



## CITY OF STONECREST, GEORGIA

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*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*

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### CITY COUNCIL MEETING AGENDA

July 22, 2019

7:00 p.m.

3120 Stonecrest Blvd. Suite 190  
Stonecrest, Georgia

- I. **CALL TO ORDER:** Mayor Jason Lary
- II. **ROLL CALL:** Megan Reid, City Clerk
- III. **INVOCATION**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **AWARDS AND HONORS**
- VI. **APPROVAL OF THE COUNCIL AGENDA**
- VII. **MINUTES:**
  1. Approval of the July 8, 2019 City Council Meeting Minutes
- VIII. **PRESENTATIONS:**
- IX. **PUBLIC COMMENTS**
- X. **APPOINTMENTS:**
  1. Development Authority
- XI. **PUBLIC HEARINGS:**
  1. RZ-19-005 Land Use Petition (2193 Panola Rd) (R100 to C-1)

**XII. NEW BUSINESS:**

1. RZ-19-005 Land Use Petition (2193 Panola Road)
2. Recommendation for Youth Services Vendor for the Upcoming School Year's Afterschool Program
3. SPLOST Paving Phase II
4. Parks IGA
5. Transportation Master Plan Contract Award

**XIII. OLD BUSINESS:**

1. SLUP- 19-001 Personal Care Home- (3317 Panola Rd.)
2. Hotel Motel Tax Ordinance 2<sup>nd</sup> Reading

**XIV. EXECUTIVE SESSION:**

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

**XV. CITY MANAGER COMMENTS**

**XVI. CITY ATTORNEY COMMENTS**

**XVII. MAYOR AND COUNCIL COMMENTS**

**XVIII. ADJOURNMENT**

*Americans with Disabilities Act*

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

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



CITY COUNCIL AGENDA ITEM

**SUBJECT:** Minutes from 7-08-2019 Council Meeting

- ORDINANCE                       POLICY                                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION                               OTHER

Council Meeting: 07/22/2019

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**SUBMITTED BY:** Megan Reid

**PURPOSE:**

**HISTORY:**

**FACTS AND ISSUES:**

**OPTIONS:**

**RECOMMENDED ACTION:** Approval from Council



## CITY OF STONECREST, GEORGIA

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*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*

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### CITY COUNCIL MEETING MINUTES

July 8, 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:** Invocation was led by Dr. Nelson V. Hare of Rock Springs Road Church of Christ, Stonecrest, GA.
- IV. **PLEDGE OF ALLEGIANCE**
- V. **AWARDS AND HONORS**
- VI. **APPROVAL OF THE COUNCIL AGENDA:**

**Motion 1-** was made by Council Member Diane Adoma to approve the agenda with the changes as follows:

1. Add 3 under XIII. New Business. *DeKalb County Mass Transit Plan Resolution. Municipality transit planning alignment with countywide role and neighborhood action support.*
  2. Add 4 under XIII. New Business. *Modification of Real Estate settlements procedures, to require executive session before final closing on real estate matters exceeding \$25,000*
- A second was provided by Council Member Robert Turner.

**Motion passed unanimously.**

## **VII. MINUTES:**

Council Member Diane Adoma asked to add a sentence “Council Member Adoma requested the mayor to abrogate or revoke the finance and budget committee or bring it up to standard in accordance with the governing charter” pertaining to the discussion under XI. Old Business 1. City Hall Buildout.

The Mayor requested the City Clerk to give an overview of the minutes and state what was put in the minutes and Megan Reid, City Clerk, read what was in the minutes and stated that she only recorded the action and since there was no motion that she did not include the specifics of the discussion in the minutes. The Mayor agreed to leave the minutes as written.

Council Member Diane Adoma called for a Point of Order and then cited OCGA §50-14-1.

**Motion 2-** was made by Mayor Jason Lary to approve the Council Meeting Minutes from June 10, 2019. Council Member Diane Adoma called for a Point of Order and the Mayor recognized Council Member Adoma and asked if the Point of Order was different this time. Council Member Adoma did not respond. Mayor Lary asked for a second. Council Member Jimmy Clanton provided the second.

Council Member Adoma directed her statement regarding OCGA §50-14-1 and also quoted GMA’s Open Meetings Act and what items were required for the minutes to City Attorney Winston Denmark.

**Motion passed 5-1 with Council Member Adoma opposing.**

## **VIII. PRESENTATIONS:**

Mayor Lary Introduce Clarence Boone as the City’s new Economic Development Director.

Mark Davis, InterUrban Solar, presented opportunities available to Stonecrest.

Bernard King, Capital Resource Service, offered Construction Development Services and provided the council with references to current projects that he is overseeing.

## **IX. PUBLIC COMMENTS:**

- Joel Thibodeaux- Complaint against Fireworks and asked if there is a way for the City to strengthen the ordinance to provide for more regulations

- Davisha Johnson- Highlighted her Consulting Firm may be beneficial to the City of Stonecrest she offers political and professional consulting
- Faye Coffield- Expressed her displeasure with being accused of having a feud with her neighbor. Also, has concerns with Code Enforcement.
- Salim Damani- Signed up for Public Comment but was absent when called

**X. APPOINTMENTS:**

**1. East Metro CID Steering Committee**

Appointment of Clarence Boone, Economic Development Director, to the East Metro CID Steering Committee as Ex-Officio.

**Motion 3** – was made by Mayor Jason Lary to appoint Clarence Boone, Economic Development Director, to the East Metro CID Steering Committee as Ex-Officio and a second was provided by Council Member Jimmy Clanton.

**Motion passed unanimously.**

**2. Stonecrest Overlay Steering Committee**

Appointment of Clarence Boone, Economic Development Director, to the Stonecrest Overlay Steering Committee as Ex-Officio.

**Motion 4** – was made by Mayor Jason Lary to appoint Clarence Boone, Economic Development Director, to the East Metro CID Steering Committee as Ex-Officio and a second was provided by Council Member Jimmy Clanton.

**3. Stonecrest Overlay Steering Committee**

The Mayor explained to the Council that they were Reconstituting the Committee and would like to Appoint the following members to the Stonecrest Overlay Steering Committee:

Council Member Jimmy Clanton- District 1  
 Council Member Rob Turner- District 2  
 Michelle Battle  
 Jetha Wagner  
 Matt Hampton  
 Bernard Knight  
 Maurice Waddell  
 Christopher Wheeler- Ex Officio

Council Member Diane Adoma clarified that Ex-Officio means a non-voting member and City Manager Julian Jackson confirmed that the City Staff would not be a voting member.

**XI. PUBLIC HEARINGS:**

**1. City of Stonecrest 2038 Comprehensive Plan**

**Motion 5-** was made by Council Member Diane Adoma to open the Public Hearing. Michael Hightower, The Collaborative, spoke in favor of the Comprehensive plan. There was no opposition from the public.

**Motion 6-** was made by Council Member Rob Turner to close the Public Hearing.

**XII. OLD BUSINESS:**

**1. City of Stonecrest 2038 Comprehensive Plan resolution**

Read aloud by Mary Darby, The Collaborative.

Council Member Adoma asked for the process if amendments were needed.

Council Member George Turner would like to note that this is the 1<sup>st</sup> Comprehensive plan created by the City of Stonecrest and prior to the adoption the City operated using the DeKalb County Comprehensive Plan.

Council Member Jazzmin Cobble asked if the Zoning Ordinance and the Comprehensive plan were compatible and Mary Darby explained that there were some differences and the City will need to correct the Zoning Ordinance.

**Motion 7-** was made by Mayor Jason Lary to approve the Resolution as read and a second was provided by Council Member Diane Adoma.

**Motion passed unanimously.**

**XIII. NEW BUSINESS:**

**1. Hotel Motel Tax Ordinance- 1<sup>st</sup> Reading**

Read Aloud by City Clerk, Megan Reid

**2. Zoning Ordinance Services – The Collaborative**

**Motion 8** was made by Mayor Jason Lary to approve the contract for Zoning Services by the Collaborative and a second was provide by Council member Jimmy Clanton.

Council Member Cobble would like to make sure that the contract process has been followed.

**Motion Failed**

**Motion 9-** was made by Council member Jazzmin Cobble to defer the decision of the Contract until the next meeting, July 22, 2019, and was seconded by Council Member Rob Turner/.

Motion passed unanimously.

3. DeKalb County Mass Transit Plan Resolution. Municipality transit planning alignment with countywide role and neighborhood action support.

Presented by Council member George Turner and Michael Hightower.

**Motion 10-** was made by Council Member Rob Turner to approve the DeKalb County Mass transit Plan resolution and a second was provided by Council Member George Turner.

**Motion passed unanimously.**

4. Modification of Real Estate settlements procedures, to require executive session before final closing on real estate matters exceeding \$25,000- Discussion Only

**XIV. EXECUTIVE SESSION:**

**Motion 11-** was made by Mayor Jason Lary to go into Executive Session for Real estate and Legal and a second was provided by Council Member Diane Adoma.

**Motion passed unanimously.**

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

**Motion 12-** was made by Council Member George Turner to go back into the Council Meeting Regular Session and a second was provided by Council Member Rob Turner.

**Motion passed unanimously.**

**Motion 13-** was made by Council Member George Turner to Amend the agenda and add an item and a second was provided by Mayor Jason Lary.

**Motion passed 5-1 with Council Member Adoma opposing.**

**Motion 14-** was made by Council Member George Turner to name the added agenda item, The Pembleton Group Contract and was seconded by Council Member Rob Turner.



**Motion passed 5-1 with Council Member Adoma opposing.**

**Motion 15-** was made by Council Member Jimmy Clanton to approve the Pembleton group Contract and was seconded by Council Member Rob Turner.

**Motion passed 5-1 with Council Member Adoma opposing.**

**XV. CITY MANAGER COMMENTS:**

No comments

**XVI. CITY ATTORNEY COMMENTS:**

No comments

**XVII. MAYOR AND COUNCIL COMMENTS:**

**Council Member Diane Adoma-** Invited the Public to attend her Townhall Meeting on July 17 at 6pm in the Library. Also would like everyone to know that the 100 women \$100 Million Project is offering Hud Zone Certification.

**Council Member George Turner** Invited the Public to District Overlay Committee, Meeting District 4, Salem/ Panola Road Library, July 16, 2019 at 6 p.m.

**Council Member Rob Turner-** Invited the Public to join this month's breakfast meeting in Saturday, July 13 at 9am on the Campus of the Greater Travelers Rest Baptist Church/house of Hope, 4650 Flat Shoals Pkwy., Decatur, GA 30034.

**Council Member Jazzmin Cobble left the meeting early at 9:34pm.**

**XVIII. ADJOURNMENT:**

**Motion 16-** was made by Mayor Lary to adjourn the Council meeting at 9:36pm and a second was provided by Council Member Rob turner.

**Motion passed unanimously.**

**Read and adopted in the regular meeting of the City Council held on this \_\_\_\_\_  
day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Mayor Jason Lary**

**ATTEST:**

\_\_\_\_\_  
**Megan P. Reid, City Clerk**



**CITY COUNCIL AGENDA ITEM**


**SUBJECT: RZ-19-005 Land Use Petition (2193 Panola Road)**

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

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

**Date Submitted: 07/17/2019**      **Work Section:**      **Council Meeting: 07/22/2019**

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**SUBMITTED BY:** Christopher Wheeler, Interim Community Development Director. 

**PURPOSE:** To change the zoning from R-100 (Residential Med Lot) to C-1 (Local Commercial) to construct a 16,500 square foot commercial building.

**HISTORY:** This item was originally heard at the July 2<sup>nd</sup> Planning Commission meeting and was recommended for a deferral so a traffic impact analysis could be submitted due to the size of the development. The applicant has submitted a revised site plan with a reduce square footage, thus no traffic impact analysis is needed.

**OPTIONS:** Approve, Deny; or make Alternative conditions

**RECOMMENDATED ACTION:**

Planning Commission recommended deferral of RZ-19-005 at the July 2<sup>nd</sup> meeting.

**ATTACHMENTS:**

- #1 7-17-19 Staff Report
- #2 7-17-19 Application
- #3 7-17-19 Power Point



PLANNING COMMISSION STAFF REPORT

RZ-19-005

Planning Commission July 2<sup>ND</sup>, 2019 / Mayor and City Council Meeting July 22<sup>nd</sup>, 2019

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**GENERAL INFORMATION**

**Petition Number:** RZ-19-005

**Applicant:** Jose Ayala

**Owner:** Connor Vickie L

**Project Location:** 2193 Panola Road

**District:** District 2

**Acreage:** 2.691

**Existing Zoning:** R-100 (Residential Med Lot) District

**Proposed Zoning:** C-1 (Local Commercial) District

**Comprehensive Plan Community:  
Area Designation** Suburban

**Proposed Development/Request:** The applicant is requesting to rezone the subject property from R-100 to C-1 for the development of 22,800 SF commercial building.

**Staff Recommendations:** Deferral (Staff Recommend Approval via revised site plan 7-11-19)

**Planning Commission:** Deferral



# PLANNING COMMISSION

**RZ-19-005**

**Attachment #1**

**07/17/19 Staff Report**



PLANNING COMMISSION STAFF REPORT

RZ-19-005

Aerial Map



**ZONING CASE: RZ-19-005**

ADDRESS: **2193 Panola Road**

CURRENT ZONING: **R-100**

FUTURE LAND USE: **SUBURBAN**



Subject Property

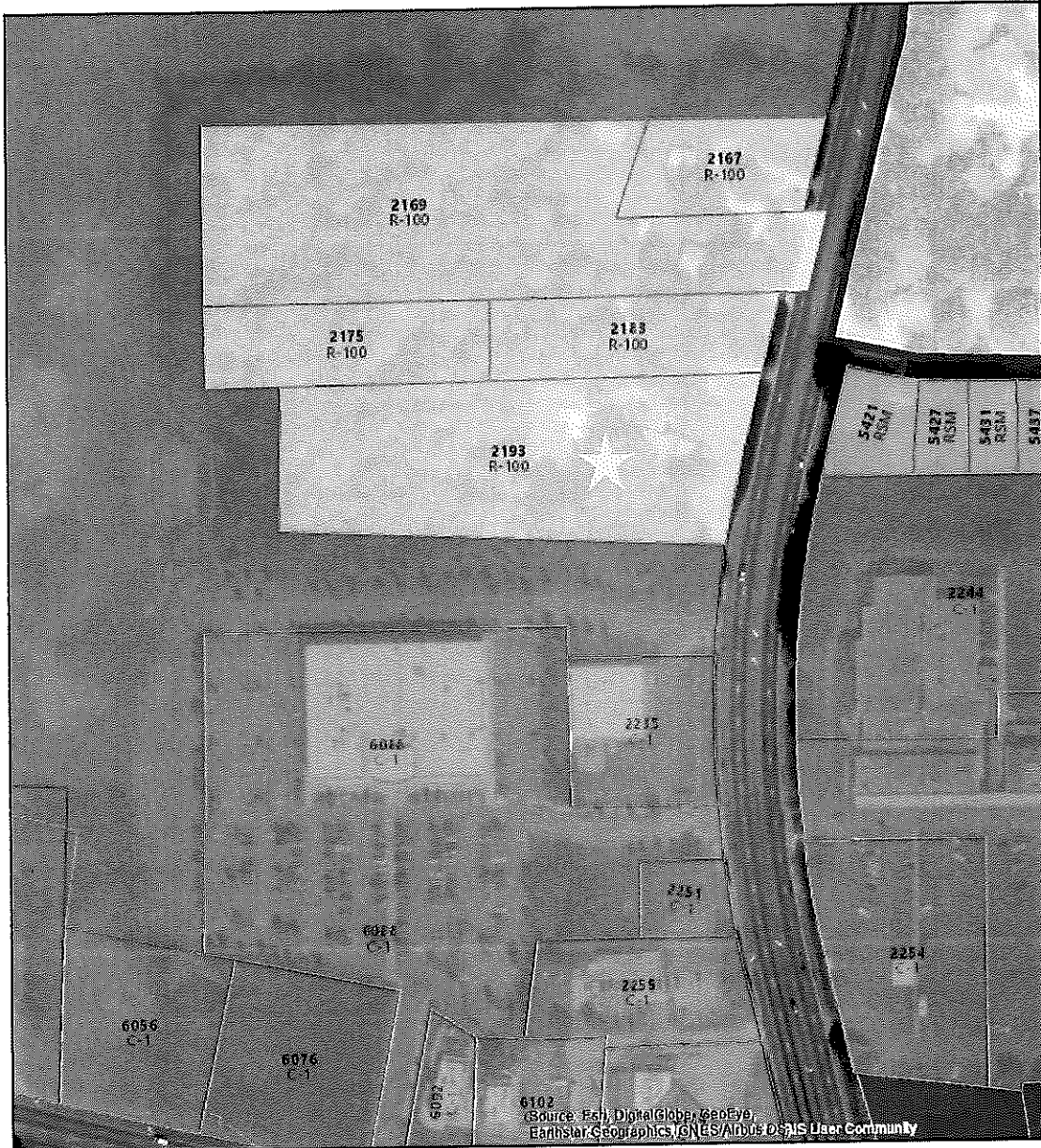
0 0.025 0.05 mi



PLANNING COMMISSION STAFF REPORT

RZ-19-005

Zoning Map

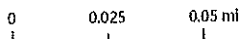


**ZONING CASE: RZ-19-005**

ADDRESS: **2193 Panola Road**  
CURRENT ZONING: **R-100**  
FUTURE LAND USE: **SUBURBAN**



Subject Property





## PLANNING COMMISSION STAFF REPORT

RZ-19-005

### PROJECT OVERVIEW

#### **Location**

The subject property, 2193 Panola Road, is located approximately 900 feet north of the Covington Hwy and Panola Road intersection.

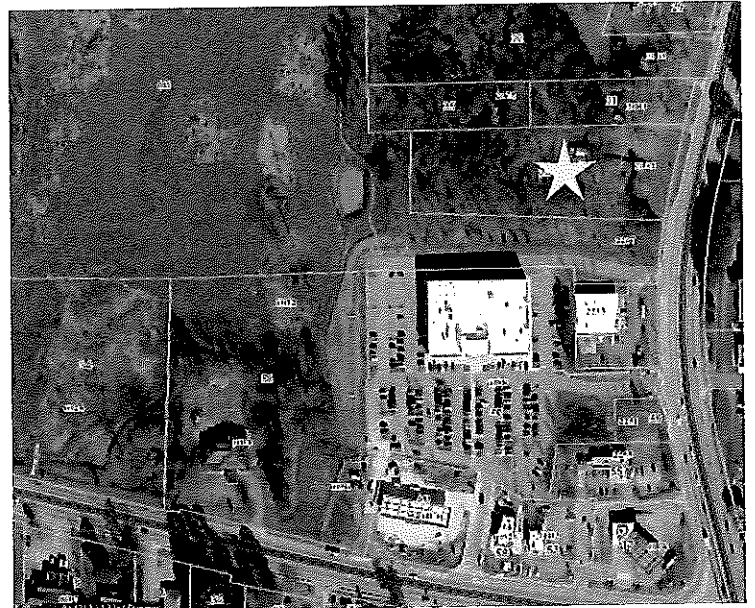
The property is bounded by Panola Road to the west, by a detached single-family home to the north, by a 167-townhome unit subdivision (Bentley Estates) to the west and south.

Further to the south is Advance Auto Part Store, Churches Chicken, Dunkin Doughnuts, Murphy Gas Station, LA Fitness, Shell Gas Station and Waffle House.



#### **Background**

Currently, the property maintain its original zoning R-100 classification and the property has 1200 SF single-family home located on it, built in the late 1930s. The property has a mixture of young and mature hardwood trees. The topography of the property is characterized as being even throughout.



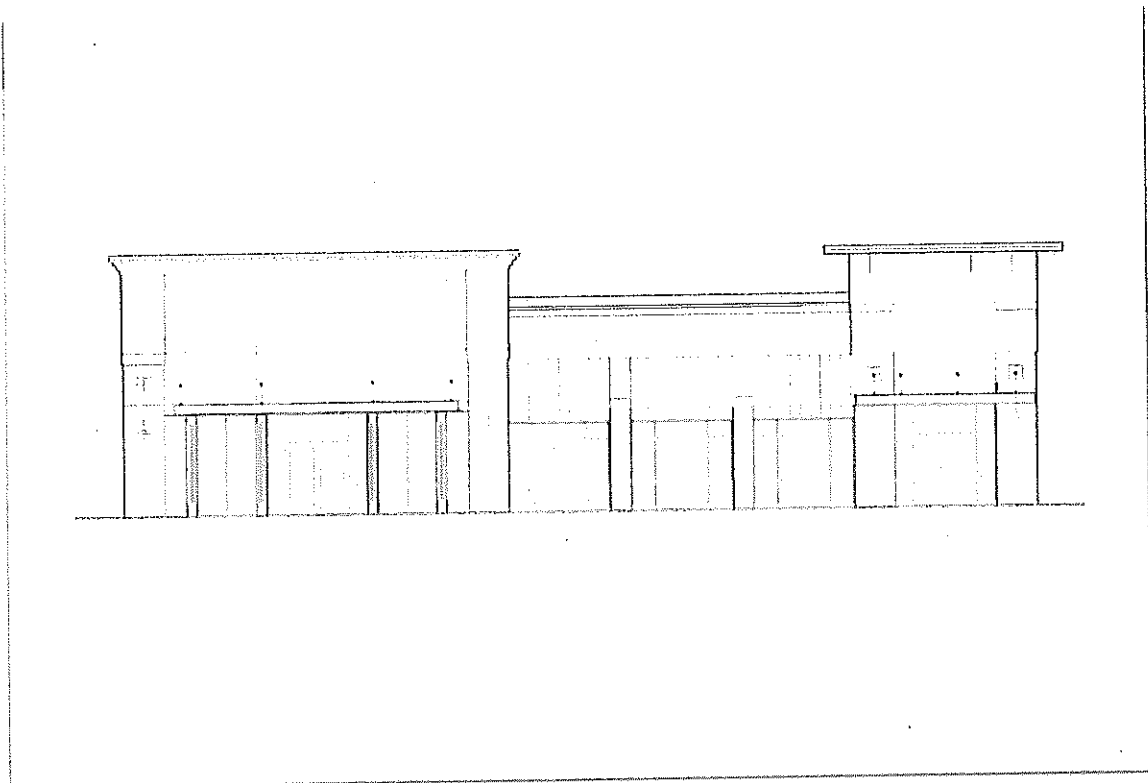
#### **Rezoning Request**

The applicant is requesting to rezone the subject property from R-100 to C-1 for the development of a 22,800-shopping center with family sit down restaurant and retail space. Please see the following concept on the next page.



PLANNING COMMISSION STAFF REPORT

RZ-19-005

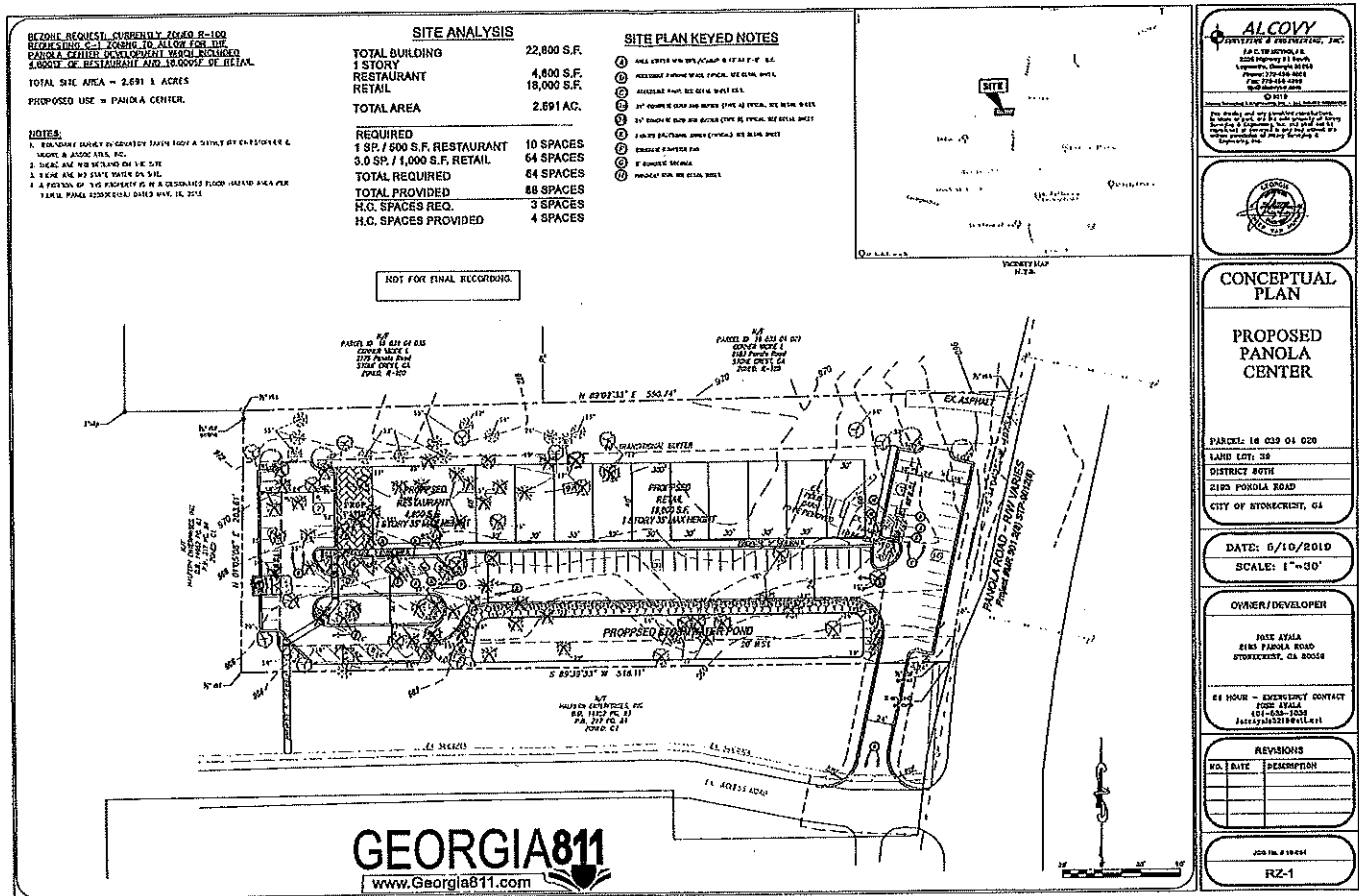


PLANNING COMMISSION STAFF REPORT

RZ-19-005

**Conceptual Site Plan**

The site plan indicates a 22,800-sqft commercial shopping with 4,800 sqft will be dedicated to a family style sit down restaurant and the remaining 18,000 SF will be dedicated to retail space. The building elevations will be comprised of EIFS and natural stone or brick accents. The site plans indicate the property would be access by an existing shared driveway located to the south and another exit located to the rear of the property.



**Public Participation**

Property owners within one quarter of a mile of subject property were mailed notices of the proposed rezoning in June 2019. A community meeting will be held on June 27<sup>th</sup>, 2019 at Las Colinas, 6120 Covington Hwy at 6 pm.



PLANNING COMMISSION STAFF REPORT

RZ-19-005

**STANDARDS OF REZONING REVIEW**

Section 7.3.4 of the Stonecrest Zoning Ordinance list seven factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each factor is listed with staff analysis.

- 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.

As shown in the table below, the subject property is surrounded by commercial uses (shopping centers) and medium density housing. \* Please see the map below table

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-100 (Residential Med Lot)	Residential (Single Family)	1.0 unit/acre
Adjacent: South	MR-1 (Med Density Residential AX-19-001)	Residential (Townhomes)	8.0 units/acre
Nearby East	C-1 (CZ-87128)	Commercial (Shopping Center)	n/a
Adjacent: West	MR-1 (Med Density Residential AX-19-001)	Residential (Townhomes)	8.0 units/acre
Nearby: East	RSM (Small Lot Residential Mix)	Residential (Leisure Valley Subdivision)	4.0 units/acre
Nearby: South	C-1 (CZ-12-17693)	Commercial (Waffle House)	n/a
Nearby: Southwest	C-1 (CZ-12-17693)	Commercial (Murphy Gas Station)	n/a
Nearby: Southwest	C-1 (CZ-12-17693)	Commercial (L.A. Fitness)	n/a

The presence of nearby shopping centers and medium density housing and surrounding commercial suggest the proposed development would be suitable for this location.

PLANNING COMMISSION STAFF REPORT

RZ-19-005



- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

The subject property is located within the suburban character area of the Stonecrest Comprehensive Plan. The policy of the suburban is to encourage non-residential development at small-convenience goods/services to meet the needs of the surrounding residents. Also, small scale developments shall be limited to qualifying intersections (collector roadway and above).

The proposed development is located right off a major arterial which is in conformity with the policy of the suburban character area. The development will provide services to the surrounding residents in the community with its design of shopping and dining.

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

The property is currently zoned R-100 which permits the development of detached single-family home with a minimum lot size of 15,000 square feet. The property has reasonable economic use a currently zoned.

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



## PLANNING COMMISSION STAFF REPORT

RZ-19-005

The proposed commercial use is not anticipated to have a negative impact on the adjacent and nearby properties.

The applicant intends to use an existing shared drive aisle to gain access to the subject property just as customers for L.A. Fitness and Advance Auto Parts, thus the adjacent property should not be negatively impacted by the new development.

- **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.**

The property has kept its original zoning since the creation of the city and the property has no existing or changing conditions affecting the use and development of the property giving supporting grounds for either approval or disapproval of the proposal.

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

There are currently no historic buildings, sites, districts or archaeological resources on the subject property.

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

The applicant submitted a trip generation report as part of the rezoning application and shows during peak hours the development will have over 100 trips. City staff has requested a traffic impact analysis to fully review if there will need road improvement to mitigate any traffic concerns.

*\*The applicant submitted a revised site plan and trip generation analysis. The new documentation shows the revised site plan and trip generation would be under 100 trips during the peak am and pm time, thus a traffic study would not be required.*

The applicant intends to gain access to water and sewer line through an existing pipeline, which the applicant has tentatively reached an agreement with the townhome development located to the west of the subject property.

The proposed use will not have an excessive or burdensome use on schools.

- **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. The applicant will have to provide for the management of stormwater according to the City's regulations. The applicant has proposed a stormwater pond to manage stormwater runoff.



## PLANNING COMMISSION STAFF REPORT

RZ-19-005

### STAFF RECOMMENDATION

Staff recommends **DEFERENTIAL** of Land Use Petition RZ-19-005. However, should the Planning Commission choose to approve the request in whole, staff recommends the approval should be subject to the following conditions:

1. The use of the Subject Property for any of the following shall be strictly prohibited:
  - a. Convenience Store;
  - b. Child day care center and/or kindergarten;
  - c. Blood collection center;
  - d. Barber shop / Beauty Salon or similar establishments;
  - e. Check to cash establishment to include automobile title loan and pay day loan establishment;
  - f. Gold-Buying establishment;
  - g. Heavy truck and equipment and materials storage;
  - h. Indoor/Outdoor open flea market;
  - i. Restaurant with drive-through;
  - j. Automobiles, boats, and trailers new and used sales;
  - k. Automobile repair major and minor;
  - l. Funeral home and/or crematory;
  - m. Fraternity or sorority house;
  - n. Boarding or rooming house;
  - o. Self-storage or mini warehouses;
  - p. Liquor and/or package stores;
  - q. Pawn shops;
  - r. Pool hall and/or sports bar;
  - s. Adult Entertainment or bookstores, etc.;
  - t. Nightclub;
  - u. Skating rink; and
  - v. indoor and/or outdoor recreation.
  - w. Gas stations
2. The site shall be developed in general conformance with the site plan received by the City on May 7<sup>th</sup>, 2019.
3. Exterior elevations shall be similar to the elevations received by the City on May 7<sup>th</sup>, 2019. Final elevations shall be subject to review and approval of the Community Development Director.
4. Owner/Developer shall install a five foot (5') wide sidewalk along the entire frontage of Panola Road.
5. 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 back of curb, or two feet (2') from the future back of the sidewalk, whichever is greater.
6. Owner/Developer shall obtain all permits required by the City of Stonecrest in accordance with the development of the subject property.



## PLANNING COMMISSION STAFF REPORT

RZ-19-005

### PLANNING COMMISSION RECOMMENDATION

At the July 2<sup>nd</sup> public hearing the Planning Commission recommend **deferral** of Land Use petition RZ-19-005. The applicant has submitted a revised site plan and trip generation report resulting in the applicant not required to submit a traffic impact analysis.







# PLANNING COMMISSION

**RZ-19-005**

**Attachment #2**

**07/17/19 Application**



RECEIVED  
5-13-19/15

RZ 19-000008

Received 5-07-19

RZ-19-005

Rezoning Application ~~RZ-19-000008~~

Owner Information	Owner's Name: Jose Ayala	
	Owner's Address: 2193 Panola Rd. Stonecrest, GA 30058	
	Phone: 404-536-1036 Fax: Email: joseayala5219@att.net	
	Property Address: 2193 Panola Rd. Stonecrest Parcel Size: 2.691 AC	
	Parcel ID: 16 039 04 020	
	Current Zoning Classification: R-100	
	Requested Zoning Classification: C-1	
	Name: Jose Ayala	
	Address: 2193 Panola Rd. Stonecrest GA 30058	
	Phone: 404-536-1036 Fax: Email: joseayala5219@att.net	
Property Information	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? yes, these are currently C-1 zoning immediately to the south and west of the property	
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? yes, but not comparable to adjoining owners	
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? NO, current and future planning for this corridor along Panola Rd. its commercial district	
	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? No.	
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? No. NA	
	6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? NO.	
	Questionnaire	

TO: City Of Stonecrest  
3120 Stonecrest Blvd.  
Stonecrest, GA 30038

May 10, 2019

SUBJECT: Letter of Intent, 2193 Panola Road Rezone

To Whom It May Concern,

A rezone of 2.691 acres is requested for the subject project, for the purpose of building a new 22,800 SF commercial building.

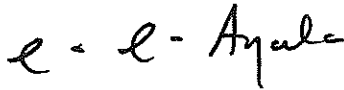
The property in The City of Stonecrest is currently zoned R100. The proposed rezoning request will change zoning classification of all land area to C-1.

The proposed use of the property is to build a general highway commercial building which will include a 4,800sf restaurant and an 18,000sf retail spaces.

We look forward to developing this project in The City of Stonecrest, as we feel it fits with the current development patterns in the area, and will complement the needs of both The City of Stonecrest and our proposed business.

For questions or further information please contact me 404-536-1036.

Sincerely,

A handwritten signature in cursive script that reads "Jose Ayala".

Jose Ayala  
Owner



Affidavit  
Notary  
Fee

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

Applicant's Name:

Jose Ayala

Applicant's Signature:

J. Ayala

Date:

5/10/19

Sworn to and subscribed before me this

10

Day of

MAY

20

19

Notary Public:

Signature:

My Commission Expires:

12/27/2020

Audrey Renita Mays  
NOTARY PUBLIC  
Fulton County, GEORGIA  
My Comm. Expires  
12/27/2020

Application Fee  Sign Fee  Legal Fee

Fee: \$

Payment:  Cash  Check  CC

Date:

Approved  Approved with Conditions  Denied

Date:

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



## Property Owner(s) Notarized Certification

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

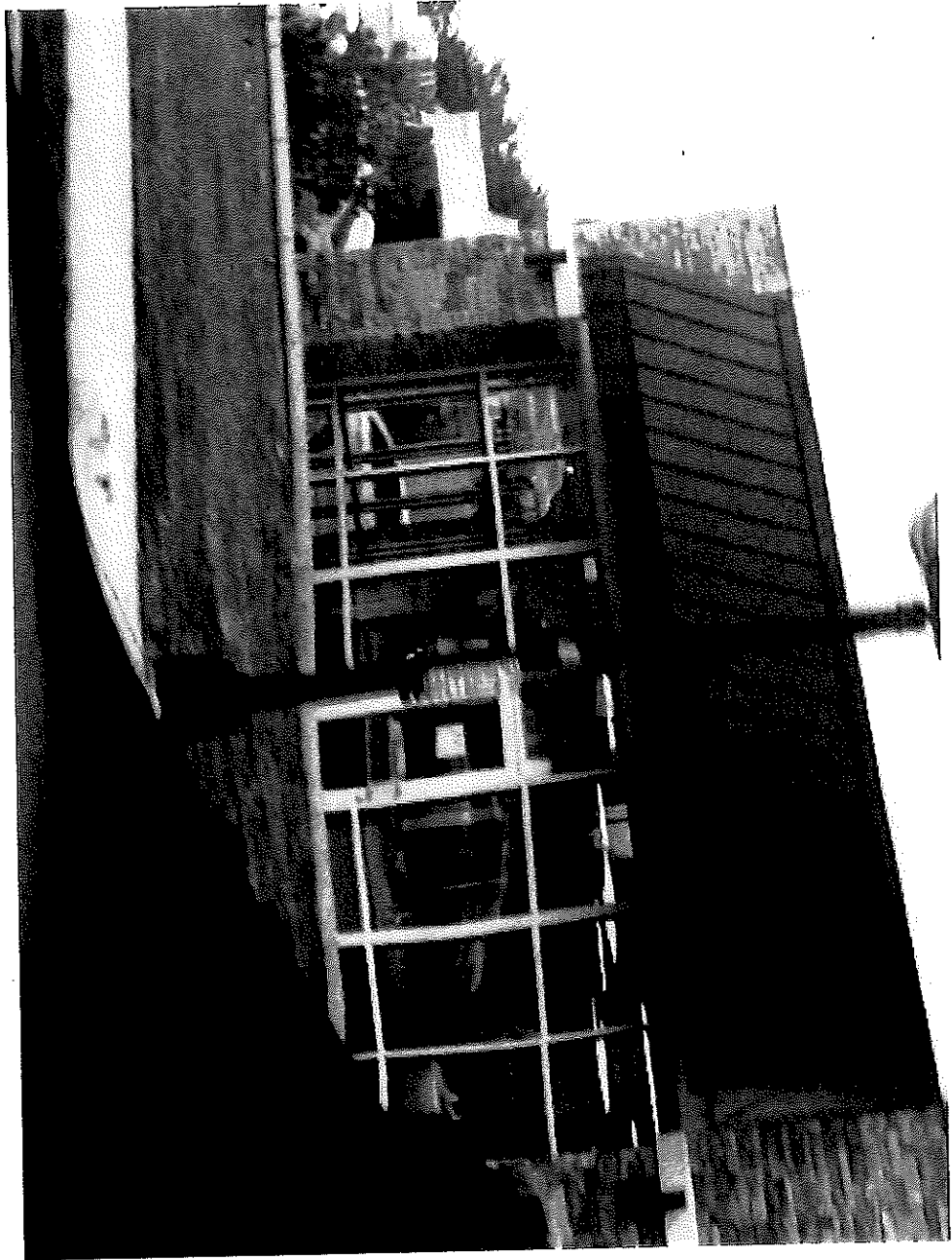
Property Owner (If Applicable)	Signature: <i>E. E. Ayala</i>		Date: <i>5/10/19</i>
	Address: <i>2193 Panola Rd.</i>	City, State: <i>Stonecrest</i>	Zip: <i>30058</i>
	Phone: <i>404 536 1036</i>		
Sworn to and subscribed before me this _____ day of _____, 20_____			
Notary Public:			
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
Sworn to and subscribed before me this _____ day of _____, 20_____			
Notary Public:			
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
Sworn to and subscribed before me this <i>10</i> day of <i>MAY</i> , 20 <i>19</i>			
Notary Public: <i>Audrey Mays</i>		Audrey Renita Mays NOTARY PUBLIC Fulton County, GEORGIA My Comm. Expires 12/27/2020	

### Legal Description

All that tract or parcel of land lying and being in Land Lot 39 of the 16<sup>th</sup> Land District of DeKalb County Georgia. Said tract is shown as 2.691 acres on a plat prepared for Ayala Partners, LLC, prepared by Four Corners Surveying, dated 9/12/18 and bearing the seal of Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696.

Beginning at an "x" on the curb on the westerly variable right of way of Panola Road and running thence South 89 degrees 39 minutes 33 seconds West a distance of 548.11 feet to a ½" rebar, thence North 01 degrees 05 minutes 08 seconds East a distance of 203.61 feet to a ½" rebar, thence North 89 degrees 02 minutes 33 seconds East a distance of 590.74 feet to a ½" rebar on the westerly variable right of way of Panola Road, running thence along said right of way, South 14 degrees 04 minutes 25 seconds West a distance of 107.54 feet to a point, thence 107.82 feet along the arc of a 1,319.02 foot radius curve to the left, said curve being subtended by a chord of South 10 degrees 50 minutes 05 seconds West a distance of 107.79 feet to an "x" on the curb and the Point of Beginning.







## COMPREHENSIVE PLAN LAND USE MAP AMENDMENTS

Analyze the impact of the proposed rezoning and provide a written point-by-point response to the following questions:

- (A) Whether a proposed rezoning will permit uses that are suitable in view of the use and development of adjacent and nearby property:  
The existing uses of nearby property are C-1 to the South and West and R100 to the North of the subject project. The property is bound to the east by Panola Rd.
- (B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:  
The proposed land use change represents a fair balance and will not adversely affect the existing use or usability of adjacent or nearby property. This area is emerging as a commercial district, with surrounding tracts are already zoned C1. Furthermore, the adjacent owners to the North of the subject Property has frontage along Panola Rd. and will become commercial tracts in the future.
- (C) Whether the proposed land use change will result in uses that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools:  
The proposed use will include restaurant and 10 small retail units, which will have a small increase in demand for utilities and traffic, which comes onto Panola Road which is a Major Collector and will not diminish the current level of service due to the introduction of the proposed development. The existing school system will experience no net increase.
- (D) Whether the amendment is consistent with the written policies in the comprehensive plan text:  
The proposed use is a small commercial development which is inline with the comprehensive future land use of neighborhood center.
- (E) Whether there are environmental impacts or consequences resulting from the proposed change:  
There are no expected negative impact to any existing sensitive environmental area.
- (F) Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near city boundary lines:  
There are no expected negative impact on properties in an adjoining government jurisdiction.
- (G) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning:  
If rezoned, the property will be developed in accordance to the C1 standard which is consistence with the current surrounding C1 uses.
- (H) Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change:  
There are no expected impact on any historic buildings, sites, districts or archaeological resources in the area.

Trip Generation Report For Proposed Panola Center

Land Use (ITE Code)	Intensity	AM Peak			PM Peak			
		Daily Total	In	Out	Total	In	Out	Total
Quality Restaurant (931)	4,800 Gross Square Feet	432	22	5	27	27	17	44
Specialty Retail Center (814)	18,000 Gross Square Feet	807	98	106	204	55	43	98
	<b>Total</b>	<b>1239</b>	<b>120</b>	<b>111</b>	<b>231</b>	<b>82</b>	<b>60</b>	<b>142</b>

Mailing List of Owners within 500-feet

VICKIE L. CONNER  
277 RIVER LAKE DRIVE  
EATONTON, GA 31024  
TAX PARCEL 16 039 04 021  
TAX PARCEL 16 039 04 035

RUTH PICKENS  
12961 HIGHWAY 142  
NEWBORN, GA 30056  
TAX PARCEL 16 039 04 022

ESTELLE RUTHIE CONNER  
1808 GREEN STREET NE  
CONYERS, GA 30012  
TAX PARCEL 16 039 04 029

LAURMARK INVESTMENTS LLC  
4413 BLACK STALLION DRIVE NE  
ROSWELL, GA 30075  
TAX PARCEL 16 039 04 052

PAUL S. ICHORD  
2718 CRABTREE ROAD  
MANTECA, CA 95336  
TAX PARCEL 16 039 04 057

KATRINA GAITHER  
5421 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 039 01 013

GRACE GREAVES  
72 4TH STREET  
BRENTWOOD, NY 11717  
TAX PARCEL 16 039 01 014

JOYCE LENOIR  
5431 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 039 01 015

MICHAEL THOMAS  
2553 OLD COVINGTON ROAD NE  
CONYERS, GA 30013  
TAX PARCEL 16 039 01 016

TAX PARCEL 16 039 01 018

HOME SFR BORROWER LLC  
8300 N MOPAC EXPRESSWAY  
AUSTIN, TX 78759  
TAX PARCEL 16 039 01 017

CERBERUS SFR HOLDINGS LP  
875 THIRD AVENUE  
NEW YORK, NY 10022  
TAX PARCEL 16 039 01 019

VERONICA STEPHENS ECHOLS  
5455 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 05 01 012

NAJMA S HUSAIN  
5424 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 003

RORY C. BURTON  
5430 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 004

DEBRA REYNOLDS  
5436 MALLARD TRAIL  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 005

JAKE ROG  
795 HAMMOND DRIVE  
ATLANTA, GA 30328  
TAX PARCEL 16 039 08 006

ADOLFO RIVERA ARBELAEZ  
822 PISTASE COURT  
ALPHARETTA, GA 30022  
TAX PARCEL 16 039 07 007

BRANDY FAVORS  
100 KEYTON DRIVE  
COVINGTON, GA 30016  
TAX PARCEL 16 039 07 008

P FIN II LLC  
6300 POWERS FERRY ROAD  
ATLANTA, GA 30339  
TAX PARCEL 16 039 07 011

VINRAL M. GREEN  
5451 WOOD DUCK LANE  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 012

RODNEY HICKS  
5447 WOOD DUCK LANE  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 013

GREGORY PRESSLEY  
5443 WOOD DUCK LANE  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 014

KENNETH RICKS  
6302 STABLEWOOD WAY  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 015

NARDIA BERNARD  
5448 WOOD DUCK LANE  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 016

JOEL TOUSSAINT  
5452 WOOD DUCK LANE  
LITHONIA, GA 30058  
TAX PARCEL 16 039 07 017

## Environmental Site Analysis

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

### 1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.  
Existing condition consist of an existing residential and a pole barn at the front of the property and the remainder of the site is wooded in the back.
- b. Describe adjacent properties. Include a site plan that depicts the proposed project.  
Existing properties to the north are two existing houses with the remainder areas being wooded. The property to the south and west is a proposed townhouse development.
- c. Describe how the project conforms to the Comprehensive Land Use Plan.  
The project is proposing a commercial development which consist of a restaurant and several retail spaces, therefore it will conform with the future land use of neighborhood center in this area.
- d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.  
Included. Please see Future Land Use Map
- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.  
The proposed project will align nicely with the City of Stonecrest Comprehensive Plan.

### 2. Environmental Impacts of The Proposed Project

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

- a. Wetlands
  - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
  - Georgia Geologic Survey (404-656-3214)
  - Field observation and subsequent wetlands delineation/survey if applicableN/A
- b. Floodplain
  - Federal Emergency Management Agency (<http://www.fema.org>)
  - Field observation and verificationN/A
- c. Streams/stream buffers
  - Field observation and verificationN/A
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
  - United States Geologic Survey Topographic Quadrangle Map
  - Field observation and verificationN/A
- e. Vegetation
  - United States Department of Agriculture, Nature Resource Conservation Service
  - Field observationAll existing trees shown. Please see conceptual plan
- f. Wildlife Species (including fish)
  - United States Fish and Wildlife Service

- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

No known endangered species present.

**g. Archeological/Historical Sites**

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

No known archeological or historical site present.

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

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

N/A

**b. Protection of water quality**

Stormwater facility will be designed and constructed to provide water quality treatment for the site according to GSWM 2016 Edition.

**c. Minimization of negative impacts on existing infrastructure**

The site will utilize existing curb cut onto Panola Road therefore minimizing impact to existing transportation infrastructure.

**d. Minimization on archeological/historically significant areas**

N/A

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

The proposed development will result in a fairly minimal impact on existing infrastructures.

**g. Creation and preservation of green space and open space**

The project will create a corridor of green space to the north and will tie into existing pedestrian facilities of the proposed neighbor's development.

**h. Protection of citizens from the negative impacts of noise and lighting**

There are provision for large landscape strips, sidewalk and zoning buffers which will minimize negative impact and further enhance the safety of surrounding citizens.

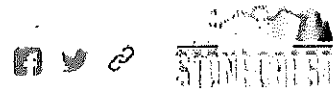
**i. Protection of parks and recreational green space**

The project will increase the preservation of green space.

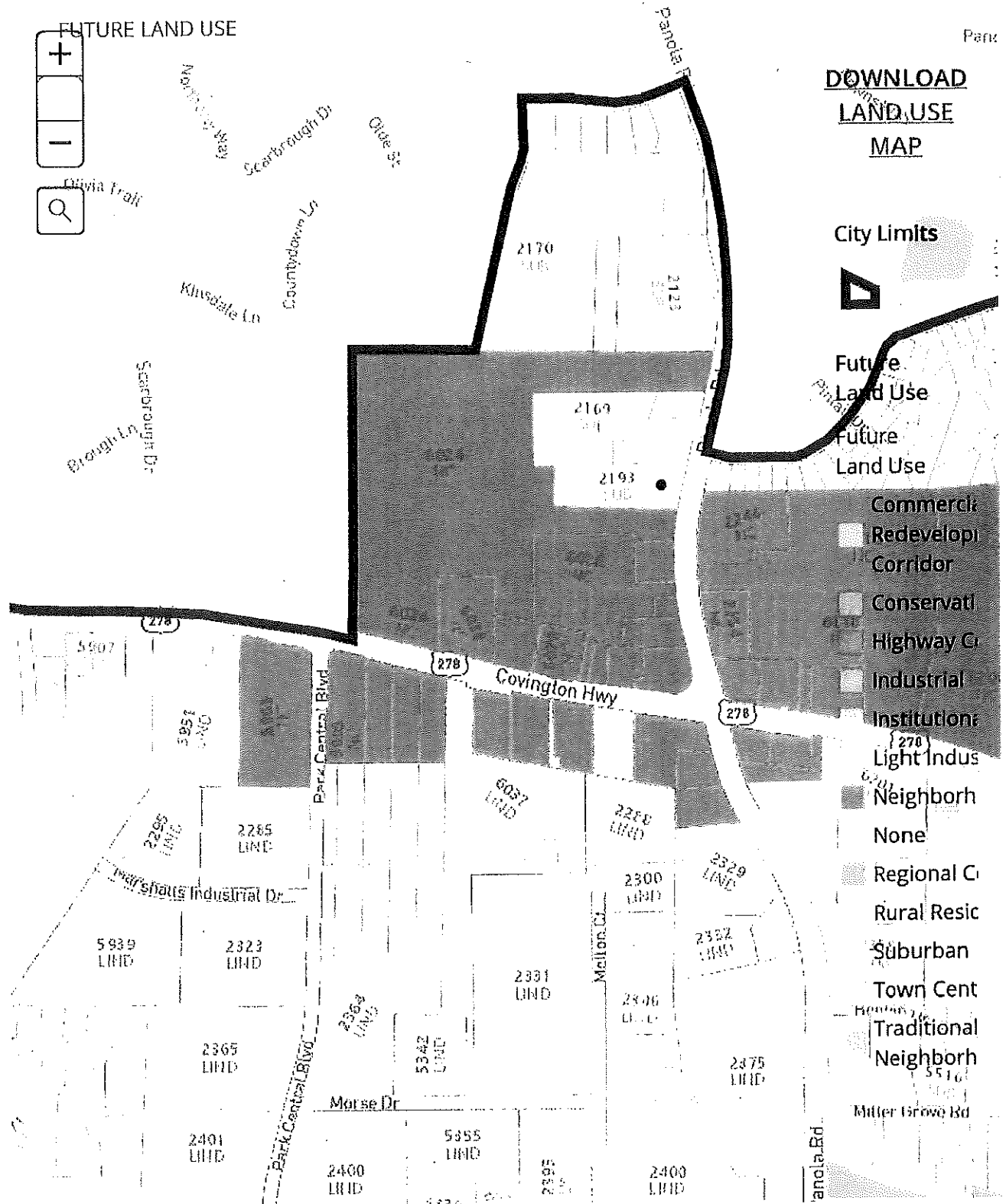
**j. Minimization of impacts to wildlife habitats**

The project will retain trees and wildlife habitats

# Explore Stonecrest



[WELCOME](#) [COUNCIL DISTRICTS](#) [CURRENT ZONING](#) [ZONING OVERLAYS](#)





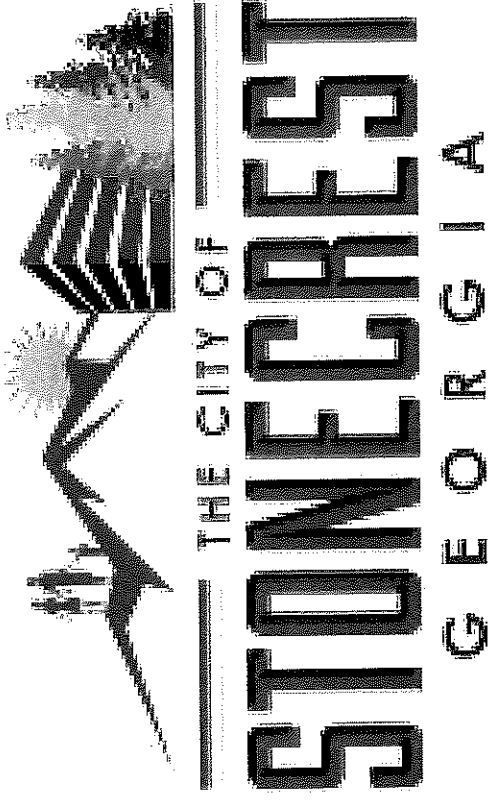


# PLANNING COMMISSION

**RZ-19-005**

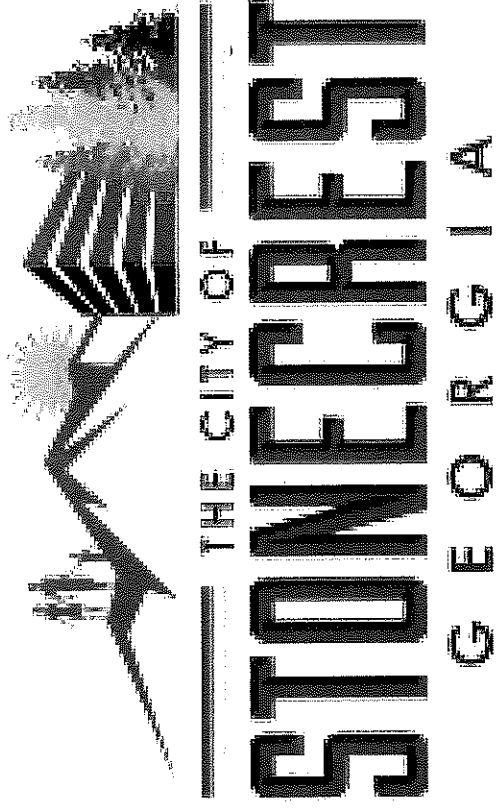
**Attachment #3**

**07/17/19 PowerPoint**



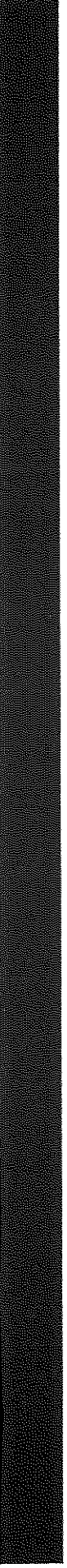
**July 2<sup>nd</sup> 2019**

**Planning Commission  
Public Hearing**



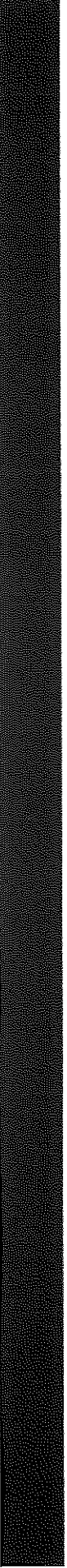
**RZ-19-005**

**2193 Panola Road, Stonecrest GA  
30038**



## Petition Information

- **APPLICANT:** Jose Ayala
- **LOCATION:** 2193 Panola Road
- **ACREAGE:** 2.69 acres
- **REQUEST:** The applicant is requesting to rezone the subject property from R-100 to C-1 for the development of 22,800 SF commercial building.



# General Information

- Current zoning: R-100 (Residential Med Lot) District
- Future Land Use Character Area: Suburban
- Policies for this area emphasize:
  - Protect stable neighborhoods from incompatible development that could alter established single-family developments.
  - Promote Strong connectivity and continuity between existing and new developments.
- Surrounding uses: Residential and Commercial.
- Surrounding zoning: R-100 (Residential Medium Lot), C-1 (Local Commercial and MR-2 (Med Density Residential)

# Background Information

Currently, the property maintain its original zoning R-100 classification and the property has 1200 SF single-family home located on it, built in the late 1930s. The property has a mixture of young and mature hardwood trees. The topography of the property is characterized as being even throughout.



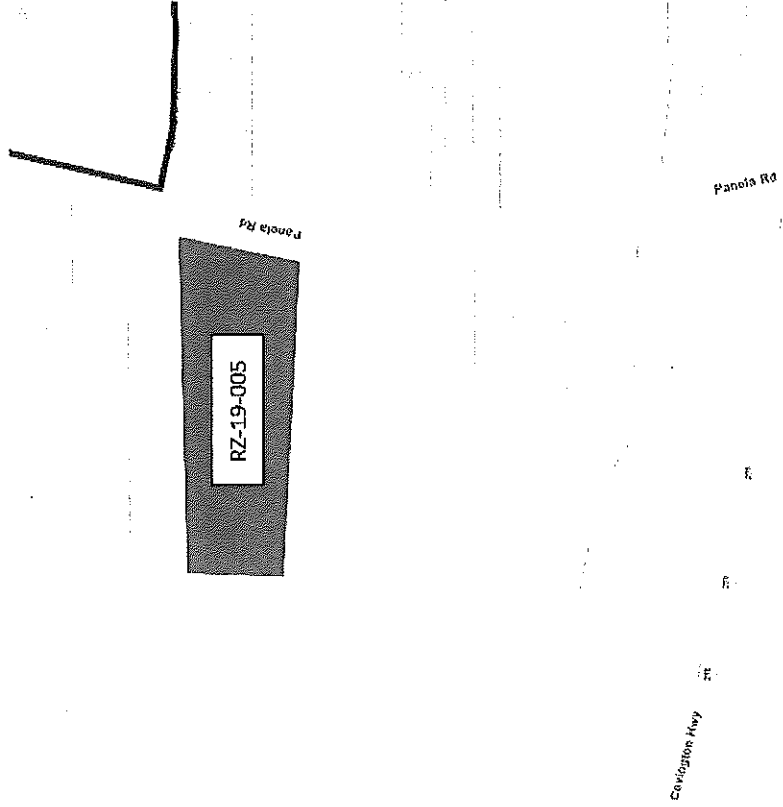
# Location of Subject Property

## Location

The subject property, 2193 Panola Road, is located approximately 900 feet north of the Covington Hwy and Panola Road intersection.

The property is bounded by Panola Road to the west, by a detached single-family home to the north, by a 167-foot home unit subdivision (Bentley Estates) to the west and south.

Further to the south is Advance Auto Part Store, Churches Chicken, Dunkin Doughnuts, Murphy Gas Station, LA Fitness, Shell Gas Station and Waffle House.



# Zoning Map



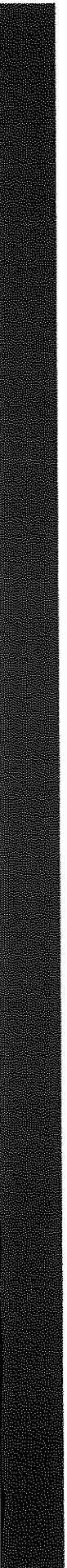
**ZONING CASE: RZ-19-005**

**ADDRESS: 2193 Panola Road**

**CURRENT ZONING: R-100**

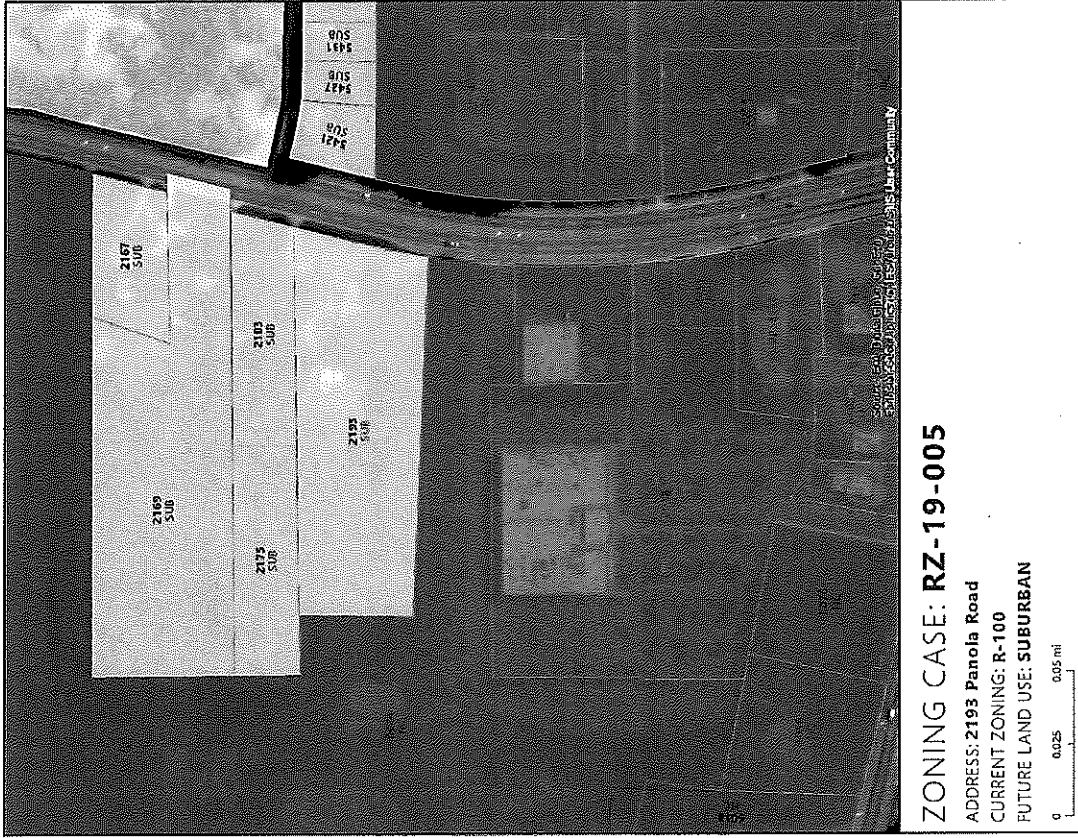
**FUTURE LAND USE: SUBURBAN**

0 0.025 0.05 mi





# FLU Map



# Aerial Map



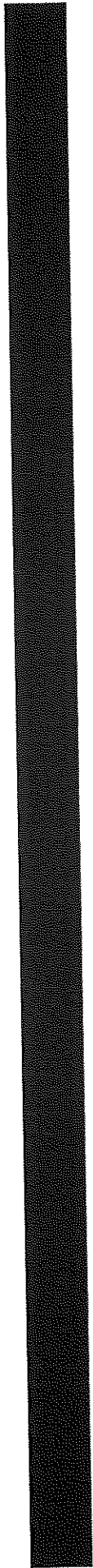
**ZONING CASE: RZ-19-005**

ADDRESS: 2193 Panola Road

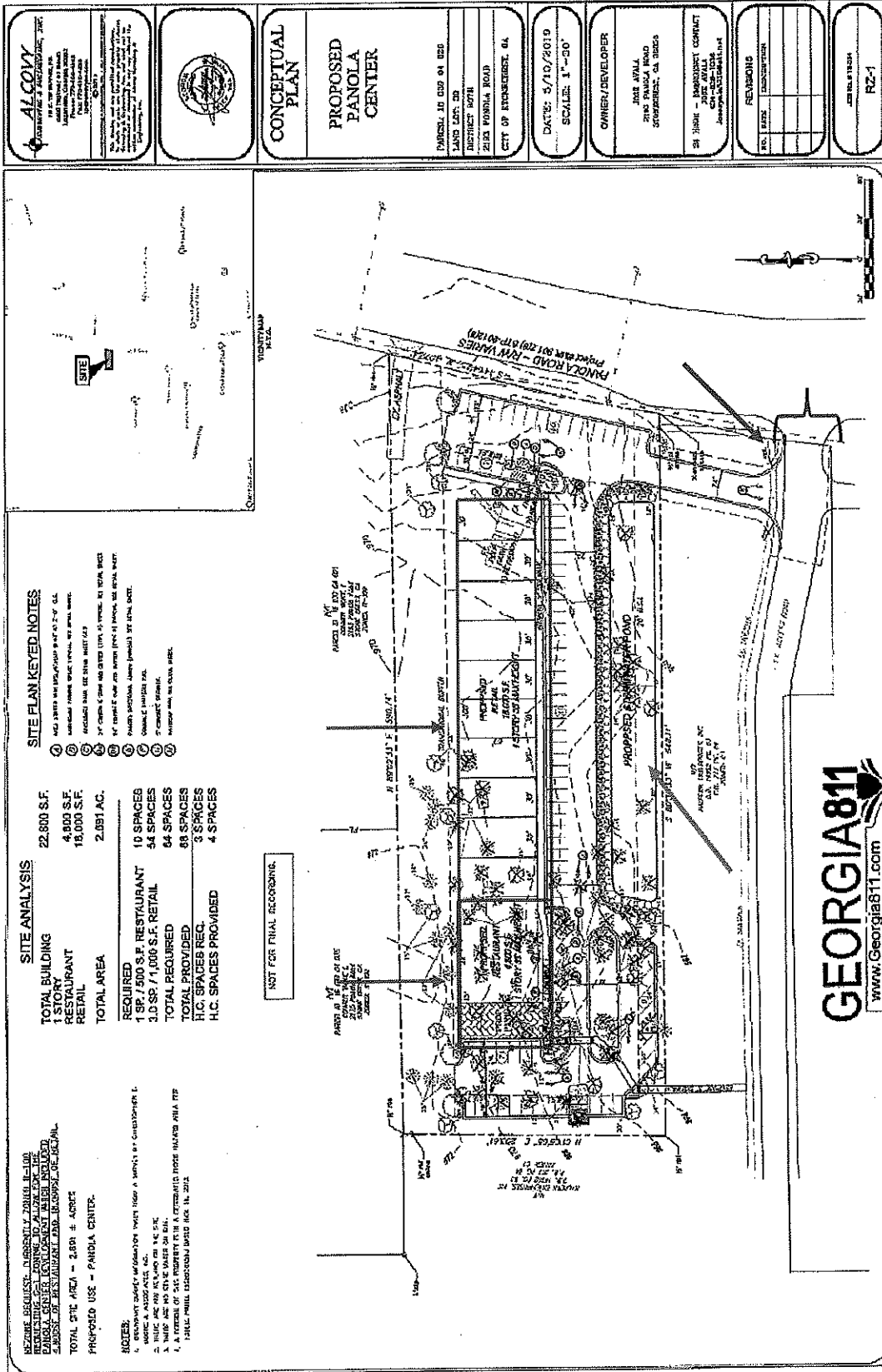
CURRENT ZONING: R-100

FUTURE LAND USE: SUBURBAN

0 0.025 0.05 mi



# Land Survey



**ALCOVA**  
 CONSULTING ENGINEERS & ARCHITECTS, INC.  
 100 S. W. BURNING WOOD DRIVE  
 SUITE 100  
 PANOLA, GEORGIA 30261  
 PHONE: 770-251-1111  
 FAX: 770-251-1112  
 www.alcova.com

THIS PLAN IS THE PROPERTY OF ALCOVA CONSULTING ENGINEERS & ARCHITECTS, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ALCOVA CONSULTING ENGINEERS & ARCHITECTS, INC.



**CONCEPTUAL PLAN**

**PROPOSED PANOLA CENTER**

PARCELS 10, 000 01 1200  
 LAND USE: C-3  
 DISTRICT: RPH  
 2100 PANOLA ROAD  
 CITY OF SPANBOROUGH, GA

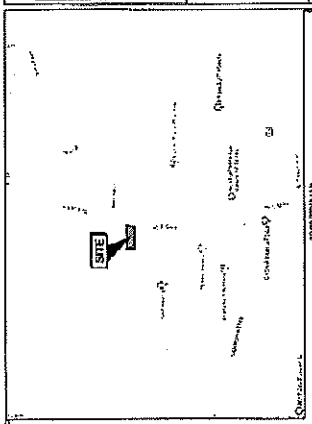
DATE: 5/10/2019  
 SCALE: 1"=50'

**OWNER/DEVELOPER**  
 JOSE AVALL  
 2100 PANOLA ROAD  
 SPANBOROUGH, GA 31080

**REGISTERED CONTRACTOR**  
 JOSE AVALL  
 2100 PANOLA ROAD  
 SPANBOROUGH, GA 31080

NO.	DATE	DESCRIPTION

**JOB NUMBER**  
 RZ-1



**SITE PLAN KEYED NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
3. DIMENSIONS TO CENTERLINE UNLESS NOTED OTHERWISE.
4. DIMENSIONS TO SURFACE UNLESS NOTED OTHERWISE.
5. DIMENSIONS TO CENTERLINE UNLESS NOTED OTHERWISE.
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18. DIMENSIONS TO SURFACE UNLESS NOTED OTHERWISE.
19. DIMENSIONS TO CENTERLINE UNLESS NOTED OTHERWISE.
20. DIMENSIONS TO SURFACE UNLESS NOTED OTHERWISE.

**SITE ANALYSIS**

TOTAL BUILDING	22,800 S.F.
1 STORY RESTAURANT	4,800 S.F.
2 STORY RETAIL	18,000 S.F.
TOTAL AREA	2,091 AC.

REQUIRED	PROVIDED
1 SP. / 500 S.F. RESTAURANT	10 SPACES
3.0 SP. / 1,000 S.F. RETAIL	54 SPACES
TOTAL REQUIRED	64 SPACES
TOTAL PROVIDED	68 SPACES
H.C. SPACES REQ.	3 SPACES
H.C. SPACES PROVIDED	4 SPACES

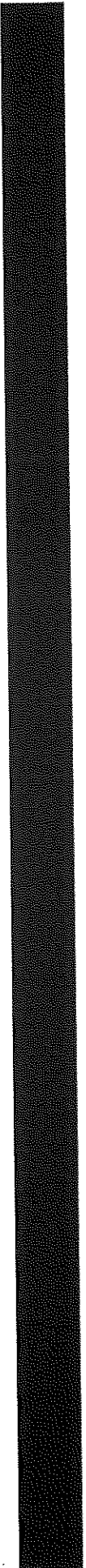
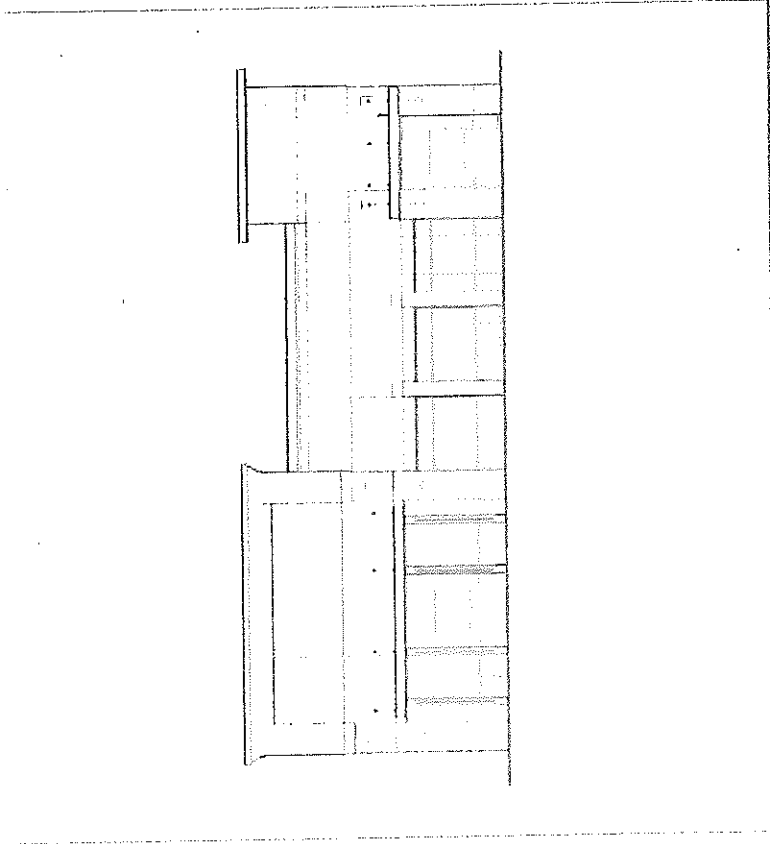
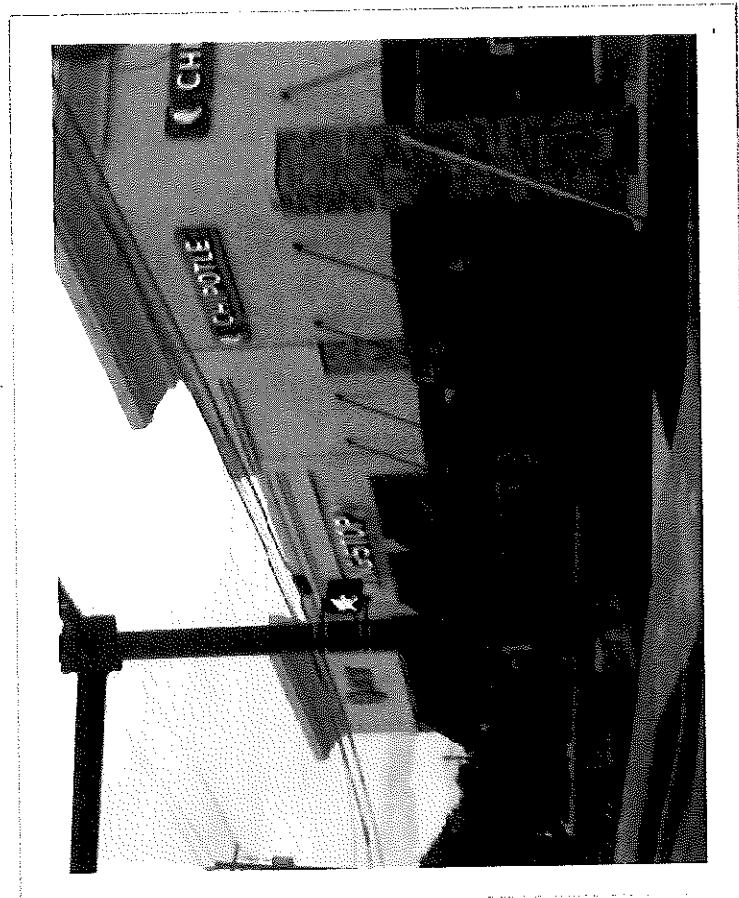
**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
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19. DIMENSIONS TO CENTERLINE UNLESS NOTED OTHERWISE.
20. DIMENSIONS TO SURFACE UNLESS NOTED OTHERWISE.

**NOT FOR FINAL RECORDING**

**GEORGIA811**  
 www.Georgia811.com

# Proposed Elevations



# STANDARDS OF REVIEW

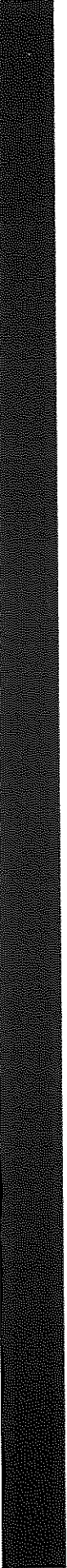
- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

As shown in the table below, the subject property is surrounded by commercial uses (shopping centers) and medium density housing. \* Please see the map below table

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North	R-100 (Residential Med Lot)	Residential (Single Family)	1.0 unit/acre
Adjacent: South	MR-1 (Med Density Residential AX-19-001)	Residential (Townhomes)	8.0 units/acre
Nearby East	C-1 (CZ-87128)	Commercial (Shopping Center)	n/a
Adjacent: West	MR-1 (Med Density Residential AX-19-001)	Residential (Townhomes)	8.0 units/acre
Nearby: East	RSM (Small Lot Residential Mix)	Residential (Leisure Valley Subdivision)	4.0 units/acre
Nearby: South	C-1 (CZ-12-17693)	Commercial (Waffle House)	n/a
Nearby: Southwest	C-1 (CZ-12-17693)	Commercial (Murphy Gas Station)	n/a
Nearby: Southwest	C-1 (CZ-12-17693)	Commercial (L.A. Fitness)	n/a

The presence of nearby shopping centers and medium density housing and surrounding commercial suggest the proposed development would be suitable for this location.

# STANDARDS OF REVIEW



# STANDARDS OF REVIEW

- **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

The subject property is located within the suburban character area of the Stonecrest Comprehensive Plan. The policy of the suburban is to encourage non-residential development at small-convenience goods/services to meet the needs of the surrounding residents. Also, small scale developments shall be limited to qualifying intersections (collector roadway and above).

The proposed development is located right off a major arterial which is in conformity with the policy of the suburban character area. The development will provide services to the surrounding residents in the community with its design of shopping and dining.

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

The property is currently zoned R-100 which permits the development of detached single-family home with a minimum lot size of 15,000 square feet. The property has reasonable economic use a currently zoned.

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

The proposed commercial use is not anticipated to have a negative impact on the adjacent and nearby properties.

The applicant intends to use an existing shared drive aisle to gain access to the subject property just as customers for L.A. Fitness and Advance Auto Parts, thus the adjacent property should not be negatively impacted by the new development.

# STANDARDS OF REVIEW

- **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.**

The property has kept its original zoning since the creation of the city and the property has no existing or changing conditions affecting the use and development of the property giving supporting grounds for either approval or disapproval of the proposal.

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

There are currently no historic buildings, sites, districts or archaeological resources on the subject property.

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

The applicant submitted a trip generation report as part of the rezoning application and shows during peak hours the development will have over 100 trips. City staff has requested a traffic impact analysis to fully review if there will need road improvement to mitigate any traffic concerns. Staff would like the application to be deferred until the staff can review the traffic study.

The applicant intends to gain access to water and sewer line through an existing pipeline, which the applicant has tentatively reached an agreement with the townhome development located to the west of the subject property.

The proposed use will not have an excessive or burdensome use on schools.

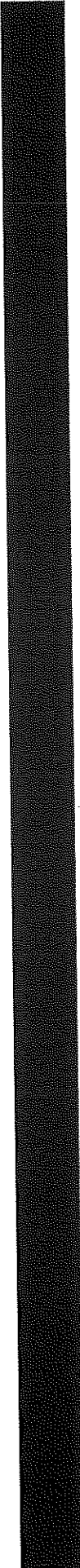
- **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

The zoning proposal will not adversely impact the environment or surrounding natural resources. The applicant will have to provide for the management of stormwater according to the City's regulations. The applicant has proposed a stormwater pond to manage stormwater runoff.



## **Staff Analysis**

The proposed use is consistent in use with the surrounding uses. Staff believes the proposed use is suitable in view of the use and developmental adjacent and nearby properties however, staff has requested additional studies and will need to time to review therefore, the Department of Community Development recommends **Deferral of RZ-19-005**



# Staff Recommendation

Staff recommends **DEFER** of Land Use Petition RZ-19-005. However, should the Planning Commission choose to approve the request in whole, staff recommends the approval should be subject to the following conditions:

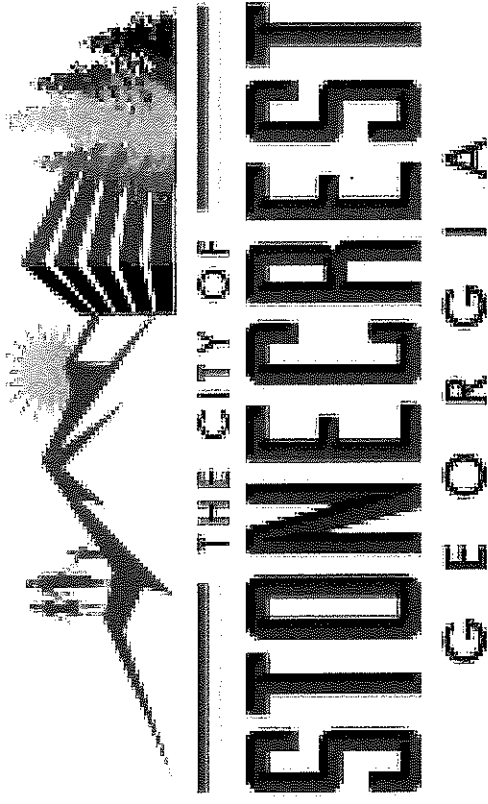
1. The use of the Subject Property for any of the following shall be strictly prohibited:
  - a. Convenience Store;
  - b. Child day care center and/or kindergarten;
  - c. Blood collection center;
  - d. Barber shop / Beauty Salon or similar establishments;
  - e. Check to cash establishment to include automobile title loan and pay day loan establishment;
  - f. Gold-Buying establishment;
  - g. Heavy truck and equipment and materials storage;
  - h. Indoor/Outdoor open flea market;
  - i. Restaurant with drive-through;
  - j. Automobiles, boats, and trailers new and used sales;
  - k. Automobile repair major and minor;
  - l. Funeral home and/or crematory;
  - m. Fraternity or sorority house;
  - n. Boarding or rooming house;
  - o. Self-storage or mini warehouses;
  - p. Liquor and/or package stores;
  - q. Pawn shops;
  - r. Pool hall and/or sports bar;
  - s. Adult Entertainment or bookstores, etc.;
  - t. Nightclub;
  - u. Skating rink; and
  - v. indoor and/or outdoor recreation.
  - w. Gas stations

# Staff Recommendation

- The site shall be developed according with the site plan received by the City on May 7<sup>th</sup>, 2019.
- Exterior elevations shall be similar to the elevations received by the City on May 7<sup>th</sup>, 2019. Final elevations shall be subject to review and approval of the Community Development Director.
- Owner/Developer shall install a five foot (5') wide sidewalk along the entire frontage of Panola Road.
- 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 back of curb, or two feet (2') from the future back of the sidewalk, whichever is greater.
- Owner/Developer shall obtain all permits required by the City of Stonecrest in accordance with the development of the subject property.

# Planning Commission Recommendation

- At the July 2<sup>nd</sup> public hearing the Planning Commission recommend *deferral* of Land Use Petition RZ-19-005. The applicant submitted a revised site plan and trip generation report resulting in the applicant not being required to submit a traffic impact analysis.



**July 2nd 2019**

**Planning Commission  
Public Hearing**



CITY COUNCIL AGENDA ITEM

SUBJECT: Parks + Recreation Youth Services for Afterschool Program  
2019

- ORDINANCE                       POLICY                                       STATUS REPORT  
 DISCUSSION ONLY               RESOLUTION                               OTHER

Council Meeting: 07/22/2019

---

SUBMITTED BY: Sean DePalma, Director

PURPOSE:

HISTORY:

FACTS AND ISSUES:

OPTIONS:

RECOMMENDED ACTION:



## MEMORANDUM

To: Mayor & Council

Through: Julian Jackson, City Manager

From: Sean G. De Palma, MS, CPRP  
Parks & Recreation Director

Date: 18JUL19

Re: Parks & Recreation Youth Services for Afterschool Program 2019

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To ensure youth services are provide for children in the City of Stonecrest and at the Browns Mill Recreation Center. For the last several months and after visiting regional service providers, we have been communicating with the Boys & Girls Club of Metro Atlanta and South DeKalb YMCA regarding youth services for the upcoming school year.

The following is a general scope of work and contingencies are outlined below:

BGCMA will agree to:

- Provide you development programs (i.e., Academic Enrichment, Character & Leadership Development, Healthy Lifestyles, College & Career Readiness) to children & youth ages 6-18
- All the risk safety upgrades are completed before entering the facility and a certificate of occupancy is provided.
- Four (4) weeks of uninterrupted usage of the facility for staff preparation and program buildout
- 25:1 ratio
- Provide professional development and training for all BGCMA staff

YMCA of South DeKalb will agree to:

- Provide programs that will operate on a rotation cycle (i.e., STEAM, arts and crafts, physical activities, team building, and character development)
- All the risk safety and general upgrades are completed, and facility be state licensed (process can take up to two months)
- 15:1 ratio
- Each staff member is chosen for their experience, education and love of children. The YMCA requires all staff to be trained in First Aid and CPR.



## MEMORANDUM

	Potential Vendor	
	<b>YMCA of South DeKalb</b>	<b>BGCMA (Boys &amp; Girls Club of Metro Atlanta)</b>
Age/Grade of Participants	Kindergarten to 8th grade/ Teen Program 9th to 12th grade	1st grade to 12th grade
Operational Hours of Program	2:00pm to 6:30pm	2:00pm to 6:30pm
Program Cost per Participant	\$50.00 per week. CAPS available, reduce fee to no cost based on income.	\$60-\$135, entire school year. The membership, based on a sliding scale, fee is between per child per school year based on income.
Nutrition/Food	Snack and Hot dinner is provided	Snack is provided
Total expenses	\$176,366.00	\$201,473.00
Projected Revenue to Vendor	\$180,000.00	\$6,500.00
Projected Profit to Vendor	\$3,634.00	\$207,973.00
Direct Monetary Cost to the CITY	\$0.00	\$201,473.00
Incentives	The YMCA is willing to offer 3 months of FREE family membership to the South DeKalb for the months during renovation at Browns Mill.	

### Notable variations:

1. *Cost for Services:* Estimated operational expenses for BGCMA is \$201,473 and the YMCA of South DeKalb is \$176,366.00 for school year.
2. *The Cost for Services and monetary cost to the CITY:* The YMCA of South DeKalb will generate (collect) revenues \$180,000 and manage their operational expenses of \$176,366.00 for the afterschool program. No monetary cost to the CITY. BGCMA can offer participants cost for the school year for \$65.00 except at a **cost to the CITY of \$201,473.00.**
3. *The transition and timing of service:* The Boys & Girls Club of Metro Atlanta (BGCMA) requires a full month to intergrade itself into the building before participants can attend. Therefore, the afterschool





## MEMORANDUM

program will be not be scheduled to start until after upgrades plus one (1) month timeframe. BGCMA requires that all the risk safety upgrades are completed before entering the facility and a certificate of occupancy is provided. The YMCA requires that all the risk safety upgrades are completed so that the building can be licensed. The licensing process can take up to two months however, the YMCA will pick the Stonecrest participants up from their schools and transfer them to the South DeKalb YMCA while Browns Mill Rec. Center is being renovated.

### **Implementation of Recommendation Vendor:**

Starting 22JUL19 the YMCA and The of City of Stonecrest Parks & Recreation staff will start marketing to parents directly and to the general public. The YMCA will be scheduled to do after school pickups up to 10 schools depending on registration. Registration will be held at two locations which will be Browns Mill Recreation and the YMCA of South DeKalb. Given that participants will be registering at the YMCA of South DeKalb, families will be eligible to register for C.A.P.S. The Parks & Recreation staff and YMCA of South DeKalb will be available to come in on July 22nd and July 26th from 2:30pm-6:30pm to hold any information sessions with the families.

Participants will receive a HOT meal every day. Although the menu is available the meals will consist mostly of Chicken, Turkey, Fish. However, the vendor will have options for those with dietary restrictions. There will be a tracking system in place to track the number of meals that each kid receives.

As it pertains to the licensing, the timeline to have the licensing completed for participants to re-enter the building will be no sooner that 2 months. To assist families during this time, the YMCA has agreed to provide 3 months of FREE family membership to the YMCA of South DeKalb. However, if the licensing process takes longer than 3 months the YMCA is willing to provide up 6 months of FREE family membership. During that timeframe the YMCA of South DeKalb will be hiring additional staff during that process and will transition them to the Browns Mill staff with the kids so that the kids can stay familiar with the same professional staff.



CITY COUNCIL AGENDA ITEM

**SUBJECT:** Parks IGA

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

Council Meeting: 07/22/2019

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**SUBMITTED BY:** Plez Joyner, Deputy City Manager

**PURPOSE:**

**HISTORY:** Passed a previous version. This is an updated  
**FACTS AND ISSUES:** version to be going in front of the DeKalb BOC  
on 7/23/2019.

**OPTIONS:**

**RECOMMENDED ACTION:** Approval from Mayor & Council

July 16, 2019

**INTERGOVERNMENTAL AGREEMENT  
FOR THE TRANSFER OF PARK PROPERTY BETWEEN DEKALB COUNTY,  
GEORGIA AND THE CITY OF STONECREST, GEORGIA**

**THIS INTERGOVERNMENTAL AGREEMENT** is entered into by and between DeKalb County, Georgia (“County”) and the City of Stonecrest, Georgia (“City”).

**WHEREAS**, the County is a constitutionally-created political subdivision of the State of Georgia;

**WHEREAS**, the City of Stonecrest is a municipality created by the Georgia General Assembly in 2016, pursuant to Senate Bill 208; and

**WHEREAS**, the County and the City desire to maintain a mutually beneficial, efficient and cooperative relationship, that will promote the interests of the citizens of both jurisdictions, including, but not limited to, the creation and preservation of park property;

**NOW THEREFORE**, in consideration of the following mutual obligations, the County and City (collective, the “Parties”) agree as follows:

**ARTICLE 1  
PURPOSE AND INTENT**

The purpose of this Agreement is to provide the terms by which (1) the County shall transfer the Park Property (as hereinafter defined) to the City; (2) the County shall provide services and activities, related to recreation, aquatic and summer programs; and maintaining and operating parks, playgrounds, pools, athletic fields, and recreational centers within the jurisdictional boundaries of the City in the manner provided by the DeKalb County Department of Recreation, Parks and Cultural Affairs (the “Park Services”); and (3) the County will transfer the responsibility of providing Park Services to the City.

**ARTICLE 2  
COMPENSATION AND CONSIDERATION**

2.1 The purpose of this Agreement is to provide the terms by which the County shall convey to the City and the City shall own the real property listed and described as attached hereto as Exhibit “A” (collectively, the “Park Property”). The Park Property shall be transferred and conveyed from the County to the City via quit-claim deed, subject to the provisions herein, in exchange for good and valuable consideration and payment to the County in the amount of One-Hundred Dollars (\$100) per acre pursuant to O.C.G.A. § 36-31-11.1.

2.2 As part of said conveyance, it is further agreed that:

- a. The City shall maintain the Park Property as a public park and greenspace in perpetuity and pursuant to the covenants and restrictions in this Agreement. The City agrees to provide all park services associated with the Park Property; to preserve park greenspace

July 16, 2019

on the Park Property for the mutual use and enjoyment of the City and County's respective residents; and to maintain the Park Property and any park or recreational facilities used therefore whether now or hereinafter constructed. As of the date of transfer and upon the execution of this Agreement, the City hereby agrees to operate and maintain the Park Property and related greenspace, open space and recreational facilities.

- b. The parties agree that, as of July 31, 2019, except for the Browns Mill Aquatic Center, the County's obligation to maintain the Park Property or provide Park and Recreation Services shall terminate, and that this provision constitutes the agreement by the City for the assumption of all maintenance and Park and Recreation Services as of 12:00 a.m. on August 1, 2019. The City shall indemnify the County as to any claim which arises from August 1, 2019 forward from the alleged performance or failure to perform such park and recreation services. For the purposes of this Agreement, *park and recreation services* shall be defined to include, but shall not be limited to the maintenance and repair of, and providing those leisure services, recreational services, and cultural activities as provided in the parks, on park property, open spaces, recreational facilities and other county-designated properties as of the date of this Agreement; and shall include, but not be limited to all general recreation services, athletic programs, and cultural opportunities, whether or not located at parks, recreation centers, multi-use courts, playgrounds, aquatic facilities, golf courses, or other parts of park property, and for all ages and abilities (hereinafter, collectively "Park and Recreation Services").
- c. The parties agree that as to the Browns Mill Aquatic Center and pool, the County's obligation to provide Park and Recreation Services to that facility and park shall terminate at 11:59 p.m. on September 30, 2019. The City agrees that it will take over all Park and Recreation Services offered at and the maintenance and repair of the Browns Mill Aquatic Center and pool as of 12:00 a.m. on October 1, 2019.
- d. For the park properties managed by the County during the Term, the County will provide Park Services to the City residents in no less than the same manner that they are provided to unincorporated DeKalb County in 2019. Such Park Services shall equal or exceed the Park Services provided by the County in 2019 within the area that comprises the territorial limited of the City. The Parties acknowledge that the City Parks Director does not have the authority to direct the activities of any employee of the DeKalb County Parks Department. The City Parks Director will discuss with the County Parks Director any concerns or issues arising during the Term regarding the scope of work contemplated under this Agreement.
- e. The City agrees that residents of the unincorporated area of the County shall have the same access to the Park Property and Park and Recreation Services as is allowed for residents of the City and at the same cost charged to City residents, if any; and the same parks and recreation services being provided on or related to the Park Property shall be made available to residents of unincorporated DeKalb County as made available to residents of the City, and at the same cost charged to City residents, if any.

July 16, 2019

- f. The Parties agree that, whether or not recorded, the provisions and obligations in this Section shall continue as binding restrictive covenants upon the Parties after the expiration or termination of this Agreement.

2.3 During the time in which Park and Recreation Services are rendered by the County, the City agrees that the County shall remain entitled to impose and collect from the City's owners of taxable property ad valorem tax annually in the same manner and at the same rate that such tax is imposed and collected within the unincorporated portion of DeKalb County for Park and Recreation Services. For the Park Property in this Agreement as identified in Exhibit "A", the County agrees to contribute to the City a portion of the total ad valorem tax revenue collected by the County for Park and Recreation Services within the City for tax year 2019, to be proportional to and commensurate with the percentage of Park and Recreation Services provided by the County and transitioned to the City in 2019, as determined by the County at the County's sole discretion, and upon receipt of such funds from the Tax Commissioner.

2.4 The Park Property shall be transferred via quit-claim deed on or before January 1, 2020. As to all Park Property herein, the City shall be solely responsible for identifying and conducting due diligence at the City's cost, including, but not limited to all surveys, environmental reports, and title searches.

### **ARTICLE 3 TERM OF AGREEMENT**

The Parties agree that the term of this Agreement (the "Term") shall begin at 12:00 a.m. on August 1, 2019 and each subsequent year thereafter for a total term of fifty (50) years, during or after the termination of which the parties may seek to renew or enter into a new agreement. The deed restrictions recited herein shall have no termination date and shall continue past the Term of this Agreement.

### **ARTICLE 4 MUTUAL WAIVER AND RELEASE**

4.1 The City hereby waives and releases, effective the date the City receives the quitclaim deed for the Park Property, any right to pursue or initiate any legal claims against the County related to the Park Property, except for the right to assert claims to enforce the terms of this Agreement.

4.2 The County hereby waives and releases, effective the date the City receives the quitclaim deed for the Park Property, any right to pursue or initiate any legal claims against the City related to the Park Property, except for the right to assert claims to enforce the terms of this Agreement.



July 16, 2019

**ARTICLE 7  
AMENDMENT AND TERMINATION**

7.1 This Agreement may be amended at any time by mutual consent of both parties so long as such amendment is in writing and approved by official action of the City Council and approved by official action of the County governing authority.

7.2 This Agreement may be amended at any time by mutual consent of both parties so long as such amendment is in writing and approved by official action of the respective governing authority. The City or County may terminate this Agreement with or without cause by giving thirty (30) days prior written notice to the other party. If either party intends to terminate this Agreement for cause prior to the expiration of the term of this Agreement, the party must notify the other party in writing, specify the basis for the termination and advise that the issue(s) must be cured to the other party's reasonable satisfaction within a 30-day period.

**ARTICLE 8  
NON-ASSIGNABILITY**

Neither party shall assign any of the obligations or benefits of this Agreement.

**ARTICLE 9  
ENTIRE AGREEMENT**

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the County. All parties must sign any subsequent changes in the Agreement.

**ARTICLE 10  
SEVERABILITY, VENUE AND ENFORCEABILITY**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the State of Georgia without regard to conflicts of law principles thereof. Should any part institute suit concerning this Agreement, venue shall be in the Superior Court of DeKalb County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply

July 16, 2019

a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation thereof.

**ARTICLE 11  
BINDING EFFECT**

This Agreement shall inure to the benefit of, and be binding upon, the respective Parties' successors.

**ARTICLE 12  
COUNTERPARTS**

This agreement may be execute in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**[SIGNATURE PAGES FOLLOW]**



July 16, 2019

**IN WITNESS WHEREOF**, the County and City have executed this Agreement through their duly authorized officers on the day and year indicated below.

This \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DEKALB COUNTY, GEORGIA**

**ATTEST:**

\_\_\_\_\_  
**MICHAEL L. THURMOND**  
**NORWOOD**  
Chief Executive Officer  
DeKalb County, Georgia

\_\_\_\_\_  
**BARBARA SANDERS-**  
Clerk of the Chief Executive Officer  
and Board of Commissioners of  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CHUCK ELLIS**  
Director, Parks and Recreation

\_\_\_\_\_  
County Attorney

**CITY OF STONECREST, GEORGIA**

**ATTEST:**

\_\_\_\_\_  
**JASON LARY, SR.**  
Mayor

\_\_\_\_\_  
**MEGAN REID**  
Municipal Clerk

**APPROVED AS TO SUBSTANCE:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JULIAN JACKSON**  
City Manager

\_\_\_\_\_  
**WINSTON DENMARK**  
City Attorney

**EXHIBIT "A" – STONECREST PARK PROPERTY**

<b>Park Site</b>	<b>Address</b>	<b>Parcel ID</b>	<b>Park Acreage</b>	<b>Facilities/Amenities</b>
Gregory Moseley (3 parcels)	5600 Miller Grove Road	16-057-02-078 16-057-03-005 16-057-02-278	17.80	Basketball Court, shelter, playground
Southeast Athletic Complex (2 parcels)	5845 Hillvale Road	16-072-03-006 16-072-02-001	95.0	Soccer fields, fieldhouse, Concession, softball fields
Fairington Park (2 parcels)	2831 Fairington Parkway and 2851 Fairington Parkway	16-055-01-011 16-055-01-009	14.50	Soccer field, playground, walking trail
Salem Park	5290 Salem Road	16-044-03-003	11.0	Shelter, open play, basketball courts
Browns Mill Park and Browns Mill Aquatic Center	4929 Browns Mill Road	16-013-02-032	62.20	Recreation Center, sports fields, shelter, playground, and concessions; Aquatic Center and pool
Chestnut Lakes	6758 Mahonia Place	11-232-01-151	27.60	Park and greenspace
Miners Creek	4460 Panola Road	16-016-03-002	80.8	Park and greenspace
Everett Property (2 parcels)	5106 Klondike Road	11-231-02-005 11-217-01-001	40.60	Park and greenspace
<b>Estimated Park Acreage</b>			<b>349.5*</b>	*Total acreage subject to adjustment and to be confirmed at time of closing




**CITY COUNCIL AGENDA ITEM**

**SUBJECT: Ordinance for Special Land Use Permit  
SLUP-19-001 (3317 Panola Road)**

**ORDINANCE**                       **POLICY**                       **STATUS REPORT**  
 **DISCUSSION ONLY**               **RESOLUTION**               **OTHER**

**Date Submitted: 07/17/2019      Work Section:              Council Meeting: 07/22/2019**

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**SUBMITTED BY:** Christopher Wheeler, Interim Community Development Director. 

**PURPOSE:** To operate a personal care home up to six individuals.

**HISTORY:** This item was originally heard at the April 22<sup>nd</sup> City Council meeting and was recommended for a deferral so staff could provide detail history on the application and additional information requested from DeKalb County.

**OPTIONS:** Approve or Deny

**RECOMMENDATED ACTION:**

Planning Commission recommended denial of SLUP-19-001 at the April 2<sup>nd</sup> meeting.

**ATTACHMENTS:**

- # 1 7-17-19 Open records request from DeKalb County
- # 2 7-17-19 Business License Application
- # 3 7-17-19 State Permit and email correspondences



**SLUP-19-001**  
**Attachment #1**

**07/17/19**  
**Open Records Request from**  
**DeKalb County**



DeKalb County  
GEORGIA

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

Clark Harrison Building  
330 W. Ponce de Leon Ave  
Decatur, GA 30030

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

July 3, 2019

The City of Stonecrest  
Chris Wheeler  
3120 Stonecrest Blvd  
Stonecrest, GA 30038  
cwheeler@stonecrestga.gov

RE: S.R. #933158

Dear Mr. Wheeler:

Thank you for your request to review and obtain copies of county records. On June 27, 2019, we received your Open Records request for:

*Any business licenses for 3327 Panola Rd, Lithonia, GA 30058 from January 1, 2008 through July 1, 2017*

After reviewing your request, it has been determined that the Planning & Sustainability Department does not have any documents responsive to your request.

Though we believe the Planning & Sustainability Department has no documents responsive to your request, please note that the County and its officials and departments do not produce documents or records that are protected by the attorney-client privilege or the attorney work product doctrine under Georgia or federal law or that are otherwise exempt from production under the Georgia Open Records Act.

*The County and its officials and departments do not produce documents or records that are protected by the attorney-client privilege or the attorney work product doctrine under Georgia or federal law or that are otherwise exempt from production under the Georgia Open Records Act. The County expressly reserves and does not waive any statutory exemptions from disclosure provided by O.C.G.A. §50-18-72, et seq. and other applicable laws.*

Sincerely,  
Andrew A. Baker, Director  
Department of Planning & Sustainability



**SLUP-19-001**  
**Attachment #2**

**07/17/19**  
**Business License Application**



RECEIVED MAY 21 2019

# New Business License Application

(Occupational Tax Certificate)

YEAR \_\_\_\_\_

New Business     Change of Ownership - Previous Business Name: \_\_\_\_\_

Business Name: OUR HOME PERSONAL CARE HOME LLC

Business Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Business Address (physical location): 3327 PANOLA ROAD Suite or Apt No.: \_\_\_\_\_

City, State, Zip: LITHONIA GA 30038 E-mail \_\_\_\_\_

Type of Ownership (check one):  GA Corporation  LLC  Sole Owner  Partnership  Other \_\_\_\_\_

Corporate/Owner's Name: RUMBIDZAI NYAMHANZA

Corporate/Owner's Address: 3327 PANOLA ROAD

Mailing Address: \_\_\_\_\_ Suite or Apt No.: \_\_\_\_\_

City, State, Zip: LITHONIA GA 30038

Contact Person: RUMBIDZAI NYAMHANZA Phone Number: \_\_\_\_\_

Fed ID or SSN (Owner): \_\_\_\_\_ Sales Tax ID: \_\_\_\_\_

Are you a NON-PROFIT Organization?  Yes  No *If yes, please provide proof of 501-C status.*

Have you obtained your certificate of occupancy?  Yes  No

What is the square footage of the building or suite? 4890 sqft

Date business commenced in City of Stonecrest: 10/01/2019

Number of Employees: 2

Estimates of the gross receipts for the year \_\_\_\_\_

Are you a professional electing to pay the flat fee?  Yes or  No *If yes, please submit a copy of all practitioners' state licenses.*

Is this a home-based occupation?  Yes or  No *If yes, please submit a copy of your driver's license that matches your home address.*

Will your business be an adult entertainment establishment (sexually oriented business) as defined by the City of Stonecrest Code, or will it offer any form of adult entertainment?  Yes or  No

Is this business required by the State of Georgia to have a state license?  Yes or  No *If yes, please submit a copy of the state license.*

Does your business engage in international business activity?  Yes or  No

Give a description of the primary business activity: (If Home based - MUST be for office use ONLY)

This business is for taking care of elderly.

<b>Office Use Only:</b>		Fee: \$ _____	Paid: \$ _____	Due: \$ _____	Date: _____
Act. No: _____	Check No: _____	NAICS: _____	Class: _____	Rate: _____	EE Fee: _____
					Staff Initial: _____



**SLUP-19-001**  
**Attachment #3**

**07/17/19**  
**State Permit and Email**  
**Correspondences**





GEORGIA DEPARTMENT OF  
COMMUNITY HEALTH

**STATE OF GEORGIA**  
**PERSONAL CARE HOME PERMIT**

This is to certify that a permit is hereby granted to

OUR HOME PERSONAL CARE LIMITED LIABILITY COMPANY  
(Name of Governing Body)

to maintain and operate a Personal Care Home with a capacity of 3 named as OUR HOME PERSONAL CARE  
(Name of Facility)

Said facility and premises are located at 3327 PANOLA ROAD  
(Street)  
in LITHONIA County of DEKALB, Georgia.  
(City or Town) (Zip Code)

Permit Effective Date: Tuesday, August 7, 2018, and remains in effect unless revoked or suspended.

"This permit is granted pursuant to the authority vested in the Department of Community Health pursuant to O.C.G.A. 31-7-3 and signifies that its facilities and operations comply with the Rules and Regulations of the Department of Community Health on the date this permit was issued."

THIS PERMIT IS NOT TRANSFERABLE PERMIT NO. PCH009179

In Witness Whereof, we have hereunto set our hand this 7TH day of AUGUST, 2018.

GEORGIA DEPARTMENT OF COMMUNITY HEALTH HEALTHCARE FACILITY REGULATION DIVISION

Melanie Simon, Division Chief

# Fwd: Annual Registration

OurHome PersonalCare <ourhomepersonalcare@gmail.com>

Tue 9/18/2018 10:07 PM

To: Chris Wheeler <cwheeler@stonecrestga.gov>;

📎 2 attachments (145 KB)

201803242638964-2596426.pdf; 15614311.pdf;

----- Forwarded message -----

From: <eCorp.noreply@sos.ga.gov>

Date: Sat, Mar 24, 2018 at 9:07 PM

Subject: Annual Registration

To: <[ourhomepersonalcare@gmail.com](mailto:ourhomepersonalcare@gmail.com)>, <[nyamhanzar@yahoo.com](mailto:nyamhanzar@yahoo.com)>

Dear Rumbidzai Nyamhanza,

This is a confirmation that the 2018 Annual Registration for Our Home Personal Care Limited Liability Company has been successfully processed by the Georgia Secretary of State's office on 03/24/2018 09:07 PM. The filed annual registration and receipt are attached to this email.

Thank you.

Sincerely,

Georgia Secretary of State - Corporations Division  
2 Martin Luther King Jr. Dr.  
313 West Tower  
Atlanta, Georgia 30334-1530  
Phone: (404) 656-2817  
Website: <http://sos.ga.gov/>

(Note: Please disregard this email if you have previously received a copy of it. This email has been sent by an automated process. Please do not reply to it.)

# Fwd: Payment Confirmation

OurHome PersonalCare <ourhomepersonalcare@gmail.com>

Tue 9/18/2018 10:08 PM

To: Chris Wheeler <cwheeler@stonecrestga.gov>;

----- Forwarded message -----

From: <donoreplyHFRD@dhr.state.ga.us>  
Date: Tue, May 23, 2017 at 7:19 AM  
Subject: Payment Confirmation  
To: <ourhomepersonalcare@gmail.com>

Thank you for your recent payment to Healthcare Licensing.

Payment Application: Healthcare Licensing  
Payment Status: Payment completed successfully.  
Confirmation Number: 17052394261481  
Payment Date: 05/23/2017

Billing Address: Rumbidzai Nyamhanza  
3327 Panola Road  
Lithonia, GA 30038  
7708994865

Card Type: VISA  
Card Number: x5558

Payment Amount: 350.00 USD  
Convenience Fee: 11.95 USD  
Total Amount: 361.95 USD

FAC ID : pch009179

DO NOT REPLY DIRECTLY TO THIS EMAIL.



CITY COUNCIL AGENDA ITEM

**SUBJECT:** Hotel Motel Tax Ordinance 2019-07-001

- ORDINANCE**                       **POLICY**                                       **STATUS REPORT**  
 **DISCUSSION ONLY**               **RESOLUTION**                               **OTHER**

Council Meeting: 07/22/2019

---

**SUBMITTED BY:** Megan Reid, City Clerk

**PURPOSE:** Increase Hotel/Motel Tax to 8%

**HISTORY:** First Reading 07/08/2019

**FACTS AND ISSUES:**

**OPTIONS:**

**RECOMMENDED ACTION:** Approval by Mayor + Council

**HOTEL-MOTEL TAX ORDINANCE**

1 AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF A HOTEL-MOTEL TAX  
2 AND THE USE OF PROCEEDS FROM SUCH TAX AS AUTHORIZED UNDER CHAPTER  
3 13, SECTION 51 OR TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; TO  
4 PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO  
5 PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6  
7 **WHEREAS**, the duly elected governing authority of the City of Stonecrest (“City”) is the Mayor  
8 and Council thereof; and

9  
10 **WHEREAS**, the governing authority desires to amend its Code of Ordinances in order to  
11 provide for the collection of a Hotel-Motel Tax at a rate of eight percent (8%) pursuant to  
12 O.C.G.A. § 48-13-51; and

13  
14 **WHEREAS**, pursuant to the authority of subsection (b) of Code Section 48-13-51 of the Official  
15 Code of Georgia Annotated and Act 120 (“HB 563”) of the 2019 Regular Session of the Georgia  
16 General Assembly, the governing authority of the City of Stonecrest is authorized to levy an  
17 excise tax at a rate not to exceed eight (8%) percent of the charge for the furnishing for value to  
18 the public of any room or rooms, lodgings, or accommodations furnished by any person or legal  
19 entity licensed by, or required to pay business or occupation taxes to, the municipality for  
20 operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place  
21 in which rooms, lodgings, or accommodations are regularly or periodically furnished for value;  
22 and

23  
24 **WHEREAS**, the governing body of the City of Stonecrest a political subdivision of the State of  
25 Georgia, is required under O.C.G.A. § 48-13-51 to make available a designated portion of funds  
26 so collected for the purpose of promotion, attracting, stimulating, and developing conventions  
27 and tourism by a destination marketing organization in the City of Stonecrest; and

28  
29 **WHEREAS**, the health, safety, and welfare of the citizens of Stonecrest, Georgia, will be  
30 positively impacted by the adoption of this Ordinance; and

31  
32 **WHEREAS**, upon adoption of this Ordinance, the City will provide for public viewing a copy of  
33 the same on its website.

34

35 **NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the City of Stonecrest  
36 hereby ordain as follows:

37  
38 **SECTION I.**

39  
40 **ESTABLISHMENT OF A HOTEL-MOTEL TAX**

41  
42 **A. Definitions**

43  
44 The following words, terms, and phrases shall, for the purpose of this article and except where  
45 the context clearly indicates a different meaning, be defined as follows:

- 46  
47 (1) *Destination Marketing Organization.* A private sector nonprofit organization or other  
48 private entity which is exempt from federal income tax under Section 501(c)(6) of the  
49 Internal Revenue Code of 1986 that is supported by the tax under this article,  
50 governmental budget allocations, private membership, or any combination thereof and  
51 the primary responsibilities of which are to encourage travelers to visit their destination,  
52 encourage meetings,, and expositions in the area, and provide visor assistance and  
53 support as needed (O.C.G.A. § 48-13-50.2(1)).
- 54 (2) *Due date.* The twentieth (20<sup>th</sup>) day after the close of monthly period for which tax is to be  
55 computed. (O.C.G.A. § 48-13-50.2(1)).
- 56 (3) *Guest room.* Accommodations occupied, or intended, arranged, or designated for  
57 transient occupancy of not more than thirty (30) continuous day by one or more  
58 occupants for the purpose of living quarters or residential use. (O.C.G.A. § 48-13-  
59 51(h)(4)).
- 60 (4) *Hotel or Motel.* Any structure or any portion of a structure, including any lodging house,  
61 rooming house, dormitory, turkish bath, bachelor hotel, studio hotel, motel, motor hotel,  
62 auto court, inn, public club, or private club, containing guest rooms and which is  
63 occupied, or is intended or designed for occupancy, by guests, whether rent is paid in  
64 money, goods, labor, or otherwise. It does not include any jail, hospital, asylum,  
65 sanitarium, orphanage, prison, detention or other building in which human beings are  
66 housed and detained under legal restraint.
- 67 (5) *Monthly period.* The calendar months of any year.
- 68 (6) *Occupancy.* The use or possession, or the right to the use or possession of any room or  
69 apartment in a hotel or the right to the use of possession of the furnishings or to the  
70 services and accommodations accompanying the use and possession of the room.
- 71 (7) *Occupant.* Any person who, for a consideration, uses, possesses, or has the right to use or  
72 possess any room in a hotel under nay lease, concession, permit, right of access, license  
73 to use or other agreement, or otherwise.
- 74 (8) *Operator.* Any person operating a hotel or motel in the city, including, but not limited to  
75 the owner or proprietor of the premises, lessee, sublessee, lender in possession, license or  
76 any other person otherwise operating a hotel or motel.

- 77 (9) *Permanent Resident*. Any occupant as of a given date who has or shall have occupied, or  
78 has or shall have the right of occupancy, of any guest room in a hotel or motel for at least  
79 30 consecutive days next preceding the given date; provided that state or local  
80 government officials and employees revealing on official governmental business shall be  
81 considered permanent resident pursuant to O.C.G.A. § 48-13-51(g)(3).
- 82 (10) *Person*. An individual, firm, partnership, joint venture, association, social club, fraternal  
83 organization, joint stock company, corporation, nonprofit corporation or cooperative  
84 nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate, or any  
85 other group or combination acting as a unit, the plural as well as the singular number,  
86 excepting the United States of America, the State of Georgia, and any political  
87 subdivision of either thereof upon which the city is without power to impose the tax  
88 herein provided.
- 89 (11) *Rent*. The consideration received for occupancy valued in money, whether received in  
90 money or otherwise, including all receipts, cash, credits and property or services of any  
91 kind or nature, and also the amount for which credit is allowed by the operator to the  
92 occupant, without any deduction therefrom whatsoever.
- 93 (12) *Tax*. The tax imposed by this article.
- 94 (13) *Tourism Product Development*. The expenditure of funds for the creation or expansion of  
95 physical attractions which are available and open to the public and which improve  
96 destination appeal to visitors, support visitors' experience, and are used by visitors. Such  
97 expenditures may include capital costs and operating expenses. Tourism product  
98 development may include:
- 99 (A) Lodging for the public for no longer than 30 consecutive days to the same customer;  
100 (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents;  
101 (C) Meeting, convention, exhibit, and public assembly facilities;  
102 (D) Sports stadiums, arenas, and complexes;  
103 (E) Golf courses associated with a resort development that are open to the general public  
104 on a contract or fee basis;  
105 (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car  
106 racetracks or speedways;  
107 (G) Amusement centers, amusement parks, theme parks, or amusement piers;  
108 (H) Hunting preserves, trapping preserves, or fishing preserves or lakes;  
109 (I) Visitor information and welcome centers;  
110 (J) Wayfinding signage;  
111 (K) Permanent, nonmigrating carnivals or fairs;  
112 (L) Airplanes, helicopters, buses, vans, or boats for excursion or sightseeing;  
113 (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows,  
114 natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for  
115 amusement, aerial tramways, rodeos, water slides, or wave pools;  
116 (N) Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological  
117 gardens;  
118 (O) Parks, trails, and other recreational facilities; or

119 (P) Performing arts facilities. (O.C.G.A. § 48-13-50.2(6)).  
120

121 **B. Tax Levied**  
122

123 There is hereby levied and imposed an excise tax on any person or legal entity licensed by or  
124 required to pay a business or occupation tax to the City of Stonecrest for operating a hotel, as  
125 defined under this ordinance, are regularly furnished for a value at a tax rate of eight percent  
126 (8%) of the lodging charges actually collected from the hotel guest and who receives a room,  
127 lodging, or accommodation that is subject to the tax. The effective date of the hotel-motel tax  
128 shall be the first day of the second month from the date this ordinance is passed. The effective  
129 date for collection of this tax shall be the date this ordinance is passed by the City's Mayor and  
130 Council.  
131

132 **C. Amount of Tax and Use of Revenue Derived from Tax**  
133

134 (1) The Tax will be a total of eight percent (8%) and is authorized pursuant to O.C.G.A. § 48-  
135 13-51(b), In each fiscal year during which a tax is collected pursuant to paragraph (2) of  
136 subsection (b) of Code Section 48-13-51 of the O.C.G.A., an amount equal to not less than 50  
137 percent of the total amount of taxes collected that exceeds the amount of taxes that would be  
138 collected at the rate of five (5%) percent shall be expended for promoting tourism, conventions,  
139 and trade shows by the destination marketing organization designated by the City of Stonecrest;  
140 and the remaining amount of taxes collected that exceeds the amount of taxes that would be  
141 collected at the rate of five (5%) percent which is not otherwise expended under this section shall  
142 be expended for tourism product development, as defined under Section A of this Ordinance.

143 (2) Pursuant to O.C.G.A. § 48-13-51(a)(3), the amount of taxes that would be collected at the rate  
144 of 5 percent, as referenced in Section C, Paragraph (1) of this ordinance, an amount equal to the  
145 amount by which the total taxes collected under this Code section exceed the taxes which would  
146 be collected at a rate of three (3%) percent for the purpose of: (A) promoting tourism,  
147 conventions, and trade shows; (B) supporting a facility owned or operated by a state authority for  
148 convention and trade show purposes or any other similar or related purposes; (C) supporting a  
149 facility owned or operated by a local government or local authority for convention and trade  
150 show purposes or any other similar or related purposes, if a written agreement to provide such  
151 support was in effect on January 1, 1987, and if such facility is substantially completed and in  
152 operation prior to July 1, 1987; (D) supporting a facility owned or operated by a local  
153 government or local authority for convention and trade show purposes or any other similar or  
154 related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in  
155 whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or  
156 substantially by an appropriation of state funds; (E) supporting a facility owned by a local  
157 government or local authority for convention and trade show purposes and any other similar or  
158 related purposes if construction of such facility is substantially funded or was substantially  
159 funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized  
160 by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially  
161 completed and in operation prior to December 31, 1993; or (F) for some combination of such  
162 purposes. Amounts so expended shall be expended only through a contract or contracts with the



163 state, a department of state government, a state authority, a convention and visitors bureau  
164 authority created by Act of the General Assembly for a municipality, or a private sector nonprofit  
165 organization, or through a contract or contracts with some combination of such entities, except  
166 that amounts expended for purposes of (C) and (D) may be so expended in any otherwise lawful  
167 manner.

168  
169 **D. Collection of Tax by Operator**

170  
171 Every such guest subject to the tax levied under this Ordinance shall pay the tax to the person or  
172 entity providing the room, lodging, or accommodation, The tax shall be a debt of the person  
173 obtaining the room, lodging, or accommodation to the person or entity providing such room,  
174 lodging, or accommodation until it is paid and shall be recoverable at law by the person or entity  
175 providing such room, lodging, or accommodation in the same manner and authorized for other  
176 debts. The person or entity collecting the tax shall remit the tax to the City of Stonecrest, and the  
177 tax remitted shall be a credit against the tax imposed by this Ordinance on the person or entity  
178 providing the room, lodging, or accommodation.

179  
180 **E. Exemptions**

181  
182 The tax hereby levied and imposed shall not apply to charges made for any rooms, lodgings, or  
183 accommodation provided to any person who certify that they are staying in such room, lodging,  
184 Or accommodation as a result of the destruction of their home or residence by fire or other  
185 casualty. The tax shall apply to the fees or charges for any rooms, lodgings, or accommodations  
186 during the first thirty (30) days of continuous occupancy and shall not apply to charges imposed  
187 for any continuous occupancy thereafter. The tax shall not apply to charges made for the use of  
188 meeting rooms or other such facilities or to any rooms, lodgings, or accommodations provided  
189 without charge. The tax shall not apply to the charges for any rooms, lodgings, or  
190 accommodation furnished for a period of one or more days for use by Georgia State or local  
191 government officials or employees while traveling on official business.

192  
193 **F. Registration of Operator; Form and Contents; Execution; Certificate of Authority.**

194  
195 Every person engaging or about to engage in business as an operator of a hotel or motel in this  
196 city shall immediately register with the city manager of the City, on a form provided by the city.  
197 Persons engaged in that business must so register no later than thirty (30) days after the date this  
198 article becomes effective and the tax is imposed, by the privilege of registration after the  
199 imposition of the tax shall not relieve any person from the obligation of payment or collection of  
200 tax on and after the date of imposition thereof, regardless of registration.

201  
202  
203  
204

205 **G. Determination; Due Date; Return and Payments; Collection Fee.**

206  
207 (1) All amounts of the hotel-motel tax shall be due and payable to the City finance director  
208 monthly on or before the twentieth (20<sup>th</sup>) day of every month succeeding each respective  
209 monthly period.

210  
211 (2) On or before the twentieth (20<sup>th</sup>) day of the month following each monthly period, a return  
212 for the preceding monthly period shall be filed with the City manager showing the gross rent,  
213 rent from permanent residents, taxable rent, amount of tax collected or otherwise due for the  
214 related period ,and any other information as may be required by the City manager.

215 (3) Operators collecting a tax shall be allowed a percentage of the tax due and accounted for and  
216 shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the tax  
217 due, only if the amount is not delinquent at the time of payment. The rate of deduction shall be  
218 three percent of the amount due.

219 **H. Deficiency Determination; Interest; Notice.**

220 (1) If the City finance director is not satisfied with the return or returns of the tax or the amount  
221 of the tax required to be paid to the city by any person, he or she may compute and determine the  
222 amount required to be paid upon the basis of any information within his possession or that may  
223 come into his possession and shall report such discrimination may be made of the amount due for  
224 one or more monthly periods.

225 (2) The amount of the determination shall bear interest at the rate of one percent per month (1%),  
226 or fraction thereof from the due date of taxes.

227 (3) The City Manager or his/her designated representative shall give to the operator written  
228 notice of the determination. The notice may be served personally or by mail; if by mail the  
229 service shall be addressed to the operator at the address as it appears in the records of the City  
230 Manager. Service by mail is complete when delivered by certified mail with a receipt signed by  
231 addressee.

232 (4) Except in the case of failure to make a return, every notice of a deficiency determination shall  
233 be mailed within three years after the twentieth (20<sup>th</sup>) day of the calendar month following the  
234 monthly period for which the amount is proposed to be determined, or within three years after  
235 the return is filed, whichever period should last expire.

236 **I. Determination if no Return made; Interest.**

237 (1) If any person fails to make a return, the city finance director shall make an estimate of the  
238 amount of the gross receipts of the person, or as the case may be, of the amount of the total  
239 rentals in the city which are subject to the tax. The estimate shall be made for the period or  
240 periods in respect to which person fails to make the return and shall be based upon any

241 information which is or may come into the possession of the city's finance director. Such  
242 determination shall be reported to and confirmed by the governing authority. Written notice of  
243 the determination shall be given in a manner prescribed in section H(3).

244

245 (2) The amount of the determination shall bear interest at the rate of one percent (1%), or fraction  
246 thereof, from the twentieth (20<sup>th</sup>) day of the month following the monthly period, for which the  
247 amount or any portion thereof should have been returned, until the date of payment.

248

249 (3) In addition to the interest provided for by subsection (2) of this section, delinquent penalties  
250 shall be added to all unpaid balances at the rates prescribed by O.C.G.A. § 48-13-58.

251

252 **J. Administration of the Article; Authority of City Manager; records.**

253

254 (1) The city manager shall administer and enforce the provisions of this article for the collection  
255 of the tax imposed by this article.

256 (2) Every operator renting guest rooms in this city to a person shall keep any records, receipts,  
257 invoices, and other pertinent papers in any form as the City Manager may require.

258 (3) The City Manager or any person authorized in writing by the City Manager may examine  
259 books, papers, records, financial reports, equipment and other facilities of any operator renting  
260 guest rooms to a person and any operator liable for the tax, in order to verify the accuracy of any  
261 return made, or if no return is made by the operator, to ascertain and determine the amount  
262 required to be paid.

263 (4) In administration of the provisions of this article, the City Manager may require the filing of  
264 reports by any person or class of person having in that person's possession or custody,  
265 information relation to rentals of guest rooms which are subject to the tax. The reports shall be  
266 filed with the City Manger and shall set forth the rental charge for each occupancy, the date or  
267 dates of occupancy, and any other information as the City may require.

268 **K. Violations**

269 (1) Any person responsible for reporting, return or payment of the taxes levied pursuant to this  
270 Article shall be punished as provided in O.C.G.A. § 48-13-58.1 through 48-13-63. In the event  
271 any such person is in violation of any of the provision of this article that are not otherwise  
272 covered by state law then, upon conviction, such person shall be deemed guilty of an offense and  
273 shall be punished in municipal court to the extent of that court's authority.

274 (2) Such person shall be guilty of a separate offense for each and every day during any portion of  
275 which any violation of any provision of this article is committed, continued, or permitted by that  
276 person, and shall be punished accordingly. Any operator or any other person who fails to register  
277 as required herein, or to furnish any return required to be made, or who fails or refuses to furnish

278 a supplemental return or other data required by the City, or who renders a false or fraudulent  
279 return shall be deemed guilty of an offense and upon conviction thereof shall be punished as  
280 aforesaid.

281 **L. Collection of tax; Purchaser Liable.**

282 (1) At any time within three years after any tax or any amount of tax required to be collected  
283 becomes due and payable, and at any time within three years after the delinquency of any tax or  
284 any amount of tax required to be collected under this article, the City may bring an action in a  
285 court of competent jurisdiction to collect the amount delinquent, together with the interest, court  
286 fees, filing fees, attorneys' fees and other legal fees incident thereto.

287 (2) If any operator liable for any amount under this article sells out his business or quits the  
288 business, this successors or assigns shall withhold a sufficient amount of the purchase price to  
289 cover the amount required until the former owner produce a receipt form the City Clerk showing  
290 that the indebtedness had been paid or a certificate stating that no amount is due.

291 (3) If the purchaser of a business fails to withhold from the purchase price as required, he shall  
292 be personally liable for the payment of the amount required to be withheld by him to the extent  
293 pf the purchase price.

294 (4) Whenever the amount of any tax or interest has been paid more than once, or has been  
295 erroneously or illegally collected or received by the City under this article, it may be refunded by  
296 the City. If the operator or person determines that he has overpaid or paid more than once, which  
297 fact has not been determined by the City, he will have thirty (30) days from the date that  
298 overpayment was made to provide to the City in writing, via U.S. Certified Mail or overnight  
299 delivery, the specific ground upon which the claim is founded. The claim shall be audited. If the  
300 claim is approved by the City, the excess amount paid may be credited any amounts then due and  
301 payable from the person by whom it was paid, or his administrators or executors. Should the  
302 operator receive a bill for hotel-motel taxes after already remitting such taxes to the City, the  
303 operator must provide proof I writing to the City of the previous payment. Such documentation  
304 should be provided via U.S. Certified Mail or overnight delivery. The City will audit the claim of  
305 previous payment, and if the City finds the operator has made the previous payment, the City  
306 shall adjust its records accordingly and issue a statement of payment to the operator.

307 **SECTION II.**

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

310 **SECTION III.**

311 This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and  
312 the City.

313

**SECTION IV.**

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

317 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
318 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance  
319 is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It  
320 is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
321 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
322 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

323 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall,  
324 for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by  
325 the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
326 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
327 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable  
328 any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that,  
329 to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
330 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
331 effect.

332

**SECTION V.**

333 All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

334

**SECTION VI.**

335 The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**So Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[SIGNATURES ON NEXT PAGE]

Approved:

---

Jason Lary, Sr., Mayor

As to form:

---

Winston A. Denmark., City Attorney

Attest:

---

Megan Reid, City Clerk



## 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*

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### CITY COUNCIL WORK SESSION

July 22, 2019

6:00 p.m.

3120 Stonecrest Blvd. Suite 190

Stonecrest, Georgia

**I. CALL TO ORDER:** Mayor Jason Lary

**II. AGENDA ITEMS:**

1. Transportation Master Plan Presentations:
  - a. Pond
  - b. VHB
2. Zoning Ordinance Services- The Collaborative Firm
3. RFP- 2019-012 - Parks Master Planning Firm
4. Recommendation for Youth Services Vendor for the Upcoming School Year's Afterschool Program
5. Parks IGA
6. SPLOST Paving Phase II

**III. ADJOURNMENT**

#### *Americans with Disabilities Act*

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

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