



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, July 24, 2023 at 6:00 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:** Mayor Pro-Tem George Turner
- II. ROLL CALL:** City Clerk Sonya Isom
- III. INVOCATION:** Councilmember Rob Turner
- IV. PLEDGE OF ALLEGIANCE:** Councilmember Alecia Washington
- V. REVIEW AND APPROVAL OF MINUTES**
 - [a.](#) Approval of Meeting Minutes - Special Called Meeting June 14, 2023
 - [b.](#) Approval of Meeting Minutes - Special Called Meeting June 21, 2023, AM
 - [c.](#) Approval of Meeting Minutes - Special Called Meeting June 21, 2023, PM
 - [d.](#) Approval of Meeting Minutes - Special Called Meeting June 28, 2023
 - [e.](#) Approval of Meeting Minutes - City Council Meeting June 28, 2023
- VI. APPROVAL OF THE AGENDA**
- 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. REPORTS & PRESENTATIONS

- a. Presentations - Councilmember Tammy Grimes**

IX. 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 - TMOD 23-001 Truck Parking Gravel Lots - Director of Planning and Zoning Ray White**
- b. For Decision - TMOD 23-001 Truck Parking Gravel Lots - Director of Planning and Zoning Ray White**

X. CONSENT AGENDA

XI. APPOINTMENTS

XII. OLD BUSINESS

- a. For Decision - RZ 23-000002 7199 Hayden Quarry - Director of Planning and Zoning Ray White**

XIII. NEW BUSINESS

- a. For Decision - HB 916 Superior and State Court Appellate Practice Act - 2nd Read - Chief Judge Curtis W. Miller & Court Administrator Mallory Minor**
- b. For Decision - City of Stonecrest Access Control - Procurement Manager Shakerah Hall**
- c. For Decision - SPLOST II Funding Allocation Resolution - City Engineer Hari Karikaran**
- d. For Decision - Public Storage Facilities Moratorium Extension - Mayor Pro Tem George Turner**

- e.** **For Decision** - Approve Appointment of the General Attorney and Bond Counsel for the SDA per the IGA - *Mayor Jazzmin Cobble*

XIV. CITY MANAGER UPDATE

XV. MAYOR AND COUNCIL COMMENTS

XVI. EXECUTIVE SESSION

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

XVII. ADJOURNMENT

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

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CITY OF STONECREST, GEORGIA

SPECIAL CALLED MEETING WITH FINANCE, TRANSPORTATION AND SPLOST COMMITTEES –MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 14, 2023 at 6:00 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 6:08pm.

II. ROLL CALL: Sonya Isom, City Clerk

Mayor and all council members were present with the exception of Councilmember Tara Graves. Members of the Transportation Committee, Finance Committee and SPLOST Committee were also present.

III. AGENDA ITEMS

a. For Decision - ARPA Small Business and Residential Support Disbursement of Funds Approval - City Manager Gia Scruggs

Presentation by City Manager Gia Scruggs regarding the approval of the ARPA disbursement of funds. Berry Dunn will notify all applicants on June 20, 2023 regarding the status of their disbursement. As of today, the total number of applications is 153 residential and 64 small businesses. A total of \$287,000.00 will be given to recipients.

Councilmember Grimes asked if there was a deadline for additional documents that might be needed. The response was yes, and the city is also working with applicants. Berry Dunn will give a full report to Council as well as make additional recommendations. Councilmember Grimes also requested a total number of all applicants and City Manager Scruggs stated it would be in the full written report that will be submitted to Council.

Motion – made by Councilmember Tammy Grimes to approve the ARPA small business

and residential support disbursement of funds. Seconded by Councilmember Rob Turner.
Motion approved 4-0, with District 1 absent.

b. For Discussion - Transportation Planning Update - *City Engineer Hari Karikaran*

Presentation by City Engineer Hari Karikaran to provide an update on various transportation projects that have been active for the past year, as well as city funded design projects. There was a review of joint transportation projects with GDOT as well as other transportation projects including the Panola Road Study, Bicycle/Pedestrian Plan and Freight Cluster Plan. City Engineer Karikaran stated there will be more updates in July. The review also included discussion of city limit signs, exit signs on I-20 and bridge scape projects. The GDOT project includes GDOT right of way improvements which are in discussion with District 7.

Councilmember Rob Turner inquired about the Miller Road Bridge over I-20 and City Engineer Karikaran confirmed the design is complete and there should be visible activity during the month of June. There will be a full replacement and there will also be plenty of notice to the public.

It was stated there was a kickoff meeting in May 2023 and that there will be three stakeholder meetings as well as public hearings. Mayor Cobble stated DOT has plans on their website for the redesign of the bridges. The I-20 exchange information is also on their website. There is no timeline as of yet. The park entrance signs will also have some of the features and streetscapes will also have lighting and landscape.

There was a question inquiring about monument signs and how two sets will work together. City Engineer Karikaran stated the city wants to have its own monument signs. He is also looking at changing signs to be more reflective at night. Mayor Cobble stated the city is interested in branding itself and adopting a design. Councilmember Rob Turner spoke of the intersection at Miller Road and Thompson Mill. There are two options, one being a signal with left turning lanes and the other being a mini roundabout. There are usually two to three public information meetings, and he would like to do more and engage the public at different levels.

Councilmember Washington asked about widening bus stop areas for safety. City Engineer Karikaran has told the consultants he wants at least 100 feet between every bus stop. Erica Williams, Chair of the Transportation Committee mentioned the speed on Lithonia Industrial needing to be addressed and that there are no sidewalks. City Engineer Karikaran stated the sidewalk issue will be included in the sidewalk/bicycle plan and he can also bring the issue to the next meeting with GDOT.

c. For Discussion - SPLOST II Planning - *City Engineer Hari Karikaran*

Presentation by City Engineer Hari Karikaran. The original SPLOST was in 2017. The Georgia State General Assembly amended allowable projects and that was signed into law May 2023, allowing the city to do a lot with SPLOST funds. SPLOST I revenue collections will end early next year and if the referendum doesn't pass in November, the money will dry out at that point. The Administration is seeking discussion with council as to how the City would like to spend the funds. City Engineer Karikaran's recommendation consists of street paving/resurfacing/transportation improvement, parks improvement and property acquisition. He is also looking to complete a 2023 street evaluation this year.

There was discussion on the differences between SPLOST I and SPLOST II, in terms of state

restrictions for SPLOST I. Council has to pass a resolution that will need to go to DeKalb County and also be included on the ballot for the November 7, 2023 election. Council also has to vote on the referendum language and a public hearing is not required.

IV. EXECUTIVE SESSION

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

There was no need for an Executive Session.

V. ADJOURNMENT

Councilmember Grimes gave comments addressing District 5, Stonecrest businesses and citywide. This is an open invitation to come to any public meeting that is open to the public and show interest. Or send a representative.

Motion – made by Councilmember Rob Turner to adjourn the June 14, 2023 Special Called Meeting with Finance, Transportation and SPLOST committees. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

The meeting adjourned at 8:03pm.

Americans with Disabilities Act

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CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 21, 2023 at 11:00 AM

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: Councilmember Rob Turner

The meeting began at 11:01am.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present with the exception of Mayor Pro Tem George Turner and Councilmember Tara Graves.

III. PUBLIC HEARING

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. For Discussion/Public Hearing - 2023 Millage Rate - Deputy Finance Director Mia Wilson, City Manager Gia Scruggs

City Manager Gia Scruggs gave an introduction and stated Deputy Finance Director Mia Wilson would present the 2023 Millage Rate Adoption item. This is the 1st of three public hearings required by law. There are two additional public hearings scheduled, with the second being scheduled for this evening at 6:00pm.

The presentation and recommendation were presented by Deputy Finance Mia Wilson. Ms. Wilson gave an overview of the millage rate rollback computation, as well as the five year history of levy and current property tax digest. There was also a calculation example shared, including the 2023 budget.

Councilmember Tammy Grimes asked for confirmation that the City of Stonecrest is not proposing a tax increase. Deputy Director Wilson stated the recommendation is for a millage above the rollback millage, but the millage rate will remain the same. Homeowners should not see an increase in taxes. She confirmed the millage rate will remain the same in 2023 as it was in 2022.

There were no public comments.

IV. EXECUTIVE SESSION

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

V. ADJOURNMENT

The meeting adjourned at 11:12am.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 21, 2023 at 6:00 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: Councilmember Rob Turner

The meeting began at 6:01pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present with the exception of Mayor Pro Tem George Turner.

III. PUBLIC HEARING

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 upon request.

When it is your turn to speak, please state your name and position on the matter. There is a ten (10) minute time limit for each item per side during all public hearings.

a. For Discussion/Public Hearing - 2023 Millage Rate, 1st Read - Deputy Finance Director Mia Wilson, City Manager Gia Scruggs

City Manager Gia Scruggs introduced Deputy Finance Director Mia Wilson to present the proposal for the 2023 Millage Rate Adoption. This is the second of three public hearings for this item. Deputy Finance Director Wilson stated the 1.237 millage rate is below the cap and is the same rate as 2022.

Mayor Jazzmin Cobble asked for an explanation on where an increase might be seen. Ms. Wilson stated the city is requesting the millage rate stays the same.

Motion – made by Councilmember Tammy Grimes to open the public hearing for the 2023 millage rate. Seconded by Councilmember Tara Graves.

Motion passed 4-0 with Mayor Pro Tem George Turner absent.

Public Comments

Opposed – Faye Cofield

Opposed - Dele Lowman Smith

Motion - made by Councilmember Tammy Grimes to close the public hearing for the 2023 millage rate. Seconded by Councilmember Tara Graves.

Motion passed 4-0 with Mayor Pro Tem George Turner absent.

Mayor Cobble asked City Manager Scruggs to speak on additional revenue. City Manager Scruggs stated the rate is the same and also mentioned that the millage rate is one of the lowest in DeKalb County. She also confirmed there are detailed reports published monthly in regard to ARPA and that general operations are moving in a great direction.

Mayor Cobble stated the city is not running its budget off property tax and that the city does not do property evaluations, but the county does.

Councilmember Grimes asked for the step-by-step process in terms of millage rate, rollback, etc. Mayor Cobble stated the process is set by state law and that the city does not dictate any changes to that process. The city's part is to submit the numbers that are applicable to the tax digest. The budget outlines where money goes and is being spent.

IV. EXECUTIVE SESSION

(When an executive session is required, one will be called for the following issues: 1)

Personnel, 2) Litigation, 3) Real Estate)

V. ADJOURNMENT

Motion – made by Councilmember Tammy Grimes to end the June 21, 2023 Special Called Meeting. Seconded by Councilmember Tara Graves.

Motion passed 4-0 with Mayor Pro Tem being absent.

The meeting adjourned at 6:36pm.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL SPECIAL CALLED MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 28, 2023 at 6:00 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 6:11PM.

II. ROLL CALL: Sonya Isom, City Clerk

All members were present with Mayor Cobble arriving after roll call.

III. PUBLIC HEARING

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a. For Discussion/Public Hearing - 2023 Millage Rate, 2nd Read - Deputy Finance Director Mia Wilson, City Manager Gia Scruggs

Presentation by Deputy Finance Director Mia Wilson. The Finance Department is recommending adoption of the proposed 2023 millage rate, which is the same millage rate that was adopted in 2022. This is the third public hearing. Every year there must be a millage rate rollback computation and five-year history of levy.

Motion – made by Councilmember Rob Turner to open the public hearing for the 2023 millage rate. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Public Comments

Opposed

Faye Coffield

Dele Lowman

Lequvia Ousley

Malaika Wells

Donna Priest-Brown

Clara Delay

Cheryl Moore-Mathis

Gwen Black

Renee Cail

Motion – made by Councilmember Tammy Grimes to close the public hearing for the 2023 millage rate. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

Mayor Jazzmin Cobble addressed the public comments and stated the advertisement in the AJC was placed seven days before the public hearing. The second ad was placed June 19, 2023, seven days prior to adoption. The city did advertise in time according to the law. Attorney Denmark confirmed that was correct. Mayor Cobble also stated property value increase affects property taxes. The millage rate is staying the same.

Mayor Pro Tem George Turner stated if the millage was rolled back and the dollar amount kept the same, there would be a tremendous increase in taxes. Deputy Finance Director Wilson stated that could be correct. It was also stated that the biggest tax increases come from school systems. Councilmember Grimes asked what could the average citizen receiving a tax increase look for. It was stated if the property value did not increase, the percentage would not increase. The city is looking at the total number given by the county.

There were additional responses to some of the public comments that were heard. It was confirmed that the City Attorney's were in attendance virtually during the last two public hearings. It was also stated that the city uses SPLOST funds for capital improvement projects.

IV. EXECUTIVE SESSION

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

V. ADJOURNMENT

Motion – made by Councilmember Tammy Grimes to adjourn the Special Called meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

The meeting ended at 7:06pm.

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CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Wednesday, June 28, 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

This meeting began at 7:25pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. INVOCATION

Councilmember Rob Turner

IV. PLEDGE OF ALLEGIANCE

Councilmember Alecia Washington

V. APPROVAL OF THE AGENDA

Motion- made by Councilmember Rob Turner to approve the meeting agenda with the stated addition. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting May 17, 2023

Motion – made by Councilmember Tara Graves to approve Special Called Meeting Minutes for May 17, 2023. Seconded by Councilmember Alecia Washington.

Motion passed unanimously.

- b. Approval of Meeting Minutes - City Council Meeting May 22, 2023

Motion – made by Councilmember Tara Graves to approve City Council Meeting Minutes for May 22, 2023. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

VII. REPORTS & PRESENTATIONS

- a. **Proclamation** - Mr. Curtis Nelson – *Mayor Pro-Tem George Turner*

Mayor Pro-Tem George Turner presented a proclamation recognizing the life of one of Stonecrest's prominent residents, Mr. Curtis Nelson

- b. **Proclamation** - Mary & Ellis Appling, 50th Wedding Anniversary – *Mayor Pro-Tem George Turner*

Mayor Pro-Tem George Turner presented a proclamation honoring Mr. & Mrs. Appling on their 50th year wedding anniversary.

Councilmember Tammy Grimes also recognized her parents 59th wedding anniversary.

VIII. PUBLIC COMMENTS

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Cassandra Danfodio and residents of Sandstone Subdivision – Concerned about the safety of the neighborhood and opposing a gated entrance to be installed.

Mark Major – Spoke of crime in subdivision.

Ken Saulsberry – Making plea for help in subdivision.

Faye Coffield – Requesting the City of Stonecrest use APRA Funds for CPR classes for city residents. Requesting more streetlights get installed at gas stations and apartments.

Dele Lowman – Questioned if the advertisement of the public hearing met the legal standards, asked where anticipated funds from millage rate be allocated in the budget and asked council to assure citizens are informed in a timelier manner for all upcoming meeting announcements.

Arlene Farmer – Spoke of promises that roads would be paved and information on website regarding subdivision work being completed.

C.A. Nation – Spoke on investors buying properties, raising the rent and causing the elderly community to be displaced. She stated council’s job is to take care of citizens.

Charlotte Cain – Stated she is the founder of the Stonecrest Fest happening on October 7, 2023. She also mentioned the Sunset Scroll on top of Arabia Mountain.

Jenae Cason – Spoke on the soccer team at Arabia Mountain High School, as well as a STEM/Aviation program where students can become experts as Drone Pilots as young as 16 years old.

Revonda Cosby – Thanked council for support on Arabian Mountain Overlay items as well as others and gave her congratulations on the Bobcat Grant. Shared that Jon Ossoff sends greetings to the City of Stonecrest.

Kirby Frazier – Stated he is advocating on behalf of District 3 regarding Fairington Park improvements, spoke on health and safety issues, having a police presence, and security to monitor the area.

Malaika Wells – Stated her desire for the public comment time to be extended to 3 minutes and that all citizens wanting to speak should be able to do so. She is requesting all citizens are allowed in the council chambers during meetings.

Kathleen Defog – Spoke music being played at several establishments pass the ordinance time, and concerns of a trucking company on Marbut Road.

IX. CONSENT AGENDA

X. 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.

- a. **Public Hearing** - SLUP-22-012 7173 Covington Highway - *Director of Planning and Zoning Ray White*

No public hearing was held.

- b. **For Decision** - SLUP-22-012 7173 Covington Highway - *Director of Planning and Zoning Ray White*

Motion – made by Councilmember Rob Turner to defer this item to the next city council meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

c. **Public Hearing** - RZ 23-002, 7199 Hayden Quarry Road - *Director of Planning and Zoning Ray White*

Presentation by Deputy Director of Planning and Zoning, Matthew Williams. The applicant is seeking to make changes to the left-hand side of the property. There was a review of the site plan details, and zoning conditions from 2005.

Motion – made by Councilmember Rob Turner to open the public hearing for RZ 23-002. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

7199 Hayden Quarry Road was initially designed for 171 Townhomes and 54 attached Single-Family Homes. Staff recommends approval of modifications for 4A & 4B with denial of 4C & 4D. The Planning Commission agreed with 1 condition, that applicants being represented by Michelle Battle must submit a report stating that no lives will be at risk from the nearby gas lines. Michelle Battle is asking to lower intensity and change the original design to 129 Single Family Detached Homes with 2 car garages. This property will also have a pool with cabanas, playground, and lot for amenities. There was a review of the revised conditions.

Public comments in opposition of this item

Faye Coffield

Malaika Wells

Michele Battle

Motion – made by Councilmember Tammy Grimes to close the public hearing for RZ 23-002. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Councilmember Tara Graves suggested a site plan and asked Ms. Battle to address some of the questions posed during the Public Hearing. Ms. Battle stated anytime Georgia Power has a line, they have an easement. Staff has already added a condition to provide proof. Councilmember Rob Turner suggested adding a condition for the Atlanta Gas Light Company, but the condition was already bought forth.

Mayor Pro Tem George Turner asked if there will be fencing between each home. Michele Battle stated there will be L shaped fencing around each patio pad along with a green space in the back of each unit, which will block the fencing. Director White stated the fencing will be associated with the patio pad and made to be a part of the fencing and does not agree with removing the pool and amenities.

City Manager Scruggs stated the Turner Hill side will have one pool in phase 1 and phase 2 will consist of 2 clubhouses and 1 pool. Ms. Battle stated if the amenities are separated, the responsibilities will fall on the owners and the HOA fees should not be extremely high. Councilmember Tammy Grimes questioned a percentage off the rental for staff.

Councilmember Graves asked if the fence around the patio pad is a divider for privacy. Director White confirmed the fence is for privacy.

Councilmember Graves mentioned wanting the Planning Commission to review the area for the gas lines. Mayor Pro Tem Turner asked if there is a formula for the amenities that the developers can provide, if any of the preliminary plat's have been approved, and how many have been displaced. Director White explained there is no displacement. The pool

shouldn't be in another development because it will be too far away. Ms. Battle asked that 2 out of the 4 conditions be removed and the others remain. Councilmember Grimes stresses her concern about the gas line and also asked if there can be one developer for two properties and two HOA's that can collaborate with the pool. City Attorney Denmark confirmed yes, they can collaborate, but cannot share the same HOA.

- d. **For Decision** - RZ 23-002, 7199 Hayden Quarry Road - *Director of Planning and Zoning Ray White*

Motion – made by Councilmember Tara Graves to defer this item to the next City Council Meeting for decision only. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

- e. **Public Hearing** - TMOD 23-002 Arabia Mountain Overlay - *Director of Planning & Zoning Ray White*

Presentation by Planning and Zoning Director Ray White. There was a review of facts and recommendations. Staff is recommending approval and the Planning Commission recommending deferral.

Preamble was read by the City Clerk.

Motion – made by Councilmember Tammy Grimes to open the public hearing for TMOD 23-002. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Public comments in Support of this item

Dave Marcus

Public comments in opposition of this item

Michelle Battle on behalf of client

Motion – made by Councilmember Rob Turner to close the public hearing for TMOD 23-002. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

- f. **For Decision** - TMOD 23-002 Arabia Mountain Overlay - *Director of Planning and Zoning*

Staff is recommending approval. The Planning Commission is recommending deferral. Councilmember Tammy Grimes asked for clarity on the address. Director Ray White stated he does not have the layout but does have the factors involved of where this development should go to be constructed properly. Mayor Cobble mentioned the City Engineer, Land Development team, and Planning & Zoning team modifying the amendment for a very long time and wants feedback regarding the 10,000 sq ft. under the buffer requirements. Director White stated the subdivision includes all of the peripherals within the 10,000 sq ft. sq ft between the exterior and interior buffers. Mayor Pro Tem Turner stated he does not agree because not all lots can be exterior lots. The cluster lot is

clustering for green space and allowing smaller lots as a tradeoff to cluster in green space. Modifications are to remove lots under 10,000 sq ft, under C-buffer requirements and to add the line that a cluster subdivision must be a minimum of 10 acres.

Motion – made by Councilmember Tammy Grimes to approve the Arabia Mountain Overlay with the stated modifications. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

g. Public Hearing - TMOD 23-003 Public Storage Facilities - *Director of Planning & Zoning Ray White*

No public hearing was held.

Presentation by Planning and Zoning Director Ray White including facts, the five existing self-storage locations within the City of Stonecrest, recommended text amendments and a recommended overlay usage table. The current ordinance classifies the public storage as mini warehouses and he would like to change the definitions of public storages. Mayor Pro Tem Turner asked for clarity on when the moratorium will expire. Director White confirmed it will expire on July 30, 2023.

Councilmember Washington asked if there will be a limit to how many mini and multi storages will be in Stonecrest. Director White stated the limit is for the Office Institutional and Office Distribution Zoning Districts with a SLUP to control the use.

Staff's recommendation is approval and the Chair moves for deferral.

h. For Decision - TMOD 23-003 Public Storage Facilities - *Director of Planning and Zoning Ray White*

Motion – made by Mayor Pro Tem George Turner to defer this item until the city council next meeting for public hearing. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

i. Public Hearing - HB1405, Zoning Procedure Changes - *Director of Planning and Zoning Ray White*

Presentation by Planning and Zoning Director Ray White, including background information, zoning procedures & definitions, and what has changed. Director White spoke of changes that were made for the HB1405 Zoning Procedure changes. "Zoning Decision" is defined as a rezoning, text amendment, special use and concurrent variances. Quasi-judicial decisions are subject to an appellate review.

Staff recommends approval and the Planning Commission recommends approval.

Motion – made by Councilmember Rob Turner to open the public hearing for HB1405, Zoning Procedure Changes. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to close the public hearing for HB1405. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

j. For Decision - HB1405, Zoning Procedure Changes - *Director of Planning and Zoning Ray White*

City Attorney Alicia Thompson confirmed the proposed changes to the Planning & Zoning Department and stated the ultimate decision is left up to the city. City Manager Gia Scruggs reiterated the city's legal counsel has reviewed this item and approved the changes.

The City Clerk read the preamble to the ordinance. Mayor Cobble asked if this item is a text amendment. City Manager Gia Scruggs confirmed this item should be a TMOD and stay consistent with the naming convention.

Motion – made by Councilmember Rob Turner to approve to apply the correct TMOD to HB1405, Zoning Procedure Changes as well as approve HB1405. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Mayor Pro Tem Turner asked City Clerk Sonya Isom read the preamble again, with the TMOD number, into the records. City Clerk Isom read the preamble to state TMOD23-002.

XI. APPOINTMENTS

XII. NEW BUSINESS

a. For Decision - Adoption of 2023 Millage Rate - *Deputy Finance Director Mia Wilson*

City Manager Gia Scruggs recommended keeping the millage rate at 1.257 mills which was the same in 2022.

Preamble read by the City Clerk.

Motion – made by Councilmember Tammy Grimes to approve the adoption of the 2023 Millage Rate. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

b. For Decision - Classification and Compensation Study - *City Manager Gia Scruggs*

Presentation by City Manager Gia Scruggs with HR Director Leona Durden present as well. City Manager Scruggs stated the previous study consisted of 12 pay ranges and the proposed study will increase to 30 pay ranges for current and future employees of Stonecrest. The changes were in two departments with eight additional positions added, that will not impact this fiscal year. The positions being added are to the Engineering Department: City Engineer, Deputy City Engineer & Construction Inspector. IT & Communications Department positions to be added include IT Manager, GIS Analyst, Community Location Manager, System Administrator & Network Administrator. The request is for approval of the study and any fiscal adjustments to be completed this year.

Motion – made by Councilmember Rob Turner to approve the Classification and Compensation Study. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

c. For Decision - Security Services Agreement Amendment - *Procurement Manager Shakerah Hall*

Presentation by Procurement Manager Shakerah Hall. The N2U original contract was executed June 2022. The city is requesting to amend the services for N2U Protection Services to include Browns Mill Aquatic Center, city events and executive protection detail. Funding will come from city events and facilities.

Councilmember Rob Turner asked if townhall meetings were included. It was stated it does not, and that this is a separate agenda item.

Councilmember Alecia Washington asked for clarification on who is included in the executive detail. Procurement Manager Hall stated all appointed city officials are included.

Councilmember Tara Graves asked for details of the current contract and what's being amended. Procurement Manager Hall stated current services include City Hall and Browns Mill Rec Center.

Mayor Pro Tem asked for details on the emergency implementation deadline. City Attorney Thompson stated the emergency procurement takes the place of the competitive procurement process.

Motion – made by Councilmember Rob Turner to approve the Security Services Agreement Amendment. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

d. For Decision - Security Services Vendor Recommendation - *Procurement Manager Shakerah Hall*

Presentation by Procurement Manager Shakerah Hall. The city would like to secure Dynamic Services for security services at the City Hall and Browns Mill Aquatic Center. The billable rate is \$24.67 per hour, and the contract will be from August 1, 2023 to December 31, 2023, with the option to renew up to four additional years.

Councilmember Rob Turner asked for clarity on which meetings would be covered. Procurement Manager Hall answered and stated all meetings at City Hall and Browns Mill. Councilmember Grimes asked for clarify that N2U will secure 3 areas and Dyanmic services will secure 2 areas. Procurement Manager Hall replied yes.

Motion – made by Councilmember Tammy Grimes to approve the Security Services Vendor Recommendation. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

e. For Decision - Parks Equipment Request - *City Manager Gia Scruggs*

Presentation by City Manager Gia Scruggs. The city was able to take over services to manage the city's park and it was determined the best approach is to have specific crews at each park. The city will have a crew that will manage Browns Mill Park and an added crew that will manage the other city parks. The request is for funding for additional equipment for the proposed crews. The city is requesting \$65,868.65 to purchase additional items for the crews.

Councilmember Grimes asked for clarity on why the city is replacing equipment. City Manager Scruggs stated some equipment was stolen and that the equipment was not insured.

Councilmember Alecia Washington inquired about porta pottys at Fairington Park. Mayor Cobble stated that she requested they be removed from all parks until they can be cleaned daily, as it brings an unhealthy and public safety hazard in the parks. City Manager Gia Scruggs stated she will look into it and assure all parks have appropriate matters.

Motion – made by Councilmember Tammy Grimes to approve the Parks Equipment Request. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

f. For Decision - City of Civility Resolution - *City Manager Gia Scruggs*

Presentation by City Manager Gia Scruggs as she stated GMA adopts resolutions for cities to become a City of Civility and this will be a testament to the Council and staff of the City of Stonecrest. City Manager Scruggs shared the nine pillars of civility and stated there is also a civility pledge that the city will embrace.

The City Clerk read the resolution preamble. Mayor Cobble suggested that the pledge be placed around the city, on letterheads, and be visible to be seen and recited for memory. Councilmember Grimes suggested that everyone walk the civility walk so we can be Stonecrest proud.

Motion – made by Councilmember Rob Turner to approve the City of Civility Resolution Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

g. For Decision - Facility Use Agreement American Red Cross - *City Manager Gia Scruggs*

Presentation by City Manager Gia Scruggs as she spoke of concerns of citizens in regards to safety. Browns Mill Recreation Center will serve as a shelter for citizens of Stonecrest and aboard in case of disasters.

Motion – made by Councilmember Tara Graves to approve the Facility Use Agreement with American Red Cross. Seconded by Mayor Pro Tem George Turner.

Motion passed unanimously.

h. For Decision - NRPA - Bobcat Grant - *City Manager Gia Scruggs*

Presentation by City Manager Gia Scruggs as she mentioned the purpose of this item is for grant expansion and that the city applied with NRPA, that partners with Bobcat, to grant the city with \$50,000 for a trail in Everette Park. This is to expand the trail that's currently there as a footprint and to bring more beautification to the City of Stonecrest as well as awareness to city trails. The grant will also allow the ability to do some land disturbance and create a soft trail. Mr. Sheldon Fleming with the Parks Department mentioned that this will be a wonderful jewel to the city and will display our city Sunflower on the trails which will make it a beautiful nugget to the trails and city.

Motion – made by Councilmember Tammy Grimes to approve the NRPA Bobcat Grant. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

i. For Decision – Screen On The Green – Mayor Jazzmin Cobble

Presentation by Mayor Jazzmin Cobble as she mentioned this year will be the 3rd Screen on the Green. This years Screen on the Green will host musical talents. Mayor Cobble is requesting approval of up to \$32,000 to secure musical talent for Screen on the Green. Councilmember Washington asked what all will the \$32,000 cover. Mayor Cobble confirmed this is for the musical talent.

Mayor Pro Tem asked for a comparison with last year's expenditures for Screen on the Green. Mayor Cobble stated she is not asking for additional funds but for permission to enter into an agreement with the musical talent for no more than \$32,000, due to the spending authority being set at \$25,000.

Motion – Made by Councilmember Rob Turner to approve the musical talents for Screen on the Green. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

XIII. OLD BUSINESS

a. For Decision - TMOD 22-015 Sign Ordinance, 2nd Read - Director of Planning & Zoning Ray White

Reading of the ordinance preamble by the City Clerk.

Motion – made by Councilmember Tammy Grimes to approve TMOD22-015 Sign Ordinance, 2nd Read. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

XIV. CITY MANAGER UPDATE

City Manager Gia Scruggs acknowledged Councilmember Tammy Grimes for receiving the Training Certificate of Recognition and the City of Stonecrest for being recognized at the GMA Convention as a City of Ethics.

City Attorney Denmark stated it was a pleasure seeing everyone at GMA in Savannah and wanted to thank the council for attending the Firm's event.

XV. MAYOR AND COUNCIL COMMENTS

Councilmember Tara Graves, District 1 – Wished Stonecrest a fantastic Independence Day.

Councilmember Rob Turner, District 2 – Everyone have a safe and enjoyable 4th of July.

Councilmember Alecia Washington, District 3 – Have a wonderful July 4th holiday.

Councilmember Tammy Grimes, District 5 – Thanks for the recognition. The GM Convention was wonderful. As of July 4th, we will have a 100-year-old Stonecrest resident, Mr. Goddard.

Mayor Cobble – Enjoy Independence Day and save the date for July 15th, Stonecrest's Back to School event. Feel free to contribute to the supply drive. Note that on July 5th the Mayor will host the Property Tax 101 Workshop Townhall.

Mayor Pro Tem George Turner, District 4 – Stated he has never missed a council meeting and that it was because he lost his 88 year old mother-in-law. Thank everyone for their sympathy and support.

XVI. EXECUTIVE SESSION

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

a. personnel matters

Motion – made by Councilmember Tammy Grimes to approve to open Executive Session. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

Motion – made by Councilmember Rob Turner to approve to close Executive Session. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion – made by Councilmember Rob Turner to approve the Executive Session meeting minutes. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

XVII. ADJOURNMENT

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

Motion passed unanimously.

Meeting adjourned at 11:56pm

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-23-001 Truck Parking Gravel Lots

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): June 28, 2023 & Click or tap here to enter text.

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

Current Council Meeting: Monday, July 24, 2023

SUBMITTED BY: Senior Planner, Tre'Jon Singletary

PRESENTER: Planning and Zoning Director, Ray White

PURPOSE: The intent of the Gravel Parking Text Amendment, TMOD-23-001, is to provide guidelines, requirements and improve the appearance of parking lots.

FACTS: CPIM was held on May 11, 2023. Planning Commission was June 26, 2023. There are approximately seventeen (17) current Trucking Parking Lots within the City of Stonecrest. The current Zoning Ordinance classifies Trucking Parking as Truck Stops. The staff is proposing a change to the Zoning Ordinance, Chapter 27

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Approval

ATTACHMENTS:

(1) Attachment 1 - Staff Report

S:\Community Development\Meetings - City Council\2023\7. July 24\3. TMOD-23-001 Truck Parking Lot
Parking\TMOD 23-001 Truck Parking Lots Agenda Cover_CC.docx Revised 4/8/2022

TMOD 23-001 Truck Parking Lots Agenda Cover_CC.docx -



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Truck Parking 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.

Raymond White
Director
Planning and Zoning
Department



Matthew Williams
Deputy Director
Planning and Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-001

ADDRESS: City-Wide

MEETING DATE: July 24, 2023

Summary: The intent of the Gravel Parking Text Amendment, TMOD-23-001, is to provide guidelines, requirements and improve the appearance of truck parking lots.

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: 30 DAY DEFERRAL



FACTS & ISSUES

- Community Information Meeting (CPIM)
 - May 11, 2023
- Planning Commission
 - July 18, 2023
- There are approximately seventeen (16) current Trucking Parking Lots within the City of Stonecrest
 - Twelve (11) of which are gravel lots
 - Five (5) of which are paved lots
- Truck Parking shall fall under one of three uses within the Zoning Ordinance moving forward
 1. Truck Stop
 2. Truck Terminal
 3. Transportation Equipment and Storage or Maintenance (Vehicle)
- Staff is proposing changes to Article 4 (Use Regulations), Article 6 (Parking), and Article 9 (Definitions/Maps) of the Zoning Ordinance as well as TMOD21-012 (Gravel Parking)

Attachment(s) Included:

- **Adopted Ordinance of TMOD21-012 (Gravel Parking)**
- **Revisions to the Zoning Ordinance regarding Trucking Parking/Terminal and Transportation equipment storage or maintenance (vehicle)**
- **Existing trucking parking within the City of Stonecrest and research**



TMOD-23-001

Planning & Zoning
Department

TMOD-23-001

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

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- 1 0 0 | R - 8 5 | R - 7 5 | R - 6 0 | RS M | M R- 1 | M R- 2 | HR - 1, 2, 3 | M HP | R N C | O I | O IT | N S | C - 1 | C - 2 | O D | M - 2 | M U- 1 | M U- 2 | M U- 3 | M U- 4, 5 | See Section 4.2 | |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | | | | | | | | |
| Transportation equipment storage or maintenance (vehicle) | | | | | | | | | | | | | | | | | | | P | P | | | | | ✓ |
| Truck Stop | | | | | | | | | | | | | | | | | | | P | P | | | | | ✓ |
| Truck Terminal | | | | | | | | | | | | | | | | | | | P | P | | | | | ✓ |



TMOD-23-001

Planning & Zoning
Department**Division 2. – Supplemental Use Regulations****Sec. 4.2.54. – Truck Stop, Truck Terminal, and Transportation equipment storage or maintenance (vehicle)**

The following provisions apply to truck stops, **truck terminals, and transportation equipment storage or maintenance (vehicle) whether** designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops and truck terminals shall be permitted only on parcels of ten (10) acres or more. Transportation equipment storage or maintenance (vehicle) shall be permitted only on parcels of five (5) acres or more.**
- B. Entrance drives for truck stops, truck terminals, and terminals and transportation equipment storage or maintenance (vehicle) facilities shall not be closer than 300 feet from any point of an interstate highway interchange.**
- C. Truck stops, truck terminals, and terminals and transportation equipment storage or maintenance (vehicle) shall meet all state and federal environmental guidelines and requirements.**
- D. A minimum office space of twenty (20) percent of the total non-repair-use structures shall be constructed.**
- E. Structures shall be consisted of face brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.**
- F. Trucks and trailers must be parked in an orderly fashion and on surfaces paved with asphalt or concrete.**
- G. Any truck repair must be performed inside an enclosed building.**
- H. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six (6) feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.**
- I. Permissible in M2 (Heavy Industrial) Zoning Districts only.**
- J. Drainage: Parking areas must be constructed to allow proper drainage, which shall be subject to the review and approval of the Department of Planning and Zoning.**
- K. Driving Surfaces: All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or an approved permeable surface. All parking areas shall be clearly painted to show each parking space. The parking area shall be at least 25 feet from the street right-of-way.**



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Planning & Zoning
Department

- L. Geometric consideration for truck parking Design including turning radius, parking stall design, parking slot type, swept path, slot density and access, layout and circulation should meet the standards of Truck Parking development handbook by the US Department of Transportation, Federal Highway Administration.**
- M. Provided that no truck stop, truck terminals, and transportation equipment storage or maintenance (vehicle) shall be located within 1,000 feet of any other truck stop, truck terminal, and transportation equipment storage or maintenance (vehicle) nor within 1,300 feet of any public or private school, any public or private park or recreation facility, any public or private hospital or mental health care facility, any church or similar place of religious worship, any cemetery, any child care or day care facility or any residential districts.**



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Planning & Zoning
Department

Article 6. – Parking

Sec. 6.1.3. – Parking Regulations, off-street parking spaces.

B. All parking lots and spaces shall conform to the following requirements:

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on ~~unpaved~~ paved surfaces for **truck stop, truck terminals, and** transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned ~~M-or~~ M-2, provided that:
 - a. The parking area shall be screened from the view of the public street with an opaque **corrugated metal** fence or wall minimum of ~~six~~ **ten (10)** feet in height. **Chain link and wooden fences along street frontage are prohibited.**
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least ~~75 percent evergreens and at least two rows of plants~~ **two rows of trees. All trees shall be at least six (6) feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.**
 - d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. ~~The parking lot has a minimum of one acre.~~ **Truck stops and truck terminals shall be permitted only parcels of ten (10) acres or more. Transportation equipment storage or maintenance (vehicle) shall be permitted only on parcels of five (5) acres or more.**
 - g. **All existing parking areas and/or parking on unpaved surfaces for truck stop, truck terminal, and transportation equipment and storage or maintenance (vehicle) storage with an active business license which are permitted as a principal use on parcels zoned M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than the time of business license renewal in 2025.**
11. ~~Unpaved~~ **Paved** parking areas within the ~~M-and~~ M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:



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- a. The parking area shall be at least ~~150~~ **1,300** feet from the boundaries of a residentially zoned parcel;
- b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
- c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;
- d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
- e. Parking areas shall be inspected by the City of Stonecrest, **or a third-party inspector approved by the City of Stonecrest** every ~~two~~ year to ensure continued compliance with the above specifications. **Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at the time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license.** Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- ~~f. —Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;~~
- ~~g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.~~



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Department

Article 6. – Parking

Sec. 6.1.4. – Off-street Parking Ratios

Table 6.2. Off-street Parking Ratios

| Minimum and Maximum Parking Spaces | | |
|--|--|--|
| Use | Minimum Parking Spaces Required | Maximum Parking Spaces Allowed |
| <i>Industrial</i> | | |
| Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales | One space for each 2,000 square feet of floor area. | One space for each 1,300 square feet of floor area. |
| Truck Stop, Truck Terminal, and transportation equipment storage or maintenance (vehicle) | Three space for each 1,000 square feet of floor area | Five space for each 1,000 square feet of floor area |
| Warehouse, distribution | One space for each 2,500 square feet of floor area. | One space for each 500 square feet of floor area. |
| Wholesale membership club | One space for each 500 square feet of floor area | One space for each 200 square feet of floor area. |
| Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses | One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area. | One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area. |



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Department

Article 9. – Definitions/Maps

Sec. 9.1.3. – Define terms.

Commercial parking garage/structure means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor ~~vehieles~~ **automobiles** for profit.

Commercial parking lot means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor ~~vehieles~~ **automobiles** for profit.

Lot means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

Transportation equipment and storage or maintenance (vehicle) means any building, premises, land, **or lot** in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided. ~~such as those provided by a truck stop. Compare with Truck terminal.~~

Truck stop means any building, premises, land, **or lot** in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal means an area ~~and or~~ **and or** building where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) FOR REVISIONS IMPACTING TRUCK PARKING LOTS; 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 ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN 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 City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council 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 by amending ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) by adopting the amendment 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



TMOD-23-001

Planning & Zoning
Department

TMOD-23-001

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

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- 1 0 0 | R - 8 5 | R - 7 5 | R - 6 0 | RS M | M R- 1 | M R- 2 | HR - 1, 2, 3 | M HP | R N C | O I | O IT | N S | C - 1 | C - 2 | O D | M - 2 | M U- 1 | M U- 2 | M U- 3 | M U- 4, 5 | See Sect ion 4.2 | |
| INDUSTRIAL | | | | | | | | | | | | | | | | | | | | | | | | | |
| Transportation equipment storage or maintenance (vehicle) | | | | | | | | | | | | | | | | | | | P | P | | | | | ✓ |
| Truck stop or terminal | | | | | | | | | | | | | | | | | | | P | P | | | | | ✓ |



TMOD-23-001

Planning & Zoning
Department**Division 2. – Supplemental Use Regulations****Sec. 4.2.54. – Truck Stop/~~Terminal and Transportation equipment storage or maintenance (vehicle)~~**

The following provisions apply to truck stops/~~terminals and transportation equipment storage or maintenance (vehicle)~~ **whether** designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops/~~terminals and transportation equipment storage or maintenance (vehicle)~~ shall be permitted only on parcels of ten (10) acres or more.
- B. Entrance drives for truck stops/~~terminal terminals and transportation equipment storage or maintenance (vehicle)~~ facilities shall not be closer than 300 feet from any point of an interstate highway interchange.
- C. Truck stops/~~terminal terminals and transportation equipment storage or maintenance (vehicle)~~ shall meet all state and federal environmental guidelines and requirements.
- D. A minimum office space of twenty (20) percent of the total non-repair-use structures shall be constructed.**
- E. Structures shall be consisted of face brick, granite, stone, marble, terrazzo, architecturally treated reinforced concrete slabs, either fluted or with exposed aggregate, insulated window wall panels or stainless steel, porcelain-treated steel, anodized or other permanently finished aluminum.**
- F. Trucks and trailers must be parked in an orderly fashion and on surfaces paved with asphalt or concrete.**
- G. Any truck repair must be performed inside an enclosed building.**
- H. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six (6) feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.**
- I. Permissible in M2 (Heavy Industrial) Zoning Districts only.**
- J. *Drainage:* Parking areas must be constructed to allow proper drainage, which shall be subject to the review and approval of the Department of Planning and Zoning.**
- K. *Driving Surfaces:* All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or an approved permeable surface. All parking areas shall be clearly painted to show each parking space. The parking area shall be at least 25 feet from the street right-of-way.**



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Planning & Zoning
Department

- L. Geometric consideration for truck parking Design including turning radius, parking stall design, parking slot type, swept path, slot density and access, layout and circulation should meet the standards of Truck Parking development handbook by the US Department of Transportation, Federal Highway Administration (September 2022)**
- M. Provided that no truck stop/terminal and transportation equipment storage or maintenance (vehicle) shall be located within 1,000 feet of any other truck stop/terminal and transportation equipment storage or maintenance (vehicle) nor within 1,300 feet of any public or private school, any public or private park or recreation facility, any public or private hospital or mental health care facility, any church or similar place of religious worship, any cemetery, any child care or day care facility or any residential districts.**

Article 6. – Parking

Sec. 6.1.3. – Parking Regulations, off-street parking spaces.

B. All parking lots and spaces shall conform to the following requirements:



TMOD-23-001

Planning & Zoning
Department

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on **unpaved paved** surfaces for **truck stop/terminal and** transportation equipment and storage or maintenance (vehicle) storage, without services provided, shall be permitted as a principal use on parcels zoned M-2, provided that:
- The parking area shall be screened from the view of the public street with an opaque **corrugated metal** fence or wall minimum of **six ten (10)** feet in height. **Chain link and wooden fences along street frontage are prohibited.**
 - The parking area shall be at least 25 feet from the street right-of-way.
 - A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least **75 percent evergreens and at least two rows of plants two rows of trees. All trees shall be at least six (6) feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.**
 - The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - The parking lot has a minimum of one acre. Truck stops/terminals and transportation equipment storage or maintenance (vehicle) shall be permitted only on parcels of ten (10) acres or more.**
 - All parking areas and/or parking on unpaved surfaces for truck stop/terminal and transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than the time of business license renewal in 2025.**
11. **Unpaved-Paved** parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
- The parking area shall be at least **150 1,300** feet from the boundaries of a residentially zoned parcel;
 - The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
 - The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;



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Planning & Zoning
Department

- d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
- e. Parking areas shall be inspected by the City of Stonecrest, **or a third-party inspector approved by the City of Stonecrest** every ~~two~~ year to ensure continued compliance with the above specifications. **Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at the time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license.** Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- ~~f. — Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;~~
- ~~g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.~~



TMOD-23-001

Planning & Zoning
Department

Article 6. – Parking

Sec. 6.1.4. – Off-street Parking Ratios

Table 6.2. Off-street Parking Ratios

| Minimum and Maximum Parking Spaces | | |
|--|--|--|
| Use | Minimum Parking Spaces Required | Maximum Parking Spaces Allowed |
| <i>Industrial</i> | | |
| Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales | One space for each 2,000 square feet of floor area. | One space for each 1,300 square feet of floor area. |
| Truck Stop/Terminal and transportation equipment storage or maintenance (vehicle) | Three space for each 1,000 square feet of floor area | Five space for each 1,000 square feet of floor area |
| Warehouse, distribution | One space for each 2,500 square feet of floor area. | One space for each 500 square feet of floor area. |
| Wholesale membership club | One space for each 500 square feet of floor area | One space for each 200 square feet of floor area. |
| Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses | One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area. | One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area. |



TMOD-23-001

Planning & Zoning
Department

Article 9. – Definitions/Maps

Sec. 9.1.3. – Define terms.

Commercial parking garage/structure means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor ~~vehicles~~ **automobiles** for profit.

Commercial parking lot means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor ~~vehicles~~ **automobiles** for profit.

Transportation equipment and storage or maintenance (vehicle) means any building, premises or land in which or upon which is the storage or maintenance of motor freight vehicles or equipment, without services provided, such as those provided by a truck stop. Compare with Truck terminal.

Truck stop means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Truck terminal means an area and building where vehicles load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ23 - 002 7199 Hayden Quarry 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:

ACTION REQUESTED: ☒ DECISION ☐ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): 06/28/23 & Click or tap to enter a date.

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

Current Council Meeting: Monday, July 24, 2023

SUBMITTED BY: Ray White, Director of Planning and Zoning

PRESENTER: Ray White, Director of Planning and Zoning

PURPOSE: Applicant is seeking a major modification of the conditions for the subject property from zoning case Z-05-01.

FACTS: N/A

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

RECOMMENDED ACTION: Approval of all modifications requests with conditions

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (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.

Raymond White
Director
Planning and Zoning
Department



Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: RZ-23-002

ADDRESS: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road

COUNCIL MEETING DATE: July 24, 2023

Summary: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01.

STAFF RECOMMENDATION: 5 APPROVALS with conditions

PLANNING COMMISSION RECOMMENDATION: 3 APPROVALS AND 2 DENIALS with conditions



RZ-23-002

Planning and Zoning Department

Commissioner District #1: Stephanie Brown

| PROPERTY INFORMATION | |
|--|--|
| Location of Subject Property: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road | |
| Parcel Number: 16-171-02-003, 16-171-02-005, 16-171-02-012 | |
| Road Frontage: Hayden Quarry Road & Turner Hill Road | Total Acreage: 32.09 +/- |
| Current Zoning: RSM (Small Lot Residential Mix) / C-1 (Local Commercial) | Overlay District: Stonecrest Tier 3 |
| Future Land Use Map/ Comprehensive Plan: RC (Regional Center) | |
| Zoning Request: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01. | |
| Zoning History (CZ-05-01): Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District). | |

| APPLICANT / PROPERTY OWNER INFORMATION |
|---|
| Applicant Name: Battle Law P.C. |
| Applicant Address: 3562 Habersham at North Lake, Building J, Suite 100 |
| Property Owner Name: Parkland Communities Inc. |
| Property Owner Address: 299 S Main St, Ste A, Alpharetta GA 30009 |

**DETAILS OF ZONING REQUEST**

The Applicant, Battle Law P.C., on the behalf of the property's owner, Parkland Communities LLC, is seeking to develop 129 single-family detached homes and 260 townhomes on the subject parcels. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be ~~129~~ **225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units** being developed ~~for as~~ single-family ~~detached~~ units. ~~attached at the rear of each unit.~~

Condition 4: Each unit shall have the following:

- **4a:** ~~One car garage attached to each townhome unit.~~
- **4b:** Two car garages ~~attached to each single-family unit attached at the rear.~~
- **4c:** ~~Patio pad with a privacy fence.~~
- **4l:** ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~

The zone case, **CZ-05-01**, was heard in 2005 when subject parcels were within unincorporated Dekalb County. Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District).

The applicant is proposing to add amenities on the parcel with the townhomes, which will cause the amenities from being on the single-family detached homes parcel. The applicant is proposing the following amenities on the subject parcel:

1. Approximately 6.61 acres of green, open space

ADJACENT ZONING & LAND USE

| | | |
|--------------|---|--|
| NORTH | Zoning: R-100 (Residential Medium Lot) | Land Use: Undeveloped Land |
| SOUTH | Zoning: MR-1 (Medium Density Residential) | Land Use: Apartments |
| EAST | Zoning: R-100 (Residential Medium Lot) | Land Use: Undeveloped Land |
| WEST | Zoning: R-100 (Residential Medium Lot) & MU-4 (Mixed-Use High Density) | Land Use: Single-Family Dwelling & Undeveloped Land |



RZ-23-002

Planning and Zoning Department

**PHYSICAL CHARACTERISTICS &
INFRASTRUCTURE**

The site is currently undeveloped with two (2) road frontages (Hayden Quarry Road and Turner Hill Road). There is not flood zones located near the property.

**MODIFICATIONS AND CHANGES TO APPROVED
CONDITIONS OF ZONING CRITERIA**

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

RECOMMENDATION

Staff recommends the following:

1. **APPROVAL** of Modification of Condition 1
2. **APPROVAL** of Modification of Condition 4a
3. **APPROVAL** of Modification of Condition 4b
4. **APPROVAL** of Modification of Condition 4c
5. **APPROVAL** of Modification of Condition 4l



RZ-23-002

Planning and Zoning Department

RECOMMENDED CONDITION(S)

1. Provide Planning and Zoning staff with a gas line report to ensure that residents lives are not at risk;
2. Each single-family dwelling must have a patio pad in the backyard; and
3. The developer must install fencing along Hayden Quarry Road for safety of those lots.
4. A soccer field will replace the tennis court in condition 4L.
5. The proposed play scape must be in the middle or rear of development.
6. There shall be a master HOA agreement between developments for use of amenities.

Attachments Included:

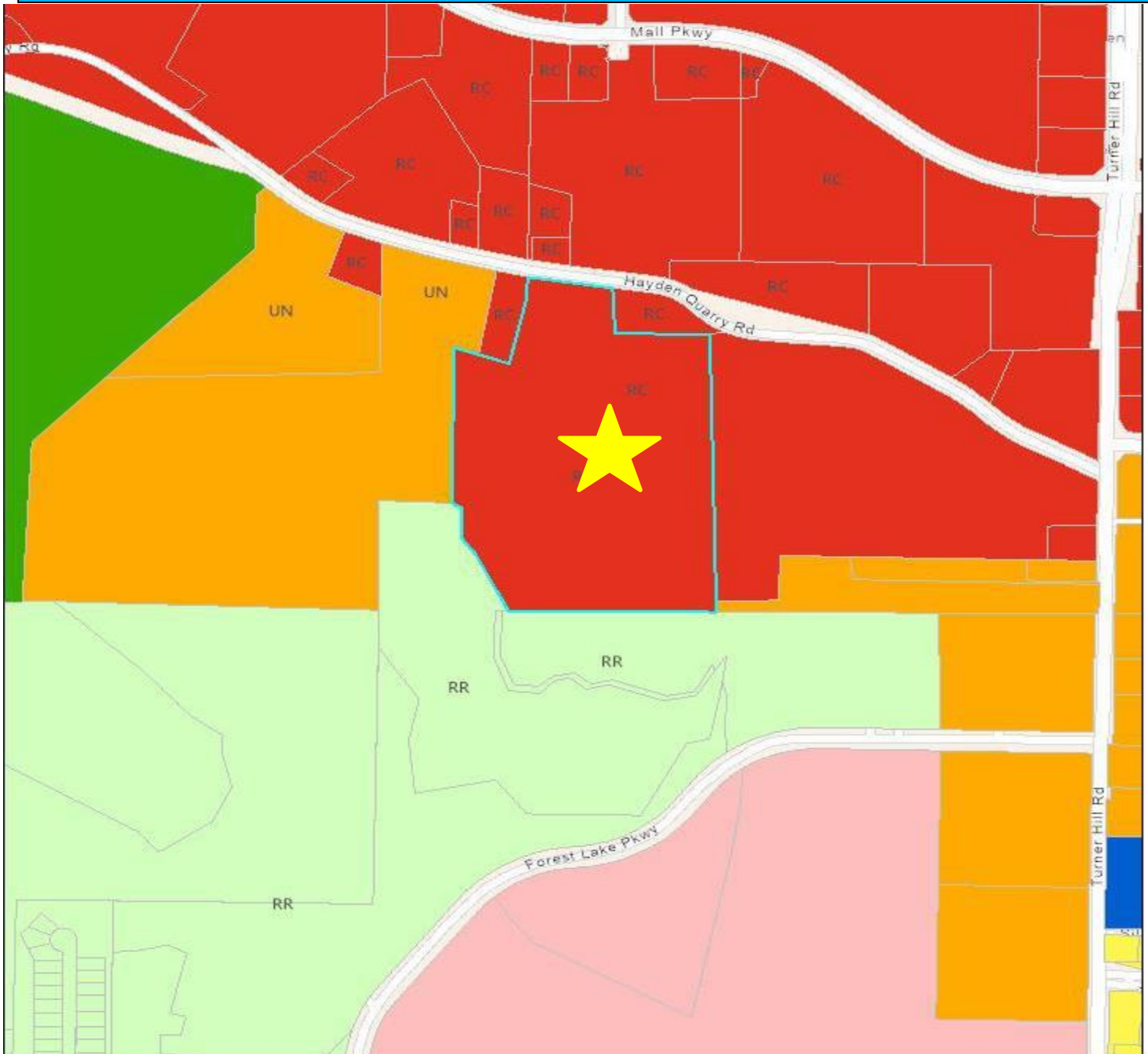
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Rendering/Elevations**
- **Zoning Conditions**
- **Application**
- **Letter of Intent**



RZ-23-002

Planning and Zoning Department

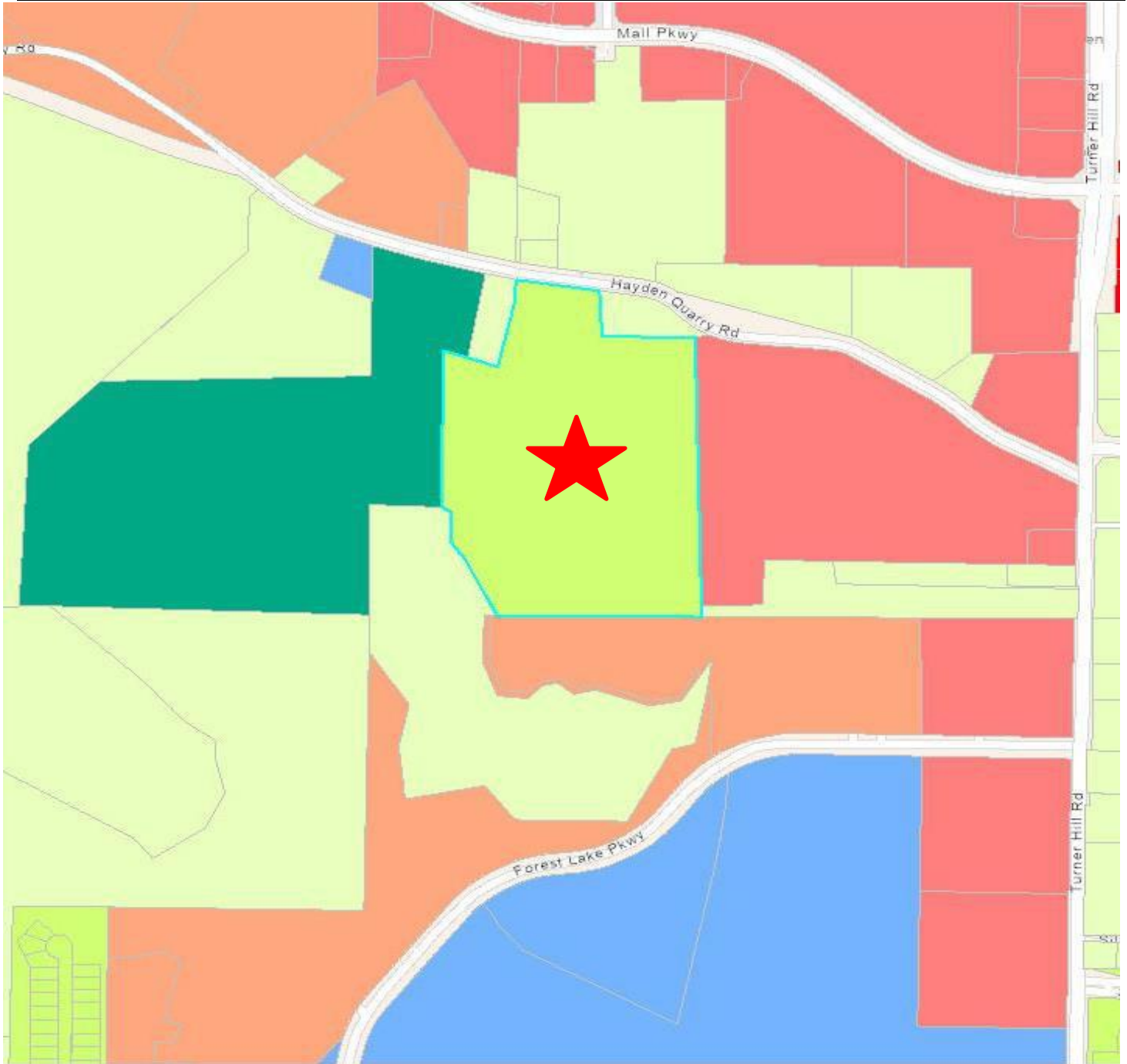
FUTURE LAND USE MAP



RZ-23-002

Planning and Zoning Department

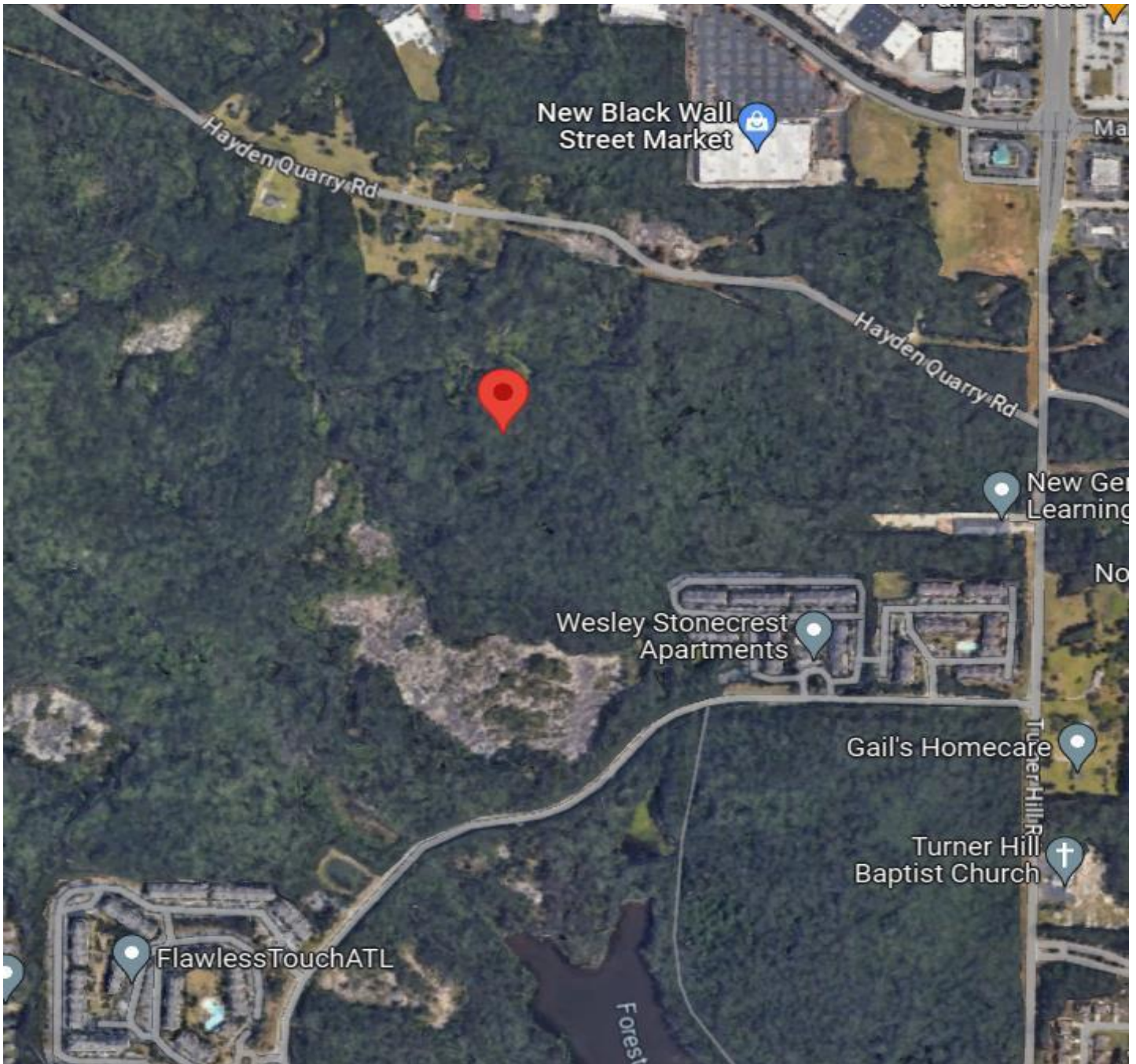
ZONING MAP



RZ-23-002

Planning and Zoning Department

AERIAL MAP



RZ-23-002

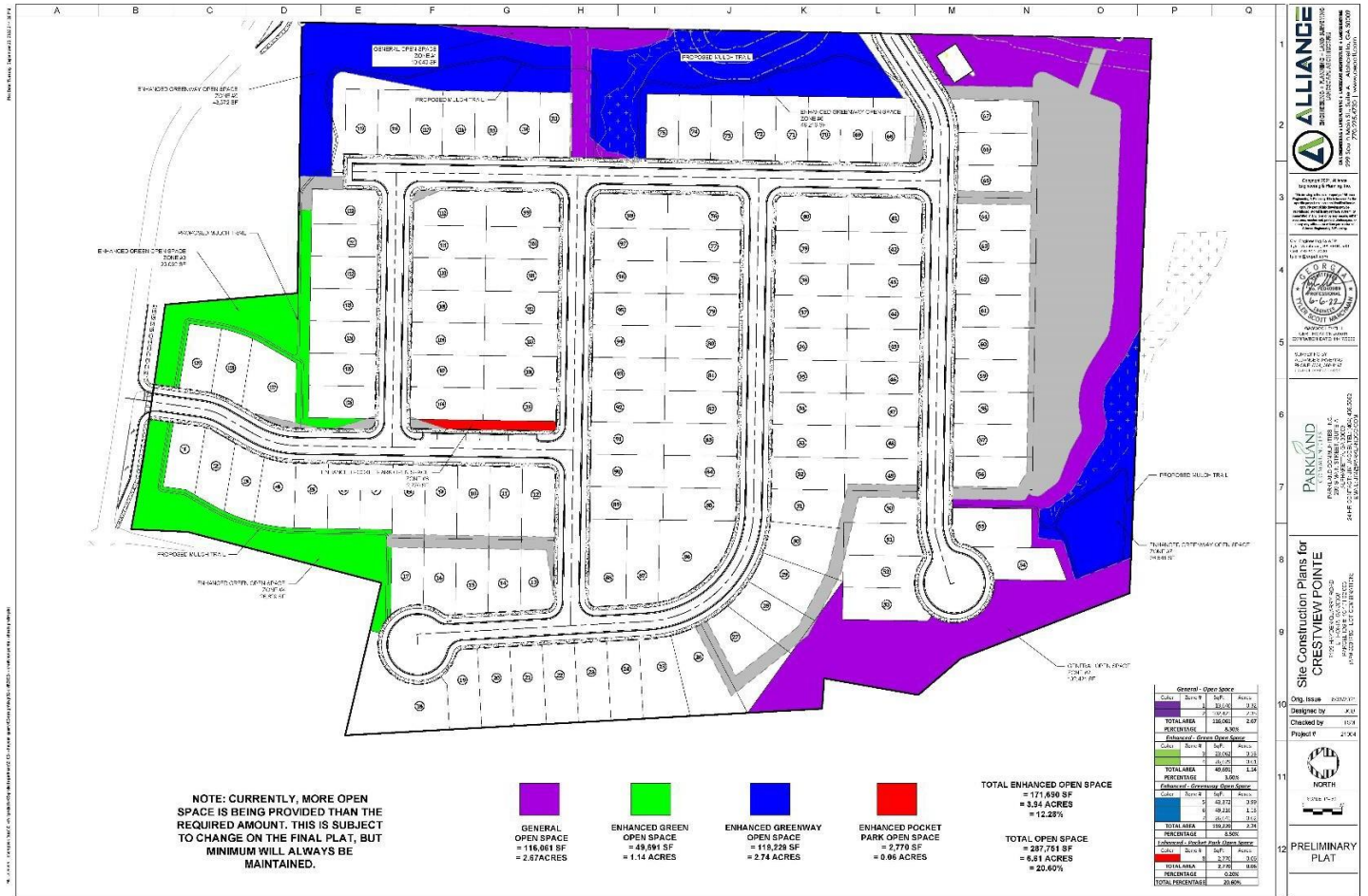
Planning and Zoning Department

SUBMITTED SITE PLAN



RZ-23-002

Planning and Zoning Department



SUBMITTED ELEVATIONS/RENDERINGS

OAKLEIGH

Character Example of Front Homes Architecture



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer.



299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Ranch Style Homes Architecture



FRONT ELEVATION



TYPICAL REAR ELEVATION



TYPICAL LEFT SIDE ELEVATION



TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer



299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Front Entry Homes Architecture



FRONT ELEVATION



TYPICAL REAR ELEVATION



TYPICAL LEFT SIDE ELEVATION



TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer



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Z-05-0 I

Item XII. a.

- I. Inc ma:irnum nwnberof unils shall be 22 units, \\ilh 171 um!!'! bclogdevdopcJ for townhome!> anached by a common "all. and54 uniis being developed fo1 111glc-fam1ly uniL-;;mached at Lhe 1car of each unit.
2. There shall be a mandatory home owners association ("HOA") ,hich shaJl o,vn all or the common are-d locakd within the proJect
3. All unb "'ithin the project shall be fee simple unb r ooc of the lots will be marketed to investors as rent.tl property. and the HOA Declaration of RcM1ic1i,e Covenants sbaJl provide that no more than 15% of the total lots "'ithin the subdivision shall be utilized for rental purpo cs. except for 'hardship cases' as provided for In the Declaration.
4. Each unit shall have the following:
 - o. One cJl garage attached to each townhome wlit
 - h. Two car garages attached to each single-family unit attached at the rear
 - c. Patio pad with a privacy fence
 - d. idewall-.s shall be located on both sides of thestreetS throughout the project
 - c. The front facades shall vary such that two adjacent home will not be u,c :>amc.
 - f. Front facades shall be constructed of brick, stone, or stucco and up to forty percent (40 3/4)Ilardi-plank siding.
 - g. The side and rear facades of the units shall be constn1cted of brick, stone, stucco or Hardi-plank siding. The use of vinyl siding shall be stnctly r/ prohibited.
 - h. The entrance to the project shall be a brick monument sign.Jq wJ. s/./, be /q.,Jsc.pt
 - I. AJl delention facilities shall be srueledcd from vie'w v.ith evergreen trees and a minimum six (6) foot !ugh fence. as provided in the DeKalb County Development Code.
 - J. idewalks shall be placed along property frontage on I layden Quarr) Koad
 - k. Underground utili1 les sbal be used throughout the property
 - I. The proJect shall tX· developed with the follo,,,ing amenities· a swimming pool. and tennis court.!>.



Rezoning Application

| | | | |
|---|--|----------------------------|------------------------------|
| Owner Information | Owner's Name: Parkland Communities, Inc . | | |
| | Owner's Address: 299 S Main St Suite A, Alpharetta, Georgia 30009 | | |
| | Phone: 404-999-2897 | Fax: N/A | Email: Sherry@parklandco.com |
| | Property Address: 7199 Hayden Quarry Road, 7151 Hayden Quarry Road, 3261 Turner Hill Road | | Parcel Size: 32.09 acres |
| | Parcel ID: 16 171 02 003, 16 171 02 005, and 16 171 02 012 | | |
| | Current Zoning Classification: RSM | | |
| | Requested Zoning Classification: RSM with a major modification of conditions | | |
| | Name: Parkland Communities, Inc. c/o Battle Law P.C. | | |
| | Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084 | | |
| | Property Information | Phone: 404-601-7616 | Fax: N/A |
| Cell: N/A | | Email: mlb@battlelawpc.com | |
| Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| 1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? | | | |
| | | | |
| 2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? | | | |
| | | | |
| 3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? | | | |
| | | | |
| Questionnaire | 4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? | | |
| | | | |
| | 5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? | | |
| | | | |
| | 6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? | | |
| | | | |



STONECREST GEORGIA

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: Parkland Communities, Inc c/o Battle Law P.C

Applicant's Signature: [Signature] Date: 3-4 2023

Sworn to and subscribed before me this 24th Day of March 20 23

Notary Public:

Signature: [Signature]

My Commission Expires: 11-05-2025

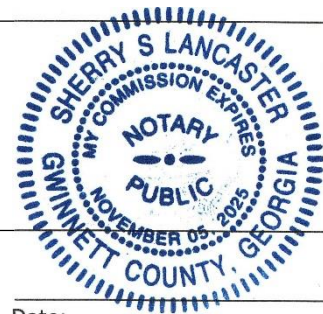
☐ Application Fee ☒ Sign Fee ☐ Legal Fee

Fee: \$ _____ Payment: ☐ Cash ☐ Check ☐ CC

Date: _____

☐ Approved ☐ Approved with Conditions ☐ Denied

Date: _____



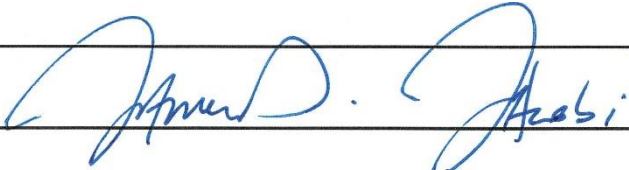
***one sign is required per street frontage and/or every 500 feet of street frontage**



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?

D Yes No

| | |
|------------------------------|---|
| Applicant / Owner | Signature:  |
| | Address: 363 S Main Street, Alpharetta, Georgia 30009 |
| | Date: 3.9.2023 |

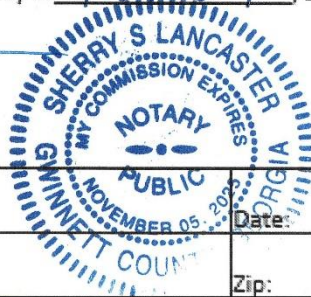
If you answered yes above, please complete the following section:

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
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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 all 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>[Signature]</u> | Date: <u>3.9.2023</u> |
| | Address: 363 S Main Street | City, State: Alpharetta, Georgia |
| | Phone: 404-456-5562 | Zip: 30009 |
| | Sworn to and subscribed before me this <u>9th</u> day of <u>March</u> , 20 <u>23</u> | |
| Property Owner (If Applicable) | Notary Public: <u>[Signature]</u> |  |
| | Signature: _____ | Date: _____ |
| | Address: _____ | City, State: _____ |
| | Phone: _____ | Zip: _____ |
| Property Owner (If Applicable) | Sworn to and subscribed before me this _____ day of _____, 20____ | |
| | Notary Public: _____ | |
| | Signature: _____ | Date: _____ |
| | Address: _____ | City, State: _____ |
| Property Owner (If Applicable) | Phone: _____ | Zip: _____ |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | |
| | Notary Public: _____ | |



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join". To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

Item XII. a.

COMMUNITY MEETING TO DISCUSS REZONING APPLICATION TO ALLOW FOR THE DEVELOPMENT OF SINGLE- FAMILY DETACHED HOMES

Project Title: 7151 Hayden Quarry

When: April 19th, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 863 3706 9255

Password: 085346

PROPOSED LOCATION(S):
Parcel Nos. 16 171 02 003, 16 171 02 010,
16 171 02 005, and 16 171 02 012



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

«Name»

«Address»

«City», «State» «Zip»

Item XII. a.

HERE

| | | | |
|------------------------------------|----------------------------|-----------------|-------|
| BOWMAN FREEDOM LLC | 535 MARIOTT DR | NASHVILLE, TN | 37214 |
| BUCHSBAUM ESTHER R | 2948 SEQUOYAH DR NW | ATLANTA, GA | 30327 |
| CARMAX AUTO SUPERSTORE INC | PO BOX 29965 | RICHMOND, VA | 23242 |
| DEKALB COUNTY | 1300 COMMERCE DR FLOOR 3RD | DECATUR, GA | 30030 |
| DILLMAN JACKIE L TRUSTEE | 615 ROBIN ROAD | COVINGTON, GA | 30016 |
| FIRST FINANCIAL ASSOCIATES INC | 7079 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| FOREST LAKE VENTURES LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| FOREST LAKE VENTURES LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| FOSTER EMILY | 7000 ROCKLAND RD | LITHONIA, GA | 30038 |
| G AND K COVENANT PROPERTIES II LLC | 3271 TURNER HILL RD | LITHONIA, GA | 30038 |
| GADDIS DENISE BAILEY | 11255 DONNINGTON DR | JOHNS CREEK, GA | 30097 |
| GEORGE RACHEL R | 670 COVERED BRIDGE RD | COVINGTON, GA | 30016 |
| HAYDEN QUARRY LLC | 70 CHEVAUX CT NW | ATLANTA, GA | 30342 |
| HUNT JOHNNY A | 7210 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| HUNT JOHNNY A | 7210 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| KAISER FOUNDATION HEALTH | 1 KAISER PLZ FLOOR 15 | OAKLAND, CA | 94612 |
| LANDCORPS INC | PO BOX 1936 | MONROE, GA | 30655 |
| LO MICHAEL L | 4027 SIGNAL RDG SW | LILBURN, GA | 30047 |
| MARTA | 2424 PIEDMONT RD NE | ATLANTA, GA | 30324 |
| PARKLAND COMMUNITIES INC | 299 S MAIN ST STE A | ALPHARETTA, GA | 30009 |
| PARKLAND COMMUNITIES INC | 299 S MAIN ST STE A | ALPHARETTA, GA | 30009 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| RAGSDALE LIMITED PARTNERSHIP | 2722 GLENEAGLES DR | TUCKER, GA | 30084 |
| REALPRO EQUITY LLC | 2727 MOORINGS PKWY | SNELLVILLE, GA | 30039 |
| SAQ ENTERPRISE INC | 4193 CHAPEL LAKE DR | DECATUR, GA | 30034 |
| STONECREST DEVELOPMENT AUTHORITY | 3120 STONECREST AVE | LITHONIA, GA | 30038 |
| STONECREST PROPERTIES LLC | P.O. BOX 957148 | DULUTH, GA | 30095 |
| TRACY L SAYERS INVESTMENTS LLC | 600 BROOKSTONE CENTRE PKWY | COLUMBUS, GA | 31904 |
| TURNER HILL PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |
| TURNER HILL PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |
| WESLEY KENSINGTON PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |

Environmental Site Analysis

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

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.

The Applicant seeks to develop on +/-32.09 acres of land being Tax Parcel Nos. 16 1714 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions of zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The Applicant proposes the following changes:

Condition 1: The maximum number of units shall be ~~129 225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following: ~~one car garage attached to each townhome unit~~ DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ DELETED

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~ DELETED

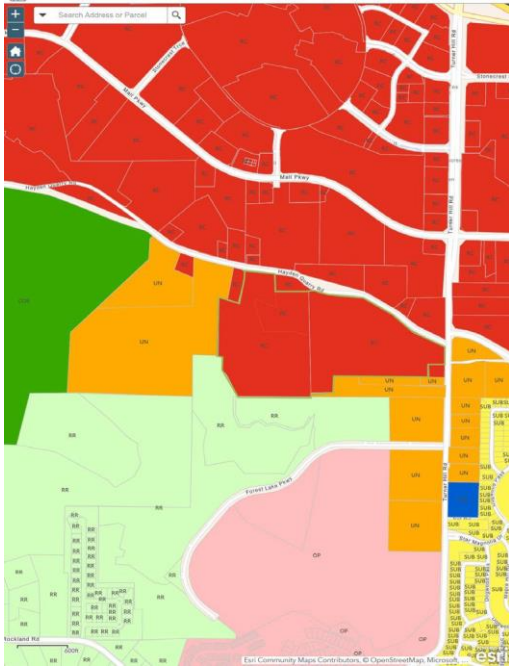
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.

The site plan for the proposed project is attached to this application. The surrounding properties have future land use designations of RC, UN, and RR and are zoned RSM, MU-4, C-1, MR-1, and R-100. The surrounding properties are vacant, single-family homes, various commercial buildings ranging from restaurants and banks to the Stonecrest Mall to the north, and apartments.

- c. Describe how the project conforms to the Comprehensive Land Use Plan.

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation, nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

This zoning proposal seeks to change conditions on the Subject Property. The change would eliminate the townhomes, reduce the number of homes on the Subject Property from 225 to 129 and require two car garages. The units will be relatively close together. The Regional Center character area permits 60 units per acre and up. While this development does not reach that number, it does serve as a suitable transition from the higher density uses to the lower density uses to the south of the Subject Property.

2. Environmental Impacts of The Proposed Project

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

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

There are wetlands on the southeastern side of the site. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

There are no floodplains on the Subject Property.

c. Streams/stream buffers

- Field observation and verification

There are no streams or stream buffers on the Subject Property.

- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
- United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification

There are no slopes exceeding 25% over a 10-foot rise in elevation on the site.

- e. Vegetation • United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

According to a field observation and satellite imagery, there are currently trees on the Subject Property. For any development, trees will have to be cut down to accommodate the buildings. However, the Applicant will work closely with the City Arborist to ensure that only the necessary clearing is performed. Dead and diseased trees will be cleared from the site as well.

- f. Wildlife Species (including fish)
- United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.

- g. Archeological/Historical Sites
- Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

The Applicant is not aware of any archaeological or historic sites or resources on the Subject Property.



3. Project Implementation Measures

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

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no floodplains, slopes exceeding 25%, or river corridors on the site. There are some wetlands on the southeastern portion of the Subject Property. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

- b. Protection of water quality

The Applicant is installing all required stormwater management facilities that will serve to protect any and all surrounding wetlands/streams from any stormwater runoff generated by the site.

- c. Minimization of negative impacts on existing infrastructure

The impact on existing infrastructure will be minimized.

- d. Minimization on archeological/historically significant areas

The Applicant is not aware of any archaeological/historically significant areas on the Subject Property.

- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Introducing the proposed project will allow the Applicant to engineer a solution to any and all ongoing stormwater runoff issues that may or may not be affecting the surrounding communities. Any stormwater runoff that comes from the site

- f. Creation and preservation of green space and open space

The included site plan shows how green space and open space will be allocated across the site.

- g. Protection of citizens from the negative impacts of noise and lighting

Once constructed, the Subject Property will be single-family homes which will abut apartments, vacant land, and one other single-family home. So, the use of the Subject Property will not have any negative impacts of noise or lighting on the surrounding properties. During construction, the Applicant will work during normal business hours to ensure that there are no noises or lights affecting the surrounding citizens.

- h. Protection of parks and recreational green space

The included site plan shows how green space and open space will be allocated across the site.



i. Minimization of impacts to wildlife habitats

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.



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STATEMENT OF INTENT

and

Other Material Required by
The City of Stonecrest Zoning Ordinance
For
A Major Modification of Conditions of
Z-05-01

of

PARKLAND COMMUNITIES, INC.
c/o Battle Law, P.C.

for

+/-32.09 Acres of Land
Being 7151 Hayden Quarry Road,
the City of Stonecrest, Georgia and
Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Parkland Communities, Inc. (the “Applicant”) seeks to develop on +/- 32.09 of land being Tax Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road (the “Subject Property”) with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be ~~129 225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for as~~ single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following: ~~one car garage attached to each townhome unit~~
DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single-family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ DELETED

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~ DELETED

This document serves as a statement of intent, analysis of the criteria under the City of Stonecrest Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. MAJOR MODIFICATION OF CONDITIONS CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

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



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The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The immediately adjacent properties are either vacant or developed with residential uses. The property nearby, but not immediately adjacent is developed for residential and commercial uses. The Subject Property is near Stonecrest Mall.

The zoning proposal does not seek to change the approved residential use. Rather, the proposal seeks to change the conditions placed on the property to allow for the development of 129 single-family detached homes. The conditions in place allow for townhomes and contemplate certain development standards that apply specifically to townhomes. To develop single family detached homes, the Applicant seeks to change those conditions to be more conducive to a single family detached product. Other single family detached homes are already in the area. Therefore, building new single family detached homes would be suitable in view of the use and development of adjacent and nearby properties.

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

The property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will reduce the overall number of approved units on the Subject Property and change the housing product from a mixture of single family detached homes and townhomes to just single family detached homes. This change, along with the various design changes, will have a positive affect on the existing use or usability of adjacent or nearby property by limiting the intensity of the residential use permitted on the Subject Property. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

e. Whether there are other existing or changing conditions the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

The Applicant is not aware of other existing or changing conditions that provide supporting grounds for either approval or disapproval of the zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property does not lie within a historic district, nor near any historic sites.



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The Applicant is not aware of any historic buildings or archaeological resources on the Subject Property. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

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

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The approved plan for the Subject Property contemplates roughly 100 more units than what this zoning proposal does. So, the Applicant is entitled to build out the property for the 225 approved residential units. Instead, this zoning proposal seeks change the zoning conditions to allow for 129 single family detached homes. This reduction in the number of units will produce far less strain on all City resources, including the existing streets, transportation facilities, utilities, and schools than the approved plan. Therefore, the zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of 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 City of 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.



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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 City of Stonecrest Mayor and City Council to amend the land use and/or 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 Major Modifications of Conditions 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 land use amendment and/or Major Modification of Conditions 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 land use amendment and/or Major Modification of Conditions 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 land use designation and/or 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 land use designation and/or 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 Fulton 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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant

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

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING THE OFFICIAL ZONING MAP OF CITY OF STONECREST, GEORGIA BY TO ADJUST OR CHANGE EXISTING ZONING CONDITIONS TO PERMIT A MAJOR MODIFICATION OF THE CONDITIONS AT 7199 AND 7151 HAYDEN QUARRY ROAD AND 3261 TURNER HILL ROAD; 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 PUPOSES.

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 governing authority of the City has considered one or more of the criteria of a rezoning request, provided in Section Sec. 7.3.1. Division 3. - Zoning And Comprehensive Plan Amendments and Procedures of Article VII (“Administration”) in Chapter 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia; and

25 **WHEREAS**, the Mayor and City Council desire to amend the official zoning map of city
26 of Stonecrest, Georgia by adjusting or changing the existing zoning conditions to permit major
27 modification of the conditions of 7199 and 7151 Hayden Quarry Road and 3261 Turner Hill Road;
28 and

29 **WHEREAS**, the governing authority of the City desires to adjust or change the existing
30 zoning conditions of real property found in Exhibit A attached hereto; and

31 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
32
33 general welfare, or sound zoning practice that justify such action; and
34

35 **WHEREAS**, the applicant, is seeking to develop 129 single-family detached homes and
36 260 townhomes on the subject parcels; and

37 **WHEREAS**, the Applicant is also seeking major modifications of conditions of the subject
38 property to change conditions from zoning case number Z-05-01 to allow for the development;
39 and

40 **WHEREAS**, the rezoning case, CZ-05-01, was heard in 2005 when subject parcels were
41 within unincorporated Dekalb County; and

42 **WHEREAS**, to make the requested changes the following criteria first must be considered.

- 43 1. The movement of any building or structure adjacent to an exterior boundary line, closer
- 44 to the boundary line of the property;
- 45 2. Any increase in the number of dwelling units or any increase in the total amount of floor
- 46 space of any nonresidential building;
- 47 3. Any decrease in the size of residential units imposed in the original conditional zoning
- 48 amendment;
- 49 4. Any change in any buffer requirements imposed in the original conditional zoning
- 50 amendment;
- 51 5. Any increase in the height of any building or structure;
- 52 6. Any change in the proportion of floor space devoted to different authorized uses; or

7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

WHEREAS, the Director of Planning and Zoning recommends approval or denial of certain conditions based on the City Staff Report and said report is attached as Exhibit A and incorporated by reference herein; 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. To ADJUST OR CHANGE THE EXISTING ZONING CONDITIONS for 7199 AND 7151 HAYDEN QUARRY ROAD AND 3261 TURNER HILL ROAD.

Section 2.

The Conditions are proposed as follows and has been approved/denied as follows;

Condition 1: The maximum number of units shall be 129 ~~225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed for as single-family ~~detached~~ units. ~~attached at the rear of each unit.~~

Condition 4: Each unit shall have the following:

- 4a: ~~One car garage attached to each townhome unit.~~
- 4b: Two car garages ~~attached to each single-family unit attached at the rear.~~
- 4c: ~~Patio pad with a privacy fence.~~
- 4l: ~~The project shall be developed with the following amenities: a swimming pool, and~~

~~tennis courts.~~

The Director of Planning and Zoning recommends:

- APPROVAL of Modification of Condition 1
- APPROVAL of Modification of Condition 4a
- APPROVAL of Modification of Condition 4b
- APPROVAL of Modification of Condition 4c
- APPROVAL of Modification of Condition 4l

as depicted in Exhibit A attached hereto and made part by reference.

Section 4. That the rezoning of the subject properties is in alignment with the comprehensive plan and it does not require an amendment.

Section 5. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 6. (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 7. 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 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 10. 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

137

138

139

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141

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EXHIBIT A

Raymond White
Director
Planning and Zoning
Department



Matthew
Williams
Deputy Director
Planning and
Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: RZ-23-002

ADDRESS: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road

COUNCIL MEETING DATE: July 24, 2023

Summary: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01.

STAFF RECOMMENDATION: 5 APPROVALS with conditions

PLANNING COMMISSION RECOMMENDATION: 3 APPROVALS AND 2 DENIALS with conditions



RZ-23-002

Planning and Zoning Department

Commissioner District #1: Stephanie Brown

| PROPERTY INFORMATION | |
|--|--|
| Location of Subject Property: 7199 and 7151 Hayden Quarry Road, 3261 Turner Hill Road | |
| Parcel Number: 16-171-02-003, 16-171-02-005, 16-171-02-012 | |
| Road Frontage: Hayden Quarry Road & Turner Hill Road | Total Acreage: 32.09 +/- |
| Current Zoning: RSM (Small Lot Residential Mix) / C-1 (Local Commercial) | Overlay District: Stonecrest Tier 3 |
| Future Land Use Map/ Comprehensive Plan: RC (Regional Center) | |
| Zoning Request: Applicant is seeking a major modification of the conditions of the subject property to change the conditions from zoning case number Z-05-01. | |
| Zoning History (CZ-05-01): Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District). | |

| APPLICANT / PROPERTY OWNER INFORMATION |
|---|
| Applicant Name: Battle Law P.C. |
| Applicant Address: 3562 Habersham at North Lake, Building J, Suite 100 |
| Property Owner Name: Parkland Communities Inc. |
| Property Owner Address: 299 S Main St, Ste A, Alpharetta GA 30009 |

DETAILS OF ZONING REQUEST

The Applicant, Battle Law P.C., on the behalf of the property's owner, Parkland Communities LLC, is seeking to develop 129 single-family detached homes and 260 townhomes on the subject parcels. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be ~~129~~ **225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units** being developed ~~for as~~ single-family ~~detached~~ units. ~~attached at the rear of each unit.~~

Condition 4: Each unit shall have the following:

- **4a:** ~~One car garage attached to each townhome unit.~~
- **4b:** Two car garages ~~attached to each single-family unit attached at the rear.~~
- **4c:** ~~Patio pad with a privacy fence.~~
- **4l:** ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~

The zone case, **CZ-05-01**, was heard in 2005 when subject parcels were within unincorporated Dekalb County. Application of PBT Investments co/ Joseph B. Fitts, Sr. to rezone property located on the south side of Hayden Quarry Road, approximately 2,274.7 feet west of Turner Hill Road, from R-CH (Residential Cluster Housing) to R-A8 (Single Family Residential District).

The applicant is proposing to add amenities on the parcel with the townhomes, which will cause the amenities from being on the single-family detached homes parcel. The applicant is proposing the following amenities on the subject parcel:

1. Approximately 6.61 acres of green, open space

ADJACENT ZONING & LAND USE

| | | |
|--------------|---|--|
| NORTH | Zoning: R-100 (Residential Medium Lot) | Land Use: Undeveloped Land |
| SOUTH | Zoning: MR-1 (Medium Density Residential) | Land Use: Apartments |
| EAST | Zoning: R-100 (Residential Medium Lot) | Land Use: Undeveloped Land |
| WEST | Zoning: R-100 (Residential Medium Lot) & MU-4 (Mixed-Use High Density) | Land Use: Single-Family Dwelling & Undeveloped Land |



RZ-23-002

Planning and Zoning Department

**PHYSICAL CHARACTERISTICS &
INFRASTRUCTURE**

The site is currently undeveloped with two (2) road frontages (Hayden Quarry Road and Turner Hill Road). There is not flood zones located near the property.

**MODIFICATIONS AND CHANGES TO APPROVED
CONDITIONS OF ZONING CRITERIA**

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

RECOMMENDATION

Staff recommends the following:

1. **APPROVAL** of Modification of Condition 1
2. **APPROVAL** of Modification of Condition 4a
3. **APPROVAL** of Modification of Condition 4b
4. **APPROVAL** of Modification of Condition 4c
5. **APPROVAL** of Modification of Condition 4l



RZ-23-002

Planning and Zoning Department

RECOMMENDED CONDITION(S)

1. Provide Planning and Zoning staff with a gas line report to ensure that residents lives are not at risk;
2. Each single-family dwelling must have a patio pad in the backyard; and
3. The developer must install fencing along Hayden Quarry Road for safety of those lots.
4. A soccer field will replace the tennis court in condition 4L.
5. The proposed play scape must be in the middle or rear of development.
6. There shall be a master HOA agreement between developments for use of amenities.

Attachments Included:

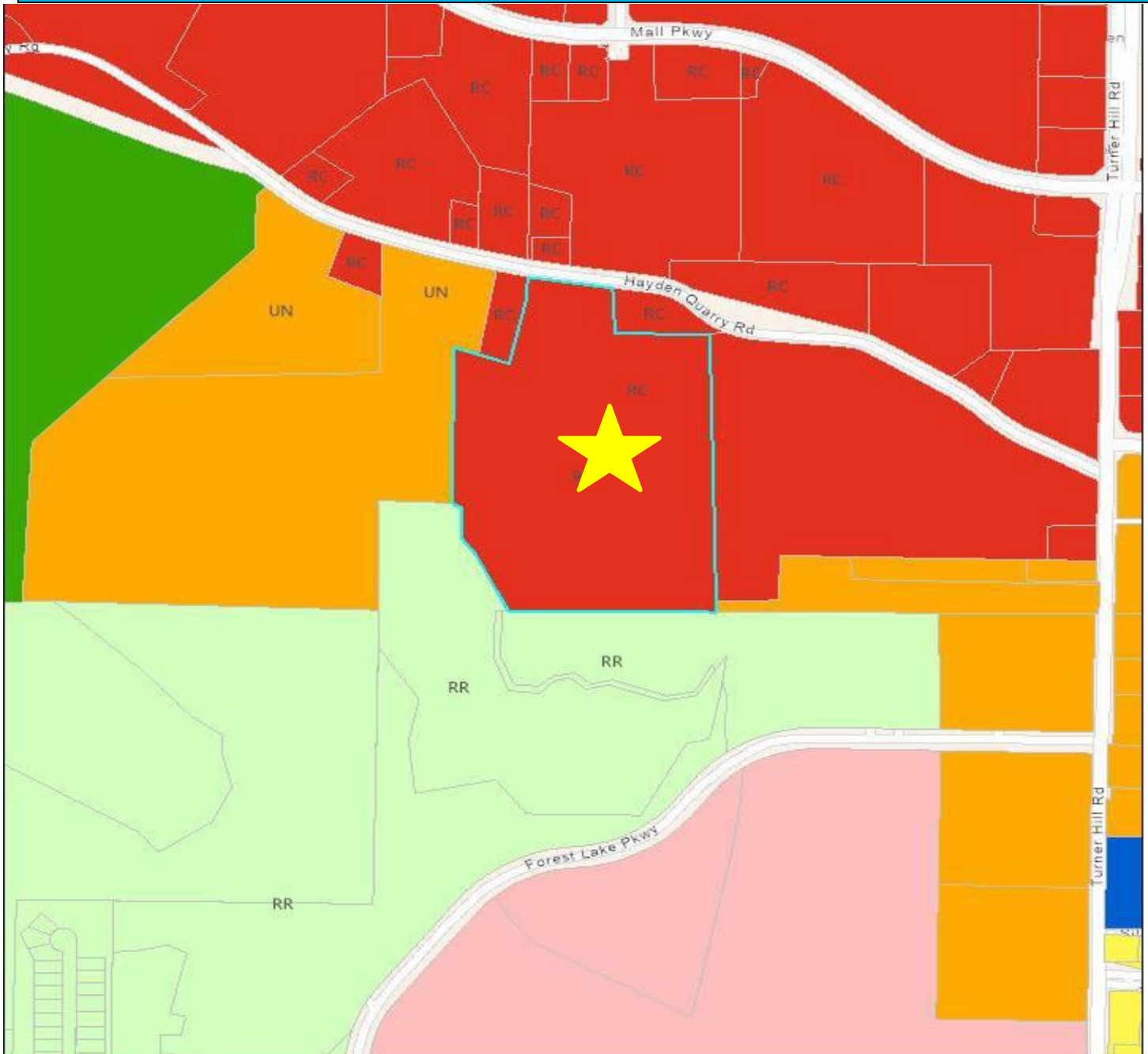
- **Future Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Site Plan/Survey**
- **Rendering/Elevations**
- **Zoning Conditions**
- **Application**
- **Letter of Intent**



RZ-23-002

Planning and Zoning Department

FUTURE LAND USE MAP

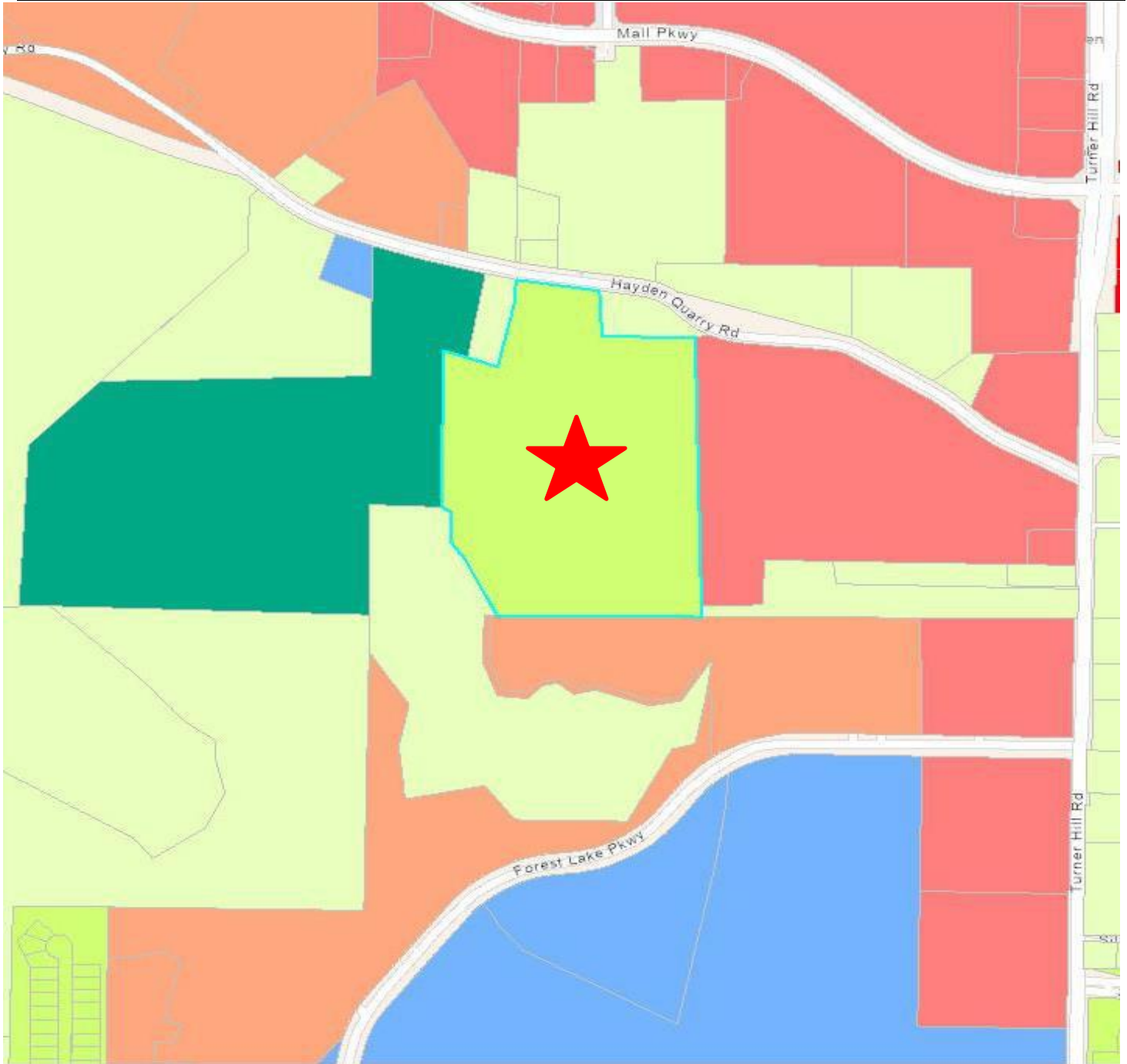




RZ-23-002

Planning and Zoning Department

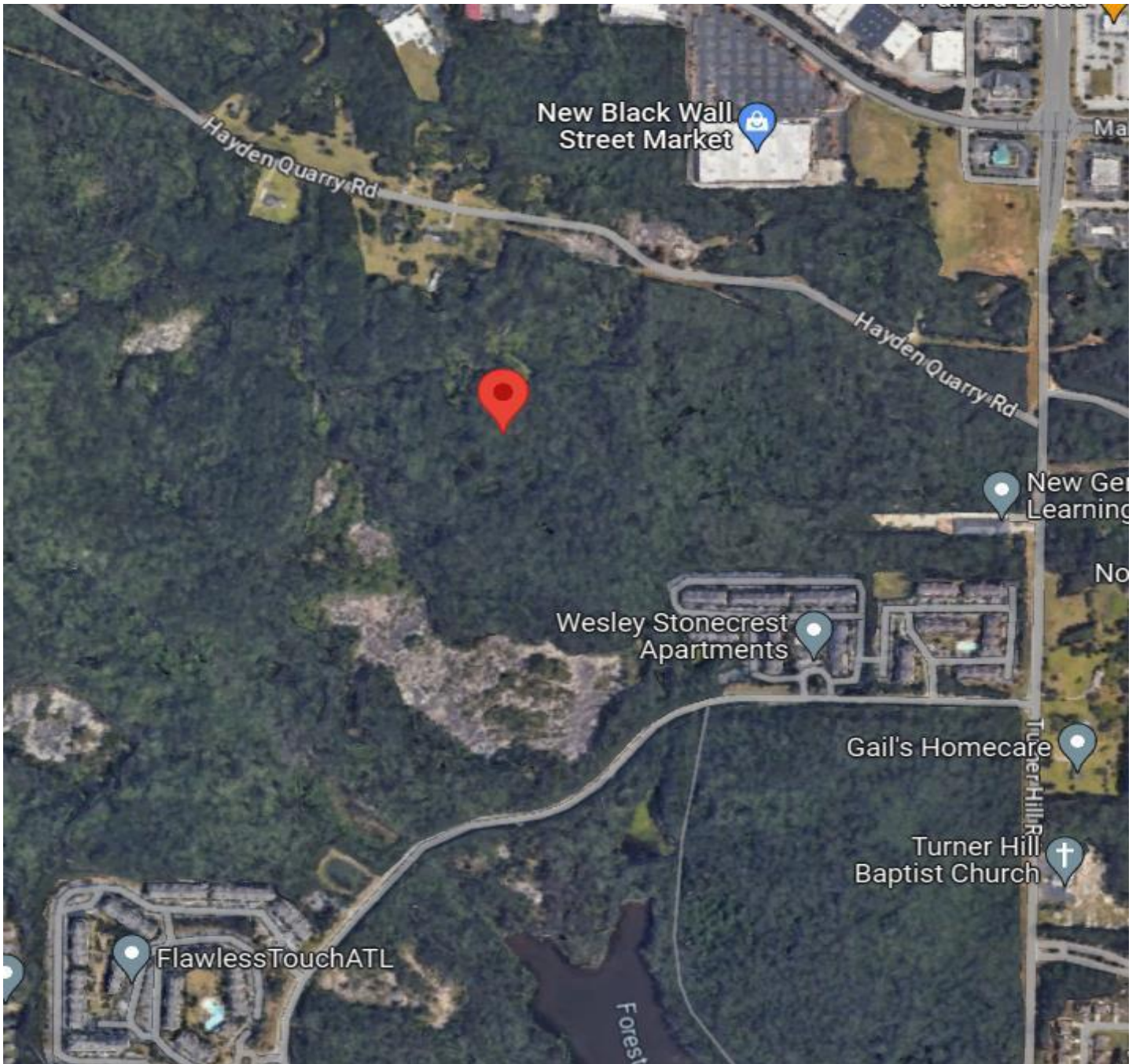
ZONING MAP



RZ-23-002

Planning and Zoning Department

AERIAL MAP

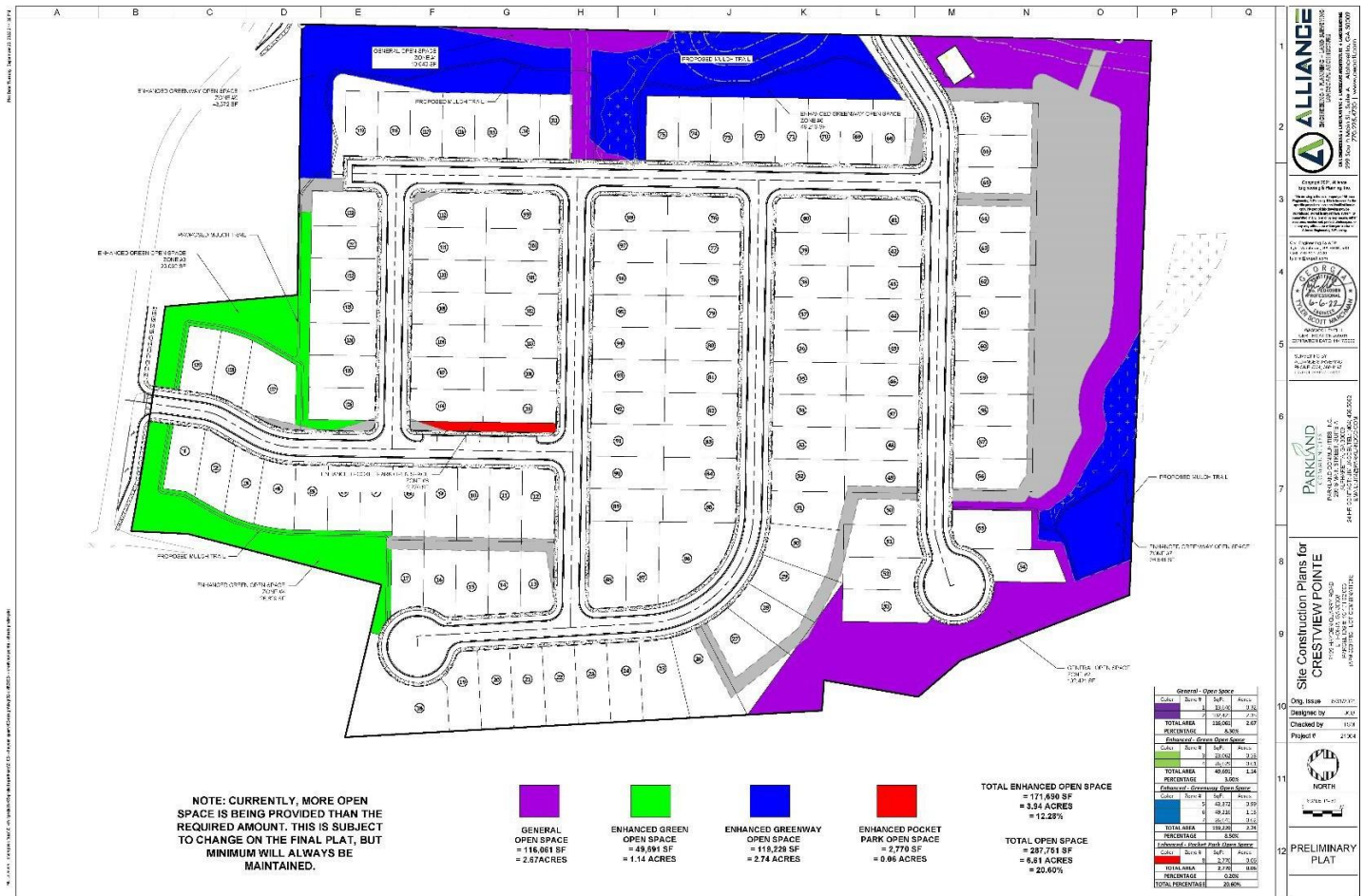


SUBMITTED SITE PLAN



RZ-23-002

Planning and Zoning Department



SUBMITTED ELEVATIONS/RENDERINGS

OAKLEIGH

Character Example of Front Homes Architecture



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION



FRONT ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer.



299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Ranch Style Homes Architecture



FRONT ELEVATION



TYPICAL REAR ELEVATION



TYPICAL LEFT SIDE ELEVATION



TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer



299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

OAKLEIGH

Character Example of Front Entry Homes Architecture



FRONT ELEVATION



TYPICAL REAR ELEVATION



TYPICAL LEFT SIDE ELEVATION



TYPICAL RIGHT SIDE ELEVATION

NOTE: Elevations not to exceed 35'0" in height and have exterior materials to be combinations of fiber cement siding, brick veneer and/or stone veneer



299 S. Main Street, Suite A | Alpharetta, Ga 30009 | Parklandco.com

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7151 HA YDF QL RRY ROAf)
Z-05-0 I

Item XII. a.

- I. Inc ma:irnum nwnberof unils shall be 22 units, \\ilh 171 um!!'! bclogdevdopcJ for townhome!> anached by a common "all. and54 uniis being developed fo1 111glc-fam1ly uniL-;;mached at Lhe 1car of each unit.
2. There shall be a mandatory home owners association ("HOA") ,,hich shaJl o,vn all or the common are-d locakd within the proJect
3. All unb "'ithin the project shall be fee simple unb i ooc of the lots will be marketed to investors as rent.tl property. and the HOA Declaration of RcM1ic1i,e Covenants sbaJl provide that no more than 15% of the total lots "'ithin the subdivision shall be utilized for rental purpo cs. except for 'hardship cases' as provided for In the Declaration.
4. Each unit shall have the following:
 - a. One cJl garage attached to each townhome wlit
 - b. Two car garages attached to each single-family unit attached at the rear
 - c. Patio pad with a privacy fence
 - d. idewall-.s shall be located on both sides of thestreetS throughout the project
 - e. The front facades shall vary such that two adjacent home will not be u,c :>amc.
 - f. Front facades shall be constructed of brick, stone, or stucco and up to forty percent (40 3/4)Ilardi-plank siding.
 - g. The side and rear facades of the units shall be constn1cted of brick, stone, stucco or Hardi-plank siding. The use of vinyl siding shall be stnctly r/ prohibited.
 - h. The entrance to the project shall be a brick monument sign.Jq wJ. s/./, be /q.,Jsc.pt
 - i. AJl delention facilities shall be srueledcd from vie'w v.ith evergreen trees and a minimum six (6) foot !ugh fence. as provided in the DeKalb County Development Code.
 - j. idewalks shall be placed along property frontage on I layden Quarr) Koad
 - k. Underground utili1 les sball be used throughout the property
 - l. The proJect shall tX developed with the follo,,,ing amenities a swimming pool. and tennis court.!>.



Rezoning Application

| | | | |
|---|--|----------------------------|------------------------------|
| Owner Information | Owner's Name: Parkland Communities, Inc . | | |
| | Owner's Address: 299 S Main St Suite A, Alpharetta, Georgia 30009 | | |
| | Phone: 404-999-2897 | Fax: N/A | Email: Sherry@parklandco.com |
| | Property Address: 7199 Hayden Quarry Road, 7151 Hayden Quarry Road, 3261 Turner Hill Road | | Parcel Size: 32.09 acres |
| | Parcel ID: 16 171 02 003, 16 171 02 005, and 16 171 02 012 | | |
| | Current Zoning Classification: RSM | | |
| | Requested Zoning Classification: RSM with a major modification of conditions | | |
| | Name: Parkland Communities, Inc. c/o Battle Law P.C. | | |
| | Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084 | | |
| | Property Information | Phone: 404-601-7616 | Fax: N/A |
| Cell: N/A | | Email: mlb@battlelawpc.com | |
| Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? | | | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| 1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? | | | |
| | | | |
| 2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? | | | |
| | | | |
| 3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? | | | |
| | | | |
| Questionnaire | 4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? | | |
| | | | |
| | 5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? | | |
| | | | |
| | 6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? | | |
| | | | |



STONECREST GEORGIA

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: Parkland Communities, Inc c/o Battle Law P.C

Applicant's Signature: [Signature]

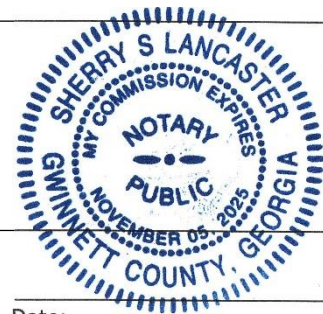
Date: 3-4-2023

Sworn to and subscribed before me this 24th Day of March 20 23

Notary Public:

Signature: [Signature]

My Commission Expires: 11-05-2025



☐ Application Fee ☒ Sign Fee ☐ Legal Fee

Fee: \$

Payment: ☐ Cash ☐ Check ☐ CC

Date:

☒ Approved ☐ Approved with Conditions ☐ Denied

Date:

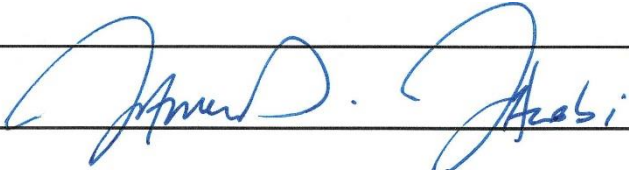
***one sign is required per street frontage and/or every 500 feet of street frontage**



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?

D Yes No

| | |
|------------------------------|---|
| Applicant / Owner | Signature:  |
| | Address: 363 S Main Street, Alpharetta, Georgia 30009 |
| | Date: 3.9.2023 |

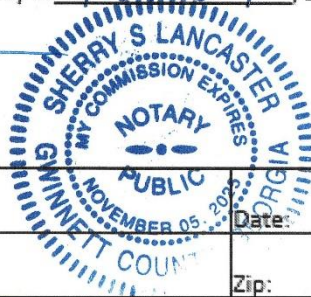
If you answered yes above, please complete the following section:

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |



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 all 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>[Signature]</u> | Date: <u>3.9.2023</u> |
| | Address: 363 S Main Street | City, State: Alpharetta, Georgia |
| | Phone: 404-456-5562 | Zip: 30009 |
| | Sworn to and subscribed before me this <u>9th</u> day of <u>March</u> , 20 <u>23</u> | |
| Property Owner (If Applicable) | Notary Public: <u>[Signature]</u> |  |
| | Signature: _____ | Date: _____ |
| | Address: _____ | City, State: _____ |
| | Phone: _____ | Zip: _____ |
| Property Owner (If Applicable) | Sworn to and subscribed before me this _____ day of _____, 20____ | |
| | Notary Public: _____ | |
| | Signature: _____ | Date: _____ |
| | Address: _____ | City, State: _____ |
| Property Owner (If Applicable) | Phone: _____ | Zip: _____ |
| | Sworn to and subscribed before me this _____ day of _____, 20____ | |
| | Notary Public: _____ | |



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join". To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

Item XII. a.

COMMUNITY MEETING TO DISCUSS REZONING APPLICATION TO ALLOW FOR THE DEVELOPMENT OF SINGLE- FAMILY DETACHED HOMES

Project Title: 7151 Hayden Quarry

When: April 19th, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 863 3706 9255

Password: 085346

PROPOSED LOCATION(S):
Parcel Nos. 16 171 02 003, 16 171 02 010,
16 171 02 005, and 16 171 02 012



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

«Name»

«Address»

«City», «State» «Zip»

Item XII. a.

HERE

| | | | |
|------------------------------------|----------------------------|-----------------|-------|
| BOWMAN FREEDOM LLC | 535 MARIOTT DR | NASHVILLE, TN | 37214 |
| BUCHSBAUM ESTHER R | 2948 SEQUOYAH DR NW | ATLANTA, GA | 30327 |
| CARMAX AUTO SUPERSTORE INC | PO BOX 29965 | RICHMOND, VA | 23242 |
| DEKALB COUNTY | 1300 COMMERCE DR FLOOR 3RD | DECATUR, GA | 30030 |
| DILLMAN JACKIE L TRUSTEE | 615 ROBIN ROAD | COVINGTON, GA | 30016 |
| FIRST FINANCIAL ASSOCIATES INC | 7079 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| FOREST LAKE VENTURES LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| FOREST LAKE VENTURES LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| FOSTER EMILY | 7000 ROCKLAND RD | LITHONIA, GA | 30038 |
| G AND K COVENANT PROPERTIES II LLC | 3271 TURNER HILL RD | LITHONIA, GA | 30038 |
| GADDIS DENISE BAILEY | 11255 DONNINGTON DR | JOHNS CREEK, GA | 30097 |
| GEORGE RACHEL R | 670 COVERED BRIDGE RD | COVINGTON, GA | 30016 |
| HAYDEN QUARRY LLC | 70 CHEVAUX CT NW | ATLANTA, GA | 30342 |
| HUNT JOHNNY A | 7210 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| HUNT JOHNNY A | 7210 HAYDEN QUARRY RD | LITHONIA, GA | 30038 |
| KAISER FOUNDATION HEALTH | 1 KAISER PLZ FLOOR 15 | OAKLAND, CA | 94612 |
| LANDCORPS INC | PO BOX 1936 | MONROE, GA | 30655 |
| LO MICHAEL L | 4027 SIGNAL RDG SW | LILBURN, GA | 30047 |
| MARTA | 2424 PIEDMONT RD NE | ATLANTA, GA | 30324 |
| PARKLAND COMMUNITIES INC | 299 S MAIN ST STE A | ALPHARETTA, GA | 30009 |
| PARKLAND COMMUNITIES INC | 299 S MAIN ST STE A | ALPHARETTA, GA | 30009 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| QUARRY PARTNERS LLC | 1010 HUNTCLIFF # 2315 | ATLANTA, GA | 30350 |
| RAGSDALE LIMITED PARTNERSHIP | 2722 GLENEAGLES DR | TUCKER, GA | 30084 |
| REALPRO EQUITY LLC | 2727 MOORINGS PKWY | SNELLVILLE, GA | 30039 |
| SAQ ENTERPRISE INC | 4193 CHAPEL LAKE DR | DECATUR, GA | 30034 |
| STONECREST DEVELOPMENT AUTHORITY | 3120 STONECREST AVE | LITHONIA, GA | 30038 |
| STONECREST PROPERTIES LLC | P.O. BOX 957148 | DULUTH, GA | 30095 |
| TRACY L SAYERS INVESTMENTS LLC | 600 BROOKSTONE CENTRE PKWY | COLUMBUS, GA | 31904 |
| TURNER HILL PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |
| TURNER HILL PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |
| WESLEY KENSINGTON PARTNERS LLC | 1010 HUNTCLIFF STE 2315 | ATLANTA, GA | 30350 |

Environmental Site Analysis

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

1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.

The Applicant seeks to develop on +/-32.09 acres of land being Tax Parcel Nos. 16 1714 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions of zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The Applicant proposes the following changes:

Condition 1: The maximum number of units shall be ~~129 225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for~~ as single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following: ~~one car garage attached to each townhome unit~~ DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ DELETED

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~ DELETED

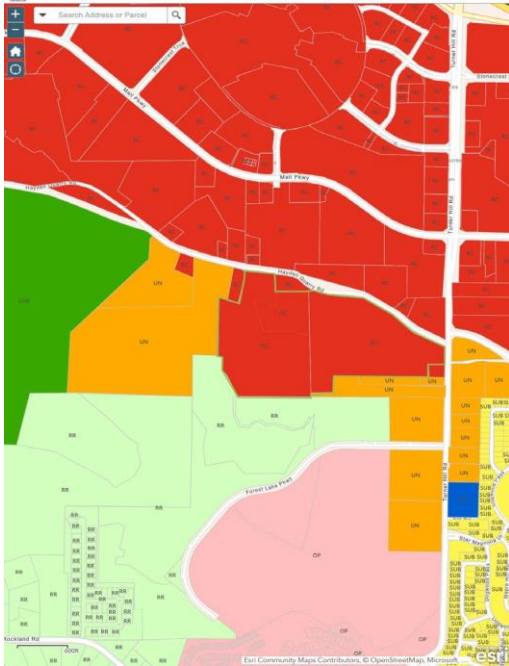
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.

The site plan for the proposed project is attached to this application. The surrounding properties have future land use designations of RC, UN, and RR and are zoned RSM, MU-4, C-1, MR-1, and R-100. The surrounding properties are vacant, single-family homes, various commercial buildings ranging from restaurants and banks to the Stonecrest Mall to the north, and apartments.

- c. Describe how the project conforms to the Comprehensive Land Use Plan.

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation, nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

This zoning proposal seeks to change conditions on the Subject Property. The change would eliminate the townhomes, reduce the number of homes on the Subject Property from 225 to 129 and require two car garages. The units will be relatively close together. The Regional Center character area permits 60 units per acre and up. While this development does not reach that number, it does serve as a suitable transition from the higher density uses to the lower density uses to the south of the Subject Property.

2. Environmental Impacts of The Proposed Project

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

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

There are wetlands on the southeastern side of the site. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

There are no floodplains on the Subject Property.

c. Streams/stream buffers

- Field observation and verification

There are no streams or stream buffers on the Subject Property.

- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
- United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification

There are no slopes exceeding 25% over a 10-foot rise in elevation on the site.

- e. Vegetation • United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

According to a field observation and satellite imagery, there are currently trees on the Subject Property. For any development, trees will have to be cut down to accommodate the buildings. However, the Applicant will work closely with the City Arborist to ensure that only the necessary clearing is performed. Dead and diseased trees will be cleared from the site as well.

- f. Wildlife Species (including fish)
- United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.

- g. Archeological/Historical Sites
- Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

The Applicant is not aware of any archaeological or historic sites or resources on the Subject Property.



3. Project Implementation Measures

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

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no floodplains, slopes exceeding 25%, or river corridors on the site. There are some wetlands on the southeastern portion of the Subject Property. The stormwater management facilities required by City code have been planned for the eastern portion of the site. The stormwater management facilities will protect the wetlands from any stormwater runoff produced by the site. This will provide better protection than what exists today as there is currently no engineered solution to stormwater runoff on the site.

- b. Protection of water quality

The Applicant is installing all required stormwater management facilities that will serve to protect any and all surrounding wetlands/streams from any stormwater runoff generated by the site.

- c. Minimization of negative impacts on existing infrastructure

The impact on existing infrastructure will be minimized.

- d. Minimization on archeological/historically significant areas

The Applicant is not aware of any archaeological/historically significant areas on the Subject Property.

- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

Introducing the proposed project will allow the Applicant to engineer a solution to any and all ongoing stormwater runoff issues that may or may not be affecting the surrounding communities. Any stormwater runoff that comes from the site

- f. Creation and preservation of green space and open space

The included site plan shows how green space and open space will be allocated across the site.

- g. Protection of citizens from the negative impacts of noise and lighting

Once constructed, the Subject Property will be single-family homes which will abut apartments, vacant land, and one other single-family home. So, the use of the Subject Property will not have any negative impacts of noise or lighting on the surrounding properties. During construction, the Applicant will work during normal business hours to ensure that there are no noises or lights affecting the surrounding citizens.

- h. Protection of parks and recreational green space

The included site plan shows how green space and open space will be allocated across the site.



i. Minimization of impacts to wildlife habitats

There are no wildlife species that will be adversely affected by the change of conditions application. The Subject Property is already approved for development as a mixture of single-family detached homes and single-family attached townhomes.



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
The City of Stonecrest Zoning Ordinance
For
A Major Modification of Conditions of
Z-05-01

of

PARKLAND COMMUNITIES, INC.
c/o Battle Law, P.C.

for

+/-32.09 Acres of Land
Being 7151 Hayden Quarry Road,
the City of Stonecrest, Georgia and
Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Parkland Communities, Inc. (the “Applicant”) seeks to develop on +/- 32.09 of land being Tax Parcel Nos. 16 171 02 003, 16 171 02 005, and 16 171 02 012 having frontage on 7151 Hayden Quarry Road (the “Subject Property”) with single-family detached homes. The Applicant is seeking a Major Modification of Conditions of the Subject Property to change the following conditions from zoning case number Z-05-01 to allow for the development: conditions 1, 4a, 4b, 4c, and 4l. The original conditions are listed below with the proposed changes in red.

Condition 1: The maximum number of units shall be ~~129 225 units, with 171 units being developed for townhomes attached by a common wall, and 54 units~~ being developed ~~for as~~ single-family detached units. ~~attached at the rear of each unit.~~

Condition 4a: Each unit shall have the following: ~~one car garage attached to each townhome unit~~
DELETED

Condition 4b: Each unit shall have the following: two car garages ~~attached to each single-family unit attached at the rear~~

Condition 4c: Each unit shall have the following: ~~Patio pad with a privacy fence.~~ **DELETED**

Condition 4l: Each unit shall have the following: ~~The project shall be developed with the following amenities: a swimming pool, and tennis courts.~~ **DELETED**

This document serves as a statement of intent, analysis of the criteria under the City of Stonecrest Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. MAJOR MODIFICATION OF CONDITIONS CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a future land use designation of Regional Center and is on the very edge of those properties with that designation. This zoning proposal does not seek to change the future land use designation nor does it seek to change the base zoning district. Rather, the proposal seeks to change certain zoning conditions affecting the Subject Property. This zoning proposal does not seek to introduce a use that would otherwise not be permitted, nor does it seek to introduce a zoning district that would not allow for uses uncharacteristic of the uses permitted on the surrounding properties. Therefore, the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

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



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The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The immediately adjacent properties are either vacant or developed with residential uses. The property nearby, but not immediately adjacent is developed for residential and commercial uses. The Subject Property is near Stonecrest Mall.

The zoning proposal does not seek to change the approved residential use. Rather, the proposal seeks to change the conditions placed on the property to allow for the development of 129 single-family detached homes. The conditions in place allow for townhomes and contemplate certain development standards that apply specifically to townhomes. To develop single family detached homes, the Applicant seeks to change those conditions to be more conducive to a single family detached product. Other single family detached homes are already in the area. Therefore, building new single family detached homes would be suitable in view of the use and development of adjacent and nearby properties.

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

The property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will reduce the overall number of approved units on the Subject Property and change the housing product from a mixture of single family detached homes and townhomes to just single family detached homes. This change, along with the various design changes, will have a positive affect on the existing use or usability of adjacent or nearby property by limiting the intensity of the residential use permitted on the Subject Property. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

e. Whether there are other existing or changing conditions the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal;

The Applicant is not aware of other existing or changing conditions that provide supporting grounds for either approval or disapproval of the zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property does not lie within a historic district, nor near any historic sites.



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The Applicant is not aware of any historic buildings or archaeological resources on the Subject Property. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

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

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The approved plan for the Subject Property contemplates roughly 100 more units than what this zoning proposal does. So, the Applicant is entitled to build out the property for the 225 approved residential units. Instead, this zoning proposal seeks change the zoning conditions to allow for 129 single family detached homes. This reduction in the number of units will produce far less strain on all City resources, including the existing streets, transportation facilities, utilities, and schools than the approved plan. Therefore, the zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City of 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 City of 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.



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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 City of Stonecrest Mayor and City Council to amend the land use and/or 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 Major Modifications of Conditions 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 land use amendment and/or Major Modification of Conditions 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 land use amendment and/or Major Modification of Conditions 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 land use designation and/or 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 land use designation and/or 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 Fulton 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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant



CITY COUNCIL AGENDA ITEM

SUBJECT: HB 916 Superior and State Court Appellate Practice Act – 1st Read

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, July 24, 2023

SUBMITTED BY: Mallory Minor, Court Administrator

PRESENTER: Chief Judge Curtis W. Miller and Court Administrator Mallory Minor

PURPOSE: Effective July 1, 2023, H.B. 916 (2022), the Superior and State Court Appellate Practice Act, will repeal and replace Georgia’s notice of appeal and certiorari review statutes.

FACTS: Effective July 1, 2023, H.B. 916 (2022), the Superior and State Court Appellate Practice Act, will repeal and replace Georgia’s notice of appeal and certiorari review statutes (former OCGA §§ 5-3-1 et seq.; 5-4-1 et seq.) with a unified “petition for review” procedure for appealing cases from a lower judiciary to superior court or state court. OCGA §§ 5-3-1 to 5-3-21. The new “petition for review” is a modernized and relatively simplified process for superior or state court review of decisions from municipal courts, magistrate courts, non-Article 6 probate courts, and other lower judiciaries. OCGA § 5-3-2 (b) (1); 5-3-4 (b) (6). A “lower judiciary” is broadly defined in OCGA § 5-3-3 (5)-(6) to include any government official or body “exercising judicial or quasi-judicial powers authorized by law.”

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Choose an item. Click or tap here to enter text.



CITY COUNCIL AGENDA ITEM

ATTACHMENTS:

- (1) Attachment 1 - Superior and State Court Appellate Practice Act Bench Card for Clerks
- (2) Attachment 2 - Model Petition for Review – Superior and State Court
- (3) Attachment 3 - Model Certificate of Payment of Costs for Petition for Review
- (4) Attachment 4 - Section 4.05 Certiorari and Section 9-41 Appeals
- (5) Attachment 5 - Amended Ordinance



SUPERIOR AND STATE COURT APPELLATE PRACTICE ACT — A Bench Card for Clerks —

Effective July 1, 2023, H.B. 916 (2022), the Superior and State Court Appellate Practice Act, will repeal and replace Georgia’s notice of appeal and certiorari review statutes (former OCGA §§ 5-3-1 et seq.; 5-4-1 et seq.) with a unified “petition for review” procedure for appealing cases from a lower judicatory to superior court or state court. OCGA §§ 5-3-1 to 5-3-21. The new “petition for review” is a modernized and relatively simplified process for superior or state court review of decisions from municipal courts, magistrate courts, non-Article 6 probate courts, and other lower judiciaries. OCGA § 5-3-2 (b) (1); 5-3-4 (b) (6). A “lower judicatory” is broadly defined in OCGA § 5-3-3 (5)-(6) to include any government official or body “exercising judicial or quasi-judicial powers authorized by law.”

Under this new procedure, any document filed that requests a review by a superior or state court of a “final judgment” of a lower judicatory must be treated as a “petition for review” even if the petitioner titles it something else. OCGA §§ 5-3-2 (c) (2); 5-3-3 (4), (9). Treat a document titled a writ of certiorari, petition for writ of mandamus, petition for writ of prohibition, or notice of appeal as a “petition for review” if the document is requesting a review by a superior or state court. OCGA § 5-3-3 (9). The new procedure applies to any request for superior or state court review filed on or after July 1, 2023. H.B. 916 (2022), lines 1360-1361.

GENERAL INFORMATION

DEFINITIONS

- “Article 6 probate court” means a probate court with expanded jurisdiction as provided in OCGA Article 6 of Chapter 9 of Title 15. OCGA §§ 5-3-3 (1); 15-9-120; 15-9-123.
- “Clerk” means a clerk of court or an individual who acts as the functional equivalent of a clerk of court if there is no official clerk of court. OCGA § 5-3-3 (2).
- “Judicatory” means any court, official, board, tribunal, commission, municipal or county authority, council, or similar body exercising judicial or quasi-judicial powers. OCGA § 5-3-3 (5).
- “Lower judicatory” means any judicatory inferior in authority to the superior and state courts and subject to the appellate jurisdiction of the superior or state courts as provided by law and the Georgia Constitution. OCGA § 5-3-3 (6).
- “Respondent” means a person adverse to the petitioner and a party to the underlying dispute in the lower judicatory. OCGA § 5-3-3 (11). The former term “opposite party” is eliminated. See OCGA § 5-3-3 (11) for prohibition on including a judge as a “respondent” and who the respondent is if there is no party adverse to the petitioner.
- “Reviewing court” means a superior or state court reviewing a final judgment under the petition for review procedure. OCGA § 5-3-3 (12).

APPELLATE JURISDICTION

- Unless an exception applies, the superior and state courts have appellate jurisdiction over a final judgment of a “lower judicatory” as defined to the left. OCGA §§ 5-3-3 (4); 5-3-4 (a).
- Appellate jurisdiction generally means the power to review and revise a judicial or quasi-judicial decision by a lower court or other government official.
- H.B. 916 did not change the previous appellate jurisdiction of superior or state courts. OCGA §§ 5-3-2 (b) (3), (c) (3); 15-6-8; 15-7-4 (a) (6); 15-10-41 (b) (1).
- Superior and state courts do not have appellate jurisdiction over each other. OCGA § 5-3-4 (b).

APPELLATE JURISDICTION EXCEPTIONS

Superior and state courts do not have appellate jurisdiction over the following courts or matters (OCGA § 5-3-4 (b) (1)-(8)):

- Juvenile courts;
- The Municipal Court of Columbus;
- The Civil Court of Macon-Bibb County;
- The Civil Court of Richmond County;
- The Georgia State-wide Business Court;
- A civil case in an Article 6 probate court;*
- An order appointing a temporary administrator; and
- Any other court with an appeal directly to the Court of Appeals or the Supreme Court.

*See the first definition bullet to the left.

IMPROVE ACCESS TO JUSTICE

In enacting H.B. 916 (2022), the General Assembly found “that many appeals from a lower judicatory to a superior or state court result in dismissal on complex procedural grounds and not a decision on the merits.” OCGA § 5-3-2 (a). Accordingly, the intent of H.B. 916 is to “[i]ncrease access to justice through the greater resolution of appeals on the basis of substantive issues rather than on complex procedural grounds.” OCGA § 5-3-2 (b) (2). To achieve this goal, OCGA §§ 5-3-1 to 5-3-21 should be read “broadly so as to render decisions based on the merits of each case and avoid dismissal of any case . . . unless such dismissal or refusal is expressly required by statute.” OCGA § 5-3-2 (c) (1).

CERTIFICATE OF PAYMENT OF COSTS

- Unless prohibited by law, no petition for review shall be heard in a reviewing court unless the petitioner: (1) pays all unpaid costs owed to the lower judiciary within 30 days after receiving notice of such costs; or (2) files an affidavit of indigence with the reviewing court. OCGA § 5-3-16 (b).
- The petitioner in a civil case shall either: obtain and file with the reviewing court a certificate of payment of costs (see attached) from the lower judiciary within five days of issuance; or file an affidavit of indigence with the reviewing court. OCGA § 5-3-16 (e).
- See the next page for a model Certificate of Payment of Costs for use in a petition for review.

TRANSMIT THE RECORD

Upon being served with a copy of the petition for review and unless otherwise ordered by the reviewing court, the clerk of the lower judiciary shall retain the original of the corresponding record and transmit a true copy of the record to the reviewing court within 30 days (or within fewer days if otherwise required by law) after the copy of the petition for review is served on the clerk of the lower judiciary. OCGA § 5-3-15 (a). See second bullet in NOTIFICATIONS directly below if no record exists.

LOWER JUDICIARY CLERKS: NOTIFICATIONS

H.B. 916 includes the following notification requirements for lower judiciary clerks:

- ☑ If known or reasonably believed to be the case, the clerk in the lower judiciary shall notify the reviewing court if a petitioner in a criminal case is confined in jail or otherwise incarcerated when the record is transmitted from the lower judiciary to the reviewing court. OCGA § 5-3-15 (b).
- ☑ If no record is available for transmission to the reviewing court, the clerk of the lower judiciary shall notify the judge, official, or member who made the decision appealed to determine next steps. OCGA § 5-3-15 (c).
- ☑ If the clerk of the lower judiciary does not transmit the record to the reviewing court within 30 days after being served with a copy of the petition for review, the petitioner shall notify the reviewing court, which then shall order the clerk of the lower judiciary to promptly transmit the record or state the reason for the delay. OCGA § 5-3-15 (d).
- ☑ The clerk of the lower judiciary shall promptly notify each judge, official, or member of the lower judiciary who rendered the final judgment appealed of any final decision served on the lower judiciary clerk. OCGA § 5-3-18 (b).

SUPERIOR AND STATE COURT CLERKS: NOTIFICATIONS

H.B. 916 includes the following notification requirements for reviewing court clerks:

- ☑ The clerk of the reviewing court shall promptly serve all parties and the clerk of the lower judiciary with a copy of any deadline extension granted and the motion filed to request such extension. OCGA § 5-3-11 (c).
- ☑ The clerk of the reviewing court shall serve a copy of the reviewing court's final decision regarding a petition for review on the clerk of the lower judiciary and on all parties named in the petition for review within five days after the date the reviewing court's final decision was rendered. OCGA § 5-3-18 (b).
- ☑ If the lower judiciary does not have a clerk, then the clerk of the reviewing court shall serve a copy of the reviewing court's final decision on each judge, official, or member of the lower judiciary who rendered the final judgment appealed. OCGA § 5-3-18 (b).

See next page for Model Certificate of Payment of Costs and visit jcaoc.georgiacourts.gov/hb916 for additional resources.

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY¹

STATE OF GEORGIA

| | | |
|-------------|---|---------------------------|
| _____,' |) | |
| |) | |
| Petitioner, |) | |
| |) | Reviewing Court Case No.: |
| v. |) | _____ |
| |) | |
| _____,' |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF PAYMENT OF COSTS

Now comes the undersigned, a judge, clerk, official, member, or other designated representative of the _____ [name of Lower Judicatory], certifying that all costs have been paid in lower judicatory case number: _____.

This ____ day of _____, 20____.

Signature

Printed Name

Title

Name of Lower Judicatory

¹ "Unless the petitioner in a civil case files an affidavit of indigence with the reviewing court stating that the petitioner is unable to pay the costs owed to the lower judicatory because of indigence, the petitioner in a civil case shall obtain and file with the reviewing court a certificate of payment of costs from the lower judicatory certifying that the petitioner has paid all costs owed to the lower judicatory. Such certificate shall be:

- (1) Filed in the reviewing court within five days after issuance by the lower judicatory; and
- (2) Signed by a judge, clerk, official, member, or other designated representative of the lower judicatory." OCGA § 5-3-16 (e).

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY

STATE OF GEORGIA

| | | |
|-------------|---|---------------------------|
| _____, |) | |
| |) | |
| Petitioner, |) | |
| |) | Reviewing Court Case No.: |
| v. |) | _____ |
| |) | |
| _____, |) | |
| |) | |
| Respondent. |) | |

PETITION FOR REVIEW TO [SUPERIOR/STATE] COURT

_____, the Petitioner named above, petitions the [Superior/State] Court of _____ County for review of the final judgment rendered by the [insert official name of lower judicatory] on [insert date] with the following case number designated by the lower judicatory: _____.

Concise Statement of the Final Judgment Appealed
 OCGA § 5-3-7 (e) (3) (B)

The final judgment being appealed is as follows: _____

 _____.

Record in the Lower Judicatory
 OCGA § 5-3-7 (e) (3) (C)

The following describes any existing recording, transcript, or other record of evidence in the lower judicatory (check one):

☐ NO official transcript or recording exists of the proceedings in the lower judicatory.

☐ NO official transcript exists of the proceedings in the lower judicatory, but the proceedings were recorded by: _____ [insert who recorded the proceedings and whether audio or video].

☐ An official transcript exists of the proceedings in the lower judicatory.

☐ Other: [describe other record of evidence in the lower judicatory].

Notice of Petitioner's Confinement or Incarceration
OCGA § 5-3-7 (e) (3) (D)

☐ This is a criminal case and the Petitioner named above [is not confined in jail or otherwise incarcerated / is currently confined or incarcerated at (location)]. The offense[s] and the sentence prescribed by the lower judicatory in this case are as follows:

 _____.

Applicable Standard of Review
(Check one)

☐ A limited review on the record is the default standard of review in a petition for review and a de novo (new) trial is not specified in the OCGA as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks judicial review for clearly erroneous findings of fact and credibility, abuse of discretion, sufficiency of evidence, and de novo review of questions of law. OCGA § 5-3-5 (a). Additional details regarding the issues for review are attached.

☐ A de novo proceeding is specified in OCGA § _____ as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks a de novo (new) trial of all the issues raised in the lower judicatory with NO REMAND. OCGA § 5-3-5 (b).

This ____ day of _____, 20____.

Signature: _____

I am the (check one):

☐ Petitioner ☐ Attorney for Petitioner

Printed Name: _____

Mailing Address:

Telephone Number: _____

E-mail Address: _____

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY¹

STATE OF GEORGIA

| | | |
|-------------|---|---------------------------|
| _____,' |) | |
| |) | |
| Petitioner, |) | |
| |) | Reviewing Court Case No.: |
| v. |) | _____ |
| |) | |
| _____,' |) | |
| |) | |
| Respondent. |) | |

CERTIFICATE OF PAYMENT OF COSTS

Now comes the undersigned, a judge, clerk, official, member, or other designated representative of the _____ [name of Lower Judicatory], certifying that all costs have been paid in lower judicatory case number: _____.

This ____ day of _____, 20____.

Signature

Printed Name

Title

Name of Lower Judicatory

¹ "Unless the petitioner in a civil case files an affidavit of indigence with the reviewing court stating that the petitioner is unable to pay the costs owed to the lower judicatory because of indigence, the petitioner in a civil case shall obtain and file with the reviewing court a certificate of payment of costs from the lower judicatory certifying that the petitioner has paid all costs owed to the lower judicatory. Such certificate shall be:

- (1) Filed in the reviewing court within five days after issuance by the lower judicatory; and
- (2) Signed by a judge, clerk, official, member, or other designated representative of the lower judicatory." OCGA § 5-3-16 (e).

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), CHAPTER 4 (ALCOHOLIC BEVERAGES), CHAPTER 5 (ANIMAL CONTROL), CHAPTER 7 (BUILDINGS AND CONSTRUCTION), CHAPTER 9 (MUNICIPAL COURT), CHAPTER 14 (LAND DEVELOPMENT), CHAPTER 15 (LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS), CHAPTER 17 (MOTOR VEHICLE REGULATIONS), CHAPTER 21 (SIGNS), CHAPTER 22.5 (STORM SEWER ILLICIT DISCHARGE AND ILLEGAL CONNECTION), CHAPTER 23 (STREETS AND SIDEWALKS) AND CHAPTER 25 (WATER, SEWERS AND SEWAGE DISPOSAL) IN THE CITY OF STONECREST, GEORGIA CODE OF ORDINANCES, TO REFLECT AMENDMENTS MADE TO THE OFFICIAL CODE OF GEORGIA ANNOTATED BY THE GEORGIA GENERAL ASSEMBLY IN HOUSE BILL 916; 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 duly elected governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, the City Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, policies, rules, and regulations, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health,

welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Stonecrest and may enforce such ordinances by imposing penalties for violation thereof; and

WHEREAS, the Mayor and City Council desire to amend the Stonecrest Code of Ordinances (“Code of Ordinances” or “City Code”) to reflect changes relating to appeal and error, so as to provide for a unified procedure for appealing decisions of a lower judicatory to a superior or state court; and

WHEREAS, said changes were reflected in the Official Code of Georgia Annotated passed by the Georgia General Assembly in House Bill 916 (“HB 916”); and

WHEREAS, amendments to the Code of Ordinances as a result of changes implemented in HB 916 impact various portions of the City Code; 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 within various chapters and article 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 _____, 2023.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Chapter 2 - ADMINISTRATION

ARTICLE X. - CODE OF ETHICS

Sec. 2-391. Right to appeal.

An appeal of any adverse decision of the mayor and council rendered under this article shall be commenced by filing a petition for ~~a writ of certiorari~~ review in the Superior Court of DeKalb County as provided by law.

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE III. - ALCOHOL REVIEW BOARD

Sec. 4.3.3. Hearings.

- (a) No license or permit under this chapter shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.
- (b) The City Manager or his designee shall provide written notice to the applicant or licensee of the decision to deny, suspend or revoke the license or permit. Such written notification shall notify the applicant or licensee of the right of appeal. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City Manager or his designee may have a review thereof by appeal to the alcoholic beverage appeals hearing officer. Such appeal shall be by written petition filed with the city clerk within 15 days from the final decision or action by the city.
- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing of the appeal, unless a continuance of such date is agreed to by the appellant and the issuing department. The appellant at such hearing shall have the right to be represented by an attorney at the expense of the appellant, and to present evidence, cross-examine witnesses, and have the hearing transcribed.
- (d) The City Manager shall develop additional hearing rules, which shall comply with the guidelines of due process set forth in O.C.G.A § 3-3-2(b).
- (e) The findings of the ARB shall be forwarded to the appellant and the City at the conclusion of the hearing.
- (f) The findings of the ARB shall be final unless appealed within 30 days of the date of the findings by ~~certiorari~~ **petition of review** to the superior court of the county.

(Ord. No. 2017-06-05, § 4.3.3, 6-5-2017; Ord. No. 2017-11-04, § III, 11-20-2017)

Chapter 5 - ANIMAL CONTROL

Sec. 5-10. Dangerous and vicious animals.

- (a) Pursuant to the City's Charter, section 1.03(b)(1), if the police chief learns of the existence of a dangerous animal or vicious animal, the police chief, or his designee, which may include county animal control officers, shall then cause a summons to be issued requiring the owner of the animal to appear before a judge of the City of Stonecrest Municipal Court or DeKalb County Magistrate Court, as specified below, at a date and time certain no earlier than 15 days after service, to conduct a hearing as to the appropriate classification of the animal. The summons so issued shall be served on the owner personally. The police chief and/or county animal control officers shall also immediately impound the animal believed to be dangerous or vicious.

- (b) The court shall determine after a hearing if the animal is to be classified as a dangerous animal or vicious animal. In making its findings in this regard, the court shall enter a written order notifying the animal's owner and the police chief of its decision. In addition to a finding that the animal is to be classified as provided herein, the court may also order that the boarding and cost of confinement of the animal is to be paid by the owner, and such other restitution as appropriate, under the facts developed at the hearing.
- (c) The appeal of any order of the court concerning the classification of an animal as vicious or dangerous shall be by petition for ~~writ of certiorari~~ review to the Superior Court of DeKalb County.
- (d) If the court classifies the animal as dangerous or vicious, and no appeal is filed, the owner shall be required to obtain from the police chief an annual certificate of registration in compliance with the requirements of this chapter. No vicious or dangerous animal shall be released to its owners until such certificate is issued by the police chief or designee.
- (e) If the owner fails to obtain the certificate of registration within 30 days of the issuance of the order classifying the animal as dangerous or vicious, the animal will be euthanized no earlier than 35 days after the issuance of the order so classifying the animal. The animal shall not be euthanized if the owner appeals the court's classification order by petition for ~~writ of certiorari~~ review to the Superior Court of DeKalb County within 30 days after the order of classification. During the pendency of the appeal and any further appeals, the animal shall not be euthanized, provided that in the event the classification order is upheld at the conclusion of all appeals, the animal shall be euthanized no earlier than 35 days after the final order upholding the classification if the owner does not obtain the required certificate of registration within 30 days after the date of the final order of court upholding the classification order. During the pendency of any such appeal by the owner, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In such event, the animal will be housed at a licensed veterinarian's office or a licensed kennel and the cost of such detention shall be borne by the owner of the animal. In the event the city appeals the court's order, the animal shall not be released to its owner until the appeal is concluded and the certificate of registration is issued to the owner, if applicable. In the event of an appeal by the city, the animal will be housed in the animal service center and the cost of such detention shall be borne by the city.

Chapter 7 - BUILDINGS AND CONSTRUCTION

ARTICLE III. - ADMINISTRATION AND ENFORCEMENT

DIVISION 2. - CONSTRUCTION BOARD OF APPEALS

Sec. 7-87. Membership; variances, terms of office; decision-making powers.

- (a) *Appointment.* There is established a Construction Board of Appeals (Board), which shall consist of five members, appointed by the mayor and subject to confirmation by city council.
- (b) *Qualifications of members.* All members of the Board shall be residents of the city. All members of the Board shall have experience in the building industry. The members of the Board shall have applicable experience in drainage and structural issues in residential-home-design or construction, heating ventilation and air conditioning, electrical installations and plumbing. Members of the Board shall hold no other city office, appointed position within the city or any other city compensated position.
- (c) *Filling board vacancies generally.* Any vacancy on the Board shall be filled in accordance with the original appointing procedure for the vacant position. Any newly appointed member shall serve for the remainder of the unexpired term.
- (d) *Initial terms of members.* The five Board members who are appointed by virtue hereof shall hold initial terms of office which shall be staggered as follows: Two initial Board members shall be designated to serve a term

of two years and three initial Board members shall be designated to serve a term of four years. After expiration of any term thereafter, each Board member shall serve a term of four years.

- (e) *Terms of Board members.* Terms of each Board member shall absolutely expire on December 31 of the Board member's term, regardless whether a successor has been appointed to the Board member's position.
- (f) *Successive terms.* Members of the Board may be reappointed to successive terms, but in no event shall a member be permitted to serve more than eight consecutive years.
- (g) *Organization, officers and rules.* The Board shall elect a chair, vice-chair and secretary. The persons so elected shall serve in these capacities for a term of one year. No person may serve in any of these capacities for more than three consecutive years. The vice-chair will preside at the meetings of the Board in the chair's absence. The Board shall determine its procedural rules and regulations, and otherwise take such action as is appropriate for the management of the affairs committed to its supervision. The Board's rules and regulations shall be consistent with this chapter and necessary to carry out the provisions of this chapter.
- (h) *Quorum.* Three members of the Board shall constitute a quorum at any meeting and a vote of three voting members shall be required to enable the Board to act.
- (i) *Meeting accommodations and staff support.* The city shall provide the Board with suitable office space, meeting accommodations and clerical support, as the city shall deem appropriate and necessary.
- (j) *Compensation for Board members.* The Board members shall be volunteers and shall not be compensated, except that the city may reimburse the Board members for necessary expenses incurred by the Board members in the performances of their official duties.
- (k) *Removal at will.* The mayor and city council shall have authority to remove any member of the Construction Board of Appeals, at will, without cause.
- (l) *Powers and duties.* The Board shall have the following powers:
 - (1) To hear appeals of decisions and interpretations of the Building Official;
 - (2) To hear appeals of the Building Official's decision related to the use of alternative materials, designs, methods of construction, equipment and appliances;
 - (3) To hear appeals of the Building Official's decision related to unsafe conditions as regulated in section 7-63;
- (m) *Application forms; filing of applications; application fees.* Applications for appeals and variances shall be filed on forms provided by the city and shall not be considered authorized or accepted unless complete in all respects, including the payment of any application fees. Application fees shall be established by the city council.
- (n) *Appeals of the Building Official's decisions.*
 - (1) Notice of appeal of a decision by the Building Official to the Board shall be in writing and filed with the director within 30 calendar days after the Building Official's decision is rendered. Appeals shall be on a form provided by the director.
 - (2) An appeal shall be sustained only upon an express written finding by the Board that the Building Official's action was based on an erroneous finding of a material fact, or that the Building Official acted in an arbitrary manner. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Building Official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all applicable laws are met. The Board may also remand any appeal for the receipt of additional information.
 - (3) In the case of a building, structure or service system which, in the opinion of the Building Official, constitutes an unsafe condition as that term is used in section 7-63, the Building Official may, in the

decision or order, limit the time for the filing of such appeals to not less than two days and the director may request expedited review by the Board of the appeal.

- (4) If the Building Official's decisions results in a revocation or denial of the issuance of any permit or certificate authorized by this chapter, the affected applicant or permittee may request, and shall be allowed, to meet with the director within two business days after the initial issuance of such order or decision. At such meeting the affected applicant or permittee shall be allowed to present any evidence or testimony to the director that the applicant deems appropriate. If such a meeting is not requested or the director does not alter the decision to revoke or deny the issuance of any permit or certificate, then the director's decision becomes final. During the pendency of any subsequent appeal to the Board, the notice of appeal shall not stay enforcement of the director's decision and the applicant or permittee may not take any action, perform any act or occupy any structure that contradicts the director's revocation or denial decision in this regard.
- (o) *Procedures of the Board.*
- (1) *Hearings open to public.* All hearings of the Board shall be open to the public and the agenda shall be made available at least two business days prior to the meeting of the Board. Matters not placed on the agenda in compliance with this section shall not be heard by the Board, except for appeals involving a structure or service system that, in the opinion of the director, is unsafe, unsanitary or uninhabitable. The Board shall meet at least once a year and whenever an action is requested before the board, though not more often than every 30 days.
 - (2) *Decisions.* The Board shall, in every case of an appeal of a decision or interpretation of the director or a variance request, reach a final decision within 30 calendar days from the date of the final hearing. Each decision of the Board shall be in writing and shall include the basis for the decision. Every decision shall be promptly file-stamped in the office of the development department and shall be available for public inspection. A copy of the decision shall be delivered by mail at the address in the notice of appeal or application for variance to the person who filed the appeal or request for a variance.
- (p) *Appeals from decisions of the Construction Board of Appeals.*
- (1) *Method of appeal.* Any person aggrieved by a final decision of the Board may seek review of such decision by petitioning the superior court of the county for a ~~writ of certiorari~~ **petition of review** in accordance with state law.
 - (2) *Notice to Board.* In any such petition, the Board shall be designated the respondent ~~in certiorari~~ and the city, along with any other party required by law to be named, shall be named as the defendants ~~in certiorari~~. The city clerk and the secretary of the Board shall be authorized to acknowledge service of a copy of the petition and writ for the Board as respondent. Service upon the city as defendant shall be as otherwise provided by state law.

Chapter 9 - MUNICIPAL COURT

ARTICLE II. - TRIALS AND JUDGMENTS

Sec. 9-41. Appeals.

Unless specified elsewhere in the Code or Charter, all appeals from decisions and judgments of the Municipal Court in criminal and ordinance violation cases shall be appealable, by ~~writ of certiorari~~ **petition of review**, to the Superior Court of the County under the laws of the state regulating the granting and issuance of ~~writs of certiorari~~ **petition of review**.

Chapter 14 - LAND DEVELOPMENT

ARTICLE II. - ENVIRONMENTAL CONTROL

Sec. 14-35. Variances.

- (a) Except as further limited herein, an applicant may request a variance from the terms of the requirements of section 14-38, articles V-VIII of this chapter, and otherwise as permitted in this chapter. The Zoning Board of Appeals shall have the power to hear all variance requests. The Zoning Board of Appeals shall have no power to consider or to grant variances which are the responsibility of the Director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the Director of the EPD and the Zoning Board of Appeals, the Zoning Board of Appeals shall take no action on any such request for variance until the Director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the Director of the EPD and/or the Zoning Board of Appeals does not obligate the Director to permit the project to proceed if the project does not also meet all the other requirements of this chapter. No variance from the provisions of this chapter shall be authorized except as specifically authorized in this section or specifically authorized in another section of this chapter.
- (b) Applications for variances authorized in subsection (a) of this section shall be made in writing to the Director and shall contain all of those materials and documents required by the Director that are necessary to demonstrate that said request meets the criteria for granting variances. The Director must review the variance request and make a recommendation of approval or denial to the Zoning Board of Appeals. The applications shall be processed in accordance with the calendar adopted for variance decisions under chapter 27.
- (c) In considering a request for a variance to the terms of this article, article V, VI, VII, or VIII of this chapter, authorized in subsection (a) of this section, the Zoning Board of Appeals shall use all of the following criteria:
 - (1) The request, while not strictly meeting the requirements of this chapter, will in the judgment of the Zoning Board of Appeals be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the Zoning Board of Appeals shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
 - (i) Stream bank or soil stabilization;
 - (ii) Trapping of sediment in surface runoff;
 - (iii) Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
 - (iv) Terrestrial habitat, food chain, and migration corridor;
 - (v) Buffering of flood flows;
 - (vi) Infiltration of surface runoff;
 - (vii) Noise and visual buffers;
 - (viii) Downstream water quality; and
 - (ix) Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.
 - (2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

- (3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.
- (4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
- (5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals on variances shall be as follows:
 - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a ~~writ of certiorari~~ petition of review, in accordance with State law.
 - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent ~~in certiorari~~ and the City of Stonecrest shall be designated the defendant ~~in certiorari~~. Service upon the City as defendant shall be as otherwise provided by law.

Sec. 14-36. Appeals from administrative officials.

- (a) *Basis for appeal.* Whenever it is alleged by the applicant that there is error in any final order, requirement, or final decision made by an administrative official based on or made in the interpretation or enforcement of this chapter, the applicant, or any person or entity aggrieved by said administrative decision, shall have the right to appeal said final order, requirement or decision to the Zoning Board of Appeals.
- (b) *Initiation of appeal.* Appeals shall be made by filing with the Director an application for appeal specifying the grounds thereof, within 15 days after the action, determination, decision or order appealed from was taken.
- (c) *Appeal stays all legal proceedings.* An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property.
- (d) *Time and notice of hearing.* The Zoning Board of Appeals shall conduct a hearing in accordance with the procedures in article 7 of chapter 27.
- (e) All appeals of final decisions of the Zoning Board of Appeals under the provisions of this article shall be as follows:
 - (1) Any party aggrieved by a final decision of the Zoning Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a ~~writ of certiorari~~ petition of review, in accordance with State law.
 - (2) In any such petition filed, the Zoning Board of Appeals shall be designated the respondent. ~~in certiorari~~ and the City of Stonecrest shall be designated the defendant ~~in certiorari~~. Service upon the City as defendant shall be as otherwise provided by law.

ARTICLE III. - SUBDIVISIONS

DIVISION 2. - PLAT APPROVAL PROCEDURE

Part D. - Final Plat

Sec. 14-125. Appeal of final plat decision.

The decision of the mayor to approve or disapprove the final plat may be appealed only by a petition for ~~writ of certiorari~~ **petition of review** to the Superior Court of DeKalb County.

ARTICLE IV. - FLOODPLAIN MANAGEMENT

DIVISION 6. - VARIANCE PROCEDURE

Sec. 14-444. Variance procedure.

- (a) The zoning board of appeals, as established by the city, shall hear and decide requests for appeals or requests for variances from the requirements of this article.
- (b) The zoning board of appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain coordinator in the enforcement or administration of this article. No action will be taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter.
- (c) In reviewing such requests, the zoning board of appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (d) Applications for variances must be submitted in writing to the director in accordance with chapter 27.
- (e) Applications for variance shall be heard at a public hearing by the zoning board of appeals pursuant to chapter 27.
- (f) A variance shall only be issued when all of the following conditions are present:
 - (1) A finding of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in undue and exceptional hardship;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, or cause fraud or victimize the public;
 - (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute limitations upon other properties;
 - (5) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements; and
 - (6) The strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.
- (g) Upon consideration of the factors of subsection 14-442(a) and the purposes of this article, the zoning board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (h) Any person aggrieved by the decision of the zoning board of appeals may appeal such decision by ~~writ of certiorari~~ **petition of review** to the Superior Court of DeKalb County in accordance with state law. A person shall be considered aggrieved for the purpose of this subsection only if: said person or said person's property

was the subject of the action appealed from; or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Chapter 15 - LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE VIII. - MASSAGE THERAPY LICENSING

Sec. 15.8.11. Revocation of license.

- (a) No license issued hereunder shall be revoked except for due cause as herein defined without the opportunity for a hearing as hereinafter set forth before the certificate review hearing officer. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. In the event the license holder cannot be found, and the service of notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed registered postage fully prepaid, addressed to the license holder or the registered agent thereof at his, her, or its place of business or residence at least ten days prior to the date of such hearing. The notice shall state the grounds for revocation of such license and shall designate the time and place where such hearing will be held.
- (b) Due cause for revocation of such license shall be as provided in section 15.8.12 of this article.
- (c) In all hearings pursuant to this section, the following procedures shall prevail, and the proceeding shall be as informal as compatible with justice:
 - (1) The charges and specifications against the licensee shall be read along with any response filed by the licensee.
 - (2) The certificate review hearing officer shall hear the evidence upon the charges and specifications as filed against the licensee and shall not consider any additional evidence beyond the scope of the charges, and may exclude evidence which is purely cumulative.
 - (3) The order of proof shall be as follows: The city representative shall present his evidence in support of the charges; the licensee shall then present his evidence. Evidence of each party may be supported by submission of pertinent documents. Each party shall be allowed to present pertinent rebuttal evidence.
 - (4) The licensee and city may be represented by counsel, and may present, examine and cross-examine witnesses. Additionally, the certificate review hearing officer may interrogate all parties and witnesses to obtain necessary information. Following the presentation of evidence, the hearing officer may have a reasonable time within which to issue its decision.
 - (5) The findings of the certificate review hearing officer will be final unless within 30 days of the date of the decision, the applicant files a petition for ~~writ of certiorari~~ **petition of review** to the superior court of the county.

ARTICLE XIV. - FILM PRODUCTION

Sec. 15.14.7. Processing of permit applications.

A producer that wishes to perform filming must submit to the Department of Economic Development a completed application and the application fee set forth in code section 15.14.11 below. Where the producer is an organization, corporation or other entity, the application must be signed and submitted by an individual authorized to bind the producer. The Department of Economic Development will process the applications and the director will make permit determinations in accordance with this article XIV.

- (1) The application shall include, but not be limited to, the following:

- a. The filming project name;
 - b. The name and contact information of the applicant, including postal address, email address, and telephone number;
 - c. A valid photo identification of the applicant;
 - d. The name and contact information of the producer (if the applicant is not the producer);
 - e. The dates, times and locations of the filming for which a permit is being requested, and a general description of the filming activity that will occur at each location;
 - f. A description of any elements that may be performed during the filming, including the dates, times and locations of each;
 - g. A description of any aspects of the filming, other than the elements, that may require city services;
 - h. A description of any assistance the producer may need from the City and/or concerns that the producer wants the City to be aware of; and
 - i. Where the producer is a student, an official letter or document from his school confirming that he is currently enrolled there. In addition, the student must appear in person and present his current student identification card and a valid driver license. Where the student does not have a driver license, he may present a different form of identification that includes his photo.
- (2) When more than one application is received for filming at substantially the same place and time, and the director reasonably determines that the filmings cannot logistically and/or safely occur together, the earlier or earliest of the applications that is received by the Department of Economic Development in a substantially completed form, which includes submission of the requisite application fee, shall be given priority as to the time and place requested. The Department of Economic Development shall make reasonable efforts to consult with the other applicants in an attempt to find alternative times and/or locations that are acceptable.
 - (3) Film permit applications must be submitted to the Department of Economic Development at least three days prior to the proposed effective date of the permit to avoid rush permit fees as outlined in section 15.4.11.
 - (4) The Department of Economic Development shall compile and maintain rules and guidelines applicable to the use of public property for filming, including the elements that are part of the filming, and shall apply those rules and guidelines equally regardless of the subject matter of the filming and/or the content of the speech therein.
 - (5) In the event that permission to perform an element is denied pursuant to subsection 15.14.6(2) above, the Department of Economic Development will process the remainder of the permit and grant all other aspects of the filming for which the requirements have been met.
 - (6) The Department of Economic Development may deny an application only if the director reasonably determines that one or more of the below-listed conditions exists. Prior to denial, the Department of Economic Development shall make reasonable efforts to consult with the producer in an attempt to resolve issues of concern and/or find alternative ways to accommodate the producer's filming needs, as described in subsections (7) through (10) of this section.
 - a. The filming poses an unreasonable risk of personal injury or property damage to people or property not associated with the filming;
 - b. The filming poses an unreasonable risk of damage to public property that could not be quickly and/or fully remediated;
 - c. The date and time requested for a particular filming location conflicts with previously-issued permits or permissions for filming, outdoor events, or other activities;

- d. Use of the filming location, or use of the location during the date or time requested, would unreasonably interfere with the operation of city functions;
 - e. Use of the filming location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the filming. A permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;
 - f. The producer owes an outstanding debt to the city;
 - g. The producer previously caused significant damage to public property and, at the time of submitting the application under consideration, failed to adequately repair the damage or pay in full the city's invoice for damage repair and restoration services;
 - h. The producer previously violated this entertainment filming ordinance on two or more occasions, including without limitation by violating a material condition and/or restriction of a permit;
 - i. On two or more occasions, the producer's entertainment industry work in the city violated a city ordinance or other applicable law; and
 - j. The applicant made a material misrepresentation or gave incorrect material information on the application.
- (7) Prior to denying an application, if the Department of Economic Development determines that the requested filming includes one or more of the conditions described in subsection (6)a., b., c., or d. of this section, the Department of Economic Development shall employ reasonable efforts to identify alternative filming locations, times and/or dates that eliminate the unacceptable conditions and that are mutually acceptable to the producer and the city. The producer shall modify the application to incorporate any agreed-upon alternatives.
 - (8) Prior to denying an application, if the Department of Economic Development determines that the requested filming or related activity creates a violation as described in subsection (6)c. of this section, the Department of Economic Development shall allow the producer to revise the application so that the filming activities comply with applicable law.
 - (9) Prior to denying an application pursuant to subsection (6)f. or g. of this section, the Department of Economic Development shall notify the producer of the potential denial and allow her/him to remedy the conditions described in those subsections. The Department of Economic Development shall process the application after such repair, restoration or payment is complete, and may require the producer to obtain a refundable sanitation bond for the filming permit in an amount equivalent to the cost of the repair, restoration or debt.
 - (10) Prior to denying an application pursuant to subsection (6)h., i. or j. of this section, the Department of Economic Development shall provide the applicant an opportunity to present documents or other evidence that refutes the director's finding of previous permit violations, of previous violations of the law, or of misrepresentation or misinformation on the application, as applicable.
 - (11) Where the director has complied with subsections (7), (8), (9) and/or (10) of this section and reasonably determines that one or more of the conditions set forth in subsection (6) of this section continues to exist and that the application should therefore be denied, the director shall issue a written communication to the applicant that includes a detailed explanation for the denial. Nothing in this subsection shall preclude the director from also notifying the applicant orally.
 - (12) If the director denies an application, the applicant shall have the right to appeal the decision to the City Manager or his designee, provided that a written request for such appeal is made to the City Manager within three business days after the applicant's receipt of the director's determination. The person considering the appeal must be impartial, and must have had no involvement in the director's decision. The appeal shall be heard or considered within three business days after the city receives the

applicant's request, and shall be decided de novo. The person considering the appeal shall evaluate the application and the director's decision in accordance with the criteria of this article XIV.

- (13) The person considering the appeal may issue his decision verbally, and shall issue a written decision within three business days of receiving written evidence from the applicant and/or meeting with the applicant, whichever is later. The written decision shall be the final decision of the city regarding the application. The applicant or producer may appeal the decision by ~~writ of certiorari~~ **petition of review** to the Superior Court of DeKalb County pursuant to the procedures set forth by Georgia law.
- (14) In no event shall the director's or any city employee's evaluation of whether to grant or deny the application, including any of the elements, include consideration of:
 - a) The race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation, national origin, gender identity, political affiliation or associational relationships of the applicant, producer or any person associated with the filming; or
 - b) The message or content of the filming.

ARTICLE XVI. - APPEALS

Sec. 15.16.4. Hearings.

In all hearings pursuant to this chapter, the following procedures shall prevail, and the proceeding shall be as informal as compatible with justice:

- (a) A certificate review hearing officer shall convene the hearing.
- (b) The proceeding before the certificate hearing officer shall be recorded, and all documents and other materials considered by the certificate hearing officer shall be preserved as the record of the proceedings. The record of the proceedings shall be preserved for not less than 150 calendar days after the hearing.
- (c) Any alleged violations or misconduct levied against the appellant and scheduled for a hearing before the certificate hearing officer shall be read completely to appellant at the commencement of the hearing, unless waived by appellant.
- (d) The certificate hearing officer may receive evidence in support of the alleged violations or misconduct as filed against appellant. Decisions of the certificate review hearing officer are to be supported by the evidence accepted and admitted during the hearing.
- (e) The city shall bear the burden of proof. The standard of proof shall be by a preponderance of the evidence.
- (f) The order of proof shall be as follows: The city representative shall present the case-in-chief in support of the alleged violations or misconduct; the appellant may present a case-in-chief, if desired. Each party may be allowed to present one case-in-rebuttal.
- (g) The appellant and city may be represented by counsel, may present evidence, and may examine and cross-examine witnesses. Additionally, the certificate review hearing officer is permitted to question witnesses. A party is permitted no more than 15 minutes to present that party's case-in-chief; a case-in-rebuttal is permitted no more than ten minutes of presentation. Presentation of arguments and evidence may be in oral or written form, except that affidavits of individuals who are unavailable for cross-examination shall not be accepted, admitted, or considered by the certificate review hearing officer.
- (h) Following the presentation of evidence, the hearing officer shall issue a written decision within 30 calendar days of the date of the hearing. A copy of the decision shall be mailed, via registered or certified mail, to the parties or the parties' representatives. For the appellant, the decision shall be

mailed to the address provided on the notice of appeal. Should the certificate hearing officer fail to issue a timely decision, on the 31st day after the date of the hearing appellant may seek review as if a decision adverse to appellant had been rendered.

- (i) The findings of the certificate hearing officer shall be final unless a party files a petition for ~~writ of certiorari~~ **petition of review** to the superior court of the county within 30 calendar days of the decision of the certificate hearing officer.

Chapter 17 - MOTOR VEHICLE REGULATIONS

ARTICLE IX. - MISCELLANEOUS RULES

Sec. 17-272. Application and issuance of permit.

- (a) *Application.* To obtain an outdoor advertising spotlight permit, the applicant shall file with the police chief or designee a written application on a form promulgated by the police chief or designee. The police chief or designee shall have the authority to determine what pertinent information is required in the application. The application for a permit shall be made at least 15 days before the date of use of the outdoor advertising spotlight.
- (b) *Issuance.* The chief of police or designee shall determine whether or not the permit application is complete; that is if it contains all of the pertinent information required in the application form to grant the permit. After receipt of a complete application the police chief or designee shall grant or deny the permit within ten days. If the permit is issued, it shall be granted for a period not to exceed 14 days from date of issuance. If the permit is denied, the police chief or designee shall provide written notice to the applicant setting forth in reasonable detail the reasons for such denial.
- (c) *Appeals from denial.* The decision of the police chief or designee to deny an outdoor advertising spotlight permit shall be final unless the applicant files a petition for ~~writ of certiorari~~ **petition of review** to the DeKalb County Superior Court within 15 days of the date of the police chief or designee's decision.
- (d) *Exemptions.* The following properties are exempt from obtaining an outdoor advertising spotlight permit and exempt from the time restrictions set forth in section 17-271: (1) Any property owned or operated by the federal government, state government, any municipality or any public authority of the state, including, but not limited to, Stone Mountain Park.
- (e) *Renewals.* A permit for an outdoor advertising spotlight shall indicate an expiration date which is 14 days from the date of issue. Application for renewal may be made at any time following the ninetieth day after the date of expiration.

Chapter 21 - SIGNS

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 21-26. Denial and revocation.

- (a) *Procedure.* The director shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this chapter, incomplete applications, and applications containing any false material statements. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter, the director shall revoke the permit. Should the director deny or revoke a permit, the reasons for the denial or revocation are to be stated in writing and hand delivered or mailed by certified mail, return receipt requested, to the address on the permit application. Any application denied and later

resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. Violation of any provision of this chapter and any other applicable state laws or city ordinance regulating signage will be grounds for denying a permit or revoking a permit granted by the city for the erection of a sign. No permit shall be denied or revoked, except for due cause as hereinafter defined. The term "due cause" means the violation of the provisions of this chapter, other applicable ordinances, state or federal law regulating signage, or the submission of an incomplete application or an application containing false material statements.

- (b) *Appeals.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged that there is an error in the denial or revocation of a sign permit under this chapter. All such appeals shall be heard and decided following the notice requirements of subsection (c) of this section and pursuant to the following criteria and procedural requirements:
- (1) *Appeal of decision by administrative officials.* A denial or revocation pursuant to this chapter shall be appealable by filing with the secretary of the zoning board of appeals an application for appeal on the forms provided by the planning department specifying the grounds thereof, within 15 calendar days after the action appealed from was taken. The application fee for an appeal under this section shall be the same as that established by the city council for an appeal under chapter 27.
 - (2) *Decision of the board.* Following the consideration of all testimony, documentary evidence, and matters of record, the board shall make a determination on each appeal. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.
 - (3) *Time for final decision.* A final decision will be rendered by the board within 90 days from date an appeal is filed. If a final decision is not rendered within the 90-day period, the decision sought to be appealed shall be reversed.
- (c) *Notice of public hearings.* Notice of public hearing before the board on any application for appeal or variance shall be provided as follows:
- (1) Written notice of the nature of the proposed application, and the date, time, and place of the public hearing before the board shall be mailed by first class mail to all property owners within 500 feet of the boundaries of the subject property as measured by use of the official zoning maps, and as such property owners are listed on the tax records of the city, at least 15 days before the public hearing before the board;
 - (2) Public notification signs shall be posted within the public right-of-way or on the subject property at least 15 days before the hearing before the board. The sign shall state the nature of the proposed application and the date, time and place of the public hearing before the board;
 - (3) Notice of the nature of the proposed application and the date, time and place of the public hearing before the board shall be published in the newspaper of general circulation within the city in which are carried the legal advertisements of the city at least 15 days prior to the date of the hearing before the board and not more than 45 days prior to the date of the hearing before the board;
 - (4) The cost of all signs posted, and notice mailings sent, pursuant to this section shall be specifically paid by the applicant in addition to all other applicable application costs; and
 - (5) Applications may be withdrawn by the applicant or applicant's representative in writing without prejudice at any time before the vote of the zoning board of appeals on the application. All fees submitted shall be forfeited in any case where the application is withdrawn after it has been advertised for a public hearing in a newspaper of general circulation.

- (d) ~~Certiorari~~ **Petition of Review**. In the event a person whose permit has been denied or revoked is dissatisfied with the decision of the zoning board of appeals, a person may petition for ~~writ of certiorari~~ **petition of review** to the superior court of the county as provided by law.

Chapter 22.5 - STORM SEWER ILLICIT DISCHARGE AND ILLEGAL CONNECTION

ARTICLE III. - REGULATED STORMWATER DISCHARGES

Sec. 22.5-45. Appeal of denial of exemption.

- (a) Any person aggrieved by the determination of the Director that a discharge or connection, otherwise exempted under the provisions of section 22.5-43, is a significant source of pollution may file with the Director a notice of appeal of such determination to the Construction Board of Appeals. The notice of appeal must be in writing and received within 15 days of receipt of the notice of the determination from the Director that such discharge or connection constitutes a source of pollution. The notice of appeal must set forth the reasons that the person believes that the determination of the Director should be rescinded.
- (b) An appeal shall be sustained only upon the express written finding by the Construction Board of Appeals that the Director's action was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers, the Construction Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the Director from whom the appeal was taken and may issue or direct the issuance of an exemption provided all requirements imposed by all applicable laws are met. The Construction Board of Appeals may also remand any appeal for the receipt of additional information.
- (c) The fact that a person has appealed the determination of the Director shall not delay or otherwise hinder any notice of violation, citation or other enforcement action or proceeding brought by the Director to enforce the provisions of this Chapter after notice of the determination.
- (d) Appeals from the decision of the Construction Board of Appeals shall be by ~~writ of certiorari~~ **petition of review** to the superior court of the county.

Chapter 23 - STREETS AND SIDEWALKS

ARTICLE IV. - MOVING BUILDINGS AND OTHER OVERSIZE LOADS

DIVISION 2. - PERMIT

Sec. 23-110. Appeals.

An applicant or permittee under this Division shall be entitled to appeal a decision of the Public Works Department denying, suspending or revoking a permit, to the Mayor and City Council, by filing a notice of appeal with the Public Works Department within ten days of the decision appealed from. The Mayor and City Council shall schedule a hearing on the appeal at the next available public meeting, but no later than 30 days after the appeal is filed and shall provide the appellant notice of the date of such hearing at least seven days prior to the hearing. The City Council's decision is final and may be appealed by the applicant/permittee by Petition for ~~Writ of Certiorari~~ **Review** to the DeKalb County Superior Court in accordance with State law.

ARTICLE V. - ENCROACHMENT PERMITS

Sec. 23-135. Permit.

- (a) It shall be unlawful for any person to perform the work listed in subsections (a)(1) and (2) of this section without the prior issuance of an encroachment permit by the Director of Public Works:
 - (1) Installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances of any utility in, on, along, over, or under the City's public roads.
 - (2) Construction, relocation, or removal of driveways, sidewalks, curbing, bike lanes, multi-use trails, associated drainage facilities, and landscaping construction and maintenance in, on, along, over, or under the city's public roads.
- (b) The Public Works Department shall develop application forms; establish, in writing, the documentation and information required for an encroachment permit application to be considered complete; develop objective, written criteria for granting, denying or revoking encroachment permits; develop guidelines listing the information required to be submitted on or with plans and specifications; promulgate all guidelines and necessary forms; and take such other administrative steps as may be necessary to enforce the provisions of this Article.
- (c) All information and plans required to be submitted by applicant and the objective, written criteria for evaluating permits shall relate solely to managing the use of the City's public roads, and shall be designed solely to obtain information that furthers the stated purposes of this Article.
- (d) The application for an encroachment permit may require the applicant to describe the nature, extent, and location of the work, and may also require the applicant to furnish an indemnity bond or other acceptable security conditioned to pay for any damages to any part of the City's public roads or to any member of the public caused by work performed under authority of such permit.
- (e) Each applicant shall pay a nonrefundable encroachment permit application fee and cost recoupment fees in an amount established by the Mayor and City Council.
- (f) The Director of Public Works shall determine if the proposed work can be performed under one permit or will require multiple permits. At a minimum, each applicant shall be required to obtain a separate encroachment permit for work that will be performed on more than one street.
- (g) An applicant must pay the fees and submit a complete application to the Director of Public Works. The Director shall grant or deny an encroachment permit 30 days from receipt of a complete application. Each encroachment permit expires six months from the date of issuance by the City as reflected on the permit.
- (h) Any encroachment permit may be denied or revoked by the Director of Public Works for a violation of this Article or a failure to show compliance with the City's objective, written criteria or guidelines established pursuant to this Article. The decision to deny or revoke an encroachment permit shall become effective 14 days after the date the written notice is mailed to the applicant at the address on the encroachment permit application. The applicant/permittee may contest the denial or revocation by sending an appeal with written reasons explaining why an encroachment permit should not be denied or revoked prior to the effective date of denial or revocation to the Public Works Director. Upon receipt of same, the Public Works Director shall refer the case to the City Manager or designated Hearing Officer. The City Manager or designee shall consider the written reasons and advise the applicant/permittee of his decision in writing within five business days of receipt. The City Manager's or designated Hearing Officer's decision in this regard is final. If the applicant/permittee contests the decision to deny or revoke an encroachment permit, the effective date of such denial or revocation shall be three days after the date of the City Manager's or designated Hearing Officer's final decision. The applicant/permittee may appeal the City Manager or designee's final decision by filing a Petition for ~~Writ of Certiorari~~ **Petition of Review** with the DeKalb County Superior Court in accordance with State law.

Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL

ARTICLE V. - STORMWATER UTILITY

Sec. 25-412. Appeals.

- (a) Any customer who believes the provisions of this article have been applied in error may appeal in the following manner:
- (1) An appeal must be filed in writing with the city manager or designee within 30 days of the decision that is appealed. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
 - (2) The city manager or his designee shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 60 days.
 - (3) In response to an appeal the chief executive officer or his designee may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this article.
 - (4) All decisions rendered by the city manager or his designee pursuant to this section shall be final.
- (b) The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the city manager or his designee may be appealed by application for ~~writ of certiorari~~ **petition for review** in the Superior Court of DeKalb County, filed within 30 days of the date of service of the decision of the City Manager.



CITY COUNCIL AGENDA ITEM

SUBJECT: City of Stonecrest Access Control

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, July 24, 2023

SUBMITTED BY: Shakerah Hall, Procurement Manager

PRESENTER: Shakerah Hall, Procurement Manager

PURPOSE: Consideration and Approval of Contract for Access Control within all City Facilities.

FACTS: City Staff is requesting to piggyback through the Georgia Statewide Contract with Com-Tech to provide Access Control. Access Control will be installed at all City Facilities. The purchase price to procure these services are \$80,139.71.

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

RECOMMENDED ACTION: Approve The City Staff is respectfully requesting the approval of this contract with Com-Tech for the installation of the City Access Control project.

ATTACHMENTS:

- (1) Attachment 1 - Scope of Work
- (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.



CITY COUNCIL AGENDA ITEM

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

City of Stonecrest Access Control

Quote created: May 28, 2023 Reference: 20230528-141541145

Susan Angelo

sangelo@stonecrestga.gov
+14708827820

Shakerah Hall

shhall@stonecrestga.gov
+14707144829

Comments

Contractor Responsibilities

1. Installation and configuration of equipment listed herein.

Client Responsibilities

1. Provide access to facilities for engineers and technicians to work
2. Provide onsite employee for testing and sign off
3. Maintenance on Door Hardware; such as, bent door frames, bent doors, non-functioning cylindrical locks and motorized door operators.
4. Provide movers to relocate objects that impede the installation process

*Sax tax and shipping are not included on quote. This will be invoiced as actual charges.

*This is an assumption that all doors are in proper working order

Bridgette Huff - Director of Sales Com-Tech



| Product | part number | QTY | Rate | Item XIII. b. |
|--|-------------------------|-----|----------|-------------------------------------|
| | | | | Price |
| Avigilon HID® Mercury™ MR52-S3B Controller Serial I/O Dual CardReader Interface | AC-MER-CON- MR52-S3B | 5 | \$528.53 | \$1,981.99 after 25% discount |
| HID® Mercury™ MR52-S3B Controller Serial I/O Dual Card Reader Interface, 2-Reader Interface Module - (2 reader: mag, wiegand, 4 reader OSDP, 8 inputs, 6 relays) (Mercury MR52-S3B) | | | | |
| Avigilon Mercury Intelligent Controller, Linux Based | AC-MER- CONT-LP1502 | 6 | \$930.88 | \$4,188.96 after 25% discount |
| Intelligent Controller, Linux Based with 2 doors, 8 inputs and 4 outputs, expandable up to 64 doors. (Mercury Part #: LP1502) | | | | |

| Product | part number | QTY | Rate | Item XIII. b. |
|---|---------------------|-----|----------|-----------------------------------|
| Avigilon Sixteen Door Mercury Dual Voltage Integrated Power System Sixteen Door Mercury Dual Voltage Integrated Power System supporting one AC-MER-CONT-2DR with seven AC-MER-CON-MR52 (Mercury hardware sold separately). The advantage of a dual voltage power supply is the ability to power Mercury boards and door locks. Includes a painted steel enclosure, removable pre drilled back plate, controller standoffs and mounting screws. System includes one 150 watt 12V/12A pre-wired to sixteen Class 2, Power Limited (CL2PL) outputs (two D8P Boards) delivering regulated independent power connection to each Mercury board and one 250 watt 24V/10A power supply-battery chargers pre-wired to sixteen fused output (two C8 Boards) for independent relay lock power. Both power supplies features dual outputs (12 & 24volts DC), form 'C' fault relay contacts, a fire alarm input and network interface (interface module sold separately) to enable monitoring, reporting and control of the power system from Access Control Manager (ACM) link. Cabinet size: 20" x 24" x 6.5" with door lock and two (2) keys. Weight 26 lb.(LifeSafety Power Part Number: FPO150/250-2C82D8PE4M1) | AC-LSP-16DR-MER-LCK | 1 | \$909.74 | \$682.31 after 25% discount |

| Product | part number | QTY | Rate | Item XIII. b. |
|---|---|-----|----------|-----------------------------------|
| Avigilon Composite ICLASS SEOS Contactless Smart Card COMPOSITE ICLASS SEOS CONTACTLESS SMART CARD 8K, PROG, F-GLOSS, B-GLOSS, MATCHING #, NO SLOT, CUSTOM AVIGILON PACKAGING-SHRINK WRAP IN LOTS OF 50, PACK 100/BOX, LAM, | AC-HID-CARD-SEOS-5006PGGMN-AVG | 100 | \$4.69 | \$351.75 after 25% discount |
| Avigilon Signo40, Wall mount Signo40, Wall mount, Seos Profile , OSDP/Wiegand, Terminal, Mobile Ready, BLE, Avigilon Logo | AC-HID-READER-SIGNO-40TKS-01-000000-AVG | 28 | \$169.31 | \$3,555.51 after 25% discount |
| HES Door Strike All-In-One Electric Strike Fail Secure | 9400-630 | 26 | \$430.28 | \$10,068.55 after 10% discount |
| Alarm Controls Outdoor 600lbs Maglock Magnetic gate lock with 600 lbs of holding force provides weather resistant access control for perimeter applications. Ideal for sliding or swinging gates. | 600WP | 4 | \$237.90 | \$856.44 after 10% discount |
| 1/2 MOUNTING PLATE FOR 600 SERIES MAGNETIC LOCK 1/2 MOUNTING PLATE FOR 600 SERIES MAGNETIC LOCK | AM6361 | 4 | \$28.58 | \$102.89 after 10% discount |
| Bosch REX Sensor Request to Exit Motion Sensor | DS160 | 28 | \$96.18 | \$2,423.74 after 10% discount |
| Ademco Overhead Door Contact Overhead Door Contact | 958 | 32 | \$22.75 | \$655.20 after 10% discount |
| Lead Technician Lead Technician | | 56 | \$135.00 | \$5,670.00 after 25% discount |

| Product | part number | QTY | Rate | Item XIII. b. |
|---|-------------------------|-----|------------|--------------------------------------|
| Labor Technician | | 56 | \$55.00 | \$2,310.00 after 25% discount |
| Labor Technician | | | | |
| Door Installation Labor | | 150 | \$175.00 | \$19,687.50 after 25% discount |
| Door Installation Labor | | | | |
| IT Professional Services | ITPS | 56 | \$175.00 | \$7,350.00 after 25% discount |
| Installation and configuration of infrastructure and storage hardware. Installation and configuration of Software Systems. | | | | |
| Network Cable Run Cat 6 | | 21 | \$185.00 | \$2,913.75 after 25% discount |
| Installed, Terminated, Tested, and Labeled Includes: Cable, RJ45 Ends | | | | |
| Access Control Wiring | | 28 | \$300.00 | \$6,300.00 after 25% discount |
| All banana cable runs for door installation.. | | | | |
| Access Control Manager 6 Sixteen Doors Expansion Software Licenses | AC-SW-LIC- 16RCU-6-P | 2 | \$1,180.00 | \$1,770.00 after 25% discount |
| Additional 16 Doors Expansion Software Licenses for Avigilon Access Control Manager Professional; Enterprise; Enterprise Plus & Virtual | | | | |

Product

part
number

QTY

Rate

Item XIII. b.

**Access Control Manager Enterprise 6 –
Enterprise Appliance for 16 Readers**

AC-APP-16R-
ENT2-6

1

\$4,300.00

\$3,225.00
after 25%
discount

Access Control Manager Enterprise 6 – Web-Based
PACS Enterprise Appliance for 16 Readers - includes:
| physical appliance | embedded 64 bit Linux OS &
Open LDAP for configuration database | Access
Control Manager Security Management Software |
16 Reader Count Software License | One (1) ACM
Verify | ACC Video Integration | Five (5) partitions |
Identities CSV export; recurring; one-time; long &
short format | Total reader capacity can be
expanded from 16 to 400 readers; in increments of
16; with the purchase of the desired quantity of AC-
SW-LIC-16RCU-6-P; 16 Reader Count Software
Licenses | Supports up to 512 controllers | 250K
identities and 150M stored events and twenty (20)
simultaneous operators (via browser) | Three (3) year
appliance hardware warranty begins at date of
shipment

| Product | part number | QTY | Rate | Item XIII. b. |
|---|--------------------|-----|------------|----------------------------------|
| Lifesafety Power Four Door Mercury Dual Voltage Integrated Power System Four Door Mercury Dual Voltage Integrated Power System supporting one AC-MER-CONT-2DR with one AC-MER-CON-MR52 (Mercury hardware sold separately). The advantage of a dual voltage power supply is the ability to power both Mercury boards and door locks from the same supply. Includes a painted steel enclosure; removable pre drilled back plate; controller standoffs and mounting screws and a 75 watt 12V/2A and 24V/2A power supply-battery charger. The power supply is pre-wired to eight Class 2; Power Limited (CL2PL) outputs (D8P Board) delivering a regulated independent power connection to each Mercury board and four fused output (C4 Board) for independent relay lock power. The power supply features dual outputs (12 & 24volts DC); form 'C' fault relay contacts; a fire alarm input and network interface (interface module sold separately) to enable monitoring; reporting and control of the power system from Access Control Manager (ACM) link. Battery space for two 12V; 8Ah batteries is available in cabinet. Cabinet size: 16" x 20" x 4.5" with door lock and two (2) keys. Weight 19 lb.(LifeSafety Power Part Number: FPO75-B100C4D8PE2M) | AC-LSP-4DR-MER-LCK | 5 | \$693.78 | \$2,601.68 after 25% discount |
| Double Mag Lock Double magnetic lock with 600 lbs of force, per door, allows control of both doors within a double door configuration. | 600D | 2 | \$288.58 | \$519.44 after 10% discount |
| RS-485 cable 1,000 feet of 4 wire cable #22 FS PR1#22PVCBRDPV C | 99912443 | 1 | \$3,250.00 | \$2,925.00 after 10% discount |
| One-time subtotal | | | | \$80,139.71 |
| | | | | after \$22,812.96 discount |
| Total | | | | \$80,139.71 |

Signature

Item XIII. b.

Signature

Date

Printed name

This quote expires on August 26, 2023

Purchase terms

Payment due in full upon project completion.

Questions? Contact me



Bridgette Huff

Director of Sales

Bridgette.Huff@com-tech.com

Com-Tech

124 Andrew Dr #100
Stockbridge GA 30281
US



CITY COUNCIL AGENDA ITEM

SUBJECT: SPLOST II Funding Allocation Resolution

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): 07/10/23 & Click or tap to enter a date.

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

Current Council Meeting: Monday, July 24, 2023

SUBMITTED BY: Gia Scruggs, City Manager/Hari Karikaran, City Engineer

PRESENTER: Hari Karikaran, City Engineer

PURPOSE: SPLOST II Funding Allocation Resolution

FACTS: A Council Resolution on SPLOST II funding allocation is required for the November 2023 Referendum. Staff has presented the funding allocation at previous meetings and seeking an approval of the Resolution

OPTIONS: Choose an item. Click or tap here to enter text.

RECOMMENDED ACTION: Choose an item. Click or tap here to enter text.

ATTACHMENTS:

- (1) Attachment 1 - SPLOST II Resolution
- (2) Attachment 2 - SPLOST II Appendix A
- (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 CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO APPROVE THE 2024 CITY OF STONECREST SPLOST II FUNDING ALLOCATION TOTALING FIFTY-EIGHT MILLION SEVEN HUNDRED TWENTY-SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$58,727,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest, Georgia (the “City”) is a municipal corporation located in DeKalb County duly organized and existing under the laws of the State of Georgia; and

WHEREAS, O.C.G.A § 48-8-110.1. provides for the imposition of a county sales and use tax as authorized by the governing authority of any county in the state subject to the requirement of referendum approval and the other requirements for a limited period of time which tax shall be known as the county special purpose local option sales tax (“SPLOST”); and

WHEREAS, the proceeds received from the SPLOST must be used by the county and qualified municipalities within the county receiving proceeds of the sales and use tax exclusively for the purpose or purposes specified in the resolution or ordinance calling for imposition of the tax by project funding within specific categories; and

WHEREAS, in 2017, Georgia law was amended to limit the allowable categories of projects for DeKalb County (the “County”) to use its SPLOST; and

WHEREAS, the County was only permitted to use SPLOST funds on four specific categories of projects: (1) transportation purposes, (2) public safety facilities and related capital

equipment, (3) debt service, and (4) the repair of capital outlay projects in an amount not to exceed fifteen percent (15%) of the total SPLOST proceed (“SPLOST I”); and

WHEREAS, House Bill 431 (“HB 431”) passed by the Georgia General Assembly in 2023 amends Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local option sales tax; and

WHEREAS, paragraph (1) of subsection (a) of Code Section 48-8-111, relating to procedure for imposition of tax, resolution or ordinance, notice to county election superintendent, and election removes limitations put in place by SPLOST I and permits DeKalb County to fund various projects with their SPLOST.; and

WHEREAS, on Wednesday, May 3, 2023, Governor Brian Kemp signed HB 431 which authorizes DeKalb County to hold a referendum on November 7th, 2023 to impose a tax on the County and municipalities within the county including the City of Stonecrest (“SPLOST II”); and

WHEREAS, the Mayor and City Council (“City Council”) must adopt a resolution approving the SPLOST II funding allocation required for the November 2023 Referendum Election; and

WHEREAS, the County’s SPLOST II proceeds must be disbursed either on a per capita basis, based on the most recent decennial census or according to the terms of an intergovernmental agreement between the County and every municipality wholly located in DeKalb County; and

WHEREAS, the estimated proceeds for the City total FIFTY-EIGHT MILLION SEVEN HUNDRED TWENTY-SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$58,727,000.00); and

WHEREAS, City staff has presented proposed allocations for the funding to the City Council; and

WHEREAS, the City staff seeks final approval of the proposed funding allocations by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Stonecrest, Georgia that the SPLOST II funding allocation required for the November 2023 Referendum Election is attached as EXHIBIT A incorporated herein by reference.

BE IT FURTHER RESOLVED, that the estimated proceeds for the City of Stonecrest in the November 2023 Referendum Election total FIFTY-EIGHT MILLION SEVEN HUNDRED TWENTY-SEVEN THOUSAND (\$58,727,000).

BE IT FURTHER RESOLVED, all resolutions, ordinances, and parts thereof in conflict herewith are hereby expressly repealed.

BE IT FURTHER RESOLVED, the City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Resolution, including its exhibits, as enacted.

BE IT FINALLY RESOLVED, the effective date of this Resolution shall be the date of adoption, unless otherwise specified herein.

SO RESOLVED this _____ day of _____, 2023

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
CITY OF STONECREST
2024 SPLOST ALLOCATION (Preliminary)

| NO | PROJECT CATERGORY | APPROXIMATE ALLOCATION | NOTES |
|-----------|--|-------------------------------|--------------|
| 1 | Street Paving/Resurfacing/ Transportation Improvement | \$34,257,430 | 1 |
| 2 | Parks Improvement | \$9,787,820 | 2 |
| 3 | Property Acquisition/ New Infrastructure | \$14,681,750 | 3 |
| | Total | \$58,727,000 | |

Notes:

1. The annual street resurfacing list will be selected based on PCI numbers (lowest to highest) from the 2023 Street Evaluation, Includes intersection improvements, Traffic Studies, corridor studies, sidewalk improvement, trails, signal improvement, matching funds for Federal and State Grants.
2. Based on projects identified in the Park Master Plan and other new Park Improvements.
3. Parks properties, greenspace properties, property for new city buildings, New city buildings, building addition and renovation.
4. Based on DeKalb County projected total Revenue of \$125M per year and the City of Stonecrest distribution of approximately \$58,727,000 for six years.



CITY COUNCIL AGENDA ITEM

SUBJECT: Public Storage Facilities Moratorium Extension

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): 05/22/23 & Click or tap to enter a date.

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

Current Council Meeting: Monday, July 24, 2023

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To extend the Moratorium for Public Storage Facilities

FACTS: Click or tap here to enter text.

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 - Resolution
- (2) Attachment 2 -
- (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 EXTEND THE MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR BUSINESS LICENSES, LAND DISTURBANCE PERMITS, REZONINGS, SPECIAL LAND USE PERMITS, AND BUILDING APPLICATIONS FOR STORAGE UNIT FACILITIES FOR A PERIOD NOT TO EXCEED THIRY (30) DAYS WHILE THE CITY OF STONECREST CONSIDERS CHANGES TO ITS ZONING ORDINANCE; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS OF FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR AN APPEAL PROCESS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A PENALTY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest (“City”) has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Stonecrest; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, business licenses and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City of Stonecrest has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council of the City of Stonecrest have, as a part of planning, zoning and growth management, been in review of the City's Zoning Ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City of Stonecrest; and

WHEREAS, the Mayor and Council deem it important to direct economic development in a manner that is consistent with the current Comprehensive Plan which integrates all of these concerns and therefore consider this moratorium a proper exercise of its police powers; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City of Stonecrest. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; in particular, the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities

of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Stonecrest that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses and businesses in the City, and have intended to promote community development through stability, predictability and balanced growth that is in adherence to the City's Comprehensive Plan which will further the prosperity of the City as a whole; and

WHEREAS, the Director of Planning and Zoning, the City Engineer, the City selected stakeholders, and the City Attorney are reviewing the City's Zoning Ordinance; and

WHEREAS, it is in the best interest of the citizens of Stonecrest to place a moratorium on the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities until review is completed; and

WHEREAS, the Mayor and City Council approved a sixty (60) day moratorium on January 31, 2023 ending on April 1, 2023 for the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities; and

WHEREAS, the moratorium ending on April 1, 2023 was extended for an additional sixty (60) day period ending on May 31, 2023; and

WHEREAS, the moratorium ending on May 31, 2023 was extended for an additional sixty (60) day period ending on July 30, 2023; and

WHEREAS, the Mayor and City Council desire to extend the moratorium ending on July 30, 2023 for an additional thirty (30) day period that will end on August 29, 2023 to continue developing cohesive and coherent policy regarding certain uses and businesses in the City.

THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST and by the authority of the same:

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Stonecrest hereby make the following findings of fact:

- (a) It appears that the City's Zoning requires additional review by the City of Stonecrest as it relates to certain zoning uses permitted throughout the City.
- (b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of Stonecrest if the current land use regulation scheme in and for the above described uses in the City were to be utilized by property owners prior to a more thorough review;

- (c) The City's ongoing revision of its code and zoning ordinances requires that a limited cessation of the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities be enacted;
- (d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City; and
- (e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

- (a) There is hereby imposed an extension on the moratorium on the acceptance by the staff of the City of Stonecrest of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities.
- (b) That the moratorium adopted on May 22, 2023 will end on July 30, 2023. This moratorium shall extend the moratorium for a period of thirty (30) days and will end on August 29, 2023.
- (c) This moratorium shall have no effect upon approvals or permits previously issued or applications for application of business licenses, land disturbance permits, rezonings,

special land use permits, and building applications for storage unit facilities submitted prior to the adoption of the Moratorium on January 31, 2023. The provisions of this Resolution shall not affect the issuance of application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities that have received preliminary or final approval by the City on or before the effective date of the Moratorium adopted on January 31, 2023.

- (d) As of the effective date of this Resolution, no applications for business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities shall be accepted by any agent, employee or officer of the City with respect to any property in the City of Stonecrest for a thirty (30) day period beginning July 30, 2023 ending August 29, 2023, and any of the aforementioned so accepted for filing will be deemed in error, null and void, and of no effect whatsoever, and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such license or permit shall be unreasonable.
- (e) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); and *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Pursuant to this case, the City of Stonecrest recognizes that, unknown to the City, de facto vesting may

have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION III.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and 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 Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. 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 Resolution 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 Resolution 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

sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV.

All Resolution or parts of Resolution in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION V.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference, as if fully set out herein.

SO RESOLVED AND EFFECTIVE this _____ day of _____, 2023.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Approve Appointment of the General Attorney and Bond Counsel for the SDA per the IGA

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: Legal

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, July 24, 2023

SUBMITTED BY: Mayor Jazzmin Cobble

PRESENTER: Mayor Jazzmin Cobble

PURPOSE: Appointment of General Attorney for the Stonecrest Development Authority as L'Erin Barnes Wiggins, Esq. of L F Barnes Law, LLC. AND appointment of Bond Counsel for the Stonecrest Development Authority as Mr. Douglass Selby of Hunton Andrews Kurth, LLP.

FACTS: Click or tap here to enter text.

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 -
- (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.