



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, January 22, 2024 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Terry Fye - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

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

- I. CALL TO ORDER:** George Turner, Mayor Pro-Tem
- II. ROLL CALL:** Sonya Isom, City Clerk
- III. INVOCATION:**
- IV. PLEDGE OF ALLEGIANCE:** Alecia Washington, District 3 Councilmember
- V. APPROVAL OF THE AGENDA**
- VI. REVIEW AND APPROVAL OF MINUTES**

a. Approval of Meeting Minutes - City Council Meeting, December 11, 2023

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

VIII. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

- a. Public Hearing** - SLUP 23-009 3309 and 3313 Panola Road - *Shawanna Qawiy, Director of Planning & Zoning*
- b. For Decision** - Ordinance for SLUP 23-009 3309 and 3313 Panola Road - *Shawanna Qawiy, Director of Planning & Zoning*
- c. Public Hearing** - SLUP 23-011 5924 Fairington Farms Lane - *Shawanna Qawiy, Director of Planning & Zoning*
- d. For Decision** - Ordinance for SLUP 23-011 5924 Fairington Farms Lane - *Shawanna Qawiy, Director of Planning & Zoning*
- e. Public Hearing** - TMOD 23-004 Food Trucks/Vending, 1st Read - *Shawanna Qawiy, Director of Planning & Zoning*
- f. For Decision** - Ordinance for TMOD 23-004 Food Trucks/Vending, 1st Read - *Shawanna Qawiy, Director of Planning & Zoning*
- g. Public Hearing** - TMOD 23-007 Micro Home Community (MHC) - *Shawanna Qawiy, Director of Planning & Zoning*
- h. For Decision** - Ordinance for TMOD 23-007 Micro Home Community (MHC) - *Shawanna Qawiy, Director of Planning & Zoning*

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

- a.** Appointment of Charter Review Commission Members
- b.** URA Chair Recommendation

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS

- a. For Decision** - Temporary Certificate of Occupancy Fees Update - *Patrick Moran, Chief Building Official*

XIII. NEW BUSINESS

- a.** **For Decision** - City Hall Renovations Vendor Recommendations - *Gia Scruggs, City Manager*
- b.** **For Decision** - GDOT Lighting Agreement for I-285 @ I-20 Eastside Interchange Project - *Hari Karikaran, City Engineer*
- c.** **For Decision** - Salem Park Parking Lot Expansion Construction Contract - *Hari Karikaran, City Engineer*
- d.** **For Decision** - Resolution for SDP 23-001 Highland Park Phase I - Preliminary Plat - *Shawanna Qawiy, Director of Planning and Zoning*
- e.** **For Decision** - Resolution for SDP 23-007 Highland Park Phase I - Final Plat - *Shawanna Qawiy, Director of Planning and Zoning*
- f.** **For Decision** - SLUP 23-012 5924 4083 Spencer Lane - *Shawanna Qawiy, Director of Planning and Zoning*
- g.** **For Decision** - RZ 23-010 6039 Hillandale Drive - *Shawanna Qawiy, Director of Planning and Zoning*
- h.** **For Decision** - FY 2024 Meeting Calendar Update - *George Turner, Mayor Pro Tem*
- i.** **For Decision** - Resolution to Establish the T.I.P.S Committee - *George Turner, Mayor Pro Tem*
- j.** **For Decision** - Resolution to Establish the Finance Committee - *George Turner, Mayor Pro Tem*
- k.** **For Decision** - Ordinance for Committee Text Amendment - *George Turner, Mayor Pro Tem*

XIV. CITY ATTORNEY COMMENTS

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 OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, December 11, 2023 at 7:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

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

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

The meeting began at 7:29pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present.

III. INVOCATION: Rob Turner, District 2 Councilmember

IV. PLEDGE OF ALLEGIANCE: Alecia Washington, District 3 Councilmember

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Tara Graves to approve the December 11, 2023, City Council meeting agenda. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting, November 13, 2023

Motion – made by Councilmember Rob Turner to approve the meeting minutes from the November 13, 2023, Special Called Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

b. Approval of Meeting Minutes - City Council Meeting, November 27, 2023

Motion – made by Councilmember Tammy Grimes to approve the meeting minutes from the November 27, 2023, City Council meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

Faye Coffield – Mentioned that the front door was locked when she arrived. The BP at Klondike and Browns Mill is still a problem and is wondering why there is no requirement for armed post certified security patrol presence like there is for the black owned club near Stonecrest Mall. Suggesting that the city join DeKalb County with the lighting and monitoring system that they are using. Restated that last week Ted Golden mentioned concerns about situations that take place in the public schools system. After giving the Board of Education \$1.2 Million dollars of ARPA funds, suggesting that the city ask the Board of Education to bring in the King Center with their Conflict Resolution Program which is being used in schools. Suggesting looking at up market housing in the area due to the city only receiving low-end housing. She is still waiting for a reply from the city on how much Federal Grant money was received outside of the ARPA funds. Suggesting that the city hold Town Hall Meetings for the public to attend.

Sarah Simpson – Stated Parkway Drive, across from QuikTrip on Lithonia Industrial Boulevard has litter issues and she is trying to connect with the Council members to address the issue.

VIII. PUBLIC HEARINGS

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When it is your turn to speak, please state your name, address and relationship to the case.

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

IX. CONSENT AGENDA

X. APPOINTMENTS & ANNOUNCEMENTS

Mayor Pro Tem Turner congratulated Councilmember Elect Terry Fye on becoming the new representative for District Two.

XI. REPORTS & PRESENTATIONS

XII. OLD BUSINESS**XIII. NEW BUSINESS****a. For Discussion - Food Truck Fees - Tre'Jon Singletary, Senior Planner**

Senior Planner, Tre'Jon Singletary gave a presentation initiating fees for food trucks within the City of Stonecrest. There was a review of facts, issues and fee justification. This is an announcement only which is required to implement a change in fee, and is the last adjustment needed. The 1st Read will be in January 2024 and the 2nd Read will be in February 2024. Mr. Singletary confirmed the permit cost of \$150.00.

b. For Decision - FY23 Budget Amendments - Gia Scruggs, City Manager

City Manager, Gia Scruggs gave a presentation on budget amendments, including an increase in legal fees, due to increased legal services and professional services for Engineering, due to right of way maintenance. The recommended amendment for Professional Services for Engineering is in the amount of \$325,000 and will come from the Parks, Group Insurance line item. The recommended amendment for Legal Services is proposing to use a combination of the City Manager salary line item, Relocation Expense, Group Insurance, Retirement, FICA and Medicare line items totaling \$300,000 to assure that there will be no deficit between these 2 departments.

Motion – made by Councilmember Rob Turner to approve the FY23 Budget Amendments. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

c. For Discussion - Charter Commission Update - George Turner, Mayor Pro Tem

Mayor Pro Tem George Turner gave an update surrounding the Charter Commission. Members for the commission have been appointed by way of the City Council and Mayor and the city is awaiting the two members to be appointed by the General Assembly to represent Stonecrest, including a member from the Senate and the State House. The proposed redistricting map for Stonecrest will change and until that is in place, council chose not to press for the remaining appointments as there will be a different delegation making those appointments. The next step is to set a start date and completion date, which will take place after redistricting.

d. For Discussion - Committee Summary Reports - George Turner, Mayor Pro Tem

Mayor Pro Tem George Turner gave a presentation on Committee Summary Reports. This is normally done at the last meeting of the year by the committee chairs. The meeting minutes will be shared as a summary and will state what happened in each committee for FY23. The format of the Committees will change in FY24. A combination of Committees, a development of AD HOC Committees and two Standing Committees should be available in January 2024.

Mayor Pro Tem announced a date is needed for the first meeting in January to address specific business and it was agreed the meeting will take place on January 2nd at 5:00 pm. This meeting will include the induction of newly elected city officials and the election of Mayor Pro Tem. This will be a Special Called Meeting.

XIV. CITY ATTORNEY COMMENTS

Happy Holidays from Denmark Ashby.

XV. CITY MANAGER UPDATE

Thank you to the staff who have worked throughout the year to get us through all meetings, activities, and the business of the city. We certainly hope that 2024 greets us with even more energy and drive to make this the World Class City that we know it can be.

XVI. MAYOR AND COUNCIL COMMENTS

District 1 – Councilmember Tara Graves – 2023 has been incredible and all Councilmembers along with the Mayor would like to express gratitude to all the committee members for their hard work and dedication. To celebrate, there will be a committee appreciation dinner this Friday, December 15th, 6:00pm at City Hall. There will be a toy giveaway on December 23rd in District 1 at Privy, Stonecrest Mall. Thank you to Council Member Rob Turner for your service to our community and I wish you all the best in your future endeavors.

District 3 – Councilmember Alecia Washington – Would like to wish everyone a very Merry Christmas, be safe, enjoy your family and always remember that Jesus is the reason for the season.

District 5 – Councilmember Tammy Grimes – Wanted to publicly thank Mrs. Hunter, a constituent in District 5, who helps pick up trash. I really appreciate you. On Monday, December 18th, District 5 will have a talk with Tammy from 6:00 pm-7:30 pm in City Hall. To Councilmember Rob Turner, you know how I feel about you. Parents, this is the last week of school for the semester, please make sure your children are at school on time and ready to concentrate on final exams. We need volunteers and support in our public schools. Happy Holidays, Happy Hanukkah, Happy Kwanzaa and Merry Christmas. I know for certain that in 2024 we will all be “Stonecrest Proud”.

Mayor Cobble – Thanks to everyone who came out to Light up Stonecrest, it was a fantastic event. Thanks to staff for working hard all year. Nothing like being able to pivot. Thanks to everyone for working all year long on behalf of city, the staff has been exceptional. We are proud to be a Stonecrest community. Have a great holiday. Have a great New Year. Be safe. We love you and of course stay “Stonecrest Proud.”

District 4 – Mayor Pro Tem George Turner – Announced the loss of Barry Collier, a resident of District 4, who was struck and killed on Thanksgiving Day while out riding his bicycle. Please keep his family in your thoughts and prayers. A hit and run is very serious when you can stop and render aid to save a life. Thank you for FY23 and getting ready for 2024. Hope everyone has a safe Merry Christmas and a Happy New Year.

District 2 – Councilmember Rob Turner – Stated this is his last council meeting and he would like to first thank his Lord and Savior Jesus Christ for blessing him to serve the City of Stonecrest for the last six years. He is very grateful for his goodness, mercy and grace. Very special thanks to his wife Vickie, his children Clint, Chris and Lenny and to the most phenomenal Council and Mayor. He is honored and blessed to have co-labored beside these servant leaders. Tara, Tammy, Alecia, George and Mayor Jazzy you have created memories

in me of eternal value and friendship that I will value the rest of my life. Stonecrest is in great hands and God has for this great city. To the staff and District two for allowing him to serve, it has been a great pleasure. Congratulations to Mr. Fye as he begins his journey on this council, I pray God will bless the labor of his hands. Mr. Turner stated he wanted to leave this scripture with everyone, Numbers 6:24-26. The Lord bless and keep you Stonecrest. The Lord make his face shine upon you Stonecrest and be gracious to you Stonecrest. The Lord lift up his countenance upon you Stonecrest and give you peace Stonecrest. Have a great and safe Christmas. As we celebrate the birth of our Lord and Savior Jesus Christ and that 2024 will be the best years of your life. Stonecrest Strong and Stonecrest Proud. Thank you.

XVII. EXECUTIVE SESSION

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

Motion – made by Councilmember Rob Turner to enter Executive Session for personnel matters. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to come out of Executive Session and return to the regular scheduled council meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Rob Turner to approve the minutes from the Executive Session. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

XVIII. ADJOURNMENT

Motion – made by Councilmember Rob Turner to adjourn the City Council Meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

The meeting adjourned at 8:25pm.

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP 23-009 3309 & 3313 Panola Road

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 11/27/23 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director of Planning and Zoning

PURPOSE: Applicant is seeking a Special Land Use Permit (SLUP) to construct a Place of Worship.

FACTS: The subject properties are currently zoned R-100 (Residential Medium Lot 100) off of Panola Road. The subject properties are surrounded by properties zoned R-100 to the north, south and east. The property to the west of the subject properties are zoned RSM (Residential Small Lot Mix). According to Table 4.1 Use Table, a SLUP is required for Places of Worship for residentially zoned districts.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Deny Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: SLUP23-009

ADDRESS: 3309 and 3313 Panola Road

DISTRICT: 3 – Councilwoman Alecia Washington

FIRST CYCLE MEETING DATES: October 12, 2023 (CPIM) | November 8, 2023 (PC) | November 27, 2023 (MCC)

SECOND CYCLE MEETING DATES: December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

Summary: Applicant is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

STAFF RECOMMENDATION: DENIAL

PLANNING COMMISSION RECOMMENDATION: DENIAL | 3 Yays and 1 Nay

PROPERTY INFORMATION	
Location of Subject Property: 3309 and 3313 Panola Road	
Parcel Number: 16 022 01 004 and 16 022 01 246	
Road Frontage: Panola Road	Total Acreage: 3.55 +/-
Current Zoning: R-100 (Residential Medium Lot)	Overlay District: N/A
Future Land Use Map/ Comprehensive Plan: Suburban Neighborhood (SN)	
Zoning Request: Applicant is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Darrell Johnson
Applicant Address: 3375 Glenwood Road Decatur, GA 30032
Property Owner Name: CCC Christ Gospel Parish
Property Owner Address: 3309 and 3313 Panola Road

PUBLIC PARTICIPATION (CPIM)

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There were approximately two (2) community members that spoke in favor of the petition, which are members of the place of worship at a different location. There were approximately five (5) community members that spoke in opposition to the petition. The opposition concerns were:

- Proximity to existing, neighboring place of worship;
- Traffic increase possibilities and safety measures; and
- Potential land locking an adjacent property.

DETAILS OF ZONING REQUEST

Since the city's incorporation, the sites have been zoned R-100 (Residential Medium Lot-100). The Applicant is proposing to develop and operate a Place of Worship (POW) on subject property. Within a one-mile radius of subject property, there are approximately three (3) existing Places of Worship. The Applicant went before Mayor and City Council (MCC) on November 27, 2023. MCC informed staff to take the Applicant through the entire process again to ensure the community concerns were heard by Applicant and staff. During the December 's Community Planning Information Meeting (CPIM), the Applicant did inform the community and staff that the number of seating has been reduced from 300 to 150.

POW are defined as a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

In [Section 4.2.42](#) of Chapter 27, it elaborates on regulations for POW that are located within residential zoned district. The regulations are as follows:

1. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
2. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
3. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
4. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.

- 5. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- 6. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

ADJACENT ZONING & LAND USE		
NORTH	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
SOUTH	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
EAST	Zoning: R-100 (Residential Medium Lot-100)	Land Use: Single-Family Dwelling
WEST	Zoning: RSM (Small Lot Residential Mix)	Land Use: Single-Family Dwelling

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

The site is currently developed with one (1) road frontage (Panola Road). There aren't floodplain and/or state waters on the subject property.

SPECIAL LAND USE PERMIT ZONING CRITERIA

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
3. Adequacy of public services, public facilities, and utilities to serve the proposed use;
4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
7. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use
8. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
9. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
10. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;
11. Whether the proposed use is consistent with the policies of the comprehensive plan;

12. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;
13. Whether there is adequate provision of refuse and service areas;
14. Whether the length of time for which the special land use permit is granted should be limited in duration;
15. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
18. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and
19. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

RECOMMENDATION(S)

Staff recommends **DENIAL** for the following reason(s):

1. The applicant has not submitted the requested updated site-plan;
2. The applicant has not submitted the requested updated letter of intent; and
3. The applicant has not submitted the requested traffic study.

Attachments Included:

- **CPIM Minutes – October 12, 2023 (First Cycle)**
- **PC Minutes – November 8, 2023**
- **CPIM Minutes – December 14, 2023 (Second Cycle)**
- **PC Minutes – January 2, 2024**
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Photo**
- **Site Plan/Survey**
- **Renderings/Elevations**
- **Letter of Intent**

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

October 12, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing October 12, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. **Introductions:** Senior Planner Tre'Jon Singletary and Planning Administrative Technician Cobi Brown were in attendance.

II. **Presentations:** Upcoming Cases Presented by Senior Planner Tre'Jon Singletary.

- **RZ23-005**
- **RZ23-006**
- **SLUP23-009**

III. **Presentations**

Senior Planner Tre'Jon Singletary Presented **RZ23-005, RZ23-006, and SLUP23-009**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

RZ23-005

1982 Phillips Road

Lucretia Ramsey

Petitioner is seeking to modify zoning condition(s) from CZ-85127 to allow attached dwellings (duplex).

Facts and Background-

- Subject property was rezoned under Dekalb County in 1985.

- Subject property is currently vacant/undeveloped
- Applicant desires to developed a duplex (attached dwelling)
- The current zoning of subject property (RSM), permits attached dwellings.
- Conditions from rezoning case, CZ-85127 prevents applicant from constructing a duplex

Future Land Use- Suburban Neighborhood (SN)

Zoned- RSM- Small Lot Residential Mix

CZ-85127 Conditions

FILE COPY 254

REV. 12/84

DEKALB COUNTY
BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE September 24, 1985

PREL. <input type="checkbox"/> ACTION <input type="checkbox"/> PUB. HEAR. <input checked="" type="checkbox"/>	ITEM NO. <u>11</u> RESOLUTION <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> PROCLAMATION <input type="checkbox"/>
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SUBJECT: Rezoning Application - Thomas A. Arnold, Jr., and Cunningham Properties, Inc.

DEPARTMENT: <u>Planning</u>	PUBLIC HEARING: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ATTACHMENT: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> B pp	INFORMATION CONTACT: <u>Mac Baggett or Charles Coleman</u> PHONE NUMBER: <u>371-2158</u>

PURPOSE: CZ-85127 - To consider the application of Thomas A. Arnold, Jr., and Cunningham Properties, Inc., to rezone property located on the north side of Marbut Road, approximately 450' east of Phillips Road, from R-100 to R-45 (42 acres) and RM-100 (30 acres) (conditional). The application is conditioned by a site plan.

DISTRICT: 1. 2. 3. 4. 5. N/A

SUBJECT PROPERTY: 16-102-2-2, 4 & 5; 16-123-2-5 (6386 Marbut Road). The property has frontage of approximately 2,000' on Marbut Road, 850' on Phillips Road and contains 92 acres, more or less.

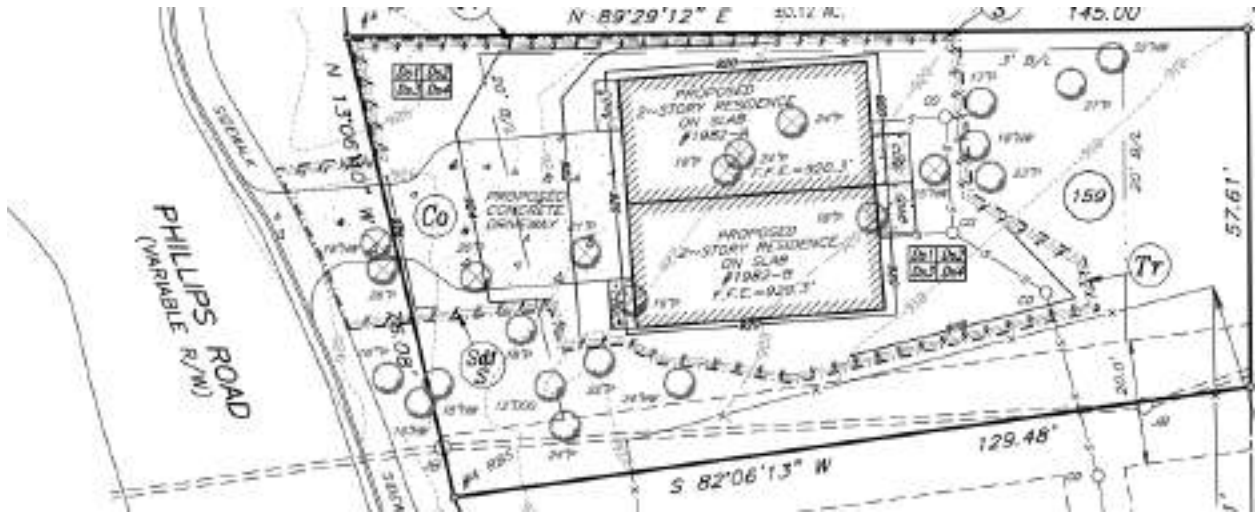
RECOMMENDATION(s): PLANNING DEPARTMENT: Approval with condition (revised 8/3/85). The application has been amended with the attached plan which identifies the location and land area of the two requested zoning districts. Staff supports the RM request as it will provide an intermediate category between the industrial park and the single family developments on Marbut Road. The request for R-45 is supported as being consistent with zoning on Marbut and Phillips Roads. The condition applied to the R-45 recommendation is that one-third of all units having access to Phillips Road be constructed with a 1,300 square-foot minimum floor area. Staff does not support approval of the attached plan because it does not comply with the Subdivision Ordinance relative to lengths of cul-de-sacs. The design will double the route for vehicles which provide county services to the development.

NOTE: Conditions applied to the R-45 zoning at the northwest corner of Marbut and Phillips are as follows:

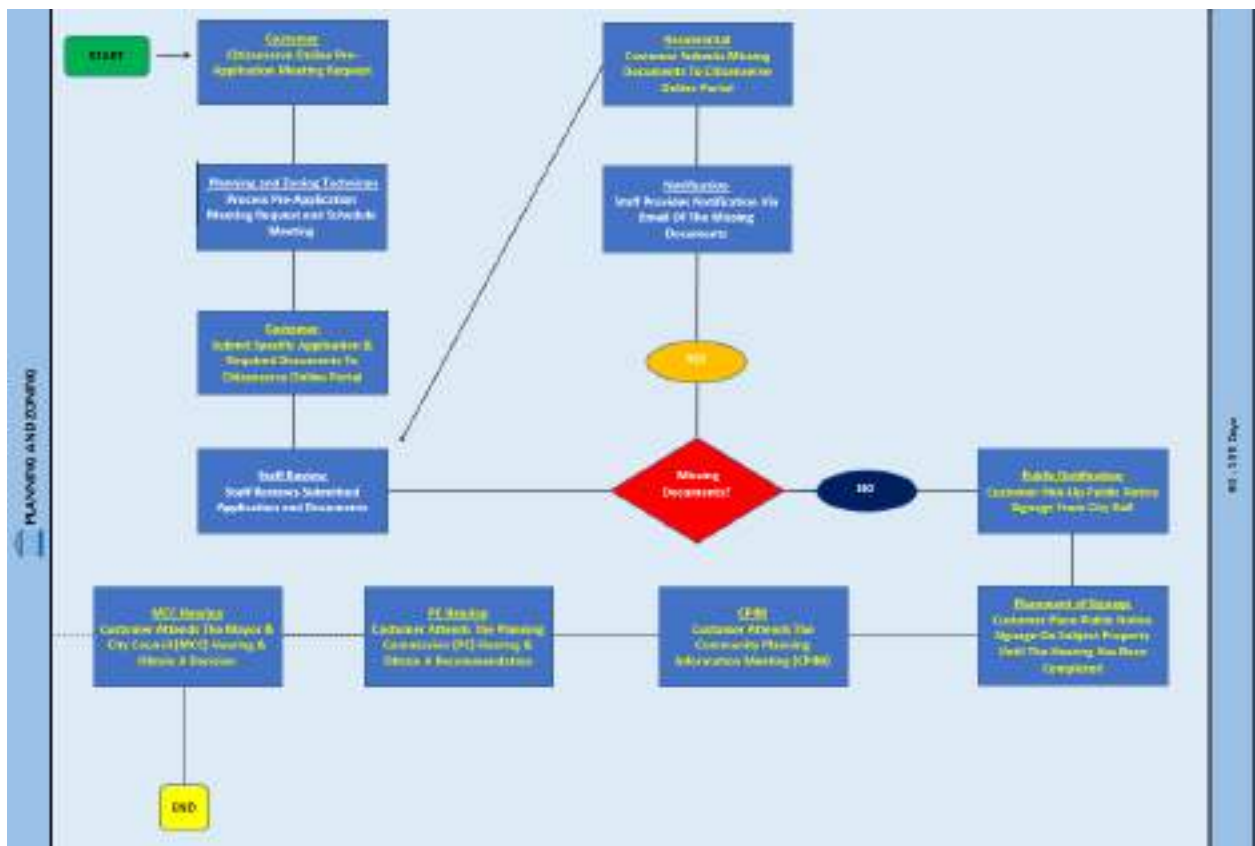
1. Detached residential at 4.5 units per acre.
2. Houses to face Phillips Road.
3. No vinyl or aluminum siding.

PLANNING COMMISSION: Denial.

COMMUNITY COUNCIL: Denial of RM-100; approval of R-45 for entire tract subject to a 1,400 square-foot minimum.



Zoning Modification Process



Lucretia Ramsey the applicant was called to the stand. She mentions that she has been a real estate agent for 39 years. The duplex will look similar to the design of a townhouse. She plans to have her daughter in one side of the dwelling. She would like the condition to be removed so she can enhance the Stonecrest community. Both dwellings will have three bedrooms, two and a half bathrooms, and a one-car garage.

Eric Huff a resident who lives right across from the location of the proposed development came to the stand. He asked about the number of dwellings proposed to be placed on the land with consideration of the 4.5 acreage

Lucretia Ramsey stated that it will be one.

Rosetta Taylor a resident of the city came to the stand and asked if the condition that was established by Dekalb County (before the incorporation of the city in 2017) supersedes the City's code.

Tre'Jon Singletary Senior Planner answered that it does.

RZ23-006

7467 Covington Highway

Floyd Sullivan

Petitioner is seeking to rezone subject property from R-75 (Residential Medium Lot -75) to C-1 (Local Commercial).

Facts and Background-

- Applicant is proposing to rezone to operate electrical business and use as office space
- Surrounding uses are:
 - Place of Worship
 - Tire Shop
 - Auto Parts Retail Store

Future Land Use- City Center (CC)

Future Land Use/Character Area Permitted Districts

Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Commercial	Neighborhood Center (NC) Townhomes; Condominiums; Apartments; Local Retail and commercial; Office; Park & Rec; Institutional; Civic	Up to 24	MU 1-2-3, MR-1-2, NS, CL, OI, OIT, RSM
	City Center (CC) Condominiums; Apartments; Retail and Commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care	Up to 40	MU 1-2-3-4-5, MR-1-2, HR 1-2, CL, CZ, OI, OIT, RSM
	Regional Center (RC) Townhomes; Condominiums; Apartments; Retail and commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care, Technology Centers	Over 50	MU 1-2-3-4-5, HR 1-2-3, CL, CZ, OI, OIT
	Office Professional (OP) Business Parks; Research and Development; Mixed Use Structure, Self-storage units, Technology Centers and Corporate Headquarters	N/A	MU 1-2-3, NS, CL, OI, OIT
Industrial	Light Industrial (M-LI) Warehouse Distribution; Wholesale/Trade; Automotive; Entertainment	N/A	OD, C2, MU 4-5, M
	Heavy Industrial (M-HI) Manufacturing; Warehouse Distribution; Wholesale/Trade; Automotive	N/A	OD, C2, M, M2

Figure LU-08 – Character Area/Land Use Summary—Continued

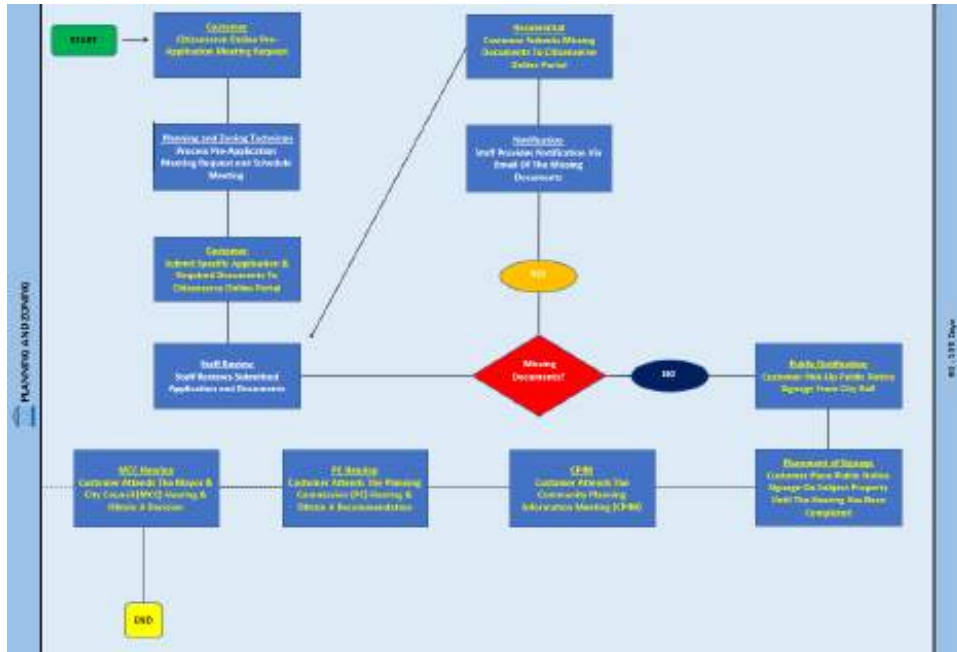
Zoned- R-75 Residential Medium Lot

Aerial Map and Site Photos-



Submitted Site Plan-

Rezoning Process-



Floyd Sullivan owner of the business came the stand. He mentions that he has enhanced the property and modified the building after purchasing so it will no longer be an eyesore in the area. He just needs it to be rezoned so he can operate legally.

Rosetta Taylor his representative added that the rezone will bring future employment opportunities to the area and apprenticeships for the youth to learn about electrical services. It will be great for the community.

There were no attendees to speak for or against the petition.

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background-

- Applicant is proposing to operate a Place of Worship (POW) at subject property
- The POW will be approximately 10,500 sq ft
- The POW will have approximately 300 seats
- Total acres is 3.7 +/-
- Vacant/undeveloped land

Future Land Use- Suburban Neighborhood (SN)

Zoned- R-100 – Residential Medium Lot

POW Permitted Zoning Districts

Use	KEY: P - Permitted use Pa - Permitted as an accessory use						
	RE	RLG	R-100	R-65	R-25	R-60	RSM
Places of worship:	SP	SP	SP	SP	SP	SP	SP

Aerial Map and Submitted Site Plans-

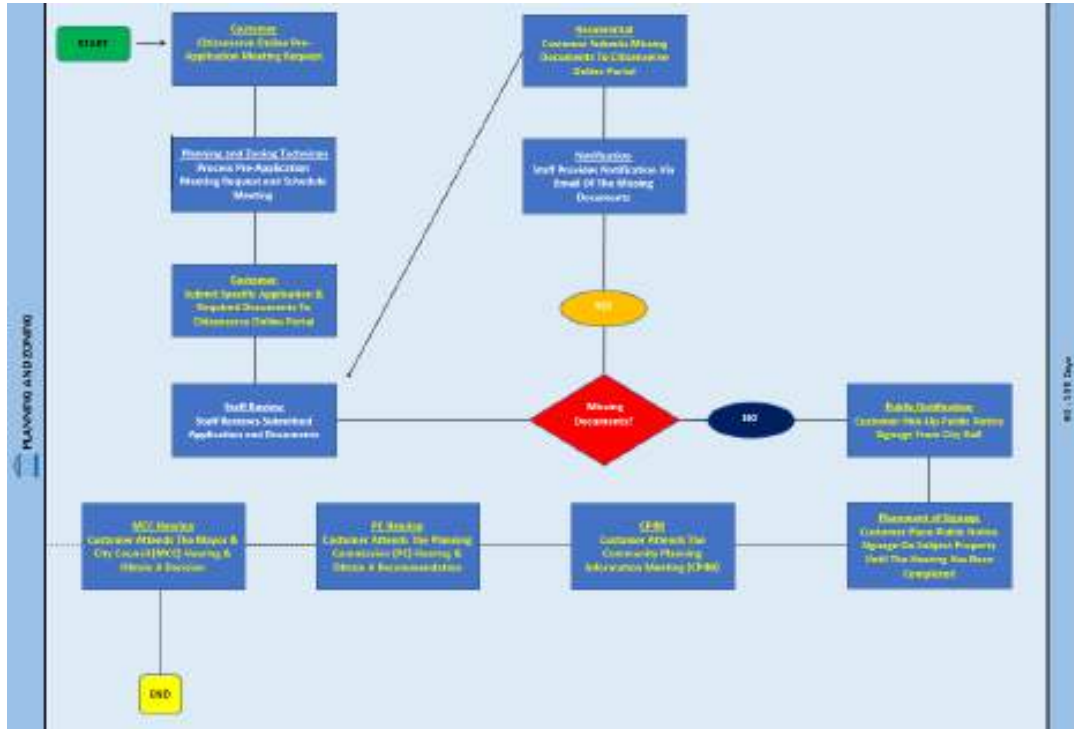


Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit (SLUP) Process



Micheal Ajibade a representative came to the stand. He stated that the structure will beautify the environment and be a welcome addition to the neighborhood.

There were no attendees to speak for or against the petition.

Upcoming Meetings

- Public Hearing will be held for presented items during:
 - **Planning Commission**
 - November 7, 2023 (tentatively change to Nov. 8th due to Election Day)
 - 6 PM
 - Council Chamber
 - **Mayor & Council**
 - November 27, 2023
 - 6 PM
 - Council Chamber

Meeting ended at 6:22 p.m

PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

November 8, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:00 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District I), Commissioner Joyce Walker (District 2), Commissioner Pearl Hollis (District 4), and Commissioner Lemuel Hawkins (District 5) were present.

Planning Deputy Director Matthew Williams and Planner Abeykoon Abeykoon were in attendance. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

- III. **Approval of Minutes: The Planning Commission Meeting Minutes Summary dated October 3, 2023.** Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated **October 3, 2023** by Commissioner Hollis. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Williams motioned to **APPROVE THE AGENDA**. Commissioner Hollis seconded the motion. The motion was unanimously **APPROVED**.
- V. **Presentations: Upcoming Cases Presented by Deputy Director Matthew Williams**
 - **RZ-23-005**
 - **RZ-23-006**
 - **SLUP-23-009**

VI. **Old Business:** N/A

VII. **Announcements:** N/A

VIII. Presentations

*Planning and Zoning Deputy Director Matthew Williams Presented **RZ-23-005, RZ-23-006 and SLUP23-009***

RZ23-005

1982 Phillips Road

Lucretia Ramsey

Petitioner is seeking to modify zoning condition(s) from CZ-85127 to allow attached dwellings (duplex).

Future Land Use- Suburban Neighborhood

RSM Small Lot Residential Mix

Facts and Background

- Subject property was rezoned under Dekalb County in 1985.
- Subject property is currently vacant/undeveloped.
- Applicant desires to develop a duplex (attached dwelling)
- The current zoning of the subject property (RSM) permits attached dwellings.
- Conditions from rezoning case, CZ-85127 prevents applicant from constructing a duplex.

CZ-85127 Conditions

FILE COPY 254

REV. 12/84 DEKALB COUNTY BOARD OF COMMISSIONERS

ZONING AGENDA/MINUTES

MEETING DATE September 24, 1985

PREL. <input type="checkbox"/> ACTION <input type="checkbox"/> PUB. HRG. <input checked="" type="checkbox"/>	RESOLUTION <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> PROCLAMATION <input type="checkbox"/>
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SUBJECT: Rezoning Application - Thomas A. Arnold, Jr. and Cunningham Properties, Inc.

DEPARTMENT: Planning PUBLIC HEARING: Yes No

ATTACHMENT: Yes No B pp INFORMATION CONTACT: Mac Baggett or Charles Colman
PHONE NUMBER: 371-2156

PURPOSE: CZ-85127 - To consider the application of Thomas A. Arnold, Jr., and Cunningham Properties, Inc., to rezone property located on the north side of Marbut Road approximately 450' east of Phillips Road, from R-100 to R-A5 (42 acres) and RM-100 (30 acres) (conditional). The application is conditioned by a site plan.

DISTRICT: 1. 2. 3. 4. 5. N/A

SUBJECT PROPERTY: 16-102-2-2, 4 & 5; 16-123-2-5 (6386 Marbut Road). The property has frontage of approximately 2,000' on Marbut Road, 850' on Phillips Road and contains 92 acres, more or less.

RECOMMENDATION(s): PLANNING DEPARTMENT: Approval with condition (revised 9/3/85). The application has been amended with the attached plan which identifies the location and land area of the two requested zoning districts. Staff supports the EM request as it will provide an intermediate category between the industrial park and the single family developments on Marbut Road. The request for R-A5 is supported as being consistent with zoning on Marbut and Phillips Roads. The condition applied to the R-A5 recommendation is that one-third of all units having access to Phillips Road be constructed with a 1,300 square-foot minimum floor area. Staff does not support approval of the attached plan because it does not comply with the subdivision ordinance relative to lengths of cul-de-sacs. The design will double the route for vehicles which provide county services to the development.

NOTE: Conditions applied to the R-A5 zoning at the northwest corner of Marbut and Phillips are as follows:

1. Detached residential at 4.5 units per acre.
2. Houses to face Phillips Road.
3. No vinyl or aluminum siding.

PLANNING COMMISSION: Denial.

COMMUNITY COUNCIL: Denial of RM-100; approval of R-A5 for entire tract subject to a 1,400 square-foot minimum.

Use	RE	FLG	R-100	R-85	R-75	R-60	RSM
Dwelling, two-family							P



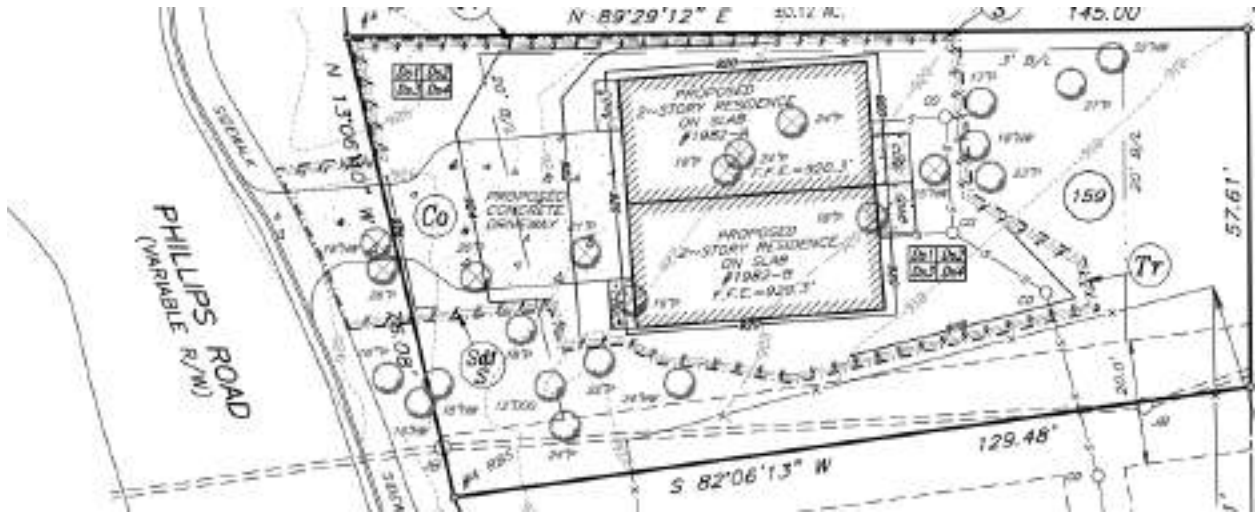
Site Plans-

GENERAL NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

LEGEND:
 1. EXISTING DRIVE
 2. EXISTING DRIVE
 3. EXISTING DRIVE
 4. EXISTING DRIVE
 5. EXISTING DRIVE
 6. EXISTING DRIVE
 7. EXISTING DRIVE
 8. EXISTING DRIVE
 9. EXISTING DRIVE
 10. EXISTING DRIVE

PRISTINE
 ARCHITECTURAL FIRM
 1234567890
 1234567890

LUCRETIA RAUSEY
 ARCHITECTURAL FIRM
 1234567890
 1234567890



Property Renderings-



www.houseplans.pro
Brubler & Associates, Inc. building designers •
1304 SW Barlow Blvd. Portland, Oregon 97219 (503-346-3222)

Staff's Recommendations-

- Approval of Modification of Condition 1

Lucretia Ramsey the applicant came to the stand. She is a resident and realtor in the area who has also worked on another property in Stonecrest. She believes that this property will enhance the city. Her daughter will live in one side and she will rent out the other. It is not your typical duplex, but it is more designed to look similar to a townhouse. She is in the correct zoning, just needs the modification removed.

Commissioner Hollis asked if she spoke with neighbors about the project.

Lucretia Ramsey stated that she did speak with the neighbors. One of the residents she spoke to came to the first meeting and was excited about the project. She also believes it will lead to an enhancement.

Commissioner Walker asked if there would be other things involved along with the proposed project and or if anything different would be used

Lucretia Ramsey stated some of the materials that will be used and that it will be nice. She also mentioned that there have been a lot of townhomes that have been built over the years in the city

Chairman Hubbard motioned to open a Public Hearing. **Approved** by unanimous vote.

There were none to speak for or against the application. Public hearing was closed.

Commissioner Hollis complimented on the renderings for the proposed project

Commissioner Hawkins asked about the off-street parking requirements because the renderings of the duplex featured two one-car garages (one for each side of the duplex).

Deputy Director Matthew Williams stated that the requirements are met because there are also parking pads in front of the garages.

Chairman Hubbard made a motion to recommend approval of this application to City Council. The motion was moved by Erica Williams and **APPROVED** by unanimous vote.

RZ23-006

7467 Covington Highway

Floyd Sullivan

Petitioner is seeking to rezone the subject property from R-75 (Residential Medium Lot -75) to C-1 (Local Commercial). Future Land Use- Suburban Neighborhood

R-75 Residential Medium Lot

Future Land Use- City Center (CC)

Facts and Background

- Applicant is proposing to rezone to operate electrical business and use as office space

- Surrounding uses are:
 - Place of Worship
 - Tire Shop
 - Auto Parts Retail Store

City of Stonecrest
Comprehensive Plan 2038

“The City of Innovation and Excellence”



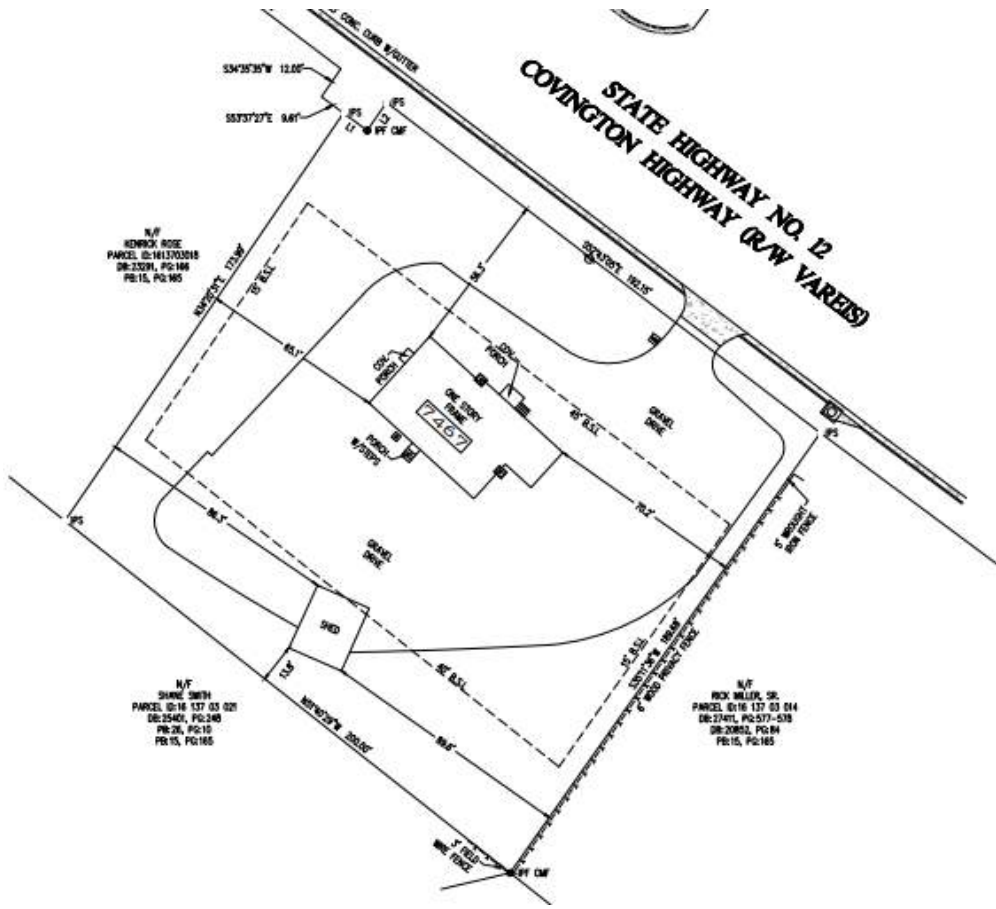
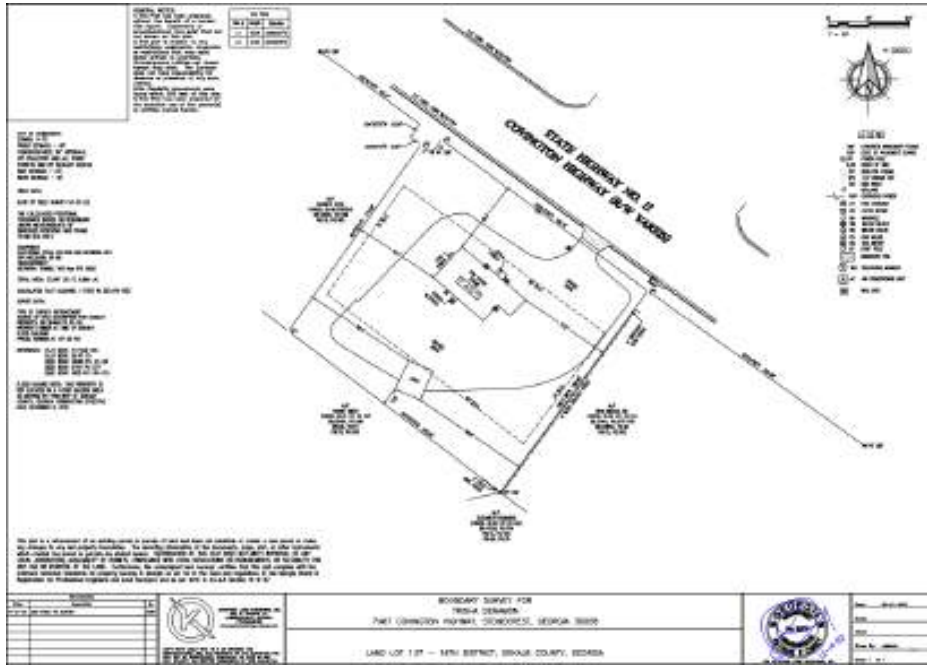
COMPREHENSIVE PLAN ELEMENTS **LAND USE**

Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts	
Commercial	Neighborhood Center (NC)	Townhomes; Condominiums; Apartments; Local Retail and commercial; Office; Park & Rec; Institutional; Civic	Up to 24	MU 1-2-3, MR 1-2, NS, C1, OI, OIT, RSM
	City Center (CC)	Condominiums; Apartments; Retail and Commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care		MU 1-2-3-4-5, MR 1-2, NS, C1, OI, OIT, RSM
	Regional Center (RC)	Townhomes; Condominiums; Apartments; Retail and commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care; Technology Centers	Over 60	MU 1-2-3-4-5, HR 1-2-3, C1, C2, OI, OIT
	Office Professional (OP)	Business Parks; Research and Development; Mixed Use Structure, Self-storage units, Technology Centers and Corporate Headquarters	N/A	MU 1-2-3, NS, C1, OI, OIT
Industrial	Light Industrial (M-LI)	Warehouse Distribution; Wholesale/Trade; Automotive; Entertainment	N/A	OO, C2, MU 4-5, M
	Heavy Industrial (M-HI)	Manufacturing; Warehouse Distribution; Wholesale/Trade; Automotive	N/A	OO, C2, M, M2

Figure UJ-06—Character Area/Land Use Summary—Continued



Submitted Site Plans-



Staff recommends the following:

- **APPROVAL with conditions**

1. The project shall conform substantially to the attached site plan; and
2. Prior to the issuance of a Certificate of Occupancy, the Applicant shall apply for and receive a Business License.

Commissioner Hawkins asked about the number of work trucks that will be stored on the property

Deputy Director Matthew Williams stated that the city does not require screening for C-1 zoning districts. He deferred to the applicant for the number of company vehicles.

Commissioner Hollis asked if they would be able to view the new site plan when it is submitted

Matthew Williams stated that after approval the site plan will be evaluated internally by staff

Commissioner Walker asked for Matthew Williams to expound on the concept of the city center and if residential properties are also in this area. She also asked if they had any public meetings to discuss the project.

Matthew Williams defined City Center and also explained that there are residential properties in the area and that they attended the Community Planning Information Meeting.

There was a motion to open public hearing. It was moved unanimously.

Floyd Sullivan the applicant came to the stand. He stated that he had been doing electrical work for 17 years and this is the first property he has owned. He currently owns three vans. There is enough space to park in the back of the property if needed. He also mentioned that they have new employees.

Chairman Hubbard asked if he was in agreement with the conditions placed on the applications.

Floyd Sullivan stated that he is willing to comply with any requirement asked. He wants to contribute to enhancing the community and he has contributed so far

There was no one to speak for or against the application.

Public Hearing was closed.

Commissioner Hawkins made a motion to recommend **APPROVAL** to the city council. It was seconded by Commissioner Williams and **APPROVED** unanimously.

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship
R-100 Residential Medium Lot

Future Land Use- Suburban Neighborhood (SN)

Use	RE	RLG	R-100	R-85
Places of worship	SP	SF	SP	SP

Facts and Background

- Applicant is proposing to operate a Place of Worship (POW) at subject property
- The POW will be approximately 10,500 sq ft
- The POW will have approximately 300 seats
- Total acres is 3.7 +/-
- Vacant/undeveloped land

Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 33 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thruway or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Site Plans-



Renderings-

PROPOSED NEW CHURCH BUILDING FOR
CELESTIAL CHURCH OF CHRIST
3309 & 3313 PANOLA RD, STONECREST, GA

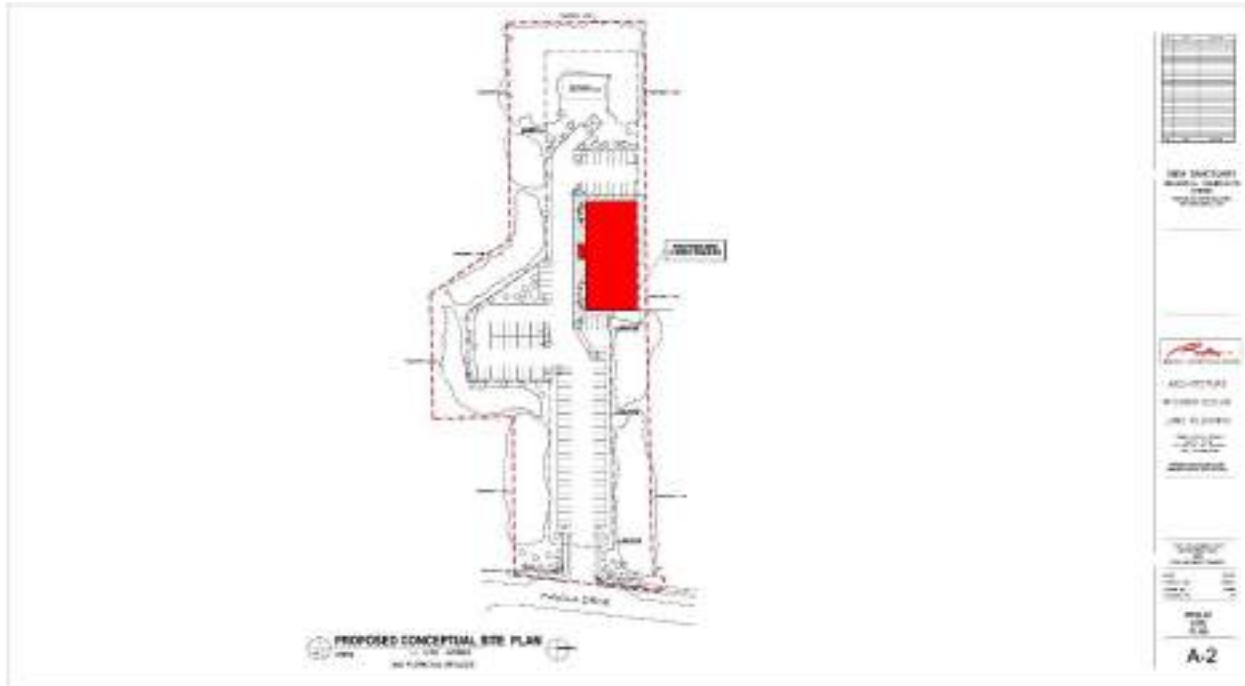


OWNER
CELESTIAL CHURCH OF CHRIST
PASTOR FUTURENE

ARCHITECT
Royce
ROYCE ARCHITECTURE

100% PRELIMINARY DESIGN - SCHEDULE 1 - NOT SILEED





Staff recommends the following:

- **Approval with condition(s):**

1. Applicant must submit a Lot Consolidation (Minor Plat) Application prior to LDP (Land Disturbance Permit) being issued;
2. Applicant must comply with parking regulations in [ARTICLE 6. - PARKING](#); and
3. The proposed development shall be within general conformity with the applicant's submitted survey/site plan (dated 07-16-2023).

Three additional conditions were obtained from the city's engineer

- 4) Add an acceleration and deceleration lane off of Panola Road
- 5) Dedicate a portion of the property that is in line with neighboring property for the roadway dedication
- 6) Reposition the Detention Pond for better water flow

Commissioner Walker asked about the number of churches in the area and the other construction projects in the area. She also asked about the time frame of the development.

Deputy Director Matthew Williams stated that the ingress and egress requirements should help alleviate traffic if the site is developed.

Commissioner Williams asked about the buffer requirement for noise considering that the proposed project is near a neighborhood.

A motion was made to open a public hearing which was moved and approved by a unanimous vote.

Darrel Johnson, a representative of the applicant came to the stand. He stated that there is a 50-80 ft buffer between the proposed church and surrounding properties. They are speaking with a surveyor about merging the properties. The detention pond will be evaluated further during the Land Disturbance Permit application stage, but it is located at the lowest point of the property. They will ensure that there are no increased flows on the property. They can add acceleration and deceleration lanes to the project. Expecting traffic on Wednesday, Friday, and Sunday but the lanes should assist with that.

Commissioner Hollis stated that she had no objections to the church being there and them confirming to the requirements of the staff

Commissioner Walker asked about the size of the church (10,000 sqft) and its contribution to the traffic.

Matthew Williams stated that the deceleration and acceleration lane should help with the traffic

He was also able to find that there is a church located 1 mile south of the proposed project and another church 500 feet from the proposed property.

Chairman Hubbard made a motion to recommend Approval to the city council. It was seconded by Commissioner Hollis and **APPROVED** by a unanimous vote.

IX. Announcements:

N/A

The meeting ended at 6:44 PM

APPROVED:

James G. Zahrad

01-02-24

CHAIRMAN

Date

ATTEST:

Cheri Koon

1/02/2024

SECRETARY

Date

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletray, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stoncrest, GA 30038
10/22/2023

City of Stoncrest
3120 Stoncrest Blvd.
Stoncrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stoncrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038
[REDACTED]
[REDACTED]



Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy. Ste 4000
Altamonte Springs, FL 32701

407-645-9088
interplan.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

Chick-fil-A is proposing the demolition of an existing ~3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding face to face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order/Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility I C, due to the lack of a by-pass lane.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.2, C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23 - Drive-through facility, minimum.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within or near of a residential zoning property, all measured from any street or easement to the nearest line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than 1,000 square feet in area, unless part of a mixed-use development. Marking spaces for parking shall be provided for the drive-through vehicle in accordance with 4.2.2.2 of this chapter.
- C. Drive-through lanes and service windows shall be elevated above the ground level of the site or rear of the building.
- D. Drive-through lanes and other structures, where present, shall be constructed from the same materials as the primary building and with similar level of architectural quality and detailing.
- E. Speaker cones that are directed away from any adjacent residential property and their square footage shall not exceed 100 square feet, and shall be enclosed in a sound-dampening enclosure. Speaker cones that do not play music but that only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shielded and directed so as to be directed away from any adjacent residential property.
- G. Marking spaces shall be provided for any vehicle using a drive-through facility or other drive-through facility and parking spaces in accordance with the following requirements. Marking spaces shall be a minimum of 14 feet wide and 20 feet long. Marking spaces shall begin at the facade of the drive-through facility or the drive-through service window.
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three marking spaces for each window or drive-through service facility. The following provisions shall apply to marking spaces and drive-through facilities:
 - 1. Drive-through lanes shall not provide an area of vehicle movement, stop, or control or pass-through of drive-through lanes, and shall not include a preliminary vehicle control when provided by yellow lines, cones, and bollards on one side of a building.
 - 2. Drive-through lanes shall be separated by curbing or curbing from off-street parking areas. Individual lanes shall be marked, marked in advance of the drive-through.
 - 3. All drive-through facilities shall include a separate lane with a minimum width of 14 feet, by which staff may manage assistance to drive-through facility without blocking or the drive-through lane. This space shall not be used as a service drive lane.
 - 4. Drive-through lanes shall be set back five feet from all streets and roadway right-of-way lines.
 - 5. Owner and operator are responsible for daily trash clean-ups around the property where free of trash, litter, and debris.
 - 6. Drive-through restaurants and other uses be located within 500 feet of an emergency, visible, or high school.
 - 7. Drive-through restaurants shall be subject to the same rules and regulations as all other commercial uses on a specific lot and use permit. A requirement the facility use street at least part of the following criteria:
 - a. Facility is located within 500 feet of an intersection of major arterial street and minor arterial street, or within 100 feet of an interstate highway interchange does not require a special use permit.
 - b. Facility is adjacent to throughway service access to through a shared driveway.
 - c. Facility is part of a major redevelopment, as defined in Section 4.2.1.1.
 - d. Distance shall be measured from the right-of-way of the arterial or interstate street or road to the outside of the radius, along the intervening street right-of-way to the nearest property line.

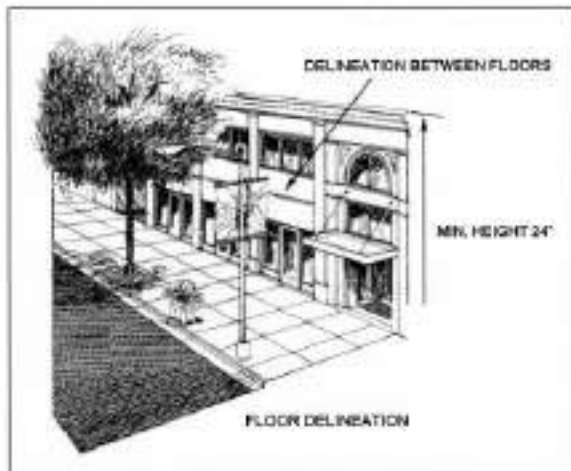
Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2 - Accessory buildings, structures and uses, location, yard and building restrictions.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the accessory structure is connected to water and sewer.
- C. Yard and setbacks.
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of all types of machines which are also allowed in the front or side yard.
 - 2. Accessory structures may not encroach in the six-month yard setback for the structure which they are accessory.
 - 3. Accessory buildings or structures shall meet the minimum yard setback for the district or use type, whichever is less, and shall not be located closer than one foot to a rear lot line or any side lot.
 - 4. Backset yard setbacks to the primary residential structure or structure adjacent to an existing driveway of the primary residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No setback yard shall be needed to such a degree that the play area for the basketball goal is located within any portion of a public right-of-way.
 - 5. Additional supplemental requirements in this article regarding minimum yard setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot rear yards. Where the rear yard of a corner lot abuts onto the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer than one-half right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a residential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a driveway, alleyway, or other means, the accessory building or structure shall comply with the setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools. An accessory structure in a residential district shall be measured from the edge of the deck to the adjacent property line. The part of the deck for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Height. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited in the lesser of 20 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory building that is accessory to a single-family residential, or three-family residential structure shall not exceed the maximum floor area set forth in Table 4.2.2.000B.

Stonecrest Overlay District Design Guidelines Exhibit 16: Architectural Delineation



- 3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philippe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November’s Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 -Residential Medium Lot

POW Permitted Zoning Districts

City of Jacksonville										City of Jacksonville - Planning and Zoning Division										
City of Jacksonville										City of Jacksonville - Planning and Zoning Division										
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

Aerial Map



WYS AREA CALCULATIONS
 LOT AREA: 1.4770 AC
 BUILDING AREA CALCULATIONS
 TOTAL BUILDING AREA: 1.1600 AC (24,000 SQ FT)
ZONING
 DISTRICT: R-10 (RESIDENTIAL SINGLE-FAMILY)
 SETBACKS
STREETScape REQUIREMENTS

CELESTIAL CHURCH OF CHRIST
CONCEPT PLAN
 CSP3

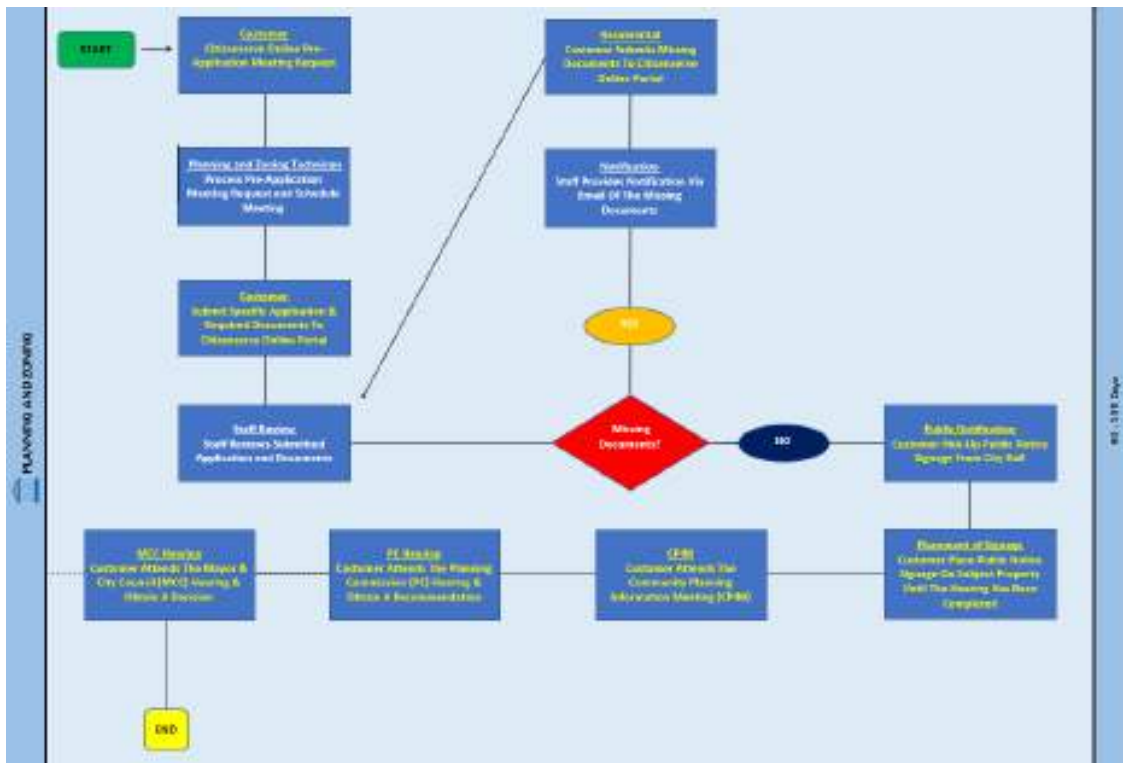


Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit



Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petiton. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Halloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
1. The owner/operator of the business must reside on the premises.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 8.1.5](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [section 4.2.31](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennel's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clark -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkerson R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 8032 Faring Drop in the Farrington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children.

We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

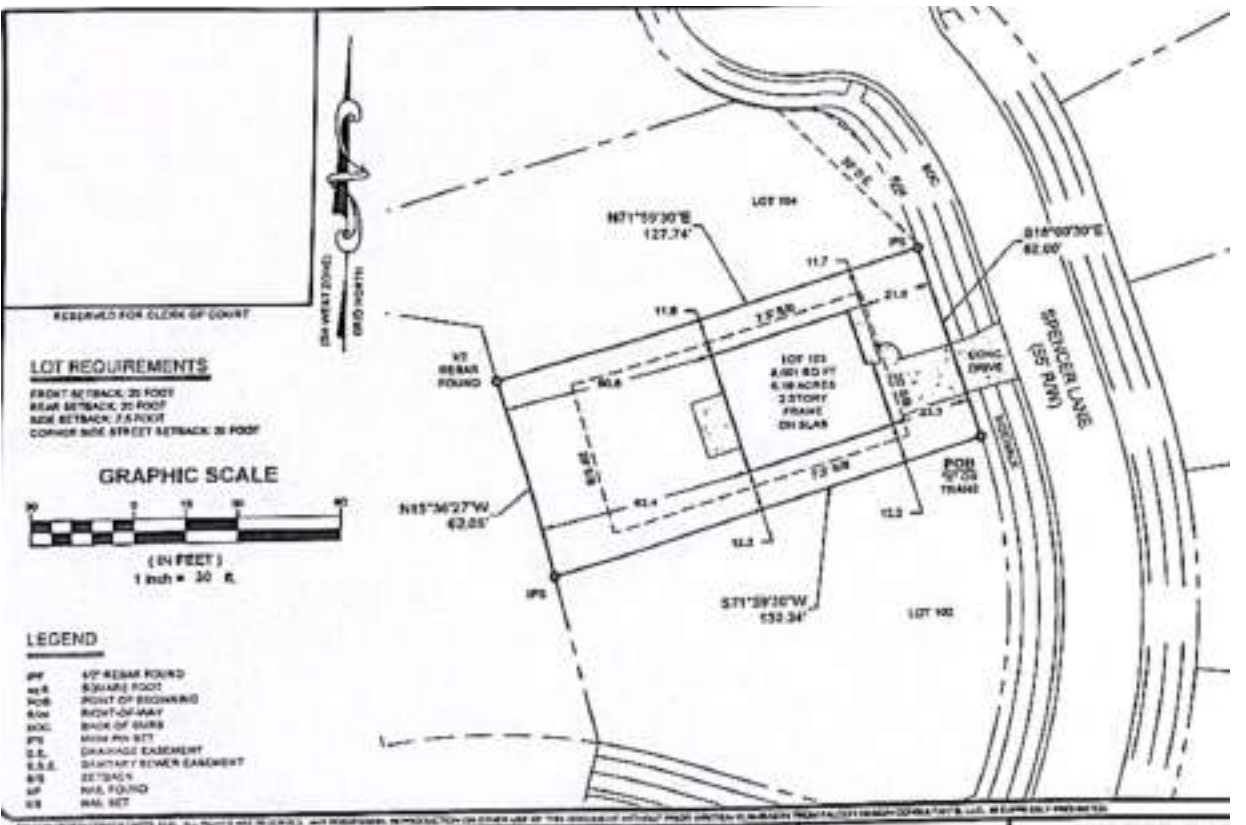
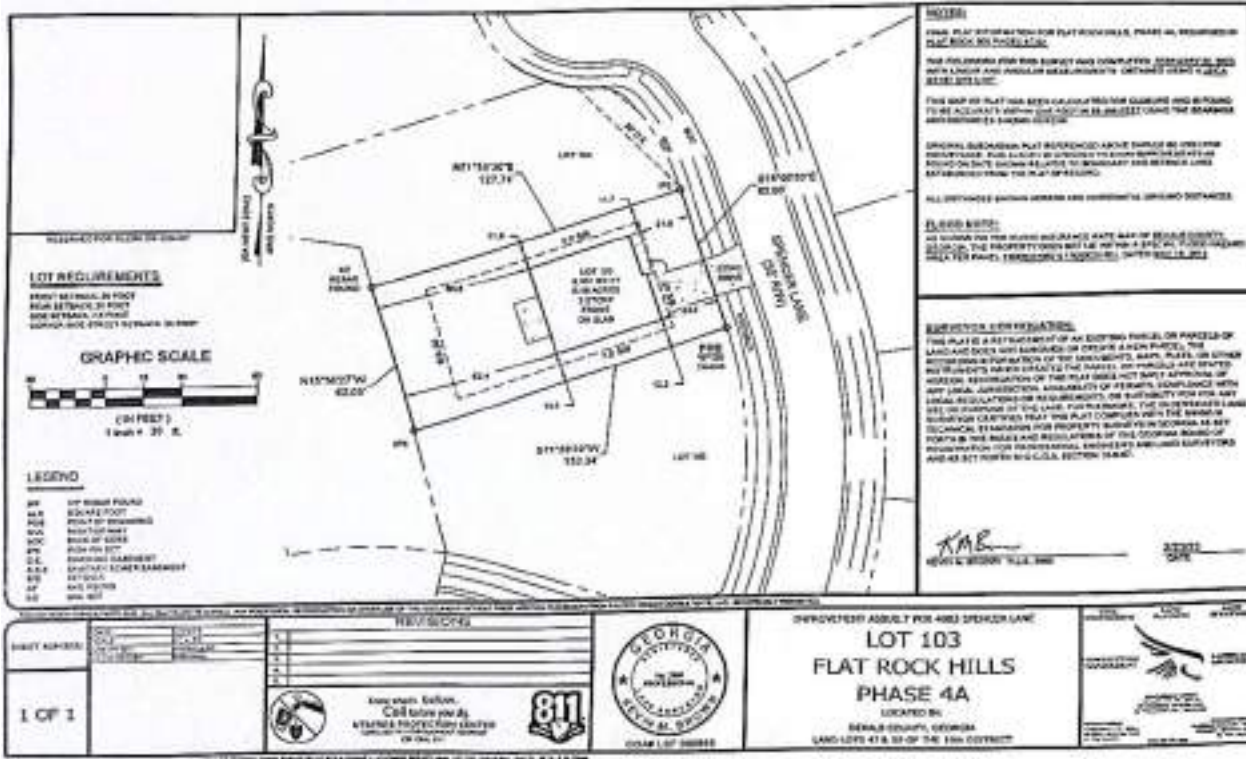
Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan





Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinances.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 300 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

Zoning Map

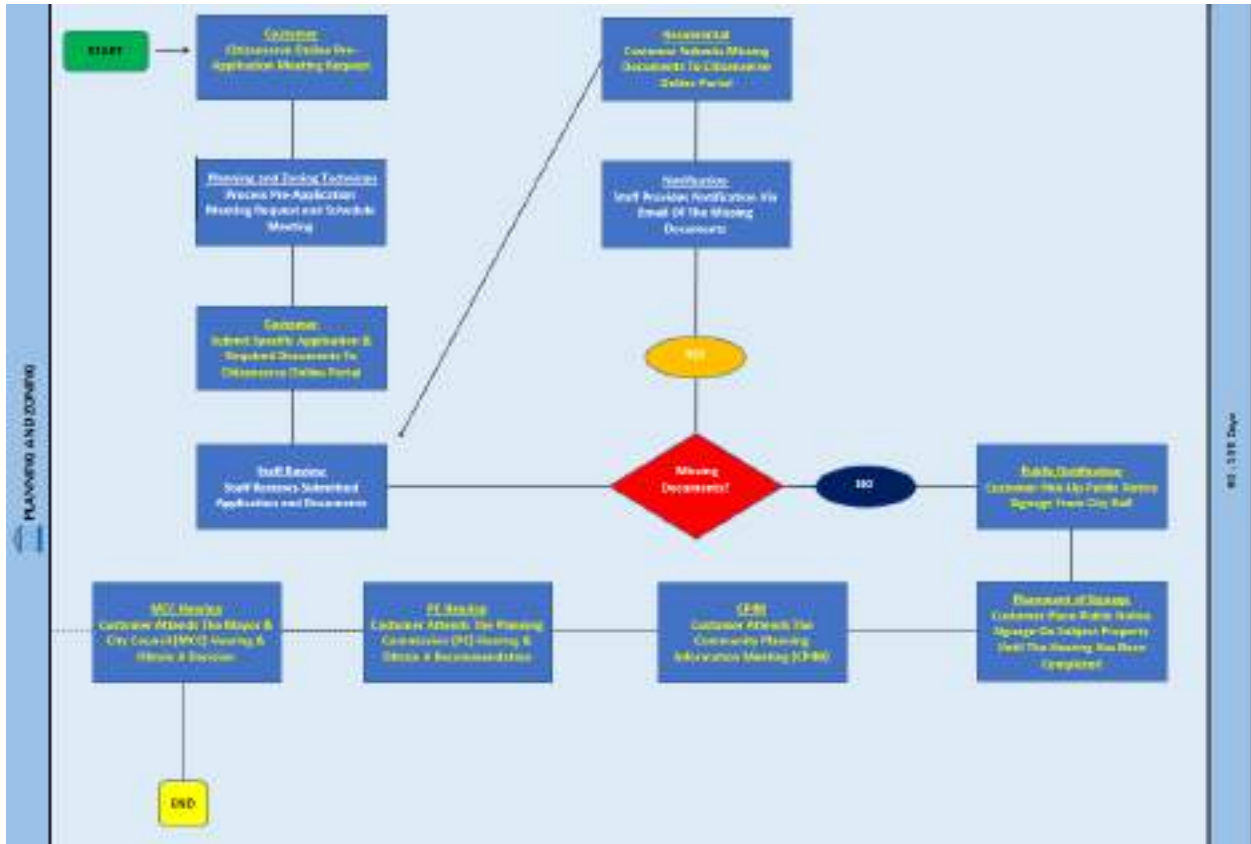
M - Light Industrial

Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey

REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant’s next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest’s Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City’s Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

- City’s current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest’s Zoning Ordinance permit MHC in certain zoning districts

City’s Comprehensive Plan

	Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Land Use	Stonycrest Area Overlay						Interstate 20 Corridor Overlay ^a			Arabis Mountain Conservation Overlay ^a	Sec Section 4.2
	T1	T2	T3	T4	T5 ^b	T6 ^b	T1	T2	T3		
*Key: P—Permitted use P ₂ —Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.2.3) * *Note: Uses permitted in Tiers 5 and 6 of the Stonycrest Area Overlay and the Arabis Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence*							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff’s Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4-2-49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State’s Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff’s Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

REZONING, SPECIAL LAND USE PERMIT, ZONING CONDITION MODIFICATION APPLICATION CYCLE

PLANNING COMMISSION MEETS EVERY 1ST TUESDAY OF THE MONTH

HEARING STARTS AT 6:00 PM IN CITY COUNCIL CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

VARIANCE APPLICATION CYCLE

ZONING BOARD OF APPEALS MEETS EVERY 3RD TUESDAY OF THE MONTH

HEARING STARTS AT 6:30 PM IN CITY COUNCIL CHAMBERS

Meeting ended at 7:49 pm

APPROVED: *condert*
Shawanna Dawry

PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24

Date

ATTEST: *Cobi Brown*

SECRETARY

1/9/24

Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 underline zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner’s representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road’s traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner’s representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and **Commissioner Lemuel Hawkins (District 5)** did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-011**

LAND USE PETITION:	SLUP23-011
PETITIONER:	Michelle Fennell of Farms Lane
LOCATION:	5924 Fairington Farms Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff’s Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant’s hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that’s why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010**

LAND USE PETITION:	RZ23-010
PETITIONER:	Helen Simpson of Lowe Engineers
LOCATION:	6039 Hillandale Drive
PETITIONERS REQUEST:	Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants’ withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest’s Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city’s Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest’s Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2 – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lowers square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tine home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tine homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

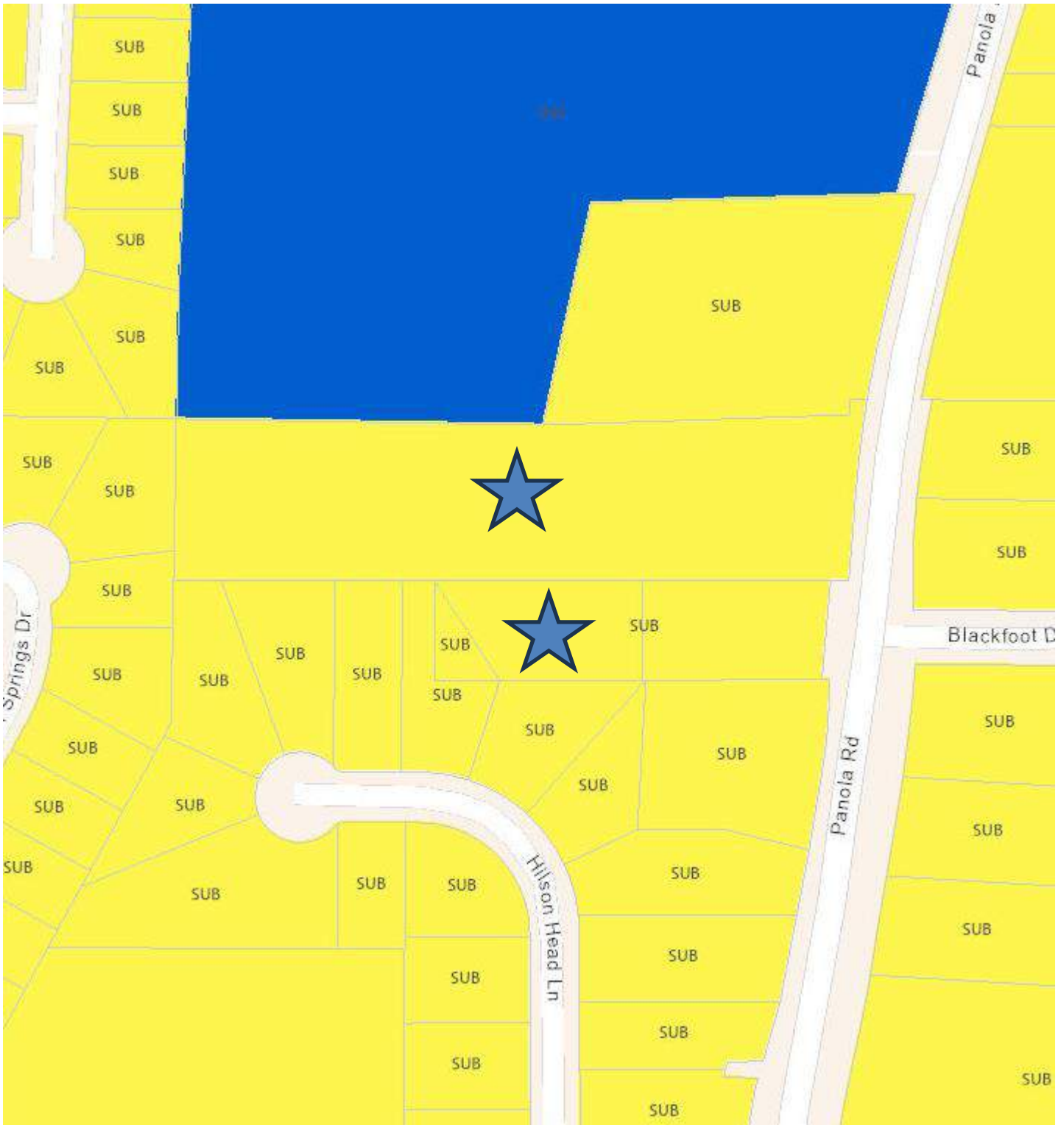
APPROVED:

CHAIRMAN	Date
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ATTEST:

SECRETARY	Date
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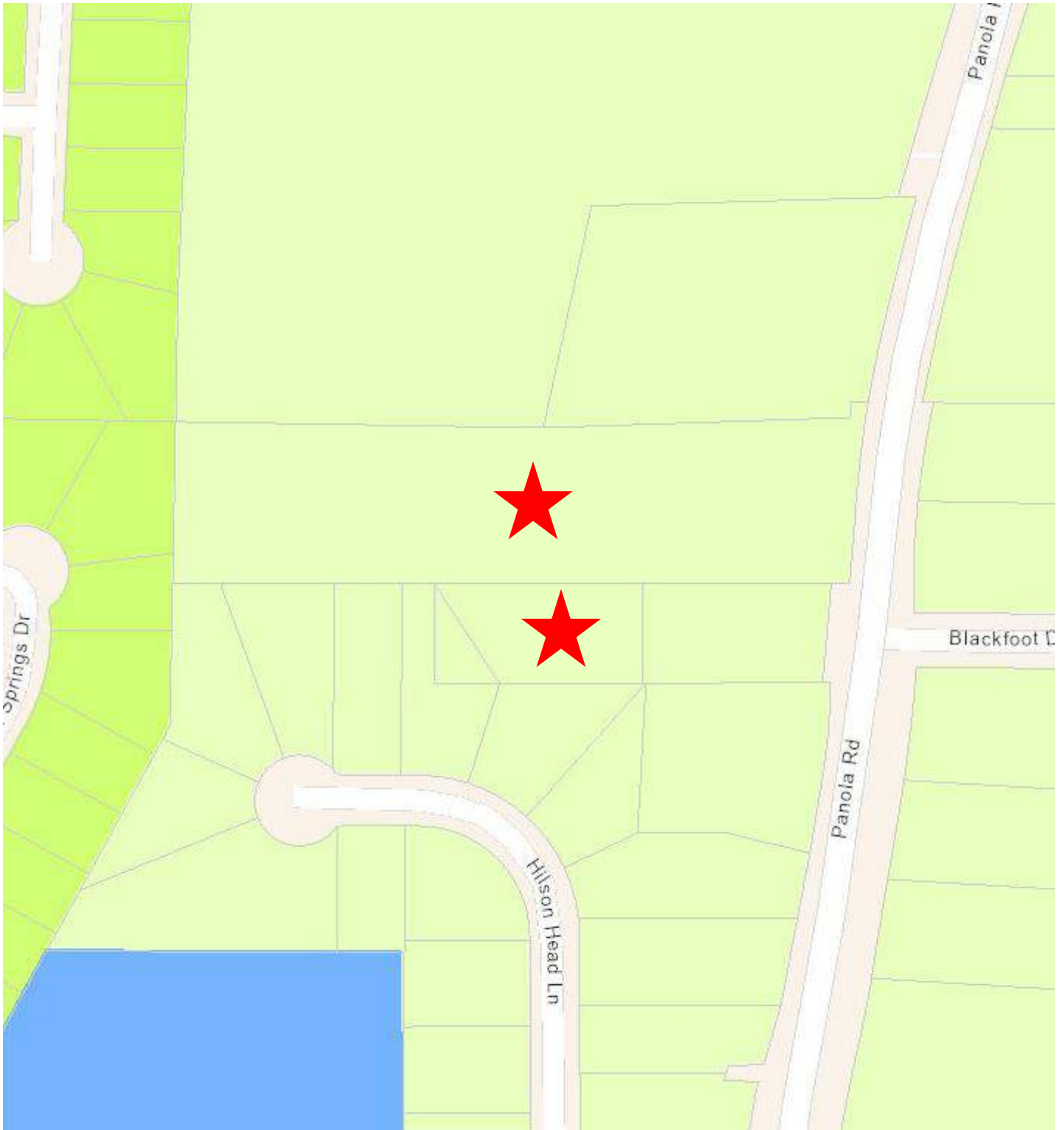
Future Land Use Map | Suburban Neighborhood (SN)



Suburban Neighborhood (SN)

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

Zoning Map | R-100 (Residential Medium Lot)



Aerial Map



Site Photo











Submitted Site (First Cycle Submittal)

NET AREA CALCULATIONS
LOT AREA: 1.4 ACRES (60,720 SQ FT)
BUILDING AREA CALCULATIONS
TOTAL BUILDING AREA: 11,800 SQ FT (SEE SHEET)
ZONING: R-100
LANDSCAPE: 10% OF TOTAL LOT AREA (6,072 SQ FT)
PARKING: 10% OF TOTAL LOT AREA (6,072 SQ FT)
STREETScape RECOMMENDATIONS
LANDSCAPE: 10% OF TOTAL LOT AREA (6,072 SQ FT)
PARKING: 10% OF TOTAL LOT AREA (6,072 SQ FT)

JDM
JDM ENGINEERING & ARCHITECTURE
1000 W. 10TH ST. SUITE 100
DENVER, CO 80202
TEL: 303.733.1111
WWW.JDMENGINEERING.COM

CELESTIAL CHURCH OF CHRIST
CONCEPT PLAN
DATE: 01/18/2024
PROJECT: CSP3

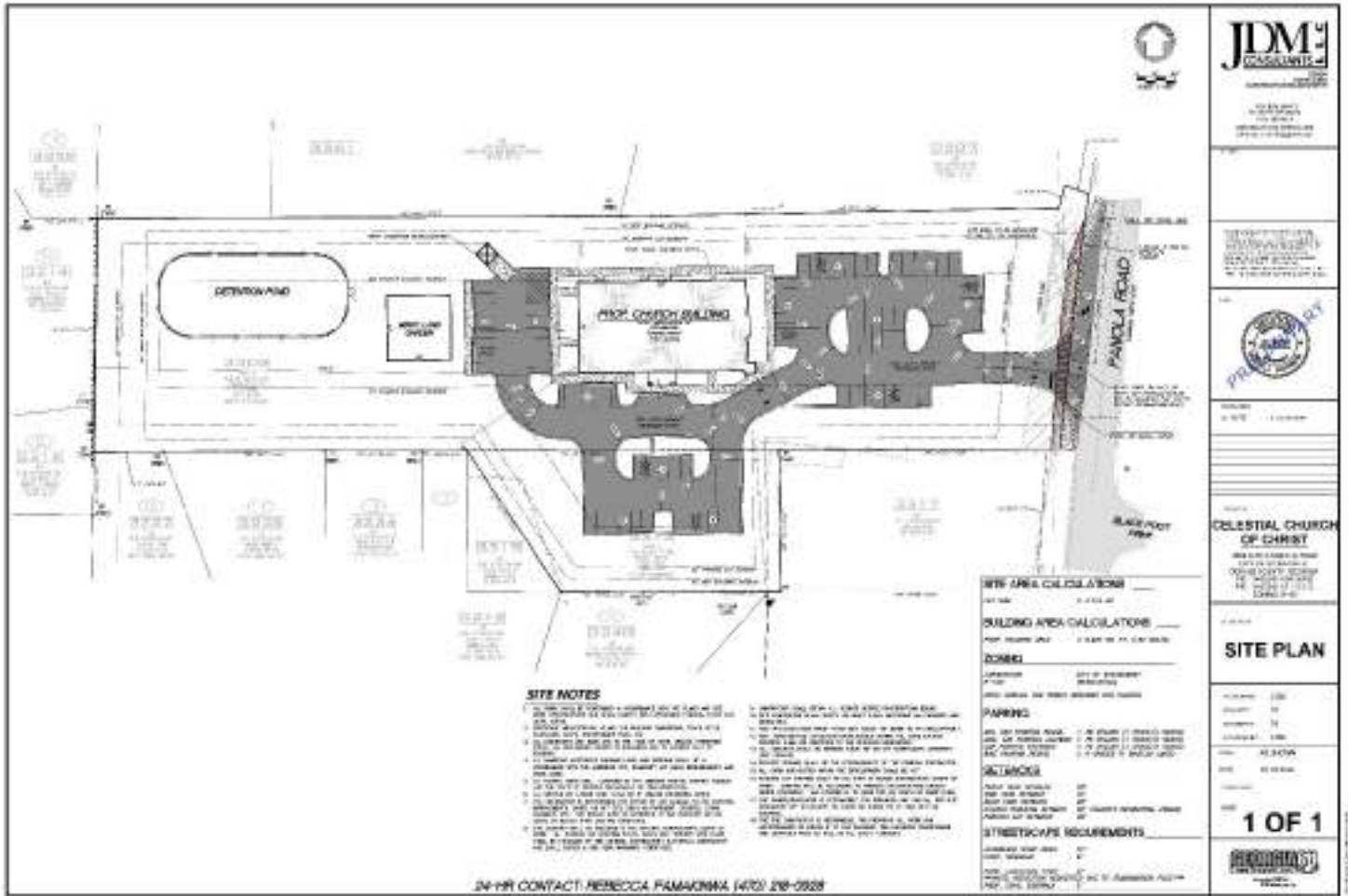
PANOLA ROAD

NEIGHBORING PARCELS:
33221 (ZONED R-100)
33223 (ZONED R-100)
33225 (ZONED R-100)
33227 (ZONED R-100)
33229 (ZONED R-100)
33231 (ZONED R-100)
33233 (ZONED R-100)
33235 (ZONED R-100)

PANOLA ROAD

NEIGHBORING PARCELS:
33221 (ZONED R-100)
33223 (ZONED R-100)
33225 (ZONED R-100)
33227 (ZONED R-100)
33229 (ZONED R-100)
33231 (ZONED R-100)
33233 (ZONED R-100)
33235 (ZONED R-100)

Submitted Site Plan (Submitted January 10, 2024)





CELESTIAL CHURCH OF CHRIST
 3309 & 3313 PANOLA ROAD, CITY OF STONECREST, DEKALB COUNTY, GEORGIA



Submitted Renderings/Elevations (First Cycle Submittal)

PROPOSED NEW CHURCH BUILDING FOR
CELESTIAL CHURCH OF CHRIST
3309 & 3313 PANOLA RD, STONECREST, GA



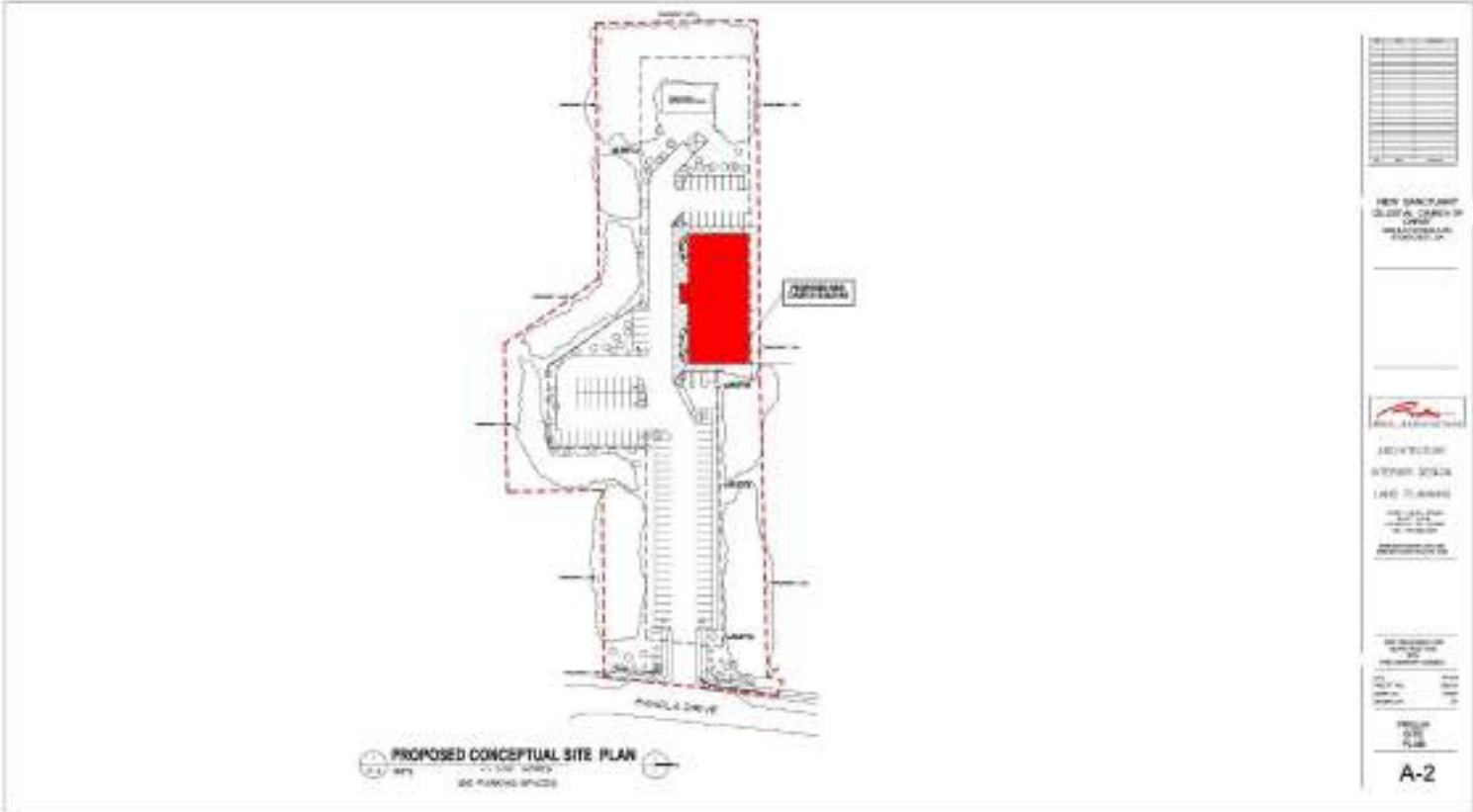
CLIENT
CELESTIAL CHURCH OF CHRIST
PASTOR P. MAKOLA

ARCHITECT

BOYE ARCHITECTURE

100% PRELIMINARY DESIGN SUBMITTAL - MAY 3, 2023





Letter of Intent (First Cycle Submittal)



August 09, 2023
City of Stonecrest Planning and Zoning
3120 Stonecrest Blvd, Suite 190
Stonecrest, GA 30038

Statement of Intent

The applicant, Christ Gospel Parish Celestial Church of Christ, Inc, is seeking a Special Land Use Permit (SLUP) for the combined property at addresses 3309 and 3313 Panola Road, City of Stonecrest, DeKalb County, GA 30038 totaling 3.713 acres (to be referred to as the "subject property"). The request SLUP is for the development of a church. The subject property is presently zoned R-100. This zoning category does allow for churches as a land use. The proposed church will have 10,500 square feet and 300 seats. It meets all required parking and setback requirements from the City of Stonecrest's zoning ordinances.

The "subject property" is situated in Land Lot(s) 22 and 43, District 16 in the City of Stonecrest. It has frontage on the East side of the property along Panola Road's right of way. It has similar R-100 zoned church to the North and R-100 zoned single family residential properties on the South and West.

The applicant has given special attention to ensure the layout and design of the site allows for efficient ingress & egress to the "subject property," as well as pedestrian traffic & landscaping across the site. The applicant looks forward to discussions with the neighbors, county officials and other interested parties to ensure a similar blend with the surrounding area.

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

Please call us if you have any questions.

Regards,

Darrell Johnson, CEO
JDM Consultants, LLC

JDM Consultants, LLC | 705.366.1648 | JDMConsultantsLLC@gmail.com

Letter of Intent (Submitted January 10, 2024)



August 09, 2023
Revised: January 7, 2024
City of Stonecrest Planning and Zoning
3120 Stonecrest Blvd, Suite 190
Stonecrest, GA 30038

Statement of Intent

The applicant, Christ Gospel Parish Celestial Church of Christ, Inc, is seeking a Special Land Use Permit (SLUP) for the combined property at addresses 3309 and 3313 Panola Road, City of Stonecrest, DeKalb County, GA 30038 totaling 3.713 acres (to be referred to as the "subject property"). The request SLUP is for the development of a church. The subject property is presently zoned R-100. This zoning category does allow for churches as a land use. The proposed church will have 9,200 square feet and a 150-seat sanctuary. It meets all required parking and setback requirements from the City of Stonecrest's zoning ordinances.

The "subject property" is situated in Land Lot(s) 22 and 43, District 16 in the City of Stonecrest. It has frontage on the East side of the property along Panola Road's right of way. It has similar R-100 zoned church to the North and R-100 zoned single family residential properties on the South and West.

The applicant has given special attention to ensure the layout and design of the site allows for efficient ingress & egress to the "subject property," as well as pedestrian traffic & landscaping across the site. The applicant looks forward to discussions with the neighbors, county officials and other interested parties to ensure a similar blend with the surrounding area.

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

Please call us if you have any questions.

Regards,

Darrell Johnson, CEO
JDM Consultants, LLC

JDM Consultants, LLC | 205.266.1648 | JDMConsultantsLLC@gmail.com

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 23-009 ON PARCEL**
3 **NUMBERS 16 022 01 004 AND 16 022 01 246 TO DEVELOP A PLACE OF WORSHIP AT**
4 **3309 AND 3313 PANOLA ROAD STONECREST, GEORGIA 30038; TO PROVIDE**
5 **SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO**
6 **PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR**
7 **OTHER LAWFUL PUPOSES.**

8 **WHEREAS**, the governing body of the City of Stonecrest (“City”) is the Mayor and City
9 Council (“City Council”) thereof; and

10 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
11 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

12 **WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances
13 relating to its property, affairs, and local government; and

14 **WHEREAS**, the City of Stonecrest has been vested with substantial powers, rights, and
15 functions to generally regulate the use of real property to maintain health, morals, safety, security,
16 peace, and the general welfare of the City; and

17 **WHEREAS**, the city received an application for the approval to develop a place of worship
18 at 3309 and 3313 Panola Road; and

19 **WHEREAS**, pursuant to the city’s zoning Ordinance applicants who desire to develop a
20 place of worship must obtain a special land use permit; and

21 **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting
22 pursuant to the provisions of the City’s Zoning Procedures Law; and

23 **WHEREAS**, the City has properly advertised and held a public hearing before the
24 Planning Commission regarding SLUP 23-009, the request for special land use permit to develop
25 a place of worship at 3309 and 3313 Panola Road; and

26 **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the
27 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of
28 this Ordinance; and

29 **WHEREAS**, the Planning and Zoning Department recommends denial of special land use
30 permit 23-009 of property located at 3309 and 3313 Panola Road; and

31 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
32 impacted by the adoption of this Ordinance.

33 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**
34 **THE CITY OF STONECREST, GEORGIA, as follows:**

35 **Section 1.** SLUP 23-009, to develop a place of worship at 3309 and 3313 Panola Road,
36 satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.42 of Division 2 of Article 7 in
37 Chapter 27 of the City of Stonecrest Code of Ordinances, is **DENIAL**.

38 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
39 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
40 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

41 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

42 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance
43 is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It
44 is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
45 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
46 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

47 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
48 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
49 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
50 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
51 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
52 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
53 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
54 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
55 effect.

56 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
57 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

58 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
59 repealed.

60 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
61 State of Georgia and the City of Stonecrest.

62 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
63 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
64 Stonecrest, Georgia.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2024.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

65
66
67
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69
70
71



CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP 23-011 5924 Fairington Farms Lane

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION
 DISCUSSION,
 REVIEW, or
 UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director of Planning and Zoning

PURPOSE: Applicant is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

FACTS: The subject property is currently development as a two-story single-family detached dwelling. The living square footage is approximately 3,138 square feet. The applicant is proposing to operate a Childcare Service which is classified as a Type II Home Occupation. Subject property is surrounded by MR-1 (Medium Density Residential) on the north, south, east, and west.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve with conditions

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Ordinance



CITY COUNCIL AGENDA ITEM

- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: SLUP23-011

ADDRESS: 5924 Fairington Farms Lane

DISTRICT: 3 – Councilwoman Alecia Washington

CYCLE MEETING DATES: December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

Summary: Applicant is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

STAFF RECOMMENDATION: Approval with conditions

PLANNING COMMISSION RECOMMENDATION: Approval with staff conditions

PROPERTY INFORMATION	
Location of Subject Property: 5924 Fairington Farms Lane	
Parcel Number: 16 075 03 007	
Road Frontage: Fairington Farms Lane	Total Acreage: 0.22 +/-
Current Zoning: MR-1 (Medium Density Residential)	Overlay District: N/A
Future Land Use Map/ Comprehensive Plan: Suburban Neighborhood	
Zoning Request: Applicant is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION	
Applicant Name: Michelle Fennell of Fennell's Daycare	
Applicant Address: 5924 Fairington Farms Lane Lithonia, GA	
Property Owner Name: Marjorie Fennell	
Property Owner Address: 5924 Fairington Farms Lane Lithonia, GA	

**PUBLIC PARTICIPATION
(CPIM)**

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There were approximately six (6) community members that sent comments via email to speak in favor of the petition. There wasn't anyone from the community that spoke in opposition to the petition.

DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned MR-1 (Medium Density Residential). The subject property is currently development as a two-story single-family detached dwelling. The living square footage is approximately 3,138 square feet. The applicant is proposing to operate a Childcare Service which is classified as a Type II Home Occupation. The property has a frontage on Fairington Farms Lane. Staff research has found that there is a proposed daycare located at 5822 Par Four Court, Stonecrest, GA.

The city's land use policy document does support the proposed operation. The City of Stonecrest 2038 Comprehensive Plan has designated the parcel with the Suburban Neighborhood Zone land use designation. Suburban Neighborhood intends to recognize those areas of the city that have developed traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.

Within Chapter 27 of the Zoning Ordinance, Section 4.2.31. (Home occupations and private educational uses) elaborates on the rules and regulations that applicants must abide by when operating home occupations and private educational uses. General requirements for Type II Home Occupations are:

- All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- All home occupations shall meet the following standards:
 1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that

- would be detectable beyond the dwelling unit.
3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3 and is limited to one business vehicle per occupation.
- Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.

ADJACENT ZONING & LAND USE		
NORTH	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
SOUTH	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
EAST	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling
WEST	Zoning: MR-1 (Medium Density Residential)	Land Use: Single-Family Dwelling

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

The site is currently developed as a single-family dwelling.

SPECIAL LAND USE PERMIT ZONING CRITERIA

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
3. Adequacy of public services, public facilities, and utilities to serve the proposed use;
4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
7. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use
8. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
9. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
10. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;
11. Whether the proposed use is consistent with the policies of the comprehensive plan;

12. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;
13. Whether there is adequate provision of refuse and service areas;
14. Whether the length of time for which the special land use permit is granted should be limited in duration;
15. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
18. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and
19. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

RECOMMENDATION(S)

Staff recommends **APPROVAL** with the following condition(s):

- 1.** Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
- 2.** No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
- 3.** A City of Stonecrest business license is required shall be obtained;
- 4.** No parking is permitted on the street or on lawn area of subject property;
- 5.** A maximum of three (3) students shall be served at any time;
- 6.** No signs other than those otherwise authorized within the applicable zoning district shall be

erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);

7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant's hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Attachments Included:

- **Code of Ordinance**
- **CPIM Minutes**
- **PC Meeting Minutes**
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Photo**
- **Floor Layout**
- **Letter of Intent**

Sec. 4.2.31. Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
 - 1. The owner/operator of the business must reside on the premise.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 - 1. Customer contact is allowed for Type II home occupations.
 - 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
 - 1. There shall be no exterior evidence of the home occupation.
 - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 - 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 - 5. No more than one business vehicle per home occupation is allowed.
 - 6. No home occupation shall be operated so as to create or cause a nuisance.
 - 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 - 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31); Ord. No. 2021-06-04 , § 1(Exh. A), 8-23-2021)

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletray, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stoncrest, GA 30038
10/22/2023

City of Stoncrest
3120 Stoncrest Blvd.
Stoncrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stoncrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

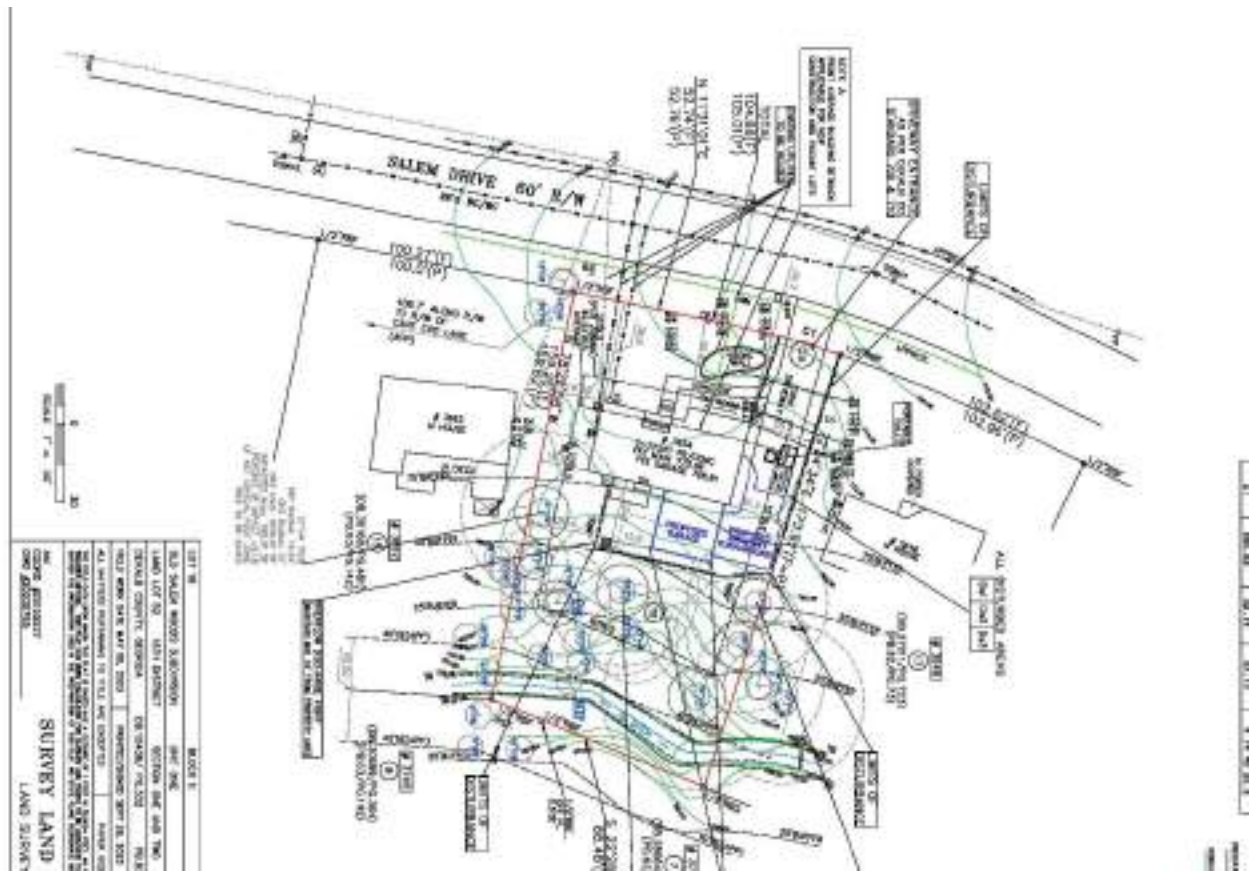
Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038
[REDACTED]
[REDACTED]

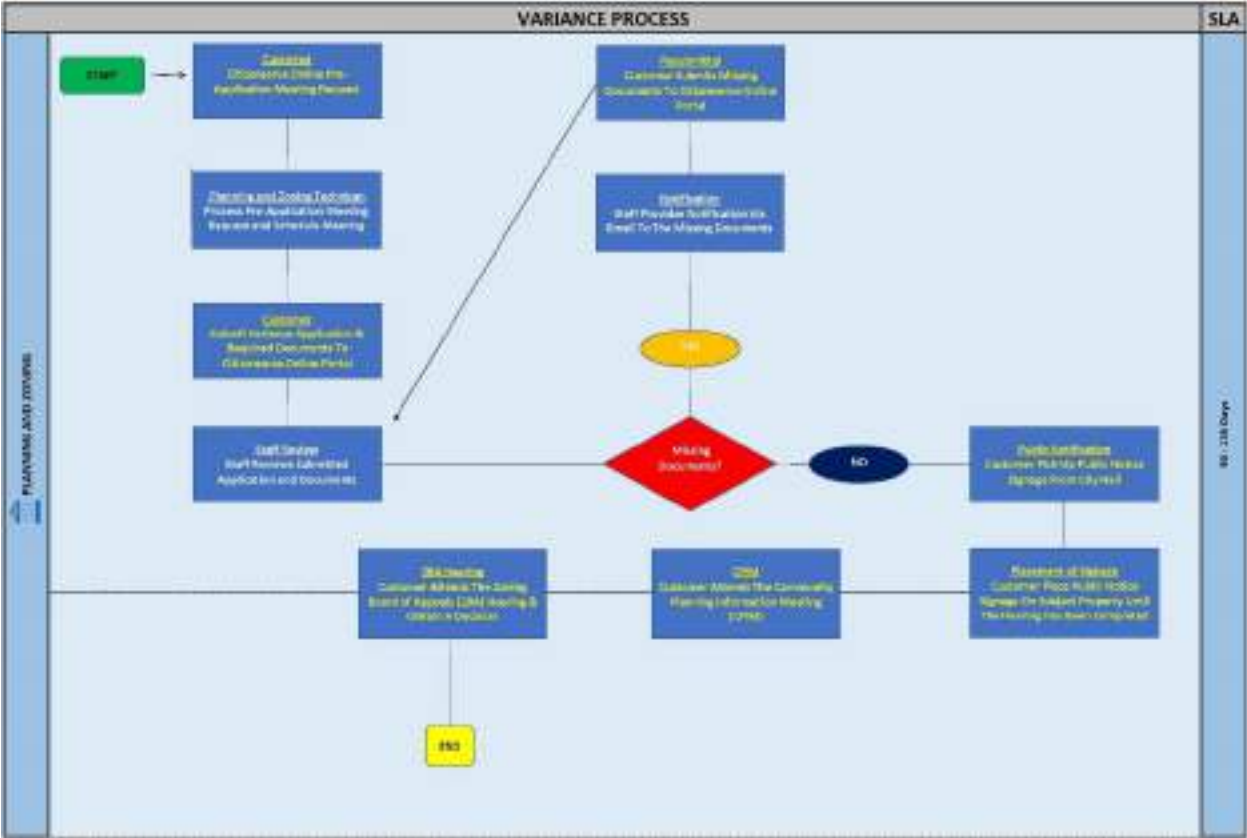




Chapter 14 | Article 7 | Sec. 14-543

SEC. 14-543. - Minimum stream buffer requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffer must remain undisturbed except as otherwise provided in [Section 14-545](#).
- (b) Any non-stormwater discharge crossing a stream buffer or slope buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Riping of streams is not allowed in required stream buffers unless a variance is granted.



Diva Thomas the applicant came to the stand. She stated that three other neighbors have encroached into the stream. She also mentioned that the stream is about 6 inches.

There were no attendees to speak for or against the petition.

The next meeting for this applicant's petition will be the Zoning Board of Appeals which will be held on January 16, 2024

V23-008

2985 Turner Hill Road

Danielle Sheridan of Interplan, LLC

Petitioner is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-Fil-A.

Facts and Background

- The existing Chick-Fil-A (CFA) has been in operating since 2018.
- The CFA has frontage on Turner Hill Road
- The Applicant is requesting four (4) Variances relief

Future Land Use/Character Area

Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy. Ste 4000
Altamonte Springs, FL 32701

407-645-9088
interplan.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

Chick-fil-A is proposing the demolition of an existing ~3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding face to face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order/Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility I C, due to the lack of a by-pass lane.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.2, C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23 - Drive-through facility, minimum.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within or near of a residential zoning property, as measured from any street or easement to the nearest line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than 1,000 square feet in area, unless part of a mixed-use development. Marking spaces for parking shall be provided for the drive-through vehicle in accordance with 4.2.2.2 of this chapter.
- C. Drive-through lanes and service windows shall be elevated above the ground level of the site or rear of the building.
- D. Drive-through lanes and other structures, where present, shall be constructed from the same materials as the primary building and with similar level of architectural quality and detailing.
- E. Speaker cones that are directed away from any adjacent residential property and their square footage shall not exceed 100 square feet, and speaker systems shall be enclosed or other speaker system mitigation measures. Speaker cones that do not play music but that only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shielded and directed so as to be directed away from any adjacent residential property.
- G. Marking spaces shall be provided for any vehicle using a drive-through facility or other drive-through facility and parking spaces in accordance with the following requirements. Marking spaces shall be a minimum of 14 feet wide and 20 feet long. Marking spaces shall begin at the facade of the building for the drive-through facility and extend to the back of the building.
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three marking spaces for each window or drive-through service facility.
- I. The following provisions shall apply to drive-through facilities:
 - 1. Drive-through lanes shall not provide an area of vehicle storage, except for one or two drive-through off-street parking spaces, and shall not include a preliminary utility location when covered by utility lines, except for the area of a building.
 - 2. Drive-through lanes shall be separated by curbing or curbing from off-street parking areas. Individual lanes shall be paved, finished or otherwise clearly delineated.
 - 3. All drive-through facilities shall include a separate staff entrance within or adjacent to the building, by which staff may be safely escorted to the drive-through facility without exposure to the drive-through lane. The separate staff entrance shall be a secure entrance.
 - 4. Drive-through lanes shall be set back five feet from all streets and roadway right-of-way lines.
 - 5. Owner and installer are responsible for daily trash clean-ups around the property where free of trash, litter and debris.
 - 6. Drive-through restaurants and other uses be located within 500 feet of an emergency, medical or high school.
 - 7. Drive-through restaurants shall be subject to the same rules and regulations as other licensed uses on a parcel and use permit is required unless the facility use is not at least one of the following:
 - a. Facility is located within 500 feet of an intersection of major arterial street and minor arterial street, or within 100 feet of an interstate highway interchange does not require a special use permit.
 - b. Facility is located within 100 feet of a throughway or through a shared driveway.
 - c. Facility is part of a major redevelopment, as defined in Section 4.2.1.1.
 - d. Distance shall be measured from the right-of-way of the arterial or interstate street or road to the outside of the radius, along the intervening street right-of-way to the nearest property line.

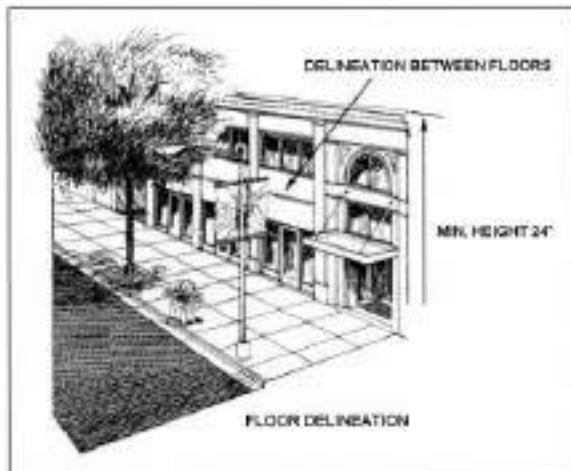
Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2 - Accessory buildings, structures and uses, location, yard and building restrictions.

The following provisions apply to accessory buildings, structures and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the lot or lots of the principal building to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the accessory structure is connected to water and sewer.
- C. Yards and setbacks.
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of all types of machines which are also allowed in the front or side yard.
 - 2. Accessory structures may not encroach in the six-month yard setback for the structure which they are accessory.
 - 3. Accessory buildings or structures shall meet the minimum yard setback for the district in which they are located, but shall not be located closer than one foot to a rear lot line from any side lot.
 - 4. Backset yard setbacks to the primary residential structure or structure adjacent to an existing driveway of the primary residential structure shall be allowed in the front yard but not within the right-of-way of a public street. The backset yard setback shall be measured to the edge of the driveway. The setback shall be located within any portion of a public right-of-way.
 - 5. Additional supplemental requirements in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot rear yards. Where the rear yard of a corner lot abuts another lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer than one-half right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a residential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a driveway, alleyway, or other means, the accessory building or structure shall comply with the setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools. An accessory structure in a residential district shall be measured from the edge of the deck to the adjacent property line. The part of the deck for an accessory swimming pool shall be within five feet of a lot or rear property line.
- I. Height. No accessory building or structure shall be taller than the principal structure, but shall not exceed the maximum floor area set forth in Table 4.2.2.000B.
- J. The floor area of an accessory building that is accessory to a single-family residential, or three-family residential structure shall not exceed the maximum floor area set forth in Table 4.2.2.000B.

Stonecrest Overlay District Design Guidelines Exhibit 16: Architectural Delineation



- 3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philippe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November’s Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 -Residential Medium Lot

POW Permitted Zoning Districts

City of Jacksonville										City of Jacksonville - Planning and Zoning Division										
POW Permitted Zoning Districts										POW Permitted Zoning Districts										
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

Aerial Map



WYS AREA CALCULATIONS
 LOT AREA: 1.4770 AC
 BUILDING AREA CALCULATIONS
 TOTAL BUILDING AREA: 1.1600 AC (24,000 SQ FT)
ZONING
 DISTRICT: C-1 (COMMERCIAL)
 SETBACKS
STREETScape RECOMMENDATIONS

CELESTIAL CHURCH OF CHRIST
CONCEPT PLAN
 CSP3

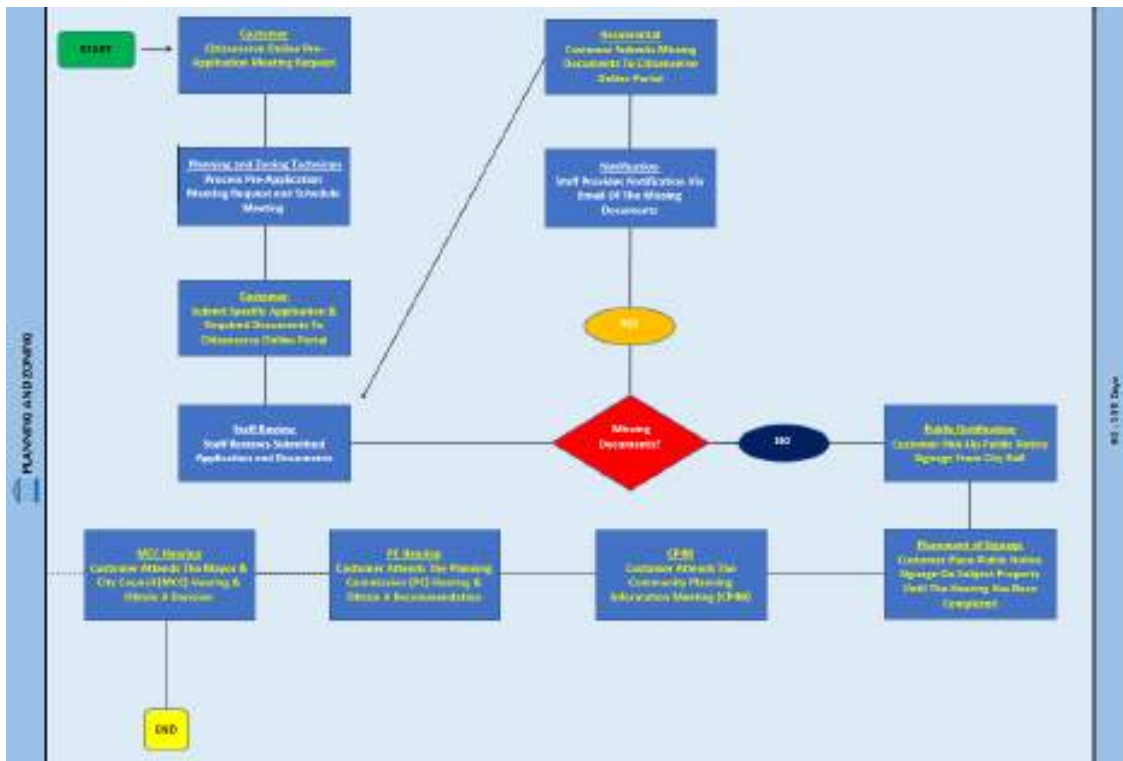


Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit



Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petiton. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Halloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
1. The owner/operator of the business must reside on the premises.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 8.1.5](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [Section 4.2.31](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennel's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clerk -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkerson R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 8032 Faring Drop in the Farrington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children.

We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

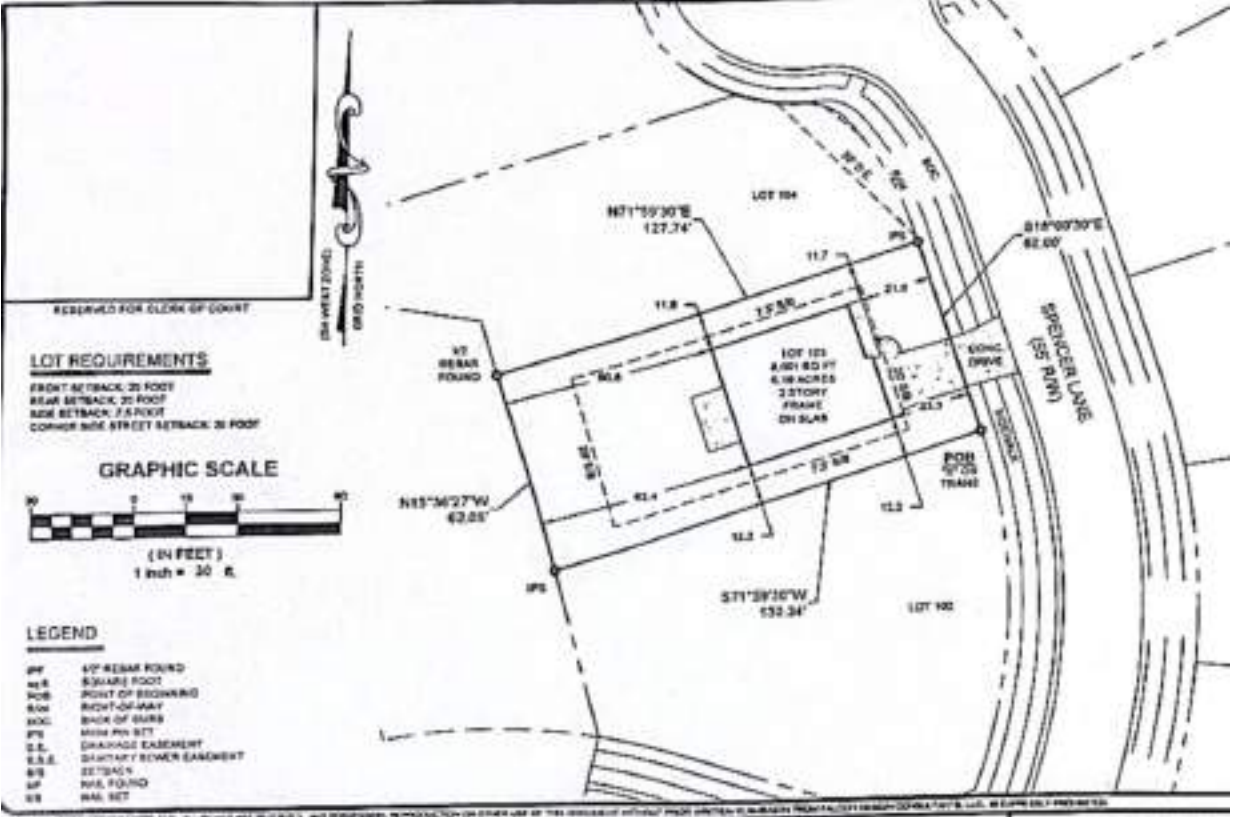
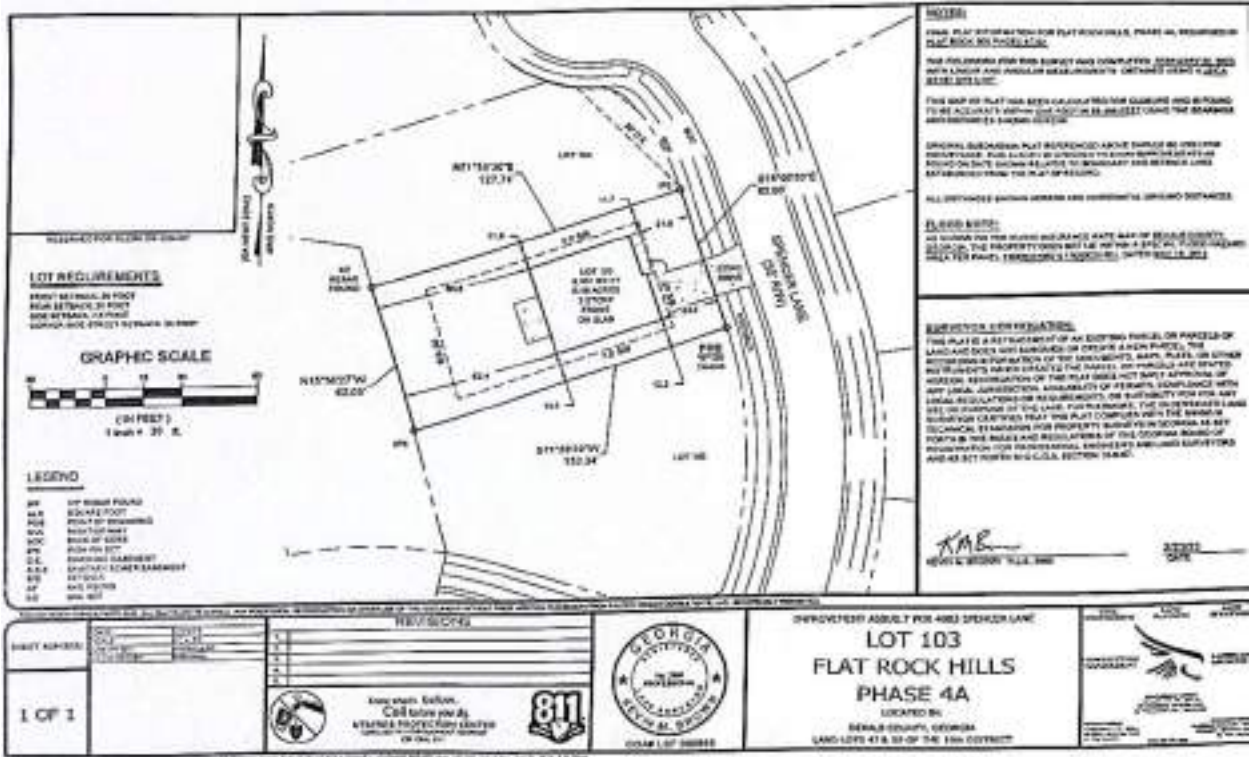
Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan





Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinances.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 300 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

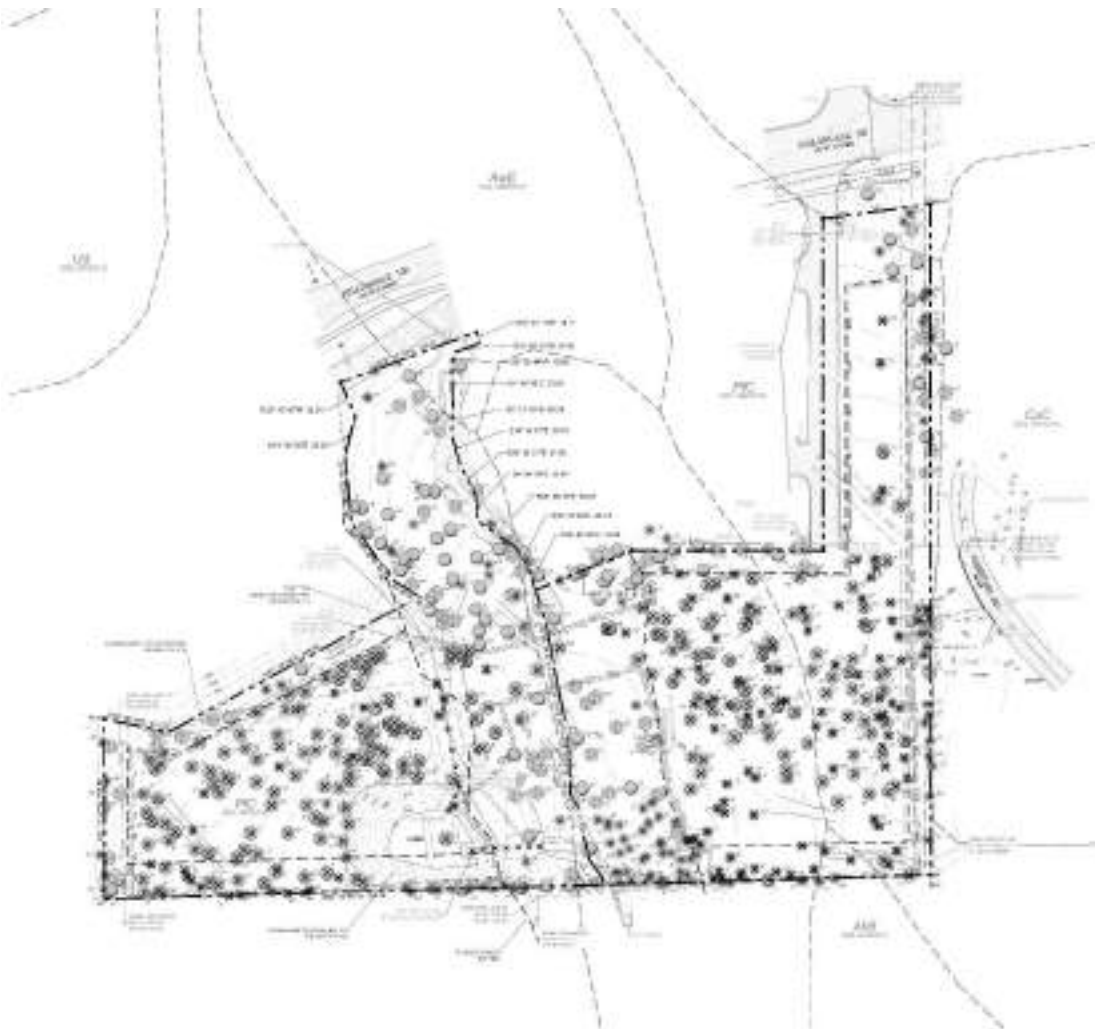
Zoning Map

M - Light Industrial

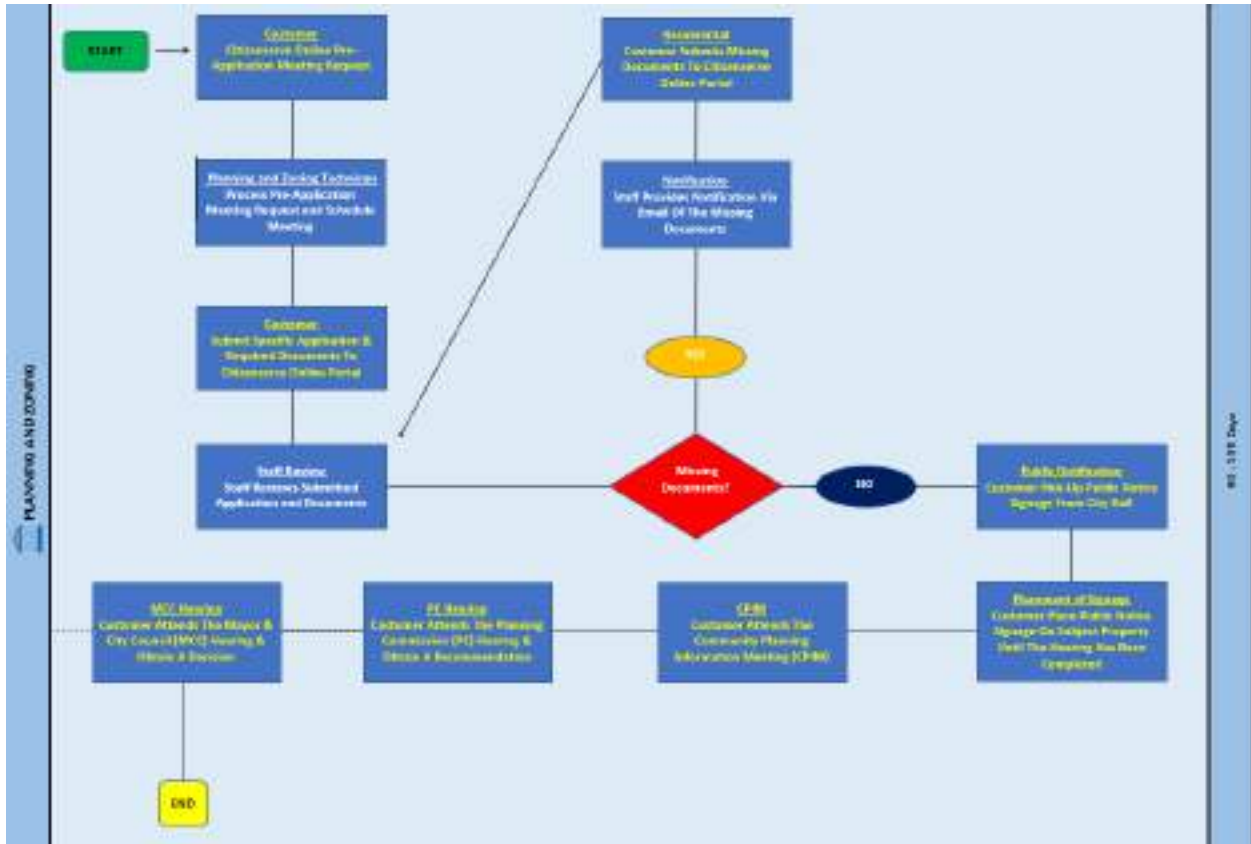
Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey



REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant’s next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest’s Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City’s Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

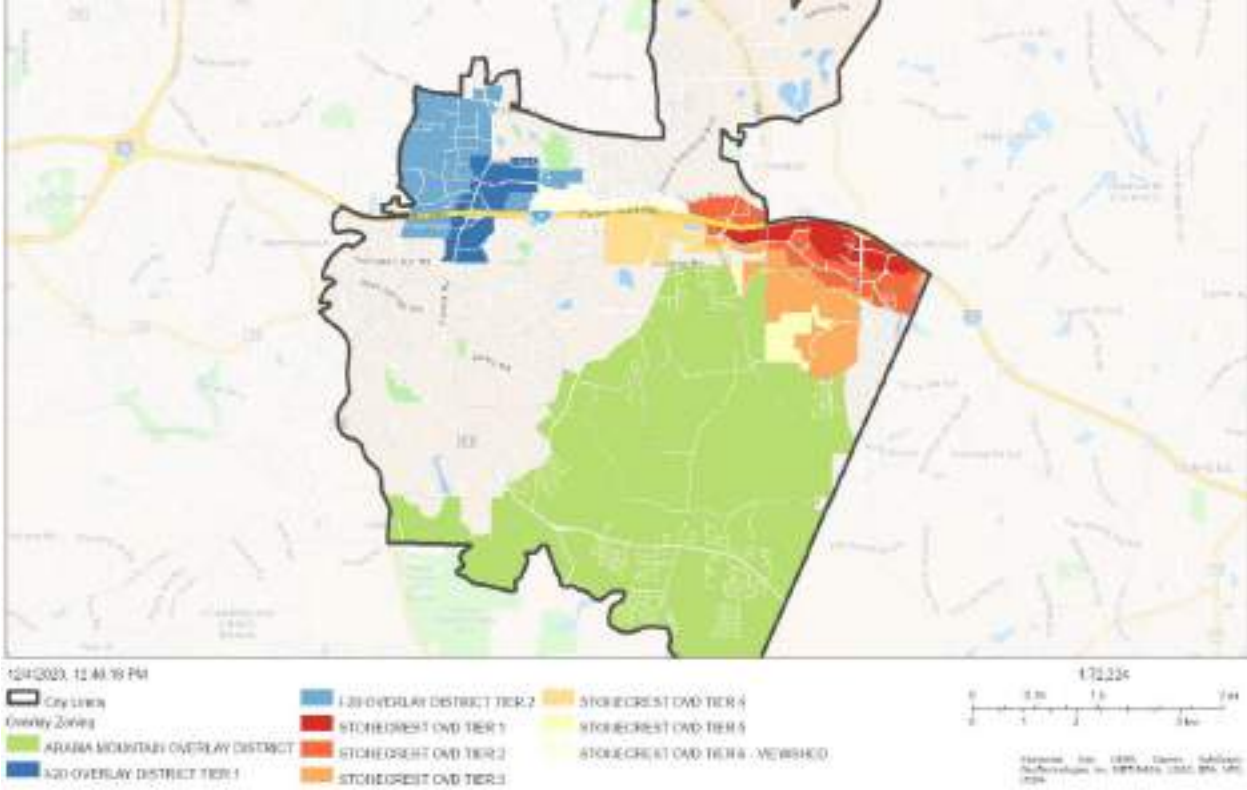
- City’s current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest’s Zoning Ordinance permit MHC in certain zoning districts

City’s Comprehensive Plan

	Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map



Staff's Recommendation for Sec. 3.1.6.

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Land Use	Stonycrest Area Overlay						Interstate 20 Corridor Overlay ^a			Arabis Mountain Conservation Overlay ^a	Sec Section 4.2
	T1	T2	T3	T4	T5 ^b	T6 ^b	T1	T2	T3		
*Key: P—Permitted use P ₂ —Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.2.3) * *Note: Uses permitted in Tiers 5 and 6 of the Stonycrest Area Overlay and the Arabis Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence*							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff’s Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4-2-49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State’s Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff’s Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

REZONING, SPECIAL LAND USE PERMIT, ZONING CONDITION MODIFICATION APPLICATION CYCLE

PLANNING COMMISSION MEETS EVERY 1ST TUESDAY OF THE MONTH

HEARING STARTS AT 6:00 PM IN CITY COUNCIL CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

VARIANCE APPLICATION CYCLE

ZONING BOARD OF APPEALS MEETS EVERY 3RD TUESDAY OF THE MONTH

HEARING STARTS AT 6:30 PM IN CITY COUNCIL CHAMBERS

Meeting ended at 7:49 pm

APPROVED: *condert*
Shawanna Dawry

PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24

Date

ATTEST: *Cobi Brown*

SECRETARY

1/9/24

Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 underline zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner’s representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road’s traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner’s representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and **Commissioner Lemuel Hawkins (District 5)** did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-011**

LAND USE PETITION: SLUP23-011
 PETITIONER: Michelle Fennell of Farms Lane
 LOCATION: 5924 Fairington Farms Lane
 PETITIONERS REQUEST: Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff’s Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant’s hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that’s why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010**

LAND USE PETITION:	RZ23-010
PETITIONER:	Helen Simpson of Lowe Engineers
LOCATION:	6039 Hillandale Drive
PETITIONERS REQUEST:	Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city's Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest's Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2 – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lowers square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tine home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tine homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

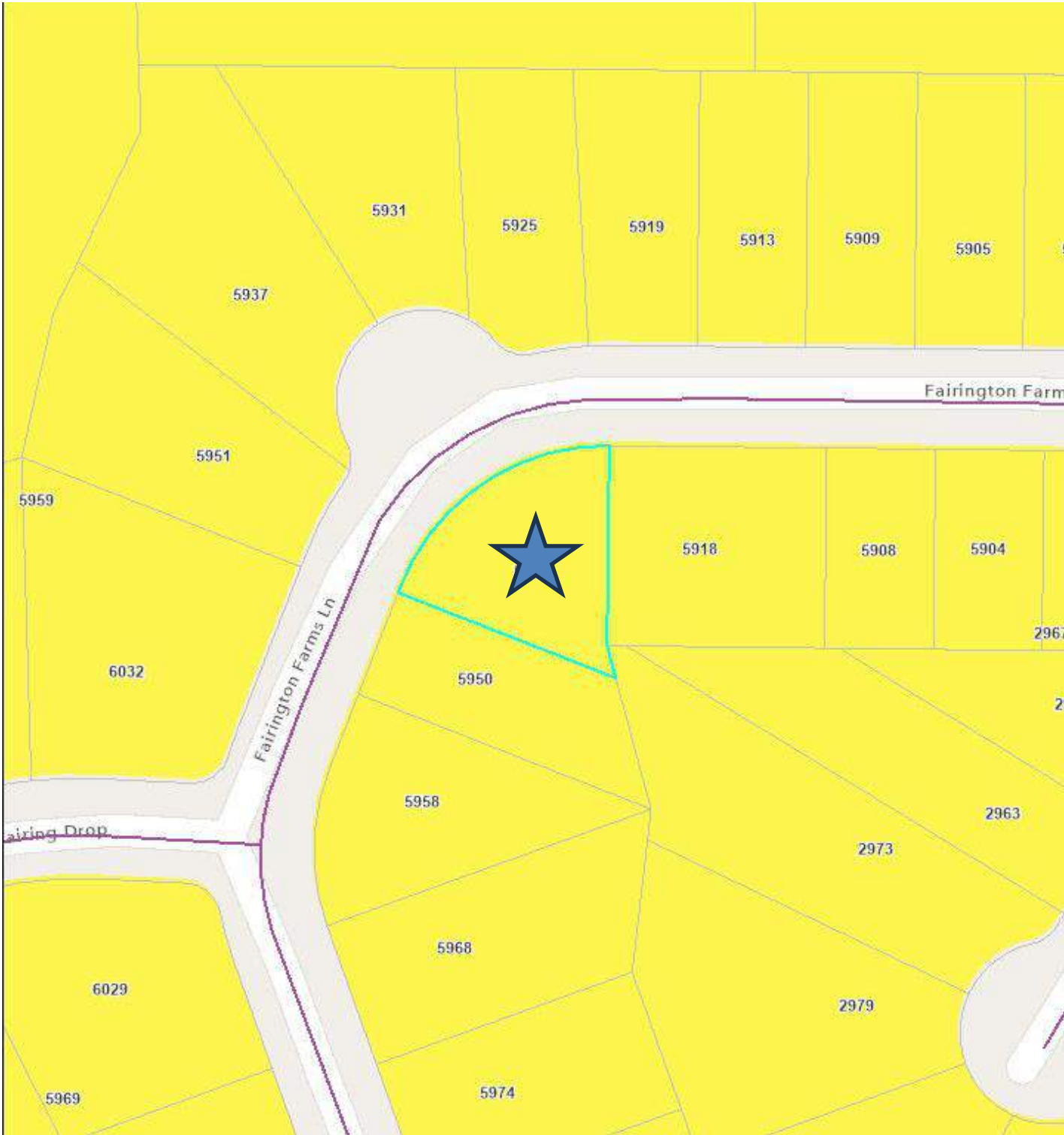
APPROVED:

CHAIRMAN	Date
----------	------

ATTEST:

SECRETARY	Date
-----------	------

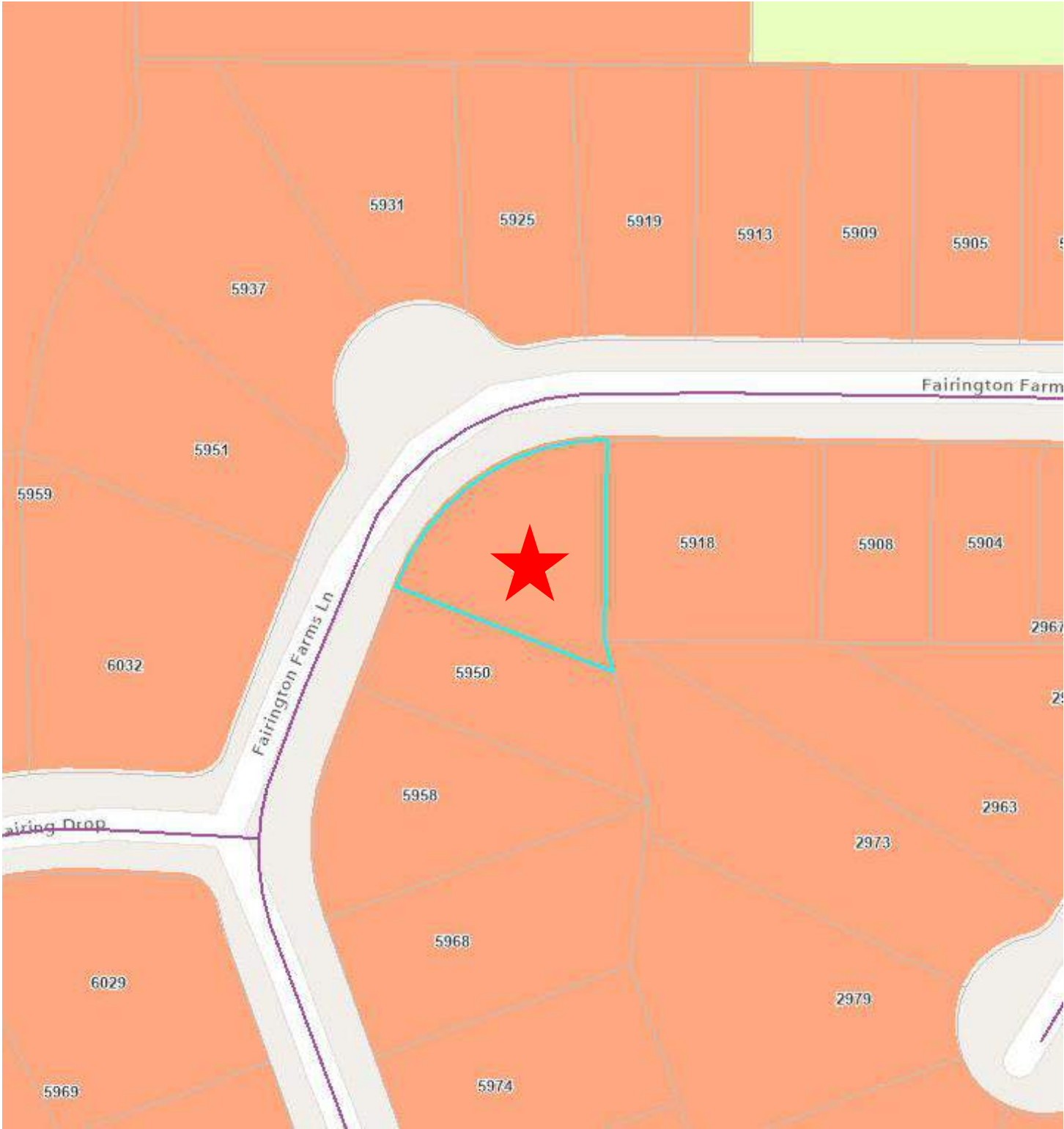
Future Land Use Map | Suburban Neighborhood (SN)



Suburban Neighborhood (SN)

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

Zoning Map | M (Light Industrial)



Aerial Map



Site Photo

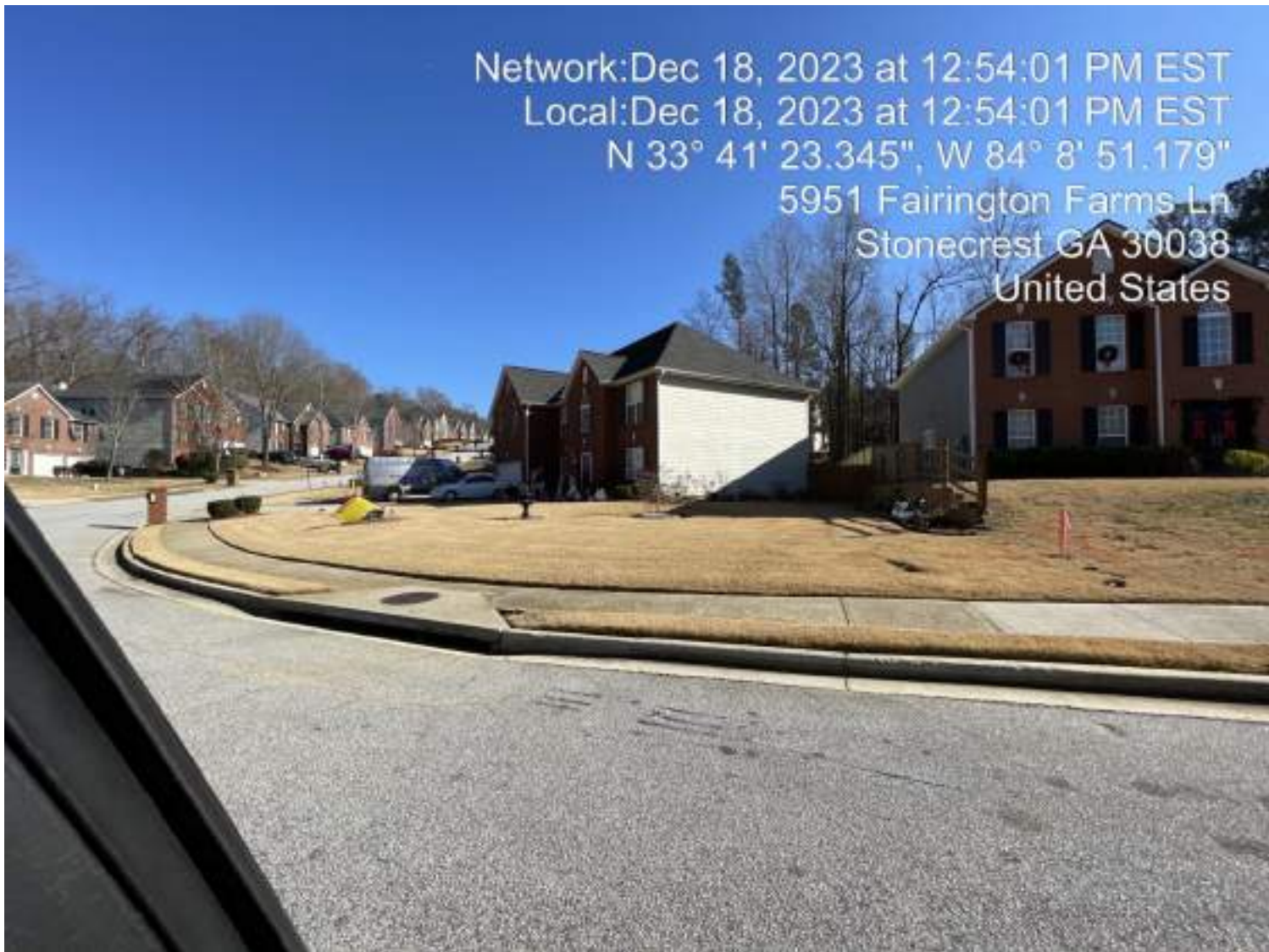


Network: Dec 18, 2023 at 12:52:40 PM EST
Local: Dec 18, 2023 at 12:52:40 PM EST
N 33° 41' 23.747", W 84° 8' 50.638"
5924 Fairington Farms Ln
Stonecrest GA 30038
United States





Network: Dec 18, 2023 at 12:54:01 PM EST
Local: Dec 18, 2023 at 12:54:01 PM EST
N 33° 41' 23.345", W 84° 8' 51.179"
5951 Fairington Farms Ln
Stonecrest GA 30038
United States











Submitted State License

2024



BRIGHT FROM THE START
GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING

LICENSE

License # FR-25160

This is to certify that a license is granted to Fennell, Michelle A to operate a Family Child Care Learning Home doing business as Fennell, Michelle A located at 5924 Fairington Farms Lane, Lithonia, DeKalb County of Georgia.

This license expires December 31, 2024.

"This license is granted pursuant to the authority vested in Bright from the Start: Georgia Department of Early Care and Learning, O.C.G.A. § 20-1A-1 et seq."

THIS LICENSE IS NOT TRANSFERABLE AND LICENSE FEE IS NON REFUNDABLE
License Fee of \$50.00 was paid on November 20, 2023.

Farm Sturno

Deputy Commissioner for Child Care Services



**BRIGHT FROM THE START
GEORGIA DEPARTMENT OF EARLY CARE AND
LEARNING
CERTIFICATE OF REGISTRATION**

Facility # FR-25160

This is to certify that a Certificate of Registration is granted to Michelle A Fennell to operate a FAMILY DAY CARE HOME located at 5924 Faringston Farms Lane, Lithonia, GA 30038. This Certificate of Registration certifies that this provider is eligible to provide quality childcare to a maximum of six (6) children.

This Certificate of Registration is effective from May 01, 2009 to May 01, 2010.

"This Certificate of Registration is granted pursuant to the authority vested in the Bright from the Start Georgia Department of Early Care and Learning, O.C.G.A. §20-1A-1, and signifies that the Family Day Care Home complies with applicable

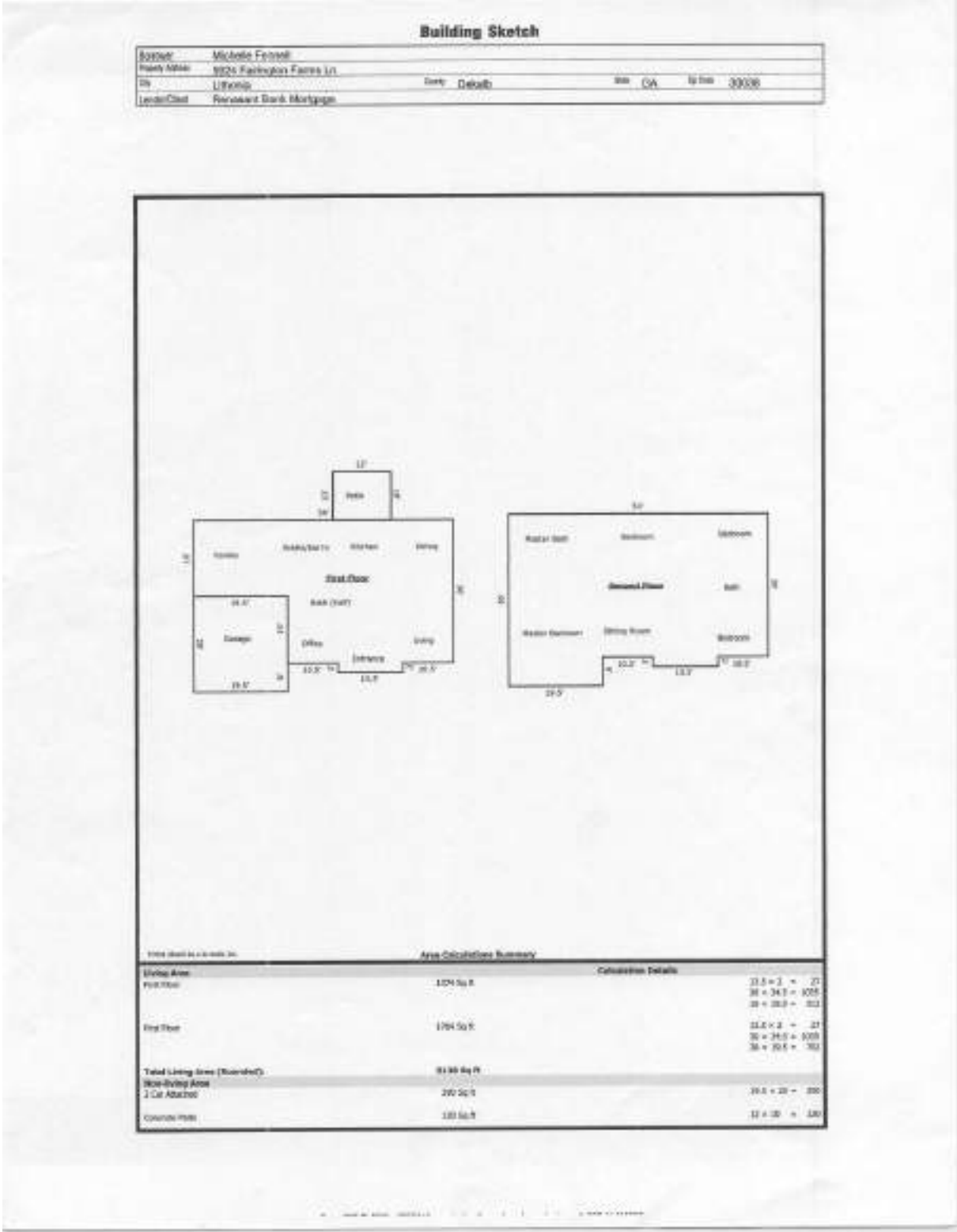
THIS CERTIFICATE IS NOT TRANSFERABLE

WITNESS my hand, this Tuesday, March 3, 2009

Ashley Strickland
Assistant Commissioner for Child Care Policy

Kevin Perkins
Regional Director, Family Day Care Unit

Submitted Floor Layout



Letter of Intent

5924 Fairington Farms Ln
Lithonia GA 30038
10-24-23

To whom it may concern
Lithonia now StoneCrest I been a resident of
at 5924 Fairington Farms Lane 30038 for the past 19 years
I am a licensed Daycare Provider and a
Quality Rated which is Monitored by the
State of Georgia by Bright from the Start
I am applying for a Business License
from the city of StoneCrest.

M Fennell.

Letter of Intent

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 23-011 ON PARCEL NUMBER**
3 **16 075 03 007 TO ALLOW THE OPERATION OF A HOME CHILD DAYCARE AS A**
4 **TYPE II HOME OCCUPATION AT 5924 FAIRINGTON FARMS LANE STONECREST,**
5 **GEORGIA 30038; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF**
6 **CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE**
7 **DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

8 **WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and City
9 Council (“City Council”) thereof; and

10 **WHEREAS,** Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
11 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

12 **WHEREAS,** the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances
13 relating to its property, affairs, and local government; and

14 **WHEREAS,** the City of Stonecrest has been vested with substantial powers, rights, and
15 functions to generally regulate the use of real property to maintain health, morals, safety, security,
16 peace, and the general welfare of the City; and

17 **WHEREAS,** the City received an application for the operation of a home child daycare as
18 a type II home occupation at 5924 Fairington Farms Lane; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
20 a home child daycare as a type II home occupation must obtain a special land use permit; and

21 **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting
22 pursuant to the provisions of the City’s Zoning Procedures Law; and

23 **WHEREAS**, the City has properly advertised and held a public hearing before the
24 Planning Commission regarding SLUP 23-011, the request for special land use permit to operate
25 a home child daycare as a type II home occupation at 5924 Fairington Farms Lane; and

26 **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the
27 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of
28 this Ordinance; and

29 **WHEREAS**, the Director of Planning and Zoning recommends approval with conditions
30 of special land use permit 23-011 of property located at 5924 Fairington Farms Lane; and

31 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
32 impacted by the adoption of this Ordinance.

33 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**
34 **THE CITY OF STONECREST, GEORGIA, as follows:**

35
36 **Section 1.** That SLUP 23-011, which allows operation of a home child daycare as a type
37 II home occupation at 5924 Fairington Farms Lane, satisfying Section 7.4.6 of Division 4 of Article
38 7 and Section 4.2.31 of Division 2 of Article 7 in Chapter 27 of the City of Stonecrest Code of
39 Ordinances, **APPROVED WITH CONDITIONS** as follows:

- 40 1. Applicant must comply and remain in compliance with all International Building Code
41 regarding care facilities within a dwelling;

42 2. No city permit for the operation of the childcare services shall be transferable; will only
43 be permitted for the operator Michelle Fennell;

44 3. A City of Stonecrest business license is required shall be obtained;

45 4. No parking is permitted on the street or on lawn area of subject property;

46 5. A maximum of three (3) students shall be served at any time;

47 6. No signs other than those otherwise authorized within the applicable zoning district shall
48 be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the
49 structure or displayed upon the premises);

50 7. No child shall remain at the subject property for no more than 12 (twelve) hours per day.
51 The Applicant’s hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and

52 8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that
53 are not kid friendly shall be stored away and removed from the play area.

54 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
55 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
56 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

57 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
58 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
59 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
60 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
61 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
62 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

63 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
64 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
65
66
67
68
69

70 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
71 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
72 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
73 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
74 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
75 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
76 effect.
77
78
79

80
81 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
82 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

83 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
84 expressly repealed.
85

86
87 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
88 State of Georgia and the City of Stonecrest.
89

90
91 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
92 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
93 Stonecrest, Georgia.
94
95

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2024.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

- 96
- 97
- 98
- 99
- 100
- 101
- 102
- 103
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- 105



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 23-004 Food Trucks/Vending

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Monday, November 13, 2023

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre’Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director Planning and Zoning

PURPOSE: Amendment to Stonecrest Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations), Article 19 (Mobile Food Vendors), Chapter 27 (Zoning Ordinance), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Food Trucks, and Appendix A (Schedule of Fees).

FACTS: There are no zoning regulations for Food Truck within the Zoning Ordinance. Current “Vending Operations Rules” exist in Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations). Staff is proposing changes to the Stonecrest’s Chapter 15 and 27 Ordinances

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - Staff Report



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-004 Food Truck/Vending

ADDRESS: City-Wide

MEETING DATES: August 10, 2023 (CPIM) | August 14, 2023 (Work Session) | September 5, 2023 (PC) | November 13, 2023 (Work Session) | December 11, 2023 (MCC/ Fee Announcement) | January 22, 2024 (MCC/ First Read) | February 26, 2024 (MCC/ Second Read)

Summary: Amendment to Stonecrest Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations), Article 19 (Mobile Food Vendors), Chapter 27 (Zoning Ordinance), Article 4 (Use Regulations), and Article 9 (definitions/Maps) regarding Food Trucks.

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: APPROVAL with one (1) modification: To add a reference to mobile BBQ pits, mobile stoves, etc.



FACTS & ISSUES

- There are not existing Zoning Regulations for Food Truck with Zoning Ordinance
- Current “Vending Operations Rules” exist in Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)
- Staff is proposing the following changes:
 - ❖ Removing “Mobile Food Vendors” from Chapter 15
 - ❖ Allowing Food Trucks in certain zoning districts
 - ❖ Implementing regulations for Food Truck within Chapter 27

Attachment(s) Included:

- **Revisions to Stonecrest’s Ordinance regarding Food Trucks**

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARYStonecrest City Hall- 6:00 PM **Spoke-in-Person Meeting***August 10, 2023**

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing August 10, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Introductions:** Director Ray White, Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.
- II. **Presentations:** Upcoming Cases Presented by Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown
 - **SLUP22-016**
 - **SLUP23-007**
 - **SLUP23-008**
 - **V23-005**
 - **TMOD23-004**

- III. **Presentations**

*Deputy Director Matthew Williams, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown Presented **SLUP22-016, SLUP23-007, SLUP23-008, V23-005, and TMOD23-004***

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns.

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

Announcements

Visit the City of Stonecrest's Planning and Zoning website to access the *Project Viewer*.

SLUP22-016 presented by Cobi Brown

SLUP22-016

1352 Regal Heights Drive

Stella Akolade

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Personal Care Home for up to three (3) persons.

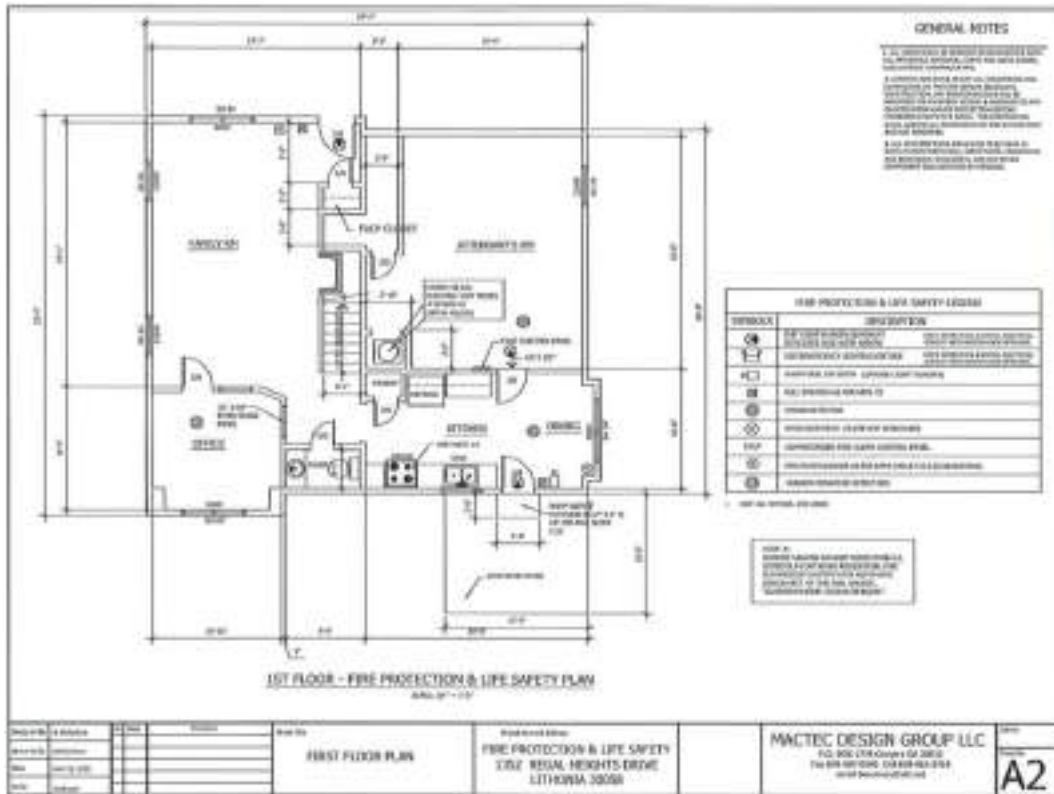
Future Land Use- Suburban Neighborhood (SN)

Zoned- R-100 Residential Medium Lot

Aerial Map and Submitted Photo-



Submitted Floor Layouts-



Stella Akolade stated that she does and that she has been there since 2021. Once the business is established it will be her primary residence.

SLUP23-007 Presented by Abeykoon Abeykoon

SLUP23-007

2547 Lithonia West Drive

Hanna Casswell of Casswell Design Group, LLC

Petitioner is seeking a Special Land Use Permit (SLUP) to operate an Asphalt Plant.

Future Land Use- Light Industrial (M)

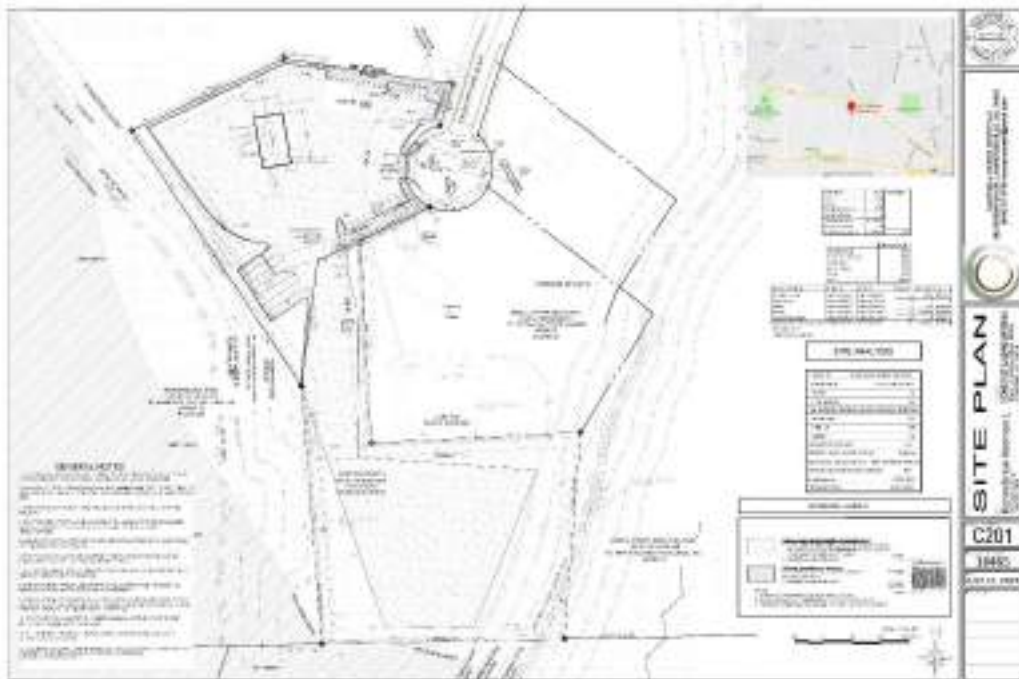
Zoned- M – Light Industrial

Aerial Map and Submitted Photo-





Submitted Floor Layout-



Hannah Caswell the applicant and representative for the company came to the stand.

Renee Kale a resident of District Four came to stand. She asked about the amount of asphalt/concrete produced per year

Hannah Caswell referred to the owner to answer some of the questions and also stated that the owner gets materials from repurposed buildings and recycles them.

Renee Kale asked if it was a concrete or asphalt plant and stated that both are dangerous for the community and our lungs. She listed some of the harmful chemicals that can be found in the materials.

Malika Wells a district four resident came to the stand. She asked for further clarification of what type of business is conducted on the site.

Ron Kennebrew the owner answered that they manufacture concrete.

Malika Wells also asked why they need a special land use permit

Matthew Williams the Deputy Director stated that it is required by code

Malika Wells asked if it was a new use

Ray White the Director stated that it is the same use and that the reason why we have the SLUP is that certain uses require certain other factors to be considered to make sure that those factors are considered essentially going forward such as making sure that they adhere to all the state and federal regulations that if there are environmental concerns those things are addressed and that the applicant has those certifications as it relates to federal state regulations

Bernie Knight chairman of Stonecrest Industrial Council came to the stand. He stated that the applicant originally tried to rezone from light to heavy industrial and wanted to know what happened to that application.

Ray White stated that the application was withdrawn.

Bernie Knight asked if the property would be leased to a third party or if the owner would operate the plant himself

Hannah Caswell stated that the owner plans to operate the plant.

Bernie Knight believes that this is a bad location for the business reasons being the area is transitioning and there are residential neighborhoods there. Does not support application.

SLUP23-008 Presented by Abeykoon Abeykoon

SLUP23-008

6419 Rockland Road

Joel Burkholder

Petitioner is seeking a Special Land Use Permit (SLUP) to construct a Short-Term Vacation Rental.

Future Land Use- Rural Residential (RR)

Zoned- R-100 – Residential Medium Lot

Overlay Zoning- Arabia Mountain

Aerial Map and Site Plan-





Joel Buckholder
Customer #316430



Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

The applicant was not present at this meeting. There were no attendees to speak for or against the petitioner.

V23-005 Presented by Matthew Willaims

V23-005

2375 Panola Road

Battle Law P.C. on behalf of Atlanta Residential Investors LLC

Petitioner is seeking a Variance to reduce stream buffer from seventy-five (75) feet to fifty (50) feet.

Future Land Use- Light Industrial (M)

Zoned- M – Light Industrial

Overlay Zoning District- I-20 Tier 2

Aerial Map and submitted site plan-

Michelle Battle with Battle Law came to the stand.

Angela Ash resident of district four came to the stand. She asked about the state-federal requirement and if there will be any negative effects.

Michelle Battle stated that for the 75-foot stream buffer, the first 25 feet is required by the state of Georgia with regards to protecting the stream bank. You cannot encroach into that area without a permit from the state and the remaining 50 feet of the 75 feet is regulated by the city. This particular stream buffer request is at the rear of the site and in her opinion, there is no negative impact on the stream caused by the reduction of the stream buffer by 25 feet. They will have water quality system as well as detention on the site.

Malika Wells district four resident asked what will be on the site

Michelle Battle stated that they would like to develop apartments.

Malika Wells asked why the site plan touches on the buffer line

Michelle Battle She believes they could request the variance because of the shape of the parcel and the fact that the stream buffer takes up the entire rear portion of the site. They looked at different designs for the site but chose this one to include all the required parking and keep the site aesthetically pleasing. They believe that they can still protect the stream and put in a design that is visually acceptable along with the parking that is necessary to meet the code requirements.

Angela Ash resident of district four stated that stream buffers protect the water bodies from the impacts of human activities. She does not think that the variance should be granted. Stated that we need quality projects that are going to enhance Economic Development

Mia Harper a resident asked if there were any additional studies to help support Battle's opinion that there were no environmental impacts and she asked why the city established the 50 ft buffer.

Michelle Battle stated that they are providing for both water quality and detention on the site. There will be a tree study done for the site.

Ray White answered that the variance request are not taken likely and the final decision will be made at the Zoning Board of Appeals

TMOD23-004 Presented by Matthew Williams

TMOD23-004 Food Truck/Vending

City-Wide

Stonecrest Planning and Zoning Department

Petitioner is seeking to make amendments and updates to Article 19 (Mobile Food Venders) of Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations) and Article 4 (Use Regulations), Article 9 (Definitions/Maps) of Chapter 27 (Zoning Ordinance) regarding Food Trucks/Vending..

Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

Article 19 – Mobile Food Vendors

Division 1. – Generally

Sec. 15.19.1. – Definitions.

~~Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.~~

~~Food truck shall mean a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.~~

~~Vending cart means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.~~

~~Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.~~

What Changed?

- Food Truck
 - Removed existing definition and implemented a new definition
- Vending Cart
 - Removed existing definition and implemented a new definition

Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

~~Sec. 15.19.4. – Vending operational rules. Reserved~~

~~(a) Hours of operation shall be between 7:00 a.m. and 6:00 p.m., or as previously approved by the City Manager in his discretion in connection with a special event permit.~~

~~(b) All and all signage must comply with the City of Stonecrest Code of Ordinances, Chapter 21.~~

~~(c) Vendors may offer items permissible for sale only.~~

~~(d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.~~



~~TMOD-22-004~~

~~C. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15.19.3.~~

~~(f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.~~

~~(g) Vending operations, including, but not limited to, the display of merchandise and may not exceed the approved operating area.~~

~~(h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.~~

~~(i) Vending carts and/or food trucks should not occupy more than one standard parking space.~~

~~(j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.~~

~~(k) Vending carts and/or food trucks shall be located within 100 yards of the principal structure of the lot upon which it intends to vend.~~

~~(l) Vending carts and/or food trucks are allowed to stay at one site place of operation for a maximum of four hours.~~

~~(m) Vendors offering prepared food shall obtain the proper authorization and permits from the DeKalb County Board of Health or the comparable department of another municipality.~~

~~(n) Vendors offering pre-packaged food and pre-packaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.~~

What Changed?

- Removed vending operations rules from Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

Amendments to Chapter 27 (Zoning Ordinance)

Article 4 – Use Regulations
 Division 1 – Overview of Use Categories and Use Table



TMOO-23-024

Planning and Zoning Department

Sec. 4.1.3 – Use Table

Use	KEY: P - Permitted use Po - Permitted on an accessory use										SA - special administrative permit from Community Development Director SP - Special land use permit (SLUP)										See Section 4.2					
	RE	REG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2		MU-1	MU-2	MU-3	MU-4,5	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending, Food Carts													SA			SA	SA	SA	SA	SA						2

What Changed?

- Added Food Trucks, Mobile Vending/Food Carts to the Use Table
- Permits Food Trucks, Mobile Vending/Food Carts in the following zoning districts with an approved Special Administrative Permit (SA):
 - OI – Office Institutional
 - C-1 – Local Commercial
 - C-2 – General Commercial
 - OD – Office Distribution
 - M – Light Industrial
 - M2 – Heavy Industrial

Amendments to Chapter 27 (Zoning Ordinance)

Division 2. - Supplemental Use Regulations**Sec. 4-2-67. - Food Trucks, Mobile Vending/Food Cart.**

All Food Trucks shall comply with the following:

A. Permit.

1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit to operate within the city.
2. The Food Truck, Mobile Vending/Food Cart Permit shall be valid for a period of one – calendar year after issuance and applicable to the approved site only.
3. Any condition of zoning or provision of the Stonecrest and DeKalb County's zoning ordinance that prohibits a food truck use on a property shall supersede this section.



TMO-23-004

Planning and Zoning Department

4. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all current city, DeKalb County, State of Georgia, and federal licenses and shall follow all laws of the state and county health departments, or any other applicable laws.
- B. Permitted locations.**
1. Allowable districts: OB, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Department.
 2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.
- C. Restricted locations.**
1. No Food Trucks, Mobile Vending/Food Carts shall be located within 250 feet of a residential structure(s).
 2. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of DeKalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.
 3. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
 4. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.

*Amendments to Chapter 27 (Zoning Ordinance)***D. Hours of operation.**

1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.
2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of DeKalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the



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applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.

E. Parking.

1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.
2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.

F. Signage.

1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.

G. Lighting/Noise.

1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements.

H. Waste Disposal.

1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleaning procedures shall be submitted with the Special Administrative Permit application.

What Changed?

- Added supplemental regulations for Food Trucks, Mobile Vending/Food Carts

Amendments to Chapter 27 (Zoning Ordinance)

Article 9. – Definitions/Maps

Sec. 9.1.3. – Defined terms.

Food truck means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.

Vending means vending activity as permitted on privately-owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

What Changed?

- Added definitions for Food trucks and Vending

Amendments to Appendix A – (Schedule of Fees)

PROPOSED 90 DAY FOOD TRUCK PERMIT			PROPOSED TEMPORARY FOOD TRUCK PERMIT		
Permit Fee	\$350.00	Inside and Outside Jurisdiction.	Permit Fee	\$250.00	Inside and Outside Jurisdiction.
Approved Period	90 Days	These are 90 designated consecutive days.	Approved Period	3 Days	These are 3 designated consecutive days.
Number of Locations	3	Food Truck can serve up to 3 locations during days of operation.	Number of Locations	2	Food Truck can serve up to 2 locations during days of operation.
Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.	Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.
Permit Amendments	\$135.00	Updating permit to remove or add a new location.	Permit Amendments	\$115.00	Updating permit to remove or add a new location.

Matthew Williams explained the difference between inside and outside jurisdiction. “Outside” refers to the food trucks that are outside of the city in unincorporated Dekalb County and the surrounding counties that are interested in doing business within the city and “inside” refers to the food truck owners that are originally based in the city.

They will only be permitted in C1-local commercial, C2- general commercial, OI- office institutional, OD- office distribution, M- light industrial, and M2- Heavy Industrial.

Malika Wells, a resident of the city came to the stand. She asked about the 90 day period for the permit and if there were any changes made to Chapters 15 and 27. She also asked if food trucks will be provided with a list of approved locations for their services as well as what will be done if traffic occurs if a food truck is popular.

Matthew Williams stated that in the Special Administrative Permit process a site plan is required, addresses they have in mind, and a document stating the property owner's permission. Certain locations are off-limits and there are also distance requirements.

He also stated that the permit is valid up to one year and an applicant is approved for 90 consecutive days.

Glenda Jordan a resident of district one came to the stand. She stated that the permit does not give an applicant a right to use the permit occasionally and did not agree with the fees.

An Attendee asked who determines the prices

Matthew Williams stated that the planning and zoning department works with the finance department.

Rakia Murphey came to the stand to state that a doable plan should be made if the city wants vendors to conduct business here. The city should not be greedy, and the money will eventually come.

Upcoming Meetings

- Public Hearing will be held for presented items during:
 - Planning Commission
 - September 9, 2023
 - 6 PM
 - Council Chambers
 - Mayor & Council
 - September 25, 2023
 - 6 PM
 - Council Chambers
 - Zoning Board of Appeals
 - September 19, 2023
 - 6:30 PM
 - Council Chambers

Meeting ended at 7:11 p.m.

PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

September 5, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing August 1, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:00 PM.

II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent and the District I seat is currently vacant.

Planning Director Ray 'White, Deputy Director Matthew Williams, Senior Planner Tre' Jon Singletary, and Planner Abeykoon Abeykoon were in attendance. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.

III. **Approval of Minutes: The Planning Commission Meeting Minutes Summary dated August 1, 2023.** Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated **August 1, 2023** and moved by Chairman Hubbard. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

IV. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Hawkins motioned to **APPROVE THE AGENDA**. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

V. **Presentations: Upcoming Cases Presented by: Matthew Williams, Deputy Director**

- **RZ-23-003**
- **SLUP22-016**
- **SLUP23-007**
- **SLUP23-008**
- **TMOD23-004**

VI. **Old Business: RZ-23-003**

VII. **Announcements**

Dr. Ray White Retirement and Voting

VIII. **Presentations**

The Deputy Director Matthew Williams Presented all cases above

RZ-23-003

- 4700 Browns Mill Road
- Battle Law PC on behalf of applicant, Ray of Hope Christian Church Disciples of Christ, Inc.
- Applicant is seeking a major modification of conditions of the subject property to change the conditions from zoning case number CZ-05-32, to allow for 46 Single-Family Detached Dwellings

Commissioner Hawkins asked for designs and site plans relating to the proposal to the last meeting.

Matthew Willaims states that the documents asked for in the last meeting were not sent over by the applicant

The applicant also was not present

SLUP22-016

- 1352 Regal Heights Drive
- Stella Akolade
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Personal Care Home, Group.

Facts and Background

- CPIM (Community Planning Information Meeting) was held on August 10th
- Petition is considered a Type II Home Occupation
- Applicant is proposing to host no more than three (3) individuals within home
- Existing structure is approximately 2,478 sq. ft.
- Applicant must obtain approval of SLUP (Special Land Use Permit) and Business License prior to operations

Future Land Use/Character Area

Suburban Neighborhood (SN)

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



Zoning- R-100 Residential Medium Lot



Sec. 4.2.41. – Personal Care Homes & Child Caring Institutions

A. Personal care homes: general requirements

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.
2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate. Each personal care home (owned and/or permitted by the State of Georgia) must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
3. No personal care home may display any exterior signage that violates the sign ordinance in [chapter 21](#) of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in [section 7.5.9](#) of this chapter.
5. No city permit for the operation of the personal care home shall be transferable.

B. Personal care home: group (up to six persons)

1. Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in [articles 6](#).
3. The home must be at least 1,800 sq. ft. in size.
4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within 1,000 feet of any other group personal care home. The 1,000-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with [Sec. 4.2.41. - Personal care homes and child caring institutions](#); and
2. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling.

Chairman Hubbard asked if the applicant agreed to the two conditions

Matthew Williams stated that is a requirement

Public Hearing was opened

Stella Akolade (The applicant) came to the stand to speak on her petition and stated that it will be for individuals with development disabilities, staff will be with them all of the time, and the individuals who stay at the home are comparable to living with a family member

Commissioner Hawkins asks if there was a meeting with the community and what type of individuals will be staying there

Matthew Williams mentions that there was a CPIM meeting

Ms. Akolade mentions that it will be adults in the age range 18 to late 70s

There was no one to speak in favor of the application but one to speak in opposition.

Charles Spivey has been living across the street from this property since 1995. He stated that there was a citizen who previously owned this home and operated the same type of business. During that time traffic was an issue, parking was also an issue and people would park in front of his home including the employees, and the police were called at times.

Commissioner Walker asked if the neighborhood had an HOA and if there were any issues regarding the age range of the residents when the previous owners were there

Mr. Spivey stated that there was not an HOA which is why he enjoyed moving there because all of the neighbors were in agreement with the upkeep of the neighborhood. He stated that his youngest daughter had an issue because there was a man that would stare at her and smoke but there were never any confrontations.

The biggest problem was parking in the street because the driveway is steep.

Ms. Akoldale stated that she has been in this industry for a while because she was a registered nurse. She visited the home before the previous owner left. The driveway is a good size and she does not like parking on the street. She also stated that she would make sure to work with her neighbors before operating.

Commissioner Hawkins asked if there is someone at the house full-time and why would the individuals need to stay there.

Ms. Akolade stated that she will stay in the home and an individual (staff member) would be there full-time. Individuals will stay there if they have intellectual development disabilities.

Commissioner Walker asked why the previous owner left

Ms Akoldae stated that the owner said that she was tired.

Public hearing was closed for discussion.

Commissioner Walker asked if there were any other personal care homes in this area

Director Ray White stated that they did not have an estimate

Commissioner Hawkins was concerned about the individual who was in opposition

Chairman Hubbard made a motion to approve the petition with the conditions made by the department.

Commissioner Hawkins seconded the motion and it was **Approved** by unanimous **Approval**.

SLUP23-007

- 2547 Lithonia West Drive

- Hanna Casswell of Casswell Design Group, LLC
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate an Asphalt Plant.

Facts and Background

- CPIM (Community Planning Information Meeting) was held on August 10th
- Applicant sought to rezone property in 2020; applicant withdrew rezoning application
- Currently existing has a licensed business as a Concrete Plant
- Subject property is surrounded by industrial zoned parcels
- The Applicant is proposing to be an enclosed concrete plant
- Proposed hours of operation will be 7:00 AM – 7:00 PM

Future Land Use/Character Area

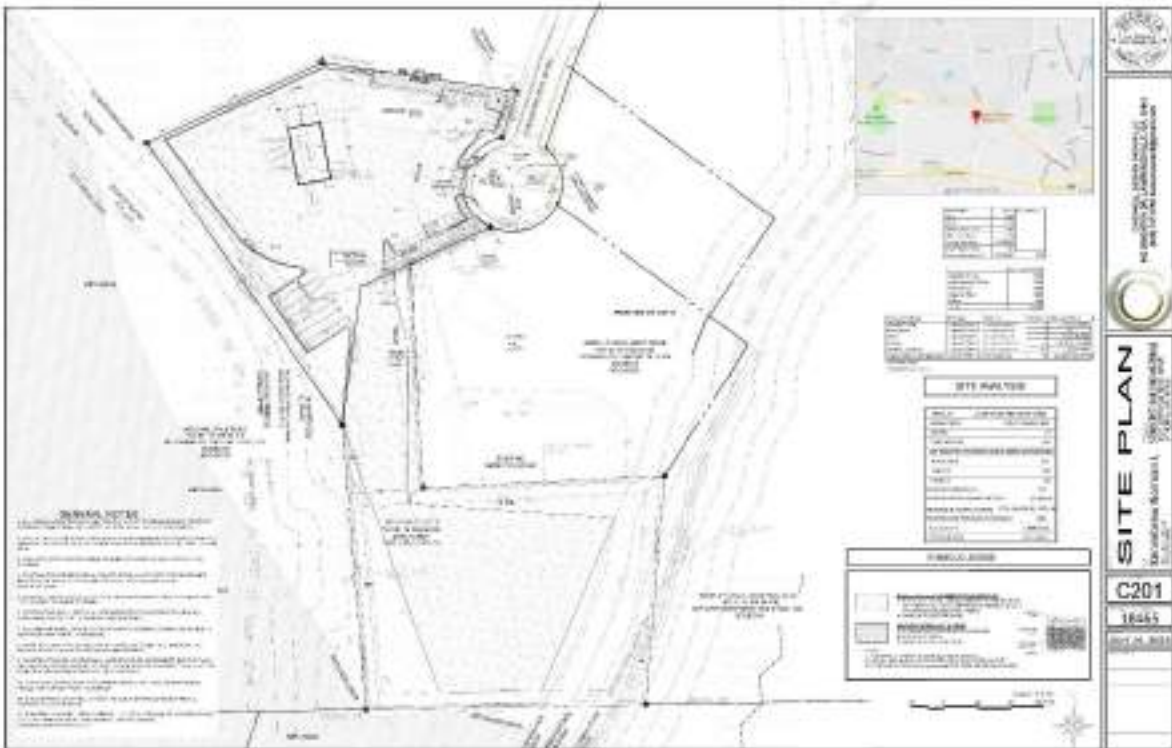
Light Industrial (M-LI)

The intent of the Light Industrial Character Area is to identify areas that are appropriate for industrial type uses. The location of these areas shall preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics.



Zoning Map- M Light Industrial





Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must submit a building permit prior any structures being constructed and;
2. Applicant must comply and remain in compliance with all federal, state, county, and local environmental ordinances.

Public Hearing was opened

Antonio Vile representative of The Applicant Ron Kennedy came to the stand. He stated it was brought up by staff that there was an application that was submitted in 2020. They made it to the city council but withdrew the application. He and his client want to make sure that they are in compliance.

Commissioner Hawkins asked how long they had been in business

Ron Kennedy stated that they have been 404Concrete since 2016, but have been in that location since 2020.

Commissioner Walker asked about the community meetings.

Hanna Caswell another representative for the company came to the stand. She stated that there were people who were in opposition, but they did not live in the area. This was during the time of the first rezoning application. She also explained that the property was originally zoned M1 but they wanted to do M2 at the time.

Commissioner Walker asked if they were in operation at the moment

Antonio Vile states They are currently operating

Attorney Bernie Knight came to the stand to speak in opposition. He thinks the application should be deferred. Asphalt should not be on the application because it is a concrete plant. The plant has been operating for years without the proper zoning and proper permits. He has nothing against the applicant. It is a heavy industrial use. There should not be heavy industrial usage added south of Covington Highway.

Dave Marcus a Stonecrest resident of 32 years spoke in opposition because they have been operating illegally. He doesn't believe that the people who attended the community meeting did not live in the area. Concerned about the previous application. He agrees with Bernie Knight about location. It leaves a bad taste in his mouth and asks that the Planning Commission deny the application.

Anthony Vile came back to the stand for rebuttal. The previous application is the past and the staff is aware of what happened. They have been operating with no issues and have been in communication with the city. They have paid fines and other fees needed for the application.

They are within the ordinance and right to operate. They have done everything required and ask that they approve.

The floor opened for discussion

Commissioner Hawkins mentions that he agrees that concrete is heavy industrial, but the usage is allowed within the light industrial according to the code. If there is an issue then the public can communicate with staff for amendments. The code allows it and they have to follow code.

Commissioner Hawkins approves the application with conditions recommended by staff. Chairman Hubbard seconded this motion. Commissioner Walker voted against it.

The application still passes

SLUP23-008

- 6419 Rockland Road
- Joel Burkholder
- Petitioner is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental.

Facts and Background

- CPIM (Community Planning Information Meeting) was held on August 10th
- The existing dwelling is approximately 3,122 sq ft.
- Existing dwelling consists of four (4) bedrooms, 1.5-bathroom, family room, dining room, kitchen, outside courtyard, living room, mudroom hallway, laundry room on the main level
- Additionally, one (1) bedroom, full bathroom, and living room located in basement
- Section 4.2.58 (Short Term Vacation Rental (STVR)) lists eleven (11) supplemental regulations applicant must abide by

Future Land Use/Character Area



Rural Residential (RR) Character Area

The purpose of the Rural Residential category is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity uses.

Zoning- R-100 Residential Medium Lot

Overlay District- Arabia Mountain Conservation







Joel Buckholder
Customer #316430



Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with [Sec. 4.2.58. - Short term vacation rental](#);
2. No city permit for the operation of the short-term vacation rental shall be transferable will only be permitted for the owner/operator Joel Burkholder;
3. Applicant must comply and remain in compliance with [ARTICLE VII - NOISE ORDINANCE](#);
4. Short-term rental units must be properly maintained and regularly inspected by the owner or agent to ensure continued compliance with applicable property maintenance, zoning, building, health, and life safety code provisions.

Joel Burkholder the applicant came to the stand, He currently lives at the home with his family but is now fixing it up so it can become a short-term rental. The house sat vacant for a long time. Parking, noise, and vetting of renters are problems people are usually concerned with. The house is on 3.2 acres of land so there will be no issues with parking, no one under the age of 21 will be able to rent, the duration of stay will be under 30 days and 1-2 night stays will not be allowed, 24-hour surveillance cameras will be in operation on the outside of the property. There will also be smoke and fire monitoring. The pool there will be enclosed for liability's sake. They will be working with local businesses for upkeep.

Commissioner Hawkins asks if he and his family plan on vacating after approval

Joel Burkholder stated that they will not be living there when someone is renting.

Dave Marcus resident of Dekalb 30 years and neighbor came to the stand to speak in support to ask for approval with one condition. He was concerned about parties that people may try to have on the property. He thinks that it should be managed or owner-occupied even while someone is renting.

Joel Burkholder came back to the stand and stated that he has property owners at another property that he owns in Florida and they do not care about the property as much as he the owner does. He will have people on the ground and cameras will watch the property

Commissioer Hawkins moves to Approve this petition it is seconded by Chairman Hubbard and Approved by unanimous vote.

TMOD23-004 Food Truck/Vending

- City-Wide
- Stonecrest Planning and Zoning Department
- Petitioner is seeking to make amendments and updates to Article 19 (Mobile Food Venders) of Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations) and Article 4 (Use Regulations), Article 9 (Definitions/Maps) of Chapter 27 (Zoning Ordinance) regarding Food Trucks/Vending.

Facts and Background

- There are not existing Zoning Regulations for Food Truck with Zoning Ordinance
- Current “Vending Operations Rules” exist in Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)
- Staff is proposing changes to the Stonecrest’s Ordinance

Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

~~Article 19 – Mobile Food Vendors~~

~~Division 1. – Generally~~

~~Sec. 15.19.1 – Definitions.~~

~~Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.~~

~~Food truck shall mean a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.~~

~~Vending cart means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.~~

~~Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.~~

What Changed?

- Food Truck

- Removed existing definition and implemented a new definition
- Vending Cart
 - Removed existing definition and implemented a new definition

Amendments to Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

Sec. 15.10.4. – Vending operational rules- Revised
 (a) Hours of operation shall be between 7:00 a.m. and 6:00 p.m., or as previously approved by the City Manager or his designee in connection with a special event permit.
 (b) Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.
 (c) Vendors may offer items permissible for sale only.
 (d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.



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 C. All vendors must maintain an available point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15-20-2.
 (f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.
 (g) Vending operations, including, but not limited to, the display of merchandise and may not exceed the approved operating area.
 (h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.
 (i) Vending carts and/or food trucks should not occupy more than one standard parking space.
 (j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.
 (k) Vending carts and/or food trucks shall be located within 100 yards of the principal structure of the lot upon which it intends to vend.
 (l) Vending carts and/or food trucks are allowed to stay at any one place of operation for a maximum of four hours.
 (m) Vendors offering prepared food shall obtain the proper authorization and permits from the DeKalb County Board of Health or the comparable department of another municipality.
 (n) Vendors offering pre-packaged food and pre-packaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.

What Changed?

- Removed vending operations rules from Chapter 15 (Licenses, Permits and Miscellaneous Business Regulations)

Amendments to Chapter 27 (Zoning Ordinance)

Revision to the Zoning Ordinance, Chapter 27

Article 3. Overlay District Regulations
 Division 1. – Overlay Districts,
 2.1.6. – Overlay Use Table.

Land Use	Stonecrest Area Overlay						Interstate 10 Corridor Overlay			Archa Mountain Conservation Overlay	See Section 4.0
	T1	T2	T3	T4	T5	T6	T1	T2	T3		
*Key: P – Permitted use Pa – Permitted as an accessory Use SA – Special administrative permit required SP – Special Land Use Permit (SLUP) required X – Prohibited Use *If blank, check underlying zoning use table (Sec. 4.1.3) *Note: Uses permitted in Items 5 and 6 of the Stonecrest Area Overlay and the Archa Mountain Conservation Overlay are determined by the underlying zoning district, through the Overlay table procedure.							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
COMMERCIAL											
Restaurant/Food Establishments											
Breakfast/Roast grinders	P	P	P	P							
Catering establishments	P	P	P	P							
Food Trucks, Mobile Vending, Food Carts										X	

What Changed?

- Added Food Trucks, Mobile Vending/Food Carts to the Overlay Use Table

- Permits Food Trucks, Mobile Vending/Food Carts in all Overlay District byway of the underlying zoning district.

Amendments to Chapter 27 (Zoning Ordinance)

Article 4 - Use Regulations
 Division 1 - Overview of Use Categories and Use Table
 Sec. 4.1.3 - Use Table

Use	KEY: F - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP) <i>*Blank = not permitted*</i>										See Section 4.2					
	R-E	RL-G	R-10-O	R-10-S	R-10-T	R-10-M	RS-M	M-1	M-2	M-3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	MI	M-1a		MU-1	MU-2	MU-3	MU-4-5	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending/Food Carts													SA			SA	SA	SA	SA	SA						✓

What Changed?

- Added Food Trucks, Mobile Vending/Food Carts to the Use Table
- Permits Food Trucks, Mobile Vending/Food Carts in the following zoning districts with an approved Special Administrative Permit (SA):
 - OI – Office Institutional
 - C-1 – Local Commercial
 - C-2 – General Commercial
 - OD – Office Distribution
 - M – Light Industrial
 - M2 – Heavy Industrial

Division 2. – Supplemental Use Regulations**Sec. 4-4-07. – Food Trucks, Mobile Vending/Food Cart.**

All Food Trucks shall comply with the following:

A. Permit.

1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit to operate within the city.
2. Any condition of zoning or provision of the Stonecrest and DeKalb County's zoning ordinance that prohibits a food truck use on a property shall supersede this section.
3. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all current city, DeKalb County, State of Georgia, and federal licenses and shall follow all laws of the state and county health departments, or any other applicable laws.

B. Permitted locations.

1. Allowable districts: OD, OL, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Department.
2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.

C. Restricted locations.

1. No Food Trucks, Mobile Vending/Food Carts shall be located within 250 feet of a residential structure(s).
2. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any existing establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of DeKalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said existing establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.

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PREPARED BY: TREVIN SINGLETARY



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3. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.
4. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.

D. Hours of operation.

1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.
2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of DeKalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the



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applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.

E. Parking.

1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.
2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.

F. Signage.

1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.

G. Lighting/Noise.

1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements.

H. Waste Disposal.

1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, into the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleaning procedures shall be submitted with the Special Administrative Permit application.

What Changed?

- Added supplemental regulations for Food Trucks, Mobile Vending/Food Carts

Article 9. – Definitions/Signs

Sec. 9.1.3. – Defined terms.

Food truck means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.

Vending means vending activity as permitted on privately-owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.

What Changed?

- Added definitions for the following:
 1. Food Truck
 2. Vending
 3. Vending/Food Cart

Amendments to Appendix A – (Schedule of Fees)

PROPOSED 90 DAY FOOD TRUCK PERMIT			PROPOSED TEMPORARY FOOD TRUCK PERMIT		
Permit fee	\$350.00	Inside and Outside jurisdiction.	Permit fee	\$250.00	Inside and Outside jurisdiction.
Approved Period	90 Days	These are 90 designated consecutive days.	Approved Period	3 Days	These are 3 designated consecutive days.
Number of Locations	3	Food Truck can serve up to 3 locations during days of operation.	Number of Locations	2	Food Truck can serve up to 2 locations during days of operation.
Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.	Operational Restrictions	3 Days	Food Truck can only operate a maximum of 3 days per week.
Permit Amendments	\$315.00	Updating permit to remove or add a new location.	Permit Amendments	\$115.00	Updating permit to remove or add a new location.

Staff Recommendation(s)-

Approval

Chairman Hubbard asked about the time extension possibilities for some applicants.

Matthew Williams stated that it will be looked at in a case-by-case basis. Generally, the hours will be 7-10.

Chairman Hubbard asks if the city is hosting an event will food trucks still need to get a permit

Director White stated that the city is not excluded.

Commissioner Hawkins asks if there is a definition of the different usages (food cart, bbq pits, etc) If should be added in somewhere so no one can say that the ordinance does not apply to them. He asked for the definitions to be more specific.

He also asks if the property owners have to get permission.

Matthew Williams stated that the notification of property owner approval is a requirement And that they can specify the definition.

Commissioner Walker asks about the different locations where food trucks are usually present.

Chairman Hubbard gave some examples such as the park, during the holidays, etc.

Chairman Hubbard closed public hearing so that they could go into discussion.

Chairman Hubbard agrees that the definition should be edited so citizens will not think they are exempt.

He motioned for approval of the TMOD with Commissioner Hawkins's suggestions. This is seconded by Commissioner Hawkins and **approved** by unanimous vote.

Matthew Willaims asked about the Old Business that was omitted but there was no motion

Chairman Hubbard made a motion to open the public hearing for RZ23-003 . He made a motion to defer the application to the next cycle because the applicant was not present. It was seconded by Chairman Hawkins and **deferred** by unanimous vote.

VII. Announcements:

Matthew Williams Deputy Director stated that this was Director Ray White's last Planning Commission Meeting because he will be retiring.

Chairman Hubbard asks people to Vote

Chairman Hubbard moved to Adjourn. It was **seconded** and **approved by Unanimous Vote.**

Meeting ended at 7:32pm

APPROVED:

Tracy G. Hubler

10-3-23

CHAIRMAN

Date

ATTEST:

Cobi Brown

10/4/23

SECRETARY

Date



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STONECREST ORDINANCE UPDATE

Revision to the Licenses, Permits and Miscellaneous Business Regulations, Chapter 15

Article XIX – ~~Mobile Food Vendors Reserved~~

~~Division 1. — Generally~~

~~Sec. 15.19.1. — Definitions:~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~**Blind person** means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).~~

~~**Disabled veteran** means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.~~

~~(1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran~~



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~~served.~~

- ~~(2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.~~
- ~~(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.~~

~~Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.~~

~~Items permissible for sale means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.~~

~~Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.~~

~~Non-alcoholic pre-packaged beverages means beverages sealed in plastic or aluminum single-serving containers excluding all beverages in glass containers, and excluding all alcoholic, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Operating area means:~~

- ~~(1) The area in which a vendor may operate from a vending cart and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle; or~~
- ~~(2) The parameters of the food truck.~~

~~Pre-packaged food means single-serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.~~

~~Prepared non-alcoholic beverages means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Prepared food means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.~~



~~Public property and public space both mean, for the purpose of this article, any property owned by the City of Stonecrest within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.~~

~~Vending means vending activity as permitted on privately-owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.~~

~~Valid vendor permit means a permit issued by the City of Stonecrest for a vendor of a vending cart or food truck. Such permit shall consist of a photo-identification card which contains the vendor's name, photograph, vending type and classification, authorized valid vendor locations and time period for which such permit is valid.~~

~~Vending cart means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.~~

~~Vendor means any person who has been issued a valid vendor permit.~~

~~Sec. 15-19-2. — Purpose, intent and applicability.~~

~~A. Vending on public property in the incorporated boundaries of the city, as defined in this article, shall be prohibited. Vending on privately-owned commercial or industrial property without a permit issued pursuant to this article shall be unlawful and a person violating this article shall, upon conviction, be punished as provided by this Code.~~

~~B. It is the intent of council in enacting this article to:~~

- ~~(1) Serve and protect the health, safety and welfare of the general public.~~
- ~~(2) Establish a uniform set of rules and regulations which are fair and equitable.~~
- ~~(3) Provide economic development opportunities for small entrepreneurs in the city.~~
- ~~(4) Provide a variety of goods and services for sale.~~
- ~~(5) Promote stable vendors who will enrich the city's ambiance and be assets to public security.~~



~~Sec. 15-19-3.—Vending business required to remit sales taxes and keep records~~

- ~~(a) Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall prohibit the revocation of any permit in accordance with the provisions of division 2 of this article.~~
- ~~(b) Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to, the following:
Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.~~

~~Sec. 15.19.4.—Vending operational rules:~~

- ~~(a) Hours of operation shall be between 7:00 a.m. and 6:00 p.m., or as previously approved by the City Manager or his designee in connection with a special event permit.~~
- ~~(b) Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.~~
- ~~(c) Vendors may offer items permissible for sale only.~~
- ~~(d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.~~
- ~~€ All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15-19-3.~~
- ~~(f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.~~
- ~~(g) Vending operations, including, but not limited to, the display of merchandise and may not exceed the approved operating area.~~
- ~~(h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.~~
- ~~(i) Vending carts and/or food trucks should not occupy more than one standard parking space.~~



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- ~~(j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.~~
- ~~(k) Vending carts and/or food trucks shall be located within 100 yards of the principal structure of the lot upon which it intends to vend.~~
- ~~(l) Vending carts and/or food trucks are allowed to stay at any one place of operation for a maximum of four hours.~~
- ~~(m) Vendors offering prepared food shall obtain the proper authorization and permits from the DeKalb County Board of Health or the comparable department of another municipality.~~
- ~~(n) Vendors offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.~~

~~Sec. 15-19-5. – Aesthetic standards.~~

~~Vending carts must comply with the following aesthetic standards:~~

- ~~(a) Length of the cart may not exceed seven feet and width may not exceed four feet in height, excluding canopies, umbrellas, or transparent enclosures; may not exceed five feet;~~
- ~~(b) Canopies shall have a minimum clearance of seven feet and a maximum height of nine feet, six inches above the sidewalk;~~
- ~~(c) Canopies may not exceed 48 square feet (eight feet by six feet);~~
- ~~(d) All carts must be mobile, and able to roll on wheels;~~
- ~~(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;~~
- ~~(f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;~~
- ~~(g) The wheels located under the cart are preferred; however projecting wheels must have fenders;~~
- ~~(h) Hitches attached to the cart must be removable and detached when in operation; and~~
- ~~(i) If used, propane tanks must be enclosed.~~



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~~Sec. 15-19-6—15-19-20. Reserved.~~

~~DIVISION 2.— PERMITS AND LICENSES~~

~~Sec. 15-19-21.— Vendor permit and business license required.~~

~~(a) No vending shall occur without a permit issued pursuant to this article.~~

~~(b) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.~~

~~(c) All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated food truck area at all times when the vendor or assistant vendor is present.~~

~~Sec. 15-19-22.— Application.~~

~~(a) An application shall be required by all persons seeking issuance of a valid vendor permit. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.~~

~~(b) Permit fees and applicable maintenance fees are due and payable in the manner required by the City Manager or his designee if and when the application is approved by the City.~~

~~(c) An application for permit, including the proposed vending areas, must be submitted the City Manager or his designee for approval at least 30 calendar days prior to the proposed vending start date. The City Manager or his designee shall approve, deny, or request addition information from the applicant within 14 business days.~~

~~(d) The application shall, at a minimum, consist of the following data:~~

~~(1) Applicant's name and current address.~~

~~(2) Applicant's previous addresses within the last five years.~~

~~(3) Social Security number.~~

~~(4) Proposed vending locations.~~



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- ~~(5) Certification of approval of vending location from the private property owner.~~
- ~~(6) A dimensional site plan drawing for each vending location within the city which clearly shows the footprint and placement of the cart and the operating area.~~
- ~~(7) The times and days/dates during which the vendor estimates they will vend on the proposed property.~~
- ~~(8) GDOR retail identification tax number.~~
- ~~(9) State issued picture identification.~~
- ~~(10) — City business license.~~
- ~~(11) — A general description of the items permissible for sale to be sold or offered for sale.~~
- ~~(c) All applicants shall furnish all data, information and records requested of them by the City Manager or his designee within ten days from the date of request. Failure to furnish such information within ten days shall automatically dismiss, with prejudice, the application.~~

~~Sec. 15-19-23. — Term and renewal of permits.~~

- ~~(a) A valid vendor permit will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal.~~
- ~~(b) Vendors may present to the City Manager or his designee an application for a renewal permit. Upon a review and approval of the renewal application, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees as indicated in section 15-19-24, the vendor shall be furnished with a renewal permit.~~
- ~~(c) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in section 15-19-22.~~

~~Sec. 15-19-24. — Annual fees.~~

- ~~(a) Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.~~
- ~~(b) The annual permit fee for all valid vendor permits shall be \$75.00.~~



~~Sec. 15-19-25. – Location.~~

~~(a) Valid vendor locations shall:~~

- ~~(1) Not be within 15 feet of street intersections or pedestrian crosswalks or 15 feet of building entrances/exits or within 50 feet of hotels/motels;~~
- ~~(2) Not be within 15 feet of a driveway, bus stop, crosswalk, or intersection;~~
- ~~(3) Provide a minimum of five feet of unobstructed pedestrian space;~~
- ~~(4) Not be within 15 feet of a fire hydrant driveway; and~~
- ~~(5) Not be within 600 feet of the closest property line of any public or private elementary, middle or high school.~~

~~Sec. 15-19-26. – Notification of name change or change of address.~~

~~Whenever either the name or address provided by the vendor on the application for a valid vendor permit changes, the vendor shall notify the City Manager or his designee in writing within ten days of such change and provide same with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the City Manager or his designee at all times.~~

~~Sec. 15-19-27. – Denials, fines, suspensions and revocations.~~

- ~~(a) No valid vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.~~
- ~~(b) Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.~~
- ~~(c) A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:
 - ~~(1) Fraud, misrepresentation or false statements contained in the application.~~
 - ~~(2) Failure on the part of a vendor to maintain initial eligibility qualifications.~~~~



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~~(3) Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.~~

~~(4) Any failure to comply with any requirement set forth in this article or this Code.~~

~~(d) Any person whose permit is revoked may not reapply until one year following the effective date of the revocation.~~

~~(e) In addition to carrying out all other investigations as may be permitted under this article, the license and permits unit shall investigate any alleged violation of this article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury, and shall be accompanied by any supporting evidence.~~

~~Sec. 15-19-28. – Appeal on suspension, fine, revocation or denial.~~

~~A person to whom the city refuses to issue a vendor's permit or whose vendor's permit is suspended or revoked may file an appeal therefrom in accordance with article XVI of this chapter.~~

~~Sec. 15-19-29. – Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.~~

~~(a) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.~~

~~(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.~~

~~(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment between the hours of 9:00 p.m. and 9:00 a.m. daily. On days in which schools are actually in session, no motor vehicle shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.~~

~~(d) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.~~

~~(e) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be~~



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~~restricted to an operational area or location specifically described in section 15-19-25.~~

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Revision to the Zoning Ordinance, Chapter 27

Article 2. District Regulations

Division 3. – RE (Residential Estate) District

Sec. 2.3.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.



Division 4. – RLG (Residential Large Lot) District

Sec. 2.4.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 5. – R-100 (Residential Medium Lot-100) District

Sec. 2.5.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.



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- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

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Division 6. – R-85 (Residential Medium Lot-85) District

Sec. 2.6.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 7. – R-75 (Residential Medium Lot-75) District

Sec. 2.7.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.



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- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

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Division 8. – R-60 (Residential Small Lot-60) District
Sec. 2.8.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 12. – RSM (Small Lot Residential Mix) District
Sec. 2.12.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.



Division 13. – MR-1 (Medium Density Residential-1) District

Sec. 2.13.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 14. – MR-2 (Medium Density Residential-2) District

Sec. 2.14.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.



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- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



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Division 15. – HR-1 (High Density Residential-1) District

Sec. 2.15.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 16. – HR-2 (High Density Residential-2) District

Sec. 2.16.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.



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- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**
- g. Temporary produce stand; see section 4.2.**
- h. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Division 17. – HR-3 (High Density Residential-3) District

Sec. 2.17.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales or events, seasonal; see section 4.2.
- e. Temporary produce stand; see section 4.2.
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 26. – C-1 (Local Commercial) District

Sec. 2.26.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales; seasonal; see section 4.2.
- e. Temporary outdoor sales or events, seasonal; see section 4.2.



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- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 27. – C-2 (General Commercial) District

Sec. 2.27.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.**
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 28. – OD (Office - Distribution) District

Sec. 2.28.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.**



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- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



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Division 29. – OI (Office - Institutional) District

Sec. 2.29.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.
- d. Temporary outdoor sales; seasonal; see section 4.2.
- e. Temporary outdoor sales or events, seasonal; see section 4.2.
- f. Temporary produce stand; see section 4.2.
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.

Division 31. – M (Light Industrial) District

Sec. 2.31.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**



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- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 32. – M-2 (Heavy Industrial) District

Sec. 2.32.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- a. Farmer's market, temporary/seasonal; see section 4.2.**
- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Article 3. Overlay District Regulations

Division 1. – Overlay Districts.

Sec. 3.1.6. – Overlay Use Table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
<p>"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use</p> <p>*If blank, check use table for underlying zoning (Sec.4.1.3)*</p> <p>* Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
COMMERCIAL											
Restaurant/Food Establishments											
Brewpub/Beer growler	P	P	P	P							
Catering establishments	P	P	P	P							
Food Trucks, Mobile Vending/ Food Carts											✓



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Article 4. – Use Regulations

Division 1. – Overview of Use Categories and Use Table

Sec. 4.1.3. – Use Table.

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)															
Use	R E	RL G	R- 10 0	R - 8 5	R - 7 5	R - 6 0	RS M	M R- 1	M R- 2	H R- 1,2 3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU- 1	MU- 2	MU- 3	MU- 4,5	See Section 4.2	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending/ Food Carts	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA						✓



Division 2. – Supplemental Use Regulations

Sec. 4.2.67. – Food Trucks, Mobile Vending/Food Cart.

All Food Trucks shall comply with the following:

A. Permit.

- 1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit, in accordance with Sec. 7.6.1. of this chapter, to operate within the city.**
- 2. No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.**
- 3. All valid vendor permits are nontransferable.**
- 4. Any condition of zoning or provision of the Stonecrest and Dekalb County’s zoning ordinance that prohibits a food truck use on a property shall supersede this section.**
- 5. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all unexpired city, county, and state licenses. Vendors shall follow all laws of the state and county health departments, or any other applicable laws.**
- 6. Food Trucks, Mobile Vending/Food Carts offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.**
- 7. Food Trucks, Mobile Vending/Food Carts selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. These types of motor vehicles shall not stop or stand and do business for more than 30 minutes.**
- 8. Food Trucks, Mobile Vending/Food Carts may offer items permissible for sale only.**
- 9. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.**

B. Permitted locations.

- 1. Allowable districts: All residential, OD, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Director.**



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2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.

C. Restricted locations.

- 1. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.**
- 2. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.**
- 3. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.**

D. Hours of operation.

- 1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.**
- 2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.**
- 3. Food Trucks, Mobile Vending/Food Carts shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.**

E. Sales Taxes and Records Keeping.



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1. **Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR.**
2. **Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to:**
 - a. **Records of sales and receipts for purchases and expenses from any business in which a vender has any interest.**

F. Parking.

1. **Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.**
2. **No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.**

G. Signage.

1. **Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.**

H. Lighting/Noise.

1. **Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements, except for Ice Cream Food Truck.**
 - a. **When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.**

I. Waste Disposal.

1. **Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the Special Administrative Permit application.**

J. Denials, fines suspension and revocations.

1. **No valid permit shall be issued to any person who has been convicted within five (5) years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter, crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false**



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swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.

- 2. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.**
- 3. A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:**
 - a. Fraud, misrepresentation or false statements contained in the application.**
 - b. Failure on the part of a vendor to maintain initial eligibility qualifications.**
 - c. Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.**
 - d. Any failure to comply with any requirement set forth in this article or this Code.**



Article 9. – Definitions/Maps

Sec. 9.1.3. – Defined terms.

***Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).**

***Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.**

- (1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.**
- (2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.**
- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.**

***Food truck* means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.**



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Items permissible for sale means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Pre-packaged food means single serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.

Prepared non-alcoholic beverages means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.

Prepared food means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.

Vending means vending activity as permitted on privately-owned commercial, industrial, and residential property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.

Vendor means any person who has been issued a valid vendor permit.



Appendix A - SCHEDULE OF FEES

Stonecrest Planning and Zoning Fee Schedule

Special Administrative Permit	Food Truck Permit	\$150
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Fees Justification

The following diagram is a breakdown of prices for one (1) food truck in one (1) location.

Department(s)	FRONT DESK	PLANNING & ZONING			PERMITS	CODE ENFORCEMENT		ADMINISTRATIVE
Employee	Receptionist	Zoning Administrative Technician	Senior Planner	Deputy Director	Permit Specialist	Director	Code Enforcement	Miscellaneous (Fuel Cost, Date Storage, Vehicle Maintenance, etc.)
Total Costs	\$8.90	\$86.50			\$13.50	\$33		\$8.50



Food Truck Permit	
Permit Fee	\$150
Approved Period	30 Days (Consecutive)
Number of Locations	1
Operational Days	Monday - Sunday



With one (1) Food Truck Permit, Applicant(s) can:

- Have maximum of six (6) locations
- Operate at each location a maximum of eleven (11) months

Calculations for additional locations and months

- $\$150 \times (\# \text{ of location}) + 41.50 \text{ (code enforcement \& administrative fee)} \times (\# \text{ of additional month(s)})$

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

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF STONECREST, GEORGIA CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS) ARTICLE XIX – (MOBILE FOOD VENDORS) AND CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) TO MOVE PROVISIONS REGULATING FOOD TRUCKS FROM CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS) TO CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS) ARTICLE XIX – (MOBILE FOOD VENDORS) AND CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) TO MOVE PROVISIONS REGULATING FOOD TRUCKS FROM CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS) TO CHAPTER 27

(ZONING ORDINANCE); and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended in **CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS)** and **CHAPTER 27 (ZONING ORDINANCE)** by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red and bold**. Text removed from current law appears as **red, bold and strikethrough**.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

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

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

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2024.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)



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STONECREST ORDINANCE UPDATE

Revision to the Licenses, Permits and Miscellaneous Business Regulations, Chapter 15

Article XIX – Mobile Food Vendors Reserved

Division 1. — Generally

Sec. 15.19.1. — Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blind person means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).

Disabled veteran means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.

(1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran



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~~served.~~

- ~~(2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.~~
- ~~(3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.~~

~~Food truck means any motor vehicle used for vending of prepared food items to the public from designated food truck areas.~~

~~Items permissible for sale means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.~~

~~Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.~~

~~Non-alcoholic pre-packaged beverages means beverages sealed in plastic or aluminum single-serving containers excluding all beverages in glass containers, and excluding all alcoholic, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Operating area means:~~

- ~~(1) The area in which a vendor may operate from a vending cart and which may not exceed 28 square feet of sidewalk including the area of the vending cart, and, when externally located, the operator and trash receptacle; or~~
- ~~(2) The parameters of the food truck.~~

~~Pre-packaged food means single-serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.~~

~~Prepared non-alcoholic beverages means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.~~

~~Prepared food means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.~~



~~Public property and public space both mean, for the purpose of this article, any property owned by the City of Stonecrest within street rights-of-way, including any roadways and sidewalks, but excluding city-owned parks.~~

~~Vending means vending activity as permitted on privately-owned commercial or industrial property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.~~

~~Valid vendor permit means a permit issued by the City of Stonecrest for a vendor of a vending cart or food truck. Such permit shall consist of a photo-identification card which contains the vendor's name, photograph, vending type and classification, authorized valid vendor locations and time period for which such permit is valid.~~

~~Vending cart means a vending cart at which prepared food, prepared non-alcoholic beverages, pre-packaged food and non-alcoholic pre-packaged beverages may be offered for sale.~~

~~Vendor means any person who has been issued a valid vendor permit.~~

~~Sec. 15-19-2. — Purpose, intent and applicability.~~

~~A. Vending on public property in the incorporated boundaries of the city, as defined in this article, shall be prohibited. Vending on privately-owned commercial or industrial property without a permit issued pursuant to this article shall be unlawful and a person violating this article shall, upon conviction, be punished as provided by this Code.~~

~~B. It is the intent of council in enacting this article to:~~

- ~~(1) Serve and protect the health, safety and welfare of the general public.~~
- ~~(2) Establish a uniform set of rules and regulations which are fair and equitable.~~
- ~~(3) Provide economic development opportunities for small entrepreneurs in the city.~~
- ~~(4) Provide a variety of goods and services for sale.~~
- ~~(5) Promote stable vendors who will enrich the city's ambiance and be assets to public security.~~



~~Sec. 15-19-3.—Vending business required to remit sales taxes and keep records~~

- ~~(a) Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR. Nothing in this section shall prohibit the revocation of any permit in accordance with the provisions of division 2 of this article.~~
- ~~(b) Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to, the following:
Records of sales and receipts for purchases and expenses from any business in which a vendor has any interest.~~

~~Sec. 15.19.4.—Vending operational rules:~~

- ~~(a) Hours of operation shall be between 7:00 a.m. and 6:00 p.m., or as previously approved by the City Manager or his designee in connection with a special event permit.~~
- ~~(b) Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.~~
- ~~(c) Vendors may offer items permissible for sale only.~~
- ~~(d) All vendors shall display their valid vending permits, photo identification card, and any required copies of licensing agreements at the valid vendor location.~~
- ~~€ All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation in accordance with the requirements of section 15-19-3.~~
- ~~(f) Vending operations may not obstruct vehicular traffic flow except for up to 15 minutes to load and unload vending carts and merchandise.~~
- ~~(g) Vending operations, including, but not limited to, the display of merchandise and may not exceed the approved operating area.~~
- ~~(h) Vending carts and/or food trucks shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.~~
- ~~(i) Vending carts and/or food trucks should not occupy more than one standard parking space.~~



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- ~~(j) Vending carts and/or food trucks shall not operate on vacant or undeveloped lots.~~
- ~~(k) Vending carts and/or food trucks shall be located within 100 yards of the principal structure of the lot upon which it intends to vend.~~
- ~~(l) Vending carts and/or food trucks are allowed to stay at any one place of operation for a maximum of four hours.~~
- ~~(m) Vendors offering prepared food shall obtain the proper authorization and permits from the DeKalb County Board of Health or the comparable department of another municipality.~~
- ~~(n) Vendors offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.~~

~~Sec. 15-19-5. —Aesthetic standards.~~

~~Vending carts must comply with the following aesthetic standards:~~

- ~~(a) Length of the cart may not exceed seven feet and width may not exceed four feet in height, excluding canopies, umbrellas, or transparent enclosures; may not exceed five feet;~~
- ~~(b) Canopies shall have a minimum clearance of seven feet and a maximum height of nine feet, six inches above the sidewalk;~~
- ~~(c) Canopies may not exceed 48 square feet (eight feet by six feet);~~
- ~~(d) All carts must be mobile, and able to roll on wheels;~~
- ~~(e) The design, materials, and colors are to be of natural wood or metal products and considerate of the immediate surroundings of the proposed location;~~
- ~~(f) Materials must be in working order, and may not include peeling paint, visible defects or areas requiring maintenance;~~
- ~~(g) The wheels located under the cart are preferred; however projecting wheels must have fenders;~~
- ~~(h) Hitches attached to the cart must be removable and detached when in operation; and~~
- ~~(i) If used, propane tanks must be enclosed.~~



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~~Sec. 15-19-6—15-19-20. Reserved.~~

~~DIVISION 2.— PERMITS AND LICENSES~~

~~Sec. 15-19-21.— Vendor permit and business license required.~~

~~(a) No vending shall occur without a permit issued pursuant to this article.~~

~~(b) No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.~~

~~(c) All valid vendor permits are nontransferable, and must be displayed in clear view, together with the vending permit photo identification card, at the permitted location or designated food truck area at all times when the vendor or assistant vendor is present.~~

~~Sec. 15-19-22.— Application.~~

~~(a) An application shall be required by all persons seeking issuance of a valid vendor permit. Each applicant must apply in person and complete an application form. Application forms may be obtained from and filed with the office of revenue.~~

~~(b) Permit fees and applicable maintenance fees are due and payable in the manner required by the City Manager or his designee if and when the application is approved by the City.~~

~~(c) An application for permit, including the proposed vending areas, must be submitted the City Manager or his designee for approval at least 30 calendar days prior to the proposed vending start date. The City Manager or his designee shall approve, deny, or request addition information from the applicant within 14 business days.~~

~~(d) The application shall, at a minimum, consist of the following data:~~

~~(1) Applicant's name and current address.~~

~~(2) Applicant's previous addresses within the last five years.~~

~~(3) Social Security number.~~

~~(4) Proposed vending locations.~~



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- ~~(5) Certification of approval of vending location from the private property owner.~~
- ~~(6) A dimensional site plan drawing for each vending location within the city which clearly shows the footprint and placement of the cart and the operating area.~~
- ~~(7) The times and days/dates during which the vendor estimates they will vend on the proposed property.~~
- ~~(8) GDOR retail identification tax number.~~
- ~~(9) State issued picture identification.~~
- ~~(10) — City business license.~~
- ~~(11) — A general description of the items permissible for sale to be sold or offered for sale.~~
- ~~(c) All applicants shall furnish all data, information and records requested of them by the City Manager or his designee within ten days from the date of request. Failure to furnish such information within ten days shall automatically dismiss, with prejudice, the application.~~

~~Sec. 15-19-23. — Term and renewal of permits.~~

- ~~(a) A valid vendor permit will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. All valid vendor permits are required to be renewed annually on or before March 1. All annual permit fees and applicable annual maintenance fees are due and payable at the time of renewal.~~
- ~~(b) Vendors may present to the City Manager or his designee an application for a renewal permit. Upon a review and approval of the renewal application, satisfaction of all other license and permit requirements, and upon payment of the appropriate fees as indicated in section 15-19-24, the vendor shall be furnished with a renewal permit.~~
- ~~(c) Each applicant for a renewal application shall submit an application which shall at a minimum consist of the data required for the issuance of an initial permit as set forth in section 15-19-22.~~

~~Sec. 15-19-24. — Annual fees.~~

- ~~(a) Annual permit fees and applicable annual maintenance fees are due and payable upon approval of the application.~~
- ~~(b) The annual permit fee for all valid vendor permits shall be \$75.00.~~



~~Sec. 15-19-25. – Location:~~

~~(a) Valid vendor locations shall:~~

- ~~(1) Not be within 15 feet of street intersections or pedestrian crosswalks or 15 feet of building entrances/exits or within 50 feet of hotels/motels;~~
- ~~(2) Not be within 15 feet of a driveway, bus stop, crosswalk, or intersection;~~
- ~~(3) Provide a minimum of five feet of unobstructed pedestrian space;~~
- ~~(4) Not be within 15 feet of a fire hydrant driveway; and~~
- ~~(5) Not be within 600 feet of the closest property line of any public or private elementary, middle or high school.~~

~~Sec. 15-19-26. – Notification of name change or change of address.~~

~~Whenever either the name or address provided by the vendor on the application for a valid vendor permit changes, the vendor shall notify the City Manager or his designee in writing within ten days of such change and provide same with the name change or address change. Vendors shall ensure that a current and correct name, residence address and mailing address are on file with the City Manager or his designee at all times.~~

~~Sec. 15-19-27. – Denials, fines, suspensions and revocations.~~

- ~~(a) No valid vendor permit shall be issued to any person who has been convicted within five years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter; crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.~~
- ~~(b) Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.~~
- ~~(c) A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:
 - ~~(1) Fraud, misrepresentation or false statements contained in the application.~~
 - ~~(2) Failure on the part of a vendor to maintain initial eligibility qualifications.~~~~



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~~(3) Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.~~

~~(4) Any failure to comply with any requirement set forth in this article or this Code.~~

~~(d) Any person whose permit is revoked may not reapply until one year following the effective date of the revocation.~~

~~(e) In addition to carrying out all other investigations as may be permitted under this article, the license and permits unit shall investigate any alleged violation of this article upon receipt of a written, sworn complaint by any person who witnesses or becomes aware of a potential violation. Such complaint shall be signed under penalty of perjury, and shall be accompanied by any supporting evidence.~~

~~Sec. 15-19-28. – Appeal on suspension, fine, revocation or denial.~~

~~A person to whom the city refuses to issue a vendor's permit or whose vendor's permit is suspended or revoked may file an appeal therefrom in accordance with article XVI of this chapter.~~

~~Sec. 15-19-29. – Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles.~~

~~(a) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. Vendors permitted in accordance with this section shall not be permitted to sell prepared food or prepared non-alcoholic beverages.~~

~~(b) Every vendor selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall, before making any sale, park the vehicle at the right curb and at least eight feet from any other vehicle that may be parked on the street and not less than 100 feet from any intersecting street. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.~~

~~(c) No vehicle using sound equipment or other method of attracting customers shall operate such equipment between the hours of 9:00 p.m. and 9:00 a.m. daily. On days in which schools are actually in session, no motor vehicle shall be operated within 600 feet of any public school in the city one hour before or one hour after published school hours.~~

~~(d) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section, shall not stop or stand and do business for more than 30 minutes.~~

~~(e) Vendors selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles pursuant to this section shall not be~~



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~~restricted to an operational area or location specifically described in section 15-19-25.~~

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Revision to the Zoning Ordinance, Chapter 27

Article 2. District Regulations

Division 3. – RE (Residential Estate) District

Sec. 2.3.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Division 4. – RLG (Residential Large Lot) District

Sec. 2.4.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 5. – R-100 (Residential Medium Lot-100) District

Sec. 2.5.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Division 6. – R-85 (Residential Medium Lot-85) District

Sec. 2.6.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 7. – R-75 (Residential Medium Lot-75) District

Sec. 2.7.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



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Division 8. – R-60 (Residential Small Lot-60) District
Sec. 2.8.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 12. – RSM (Small Lot Residential Mix) District
Sec. 2.12.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Division 13. – MR-1 (Medium Density Residential-1) District

Sec. 2.13.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 14. – MR-2 (Medium Density Residential-2) District

Sec. 2.14.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Division 15. – HR-1 (High Density Residential-1) District

Sec. 2.15.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 16. – HR-2 (High Density Residential-2) District

Sec. 2.16.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



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- g. Temporary produce stand; see section 4.2.**
- h. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 17. – HR-3 (High Density Residential-3) District

Sec. 2.17.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales or events, seasonal; see section 4.2.**
- e. Temporary produce stand; see section 4.2.**
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 26. – C-1 (Local Commercial) District

Sec. 2.26.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**



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- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 27. – C-2 (General Commercial) District

Sec. 2.27.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 28. – OD (Office - Distribution) District

Sec. 2.28.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**



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- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 29. – OI (Office - Institutional) District

Sec. 2.29.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 31. – M (Light Industrial) District

Sec. 2.31.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**



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- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**

Division 32. – M-2 (Heavy Industrial) District

Sec. 2.32.2. – Permitted and special land uses.

B. Special Administrative Uses. The following uses are permitted only with administrative approval:

3. Commercial.

- b. Food Trucks, Mobile Vending/ Food Carts; see section 4.2.**
- c. Temporary outdoor retail sales; see section 4.2.**
- d. Temporary outdoor sales; seasonal; see section 4.2.**
- e. Temporary outdoor sales or events, seasonal; see section 4.2.**
- f. Temporary produce stand; see section 4.2.**
- g. Temporary trailer, as home sales office or construction trailer; see section 4.2.**



Article 3. Overlay District Regulations

Division 1. – Overlay Districts.

Sec. 3.1.6. – Overlay Use Table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
<p>"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use</p> <p>*If blank, check use table for underlying zoning (Sec.4.1.3)*</p> <p>* Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</p>							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
COMMERCIAL											
Restaurant/Food Establishments											
Brewpub/Beer growler	P	P	P	P							
Catering establishments	P	P	P	P							
Food Trucks, Mobile Vending/ Food Carts											✓



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Article 4. – Use Regulations

Division 1. – Overview of Use Categories and Use Table

Sec. 4.1.3. – Use Table.

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)															
Use	R E	RL G	R- 10 0	R - 8 5	R - 7 5	R - 6 0	RS M	M R- 1	M R- 2	H R- 1,2 3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU- 1	MU- 2	MU- 3	MU- 4,5	See Section 4.2	
COMMERCIAL																										
Recreation and Entertainment																										
Food Trucks, Mobile Vending/ Food Carts	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA						SA	SA	SA	SA	SA						✓



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Division 2. – Supplemental Use Regulations

Sec. 4.2.67. – Food Trucks, Mobile Vending/Food Cart.

All Food Trucks shall comply with the following:

A. Permit.

- 1. All Food Trucks, Mobile Vending/Food Carts require a Special Administrative Permit, in accordance with Sec. 7.6.1. of this chapter, to operate within the city.**
- 2. No person shall engage in the business or trade of vending without first obtaining a business license. Disabled veterans and blind persons, as defined by O.C.G.A. § 43-12-1 and section 15.19.1 of this Code, are exempt from payment of business license fees, but must obtain such licenses.**
- 3. All valid vendor permits are nontransferable.**
- 4. Any condition of zoning or provision of the Stonecrest and Dekalb County’s zoning ordinance that prohibits a food truck use on a property shall supersede this section.**
- 5. Food Trucks, Mobile Vending/Food Carts shall maintain and display plainly all unexpired city, county, and state licenses. Vendors shall follow all laws of the state and county health departments, or any other applicable laws.**
- 6. Food Trucks, Mobile Vending/Food Carts offering pre-packed food and prepackaged beverages shall obtain the proper authorization from the Georgia Department of Agriculture.**
- 7. Food Trucks, Mobile Vending/Food Carts selling ice cream or other pre-packaged food and/or non-alcoholic pre-packaged beverages out of motor vehicles shall be subject to this section. These types of motor vehicles shall not stop or stand and do business for more than 30 minutes.**
- 8. Food Trucks, Mobile Vending/Food Carts may offer items permissible for sale only.**
- 9. All vendors must maintain an auditable point-of-sale system to track and report on sales revenue and appropriate taxation.**

B. Permitted locations.

- 1. Allowable districts: All residential, OD, OI, C-1, C-2, M, M-2, and accessory to institutional uses, such as a place of worship or a school, or for the benefit of community interest; determined by Planning and Zoning Director.**



TMOD-23-004

Planning and Zoning Department

2. Food Trucks, Mobile Vending/Food Carts shall be required to park on paved surfaces.

C. Restricted locations.

- 1. All Food Trucks, Mobile Vending/Food Carts shall be located a minimum of 200 feet from any eating establishment and 100 feet from any retail store that sell food unless both the property owner(s) (as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS) or if the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership) and lease holder(s) of said eating establishment/retail store grant written notarized permission for the Food Trucks, Mobile Vending/Food Cart to be located closer than this minimum setback.**
- 2. Food Trucks, Mobile Vending/Food Carts' vendors shall not be located within 25 feet of any right-of-way, entryway, curb-cut or driveway.**
- 3. Sales near Schools. No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days; unless granted with written notarized permission from current school's Principal.**

D. Hours of operation.

- 1. The hours of operation shall be between the hours of 7:00 a.m. to 8:00 p.m., Sunday through Thursday and between the hours of 7:00 a.m. to 10:00 p.m., Friday through Saturday.**
- 2. Food Trucks, Mobile Vending/Food Carts shall not operate on any private property without the prior consent of the property owner(s). The applicant shall provide a notarized written permission statement of the property owner(s) as they appear on the current tax records of Dekalb County as retrieved by the County's Geographic Information System (GIS). If the current ownership has recently changed and does not match the GIS record the applicant may provide a copy of the new deed as proof of ownership. A 24-hour contact number of the property owner(s) shall be provided along with permit application.**
- 3. Food Trucks, Mobile Vending/Food Carts shall not be left unattended or stored at any time in the operating area when vending is not taking place or during restricted hours of operation.**

E. Sales Taxes and Records Keeping.



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- 1. Every vendor shall file with Georgia Department of Revenue (GDOR) the appropriate forms and remit monthly sale tax revenues to GDOR.**
- 2. Prospective vendors, by filing a business license application, agree to produce documents and records which may be considered pertinent to the ascertainment of facts relative to the issuance and maintenance of the permit, including, but not limited to:
 - a. Records of sales and receipts for purchases and expenses from any business in which a vender has any interest.****

F. Parking.

- 1. Food Trucks, Mobile Vending/Food Carts should not occupy more than two standard parking spaces.**
- 2. No Food Truck, Mobile Vending/Food Cart shall be housed or stored within a residential zoning district.**

G. Signage.

- 1. Any and all signage must comply with the City of Stonecrest Code of Ordinances, chapter 21.**

H. Lighting/Noise.

- 1. Food Trucks, Mobile Vending/Food Carts shall not emit sounds, outcry, speaker, amplifier, or announcements, except for Ice Cream Food Truck.
 - a. When the vending vehicle stops, all sound equipment or other devices used to notify customers of the presence of the vendor shall be stopped and shall not be resumed until the vehicle is again put in motion.****

I. Waste Disposal.

- 1. Food Trucks, Mobile Vending/Food Carts are responsible for the proper disposal of waste and trash associated with the operation. Food Trucks, Mobile Vending/Food Carts shall remove all generated waste and trash from their approved location at the end of each day or as needed to maintain the public health and safety. No liquid waste or grease is to be disposed of in tree pits, storm drains, sanitary sewers, onto the sidewalks, streets or other public or private space. A written waste management plan indicating plans for waste handling, sanitation, litter collection/prevention, recycling, and daily cleanup procedures shall be submitted with the Special Administrative Permit application.**

J. Denials, fines suspension and revocations.

- 1. No valid permit shall be issued to any person who has been convicted within five (5) years immediately prior to the filing of the application for any felony or misdemeanor relating to drug possession and related matter, crimes of moral turpitude; larceny, fraudulent conveyance, perjury and/or false**



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Planning and Zoning Department

swearing, or subrogation. Any conviction for dealing and/or trafficking in illegal drugs will automatically disqualify an applicant.

- 2. Failure to maintain initial qualifications shall be grounds for revocation or denial of a renewal permit.**
- 3. A denial, fine, suspension, revocation of any permit issued pursuant to this article may be imposed for any of the following causes:**
 - a. Fraud, misrepresentation or false statements contained in the application.**
 - b. Failure on the part of a vendor to maintain initial eligibility qualifications.**
 - c. Failure to furnish any and all documentation requested by either the police department, the office of revenue or the license review board for the purposes of the investigation of any application or for the inspection of records pursuant to this division within 30 days of such request.**
 - d. Any failure to comply with any requirement set forth in this article or this Code.**



Article 9. – Definitions/Maps

Sec. 9.1.3. – Defined terms.

***Blind person* means a person whose vision, with correcting glasses, is so defective as to prevent the performance of activities for which eyesight is essential. See O.C.G.A. § 49-4-51(b).**

***Disabled veteran* means a resident of the state who may be either a war veteran or veteran of peace-time service as set forth below and such person must obtain a certificate of exemption issued by the state commissioner of veterans' service.**

- (1) A war veteran must furnish satisfactory proof that he has a physical disability which is disabling to the extent of ten percent or more; that his service in the armed forces of the United States was terminated under conditions other than dishonorable; and that his service or some part thereof was rendered during a war period, as defined by an act of the Congress of the United States, approved March 20, 1933, entitled "An Act to Maintain the Credit of the United States," and commonly known as Public Law No. 2, 73rd Congress; or that some part of his service was rendered on or after December 7, 1941, and before December 31, 1946; or that some part of his service was rendered on or after June 27, 1950, and before January 31, 1955; or that some part of his service was rendered on or after August 5, 1964, and before May 8, 1975. Proof of such ten percent disability shall be established upon the written certificate of two physicians as to such disability, or by a letter or other written evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability, or by written evidence from the branch of the armed forces of the United States in which such veteran served.**
- (2) A veteran of peace-time service in the United States armed forces must furnish proof that he has a physical disability to the extent of 25 percent or more incurred in the line of duty during the period of such service by a letter or other evidence from the United States Department of Veterans Affairs or the Department of Veterans Service stating the degree of disability or by written evidence from the branch of the armed forces of the United States in which such veteran served and that his service in the armed forces of the United States was terminated under conditions other than dishonorable.**
- (3) That disabled veterans and blind persons shall only have to show proof of their disability upon their initial application, as opposed to annually. If the current language of O.C.G.A. § 43-12-2 is amended, then this definition of disabled veteran shall be controlled by O.C.G.A. § 43-12-2, as amended.**

***Food truck* means a business based in a motor vehicle or trailer with a mobile or full-service kitchen which temporarily establishes itself on an existing property to sell prepared, prepackaged or cooked food on-site and which meets all state and local regulations regarding food service and preparation.**



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Items permissible for sale means items which may be offered for sale by and are limited to non-alcoholic pre-packaged beverages; pre-packaged food; prepared food; and prepared non-alcoholic beverages. Items permissible for sale shall not include any tobacco products.

Moral turpitude means the act or behavior of baseness, vileness or the depravity in private and social duties which people owe to their fellow people, or to society in general, contrary to accepted and customary rule of right and duty between person and person; act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally suitable quality held to be present in some criminal offenses as distinguished from others.

Pre-packaged food means single serving sealed packaged foods, including, but not limited to, candy, popsicles, chips/bagged snacks which do not require any heating or powered refrigeration, and the service of which does not require authorization by the DeKalb County Board of Health.

Prepared non-alcoholic beverages means beverages prepared on-site and which are not served in glass containers, and excluding all alcoholic beverages, including, but not limited to, malt beverages, wine and distilled spirits.

Prepared food means food prepared on-site, the sale of which requires authorization by the DeKalb County Board of Health.

Vending means vending activity as permitted on privately-owned commercial, industrial, and residential property under the jurisdiction of the City of Stonecrest and in specifically designated city-owned parks or property. Vending shall only be permitted in city-owned parks or property where such activity is associated with a special event and/or subject to regulation under a more specific permit.

Vending/Food cart means a pushcart which is designed to be readily movable from which food items are dispensed.

Vendor means any person who has been issued a valid vendor permit.



Appendix A - SCHEDULE OF FEES

Stonecrest Planning and Zoning Fee Schedule

Special Administrative Permit	Food Truck Permit	\$150
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CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 23-007 Micro Home Community (MHC)

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Monday, December 11, 2023

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director of Planning and Zoning

PURPOSE: Amendment to Stonecrest Chapter 27 to allow for a micro home community within the City of Stonecrest. Currently, the zoning ordinance doesn't allow for the construction homes under 800 square feet. This text amendment would allow for the construction of micro homes between 400 and 800 square in certain residential zoning districts.

FACTS: The revisions to Chapter 27 Zoning ordinance would provide standards and supplemental regulations for the development of a micro home community. The proposed would allow micro homes in High Density Residential 1, 2 and 3 residential zoning districts along with development regulations.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Staff Report



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Ordinance
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD23-007 Micro Home Community (MHC)

ADDRESS: City-Wide

MEETING DATES: December 11, 2023 (Work Session) | December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

Summary: Applicant is seeking to rezone subject property from M (Light Industrial) to R-100 (Residential Medium Lot) for the expansion of an existing cemetery.

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDATION: Approval with four (4) modifications

1. Remove the requirement of the HOA to provide maintenance of streets and drainage;
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling;
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletray, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stoncrest, GA 30038
10/22/2023

City of Stoncrest
3120 Stoncrest Blvd.
Stoncrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stoncrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

Letter of Intent (Cont.)

Page 3 of 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

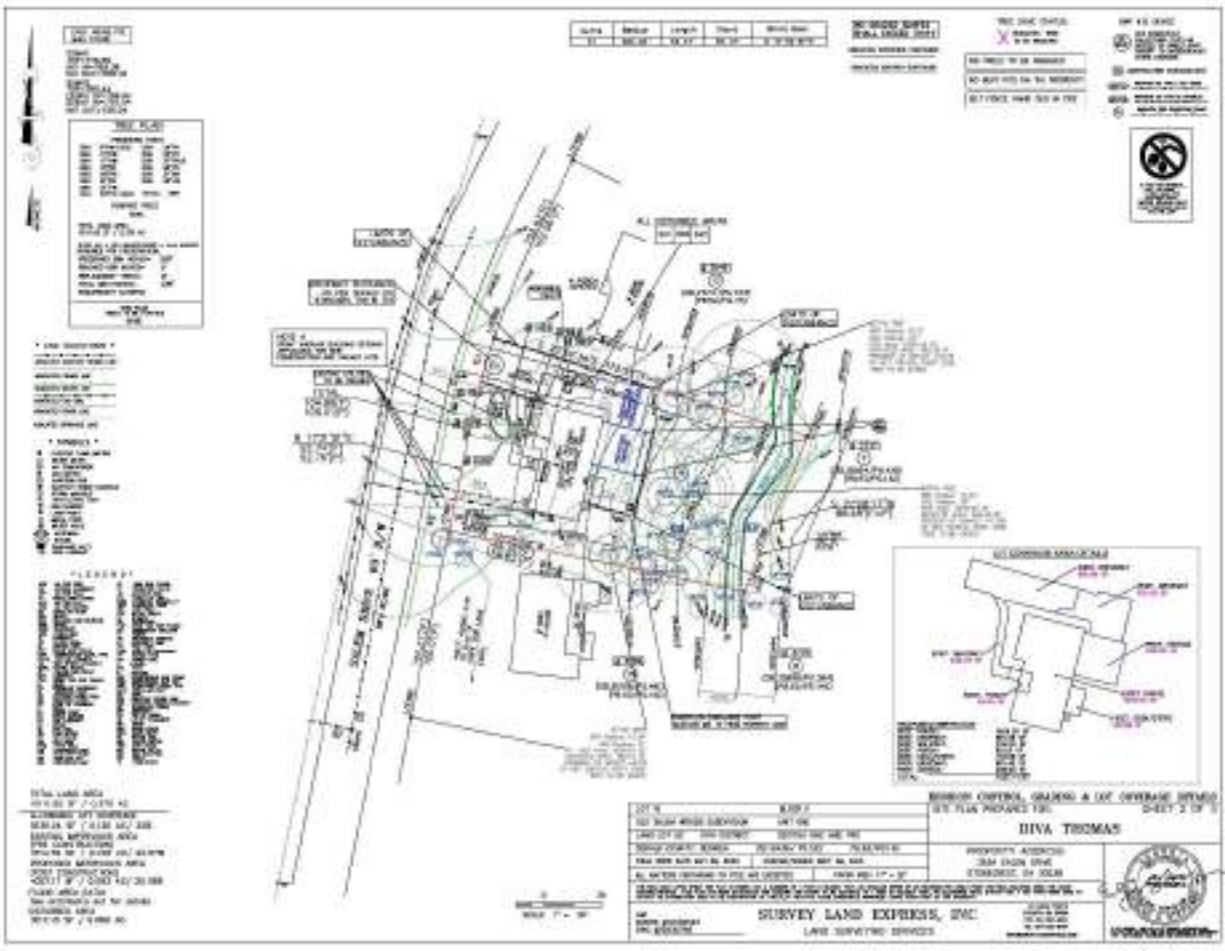
Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

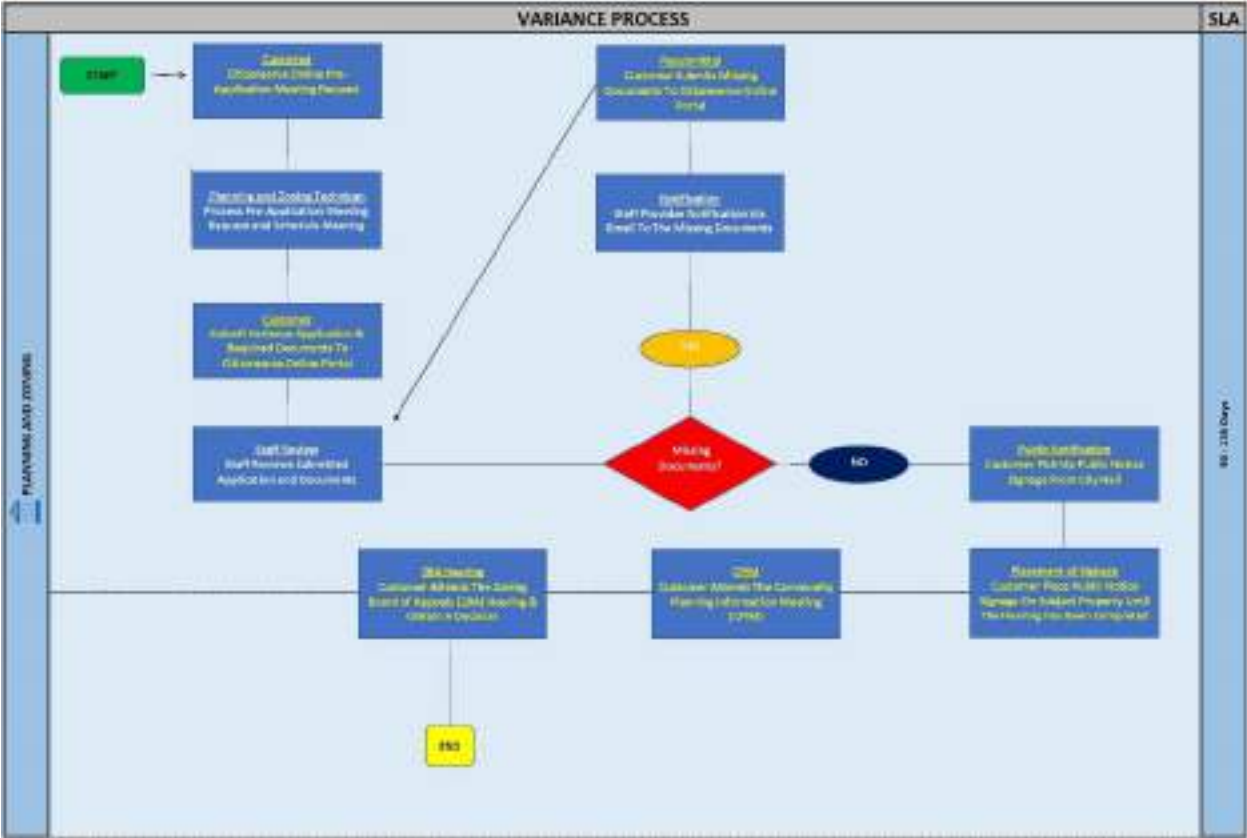
Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038

[REDACTED]
[REDACTED]







Diva Thomas the applicant came to the stand. She stated that three other neighbors have encroached into the stream. She also mentioned that the stream is about 6 inches.

There were no attendees to speak for or against the petition.

The next meeting for this applicant's petition will be the Zoning Board of Appeals which will be held on January 16, 2024

V23-008

2985 Turner Hill Road

Danielle Sheridan of Interplan, LLC

Petitioner is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-Fil-A.

Facts and Background

- The existing Chick-Fil-A (CFA) has been in operating since 2018.
- The CFA has frontage on Turner Hill Road
- The Applicant is requesting four (4) Variances relief

Future Land Use/Character Area

Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy. Ste 4000
Altamonte Springs, FL 32701

407-645-9088
interplan.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

Chick-fil-A is proposing the demolition of an existing ~3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding face to face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order/Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility I C, due to the lack of a by-pass lane.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.2, C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23 - Drive-through facility, minimum.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within or near of a residential zoning property, as measured from any street or easement to the nearest line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than 1,000 square feet in area, unless part of a mixed-use development. Marking spaces for parking shall be provided for the drive-through vehicle in accordance with 4.2.2.2 of this chapter.
- C. Drive-through lanes and service windows shall be elevated above the ground level of the site or rear of the building.
- D. Drive-through lanes and other structures, where present, shall be constructed from the same materials as the primary building and with similar level of architectural quality and detailing.
- E. Speaker cones that do not direct away from any adjacent residential property and their square footage shall not exceed 100 square feet, and shall be enclosed in a sound barrier or other speaker system mitigation measures. Speaker cones that do not play music but that only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shielded and directed so as to be directed away from any adjacent residential property.
- G. Marking spaces shall be provided for any vehicle using a drive-through facility or other being pick-up and drop-off, and in accordance with the following requirements. Marking spaces shall be a minimum of 14 feet wide and 10 feet long. Marking spaces shall begin at the facade of the building for the drive-through lane, including the pick-up/drop-off.
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three marking spaces for each window or drive-through service facility. The following provisions shall apply to marking spaces and drive-through facilities:
 - 1. Drive-through lanes shall not provide an area of vehicle movement, stop, no stop or pass-through off-street parking areas, and shall not include a preliminary utility location when covered by utility lines, except for utility lines of a building.
 - 2. Drive-through lanes shall be separated by curbing or curbing from off-street parking areas. Individual lanes shall be marked, marked in advance of the drive-through.
 - 3. All drive-through facilities shall include a separate lane with a minimum width of 14 feet, by which staff may manage assistance to drive-through facility without blocking or the drive-through lane. This space shall not be used as a waiting area.
- I. Drive-through lanes shall be set back five feet from all streets and roadway right-of-way lines.
- J. Owner and installer are responsible for daily trash clean-ups around the property where free of trash, litter and debris.
- K. Drive-through restaurants shall not be located within 500 feet of an elementary, middle or high school.
- L. Drive-through restaurants shall be subject to the same rules and regulations as other commercial uses located on a residential lot, as well as the following:
 - 1. Facilities located within 500 feet of an intersection of a major arterial street and a major arterial road shall be within 100 feet of an on-street highway interchange does not require a special land use permit.
 - 2. Facilities adjacent to throughway shall access to throughway through a shared driveway.
 - 3. Facilities used for a major redevelopment, as defined in Section 4.2.1.1.
 - 4. Distance shall be measured from the right-of-way of the arterial or major road, or street centerline outside of the radius, along the intervening street right-of-way to the nearest property line.

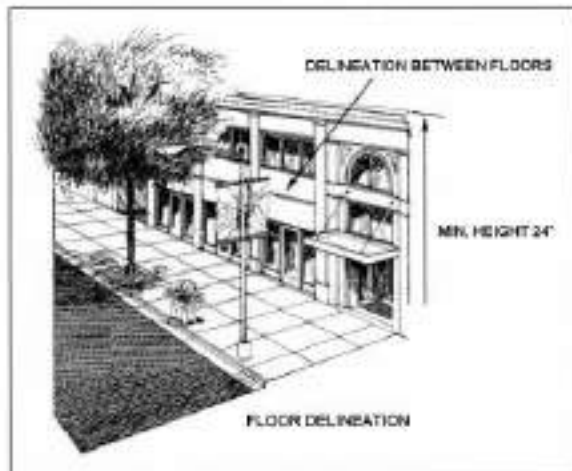
Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2 - Accessory buildings, structures and uses, location, yard and building restrictions.

The following provisions apply to accessory buildings, structures and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal building to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the accessory structure is connected to water and sewer.
- C. Yard and setbacks.
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of all types of machines which are also allowed in the front or side yard.
 - 2. Accessory structures may not encroach in the six-month yard setback for the structure which they are accessory.
 - 3. Accessory buildings or structures shall meet the minimum yard setback for the district or use type, whichever is less, and shall not be located closer than one foot to a rear lot line from any side lot.
 - 4. Backset yard setbacks to the primary residential structure or structure adjacent to an existing driveway of the primary residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No setback yard shall be needed to such a degree that the play area for the basketball goal is located within any portion of a public right-of-way.
 - 5. Additional supplemental requirements in this article regarding minimum yard setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot rear yards. Where the rear yard of a corner lot abuts onto the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer than one-half right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a residential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a driveway, alleyway, or other means, the accessory building or structure shall comply with the setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools. An accessory structure in a residential district shall be measured from the edge of the decking to the adjacent property line. The part of the decking for an accessory swimming pool shall be within five feet of a lot or rear property line.
- I. Height. A structure provided elsewhere in this chapter as an accessory structure shall be limited in the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory building that is accessory to a single-family residential, or three-family residential structure shall not exceed the maximum floor area set forth in Table 4.2.2.000B.

Stonecrest Overlay District Design Guidelines Exhibit 16: Architectural Delineation



- 3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philippe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November’s Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 -Residential Medium Lot

POW Permitted Zoning Districts

City of Jacksonville										City of Jacksonville - Planning and Zoning Division										
POW Permitted Zoning Districts										POW Permitted Zoning Districts										
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

Aerial Map



WTE AREA CALCULATIONS
 LOT AREA: 1.4770 AC
 BUILDING AREA CALCULATIONS
 TOTAL BUILDING AREA: 1.1600 AC (24,000 SQ FT)
ZONING
 DISTRICT: R-10 (RESIDENTIAL SINGLE-FAMILY)
 SETBACKS
STREETScape REQUIREMENTS

CELESTIAL CHURCH OF CHRIST
CONCEPT PLAN
 CSP3



Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit



Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petiton. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Halloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
1. The owner/operator of the business must reside on the premises.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 8.1.5](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [section 4.2.31](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennel's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clark -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkerson R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 8032 Faring Drop in the Farrington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children.

We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

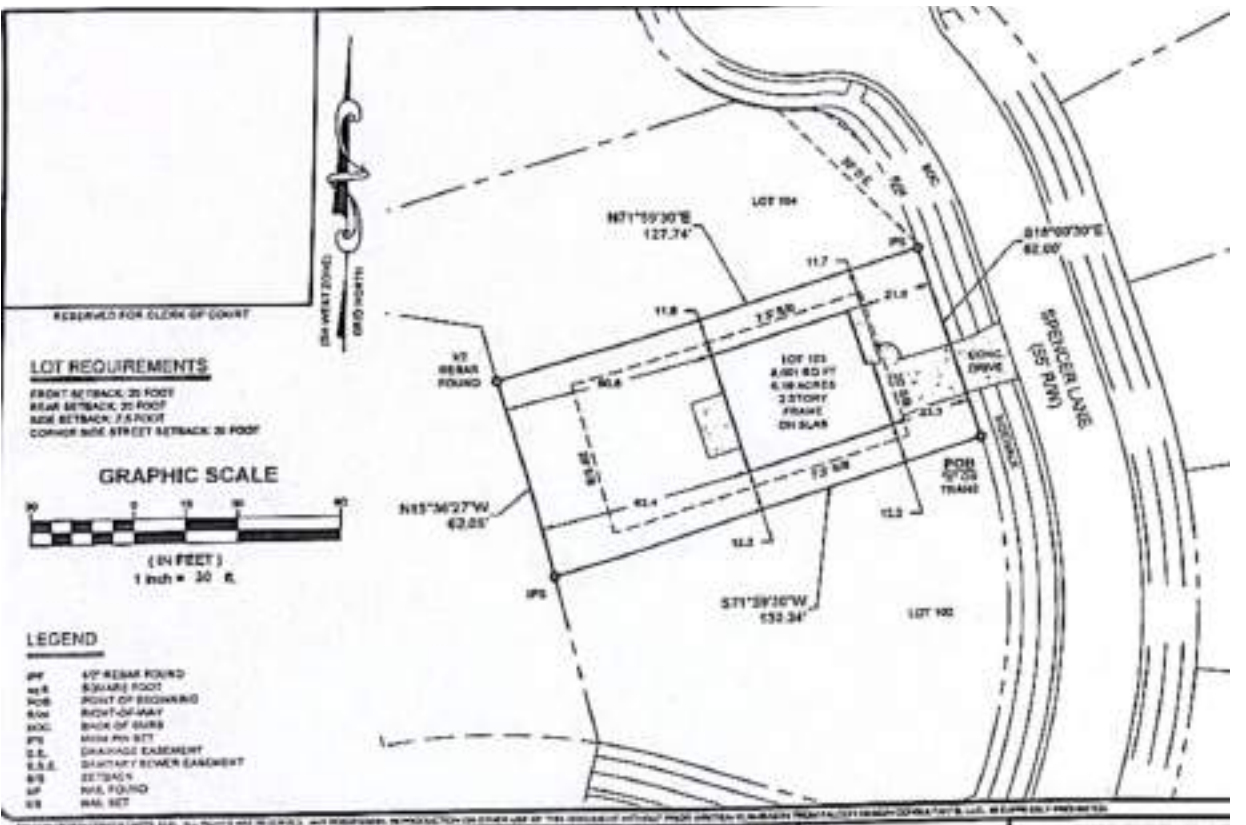
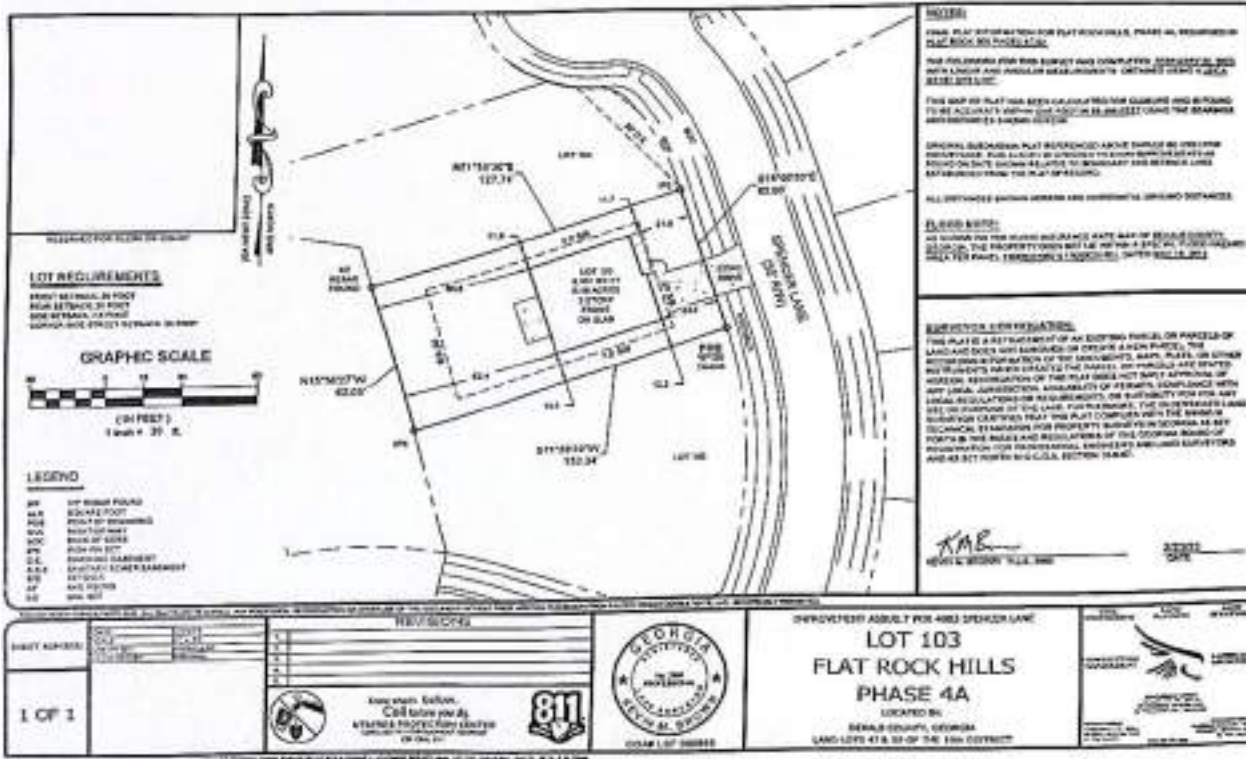
Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan





Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinances.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 300 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

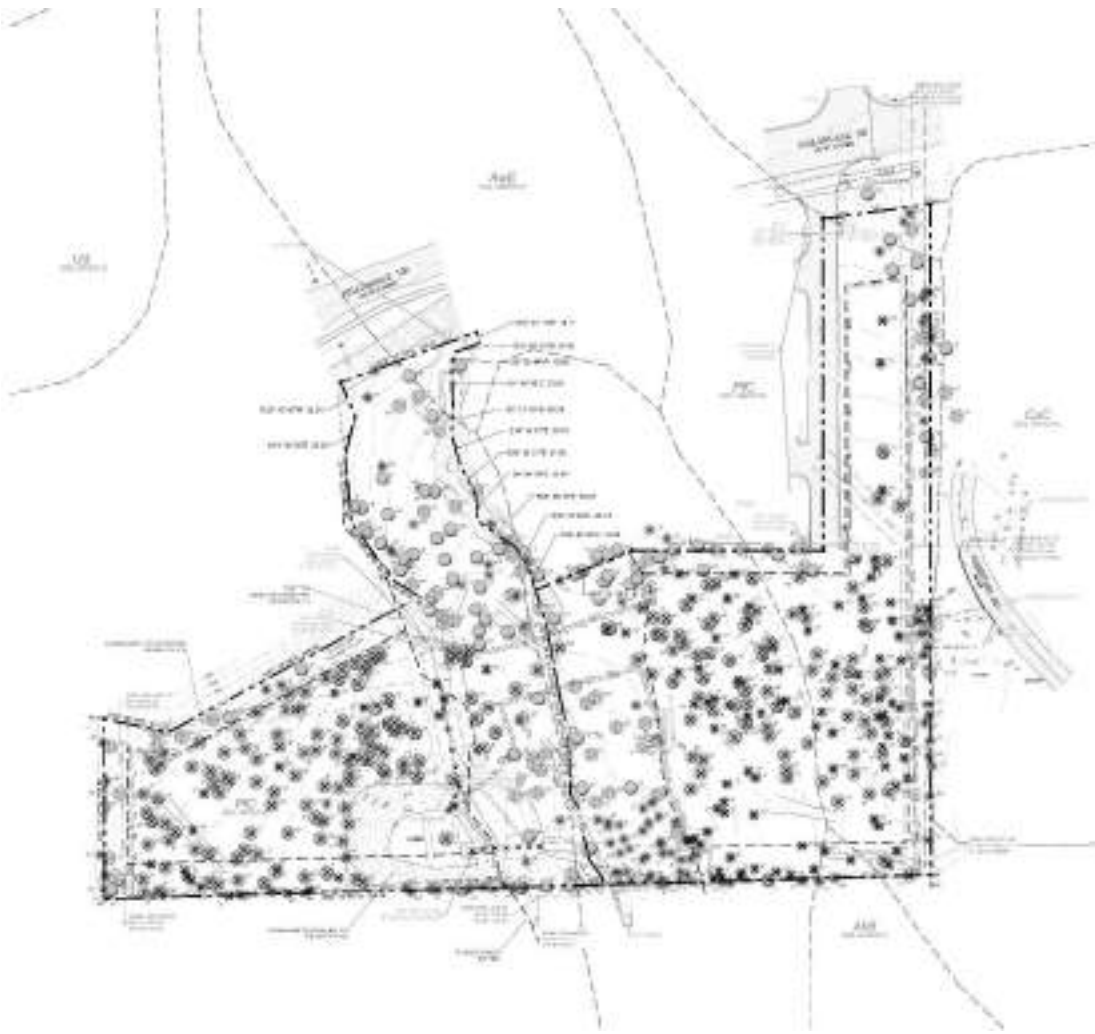
Zoning Map

M - Light Industrial

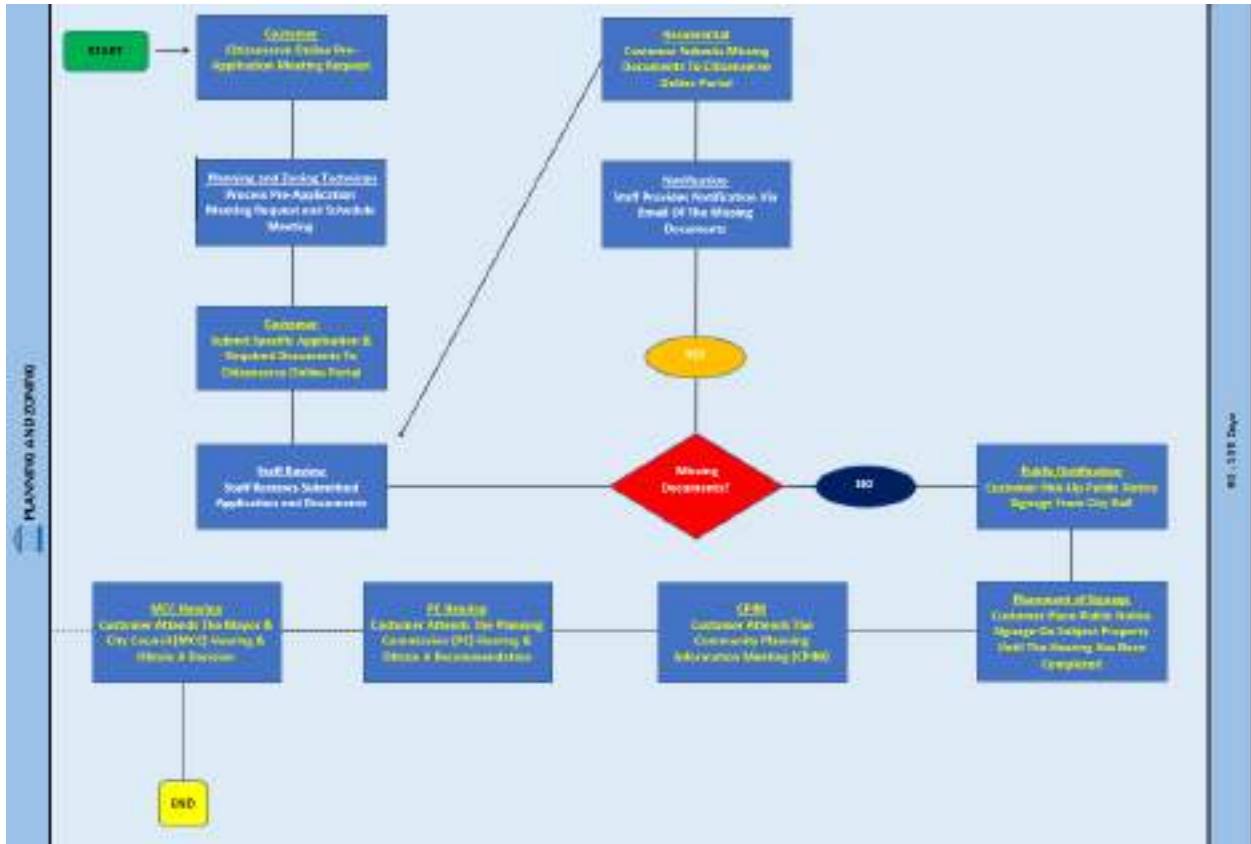
Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey



REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant's next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City's Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

- City’s current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest’s Zoning Ordinance permit MHC in certain zoning districts

City’s Comprehensive Plan

	Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Land Use	Stonycrest Area Overlay						Interstate 20 Corridor Overlay ^a			Arabis Mountain Conservation Overlay ^a	Sec Section 4.2
	T1	T2	T3	T4	T5 ^b	T6 ^b	T1	T2	T3		
*Key: P—Permitted use P ₂ —Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.2.3) * *Note: Uses permitted in Tiers 5 and 6 of the Stonycrest Area Overlay and the Arabis Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence*							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name	Density (units/acre)	
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff’s Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4-2-49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 1. Gazebo;
 2. Swimming Pool;
 3. Tennis Court;
 4. Walking Trail;
 5. Club House;
 6. Pet-Friendly Amenities;
 7. Children Playground;
 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff's Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

REZONING, SPECIAL LAND USE PERMIT, ZONING CONDITION MODIFICATION APPLICATION CYCLE

PLANNING COMMISSION MEETS EVERY 1ST TUESDAY OF THE MONTH

HEARING STARTS AT 6:00 PM IN CITY COUNCIL CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

VARIANCE APPLICATION CYCLE

ZONING BOARD OF APPEALS MEETS EVERY 3RD TUESDAY OF THE MONTH

HEARING STARTS AT 6:30 PM IN CITY COUNCIL CHAMBERS

Meeting ended at 7:49 pm

APPROVED: *condert*
Shawanna Dawry

PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24

Date

ATTEST: *Cobi Brown*

SECRETARY

1/9/24

Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 underline zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner’s representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road’s traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner’s representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and **Commissioner Lemuel Hawkins (District 5)** did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-011**

LAND USE PETITION: SLUP23-011
 PETITIONER: Michelle Fennell of Farms Lane
 LOCATION: 5924 Fairington Farms Lane
 PETITIONERS REQUEST: Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff’s Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant’s hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that’s why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010**

- LAND USE PETITION: RZ23-010
- PETITIONER: Helen Simpson of Lowe Engineers
- LOCATION: 6039 Hillandale Drive
- PETITIONERS REQUEST: Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city's Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest's Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2 – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lowers square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tine home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tine homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

APPROVED:

CHAIRMAN	Date
----------	------

ATTEST:

SECRETARY	Date
-----------	------

TMOD 23-007 Micro Home Community (MHC) STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

ARTICLE 2. – DISTRICT REGULATIONS

DIVISION 15. – HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT

Sec. 2.15.2. – Permitted and special land uses.

A. Permitted Uses. The following uses are permitted as of right under this Code:

2. Residential.

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**

- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**
- m. Micro Home Community**

DIVISION 16. – HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT

Sec. 2.16.2. – Permitted and special land uses.

A. Permitted Uses. The following uses are permitted as of right under this Code:

2. Residential.

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**
- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**

m. Micro Home Community

DIVISION 17. – HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT

Sec. 2.17.2. – Permitted and special land uses.

A. Permitted Uses. The following uses are permitted as of right under this Code:

2. Residential.

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**
- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**

m. Micro Home Community

ARTICLE 3. – OVERLAY DISTRICT REGULATIONS

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.1.3) * * Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development	See Section 4.2	
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

DIVISION 4. – ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

Sec. 3.4.5. – Principal uses and principal structures.

A. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:

28. Micro Home Community

DIVISION 5. – STONECREST AREA OVERLAY DISTRICT

Sec. 3.5.13. – High-rise mixed-use zone (Tier I Zone).

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

4. Reserved Micro Home Community

Sec. 3.5.15.3. – Viewshed zone (Tier VI).

D. Prohibited uses. The following principal uses of land and structures are prohibited in Tier VI: Viewshed Zone:

6. Micro Home Community

DIVISION 33. – INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT

Sec. 3.33.6. – Prohibited uses.

A. The following principal uses of land and structures are prohibited within the I-20 Corridor Compatible Use Overlay District:

19. Micro Home Community

ARTICLE 4. – USE REGULATIONS

Sec. 4.1.3. - Use table.

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Planning and Zoning Director SP - Special land use permit (SLUP) BLANK = NOT PERMITTED															
Use	R E	RL G	R- 10 0	R - 8 5	R - 7 5	R - 6 0	RS M	M R- 1	M R- 2	H R- 1,2 ,3	M HP	R N C	O I	OI T	N S	C - 1	C - 2	O D	M	M - 2	M U- 1	M U- 2	M U- 3	M U- 4, 5	See Secti on 4.2	
RESIDENTIAL																										
Dwellings																										
MICRO HOME COMMU NITY (MHC)										P																✓

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 1. Gazebo;
 2. Swimming Pool;
 3. Tennis Court;
 4. Walking Trail;
 5. Club House;
 6. Pet-Friendly Amenities;
 7. Children Playground;
 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.);
and/or
 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. **The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.**

D. Interior Requirements.

- a. **The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.**
- b. **A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.**
- c. **A micro home shall have the following:**
 1. **Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.**
 2. **Separate bathroom with a toilet, lavatory, and shower or bathtub.**
 3. **A separate closet.**
 4. **At least one habitable room containing an openable window and a closet.**
 5. **Ceilings at least 6'8" tall**
 6. **Rooms not meant for sleeping are at least 70 square feet.**

E. General Requirements.

- a. **All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.**
- b. **Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.**
- c. **All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.**
- d. **Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.**

- e. All utilities must be installed underground.
- f. A minimum of one and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

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

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) TO ADOPT PROVISIONS REGULATING MICRO HOMES IN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desires to amend CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) to adopt provisions regulating micro homes in CHAPTER 27 (ZONING ORDINANCE); and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning

Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

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

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended in **CHAPTER 27 (ZONING ORDINANCE)** by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red and bold**. Text removed from current law appears as **red, bold and strikethrough**.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or

decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**EXHIBIT A
(SEE ATTACHED)**

TMOD 23-007 Micro Home Community (MHC) STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

ARTICLE 2. – DISTRICT REGULATIONS

DIVISION 15. – HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT

Sec. 2.15.2. – Permitted and special land uses.

A. Permitted Uses. The following uses are permitted as of right under this Code:

2. Residential.

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**

- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**
- m. Micro Home Community**

DIVISION 16. – HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT

Sec. 2.16.2. – Permitted and special land uses.

A. Permitted Uses. The following uses are permitted as of right under this Code:

2. Residential.

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**
- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**

m. Micro Home Community**DIVISION 17. – HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT****Sec. 2.17.2. – Permitted and special land uses.****A. Permitted Uses. The following uses are permitted as of right under this Code:****A. Residential.**

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**
- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**

m. Micro Home Community

ARTICLE 3. – OVERLAY DISTRICT REGULATIONS

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P–Permitted use Pa–Permitted as an accessory Use SA–Special administrative permit required SP–Special Land Use Permit (SLUP) required X–Prohibited Use *If Blank, check underlying zoning use table (4.1.3) * * Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		See Section 4.2
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

DIVISION 4. – ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT**Sec. 3.4.5. – Principal uses and principal structures.**

B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:

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

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

DIVISION 5. – STONECREST AREA OVERLAY DISTRICT

Sec. 3.5.13. – High-rise mixed-use zone (Tier I Zone).

B. Prohibited uses. The following principal uses of land and structures are prohibited in Tier I:

High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 1. Kennels.**
- 2. Tire retreading and recapping.**
- 3. Sexually oriented businesses.**
- 4. Reserved Micro Home Community**
- 5. Outdoor amusement services facilities.**
- 6. Outdoor storage.**
- 7. Farm equipment and supplies sales establishment.**
- 8. Repair, small household appliance.**
- ~~**9. Hotel/motel.**~~
- 9. Automobile sales.**
- 10. Flea Markets**
- 11. Automobile title loan establishments.**
- 12. Pawn shops.**
- 13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building**
- 14. Salvage yards.**
- 15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:**

- a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
- b. All buildings must contain fenestration or architectural treatments that appear like fenestration;
- c. Storage units may not be used for commercial, residential or industrial uses.

16. Gasoline service stations.

17. Automobile repair and maintenance, major.

18. Automobile and truck rental and leasing.

19. Commercial parking lots.

20. Automobile wash/wax service.

21. Check cashing facility.

22. Automobile emission testing facilities.

23. Small box discount stores.

Sec. 3.5.15.3. – Viewshed zone (Tier VI).

D. Prohibited uses. The following principal uses of land and structures are prohibited in Tier VI:

Viewshed Zone:

1. Sexually oriented businesses.
2. Pawn shops.
3. Package stores.
4. Check cashing facility.
5. **Micro Home Community**

DIVISION 33. – INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT**Sec. 3.33.6. – Prohibited uses.**

A. The following principal uses of land and structures are prohibited within the I-20 Corridor Compatible Use Overlay District:

- 1. Boarding and breeding kennels as a primary use.**
- 2. Storage yard for damaged automobiles or confiscated automobiles.**
- 3. Tire retreading and recapping.**
- 4. Sexually oriented businesses.**
- 5. Reserved Micro Home Community**
- 6. Go-cart concession.**
- 7. Outdoor equipment and materials storage.**
- 8. Heavy repair shop and trade shop.**
- 9. Extended stay motels.**
- 10. Used cars sales as a primary use.**
- 11. Temporary and/or seasonal outdoor sales.**
- 12. Title and pawn shops.**
- 13. Liquor stores.**
- 14. Night clubs excluded in Tiers 2 and 3.**
- 15. Salvage yards/junkyards.**
- 16. Automobile, wash/Wax.**
- ~~17. Self-storage.~~**
- 17. Small box discount stores**

ARTICLE 4. – USE REGULATIONS

Sec. 4.1.3. - Use table.

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Planning and Zoning Director SP - Special land use permit (SLUP) BLANK = NOT PERMITTED															
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RESIDENTIAL																										
Dwellings																										
MICRO HOME COMMU NITY (MHC)										P																✓

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
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and/or
 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. **The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.**

D. Interior Requirements.

- a. **The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.**
- b. **A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.**
- c. **A micro home shall have the following:**
 - 1. **Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.**
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 - 5. **Ceilings at least 6'8" tall**
 - 6. **Rooms not meant for sleeping are at least 70 square feet.**

E. General Requirements.

- a. **All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.**
- b. **Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.**
- c. **All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.**
- d. **Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.**

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).



CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment of Charter Review Commission Members

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 12/11/23 & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To make an appointment of the Charter Review Commission Members

FACTS: Click or tap here to enter text.

OPTIONS: Status Update Only Click or tap here to enter text.

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

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: URA Chair Recommendation

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To make a decision on the URA Chair Recommendations

FACTS: Click or tap here to enter text.

OPTIONS: Status Update Only Click or tap here to enter text.

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Temporary Certificate of Occupancy Fees Update

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: **fee schedule addition**
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 11/13/23 & 11/27/23

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

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Patrick Moran, Chief Building Official

PRESENTER: Patrick Moran, Chief Building Official

PURPOSE: TCO process fee

FACTS: The request is to add a fee of \$270 for the Temporary Certificate Process to the approved Schedule of Fees and institute a formalized process to offer this service to our customers. Posted November 29th for 45-day required notification to end January 13th, 2024

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

RECOMMENDED ACTION: Approve [Click or tap here to enter text.](#)

ATTACHMENTS:

- (1) Attachment 1 - TCO Overview
- (2) Attachment 2 - TCO Process Outline
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

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

RESOLUTION NO. 2024-_____

**A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST
APPROVING THE TEMPORARY CERTIFICATE OF OCCUPANCY FEE; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Stonecrest ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the Mayor and City Council are the governing authority of the City of Stonecrest, Georgia; and

WHEREAS, Section 2-177 - Section 2-177 within Chapter 2 (ADMINISTRATION) outlines the procedures to set or alter fees charged by the City; and

WHEREAS, the City Manager or her designee have satisfied the procedures necessary to set or alter fees as outlined in Section 2-177 - Section 2-177 within Chapter 2 (ADMINISTRATION); and

WHEREAS, the Temporary Certificate of Occupancy Fee must be approved by the City Council.

**NOW, THEREFORE BE IT RESOLVED BY MAYOR AND CITY COUNCIL THE CITY OF
STONECREST, GEORGIA**, that the **TEMPORARY CERTIFICATE OF OCCUPANCY FEE** is hereby established and approved as attached hereto as Exhibit "A".

BE IT FINALLY RESOLVED that this Resolution shall be effective immediately upon its adoption.

SO RESOLVED THIS _____ DAY OF _____ 2024.

CITY OF STONECREST, GEORGIA

JAZZMIN COBBLE, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

EXHIBIT A



NOTICE:

Temporary Certificate of Occupancy process fee

To better serve our Building Department customers and offer a Temporary Certificate of Occupancy process, a minimum fee of \$270 will need to be established to offset the cost of providing said service. This proposed fee will recoup the costs for the City's permit technicians to process the application, plan review staff time to perform a technical review of the application and the site inspection to be performed by inspection staff. This fee will allow the City of Stonecrest to recoup the costs of offering this ***optional*** service to our commercial customers.

Temporary Certificate of Occupancy Fee posted November 29th, 2023. The 45 day period concludes on January 13th, 2024. Fee will be effective once approved by the City Council after January 13th, 2024

City of Stonecrest

Building & Permitting Department

Proposed (optional) Temporary Certificate of Occupancy process.

- Customer will complete TCO application through CitizenServe Portal describing the limited occupancy request.
- Staff will process application at route to Building Official and Zoning/Planning for review.
- A 2-day review process proposed to expedite these requests.
- Once the application is approved a site inspection will be scheduled to verify all life safety items are complete and proposed occupancy can be achieved in code-compliant manner.
- Once the Building Inspector has approved the TCO request and we have received approval from the Dekalb County Fire Marshall, staff will issue a Certificate of Occupancy for a thirty-day period that stipulates the restrictions for the limited occupancy.

- This Temporary C of O expires at the end of the thirty-day period denoted on the Temporary Certificate. Should the customer not be able to complete all Final Inspections within the time allotted, they would have the option to apply for an extension. The extension application would require an explanation why full completion has not been achieved and would be reviewed by the Building Official for determination if it is appropriate to extend the limited occupancy or not.
- Once all Final approvals have been obtained the Full Certificate of Occupancy will be issued and any Temp CO would become null & void.



CITY COUNCIL AGENDA ITEM

SUBJECT: City Hall Renovations Vendor Recommendations

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
- OTHER, PLEASE STATE: [Click or tap here to enter text.](#)

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): [Click or tap here to enter text.](#) & [Click or tap to enter a date.](#)

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

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Gia Scruggs, City Manager

PRESENTER: Gia Scruggs, City Manager

PURPOSE: The City previously renovated Suites 250 and 125 to accommodate for City staff and Council. Suite 190 was not included in those renovations. Since that time, the tenant that was house adjacent to the Council chambers has vacated that location and the City Manager would like to use this area for a new Municipal court and administrative offices for staff. There is also vacated space that needs to be renovated for additional executive level staff. To enhance the video production and streaming of meetings in the current Chamber. **The Mayor and Council's approval is required to authorize the service agreement for renovations and construction at City Hall. Gordian is a state contractor and this satisfies the city's procurement policy regarding purchases within this threshold. The City Manager is requesting approval to initiate a Purchase Order for the construction of the renovated areas in and near the Council Chambers and the design of the executive and municipal court suites. The total cost of the expenditures is \$368,956.19. These expenditures will be funded by Fund balance.**

FACTS: [Click or tap here to enter text.](#)

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



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Approve

ATTACHMENTS:

- (1) Attachment 1 - Budget amendment Chart
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



Work Order Signature Document

EZIQC Contract No.: GA-A07-040820-PAR

New Work Order **Modify an Existing Work Order**

Work Order Number: 120484.00 Work Order Date: 12/06/2023

Work Order Title: City of Stonecrest - Executive Staff Suite Design Services

Owner Name: City of Stonecrest Contractor Name: Paryani Real Estate LLC

Contact: Shakerah Hall Contact: Manish Paryani

Phone: 770-224-0200 Phone: 404-432-7820

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No GA-A07-040820-PAR.

Brief Work Order Description:

City of Stonecrest - Executive Staff Suite Design Services

Time of Performance *See Schedule Section of the Detailed Scope of Work*

Liquidated Damages Will apply: Will not apply:

Work Order Firm Fixed Price: \$98,647.92

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

Date Printed: December 06, 2023

Work Order Number: 120484.00

Work Order Title: City of Stonecrest - Executive Staff Suite Design Services

Brief Scope: City of Stonecrest - Executive Staff Suite Design Services

Preliminary

Revised

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Please see the attached detailed scope of work (DSOW).

Contractor

Date

Owner

Date

Contractor's Price Proposal - Summary

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120484.00
Owner PO #:
Work Order Title: City of Stonecrest - Executive Staff Suite Design Services
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Executive Staff Suite Design Services
Proposal Value: \$98,647.92

01 - General Requirements **\$98,647.92**

Proposal Total **\$98,647.92**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120484.00
Owner PO #:
Work Order Title: City of Stonecrest - Executive Staff Suite Design Services
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Executive Staff Suite Design Services
Proposal Value: \$98,647.92

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

01 - General Requirements

1	01 22 20 00 0054		HR	Principal Architect	\$13,986.00								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>50.00 x</td> <td>225.00 x</td> <td>1.2432 =</td> <td>13,986.00</td> </tr> </table> <p>This cost includes time dedicated to overall design of and functionality of the space. Firstly, the architect will meet with the client to discuss requirements, and go over space planning and programming. Once the initial set of design is completed, a high-level plan will be provided (SD Set) to the client for review and approval. After the SD Set is approved, the architect will meet with the Project Manager to confirm constructability and then continue with code analysis to confirm no code issues. Lastly the architect will complete a full set of architectural Construction Documents along with CAD files to be given to the MEP Engineer who will then provide engineering. The architectural drawings will be completed so that a permit can be received.</p>	Quantity	Unit Price	Factor	Total	50.00 x	225.00 x	1.2432 =	13,986.00	
Quantity	Unit Price	Factor	Total										
50.00 x	225.00 x	1.2432 =	13,986.00										
2	01 22 20 00 0056		HR	Architect	\$16,783.20								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>90.00 x</td> <td>150.00 x</td> <td>1.2432 =</td> <td>16,783.20</td> </tr> </table> <p>This cost includes time dedicated to overall design of and functionality of the space. The architect will work under the principal architect to conduct research for code analysis, pick finishes, and design. Once architectural drawings are complete, the architect will coordinate with MEP engineers during the design phase to complete engineering of documents</p>	Quantity	Unit Price	Factor	Total	90.00 x	150.00 x	1.2432 =	16,783.20	
Quantity	Unit Price	Factor	Total										
90.00 x	150.00 x	1.2432 =	16,783.20										
3	01 22 20 00 0057		HR	Principal Engineer	\$13,830.60								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>50.00 x</td> <td>222.50 x</td> <td>1.2432 =</td> <td>13,830.60</td> </tr> </table> <p>This cost includes time dedicated to overall design of and functionality of the space. Firstly, the engineer will meet with the Architect to discuss requirements, and go over space planning and programming. Once the initial set of design is completed, a high-level plan will be provided (SD Set) to the client for review and approval. After the SD Set is approved. The engineer continue with code analysis to confirm no code issues or other engineering issues arise. Lastly the Engineer will complete a full set of MEP Construction Documents along with CAD files to be given to the Owner. The MEP drawings will be completed so that a permit can be received.</p>	Quantity	Unit Price	Factor	Total	50.00 x	222.50 x	1.2432 =	13,830.60	
Quantity	Unit Price	Factor	Total										
50.00 x	222.50 x	1.2432 =	13,830.60										
4	01 22 20 00 0058		HR	Senior Engineer	\$19,300.68								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>90.00 x</td> <td>172.50 x</td> <td>1.2432 =</td> <td>19,300.68</td> </tr> </table> <p>This cost includes time dedicated to overall functionality of the space. The Senior Engineer will work under the Principal Engineer to conduct research for code analysis, pick selections needed for MEP (panels, HVAC, fixtures). Once drawings are complete, the MEP engineers will coordinate with with the architects to compile a full set of Construction Documents ready for permitting.</p>	Quantity	Unit Price	Factor	Total	90.00 x	172.50 x	1.2432 =	19,300.68	
Quantity	Unit Price	Factor	Total										
90.00 x	172.50 x	1.2432 =	19,300.68										
5	01 22 20 00 0059		HR	Engineer	\$21,818.16								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>130.00 x</td> <td>135.00 x</td> <td>1.2432 =</td> <td>21,818.16</td> </tr> </table> <p>The cost includes time dedicated to the drafting and drawings of proposed MEP drawings, and the drafting of both the SD and CD set of drawings.</p>	Quantity	Unit Price	Factor	Total	130.00 x	135.00 x	1.2432 =	21,818.16	
Quantity	Unit Price	Factor	Total										
130.00 x	135.00 x	1.2432 =	21,818.16										
6	01 22 20 00 0060		HR	Draft Person	\$12,929.28								
				<p>Installation</p> <table> <tr> <td>Quantity</td> <td>Unit Price</td> <td>Factor</td> <td>Total</td> </tr> <tr> <td>130.00 x</td> <td>80.00 x</td> <td>1.2432 =</td> <td>12,929.28</td> </tr> </table> <p>The cost includes time dedicated to the field measurement of the existing space, and the drafting of both the SD and CD set of drawings.</p>	Quantity	Unit Price	Factor	Total	130.00 x	80.00 x	1.2432 =	12,929.28	
Quantity	Unit Price	Factor	Total										
130.00 x	80.00 x	1.2432 =	12,929.28										

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120484.00
Work Order Title: City of Stonecrest - Executive Staff Suite Design Services

Proposal Name: City of Stonecrest - Executive Staff Suite Design Services
Proposal Value: \$98,647.92

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
Subtotal for 01 - General Requirements					\$98,647.92
Proposal Total					\$98,647.92

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Client - City of Stonecrest

Detailed Scope of Work

Print Date: December 06, 2023
Work Order Number: 120484.00
Work Order Title: City of Stonecrest - Executive Staff Suite Design Services
Contractor: GA-A07-040820-PAR - Paryani Real Estate LLC
Brief Scope: City of Stonecrest - Executive Staff Suite Design Services

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Detailed Scope:

Please see the attached detailed scope of work (DSOW).

Owner Date

Contractor **Date**

SCOPE OF WORK
City of Stonecrest – Executive Staff Suite Design
3120 Stonecrest Blvd. Suite 190, Stonecrest, GA 30038
October 19, 2023

Summary Scope

Provide architectural design services for the City of Stonecrest Executive Staff Suite.

Detailed Scope of Work

The Contractor shall provide architectural design services for the City of Stonecrest to design their new Executive Staff Suites and associated work.

Scope:

- Meet with the Client to understand their space planning and programming requirements.
- Field measures the space to provide a CAD layout of the existing space.
- Prepare and present to the client a preliminary floor plan showing the proposed layout to achieve the requested requirements and wants.
- Prepare and present interior design recommendations, including millwork, cabinetry, fixtures, furniture layouts, images, and illustrations to convey design intent.
- Prepare and present a full set of Architectural, Mechanical, Electrical, and Plumbing Construction Documents, including interior demolition plans, partition plan, furniture plan, floor and ceiling plans, reflected ceiling plans, finish schedules, elevations, sections, and details required to describe the construction.
- This proposal assumes that the design work for the executive staff suites will be released at the same time as the design proposal for the judicial center, so that the architect and engineers can make one site visit to view both areas at the same time. The savings from these efficiencies are being passed to the City of Stonecrest and are included in this proposal.

Details that Apply to All Work Areas:

Submittals are to be provided to the Owner as part of the submittal process during the design phase.

Field measure all areas to create an accurate CAD file that can be used for design and construction documents, and coordination.

The contractor shall perform all work, make all deliveries, and have access to work areas between 7:00 AM and 5:00 PM Monday through Friday, excluding Federal and State holidays.

Contractor shall coordinate meetings with ownership as needed.

Exclusions:

- Permit fees
- Civil Engineering
- Structural Engineering
- Landscape Architecture
- Bonds
- After hours work
- Construction

Submittals:

1. Contractor shall submit to Owner submittals for approval throughout the design phase and at the end of the Construction Documents phase in PDF and CAD.

Project Schedule

1. All work shall be completed during normal working hours (7am to 5pm) as directed by Owner.
2. Project construction will be scheduled upon receipt of the PO.
3. The work shall be completed within 180 calendar days from date of the Purchase Order issuance. The Contractor will coordinate a specific schedule for on-site meetings with the Owner's representative.

Owner Responsibilities

1. Coordinate with all shareholders to advise on design intent.
2. Provide times and schedules where multiple meetings can be scheduled, and design can be discussed.
2. Provide access to all areas during normal working hours.

Contract Document Order of Precedence:

Contract documents shall govern in the order first listed below:

1. This Detailed Scope of Work
2. EZIQC master contract document



Work Order Signature Document

EZIQC Contract No.: GA-A07-040820-PAR

New Work Order **Modify an Existing Work Order**

Work Order Number: 120485.00 Work Order Date: 12/06/2023

Work Order Title: City of Stonecrest - A/V Interior Renovation

Owner Name: City of Stonecrest Contractor Name: Paryani Real Estate LLC

Contact: Shakerah Hall Contact: Manish Paryani

Phone: 770-224-0200 Phone: 404-432-7820

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No GA-A07-040820-PAR.

Brief Work Order Description:

City of Stonecrest - A/V Interior Renovation

Time of Performance *See Schedule Section of the Detailed Scope of Work*

Liquidated Damages Will apply: Will not apply:

Work Order Firm Fixed Price: \$79,972.59

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

Date Printed: December 06, 2023

Work Order Number: 120485.00

Work Order Title: City of Stonecrest - A/V Interior Renovation

Brief Scope: City of Stonecrest - A/V Interior Renovation

Preliminary

Revised

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Please see the attached detailed scope of work (DSOW).

Contractor

Date

Owner

Date

Contractor's Price Proposal - Summary

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120485.00
Owner PO #:
Work Order Title: City of Stonecrest - A/V Interior Renovation
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

01 - General Requirements	\$4,773.89
05 - Metals	\$1,278.01
08 - Openings	\$17,150.22
09 - Finishes	\$41,914.75
11 - Equipment	\$1,293.57
12 - Furnishings	\$947.63
26 - Electrical	\$10,329.54
28 - Electronic Safety And Security	\$2,284.98
Proposal Total	\$79,972.59

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120485.00
Owner PO #:
Work Order Title: City of Stonecrest - A/V Interior Renovation
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

01 - General Requirements

1	01 66 19 00 0012		SF	Removal, Transportation, Return And Reinstallation Of Office Furniture And FurnishingsIncludes desks, tables, file cabinets, chairs, storage boxes, bookshelves, office equipment, computers, and other furniture and furnishings. Quantity equals total floor space.	\$2,088.58
			Installation	Quantity Unit Price Factor = Total 4,000.00 x 0.42 x 1.2432 = 2,088.58	
				Cost allocated to relocate furniture, chairs, etc. and to place back during floor installation and construction.	
2	01 74 19 00 0014		EA	20 CY Dumpster (3 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$2,685.31
			Installation	Quantity Unit Price Factor = Total 4.00 x 540.00 x 1.2432 = 2,685.31	
				Cost allocated for construction dumpsters during construction for construction debris removal.	

Subtotal for 01 - General Requirements

\$4,773.89

05 - Metals

3	05 41 00 00 0003		SF	3-5/8" Width, 16" On Center, 18 Gauge, Load Bearing, Structural Metal Stud Framing With Tracks And Runners	\$1,055.23
			Installation	Quantity Unit Price Factor = Total 160.00 x 4.33 x 1.2432 = 861.29	
			Demolition	300.00 x 0.52 x 1.2432 = 193.94	
				Metal wall studs demolition and new wall framing installation.	
4	05 41 00 00 0003 0187		MOD	For Up To 200, Add	\$222.78
			Installation	Quantity Unit Price Factor = Total 160.00 x 1.12 x 1.2432 = 222.78	

Subtotal for 05 - Metals

\$1,278.01

08 - Openings

5	08 12 13 13 0024		EA	3' x >7'-2" Through 9' High, 4-3/4" Deep, 16 Gauge, Knock Down Hollow Metal Door Frame	\$575.10
			Installation	Quantity Unit Price Factor = Total 1.00 x 346.60 x 1.2432 = 430.89	
			Demolition	2.00 x 58.00 x 1.2432 = 144.21	
				Cost to demolish 2 door frame and install 1 new door frame.	
6	08 12 13 13 0024 0074		MOD	For Welded Frames, Add	\$120.57
			Installation	Quantity Unit Price Factor = Total 1.00 x 96.98 x 1.2432 = 120.57	

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120485.00
Work Order Title: City of Stonecrest - A/V Interior Renovation

Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
08 - Openings					
7	08 14 16 00 0387		EA	3'-0" x 8' x 1-3/8" Thick, 5 Ply, Particleboard Core (PC), Maple Faced Wood Door	\$709.83
				Quantity	Unit Price
				Factor	Total
				Installation 1.00 x 501.37 x 1.2432 =	623.30
				Demolition 2.00 x 34.80 x 1.2432 =	86.53
				Cost to demolish 2 doors and install 1 new door.	
8	08 14 16 00 0387 0120		MOD	For Stave Lumber Core (SLC), Add	\$402.60
				Quantity	Unit Price
				Factor	Total
				Installation 1.00 x 323.84 x 1.2432 =	402.60
				Solid Core Wood Door	
9	08 42 13 00 0002		EA	3' x 7' x 1-3/4" Medium Stile, Aluminum Framed Entrance Doors Including Glazing, Trim And Hardware	\$8,488.45
				Quantity	Unit Price
				Factor	Total
				Installation 1.00 x 6,827.90 x 1.2432 =	8,488.45
				Cost to install new storefront door opening at new AV area.	
10	08 43 13 00 0005		SF	7' High, 1-3/4" x 4-1/2" Frame, Vertical Mullions 4' On Center, Aluminum Storefront Framing Assembly	\$3,071.95
				Quantity	Unit Price
				Factor	Total
				Installation 112.00 x 17.65 x 1.2432 =	2,457.56
				Demolition 140.00 x 3.53 x 1.2432 =	614.39
				Cost for new storefront system metal at AV area.	
11	08 81 23 23 0015		SF	1/4" Thick, Tempered, Clear Float Field Installed Glass	\$3,292.99
				Quantity	Unit Price
				Factor	Total
				Installation 112.00 x 23.65 x 1.2432 =	3,292.99
				Cost for new glass at storefront.	
12	08 81 23 23 0015 0059		MOD	For Low-E Coated Glass, Add	\$555.56
				Quantity	Unit Price
				Factor	Total
				Installation 112.00 x 3.99 x 1.2432 =	555.56
13	08 81 23 23 0015 0275		MOD	For >50 To 200, Deduct	-\$66.83
				Quantity	Unit Price
				Factor	Total
				Installation 112.00 x -0.48 x 1.2432 =	-66.83
Subtotal for 08 - Openings					\$17,150.22

09 - Finishes					
14	09 29 10 00 0006		SF	5/8" Gypsum Board	\$766.81
				Quantity	Unit Price
				Factor	Total
				Installation 320.00 x 1.29 x 1.2432 =	513.19
				Demolition 600.00 x 0.34 x 1.2432 =	253.61
15	09 29 10 00 0006 0054		MOD	For >128 To 320, Add	\$91.50
				Quantity	Unit Price
				Factor	Total
				Installation 320.00 x 0.23 x 1.2432 =	91.50

Contractor's Price Proposal - Detail Continues..

Work Order Number: 120485.00
Work Order Title: City of Stonecrest - A/V Interior Renovation

Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
16	09 29 10 00 0038		SF	Up To 10' High, Walls, Tape, Spackle And Finish Gypsum Board	\$190.96
				Installation	
				Quantity	Total
				320.00 x	190.96
				Unit Price	
				0.48 x	
				Factor	=
				1.2432	
				Finishing Compound for new walls.	
17	09 29 10 00 0038		SF	Up To 10' High, Walls, Tape, Spackle And Finish Gypsum Board	\$608.67
				Installation	
				Quantity	Total
				1,020.00 x	608.67
				Unit Price	
				0.48 x	
				Factor	=
				1.2432	
				Skim existing walls where base and carpet were removed.	
18	09 65 13 13 0008		LF	6" High, 1/8" Thick, Type TP Thermoplastic Rubber Wall Base, All Colors	\$6,187.53
				Installation	
				Quantity	Total
				710.00 x	5,552.01
				Unit Price	
				6.29 x	
				Factor	=
				1.2432	
				Demolition	
				Quantity	Total
				710.00 x	635.52
				Unit Price	
				0.72 x	
				Factor	=
				1.2432	
				Install new rubber base at carpet.	
19	09 65 13 13 0008 0456		MOD	For >240 To 960, Deduct	-\$494.30
				Installation	
				Quantity	Total
				710.00 x	-494.30
				Unit Price	
				-0.56 x	
				Factor	=
				1.2432	
20	09 68 13 00 0026		SY	32 Ounce, Patterned, Nylon Carpet Tile	\$28,074.94
				Installation	
				Quantity	Total
				410.00 x	26,301.14
				Unit Price	
				51.60 x	
				Factor	=
				1.2432	
				Demolition	
				Quantity	Total
				410.00 x	1,773.80
				Unit Price	
				3.48 x	
				Factor	=
				1.2432	
				New carpet	
21	09 68 13 00 0026 0411		MOD	For >400 To 600, Deduct	-\$647.33
				Installation	
				Quantity	Total
				410.00 x	-647.33
				Unit Price	
				-1.27 x	
				Factor	=
				1.2432	
22	09 91 23 00 0062		SF	1 Coat Primer, Brush/Roller Work, Paint Interior Plaster/Drywall Walls	\$2,523.70
				Installation	
				Quantity	Total
				3,500.00 x	2,523.70
				Unit Price	
				0.58 x	
				Factor	=
				1.2432	
				Prime paint space	
23	09 91 23 00 0062 0282		MOD	For >2,500 To 5,000, Deduct	-\$130.54
				Installation	
				Quantity	Total
				3,500.00 x	-130.54
				Unit Price	
				-0.03 x	
				Factor	=
				1.2432	
24	09 91 23 00 0064		SF	2 Coats Paint, Brush/Roller Work, Paint Interior Plaster/Drywall Walls	\$5,003.88
				Installation	
				Quantity	Total
				3,500.00 x	5,003.88
				Unit Price	
				1.15 x	
				Factor	=
				1.2432	
				Final paint space including courtroom because base and flooring demolition will damage walls.	
25	09 91 23 00 0064 0282		MOD	For >2,500 To 5,000, Deduct	-\$261.07
				Installation	
				Quantity	Total
				3,500.00 x	-261.07
				Unit Price	
				-0.06 x	
				Factor	=
				1.2432	

Subtotal for 09 - Finishes **\$41,914.75**

11 - Equipment

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120485.00
Work Order Title: City of Stonecrest - A/V Interior Renovation

Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

11 - Equipment

26	11	41	23	00	0327	LF	Structural Support, Self-Supporting 10" Channel			\$1,293.57
							Quantity	Unit Price	Factor	Total
						Installation	12.00	86.71	1.2432	= 1,293.57
							Supports for Countertop			

Subtotal for 11 - Equipment **\$1,293.57**

12 - Furnishings

27	12	36	23	13	0002	SF	Plastic Laminate Countertop Without Backsplash			\$947.63
							Quantity	Unit Price	Factor	Total
						Installation	35.00	12.68	1.2432	= 551.73
						Demolition	55.00	5.79	1.2432	= 395.90
							New Countertop for AV area.			

Subtotal for 12 - Furnishings **\$947.63**

26 - Electrical

28	26	05	33	13	0037	CLF	1/2" Rigid Galvanized Steel (RGS) Conduit Assembly With 2 #8 Copper THHN And 1 #10 Copper Insulated Grounding Conductor/Includes conduit, terminations, straps, wire as indicated. Not for use where detail is available.			\$8,251.18
							Quantity	Unit Price	Factor	Total
						Installation	7.00	948.15	1.2432	= 8,251.18
							Conduit and wiring for electrical new boxes			
29	26	05	33	13	0037	0017	MOD For Work In Restricted Working Space, Add			\$1,253.15
							Quantity	Unit Price	Factor	Total
						Installation	7.00	144.00	1.2432	= 1,253.15
30	26	05	33	16	0316	EA	20 Amperes, Duplex Receptacles (Wiremold 68REC-25) Two (2) proprietary 20 amperes duplex power receptacles with mounting plates and 25' leads. Designed to fit in either of the two side compartments in both the 6ATC and the 8ATC Series Poke-Thru Devices. Receptacle can be wired as a standard or isolated			\$728.91
							Quantity	Unit Price	Factor	Total
						Installation	4.00	143.91	1.2432	= 715.64
						Demolition	2.00	5.34	1.2432	= 13.28
							2 quadplex receptacles to accommodate AV equipment.			
31	26	05	33	16	0317	EA	Device Mounting Plate (Wiremold 682A) Device plate that will accept up to two (2) ports of communication devices. For use in either of the two side compartments only. Not for use in the center compartment. Communication devices supplied by others.			\$96.30
							Quantity	Unit Price	Factor	Total
						Installation	4.00	17.88	1.2432	= 88.91
						Demolition	2.00	2.97	1.2432	= 7.38
							plates for 2 quadplex receptacles to accommodate AV equipment.			

Subtotal for 26 - Electrical **\$10,329.54**

28 - Electronic Safety And Security

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120485.00
Work Order Title: City of Stonecrest - A/V Interior Renovation

Proposal Name: City of Stonecrest - A/V Interior Renovation
Proposal Value: \$79,972.59

Sect.	Item	Modifier.	UOM	Description	Line Total			
Labor	Equip.	Material	(Excluded if marked with an X)					
28 - Electronic Safety And Security								
32	28 46 13 31 0164		EA	Multi-Candela/Wattage 25 VRMS Speaker-Strobe (EST3 G4-S2VM)	\$219.64			
				Quantity	Unit Price	Factor	Total	
				1.00	154.32	x	1.2432 =	191.85
				1.00	22.35	x	1.2432 =	27.79
				Strobe/speaker fire alarm box relocation.				
33	28 46 13 31 0200		EA	Surface Mount Box - Indoor, White, 1-Gang (EST3 27193-16)	\$66.98			
				Quantity	Unit Price	Factor	Total	
				1.00	41.96	x	1.2432 =	52.16
				1.00	11.92	x	1.2432 =	14.82
				1 Backer box for FA device.				
34	28 46 13 31 0652		EA	MXL Remote Power Supply Module (Siemens PSR-1)	\$1,998.36			
				Quantity	Unit Price	Factor	Total	
				1.00	1,607.43	x	1.2432 =	1,998.36
				Power Supply module for FA device and integration.				

Subtotal for 28 - Electronic Safety And Security **\$2,284.98**

Proposal Total **\$79,972.59**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Client - City of Stonecrest

Detailed Scope of Work

Print Date: December 06, 2023
Work Order Number: 120485.00
Work Order Title: City of Stonecrest - A/V Interior Renovation
Contractor: GA-A07-040820-PAR - Paryani Real Estate LLC
Brief Scope: City of Stonecrest - A/V Interior Renovation

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Detailed Scope:

Please see the attached detailed scope of work (DSOW).

Owner

Date

Contractor

Date

SCOPE OF WORK

City of Stonecrest – A/V Interior Renovation
3120 Stonecrest Blvd. Suite 190, Stonecrest, GA 30038
September 26, 2023

Scope of Work

Summary Scope

Renovate existing courtroom area to accommodate new space for AV equipment and work area.

Drawings and Specification

Contractor shall a new area for the A/V equipment work area in the existing office location near the courtroom for the City of Stonecrest.

Scope:

1. Demolish existing wall in courtroom and provide a new countertop with glass above to accommodate seating for AV staff.
2. Add a door to new AV area.
3. Provide 2 quadplex outlets for AV Area for power needs.
4. Prepare and present to the client a preliminary floor plan showing the proposed layout to achieve the requested requirements and wants.
5. Install new carpet at AV area to match existing and replace carpet at courtroom.
6. Install new rubber base and paint at all areas where construction has occurred.
7. Demolish glass and countertops at existing check-in area and make a storage room.

Details that Apply to All Work Areas

1. Contractor shall utilize the latest issue of the Sourcewell Specifications for all work.
2. Submittals are to be provided to the Owner as part of the submittal process prior to installation by the contractor.
3. Maintain clean work areas at all times. Remove and dispose of all demolished materials and construction debris. Site must be cleaned every day at the completion of work.
4. All measurements and quantities supplied in this scope of work are approximate in nature and are supplied as a convenience for the contractor. The contractor is responsible for field verification of all measurements and quantities.
5. Contractor shall verify all new and existing conditions and dimensions at job site prior to the proposed process start of construction, and during construction.
6. The contractor shall perform all work, make all deliveries, and have access to work areas between **5:00 PM and 7:00 AM Monday through Friday or Weekends as necessary**, excluding Federal and

State holidays. The contractor shall make arrangements for delivery of materials and have a representative available to receive said materials between hours aforementioned. The Owner is not responsible to receive or accept deliveries.

7. Contractor shall coordinate installation with ownership to close down entrances as needed
8. Parking will be made available for the Contractor by the Owner and the Contractor shall coordinate all parking with the Owner prior to beginning work.
9. Contractor shall obtain approvals in advance for all lay down and storage areas.
10. All salvageable materials remain the property of the Owner.
11. Contractor shall coordinate inspections as required.
12. Final clean up and disposal: Remove debris, rubbish, and waste material from the property of the Owner on a daily basis. Upon completion of work, all construction areas shall be left clean and free from debris. Clean all dust, dirt, stains, hand marks, paint spots, droppings, and other blemishes.
13. Contractor shall not be required to pay Davis Bacon Wage Rates.

Exclusions:

1. Permit Fees
2. Design and Engineering
3. Any items specifically not included in the detailed scope of work.

Submittals:

1. Contractor shall submit to Owner submittals for approval for paint, base, and carpet confirmation samples.

Permitting:

At the time of issuance of a Purchase Order for this Work, it is understood that permits and associated fees are **not** required for this Work. If this changes, the Contractor will be responsible for obtaining such applicable permits and the Owner will be responsible for compensating the Contractor for permit fees and any design necessary to obtain such permits or related approvals as described in the EZIQC master contract documents (i.e. permit fees are dollar for dollar reimbursable and professional design and engineering fees are paid for at hourly rates published in the Construction Task Catalog).

Project Schedule:

1. All work shall be completed during other than normal working hours (5:00 pm to 7:00 am) as directed by Owner and to minimize disruption.
2. Project construction will be scheduled upon receipt of the PO.
3. The work shall be completed within **120 calendar days** from date of the Purchase Order issuance.

Owner Responsibilities

1. Coordinate with all shareholders to confirm scope is correct.
2. Provide all wiring and AV needs to relocate existing AV to new AV.

3. Provide access to the worksite during other than normal working hours for work to occur in consecutive days.
4. Provide exact specifications for existing carpet.

Contract Document Order of Precedence:

Contract documents shall govern in the order first listed below:

1. This Detailed Scope of Work
2. EZIQC master contract document



Work Order Signature Document

EZIQC Contract No.: GA-A07-040820-PAR

New Work Order **Modify an Existing Work Order**

Work Order Number: 120483.00 Work Order Date: 12/06/2023

Work Order Title: City of Stonecrest - Judicial Suite Design Services

Owner Name: City of Stonecrest Contractor Name: Paryani Real Estate LLC

Contact: Shakerah Hall Contact: Manish Paryani

Phone: 770-224-0200 Phone: 404-432-7820

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No GA-A07-040820-PAR.

Brief Work Order Description:

City of Stonecrest - Judicial Suite Design Services

Time of Performance *See Schedule Section of the Detailed Scope of Work*

Liquidated Damages Will apply: Will not apply:

Work Order Firm Fixed Price: \$113,148.44

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

Date Printed: December 06, 2023

Work Order Number: 120483.00

Work Order Title: City of Stonecrest - Judicial Suite Design Services

Brief Scope: City of Stonecrest - Judicial Suite Design Services

Preliminary

Revised

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Please see the attached detailed scope of work (DSOW).

Contractor

Date

Owner

Date

Contractor's Price Proposal - Summary

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120483.00
Owner PO #:
Work Order Title: City of Stonecrest - Judicial Suite Design Services
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Judicial Suite Design Services
Proposal Value: \$113,148.44

01 - General Requirements **\$113,148.44**

Proposal Total **\$113,148.44**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120483.00
Owner PO #:
Work Order Title: City of Stonecrest - Judicial Suite Design Services
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Judicial Suite Design Services
Proposal Value: \$113,148.44

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

01 - General Requirements

1	01 22 16 00 0002	EA		Reimbursable Fees Reimbursable Fees will be paid to the contractor for eligible costs as directed by Owner. Insert the appropriate quantity to adjust the base cost to the actual Reimbursable Fee. If there are multiple Reimbursable Fees, list each one separately and add a comment in the "note" block to identify the Reimbursable Fee (e.g. sidewalk closure, road cut, various permits, extended warranty, expedited shipping costs, etc.). A copy of each receipt, invoice, or proof of payment shall be submitted with the Price Proposal.	\$2,255.00	
		Installation	Quantity	Unit Price	Factor	Total
			2,050.00	1.00	1.1000	2,255.00
		P&P Bond				
2	01 22 20 00 0054	HR		Principal Architect	\$16,783.20	
		Installation	Quantity	Unit Price	Factor	Total
			60.00	225.00	1.2432	16,783.20
		This cost includes time dedicated to overall design of and functionality of the space. Firstly, the architect will meet with the client to discuss requirements, and go over space planning and programming. Once the initial set of design is completed, a high-level plan will be provided (SD Set) to the client for review and approval. After the SD Set is approved, the architect will meet with the Project Manager to confirm constructability and then continue with code analysis to confirm no code issues. Lastly the architect will complete a full set of architectural Construction Documents along with CAD files to be given to the MEP Engineer who will then provide engineering. The architectural drawings will be completed so that a permit can be received.				
3	01 22 20 00 0056	HR		Architect	\$18,648.00	
		Installation	Quantity	Unit Price	Factor	Total
			100.00	150.00	1.2432	18,648.00
		This cost includes time dedicated to overall design of and functionality of the space. The architect will work under the principal architect to conduct research for code analysis, pick finishes, and design. Once architectural drawings are complete, the architect will coordinate with MEP engineers during the design phase to complete engineering of documents				
4	01 22 20 00 0057	HR		Principal Engineer	\$16,596.72	
		Installation	Quantity	Unit Price	Factor	Total
			60.00	222.50	1.2432	16,596.72
		This cost includes time dedicated to overall design of and functionality of the space. Firstly, the engineer will meet with the Architect to discuss requirements, and go over space planning and programming. Once the initial set of design is completed, a high-level plan will be provided (SD Set) to the client for review and approval. After the SD Set is approved. The engineer continue with code analysis to confirm no code issues or other engineering issues arise. Lastly the Engineer will complete a full set of MEP Construction Documents along with CAD files to be given to the Owner. The MEP drawings will be completed so that a permit can be received.				
5	01 22 20 00 0058	HR		Senior Engineer	\$21,445.20	
		Installation	Quantity	Unit Price	Factor	Total
			100.00	172.50	1.2432	21,445.20
		This cost includes time dedicated to overall functionality of the space. The Senior Engineer will work under the Principal Engineer to conduct research for code analysis, pick selections needed for MEP (panels, HVAC, fixtures). Once drawings are complete, the MEP engineers will coordinate with with the architects to compile a full set of Construction Documents ready for permitting.				

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120483.00
Work Order Title: City of Stonecrest - Judicial Suite Design Services

Proposal Name: City of Stonecrest - Judicial Suite Design Services
Proposal Value: \$113,148.44

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

01 - General Requirements

6	01	22	20	00 0059	HR	Engineer				\$23,496.48
						Installation	Quantity	Unit Price	Factor	Total
							140.00	135.00	1.2432	23,496.48
							x	x	=	
The cost includes time dedicated to the drafting and drawings of proposed MEP drawings , and the drafting of both the SD and CD set of drawings.										
7	01	22	20	00 0060	HR	Draft Person				\$13,923.84
						Installation	Quantity	Unit Price	Factor	Total
							140.00	80.00	1.2432	13,923.84
							x	x	=	
The cost includes time dedicated to the field measurement of the existing space, and the drafting of both the SD and CD set of drawings.										

Subtotal for 01 - General Requirements **\$113,148.44**

Proposal Total **\$113,148.44**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Client - City of Stonecrest

Detailed Scope of Work

Print Date: December 06, 2023
Work Order Number: 120483.00
Work Order Title: City of Stonecrest - Judicial Suite Design Services
Contractor: GA-A07-040820-PAR - Paryani Real Estate LLC
Brief Scope: City of Stonecrest - Judicial Suite Design Services

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Detailed Scope:

Please see the attached detailed scope of work (DSOW).

Owner

Date

Contractor

Date

SCOPE OF WORK
City of Stonecrest – Judicial Suite
3120 Stonecrest Blvd. Suite 190, Stonecrest, GA 30038
September 08, 2023

Summary Scope

Provide architectural design services for the City of Stonecrest Judicial Suite.

Detailed Scope of Work

The Contractor shall provide design services for the City of Stonecrest to design their new Judicial Suite and associated work.

Scope:

- Meet with the Client to understand their space planning and programming requirements.
- Field measures the space to provide a CAD layout of the existing space.
- Prepare and present to the client a preliminary floor plan showing the proposed layout to achieve the requested requirements and wants.
- Prepare and present interior design recommendations, including millwork, cabinetry, fixtures, furniture layouts, images, and illustrations to convey design intent.
- Prepare and present a full set of Architectural and MEP Engineering Construction Documents, including interior demolition plans, partition plan, furniture plan, floor and ceiling plans, reflected ceiling plans, finish schedules, elevations, sections, and details required to describe the construction.

Details that Apply to All Work Areas:

Submittals are to be provided to the Owner as part of the submittal process during the design phase.

Field measure all areas to create an accurate CAD file that can be used for design and construction documents, and coordination.

The contractor shall perform all work, make all deliveries, and have access to work areas between 7:00 AM and 5:00 PM Monday through Friday, excluding Federal and State holidays.

Contractor shall coordinate meetings with ownership as needed.

Exclusions:

- Permit fees
- Civil Engineering
- Structural Engineering

- Landscape Architecture
- After hours work
- Construction

Submittals:

1. Contractor shall submit to Owner submittals for approval throughout the design phase and at the end of the Construction Documents phase in PDF and CAD.

Project Schedule

1. All work shall be completed during normal working hours (7am to 5pm) as directed by Owner.
2. Project construction will be scheduled upon receipt of the PO.
3. The work shall be completed within 180 calendar days from date of the Purchase Order issuance. The Contractor will coordinate a specific schedule for on-site meetings with the Owner's representative.

Owner Responsibilities

1. Coordinate with all shareholders to advise on design intent.
2. Provide times and schedules where multiple meetings can be scheduled, and design can be discussed.
2. Provide access to all areas during normal working hours.

Contract Document Order of Precedence:

Contract documents shall govern in the order first listed below:

1. This Detailed Scope of Work
2. EZIQC master contract document



Work Order Signature Document

EZIQC Contract No.: GA-A07-040820-PAR

New Work Order **Modify an Existing Work Order**

Work Order Number: 120486.00 Work Order Date: 12/06/2023

Work Order Title: City of Stonecrest - Wellness Area Renovation

Owner Name: City of Stonecrest Contractor Name: Paryani Real Estate LLC

Contact: Shakerah Hall Contact: Manish Paryani

Phone: 770-224-0200 Phone: 404-432-7820

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No GA-A07-040820-PAR.

Brief Work Order Description:

City of Stonecrest - Wellness Area Renovation

Time of Performance *See Schedule Section of the Detailed Scope of Work*

Liquidated Damages Will apply: Will not apply:

Work Order Firm Fixed Price: \$77,187.24

Owner Purchase Order Number:

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

Date Printed: December 06, 2023

Work Order Number: 120486.00

Work Order Title: City of Stonecrest - Wellness Area Renovation

Brief Scope: City of Stonecrest - Wellness Area Renovation

Preliminary

Revised

Final

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Please see the attached detailed scope of work (DSOW).

Contractor

Date

Owner

Date

Contractor's Price Proposal - Summary

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120486.00
Owner PO #:
Work Order Title: City of Stonecrest - Wellness Area Renovation
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Wellness Area Renovation
Proposal Value: \$77,187.24

01 - General Requirements	\$2,013.98
02 - Site Work	\$353.32
05 - Metals	\$271.95
07 - Thermal & Moisture Protection	\$320.68
08 - Openings	\$19,447.04
09 - Finishes	\$44,506.03
26 - Electrical	\$10,274.24
Proposal Total	\$77,187.24

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: December 06, 2023
IQC Master Contract #: GA-A07-040820-PAR
Work Order Number: 120486.00
Owner PO #:
Work Order Title: City of Stonecrest - Wellness Area Renovation
Contractor: Paryani Real Estate LLC
Proposal Name: City of Stonecrest - Wellness Area Renovation
Proposal Value: \$77,187.24

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

01 - General Requirements

1	01 74 19 00 0014		EA	20 CY Dumpster (3 Ton) "Construction Debris" Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$2,013.98
				Installation	
				Quantity	3.00
				Unit Price	540.00
				Factor	1.2432
				Total	2,013.98
				Dumpster cost during construction	

Subtotal for 01 - General Requirements **\$2,013.98**

02 - Site Work

2	02 41 19 16 0046		SF	Demolish Wood Or Metal Framed Interior Partition/Wall With Drywall 2 Sides	\$353.32
				Installation	
				Quantity	196.00
				Unit Price	1.45
				Factor	1.2432
				Total	353.32

Subtotal for 02 - Site Work **\$353.32**

05 - Metals

3	05 41 00 00 0003		SF	3-5/8" Width, 16" On Center, 18 Gauge, Load Bearing, Structural Metal Stud Framing With Tracks And Runners	\$188.41
				Installation	
				Quantity	35.00
				Unit Price	4.33
				Factor	1.2432
				Total	188.41
				Metal studs for new jambs and storefront at header.	
4	05 41 00 00 0003 0187		MOD	For Up To 200, Add	\$48.73
				Installation	
				Quantity	35.00
				Unit Price	1.12
				Factor	1.2432
				Total	48.73
5	05 41 00 00 0003 0189		MOD	For 12" On Center, Add	\$34.81
				Installation	
				Quantity	35.00
				Unit Price	0.80
				Factor	1.2432
				Total	34.81

Subtotal for 05 - Metals **\$271.95**

07 - Thermal & Moisture Protection

6	07 21 13 16 0010		SF	2-1/2" Thick, R10.0, Fiberglass, Fibrous Board Insulation, Cold Adhesive Applied	\$320.68
				Installation	
				Quantity	35.00
				Unit Price	7.37
				Factor	1.2432
				Total	320.68
				Insulation at new jambs and headers.	

Subtotal for 07 - Thermal & Moisture Protection **\$320.68**

08 - Openings

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120486.00
Work Order Title: City of Stonecrest - Wellness Area Renovation

Proposal Name: City of Stonecrest - Wellness Area Renovation
Proposal Value: \$77,187.24

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		

08 - Openings

7	08 12 13	13 0024	EA	3' x >7'-2" Through 9' High, 4-3/4" Deep, 16 Gauge, Knock Down Hollow Metal Door Frame	\$144.21					
				Quantity	Unit Price		Factor	Total		
				Installation	0.00	x	346.60	x	1.2432 =	0.00
				Demolition	2.00	x	58.00	x	1.2432 =	144.21
				Demolish 2 Frames						
8	08 14 16	00 0387	EA	3'-0" x 8' x 1-3/8" Thick, 5 Ply, Particleboard Core (PC), Maple Faced Wood Door	\$86.53					
				Quantity	Unit Price		Factor	Total		
				Installation	0.00	x	501.37	x	1.2432 =	0.00
				Demolition	2.00	x	34.80	x	1.2432 =	86.53
				Demolish 2 Doors						
9	08 42 13	00 0006	EA	3' x 7' x 1-3/4" Wide Stile, Aluminum Framed Entrance Doors Including Glazing, Trim And Hardware	\$9,545.59					
				Quantity	Unit Price		Factor	Total		
				Installation	1.00	x	7,678.24	x	1.2432 =	9,545.59
				New Glass Door at Entrance of Wellness Area						
10	08 42 13	00 0006	0491	MOD For 8' High Door, Add	\$1,014.96					
				Quantity	Unit Price		Factor	Total		
				Installation	1.00	x	816.41	x	1.2432 =	1,014.96
11	08 43 13	00 0078	SF	8' High With Two Horizontal Mullions, 2-1/2" x 5" Frame, Vertical Mullions 4' On Center, Aluminum Storefront Framing Assembly	\$2,279.33					
				Quantity	Unit Price		Factor	Total		
				Installation	56.00	x	32.74	x	1.2432 =	2,279.33
				New Glass Opening at Entrance of Wellness Area						
12	08 81 23	23 0074	SF	1" Thick, Laminated Insulating Glass, Field Installed Glass Insulated glass units consisting of 1/4" thick inner pane, 3/16" air gap, and outer laminated pane of 0.060" PVB film between two layers 1/4" thick glass.	\$6,376.42					
				Quantity	Unit Price		Factor	Total		
				Installation	56.00	x	91.59	x	1.2432 =	6,376.42
				New Glass Opening at Entrance of Wellness Area						

Subtotal for 08 - Openings **\$19,447.04**

09 - Finishes

13	09 29 10	00 0006	SF	5/8" Gypsum Board	\$56.13					
				Quantity	Unit Price		Factor	Total		
				Installation	35.00	x	1.29	x	1.2432 =	56.13
				Drywall at Jambs and Headers						
14	09 29 10	00 0006	0053	MOD For Up To 128, Add	\$17.40					
				Quantity	Unit Price		Factor	Total		
				Installation	35.00	x	0.40	x	1.2432 =	17.40
15	09 29 10	00 0038	SF	Up To 10' High, Walls, Tape, Spackle And Finish Gypsum Board	\$76.38					
				Quantity	Unit Price		Factor	Total		
				Installation	128.00	x	0.48	x	1.2432 =	76.38
				Finishing Compound at 2 Rooms						

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120486.00
Work Order Title: City of Stonecrest - Wellness Area Renovation

Proposal Name: City of Stonecrest - Wellness Area Renovation
Proposal Value: \$77,187.24

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
16	09 29 10 00 0038	0042	MOD	For Up To 128, Add	\$28.64
				Installation	
				Quantity	Total
				128.00 x	28.64
				Unit Price	
				0.18 x	
				Factor	
				1.2432 =	
17	09 29 10 00 0044		LF	Up To 10' High, Vertical Corners, Tape, Spackle And Finish Gypsum Board	\$70.86
				Installation	
				Quantity	Total
				60.00 x	70.86
				Unit Price	
				0.95 x	
				Factor	
				1.2432 =	
				Finishing Corners	
18	09 29 10 00 0047		LF	Up To 10' High, Horizontal Corners, Tape, Spackle And Finish Gypsum Board	\$48.78
				Installation	
				Quantity	Total
				36.00 x	48.78
				Unit Price	
				1.09 x	
				Factor	
				1.2432 =	
				Finishing Corners	
19	09 29 10 00 0051		LF	Corner Bead, Galvanized Steel For Gypsum Board	\$114.37
				Installation	
				Quantity	Total
				40.00 x	114.37
				Unit Price	
				2.30 x	
				Factor	
				1.2432 =	
				Corner Bead at Jambos	
20	09 29 10 00 0051	0013	MOD	For Up To 100, Add	\$9.45
				Installation	
				Quantity	Total
				40.00 x	9.45
				Unit Price	
				0.19 x	
				Factor	
				1.2432 =	
21	09 51 13 00 0003		SF	2' x 2' x 3/4" Thick, Square Edge, Fiberglass Acoustical Ceiling Panel (Armstrong Optima®)	\$1,506.06
				Installation	
				Quantity	Total
				152.00 x	1,506.06
				Unit Price	
				7.97 x	
				Factor	
				1.2432 =	
				Ceiling Tile for tying in rooms	
22	09 51 13 00 0003	0094	MOD	For >50 To 200, Add	\$179.52
				Installation	
				Quantity	Total
				152.00 x	179.52
				Unit Price	
				0.95 x	
				Factor	
				1.2432 =	
23	09 53 23 00 0004		SF	2' x 2' Grid, Hot Dipped Galvanized Steel, 15/16" T Bar Ceiling Suspension System	\$311.79
				Installation	
				Quantity	Total
				152.00 x	311.79
				Unit Price	
				1.65 x	
				Factor	
				1.2432 =	
				Ceiling grid for tying in rooms	
24	09 53 23 00 0004	0121	MOD	For >50 To 200, Add	\$68.03
				Installation	
				Quantity	Total
				152.00 x	68.03
				Unit Price	
				0.36 x	
				Factor	
				1.2432 =	
25	09 53 23 00 0013		LF	1-1/2" x 1/4" Flat Bar Bracing For Suspended Ceiling	\$176.48
				Installation	
				Quantity	Total
				28.00 x	176.48
				Unit Price	
				5.07 x	
				Factor	
				1.2432 =	
				Ceiling grid stability bar for tying in 2 ceilings at rooms.	
26	09 65 13 13 0012		LF	6" High, 3/8" Thick, Type TP Thermoplastic Rubber Wall Base, All Colors	\$2,684.52
				Installation	
				Quantity	Total
				128.00 x	2,684.52
				Unit Price	
				16.87 x	
				Factor	
				1.2432 =	
				Rubber wall base	

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120486.00
Work Order Title: City of Stonecrest - Wellness Area Renovation

Proposal Name: City of Stonecrest - Wellness Area Renovation
 Proposal Value: \$77,187.24

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
09 - Finishes					
27	09 65 66 00 0009		SF	3/8" Height, Black Raised Discs Surface, Closed Cell, 100 Percent Virgin Rubber, Interlocking Athletic Tile (Pawling PL-100)	\$29,628.19
			Installation	Quantity 580.00 x Unit Price 41.09 x Factor 1.2432 = Total 29,628.19	
				Black rubber flooring	
28	09 68 13 00 0010		SY	32 Ounce, Non Patterned, Nylon Carpet Tile	\$281.21
			Installation	Quantity 0.00 x Unit Price 50.12 x Factor 1.2432 = Total 0.00	
			Demolition	Quantity 65.00 x Unit Price 3.48 x Factor 1.2432 = Total 281.21	
				demolish existing carpet.	
29	09 91 23 00 0062		SF	1 Coat Primer, Brush/Roller Work, Paint Interior Plaster/Drywall Walls	\$3,270.71
			Installation	Quantity 4,536.00 x Unit Price 0.58 x Factor 1.2432 = Total 3,270.71	
				prime paint 2 rooms	
30	09 91 23 00 0062 0282		MOD	For >2,500 To 5,000, Deduct	-\$169.17
			Installation	Quantity 4,536.00 x Unit Price -0.03 x Factor 1.2432 = Total -169.17	
31	09 91 23 00 0064		SF	2 Coats Paint, Brush/Roller Work, Paint Interior Plaster/Drywall Walls	\$6,485.03
			Installation	Quantity 4,536.00 x Unit Price 1.15 x Factor 1.2432 = Total 6,485.03	
				final paint 2 rooms	
32	09 91 23 00 0064 0282		MOD	For >2,500 To 5,000, Deduct	-\$338.35
			Installation	Quantity 4,536.00 x Unit Price -0.06 x Factor 1.2432 = Total -338.35	

Subtotal for 09 - Finishes **\$44,506.03**

26 - Electrical

33	26 05 33 13 0016		CLF	3/4" Electrical Metallic Tubing (EMT) Conduit Assembly With 5 #10 Copper THHN And 1 #12 Copper Insulated Grounding ConductorIncludes conduit, set screw connectors, set screw couplings, straps, wire as indicated. Not for use where detail is available.	\$9,703.71
			Installation	Quantity 9.00 x Unit Price 867.27 x Factor 1.2432 = Total 9,703.71	
				electrical conduit and cable for power.	
34	26 27 26 00 0007		EA	20 Amperes, 2 Gang, NEMA 5-20, Duplex Receptacle Assembly	\$490.89
			Installation	Quantity 4.00 x Unit Price 83.71 x Factor 1.2432 = Total 416.27	
			Demolition	Quantity 2.00 x Unit Price 30.01 x Factor 1.2432 = Total 74.62	
				electrical outlets	
35	26 27 26 00 0276		EA	2 Gang, 302 Stainless Steel With Satin Finish Duplex Receptacle Wall Plate	\$79.64
			Installation	Quantity 4.00 x Unit Price 15.24 x Factor 1.2432 = Total 75.79	
			Demolition	Quantity 2.00 x Unit Price 1.55 x Factor 1.2432 = Total 3.85	
				electrical covers for duplexes	

Contractor's Price Proposal - Detail Continues..

Item XIII. a.

Work Order Number: 120486.00
Work Order Title: City of Stonecrest - Wellness Area Renovation

Proposal Name: City of Stonecrest - Wellness Area Renovation
Proposal Value: \$77,187.24

Sect.	Item	Modifier.	UOM	Description	Line Total
Labor	Equip.	Material	(Excluded if marked with an X)		
Subtotal for 26 - Electrical					\$10,274.24
Proposal Total					\$77,187.24

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Client - City of Stonecrest

Detailed Scope of Work

Print Date: December 06, 2023
Work Order Number: 120486.00
Work Order Title: City of Stonecrest - Wellness Area Renovation
Contractor: GA-A07-040820-PAR - Paryani Real Estate LLC
Brief Scope: City of Stonecrest - Wellness Area Renovation

To: Manish Paryani
Paryani Construction
2300 Windy Ridge Parkway SE
Atlanta, GA 30339
404-432-7820

From: Shakerah Hall
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, GA 30038
770-224-0200

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

Detailed Scope:

Please see the attached detailed scope of work (DSOW).

Owner Date

Contractor **Date**

SCOPE OF WORK

City of Stonecrest – Wellness Area Renovation
3120 Stonecrest Blvd. Suite 190, Stonecrest, GA 30038
September 26, 2023

Scope of Work

Summary Scope

Renovate existing offices to accommodate new space for wellness area.

Drawings and Specification

The Contractor shall construct a new area for the wellness area in the existing office location for the City of Stonecrest.

Scope:

1. Demolish existing wall between 2 offices to create a large area.
2. Tie in existing ceilings between 2 offices.
3. Demolish exiting entry doors and wall.
4. Add a new storefront glass system with door into new area.
5. Demolish existing carpet and replace with rubber flooring.
6. Provide 4 duplex outlets for future use.
7. Paint rooms.

Details that Apply to All Work Areas

1. Contractor shall utilize the latest issue of the Sourcewell Specifications for all work.
2. Submittals are to be provided to the Owner as part of the submittal process prior to installation by the contractor.
3. Maintain clean work areas at all times. Remove and dispose of all demolished materials and construction debris. Site must be cleaned every day at the completion of work.
4. All measurements and quantities supplied in this scope of work are approximate in nature and are supplied as a convenience for the contractor. The contractor is responsible for field verification of all measurements and quantities.
5. Contractor shall verify all new and existing conditions and dimensions at job site prior to the proposed process start of construction, and during construction.
6. The contractor shall perform all work, make all deliveries, and have access to work areas between **5:00 PM and 7:00 AM Monday through Friday or Weekends as necessary**, excluding Federal and State holidays. The contractor shall make arrangements for delivery of materials and have a

representative available to receive said materials between hours aforementioned. The Owner is not responsible to receive or accept deliveries.

7. Contractor shall coordinate installation with ownership to close down entrances as needed
8. Parking will be made available for the Contractor by the Owner and the Contractor shall coordinate all parking with the Owner prior to beginning work.
9. Contractor shall obtain approvals in advance for all lay down and storage areas.
10. All salvageable materials remain the property of the Owner.
11. Contractor shall coordinate inspections as required.
12. Final clean up and disposal: Remove debris, rubbish, and waste material from the property of the Owner on a daily basis. Upon completion of work, all construction areas shall be left clean and free from debris. Clean all dust, dirt, stains, hand marks, paint spots, droppings, and other blemishes.
13. Contractor shall not be required to pay Davis Bacon Wage Rates.

Exclusions:

1. Permit Fees
2. Design and Engineering
3. Any items specifically not included in the detailed scope of work.

Submittals:

1. Contractor shall submit to Owner submittals for approval for paint, base, and carpet confirmation samples.

Permitting:

At the time of issuance of a Purchase Order for this Work, it is understood that permits and associated fees are **not** required for this Work. If this changes, the Contractor will be responsible for obtaining such applicable permits and the Owner will be responsible for compensating the Contractor for permit fees and any design necessary to obtain such permits or related approvals as described in the EZIQC master contract documents (i.e. permit fees are dollar for dollar reimbursable and professional design and engineering fees are paid for at hourly rates published in the Construction Task Catalog).

Project Schedule:

1. All work shall be completed during other than normal working hours (5:00 pm to 7:00 am) as directed by Owner and to minimize disruption.
2. Project construction will be scheduled upon receipt of the PO.
3. The work shall be completed within 120 calendar days from date of the Purchase Order issuance.

Owner Responsibilities

1. Coordinate with all shareholders to confirm scope is correct.
2. Provide all IT needs (ethernet, wi-fi, etc.)

3. Provide access to the worksite during other than normal working hours for work to occur in consecutive days.
4. Moving and removal of existing furniture.

Contract Document Order of Precedence:

Contract documents shall govern in the order first listed below:

1. This Detailed Scope of Work
2. EZIQC master contract document



CITY COUNCIL AGENDA ITEM

SUBJECT: GDOT Lighting Agreement for I-285 @ I-20 Eastside Interchange Project

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: Lighting Agreement
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Hari Karikaran, City Engineer

PRESENTER: Hari Karikaran, City Engineer

PURPOSE: To approve an agreement between Georgia Department of Transportation (GDOT) and City of Stonecrest to operate and maintain the lighting system within City limits.

FACTS: I-285 @ I-20 Eastside Interchange Reconstruction is currently underway. All lighting improvements are part of the project and GDOT is responsible for the construction of the lighting system. Municipalities within the project limits are responsible for the operation and maintenance of the lighting system. DeKalb County is responsible for the un-incorporated area and City of Stonecrest is responsible for the area within city limits. A Council approval is required for execution of the Agreement by the Major and GDOT Commissioner.

OPTIONS: Approve, Deny, Defer N/A

RECOMMENDED ACTION: Approve N/A



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Lighting Agreement between GDOT and City of Stonecrest
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

INTERGOVERNMENTAL LIGHTING AGREEMENT
BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
CITY OF STONECREST

THIS AGREEMENT is made and entered into this _____ day of _____, 20__, (“Effective Date”) by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION**, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**, and the **CITY OF STONECREST, GEORGIA** acting by and through its City Council, hereinafter called the **CITY** (the **DEPARTMENT** and the **CITY** are sometimes referred to herein individually as a “Party” and collectively as the “Parties”).

WHEREAS, the **CITY** has represented to the **DEPARTMENT** a desire to obtain roadway lighting as part of the **I-285 @ I-20 - EAST SIDE INTERCHANGE RECONSTRUCTION** project, said lighting to be installed under P.I. No. 0013915, DeKalb County;

WHEREAS, the **CITY** has represented to the **DEPARTMENT** a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting system at the aforesaid location, and the **DEPARTMENT** has relied upon such representation; and

WHEREAS, the **DEPARTMENT** has indicated a willingness to fund the materials and installation for the said lighting system at the aforesaid location, with funds of the **DEPARTMENT**, funds apportioned to the **DEPARTMENT** by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the **DEPARTMENT** and the **CITY** hereby agree each with the other as follows:

ARTICLE I
INSTALLATION

The **DEPARTMENT** or its assigns shall cause the installation of all materials and equipment necessary for roadway lighting as part of the **I-285 @ I-20 - EAST SIDE INTERCHANGE RECONSTRUCTION** project, said lighting to be installed under P.I. No. 0013915, DeKalb County as shown on Attachment "A" attached hereto and made a part hereof.

ARTICLE II
CITY'S RESPONSIBILITIES

1. Upon completion of installation of said lighting system, and acceptance by the **DEPARTMENT**, the **CITY** shall assume full responsibility and costs for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The **CITY** further agrees to provide and pay for all the energy required for the operation of said lighting system.

2. It is understood by the **CITY** that the **DEPARTMENT** has relied upon the **CITY'S** representation of providing for the energy, maintenance, and operation of the lighting represented by this Agreement; therefore, if the **CITY** elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the **CITY** shall reimburse the **DEPARTMENT** the materials cost for the lighting system. If the **CITY** elects to de-energize or fails to properly maintain any individual unit within the lighting system, the **CITY** shall reimburse the **DEPARTMENT** for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The **DEPARTMENT** will provide the **CITY** with a statement of material costs upon completion of the installation.

ARTICLE III
DEPARTMENT'S OWNERSHIP

The **DEPARTMENT** shall retain ownership of all materials and various components of the entire lighting system. The **CITY**, in its operation and maintenance of the lighting system, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the **DEPARTMENT**.

ARTICLE IV
TERM OF AGREEMENT

This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The **DEPARTMENT** reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the **CITY**.

ARTICLE V
RIGHT OF ENTRY

The **CITY** will be permitted to access the **DEPARTMENT'S** Right of Way in order to perform its responsibilities under **ARTICLE II, PARAGRAPH 1**, of this Agreement.

ARTICLE VI
INDEMNIFICATION

To the extent allowed by law, the **CITY** and all its successors and assigns, shall release and save harmless the **DEPARTMENT**, past, present and future board members, commissioners, officers, employees, agents, attorneys, affiliates, privies, successors, and assigns, and the State of Georgia, its political subdivisions, departments, agencies, commissions, affiliates, employees, agents, and attorneys from all suits, claims, actions or damages of any nature whatsoever resulting from the **CITY'S** access to **DEPARTMENT'S** Right of Way.

ARTICLE VII
MISCELLANEOUS

1. **NON-WAIVER.** No failure of either Party to exercise any right or power given to such Party under this Agreement, or to insist upon strict compliance by the other Party with the provisions of this Agreement, and no custom or practice of either Party at variance with the terms and conditions of this Agreement, will constitute a waiver of either Party's right to demand exact and strict compliance by the other Party with the terms and conditions of this Agreement.
2. **NO THIRD-PARTY BENEFICIARIES.** Nothing contained herein shall be construed as conferring upon or giving to any person, other than the Parties hereto, any rights or benefits under or by reason of this Agreement.
3. **SOVEREIGN IMMUNITY.** Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions under the Georgia Constitution.
4. **CONTINUITY.** Each of the provisions of this Agreement will be binding upon and inure to the benefit and detriment of the Parties and the successors and assigns of the Parties.

5. **WHEREAS CLAUSE AND EXHIBITS.** The Whereas Clauses and Exhibits hereto are a part of this Agreement and are incorporated herein by reference.
6. **SEVERABILITY.** If any one or more of the provisions contained herein are for any reason held by any court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision hereof, and this Agreement will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
7. **CAPTIONS.** The brief headings or titles preceding each provision hereof are for purposes of identification and convenience only and should be completely disregarded in construing this Agreement.
8. **INTERPRETATION.** Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that the agents of all Parties have participated in the preparation hereof.
9. **ENTIRE AGREEMENT.** This Agreement supersedes all prior negotiations, discussion, statements and agreements between the Parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either Party has authority to make, or has made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.

The covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the

Item XIII. b.

and year first above written.

**GEORGIA DEPARTMENT
OF TRANSPORTATION**

CITY OF STONECREST

Commissioner

Print Name: _____
Title: _____

(SEAL)

(SEAL)

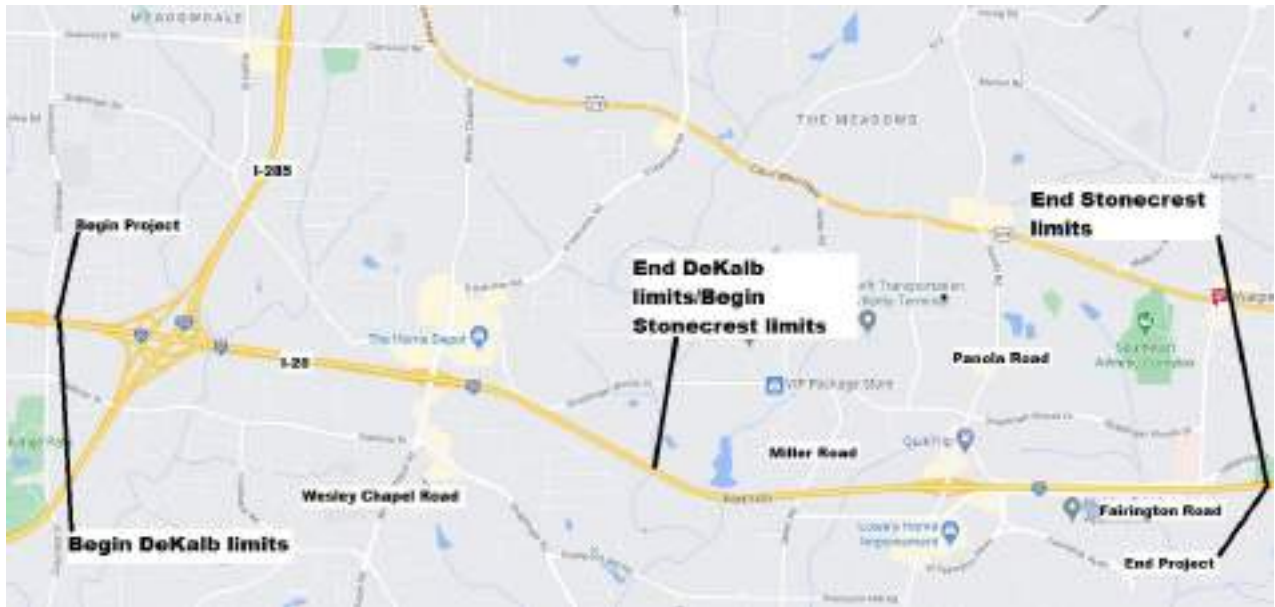
ATTEST:

ATTEST:

Treasurer

Print Name: _____
Title: _____

Attachment "A"



Project Location Map

**I-285 @ I-20 - EAST SIDE INTERCHANGE RECONSTRUCTION
DeKalb County
P.I. No. 0013915**



CITY COUNCIL AGENDA ITEM

SUBJECT: Salem Park Parking Lot Expansion Construction Contract

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Susan Angelo, Purchasing Coordinator

PRESENTER: Hari Karikaran, City Engineer

PURPOSE: To approve a contract with Summit Construction & Development, LLC to construct expansion of Salem Park Parking Lot.

FACTS: Salem Park is located at 5290 Salem Road in the southwest part of the City of Stonecrest. Salem Park is a 12-acre multi-use facility with a walking track, new playground, pavilion, basketball court and woodland. The City Council approved a project to re-construct the parking lot at Salem Park in 2023. Engineering design of new Parking Lot was completed in Fall of 2023. City Procurement Division solicited proposals from qualified and experienced contractors to re-construct the parking lot. Five bids were received on December 7, 2023, and the Evaluation Team completed the bids evaluation and made a recommendation.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Staff recommend approval of a Contract with Summit Construction & Development, LLC for the amount of \$373,217.00. Funding for this Contract comes from



CITY COUNCIL AGENDA ITEM

2023 SPLOST allocation. (2023 Budget Approval Council Action - Salem Park Parking Lot Design/Construction: Account # 300-330-05135-52143.09)

ATTACHMENTS:

- (1) Attachment 1 - Contract between City of Stonecrest and Summitt Construction & Development, LLC.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

CONSTRUCTION CONTRACT
Salem Park Parking Lot Expansion
Invitation to Bid 23-121

This **CONTRACT** made and entered into this _____ day of _____ 2024 by and between the City of Stonecrest, (Party of the First Part, hereinafter called the “City”), **Summit Construction & Development, LLC**. Party of the Second Part, hereinafter called the “Service Provider” or “Contractor”).

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. TERMS:

This Contract shall commence on the date all parties have executed the Contract (“Effective Date”) and shall terminate absolutely without further obligation on the part of the City on December 31, 2024 (“Initial Term”). This Contract may renew upon the same terms and conditions at the end of the Initial Term for one (1) twelve-month period (“Renewal Option”) unless the City provides written notice of non-renewal to Contractor thirty (30) days prior to the expiration of the applicable renewal term or if the Contract is otherwise terminated pursuant to the terms herein. The Contract shall terminate absolutely without further obligation on the part of the City at the end of each calendar year as required by O.C.G.A. §36-60-13.

2. ATTACHMENTS:

The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents**:

- Exhibit A: General Conditions.
- Exhibit B: Specifications and Scope of Work (ITB 23-124 reference herein).
- Exhibit C: Determination of Responsibility.
- Exhibit D: Bond Documents: Payment, Performance, and Maintenance Bond.
- Exhibit E: Georgia Security and Immigration Compliance Affidavit.
- Exhibit F: Drug-Free Workplace.
- Exhibit G: Purchasing Policy Addendum.
- Exhibit H: Affidavit Verifying Status for Public Benefit Application.
- Exhibit I: Bid Documents: References and Subcontractor Form.
- Exhibit J: Non-Collusion Affidavit.
- Exhibit K: Bid Schedule.

3. PERFORMANCE:

Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the “Work”).

4. PRICE:

The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor, and expenses, shall be the amount reflected in Exhibit K.

5. INDEMNIFICATION AND HOLD HARMLESS:

[See Section 13 of Exhibit A. --- General Conditions]

Service Provider further agrees to protect, defend, indemnify, and hold harmless the CITY, its council members, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. TERMINATION FOR CAUSE:

The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provide by law.

7. TERMINATION FOR CONVENIENCE:

The City may terminate this Contract for its convenience at any time upon 30 days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

8. TERMINATION FOR FUND APPROPRIATION:

The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. CONTRACT NOT TO DISCRIMINATE:

During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, color, sex, national origin, age, or disability which does not preclude the applicate or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each sub-service providers for standard commercial supplies of raw materials.

10. ASSIGNMENT:

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in DeKalb County, Georgia.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on the following page.

Stonecrest, GEORGIA

By: _____
Jazzmin Cobble
Mayor City of Stonecrest, Georgia

ATTEST: _____
Sonya Isom
City Clerk

APPROVED AS TO FORM:

Denmark Ashby, LLC, City Attorney

SERVICE PROVIDER: Summit Construction & Development, LLC

Signature _____

Date _____

Print Name _____

Print Title _____

ATTEST:

Date _____

Signature

Print Name _____

Print Title _____

EXHIBIT A
GENERAL CONDITIONS

1. SCOPE OF WORK

The Contract will be to provide services to the City in accordance with the Contract Documents. All work shall be performed in accordance with the Scope of Services attached hereto as Exhibit B.

2. REGULATIONS

- 2.1 The Service Provides shall comply with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to the performance of the work specified herein.
- 2.2 The Service Provider shall obtain all permits, licenses, and certificates, or any such approvals of plans or specifications as may be required by Federal, State, and local laws, ordinance, rules and regulations, for the proper execution of the work specified herein.
- 2.3 During the performance of this Contract, the Service Provider shall keep current and, if requested by the City, provide copies of any and all licenses, registrations or permits required by applicable governing agencies, The Service Provider shall keep a copy of any and all licenses, registrations and permits on the job site while performing the Contract work.
- 2.4 The Service Provider will comply with the City of Stonecrest’s Financial Management and Purchasing Policies.
- 2.5 Service Provider will complete all work in accordance with all applicable legal requirements, including but not limited to O.C.G.A. § 50-5-63, as applicable.

3. WORK HOURS

- 3.1 The Contractor shall normally perform on-site work during Standard Work Hours which are between 8:00 a.m. and 5:00 p.m., Monday through Saturday, excluding City’s observed holidays. The City may require the Contractor to perform work on the city’s premises during Non-standard Work Hours which are outside the Standard Work Hours. Non-Standard Work Hours may be arranged with prior written approval of the City. The Contractor shall advise the City no less than 48 hours in advance of its projected work schedule. The Contractor shall perform no work during City observed holidays without the prior written permission of the City.
- 3.2 In the event an emergency condition is declared by the City’s Manager of his respective designee, the Contractor will perform work during such hours as requested by the City.
- 3.3 The City may order the Service Provider to suspend, delay, or interrupt all or any part of the work on for such a period of time as he may determine appropriate for the convenience of the City. The time for completion of the work shall be extended by the number of days their work is suspended. The City shall not be responsible for any claims, damages or costs stemming from any delay of the work.

4. SERVICE PROVIDER'S PERSONNEL

- 4.1** The Service Provider will abide by all State and Federal regulations on wages and hours of an employee dealing with the employment relationship between the Service Provider and its subsidiaries or related parties and its employees, including but not limited to the Federal National Labor Relations Act, the Federal Fair Labor Standards Act, the Federal Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act.
- 4.2** The Service Provider shall require all prospective employees to show proof of citizenship, or proof from the United States Immigration and Naturalization Service of valid entry permits and/or work permits for legal aliens and proof that such legal aliens are eligible to be employed in the United States. This includes any requirement for participation in the DHS e-Verify or SAVE program.
- 4.3** Should the Service Provider engage employees who are illiterate in English, it will be the Service Provider's responsibility and obligation to train such employees to be able to identify and understand all signs and notices in and /or around the areas that relate to them or the services being performed by them pursuant to this Contract. In addition, the Service Provider will have someone in attendance at all times who can communicate instructions to said employee.
- 4.4** The Service Provider shall maintain a drug-free workplace within the meaning of the Georgia Drug-free Workplace Act. No employee shall be hired by a Service Provider for work on the City's premises prior to such employee having tested negative for drugs. In addition, existing employees have tested negative for drugs. In addition, existing employees of the Service Provider must be subject to drug testing by the Service Provider upon reasonable suspicion of drug use. Results of all such drug tests are to be retained by the Service Provider. Copies shall be provided to the City if requested.
- 4.5** The Service Provider shall transfer promptly from the City any employee or employees that the City advises are not satisfactory and replace such personnel with employees satisfactory to the City; but in no event shall the City be responsible for monitoring or assessing the suitability of any employee or agent of the Service Provider.
- 4.6** The Service Provider's employees shall be instructed that no gratuities shall be solicited or accepted for any reason whatsoever from the tenants, customers or other persons at the City.
- 4.7** A valid driver license (Commercial Driver License, if applicable) will be required of all personnel operating motor vehicles or motorized equipment on roadways in or around the City.
- 4.8** While working on city property all Service Provider's employees shall wear neat-appearing business casual attire or uniforms with the company name and/ or logo and footwear of a style that complies with all legal and safety requirements, including and without limitation, the requirements of OSHA.
- 4.9** Designation of Supervisor-the Service Provider shall designate an experienced Supervisor ("Supervisor") acceptable to the City for all purposes related to the work. The initial Supervisor shall be (TBD).
- 4.9.1** The Supervisor shall be fully responsible for the Service Provider meeting all of its obligations under this Contract. The Supervisor shall provide the City with an appropriate status report on the progress of the project.

4.9.2 The Supervisor shall be available, as reasonably required, to be on-site during necessary times. Such times shall be discussed between the Supervisor and the City, but the final required times will be the City’s discretion.

4.9.3 In the event that the designated Supervisor terminates employment with the Service Provider or is requested by the City to be removed from the role of Supervisor (as provided in Section 4.5), the position shall be assumed by an individual with equivalent qualifications, experience, and knowledge. Such replacement shall require the City’s prior approval.

4.10 The process by which the implementation partner requests the removal of a team member from the project. If a Service Provider replaces a proposed team member, the Service Provider shall replace that team member of similar experience. The City reserves the right to accept or reject any proposed or replacement team member, with or without cause, at any time during the duration of the project.

5. TOOLS AND EQUIPMENT

It shall be the sole responsibility of the Service Provider to provide for all tools, parts, and equipment necessary to perform work under this Contract.

6. PERFORMANCE REQUIREMENTS

6.1 The Service Provider shall perform all of its obligations and functions under the Contract in accordance with the Contract specifications and industry standards. The Service Provider shall adjust and coordinate its activities to the needs and requirements of the City and perform its activities so as not to annoy, disturb, endanger, unreasonably interfere with or delay the operations or activities of the City.

6.2 The Service Provider’s personnel shall perform work in compliance with all Federal, State, and City of Stonecrest regulations.

6.3 Dates for commencement and completion of work shall be coordinated with the City’s Authorized Representative (CAR).

6.4 Any work required beyond that which is specified herein shall be reported in advance to the City. At no time shall work beyond the scope be performed without prior written authorization from the City.

6.5 The Service Provider shall utilize maximum safety procedures. Tools and equipment will be in a good state of repair, safe to use, and be used in the manner in which they were intended. The Service Provider is required to inform all workers and concerned persons of the Material Safety Data on all products being utilized on this project. No materials or equipment will be left unattended at any time.

7. CONFIDENTIAL INFORMATION

7.1 In the course of performing the contract work, the Service Provider may gain access to security-sensitive and other sensitive information of the City.

7.2 The Service Provider agrees to hold all City data and information in confidence and to make such information known only to its employees and subcontracts who have a legitimate need to know such information and only after advising such persons of the Service Provider’s non-disclosure obligations.

7.3 The Service Provider shall seek the City’s prior written consent before using for any

purpose other than the fulfillment of the Service Provider’s obligations hereunder, before releasing, disclosing, or otherwise making such information available to any other person.

- 7.4 The Service Provider shall employ such practices and take such actions to protect the City’s information from unauthorized use or disclosure as the Service Provider employs and takes to protect its own information, but in no event shall the Service Provider use less than reasonable efforts to protect the City’s information.
- 7.5 The provisions of this Section shall survive the expiration or earlier termination of the Contract.

8. USE OF PREMISES

During the progress of the work specified herein, to the extent any work is performed on the City’s premises, the Service Provider shall keep the premises free from accumulation of waste materials, and other debris resulting from, work and about the premises as well as tools, equipment, machinery and surplus material, and leave the site clean and ready for occupancy by the City.

9. SAFETY AND PROTECTION

The Service Provider shall be solely and completely responsible for initiating, maintaining and supervising all safety precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the worksite and other persons including, but not limited to, the general public who may be affected thereby.

10. COMPENSATION – INVOICE AND PAYMENT FOR SERVICES

- 10.1 The City shall pay the Service Provider, subject to any authorized deductions, the applicable prices set forth for each service authorized by the City, and actually delivered or performed, as the case may be, by the Service Provider to the satisfaction and acceptance, as appropriate, of the City. The timing of such payments shall be as set forth below in the Section.
- 10.2 The Service Provider shall invoice with such supporting documentation and other backup material as the City may reasonably require. The Service Provider shall provide the Proof of Payment attached as an Exhibit hereto, indicating all subcontractors have paid, with each invoice.
- 10.3 The Service Provider shall deliver to the City approval and acceptance, and before eligible for final payment of any amounts due, all documents and material prepared by the Service Provider for the City under this Contract.
- 10.4 The City shall pay the undisputed amount of the Service Provider’s invoice, as it may be reduced to reflect unsubstantiated or unsatisfactory service. Items in dispute shall be paid upon the resolution of the dispute. No verification or payment of any amounts invoiced shall preclude the City from recovering any money paid in excess of that due under the terms of this Contract.
- 10.5 The Service Provider shall be obligated to pay promptly all proper charges and costs incurred by the Service Provider for labor and expenses incurred for the work performed hereunder. The City shall have the right, but not the obligation, to pay directly to third parties (including subcontractors) all past due amounts owed by the Service Provider to third parties for labor and materials used for the work hereunder, based on invoices

submitted by such third party, and all such amounts paid by the City shall be applied toward, and shall reduce, amount owed to Service Provider hereunder.

- 10.6 The Service Provider shall submit all invoices City of Stonecrest Accounts Payable Department electronically to payables@stonecrestga.gov.
- 10.7 The Service Provider will agree to comply with the City of Stonecrest’s Financial Policies and Purchasing Policy, to the extent applicable.
- 10.8 The Service Provider agrees that the compensation provided herein shall be full and final settlement of all claims arising against Stonecrest for work done, materials furnished, costs incurred or otherwise arising out of this contract and shall release the City from any and all further claims related to the payment for services and materials furnished in connection with this Agreement.
- 10.9 The Service Provider and City agree that in any event a provision of this Contract pertaining to the time of payment, the rate of payment, and any rates of interest differs from any provision of the Prompt Pay Act, such provision of the Prompt Pay Act are hereby waived and said Contract provision shall control. The City shall not be responsible for any interest penalty or for any late payment.

11. COMPLIANCE WITH LAWS AND REGULATIONS

- 11.1 The Service Provider shall perform its obligations and functions hereunder in compliance with the applicable laws of the United States, the State of Georgia, DeKalb County, the City of Stonecrest, any applicable rules, regulations or directives of any agency thereof, and the applicable regulations of the City. OSHA rules and regulations shall be followed at all times. The City shall have the right (but not the obligation) to contest or challenge by any means whatsoever any law, regulation, rule or directive which in any way affects or otherwise impacts upon the Service Provider’s performance of its obligations and functions hereunder; the Service Provider shall cooperate to the fullest extent and take whatever action (including becoming a party in any litigation) the City should reasonable request in connection with any such challenge or contest by the City.
- 11.2 The Service Provider shall obtain and keep current all licenses, permits and authorizations, whether municipal, county, state or deferral, required for the performance of its obligations and functions hereunder and shall pay promptly when due all fees, therefore.
- 11.3 The Service Provider shall abide by all applicable state and federal regulations pertaining to wages and hours of employees; including but not limited to the Service Provider’s compliance with requirements of O.C.G.A. 13-10-91 AND Rule 300- 104-1-.02.

12. SERVICE PROVIDER’S LIABILITY

The Service Provider shall be responsible for the prompt payment of any fines imposed on the city or the Service Provider by any other federal, state or local governmental agency as a result of the Service Provider’s, or its subcontractor’s (or the officers’ directors’, employees’ or agents’ of either), failure to comply with the requirements of any law or any governmental agency rule, regulation, order or permit. The liability of the Service Provider under this Section 12 is in addition to and in no way a limitation upon any other liabilities and responsibilities which may be imposed by applicable law or by the indemnification provision of Section 13

hereof, and such liability shall survive the expiration or earlier termination of this Contract.

13. INDEMNIFICATION AND INSURANCE

- 13.1** The Service Provider shall, indemnify and hold harmless the City, and the members (including, without limitation, members of the City’s Council, and members of the boards and of the City), officers, agents, representative and employees of each, from damages, losses, or expenses to the extent caused by or resulting from the negligence, recklessness, or intentionally wrongful conduct of the Service Provider or other persons employed or utilized by the Service Provider in the performance of the contract.
- 13.2** In addition to indemnification provisions stated above, if the City’s use of any service, software, firmware, programming, or other item provided by or on behalf of the Service Provider is enjoined due to infringement of another person or entity’s intellectual property rights, the Service Provider shall promptly, at its sole cost and expense, modify the infringing item so that it no longer infringes, procure for the City the legal right to continue using the infringing item, or procure for the City a non-infringing item, or procure for the City a non-infringing replacement item having equal or greater functional capabilities as the infringing item.
- 13.3** The Service Provider shall assume all responsibility for loss caused by neglect or violation of any state, federal, municipal or agency law, rule, regulation or order. The Service Provider shall give to the proper authorities all required notices relation to its performance, obtain all official permits and licenses, and pay all proper fees and taxes. It shall promptly undertake proper monetary restitution with respect to any injury that may occur to any building, structure or utility in consequence of its work. The Service Provider will notify the City in writing of any claim made or suit instituted against the Service Provider because of its activities in performance of the Contract.
- 13.4** No recourse under or upon any obligation, covenant or agreement contained in this Contract, or any other agreement or document pertaining to the work or services of the Service Provider hereunder, as such may from time to time be altered or amended in accordance with the provisions hereof, or any judgment obtained against the City, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any statute or otherwise, under or independent of this Contract, shall be had against any member (including without limitation members of the City’s Council, or members of the citizens advisory committees of each), any officer, employee representative or agent, as such, past, present, or future of the City, either directly or through the City or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for any sum that may be due and unpaid by the City. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, officer, employee, representative or agent, as such, to respond by reason of any act or omission on his or her part or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for the payment for or to the City, or any receiver therefore or otherwise, or any sum that may remain due and unpaid by the City, is expressly waived and released as a condition of and in consideration of the execution of this Contract and the promises made to the Service Provider pursuant to this Contract.
- 13.5** In any and all claims against the City, or any of their officers, members, agents, representatives, servants or employees, by any employee of the Service Provider, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation of the Service Provider under this Section 112 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefit payable by or for the Service Provider or any

subcontractor under Workers' Compensation Acts, disability benefit acts or other employee benefit acts.

13.6 No provisions of Section 12 herein shall be construed to negate, abridge, or otherwise reduce any other right of indemnity that the City may have as to any party or person described therein.

13.7 Insurance

13.7.1 General Liability and Automobile Liability. The Service Provider shall purchase and maintain in force during the term of the Contract, at its own cost and expense, to protect the Service Provider, the City, and the members (including, without limitation, all members of the governing City's Council and the citizens' advisory committees of each), officers agents, and employees of each, from and against any and all liabilities arising out of or in connection with the Service Provider's performance of the Contract work:

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

CONTRACTS FOR UP TO \$50,000

CONTRACTS FOR MORE THAN \$50,000

Worker’s Compensation – Worker’s Compensation coverage on a statutory basis for the State of Georgia with an Employer’s Liability limit of \$100,000 each Accident, Disease \$100,000 each employee, \$500,000 Disease policy limit.

Worker’s Compensation – Worker’s Compensation coverage on a statutory basis for the State of Georgia with an Employer’s Liability limit of \$1,000,000. The increased Employer’s Liability limit may be provided by an Umbrella or Excess Liability policy.

Automobile Liability – Automobile liability coverage for owned, hired and non-owned vehicles in the amount of \$500,000 combined single limit.

Automobile Liability - Automobile liability coverage for owned, hired and non-owned vehicles in the amount of \$1,000,000 combined single limit.

Commercial General Liability – Coverage to be provided on “occurrence” not “claims made” basis. The coverage is to include Contractual liability, Per Project Limit of Liability, losses caused by Explosion, Collapse and Underground (“xcu”) perils, the “City of Stonecrest” is to be added as an Additional Insured and Products and Completed Operations coverage is to be maintained for three (3) years following completion of work.

Commercial General Liability – Coverage to be provided on “occurrence” not “claims made” basis. The coverage is to include Contractual liability, Per Project Limit of Liability, losses caused by Explosion, Collapse and Underground (“xcu”) perils, the “City of Stonecrest” is to be added as an Additional Insured and Products and Completed Operations coverage is to be maintained for three (3) years following completion of work.

CONTRACTS FOR UP TO \$50,000

CONTRACTS FOR MORE THAN \$50,000

LIMITS OF LIABILITY:

\$1,000,000	Per Occurrence
\$1,000,000	Personal and Advertising
\$50,000	Fire Damage*
\$5,000	Medical Payments*
\$1,000,000	General Aggregate
\$1,000,000	Products/Completed Operations per Occurrence and Aggregate

**These are automatic minimums*

Owner’s Protective Liability – The City’s Management may, in its discretion, require Owner’s Protective Liability in some situations.

Umbrella and/or Excess Liability – The umbrella or Excess Liability Policy may be used to combine with underlying policies to obtain the limits required. The Management of the City may elect to require higher limits.

13.7.2 Health Insurance. Not applicable.

13.7.3 Garage Liability Insurance. Not applicable.

13.7.4 Garage Keeper's Legal Liability Insurance. Not applicable.

13.7.5 Crime Coverage. Not applicable.

13.7.6 Pollution Liability Insurance. Not applicable.

13.7.7 Other Insurance Requirements. All insurance policies required by this Section 13 shall provide that they are primary insurance with respect to any other valid insurance the City may possess, and that any other insurance the City does possess shall be considered excess insurance only. All such insurance shall be carried with a company or companies which meet the requirements of Section 14.2 of these General Conditions and said policies shall be in a form satisfactory to the City. A properly completed and executed Certificate of Insurance on a form provided or approved by the City (such as a current ACORD certificate of insurance) evidencing the insurance coverage required by this Section shall be furnished to the City upon the Service Provider shall provide the City with at least thirty (30) days' prior written notice of any adverse material change in the Service Provider's required insurance coverage except that ten (10) days' notice of cancellation for non-payment is required. For purposes of this Section 13.7.10, and "adverse material change" shall mean any reduction in the limits of the insurer's liability, any reduction, non-renewal or cancellation of any insurance coverage, or any increase in the Service Provider's self-insured retention. Prior to the expiration of any such policy, the Service Provider shall file with the City a certificate of insurance showing that such insurance coverage has been renewed. If the insurance coverage is canceled or reduced, the Service Provider shall, within five (5) days after such cancellation or reduction in coverage, file with the City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies approved by the City. If the Service Provider fails to obtain or have such insurance reinstated, the City may, if it so elects, and without waiving any other remedy it may have against the Service Provider, immediately terminate this Contract upon written notice to the Service Provider. The City Manager shall have the right to alter the monetary limits or coverage herein specified from time to time during the term of this Contract, and the Service Provider shall comply with all reasonable requests of the City Manager with respect thereto.

14. LIABILITY INSURANCE

- 14.1** The Contractor shall be required to provide the bonds as dictated in the Procurement Documents in Exhibit D.
- 14.2** All bonds and liability Insurance Companies furnishing insurance coverage required by these General Conditions shall (a) be approved by City Management, (b) approved to issue insurance policies in the State of Georgia, and (c) must have no less that a “B+” Financial Rating and a Financial Size Category of “Class VI” or higher according to the most current edition of A.M. Best’s Insurance Reports or rated by Standard & Poors Insurance Ratings, latest edition as Secure (“BBB” or better). If the liability insurer is rated by A.M. Best’s Insurance Reports at an “A- Financial Rating and a Financial Size Category of “Class VIII” or higher, the City Manager may waive the requirement for the insurer to be approved by the State of Georgia. Worker’s Compensation self-insurance for individual Contractors must be approved by the Worker’s Compensation Board, State of Georgia, and/or Self-Insurance pools approved by the Insurance Commissioner, State of Georgia.

15. CONTRACT ADJUSTMENTS

- 15.1** Notwithstanding any provision herein to the contrary, the City reserves the right to modify at any time the nature, method, scope, frequency, or timing of the Service Provider’s obligations under this Contract (Contract Adjustments) in whatever manner it determines to be reasonably necessary for the proper completion of the Service Provider’s work hereunder. Both parties agree that, should any Contract Adjustments be made, the Service Provider’s compensation will be adjusted accordingly, in such amount or amounts as will be mutually agreed to by means of good-faith negotiation by the City and Service Provider and, to the extent possible, by reference to any unit costs already established in the Proposal. Without exception, all deletion or additions to the scope of work will be set forth in a written Amendment to this Contract.
- 15.2** Notwithstanding the foregoing, the City shall have the right to terminate this Contract herein should the Service Provider and the City fail to reach agreement on the adjusted compensation within thirty (30) days after the date of the Contract Adjustment.
- 15.3** Notwithstanding the foregoing, there shall be no upward adjustment of the compensation on account of any Contract Adjustment made necessary or appropriate as a result of the mismanagement, improper act, or other failure of the Service Provider, its employees, agents, or its subcontractors to properly perform its obligations and functions under this Contract.

16. SUBCONTRACTORS

- 16.1** The Service Provider shall perform all of its obligations and functions under this Contract by means of its own employees or by a duly qualified subcontractor, which is approved in advance by the City. Such subcontractor which is an affiliate, parent, or subsidiary company; or had principal owners, relative, management, or employees common to the Service Provider; or any other party that has the ability to significantly influence the management or daily business operations of the subcontractor must be disclosed in writing to the City Manager. Goods and services provided by subcontractors which are reimbursed by the City must be bona fide arms-length transactions. In the event a subcontractor is employed, the Service Provider shall continuously monitor the subcontractor’s performance shall remain fully

responsible to ensure that the subcontractor performs as required and itself performs or remedy any obligations or functions which the subcontractor fails to perform properly. Nothing contained herein shall be construed to prevent the Service Provider from using the services of a common carrier for delivering goods to the City. The City approves the sub-Service Providers listed in the bid.

- 16.2** This Contract shall be referred to and incorporated within any contractual arrangement between the Service Provider and a subcontractor and, in such contractual arrangement; the subcontractor shall give its express written consent to the provisions of this Section.
- 16.3** To the extent feasible, the provisions of this Contract shall apply to any such subcontractor in the same manner as they apply to the Service Provider. However, such application shall neither make any subcontractor a party to this Contract nor make such subcontractor a third-party beneficiary hereof.
- 16.4** In the event that the Service Provider employs a subcontractor, then the City may require that copies of invoices for all work (including invoices submitted to the Service Provider for work performed by a subcontractor) shall be submitted to the City by the Service Provider and the City shall pay all compensation to the Service Provider. It shall be the sole responsibility of the Service Provider to deal with a subcontractor with respect to the collection and submission of invoices and the payment of compensation. In no event shall the City have any obligation or liability hereunder to any subcontractor, including, in particular, any obligations of payment.

17. DEFAULT AND TERMINATION

17.1 In the event that:

- 17.1.1** the Service Provider shall fail to keep, perform or observe any of the promises, covenants or agreements set forth in this Contract (provided that notice of the first failure shall have been given to the Service Provider, but whether or not the Service Provider shall have remedied any such failure); or
- 17.1.2** the Service Provider shall fail to keep, perform or observe any promise, covenant, or agreement set forth in this Contract, and such failure shall continue for a period of more than five (5) days after delivery to the Service Provider of a written notice of such breach or default; or
- 17.1.3** the Service Provider's occupational or business license shall terminate, or the Service Provider shall fail to provide the City with any bond, letter of credit, or evidence of insurance as required by the Contract Documents, for any reason; or
- 17.1.4** the Service Provider fails for any reason to provide the City with an acceptable renewal or replacement bond or letter of credit within the time period specified by a provision for this Contract; or
- 17.1.5** the Service Provider shall become insolvent, or shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditor, or file a voluntary petition in bankruptcy or a petition or answer seeking an arrangement for its reorganization, or the readjustment of its indebtedness under the Federal Bankruptcy laws, or under any other law or statute of the United States or any State thereof, or shall consent to the

appointment of a receiver, trustee or liquidator of all or substantially all of its property; or

- 17.1.6** the Service Provider shall have a petition under any part of the Federal Bankruptcy laws, or an action under any present or future insolvency laws or statute filed against it, which petition is not dismissed within thirty (30) days after the filing thereof; or
- 17.1.7** there is an assignment by the Service Provider of this Contract or any of the Service Provider's rights and obligations hereunder for which the City has not consented in writing; or
- 17.1.8** the Service Provider shall default on any other agreement entered into by and between Service Provider and the City, then, in its discretion, the City shall have the right to terminate this Contract for default, which termination shall be effective upon delivery of written notice of such termination to the Service Provider. In the event that the City terminates this Contract for default, or the Service Provider abandons or wrongfully terminates the Contract, the Service Provider shall be paid for compensation earned to the date of termination or abandonment (but the City shall have the right to reduce by off-set any amounts owed to the Service Provider hereunder or under any other Contract or obligation by the amount of the City's damages and any amounts owed by the Service Provider to the City), but the Service Provider shall not be compensated for any profits earned or claimed after the receipt of the City's notice of termination by default or after abandonment or wrongful termination. The City's election to terminate or not to terminate this Contract in part or whole for the Service Provider's default shall in no way be construed to limit the City's right to pursue and exercise any other right or remedy available to it pursuant to the terms of the Contract or otherwise provided by law or equity.
- 17.2** Notwithstanding anything else herein contained, the City may terminate this Contract in whole or in part at any time for its convenience by giving the Service Provider thirty (30) days written notice. In that event, the Service Provider shall proceed to complete any part of the work, as directed by the City, and shall settle all its claims and obligations under the Contract, as directed by the City. The Service Provider shall be compensated by the City in accordance with the provisions hereof, including in particular Section 2 of these General Conditions, provided, however, that in no event shall Service Provider be entitled to compensation for work not performed or for anticipatory profits. Service Provider shall justify its claims, as requested by the City, with accurate records and data.
- 17.3** Bankruptcy and Liquidation – In the event the Service Provider (1) makes an assignment for the benefit of creditors, or petition or apply to any tribunal for the appointment of a custodian, receiver, or trustee for all or a substantial part of its assets; (2) commences any proceeding under any bankruptcy, reorganization, arrangement, readjustment of debt, dissolution, or liquidation law or statute of any jurisdiction whether now or hereafter in effect; (3) has had any such petition or application filed or any such proceeding commenced against it in which an order for relief is entered or an adjudication or appointment is made, and which remains undismitted for a period of sixty(60) days or more; (4) takes any corporate action indicating its consent to, approval of, or acquiescence in any such petition, application, proceeding, or order for relief or the appointment of a custodian, receiver, or trustee for all or substantial part of its assets; or

(5) permits any such custodianship, receivership, or trusteeship to continue undischarged for a period of sixty (60) days or more causing the Service Provider or any third party, including, without limitation, a trustee in bankruptcy, to be empowered under state or federal law to reject this Contract or any agreement supplementary hereto, the City shall have the following rights:

- (i) In the event of a rejection of this Contract or any agreement supplementary hereto, the City shall be permitted to retain and use any back-up or archival copies of the software licensed hereunder under this Agreement for the purpose of enabling it to mitigate damages caused to the City because of the rejection of this Contract. The City shall exert reasonable efforts to mitigate such damage by use of such back-up or archival copies.
- (ii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or any agreement supplementary hereto as provided in Section 365(n) of the Bankruptcy Code.

Upon written request of the City to, as applicable, the Service Provider or the bankruptcy trustee or receiver. The Service Provider or such bankruptcy trustee or receiver shall not interfere with the rights of the City as licensee as provided in this Contract or in any agreement supplementary hereto to obtain the Source Material(s) from the bankruptcy trustee and shall, if requested, cause a copy of such Source Material (s) to be available to the City.

- (iii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its rights of setoff with respect to this Contract under the Bankruptcy Code or applicable non-bankruptcy law; or In the event of a rejection of this Contract or any agreement supplementary hereto, the City may retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its right under section 503(b) of the Bankruptcy Code.

18. CITY'S AUTHORIZED REPRESENTATIVE

During the term of this Contract, the City manager or designee may from time to time designate an individual to serve as the City's Authorized Representative (CAR) and an Assistant CAR designated to serve in that capacity in the absence of the CAR, who shall have such authority to act on the City's behalf as the City Manager may from time to time actually delegate to such person, but in no event shall the CAR have authority to modify or terminate this Contract, or make final decisions with respect to amendments, time extensions, assignments, cost or payment adjustments or payment disputes.

19. ASSIGNMENT

Neither this Contract nor any of the Service Provider's rights or obligations hereunder may be assigned by the Service Provider without the City's prior written consent, which consent may be granted or withheld at the City's sole discretion. Any transfer of this Contract by merger, consolidation or liquidation (unless the stock of the Service Provider is traded on a national stock exchange or in a generally recognized over the counter securities market) any change in ownership of a power to vote a majority of the outstanding voting stock or ownership interests

of the Service Provider shall constitute an assignment of this Contract for purposes of this Section. In the event the Service Provider assigns or subcontracts or attempts to assign or subcontract any right or obligation arising under this Contract without City’s prior written consent, the City shall be entitled to terminate this Contract pursuant to the provisions of Section 17 hereof.

20. NOTICES

20.1 Unless otherwise stated herein, all notices or other writings which the City is required or permitted to give to the Service Provider may be hand-delivered, mailed via U.S. Certified Mail or sent next-day delivery by a nationally recognized overnight delivery service to the Service Provider’s address set forth in the Proposal. Any such notice shall be deemed to have been delivered upon actual delivery, or one (1) day following submission to a nationally recognized overnight delivery service for next day delivery to the Service Provider, or three (3) days following submission to the Service Provider by U.S. Certified Mail.

20.2 Unless otherwise stated herein, all notices or other writings which the Service Provider is required or permitted to give to the City may be hand-delivered to the City Manager, mail via U.S. Certified Mail. Or sent next-day delivery by a nationally recognized overnight delivery service for next day delivery to City or three (3) days following submission to the City by U.S. Certified Mail. Any such notice shall be sent to:

City Manager
Stonecrest City Hall
3120 Stonecrest Blvd.
Stonecrest, Georgia 30038

City Attorney
Denmark Ashby, LLC
100 Hartsfield Center Pkwy #400,
Atlanta, GA 30354

Service Provider

20.3 Either party may change its notice address by written notice to the other given as provided in this section.

21. NONDISCRIMINATION

21.1 During the performance of this Contract, the Service Provider, for itself, its assignees and successors in interest agrees as follows:

21.1.1 Compliance with Regulations. The Service Provider shall comply with the Law and Regulations as they may be amended from time to time (hereafter referred to as the “Regulations”), which are herein incorporated by reference and made a part of this Contract.

21.1.2 Nondiscrimination. The Service Provider, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of any subcontractor, including procurement of materials and leases of equipment. The Service Provider shall not participate either directly or indirectly in the discrimination prohibited by the Regulations.

- 21.1.3** Solicitations for Subcontracts, Including Procurement of Materials and Equipment. In all solicitations either by competitive proposing or negotiation made by the Service Provider for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Service Provider of the Service Provider's obligations under this Contract and the Regulation relative to nondiscrimination on the grounds of race, color or national origin.
- 21.1.4** Information and Reports. The Service Provider shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources or information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such regulations, orders, and instructions, the Service Provider shall so certify to the City, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 21.1.5** Sanctions for Noncompliance. In the event of the Service Provider's noncompliance with the nondiscrimination provisions of this Contract, the City shall impose such Contract Sanctions as it may determine to be appropriate, including but not limited to:
- 21.5.1** Withholding of payments to the Service Provider under the Contract until the Service Provider complies, and/or
- 21.5.2** Cancellation, termination or suspension of the Contract, in whole or in part.
- 21.1.6** Incorporation of Provisions, The Service Provider shall include the provisions of subsections 21.1.1 through 21.1.5 in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Service Provider shall take such action with respect to any subcontractor procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Service Provider becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Service Provider may request the City to enter into such litigation to protect the interest of the City and, in addition, the Service Provider may request the interest of the City and, in addition, the Service Provider may request the United States to enter into such litigation to protect the interests of the United States.
- 21.2** The Service Provider assures the City that it will comply with the pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin sex, age, marital status, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision shall bind the Service Provider from the period beginning with the initial solicitation through the completion of the Contract.

22. COPYING DOCUMENTS

The Service Provider hereby grants the City and its agent's permission to copy and distribute any and all materials and documents contained in, comprising, or which are otherwise submitted to the City with or in connection with the Service Provider's Proposal or which are contained in

the Contract Documents (the “Submittals”). The permission granted by the Service Provider shall be on behalf of the Service Provider and any and all other parties who claim any rights to any of the materials or documents comprising the Submittals. Such permission specifically authorizes the City and its agents to make and distribute such copies of the Submittals or portions thereof as may be deemed necessary or appropriate by the City for its own internal purposes or for responding to requests for copies from any member of the public regardless of whether the request is specifically characterized as a public records request pursuant to Georgia Code. This provision shall survive the expiration or termination of the Contract.

23. GENERAL PROVISIONS

23.1 The Contract Documents consist of the Contract, the Proposal Forms, the Instructions to Proposers, Request for Qualifications, all Addendum(s) issued prior to execution of this Contract, these General Conditions, and Specifications. Together, these documents comprise the Contract and all the documents are fully a part of the Contract as if attached to the Contract or repeated herein. Precedence of the Contract Documents shall be as follows: (i) addendum(s) to the Contract Documents, (ii) the Contract, (iii) the General Conditions, (iv) the Scope of Work in Exhibit B, (v) the Invitation to Bid, and (vii) the Bid Form.

23.2 This Contract represents the entire agreement between the parties in relation to the subject matter hereof and supersedes all prior agreements and understandings between such parties relating to such subject matter, and there are no contemporaneous written or oral agreements, terms or representation made by any party other than those contained herein. No verbal or written representations shall be relied upon outside the Contract terms and amendments. Without exception, all deletions or additions to the scope of work will be set forth in a written amendment to this Contract. No amendment, modification, or waiver of this Contract, or any part thereof, shall be valid or effective unless in writing signed by the party or parties sought to be bound or charged therewith; and no waiver of any breach or condition of this Contract shall be deemed to be a waiver of any other subsequent breach or condition, whether of a like or different nature.

23.3 The Service Provider shall, during the term of this Contract, repair any damage caused to real or personal property of the City and/or its tenants, wherever situated, caused by the intentional, reckless, or negligent acts or omissions of the Service Provider’s officers, agents, or employees, and any subcontractors and their officers, agents, or employees, or, at the option of the City, the Service Provider shall reimburse the City for the cost of repairs thereto and replacement thereof accomplished by or on behalf of the City.

23.4 The Service Provider warrants to the City that no work performed or materials purchased pursuant to the Contract, whether by, from, or through the Service Provider or a subcontractor, shall cause any claim, lien or encumbrance to be made against any property of the City, and the Service Provider shall indemnify and save the City harmless from and against any and all losses, damages and costs, including attorneys’ fees, with respect thereto. If any such claim, lien or encumbrance shall be filed, the Service Provider shall, within thirty (30) days after notice of the filing thereof, cause the same to be discharged of record by payment, deposit, bond, an order of a court of competent jurisdiction or otherwise. This provision shall survive the expiration or termination of the Contract.

- 23.5** The language of this Contract shall be construed according to its fair meaning, and not strictly for or against either the City or the Service Provider. This Contract shall be deemed to be made, construed and performed according to the laws of the State of Georgia. Any suit or proceeding initiated for the purpose of interpreting or enforcing any provision of this Contract or any matter in connection therewith shall be brought exclusively in a court of competent jurisdiction in DeKalb County, Georgia, and the Service Provider waives any venue objection, including, but not limited to, any objection that a suit has been brought in an inconvenient forum. The Service Provider agrees to submit to the jurisdiction of the Georgia courts and irrevocably agrees to acknowledge service of process when requested by the City.
- 23.6** The section headings herein are for the convenience of the City and the Service Provider and are not to be used to construe the intent of this Contract or any part thereof or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.
- 23.7** The use of any gender herein shall include all genders, and the use of any number shall be construed as the singular or the plural, all as the context may require.
- 23.8** The delay or failure of the City at any time to insist upon performance of any of the terms, conditions, and covenants herein shall not be deemed a waiver of that breach or any subsequent breach or default in the terms, conditions, or covenants of this Contract. The Service Provider shall not be relieved of any obligation hereunder on account of its failure to perform by reason of any strike, lockout, or other labor disturbance.
- 23.9** If the City shall, without any fault, be made a party to any litigation commenced between the Service Provider and a third party arising out of the Service Provider's operations and activities at the premises, then the Service Provider shall pay all costs and reasonable attorney's fees incurred by or imposed upon the City in connection with such litigation for all trial and appellate proceedings. The City shall give prompt notice to the Service Provider of any claim or suit instituted against it by such third party. The provisions of this Section supplement and are not intended to be in lieu of the indemnification provisions of Section 5 hereof. The provisions of this Section shall survive the acceptance of the services and payment, therefore, and the expiration or earlier termination of this Contract.
- 23.10** The City shall have the right to recover from the Service Provider all of the City's costs and expenses incurred in enforcing the provisions of this Contract including, but not limited to, (1) the cost of administrative investigation and enforcement (including, without limitation, audit fees and costs, attorneys' fees) and (2) the cost of any trial, appellate or bankruptcy proceeding (including, without limitation, investigation costs, audit fees and costs, attorney's fees, court costs, paralegal fees and expert witness fees). This provision shall survive the expiration or termination of the Contract.
- 23.11** The Service Provider shall not during the term of the Contract knowingly hire or employ (on either a full-time or part-time basis) any employee of the City.
- 23.12** The Service Provider shall be required, during the term of the Contract at no additional cost to the City, to take such reasonable security precaution with respect to its operations at City Hall as the City in its discretion may from time to time prescribe. The Service Provider shall comply with all regulations, rules, and policies of any governmental authority, including the City, relating to security issues.

- 23.13** The City may, but shall not be obligated to, cure, at any time, upon five (5) days written notice to the Service Provider (provided, however, that in any emergency situation to the City shall be required to give only such notice as is reasonable in light of all the circumstances), any default by the Service Provider under this Contract; whenever the City so cures a default by the Service Provider, all costs and expenses incurred by the City in curing the default, including but not limited to, reasonable attorneys' fees, shall be paid by the Service Provider to the City on demand.
- 23.14** The City shall, in its discretion, be entitled to deduct from the compensation to which the Service Provider is otherwise entitled hereunder, an amount equal to any liabilities of the Service Provider to the City which is then outstanding. In the event that additional work beyond the scope of this Contract is requested by the City Manager and it results in any extra charges to the City, the Service Provider shall so advise the City in writing of the amount of the extra charges. The City is not required to pay any extra charges for additional work unless such work and the charges, therefore, have been approved in advance and have been confirmed in writing within twenty-four (24) hours by the City Manager, in his or her exclusive discretion.
- 23.15** The Service Provider is an Independent Service Provider, and nothing contained herein shall be construed as making the Service Provider an employee, agent, partner or legal representative of the City for any purpose whatsoever. The Service Provider acknowledges that it does not have any authority to incur any obligations or responsibilities on behalf of the City and agrees not to hold itself out as having any such authority. Nothing contained in this Contract shall be construed to create a joint employer relationship between the City and the Service Provider with respect to any employee of the Service Provider or of its subcontractors.
- 23.16** The Service Provider and its subcontractors if any, shall maintain complete and accurate books and records in accordance with generally accepted accounting principles, consistently applied, and shall be in a form reasonably acceptable to the City Manager or designee. The Service Provider and its subcontractors shall account for all expenses of any nature related to transactions in connection with the Contract in a manner which segregates in detail those transactions from other transactions of the Service Provider and subcontractors and which support the amounts reported and /or invoiced to the City. At a minimum, the Service Provider's and subcontractor's accounting for such expenses and transactions shall include such records in the form of electronic media compatible with or convertible to a format compatible with computers utilized by the City at its offices; a computer run hard copy; or legible microfilm or microfiche, together with access to the applicable reader. All such books and records and computerized accounting systems shall upon reasonable notice from the City be make available in Dekalb County, Georgia, for inspection, examination, audit and copying by the City through and by its duly authorized representatives at any time for up to four (4) years after the year to which books and records pertain. Such inspection, examination, or audit may include but is not limited to a review of the general input, processing and output controls of information systems, using read- only access, for all computerized applications used to record financial transactions and information. The Service Provider and subcontractor shall freely lend its own assistance in a timely manner in making such inspection, examination, audit, or copying and, if such records are maintained in electronic and other machine-readable formats, shall provide the City and/or its representative such assistance as may be required to allow complete access to such records. The City Manager may require the Service Provider and

subcontractors to provide other records the City Manager, in his or her sole discretion, deems necessary to enable the City to perform an accurate inspection, examination or audit of expenses incurred in and transactions related to performance of this Contract. Such records shall be provided within thirty (30) days or request thereof. In the event that expenses incurred or reimbursed are found by such inspection, examination, or audit to have been overpaid, the Service Provider and its subcontractors agree that such amounts shall be payable to the City. If, prior to the expiration of the above-state four (4) year record retention period, an audit or investigation is commenced by the City, or any claim is made or litigation commenced relating to this Contract by the City, the Service Provider, or third party, the Service Provider shall continue to maintain all such records, and the City shall continue to have the right to inspect such records in the manner stated above, until the inspection, examination, audit, claim, or litigation is finally resolved (including the determination of any and all appeals or the expiration of time for an appeal). This provision shall survive the expiration or earlier termination of this Contract. In the event of any conflict between any provision of this Contract and generally accepted accounting principles or generally accepted auditing standards, the provisions of this Contract shall control even where this Contract references such provisions or standards. In particular, without limitation, the Service Provider and subcontractors shall maintain all records required under this Contract to the full extent required hereunder, even if some or all such records would not be required under such generally accepted accounting principles or auditing standards. If as a result of an inspection, examination or audit, it is established that amounts are due from the Service Provider to the City, the Service Provider shall forthwith, upon written demand from the City, pay the City such amount, together with interest on the amount due at the rate of twelve (12%) percent per annum, or if less, the maximum rate of interest allowed by law, from the date such additional amounts were overpaid by the City. Further, if such inspection, examination or audit establishes that the Service Provider has overbilled such amounts for any Contract period by two (2%) percent or more, then the entire expense of such inspection, examination or audit shall be paid by the Service Provider.

- 23.17** The Service Provider and subcontractors shall prepare and provide the City with all detailed reports as required under the Contract on a timely basis. The City reserves the right to modify the reporting procedures or the form and content of any report as it deems necessary.
- 23.18** There are no third-party beneficiaries to this Contract, and nothing contained herein shall be construed to create such.
- 23.19** Time is of the essence for the performance of each of the Service Provider's obligations under this Contract.
- 23.20** In computing any period of time established under this Contract, except as otherwise specified herein the word "days" when referring to a period of time is ten (10) days or less means business days, and when referring to a period of time that is more than ten (10) days means calendar days. The day of the event, from which the designated period of time begins to run shall not be included. A business day is any day other than Saturday, Sunday, or Federal, State of Georgia or City holidays.
- 23.21** The Service Provider agrees to perform all acts and execute all supplementary instruments or documents which may be reasonably necessary to carry out or complete the transaction(s) contemplated by this Contract.
- 23.22** The City reserves the right to further develop, improve, repair and alter the facilities and all roadways, and parking areas, as it may reasonably see fit, free from any and all

liability to the Service Provider for loss of business or damages of any nature whatsoever to the Service Provider occasioned during the making of such improvements, repairs, alterations and additions, including, but not limited to, any damages resulting from negligence of the City or its employees, agents or Service Providers.

23.23 The Service Provider and the City hereby mutually waive any claim against each other and their respective members, officials, officers, agents and employees for damages (including damages for loss of anticipated profits) caused by any suit or proceedings brought by either of them or by any third party directly or indirectly attacking the validity of this Contract or any part thereof, or any addendum or amendment hereto, or the manner in which this Contract was solicited, awarded or negotiated, or arising out of any judgment or award in any suit or proceeding declaring this Contract, or any addendum or amendment hereto, null, void or voidable or delaying the same, or any part thereof, from being carried out.

23.24 At the option of the Service Provider, the products and/or services provided under the Contract resulting from this solicitation may be provided to other governmental agencies, including the State of Georgia, its agencies, political subdivisions, counties and cites under the same terms and conditions, including price, as such products and/or services are provided under this Contract. Each governmental agency allowed by the Service Provider to purchase products and/or services in connection with this Contract shall do so independent of the City or any other governmental entity. Each agency shall be responsible for its own purchases and shall be liable only for goods and services ordered, received and accepted by it. The City shall have no liability to Service Provider or any governmental agency resulting from the purchase by that agency of products and /or services from the Service Provider in connection with this Contract.

24. GRATUITIES, REBATES, OR KICKBACKS.

24.1 GRATUITIES. It shall be unethical for any person to offer, give or agree to give any employee or official of the City or for any employee or official of the City to solicit, demand, accept from another person, a gratuity, rebate, loan, offer of employment or other services or property of value in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request including the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal therefore in any manner inconsistent with the State of Georgia’s Department of Administrative Services Gratuity Policy. Rebates normally or routinely offered to customers in the ordinary course of business for the purchase of goods and services are acceptable and are the property of the City.

24.2 KICKBACK AND REBATES. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor to this Contract to the prime contract or higher tie subcontractor, or any person associated therewith, as an inducement for a subcontractor or order.

***** *END OF GENERAL CONDITIONS******

EXHIBIT B

Item XIII. c.

SPECIFICATIONS AND SCOPE OF WORK

INTRODUCTION, BACKGROUND, AND ITB PROCESS

Introduction

The City of Stonecrest, Georgia (the “City”) is seeking competitive bids from responsible bidders for ITB 23-12, Salem Park Parking Lot Expansion.

Background

Stonecrest is a community of sixty thousand (60,000) people that was incorporated in 2017. The City is located along Interstate 20, roughly three (3) miles east of I-285 (“The Perimeter”) and twenty (20) miles east of Downtown Atlanta. Stonecrest is in the southeastern portion of Dekalb County and is bordered by Rockdale County to the east, Henry County to the south, and the City of Lithonia and unincorporated Dekalb County to the north and west.

I-20 separates the City into a northern area, which includes residential neighborhoods, commercial development along Covington Highway, industrial parks that date to the 1960s and active quarries that predate incorporation by 130 years. South of I-20 features regional retail and lodging, suburban neighborhoods, and substantial outdoor recreation areas. Welcoming to all, Stonecrest is proud to be one of the largest majority African-American cities in Georgia.

Much of the City’s commercial core south of I-20 was master planned by Cadillac Fairview, a development company that purchased more than fourteen hundred (1,400) rural acres in the 1980s and opened the 1.3 million square foot Mall at Stonecrest in 2001. Cadillac Fairview is no longer involved in the project, but the Mall is well-occupied and evolving. Much of the land around the mall remains undeveloped, including approximately three hundred (300) acres controlled by a private developer via a bond-for-title arrangement with the Stonecrest Development Authority.

One of the defining features of Stonecrest is the two thousand five hundred fifty (2,550) acre Davidson-Arabia Mountain Nature Preserve, a stunning natural area with hiking trails, thirty (30) miles of paved multi-use paths, lakes, and the granite monadnock of Arabia Mountain itself. The broader, forty thousand (40,000) acre Arabia Mountain National Heritage Area contains many additional assets, including the historic African American community of Flat Rock, an active quarry, and a Trappist monastery. Other notable assets in the City include Emory Hillandale Hospital, the South River, and a number of formerly County-owned parks and recreation facilities.

Invitation to Bid Process

This solicitation is an Invitation to Bid (ITB). In using this method for solicitation, we ask the marketplace for its best effort in seeking a “best value/lowest cost” solution to our requirements. Bids will be evaluated based on the qualification factors outlined in this ITB, Suppliers should make their best effort to satisfy the requirements at their best price. Essentially, if a Supplier’s bid is not deemed responsive and responsible, the bid will be removed from the competitive process to save time and money for both the Supplier and the City of Stonecrest.

II. SCOPE OF WORK

Contract Duration:

Ninety (90) days

Project Description and Scope:

The City of Stonecrest is seeking bids from qualified contractors to reconstruct the existing parking lot with a larger asphalt parking lot, reconstruct the basketball court in a new location, and expand the existing detention pond. Additional site improvements include demolition, grading, concrete curb and gutter, concrete sidewalk, landscaping, fencing, and erosion control measures.

SPECIFICATIONS AND SCOPE OF WORK

Most of the work will be standard demolition, reconstruction, and installation.

The contractor is responsible for the removal and disposal of any and all materials removed by the contractor, brought by the contractor beyond the project, or created during the project. The contractor shall remove and dispose of ALL materials removed, damaged, or destroyed.

The contractor shall build the project per the construction plans. The drawing and measurements can be relied on for information, but the City will not allow any bids made solely on the information provided. It is recommended that all bidders schedule to visit the site in person. Any discrepancies, questions, or clarifications should be directed to the Procurement Team by the deadline for questions.

The asphalt parking lot expansion shall be built per plans and details. Asphalt shall be placed during appropriate weather conditions. Concrete for sidewalks and concrete curb shall be per plans and details.

The expansion of the existing detention pond shall be per the plans and details. All piping, products, and drainage elements shall be new U.L listed products per the plans and details.

The existing basketball court will be demolished and replaced with grass. The new basketball court will be built as shown on the plans. Striping of the court shall be included with installation. The City of Stonecrest will purchase the basketball goals for the court. The basketball goals shall include a post, backboard, hoop, and net. The contractor shall install all basketball goals per the manufacturer's recommendations.

The metal fence shall be a standard chain-link black-coated 6' fence. The gate shall be the same height and attached directly to the adjacent fence. The fence shall be installed per the manufacturer's recommendations.

All landscaping shall be chosen, stored, and installed per American Nursery standards.

Substantial Completion

For the purposes of this Project, Substantial Completion shall mean that all construction plan items have been installed, completed, and/or constructed per the requirements of these drawings and details prepared by Stantec (design engineer).

End of Scope of Work.

EXHIBIT C
DETERMINATION OF RESPONSIBILITY

Bidders shall provide the following information on attached sheets; this information shall be submitted with the bid in the format specified. Provide the response, to each section of the information, on a separate sheet of paper, preferably typewritten, and attached to the bid at the time it is submitted. Failure to provide information requested in complete and accurate detail may result in rejection of the bid.

1) History and Organizational Structure of the Firm

Provide a cover letter introducing the company and including the corporate name, address and telephone number of the corporate headquarters and local office. **The name and phone number of one individual who will be the company’s primary contact with the City of Stonecrest for contract negotiation and the name of the project manager.** A brief history of the company and the present organizational structure of the firm describing the management organization, permanent employees by discipline, and this project’s coordination structure; if the firm is a partnership, indicate the name of all partners; if incorporated indicate where and when. If the Contractor has changed names or incorporation status within the last five (5) years, then please list all of such preceding organizations and a brief reason for the change. Contractor shall also provide a business license indicating that the Contractor can conduct business in Dekalb County, Georgia. Further, Contractor shall provide documentation showing that the Contractor is properly registered to conduct business in the State of Georgia. Contractor acknowledges and agrees that any business license and registration must remain current for the duration of the contract and such documents are material term to this agreement.

2) References

List as references (names, addresses, contact persons and toll-free phone numbers) a minimum of three (3) government municipalities or other clients of similar size and nature to City of Stonecrest for which a project comparable to the scope of this project was completed.

3) Subcontractors

Indicate the names and addresses and degree of utilization of any and all subcontractors which would be used in the performance of this contract.

4) Previous Default

Indicate if you or any predecessor organization have ever defaulted on a contract or denied a bid due to non-responsibility to perform. If so, provide the facts and circumstances. If your firm or any successor organization is now involved in any litigation or in the past ten (10) years have been involved in litigation with owners, please list the parties to the litigation, the civil action number and a brief explanation of the matter.



SUMMIT CONSTRUCTION & DEVELOPMENT

STATEMENT OF PROPOSERS QUALIFICATIONS

1. Project Approach and Methodology

- I** Summit Construction & Development's strategic approach of your project will deliver a quality product that is on-time and in budget. We understand this project's Scope of work includes majorly grading, new parking lot, clearing and grubbing, basketball court, concrete, asphalt and other related work. Our firm uses the latest equipment and innovative systems such as a cloud platform for project management communication, scheduling and coordination and Trimble 3D GPS for earth work grading, which reduces human error and increases accuracy and production rate. We have in-house crews and owned milling and paving equipment and trucks for all related trades, which makes us more efficient in accomplishing projects within time and budget.

2. Project History

- I** Our firm has been involved in a variety of projects since its inception, more than 14 years ago. We have completed projects for various municipalities, counties, government agencies and large commercial contractors, having accomplished even the most challenging projects successfully, within schedule requirements and under budget. The following list contains just a few of the projects with similar scope and size, that are in process or completed over the last 3 years:
1. Circle 75 Parkway at Windy Hill Road – Cobb County. Our scope of work includes Grading, erosion control, storm drainage, water and sewer, Concrete work, Asphalt paving and other relate work. Contract value: \$1,060,110.75 Completion 4/1/2022
 2. Barnwell Road at Rivermount Pkwy Roundabout City of Johns Creek. Our scope of work includes Demolition, earthwork, storm drainage, concrete work, asphalt paving and other related work. Contract value: \$936,924.62
 3. Dallas Street Improvements City of Acworth. Our scope work includes Erosion control, grading, GAB installation, Asphaltic Concrete, Storm Drainage, Striping and grassing. Contract value: \$84,561.63 Completion 3/30/2022
 4. SR140 at East Cherokee Drive Improvements. Our scope of work includes Demolition, Grading, drainage, storm drain, milling, asphalt paving 17,172 tons and other related work. Contract value: \$1,897,016.00

Summit Construction & Development
 2108 Bentley Drive, Stone Mountain, GA 30087
 Phone: 770.413.0093 Email: contracts@summitcd.com

5. *Rockdale county Milstead II Drainage Improvements, 962 Milstead Avenue, Conyers, GA 30012. Our scope of work includes Grading, storm drainage, domestic water installation, Asphalt paving. Contract value: \$701,844.45*
6. *Beaver Run Road Multiuse Greenway Trail, our scope of work includes Erosion control, grading, concrete sidewalk, curb and gutter, storm drainage, manholes. Contract value: \$703,523.99 Completion 06/19/2020*
7. *Granade road sidewalk project Rockdale County. Our scope of work includes concrete work, asphalt, Storm drainage. Contract value: \$2,229,790.70 Completion 09/22/2022*
8. *Brackett road Traffic Calming City of Tucker, our scope of work includes milling and resurfacing, patching, concrete medians and other related work. Contract Value \$1,275,675.00 Completion 1/31/2023*
9. *Indian Trail Park and Ride Transit Project, our scope of work includes asphalt demo, mill and overlay, full depth pavement, concrete work and other related work. Contract Value \$1,571,412.00 Completion 08/17/2021*
10. *City of College Park LMG Street resurfacing 2023, Milling and resurfacing. Contract Value \$340,110.08. Completion 07/31/2023*
11. *West Paces Ferry Road Resurfacing Buckhead CD, Contracts Value: \$4,269,829.40. Anticipated Completion date: 09/15/2023*
12. *Haynes Bridge Road Improvements City of Johns Creek, Contract Value \$1,979,559.63 Completion Date 10/01/2023*

A complete list of our projects is available upon request.

3. Manpower & Delivery Schedule

- i** 1. *The current value of work-in-progress over \$2+ million dollars and current manpower and resources can accommodate our projected workload with ability to perform new projects with no issues.*
- 2. *We have a dedicated Project Managers, Superintendents, and support system to accomplish this project successfully, within milestone goals and budget. Our in-house crews are experienced in all trades necessary to complete this project and are trained to produce quality work.*
- 3. *We have 40+ direct field employees.*

4. Company History

- i** 1. *Summit Construction & Development has been in business for 14+ years.*
- 2. *The firm has only operated under its current name.*
- 3. *GOOT Pre-Qualified Contractor, DBE.*
- 4. *No, we do not have any bankruptcies.*
- 5. *No, we do not have any lawsuits against our company.*

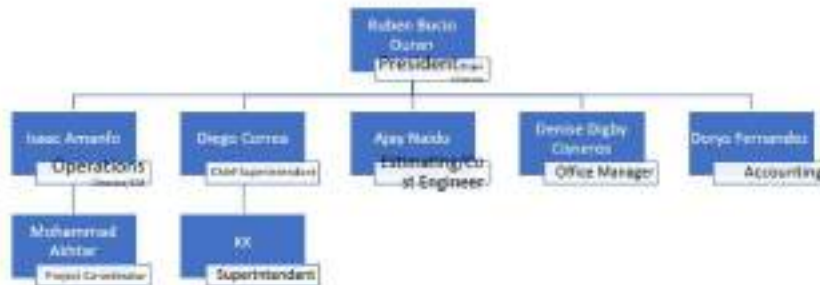
Summit Construction & Development
2108 Bentley Drive, Stone Mountain, GA 30087
Phone: 770.413.0093 Email: contracts@summitcd.com

5. References

Reference Project	Description of the Work	Owner Contact	Owner Contact Phone	Owner Contact Email	Role (prime/sub)	Firm Responsible for \$x	Start and Completion dates
SR 140 at East Cherokee Drive Improvements	Scope of work includes road widening, asphalt milling and overlay, full depth, concrete work, storm drainage and other related work. 17,172 tons of asphalt installed	Lori Jones	678-410-0124	ljones@chesapeake.com	Construction Inspection Manager	\$3,887,016	12/7/2020-12/29/2022
Indian Trail Park and Ride Transit Project	Scope of work includes asphalt demo, mill and overlay, full depth pavement, concrete work and other related work.	Thomas Clausen	678-521-6433	Thomas.Clausen@onestia.com	Project Engineer	\$1,571,412	03/18/2021-08/17/2021
Brockett road Traffic calming	Scope of work includes mill and overlay, patching, concrete medians and other related work.	Sam Durance	678-215-7030	sdurance@burkema.gov	Construction Manager	\$1,275,679	10/10/2022-1/31/2023
Barnwell Road at Rivermont Pkwy Intersection Project	Scope of work includes construction of a roundabout, asphalt paving, storm drainage, concrete work and other related work	Riki Fomey	678-512-3288	rfi.fomey@johnsonckpa.gov	Construction Manager	\$999,893	01/01/2021-08/02/2022

Additional references shall be provided upon request.

Below is the Organization Chart for this Specific Project:



Summit Construction & Development
 2108 Bentley Drive, Stone Mountain, GA 30087
 Phone: 770.413.0093 Email: contracts@summitcd.com

Form **W-9**
Rev. December 2014
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
Summit Construction & Development LLC

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual sole proprietor or single-member LLC
 C Corporation
 S Corporation
 Partnership
 Trust/estate
 Limited liability company. (Enter the tax classification (C, S, or partnership) in the box below.)
 Note: For a single-member LLC that is disregarded, do not check (LLC); check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions)

4 Exemptions (codes apply only to certain payees; not individuals; see instructions on page 3)
 Exempt payee code (if any) **B**
 Exemption from FATCA reporting code (if any)

5 Address (number, street, and apt. or suite no.)
2108 Bentley Drive

6 City, state, and ZIP code
Stone Mountain GA 30087

7 LMI account number(s) here (optional)

8 Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

Note: If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number								
			-			-		

or

Employer identification number								
2	6	-	3	9	5	0	3	5

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person  Date **1/17/2023**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/efile.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-DIV (dividend income)
- Form 1099-INT (interest earned or paid)
- Form 1099-CIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (miscellaneous types of income, gross, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-H (merchant card and third-party network transactions)

• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)

• Form 1099-C (collection notice)

• Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partner's share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See What's FATCA reporting? on page 2 for further information.

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

ANNUAL REGISTRATION

Electronically Filed
Secretary of State
Filing Date: 1/12/2021 12:11:07 PM

BUSINESS INFORMATION

CONTROL NUMBER	08094768
BUSINESS NAME	SUMMIT CONSTRUCTION AND DEVELOPMENT, LLC.
BUSINESS TYPE	Domestic Limited Liability Company
EFFECTIVE DATE	01/12/2021
ANNUAL REGISTRATION PERIOD	2021, 2022, 2023

PRINCIPAL OFFICE ADDRESS

ADDRESS 2108 BENTLEY DR, STONE MOUNTAIN, GA, 30087, USA

REGISTERED AGENT

NAME	ADDRESS	COUNTY
BUCIO Duran, RUBEN	2108 BENTLEY DR STONE MOUNTAIN, GA 30087, STONE MOUNTAIN, GA, 30087, USA	DeKalb

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	Ruben Bucio Duran
AUTHORIZER TITLE	Authorized Person

Only valid at this location and when location conforms to Gwinnett County Ordinance

Gwinnett County Licensing and Revenue

446 W. Crogan Street, Suite 300, Lawrenceville, GA 30046



DISPLAY THIS CERTIFICATE AT BUSINESS LOCATION FOR PUBLIC VIEW

Date Issued:	March 20, 2023	Certificate Number:	2023162652
Expires:	March 31, 2024	Fee:	\$19,767.58
Business Name:	SUMMIT CONSTRUCTION & DEVELOPMENT L		
Description:	All Other Specialty Trade Contractors		

Business Location
 2108 BENTLEY DR
 STONE MOUNTAIN GA 30087-3526

MAIL TO:
 SUMMIT CONSTRUCTION & DEVELOPMENT L
 C/O SUMMIT CONSTRUCTION & DEVELOPMENT LLC
 2108 BENTLEY DR
 STONE MOUNTAIN GA 30087-3526



2023
 Not Transferable



PROFESSIONAL LICENSING

GEORGIA SECRETARY OF STATE BRAD RAFFENSPERGER

CORPORATIONS • ELECTIONS • LICENSING • CHARITIES

Licensee Details

Licensee Information

Name: Summit Construction & Development **Owner:**
Address: 2108 Bortley Drive
 Stone Mountain GA 30057

Primary License Information

License #: UC302166	Profession: Utility	Type: Utility Contractor
Secondary:	Method: Application	Status: Active
Issued: 7/15/2011	Expires: 4/30/2025	Last Renewal Date: 3/28/2023

Associated Licensees

Relationship: Supervisor

Licensee: Maxwell, Donald Paul	License Type: Utility Manager
License #: UM102424	License Status: Active
Established: 7/15/2011	Association Date: 7/15/2011 Expiry:
Type: Prerequisite User	

Public Board Orders

Please see Documents section below for any Public Board Orders

Other Documents

No Other Documents

Data current as of: April 18, 2023 13:42:57

This website is to be used as a primary source verification for licenses issued by the Professional Licensing Boards. Paper verifications are available for a fee. Please contact the Professional Licensing Boards at 844-753-7825.



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

October 14, 2022

CERTIFICATE OF QUALIFICATION
Vendor ID: 2SU355

Summit Construction & Development, LLC
2108 Bentley Dr.
Stone Mountain, GA 30087

In accordance with The Rules and Regulations Governing the Prequalification of Prospective Bidders, you are hereby notified that the Georgia Department of Transportation has assigned the following Rating. This Certificate is effective on the date of issue stated above and cancels and supersedes all Certificate(s) previously issued:

MAXIMUM CAPACITY RATING: \$60,500,000.00

CERTIFICATE EXPIRES: September 30, 2024

PRIMARY WORK CLASS/CODE: 441

SECONDARY WORK CLASS(ES)/CODE(S): 163, 201, 209, 500, 550, 660 and 668

The total amount of incomplete work, regardless of its location and with whom it is contracted, whether in progress or awarded but not yet begun, shall not exceed the Maximum Capacity Rating. If dissatisfied with the Rating, we direct you to the Appeals Procedures in §672-5-.08 (1) & (2) and §672-1-.05, Rules of the State Department of Transportation.

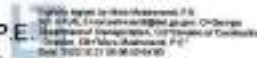
A Prequalified Contractor may request an extension of its current prequalification prior to the expiration date of the prequalification by providing the Department with the following information: the amount of time requested for the extension (either 30, 60 or 90 days), the reason for the extension request and the original expiration date of the prequalification. The Department in its discretion will determine whether the extension should be granted and will notify the Contractor of its determination.

Allowing approved prequalification to lapse will leave the Contractors without the ability to bid work until such time as the standing returns to an approved status. If you desire to apply at some intermediate period before the expiration date, your Rating will be reviewed based on the new application.

This Prequalification Certificate is issued for contractors to be eligible for work with the Georgia Department of Transportation (GDOT) only. GDOT does not certify contractors as eligible to do business with entities other than GDOT. *Work class codes are for reference only and do not represent a certification to be provided in support of contractor ability or NAICS code determinations. NAICS Codes are assigned by the office of Equal Employment Opportunity.*

Sincerely,

Marc Mastronardi, P.E.
Marc Mastronardi, P.E.
Chairman, Prequalification Committee/Contractors



MM:TKA

Ajay Naidu

From: Denise Digby
Sent: Tuesday, October 25, 2022 4:43 PM
To: Ajay Naidu
Subject: PW: Certificate of Qualification - Summit Construction & Development, LLC

From: Ashmead, Tanya K <TAshmead@dot.ga.gov>
Sent: Tuesday, October 25, 2022 4:41 PM
To: Denise Digby <officemanager@summitcd.com>
Cc: Contractor Prequalification <ContractorPrequalification@dot.ga.gov>
Subject: RE: Certificate of Qualification - Summit Construction & Development, LLC

Dear Denise,

Please be advised that requests to add additional Work Class Codes (WCC) for an existing Contractor who is already pre-qualified/registered and has a capacity rating, is not necessary.

If you were denied by a District Contracts Manager/District Construction Manager for subcontract/contract approval because of a missing WCC, we ask that you provide this correspondence advising that the addition of WCC are not necessary as long as you meet the criteria to carry out the job/work/contract.

If the request for additional WCC has nothing to do with the above, you may submit a full application at any time for our review.

All information can be submitted to ContractorPrequalification@dot.ga.gov

Thanks,

Tanya Ashmead
Prequalification Supervisor
 Georgia
Department
of Transportation
Construction Bidding Administration
One Georgia Center, 11th Floor
600 West Peachtree Street, NW
Atlanta, GA 30308
404.631.1147 Main office
404.631.1685 Direct line
678.572.8711 - Cell
tashmead@dot.ga.gov

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part to **KEEP IT CLEAN GEORGIA** – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at <http://keepgeorgia.com/>.

From: Denise Digby <officemanager@summitcd.com>
Sent: Tuesday, October 25, 2022 4:22 PM
To: Ashmead, Tanya K <TAshmead@dot.ga.gov>
Subject: FW: Certificate of Qualification - Summit Construction & Development, LLC

Tanya,

I have a question can we get the following codes added as well? I know we used all the spaces on the application but I didn't see where I could attach another sheet for codes...

150,201,205,208,209,310,400,424,432,432a,441,500,500a,550,660,668,800,163,149,310a,400a,670,205a,205b,452,513,700,800a

Denise Digby Cisneros
Office Manager
Office: 770.413.0093
Direct Number: 470.427.5888
2108 Bentley Dr. Stone Mountain GA 30087

summitcd.com



From: Ajay Naidu <scdestimator@summitcd.com>
Sent: Tuesday, October 25, 2022 4:19 PM
To: Denise Digby <officemanager@summitcd.com>
Subject: RE: Certificate of Qualification - Summit Construction & Development, LLC

150,201,205,208,209,310,400,424,432,432a,441,500,500a,550,660,668,800,163,149,310a,400a,670,205a,205b,452,513,700,800a

From: Denise Digby <officemanager@summitcd.com>
Sent: Monday, October 24, 2022 11:30 AM
To: Ajay Naidu <scdestimator@summitcd.com>
Subject: FW: Certificate of Qualification - Summit Construction & Development, LLC

We could only do so many.... If you would like to change some let me know and I will see what's the process. I tried to cover what all we did.

From: Ashmead, Tanya K <TAshmead@dot.ga.gov> **On Behalf Of** Contractor Prequalification
Sent: Monday, October 24, 2022 10:08 AM



DATE: November 27, 2023

TO: All Offerors

FROM: City of Stonecrest Purchasing Department

RE: ITB No. 23-121, Salem Park Parking Lot Expansion

Please see Addendum No. 1 for the above-referenced solicitation.

**ADDENDUM NO. 1
ITB No. 23-121
SALEM PARK PARKING LOT EXPANSION**

1. The following change has been made to the above-referenced solicitation.

Question and Answers

Corrected Bid Bond Documents (Exhibit D)

2. All other terms and conditions remain the same.

**ADDENDUM NO. 1
ITB No. 23-121
SALEM PARK PARKING LOT EXPANSION**

1. Will the park remain open during construction? If so, will the contractor have to fence off the area to work for pedestrians to enter?
The park will remain open; however, the parking lot will be closed.
2. Does the city have a place to take topsoil?
The city doesn't have a place to take topsoil.
3. The bid bond form in the ITB needs to have the right project name listed. It has Invitation to Bid, No. 23-124 Browns Mill Aquatic Center Painting Project on the form. Can you send the correct form, please?
The bid bond form has been corrected and attached.

EXHIBIT D
BOND DOCUMENTS

Item XIII. c.

**EXHIBIT D
BOND DOCUMENTS**

KNOW ALL MEN BY THESE PRESENTS, THAT Summit Construction & Development, LLC

(Name of Contractor) _____

(Address of Contractor) at

2108 Bentley Dr., Stone Mountain GA 33087

(Corporation, Partnership and or Individual) hereinafter called Principal, and _____

Berkley Insurance Company

(Name of Surety)

475 Steamboat Rd, Greenwich CT 06830

(Address of Surety)

A corporation of the State of Delaware, and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto

City of Stonecrest, Georgia

(Name of Obligee)

3120 Stonecrest Blvd. Suite 190, Stonecrest, Georgia 30038

(Address of Obligee)

herein after referred to as Obligee, in the penal sum

of Five Percent of Amount Bid Dollars (\$ 5% amt bid) in lawful money

of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

WHEREAS, the Principal is about to submit, or has submitted, to the City of Stonecrest, Georgia, a proposal for furnishing materials, labor and equipment for:

**Invitation to Bid, No. 23-121
SALEM PARK PARKING LOT EXPANSION**

WHEREAS, the Principal desires to file this Bond in accordance with law in lieu of a certified Bidder's check otherwise required to accompany this Proposal.

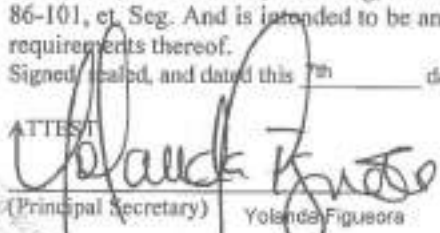
NOW, THEREFORE, the conditions of this obligation are such that if the bid is accepted, the Principal shall within ten days after receipt of notification of the acceptance execute a Contract in accordance with the Bid and upon the terms, conditions, and prices set forth in the form and manner required by the City of Stonecrest, Georgia, and execute a sufficient and satisfactory Performance Bond and Payment Bond payable to the City of Stonecrest, Georgia, each in an amount of 100% of the total Contract Price, in form and with security satisfactory to said the City of Stonecrest, Georgia, and otherwise, to be and remain in full force and virtue in law; and

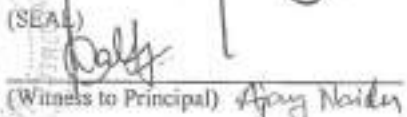
EXHIBIT D
BOND DOCUMENTS

the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the City of Stonecrest, Georgia, upon demand, the amount hereof in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.


PROVIDED, FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant, to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as Amended, including, but not limited to, O.C.G.A. SS 13-10-1, et. Seg. And SS 36-86-101, et. Seg. And is intended to be and shall be constructed as a bond in compliance with the requirements thereof.

Signed, sealed, and dated this _____th day of December _____, 2023

ATTEST

(Principal Secretary) Yolanda Figueroa

(SEAL)

(Witness to Principal) Ajay Naidu
2108 Bentley Dr., Stone Mountain GA 33087
(Address)

(Surety)
ATTEST 

BY: 
(Attorney-in-Fact) ~~and Resident Agent~~
and Georgia Licensed Nonresident Agent
Kevin Wadowski
(Attorney-in-Fact)
1000 Central Ave #200,
St. Petersburg FL 33705
(Seal)

(Address)

(Witness as to Surety) Marga Schulz, Surety Witness
1000 Central Ave #200,
(Address) St. Petersburg FL 33705

Summit Construction & Development, LLC
(Principal)

BY: 
2108 Bentley Dr., Stone Mountain GA 33087
(Address)

Berkley Insurance Company


Eileen Heard, Surety Witness
(Address) 1000 Central Ave #200,
St. Petersburg FL 33705



EXHIBIT E

Item XIII. c.

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE AFFADAVIT



EXHIBIT E

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name:

Summit Construction & Development LLC

Address: 2108 Bentley Drive, Stone Mountain GA, 30087.


By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Stonecrest within five (5) business days after any subcontractor(s) is/are retained to perform such service.

357508
E Verify™ Company Identification Number

09/14/2010
Date of Authorization


BY: Authorized Officer or Agent
(Name of Person or Entity)
Ruben Bucio Duran

12/07/2023
Date

SUBSCRIBED AND SWORN BEFORE
ME ON THIS THE

07th DAY OF December, 2023


Notary Public



My Commission Expires: 09/27/27

* or any subsequent replacement operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603

EXHIBIT F
DRUG FREE WORKPLACE

Item XIII. c.



**EXHIBIT F
DRUG-FREE WORKPLACE**

The undersigned certifies that the provisions of Code Sections 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-free Workplace Act", have been complied with in full.

The undersigned further certifies that:

(1) A drug-free workplace will be provided for the Service Provider's employees during the performance of the Contract; and

(2) Each Service Provider who hires a subcontractor to work in a drug-free workplace shall secure from the subcontractor the following written certification:

"As part of the subcontracting agreement with Summit Construction & Development LLC (Service Provider), _____ (subcontractor) certifies to the Service Provider that a drug-free workplace will be provided for the subcontractor's employees during the performance of this Contract pursuant to paragraph (7) of the subsection (b) of Code Section 50-24-03."

Also, the undersigned further certifies that he/she will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Contract.

Summit Construction & Development LLC

Company Name

[Signature] 12/07/2023

BY: Authorized Officer or Agent Date

(Service Provider Signature)

President

Title of Authorized Officer or Agent of Service Provider

Ruben Bucio Duran

Printed Name of Authorized Officer or Agent

End of Exhibit F.

EXHIBIT G
PURCHASING POLICY ADDENDUM

Item XIII. c.



**EXHIBIT G
PURCHASING POLICY ADDENDUM**

I, Ruben Bucio Duran, hereby certify that I have received a copy of the City of Stonecrest, GA, Financial Management Policies Purchasing Policy, which can be found at <https://www.stonecrestga.gov/Procurement.aspx> and agree to comply with all requirements of the City of Stonecrest, GA Financial Management Policies Purchasing Policy to the extent the policy is applicable to the undersigned.



BY: Authorized Officer or Agent Date **12/07/2023**
(Service Provider Signature)

President

Title of Authorized Officer or Agent of Service Provider

Ruben Bucio Duran 12/07/2023

Printed Name of Authorized Officer or Agent Date

End of Exhibit G.

EXHIBIT H

Item XIII. c.

AFFADAVIT VERIFYING STATUS FOR PUBLIC BENEFIT APPLICATION

EXHIBIT I

REFERENCES AND SUBCONTRACTOR FORM



EXHIBIT I
REFERENCES

Please provide as references the names of at least three (3) local corporate clients you have served for at least three (3) years.

1. Company Name: Cherokee County
 Address: 3017 Holly St, Canton, GA 30115
 Contact: Lori M Jones Phone: 678-410-0124

2. Company Name: City of Johns Creek
 Address: 11360 Lakefield Drive, Johns Creek, GA 30097
 Contact: Riki Fomey Phone: 678-512-3266

3. Company Name: City of Tucker
 Address: 1975 Lakeside Pkwy Suite 350, Tucker, GA 30084
 Contact: Sam Durrance Phone: 678-215-7030

EXHIBIT J
REFERENCES

NOT APPLICABLE

Please provide the names, addresses, contact names, and phone numbers of all Subcontractors that will be utilized by the Contractor for the duration of any resulting award.

1. Company Name: _____
Address: _____
Contact: _____ Phone: _____

2. Company Name: _____
Address: _____
Contact: _____ Phone: _____

3. Company Name: _____
Address: _____
Contact: _____ Phone: _____

4. Company Name: _____
Address: _____
Contact: _____ Phone: _____

5. Company Name: _____
Address: _____
Contact: _____ Phone: _____

End of Exhibit J

EXHIBIT J
NON-COLLUSION AFFADAVIT

Item XIII. c.

EXHIBIT J
NON-COLLUSION AFFIDAVIT



The undersigned bidder or agent, being duly sworn on oath, says that he/she has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to include anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/She further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee gift, commission or thing of value on account of such sale.

OATH AND AFFIRMATION

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FACTS AND INFORMATION CONTAINED IN THE FOREGOING BID FOR PUBLIC WORKS ARE TRUE AND CORRECT.

Dated this 7th day of December 2023

Summit Construction & Development LLC
(Name of Organization)

President
(Title of Person Signing)


(Signature)

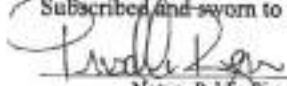
23-121
(Bid Number)

ACKNOWLEDGEMENT

STATE OF Georgia)

COUNTY OF Gwinnett)

Before me, a Notary Public, personally appeared the above named and swore that the statements contained in the foregoing document are true and correct.

Subscribed and sworn to me this 7th day of December, 2023

Notary Public Signature

My Commission Expires: 8/27/27

EXHIBIT K
BID SCHEDULE

Item XIII. c.



**EXHIBIT K
BID SCHEDULE**

ITEM NO	DESCRIPTION	UNIT	QTY	UNIT COST	COST
1	Traffic Control	LS	1	\$2,525.00	\$2,525.00
2	Grading Complete	LS	1	\$81,572.00	\$81,572.00
PARKING LOT					
3	2" Thick 9.5 MM Asphalt Super Surface	SY	1,350	\$22.00	\$29,700.00
4	2" Thick 9.5 MM Asphalt Super Surface	SY	1,350	\$22.50	\$30,375.00
5	8" Thick Graded Aggregate Base	SY	1,350	\$22.50	\$30,375.00
6	24" Concrete Curb & Gutter	LF	700	\$30.00	\$21,000.00
7	4" Thick Concrete Sidewalk	SY	30	\$84.00	\$1,920.00
8	5" Paint Stripe, White	LF	800	\$2.00	\$1,600.00
9	ADA Ramp, Type D	EA	1	\$1,800.00	\$1,800.00
10	Concrete Drainage Plume	EA	1	\$1,500.00	\$1,500.00
BASKETBALL COURT					
11	6" Thick Concrete	SY	650	\$84.00	\$54,600.00
12	3" Black Basketball Stripe	LF	700	\$3.50	\$2,450.00
13	Basketball Goals (Install Only)	EA	2	\$1,800.00	\$3,600.00
14	6' Ht. Black Vinyl Chain Link Fence	LF	1,150	\$32.00	\$36,800.00
15	6' Ht. Black Vinyl Chain Link Gate	EA	1	\$1,250.00	\$1,250.00
16	6' Ht. Black Vinyl Chain Link Double Swing Gate	EA	1	\$1,800.00	\$1,800.00
EROSION CONTROL					
17	Type Sensitive Silt Fence	LF	2,000	\$3.50	\$7,000.00
18	Construction Exit	EA	1	\$2,950.00	\$2,950.00
19	Concrete Washdown	EA	1	\$1,250.00	\$1,250.00
20	Stream Drain Outlet Protection	EA	1	\$3,500.00	\$3,500.00
21	Floating Surface Skimmer	EA	1	\$8,200.00	\$8,200.00
22	Perforated Round Pipe	EA	1	\$350.00	\$350.00
23	Temporary Seeding	SF	22,000	\$0.15	\$3,300.00
24	Permanent Seeding	SF	22,000	\$0.15	\$3,300.00
LANDSCAPE					
25	Hightower Willow Oak, 2' Cal. Min	EA	6	\$1,250.00	\$7,500.00
26	Yoshino Cherry, 3" Cal Min.	EA	3	\$1,280.00	\$3,780.00
27	Yellow Flag Iris	EA	125	\$50.00	\$6,250.00
28	Dwarf Cattail	EA	125	\$50.00	\$6,250.00
29	Common Rush	EA	125	\$50.00	\$6,250.00
30	Sweet Flag	EA	125	\$50.00	\$6,250.00
31	Water Hibiscus	EA	125	\$50.00	\$6,250.00
	TOTAL				\$373,217.00



CITY COUNCIL AGENDA ITEM

SUBJECT: SDP23-001 Highland Park Phase I - Preliminary Plat

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director Planning and Zoning

PURPOSE: The applicant is seeking to subdivide property at 6251 Rock Springs Road into 75 lots for Phase I.

FACTS: The subject property is currently zoned R-100 (Residential Medium Lot). The Applicant is proposing to construct 75 single-family residential dwellings and detention pond to create Highland Park Phase I.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Preliminary Plat Phase I
- (2) Attachment 2 - Resolution
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

**STATE OF GEORGIA
CITY OF STONECREST**

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO APPROVE THE PRELIMINARY PLAT FOR THE HIGHLAND PARK RESIDENCE, LLC DEVELOPMENT LOCATED AT 6251 ROCK SPRINGS ROAD STONECREST, GEORGIA 30038 OTHERWISE KNOWN AS HIGHLAND PARK PHASE I; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council (“City Council”) thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, Section 14-88 within DIVISION 2 (PLAT APPROVAL PROCEDURE) Chapter 14 (LAND DEVELOPMENT) requires owners of the land or authorized agents where proposed development is to occur to file a preliminary plat with the Director of Planning and Zoning along with an application for approval; and

WHEREAS, preliminary plats and applications must contain required information that include existing conditions and proposed features in accordance with Section 14-89; and

WHEREAS, in accordance with Section 14-87 the Director of Planning and Zoning shall review the preliminary plat within 90 days of a complete application and preliminary plat; and

WHEREAS, the preliminary plat shall not be forwarded to the mayor and council until such time that the Director of Planning and Zoning certifies that preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws; and

WHEREAS, the City Council shall vote to approve, deny, or defer the preliminary plat based on its compliance with chapter 14 LAND DEVELOPMENT; and

WHEREAS, the Director of Planning and Zoning has properly reviewed analyzed the application and preliminary plat submitted by HIGHLAND PARK RESIDENCE, LLC; and

WHEREAS, the Director of Planning and Zoning certifies that the preliminary plat complies with all city zoning, environmental, and subdivision ordinances and regulations and all applicable state and federal laws; and

WHEREAS, the Director of Planning and Zoning presents to the City Council the preliminary plat for approval, denial, or deferment LLC attached here as EXHIBIT A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, HEREBY RESOLVES, that the Mayor, on behalf of the City, hereby approves the preliminary plat submitted by HIGHLAND PARK RESIDENCE, LLC. for the development located at 625 Rock Springs Road Stonecrest, Georgia 30038 otherwise known as Highland Park Phase I.

BE IT FURTHER RESOLVED, that the preliminary plat and supporting documentation are attached here as EXHIBIT A and shall be considered to be and is hereby incorporated as if fully set out herein.

BE IT FURTHER RESOLVED, that the Director of Planning and Zoning or her designee is authorized to submit a final plat for final approval and certification.

BE IT FURTHER RESOLVED, to the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.

BE IT FURTHER RESOLVED, all City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

BE IT FINALLY RESOLVED, this Resolution shall take effect immediately.

SO RESOLVED AND EFFECTIVE this _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney

EXHIBIT A

Owner's Acknowledgement

I, HIGHLAND PARK RESIDENCE LLC, the owner of the land shown on this plat and whose name is subscribed hereto, acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets indicated as public streets and rights-of-way, and further dedicate to the use of the public forever all alleys, parks, watercourses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless City of Stonecrest from any/all claims, damages or demands arising on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross-drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that City of Stonecrest shall not be liable to him/her, his/her heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross-drain extensions, drives, structures, streets, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these presents. The owner of record of the land shown on this plat and whose name is subscribed thereto in person or through a duly authorized agent, hereby acknowledges that this plat was made from an actual survey, and dedicates to City of Stonecrest, as noted below, the complete ownership and use of all improvements constructed or to be constructed in accordance with this plat, and dedicates to the use of the public forever the following:

Public Street Right-of-Way 6.320 acres
 Drainage Easement 2.514 acres
 Public Access/Pedestrian Easements 0.169 acres
 Public Water/Sewer Easements to DeKalb County 0.488 acres

In witness whereof, I have hereunto set my hand this _____ day of _____ /20____.

(SEAL) Owner: _____

Witness: _____

Notary Public

**PRELIMINARY PLAT FOR:
 HIGHLAND PARK PHASE I**

AP# 3143221 - PRELIMINARY PLAT

75 LOTS

PID # 16 085 02 003

6251 ROCK SPRINGS RD

STONECREST, GA 30038

LAND LOTS 76 & 85 - 16TH DISTRICT

DEKALB COUNTY, GEORGIA

LDP #21-000002

REFERENCED PROJECTS:

AP# 3089195 - COMBINATION PLAT

AP# 3125781 - FINAL PLAT

GRAND NORTH
 GEORGIA
 LAND SURVEYING
 1111 STATE PARK

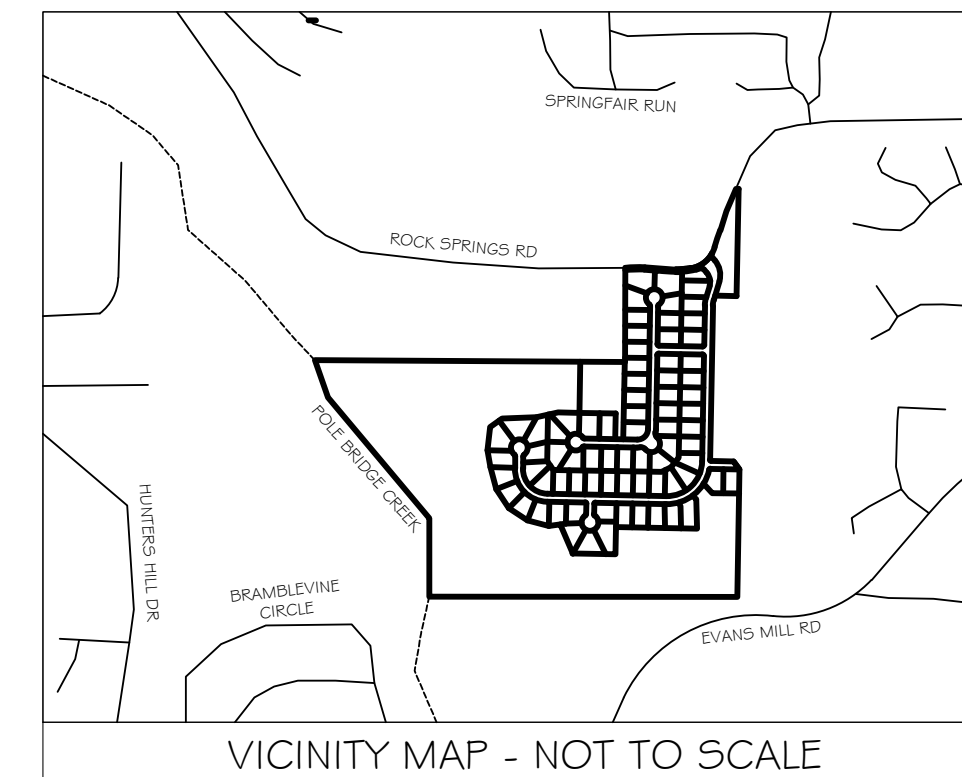
RELATED/ASSOCIATED PROJECTS
 AP# 3089195 - BOUNDARY LINE ADJUSTMENT
 AP # 3074995 - OLD LDP
 AP # 3084696 - NEW LDP
 AP # 3126877 - FINAL PLAT - PHASE II

NOTES

- NO LOTS PLATTED ARE NONCONFORMING OR WILL RESULT IN ANY NONCONFORMING LOTS.
- ELECTRICAL SERVICE WILL BE UNDERGROUND.
- *ACCORDING TO THE F.I.R.M. OF DEKALB COUNTY, PANEL NUMBER 13089C0167J, DATED MAY 15, 2013, A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA

CONTOUR DATA NOTE

- TOPOGRAPHIC DATA SHOWN HEREON IS BASED ON DEKALB COUNTY GIS. ALLIANCE DOES NOT WARRANT THE ACCURACY OF SAID DATA AND SHALL NOT BE HELD LIABLE FOR ANY INACCURACIES.



Surveyor's acknowledgement
 In my opinion, the plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.
 Michael C. Bell, PLS #3465

Department of Watershed Management
 I certify that the developer has complied with the potable water requirements and the sanitary sewer requirements of the County.
 this ___ day of _____, 2023
 Director, Department of Watershed Management

City of Stonecrest/City Engineer
 I certify that this plat has been approved by all affected departments and complies with all County Zoning, Environmental and Subdivision requirements.
 this ___ day of _____, 2023
 City of Stonecrest/City Engineer

City of Stonecrest/Planning and Zoning Director
 This plat has been submitted to and accepted by the City of Stonecrest/Planning and Zoning, Georgia and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.
 this ___ day of _____, 2023
 City of Stonecrest
 Planning and Zoning Director

Mayor's Certification
 This plat has been submitted to and accepted by the mayor and council of the City of Stonecrest, Georgia, and has been approved as required by state law and city codes as meeting all conditions precedent to recording in the superior court of this circuit.
 Dated this ___ day of _____, _____.
 By: _____
 (Mayor as designee of governing authority)

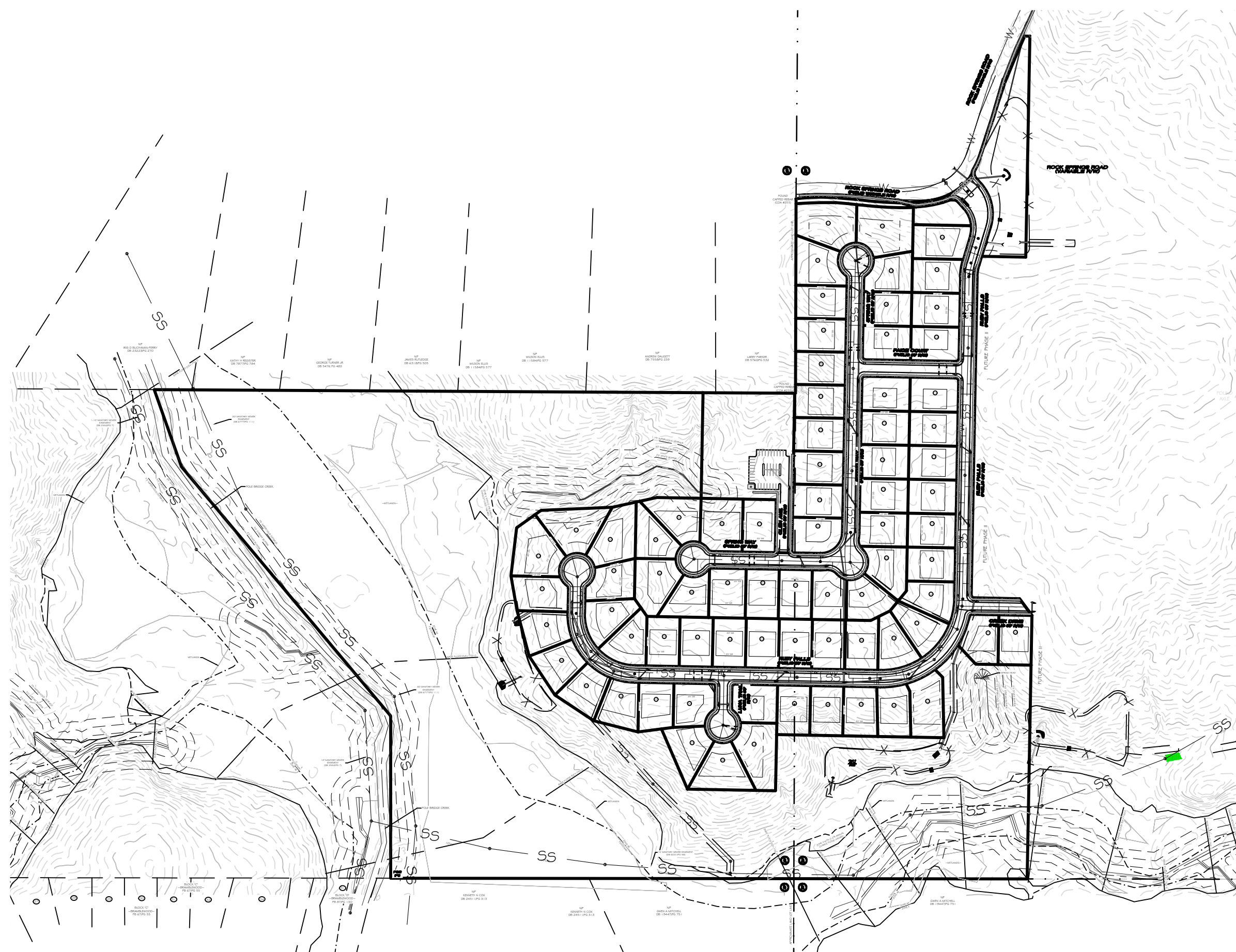
FOUNDATION LOCATION CERTIFICATE

A FOUNDATION LOCATION CERTIFICATE MUST BE SUBMITTED TO CITY OF STONECREST PRIOR TO FOOTING INSPECTION FOR THE FOLLOWING LOTS: ALL EASEMENTS, BUFFERS, AND FLOOD LIMITS ON THESE LOTS MUST BE CLEARLY IDENTIFIED ON SITE AT THE TIME OF FOOTING INSPECTION.
 LOTS: ALL LOTS

AS-BUILT ELEVATION CERTIFICATE

AN AS-BUILT ELEVATION CERTIFICATE IS REQUIRED PRIOR TO FRAMING ON THE FOLLOWING LOTS:
 LOTS: -

LOT NUMBER	SQUARE FEET	ACRES	ADDRESS	STREET NAME
OPEN SPACE A	66,469	1.527	6124	RUBY FALLS
OPEN SPACE B	15,668	0.36	6125	RUBY FALLS
OPEN SPACE C	1,865,747	42.812	5843	RUBY FALLS
AMENITY AREA/MAIL KIOSK	97,106	2.229	5996	GLENN AVE
DET. POND A			6136	RUBY FALLS
DET. POND B			5989	RUBY FALLS
DET. POND D			5872	RUBY FALLS
35	15,050	0.345	5990	CREEK DRIVE
36	15,050	0.345	6002	RUBY FALLS
37	15,028	0.345	5980	CREEK DRIVE
38	18,724	0.431	5978	RUBY FALLS
39	15,307	0.351	5968	RUBY FALLS
40	15,445	0.355	5960	RUBY FALLS
41	15,000	0.345	5950	RUBY FALLS
42	15,007	0.345	5940	RUBY FALLS
43	15,297	0.351	5941	LUNA TRAIL
44	15,297	0.351	5934	RUBY FALLS
45	21,137	0.485	5485	LUNA TRAIL
46	18,780	0.431	5482	LUNA TRAIL
47	18,167	0.417	5486	LUNA TRAIL
48	15,346	0.352	5480	LUNA TRAIL
49	15,346	0.352	5916	RUBY FALLS
50	15,061	0.346	5922	RUBY FALLS
51	15,227	0.352	5902	RUBY FALLS
52	15,229	0.349	5884	RUBY FALLS
53	15,243	0.35	5876	RUBY FALLS
54	18,099	0.417	5868	RUBY FALLS
55	18,854	0.431	5860	RUBY FALLS
56	21,304	0.489	5854	RUBY FALLS
57	20,971	0.481	5849	RUBY FALLS
58	18,925	0.431	5855	RUBY FALLS
59	15,063	0.346	5859	RUBY FALLS
60	15,758	0.362	5859	RUBY FALLS
61	15,029	0.345	5855	RUBY FALLS
62	15,024	0.345	5901	RUBY FALLS
63	15,001	0.344	5911	RUBY FALLS
64	15,000	0.344	5921	RUBY FALLS
65	15,000	0.344	5931	RUBY FALLS
66	15,000	0.344	5941	RUBY FALLS
67	15,000	0.344	5951	RUBY FALLS
68	15,146	0.348	5961	RUBY FALLS
69	15,044	0.346	5977	RUBY FALLS
70	15,148	0.348	5983	RUBY FALLS
71	15,105	0.347	6007	RUBY FALLS
72	15,000	0.344	6017	RUBY FALLS
73	15,000	0.344	6027	RUBY FALLS
74	15,000	0.344	6037	RUBY FALLS
75	15,000	0.344	6047	RUBY FALLS
76	15,129	0.347	6068	PAIGE COURT
77	15,129	0.347	6067	RUBY FALLS
78	15,128	0.347	6056	PAIGE COURT
79	15,128	0.347	6014	SPRING WAY
80	15,004	0.344	6004	SPRING WAY
81	15,008	0.345	5994	SPRING WAY
82	15,023	0.345	5984	SPRING WAY
83	15,038	0.345	5974	SPRING WAY
84	16,000	0.369	5964	SPRING WAY
85	15,529	0.35	5956	SPRING WAY
86	15,000	0.344	5938	SPRING WAY
87	15,000	0.344	5928	SPRING WAY
88	15,000	0.344	5918	SPRING WAY
89	15,000	0.344	5908	SPRING WAY
90	15,000	0.344	5898	SPRING WAY
91	15,760	0.362	5872	GLENN AVE
92	15,760	0.362	5933	SPRING WAY
93	15,548	0.357	5971	GLENN AVE
94	15,548	0.357	5975	SPRING WAY
95	15,240	0.35	5985	SPRING WAY
96	15,397	0.353	5995	SPRING WAY
97	15,400	0.354	6005	SPRING WAY
98	15,194	0.349	6015	SPRING WAY
99	15,130	0.347	6025	SPRING WAY
100	15,281	0.351	6035	SPRING WAY
101	15,411	0.354	6045	SPRING WAY
102	17,815	0.409	6055	SPRING WAY
103	22,578	0.518	6061	SPRING WAY
104	23,531	0.54	6069	SPRING WAY
105	15,124	0.347	6048	SPRING WAY
106	15,000	0.344	6038	SPRING WAY
107	15,128	0.347	5955	PAIGE COURT
108	15,128	0.347	6028	SPRING WAY
109	15,125	0.347	5989	PAIGE COURT
110	15,125	0.347	6093	RUBY FALLS
111	15,000	0.344	6093	RUBY FALLS
112	15,119	0.348	6103	RUBY FALLS
113	17,213	0.395	6113	RUBY FALLS
TOTAL	3,287,642	74.30		



NOTE: VERTICAL ALIGNMENTS MEET AASHTO DESIGN STANDARDS FOR 25 MPH DESIGN SPEED

NOTE: HORIZONTAL ALIGNMENTS MEET AASHTO DESIGN STANDARDS FOR 25 MPH DESIGN SPEED

RECORDED COVENANTS

THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS ARE RECORDED IN DEED BOOK 30740 PAGE 153 FOR HIGHLAND PARK. SAID INSTRUMENT ESTABLISHES A MANDATORY MEMBERSHIP HOMEOWNERS ASSOCIATION.

SITE OWNER
 HIGHLAND PARK RESIDENCE LLC
 655 ENGINEERING DRIVE
 SUITE 208
 PEACHTREE CORNERS, GA 30092
 470-268-4202

SITE DESIGNER/ENGINEER
 ALLIANCE ENGINEERING AND PLANNING
 ATLANTA, GA 30339
 CONTACT NAME: TYLER MARCHMAN
 PHONE: 770-855-2430

APPLICANT/AUTHORIZED AGENT
 ALLIANCE ENGINEERING AND PLANNING
 ATLANTA, GA 30339
 CONTACT NAME: CHAYCE BELL
 ADDRESS: 4525 SOUTH LEE STREET,
 BUFORD, GA 30518
 PHONE: 770-540-9688

SITE DEVELOPER
 HIGHLAND PARK RESIDENCE LLC
 655 ENGINEERING DRIVE
 SUITE 208
 PEACHTREE CORNERS, GA 30092
 470-268-4202

SITE SURVEYOR
 ALLIANCE ENGINEERING AND PLANNING
 BUFORD, GA 30518
 CONTACT NAME: CHAYCE BELL
 PHONE: 770-540-9688

I, HIGHLAND PARK RESIDENCE LLC, CERTIFY THAT NO LOTS PLATTED ARE NONCONFORMING OR WILL RESULT IN ANY NONCONFORMING LOTS.

SITE DATA

GROSS PROPERTY SIZE: 80.97 ACRES, 3,527,124 SQ.FT.
 ZONING: R-100
 PROPOSED LOTS: 75 SINGLE FAMILY DETACHED
 DENSITY: 1.08 UNITS/ACRE
 AVERAGE LOT WIDTH: 100'
 AVERAGE LOT DEPTH: N/A AS DESIGNED MINIMUM
 MINIMUM HEATED FLOOR: 2,000 SQ.FT.
 MAXIMUM BUILDING HEIGHT: 30' - 2 STORIES
 PARKING SPACES: 4 PER UNIT (2 IN GARAGE 4 2 IN DRIVEWAY)
 300 + 37 EXTRA SPACES AT AMENITY AREA (337 TOTAL SPACES)

SETBACKS
 FRONT: 35'
 SIDE: 40'
 REAR: 10'

TYPICAL STREET LAYOUT
 PUBLIC/Private STREETS: PUBLIC STREETS
 STREET WIDTH: 24' B.C.-B.C.
 RIGHT OF WAY WIDTH: 50' TYPICAL
 SIDEWALKS: 5' SIDEWALKS

*ALL UTILITIES SHALL BE UNDERGROUND
 *STREET LIGHTS ARE REQUIRED ACCORDING TO STONECREST



In my opinion, this plat, drawn by me or under my supervision, was made from an actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

Michael C. Bell
 R.L.S. No. 3465

Surveyor's Acknowledgement

LEGEND

- SIGN
 - GROUND LIGHT
 - LIGHT POLE
 - SPOT ELEVATION
 - WATER VALVE
 - FIRE HYDRANT
 - WATER METER
 - IRRIGATION CONTROL VALVE
 - WATER MARKER/MONUMENT
 - WATER VAULT
 - GRATE INLET
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - CLEANOUT
 - GREASE TRAP
 - UTILITY POLE
 - GUY WIRE
 - ELECTRIC BOX
 - ELECTRIC MANHOLE
 - ELECTRIC METER
 - GAS VALVE
 - GAS METER
 - TELEPHONE MANHOLE
 - TELEPHONE BOX
 - TELEPHONE PEDESTAL
 - FIBER OPTIC MARKER
 - FIBER OPTIC BOX
 - TRAFFIC SIGNAL POLE
 - PARKING COUNT
 - HANDICAP PARKING COUNT
 - HARDWOOD TREE
 - ORNAMENTAL TREE
 - MAILBOX
 - BENCHMARK
 - IRON PIN FOUND
 - COMPUTED POINT
 - IRON PIN SET
 - R/W MARKER
 - HANDICAP RAMP
- ASPHALT
 - CONCRETE
 - GRAVEL
 - MEASURED DISTANCE
 - CALCULATED DISTANCE
 - RECORD DISTANCE
 - CRIMP TOP PIPE
 - OPEN TOP PIPE
 - CORRUGATED METAL PIPE
 - HIGH DENSITY POLYETHYLENE PIPE
 - DUCTILE IRON PIPE
 - POLYVINYL CHLORIDE PIPE
 - REINFORCED CONCRETE PIPE
 - OUTLET CONTROL STRUCTURE
 - HEADWALL
 - POINT OF COMMENCEMENT
 - POINT OF BEGINNING
 - STORM SEWER LINE
 - SANITARY SEWER
 - WATER LINE
 - GAS LINE
 - OVERHEAD ELECTRIC
 - UNDERGROUND ELECTRIC
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - FENCE
 - SINGLE WING CATCH BASIN
 - DOUBLE WING CATCH BASIN
 - LAND LOT

ALLIANCE LAND SURVEYING
 L.S.F. 1322
 6095 ATLANTA HWY. STE. 100
 FLOWERY BRANCH, GA. 30542
 770.226.4730 J WWW.AEFATL.COM

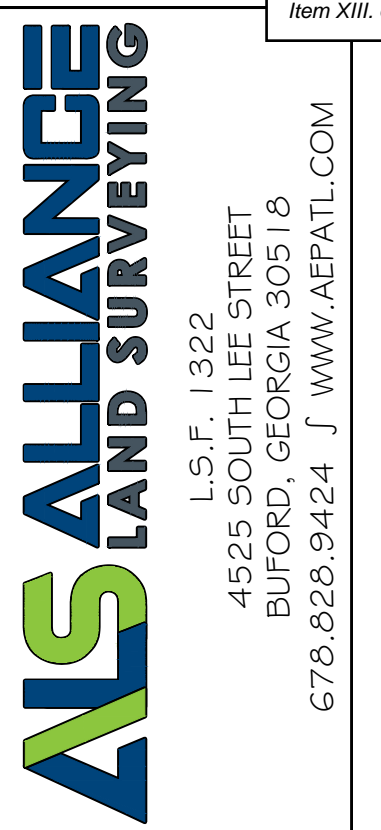
LOCATED IN:
 LAND LOT 76 & 85 16TH DISTRICT
 CITY OF STONECREST
 DEKALB COUNTY, GEORGIA

PRELIMINARY PLAT FOR
 HIGHLAND PARK PHASE I
 FOR
 HIGHLAND PARK RESIDENCE LLC

ISSUE DATE	DATE	DESCRIPTION
INITIAL:	01/09/2024	
REV. 1:		
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

DRAFTED BY: MJS
 CHECKED BY: MCB
 PROJECT #: 20061

811
 Know what's below.
 Call before you dig.
 THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



LOCATED IN:
LAND LOT 76 & 85 16TH DISTRICT
CITY OF STONECREST
DEKALB COUNTY, GEORGIA

PRELIMINARY PLAT FOR
HIGHLAND PARK PHASE I
FOR
HIGHLAND PARK RESIDENCE LLC

Table with columns: ISSUE, DATE, DESCRIPTION, REVISION, DATE, DESCRIPTION

811 Know what's below. Call before you dig. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROPRIATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

MOORE
URBAN FORESTRY
5962 LAKE LANIER HEIGHTS RD.
BUFORD, GEORGIA 30518
(770)-530-4114

PREPARED FOR:
Parkland Communities
299 S. Main St, Ste A
Alpharetta, GA 30009

PROJECT NAME:
ROCK SPRINGS ROAD

TASK:
TREE SURVEY



PROJECT INFORMATION:
ROCK SPRINGS
Project Name
Project Number
6251 ROCK SPRINGS
Project Address

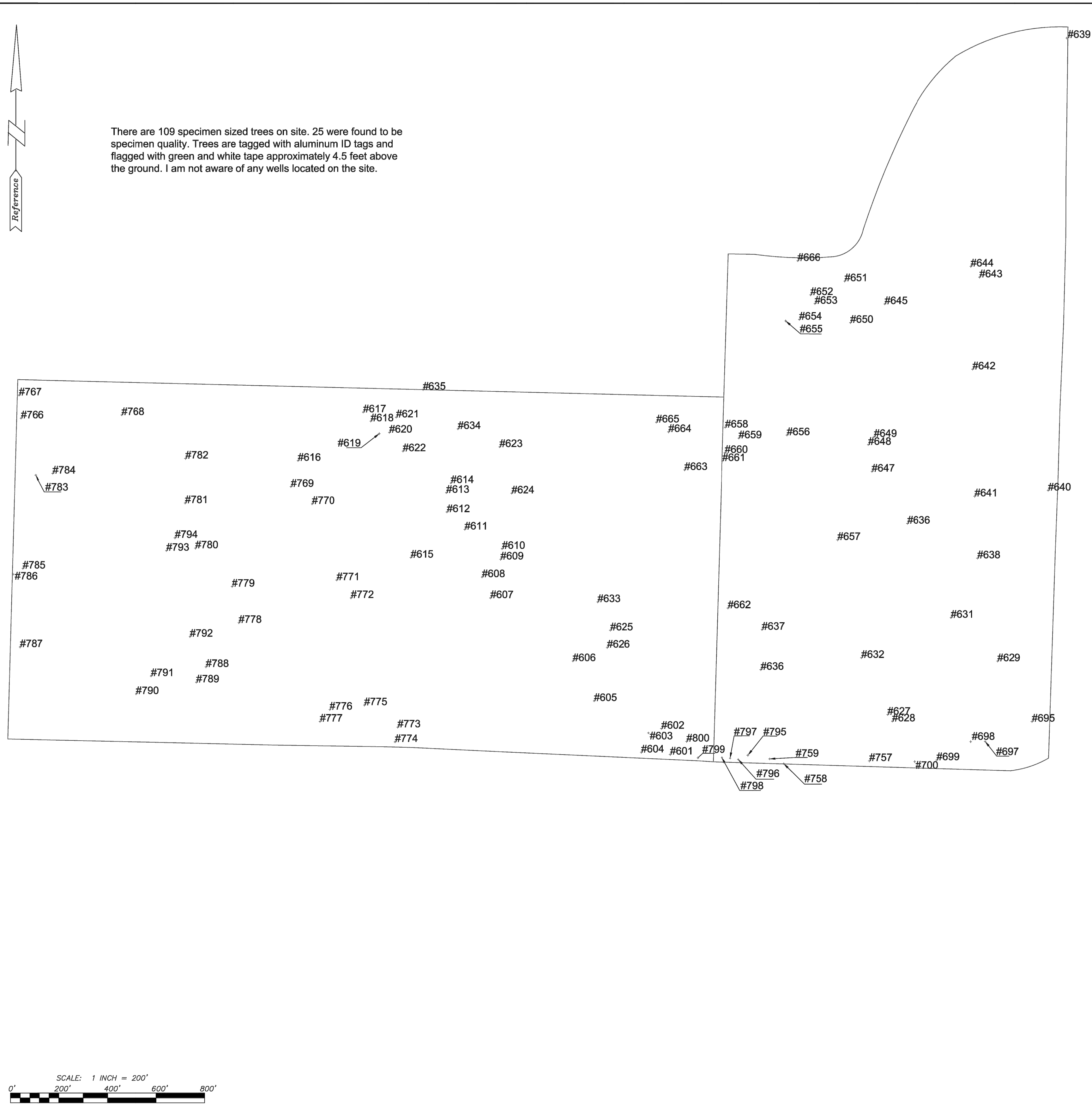
Land Lot No. (s)
District
SOUTH FULTON, DEKALB GEORGIA
City, State, County

Table with columns: No., DATE, REVISION, TBM DESIGN, TBM DRAWN, TBM CHECKED, DATE

AS SHOWN SCALE
T1
SHEET PROJECT NO.
PROJECT No.



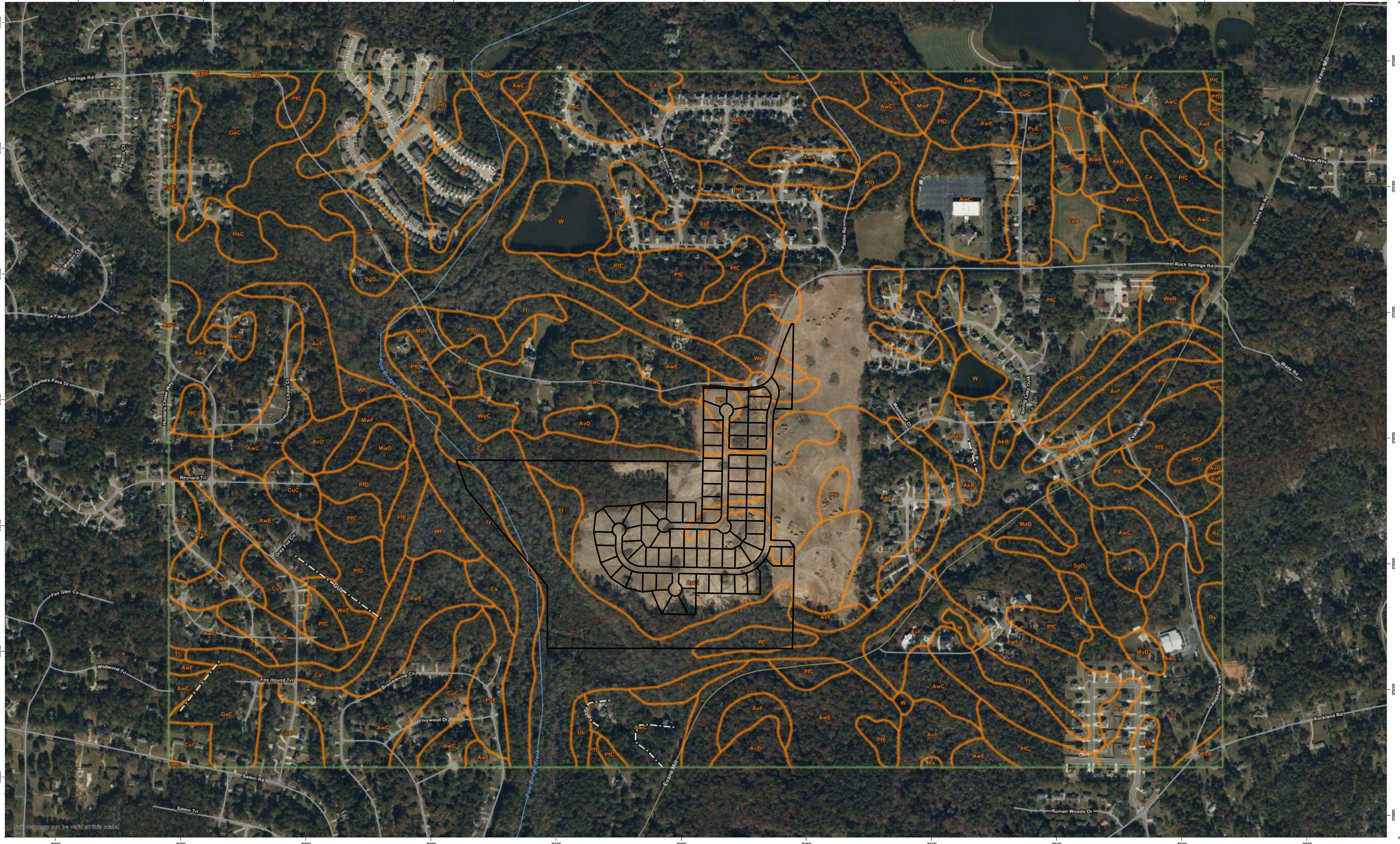
Main data table with columns: ID#, SIZE, SPECIES, CONDITION, STATUS, X-SPECIMEN. Contains 109 rows of tree survey data.



There are 109 specimen sized trees on site. 25 were found to be specimen quality. Trees are tagged with aluminum ID tags and flagged with green and white tape approximately 4.5 feet above the ground. I am not aware of any wells located on the site.



SCALE: 1 INCH = 200'
0' 200' 400' 600' 800'



Map Unit Symbol	Map Unit Name
AKB	Altavista fine sandy loam, 2 to 6 percent slopes
AuC	Applying-Urban land complex, 2 to 10 percent slopes
AvD	Ashlar sandy loam, very rocky, 6 to 15 percent slopes
AvF	Ashlar sandy loam, very rocky, 15 to 45 percent slopes
AwC	Ashlar-Wedowee complex, 2 to 10 percent slopes
AwE	Ashlar-Wedowee complex, 10 to 25 percent slopes
Ca	Cartocay silt loam, frequently flooded
CeB	Cecil sandy loam, 2 to 6 percent slopes
CuC	Cecil-Urban land complex, 2 to 10 percent slopes
GeC	Gwinnett sandy loam, 6 to 10 percent slopes
GdD	Gwinnett sandy loam, 10 to 15 percent slopes
HsC	Hiwassee sandy loam, 6 to 10 percent slopes
MdC	Madison sandy loam, 6 to 10 percent slopes
MdD	Madison sandy loam, 10 to 15 percent slopes
MvD2	Musella clay loam, 6 to 15 percent slopes, eroded
MwD	Musella stony sandy clay loam, 6 to 15 percent slopes
MwF	Musella stony sandy clay loam, 15 to 45 percent slopes
PiC	Pacolet sandy loam, 2 to 10 percent slopes
PiD	Pacolet sandy loam, 10 to 15 percent slopes
PiE	Pacolet sandy loam, 15 to 30 percent slopes
PgC2	Pacolet sandy clay loam, 2 to 10 percent slopes, eroded
PuE	Pacolet-Urban land complex, 10 to 25 percent slopes
Rx	Rock outcrop
SgD	Sweetapple-Grover complex, 6 to 15 percent slopes
SgF	Sweetapple-Grover complex, 15 to 45 percent slopes
Tf	Toccoa sandy loam, 0 to 2 percent slopes, frequently flooded
To	Toccoa sandy loam, high slopes
Ub	Udorthents, 2 to 10 percent slopes
W	Water
WeB	Wedowee sandy loam, 2 to 6 percent slopes
WeC	Wedowee sandy loam, 6 to 10 percent slopes
WeE	Wedowee sandy loam, 10 to 25 percent slopes
Wf	Wahackee silt loam, frequently flooded
Wob	Worsham sandy loam, 2 to 6 percent slopes



LOCATED IN:
LAND LOT 76 & 85 16TH DISTRICT
CITY OF STONECREST
DEKALB COUNTY, GEORGIA

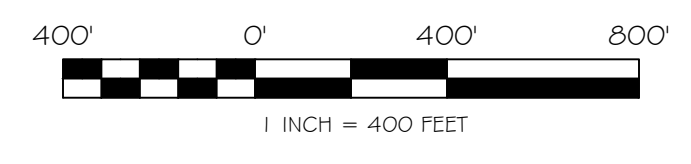
PRELIMINARY PLAT FOR
HIGHLAND PARK PHASE I
FOR
HIGHLAND PARK RESIDENCE LLC

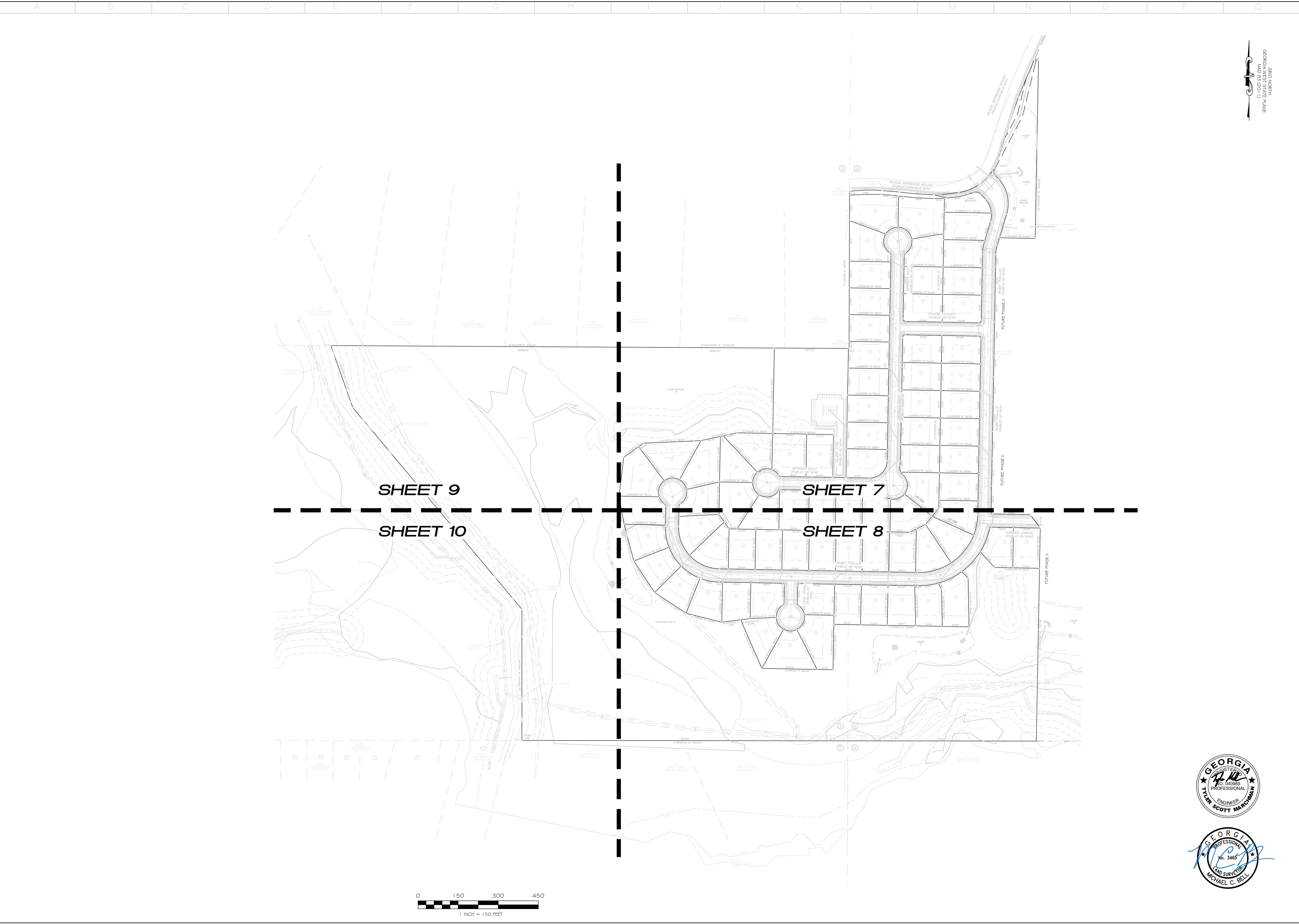
ISSUE	DATE	DESCRIPTION
INITIAL:	10/16/2024	
REV. 1:		
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

DRAFTED BY: MSJ
CHECKED BY: MCB
PROJECT #: 20061



811
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GEORGIA WEST STATE PLATE
 1102 (2011)
 1102 (2011)

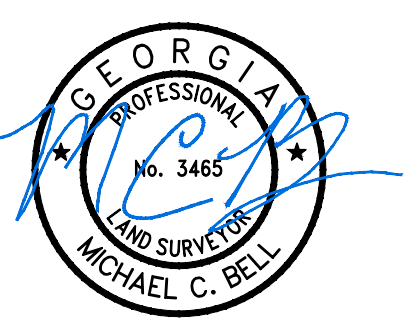
ALS ALLIANCE
 LAND SURVEYING
 L.S.F. 1322
 4525 SOUTH LEE STREET
 BUFORD, GEORGIA 30518
 678.828.9424 J WWW.AEFATL.COM

LOCATED IN:
 LAND LOT 76 & 85 16TH DISTRICT
 CITY OF STONECREST
 DEKALB COUNTY, GEORGIA

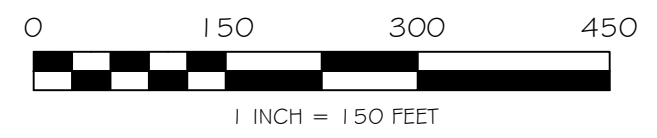
PRELIMINARY PLAT FOR
 HIGHLAND PARK PHASE I
 FOR
 HIGHLAND PARK RESIDENCE LLC

ISSUE	DATE	DESCRIPTION
INITIAL:	10/16/2024	
REV. 1:		
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

DRAFTED BY: MSJ
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CENTERLINE CURVE CHART

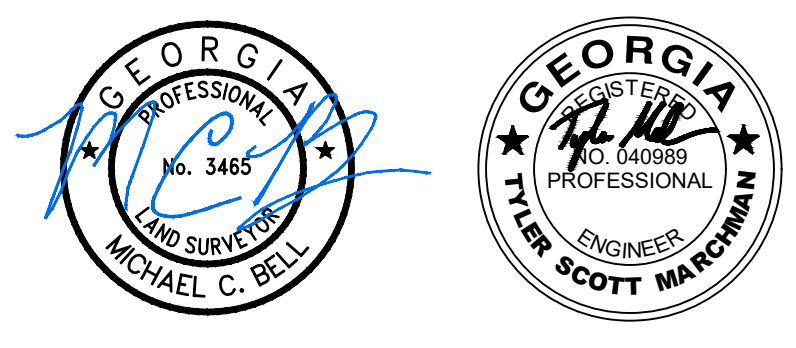
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C20	150.00'	153.16'	146.60'	S 12°32'17" E	58°30'17"
C21	150.00'	42.39'	42.25'	S 09°08'51" W	16°11'30"
C22	245.00'	20.73'	20.72'	S 03°28'31" W	4°50'49"
C23	245.00'	364.18'	331.57'	S 48°28'56" W	85°10'02"
C24	180.00'	282.70'	254.53'	S 43°56'28" E	89°59'09"
C25	90.00'	141.33'	127.25'	S 46°03'49" W	89°58'34"

CENTERLINE LINE CHART

LINE	BEARING	DISTANCE
L20	S 47°47'25" E	50.01'
L21	S 16°42'34" W	77.46'
L22	S 88°56'58" E	191.43'
L23	S 07°04'39" W	150.03'
L24	N 07°03'06" E	128.27'
L25	N 07°03'06" E	324.02'
L26	S 07°03'06" W	145.68'
L27	S 07°04'32" W	352.54'
L28	N 88°56'54" W	112.35'
L29	N 88°56'54" W	270.91'
L30	N 07°03'06" E	277.16'

CONTOUR DATA NOTE

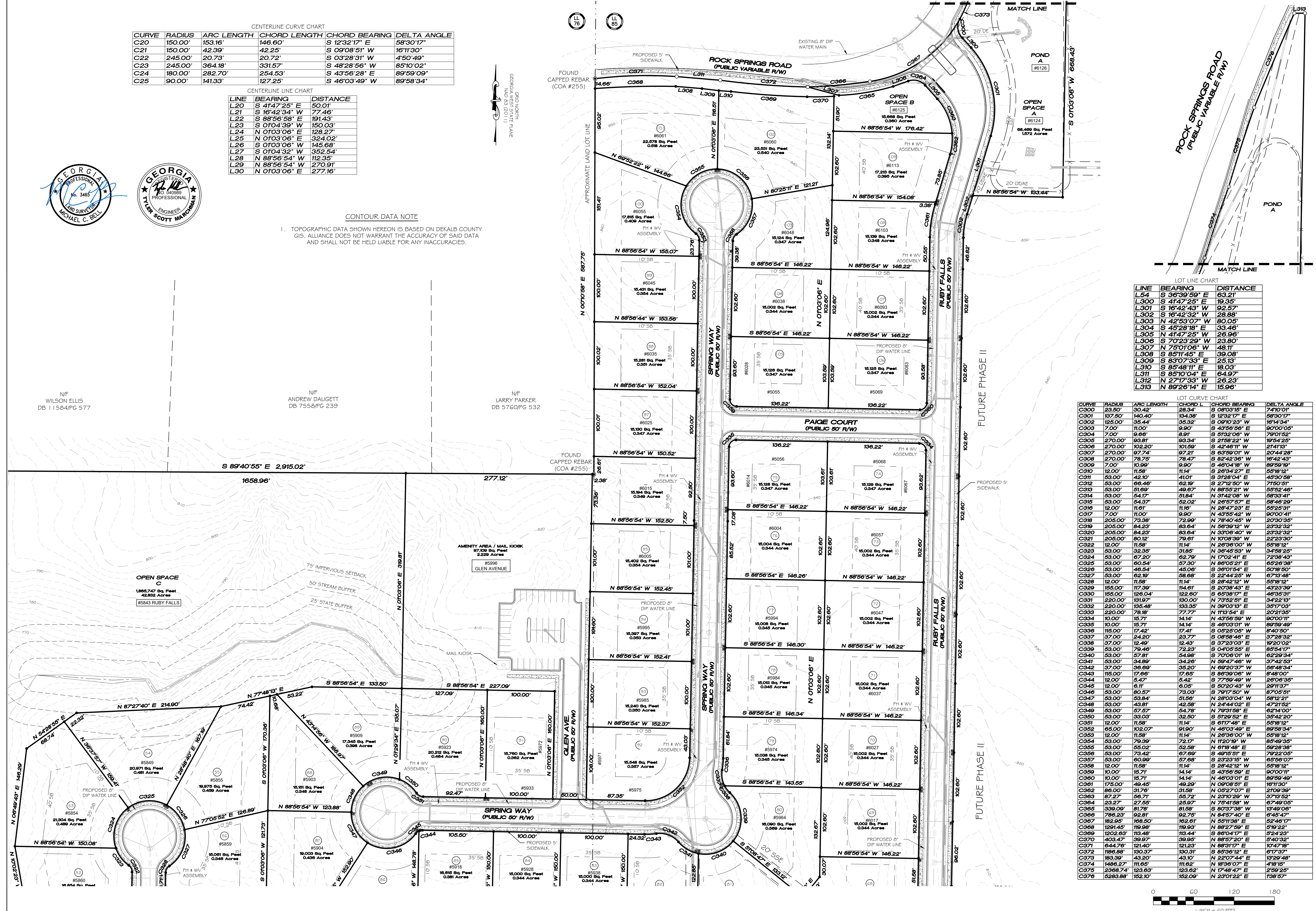
1. TOPOGRAPHIC DATA SHOWN HEREON IS BASED ON DEKALB COUNTY GIS. ALLIANCE DOES NOT WARRANT THE ACCURACY OF SAID DATA AND SHALL NOT BE HELD LIABLE FOR ANY INACCURACIES.



N/F
WILSON ELLIS
DB 11584/PG 577

N/F
ANDREW DAUGETT
DB 7558/PG 239

N/F
LARRY PARKER
DB 5760/PG 532

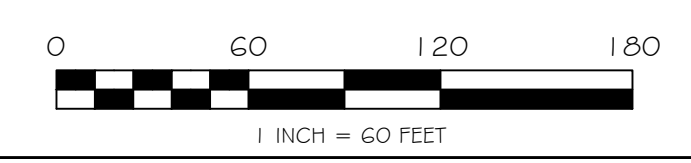


LOT LINE CHART

LINE	BEARING	DISTANCE
L54	S 36°39'59" E	63.21'
L300	S 47°47'25" E	19.35'
L301	S 16°42'34" W	92.57'
L302	S 88°56'58" E	28.88'
L303	N 42°53'07" W	80.05'
L304	S 45°28'18" E	33.46'
L305	N 47°47'25" W	26.96'
L306	S 70°23'29" W	23.80'
L307	N 75°01'06" W	48.11'
L308	S 85°11'45" E	39.08'
L309	S 83°07'33" E	25.13'
L310	S 85°48'11" E	18.03'
L311	S 85°10'04" E	64.97'
L312	N 27°17'33" W	26.23'
L313	N 89°26'14" E	15.96'

LOT CURVE CHART

CURVE	RADIUS	ARC LENGTH	CHORD	CHORD BEARING	DELTA ANGLE
C300	23.50'	30.42'	28.34'	S 08°03'15" E	74°10'01"
C301	137.50'	140.40'	134.38'	S 12°32'17" E	58°30'17"
C302	125.00'	35.44'	35.32'	S 09°08'51" W	16°11'30"
C303	7.00'	11.00'	10.90'	S 43°56'28" E	90°00'05"
C304	7.00'	9.66'	9.66'	S 53°20'06" W	79°01'52"
C305	270.00'	93.81'	93.34'	S 21°58'22" W	19°54'25"
C306	270.00'	102.20'	101.59'	S 42°46'11" W	27°41'13"
C307	270.00'	97.74'	97.21'	S 63°59'01" W	20°44'28"
C308	270.00'	78.75'	78.47'	S 82°42'36" W	16°42'43"
C309	7.00'	10.98'	10.98'	S 46°04'18" W	85°59'19"
C310	12.00'	11.58'	11.14'	S 26°34'27" E	56°18'12"
C311	53.00'	42.10'	41.01'	S 31°28'04" E	45°30'58"
C312	53.00'	66.46'	62.19'	S 27°12'50" W	77°50'51"
C313	53.00'	51.69'	49.67'	S 88°56'54" W	55°52'46"
C314	53.00'	54.17'	51.84'	N 31°42'08" W	58°33'41"
C315	53.00'	54.37'	52.02'	N 26°57'57" E	58°46'29"
C316	12.00'	11.61'	11.16'	N 28°47'23" E	56°25'31"
C317	7.00'	11.90'	11.59'	N 43°55'42" W	90°00'41"
C318	205.00'	73.38'	72.99'	N 78°40'45" W	20°30'35"
C319	205.00'	84.23'	83.54'	N 56°39'12" W	23°32'32"
C320	205.00'	80.12'	83.64'	N 33°06'40" W	23°32'32"
C321	205.00'	84.23'	79.61'	N 10°08'39" W	22°23'30"
C322	12.00'	11.58'	11.14'	N 26°36'00" W	58°18'12"
C323	53.00'	32.35'	31.85'	N 36°45'53" W	34°58'25"
C324	53.00'	67.20'	62.79'	N 17°02'41" E	72°38'43"
C325	53.00'	60.54'	57.30'	N 86°05'21" E	65°28'38"
C326	53.00'	46.54'	45.06'	S 36°01'54" E	50°18'50"
C327	53.00'	62.19'	58.68'	S 22°44'25" W	67°13'48"
C328	12.00'	11.58'	11.14'	S 28°42'12" W	56°18'12"
C329	155.00'	117.39'	114.61'	S 20°38'43" E	43°23'39"
C330	155.00'	126.04'	122.60'	S 65°36'17" E	46°35'31"
C331	220.00'	131.97'	130.00'	N 79°52'51" E	34°22'13"
C332	220.00'	135.48'	133.35'	N 39°03'13" E	35°17'03"
C333	220.00'	78.18'	77.77'	N 11°3'54" E	20°21'35"
C334	10.00'	15.71'	14.14'	N 43°56'58" W	90°00'11"
C335	10.00'	15.71'	14.14'	S 46°33'41" W	88°59'49"
C336	115.00'	17.42'	17.41'	S 05°25'05" W	84°0'50"
C337	37.00'	24.20'	23.77'	S 08°58'46" E	37°28'32"
C338	37.00'	12.49'	12.43'	S 37°23'03" E	19°20'02"
C339	53.00'	79.46'	72.23'	S 04°05'55" E	85°54'17"
C340	53.00'	67.81'	64.98'	S 70°06'01" W	62°23'04"
C341	53.00'	34.89'	34.26'	N 58°47'46" W	37°42'53"
C342	37.00'	36.69'	35.20'	N 69°20'37" W	56°48'34"
C343	115.00'	17.66'	17.65'	S 86°39'06" W	8°48'00"
C344	12.00'	5.47'	5.42'	S 77°59'49" W	26°06'35"
C345	12.00'	6.11'	6.05'	S 50°20'43" W	29°11'37"
C346	53.00'	80.57'	73.03'	S 78°17'50" W	87°05'51"
C347	53.00'	53.84'	51.56'	N 28°03'04" W	58°12'21"
C348	53.00'	43.81'	42.58'	N 24°44'02" E	47°21'52"
C349	53.00'	67.57'	54.78'	N 79°37'58" W	62°14'00"
C350	53.00'	110.03'	102.50'	S 81°29'52" E	36°43'20"
C351	12.00'	15.71'	14.14'	S 46°33'41" W	56°18'12"
C352	65.00'	102.07'	91.50'	N 46°03'49" E	88°58'34"
C353	12.00'	11.58'	11.14'	N 26°36'00" W	56°18'12"
C354	53.00'	79.39'	72.17'	N 12°01'19" W	85°49'35"
C355	53.00'	55.02'	52.58'	N 61°48'48" E	59°28'38"
C356	785.23'	92.81'	92.76'	S 84°57'40" E	61°45'47"
C357	53.00'	60.99'	57.68'	S 23°23'15" W	79°23'04"
C358	12.00'	11.58'	11.14'	S 28°42'12" W	56°18'12"
C359	10.00'	15.71'	14.14'	S 43°56'58" E	90°00'11"
C360	10.00'	15.71'	14.14'	S 46°33'41" W	88°59'49"
C361	17.00'	19.29'	18.11'	S 09°08'51" W	16°11'30"
C362	86.00'	31.76'	31.58'	N 05°27'07" E	21°09'39"
C363	87.27'	56.71'	55.72'	N 23°10'29" W	37°13'52"
C364	23.27'	27.55'	25.97'	N 78°41'58" W	67°49'05"
C365	339.09'	81.78'	81.68'	S 80°37'38" W	13°49'06"
C366	785.23'	92.81'	92.76'	S 84°57'40" E	61°45'47"
C367	182.95'	168.50'	162.61'	N 55°11'38" E	52°46'17"
C368	1291.45'	119.98'	119.93'	N 88°27'59" E	51°02'22"
C369	1202.63'	113.48'	113.44'	S 86°04'17" E	52°42'23"
C370	403.47'	39.97'	39.95'	N 88°57'20" E	54°03'32"
C371	64.78'	121.40'	121.23'	N 88°51'17" E	10°47'18"
C372	1186.88'	130.47'	130.39'	S 89°06'01" E	67°23'04"
C373	183.39'	43.20'	43.10'	N 22°07'44" E	13°28'48"
C374	1486.27'	111.65'	111.62'	N 88°36'07" E	41°18'15"
C375	2368.74'	123.63'	123.62'	N 17°48'47" E	2°59'25"
C376	5283.88'	152.10'	152.09'	N 23°01'22" E	13°58'57"



LOCATED IN:
LAND LOT 76 & 85 16TH DISTRICT
CITY OF STONECREST
DEKALB COUNTY, GEORGIA

PRELIMINARY PLAT FOR
HIGHLAND PARK PHASE I
FOR
HIGHLAND PARK RESIDENCE LLC

ISSUE	DATE	DESCRIPTION
INITIAL:	D:\PROJECTS	
REV. 1:		
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

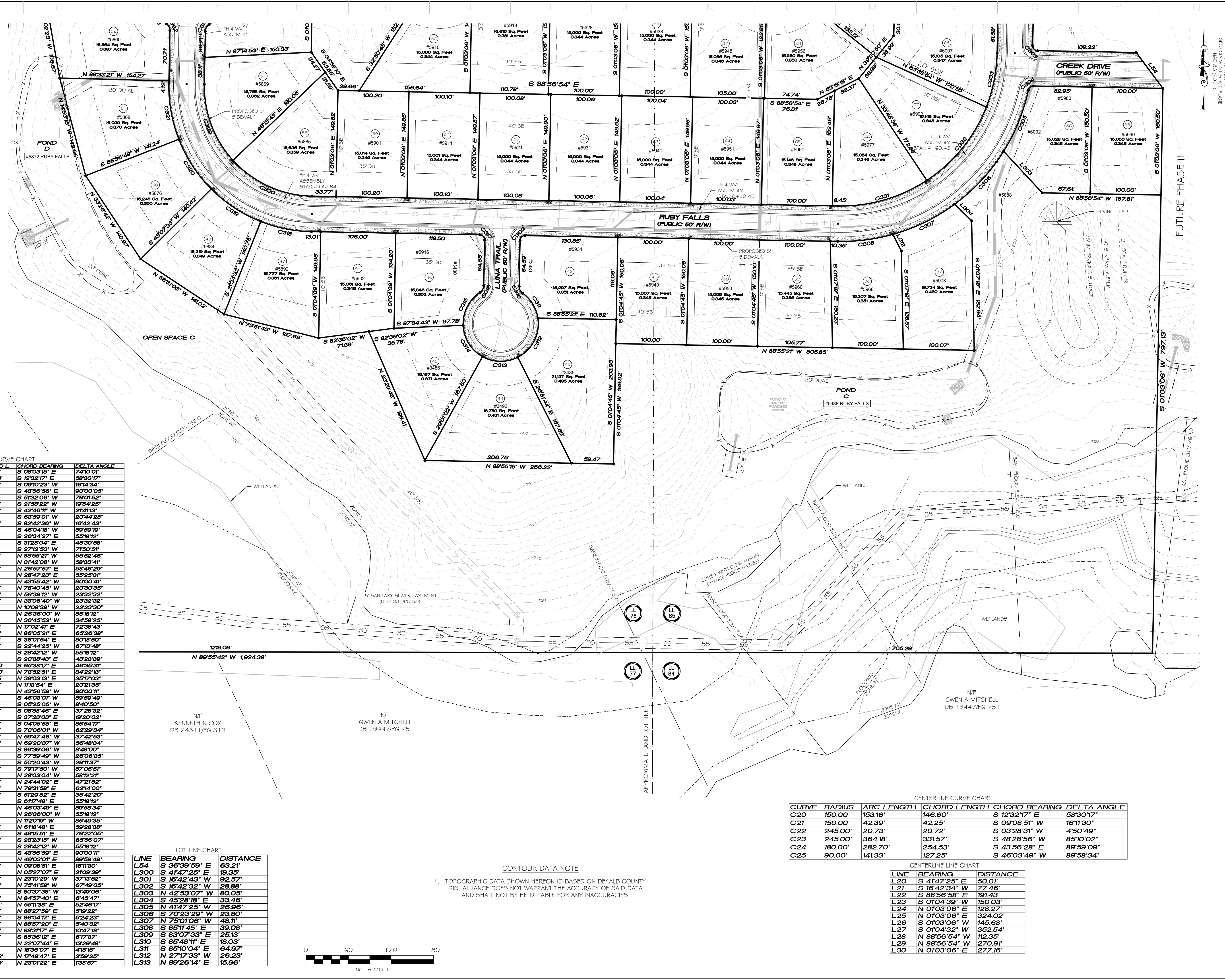
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CHECKED BY: MCB
PROJECT #: 20061

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SHEET NO:
8 OF 10

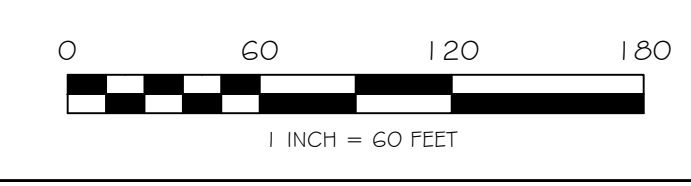


CURVE	RADIUS	ARC LENGTH	CHORD L.	CHORD BEARING	DELTA ANGLE
C300	23.50'	30.42'	28.34'	S 08°03'15" E	74°10'01"
C301	137.50'	140.40'	134.38'	S 12°32'17" E	58°30'17"
C302	125.00'	35.44'	35.32'	S 09°10'23" W	16°14'34"
C303	7.00'	11.00'	9.90'	S 43°56'56" E	90°00'00"
C304	7.00'	9.66'	8.91'	S 31°32'06" W	73°01'52"
C305	270.00'	93.81'	93.34'	S 27°58'22" W	19°54'25"
C306	270.00'	102.20'	101.99'	S 42°46'11" W	21°41'13"
C307	270.00'	97.74'	97.21'	S 63°59'01" W	20°44'28"
C308	270.00'	78.75'	78.47'	S 82°42'36" W	16°42'43"
C309	7.00'	10.99'	9.90'	S 46°04'18" W	89°59'19"
C310	12.00'	11.58'	11.14'	S 26°34'27" E	55°18'12"
C311	53.00'	42.10'	41.01'	S 31°28'04" E	45°30'58"
C312	53.00'	66.46'	62.19'	S 27°12'50" W	71°50'51"
C313	53.00'	51.69'	49.67'	N 88°55'21" W	55°52'46"
C314	53.00'	54.17'	51.84'	N 31°42'08" W	58°33'41"
C315	53.00'	54.37'	52.02'	N 26°57'57" E	58°46'29"
C316	12.00'	11.61'	11.16'	N 28°47'23" E	55°25'31"
C317	7.00'	11.00'	9.90'	N 43°55'42" W	90°00'41"
C318	205.00'	73.98'	72.99'	N 78°40'45" W	20°30'35"
C319	205.00'	64.23'	63.64'	N 66°03'01" W	23°32'32"
C320	205.00'	84.23'	83.64'	N 33°06'40" W	23°32'32"
C321	205.00'	80.12'	79.61'	N 10°08'39" W	22°23'30"
C322	12.00'	11.58'	11.14'	N 26°36'00" W	55°18'12"
C323	53.00'	32.35'	31.85'	N 36°45'53" W	34°58'25"
C324	53.00'	67.20'	62.79'	N 17°02'41" E	72°38'43"
C325	53.00'	60.54'	57.90'	S 66°03'21" E	65°23'36"
C326	53.00'	46.54'	45.06'	S 36°01'54" E	50°18'50"
C327	53.00'	62.19'	58.68'	S 22°44'25" W	67°13'48"
C328	12.00'	11.58'	11.14'	S 28°42'12" W	55°18'12"
C329	155.00'	117.99'	114.61'	S 20°38'43" E	43°23'39"
C330	155.00'	124.04'	122.60'	S 65°38'17" E	46°33'41"
C331	220.00'	131.97'	130.00'	N 7°35'25" E	34°22'13"
C332	220.00'	135.48'	133.35'	N 39°03'13" E	35°17'03"
C333	220.00'	78.18'	77.77'	N 11°3'54" E	20°21'35"
C334	10.00'	15.71'	14.14'	N 43°56'59" W	90°00'11"
C335	10.00'	15.71'	14.14'	S 46°03'01" W	89°59'49"
C336	115.00'	17.42'	17.41'	S 05°25'05" W	8°40'50"
C337	37.00'	24.20'	23.77'	S 08°58'46" E	37°28'32"
C338	37.00'	12.49'	12.43'	S 37°23'03" E	19°20'02"
C339	53.00'	79.46'	72.23'	S 04°05'55" E	85°54'17"
C340	53.00'	57.81'	54.98'	S 70°06'01" W	62°28'34"
C341	53.00'	34.89'	34.26'	N 66°47'48" W	37°42'53"
C342	37.00'	36.69'	35.20'	N 69°20'37" W	56°48'34"
C343	115.00'	17.66'	17.65'	S 86°39'06" W	6°48'00"
C344	12.00'	5.47'	5.42'	S 77°59'49" W	26°06'35"
C345	12.00'	6.11'	6.05'	S 50°20'43" W	25°11'57"
C346	53.00'	60.57'	57.93'	S 79°17'50" W	87°03'51"
C347	53.00'	53.84'	51.56'	N 28°03'04" W	58°12'21"
C348	53.00'	43.81'	42.58'	N 24°44'02" E	47°21'52"
C349	53.00'	57.57'	54.78'	N 79°31'58" E	62°14'00"
C350	53.00'	33.03'	32.50'	S 81°29'52" E	35°42'20"
C351	12.00'	11.58'	11.14'	S 61°7'48" E	55°18'12"
C352	65.00'	102.07'	91.90'	N 46°03'49" E	89°58'34"
C353	12.00'	11.58'	11.14'	N 26°36'00" W	55°18'12"
C354	53.00'	79.39'	72.17'	N 11°20'19" W	85°49'35"
C355	53.00'	55.02'	52.58'	N 61°18'48" E	59°28'38"
C356	53.00'	73.48'	67.99'	S 49°53'01" E	79°23'05"
C357	53.00'	60.99'	57.68'	S 23°23'15" W	65°56'07"
C358	12.00'	11.58'	11.14'	S 28°42'12" W	55°18'12"
C359	10.00'	15.71'	14.14'	S 43°56'59" E	90°00'11"
C360	10.00'	15.71'	14.14'	N 46°03'01" E	89°59'49"
C361	175.00'	49.45'	49.29'	N 09°08'51" E	16°11'30"
C362	86.00'	31.76'	31.58'	N 05°27'07" E	12°09'39"
C363	67.27'	56.71'	55.72'	N 23°10'29" W	37°13'52"
C364	23.27'	27.55'	25.97'	N 75°41'58" W	67°49'05"
C365	339.09'	81.78'	81.58'	S 80°37'38" W	13°49'06"
C366	789.23'	92.81'	92.75'	N 84°57'40" E	6°45'47"
C367	182.95'	168.50'	162.61'	N 55°13'38" E	52°46'17"
C368	1291.45'	119.98'	119.93'	N 88°27'59" E	51°02'22"
C369	1202.63'	113.48'	113.44'	S 86°04'17" E	5°24'23"
C370	403.47'	39.97'	39.95'	N 88°57'20" E	5°40'32"
C371	644.78'	121.40'	121.23'	N 88°11'17" E	10°47'18"
C372	1166.88'	130.37'	130.31'	S 85°36'12" E	61°73'37"
C373	183.39'	43.20'	43.10'	N 22°07'44" E	13°29'48"
C374	1486.27'	116.85'	116.62'	N 18°36'07" E	4°18'15"
C375	2368.74'	123.63'	123.62'	N 17°48'47" E	2°59'25"
C376	5283.88'	152.10'	152.09'	N 23°01'22" E	1°38'57"

LOT LINE CHART

LINE	BEARING	DISTANCE
L154	S 36°39'59" E	63.21'
L300	S 41°47'25" E	19.35'
L301	S 16°42'43" W	92.57'
L302	S 16°42'32" W	28.88'
L303	N 42°53'07" E	80.05'
L304	S 45°28'18" E	33.46'
L305	N 41°47'25" W	26.96'
L306	S 70°23'29" W	23.80'
L307	N 75°01'06" W	48.11'
L308	S 85°11'45" E	39.08'
L309	S 83°07'33" E	25.13'
L310	S 85°48'11" E	18.03'
L311	S 85°10'44" E	64.97'
L312	N 27°17'33" W	26.23'
L313	N 89°26'14" E	15.96'

CONTOUR DATA NOTE
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LOCATED IN:
LAND LOT 76 & 85 16TH DISTRICT
CITY OF STONECREST
DEKALB COUNTY, GEORGIA

PRELIMINARY PLAT FOR
HIGHLAND PARK PHASE I
FOR
HIGHLAND PARK RESIDENCE LLC

ISSUE	DATE	DESCRIPTION
INITIAL:	10/19/2024	
REV. 1:		
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

DRAFTED BY: MSJ
CHECKED BY: MCB
PROJECT #: 20061

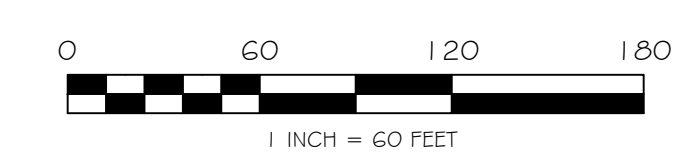
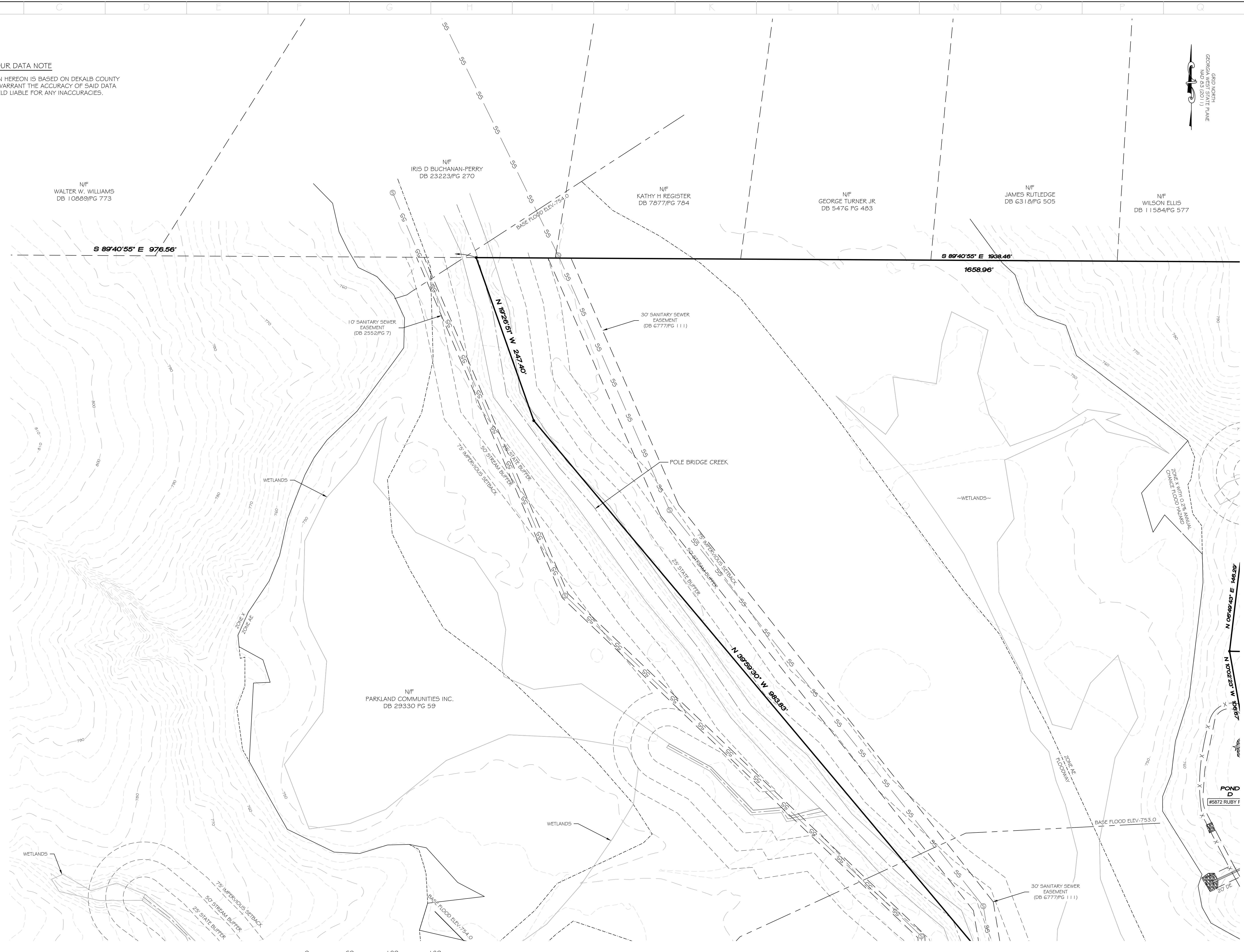
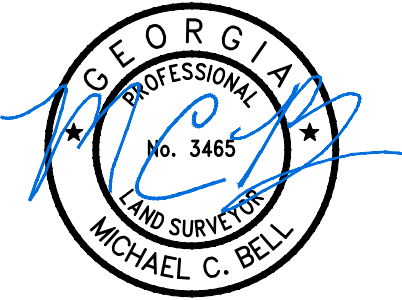
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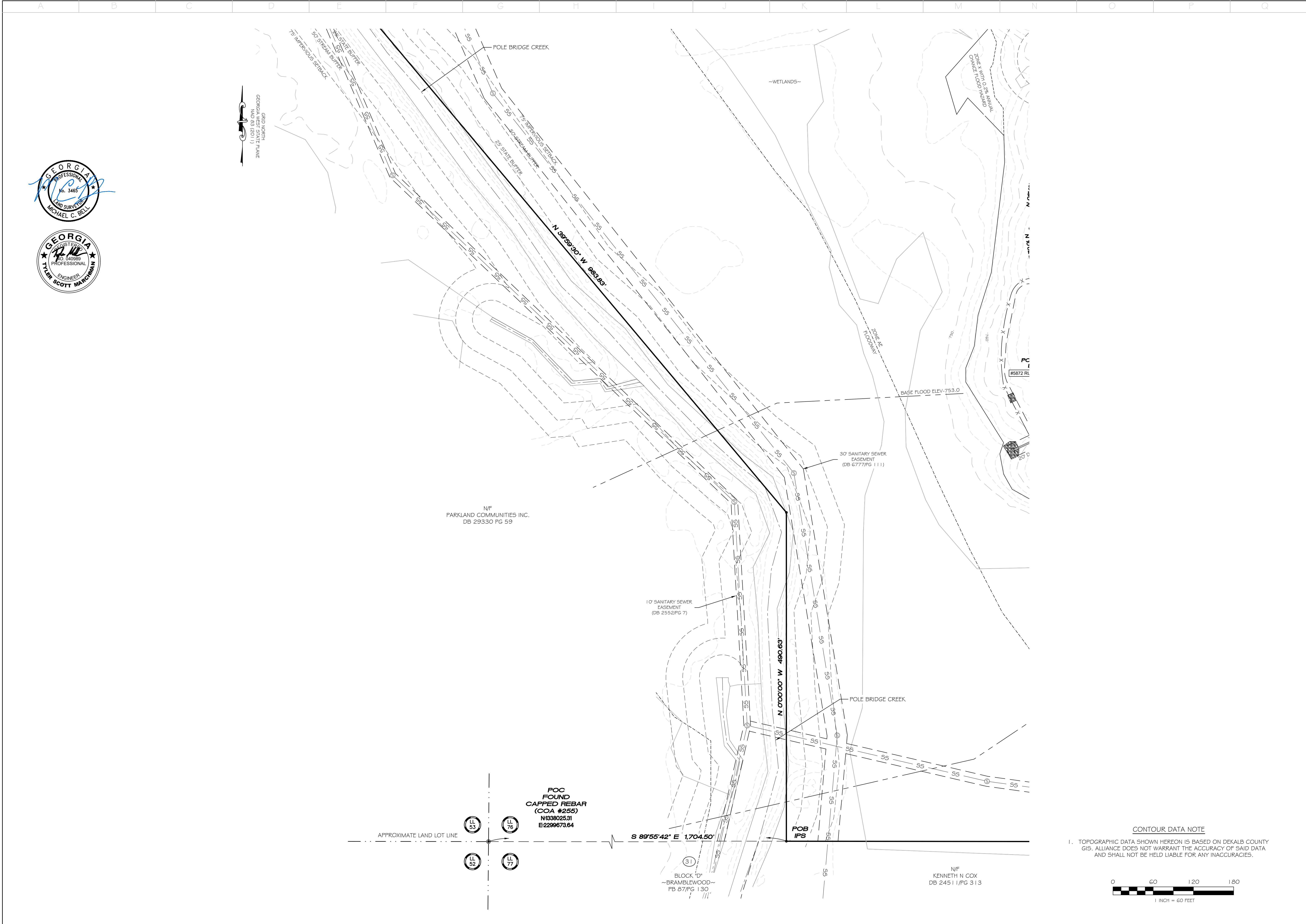
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CITY COUNCIL AGENDA ITEM

SUBJECT: SDP23-007 Highland Park Phase I - Final Plat

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director Planning and Zoning

PURPOSE: The applicant is seeking to subdivide property at 6251 Rock Springs Road into 75 lots for Phase I.

FACTS: The subject property is currently zoned R-100 (Residential Medium Lot). The Applicant is proposing to construct 75 single-family residential dwellings and detention pond to create Highland Park Phase I.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Final Plat Phase I
- (2) Attachment 2 - Declaration of Protective Covenants, conditions, restrictions and easements for Highland Park
- (3) Attachment 3 - Resolution
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

Upon Recording, Please Return To:

Amy H. Bray
Coulter & Sizemore LLP
2779 Indian Trail Road, Suite 440
Norcross, Georgia 30093
215515

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
HIGHLAND PARK**

THIS INSTRUMENT ESTABLISHES A MANDATORY MEMBERSHIP HOMEOWNERS ASSOCIATION BUT DOES NOT SUBMIT THIS DEVELOPMENT TO THE PROVISIONS OF THE GEORGIA PROPERTY OWNERS' ASSOCIATION ACT, O.C.G.A. § 44-3-220 ET SEQ.

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,

RESTRICTIONS AND EASEMENTS

FOR

HIGHLAND PARK

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DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

FOR

HIGHLAND PARK

THIS DECLARATION is made on the date hereinafter set forth by **HIGHLAND PARK RESIDENCE, LLC**, a Georgia limited liability company (hereinafter sometimes called "Declarant"):

W I T N E S S E T H

WHEREAS, Declarant is the owner, or if not the owner, has the consent of the owner, of the real property described in Exhibit "A" hereof; and

WHEREAS, Declarant desires to subject the real property described in Exhibit "A" hereof to the provisions of this Declaration to create a residential community of single-family housing and to provide for the subjecting of other real property to the provisions of this Declaration;

NOW, THEREFORE, Declarant hereby declares that the real property described in Exhibit "A" attached hereto and by this reference incorporated herein is hereby subjected to the provisions of this Declaration and shall be held, sold, transferred, conveyed, used, occupied, mortgaged and otherwise encumbered subject to the covenants, conditions, restrictions, easements, assessments and liens, hereinafter set forth, which are for protecting the value and desirability of and which shall run with the title to, the real property hereby and hereafter made subject hereto and shall be binding on all persons having any right, title or interest in all or any portion of the real property now and hereafter made subject hereto, their respective heirs, legal representatives, successors, successors-in-title and assigns and shall inure to the benefit of each owner of all or any portion thereof.

Article I
Definitions

The following words when used in this Declaration or in any Supplementary Declaration shall have the following meanings:

1.1 "Articles of Incorporation" means the Articles of Incorporation of Highland Park Homeowners Association of Stonecrest, Inc., filed with the Georgia Secretary of State and incorporated herein by this reference as may be amended from time to time.

1.2 "Association" means Highland Park Homeowners Association of Stonecrest, Inc., a Georgia nonprofit corporation, its successors and assigns.

1.3 "Board of Directors" or "Board" means the appointed or elected body of the Association, vested with the authority to manage the affairs of the Association under the Georgia Nonprofit Corporation Code, O.C.G.A. § 14-3-101 *et seq*.

1.4 "Bylaws" means the Bylaws of Highland Park Homeowners Association of Stonecrest, Inc., attached to this Declaration as Exhibit "C" and incorporated herein by this reference as may be amended from time to time.

1.5 "Common Property" means any and all real and personal property, and the facilities and improvements located thereon, now or hereafter owned by the Association for the common use and enjoyment of the Owners.

1.6 "Community" refers to that certain real property described in Exhibit "A", attached hereto, and such additions thereto as may be made by Supplementary Declaration as provided herein.

1.7 "Community-Wide Standard" means the standard of conduct, maintenance, or other activity generally prevailing throughout the Community as initially established by Declarant. After Declarant no longer has the right to appoint and remove directors and officers of the Association, such standard may be more specifically determined by the Board of Directors.

1.8 "Declarant" means **Highland Park Residence, LLC**, a Georgia limited liability company and its successors-in-title and assigns, provided that in a recorded instrument, such successor-in-title or assignee is designated as the Declarant hereunder by the then holder of all of the rights of Declarant hereunder; and, provided, further, upon the effective date of the designation of a successor Declarant, all rights of the former Declarant in and to such status as Declarant hereunder shall cease, it being understood that there shall be only one holder of the rights of Declarant hereunder at any one point in time.

1.9 "Lot" shall mean any plot of land within the Community, whether or not improvements are constructed thereon, which constitutes or will constitute, after the construction of improvements, a single dwelling site, as shown on the subdivision plan(s) for the Community, recorded in the land records of DeKalb County, Georgia. The ownership of each Lot shall include, and there shall automatically pass with the title to each Lot as an appurtenance thereto, whether or not separately described, membership in the Association and all of the rights and interest of an Owner in the Common Property, as herein provided.

1.10 "Mortgage" means any and all instruments used for the purpose of encumbering real property in the Community as security for the payment or satisfaction of an obligation, including, without limitation, any mortgage, deed to secure debt or deed of trust.

1.11 "Mortgages" means the holder of a Mortgage.

1.12 "Occupant" means any Person occupying all or any portion of a Lot or other property located within the Community for any period of time, regardless of whether such Person is a tenant of the Owner of such property.

1.13 "Owner" means the record owner, whether one or more Persons, of the fee simple title to any Lot located within the Community, excluding, however, any Person holding such interest merely as security for the performance or satisfaction of any obligation.

1.14 "Person" includes any individual, individual acting in a fiduciary capacity, corporation, limited partnership, limited liability company, general partnership, joint stock company, joint venture, association, company or other organization, recognized as a separate legal entity under Georgia law.

1.15 "Supplementary Declaration" means an amendment or supplement to this Declaration which subjects additional property to this Declaration and/or imposes additional covenants, conditions, restrictions or easements on the land described therein.

1.16 "Total Association Vote" means the votes attributable to the entire membership of the Association (including votes of Declarants) as of the record date for such action, whether or not such members are present or represented at the meeting, if any, where such votes are to be cast.

Article 3

Property Subject To This Declaration

2.1 Property Hereby Subjected To This Declaration The real property which is, by the recording of this Declaration, subject to the covenants, conditions, restrictions and easements hereinafter set forth and which, by virtue of the recording of this Declaration, shall be held, transferred, sold, conveyed, used, occupied and encumbered subject to this Declaration is the real property described in Exhibit "A" attached hereto and by this reference made a part hereof.

2.2 Unilateral Annexation By Declarant. As the owner thereof or, if not the owner, with the consent of the owner thereof, Declarant shall have the unilateral right, privilege, and option from time to time at any time until fifteen (15) years after the recording of this Declaration to subject all or any portion of the real property described in Exhibit "B" attached hereto and by this reference incorporated herein, to the provisions of this Declaration and the jurisdiction of the Association by filing for record in the county in which the property to be annexed is located a Supplementary Declaration describing the property being subjected. Declarant intends to annex hereto the property contained in Declarant's land plan for the development as amended from time to time which property is a portion of the property described in Exhibit "B". However, inclusion of property on Declarant's land plan or in Exhibit "B" shall not obligate the Declarant to subject such property to the Declaration, nor shall exclusion of property from the initial land plan bar Declarant from subjecting such property to the Declaration. Any annexation shall be effective upon the filing for record of a Supplementary Declaration unless a later effective date is provided therein. As long as covenants applicable to the real property previously subjected to this Declaration are not materially changed and as long as rights of existing Owners are not materially and adversely affected the Declarant may unilaterally amend this Declaration to reflect the different character of any such annexed real property. If any land is not subjected to this Declaration, Declarant's reserved rights shall not impose any obligation on Declarant to impose

any covenants and restrictions similar to those contained herein upon such additional land nor shall such rights in any manner limit or restrict the use to which such additional land may be put by Declarant or any subsequent owner thereof, whether such uses are consistent with the covenants and restrictions imposed hereby or not.

2.3 Other Annexation. With the exception of any property that may be unilaterally annexed by the Declarant in accordance with this Declaration, upon the written consent of: (a) the owner(s) thereof; (b) the Declarant; and (c) the Owners of at least two-thirds of the Lots, the Association may annex real property to the provisions of this Declaration and the jurisdiction of the Association by filing a Supplementary Declaration describing the property being annexed for record in DeKalb County, Georgia. Any such Supplementary Declaration shall be executed on behalf of the Association by the President of the Association whose signature shall be attested by the Secretary of the Association. The annexation shall be effective only upon the filing for record of such Supplementary Declaration, unless a later effective date is provided therein.

2.4 Withdrawal of Property. Declarant reserves the right to amend this Declaration so long as it has a right to annex additional property pursuant to this Article for the purpose of removing any portion of the Community then owned by Declarant or the Association from the coverage of this Declaration, to the extent originally included in error or as a result of any changes whatsoever in the plans for the Community, provided such withdrawal is not unequivocally contrary to the overall, uniform scheme of development for the Community. Any such withdrawal shall be accomplished by the filing for record an amendment to this Declaration describing the property removed and shall be effective upon filing for record in the Office of the Clerk of Superior Court of DeKalb County, Georgia unless a later effective date is provided therein. Such amendment shall be executed by the Declarant and the Owner(s) of the property being removed and shall not require the vote or consent of any other Person.

Article 3

Association Membership and Voting Rights

3.1 Membership. Every Person who is the record owner of a fee or undivided fee interest in any Lot that is subject to this Declaration shall have a membership in the Association. The foregoing is not intended to include Persons who hold an interest merely as security for the performance of an obligation, and the giving of a security interest shall not terminate the Owner's membership. No Owner, whether one or more Persons, shall have more than one (1) membership per Lot. Membership shall be appurtenant to and may not be separated from ownership of a Lot. The rights and privileges of membership, including the right to hold office, may be exercised by a member or the spouse of a member, but in no event shall more than one (1) Person representing a single membership hold office at the same time. This Section is not intended to prohibit the same individual from being both an officer and a director of the Association. Nothing in this Section shall restrict the number of votes cast or the number of the officers and directors appointed by the Declarant.

3.2 Voting. Members shall be entitled to one vote for each Lot owned. When more than one Person holds an ownership interest in a Lot, the vote for such Lot shall be exercised as those Owners themselves determine and advise the Secretary prior to any meeting or referendum. The

vote attributable to a Lot shall be suspended in the event more than one Person seeks to exercise it. The Board of Directors may suspend the voting rights of an Owner for any period during which any past due assessment against any Lot of the Owner remains unpaid; and, for a reasonable period of time for an infraction of the Declaration, Bylaws or rules and regulations.

3.3 Notice of Sale or Acquisition Owners must keep the Association apprised of their name, address and telephone number. Accordingly, prior to the sale of a Lot, the Owner shall provide the Association with written notice of the name of the purchaser and the date, time and place of the closing. Upon acquisition of a Lot, each new Owner shall provide the Association with written notice of the name, mailing address and telephone number of the Owner and the names of the Occupants of the Lot. All Owners shall notify the Association of any change in name, address or telephone number.

Article 4 Assessments

4.1 Purpose of Assessments The assessments provided for herein shall be used for the general purposes of promoting the recreation, health, safety, welfare, common benefit, and enjoyment of the Owners of Lots, including, without limitation, the maintenance of real and personal property, all as may be more specifically authorized from time to time by the Board of Directors.

4.2 Creation of the Lien and Personal Obligation for Assessments Each Owner of a Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, covenants and agrees to pay to the Association: (a) general assessments; (b) special assessments, and (c) specific assessments. All such assessments, together with late charges, interest (at a rate of ten percent (10%) per annum on the principal amount due) and costs of collection, including, without limitation, reasonable attorney's fees actually incurred, shall, from the time the sums become due and payable, be a charge on the land and shall be a continuing lien in favor of the Association on the Lot against which each assessment is made. The recording of this Declaration shall constitute record notice of the existence of the lien and no further recordation of any claim of lien shall be required. Each such assessment, together with such late charges, interest and costs, shall also be the personal obligation of the Person who was the Owner of the Lot at the time the assessment fell due. Each Owner shall be personally liable for the portion of each assessment coming due while the Owner of a Lot, and each grantee of an Owner shall be jointly and severally liable for such portion thereof as may be due and payable at the time of conveyance; provided, however, the liability of a grantee for the unpaid assessments of the grantor shall not apply to any first Mortgagee taking title through foreclosure proceedings. No Owner may waive or otherwise exempt themselves from liability for the assessments provided for herein, including, by way of illustration, but not limitation, abandonment of the Lot. No diminution or abatement of any assessment shall be claimed or allowed by reason of any failure of the Association to take some action or perform some function required to be taken or performed by the Association, the obligation to pay assessments being a separate and independent covenant on the part of each Owner. All payments shall be applied first to costs, then to late charges, then to interest and then to delinquent assessments.

4.3 General Assessments. It shall be the duty of the Board to prepare a budget covering the estimated costs of operating the Association during the coming year. The Board shall cause the budget and the assessments to be levied against each Lot for the year to be delivered to each member at least thirty (30) days prior to the due date of any general assessment. The budget and the assessment shall become effective unless disapproved at a meeting by a majority of the Total Association Vote and the Declarant. Notwithstanding the foregoing, however, in the event the membership disapproves the proposed budget or the Board fails for any reason to determine the budget for any period, then and until such time as a budget shall have been determined, as provided herein, the budget in effect shall continue. General assessments shall be levied equally on all similarly situated Lots and shall be paid at such manner and on such dates as may be fixed by the Board of Directors, which may include, without limitation, acceleration, upon ten (10) days' written notice for delinquents. Unless otherwise provided by the Board, the assessment shall be paid monthly. General assessments include any sums the Board determines necessary for the continued ownership, operation and maintenance of the Common Property, operating expenses of the Association, payment for any items of betterment and the establishment of reserve funds as the Board shall deem proper. General assessments may include, without limitation, sums for property taxes, insurance premiums, legal and accounting fees, management fees, charges for utilities (including all water supplied to the Community), cleaning and janitor services, Community trash collection as provided in this Declaration, landscape maintenance, expenses and liabilities incurred as provided herein and in the Articles of Incorporation and Bylaws for indemnification of officers and directors and in connection with the enforcement of rights and duties of the Association against Owners and others.

4.4 Special Assessments. The Association may levy a special assessment if approved by a majority of the Total Association Vote and the Declarant. Special assessments shall be paid as determined by the Board. The Board may permit a special assessment to be paid in installments extending beyond the fiscal year in which the special assessment is imposed.

4.5 Specific Assessments. The Board shall have the power to levy specific assessments as, in its discretion, it shall deem appropriate. Failure of the Board to exercise its authority under this Section shall not be grounds for any action against the Association and shall not constitute a waiver of the Board's right to exercise its authority under this Section in the future with respect to any expenses, including an expense for which the Board has not previously exercised its authority under this Section. Fines levied pursuant to this Declaration and the costs of maintenance performed by the Association for which the Owner is responsible shall be specific assessments. The Board of Directors may also specifically assess Owners for Association expenses as follows: (a) expenses of the Association which benefit less than all of the Lots may be specifically assessed equitably among all of the Lots which are benefited according to the benefit received; and (b) expenses of the Association which benefit all Lots, but which do not provide an equal benefit to all Lots, may be assessed equitably among all Lots according to the benefit received.

4.6 Subordination of Liens to Mortgages. The lien of all assessments authorized herein is hereby made subordinate to the lien of any first Mortgage placed on a Lot if, but only if, all assessments and charges with respect to such Lot authorized herein having a due date on or prior to the date of the Mortgage as filed of record have been paid. The lien hereby subordinated is only such lien as relates to assessments and charges authorized hereunder having a due date subsequent

to the date such Mortgage is filed of record and prior the satisfaction, cancellation or foreclosure of such Mortgage or the sale or transfer of the Lot pursuant to any proceeding in lieu of foreclosure or the sale or transfer of the Lot pursuant to a sale under power contained in such Mortgage. Such subordination is merely a subordination and shall not relieve the Owner of the Lot of the personal obligation to pay all assessments coming due during such period of ownership, shall not relieve such Lot from the lien provided for herein (except to the extent a subordinated lien is extinguished as a result of such subordination as against a Mortgagee or such Mortgagee's assignee or transferee by foreclosure or by sale under power), and no sale or transfer of such Lot to the Mortgagee or to any other Person pursuant to a decree of foreclosure, or pursuant to any other proceeding in lieu of foreclosure or pursuant to a sale under power, shall relieve any existing or previous Owner of such Lot of any personal obligation or relieve such Lot or the then Owner of such Lot from liability for any assessment authorized hereunder become due after such sale and transfer.

4.7 Remedies of the Association Any assessments or installments thereof which are not paid when due shall be delinquent. In addition to the lien rights, the personal obligation of the then Owner to pay such assessments shall remain such Owner's personal obligation and shall also pass to such Owner's successors-in-title. Such Owner shall nevertheless remain as fully obligated as before to pay to the Association any and all amounts which such Owner was obligated to pay immediately preceding the transfer, and such Owner and such successors-in-title shall be jointly and severally liable with respect thereto, notwithstanding any agreement between such Owner and such successors-in-title creating any indemnification of the Owner or any relationship of principal and surety as between themselves. Any assessment or installment thereof delinquent for a period of more than ten (10) days shall incur a late charge in the amount of the greater of Ten (\$10.00) Dollars or Ten percent (10%) of the amount due and interest shall be imposed at a rate of ten percent (10%) per annum on the principal amount due. The Association may cause a notice of delinquency to be given to any Owner who has not paid within ten (10) days following the due date. In the event that the assessment remains unpaid after sixty (60) days, the Association may institute suit to collect such amounts and/or to foreclose its lien. The Association may file a claim of lien with the Office of the Clerk of Superior Court of DeKalb County, Georgia, but in such claim of lien shall be required to establish or perfect the lien for unpaid assessments. Each Owner, by acceptance of a deed vests in the Association the right and power to bring all actions against such Owner personally, for the collection of such charges as a debt or to foreclose the lien. The lien provided for in this Declaration shall be in favor of the Association and shall be for the benefit of all Owners. The Association shall have the power to bid on the Lot at any foreclosure sale and to acquire, hold, lease, mortgage and convey the same. The Association may also suspend the membership rights of the delinquent Owner for any assessments or installments which are not paid, including the right to vote, the right of enjoyment in and to the Common Property (other than access to such Owner's Lot) and the right to receive and enjoy such servicing and other benefits as may then be provided by the Association, including without limitation, suspension of utility services provided by the Association, until all assessments, costs and re-connection charges are paid in full. Any such suspension shall not affect such member's obligation to pay assessments coming due during the period of such suspension and shall not affect the permanent lien on such Lot in favor of the Association.

4.8 Date of Commencement of Assessments Assessments shall commence when the Board of Directors first determines a budget and levies assessments. The assessments provided

for herein shall commence as to a Lot on the earlier of: 1) the first day of the month following the date a certificate of occupancy is issued on the Lot, other than a model home owned by Declarant, or 2) the date the Lot is conveyed to someone other than the Declarant or an approved builder. The Declarant or any builder which the Declarant has designated in writing as an approved builder shall be exempt from the payment of assessments on any Lot on which the Declarant or the approved builder is the record title owner, provided, however, if any such Lot is occupied for residential purposes, assessments shall commence on the Lot.

4.9 Budget Deficits During Declarant Control For so long as the Declarant has the authority to appoint the directors and officers of the Association, Declarant may, (a) advance funds to the Association sufficient to satisfy the deficit, if any, between the actual operating expenses of the Association (but specifically not including an allocation for capital reserves), and the sum of the annual, special and specific assessments collected by the Association in any fiscal year (such advances shall be evidenced by promissory notes from the Association in favor of the Declarant), or (b) cause the Association to borrow such amount from a commercial lending institution at the then prevailing rates for similar loans in the local area of the Community. No Mortgage secured by the Community Property or any of the improvements maintained by the Association shall be given in connection with such loan.

4.10 Failure to Assess The omission or failure of the Board to fix the assessment amounts or rates or to deliver or mail to each Owner an assessment notice shall not be deemed a waiver, modification, or a release of any Owner from the obligation to pay assessments. In such event, each Owner shall continue to pay assessments on the same basis as for the last year for which an assessment was made, if any, until a new assessment is made, at which time any shortfalls in collections may be assessed retroactively by the Association.

4.11 Estoppel Letter The Association shall, within five (5) days after receiving a written request therefor and for a reasonable charge, as established by the Board, certify to the amount of any unpaid assessments constituting a lien on a specified Lot. A certification letter signed by an officer of the Association or the Association's managing agent, if any, as to the amount of assessments due with respect to a Lot shall be binding upon the Association.

4.12 Initiation Fee Upon conveyance of title to a Lot to the first Owner, and upon each and every conveyance thereafter, an initiation fee in an amount set by the Board, but in no event an amount greater than two times the then-current annual general assessment per Lot, shall be collected from the purchaser at the closing of such transaction and paid to the Association. Notwithstanding the foregoing, an initiation fee shall not be collected in the following situations: 1) conveyances to the Declarant or builder approved by the Declarant; 2) conveyances to the spouse of the Owner, and 3) conveyances to an heir of the deceased Owner. The initiation fee shall constitute a specific assessment against the Lot, shall be in addition to, not in lieu of, the annual general assessment, and shall not be considered an advance payment of such assessment. The initiation fee may be used by the Association for any purpose, including, without limitation, for the payment of operating expenses of the Association and other expenses incurred by the Association pursuant to the provisions of this Declaration.

4.13 Foreclosure Administration Fee It is recognized that foreclosures of mortgages on

Lots create substantial administrative and other burdens on the Association. These additional burdens on the Association include, but are not limited to, having to monitor the status of mortgages and legal periodicals to determine when foreclosures occur, searching the DeKalb County, Georgia land records to determine the names of the purchasers at foreclosure sales, contacting the foreclosure purchasers/Owners regarding foreclosure-purchaser responsibilities and assessment obligations and updating Association records multiple times to deal with just a single Lot. Pursuant to this Declaration, the Association is authorized to assess individual Owners certain fees and expenses occasioned by and benefiting just those Owners or those Owners' Lots. In accordance with these provisions, and in addition to annual assessments, special assessments, Initiation Fee, and other charges provided for in this Declaration, except as otherwise specifically set forth in this Declaration provided below, any Person who acquires a Lot at a foreclosure sale of the mortgage on such Lot, or by deed in lieu of a foreclosure, will be required to pay the Association a "Foreclosure Administration Fee" of \$500.00, or such higher amount as may be set by the Board of Directors by resolution as determined in its sole discretion, at the time the foreclosure deed or deed in lieu of foreclosure is recorded in the DeKalb County, Georgia records. The Foreclosure Administration Fee shall constitute a specific assessment as described in this Declaration and shall be in addition to any outstanding assessments the Association is legally permitted to collect from the buyer at a foreclosure sale and/or the grantee/party receiving a deed in lieu of foreclosure.

Article 5

Maintenance: Common Property

5.1 Owner's Responsibility. Each Owner shall maintain and keep his or her Lot, dwelling and all improvements thereon in good repair, condition and order as more expressly provided in Section 5.4 below. Such maintenance shall be performed consistent with this Declaration and the Community Wide Standard established pursuant hereto. Each Owner shall perform his or her responsibility hereunder in such manner so as not to unreasonably disturb other Lot Owners.

Subject to the maintenance responsibilities herein provided, any maintenance or repair performed on or to the Common Property by an Owner or Occupant which is the responsibility of the Association hereunder (including, but not limited to landscaping of Common Property) shall be performed at the sole expense of such Owner or Occupant, and the Owner or Occupant shall not be entitled to reimbursement from the Association even if the Association accepts the maintenance or repair.

5.2 Association's Responsibility. The Association shall maintain, keep in good repair, replace and, in the Board of Directors' discretion, improve or alter the Common Property, subject to the limitations on the alteration of designated undisturbed conservation areas, as provided by applicable zoning conditions. This maintenance obligation shall include amenities, paved access and parking areas, greenbelts, trees, shrubs, grass, walks, drives and other improvements located on the Common Property. The Association shall also maintain and keep in good repair all water and sewer pipes or stormwater facilities which serve solely the Common Property, to the extent that such pipes and facilities are not maintained by public, private, or municipal utility companies. The Association shall also maintain (whether or not constituting Common Property): (a) storm water detention/retention ponds and storm water drainage facilities serving the Community and

which are not maintained by any municipal or governmental authority; (b) any signage or street lights serving the Community which are not maintained by any municipal or governmental authority; (c) any community mailboxes or central mailbox system; (d) any fencing located solely on Common Property and specifically excluding any portions of a fence located on an Owner's Lot that tie into or connect a fence located on the Common Property; and (e) unpaved trails and pedestrian connections to the conservation areas, as designated pursuant to the final County approved development plans for the Community.

The Association shall have the right, but not the obligation, to maintain public rights of way adjacent to the Community and other property not owned by the Association, if the Board of Directors in its sole discretion, determines that such maintenance would benefit the Community. At any point thereafter, the Board can cease to maintain such property and such maintenance obligation will revert back to the party originally responsible therefore. The foregoing maintenance shall be performed consistent with the Community Wide Standard.

If, during the course of performing its maintenance responsibilities hereunder, the Board discovers that maintenance, repair or replacement is required of an item which is the Owner's responsibility, and such maintenance, repair or replacement must be performed for the Association to properly complete its maintenance project, then the Association may perform such work on behalf of the Owner and at the Owner's sole expense, without prior notice to the Owner, such being deemed an emergency situation hereunder.

If the Board of Directors determines that the need for maintenance or repair on the Common Property is caused through the willful or negligent act of any Owner or Occupant or his or her family, guests, tenants, or invitees, then the Association may charge the cost of any such maintenance, repair, or replacement as a specific special assessment against the Owner's or Occupant's Lot and the Owner thereof.

The Association shall not be liable for injury or damage to person or property caused by the elements or by the Owner of any Lot, or any other person, or resulting from any utility, roof, snow or ice which may leak or flow from any portion of the Common Property or from any pipe, drain, conduit, appliance or equipment which the Association is responsible to maintain hereunder, unless such injury or damage results directly and solely from the negligence or gross negligence of the Association. The Association shall not be liable to any Owner, or any Owner's Occupant, guest or family for any damage or injury caused in whole or in part by the Association's failure to discharge its responsibilities under this Paragraph where such damage or injury is not a foreseeable, natural result of the Association's failure to discharge its responsibilities. No diminution or abatement of assessments shall be claimed or allowed by reason of any alleged failure of the Association to take some action or perform some function required to be taken or performed by the Association under this Declaration, or for inconvenience or discomfort arising from the making of repairs or improvements which are the responsibility of the Association, or from any action taken by the Association to comply with any law, ordinance, or with any order or directive of any municipal or other governmental authority.

5.3 ~~Responsibility to Maintain.~~ If the Board of Directors determines that any Owner has failed or refused to discharge properly his or her maintenance, repair or replacement obligations

pursuant to this Paragraph, then the Association shall give the Owner written notice of (1) the Owner's failure or refusal, (2) the Association's right to provide necessary maintenance, repair, or replacement at the Owner's sole cost and expense; and (3) the maintenance, repair, or replacement deemed necessary by the Board.

Unless the Board determines that an emergency exists or a violation is re-occurring for which notice previously has been issued hereunder, the Owner shall have 10 days within which to complete maintenance or repair, or if the maintenance or repair is not capable of completion within such time period, to commence replacement or repair within 10 days. If the Board determines that an emergency exists, a violation is re-occurring for which notice has been previously issued hereunder or an Owner has not complied with the demand given by the Association hereunder, the Association may provide any such maintenance, repair or replacement, the costs of which shall be a specific special assessment against the Owner and the Lot.

The Board of Directors may establish, interpret and enforce maintenance standards for the Community. These standards may vary over time, however, the variances shall not constitute a waiver by the Board of the right to establish and enforce maintenance standards under this Paragraph. No Board decision or interpretation regarding maintenance standards shall constitute a binding precedent with respect to subsequent Board decisions or interpretations.

5.4 Maintenance Standards and Interpretation. The Board of Directors may establish, interpret and enforce maintenance standards for the Community. These standards may vary over time, however, the variances shall not constitute a waiver by the Board of the right to establish and enforce maintenance standards under this Paragraph. No Board decision or interpretation regarding maintenance standards shall constitute a binding precedent with respect to subsequent Board decisions or interpretations.

5.5 Party Walls and Fencing. Each wall or fence or other appurtenance, whether built as part of the original construction of the Lots or added pursuant to the Architectural Standards herein, which shall serve and connect any two (2) adjoining Lots shall constitute a party wall or fence and, to the extent not inconsistent with the provisions of this Section, the general rules of law regarding party walls and liability for property damage due to negligent or willful acts or omissions shall apply thereto. The cost of reasonable repair and maintenance of a party wall or fence or appurtenance shall be shared by the Owners who make use of the wall or fence or appurtenance in equal proportions. If a party wall or fence or appurtenance is destroyed or damaged by fire or other casualty, then any Owner who has benefited by the wall or fence or appurtenance may restore it, and the other Owner who is benefited by the wall or fence or appurtenance shall contribute one-half of the cost of restoration, without prejudice, however, to the right of any Owner to call for a larger contribution from any other Owner under any rule of law regarding liability for negligent or willful acts or omissions. In the event of any dispute arising concerning a party wall or fence or appurtenance, or under the provisions of this Section, each party shall appoint one (1) arbitrator. Should any party refuse to appoint an arbitrator within ten (10) days after written request therefor by the Board of Directors, the Board shall appoint an arbitrator for the refusing party. The arbitrators thus appointed shall appoint one (1) additional arbitrator and the decision by a majority of all three (3) arbitrators shall be binding upon the parties and shall be a condition precedent to any right of legal action that either party may have against the other.

5.6 Conveyance of Common Property by Declarant to Association; No Implied Rights. The Declarant may transfer or convey to the Association at any time and from time to time any personal property and any interest in improved or unimproved real property. Such conveyance shall be deemed to be accepted by the Association upon delivery of any personal property or upon recordation of an instrument of conveyance of any interest in real property, and the property shall thereafter be Common Property to be used and maintained by the Association for the benefit of its members. The Association hereby constitutes and appoints Declarant as its agent and attorney-in-fact to accept on behalf of the Association any conveyance to the Association and to execute on behalf of the Association any and all documents, including, without limitation, deeds and transfer tax declaration forms, necessary or convenient to effectuate and document any such conveyance to the Association. The power and agency hereby granted are coupled with an interest and are irrevocable by death or otherwise. The Declarant shall not be required to make any improvements whatsoever in property to be conveyed and accepted pursuant to this Section and shall have no duty or obligation to convey any property or property rights to the Association regardless of whether or not any such property has been made available for the use of Owners. The Declarant may reserve, by lease, license, easement or otherwise such rights of use and enjoyment in and to all or any portion of the property so conveyed as Declarant may reasonably require so long as such reservation is not materially inconsistent with the overall scheme of development for the Community. Neither the recordation of any subdivision plat nor the use by the Owners or maintenance by the Association of any property shall create any rights, easements or licenses, in the Association or the Owners, express or implied, unless and until any such property rights, easements or licenses are conveyed by the Declarant or the owner of such property to the Association or the Owners, as the case may be, by an instrument recorded in the real estate records of the county where the property is located. For so long as Declarant has the right to annex additional property pursuant to the Declaration, Declarant reserves the right to withdraw, remove, relocate and/or change any boundaries of the Common Property, or any portion thereof, and the Association shall execute any documents necessary to modify any Common Property conveyed to the Association upon request by the Declarant.

5.7 Partition. The Common Property shall remain undivided and no Owner shall bring any action for partition or division of the whole or any part thereof without the written consent of all Owners of all portions of the property located within the Community and without the written consent of all holders of all Mortgages encumbering any portion of the property, including, but not limited to, the Lessor.

5.8 Condemnation. In the event of a taking by eminent domain of any portion of the Common Property on which improvements have been constructed, the Association shall restore or replace such improvements so taken on the remaining Common Property, unless within 60 days after such taking, an alternative plan is approved by at least 75% of the Total Association Vote and the consent of Declarant. The provisions of this Declaration applicable to replacement or restoration of damaged improvements on the Common Property shall also apply in and govern the actions to be taken in the event that the improvements are not restored or replaced after a condemnation.

5.9 Liability. Owners, Occupants and their guests shall use the Common Property and all portions of the Community not contained within a Lot at their own risk and shall assume sole

responsibility for their personal belongings used or stored thereon. The Association, the Declarant and their respective officers, directors, employees, representatives and agents shall not be held liable for personal injury to any person while within the Community, without limitation on any portion of the Common Property, nor for loss or damage to personal belongings used or stored on the Common Property or any other portion of the Community. The Association shall not be liable for injury or damage to any Person or property (a) caused by the elements or by an Owner or any other Person, (b) resulting from any rain or other surface water which may leak or flow from any street, pipe, plumbing, drain, conduit, appliance, equipment, security system, or utility line or facility, the responsibility for the maintenance of which is that of the Association, or (c) caused by any street, pipe, plumbing, drain, conduit, appliance, equipment, security system, or utility line or facility, the responsibility for the maintenance of which is that of the Association, becoming out of repair. Nor shall the Association be liable to any Owner or Occupant for loss or damage, by theft or otherwise, of any property of such Owner or Occupant.

Article 6 Architectural Standards

6.1 General. No exterior construction, alteration or addition of any improvements of any nature whatsoever (including, without limitation, staking, clearing, excavation, grading, filling, construction of impervious surface, building, exterior alteration of existing improvements, storm and screen doors, storm windows, fencing, change in the exterior color of any existing improvement and planting and removal of landscaping materials), shall be commenced or placed upon any part of the Community unless, installed by the Declarant or an affiliate of the Declarant, approved in accordance with this Article, or otherwise expressly permitted under this Declaration. Any Owner may remodel, paint or redecorate the interior of structures on the Lot without approval hereunder. However, modifications to the interior of porches, patios and similar portions of a structure visible from outside the Lot shall be subject to approval. This Article shall not apply to the activities of the Declarant, affiliates of the Declarant, nor to improvements to the Common Property by or on behalf of the Association. This Article may not be amended without the written consent of the Declarant until: (a) the Declarant no longer has the right to unilaterally annex additional property to the Community; and (b) each Lot has been improved with a dwelling for which a certificate of occupancy has been issued.

6.2 Guidelines and Procedures. Except as provided above, no exterior construction, addition or alteration shall be made unless and until plans and specifications shall have been submitted in writing to and approved by the Declarant. Such plans and specifications shall be of sufficient detail to allow the Declarant to make its review and to the extent required by the Declarant shall show the nature, kind, shape, height, materials and location of the proposed improvement. The Declarant may adopt written architectural guidelines and application and review procedures, which may provide for review fees, or, in the Declarant's discretion, impact fees. The Declarant shall have sole and full authority to prepare and to amend, from time to time at its sole discretion and without notice, the architectural guidelines. The Declarant shall make the architectural guidelines available to Owners who seek to engage in construction upon all or any portion of the Community and such Owners shall conduct their operations strictly in accordance therewith. If the Declarant, or the Architectural Review Committee after the Declarant's rights terminate, fails to approve or to disapprove submitted plans and specifications within thirty (30)

days after receipt of all required plans and specifications, such approval shall be deemed denied. The Declarant shall be the sole arbiter of such plans and may withhold approval for any reason, including, without limitation, purely aesthetic considerations, and it shall be entitled to stop any construction in violation of any provision of this Declaration. Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications the Declarant assumes no liability or responsibility therefor or for any defect in any structure constructed from such plans and specifications. Additionally, any modifications or improvements made by an Owner shall be maintained, repaired and/or replaced by the Owner or their successors-in-title at his/her sole expense.

6.2 Limitation of Liability. Plans and specifications are not approved for engineering or structural design or quality of materials and by approving such plans and specifications the Declarant assumes no liability or responsibility therefor or for any defect in any structure constructed from such plans and specifications. Neither Declarant, the Association, nor the officers, directors, members, employees and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval or to any Owner of property affected by these restrictions by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. Every Person who submits plans and specifications and every Owner agrees that such Person or Owner will not bring any action or suit against Declarant, the Association or the officers, directors, members, employees and agents of any of them to recover any damages and hereby releases, remises, quits, covenants and covenants not to sue for all claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given.

6.3 No Waiver. The approval of the Declarant of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring approval or consent of the Declarant, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications or drawings or matters whatever subsequently or additionally submitted for approval or consent.

6.4 Variances. Notwithstanding anything to the contrary contained herein, the Declarant or the Board shall be authorized to grant individual variances from any of the provisions of this Declaration and the architectural guidelines if it determines that waiver of application or enforcement of the provision in a particular case is dictated by unique circumstances, such as but not limited to, topography, natural obstructions, hardship, aesthetic considerations or environmental considerations and would not be inconsistent with the overall scheme of development for the Community. No variance shall (a) be effective unless in writing, (b) be inconsistent with the overall scheme of development for the Community, or (c) estop the Declarant or the Board from denying a variance in other similar circumstances. For purposes of this provision, the inability to obtain approval of any governmental agency or the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

6.6 Enforcement. Any structure or improvement placed or made in violation of this Article shall be deemed to be nonconforming. Upon written request from the Declarant, Owners

shall, at their own cost and expense, remove such nonconforming structure or improvement and restore the land to substantially the same condition as existed prior to the nonconforming work. Should an Owner fail to remove and restore as required, the Declarant and its agents shall have the right to enter the property, remove the nonconforming structure or improvement, and restore the property to substantially the same condition as previously existed. In addition to, or in lieu of, the Association may elect to impose any other sanctions, including, without limitation, fines or suspension of rights, for non-compliance with this Article. All costs, including, without limitation, attorney's fees, may be assessed against the Lot as a specific assessment.

6.7 Architectural Review Committee Limit: (a) the Declarant no longer has the right to unilaterally annex additional property to the Community; and (b) each Lot has been improved with a dwelling for which a certificate of occupancy has been issued, the Declarant shall have the sole right, power and authority under this Article. There shall be no surrender of this right except in a written instrument in recordable form executed by Declarant and recorded in the land records of the Clerk of the Superior Court of DeKalb County, Georgia. Upon expiration or earlier surrender in writing of all or a portion of such right and authority, the Board of Directors shall automatically constitute the Architectural Review Committee of the Association, and shall then have such jurisdiction over architectural control under this Article as may have been relinquished by the Declarant. The Declarant may, in its sole discretion and at any point, partially surrender its rights hereunder for existing improvements to the Board of Directors and may retain its rights, power and authority under this Article as it relates to new construction. After the termination of all rights of Declarant hereunder, the Board of Directors shall have all right, power and authority to review and approve building and construction activity within the Community and this Article shall then be read and interpreted as if any reference to the authority of or action by the Declarant in this Article 6 were a reference to the authority of or action by the Board of Directors.

Article 7

Use Restrictions and Rules

7.1 Rules and Regulations: The Board of Directors may, from time to time, with the consent of Declarant and without a vote of the members, promulgate, modify or delete rules and regulations applicable to the Community. Such rules and regulations shall be distributed to all Owners prior to the date that they are to become effective and shall thereafter be binding upon all Owners and Occupants until and unless overruled, canceled or modified by a majority of the Total Association Vote and the consent of Declarant.

7.2 Residential Use: Each Lot shall be used for residential purposes exclusively. Leasing of a Lot for residential occupancy shall not be considered a business or business activity. Excluding any activities conducted by the Declarant and its agents, no trade or business of any kind may be conducted in or from a Lot, except that the Owner or Occupant in residence at the Lot may conduct business activities within the house so long as the business activity: (a) does not otherwise violate the provisions of the Declaration or Bylaws; (b) is not apparent or detectable by sight, sound or smell from the exterior of the Lot; (c) does not unduly increase traffic flow or parking congestion; (d) conforms to all zoning requirements for the Community; (e) does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; (f) is consistent with the residential character of

the Community, (g) does not constitute a nuisance or a hazardous or offensive use; and (a) does not threaten the security or safety of other residents of the Community, all as may be determined in each case in the sole discretion of the Board of Directors. The Board may issue rules regarding permitted business activities. The terms "business" and "trade", as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to Persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (x) the activity is engaged in full or part-time, (y) the activity is intended to or does generate a profit; or (z) a license is required for the activity. As provided in this Declaration, the Declarant and any Owner of a Lot that leases or otherwise provides use of his/her/his Lot to the Declarant shall be exempt from this provision.

7.3 Signs. No sign of any kind shall be erected within the Community without the prior written consent of the Declarant or, after the termination of the rights of Declarant hereunder, the Board of Directors. Notwithstanding the foregoing, the Board and the Declarant shall have the right to erect reasonable and appropriate signs. For-sale signs and security signs not larger than 18-inches by 18-inches and any signs required by legal proceedings may be erected upon any Lot. The provisions of this Section shall not apply to any Mortgagee in possession due to foreclosure of a first Mortgage or as grantee pursuant to any deed in lieu of such foreclosure. The Board may impose a fine of One-Hundred and Fifty and No/100 Dollars (\$150.00) per day for display of any sign in violation of this provision which is not removed within twenty-four hours after written demand is delivered to the Owner of that Lot. The Declarant or the Board of Directors may promulgate rules and regulations governing the placement, types and duration of posting of signs, and specifically allowing for temporary signs.

7.4 Vehicles; Parking. Regardless of local laws, vehicles shall be parked only in appropriate parking spaces serving the Lot or other designated areas, if any. No on-street parking, other than in connection with special events as approved by the Board of Directors, shall be permitted within the Community. All parking shall be subject to such rules and regulations as the Board may adopt. The term "vehicles," as used herein, shall include, without limitation, motor homes, boats, trailers, motorcycles, minibikes, scooters, go-carts, golf carts, trucks, campers, buses, vans and automobiles. The term "parking areas" shall refer to the number of garage parking spaces and the spaces located in the driveway of each Lot. All Lots shall contain a garage; carports shall not be permitted. Garage doors should be kept closed at all times, except during times of ingress and egress from the garage. No vehicle may be left upon any portion of the Community, except in a garage or other area designated by the Board, for a period longer than five days if it is not licensed or if it is in a condition such that it is incapable of being operated upon the public highways. After such five-day period, such vehicle may be removed from the Community by the Board of Directors. Any towed vehicle, boat, personal watercraft, recreational vehicle, motor home, trailer, motorcycle, minibike, scooter, go-cart, golf cart, commercial truck, camper, bus or mobile home regularly stored in the Community or temporarily kept in the Community, except if kept in a garage, for periods longer than 24 hours may be removed from the Community by the Board of Directors. Trucks with mounted campers which are used as a primary means of transportation shall not be considered recreational vehicles provided they are used on a regular basis for transportation and the camper is stored out of public view upon removal. No commercial

vehicle, eighteen wheel trucks or the cabs of such trucks or trucks with a load capacity in excess of three-quarters of a ton shall be parked, kept or stored within the Community except during the time reasonably necessary to provide service or delivery within the Community.

If any vehicle is parked on any portion of the Community in violation of this Section or in violation of the Association's rules and regulations, the Board or agent of the Association may place a notice on the vehicle specifying the nature of the violation and stating that after twenty-four (24) hours the vehicle may be towed. The notice shall include the name and telephone number of the person or entity that will do the towing and the name and telephone number of a person to contact regarding the alleged violation. If twenty-four (24) hours after such notice is placed on the vehicle the violation continues or thereafter occurs again within six (6) months of such notice, the Board or agent of the Association may have the vehicle towed in accordance with the notice, without further notice to the Owner or user of the vehicle.

If a vehicle is parked in a fire lane, is blocking another vehicle, is obstructing the flow of traffic, is parked on any grassy area, or otherwise creates a hazardous condition, no notice shall be required and the Board or agent of the Association may have the vehicle towed immediately. If a vehicle is towed in accordance with this subparagraph, neither the Association nor any officer or agent of the Association shall be liable to any person for any claim of damage as a result of the towing activity. Notwithstanding anything to the contrary herein, the Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow.

7.5 Leasing. "Leasing" for purposes of this Paragraph, is defined as regular, exclusive occupancy of a Lot by any person, other than the Owner for which the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument. All leases shall be in writing. Unless otherwise provided by the Board of Directors, all leases shall have a minimum initial term of at least one (1) year. In addition, the Board may require inclusion of specific terms and conditions in the lease agreement. Any lease of a Lot shall provide that the lessee and all occupants of the leased Lot shall be bound by the terms of this Declaration, the Bylaws, the Articles of Incorporation and the rules and restrictions promulgated by the Board. Notice of any lease, together with such additional information as may be required by the Board, shall be given to the Board by the Owner within seven (7) days of execution of the lease. The Owner must make available to the lessee copies of the Declaration, By-Laws, and the restrictions and rules.

(a) Within seven (7) days after executing a lease agreement for the lease of a Lot, the Lot Owner shall provide the Board of Directors with: (1) a copy of the proposed lease; (2) the names, phone numbers, email addresses, work locations and work phone numbers of all of the proposed occupants of the Lot; (3) the Owner's address, and the Owner's phone number, email address, work location, work phone number and physical street address to be occupied by the Owner when the Lot is leased; and (4) such other information or lease administration fees as may be required by the Board.

(b) Compliance With Declaration, Bylaws, and Rules and Regulations, Use of Common Property, and Liability for Assessments. Any lease of a Lot shall be deemed to contain the following provisions, whether or not expressly therein stated, and each Owner

and each lessee, by occupancy of a Lot, covenants and agrees that any lease of a Lot shall contain the following language and agrees that if such language is not expressly contained therein, then such language shall be incorporated into the lease by existence of this covenant on the Lot:

(i) Compliance with Declaration, Bylaws, and Rules and Regulations The Owner and lessee shall comply with all provisions of the Declaration, Bylaws and Association rules and shall control the conduct of all other occupants and guests of the leased Lot in order to ensure such compliance. The Owner shall cause all occupants of his or her Lot to comply with the Declaration, Bylaws and Association rules, and shall be responsible for all violations by such occupants, notwithstanding the fact that such Occupants are fully liable and may be sanctioned for any such violation.

If a Lot is leased or occupied in violation of this Paragraph or if the Owner, lessee, or a person living with the lessee, violates the Declaration, Bylaws, or a rule or regulation, the Association's Board of Directors shall be authorized, in addition to all other available remedies, to levy fines against the lessee and/or the Owner, to suspend all voting and/or Common Property use privileges of the Owner, Occupants and unauthorized tenants) and to suspend all common services to the Lot paid for by the Association as a common expense, including water service to the Lot, subject to the provisions of this Declaration and the Bylaws.

If a Lot is leased or occupied in violation of this Paragraph, the Association may require the Owner to evict the tenant. If the Owner, lessee, or a person living with the lessee, violates the Declaration, Bylaws, or a rule or regulation, such violation is deemed to be a default under the terms of the lease and shall authorize the Owner or the Association, as more fully described herein, to terminate the lease without liability and to evict the lessee in accordance with Georgia law. The Owner hereby delegates and assigns to the Association, acting through the Board, the power and authority of enforcement against the lessee for breaches resulting from the violation of the Declaration, Bylaws, and the rules and regulations adopted pursuant thereto, including the power and authority to evict the lessee as attorney-in-fact on behalf and for the benefit of the Owner, in accordance with the terms hereof. Alternatively, the Association may require the Owner to evict the violating tenant. If the Association proceeds to evict the lessee, any costs, including reasonable attorney's fees actually incurred and court costs associated with the eviction shall be an assessment and lien against the Lot.

(ii) Use of Common Property The Owner transfers and assigns to the lessee, for the term of the lease, any and all rights and privileges that the Owner has to use the Common Property, including, but not limited to, the use of any and all recreational facilities.

(iii) Liability for Assessments When a Lot Owner who is leasing his or her Lot fails to pay any annual or special assessment or any other charge for a period of more than thirty (30) days after it is due and payable, then the delinquent Owner hereby consents to the assignment of any rent received from the lessee during the period of delinquency, and,

upon request by the Board, lessee shall pay to the Association all unpaid annual and special assessments and other charges payable during and prior to the term of the lease and any other period of occupancy by lessee. However, lessee need not make such payments to the Association in excess of, or prior to the due dates for, monthly rental payments unpaid at the time of the Board's request. All such payments made by lessee shall reduce, by the same amount, lessee's obligation to make monthly rental payments to lessor. If lessee fails to comply with the Board's request to pay assessments or other charges, lessee shall pay to the Association all amounts authorized under Article 4 herein as if lessee were an Owner. The above provision shall not be construed to release the Owner from any obligation, including the obligation for assessments, for which he or she would otherwise be responsible.

(c) Application of this Section. This Section shall not apply to any leasing transaction entered into by the holder of any first Mortgage on a Lot who becomes the Owner of a Lot through foreclosure or any other means pursuant to the satisfaction of the indebtedness secured by such Mortgage. Furthermore, for as long as Declarant is the Owner of any Lot, the provisions of this Section shall not apply to Declarant or the leasing of a Lot by Declarant.

7.6 Animals and Pets. No animals, livestock or poultry of any kind may be raised, bred, kept or permitted on any Lot, with the exception of dogs, cats or other usual and common household pets in reasonable number as determined by the Board. No pets shall be kept, bred or maintained for any commercial purpose. Dogs shall at all times when outside the Lot be kept on a leash or otherwise under control. All pets shall be registered, licensed and inoculated if and as required by law. Animal control authorities shall be permitted to enter the Community to patrol and remove unlicensed pets. An Owner shall not allow any animal waste to remain on the Common Property, Community open space, or any landscaped area maintained by the Association. The keeping of animals and pets in the Community shall be subject to such further rules and regulations as the Board may promulgate from time to time, including, but not limited to, limitations on breed, number of pets or size.

7.7 Nuisance. It shall be the responsibility of each Owner and Occupant to prevent the development of any unclean, unhealthy, unsightly or unkempt condition on a Lot. No property within the Community shall be used, in whole or in part, for the storage of any property or thing that will cause such Lot to appear to be in an unclean or untidy condition; nor shall any substance, thing or material be kept that will emit foul odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort or serenity of the occupants of surrounding property. No activity that the Board of Directors determines to be noxious or offensive shall be carried on within the Community. No plants, animals, device or thing of any sort shall be maintained in the Community whose activities or existence is in any way noxious, dangerous, unsightly, unpleasant or of a nature as may, in the reasonable opinion of the Board of Directors, diminish or destroy the enjoyment of the Community by other Owners and Occupants.

7.8 Unsightly or Unkempt Conditions. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly or unkempt conditions, shall not be pursued or undertaken in any part of the Community.

7.9 Antennae. No exterior antenna, receiving dish or similar apparatus of any kind for receiving or transmitting of radio or video signals shall be placed, allowed or maintained upon any portion of the Community, including any Lot, unless approved in accordance with the provisions of Article 6 hereof; provided, however, no such approval shall be necessary to install (a) antennas designed to receive direct broadcast satellite services, including direct-to-home satellite services, that are one meter or less in diameter; (b) antennas designed to receive video programming services via multi-point distribution services that are one meter or less in diameter or diagonal measurement; or (c) antennas that are designed and intended to receive television broadcast signals. Owners shall install any permitted antennae on the portion of the Lot which is least visible from public view unless an acceptable quality signal cannot otherwise be obtained.

7.10 Guns. The use of firearms in the Community shall be in accordance with all federal, state and local laws governing the use of firearms.

7.11 Fences. No fence or fencing type barrier of any kind shall be placed, erected, allowed or maintained upon any part of the Community by an Owner without ARC permission, which may be granted only in the sole discretion of the ARC. The Declarant and the Association may erect any type of fence on the Common Property or elsewhere within the Community as they may deem appropriate or as necessary to satisfy the requirements of any law, regulation or governmental entity or for health and safety of Owners and Occupants. The Declarant or the Board may adopt specific guidelines governing the placement and style of fences.

7.12 Air-Conditioning Units. No window air conditioning units may be installed.

7.13 Lighting. Exterior lighting on any Lot shall not be permitted, except for: (a) approved lighting as originally installed on a Lot; (b) seasonal decorative lights, or (c) other lighting approved under and pursuant to Article 6 hereof.

7.14 Artificial Vegetation, Play Equipment, Exterior Sculpture and Similar Items. No artificial vegetation shall be permitted on the exterior of any property. No hammock, statuary, play equipment (including, without limitation, basketball goals), exterior sculpture or fountains may be erected on any Lot, without the prior written approval, in accordance with the provisions of Article 6 hereof and/or compliance with written guidelines established under Article 6 hereof, as applicable.

7.15 Flags. No flags may be displayed on any Lot without prior written approval in accordance with the provisions of the Architectural Standards; provided, however, no such approval shall be required to display the flag of the United States of America and the current flag of the State of Georgia on a Lot in accordance with the provisions of the U.S. Flag Code (36 US Code 10) and usual and customary practice. The Board of Directors of the Association may promulgate reasonable rules and regulations with respect to the display of flags in the Community, including, without limitation, regulating the size of flags that may be displayed.

7.16 Energy Conservation Equipment. No solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed unless approved in accordance with the provisions of this Declaration.

7.17 Clotheslines. No exterior clotheslines of any type shall be permitted upon any Lot.

7.18 Yards. Owners shall not add trees, shrubs, bushes, plants or other vegetation to the exterior portions of the Community maintained by the Association without the prior written consent of the Board of Directors.

7.19 Window Treatments. All Lot windows shall have window treatments and any portion thereof visible from outside the Lot shall be white or off-white in color, unless otherwise approved in accordance with Article 6 hereof. No sheets or foil or other reflective materials shall be used on any windows for sunscreens, blinds, shades or for any other purpose.

7.20 Storm and Screen Doors and Windows. Owners shall not add storm and screen doors and storm windows on any Lot without prior approval in accordance with the provisions of the Architectural Standards hereof.

7.21 Drainage. Catch basins, retention ponds, detention ponds, drainage easement areas and related drainage facilities are for the purpose of controlling the natural flow of water only. No obstructions or debris shall be placed in these areas unless installed by the Declarant. No Owner may obstruct or alter the drainage flows after location and installation of catch basins, retention ponds, detention ponds, drainage swales, storm sewers or storm drains without approval in accordance with the Architectural Standards.

7.22 Garbage Cans, Firewood, Etc. All garbage cans, firewood and other similar items shall be stored within the garage of the Lot and not within view of the street. All rubbish, trash and garbage shall be regularly removed and shall not be allowed to accumulate. The Association may contract with a private trash collection company to pick up all usual and customary household trash on a regular basis or, as the alternative, the Association may designate a trash provider that all Owners and Occupants must use for trash service. Trash and recycling receptacles shall be placed at the curb no earlier than 6:00 p.m. the day before pick-up and shall be removed within twenty-four (24) hours. Trash pick-up shall also be subject to such reasonable rules and regulations as the Board of Directors may adopt.

7.23 Subdivision of Lot. No Lot shall be subdivided or its boundary lines changed except with the prior written approval in accordance with the provisions of the Architectural Standards. Declarant, however, hereby expressly reserves the right to subdivide and/or revise and re-record the subdivision plat of any Lot(s) with the consent of the Owner of the effected Lot(s) and to approve the revision and re-recording of any plat of any Lot(s) owned by any builder or developer, including, but not limited to, changing any Lot to Common Property or creating a public or private street over any Lot or property that was formerly a Lot, without the consent of any Person other than the Owner(s) of such Lot(s).

7.24 Garage Sales. No garage sale, carport sale, yard sale, flea market, or similar activity

shall be conducted in any portion of the Community without the prior written consent of the Board of Directors. If so permitted, any such activities shall be subject to all reasonable conditions that the Board may impose.

7.24 Creek Buffer. Portions of the Community, as shown on the recorded subdivision plat(s) for the Community, may contain a creek or stream buffer. Land disturbing activities shall not be conducted within any creek or stream buffer area, except with prior written approval under Article 6 hereof and in compliance with Georgia law, including, without limitation, the Control of Erosion and Sedimentation Act, O.C.G.A. Section 12-7-1 *et seq.*, as amended from time to time.

7.25 Wetlands, Ponds, Creeks and Streams. Except as provided herein, all wetlands, streams, creeks and storm water retention or detention ponds within the Community shall be used for aesthetic amenities and storm water drainage only, no other use thereof, including, without limitation, swimming, ice skating, playing or use of personal flotation devices, and other recreation, shall be permitted without the written consent of the Board of Directors. The Association and/or Declarant shall not be responsible for any loss, damage or injury to any person or property arising out of the authorized or unauthorized use of creeks, ponds, or streams within the Community. For this purpose, "wetlands" means any area labeled as wetlands on a recorded plat for the Community or otherwise designated as wetlands by the Declarant or the Board of Directors. No Owner shall have any right to place rocks, stones, trash, garbage, sewage, waste water, rubbish, debris, ashes or other refuse in any storm water retention or detention ponds, creek or stream within the Community, or any other Common Property. Applicable governmental agencies, the Declarant and the Association, shall have the sole right to control the water level of all other bodies of water located within the Community and to control the growth and eradication of plants, birds, reptiles, animals, fish and fungi in and around any storm water retention or detention ponds, wetlands, streams or creeks within the Community. Owners shall have no riparian or littoral rights with respect to the waters in any creek or stream within the Community and shall not be permitted to withdraw any water from any creek or stream as may exist in the Community without the prior written consent of the Board of Directors.

Article 8

Insurance and Casualty Losses

8.1 Hazard Insurance on Common Property. The Board of Directors shall obtain hazard insurance for all insurable improvements on the Common Property. This insurance shall include, at a minimum, coverage for fire, wind, storm, hail, vandalism, malicious mischief and civil commotion and shall be in an amount sufficient to cover the full replacement cost of such insurable improvements. Alternatively, the Board may purchase "all risk" coverage in like amounts. In the event of any damage to the Common Property caused or occasioned by the acts of an Owner or Owners, said Owner or Owners shall be responsible for any and all costs of repair or related deductible under the Association's insurance. Said costs shall constitute a specific assessment and shall be a binding personal obligation of the responsible Owner and a lien against the Lot.

8.2 Association Liability Insurance. The Board shall obtain a public liability policy applicable to the Common Property covering the Association and its members for all damage or

injury caused by the negligence of the Association or any of its members or agents, in their capacities as such, with a combined single limit of at least \$1,000,000.00.

8.3 Directors' and Officers' Liability Insurance. The Board shall obtain a Directors' and Officers' liability insurance policy with a limit of at least \$1,000,000.00.

8.4 Fidelity Insurance. The Board shall obtain a Fidelity bond or dishonesty insurance on Directors, Officers, employees, and other persons handling or responsible for the Association's funds, regardless of whether they are compensated by the Association. If reasonably available, the fidelity bond or dishonesty insurance shall cover at least one-quarter of the annual assessments from all members plus the reserve funds in the custody of the Association at any time during the term of the bond or policy. The bond or policy must provide that it may not be canceled, substantially modified or subject to non-renewal without at least 30-days prior written notice to the Association.

8.5 Additional Association Insurance. The Board may obtain such additional insurance as it deems appropriate such as construction code endorsements, steam boiler coverage and flood insurance, if and to the extent necessary to satisfy the requirements of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

8.6 Premiums and Deductibles on Association Policies. Premiums for all Association insurance shall be a Common Expense. The policies may contain reasonable deductibles. Deductibles shall not be subtracted from the face amount of the policies in determining whether the insurance equals the full replacement cost of the insurable improvements.

8.7 General Insurance Provisions. In addition to any other terms the Board deems appropriate, all Association insurance shall be governed by the following provisions:

- (1) All policies shall be written with a company licensed to do business in Georgia;
- (2) All policies on the Common Property shall be in the name of the Association for the benefit of itself and its members;
- (3) The Board shall have exclusive authority to adjust losses under all Association insurance policies;
- (4) The insurance carried by the Association shall be primary and shall not be brought into contribution with insurance purchased by individual Owners, Occupants, or their Mortgagees; and
- (5) All hazard insurance policies shall have an inflation guard endorsement and an agreed amount endorsement if reasonably available.

8.8 Individual Lot Owner Insurance. Each Owner shall carry hazard insurance on the Owner's Lot and the structures thereon meeting the same requirements as set forth hereina for insurance on the Common Property.

8.9 Damage and Destruction

- (a) In General. Immediately after the damage or destruction by fire or other casualty

to all; or any portion of any improvement covered by insurance written in the name of the Association, the Board of Directors shall proceed with the filing and adjustment of all claims arising under such insurance and obtain reliable and detailed estimates of the cost of repair or reconstruction of the damaged or destroyed property. Repair or reconstruction, as used in this Section, means repairing or restoring the property to substantially the same condition and location that existed prior to the fire or other casualty, allowing for any changes or improvements necessary to comply with applicable building codes.

(b) Repair and Construction Any damage or destruction to property required to be covered by insurance written in the name of the Association shall be repaired or reconstructed unless, within sixty (60) days after the casualty, at least seventy-five percent (75%) of the Total Association Vote and the Declarant otherwise agree. If for any reason either the amount of the insurance proceeds to be paid as a result of such damage or destruction, or reliable and detailed estimates of the cost of repair or reconstruction, or both, are not made available to the Association within such period, then the period shall be extended until such information shall be made available; provided, however, such extension shall not exceed sixty (60) days. No Mortgagee shall have the right to participate in the determination of whether damage or destruction shall be repaired or reconstructed. If the damage or destruction for which the insurance proceeds are paid is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Board of Directors shall, without the necessity of a vote of the Association's members, levy a special assessment the Owners of all Lots. Additional assessments may be made in like manner at any time during or following the completion of any repair or reconstruction. If the funds available from insurance exceed the costs of repair or reconstruction or if the improvements are not repaired or reconstructed, such excess shall be deposited to the benefit of the Association. In the event that it should be determined in the manner described above that the damage or destruction shall not be repaired or reconstructed and no alternative improvements are authorized, then and in that event the property shall be maintained as an undeveloped portion of the Community by the Association in a neat and attractive condition.

Article 9

Mortgage Provisions

9.1 Notices of Action An institutional holder, insurer, or guarantor of a first Mortgage, who provides a written request to the Association (such request to state the name and address of such holder, insurer, or guarantor and the Lot number, therefore becoming an "eligible holder") will be entitled to timely written notice of: (a) any condemnation loss or any casualty loss which affects a material portion of the Community or which affects any Lot on which there is a first Mortgage held, insured, or guaranteed by such eligible holder; (b) any delinquency in the payment of assessments or charges owed by an Owner of a Lot subject to the Mortgage of such eligible holder, where such delinquency has continued for a period of sixty (60) days; provided, however, notwithstanding this provision, any holder of a first Mortgage, upon request, is entitled to written notice from the Association of any default in the performance by the Owner of the encumbered Lot of any obligation under the Declaration or Bylaws of the Association which is not cured within sixty (60) days; and (c) any lapse, cancellation, or material modification of any insurance policy maintained by the Association.

9.2 Audit. Upon written request of any institutional holder of a first Mortgage and upon payment of all necessary costs, such holder shall be entitled to receive a copy of audited financial statements of the Association within 90 days of the date of the request.

9.3 No Priority. No provision of this Declaration or the Bylaws gives any Owner or other party priority over any rights of a Mortgagee of any Lot in the case of distribution to such Owner of insurance proceeds or condemnation awards for losses to or a taking of the Common Property.

Article 10 Easements

10.1 General. Each Lot shall be subject to those easements, if any, shown or set forth on the recorded subdivision plat for the Community, as amended from time to time as well as the easements now or hereafter established by the Declarant in this Declaration or by any other document recorded in the Office of Superior Court of DeKalb County, Georgia.

10.2 Easements for Use and Enjoyment. Every Owner shall have a right and easement of ingress and egress, use and enjoyment by the Owner and the Occupants of the Owners Lot in and to the Common Property which shall be appurtenant to and shall pass with the title to each Lot, subject to the following:

(a) the right of the Association to suspend the right of an Owner to use the Community recreational facilities, if any, for any period during which any past due assessment against any Lot of the Owner remains unpaid, and, for a reasonable period of time for an infraction of the Declaration, Bylaws or rules and regulations;

(b) the right of the Association to charge reasonable admission and other fees for the use of Community recreational facilities to non-members, if any, to limit the number of Persons who may use the Community recreational facilities, and to provide for the exclusive use and enjoyment of specific portions thereof at certain designated times by authorized users and their guests and invitees;

(c) the right of the Association to borrow money for the purpose of improving the Common Property, or any portion thereof, or for construction, repairing or improving any facilities located or to be located thereon and, upon the affirmative vote of the Owners of at least two-thirds of the Lots (other than Declarant) and the consent of Declarant, to give as security for the payment of any such loan a Mortgage conveying all or any portion of the Common Property, provided, however, the lien and encumbrance of any such Mortgage given by the Association shall be subject and subordinate to any rights, interests, options, easements and privileges herein reserved or established for the benefit of Declarant or any Owner or the holder of any Mortgage encumbering any Lot in the Community (Regardless of any contrary provision in this Declaration or in any such Mortgage given by the Association, the exercise of any rights by the holder of such Mortgage in the event of a default thereunder shall not cancel or terminate any rights, easements or privileges herein reserved or established for the benefit of Declarant or any Owner or the holder of any

Mortgage encumbering any Lot in the Community).

(d) the right of the Association, acting through the Board of Directors and without a vote of the members, to dedicate or grant licenses, permits, easements and rights-of-way over, under and through the Common Property;

(e) the right of the Association to dedicate or transfer all or any portion of the Common Property upon the approval of the Owners of at least two-thirds of the Lots (other than Declarant) and the Declarant; provided, however, the Declarant may unilaterally, or if the Declarant is no longer authorized to appoint the Board of Directors the Association with the express consent of the Declarant, may convey all or any portion of the Common Property as provided in the Declaration without a vote of the members.

(f) all other rights of the Association, the Declarant, Owners and Occupants set forth in this Declaration or in any deed conveying Common Property to the Association; and

(g) all encumbrances and other matters shown by the public records affecting title to the Common Property, including, without limitation, those easement and usage rights reserved or granted to the adjacent property.

10.3 Easements for Encroachment and Overhang There is hereby reserved to the Declarant for the benefit of each Lot, a reciprocal appurtenant easement for encroachment and overhang between adjacent Lots and between a Lot and adjacent Common Property due to the original construction or the unintentional placement or setting or shifting of the improvements constructed, reconstructed, or altered thereon (in accordance with the terms of this Declaration) to a distance of not more than two (2) feet, as measured from any point on such common boundary, provided, however, in no event shall an easement for encroachment exist if such encroachment occurred due to willful conduct on the part of an Owner, Occupant, or the Association, other than the Declarant in the original construction of the Lots.

10.4 Easements for Driveway Encroachment There is hereby reserved appurtenant easements for encroachment as between each Lot and such portion or portions of the driveway serving an adjacent Lot due to the placement or setting or shifting of the driveway constructed, reconstructed, or altered thereon (as approved under the Architectural Standards) to a distance of not more than two (2) feet, as measured from any point on the common boundary between adjacent Lots along a line perpendicular to such boundary at such point; provided, however, in no event shall an easement for encroachment exist if such encroachment occurred due to willful conduct on the part of an Owner or Occupant after the initial construction of improvements by Declarant.

10.5 Easement for Utilities and Retaining Wall - Association and Declarant There is hereby reserved to the Declarant and granted to the Association a blanket easement upon, across, above and under all property within the Community for access, ingress, egress, installation, alteration, repairing, replacing, and maintaining all utilities serving the Community or any portion thereof, including, but not limited to, gas, water, sanitary sewer, telephone and electricity, as well as storm drainage and any other service such as, but not limited to, a master television system, or security system which the Declarant or the Association might decide to have installed to serve the

Community. Declarant, the Association or the designee of either, as the case may be, may install, repair, replace and maintain or authorize the installation, repairing, replacing and maintaining of such wires, conduits, cables and other equipment related to the providing of any utility or service. Should any party furnishing any such utility or service request a specific license or easement by separate recordable document, the Declarant or the Board shall have the right to grant such easement. In addition, there is hereby reserved to the Declarant and granted to the Association a blanket easement upon, across, above and through all property within the Community for access, ingress, egress, repair, maintenance, replacement and improvement of the retaining wall or walls and related improvements, serving more than one lot in the Community and as shown on the recorded plats.

10.6 Easement for Utilities- Lot Owner. Declarant hereby establishes for the benefit of each Lot a nonexclusive easement for access to and installation, maintenance, repair, replacement and use of all pipes, wires, cables, conduits, utility lines, flues and ducts serving such Lot and situated in, on, or under any other Lot or the Common Property. The Board of Directors, and without a vote of the Owners, shall have the right, power and authority to grant permits, licenses, utility easements, and other easements, permits or licenses necessary or desirable for the proper maintenance or operation of the Community under, through, or over the Lots and/or the Common Property as may be reasonably necessary to or desirable for the ongoing operation of the Community. In the event that any Owner desires access to another Lot to install, maintain, repair or replace any utility pipe, wire, cable, conduit, utility line, flue or duct, the Owner shall contact the Owner of such other Lot(s) at least two (2) days in advance of the date that access is needed and attempt to agree on a convenient date and time for access by the Owner and the Owner's contractors. Access in emergency situations shall be granted immediately upon request. Any Owner of a Lot to which access is needed under this Section shall not unreasonably withhold, condition or delay such access. Rights exercised pursuant to this easement shall be exercised with a minimum of interference to the quiet enjoyment of affected Lots, reasonable steps shall be taken to protect such Lots and the property of the Owners and Occupants thereof, and damage shall be repaired by the Person causing the damage at its sole expense.

10.7 Easement for Emergency Entry. The Association shall have the right, but not the obligation, to enter upon any Lot for emergency, security and safety reasons and to inspect for the purpose of ensuring compliance with this Declaration, the Bylaws, and rules, which right may be exercised by any member of the Board, the officers, agents, employees, and managers of the Association and all policemen, firemen, ambulance personnel, and similar emergency personnel in the performance of their respective duties. Except in an emergency situation, entry shall only be during reasonable hours and after notice to the Owner. This right of entry shall include the right of the Association to enter upon any Lot to cure any condition which may increase the probability of a fire or other hazard in an emergency situation and in the event an Owner fails or refuses to cure the condition within a reasonable time after requested by the Association, but shall not authorize entry into the interior living space of any Lot without permission of the Owner.

10.8 Easement for Association Maintenance. Declarant hereby grants to the Association a perpetual easement across all Lots as may be reasonably necessary for the maintenance required hereunder. Such maintenance shall be performed with a minimum of interference to the quiet enjoyment of Lots, reasonable steps shall be taken to protect such property and damage shall be

repaired by the Association or its contractors at their sole expense. Except in an emergency situation, entry to the interior of a Lot shall only be during reasonable hours and after notice to the Owner.

10.9 Easement for Lot Maintenance. Declarant hereby reserves for the benefit of each Lot reciprocal appurtenant easements between adjacent Lots for the purpose of maintaining or repairing the improvements located on each Lot which easement shall extend to a distance of five (5) feet as measured from any point on the common boundary between the Lots. The easement shall be used only for such period of time as is reasonably necessary in order to complete the maintenance or repair. The Owner exercising this easement right shall be liable for the prompt repair of any damage to the Lot over which this easement is exercised which arises out of such maintenance or repair work.

10.10 Easement for Drainage. There is hereby reserved to the Declarant and granted to the Association a blanket easement for creating and maintaining satisfactory drainage across the Community; provided however such easement area shall not include any portion of a Lot upon which the foundation of a dwelling is located. This easement shall include the right to construct and maintain catch basins, retention ponds, detention ponds, drainage swales, storm sewers, storm drains, sloping banks, cut or fill. Neither the Declarant, the Association or any Owner constructing according to plans and specifications approved under the Architectural Standards hereof shall have any liability in any Owner due to the increased flow or increased velocity of surface water resulting from approved construction on a Lot.

10.11 Easement During Construction and Safe Period. Notwithstanding any provisions now or hereafter contained in this Declaration, the Bylaws, Articles of Incorporation, use restrictions, rules and regulations, architectural guidelines, and amendments thereto, Declarant reserves an easement across the Community for Declarant to maintain and carry on, upon such portion of the Community as Declarant may reasonably deem necessary, such facilities and activities as in the sole opinion of Declarant may be required or convenient for Declarant's development, construction and sales activities, including, but not limited to, the right of access, ingress and egress for vehicular and pedestrian traffic and construction activities over, under, on or in the Community, including, without limitation, any Lot; the right to tie into any portion of the Community with streets, driveways, paths, parking areas and walkways; the right to tie into and/or otherwise connect and use (without a tap-on or any other fee for so doing), replace, relocate, maintain and repair any device which provides utility or similar services including, without limitation, electrical, telephone, cable television, natural gas, water, sewer and drainage lines and facilities constructed or installed in, on, under, and/or over the Community, the right to grant easements over, under, in or on the Community, including without limitation the Lots, for the benefit of neighboring properties for the purpose of tying into and/or otherwise connecting and using sewer and drainage lines and facilities constructed or installed in, on, under and/or over the Community; the right to convert Lots (with the consent of the Owner thereof) to Common Property, the right to construct utilities and other improvements on Common Property; the right to carry on sales and promotional activities in the Community; and the right to construct and operate business offices, signs, construction trailers, model residences and sales offices. Declarant may use Lots, offices or other buildings owned or leased by Declarant as model homes. This Section

shall not be amended without the Declarant's written consent until the Declarant's rights hereunder have terminated as herein provided.

Article 11 General Provisions

11.1 Enforcement. Each Owner and Occupant shall comply strictly with the Bylaws, rules and regulations and use restrictions, as amended or modified from time to time, and with the covenants, conditions, easements and restrictions set forth in this Declaration, the recorded subdivision plat for the Community and in the deed to such Owner's Lot. The Board of Directors may impose fines or other sanctions for violations of the foregoing, which shall be collected as provided herein for the collection of assessments. Failure to comply with this Declaration, the Bylaws or the rules and regulations shall be grounds for an action to recover sums due for damages or injunctive relief or both, including, without limitation, reasonable attorney's fees actually incurred, maintainable by the Association, the Declarant or an aggrieved Owner. Failure by the Declarant, the Association or any Owner to enforce any of the foregoing shall in no event be deemed a waiver of the right to do so thereafter. The Association shall have the right to record in the appropriate land records a notice of violation of the Declaration, Bylaws, rules and regulations, use restrictions or design guidelines and to assess the cost of recording and removing such notice against the Lot of the Owner who is responsible (or whose Occupants are responsible) for violating the foregoing.

11.2 Duration. The covenants, conditions, restrictions and easements contained in this Declaration shall run with and bind the Community and shall inure to the benefit of and shall be enforceable by the Association, the Declarant and any Owner, their respective legal representatives, heirs, successors, and assigns, perpetually to the extent provided by law, provided, however, if and to the extent that Georgia law limits the period during which covenants restricting land to certain uses may run, any provisions of this Declaration affected thereby shall run with and bind the land so long as permitted by such law, after which time, any such provision(s) shall be (a) automatically extended for successive periods of twenty (20) years (or the maximum period allowed by Georgia law, if less), unless a written instrument signed by the then Owners of at least two-thirds (2/3) of the Lots has been recorded within the two years immediately preceding the beginning of a twenty (20) year renewal period agreeing to terminate the same, or (b) extended, renewed, modified or terminated as otherwise provided herein or by applicable law.

11.3 Occupants Bound. All provisions of the Declaration, Bylaws, rules and regulations, use restrictions and architectural guidelines which govern the conduct of Owners and which provide for sanctions against Owners shall also apply to all Occupants and the guests and invitees of Owners and Occupants. The Owner shall be responsible for insuring that the Occupants, the guests, invitees and licensees of the Owner and Occupant strictly comply with all provisions of the Declaration, Bylaws, rules and regulations, use restrictions and architectural guidelines.

11.4 Self-Help. In addition to any other remedies provided for herein, the Association, the Declarant, the Architectural Review Committee or their respective duly authorized agents shall have the power to enter upon any Lot or any other portion of the Community to abate or remove

any structure, thing or condition which violates this Declaration, the Bylaws, the rules and regulations or the use restrictions. Unless an emergency situation exists, the violating Owner shall be given ten (10) days written notice of the intent to exercise self-help. Notwithstanding the foregoing, vehicles may be towed after giving any notice required by law. All costs of self-help, including, without limitation, reasonable attorney's fees actually incurred, shall be assessed against the violating Owner as a specific assessment.

11.5 Termination of Rights of Declarant. The rights of Declarant to take, approve or consent to actions under this Declaration, the Articles of Incorporation and the Bylaws shall cease and be of no further force and effect upon the earlier of: (a) the date that the Declarant no longer owns any property in the Community and no longer has the right to unilaterally annex additional property to the Community as provided herein and a certificate of occupancy has been issued for a dwelling on each Lot in the Community; or (b) the date of recording by Declarant in the real estate records of DeKalb County, Georgia of a written instrument terminating all of Declarant's rights hereunder.

11.6 Amendment. This Declaration may be amended unilaterally at any time and from time to time by Declarant (a) if such amendment is necessary to bring any provision hereof into compliance with any applicable governmental statute, rule or regulation or judicial determination which shall be in conflict therewith; (b) if such amendment is necessary to enable any reputable title insurance company to issue title insurance coverage with respect to the Lots subject to this Declaration; (c) if such amendment is required by an institutional or governmental lender or purchaser of mortgage loans, including, without limitation, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, to enable such lender or purchaser to make or purchase Mortgage loans on the Lots subject to this Declaration; or (d) if such amendment is necessary to enable any governmental agency or private insurance company, including without limitation, the U.S. Department of Housing and Urban Development and the U.S. Department of Veterans Affairs, to insure or guarantee Mortgage loans on the Lots subject to this Declaration; provided, however, any such amendment shall not adversely affect the title to any Lot unless the Owner of such Lot consents thereto in writing. Further, Declarant may unilaterally amend this Declaration for any other purpose, provided, however, any such amendment shall not materially adversely affect the substantive rights of any Owners hereunder nor shall it adversely affect title to any Lot without the consent of the affected Owner. The Board of Directors, with the written consent of the Declarant if the Declarant shall own any Lot(s) or have any right(s) to annex additional property hereto, and without a vote of the members may amend this Declaration for the sole purpose of electing to be governed by and thereafter complying with the provisions of the Georgia Property Owner's Association Act, O.C.G.A. § 44-3-220 *et seq.* In addition to the above, this Declaration may be amended upon the affirmative vote or written consent of Owners of at least two-thirds of the Lots and the consent of Declarant if the Declarant shall own any Lot(s) or have any right(s) to annex additional property hereto. Amendments to this Declaration shall become effective upon recordation unless a later effective date is specified therein. The consent of the Declarant to any amendment shall be evidenced by the execution of said amendment by Declarant. The consent of the requisite number of Owners to any amendment shall be evidenced by the execution of the amendment by said Owners, or, in the alternative, the sworn statement of the President or any Vice President or the Secretary of the Association attached to or incorporated in the amendment, which sworn statement states unequivocally that the consent

of the required number of Owners was obtained and that any notices required by this Declaration, the Bylaws, the Articles of Incorporation and Georgia law were given.

11.7 Gender and Grammar. The singular, wherever used herein, shall be construed to mean the plural, when applicable, and the use of the masculine or feminine pronoun shall include the neuter, masculine and feminine.

11.8 Severability. Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if the application of any provision of this Declaration to any Person or to any property shall be prohibited or held invalid, such prohibition or invalidity shall not affect any other provision or the application of any provision which can be given effect without the invalid provision or application and, to this end, the provisions of this Declaration are declared to be severable.

11.9 Captions. The captions of each Article and Section hereof, as to the contents of each Article and Section, are inserted only for convenience and are in no way to be construed as defining, limiting, extending or otherwise modifying or adding to the particular Article or Section to which they refer.

11.10 No Merger. There shall be no merger of any of the covenants, conditions, restrictions or easements created or reserved hereby with the fee estate of Declarant, by reason of the fact that Declarant may own or hold the estate or interest both encumbered and benefited by such covenants, conditions, restrictions or easements and no such merger shall occur unless and until Declarant, while owning all of the estate or interests shall execute a written statement or instrument affecting such merger and shall duly record the same.

11.11 Preparer. This Declaration was prepared by Amy H. Bray, Coulter & Sierra, LLC, 1770 Indian Trail Road, Suite 440, Norcross, Georgia 30093.

11.12 Notices. Notices provided for in this Declaration or the Articles or Bylaws shall be in writing, and shall be addressed to an Owner at the address of the Lot and to the Declarant or the Association at the address of their respective registered agent on file with the Secretary of State of Georgia. Any Owner may designate a different address for notices to such Owner by giving written notice to the Association. Owners shall keep the Association advised of their current address, electronic mail address and phone numbers where they can be reached. Notices addressed as above shall be mailed by United States Registered or Certified Mail, return receipt requested, postage paid, or delivered in person, including delivery by private courier service. The time period in which a response to any such notice must be given or any action taken with respect thereto, shall commence to run from the date of personal delivery or the date of receipt shown on the return receipt. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice sent. Notices to the Declarant or the Association as provided for in this Declaration or the Articles or Bylaws shall be in writing, and shall be addressed to the Declarant or the Association at the address of their respective registered agent on file with the Secretary of State of Georgia. Rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice sent.

11.13 Perpetuities. If any of the covenants, conditions, restrictions or other provisions of this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until 21 years after the death of the last survivor of the now living descendants of Charles III, King of England.

11.14 No Discrimination. No action shall be taken by the Declarant, the Association or the Board of Directors which would discriminate against any person on the basis of race, creed, color, national origin, religion, sex, familial status or disability.

11.15 Indemnification. To the fullest extent allowed by the Georgia Nonprofit Corporation Code, and in accordance therewith, the Association shall indemnify every current and former officer, director and committee member against any and all expenses, including, but not limited to, attorney's fees, imposed upon or reasonably incurred by any officer, director or committee member in connection with any action, suit or other proceeding (including settlement of any suit or proceeding, if approved by the then Board of Directors) to which such officer, director or committee member may be a party by reason of being or having been an officer, director or committee member. The officers, directors and committee members shall not be liable for any mistake of judgment, negligent or otherwise, except for their own individual willful misfeasance, malfeasance, misconduct or bad faith. The officers, directors and committee members shall have no personal liability with respect to any contract or other commitment made by them, in good faith, on behalf of the Association and the Association shall indemnify and forever hold each such officer, director and committee member free and harmless against any and all liability in others on account of any such contract or commitment. Any right to indemnification provided for herein shall not be exclusive of any other rights to which any officer, director or committee member, or former officer, director or committee member, may be entitled. The Association shall maintain adequate general liability and officers' and directors' liability insurance to fund this obligation, if such coverage is reasonably available.

11.16 Agreements. Subject to the prior approval of Declarant, all agreements and determinations, including settlement agreements regarding litigation involving the Association, lawfully authorized by the Board of Directors, shall be binding upon all Owners, their heirs, legal representatives, successors, assigns and others having an interest in the Community or the privilege of possession and enjoyment of any part of the Community.

11.17 Variations. Notwithstanding anything to the contrary contained herein, the Board of Directors shall be authorized to grant individual variances from any of the provisions of this Declaration, the Bylaws and any rule, regulation or use restriction promulgated pursuant thereto, if it determines that waiver of application or enforcement of the provision in a particular case is warranted and would not be inconsistent with the overall scheme of development for the Community.

11.18 Litigation. No judicial or administrative proceeding shall be commenced or prosecuted by the Association unless approved by at least 75% of the Total Association Vote and the consent Declarant. This Section shall not apply to (a) actions brought by the Association to enforce the provisions of this Declaration (b) the imposition and collection of assessments as

provided herein, (c) proceedings involving challenges to *ad valorem* taxation, or (d) counterclaims brought by the Association in proceedings instituted against it. This Section shall not be amended unless such amendment is made unilaterally by the Declarant as provided herein, or is approved by the percentage votes necessary to institute proceedings as provided above.

13.19 Security and Safety. THE DECLARANT OR THE ASSOCIATION MAY, BUT SHALL NOT BE REQUIRED TO, FROM TIME TO TIME, PROVIDE MEASURES OR TAKE ACTIONS WHICH DIRECTLY OR INDIRECTLY IMPROVE SAFETY FOR THE COMMUNITY. HOWEVER, EACH OWNER, ON BEHALF OF SUCH OWNER, ITS OCCUPANTS AND THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES, ACKNOWLEDGES AND AGREES THAT NEITHER THE DECLARANT, THE ASSOCIATION, NOR THE OFFICERS, DIRECTORS, AGENTS AND EMPLOYEES OF EITHER ARE A PROVIDER OF SECURITY AND NONE OF THEM SHALL HAVE A DUTY TO PROVIDE SECURITY IN AND TO THE COMMUNITY. FURTHERMORE, NEITHER DECLARANT NOR THE ASSOCIATION GUARANTEES OR REPRESENTS THAT NON-OWNERS AND NON-OCCUPANTS WILL NOT GAIN ACCESS TO THE PROPERTY AND COMMIT CRIMINAL ACTS ON THE PROPERTY NOR DOES THE DECLARANT OR ASSOCIATION GUARANTEE OR REPRESENT THAT CRIMINAL ACTS AT THE COMMUNITY OR WITHIN LOTS WILL NOT BE COMMITTED BY OTHER OWNERS, OCCUPANTS OR THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES. IT SHALL BE THE RESPONSIBILITY OF EACH OWNER, OCCUPANT AND THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES TO PROTECT HIS OR HER PERSONS AND PROPERTY AND ALL RESPONSIBILITY TO PROVIDE SECURITY SHALL LIE SOLELY WITH EACH OWNER, OCCUPANT AND THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES. NEITHER DECLARANT NOR THE ASSOCIATION SHALL BE HELD LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF FAILURE TO PROVIDE ADEQUATE SECURITY OR INEFFECTIVENESS OF SAFETY MEASURES UNDERTAKEN.

EACH OWNER, ITS OCCUPANTS AND THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES SHALL USE THE COMMON PROPERTY, INCLUDING THE ANY AREAS THEY HAVE EXCLUSIVE USE OF, AND ALL OTHER PORTIONS OF THE COMMUNITY NOT CONTAINED WITHIN A LOT AT THEIR OWN RISK AND SHALL ASSUME SOLE RESPONSIBILITY FOR THEIR PERSONAL BELONGINGS USED OR STORED THEREON. ALL OWNERS AND OCCUPANTS AND THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES SHALL HAVE AN AFFIRMATIVE DUTY AND RESPONSIBILITY TO INSPECT THE COMMON PROPERTY AND ALL PORTIONS OF THE COMMUNITY NOT CONTAINED WITHIN A LOT FOR ANY DEFECTS, PERILS OR OTHER UNSAFE CONDITIONS RELATING TO THE USE AND ENJOYMENT THEREOF. THE ASSOCIATION, DECLARANT, AND THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES AND AGENTS SHALL NOT BE HELD LIABLE FOR PERSONAL INJURY TO ANY PERSON OCCURRING ON THE COMMON PROPERTY, NOR FOR LOSS OR DAMAGE TO PERSONAL BELONGINGS USED OR STORED THEREON OR ON ANY OTHER PORTION OF THE COMMUNITY. NOR SHALL THE ASSOCIATION, DECLARANT, OR THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, REPRESENTATIVES AND AGENTS BE LIABLE TO ANY OWNER OR OCCUPANT OR THEIR RESPECTIVE GUESTS, LICENSEES AND INVITEES FOR LOSS

Item XIII. e.

OR DAMAGE, BY THEFT OR OTHERWISE, OF ANY PROPERTY OF SUCH OWNER,
OCCUPANT, GUEST, LICENSEE OR INVITEE

[SIGNATURES BEGIN ON FOLLOWING PAGE]

Item XIII. e.

IN WITNESS WHEREOF, the Declarant herein hereby executes this instrument under seal, this 29 day of October, 2022

DECLARANT: **HIGHLAND PARK RESIDENCE, LLC,**
a Georgia limited liability company

By: [Signature]

Print Name: [Signature]

Its: [Signature]

Signed, sealed, and delivered
in the presence of

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires

[AFFIX NOTARY SEAL]



Item XIII. e.

EXHIBIT "A"
Property Description

EXHIBIT A

[LEGAL DESCRIPTION]

ALL THAT TRACT or parcel of land lying in Land Lots 76 and 85 of the 16th District, City of Stonecrest, DeKalb County, Georgia, and being more particularly described as follows:

Commence at a found capped rebar (COA #255) being the corner common to Land Lots 52, 53, 76 & 77, thence run North 00 Degrees 30 Minutes 53 Seconds East for a distance of 1,481.02 feet to a found 1/2" rebar; thence run South 89 Degrees 40 Minutes 55 Seconds East for a distance of 976.56 feet to a point, said point being the POINT OF BEGINNING of the parcel herein described; and from said POINT OF BEGINNING run South 89 Degrees 40 Minutes 55 Seconds East for a distance of 1938.46 feet to a found capped rebar (COA #255); thence run North 00 Degrees 10 Minutes 58 Seconds East for a distance of 187.75 feet to a found capped rebar (COA #255) lying on the southerly right-of-way of Rock Springs Road (variable right-of-way), said point lying on a non-tangent curve to the right, having a radius of 644.76 feet, a central angle of 10 Degrees 47 Minutes 18 Seconds, a chord bearing of North 88 Degrees 31 Minutes 17 Seconds East and a chord length of 121.23 feet; thence run along the arc of said curve and said right-of-way for a distance of 121.40 feet to a point; thence run South 85 Degrees 10 Minutes 04 Seconds East along said right-of-way for a distance of 64.97 feet to a point, said point lying on a non-tangent curve to the left, having a radius of 1,186.88 feet, a central angle of 06 Degrees 17 Minutes 37 Seconds, a chord bearing of South 85 Degrees 36 Minutes 12 Seconds East and a chord length of 130.31 feet; thence run along the arc of said curve and said right-of-way for a distance of 130.37 feet to a point, said point lying on a non-tangent curve to the left having a radius of 786.23 feet, a central angle of 06 Degrees 45 Minutes 47 Seconds, a chord bearing of North 84 Degrees 57 Minutes 40 Seconds East and a chord length of 92.75 feet; thence run along the arc of said curve and said right-of-way for a distance of 92.81 feet to a point, said point lying on a non-tangent curve to the left, having a radius of 183.39 feet, a central angle of 66 Degrees 07 Minutes 48 Seconds, a chord bearing of North 48 Degrees 26 Minutes 44 Seconds East and a chord length of 200.32 feet; thence run along the arc of said curve and said right-of-way for a distance of 211.67 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 1,486.27 feet, a central angle of 04 Degrees 18 Minutes 15 Seconds, a chord bearing of North 18 Degrees 36 Minutes 07 Seconds East, and a chord length of 111.62 feet; thence run along the arc of said curve and said right-of-way for a distance of 111.65 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 2,368.74 feet, a central angle of 02 Degrees 59 Minutes 25 Seconds, a chord bearing of North 17 Degrees 48 Minutes 47 Seconds East and a chord length of 123.62 feet; thence run along the arc of said curve and said right-of-way for a distance of 123.63 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 5,283.88 feet, a central angle of 03 Degrees 24 Minutes 06 Seconds, a chord bearing of North 23 Degrees 53 Minutes 56 Seconds East and a chord length of 313.65 feet; thence run along the arc of said curve and said right-of-way for a distance of 313.70 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 573.90 feet, a central angle of 04 Degrees 07 Minutes 36 Seconds, a chord bearing of North 30 Degrees 13 Minutes 54 Seconds East and a chord length of 41.33 feet; thence run along the arc of said curve and said right-of-way for a distance of 41.33 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 317.38 feet, a central angle of 17 Degrees 04 Minutes 22 Seconds, a chord bearing of North 43 Degrees 00 Minutes 55 Seconds East and a chord length of 94.22 feet; thence run along the arc of said curve and said right-of-way for a distance of 94.37 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 1,096.21 feet, a central angle of 04 Degrees 46 Minutes 43 Seconds, a chord bearing of North 51 Degrees 53 Minutes 09 Seconds East and a chord length of 91.40 feet; thence run along the arc of said curve and said right-of-way for a distance of 91.43 feet to a found capped rebar (COA #255); thence leaving said right-of-way run South 25 Degrees 28 Minutes 36 Seconds East for a distance of 52.26 feet to a found capped rebar (COA #255); thence run North 62 Degrees 48 Minutes 48

Seconds East for a distance of 68.16 feet to a found capped rebar (COA #255); thence run North 14 Degrees 26 Minutes 49 Seconds West for a distance of 60.92 feet to a found capped rebar (COA #255) lying on the southerly right-of-way of the aforementioned Rock Springs Road, said point also lying on a non-tangent curve to the right having a radius of 226.58 feet, a central angle of 34 Degrees 24 Minutes 41 Seconds, a chord bearing of North 74 Degrees 44 Minutes 36 Seconds East and a chord length of 134.64 feet; thence run along the arc of said curve and said right-of-way for a distance of 136.08 feet to a point; thence run North 85 Degrees 42 Minutes 36 Seconds East along said right-of-way for a distance of 95.03 feet to a point; thence run North 87 Degrees 17 Minutes 58 Seconds East along said right-of-way for a distance of 83.19 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 5,853.65 feet, a central angle of 01 Degree 04 Minutes 57 Seconds, a chord bearing of North 86 Degrees 57 Minutes 78 Seconds East and a chord length of 110.58 feet; thence run along the arc of said curve and said right-of-way for a distance of 110.58 feet to a point, said point lying on a non-tangent curve to the right, having a radius of 3,582.12 feet, a central angle of 00 Degrees 13 Minutes 12 Seconds, a chord bearing of North 87 Degrees 11 Minutes 27 Seconds East and a chord length of 13.75 feet; thence run along the arc of said curve and said right-of-way for a distance of 13.75 feet to a found capped rebar (COA #255); thence leaving said right-of-way, run South 01 Degree 30 Minutes 23 Seconds West for a distance of 953.32 feet to a found 1/2" rebar; thence run South 01 Degree 27 Minutes 12 Seconds West for a distance of 546.90 feet to a found axle; thence run South 00 Degree 33 Minutes 57 Seconds West for a distance of 1,439.92 feet to a found capped rebar (COA #255) lying on the northerly right-of-way of Evans Mill Road (variable right-of-way), said point lying on a non-tangent curve to the left, having a radius of 456.34 feet, a central angle of 03 Degree 30 Minutes 49 Seconds, a chord bearing of South 60 Degree 10 Minutes 43 Seconds West, and a chord length of 27.98 feet; thence run along the arc of said curve and said right-of-way for a distance of 27.98 feet to a point; thence leaving said right-of-way run North 89 Degree 55 Minutes 42 Seconds West for a distance of 2,562.95 feet to a point; thence run North 00 degree 00 Minutes 00 Seconds West for a distance of 490.63 feet to a point; thence run North 39 degree 59 Minutes 30 Seconds West for a distance of 983.83 feet to a point; thence run North 19 Degree 26 Minutes 51 Seconds West for a distance of 247.40 feet to the POINT OF BEGINNING.

Said parcel being 5,642,936 square feet, or 129.544 acres.

EXHIBIT "D"
Additional Property Which May Be Unilaterally
Submitted To This Declaration by Declarant

Any property within a 5 mile radius of the property located on Exhibit A hereto.

Item XIII. e.

EXHIBIT "C"

Bylaws of Highland Park Homeowners Association of Stonecrest, Inc.

EXHIBIT "C"

BYLAWS

OF

HIGHLAND PARK HOMEOWNERS ASSOCIATION OF STONECREST, INC.

Prepared By:
Amy H. Bray
Coalter & Sierra, LLC
1770 Indian Trail Road, Suite 400
Norcross, Georgia 30093
(404) 554-2107

BYLAWS
OF
HIGHLAND PARK HOMEOWNERS ASSOCIATION OF STONECREST, INC.
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BYLAWS

OF

HIGHLAND PARK HOMEOWNERS ASSOCIATION OF STONECREST, INC

Article 1

Name, Membership, Applicability and Definitions

1.1 Name. The name of the corporation shall be Highland Park Homeowners Association of Stonecrest, Inc. (hereinafter sometimes referred to as the "Association").

1.2 Membership. The Association shall have one class of membership, as is more fully set forth in that certain Declaration of Protective Covenants, Conditions, Restrictions and Easements for Highland Park (such Declaration, as amended, renewed, or extended from time to time, is hereinafter sometimes referred to as the "Declaration"), the terms of which pertaining to membership are specifically incorporated by reference herein.

1.3 Definitions. The words used in these Bylaws shall have the same meaning as set forth in the Declaration, unless the context shall prohibit.

Article 2

Associating, Meetings, Quorum, Voting, Proxies

2.1 Place of Meetings. Meetings of the Association shall be held at the principal office of the Association or at such other suitable place convenient to the members as may be designated by the Board of Directors, either in the Community or as convenient thereto as possible and practical.

2.2 Annual Meetings. There shall be an annual meeting of the members at such date, place and time as the Board of Directors shall determine to receive the reports of the outgoing Board of Directors, to install directors for the ensuing year and to transact such other business as may come before the meeting.

2.3 Special Meetings. The President or the Board of Directors may call special meetings. In addition, it shall be the duty of the President to call a special meeting of the Association upon the delivery of a petition signed and dated by members entitled to cast at least 25% of the Total Association Vote and describing the purpose or purposes for which it is to be held. The notice of any special meeting shall state the date, time, and place of such meeting and the purpose(s) thereof. No business shall be transacted at a special meeting, except those matters that are within the purpose or purposes described in the notice.

2.4 Record Date. The Board of Directors shall fix in advance a record date for a determination of members entitled to notice of and to vote at any meeting of members in any adjournment thereof, or to make a determination of members for any other purpose, such date to be not more than seventy (70) days before the date on which the particular action requiring such determination of members is to be taken.

2.5 Notice of Meetings. It shall be the duty of the Secretary to mail or to cause to be delivered to the List of each member (as shown in the records of the Association as of the record date) a notice of each annual or special meeting of the Association stating the date, time and place where it is to be held and if and to the extent required by the Georgia Nonprofit Corporation Code (O.C.G.A. Section 34-3-141, *et seq.*) or other applicable law (the "Governing Law"), the purpose(s) thereof. If an Owner wishes notice to be given at an address other than the List, the Owner shall designate by notice or writing to the Secretary such other address. Notices shall be mailed or delivered not less than ten (10) days (or if notice is mailed by other than first-class or registered mail, thirty (30) days) nor more than sixty (60) days before the meeting. If any meeting of the members is adjourned to a different date, time or place, notice need not be given of the new date, time or place if the new date, time or place is announced at the meeting before adjournment. If, however, a new record date is or must be fixed under the Governing Law notice of the adjourned meeting shall be given to persons who are members of record as of the new record date.

2.6 Waiver of Notice. Waiver of notice of a meeting of the members shall be deemed the equivalent of proper notice. Any member may, in writing, signed by the member, waive notice of any meeting of the members, either before or after such meeting. Attendance at a meeting by a member, whether in person or by proxy, shall be deemed waiver by such member of lack of notice or defective notice, unless such member specifically objects to lack of proper notice at the time the meeting is called to order.

2.7 Adjournment of Meetings. If any meeting of the Association cannot be held because a quorum is not present, a majority of the members who are present at such meeting, either in person or by proxy, may adjourn the meeting to a time not less than five (5) nor more than thirty (30) days from the time the original meeting was called. At such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice.

2.8 Membership List. After the record date for any meeting is established by the Board of Directors, the Secretary shall prepare an alphabetical list of the names and addresses of all of the members who are entitled to notice of the meeting. Beginning at least two business days after notice is given of the meeting for which the list was prepared, the list of members shall be available for inspection by any member or a member's agent or attorney at the Association's principal office or at such other reasonable place as may be specified in the notice. In addition, the list shall be available for inspection at the meeting or any adjournment thereof.

2.9 Voting. The voting rights of the members shall be as set forth in the Articles of Incorporation and the Declaration, and such voting rights are specifically incorporated herein.

2.10 Proxies. At all meetings of members, each member may vote in person or by proxy. All proxy appointment forms shall be in writing, dated, and filed with the Secretary before the appointed time of each meeting. Every proxy shall be revocable and shall automatically cease upon: (a) receipt of notice by the Secretary of the death or judicially declared incompetence of a member; (b) receipt by the Secretary of written revocation signed by the member; (c) receipt by the Secretary of a subsequent appointment form signed by the member; (d) attendance by the member and voting.

in person at any meeting; or (c) the expiration of 11 months from the date of the proxy appointment form.

2.11 Quorum The presence, in person or by proxy, of members entitled to cast at least 25% of the votes entitled to be cast at the meeting shall constitute a quorum at all meetings of the Association. The members present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

2.12 Action Without A Formal Meeting. Any action required or permitted to be approved by the members may be approved without a meeting if one or more consents, in writing, setting forth the action so taken, shall be signed and dated by members (including the Declarant, if the consent of the Declarant is required) holding the voting power required to pass such action at a meeting held on the record date for such action. The record date for such action shall be the date that the first member signs a consent. If less than unanimous consent is obtained, the approval shall be effective ten days after the Secretary gives written notice of the approval to all members who did not sign a consent. Each signed consent shall be included in the minutes of meetings of members filed in the permanent records of the Association.

2.13 Action By Written Ballot Any action that may be taken at any annual, regular or special meeting of members may be taken without a meeting if approved by written ballot as provided herein. The Association shall deliver a written ballot to each member entitled to vote on the matter. The written ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. All solicitations for votes by written ballot shall indicate the number of responses needed to meet the quorum requirements; state the percentage of approvals necessary to approve each matter other than election of directors; and specify the time by which a ballot must be received by the Association in order to be counted. A timely written ballot received by the Association may not be revoked. Approval by written ballot of an action shall only be valid when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting held to authorize such action and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. The results of each action by written ballot shall be certified by the Secretary and shall be included in the minutes of meetings of members filed in the permanent records of the Association.

Article 3

Board of Directors: Number, Powers, Meetings

3.1 Governing Body, Composition The affairs of the Association shall be governed by a Board of Directors. Directors shall be natural persons who are 18 years of age or older. Except for directors appointed by the Declarant, each director must reside in the Community and be a member or the spouse of a member; provided, however, no Person may serve on the Board at the same time with such Person's spouse or any co-Owner or Occupant of such Person's Lot.

3.2 Directors Appointed by Declarant. The Declarant shall have the right to appoint or remove any member or members of the Board of Directors or any officer or officers of the

Association until such time as the first of the following events shall occur: (a) the expiration of fifteen (15) years after the date of the recording of the Declaration, (b) the date on which all of the Units planned by Declarant to be a part of the Community shall have been improved with a dwelling and conveyed to an Owner for occupancy as a residence; or (c) the surrender by Declarant in writing of the authority to appoint and remove directors and officers of the Association. The directors appointed by the Declarant need not be Owners or residents in the Community. The total number of Lots planned by Declarant for the Community shall initially be the number of Lots shown on the Declarant's land use plan for the development as it may be amended from time to time. Inclusion of property on the land use plan shall not obligate the Declarant to subject such property to the Declaration, nor shall exclusion of property from the initial land use plan bar Declarant from subjecting such property to the Declaration. The final total number of Lots planned for the Community shall be the actual number of Lots shown on the recorded subdivision plat for the Community regardless of any different number of Lots shown from time to time on the land use plan. The Declarant shall notify the Association when the final subdivision plat for the Community has been recorded.

3.3 Number of Directors. During the period that the Declarant has the right to appoint and remove the officers and directors of the Association as provided above, the Board of Directors shall consist of from one to three members as determined by Declarant in writing from time to time. Thereafter, the Board shall consist of three members, who shall be elected as provided below.

3.4 Nominations of Directors. Elected directors may be nominated from the floor, if a meeting is held for the election of directors and may also be nominated by a nominating committee, if established by the Board. All candidates shall have a reasonable opportunity to communicate their qualifications to the members and to solicit votes.

3.5 Election and Term of Office. After the Declarant's right to appoint directors and officers terminates, the Association shall call a special meeting (or take action under Section 2.12 or Section 2.13 in lieu of a meeting) and the members shall elect three directors. The two of the three directors receiving the largest number of votes shall be elected for a term of two years, and the remaining director be elected for a term of one year. All subsequent elections shall elect directors for a term of two years. At annual meetings of the membership thereafter (or pursuant to Section 2.12 or Section 2.13 in lieu of a meeting), directors shall be elected. The three candidates receiving the most votes shall be elected. The directors elected by the Members shall hold office until their respective successors have been elected.

3.6 Removal of Directors. At any annual, regular or special meeting of the Association, any one or more of the members of the Board of Directors elected by the members may be removed, with or without cause, by a majority of the Total Association Vote and a successor may then and there be elected to fill the vacancy thus created. The notice of the meeting shall state that the purpose, or one of the purposes, of the meeting is removal of a director. A director whose removal by the members has been proposed shall be given an opportunity to be heard at the meeting. Additionally, any director who has three consecutive unexcused absences from Board meetings or who is delinquent in the payment of an assessment for more than 30 days may be removed by a majority vote of the remaining directors.

3.7 Varancies. Vacancies in the Board of Directors caused by any reason, excluding the removal of a director by vote of the Association, shall be filled by a vote of the majority of the remaining directors. Each Person so selected shall serve the unexpired portion of the term.

3.8 Organization Meetings. The first meeting of a newly elected Board of Directors shall be held within ten days after the election at such time and place as the directors may conveniently assemble.

3.9 Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by the Board, provided that, after the right of Declarant to appoint the directors terminates, at least four such meetings shall be held during each fiscal year with at least one per quarter. Notice of the regular schedule shall constitute sufficient notice of such meetings.

3.10 Special Meetings. Special meetings of the Board of Directors shall be held when requested by the President, Vice President or by any two directors. The notice shall specify the date, time and place of the meeting and the nature of any special business to be considered. The notice shall be given to each director by one of the following methods: (a) by personal delivery (including commercial delivery services) to such director's home or office; (b) written notice by first class mail, postage prepaid; or (c) by telephone communication (including facsimile), either directly to the director or to the director's home or office. All such notices shall be given or sent to the director's address or telephone number as shown on the records of the Association. Notices sent by first class mail shall be deposited with the U.S. Postal Service at least four days before the time set for the meeting. Notices given by personal delivery or telephone shall be given at least two days before the day set for the meeting.

3.11 Waiver of Notice. The business transacted at any meeting of the Board of Directors, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (a) a quorum is present, and (b) either before or after the meeting, each of the directors not present signs a written waiver of notice, a consent to holding the meeting, or an approval of the minutes which is included in the minutes or filed with the official records of the Association. The waiver of notice or consent need not specify the purpose of the meeting. Notice of a meeting shall also be deemed given to any director who attends the meeting without protesting before or at its commencement about the lack of adequate notice.

3.12 Quorum of Board of Directors. At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the votes of a majority of the directors present at a meeting at which a quorum is present shall constitute the decision of the Board of Directors.

3.13 Compensation. No director shall receive any compensation from the Association for acting as such.

3.14 Open Meetings. All meetings of the Board shall be open to all members, but members other than directors may not participate in any discussion or deliberation unless expressly so authorized by the Board.

3.15 Executive Session. The Board may adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters, litigation in which the Association is or may become involved, and orders of business of a similar nature. The nature of any and all business to be considered in executive session shall first be announced in open session.

3.16 Action Without A Formal Meeting. Any action required or permitted to be taken at a meeting of the directors may be taken without a meeting if one or more consents, in writing, setting forth the action so taken, shall be signed by a majority of the directors and delivered to the Association for inclusion in the minutes for filing in the corporate records.

3.17 Telephonic Participation. One or more directors may participate and vote during any meeting of the Board by telephone conference call or any other means of communication by which all directors participating may simultaneously hear each other during the meeting. Any such meeting in which a quorum participates shall constitute a meeting of the Board.

3.18 Powers. The Board of Directors shall be responsible for the affairs of the Association and shall have all of the powers and duties necessary for the administration of the Association's affairs and, as provided by law, may do all acts and things as are not by law, the Declaration, Articles, or these Bylaws directed to be done and exercised by the members. In addition to the duties imposed by these Bylaws or by any resolution of the Association that may hereafter be adopted, the Board of Directors shall have the power to and be responsible for the following, in way of explanation, but not limitation:

(a) preparation and adoption of an annual budget in which there shall be established the contribution of each member to the common expenses;

(b) making assessments to defray the common expenses and establishing the means and methods of collecting such assessments;

(c) providing for the operation, care, upkeep, and maintenance of all areas which are the maintenance responsibility of the Association;

(d) designating, hiring, and dismissing the personnel necessary for the operation of the Association and, where appropriate, providing for the compensation of such personnel and for the purchase of equipment, supplies, and material to be used by such personnel in the performance of their duties;

(e) collecting the assessments, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to administer the Association;

(f) making and amending rules and regulations;

(g) opening of bank accounts on behalf of the Association and designating the signatories required;

(h) enforcing by legal means the provisions of the Declaration, these Bylaws, and the rules and regulations adopted by it, and bringing any proceedings which may be instituted on behalf of or against the members concerning the Association;

(i) obtaining and carrying insurance against casualties and liabilities, as provided in the Declaration, and paying the premium cost thereof;

(j) keeping books with detailed accounts of the receipts and expenditures of the Association and the actions thereof, and specifying the maintenance and repair expenses and any other expenses incurred; and

(k) authorization of contracts on behalf of the Association.

3.19 Management Agent. The Board of Directors may employ for the Association a professional management agent or agents at a compensation established by the Board of Directors to perform such duties and services as the Board of Directors shall authorize. The Declarant or an affiliate of the Declarant may be employed as managing agent or manager. The term of any management agreement shall not exceed one year.

3.20 Borrowing. The Board of Directors shall have the power to borrow money without the approval of the members of the Association; provided, however, except as otherwise provided in the Declaration, the Board shall obtain membership approval in the same manner as for special assessments, in the event that the total amount of such borrowing exceeds or would exceed ten percent of the annual budget of the Association.

3.21 Fine or Suspension Procedure. The Board shall not impose a fine or suspension (a late charge shall not constitute a fine) unless and until the procedure outlined herein has been followed. However, this shall not be required for the following: (1) late charges on delinquent assessments; (2) suspension of voting rights if an Owner is shown on the Association's records to be more than 30 days delinquent in any payment due the Association; (3) suspension of the right to use the Common Property; and (4) suspension of utility services, in which case the late charge and foregoing suspensions shall be automatic.

(a) Written notice shall be delivered to the member by personal delivery at the Lot or first-class or certified mail sent to the address of the member shown on the Association's records, specifying

(1) the nature of the violation, the fine or suspension to be imposed and the date, not less than ten (10) days or, in the event of an unapproved sign, twenty-four (24) hours, from the date of the notice, that the fine or suspension will take effect;

(2) that the violator may, within ten days from the date of the notice, request a hearing before the Board regarding the fine or suspension imposed;

(3) the name, address and telephone numbers of a person to contact to request a hearing;

(4) that any statements, evidence, and witnesses may be produced at the hearing, and

(5) that all rights to have the fine or suspension reconsidered are waived if a hearing is not requested within ten days of the date of the notice.

(b) If a hearing is requested, it shall be held before the Board in executive session, and the violator shall be given a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing. Except for the display of unapproved signs, the fine or suspension shall run from the date that a decision is made by the Board at the conclusion of the hearing or such later date as the Board may determine.

Article 2 Officers

4.1 Officers. The officers of the Association shall be a President, Vice President, Secretary and Treasurer. Any two or more offices may be held by the same Person, excepting the offices of President and Secretary. The President and Treasurer shall be elected from among the members of the Board of Directors.

4.2 Election, Term of Office, and Vacancies. Except during the period in which the Declarant has the right to appoint the officers of the Association, the officers of the Association shall be appointed annually by the Board of Directors at the first meeting of the Board of Directors following the election of directors. A vacancy in any office arising because of death, resignation, removal, or otherwise may be filled by the Board of Directors for the unexpired portion of the term.

4.3 Additional Officers and Agents. The Board of Directors may appoint such other officers, including vice presidents, assistant secretaries and assistant treasurers, and agents as it shall deem necessary. Such officers and agents shall hold their respective offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the board of directors.

4.4 Salaries. The officers shall receive no compensation.

4.5 Removal. Except for officers appointed by the Declarant, any officer may be removed, with or without cause, by the Board of Directors.

4.6 President. The President shall be the chief executive officer of the Association and shall preside at all meetings of the members and directors. The immediate supervision of the affairs of the Association shall be vested in the President. It shall be the President's duty to attend to the business of the Association and maintain strict supervision over all of its affairs and interests. The President shall keep the Board of Directors fully advised about the affairs and conditions of the Association, and shall manage and operate the business of the Association pursuant to and in accordance with such policies as may be prescribed from time to time by the Board of Directors.

4.7 Vice President. The Vice President(s), if any, shall act in the President's absence or disability and shall have all powers, duties, and responsibilities provided for the President when so acting, and shall perform such other duties as shall from time to time be imposed upon any Vice President by the Board or delegated to a Vice President by the President.

4.8 Secretary. The Secretary shall keep the minutes of all meetings of the members and of the Board of Directors; notify the members and directors of meetings as provided by these bylaws and Georgia law; have custody of the seal of the Association; affix such seal to any instrument requiring the same; attest the signature or certify the incumbency or signature of any officer of the Association; and perform such other duties as the President, or the Board of Directors may prescribe. The Secretary shall perform the duties of the Treasurer of the Association in the absence or disability of the Treasurer.

4.9 Treasurer. The Treasurer shall keep, or cause to be kept, the financial books and records of the Association, and shall faithfully account for the Association's funds, financial assets, and other assets entrusted to the Treasurer's care and custody. The Treasurer shall make such reports as may be necessary to keep the President and the Board of Directors informed at all times as to the financial condition of the Association, and shall perform such other duties as the President, or the Board of Directors may prescribe. The Treasurer shall maintain the money and other assets of the Association in the name and to the credit of the Association, in such depositories as may be designated by the Board of Directors. The Treasurer may provide for the investment of the money and other assets of the Association consistent with the needs of the Association to disburse such money and assets in the course of the Association's business. The Treasurer shall perform the duties of the Secretary of the Association in the absence or disability of the Secretary.

4.10 Resignation. Any officer may resign at any time by giving written notice to the Board of Directors. Such resignation shall take effect on the date of the receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Article 5 Committees

Advisory committees to perform such tasks and to serve for such periods as may be designated by the Board or as provided in the Declaration are hereby authorized. Each committee shall be composed and shall operate in accordance with the terms of the Declaration or resolution of the Board of Directors designating the committee or with rules adopted by the Board of Directors. An advisory committee shall not be authorized to exercise any authority of the Board under the Articles of Incorporation, the Declaration, these Bylaws or the Georgia Nonprofit Corporation Code.

Article 6 Miscellaneous

6.1 Fiscal Year. The fiscal year of the Association shall be the calendar year unless otherwise determined by resolution of the Board.

6.2 **Parliamentary Rules** *Roberts Rules of Order* (current edition) shall govern the conduct of all Association proceedings, when not in conflict with Georgia law, the Articles of Incorporation, the Declaration or these Bylaws.

6.3 **Conflicts**. If there are conflicts or inconsistencies between the provisions of Georgia law, the Articles of Incorporation, the Declaration and these Bylaws, the provisions of Georgia law, the Declaration, the Articles of Incorporation and the Bylaws (in that order) shall prevail.

6.4 **Notices**. Unless otherwise prohibited by these Bylaws or the Declaration, all notices and other communications required by the Declaration or Bylaws shall be in writing and shall be given by:

- (a) Personal delivery;
- (b) United States mail, first class, postage prepaid;
- (c) Statutory overnight delivery;
- (d) Electronic mail;
- (e) Facsimile; or
- (f) A secure web site, provided that notice shall be deemed given via web site only upon proof that the addressee has retrieved the message.

Notices given by one of the methods described above shall be given:

(a) If to the Lot Owner, to the address, electronic mail address or facsimile number that the Owner has designated in writing and filed with the Secretary, or if no such address has been designated, at the address of the Lot of such Owner, or

(b) If to an Occupant, to the address, electronic mail address or facsimile number that the Occupant has designated in writing with the Secretary or, if no such address has been designated, at the address of the Lot occupied.

6.5 **Amendment**. These Bylaws may be amended by the Board of Directors with the consent of the Declarant if such amendment is necessary to: (a) bring any provision hereof into compliance with any applicable governmental statute, rule, or regulation or judicial determination which shall be in conflict therewith; (b) enable any title insurance company to issue title insurance coverage with respect to the Lots subject to the Declaration; (c) enable an institutional or governmental lender or purchaser of mortgage loans, including, without limitation, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to make or purchase Mortgage loans on the Lots subject to the Declaration; (d) enable any governmental agency or private insurance company to insure or guarantee Mortgage loans on the Lots subject to the Declaration; or (e) comply with the provisions of the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 *et seq.* In addition, these Bylaws may be amended upon the affirmative vote of at least two-thirds (2/3) of the Total Association Vote and the consent of Declarant.

Item XIII. e.

CERTIFICATION

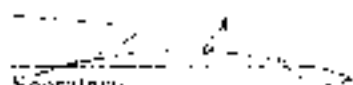
I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of Highland Park Homeowners Association of Stonecrest, Inc., a Georgia corporation;

That the foregoing constitute the Bylaws of said Association, as duly adopted by the Board of Directors and the members of the Association on the 20 day of June, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 20 day of June, 2019.

**HIGHLAND PARK HOMEOWNERS
ASSOCIATION OF STONECREST, INC.**


Secretary (Seal)

[CORPORATE SEAL]



CITY COUNCIL AGENDA ITEM

SUBJECT: SLUP 23 - 012 4083 Spencer Lane

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: **Withdrawal**

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director Planning and Zoning

PURPOSE: Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental (STVR).

FACTS: The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There wasn't anyone from the community that spoke in favor of the petition. There were approximately eleven (11) community members that came out to speak in opposition of the petition. The concerns that were expressed were: •HOA Covenants prohibiting short-term vacation rentals; • Homeowner currently operating the short-term vacation rentals without approval from city; • Previous short-term vacation renters creating nuisance and destroying infrastructure within existing neighborhood; and • The homeowner bought the home strictly for the use of a short-term vocational rental. Applicant requested to withdraw petition during January 2nd Planning Commission meeting.

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Other - Please State withdrawal



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



TO: Planning Commission

FROM: Planning and Zoning Department

SUBJECT: SLUP23-012

ADDRESS: 4083 Spencer Lane

DISTRICT: 4 – Councilman George Turner, Jr.

CYCLE MEETING DATE: December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

Summary: Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental (STVR).

STAFF RECOMMENDATION: None

PLANNING COMMISSION RECOMMENDATION: None (Applicant withdrew petition)

PROPERTY INFORMATION	
Location of Subject Property: 4083 Spencer Lane	
Parcel Number: 16 047 03 066	
Road Frontage: Spencer Lane	Total Acreage: 0.18 +/-
Current Zoning: R-100 (Residential Medium Lot)	Overlay District: N/A
Future Land Use Map/ Comprehensive Plan: Suburban Neighborhood	
Zoning Request: Applicant is seeking a Special Land Use Permit (SLUP) to operate a Short-Term Vacation Rental (STVR).	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Natnael Mammo
Applicant Address: 4083 Spencer Lane Lithonia, GA 30038
Property Owner Name: Natnael Mammo
Property Owner Address: 4083 Spencer Lane Lithonia, GA 30038

PUBLIC PARTICIPATION (CPIM)

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There wasn't anyone from the community that spoke in favor of the petition. There were approximately eleven (11) community members that came out to speak in opposition of the petition.

The concerns that were expressed were:

- HOA Covenants prohibiting short-term vacation rentals;
- Homeowner currently operating the short-term vacation rentals without approval from city;
- Previous short-term vacation renters creating nuisance and destroying infrastructure within existing neighborhood; and
- The homeowner bought the home strictly for the use of a short-term vocational rental.

DETAILS OF ZONING REQUEST

Since the city's incorporation, the site has been zoned R-100 (Residential Medium Lot).

The subject property is surrounded by R-100 zoned parcels. The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is to provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet; to provide for compatible infill development in neighborhoods; to provide protections for existing development as new subdivisions are created; to provide flexibility in design on the interior of new development while protecting surrounding development; to ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood; to provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and to implement the future development map of the city's comprehensive plan.

The city's land use policy document does support the proposed operation. The City of Stonecrest 2038 Comprehensive Plan has designated the parcel with the Suburban Neighborhood Zone land use designation. The purpose and intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

In Section 4.2.58 (Short Term Vacation Rental (STVR)) of Chapter 27 (Zoning Ordinance), it states eleven (11) supplemental regulations regarding petitioner's request. The supplemental regulations are as follows:

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the

neighborhood in which it is located and shall comply with the noise ordinance.

- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

ADJACENT ZONING & LAND USE		
NORTH	Zoning: R-100 (Residential Medium Lot)	Land Use: Single-Family Dwelling
SOUTH	Zoning: R-100 (Residential Medium Lot)	Land Use: Single-Family Dwelling
EAST	Zoning: R-100 (Residential Medium Lot)	Land Use: Single-Family Dwelling
WEST	Zoning: R-100 (Residential Medium Lot)	Land Use: Single-Family Dwelling

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

The site is currently developed with a single-family dwelling.

SPECIAL LAND USE PERMIT ZONING CRITERIA

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;
2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;
3. Adequacy of public services, public facilities, and utilities to serve the proposed use;
4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;
5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;
6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;
7. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use
8. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
9. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
10. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;
11. Whether the proposed use is consistent with the policies of the comprehensive plan;

- 12.** Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;
- 13.** Whether there is adequate provision of refuse and service areas;
- 14.** Whether the length of time for which the special land use permit is granted should be limited in duration;
- 15.** Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;
- 16.** Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;
- 17.** Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;
- 18.** Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and
- 19.** Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

RECOMMENDATION(S)
None

Attachments Included:

- **Code of Ordinance**
- **CPIM Minutes**
- **PC Meeting Minutes**
- **Future Land Use Map**
- **Zoning Map**
- **Overlay Map**
- **Site Photo**
- **Site Plan/Survey**
- **Letter of Intent**

Sec. 4.2.58. Short term vacation rental.

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
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- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
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- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

(Ord. No. 2018-09-01, § 1, 9-17-2018; Ord. No. 2018-09-02 , § 1, 9-17-2018; Ord. No. 2019-02-02 , § 1, 2-11-2019)

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletray, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stoncrest, GA 30038
10/22/2023

City of Stoncrest
3120 Stoncrest Blvd.
Stoncrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stoncrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

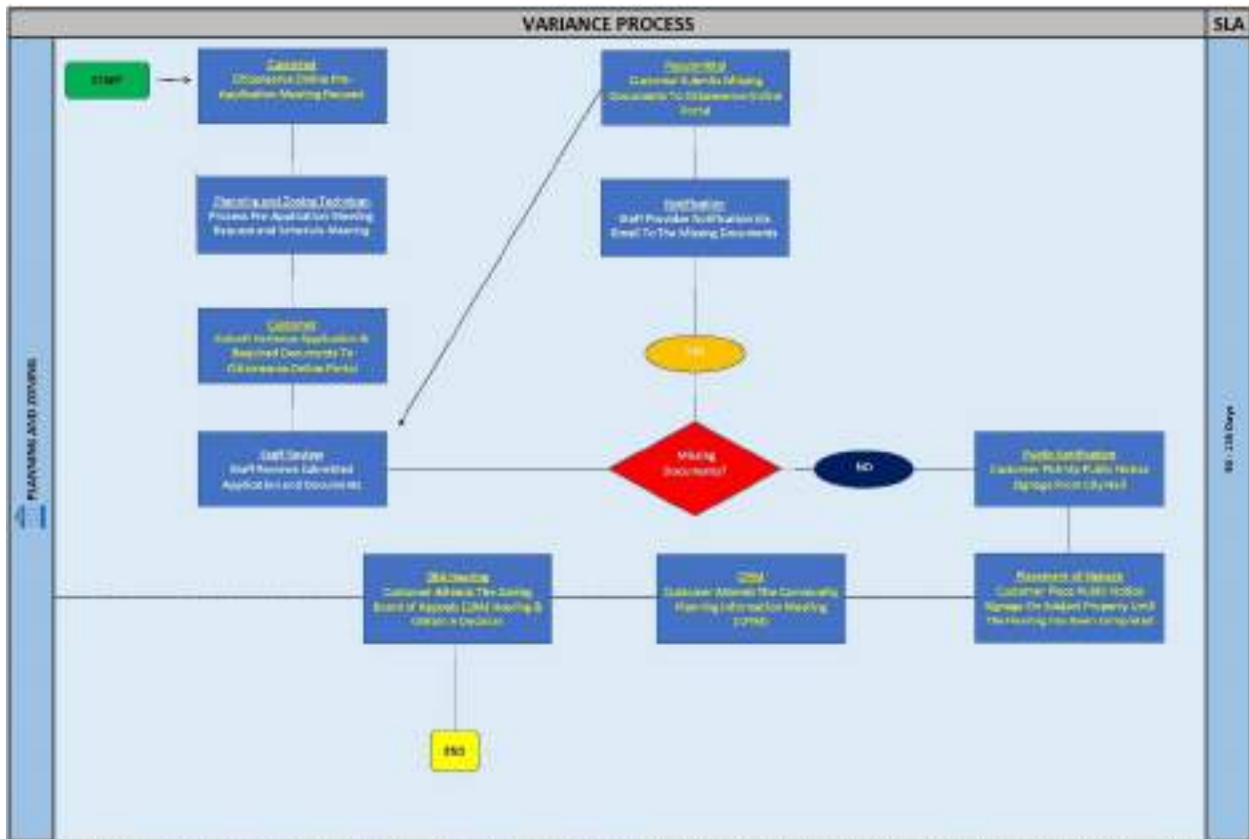
Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038

[REDACTED]
[REDACTED]





Diva Thomas the applicant came to the stand. She stated that three other neighbors have encroached into the stream. She also mentioned that the stream is about 6 inches.

There were no attendees to speak for or against the petition.

The next meeting for this applicant's petition will be the Zoning Board of Appeals which will be held on January 16, 2024

V23-008

2985 Turner Hill Road

Danielle Sheridan of Interplan, LLC

Petitioner is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-Fil-A.

Facts and Background

- The existing Chick-Fil-A (CFA) has been in operating since 2018.
- The CFA has frontage on Turner Hill Road
- The Applicant is requesting four (4) Variances relief

Future Land Use/Character Area

Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy. Ste 4000
Altamonte Springs, FL 32701

407-645-9088
interplan.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

Chick-fil-A is proposing the demolition of an existing ~3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding face to face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order/Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility I C, due to the lack of a bypass lane.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.2, C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan

Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23 - Drive-through facility, minimum.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within or near of a residential zoning property, as measured from any street or easement to the nearest line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than 1,000 square feet in area, unless part of a mixed-use development. Marking spaces for parking shall be provided for the drive-through vehicle in accordance with 4.2.2.2 of this chapter.
- C. Drive-through lanes and service windows shall be elevated above the curb level of the side or rear street(s).
- D. Drive-through lanes and other structures, where present, shall be constructed from the same materials as the primary building and with similar level of architectural quality and detailing.
- E. Speaker cones that do not direct away from any adjacent residential property and their square footage shall not exceed 100 square feet, and shall be enclosed in a sound barrier or other speaker system mitigation measures. Speaker cones that do not play music but that only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shielded and directed so as to be directed away from any adjacent residential property.
- G. Marking spaces shall be provided for any vehicle using a drive-through facility or other drive-through facility and parking spaces in accordance with the following requirements. Marking spaces shall be a minimum of 14 feet wide and 20 feet long. Marking spaces shall begin at the facade of the drive-through facility and extend to the back of the drive-through facility.
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three marking spaces for each window or drive-through service facility. The following provisions shall apply to marking spaces and drive-through facilities:
 1. Drive-through lanes shall not provide for use of drive-through lanes, except drive-through or pass-through drive-through parking lanes, and shall not include a preliminary utility location when provided by utility companies, and shall not include a utility line.
 2. Drive-through lanes shall be separated by curbing or curbing from off-street parking areas. Individual lanes shall be marked, marked in advance of the drive-through facility.
 3. All drive-through facilities shall include a separate lane with a minimum width of 14 feet, by which staff may manage assistance to drive-through facility without blocking or the drive-through lane. This space shall not be used as a service drive lane.
- I. Drive-through lanes shall be set back five feet from all streets and roadway right-of-way lines.
- J. Owner and installer are responsible for daily trash clean-ups around the property where free of trash, litter and debris.
- K. Drive-through restaurants shall not be located within 500 feet of an elementary, middle or high school.
- L. Drive-through restaurants shall be subject to the same rules and regulations as all other commercial uses on a parcel and use permit is required unless the facility is one of the following:
 1. Facility is located within 500 feet of an intersection of a major arterial street and a major arterial street, or within 100 feet of an interstate highway interchange does not require a special use permit.
 2. Facility is located within 100 feet of a throughway or through a shared driveway.
 3. Facility is part of a major redevelopment, as defined in Section 4.2.1.1.
- M. Distance shall be measured from the right-of-way of the street or service lane, or street corner outside of the radius, along the intervening drive-through lane to the nearest property line.

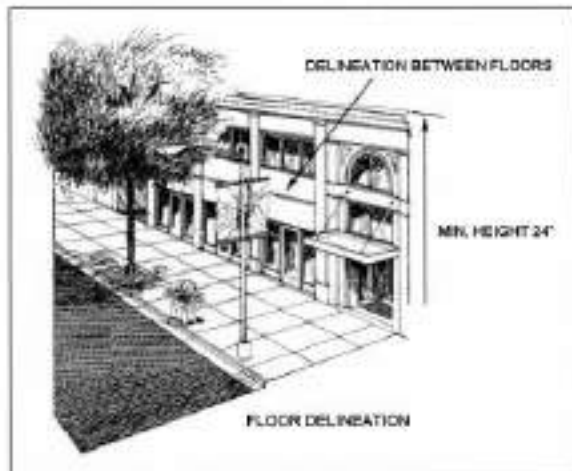
Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2 - Accessory buildings, structures and uses, location, yard and building restrictions.

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the lot or lots of the principal building to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the accessory structure is connected to water and sewer.
- C. Yards and setbacks.
 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of all types of machines which are also allowed in the front or side yard.
 2. Accessory structures may not encroach in the six-month yard setback for the structure which they are accessory.
 3. Accessory buildings or structures shall meet the minimum yard setback for the district or use type, whichever is less, and shall not be located closer than one foot to a rear lot line from any side lot.
 4. Backset yard setbacks to the primary residential structure or structure adjacent to an existing driveway of the primary residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No setback yard shall be needed to such a degree that the play area for the basketball goal is located within any portion of a public right-of-way.
 5. Additional supplemental requirements in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot rear yards. Where the rear yard of a corner lot abuts onto the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer than one-half right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a residential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a driveway, alleyway, or other means, the accessory building or structure shall comply with the setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools. An accessory structure in a residential district shall be measured from the edge of the decking to the applicable property line. The part of the decking for an accessory swimming pool shall be within five feet of a lot or rear property line.
- I. Height. As expressly provided elsewhere in this chapter, an accessory structure shall be limited in the lesser of 20 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory building that is accessory to a single-family residential, or three-family residential structure shall not exceed the maximum floor area set forth in Table 4.2.2.000B.

Stonecrest Overlay District Design Guidelines Exhibit 16: Architectural Delineation



- 3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philipe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November’s Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 -Residential Medium Lot

POW Permitted Zoning Districts

City of Jacksonville										City of Jacksonville - Planning and Zoning Division										
POW Permitted Zoning Districts										POW Permitted Zoning Districts										
100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120

Aerial Map



WYS AREA CALCULATIONS
 LOT AREA: 1.4770 AC
 BUILDING AREA CALCULATIONS
 TOTAL BUILDING AREA: 1.1600 AC (24,000 SQ FT)
ZONING
 DISTRICT: C-1 (COMMERCIAL)
 SETBACKS
STREETScape REQUIREMENTS

CELESTIAL CHURCH OF CHRIST
CONCEPT PLAN
 CSP3

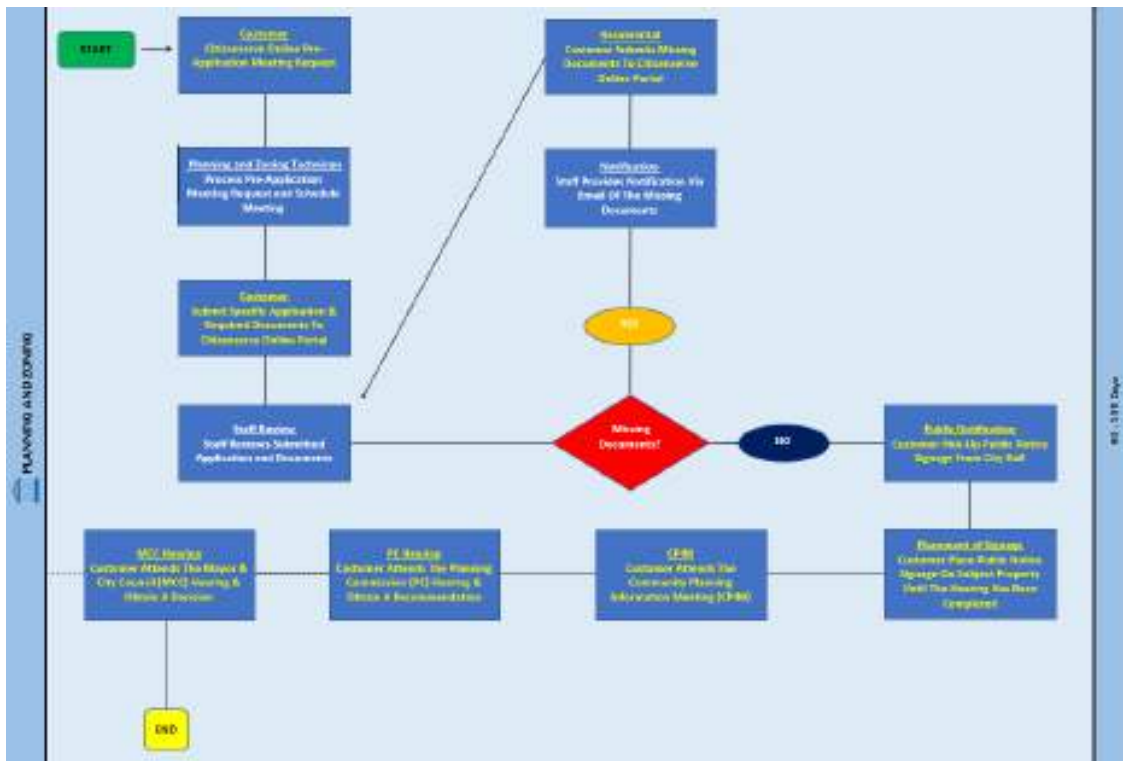


Sec. 4.2.42. – Places of Worship, Convents; Monasteries; Temporary Religious Meetings

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Special Land Use Permit



Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petiton. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Halloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
1. The owner/operator of the business must reside on the premises.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 8.1.5](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [Section 4.2.31](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennel's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clark -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkerson R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 8032 Faring Drop in the Farrington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children. We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

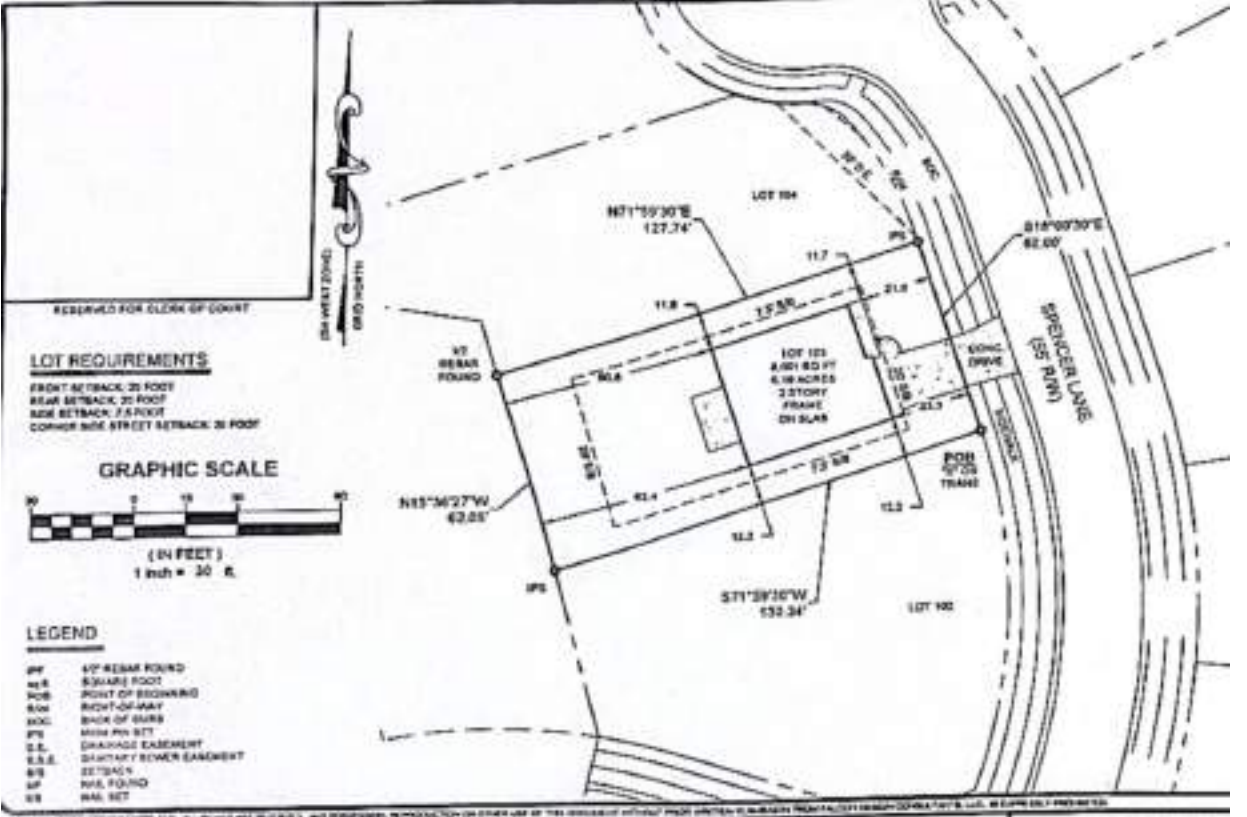
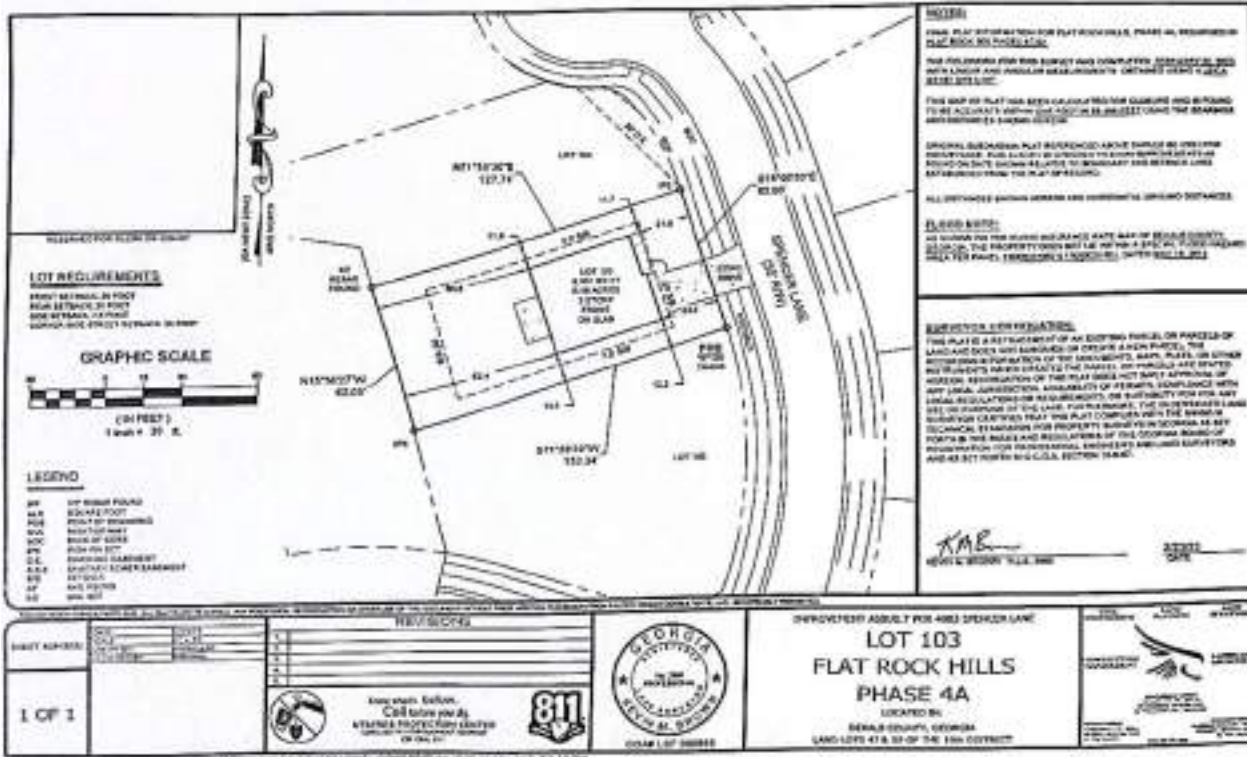
Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan





Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinances.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 300 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

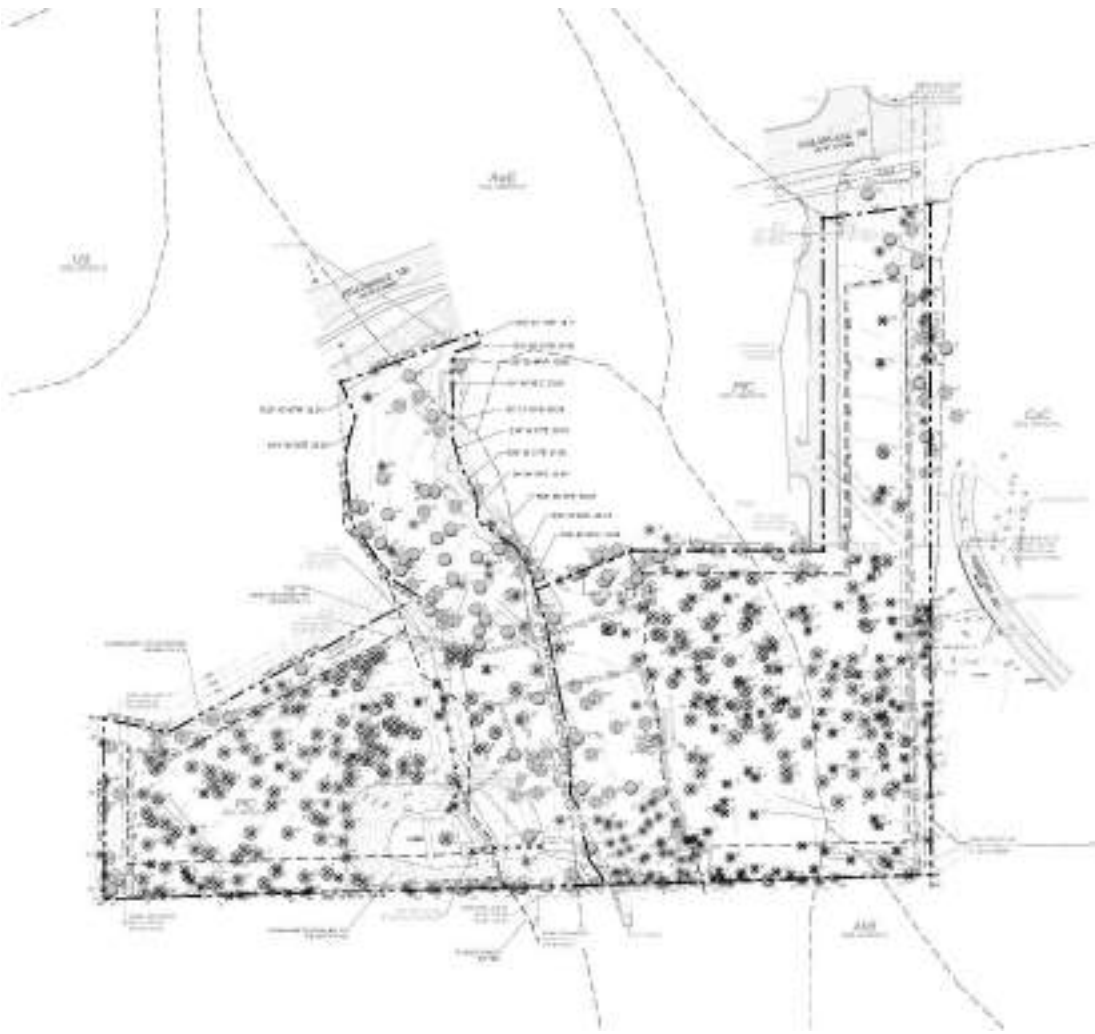
Zoning Map

M - Light Industrial

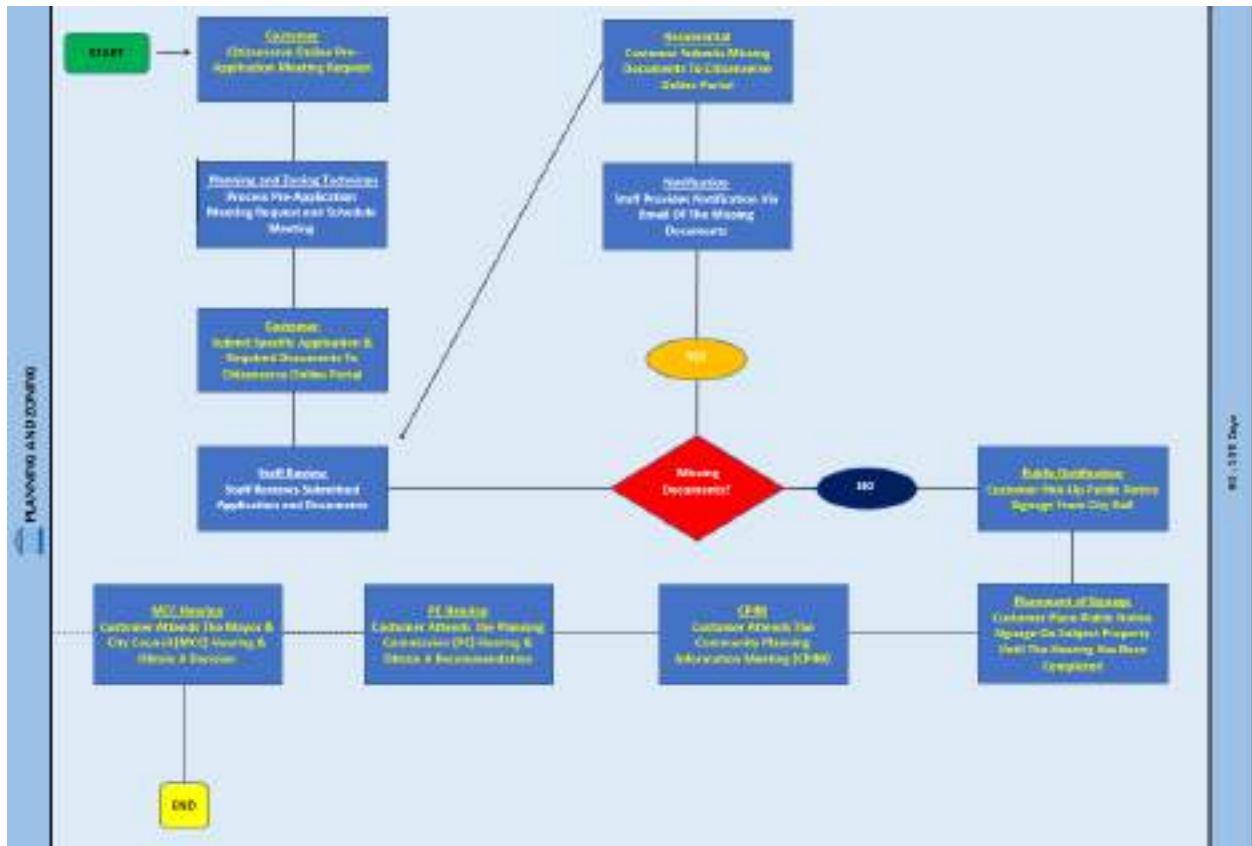
Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey



REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant's next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City's Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

- City’s current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest’s Zoning Ordinance permit MHC in certain zoning districts

City’s Comprehensive Plan

	Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Land Use	Stonycrest Area Overlay						Interstate 20 Corridor Overlay ^a			Arabis Mountain Conservation Overlay ^a	See Section 4.2
	T1	T2	T3	T4	T5 ^b	T6 ^b	T1	T2	T3		
*Key: P—Permitted use P ₂ —Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.2.3) * *Note: Uses permitted in Tiers 5 and 6 of the Stonycrest Area Overlay and the Arabis Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence*							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff’s Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff's Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

REZONING, SPECIAL LAND USE PERMIT, ZONING CONDITION MODIFICATION APPLICATION CYCLE

PLANNING COMMISSION MEETS EVERY 1ST TUESDAY OF THE MONTH

HEARING STARTS AT 6:00 PM IN CITY COUNCIL CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

VARIANCE APPLICATION CYCLE

ZONING BOARD OF APPEALS MEETS EVERY 3RD TUESDAY OF THE MONTH

HEARING STARTS AT 6:30 PM IN CITY COUNCIL CHAMBERS

Meeting ended at 7:49 pm

APPROVED: *condert*
Shawanna Dawry

PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24

Date

ATTEST: *Cobi Brown*

SECRETARY

1/9/24

Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner’s representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road’s traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner’s representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and **Commissioner Lemuel Hawkins (District 5)** did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-011**

LAND USE PETITION: SLUP23-011
 PETITIONER: Michelle Fennell of Farms Lane
 LOCATION: 5924 Fairington Farms Lane
 PETITIONERS REQUEST: Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff's Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant's hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that's why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010**

LAND USE PETITION:	RZ23-010
PETITIONER:	Helen Simpson of Lowe Engineers
LOCATION:	6039 Hillandale Drive
PETITIONERS REQUEST:	Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city's Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest's Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2 – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. - DEFINITIONS/MAPS

Sec. 9.3.1. - Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lowers square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tine home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tine homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

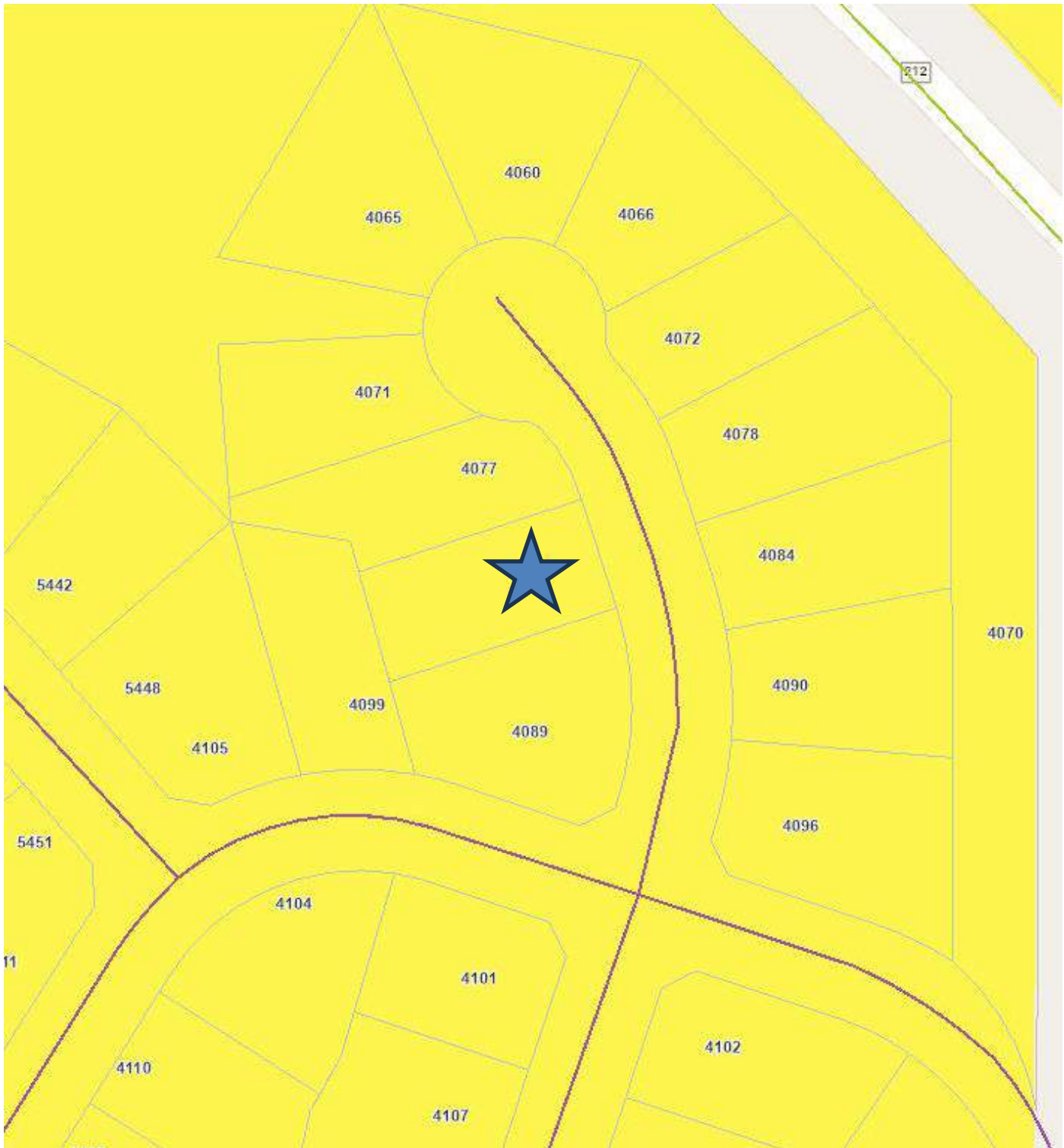
APPROVED:

CHAIRMAN	Date
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ATTEST:

SECRETARY	Date
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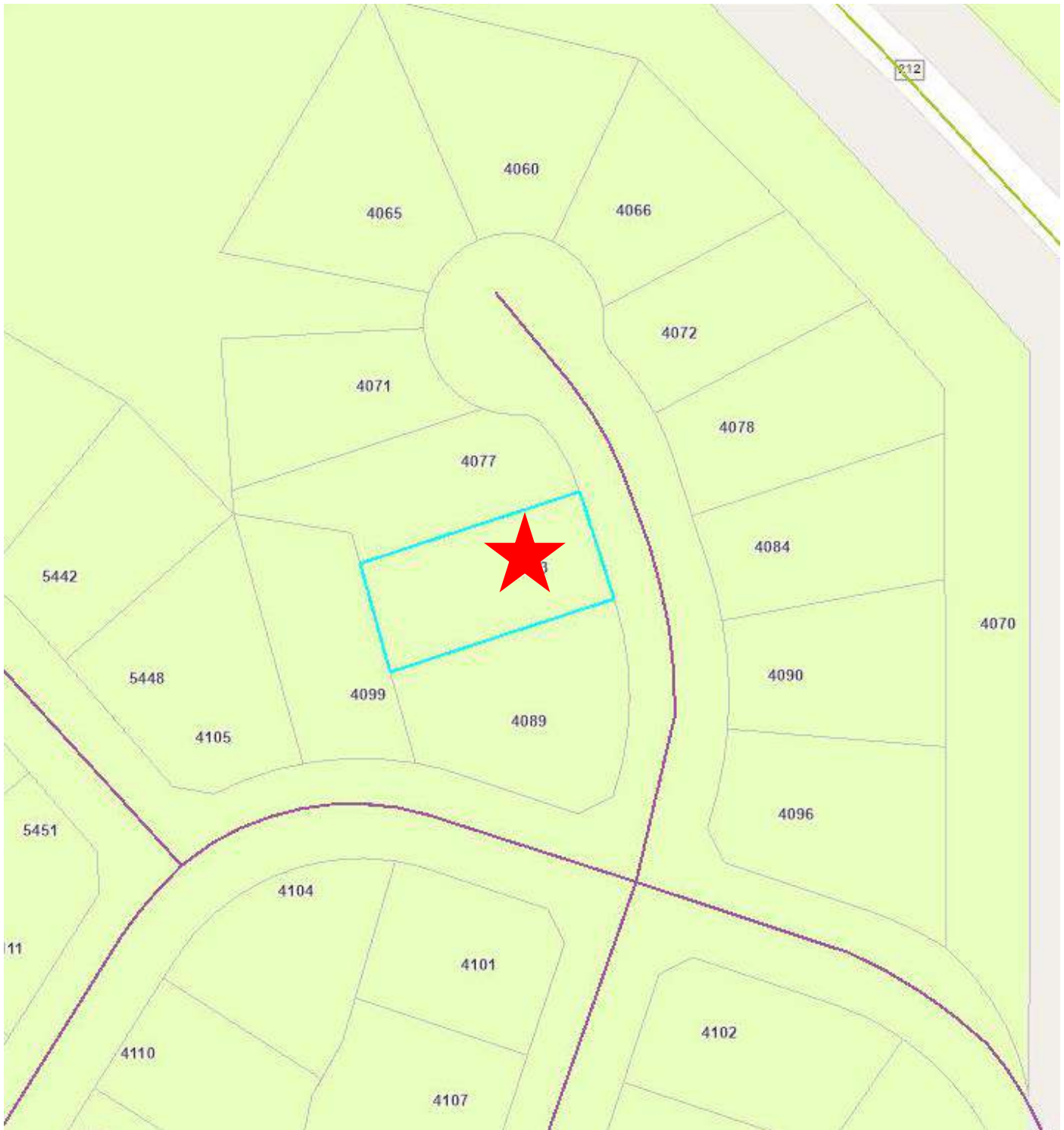
Future Land Use Map | Suburban Neighborhood (SN)



Suburban Neighborhood (SN)

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

Zoning Map | M (Light Industrial)



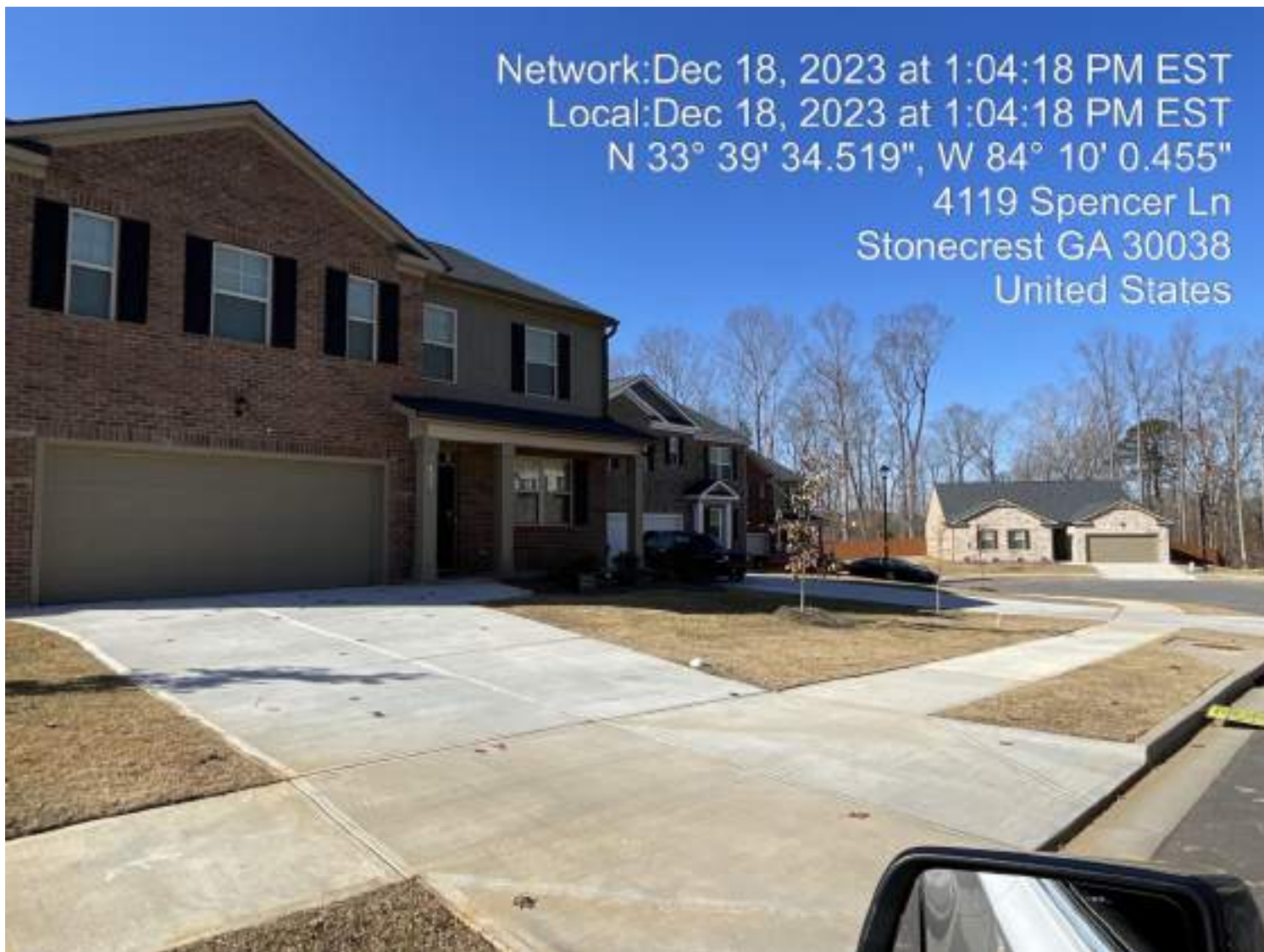
Site Photo



Network: Dec 18, 2023 at 1:04:15 PM EST
Local: Dec 18, 2023 at 1:04:14 PM EST
N 33° 39' 34.519", W 84° 10' 0.455"
4119 Spencer Ln
Stonecrest GA 30038
United States



Network: Dec 18, 2023 at 1:04:18 PM EST
Local: Dec 18, 2023 at 1:04:18 PM EST
N 33° 39' 34.519", W 84° 10' 0.455"
4119 Spencer Ln
Stonecrest GA 30038
United States



Network: Dec 18, 2023 at 1:04:21 PM EST
Local: Dec 18, 2023 at 1:04:21 PM EST
N 33° 39' 34.519", W 84° 10' 0.455"
4119 Spencer Ln
Stonecrest GA 30038
United States



Letter of Intent

Letter of Intent

Wanting to conduct an Airbnb business at my single family home, 4083 Spencer Lane, Stonecrest GA 30038.

Natnael Mammo





CITY COUNCIL AGENDA ITEM

SUBJECT: RZ 23 - 010 6039 Hillandale Drive

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: **Withdrawal**

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

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

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Shawanna Qawiy, Director Planning and Zoning

PURPOSE: Applicant is seeking to rezone property for the expansion of an existing cemetery.

FACTS: The Applicant currently operates a cemetery and crematory located at 6201 Hillandale Drive. The business has an active business license and be operating within the city's limits since 2018. The Applicant is proposing to expand the business onto subject property, where only burials will be located. The Applicant owns three (3) properties in the area (subject property, 6129 Hillandale Drive, and 6201 Hillandale Drive). The operation of a cemetery requires a SLUP (Special Land Use Permit) that must be approved by the Mayor and City Council, according to the current code. Staff have no record of an approved SLUP regarding the operations of the existing business. Additionally, a portion of the subject property is located between an existing Shell Gas Stations and Medical Facility. Applicant requested to withdraw application via email on December 23, 2023.

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



CITY COUNCIL AGENDA ITEM

RECOMMENDED ACTION: Other - Please State withdrawal

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



TO: Planning Commission

FROM: Planning and Zoning Department

SUBJECT: RZ-23-010

ADDRESS: 6039 Hillandale Drive

DISTRICT: 2 – Councilman Terry Fye

CYCLE MEETING DATES: December 14, 2023 (CPIM) | January 2, 2024 (PC) | January 22, 2024 (MCC)

SUMMARY: Applicant is seeking to rezone subject property from M (Light Industrial) to R-100 (Residential Medium Lot) for the expansion of an existing cemetery.

STAFF RECOMMENDATION: None (Applicant withdrew application on December 23, 2023 via email)

PLANNING COMMISSION RECOMMENDATION: None

PROPERTY INFORMATION	
Location of Subject Property: 6039 Hillandale Drive	
Parcel Number: 16 088 02 002	
Road Frontage: Hillandale Drive	Total Acreage: 5.49 +/-
Current Zoning: M (Light Industrial)	Overlay District: Stonecrest Tier 6
Future Land Use Map/ Comprehensive Plan: CC (City Center)	
Zoning Request: Applicant is seeking to rezone subject property from M (Light Industrial) to R-100 (Residential Medium Lot) for the expansion of an existing cemetery.	
Zoning History: N/A	

APPLICANT / PROPERTY OWNER INFORMATION
Applicant Name: Helen Simpson
Applicant Address: 990 Hammond Drive Suite 900 Atlanta, GA 30328
Property Owner Name: John Link
Property Owner Address: 5188 Winters Chapel Road Dunwoody, GA 30360

**PUBLIC PARTICIPATION
(CPIM)**

The CPIM (Community Planning Information Meeting) was held on December 14, 2023, at City Hall. There was only one (1) community member that requested clarification on how close the expansion is to Hilson Head subdivision for runoff. The Applicant responded to the community member by stating the following:

- The subject property will only be used for burials; no building will be located there; and
- The public will rarely see the expansion from Hillendale Road due to a creek being in the middle of property and the applicant abiding by the 75 feet stream buffer.

DETAILS OF ZONING REQUEST

The site is currently zoned M (Light Industrial). The City's land use policy document (Comprehensive Plan) does not support the rezoning request however, staff in the process of updating version of the Comprehensive Plan. The City of Stonecrest 2038 Comprehensive Plan has designated the parcel to be CC (City Center). The City Center character area intends to promote concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage.

The Applicant is proposing to rezone the site to R-100 (Residential Medium Lot) zoning district. The R-100 (Residential Medium Lot) zoning district is intended to provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet, to provide for compatible infill development in neighborhoods, to provide "For Sale", Single family detached residential subdivisions and For Sale Communities, to provide flexibility in design on the interior of new development while protecting surrounding development, to ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood, to provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents, and to implement the future development map of the city's comprehensive plan.

The Applicant currently operates a cemetery and crematory located at 6201 Hillandale Drive. The business has an active business license and be operating within the city's limits since 2018. The Applicant is proposing to expand the business onto subject property, where only burials will be located. The Applicant owns three (3) properties in the area (subject property, 6129 Hillandale Drive, and 6201 Hillandale Drive). The operation of a cemetery requires a SLUP (Special Land Use Permit) that must be approved by the Mayor and City Council, according to the current code. Staff have no record of an approved SLUP regarding the operations of the existing business. Additionally, a portion of the subject property is located between an existing Shell Gas Stations and Medical Facility.

In Section 4.2.17 (Cemetery, columbarium, mausoleum, as principal use) has the following supplemental regulations:

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

ADJACENT ZONING & LAND USE		
NORTH	Zoning: MR-1 (Medium Density Residential)	Land Use: Undeveloped Land
SOUTH	Zoning: N/A	Land Use: Interstate 20
EAST	Zoning: M (Light Industrial)	Land Use: Vacant Property
WEST	Zoning: R-100 (Residential Medium Lot)	Land Use: Cemetery & Crematory

PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

The site is currently undeveloped with one (1) road frontage (Hillandale Drive). Pole Bridge Creek runs through the middle of the subject property. The Applicant must abide by state and locate stream buffer regulations.

PROPOSED ADMENDMENTS TO THE OFFICIAL ZONING MAP CRITERIA

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;
2. 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;
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties;
5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;
6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;
7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and
8. Whether the zoning proposal adversely impacts the environment or surrounding natural resources

RECOMMENDATION(S)

None

Attachments Included:

- **Code of Ordinance**
- **CPIM Minutes**
- **PC Meeting Minutes**
- **Future Land Use Map**
- **Zoning Map**
- **Overlay Map**
- **Aerial Map**
- **Site Photo**
- **Site Plan/Survey**
- **Environmental Site Analysis**
- **Letter of Intent**

Sec. 4.2.17. Cemetery, columbarium, mausoleum, as principal use.

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.42, places of worship.

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

(Ord. of 8-2-2017, § 1(4.2.17))

COMMUNITY PLANNING INFORMATION MEETING MINUTES SUMMARY

Stonecrest City Hall- 6:00 PM *Spoke-in-Person Meeting

December 14, 2023

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing December 14, 2023. The Zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Introductions: Director Shawanna Qawiy, Senior Planner Tre'Jon Singletary, Planner Abeykoon Abeykoon, and Planning Administrative Technician Cobi Brown were in attendance.

II. Presentations: Upcoming Cases Presented by Tre'Jon Singletray, Senior Planner

- **V23-007**
- **V23-008**
- **SLUP23-009**
- **SLUP23-011**
- **SLUP23-012**
- **RZ23-010**
- **TMOD23-007**

III. Presentations

Senior Planner Tre'Jon Singletary Presented **V23-007, V23-008, SLUP23-009, SLUP23-011, SLUP23-012, RZ23-010, and TMOD23-007**

Purpose and Intent

An informational meeting that allows staff and applicants to inform the public of upcoming developments/projects;

Allow the citizens, business owners, and developers of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;

Bridge the relationships between developers, residents, and staff

Occurrence

Every 2nd Thursday of each month

V23-007

3654 Salem Drive

Diva Thomas

Petitioner is seeking a variance to encroach into a stream buffer for the construction of an attached garage for an existing home.

Facts and Background

- The existing residential structure was built in 1987
- The Applicant desires to remove existing deck, extend existing driveway, and constructed a two-car garage
- The Applicant is requesting one (1) Variance relief

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 Residential med Lot

Submitted Letter of Intent

Letter of Intent

Diva Thomas
3654 Salem Drive
Stoncrest, GA 30038
10/22/2023

City of Stoncrest
3120 Stoncrest Blvd.
Stoncrest, Georgia 30038

To whom it may concern,

I am writing to formally request a Stream Buffer Variance as per Chapter 14 of the Stoncrest Zoning Ordinance to construct a proposed attached two-car garage (not exceeding 529 sq ft or 23ft by 23ft) within the farthest buffer zone where multiple neighboring residential buildings are also located, either in this zone or closer to the stream. The garage will replace the existing deck, which currently encroaches approximately 25% into the farthest buffer. The proposed attached garage will occupy no more than 397 sq ft than the current existing deck, originally built with the house. To preserve the integrity of the area, we have ensured that there will be no encroachment closer than 50 feet from the only stream channel on the property.

Since the construction of the residential house in 1988, the year the new house was acquired by the current property owner, over half of the existing attached house decks have always been situated within the 75' buffer (zone 3). Additionally, at least three houses on the same street have structures located within buffer zones 2 and 3 (please refer to the attached photo images for reference). For instance, the house on the left when viewed from the street has structural elements within zone 3 of the buffer (as shown in the attached photo image, "H08"), and the house on the right of the property from the street view also has existing structures within buffer zones 2 and 3 (as seen in the attached photo image, "H06"). Hence, the neighborhood, in existence since the 1970s, with no HOA fees, has historically seen no issues related to building within these buffer zones. Moreover, our property has remained stable for over 35 years, even when the ground becomes saturated after storms. We are only seeking permission to construct within zone 3, the farthest buffer from the stream, to enhance safety by reducing vehicle theft concerns and improving the neighborhood's aesthetic appeal by decreasing the number of vehicles in the driveway. This, in turn, will contribute to minimizing energy consumption and reducing the carbon footprint associated with defrosting and cooling vehicles parked in the driveway, thereby promoting the upkeep of vehicles and safety on the roads.

The proposed construction within the farthest buffer will have minimal impact on water quality. The stream behind the house is relatively small, with shallow depths of between 3-6 inches on average with ~3 feet across, and a natural reservoir (approximately 30 ft across) never fills more than 25% capacity with stream water and runoff. This reservoir also boasts plant growth that aids in water absorption. We plan to enhance this natural water quality measure by adding more

plants to further mitigate water quality issues. Furthermore, there is no historical evidence to suggest that water from the stream has ever impacted or flooded the property.

Should the proposed garage structure not be allowed within the buffer, it would necessitate construction below the high, slanted driveway, increasing the risk of accidents such as vehicles accidentally driving into the new attached garage, especially during hazardous conditions like icy roads, slippery surfaces, intoxicated driving, inexperienced driver accidents, or theft attempts using vehicles. Thus, the alignment of the new structure, directly below the slanted driveway, would lead to safety concerns and poor visual cohesion for visitors, potential buyers, and neighbors, which could have detrimental effects on property values in the neighborhood.

As mentioned earlier, there is an existing reservoir acting as a natural water quality measure on-site, which remains dry for most of the year and has never filled beyond one-fourth of its capacity. If the requested variance is granted, we intend to enhance the site with better landscaping, stormwater management, eco-friendly stream flow improvements, tree planting, and/or growing native plants, etc. These enhancements will not only beautify the area but also contribute to effective water quality control.

The proposed improvements to the site have the potential to substantially enhance the house's character and benefit the surrounding area by allowing for better discharge mitigation, further reducing the likelihood of any negative water impact. The variance, if granted, will not result in excessive use of existing infrastructure, transportation facilities, or schools, nor will it have any adverse effects on the environment or surrounding natural resources.

Additional Site Information:

Nature of Request: Stream Buffer Variance

Property Details:

Name of Project/Subdivision: Residential Attached Two-Car Garage Project / Old Salem Woods Subdivision

Property Address/Location: 3654 Salem Drive, Stonecrest, GA 30038

District: 4

Land Lot: R-100 – Residential Med Lot

Block: E

Property/Parcel ID: 16 052 05 016

Campaign Disclosure: No

Legal description including a narrative of the metes and bounds:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 52 OF THE 16TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING LOT 16, BLOCK E, OLD SALEM WOODS, SECTION ONE AND TWO, UNIT ONE, AS SHOWN AT PLAT BOOK 63, PAGE 142 [See "H15" for attached map site document], DEKALB COUNTY RECORDS, WHICH PLAT IS REFERRED TO AND MADE A PART OF THIS DESCRIPTION, BEING IMPROVED PROPERTY WITH A RESIDENCE LOCATED THEREON KNOWN AS 3654 SALEM DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY PATRICK AND ASSOCIATES, INC., DATED JANUARY 28, 1988.

We request that you consider our application and grant the necessary variance. We are committed to adhering to the requirements and ensuring that the proposed variance is consistent with the embodiment and purpose of Chapter 14 and the City of Stonecrest Comprehensive Plan.

Should you require additional information or have any questions regarding our application, please do not hesitate to contact at [REDACTED] or [REDACTED].

Please feel free to reach out at any time with your questions or thoughts, and we eagerly await your response.

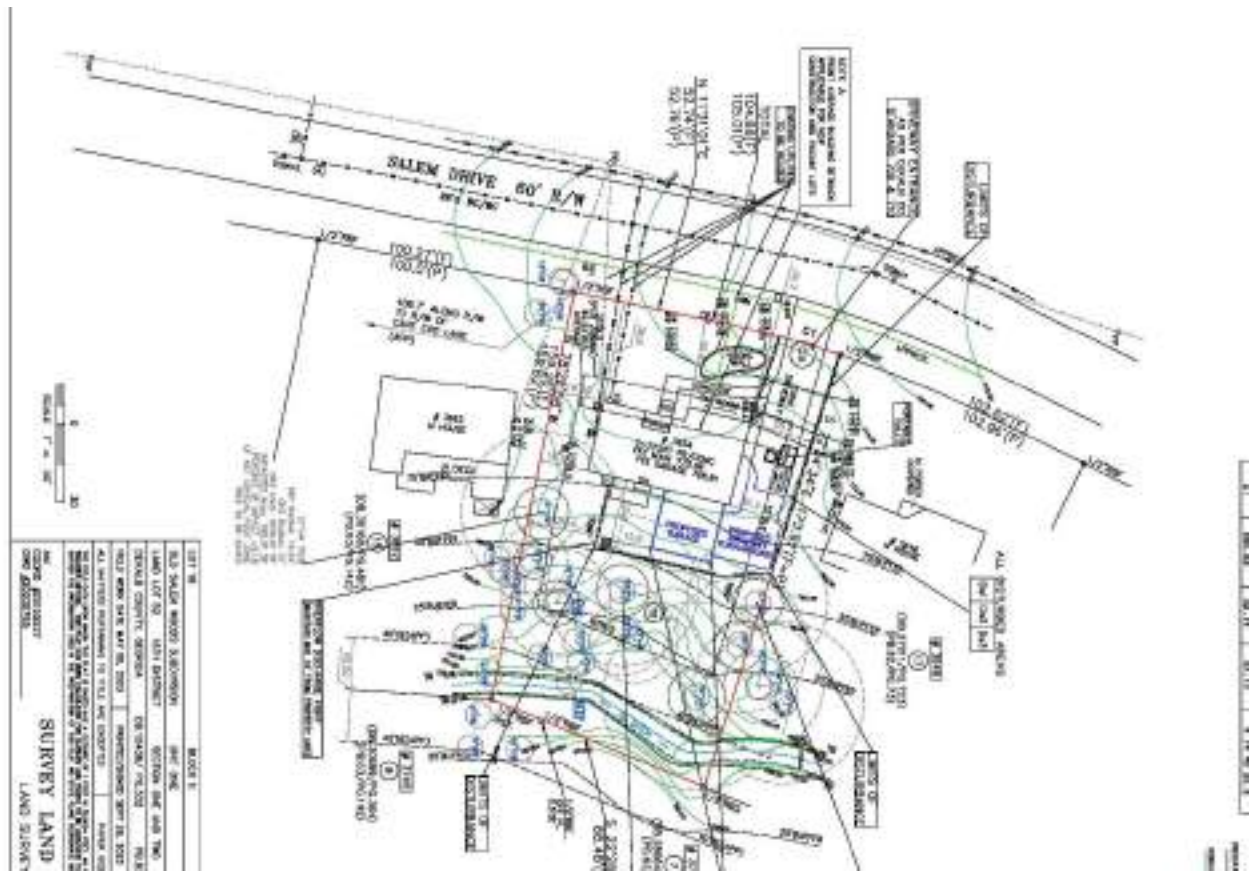
Thank you for your attention to this matter. We sincerely appreciate your consideration of our request.

Sincerely,

Diva Thomas
3654 Salem Drive
Stonecrest, GA 30038

[REDACTED]
[REDACTED]

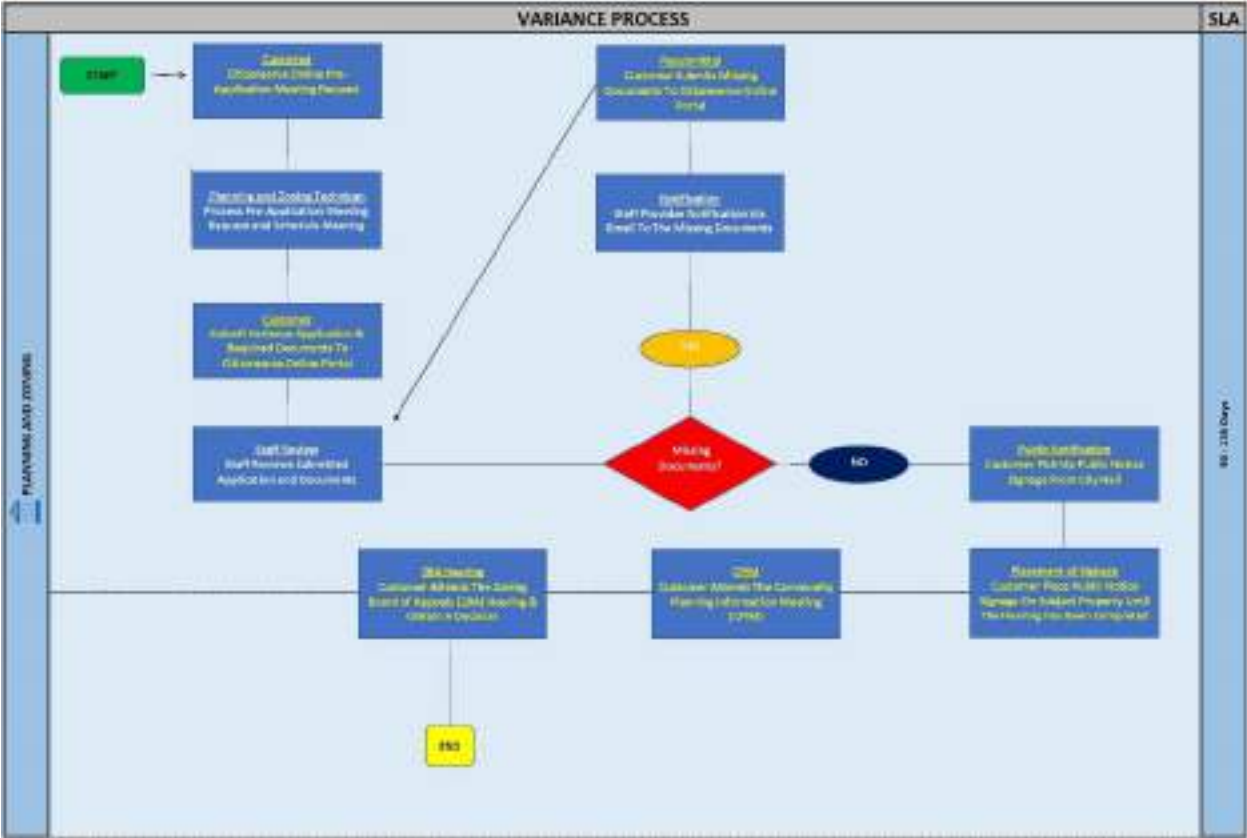




Chapter 14 | Article 7 | Sec. 14-543

Sec. 14-543. - Minimum stream buffer requirements.

- (a) Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffer must remain undisturbed except as otherwise provided in [Section 14-545](#).
- (b) Any new stormwater discharge crossing a stream buffer or slide buffer zone must be designed to ensure that sheet flow is established through the stream buffer and to prevent channelized flow through the stream buffer.
- (c) Riping of streams is not allowed in required stream buffers unless a variance is granted.



Diva Thomas the applicant came to the stand. She stated that three other neighbors have encroached into the stream. She also mentioned that the stream is about 6 inches.

There were no attendees to speak for or against the petition.

The next meeting for this applicant's petition will be the Zoning Board of Appeals which will be held on January 16, 2024

V23-008

2985 Turner Hill Road

Danielle Sheridan of Interplan, LLC

Petitioner is seeking a variance for the drive-thru of the proposed reconstruction of the Chick-Fil-A.

Facts and Background

- The existing Chick-Fil-A (CFA) has been in operating since 2018.
- The CFA has frontage on Turner Hill Road
- The Applicant is requesting four (4) Variances relief

Future Land Use/Character Area

Regional Center

Zoning Map - C-1 Local Commercial

Overlay District Map- Stonecrest Overlay - Tier 1

Submitted Letter of Intent



220 E. Central Pkwy. Ste 4000
Altamonte Springs, FL 32701

407-645-9088
interplan.com

November 6, 2023

City of Stonecrest
Planning and Zoning Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Reference: Chick-fil-A #1217, Turner Hill
Interplan Number: 2022.0675
2985 Turner Hill Road, Stonecrest, GA 30038

To Whom It May Concern,

Chick-fil-A is proposing the demolition of an existing ~3,873sf Chick-fil-A drive-thru restaurant for the construction of a new 4,864sf Chick-fil-A drive-thru restaurant with associated site work for a completely new parking and drive-thru orientation specifically designed to increase on-site stacking and the overall efficiency of the site. In addition, the installation of a new freestanding face to face (F2F) canopy with two (2) menu boards is proposed for ordering and a larger Order/Meal Delivery (OMD) canopy attached to the building over the pick-up window is proposed which will provide team members protection from the elements while onsite taking and fulfilling multiple orders at a time. These modifications, in combination with a brand-new, state of the art kitchen, designed to get food out to the drive-thru faster will all work together to increase the efficiency of the drive-thru, thus reducing traffic congestion and off-site stacking.

As part of the redevelopment, the following variance requests to the City of Stonecrest's Zoning Ordinance regulations will be required:

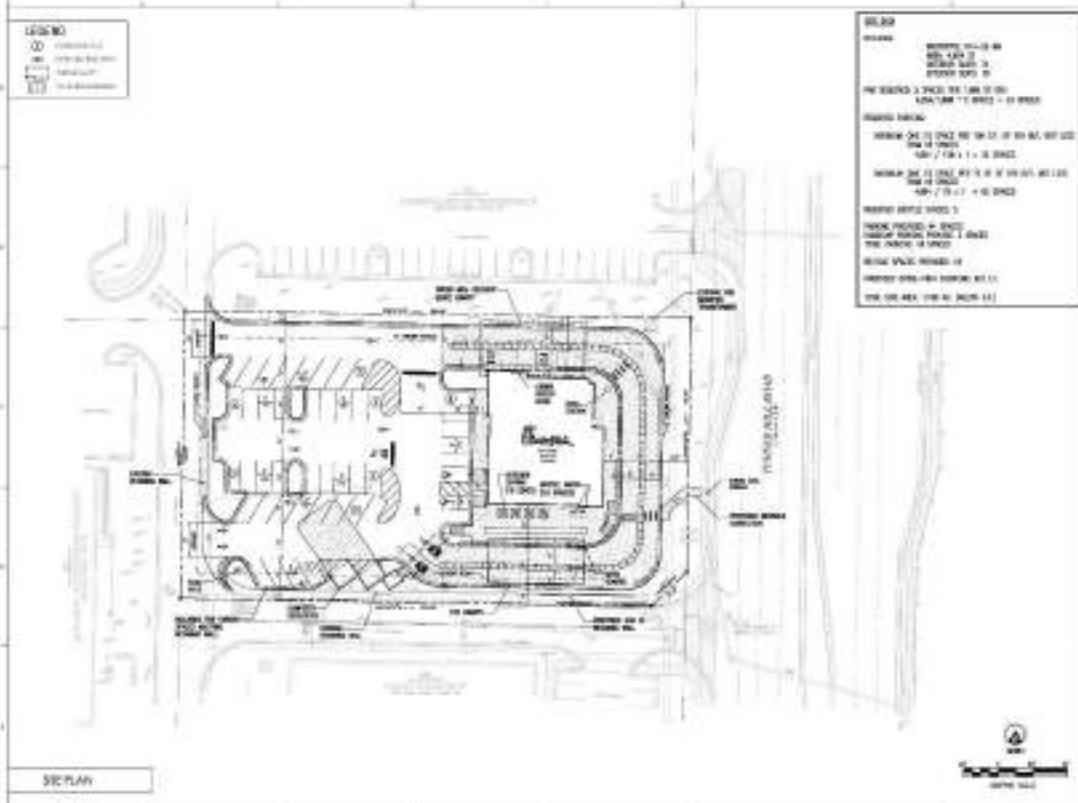
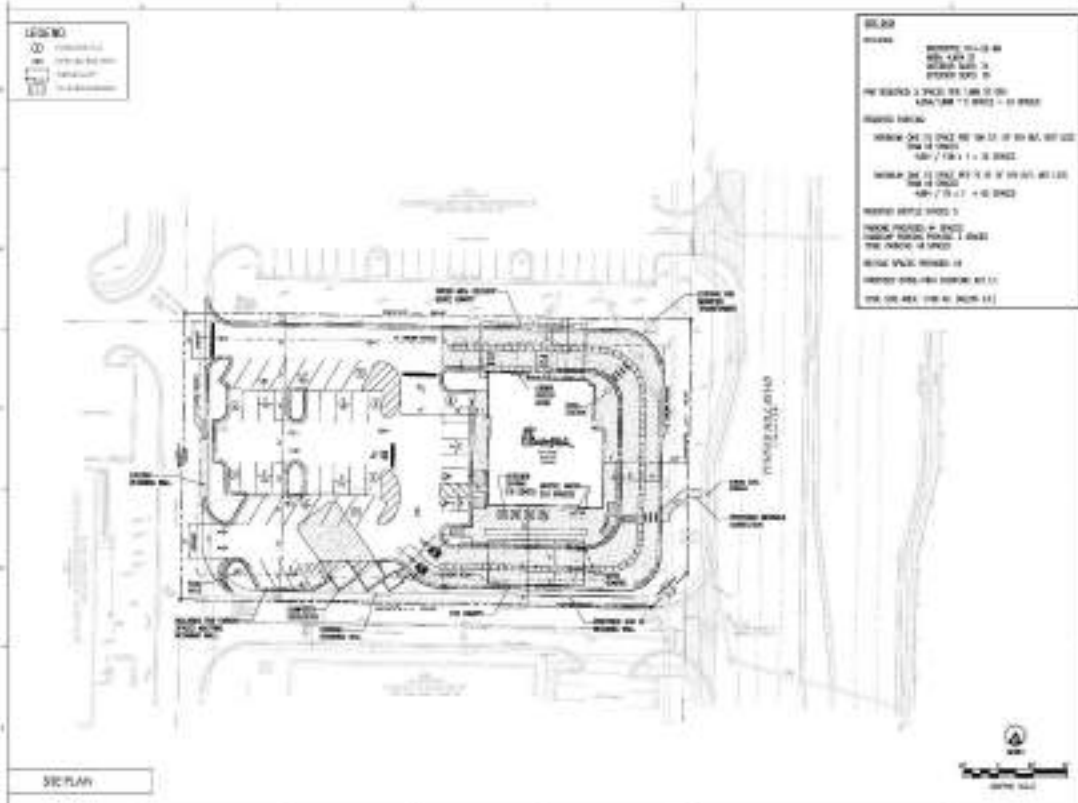
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility C, due to the drive-thru lanes located on the front of the building.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.23, Drive-through facility I C, due to the lack of a by-pass lane.
- Requesting relief from Article 4, Use Regulations, Sec. 4.2.2, C Yard and setbacks 1., due to the accessory structures (canopies) located in the side yards.
- Requesting relief from the Stonecrest Overlay Design Guidelines dated May 2008 requiring a minimum of fifty percent (50%) fenestration for the length of the building frontage.

Further justification for the variances and responses to specific conditions as per Sec. 14-444 of the City's code has been provided on the following pages as per specific criteria set forth by the City of Stonebridge.

Aerial Map and Site Photos



Submitted Site Plan



Chapter 27 | Article 4 | Division 2 | Sec. 4.2.23

Sec. 4.2.23 - Drive-through facility, minimum.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within or near of a residential zoning property, as measured from any street or easement to the nearest line of adjacent residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than 1,000 square feet in area, unless part of a mixed-use development. Marking spaces for parking shall be provided for the drive-through vehicle in accordance with 4.2.2.2 of this chapter.
- C. Drive-through lanes and service windows shall be elevated above the curb level of the side or rear street.
- D. Drive-through lanes and other structures, where present, shall be constructed from the same material as the primary building and with similar level of architectural quality and detailing.
- E. Speaker cones that do not direct away from any adjacent residential property and shall require in-ground attenuation walls with landscaping or other speaker system mitigation measures. Speaker cones that do not direct away shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shielded and directed so as to be directed away from any adjacent residential property.
- G. Marking spaces shall be provided for any vehicle using a drive-through facility or other drive-through facility and parking shall be in accordance with the following requirements. Marking spaces shall be a minimum of 14 feet wide and 20 feet long. Marking spaces shall begin at the facade of the drive-through facility or the drive-through service window.
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three marking spaces for each window or drive-through service facility. The following provisions shall apply to marking spaces and drive-through facilities:
 - 1. Drive-through lanes shall not provide an area of vehicle movement, stop or start or pass through off-street parking areas, and shall not include a driveway unless otherwise provided by applicable codes and local ordinances of a locality.
 - 2. Drive-through lanes shall be separated by curbing or curbing from off-street parking areas, individual lanes shall be marked, marked in advance of the drive-through lane.
 - 3. All drive-through facilities shall include a separate lane with a minimum width of ten feet, by which staff may manage assistance to drive-through facility without blocking or the drive-through lane. This space shall not be used as a service drive aisle.
- I. Drive-through lanes shall be set back five feet from all lot lines and roadway right-of-way lines.
- J. Owner and installer are responsible for daily trash clean-ups around the property where free of trash, litter and debris.
- K. Drive-through restaurants shall not be located within 500 feet of an elementary, middle or high school.
- L. Drive-through restaurants shall be subject to the same rules and regulations as other commercial uses on a parcel and use permit is required unless the facility is exempt as stated in the following table:
 - 1. Facility is located within 500 feet of an intersection of a major arterial street and a major arterial street, or within 100 feet of an interstate highway interchange does not require a special use permit.
 - 2. Facility is located within 100 feet of a throughway or through a shared driveway.
 - 3. Facility is part of a major redevelopment, as defined in Section 4.2.1.1.
- M. Distance shall be measured from the right-of-way of the arterial or interstate street or from the center of the right-of-way, along the intervening drive right-of-way to the nearest property line.

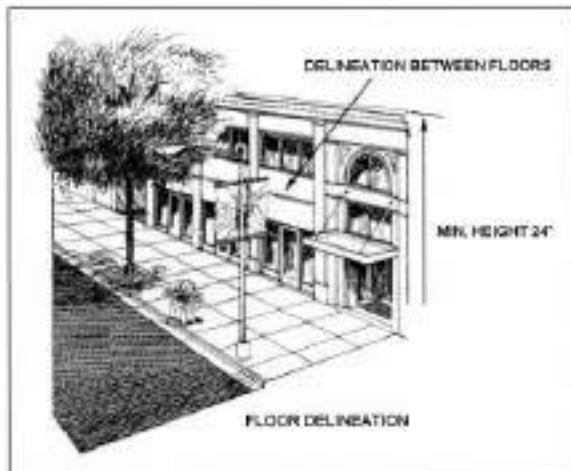
Chapter 27 | Article 4 | Division 2 | Sec. 4.2.2

Sec. 4.2.2 - Accessory buildings, structures and uses, location, yard and building restrictions.

The following provisions apply to accessory buildings, structures and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the lot or lots of the principal building to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the accessory structure is connected to water and sewer.
- C. Yards and setbacks.
 - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of all types of machines which are also allowed in the front or side yard.
 - 2. Accessory structures may not encroach in the six-month yard setback for the structure which they are accessory.
 - 3. Accessory buildings or structures shall meet the minimum yard setback for the district or use type, whichever is less, and shall not be located closer than one foot to a rear lot line from any side lot.
 - 4. Backset half-gate attached to the primary residential structure or attached adjacent to an existing driveway of the primary residential structure shall be allowed in the front yard but not within the right-of-way of a public street. Its setback shall be measured to such a feature that the gate shall be setback with any portion of a public right-of-way.
 - 5. Additional supplemental requirements in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot rear yards. Where the rear yard of a corner lot abuts onto the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer than one-half right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.
- F. No accessory building or structure in a residential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a driveway, alleyway, or other means, the accessory building or structure shall comply with the setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools. An accessory structure in a residential district shall be measured from the edge of the decking to the applicable property line. The part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Height. As expressly provided elsewhere in this chapter, an accessory structure shall be limited in the lesser of 20 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory building that is accessory to a single-family residential, or three-family residential structure shall not exceed the maximum floor area set forth in Table 4.2.2.000B.

Stonecrest Overlay District Design Guidelines Exhibit 16: Architectural Delineation



- 3. Building facades and fenestration
 - a. For the purposes of this document, fenestration includes all glazed areas including, but not limited to storefront windows, display windows and doors containing glazed panels at least four feet in height.
 - b. Street-fronting non-residential building facades shall meet the following sidewalk level requirements:
 - i. The length of façade without intervening fenestration or entryway shall not exceed 30 feet. See Exhibit 17.
 - ii. A minimum percentage of fenestration of 50% shall be provided for the length of the building frontage. For buildings that front two or more streets, said minimum percentage is only required along one such street frontage. See Exhibit 17.
 - iii. All fenestration shall:
 - a.) Begin at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk, or
 - b.) Begin at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
 - c.) Begin at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. See Exhibit 17.

Philippe Reyes a project manager of this petition came to the stand.

There were no attendees to speak for or against this petition. The next meeting for this applicant is Zoning Board of Appeals to be hosted on January 16, 2024

SLUP23-009

3309 and 3313 Panola Road

Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish

Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

Facts and Background

Applicant is proposing to operate a Place of Worship (POW) at subject property

The POW will be approximately 10,500 sq ft

The POW will have approximately 300 seats

Total acres is 3.7 +/-

Vacant/undeveloped land

Council requested petition to go through full cycle during the November’s Council Meeting

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 -Residential Medium Lot

Micheal Ajebodi a member of the church came to the stand. He stated that instead of the proposed church having enough space to fill 300 seats they would accommodate up to 150. The church currently has around sixty members including children. They want to build this church because the current space where they hold worship is too small and too close to the road. They are very concerned about the children who may run into the road and also want them to have their own space in the current facility.

Once a year they have a conference/ festival and invite family and friends. When they set up the tents, they are too close to the road and not safe.

During the mid-week services there are usually only around five people that attend. They took the traffic concerns into consideration.

Tre'Jon Singletary the senior planner asked for clarification of the amount of seats the church is proposing to have.

Micheal Ajebodi stated that it will be 150 max

Tre'Jon Singletary stated that they will need to send an updated letter of intent stating the updated amount seats

There were some attendees to speak for and against the petition.

Marty Adewale a pastor of the church came to the stand. He stated that they are an African Church and that because of this many may not come running to attend. The attendees also are called spiritually to attend.

Trejon Singletary asked if the layout and site plan had changed considering the decrease in the seating.

Marty Adewale stated that is has not

Ronald O'neal Jr came to the stand to speak against the petition. He stated that he owns the property (a lot) that is behind his house located and by the proposed land for the church, 3319 Panola Rd. His lot is landlocked. He had plans to build on that parcel but if the church is developed, he will not be able to access the property. He wanted to know how they got so far in the process.

Tre'Jon Singletary the senior planner stated that they were able to get this far into the process because they turned in their property owner affidavits and if the project were to be approved staff will work internally with the city engineer to discuss how he could get access to the property.

Lewis Andrson president of the Hilson head homeowner association came to the stand to speak against the petiton. He stated that 3319 Panola Rd by law is supposed to have a clear path to Panola Rd. He stated that the plats are mislabeled on the site plan.

Tre'Jon Singletary reiterated that the church is currently only trying to get approval for the usage of the land

Wesley Mitchell a resident of the neighborhood near the subject property stated he was concerned about how close the land runoff and development will be to his land.

Donna Deaves who is a resident of Stonecrest stated that the reason why she was late for this meeting is because there was an accident on Panola Rd. There has been many accidents because of the way the road was developed and traffic. They have to "take a chance" when trying to exit their neighborhood if there isn't an officer there. Not opposed to growth, but she wants the community to be safe.

Rev Dr Deborah Halloway pastor of the United Methodist Church stated that this proposed church will be 108 total walking steps from her existing church. She asks for the plans to be reviewed and that the livelihood of the people who currently reside in this community will not be changed.

James Lions resident of Stonecrest came to the stand and was concerned about safety. He stated that the traffic is very bad and we should look at the projection of growth

Tre'Jon Singletray called Micheal Ajobodi back to the stand for a rebuttal and asked if there was a traffic study done on the property.

Micheal Ajobodi stated that he did not have the information at the moment and that he would get with his consultant about the study

He also insured James Lions that the church is not trying to disrespect him and that he would like to contact him about the issue.

The applicant's next meeting is the Planning Commission which will be hosted on January 2 2024

SLUP23-011

5924 Fairington Farms Lane

Michelle Fennell of Farms Lane

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Facts and Background

- The existing dwellings is approximately 3,138 square foot
- Four (4) bedrooms and 2.5 baths
- A maximum of three (3) children per the code

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

MR-1 - Medium Density Residential

Aerial Map and Site Plan



Submitted Site Photos





Sec. 4.2.31. – Home Occupations and Private Educational Uses

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
1. The owner/operator of the business must reside on the premises.
 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
1. Customer contact is allowed for Type II home occupations.
 2. Up to two full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling; in reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
1. There shall be no exterior evidence of the home occupation.
 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than 25 percent of the dwelling unit and/or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with [section 8.1.5](#), and is limited to one business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three students shall be served at a time. Family members residing in the home are not counted towards the three students allowed.
- E. Child care homes and personal care homes are considered home occupations and must adhere to these provisions in addition to [Section 4.2.31](#).

Michelle Fennel the applicant was called to the stand. She stated that she has been operating her daycare for around 17 years. She also mentioned that she is licensed by the state and quality-rated.

There were no attendees who spoke for or against the petition, but there were several letters that were sent to the department.

Dear Planning and Zoning Administrators,

I am writing this letter in support of Fennell's Daycare operated by Ms. Michelle Fennell. I am the current homeowner of 5937 Fairington Farms Ln., steps away from her home and facility. Ms. Fennell was the first person that I met when I bought and moved into my home. She has been a wonderful neighbor that raised her children, looked out for other neighbors and has been a staple in this community. It is very evident that Ms. Fennell is a wonderful and caring daycare provider by the number of children that she has cared for over the 17 + years that she has been in operation. Time and time again I have witnessed former children return to say hello to Ms. Fennell. They never miss an opportunity to visit her home, especially for holidays like Halloween. I often watch children leave her home singing and happy in the afternoon. Children are always the first indicators of who a person is and how they are treated. As an educator, it is very important that children feel secure and safe in the care of a responsible adult.

This is very evident that Fennell's Daycare does exactly this, therefore, granting this facility, Michelle Fennell, her Special Land Use Permit will provide the parents of this Fairington Farms community, a safe and secure place to leave their children, as parents go out to provide for their families. In closing, when parents pick up their children in the afternoon, her facility does not intrude or disrupt the flow of traffic in the community.

I implore you to grant Fennell's Home Daycare her permit to continue to provide this community with the professional service she has given for many years.

Respectfully,

Jennifer Francis

5937 Fairington Farms Ln

To Whom It May Concern,

I am writing this email to advocate keeping Michell Fennel's Day care in operation without any interruption. I have been Ms. Fennell's neighbor at Fairington Farms subdivision since 2016. I live right across the street from her. She has never caused any issues of any kind operating her day care. She is the kind of neighbor that you would want next to you. She is heaven sent keeping me informed about your neighborhood and such a blessing to have known through the years. She is very kind and professional. She deserves to have her self-employment to continue without any pause in the service she provides to our community. She has had kept my grandkids in her home in the past. There are parents that depends on her. She was there for me when I needed her, so I know the importance of her staying in business. Please accept my plea to keep her in operation, she deserves this! Thanks for this consideration.

Velda Clark -5925 Fairington Farms Lane

Date: December 5, 2023

To: Stonecrest Planning and Zoning

Re: Fennell Daycare

I have lived in the Farrington Farms Subdivision for 19 years. As far as I can remember, the Fennell Daycare has been in existence. In the morning, as I watch the parents drop their children off, it brings back memories of when I was a young parent.

Nothing is better than the feeling of security and trust that your child is being properly cared for. Children have gone to this daycare from infancy. Later in life, many return to visit to show appreciation for the positive memories, Michelle, the owner gave them. These memories will last forever. Her daycare gave them a head start in so many ways- early socialization, development of sharing skills, team work, self-expression just to name a few. This was all in a supervised safe environment.

It is proven that the social and emotional benefits of daycare are long lasting. Getting used to routines and schedules, help the children develop good habits. I would have loved to have started my early development in a community daycare. It would have allayed the fear I had when I started Elementary School.

In conclusion, daycare provides development benefits for children. It allows their parents the ability to work and continue their careers knowing that their children are in a safe environment. Fennell's Daycare is an asset to the community and I hope to see it continue to help shape the lives of our youths for many years.

Respectfully,

Anita Merkerson R.N.

Good afternoon,

My name is **Andrea Isaacs Edwards**. I live at 8032 Faring Drop in the Farrington Farms subdivision. I am a home owner that lives around the corner from Ms. Michelle Fennell. She is an upstanding citizen in the community. She always takes care of her property and she maintains her lawn and her surrounding area of her house immaculately. You never see kids or others hanging around her house and never see people randomly going in and out of her house. She has offered food that she has grown from her garden and is always there to lend a friendly ear. My daughter has used her service for her children and has been fortunate to have a great relationship with her.

I am writing you today to ask that she keeps her daycare. There are some mothers that could not do it without her. She helps many mothers that are looking for a safe and clean place to leave their kids, while they are working. Please let me know if you have any questions or concerns. My phone number is 678-910-0517.

Respectfully,

Andrea Isaacs-Edwards

To Whom it May Concern,

Regarding, Michelle Fennell, owner of Fennell Daycare, I am her neighbor across the street. Since we've been in the neighborhood, Michelle has always been a kind, quiet and considerate neighbor. We are in full support of her operating her business from her home. In fact, we have even inquired about care for our small children at one point in time! It appears she runs a very orderly, professional and safe environment for the children.

We ask that you take this letter into consideration to grant Michelle Fennell her business license.

Thank you for your time,
Jasmine Eldridge
(neighbor)

The applicant's next meeting will be Planning Commission on January 2, 2024

SLUP23-012

4083 Spencer Lane

Natnael Mammo

Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental

Facts and Background

- Property is undeveloped
- The Applicant must submit a residential building permit and obtain a business license prior to operating

Future Land Use/Character Area

Suburban Neighborhood

Zoning Map

R-100 - Residential Medium Lot

Aerial Map and Submitted Site Plan



Sec. 4.2.58. – Short Term Vacation Rental

- A. No individual renting the property shall stay for longer than 30 consecutive days.
- B. The STVR shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinances.
- C. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes by two occupants shall contain at least 120 square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- F. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- G. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- H. All STVR units shall be furnished with a telephone that is connected to a landline or similar type connection, including a voice over internet protocol, in order that 911 dispatch may be able to readily identify the address and/or location from where the call is made when dialed.
- I. A diagram depicting two egress routes shall be posted on or immediately adjacent to every required egress door.
- J. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 300 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institution. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

Abel Walker the applicant's representative came to the stand. He stated that it will be a rental and that they will do anything in their power to ensure that the neighbors are not disturbed.

There were none to speak for the petition but many to speak against

Kathy Turner a resident of the neighborhood came to the stand asking for denial. She wants the neighborhood to stay within the covenant and mentions that there is a petition going around that will have a majority of the neighborhood's residents' signatures on it. She also exclaimed that there have been several occasions where people have rented out the property and caused a disturbance. The street has been destroyed by the renters who were doing donuts (with their car) and one asking for drugs.

Cynthia Muscle president of Flat Rock Hills association came to the stand. She stated that the covenants prohibit anything less than a six-month rental. Police have been called to this home several times. Asked for the HOA's rights to be defended.

Sandra Owens a resident of the neighborhood came to the stand. She has seen the donut holes and random people and it makes her uncomfortable. She has lived near an Airbnb before and it was not a good experience. Asks to let the HOA run this situation.

Gerald Cosley resident of the community for seven months stated that this is a family-oriented community and asks for it to be kept that way

Tremaine Biles a resident of the neighborhood stated that he has small children and that the events make the neighborhood look bad. The agreement stated that there should be no Airbnbs

Rasheed Ali Maonsour a resident of the neighborhood came to the stand. He is against the project. He stated that the Airbnb is already operating without a permit.

JJ Porter a resident of Stonecrest came to the stand to state his opposition. He witnessed the person doing the donuts in the neighborhood. The neighborhood does not need that and he enjoys peace and happiness.

Karan Murray, a resident of Stonecrest came to the stand to state his opposition to the project. There have been many to come to their property and vandalize and destroy it resulting in higher HOA fees.

Alexis Brown a resident opposes this project. She stated that you do not really know who is renting out the home and they do not want random people around the children of the neighborhood.

Jimmy Glover who lives across the street from the proposed short-term rental stated that he is also opposed. The renters do not have a concern for the people who live there.

Abel Walker the applicant came back to the stand to apologize for all of the events that have occurred.

RZ23-010

6039 Hillandale Drive

Helen Simpson of Lowe Engineers

Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Facts and Background

- Property is undeveloped
- The Applicant desires to combine subject property with adjacent property (6201 Hillandale Dr) to continue the operation of a cemetery
- 5.49 +/- acres of land
- Desires to rezone to R-100 to align zoning with adjacent property

Future Land Use/Character Area

City Center

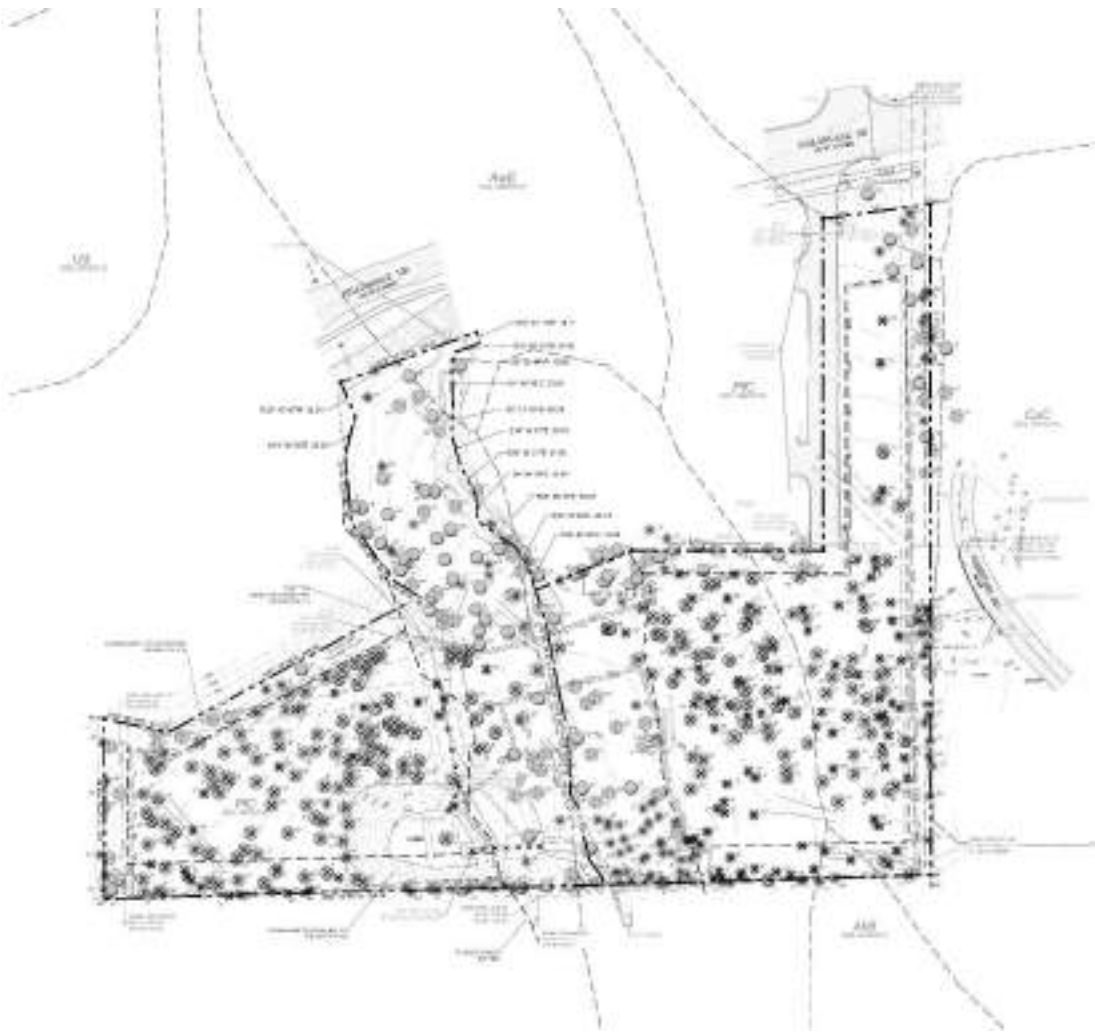
Zoning Map

M - Light Industrial

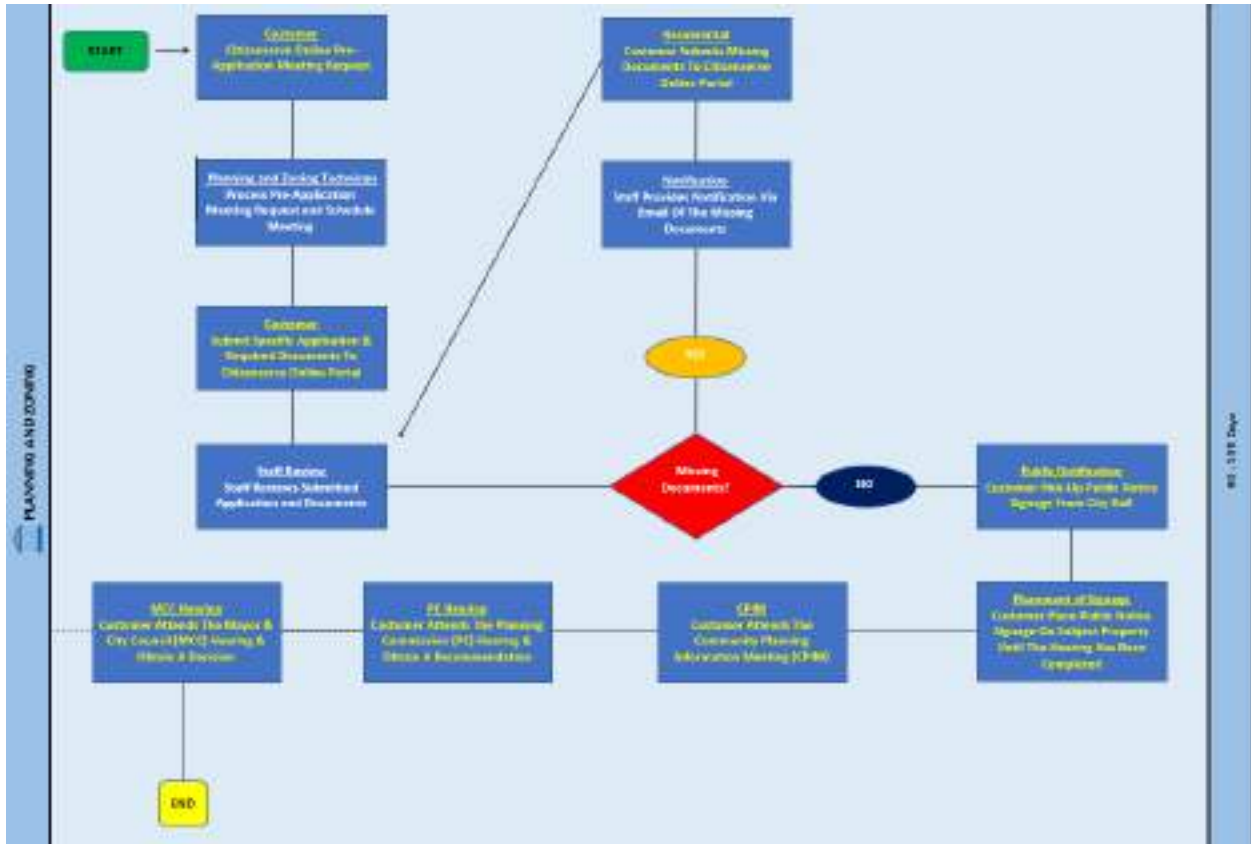
Overlay District Map

Stonecrest Overlay Tier 6

Aerial Map and Submitted Survey



REZONING PROCESS



Helen Simpson the applicant and representative of the owner came to the stand she stated that the current and subject properties will be combined if the subject property is rezoned. Expanding the cemetery to the subject property will be a good use.

John Kelly Link the owner stated that the cemetery has grown since the pandemic. The expansion will contribute to extending its life. He also mentioned that it is the most popular cemetery in Dekalb.

Elsie Ascrew a resident that lives near the cemetery had some questions about the location.

The applicant's next meeting will be January 2, 2024 Planning Commission Meeting

TMOD23-007 Micro Home Community (MHC)

City-Wide

Stonecrest Planning & Zoning Department

Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

Facts and Background

- City's Ordinance currently do not permitted any dwellings less that 800 square feet (cottages);

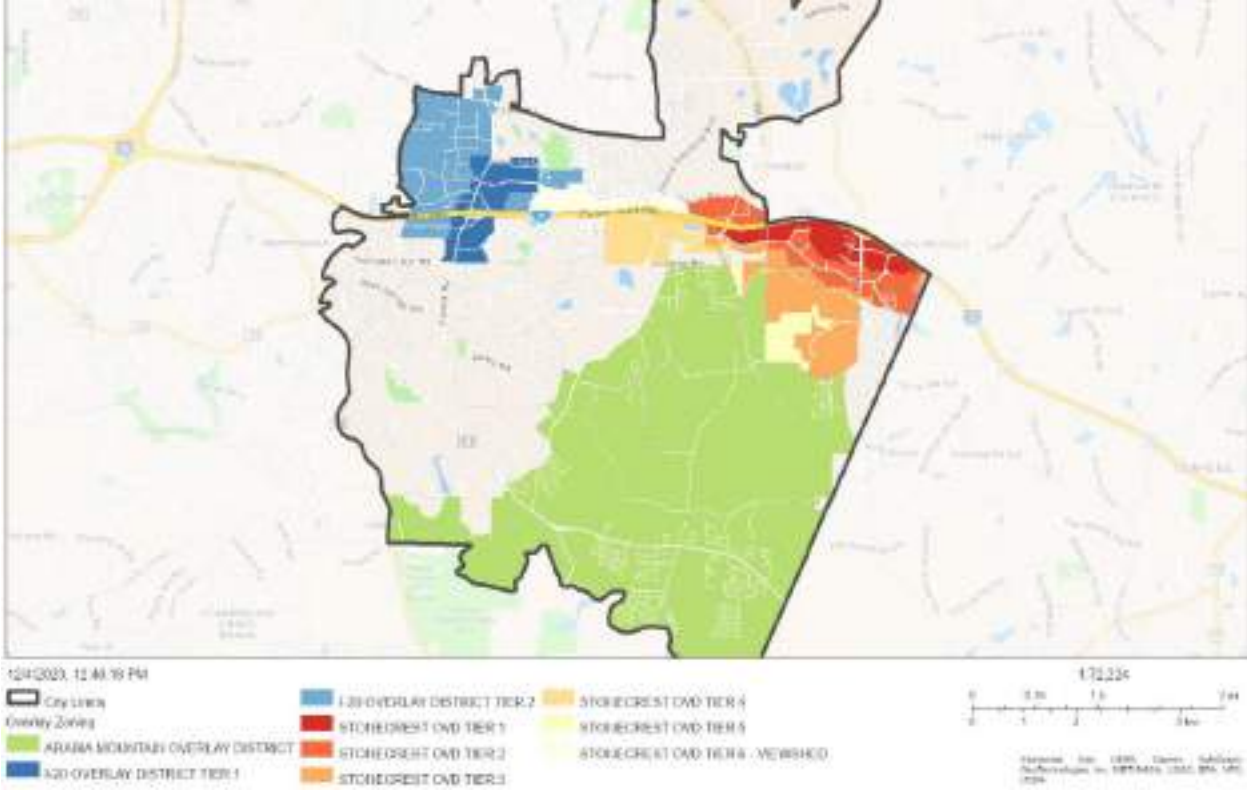
- City’s current Comp Plan envisions on incorporating Tiny/Micro Homes into the city
- Staff is proposing amendment to the Stonecrest’s Zoning Ordinance permit MHC in certain zoning districts

City’s Comprehensive Plan

	Land Use Designation	Use Description	Maximum Density Units/Acre	Permitted Districts
Conservation/Public	Conservation/Open Space (COS)	Passive Parks, Nature trails; Flood plains, Wetlands, Watersheds; Golf Courses; Athletic Fields; Amphitheaters	N/A	All
	Institutional/Public (IP)	Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship	Up to 8	ALL
Residential	Rural Residential (RR)	Low-density single family detached; Tiny Homes , Agricultural related; Cultural and Historic; Institutional	Up to 4	NS, RE, RLG, R100, RNC, MHP
	Suburban Neighborhood (SN)	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care, Civic	Up to 8	OI, OIT, NS, RSM, R100, R85, R75, R60, RNC
	Urban Neighborhood (UN)	Townhomes; Multi-family; Neighborhood Rentals; Small Scale Retail/Commercial	Up to 12	MU1-3, C1, C2, RSM, R100-85, R75-60, MR1-2

Figure LU-08 – Character Area/Land Use Summary

Overlay Districts Map



Staff's Recommendation for Sec. 3.1.6.

DIVISION 1. – OVERLAY DISTRICTS

Sec. 3.1.6. Overlay use table.

Land Use	Stonycrest Area Overlay						Interstate 20 Corridor Overlay ^a			Arabis Mountain Conservation Overlay ^a	Sec Section 4.2
	T1	T2	T3	T4	T5 ^b	T6 ^b	T1	T2	T3		
*Key: P—Permitted use P ₂ —Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use *If Blank, check underlying zoning use table (4.2.3) * *Note: Uses permitted in Tiers 5 and 6 of the Stonycrest Area Overlay and the Arabis Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence*							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

Proposal

- Staff is proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

Staff’s Recommendation for Sec. 4.2.49.

DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**Sec. 4-2-49. MICRO HOME COMMUNITY (MHC)****A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.
- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 - 3. A separate closet.
 - 4. At least one habitable room containing an openable window and a closet.
 - 5. Ceilings at least 6'8" tall
 - 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State’s Condominium Plat Ordinance.

Proposal

- Staff is proposing to provide supplemental regulations for all Micro Home Communities (MHCs)

Staff’s Recommendation for Sec. 9.3.1.

ARTICLE 9. – DEFINITIONS/MAPS

Sec. 9.3.1. – Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Proposal

- Staff is proposing to establish definitions for the following:
 1. Micro House
 2. Micro Home Community (MHC)
 3. Site-Built Residential Dwelling (Stick-Built)

There were none to speak for or against the petition.

Philip Jackson, a Stonecrest resident stated that he believes this type of housing would be cool and affordable.

Upcoming Meetings-

The Planning Commission Meeting is the next meeting for Rezoning and Special Land Use permits to be hosted on January 2, 2024

The Zoning Board of Appeals is the next meeting for Variance Applications to be hosted on January 16, 2024

REZONING, SPECIAL LAND USE PERMIT, AND ZONING CONDITION MODIFICATION APPLICATION CYCLE			
SUBMITTAL DEADLINE	CPIM	PLANNING COMMISSION (PC)	MAYOR & CITY COUNCIL (MCC)
11/07/2023	12/14/2023	01/02/2024	01/22/2023
12/05/2023	01/11/2024	02/06/2024	02/26/2024
01/02/2024	02/08/2024	03/05/2024	03/25/2024
02/06/2024	03/14/2024	04/02/2024	04/22/2024
03/05/2024	04/11/2024	05/07/2024	05/27/2024
04/02/2024	05/09/2024	06/04/2024	06/24/2024
05/07/2024	06/13/2024	07/02/2024	07/22/2024
06/04/2024	07/11/2024	08/06/2024	08/26/2024
07/02/2024	08/08/2024	09/03/2024	09/23/2024
08/06/2024	09/12/2024	10/01/2024	10/28/2024
09/03/2024	10/10/2024	11/05/2024	11/25/2024
10/01/2024	11/14/2024	12/03/2024	TBA
11/05/2024	12/12/2024	01/07/2025	01/27/2025

REZONING, SPECIAL LAND USE PERMIT, ZONING CONDITION MODIFICATION APPLICATION CYCLE

PLANNING COMMISSION MEETS EVERY 1ST TUESDAY OF THE MONTH

HEARING STARTS AT 6:00 PM IN CITY COUNCIL CHAMBERS

VARIANCE APPLICATION CYCLE		
SUBMITTAL DEADLINE	CPIM	ZONING BOARD OF APPEALS (ZBA)
11/07/2023	12/14/2023	01/16/2024
12/05/2023	01/11/2024	02/20/2024
01/02/2024	02/08/2024	03/19/2024
02/06/2024	03/14/2024	04/16/2024
03/05/2024	04/11/2024	05/21/2024
04/02/2024	05/09/2024	06/18/2024
05/07/2024	06/13/2024	07/16/2024
06/04/2024	07/11/2024	08/20/2024
07/02/2024	08/08/2024	09/17/2024
08/06/2024	09/12/2024	10/18/2024
09/03/2024	10/10/2024	11/19/2024
10/01/2024	11/14/2024	12/17/2024
11/05/2024	12/12/2024	01/21/2025

VARIANCE APPLICATION CYCLE

ZONING BOARD OF APPEALS MEETS EVERY 3RD TUESDAY OF THE MONTH

HEARING STARTS AT 6:30 PM IN CITY COUNCIL CHAMBERS

Meeting ended at 7:49 pm

APPROVED: condert
Shawanna Dawry
PLANNING AND ZONING DEPARTMENT MANAGER

1/12/24
Date

ATTEST: Cobi Brown
SECRETARY

1/9/24
Date



PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting

January 02, 2024

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

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address planning-zoning@stonecrestga.gov by noon the day of the hearing November 8, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. **Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:07 PM.
- II. **Roll Call:** Chairman Hubbard (District 3) called the roll. Commissioner Erica Williams (District 1), Commissioner Joyce Walker (District 2), and Commissioner Lemuel Hawkins (District 5) were present. Commissioner Pearl Hollis (District 4) was absent. There was a quorum.

The Planning & Zoning Director - Shawanna Qawiy, Senior Planner - Tre'Jon Singletary, Zoning Administrative Technician – Abeykoon Abeykoon and Planning Administrative Technician – Cobi Brown were present. Attorney Alicia Thompson was present.
- III. **Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Erica Williams (District 1) motioned to **APPROVE THE AGENDA**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated November 08, 2023. Chairman Hubbard called for a motion to approve the Planning Commission meeting Minutes Summary dated November 08, 2023, Commissioner Erica Williams (District 1) motioned to **APPROVE THE MEETING MINUTES DATED NOVEMBER 08, 2023**. Commissioner Joyce Walker (District 2) seconded the motion. The motion was unanimously **APPROVED**.
- V. **ANNOUNCEMENTS:** The Planning & Zoning department; Senior Planner - Tre'Jon Singletary announce that the city is engaged in the process of updating the comprehensive plan for the city of Stonecrest and upcoming meetings that the public can participate in. The details of the meeting date are also presented on the city's website.
- VI. **Presentations: Upcoming Cases Presented by Senior Planner - Tre'Jon Singletary**
 - SLUP23 - 011
 - SLUP23 – 012
 - RZ23 – 010
 - TMOD23 – 007 MHC

VII. Old Business: SLUP23-009

VIII. Presentations

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-009**

LAND USE PETITION:	SLUP23-009
PETITIONER:	Darrell Johnson of JDM Consultants, LLC on the behalf of CCC Christ Gospel Parish
LOCATION:	3309 and 3313 Panola Road
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to develop a Place of Worship.

The applicant is proposing to operate a Place of worship will be approximately 10,500 sq ft and 150 seats capacity. Originally applicant proposed to have 300 seats but inform staff of the change during the December 14 Community Planning Information Meeting (CPIM). Total acres of the subject property is 3.7 +/- . The applicant went before Mayor and council (MCC) on November 27, 2023. MCC informed staff to take the applicant through the entire process again to ensure the community concerns were heard by applicant and staff. Staff found that there are 03 existing places of worship within a one-mile radius. The subject property belongs to R-100 underline zoning district and Suburban Neighborhood (SN) future land use/character area.

According to the city ordinance Place of worship permitted withing the R -100 zoning district with a Special Land Use Permit (SLUP). City ordinance chapter 27, sec. 4.4.42 - Places of Worship, Convents; Monasteries; Temporary Religious Meetings provide necessary requirements and regulations for the proposed use.

Staff recommends denial the petition based on two reasons; The applicant has not submitted the requested updated site plan and the applicant has not submitted the requested updated letter of intent. Furthermore, the council did inform applicants to provide a traffic mitigation plan and the applicant did not submit the traffic plan yet.

Commissioner Erica Williams (District 1) asked is there any specific reason why the applicant did not provide the requested detail.

Senour Planner Tre'Jon Singletary states that the applicant did not provide any reason. During the last CPIM on December 14th, 2023, staff had been informed to submit relevant information prior to Planning Commission (January 02nd, 2024) but applicant did not re-talk to staff.

Chairman Hubbard motioned to open a Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Petitioner’s representative Darrell Johnson of JDM Consultants status that essence of Special Land Use Permit. Applicant had met the community two weeks prior to the holidays (2023) and most of their comments on Panola road’s traffic. Developers initially proposed a building with 300 seats and decided to reduce the size by half, providing the building with 150 seats. At the entrance applicant proposed to do ride in and ride out situation. There is a church next to this proposed church, but it is not the same type of church, and this church is unique and different from any other church in the area. The developer needs more time to adjust the site plan and resubmit to the staff with modifications. The traffic mitigation plan including school peak hours also not possible to submit withing short period of time. Regarding the letter of intent, the only change is the number of seats should be reduced from 300 to 150.

Commissioner Lemuel Hawkins (District 5) question on communication and states that there are requirements from Stonecrest planning department and petitioner should communicate with staff if they have any difficulties to submit relevant information on given period.

Petitioner’s representative Darrell Johnson of JDM Consultants states that the communication regarding the delay of documents was not happen due to the circumstances during the holiday season.

Chairman Hubbard make a motion to provide additional ten (10) minutes to each party. Approved by unanimous vote.

Chairman Hubbard asked those in support to speak.

Famakinwa S Bamidele; paster of the proposed church states that he lives in the area from 2000. This is a unique church with a small number of members such as one hundred (100). Church conducts religious services three (3) times per week and only on Sunday does every member get-together. Wednesday and Friday there are only four to five (4-5) people. Service time of Sunday is 10.00 am – 3.00 pm. Current location of the church is very close to road and dangerous to kids who engage in. The church conducts an annual event, and one reason of the proposed project is to have a safe and sufficient indoor space for this annual event.

Deboch Fomanica daughter of the paster, states that reason for move from current location to proposed location is it is too small for kids. She is also a Sunday school teacher and lack of space leads them to conduct classes behind the current church location. Staying outside is not safe for kids and the surrounding environment is also not nice for kids. As a youth, she wishes to have a great place to bring a great future to their community.

Taiwo Adeeko status that everything brings by paster and daughter is correct and she totally agree with that. She says Sunday event is end up by 2.00 pm and only reason for late departure is personal discussion with each other. This is not a typical church and ends at a typical time. Church conducts lots of community events such as food and cloth drives for homeless people. Allowing this proposal leads the community to continue those activities.

Chairman Hubbard asked those in opposition to speak.

Faye Coffield states that when the new birth church was built in R-100 zoning district, there was a loss of potentials to having quality house of particular area. Opposition does nothing to do with religious related matter and anybody have their rights of worship god. But every place and every time is not the right place and the right time. The surrounding neighborhood does not belong to a transitional and belongs to high income neighborhood with upscale housing. Panola road and the subject location is not suitable for proposed development. They need quality development with no conflict with the existing community.

Ronald O' Neals states that he owned the adjacent property 3319 Panola Road, and the proposed project will impact to value down the mentioned property belongs to him. Therefore, in investment point not religious of view he does not like to give his property to adjacent development. He gave his contact information to the project manager at the CPIM meeting, but nobody had contact him yet.

Donna T. Dees states that the surrounding community does not oppose the proposed church. Panola Mill subdivision is highly affected by traffic and road accidents because of roadblocks. Every Tuesday there is a food giveaway and people line up from 6.00 am in the morning. Traffic and Accidents create not safe environment over there.

Lewis Anderson; president of the Hillson Head homeowners' association states that second meeting of the first cycle of the proposed case didn't when though with the community input due to the changes of advertised hearing dates. He questions the possibility of approving this type of development without having proper traffic study. They already have another church close to their subdivision and are having issues such as noise. Although the number of members was reduced from the initial proposal the square footage, or the size of the building, remains as it is. There are 108 steps between the existing church and the church proposed. There is another church after 300 steps. Overall traffic and notice impact and problems related to retention pond well as do not make this a good project.

Donna Priest Brown states that there is a road widening program conducted along the Panola Road and question the possibility to construct a new development with proposed road widening. According to her understanding it is better to have no new development until the road expansion is completed and opposed the proposed development.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-009. **Approved** by unanimous vote.

Commissioner Joyce Walker (District 2) states there are lot of miscommunications of this case. Commissioners ask staff to explain the reason for the lack of requested documents and the council's response regarding the case.

Senior Planner - Tre'Jon Singletary explained that one requirement from council such as Traffic mitigation study and two requirements from staff such as Updated site plan and updated letter of intent does not submit by applicant. Based on lack of the requested data staff are unable to do a thorough analysis.

Director - Shawanna Qawiy states that staff made recommendations based on the already submitted data and staff unable to review the data that applicant mentioned here without providing.

Commissioner Erica Williams (District 1) states that instructions were not followed by applicant and have questions of communication gap, close location of existing church and noise concern. By referring to the meeting minutes of pervious meeting, it look like applicant does mot address the concerns made by last planning commission such as detention pond related issues and traffic concerns.

Commissioner Lemuel Hawkins (District 5) questions the possibility of the Planning commission to extend the Council hearing of this case for another two months until March to provide sufficient time for applicant to meet requested requirements and staff to do analysis.

Senior Planner - Tre'Jon Singletary explained that Planning Commission able to make such recommendation but still the case need to go to mayor and council as per the legal advertisement.

Attorney Alicia Thompson provided clarifications to the options.

Chairman Hubbard made a motion to recommend **DEFERRAL** of this application to March cycle. **Commissioner Lemuel Hawkins (District 5)** second the motion. **Commissioner Joyce Walker (District 2)** and **Commissioner Erica Williams (District 1)** did not approve of the motion and the motion was **VOID** due to not having a unanimous vote.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and **Commissioner Lemuel Hawkins (District 5)** did not approve the motion and the motion was **VOID** due to not having unanimous vote.

Chairman Hubbard made a motion to recommend **DEFERRAL** the application and the motion does not receive a second to the motion. The motion was **VOID**.

Commissioner Erica Williams (District 1) made a motion to recommend **DENIAL** for this application. **Commissioner Joyce Walker (District 2)** second the motion. **Chairman Hubbard** and \ oppose the motion and the motion was carried to **DENIAL** by 3 to 1 vote.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-011**

LAND USE PETITION: SLUP23-011
 PETITIONER: Michelle Fennell of Farms Lane
 LOCATION: 5924 Fairington Farms Lane
 PETITIONERS REQUEST: Petitioner is seeking a Special Land Use Permit (SLUP) to operate a home child daycare as a Type II Home Occupation.

Petitioner requests a special Land Use Permit to conduct home based child daycare in a existing dwelling which is approximately 3,138 sq ft in size and four bedroom and 2.5 baths. According to the city ordinance home day care maximum of three (3) children permitted withing the underline zoning district. The petition went to the Community Planning Information Meeting on December 14, 2023. The property belongs to MR-1 underline zoning district and suburban Neighborhood (SN) future Land Use/ Character area.

City ordinance chapter 27, Sec 4. 2.31 Home Occupations and Private Education Uses provided necessary requirements for the proposed use. Staff recommend approving the petition based on eight (8) Conditions.

Staff’s Recommendation

Staff recommends **APPROVAL** with the following condition(s):

1. Applicant must comply and remain in compliance with all International Building Code regarding care facilities within a dwelling;
2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;
3. A City of Stonecrest business license is required shall be obtained;
4. No parking is permitted on the street or on lawn area of subject property;
5. A maximum of three (3) students shall be served at any time;
6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);
7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant’s hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and
8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

Commissioner Erica Williams (District 1) questioned the flower beds, barbecue grills and other items located in the backyard of the applicant that are not kids friendly.

Senior Planner - Tre'Jon Singletary explained that’s why staff recommend condition number eight (8) on staff recommendation.

Commissioner Joyce Walker (District 2) asks about the community response on this case.

Senior Planner - Tre'Jon Singletary explained that staff received an overload amount of email supporting this case and no comments of opposed was presented.

Commissioner Lemuel Hawkins (District 5) asks does state or city define the maximum number of children as three (3).

Senior Planner - Tre'Jon Singletary explained that the city allows up to three (3) Children in home daycare and the number varied when child daycare considered as primary use.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-011. **Approved** by unanimous vote and mentioned there were 25 letters for support to this case.

Applicant Michelle Fennell states that she started this daycare as a support for her younger child and she got licensed by the state. She got quality rated as two stars and does this not only for money but the love of her children.

Chairman Hubbard asks whether applicant have any concerns on conditions that staff had recommended.

Applicant Michelle Fennell states No.

Chairman Hubbard asked those in support to speak.

Donna Priest Brown; a Neighbor of the applicant states her strong support to granting this Special Administrative permit to the applicant. Michell Fennell does not cause any disturbance to the neighborhood. As a HOA board member of the subdivision, I did not receive a single complaint regarding this daycare service. Ms. Fennell keeps his house in and out of her house in excellent condition. As not only a livelihood but also a primary source of income she likes to keep Ms. Fennel in her business. Disrupting or cutting down her business might be a significant disruption for her community. Recommendation is three maximum students according to Stonecrest, but state is superseded to city.

Tina Peacy a neighbor of the applicant for 18 years states that she uses her service for state funded children. States allow six (6) children in home daycare. If the city reduced that into 3 it will not be profitable for applicant. she never had a problem from applicant as a neighbor or service provider. Applicant was in her business before the city therefore cutting her business in half is not good.

Clayton Hodges states that the applicant has taken care of her son and by looking at her house it does not seem like there is a daycare beside someone stepped inside. She nicely maintains her front yard and back yard. The community trusts her.

Sedrick Bernards states that she knows the applicant for more than 20 years and she takes care of her kids. She doesn't think there is an issue like traffic that neighbors normally concern about.

She and her husband had difficulties when they must take care of their Children and applicant was there to help her. Not just having 3 kids but having 6 as the state says. Because reducing children will impact her financially.

Chelsea Anderson states that she knows the applicant for a long time, and she recently use the applicants service for her daughter. Unlike other daycares with many issues, applicants take care of children's safety. She follows the book and does not do anything that he does not suppose.

Hanna Ra Calhoun states that applicants in her operations in past 17 years and provide benefits to several neighbors including her. Dar care is very small in size and there are few children like no more than 2-3 families at once and 2-3 cars in driveway. There wasn't an impact to the quality of life of homeowners due to the applicant's business. Applicants' contribution is required for working parents in the community.

Chairman Hubbard motioned to close the Public Hearing for SLUP23-011. **Approved** by unanimous vote.

Commissioner Erica Williams (District 1) concerns that the city ordinance had reduce the number of children and ask is there any other that she can falls under.

Senior Planner - Tre'Jon Singletary explained the type 1 and type 2 home occupations where type 1 does not allow any customer contact while type 2 allows customer contact with a special land use permit.

Attorney Alicia Thompson provided clarifications.

Chairman Hubbard asks the possibility of grandfathering of business.

Attorney Alicia Thompson provided clarifications and states that legal team need to further analysis to recognize whether there is a possibility to obtain grandfathering. She advice applicant to provide any supporting documents to staff that show the legal operation of the business.

Applicant Michelle Fennell states that she recommended to have a state license. Applicants husband status that they applied for a city license prior to this time and never heard back from city. There is a person next door to the applicant running an illegal daycare and code enforcement actions had take place on that property. If city cutting their business in half, they must shut down their business.

Chairman Hubbard clarify the approval process to the applicant and grandfathering concerns. Applicants need to prove the establishment of their business by providing any relevant document to the staff.

Chairman Hubbard made a motion to recommend **APPROVE WITH CONDITIONS**. Commissioner Joyce Walker (District 2) second the motion. Case SLUP23-011 was **unanimously APPROVED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **SLUP23-012**

LAND USE PETITION:	SLUP23-012
PETITIONER:	Natnael Mammo
LOCATION:	4083 Spencer Lane
PETITIONERS REQUEST:	Petitioner is seeking a Special Land Use Permit (SLUP) to operate a short-term vacation rental.

The applicant proposed to operate a Short-term vacation rental in a new subdivision where he resides. According to the city ordinance the applicant must obtain a residential building permit and obtain a business license prior to operating his business. Homeowners Association (HOA) covenant of the subject subdivision prohibited short-term vacation rental. The petition went through a Community Planning Information (CPIM) on December 14, 2023. Property belongs to R-100 zoning district and Suburban Neighborhood (SN) future land use/ character area.

Staff do not make any recommendations on the petition because it might be a civil matter between the applicant and the Homeowners Association (HOA) covenant.

Chairman Hubbard questions whether staff unable to inform to the applicant regarding this status of this application prior to the payment.

Senior Planner - Tre'Jon Singletary explained that staff had got know regarding the HOA during the Community Planning Information Meeting in December. During the pre-application meeting application did not mention the HOA covenant restriction to the staff.

Attorney Alicia Thompson provided clarifications and explained that HOA covenant is a outside agreement between homeowner and HOA other than city. The city does not interfere with that agreement and separate homeowners and HOA.

Commissioner Erica Williams (District 1) concerns the HOA covenants and city ordinance requirements on Short-term vacation rental.

Senior Planner - Tre'Jon Singletary explained that at the beginning stage now staff are asking the HOA covenants.

Commissioner Erica Williams (District 1) asked whether city have a running list of HOAs belong to the city.

Director - Shawanna Qawiy states Code Enforcement Department does have list of HOA and staff can refer the list if needed.

Commissioner Lemuel Hawkins (District 5) question whether this is a new subdivision, home already constructed and still constructions going on for the subdivision.

Chairman Hubbard motioned to open the Public Hearing for SLUP23-012. **Approved** by unanimous vote.

Applicant Natnael Mammo state that he needs to withdraw the application. He was unable to participate for the December 14th CPIM meeting and his representor inform there are more than five (5) neighbors opposed to the application. He is a first-time home buyer and bought this home on March 20th (2023). His occupation is truck driver and hope to invers his property to generate some income to cover his mortgage when he is out of the town. He apologizes for the code issue recently happening due to the bad guest.

Attorney Alicia Thompson provided clarifications for excepting withdrawal.

Chairman Hubbard appreciate the applicant for coming and withdrawing the application.

Senior Planner - Tre'Jon Singletary explain that the withdrawal is needed in writing for further processing.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case SLUP23-012 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary Presented **RZ23-010**

LAND USE PETITION:	RZ23-010
PETITIONER:	Helen Simpson of Lowe Engineers
LOCATION:	6039 Hillandale Drive
PETITIONERS REQUEST:	Petitioner is seeking to rezone property for the expansion of an existing cemetery.

Applicant sent an email requesting to withdraw on December 23, 2023, at 10.46 am and based on the applicant request, staff recommends to withdraw Applicant's petition.

Chairman Hubbard motioned to open the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard motioned to close the Public Hearing for RZ23-010. **Approved** by unanimous vote.

Chairman Hubbard made a motion to recommend **ACCEPT THE WITHDRAWAL**. Commissioner Erica Williams (District 1) second the motion. Applicants' withdrawal of the case RZ23-010 was **unanimously ACCEPTED**.

Planning and Zoning Senior Planner - Tre'Jon Singletary TMOD23-007

TMOD23-007:	Micro Home Community (MHC)
PETITIONER:	Stonecrest Planning & Zoning Department
LOCATION:	City-Wide
PETITIONERS REQUEST:	Amendment to Stonecrest's Ordinance Chapter 27 (Zoning Ordinance), Article 2 (District Regulation), Article 3 (Overlay District Regulation), Article 4 (Use Regulations), Article 9 (definitions/Maps) regarding Micro Homes Communities

City ordinance currently does not permit any dwelling less than 800 sq ft (Cottages). The city's Comprehensive Plan envisions incorporating tiny homes into the city. Staff proposing amendment to the Stonecrest's Zoning Ordinance permit Micro Home Communities (MHC) in certain districts.

Staff recommendation for making addition for sec. 3.1.6 overlay use table by allowing Micro Home Communities in Stonecrest Area Overlay Tier 2, Tire 3, Tire 4 & Tire 5. Staff proposing to permit Micro Home Communities by right only in the High Density Residential (HR 1, 2, and 3) Zoning Districts.

Staff recommendations for Sec. 4.2.49

DIVISION 2 – SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)

A. Permitted Districts.

- a. HR-1, HR-2, and HR-3

B. Site Requirements. No other code shall prevail over this section.

- a. MHCs shall be on a minimum of two (2) acres of land.
- b. The minimum building separation is ten (10) feet.
- c. Minimum setback on all sides shall be twenty (20) feet from property line.

C. Courtyard/ Amenities Area.

- a. MHCs shall have a minimum of three (3) of the following amenities:
 - 1. Gazebo;
 - 2. Swimming Pool;
 - 3. Tennis Court;
 - 4. Walking Trail;
 - 5. Club House;
 - 6. Pet-Friendly Amenities;
 - 7. Children Playground;
 - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.); and/or
 - 9. Any other innovative shared social space.
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

D. Interior Requirements.

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
 3. A separate closet.
 4. At least one habitable room containing an openable window and a closet.
 5. Ceilings at least 6'8" tall
 6. Rooms not meant for sleeping are at least 70 square feet.

E. General Requirements.

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.
- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

Staff recommendations for Sec. 9.3.1

ARTICLE 9. - DEFINITIONS/MAPS

Sec. 9.3.1. - Defined terms.

Micro House means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.

Micro Home Community (MHC) means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.

Site-Built Residential Dwelling (Stick-Built) means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).

Commissioner Joyce Walker (District 2) asked the current locations that Micro Home Community exist. There are news that large organizations started such a micro home project in Stonecrest and what is the reality of that news.

Senior Planner - Tre'Jon Singletary explained that currently there are no micro home communities in the city and this text amendment is for allowing the use. Lowers square footages allows currently is cottages.

Chairman Hubbard motioned to open the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard asked those in support to speak. There was none.

Chairman Hubbard asked those in oppose to speak. There was none.

Chairman Hubbard motioned to close the Public Hearing for TMOD23-007 Approved by unanimous vote.

Chairman Hubbard mentioned that when preparing the comprehensive plan, the micro home or the tine home communities also had in discussion. DeKalb county commissioner district 6 has cottages for micro homes those were also in some TV (television) shows. Because these are so small those are not belonging to the same housing standards. Commissioner concern about the HOA for maintain drainage and streets. Medium income community who are willing to purchase tine homes will not take the responsibility of maintaining drainage and roads.

According to the proposed amendment the minimum parking requirement is 1.5 and suggest changing it to a minimum of 1 driveway.

Senior Planner - Tre'Jon Singletary explained the purpose of having HOA is beautifying the city and maintain the neighborhood. Staff request a minimum of 3 amenity areas that developers need to build.

Commissioner Erica Williams (District 1) states that these micro homes that not going to be cheap. Tiny home communities in the city of Clarkston start at \$120,000. Having a HOA is agreed but not driveway and drainage. Parking also can developers according to the developers' thoughts on the development.

Director - Shawanna Qawiy states those homes start at \$99,000 and it might be higher after the construction has completed. Parking types also depend on the way of development.

Commissioner Erica Williams (District 1) proposed a site visit to the existing tiny home community.

Commissioner Lemuel Hawkins (District 5) concerns the overflow parking requirements.

Commissioner Erica Williams (District 1) concern the additional parking space for visitors and More than one entry and exit way.

Commissioner Joyce Walker (District 2) concerns the possibility of providing parking behind the houses and lawn maintenance.

Chairman Hubbard made a motion to recommend TMOD23-007 **APPROVE WITH CONDITIONS.**

1. Remove the requirement of the HOA to provide maintenance of streets and drainage.
2. Decrease required parking spaces from 1.5 spaces per dwelling unit to 1 space per dwelling.
3. Include a mandatory overflow parking area for guests parking etc.; and
4. Include a minimum of two (2) access points (ingress and egress) for all MHCs.

Commissioner Erica Williams (District 1) second the motion. TMOD23-007 was unanimously APPROVED.

IX. Adjournment

Chairman Hubbard made a motion to adjourn the meeting. Commissioner Erica Williams (District 1) second the adjournment.

The meeting adjourned at 9.11 PM.

APPROVED:

CHAIRMAN	Date
----------	------

ATTEST:

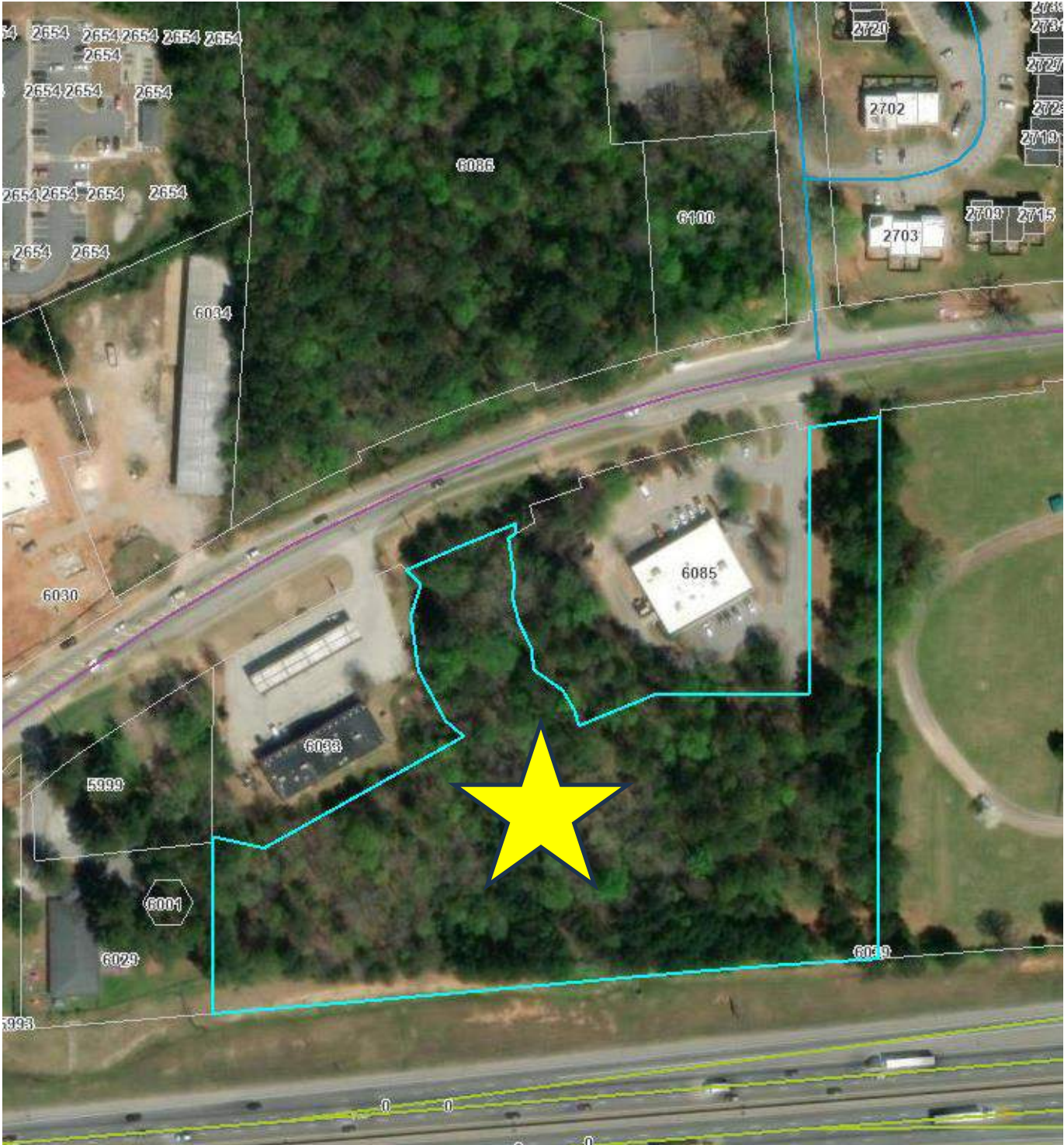
SECRETARY	Date
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City Center (CC)

The intent of the City Center Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage.

The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre.

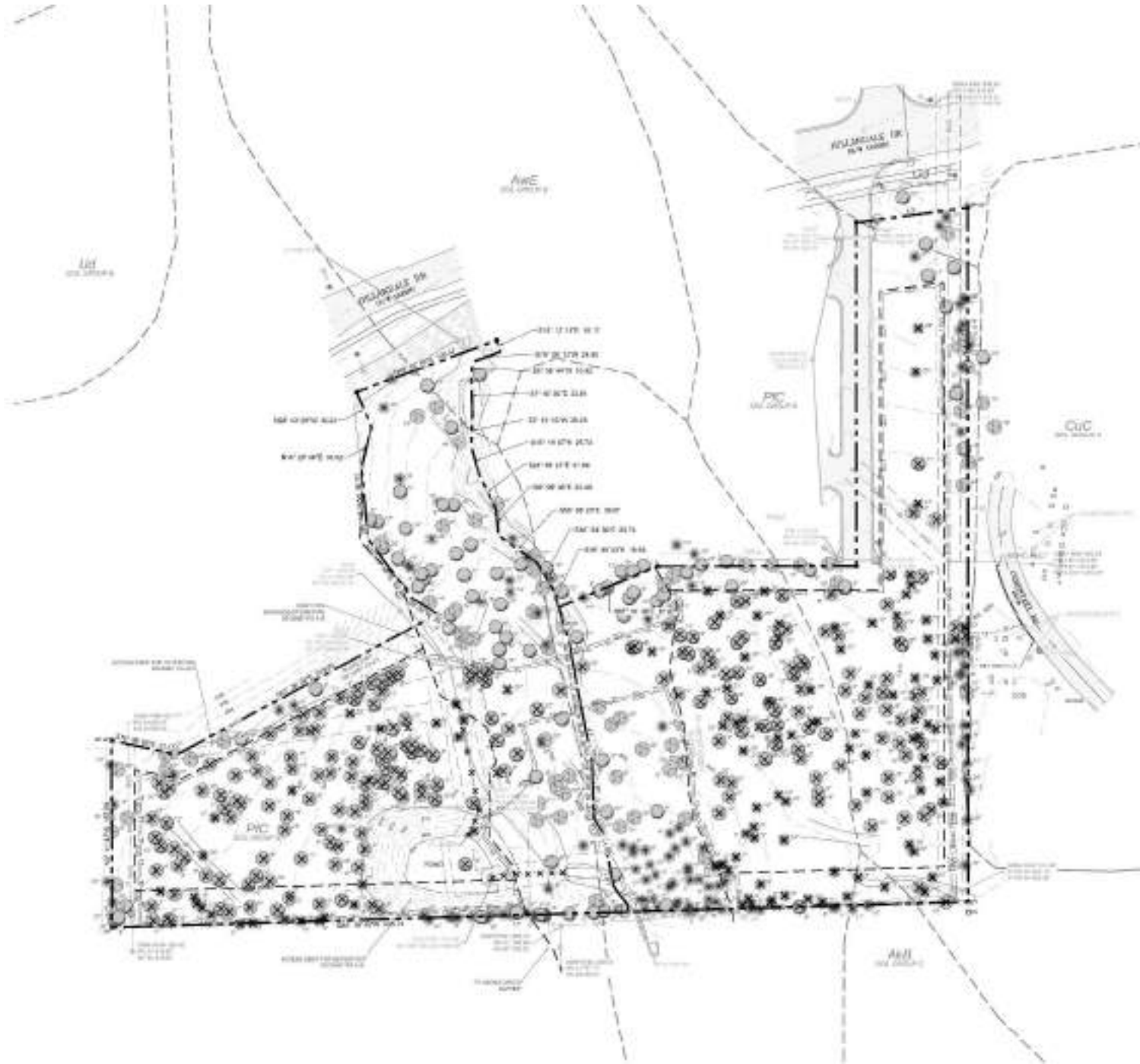
Aerial Map



Site Photo







Environmental Site Analysis



Hillendale Memorial Gardens Expansion
6039 Hillendale Drive
Rezoning Application (M to R100) - Environmental Site Analysis Response

Conformance to the Comprehensive Plan

The proposed project is an expansion of the existing Hillendale Memorial Gardens cemetery located on Hillendale Drive between I-20, Fairington Road and Lithonia Industrial Blvd. The Hillendale Memorial Gardens cemetery is an established cemetery and an integral part of the community. Unfortunately, COVID created a heightened demand for local burials and the cemetery needs expansion.

The property to the west of the existing cemetery provides an ideal expansion and would be accessed from within the existing cemetery. The proposed expansion property is a wooded site with a creek bisecting the land. The creek is controlled by an upstream culvert under Hillendale Drive and downstream by box culvert crossings under I-20. No floodplain lies on the expansion property according to the FEMA FIRM map and no wetlands are recorded on the expansion property per the Wetland Mapper. (See attached maps)



950 Hammond Drive, Suite 300, Atlanta, Georgia 30638
Phone: 770.857.8400 | Fax: 770.857.8401 | loweengineers.com

The adjacent properties are:

East: 6201 & 6129 Hillandale Drive - Existing Hillandale Memorial Gardens cemetery,

West: 6029 Hillandale Drive - Creative Kids Day Care

North: 6033 Hillandale Drive - Shell Fuel Station

6085 Hillandale Drive - Medical office building

South: I-20 right of way

Proposed Site Plan (NTS)



890 Hammond Drive, Suite 900, Atlanta, Georgia 30328
Phone: 770.857.8400 | Fax: 770.857.8401 | loweengineering.com

The Comprehensive Land Use Plan 2038 designates both the existing cemetery and the expansion property within the City Center (CC) Character Area and the Tair 6 Overlay. This property is currently zoned industrial which is not a land use type in the City Center while residential is part of the character. (Figure LU-06)

City of Stonecrest Comprehensive Plan 2038	"The City of Innovation and Excellence"	
COMPREHENSIVE PLAN ELEMENTS		LAND USE

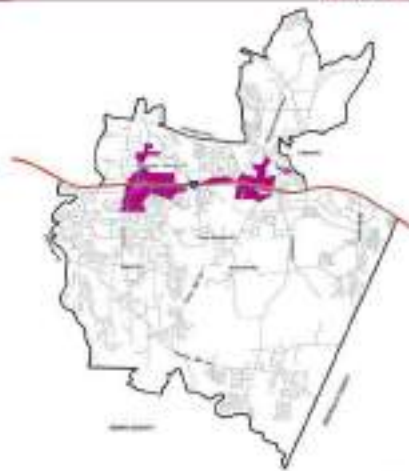
City Center (CC)

The intent of the City Center Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage.

The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre.

City Center Character Area Locations:



- Chapp Road
- H Bamdale Road
- Fairington Road
- Pamela Road and I-20
- Stewart Lake Court



Building Community, Culture & Commerce For Now and Into The Future

181

City Center (CC)

Building Community, Culture & Commerce For Now and Into The Future

182

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The expansion of the Hillandale Memorial Gardens Cemetery is an appropriate use for this land as it is an extension of an existing community need. The cemetery is specifically shown within the Stonecrest Comprehensive Plan City Center Character Area. The limited Hillandale Road frontage and the 150 foot state water buffers for the existing creek that bisects the expansion property creates a hardship for other types of development. The cemetery expansion does not create any additional usage to the local transportation network, the water and sewer system, and school system. The proposed site also provides a nature area within the 150' state waters buffer through the middle of expansion.

It appears that part of this property had been cleared in the past and contains a master dry stormwater management pond onsite that treats this property as well as the adjacent fuel station and medical office building that front on Hillandale Drive. This stormwater management pond is proposed to be modified for the proposed development. State Waters buffer of 150 foot are proposed on the site plan. The State waters buffer along the creek are proposed to remain wooded and undisturbed per code except for the needed road crossing. The crossing is proposed as an open bottom arch culvert so the existing stream bed can remain undisturbed. This saved area will be an asset to the environment as well as to the cemetery visitor experience.

Wetlands - Absence

Wetland Mapper shows no wetlands on the parcel. (See attached map)

Floodplain - Absence

FEMA Firmette shows no floodplain on the parcel. (See attached map)

Streams/Stream Buffers - Presence

75' state waters buffers are provided on both sides of the state water protecting the creek's environment accordingly. Road stormwater is collected within a storm drainage system and piped to the updated onsite stormwater management pond. The road crossing is proposed as an open bottom arch culvert so the existing stream bed can remain undisturbed. (See attached proposed site plan)

Slopes exceeding 25% over a 10-foot rise in elevation

The field topography survey shows no natural slopes exceeding 25% slopes over a 10' rise. The small area of an older manmade dry stormwater management pond has a small area with these slopes but these slopes will be softened with the proposed plan.

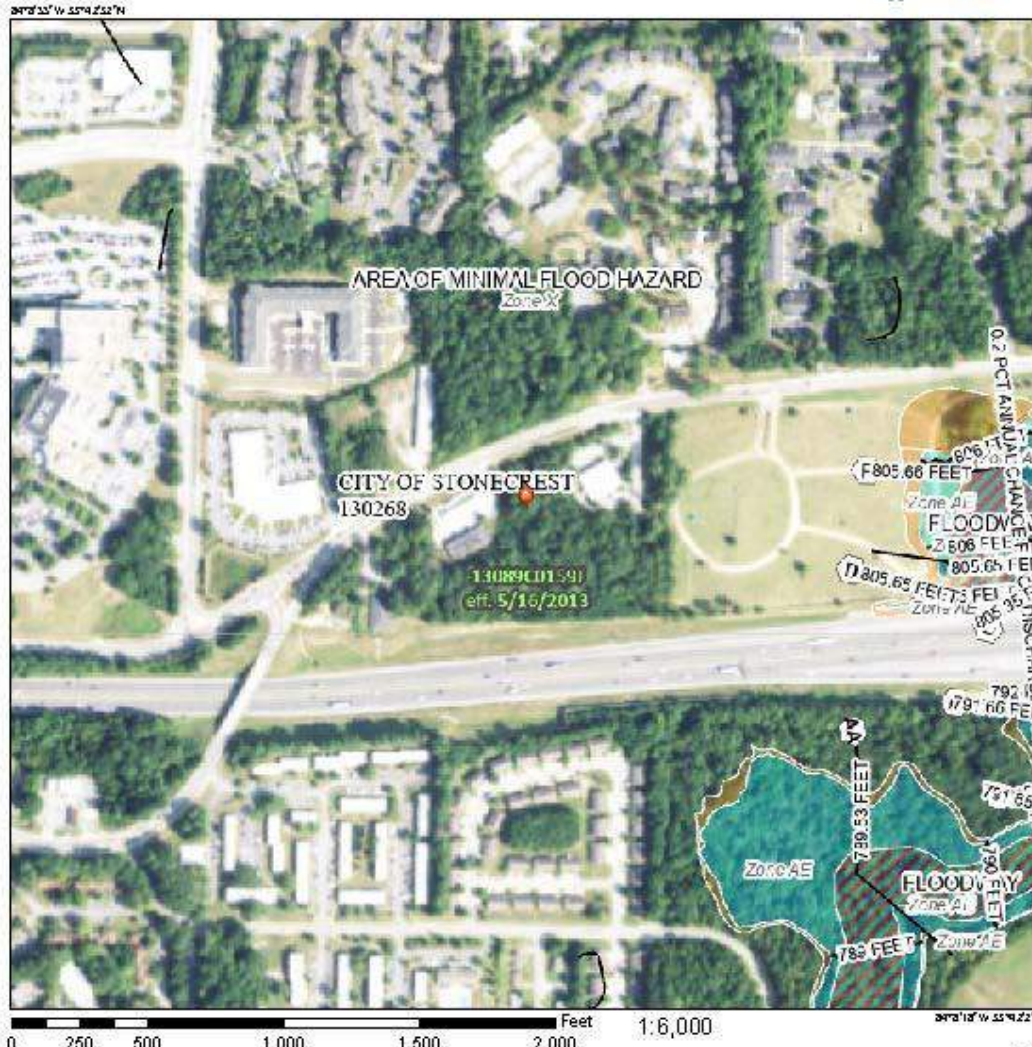
Vegetation

The site is generally wooded. See the attached pdf for the existing survey with tree locations. No known wildlife species were observed on the site visit. This area is not listed on the Georgia DNR wildlife resources website.

Archeological/Historical Sites

No known archeological/historical sites were observed on the site visit. This property is not located within the Davidson-Aarabia Mountain Nature Preserve.

National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS	<ul style="list-style-type: none"> White: Base Flood Elevation (BFE) Zone AE, A1, A3 Light Blue: With BFE for Depth Zone AE, A1, A3, A9 Red: Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	<ul style="list-style-type: none"> Orange: 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile. Zone X Dark Blue: Future Conditions, 1% Annual Chance Flood Hazard. Zone X Light Blue: Area with Reduced Flood Risk due to Levee. See Note, Zone X Yellow: Area with Flood Risk due to Levee. Zone X
OTHER AREAS	<ul style="list-style-type: none"> White: Area of Minimal Flood Hazard. Zone X Blue: Effective LOMs Light Blue: Area of Undocumented Flood Hazard. Zone X
GENERAL STRUCTURES	<ul style="list-style-type: none"> Red: Channel, Culvert, or Storm Sewer Blue: Levee, Dike, or Roadwall
OTHER FEATURES	<ul style="list-style-type: none"> Circle with '20.2': Cross Sections with 1% Annual Chance Circle with '17.6': Water Surface Elevation Circle with '3': Channel Transition Circle with '2.506': Base Flood Elevation (BFE) Red: Limits of Study Green: Jurisdiction Boundary Blue: Channel Transition, Baseline Blue: Profile Baseline Blue: Hydrographic Feature
MAP PANELS	<ul style="list-style-type: none"> Green: Digital Data Available White: No Digital Data Available Red: Unmapped <p>The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.</p>

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was updated on 11/1/2023 at 12:55 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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



Wetland Mapper - 6039 Hillandale Drive



November 13, 2023

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or completeness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper.

Letter of Intent



October 27, 2023

Matthew Williams
Tre'Jon Singletary
City of Stonecrest

RE: Hillandale Memorial Gardens - cemetery expansion

I believe you have some knowledge of our current situation with the approval of the Hillandale Memorial Gardens cemetery expansion LDP. (Parcel 16 088 02 002) When we started this plan in 2021 the zoning ordinance was marked with proposed changes to allow a cemetery by right in an M zoning. Soon after there was considerable change within the city organization, and it appears we had some miscommunication between the city and ourselves. We were informed within a phone call that our LDP had been approved so we assumed the zoning ordinance change had been completed. Our client has been proceeding with a contractor to prepare for the start of construction. We have recently come to understand that the zoning ordinance has not been updated for the M zoning.



Unfortunately, due to Covid, the number of burial plots has reduced drastically and the need for the expansion is an urgent need for the community. We would like to come meet with you to discuss how to fast track the rezoning/SUP of the expansion from zone M to R-100. R-100 is the zoning of the existing cemetery that the expansion is connecting to and allows for a cemetery under a Special Land Use Permit. Since the plan has already been through the review process we think we could have an opportunity to proceed expeditiously.

We have scheduled our Pre-App meeting through Cobi Brown for next Wednesday Nov 1 at 10am. Please feel free to call or email me if you have any questions and thank you for your time.

Helen Simpson, PE
Lowe Engineers
404-316-5817
Helen.simpson@loweengineers.com

300 Hambrook Brook, Suite 300, Atlanta, Georgia 30329
Phone: 770.557.8400 | Fax: 770.557.8401 | loweengineers.com



CITY COUNCIL AGENDA ITEM

SUBJECT: FY 2024 MEETING CALENDAR UPDATE

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

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

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: Discuss FY 2024 City Council meeting calendar.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Establish the T.I.P.S Committee

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: Click or tap here to enter text.

FACTS: To establish the T.I.P.S Committee

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Establish the Finance Committee

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: Click or tap here to enter text.

FACTS: To establish the Finance Committee

OPTIONS: Approve, Deny, Defer Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - Click or tap here to enter text.
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

SUBJECT: Ordinance – Committee Text Amendment

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

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

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, January 22, 2024

SUBMITTED BY: George Turner, Mayor Pro Tem

PRESENTER: George Turner, Mayor Pro Tem

PURPOSE: To approve an ordinance for committee text amendment.

FACTS: Click or tap here to enter text.

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

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

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

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

ORDINANCE NO. 2022-_____

1 **AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION) ARTICLE V**
2 **(ADVISORY COMMITTEES), OF THE CITY OF STONECREST CODE OF**
3 **ORDINANCES TO INPUT TEXT RELATING TO OVERSIGHT, POLICY, AND**
4 **STANDING COMMITTEES OF THE CITY COUNCIL; TO PROVIDE FOR**
5 **SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN**
6 **ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR**
7 **OTHER LAWFUL PURPOSES.**

8 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation
9 created under the laws of the State of Georgia; and

10 **WHEREAS**, the duly elected governing authority of the City is the Mayor and Council
11 (“City Council”) thereof; and

12 **WHEREAS**, the City Council shall have the authority to adopt and provide for the
13 execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem
14 necessary, expedient, or helpful for the peace, good order, protection of life and property, health,
15 welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City
16 of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

17 **WHEREAS**, CHAPTER 2 (ADMINISTRATION) ARTICLE V (ADVISORY
18 COMMITTEES) (“Committee Ordinance”) of the City of Stonecrest Code of Ordinances
19 addresses procedures to establish committees within the City; and

20

21 **WHEREAS**, the text of the Committee Ordinance must be amended to align with the City
22 of Stonecrest City Charter; and

23 **WHEREAS**, the City Council finds that it is the best interest of the City to amend the
24 Committee Ordinance.

25 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
26 **AND COUNCIL OF THE CITY OF STONECREST, GEORGIA and by the authority**
27 **thereof:**

28 **Section 1.** The Code of Ordinances, City of Stonecrest, Georgia is hereby amended by revising
29 CHAPTER 2 (ADMINISTRATION) ARTICLE V (ADVISORY COMMITTEES) by adopting
30 the provisions set forth in Exhibit A attached hereto and made a part by reference.

31 **Section 2.** That the amended ordinance be read and codified as follows with added text in **red**
32 **font, bold and underlined** and deleted text in **red and strikethrough** font.

33 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated
34 by reference as if fully set out herein.

35 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
36 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
37 enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

38 (b) It is hereby declared to be the intention of the Mayor and Council that, to the
39 greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of
40 this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this
41 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
42 greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance

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

45 (c) In the event that any phrase, clause, sentence, paragraph or section of this
46 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
47 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
48 express intent of the Mayor and Council that such invalidity, unconstitutionality or
49 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
50 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
51 sections of this Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
52 clauses, sentences, paragraphs and sections of this Ordinance shall remain valid, constitutional,
53 enforceable, and of full force and effect.

54 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
55 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

56 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
57 repealed to the extent of the conflict only.

58 **Section 7.** The effective date of this Ordinance shall be the date of its adoption by the
59 Mayor and Council unless otherwise stated herein.

60 **Section 8.** The Ordinance shall be codified in a manner consistent with the laws of the
61 State of Georgia and the City of Stonecrest.

62 **Section 9.** It is the intention of the governing body, and it is hereby ordained that the
63 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
64 Stonecrest, Georgia and the sections of this Ordinance may be renumbered to accomplish such
65 intention.

SO ORDAINED this ____ day of _____, 2024.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

ARTICLE V. ~~ADVISORY~~ OVERSIGHT, POLICY, AND STANDING COMMITTEES

Sec. 2-137. Authorization.

The ~~mayor~~ city council may establish advisory oversight, policy, and standing committees. Each committee ~~may~~ shall have ~~one or more~~ no less than two councilmembers. The mayor is an ex-officio member of every committee. The city manager or a designee ~~shall oversee~~ may support the meetings of each committee and is an ex-officio, non-voting member of each.

(Ord. No. 09-05, § 2-137, 9-18-2017)

Sec. 2-138. Duties.

- (a) Each committee may, from time to time, propose policies and ordinances to the council in the subjects germane to the committee.
- (b) This section shall not be interpreted to require committee approval for a measure to be heard before the council.
- (c) Members must attend two-thirds of meetings in a calendar year. Failure to do so warrants removal from the committee.

(Ord. No. 09-05, § 2-138, 9-18-2017)

Sec. 2-139. Membership.

- (a) Except as provided in subsection (b) of this section, the ~~mayor~~ city council shall establish qualifications for members of each committee. Each committeeperson shall be nominated ~~by the mayor~~ and approved by the city council.
- (b) Each committee member must be either a resident of the city or an owner or officer of a business domiciled in the city. Should the committee member move out of the city or no longer be an owner or an officer of a business domiciled in the city, he may remain active until the mayor and council appoint his replacement.

(Ord. No. 09-05, § 2-139, 9-18-2017)

Sec. 2-140. Terms.

- (a) Each committee member shall serve until the succeeding end of the city's fiscal year. Consecutive terms are permissible.
- (b) The mayor and councilmembers on each committee shall serve ~~on that committee so long as they remain elected to office~~ for a term of one year. A former councilmember or former mayor may serve on a committee, but such person shall not take the place of the elected member.
- (c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible. Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.
- (d) Any member may be removed with or without cause by the mayor.

(Ord. No. 09-05, § 2-140, 9-18-2017)

Sec. 2-141. Compensation.

Committee members may serve without compensation. Reasonable expenses for travel may be reimbursed and committee members may be compensated pursuant to a policy to be established by the city manager and approved by the council.

(Ord. No. 09-05, § 2-141, 9-18-2017)

Sec. 2-142. Quorum.

A majority of the actual number of committee members establishes a quorum. Any action taken requires a majority of affirmative votes of the quorum present.

(Ord. No. 09-05, § 2-142, 9-18-2017)

Sec. 2-143. Procedure.

- (a) Each of the committees shall adopt its rules of procedure, which shall be substantially similar to the rules of procedure of the city council, and determine its time of meetings. The date and time of each meeting as well as agenda items to be considered shall be publicized in the same manner as meetings of the mayor and council.
- (b) All meetings at which official action is taken shall be open to the public and all records maintained by the committee shall be public records unless expressly exempted by a provision of the state's Open Records Act. The committees shall keep minutes of their formal proceedings, showing the vote of each member upon each question, and records of their examinations and other official actions, all of which shall be filed in the office of the city clerk. Copies of the minutes shall be sent to the mayor and each member of the city council. The minutes of the meetings shall be a public record. This section shall not be construed as prohibiting closed sessions when permitted by the state open meetings and open records acts.
- (c) Expenditures of the committees, if any, shall be within the amounts appropriated for the purpose intended by the mayor and council during the annual budgeting process.

(Ord. No. 09-05, § 2-143, 9-18-2017)

Sec. 2-144. Training.

The mayor may establish a mandatory training program for committee members.

(Ord. No. 09-05, § 2-144, 9-18-2017)

Secs. 2-145—2-171. Reserved.