



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

Vacant – District 5

CITY COUNCIL MEETING AGENDA

November 25, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. CALL TO ORDER:** Mayor Jason Lary
- II. ROLL CALL:** Megan Reid, City Clerk
- III. INVOCATION**
- IV. PLEDGE OF ALLEGIANCE**
- V. AWARDS AND HONORS**
- VI. APPROVAL OF THE COUNCIL AGENDA**
- VII. MINUTES:**
 - a. Approval of the November 12, 2019 City Council Meeting Minutes
- VIII. PRESENTATIONS:**
- IX. APPOINTMENTS:**
- X. PUBLIC HEARINGS:**
 - a. SLUP 19-005 – 2773 EVANS MILL ROAD
- XI. NEW BUSINESS:**

- a. IGA DeKalb CVB
- b. 2020 Planning Commission Schedule

XII. OLD BUSINESS:

- a. TMOD 19-003- 2nd Reading (Stonecrest Overlay)
- b. TMOD 19-005- 2nd Reading (Party House)
- c. TMOD 19-006- 2nd Reading (Small Box Discount Store)
- d. IGA EHOST
- e. 2019 Budget Amendment Resolution

XIII. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

XIV. CITY MANAGER COMMENTS

XV. CITY ATTORNEY COMMENTS

XVI. MAYOR AND COUNCIL COMMENTS

XVII. PUBLIC COMMENTS

XVIII. ADJOURNMENT

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, Megan Reid, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: City Council meeting Minutes 11/12/2019

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Council Meeting: 11/25/2019

SUBMITTED BY: Megan Reid

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approval



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

Vacant – District 5

CITY COUNCIL MEETING MINUTES

November 12, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Pro Tem George Turner
- II. **ROLL CALL:** Mayor Jason Lary was absent
- III. **INVOCATION:** Invocation was led by Pastor Benny Momoh, Overcomers Christian Fellowship.
- IV. **PLEDGE OF ALLEGIANCE**
- V. **AWARDS AND HONORS**
- VI. **APPROVAL OF THE COUNCIL AGENDA:**

Motion 1- was made by Council Member George Turner to approve the agenda and was seconded by Council Member Rob Turner.

Motion passed unanimously.

- VII. **MINUTES:**

Motion 2- was made by Council Member Jimmy Clanton to approve the Council Meeting Minutes from October 28, 2019 with the correction under Roll Call to change Council Member Jazzmin Cobble as being present and Council Member Rob Turner gave the second.

Motion passed unanimously.

VIII. PRESENTATIONS:

None.

IX. PUBLIC COMMENTS:

- a. Dr. Barbara Hall- Invited the Mayor and Council to the Annual Golf Tournament on November 23, 2019 in Stone Mountain presented by New Birth Missionary Baptist Church in order to raise funds for the scholarship program.
She also invited everyone to a prayer vigil to raise awareness of those loss due to gun violence on December 20, 2019 at 7p.m.

X. APPOINTMENTS:

None.

XI. PUBLIC HEARINGS:

None.

XII. NEW BUSINESS:

a. IGA EHOST

Motion 3- was made by Council Member Jimmy Clanton to defer this to November 25, 2019 Work Session and Council Meeting in order to research this topic more and a second was provided by Council Member Jazzmin Cobble.

Motion passed unanimously.

b. Resolution for GA DNR Grant for Parks and Recreation

Motion 4- was made by Council Member Jimmy Clanton to approve Resolution 19-11-001 for GA DNR Grant for Parks and Recreation and was seconded by Council Member Rob Turner.

Motion passed unanimously.

c. MOA for Youth Basketball/ Youth Sports at Browns Mill Recreation Center

Motion 5- was made by Council Member Jazzmin Cobble to approve the MOA with YMCA for the Basketball/Youth Sports at Browns Mill Park and a second was provided by Council Member Rob Turner.

Motion passed unanimously.

XIII. OLD BUSINESS:

a. Floodplain Insurance Ordinance – 2nd reading

Motion 6- was made by Council Member Jimmy Clanton to adopt the Floodplain Insurance Ordinance and was seconded by Council Member Jimmy Clanton.

Motion passed unanimously.

XIV. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE

Motion 7- was made by Council Member Jazzmin Cobble to suspend Regular Session and to go into Executive Session for personnel, litigation, and real estate and was seconded by Council Member Rob Turner.

Motion passed unanimously.

Motion 8- was made by Council Member Rob Turner to go back into Regular Session and a second was provided by Council Member Jimmy Clanton.

Motion passed unanimously.

XV. CITY MANAGER COMMENTS:

No comments.

XVI. CITY ATTORNEY COMMENTS:

No comments

XVII. MAYOR AND COUNCIL COMMENTS:

Council Member Jimmy Turner- Challenged the Council to join him in the Golf Tournament at New Birth. Volunteered to coach one of the Basketball Teams at Browns Mill Park.

Council Member George Turner 2020 Census Complete Count Meeting on November 19, 2019 at 6:30pm. This will be their rally for the 2020 Census on December 16, 2019.

XVIII. ADJOURNMENT:

Motion 9- was made by Council Member Jazzmin Cobble to adjourn the Council Meeting at 8:27p.m. and a second was provided by Council Member Rob Turner.

Motion passed unanimously.

Signatures on the following page.

Read and adopted in the regular meeting of the City Council held on this _____ day
of _____, 2019.

Mayor Jason Lary

ATTEST:

Megan P. Reid, City Clerk




CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for Special Land Use Petition
SLUP-19-005 (2773 Evans Mill Road)**

ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 11/20/2019 Work Section: Council Meeting: 11/25/2019

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director. 

PURPOSE: To receive special land use permit for the construction and operation of restaurant with drive-thru

HISTORY: This item was heard at the November 4th, 2019 Planning Commission Meeting. The applicant has requested a special land use permit to construct and operate a restaurant with a drive thru. The Planning Commission recommend approval with conditions.

OPTIONS: Approve, Deny or make Alterative conditions

RECOMMENDATED ACTION:

Planning Commission recommended approval SLUP-19-005 at the November 4th meeting.

ATTACHMENTS:

- # 1 11/20/19 Staff Report
- # 2 11/20/19 Rezoning Application
- # 3 11/20/19 Power Point Presentation



PLANNING COMMISSION STAFF REPORT

MEETING DATE: November 6, 2018

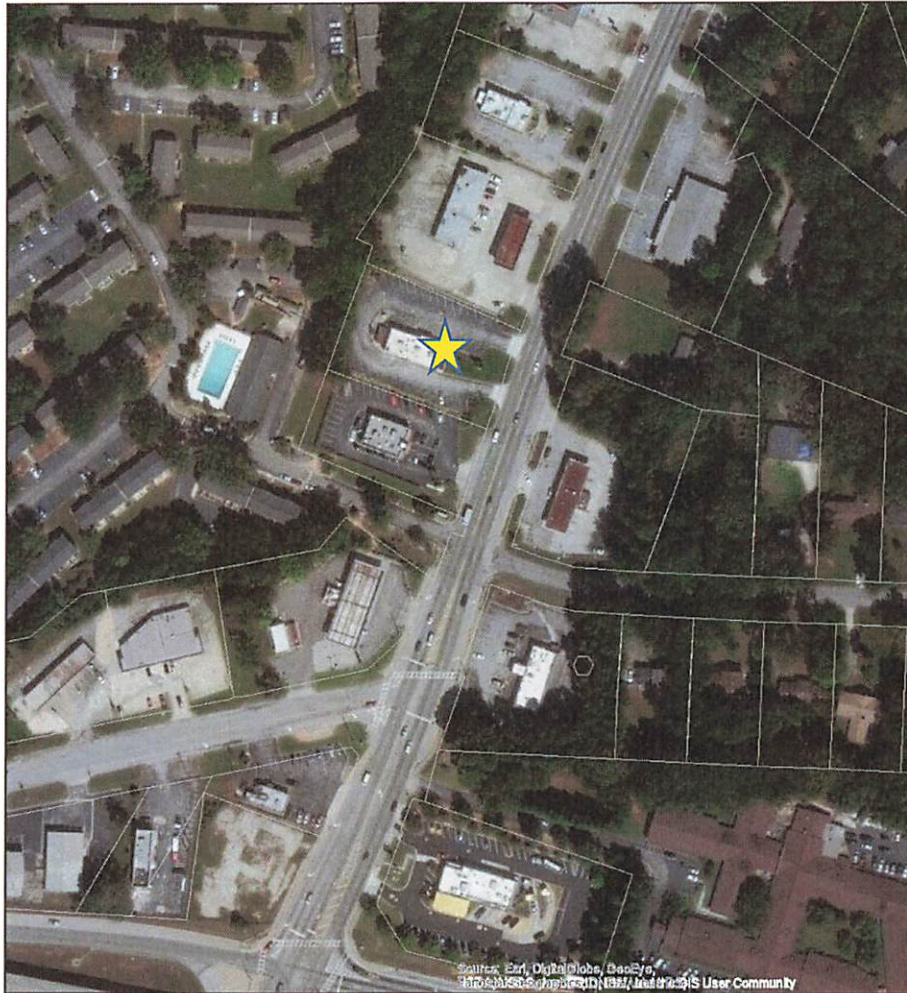
GENERAL INFORMATION

Petition Number:	SLUP 19-005
Applicant:	GPS Hospitality LLC c/o Hilliard Starkey Law Riveredge Parkway
Owner:	T Square Pivots LLC
Project Location:	2773 Evans Mill Road, Stonecrest GA 30038
District:	District 5
Acreage:	.81 acres
Existing Zoning:	Local Commercial (C-1) District
Proposed Zoning:	Local Commercial (C-1) District
Proposed Development/Request:	The applicant is requesting a Special Land Use Permit (SLUP) to construct a Burger King drive-thru restaurant in Regional Center, in accordance with Chapter 27-Article 4.1 Use Table and Sections 4.2.23 of Stonecrest Zoning Code.
Staff Recommendations:	Approval of SLUP 19-005 with Conditions
Planning Commission:	Approval of with conditions



PLANNING COMMISSION STAFF REPORT

Aerial Map



ZONING CASE: **SLUP-19-005**

ADDRESS: **2773 Evans Mill Road**

CURRENT ZONING: **C-1 (Local Commercial)**

FUTURE LAND USE: **Regional Center**

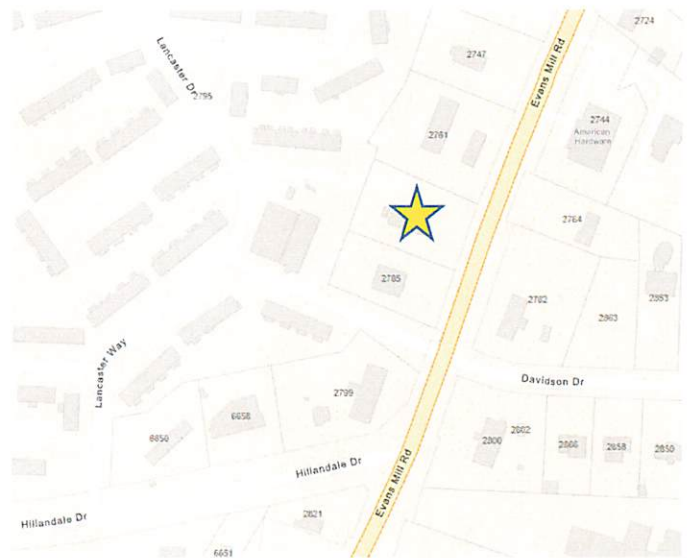
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PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

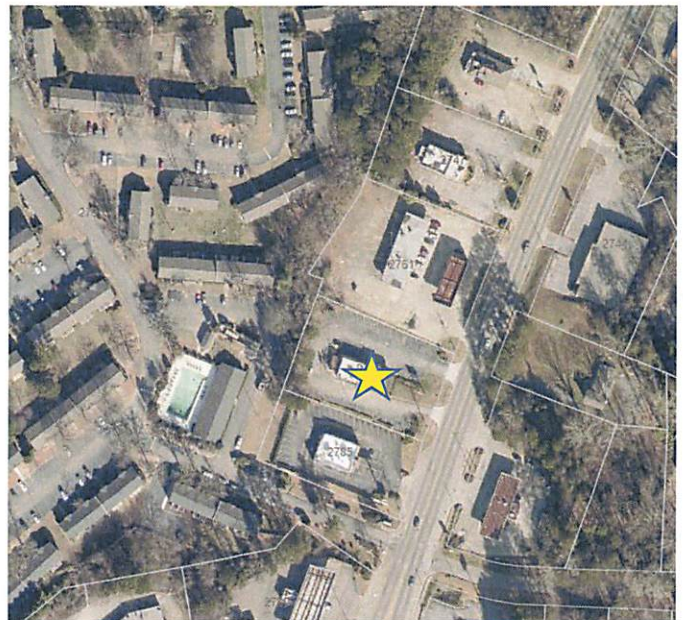
Location

The subject property is at 2773 Evans Mill Road. The subject property is approximately 0.19 mile south of Evans Mill and Covington Hwy intersection. Access is available via the existing driveways along Evans Mill Road. The subject property is surround by commercial uses to the North and South. While multifamily residence is located to the West of the subject property. Evans Mills Road bound the property to the East.



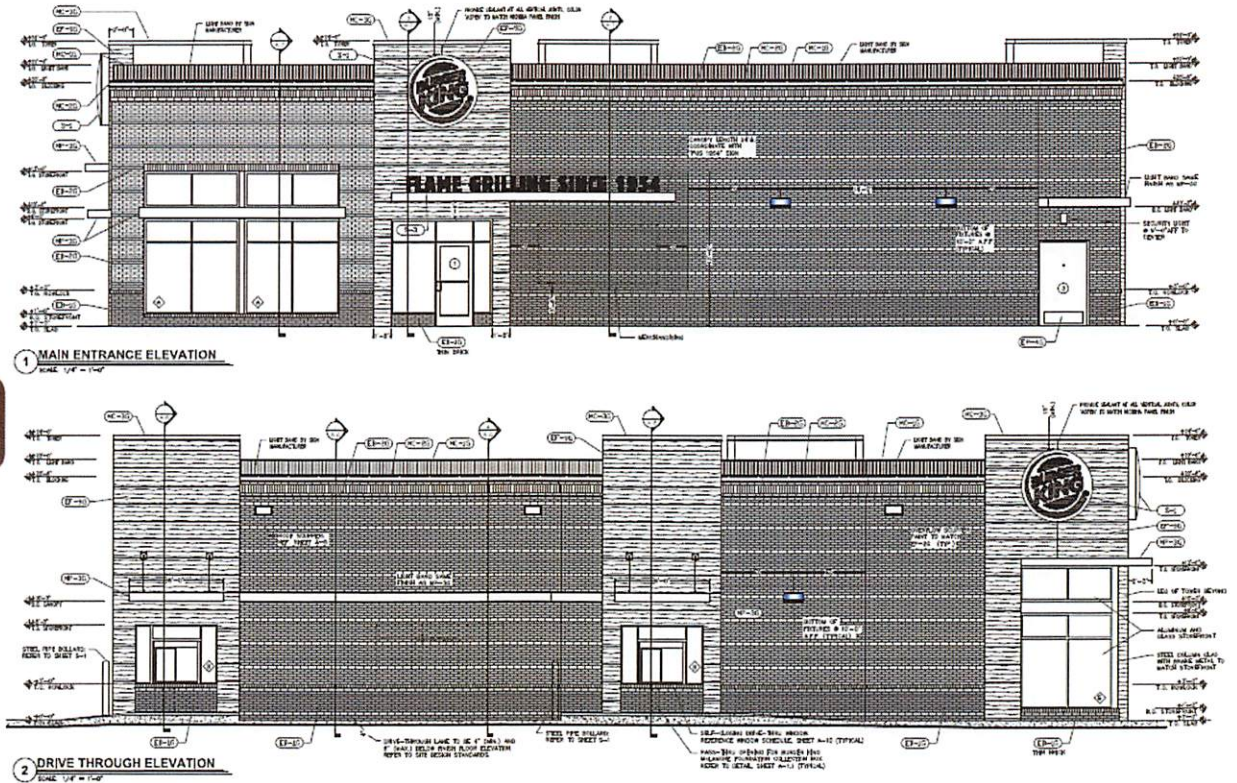
Background

The property has kept its original zoning classification of C-1. Currently, there's an existing 2,600 square foot commercial building located on the property. The building was being used for a casual restaurant / bar called The Mill. Before the previous owner began operation, the property was being used for a Wendy's fast food restaurant.



PLANNING COMMISSION STAFF REPORT

Existing Elevations



Special Land Use Permit Request

The applicant is requesting a Special Land Use Permit to operate a drive-thru facility at the subject property. The applicant intends to construct a 2,972 square foot restaurant with 37 on-site parking spaces.

Neighborhood Meeting

Property owners within 500 feet of the subject property were mailed notices of the propose special land use permit application. The community meeting was held on September 26th, 2019 at 6:30 pm at Stonecrest City Hall. There was one citizen in attendance for the community meeting. The resident was interested in seeking more information regarding the application.



PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- 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 approximately 2,972 square foot building on the 0.8 acres is adequate. The site has previously been used for a restaurant with a drive-thru meeting all the open space, off-street parking and all other applicable requirements set forth by the zoning district.

- 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 is compatible with the adjacent properties and land use in the district. Adjacent to the southeast of the property is Captain D's fast food restaurant which is exactly same use at the proposed use. Further to the southeast along Evans Mill Road are several fast foods or casual dining businesses.

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

The existing parcel is in an established commercial node, it appears that there are adequate public services, public facilities, and utilities to serve the proposed restaurant as other similar establishments operated at the same location.

- 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.**

Evans Mills Road is a four (4) lane minor arterial road. The Planning staff believes the road has sufficient traffic-carrying capacity for the proposed use. Staff also believes the proposed use will not create congestions in the area.

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

The traffic of the vehicles generated by the proposed use will not adversely impact existing land use along access routes to the sites. The proposed use is not expected to generate large volume of traffic.

- 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 other emergency.**

The parcel has two existing ingresses and egress cut into the property. The existing curbs cuts will be enough sufficient to provide access to property.



PLANNING COMMISSION STAFF REPORT

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

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

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

Per the information submitted with the application, the restaurant will be operating at similar hours as the fast food business south of the property.

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

The operation of the fast food restaurant with the drive thru will not affect the adjoining commercial properties. The site will original used for fast /casual dining restaurant.

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 requirements of the C-1 (Local Commercial) District.

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

The property is in the Regional Center Character area designated by the 2038 Comprehensive Land Use Plan. The Regional Center character area is intended to develop high intensity and large-scale commercial development in the area. The proposed use is not listed as primary land use however the use is consistent with the character area. Staff believes the proposed use would not alter or change the character of the immediate area and still meet the spirit of the comp plan.

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 has met all required buffer zones and transitional buffer set forth in the Stonecrest Zoning Ordinance Sec 5.4.5.

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

An adequate refuse area will be provided. The trash pad will be located at the rear of the building and will be picked up according to the DeKalb County Sanitation pick up schedule.

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



PLANNING COMMISSION STAFF REPORT

Staff believes there is no compelling reason for limiting the duration of the requested Special Land Use Permit.

- 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.**

Staff believes the size, scale, and massing of the proposed building are appropriate in relation to the size of the property.

- 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 satisfies the requirement contained within the supplemental regulations set forth in the Stonecrest 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.**

Adjacent and surrounding properties have similar structures heights as the proposed building. There will be no negative shadow that will 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 appears to be consistent and compatible with the neighborhood and community by providing another dining option in the immediate area. It also encourages redevelopment of other underutilized or vacant properties in the area. The proposed use would not be in conflict with the overall objective of the comprehensive plan.



PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

Staff recommends Approval of **Special Land Use permit SLUP-19-005** at 2773 Evans Mill Road with the following conditions:

1. The Special Land Use Permit shall be issued to Todd Jackson (agent) or GPS Hospitality for the operation of a restaurant with a drive-thru and shall not be transferable.
2. The applicant shall secure the necessary business license, building permits, land disturbance permit and all required permits from the City of Stonecrest.
3. The applicant shall follow the supplemental regulations Section 4.2.23 cited in the Stonecrest Zoning Ordinance.

PLANNING COMMISSION RECOMMEDATION

At the November 6th Planning Commission, the commission recommend Approval of **Special Land Use Permit SLUP-19-005** at 2773 Evans Mill Road with the following conditions:

RECOMMENDATION

1. The Special Land Use Permit shall be issued to Todd Jackson (agent) or GPS Hospitality for the operation of a restaurant with a drive-thru and shall not be transferable.
2. The applicant shall secure the necessary business license, building permits, land disturbance permit and all required permits from the City of Stonecrest.
3. The applicant shall follow the supplemental regulations Section 4.2.23 cited in the Stonecrest Zoning Ordinance



Special Land Use Permit Application **SLUP-19-005**

Applicant Information	Name: TED BYENNEN, AGENT	TOOD JACKSON, AGENT
	GPS HOSPITALITY, LLC	
	Address: 1100 RIVEREDGE PARKWAY	Suite 650
Owner Information	Phone: 770-738-8796	Fax:
	Owner's Name: TRAVIS KING dba SQUARE PIVOTS, LLC	Email: tood.jackson@gpshospitality.com
	Owner's Address: 2141 STRANG BLVD, LITHONIA, GA 30058	
Property Information	Phone: 770-601-4453	Email: travis_a_king@yahoo.com
	Property Address: 2773 EVANS Mill Road	Acres: .81 decded
	Parcel ID: 16 137 04 005	
Notary Affidavit	Current Zoning Classification: C-1	
	Proposed Use of Property: RESTAURANT with a drive thru	
	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? <input type="radio"/> Yes <input checked="" type="radio"/> No	
Property Information: GPS Hospitality wishes to open a Burger King restaurant with a drive thru window.		
To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.		
Applicant's Name: Tood Jackson		Date: 7/9/19
Applicant's Signature: <i>Tood Jackson</i>		
Sworn to and subscribed before me this 9th Day of July		
Notary Public: <i>Julie Henshaw</i>		
Signature: <i>Julie Henshaw</i>		
My Commission Expires: 1.12.20		
<input checked="" type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee		
Fee: \$ 530.00		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date: 8-13-2019



08 03 2017



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>[Handwritten Signature]</i>
	Address: <i>260 Peachtree St, Ste 401 Atlanta, Ga 30303</i>
	Date: <i>Aug 13, 2019</i>

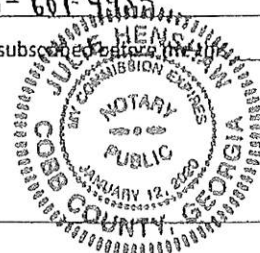
If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



**Property Owner(s)
Notarized Certification**

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

Property Owner (If Applicable)	Signature: <i>[Signature]</i>	Date: 7/9/19	
	Address: 2141 Strong Blvd	City, State: Lithonia, GA	Zip: 30058
	Phone: 770-601-4453		
	Sworn to and subscribed before me this 9 th day of July, 2019		
Property Owner (If Applicable)	Notary Public: 		
	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:	
	Address:	City, State:	Zip:
Property Owner (if Applicable)	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		
	Signature:	Date:	



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: 7/9/19
	Address: 2100 Keweenaw Parkway Suite 800		City, State: Atlanta, GA
	Phone: 770-738-1111		Zip: 30328
	Sworn to and subscribed before me this 9 th day of July, 2019		
Attorney / Agent	Notary Public:		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
Notary Public:			



HILLIARD STARKEY LAW

260 PEACHTREE STREET, N.W., SUITE 401
ATLANTA, GEORGIA 30303
404.389.9085

OFFICES:
MABLETON, GA
ATLANTA, GA

M. HAKIM HILLIARD
hilliard@hstarlaw.com

August 12, 2019

VIA HAND DELIVERY

City of Stonecrest
3129 Stonecrest Blvd
Stonecrest, Georgia 30038

RE: Letter of Intent
Application for Special Land Use Permit for Drive-Thru Facility
2773 Evans Mill Road, Stonecrest, Georgia 30329
Parcel Id Nos. 16 137 04 005
Land Lot 137; 16th District, DeKalb County, Georgia

To whom it may concern:

Our firm represents GPS HOSPITALITY, LLC and its agent/applicant, Todd Jackson, (the "Applicant") with respect to the above-referenced application for a Special Land Use Permit ("SLUP") to allow for a drive-thru facility in conjunction with the proposed development of a Burger King Restaurant at 2773 Evans Mill Road, Stonecrest, Georgia (the "Subject Property"). This letter is intended to serve as the required Letter of Intent accompanying the subject application.

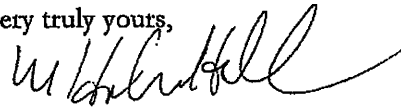
The Applicant proposes to redevelop the Subject Property to accommodate a Burger King Restaurant with a drive-thru facility. The building located on the Subject Property is currently occupied with a restaurant use called The Mill. Prior to The Mill being located on the Subject Property, the building operated as a fast food restaurant with a drive-thru facility. As a part of this process, the Applicant is looking forward to meeting with the City of Stonecrest and the adjacent and nearby neighbors to ensure the proposed development proceeds in a manner consistent with the standards dictated by all applicable laws and regulations. Moreover, the Applicant intends for this redevelopment project to include certain aesthetic improvements that will enhance the appearance of the overall property and, therefore, looks forward to receiving input on these matters during the SLUP review process.

As part of its public participation plan, the Applicant shall conduct an initial community meeting with the most immediate neighbors and will also be available to answer questions regarding its proposal throughout the review process. It is the Applicant's hope that its conversations with impacted neighbors, city personnel and elected officials will result in the delivery of an operational framework that will cause the subject business to blend more effectively and efficiently with the surrounding area.

Thank you for your thoughtful attention to the foregoing request for SLUP. We look forward to working with you on this important matter.

Please call us if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Hilliard", written in a cursive style.

M. Hakim Hilliard

LETTER OF APPLICATION

and

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

Application for a Special Land Use Permit

by

GPS HOSPITALITY, LLC
and its agent/applicant Todd Jackson

for

± .81 Acres of land located at
2773 Evan Mills Road, Stonecrest, Georgia
Land Lot 137, 16th District

Submitted for Applicant by:

M. Hakim Hilliard, Esq.
Hilliard Starkey Law
260 Peachtree Street NW, Suite 401
Atlanta, Georgia 30303
404.389-9085
hhilliard@hstarlaw.com

SUMMARY OF PROPOSED USE

This is an application of GPS HOSPITALITY, LLC and its agent/applicant Todd Jackson (hereinafter collectively referred to as the "Applicant") for a Special Land Use Permit (hereinafter referred to as the "SLUP") to permit drive-thru facility in conjunction with the operation of a Burger King Restaurant at 2773 Evans Mill Road, Stonecrest, Georgia (hereinafter referred to as the "Subject Property").

The Subject Property consists of approximately .81 acres of land, is zoned C-1 (commercial) and located in Tier 2 of the Stonecrest Overlay District.

To accommodate its proposed use, the Applicant proposes to construct a 2,972 square foot restaurant building with a drive-thru facility, and 37 on-site parking spaces. Pursuant to the site plan submitted herewith, the proposed restaurant will rely upon two existing curb cuts for ingress and egress to and from the Subject Property.

The City of Stonecrest requires that a SLUP issue to allow for a drive-thru facility in conjunction with the proposed Burger King Restaurant. The Applicant submits herein that the SLUP requested herein will be developed in accordance with the standards set out in the City of Stonecrest Code of Ordinances. In addition, the Applicant intends to work closely with the immediate neighborhood to ensure the issuance of the subject SLUP does not frustrate the intent of the Zoning Ordinance to promote the general welfare of the public, and otherwise results in the development of a project which is aesthetically pleasing and functionally appropriate for the site.

In anticipation of some potential concerns, the Applicant has already submitted a list of conditions that the Applicant will abide by. The Applicant is open to more conditions as discussion and dialogue continues with neighbors. Nonetheless, the Applicant has already unilaterally agreed to the

following conditions:

1. The Subject Property shall be developed in accordance with the site plan prepared by Integrity Engineering & Development Services, Inc., dated August 8, 2019.
2. The Subject Property shall be developed in accordance with the City of Stonecrest Tree Ordinance.
3. All lighting on the Subject Property shall be developed in a manner so as to minimize the glare on adjoining properties

The Zoning Ordinance of the City of Stonecrest specifically authorizes the Stonecrest City Council to apply the following criteria in evaluating and deciding any application for a SLUP. Accordingly, the balance of this report contains the Applicant's demonstration regarding how it intends to favorably address each factors reviewed in considering the issuance of a SLUP.

A.

Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including 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 site is adequate in size for the use contemplated. A restaurant use has been a permitted use on the Subject Property for several years. Prior to The Mill Restaurant, which currently operates in the existing building located on the Subject Property, a fast food restaurant with a drive-thru facility operated out of the same building. Now, as it has previously, the Subject Property meets the all required yards, open space, and off-street parking requirements. The appropriate setbacks and lot coverage have been provided. The proposed restaurant will consist of approximately 2,972 square feet of enclosed floor area, with 37 parking spaces located on the Subject Property. In this regard, a review of the proposed site plan demonstrates that Subject Property is adequate for the proposed use, and all necessary parking is provided on site.

B.

Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The adjacent properties consist of similarly-scaled commercial uses that are wholly compatible with the Applicant's proposed restaurant with a drive-thru facility. Captain D's Restaurant is located immediately adjacent to the Subject Property to the southeast. Adjacent to the southwest is a small, strip center that included a convenience store and other commercial uses, and also appears to be the former site of a fuel station. The fuel pump canopy remains, but the fuel pumps have been removed. Directly across Evans Mill Road from the Subject Property is a Shell fuel station and convenience store. A structure that appears to be a single family home is located adjacent to the Shell fuel station across the street, but it is not clear whether it is currently being used for residential purposes. The balance of the uses on the Subject Property and around it are commercial uses.

C.

Adequacy of public services, public facilities, and utilities to serve the use contemplated:

Prior to the existing restaurant operating on the Subject Property, a similar restaurant use operated there for several years before closing, and continues to maintain adequate public service, public facility and utilities. The contemplated use does not require any additional public services, facilities or utilities.

D.

Adequacy of the public street on which the use is proposed to 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:

The Subject Property is located on Evan Mills Road, a four-lane road that is considered a major thoroughfare. The fact that the proposed use is similar and/or identical to restaurant uses that have operated on the Subject Property for many years suggests that the proposed development will increase

traffic in the area.

E.

Whether or not existing land uses located along access routes to the site will be adversely affected by the character of vehicles or the volume of traffic generated by the proposed use;

The majority of the traffic that will be generated by the approval of this SLUP will be limited to existing traffic on Evans Mill Road. No change in traffic is expected.

F.

Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular references to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

The Applicant shall rely upon the existing curb cuts associated with the Subject Property, with associated areas for pedestrian access.

G.

Whether or not 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;

There will no adverse impact on the adjoining uses, which are compatible, commercial uses. Any impact on adjoining uses will be negligible.

H.

Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

The use of the Subject Property will operate with hours comparable and consistent with its adjoining uses. As such, the adjoining land uses will not be affected by the hours of operation of the use proposed by this Applicant.

I.

Whether or not 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 adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. Applicant is allowed to operate a restaurant use as of right on the Subject Property. The SLUP is intended solely for the purpose of allowing a drive-thru facility to be operated as a part of the restaurant use.

J.

Whether or not the proposed plan is consistent with all of the other requirements of the zoning district classification in which the use is proposed to be located;

The proposed plan is consistent with all other requirements of the zoning district classification in which the use is proposed to be located. The proposed site is located on property where an identical use has previously been located.

K.

Whether or not the proposed use is consistent with the Policies of the Comprehensive Plan

The City of Stonecrest's Comprehensive Plan consists of texts and a series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Plan in order to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. Thus, with an updated Plan in effect and a mandatory planning and zoning consistency mechanism in place, it is extremely important that any zoning request, such as the SLUP requested herein, be based on sound land use planning and comprehensive planning principles. In the present matter, the proposed development is located in the Light Industrial Comprehensive Development Plan category, and the Applicant submits that

its proposal for fast food restaurant would effectively implements the policies stated in the Plan for this area of the City of Stonecrest.

L.

Whether or not the proposed plan provided for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be held

The Applicant's proposed development plan satisfies all development standards applicable to the Subject Property. Accordingly, the required buffer and transitional buffer zones will not be affected.

M.

Whether or not there is adequate provision of refuse and service areas;

The Applicant's proposed development plan provides adequate provisions for refuse and service areas.

N.

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

Applicant requests that the SLUP not be limited in duration.

O.

Whether or not 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 the adjacent and nearby lots and buildings;

The size and scale of the Applicant's proposed development is appropriate in relationship to the size and scale of adjacent and nearby properties.

P.

Whether the proposed plan will adversely affect historic buildings, sites, district, or archaeological resources;

Proposed plan does not adversely affect historic buildings, sites, district, or archaeological resources.

Q.

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

There are no requirements contained within the supplemental regulations for the SLUP or the proposed use.

R.

Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

The height of the proposed building will not create a negative shadow impact on any adjoining lot or building.

S.

Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

The proposed use will not result in a disproportionate proliferation of drive-thru facilities in the area. In this regard, the Applicant proposes to reactivate a prior drive-thru facility on the Subject Property, which is a critical component of the proposed development.

T.

Whether the proposed use would be consistent with the needs of the neighborhood or of 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 would be consistent with the needs of the neighborhood by activating an abandoned use with an additional dining option. This SLUP application allows for the property owner to bring a viable commercial option to the Subject Property and encourage further redevelopment of adjacent and/or nearby property.

CONCLUSION

Based upon the foregoing facts, the Applicant contends that the Special Land Use Permit requested herein would do substantial justice while preserving the spirit of the chapter shall, securing the public welfare and safety and not causing substantial detriment to the public good or impair the purpose and intent of Zoning Ordinance of the City of Stonecrest.

Further, the Applicant respectfully submits that the Zoning Ordinance of the City of Stonecrest, Georgia, as amended from time to time and known as the "City of Stonecrest zoning Ordinance," is expressly intended to grant Special Land Use Permits in instances such as these described herein. Further, to forbid the requested Special Land Use Permit in this instance would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of 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 I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the failure to approve the requested Special Land Use Permit would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the Property owner and the owners of similarly situated property in violation of Article I, Section 111, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl v. Holcomb Bridge Road, 238 Ga. 322 (1977).

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit application be approved.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'W. H. H. H.', written in a cursive style with a long, sweeping tail.

Notice Date: TBD

PUBLIC NOTICE

COMMUNITY MEETING

_____ at 6:00PM

at

Application for Special Land Use Permit

by:

TODD JACKSON

for an

DRIVE-THRU FOR A FAST FOOD RESTAURANT

.81 acres of land located at
2773 Evans Mill Road
Stonecrest, GA 30329

Current Property Use:	None (Former Fast Food Restaurant)
Proposed Use:	Burger King Restaurant with Drive-Thru
Hours of Operation:	MON-THURS: 6:00AM - 12:00AM FRI-SAT: 6:00AM - 12:00AM SUN: 7:00AM - 12:00AM

CROTTS DEXTER THURMON	186 SEVEN FARMS DR STE F #396	DANIEL ISLAND	29492
GIVE AND TAKE INC	569 RAMS CT	TUCKER, GA	30084
T SQUARE PIVOTS LLC	2141 STRANG BLVD	LITHONIA, GA	30058
SCF RC FUNDING I LLC	47 HULFISH ST # 210	PRINCETON, N.	8542
DMS OAKS LLC	1460 WALDEN AVE	LAKESWOOD, NJ	8701
ROBERT F SEEDLOCK TRUST	1750 PEACHTREE ST NW	ATLANTA, GA	30309
ZINA AND BROTHERS INC	2799 EVANS MILL RD	LITHONIA, GA	30058
DSJ VENTURES INC	2473 WOODACRES RD NE	ATLANTA, GA	30345
ABDULLAH ERIT A	602 RIVERLANDING DR	LAWRENCEVILL	30046
3R GREENWOOD INC	1961 LAKE ROCKAWAY RD NW	CONYERS, GA	30012
GARCIA BEATRIZ D	2866 DAVIDSON DR	LITHONIA, GA	30058
DAVIDSON DRIVE LLC	PO BOX 8421	ATLANTA, GA	31106
JACKSON SHELIA A	2850 DAVIDSON DR	LITHONIA, GA	30058
3R GREENWOOD INC	1961 LAKE ROCKAWAY RD NW	CONYERS, GA	30012
CAY ENTERPRISES GROUP LLC	4292 MEMORIAL DR # C	DECATUR, GA	30036
KEOWN JOSEPH W	3882 SETTERS TRL SW	CONYERS, GA	30094
GARSTAN LAKE HOMES INC	4002 HIGHWAY 78 STE 530 144	LILBURN, GA	30047
TEDDYATL LLC	2782 EVANS MILL RD	LITHONIA, GA	30058
ILEVBARE JOHN CHRISTOPHER	2853 DAVIDSON DR	LITHONIA, GA	30058
ILEVBARE PHYLLIS MILES	2853 DAVIDSON DR	LITHONIA, GA	30058
REVEN HOUSING GEORGIA LLC	P O BOX 1459	LA JOLLA, CA	92038
RICKETTS KENNETH	5908 FAIRINGTON FARMS LN	LITHONIA, GA	30038
KEOWN DAVID WENDELL	3882 SETTERS TRL SW	CONYERS, GA	30094
CENTRAL GEORGIA JOINT	0 PO BOX 855	LITHONIA, GA	30058
HOWARD PHILIP	1537 OVERLOOK PASS RD	MONROE, GA	30655

ENVIRONMENTAL SITE ANALYSIS

1. Conformance to the Comprehensive Plan:

Describe the proposed project and the environmental conditions on the site.

This is an application of GPS HOSPITALITY, LLC and its agent/applicant Todd Jackson (hereinafter referred to as the "Applicant") for a Special Land Use Permit (hereinafter referred to as the "SLUP") to allow for a drive-thru facility in conjunction with the proposed development of a Burger King Restaurant at 2773 Evans Mill Road, Stonecrest, Georgia (the "Subject Property").

The Applicant is unaware of any identified environmental conditions associated with the Subject Property. To the extent that any environmental conditions exist, the SLUP for a drive-thru facility will have no impact on said conditions.

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

The adjacent properties consist of similarly-scaled commercial uses. Captain D's Restaurant is located immediately adjacent to the Subject Property to the southeast. Adjacent to the southwest is a small, strip center that included a convenience store and other commercial uses, and also appears to be the former site of a fuel station. The fuel pump canopy remains, but the fuel pumps have been removed. Directly across Evans Mill Road from the Subject Property is a Shell fuel station and convenience store. A structure that appears to be a single family home is located adjacent to the Shell fuel station across the street, but it is not clear whether it is currently being used for residential purposes. The balance of the uses on the Subject Property and around it are commercial uses.

A site plan of the Subject Property (also attached to the application as the site plan) is attached hereto.

Conformance to the Comprehensive Plan.

The City of Stonecrest's Comprehensive Plan consists of texts and a series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Plan in order to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. The Subject Property is located Tier 2 of the City of Stonecrest Overlay, and is located in the Light Industrial Comprehensive Plan category. Although the C-1 Zoning District where the property is located is not in full conformity with M (Light Industrial) Comprehensive Development Plan designation it is associated with, it is in conformity with the stated goals and objectives contained in the Comprehensive Development Plan for this area.

2. Environmental Impacts of the The Proposed Project

Other than its commitment to adhere to any and all applicable local and state regulations related to its business operations, the Applicant submits that there is no identifiable impact on the site as a result of the proposed development. In response to the specific questions:

- a. Wetlands. NONE
- b. Floodplain. NONE
- c. Streams/stream buffers. UNKNOWN AT THIS TIME
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation. NONE
- e. Vegetation. NONE
- f. Wildlife Species (including fish). NONE
- g. Archeological/Historical Sites. NONE

3. Project Implementation Measures

Other than its commitment to adhere to any and all applicable local and state regulations designed to address Items a-d, by way of the proposed development and/or business operations, the Applicant submits that this question is not applicable to the land use permit requested herein.



November 6th, 2019

Planning Commission
Public Hearing



SLUP-19-005

**2773 Evans Mill Road, Stonecrest,
GA 30038**

Petition Information

- APPLICANT: GPS Hospitality LLC, c/o Hilliard Starkey Law
- LOCATION: 2773 Evans Mill Road
- ACREAGE: .81 acres
- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) to construct a fast food restaurant with a drive-through.

General Information

- Current zoning: C-1 (Local Commercial) District
- Future Land Use Character Area: Regional Center
- Policies for this area emphasize:
 - Promote the concentration of regional serving activities to a centralized location that allow for a variety of uses while reducing automobile travel, promoting walkability and increased transit usage.
 - Regional Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods
- Surrounding uses: Commercial and Residential.
- Surrounding zoning: C-1 (Local Commercial) and MR-2 (Medium Density Residential).

Zoning Map



ZONING CASE: **SLUP-19-005**

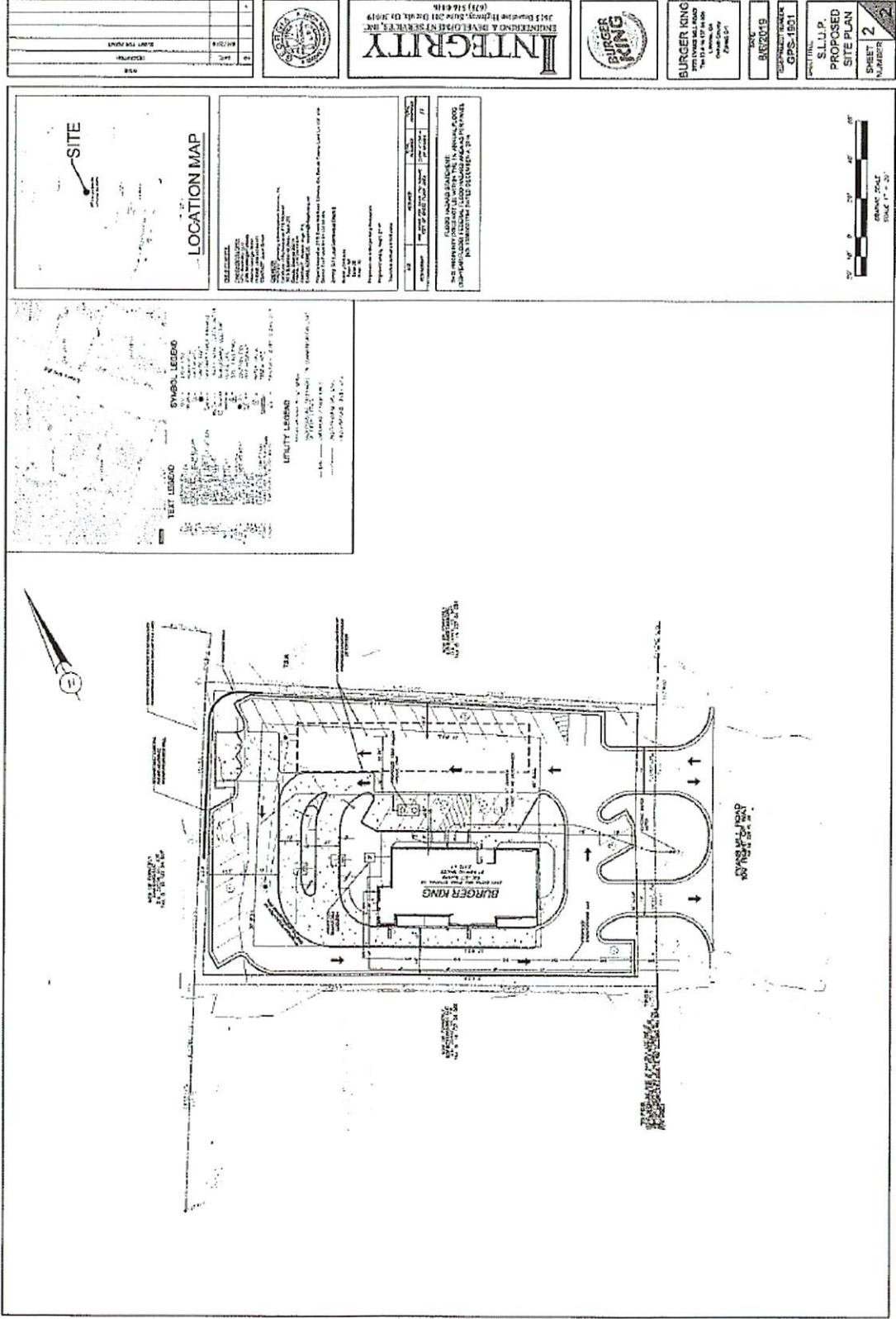
ADDRESS: **2773 Evans Mill Road**

CURRENT ZONING: **C-1 (Local Commercial)**

FUTURE LAND USE: **Regional Center**

0 0.025 0.05 mi

Site Plan of Proposed Restaurant

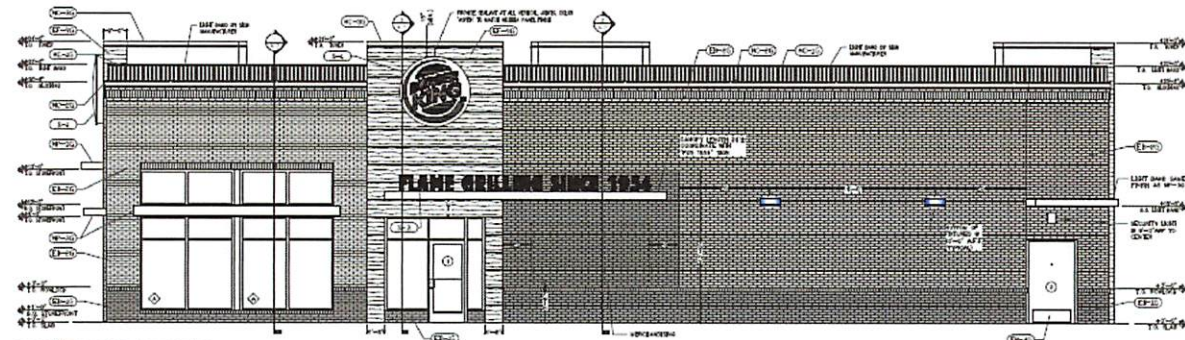


View of Subject Property from Evans Mill Road

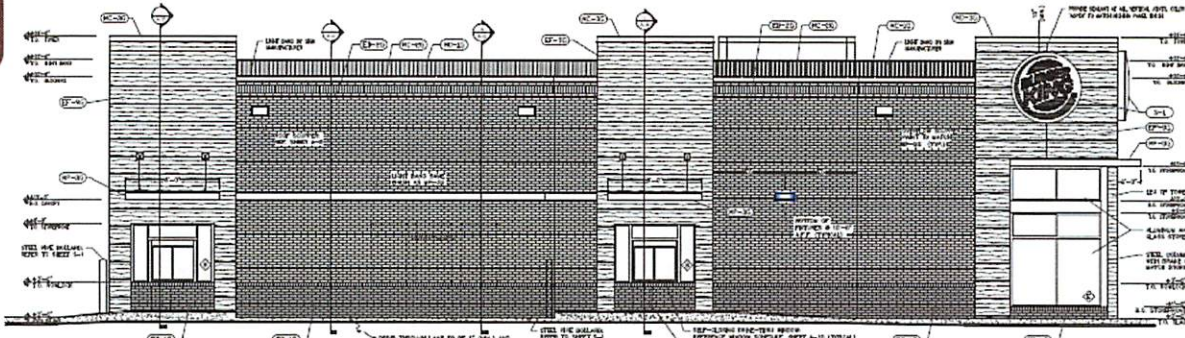


Elevation of Proposed Restaurant

NEW_STONECREST_GA_REV 1_7.31.2019



1 MAIN ENTRANCE ELEVATION
SCALE 1/4\"/>



2 DRIVE THROUGH ELEVATION
SCALE 1/4\"/>

DESIGN REVIEWED
BY: MARIA VALERIO

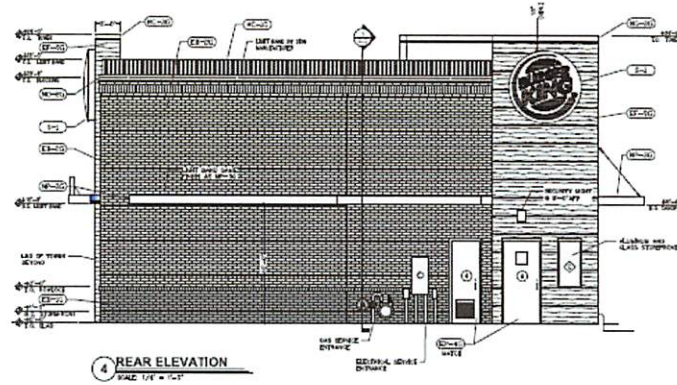
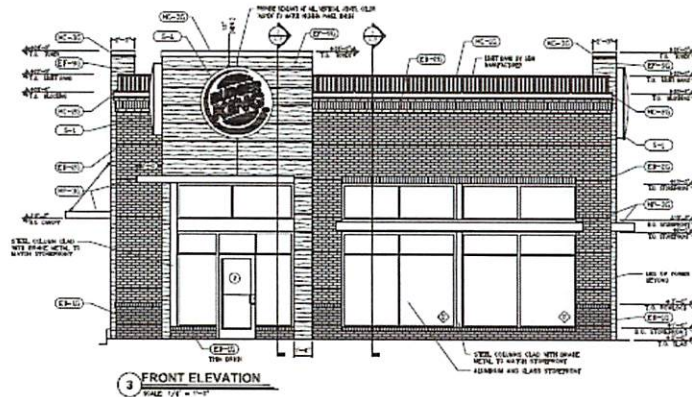
- Approved in compliance
- Approved as noted
- Revise and resubmit

DATE: 08/01/2019


1. THIS SOLUTION APPLICABLE TO PERMITS FOR NEW CONSTRUCTION

ALL FINISHES AS PER GARDEN GRILL FINISH SCHEDULE

Elevation of Proposed Restaurant



STANDARDS OF REVIEW

- **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.**
 - **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**
 - **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**
 - **Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**
 - **Whether the proposed use is consistent with the policies of the comprehensive plan.**
 - **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.**
- 

STANDARDS OF REVIEW

- Whether there is adequate provision of refuse and service areas.
- Whether the length of time for which the special land use permit is granted should be limited in duration.
- 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.
- Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources
- Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
-
- Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
- 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.

Staff Analysis

Staff finds this petition:

- Consistent in use and scale with adjacent and nearby properties.
- Staff believes the proposed fast food restaurant the drive-thru is suitable in view of the use and development of adjacent and nearby properties.

Staff & Planning Commission Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of this request:

1. The Special Land Use Permit shall be issued to Todd Jackson (agent) or GPS Hospitality for the operation of a restaurant with a drive-thru and shall not be transferable.
2. The applicant shall secure the necessary business license, building permits, land disturbance permit and all required permits from the City of Stonecrest.
3. The applicant shall follow the supplemental regulations Section 4.2.23 cited in the Stonecrest Zoning Ordinance.



COUNCIL MEETING AGENDA

ITEM SUBJECT: IGA DeKalb CVB

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

COUNCIL MEETING: 11/25/2019

SUBMITTED BY: Julian Jackson and Clarence Boone

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Make decision on renewal

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

THIS AGREEMENT by and between the City of Stonecrest, Georgia, a political subdivision of the State of Georgia, acting by and through its duly elected City Council (hereinafter sometimes referred to as the "City"), and the DeKalb Convention & 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").

W I T N E S S E T H:

WHEREAS, the City Council of the City of Stonecrest, Georgia, has levied a tax of 5% 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) requires 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 Expenditures be made only through a contract or contracts with certain entities stated therein, including but not limited to, destination marketing organizations and private sector nonprofit organizations; and

WHEREAS, the Corporation is a destination marketing organization and a private sector nonprofit organization as defined in O.C.G.A. § 48-13-50.2(1) and (3) and meets all other necessary and reasonable requirements to qualify as an appropriate entity to make the Expenditures of the Tax; and

WHEREAS, the Corporation has covenanted and agreed that it shall make the Expenditures of the Tax in accordance with an established budget of the 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.

City hereby agrees that the Corporation shall make Expenditures of the Tax in the amounts approved by the City as Budgeted Funds, and the Corporation hereby agrees to receive and make the 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.

No later than August 1, 2017 and each December 1 thereafter during the term of this Agreement, Corporation agrees to submit a budget acceptable to the City showing the planned expenditure of any funds 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, litigation, and actions, based upon or arising out of damage or injury (including death) to persons or property caused by or sustained in connection with its performance of this Agreement or the work of any subcontractor, or anyone directly or indirectly employed by or under the supervision 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, litigation, and actions based on, or arising out of, any 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 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 limit 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 limit 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 this 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
Stonecrest, GA 30038

- 6. Certificates referred to in subparagraph "5." above must be mailed to:

City of Stonecrest, Georgia
3120 Stonecrest Blvd
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 an amount equal to the Tax collected 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.

With respect to the revenues anticipated to be received by the Corporation from DeKalb County and from the cities of Tucker, Doraville, Chamblee, ~~Dunwoody~~^{Lawrenceville}, Stonecrest, and Brookhaven, Corporation agrees to expend such revenues in an equitable fashion and within the purpose and intent of O.C.G.A. § 48-13-50, et. seq., to promote, attract, stimulate, and develop conventions, tourism, and trade shows in the county and municipalities in accordance with the revenues received from each such jurisdiction.

VII.

The City designates its 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 waiver, modification, or amendment of any term, condition, or provision of this Agreement will be valid, or of any force or 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 of any of the terms of this Agreement as provided for herein.

VIII.

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.

IX.

This Agreement will remain in effect from April 1, 2017 until midnight of December 31, 2017, 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 January 1 of each succeeding calendar year during which the Tax 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 existing as of the date of termination of this Agreement. By way of illustration, the Corporation shall continue to be obligated to devote any and all non-expended 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 by Corporation prior to the termination of this Agreement.

X.

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.

XI.

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 & Visitors
Bureau, Inc.
1957 Lakeside Parkway, Suite 510
Tucker, Georgia 30084

CITY

City of Stonecrest
3120 Stonecrest Blvd
Stonecrest, GA 30038
Attention: Mayor

XII.

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.

XIII.

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, or arising out of, this Agreement shall be brought in the Courts of DeKalb County, Georgia.

XIV.

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 of Georgia.

The parties hereto have affixed their hands and seals this 21st day of August, 2017.

[Signature page follows]

DEKALB CONVENTION & VISITORS
BUREAU, INC.

BY: James Simons
President

ATTEST:

Kathryn H. Johnson
Secretary

(SEAL)

CITY OF STONECREST

BY: Paul W. King
Title: Mayor

ATTEST:

Dhenda B. James
City Clerk

(SEAL)

APPROVED AS TO FORM:

Ilkum
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 convention, tourism, and trade shows, 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 income 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*. 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 this 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 making 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 United States Internal Revenue Code or the Income Tax Code of the State of Georgia. The Corporation agrees to notify the Internal Revenue Service and the Georgia Department of Revenue (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 DeKalb County, the cities within DeKalb County, and the hotels and motels therein to market the county 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 travel, tourism, convention, and trade show industry in DeKalb County and its cities. 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, tourism, and trade show 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 above 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: 2020 Planning Commission Meetings Schedule (Request Approval)

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 11/20/19

Council Meeting: 11/25/2019

SUBMITTED BY: Christopher Wheeler, Planning & Zoning Director

PURPOSE: This is the 2020 Planning Commission Meetings Schedule that was approved by the Planning Commission on 11/06/2019.

HISTORY: This item was heard at the 11/06/19 Planning Commission Meeting. The citizens will have an opportunity to view the 2020 Planning Commission Meetings Schedule in advance of the regular scheduled meetings.

RECOMMENDED ACTION: The Planning Commission recommended approval of the 2020 Planning Commission Meetings Schedule at the 11/06/19 meeting.

OPTIONS: Approve; Deny; or make Alternative conditions

ATTACHMENT(S):

#1 11/06/19 2020 Planning Commission Meetings Schedule

Attachment #1

11/06/19

2020 Planning Commission Meetings Schedule



Planning Commission Meetings

Note: Meets the *1st* Tuesday of each month unless otherwise stated.

Where: City of Stonecrest, 3120 Stonecrest Blvd., Suite 155, Stonecrest, GA 30038

Time: 6:00 P.M.

2 0 2 0

1/7/2020
2/4/2020
3/3/2020
4/7/2020
5/5/2020
6/2/2020
7/7/2020
8/4/2020
9/1/2020
10/6/2020
11/4/2020 (WED)*
12/1/2020

*Tuesday, 11/3/20 is Election Day




CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for text amendment
TMOD 19-003 (Stonecrest Overlay) 2nd Read**

ORDINANCE **POLICY** **STATUS REPORT**
 DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 11/20/2019 Work Section: Council Meeting: 11/25/2019

SUBMITTED BY: Christopher Wheeler, Planning and Zoning Director 

PURPOSE: Adoption of Modifications to the Stonecrest Overlay Map, to amend prohibited and permitted uses and change boundaries of Tier 1-5 and boundaries of the overlay as whole.

HISTORY: This item was heard at the October 28th, 2019 City Council Meeting for the first read. The City Council direct staff to move forward with the recommend text of this item minus changes to allow self-storage and package store via mix-used development.

OPTIONS: Approve or Deny

RECOMMENDATED ACTION:
Planning Commission recommended approval of TMOD-19-003 at the October 1st meeting.

ATTACHMENTS:
1 11/20/19 Stonecrest Overlay Ordinance

1 AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,

2 **AMENDING CHAPTER 27, ARTICLE III,**
3

4 **WHEREAS,** the City of Stonecrest is authorized to exercise the power of zoning Ga. Const.
5 Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code
6 of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's
7 general police powers, and by other powers and authority provided by federal,
8 state and local laws applicable hereto; and

9 **WHEREAS,** the City of Stonecrest continues to exercise its zoning powers to provide
10 comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing
11 community; and

12 **WHEREAS,** as the City of Stonecrest experiences growth and gains knowledge through the
13 exercise of these powers, it is necessary to and, amend, and/or remove certain
14 requirements in the Zoning Ordinance; and

15 **WHEREAS,** the City of Stonecrest recognizes necessity of implementing regulations which
16 protect the health, safety and welfare of its citizens;

17 **WHEREAS,** the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory
18 requirements which must be met by a local government to enact zoning
19 ordinances and make zoning decisions, including, requiring publication of notice
20 and public hearing prior to the enactment of zoning ordinances;

21 **WHEREAS,** the City of Stonecrest has advertised and held public hearings on October 01,
22 2019 and October 28, 2019 on the adoption of the amendment to Chapter 27,
23 Article III.

24 **THEREFORE,** the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as
25 follows:

26 **Section 1: Chapter 27, Article III of the Code of the City of Stonecrest, Georgia, is hereby**
27 **amended to read as follows:**

28
29 DIVISIONS 2-4. Reserved.

30
31 27-3.5 DIVISION 5 - STONECREST AREA OVERLAY DISTRICT

32
33 Sec. 3.5.1. - Scope of regulations.

34
35 This division establishes standards and procedures that apply to any development, use,
36 alteration, height, density, parking, open space, and building on any lot or portion thereof
37 which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay
38 District.

40 Sec. 3.5.2. - Applicability of regulations.

41
42 This division applies to each application for a permit for the development, use, alteration,
43 or modification of any structure where the subject property is in whole or in part contained
44 within the boundaries of the Stonecrest Area Overlay District. The procedures, standards,
45 and criteria herein apply only to that portion of the subject property within the boundaries
46 of the Stonecrest Area Overlay District. When the Stonecrest Area Overlay District and the
47 underlying zoning conflict, the Stonecrest Area Overlay District regulations control absent
48 explicit language to the contrary.

49
50 Sec. 3.5.3. - Statement of purpose and intent.

51
52 The purpose and intent of the city council in establishing the Stonecrest Area Compatible
53 Use Zone Overlay District is as follows:

- 54 A. To preserve, protect and enhance existing and proposed open space networks that
55 are adjacent to or within the Stonecrest Area;
- 56 B. To enhance the long term economic viability of this portion of City of Stonecrest
57 by encouraging new commercial and residential developments that increase the
58 tax base and provide jobs to the citizens of City of Stonecrest;
- 59 C. To implement the policies and objectives of the comprehensive plan and the
60 policies and objectives of the design guidelines for the Stonecrest Overlay
61 District;
- 62 D. To establish and maintain a balanced relationship between industrial,
63 commercial, and residential growth to ensure a stable and healthy tax base in City
64 of Stonecrest;
- 65 E. To provide a balanced distribution of regional and community commercial and
66 mixed- use office centers;
- 67 F. To support high density housing in office and mixed-use centers which have the
68 appropriate location, access, and infrastructure to accommodate it;
- 69 G. To encourage mixed-use developments that meet the goals and objectives of the
70 Atlanta regional commission's smart growth and livable centers initiatives;
- 71 H. To allow flexibility in development standards in order to encourage the design of
72 innovative development projects that set high standards for landscaping,
73 greenspace, urban design, and public amenities;
- 74 I. To encourage an efficient land use and development plan by forming a live-
75 work-play environment that offers employees and residents the opportunity to
76 fulfill their daily activities with minimal use of single-occupant automobiles;
- 77 J. To allow and encourage development densities and land use intensities that are
78 capable of making productive use of alternative transportation modes such as bus
79 transit, rail transit, ridesharing, bicycling and walking;
- 80 K. To focus and encourage formation of a well-designed, pedestrian-friendly
81 activity centers with high-density commercial and residential development that

- 82 increases vitality and choices in living environments for the citizens of the City
- 83 of Stonecrest;
- 84 L. To protect established residential areas from encroachment of uses which are
- 85 either incompatible or unduly cause adverse impacts on such communities;
- 86 M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
- 87 N. To promote uniform and visually aesthetic architectural features which serve to
- 88 unify the distinctive visual quality of the Stonecrest Area Overlay District.

89
90 Sec. 3.5.4. - District boundaries.

91
92 A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III,
93 IV, V, and VI described in the subparagraph B below, shall be depicted on the official
94 zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay
95 District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted
96 contemporaneously with this chapter, together with all explanatory information contained
97 or referenced thereon, is hereby adopted by reference and declared to be a part of this
98 chapter.

99
100 B. The Stonecrest Area Overlay District shall be divided into five (5) development tiers
101 as follows:

- 102 1. Tier I: High-Rise Mixed-Use Zone;
- 103 2. Tier II: Mid-Rise Mixed-Use Zone;
- 104 3. Tier III: Low-Rise Mixed-Use Zone;
- 105 4. Tier IV: Transitional Mixed-Use Zone;
- 106 5. Tier V: Cluster/Village Mixed-Use Zone ; and
- 107 6. Tier VI : Viewshed Zone

108
109
110 The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in
111 digital format and contained on a compact disk to be maintained in its original, unedited
112 and unaltered form by the clerk to the city council. A printed copy of the compact disk's
113 contents depicting the Stonecrest Area Overlay maps on the date of its initial adoption shall
114 also be maintained in its original, unedited and unaltered form by the clerk to the city
115 council.

116
117 Sec. 3.5.5. – Open space.

118
119 A. *Open space*: Each lot may provide open space. Open space must be a minimum of
120 twenty percent (20%) of the lot. To the extent possible, lands containing streams, lakes,
121 one hundred-year floodplains, wetlands, slopes over fifteen percent (15%) shall remain
122 undisturbed and included in open space. Natural open space areas shall form an

123 interconnected and continuous network of paths, greenways, and trails throughout the
124 development within the Stonecrest Area Overlay District. Credit for open space areas may
125 be transferred from one (1) parcel to another within overall developments that remain under
126 unified control of a single property owner or group of owners, but must demonstrate
127 interconnectedness of public areas.

128 B. *Maintenance and protection of public space.* Each applicant that chooses to provide for
129 public space shall present as a part of the application for a building permit within the
130 Stonecrest Area Overlay District a legal mechanism under which all land to be used for
131 public space purposes shall be protected. Such legal mechanism may include deed
132 restrictions, property owner associations, common areas held in common ownership or
133 control, maintenance easements, or other legal mechanisms, provided that said legal
134 mechanism shall be approved by the city attorney as assuring each of the following
135 mandatory requirements:

- 136 1. That all subsequent property owners within said Stonecrest Area Overlay District
137 be placed on notice of this development restriction through the deed records of
138 DeKalb County Superior Court;
- 139 2. That all public space held in common will be properly maintained and insured with
140 no liability or maintenance responsibilities accruing to the city;
- 141 3. That a legal mechanism exists for notice of deficiencies in maintenance of the
142 public space held in common, correction of these deficiencies, and assessment
143 and liens against the properties for the cost of the correction of these deficiencies
144 by a third- party or the city;
- 145 4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a
146 property owners association in order to comply with the requirements of
147 subsection A above, the applicant, in addition to meeting all of said requirements,
148 shall provide for all of the following:
 - 149 a. Mandatory and automatic membership in the property owners association as
150 a requirement of property ownership;
 - 151 b. A fair and uniform method of assessment for dues, maintenance and related
152 costs;
 - 153 c. Where appropriate, party wall maintenance and restoration in the event of
154 damage or destruction; and
 - 155 d. Continued maintenance of public space held in common and liability
156 through the use of liens or other means in the case of default.

157
158 Sec. 3.5.6. - Greenspace requirements.

159
160 A. *Landscape strips.* Landscape strips not less than five (5) feet in width must be provided
161 along all side and rear property lines and on all public streets. The landscape strip along
162 the public street must be a minimum of ten (10) feet in width and must be planted with a
163 row of street trees of at least three and one-half (3½) inches in caliper selected from the
164 list of street trees species identified in the design guidelines for the Stonecrest Area
165 Overlay District and planted not less than seventy-five (75) feet on center. Continuous
166 landscaped strips shall be constructed along public rights-of-way where surface parking

167 lots are adjacent to such sidewalks or public right-of-way except at points of ingress or
168 egress into the facility.

169 *Ground cover.* Ground cover must also be provided in accordance with the design guidelines
170 for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion.
171 Ground cover must consist of evergreen shrubs or groundcover plant material mulched
172 with pine bark mulch, or other similar landscaping material.

173 C. Newly planted trees must conform to the design guidelines for the Stonecrest Area
174 Overlay District.

175 D. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no
176 closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole,
177 or similar structure.

178 E. *Greenspace requirements for parking lots :*

179 1. Greenspace areas are required in all parking lots and must comprise at least five
180 percent (5%) of the total lot area of parking lot.

181 2. In addition, all parking lots must include at least one (1) tree for every twelve
182 (12) parking spaces provided. Tree planting areas may be included in the
183 required greenspace area. Every three (3) inches in caliper, as measured at a
184 height of thirty-six (36) inches above the ground level, of an existing tree shall
185 count as one (1) newly planted tree.

186 3. Greenspace areas must be at least thirty-six (36) square feet in area.

187 4. All greenspace areas must be properly maintained in accordance with approved
188 landscape plans. In the event that a tree or any plant material dies, it must be
189 replaced within a reasonable time, so as to meet all requirements of this section
190 and to allow for planting in the appropriate planting season.

191 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted
192 for the purpose of meeting the tree planting and tree replacement requirements
193 imposed by this chapter.

194

195 Sec. 3.5.7. -Transitional buffer zone requirements.

196

197 Any lot within the Stonecrest Area Overlay District, that is contiguous to any lot outside of
198 the Stonecrest Area Overlay District zoned for a residential use, must maintain a fifty (50)
199 foot transitional buffer zone. The transitional buffer zone cannot contain any structures,
200 impervious surfaces, or water retention ponds and cannot be used for permanent parking,
201 loading, or storage. Trees may not be removed from the transitional buffer zone, other than
202 dead, decayed, dying, or hazardous trees. Additional trees and plant material may be added
203 to the transitional buffer zone.

204

205 Sec. 3.5.8. - Street standards.

206

207 Streets within the Stonecrest Area Overlay District may be either public or private streets.
208 Private streets must comply with requirements of public streets found in chapter 14 and all
209 other applicable sections of the City of Stonecrest Code, with the following exceptions:

210 a. Streets in the Stonecrest Area Overlay District may be constructed with travel
211 lanes at eleven (11) feet in width, measured inside curb and gutter.
212

213 B. Private or public alleys are permitted to provide secondary or service access
214 within developments consisting of at least four (4) buildings. An alley must
215 provide a continuous connection between two (2) streets. Alleys shall be paved
216 and constructed to the same standards as the connecting streets except that:

- 217 1. No alley shall be longer than four hundred (400) feet;
- 218 2. No alley shall have a slope greater than seven percent (7%);
- 219 3. The paved width of an alley must be at least twelve (12) feet;
- 220 4. Alleys must be constructed with flush curbs;
- 221 5. Alleys must have seven-foot-wide unobstructed shoulders constructed of
222 grass sod or gravel on both sides; and
- 223 6. Buildings must be set back at least ten (10) feet from the back curb of an
224 alley.
225

226 Sec. 3.5.9. - Underground utilities.
227

228 All utilities except for major electric transmission lines and substations are required to be
229 placed underground except where the director of planning determines that underground
230 utilities are not feasible due to pre-existing physical conditions, such as conflicting
231 underground structures or utilities, shallow rock, high water table, or other similar geologic
232 or hydrologic conditions.
233

234 Sec. 3.5.10. - Streetlights.
235

236 When necessary for the use and convenience of the occupants or users of a development,
237 streetlights are required and shall conform to the design guidelines for the Stonecrest Area
238 Overlay District.
239

240 Sec. 3.5.11. - Interparcel access.
241

242 To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be
243 interconnected to provide continuous driveway connections and pedestrian connections
244 between adjoining lots and streets, except that this requirement shall not apply to lots zoned
245 for single family or duplex residential units.
246

247 Sec. 3.5.12. - Multi-modal access plans required.
248

249 Each new application for a development permit within the Stonecrest Area Overlay District
250 must be accompanied by a multi-modal access plan prepared at a scale not greater than one-
251 inch equals one hundred feet (1"=100'). The multi-modal access plan must cover the full
252 extent of the proposed development along with public rights-of-way of adjoining streets and

253 any other property lying between the subject property and the nearest public streets on all
254 sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of
255 continuous access to and between all buildings in the proposed development and adjacent
256 properties. Connections to available transportation modes, such as driveways, sidewalks,
257 and bike paths must be shown along adjacent streets and those entering adjoining properties.
258 Safe and convenient pedestrian ways must be provided from sidewalks along streets to
259 each building entrance, including pedestrian access routes across parking lots and between
260 adjacent buildings within the same development. Where an existing or planned public
261 transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight
262 line distance) from any boundary of the subject property, the access plan must show how
263 pedestrians may safely travel from such station or stop to the subject property. Where an
264 existing or planned bike path is located within one thousand five hundred (1,500) feet of the
265 subject property, the access plan must show how safe, continuous and convenient bicycle
266 access shall be provided to the subject property.

267 Sec. 3.5.13. - High-Rise Mixed-Use Zone (Tier I).

268
269 A. *Permitted principal uses and structures.* The principal uses of land and structures
270 allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
271 District are as provided below:

272
273 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
274 Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density
275 Residential) District except those listed in B., below.

276
277 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in
278 Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 279 1. Kennels.
280 2. Tire retreading and recapping.
281 3. Sexually oriented businesses.
282 4. Reserved
283 5. Outdoor amusement services facilities.
284 6. Outdoor storage.
285 7. Farm equipment and supplies sales establishment.
286 8. Repair, small household appliance.
287 9. Hotel/motel.
288 10. Automobile sales.
289 11. Flea Markets
290 12. Automobile title loan establishments.
291 13. Pawn shops.

- 292 14. Package stores, except package stores located in mixed-use buildings with at least
293 three (3) stories and one non-retail use, and the package store cannot exceed
294 twenty-five percent (25%) of the total heated floor area of the building
- 295 15. Salvage yards.
- 296 16. Self-storage facilities. Except multi-story climate controlled self-storage facilities,
297 with a minimum of 3 stories, located at least 1,500 feet from another self-storage
298 facility subject to the following conditions:
 - 299 a. No storage units can be accessible from interior corridors, no outside storage
300 of any kind allowed, including vehicle leasing;
 - 301 b. all buildings must contain fenestration or. architectural treatments that appear
302 like fenestration;
 - 303 c. storage units may not be used for commercial, residential or industrial uses.
- 304 17. Gasoline service stations.
- 305 18. Automobile repair and maintenance, major.
- 306 19. Automobile and truck rental and leasing.
- 307 20. Commercial parking lots.
- 308 21. Automobile wash/wax service.
- 309 22. Check cashing facility.
- 310 23. Automobile emission testing facilities.

311
312 C. *Accessory uses and structures.* The following accessory uses of land and structures
313 are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
314 District:

- 315 1. Uses and structures which are customarily incidental and subordinate to the
316 permitted principal uses and structures in this district.
- 317 2. Parking lots and parking garages.
- 318 3. Open space, clubhouse or pool amenity area.
- 319 4. Signs, in accordance with the provisions of chapter 21 and this chapter.

320
321 D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

322 E. *Height of buildings and structures.* A building or structure in Tier I may exceed the
323 five-story height limit without the necessity of obtaining a special land use permit. A
324 parking deck may exceed five (5) stories in height; however, a parking deck cannot
325 exceed ten (10) stories in height either as a separate deck structure or as part of an
326 office building.

327 F. *Density.* No development in Tier I may exceed a FAR of three and one-half (3.5),
328 unless it also provides additional public space or other amenities singly, or in
329 combination as provided in subsection G below.

330 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
331 Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to
332 exceed a total FAR of six (6.00).

333 **Table 3.1. Bonus FAR: Tier I**

334

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional with commercial retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent (10%) of the gross floor area of the building.	0.25

335

Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
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E. *Required parking.* Required parking may be provided through a combination of off-street, on- street, or shared parking provided that all required parking must be located within seven hundred (700) feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:

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1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses-Minimum of one and one-quarter (1.25) spaces per dwelling unit.

351

352

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354

F. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten (10) feet in width.

355

356

Sec. 3.5.1. - Mid-Rise Mixed-Use Zone (Tier II Zone).

357

358

359

360

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

- 361 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I
362 (Office Institutional) District, O-D (Office-Distribution) District, and HR-2
363 (High Density Residential) District except those listed in B., below.
364
365
- 366 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
367 II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
- 368 1. Kennels.
369 2. Storage yards.
370 3. Tire retreading and recapping.
371 4. Sexually oriented businesses.
372 5. Outdoor storage.
373 6. Farm equipment and supplies sales establishment.
374 7. Repair, small household appliance.
375 8. Hotel/motel.
376 9. Automobile sales.
377 10. Flea Markets
378 11. Automobile title loan establishments.
379 12. Pawn shops.
380 13. Package stores, except package stores located in mixed-use buildings with at least
381 three (3) stories and one non-retail use, and the package store cannot exceed
382 twenty-five percent (25%) of the total heated floor area of the building.
383 14. Salvage yards.
384 15. Self-storage facilities. Except multi-story climate controlled self-storage facilities,
385 with a minimum of 3 stories, located at least 1,500 feet from another self-storage
386 facility subject to the following conditions:
387 • No storage units can be accessible from interior corridors, no outside
388 storage of any kind allowed, including vehicle leasing;
389 • all buildings must contain fenestration or architectural treatments that
390 appear like fenestration;
391 • storage units may not be used for commercial, residential or industrial
392 uses.
393 16. Automobile repair and maintenance, major and minor.
394 17. Gasoline service stations.
395 18. Automobile and truck rental and leasing .
396 19. Commercial parking lots.
397 20. Automobile wash/wax service .
398 21. Late-night establishments
399 22. Nighclubs
400 23. Check cashing facility.
401 24. Automobile emission testing facilities.
- 402 C. *Accessory uses and structures.* The following accessory uses of land and structures are
403 permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.

- 404 1. Uses and structures which are customarily incidental and subordinate to the
 405 permitted principal uses and structures in this district.
 406 2. Parking lots and parking garages.
 407 3. Open space, clubhouse or pool amenity area.
 408 4. Signs, in accordance with the provisions of chapter 21 and this chapter.

409
 410
 411 G. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.

412 D. *Height of buildings and structures.* A building or structure in Tier II can have a maximum
 413 height of ten (10) stories. A parking deck may exceed five (5) stories in height; however,
 414 a parking deck may not exceed ten (10) stories either as a separate deck structure or as
 415 part of an office building.

416
 417 E. *Density:* No development in Tier II may exceed a FAR of two and one half (2.5), unless it
 418 also provides additional public space or other amenities singly, or in combination as
 419 provided in subsection G, below.

420
 421 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 422 Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to
 423 exceed a total FAR of four (4.00).

424 **Table 3.2. Bonus FAR: Tier II**

425

Bonus Floor Area Ratio in Stonecrest Area, Tier 11	
Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.75
Increase public space to 30 percent while providing connectivity	1.50
Mixed-use building that combines office-institutional, commercial, or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent (10%) of the gross floor area of the building.	0.25
¹ Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

426
 427 H. *Required parking.* Required parking may be provided through a combination of off-
 428 street, on- street, or shared parking. All required parking must be located within
 429 seven hundred (700) feet of the principal entrance of the building that the parking

430 intended to serve. The minimum number of required parking spaces shall be as
431 provided in article 6, except as follows:

- 432 1. Retail uses, personal service uses, and other commercial and general business
433 uses, including food stores: Minimum of four (4) spaces per one thousand
434 (1,000) square feet of gross floor area.
- 435 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
436 square feet of gross floor area.
- 437 3. Hotel and motel uses: Minimum of one (1) space per unit.
- 438 4. Multifamily residential uses-Minimum of one and one and one-quarter (1.25)
439 spaces per dwelling unit.

440 I. Parking space area requirements must comply with the provisions of Section 6.1.3.

441 J. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least
442 five (5) feet in width.

443 Sec. 3.5.16. - Low-Rise Mixed-Use Zone (Tier III).

444
445 A. *Permitted uses and structures*. The principal uses of land and structures allowed in the
446 Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as
447 provided below:

- 448
449 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I
450 (Office Institutional) District, O-D (Office Distribution) District, M (Light
451 Industrial) District, and MR-2 (Medium Density Residential) District except those
452 listed in B., below.

453
454
455 B. *Prohibited uses*. The following principal uses of land and structures are prohibited in Tier
456 III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 457
458 1. Kennels.
- 459 2. Junkyard.
- 460 3. Tire retreading and recapping.
- 461 4. Sexually oriented businesses.
- 462 5. Outdoor amusement service facility.
- 463 6. Outdoor storage.
- 464 7. Automobile repair, major and minor.
- 465 8. Hotel/motel.
- 466 9. Automobile sales.
- 467 10. Temporary outdoor sales.
- 468 11. Pawn shops.
- 469 12. Liquor stores.
- 470 13. Nightclubs.
- 471 14. Late-night establishments.

- 472 15. Car wash.
- 473 16. Self-storage.
- 474 17. Funeral home.
- 475 18. Mortuary.
- 476 19. Crematorium.
- 477 20. Farm equipment and supplies sales establishment.
- 478 21. Repair, small household appliance.
- 479 22. Salvage yard.
- 480 23. Automobile service stations, except automobile service stations over 4,000 square
- 481 feet with special land use permit.
- 482 24. Commercial parking lot.
- 483 25. Check cashing facility.
- 484 26. Automobile emission testing facilities.
- 485

486 C. *Accessory uses and structures.* The following accessory uses of land and structures shall
487 be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
488 District:

- 489 1. Uses and structures which are customarily incidental and subordinate to the
- 490 permitted principal uses and structures in this district.
- 491 2. Parking lots and parking garages.
- 492 3. Clubhouses, including meeting rooms or recreation rooms.
- 493 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- 494

495 D. *Building setbacks.* The following building setback requirements shall apply to all
496 structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
497 District:

- 498 1. *Minimum front yard setback:* Fifteen (15) feet from right-of-way of public street, except
- 499 that front-facing garages of residential units shall be set back a minimum of twenty-five
- 500 (25) feet from rights-of-way.
- 501 2. *Minimum interior side yard:* Ten (10) feet. There shall be a minimum of fifteen
- 502 (15) feet between buildings and structures less than two (2) stories in height and
- 503 a minimum of twenty (20) feet between any two (2) buildings and structures
- 504 when one (1) of them is greater than two (2) stories in height.
- 505 3. *Minimum rear yard:* Ten (10) feet.

506 E. *Height of buildings and structures. Maximum height, three (3) stories*

- 507 a.
- 508 1. *Density:* No development in Tier III may exceed thirty (30) dwelling units per
- 509 acre and a combined FAR of one and a half (1.5), unless it also provides
- 510 additional public space or other amenities singly, or in combination as provided in
- 511 subsection G, below.

512 G. *Bonus density*: In exchange for providing one (1) or more of the amenities shown in
 513 Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to
 514 exceed a total FAR of three (3.00).

515 **Table 3.3 Bonus FAR: Tier III**
 516

Additional Amenity	Increased FAR
Increase public space to 25% while providing connectivity	0.5
1 Increase public space to 30 % while providing connectivity	1.0
1 Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use may constitute less than ten percent 1 of the gross floor area of the building.	0.25
1 Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

517
 518 H. *Required parking*. Required parking may be provided through a combination of off-
 519 street, on- street, or shared parking. All required parking must be located within
 520 seven hundred (700) feet of the principal entrance of the building that the parking is
 521 intended to serve. The minimum number of required parking spaces must be as
 522 provided in article 6, except as follows:
 523

- 524 1. Retail uses, personal service uses, and other commercial and general business
 525 uses, including food stores: Minimum of four (4) spaces per one thousand (1,000)
 526 square feet of gross floor area.
- 527 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 528 square feet of gross floor area.
- 529 3. Hotel and motel uses: Minimum of one (1) space per unit.
- 530 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
 531 dwelling unit.

532 I. *Parking space area requirements*. Parking space area requirements must comply with
 533 the provisions of section 6.1.3.

534 J. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least
 535 five (5) feet in width.

536 K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized
537 in Tier III of the Stonecrest Overlay District only if they comply with the following
538 requirements:

539 New or used motor vehicle dealers must be located on a parcel with a lot area of no less
540 than three (3) acres, and must contain at least six thousand (6,000) square feet of building
541 floor space.

542 New or used motor vehicle dealers must provide vegetative screening along any
543 automobile display areas that abut a public right-of-way. Said vegetative screening shall be
544 located outside any guard rails or security fencing abutting such public right-of-way.
545 Within three (3) years of planting, the vegetative screening must be of sufficient height to
546 screen all guard rails or security fencing abutting the public right-of-way. Planting
547 materials shall be subject to the approval of the City of Stonecrest Arborist.

548 New or used motor vehicle dealers must provide screening of all maintenance areas and
549 storage yards for automobiles stored for service. Such screening shall be sufficient to shield
550 the maintenance areas and storage yards from visibility from any adjacent properties or
551 public rights-of-way. Should vegetative screening be used, planting material shall be
552 subject to the approval of the City of Stonecrest Arborist.

553 No overhead bay doors opening into vehicle service areas shall be visible from a public
554 right-of-way.

555

556

557 Sec. 3.5.15.1. -Transitional Mixed-Use Zone (Tier IV).

558

559 A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use
560 development in a well-planned community and encourage principally office,
561 residential and commercial uses to serve the convenience needs of the local
562 community. This tier provides an economic balance to the other Stonecrest Area
563 Compatible Use Overlay District development categories which focus more on retail
564 uses.

565

566 B. *Mixed use requirements.* All properties in Tier IV which are proposed for new
567 development shall comply with the minimum requirements of this mixed use
568 development category. Permits for repairs, interior alterations or tenant buildout
569 improvements that do not alter the exterior appearance or the building footprint of
570 the structure shall be exempt from the requirements of this division. Properties in
571 Tier IV shall contain a minimum of two (2) principal uses and any residential use
572 shall not exceed seventy (70) percent of the total floor area. The mixed use
573 development may be combined vertically or horizontally in one (1) or more
574 buildings or may be provided in separate buildings or areas within a mixed-use
575 development. A minimum of one residential and one non-residential use must be
576 selected.

577

578 C. *Permitted principal uses and structures.* The principal uses of land and structures which
579 are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
580

581 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
582 Institutional) District, OCR (Office-Commercial-Residential) District, and RM-
583 HD (High Density Residential) District except those listed in B., below.
584

585 Single-family attached detached units that are part of a master planned community so long
586 as such single-family detached units are part of a mixed-use development and the
587 development provides opportunities for lifelong and aging-in-place communities as defined
588 by the Atlanta Regional Commission.

589 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
590 Tier IV: Transitional Mixed-Use Zone:

- 591 1. Kennels.
- 592 2. Tire retreading and recapping.
- 593 3. Sexually oriented businesses.
- 594 4. Outdoor amusement services facilities.
- 595 5. Outdoor storage.
- 596 6. Farm equipment and supplies sales establishments.
- 597 7. Repair, small household appliance.
- 598 8. Hotel/motels.
- 599 9. Automobile title loan establishments.
- 600 10. Pawn shops.
- 601 11. Liquor stores.
- 602 12. Salvage yards.
- 603 13. Automobile repair and maintenance, major.
- 604 14. Automobile wash/wax service.
- 605 15. Nightclubs.
- 606 16. Late-night establishments.
- 607 17. Check cashing facility.
- 608 18. Automobile emission testing facilities.
- 609 19. Car wash, self-service.
- 610 20. Self-storage.
- 611 21. Funeral home.
- 612 22. Crematorium.
- 613 23. Mortuary.
- 614

615 E. *Accessory uses and structures.* The following accessory uses of land and structures
616 are permitted in Tier IV: Transitional Mixed-Use Zone:

- 617 a. Uses and structures which are customarily incidental and subordinate to the
618 permitted principal uses and structures in this district.
- 619 b. Open space, clubhouse or pool amenity area.

- 620 c. Parking lots and decks.
621 d. Signs, in accordance with the provisions of chapter 21 and this chapter.
622
623 F. *Mixed-use developments*: Lot width, lot area and setbacks.
624 1. *Lot width and area*. All lots shall have at least one hundred (100) feet of frontage
625 as measured along the public street frontage.
626 a. Minimum lot area: One (1) acre.
627 2. *Setback requirements*.
628 1. *Front yard*. Minimum of zero (0) feet and a maximum of twenty (20) feet to
629 allow for architectural features, outdoor seating, and other project site
630 amenities.
631 2. *Side yard*. Minimum of zero (0) feet and a maximum of twenty (20) feet to
632 allow for architectural features, outdoor seating, plazas and other project site
633 amenities.
634 3. *Rear yard*. Minimum of twenty (20) feet.
635 4. *Interior side yard*. Minimum of zero (0) feet. However, where an interior
636 side yard is facing a structure with windows on an adjoining lot the distance
637 between the existing structure and the proposed structure shall be a minimum
638 of twenty (20) feet.
639 H. *Single-family detached units*: Lot width, lot area and setbacks.
640 1. *Lot width and area*. All lots must have at least fifty (50) feet of frontage as
641 measured along the public street frontage.
642 a. *Minimum lot area*. Five thousand (5,000) square feet.
643 2. *Setback requirements*.
644 a. *Front yard*. Minimum of ten (10) feet and a maximum of twenty (20) feet.
645 b. *Side yard*. Minimum of ten (10) feet.
646 c. *Interior side yard*. Minimum of five (5) feet.
647 d. *Rear yard*. Minimum of thirty (30) feet.
648 H. *Single-family attached units*: Lot width, lot area and setbacks.
649 1. *Lot width and area*. All lots must have at least thirty (30) feet of frontage as
650 measured along the public street frontage.
651 m. *Minimum lot area*. Three thousand (3,000) square feet. Maximum of eight (8)
652 units or two hundred forty (240) feet.
653 2. *Setback requirements*:
654 a. Front yard: Minimum of five (5) feet and a maximum of twenty (20) feet.
655 b. Side yard: Minimum of ten (10) feet between buildings.
656 c. Rear yard: Minimum of ten (10) feet.
657 d. Structures which are front face to front face, back face to back face, or front
658 face to back face shall be not less than sixty (60) feet apart. Structures which
659 are side face to side face shall not be less than twenty (20) feet apart.

660 Structures which are side face to front face or back face shall be not less than
 661 forty (40) feet apart.

662 I. *Height of buildings and structures.* The maximum height of any mixed-use building
 663 or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in
 664 excess of three (3) stories must be approved by the director of planning to assure
 665 adequacy of fire protection facilities and services. The maximum height of any
 666 residential single-family detached building or structure shall not exceed a height of
 667 thirty-five (35) feet and shall not exceed two stories.

668
 669 J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density
 670 not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for
 671 any development shall not exceed one and one-half (1.50).

672 1. *Density bonus.* The maximum allowable FAR of a building or development in Tier
 673 IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or
 674 more of the additional amenities is provided as described in the table below:
 675

676 **Table 3.4 Bonus FAR: Tier IV**

Additional Amenity	Increased FAR
Increase public space to twenty five (25) percent while providing interparcel access for pedestrians and vehicles.	0.5
Increase public space to thirty (30) percent while providing interparcel access for pedestrians and vehicles.	1.0
I Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten (10) percent of the gross floor area of the building.	0.25
I Mixed-use building that includes multifamily residential units constituting at least eight (8) units per acre of land, and constructed in the same building with office, I institutional, commercial or retail uses.	0.5

678
 679 L. *Required parking.* Required parking may be provided through a combination of off-
 680 street, on- street, or shared parking. All required parking must be located within
 681 seven hundred (700) feet of the principal entrance of the building the parking is
 682 intended to serve. The minimum number of required parking spaces must be as
 683 provided in the underlying zoning district regulations for the lot except as follows:

- 684 1. Retail uses, personal service uses, and other commercial and general business
685 uses, including food stores: Minimum of four (4) spaces per one thousand
686 (1,000) square feet of gross floor area.
687 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
688 square feet of gross floor area.
689 3. Hotel and motel uses: Minimum of one (1) space per unit.
690 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
691 dwelling unit.
692 5. Parking space area requirements shall comply with the provisions of section 6.1.3.
693 6. Single-family detached residential dwelling units shall have two (2) spaces per
694 unit. Garages and any surface parking areas are to be accessed by shared
695 driveways located at the rear of the residential structure. Garages that face the
696 public right-of-way shall be setback a minimum of twenty (20) feet.

697 N. *Sidewalks*. Sidewalks must be at least five (5) feet in width and must be provided along
698 the right-of-way of all public streets.

699 Sec. 3.5.15.2. - Cluster Village Mixed-Use Zone (Tier V).
700

701 A. *Statement of purpose and intent*. The primary intent of Tier V is to encourage single-
702 family detached residential developments with associated neighborhood commercial
703 and office uses to serve the convenience needs of the local community in a village or
704 cluster concept. This tier provides for the preservation of open space while allowing
705 compatible development that complements the other Stonecrest Overlay District
706 development categories. Tier V also seeks to preserve the rural and scenic beauty of
707 Arabia Mountain Preserve while providing flexibility to allow for creativity in site
708 design and development. The goal of Tier V is to minimize the environmental and
709 visual impacts of new development on natural resources and historically and culturally
710 significant sites and structures while encouraging residential and neighborhood
711 commercial development in a well planned community.
712

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

- 717 1. Adult day care facility.
718 2. Bed and breakfast.
719 3. Child day care facility.
720 4. Assembly hall.
721 5. Cultural facility.
722 6. Detached single-family dwelling.
723 7. Office uses.
724 8. Personal care facility.
725 9. Place of worship.

726 10. Retail, excluding drive-through facilities, automobile service stations,
727 commercial amusements, convenience store, liquor stores, package store,
728 recreation, indoor, .

729 11. Office/medical.

730 Personal services establishment.

731 C. *Accessory uses and structures.* The following accessory uses of land and structures
732 shall be authorized in Tier V: Cluster Village Mixed-Use Zone

733 1. Uses and structures which are customarily incidental and subordinate to the
734 permitted principal uses and structures in this district.

735 2. Open space, clubhouse or pool amenity area.

736

737 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
738 V: Cluster Village Mixed-Use Zone:

739 1. Kennels.

740 2. Junkyard.

741 3. Tire retreading and recapping.

742 4. Sexually oriented businesses.

743 5. Go-cart concession.

744 6. Outdoor storage.

745 7. Automobile repair, major.

746 8. Hotel/motel.

747 9. Automobile sales.

748 10. Temporary outdoor sales.

749 11. Pawn shops.

750 12. Liquor stores.

751 13. Nightclubs

752 14. Late-night establishments.

753 15. Car wash, self service.

754 16. Self-storage.

755 17. Funeral home.

756 18. Mortuary.

757 19. Crematorium.

758 20. Farm equipment and supplies sales establishment.

759 21. Multifamily dwelling unit.

760

761 E. *Lot width, lot area and setbacks.*

762 1. All single-family detached residential dwellings located on Klondike Road,
763 Plunkett Road or Rockland Road must have a minimum of one hundred (100)
764 feet of frontage as measured along the public street frontage.

765 a. *Minimum lot area.* Fifteen thousand (15,000) square feet.

766 b. *Minimum setback requirements.*

- 767 i. *Front yard*. Thirty-five (35) feet.
768 ii. *Side yard*. Thirty-five (35) feet.
769 iii. *Rear yard*. Forty (40) feet.
770 iv. *Interior side yard*. Ten (10) feet.
- 771 2. All single-family detached residential lots which are located on new roadways
772 must have a minimum of fifty (50) feet of frontage as measured along the public
773 street frontage.
- 774 a. *Minimum lot area*. Five thousand (5,000) square feet.
775 b. *Minimum setback requirements*.
- 776 i. *Front yard*. Minimum of ten (10) feet and a maximum of twenty-five
777 (25) feet.
778 ii. *Side yard*. Fifteen (15) feet.
779 iii. *Rear yard*. Twenty (20) feet.
780 iv. *Interior side yard*. Five (5) feet.
781
- 782 3. Reserved.
- 783 4. Office and commercial uses may not be located along Klondike or Rockland Road.
784 Any uses otherwise authorized in Tier V shall be clustered together in a "village" or
785 "hamlet" setting and must include convenient access to neighboring residential
786 communities in a manner that preserves the open space on the lot. Such uses must be
787 developed in a manner that also preserves the rural and scenic nature of Tier V and is
788 compatible with the natural design and forestation of the Arabia Mountain Preserve.
789 Such uses must be developed in a manner that minimizes the environmental and
790 visual impact of new development on the existing natural landscape and the
791 historically and culturally significant sites and structures. To the extent possible,
792 developments must be constructed in a manner that preserves the bucolic nature and
793 farming community appearance of Tier V.
- 794 a. Office and commercial uses must be a maximum of two thousand five hundred
795 (2,500) square feet per tenant space.
796 b. Single-use structures must be a maximum of ten thousand (10,000) square feet.
797 c. Lot width and lot area. Office and commercial lots must be a minimum of
798 twenty thousand (20,000) square feet.
- 799 F. *Height of buildings and structures*. No building or structure may exceed thirty-five (35)
800 feet in height or two (2) stories whichever is less.
- 801 G. *Required parking*. The minimum number of required parking spaces must be as provided
802 in the underlying zoning district regulations except as follows:
- 803 1. Residential, single-family detached: Minimum of two (2) spaces.
804 2. Retail uses, personal service uses, and other commercial and general business uses,
805 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
806 feet of gross floor area.
807 3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
808 feet of gross floor area.

- 809 4. Parking space area requirements must comply with the provisions of section 6.1.3.
- 810 H. *Sidewalks*. A landscape strip must be provided between the curb and the pedestrian travel
811 lane in compliance with land development standards. Sidewalks must be provided along
812 the right-of-way of all public streets.
- 813 Sec. 3.5.15.3. – Viewshed Zone (Tier VI).
- 814 A. *Statement of purpose and intent*. The intent of Tier VI is to promote uniform and visually
815 aesthetic development which serves to unify the distinctive visual quality of the Stonecrest
816 Area Overlay District.
- 817 B. *Permitted principal uses and structures*. The permitted principal uses of land and
818 structures for property in Tier VI shall be governed by all of the underlying zoning district
819 regulations.
- 820 C. *Accessory uses and structures*. The permitted accessory uses and structures for property
821 in Tier VI shall be governed by the underlying zoning district.
- 822 D. *Prohibited uses*. The following principal uses of land and structures are prohibited in
823 Tier V: Viewshed Zone:
- 824
- 825 1. Sexually oriented businesses.
- 826 2. Pawn shops.
- 827 4. Package stores.
- 828 5. Check cashing facility.
- 829 E. *Lot width, lot area and setbacks*. Lot width, lot area and setbacks of property in Tier VI
830 shall be governed by the underlying zoning district.
- 831 F. *Height of buildings and structures*. The height of buildings and structures on property
832 within Tier VI shall be governed by the underlying zoning district.
- 833 G. *Required parking*. The minimum number of required parking spaces of property in Tier
834 VI shall be governed by the underlying zoning district.
- 835 H. *Sidewalks*. A landscape strip must be provided between the curb and the pedestrian travel
836 lane in compliance with land development standards. Sidewalks must be provided along the
837 right-of-way of all public streets.
- 838
- 839 Sec. 3.5.16. - Shared parking.
- 840
- 841 Shared parking is encouraged and may be authorized by the director of planning. Applicants
842 may make application to the director of planning for authorization for a special exception for
843 shared parking. Said applications shall be considered and decided by the director of planning
844 pursuant to the standards and procedures set forth in section 7.6.5.
- 845 Sec. 3.5.17. -Permits for uses.
- 846

847 Any use authorized by this division shall require that a development permit be issued before
848 property improvements can be made in accordance with section 7.7.2 and a building permit
849 required in accordance with the provisions of section 7.7.3.

850

851 Sec. 3.5.18. - Design guidelines.

852

853 The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall
854 apply to all uses and structures within the Stonecrest Overlay District and shall be maintained
855 by the planning director and available for public inspection. The design guidelines provide
856 acceptable minimum standards to guide design and development within this overlay district.
857 The planning director or designee is authorized to create, administer, and amend design
858 guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable
859 architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and
860 site furniture, and grating criteria. These guidelines shall be used to promote proper design
861 criteria and shall guide the planning director or designee in deciding whether a proposed design
862 complies with the requirements of the Stonecrest Area Overlay District.

863

864 Sec. 3.5.19. - Plans required; certificates of compliance.

865

866 A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or
867 sign permit, the applicant shall submit to the director of planning an application which
868 shall include a conceptual plan package as defined by this chapter which shall demonstrate
869 that the proposed design is in compliance with all of the requirements of this Stonecrest
870 Overlay District and the underlying zoning classification.

871 B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount
872 determined by the City of Stonecrest City Council.

873 C. *Review.* The director of planning shall review each application for compliance with
874 all requirements of the Stonecrest Overlay District and the underlying zoning
875 classification. Where the director determines that said plans comply with the requirements
876 of the Stonecrest Overlay District a certificate of compliance shall be issued in the form
877 of the director or the director's designee signing the plans and drawings after which the
878 applicant shall then apply for land disturbance, building or signs permits. Where the
879 director determines that said plans do not comply with the requirements of this chapter,
880 then the director shall notify the applicant in writing stating the manner in which said
881 applicant fails to comply with such requirements. All applications shall be considered and
882 decided by the director of planning within thirty (30) days of receipt of a complete
883 application. Any appeal of the director of planning's decision in this regard shall be to the
884 zoning board of appeals pursuant to section 7.5.2.

885

886 Sec. 3.5.20. - Conceptual plan package review.

887

888 i. The conceptual plan package must be composed of the following:

889 1. A narrative addressing the proposed development explaining how it meets the
890 purpose, intent, and standards of this chapter. The narrative shall include a tabulation

891 of the approximate number of acres in each land use, the approximate number of
892 dwelling units by type, the approximate gross residential density, the approximate
893 commercial density, the approximate public space acreage, the anticipated number,
894 type and size of recreational facilities and other public amenities; the legal
895 mechanism for protecting and maintaining public space, as required in section
896 3.5.5.A.1.;

897 2. A site location map showing the proposed development, abutting property, the
898 relationship of the proposed development to surrounding natural features and existing
899 development, and transitional buffer zones, if required; and

900 3. A multi-modal access plan meeting the requirements of section 3.5.12.

901
902

903 B. The plan to be submitted in the conceptual plan package must contain the
904 following information:

905 1. Six (6) copies of a plan drawn to a designated scale of not less than one inch
906 equals one hundred feet (1"=100'), certified by a professional engineer or
907 land surveyor licensed by the State of Georgia, presented on a sheet having
908 a maximum size of twenty-four (24) inches by thirty-six (36) inches, and
909 one (1), eight and one-half-inch by eleven-inch reduction of the plan. If
910 presented on more than one (1) sheet, match lines must clearly indicate
911 where the several sheets join. Such plan must contain the following
912 information:

- 913 i. Boundaries of the entire property proposed to be included in the
914 development, with bearings and distances of the perimeter property lines.
- 915 ii. Scale and north arrow, with north, to the extent feasible, oriented to the
916 top of the plat and on all supporting graphics.
- 917 iii. Location and approximate dimensions in length and width, for landscape
918 strips and required transitional buffers, if any.
- 919 iv. Existing topography with a maximum contour interval of five (5) feet and a
920 statement indicating whether it is an air survey or field run.
- 921 v. Approximate delineation of any floodplain designated by the Federal
922 Emergency Management Agency, United States Geological Survey, or
923 City of Stonecrest.
- 924 vi. The delineation of any jurisdictional wetlands as defined by Section 404 of
925 the Federal Clean Water Act.
- 926 vii. Approximate delineation of any significant historic or archaeological
927 feature, grave, object or structure marking a place of burial if known, and a
928 statement indicating how the proposed development will impact it.
- 929 viii. A delineation of all existing structures and whether they will be retained or
930 demolished.

- 931 ix. General location, in conceptual form, of proposed uses, lots, buildings,
932 building types and building entrances.
- 933 x. Height and setback of all buildings and structures.
- 934 xi. Approximate areas and development density for each type of proposed use.
- 935 xii. Location, size, and number of all on-street and off-street parking spaces,
936 including a shared parking analysis, if shared parking is proposed.
- 937 xiii. Identification of site access points and layout, width of right-of-way and
938 paved sections of all internal streets.
- 939 xiv. Conceptual plans for drainage with approximate location and estimated
940 size of all proposed stormwater management facilities and a statement as
941 to the type of facility proposed.
- 942 xv. Development density and lot sizes for each type of use.
- 943 xvi. Areas to be held in joint ownership, common ownership or control.
- 944 xvii. Identification of site access points and layout, width of right-of-way and
945 paved sections of all internal streets.
- 946 xviii. Location of proposed sidewalks and bicycle facilities trails, recreation
947 areas, parks, and other public or community uses, facilities, or structures
948 on the site.
- 949 xix. Conceptual layout of utilities and location of all existing or proposed
950 utility easements having a width of twenty-five (25) feet or more.
- 951 xx. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and
952 gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets,
953 alleys, and other public improvements demonstrating compliance with the design
954 guidelines for the Stonecrest Area Overlay District.
- 955 xxi. Seal and signature of professional preparing the plan.

956

957 **Section 2:**

958 That the Official Zoning Map of the City of Stonecrest established in connection with the Zoning
959 Ordinance of the City of Stonecrest be changed in accordance with Exhibit A, attached hereto
960 and incorporated by reference.

961 **Section 3:**

- 962 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
963 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
964 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
965 constitutional.
- 966
- 967 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
968 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
969 phrase of this Ordinance is severable from every other section, paragraph, sentence,
970 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
971 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,

972 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
973 section, paragraph, sentence, clause or phrase of this Ordinance.

974
975 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
976 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
977 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
978 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
979 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
980 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
981 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
982 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
983 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

984
985 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
986 are hereby expressly repealed.

987
988 5. The within ordinance shall become effective upon its adoption.

989
990 6. The provisions of this Ordinance shall become and be made part of The Code of the City
991 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
992 accomplish such intention.

993 **SO ORDAINED AND EFFECTIVE** this the ____ day of November, 2019.

994 Approved:

995
996
997
998 _____
999 Jason Lary, Sr., Mayor

1000
1001 As to form:

1002
1003
1004 _____
1005 City Attorney

1006 Attest:
1007
1008
1009 _____
1010 Megan Reid, City Clerk



CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for text amendment
TMOD 19-005 (Party House) 2nd Read**

ORDINANCE **POLICY** **STATUS REPORT**
 DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 11/20/2019 Work Section: Council Meeting: 11/25/2019

SUBMITTED BY: Winston Denmark Esq, Fincher Denmark LLC

PURPOSE: Adoption of new Article 27 Party House, amend IV Table 4.1

HISTORY: This item was heard at the October 28th, 2019 City Council Meeting. The City Council direct staff to move forward with the recommend text of this item

OPTIONS: Approve; Deny or make Alternative conditions.

RECOMMENDATED ACTION:

Planning Commission recommended approval of TMOD-19-005 at the October 1st meeting.

ATTACHMENTS:

1 11/20/2019 Text for Part House Ordinance.



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance for text amendment

TMOD 19-006 (Small Box Discount Store) 2ND Read

ORDINANCE

POLICY

STATUS REPORT

DISCUSSION ONLY

RESOLUTION

OTHER

Date Submitted: 11/20/2019

Work Section:

Council Meeting: 11/25/2019

SUBMITTED BY: Winston Denmark Esq, Fincher Denmark LLC

PURPOSE: Adoption of new Article 27 Small Box Discount Store and amend Table 4.1

HISTORY: This item was heard at the October 28th, 2019 City Council Meeting. The City Council direct staff to move forward with the recommend text of this item.

OPTIONS: Approve; Deny or make Alternative conditions.

RECOMMENDATED ACTION:

Planning Commission recommended approval of TMOD-19-006 at the October 1st meeting.

ATTACHMENTS:

1 11/20/2019 Text for Small Box Discount Ordinance.



COUNCIL MEETING AGENDA ITEM

SUBJECT: IGA EHOST Remaining Proceeds

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

COUNCIL MEETING: 11/25/2019

SUBMITTED BY: Plez Joyner, Deputy City Manager

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approve at the November 25, 2019 Meeting

**INTERGOVERNMENTAL AGREEMENT FOR THE DISTRIBUTION
OF EQUALIZED HOMESTEAD OPTION SALES TAX PROCEEDS**

THIS AGREEMENT for the distribution of Equalized Homestead Option Sales and Use Tax proceeds (the “Agreement”) is made and entered into this _____ day of _____, _____ by and between DeKalb County, a political subdivision of the State of Georgia (hereinafter the “County”), and the City of Atlanta, the City of Avondale Estates, the City of Brookhaven, the City of Chamblee, the City of Clarkston, the City of Decatur, the City of Doraville, the City of Dunwoody, the City of Lithonia, the City of Pine Lake, the City of Stonecrest, the City of Stone Mountain, and the City of Tucker, municipal corporations of the State of Georgia (hereinafter collectively the “Municipalities” and, individually, as the context requires, “Municipality”).

WITNESSETH:

WHEREAS, the parties to this Agreement consist of the County and the Municipalities;

WHEREAS, the County and Municipalities are authorized to enter into this Agreement by Georgia law, specifically Article IX, Section III, Paragraph 1 of the Constitution of the State of Georgia;

WHEREAS, pursuant to O.C.G.A. § 48-8-109.1 *et seq.* (the “Act”), a referendum election was held in DeKalb County, Georgia on November 7, 2017 in which voters approved suspending the one percent Homestead Option Sales and Use Tax (“HOST”) and replacing the tax with a one percent Equalized Homestead Option Sales and Use Tax (“EHOST”), for the purpose of applying one-hundred percent of the proceeds collected from EHOST toward reducing ad valorem property tax millage rates within the County and Municipalities;

WHEREAS, pursuant to the Act, the State Revenue Commissioner of the Georgia Department of Revenue (“Revenue Commissioner”) must disburse EHOST proceeds to the County and Municipalities; first to reduce and eliminate if possible, county ad valorem property tax line items levied uniformly throughout the county on homestead properties; then, any remaining EHOST proceeds must be used to reduce homestead property taxes, at an equal and uniform rate, across both county millage rates levied only in unincorporated portions of the county on homestead properties and municipal millage rates levied in every municipality located either wholly or partially in the county on homestead properties;

WHEREAS, the County and Municipalities, having reviewed the applicable law, have agreed upon a specific method to request the Revenue Commissioner to disburse proceeds collected from EHOST and also agreed on a method to calculate the equalized homestead exemption applicable to county and municipal homestead property tax millage rates;

NOW, THEREFORE, in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the County and the Municipalities consent and agree as follows:

Section 1. Representations and Mutual Covenants

- (A) The County makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
- (i) The County is a political subdivision duly created and organized under the Constitution of the State of Georgia; and
 - (ii) The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
 - (iii) This Agreement is a valid, binding, and enforceable obligation of the County.
- (B) Each of the Municipalities, on its own behalf, makes the following representations and warranties, which may be specifically relied upon by all parties as a basis for entering this Agreement:
- (i) The Municipality is a municipal corporation duly created and organized under the laws of the State of Georgia; and
 - (ii) The governing authority of the Municipality is duly authorized to execute, deliver and perform this Agreement; and
 - (iii) This Agreement is a valid, binding, and enforceable obligation of the Municipality; and
 - (iv) The Municipality is located in part or entirely within the geographic boundaries of the special tax district created in the County.
- (C) It is the intention of the County and Municipalities to comply in all applicable respects with O.C.G.A. § 48-8-109.1 *et seq.* and all provisions of this Agreement shall be construed in light of the applicable provisions found in O.C.G.A. § 48-8-109.1 *et seq.*
- (D) The County and Municipalities agree to maintain thorough and accurate records concerning their respective receipt and expenditure of EHOST proceeds.

Section 2. Conditions Precedent

The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the collection of the EHOST tax by the Revenue Commissioner and transferring same to the County and Municipalities in conformity with this Agreement and the applicable provisions of O.C.G.A. § 48-8-109.1 *et seq.*

Section 3. Definitions

- (A) Remaining Proceeds: the amount of EHOST proceeds disbursed by the Revenue Commissioner in the previous year remaining after rolling back and eliminating the millage rates for the County Hospital Fund and General Fund taxes in the current year.
- (B) Gross Homestead Digest: the total assessed value of all qualified homestead property located in DeKalb County.
- (C) Unincorporated Homestead Digest Percentage: the percentage of the Gross Homestead Digest applicable to unincorporated DeKalb County.
- (D) Municipal Homestead Digest Percentage: the percentage of the Gross Homestead Digest applicable to a Municipality.
- (E) Remaining Proceeds Credit: the Remaining Proceeds amount divided by the Gross Homestead Digest value for the current year.

Section 4. Distribution of EHOST Proceeds

- (A) The parties agree, in accordance with O.C.G.A. § 48-8-109.5, that EHOST proceeds collected by the Revenue Commissioner shall be disbursed as follows:
 - (i) One percent of EHOST proceeds shall be paid by the Revenue Commissioner into the general fund of the state treasury in order to defray the costs of administration.
 - (ii) After one percent of EHOST proceeds are subtracted to defray the cost of administration, the Revenue Commissioner shall disburse EHOST proceeds to the County. If in any given year there are Remaining Proceeds, the Revenue Commissioner shall disburse Remaining Proceeds to the County and Municipalities according to subsection (iv) below. If there are no Remaining Proceeds for any given year, the Revenue Commissioner shall disburse all EHOST proceeds to the County only.
 - (iii) In any year in which there are Remaining Proceeds, the County must provide written notification of such proceeds to the Revenue Commissioner and the Municipalities by no later than September 1st of the year. The County's notification must certify the following information:
 - (a) The amount of Remaining Proceeds for the current year.
 - (b) The Gross Homestead Digest value for the current year.
 - (c) The Unincorporated Homestead Digest Percentage and each Municipal Homestead Digest Percentage for the current year.
 - (d) Any Municipality that does not levy a municipal ad valorem property tax.

- (iv) If the Revenue Commissioner receives a notice of Remaining Proceeds from the County, the Revenue Commissioner shall disburse the Remaining Proceeds amount to the County and each Municipality according to the Unincorporated Homestead Digest Percentage and each respective Municipal Homestead Digest Percentage. Except, for any Municipality that does not levy a municipal ad valorem property tax, the Revenue Commissioner shall disburse such Municipality's respective share of the Remaining Proceeds to the County. All other EHOST proceeds for such years shall be disbursed to the County.

Section 5. Use of EHOST Proceeds

EHOST proceeds disbursed to the County and Municipalities shall be utilized as follows:

- (A) First, to roll back, and eliminate if possible, the millage rates for the County general and hospital tax funds.
- (B) Then, if there are Remaining Proceeds, the Remaining Proceeds Credit shall be applied to the millage rates for any county ad valorem property tax line items levied only in the unincorporated portions of the county on homestead properties, commonly referred to as the County Police and Designated Funds; and shall also be applied to the millage rates for any municipal ad valorem property tax line items levied in each individual municipality located wholly or partially in the county on homestead properties. For any Municipality that does not levy a municipal ad valorem property tax, the Remaining Proceeds Credit shall be applied to the millage rates for any county ad valorem property tax line items levied within the boundaries of the Municipality.

Section 6. Effective Date and Term of this Agreement

This Agreement shall commence upon the date of its execution and shall terminate on the date on which EHOST is no longer levied in DeKalb County or fifty (50) years from the date of its execution, whichever is earlier.

Section 7. Entire Agreement

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to the distribution and use of EHOST. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said EHOST taxes. No representation oral or written not incorporated in this Agreement shall be binding upon the County or the Municipalities.

Section 8. Amendments

This Agreement shall not be amended or modified except by agreement in writing executed by the County and the Municipalities.

Section 9. Severability, Non-Waiver, Applicable Law, and Enforceability

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the State of Georgia without regard to conflicts of law principles thereof. Should any provision of this Agreement require judicial interpretation, it is agreed that the arbitrator or court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

Section 10. Compliance with Law

During the term of this Agreement, the County and each Municipality shall comply with all State law applicable to the use of EHOST proceeds, specifically O.C.G.A. § 48-8-109.1 *et seq.*

Section 11. Dispute Resolution

Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

- (A) Claims shall be heard by a single arbitrator, unless the claim amount exceeds \$500,000, in which case the dispute shall be heard by a panel of three arbitrators. Where the claim is to be heard by single arbitrator, the arbitrator shall be selected pursuant to the list process provided for in the Commercial Arbitration Rules unless the parties to the arbitration are able to select an arbitrator independently by mutual agreement. The arbitrator shall be a lawyer with at least 10 years of active practice in commercial law and/or local government law. Where the claim is to be heard by a panel of three arbitrators, selection shall occur as follows. Within 15 days after the commencement of arbitration, the city or cities party to the arbitration shall select one person to act as arbitrator and the County shall select one person to act as an arbitrator. The two selected arbitrators shall then select a third arbitrator within ten days of their appointment. If the arbitrators selected by the parties are unable or fail to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association. This third arbitrator shall be a former judge in the State or Superior Courts of Georgia or a former federal district judge.

- (B) The arbitration shall be governed by the laws of the State of Georgia.
- (C) The standard provisions of the Commercial Rules shall apply.
- (D) Arbitrators will have the authority to allocate the costs of the arbitration process among the parties but will only have the authority to allocate attorneys' fees if a particular law permits them to do so, specifically including O.C.G.A. § 9-15-14.
- (E) The award of the arbitrators shall be accompanied by a written opinion that includes express findings of fact and conclusions of law.

Section 12. No Consent to Breach

No consent to or waiver of the right to enforce, express or implied, by any party to this Agreement, any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future right to enforce a breach of the same.

Section 13. Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[The Remainder of This Page is Intentionally Left Blank]

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County on the date indicated herein.

DEKALB COUNTY, GEORGIA

MICHAEL L. THURMOND
Chief Executive Officer (SEAL)

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
and Chief Executive Officer

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM AND
LEGAL VALIDITY:**

ZACHARY L. WILLIAMS
Chief Operating Officer

VIVIANE H. ERNSTES
County Attorney

**CITY OF ATLANTA,
GEORGIA**

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM AND
LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

**CITY OF AVONDALE ESTATES,
GEORGIA**

Attest:

_____ (SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM AND
LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF BROOKHAVEN, GEORGIA

Attest:

_____ (SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF CHAMBLEE, GEORGIA

Attest:

_____ (SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF CLARKSTON, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF DECATUR, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF DORAVILLE, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF DUNWOODY, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF LITHONIA, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

CITY OF PINE LAKE, GEORGIA

Attest:

_____ (SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

DRAFT

**CITY OF STONE MOUNTAIN,
GEORGIA**

Attest:

_____ (SEAL)

Mayor

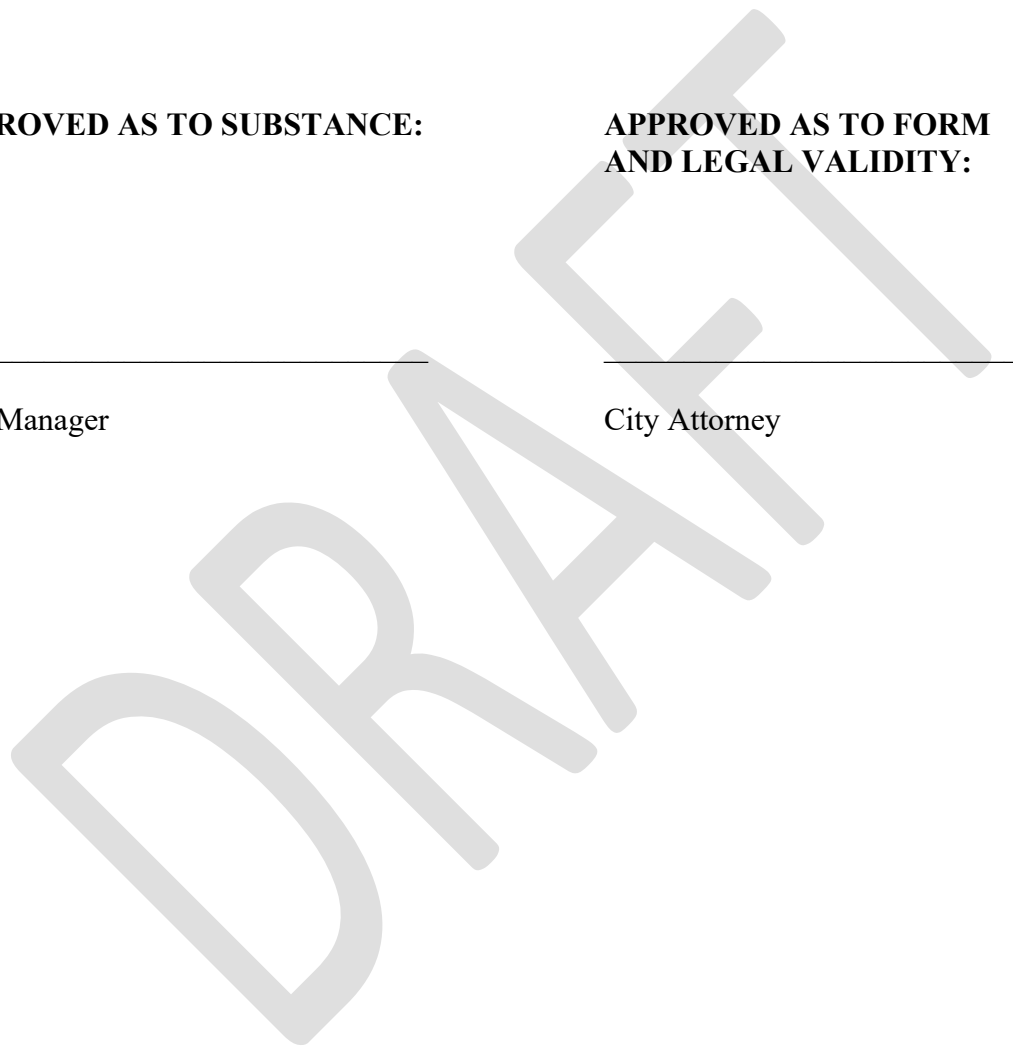
Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney



CITY OF STONECREST, GEORGIA

Attest:

_____(SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney

May 16, 2018

CITY OF TUCKER, GEORGIA

Attest:

_____ (SEAL)

Mayor

Municipal Clerk

APPROVED AS TO SUBSTANCE:

**APPROVED AS TO FORM
AND LEGAL VALIDITY:**

City Manager

City Attorney



COUNCIL MEETING AGENDA ITEM

SUBJECT: FY 2019 – Budget Amendment

- | | | |
|--|-------------------------------------|---|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input type="checkbox"/> RESOLUTION | <input checked="" type="checkbox"/> OTHER |

Council Meeting: 11/25/2019

SUBMITTED BY: Julian Jackson, Interim City Manager

PURPOSE: Budget Amendments need to be made from time to time according to the City Charter to maintain a Balanced Budget

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approve at the November 25, 2019 Meeting

GENERAL FUND REVENUES	2019 Adopted Budget	2019 YTD 83%	2019 Amended Budget	Increase (Decrease)
31315 TITLE AD VALOREM TAX	0	152,911	200,000	200,000
31371 ATL GAS LIGHT (SOUTHERN CO.)	300,000	242,526	300,000	
31372 SSEMCO	400,000	335,451	400,000	
31373 COMCAST	554,000	399,250	554,000	
31374 AT&T	145,400	146,768	145,400	
31375 GEORGIA POWER	755,000	696,886	696,000	(59,000)
34200 ALCOHOLIC BEVERAGE EXCISE TAX	117,000	126,880	125,000	8,000
34300 LOCAL OPTION MIXED DRINK	3,000	18,588	20,000	17,000
39100 PEN & INT ON DELINQ TAX	1,000	0	0	(1,000)
31620 INSURANCE PREMIUM TAX	3,000,000	3,821,203	3,820,000	820,000
31630 FINANCIAL INSTITUTIONS TAXES	5,000	0	5,000	
32110 ALCOHOLIC BEVERAGES CURRENT YR	75,000	97,235	100,000	25,000
32111 ALCOHOLIC BEVERAGES FUTURE	0	6,050	6,000	6,000
32120 GEN BUSINESS LICENSE CURRENT Y	1,200,000	1,554,921	1,540,000	340,000
32121 GEN BUSINESS LICENSE FUTURE	0	868	0	
32200 BUILDING PERMITS	1,150,000	790,225	800,000	(350,000)
32202 DEVELOPMENT PERMITS	150,000	80,474	80,000	(70,000)
32205 ZONING APPLICATIONS	10,000	12,195	10,000	
33430 STATE GRANT CAPITAL-LMIG DIRECT	0	536,511	535,000	535,000
34119 OTHER FEES	0	1,621	0	
34120 FILM PERMITTING	7,500	8,932	7,500	
34930 BAD CHECK FEES	2,500	244	200	(2,300)
35100 COURT	12,000	19,727	19,000	7,000
37100 GENERAL CONTRIBUTION	0	875	0	
39120 TRANSFER FROM HOTEL	360,000	362,347	360,000	
39123 TRANSFER FROM MILLAGE FOR PARKS	500,000	0	0	(500,000)
39122 TRANSFER FROM RENTAL CAR	1,000	3,764	3,800	2,800
39124 PARKS & RECREATION FEES	20,000	0	0	(20,000)
39125 TRANSFER FROM MILLAGE FOR P/W	400,000	0	0	(400,000)
TOTAL General Fund Revenues	\$9,168,400	\$9,416,452	\$9,726,900	558,500
HOTEL/MOTEL FUND REVENUES				
31410 HOTEL/MOTEL EXCISE TAX	0	481,635	600,000	600,000
Total Hotel/Motel Fund Revenues	\$0	\$481,635	\$600,000	600,000
RENTAL MOTOR VEHICLE FUND REVENUES				
31440 RENTAL CAR EXCISE TAX	0	3,764	3,800	3,800
Total Rental Motor Vehicle fund Revenues	\$0	\$3,764	\$3,800	3,800
300 SPLOST FUND REVENUES				
30100 FUND BALANCE	0	0	4,209,000	4,209,000
33100 SPLOST	0	5,360,420	5,432,000	5,432,000
360 INTEREST EARNED	0	13,782	14,000	14,000
Total Splost Fund Revenues	\$0	\$5,374,202	\$9,655,000	9,655,000
Total All Funds	\$9,168,400	\$15,276,053	\$19,985,700	10,817,300

GENERAL FUND EXPENDITURES	Budget		Budget	(Decrease)
05110 CITY COUNCIL				
51110 REGULAR SALARIES	95,000	55,417	95,000	
51200 FICA/MEDICARE	8,000	4,239	8,000	
51210 GROUP INSURANCE	3,000	0	3,000	
51240 RETIREMENT	3,000	0	3,000	
51270 WORKERS COMP	2,000	0	2,000	
52105 UNIFORMS	1,000	178	1,000	
52120 PROFESSIONAL SERVICES	20,000	12,982	20,000	
52350 TRAVEL EXPENSE	0	23,003	25,000	25,000
52359 MAYOR TRAVEL EXPENSES	8,000	9,830	12,000	4,000
52370 EDUCATION & TRAINING	15,000	9,132	15,000	
52378 COUNCIL EDUCATION & TRAINING	0	0	0	
53100 OPERATING SUPPLIES	6,000	2,077	6,000	
53160 MAYOR EXPENSE	0	0	0	
53165 COUNCIL EXPENSE	0	0	0	
53168 COUNCIL ALLOWANCES	15,000	12,745	15,000	
53169 MAYOR ALLOWANCES	5,000	5,916	7,000	2,000
53170 COMMITTEE SUPPORT	2,500	0	2,500	
53175 CITY EVENTS	0	0	0	
53178 COUNCIL INITIATIVES	6,000	4,288	6,000	
Total City Council	189,500	139,807	220,500	31,000
05130 CITY MANAGER				
52121 CONTRACTUAL SVCS JACOBS	199,000	164,103	199,000	
52350 TRAVEL EXPENSE	500	0	500	
52360 DUES & FEES	500	0	500	
52370 EDUCATION & TRAINING	1,000	493	1,000	
53100 OPERATING SUPPLIES	1,000	838	1,000	
Total City Manager	202,000	165,434	202,000	
05131 CITY CLERK				
52112 ELECTIONS	50,000	0	50,000	
52121 CONTRACTUAL SVCS JACOBS	123,000	102,565	123,000	
52135 SOFTWARE/SERVICE CONTRACTS	5,000	0	5,000	
52330 ADVERTISING	5,000	4,908	6,000	1,000
52350 TRAVEL EXPENSE	250	0	250	
52360 DUES & FEES	400	0	400	
52370 EDUCATION & TRAINING	1,000	275	1,000	
53100 OPERATING SUPPLIES	1,000	1,731	3,000	2,000
53101 POSTAGE	0	65	200	200
54240 COMPUTER/SOFTWARE	15,000	4,900	15,000	
Total City Clerk	200,650	114,444	203,850	3,200
05135 PUBLIC WORKS				
51300 TECHNICAL SERVICES	15,000	0	15,000	
52120 PROFESSIONAL SERVICES	579,000	1,500	579,000	
52121 CONTRACTUAL SVCS JACOBS	305,000	254,360	305,000	
52330 ADVERTISING	6,000	4,750	6,000	
52350 TRAVEL EXPENSE	4,000	710	4,000	
52360 DUES & FEES	4,250	0	0	-4,250
52370 EDUCATION & TRAINING	4,750	1,405	4,750	
53100 OPERATING SUPPLIES	4,250	1,596	4,250	
54140 TRANS INFRASTRUCTURE LMIG	0	536,511	535,000	535,000
Total Public Works	922,250	800,832	1,453,000	530,750

GENERAL FUND EXPENDITURES	2019 Adopted Budget	2019 YTD 83%	2019 Amended Budget	Increase (Decrease)
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05136 PUBLIC SAFETY				
52120 PROFESSIONAL SERVICES	24,000	0	24,000	
52370 EDUCATION & TRAINING	500	0	500	
53100 OPERATING SUPPLIES	500	0	500	
Total Public Safety	25,000	0	25,000	
05151 FINANCE ADMINISTRATION				
52110 AUDIT SERVICES	60,000	44,420	60,000	
52120 PROFESSIONAL SERVICES	120,000	42,831	120,000	
52121 CONTRACTUAL SVCS JACOBS	385,000	320,001	385,000	
52135 SOFTWARE/SERVICE CONTRACTS	20,000	2,670	20,000	
52350 TRAVEL EXPENSE	2,000	787	2,000	
52360 DUES & FEES	1,500	628	1,500	
52370 EDUCATION & TRAINING	3,000	1,640	3,000	
53100 OPERATING SUPPLIES	500	440	500	
54240 COMPUTER/SOFTWARE	25,000	4,280	25,000	
Total Finance Administration	617,000	417,697	617,000	
05153 LEGAL SERVICES DEPARTMENT				
52120 PROFESSIONAL SERVICES	20,000	0	20,000	
52122 ATTORNEY FEES/CITY ATTORNEY	300,000	370,116	550,000	250,000
52130 ATTORNEY FEES/OTHER	50,000	67,436	50,000	
Total Legal Services Department	370,000	437,552	620,000	250,000
05155 ECONOMIC DEVELOPMENT				
34120 FILM PERMITTING	5,000	0	5,000	
52120 PROFESSIONAL SERVICES	50,000	48,928	50,000	
52121 CONTRACTUAL SVCS JACOBS	128,000	106,667	128,000	
52132 MARKETING	15,000	17,912	15,000	
52360 DUES & FEES	2,000	25	2,000	
52370 EDUCATION & TRAINING	2,500	888	2,500	
52371 DEVELOPMENT AUTHORITY	12,000	177	12,000	
52372 LEGAL SVCS (DEVELOPMENT AUTH)	10,000	122	10,000	
52373 ECONOMIC DEVELOPMENT PLAN	100,000	0	100,000	
53100 OPERATING SUPPLIES	500	126	500	
Total Economic Development	325,000	174,845	325,000	
05156 FACILITIES & BLDG/ CITY HALL				
51300 TECHNICAL SERVICES	25,000	22,519	25,000	
52120 PROFESSIONAL SERVICES	1,000	350	1,000	
52200 REPAIRS & MAINTENANCE	2,500	1,552	2,500	
52210 SANITATION (RECYCLE/SHRED)	2,000	0	2,000	
52301 REAL ESTATE RENTS/LEASES	205,000	191,703	260,000	55,000
53102 PEST CONTROL	1,500	260	1,500	
53123 ELECTRICITY	30,000	16,138	30,000	
53161 SMALL EQUIPMENT	2,500	0	2,500	
54130 BUILDINGS & IMPROVEMENTS	20,000	579	20,000	
54230 FURNITURE AND FIXTURES	10,000	2,639	10,000	
54250 OTHER EQUIPMENT	2,500	111	2,500	
Total Facilities & Bldg/ City Hall	302,000	235,851	357,000	55,000

	2019 Adopted	2019 YTD 83%	2019 Amended	Increase
GENERAL FUND EXPENDITURES	Budget	Budget	Budget	(Decrease)

05157 COMMUNICATIONS				
52120 PROFESSIONAL SERVICES	25,000	10,056	25,000	
52121 CONTRACTUAL SVCS JACOBS	325,000	270,770	325,000	
52340 PRINTING	500	587	500	
52370 EDUCATION & TRAINING	1,500	0	1,500	
53100 OPERATING SUPPLIES	1,000	656	1,000	
53161 SMALL EQUIPMENT	5,000	1,399	5,000	
54250 OTHER EQUIPMENT	2,000	497	2,000	
Total Communications	360,000	283,965	360,000	
05158 IT/GIS				
52120 PROFESSIONAL SERVICES	10,000	1,504	10,000	
52121 CONTRACTUAL SVCS JACOBS	350,000	287,181	350,000	
52135 SOFTWARE/SERVICE CONTRACTS	11,000	19,522	25,000	14,000
53100 OPERATING SUPPLIES	6,000	123	6,000	
53161 SMALL EQUIPMENT	12,000	16,098	18,000	6,000
54240 COMPUTER/SOFTWARE	18,000	16,360	18,000	
54250 OTHER EQUIPMENT	4,000	1,192	4,000	
Total It/Gis	411,000	341,980	431,000	20,000
05159 GENERAL OPERATIONS				
52120 PROFESSIONAL SERVICES	15,000	0	15,000	
52121 CONTRACTUAL SVCS JACOBS	105,000	86,154	105,000	
52135 SOFTWARE/SERVICE CONTRACTS	20,000	0	20,000	
52200 REPAIRS & MAINTENANCE	2,000	80	2,000	
52232 EQUIPMENT LEASE	20,000	22,700	25,000	5,000
52310 GENERAL LIABILITY INSURANCE	25,000	20,883	25,000	
52340 PRINTING	5,000	2,309	5,000	
52360 DUES & FEES	15,500	50,434	55,000	39,500
52361 BANK FEES	2,000	937	2,000	
52370 EDUCATION & TRAINING	500	0	500	
53100 OPERATING SUPPLIES	20,000	29,804	30,000	10,000
53101 POSTAGE	8,500	2,371	8,500	
53103 OFFICE SUPPLIES	0	60	100	100
53105 INTERNET/PHONES	33,000	21,272	33,000	
53161 SMALL EQUIPMENT	3,000	0	3,000	
54230 FURNITURE AND FIXTURES	5,000	0	5,000	
54231 SIGNS	2,000	0	2,000	
54240 COMPUTER/SOFTWARE	40,000	19,530	40,000	
54250 OTHER EQUIPMENT	2,500	840	2,500	
Total General Operations	324,000	257,374	378,600	54,600
05160 MUNICIPAL COURT				
52120 PROFESSIONAL SERVICES	20,000	12,427	20,000	
52121 CONTRACTUAL SVCS JACOBS	25,000	20,513	25,000	
52135 SOFTWARE/SERVICE CONTRACTS	2,000	844	2,000	
52140 SOLICITOR	25,000	26,983	30,000	5,000
52150 PUBLIC DEFENDER	1,000	0	1,000	
52160 PROBATION SERVICES	2,500	0	2,500	
52170 COURT CLERK	1,000	0	1,000	
52180 SECURITY	4,500	4,560	5,000	500
52351 ADMINISTRATION EXPENSES	3,000	2,497	3,000	
52370 EDUCATION & TRAINING	4,000	675	4,000	
54240 COMPUTER/SOFTWARE	2,000	724	2,000	
Total Municipal Court	90,000	69,223	95,500	5,500

GENERAL FUND EXPENDITURES	2019 Adopted Budget	2019 YTD 83%	2019 Amended Budget	Increase (Decrease)
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06210 PARKS

52105 UNIFORMS	1,000	406	1,000	
52120 PROFESSIONAL SERVICES	125,000	4,319	125,000	
52121 CONTRACTUAL SVCS JACOBS	450,000	369,232	450,000	
52135 SOFTWARE/SERVICE CONTRACTS	5,000	0	5,000	
52200 REPAIRS & MAINTENANCE	500,000	113,098	500,000	
52330 ADVERTISING	4,000	4,950	6,000	2,000
52360 DUES & FEES	1,000	475	1,000	
52370 EDUCATION & TRAINING	4,000	600	4,000	
53100 OPERATING SUPPLIES	50,000	40,119	50,000	
53124 UTILITIES	30,000	0	30,000	
53125 PARKS ACQUISITION	300,000	103,523	300,000	
53126 SUMMER PROGRAMS	100,000	0	100,000	
54240 COMPUTER/SOFTWARE	10,000	1,162	10,000	
Total Parks	1,580,000	637,884	1,582,000	2,000

07210 COMMUNITY DEVELOPMENT				
52105 UNIFORMS	1,000	59	1,000	
52120 PROFESSIONAL SERVICES	0	120	200	200
52121 CONTRACTUAL SVCS JACOBS	525,000	438,976	525,000	
52135 SOFTWARE/SERVICE CONTRACTS	8,000	25,500	30,000	22,000
52180 SECURITY	600	120	600	
52200 REPAIRS & MAINTENANCE	200	0	200	
52330 ADVERTISING	26,000	23,161	30,000	4,000
52340 PRINTING	4,000	808	4,000	
52360 DUES & FEES	200	52	200	
52370 EDUCATION & TRAINING	4,000	342	4,000	
53100 OPERATING SUPPLIES	2,000	614	2,000	
53161 SMALL EQUIPMENT	2,000	0	2,000	
54240 COMPUTER/SOFTWARE	10,000	4,000	10,000	
54250 OTHER EQUIPMENT	2,000	0	2,000	
Total Community Development	585,000	493,752	611,200	26,200

07220 BUSINESS DEVELOPMENT				
52120 PROFESSIONAL SERVICES	1,000	197	1,000	
52121 CONTRACTUAL SVCS JACOBS	112,000	90,257	112,000	
52132 MARKETING	24,000	45,906	50,000	26,000
52350 TRAVEL EXPENSE	2,000	0	2,000	
53100 OPERATING SUPPLIES	2,500	0	2,500	
Total Business Development	141,500	136,360	167,500	26,000

07330 COMMUNITY & CULTURAL AFFAIRS				
52121 CONTRACTUAL SVCS JACOBS	120,000	98,462	120,000	
52330 ADVERTISING	2,500	0	2,500	
52340 PRINTING	2,000	1,756	2,000	
52350 TRAVEL EXPENSE	500	128	500	
53100 OPERATING SUPPLIES	2,500	470	2,500	
53178 COUNCIL INITIATIVES	19,500	9,309	19,500	
Total Community & Cultural Affairs	147,000	110,125	147,000	

GENERAL FUND EXPENDITURES	2019 Adopted Budget	2019 YTD 83%	2019 Amended Budget	Increase (Decrease)
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08210 CODE ENFORCEMENT				
52105 UNIFORMS	2,500	1,511	2,500	
52121 CONTRACTUAL SVCS JACOBS	905,000	754,875	905,000	

52180 SECURITY	500	420	500	
52340 PRINTING	2,000	1,167	2,000	
52360 DUES & FEES	1,000	0	1,000	
52370 EDUCATION & TRAINING	2,000	0	2,000	
53100 OPERATING SUPPLIES	3,000	753	3,000	
53161 SMALL EQUIPMENT	2,200	0	2,200	
54250 OTHER EQUIPMENT	2,300	1,175	2,300	
Total Code Enforcement	920,500	759,901	920,500	
09210 BUILDING				
52105 UNIFORMS	2,500	802	2,500	
52120 PROFESSIONAL SERVICES	500	0	500	
52121 CONTRACTUAL SVCS JACOBS	890,000	738,465	890,000	
52135 SOFTWARE/SERVICE CONTRACTS	2,500	0	2,500	
52340 PRINTING	2,000	0	2,000	
52360 DUES & FEES	1,000	209	1,000	
52370 EDUCATION & TRAINING	2,000	0	2,000	
53100 OPERATING SUPPLIES	3,000	1,860	3,000	
54250 OTHER EQUIPMENT	2,500	0	2,500	
Total Building	906,000	741,336	906,000	
57902 RESERVE CONTINGENCY	550,000	\$0	104,250	(445,750)
Total General Fund Expenditures	\$9,168,400	\$6,318,362	\$9,726,900	558,500
HOTEL/MOTEL EXPENDITURES				
07500 ECONOMIC DEVELOPMENT				
61100 TRANSFER TO GENERAL FUND	0	288,981	360,000	360,000
75400 DISCOVER DEKALB	0	192,654	240,000	240,000
Total Hotel/Motel Fund Expenditures	\$0	\$481,635	\$600,000	600,000
RENTAL MOTOR VEHICLE FUND				
61100 TRANSFER TO GENERAL FUND	0	3,764	3,800	3,800
Total Rental Motor Vehicle Fund Expenditures	\$0	\$3,764	\$3,800	3,800
SPLOST EXPENDITURES				
52361 BANK FEES	0	212	0	
05135 PUBLIC WORKS				
54140 TRANS INFRASTRUCTURE IMPROVEME	5,364,000	2,450,180	4,200,000	(1,164,000)
05156 FACILITIES & BLDG/ CITY HALL				
54140 TRANS INFRASTRUCTURE IMPROVEME	1,080,000	18,750	5,100,000	4,020,000
06210 PARKS ADMINISTRATION				
54140 TRANS INFRASTRUCTURE IMPROVEME	756,000	2,500	355,000	(401,000)
Total Splost Expenditures	\$7,200,000	\$2,471,642	\$9,655,000	2,455,000
Total Expenditures All Funds	\$16,368,400	\$9,275,403	\$19,985,700	3,617,300