

STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO REZONE PROPERTY LOCATED AT 5137 BROWNS MILL ROAD (PARCEL ID 16 020 03 006) FROM R-100 (RESIDENTIAL MEDIUM LOT) DISTRICT TO C-1 (LOCAL COMMERCIAL) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to rezone 5137 Browns Mill Road (Parcel ID 16 020 03 006) FROM R-100 (Residential Medium Lot) District TO C-1 (Local Commercial) District; and

WHEREAS, pursuant to Sec. Sec. 7.3.5. of the City’s Zoning Code proposed amendments to the official zoning map shall require an application and public hearings before the planning commission and the Mayor and City Council; and

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

WHEREAS, the Planning and Zoning Department recommends conditional approval of a rezoning for property located at 5137 Browns Mill Road; and

WHEREAS, the matter was heard in the City's Community Planning Information Meeting pursuant to the provisions of the City's Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. That the Zoning Ordinance of the City of Stonecrest be amended, and the official zoning map established in connection therewith be changed so that the following property located at 5137 Browns Mill Road (Parcel ID 16 020 03 006) or as described on the zoning maps and associated site plan attached as Exhibit A from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District and for other purposes.

Section 2. That the rezoning will be approved with the following conditions.

1. Approval of the rezoning request and official zoning map amendment from R-100 (Residential Medium Lot) to C-1 (Local Commercial.)

2. Project shall conform to the conceptual site plan submitted with cases RZ-23-011 and RZ 23-012 and comply with all Local Commercial (C-1) zoning and development standards.

3. Any deviations from the approved conceptual site plan to final plan approval shall be resubmitted to the Planning and Zoning Department for review and final approval by City Council.

4. Applicant/developer shall submit and follow all requirements for lot combination

5. Applicant/developer must submit approval of any/all roadway improvements from the Georgia Department of Transportation.

6. Applicant/developer shall provide a 5FT sidewalk for the entire parcel frontage of the proposed development.

7. Applicant/developer shall submit a Land Disturbance Permit (LDP) for approval prior to any groundwork.

8. The proposed development shall include the following: Interactive greenspace amenities.

A minimum of one (1) rooftop dining area.

Adequate lighting throughout development per an approved lighting plan.

An adequate waste management plan to ensure consistent cleanliness of the development as approved by staff.

9. The list of prohibited uses shall include; Package/Liquor store or similar use(s). Smoke shops or similar.

Convenience stores with fuel pumps/alcohol sales or similar use(s).

10. Planning Commission 7/2/24 : Approval with staff recommendations with an additional condition to create an advisory board.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

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

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2024.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



REZONING ANALYSIS

Petition Number:	RZ 23-011
Applicant:	Ihsan Sharif D/B/A Advance Business Solutions Kemp White and Associates, Inc. Info@theabsnetwork.com
Property Owner:	Marlon Elliott 4086 Windermere Dr Lithonia, GA 30058 derrickelliot49@aol.com
Project Location:	5137 Browns Mill Road (Parcel ID 16 020 03 006)
District:	4 – Councilman George Turner, Jr
Acreage:	+/- 0.64 acres
Existing Zoning:	R-100 (Residential Medium Lot) District
Proposed Zoning:	C-1 (Local Commercial) District
Overlay:	N/A
Future Land Use:	Neighborhood Center (NC)
Proposed Development/Request:	The applicant is seeking a rezoning and map amendment of the parcel from R-100 (Residential Medium Lot) to C-1 (Local Commercial) for a commercial business development.
CPIM:	May 9, 2024
Planning Commission:	June 4, 2024 July 2, 2024
Mayor & City Council:	June 26, 2024 July 22, 2024
Sign Posted/ Legal Ad(s) submitted:	April 23, 2024
Staff Recommendations:	Conditionally Approved
Planning Commission:	Recommendation: Deferral until July 2, 2024 PC Meeting July 2, 2024 -Approval with staff recommendations with an additional condition.



Location

The subject property is located at 5137 Browns Mill Road, Stonecrest, GA 30058. The property currently has one (1) access point on Browns Mill Road. Browns Mill Road is classified as a minor arterial road and is maintained by State DOT.

The property abuts C-1 (Local Commercial) zoning district to the west and R-100 (Residential Medim Lot) zoning district to the east.

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)
Adjacent: West	R-100 (Residential Med Lot) District	Browns Mill Park
Adjacent: East	C-1 (Local Commercial) District	Undeveloped Land
Adjacent: South	R-100 (Residential Med Lot) District	Undeveloped Land

Background

The subject property zoning classification is R-100 - Residential Med Lot.

The property is developed land that has a single-family residential dwelling with no display of any floodway nor floodplain on the subject property. The proposed project envisions combining these parcels into a unified development. The revised plan includes six (6) proposed buildings, featuring High-End Restaurants, a Medical Facility, Financial Institution, Business Center, and a Sports Shop, in addition to alternative uses. According to the applicant, the development will showcase a comprehensive approach, incorporating a mix of amenities and services. The central feature is a high-end, environmentally conscious development that adheres to the U.S. Department of Energy's Net Zero energy model.

Traffic and Environmental Assessment

The applicant submitted a traffic study and an environmental assessment that's included this application packet.

PROJECT OVERVIEW



According to [Division 5, Section 2.5.1](#), the purpose and intent of the city council in establishing R-100 is to provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet; to provide for compatible infill development in neighborhoods.

According to [Division 26, Section 2.26.1](#), the purpose and intent of the city council in establishing C-1 is to provide convenient local retail shopping and service areas within the city for all residents; to provide for quality control in development through materials and building placement, to ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods, and to implement the future development map of the city's comprehensive plan.



RZ 23-011

ADDRESS: **5137 Browns Mill Road**

CURRENT ZONING: **R-100 (Residential Medium Lot) District**

OVERLAY: **N/A**

FUTURE LAND USE: **Neighborhood Center (NC)**



Subject Property

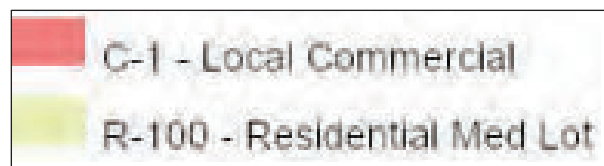
Aerial Map



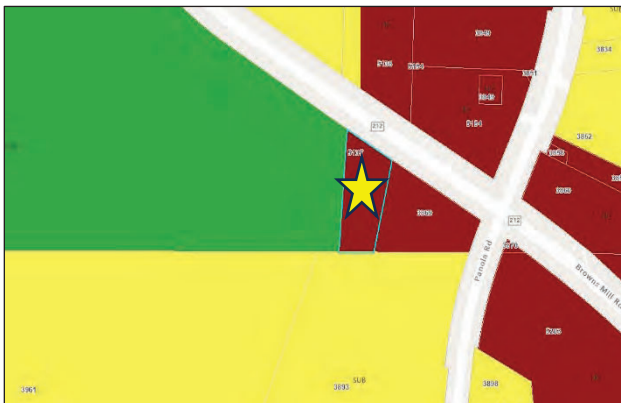
Zoning Map



Legend



Future Land Use Map



Legend





- CODE OF ORDINANCES
Chapter 27 - ZONING ORDINANCE
ARTICLE 2. - DISTRICT REGULATIONS
DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT

DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT

Sec. 2.5.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide "For Sale", Single family detached residential subdivisions and For Sale Communities;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1); Ord. No. 2022-10-03, § 2(Exh. A), 10-24-2022)



- CODE OF ORDINANCES
Chapter 27 - ZONING ORDINANCE
ARTICLE 2. - DISTRICT REGULATIONS
DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT

Sec. 2.26.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the C-1 (Local Commercial) District is as follows:

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for quality control in development through materials and building placement;
- C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1); Ord. No. 2021-06-03, § 1(Exh. A, § X), 8-23-2021)

COMPREHENSIVE PLAN ELEMENTS

LAND USE

Neighborhood Center (NC)

The intent of the Neighborhood Center Character Area is to identify areas that can serve everyday local neighborhood needs, for goods and services. These areas shall complement the character of neighborhoods and have locations that promote walkability, reduce automobile travel, and increase transit usage. These areas should consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood services, professional office, higher-density housing in the suggested range, and appropriate public open spaces that are easily accessible by pedestrians. The proposed density for the Neighborhood Center Character Area is up to 24 dwelling units per acre.

Neighborhood Center Character Area Locations

- Covington Hwy and Panola Road
- Salem and Panola Roads
- Browns Mill and Panola Roads
- Browns Mill and Klondike Roads



COMPREHENSIVE PLAN ELEMENTS

LAND USE

Neighborhood Center Primary Land Uses

- Townhouses
- 4-8 Story Condominiums and Lofts
- Healthcare Facilities
- Small scale Retail and Commercial
- Office
- Institutional Uses
- Entertainment and Cultural Facilities
- Parks and Small Scale Recreation Facilities
- Public and Civic Facilities

Public Market



Neighborhood Retail



Permitted Zoning in NC Areas

RSM, MR-1, MR-2, MU-1, MU-2, MU-3, N5, C-1, OI, OIT

Art Studio



Medical Clinic





STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

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

The subject property is located within the Neighborhood Center character area of the 2038 Stonecrest Comprehensive Plan and is consistent with the following Plan Policies and Strategies: Identify areas that can serve everyday local neighborhood needs, for goods and services. These areas shall complement the character of neighborhoods and have locations that promote walkability, reduce automobile travel, and increase transit usage. These areas should consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood services, professional office, higher-density housing in the suggested range, and appropriate public open spaces that are easily accessible by pedestrians. The proposed density for the Neighborhood Center Character Area is up to 24 dwelling units per acre.

The proposed zoning is in an area that is primarily medium density residential zoned parcels. The rezoning request does align with the permitted zoning districts listed for Neighborhood Center Future Land Use Destination.

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

The proposed rezoning of C-1 (Local Commercial) will permit a use that is suitable in view of existing commercial uses of the service stations at the intersection of Panola Road and Browns Mill Road. The development proposes uses and services of retail, restaurant, a medical care facility, a financial institution, and amenities that are conveniently accessible to support health care and needs of the local neighborhoods within the community. The development of adjacent and nearby property or properties can develop existing lots in accordance to the zoning requirements of land.

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

Currently zoned R-100 (Residential Medium Lot) District, the site may have a reasonable economic use a presently zoned. R-100 (Residential Medium Lot) District maxim density. The current zoning classification allows development of one single family dwelling only.

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



The zoning proposal to the C-1 (Local Commercial) District will not adversely affect the existing use or usability of adjacent and nearby commercial zoned properties along Browns Mill Road and Panola Road. The development installation of sidewalks along its frontage will enhance the accessibility to existing commercial developments near the intersection providing pedestrian friendly pathway for walkability where there is none currently.

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

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. Currently, there are no active land development construction projects, and no additional discussion with the Planning & Zoning Department for this area.

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

There are no known historic buildings, sites, districts, or archaeological resources near or on the subject site that would be affected by the rezoning proposal to the C-1 (Local Commercial) District.

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

The proposed rezoning of the C-1 (Local Commercial) District should not have a major impact on existing streets and transportation facilities given that Browns Mill and Panola Road are major thoroughfares. The request for commercial development will not have an impact on area schools. The developer is actively communicating with GDOT encouraging its commencement with improvement of the state roadway for expansion, alignment, and approval of a decel lane for management of the traffic flow at the intersection of Browns Mill and Panola Rd.

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

The applicant submitted an environmental assessment that elaborates on the environmental conditions of the subject property and the proposed development. A tree plan will be required that minimizes the removal of trees and to ensure the required tree density coverage through replanting. Additionally, the project will incorporate greenspace that's useable and open space for an environmentally sustainable development which decreases impervious surfaces.



STAFF RECOMMENDATION(s)

Staff recommends a **conditional approval** of the rezoning request with the following conditions:

1. Approval of the rezoning request and official zoning map amendment from R-100 (Residential Medium Lot) to C-1 (Local Commercial.)
2. Project shall conform to the conceptual site plan submitted with cases RZ-23-011 and RZ 23-012 and comply with all Local Commercial (C-1) zoning and development standards.
3. Any deviations from the approved conceptual site plan to final plan approval shall be resubmitted to the Planning and Zoning Department for review and final approval by City Council.
4. Applicant/developer shall submit and follow all requirements for lot combination
5. Applicant/developer must submit approval of any/all roadway improvements from the Georgia Department of Transportation.
6. Applicant/developer shall provide a 5FT sidewalk for the entire parcel frontage of the proposed development.
7. Applicant/developer shall submit a Land Disturbance Permit (LDP) for approval prior to any groundwork.
8. The proposed development shall include the following:
 - Interactive greenspace amenities.
 - A minimum of one (1) rooftop dining area.
 - Adequate lighting throughout development per an approved lighting plan.
 - An adequate waste management plan to ensure consistent cleanliness of the development as approved by staff.
9. The list of prohibited uses shall include;
 - Package/Liquor store or similar use(s).
 - Smoke shops or similar.
 - Convenience stores with fuel pumps/alcohol sales or similar use(s).

PLANNING COMMISSION RECOMMENDATION – June 4, 2024

Deferral until July 2, 2024 Planning Commission meeting.

July 2, 2024-Approval with staff recommendations with an additional condition to create an advisory board.