



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING AGENDA

February 25, 2019

7:00p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Leah Rodriguez, Acting City Clerk
- III. **INVOCATION:**
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**
- VI. **MINUTES:**
 - 1) January 28, 2019 minutes
 - 2) February 11, 2019 minutes
- VII. **PRESENTATION:**
- VIII. **PUBLIC COMMENTS:**
- IX. **CONSENT AGENDA:**
- X. **OLD BUSINESS:**
 1. SPLOST Program Management
 2. SPLOST Comprehensive Transportation Plan
 3. 2019 Comprehensive Plan Adoption
 4. Chapter 7 – Building Code: 2nd Read
 5. Motel/Hotel Tax Resolution

XI. NEW BUSINESS:

1. Consent Resolution: Heritage Townhomes (Chupp Road)

XII. PUBLIC HEARING -

1. RZ 19-0001(4001—3989 Panola Road)
2. TMOD 19-0002 (Child & Personal Care Homes)

XIII. CITY MANAGER COMMENTS:

XIV. CITY ATTORNEY COMMENTS:

XV. MAYOR AND COUNCIL COMMENTS:

XVI. ADJOURNMENT:

XVII. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

January 28, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** All members were present
- III. **INVOCATION:** Council Member Rob Turner
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Council Member Clanton made a motion to adopt the agenda to include Ordinance for Rezoning Application RZ-18-007 (6807 Covington Highway) and Ordinance for Special Land Use Permit SLUP-18-007 (6708 Covington Highway) that were inadvertently left off the agenda. Council Member Rob Turner provided the second. **The motion carried unanimously.**

Council Member Rob Turner requested the removal of item 7. SPLOST Program Management from the agenda. Council Member Adoma provided the second.

Council Member Adoma requested the removal of item (8) An Ordinance for the Creation of the Stonecrest Youth Council; item (9) An Ordinance for the Creation of the Stonecrest Youth Council Advisory and item (10) An Ordinance for the Creation of the Historic and Cultural Landmarks. Council Member Cobble provided the second.

Council Member Adoma made a motion to accept the agenda with the removal of the agenda items 7 through 10 and the addition of the two rezoning issues. Council

Member Rob Turner provided the second. **The motion carried 5-1.** Council Member Clanton opposed.

VI. MINUTES: Approval of Minutes of the City Council Meeting of January 14, 2019. Council Member Rob Turner stated that the name of the film company was incorrect. The name should be Nu Ground instead of New Ground. Council Member George Turner made a motion to approve the minutes with the requested change. Council Member Rob Turner provided the second. **The motion passed unanimously.**

VII. PRESENTATION:

Mayor Lary presented the Certificate of Achievement by the Government Financial Officers Association (GFOA) to Audrey Mays, City Accounting Manager.

VIII. PUBLIC COMMENTS:

Dave Marcus in favor of getting the roads paved as soon as possible. Mr. Marcus expressed concerns that the City would not be able to get the repairs and repaved in 2019 unless in an emergency basis. He urged the Council to move quickly to get this done.

IX. AGENDA ITEMS:

1. Amendment to the Purchasing Policy - Mayor

Council Member Adoma asked Attorney Denmark if the item could be deferred because she was not able to review the information. Council Member George Turner agreed that he also needed more time to review the information. Mayor Lary stated that since this was the first read that the Council would have more time. The second read will be on February 11th, 2019.

2. Quicket Agreement - Mayor

Deputy City Manager, Plez Joyner stated that some of the City's systems are not sharing data properly. Quicket would analysis the City's system and provide recommendations to have a fully integrated system.

Mayor Lary stated that in order for Stonecrest to be a fully innovated City it would need to have systems that work together. He went on to say that there was a thorough search for a company that could provide such service.

Council Member George Turned asked how long was the engagement with Quicket. Mr. Joyner stated it was 12 months long. Mr. Joyner assured Council Member George Turner that Quicket isn't selling the City a product but rather as consultants. Council Member George Turner asked how many systems the City

does have currently. Mr. Joyner stated the City has about 5 to 6 different systems and more on the way.

Council Member Adoma asked which streets the City owned. Mr. Joyner stated that the City doesn't own any roads and that the County is responsible for the roads.

Mayor Lary stay requested that all Council members stay on the topic being discussed.

Council Member Adoma asked Mr. Joyner to provide a copy of the answers to questions that were brought up during the previous discussions about Quicket. Mr. Joyner stated he isn't aware of any documents providing this information. Mr. Joyner stated that the representative from Quicket provided the answers to those questions. Council Member Adoma stated that she recalled that the decision to approve Quicket didn't require the Council's approval and that it was in Mr. Joyner's signing authority.

Council Member Cobble read an email from July 2018 referencing Quicket, the cost and what would be provided by Quicket. Council Member Cobble wanted something in writing that showed the difference between the statement of work. Mr. Joyner stated that the difference is that they took out the piece about installing a software package.

Mayor Lary stated that he will get the contract for Quicket and forward it again to the Council for review.

3. Road Analysis Execution

Ken Hilderbrandt presented information to Mayor and Council in reference to road analysis and repairs. Mr. Hilderbrandt suggested that the City approve Stantec for the Road Analysis.

Council Member George Turner asked if the County collected any data for 2018. Mr. Hilderbrandt stated that the last time the County evaluated the streets was in 2017.

Mayor Lary made a motion to approve to move forward with a digital analysis and that the updated contract be reviewed and sent to legal and Council to make sure that the prices are the same as previously discussed. Council Member Clanton provided the second.

Council Member Cobble asked what if the price comes back in the amount of \$71,000.00 would Council have to come back to make another motion because the current motion ties the Council the current price.

Mayor Lary amended his motion to say that he approves the digital road analysis by Santec not to exceed \$70,000.00. He also stated the contract will be reviewed by legal and Council before being approved. Council Member Clanton provided the second. The motion carried 4-1. Council Member Adoma opposed. Council Member Cobble neither approved nor opposed.

4. Citizens Pothole Oversight Committee – Mayor

Mayor Lary asked that anyone interested in volunteering meet with him after the meeting.

Council Member Adoma questioned whether the meeting was being conducted under Robert's Rules. The Mayor stated that it was. Council Member Adoma directed her question to the Attorney Denmark.

Council Member Adoma suggested that the Ordinance regarding Robert's Rules be modified. She stated that according to Robert's Rules the Mayor could not make a motion. Council Member Adoma stated that the Council had agreed to abide by Robert's Rules.

Attorney Denmark replied, "yes". Council Member Adoma stated that according to Robert's Rules the Chair cannot make a motion. Mayor Lary stated that he is a member of Council and can make a motion. Attorney Denmark stated that under Robert's Rules there was not a reason the Mayor couldn't make a motion.

Council Member Cobble inquired about the Pothole Tracker and how the information is collected, distributed and how citizens would know if their pothole has been registered. Mr. Joyner explained how the process works. The citizen would give their name, address and other contact information. The citizen could find out if the pothole has been filled. However, the citizen would now know the status until it is filled.

Council Member Clanton elaborated further as to how the process worked. Council Member Clanton stated that according to the information provided at the

Council Member Cobble asked if the citizen would get a call back after they've reported a pothole or how would they get further updates. Mr. Joyner stated they would call City Hall for that information.

Council Member Clanton provided further information saying that during the Mayor's Straight Talk meeting it would be difficult to obtain the status of a pothole repair. The County would not be able to give updated information because of the way the repairs are assigned. Mr. Joyner will speak with Nathan Holman in reference to the tracking of potholes.

5. An Ordinance to Amend Chapter 2 Article III Adding New Departments – Second Read

Council Member Clanton made a motion to approve. Council Member Rob Turner provided the second. **The motion carried unanimously.**

X. CONSENT AGENDA ITEMS:

1. Resolution to Appoint Members of the Arabia Mountain Overlay Steering Committee

Mayor Lary pulled this item off the agenda because two other people needed to be added to the committee

2. Resolution to Appoint Members to the Stonecrest Education Committee

Mayor Lary pulled this item of the consent agenda because two other people needed to be added to the committee

Council Member George Turner made a motion to defer this item until the February 11th, 2019 Council meeting. Council Member Clanton provided a second. **The motion carried unanimously.**

3. Resolution to Appoint Members of the Steering Committee to negotiate the IGA with the East Metro DeKalb CID

Mayor Lary pulled this item off the consent agenda because two other people needed to be added to the committee

4. Resolution to Appoint Members of the SPLOST Citizen Oversight Advisory Committee

Council Member George Turner made a motion to defer this item for the February 11th 2019 meeting. Council Member Clanton provided a second. **The motion carried unanimously.**

5. Resolution to Appoint Members of the Stonecrest Film Committee

Mayor Lary pulled this item off the consent agenda because two other people need to be added.

XI. PUBLIC HEARINGS:

Council Member Clanton opened the floor for Public Hearing for RZ 18-007 (6708 Covington Highway and Special Land Use Permit SLUP 18-007 (6807 Covington Highway). Council Member Rob Turner provided the second. **The motion carried unanimously.**

- 17. Ordinance for Rezoning Application RZ-18-007 (6807 Covington Highway)
- 18. Ordinance for Special Land Use Permit SLUP-18-007 (6708 Covington Highway)

No one came forward to support or opposition. Council Member George Turner made a motion to close the public hearing for items 17 and 18. Council Member Clanton provided a second. **The motion carried unanimously.**

Council Member Clanton made a motion to approve the Ordinance rezoning Application RZ 18-007 (6807 Covington Highway). Council Member Cobble provided the second. **The motion carried unanimously.**

Council Member Clanton made a motion to approve the Ordinance for Special Land Use Permit SLUP-18—007 (6807 Covington Highway). Council Member Adoma provided a second. **The motion carried unanimously.**

Council Member George Turner made a motion to open the public hearing for items TMOD 18-0007 Modification to Short Term Vacation Rentals and TMOD 18-009 Arabia Mountain Overlay District Map.

- 19. TMOD 18-0007 Modification to Short Term Vacation Rentals
- 20. TMOD 18-0008 Arabia Mountain Overlay District Map

Council Member George Turner motioned to open the public hearing for items 19 and 20. Council Member Clanton provided a second. **The motion carried unanimously.**

Having no one speak in support or opposition the public hearing was closed. Council Member George Turner made a motion to close the public hearing. Council Member Clanton provided a second. **The motion carried unanimously.**

Mera Cardenas gave a PowerPoint presentation introducing the new text and overlay map.

Council Member George Turner made a motion to open the public hearing for TMOD 18-008 Arabia Mountain Overlay District Map. Council Member Rob Turner provided a second. **The motion carried unanimously.**

Ed Wasil spoke in support of the Arabia Mountain Overlay District Map.
Dave Marcus spoke in support of the Arabia Mountain Overlay District Map.
Alex Hoffman spoke in support of the Arabia Mountain Overlay District Map.
Tamy Grimes spoke in support of the Arabia Mountain Overlay District Map.
Lori Brown spoke in support of the Arabia Mountain Overlay District Map.

Bernard Knight spoke in opposition of the Arabia Mountain Overlay District Map.

Council Member George Turner made a motion to close the public hearing. Council Member Clanton provided a second. **The motion carried unanimously.**

XII. CITY MANAGER COMMENTS: No Comments

XIII. CITY ATTORNEY COMMENTS: No Comments

XIV. MAYOR AND COUNCIL COMMENTS:

Council Member Adoma announced the second annual Woman's Month breakfast to be held in March at the Hilton Hotel.

Council Member George Turner stated that he as well as Council Member Adoma completed the first phase of training through GMA at the Carl Institute of Training. They both received certification for the mandated 48 hours training.

Council Member George Turner stated that on February 28th Flat Rock Archives will have a grand opening at the DeKalb County Courthouse where they will be temporarily relocated. Part of the exhibit has been moved to the courthouse.

Council Member Clanton stated that the monthly meeting will be held at the Stonecrest Library on the 1st Saturday of the month at 10:00 a.m.

Council Member Rob Turner extended an invitation to attend the Community Breakfast held on the 2nd Saturday at 9:00 a.m. at the House of Hope. The House of Hope is located at 4650 Flat Shoals Pkwy.

Council Member Cobble reminded everyone to be careful due to the inclement weather.

Mayor Lary stated he wants to have a lot of green space available as well as a bustling community. He wants the citizens to have it all. He'll help hug trees if he can build commerce at the same time.

XV. ADJOURNMENT:

Council Member Rob Turner made a motion to adjourn. Council Member Clanton provided a second. **The motion carried unanimously at 9:50 p.m.**

XVI. EXECUTIVE SESSION:

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

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Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Diane Adoma – District 5

CITY COUNCIL MEETING MINUTES

February 11, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** All members were present
- III. **INVOCATION:** Dr. Jamal H. Bryant, Sr. Pastor, New Birth Baptist Church
- IV. **PLEDGE OF ALLEGIANCE:**
- V. **ADOPTION OF THE CITY COUNCIL AGENDA:**

Councilman George Turner made a motion to accept the agenda with the following amendments:

- Adding to the agenda under New Business, Winston Denmark for consideration as a lobbyist for Stonecrest. Mayor Lary provided the second.
- George Turner made a motion to add Motel/Hotel tax to the agenda. Councilman Clanton provided the second.
- Councilman George Turner made a motion to add to the agenda the reapportionment of border properties. Councilman Clanton provided the second.
- Councilman George Turner made a motion to add to the agenda, the annexation of certain properties north of I-20. **The motions all carried unanimously.**

- VI. **MINUTES:** Deferred to the February 25th, 2019

Councilman George Turner made a motion to approve the deferral of the minutes to the February 25, 2019 meeting. Councilman Rob Turner provided the second. **The motion carried unanimously.**

VII. PRESENTATION: Mayor Lary presented Attorney Tom Kurrie with a plaque thanking him for his dedication and service to the City of Stonecrest.

Mayor Lary also acknowledged Darold Honore, former Mayor for the City of Lithonia; Joel Thibodaux, Internal Auditor; and Valerie and Glenn Morgan, publishers of the On Common Ground newspaper.

Dr. Barbara Lee and Ms. Vicky Turner asked for volunteer tutors as well as

VIII. PUBLIC COMMENTS:

1. Faye Coffield
2. Bernard Knight
3. Billie Gill Chestnut
4. Lynn Goodwin
5. Sharon Vincent
6. Erica Davis
7. Tammy Grimes
8. Cheryl Mathis

IX. CONSENT AGENDA ITEMS:

1. 2019 Zoning Calendar
Michael Harris provided copies of both the Board of Appeals and Planning Commission 2019 calendars. Councilman Clanton motioned to approve the calendars. Councilman George Turner provided the second. **The motioned carried unanimously.**
2. Mauldin & Jenkins Agreement: Auditing Services
Councilwoman Adoma motioned to remove this item as a Consent Agenda. Councilman George Turner provided the second for the purpose of discussion. This item was moved from the Consent Agenda to Old Business.

Councilwoman Adoma requested a Roll Call Vote for the remainder of items.

X. OLD BUSINESS:

1. Purchasing Policy Amendment: 2nd Read –
Council Members Adoma, George Turner, Rob Turner and Cobble opposed Mayor Lary and Council Member Clanton voted to approve
The motioned failed.

2. Quicket Agreement
Mayor Lary motioned to defer to the February 25th meeting. Councilwoman Cobble provided the second. **The motion passed 5-1.** Councilwoman Adoma opposed.
3. SPLOST Committee
Councilman Clanton motioned to approve. Mayor Lary provided the second. Mayor Lary added Councilman George Turner and Rob Turner to the committee. George Turner stated that the Ex-Officio has been removed from the committee. **The motioned carried unanimously.**
4. Arabia Mountain Overlay – 2nd Read
Councilman Clanton motioned to adopt Section 3.4.19. Councilwoman Cobble provided the second. **The motion carried unanimously.**
5. Short Term Vacation Rentals – 2nd Read
Nicole Dozier, Community Development Director presented the staff findings. Councilman Rob Turner motioned to approve. Councilman George Turner provided the second. **The motion carried unanimously.**
6. Bates & Carter Agreement: Municipal Finance Services
Michael Harris, City Manager stated that this was discussed previously. Michael Harris stated that the agreement is a ten -month agreement at a fixed rate. Mr. Harris indicated that the Financial Director position would be appointed by Mayor and Council. Councilwoman Cobble stated that according to the Charter the Council would be responsible for appointing the Financial Director. Mayor Lary motioned to approve. Councilman Rob Turner provided the second. **The motion carried 5-1. Councilwoman Adoma opposed.**
7. SPLOST Program Management
8. Comprehensive Transportation Plan
Councilman George Turner combined the SPLOST Program Management and Comprehensive Transportation Plan for a motion. Councilman George Turner motioned to have legal counsel create a draft enforceable SPLOST Program Management service contract with Grice Consultant Inc. Councilwoman Adoma provided the second. **The motion carried 4-2. Mayor Lary and Councilman Clanton opposed.**
9. Mauldin & Jenkins Agreement: Auditing Services
Mayor Lary motioned to approve. Councilman George Turner provided the second. **The motion carried unanimously.**

XI. NEW BUSINESS:

1. Chapter 7 – Building Code: 1st Read

Nicole Dozier presented the report stating that there was some language removed from the document.

Appointment of Winston Denmark as lobbyist for City of Stonecrest

2. Mayor Lary motioned to appoint Attorney Denmark as the lobbyist to represent the City of Stonecrest at the 2019 session. Councilman Rob Turner provided the second. **The motion carried unanimously.**

3. Hotel Motel Tax

Councilwoman Adoma motioned to have Attorney Denmark put together the legislative bill for the Hotel/Motel Tax. Councilman Rob Turner provided the second. **The motion carried unanimously.**

4. Parcel Correction

Councilman George Turner motioned to have Attorney Denmark prepare the legislative bill for the Parcel Correction. Councilwoman Adoma provided the second. **The motion carried unanimously.**

5. Annexation

Councilman George Turner motioned to have Attorney Denmark prepare the legislative bill for annexation. Councilwoman Adoma provided the second. **The motion carried unanimously.**

XII. MAYOR AND COUNCIL COMMENTS:

Michael Harris, City Manager – no comments

Attorney Denmark – Thanked the Mayor for having confidence in his work

Councilwoman Adoma thanked the citizens for their public comments

Councilman George Turner stated that there will be a Town Hall meeting District 4 at Big Miller Grove Baptist Church Fellowship Hall at 6:30 p.m. on February 21. The Center for Civil and Human Rights will be free of charge to the public until the end of the year. The DeKalb History Center will host a reception for the opening exhibit, “Deep Roots in DeKalb: The Flat Rock Story of Resilience,” on Thursday, Feb. 28, a reception will be held at 6 to 8 p.m. at the old courthouse in downtown Decatur.

Councilman Clanton – No comments

Councilman Rob Turner – No comments

Councilwoman Cobble – No comments

Mayor Lary – Expressed his disappointment with the Council members and their decision to approve Grice Consulting Inc.

XIII. ADJOURNMENT:

Mayor Lary motioned to adjourn. Councilman Rob Turner provided the second. The meeting adjourned at 10 p.m.

XIV. EXECUTIVE SESSION: None requiredh

WHEN AN EXECUTIVE SESSION IS REQUIRED, ONE WILL BE CALLED FOR THE FOLLOWING ISSUES: 1) PERSONNEL, 2) LITIGATION, 3) REAL ESTATE



CITY COUNCIL AGENDA ITEM

SUBJECT: Comprehensive Plan

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Work Session: 02/11/2019

Council Meeting: 02/25/2019

SUBMITTED BY:

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

FEB 25TH
COUNCIL Mtg



February 14, 2019

Mayor Jason Lary
City of Stonecrest
3120 Stonecrest Boulevard
Stonecrest, Georgia 30038

RE: Comprehensive Plan

Dear Mayor Lary,

ARC has completed the regional review of the 2019 Comprehensive Plan for the City of Stonecrest. We are pleased to inform you that the Georgia Department of Community Affairs (DCA) has determined that the plan conforms to the Minimum Standards and Procedures for Local Comprehensive Planning.

Attaining DCA Qualified Local Government (QLG) status is contingent on local adoption of the plan, which may take place at any time. Once adopted, please send ARC digital copies of the adoption resolution and the final, "as adopted" plan document, so that we may forward them to DCA. Upon receiving notice that the plan has been adopted, DCA will award the City with QLG status.

I commend Stonecrest's leadership and staff for your commitment to the development of your very first comprehensive plan! Please contact Robert Herrig at (470) 378-1636 or rherrig@atlantaregional.org if you have any questions or if we can provide further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Samyukth Shenbaga".

Samyukth Shenbaga, AICP
Manager, Community Development Group

Enclosure

Cc: Michael Harris, City Manager
Nicole Dozier, Community Development Director

Andrew Smith

From: Jon West <Jon.West@dca.ga.gov>
Sent: Wednesday, February 13, 2019 10:01 AM
To: Andrew Smith; Robert Herrig
Cc: PEMD OPQG Administration
Subject: Stonecrest Plan Update Approval

Andrew and Robert,

Our staff has reviewed the City of Stonecrest's first Local Comprehensive Plan and determined that it adequately addresses the Minimum Standards for Local Comprehensive Planning. Please convey our congratulations to the City. As soon as your office provides written notice that the plan has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will award Qualified Local Government status to the local government.

Thanks,



Learn more about our commitment to [fair housing](#).



Jon A. West, AICP
Principal Planner
Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, Georgia 30329

Direct 404-327-6872
Fax 770-302-9703
Jon.West@dca.ga.gov

Michael Harris

From: Andrew Smith <ASmith@atlantaregional.org>
Sent: Wednesday, February 13, 2019 11:31 AM
To: Michael Harris; Nicole Dozier; Mary Darby; Michael Hightower
Cc: Robert Herrig
Subject: FW: Stonecrest Plan Update Approval

All,

Per the below, DCA has approved the **City of Stonecrest's first Comprehensive Plan**. Great work!

We will draft our official approval letter and get that out to you ASAP. I wanted to share DCA's email this morning though, so that you can start looking at upcoming Council dates to schedule plan adoption (the City's last step is to adopt the plan and then send ARC digital copies of the adoption resolution and the final plan; after that, DCA will award the City with QLG status).

Any questions, please let me know.

Best,

Andrew Smith

Principal Planner, Community Development

Atlanta Regional Commission

P | 470.378.1645

asmith@atlantaregional.org

atlantaregional.org

International Tower

229 Peachtree Street NE | Suite 100

Atlanta, Georgia 30303

From: Jon West <Jon.West@dca.ga.gov>
Sent: Wednesday, February 13, 2019 10:01 AM
To: Andrew Smith <ASmith@atlantaregional.org>; Robert Herrig <RHerrig@atlantaregional.org>
Cc: PEMD OPQG Administration <pemd.opqga@dca.ga.gov>
Subject: Stonecrest Plan Update Approval

Andrew and Robert,

Our staff has reviewed the City of Stonecrest's first Local Comprehensive Plan and determined that it adequately addresses the Minimum Standards for Local Comprehensive Planning. Please convey our congratulations to the City. As soon as your office provides written notice that the plan has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will award Qualified Local Government status to the local government.

Thanks,





Learn more about our commitment to [fair housing](#).



Jon A. West, AICP

Principal Planner

Georgia Department of Community Affairs

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Atlanta, Georgia 30329

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Jon.West@dca.ga.gov



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 18-0007 (B) Chapter 7 Modifications- 2nd Read

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 02/18/19 Work Session: Council Meeting: 2/25/19

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE:

(B) This is a clean-up modification to the Building Code Section 7 remove of language not applicable to Stonecrest. **Note: This item will have to be forwarded to DCA for approval prior to city adoption**

RECOMMENDED ACTION: This item was first read at the February 11, City Council meeting .

OPTIONS: Defer back to the Planning Commission, Approve; Deny; or make Alternative conditions

ATTACHMENTS:

#1 Planning Commission Staff Report

Attachment #1

2/5/2019

Planning Commission Staff Report

TMOD 18-0007 (B)

Chapter 7 Modifications (1st Read)



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 3, 2019

GENERAL INFORMATION

Petition Number: TMOD 18-0007

Applicant: Stonecrest Community Development Department

Project Location: City-Wide

Discussion: This is a modification of Article 27 Short Term Vacation Rental Ordinance and minor modification to Chapter 7 Building Code.

1 AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING
2 CHAPTER 27, ARTICLE IV TO CLARIFY EXISTING REGULATIONS ON SQUARE
3 FOOTAGE OF SLEEPING AREAS.

4 **WHEREAS**, the City of Stonecrest is authorized to exercise the power of zoning Ga. Const.
5 Art. IX, Section II, ¶ IV, Ga. Const. Art. IX, Section II, ¶¶ I and III, Official Code
6 of Georgia Annotated (O.C.G.A.) § 36-66-1 et seq., the City's Charter, the City's
7 general police powers, and by other powers and authority provided by federal,
8 state and local laws applicable hereto; and

9 **WHEREAS**, the City of Stonecrest continues to exercise its zoning powers to provide
10 comprehensive city planning and ensure a safe, healthy, and aesthetically pleasing
11 community; and

12 **WHEREAS**, as the City of Stonecrest experiences growth and gains knowledge through the
13 exercise of these powers, it is necessary to and, amend, and/or remove certain
14 requirements in the Zoning Ordinance; and

15 **WHEREAS**, the City of Stonecrest recognizes necessity of implementing regulations which
16 protect the health, safety and welfare of its citizens as well as tourists in the city
17 who choose alternative accommodations, such as Short Term Vacation Rentals.

18 **WHEREAS**, the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, provides statutory
19 requirements which must be met by a local government to enact zoning
20 ordinances and make zoning decisions, including, requiring publication of notice
21 and public hearing prior to the enactment of zoning ordinances;

22 **WHEREAS**, the City of Stonecrest has advertised and held public hearings on _____
23 and _____ on the adoption of the amendment to Chapter 27, Article IV:

24 **WHEREAS**, this Ordinance seeks to clarify the existing regulations on Short Term Vacation
25 Rentals to ensure a safe, healthy, and aesthetically pleasing community for the
26 citizens and visitors of the City of Stonecrest, Georgia.

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

29 Section 1: Section 4.2.58 of The Code of the City of Stonecrest, Georgia, is hereby
30 amended to read as follows:

- 31 A. No individual renting the property shall stay for longer than 30 consecutive days.
- 32 B. The STVR shall not be operated in such a way as to change the residential character of
33 the neighborhood in which it is located and shall comply with the noise ordinance.
- 34 C. In every dwelling of two (2) or more rooms, every room occupied for sleeping purposes
35 by one (1) occupant shall contain not less than 70 square feet of floor area, and every
36 room occupied for sleeping purposes by two (2) occupants shall contain at least one

- 37 **hundred twenty (120) square feet of floor area. Maximum occupancy limits for any**
38 **overnight guests must not exceed two guests for every bedroom located in the STVR.**
- 39 D. Every Bedroom shall have a window facing directly and opening to the outdoors.
- 40 E. Every bedroom shall have access to not less than one water closet and lavatory without
41 passing through another bedroom. Every bedroom in an STVR shall have access to not
42 less than one water closet and lavatory located in the same story as the bedroom or an
43 adjacent story.
- 44 F. There shall also be provided at least one (1) off-street parking space for each bedroom
45 used as a part of the STVR.
- 46 G. No signs or advertising are permitted to identify or advertise the existence of the STVR,
47 beyond those otherwise allowed for the residential property.
- 48 H. All STVR units shall be furnished with a telephone that is connected to a landline or
49 similar type connection, including a voice over internet protocol, in order that 911
50 dispatch may be able to readily identify the address and/or location from where the call is
51 made when dialed.
- 52 I. A diagram depicting two eviction routes shall be posted on or immediately adjacent to
53 every required egress door.
- 54 J. No individual renting a STVR shall use the STVR for a special event, party, or temporary
55 outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a
56 special event, party, or temporary event.
- 57 K. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city
58 within 500 feet of another STVR, bed and breakfast, boarding house, Home stay bed and
59 breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child
60 caring institution. Measurements for this subsection shall be made in a straight line
61 without regard to intervening structures or objects, between the closest points on the
62 property lines of the two uses.

63
64 **Section 2:**

- 65 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
66 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
67 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
68 constitutional.

70 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
71 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
72 phrase of this Ordinance is severable from every other section, paragraph, sentence,
73 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
74 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
75 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
76 section, paragraph, sentence, clause or phrase of this Ordinance.

77
78 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
79 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
80 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
81 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
82 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
83 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
84 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
85 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
86 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

87
88 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
89 are hereby expressly repealed.

90
91 5. The within ordinance shall become effective upon its adoption.

92
93 6. [The provisions of this Ordinance shall become and be made part of The Code of the City
94 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
95 accomplish such intention.]

96 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2019.

Approved:

Jason Lary, Sr., Mayor

As to form:

City Attorney

109 Attest:

110
111

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

112

113 Brenda James, City Clerk

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, AMENDING**
2 **CHAPTER 7, TO CLARIFY REGULATIONS CONCERNING BUILDINGS AND**
3 **CONSTRUCTION**

4 **WHEREAS**, the City of Stonecrest, Georgia Mayor and City Council are authorized by the
5 City Charter to regulate and to license the erection and construction of buildings and all other
6 structures and to adopt all required and permissive international codes as adopted by the State of
7 Georgia; and

8 **WHEREAS**, the Mayor and City Council are charged with preserving the health, safety and
9 welfare of the citizens of the City; and

10 **WHEREAS**, the Mayor and City Council deem it necessary to adopt building and construction
11 regulations, as well as the International Property Maintenance Code, in order to ensure the safety
12 of buildings in the City.

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

15 **Section 1:** **Section 7-24(b)(2)(f) of The Code of the City of Stonecrest, Georgia, is hereby**
16 **amended to read as follows:**

17 f. All residential driveways, stops, patios, and walkways shall bear on properly compacted
18 soil, foundation ledges or be doweled at slab. Maximum residential driveways slopes
19 shall not exceed 20 percent grade. At the entrance of a garage, the garage floor shall be
20 elevated two inches above the driveway or a drainage system approved by the director
21 shall be installed at the entrance to the garage. Residential garages and carports shall
22 contain not less than 19 feet six inches of actual automobile parking depth. Upon
23 ~~completion of construction of any driveway or garage, the engineer of record shall~~
24 ~~provide written certification to the director that such driveway and/or garage complies~~
25 ~~with the requirements of this Code, including the requirements of this section~~

26
27 **Section 2:** **Section 7-143 of The Code of the City of Stonecrest, Georgia, is hereby**
28 **amended to read as follows:**

29 (a) *Required.* No building or structure or portion thereof shall be occupied or a change made in
30 the type of occupancy or the nature of the use of an existing building or part thereof until
31 after an appropriate certificate as required by this section has been issued.

32 (b) *Certificate of occupancy.*

33 (1) *Issuance.* A certificate of occupancy shall not be issued by the Building Official until
34 the building, structure and intended use complies with all applicable requirements of the
35 zoning ordinance, all construction is complete and all required final building, plumbing,
36 mechanical, gas, electric, fire, health, vegetation protection and site drainage
37 inspections have been performed and approved.

38 (2) *Scope.* The certificate of occupancy certifies that all final inspections have been
39 completed and the structure has been erected, to the best of the inspector's knowledge,

40 in compliance with applicable Code requirements at the time of the issuance of the
41 certificate. However, issuance of a certificate of occupancy shall not excuse the builder,
42 contractor, tenant, or property owner from liability for any violation of the Code or any
43 other applicable laws. Occupancy shall be limited to the area or portion of a building or
44 structure defined by the building permit for which the certificate of occupancy is issued.

45 (c) *Temporary certificate of occupancy.*

46 (1) *Scope.* A temporary certificate of occupancy may be issued for non-residential buildings
47 or portions thereof, before the completion of the entire work covered by the permit, for
48 a specified period of time when it has been determined by the Building Official or
49 designee that no outstanding Code violations or deficiencies exist and the building may
50 be safely occupied for the use and time requested. A request for a temporary certificate
51 of occupancy shall be made on such form as prescribed by the Building Official.

52 (2) *Issuance.* A temporary certificate of occupancy shall be issued for stated purposes only
53 when construction has not been fully completed and all final inspections have not been
54 performed for a set time period as determined by the Building Official.

55 (3) *Revocation.* A temporary certificate of occupancy may be revoked, in writing, at the
56 option of the Building Official for any and/or all of the following reasons:

- 57 a. Violation of any building, plumbing, mechanical, electrical, fire safety or site
58 development codes or regulations.
- 59 b. Failure to complete any stage of construction and/or site improvements required by
60 the Building Official in a timely manner.
- 61 c. Unauthorized occupancy or use of any part or portion of the building or structure
62 other than the area or portion for which a temporary certificate of occupancy has
63 been granted.
- 64 d. Incorrect information supplied by the permit holder.
- 65 e. Any other conditions that may affect the health, safety and welfare of persons or
66 property.

67 (d) *Certificate of completion.* A certificate of completion shall be issued upon satisfactory
68 completion of a building, structure, and/or plumbing, mechanical, gas or electrical system,
69 when a certificate of occupancy is not required. The certificate of completion does not grant
70 authority to occupy a building or structure or change the type of occupancy or nature of use
71 prior to the issuance of a certificate of occupancy.

72 ~~(e) *Certificate of change of tenant.*~~

73 ~~(1) *Scope.* A certificate of change of tenant shall be required whenever there is a change~~
74 ~~of tenant occupancy in any non-residential building, structure or use and no construction,~~
75 ~~alterations, improvements or repairs to the building, structure, plumbing, mechanical, gas, or~~
76 ~~electrical systems have been or are to be made. The new tenant or building owner shall be~~
77 ~~required to submit current as-built floor and fixture plans for review and complete a~~
78 ~~repair/improvement declaration. Upon approval and payment of a change of tenant fee and~~

79 ~~satisfactory inspection to determine compliance with the submitted and approved floor and~~
80 ~~fixture plan, repair/improvement declaration, and applicable sections of this Chapter, a~~
81 ~~certificate of change of tenant shall be issued.~~

82 ~~(2) *Permits required.* If the change of tenant involves any construction, alterations,~~
83 ~~improvements or repairs to the building, plumbing, mechanical, gas or electrical systems, all~~
84 ~~necessary permits required by this chapter shall be obtained by licensed qualified contractors~~
85 ~~and all necessary inspections shall be performed by the building official before a change of~~
86 ~~tenant, or if required, a new certificate of occupancy is issued.~~

87 (e) *Contents of certificates.* Certificates shall contain the following:

88 (1) The building permit number (or in the case of a certificate of completion, the
89 appropriate trade permit number).

90 (2) The address of the structure.

91 (3) The name and address of the owner.

92 (4) A description of that portion of the structure for which the certificate is issued.

93 (5) A statement that the described portion of the structure has been inspected for
94 compliance with the requirements of this Chapter.

95 (6) The name of the Building Official.

96 (7) The edition of the code under which the permit was issued.

97 (8) If non-residential, the use and occupancy, in accordance with the provisions of chapter
98 3 of the International Building Code.

99 (9) If non-residential, the type of construction as defined in chapter 6 of the International
100 Building Code.

101 (10) If non-residential, the design occupant load.

102 (11) If an automatic sprinkler is provided, whether the sprinkler system is required.

103 (12) Any special stipulations and conditions of the building permit.

104 (f) *Revocation of certificates.* The building official or designee may revoke certificates of
105 occupancy, certificates of completion, and certificates of change of tenant issued under
106 provisions of this Chapter, where it is shown that there have been either one or more of the
107 following:

108 (1) Changes or alterations in construction, type of permitted use or occupancy
109 without written approval by the Building Official or designee.

110 (2) Changes or violations of the conditions of the certificate without written approval
111 by the Building Official or designee.

112 (3) Alterations, additions, or improvements to the building, structure, or systems
113 without permits and inspections required by this Chapter.

114 (4) Violation of any zoning, building, plumbing, mechanical, electrical, fire safety or
115 site development codes or regulations.

- 116 (5) Any condition that may affect the building, structure or service system which, in
117 the opinion of the director, renders the building, structure or service system
118 unsafe, dangerous or uninhabitable.
- 119 (6) After a certificate has been revoked, a valid certificate shall not be issued until all
120 violations, changes, alterations, additions or improvements meet all requirements
121 of this Chapter as determined by the Building Official.
- 122 (g) *Posting Floor Loads.*
- 123 (1) *Occupancy.* An existing or new building shall not be occupied for any purpose
124 which will cause the floors thereof to be loaded beyond their safe capacity. The
125 Building Official may permit occupancy of a building for mercantile, commercial
126 or industrial purposes, by a specific business, when he is satisfied that such
127 capacity will not thereby be exceeded.
- 128 (2) *Storage and Factory-industrial occupancies.* It shall be the responsibility of the
129 owner, agent, proprietor or occupant of Group S and Group F occupancies, or any
130 occupancy where excessive floor loading is likely to occur, to employ a
131 competent architect or engineer in computing the safe load capacity. All such
132 computations shall be accompanied by a stamped and signed affidavit from the
133 architect or engineer stating the safe, allowable floor load on each floor in pounds
134 per square foot uniformly distributed. The computations and affidavit shall be
135 filed as a permanent record of the building department.
- 136 (3) *Signs required.* In every building or part of a building used for storage, industrial,
137 or hazardous purposes, the safe floor loads, as reviewed by the Building Official
138 on the plan, shall be marked on plates of approved design which shall be supplied
139 and securely affixed by the owner of the building in a conspicuous place in each
140 story to which they relate. Such plates shall not be removed or defaced, and if
141 lost, removed or defaced, shall be replaced by the owner of the building.
142

143 **Section 3:** Section 7-170 of The Code of the City of Stonecrest, Georgia, is hereby
144 amended to read as follows:

145 **Sec. 7-170. - Construction or work; approval and accessibility.**

- 146 (a) *Generally.* Construction or work for which a permit is required shall be subject to inspection
147 by the Building Official and such construction or work shall remain accessible and exposed
148 for inspection purposes until approved. Approval as a result of an inspection shall not be
149 construed to be an approval of a violation of the provisions of this Chapter or of other
150 applicable provisions of the Code. Inspections presuming to give authority to violate or
151 cancel the provisions of this Chapter or of other provisions of the Code shall not be valid. It
152 shall be the duty of the permit applicant to cause the work to remain accessible and exposed

- 153 for inspection purposes. Neither the Building Official nor the city shall be liable for any
154 expense entailed in the removal or replacement of any material required to allow inspection.
- 155 (b) *Preliminary inspection.* Before issuing a permit, the Building Official is authorized to
156 examine, or cause to be examined, buildings, structures, systems and sites for which an
157 application has been filed.
- 158 (c) *Required inspections.* The Building Official, upon notification, shall make the inspections
159 set forth as follows:
- 160 (1) *Building.*
- 161 a. *Foundation and slab inspection.* To be made after trenches are excavated, forms are
162 erected, and reinforcement is installed but before concrete is put in place. The
163 appropriate silt and erosion control measures must be in place and functional.
- 164 b. *Damproofing inspection.* To be made prior to backfill of crawl space or basement
165 foundation walls.
- 166 c. *Pre-cladding/sheathing inspection.* To be made after the roof, wall bracing, are
167 installed and prior to placement of exterior cladding. Rough inspections on trades
168 need not be complete for pre-cladding inspection.
- 169 ~~d. *Roof felt and sheathing inspection.* To be performed after felt is installed and prior
170 to covering exterior wall sheathing with felt paper, house wrap or siding as follows:
171 For existing homes having the roof replaced, the inspection shall consist of: Valley
172 flashing consisting of either~~
- 173 ~~— 1. Metal flashing at least 24 inches wide having no less than 12 inches on either
174 side of the valley;~~
- 175 ~~— 2. Self-sealing flashing shall be installed at least 36 inches wide having no less
176 than 18 inches on either side of the valley; or~~
- 177 ~~— 3. Roll roofing shall be installed at least 36 inches wide having no less than 18
178 inches on either side of the valley~~
- 179 d. *Frame (rough) inspection.* To be made after wiring, piping, chimneys, duct and
180 vents to be concealed are in place and all fire blocking is in place this inspection
181 occurs before any insulation or wall coverings are installed.
- 182 e. *Final inspection.* To be made after the building or structure is completed in
183 compliance with this Code prior to issuance of the certificate of occupancy.
- 184 (2) *Electrical.*
- 185 a. *Underground and slab inspection.* To be made after trenches or ditches are
186 excavated, forms are erected, conduit or cable are installed, and before any backfill
187 or concrete is put in place.
- 188 b. *Rough-in inspection.* To be made after the roof, framing, fire blocking, bracing, and
189 wiring are in place and prior to the installation of insulation and wall and ceiling
190 membranes.

- 191 c. *Temporary Power Inspection.* Temporary approval for connection to the utility can
192 be granted prior to completion. The temporary connection is only valid for a period
193 not to exceed 90 days.
194 d. *Final inspection.* To be made after the building or structure is complete, all
195 required electrical outlets, switches and fixtures are in place and properly connected
196 or protected, and the building or structure is ready for occupancy.
197

198 (3) *Plumbing.*

- 199 a. *Underground and slab inspection.* To be made after trenches or ditches are
200 excavated, forms are erected, piping installed and before any backfill or concrete is
201 put in place. The appropriate silt and erosion control measures must be in place and
202 functional.
203 b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing
204 are in place and all water, soil, waste and vent piping is complete and prior to the
205 installation of wall and ceiling membranes.
206 c. *Final inspection.* To be made after the building is complete, and all plumbing
207 fixtures and appliances are in place and properly connected, and the structure is
208 ready for occupancy.
209 d. *Testing.* Plumbing work and systems shall be tested as required in section 312 of
210 the International Plumbing Code. Tests shall be made by the permit holder and
211 observed by the Building Official.
212

213 (4) *Mechanical.*

- 214 a. *Underground and slab inspection.* To be made after trenches or ditches are
215 excavated, forms are erected, underground duct and fuel piping is installed and
216 before any backfill and concrete is put in place.
217 b. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing
218 are in place and all duct and fuel piping to be concealed are complete and prior to
219 the installation of wall and ceiling membranes.
220 c. No mechanical equipment or ductwork is allowed to be installed in any building
221 that is not adequately sealed from the weather. Any ductwork or equipment
222 contaminated by stormwater must be replaced to prevent a potential mold issue or
223 health hazard, as recommended by the DCA Mold Task Force.
224 d. *Final inspection.* To be made after the building is complete, the mechanical system
225 and appliances are in place and properly connected and the structure is ready for
226 occupancy.
227

228 (5) *Gas.*

- 229 a. *Rough-in inspection.* To be made after all piping authorized by the permit has been
installed and before any such piping has been covered and concealed or any
fixtures or appliances have been connected.

- 230 b. *Final piping inspection.* To be made after all piping authorized by the permit has
231 been installed, after all portions which are to be covered or concealed by wall and
232 ceiling membranes, plastering, stone or brickwork have been so concealed, and
233 before any fixtures or gas appliances have been connected. Log lighters shall be
234 permitted separately and inspected.
- 235 c. *Testing.* This inspection shall include a gas pressure test.
- 236 d. *Final inspection.* To be made on all new gas work authorized by the permit and
237 such portions of existing systems as may be affected by the new work or any
238 changes, to ensure compliance with the requirements of this chapter and to assure
239 that the installation and construction of the gas system is in accordance with
240 reviewed plans.
- 241 (6) *Energy.*
- 242 a. *Insulation inspection.* To be made after all rough inspections are complete and
243 approved and before exterior wall insulation is concealed by wall board to check
244 installation of the exterior insulation envelope and to inspect that all holes and
245 cracks through the structure envelope have been sealed in an appropriate manner as
246 to restrict air passage.
- 247 b. *Final inspection.* To be made after the building is completed and ready for
248 occupancy. To verify installation and R-value of ceiling and floor insulation. To
249 verify correct SEER ratings on appliances. Verification of compliance with all state
250 amendments for the energy code in regards to sealing and compliance certificates
251 where applicable and properly posted.
- 252 (d) *Residential floodplain inspections.* For construction permitted in areas prone to flooding as
253 established by table R301.2(1) of the International Residential Building Code, upon
254 placement of the lowest floor, including basement, and prior to further vertical construction,
255 the building official shall require submission of a certification of the elevation of the lowest
256 floor, including basement, prepared by a registered professional engineer or land surveyor,
257 as required in section R327 of the International Residential Building Code.
- 258 (e) *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated
259 assemblies shall not be concealed from view until inspected and approved.
- 260 (f) *Other inspections.* In addition to any other inspections, the Building Official is authorized to
261 make or require other inspections of any construction work to ascertain compliance with the
262 provisions of this Chapter and other applicable provisions of the code that are enforced by
263 the city.
- 264 (g) *Residential fire-resistance-rated construction inspections.* Where fire-resistance-rated
265 construction is required between dwelling units or due to the location on the property, the
266 Building Official shall require an inspection of such construction after all lathing and/or
267 wallboard is in place, but before any plaster is applied, or before wallboard joints and
268 fasteners are taped and finished.

- 269 (h) *Inspection agencies.* The Building Official is authorized to request and accept reports of
270 approved inspection agencies, provided such agencies satisfy the requirements of this
271 Chapter.
- 272 (i) *Pre-qualified alternate registered engineer inspections.*
- 273 (1) When it is evident that the city cannot provide an inspection service of construction
274 covered by this Chapter within two business days of receiving a valid written request
275 for an inspection, then, in lieu of an inspection by inspections personnel employed by
276 the city, any person, firm, or corporation engaged in a construction project which
277 requires an inspection, shall have the option of retaining, at their own expense, a pre-
278 qualified alternate registered professional engineer who holds a certificate of
279 registration issued under chapter 15 of title 43 of the Official Code of Georgia
280 Annotated, and who is not an employee or otherwise affiliated with or financially
281 interested in such person, firm, or corporation, to provide the required inspection. Pre-
282 qualified alternate registered professional engineers shall conduct inspections in
283 accordance with all applicable provisions of this Code and state law, including, but not
284 limited to, O.C.G.A. § 8-2-26, as amended.
- 285 (2) The city shall provide for the pre-qualification of alternate registered engineers who
286 may perform inspections pursuant to this section. A pre-qualified alternate registered
287 engineer inspector who personally makes the inspection, shall hold, in addition to the
288 certificate registration required under chapter 15 International Code Council/ICC of title
289 43 of the Official Code of Georgia Annotated, a certification that matches his area of
290 expertise. Pre-qualified alternate registered engineers may provide inspections in their
291 scope of expertise providing they hold the aforementioned certifications that match their
292 expertise. In lieu of personally holding an International Code Council certification, a
293 registered engineer may employ technicians who hold the required appropriate
294 International Code Council certifications to actually make the inspections. These
295 employees shall also be pre-qualified by the city. Inspection reports submitted to the
296 city shall contain both the certified technician's signature and the signature and seal of
297 the pre-qualified alternate registered engineer and their dates of certification.
- 298 (3) Pre-qualified alternate registered engineer inspections and reports shall be accepted only
299 from persons or firms who have been pre-qualified by the Building Official. The
300 requirements, procedures, application forms and report forms shall be as required by the
301 Building Official.
- 302 (j) *Inspections requests.* It shall be the duty of the holder of the permit or their duly authorized
303 agent to notify the building official when work is ready for inspection. It shall be the duty of
304 the permit holder to provide safe access to and a safe means for inspection of such work for
305 any inspections that are required by this Chapter.
- 306 (k) *Approval required.* Work shall not be done beyond the point indicated in each successive
307 inspection without first obtaining the approval of the Building Official. The Building

308 Official, upon notification, shall make the requested inspections and shall either indicate the
309 portion of the construction that is satisfactory as completed or shall notify the permit holder
310 or an agent of the permit holder wherein the same fails to comply with this Code. Any
311 portions that do not comply shall be corrected and such portion shall not be covered or
312 concealed until authorized by the Building Official.

313 (l) *Re-inspection fee.* Re-inspection fees shall be required in accordance with the fee schedule
314 as adopted by the city council when work performed is required to be re-inspected due to the
315 following reasons:

- 316 (1) The re-inspection is not approved due to a failure to correct a previously noted code
317 violation on a prior inspection;
- 318 (2) The job is not ready for inspection when an inspection is requested and performed;
- 319 (3) The building or structure is not accessible and inspection cannot be performed;
- 320 (4) Work to be inspected has been covered or concealed and proper inspection cannot be
321 performed; or
- 322 (5) Prior issuance of a stop work order requires re-inspection.

323 (m) *Right-of-entry.* Inspections required under the provisions of this Chapter shall be made by
324 the Building Official or designee. Upon presentation of proper credentials, the Building
325 Official or designee may enter the premises between 8:00 a.m. and 7:00 p.m. to perform any
326 duty imposed by this Chapter, provided that the building official or designee has consent to
327 enter the premises or has obtained and presents an inspection warrant as described in this
328 Chapter.

329 (n) *Manufacturers and Fabricators.* When deemed necessary by the Building Official, he shall
330 make, or cause to be made, an inspection of materials or assemblies at the point of
331 manufacture or fabrication. A record shall be made of every such examination and
332 inspection and of all violations of the construction codes.

333 (o) *Inspections prior to issuance of certificate of occupancy or completion.* The Building
334 Official shall inspect, or cause to be inspected, at various intervals all construction or work
335 for which a permit is required, and a final inspection shall be made of every building,
336 structure, electrical, gas, mechanical or plumbing system upon completion, prior to issuance
337 of the certificate of occupancy or completion.

338 (p) *Posting of permit.* Work requiring a permit shall not commence until the permit holder or
339 his agent posts the permit card in a conspicuous place on the premises. The permit shall be
340 protected from the weather and located in such position as to permit the Building Official or
341 representative to conveniently make required entries thereon. This permit card shall be
342 maintained in such position by the permit holder until the certificate of occupancy or
343 completion is issued by the Building Official.

344

345 **Section 4:**

- 346 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
347 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
348 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
349 constitutional.
- 350
351 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
352 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
353 phrase of this Ordinance is severable from every other section, paragraph, sentence,
354 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
355 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
356 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
357 section, paragraph, sentence, clause or phrase of this Ordinance.
- 358
359 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
360 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
361 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
362 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
363 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
364 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
365 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
366 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
367 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
- 368
369 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
370 are hereby expressly repealed.
- 371
372 5. The within ordinance shall become effective upon its adoption.
- 373
374 6. [The provisions of this Ordinance shall become and be made part of The Code of the City
375 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
376 accomplish such intention.]

377 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2019.

378 Approved:

379 _____
380
381 Jason Lary, Sr., Mayor

382
383
384 As to form:
385
386

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019-_____

387
388
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Attest:

Brenda James, City Clerk

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution to Adopt Local Legislation for the City of Stonecrest to Increase the Hotel/Motel Tax to Eight (8) percent

- | | | |
|--|--|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Work Session: 02/11/2019

Council Meeting: 02/25/2019

SUBMITTED BY: Mr. Harris, City Manager

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION: Approval by Mayor Lary and Council

1 **STATE OF GEORGIA**
2 **CITY OF STONECREST**
3 **COUNTY OF DEKALB**

4
5
6 **RESOLUTION NO. _____**
7

8 A RESOLUTION OF THE CITY OF STONECREST REQUESTING THE GEORGIA
9 GENERAL ASSEMBLY TO ADOPT LOCAL LEGISLATION FOR THE CITY OF
10 STONECREST TO INCREASE THE HOTEL/MOTEL TAX TO EIGHT (8) PERCENT; TO
11 PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER
12 PURPOSES.

13 **WHEREAS**, the governing authority of the City of Stonecrest (hereinafter "City") is the
14 Mayor and City Council, and

15 **WHEREAS**, the City currently imposes a 5% Hotel/Motel tax on all occupied rooms
16 within the City, and

17 **WHEREAS**, the City currently has a contract with DeKalb County Visitors Bureau to
18 provide Destination Marketing Organization services for and within the City; and

19 **WHEREAS**, the Georgia General Assembly authorizes municipalities to increase their
20 Hotel/Motel Tax to 8% upon a request from the governing authority and passage of a local act by
21 the General Assembly, and

22 **WHEREAS**, the Mayor and City Council find that the City would benefit from the
23 imposition of this tax by providing additional revenues for the promotion of travel and tourism
24 and the development of destinations for visitors in the City of Stonecrest, and

25 **WHEREAS**, O.C.G.A. § 48-13-51(b) provides that municipalities wishing to increase
26 such tax must adopt a resolution which specifies the subsequent Tax Rate, identifies the projects
27 or tourism product development purposes and specifies the allocation of proceeds.

28 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL IN**

29 **REGULAR SESSION THAT:**

30 **Section 1.**

31 (a.) The City of Stonecrest hereby requests the State Legislative Delegation of Fulton County
32 seek a local legislative act authorizing Stonecrest to increase its Hotel/Motel tax from the
33 existing 7% to 8%.

34 (b.) The City of Stonecrest intends to use the proceeds of such tax for any legal purpose, to
35 include specifically, but not limited to, promoting tourism, conventions, and trade shows
36 by a qualified destination marketing organization established and designated by the City
37 of Stonecrest for such purposes, as well as for tourist product development regarding
38 improvements to the Stonecrest Academy Theater, as well as other projects and
39 developments to be determined at a future date.

40 (c.) The tax authorized by Section 48-13-51(b)(2) of the Official Code of Georgia Annotated,
41 and the proceeds of this tax shall be used in accordance with sections 48-13-51(b)(5) and
42 48-13-51(b)(6).

43 (d.) An amount equal to the total taxes collected under O.C.G.A. § 48-13-51(b), which would
44 have been collected at a rate of 5% shall be expended in accordance with the provisions
45 of O.C.G.A. § 48-13-51(a)(3).

46 (e.) Any amount equal to, not less than 50% of the total amount of taxes collected that exceed
47 the amount of taxes that would be collected at the rate of 5% shall be expended for
48 promoting tourism, conventions, and trade shows by the destination marketing
49 organization designated by the City of Stonecrest.

50 (f.) Any remaining amount of taxes collected that exceed the amount of taxes that would be
51 collected at the rate of 5% which are not otherwise expended pursuant to the previous
52 paragraph shall be expended for tourism product development.

53 **Section 2.** The preamble of this Resolution shall be considered to be and is hereby
54 incorporated by reference as if fully set out herein.

55 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
56 sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their
57 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

58 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
59 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
60 Resolution is severable from every other section, paragraph, sentence, clause or phrase of this
61 Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the
62 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
63 Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase
64 of this Resolution.

65 (c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution
66 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
67 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
68 express intent of the Mayor and Council that such invalidity, unconstitutionality or
69 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
70 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
71 sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,
72 clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional,

73 enforceable, and of full force and effect.

74 **Section 4.** All resolutions and parts of resolutions in conflict herewith are hereby
75 expressly repealed.

76 **Section 5.** The effective date of this Resolution shall be the date of adoption unless
77 otherwise specified herein.

78

79 (SIGNATURES LOCATED ON FOLLOWING PAGE)

80

81 SO RESOLVED this _____th day of _____, 2019.

82

83

CITY OF STONECREST, GEORGIA

84

85

86

Jason Lary, Mayor

87 **ATTEST:**

88

89

90

CITY CLERK

91

92 **APPROVED AS TO FORM:**

93

94

95

96

CITY ATTORNEY

A BILL TO BE ENTITLED
AN ACT

1 To authorize the governing authority of the City of Stonecrest to levy an excise tax pursuant
2 to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures,
3 conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Pursuant to the authority of subsection (b) of Code Section 48-13-51 of the O.C.G.A., the
8 governing authority of the City of Stonecrest is authorized to levy an excise tax at a rate not
9 to exceed 8 percent of the charge for the furnishing for value to the public of any room or
10 rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or
11 required to pay business or occupation taxes to, the municipality for operating a hotel, motel,
12 inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms,
13 lodgings, or accommodations are regularly or periodically furnished for value.

14 **SECTION 2.**

15 The enactment of this Act is subsequent to the adoption of a resolution by the governing
16 authority of the City of Stonecrest on February 25, 2019, which specifies the subsequent tax
17 rate, identifies the projects or tourism product development purposes, and specifies the
18 allocation of proceeds.

19 **SECTION 3.**

25 would be collected at the rate of 5 percent shall be expended for promoting tourism,
26 conventions, trade shows, by the destination marketing organization designated by the
27 City of Stonecrest; and

28 (2) The remaining amount of taxes collected that exceed the amount of taxes that would
29 be collected at the rate of 5 percent which are not otherwise expended under
30 paragraph (1) of this section shall be expended for tourism product development.

31 **SECTION 4.**

32 This Act supersedes any prior ordinances adopted by the governing authority of the City of
33 Stonecrest pursuant to paragraph (3) of subsection (a) of Code Section 48-13-51 of the
34 O.C.G.A.

35 **SECTION 5.**

36 All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2019 session of the General Assembly of Georgia a bill to authorize the governing authority of the City of Stonecrest; to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the Official Code of Georgia Annotated; and for other purposes.



CITY COUNCIL AGENDA ITEM

SUBJECT: Consent Resolution: Heritage Townhomes (Chupp Road)

- | | | |
|--|--|--|
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> POLICY | <input type="checkbox"/> STATUS REPORT |
| <input type="checkbox"/> DISCUSSION ONLY | <input checked="" type="checkbox"/> RESOLUTION | <input type="checkbox"/> OTHER |

Work Session: 02/11/2019

Council Meeting: 02/25/2019

SUBMITTED BY:

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:

1 **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA, REQUESTING THE HOUSING AUTHORITY OF THE COUNTY OF**
3 **DEKALB, GEORGIA, TO EXERCISE ITS POWERS WITHIN THE CITY OF**
4 **STONECREST FOR THE PURPOSE OF FINANCING A PROPOSED MULTIFAMILY**
5 **HOUSING PROJECT FOR SENIORS.**
6

7 **WHEREAS,** the Mayor and Council (“City Council”) of the City of Stonecrest, Georgia (the
8 “City”), have been informed by representatives of LDG Heritage Development, a
9 Georgia limited liability company (which together with any successor(s) or
10 assignee(s) is hereinafter referred to as the “Borrower”), that the Borrower
11 proposes the acquisition, construction, installation and equipping of an
12 approximately 240-unit apartment project, consisting of approximately 48
13 buildings, located on a 57-acre site near the intersection of Chupp Road and
14 Covington Highway, Stonecrest, DeKalb County, Georgia, said project to consist
15 of certain land, buildings, structures, equipment and related real and personal
16 property (collectively, the “Project”) and that the availability of revenue bond
17 financing is an important factor under consideration by the Borrower in
18 determining the feasibility of the acquisition, construction and installation of the
19 proposed Project from a financial standpoint; and

20 **WHEREAS,** no housing authority has been activated to operate within the City; and

21 **WHEREAS,** the Housing Authorities Law of the State of Georgia (O.C.G.A. Section 8-3-1 *et*
22 *seq.*), as amended (the “Act”) and specifically O.C.G.A. Section 8-3-110 provides
23 that the area of operation of a housing authority created for a county shall include
24 all of the county for which it was created provided that a county housing authority
25 shall not undertake any housing project within the boundaries of a city unless a
26 resolution shall have been adopted by the governing body of such city declaring
27 that there is a need for the county housing authority to exercise its powers within
28 such city (the “City Consent Resolution); and

29 **WHEREAS,** the Housing Authority of the County of DeKalb, Georgia (the “Authority”) has
30 indicated its willingness to issue revenue bonds on behalf of the Borrower to
31 finance the Project conditioned upon the receipt of a City Consent Resolution
32 adopted by City Council; and

33 **WHEREAS,** after careful study and investigation of the nature of the proposed Project and as
34 required by the Act, City Council has determined that it is in the best interest of
35 the inhabitants of the City that the Authority issue revenue bonds to finance the
36 Project located within boundaries of the City.

37 **NOW, THEREFORE, BE IT RESOLVED** by the MAYOR AND COUNCIL OF THE
38 CITY OF STONECREST, GEORGIA, and IT IS HEREBY RESOLVED by authority of the
39 same, as follows:

40 **Section 1. Authority for Resolution.** This Resolution is adopted pursuant to the
41 provisions of the Constitution and the laws of the State of Georgia.

42 **Section 2. Findings.** City Council hereby declares that there is a need for the
43 Authority to exercise its powers within the City solely for the purpose of issuing revenue bonds
44 to finance the Project. The bonds issued by the Authority shall not constitute a debt of the City
45 within the meaning of any constitutional or statutory provision, and the City shall have no
46 financial obligation or responsibility with respect to the bonds or the Project.

47 **Section 3. Severability of Invalid Provision.** If any one or more of the agreements
48 or provisions herein contained shall for any reason whatsoever be held invalid, then such
49 covenants, agreements or provisions shall be null and void and shall be deemed separable from
50 the remaining agreements and provisions and shall in no way affect the validity of any of the
51 other agreements and provisions hereof.

52 **Section 4. Repealing Clause.** All resolutions or parts thereof of City Council in
53 conflict with the provisions herein contained are, to the extent of such conflict, hereby
54 superseded and repealed.

55 **Section 5. Effective Date.** This Resolution shall take effect immediately upon its
56 adoption.

57 **SO RESOLVED AND EFFECTIVE**, this ____ day of _____, 2019.
58
59

Approved:

Jason Lary, Sr., Mayor

Attest:

Leah Rodriquez, Interim City Clerk

60

[1229-0012/301211/1]



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ 19-0001 **Rezoning Application (4001-3989 Panola Road)**

ORDINANCE **POLICY** **STATUS REPORT**

DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 02/18/19 **Work Section:** **Council Meeting: 02/25/2019**

SUBMITTED BY: Nicole Dozier, Community Development Department Director

PURPOSE: To rezone 53.16 acres at the above mentioned property from R-100 (Residential Med Lot) to R-75 (Residential Med Lot) to construct 115 detached single-family homes.

HISTORY: This application was heard at the February 5, 2019 Planning Commission Meeting. The applicant requested a deferral of their application so another community meeting could be held and traffic study could be completed. The Planning Commission recommend deferral of the application.

OPTIONS: Approve, Deny or Defer

RECOMMENDED ACTION:

Planning Commission recommended approval of the deferral request for petition RZ-19-001 at the February 5, 2019 meeting.

ATTACHMENTS:

1 02/05/19 Staff Report

RZ 19-001

Attachment #1

02/05/19 Staff Report



PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 5, 2019

GENERAL INFORMATION

Petition Number: RZ-19-001

Applicant: Blue River Development c/o Battle Law

Owner: Wagner Robert Dane

Project Location: 4001-3989 Panola Rd.

District: District 4

Acreage: 53.16 acres

Existing Zoning: R-100 (Residential Med Lot)

Proposed Zoning: R-75 (Residential Med Lot)

Proposed Development/Request: The applicant is requesting to rezone the subject property from R-100 to R-75 for the development of 115 single-family subdivision.

Staff Recommendations: See staff analysis

Planning Commission: Deferred

RZ-19-001



PLANNING COMMISSION STAFF REPORT

Zoning Map



ZONING CASE: RZ-19-001

ADDRESS: 3989 / 4001 Panola Rd

CURRENT ZONING: R-100

FUTURE LAND USE: Suburban



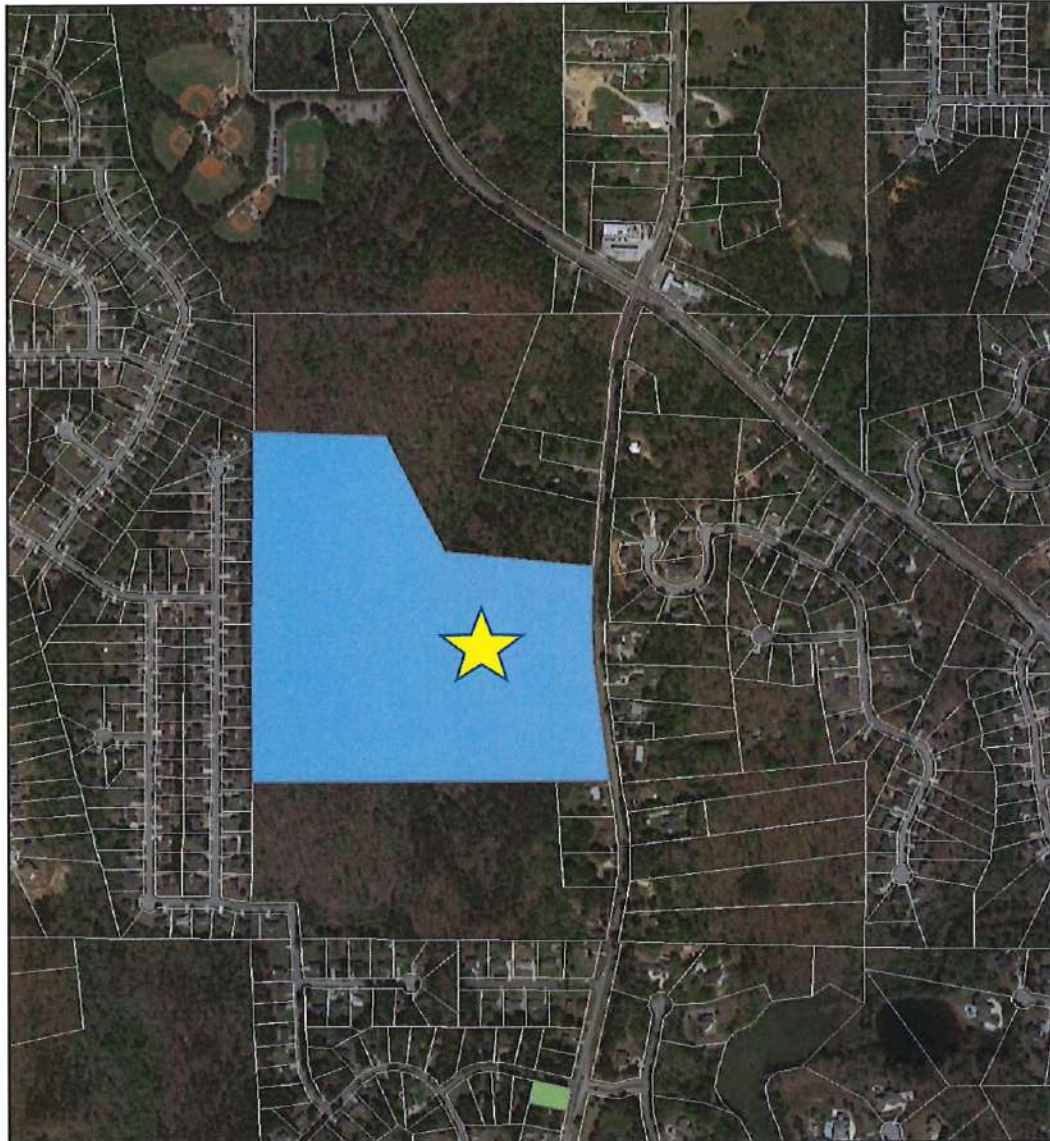
Subject Site

0 0.1 0.2 mi



PLANNING COMMISSION STAFF REPORT

Aerial Map



ZONING CASE: **RZ-19-001**

ADDRESS: **3989 / 4001 Panola Rd**

CURRENT ZONING: **R-100**

FUTURE LAND USE: **Suburban**



Subject Site

0 0.1 0.2 mi



PLANNING COMMISSION STAFF REPORT

PROJECT OVERVIEW

The applicant is requesting a change in zoned 53.16 acres from R-100 (Medium Density Residential) to R-75 (Residential Med Lot) District to allow for the construction of 115 de-attached single-family residential homes. The Future Land Use character for this area is Subdivision identified in the Stonecrest Comprehensive Plan.

The subject properties are located approximately 1350 feet to the south of the intersection of Browns Mill Road and Panola Road. The properties currently have two single family homes located on it, built between the 1930s or 1940s. The properties have a mixture of pines and hardwoods vegetation. The topography of the property can be characterized as being uneven. Several areas of the subject property (mostly toward the middle of the property) has steep decline dropping some ten's of feet.

The applicant is proposing 115 units single-family homes. The proposed density will be 2.18 units per acre. The minimum square footage for the single-family homes will be 1,600 square feet. Submitted elevations for the residential units show the façade to be a mixture of brick or stone with accents of concrete siding. The side and rear elevations will be using the same concrete lap sidings. Site amenities proposed for the development is an active recreation area with a cabana and pool within in the subdivision. There will be 10.9 acres to be left for common open space with a proposed nature trail to develop as well. Access to the development will be located off Panola Road and the internal roads will be public.

A neighborhood meeting is scheduled to be held Monday January 28, 2019, to discuss the proposed rezoning.



PLANNING COMMISSION STAFF REPORT

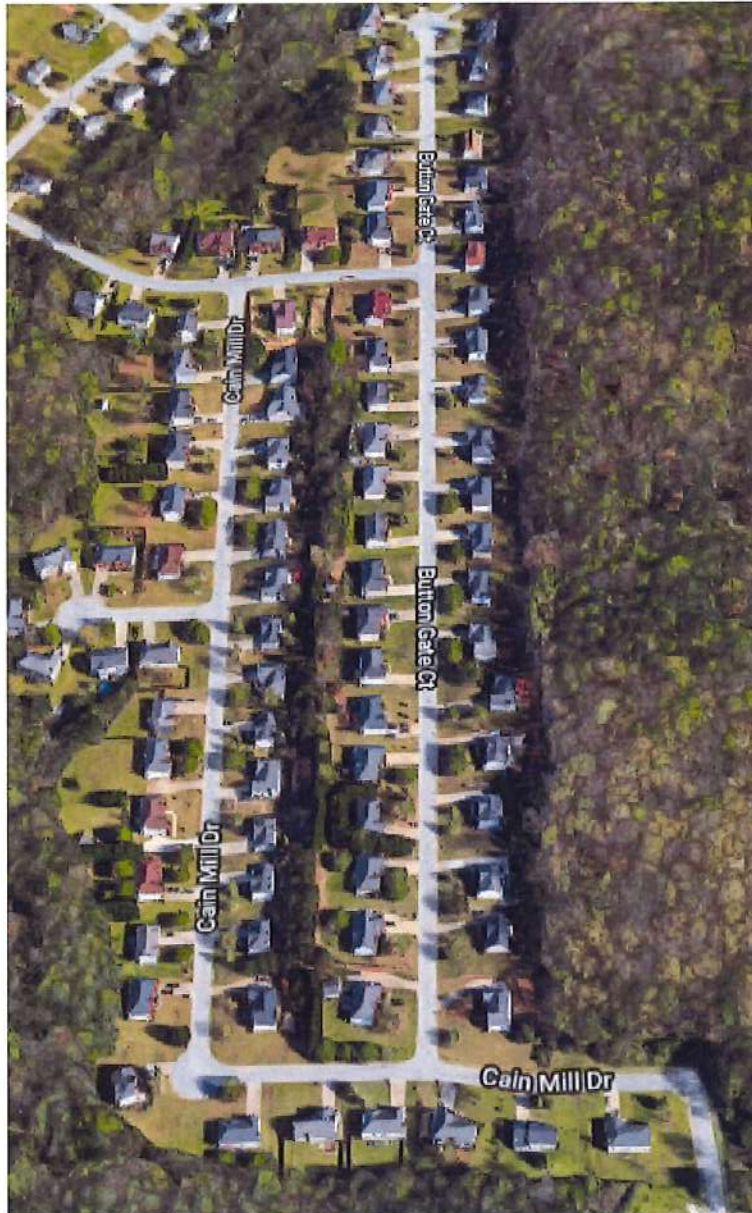
Property located to North of the subject property





PLANNING COMMISSION STAFF REPORT

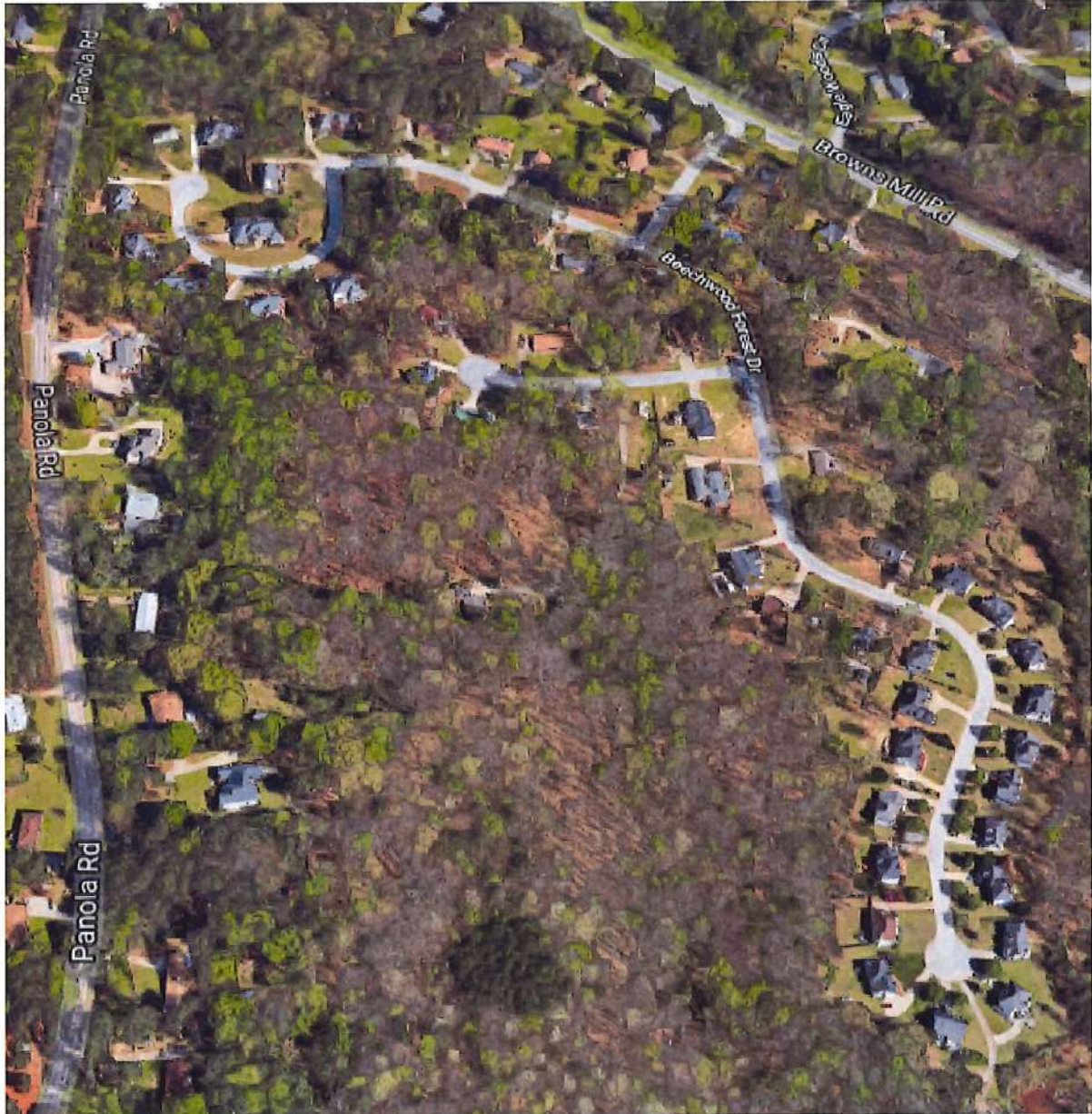
Property located to West of the subject property (Burlington Subdivision)





PLANNING COMMISSION STAFF REPORT

Properties located to the East of the subject property



PLANNING COMMISSION STAFF REPORT

Properties located to the South of the subject property (Panola Valley Subdivision)





PLANNING COMMISSION STAFF REPORT

STANDARDS OF REVIEW

- **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 proposed R-75 zoning is in line with the recommended use of the suburban character area. The suburban character area calls for single-family detached residential homes which the applicant is proposing.

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

The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby properties. The proposed zoning is similar to the surrounding zoning of other single-family developments. However, the zoning proposal would change the character of the area by developing smaller lots and smaller homes within the area.

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

The subject property has reasonable economic use as currently zoned. The subject property current zoning and site conditions allow for a residential subdivision to be developed.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The proposed zoning is a residential use which is similar to the residential zoning in the immediate area.

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

There are no other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

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

The proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

- **Whether the zoning proposal will result in use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**



PLANNING COMMISSION STAFF REPORT

The proposed zoning will not result in use in which will cause excessive or burdensome use of transportation facilities and utilities. Staff is concern amount of traffic the new development will create. The trip generation which the applicant submitted show PM peak travel to be over 100 trips. Staff has requested a traffic impact study for review (Engineer Comments # 3).

The development would generate 54 additional students according to DeKalb County School development review. Ten students at Flat Rock ES, six at Salem MS, ten at MLK HS and twenty-four at other DCSD schools. The middle school and high school would have the capacity for additional schools, however, Flat Rock ES does not have the capacity for additional students.

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



PLANNING COMMISSION STAFF REPORT

ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-100 (Vacant)	Single-family Residential	n/a
Adjacent: South	R-100 (Panola Valley Subdivision)	Single-family Residential	n/a
Adjacent: East	R-100 (Detached Single Family)	Single-family Residential	n/a
Nearby: West	R-100 (Burlington Subdivision)	Single-family Residential	n/a

The surrounding area can be characterized as residential zoning tracts. Located to the north of the subject property is vacant property zoned R-100. The Burlington subdivision is located to the west of the subject property and is zoned R-100. Panola Valley Subdivision is located to the south of the subject property and is zoned R-100. Adjacent to the east of the subject property is several detached single-family homes zoned R-100. The proposed use of single-family detached homes would be like surrounding area.

R-75 zoning is designed to use and structures authorized in the district are designed to serve the housing, recreational, educational, regions and social needs of the neighborhood. The zoning district should provide compatible developments and provide protection for in the existing neighborhoods as new subdivisions are created. R-75 district zoning requires a minimum lot to be 10,000 square feet and the minimum unit's size is 1,600 square feet for single-family detached. The surrounding properties have zoning of R-100 and minimum lots of 15,000 square feet and minimum units size of 2,000 square feet. The proposed zoning use would be compatible but would have smaller lots and small homes.

The City of Stonecrest Future Development Map as shown on page 77 of the City of Stonecrest Comprehensive Plan identifies the subject property as being within the Character Area Suburban Character Area. The intent of the Suburban Character Area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Policies for this character area is to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. The proposed zoning is recommended use for the area however staff believes the development of smaller homes would alter established single-family residential patterns in the area. Still the overall development would be in line with the comprehensive plan goals.

Although the proposed residential use would be compatible with smaller lots and smaller homes. It would appear the applicant proposal does not meet all the standards or review. Staff still has concerns regarding elementary school capacity and traffic. Concerns should be address before the application is approved.



PLANNING COMMISSION STAFF REPORT

Engineering Zoning Comments

1. There is a project in the Atlanta Regional Commission's Transportation Improvement Plan for improvements on Panola Road (Project #0006880). The scope of the project is one thru lane in each direction, a center left turn lane, and bike lanes on each side. Improvements include curb & gutter, sidewalk, traffic signal enhancements, and geometric improvements. This project is currently scheduled as Long Range with no funding source designated.
2. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Stonecrest.
 - a. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City of Stonecrest and DeKalb County.
 - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
 - c. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Stonecrest and DeKalb County.
3. Submit a Traffic Impact Study for the development. Existing and projected traffic counts should be shown. Trip generation volumes for daily and peak hours should be calculated using the Institute of Traffic Engineers Trip Generation Manual. These volumes will be used to determine the requirement for a left turn lane and/or deceleration lane into the proposed project. Impacts and recommendations for improvements to impacted roads and intersections should be included.
4. ADA compliant sidewalks are required along Panola Road and along both sides of all proposed streets.
5. Development plans shall meet all the requirements of the City of Stonecrest Development Regulations, Tree Protection, Erosion & Sedimentation Control, Floodplain, and Stream Buffer Ordinances prior to the issuance of a Land Disturbance Permit.
6. A topographic map was not submitted as required by the rezoning application. Topography should extend 200' beyond the site boundaries.
7. Water and sewer approval is required by the DeKalb County Department of Watershed Management.
8. No provision for stormwater detention is shown. Detention facilities should be shown on a separate lot and shall be maintained by the Homeowners Association.
9. The following issues are not in compliance with the City of Stonecrest Land Development Code. Approval of these would require concurrent variances.
 - a. The minimum centerline curve radius is ninety feet (Sec. 14-197). This is violated in at least three locations.
 - b. Panola Road is classified as a major arterial. Right-of-way dedication is required seventy-five feet (75') from the centerline of Panola Road per Sec. 14-191(b).
 - c. A project consisting of greater than 75 lots must have a minimum of two access points per Sec. 14-200(5).



PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

Based upon the findings and conclusions, it appears the applicant does not meet all the criteria for approval. However, should the Commission choose to approve the request in whole, Staff recommends that approval be subject to the following conditions:

1. Submit a site plan to the City of Stonecrest Community Development Department that conforms to the requirements of the R-75 zoning district and conditions found herein. The site plan shall be submitted to the Community Development Department for approval prior to application for a Land Disturbance Permit. Said site plan shall contain a maximum of 115 detached single-family units.
2. Dwellings shall have a minimum heated floor area of 1,800 square feet.
3. Building elevations shall be constructed of primarily brick or stone on the front façade. Sides and rear shall contain at least 50 percent brick or stone with the balance being the same, wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director.
4. The development shall be limited to a maximum of two (2) entrances on Panola Road. Said entrances shall be have adequate spacing and sight distance and are subject to the approval of the Stonecrest City Engineer.
5. Owner/Developer shall install ADA compliant sidewalks along both sides of all proposed streets.
6. Owner/Developer shall construct a deceleration lane at the proposed entrance to the development on Panola Road (Sec. 14-200(9)a), subject to the approval of the Stonecrest City Engineer.
7. Owner/Developer shall construct a left turn lane on Panola Road at the proposed entrance (Sec. 14-200(9)b), subject to the approval of the Stonecrest City Engineer. Said turn lane shall comply with design guidelines as set forth by AASHTO and in the Manual on Uniform Traffic Control Devices (MUTCD).
8. Owner/Developer shall install curb & gutter and a five foot (5') wide sidewalk along the entire frontage of Panola Road. Said sidewalk shall be located so that it will not conflict with the future Panola Road Operations Improvement Project.
9. Owner/Developer shall dedicate additional right-of-way along the entire frontage of Panola Road to provide a minimum of fifty feet (50') from the road centerline, twelve feet (12') from the future back of curb, or two feet (2') from the future back of sidewalk, whichever is greater.
10. All proposed roads shall be designed and constructed in compliance with the City of Stonecrest Development Regulations, including a minimum centerline radius of ninety feet (90'), subject to the approval of the City Engineer.
11. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition. Detention facilities must be on a separate lot and shall be maintained by the Homeowners Association.



PLANNING COMMISSION STAFF REPORT

12. Owner/Developer shall comply with the City of Stonecrest Tree Protection Ordinance concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.
13. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

PLANNING COMMISSION RECOMMENDATION

The Stonecrest Planning Commission recommends land use petition RZ-19-001 to be deferred to the April 2ND Planning Commission meeting.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD 19-0002 Child & Personal Care Home Modifications 1st Read

- ORDINANCE POLICY STATUS REPORT
 DISCUSSION ONLY RESOLUTION OTHER

Date Submitted: 02/18/19 Work Session: Council Meeting: 2/25/19

SUBMITTED BY: Nicole C.E. Dozier, Community Development Department Director

PURPOSE:

This is a clean-up and clarity to Chapter 9 Definition, Section 4.2.31 Home Occupations, Section 4.2.41 Personal Care Homes and Table 4.1 Use Table regarding Child Care and Personal Care homes.

Based on the confusion and requests from the public as well as Mayor and Council, Staff recommends the following modification to the Personal Care and Child Care Home regulations:

- *Child and Personal Care Homes are considered home occupations.*
- *The owner/operation must reside on premise.*
- *Personal Care Homes are defined as up to 6 persons and the home must be a minimum of 1800 Sq. Ft.*

This address the concerns/confusion about these uses considered a business, the number of children (currently 3-6 or 6 or more) making sure proper management is located on site and the size of the home being able to accommodate the number of persons as well as staff on site.

- *Child Care Homes are defined as up to 5 children.* - This eliminated the architectural plan requirement as per the Building Code and is less burdensome on the applicant.
- *A fenced outdoor space is required for childcare homes and facilities with Children ages 3-15.* – This will address the concerns about unsupervised children roaming the neighborhoods and better supervision of children.

Greater than 5 children or more than 6 persons is considered a “facility” as indicated with in the definition modifications.

RECOMMENDED ACTION: This item heard at the February 5, 2019 Planning Commission Meeting and the Commission recommended approval of this item. With one modification to Section 4.2.41(D) 3 “..a fenced outdoor play area the equivalent of 100 sq. ft. per child in the rear...”

OPTIONS: Make comments regarding this item, this is the 1st read.

ATTACHMENTS:

- #1 Planning Commission Staff Report
- #2 Draft meeting minutes

Attachment #1

2/5/2019

Planning Commission Staff Report

TMOD 19-0002

**Child & Personal Care Home Modifications
(1st Read)**



PLANNING COMMISSION STAFF REPORT

MEETING DATE: February 5, 2019

GENERAL INFORMATION

Petition Number: TMOD- 19-0002

Applicant: Community Development Dept.

Project Location: City -Wide

Proposed Amendment: Modification(s) to Personal and childcare Homes and accompanying definitions.

Staff Recommendations: APPROVAL



PLANNING COMMISSION STAFF REPORT

AMENDMENT/ANALYSIS OVERVIEW

Based on the confusion and requests from the public as well as Mayor and Council, Staff recommends the following modification to the Personal Care and Child Care Home regulations:

- *Child and Personal Care Homes are considered home occupations.*
- *The owner/operation must reside on premise.*
- *Personal Care Homes are defined as **up to 6 persons** and the home must be a **minimum of 1800 Sq. Ft.***

This address the concerns/confusion about these uses considered a business, the number of children (currently 3-6 or 6 or more) making sure proper management is located on site and the size of the home being able to accommodate the number of persons as well as staff on site.

- *Child Care Homes are defined as **up to 5 children**.* - This eliminated the architectural plan requirement as per the Building Code and is less burdensome on the applicant.
- *A fenced outdoor space is required for childcare homes and facilities with Children ages 3-15.* – This will address the concerns about unsupervised children roaming the neighborhoods and better supervision of children.

Greater than 5 children or more than 6 persons is considered a “**facility**” as indicated with in the definition modifications.



PLANNING COMMISSION STAFF REPORT

RECOMMENDATION

Staff recommends approval of TMOD 19-0002.

Car wash: A facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Car wash, self-service: A car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat: A feline that has reached the age of six (6) months.

Catering establishment: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: A space having less than one-half (0.5) or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six-and-one-half (6.5) feet.

Cemetery: Property used for the interring of the dead. See Georgia cemetery regulations.

Chapel: See Place of worship.

Check cashing facility: A person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child Care Facility ~~earing~~ institution: A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six seven (67) or more children.

~~for children~~ under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or facility."

~~Child earing institution, community: A child-earing institution that offers care to seven (7) or more children.~~

~~Child Care Home earing institution, group: A child caring institution that offers care to for up to five six (56) children. between four (4) and six (6) children.~~

Child day care center: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of ~~seven (7) or more~~ children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody.

~~Child day care facility: An establishment operated by any person with or without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty four (24) hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.~~

Church: See Place of worship.

Cistern: An underground reservoir or tank for storing rainwater.

feet six (6) inches wide by eighteen (18) feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure: A structure or portion thereof composed of one (1) or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Pasture land: See Grazing land.

Path: A paved or structurally improved walkway that provides access to areas within a development.

Paved: A structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobile(s), two (2) paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable: Pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop: Any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph. Includes title pawn.

Pedestrian oriented: A density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use: Any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services: Assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care home: A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons

for adults are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

~~*Personal care home, community:* A personal care home that offers care to seven (7) or more persons.~~

Personal care home, group: A personal care home that offers care to up to six (6) persons between four (4) and six (6) persons.

Personal services establishment: An establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area: An area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers: A range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet: See Household pet.

Pet cemetery: Property used for the interring of dead domestic animals.

Pet shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail): A place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development: A development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility: A facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines: The ratio of the rise to the run of a roof.

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

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties.

Planned industrial center: An industrial development planned with multiple buildings for industrial users.

Planning director: See director of planning.

Plant material: Material derived from plants.

Planting strip: A strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

Sec. 4.2.31. - Home occupations and private educational uses.

The following provisions apply to home occupations:

~~A.~~ **A.**—A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning.

1. The owner/operator must reside on the premise.

~~2.~~ Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.

1. Customer contact is allowed for Type II home occupations.

2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.

C. All home occupations shall meet the following standards:

1. There shall be no exterior evidence of the home occupation.

2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.

3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.

4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.

5. No more than one (1) business vehicle per home occupation is allowed.

6. No home occupation shall be operated so as to create or cause a nuisance.

7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.

8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.

D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

Sec. 4.2.32. - Late-night establishments and night clubs.

- A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.
- B. Late-night establishments and nightclubs shall be subject to all of the following standards:
1. Parking facilities within a lot may be shared in accordance with article 6, parking.
 2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
 3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
 4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
- C. No late night establishment or night club boundary line shall be located within one thousand five hundred (1,500) feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
- D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:
1. From the property line of the land upon which the late-night establishment or nightclub is located;
 2. To the property line of the land which is zoned for a residential use;
 3. Along a straight line which describes the shortest distance between the two (2) property lines (i.e., "as the crow flies").
- E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use as defined in article 9. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement,

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

Sec. 4.2.40. - Pawn shops.

The following provisions shall apply to pawn shops:

- A. Pawn shops shall not be permitted within one thousand (1,000) feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.
- C. For new construction, at least thirty percent (30%) of the first floor façade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

Sec. 4.2.41. - Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

1. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
2. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
3. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

B. *Personal care home, group ~~up (four (4))~~ to six (6) persons.*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. **The home must be at least 1800 sq. ft in size.**

3. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, community (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in article 6.

D. *Child ~~earing institutions~~Care home, facility, general requirements.*

1. Each child caring ~~institution~~**home, facility** must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

2. **Child care homes and Child Care facilities are not permitted in Multi-family dwellings.**

2. No child caring **home, facility institution** may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

3. **Each child care home, facility with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.**

E. *Child ~~earing i~~Care Homes ~~nstitution~~, group (~~up four (4) to six five (65) children~~).*

1. ~~Two (2) copies of complete architectural plans for the subject group child caring institution, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.~~
2. Each group child **care home earing institution** must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child ~~earing institutions~~, ~~community~~ Care Facility (~~seven six (76) or more children~~).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident,—and must comply with any applicable requirements in article 6.

Sec. 4.2.42. - Places of worship, convents; monasteries; temporary religious meetings.

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

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

Sec. 4.2.43. - Private elementary, middle and high school.

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:
 1. *Elementary school* : Two (2) acres plus one (1) additional acre for each one hundred (100) students based on the designed capacity of the school.
 2. *Middle school* : Three (3) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
 3. *High school* : Five (5) acres plus two (2) acres for each one hundred (100) students based on the designed capacity of the school.
- B. The minimum public road frontage for a private school is two hundred (200) feet.

Attachment #2

2/5/2019

Planning Commission Draft Meeting Minutes

TMOD 19-0002

CITY OF STONECREST, GEORGIA

Planning Commission Meeting Minutes
Summary

February 5, 2019, 6:00 P.M.

Stonecrest City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155 | Stonecrest, Georgia 30038 |
(770) 224-0200 | www.stonecrestga.gov

The Planning Commission met on Tuesday, February 5, 2019 at 6:04 p.m. in Stonecrest City Hall's Chamber in Stonecrest, Georgia.

I. Call to Order

The Chairman read the Rules and Procedures for the Planning Commission Meetings and Public Hearings and completed the roll call for the City of Stonecrest, Georgia. There was a quorum.

II. Roll Call

Present:

Mr. J.W. Eady

Vacant

Mr. Eric Hubbard

Ms. Lisa Wright

District 1

District 2

District 3

District 5

Staff Present:

Mrs. Nicole Dozier

Mr. Chris Wheeler

Mrs. Emily Macheski-Preston

Community Development Director

City Planner

City Attorney

Absent:

Ms. Pearl Hollis

District 4

III. Minutes: Approval of the Planning Commission Meeting Minutes Summary dated January 3, 2019

Commissioner Lisa Wright motion to approve the Planning Commission Meeting Minutes Summary dated January 3, 2019. Commissioner J.W. Eady seconded the motion. **The motion was unanimously carried.**

IV. Old Business: None

V. New Business:

1. Public Hearing(s):

LAND USE PETITION:

PETITIONER:

LOCATION:

CURRENT ZONING:

PROPOSED DEVELOPMENT:

RZ-19-001

Blue River Development,

c/o Battle Law, P.C.

3898-4001 Panola Road

R-100 (Residential Med Lot) District

Request to change subject property zoning to R-75 for the construction of 115 single-family unit subdivision.

Mr. Chris Wheeler advised the Planning Commissioners that the applicant requested that the advertised **Petition RZ-19-001 | Blue River Development, c/o Battle Law, P.C. | 3898-4001 Panola Road** be deferred in order to meet with the community and complete a traffic study. **Petition RZ-19-001** was moved to the March 5, 2019, Planning Commission public hearing meeting.

The Chairman opened the public hearing and asked the applicant, Blue River Development, c/o Battle Law, P.C., to come forth.

Ms. Michele Battle came forth and stated that the attempt to have a community meeting was unsuccessful. Post card error was made by Ms. Battle's Staff. There was some confusion as to where the property is located. The property is currently zoned R-100, 53 acres. Asking for R-75 and decrease in lot size. The homes are in the \$300s and Staff asked for a traffic study. Ms. Battle stated that the traffic study was not required but, the applicant agreed to complete a traffic study in the next couple of weeks.

The Chairman asked the Commissioners and Staff if there were questions. There were none.

The Chairman opened the floor to those in **support** of **Petition RZ-19-001**. There were none.

The Chairman opened to the floor to those in **opposition** of **Petition RZ-19-001**.

1. Ms. Felicia Collins was not present but, sent an email dated February 4, 2019 expressing disapproval and traffic concerns. Prior to the meeting, the Secretary included a copy of Ms. Collins' email in the packets given to the Commissioners and Staff.
2. *Submitted a Public Comments - Rules card:* Mr. Wilbert V. Payne lives at 4171 Sandy Lake Drive in the Sandy Shore Subdivision and stated he was not aware of what this plan is. Mr. Payne stated he observed significant development occurring in the area and had three concerns: 1) Over development and quality of the lot size; and 2) Footprint of what will be development; and traffic adding to the congestion. Mr. Payne is opposed.
3. *Submitted a Public Comments - Rules card:* Mr. Roderick White lives in the Miners Creek Subdivision and stated that in the actual application posted online -- there were missing pages online. Mr. White asked for Flat Rock School capacity; requested that materials be dated and clearer information to digest -- to better understand what is going on. Mr. White stated that when rezoning, the demographic structure already exists; and the he had walked the property and identified different animals -- asked for a study on the wildlife in the area. Mr. White is opposed.
4. Ms. (?) has lived at 4209 and 4217 Panola Road since 1989 and stated, "What is the difference in the number of homes if they just maintain the current zoning R100? The developers are being greedy -- keep with the same space..."
5. Ms. Stephanie Love, lives at 3938 Button Gate Court, stated that the surveyors were out in the area; a community meeting would be very good. Ms. Love stated that there is Panola Park and wildlife enjoyed; the traffic is terrible; this is a lot of dwellings (115 homes) on that land and area. Ms. Love is opposed.
6. *Did not speak. Submitted a Public Comments - Rules card:* N. Fowler lives on Button Gate Court and spoke on efforts to control animals from entering/existing property that borders the proposed community; and stopping water run-offs. Fowler is opposed.
7. *Did not speak. Submitted a Public Comments - Rules card:* Ms. Coffield lives at 3261 Chaparral Way and is opposed.

The Chairman asked for a deferral for **Petition RZ-19-001** in order to meet with the community and complete a traffic study. **The motion was unanimously passed.**

Attorney Macheski-Preston stated that **Petition RZ-19-001** will go to the City Council to be held

on February 25, 2019 with recommendation to defer and go back to the Planning Commission.

LAND USE PETITION: TMOD 19-0002
PETITIONER: Community Development Department
LOCATION: City Wide
PROPOSED AMENDMENT: Revision to the Home Occupation- Sec. 4.2.31. Child and Personal Care Home – Sec 4.2.41 regulations and Definitions Article 9

The Chairman asked Mrs. Nicole Dozier to come forth to present **Petition TMOD 19-0002**.

Mrs. Dozier advised the Planning Commissioners that **Petition TMOD 19-0002** may have come up in discussions with Staff, Mayor, and City Council. Mrs. Dozier stated in order to clear up concerns and confusions, Staff have modified regulations and home occupation rules to get appropriate business license. Staff recommends 1) Child and Personal Care Homes are considered **home occupations**; 2) the owner/operator must reside on premise; and 3) Personal Care Homes are defined as **up to 6 persons** and the home must be a **minimum of 1800 square feet**.

In addition, Child Care Homes are defined as **up to 5 children** and a **fenced outdoor space** is required for child care homes and facilities with children ages 3-15. Greater than five (5) children or more than six (6) persons is considered a **“facility.”**

Ms. Dozier stated that the Building Official requested the number of spaces for 3-15 year old must have fenced yards to play; reducing noise and freedom to run. See **TMOD 19-0002**, Page 12 [2194192/1], new text and definitions for Child Care Facility and Child Care Home. See Pages 41-42 [2194192/1]. See Pages 30-31[4.2.31; 4.2.41]; Page 36[4.2.41(a)(b); and Page 37(c)(d)(e)(f). The **4.1 Use Table** [2525219/1] was modified, Child Caring Facility, will require a Special Land Use Permit (SLUP).

The Chairman asked those in **support** to come forth. There were none.

The Chairman asked those in **opposition** to come forth.

1. *Submitted a Public Comments - Rules card:* Ms. Coffield lives at 3261 Chaparral Way and asked, “Why do we always have this conversation about groups homes and child facilities in predominately black communities? We allow personal care homes in residential areas.” Ms. Coffield spoke on owner-occupied property; the abundance of commercial properties; the three (3) criteria for buying her home: 1) a wooded lot; 2) at the back of subdivision; and 3) away from neighbors. Ms. Coffield is opposed.
2. *Submitted a Public Comments - Rules card:* Mr. David Marcus lives at 6501 Rockland Road and agrees with Ms. Coffield; sees property value going down; spoke on 50’ sf for each child; and is opposed.
3. *Submitted a Public Comments - Rules card:* Ms. Peaches Moss lives at 5842 Lake View Circle and spoke on code enforcement issues.
4. *Submitted a Public Comments - Rules card:* Ms. Marty Garrison lives in the Cove Lake Subdivision and spoke on the four (4) group homes, vans, by-laws; and is asking for help and advisement from the Commissioners.

The Chairman suggested that Ms. Garrison contact the Code Enforcement. Mr. Wheeler stated he would speak with Ms. Garrison after the public hearing. Mrs. Dozier stated that what is coming into the community -- there are provisions in place to work with the community.

The Chairman asked if there were questions before closing public hearing **TMOD 19-0002**.

The Chairman asked for a motion for **TMOD 19-0002**. Commissioner Wright motion to approve **TMOD 19-0002 with modifications and increase outdoor space for children** for the Revision to the Home Occupation- Sec. 4.2.31. Child and Personal Care Home – Sec 4.2.41 regulations and Definitions Article 9. Commissioner Eady seconded the motion to approve **TMOD 19-0002**. The motion was unanimously passed.

VI. Adjournment

There being no further business, Commissioner Wright moved to adjourn. Commissioner Eady seconded the motion. The vote was carried unanimously to adjourn the meeting at 7:01 p.m.

Approved:

Chairman

Date

Attest:

Secretary

Date

DRAFT