



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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

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

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL MEETING - *AGENDA*

Monday August 23, 2021, at 6:00 P.M.

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

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

II. ROLL CALL: Sonya Isom, Acting City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. LOCAL STATE OF EMERGENCY DECLARATION

VI. APPROVAL OF THE AGENDA

VII. REVIEW AND APPROVAL OF MINUTES

- a. **Approval** – of the July 26, 2021, City Council Meeting Minutes

VIII. PUBLIC COMMENTS

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read or played via voice memo or video into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.

IX. PUBLIC HEARINGS

(This hearing will be conducted virtually, the public comments received via email in advance of the meeting will be read or played via voice memo or video into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during all public hearings.

- a. RZ-21-002 - Alphabet Daycare c/o Shanteria Vaughn, and Titus Hood - 3174 Miller Rd
- b. TMOD 21-005 – Car Dealerships
- c. TMOD-21-006 - Replacing outdated references Chapter 27, Article 3, Division 5, Stonecrest Overlay District

X. CONSENT AGENDA



CITY OF STONECREST, GEORGIA

XI. ANNOUNCEMENTS

- a. Acknowledgement of the recent committee appointments – *Mayor Protem*
- b. Construction Board of Appeals – *Mayor Protem*

XII. REPORTS & PRESENTATIONS

XIII. OLD BUSINESS:

- a. **Approval** – of The Backbone Infrastructure Contract Amendment – *Gia Scruggs*

XIV. NEW BUSINESS:

- a. **Approval** – of the Acme Auto Leasing, LLC. Contract – *Gia Scruggs*
- b. **Approval** – of The MuniCode Contract Amendment – *Gia Scruggs*
- c. **Approval** – of Procurement of temporary personnel – *Gia Scruggs*
- d. **Approval** – of Extension of Browns Mill Aquatic Center Closing Date – *Brandon Riley*
- e. **Approval** – of RZ-21-002 - 3174 Miller Rd – *Jim Summerbell*
- f. **Approval** – of TMOD 21-005 – *Jim Summerbell*
- g. **Approval** – of TMOD-21-006 – *Jim Summerbell*

XV. CITY MANAGER UPDATE

XVI. MAYOR AND COUNCIL COMMENTS

XVII. EXECUTIVE SESSION:

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

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, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: Local State of Emergency Declaration

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

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

Previously Heard Date(s):

Current Work Session:

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Jim Nichols, Deputy City Manager

PRESENTER: Winston Denmark, City Attorney

PURPOSE: The purpose of this item is to review the possibility of the Mayor and City Council declaring a Local State of Emergency for Stonecrest in light of the ongoing COVID situation in the region.

FACTS: A Local State of Emergency declaration is being presented for the Council's consideration to allow the City take certain steps relative to City operations that will help to maintain the health and safety of City staff and constituents while still providing the necessary services to our citizenry.

OPTIONS: Approve, Deny, Defer

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - Stonecrest Emergency Declaration Ordinance

STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. 2021-08-01

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA, DECLARING A LOCAL STATE OF EMERGENCY; REQUIRING FACE**
3 **COVERINGS TO BE WORN ON PROPERTY OWNED OR LEASED BY THE CITY OF**
4 **STONECREST, GEORGIA; PROVIDING FOR VIRTUAL CITY COUNCIL MEETINGS**
5 **BEGINNING IN SEPTEMBER 2021; TO PROTECT THE HEALTH, SAFETY, AND**
6 **WELFARE OF THE RESIDENTS, EMPLOYEES, BUSINESSES, AND VISITORS IN THE**
7 **CITY; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; AND**
8 **FOR OTHER LAWFUL PURPOSES.**

9
10 **WHEREAS,** the Governing Authority of the City of Stonecrest (“City”) is the Mayor and Council
11 thereof;

12
13 **WHEREAS,** on March 13, 2020, by Proclamation 9994, the President of the United States declared
14 a national emergency concerning the coronavirus disease 2019 (“COVID-19”);

15
16 **WHEREAS,** on February 24, 2021, the President of the United States extended the national
17 emergency declared by Proclamation 9994 beyond March 1, 2021;

18
19 **WHEREAS,** on June 30, 2021, by Executive Order 06.30.21.01, the Governor of Georgia declared
20 that a State of Emergency exists in the State of Georgia due to the continuing negative
21 impacts of the COVID-19 pandemic;

22
23
24 **WHEREAS,** on July 22, 2021, by Executive Order 07.22.21.01, the Governor of Georgia
25 extended the State of Emergency declared in Executive Order 06.30.21.01;

26 **WHEREAS,** according to the Georgia Department of Public Health (“DPH”) COVID-19
27 update at 2:50 p.m. on August 16, 2021, Georgia now has 996,653 confirmed cases of COVID-19
28 and 19,020 Georgians have died from COVID-19;

29 **WHEREAS,** the City is located in DeKalb County, and the DPH reports that DeKalb County
30 has 64,925 confirmed cases and 1,010 deaths due to COVID-19;

31 **WHEREAS,** according to the COVID Data Tracker maintained by the Centers for Disease
32 Control and Prevention (“CDC”), the number of COVID-19 cases within the State of Georgia are
33 rising, with the highly contagious Delta B.1.617.2 variant (the “Delta Variant”) accounting for 65.1
34 percent of Georgia cases as of August 10, 2021;

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DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. 2021-08-01

35 **WHEREAS**, the CDC classifies COVID-19 infection rates as low, moderate, substantial, or
36 high based on the number of new cases per 100,000 persons during a reporting period;

37 **WHEREAS**, an area has a high infection rate under the CDC’s classification system if the
38 area has 100 or more infections per 100,000 persons during a reporting period;

39 **WHEREAS**, the most recent Georgia Department of Public Health COVID-19 PCR Test
40 Positivity Rates and Classification Report provides that the rate of infection in DeKalb County is
41 450.73 per 100,000 persons;

42 **WHEREAS**, COVID-19 and the Delta Variant pose a significant risk to the public health
43 and safety of residents of and visitors to the City;

44 **WHEREAS**, if COVID-19 and the Delta Variant continue to spread, it will greatly strain the
45 resources and capabilities of county and municipal governments, as well as local public health
46 agencies that provide essential services, including services for containing and mitigating the spread
47 of COVID-19 and the Delta Variant;

48 **WHEREAS**, in order to help stop the spread of COVID-19 and the Delta Variant, the
49 Governing Authority and staff have been closely monitoring the spread of COVID-19 and the Delta
50 Variant, as well as the associated guidance from medical professionals and state and federal
51 government agencies;

52 **WHEREAS**, public health experts, including those at the CDC, the National Institutes of
53 Health (“NIH”), and the World Health Organization (“WHO”) (collectively, the “Public Health
54 Authorities”) have advised that COVID-19 and the Delta Variant spread mainly through the
55 mechanism of respiratory droplets produced when an infected person coughs, sneezes, talks, or raises
56 their voice (e.g., while shouting, chanting, or singing). These droplets can land in the mouths or
57 noses of people who are nearby or possibly be inhaled into the lungs;

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CITY OF STONECREST**

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58 **WHEREAS**, the Public Health Authorities have also advised that a significant portion of the
59 individuals infected with COVID-19 and the Delta Variant are contagious even while experiencing
60 minor or no symptoms and implored leaders to take immediate action to prevent further community
61 spread of COVID-19 and the Delta Variant;

62 **WHEREAS**, the CDC and United States Surgeon General, Dr. Vivek Murthy, acknowledge
63 that there is a significant amount of asymptomatic spread and recommends that individuals use face
64 coverings to reduce the spread of COVID-19 and the Delta Variant;

65 **WHEREAS**, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious
66 Diseases, has further recommended that individuals wear face coverings to prevent individuals from
67 infecting others;

68 **WHEREAS**, one Georgia community experienced an outbreak of COVID-19 due in part to
69 an infected person being present in a public building without face coverings, with the result being
70 the infection of many persons and the death of a judge and other individuals;

71 **WHEREAS**, the City desires to protect the health, safety, and welfare of the residents,
72 employees, businesses, and visitors in the City, in a reasonable manner and as recommended by the
73 CDC and by the Georgia Department of Public Health, while such individuals are working in,
74 conducting business in, or visiting property owned or leased by the City of Stonecrest (“City
75 Property”);

76 **WHEREAS**, having City Property accessible to the public as necessary to conduct in-person
77 business that cannot be conducted by other means is important for the economic vitality of the City;

78 **WHEREAS**, certain activities benefit from or require face-to-face interactions between City
79 employees and other individuals;

80 **WHEREAS**, the City is authorized pursuant to its Charter, the Georgia Constitution, police
81 powers, and its supplemental emergency management powers under O.C.G.A. § 38-3-28(a) to

ORDINANCE NO. 2021-08-01

82 impose necessary rules and regulations for emergency management purposes and to preserve the
83 health, safety and welfare of the residents, employees, businesses, and visitors within the City;

84 **WHEREAS**, this Ordinance is intended to supplement the Governor’s Executive Order
85 07.22.21.01, which extends the State of Emergency declared in Executive Order 06.30.21.01;

86 **WHEREAS**, the adoption of this Ordinance will preserve and protect the health, safety, and
87 welfare of the residents, employees, businesses, and visitors within the City; and

88 **WHEREAS**, the following precautions are necessary and appropriate to balance the public’s
89 interest in having access to the proceedings of City Council with the compelling interest of providing
90 for the health, safety, and welfare of the City’s residents, employees, businesses, and visitors within
91 the City.

92 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE**
93 **CITY OF STONECREST, GEORGIA**, and by the authority thereof:

94 **SECTION 1: DECLARATION OF EMERGENCY**

95 Due to the high transmission rates and the continuing negative impacts of the COVID-19
96 pandemic on the economy, supply chain, and healthcare infrastructure, a State of Emergency is
97 declared in the City of Stonecrest.

98 **SECTION 2: REGULATIONS**

99 A. All individuals are required to wear face coverings over the nose and mouth, which face
100 coverings are cloth face coverings or are designed to protect others from infection by the
101 wearer, as defined by the CDC (“Face Covering”), while indoors on City Property and
102 while outdoors on City Property when it is not feasible to maintain a minimum distance
103 of six (6) feet from others who are not household members.

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104 B. As authorized under O.C.G.A. § 50-14-1(g), all public meetings of the City Council will
105 be held virtually beginning in September 2021, effective for the duration of this
106 Ordinance.

107 **SECTION 3: EXEMPTIONS**

108 A. Any person who is unable to safely wear a Face Covering due to age, underlying health
109 condition(s), or is unable to remove the Face Covering without the assistance of others
110 is exempt from this Ordinance.

111 B. Any person who is younger than five (5) years old is exempt from this Ordinance.
112 However, it is strongly recommended that all persons over the age of two (2) years old
113 wear Face Coverings, pursuant to CDC guidelines.

114 **SECTION 4: PENALTIES**

115 A. Any person who fails to comply with this Ordinance shall be subject to the following
116 civil penalties:

- 117 1. First Offense: Written warning;
- 118 2. Second Offense and Continuing Offenses: Civil infraction, punishable by a
119 fine not to exceed \$50.00. Each day of a continuing violation of this
120 Ordinance shall be considered a separate and distinct offense.

121 **SECTION 5: EFFECTIVE DATES**

122 This Ordinance shall be effective on August 24, 2021 at 12:01 a.m. and shall remain in effect
123 until the rate of infection in DeKalb County is below 100 cases per 100,000 residents, pursuant to
124 infection data published in the Georgia Department of Public Health COVID-19 PCR Test Positivity
125 Rates and Classification Report.

126 **SECTION 6: SEVERABILITY**

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127 A. It is hereby declared to be the intention of the Mayor and Council that all sections,
128 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
129 enactment, believed by the Mayor and Council to be fully valid, enforceable, and
130 constitutional.

131 B. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
132 allowed by law, each and every section, paragraph, sentence, clause, or phrase of this
133 Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of
134 this Ordinance. It is hereby further declared to be the intention of the Mayor and Council
135 that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase
136 of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause,
137 or phrase of this Ordinance.

138 C. In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall,
139 for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable
140 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent
141 of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall,
142 to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise
143 unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of
144 the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses,
145 sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional,
146 enforceable, and of full force and effect.

147 **SECTION 7:**

148 The preamble of this Ordinance shall be considered to be and is hereby incorporated by
149 reference as if fully set forth herein.

150

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. 2021-08-01

151

152

ORDAINED this _____ day of _____, 2021.

CITY OF STONECREST, GEORGIA

Jason Lary, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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

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

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL MEETING - *Minutes*

Monday July 26, 2021, at 6:00 P.M.

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

- I. **CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. **ROLL CALL:** Keidra Harris, Acting City Clerk
 - a. **All Council Present**
- III. **INVOCATION**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **APPROVAL OF THE AGENDA**
 - a. **Motion 1** – Made by Council Member Jazzmin Cobble to approve the City Council Agenda for July 26, 2021. Seconded by Council Member Rob Turner.

Motion passed 5-0.
- VI. **PUBLIC COMMENTS**

(This meeting will be conducted virtually, the public comments received via email in advance of the meeting will be read into the minutes by the City Clerk)

There is a three (3) minute time limit for each speaker during public comment.
- VII. **PUBLIC HEARINGS**

There is a three (3) minute time limit for each speaker during all public hearings.
- VIII. **CONSENT AGENDA**
 - a. **Approval** – of the June 28, 2021, Council Meeting Minutes
 - **Motion 2** – Made by Council Member Rob Turner to approve the June 28, 2021 Council Meeting Minutes. Seconded by Council Member Jazzmin Cobble.
 - **Motion passed 5-0**
 - b. **Approval** – of the June 30, 2021, Special Called Meeting Minutes
 - **Motion 3** – Made by Council Member Jazzmin Cobble to approve the June 30, 2021 Special Called Meeting Minutes. Seconded by Council Member Tammy Grimes.



CITY OF STONECREST, GEORGIA

- **Motion passed 5-0.**

IX. OLD BUSINESS:

- a. **Approval** – of the Establishment of Parks & Recreation Department Advisory Committee - *Brandon Riley*
 - **Motion 4** – Made by Council Member Jazzmin Cobble to approve the Resolution of the Parks and Recreation Advisory Committee. Seconded by Council Member Rob Turner.
 - **Motion passed 5-0**
- b. **Approval** – of Planning and Zoning Ordinance - TMOD-21-001 – *Jim Summerbell*
 - **Motion 5** – Made by Council Member Rob Turner to approve Planning and Zoning Ordinance – TMOD-21-001. Seconded by Council Member Jazzmin Cobble.
 - **Motion passed 5-0**
- c. **Approval** – of Planning and Zoning Ordinance - TMOD-21-002 – *Jim Summerbell*
 - **Motion 6** – Made by Council Member Jimmy Clanton to approve Planning and Zoning Ordinance – TMOD-21-002. Seconded by Council Member Rob Turner.
 - **Motion passed 5-0**
- d. **Approval** – of Planning and Zoning Ordinance - TMOD-21-003 – *Jim Summerbell*
 - **Motion 7** – Made by Council Member Rob Turner to approve Planning and Zoning Ordinance – TMOD-21-003. Seconded by Council Member Jazzmin Cobble.
 - **Motion passed 5-0**
- e. **Approval** – of Planning and Zoning Ordinance - TMOD-21-004 – *Jim Summerbell*
 - **Motion 8** – Made by Council Member Jazzmin Cobble to approve Planning and Zoning Ordinance – TMOD-21-004. Seconded by Council Member Rob Turner.
 - **Motion passed 5-0**
- f. **Approval** – of the Sole Source Panola Shoals Riverbank Stabilization – *Gia Scruggs*
 - **Motion 9** – Made by Council Member Jazzmin Cobble to approve the Sole Source Panola Shoals Riverbank Stabilization. Work will be contracted out to Corporate Environmental Risk Management in the amount of \$24,930. Seconded by Council Member Tammy Grimes.
 - **Motion passed 5-0**
- g. **Approval** – of the Internal Auditor Recommendation – *Gia Scruggs*
 - **Motion 10** – Made by Council Member Jazzmin Cobble to approve the recommendation of the Finance Department to contract with Elliott Davis for the internal audit services but to only include the initial internal control assessment, the risk assessment, and the strategic audit plan. Seconded by Council Member Tammy Grimes.
 - **Motion passed 5-0**
- h. **Approval** – of The Stonecrest Housing Authority Check – *Gia Scruggs*
 - **Motion 11** – Made by Council Member Jazzmin Cobble to defer the Stonecrest Housing Authority Check until Council can get compliance issue addressed. Seconded by Council Member Tammy Grimes.



CITY OF STONECREST, GEORGIA

- **Motion passed 5-0**

X. NEW BUSINESS:

- a. **Approval** – of Re-Opening Plan for City of Stonecrest – *Janice Allen Jackson*
 - **No motion made.** City Manager, Janice Allen Jackson to come back with alternate recommendation if there is a decline in COVID numbers.
- b. **Approval** – of Final Plat for Lakeview Ph 2 – *Jim Summerbell*
 - **Motion 12** – Made by Council Member Jimmy Clanton to approve Final Plat for Lakeview at Stonecrest Ph 2. Seconded by Council Member Rob Tuner.
 - **Motion passed 5-0**
- c. **Discussion** – of the Establishment of a CID Advisory Committee & Appoint Members – *Jonathan Bartlett*
 - **No motion made.** Item being moved to next Work Session.
- d. **Approval** – of the Appointment to the board of the East Metro Dekalb CID – *Jonathan Bartlett*
 - **No motion made.** There is no one to consider at this time. Suggestions will be provided by Jonathan Bartlett, shared by the CID and will let Council provide direction.
- e. **Approval** – of the August 9, 2021, Work Session rescheduling – *Mayor Pro Tem*
 - **No motion made.** No change to work session date.

XI. CITY MANAGER UPDATE

- a. **Browns Mill Aquatic Center pool will open on 7/27/2021.**

XII. MAYOR AND COUNCIL COMMENTS

- a. **District 1** – No comments.
- b. **District 2** – It's not over. Delta Variant is increasing. Continue to wear masks and social distance.
- c. **District 3** – Appreciation and thanks to City Manager Jackson, CFO Scruggs, Department Heads, all City Staff and Ms. Keidra for all that they do to help the City. Also, there are several back-to-school events happening, urging citizens to spread the word about events and use resources for students so they all have what they need to be successful.
- d. **District 4** – Dekalb County confirmed 5% increase of COVID cases from June 17th – July 14th in zip codes 30038 and 30058.
- e. **District 5** – Dekalb educators returned to school. Parents talk to your children about how dangerous the virus is and educate them on the importance of wearing masks. Strongly encourage citizens to take their vitamins. Hats off to Janice Allen Jackson and team for helping everyone to be Stonecrest proud.



CITY OF STONECREST, GEORGIA

- f. **Extra Comments** – Household Hazardous Waste Event on August 7th at the old Sam’s Club. This is a drive-in event.

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. ADJOURNMENT

- a. **Motion 13** – Made by Council Member Jazzmin Cobble to adjourn meeting. Seconded by Council Member Tammy Grimes.
- b. **Motion passed 5-0.**
- c. **Meeting Adjourned at 8:19pm**

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**CITY OF STONECREST CITY COUNCIL,
PUBLIC HEARING: MONDAY, AUGUST 23, 2021 AT 6:00 P.M. *VIRTUAL MEETING
STONECREST CITY HALL, 3120 STONECREST BLVD, SUITE 155
STONECREST, GA 30038**

The following petitions/amendments within the City of Stonecrest are scheduled for Public Hearings as stated above.

Citizens wishing to activity participate and make a comment during the public hearing portion of the meeting please submit their request via email address cityclerk@stonecrestga.gov by noon the day of the hearing, August 23, 2021, and a zoom link for the meeting will be sent to you, or you also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

LAND USE PETITION: RZ-21-002
PETITIONER: Alphabet Daycare c/o Shanteria Vaughn, and Titus Hood
LOCATION: 3174 Miller Rd
PROPOSED AMENDMENT: Proposed rezoning from R-100 (Residential Medium Lot) to OI (Office-Institutional) for a child day care center.

LAND USE PETITION: TMOD-21-005
PETITIONER: Ashbury Automotive Group
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Amendment Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Area Overlay District text to allow automotive dealerships as a permitted use in Tiers 1 and 2, and to amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

LAND USE PETITION: TMOD-21-006
PETITIONER: Planning & Zoning Department
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Replacing outdated references in the Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and RM-HD (Multifamily Resident High Density with HR-2 (High Density Residential-2) District.



CITY COUNCIL AGENDA ITEM

SUBJECT: Backbone Infrastructure Contract Amendment

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 04/26/21

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Gia Scruggs - Finance Director

PRESENTER: Gia Scruggs - Finance Director

PURPOSE: Backbone Infrastructure was approved by the City Council as the recommended vendor to construct the Marta Bus pads at the April 26, 2021, Council meeting. Since that contract award, additional work has become necessary to properly construct the bus pads and staff is seeking Council's approval for this additional work to be performed by Backbone Infrastructure.

FACTS: In the course of the construction, it was determined that a retaining wall is needed in two location and a hanging beam with a header curb is needed in another location. The Purchasing policy states that a contract may be amended, without the necessity of rebidding such Contract, provided the original contract amount and the scope of the contract is not substantially altered. However, prior approval must be obtained from Council. The Purchasing agent has reviewed the change order and has received the additional documentation required to process the change order. The change order presented is for \$5850.00. The funding source for this expense will be SPLOST funds.

OPTIONS: Approve, Deny, Defer

RECOMMENDED ACTION: Approve

ATTACHMENTS: (1) Attachment 1 - Change Order Request #1



Backbone Infrastructure, LLC
4805 Westoak CT, Sugar Hill, GA-30518
Phone: 404-290-0875

August 16, 2021

The city of Stonecrest,
3120 Stonecrest Blvd #100,
Stonecrest, Georgia 30038
Attn: Mr. Thomas Udell PE, Construction Manager

Re: - **Concrete Pads for MARTA Shelters**
Sub: - **Change Order Request #1 for the City of Stonecrest.**

Dear Mr. Udell,

Backbone Infrastructure, LLC would like to submit this request for a Change order to pay for the Retaining wall that was added to two locations and the Hanging Beam with Header curb at one location as per the City's request. Our price to perform this extra work is **\$5850.00**. A breakdown of this price is as follows:

- Wall 6IN thick and 21IN height at two locations.
 - MARTA bus stop 213603 Miller RD @ 2910.
 - MARTA bus stop 213339 Mall Parkway @8455.

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL AMOUNT
Retaining Wall	50	LF	\$ 75.00	\$ 3750.00
Grading	1	LS	\$1000.00	\$ 1000.00
Traffic Control	1	LS	\$ 600.00	\$ 600.00

- Hanging Beam with Header Curb at MARTA bus stop 133022 Hillandale DR @Somerser PKWY

Hanging Beam with Header Curb	10	LF	\$50.00	\$ 500.00
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Please let me know if you have any questions or need additional information.

Sincerely,

Sanjay Kakadia,
Managing Member,
Backbone Infrastructure, LLC

Cc: Micheal Abebe, Deputy City Engineer



CITY COUNCIL AGENDA ITEM

SUBJECT: Acme Auto Leasing, LLC.

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Gia Scruggs, Finance Director

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The City of Stonecrest is in the process of transitioning services from the government management services contract with Jacobs Engineering. In preparation of the pending transition date, the Finance Director desires to enter into a contract with Acme Auto Leasing, LLC, a State of Georgia approved vendor for auto leasing.

FACTS: There is a high demand for vehicles nationwide. In an effort to meet the vehicular needs of the City of Stonecrest prior to the January 1, 2022, it is necessary to place an order with Acme Auto Leasing, LLC at this time. The expense of \$85,860.00 will be included in the Fiscal Year 2022 budget to cover this cost. Vehicle maintenance is included in the monthly lease amounts for the vehicles. The Finance Director is requesting approval to place an order for the predetermined fleet that the City of Stonecrest will need for continuous operations after the contract with Jacobs Engineering expires.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer

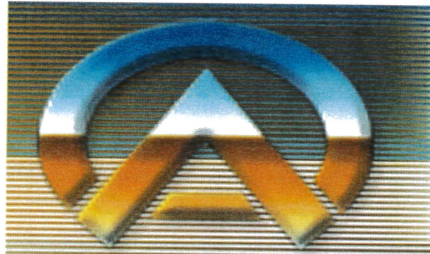
RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Attachment 1 - City of Stonecrest Proposed FY22 Fleet vehicles
- (2) Attachment 2 - Acme Auto Leasing, LLC Lease Price Quote

Acme Auto Leasing, LLC.
Proposed City of Stonecrest Fleet

Vehicle	Monthly Cost With Maintenance	Number of Vehicles	Annual Cost	Term
Chevrolet Silverado	\$ 505.00	3	\$ 18,180.00	48
Chevrolet Transverse	\$ 470.00	12	\$ 67,680.00	48
			\$ 85,860.00	Total Annual Cost
			\$ 343,440.00	Total Lease Period



Acme Auto Leasing, LLC

Leasing to Government Agencies since 1984

Vehicle Lease Price Quote

440 Washington Avenue		Prepared For: City of Stonecrest		Model Year: 2022
North Haven, CT 06473		Attention: Joyce Carter		Miles: 12,000 excess charge .12 per mile
Tel: 203-234-6850		Date Prepared: 8/10/2021		Terms: Net 30
Fax: 203-234-6858		TIN: 06-1425257		Minimum Order: N/A

Item	Vehicle			Lease Rate		
No.	Description	Make	Model	Term	Monthly Cost	Monthly Cost with Maintenance
001	Truck	Chevrolet	Silverado 2500	36 Months	\$479.00	\$529.00
002	Truck	Chevrolet	Silverado 2500	48 Months	\$445.00	\$505.00
003	SUV	Chevrolet	Equinox	36 Months	\$415.00	\$455.00
004	SUV	Chevrolet	Equinox	48 Months	\$380.00	\$430.00
005	SUV	Chevrolet	Traverse	36 Months	\$445.00	\$490.00
006	SUV	Chevrolet	Traverse	48 Months	\$415.00	\$470.00

Customer Information:

1. Fuel and lubricants, insurance, licensing and registration, taxes, and maintenance not covered by manufacturers' warranty are not provided by the lessor / contractor. Any costs incurred to perform any additional services or to provide additional items are not included in the lease prices provided herein.
2. Delivery window is between 75-90 days after receipt of order.
3. Prices include 12,000 miles per year. Excess mileage charges will be invoiced at lease termination.
4. Prices are monthly and are net of all discounts. Minimum term is 36 months.
5. Business Size: Small, DUNS number 96-512-8929, EIN 06-1425257, CCR number 1998 D273 080.
6. Lessor/contractor is WAWF-qualified.
7. Quote price valid for thirty days.



CITY COUNCIL AGENDA ITEM

SUBJECT: Amend the contract with MuniCode to include Meeting & Agenda Management Solutions

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 08/09/21

Current Work Session: Monday, August 9, 2021

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: The Clerk's Office

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: The Finance Director/Purchasing Agent is requesting approval to amend the contract with MuniCode to include the Meeting & Agenda Management Solutions.

FACTS:

The City of Stonecrest has a current contract for Codification Services that was established in 2019. The Finance Director/Purchasing Agent is requesting approval to negotiate these amendments with MuniCode. The City of Stonecrest would like to expand services with Municipal Code Corporation (MuniCode) & negotiate an amendment to the current contract by adding the Meeting & Agenda Management Solutions to the current Codification Contract. This will improve staff productivity in producing the City Meeting packets and assist in streamlining meeting minutes and the entire process.



CITY COUNCIL AGENDA ITEM

With MuniCode Meetings the City will get:

1. Smoother internal process creating and amending Agenda Items and Packets;
2. Automated roll call, and electronic voting;
3. Streamline Meeting Minutes and Publication to the City website;
4. Automated publication of ordinances, resolutions, and amendments to MuniCode;
5. Electronic Routing for Signatures by Mayor. Mayor Pro Tempore. City Clerk and City Attorney; and
6. Minimize search time for any items, reviewed, discussed or approved by Council.

MuniCodes unified search engine and integrated technology can work independently or together to save the City both time and money. The City's Clerk Office and City Staff also reviewed the proposal to ensure this vendor included the technical details required to complete this solution and accommodate meeting management.

- Current Codification Contract Amount - \$4,580 annually
- New Contract Amount - \$15,070 annually – *this includes the web hosting for the abovementioned codification services, Meeting & Agenda Management Solutions, Board Management & bookmarking and timestamping*
 - Onetime Fee of \$1,500 to import historical PDF agendas/minutes (up to 10 years)

OPTIONS: Approve, Deny, Defer

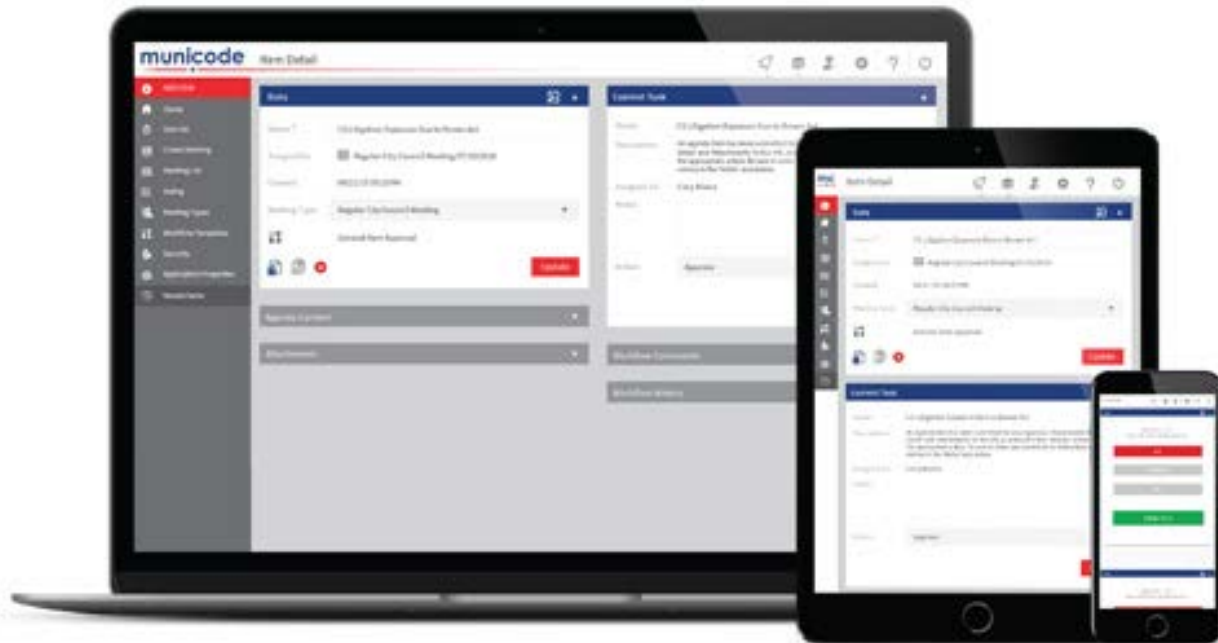
RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - MuniCode Proposed Expanded Contract Quote

MEETING & AGENDA MANAGEMENT

Quote: Stonecrest, Georgia



municode
— ★ —
CONNECTING YOU & YOUR COMMUNITY



Chris Rogers

PO Box 2235 Tallahassee, FL 32316
850-701-0704 crogers@municode.com

INTRODUCTION LETTER

4/28/2021

Dear Selection Team

Thank you for the opportunity to present Stonecrest with our quote for online meeting and agenda management services. Our Municode Meetings solution will streamline your process to create, approve and post meeting agendas and minutes.


Municode has developed a portfolio of online services that are tailored for local government agencies. We have worked with cities, towns, villages, counties, and other local government agencies for over seventy years continually striving to make your job easier. When it comes to the meeting management process, Municode Meetings is simple and straightforward, yet robust enough to satisfy the needs of our largest municipalities.

Our ongoing Circle of Governance initiative to strengthen democracy includes seamless integrations that connect Municode Meetings with our suite of online municipal solutions including ordinance integration (Municode NEXT) and website integration (Municode Meetings).

Municode Meetings allows clerks to mark ordinance agenda items as 'approved' within Municode Meetings and have them auto scheduled for supplementation and publishing to your Municode NEXT Online Code of Ordinances. In addition, meetings auto-posts to your Municode Web website calendar. These integrations include unified search and cross-links across each platform.

We are thrilled at the opportunity to partner with you on such an important initiative.

Sincerely,



Brian Gilday

President, Website/Meetings Division

MUNICODE MEETINGS FEATURES

Base

- ★ Unlimited Meetings
- ★ Unlimited Meeting Agenda Templates
- ★ Unlimited Users
- ★ Create Meetings
- ★ Submit/Add Agenda Items
- ★ Attach agenda item files
- ★ Create Agendas
- ★ Create Agenda Packets
- ★ Approve Items with Approval Workflow
- ★ Automatically Publishing to the Web – Agenda, Agenda Packet, Minutes
- ★ Create Meeting Minutes
- ★ Public In-Meeting Display (presentation screen to display current agenda item and voting results)
- ★ Voting Support (verbal vote, vote by show of hands, or legislator-initiated voting via tablet/iPad/laptop)
- ★ Roll Call
- ★ Self-service video time stamping – you can add timestamps of your meeting agenda items to your meeting videos
- ★ Integration with Municode Web website (meetings/calendar/search integration)
- ★ 99.95% up-time guarantee, telephone support 8AM-8PM Eastern
- ★ Email support with one-hour response time during working hours
- ★ Emergency 24x7 support
- ★ Up to 3 hours of webinar refresher training per year

Optional

- ★ Video Time Stamping Service
- ★ Municode Portal (Recommended)
- ★ Board Management

SERVICE AND SUPPORT

🏆 Guaranteed Uptime

We will guarantee service uptime of 99.95%. In the event this service level is not met within a given month, you will receive a credit for that month's service.

📞 24x7 Customer support:

We will provide you contact numbers to reach us 24x7x365 for catastrophic site issues. We will also be available from Monday to Friday 8AM-8PM EST via email and phone to handle routine questions from staff.

🔒 Security upgrades:

We will perform security upgrades and other optimizations during off-hours, typically between the hours of 12-3AM PST, if such work requires your meetings to be off-line. We will provide at least 14 days' notice for any non-emergency maintenance that requires down-time.

📊 Site Monitoring and Site Recovery:

Our auto-monitoring software continually monitors performance and instantly alerts us when problems occur. We act as soon as possible and no later than two hours after problems are detected.

PORTAL FEATURES (RECOMMENDED)

Base

- ★ Public Meetings Portal
- ★ ADA Compliant HTML/CSS (WCAG 2.1 AA)
- ★ Custom header with logo, choice of colors, and customizable menu links
- ★ Best-in-class Search Engine (indexes the contents of PDF agendas and minutes)
- ★ Meeting calendar
- ★ Video integrations (Vimeo, YouTube, Suite One Media, Cablecast, custom 3rd party video providers)
- ★ Ability to create meetings and upload PDF agendas/minutes
- ★ Circle of Governance integrations (Municode Meetings, Municode Next)
- ★ 99.95% up-time guarantee, telephone support 8AM-8PM Eastern
- ★ Email support with one-hour response time during working hours
- ★ Emergency 24x7 support

Optional

- ★ Auto-import historical Meeting files (Agendas, Minutes) and search indexing
- ★ Email Notifications
- ★ Board Management

BOARD MANAGEMENT FEATURES (OPTIONAL)*

Base

- ★ Unlimited boards and committees
- ★ Manage term start/stop dates
- ★ Export member data
- ★ Online board application form
- ★ Board member approvals
- ★ Term Expiration Report
- ★ Term Expiration Email Notifications
- ★ Auto-expiration option for expiring terms
Public web page for each board/committee
- ★ Create custom links/buttons on each board page Custom web header (logo/colors)
- ★ Free integration with Municode Meetings

* Note: Board Management requires a Municode Website or the Municode Portal

PRICING

Municode Meetings Annual Subscription **\$8,000 per year**

One-time Project Setup **no charge**

- Configure Boards/Committees/Commissions
- Configure Meeting Agenda Templates
- Setup Users, Roles, and Permissions
- Conduct initial training – web teleconference

Recommended Options

Portal **\$1,000 per year**

Total **\$9,000 per year**

Additional Options

Portal

- | | |
|--|--------------------|
| <input checked="" type="checkbox"/> Board Management | + \$3,000 per year |
| <input type="checkbox"/> Email notifications (on demand + weekly digest) | + \$600 per year |
| <input checked="" type="checkbox"/> Import historical PDF agendas/minutes (up to 10 years) | + \$1,500 one-time |
| <input type="checkbox"/> Exclude Portal (subtract \$1,000 per year) | - \$1,000 per year |

Video Time Stamping Service

- | | |
|---|--------------------|
| <input checked="" type="checkbox"/> Municode will bookmark/timestamp up to 36 meetings per year | + \$2,520 per year |
|---|--------------------|

PAYMENT SCHEDULE

- Ninety (90) days after signed contract 100% of annual subscription fee and annually thereafter

Notes

- No long-term commitments required. We will earn your trust. You may cancel service at any time.
- Guaranteed pricing. Hosting and Support fees will not increase for first three years.
- Annual hosting and support fees starting year four will increase according to the previous year-ending *Consumer Price Index (CPI) for All Urban Consumers*.
- Payment schedule will be adjusted accordingly based on selected optional features.

SERVICES AGREEMENT

This agreement ("AGREEMENT") is entered between Stonecrest, Georgia ("CLIENT") and Municipal Code Corporation ("CONSULTANT").

1. Term of AGREEMENT. This AGREEMENT shall commence effective the date signed by the CLIENT. It shall automatically renew annually. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice.

2. Compensation. It is understood and agreed by and between the parties hereto, that the CLIENT shall pay the CONSULTANT for services based on the payment schedule provided as set forth in the section marked "Payment Schedule". Payment will be made to CONSULTANT within thirty (30) days of the receipt of approved invoices for services rendered.

3. Scope of Services. CONSULTANT's services under this AGREEMENT shall consist of services as detailed in the attached proposal including appendices ("SERVICES"). SERVICES may be amended or modified upon the mutual written AGREEMENT of the parties.

4. Integration. This AGREEMENT, along with the SERVICES to be performed contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

5. Warranty. CONSULTANT warrants that any services provided hereunder will be performed in a professional and workmanlike manner and the functionality of the services will not be materially decreased during the term.

6. Liability. CONSULTANT's total liability arising out of any acts, omissions, errors, events, or default of CONSULTANT and/or any of its employees or contractors shall be limited by the provisions of the AGREEMENT and further limited to a maximum amount equal to the fees received by CONSULTANT from CLIENT under this AGREEMENT.

7. Termination. This AGREEMENT shall terminate upon the CLIENT's providing CONSULTANT with sixty (60) days' advance written notice. In the event the AGREEMENT is terminated by the CLIENT's issuance of said written notice of intent to terminate, the CONSULTANT shall pay CLIENT a pro-rated refund of any prepaid service fees (for the period from the date of the termination through to the end of the term). If, however, CONSULTANT has substantially or materially breached the standards and terms of this AGREEMENT, the CLIENT shall have any remedy or right of set-off available at law and equity.

8. Independent Contractor. CONSULTANT is an independent contractor. Notwithstanding any provision appearing in this AGREEMENT, all personnel assigned by CONSULTANT to perform services under the terms of this AGREEMENT shall be employees or agents of CONSULTANT for all purposes. CONSULTANT shall make no representation that it is the employee of the CLIENT for any purposes.

9. Confidentiality. (a) Confidential Information. For purposes of this AGREEMENT, the term "Confidential Information" means all information that is not generally known by the public and that: is obtained by CONSULTANT from CLIENT, or that is learned, discovered, developed, conceived, originated, or prepared by CONSULTANT during the process of performing this AGREEMENT, and relates directly to the business or assets of CLIENT. The term "Confidential Information" shall include, but shall not be limited to: inventions, discoveries, trade secrets, and know-how; computer software code, designs, routines, algorithms, and structures; product information; research and development information; lists of clients and other information relating thereto; financial data and information; business plans and processes; and any other information of CLIENT that CLIENT informs CONSULTANT, or that CONSULTANT should know by virtue of its position, is to be kept confidential.

(b) **Obligation of Confidentiality.** During the term of this AGREEMENT, and always thereafter, CONSULTANT agrees that it will not disclose to others, use for its own benefit or for the benefit of anyone other than CLIENT, or otherwise appropriate or copy, any Confidential Information except as required in the performance of its obligations to CLIENT hereunder. The obligations of CONSULTANT under this paragraph shall not apply to any information that becomes public knowledge through no fault of CONSULTANT.

10. Assignment. Neither party may assign or subcontract its rights or obligations under this AGREEMENT without prior written consent of the other party, which shall not be unreasonably withheld. Notwithstanding the foregoing, either party may assign this AGREEMENT in its entirety, without consent of the other party, in connection with a merger, acquisition, corporate reorganization, or sale of its assets.

11. Cooperative Purchasing. CONSULTANT and CLIENT agree that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without CONSULTANT or CLIENT incurring any financial or legal liability for such purchases.

12. Governing Law. This AGREEMENT shall be governed and construed in accordance with the laws of the State of Florida without resort to any jurisdiction's conflicts of law, rules, or doctrines.

Submitted by:

Municipal Code Corporation

By: *Brian Gilday*

Title: Brian Gilday - President, Website Division

Accepted by:

By: _____

Title: _____

Date: _____



CITY COUNCIL AGENDA ITEM

SUBJECT: Talantage General Staffing Agreement

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session:

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Janice Allen Jackson, Acting City Manager

PRESENTER: Gia Scruggs, Finance Director

PURPOSE: To contract with Talantage for temporary staffing services

FACTS: This is a single source procurement for an Acting Human Resources Director to assist with various duties as needed to prepare Stonecrest for the transition from contracted city services currently provided by Jacobs Engineering to an in-house staffing model. Acting City Manager Janice Allen Jackson requested suitable candidates for Acting Human Resources Director from two metro Atlanta-based staffing firms. After interviewing four candidates from the two firms, she is recommending that Stonecrest contract with Talantage. We estimate that we will need this service for up to four months. The total estimated cost is \$54,000 to cover salary of temp worker, all benefits, overhead, and profit of Talantage.

OPTIONS: Approve, Deny, Defer

RECOMMENDED ACTION: Approve

ATTACHMENTS: (1) Attachment 1 - Talantage General Staffing Agreement

General Staffing Agreement

Talantage, LLC with its principal office located at 2302 Parklake Drive, NE, Suite 635, Atlanta, GA 30345 (“STAFFING FIRM”), and City of Stonecrest with its principal office located at 3120 Stonecrest Blvd., Stonecrest, GA 30038 (“CLIENT”) agree to the terms and conditions set forth in this General Staffing Agreement (the “Agreement”).

STAFFING FIRM’s Duties and Responsibilities

1. STAFFING FIRM will:

- a. Recruit, screen, interview, conduct background check, drug screen and assign its personnel (“Assigned Employees”) to perform the type of work described on Exhibit “A” attached hereto under CLIENT’s supervision at the locations specified on Exhibit “A”;
- b. Pay Assigned Employees’ wages and provide them with the benefits that STAFFING FIRM offers to them, if any. Pay, withhold, and transmit payroll taxes; provide unemployment insurance, general liability insurance, registry bond and workers’ compensation benefits; and handle unemployment and workers’ compensation claims involving Assigned Employees;
- c. Make reasonable efforts to provide a similarly qualified replacement in case an Assigned Employee does not report to work;

CLIENT’s Duties and Responsibilities

2. CLIENT will:

- a. Properly supervise Assigned Employees performing its work and be responsible for its business operations, products, services, and intellectual property;
- b. Properly supervise, control, and safeguard its premises, processes, and systems; not permit or require Assigned Employees to operate any vehicle or mobile equipment, but limit their duties strictly to duties normally performed in an office and require Assigned Employees to work only in an office environment;
- c. Provide Assigned Employees with a safe work site and provide appropriate information, training, and safety equipment with respect to any hazardous substances or conditions to which they may be exposed at the worksite;
- d. Not change Assigned Employees’ job duties without STAFFING FIRM’s express prior written approval;
- e. Exclude Assigned Employees from CLIENT’s benefit plans, policies, and practices, and not make any offer or promise relating to Assigned Employees’ compensation or

benefits; and

- f. Not entrust Assigned Employees with unattended premises, cash, checks, keys, credit cards, merchandise, confidential or trade secret information, negotiable instruments, or other valuables without STAFFING FIRM's express prior written approval or as strictly required by the job description provided to STAFFINGFIRM.

Payment Terms, Bill Rates, and Fees

- 3. CLIENT will pay STAFFING FIRM for its performance at the rates set forth on Exhibit "A" and will pay any additional costs or fees set forth in this Agreement. STAFFING FIRM will invoice CLIENT for services provided under this Agreement on a weekly basis. Payment is due on receipt of invoice. Invoices not paid within 30 days from receipt of the invoice will be considered past-due. Past-due invoices will be charged a fee of 1.5% per month until paid. Invoices will be supported by the pertinent time sheets or other agreed system for documenting time worked by the Assigned Employees. CLIENT's signature or other agreed method of approval of the work time submitted for Assigned Employees certifies that the documented hours are correct and authorizes STAFFING FIRM to bill CLIENT for those hours. If a portion of any invoice is disputed, CLIENT will pay the undisputed portion upon receipt of the invoice, subject to the terms in this Section 6.
- 4. Assigned Employees are presumed to be non-exempt from laws requiring premium pay for overtime (OT), holiday work, or weekend work. STAFFING FIRM will charge CLIENT special rates for premium work time only when an Assigned Employee's work on assignment to CLIENT, viewed by itself, would legally require premium pay and CLIENT has authorized, directed, or allowed the Assigned Employee to work such premium work time. CLIENT's special billing rate for premium hours will be the same multiple of the regular billing rate as STAFFING FIRM is required to apply to the Assigned Employee's regular pay rate. For example, when federal law requires 150% of pay for work exceeding 40 hours in a week, CLIENT will be billed at 150% of the regular bill rate for those hours.
- 5. Non-Solicitation: Except as provided by this Agreement, Client (including all of its divisions subsidiaries and other affiliates) will not hire or offer employment to, or otherwise directly or indirectly use the services of, on a full-time, part-time or temporary basis.
 - (a) any Consultant who has provided services for Client hereunder until the expiration of one (1) year after termination of Consultant's most recent assignment to Client, or
 - (b) any Consultant or prospective Consultant who has been introduced, to recommended to or interviewed by Client through the services of Talantage, LLC until the expiration of one (1) year after the latest of such interview, discussion, introduction, or presentation to Consultant.

In the event that Client provides the services of any Consultant, or introduces or refers any Consultant, to any third party during the course of any assignment, Client shall obtain the agreement of such third party to the foregoing restrictions and shall be responsible to Talantage, LLC for any breach thereof by it or the third party.

If Client (including its divisions, subsidiaries or other affiliate) breached this section it will pay Talantage, LLC as a conversion fee an amount equal to twenty (15%) of the gross annual compensation (including salary plus any guaranteed bonus) of the Consultant at issue, if the Consultant is an employee of, or offered employment by, Client (including its divisions or affiliates) or a third party to whom Client introduced or referred the Consultant.

6. In addition to the bill rates specified in Exhibit A of this Agreement, CLIENT will pay STAFFING FIRM the amount of all new or increased labor costs associated with CLIENT's Assigned Employees that STAFFING FIRM is legally required to pay, such as wages, benefits, payroll taxes, social program contributions, or charges linked to benefit levels until the parties agree on new bill rates.

Conversion Fee

The conversion fee for roles placed unless otherwise stated and agreed, shall be as follows:

If Client, or any of its related companies (divisions, subsidiaries, parents, etc.) elects to hire or otherwise directly or indirectly use the services of the consultant shown above to perform services to Client pursuant to this agreement, Client agrees to pay Talantage within 10 days from the conversion date at a conversion fee of:

Hours Worked by Contractor	Conversion Fee Percentage of Salary Offered
0 – 165 hours	20%
166 - 325 hours	15%
326 - 490 hours	10%
491 - 720 hours	5%
721 or more hours	0%

Confidential Information

7. Both parties may receive information that is proprietary or confidential to the other party or its affiliated companies and their clients. Both parties agree to hold such information in strict confidence and not to disclose such information to third parties or to use such information for any purpose whatsoever other than performing under this Agreement or as required by law. No knowledge, possession, or use of CLIENT's confidential information will be imputed to STAFFING FIRM as a result of Assigned Employees' access to such information.

Cooperation

8. The parties agree to cooperate fully and to provide assistance to the other party in the investigation and resolution of any complaints, claims, actions, or proceedings that may be brought by or that may involve Assigned Employees.

Indemnification and Limitation of Liability

9. To the maximum extent permitted by law, STAFFING FIRM will defend, indemnify, and hold CLIENT and its parent, subsidiaries, directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by STAFFING FIRM's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in Section 1; or the gross negligence, or willful misconduct of STAFFING FIRM or STAFFING FIRM's officers, employees, or authorized agents in the discharge of those duties and responsibilities.

10. To the extent permitted by law, CLIENT will defend, indemnify, and hold STAFFING FIRM and its parent, subsidiaries, directors, officers, agents, representatives, and employees harmless from all claims, losses, and liabilities (including reasonable attorneys' fees) to the extent caused by CLIENT's breach of this Agreement; its failure to discharge its duties and responsibilities set forth in Section 2; or the negligence, gross negligence, or willful misconduct of CLIENT or CLIENT's officers, employees, or authorized agents in the discharge of those duties and responsibilities.
11. ALL WARRANTIES, CONDITIONS, REPRESENTATIONS, INDEMNITIES AND GUARANTEES, WHETHER EXPRESS OR IMPLIED, ARISING BY LAW, CUSTOM, PRIOR ORAL OR WRITTEN STATEMENTS BY STAFFING FIRM OR OTHERWISE (INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF MERCHANT ABILITY OR FITNESS FOR PARTICULAR PURPOSE) ARE HEREBY OVERRIDDEN, EXCLUDED AND DISCLAIMED. STAFFING FIRM MAKES NO ASSURANCE AS TO THE RESULTS OF ITS SERVICES, AND STAFFING FIRM IS TO BE PAID FOR SERVICES RENDERED IRRESPECTIVE OF THE RESULTS OF SUCH SERVICES.
12. NEITHER PARTY SHALL BE LIABLE FOR OR BE REQUIRED TO INDEMNIFY THE OTHER PARTY FOR ANY INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, PUNITIVE, OR LOST PROFIT DAMAGES THAT ARISE IN CONNECTION WITH THIS AGREEMENT, REGARDLESS OF THE FORM OF ACTION (WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE) AND REGARDLESS OF HOW CHARACTERIZED, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.
13. As a condition precedent to indemnification, the party seeking indemnification will inform the other party within two (2) business days after it receives notice of any claim, loss, liability, or demand for which it seeks indemnification from the other party; and the party seeking indemnification will cooperate in the investigation and defense of any such matter.

Miscellaneous

14. Provisions of this Agreement, which by their terms extend beyond the termination or nonrenewal of this Agreement, will remain effective after termination or nonrenewal.
15. No provision of this Agreement may be amended or waived unless agreed to in a writing signed by the parties.
16. Each provision of this Agreement will be considered severable, such that if any one provision or clause conflicts with existing or future applicable law or may not be given full effect because of such law, no other provision that can operate without the conflicting provision or clause will be affected.
17. This Agreement and the exhibits attached to it contain the entire understanding between the parties and supersede all prior agreements and understandings relating to the subjectmatter of the Agreement.
18. The provisions of this Agreement will inure to the benefit of and be binding on the parties and their respective representatives, successors, and assigns.
19. The failure of a party to enforce the provisions of this Agreement will not be interpreted as a waiver of any provision or the right of such party thereafter to enforce each and every provision of this Agreement.
20. CLIENT will not transfer or assign this Agreement without STAFFING FIRM's written

consent.

- 21. Any notice or other communication will be deemed to be properly given only when sent via the United States Postal Service or a nationally recognized courier, addressed as shown on the first page of this Agreement.
- 22. Neither party will be responsible for failure or delay in performance of this Agreement if the failure or delay is due to labor disputes, strikes, fire, riot, war, terrorism, acts of God, or any other causes beyond the control of the nonperforming party.

Term of Agreement

- 23. This Agreement will be for a term of 12 months from the first date on which both parties have executed it. The Agreement may be terminated by either party upon 15 days’ written notice to the other party, except that, if a party becomes bankrupt or insolvent, discontinues operations, or fails to make any payments as required by the Agreement, either party may terminate the agreement upon 72 hours written notice. Unless the Agreement is cancelled or a renegotiation notice is sent 30 days prior to the Agreement’s expiration date, the Agreement will be renewed automatically upon expiration for an additional 12-month term. Termination of this Agreement shall not be effective with respect to any placed Assigned Employees until their placements are terminated or cease.
- 24. Enforcement. If any sums due to STAFFING FIRM are not paid when due, interest shall accrue thereon at the rate of 1.5% per month until paid in full. Any action to collect any sums due under this Agreement may be brought in Fulton County, Georgia, and the parties’ consent to jurisdiction and venue in such County. In any action or proceeding to enforce or construe this Agreement, the prevailing party shall be entitled to recover their actual attorney’s fees and costs.

Authorized representatives of the parties have executed this Agreement below to express the parties’ agreement to its terms.

City of Stonecrest.

Talantage, LLC

Signature

Signature

Print Name

Tasha Peck

Title

President & CEO

Date

Date

Exhibit A

Rate Schedule

Job Title or Description	Location	Hourly Bill Rate (\$)
HR Director	3120 Stonecrest Blvd., Stonecrest, GA 30038	38% Markup

***Mark-up includes workers' compensation, general liability and professional liability insurance, employer's taxes, and payroll processing.

Durham Law Group, P.C.

Talantage, LLC

Signature

Signature

Print Name

Tasha Peck

Title

President & CEO

Date

Date



CITY COUNCIL AGENDA ITEM

SUBJECT: Extending the Browns Mill Aquatic Center Close Down Date

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION ONLY

Date Submitted: Thursday, August 12, 2021

Current Work Session: Monday, August 9, 2021

Current Council Meeting: Monday, August 23, 2021

Previously Heard Date(s): 05/10/21 - 05/24/21

SUBMITTED BY: Brandon Riley, Parks and Recreation Director

PRESENTER: Brandon Riley, Parks and Recreation Director

PURPOSE: The Parks and Recreation Department is seeking approval from the Mayor Pro Tem and Council regarding extending the approved September 4th Labor Day weekend close down date for the Browns Mill Aquatic Center to the weekend of September 18th.

FACTS: Due to unforeseen circumstances, the Browns Mill Aquatic Center reopening was delayed two weeks from its scheduled 4th of July weekend date. The Parks and Recreation Department and StandGuard Aquatics would like to extend the Browns Mill Aquatic Center close down date from the September 4th Labor Day weekend to the weekend of September 18 to make up for the time lost by the delayed opening. Exhibit A in the StandGuard agreement provides that the dates of the 2021 Public Season may be changed at the sole discretion of the City. The City will need to provide StandGuard notice of this change in writing.

OPTIONS: Approve, Deny, Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-002, Alphabet Day Care

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: NA

ACTION REQUESTED: DECISION DISCUSSION ONLY

Previously Heard Date(s): 03/22/21 & 05/24/21

Current Work Session: Monday, August 9, 2021

Current Council Meeting: Monday, August 23, 2021

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

PRESENTER: Jim Summerbell, AICP – Planning & Zoning Director

PURPOSE: To act on a rezoning request for 3174 Miller Road. The applicant is requested to rezone from Residential Med Lot (R-100) to Office Institutional (OI) to operate a Child Day Care Center.

FACTS: See attached staff report.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer

RECOMMENDED ACTION: Approval with Conditions

ATTACHMENTS:

- (1) Attachment 1 - RZ-21-002 Alphabet Childcare 3174 Miller Rd Staff Report
- (2) Attachment 2 - Public Notice of the Public Hearing for August 23, 2021



PLANNING & ZONING STAFF REPORT

RZ-21-002

City Council Regular Meeting - August 23, 2021

GENERAL INFORMATION

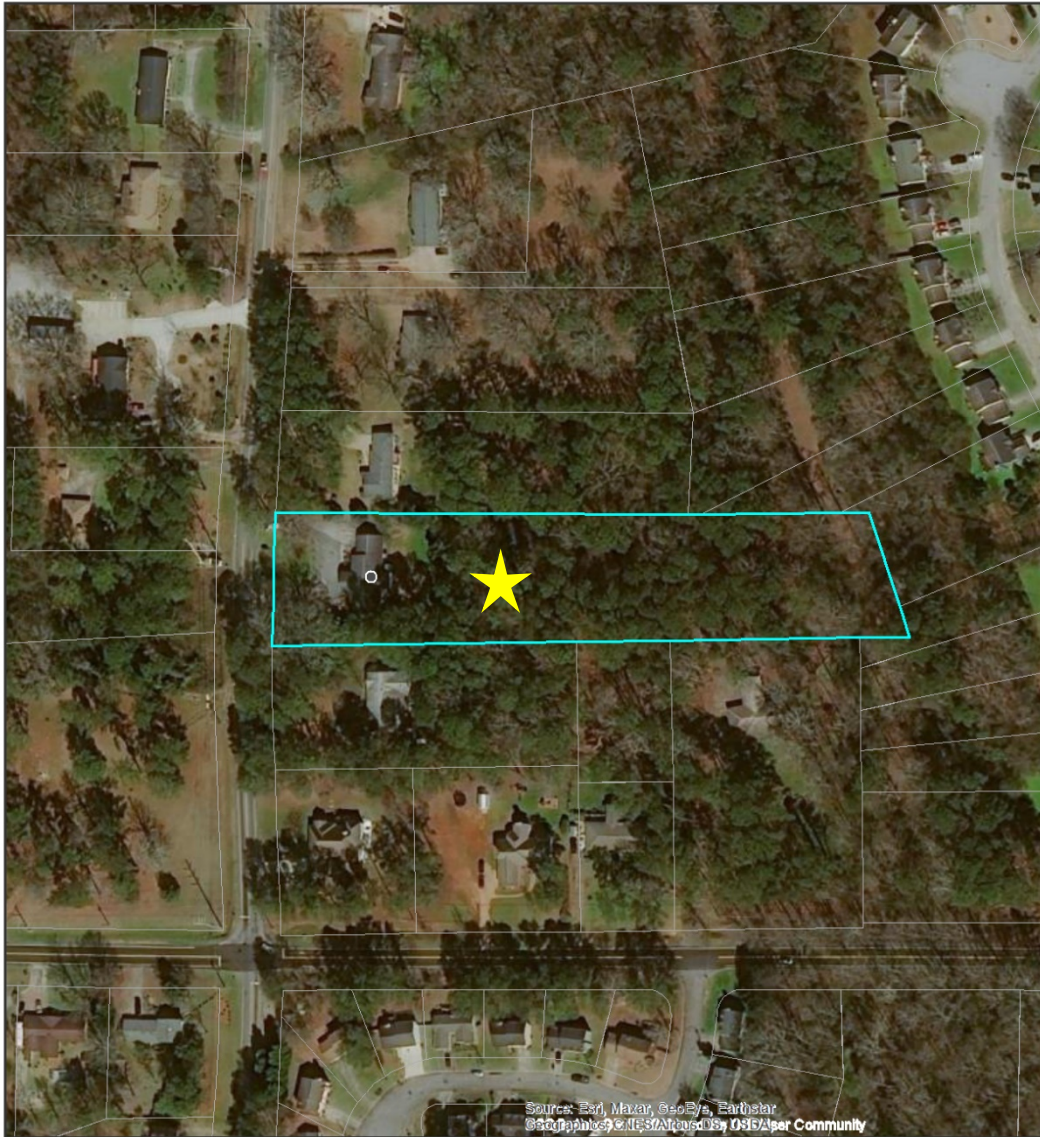
Petition Number:	RZ-21-002
Applicant:	Alphabet Daycare c/o Shanteria Vaughn and Titus Hood
Owner:	Wilson Academy Incorporated
Project Location:	3174 Miller Rd
District:	District 2 – Rob Turner
Acreage:	Approximately 2.5 acres
Existing Zoning:	R-100 (Residential Med Lot) District
Proposed Zoning:	OI (Office Institutional) District
Comprehensive Plan Community Area Designation:	Urban Neighborhood
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from R-100 (Residential Med Lot) to OI (Office Institutional) District to operate a Childcare Center.
Previous Action:	Planning Commission recommended approval of a rezoning of the subject property to RSM with a Special Land Use Permit, SLUP21-002 for a day care center on February 2, 2021. The case was then heard by the City Council at their March 22 and May 24, 2021 regular meetings. On May 24, Rob Turner made a motion (motion #9 in the minutes of that meeting) for referral of RZ-21-002 back to the Planning Commission for full cycle deferral. Seconded by Council Member Jazzmin Cobble. Planning Commission reheard the case on August 3, 2021 and recommended approval with conditions.
Staff Recommendation:	Approval with conditions
Planning Commission Recommendation:	Approval with conditions



PLANNING & ZONING STAFF REPORT

RZ-21-002

Aerial Map



ZONING CASE: **RZ-21-002**

ADDRESS: **3174 Miller Road**

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

FUTURE LAND USE: **Urban Neighborhood**

Subject Property

0 0.025 0.05 mi



PLANNING & ZONING STAFF REPORT

RZ-21-002

Zoning Map



ZONING CASE: RZ-21-002

ADDRESS: 3174 Miller Road

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

FUTURE LAND USE: Urban Neighborhood





PLANNING & ZONING STAFF REPORT

RZ-21-002

PROJECT OVERVIEW

Location

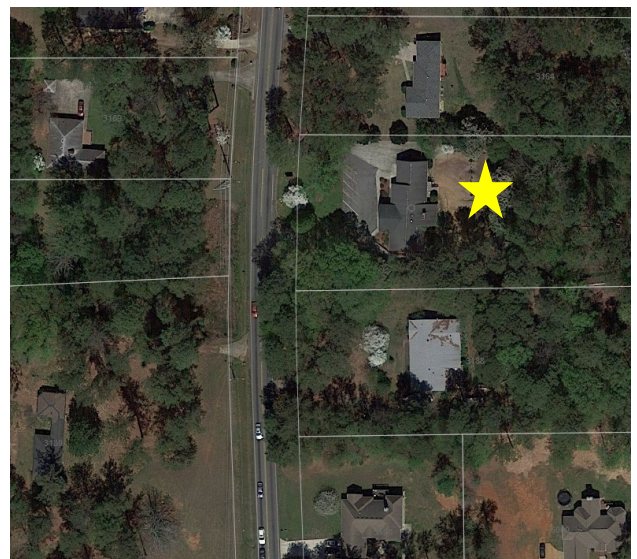
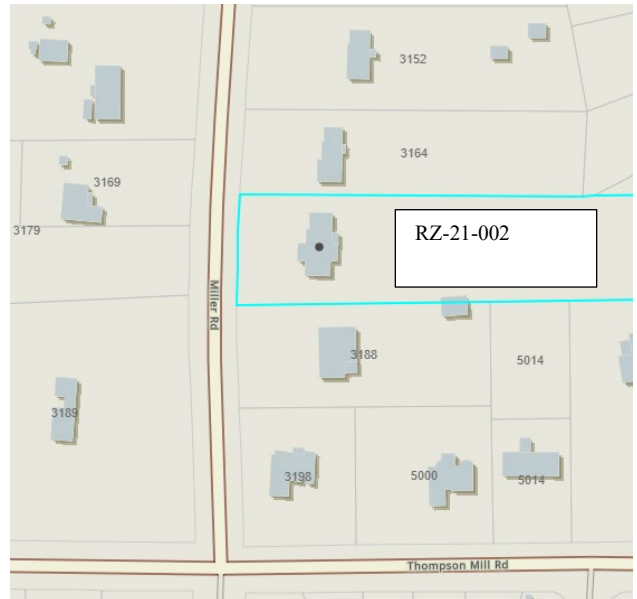
The subject property is located at 3174 Miller Road. The property is approximately 378 feet north of Miller Road and Thompson Mill Rd intersection.

The property is bounded by Miller Road to the west and single family homes to the north, south and east. Woodgrove residential subdivision is located to the east.

Background

Currently, the property is vacant, and zoned for single-family residential, R-100. The subject property was previously used for the Wilson Academy, a private school for K-12. The school structure on the property looks like a single family home consistent with the character of the neighborhood.

The topography of the property relatively level sloping away from Miller Road toward a floodplain and is heavily wooded.





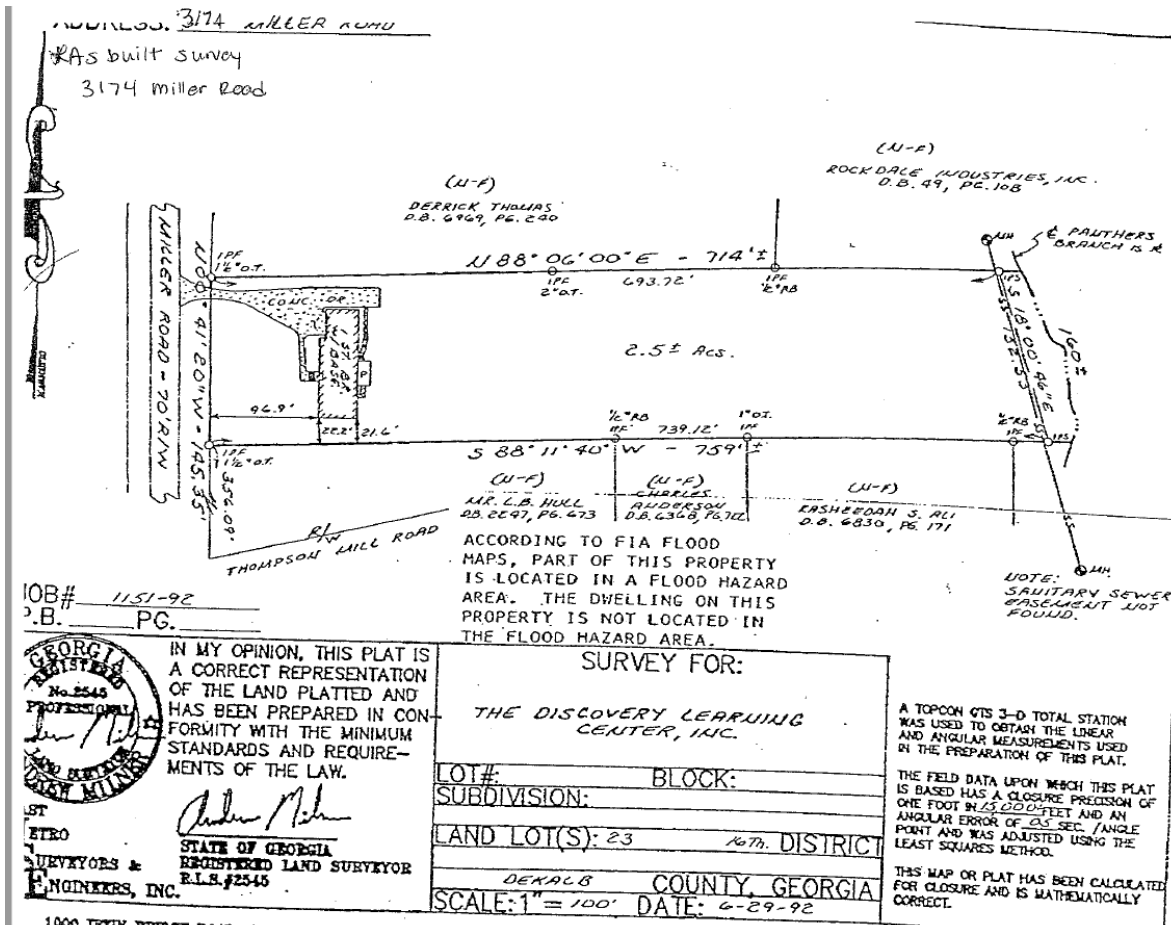
PLANNING & ZONING STAFF REPORT

RZ-21-002

Rezoning Request

The applicant is requesting to rezone the subject property from R-100 to OI (Office Institutional) District to operate a child day care center. The day care center will run out of the existing 5,000 square foot building. The applicant intends to supervise children ages infant to ten (10) years old. The reason this case is coming back before the Planning Commission for reconsideration is that the intent of maintaining child day care center is only allowed in non-residential districts, the original request of being rezoned to RSM with a SLUP, would not have granted the applicant the land use rights they were seeking.

Conceptual Site Plan



PLANNING & ZONING STAFF REPORT

RZ-21-002

Elevations



PLANNING & ZONING STAFF REPORT

RZ-21-002



Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in January and June. The community meeting was held on December 21st, 2020, at 7:00 pm via zoom.com. Several residents show up at the community meeting regarding the rezoning application. There were several concerns from residents regarding the homeless residing in the vacant building. Many residents express a desire for a business to start operating on the property.



PLANNING & ZONING STAFF REPORT

RZ-21-002

STANDARDS OF REZONING REVIEW

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

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

The subject property is located within the Urban Neighborhood character area of the Stonecrest Comprehensive Plan. The character area intends to limit small-scale goods and services to meet the needs of the surrounding residents.

The proposed zoning is in an area transitioning from low-density housing to medium density housing. The current character of the area shows many of the surrounding properties to be single-family detached. The proposed zoning change and development of institutional use would be in keeping with the policy and intent of the comp plan.

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

As shown in the table below, the subject property is surrounded by low density housing, see previous zoning map.

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Subject Property	R-100, proposed O-I	Child Day Care Center, previously private school	One 5,000 sf building or 1,960 sf per acre
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)	1.0 unit/acre
Adjacent: West	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 unit/acre
Adjacent: East	R-75 (Residential Med Lot) District	Residential (Parks of Stonecrest)	4-8 units/acre
Adjacent: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 units/acre
Nearby: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 unit/acre



PLANNING & ZONING STAFF REPORT

RZ-21-002

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The OI Zoning classification would allow operation of a child day care center (more than 7 children, operating less than 24 hours a day), which would be similar to the previous use.

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

The property is currently zoned R-100, which permits the development of detached single-family home development with a minimum lot size of 15,000 square feet. The property does have reasonable economic use as currently zoned. The property sits along Miller Road, which is a collector road in a suburban neighborhood.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. Staff believes the suggested zoning for a daycare would complement the area by allowing the surrounding residential development access to small scale goods and services.

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

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. There are existing conditions that would provide supporting grounds for approval of the zoning change as the property was previous use for a private school.

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

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

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

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

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



PLANNING & ZONING STAFF REPORT

RZ-21-002

STAFF RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-002** the following conditions:

1. Access shall be limited to the existing curb cut off Miller Rd.
2. All refuse containers shall be screened from public view except during pick up.
3. The applicants shall secure the necessary certification by the State of Georgia, and the license of business required building permits and certificates of occupancy from the city of Stonecrest.
4. The property shall only be used as a Childcare Center or a Private kindergarten, elementary, middle or high school, as it was in the past.
5. Any future modifications or improvements to the existing structure will be consistent with the residential character of the surrounding neighborhood, and for all outward appearances, except signage and driveway configuration will look like a single-family home.
6. If a business license is not applied for within a year for a child day care or private school, or if such a business license is not renewed for a child care center or private school within a year of expiration that the rezoning would revert back to R-100.

**CITY OF STONECREST CITY COUNCIL,
PUBLIC HEARING: MONDAY, AUGUST 23, 2021 AT 6:00 P.M. *VIRTUAL MEETING
STONECREST CITY HALL, 3120 STONECREST BLVD, SUITE 155
STONECREST, GA 30038**

The following petitions/amendments within the City of Stonecrest are scheduled for Public Hearings as stated above.

Citizens wishing to activity participate and make a comment during the public hearing portion of the meeting please submit their request via email address cityclerk@stonecrestga.gov by noon the day of the hearing, August 23, 2021, and a zoom link for the meeting will be sent to you, or you also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

LAND USE PETITION: RZ-21-002
PETITIONER: Alphabet Daycare c/o Shanteria Vaughn, and Titus Hood
LOCATION: 3174 Miller Rd
PROPOSED AMENDMENT: Proposed rezoning from R-100 (Residential Medium Lot) to OI (Office-Institutional) for a child day care center.

LAND USE PETITION: TMOD-21-005
PETITIONER: Ashbury Automotive Group
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Amendment Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Area Overlay District text to allow automotive dealerships as a permitted use in Tiers 1 and 2, and to amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

LAND USE PETITION: TMOD-21-006
PETITIONER: Planning & Zoning Department
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Replacing outdated references in the Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and RM-HD (Multifamily Resident High Density with HR-2 (High Density Residential-2) District.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-005 – Car Dealerships

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION ONLY

Previously Heard Date(s): 08/09/21 - 08/13/21

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, August 23, 2021

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

PRESENTER: Jim Summerbell, AICP, Planning & Zoning Director

PURPOSE: To take action on TMOD-21-005 – Car Dealerships. This text amendment to the Stonecrest Area Overlay and Supplemental Use regulations.

FACTS: See attached staff report, Attachment 1.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-005 Staff Report to the CC
- (2) Attachment 2 - TMOD-21-005 Stonecrest Area Overlay highlighted text to change
- (3) Attachment 3 - Letter of Intent from Ashbury Automotive Group
- (4) Attachment 4 - Auto Dealership Map
- (5) Attachment 5 - Track Changes version of Sec. 4.2.14 Auto sales supplemental regs



PLANNING AND ZONING STAFF REPORT

CITY COUNCIL SPECIAL CALLED MEETING DATE: August 13, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-005
- Applicant:** Ashbury Automotive Group
- Project Location:** City-Wide
- Proposed amendment:** Amendment Article 3, Division 5, Stonecrest Area Overlay District text to reinstate automotive dealerships as a permitted use. Amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

FACTS AND ISSUES When the Stonecrest Area Overlay District (Overlay) was adopted by the City Council in 2017, it allows automotive dealerships as permitted use by right. Currently there are five dealerships located within the overlay:

1. Toyota Stonecrest
2. Nalley Kia/ Scion
3. Nalley Hyundai
4. Courtesy Chrysler Dodge Jeep Ram of Stonecrest
5. Stonecrest Honda.

All are within Tier 2 of the Overlay, except Courtesy Chrysler Dodge Jeep Ram of Stonecrest which is in Tier 1, see attached map.

When the Overlay was amended in November 2019, automobile dealerships were made a prohibited use in Tiers 1, 2, 3 and 5, see attached copy of Ordinance 2019-11-001, pages 8, 10, 13, and 20 of the PDF or pages 7, 9, 12 and 19 of the text amendment. They are allowed as a permitted use currently in Tier 4, though none exist there at this time. Staff has inquired as to reason why this amendment was made, but no explanation or documentation has been forthcoming or found.



PLANNING AND ZONING STAFF REPORT

The issue this creates for the current dealerships is that they are considered legal but non-conforming uses under the Zoning Ordinance, which means per Section 8.1.5 of the Zoning Ordinance they “shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.” The Asbury Automotive Group that owns and operates the Nalley dealerships in the Overlay have applied for permits to build an accessory use and staff has denied the application as per the provisions of this section. As a result, they are seeking a text amendment so they can make improvements to their site, see attached letter of intent.

Considering that the dealerships play an important role in the retail trade and sales tax revenue of the city and county, and that no explanation has been offered as to why the prohibition of their use was made in 2019, **staff is recommending that Automobile Sales be reinstated as a use by right in the Overlay in Tiers 1 and 2.** Specifically, that the following lines in the Stonecrest Ordinance 2019-11-001 **be deleted** as they relate to prohibited use tables of Tier 1, 2, and 3:

- Line 288 – Tier 1 Prohibited Uses
- Line 365 – Tier 2 Prohibited Uses

After discussions with the City Council and participants in the Zoning Summit on July 22, 2021, the concession of the group was that the prohibition against having automobile dealerships in Tiers 3 and 5 should remain.

In addition to the changes listed above, staff is recommending an update to the supplemental standards for Automobile Sales and Truck Sales in Article 4 (Sec. 4.2.14.A) of the Zoning Ordinance. The standards found in this section would be required for future auto sales in addition to compliance with the Use Table and Overlay standards.

For reference, see the highlighted lines in the attached copy of the current Stonecrest Area Overlay Text and Map. Staff finds that the continued use of the automobile dealerships is consistent with the policies of the Regional Center Character Area found in the City of Stonecrest 2038 Comprehensive Plan which indicate Large Scale Retail and Commercial as primary land uses for the area.

OPTIONS: Table, Deny, Approve, Approve with modifications

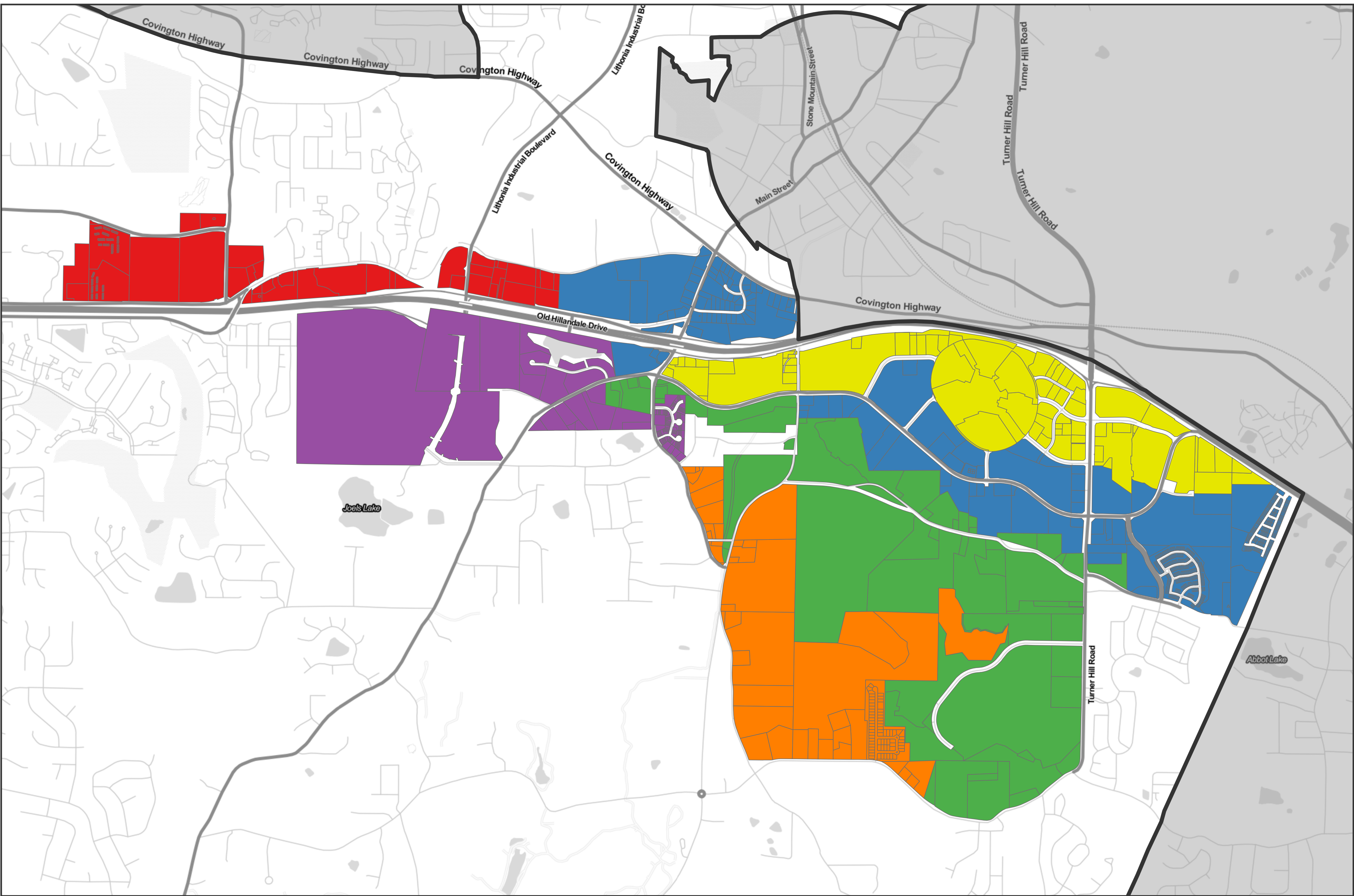
RECOMMENDED ACTION: Recommend Approval to the City Council



PLANNING AND ZONING STAFF REPORT

ATTACHMENTS:

- (1) Ordinance 2019-11-001, Stonecrest Area Overlay text and map as approved by City Council in November 2019 with highlighted text related to the recommendations
- (2) Letter of intent from Asbury Automotive Group
- (3) Map of existing auto dealerships in Stonecrest
- (4) Proposed supplemental regulations for automotive and truck sales



STONECREST OVERLAY 2038

WORKING MAP

- VIEWSHED
- STV1
- STV2
- STV3
- STV4
- STV5

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.

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40 Sec. 3.5.2. - Applicability of regulations.

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

Sec. 3.5.3. - Statement of purpose and intent.

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

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

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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

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

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

280 1. Kennels.
281 2. Tire retreading and recapping.
282 3. Sexually oriented businesses.
283 4. Reserved
284 5. Outdoor amusement services facilities.
285 6. Outdoor storage.
286 7. Farm equipment and supplies sales establishment.
287 8. Repair, small household appliance.
288 9. Hotel/motel.

288

289 10. Automobile sales.
290 11. Flea Markets
291 12. Automobile title loan establishments.
292 13. Pawn shops.
293 14. Salvage yards.
294 15. Gasoline service stations.
295 16. Automobile repair and maintenance, major.
296 17. Automobile and truck rental and leasing.
297 18. Commercial parking lots.
298 19. Automobile wash/wax service.
299 20. Check cashing facility.
300 21. Automobile emission testing facilities.

- 301 C. *Accessory uses and structures.* The following accessory uses of land and structures
 302 are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
 303 District:
- 304 1. Uses and structures which are customarily incidental and subordinate to the
 305 permitted principal uses and structures in this district.
 - 306 2. Parking lots and parking garages.
 - 307 3. Open space, clubhouse or pool amenity area.
 - 308 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 - 309
- 310 D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 311 E. *Height of buildings and structures.* A building or structure in Tier I may exceed the
 312 five-story height limit without the necessity of obtaining a special land use permit. A
 313 parking deck may exceed five (5) stories in height; however, a parking deck cannot
 314 exceed ten (10) stories in height either as a separate deck structure or as part of an
 315 office building.
- 316 F. *Density.* No development in Tier I may exceed a FAR of three and one-half (3.5),
 317 unless it also provides additional public space or other amenities singly, or in
 318 combination as provided in subsection G below.
- 319 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 320 Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to
 321 exceed a total FAR of six (6.00).

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

323

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

324

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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- 326
- 327 E. *Required parking.* Required parking may be provided through a combination of off-
 328 street, on- street, or shared parking provided that all required parking must be located

329 within seven hundred (700) feet of the principal entrance of the buildings the parking is
330 intended to serve. The minimum number of required parking spaces shall be as provided
331 in article 6, except as follows:

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

340 F. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least
341 five (5) feet in width with the exception of sidewalks along streets and in front of
342 proposed high-rise buildings which must be at least ten (10) feet in width.
343

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

345
346 A. *Permitted principal uses and structures.* The principal uses of land and structures
347 allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay
348 District are as provided below:

- 349
350 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I
351 (Office Institutional) District, O-D (Office-Distribution) District, and HR-2
352 (High Density Residential) District except those listed in B., below.
353
354

355 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
356 II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 357 1. Kennels.
- 358 2. Storage yards.
- 359 3. Tire retreading and recapping.
- 360 4. Sexually oriented businesses.
- 361 5. Outdoor storage.
- 362 6. Farm equipment and supplies sales establishment.
- 363 7. Repair, small household appliance.
- 364 8. Hotel/motel.
- 365 9. Automobile sales.
- 366 10. Flea Markets
- 367 11. Automobile title loan establishments.
- 368 12. Pawn shops.
- 369 13. Salvage yards.
- 370 14. Automobile repair and maintenance, major and minor.
- 371 15. Gasoline service stations.
- 372 16. Automobile and truck rental and leasing .

- 373 17. Commercial parking lots.
 374 18. Automobile wash/wax service .
 375 19. Late-night establishments
 376 20. Nightclubs
 377 21. Check cashing facility.
 378 22. Automobile emission testing facilities.
- 379 C. *Accessory uses and structures.* The following accessory uses of land and structures are
 380 permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
- 381 1. Uses and structures which are customarily incidental and subordinate to the
 382 permitted principal uses and structures in this district.
 383 2. Parking lots and parking garages.
 384 3. Open space, clubhouse or pool amenity area.
 385 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 386
 387
- 388 G. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 389 D. *Height of buildings and structures.* A building or structure in Tier II can have a maximum
 390 height of ten (10) stories. A parking deck may exceed five (5) stories in height; however,
 391 a parking deck may not exceed ten (10) stories either as a separate deck structure or as
 392 part of an office building.
- 393
 394 E. *Density:* No development in Tier II may exceed a FAR of two and one half (2.5), unless it
 395 also provides additional public space or other amenities singly, or in combination as
 396 provided in subsection G, below.
 397
- 398 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 399 Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to
 400 exceed a total FAR of four (4.00).

401 **Table 3.2. Bonus FAR: Tier II**
 402

Bonus Floor Area Ratio in Stonecrest Area, Tier II	
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
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H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within seven hundred (700) feet of the principal entrance of the building that the parking 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 and one-quarter (1.25) spaces per dwelling unit.

417

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

418

419

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

420

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

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424

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

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

432

433

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

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1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Outdoor amusement service facility.
6. Outdoor storage.
7. Automobile repair, major and minor.

- 442 8. Hotel/motel.
- 443 9. Automobile sales.
- 444 10. Temporary outdoor sales.
- 445 11. Pawn shops.
- 446 12. Liquor stores.
- 447 13. Nightclubs.
- 448 14. Late-night establishments.
- 449 15. Car wash.
- 450 16. Self-storage.
- 451 17. Funeral home.
- 452 18. Mortuary.
- 453 19. Crematorium.
- 454 20. Farm equipment and supplies sales establishment.
- 455 21. Repair, small household appliance.
- 456 22. Salvage yard.
- 457 23. Automobile service stations, except automobile service stations over 4,000 square
- 458 feet with special land use permit.
- 459 24. Commercial parking lot.
- 460 25. Check cashing facility.
- 461 26. Automobile emission testing facilities.
- 462

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

- 466 1. Uses and structures which are customarily incidental and subordinate to the
- 467 permitted principal uses and structures in this district.
- 468 2. Parking lots and parking garages.
- 469 3. Clubhouses, including meeting rooms or recreation rooms.
- 470 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- 471

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

- 475 1. *Minimum front yard setback:* Fifteen (15) feet from right-of-way of public street, except
- 476 that front-facing garages of residential units shall be set back a minimum of twenty-five
- 477 (25) feet from rights-of-way.
- 478 2. *Minimum interior side yard:* Ten (10) feet. There shall be a minimum of fifteen
- 479 (15) feet between buildings and structures less than two (2) stories in height and
- 480 a minimum of twenty (20) feet between any two (2) buildings and structures
- 481 when one (1) of them is greater than two (2) stories in height.
- 482 3. *Minimum rear yard:* Ten (10) feet.

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

- 484 a.

- 485 I. *Density*: No development in Tier III may exceed thirty (30) dwelling units per
 486 acre and a combined FAR of one and a half (1.5), unless it also provides
 487 additional public space or other amenities singly, or in combination as provided in
 488 subsection G, below.
 489 G. *Bonus density*: In exchange for providing one (1) or more of the amenities shown in
 490 Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to
 491 exceed a total FAR of three (3.00).

492 **Table 3.3 Bonus FAR: Tier III**
 493

Additional Amenity	Increased FAR
Increase public space to 25% while providing connectivity	0.5
I Increase public space to 30 % while providing connectivity	1.0
I 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 of the gross floor area of the building.	0.25
I 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

- 494
 495 H. *Required parking*. Required parking may be provided through a combination of off-
 496 street, on- street, or shared parking. All required parking must be located within
 497 seven hundred (700) feet of the principal entrance of the building that the parking is
 498 intended to serve. The minimum number of required parking spaces must be as
 499 provided in article 6, except as follows:
 500
 501 1. Retail uses, personal service uses, and other commercial and general business
 502 uses, including food stores: Minimum of four (4) spaces per one thousand (1,000)
 503 square feet of gross floor area.
 504 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 505 square feet of gross floor area.
 506 3. Hotel and motel uses: Minimum of one (1) space per unit.
 507 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
 508 dwelling unit.
 509 I. *Parking space area requirements*. Parking space area requirements must comply with
 510 the provisions of section 6.1.3.

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

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

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

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

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

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

532

533

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

535

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

542

543 B. *Mixed use requirements.* All properties in Tier IV which are proposed for new
544 development shall comply with the minimum requirements of this mixed use
545 development category. Permits for repairs, interior alterations or tenant buildout
546 improvements that do not alter the exterior appearance or the building footprint of
547 the structure shall be exempt from the requirements of this division. Properties in
548 Tier IV shall contain a minimum of two (2) principal uses and any residential use
549 shall not exceed seventy (70) percent of the total floor area. The mixed use
550 development may be combined vertically or horizontally in one (1) or more
551 buildings or may be provided in separate buildings or areas within a mixed-use
552 development. A minimum of one residential and one non-residential use must be
553 selected.

554

555 C. *Permitted principal uses and structures.* The principal uses of land and structures which
556 are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
557

558 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
559 Institutional) District, OCR (Office-Commercial-Residential) District, and RM-
560 HD (High Density Residential) District except those listed in B., below.
561

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

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

- 568 1. Kennels.
- 569 2. Tire retreading and recapping.
- 570 3. Sexually oriented businesses.
- 571 4. Outdoor amusement services facilities.
- 572 5. Outdoor storage.
- 573 6. Farm equipment and supplies sales establishments.
- 574 7. Repair, small household appliance.
- 575 8. Hotel/motels.
- 576 9. Automobile title loan establishments.
- 577 10. Pawn shops.
- 578 11. Liquor stores.
- 579 12. Salvage yards.
- 580 13. Automobile repair and maintenance, major.
- 581 14. Automobile wash/wax service.
- 582 15. Nightclubs.
- 583 16. Late-night establishments.
- 584 17. Check cashing facility.
- 585 18. Automobile emission testing facilities.
- 586 19. Car wash, self-service.
- 587 20. Self-storage.
- 588 21. Funeral home.
- 589 22. Crematorium.
- 590 23. Mortuary.

591
592 E. *Accessory uses and structures.* The following accessory uses of land and structures
593 are permitted in Tier IV: Transitional Mixed-Use Zone:

- 594 a. Uses and structures which are customarily incidental and subordinate to the
595 permitted principal uses and structures in this district.
- 596 b. Open space, clubhouse or pool amenity area.
- 597 c. Parking lots and decks.
- 598 d. Signs, in accordance with the provisions of chapter 21 and this chapter.

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- F. *Mixed-use developments: Lot width, lot area and setbacks.*
 - 1. *Lot width and area.* All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage.
 - a. Minimum lot area: One (1) acre.
 - 2. *Setback requirements.*
 - 1. *Front yard.* Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, and other project site amenities.
 - 2. *Side yard.* Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
 - 3. *Rear yard.* Minimum of twenty (20) feet.
 - 4. *Interior side yard.* Minimum of zero (0) feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of twenty (20) feet.
- H. *Single-family detached units: Lot width, lot area and setbacks.*
 - 1. *Lot width and area.* All lots must have at least fifty (50) feet of frontage as measured along the public street frontage.
 - a. *Minimum lot area.* Five thousand (5,000) square feet.
 - 2. *Setback requirements.*
 - a. *Front yard.* Minimum of ten (10) feet and a maximum of twenty (20) feet.
 - b. *Side yard.* Minimum of ten (10) feet.
 - c. *Interior side yard.* Minimum of five (5) feet.
 - d. *Rear yard.* Minimum of thirty (30) feet.
- H. *Single-family attached units: Lot width, lot area and setbacks.*
 - l. *Lot width and area.* All lots must have at least thirty (30) feet of frontage as measured along the public street frontage.
 - m. *Minimum lot area.* Three thousand (3,000) square feet. Maximum of eight (8) units or two hundred forty (240) feet.
 - 2. *Setback requirements:*
 - a. Front yard: Minimum of five (5) feet and a maximum of twenty (20) feet.
 - b. Side yard: Minimum of ten (10) feet between buildings.
 - c. Rear yard: Minimum of ten (10) feet.
 - d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than sixty (60) feet apart. Structures which are side face to side face shall not be less than twenty (20) feet apart. Structures which are side face to front face or back face shall be not less than forty (40) feet apart.
 - I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in

641 excess of three (3) stories must be approved by the director of planning to assure
 642 adequacy of fire protection facilities and services. The maximum height of any
 643 residential single-family detached building or structure shall not exceed a height of
 644 thirty-five (35) feet and shall not exceed two stories.

645
 646 J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density
 647 not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for
 648 any development shall not exceed one and one-half (1.50).

649 1. *Density bonus.* The maximum allowable FAR of a building or development in Tier
 650 IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or
 651 more of the additional amenities is provided as described in the table below:
 652

653 **Table 3.4 Bonus FAR: Tier IV**
 654

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
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
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, institutional, commercial or retail uses.	0.5

655
 656 L. *Required parking.* Required parking may be provided through a combination of off-
 657 street, on- street, or shared parking. All required parking must be located within
 658 seven hundred (700) feet of the principal entrance of the building the parking is
 659 intended to serve. The minimum number of required parking spaces must be as
 660 provided in the underlying zoning district regulations for the lot except as follows:

- 661 1. Retail uses, personal service uses, and other commercial and general business
 662 uses, including food stores: Minimum of four (4) spaces per one thousand
 663 (1,000) square feet of gross floor area.
 664 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 665 square feet of gross floor area.

- 666 3. Hotel and motel uses: Minimum of one (1) space per unit.
667 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
668 dwelling unit.
669 5. Parking space area requirements shall comply with the provisions of section 6.1.3.
670 6. Single-family detached residential dwelling units shall have two (2) spaces per
671 unit. Garages and any surface parking areas are to be accessed by shared
672 driveways located at the rear of the residential structure. Garages that face the
673 public right-of-way shall be setback a minimum of twenty (20) feet.

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

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

677

678 A. *Statement of purpose and intent*. The primary intent of Tier V is to encourage single-
679 family detached residential developments with associated neighborhood commercial
680 and office uses to serve the convenience needs of the local community in a village or
681 cluster concept. This tier provides for the preservation of open space while allowing
682 compatible development that complements the other Stonecrest Overlay District
683 development categories. Tier V also seeks to preserve the rural and scenic beauty of
684 Arabia Mountain Preserve while providing flexibility to allow for creativity in site
685 design and development. The goal of Tier V is to minimize the environmental and
686 visual impacts of new development on natural resources and historically and culturally
687 significant sites and structures while encouraging residential and neighborhood
688 commercial development in a well planned community.

689

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

694

695

696

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702

703

704

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706

707

11. Office/medical.
Personal services establishment.

708

709

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

- 710 1. Uses and structures which are customarily incidental and subordinate to the
711 permitted principal uses and structures in this district.
712 2. Open space, clubhouse or pool amenity area.
713

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

- 716 1. Kennels.
717 2. Junkyard.
718 3. Tire retreading and recapping.
719 4. Sexually oriented businesses.
720 5. Go-cart concession.
721 6. Outdoor storage.
722 7. Automobile repair, major.
723 8. Hotel/motel.
724 9. Automobile sales.
725 10. Temporary outdoor sales.
726 11. Pawn shops.
727 12. Liquor stores.
728 13. Nightclubs
729 14. Late-night establishments.
730 15. Car wash, self service.
731 16. Self-storage.
732 17. Funeral home.
733 18. Mortuary.
734 19. Crematorium.
735 20. Farm equipment and supplies sales establishment.
736 21. Multifamily dwelling unit.
737

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

- 739 1. All single-family detached residential dwellings located on Klondike Road,
740 Plunkett Road or Rockland Road must have a minimum of one hundred (100)
741 feet of frontage as measured along the public street frontage.
742 a. *Minimum lot area.* Fifteen thousand (15,000) square feet.
743 b. *Minimum setback requirements.*
744 i. *Front yard.* Thirty-five (35) feet.
745 ii. *Side yard.* Thirty-five (35) feet.
746 iii. *Rear yard.* Forty (40) feet.
747 iv. *Interior side yard.* Ten (10) feet.
748 2. All single-family detached residential lots which are located on new roadways
749 must have a minimum of fifty (50) feet of frontage as measured along the public
750 street frontage.
751 a. *Minimum lot area.* Five thousand (5,000) square feet.

- 752 b. *Minimum setback requirements.*
753 i. *Front yard.* Minimum of ten (10) feet and a maximum of twenty-five
754 (25) feet.
755 ii. *Side yard.* Fifteen (15) feet.
756 iii. *Rear yard.* Twenty (20) feet.
757 iv. *Interior side yard.* Five (5) feet.
758
759 3. Reserved.
760 4. Office and commercial uses may not be located along Klondike or Rockland Road.
761 Any uses otherwise authorized in Tier V shall be clustered together in a "village" or
762 "hamlet" setting and must include convenient access to neighboring residential
763 communities in a manner that preserves the open space on the lot. Such uses must be
764 developed in a manner that also preserves the rural and scenic nature of Tier V and is
765 compatible with the natural design and forestation of the Arabia Mountain Preserve.
766 Such uses must be developed in a manner that minimizes the environmental and
767 visual impact of new development on the existing natural landscape and the
768 historically and culturally significant sites and structures. To the extent possible,
769 developments must be constructed in a manner that preserves the bucolic nature and
770 farming community appearance of Tier V.

771 a. Office and commercial uses must be a maximum of two thousand five hundred
772 (2,500) square feet per tenant space.
773 b. Single-use structures must be a maximum of ten thousand (10,000) square feet.
774 c. Lot width and lot area. Office and commercial lots must be a minimum of
775 twenty thousand (20,000) square feet. *y*

776 F. *Height of buildings and structures.* No building or structure may exceed thirty-five (35)
777 feet in height or two (2) stories whichever is less.
778 G. *Required parking.* The minimum number of required parking spaces must be as provided
779 in the underlying zoning district regulations except as follows:

780 1. Residential, single-family detached: Minimum of two (2) spaces.
781 2. Retail uses, personal service uses, and other commercial and general business uses,
782 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
783 feet of gross floor area.
784 3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
785 feet of gross floor area.
786 4. Parking space area requirements must comply with the provisions of section 6.1.3.

787 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
788 lane in compliance with land development standards. Sidewalks must be provided along
789 the right-of-way of all public streets.

790 Sec. 3.5.15.3. – Viewshed Zone (Tier VI).

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

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

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

799 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
800 Tier V: Viewshed Zone:

801

802 1. Sexually oriented businesses.

803 2. Pawn shops.

804 4. Package stores.

805 5. Check cashing facility.

806 E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI
807 shall be governed by the underlying zoning district.

808 F. *Height of buildings and structures.* The height of buildings and structures on property
809 within Tier VI shall be governed by the underlying zoning district.

810 G. *Required parking.* The minimum number of required parking spaces of property in Tier
811 VI shall be governed by the underlying zoning district.

812 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
813 lane in compliance with land development standards. Sidewalks must be provided along the
814 right-of-way of all public streets.

815

816 Sec. 3.5.16. - Shared parking.

817

818 Shared parking is encouraged and may be authorized by the director of planning. Applicants
819 may make application to the director of planning for authorization for a special exception for
820 shared parking. Said applications shall be considered and decided by the director of planning
821 pursuant to the standards and procedures set forth in section 7.6.5.

822 Sec. 3.5.17. -Permits for uses.

823

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

827

828 Sec. 3.5.18. - Design guidelines.

829

830 The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall
831 apply to all uses and structures within the Stonecrest Overlay District and shall be maintained
832 by the planning director and available for public inspection. The design guidelines provide
833 acceptable minimum standards to guide design and development within this overlay district.
834 The planning director or designee is authorized to create, administer, and amend design
835 guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable
836 architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and

837 site furniture, and grating criteria. These guidelines shall be used to promote proper design
838 criteria and shall guide the planning director or designee in deciding whether a proposed design
839 complies with the requirements of the Stonecrest Area Overlay District.

840
841 Sec. 3.5.19. - Plans required; certificates of compliance.

- 842
843 A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or
844 sign permit, the applicant shall submit to the director of planning an application which
845 shall include a conceptual plan package as defined by this chapter which shall demonstrate
846 that the proposed design is in compliance with all of the requirements of this Stonecrest
847 Overlay District and the underlying zoning classification.
- 848 B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount
849 determined by the City of Stonecrest City Council.
- 850 C. *Review.* The director of planning shall review each application for compliance with
851 all requirements of the Stonecrest Overlay District and the underlying zoning
852 classification. Where the director determines that said plans comply with the requirements
853 of the Stonecrest Overlay District a certificate of compliance shall be issued in the form
854 of the director or the director's designee signing the plans and drawings after which the
855 applicant shall then apply for land disturbance, building or signs permits. Where the
856 director determines that said plans do not comply with the requirements of this chapter,
857 then the director shall notify the applicant in writing stating the manner in which said
858 applicant fails to comply with such requirements. All applications shall be considered and
859 decided by the director of planning within thirty (30) days of receipt of a complete
860 application. Any appeal of the director of planning's decision in this regard shall be to the
861 zoning board of appeals pursuant to section 7.5.2.

862
863 Sec. 3.5.20. - Conceptual plan package review.

- 864
865 i. The conceptual plan package must be composed of the following:
- 866 1. A narrative addressing the proposed development explaining how it meets the
867 purpose, intent, and standards of this chapter. The narrative shall include a tabulation
868 of the approximate number of acres in each land use, the approximate number of
869 dwelling units by type, the approximate gross residential density, the approximate
870 commercial density, the approximate public space acreage, the anticipated number,
871 type and size of recreational facilities and other public amenities; the legal
872 mechanism for protecting and maintaining public space, as required in section
873 3.5.5.A.1.;
 - 874 2. A site location map showing the proposed development, abutting property, the
875 relationship of the proposed development to surrounding natural features and existing
876 development, and transitional buffer zones, if required; and
 - 877 3. A multi-modal access plan meeting the requirements of section 3.5.12.
- 878
879
880 B. The plan to be submitted in the conceptual plan package must contain the
881 following information:

- 882 1. Six (6) copies of a plan drawn to a designated scale of not less than one inch
883 equals one hundred feet (1"=100'), certified by a professional engineer or
884 land surveyor licensed by the State of Georgia, presented on a sheet having
885 a maximum size of twenty-four (24) inches by thirty-six (36) inches, and
886 one (1), eight and one-half-inch by eleven-inch reduction of the plan. If
887 presented on more than one (1) sheet, match lines must clearly indicate
888 where the several sheets join. Such plan must contain the following
889 information:
- 890 i. Boundaries of the entire property proposed to be included in the
891 development, with bearings and distances of the perimeter property lines.
 - 892 ii. Scale and north arrow, with north, to the extent feasible, oriented to the
893 top of the plat and on all supporting graphics.
 - 894 iii. Location and approximate dimensions in length and width, for landscape
895 strips and required transitional buffers, if any.
 - 896 iv. Existing topography with a maximum contour interval of five (5) feet and a
897 statement indicating whether it is an air survey or field run.
 - 898 v. Approximate delineation of any floodplain designated by the Federal
899 Emergency Management Agency, United States Geological Survey, or
900 City of Stonecrest.
 - 901 vi. The delineation of any jurisdictional wetlands as defined by Section 404 of
902 the Federal Clean Water Act.
 - 903 vii. Approximate delineation of any significant historic or archaeological
904 feature, grave, object or structure marking a place of burial if known, and a
905 statement indicating how the proposed development will impact it.
 - 906 viii. A delineation of all existing structures and whether they will be retained or
907 demolished.
 - 908 ix. General location, in conceptual form, of proposed uses, lots, buildings,
909 building types and building entrances.
 - 910 x. Height and setback of all buildings and structures.
 - 911 xi. Approximate areas and development density for each type of proposed use.
 - 912 xii. Location, size, and number of all on-street and off-street parking spaces,
913 including a shared parking analysis, if shared parking is proposed.
 - 914 xiii. Identification of site access points and layout, width of right-of-way and
915 paved sections of all internal streets.
 - 916 xiv. Conceptual plans for drainage with approximate location and estimated
917 size of all proposed stormwater management facilities and a statement as
918 to the type of facility proposed.
 - 919 xv. Development density and lot sizes for each type of use.
 - 920 xvi. Areas to be held in joint ownership, common ownership or control.
 - 921 xvii. Identification of site access points and layout, width of right-of-way and
922 paved sections of all internal streets.

- 923 xviii. Location of proposed sidewalks and bicycle facilities trails, recreation
924 areas, parks, and other public or community uses, facilities, or structures
925 on the site.
926 xix. Conceptual layout of utilities and location of all existing or proposed
927 utility easements having a width of twenty-five (25) feet or more.
928 xx. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and
929 gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets,
930 alleys, and other public improvements demonstrating compliance with the design
931 guidelines for the Stonecrest Area Overlay District.
932 xxi. Seal and signature of professional preparing the plan.
933

934 **Section 2:**

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

938 **Section 3:**

- 939 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
940 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
941 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
942 constitutional.
943
944 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
945 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
946 phrase of this Ordinance is severable from every other section, paragraph, sentence,
947 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
948 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
949 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
950 section, paragraph, sentence, clause or phrase of this Ordinance.
951
952 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
953 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
954 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
955 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
956 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
957 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
958 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
959 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
960 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
961
962 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
963 are hereby expressly repealed.
964
965 5. The within ordinance shall become effective upon its adoption.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019- 11-001

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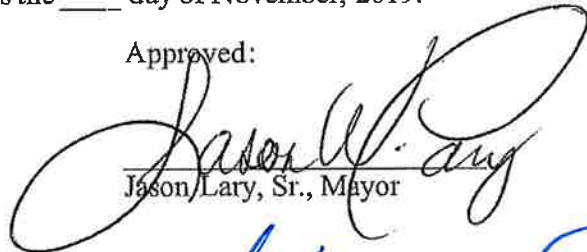
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6. The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

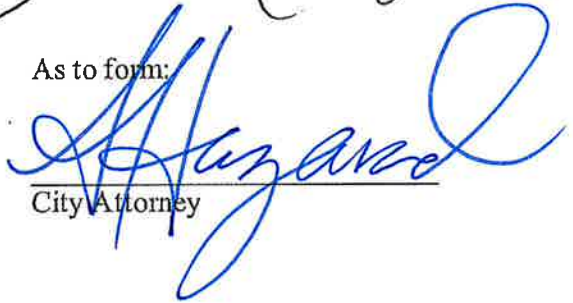
SO ORDAINED AND EFFECTIVE this the ____ day of November, 2019.

Approved:



Jason Lary, Sr., Mayor

As to form:



City Attorney



Attest:



Megan Reid, City Clerk

ASBURY
AUTOMOTIVE GROUP

Atlanta Real Estate Holdings, LLC
2905 Premiere Parkway, Suite 300
Duluth, GA 30097

June 18, 2021

City of Stonecrest
3120 Stonecrest Blvd #100
Stonecrest, GA 30038

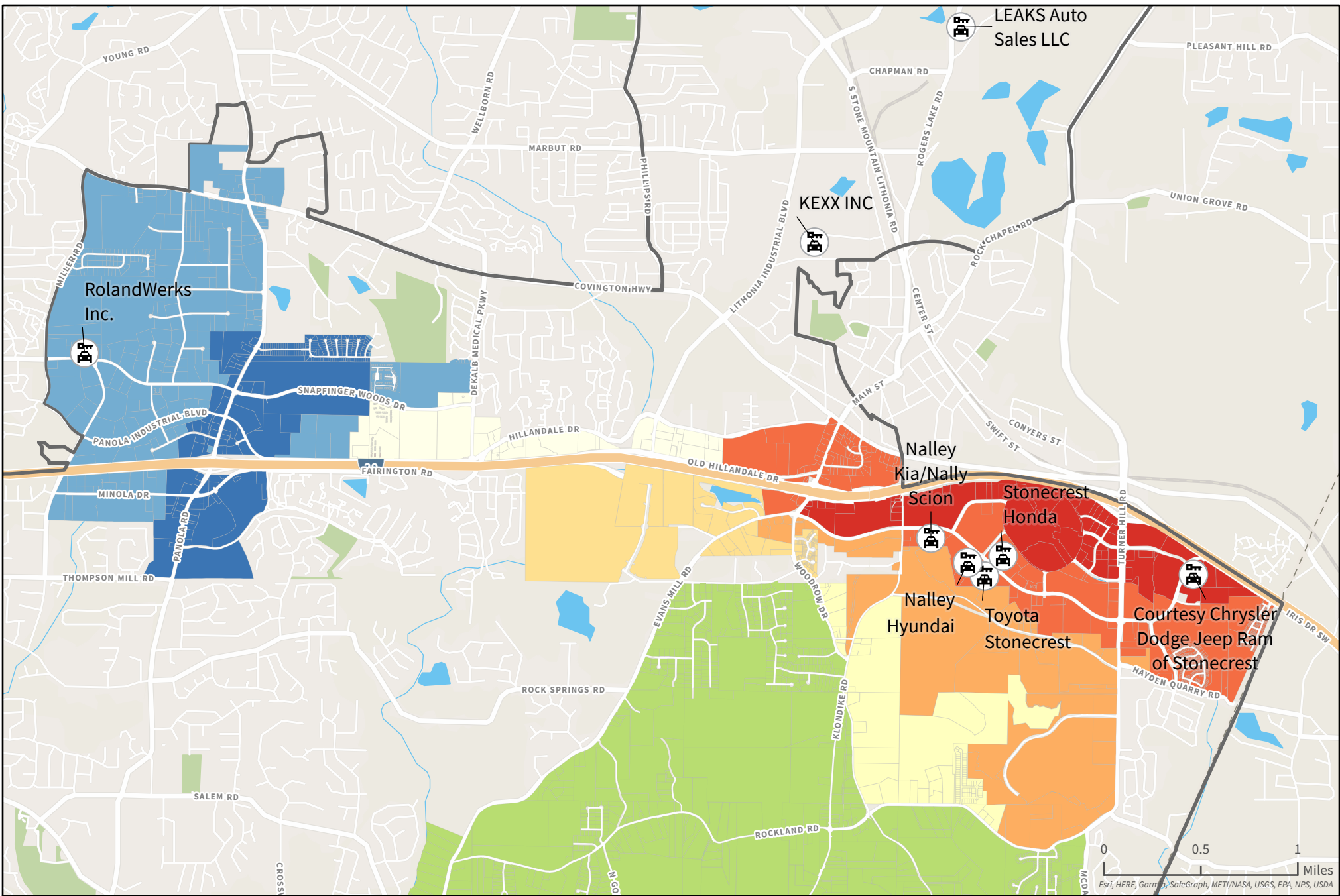
To the City of Stonecrest:

Atlanta Real Estate Holdings, LLC, would like this letter to serve as the formal Letter of Intent to the City of Stonecrest for a modification to the current City of Stonecrest Ordinances to allow automobile dealerships and any buildings housing their auxiliary support operations within the limits of the City of Stonecrest/Stonecrest Overlay District on properties under their current ownership.

Respectfully Yours,












Amy V Nostrom
Construction Project Manager
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704-281-4059 c
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AUTO DEALERSHIPS

STONECREST, GA

- | | | | | | |
|---|----------------------------------|---|-----------------------|---|--------------------------------|
|  | ARABIA MOUNTAIN OVERLAY DISTRICT |  | STONECREST OVD TIER 1 |  | STONECREST OVD TIER 4 |
|  | I-20 OVERLAY DISTRICT TIER 1 |  | STONECREST OVD TIER 2 |  | STONECREST OVD TIER 5 |
|  | I-20 OVERLAY DISTRICT TIER 2 |  | STONECREST OVD TIER 3 |  | STONECREST TIER 6 - VIEWSHED |



TMOD-21-005 – Attachment 5

Proposed supplemental regulations for automotive and truck sales as presented to the Planning Commission on August 3, 2021

Sec. 4.2.14. - Automotive sales and service; boat, trailer sales and service.

- A. *Automobile and truck sales.* ~~Where a lot is used for automobile or truck and trailer sales, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.~~ No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. ~~The automobile and truck sales lot shall be on a lot no less than one acre in area.~~
1. The automobile and truck sales lot shall be on a lot no less than five acres in area.
 2. Only customer and employee parking shall be allowed in the front or side corner yard.
 - a. Parking spaces located in the front or side corner yard shall be setback at least ten feet from the street right-of-way.
 - b. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3 of this chapter.
 3. Motor vehicles for sale shall be parked in marked, striped spaces only, and only in areas designated for the display of vehicles for sale.
 4. All vehicles in sales lots are always in operating condition.

**CITY OF STONECREST CITY COUNCIL,
PUBLIC HEARING: MONDAY, AUGUST 23, 2021 AT 6:00 P.M. *VIRTUAL MEETING
STONECREST CITY HALL, 3120 STONECREST BLVD, SUITE 155
STONECREST, GA 30038**

The following petitions/amendments within the City of Stonecrest are scheduled for Public Hearings as stated above.

Citizens wishing to activity participate and make a comment during the public hearing portion of the meeting please submit their request via email address cityclerk@stonecrestga.gov by noon the day of the hearing, August 23, 2021, and a zoom link for the meeting will be sent to you, or you also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

LAND USE PETITION: RZ-21-002
PETITIONER: Alphabet Daycare c/o Shanteria Vaughn, and Titus Hood
LOCATION: 3174 Miller Rd
PROPOSED AMENDMENT: Proposed rezoning from R-100 (Residential Medium Lot) to OI (Office-Institutional) for a child day care center.

LAND USE PETITION: TMOD-21-005
PETITIONER: Ashbury Automotive Group
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Amendment Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Area Overlay District text to allow automotive dealerships as a permitted use in Tiers 1 and 2, and to amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

LAND USE PETITION: TMOD-21-006
PETITIONER: Planning & Zoning Department
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Replacing outdated references in the Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and RM-HD (Multifamily Resident High Density with HR-2 (High Density Residential-2) District.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-006

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION ONLY

Previously Heard Date(s): 08/9/21 & 08/13/21

Current Work Session: Friday, August 13, 2021

Current Council Meeting: Monday, August 23, 2021

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

PRESENTER: Jim Summerbell, AICP, Planning & Zoning Director

PURPOSE: To act on TMOD-21-006 – Replacing outdated references in Art 3, Div 5, Stonecrest Area Overlay.

FACTS: See attached staff report, Attachment 1.

OPTIONS: Approve, Approve with Modifications, Table, Deny, or Defer [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - TMOD-21-006 Staff Report to the CC
- (2) Attachment 2 - Public Notice of the August 23, 2021, Public Hearing



PLANNING AND ZONING STAFF REPORT

MEETING DATE: August 23, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-006
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Replacing outdated references in Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and references to the RM-HD (Multifamily Resident High Density) District with HR-2 (High Density Residential-2) District.

FACTS AND ISSUES:

When the Stonecrest Area Overlay was adopted by the City in 2017 and even when it was amended in November 2019, it included some references to some old DeKalb County Zoning Districts that have been renamed and modified in the Stonecrest Zoning Ordinance. Though the transitional provisions of the Stonecrest Zoning Ordinance, Sec 1.1.11, Table 1.1 recognizes the conversion of prior zoning districts to new established ones, and in particular the conversion of OCR to MU-4 and RM-HD to HR-2, which does protect the city from any misinterpretation of the Overlay, staff recommends that for the sake of the readability and avoid any unnecessary confusion these earlier references should be updated.

In particular, these changes relate to Section 3.5.15.1 – Transitional mixed use zone (Tier IV), subsection C.1. The text should be amended as follows and as indicated in strikethrough and underline:

C. Permitted Principal uses and structures. The principal uses of land and structures shall be authorized in mixed-use developments within Tier IV:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, ~~OCR (Office-Commercial-Residential)~~ MU-4



PLANNING AND ZONING STAFF REPORT

(Mixed Use High Density) District, and ~~RM-HD (High Density Residential) HR-2~~
(High Density Residential-2) District except those listed in B. D., below.

Note that staff recommendations also address an incorrect reference to the prohibited uses listed in section D. The amended text referred to section B which the section numbering in the other Tiers of the Overlay used for Prohibited Uses, but did not apply in Section 3.1.15.

The Planning Commission heard reviewed this text modification on August 3, 2021 and recommended approval as presented by staff.

OPTIONS: Table, Deny, Approve, Approve with modifications

STAFF RECOMMENDED ACTION: Approval

PLANNING COMMISSION RECOMMENDATION: Approval

ATTACHMENTS:

(1) Ordinance 2019-11-001, Stonecrest Area Overlay text and map as approved by City Council in November 2019, see lines 559 and 560 on page 16 of the PDF.

**CITY OF STONECREST CITY COUNCIL,
PUBLIC HEARING: MONDAY, AUGUST 23, 2021 AT 6:00 P.M. *VIRTUAL MEETING
STONECREST CITY HALL, 3120 STONECREST BLVD, SUITE 155
STONECREST, GA 30038**

The following petitions/amendments within the City of Stonecrest are scheduled for Public Hearings as stated above.

Citizens wishing to activity participate and make a comment during the public hearing portion of the meeting please submit their request via email address cityclerk@stonecrestga.gov by noon the day of the hearing, August 23, 2021, and a zoom link for the meeting will be sent to you, or you also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

LAND USE PETITION: RZ-21-002
PETITIONER: Alphabet Daycare c/o Shanteria Vaughn, and Titus Hood
LOCATION: 3174 Miller Rd
PROPOSED AMENDMENT: Proposed rezoning from R-100 (Residential Medium Lot) to OI (Office-Institutional) for a child day care center.

LAND USE PETITION: TMOD-21-005
PETITIONER: Ashbury Automotive Group
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Amendment Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Area Overlay District text to allow automotive dealerships as a permitted use in Tiers 1 and 2, and to amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

LAND USE PETITION: TMOD-21-006
PETITIONER: Planning & Zoning Department
LOCATION: Stonecrest Overlay District
PROPOSED AMENDMENT: Replacing outdated references in the Stonecrest Zoning Ordinance, Chapter 27, Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and RM-HD (Multifamily Resident High Density with HR-2 (High Density Residential-2) District.