STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE	NO	_	
UNDINANCE	110.	-	

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO REZONE 1982 PHILLIPS ROAD BY APPROVING MAJOR CHANGES TO CONDITIONS ON THE PROPERTY; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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

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

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

WHEREAS, the Mayor and City Council desire to rezone 1982 Phillips Road by approving major changes to conditions on the property; and

WHEREAS, pursuant to Sec. 7.3.10.(*Modifications and Changes to Approved Conditions of Zoning*.) of the City's Zoning Code any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the Mayor and City Council; and

WHEREAS, the following shall be deemed to constitute major changes:

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

WHEREAS, the rezoning case, CZ-85127 for 1982 Phillips Road, initially went through the entitlement process in 1985 by way of Dekalb County to rezone subject property from R-100 to R-A5 and RM-100; and

WHEREAS, the petition was approved on September 24, 1985, with three (3) conditions; and

WHEREAS, the applicant is seeking to remove **Condition 1:** Detached residential at 4.5 units per acre; 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 approval of the major changes to conditions of property located at 1982 Phillips Road based on the City Staff Report attached hereto and incorporated by reference as Exhibit A; 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. The official zoning map of the City of Stonecrest, Georgia is hereby rezoned by approving major changes to conditions of the property located at 1982 Phillips Road parcel number: 16 102 05 033.

Section 2. The conditions shall be amended as follows:

Condition 1: Detached residential at 4.5 units per acre.

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

<u>Section 4.</u> (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.

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.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

<u>Section 5.</u> 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.

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

Stonecrest, Georgia.		
ORDAINED this	_ day of	, 2023.
	[SIGNATUR	RES TO FOLLOW]
		CITY OF STONECREST, GEORGIA
		Jazzmin Cobble, Mayor
ATTEST:		
City Clerk		
APPROVED AS TO FORM	1 ·	
THE TOTAL		
City Attorney		

EXHIBIT A



TO: Mayor and City Council

FROM: Planning and Zoning Department

SUBJECT: RZ-23-005

ADDRESS: 1982 Phillps Road

MEETING DATE: November 27, 2023

Summary: Applicant is seeking to modify zoning condition(s) from CZ-85127

to allow attached dwellings (duplex).

STAFF RECOMMENDATION: APPROVAL of Modification of Condition 1

PLANNING COMMISSION RECOMMENDATION: APPROVAL



Commissioner District #1: Councilwoman Tara Graves

PROPERTY INFORMATIN				
Location of Subject Property: 1982 Phillps Road				
Parcel Number: 16 102 05 033				
Road Frontage: Phillips Road	Total Acreage: 0.21 +/-			
Current Zoning: RSM (Small Lot Residential Mix)	Overlay District: N/A			
Future Land Use Map/ Comprehensive Plan: SUB (Suburban)				
Zoning Request: Applicant is seeking to modify zoning condition(s) from CZ-85127 to allow attached dwellings (duplex).				
Zoning History (CZ-85127): Subject property went through a rezoning process in September 1985 by way of Dekalb County. The applicant was Thomas A. Arnold, Jr., and Cunningham Properties, Inc. who desired to rezone the north side of Marbut Road and east of Phillips.				

APPLICANT / PROPERTY OWNER INFORMATION	
Applicant Name: Lucretia Ramsey	
Applicant Address: 5751 Hunters Chase Ct Stonecrest, GA 30038	
Property Owner Name: Bridgemore Group Inc.	
Property Owner Address: 1201 W PEACHTREE ST NW # 2350	



DETAILS OF ZONING REQUEST

The rezoning case, **CZ-85127**, initially went through the entitlement process in 1985 by way of Dekalb County. The Applicant at that time, Thomas A. Arnold, Jr., and Cunningham Properties, Inc. petitioned to rezone subject property from R-100 to R-A5 and RM-100. The petition was approved on September 24, 1985, with three (3) conditions.

The Applicant, Lucretia Ramsey, is seeking to develop one (1) duplex/attached dwelling on the subject parcel. The Applicant is seeking a Major Modification of Conditions of the Subject Property to eliminate the following condition from zoning case number CZ-85127 to allow for the development: conditions 1. The original conditions are listed below with the proposed changes in red.

Condition 1: Detached residential at 4.5 units per acre. Proposing to eliminate

Condition 2: Houses to face Phillips Road.

Condition 3: No vinyl or aluminum siding.

ADJACENT ZONING & LAND USE				
NORTH	Zoning: R-100 (Residential Medium Lot)	Land Use: Vacant/undeveloped land		
SOUTH	Zoning: RSM (Small Lot Residential Mix)	Land Use: Single-Family Dwelling		
EAST	Zoning: RSM (Small Lot Residential Mix)	Land Use: Single-Family Dwelling		
WEST	Zoning: R-100 (Residential Medium Lot)/ Unincorporated Dekalb County	Land Use: Single-Family Dwelling		



PHYSICAL CHARACTERISTICS & INFRASTRUCTURE

The site is currently undeveloped with one (1) road frontage (Phillips Road). There aren't floodplain and/or statewaters on the subject property.

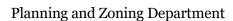
MODIFICATIONS AND CHANGES TO APPROVED CONDITIONS OF ZONING CRITERIA

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

RECOMMENDATION(S)

Staff recommends the following with conditions:

• APPROVAL of Modification of Condition 1





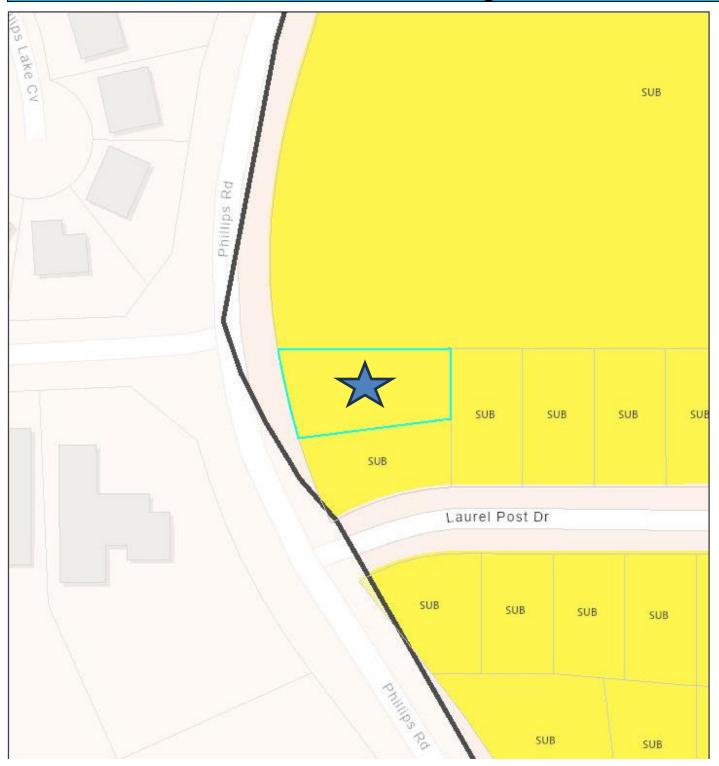
Attachments Included:

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





Future Land Use Map





Planning and Zoning Department

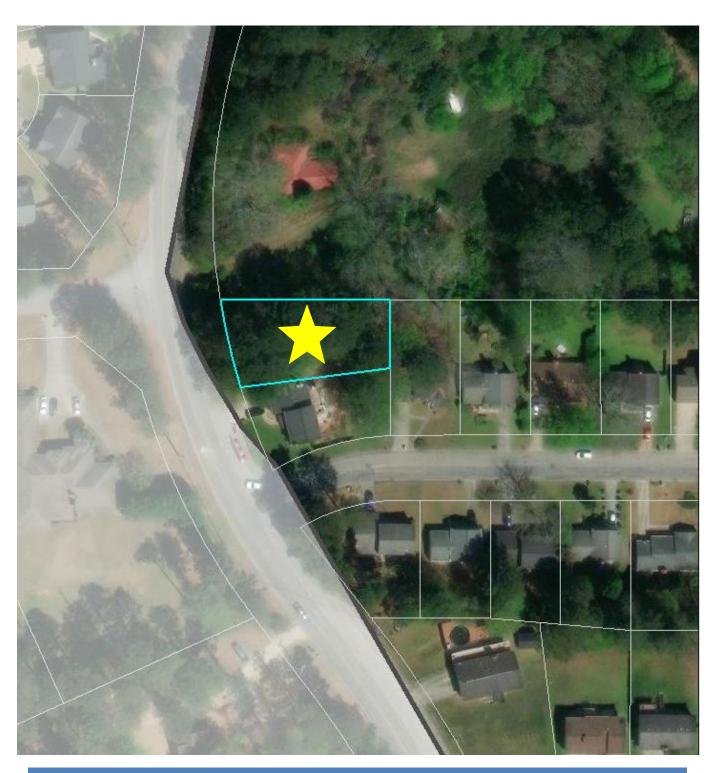
Suburban Neighborhood (SN)

The intent of the Suburban Neighborhood character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.



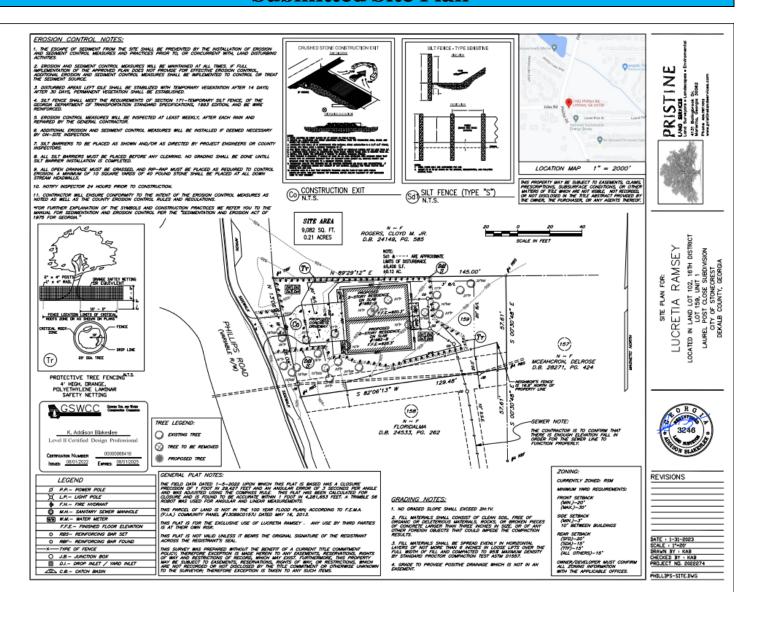


Aerial Map

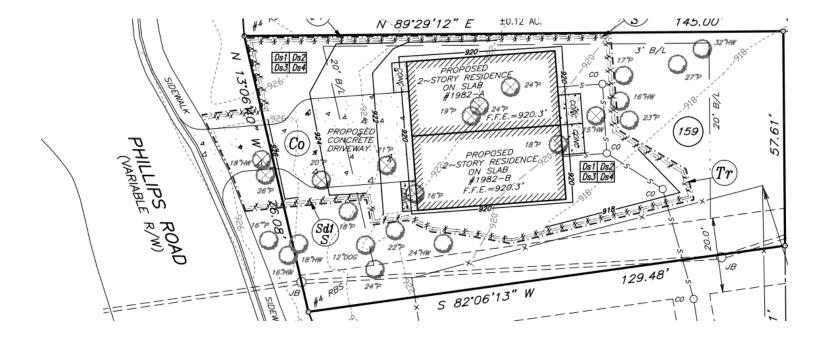




Submitted Site Plan



Planning and Zoning Department



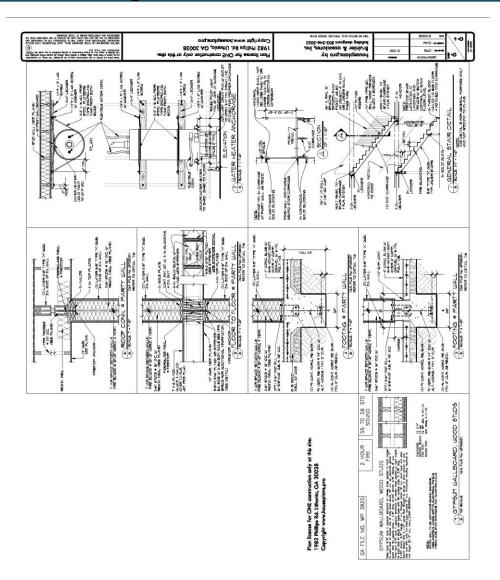


Zoning Conditions – CZ-85127

REV. 12/84 DEKALB COUNTY BOARD OF COMMISSIONERS ITEM NO ZONING AGENDA/MINUTES PREL. ACTION DEKALB COUNTY BOARD OF COMMISSIONERS ITEM NO RESOLUTION ORDINANCE X
PREL. DEKALB COUNTY BOARD OF COMMISSIONERS ITEM NO. 11 ZONING AGENDA/MINUTES PREL. MEETING DATE September 24, 1985
PREL RESOLUTION - RESOLUTION -
MEETING DATE September 24, 1985
PUB.HRG. X PROCLAMATION
SUBJECT: Rezoning Application - Thomas A. Arnold, Jr., and Cunningham Properties, Inc.
DEPARTMENT: Planning PUBLIC HEARING: X Yes No
ATTACHMENT: X Yes No 6 pp INFORMATION CONTACT: Mac Baggett or Charles Coleman PHONE NUMBER: 371-2155
PURPOSE: CZ-85127 - To consider the application of Thomas A. Arnold, Jr., and Cunningham Properties, Inc., to rezone property located on the north side of Marbut Road, approximately 450' east of Phillips Road, from R-100 to R-A5 (42 acres) and RM-100 (50 acres) (conditional). The application is conditioned by a site plan.
<u>DISTRICT</u> :1234X_5N/A
SUBJECT PROPERTY: 16-102-2-2, 4 & 5; 16-123-2-5 (6386 Marbut Road). The property has frontage of approximately 2,000' on Marbut Road, 650' on Phillips Road and contains 92 acres, more or less.
RECOMMENDATION(s): PLANNING DEPARTMENT: Approval with condition (revised 9/3/85). The application has been amended with the attached plan which identifies the location and land area of the two requested zoning districts. Staff supports the RM request as it will provide an intermediate category between the industrial park and the single family developments on Marbut Road. The request for R-A5 is supported as being consistent with zoning on Marbut and Phillips Roads. The condition applied to the R-A5 recommendation is that one-third of all units having access to Phillips Road be constructed with a 1,300 square-foominimum floor area. Staff does not support approval of the attached plan because the development of the design will double the route for vehicles which provide county services to the development.
$\underline{\text{NOTE}}\colon$ Conditions applied to the R-A5 zoning at the northwest corner of Marbut and Phillips are as follows:
 Detached residential at 4.5 units per acre. Houses to face Phillips Road. No vinyl or aluminum siding.
PLANNING COMMISSION: Denial.
COMMUNITY COUNCIL: Denial of RM-100; approval of R-A5 for entire tract subject to a 1,400 square-foot minimum.



Building Elevations

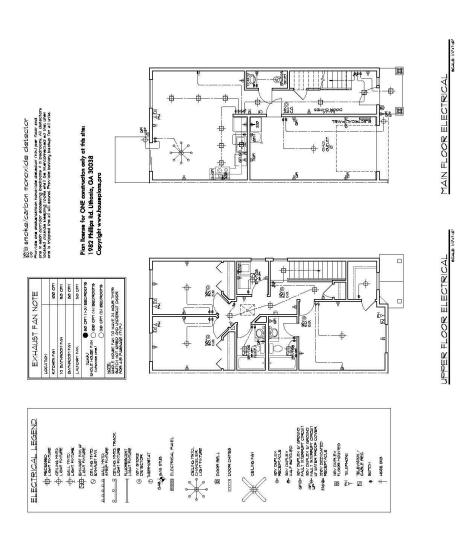


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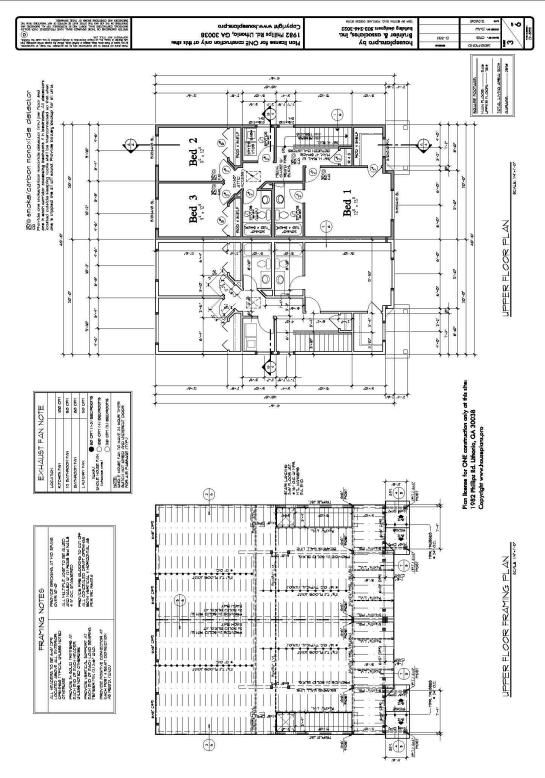




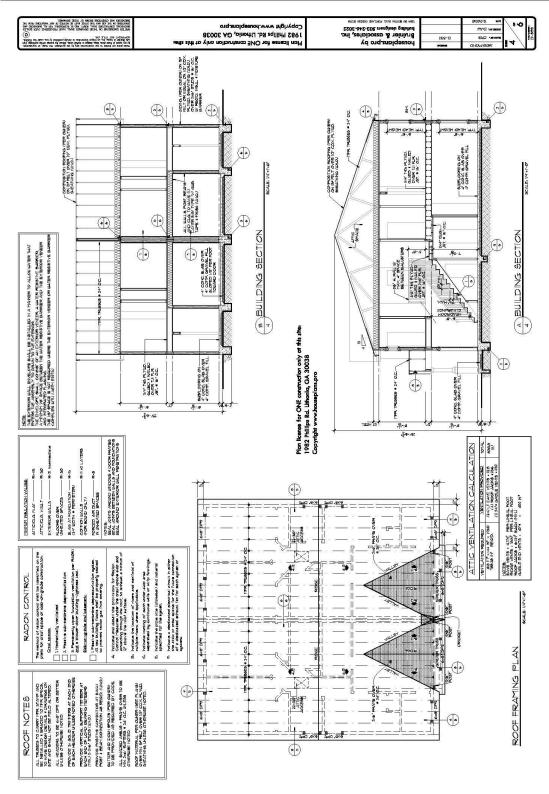
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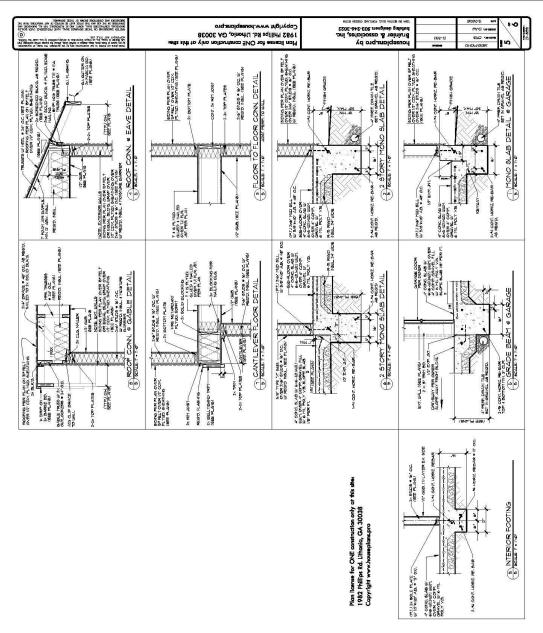






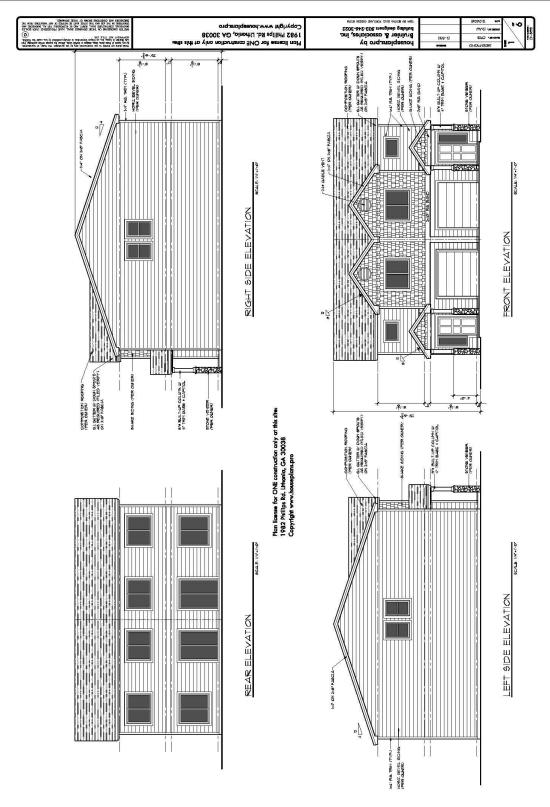




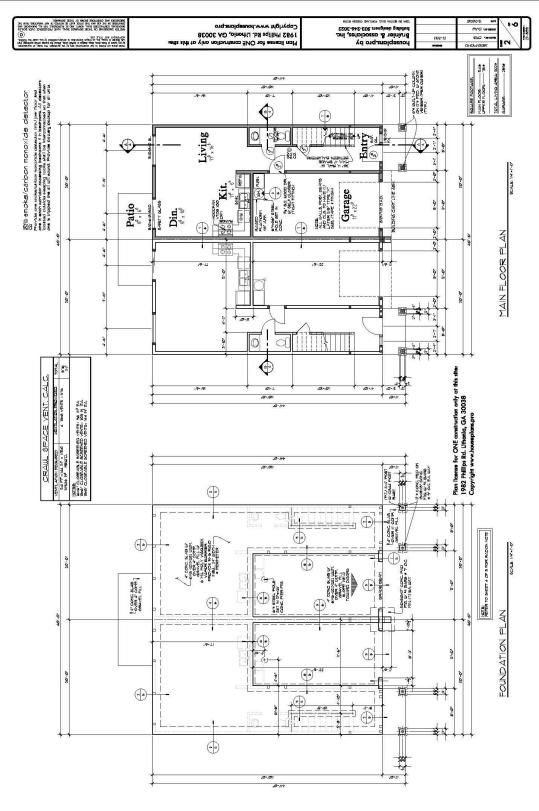






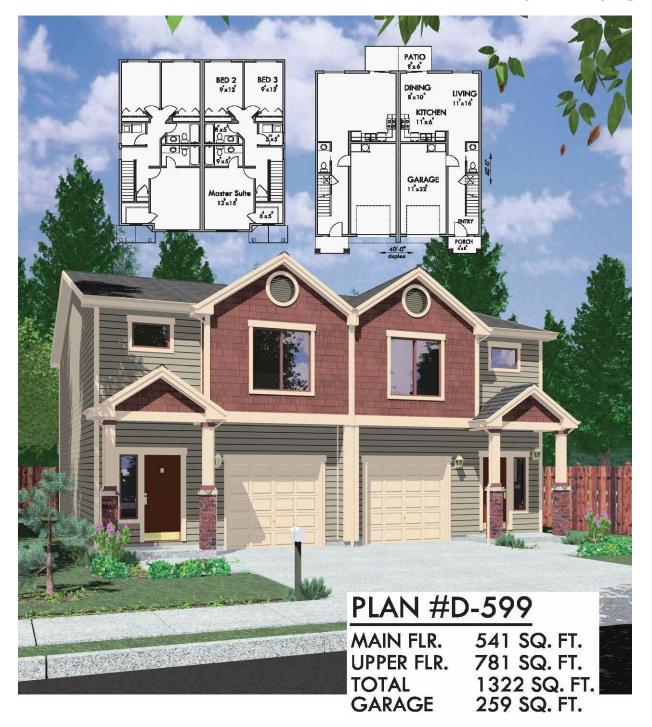








Planning and Zoning Department



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Bruinier & associates, inc. building designers @ 1304 SW Bertha Blvd. Portland, Oregon 97219 (503-246-3022)





Letter of Intent

Bridgemore Group Lucretia Ramsey, manager 5751 Hunters Chase Ct. Lithonia, GA 30038 <u>lucretiaramsey@gmail.com</u> 770-527-4011 6/21/23

Stonecrest Zoning Department 3120 Stonecrest Blvd #190, Stonecrest, GA-30038[City, State, ZIP Code]

Subject: Rezoning Request for Property from RA5 (CZ85127) to R2 Duplex

Dear Stonecrest Zoning Department,

I hope this letter finds you well. I am writing to formally request a rezoning of a single-family property located at 1982 Phillips Rd Lithonia, GA 30058.. The purpose of this rezoning request is to convert the property from its current zoning designation of RA5 (Single-Family Residential) (CZ85127) to R2 (Duplex Residential). I believe that this rezoning is justified based on the following reasons:

- Demand for Duplex Housing: There is a growing demand for duplex housing in our community, and rezoning this property to R2 would help address this need. Allowing the construction of a duplex would provide additional housing options without significantly altering the character of the neighborhood.
- Compatible Surrounding Zoning: The proposed rezoning to R2 is consistent with the surrounding zoning in the area. There are existing multifamily dwellings in the surrounding areas of the property, indicating that a duplex on this property would be in harmony with the existing neighborhood.
- Minimal Impact on Infrastructure: Rezoning this property to R2 would have minimal impact
 on the existing infrastructure. The property is already connected to the necessary utilities,
 and the increased density from a duplex would not impose a significant burden on local
 services and facilities.