ms. Keedra Jackson**  
The upcoming cases will be heard in July 2022:
  - **SLUP-22-005** - The applicant is seeking to operate a short-term rental
  - **RZ-22-004** - The applicant seeking a rezoning to be a late-night establishment
  - **TMOD-22-002** - To remove the light industrial use from Tier 3 of the Stonecrest Overlay (have heard this TMOD before). Staff is making some amendments to it.
  - **TMOD-21-005** - Regarding the base zoning of the Stonecrest Overlay
  
- VI. **Old Business:**
  - 1. **Public Hearing(s):**

LAND USE PETITION:	RZ-22-002
PETITIONER:	Nick Faber of IDI Logistics
LOCATION:	2300 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road
<b>PROPOSED DEVELOPMENT:</b>	To rezone 205.2 +/- acres of land from M (Light Industrial) and M-2 (Heavy Industrial) to M (Light

Industrial) for the amendment of zoning conditions CZ-81143: #7, 10, 11, 14, and 17 to allow for the construction of three- building warehouse development to include truck parking.

Ms. Jackson presented **PETITION RZ-22-002 (ATTACHMENT I)**. The applicant is seeking a rezoning to rezone parcels 2300, 2330, 2368, and 2376 from light industrial and heavy industrial to light industrial for the construction of three warehouse buildings totaling over 1 million square feet. It will also consist of parking and associated site improvements. Staff recommended **APPROVAL/CONDITIONS**.

In 1981, there was a rezoning of the subject's property, and the property was subject to 17 conditions. On February 22, the staff was notified that there was a subdivision of property 2330 (Parcel #16 125 01 002). Staff was notified by the GIS department of DeKalb County that there was a partial split and due to the partial splits, the current legal description of this property is now null, and void.

The applicant will now need to seek a new survey and a new legal description. Because of this information, staff feel it is best to defer this case for at least 60 days to allow the applicant the opportunity to correct the legal description of the property. Staff asking to defer to the allow applicant to obtain this new documentation. Once that documentation has been submitted, Staff will re-advertise the case. Because this is a recommending Board the case will go on to city council. They will have the opportunity to defer it back to this Board. That is the recommendation for tonight.

The Chairman asked the applicant to come forward.

Mr. Alex Brock, with Smith, Gambrell & Russell, 1105 West Peachtree Street, Atlanta, Georgia came forward and presented on behalf of the applicant, Mr. Nick Faber of **IDI** Logistics. Mr. Brock stated that **IDI** is requesting a deferral of this application for 60 days to correct the legal description for the property and obtain additional surveying. After the application was submitted for rezoning of the property, it was brought to Mr. Brock's attention that a portion of the 2330 parcel was subdivided in the past by DeKalb County GIS. Staff and the surveyor were contacted to go back out to the site to obtain the necessary information, to correct the survey, and the legal decision. The 60 days deferral will give **IDI** sufficient time to make the corrections.

The Chairman asked those in **support** to speak. There were none in support.

The Chairman asked those in **opposition** to speak.

**Those in opposition:**

*Spoke-virtually:* Ms. Renee Cail stated concerns about this project because of the devastation that it will do to the environment. Ms. Cail said she read the letter, and the **IDI** Logistics' application to construct a 1,904,300 square foot warehouse and three buildings on a 130-acre site on Stonecrest Industrial Way in the city of Stonecrest. The other address, currently the site, is forested with significant stream and wetland areas a total of 1,286 car parking spaces and 780 truck trailer spaces are included, which will adversely impact the flow of traffic.

Stonecrest community was informed that the DRI would do this impact study to determine the feasibility of the project for stone grid. The DRI regional review notifications first paragraph reads as follows, “ARC has completed a preliminary review of the following development regional impact study. Atlanta Regional Commission (ARC) reviewed the DRI’s relationship to regional plans, goals, policy and impact it may have on the activities, plans, goals, and policies of other local jurisdictions. As well as, the state, federal, and other agencies.” This preliminary report does not address whether the DRI is or is not in the best interest of the local government, which is the city of Stonecrest. According to EPA, communities of power, especially Black communities, have been concentrated in areas adjacent to industrial facilities and industrial zones that go back decades... fine particulate matter 2.5 is responsible for 85,000 to 200,000 excess deaths per year in the United States. DRI states that the entire site is forested with significant stream and wetland areas.

Do you really believe that a 1,904,300 square foot warehouse will protect our natural resources? A key comment in this regional review states IDI’s project is not aligned with the applicable developing suburbs growth policy recommendations. Which clearly state, “There is a need in these areas for additional preservation of critical environmental locations and resources as well as agricultural and forest uses. It could be better aligned. The retention of additional wooded area within the site and officially dedicating the proposed undisturbed areas as open space.

The Development Regional Impact (DRI) review confirms that a blue line stream, Swift Street, and its tributaries run through the property. There are important restrictions on blue line streams FEMA has jurisdiction and control over. These types of lands, proposed building, and proposed zoning as well as, existing structures are still under some level of control by FEMA. When an area is considered to be a blue line stream or similar type of waterway, blue line streams have the...” The Chairman stated that Ms. Cail was muted.

Ms. Cail ended comments by saying, I hope that it is not approved. If you need any more information, I will be glad to provide it.” Ms. Cail thanked the Commissioners for the opportunity to speak.

*\*Email Sent:* The Secretary read the email sent from Ms. Sandra Honore.

Ms. Honore wrote that the project does not appear to be a project that will enhance the community; it will be devastating to have 1,000 diesel trucks coming in and out of this area alone; more car traffic; and the devastation to the green space it appears. Said leaders are more concerned with profit than they are with the people who reside here.

*\*Email Sent:* Ms. Genetha Woods was virtually connected to the meeting and did raise hand to speak. Ms. Woods sent an email to the Secretary.

## **\*ATTACHMENT II**

The Chairman asked the applicant if there was a rebuttal to those comments.

Mr. Brock stated yes and stated, “The property is 205 acres. It does have streams and state waters that are on the property. We are staying outside of both the state and city buffers for those streams. We are also preserving a significant portion of the property as undeveloped. In addition, we are including at least 150 feet of buffer between our development and the adjacent properties. Portion of that will be at least 75 feet of that buffer to be undeveloped and 75 feet landscaped with

buffering material. There will be a significant amount of open space in green space preserved on the property or replanted on the property for the development.

To touch on the truck traffic or the traffic to the property. It will exit Stonecrest Industrial Parkway, which exits to the South away from the residences. The residences are located to the North and West of the property. None of the truck traffic will be directed to areas we do not have a right-of-way access. It is more appropriate tonight, to request the deferral and come back with our exhibits and more information to address these.”

The Chairman closed the public hearing before making a motion.

The Chairman motioned to **DEFER RZ-22-002 for 60-DAYS, TO GIVE THE APPLICANT THE TIME TO GET THE TRUE LEGAL DESCRIPTION OF THE PROPERTIES.** Ms. Hollis seconded the motion. The vote was **unanimously APPROVED.**

Land use Petition: TMOD-22-001  
Petitioner: Planning & Zoning Department  
LOCATION: Citywide

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

Ms. Jackson presented **PETITION TMOD-22-001** and stated that this was presented back in March 2022. The Commissioners recommended **APPROVAL.** When staff make a large change to a document it is the goal to bring it back to the Commissioners to get the true representation before it goes to City Council. Staff recommended **APPROVAL** of **TMOD-21-001.**

The Chairman asked those in **support** to speak. There were none in **support.**

The Chairman asked those in **opposition** to speak. There were none in **opposition.**

The Chairman asked for a motion. Ms. Hollis motioned to **APPROVE TMOD-22-001 WITH THE RECOMMENDATIONS FROM STAFF PERTAINING TO THE AMENDMENT OR ZONING.** Ms. Walker seconded the motion. The vote was **unanimously APPROVED.**

LAND USE PETITION: TMOD-22-006  
PETITIONER: Planning & Zoning Department  
LOCATION: Citywide

**PROPOSED AMENDMENT:** To clarify the terms and definitions used to describe land uses associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.3 Defined terms and to create Supplemental Regulations for the use.

Ms. Jackson presented **PETITION TMOD-22-006**, dealing with distilleries and breweries. Staff is making a recommendation or change to the distillery and is adding a new text amendment regarding distilleries and breweries. Staff is asking to add a section in the code that defines what a brew pub, craft brewery, craft distillery, growler, growler store, large-scale brewery, and a large-

scale distillery. That was in the previous document that Commissioners just recommended approval. Those definitions are listed there. Staff is asking to revise the **Permitted Use Table, Section 4.3.1.**

The zoning ordinance permits several uses that need further definition and supplemental use criteria for proper administration. Staff would need to create an ordinance to allow a proposed distillery to come to the city of Stonecrest.

The Chairman asked those in **support** to speak. There were none in **support**.

The Chairman asked those in **opposition** to speak. There were none in **opposition**.

The Chairman closed the public hearing before going into discussion.

The Chairman motion to **APPROVE TMOD-22-006**. Ms. Hollis seconded the motion. The motion was **unanimously APPROVED**.

Attorney Alicia Thompson addressed the Commissioners and asked, “Is *Permitted!* That is one thing that we will be looking into before the item becomes the ordinance and brings it before city council. That is just one thing that we are still going to look into. We are going to confirm that the language is correct.”

**VII. New Business:**

The Chairman welcomed Commissioner candidate Mr. Lemuel Hawkins for District 5. After training and getting sworn-in, Mr. Hawkins will be serving on the Planning Commission. Mr. Hawkins has the knowledge of being on a previous planning commission in California. The Commissioners are looking forward to Mr. Hawkins’ participation.

A point of clarification, Mr. Hawkins stated that he worked as a planner in the state of California for 17 years. Has spoken before the planning commission and have a little bit of experience at attending these hearings and implementing the zoning code. Mr. Hawkins thanked staff for a great presentation.

The Chairman congratulated Stonecrest’s newly elected Mayor Jazzmin Cobble who has taken over the reigns as mayor on May 24, 2022. Stonecrest has a new mayor, the first female mayor in the city of Stonecrest. Cobble is going to do us proud in South DeKalb and will be joining the sisterhood of the other mayors of the municipalities.

**VIII. Adjournment:** The Chairman motioned to adjourn the meeting. Ms. Hollis seconded the motion. The meeting was adjourned at 7:32 PM.

**APPROVED:**

\_\_\_\_\_  
Chairman Date

**ATTEST:**

\_\_\_\_\_  
Secretary Date



## **Planning Commission**

June 7, 2022

### **ATTACHMENT I**

# **POWERPOINT PRESENTATION**

Submitted

by

Keedra Jackson, MPA  
Acting Director/Senior Planner  
Planning and Zoning Department




THE CITY OF  
**STONECREST**  
G E O R G I A

Planning Commission  
June 7, 2022

*Community, Commerce and Culture* 1

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THE CITY OF  
**STONECREST**  
G E O R G I A

Presentation on Upcoming Cases

2



## Upcoming Cases

- SLU-22-005 – A Special Land Use Permit for a short-term rental
- RZ-22-004- Rezoning for to be a late night establishment
- TMOD-22-002 – Text Amendment to remove light industrial uses from Tier 3 of the Stonecrest Overlay
- TMOD-21-005 – Base Zoning

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**RZ-22-002**  
**2300, 2330, 2368 and 2376 S. Stone**  
**Mountain Lithonia Road and 1801**  
**Coffee Road**

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## Facts and Background

- Two of the five total parcels that comprise the Subject Property were rezoned on November 24, 1981, then located in unincorporated DeKalb County, from R-100 (Single Family Residential) to M Light Industrial and M-2 Heavy Industrial zoning district pursuant to zoning
- The City of Stonecrest Planning Staff have indicated that the Subject Property will need to have a uniform zoning to allow its consolidation and replatting.
- Later the Subject Property became a part of the City of Stonecrest when it was incorporated, however this did not affect the 1981 Rezoning conditions.

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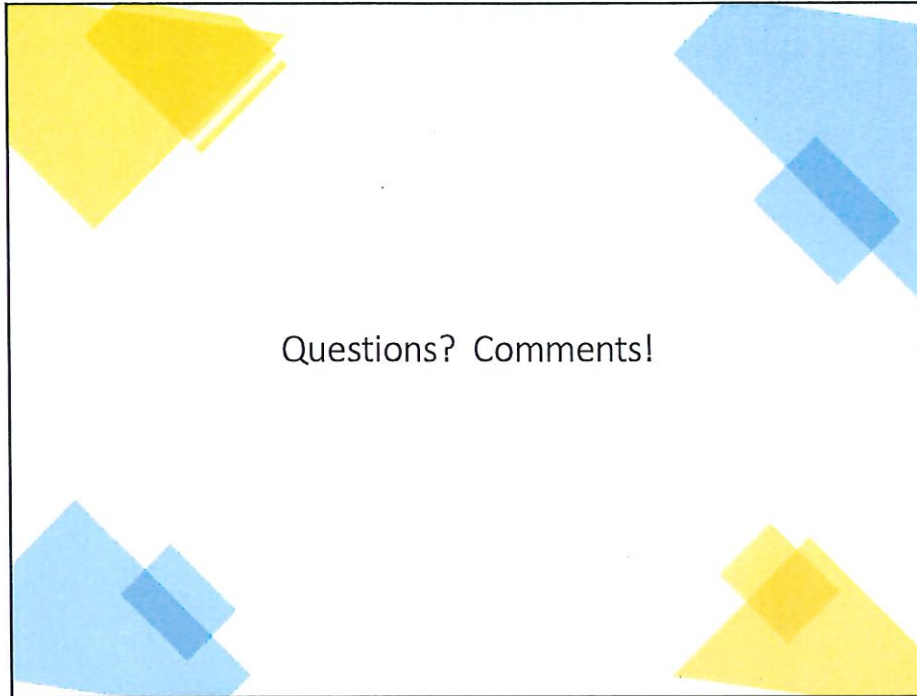
## RZ-22-002

**Proposed amendment:**  
The applicant is proposing to amend 5 of the 17 conditions of Z-81143

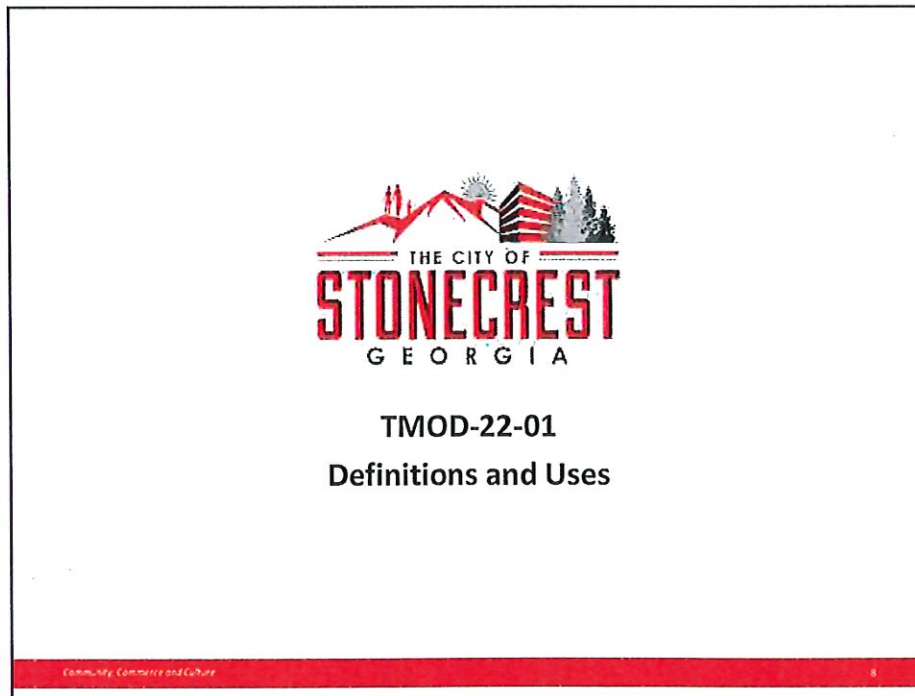
**Conditions to be amended:**

- 7. The height of any building located on the site shall not exceed 40 feet.
- 10. All buildings shall use earth tone colors the same being defined as colors which shall attempt to blend with the landscape and foliage located on property.
- 11. The fronts of any and all buildings constructed on the property shall use some brick veneer, stone, wood, or a mixture of some of the same.
- 14. Access to the site shall be limited to the Stone Mountain-Lithonia Road or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.
- 17. A cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property.

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## Facts and Background

- Municode not being up to date
- To address this problem, staff has prepared two versions of the code in Adobe PDF digital format: (1) A version that includes all known adopted text amendments as of January 24, 2022, and (2) a February 17, 2022 draft version of the Zoning Ordinance that includes this text amendment TMOD-22-001 with all changes denoted by strikethrough and underline.
- For the sake of brevity only the February 17, 2022 version the code is included in the Planning Commission packet. The February 28, 2022 version can be found online on the city website.
- Throughout the adopted zoning ordinance numerous terms are used to describe the same land use, this text modification is an attempt to standardize those terms for the sake of consistency and readability.
- Many terms used in the current Zoning Ordinance are not defined, so additional definitions were added to help with document clarity.

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## TMOD-22-001 Standardization of Terms and Definitions

### Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27 to standardize terms and definitions used throughout the Chapter and to clarify uses allowed in the districts.

### Issues being addressed:

- Multiple terms used for the same use
- Missing definitions
- Too fine a detail in lists of allowed commercial uses
- Difficulty in reading the permitted use table
- General inconsistencies in cross references caused by multiple text amendments and changing section numbers

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## TMOD-22-001 Summary of Proposed Changes


- There is a 16-page Summary Table of all the changes to help guide the reviewer
- Changes can be found throughout the Zoning Ordinance, but specifically in Chapters 2, 3, 4, 6, 7 and 9
- Highlights of the changes include:
  - Use lists added to Chapter 2 under each of zoning district provisions
  - Updated Use Tables with the shorter list of uses
  - Listed of commercial uses were simplified
  - Some housekeeping items due to the multiple 2021 text amendments were also addressed such as section numbering, deletion of some outdated tables and clarification of terms

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Zoning Ordinance with Proposed Text Amendments was included in your packet.

Note that TMOD-21-013 and TMOD-21-016 were not approved by the Council.

TMOD-21-014 and TMOD-21-015 were approved.



**City of Stonecrest, Georgia**  
Code of Ordinances  
Chapter 27 - Zoning Ordinance

January 13, 2022 DRAFT

As codified in Municipal Code (September 13, 2021) with the addition of the following approved amendments:

- TMOD-21-004 - Telecommunications
- TMOD-21-005 - Party House Ordinance
- TMOD-21-006 - Small Box Retail Store Ordinance
- TMOD-21-001 - Outdated reference to the Comprehensive Plan
- TMOD-21-002 - Personal Care Home Ordinance
- TMOD-21-003 - Gas Service Station Ordinance
- TMOD-21-004 - Removal of Special Land Use Plan Exemptions in Overlay
- TMOD-21-005 - Allowance for Car Washes in the Stonecrest Area Overlay
- TMOD-21-006 - Replacement of outdated references to zoning districts in Stonecrest Area Overlay
- TMOD-21-007 - Private Permitting
- TMOD-21-008 - Ad-Signage
- TMOD-21-009 - Special Events
- TMOD-21-010 - Prohibited Uses
- TMOD-21-011 - Restrictions on Residential Conversion of Industrial Buildings
- TMOD-21-012 - Gravel Parking

And proposed amendments as recommended for approval by Staff for the Planning Commission (Highlighted)

- TMOD-21-013 - Mitigation between residential and industrial uses
- TMOD-21-014 - FC Administrative Use
- TMOD-21-015 - Overlay and Base Zoning Conflict Mitigation
- TMOD-21-016 - Supplemental Use
- TMOD-22-001 - Standardization of Definitions and Terms

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## Article 3

3	3.1.6 – Overlay Use Table	Updated table with new land use terms
3	3.33.5 – Principal uses and structures	Removed Utility structure necessary for the transmission or distribution of services. This was replaced Telecommunications text amendment in 2019, TMOD-19-004.
3	3.4.5 – Arabia Mtn Conservation Overlay	Updated land use terms in the list of prohibited <u>uses, and</u> added clarification of the term net lot area and lot coverage (Sections 3.4.7, 3.4.8, and 3.4.9).
3	3.5.15.2 Stonecrest Area Overlay	Updated land use terms.
3	3.33.5 and 3.33.6 - I-20 Overlay	Updated land use terms.

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## Article 4

4	4.1.3.D. Prohibited Uses	Clarified language regarding the disposal or storage of hazardous/toxic solid waste approved as part of TMOD-21-010.
<b>Agricultural and Forestry</b>		
4	Table 4.1 Use Table	Change "Agricultural" to "Agricultural activities".
4	Table 4.1 Use Table	Remove "Commercial greenhouse or plant nursery" as it is identified in the Commercial Use list.

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Article	Section	Change
4	Table 4.1 Use Table	Change "Temporary or Portable Sawmill" to "Sawmill, Temporary or Portable".
<b>Residential</b>		
<b>Dwellings</b>		
4	Table 4.1 Use Table	Change "Dwelling, multi-family" to "Dwelling, multifamily".
4	Table 4.1 Use Table	Change "High Rise Apartment" to "Dwelling, Apartment".
4	Table 4.1 Use Table	Remove "live/work unit" from light industrial and heavy industrial

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## TMOD-22-001 Recommendation

Staff is recommending approval of TMOD-22-001 as outlined in the summary table included in your packet.

**Track Changes Summary of Proposed Amendments to the Zoning Ordinance related to TMOD-22-001 - Standardization of Definitions and Terms**

Article	Section	Change
2	2.3.2- RE District	Inserted lists of permitted and special uses
2	2.4.2 - RLG District	Inserted lists of permitted and special uses
2	2.5.2 - R-100 District	Inserted lists of permitted and special uses
2	2.6.2 - R-85 District	Inserted lists of permitted and special uses
2	2.7.2 - R-75 District	Inserted lists of permitted and special uses
2	2.8.2 - R-60 District	Inserted lists of permitted and special uses
2	2.9.2 - MHP District	Inserted lists of permitted and special uses
2	2.10.2 - RNC District	Inserted lists of permitted and special uses
2	2.10.7 - RNC Minimum lot width; minimum lot size; building setback;	Removed redundancy between subsections -- deleted subsections C and D.

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Questions? Comments!

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**THE CITY OF  
STONECREST  
GEORGIA**

**TMOD-22-006  
Distilleries and Breweries**

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**TMOD-22-005  
Towing and Wreckage Services**

**Proposed amendment:**  
Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 4  
– Supplemental Use Provisions, including provisions for Towing and Wreckage Services.

**Issues being addressed:**

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Towing and Wreckage Services sites should be screened from view similar to how gravel parking lots are to improve community aesthetics

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## TMOD-22-006 Distillery and brewery related uses

**Proposed amendment with regard to brewery and distillery related uses:**

- Add definitions for brewpub, craft brewery, craft distillery, growler, growler store, large-scale brewery, and large-scale distillery
  - Production of 12,000 barrels is the distinction between Craft and Large-Scale Operations
- Revise permitted use table, Section 4.3.1

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

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## TMOD-22-006 Distilleries and Breweries

**Proposed amendment:**

Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 4 – Supplemental Use Provisions, including provisions for Distilleries and Breweries.

**Issues being addressed:**

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.

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## Add Definitions

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

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

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

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

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

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

**Growler Store** means a retail store that sales growlers

**Taproom** means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

**Tasting room** means an outlet operated by a farm winery or microdistillery for the promotion of wine or distilled spirits by providing complimentary samples of wine or distilled spirits to the public and for the sale of such wine or distilled spirits. Samples of wine or distilled spirits can be given free of charge or for a fee.

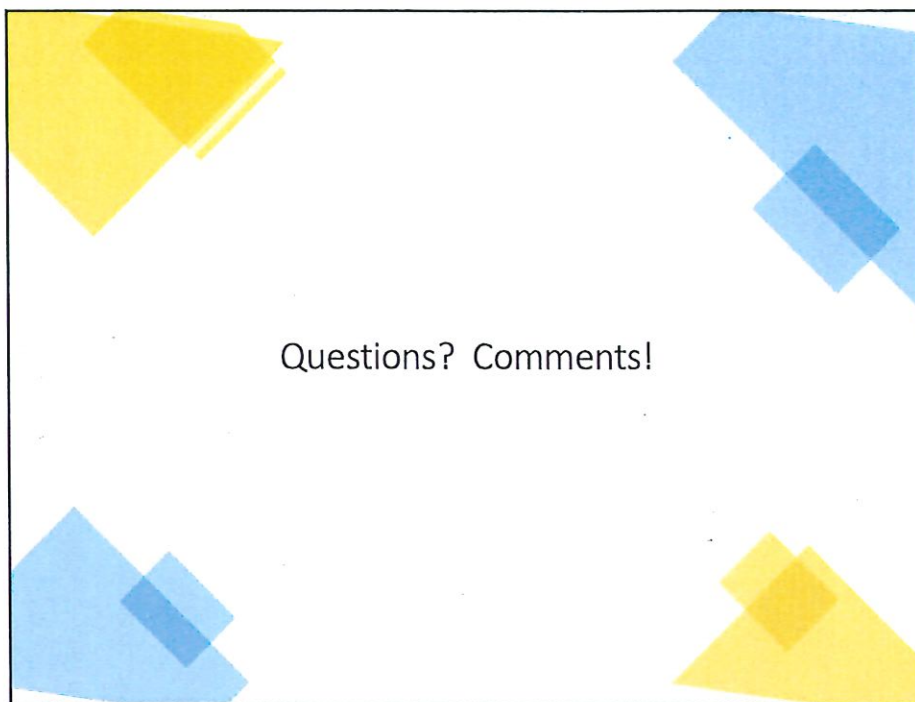
Micro brewery, see Craft brewery.

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## TMOD-22-006 Supplemental Regulations

- [NEW, Section number is temporary and to be set after adoption]
- Sec. 4.2.63 Craft breweries and Craft distilleries
- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages;
- B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area
- C. No outdoor public address system shall be permitted
- D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.
- F. Outdoor placement of grain silos shall be allowed, subject to the Director of Planning & Zoning review and approval of their appearance, signage, location and height.
- G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.
- H. The sale of beer and/or wine on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight in: (1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3) Any publicly owned civic and cultural center capable of serving prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the planning and development, health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities; or(4) A public stadium, coliseum or auditorium.
- I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m. on any Monday which is New Year's Day, January 1, of any year.
- J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.
- K. A violation of subsection (a), (b) or (c) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.
- L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply for and obtain a distillery license from the state before any sales commence. Additionally, county licensees are required to abide by all applicable state regulations and laws.
- M. Outdoor Storage: There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets.

22



23



## **Planning Commission**

June 7, 2022

**ATTACHMENT II**

**RZ-22-002**

## **COMMENTS RECEIVED**

by

Secretary Lillian Lowe  
Planning and Zoning Department

from

Ms. Sandra Honore

Ms. Genetha Woods



## Lillian Lowe

---

**From:** Sandra Honore <shonore2004@yahoo.com>  
**Sent:** Tuesday, June 7, 2022 9:29 AM  
**To:** Lillian Lowe  
**Subject:** Proposed Wherhouse Project in Stone Crest

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

This does not appear to be a project that will enhance our community. I believe it will be devastating to have 1,000 diesel trucks coming in and out of this area. along with an additional 2,000 or more car traffic. Plus the devastation to the green space. It appears our leaders are more concerned with profit than they are with the people who reside here. We will be a community of factories, manufacturing plants, and warehouses. How are we suppose to breathe?

Sincerely,

Sandra Honore  
Stone Crest resident

[Sent from Yahoo Mail on Android](#)

**Lillian Lowe**

---

**From:** Genetha Woods <gjw\_increase@yahoo.com>  
**Sent:** Tuesday, June 7, 2022 1:06 PM  
**To:** Lillian Lowe  
**Subject:** Planning Commission Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Good afternoon,  
Please send me the Zoom link for the meeting tonight.  
Thanks

## **Planning Commission Meeting**

**June 7, 2022 at 6:00PM**

**Question: With the area already being in the red zone why continue with more pollution by allowing hazardous waste to continue in the area bringing detrimental harm and death to citizens in the African American areas? We do not need warehouses in the proximity of our neighborhoods.**

[Sent from Yahoo Mail on Android](#)



# PLANNING COMMISSION

## STAFF REPORT(S)





**PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT**

SLUP-22-005

**Planning Commission July 5th, 2022 / Mayor and City Council Meeting July 25<sup>th</sup>, 2022**

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**GENERAL INFORMATION**

**Petition Number:** SLUP-22-005

**Applicant:** Robert Peterson, dba Dapetenterprises

**Owner:** Robert Peterson

**Project Location:** 3935 Cain Mill Drive

**District:** District 1

**Acreage:** 0.49 acres

**Existing Zoning:** R-100 (Residential Medium Lot) District

**Proposed Request:** Special Land Use Permit to operate as a short-term rental.

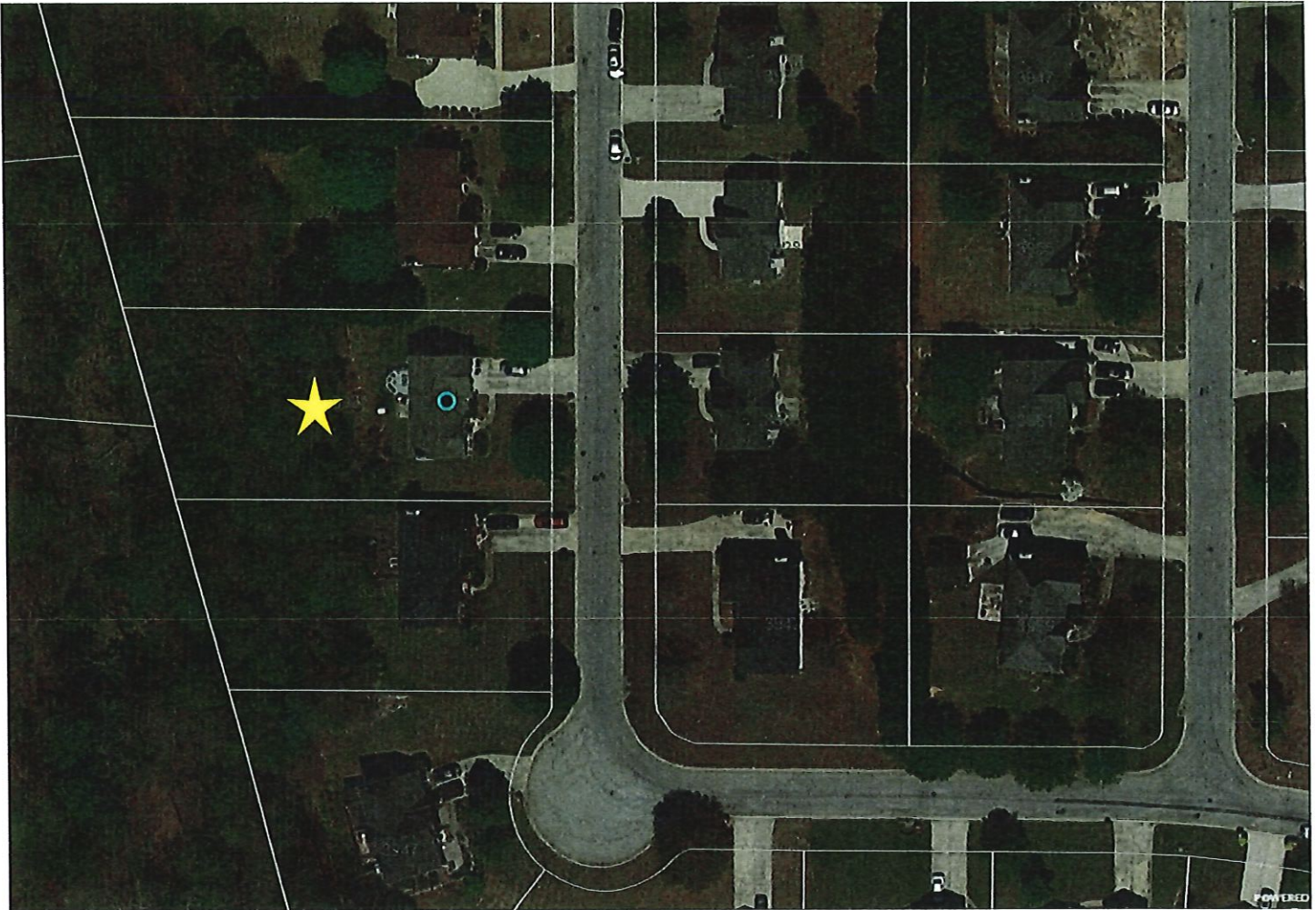
**Comprehensive Plan Community:** Suburban

**Area Designation**

**Staff Recommendations:** *Approved with Conditions*

**Planning Commission:** *N/A*

Aerial Map



ZONING CASE: SLU-22-005

ADDRESS: 3935 CAIN MILL DRIVE, LITHONIA, GA 30038

PARCEL NUMBER: 16 014 01 075

CURRENT ZONING: R-100 (RESIDENTIAL MEDIUM LOT)

FUTURE LAND USE: SUBURBAN



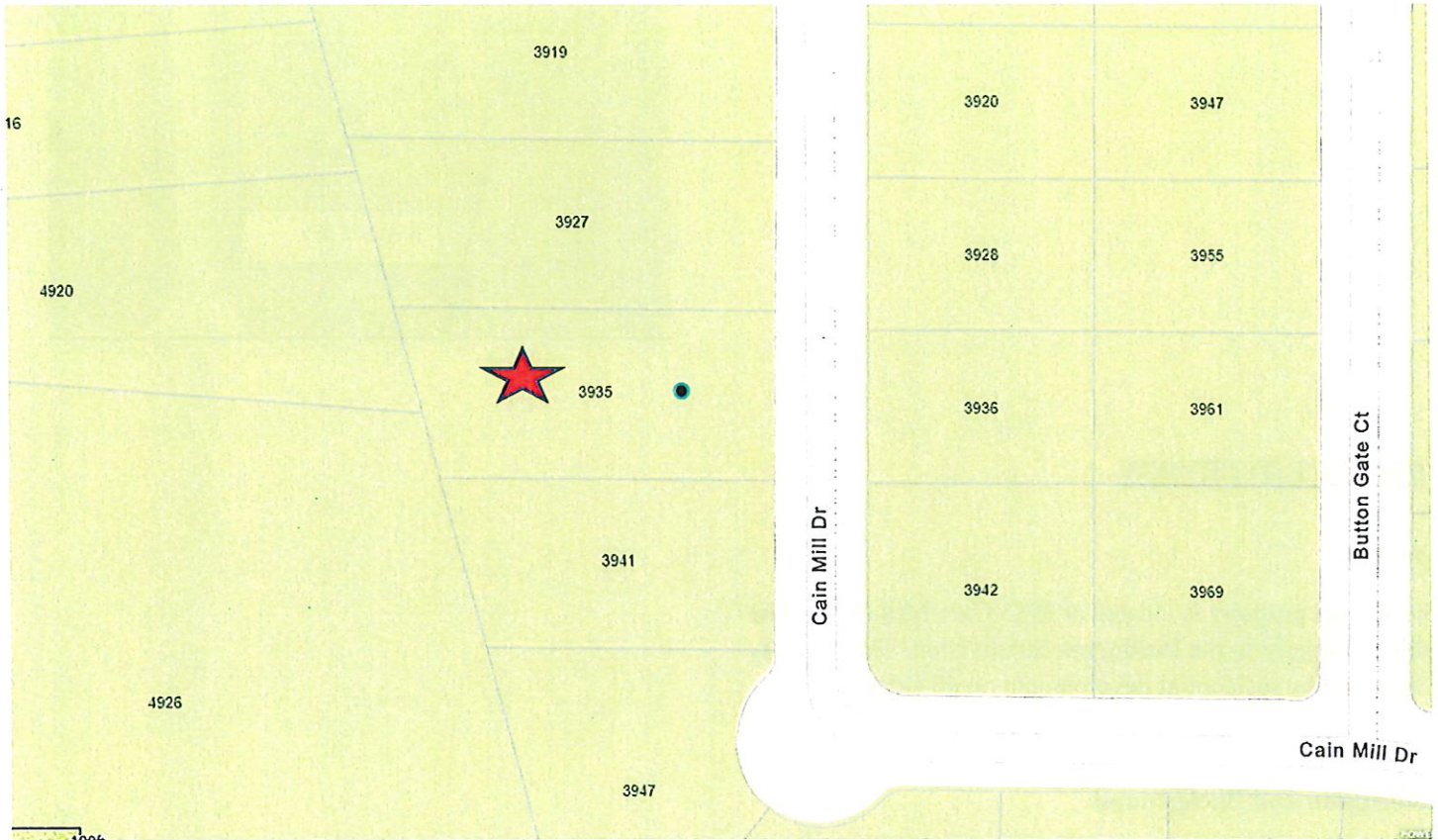
SUBJECT PROPERTY



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

Zoning Map



**ZONING CASE: SLU-22-005**

ADDRESS: 3935 CAIN MILL DRIVE, LITHONIA, GA 30038

PARCEL NUMBER: 16 014 01 075

CURRENT ZONING: R-100 (RESIDENTIAL MEDIUM LOT)

FUTURE LAND USE: SUBURBAN



SUBJECT PROPERTY



## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005



### PROJECT OVERVIEW

#### **Location**

The subject property is located at 3935 Cain Mill Drive. The subject property is in the Burlington Subdivision. The property is bounded by residential development on all sides.

#### **Description and Background**

The subject property was constructed in 1999. It consists of a two-story, traditional frame house of 2672 square feet in size. It has 3 bedrooms and 2 ½ baths. The house is accessed via an apron concrete driveway fronting a two-car garage.

Currently, the property has kept its original zoning classification of R-100 (Residential Medium Lot) under Stonecrest Zoning Ordinance. The property was developed in part of a plan development for the Burlington Subdivision. e

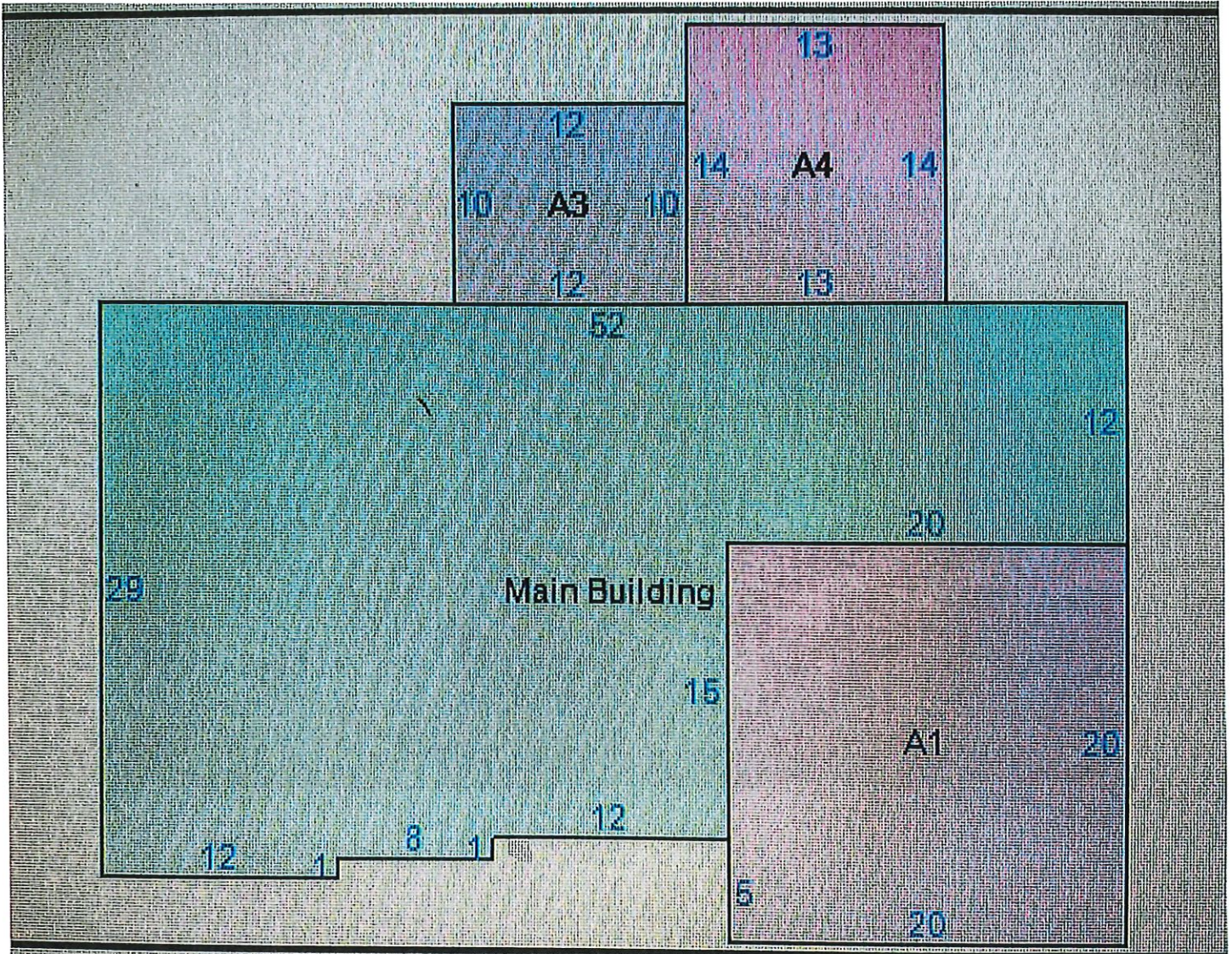
**Elevations**





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005





## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

### Public Participation

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning in June. The community meeting was held on June 30<sup>th</sup>, 2022, at 6:00 pm at via zoom.com. No one was in attendance.

### CRITERIA OF REVIEW

*Section 7.4.6 of the Stonecrest Zoning Ordinance list nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.*

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

The 2,672 square foot house on 0.49 acres is adequate for the operation of a short-term rental. The use will meet all other applicable requirements of the zoning district in which the usage is proposed.

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

The proposed use of short-term rental is located in a residential development. The proposed use will be compatible with other properties and land uses in the district.

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

There are adequate public services, public facilities, and utilities to sever the proposed use.

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

Cain Mill Drive is classified as a local street, the staff does have concern the public road may not have enough traffic capacity for the proposed use and may cause traffic and congestion in the area.

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

The existing land use located along the access routes to the site would not be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use. Cain Mill Drive is designed to handle a low impact volume of traffic.



## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

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

The site's existing residential structure is accessed by vehicles via a concrete apron cut with driveway on Cain Mill Drive. Emergency vehicles can access the site from the existing driveway.

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

The proposed use will not create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The residential use will not change as the applicant will be operating as a short-term rental.

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

The proposed use is not expected to create an adverse impact upon any adjoining land use because of the hours of operation. The property sits in an existing residential development.

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

The proposed use will not create an adverse impact upon any adjoining land use because of the manner of operation. The existing use as a residential dwelling will not change, only the occupancy will change monthly.

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

The proposed use is consistent with the zoning district classification requirement in which the use is proposed to be located.

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

The proposed use of short-term rental is a use consistent with the policies of the comprehensive plan. Located in the Suburban character area, the character area policy states residential dwelling as an appropriate land use.

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

The proposed use will not require a buffer zone and transitional buffer zone.

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





## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

The applicant will provide an adequate refuse and service area.

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

Staff believes there shall be a limit of one year of the special land use duration due to the historical nature of this use in a residential setting.

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

The proposed use will not change any exterior design of the existing building. The current building is the appropriate size for the subject property and in relation to the size, scale, and massing of the nearby houses.

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

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

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

The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.58 set forth by the zoning ordinance.

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

The subject property is existing and does not exceed the height of nearby residential structures. The existing building would be similar to the building height abutting the property located in the immediate area. There will be no negative shadow impact on any adjoining lot.

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

The proposed use is compatible with the surrounding area and would not conflict with the overall objective of the comprehensive plan.



## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

### STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, Staff recommends *Approval of SLUP-22-005 with the following condition:*

1. The maximum overnight occupancy of a short-term rental shall be limited to two (2) persons for each bedroom, plus three (3) additional persons. The number of bedrooms shall be based upon the DeKalb County Tax Assessor's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the state and local fire and building codes.
2. Between the hours of 10 PM and 7 AM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.
3. Compliance with the Stonecrest Noise Ordinance.
4. All marketing and/or advertising for short-term rental units must contain information concerning the occupancy limit of the short-term rental unit, and the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the city code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the city code.
5. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health and life safety code provisions.
6. No external signage may be permitted on the property.
7. Parked vehicles:
  - Shall not be parked on the city right-of-way or along any roadways at any time; and
  - Shall be parked outdoors on the property only on designated hard surfaced areas with concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced areas (i.e., no parking in yards or neighbor's properties).
8. Short-term rentals in a single-family zoning district shall not have long-term leases or leases exceeding 30 days.
9. Capacity shall be subject to the approval of the Fire Marshal's Office



## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-005

10. If, during the first one year period, a short-term rental unit becomes in violation of any zoning, building, health or life safety code provision, the special land use becomes void at the completion of one year and the owner must demonstrate compliance with the applicable code prior to being eligible to reapply for special land use permit.



**PLANNING & ZONING STAFF REPORT**

**MEETING DATE: July 5, 2022**

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**GENERAL INFORMATION**

- Petition Number:** TMOD-22-010
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

**FACTS AND ISSUES:**

- The Overlay Zones allow uses constructed that are inconsistent with the underlying zoning district. For example, Tier 1 of the Stonecrest Area Overlay allows the construction of uses permitted in C1, C2, OI, OD, and HR-2, regardless of the underlying zoning. C1, C2, OI, OD and HR-2 would be considered authorizing districts, since all land uses authorized in these districts are permitted within the Tier unless they are strictly prohibited by the Tier.
- Sec. 3.1.1 states “All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.” This means that the uses permitted in the base zoning must comply to the regulations in both the base and the applicable overlay district.
- TMOD-21-015 allowed the permitted uses in the base zoning districts to govern the overlay, in which, the overlay should govern the base zoning. It also placed the responsibility on the city to rezone the underlying property in which the city would have to obtain owner approval after final plat approval



## PLANNING & ZONING STAFF REPORT

or issuance of a Certificate of Occupancy. TMOD-21-015 created a Planned Unit type of development, which provided the developer creative control.

- Potentially the owner could refuse the rezoning of the property causing a legal nonconforming lot as well as an inconsistent zoning map.
- Tier 1: No changes are proposed. Tier 1 is predominately zoned C-1. It runs partially concurrent along Mall Parkway, starting at the corner of Stonecrest Square and Mall Parkway, includes all the mall area, ending at Mall Parkway and 2895 Evans Mill Road.
- Tier 2: To prohibit the authorized uses in the C-1 and C-2 (General Commercial District), O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District. This means the uses in these districts are not automatically allowed if the base the zoning is, for example, residential. The applicant would be required to seek a rezoning to allow for the proposed use.
- Tier 3: To prohibit the authorized uses in the C-1, C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, M (Light Industrial). To prohibit Industrial uses from Tier 3 completely.
- Tier 4: To prohibit the authorized uses in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, OCR (Office-Commercial-Residential) District, and RM-HD (High Density Residential) District. We do not have a RM-HD District. Tier 4 is the only mention of this district in the zoning code.
- Tier 5: Section 3.5.15.2 states “all properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section”. Staff is proposing to strike this language from the code. The intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience of the local community in a village or cluster concept. In addition to preserving the rural and scenic beauty of Arabia Mountain. Allowing all uses can be invasive and conflict with the intent of this tier.



TMOD-22-010

## PLANNING & ZONING STAFF REPORT

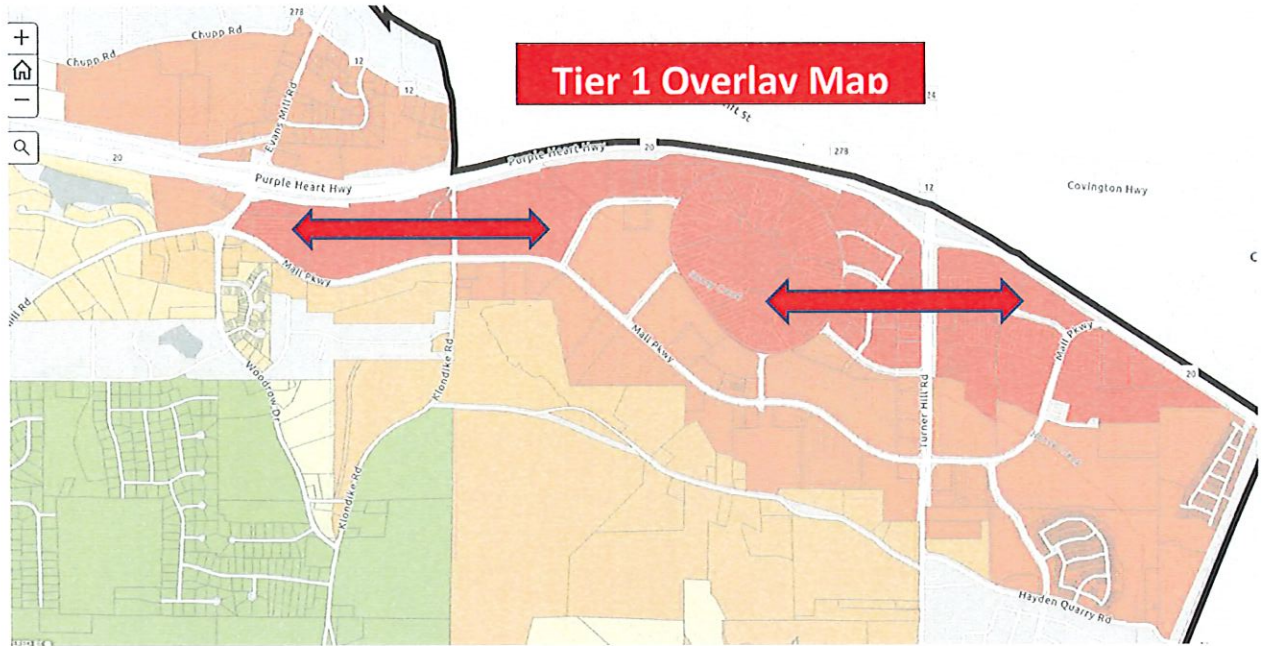
- Tier 6: Section 3.5.15.3 states “all principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations. Staff is proposing to strike this language from the code.
- It is staff’s goal to amend the changes of TMOD-21-015 to allow for a more synchronized zoning map and land uses throughout the City of Stonecrest.

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

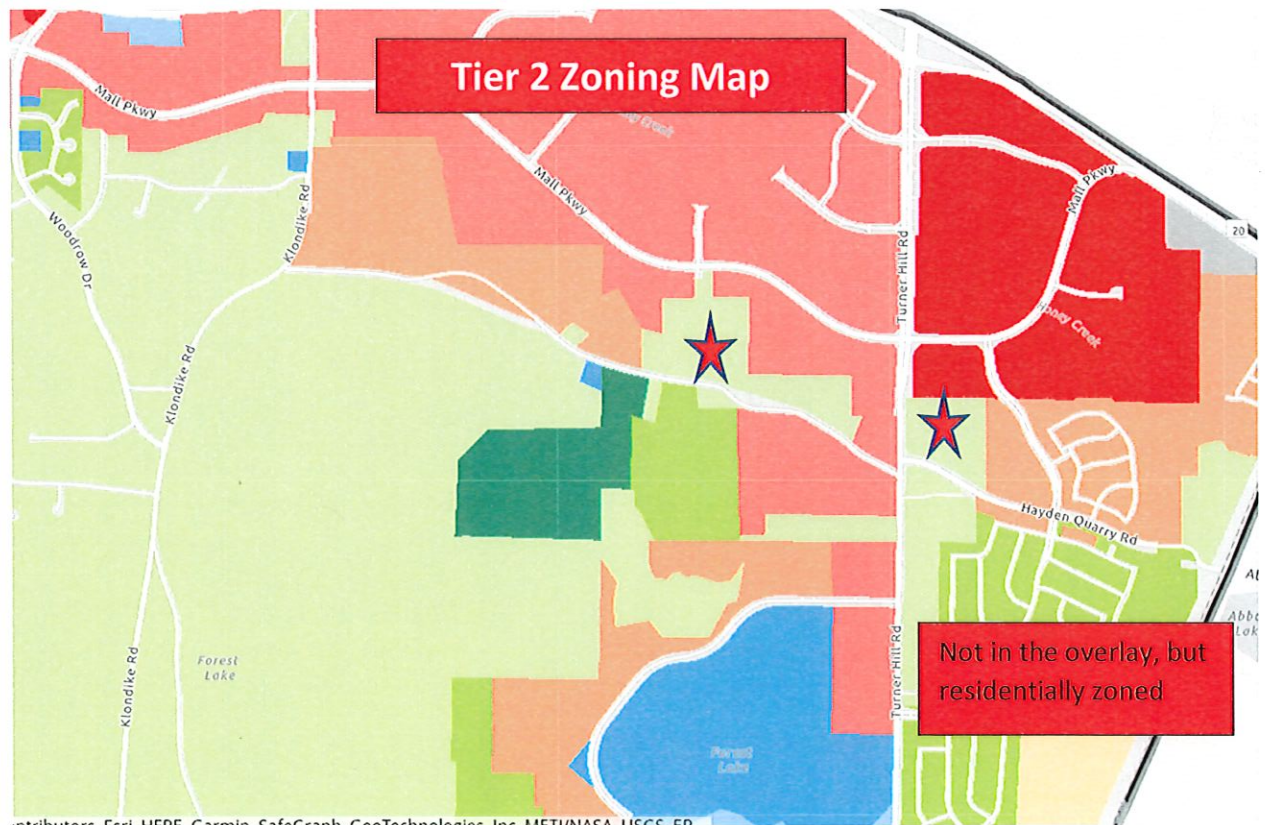
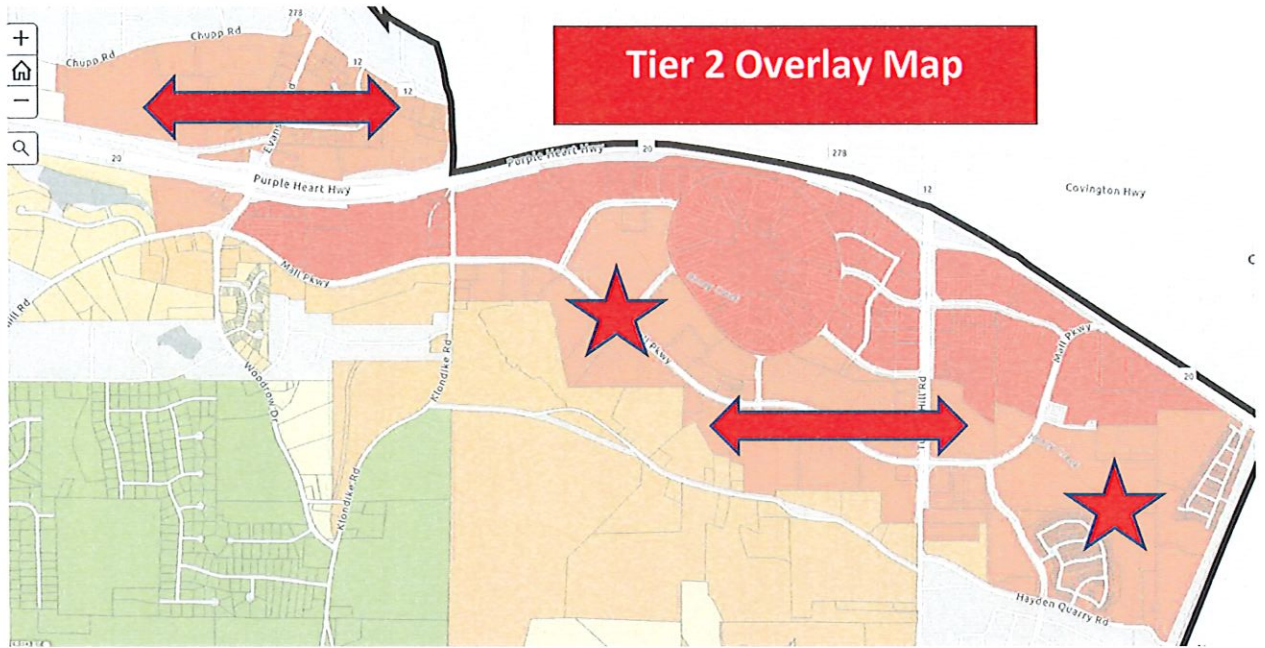
### **ATTACHMENTS:**

1. Proposed Changes to Article 3 – Overlay District Regulations

PLANNING & ZONING STAFF REPORT

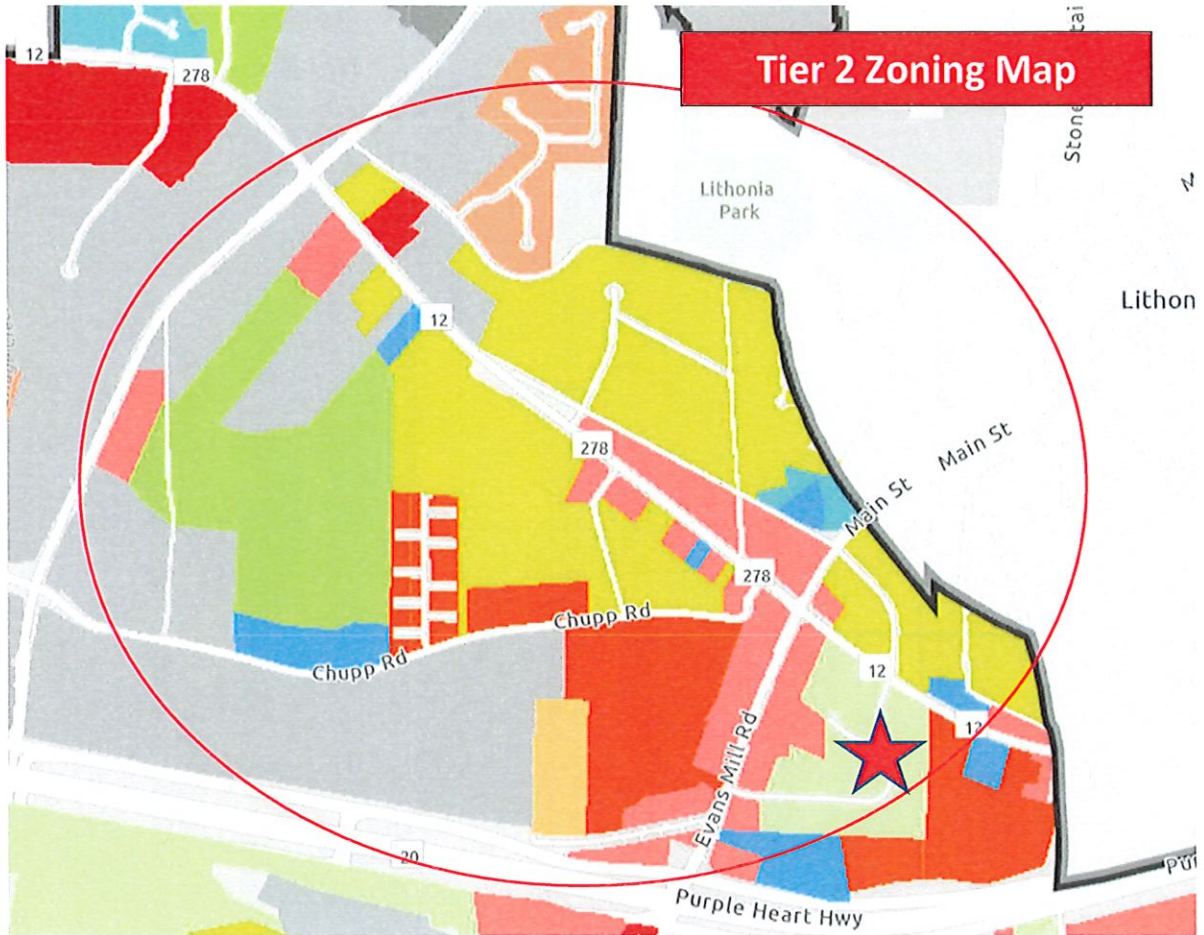


PLANNING & ZONING STAFF REPORT

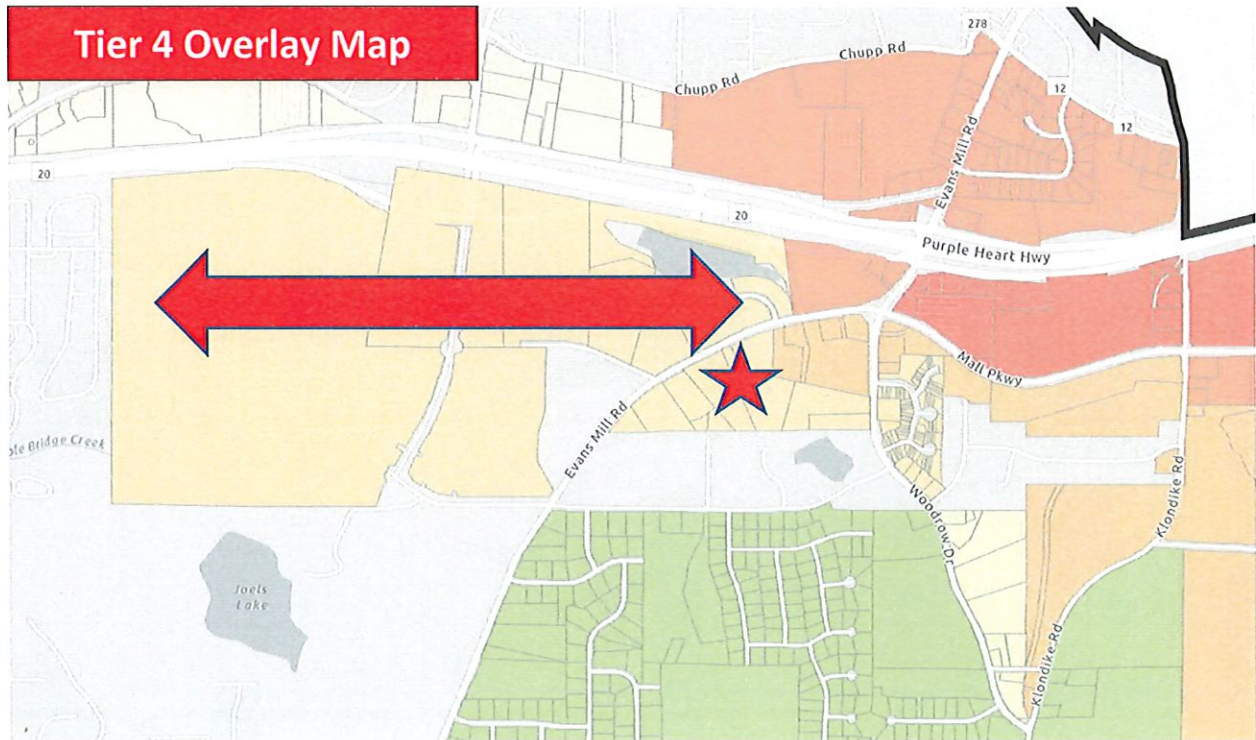
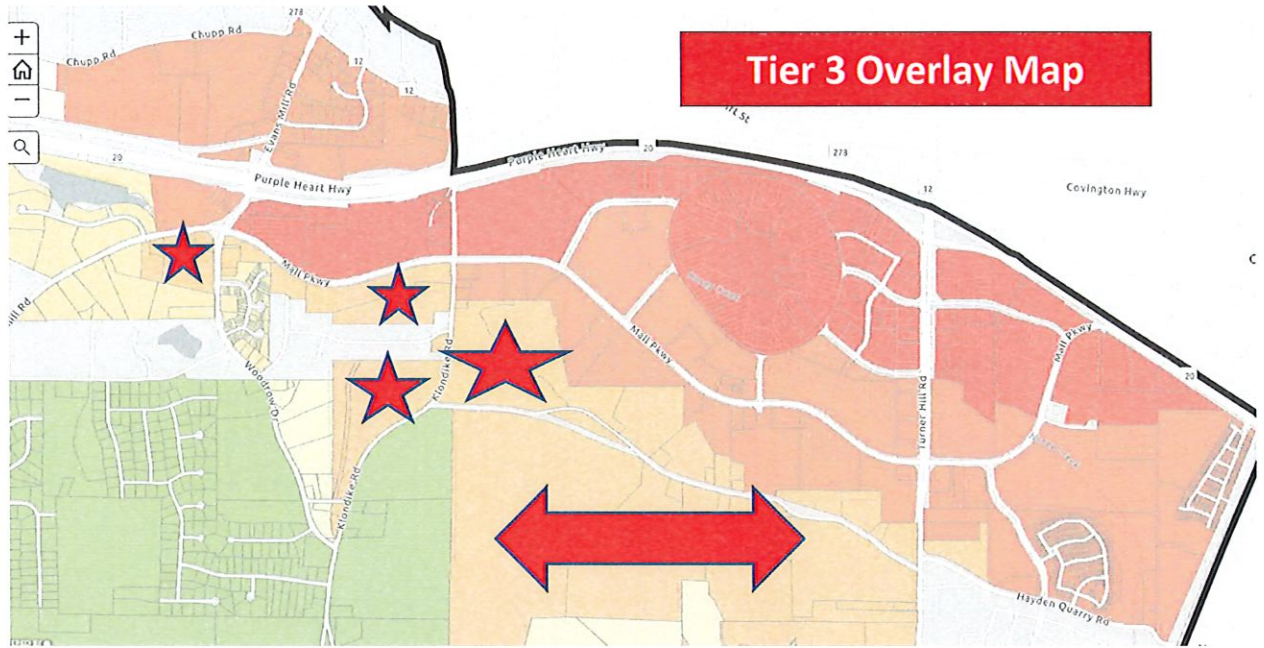




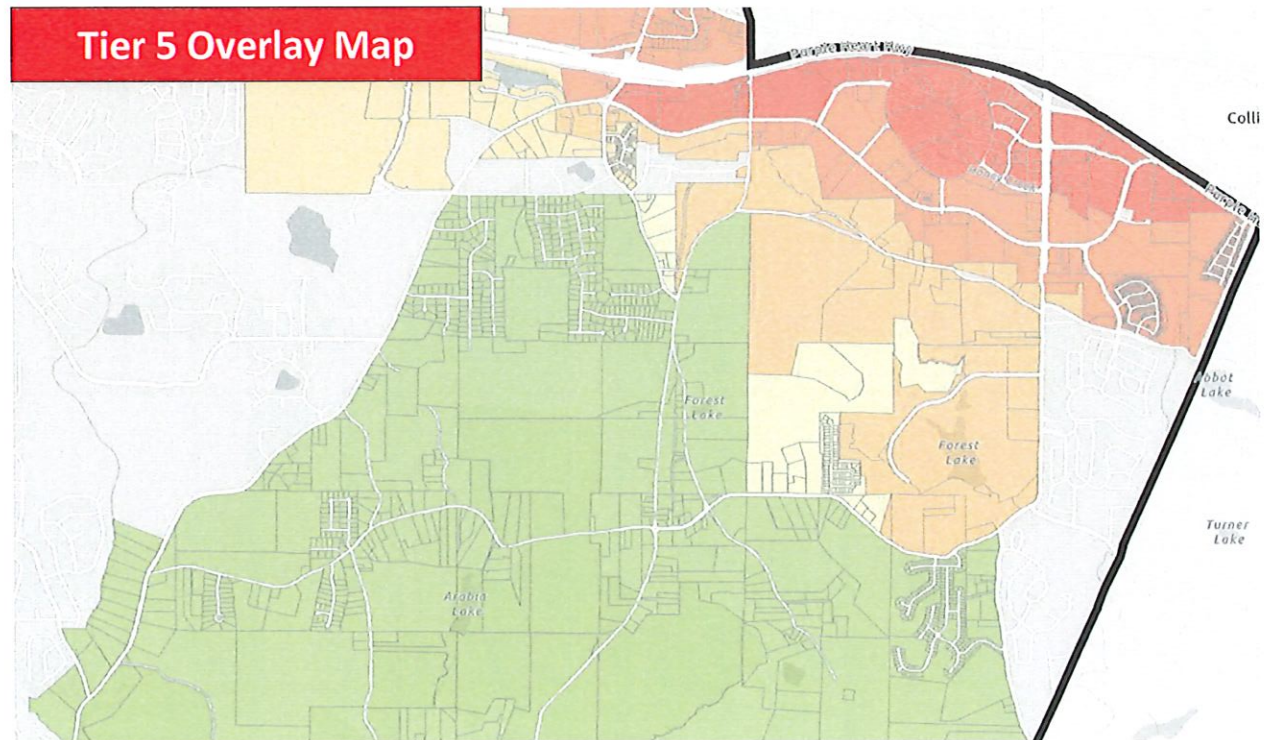
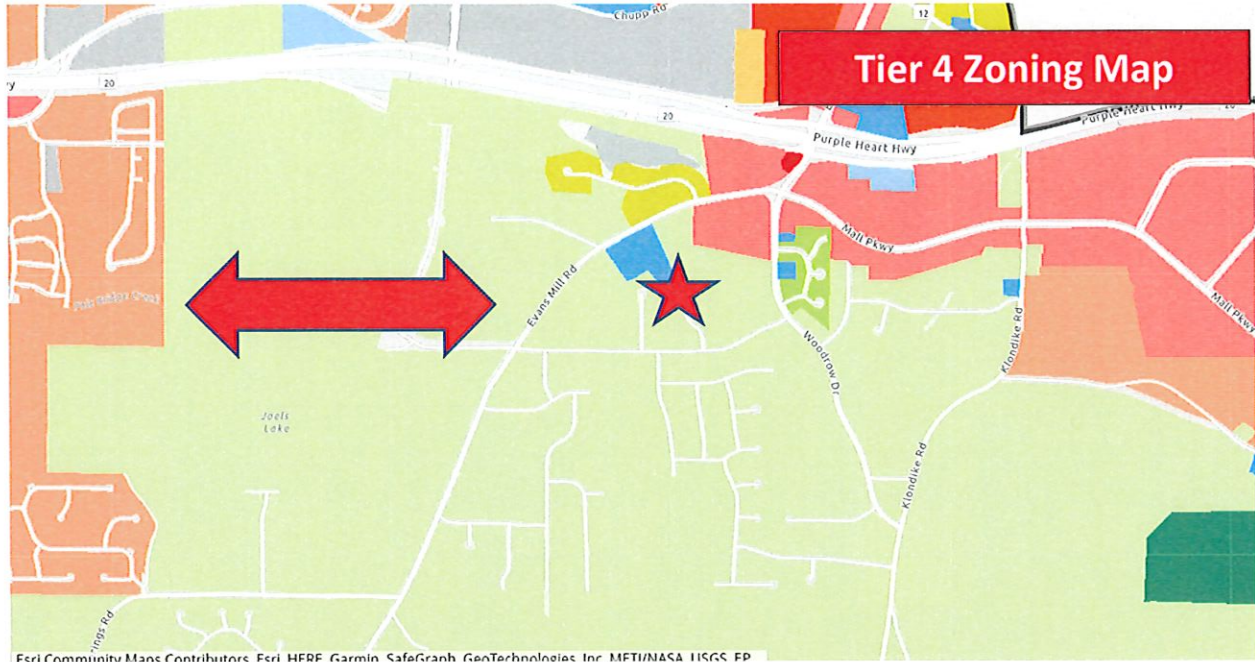
PLANNING & ZONING STAFF REPORT



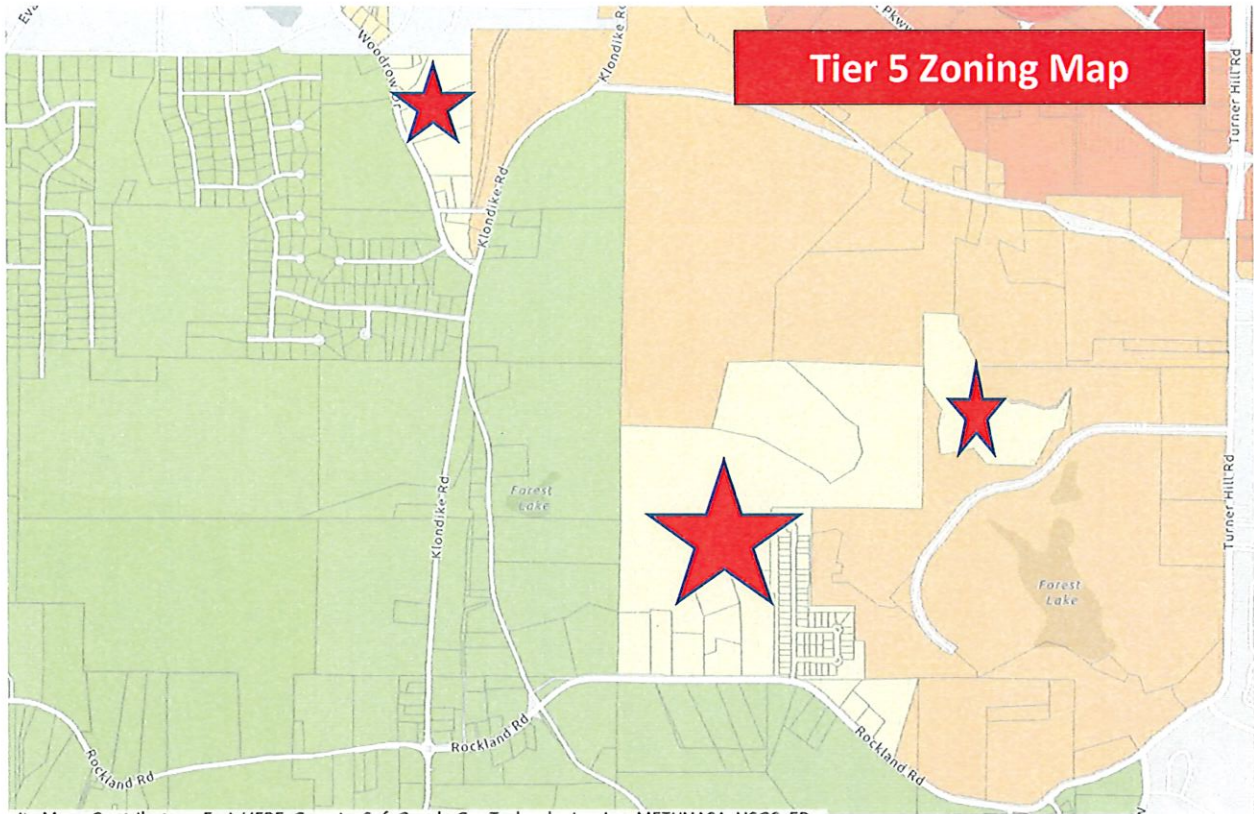
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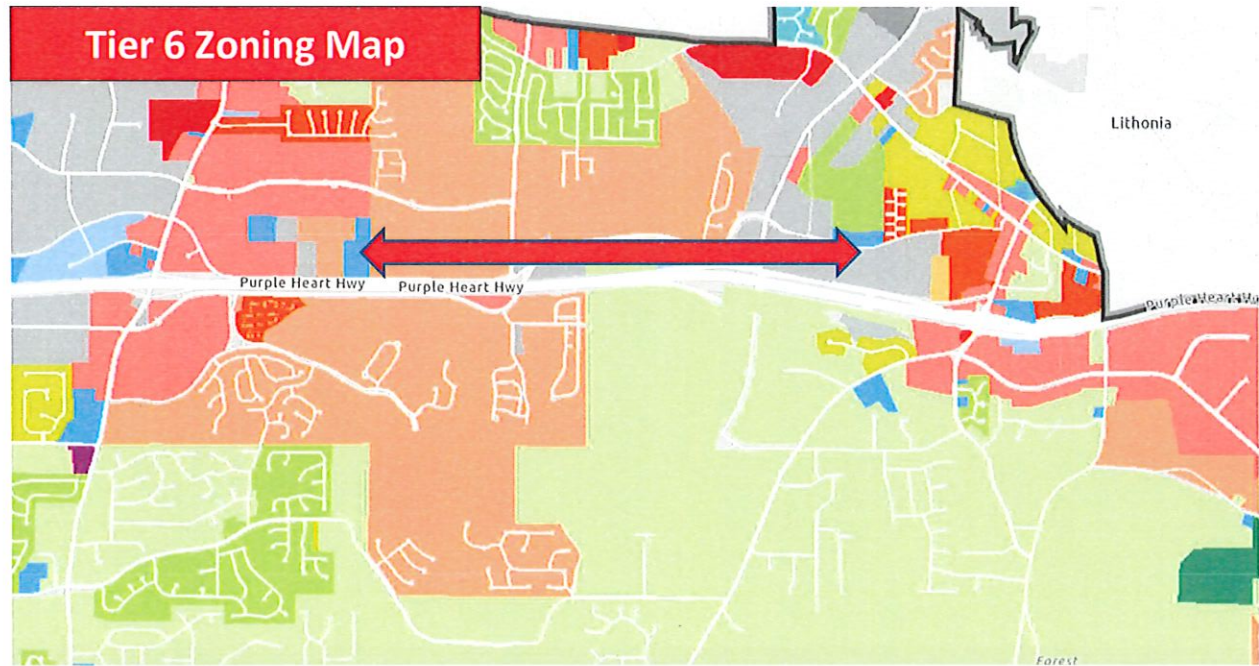
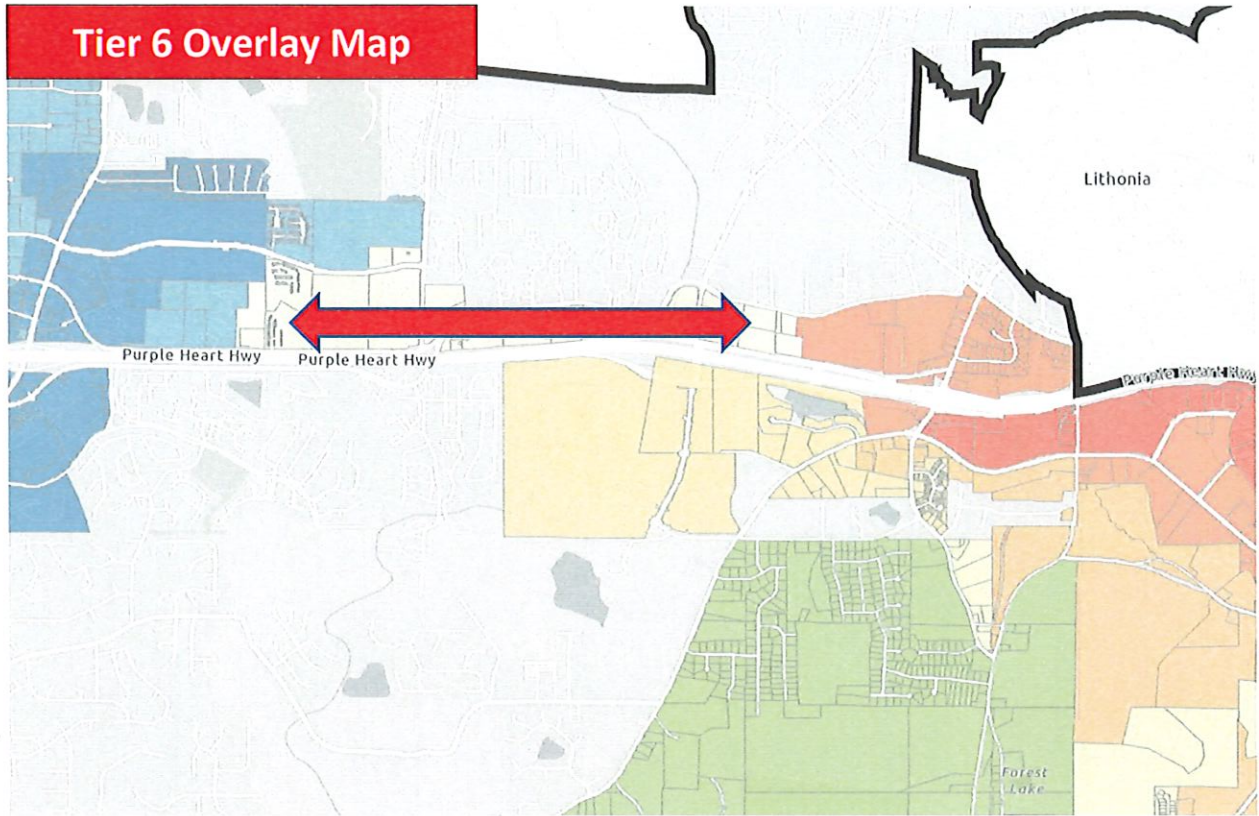
PLANNING & ZONING STAFF REPORT



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## **ARTICLE 3. OVERLAY DISTRICT REGULATIONS**

### *DIVISION 1. OVERLAY DISTRICTS*

#### **Sec. 3.1.1. Overlay districts generally.**

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

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

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(Ord. of 8-2-2017, § 1(3.1.1))

### **Sec. 3.1.2. Purpose and intent.**

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

(Ord. of 8-2-2017, § 1(3.1.2))

### **Sec. 3.1.3. Plan submittal, review and approval.**

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

(Ord. of 8-2-2017, § 1(3.1.3))

**Sec. 3.1.4. Conceptual plan package review.**

A. The conceptual plan package shall include the following:

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



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

(Ord. of 8-2-2017, § 1(3.1.4))

**Sec. 3.1.5. Final design package.**

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

(Ord. of 8-2-2017, § 1(3.1.5))

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**Article 3 – Tier 3**

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

*Prohibited uses.* The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1.  
Kennels.
2.  
Junkyard.
3.  
Tire retreading and recapping.
4.  
Sexually oriented businesses.
5.  
Outdoor amusement service facility.
6.  
Outdoor storage.
7.  
Automobile repair, major and minor.
8.  
Hotel/motel.
9.  
Automobile sales.
- 10.

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Temporary outdoor sales.

11.

Pawn shops.

12.

Liquor stores.

13.

Nightclubs.

14.

Late-night establishments.

15.

Car wash.

16.

Self-storage.

17.

Funeral home.

18.

Mortuary.

19.

Crematorium.

20.

Farm equipment and supplies sales establishment.

21.

Repair, small household appliance.

22.

Salvage yard.

23.

Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.

24.

Commercial parking lot.

25.

Check cashing facility.

26.

Automobile emission testing facilities.

27.

Industrial (Light and Heavy)

Sec. 3.5.15.2. - Cluster village mixed-use zone (Tier V).

A.

*Statement of purpose and intent.* The primary intent of Tier V 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. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

B.

~~*Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:~~

~~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.~~

**Sec. 3.5.15.3. - Viewshed zone (Tier VI).**

*Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B.

~~*Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.~~

C.

*Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.