



## CITY OF STONECREST, GEORGIA

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*Honorable Mayor Jason Lary, Sr.*

*Council Member Jimmy Clanton, Jr. – District 1*

*Council Member Rob Turner- District 2*

*Council Member Jazzmin Cobble – District 3*

*Council Member George Turner- District 4*

*Council Member Tammy Grimes – District 5*

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### CITY COUNCIL MEETING AGENDA

January 27, 2020

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. APPROVAL OF THE COUNCIL AGENDA**
- VI. MINUTES:**
  - a. Approval of the January 13, 2020 City Council Meeting Minutes
- VII. PRESENTATIONS:**
- VIII. APPOINTMENTS:**
- IX. PUBLIC COMMENTS**
- X. PUBLIC HEARINGS:**
  - a. RZ-19-009/SLUP-19-008 (3210, 3320 & 3300 Turner Hill Road)
  - b. SLUP 19-007 (3620 Klondike Road)
- XI. NEW BUSINESS:**

**XII. OLD BUSINESS:**

- a. Urban Redevelopment Agency Implementation

**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. 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.*

## **Council Meeting**

### **MINUTES:**

- a. Approval of the January 13, 2020 City Council Meeting Minutes



## CITY OF STONECREST, GEORGIA

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*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*

*Tammy Grimes – District 5*

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### CITY COUNCIL MEETING MINUTES

January 13, 2020

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

**I. CALL TO ORDER:** Mayor Jason Lary

**II. ROLL CALL:** All members present.

**III. INVOCATION:** Invocation was led by Council Member Rob Turner.

**IV. PLEDGE OF ALLEGIANCE**

**V. OATHS**

Judge Michael Sheridan administered the oaths for Rob Turner, Post 2 and George Turner, Post 4.

**VI. APPROVAL OF THE COUNCIL AGENDA:**

**Motion 1-** was made by Council Member Rob Turner to approve the agenda with the addition of adding Mayor Pro Tem to the Appointment Section and was seconded by Council Member George Turner.

**Motion passed 5-1 with Mayor Jason Lary voting nay.**

**VII. MINUTES:**

**Motion 2-** was made by Council Member George Turner to approve the Council Meeting Minutes from December 9, 2019 and Council Member Jimmy Clanton gave the second.

**Motion passed unanimously.**

**VIII. PRESENTATIONS:**

Plez Joyner, Deputy City Manager, gave a presentation on SPLOST and Ken Hilderbrandt presented the Pavement Management Analysis.

Marcus Arnold of Vanhase Hangen Brustlin, Inc and Katrina Highsmith from The Collaborative gave an update on the Transportation Master Plan.

**IX. APPOINTMENTS:**

**Mayor Pro Tem**

**Motion 3-** was made by Council Member Jazzmin Cobble to appoint Council Member George Turner as Mayor Pro Tem and was seconded by Council member Rob Turner.

**Motion passed unanimously.**

**X. PUBLIC COMMENTS:**

**Kennard Turner-** Questioned the process of choosing Non-Profits for the Recreation Department

**Bernie Knight-** Spoke in reference to the Transportation Master Plan and the Housing Authority Plans. Would like Coffee Road to be removed from the map.

**XI. PUBLIC HEARINGS:**

**None.**

**XII. NEW BUSINESS:**

**a. SPLOST Resurfacing Schedule for 2020 Proposal  
Handled in the Presentation section.**

**b. Consideration of a Resolution consenting to the Housing Authority of the County of DeKalb, Georgia exercising its powers within the City of Stonecrest for the purpose of financing for the benefit of Stone Terrace GA LLC the development of a 240-unit multifamily housing project located on a 14-acre site at the intersection of Chupp Road and Evans Mill Drive, Stonecrest, Georgia.**

**Motion 4-** was made by Council Member George Turner to approve Resolution 2020-01-001 and was seconded by Council Member Rob Turner.

**Motion passed unanimously.**

**c. URA Implementation**

**Motion 5-** was made by Mayor Jason Lary to appoint the Mayor and City Council as the Urban Redevelopment Agency and was seconded by Council Member Jazzmin Cobble.

**Motion passed unanimously.**

**Motion 6-** was made by Mayor Jason Lary to approve the Urban Redevelopment Map and was seconded by Council member Rob Turner.

**Motion passed unanimously.**

**Motion 7-** was made by Mayor Jason Lary to approve Resolution 2020-01-002- Designating Urban Redevelopment Areas and was seconded by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**d. Holiday Schedule Resolution**

**Motion 8-** was made by Council Member Jimmy Clanton to approve the Resolution 2020-01-003 Holiday Schedule and was seconded by Council Member Tammy Grimes.

**Motion passed unanimously.**

**e. LMIG Resolution**

**Motion 7-** was made by Council Member Jimmy Clanton to approve the LMIG Application and was seconded by Council Member George Turner.

**Motion passed unanimously.**

**XIII. EXECUTIVE SESSION:**

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

**XIV. CITY MANAGER COMMENTS:**

**Deputy City Manager Plez Joyner-** Please take the Transportation Master Plan survey on the website.

**XV. CITY ATTORNEY COMMENTS:**

No comments

**XVI. MAYOR AND COUNCIL COMMENTS:**

**Council Member Rob Turner** Happy Founders' Day to the Delta Sigma Thetas and the Alpha Kappa Alphas!

**Council Member Jimmy Clanton** – 1<sup>st</sup> Saturday of the Month is the Community Awareness Meetings held at the AEI Center at 10:00am. More information is located at stonecrestga.gov

**Council Member George Turner-** Reviewed the Census Questionnaire to show how quick and easy it is to complete.

**Council Member Tammy Grimes-** Save the date 1/28/2020 for District 5 Talk with Tammy from 6p-7p at the Stonecrest Library.

**Mayor Jason Lary-**

Thanked everyone for coming out to participate in the meeting.

**XVII. ADJOURNMENT:**

**Motion 8-** was made by Council Member Jazzmin Cobble to adjourn the Council Meeting and a second was provided by Council Member Rob Turner.

**Motion passed unanimously.**

**Read and adopted in the regular meeting of the City Council held on this \_\_\_\_ day of \_\_\_\_\_, 2020.**

\_\_\_\_\_  
**Mayor Jason Lary**

**ATTEST:**

\_\_\_\_\_  
**Megan P. Reid, City Clerk**



**CITY COUNCIL AGENDA ITEM**

**SUBJECT: RZ-19-009/SLUP-19-008 (3210, 3320 & 3300 Turner Hill Road)**

- |  |                                     |   |
|--|-------------------------------------|---|
| <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: 01/27/2020**

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**SUBMITTED BY: Chris Wheeler, Planning and Zoning Director**

**PURPOSE: Rezone and SLUP for 3210, 3320 & 3300 Turner Hill Road**

**HISTORY:**

**FACTS AND ISSUES:**

**OPTIONS:**

**RECOMMENDED ACTION: Deferral to be explained by Chris Wheeler**





## CITY COUNCIL AGENDA ITEM

**SUBJECT: Ordinance for Special Land Use Petition  
SLUP-19-007 (3620 Klondike Road)**

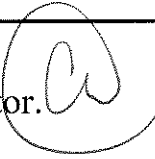
- ORDINANCE                       POLICY                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION               OTHER

**Date Submitted: 01/20/2020**

**Work Section:**

**Council Meeting: 01/27/2020**

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**SUBMITTED BY:** Christopher Wheeler, Planning and Zoning Director. 

**PURPOSE:** To receive special land use permit for the operation of a personal care home up to six (6) people.

**HISTORY:** This item was heard at the January 7<sup>th</sup>, 2019 Planning Commission Meeting. The applicant has requested a special land use permit for the operation of a personal care home. The Planning Commission recommend deferral of the application.

**OPTIONS:** Approve, Deny or make Alternative conditions

### **RECOMMENDATED ACTION:**

Planning Commission recommended deferral SLUP-19-007 at the January 7<sup>th</sup> meeting.

### **ATTACHMENTS:**

- # 1 01/20/20 Staff Report
- # 2 01/20/20 Rezoning Application
- # 3 01/20/20 Power Point Presentation



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

MEETING DATE: January 7<sup>th</sup>, 2020 / January 27<sup>th</sup>, 2020

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### GENERAL INFORMATION

**Petition Number:** SLUP 19-007

**Applicant:** Dr. Dana Avist

**Owner:** Dr. Dana Avist

**Project Location:** 3620 Klondike Road Stonecrest Ga 30038

**District:** District 5

**Acreage:** 0.6 Acres

**Existing Zoning:** Residential Med Lot (R-100)

**Proposed Zoning:** Residential Med Lot (R-100)

**Proposed Development/Request:** The applicant is requesting a Special Land Use Permit (SLUP) to operate a Personal Care Home for five (5) to six (6) residents within in an R-100 (Medium Lot Residential) District, in accordance with Chapter 27- Article 4.1 Use Table and Sections 4.2.41. B of Stonecrest Zoning Code.

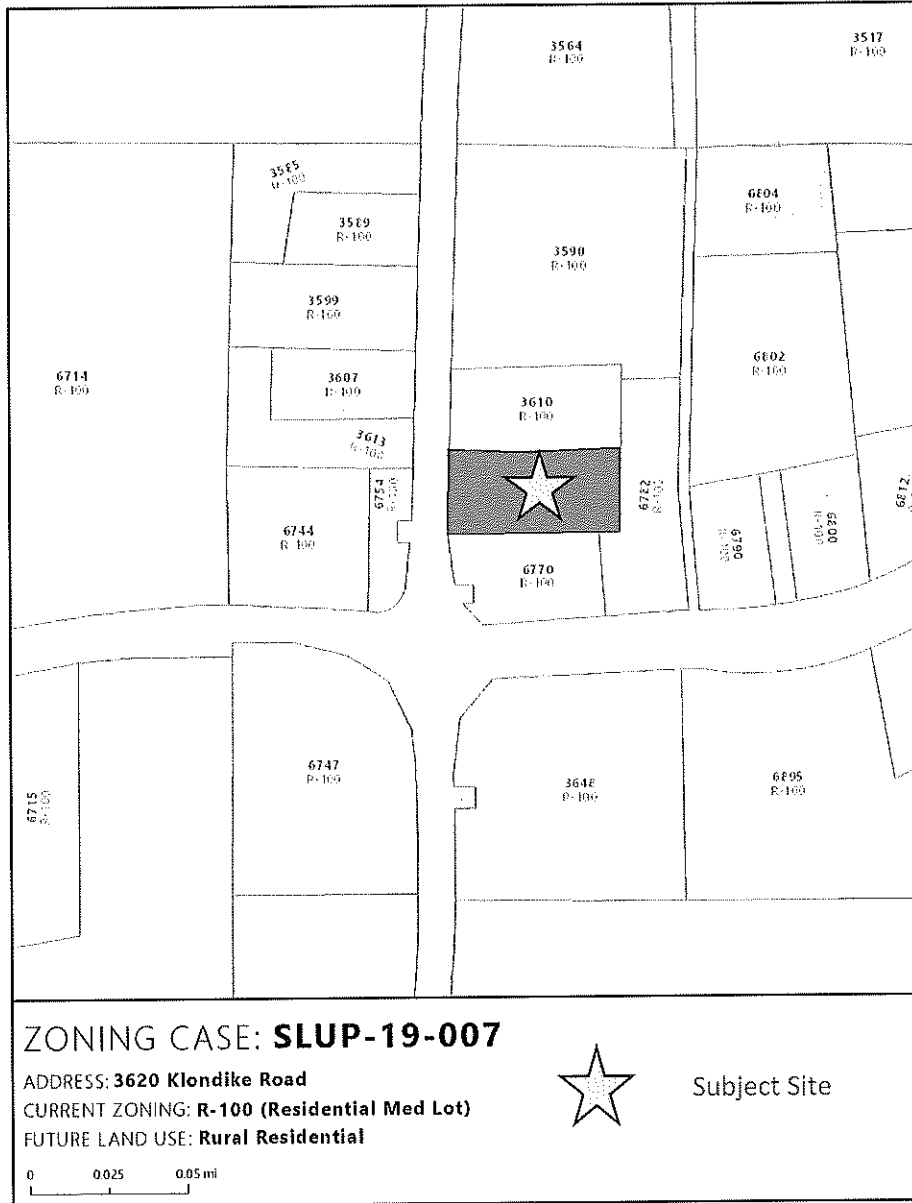
**Staff Recommendations:** **Approval with Conditions**

**Planning Commission:** **Deferral**



# PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

## Zoning Map





## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

### Aerial Map



Source: Esri, DeLorme, GeoEye,   
Hemisphere, IGN, Intermap,   
iSBT, ITI, USDA, Swire, GEBCO, User Community

**ZONING CASE: SLUP-19-007**

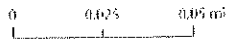
ADDRESS: **3620 Klondike Road**

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

FUTURE LAND USE: **Rural Residential**



Subject Site



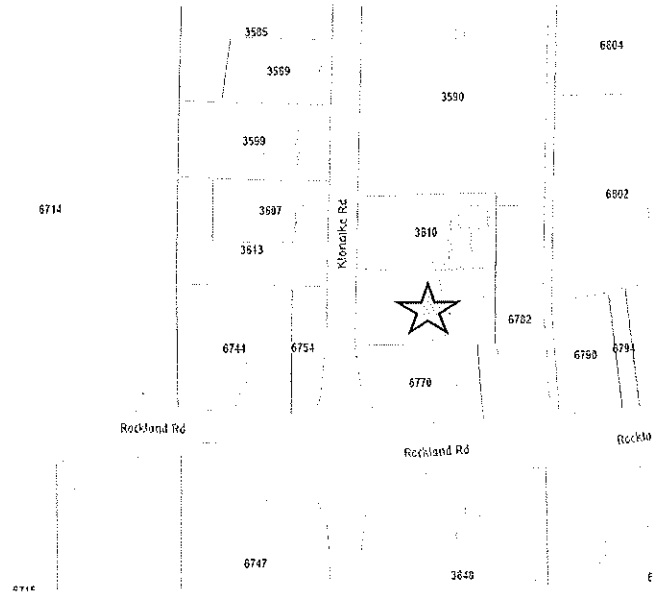


## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

### PROJECT OVERVIEW

#### Location

The subject property, 3620 Klondike Road. The subject site sits existing single-family residence. The subject property is approximately 300 feet north of the Rockland and Klondike Roadabout. Access is available via the existing driveway on Klondike Road. The subject property is surround by single-family homes.



#### Background

Currently, the property maintains its original zoning R-100 (Med Lot) classification and the property has 2,030 square foot single story frame house that was built in 1970. The property can be characterized as even across the property.





## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

### Existing Elevations



### Special Land Use Permit Request

The applicant is requesting a Special Land Use Permit to a personal care home. The subject location will house five (5) to six (6) individuals with an applicant living in the home. The applicant will provide active daily living and recreational activities for the residents.

### Neighborhood Meeting

Property owners within 500 feet of the subject property were mailed notices of the proposed special land use permit application. The community meeting was held on December 12<sup>th</sup> at 7:00 pm at Stonecrest City Hall. There were two residents in attendance for the meeting. The main concerns from the residents were the type of use and how many people who would reside at the residence.



## PLANNING COMMISSION AND CITY COUNCIL 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 2,030 square foot residence on 0.6 acres is adequate for the operation of the personal care home.

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

The proposed personal care home for five or six persons are compatible with other single-family residences on Klondike Road. There will be no outside physical changes to the existing single-family structure or signage indicating the use is personal care home.

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

The subject property is located in an established single-family residential neighborhood, it appears that there are adequate public services, public facilities, and utilities to serve the proposed personal care home.

- 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.**

Klondike Road classified as minor arterial, the Planning Staff believes little or no impact on the public streets or traffic in the area.

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

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

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

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

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



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

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

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

Per the information submitted with the application, the applicant intends to run an adult care facility with five to six residents.

**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 personal care home of five to six residents will not affect the adjoining single-family residence on Klondike Road. The site will operate basically as a single-family residence with the owner/operator is required to reside at the property.

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

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

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

The proposed use is consistent with the comprehensive plan housing policy H-20, which states the city supports a range of housing types of retirees and seniors.

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

Transitional buffers are not required.

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

An adequate refuse area will be provided.

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

Staff believes there is not a compelling reason to limit the special land use duration as the applicant appears to be the only personal care home within the vicinity,

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





## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

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

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

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

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

Personal Care homes must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any appliance requirement in Article 6 - Parking. The subject site meets this requirement.

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

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

**S. Whether the proposed use would be consistent with the needs of the neighborhood or the community 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 community as a whole, as it appears there are no immediate personal care homes within the immediate area.



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

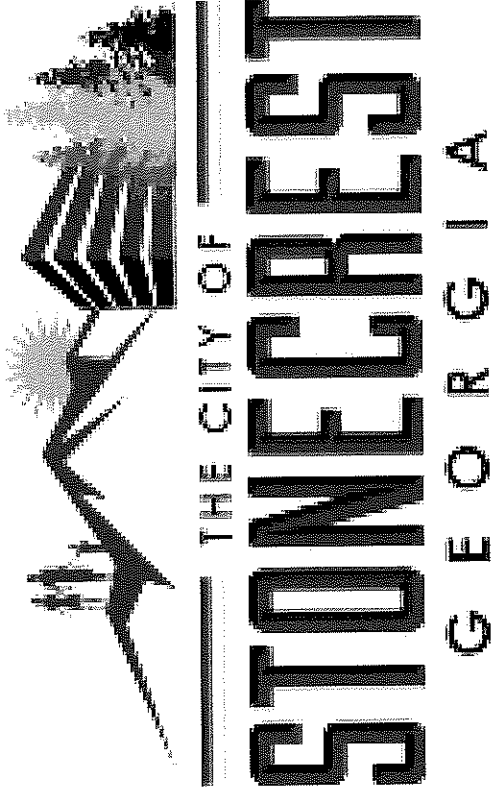
### RECOMMENDATION

Base on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-19-007** with the following conditions;

1. Limit the use of personal care home only to three (3) persons.
2. Access shall be limited to the existing curb cut off Klondike Road.
3. All refuse containers shall be screened from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
6. The applicants shall secure the necessary certification by the State of Georgia and the necessary business license, building permits and certification of occupancy for three people from the city of Stonecrest.
7. The Special Land Use Permit shall be issued to Dr. Dana Avist (operator) for the operation of a personal care home and shall not be transferable.

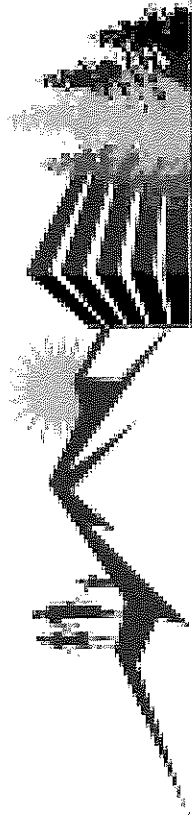
### PLANNING COMMISSION RECOMMENDATION

On January 7<sup>th</sup> 2020 the Planning Commission recommended deferral of SLUP-19-007.



**January 7<sup>th</sup> 2020**

**Planning Commission  
Public Hearing**



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

**SLUP-19-007**

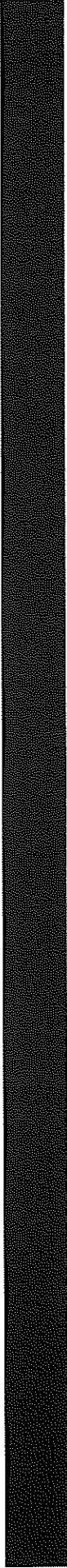
**3620 Klondike Road, Stonecrest,**

**GA 30038**



# Petition Information

- APPLICANT: Dr. Dana Avist
- LOCATION: 3620 Klondike Road
- ACREAGE: 0.6 Acres
- REQUEST: The applicant is requesting a Special Land Use Permit (SLUP) for the operation of personal care home from five (5) to six (6) individuals.



# General Information

- Current zoning: (R-100) Residential Medium Lot District
- Future Land Use Character Area: Rural Residential
- Policies for this area emphasize:
  - New residential uses should be developed in a manner that helps protect the character of the surrounding area.
  - Other uses include parks and recreational facilities; elementary schools; libraries and community centers.
- Surrounding uses: Residential.
- Surrounding zoning: R-100 (Residential Med Lot) District



# Aerial Map



Scanned by: [unreadable] User Community

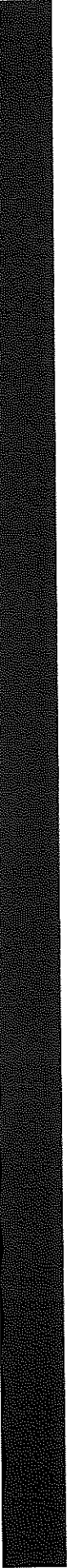
**ZONING CASE: SLUP-19-007**

**ADDRESS: 3620 Klondike Road**

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

**FUTURE LAND USE: Rural Residential**

0 0.025 0.05 mi







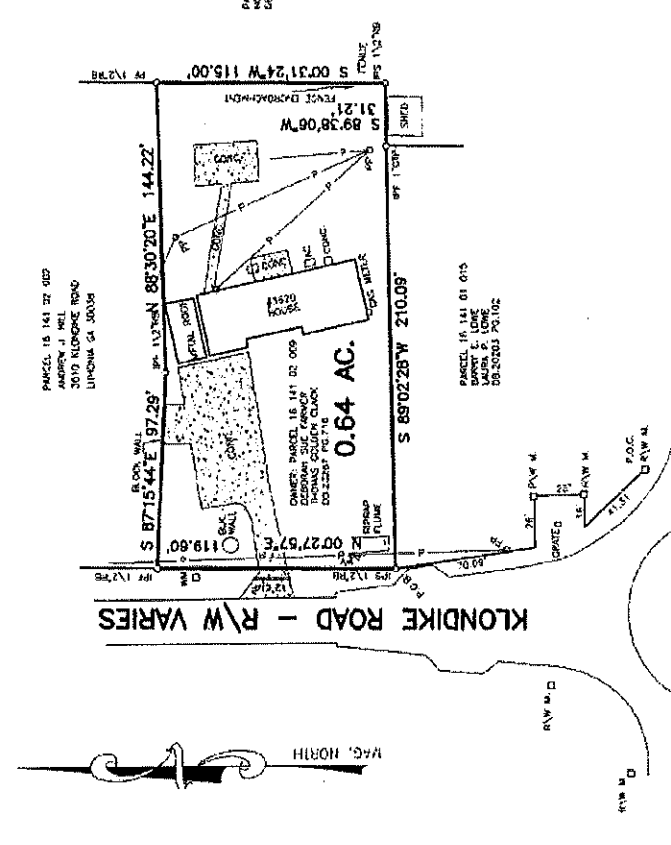
# Site Plan of Proposed Personal Care Home

This Plat is a retrace of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, STATE OR FEDERAL, OR ANY REGULATIONS, ORDINANCES, OR LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G. Section 15-4-57.

*James S. Hall, Jr.*  
 James S. Hall, Jr. GA 155-2854  
 ORIGINAL DEED: DEED BOOK 17357 PAGE 716  
 PARCEL 16 141 02 009



PARCEL 16 141 02 003  
 SCOTT P. STYVOUR  
 68-2545 PG 41



ROCKLAND ROAD - R/W VARIES

KLONDIKE ROAD - R/W VARIES

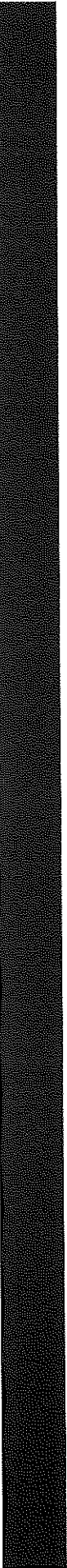
RETRACEMENT SURVEY FOR:

The field data upon which this plat is based has a closure of one foot in 35,651 feet and an angular error of 08" per angle point and was adjusted using compass rule. The plat has been calculated for closure and was found to be accurate within one foot in 362,307 feet.

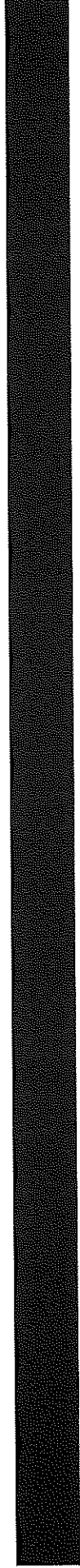
This property is not in a Federal Flood Area as indicated by F.I.A. Official Hazard Maps. Flood Map No. 13089C01861, Dated: 5-16-2013.

NOTE: THE SURVEYOR HEREON HAS MADE NO INVESTIGATIVE OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, AND RECORDS PERTAINING TO THE PROPERTY.

# View of Subject Property from Evans Mill Road



# 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.

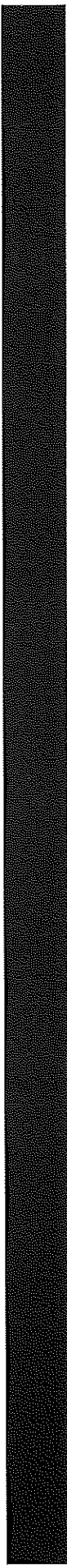
# STANDARDS OF REVIEW

- 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 personal care home is suitable in view of the use and development of adjacent and nearby properties.



# Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL**

**WITH CONDITIONS** of this request:

1. Limit the use of personal care home only to three (3) persons.
2. Access shall be limited to the existing curb cut off Klondike Road.
3. All refuse containers shall be screened from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
6. The applicants shall secure the necessary certification by the State of Georgia and the necessary business license, building permits and certification of occupancy for three people from the city of Stonecrest.
7. The Special Land Use Permit shall be issued to Dr. Dana Avist (operator) for the operation of a personal care home and shall not be transferable.





Special Land Use Permit  
Application

SLUP-19-007

Applicant Information	Name: DANA Avist		
	Address: 3965 Glen Park Dr. Lithonia 30058		
	Phone: 912-246-0663	Fax: 678-317-0965	Email: DAVIS+0313@ATT.NET
	Owner's Name: SAME		
Owner Information	Owner's Address: SAME		
	Phone: _____	Fax: _____	Email: _____
	Property Address: 3620 Klondike Rd Stonecrest	Acreage: 0.6	
	Parcel ID: 16 141 02 009		
Property Information	Current Zoning Classification: R100		
	Proposed Use of Property: PERSONAL CARE HOME		
	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: RANCH style home built on a slab with a stone + frame EXTERIOR. AVERAGE INTERIOR TRIM AND FINISH THROUGHOUT. 6 ROOMS, 3 BEDROOMS, 2 BATHS. 2,030 sq ft. Public utilities; septic tank		
Affidavit	To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.		
	Applicant's Name: DANA Avist		
	Applicant's Signature: <i>Dana Avist</i>	Date: Aug 6 2019	
	Sworn to and subscribed before me this 6 Day of August 2019		
Notary	Notary Public: <i>Dyalalah Rodriguez</i>		
	Signature: <i>Dyalalah Rodriguez</i>		
	My Commission Expires: 4-22-23		
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee		
Fee: \$ 0		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:	



**Property Owner(s)  
Notarized Certification**

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

Property Owner (if Applicable)	Signature: <u>James Christ</u>		Date:
	Address: <u>3965 Glen Park Dr.</u> City, State: <u>Lithonia, GA</u>		Zip: <u>30038</u>
	Phone: <u>912-246-0118</u>		
	Sworn to and subscribed before me this <u>6</u> day of <u>August</u> , 20 <u>19</u>		
Property Owner (if Applicable)	Notary Public: <u>Dyaleah Rodriguez</u>		
	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
Sworn to and subscribed before me this _____ day of _____, 20_____			
Notary Public:			
Property Owner (if Applicable)	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			

Dr. Dana Avist  
3965 Glen Park Drive  
Lithonia, GA 30038

8/1/2019

Stonecrest City Council  
3120 Stonecrest Blvd.  
c/o Community Development Department  
Stonecrest, GA 30038

Dear Stonecrest City Council,

Please consider this Special Land Use Permit application for the property at 3620 Klondike Road which is currently zoned R-100. It is my intent to use the property as a personal care home for residents 65 years and older. A PCH provide for the provision of housing, food service, and one or more personal services for older adults in a safe, humane and supportive setting. The population of people 65 years and older are expected to grow exponentially over the next few years. It is expected that a significant number of this population will require housing in assisted living facilities (ALFs) or PCHs. It is my passion and concern that these residents receive quality care in a comfortable, home-like environment.

My personal and professional experience qualifies me to operate a PCH. Personally, I am the primary caregiver of my 80-year-old mother who has Alzheimer's dementia. Professionally, I have over 33 years of nursing experience including 23 years as a Nurse Practitioner. I received a Bachelor of Science in Nursing (BSN) degree and a Master of Nursing (MN) degree from Louisiana State University. I obtained certification as a Family Nurse Practitioner (FNP) from Georgia Southern University and a Doctor of Nursing Practice (DNP) degree from Georgia State University. I am currently the owner of a home visit ("house calls") medical practice. I visit older adults in their home, PCHs or ALFs to provide a wide range of medical care.

The home will function as a residential property and there will not be signage indicating a PCH. I have started the process to obtain a permit to meet the standards set forth by the Georgia Department of Community Health to operate a PCH. It is my hope that the City Council grant the authorization of a PCH at 3620 Klondike Road.

Regards,



Dr. Dana Avist

Special Land Use Permit Criteria

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

- a. Adequacy of the size of the site for the 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 size of the site is adequate for the use of a personal care home

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

The property will be utilized as a residential home, therefore will be compatible with adjacent properties

- c. Adequacy of public services, public facilities, and utilities to serve the use contemplated

Public services, facilities and utilities currently serve the site and will be adequate to serve the use contemplated

- 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

Traffic will not be affected by the proposed use of the location, there will be no impact.

- e. Whether or not 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

There will be no increase in the volume of traffic by the proposed use of the site.

- f. 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 fire or other emergency

The property is adjacent to Klondike Road, the owner and all authorized pedestrians, automobiles, emergency vehicles, etc. have the right to ingress and egress from the property.

- 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

The property will be utilized as a residential home, therefore will be compatible with adjacent properties.

- 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 property will be utilized as a residential home, therefore the proposed use will not create adverse impacts upon adjoining land use by reason of hours of operation.

- 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 property will be utilized as a residential home, therefore the manner of operation will not impact adjoining land use.

- j. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located

The property will be utilized as a residential home for 5-6 elderly people, therefore the proposed plan is consistent with R100 zoning.

- k. Whether or not the proposed use is consistent with the policies of the comprehensive plan

The proposed use is consistent with the policies of the comprehensive plan.

- l. Whether or not the proposed plan provides 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 located

Not applicable; there are no apparent buffer zones near the property.

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

Not applicable

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

The property will be utilized as a residential home, therefore the special land use permit should 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 adjacent and nearby lots and buildings

The site will be utilized as residential property and there will be no changes to the existing home

p. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources

Not applicable, there are no historic buildings, sites, districts or archaeological resources near the proposed site

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

The proposed use satisfies the requirements contained within the supplemental regulations

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 site will be utilized as residential property and there will be no changes to the existing home

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

The proposed use of the site does not result in a disproportionate proliferation of uses in the area because it will be as a residential site

t. Whether the proposed use would be consistent with the needs of the neighborhood or to the community as a whole, be compatible with the neighborhood

The site will be utilized as residential property, therefore will be compatible with the neighborhood

## Environmental Site Analysis

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

### 1. Conformance to the Comprehensive Plan:

- Describe the proposed project and the existing environmental conditions on the site.
  - It is my intent to use the property as a personal care home for residents 65 years and older, 5-6 people. A PCH provide for the provision of housing, food service, and one or more personal services for older adults in a safe, humane and supportive setting
- Describe adjacent properties. Include a site plan that depicts the proposed project.
  - Adjacent properties are residential homes and a church. See property survey and appraisal site sketch (uploaded to portal)
- Describe how the project conforms to the Comprehensive Land Use Plan.
  - The property will be utilized as a residential home which conforms to the Comprehensive Land Use Plan of a personal care home

- Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.
  - See survey and property appraisal sketch (uploaded to portal)
- Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.
  - The property will be utilized as a residential personal care home under the assessment and evaluation by GA Department of Community Health (DCH). Georgia's DCH rules, regulations and policies regarding a personal care home will be adhered to upon which a permit will be granted and maintained.

## 2. Environmental Impacts of The Proposed Project

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

1. Wetlands ~~Absent~~
  1. U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
  2. Georgia Geologic Survey (404-656-3214)
  3. Field observation and subsequent wetlands delineation/survey if applicable
2. Floodplain ~~Absent; no flood area~~
  1. Federal Emergency Management Agency (<http://www.fema.org>)
  2. Field observation and verification
3. Streams/stream buffers ~~Absent~~
  1. Field observation and verification
4. Slopes exceeding 25 percent over a 10-foot rise in elevation ~~Absent~~
  1. United States Geologic Survey Topographic Quadrangle Map
  2. Field observation and verification
5. Vegetation ~~Absent~~
  1. United States Department of Agriculture, Nature Resource Conservation Service
  2. Field observation
6. Wildlife Species (including fish) ~~Absent~~
  1. United States Fish and Wildlife Service
  2. Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
  3. Field observation
7. Archeological/Historical Sites ~~Absent~~
  1. Historic Resources Survey
  2. Georgia Department of Natural Resources, Historic Preservation Division
  3. Field observation and verification

## 3. Project Implementation Measures

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

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors. ~~Not applicable~~
- b. Protection of water quality ~~Not applicable~~
- c. Minimization of negative impacts on existing infrastructure ~~Not applicable~~

- d. Minimization on archeological/historically significant areas Not applicable
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses. Not applicable
- f. Creation and preservation of green space and open space Not applicable
- g. Protection of citizens from the negative impacts of noise and lighting Not applicable
- h. Protection of parks and recreational green space Not applicable
- i. Minimization of impacts to wildlife habitats Not applicable

Public Participation Plan

List of Property Owners within 500 ft of subject property:

1. 6744 Rockland, Stonecrest 30038  
Rockland United Methodist Church (owner)  
Tax parcel ID: 16 141 01 007
2. 6747 Rockland, Stonecrest 30038-3443  
Rockland United Methodist Church (owner)  
Tax parcel ID: 16 141 04 004
3. 3613 Klondike, Stonecrest 30038  
Rockland United Methodist Church (owner)  
Tax parcel ID: 16 141 01 006
4. 6770 Rockland, Stonecrest 30038  
Barry Lowe & Laura Lowe (owners)  
Tax parcel ID: 16 141 02 015
5. 3607 Klondike, Stonecrest 30038  
Jackie Lynn Gentry (owner)  
9860 Rod Road, Alpharetta GA 30022  
Tax parcel ID: 16 141 01 005
6. 3599 Klondike, Stonecrest 30038-3504  
Eric A. Stanfield (owner)  
Tax parcel ID: 16 141 01 004
7. 3589 Klondike, Stonecrest 30038  
Shane Skillings (owner)  
840 Grand Concourse  
Bronx, NY 10451  
Tax parcel ID: 16 141 01 010
8. 3590 Klondike, Stonecrest 30038-3503  
Andy Hill (owner)  
Tax parcel ID: 16 141 02 001
9. 3610 Klondike, Stonecrest 30038-4401  
Andrew J. Hill (owner)  
Tax parcel ID: 16 141 02 002
10. 3648 Klondike, Stonecrest 30038  
Cora Elizabeth Abbott (owner)  
P.O. Box 104  
Lithonia, GA 30058-0104



Notice Date: TBD

# PUBLIC NOTICE

## COMMUNITY MEETING

Thursday \_\_\_\_\_ at 7pm

Location:  
Stonecrest City Hall  
City Council Chambers

Application for Special Land Use Permit

By:

Dr. Dana Avist

for a

Personal Care Home (5-6 people 65 & older)

3620 Klondike Road  
Stonecrest, GA 30038

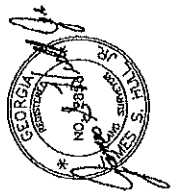
Current Property Use:	Unoccupied Residential Home
Proposed Use:	Optimum Personal Care Home (no roadside signage will be used)
Hours of Operation:	Monday - Friday 9:00am - 5:00pm Saturday - Sunday 9:00am - 3:00pm

EXHIBIT "B"

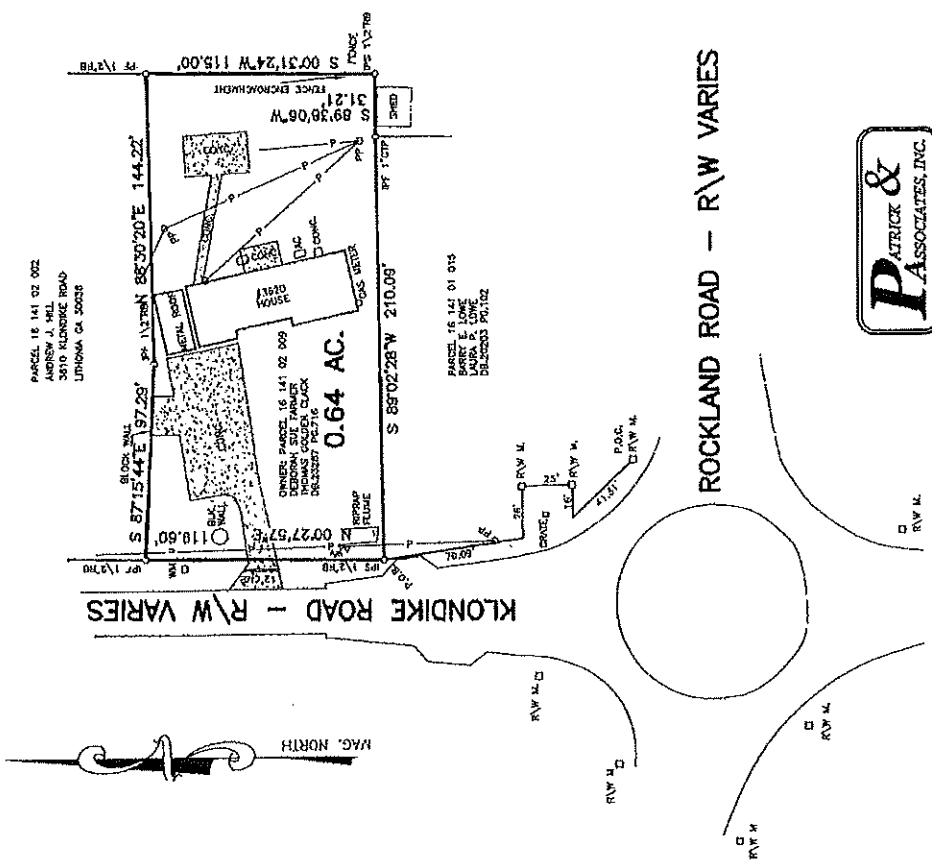
201815158 PLAT BOOK 270 Pg 35  
 Filed into Record: 11/14/2018 10:46:08 AM  
 Recorded Fee: \$5.00  
 Prepared by:  
 Debra Dabney  
 Clerk of Superior Court  
 DeKalb County, Georgia

This Plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plans or other instruments which are being retraced is not to be construed as a RECORDED OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G. Section 19-6-61.

*James S. Hall, Jr.*  
 James S. Hall, Jr. GA BLS 2856  
 ORIGINAL DATED: DEED BOOK 2787 PAGE 716  
 PARCEL 16 141 02 009



PARCEL 16 141 02 003  
 HOUSTON P. STANOUR  
 DE 25-065 PG.241



The field data upon which this plat is based has a closure of one foot in 35,651 feet and an angular error of 08" per angle point and was adjusted using compass rule. The plat has been calculated for closure and was found to be accurate within one foot in 362,397 feet.

This property is not in a Federal Flood Area as indicated by F.I.A. Official Hazard Maps, Flood Map No. 13089C01861, Dated: 5-16-2013.

NOTE: THE SURVEYOR HEREIN HAS MADE NO INVESTIGATION OF ANY OF THE ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.

NOTE: THIS PLAT WAS PREPARED FOR THE CLIENT BY THE SURVEYOR, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS RECONCILIATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.

UTILITY NOTE  
 PATRICK & ASSOCIATES, INC. NOR THE LAND SURVEYOR ASSUME ANY LIABILITY FOR THE EXISTENCE, LOCATION, MATERIAL OR SIZE OF ANY UNDERGROUND UTILITY SHOWN ON THIS SURVEY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE, EXACT LOCATION, MATERIAL AND SIZE OF ANY EXISTING OR UNDERGROUND UTILITY BEFORE BIDDING OR EXCAVATING ON THIS PROJECT.

RETRACEMENT SURVEY FOR:  
**DEBORAH SUE FARMER  
 THOMAS GOLDEN CLACK**  
 LAND LOT 141 - 16H DISTRICT  
 DEKALB COUNTY, GEORGIA

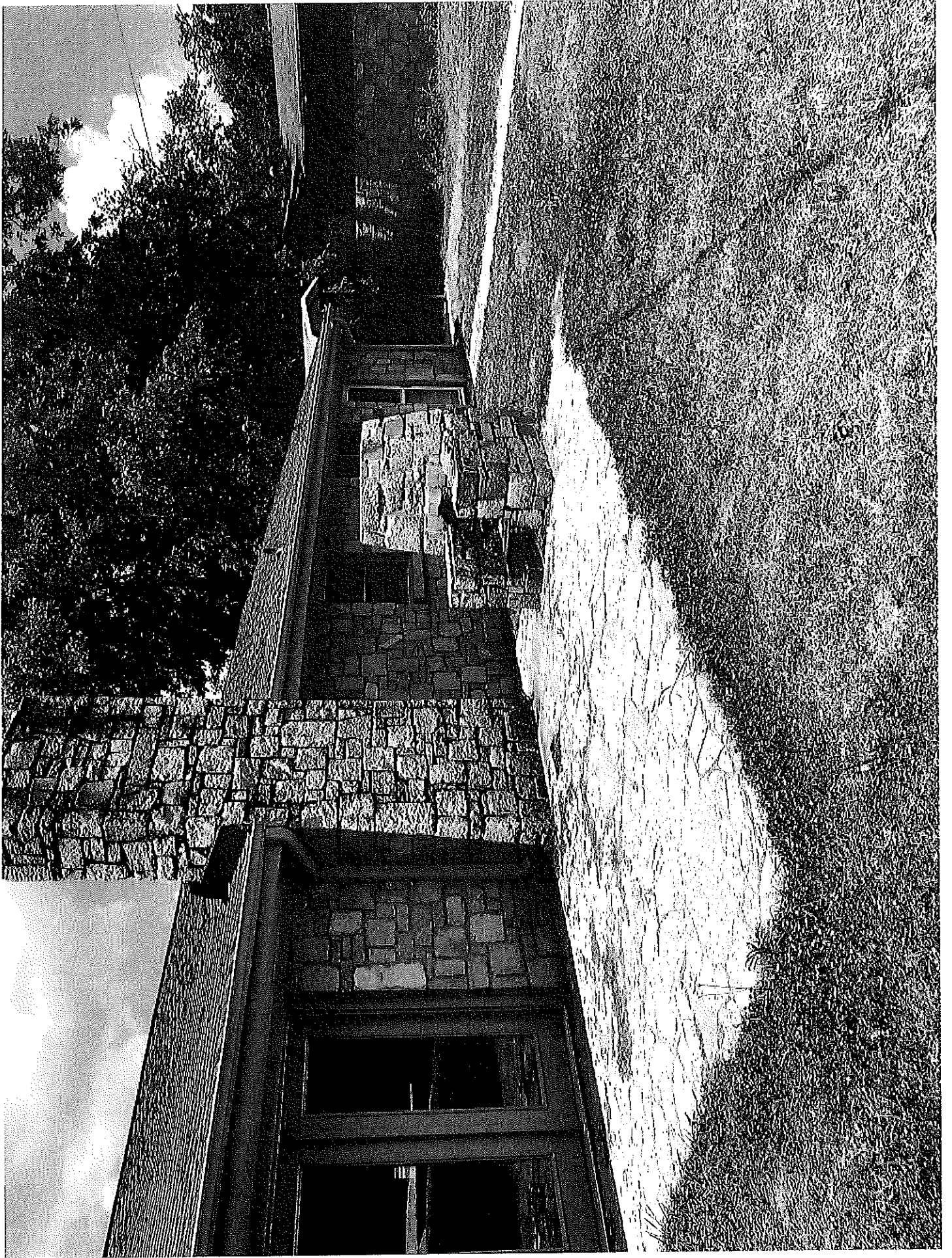
DATE OF FIELD WORK: 11-8-2018  
 DATE OF PLAT PREPARATION: 11-9-2018  
 EQUIPMENT USED: TRIMBLE S6



JOB NO. 18-811  
 DWG. NO. 32347

**PATRICK & ASSOCIATES, INC.**  
 SURVEYING & ENGINEERING  
 928 BLACKLAWN ROAD SW  
 CONYERS, GEORGIA 30094  
 PHONE: 770-483-9745



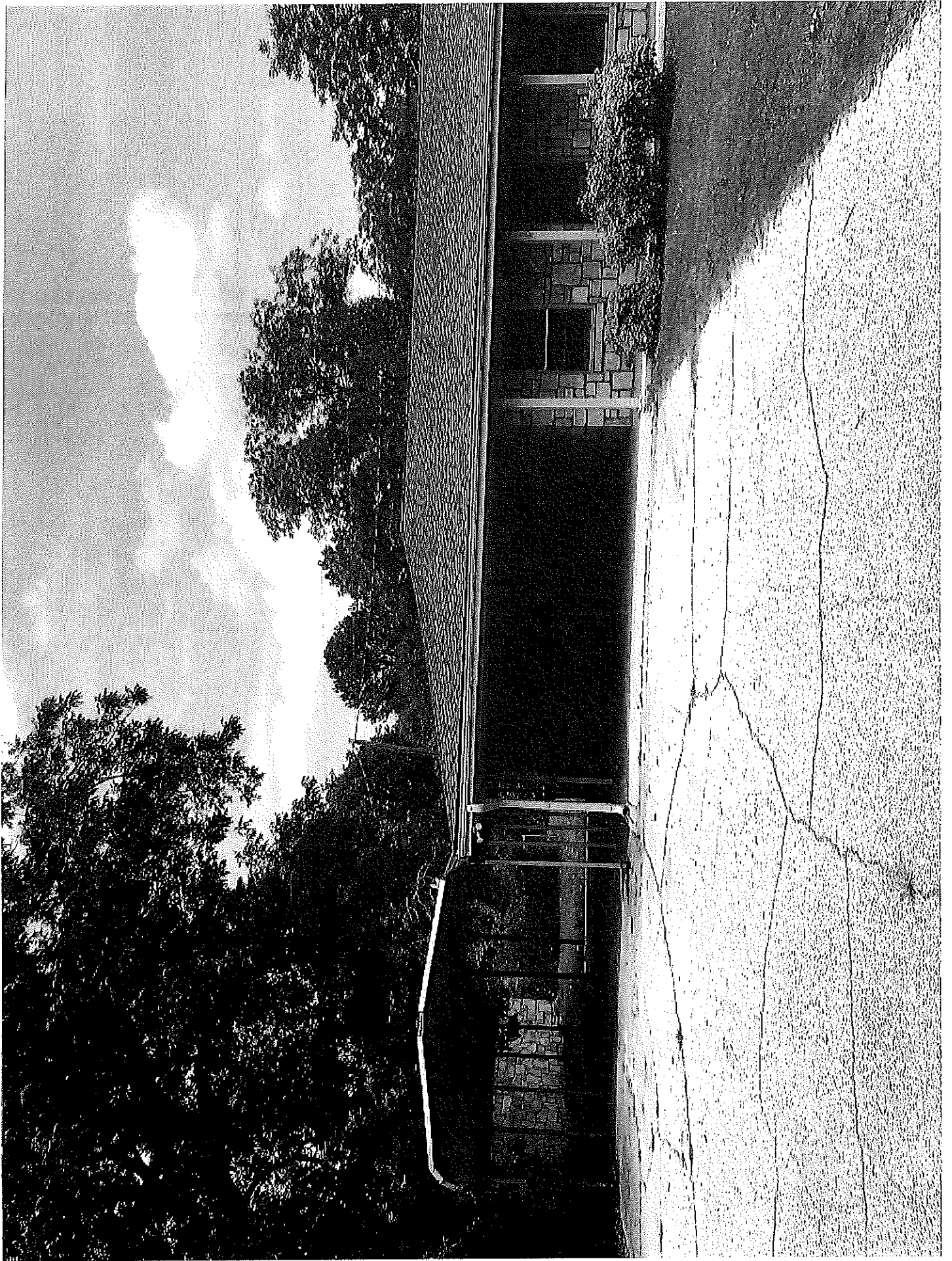


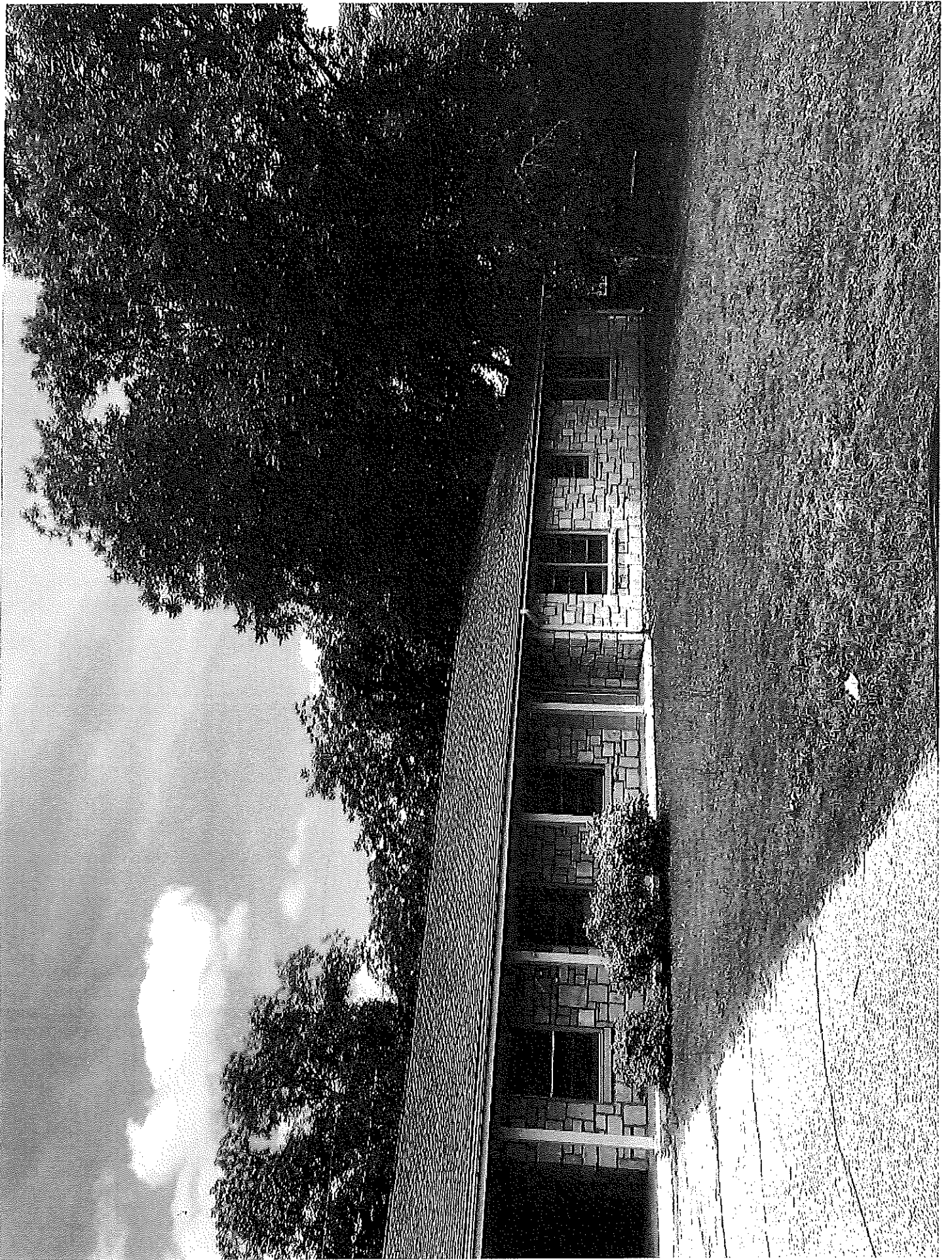














## RESOLUTION DESIGNATING URBAN REDEVELOPMENT AREAS

**WHEREAS**, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, entitled the “Urban Redevelopment Law,” as amended (the “Urban Redevelopment Law”), authorizes the City of Stonecrest (the “City”) to designate an “urban redevelopment area,” which is defined to mean a “pocket of blight” that the City Council of the City designates as appropriate for an urban redevelopment project; and

**WHEREAS**, the Urban Redevelopment Law defines “pocket of blight” to mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; having development impaired by airport or transportation noise or other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of the City, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; and

**WHEREAS**, after careful study and investigation, the City desires to designate the areas described in Exhibit A attached to this resolution as urban redevelopment areas;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Stonecrest that the areas described in Exhibit A attached to this resolution are hereby determined to be “pockets of blight,” by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, and deterioration of site or other improvements, which substantially impairs or arrests the sound growth of the City or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, and that such areas are therefore designated as appropriate for urban redevelopment projects.

**BE IT FURTHER RESOLVED** that any and all resolutions in conflict with this resolution (including, without limitation, the Resolution Designating Urban Redevelopment Areas adopted by the City Council of the City on January 13, 2020) be and the same are hereby repealed.

**BE IT FURTHER RESOLVED** that this resolution shall be effective immediately upon its adoption by the City Council of the City.

**PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE** this 27th day of January 2020.

**CITY OF STONECREST**

(SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

## EXHIBIT "A"

### Legal Description

#### Tract 1

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows:

Commencing at a 5/8" rebar found at the intersection of the Southerly right of way of Georgia Interstate 20 (having a variable right of way) and the Easterly right of way of Turner Hill Road, said point being the Northeasterly end of a mitered right of way line and the point of commencement; thence along said mitered right of way line South 52 degrees 28 minutes 24 seconds West for a distance of 46.45 feet to a 5/8" rebar found on the Easterly right of way of Turner Hill Road (having a 150 foot right of way), said point being the Southwesterly end of aforesaid mitered right of way; thence along the Easterly right of way of Turner Hill Road South 00 degree 37 minutes 30 seconds East for a distance of 828.40 feet to a point; thence North 42 degrees 38 minutes 21 seconds East for a distance of 116.33 feet leaving said right of way to a point; thence North 89 degrees 28 minutes 47 seconds East for a distance of 33.72 feet to a point; thence North 76 degrees 46 minutes 52 seconds East for a distance of 45.49 feet to a point; thence North 89 degrees 28 minutes 44 seconds East for a distance of 436.75 feet to a point; thence along a curve to the right having a radius of 749.86 feet and an arc length of 249.82 feet, being subtended by a chord of South 80 degrees 58 minutes 46 seconds East for a distance of 248.66 feet to a point, said point being the Point of Beginning; thence along a curve to the right having a radius of 749.86 feet and an arc length of 19.48 feet, being subtended by a chord of South 70 degrees 41 minutes 40 seconds East for a distance of 19.48 feet to a point; thence South 69 degrees 56 minutes 56 seconds East for a distance of 73.98 feet to a point; thence South 26 degrees 53 minutes 39 seconds West for a distance of 161.14 feet to a point; thence North 69 degrees 56 minutes 56 seconds West for a distance of 40.43 feet to a point; thence North 00 degrees 37 minutes 30 seconds West for a distance of 144.28 feet to a point; thence North 54 degrees 42 minutes 47 seconds East for a distance of 30.09 feet to the Point of Beginning.

Said property contains 0.287 acres more or less.

#### Tract 2

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows:

Commencing at a 5/8" rebar found at the intersection of the Southerly right of way of Georgia Interstate 20 (having a variable right of way) and the Easterly right of way of Turner Hill Road, said point being the Northeasterly end of a mitered right of way line and the point of commencement; thence along said mitered right of way line South 52 degrees 28 minutes 24 seconds West for a distance of 46.45 feet to a 5/8" rebar found on the Easterly right of way of Turner Hill Road (having a 150 foot right of way), said point being the Southwesterly end of aforesaid mitered right of way; thence along the Easterly right of way of Turner Hill Road South 00 degree 37 minutes 30 seconds East for a distance of 828.40 feet to a point; thence North 42 degrees 38 minutes 21 seconds East for a distance of 116.33 feet leaving said right of way to a point; thence North 89 degrees 28 minutes 47 seconds East for a distance of 33.72 feet to a point; thence North 76 degrees 46 minutes 52 seconds East for a distance of 45.49 feet to a point; thence North 89 degrees 28 minutes 44 seconds East for a distance of 237.72 feet, said point being the Point of Beginning; thence North 89 degrees 28 minutes 44 seconds East for a distance of 199.03 feet to a point; thence along a curve to the right having a radius of 749.86 feet and an arc length of 182.23 feet, being subtended by a chord of South 83 degrees 33 minutes 39 seconds East for a distance of 181.78 feet to a point; thence South 00 degrees 37 minutes 30 seconds East for a distance of 178.56 feet to a point; thence South 89 degrees 22 minutes 30 seconds West for a distance of 379.80 feet to a point; thence North 00 degrees 31 minutes 16 seconds West for a distance of 201.27 feet to the Point of Beginning.

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**EXHIBIT "A"**  
Legal Description

Said property contains 1.721 acres more or less.

**Tract 4**

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows:

Commencing at a 5/8" rebar found at the Northeasterly end of the mitered right of way line of the Southerly right of way line of Georgia Interstate Highway 20 (having a variable right of way) and the Easterly right of way line of Turner Hill Road, said point being the point of commencement; thence along said mitered right of way line South 52 degrees 28 minutes 24 West for a distance of 46.45 feet to a 5/8" rebar found on the Easterly right of way of Turner Hill Road (having a 150 foot right of way); thence along the Easterly right of way of Turner Hill Road South 00 degree 37 minutes 30 seconds East a distance of 1607.33 feet; thence leaving the Easterly right of way line of Turner Hill Road, North 89 degrees 22 minutes 30 seconds East for a distance of 180.00 feet to a point, said point being the Point of Beginning; thence North 36 degrees 35 minutes 39 seconds East a distance of 210.87 feet to a point; thence North 89 degrees 08 minutes 11 seconds East a distance of 52.45 feet to a point; thence South 00 degrees 37 minutes 30 seconds East a distance of 238.00 feet to a point; thence North 75 degrees 08 minutes 28 seconds West a distance of 186.78 feet to a point; thence North 00 degrees 37 minutes 30 seconds West a distance of 20.00 feet to a point, said point being the Point of Beginning.

Said property contains 0.634 acres more or less.

Together With the easements appurtenant to the above described tracts of land created by that certain Agreement of Easements and Restrictive Covenants by JDN Associates, Ltd., Turner Hill Road, a Georgia Limited Partnership having JDN Equities, Inc., a Georgia Corporation, as its sole general partner and DeKalb Center Associates, a Georgia Limited Partnership, whose sole general partner is CF I-20E Associates, a New York General Partnership, which has as its managing general partner Cadillac Fairview Shopping Center Properties (Georgia), Inc., a Delaware Corporation, dated October 30, 1990, filed for record October 31, 1990 at 1:23 p.m., recorded in Deed Book 6823, Page 427, Records of DeKalb County, Georgia.

**Parcel 16 0183 010 006:**

All that tract or parcel of land lying and being in Land Lots 182 and 183, of the 16th District, of DeKalb County, Georgia, containing 15.38 acres and shown as the "Wal-Mart Tract" on that certain survey prepared for JDN Enterprises, Inc., Wal-Mart Properties, Inc. and First American Title Insurance Company, by Trenton D. Turk (Georgia Registered Land Surveyor No. 2411) of Hartrampf Engineering, Inc. and dated August 10, 1990, and last revised August 29, 1990, and more particularly described as follows:

To find the True Point of Beginning commence at a point on the Easterly right-of-way line of Turner Hill Road (150 foot right-of-way), said point being the Northwestern most point of intersection of the Easterly right-of-way line of Turner Hill Road and the Northerly right-of-way line of Mall Parkway (a 100 foot right-of-way); thence continue along the aforesaid Easterly right-of-way line of Turner Hill Road North 00° 37' 30" West a distance of 953.44 feet to a point, said point being the True Point of Beginning; thence continue along the aforesaid Easterly right-of-way line North 00° 37' 30" West a distance of 70.00 feet to a point; thence leaving the aforesaid Easterly right-of-way of line proceed North 89° 22' 30" East a distance of 180.00 feet to a point; thence proceed North 00° 37' 30" West a distance of 327.39 feet to a point; thence proceed South 89° 22' 30" West a distance of 180.00 feet to a point located on the aforesaid Easterly right-of-way line of Turner Hill Road; thence continue along the aforesaid Easterly right-of-way line North 00° 37' 30" West a distance of 240.00 feet to a point; thence leaving the aforesaid Easterly light-or-way line proceed North 89° 22' 30" East a distance of 236.41 feet to a point; thence proceed North 00° 31' 16" West a distance of 235.97 feet to a point located on the Southerly right-of-way of the "Proposed Access Road"; thence continue along the aforesaid Southerly right-of-way line North 89° 28'

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.*

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**EXHIBIT "A"**  
Legal Description

44" East a distance of 158.72 feet to a point; thence leaving the aforesaid Southerly right-of-way line proceed South 00° 31' 16" East a distance of 201.27 feet to a point; thence proceed North 89° 22' 30" East a distance of 379.80 feet to a point; thence proceed North 00° 37' 30" West a distance of 178.56 feet to a point located on the Southerly right-of-way line of the "Proposed Access Road"; thence continue along the aforesaid Southerly right-of-way line follow a 749.86 foot radius curve to the right, an arc length of 67.59 feet to a point (said curve being subtended by a chord bearing South 74° 01' 03" East and having a chord distance of 67.57 feet); thence leaving the aforesaid Southerly right-of-way line proceed South 54° 42' 47" West a distance of 30.09 feet to a point; thence proceed South 00° 37' 30" East a distance of 231.16 feet to a point; thence proceed South 26° 53' 10" West a distance of 47.61 feet to a point; thence proceed South 05° 07' 52" East a distance of 89.16 feet to a point; thence proceed South 00° 37' 30" East a distance 261.44 feet to a point; thence proceed South 88° 45' 00" West a distance of 20.63 feet to a point; thence proceed South 00° 37' 30" East a distance of 163.73 feet to a point; thence proceed North 88° 44' 59" East a distance of 20.63 feet to a point; thence proceed South 00° 37' 30" East a distance of 120.39 feet to a point; thence proceed South 49° 51' 48" East a distance of 47.51 feet to a point; thence proceed South 00° 37' 30" East a distance of 109.08 feet to a point; thence proceed South 89° 22' 30" West a distance of 35.99 feet to a point; thence proceed South 00° 37' 30" East a distance of 290.00 feet to a point; thence proceed North 62° 00' 52" West a distance of 501.20 feet to a point; thence proceed North 00° 37' 30" West a distance of 452.14 feet to a point; thence proceed South 89° 08' 11" West a distance of 52.45 feet to a point; thence proceed South 36° 35' 39" West a distance of 210.87 feet to a point; thence proceed South 89° 22' 30" West a distance of 180.00 feet to a point, said point being a True Point of Beginning.

Together With easement rights under and pursuant to the following:

1. Agreement of Easements and Restrictive Covenants, Turner Hill Road (Shopping Center) dated October 30, 1990 by and between JDN Associates, Ltd., Turner Hill Road and DeKalb Center Associates, recorded in Deed Book 6823, Page 427, DeKalb County, Georgia.
2. Declaration of Surface and Storm Water Drainage Easements made by DeKalb Center Associates, dated May 13, 1986, and recorded in Deed Book 6823, Page 427, aforesaid records; as amended by First Amendment to Declaration by and between DeKalb Center Associates and JDN Associates, Ltd., Turner Hill Road, filed and recorded June 4, 1986, in Deed Book 5486, Page 511, aforesaid records, pursuant to Notice of JDN Associates, Ltd., Turner Hill Road, dated May 13, 1986, filed and recorded May 14, 1986, in Deed Book 5470, Page 725, aforesaid records, as amended by Second Amendment to Declaration of Surface and Storm Water Drainage Easements, dated February 28, 1989, recorded in Deed Book 6421, Page 271, DeKalb County, Georgia Records, as amended by Third Amendment to Declaration of Surface and Storm Water Drainage Easements, dated November 13, 1989, recorded in Deed Book 6629, Page 118, DeKalb County, Georgia Records.
3. Easement Agreement, dated May 13, 1986, by and between DeKalb Center Associates and JDN Associates, Ltd., Turner Hill Road, filed and recorded May 14, 1986, in Deed Book 5470, Page 682, aforesaid records; as corrected by Scrivener's Affidavit of Darla K. Kaben dated May 28, 1986, filed and recorded June 2, 1986, in Deed Book 5485, page 420, aforesaid records; as amended by First Amendment dated October 30, 1990, filed and recorded October 31, 1990, in Deed Book 6823, Page 417, aforesaid records.

Less and except from the above described property:

All that tract or parcel of land lying and bring in Land Lot 183 of the 16th Land District of Duval County, Georgia and being more particularly described as follows:

Commence at the intersection of the Northerly right-of way of the miter of Mall Parkway and the Easterly right-of-way or Turner Hill Road; thence along the Easterly right-of-way of Turner Hill Road North 00 degrees 37 minutes 30 seconds West a distance of 1590.83 feet to the Point of Beginning; thence leaving said right-of-way North 89 degrees 22 minutes

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**EXHIBIT "A"**  
Legal Description

30 seconds East for a distance of 236.41 feet to a point; thence South 00 degrees 31 minutes 16 seconds East for a distance of 47.99 feet to a point; thence South 89 degrees 22 minutes 30 seconds West for a distance of 236.32 feet to a point on the Easterly right-of-way of Turner Hill Road thence along said Easterly right-of-way North 00 degrees 37 minutes 30 seconds West for a distance of 47.99 feet to the Point of Beginning. This tract contains 0.260 acres or 11344 sq. ft.

**Additional tract:**

All that tract or parcel of land lying and being in Land Lot 182 of the 16th District, DeKalb County, Georgia, containing 0.04 acre and shown as "Exchange Parcel 1" on that certain survey prepared for JDN Enterprises, Inc., Wal-Mart Properties, Inc., and First American Title Insurance company, by Trenton D. Turk (Georgia Registered Land Surveyor No. 2411) of Hartrampf Engineering, Inc., and dated August 40, 1990 and last revised August 29, 1990, and more particularly described as follows:

To find the True Point of Beginning commence at a point on the Easterly right-of-way line of Turner Hill Road (150 foot right-of-way), said Point being the Northwestern most point of intersection of the Easterly right-of-way line of Turner Hill Road and the Northerly right-of-way line of Mall Parkway (100 foot right-of-way) thence Continue along the aforesaid Easterly right-of-way line North 00° 37' 30" West a distance of 1,732.37 feet to a point, said point, being the point of intersection of the Easterly right-of-way line of Turner Hill Road and the Southerly right-of-way line of the "Proposed Access Road"; thence Leaving the aforesaid Easterly right-of-way line proceed North 42° 38' 21" East a distance of 130.04 feet to a point; thence continuing along the Southerly right-of-way line of the "Proposed Access Road" North 69° 28' 44" East a distance of 505.47 feet to a point; thence continuing along the aforesaid Southerly right-of-way line follow a 749.86 foot radius curve to the right an arc length of 182.22 feet to a point (said curve being subtended by a chord bearing South 83° 33' 40" East and having a chord distance of 101.77 feet); thence continuing along the aforesaid Southerly right-of-way line follow a 749.86 foot radius curve to the right an arc length of 67.59 feet to a point (said curve being subtended by a chord bearing South 74° 01' 03" East and have a chord distance of 67.57 feet); thence leaving the aforesaid Southerly right-of-way line proceed South 54° 42' 47" West a distance of 30.09 feet to a point; thence proceed South 00° 37' 30" East a distance of 144.28 feet to a point; said point being the True point of Beginning; thence Proceed South 00° 37' 30" East a distance of 86.88 feet to a point; thence proceed North 26° 53' 40" East a distance of 81.87 feet to a Point, thence proceed North 69° 56' 56" West a distance of 40.43 feet to a point, said point being the True Point of Beginning.

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**EXHIBIT "A"**

**LEGAL DESCRIPTION OF PROPERTY**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 170, 16th District, DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at northeastern end of the mitered intersection of the Northerly right of way line of Mall Parkway (100-foot right of way) and the westerly right of way line of Turner Hill Road (right of way varies); run thence along said westerly right of way line the following five (5) courses and distances: (1) North 00 degrees 19 minutes 17 seconds East a distance of 196.09 feet to a point, (2) North 00 degrees 37 minutes 30 seconds West a distance of 1574.92 feet to a point, (3) North 89 degrees 22 minutes 30 seconds East a distance of 7.89 feet to a point, (4) along a curve to the left on arc distance of 24.49 feet (said arc being subtended by a chord bearing North 00 degrees 37 minutes 36 seconds West a chord distance of 24.49 feet and having a radius of 3908.15 feet) to a point, and (5) along a curve an arc distance of 90.63 feet (said arc being subtended by a chord bearing North 01 degree 28 minutes 14 seconds West a chord distance of 90.63 feet and having a radius of 3908.15 feet) to a point and THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, leaving said westerly right of way line, run thence South 87 degrees 51 minutes 56 seconds West a distance of 86.69 feet to a point; run thence along a curve to the right an arc distance of 409.79 feet (said arc being subtended by a chord bearing North 68 degrees 17 minutes 55 seconds West a chord distance of 401.95 feet and having a radius of 603.11 feet) to a point; run thence North 48 degrees 50 minutes 02 seconds West a distance of 137.86 feet to a point; run thence along a curve to the left an arc distance of 511.30 feet (said arc being subtended by a chord bearing North 73 degrees 07 minutes 14 seconds West a chord distance of 496.12 feet and having a radius of 603.11 feet) to a point; run thence North 01 degree 43 minutes 47 seconds West a distance of 100.83 feet to a point; run thence along a curve to the left an arc distance of 399.66 feet (said arc being subtended by a chord bearing North 15 degrees 52 minutes 25 seconds West a chord distance of 395.61 feet and having a radius of 809.50 feet) to a point; run thence North 30 degrees 00 minutes 00 seconds West a distance of 262.32 feet to a point; run thence along a curve to the left an arc distance of 376.45 feet (said arc being subtended by a chord bearing North 45 degrees 10 minutes 48 seconds West a chord distance of 372.05 feet and having a radius of 709.50 feet) to a point; run thence South 37 degrees 30 minutes 00 seconds West a distance of 560.12 feet to a point; run thence South 07 degrees 30 minutes 00 seconds East a distance of 52.80 feet to a point; run thence South 37 degrees 30 minutes 00 seconds West a distance of 35.36 feet to a point; run thence North 74 degrees 59 minutes 59 seconds West a distance of 28.75 feet to a point; run thence South 15 degrees 00 minutes 00 seconds West a distance of 60.00 feet to a point; run thence North 74 degrees 59 minutes 59 seconds West a distance of 273.86 feet to a point; run thence North 15 degrees 00 minutes 00 seconds East a distance of 53.33 feet to a point; run thence North 69 degrees 22 minutes 30 seconds West a distance of 21.82 feet to a point; run thence North 15 degrees 00 minutes 00 seconds East a distance of 55.28 feet to a point; run thence North 75 degrees 00

minutes 00 seconds West a distance of 80.40 feet to a point; run thence North 30 degrees 00 minutes 00 seconds West a distance of 63.00 feet to a point; run thence North 60 degrees 00 minutes 00 seconds East a distance of 60.00 feet to a point; run thence North 30 degrees 00 minutes 00 seconds West a distance of 572.77 feet to a point; run thence along a curve to the right an arc distance of 249.74 feet (said arc being subtended by a chord bearing North 88 degrees 26 minutes 28 seconds East a distance of 248.42 feet and having a radius of 700.00 feet) to a point; run thence South 81 degrees 20 minutes 18 seconds East a distance of 491.88 feet to a point; run thence along a curve to the right an arc distance of 234.39 feet (said arc being subtended by a chord bearing South 71 degrees 44 minutes 44 seconds East a chord distance of 233.30 feet and having a radius of 700.00 feet) to a point; run thence South 62 degrees 09 minutes 11 seconds East a distance of 70.01 feet to a point; run thence North 37 degrees 55 minutes 46 seconds East a distance of 135.88 feet to a point on the southerly right of way line of Interstate 20; run thence along said southerly right of way line the following two (2) courses and distances; (1) South 77 degrees 49 minutes 48 seconds East a distance of 318.42 feet to a point and (2) South 72 degrees 38 minutes 36 seconds East a distance of 88.28 feet to a point; leaving said southerly right of way line, run thence South 15 degrees 48 minutes 15 seconds West a distance of 257.69 feet to a point; run thence South 60 degrees 00 minutes 00 seconds West a distance of 108.38 feet to a point; run thence South 15 degrees 00 minutes 00 seconds West a distance of 35.36 feet to a point; run thence South 30 degrees 00 minutes 00 seconds East a distance of 211.47 feet to a point; run thence along a curve to the right an arc distance of 415.58 feet (said arc being subtended by a chord bearing South 15 degrees 59 minutes 36 seconds East a chord distance of 411.46 feet and having a radius of 850.00 feet) to a point; run thence North 88 degrees 00 minutes 47 seconds East a distance of 17.99 feet to a point; run thence along a curve to the left an arc distance of 83.66 feet (said arc being subtended by a chord bearing South 47 degrees 04 minutes 22 seconds East a chord distance of 77.04 feet and having a radius of 60.00 feet) to a point; run thence along a curve to the right an arc distance of 435.24 feet (said arc being subtended by a chord bearing South 67 degrees 55 minutes 31 seconds East a chord distance of 427.23 feet and having a radius of 653.11 feet) to a point; run thence South 48 degrees 50 minutes 02 seconds East a distance of 137.86 feet to a point; run thence along a curve to the left an arc distance of 392.04 feet (said arc being subtended by a chord bearing South 69 degrees 08 minutes 19 seconds East a chord distance of 383.88 feet and having a radius of 553.11 feet) to a point; run thence along a curve to the left an arc distance of 96.45 feet (said arc being subtended by a chord bearing North 44 degrees 53 minutes 09 seconds East a chord distance of 86.56 feet and having a radius of 60.50 feet) to a point; run thence North 86 degrees 53 minutes 52 seconds East a distance of 2.10 feet to a point on the westerly right of way line of Turner Hill Road (right of way varies); run thence along said westerly right of way line the following two (2) courses and distances; (1) South 03 degrees 06 minutes 08 seconds East a distance of 41.90 feet to a point and (2) run thence along a curve an arc distance of 66.01 feet (said arc being subtended by a chord bearing South 02 degrees 37 minutes 08 seconds East a chord distance of 66.01 feet and having a radius of 3908.15 feet) to a point and THE TRUE POINT OF BEGINNING; shown as "Sears" and containing 15.167 acres on that certain plat of survey entitled "ALTA/ACSM Land Title Survey for Stonecrest Mall, LLC"-, prepared by Development Consultants Group, bearing the seal and certification of Donald G. Holland, Georgia Registered Land Surveyor No. 2637, dated October 10, 2000, last revised February 7, 2001.



TOGETHER WITH and benefiting the subject property, the easement created by that certain Declaration of Surface and Storm Water Drainage Easements by DeKalb Center Associates, a Georgia limited partnership, dated May 13, 1986, filed for record May 14, 1986 at 9:33 a.m., recorded in Deed Book 5470, Page 390, Records of DeKalb County, Georgia; as amended by that certain First Amendment to Declaration of Surface and Storm Water Drainage Easement by and between DeKalb Center Associates, a Georgia limited partnership and JDN Associates, Ltd., Turner Hill Road, a Georgia limited partnership, dated May 2, 1986, filed for record June 4, 1986 at 8:57 a.m., recorded in Deed Book 5486, Page 511, aforesaid Records; as further amended by that certain Second Amendment to Declaration of Surface and Storm Water Drainage Easements by and between DeKalb Center Associates, a Georgia limited partnership and Atlanta East Mall Limited Partnership, a Georgia limited partnership dated February 28, 1989, filed for record May 2, 1989 at 10:12 a.m., recorded in Deed Book 6421, Page 271, aforesaid Records; as further amended by that certain Third Amendment to Declaration of Surface and Storm Water Drainage Easements by and between DeKalb Center Associates, a Georgia limited partnership, Lewis G. Abbott, Betty L. Abbott, Pat Abbott, as Executrix of the Estate of Robert G. Abbott, and Joseph Abbott as Executor of Joseph Ernest Abbott, dated November 13, 1989, filed for record January 31, 1990 at 8:30 a.m., recorded in Deed Book 6629, Page 189, aforesaid Records.

ALSO TOGETHER WITH and benefiting the subject property the easements created in that certain Construction, Operation and Reciprocal Easement Agreement by and between Stonecrest Mall, LLC, a Georgia limited liability company, Development Authority of DeKalb County, a public body corporate and politic of the State of Georgia, Dillard's, Inc., a Delaware corporation, Sears, Roebuck and Co., a New York corporation, J.C. Penney Company Inc., a Delaware corporation, Parisian, Inc., an Alabama corporation and Rich's Department Stores, Inc., an Ohio corporation, dated February 26, 2001, filed for record February 27, 2001 at 12:00 p.m., recorded in Deed Book 11897, Page 186, aforesaid Records.

ALSO TOGETHER WITH and benefiting the subject property the easements created in that certain Declaration of Easements, Covenants, Conditions & Restrictions by Development Authority of DeKalb County, Georgia, a public body corporate and politic, DeKalb Center Associates, a Georgia limited partnership, and CFN (I-20), Inc., a Delaware corporation, dated February 26, 2001, filed for record February 27, 2001 at 12:00 p.m., recorded in Deed Book 11897, Page 70, aforesaid Records; as affected by Assignment of Declarant's Rights and Powers under Declaration of Easements, Covenants, Conditions & Restrictions by and between DeKalb Center Associates, a Georgia limited partnership, and Stonecrest Mall, LLC, a Georgia limited liability company, dated February 26, 2001, filed for record February 27, 2001 at 12:00 p.m., recorded in Deed Book 11898, Page 29, aforesaid Records.

LESS AND EXCEPT, property conveyed by Georgia Department of Transportation Right of Way Deed from Development Authority of DeKalb to Department of Transportation, dated July 2, 2003, recorded August 11, 2003 in Deed Book 15040, Page 5, aforesaid Records.

AND FURTHER LESS AND EXCEPT, property released to Department of Transportation No. 2 Capital Square, Atlanta, GA 20334 Quitclaim Deed from Sears Roebuck and Co. dated December 31, 2003 in Deed Book 15794, Page 770, aforesaid Records.

**CITY CLERK'S CERTIFICATE**

I, **MEGAN REID**, the duly appointed, qualified, and acting City Clerk of the City of Stonecrest (the "City"), **DO HEREBY CERTIFY** that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on January 27, 2020 by the City Council of the City in a meeting duly called and assembled in accordance with applicable laws and with the procedures of the City, by a vote of \_\_\_ Yea and \_\_\_ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of the City, which is in my custody and control.

**GIVEN** under my hand and the seal of the City, this 27th day of January 2020.

(SEAL)

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City Clerk, City of Stonecrest