



**RZ-19-010**

**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

Other Material Required by  
City of Stonecrest Zoning Ordinance  
for the  
Application for Rezoning

Of

**Brownsmill Enterprises Corporation**  
**c/o Battle Law, P.C.**

**STATEMENT OF INTENT AND  
IMPACT ANALYSIS**

and

Other Material Required by  
City of Stonecrest Zoning Ordinance  
for the  
Application for Rezoning

of

**Brownsmill Enterprises Corporation  
c/o Battle Law, P.C.**

for

1.66± acres of land  
located at  
3332 Turner Hill Road  
Stonecrest, Georgia

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[www.battlelawpc.com](http://www.battlelawpc.com)

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*CW*

*RZ-19-010*

*RZ-19-00011 via citizen serve*

*( [scribble] ) internal*

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City of Stonecrest, Georgia  
Planning & Zoning Department

I. STATEMENT OF INTENT

The Applicant, Brownmill Enterprises Corporation, is seeking to rezone the the 1.66-acre tract of land at 3332 Turner Hill Road in Stonecrest, Georgia (the "Subject Property") from R-100 to Neighborhood Shopping (NS) for the development of a 16,000 sq. ft. retail center, which will include a convenience store with accessory fuel pumps, and accessory alcohol outlet for beer and wine sales. The Subject Property has a land use designation of Urban Neighborhood and is located in Tier IV of the Stonecrest Overlay District. This Application is being submitted simultaneously with an Special Land Use Permits applications for accessory fuel pumps and accessory alcohol outlet for beer and wine only.

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the City of Stonecrest's Zoning Ordinance. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

- (a) Suitability of use: The proposed rezoning will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. Turner Hill Road is a major arterial road which requires a 150ft right of way pursuant to the City's land development ordinance. Additionally, the Subject Property is located within Tier IV of the Stonecrest Overlay District and in the Urban Neighborhood Land Use District. The creation of a mixed-use environment with both commercial and medium density residential development has been envisioned along Turner Hill Road for at least a decade. The west



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side of Turner Hill Road is located within Tier III of the Stonecrest Overlay District, which allows for the development of multi-family uses, as well as a myriad of commercial, retail and offices uses in buildings up to 3 stories in height. The uses allowed in Tier IV are substantially similar, however, gas stations are not prohibited, and buildings are allowed to 5 stories in height. Therefore, it has always been contemplated that uses, such as those proposed by the Applicant, are appropriate adjacent to the single-family residential community to the rear of the Subject Property. In fact, the clear intent of the Stonecrest Overlay District is to provide neighborhood retail uses for the surrounding residential uses along the main arterial road that runs through the neighborhood. This intent is supported by the Stonecrest City Council's approval of the Comprehensive Land Use Plan which shows the Subject Property, along with the other parcels abutting Turner Hill south of Hayden Quarry Road, having a land use designation of Urban Neighborhood.

- (b) Effect on adjacent property: The uses of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners. The single-family residential community to the rear of the Subject Property will be protected by perimeter fencing, along with the 50ft transitional buffer required along the rear property line. Additionally, the hours of operation of the retail center will be between 7am and 11pm, versus being a 24 hour operation.
- (c) Economic use of current zoning: The Subject Property does have a reasonable economic use as currently zoned, but only so long as the Tier IV Stonecrest Overlay District remains in place. If the Subject Property is removed from Tier IV of the Stonecrest Overlay District, the Subject Property has not economic use as currently zoned. Turner Hill Road is a major thoroughfare. Having a single-family home located a major thoroughfare in the area in



question has no economic value, as the property has been available for sale for years with no offers to simply build a new home on the Subject Property, as the existing home is obsolete.

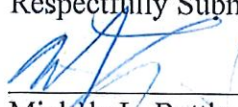
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area, as Turner Hill Road is a major arterial thoroughfare.
- (e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. Based upon the Environmental Site Analysis, the approval of this Application will not result in any adverse environmental impact.

#### IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved, subject to the submitted conditions. The Applicant also invites and welcomes any comments from Staff or other officials of City of Stonecrest so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 8th day of October, 2019.

Respectfully Submitted,

  
\_\_\_\_\_  
Michele L. Battle, Esq.  
Attorney For Applicant

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NOTICE OF CONSTITUTIONAL ALLEGATIONS AND DENIAL OF APPLICATION OF  
City of Stonecrest, Georgia  
Planning & Zoning Department

CONSTITUTIONAL RIGHTS

The portions of the Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the Stonecrest City Council to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.



A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

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**RETRACEMENT - Boundary, Topo, Tree and Utility Location Survey:**

3332 TURNER HILL ROAD  
 3332 Turner Hill Road, Lithonia Georgia 30038  
 LAND LOT 181, 16th DISTRICT  
 CITY OF STONECREST, DEKALB COUNTY GEORGIA  
 PIN: 16 181 07 036

Now or Formerly  
 IVEY FAMILY TRUST  
 3330 Turner Hill Rd  
 PIN: 16 181 07 037  
 DB 24718, PG 66

POB-Deed Book 632-4, Page 202  
 387 Feet Along the Eastm. R/W of Turner Hill Road  
 to the Intersection with the North Line of Land Lot 181  
 RECORD EAST 376.6

N89°27'45"E  
 355.32'  
 38.58'

3332 Turner Hill Rd  
 FIELD MEASURED AREA  
 72,230.12 Sq Ft L66 AC

Now or Formerly  
 JUANITA WHEELER  
 TURNER  
 3370 Turner Hill Rd  
 PIN: 16 181 07 035  
 DB 6534, PG 202

RECORD WEST 376.6  
 332.66'  
 51.88'

RECORD SOUTH 01'08" EAST  
 201.50'  
 20.3'

RECORD EAST 376.6  
 355.32'  
 34.29'

RECORD WEST 376.6  
 332.66'  
 55.94'

RECORD WEST 376.6  
 332.66'  
 55.94'

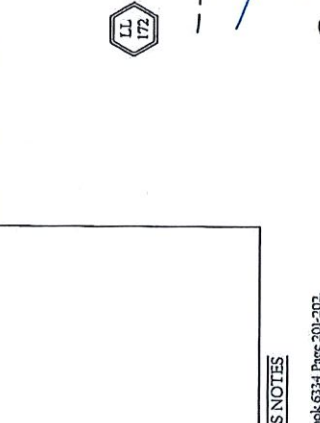
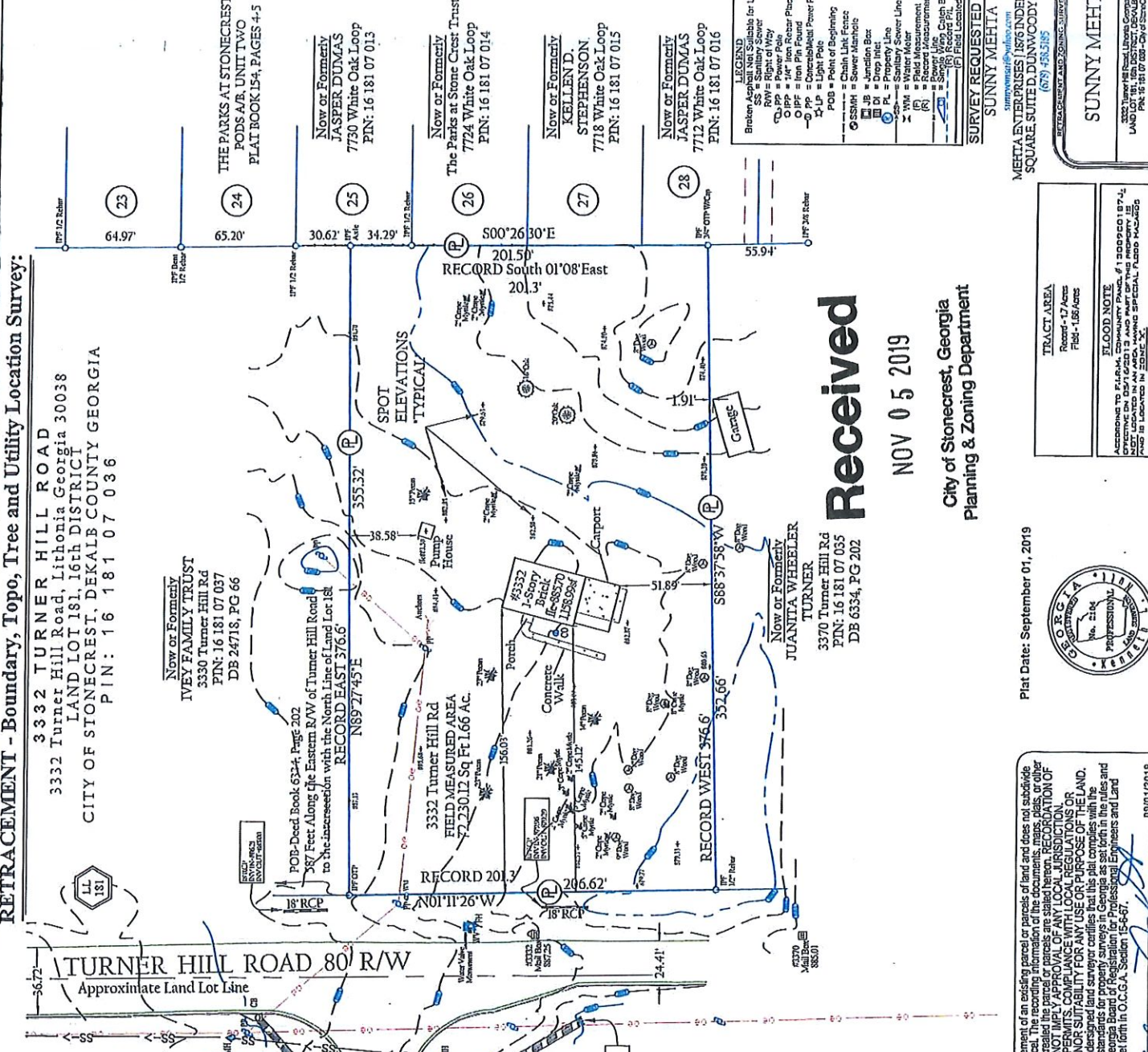
RECORD WEST 376.6  
 332.66'  
 55.94'

RECORD WEST 376.6  
 332.66'  
 55.94'

RECORD WEST 376.6  
 332.66'  
 55.94'

RECORD WEST 376.6  
 332.66'  
 55.94'

RECORD WEST 376.6  
 332.66'  
 55.94'



THE PARKS AT STONECREST  
 PODS A/R, UNIT TWO  
 PLAT BOOK 154, PAGES 4-5

Now or Formerly  
 JASPER DUMAS  
 7730 White Oak Loop  
 PIN: 16 181 07 013

Now or Formerly  
 The Parks at Stone Crest Trust  
 7724 White Oak Loop  
 PIN: 16 181 07 014

Now or Formerly  
 KELLEN D.  
 STEPHENSON  
 7718 White Oak Loop  
 PIN: 16 181 07 015

Now or Formerly  
 JASPER DUMAS  
 7712 White Oak Loop  
 PIN: 16 181 07 016

Now or Formerly  
 JUANITA WHEELER  
 TURNER  
 3370 Turner Hill Rd  
 PIN: 16 181 07 035  
 DB 6534, PG 202

Now or Formerly  
 IVEY FAMILY TRUST  
 3330 Turner Hill Rd  
 PIN: 16 181 07 037  
 DB 24718, PG 66

Now or Formerly  
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 STEPHENSON  
 7718 White Oak Loop  
 PIN: 16 181 07 015

Now or Formerly  
 JASPER DUMAS  
 7712 White Oak Loop  
 PIN: 16 181 07 016

**SURVEYORS NOTES**

- 1) References:  
 a) Deed Book 632-4, Page 202-202.  
 b) Plat Book 154, Pages 4-5
- 2) The field data upon which this plat is based has a closure one foot in 71,992 ft in angular error of 01' per angle point, and was adjusted using least squares.
- 3) Referring to FRM Map 13089C01871 Dated 05/16/2013 this property lies within Zone 'X' which IS NOT in a special flood hazard area.
- 4) Field Equipment used: Topcon GTS Total Station.
- 5) This plat has been calculated for closure and is found to be accurate to within one foot in 36,283,000 feet.
- 6) Subject property has direct physical access to the public R/W of TURNER HILL ROAD
- 7) There is no Evidence of encumbrances or recent earth moving work, building construction, or building additions observed in the process of conducting the fieldwork.
- 8) There is no Evidence of Proposed changes in street right of way lines, if such information is made available to the surveyor at the controlling jurisdiction or evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.
- 9) All statements within the certification, and other references located elsewhere hereon, related to utilities, improvements, structures, buildings, party walls, parking encasements, servitudes, and encroachments, are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
- 10) This is a Retracement Survey of existing parcel being known as a part of PIN: 16 181 07 036 and with owners of Maurice, Marion, Floyd Turner and Frances Turner (vey at time of survey Per Dekalb County Clerk of Superior Court Records.



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City of Stonecrest, Georgia  
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Plat Date: September 01, 2019



This plat is a retracement of an existing parcel or parcels of land and does not subdivide instruments which require the approval of any local jurisdiction. THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION'S AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS. NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 43-06-01.

**Perimeter Surveying Co., Inc.**  
 KENNETH L. NUTT, GA., R.L.S., #21104  
 1065 Sandtown Road, SW Marietta, GA. 30008  
 P:(770) 425-6824 F:(770) 425-6768  
 COA# LSF001223  
 kencoper@aol.com

SUNNY MEHTA  
 MEHTA ENTERPRISES (1876) INDEPENDENCE  
 SQUARE, SUITE D, DUNWOODY, GA, 30038  
 (678) 488-5185  
 sunny@mehta.com

**SUNNY MEHTA**  
 3303 Turner Hill Road, Stonecrest, Georgia 30038  
 LAND LOT 181, 16th DISTRICT, DEKALB COUNTY  
 PIN: 16 181 07 036 - CIVIL SERVICE  
 Command By: SUN  
 Drawn By: SUN  
 Field Service: Sun

**TRACT AREA**  
 Reamed - 17 Acres  
 Filed - 1.06 Acres

**FLOOD NOTE**  
 ACCORDING TO F.L.R.M., SUBDIVISION PARCEL # 13089C0187-4, THIS PLAT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS LOCATED IN ZONE 'X'.

**CITY OF STONECREST 12/22/2019**

**LEGAL DESCRIPTION**

(3332 Turner Hill Road, Lithonia, GA)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 181, 16<sup>th</sup> District of DeKalb County, Georgia and being more particularly described as follows:

Commencing at a point along the Easterly Right-of-Way (80' ROW) of Turner Hill Road and proceed South for 587 feet to an iron pin found at the intersection of said Right of Way of Turner Hill Road and the North Line of Land Lot 181, said point being the POINT OF BEGINNING; thence proceed North 89 degrees 27 minutes 45 seconds East for a distance of 355.32 feet to an iron pin found; thence proceed South 00 degrees 26 minutes 30 seconds East for a distance of 201.5 feet to an iron pin found; thence proceed South 88 degrees 37 minutes 58 second West for a distance 352.66 feet to an iron pin found; then proceed North 01 degrees 11 minutes 26 seconds West to an iron pin found and the POINT OF BEGINNING.

Neighborhood Development Site Plan was prepared by T A Design Group, Inc., Chamblee, GA, dated September 17, 2019, identified as Job No. CP-100.

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### Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes     No

Applicant / Owner	Signature: <i>[Signature]</i> By: <u>Brownsmill Enterprises Corporation</u>
	Address: 5198 GA HWY 85, Forest Park, GA 30297
	Date: October <u>01</u> , 2019

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

Date	Government Official	Official Position	Description	Amount





### Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Brownsmill Enterprises Corporation

Applicant / Petitioner	Signature: By:		Date: 10/07/2019
	Address: 5198 GA HWY 85	City, State: Forest Park, GA	Zip: 30297
	Phone: 678-458-5185		
Attorney / Agent	Sworn to and subscribed before me this 07 <sup>th</sup> day of October, 2019		
	Notary Public:		NATALIA J. JONES NOTARY PUBLIC Cobb County, State of Georgia My Comm. Expires Aug
	Signature: Battle Law, P.C. By:		
	Address: One West Court Square, Suite 750		City, State: Decatur, GA
Phone: 404-601-7616			
Sworn to and subscribed before me this 07 <sup>th</sup> day of October, 2019			
Notary Public:		BATOYA CLEMENTS NOTARY PUBLIC Exp. May 04, 2020 GWINNETT COUNTY, GA	

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City of Stonecrest, Georgia  
Planning & Zoning Department



Affidavit

To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.

Applicant's Name: Brownsmill Enterprises Corporation

Applicant's Signature: [Signature] Date: 10/07/2019

Sworn to and subscribed before me this 7th Day of October 20 19

Notary

Notary Public: Natalia J. Jones

Signature: [Signature]

My Commission Expires: Aug. 22, 2022

NATALIA J. JONES  
NOTARY PUBLIC  
Cobb County  
State of Georgia  
My Comm. Expires Aug. 22, 2022

Application Fee    Sign Fee    Legal Fee

Fee

Fee: \$ \_\_\_\_\_ Payment:  Cash    Check    CC   Date: \_\_\_\_\_

Approved    Approved with Conditions    Denied   Date: \_\_\_\_\_

\*One sign is required per street frontage and/or every 500 feet of street frontage

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## Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Signature: _____, Maurice Turner		Date: 10/____/2019
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20 19 _____		
Notary Public: _____			
Property Owner (If Applicable)	Signature: _____, Floyd Turner		Date: 10/____/2019
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20 19 _____		
Notary Public: _____			
Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
Notary Public: _____			





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City of Stonecrest, Georgia  
 Planning & Zoning Department

## Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Signature: _____, Maurice Turner		Date: 10/___/2019
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: _____		
Sworn to and subscribed before me this _____ day of _____, 20__19__			
Notary Public: _____			
Property Owner (If Applicable)	Signature: <i>Floyd Turner</i> , Floyd Turner <i>Estate</i>		Date: 10/10/2019
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: _____		
Sworn to and subscribed before me this _____ day of _____, 20__19__			
Notary Public: _____			
Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____	City, State: _____	Zip: _____
	Phone: _____		
Sworn to and subscribed before me this _____ day of _____, 20______			
Notary Public: _____			

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Planning & Zoning Department



### Property Owner(s) Notarized Certification

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

Property Owner (If Applicable)	Signature: <u>Marita W. Swanner for, Maurice Turner, deceased</u>		Date: <u>10/07/2019</u>
	Address: <u>5879 Center Hill Ch Rd</u> <u>5501 Post Road</u>		City, State: <u>Loganville, GA</u> <u>Monticello, GA</u>
	Zip: <u>30052</u> <u>31064</u>		
Phone: <u>(678) 618-5695</u>			
Sworn to and subscribed before me this <u>7<sup>th</sup></u> day of <u>October</u>			
Notary Public: <u>Beth A Sheppard</u>			
Signature: _____		Date: <u>10/ /2019</u>	
Property Owner (If Applicable)	Address: <u>5501 Post Road</u>		City, State: <u>Monticello, GA</u>
	Zip: <u>31064</u>		
	Phone: _____		
Sworn to and subscribed before me this _____ day of _____, 20 19			
Notary Public: _____			
Property Owner (If Applicable)	Signature: _____		Date: _____
	Address: _____		City, State: _____
	Zip: _____		
Phone: _____			
Sworn to and subscribed before me this _____ day of _____, 20 _____			
Notary Public: _____			



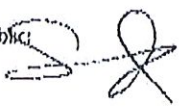
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City of Stonecrest, Georgia  
Planning & Zoning Department

Property Owner(s)  
Notarized Certification

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

Property Owner (If Applicable)	Signature: <u>Maurice Turner</u>	Date: <u>10/</u> /2019
	Address: <u>5501 Post Road</u>	City, State: <u>Monticello, GA</u>
	Phone: _____	Zip: <u>31064</u>
Sworn to and subscribed before me this _____ day of <u>October</u> , 20 <u>19</u>		
Notary Public: _____		
Property Owner (If Applicable)	Signature: <u>Lloyd Turner</u>	Date: <u>10/</u> /2019
	Address: <u>5501 Post Road</u>	City, State: <u>Monticello, GA</u>
	Phone: _____	Zip: <u>31064</u>
Sworn to and subscribed before me this _____ day of <u>October</u> , 20 <u>19</u>		
Notary Public: _____		
Property Owner (if Applicable)	Signature: <u>Alison D. Turner, Reg. Georgia P. Insurer, PCA</u>	Date: <u>10-5-19</u>
	Address: <u>2571 Old Salem Dr SE</u>	City, State: <u>Cummins, GA</u>
	Phone: <u>770-388-9547</u>	Zip: <u>30013</u>
Sworn to and subscribed before me this <u>5</u> day of <u>Oct</u> , 20 <u>19</u>		
Notary Public: 		






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## Property Owner(s) Notarized Certification

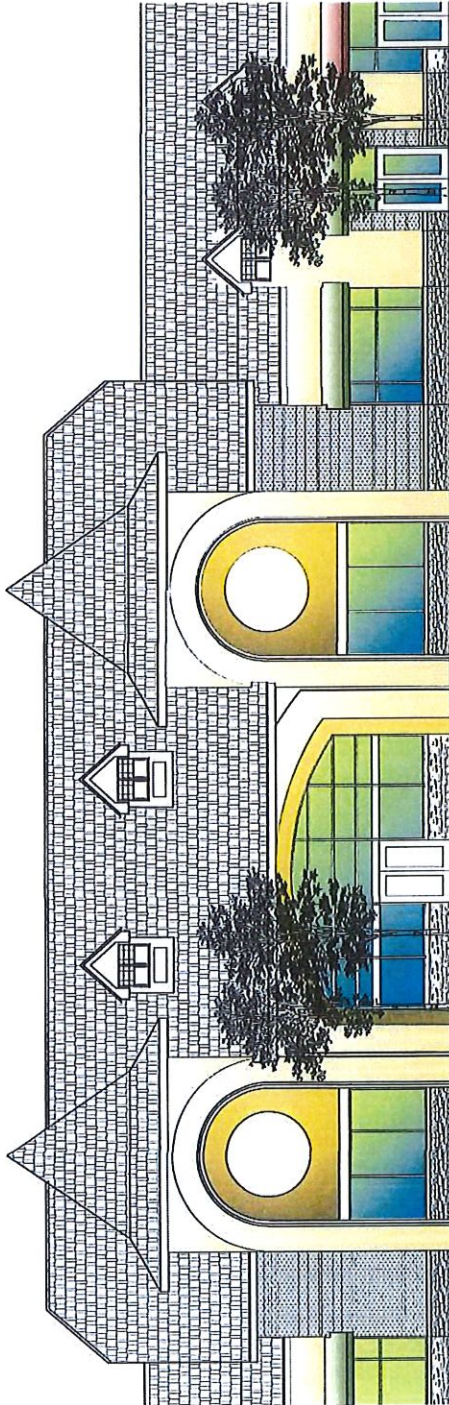
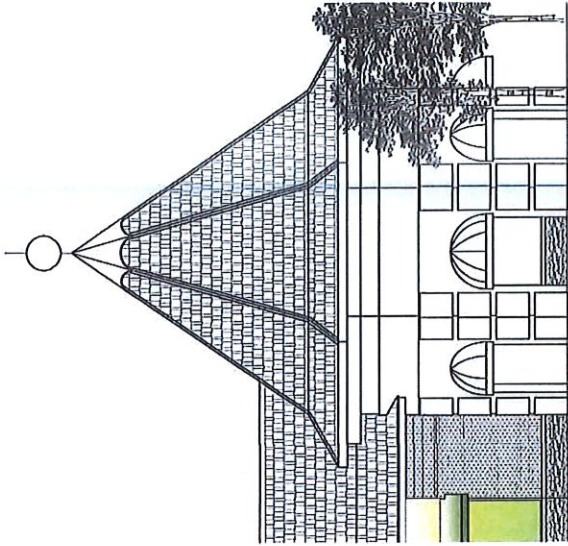
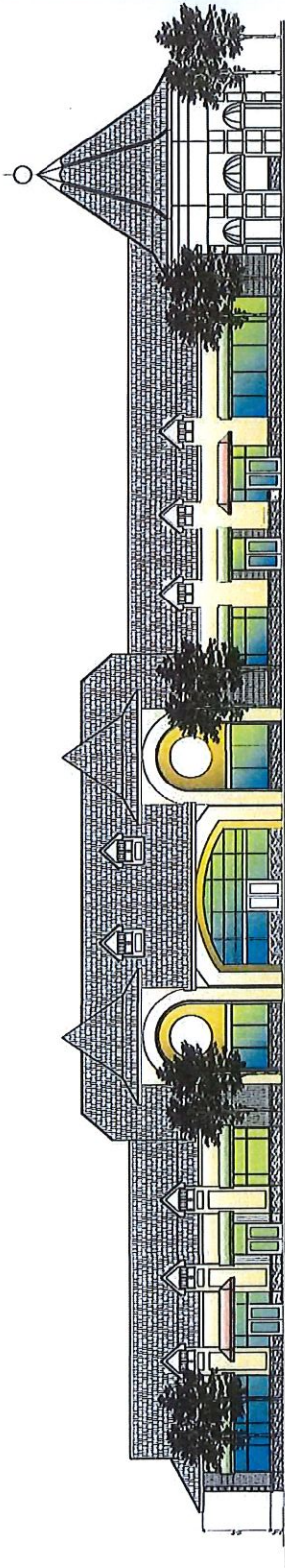
The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing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

Property Owner (if Applicable)	Signature: <i>John Jay BA for Frances Ivey</i>	Date: 10/ <u>5</u> /2019	
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: <i>404-583-2378</i>		
	Sworn to and subscribed before me this <u>5</u> day of <u>October</u> , 20 <u>19</u>		
Property Owner (if Applicable)	Notary Public: <i>Bobbie Jean Oxburn</i>		
	Signature: _____	Floyd Turner	Date: 10/ ____ /2019
	Address: 5501 Post Road	City, State: Monticello, GA	Zip: 31064
	Phone: _____		
Property Owner (if Applicable)	Sworn to and subscribed before me this _____ day of <u>October</u> , 20 <u>19</u>		
	Notary Public: _____		
	Signature: _____	Date: _____	
	Address: _____	City, State: _____	Zip: _____
Property Owner (if Applicable)	Phone: _____		
	Sworn to and subscribed before me this _____ day of _____, 20 _____		
	Notary Public: _____		

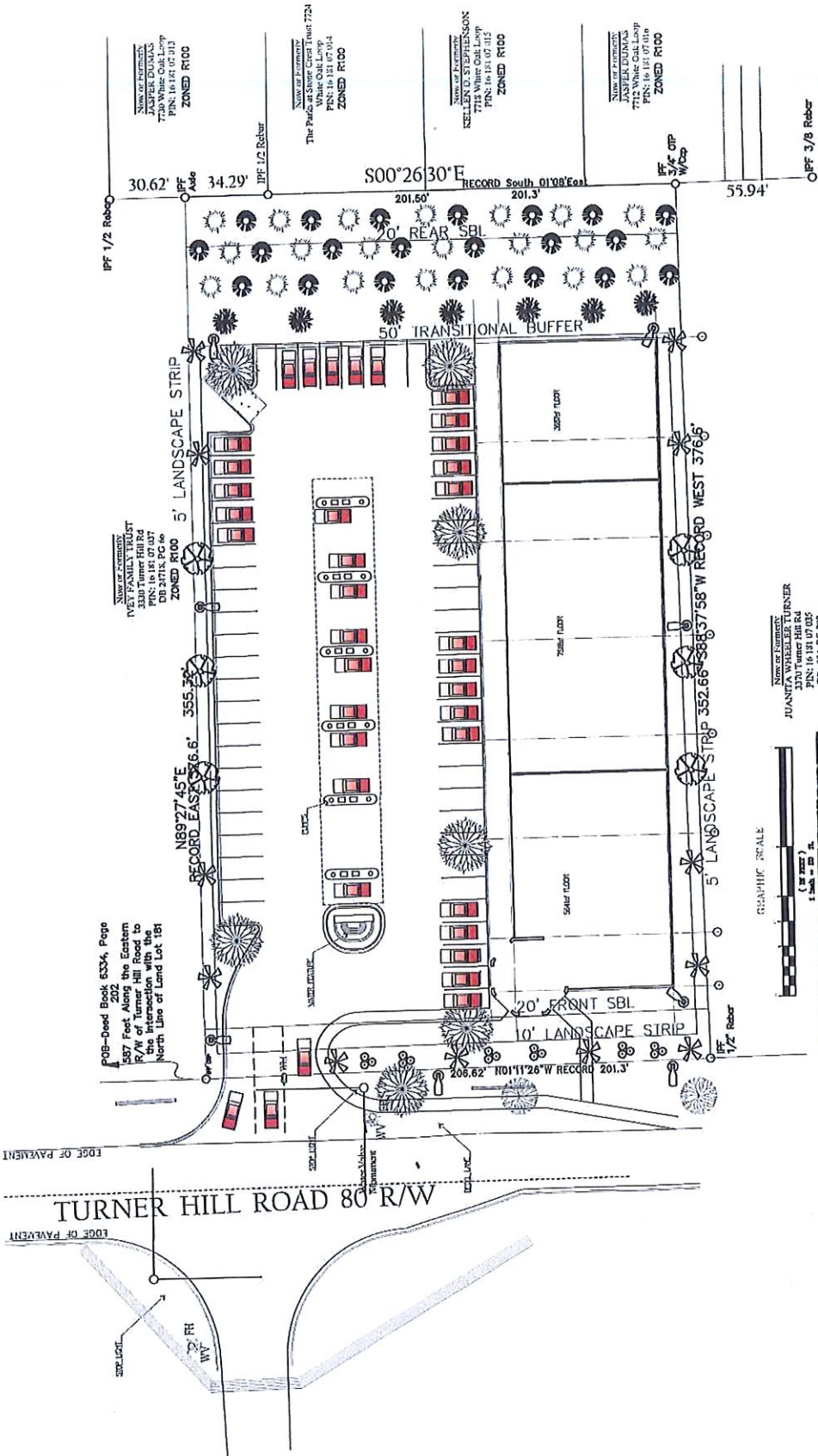
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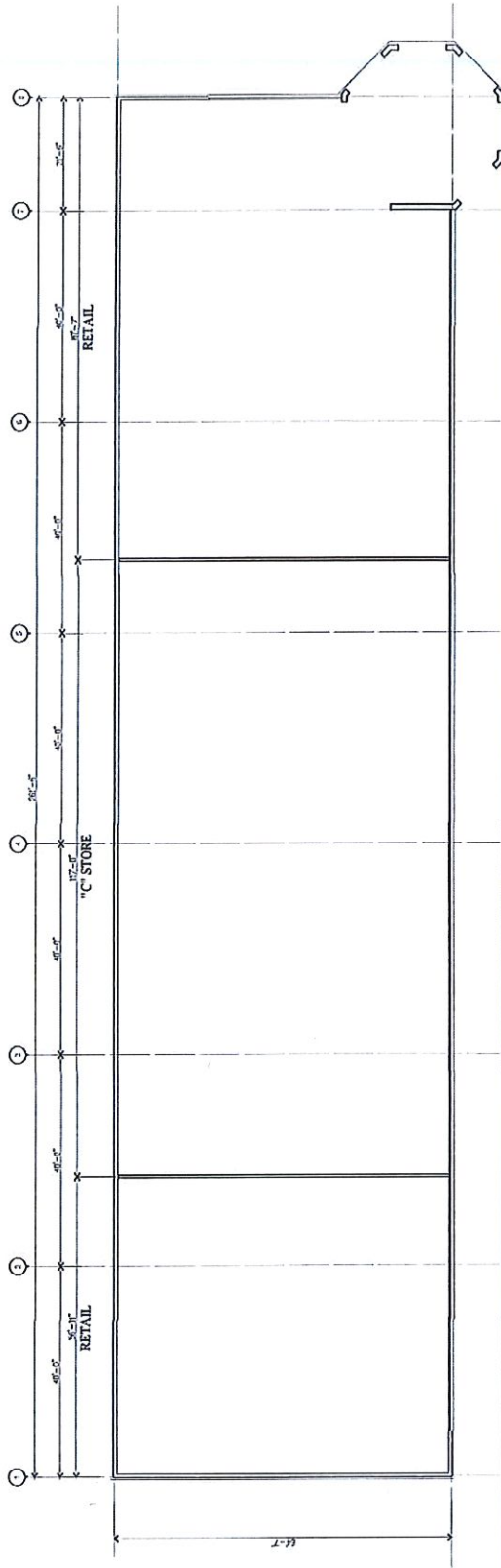
**Notes of Survey:**  
 JUANITIA WHEELER TURNER  
 3370 Turner Hill Rd  
 PIN: 16 181 07 005  
 ZONED R100

**GRAPHIC SCALE**  
 (1" = 20')



LOCATION MAP





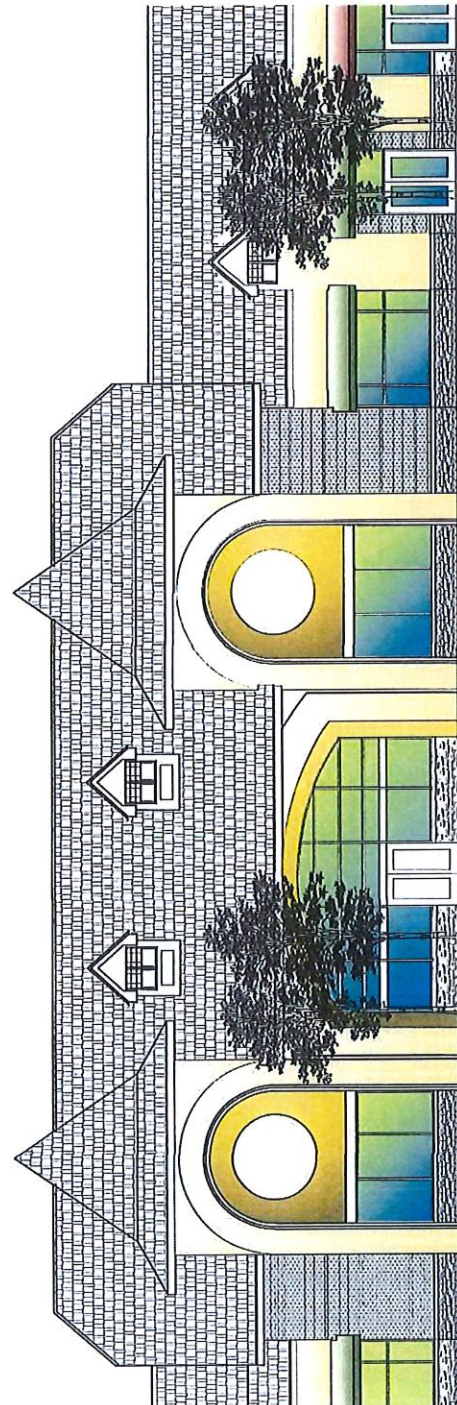
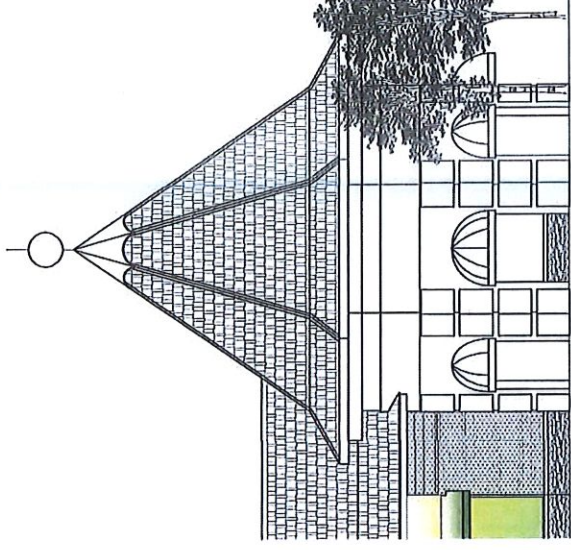
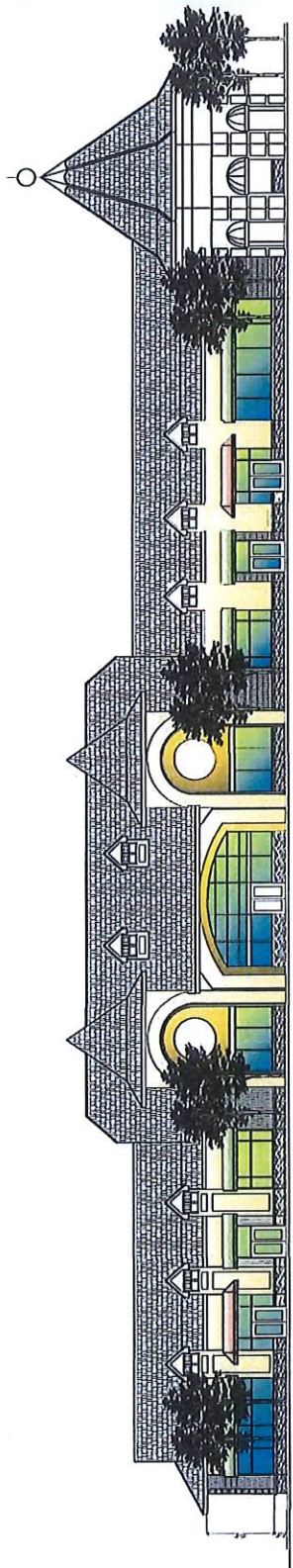
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Environmental Site Analysis (ESA)

1. **Conformance with the Comprehensive Plan.** The Subject Property is located at 3332 Turner Hill Road, Stonecrest, GA. The Stonecrest Comprehensive Map shows the Subject Property as having land use designations of Urban Neighborhood. It is the Applicant's intent to rezone the Subject Property from R-100 to NS to allow for the development of a 16,000 sq. ft. shopping center, with a convenience store with fuel pumps.
2. **Environmental Impacts of the Proposed Project.**
  - (a) **Wetlands.** According to the National Wetlands Inventory Wetlands Mapper there are no wetlands located on the Subject Property.
  - (b) **Floodplain.** According to the FEMA National Flood Hazard interactive mapping system, the Subject Property is in an area of minimal flood hazard Zone X.
  - (c) **Streams/stream buffers.** Based on fields observation and verification by the Applicant's surveyor, there are no streams location on the Subject Property.
  - (d) **Slopes exceeding 33 percent over a 10-foot rise in elevation.** Based on fields observation and verification by the Applicant's surveyor, there are no slopes exceeding 33 percent over a 10-foot rise in elevation on the Subject Property.
  - (e) **Vegetation (including endangered species).** The Subject Property is sparsely vegetated, however, to the Applicant's knowledge, based on field observation there are no endangered species located on the Subject Property.
  - (f) **Wildlife Species (including fish and endangered species).** Based on field observation, to the Applicant's knowledge, there are no endangered species located on the Subject Property.
  - (g) **Archeological/Historical Sites.** Based on field observation, to the Applicant's knowledge, there are no archeological or historical sites located on the Subject Property.
3. **Project Implementation Measures**
  - (a) **Protection of environmentally sensitive areas.** There are no environmental sensitive areas located on the Subject Property.
  - (b) **Protection of water quality.** All stormwater runoff generated from the Subject Property shall be adequately treated before discharge in accordance with City of Stonecrest development regulations.
  - (c) **Minimization of negative impacts on existing infrastructure.** The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project. It is the Applicant's intent to comply with all City of Stonecrest development regulations, and to connect into the existing utilities in the area in order to minimize disturbance.
  - (d) **Minimization on archeological/historically significant area.** To the Applicant's knowledge, there are no archeological/historically significant areas located on or near the Subject Property.



- (e) **Minimization of negative impacts on environmentally stressed communities.** The proposed use of the Subject Property is compatible with nearby communities, and to the knowledge of Applicant, will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property.
- (f) **Creation and preservation of green space and open space.** The proposed project will result in the removal of a few trees from the Subject Property. The proposed project, however, will provide for a 50 ft transitional buffer along the rear property line, which will be vegetated with additional trees most likely being planted in buffer area in order to make the buffer denser.
- (g) **Protection of citizens from the negative impacts of noise and lighting.** All lighting on the Subject Property will be in compliance with the City's rules and regulations, and in accordance with the City's noise regulations.
- (h) **Protection of parks and recreational green space.** To the Applicant's knowledge, there are no parks or recreational green space in the area.
- (i) **Minimization of impacts to wildlife habitats.** To the Applicant's knowledge, there are no wildlife habitats on or near the Subject Property.

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## Environmental Impact Report

1. **Environmental Adverse Uses.** To the Applicant's knowledge, there will not be any environmentally adverse uses of the Subject Property.
2. **Impact on noise levels of the surrounding area.** The use of the Subject Property will be in compliance with the City rules and regulations regarding noise levels. As the use on the Subject Property will be wholly contained within the proposed improvements with adequate and required noise buffering, there should be no impact on the surrounding area from the proposed use of the Subject Property.
3. **Impact on air quality of surrounding area.** As previously stated, the proposed project will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property.
4. **Impacts of water quality/resources.** All stormwater runoff generated from a site shall be adequately treated before discharge in accordance with City of Stonecrest development regulations.
5. **Impacts on vegetation, fish and wildlife species.** To the best of Applicant's knowledge there is no wildlife located on or near the Subject Property. There are trees located on the Subject Property some of which will be removed in accordance with the City's Tree Protection Ordinance.
6. **Impacts of thermal and explosive hazards on the surround areas.** The Subject Property will be used for the development of a shopping center. Currently there is no intent for thermal or explosive hazards to be located on the Subject Property, and to the extent that any such uses may be located on the Subject Property in accordance with the District Regulations, such uses will be conducted in accordance with all Federal, State and local laws and regulations.
7. **Impacts of hazardous wastes on the surrounding area.** The Subject Property will be used for a shopping center, and to the extent that any hazardous waste is generated in connection with the operation of any business to be located on the Subject Property, all operations shall be conducted in accordance with the District Regulations, such waste shall be disposed of in accordance with all Federal, State and local laws and regulations.
8. **Minimization of negative impacts on environmentally stressed communities.** The proposed shopping center is compatible with nearby residential communities, and to the knowledge of Applicant, will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property. Furthermore, to the best of the Applicant's knowledge, there are no environmental stressed communities within the general vicinity of the Subject Property.

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## Public Participation Plan

Applicant: Brownsmill Enterprises Corporation

1. The applicant will send out notices for the proposed community meeting to those property owners identified in the property owner list generated by the City of Stonecrest and provided to the Applicant at the time of submission of this Application.
2. The property owners will be notified of the community meeting by postcard.
3. The Applicant will hold a community meeting at 6:30pm at a location to be determined, which will be held at the library on Klondike Road in the Stonecrest Overlay District.

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