



**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING THE  
REQUEST TO MODIFY CONDITIONS ON RZ-18-0003**

**WHEREAS**, the City of Stonecrest has advertised and held public hearings in front of the Planning Commission and in front of the Mayor and City Council regarding RZ-18-003, the request to modify the conditions imposed on 6554 & 6560 Chubb Road, 7247 & 7257 Covington Highway, 2601 & 2616 Macedonia, Stonecrest, GA;

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

**WHEREAS**, the health, safety, welfare, aesthetics and morals of the citizens of the City of Stonecrest, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

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

**Section 1:**

**RZ-18-003** is **GRANTED**, with the conditions attached as **Exhibit A**. The conditions attached as Exhibit A supersede and replace any previous conditions imposed on the parcels.

**Section 2:**

1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City 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 City 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.
3. 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 City Council that such invalidity, unconstitutionality,

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40 or unenforceability shall, to the greatest extent allowed by law, not render invalid,  
41 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,  
42 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed  
43 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the  
44 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.  
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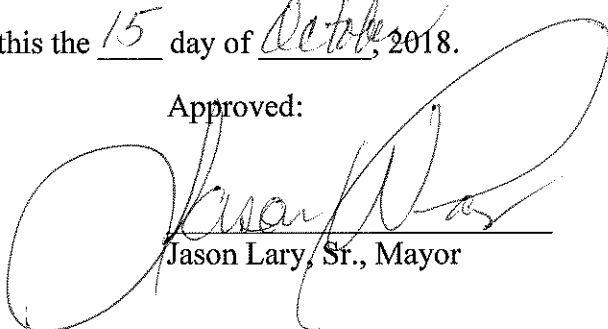
46 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith  
47 are hereby expressly repealed.  
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49 5. The within ordinance shall become effective upon its adoption.  
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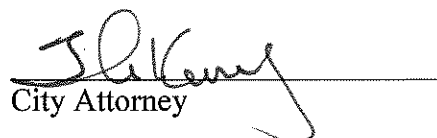
51 6. [The provisions of this Ordinance shall become and be made part of The Code of the City  
52 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to  
53 accomplish such intention.]

54 **SO ORDAINED AND EFFECTIVE** this the 15 day of October, 2018.


55 Approved:

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59 Jason Lary, Sr., Mayor  
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62 As to form:

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66 City Attorney  
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68 Attest:

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71 Brenda James, City Clerk  
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**EXHIBIT A**



## PLANNING COMMISSION STAFF REPORT

### PLANNING COMMISSION RECOMMENDATION

1. The Subject Property shall be developed in general conformity with the Zoning Exhibit dated October 9, 2018 (the "Zoning Exhibit") prepared by Southeastern Engineering, Inc. for LDG Development and submitted to the Stonecrest Planning Department on October 9, 2018.
2. The primary entrance to the residential component of the Development shall be located off of Chupp Road. Access points to the non-residential future development shall be located off of Covington Highway and Lithonia Industrial Boulevard in the determined by the Georgia Department of Transportation ("GDOT") and/or the City of Stonecrest. The access point off of Lithonia Industrial Boulevard shall be right in/right out only for all traffic, and shall provide emergency vehicle access to the residential component of the Development, as well as serve as a secondary vehicular exit only for residents. A raised rollover shall be located at the entrance off of Lithonia Industrial Boulevard to discourage left turns onto Lithonia Industrial Boulevard. The driveway from the residential component of the Development shall also contain a sidewalk for pedestrian ingress and egress to the residential component of the Development. Prior to the development of the non-residential improvements along Lithonia Industrial Boulevard, the Developer shall install a gate across the secondary entrance at the nearest point to Lithonia Industrial Boulevard as allowed by the City Engineer, taking into consideration the length of the driveway needed from the public right of way to the emergency vehicle access pad for entrance into the residential component of the Development. The gate may be relocated, if necessary, upon the development of the non-residential improvements.
3. Final site plan to be approved by the Planning Director, which plan shall be consistent with the Zoning Exhibit, subject to modifications required by the City Engineer. **NOTWITHSTANDING THE FOREGOING, THE FINAL SITE PLAN SHALL BE REVIEWED AND APPROVED IN WRITING BY THE COUNCIL MEMBER FOR THE DISTRICT IN WHICH THE PROJECT SITE IS LOCATED PRIOR TO THE ISSUANCE OF THE LAND DEVELOPMENT.**
4. Prior to the issuance of a Land Development Permit, the City of Stonecrest Planning and Development Department shall be provided with a copy of the recorded unified development agreement for the Development.
5. Developer shall provide for at least one recreation area that shall feature a playground and gazebo for resident use.
6. Developer shall provide interior sidewalks/pathways/trails linked to the recreation area(s).
7. Developer shall install sidewalks on both sides of the internal streets of all parcels of the Development.
8. All residential dwelling units shall have a minimum heated square footage of 1050sq. ft. for 2 bedroom and 1200 sq. ft. for 3 bedroom. The total number of residential units shall not exceed 240 units.
9. Dwelling units shall have a minimum of at least 5 different designs and staggered facades.



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10. Developer shall plant at least 1 hardwood shade tree of 8-10 feet in height in the front yard of each dwelling unit prior to issuance of a certificate of occupancy for that dwelling. If planting should occur off season, Developer may enter into escrow arrangements with the City of Stonecrest.
11. Development shall comply with the City of Stonecrest tree ordinance.
12. All dwelling units shall have an attached garage for at least one (1) car OR have parking for 1.5 cars per unit in a common parking area(s).
13. All facades shall consist of brick, stucco, stone, shake shingles, or hardiplank; no vinyl or wood except on eaves, dormers, gables and similar architectural accents.
14. Detention facilities shall be screened from view by a 6-foot fence and evergreen trees and shrubs.
15. All utilities shall be underground.
16. Developer shall provide landscaping and entry treatment for each public road entrance to the Development.
17. Developer shall construct deceleration lanes as required by the City of Stonecrest, and/or by GDOT.
18. The front façade of the commercial buildings in the Development shall consist of brick masonry, stone masonry and/or textured face concrete block. Additionally, a minimum of 50% of the two sides of the building shall consist primarily of brick masonry, stone masonry and/or textured face concrete block.
19. Aluminum security fencing or other screening may be erected around the perimeter of the Development. No wooden fencing shall be allowed.
20. Developer shall extend the sidewalk along Chupp Road to at least one MARTA bus stop and provide a designated area near the front entrance off of Chupp Road for the school bus stop.
21. The unopened portion of Macedonia Road shall not be abandoned.