



MAYOR & CITY COUNCIL PUBLIC HEARING/REGULAR MEETING AGENDA

This meeting will be IN Person

Link to join Webinar

<https://us06web.zoom.us/j/85727715572>

Tuesday, March 05, 2024 @ 6:30 pm

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

PUBLIC HEARING

- A. Applicant Christopher Hunt requests a rezoning from R-2 to MR-1 to allow for a mixed-use development consisting of 16 residential units and 3 commercial units at 6803 James B Rivers Memorial Drive (Parcel ID: 18 126 06 002).
- B. Applicant Christopher Hunt requests a variance from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet at 6803 James B Rivers Memorial Drive (Parcel ID: 18 126 06 002).

ADJOURNMENT

CALL TO ORDER

DETERMINATION OF A QUORUM

INVOCATION AND PLEDGE

CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 3 minutes per comment)

COMMENTS FROM THE PUBLIC

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

REVIEW OF THE JOURNAL (City Clerk)

- A. Request minutes from Council Meeting 10/03/2024 be approved.
- B. Request minutes from Council Meeting 11/08/2024 be approved.
- C. Request minutes from Council Meeting 02/06/2024 be approved.
- D. Request minutes from Council Meeting 02/20/2024 be approved.

READING OF COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

CITY MANAGER'S REPORT

- A. City Manager Darnetta Tyus

COUNCIL POLICY DISCUSSION TOPICS

UNFINISHED BUSINESS

1. Applicant Christopher Hunt request a rezoning from R-2 to MR-1 to allow for a mixed-use development consisting of 16 residential units and 3 commercial units at 6803 James B Rivers Memorial Drive (Parcel ID: 18 126 06 002).
2. Applicant Christopher Hunt request a variance from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet at 6803 James B Rivers Memorial Drive (Parcel ID: 18 126 06 002).
3. Selection of a Council Member to be appointed to the Downtown Development Authority (City Attorney Jeff Strickland)

NEW BUSINESS

1. Request to City Council, authorizing the City Manager to reach out to Stone Mountain Middle School to develop a city supported mentoring project. (CM Mark Marianos)
2. Discussion with City Council authorizing City Administration to respond to an Open Records Request by CM Gil Freeman, on behalf of City Council relating to various items for an estimated cost of \$19,651.04 prior to hiring a third-party contractor. (Assistant City Manager & City Clerk Shawn Edmondson)

NEW ORDINANCES AND RESOLUTIONS

1. Third reading of proposed Ordinance 2024-03, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-29 (Rules of Procedure) of The Code of the City of Stone Mountain, Georgia (City Attorney Jeff Strickland)
2. Resolution 2024-03 Budget Amendment to balance the FY2022 Budget (City Manager Darnetta Tyus)

REMARKS OF PRIVILEGE

ANNOUNCEMENTS BY THE MAYOR

EXECUTIVE SESSION TO DISCUSS PERSONNEL, LEGAL, AND/OR REAL ESTATE (if needed)

- A. Real Estate
- B. Personnel
- C. Legal

ADJOURNMENT



MAYOR & CITY COUNCIL REGULAR SESSION AGENDA

This meeting will be IN Person

Link to join Webinar

<https://us06web.zoom.us/j/85727715572>

Tuesday, October 03, 2023 @ 6:30 pm

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

(Meeting Minutes)

PUBLIC HEARING

A. Special and Conditional Use Permit Applications-5163 Poplar Springs Rd. The owner Elisabeth Richmond is seeking a special and conditional use permit. The special use is to allow for the initiation of an accessory dwelling unit use; the conditional use is to allow an accessory dwelling unit to be used as a short-term rental.

Mayor Jones started the meeting at 06:34 PM ET. Motioned for the City Attorney (Jeff Strickland) to provide additional information on process and procedure(s). The Planning Commission discussed the rationale for the why she is seeking a "Special and Conditional Use Permit"; in addition to answer questions asked by Council. Elisabeth Richmond & Troy Richmond proceeded to come to the stand, and discuss plans for the Special Use Permit; in addition to, answering questions that the council had. There were a outpour of community support in favor of allowing Elisabeth Richmond to have the special and conditional use permit. The Mayor noted that there is no oppositional voices within the general public at this time. Elisabeth & Troy Richmond thank the public for the outpour of support for them.

B. Review of Traffic Calming Study for Fourth Street Traffic Calming (James B. Rivers/Memorial Drive/ Ridge Avenue) (CPL)

Mayor Jones introduced the item to the public. Vice President of CPL came out and spoke to the council. Brought up their study; including comparison(s) to other similar cities within the Metro Atlanta Area. Noted the appropriateness of calming measures for Fourth Street Traffic. Planning Committee Representative mentioned the procedures moving forward, should the measure be passed by city council. There was one (1) community member who was in opposition, citing the wanting a more permanent solution. There was one (1) community member who was neutral in the discussion, urging city to extend the study Third Street as well. There were nine (9) community members who were in full support of the study, with general consensus in wanting to calm traffic and protect the children within the community. Mayor Jones noted that there is no oppositional voices within the general public at this time. There is some discussion between council members, Vice President of CPL and Stone Mountain PD Chief James Westerfield.

ADJOURNMENT

Major Jones motioned to adjourn the Meeting. The Council voted and approved the motion by a vote of 6-0.

CALL TO ORDER

Major Jones called the meeting in order on Tuesday, October 3rd at 7:55 PM ET.

Determination of a Quorum

The Mayor Determined and announced that a quorum of the city council was present

Council Members Present: (Y)es / (N)o

Post 1: Gina Stroud Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y) Post 6: Teresa Crowe (Y)

Invocation and Pledge

Pledge led by Gil Freeman. Invocation led by Mayor Jones.

CITIZEN COMMENTS—(Including comments from Public/Stakeholders; 3 minutes per comment)

- Jody Knollwood read by then Assistant City Clerk: noted that the local government (Municipality & County) was failing its citizens by not fixing the potholes.
- Ginger Criswel: asked the council about the stop signs that were previously purchased. Inquired about when they will become installed within the city itself.
- Eilleen Smith: Mentioned a rumor that was being spread amongst the city regarding the Historic Preservation Commission.
- Grave Kelly: mentioned sinkholes within the city, and how the city needs to work towards fixing them.
- Vanessa Walls: asked the city of stone mountain to partner and adopt Stone Mountain Elementary
- Joan Monroe: mentioned the urgency of fixing the sink holes within the city

COMMENTS FROM THE PUBLIC

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

REVIEW OF THE JOURNAL (City Clerk)

A. Request minutes from Mayor and Council Public Hearing/Work Session 9/19/2023 be approved.

Assistant City Manager & City Clerk Shawn Edmondson requested the approval of the Public Hearing/Work Session 09/19/2023 to be approved.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y) Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 6-0.

READING OF COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

Mayor Pro Tem Gil Freeman motioned to adopt the agenda of the day. Chakara Johnson seconded the motion.

CITY MANAGER'S REPORT

City Manager (Darnetta Tyus) mentioned that the notice of RFP has been sent to the city's legal organ. Expect to showcase that

process to the council on December. Mentioned that the city is working on the correct categorization of the 2023 fiscal year budget. The city is creating an internal review/audit on their process. Ask the council to be patience, especially with staff requests, given how the city staff is continuing to grow. Mentioned that the city is working on the packet given to the council during the meeting.

COUNCIL POLICY DISCUSSION TOPICS

UNFINISHED BUSINESS

A. Special and Conditional Use Permit Applications-5163 Poplar Springs Rd. The owner Elisabeth Richmond is seeking a special and conditional use permit. The special use is to allow for the initiation of an accessory dwelling unit use; the conditional use is to allow an accessory dwelling unit to be used as a short-term rental.

Mayor Jones opened discussion. Mayor Pro Tem motioned to approve the special and conditional use permit; including, the staff’s recommendation. CM Gina Stroud Cox Seconded the motion.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox (Y)	Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y)	Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y)	Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 6-0.

B. Review of Traffic Calming Study for Fourth Street Traffic Calming (James B. Rivers/Memorial Drive/ Ridge Avenue) (CPL)

City Manager (Darnetta Tyus) mentioned that there is a petition to approve the process within ninety (90) days from approval of the matter. The petition lists the owner’s approval/rejection of the matter, and acceptance of the annual \$25 fee.

Mayor Pro tem Gil Freman motioned to approve the matter. CM Gina Stroud Cox seconded the matter.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox (Y)	Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y)	Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y)	Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 6-0.

NEW BUSINESS

A. Notice of Application for Retail License to Sell Alcoholic Beverages- Lucky Stone Mountain 979 Sheppard Rd. (Asst. City Manager- City Clerk)

Assistant City Manager & City Clerk (Shawn Edmondson) elaborated on the matter, noting that the process is almost complete. The applicant already has their state license, and is waiting on the city license. Noted that the public hearing will be at the next council meeting, stating that it must be advertised in the news paper previously. Council has discussion on topics matters such as business hours, expected opening date, and process required in order to open it.

B. Request the approval of the 2023-24 Stone Mountain Hurricane Youth Football Agreement

City Manger Tyus discussed the rationale behind this, including answering questions that the council has. Council discussed potentially closing the gates at 10:00PM ET; in order to prevent members of the public from entering at night.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y) Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 6-0.

C. Request the City Council Regular Session scheduled for Tuesday, November 07, 2023, 6:30 p.m. to be postponed to Wednesday, November 08, 2023, at 6:30 p.m. (Assistant City Manager/City Clerk)

Assistant City Manager & City Clerk (Shawn Edmondson) requested that the city council approve the request, due to the elections going on. Mayor Pro Tem Gil Freeman motioned to approve the request. CM Chakara Johnson seconded.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakara Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y) Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 6-0.

NEW ORDINANCES AND RESOLUTIONS

REMARKS OF PRIVILEGE

ANNOUNCEMENTS BY THE MAYOR

EXECUTIVE SESSION TO DISCUSS PERSONNEL, LEGAL, AND/OR REAL ESTATE (if needed)

- A. Real Estate
- B. Personnel
- C. Legal

ADJOURNMENT

Mayor Pro Tem Gil Freeman motioned to adjourn the meeting. CM Clint Monroe Seconded.

Council Members: (Y)es / (N)o / (A)bsent

Post 1: Gina Stroud Cox

Post 2: Clint Monroe

Post 3: Chakara Johnson

Post 4: Gil Freeman

Post 5: Shawnette Bryant

Post 6: Teresa Crowe



MAYOR & CITY COUNCIL REGULAR SESSION AGENDA

This meeting will be IN Person

Link to join Webinar

<https://us06web.zoom.us/j/85727715572>

Wednesday, November 08, 2023 @ 6:30 pm

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

(MEETING MINUTES)

CALL TO ORDER

Mayor Jones called the meeting to order at 06:45PM ET

DETERMINATION OF A QUORUM

Mayor Jones determined and announced that a quorum of the Council was present, sans Post 5 (Shawnette Bryant)

Also present as participants at the meeting was Jeff Strickland, City Attorney; Darnetta Tyus, City Manager; Shawn Edmondson, Assistant City Manager & City Clerk. Members of the public also attended and observed the meeting.

INVOCATION AND PLEDGE

CITIZEN COMMENTS — (Including comments from Public/Stakeholders; 3 minutes per comment)

Andrea Redman: Andrea mentioned that there will be an event at the historical cemetery, sponsored by the Stone Mountain Women's Club

Ryan Smith: Ryan asked for a compromise asked for alternative prayers becoming inclusive to other citizen's religion

Eileen Smith: Eileen stated the oath of office for the veterans of the United States. Mentioned the veterans within the administration.

Denise Phillips: Discussed the DBA Shermantown Experiment, and what the community has been doing in regards to it.

Grover (last name unknown): Expressed disappointment regarding the lack of communication, and dissatisfaction with the opening of a potential liquor store.

Ann Thomas: Discussed concern regarding a liquor store so close to a residential community. Mentioned potential rise in security issues and the depreciation of residential values.

Joan Monroe: Spoke about disdain for floodlights and the potential hazards regarding the opening of the liquor store.

Dianna Hollis: Spoke on the shock regarding the opening of a convenience store that would allow the sell of alcohol close to a community

COMMENTS FROM THE PUBLIC

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on. (1) the issue under discussion, (2) the number of items on the agenda, and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

REVIEW OF THE JOURNAL (City Clerk)

A. Request minutes from Mayor and Council Public Hearing/Work Session 10/17/2023 be approved.

The Assistant City Manager & City Clerk (Shawn Edmondson) requested approval of minutes from the city council. CM Gil Freeman motioned to postpone the approval of the meeting minutes; in order to allow, all council members to read the minutes. CM Gina Stroub Cox Seconded.

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakria Johnson (N) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (N)

Due to a lack of majority vote (4), the motion has failed. CM Gil Freeman motioned to Approve the minutes. CM Gina Stroub Cox Seconded

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (Y) Post 2: Clint Monroe (N)
Post 3: Chakria Johnson (N) Post 4: Gil Freeman (N)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (Y)

Due to a lack of majority vote (4), the motion has failed. It will automatically move onto the next meeting.

READING OF COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

Mayor Pro Temp Gil Freeman motioned to adopt the agenda of the day. The Council voted and approved the motion by a vote of 5-1 (Post 5 absent)

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (Y) Post 2: Clint Monroe (N)
Post 3: Chakria Johnson (N) Post 4: Gil Freeman (N)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (Y)

CITY MANAGER'S REPORT

A. City Manager Darnetta Tyus

City Manager (Darnetta Tyus) spoke about the success of the "trunk or treat" and "car show event". Thanked the Public works team for the dedication that the team consistently shows. Mentioned the creation of the first draft of the 2024 budget. GMA event "Cities United" was also discussed. Mentioned the closing out 2022 Audit.

COUNCIL POLICY DISCUSSION TOPICS

UNFINISHED BUSINESS

- A. The organizer of Mardi Gras Dance & Umbrella Parade Carmen Malizia is requesting a sign permit for banners located on City rightof way at the intersection of Mimosa and Main Street (requires 2 banners); the intersection of East Ponce de Leon Avenue and Silver Hill Road (requires 2 banners) and, on 6803 JBR Memorial in the City's right-of-way outside the Westgate entrance to the Stone Mountain Park on the vacant land at the end of the City's limits on the right side of JBR as you are headed into the Park. Therequester is asking for the banners to be displayed for thirty days from January 10, 2024, through February 11, 2024.

Mayor Pro Temp Gil Freeman motioned to approve the request. CM Clint Monroe Seconded.

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakria Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 5-1 (Post 5 absent)

B. The organizer and staff are requesting Road Closure (3rd Street and E Mountain) for the Mardi Gras Dance & Umbrella Parade event scheduled for 2/10/24. Additionally, street closures/ Block party at the Municipal Lot 11-7; with Municipal Lot closing at Midnight on Friday night on 2/9/24.

Mayor Pro Temp Gil Freeman motioned to approve the request. CM Clint Monroe Seconded.

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (Y) Post 2: Clint Monroe (Y)
Post 3: Chakria Johnson (Y) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (Y)

The Council voted and approved the motion by a vote of 5-1 (Post 5 absent)

C. Request Approval of Real Estate Item 1

Executive Session Item

D. Request Approval of Real Estate Item 2

Executive Session Item

NEW BUSINESS

A. Authorize the purchase of a Pedestrian Crossing System in the amount of \$11,787.20 from Utilicom Supply Associates located in Norcross, GA To address the need for more visibility of the signage for the mid-block pedestrian crossing between Manor and Mountain on Main Street (between the addresses of 951 and 953 Main). City staff has researched viable options for improving the safety for pedestrians at this intersection and is recommending the installation of a solar-powered, push-button activated Pedestrian Crossing System. The system will have a rectangular rapid flashing beacon that gives drivers real-time warning when pedestrians are in or about to enter an approaching crosswalk. Activation of the LED beacon occurs when the pole-mounted button is pressed. As a result, staff propose the implementation of a Pedestrian Crossing System that is powered by solar energy and activated via push- button technology. The cost to purchase is \$11,787.20 and funding is available in the account 01.5050.52.2252, Traffic Calming Program.

Mayor Jones motioned to move the meeting to Executive Session. The Council voted and approved the motion by a vote of 5-1 (Post 5 absent). Mayor discussed the item and described its functionality. Mayor Pro Tem asked about the warranty.

Mayor Pro Temp Gil Freeman motioned to postpone the request. CM Chakria Johnson Seconded.

CM Member Votes (Y)es / (N)o / (A)bsent
Post 1: Gina Stroub Cox (N) Post 2: Clint Monroe (N)
Post 3: Chakria Johnson (N) Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Absent) Post 6: Teresa Crowe (N)

The Council voted and approved the motion by a vote of 4-1-1 (Post 4 no; Post 5 absent)

NEW ORDINANCES AND RESOLUTIONS

REMARKS OF PRIVILEGE

ANNOUNCEMENTS BY THE MAYOR

EXECUTIVE SESSION TO DISCUSS PERSONNEL, LEGAL, AND/OR REAL ESTATE (if needed)

A. Real Estate

1. Real Estate Item 1 (Unfinished business C)
2. Real Estate Item 2 (Unfinished business D)

B. Personnel

C. Legal

ADJOURNMENT



MAYOR & CITY COUNCIL PUBLIC HEARING/REGULAR MEETING AGENDA

This meeting will be IN Person

Link to join Webinar

<https://us06web.zoom.us/j/85727715572>

Tuesday, February 05, 2024 @ 6:30 pm

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

PUBLIC HEARING

- A. Notice of Application for Retail License to Sell Alcoholic Beverages: The owner of Stone Mountain Front Porch restaurant located at 5407 East Mountain Street DeWayne Washington is requesting a privilege Alcohol License which is an allowed use for the zoning location (Assistant City Manager-City Clerk Edmondson)

The mayor welcomed attendees to a city meeting, explaining the public notice and introducing key figures. The Assistant City Manager & City Clerk (Shawn Edmondson) provided context for a business meeting. The City Attorney outlined procedures for the council, including an open forum. Business owner Dwayne Washington requested a liquor license, citing revenue benefits and risk management measures. CM Bryant welcomed him and noted the completion of the license. Discussion ensued, with 5 in favor and 2 against. Concerns were raised about the restaurant's location and completeness of the application. Washington closed by expressing excitement and gratitude.

ADJOURNMENT

- Mayor Jones called for a motion to adjourn the meeting
 - Pro Temp Smtih motioned to adjourn the meeting
 - CM Freeman seconded the motion
 - IN FAVOR: 6
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Mayor Pro Tem Ryan Smith (Post 3)
 - CM Gil Freeman (Post 4)
 - CM Shawnette Bryant (Post 5)
 - CM Teresa Crowe (Post 6)
 - AGAINST: 0

CALL TO ORDER:

Mayor Jones Called the

Meeting to Order at 07:03 PM

ET

DETERMINATION OF A QUORUM

Mayor Jones Determined that Quorum

is reached with all members present.

- CM Anita Bass (Post 1)
- CM Mark Marianos (post 2)
- Mayor Pro Tem Ryan Smith (Post 3)
- CM Gil Freeman (Post 4)
- CM Shawnette Bryant (Post 5)
- CM Teresa Crowe (Post 6)

INVOCATION AND PLEDGE

Pledge led by CM Mark Marianos (post 2) at 07:03 PM ET. Invocation led by Mayor Jones at 07:03 PM ET

CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 3 minutes per comment)

- Carmen Malizia & Tony Hopper:

Carmen Malizia & Tony Hopper expressed gratitude for the city employees' exceptional work in organizing the 4th annual Mardi Gras event, highlighting its success. Caleen provided Carmen with a letter to be read to the council, thoroughly appreciating the experience.

- Tequilla Hunter:

The speaker noted the absence of a start date for Phase II projects and requested clarity on this matter. They highlighted insufficient signage for streets, a significant number of potholes, and the need for infrastructure improvements. The temporary speed bumps were appreciated but the speaker sought information on plans for a permanent solution.

- Sharon Frierson:

The speaker expressed support for the momentum on convenience stores but pointed out an excess of similar stores in the city. They mentioned a nonpolitical election for county commissioner and asked for community support in voting for the city's candidate. The Stone Mountain staff were thanked and appreciated.

- Joan Monroe:

The speaker expressed shock at in a lack of action by the Police Chief and City Manager. They urged community support for the German Bakery and voiced opposition to implementing Facebook Livestreaming. Additionally, they criticized the City Council for allegedly stifling diverse viewpoints, deeming it unethical.

- Parks & Recs Committee (Joan Monroe):

New officers for 2024 were elected, with a request for an Administration member to attend meetings. They also requested a hybrid attendance option and asked the City Manager, in writing, for funds for Parks & Recs.

- Theresa Thomas:

The speaker applauded the Police Department for reducing shootings in the city and thanked the city manager and staff. They requested updates to directional signs, emphasizing safety concerns. Additionally, they submitted an

application for the Planning Committee Commission, which unfortunately couldn't be considered due to the agenda already being published.

- **Mike Cooper:**

The speaker noted that it is important to follow proper rules and procedures. Additionally, mentioned the importance of ensuring that the meeting minutes are caught up.

- **Thomas Wiley:**

The speaker thanked City Staff for the administration's growth over 30 years and emphasized the need for more growth and businesses in the city. They expressed frustration that bickering among community members is hindering growth, noting recurring issues from previous meetings. Urgently, they urged the community to unite instead of fighting amongst themselves if they want to foster growth. Additionally, they mentioned that some businesses are deterred from operating in the city due to the ongoing bickering and infighting.

- **Grace Kelly:**

The speaker emphasized the city's obligation to address the longstanding issue of sinkholes, noting it as a community expectation persisting for over 15 years.

- **Elisabeth Richmond:**

The speaker noted that CM Gill Freeman emphasized the importance of adhering to proper protocols and procedures, citing past committee appointments lacking essential components such as questions, letters of intent, resumes, and background checks. Additionally, it was noted that a fundraiser for the employees of the German Bakery is scheduled for next Saturday, February 17th, 2024, at 12:00 PM ET in the parking lot of Village Corner.

- **Ginger Griswell:**

The speaker sent letters praising the city administration and noted the need for additional controls on street usage by automobiles. They also mentioned the need for the city to annex West Mountain and adopt Stone Mountain Elementary.

- **Beverly Patterson:**

Requested dates and times for Phase II and Phase I of the street road(s) project.

- **Jelani Linder:**

Expressed gratitude to the city staff for the road improvement project and highlighted the progress expected under this administration

COMMENTS FROM THE PUBLIC

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. I. The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. II. The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. III. Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

Chief Paused the Meeting to note that there is a red car who's lights are on. Urged that the owner take care of the vehicle to prevent the battery from dying.

REVIEW OF THE JOURNAL (City Clerk)

A. Request minutes from the Mayor and Council Work Session 1/16/24 be approved.

- a. During the meeting, the Assistant City Manager & City Clerk (Shawn Edmondson) requested approval of the meeting minutes. Additionally, CM Shawnette Bryant clarified that Anita Bass led the pledge, not the city mayor.
 - i. Mayor Pro Tem Ryan Smith motioned to approve the Mayor and Council Work Session Meeting Minutes be approved
 - ii. CM Anita Bass seconded the motion
 1. YES: 5
 - a. CM Anita Bass (Post 1)
 - b. CM Mark Marianos (post 2)

- c. Mayor Pro Tem Ryan Smith (Post 3)
- d. CM Shawnette Bryant (Post 5)
- e. CM Teresa Crowe (Post 6)

2. NO: 1

- a. CM Gil Freeman (Post 4)

READING OF COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

- **Mayor Pro Temp Ryan Smith Motioned to adopt the agenda of the day**
- **CM Teresa Crowe seconded the motion**

CITY MANAGER'S REPORT

A. City Manager Darnetta Tyus

During the meeting, several updates and discussions took place. It was noted that the city of Stone Mountain is fostering a positive environment for the film industry, with expectations of hosting more film companies and supporting local businesses through filming fees and purchases. Gratitude was extended to the participants of a recent business round table talk, where 21 local businesses committed to supporting a community clean-up event. Additionally, updates were provided on the city's financial status for 2023, including revenue and expenditure percentages. A one-time \$300K tax rebate was received from DeKalb County, with similar rebates issued to all cities. The city's auditor began producing the 2022 audit document, and there will be a single A133 Federal Audit. The city Manager (Darnetta Tyus) emphasized that no new projects would be added in fiscal year 2024, with budget discussions scheduled for June/July. Discussions also covered SPLOST budget allocations, park renovations, signage updates, and upcoming city events. The council addressed concerns raised by citizens and affirmed their commitment to listening to community feedback.

COUNCIL POLICY DISCUSSION TOPICS

UNFINISHED BUSINESS

1. Notice of Application for Retail License to Sell Alcoholic Beverages: The owner of Stone Mountain Front Porch restaurant located at 5407 East Mountain Street DeWayne Washington is requesting a privilege Alcohol License which is an allowed use for the zoning location (Assistant City Manager-City Clerk Edmondson)

During the meeting, Mayor Jones initiated a discussion on the topic at hand and invited the owner, Dwayne Washington, to share any additional remarks. Mr. Washington responded that he had nothing further to add. Pro Tem Ryan Smith then motioned to approve the application for a retail license to sell alcoholic beverages, which was seconded by CM Mark Marianos. CM Theresa Crowe sought confirmation of the property owners from various sites, noting that the owner had spoken in favor of the application. Mayor Jones invited any further comments before asking the city attorney to speak. The city attorney (Jeff Strickland) confirmed that all required supporting documents had been filed with the assistant city manager & city clerk (Shawn Edmondson) and emphasized the importance of compliance. When asked about the potential application to other businesses, the city attorney (Jeff Strickland) clarified that the discussion was specific

to this particular business. CM Gil Freeman inquired about the precedent being set, to which the city attorney affirmed that indeed, it was establishing a precedent.

- YES: 5
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Mayor Pro Tem Ryan Smith (Post 3)
 - CM Shawnette Bryant (Post 5)
 - CM Teresa Crowe (Post 6)
- NO: 1
 - CM Gil Freeman (Post 4)

2. Matthew McConnell has submitted a letter of interest to serve on the Planning Commission (Richard Edwards)

The City Planner highlighted that this was Matthey McConnell's third attempt to serve on the commission and clarified that there was no discrimination involved in the decision-making process. Additionally, he noted that if an appointment was made that evening, there would be no further open roles available. CM Theresa Crowe acknowledged the City Planner's persistent efforts to join the Planning Commission for over a month.

- Mayor Pro Temp Ryan Smith Motioned to approve Matthew McConnell onto the Planning Commission
 - CM Theresa Crowe seconded
- YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Mayor Pro Tem Ryan Smith (Post 3)
 - CM Teresa Crowe (Post 6)
- NO: 2
 - CM Gil Freeman (Post 4)
 - CM Shawnette Bryant (Post 5)

3. Elizabeth Richmond has submitted a letter of interest to serve on the Historic Preservation Commission (Richard Edwards)

During the discussion, CM Shawnette Bryant inquired about potential bias in Elisabeth Richmond's decision-making. Richmond acknowledged the possibility of bias but emphasized adherence to guidelines in assessing action items. CM Anita Bass questioned whether Richmond's recent home purchase influenced her desire to participate. Richmond explained that while she initially had a negative impression of Stone Mountain, her involvement with the committee has fostered fondness and empathy. CM Gil Freeman highlighted that Richmond would face similar criticism as city officials and asked about her perception of the Historic Preservation Commission (HPC). Richmond expressed her passion for the role and her commitment to adding value. The City Mayor queried Richmond's ability to handle rejection, to which she emphasized professionalism as paramount

- Mayor Pro Tem Ryan Smith Motioned to approve Matthew McConnell onto the Planning Commission
 - CM Mark Marianos seconded
- YES: 5
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Shawnette Bryant (Post 5)
 - CM Teresa Crowe (Post 6)
- NO: 1
 - CM Gil Freeman (Post 4)

4. Clint Monroe has submitted a letter of interest to serve on the Planning Commission (Richard Edwards)

- There are no more open positions within the Planning Commission; therefore, Clint Monroe can no longer hold a seat.

5. The applicant Charlene Kirk is requesting a Special Use Permit for a transitional housing facility at 703 Main Street (Parcel ID: 18 074 10 023) (Richard Edwards)

During the discussion, the council raised questions about the qualifications for the women who will be housed in the proposed facility. Charlene Kirk provided the following details: the housing arrangement will operate on a 3-6 month living cycle, with specific qualifications required for eligibility, including having a job and a Section 8 Voucher. Additionally, residents will be required to allocate 30% of their income into a savings account. The facility will consist of a 3-bedroom home, with one room designated for two individuals. Kirk requested abstention from voting at this time and noted that the next meeting will be dedicated to a public hearing on the matter.

6. Discussion on Moratoriums in the city to address convenience stores and hair salons (Council Members Crowe & Marianos)

During the discussion, CM Mark Marianos expressed concern about an excessive number of convenience stores and proposed amending the city code to address this issue. CM Theresa Crowe echoed this sentiment regarding an overabundance of hair salons in the city. In response, the Mayor pointed out that these salons cater to different hair types and encouraged further research before making decisions. The Assistant City Manager & City Clerk clarified that a memorandum is intended to pause new types of business. CM Anita Bass suggested conducting additional research and comparisons with similar-sized cities. Pro Temp Ryan Smith highlighted citizens' discontent with stores located too close to their homes.

7. Discussion on streaming Council meetings on Facebook (Council Member Crowe & Mayor Pro Tem Smith)

During the discussion, CM Theresa Crowe highlighted technical challenges faced by city staff in accessing city council meetings, suggesting that utilizing Facebook could provide a more accessible alternative. CM Gil Freeman countered, stating that both Zoom and Facebook use the same software, and the issue lies with hardware limitations. CM Anita Bass asked for Freeman's professional recommendation, to which he emphasized that switching platforms wouldn't necessarily improve services, as the root issue is hardware-related. CM Mark Marianos proposed Facebook as a backup plan in case Zoom encounters issues. Mayor Jones emphasized the significant investment made in current audio hardware and suggested prioritizing hardware fixes over software changes. The Assistant City Manager & City Clerk (Shawn Edmondson) noted the possibility of utilizing both software simultaneously and confirmed that the microphones are functional, having been extensively tested by engineers and professionals.

- CM Theresa Crowe motioned to adopt Facebook as a livestream service
 - Pro Temp Ryan Smtih Seconded (NEED CONFIRMATION)
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Teresa Crowe (Post 6)
 - NO: 1
 - CM Shawnette Bryant (Post 5)
 - ABSENT
 - CM Gil Freeman (post 4)

**NOTE: At this point CM Gil Freeman left at 09:05 PM ET, in the middle of discussion on item #7:
Those in attendance starting from midpoint:**

- CM Anita Bass (Post 1)
- CM Mark Marianos (post 2)
- Mayor Pro Tem Ryan Smith (Post 3)
- CM Shawnette Bryant (Post 5)
- CM Teresa Crowe (Post 6)

8. Request approval of PowerDMS for \$23,068.75: As part of the approved FY2024 budget, the Police Department requested the addition of PowerDMS under 5040.52.3900 (Other Purchased Services). This cost is higher than anticipated, but it will be off

set by moving field training management to PowerDMS from another platform (same line item) (City Manager Tyus).

City Manager Darnetta Tyus highlighted that the proposed system aligns with standard practices used by other police departments seeking state certification. In response to CM Shawnette Bryant's query about urgency, the City Manager clarified it's important but not urgent. The Police Department Chief James Westerfield explained the delay led to an increased price quote for the software, emphasizing its role in facilitating adherence to the numerous certification protocols. Additionally, the Chief mentioned PowerDMS comes recommended by the State of Georgia and will support the efforts of a staff certification team. Overall, both emphasized the system's importance in streamlining the certification process.

- Pro Temp Ryan Smith motioned to approve PowerDMS software
 - CM Anita Bass Seconded (**NEED CONFIRMATION**)
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Mayor Pro Tem Ryan Smith (Post 3)
 - CM Theresa Crowe (Post 6)
 - NO: 1
 - CM Shawnette Bryant (Post 5)
 - ABSENT
 - CM Gill Freeman (post 4)

9. Request approval to ratify the appointment of the Economic/Downtown Dev Director (City Manager Tyus)

Mayor Jones inquired about the presence of the appointee at the meeting, to which the City Manager confirmed her absence. Mayor Jones proposed tabling the discussion, but City Manager Darnetta Tyus clarified that the appointee had already been hired, and the city was seeking ratification. The Pro Temp vouched for the appointee's suitability. When asked about the salary amount, City Manager Darnetta Tyus stated that it was already budgeted at \$90k.

- Pro Temp Ryan Smith motioned to ratify
 - CM Mark Marianos Seconded
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Theresa Crowe (Post 6)
 - NO: 1
 - CM Shawnette Bryant (Post 5)
 - ABSENT
 - CM Gill Freeman (post 4)

10. Wayfinding Signage throughout the city (City Manager)

- City Mayor Jones asked no vote
 - Noted that the city would require additional research
- CM Theresa Crowe asked if the electronic sign's cost would eat into the rest of the gateway signage
 - City Manager Darnetta Tyus noted that it would be possible to do both

11. Approval to contract with Lichy Commercial Construction for the total cost of \$771,340.00 for the ADA Renovations. SPLOST 1 funds will cover \$667,469 with the \$121,371.00 remainder balance being covered with ARPA funding

City Manager Darnetta Tyus outlined necessary adjustments in the project budget, totaling \$798,840, including a \$25,000 contingency fee and \$771,340 for ADA renovations. Funds from SPLOST 1 (\$752,469) and ARPA (\$46,391) were allocated. CM Anita Bass sought clarification on renovation plans, focusing on ADA accessibility improvements primarily in plumbing, electrical, and structural adjustments. Mayor Pro Tem Ryan Smith stressed the importance of prioritizing ADA accessibility, citing the three-year project timeline. The City Mayor questioned the expenditure of \$200K on a bathroom renovation, but Smith emphasized the urgency of utilizing SPLOST funds before their expiration. The City Manager highlighted multiple revisions by different contractors and confirmed that approval would deplete the entire Parks and Recreation category of SPLOST 1 funds.

- Pro Temp Ryan Smith motioned to approve the contract with the construction firm
 - CM Mark Marianos Seconded
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Theresa Crowe (Post 6)
 - NO: 1
 - CM Shawnette Bryant (Post 5)
 - ABSENT
 - CM Gill Freeman (post 4)

NEW ORDINANCES AND RESOLUTIONS

12. Introduction and first reading of proposed Ordinance 2024-03, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-29 (Rules of Procedure) of The Code of the City of Stone Mountain, Georgia (City Attorney Strickland)

City Attorney (Jeff Strickland) highlighted that the proposed changes were previously discussed in the last session and were brought forth for introduction and First Reading, which only requires approval for the first reading. This Ordinance introduces an option for a "Call to Question," allowing for immediate termination of debate and bringing the motion to a vote, requiring a second. If approved by a majority of the council (four members), the motion would be approved with no further discussion. The City Attorney clarified that this process necessitates two different readings, with the current session being the first reading.

- CM Teresa Crowe motioned to approve the first reading
 - CM Mark Marianos Seconded
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Theresa Crowe (Post 6)
 - NO: 1
 - CM Shawnette Bryant (Post 5)
 - ABSENT
 - CM Gill Freeman (post 4)

13. Introduction and first reading of proposed Ordinance 2024-04, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-26 (Regular meetings; time and place; meetings which fall on holidays) of The Code of the City of Stone Mountain, Georgia (Council Member Crowe)

The City Attorney (Jeff Strickland) highlighted that the proposed changes were previously discussed at the last session and were brought forth for introduction and First Reading, requiring approval for the first reading only. This Ordinance includes multiple edits within the sections, such as renaming "Regular meetings" to "City council Meetings," implementing grammatical changes, and adding provisions for meetings to be held at "other appropriate locations." This amendment aims to formalize existing practices of city council meetings without proper language within the city code. Additionally, it addresses situations where a city council meeting falls on a legal holiday or election day, stipulating that the city will set a new date within one week of the original meeting date.

- Mayor Pro Temp Ryan Smith motioned to approve the first reading
 - CM Theresa Crowe Seconded
 - YES: 4
 - CM Anita Bass (Post 1)
 - CM Mark Marianos (post 2)
 - Pro Temp Ryan Smith (Post 3)
 - CM Theresa Crowe (Post 6)
 - NO: 1

- CM Shawnette Bryant (Post 5)
- ABSENT
 - CM Gill Freeman (post 4)

REMARKS OF PRIVILEGE

- **CM Theresa Crowe thanked City Manager Darnetta Tyus for bringing the fire to her attention.**
- **CM Theresa Crowe mentioned that on 02/15/2024 at 10:00 AM ET and 06:30 PM ET, there will be an event discussing property tax exemptions**

ANNOUNCEMENTS BY THE MAYOR

Mayor Jones thanked all in attendance and council went into executive session by request of City Manager to discuss personnel and real estate discussion

EXECUTIVE SESSION TO DISCUSS PERSONNEL, LEGAL, AND/OR REAL ESTATE (if needed)

- A. Real Estate
- B. Personnel
- C. Legal

ADJOURNMENT



MAYOR & CITY COUNCIL PUBLIC HEARING/ WORK SESSION AGENDA

This meeting will be IN Person

Link to join Webinar

<https://us06web.zoom.us/j/82368770974?pwd=UzA4ZHBKakhWL2VZUIlZSzMhQ0RGUT09>

Tuesday, February 20, 2024 @ 6:30 pm

City Hall, 875 Main Street, Stone Mountain, Georgia 30083

[Meeting Minutes]

PUBLIC HEARING

A. Applicant Charlene Kirk request a Special Use Permit to allow for a transitional housing facility at 703 Main Street (Parcel ID: 18 074 10 023) (Richard Edwards)

- City Attorney introduced the procedures of the public forum to the city council.
- Applicant stressed the importance of what she is doing, and to consider approving the Permit.
- There are no comments from those that oppose.
- Comments that are in favor
 - Andrew Zonneveld (Planning Commission): Noted that the planning commission is unanimously in favor of the project
 - Rev. Parker is in favor of the project and brought up her religious reasonings.
 - Andrea Redmond is in favor of the group home and stressed that the city needs more
- Applicant stressed that importance of this opportunity and that they are bringing in individuals that need assistance.

ADJORNMENT

[Mayor Jones] called the public hearing to adjourn at [06:46] PM ET.

Call to Order

Mayor Jones called the meeting to order at [06:48] PM ET at 02/20/2024

Determination of a Quorum

Mayor Jones determined and announced that a quorum of the City Council of Stone Mountain was present.

Members Present (Y/N)

Post 1: Anita Bass (Y)

Post 3: Ryan Smith (Mayor Pro Tem)(Y)

Post 5: Shawnette Bryant (Y)

Post 2: Mark Marianos (Y)

Post 4: Gil Freeman (Y)

Post 6: Teresa Crowe (Y)

Also present as participants to the meeting were; Jeff Strickland, City Attorney; Darnetta Tyus, City Manager; Shawn Edmondson, Assistant City Manager & City Clerk; Danny Mai, Assistant City Clerk. Members of the general public also attended and observed the meeting.

Invocation and Pledge of Allegiance

[Anita Bass] lead the pledge of allegiance at [06:49] PM ET. [Rev. Parker] lead the invocation at [06:49] PM ET.

CITIZEN COMMENTS – (Including comments from Public/Stakeholders; 3 minutes per comment)

- **Sharon Frierson:** She mentioned some facts about the City of Stone Mountain and passed around pictures of her displaying the Stone Mountain flag in a parade. Noted that importance of cleaning and maintaining the flag.
- **Clint Monroe:** He mentioned the importance of Stone Mountain Elementary School and urged the city council to adopt the school. Mentioned that literacy rates have dropped significantly from the advent of COVID19.
- **Carl Wright:** Asked the City Council to provide chart(s) of the areas that are discussed whenever the city brings it up.
- **Joan Monroe:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement.
- **Cheryl Dudley:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement.
- **Andrew Zonneveld:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement.

- **Rev. Parker:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement.
- **Tommy Norwood:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement.
- **Beverley Patterson:** Noted the discontent against certain ordinances and resolutions being presented by the city council. Mentioned various references to support their statement. Mentioned that lack of updates regarding the pavement of the city streets.
- **Ginger Chriswell:** Thanked the city administration for paving parts of the city. Urged the council to annex the surrounding area, specifically near the new BP gas station. Noted the importance of building sidewalks around the city.
- **Mike Cooper:** Pointed out some errors on the Feb 6th Meeting. Mentioned the accuracy of the minutes. It is important to point out that the City Clerk needs to bring the minutes up to date, given the lack of minutes thus far. Noted that the city has not kept up with the records. Note that the minutes are not accurate at all. We need to understand how the minutes were not targeting the city clerk.

COMMENTS FROM THE PUBLIC

The public comments are reserved exclusively for comments from the public and not for immediate reply. The purpose of public comment is to allow the public to voice city related requests, concerns or opinions only during the public comment portion of the City Council meeting. **I.** The Mayor and City Council reserves the right to extend or limit the length of public comments based on: (1) the issue under discussion; (2) the number of items on the agenda; and (3) the extent to which the speaker remains constructive in their comments and questions. **II.** The public may not directly confront the public speaker but must direct all comments and questions to the Mayor and City Council. **III.** Public harassment of or confrontation with a public speaker will not be tolerated. Members of the public violating tenets two or three will be asked to sit down or leave the premises.

REVIEW OF THE JOURNAL (City Clerk)

A. Request minutes from Council Regular Meeting 2/6/24 be approved.

- City Clerk is asking to table the minutes to the next meeting to analyze and update the minutes.

[CM Anita Bass] made a motion to table the meeting minutes for the City Council Regular Meeting held on February 6th, 2024. The motion was seconded by [Mayor Pro Tem Ryan Smith]. The City Council voted and approved the motion by vote of (6) – (0)

READING OF COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

[CM Gil Freeman] made a motion to amend the meeting agenda, adding three (3) items to the agenda for discussion.

- Book Bench Project
- Signage previously approved by Parks and Recs, photos submitted in January
- Request for the full accounting of parks and recs funds to be sent to the Parks and Recs Chair by 02/29/2024

City Manager Tyus mentioned the rationale of removing the agenda items previously. Noted the inappropriateness of a private citizen reaching out to City Staff, directing said staff to add item(s) to the agenda. Mentioned that the Parks and Recs committee does not have any funding/budget and explained the timeline to the city council. Discussion between City Council and City Manager Tyus occurred.

[CM Gil Freeman] made a motion to amend the meeting agenda once more, to add three (3) items to the agenda for discussion. [CM Shawnette Bryant] seconded the motion.

- Book Bench Project
- Signage previously approved by Parks and Recs, photos submitted in January
- Request for the full accounting of parks and recs funds to be sent to the Parks and Recs Chair by 02/29/2024

Members Voted (Y/N/A)

Post 1: Anita Bass (Y)	Post 2: Mark Marianos (N)
Post 3: Ryan Smith (Mayor Pro Tem)(N)	Post 4: Gil Freeman (Y)
Post 5: Shawnette Bryant (Y)	Post 6: Teresa Crowe (Y)

COMMITTEE DISCUSSION ITEMS

A. Planning Commission

- Alex Brennan: Noted that the planning commission met yesterday 02.19.2024. Noted that approval of new business item #1, and disapproval of new business item #2. Wanted to ensure that there were some levels of representation. Noted that areas of code that have ambiguity and wanted to work with city council to obtain clearer understanding. Next PC meeting March 18th at 6:30PM at city hall.

B. Economic Development/Downtown Development Authority

- Chairman of the DDA: Noted that there have been 3 meetings since the last City Council Meeting. Noted that there are two (2) current openings within the DDA/Economic Development Committee. Grand opening for the brewery is on the following date: April 13th, 1:00 PM ET – 3:00 PM ET. Praised the mural painted at the brewery.
- Introduced the new Economic Development/Downtown Development Authority Director.

- Shout out to Kayla Johnson
- Stated that other cities' DDA have a budget of around \$90K
- Noted several projects
 - A landscape proposal from the cemetery to city hall
 - Proposed a bike race around the city
 - Reestablishment of the Stn Mtn Farmer's Market
- Next DDA meeting is at Feb 26th at 6:30 PM ET

C. Historic Preservation Commission

- Andrea Redmond (Vice Chair),
 - 5 COE
 - 3 Passed
 - 2 Deferred

D. Parks and Recreation Committee

- Rev. Parker (Chair): noted that the Parks and Rec committee met on February 5th, 2024. Noted a special called meeting on February 15th, 2024.
 - Utilized the meeting to discuss the next meeting and available agenda meetings. Noted that the Parks and Recs Committee should have funds available from SPLOST 1
 - Discussed various topics of interest that the Committee has for fiscal year 2024.
 - Next meeting is March 4th, at 07:00PM ET

STAFF REPORTS

A. Public Safety- Police Chief- James Westerfield Jr.

- Welcomed detective Amy Hall to the City of Stone Mountain PD Reserve
 - 5 Total Officers
 - Lt Hillis will be over the reserve.
- Crime Statistics for year 2023 were discussed with the City Council
- Police Activity Statistics for December 1st, 2023 -> December 31st, 2023 were discussed with the City Council
- Discussion between Police Chief and City Council occurs regarding citizens hearing loud bursts of sound that could be gunshots.

B. Administration- Assistant City Manager-City Clerk- Shawn Edmondson

- Assistant City Manager & City Clerk, Shawn Edmondson discussed activities that the Office of the City Clerk has been working on for the month of January.

CITY MANAGER'S REPORT

A. City Manager- Darnetta Tyus

- Introduced the new DDA/Economic Development Director Maggie Dimov
- Thanked the city for showing up to the Mardi Gras event and proclaimed it as a success
- Noted that the city is quickly moving forward with the outdoor gym.
- Discussed action item(s) that the city has been working on including:
 - Paving Roads
 - Fixing Potholes
 - Etc...
 - Discussed the SPLOST I and SPLOST II Budgets ... noted that SPLOST II will have three broader categories

COUNCIL POLICY DISCUSSION TOPICS

UNFINISHED BUSINESS

1. Applicant Charlene Kirk is requesting approval of a Special Use Permit to allow for a transitional housing facility at 703 Main Street (Parcel ID: 18 074 10 023) (Richard Edwards)

- City Planner Richard Edwards noted that there are no updates from the Public Hearing session of the meeting.
- Applicant noted that the ladies who would be at the transitional housing are all working individuals, so there would not be a need to have an outdoor activity space.
- Curfew is set at 11:00 PM ET and noted that the applicant and her business partner will be at the home everyday
 - There will be 3Bedrooms with 2 women per room. 1 room will be transformed into a therapy room.
 - No visitors will be allowed within the house. Family will only be allowed in the fenced off area.
- Noted that this process will be only for women who are transitioning from a shelter to a more permanent solution

[MPT Ryan Smith] made a motion to approve the "Special Use Permit to allow for a transitional hosing facility at 703 Main Street". The motion was seconded by [CM Mark Marianos]. The City Council voted and approved the motion by vote of (6)-(0).

Members Voted (Y/N/A)

Post 1: Anita Bass (Y)

Post 3: Ryan Smith (Mayor Pro Tem)(Y)

Post 5: Shawnette Bryant (Y)

Post 2: Mark Marianos (Y)

Post 4: Gil Freeman (Y)

Post 6: Teresa Crowe (Y)

NEW BUSINESS

- Applicant Christopher Hunt requests a rezoning from R-2 to MR-1 to allow for a mixed-use development consisting of 16 residential units and 3 commercial units at 6803 James B Rivers Memorial Drive (18 126 06 002) (Richard Edwards)
- City Planner Richard Edwards introduced the council to information and background regarding the new business item. Staff suggest approving the request contingent on certain subjectivities.

Given that this item has first been introduced, there is no vote here

- Applicant Christopher Hunt request a variance from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet at 6803 James B Rivers Memorial Drive (18 126 06 002) (Richard Edwards)
- City Planner Richard Edwards introduced the council to information and background regarding the new business item. Staff suggest approving the request contingent on certain subjectivities.

Given that this item has first been introduced, there is no vote here

- Mayor Pro Tem Smith proposes a policy allowing the City to outsource ethics complaints to neighboring jurisdictions to ensure fairness and equity. (Mayor Pro Tem Smith)
- MPT Ryan Smith introduced the item to the council, noting that other cities utilize the same system already.
- Discussion between council members regarding the ethics, efficiency, and processes of the current ethics committee
- Council also discussed notions of what city/county would govern this. Council noted the potential financial costs of such plans.
- Council discussed definitions of bias versus conflict of interest with the City Attorney Jeff Strickland

Given that this item has first been introduced, there is no vote here

- Discussion on the selection of a Council member to be appointed to the Downtown Development Authority
- Council discussed potentially appointing a council person to the DDA.
- City Attorney Jeff Strickland, noted that the DDA Board

Given that this item has first been introduced, there is no vote here

- Book Bench Projects (CM Gil Freeman)
- Discussion occurred between City Council and City Manager
 - Noted that there is no money within the budget
 - Noted that there is no way to utilize SPLOST I or SPLOST II funds in order to fund this
 - Noted that this is a program not a project

Given that this item has first been introduced, there is no vote here

- Signage previously approved by Parks and Recs, photos submitted in January (CM Gil Freeman)
- City Manager noted that funding and approval had already been approved for a different signage approved in the last council meeting. *Given that this item has already been completed, there is no action here*
- Request for the full accounting of parks and recs funds to be sent to the Parks and Recs Chair by 02/29/2024 (CM Gil Freeman)
- City Manager noted that there was already accounting created for SPLOST I funds, and that funds have already been contributed to other projects
 - Also noted that this information was sent out last meeting.

NEW ORDINANCES AND RESOLUTIONS

1. Second reading of proposed Ordinance 2024-03, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-29 (Rules of Procedure) of The Code of the City of Stone Mountain, Georgia (City Attorney Strickland)
 - City Attorney Jeff Strickland introduced the ordinance to the City Council.
 - City Council engaged in discussion with City Attorney noting how the ordinance change would interact with the code.
 - City Council noted that there are currently no rules in place that would allow for civil discussion and that this would allow for such

[CM Gil Freeman] made a motion to postpone to the next meeting “proposed Ordinance 2024-03, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-29 (Rules of Procedure) of The Code of the City of Stone Mountain, Georgia”. The motion was seconded by [MPT Shawnette Bryant]. The City Council voted and approved the motion by vote of (7)-(0).

Members Voted (Y/N/A)

Post 1: Anita Bass (Y)

Post 3: Ryan Smith (Mayor Pro Tem)(Y)

Post 5: Shawnette Bryant (Y)

Post 2: Mark Marianos (Y)

Post 4: Gil Freeman (Y)

Post 6: Teresa Crowe (Y)

2. Second reading of proposed Ordinance 2024-04, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-26 (Regular meetings; time and place; meetings which fall on holidays) of The Code of the City of Stone Mountain, Georgia (City Attorney Strickland)

- City Attorney Jeff Strickland introduced the ordinance to the City Council.
- City Council discussed rationale behind why this is being proposed.
- City Council discussed how this ordinance would be perceived by the city community

[MPT Ryan Smith] made a motion to approve the “proposed Ordinance 2024-04, an ordinance to amend Chapter 2 (Administration), Article II (Mayor and City Council), Section 2-26 (Regular meetings; time and place; meetings which fall on holidays) of The Code of the City of Stone Mountain, Georgia”. The motion was seconded by [Teresa Crowe]. The City Council voted and approved the motion by vote of (4)-(2).

Members Voted (Y/N/A)

Post 1: Anita Bass (Y)

Post 2: Mark Marianos (Y)

Post 3: Ryan Smith (Mayor Pro Tem)(Y)

Post 4: Gil Freeman (N)

Post 5: Shawnette Bryant (N)

Post 6: Teresa Crowe (Y)

3. Introduction: Resolution 2024-02 Instituting a Moratorium on the Acceptance of Application for the Issuance of Permits to the Establishment or Expansion of Convenience Stores and Certain Alcohol Outlets in the City of Stone Mountain, Georgia, and for Other Purposes (City Attorney Strickland)

- Assistant City Manager & City Clerk Shawn Edmondson introduced the motion to the City Council. He noted that this would be a 180-day pause; in order to, allow the city to do additional research into the amount of (the discussed) stores in, and around, the city.
- Council discussed the appropriate amount of time utilized for this request. Council discussed the variety of stores within the city, how many are currently applying for licenses, the amount of time needed for the city to complete the due diligence required in order to better study the process.

Note that the effective date starts immediately once passed

[MPT Ryan Smith] made a motion to approve the “Resolution 2024-02 Instituting a Moratorium on the Acceptance of Application for the Issuance of Permits to the Establishment or Expansion of Convenience Stores and Certain Alcohol Outlets in the City of Stone Mountain, Georgia, and for Other Purposes”. The motion was seconded by [CM Mark Marianos]. The City Council voted and approved the motion by vote of (6)-(0).

Members Voted (Y/N/A)

Post 1: Anita Bass (Y)

Post 2: Mark Marianos (Y)

Post 3: Ryan Smith (Mayor Pro Tem)(Y)

Post 4: Gil Freeman (Y)

Post 5: Shawnette Bryant (Y)

Post 6: Teresa Crowe (Y)

REMARKS OF PRIVILEGE

- CM Mark Marianos noted the adopting Stone Mountain Elementary School is an important notion
- Assistant City Manager & City Clerk Shawn Edmondson note that the city only needs permission to contact the school; in order to, move forward with the process.

ANNOUNCEMENTS BY THE MAYOR

EXECUTIVE SESSION TO DISCUSS PERSONNEL, LEGAL, AND/OR REAL ESTATE (if needed)

- A. Real Estate
- B. Personnel
- C. Legal

ADJOURNMENT

MEMORANDUM
City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

DATE: March 5, 2024
TO: Mayor and City Council
FROM: City Manager Darnetta Tyus
RE: City Manager's Report

1. Summary of Recent Table Talks: Visionary Discussions and Citizen Engagement

- I am pleased to provide an overview of the recent table talks conducted on February 23rd, 24th, and 26th, where a total of ~120 citizens, staff, and councilmembers actively engaged in discussions shaping the future of our community. These sessions were instrumental in fostering civic dialogue and soliciting valuable input from our residents. Key topics included the envisioning of the Baptist Lawn, exploration of amphitheaters and greenspaces reminiscent of other successful models, incorporation of artwork into the design of the outdoor gym, and an update on the progress of SPLOST 1 projects. The conversations surrounding these topics were insightful and reflective of our community's collective vision for growth and development. Moving forward, the input gathered from these discussions will serve as a guiding framework for future initiatives aimed at enhancing our city's cultural, recreational, and aesthetic landscape. I extend my sincere appreciation to all citizens who participated in these table talks and to the Council for their continued support in fostering an inclusive and participatory governance process.

2. 2022 Audit Revisions

- The city has completed the budget amendment for fiscal year 2022 audit report prompted by overages in three key departments. Specifically, Administration exceeds budgetary allocations by \$30,370.00, Public Safety by \$145,560.00, and Capital Outlay by \$89,581.00 for a total of audit revisions of \$265,511.00. The approval of this revision will eliminate this item as a 2022 audit finding. The revision is offset by excess 2022 revenues. This item is under new business.

3. Open Records Request

- Councilmember Gill Freeman has submitted an open records request on behalf of council. The request pertains to various item. The estimated total cost associated with fulfilling this request is currently \$19,651.04 not including the third party contractor. I respectfully request the council's consideration of this agenda.

4. Sinkhole Update

- Please find the formalized update on the priority list for the assessment and resolution of the sinkhole situation within the City of Stone Mountain. The following properties have been identified, and their current status and prioritization are as follows:

MEMORANDUM
City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

DATE: March 5, 2024
TO: Mayor and City Council
FROM: City Manager Darnetta Tyus
RE: City Manager's Report

- 682 Rockborough Dr
 - Status: Completed.
- 887 Churchill
 - Status: Completed.

- Rankin Street
 - Status: Completed
- Ridge and JBR
 - Status as of 2/20/2024:
 - Completed
 - Status as of 2/20/2024
 - The hole by the railroad track is completed & the second hole is in progress, awaiting the setting of concrete.
- 768 3rd Street
 - Completed
- 747 Stone draw Court
 - Status as of 2/29/2024
 - Complete
- Zachery Drive
 - Status as of 2/29/2024:
 - Initiated contact with 811 utility service to ascertain the location of underground utilities. As of the current status, the utility service is in the process of scheduling the utility locate day, and we await their confirmation.
 - Status as of 2/20/2024
 - The restructuring of the inlet has been recently completed. With stability achieved, the subsequent phase involves the removal of existing pipes and the installation of new ones.
- 1001 Hill Street
- 718 Ridge Ave
 - Status as of 2/29/2024:
 - Will perform maintenance to clear debris from the drainage area.
 - Status as of 2/20/2024

MEMORANDUM
City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

DATE: March 5, 2024
TO: Mayor and City Council
FROM: City Manager Darnetta Tyus
RE: City Manager's Report

- The drop inlet is needing to be cleaned and is expected to be completed by the end of the week of February 23,2024
- Rosewood and Lucille
 - The pipe has been ordered but will be completed after Zachary
- 747 Stone draw Court
 - Status as of 2/29/2024
 - Complete

5. Walk Bridge on Sheppard Road:

- Our Public Works department completed a significant project involving the removal and responsible disposal of an aging bridge. Public Works installed a new pipe system and created a catch basin to manage water flow effectively. With the water now directed underground through the new pipes, water will seamlessly travel to the catch basin, from where it will be channeled into our existing stormwater system. This initiative not only improves drainage capabilities but also enhances the overall resilience of our infrastructure. I commend the dedication of our Public Works team for their efforts in executing this project, which contributes to the ongoing enhancement of our city's infrastructure and quality of life for our residents.



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Christopher Hunt

LOCATION: 6803 James B Rivers Memorial Drive
(Parcel ID: 18 126 06 002)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: MR-1: Multi-family Residential

REQUEST: Rezoning from R-2 to MR-1 to allow for a mixed-use development consisting of 16 residential units and 3 commercial units at 6803 James B Rivers Memorial Drive.

ZONING/ADJACENT LAND USE:

North	R-2: Traditional Residential
South	R-2: Traditional Residential
West	MR-1: Multi-family Residential
East	R-2: Traditional Residential & GS: Green Space

Comprehensive Plan:
Future Land Use Designation: Townhome/Duplex Residential
Character Area: Park Edge

MEETING INFORMATION:

Planning & Zoning Commission:	01/22/2024 – 6:30 P.M.
City Council 1 st Read:	02/20/2024 – 6:30 P.M.
City Council Public Hearing:	03/05/2024 – 6:30 P.M.

RECOMMENDATION: Approval with conditions.

BACKGROUND:

February 20, 2024

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, Planner

Subject: Discussion of a proposed rezoning from R-2 to MR-1 to allow for a mixed-use development consisting of 16 residential units and 3 commercial units at 6803 James B Rivers Memorial Drive.

Background: The existing site is a 1.33-acre vacant site that is zoned Traditional Residential (R-2). The applicant is proposing to construct a 3-story mixed-use building that will consist of 12 residential units and 3 commercial spaces.

Based on information submitted from the applicant, a zoning approval for an 11-unit townhome project was approved on January 4, 2005, for this site. This project also received a preliminary plat approval on January 30, 2006. The site plan for this project is attached for reference.

The previously approved townhome development was never constructed. The applicant applied for a rezoning from Traditional Residential (R-2) to Village Center Mixed-Use (VCM) and a stream buffer variance in 2020. On June 2, 2020, the applicant was denied both the rezoning and variance from City Council for a development similar to what is being proposed now.

The request from 2020 appears to have a similar building footprint with 10 “live work townhomes” and commercial/office space. The Planning Commission recommended conditional approval of this project, which included conditions for the project to be site plan and architectural elevation-specific and include a third-party environmental report to be approved by the City Engineer. City Council did vote to deny both the rezoning case and the variance request.

The applicant was recently denied for a similar project that included a rezoning from Traditional Residential (R-2) to Multi-family Residential (MR-1) and a stream buffer variance to encroach into the 75-foot impervious surface buffer. City Council denied both requests without prejudice at their regularly scheduled meeting on December 19, 2023.

The current submittal is an application for a rezoning from Traditional Residential (R-2) to Multi-family Residential (MR-1). The updated request does not encroach into the stream buffer variance except for the pervious parking area that may be permitted by-right, if certain criteria are met and the material is truly pervious. Those criteria will be determined by the City Engineer at the time of permitting.

The Historic Preservation Commission (HPC) approved the applicant’s Certificate of Appropriateness request at their regularly scheduled meeting on January 17, 2024. The HPC did request that the applicant install Juliet balconies on the front façade.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the rezoning request in accordance with the required review criteria.

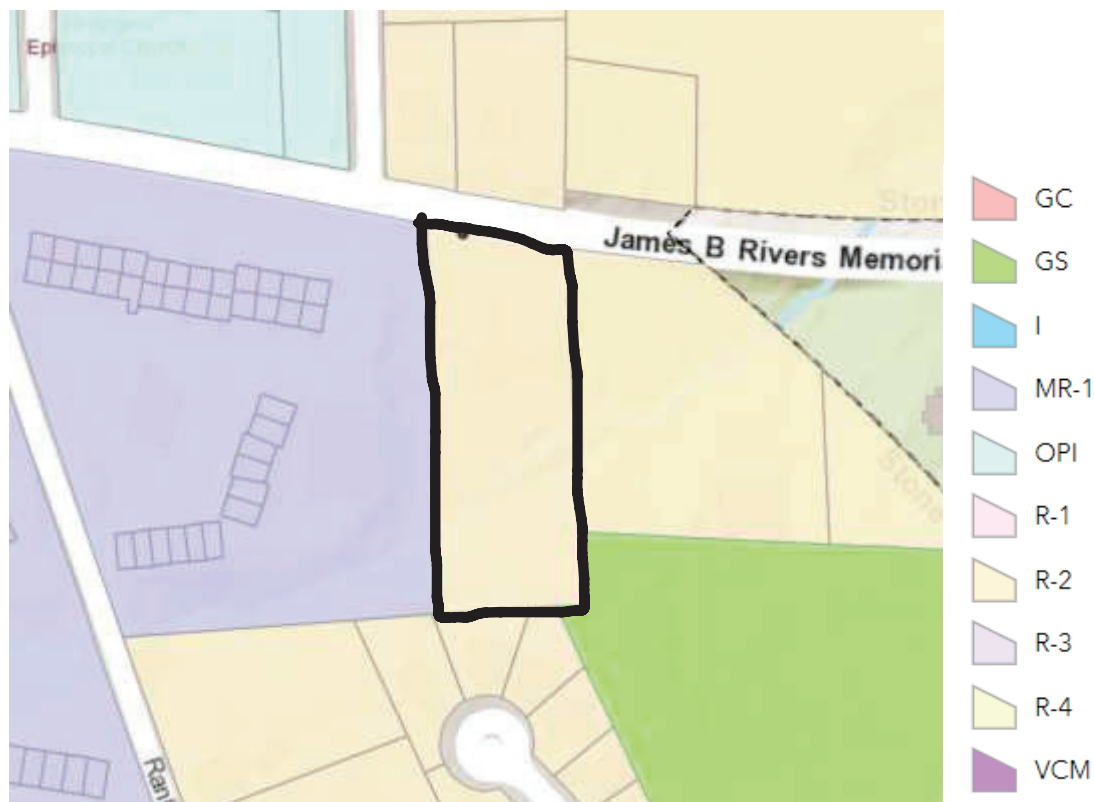
1. The existing uses and zoning of nearby property;

North: There is an existing single-family home and tax/accounting office that is zoned Traditional Residential (R-2).

South: There are two single-family residential homes that are part of the New Gibraltar Square subdivision and zoned Traditional Residential (R-2).

East: This property contained the old fire department building and is currently vacant. This property is zoned Traditional Residential (R-2).

West: The Stone Mountain Townhomes property is to the west and that property is zoned Multi-Family Residential (MR-1).



2. The extent to which property values are diminished by their particular zoning restriction;

The current zoning, Traditional Residential (R-2), allows for detached single-family dwellings, publicly owned parks and recreation, buildings used for governmental purposes, and some public utilities. The property, limited by the uses in the R-2 district, could be utilized at a higher density similar to the neighboring Stone Mountain Townhomes.

3. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public;

This proposal is anticipated to increase the property value of the subject property. There are not any anticipated impacts to the health, safety, moral or general welfare of the public.

4. The suitability of the subject property for the zoning proposed;

The residential portion of the proposed zoning is suitable for the site based on the context of the adjacent properties and a portion of the Comprehensive Plan. The Townhome/Duplex Residential portion of the Comprehensive Plan calls for attached, single-family residential uses. This property also falls within the Park Edge Character Area, which calls for single-family detached, townhomes, and park and recreation space. The commercial components of the request are not supported by the Comprehensive Plan.

The neighboring Stone Mountain Townhomes properties are zoned Multi-Family Residential (MR-1) and have a total of 143 townhomes on 11.91 acres at a density of approximately 12 units an acre. This proposal is for 16 residential units, 3 commercial spaces at 600 square feet each, and permanent green space at the rear of the property. The proposed residential density is 16 units on 1.33 acres or approximately 12 units an acre, which is a similar density to the neighboring property. The MR-1 zoning district has a minimum residential density of 8 units an acre and a maximum residential density of 20 units an acre.

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

The rezoning will permit uses that exist within the surrounding properties. There are residential units, detached and attached, on neighboring properties and there is a commercial office across the street from this site. The site to the east is the old fire department that is currently vacant.

City Council approved a Special Use Permit for an art studio on February 7, 2023, for the old fire department property (6825 JBR Memorial Drive). This may indicate that there is a growing desire for more office space or similar uses in the area.

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

This zoning proposal will not affect the existing use nor the usability of the adjacent properties.

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

The property does have reasonable economic use as currently zoned. However, the applicant is petitioning to get a higher density on the lot similar to the adjacent Stone Mountain Townhomes property.

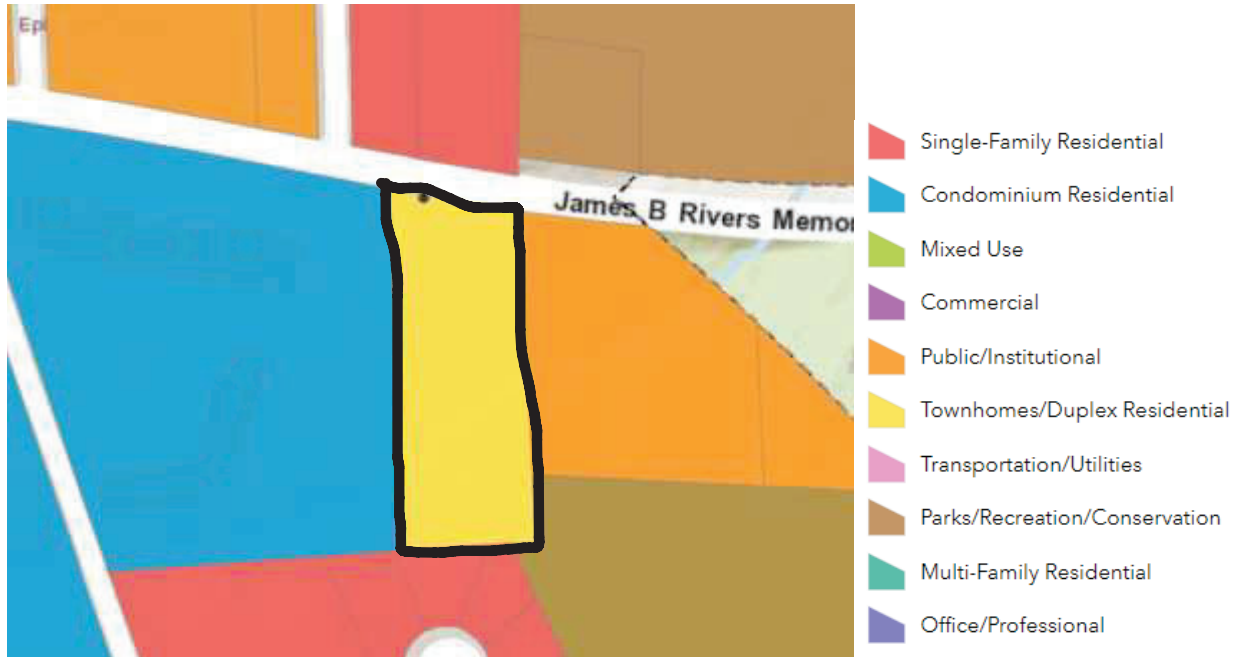
8. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

This request does not appear to cause an excessive nor burdensome use on existing street, transportation facilities, utilities, nor schools. There will be increased traffic due to the residential and commercial spaces but that is not anticipated to be burdensome on the existing transportation facilities.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map;

The Comprehensive Plan future land use designation for the subject property is Townhome/Duplex Residential, which calls for attached, residential development. This property also falls within the Park Edge character area, which calls for single-family detached residential, townhomes, and park and recreation space.

The proposal mostly meets the intent of the Comprehensive Plan. Both the future land use designation, Townhome/Duplex Residential, and the Park Edge character area call for townhomes, where appropriate. These designations do not call for any commercial or retail uses. The Park Edge character area does call for preservation of current greenspace and this proposal would over 13,000 square feet of greenspace (~0.3 acres).



1. While green roofs are an approved BMP in the Georgia Storm Water Management Manual, we only recommend their use by institutions or state and local governments who can afford to build and maintain, in our experience, these finicky practices. Accordingly, we want the applicant to choose a different BMP to address water quality and mitigate the impact of the buffer encroachment for the following reasons:
 - a. Maintenance costs for a green roof are high, and failure of the roof will leave the site without proper water quality measures.
 - b. Common problems with green roofs that are not easily addressed include:
 - i. clogging of the outlet structure, establishing vegetation within the green roof
 - ii. clogging the drainage layer
 - iii. difficulty maintaining proper pH levels for plants
 - iv. pruning and weeding to maintain appearance and prevent roots from compromising the waterproof membrane.
 - c. The permitting process in Stone Mountain is bifurcated between site permits and building permits. Addressing water quality is a site permit process, but a green roof will not be designed, reviewed or constructed until the applicant seeks a building permit. Sometimes these design professionals are not included on the

architect's team for building design, and this will present a problem that will make permitting much more difficult.

- d. Developers sometimes develop a site, and then flip the land to a new owner to construct a building. By allowing this practice, a developer could get away with avoiding the requirement to mitigate water quality on the site.

RECOMMENDATION:

The Planning Commission recommended approval of the rezoning from Traditional Residential (R-2) to Multi-Family Residential (MR-1) with the following conditions:

1. The development shall be limited to 16 residential units and three (3) office commercial spaces.
2. The commercial space shall not exceed 2,000 square feet.
3. The property shall be developed in substantial conformity with the site plan labeled "EXHIBIT A." Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Adjustments to the site plan are authorized to meet the requirements of the ordinances and these conditions of zoning, pursuant to the Zoning Administrator.
4. The property shall be developed in substantial conformity with the elevations labeled "EXHIBIT B" related to general architectural style, accents, massing, and materials. Exterior materials shall be brick, stone, or cementitious material or as alternatively approved by the Historic Preservation Commission. Vinyl shall be prohibited except for fascia and soffits.
5. The exterior parking that encroaches into the 75-foot impervious buffer shall be constructed of pervious material that shall be approved by the City Engineer.
6. A Homeowner Association (HOA) shall be required. The developer shall execute, record, and maintain documents for the HOA which establish dues, fees, and responsibilities related to maintenance of units and common facilities. The HOA bylaws shall be reviewed and approved by the Zoning Administrator prior to being recorded with the DeKalb County Superior Court.
7. Vehicular access to the site shall be limited to one (1) ingress and one (1) egress.
8. The developer shall install at least one (1) bicycle rack.
9. All utilities shall be installed underground throughout the development.
10. The developer shall work with the Public Works Director and the Georgia Department of Transportation (GDOT) to install a crosswalk or traffic calming device across James B Rivers Memorial Drive or pay a fee-in-lieu to the City prior to the issuance of a Certificate of Occupancy.
11. The developer shall work with the City Engineer to establish Best Management Practices (BMP) to address water quality and mitigation measures to address the impacts of the buffer encroachment other than the proposed green roof.
12. Drive-through facilities shall be prohibited but walk-up services windows may be permitted.
13. No variances, conditional uses, nor special uses from the Zoning Ordinance of the City of Stone Mountain, Georgia are granted unless they have been explicitly requested and approved as part of this application.

14. A \$100,000 bond shall be provided to address any deficiencies in water quality and mitigation efforts.
15. An updated engineer's certification shall be provided prior to the issuance of a Land Disturbance Permit, which shall be reviewed and approved by the City Engineer.
16. The average size of all the residential units shall be 2,000 square feet or less.

Staff recommends approval of the rezoning from Traditional Residential (R-2) to Multi-Family Residential (MR-1) with the following conditions:

1. The development shall be limited to 16 residential units and three (3) office commercial spaces.
2. The commercial space shall not exceed 2,000 square feet.
3. The property shall be developed in substantial conformity with the site plan labeled "EXHIBIT A." Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Adjustments to the site plan are authorized to meet the requirements of the ordinances and these conditions of zoning, pursuant to the Zoning Administrator.
4. The property shall be developed in substantial conformity with the elevations labeled "EXHIBIT B" related to general architectural style, accents, massing, and materials. Exterior materials shall be brick, stone, or cementitious material or as alternatively approved by the Historic Preservation Commission. Vinyl shall be prohibited except for fascia and soffits.
5. The exterior parking that encroaches into the 75-foot impervious buffer shall be constructed of pervious material that shall be approved by the City Engineer.
6. A Homeowner Association (HOA) shall be required. The developer shall execute, record, and maintain documents for the HOA which establish dues, fees, and responsibilities related to maintenance of units and common facilities. The HOA bylaws shall be reviewed and approved by the Zoning Administrator prior to being recorded with the DeKalb County Superior Court.
7. Vehicular access to the site shall be limited to one (1) ingress and one (1) egress.
8. The developer shall install at least one (1) bicycle rack.
9. All utilities shall be installed underground throughout the development.
10. The developer shall work with the Public Works Director and the Georgia Department of Transportation (GDOT) to install a crosswalk or traffic calming device across James B Rivers Memorial Drive or pay a fee-in-lieu to the City prior to the issuance of a Certificate of Occupancy.
11. The developer shall work with the City Engineer to establish Best Management Practices (BMP) to address water quality and mitigation measures to address the impacts of the buffer encroachment other than the proposed green roof.
12. Drive-through facilities shall be prohibited but walk-up services windows may be permitted.
13. No variances, conditional uses, nor special uses from the Zoning Ordinance of the City of Stone Mountain, Georgia are granted unless they have been explicitly requested and approved as part of this application.
14. A \$100,000 bond shall be provided to address any deficiencies in water quality and mitigation efforts.
15. An updated engineer's certification shall be provided prior to the issuance of a Land Disturbance Permit, which shall be reviewed and approved by the City Engineer.

EXHIBITS:

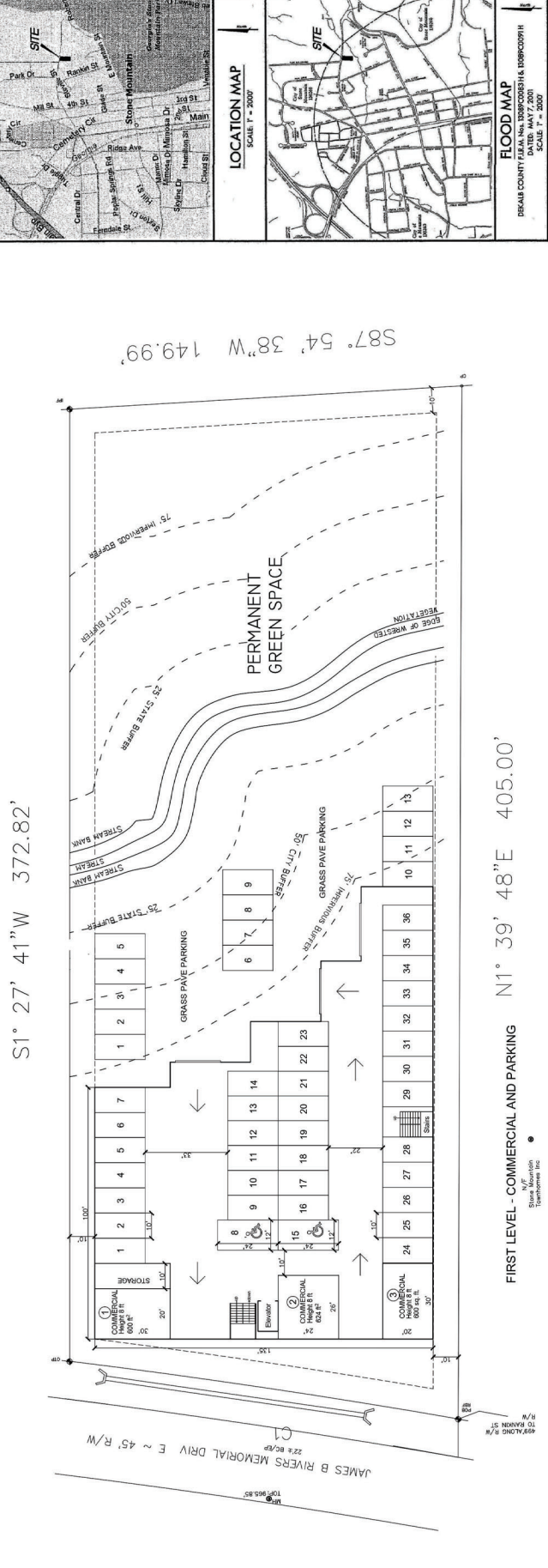
A: Site Plan

B: Architectural Elevations

C: Rezoning Application

D: Statement of Intent

Exhibit A



FLOOD HAZARD NOTE -
 THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE AS DEFINED BY THE
 F.E.M.A. FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA AND INCORPORATED
 AREAS. COMMUNITY PANEL NO. 15895059 H.S. 15895059 H.DATED MAY 7, 2001.

- GENERAL NOTES:**
- BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A SURVEY FOR "CRISTOPHER HUNT" BY [unreadable] INC. ATLANTA, GEORGIA, DATED JULY 15, 2000.
 - PROJECT BENCHMARK: [unreadable]
 - EXISTING UTILITIES AND STRUCTURES SHOWN HEREON ARE NOT TO BE MOVED OR ALTERED UNLESS OTHERWISE SHOWN. ALL UTILITIES AND STRUCTURES TO BE MOVED OR ALTERED SHALL BE IN ACCORDANCE WITH THE CITY OF STONE MOUNTAIN, GEORGIA, UTILITIES AND STRUCTURES DEPARTMENT, DIVISION OF UTILITY ENGINEERING, STANDARD SPECIFICATIONS FOR UTILITIES AND STRUCTURES, EDITION 2000, CHAPTER 10, SECTION 10.01.
 - APPROVED AND A DEVELOPMENT PERMIT TO OBTAIN.
 - REQUIREMENTS REGARDING METALS, NUTRIENTS, AND WATER QUALITY SHALL BE MAINTAINED WITH THE USE OF LEVEL SPREADERS, FILTER STOPS, GRASS SWALES, AND WATER QUALITY PONDS, NO IN-STREAM.
 - AS 20 STATE WATERWAYS SHALL BE MAINTAINED ON ALL STATE WATERWAYS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY O.A.E.P.D., THE CITY OF STONE MOUNTAIN, OR DEKALB COUNTY.
 - PROVIDE AND MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL TO BE IN ACCORDANCE WITH GEORGIA SWIMS MANUAL FOR WATER AND SEWER SERVICE WILL BE PROVIDED BY DEKALB COUNTY.
 - CONTACT THE DEKALB COUNTY ANIMAL CONTROL OFFICE FOR AN ON-SITE EVALUATION PRIOR TO SUBMITTING THE LAND DISSEMINATED TO LACK OF GUIS UNLESS OTHERWISE SPECIFIED.
 - STREET LIGHTS SHALL BE PROVIDED ON THE SAME SIDE OF THE STREET AS SIDEWALKS.
 - CHAPER, STREET LIGHTS SHALL BE PROVIDED ON THE SAME SIDE OF THE STREET AS SIDEWALKS.
 - A SEPARATE BUILDING PERMIT IS REQUIRED FOR DEMOLITION OF EXISTING STRUCTURES.
 - CONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF STONE MOUNTAIN, GEORGIA, UTILITIES AND STRUCTURES DEPARTMENT, DIVISION OF UTILITY ENGINEERING, STANDARD SPECIFICATIONS FOR UTILITIES AND STRUCTURES, EDITION 2000, CHAPTER 10, SECTION 10.01.
 - THE PROPOSED ENTRANCE MEETS OR EXCEEDS MINIMUM SIGN AND PAINT REQUIREMENTS FOR DEKALB COUNTY CODE SECTION 14-19.
 - ALL SERVICES WITHIN DEVELOPMENT TO BE A CONCRETE UNLESS OTHERWISE NOTED.

UTILITY NOTES:

- PUBLIC WATER & SEWER SERVICE PROVIDED BY DEKALB COUNTY.
- DEKALB COUNTY DEVELOPMENT DEPARTMENT AND THE CITY OF STONE MOUNTAIN ARE NOT RESPONSIBLE FOR THE DESIGN OF ANY UTILITIES OR STRUCTURES.
- AS-BUILT WATER & SEWER PLANS REQUIRED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMMENCEMENT OF CONSTRUCTION.
- RECORDING UTILITIES PROTECTION CENTER AT (800)382-7411 AT LEAST 72 HOURS PRIOR TO CONSTRUCTION.
- NOTIFY DEKALB COUNTY WATER & SEWER INSPECTOR AT (678)598-9649 PRIOR TO CONSTRUCTION.
- NOTIFY DEKALB COUNTY DEVELOPMENT INSPECTOR AT (404)971-2417 PRIOR TO CONSTRUCTION.
- WITHIN THE SANITARY SEWER/STORMWATER SYSTEMS DUE TO MAINTENANCE OF SEWER, WATER, OR STORM DRAINING BY DEKALB COUNTY.

DEKALB COUNTY FIRE SERVICE NOTES

- MINIMUM ACCESS ROAD REQUIREMENTS**
 - UNOBSTRUCTED WIDTH: 7.500 LBS.
 - LONG CAPACITY: 20 FT FROM CURB TO CURB
 - MINIMUM CLEARANCE HEIGHT: 15'-0" (MINIMUM CLEARANCE HEIGHT SHALL BE 15'-0")
 - CLEARANCE HEIGHT: 15'-0"
 - TURNING RADIUS: 20' (0.01) 50' (0.0)
 - SEWERAGE: 10% MAXIMUM
 - BUILDING PERIMETER PROXIMITY: NO > 40' OR 4' 9"
 - HYDRANTS MUST BE ON THE PROPERTY SIDE OF THE ROADWAY WITHIN 150 FEET FROM ALL GRADE LEVEL PORTIONS OF STRUCTURE PERIMETER.
 - ADDRESS OR NUMBERS MUST BE LOCATED ON STRUCTURE PLAINLY VISIBLE FROM THE STREET OR ROADWAY.
 - BUILDING HEIGHT WITHIN PROPOSED DEVELOPMENT NOT TO EXCEED 52'.

OFFICE PARKING GROUND LEVEL RESIDENTIAL UPPER LEVEL

Digitally signed by David Hawkins Date: 2021.12.28 14:13:54 -05'00'

David R. Hawkins P.E.
 P.E. No. AL 4179, FL 2005, GA 1604, 1604S
 Civil Engineer (Professional)
 94 Lee Rd., 2022
 Marietta, GA 30066
 DAVID@DAVIDRHAWKINS.COM
 EXPRESS WRITTEN CONSENT OF DAVID R. HAWKINS P.E.

MEMORIAL DRIVE OFFICE / RESIDENTIAL

PLANT LOT 126 - 18th DISTRICT
 CITY OF STONE MOUNTAIN
 DEKALB COUNTY, GEORGIA

TITLE
 ZONING PURPOSE ONLY
 NOT FOR CONSTRUCTION

DATE
 JOB NO.
 SHEET NO.
 DRAWN BY
 CHECKED
 SCALE 1" = 20'
 SHEET C-2



PERMIT TO THE LAND SUBDIVISION REGULATIONS OF THE CITY OF STONE MOUNTAIN, GEORGIA. ALL THE REQUIREMENTS OF TENTATIVE APPROVAL HAVING BEEN FULFILLED, THIS PRELIMINARY APPROVAL IS HEREBY GRANTED TO THE CITY OF STONE MOUNTAIN, GEORGIA, UTILITIES AND STRUCTURES DEPARTMENT, DIVISION OF UTILITY ENGINEERING, STANDARD SPECIFICATIONS FOR UTILITIES AND STRUCTURES, EDITION 2000, CHAPTER 10, SECTION 10.01.

NO.	REVISIONS	DESCRIPTION

DATE
 SECRETARY
 PLANNING COMMISSION

ZONING INFORMATION
 EXISTING ZONE: R2 to RB-1
 SITE AREA: 1.33 ACRES
 DISTRIBUTED AREA: 0.69 ACRES
 TOTAL UNITS: 16-5
 DENSITY: N/A

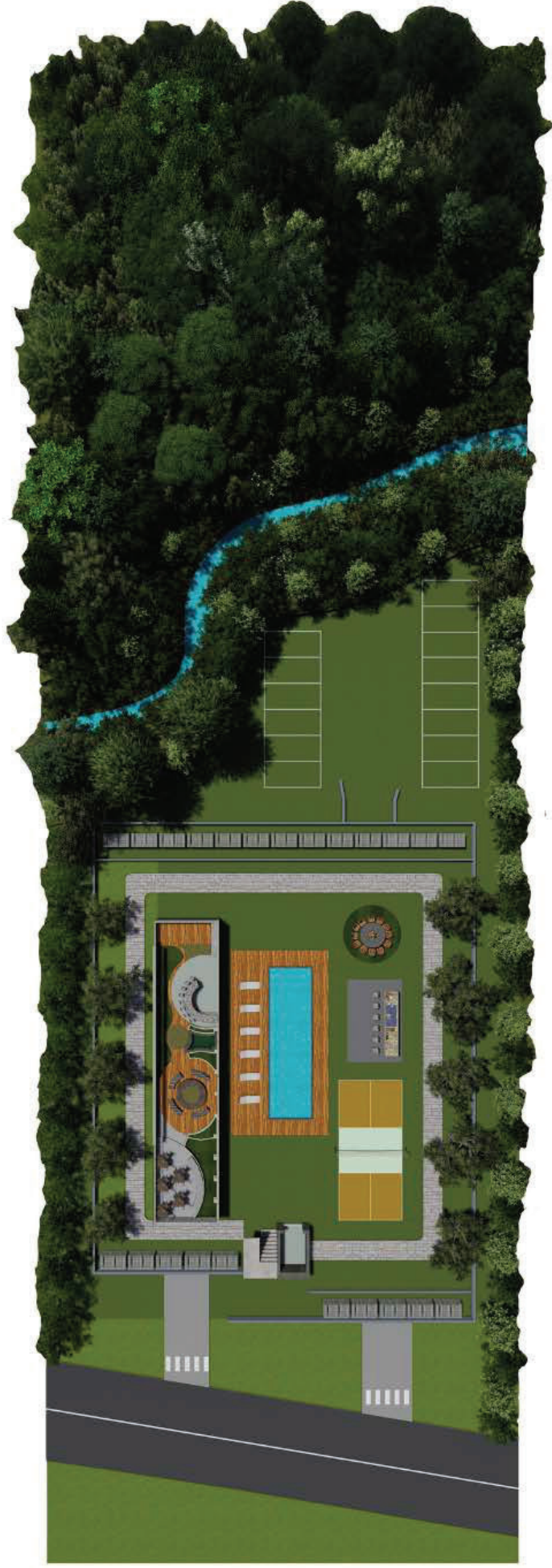
Owner: Hunt Children Ed Trust
Developer: Green Community Dev. LLC

EXISTING UTILITY INFORMATION
 INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTainty OF THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES WHOSE LINES THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND CONTRACTORS SHALL BE RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

Slide 5

Roof Living Deck Site Almost 100% Green Space Zero Water Run-Off

Serenesee™.com @ JBR





Serenesee™ @ JBR Memorial Dr.
TheBestBuilding.com ©2022

CITY OF STONE MOUNTAIN
APPLICATION FOR A ZONING AMENDMENT

APPLICANT'S NAME: CHRISTOPHER M. HUNT SR PERSONALLY
+ TRUSTEE

APPLICANT'S ADDRESS: 5456 PENHURST BLVD 410

CITY: D'HAMBLEE STATE: GA ZIP: 30341

HOME #: _____ OFFICE #: 770 452 3300 CELL #: _____

EMAIL ADDRESS: _____

ADDRESS OF PARCEL TO BE RE-ZONED: 6803 JEFF MEMORIAL DR

CITY: STONE MOUNTAIN STATE: GA ZIP: 30083

CURRENT ZONING CLASSIFICATION: R-2 PROPOSED ZONING CLASSIFICATION: MA-1

LAND USE CLASSIFICATION AS SHOWN ON THE FUTURE DEVELOPMENT MAP: _____

[Signature] 18 Jan 24
SIGNATURE OF APPLICANT DATE

THE INFORMATION BELOW MUST BE COMPLETED IF THE OWNER(S) OF THE PROPERTY IS DIFFERENT FROM THE APPLICANT. THE PROPERTY OWNER'S SIGNATURE BELOW AUTHORIZES THE APPLICANT TO APPLY FOR A ZONING AMENDMENT AS INDICATED ABOVE. IF THE PROPERTY HAS MORE THAN ONE OWNER, THE NOTARIZED SIGNATURE OF ALL PROPERTY OWNERS SHALL BE REQUIRED (USE PAGE 3 FOR ADDITIONAL SIGNATURES)

PROPERTY OWNER'S NAME: HUNT CHILDREN ED TRUST

ADDRESS: 5456 PENHURST BLVD #410

CITY: D'HAMBLEE STATE: GA ZIP: 30341

HOME #: _____ BUSINESS #: 770-452-3300 CELL #: _____

EMAIL ADDRESS: _____

[Signature] 18 Jan 24
SIGNATURE OF PROPERTY OWNER DATE

[Signature] 1-18-24
SIGNATURE OF NOTARY DATE

May 18 2024
COMMISSION EXPIRES



CITY OF STONE MOUNTAIN
APPLICATION FOR VARIANCE(S)

APPLICANT'S NAME: Edith M. Hunt Sr. PERSONALLY + TRUSTEE
APPLICANT'S ADDRESS: 3452 PEACHTREE BLVD 410
CITY: CHAMBLEE STATE: GA ZIP: 30341
HOME #: _____ OFFICE #: 770-457-3388 CELL #: _____
EMAIL ADDRESS: 1COR13ONH@GMAIL.COM
ADDRESS OF PARCEL FOR VARIANCE(S): 6803 JBR
CITY: STONE MOUNTAIN STATE: GA ZIP: 30083
CURRENT ZONING CLASSIFICATION: R-2 PROPOSED ZONING CLASSIFICATION: MR-1
LAND USE CLASSIFICATION AS SHOWN ON THE FUTURE DEVELOPMENT MAP:

[Signature] _____
SIGNATURE OF APPLICANT DATE 18 Jan '24

THE INFORMATION BELOW MUST BE COMPLETED IF THE OWNER(S) OF THE PROPERTY IS DIFFERENT FROM THE APPLICANT. THE PROPERTY OWNER'S SIGNATURE BELOW AUTHORIZES THE APPLICANT TO APPLY FOR A VARIANCE(S) AS INDICATED ABOVE. IF THE PROPERTY HAS MORE THAN ONE OWNER, THE NOTARIZED SIGNATURE OF ALL PROPERTY OWNERS SHALL BE REQUIRED (USE PAGE 3 FOR ADDITIONAL SIGNATURES)

PROPERTY OWNER'S NAME: Hunt Ed Trust
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
HOME #: _____ BUSINESS #: _____ CELL #: _____
EMAIL ADDRESS: _____

[Signature] _____
SIGNATURE OF PROPERTY OWNER DATE 18 Jan '24

[Signature] _____
SIGNATURE OF NOTARY DATE 1-18-24

May 18 2024
COMMISSION EXPIRES



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

In accordance with the Conflict of Interest in Zoning Actions O.C.G.A., Chapter 36-67A-3, the following questions **must** be answered:

Have you, the applicant, made \$250.00 or more in campaign contributions to a local government official, who will consider the application, within two years immediately preceding the filing of this application?

Yes _____ No X _____

If the answer is yes, you **must** file a disclosure report with the City of Stone Mountain showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made to the local government official during the two years immediately preceding the filing of this application and the date of each contribution.

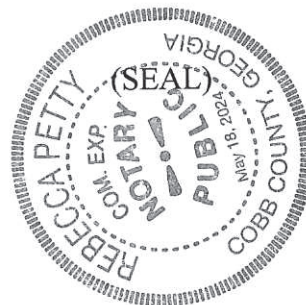
The disclosure(s) must be filed within ten (10) days after the application is first filed.

[Signature] 18 Jun '24
SIGNATURE OF APPLICANT DATE

CHECK ONE: OWNER: AGENT:

[Signature] 1-18-24
SIGNATURE OF NOTARY DATE

May 18 2024
COMMISSION EXPIRES



**COMPLETE AND DUPLICATE THIS PAGE IF ADDITIONAL OWNERS ARE REQUIRED TO
SIGN AUTHORIZING THE APPLICANT TO APPLY FOR A
ZONING AMENDMENT**

PROPERTY OWNER'S NAME: HUNT CHILDREN EDUCATION TRUST
ADDRESS: 5456 PEACHTREE BLVD 410
CITY: CHAMBLEE STATE: GA ZIP: 30341
HOME #: _____ BUSINESS #: 770-457-3300 CELL #: _____
EMAIL ADDRESS: 160213cmhd@gmail.com

[Signature] _____ 18 Jun '24
SIGNATURE OF PROPERTY OWNER DATE

[Signature] _____ 1-18-24
SIGNATURE OF NOTARY DATE

May 18 2024
COMMISSION EXPIRES



STATEMENT OF INTENT

and

Other Materials
For
Rezoning Application
With Variances

of

Green Community Development, LLC
Heart Craft Homes, LLC
Individually Mr. Christopher M. Hunt, Sr.

for

6803 JBR Memorial Drive
+/- 1.33 Acres of Land located in
Land Lot 89, 18th District
Stone Mountain, Georgia

From R-2 to MR-1
Including Units Size Exceed 2,000Ft² and use of Grasspave

17 January, 2024

TM

GREEN COMMUNITY
DEVELOPMENT, LLC

I INTRODUCTION

R-2 to MR-1

This Application seeks the conditional rezoning of 1.33 acres of land located Land Lot 89, 18th District, known as Parcel #18 126 06 002, address 6803 James B. Rivers Memorial Drive, from R-2 to MR-1 to permit the development of sixteen LEED platinum, Net Zero residences at only 12 U.P.A. as existing adjoining MR-1, all above three commercial offices and parking on ground level. The proposed use of residential density and commercial with height restriction of 38' are all in compliance with the current Comprehensive Land Use Plan and adjoining properties on all sides.

Approving this Zoning is proven beneficial for City of Stone Mountain in warding off bad density zonings in areas where density does not belong by showing the City of Stone Mountain is not capricious and arbitrary, but rather adheres to zoning plans and standards. This is proven smart sustainable development and zoning for affordable, quality residences. Currently there a strong need and desire for this quality project as attested to no opposition at the original and then latest zoning attempts after it was proven no proper procedures were done to remove the approved townhouses townhouse development to current incompatible and non-compliant R-2 single family zoning.

This property will be a show place for Stone Mountain's vision for new city plan that will help transform Stone Mountain. The Conditions of Zoning set a higher standard than existing surrounding properties so the proposed development will establish a desirable standard to increase values for adjoining properties and citizens who are currently damaged by non-conforming R-2.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's Constitutional rights, and a written Justification for the Application. This document also is intended to address and substantiate the requisite responses to the state "Steinberg Act", O.C.G.A. § 36-67-1 et seq. A plat of the property with seal has been filed contemporaneously with the Application, along with other required materials. Mr. Hunt is personally a party to rezoning with all legal rights. The previous approval was with no notice converted to R-2 and the past attempts to rezone as optimistic peacemaker was denied due to perjury by past officials who were only opposition. This suffices for legal purposes as Applicants believe with new administration the third time is a charm.

II AREA CHARACTERISTICS

The Subject Property is located on busy commercial corridor on the southern side of James B. Rivers "JBR" Memorial Drive only a thousand feet from main entrance of Sone Mountain Park. The zonings of adjoining properties mandate the MR-1: on west are high-density almost dilapidated condominiums, to east commercial, to south cluster homes and across the street to north commercial. All along JBR are compatible zonings and densities. There are apartments, churches, schools, commercial, cluster homes, and a minority single family residential so there would only be positively effect by this zoning. Therefore, MR-1 is perfect use of property for both the citizens and owner.

The Stone Mountain City Council has already sanctioned redevelopment in this area for projects quite similar to the one proposed for the Subject Property, as this property was previously zoned for townhouses with no objections at those hearings. The previously approved and LDP cleared variance is consistent with setbacks of existing properties and per attached show the benefit to alternative designs without variances.

III. HISTORY

The Subject Property had been zoned for townhouses for years per Stone Mountain Zoning Maps with approved and LDP cleared to 25' stream buffer. There has never been any opposition to this sustainable project that is to be first project that fulfills Stone Mountain's vision for future. Other

tracts in the area being rezoned to higher densities and less valuable buildings. The planning commission has approved previous designs.

IV LIST OF STANDARDS TO GRANT REZONING WITH VARIANCE

1. THE EXISTING USES AND ZONING OF NEARBY PROPERTY

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT OR NEARBY PROPERTY.

The Subject Property is entirely consistent with surrounding residential developments as it is abutting Cluster Home subdivisions and condos of even denser UPA that contains a private drive with on street parking – no garages. The proposed development will have a positive impact on the surrounding area and will help maintain residential integrity with high property values. The MR-1 is perfectly aligned with commercial adjoining to west and across the street and all along Memorial Drive and Stone Mountain Park main entrance a thousand feet west.

2. THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THEIR PARTICULAR ZONING RESTRICTIONS:

THE CURRENT UNREQUESTED ZONING OF R-2 IS A SERIOUS NON-CONFORMING DIMINISHMENT OF VALUE FROM PREVIOUSLY APPROVED TOWNHOUSES.

3. This makes no sense: “The extent to which the possible reduction of property values of subject property promotes the health, safety, morals or general welfare of the public”. All these benefits occur by the proper increase of property value of granting rezoning.

I think it should read:)

3. THE EXTENT TO WHICH THE REQUESTED ZONING PROMOTES THE HEALTH, SAFETY, MORALS OR GENERAL WELFARE OF THE PUBLIC

THE REQUESTED MR-1 IS PERFECTLY COMPATIBLE WITH AREA ON MAJOR THOROUGHFARE OF MEMORIAL DRIVE WITH HUNDREDS OF THOUSANDS OF PARK VISITORS. The first of its kind high quality, sustainable development will appreciate all property values and restore Stone Mountain to its historical Atlanta city travel destination that was lost due to racism and past derelict city management.

Health: sustainable with goal LEED Platinum development and construction that saves lives and planet.

Safety: Exclusive lifetime warranty “Patented Peace of Mind™” Fireproof, mold proof, termite proof, non-decaying, zero VOC, carbon reducing as every 2,400Ft2 helps transform an existing 30 tons of climate change CO2 into oxygen by trees saved.

Morals: wise ethical use of expert sustainable land planning to save half of property as green space and not disturb stream, rooftop living decks, etc.

General Welfare of the Public: All property owners in City of Stone Mountain will appreciate in value and attract more quality citizens. Will bring about the remodeling of ghetto like condos next door where I lived for a couple years when much better quality as apartments back in 80s.

4. THE RELATIVE HARM TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

THE ZONING PROPOSAL WILL NOT ADVERSELY EFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTIES.

The development's design and use of appropriate density, landscaping, buffers, privacy fence and other conditions voluntarily assumed only enhances the values of adjacent or proximate properties.

5. THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONING PROPOSED:

THERE IS NO HARM, ONLY BENEFIT TO THE PUBLIC. THE SUBJECT PROPERTY TO BE EFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

Subject property was previously zoned in for townhouses and is now vacant after house was demolished and LDP permitted clearing to variance approved 25' stream buffer. Due only to Great Recession and Stone Mountain being such a depressed market it was financially unviable to be first of kind high quality, sustainable, and then when finally ready to start was surprised to discover city on its own initiative to which there is no public records provided to justify anything was done properly nor any advertising or notice to owner was changed to citizen damaging incompatible R-2, and then previous attempts to rezone and make lemonade of lemons was a legally liable administrative disaster to extent in one hearing the previous city attorney in open hearing recommended approving the zoning and deal with last minute raised issue of variance for stream later. Applicant had paid for variance but unrequested the money was returned as "variance payment not needed as included in the rezoning". Then only at last hearing the city started making arguments against approving the variance that the Georgia State watershed staff proved the applicant was correct and city wrong; so improper denial is another liability for city. The immediately surrounding properties have been granted zonings for commercial and condominium. The proposed use of commercial ground level and of stores and offices and housing are in high demand, the Applicant on behalf of the property owners, respectfully submits that the current zoning of R-2 economically penalizes the property owners and prohibits them from realizing reasonable economic return which is "balanced" by public welfare concerns. On behalf of the Applicant, the incompatible and non-conforming R-2 land prices will not support low-density development so as to allow a reasonable economic return from development.

Accordingly, the Applicant, on behalf of the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of Stone Mountain, Georgia, as amended from time to time and known as the "Stone Mountain Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the development of this project (or to the extent conditions inconsistent with the requested zoning might be imposed), is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Stone Mountain Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the City Council to impose greater restrictions upon the manner in which the property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current R-2 zoning classification and any other zoning of the Property save for what has been requested (MR-1) by it as established in the Stone Mountain Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers

because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners.

6. THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED, CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE PROPERTY:

Since house was demolished in 2005 for previously approved townhouses with stream buffer.

7. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

SEE 1-5 Not only suitable but preferred as desperately needed to help transform current ghetto condos and depressed value properties in area. Show property project for millions of visitors to park.

8. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

SEE 4 AND 10 and proposed use benefits and compliments all adjoining properties and residents of Stone Mountain by being sustainable,

9. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Absolutely not! Applicant has already invested \$100,000s for townhouses, demolished the previous nice house under LDP that could have been rental house and was located in the City buffer.

10. WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

THE REQUESTED ZONING PROPOSAL WILL NOT RESULT IN A USE WHICH WILL, OR COULD, CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS.

This project, if approved, certainly will not adversely effect existing streets, transportation facilities, utilities or schools given its small scale as compared to the available capacity of all streets, transportation facilities, utilities and schools. The proposed use will not have a negative impact or cause an excessive or burdensome use of existing utilities. According to Stone Mountain's recent studies, water, sewer and drainage facilities are all sufficient to permit Applicant's proposed use. Sewer lines are adjacent to the Property and sewer capacity is available to service this project. Further, the main water line serving the Property is eight (8) inches and adequate to handle the Property's water needs. There are ample resources necessary to provide electric, gas, water and telephone utilities to the project. The new homebuyers and commercial businesses will provide desperately needed tax base and incentivization to help improve bad reputation Stone Mountain schools.

11. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN AND FUTURE DEVELOPMENT MAP:

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN AND ALL SMART CITY PLANNING AND BEST SUSTAINABLE PRACTICES.

The citywide Comprehensive Land Use Plan which Stone Mountain adopted consists of a text and series of maps. In this instance the Application complies fully with the Plan Map, which sanctions development as Applicant desires. Moreover, the Application satisfies the Plan's general long-range goals as set forth in the text, including:

(a) Appropriate use and management of land, water, soils, forest, mineral, historic and human resources and planned and orderly growth consistent with the County's resources and ability to extend or provide necessary public services and facilities to accommodate and support such development;

(b) Limitation of growth in areas that cannot sustain increased development due to environmental or infrastructure constraints; and

(c) Planned growth consistent with County resources and the ability to extend or provide necessary public services and facilities to accommodate and support development.

The Applicant's proposed use will promote all of the above goals, policies and objectives, among others. The Applicant's overall project constitutes a high-quality and first-class use. The project is located in that portion of Stone Mountain which has a very strong need for housing to accommodate the needs of the community and commercial Decatur area. The population of this area is projected to increase and given the already high demand for single family residences, only underscores the need for residential development and suggests that additional residential development will and should continue, and this community's sentiment is single family residential is much more favorable than alternative of more apartments. Applicant's proposed development is consistent with such development trends and projections. Redevelopment of this quality should encourage similar infill in this area and would stabilize it.

In addition to compliance with these general goals, this request is consistent with specific short-term objectives and Policies of the new Plan as follows:

Objective: Maintain and improve the individual character and identity of neighborhoods and communities.

(Housing and Land Use)

Policies:

1. Protect established single-family residential neighborhoods from encroachment by incompatible development.

2. Encourage appropriate transitions between various residential districts by a appropriate intermediate land uses.

3. Encourage clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries which are convenient to population concentrations and major transportation facilities.

Objective: Provide opportunities for quality, affordable, safe and sanitary housing to all residents of Stone Mountain.

Policies:

1. While meeting infill and historic guidelines, identify and encourage new and innovative approaches to quality residential developments which expand housing opportunities and minimize public and private costs.

Objective: Develop appropriate mix of dwelling types, sizes and prices to meet current and projected housing needs of the County's residents.

Policies:

1. Encourage level and type of residential development compatible with physical limitations of the land and the surrounding natural and built environment.

In summary, the project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby sites, in an area which is convenient to shopping and office uses. The proposed use therefore is suitable vis-a-vis the policies.

12. OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

The Subject property is located only two miles to the south of Hwy 78, approximately one mile west of entrance of Stone Mountain and less than a mile from city of Stone Mountain's commercial zone. Its relative ease of access, coupled with the development which has occurred in this area, have resulted in this node of commercial generating an extremely high demand for housing as proposed by Applicant. To the Applicant's best knowledge, there are no known existing nor changing conditions that would negatively effect the use and development of this land.

13. THE IMPACT UPON THE APPEARANCE OF THE CITY:

THIS PROJECT WILL DO MORE TO HELP STONE MOUNTAIN ACHIEVE ITS NEW VISION, MISSION STATEMENT AND ALL THE MONEY INVESTED TO DATE. Stone Mountain has a very serious bad appearance, image and reputation. The city is doing great in actively and aggressively implementing improvements to transform the city appearance to make it a desirable home and business location.

14. THE IMPACT UPON THE PROVISION OF WATER, SEWAGE, TRANSPORTATION AND OTHER URBAN SERVICES:

NEGLIGIBLE AND SEE 10. Tax revenue 100Xs to 1 benefit city to any negligible increases use of resources.

15. THE IMPACT UPON POPULATION DENSITY AND THE POTENTIAL FOR OVERCROWDING AND URBAN SPRAWL:

PROPOSED ZONING MR-1 AS A WORK/LIVE IS THE ZONING CATEGORY TO SOLVE URBAN SPRAWL. The MR-1 use on major thoroughfare is perfect as population density is a non-issue being at entrance to park and walk to city.

16. THE IMPACT UPON THOROUGHFARE CONGESTION AND TRAFFIC SAFETY:

NONE AND SEE 14. Owner has provided cost effective engineering and street design solution to the city's true traffic issue of the five-way intersection south of site that is a detriment to this project and everything improving in city.

17. THE PROTECTION OF PROPERTY AGAINST BLIGHT AND DEPRECIATION

THE MR-1 ZONING WITH ARCHITECTURAL DESIGN AND QUALITY OF PROJECT WITH HOA MAINTENANCE PREVENTS BLIGHT AND DEPRECIATION. In fact, this project

will help the condos next door no longer be a blight and depreciative eye-sore embarrassment to entire city.

CONSTITUTIONAL CHALLENGE IS BEING RAISED

All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Property owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

Further, the Applicant respectfully submits that the City Council ' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the City Council cannot lawfully impose more restrictive standards upon the development of the property than are being proposed as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article M Section IV, Paragraph II of the Georgia Constitution.

Specifically, the substance of their argument was that if the board denied their rezoning requests, such zoning action would violate Art. I, Sec. I, Par. I of the Georgia Constitution of 1983, on grounds that the rezoning action would constitute an abuse of the police power, in that the action would bear no substantial relation to the public health, safety, morality, or general welfare; hence, it would constitute a deprivation of property without due process of law. It was further argued that the zoning regulation would result in relatively little gain or benefit to the public, while inflicting serious injury or loss on the property owner and, therefore, would be confiscatory and void. In addition, it was alleged that the Fifth and Fourteenth Amendments to the United States Constitution would be violated. Finally, it was alleged that the existing zoning of the properties was unconstitutional, in that it rendered the properties unusable and destroyed their marketability and, therefore, constituted a taking of property without just compensation and without due process of law, in violation of the Fourteenth Amendment to the United States Constitution, as well as Art. I, Sec. I, Par. I and Art. I, Sec. III, Par. I (a) of the Constitution of Georgia of 1983. *Cobb County Bd. of Commrs. v. Poss* 257 Ga. 393 (1987) 359 S.E.2d 900

As previously stated, under *Bremby*, the constitutional challenge before the zoning authority need not be raised with such particularity. See note 6 *infra*. As held in *Bremby*, it is only necessary that the local zoning officials be given fair notice that a constitutional challenge is being raised, so as to afford them an opportunity to amend the zoning ordinance to the classification sought or to an intermediate classification which is constitutional.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, *Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). *Richmond Concrete Products Co. v. Ward*, 212 Ga. 773, 774 (95 SE2d 677) (1956).

zoning is subject to the constitutional prohibition against taking private property without just compensation. *Tuggle v. Manning*, supra; *Glynn County Comrs. v. Cato*, 183 Ga. 111 (187 S.E. 636); *City of Thomson v. Davis*, 92 Ga. App. 216, 220 (88 S.E.2d 300). *Barrett v. Hamby* Supreme Court of Georgia 235 Ga. 262 (Ga. 1975). Zoning is subject to the constitutional prohibition against taking private property without just compensation. *Tuggle v. Manning*, supra; *Glynn County Comrs. v. Cato*, 183 Ga. 111 (187 S.E. 636); *City of Thomson v. Davis*, 92 Ga. App. 216, 220 (88 S.E.2d 300). For example, a sister state has ruled on similar facts that a zoning ordinance restricting an area to residential use is void as to property located in the area but so situated in relation to a commercial zone as to be peculiarly unattractive, if at all salable, for residential uses. *Krom v. City of Elmhurst*, 8 Ill.2d 104 (133 N.E.2d 1). As the individual's right to the unfettered use of his property confronts the police power under which zoning is done, the balance the law strikes is that a zoning classification may only be justified if it bears a substantial relation to the public health, safety, morality or general welfare. Lacking such justification, the zoning may be set aside as arbitrary or unreasonable. *Nectow v. Cambridge*, 277 U.S. 183, 188 (1928); *City of Thomson v. Davis*.

But the issue even more important than the economics is serving the needs of this community via sustainable development and the demand for a superior type of housing product. This Application provides as the only financially viable option for both property owners and Applicant.

In conclusion, for the foregoing reasons as well as attached Affidavit of City of Stone Mountain Illegal removal of Zoning and improperly denied attempts to rezone to a more appropriate zoning MR-1 with height restriction to 38' feet. Applicant Christopher Hunt has been respectfully requests that the Rezoning Application MR-1 at issue be approved. The Applicant also invites and welcomes any comments from City Council, Staff or other officials of City of Stone Mountain so that such recommendations or input might be incorporated as conditions for approval of the Application.

Sincerely,



Christopher M. Hunt, Sr. Applicant
Green Community Development, LLC
Hunt Investment Trust
5456 Peachtree Industrial Blvd., Ste 410
Atlanta, Georgia 30341-2235
(770) 457-3300
CMH@GreenCommunityDev.com

Justification for Rezoning to MR-1 Zoning and Granting Variances
For unit size to exceed 2,000Ft2 and only grass pave within city 75' Buffer

City Council of Stone Mountain and Stone Mountain Planning Commission 17 January 24

Dear City Council Members,

The following Application for rezoning is justified for these reasons:

1. The Subject Property does not have reasonable economic value under its non-compatible, imposed current zoning of R-2. The Constitutional, legal rights and reasoning for this project are set forth in a separate submittal.

2. The request of rezoning to more appropriate zoning MR-1 with reinstated reasonable variance for only grasspave parking within the city 75' stream buffer up to the 25' state stream buffer is due to property configuration. The proposed development all cars and most visitors garage parking instead of undesirable open street parking or single car garages except for overflow parking in environmentally friendly grass pave. The previous house was located in the city buffer and clearing was done to 25'.

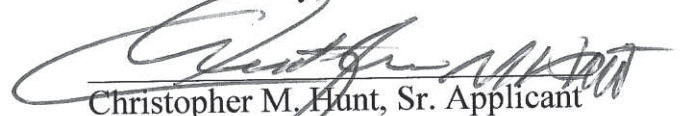
3. This Application is requesting a plan consistent with the intent of current Land Use Plan and compliments existing zoning of adjoining properties in UPA and office use. The height restriction to 38' (feet) with building footprint alleviates any concerns of a development size beyond harmony and beneficial to area.

4. The Application, if approved, would only be advantageous to the community in many ways and will have no known negative impact. Just a few of the advantages are a standard setting quality development that will set an excellent precedent to attract other similar quality developments, increase tax base and raise property values, attract a desirable demographic group of young professionals and empty nesters. Historically in more than three times as previously approved there has been only support for this project with no opposition.

5. The green space of site plan to rear and the setbacks of any effected adjoining neighbors are superior to other zonings as this development provides two car garage parking and thereby enhances the privacy and property values of adjoining neighbors. The quality of this project will enhance the image of Stone Mountain and help attract similar quality buyers into the area.

Please see all the expert engineered plans and Applicant's expertise. Thank you for your consideration and support at the upcoming City Council Hearings. If you should have any questions or comments, please do not hesitate to call me (770) 457-3300.

Sincerely,



Christopher M. Hunt, Sr. Applicant
Green Community Development, LLC
CMH@GreenCommunityDev.com
Hunt Investment Trust

5456 Peachtree Industrial Blvd., Ste 410 Atlanta, Georgia 30341-2235 (770) 457-3300

EXHIBIT A

WHY THE BACK HALF OF PROPERTY SHOULD BE LEFT GREEN SPACE WITH NO CROSSING OF STREAM AND WITH LIVING ROOF TOP DECKS, GRASS PAVE, RAINWATER CAPTURE WITH WATER RECYCLE, ETC. “SMART \$USTAINABLE” DEVELOPMENT
Trees Improve Our Air Quality (<http://urbanforestrynetwork.org/benefits/air%20quality.htm>)

Urban forests help to improve our air quality. Heat from the earth is trapped in the atmosphere due to high levels of carbon dioxide (CO₂) and other heat-trapping gases that prohibit it from releasing the heat into space. This creates a phenomenon known today as the “greenhouse effect.” Therefore, trees help by removing (sequestering) CO₂ from the atmosphere during photosynthesis to form carbohydrates that are used in plant structure/function and return oxygen back into the atmosphere as a byproduct. Roughly half of the greenhouse effect is caused by CO₂. Therefore, trees act as carbon sinks, alleviating the greenhouse effect.

On average, one acre of new forest can sequester about 2.5 tons of carbon annually. Young trees absorb CO₂ at a rate of 13 pounds per tree each year. Trees reach their most productive stage of carbon storage at about 10 years at which point they are estimated to absorb 48 pounds of CO₂ per year. At that rate, they release enough oxygen back into the atmosphere to support two human beings. Planting 100 million trees could reduce an estimated 18 million tons of carbon per year and consequently save American consumers \$4 billion each year on utility bills.

Trees also reduce the greenhouse effect by shading houses and office buildings. This reduces the need for air conditioning by up to 30 percent which in turn reduces the amount of fossil fuels burned to produce electricity. The combination of CO₂ removal from the atmosphere, carbon storage in wood and the cooling effect makes trees extremely efficient tools in fighting the greenhouse effect. Planting trees remains one of the most cost-effective means of drawing excess CO₂ from the atmosphere. If every American family planted one tree, the amount of CO₂ in the atmosphere would be reduced by one billion pounds annually. This equates to almost 5 percent of the amount that human activity pumps into the atmosphere each year.

It is estimated by the U.S. Forest Service that all the forests in the United States, combined, sequestered approximately 309 million tons of carbon each year from 1952 - 1992, offsetting approximately 25 percent of human-caused emissions of carbon during that period. Over a 50-year lifespan, a tree generates almost \$32,000 worth of oxygen, providing \$62,000 worth of air pollution control. This tree would also be responsible for recycling \$37,500 worth of water and controlling \$31,000 worth of soil erosion.

The Worldwatch Institute, in its *Reforesting the Earth* paper, estimated that the earth needs at least 321 million acres of trees planted just to restore and maintain the productivity of soil and water resources, annually remove 780 million tons of carbon from the atmosphere and meet industrial and fuel wood needs in the third world. For every ton of new-wood growth, about 1.5 tons of CO₂ are removed from the air and 1.07 tons of life-giving oxygen is produced.

Trees also remove other gaseous pollutants through the stomata in the leaf surface by absorbing them with normal air components. Some of the other major air pollutants and their primary sources are:

- Sulfur Dioxide (SO₂) – Sixty percent of sulfur dioxide comes from coal burning for electricity and home heating while 21 percent comes from refining and the combustion of petroleum products.

- Ozone (O₃) – Ozone is a naturally occurring oxidant that exists in the upper atmosphere. O₃ may be brought to Earth by turbulence during severe storms. Also, small amounts are formed by lightning. Automobile emissions and industrial emissions mix in the air and undergo photochemical reactions in sunlight releasing ozone and another oxidant, peroxyacetylnitrate (PAN). Naturally, high concentrations of these two oxidants build up where there are many automobiles.
- Nitrogen Oxides (NO_x) – Probably the largest producer of nitrogen oxide is automotive exhaust. These are also formed by high temperature combustion when two natural air components are present; nitrogen and oxygen.
- Particulates – These are small particles emitted in smoke from burning fuel, particularly diesel, which enters our lungs and causes respiratory problems. With trees present, there is up to a 60 percent reduction in street-level particulates.

Studies have shown that in one urban park, tree cover removed 48 pounds of particulates, 9 pounds of nitrogen dioxide, 6 pounds of sulfur dioxide, 0.5 pounds of carbon monoxide and 100 pounds of carbon – daily. It has also been noted that one sugar maple along a roadway removes 60mg cadmium, 140mg chromium, 820mg nickel and 5,200mg lead from the environment in one growing season.



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Christopher Hunt

LOCATION: 6803 James B Rivers Memorial Drive
(Parcel ID: 18 126 06 002)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: MR-1: Multi-family Residential

REQUEST: Variance request from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet.

ZONING/ADJACENT LAND USE:

North	R-2: Traditional Residential
South	R-2: Traditional Residential
West	MR-1: Multi-family Residential
East	R-2: Traditional Residential & GS: Green Space

Comprehensive Plan:
Future Land Use Designation: Townhome/Duplex Residential
Character Area: Park Edge

MEETING INFORMATION:

Planning & Zoning Commission:	01/22/2024 – 6:30 P.M.
City Council 1 st Read:	02/20/2024 – 6:30 P.M.
City Council Public Hearing:	03/05/2024 – 6:30 P.M.

RECOMMENDATION: Approval with conditions.

BACKGROUND:

February 20, 2024

To: City of Stone Mountain Mayor & City Council

From: Richard Edwards, Planner

Subject: Variance request from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet.

Background: This is a concurrent variance that will be part of the applicant's request to rezone from Traditional Residential (R-2) to Multi-family Residential (MR-1) to construct a three-story mixed-use building. The proposed mixed-use building will consist of 16 residential units and three (3) commercial spaces. The unit will range in size from 750 square feet up to 2,700 square feet.

Section 5-6.5 sets maximum and minimum floor area requirements for residential and commercial uses. For residential uses, the minimum floor area requirements is 400 square feet and the maximum floor area requirements is 2,000 square feet. The proposed development has six (6) units that would exceed the 2,000 square foot maximum floor area. Unit 7, 8, 15, and 16 are 2,400 square feet and units 6 and 14 are 2,700 square feet.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the variance request in accordance with the required review criteria.

A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

There is a stream and required buffers that meander across the property that places half of the property within a stream buffer with greater restrictions than most properties. However, this variance request does not directly relate to the size, shape, nor topography of the lot.

B. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.

The strict application of the zoning ordinance could be considered an unnecessary hardship. The applicant is requesting to develop larger residential units in a mixed-use building that could accommodate larger families.

C. Such conditions are peculiar to the particular property involved.

These conditions would not be peculiar to this particular property, as all properties zoned Multi-family Residential (MR-1) would be held to the same standard.

D. Such conditions are not the result of any actions of the property owner.

This request is a direct result of the property owner wishing to construct larger residential unit.

E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed use would cause detriment to the public good. However, this request does not fall within the intent of the zoning ordinance, but this could be considered an unnecessary hardship.

STAFF RECOMMENDATION:

The Planning Commission recommended approval of the variance from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet with the following conditions:

1. The property shall be developed in substantial conformity with the site plan labeled “EXHIBIT A.” Said site plan is conceptual only and must meet or exceed the requirements of the City’s ordinances prior to the approval of a Land Disturbance Permit. Adjustments to the site plan are authorized to meet the requirements of the ordinances and these conditions of zoning, pursuant to the Zoning Administrator.
2. The average size of all the residential units shall be 2,000 square feet or less.

Staff recommends approval of the variance from Section 5-6.5(A)(9)(a) to increase the maximum floor area for residential units from 2,000 square feet to 2,700 square feet with the following condition:

3. The property shall be developed in substantial conformity with the site plan labeled “EXHIBIT A.” Said site plan is conceptual only and must meet or exceed the requirements of the City’s ordinances prior to the approval of a Land Disturbance Permit. Adjustments to the site plan are authorized to meet the requirements of the ordinances and these conditions of zoning, pursuant to the Zoning Administrator.
4. The average size of all the residential units shall be 2,000 square feet or less.

EXHIBITS:

- A: Site Plan
- B: Application



City of Stone Mountain Office of the City Clerk

OFFICIAL NOTICE

March 1st, 2024

Please see the below table regarding the calculations for the Hourly cost for Shawn + Danny:

	Shawn	Danny	Total
Salary	\$ 120,000.00	\$ 51,500.00	\$ 171,500.00
Monthly (12 months)	\$ 10,000.00	\$ 4,291.67	\$ 14,291.67
Daily (4 Weeks*5 Days)	\$ 500.00	\$ 214.58	\$ 714.58
Hourly (8 hours)	\$ 62.50	\$ 26.82	\$ 89.32

Please see the total amount of time needed to complete this work in Hours, Days, Weeks, and Months:

Total Hours	220.00	Total Hours
8 Hours per day	27.50	Days
5 day week	5.50	Weeks
4 week month	1.38	Months

Please note that using (a rate of \$89.32 per hour)*(projected 220.00 hours of work), this leads up to a **total cost of: \$19,651.04** prior to hiring a 3rd party contractor in order to dig into archived data/our networks.

Please also note that this assumes that the scope of work will be the same as previously requested. Assuming that CM Gil Freeman would also like additional information since then, the amount of hours worked would have increased; thus, increasing the overall cost.

RESOLUTION 2024-03

A RESOLUTION AMENDING THE GENERAL FUND BUDGET FOR FISCAL YEAR 2022

WHEREAS, the local fiscal year 2022 budget for the City of Stone Mountain, Georgia was adopted in December 2021; and

WHEREAS, it is necessary to amend such budget now;

THEREFORE, be it resolved by the Mayor and Council of the City of Stone Mountain, Georgia, that the following amendment to the General Fund budget for Fiscal Year 2022 be made this 5th day of, March 2024

Fund 01	General Fund			
Revenue:	<u>Line Item Description</u>	<u>Increase</u>	<u>Decrease</u>	<u>Balance</u>
01-3000-31-1100	Real Property - Current Yr		-\$200,000	
01-3000-31-4900	Motor Vehicle Sale Tax		-\$65,511	
	TOTAL:			-\$265,511
Expenditures:				
Administration				
01-5030-52-1200	Professional Services	\$30,370		
Public Safety				
01-5040-51-1100	Regular Employees	\$89,583		
01-5040-51-1300	Overtime	\$17,626		
01-5040-51-2700	Works' Comp	\$15,900		
01-5040-52-3102	Law Enforcement & Liab.	\$22,451		
Capital Outlay				

01-5040-54-2200	Vehicles	\$89,581		
Total Expenditures				\$265,511

Dr. Beverly Jones, Mayor

Shawntez Edmondson, City Clerk