CITY OF JONESBORO

Work Session

VIA ZOOM MEETINGS

July 6, 2020 – 6:00 PM

NOTE: As set forth in the Americans with Disabilities Act of 1990, the City of Jonesboro will assist citizens with special needs given proper notice to participate in any open meetings of the City of Jonesboro. Please contact the City Clerk's Office via telephone (770-478-3800) or email at ***rclark@jonesboroga.com*** should you need assistance.

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Agenda

I. CALL TO ORDER - MAYOR JOY B. DAY

II. ROLL CALL - RICKY L. CLARK, JR., CITY MANAGER

III. INVOCATION

IV. ADOPTION OF AGENDA

V. WORK SESSION

1. Discussion regarding a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

2. Discussion regarding 20-VAR-003, variances for having an electronic message sign in a residentially zoned district, exceeding maximum LED sign area, exceeding maximum sign height, and minimum distance from the right-of-way line, for an existing church by Shiloh Baptist Church for property located at 216 West Mill Street (Parcel No. 13241A B010), Jonesboro, Georgia 30236.

3. Discussion regarding a Conditional Use Permit Application 20-CU-005 for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236.

4. Discussion regarding a variance 20-VAR-004 for maximum building height and use of predominantly wood as an exterior material in the Historic District for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236.

5. Discussion regarding a proposed curb cut onto Batiste Way for Reid's Auto Repair at 244 South Main Street.

6. Discussion regarding a map amendment to the Official Zoning Map for rezoning of 9.0 acres of property fronting Old Morrow Road, Parcel ID# 12-0049D-00A from Clayton County's "Heavy Industrial" to Jonesboro's "Light Industrial" and to annex 9.0 acres of property in the corporate city limits of the City of Jonesboro. (Applicant – Brennan Investment Group)

7. Discussion regarding a Conditional Use Permit Application 20-CU-005 for warehousing and storage, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236.

8. Discussion regarding a Variance 20-VAR-006 for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236.

9. Discussion regarding a Variance 20-VAR-005 for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236.

10. Discussion regarding a Conditional Use Permit Application 20-CU-006 for warehousing and storage, by Brennan Investment Group, for an annexed property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236.

11. Discussion regarding Application #20-ALC-002, a request for a Retail Package Dealer license to sell beer and wine beverages for Lidl US Operations dba "Lidl", located at 8155 Tara Boulevard by Boudewign Tiktak.

12. Discussion regarding the Georgia Initiative for Community Housing.

13. Discussion regarding the following appointments to the Jonesboro Housing Authority:

    Curtis Burrell – three (3) year term – to expire April 29, 2020
    Carol Cannon – three (3) year term – to expire June 9, 2018
    Allen Roark – three (3) year term – to expire September 20, 2019
    Therese Guidry – [Housing Resident] one (1) year term – to expire June 13, 2018

14. Discussion regarding a City of Jonesboro Housing Study and Needs Assessment.

15. Discussion regarding a minor subdivision plat application 20-SUB-001 for 8500 Tara Boulevard, parcels 05240B A004, 05239 241002, and 05240B A003.

16. Discussion regarding a subrecipient agreement for use of Community Development Block Grant ("CDBG") Funds between Clayton County and the City of Jonesboro for the Broad Street Plaza Project in the amount of $200,000.00.

17. Council to consider lifting from table, Ordinance 2020-013, a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III “Specimen Tree Protection” to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

VI. OTHER BUSINESS

VII. ADJOURNMENT

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # 5.1 – 1

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza, for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-107 – C-2 Zoning Purpose and Standards; 86-183 Conditional Use Standards for Churches; Chapter 86 – Appendix – Thoroughfare Plan

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes — Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Denial of Conditional Use application;** Recently, Mr. John Carlisle of Jonesboro Commercial Center, LLC submitted a Conditional Use Permit application for a new church on the subject property, in addition to separate church organizations currently operating on the property (Iglesia de Cristo Elim Heme Aqui, Impact Ministries, New Mount Carmel Apostolic Church). In the last ten years, there have been multiple places of religious assembly operating (often concurrently) on the subject property. There have also been a number of commercial businesses at the property, most currently Real 2 Real recording studio and Family First Meats. Most of the subject property is taken up by an existing commercial "strip mall building" with associated parking in the front. Though the property and building are listed, per the County Tax Assessor, as 7857 Old Morrow Road, most of the connected suites / storefronts within the building have street numbers separate from the listed address – 7815, 7827, 7845, etc. The Casa De Alabanza Conditional Use application is for the 7827 Old Morrow Road suite.

Recent History Summary for entire subject property:

1. November 11, 2013 – John Carlisle's request for a Conditional Use for a church at 7857 Old Morrow Road was denied by City Council.
2. May 12, 2014 – John Carlisle's request for a Conditional Use for a church at 7839 Old Morrow Road was approved by City Council.
3. August 11, 2014 – John Carlisle's request for the rezoning of 7857 Old Morrow Road from O&I (Office-Institutional) to C-2 (Highway Commercial) was approved by the City Council.
4. October 2018 – The New Mount Carmel Apostolic Church was allowed by new City Zoning Administrator David Allen to assume the place of the recently moved Servants of Love 5Fold Outreach Ministries, which had been gone less than 90 days. (See Sec. 86-121.)
5. February 2019 – The City Manager Ricky Clark and Zoning Administrator David Allen personally worked with Mr. Carlisle to locate a new commercial business (food service) at his Old Morrow Road property.
6. February 2019 – The City's Table of Uses and Conditional Use standards were revised, affecting many types of uses. One of the changes affecting churches and other certain uses (from diagnostic laboratories to libraries and tire stores) was the requirement that these specified uses be located in stand-alone buildings and not connected storefronts.
7. May 2019 – The City's Table of Uses and Conditional Use standards were further revised, including churches.

In June 2019, the property owner, Mr. Carlisle, inquired about the new standards and how they would affect an additional church going into the building on the property. The Zoning Administrator replied that all new and existing standards would have to be taken into account:

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

Sec. 86-183. - NAICS 8131, 81311 Churches, other places of worship, and religious organizations.
The following conditions are assigned in the H-1, H-2, O&I, MX, C-1, C-2, and M-1 districts:
(1) Must be located on a street having a classification of collector or greater.
(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.
(3) Must conform to Chapter 6 setbacks, Alcoholic Beverages.
(4) Must be stand-alone buildings (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).
(5) Must meet the requirements of Article XIII – Parking, Loading, and Interior Circulation.
(6) Must meet applicable buffer requirements of Article XV – Landscaping and Buffers.
(7) No paved parking area shall be established within 25 feet of a lot that is zoned residential or contains a residential use.
(8) Height regulations. The maximum height for buildings abutting a residential district or use shall be three stories or 35 feet as measured at any point 30 feet from any common property line. Building height may be increased one foot for every additional foot beyond a distance of 30 feet from any common property line.; however, no building shall ever exceed a total height of 75 feet.

I informed Mr. Carlisle that standards (1) and (4) alone (see above) would be major factors for denial for a new church in his building, since the building is a "connected storefront" and the only access road, Old Morrow Road, is considered a "local" street, per the City's Thoroughfare Plan, which is a lesser street classification than "collector."

Before you is a Conditional Use application for a new church (Casa De Alabanza), not a replacement of any of the three churches currently operating on the property. As stated above, based on requirements (1) and (4) of Sec. 86-183 not being met, staff recommends **denial** of this Conditional Use application.

The applicant's attorney has included four constitutional objections (see enclosed) with the Conditional Use application:

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District. (Attachment 2)
2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq. (Attachment 3)
3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan. (Attachment 4)
4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc. (Attachment 5)

Staff will address each of these submitted objections below and clarify the intent of the City's recommendation on this Conditional Use application, as well as the general intent of zoning standards applicable to this case.

First, for reference, definitions of several terms used regularly in the constitutional objections:

Arbitrary - describes a course of action or a decision that is not based on reason or judgment but on personal will or discretion without regard to rules or standards.

Capricious - unpredictable and subject to whim, often used to refer to judges and judicial decisions which do not follow the law, logic or proper trial procedure

1. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use in the C-2 Zoning District.

Response:

- **The City Zoning Ordinance does not prohibit the location of a church or place of religious assembly in a C-2 zoning district. Rather, it requires a Conditional Use Permit for this specific use, as well as many other uses in the Table of Uses. A Conditional Use requirement is certainly not an automatic prohibition of a use, as evidenced by the approved churches already operating on the subject property. The Conditional Use requirement for churches in C-2 zoning is not a unique requirement, as it is the same requirement for churches in the H-1, H-2, O&I, M-X, C-1, and M-1 districts.**
- **The requirement of a Conditional Use Permit or Special Use Permit or Special Exception for a church or place of religious assembly is certainly not a unique requirement to the City of Jonesboro, being a**

requirement in most municipalities in the metro Atlanta area and other regions of Georgia. Thus, th Conditional Use Permit requirement is hardly an arbitrary, capricious act of the City, but rather a rational process for certain land uses in the surrounding area as a whole.

- **The property owner's rights to the subject property have not been destroyed, as the property currently enjoys a mix of viable uses, including religious uses. The purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, as stated in Section 86-4 Zoning purpose:**
  This chapter has been prepared in accordance with the Comprehensive Plan of the City of Jonesboro, Georgia, and is established for the purpose of promoting orderly and sustainable development; protecting public health, safety, convenience and welfare; minimizing traffic congestion; ensuring such access, design and density of development and use as will secure safety from fire, panic, and other dangers; providing adequate access to natural light and air; achieving such timing, density, distribution and design of development and use as will facilitate an economic, adequate and timely provision of transportation, communication, water supply, sanitary sewer, drainage, sanitation, educational, police and fire protection, recreational and other public services; protecting existing development and property against blight and depreciation; preventing flooding of improved property; improving the quality of life through protection of Jonesboro's total environment, including prevention of air, land, water, visual and noise pollution; encouraging greater efficiency and economy of land development through natural resource conservation; preventing the overcrowding of land, undue concentration of population and urban sprawl; encouraging the most appropriate use of land, buildings and other structures; achieving such density, dwelling type, design and distribution of housing as will protect and enhance residential property values and facilitate provision of adequate housing; preserve established development patterns and historic district and structures; and for other purposes. These regulations have been developed with reasonable consideration of the character of various zoning districts and their peculiar suitability for particular uses, and with the general objective of promoting desirable living and working environments, stable neighborhoods, functional and attractive commercial and industrial districts and protecting Jonesboro's natural resources. These regulations have also been developed to accommodate a reasonable balance between the exercise of private property rights and beneficial use and enjoyment of surrounding properties.
  These are not arbitrary or capricious purposes.
- **The property owner already receives compensation from his tenants on the property, and this compensation can be continued and expanded with a wide variety of approved uses featured in the City's Table of Uses, Article VI – Conditional Uses, and Article XVII Additional Conditional Uses, meeting certain criteria.**
- **As far as the economically viable use of the property is concerned, the property owner willingly applied for a rezoning of the subject property to C-2 zoning in 2014, for the purposes of providing "more opportunities to rent their units to businesses that would be beneficial to the City" (Bree Jackson, City Council meeting, August 4, 2014). There are a wide variety of outright permitted uses in the City's Table of Uses that could achieve this goal of economic viability.**
- **The rational basis for the zoning standards currently applied to churches, other places of assembly, and even other uses that not closely related to the practice of religion or assembly mainly concern how levels of activity and traffic for these specified uses could potentially negatively impact adjacent property owners and uses. Another basis for consideration of these specified uses is the adequacy of parking areas for these uses. Inadequate parking on properties for these uses could lead to encroachments on adjacent properties and congestion in public streets.**

2. Constitutional objection to restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Person Act (RLUIPA), 42 U.S.C. 2000cc, et seq.

Response:

- **The established requirements of "be located on a street having a classification of collector or greater" and "be established on a lot having a minimum area of one acre and minimum frontage of 150 feet" do not violate RLUIPA, as these requirements do not concern themselves with the nature of a religious service, but rather concern themselves with traffic and parking issues potentially associated with ALL places of assembly. Places of assembly, whether secular or religious in nature, have the potential to involve large numbers of participants, which could adversely affect adjacent properties. Careful consideration must be given to these uses in terms of access routes to them and whether or not there is enough space on properties to have adequate parking for these uses. Thus, local streets (less than collector) are not the best locations for these types of uses, because they are usually residential streets and traffic congestion associated with any place of assembly on a local street could negatively impact the quality of life of residents on that local street. (Note: these two requirements are not new**

requirements, being in the City Zoning Ordinance at least as far back as 2005.)

- **Many other uses in the City's Table of Uses have the same two conditions specified in the Constitutional Objection and many of these uses have nothing to do with places of assembly or the exercise of religion. Again, the overall goal of these conditions is to help ameliorate the effects of certain active uses on adjacent properties, by not creating excessive traffic on local streets and ensuring that properties of certain active uses are big enough and wide enough to provide adequate space between them and less intense uses.**
- **The City has recently made revisions to its Zoning Ordinance to better ensure that churches and other places of assembly are treated evenly. The City of Jonesboro takes pride in all of the churches and places of assembly within its limits.**

3. Constitutional objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan.

Response:

- **The designation of Old Morrow Road in the City of Jonesboro as a "local street" is not a recent decision, being in place at least as far back as 2005.**
- **The designation of Old Morrow Road as a "local street" is not arbitrary and capricious, as it is based on set criteria in the City's Thoroughfare Plan) Chapter 86, Appendix:**

Each street classification in the hierarchy is described below:

•Primary Arterial
•Major Collector
•Local Street

Primary Arterials

Arterials are designed to provide a high degree of mobility and serve longer vehicle trips to, from, and within urban areas. Arterials form the skeleton of the roadway network, linking urban centers such as the Central Business District, industrial parks, commercial centers, major residential developments and other key activity centers. Primary Arterials are designed to carry between 45,000 and 75,000 trips per day. The City of Jonesboro has only one Primary Arterial and that is Tara Boulevard (Highway 19/41).

Major Collector Streets

Collector streets link neighborhoods to commercial districts and commuter traffic to secondary arterials. These streets are well traveled and are built to an urban standard. Collector streets are typically two- to four-lane facilities with an average daily traffic count between 7,500 and 15,000 vehicles. The following streets comprise Jonesboro's Major Collector Streets:

Fayetteville Road
North Avenue
North Main Street
South Main Street
McDonough Street
Smith Street
Stockbridge Road/Highway 138
Jodeco Road

Local Streets

Local streets serve neighborhoods and are generally arranged in a grid pattern although development out from Jonesboro's historic core tends to be served by curvilinear street patterns. These roads accommodate access to collector streets and local destinations at low speeds; sidewalks encourage pedestrian travel and community livability. Standards and design criteria pertaining to local streets are as follows:

•Local streets shall be limited to a two-lane section with a two-foot curb and gutter on each frontage.
•Pavement sections shall be comprised of two 12-foot lanes with parking permitted
•Stormwater runoff shall be addressed using drainage sales.
•Five-foot sidewalks shall be established on each frontage as well as landscaped strips having a minimum

dimension of four feet. Shade trees shall be planted on 50-foot centers.
•Right-of-way required for a local street shall be a minimum of 50 feet.
•All local streets in the "town center" shall have sidewalks and pedestrian-scale street lights.

While staff does not have current traffic counts for Old Morrow Road available, the amount of traffic on this road, with a handful of businesses, no residences fronting it, and a hard-to-access "right in / right out" entrance off of Highway 138, does not come close to 7500 vehicles per day. Thus, the designation of Old Morrow Road is quantifiable.

4. Constitutional objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc.

Response:

- As stated in the Constitutional Objection, "the owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals –
  (a) Do not satisfy the substantial interest-aggrieved citizen test
  (b) Present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of expert opinion without any or all said individuals being qualified as expert witnesses
  (c) Present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia
  (d) Present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

  Regardless of whether citizens that attend the public hearing are qualified experts or not, they are entitled by State Zoning Procedures Law to offer input on the application. As stated before, the purpose of the Zoning Ordinance is to achieve a balance between individual property rights within a community and the rights of the community as a whole, and it is the duty of the Mayor and City Council to hear input from citizens who may be experiencing traffic congestion or any of the other issues that the Zoning Ordinance was designed to prevent or improve. In essence, the Zoning Ordinance is designed to first protect the quality of life of citizens from the potentially harmful effects of physical environmental factors.

- **The Mayor and City Council will base their decision on the application on the failure of the proposed use to meet all of the current zoning conditions for churches and other places of assembly. Approving the application without considering all of the conditions could result in excessive traffic congestion on residential Raymond Street and the possibility for inadequate parking for the new church, the existing churches, and the existing businesses at the subject property. The decision will be based on nothing but physical factors that could have negative effects on "public health, safety, convenience and welfare."**

Update for 3.9.20 meeting: The attorney representing the applicant filed an Open Records Request on March 3rd, trying to reconfirm some of the dates of adoption of recent and past changes to the Code.

Main points to highlight from the March 2nd meeting:

1. The applicant requested to rezone the subject property from Office-Institutional to C-2 Commercial in 2014, in an effort to provide "more opportunities to rent their units to businesses that would be beneficial to the City".
2. The zoning condition of "must be located on a collector or greater road" is a widespread requirement for many uses in the City, not just churches and other places of assembly. However, this condition comes into play only for conditional use permits in zoning districts, not outright permitted uses. There is a large variety of permitted uses in C-2 zoning that could be located at the property without the collector road requirement being a factor. The applicant has more options than just places of assembly at his commercial center, as evidenced by the meat business and the recording studio there now.
3. Through initial research and through complying with the Open Records Request, staff has found no evidence that the original zoning conditions for churches and other places of assembly *(1. Must be located on a street having a classification of collector or greater. 2. Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet)* have changed through the years, and they were definitely in place in 2005, several years prior to most of the churches being approved on the subject property.
4. The Conditional Use Permit requirement for churches and other places of assembly is standard practice for

most metro Atlanta municipalities, whether it be called a Conditional Use Permit, a Special Use Permit, or a Special Exception. Far from being capricious or arbitrary, the intent of the hearing in all of these municipalities is to allow the governing bodies to review potential issues such as traffic congestion and parking availability.
5. Speaking of parking, there are 37 available parking spaces for the entire commercial center to be divided up between the 3 churches already there, the meat business, and the recording studio.
Sec. 86-410(27):
One space shall be provided for the larger of every four seats or for each 25 square feet of floor area available for chairs in the largest assembly room in the auditoriums or stadiums of schools and public buildings, places of worship or other locations of public assembly.
There has been no information provided as to the number of seats or square footage of each individual church in the commercial center, but even if the 37 available parking spaces were divided up equally between the 3 churches and two businesses, there would only be around 7 parking spaces per organization. If the Casa de Alabanza came to the building, with its 50 to 60 members all attending, it would require at least 12 spaces (based on seats) on its own. There does not appear to be enough parking for this.

5. **Through initial research and through complying with the Open Records Request, staff has found no evidence that the Thoroughfare Plan has changed through the years and was definitely in place in 2005, several years prior to most of the churches being approved on the subject property. Old Morrow Road was listed as a local road, not a collector, in the 2005 Code.**
6. **There appears to have been a major upgrade to the City Code in August 2005, involving the Zoning Ordinance, the Development Ordinance, and the Thoroughfare Plan. Local and collector streets are defined in the Development Ordinance (Article IV, Section 44) and the Thoroughfare Plan.**
7. **Old Morrow Road does <u>not</u> fully satisfy the definition of a collector road, coming well short of the average daily traffic count between 7,500 and 15,000 vehicles. Also, per the applicant's attorney's rebuttal of the staff report, Old Morrow Road does not provide "convenient ways to reach arterial streets", as it is not near the only arterial road in the City, Tara Blvd. In addition, the right-in / right-out entrance onto Highway 138 coupled with having to travel along heavily residential Raymond Street not only does not make Old Morrow Road convenient, it makes it dangerous on the Highway 138 end and a potential nuisance on the Raymond Street side.**
8. **The main reasons that the subject property suffers commercially is the access issues specified in #7 above, and the poor visibility of the property from Highway 138, North McDonough Street, and Battle Creek Road. These are physical realities specific to this property that the Zoning Code cannot address.**
9. **It is staff's opinion that the compelling governmental interest in denying this application aligns with the goals of providing "…the least amount of disturbance to landowners and to the citizens of the City" by discouraging additional traffic congestion along residential Raymond Street potentially generated by assembly uses at the subject property and by weighing the amount of available parking at the subject property and how assembly uses there could potentially negatively connecting businesses and each other. This compelling governmental interest is greater than the substantial burden placed on an additional church at the subject property, through the original, and the updated, zoning conditions on churches and other places of assembly.**

<u>Update for July Council meeting:</u>

- **The points above are still valid. Places of religious assembly (as well as other types of assembly uses) have required a conditional use permit and to be located on a minimum collector road for many years prior to this application. I can also find no indication that the City portion of Old Morrow Road has held anything but the status of "local road." There are also numerous uses in the Table of Uses for C-2 zoning that do not require a conditional use permit (and would not have above mentioned conditions) that the applicant could attempt to put at the property. The City has worked with Mr. Carlisle in the past to locate commercial businesses in the building.**

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private Owner

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Exhibit A
- Exhibit B
- Exhibit C
- Constitutional Objection - C2 zoning
- Constitutional Objection - Conditional Use Hearing
- Constitutional Objection - RLUIPA
- Constitutional Objection - Old Morrow Road
- Property
- Site Pictures
- Zoning Sign 1 June 2020
- Zoning Sign 2 June 2020
- Conditional Use - House of Praise -Casa De Alabanza - Legal Notice July 2020
- Affidavit June 2020

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Denial

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

CONDITIONAL USE PERMIT
APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: $700.00 (Non-Refundable).

Date of Application: 02 07 2020

Property Owner Authorization

I (We) Jonesboro Commercial Center, LLC (See: Attachment "A") the owner(s) of the following property located at: 7827 Old Morrow Road, Jonesboro, Georgia 30236

Tax Parcel Number: 12048B B002 Size of Property: 1.69

Located in Zoning District C-2 do hereby request permission for a conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

House of Prayer / Casa De Alabanza. Church, Place of religious assembly.

Attachment: Application (1666 : House of Praise Church)

Property Owner Information

Name: Jonesboro Commercial Center, LLC

Mailing Address: P. O. Box 120

City: Griffin State: Georgia Zip: 30224

Phone: (Day) 770-468-9511 (Evening) _____

Applicant's Information

(If Different from Owner's Information)

Name: House of Praise / Casa De Alabanza

Mailing Address: 429 Roy Huie Drive

City: Riverdale State: Georgia Zip: 30274

Phone: (Day) 678-681-4089 (Evening) _____

Jonesboro Property Information

Existing Uses and Structures: Commercial Shopping Center, Offices

Property address: 7827 Old Morrow Road, Jonesboro, Georgia 30236

Surrounding Uses and Structures: (See Official Zoning Map): (See: Attachment "A")

Surrounding Zoning: (See: Attachment "A")

North: _____ South: _____ East: _____ West: _____

Details of Proposed Use: Church; Place of Religious Assembly

Public Utilities: Water/Electric

Access, Traffic and Parking: Existing developed parking area.

Special Physical Characteristics: Traditional 1950's commercial structure and shopping center.

Attachment: Application (1666 : House of Praise Church)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING: (See: Attachment "A")

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

Attachment: Application (1666 : House of Praise Church)

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

JONESBORO COMMERCIAL CENTER, LLC
PRINT NAME

By: _____
SIGNATURE/DATE
John R. Carlisle, Member
Date: 1/30/2020

APPLICANT:

CASA DE ALABANZA
PRINT NAME

By: _____
SIGNATURE/DATE
Silvia Salazar
Its:
Date: 02/04/2020

NOTARY:

_____
SIGNATURE/DATE 1/30/2020

SEAL

DONNA L MASSEY
Notary Public – State of Georgia
Fulton County
My Commission Expires Nov 15, 2021

_____
notary 2/4/2020

RACHEL PARKER
NOTARY
EXPIRES
GEORGIA
Feb. 28, 2021
PUBLIC
HENRY COUNTY

Attachment: Application (1666 : House of Praise Church)

The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

JONESBORO COMMERCIAL CENTER, LLC

Signed by: _____
John R. Carlisle, Member

Notary: _____ on 1/30/2020
Additional Signature (See: Attachment "A")

SEAL
DONNA L MASSEY
Notary Public – State of Georgia
Fulton County
My Commission Expires Nov 15, 2021

FOR OFFICE USE ONLY:

Date Received: 02/07/2020 **Received By:** _____

Fee Amount Enclosed: $ 100.00

Public Notice Sign Posted (Date) _____

Legal Ad Submitted (Date) _____

Legal Ad Published (Date) _____

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

_____

_____

_____

Attachment: Application (1666 : House of Praise Church)

ATTACHMENT 1

CITY OF JONESBORO, GEORGIA
CONDITIONAL USE PERMIT APPLICATION

(to supplement the preceding and foregoing Conditional Use Permit Application Form ("Application"), identifying the sections supplemented by the section title specified in the Application form.)

Supplement to:
PROPERTY OWNER AUTHORIZATION

The following entity owns the property located at 7827 Old Morrow Road, Jonesboro, Clayton County, Georgia (the "Subject Property") and consents to the Conditional Use Permit ("CUP") as requested in the Application:

Jonesboro Commercial Center, LLC, a limited liability corporation organized and existing under the laws of the State of Georgia pursuant to Warranty Deed, dated July 11, 2013 and recorded at the Office of the Clerk of Superior Court, Clayton County, Georgia in Deed Book 10375, page 291, attached hereto as Exhibit "A."

Supplement to:
JONESBORO PROPERTY INFORMATION

Surrounding Uses and Structures: The Subject Property is located near the north city limits of the City of Jonesboro ("City"). The uses of surrounding properties appear to be, as follows:

To the North: Commercial, residential and governmental structures;
To the East: Governmental related structures, including Clayton County Police, Clayton County Board of Education and the Clayton County Humane Society;
To the South: Smaller commercial structures;
To the West: Residential structures.

Surrounding Zoning: The properties surrounding the Subject Property are zoned, as follows:

To the North: C1/R2;
To the East: OI (in unincorporated Clayton County)
To the South: C1
To the West: R2

Attachment: Application (1666 : House of Praise Church)

Supplement to:
SITE PLAN INFORMATION

The Subject Property has been developed and consistently used for at least thirty-five (35) years. Mr. John R. Carlisle, individually or as a Member of Jonesboro Commercial Center, LLC, has owned the Subject Property since 1984. Pursuant to direction received from the City's Zoning Division of the Community Development Department, a site plan is not required for this Application.

The Subject Property is a portion of a commercial shopping center. A layout of the Subject Property showing the location of 7827 Old Morrow within the development is attached hereto as Exhibit "B." A photograph of the development is attached hereto as Exhibit "C."

Supplement to:
CERTIFICATION SIGNATURE

CASA DE ALABANZA

By: _____
Its: _____

_____, Notary Public
My Commission expires: 2/28/2021

RACHEL PARKER NOTARY PUBLIC HENRY COUNTY EXPIRES GEORGIA Feb. 28, 2021

Additional Supplements to Application:

Constitutional Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use the C-2 Zoning District, Attachment 2.

Objection to Restrictions in the Zoning Ordinance of the City of Jonesboro, Georgia for a Church, Religious Assembly use pursuant to the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq.; Attachment 3.

Constitutional Objection to Designation of Old Morrow Road as Local Street pursuant to the City's Thoroughfare Plan, Attachment 4.

Objection to Hearing on Conditional Use Permit Application based on York v. Athens College of Ministry, Inc., Attachment 5.

Attachment: Application (1666 : House of Praise Church)

EXHIBIT "A"

Attachment: Exhibit A (1666 : House of Praise Church)

10375
00291

FILED
CLAYTON CO., GA
2013 JUL 16 AM 10:39
JACQUELINE D. WILLS
CLERK SUPERIOR COURT
20493

RETURN TO:
John T. Newton, Jr.
Newton & Howell, PC
PO Box 551
Griffin, Georgia 30224

Clayton County, Georgia
Real Estate Transfer Tax
Paid $ 0
Date 7-16 20 13
JACQUELINE D. WILLS
Clerk, Superior Court

LAW OFFICES
NEWTON & HOWELL, PC
PO Box 551
Griffin, Georgia 30224

GEORGIA

SPALDING COUNTY

WARRANTY DEED

THIS INDENTURE, made this 11th day of July, in the year Two Thousand Thirteen, between **JOHN R. CARLISLE and CAROLE C. CARLISLE** of the County of Lamar, State of Georgia, as party of the First Part, hereinafter called Grantor, and **JONESBORO COMMERCIAL CENTER, LLC**, of the County of Spalding, State of Georgia, as party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of TEN AND 00/100 ($10.00) DOLLARS AND OTHER VALUABLE CONSIDERATION in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described property:

All that tract or parcel of land lying and being in Land Lot 48 of the 12th District of Clayton County, Georgia and being more particularly described as follows:

BEGINNING at a point located on the northwestern side of Old Morrow Road 425 feet northeasterly as measured along the northwestern side of Old Morrow Road from the point formed by the intersection of the northwestern side of Old Morrow Road with the northeastern side of Chatham Drive; running thence in a northeasterly direction along the northwestern side of Old Morrow Road a distance of 462.8 feet to a point; running thence in a westerly direction along a line which forms an interior angle of 52 degrees 10 minutes with the preceding course a distance of 323.1 feet to a point; running thence in a southwesterly direction along a line which forms an interior angle of 105 degrees 28 minutes with the preceding course a distance of 208 feet to a point; continuing thence in a southwesterly direction along a line which forms an interior angle of 189 degrees 22 minutes with the preceding course a distance of 72.8 feet to a point; running thence in a southeasterly direction a distance of 154.1 feet to the point of Beginning. Said tract being more fully shown on a plat of survey by W. R. Franks, Registered Land Surveyor, dated June 7, 1971, and revised March 13, 1972.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

BK10375PG291

Attachment: Exhibit A (1666 : House of Praise Church)

10375
00292

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor have signed and sealed this deed, the day and year above written.

(SEAL)
JOHN R. CARLISLE

Signed, sealed and delivered
in the presence of:

Witness

Notary Public

JOHN T. NEWTON JR.
NOTARY PUBLIC
SPALDING COUNTY, GA
EXPIRES
GEORGIA
July 2, 2016

(SEAL)
CAROLE C. CARLISLE

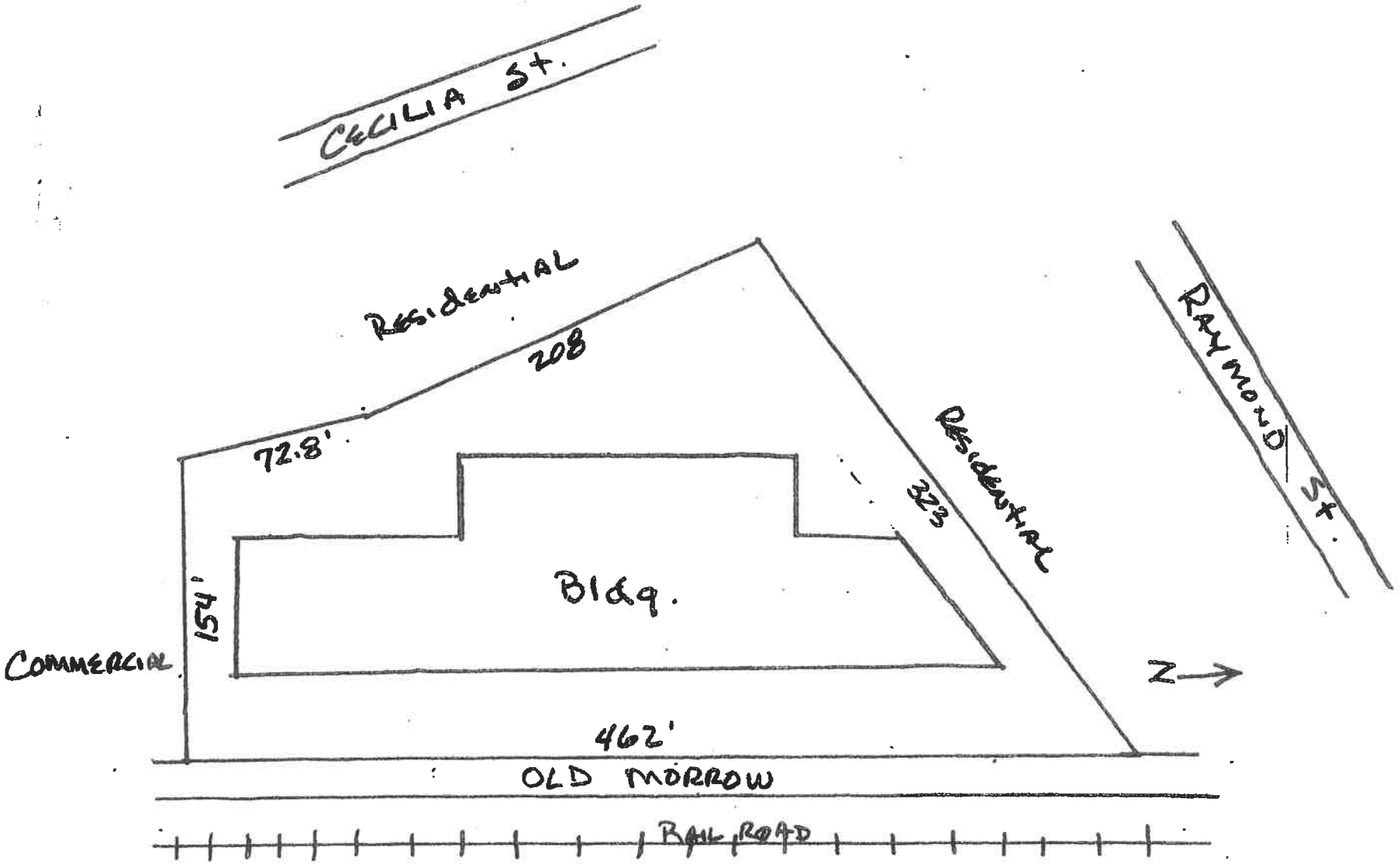
BK10375PG292

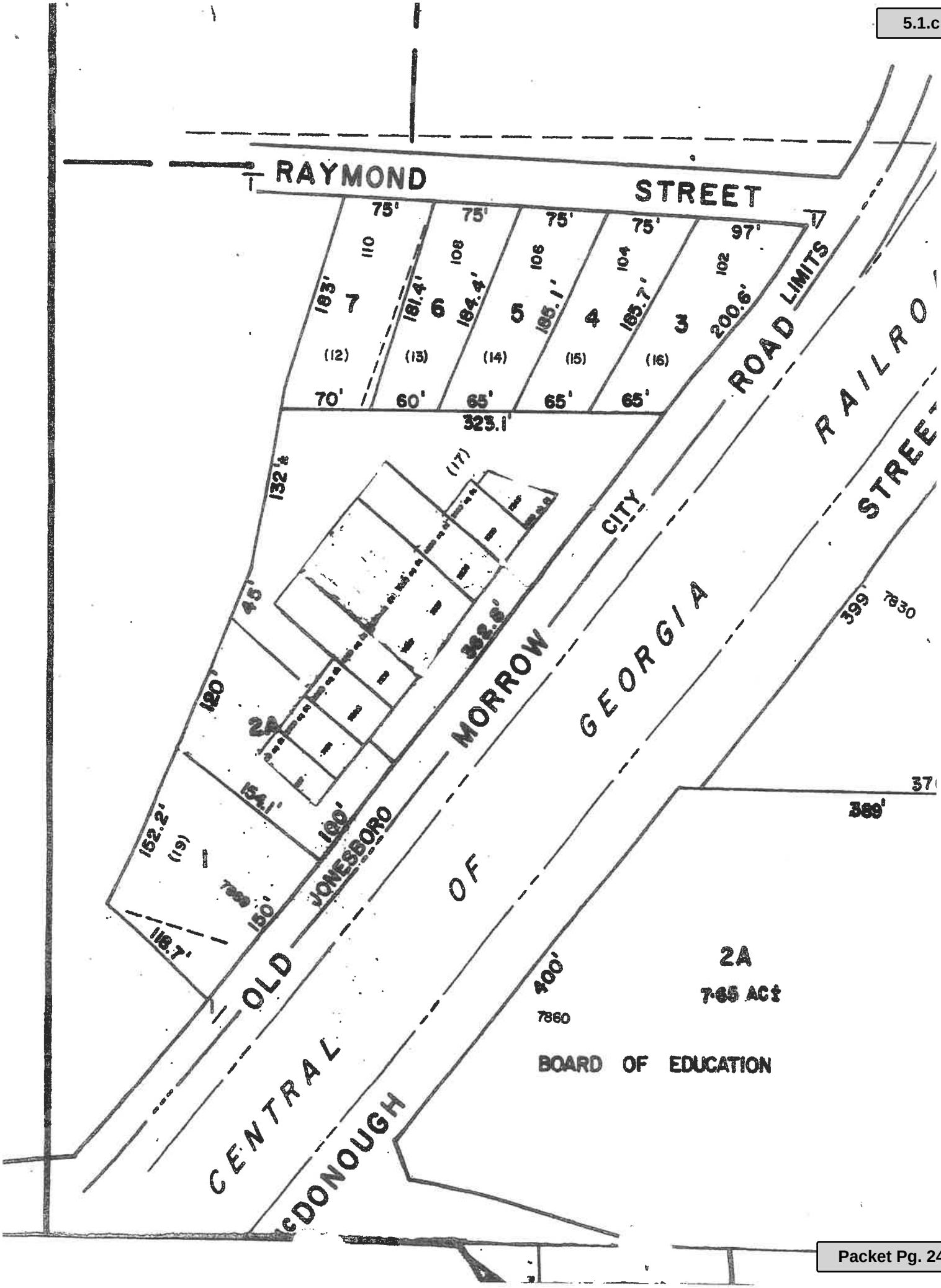
Attachment: Exhibit A (1666 : House of Praise Church)

EXHIBIT "B"

Attachment: Exhibit B (1666 : House of Praise Church)

Attachment: Exhibit B (1666 : House of Praise Church)


CECILIA St.
RESIDENTIAL
208
72.8'
RESIDENTIAL
323
RAYMOND St.
LTA. HWY 138
154'
BLDG.
COMMERCIAL
N
462'
OLD MORROW
RAILROAD



Attachment: Exhibit B (1666 : House of Praise Church)

EXHIBIT "C"

Attachment: Exhibit C (1666 : House of Praise Church)



ATTACHMENT II

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

CONSTITUTIONAL OBJECTION TO RESTRICTION IN ZONING ORDINANCE FOR A CHURCH, RELIGIOUS ASSEMBLY USE IN THE C-2 ZONING DISTRICT

As applied to the property of the Jonesboro Commercial Center, LLC, and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the "Subject Property") and subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, is unconstitutional to the extent that it prohibits the location of a Church or Place of Religious Assembly on the Subject Property in that the Owner's property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of the City of Jonesboro, Georgia County deprives the Owner of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of the subject property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of

Attachment: Constitutional Objection - C2 zoning (1666 : House of Praise Church)

Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Owner an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owner to use the Subject Property and simultaneously comply with the Zoning Ordinance of the City of Jonesboro, Georgia, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by the City of Jonesboro, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the City of Jonesboro, Georgia to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal protection Clause of the Fourteenth Amendment to the Constitution of the United States.;

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

Attachment: Constitutional Objection - C2 zoning (1666 : House of Praise Church)

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770)233-6230

Attachment: Constitutional Objection - C2 zoning (1666 : House of Praise Church)

ATTACHMENT V

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO ZONING HEARING ON CONDITIONAL USE PERMIT APPLICATION BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the property of Jonesboro Commercial Center, LLC ("Owner") which is identified by the Clayton County Tax Assessor as Parcel Number: 12048B – B002 consisting of approximately 1.69 acres (the "Subject Property"), subject of the attached Conditional Use Permit Application (the "Application"), any public hearings and any actions of the CITY OF JONEBORO, GEORGIA ("City") thereon are objected to based on, but not limited to, the following reasons, in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018), such objections being in addition to the Constitutional Objection to Restriction in the Zoning Ordinance for a church or religious assembly use in the C-2 Zoning District and all objections set forth therein are incorporated herein by reference as if fully set forth and any and all other objections that may be filed related to this Application.

Owner objects to any and all members of the public who appear at the public hearing before the Board of Commissioners to oppose the Application to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all said individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the factors for approval of the Application set forth in the Zoning Ordinance of the City of Jonesboro, Georgia; and/or (f) present

Attachment: Constitutional Objection - Conditional Use Hearing (1666 : House of Praise Church)

evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion evidence.

Additionally, Owner objects to any action of the City of Jonesboro, Georgia that does not approve the Application or approves it with unreasonable conditions to the extent that (but not limited to) the same is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise (1) in violation of constitutional, statutory, or ordinance provisions; (2) in excess of the statutory or constitutional authority of the Mayor and City Council; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (c) contrary to the factors for approval set forth in the Zoning Ordinance of the City of Jonesboro, Georgia.

By and through this Objection, the Owner hereby reserves all the above and incorporated Objections and asserts them on and within the record before, and for consideration and resolution by, by the City of Jonesboro, Georgia.

WHEREFORE, Owner requests that the City of Jonesboro, Georgia approve the Conditional Use Permit as specified and in the Application.

Attachment: Constitutional Objection - Conditional Use Hearing (1666 : House of Praise Church)

GALLOWAY & LYNDALL, LLP
Counsel for Applicant

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 N. Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Attachment: Constitutional Objection - Conditional Use Hearing (1666 : House of Praise Church)

ATTACHMENT III

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE FOR A CHURCH, RELIGIOUS ASSEMBLY USE PURSUANT TO THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, 42 U.S.C. § 2000*CC*

As applied to the property of the Jonesboro Commercial Center, LLC and specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the "Subject Property"), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia, as applied to the Subject Property, zoned C-2, violates the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, et seq. ("RLUIPA") to the extent that Section 86-183 requires that "churches and other places of worship" must comply with the conditions imposed therein, specifically:

1. "be located on a street having a classification of collector or greater;" and
2. "be established on a lot having minimum area of one acre and minimum frontage of 150 feet."

Such restrictions prohibit the location of a church or place of religious worship within a shopping center, such as the one constructed on the Subject Property, while the Zoning Ordinance of the City of Jonesboro, Georgia allows other uses that require or involve public assembly to be located on properties without such restrictions. These restrictions imposed on a church or place of religious worship violate RLUIPA.

Attachment: Constitutional Objection - RLUIPA (1666 : House of Praise Church)

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Attachment: Constitutional Objection - RLUIPA (1666 : House of Praise Church)

ATTACHMENT IV

In re:

Jonesboro Commercial Center, LLC
and Casa de Alabanza
Conditional Use Permit Application

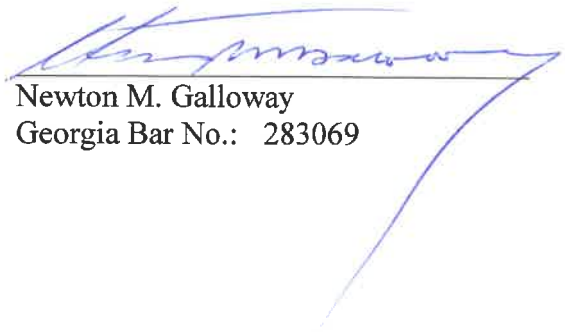
OBJECTION TO RESTRICTIONS IN ZONING ORDINANCE AND THOROUGHFARE PLAN FOR DESIGNATION OF OLD MORROW ROAD AS A LOCAL STREET

As applied to the property of the Jonesboro Commercial Center, LLC specifically designated as Clayton County, Georgia Tax Parcel Number 12048B-B002, consisting of 1.69 acres more or less (the "Subject Property"), subject of the attached Conditional Use Permit Application, the Zoning Ordinance of City of Jonesboro, Georgia and its Thoroughfare Plan, as applied to the Subject Property, zoned C-2, constitutes an arbitrary and capricious designation of Old Morrow Road (on which the Subject Property is located) as a "local street," thereby precluding the use of the Subject Property for Church or Place of Religious Assembly. As a result, Application of the Zoning Ordinance of the City of Jonesboro, Georgia and its included Thoroughfare Plan to the Subject Property is unconstitutional and discriminates against the Owner in an arbitrary, capricious, and unreasonable manner between the Owner and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, JONESBORO COMMERCIAL CENTER, LLC requests that the City of Jonesboro, Georgia approve the Conditional Use Permit Application to allow Casa de Alabanza to use the Subject Property for a Church or Place of Religious Assembly as specified and designated in this Application.

Attachment: Constitutional Objection - Old Morrow Road (1666 : House of Praise Church)

GALLOWAY & LYNDALL, LLP
Counsel for Owner and Applicant



Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770-233-6230 – Phone
770-233-6231 – Fax
ngalloway@gallyn-law.com

Attachment: Constitutional Objection - Old Morrow Road (1666 : House of Praise Church)

Google Maps 7857 Old Morrow Rd



Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft



7857 Old Morrow Rd

Jonesboro, GA 30236

Directions Save Nearby Send to your phone Share

Photos

Attachment: Property (1666 : House of Praise Church)



Clayton County Property Card For Year 2019

JONESBORO COMMERCIAL CENTER LLC
PO BOX 120

GRIFFIN, GA 30224

PARCEL ID . . 12048B B002
LOCATION . . 7857 OLD MORROW RD

LEGAL DESC
LOT 17 & 18

DISTRICT 4 JONESBORO

NBRHOOD IND12 IND SOUTHERN/COMM AREA 10

DESCRIPTION NOT IN SUBDIVISION - ALL UTILITIES

DESCRIPTION PAVED ROAD

MULTI-UNIT OFFICE CLASS C

ROAD FRONT . . . 303.7

PLAT BOOK/PAGE . . . 3 200

******* CURRENT YR APV/LUV VALUE OVERRIDE EXISTS FOR: . . . LAND IMPROVEMENTS

CURRENT YEAR APPEAL

This Appeal was settled on 09/03/2019 .

SALES HISTORY

DEED BOOK	PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMT	DEED NAME
10375	291	7/11/13	WARRANTY DEED	RELATED		JONESBORO COMMERCIAL CENTER LL
6585	335	6/04/03	WARRANTY DEED	MULTIPLE PROPER	339,918	CARLISLE JOHN R & CAROLE C
6388	315	3/06/03	WARRANTY DEED	MULTIPLE PROPER	330,000	CARLISLE JOHN R
1197	706	1/01/84	WARRANTY DEED	.		CARLISLE JOHN R & KREPPS DONNA

LAND SEGMENTS

LND#	ZONE	LAND TYPE/CODE	LAND QTY
1	LI	AC 1	1.690

MAP ACRES . . 1.690

IMPROVEMENT # 1 MISC IMPR-Y

GROUND FLOOR AREA . .

ACT/EFF YR/AGE . . 1970 1978 41

Attachment: Property (1666 : House of Praise Church)



Attachment: Site Pictures (1666 : House of Praise Church)





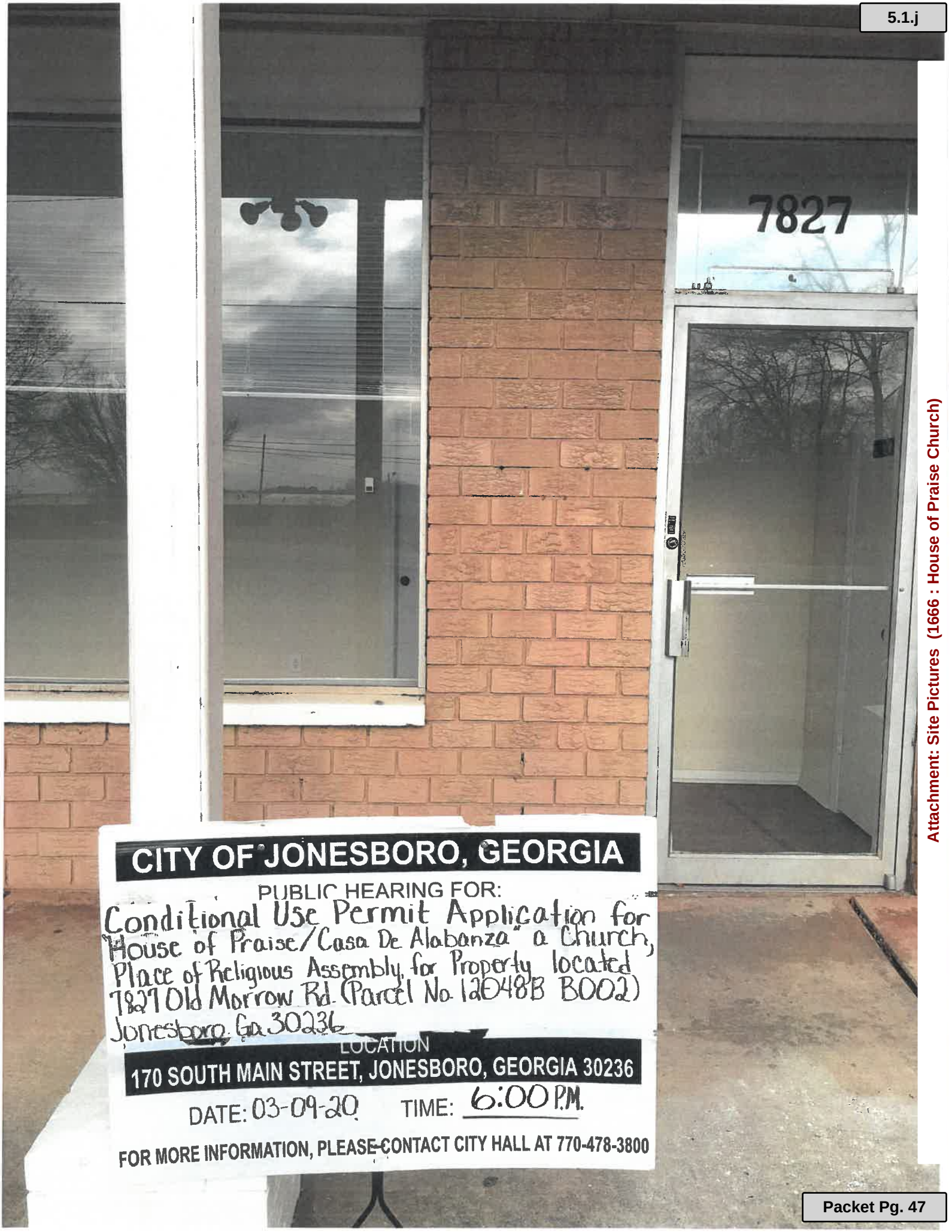

IGLESIA DE CRISTO ELIM
HEME ACUI


IGLE IA DE CRISTO ELIM
HEME AQUI
"Un Oasis de Amor para tu vida"


7633
Impact
Ministries
SERVICE TIMES


NEW MOUNT
APOSTOLIC
Bishop Phillip Lott


7827
CITY OF JONESBORO, GEORGIA



Attachment: Site Pictures (1666 : House of Praise Church)


7827






OLD MORROW


7827
CITY OF JONESBORO, GEORGIA
PUBLIC HEARING FOR:
Conditional Use Permit for "House of Praise / Casa De Albanza" A Church / Place of Religious Assembly by House of Praise / Casa De Albanza for property located at 7827 Old Morrow Rd (Parcel No. 12048 B002) Jonesboro, Ga.
LOCATION
VIA ZOOM MEETINGS
DATE: 7-13-20
TIME: 6:00 P.M.
FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit for "House of Praise / Casa De Albanza" A Church / Place of Religious Assembly by House of Praise / Casa De Albanza. for property located at 7827 Old Morrow Rd. (Parcel No. 12048 B002) Jonesboro, Ga.

LOCATION

VIA ZOOM MEETINGS

DATE: 7-13-20 **TIME:** 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Conditional Use Permit Application for “House of Praise / Casa De Alabanza” a church / place of religious assembly by House of Praise / Casa De Alabanza , for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Conditional Use - House of Praise -Casa De Alabanza - Legal Notice July 2020 (1666 : House of Praise Church)

Clayton News

PUBLISHER'S AFFIDAVIT

Attach Copy of Advertisement

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Conditional Use Permit Application for "House of Praise / Casa De Alabanza" a church / place of religious assembly by House of Praise / Casa De Alabanza , for property located at 7827 Old Morrow Road (Parcel No. 12048B B002), Jonesboro, Georgia 30236. Property is owned by Jonesboro Commercial Center, LLC.

David Allen
Community Development Director

State of Georgia
County of Clayton

Personally appeared before the undersigned, **Donna Goodson** who after being first duly sworn states that she is the **Circulation Manager, for the Clayton News,** official legal organ of **Clayton County, Georgia**, and that upon her own personal knowledge knows that the advertisement, a true copy of which is hereto annexed, was published in said newspaper of general circulation on the following dates:

Run Dates: 6/24/2020

Newspaper Ad # 5368

Donna Goodson

Donna Goodson, Affiant

Sworn to and subscribed before me this the 24 day of June, 2020

Signed Jacqueline Torres
Jacqueline Torres, Notary Public
My commission expires September 28, 2021

Jacqueline Torres
Notary Public State of Georgia
Comission Expires 09/28/2021

Attachment: Affidavit June 2020 (1666 : House of Praise Church)

CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item # – 2

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding 20-VAR-003, variances for having an electronic message sign in a residentially zoned district, exceeding maximum LED sign area, exceeding maximum sign height, and minimum distance from the right-of-way line, for an existing church by Shiloh Baptist Church for property located at 216 West Mill Street (Parcel No. 13241A B010), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-489 and 86-490 – Sign Standards; Article XI Appeals and Variances

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – Approval of sign variances, with conditions; Shiloh Baptist Church has been at 216 West Mill Street for many decades. Recently, they applied to replace their current ground sign with a more modern ground sign with LED display, in an effort to appeal to younger visitors. The property, despite having a church is zoned R-4 Residential and is not in the Historic District.

The Design Review Commission reviewed the sign design on June 3rd.

Notes from Design Review meeting:

Agency recommendation – Denial of current sign design, without approved variances; *Shiloh Baptist Church has been at the property at 216 West Mill Street for many decades. All buildings and structures on the property, including the existing ground sign, predated the City zoning code, and, as such, their designs were grandfathered. The church is proposing to update their ground sign with a much more modern look, including digital elements. The property is zoned R-4, Single Family Residential, and is also within the Assembly Overlay.*

The overall dimensions of the sign face (each side) is 24 square feet 4 feet high by 6 feet wide, minus the brick base. Nearly 50% of the sign face will be the digital message board, featuring electronic changeable copy and various graphic items. Portions of the existing brick base will be utilized, but the base will have to be enlarged and modified to accommodate a larger face than what is present now.

The new design would obviously not be grandfathered and presents several problems when reviewed against the Zoning Code:

Sec. 86-490. - Regulated signs.
Ground signs, which are permanent, shall be permitted in non-residential zoning districts. No ground sign shall have a height greater than six feet above normal grade, or a sign face area greater than 35 square feet (each side) for lots with a single building and 45 square feet (each side) for planned centers. No portion of a ground sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other permanent sign, major structure or building. Changeable copy shall not exceed 33 percent of the area of the sign face. Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid certificate of occupancy issued by the city or which is currently being developed under an active building permit issued by the city.

- *While the church predates the Zoning Code, the property is still a residentially zoned property.*

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

- *The total height of the redesigned sign (including the brick base and sign face) would be 9 feet 10 inches, exceeding the 6 feet maximum. (Note: the existing sign is approximately the same height, but would lose its grandfathering after being modified, per Section 86-491.*
- *The existing sign's location is grandfathered in, but modifying the base will cancel the grandfathering, making it much closer than 50 feet to a historical marker. The distance of the proposed sign base from the right-of-way line also needs to be verified, with a minimum of 10 feet from the right-of-way line (not the pavement or curb line) being required.*
- *Finally, the changeable copy would make up approximately 50% of the sign face, well over the 33% maximum.*

Furthermore, in Section 86-490 (c):

(c) Electronic message center signs are permitted freestanding signs in a non-residential zoning district subject to the following:
(1) A maximum of one electronic message center sign is allowed per lot;
(2) An electronic message center sign shall not exceed 33 percent of the total sign face area of the freestanding sign on which the electronic message center sign is located;
(3) Each message (electronic changeable copy) displayed on an electronic message center sign shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection, "static" shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or intensity. An exception will be made to this restriction for electronic, real-time displays of time and temperature.
(4) Electronic message center signs shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night so as to comply with the provisions stated in sections 86-493(j) and (k); and
(5) No display of flashing or moving graphics or animation shall be allowed;
(6) Electronic message center signs are only permitted in the following zoning districts:

C-1 neighborhood commercial district, C-2 highway commercial district; O&I office and institutional district, MX mixed use district, M-1 light industrial district.

Without multiple approved variances, the proposed sign design is not possible.

Design Review Commission recommendation, 6.3.20: Defer approval until at least next meeting, based on redesign.
- **Encase electronic display in brick on all sides.**
- **Landscape around base.**
- **Sign shall directly face corner of road intersection (like Lee Street Park sign).**
- **Need to apply for variance with Mayor and City Council.**

Summary of variance issues

1. Having the replacement sign be around 9 feet 10 inches tall like the original sign instead of the 6- foot tall modern standard.
2. Having the replacement sign be closer than 10 feet from the right-of-way line like the original sign.
3. Having the replacement sign be closer than 50 feet from another permanent sign or structure (power pole and historical marker) like the original sign.
4. Having the replacement be allowed to have an electronic message board, which is not allowed in R-4 zoning.
5. The electronic message board, if allowed, would be approximately 50% of the total sign face, over the 33% allowed

(Note: Originally, it was thought that the total new sign face would be 48 square feet each side, but it will actually be 24 square feet each side, below the 35 square foot maximum.)

Sec. 86-491 is clear about altering existing, non-conforming signs:

Sec. 86-491. - Nonconforming signs.
Non-conforming signs may continue in existence subject to the following restrictions:

(1) No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of

or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this article, and a sign permit granted.
(2) A nonconforming sign may not be reconstructed, replaced, or reset if the owner or agent for the owner for any reason removes it.
(3) Any sign erected in violation of this article may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party may be cited for such violation.
(4) No additional sign shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this article.
(5) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this article, an illegal sign, an unpermitted sign, an abandoned sign, a damaged or dilapidated sign, a sign in need of repair or painting, or a sign in violation of section 86-492.
(6) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
(7) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

However, since the church is proposing to keep its existing brick base, staff believes that an allowance for variance issues #1, 2, and 3 above is warranted. The existing "Shiloh Baptist Church" portion of the sign is already around 9 feet tall, and the general public has been used to that height for years. The sign is also outside of the right-of-way and does not seem to pose a traffic hazard to vehicles turning right on Fayetteville Road. The sign would be the same distance away from the power pole and would only be blocking a historical marker, not another sign vital to a business or institution.

The intent of not allowing electronic boards in residential zoning districts is the potential visual nuisance that flashing graphics and bright letters within a neighborhood. While the church property is zoned residential, it is only on the outskirts of a residential area, and the area directly across Fayetteville Road is the back of a busy commercial area, which will not be affected at all by the new sign (see enclosed map). The two residences most directly facing the church and the sign are 219 and 217 West Mill Street, however, 219 is vacant and owned by members of Shiloh Baptist Church. 215 West Mill Street is recessed further from the road than 219 and 217 West Mill Street, so it can probably not see the sign.

Based on the limited impact that the new sign would have on the West Mill Street residential area as a whole, staff is recommending approval of the new sign.

Approval conditions:

1. **Church shall utilize as much of existing sign base as possible.**
2. **No flashing lights shall be employed in the electronic display.**
3. **Electronic images and lettering shall remain static for at least 10 seconds.**
4. **Provide landscaping around sign base.**

The Design Review Commission has also recommended that the new sign panel be completely encased in brick on all sides. To do this, however, would increase the height further.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private Owner

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Shiloh Baptist Church Sign Variances - West Mill Street - Legal Notice

- Zoning Sign
- Application
- Letter of explanation
- Existing Site Pictures
- Marker
- Sign Visibility
- Sign Design

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider variances for having an electronic message sign in a residentially zoned district, exceeding maximum LED sign area, exceeding maximum sign height, and minimum distance from the right-of-way line, for an existing church by Shiloh Baptist Church for property located at 216 West Mill Street (Parcel No. 13241A B010), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Shiloh Baptist Church Sign Variances - West Mill Street - Legal Notice (1672 : Shiloh Baptist Sign Variance)

SHILOH
BAPTIST CHURCH

770-478-7536

WELCOME BACK
TO SHILOH

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: VARIANCE

Electronic Message Sign in a Residentially Zoned District. Exceeding Maximum LED Sign Area, Maximum Sign Height and Maximum Distance From Right-of-Way Line by Shiloh Baptist Church 216 W. Mill St. (Parcel No. 132A B010) Jonesboro Ga.

LOCATION

Meeting VIA ZOOM

DATE: 7-13-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: 216 West Mill St Jonesboro GA 30236

Parcel Identification Number: 13241A B010

Size: 9876 sq ft

Owner: Shiloh Baptist Church Jonesboro, Inc

Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Judith L. Cotten - Trustees Chairwo

Mailing Address: 216 West Mill St Jonesboro GA 30236

Email Address: JCOTTEN36@AOL.com Telephone: 404 328 6572

Attachment: Application (1672 : Shiloh Baptist Sign Variance)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: Corner of W. Mill St & Fayetteville St Remain As Its Structure

Requesting Variance from: 1) Caddy Corner 2) 6 ft 3) Have Sign in Residential area to: 9 ft & 10 in

SEE ATTACHED LETTER

Reason for Variance Request: 1) There is a pole & Stop Sign that will block the digital Sign if it is Caddy Corner. 2) The fence (8ft) the city built on the property is 8ft high and it blocks

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

There is a pole & Stop Sign at the corner which prevents the sign's visibility from Fayetteville Rd and there's a fence 8ft high that prevents visibility on Fayetteville Rd.

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

We are 150 years old in October and we have no way to market ourselves with a sign due to the pole, stop sign and fence; therefore, it's difficult to attract New Membership for growth.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

There is only one house/One Window that would be affected by the sign and that is a family house of one of our Members & the house is Vacant. 209 W. Mill St (Simpson). If the sign is 9'x10" it wouldn't affect the house because of the height.

4. Demonstrate how a variance prevents reasonable use of the property.

Without the height Variance it will be impossible to see the sign from both directions on Fayetteville Rd and on W. Mill ST you will only see the sign upon driving in front of the sign.

Attachment: Application (1672 : Shiloh Baptist Sign Variance)

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.
See letter

6. Demonstrate how the variance is the only result to allow reasonable use of the property.
See letter

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?
NO. The sign won't effect anyone negetively

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?
Yes, the sign's variance will enable us to have signage that visable to the public as the drive by on Fayetteville

Judith L COTTON
PRINT NAME

6/17/2020
DATE

CITY OF JONESBORO
770-478-3800

REC#: 00014781 6/19/2020 12:21 PM
OPER: MW TERM: 007
REF#: 5770

TRAN: 55.0000 ZONING & LAND USE
BUSINESS:SHILOH BAPTIST CHRUCH
216 W MILL STREET
ZONING & LAND U 600.00CR

TENDERED: 600.00 CHECK
APPLIED: 600.00-

CHANGE: 0.00

THANK YOU FOR VISITING THE
CITY OF JONESBORO
124 NORTH AVENUE
JONESBORO, GA 30236

FOR OFFICE USE ONLY:

Date Received: 06/19/2020

Information Reviewed By: _____

Actions Taken By: _____

Misc. Notes: _____

3

3 of 10

Attachment: Application (1672 : Shiloh Baptist Sign Variance)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this applicatior The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

JUDITH L COTTON
PRINT NAME Trustees' Chairwoman

SIGNATURE/DATE

NOTARY:

SIGNATURE/DATE

MARIA E. WETHERINGTON NOTARY PUBLIC CLAYTON COUNTY, GA EXPIRES GEORGIA MARCH 4, 2021 SEAL

Attachment: Application (1672 : Shiloh Baptist Sign Variance)

SHILOH BAPTIST CHURCH
Jonesboro, Georgia
216 West Mill Street
Jonesboro, GA 30236
(770) 478-9586

June 17, 2020

To: City of Jonesboro
124 North Avenue
Jonesboro, Georgia 30236
Variance Board
Attention: Mayor Joy B. Day and City Manager – Ricky L. Clark, Jr.

1. I pray this letter finds each member of the Board and your families in the best of health and spirit.

a. Shiloh Baptist Church of Jonesboro, Inc. (SBC) is requesting a variance to construct a new Digital Sign on top of our current brick structure.
b. It will be null and void to have a new sign facing caddy corner because the sign will be blocked due to the tree pole and stop sign. Also, the opposite side of the sign will face the Church which means there would not be any visibility of the sign period. The caddy corner position would make it impossible for the sign to be seen from any position,
c. If the sign is only 6' or less, it will be impossible to see the sign from Fayetteville Rd in either direction. From West Mill St it will only be seen upon being directly in front of it and from Fayetteville Rd any height less than 9'x10" it would be impossible to view & read the sign due to the 8' fence the City constructed on the property and the stop sign and tree pole on the corner. It is impossible to read the small letters we currently have; therefore, we need a digital sign to give us signage with height to give us visibility.
d. The current position of the sign is facing off the right of the house that is across the street from the Church (209 West Mill St). There is only one window the digital sign could affect; however, if we are granted the height variance, the LED screen will not glare into the window. The home is owned by the Simpson family which are members of SBC. They grew up in the home and have been members of SBC all their lives. The home is kept as a family heirloom and remains vacant.

Shiloh is an old Church (150 years old) with over 90% of our congregation aged 55 years and older. Our current marquee is antiquated and is basically invisible to the public unless you are directly in front of it. We do not have good signage visibility period! Shiloh is behind the times and we would like to attract the public such as other organizations, businesses, and Churches.

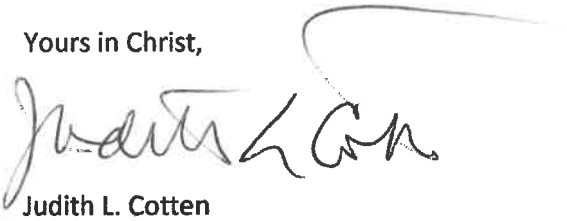
Attachment: Letter of explanation (1672 : Shiloh Baptist Sign Variance)

Shiloh is requesting approval of the variances be granted to afford us the opportunity to have visibility on West Mill St and Fayetteville Rd to attract the attention of people driving by and to keep the community abreast of all we are doing.

We thank you in advance for your consideration concerning this urgent matter and pray Shiloh is granted the variance approval so that Shiloh can continue to be a pillar in the community.

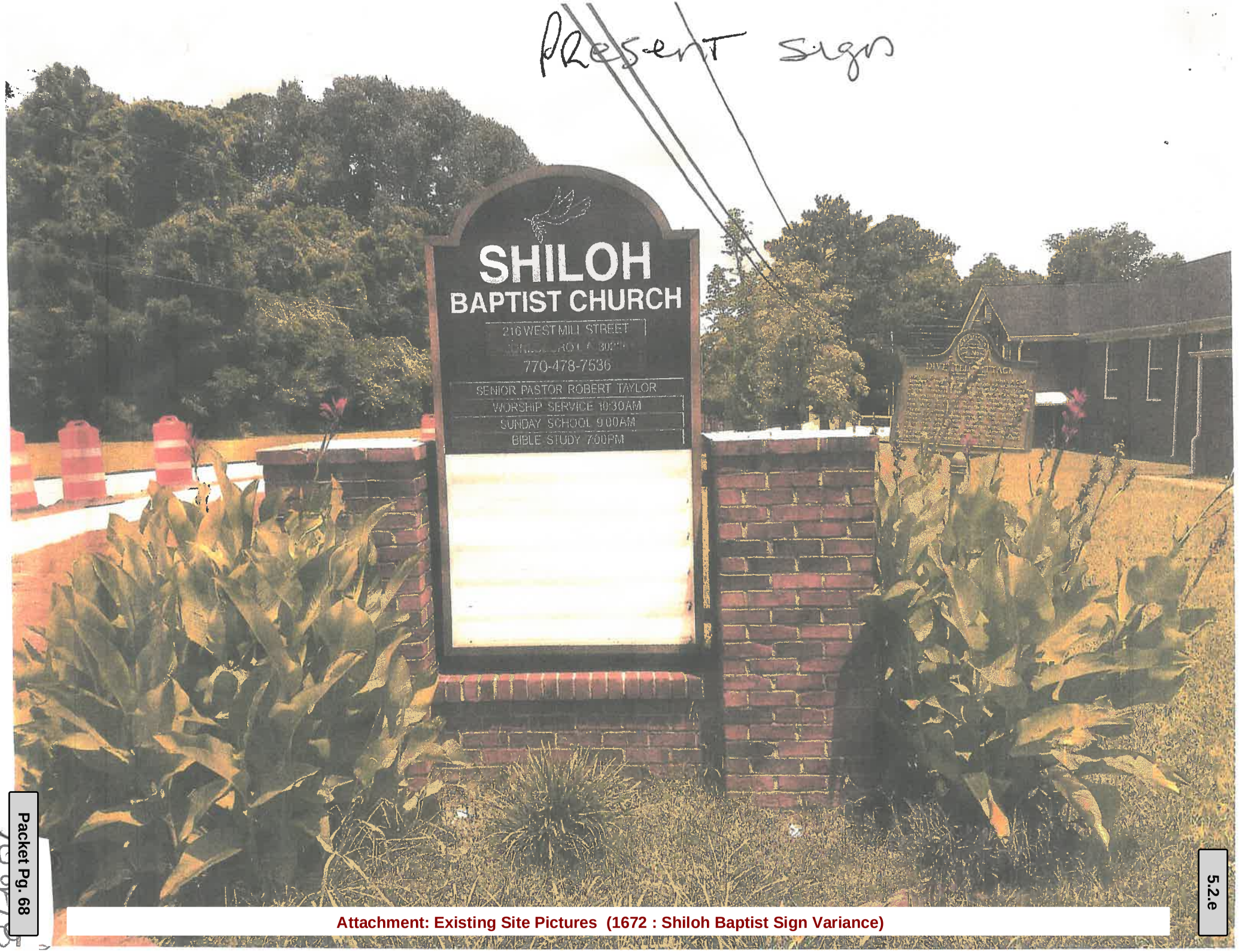
If you have any questions and/or concerns, please do not hesitate to contact me.
Stay safe and blessed; especially during these difficult times with rioting and the COVID-19 pandemic.

Yours in Christ,



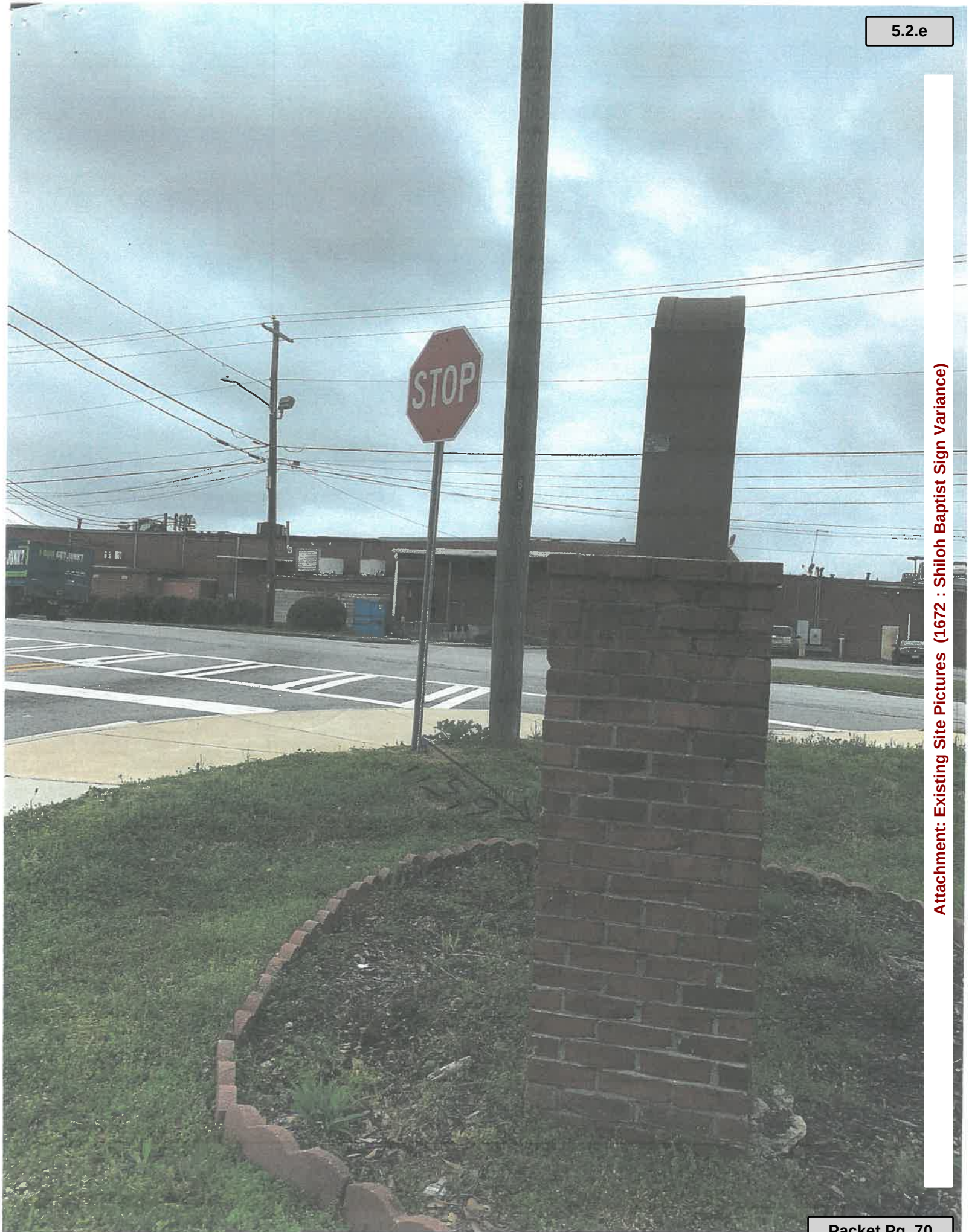
Judith L. Cotten
Trustee Chairwoman
(404) 328-6572
Shilohbcsecretary@gmail.com

Attachment: Letter of explanation (1672 : Shiloh Baptist Sign Variance)

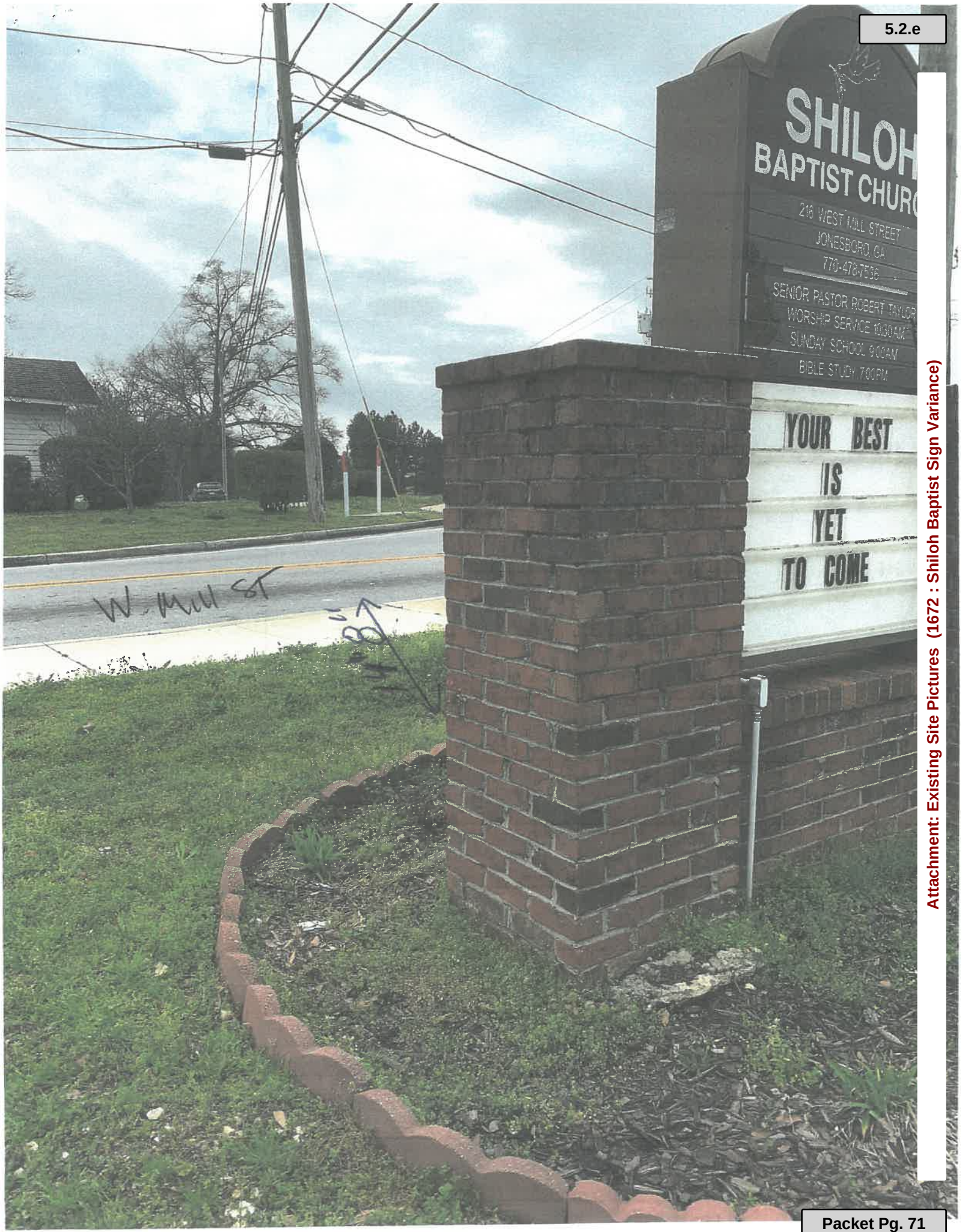

Present sign
SHILOH
BAPTIST CHURCH
216 WEST MILL STREET
770-478-7536
SENIOR PASTOR ROBERT TAYLOR
WORSHIP SERVICE 10:30AM
SUNDAY SCHOOL 9:00AM
BIBLE STUDY 7:00PM



Attachment: Existing Site Pictures (1672 : Shiloh Baptist Sign Variance)



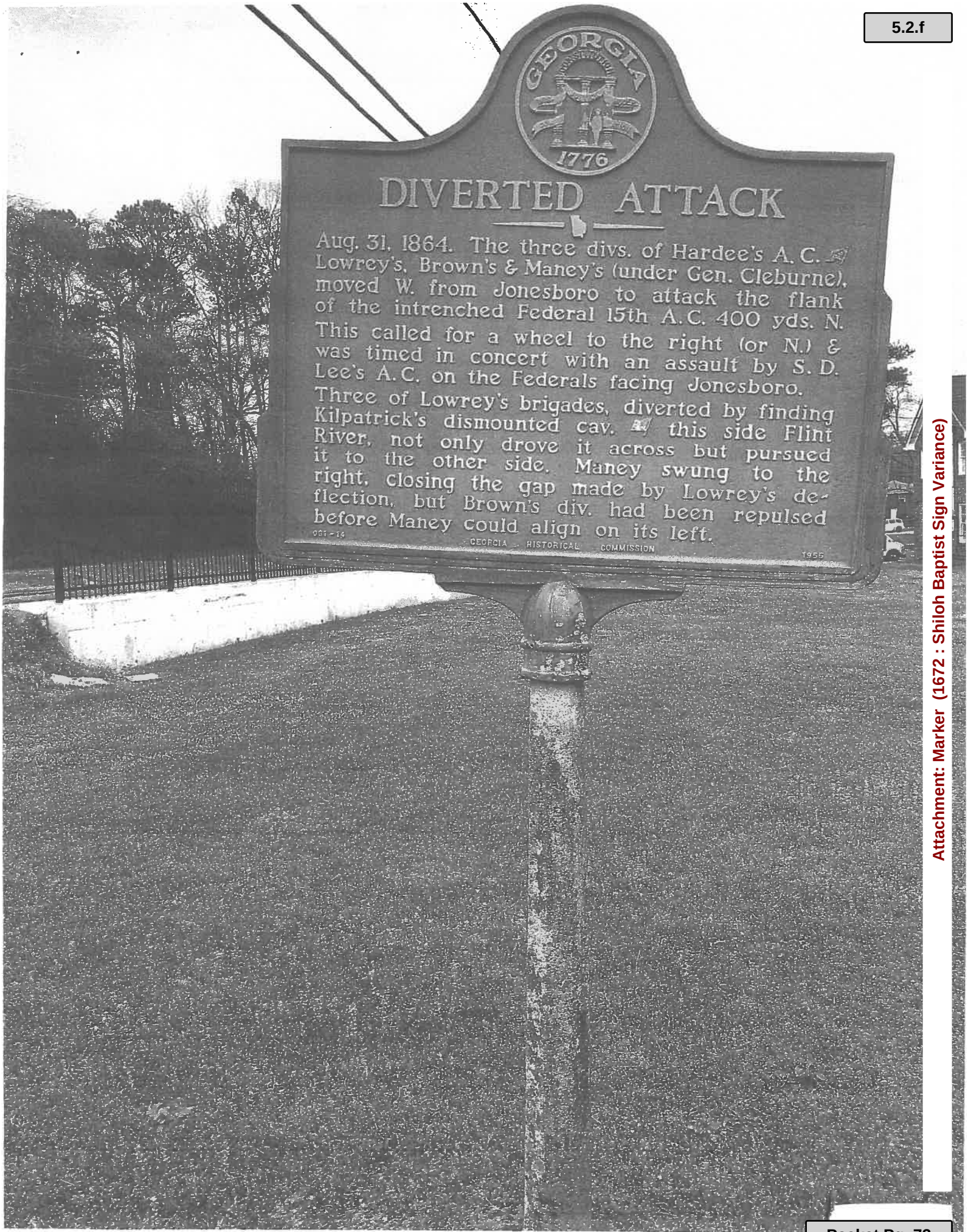
Attachment: Existing Site Pictures (1672 : Shiloh Baptist Sign Variance)



Attachment: Existing Site Pictures (1672 : Shiloh Baptist Sign Variance)



Attachment: Existing Site Pictures (1672 : Shiloh Baptist Sign Variance)



Attachment: Marker (1672 : Shiloh Baptist Sign Variance)

Google Maps 216 W Mill St



Map data ©2020 , Map data ©2020 20 ft



216 W Mill St

Jonesboro, GA 30236

Directions Save Nearby Send to your phone Share

Photos

Attachment: Sign Visibility (1672 : Shiloh Baptist Sign Variance)

Google Maps 216 W Mill St

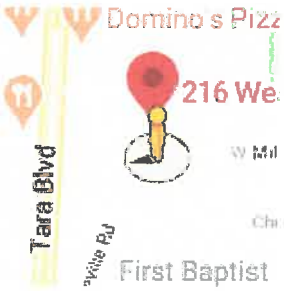


Image capture: Jun 2019 © 2020 Google

Jonesboro, Georgia

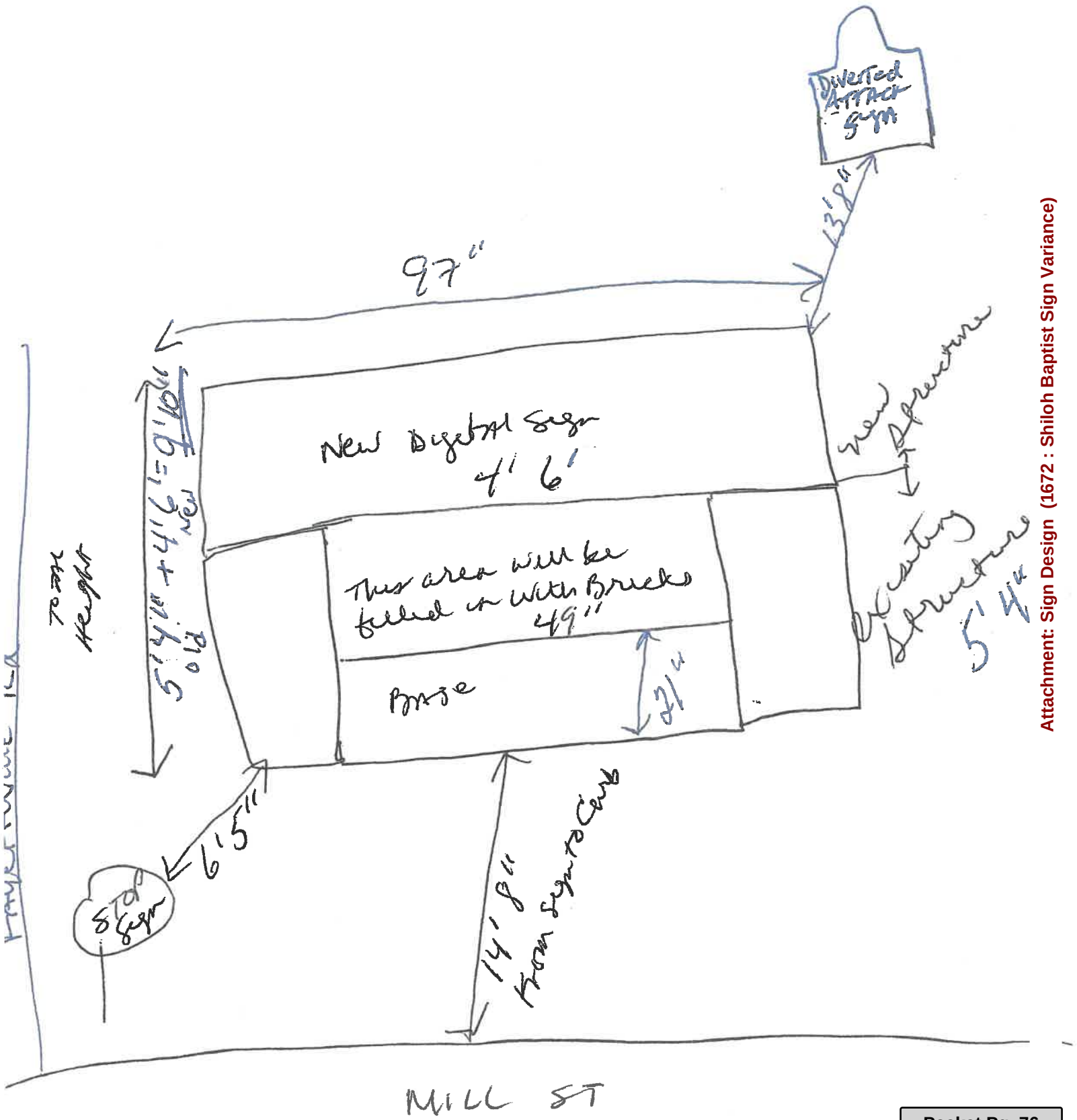
Google

Street View



Attachment: Sign Visibility (1672 : Shiloh Baptist Sign Variance)

Shiloh Baptist Church



Attachment: Sign Design (1672 : Shiloh Baptist Sign Variance)

50 YEARS OF EXCELLENCE

Example of Design



TekStar 20mm 24x80 4'x6'

Cabinet: 4' x 6'
Mount: Pedestal Custom (6" x 6')

Cabinet Color: Blue
Face Color: White
Line Color: White

Outline Color: Black
Fonts: Hipster, Zapf Humanist(b)
Logos: 2480colortell, mountainssans

stewartsigns
America's Premier Sign Company
1-800-237-3928 WWW.STEWARTSIGNS.COM

ORIGINAL DESIGN DO NOT DUPLICATE

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK BASED PRINTING PROCESS. THIS CUSTOM ARTWORK IS NOT INTENDED TO R... EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDITION OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT ... THE PROPOSAL. ANY MEASUREMENTS SHOWN ARE APPROXIMATIONS. DIMENSIONS OF FINAL PRODUCT MAY VARY. LED IMAGES SHOWN ... SIMULATED TO REPLICATE RESOLUTION FROM OPTIMUM VIEWING DISTANCE. A STEWART SIGN IS DESIGNED TO BE ILLUMINATED AT ALL TI... INCREASES THE LIFE OF THE SIGN'S LIGHTING COMPONENTS. SKETCHES ARE BASED OFF OF THIS PREMISE.

APPROVED AS SHOWN.
X _____ DATE _____ 1. _____

APPROVED WITH LISTED CHANGES.
X _____ DATE _____ 2. _____ 3. _____

Sketch #257277 Customer #1084967
7/12/2018 CBRUMBY -PROPOSAL-

Attachment: Sign Design (1672 : Shiloh Baptist Sign Variance)

Municipal Sign (https://www.stewartsigns.com/municipal-signs) for

VILLAGE OF SOUTH CORNING FIRE DEPARTMENT

CORNING, NY

Example



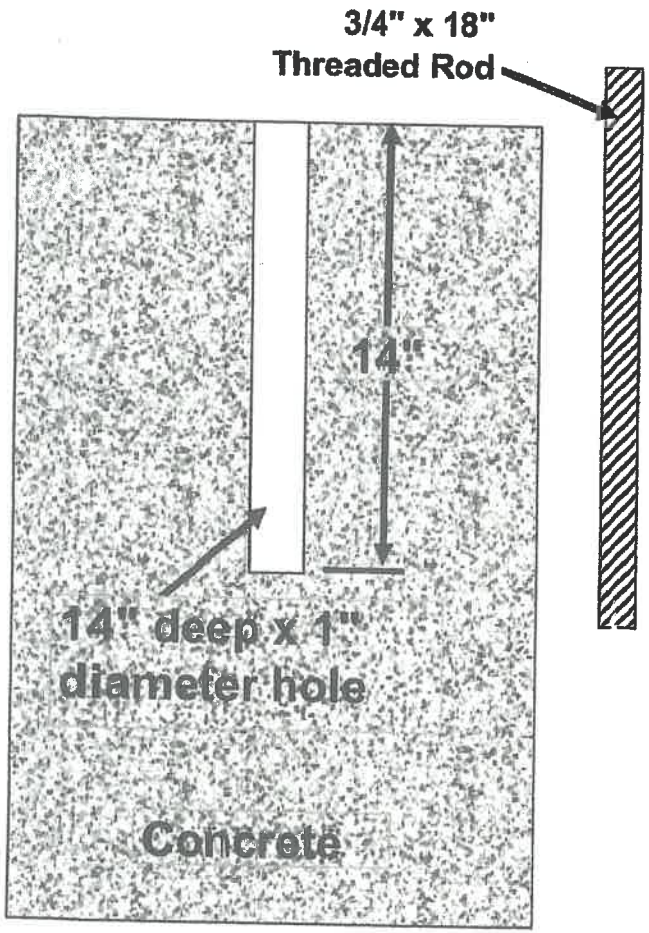
Photo #4271

Integrated Outdoor LED Sign (https://www.stewartsigns.com/outdoor-led-signs/integrated)

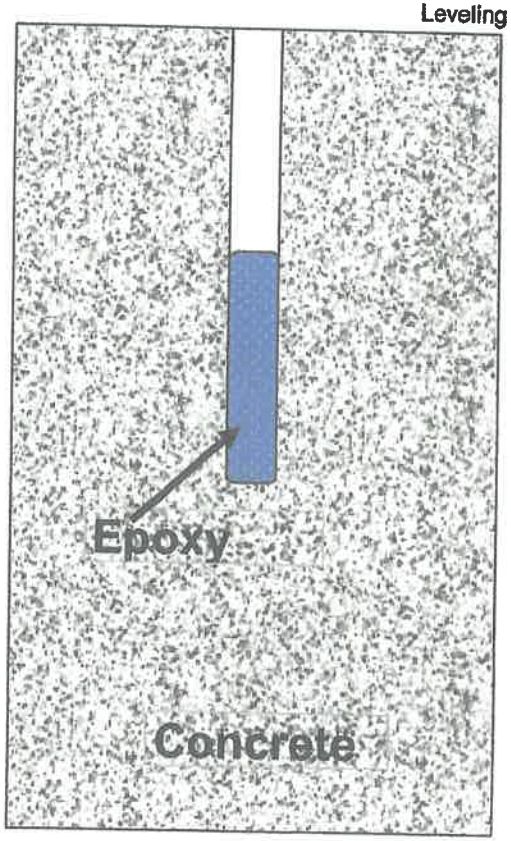
Size: 20mm 24x112 4' x 8' Restricted Content

Attachment: Sign Design (1672 : Shiloh Baptist Sign Variance)

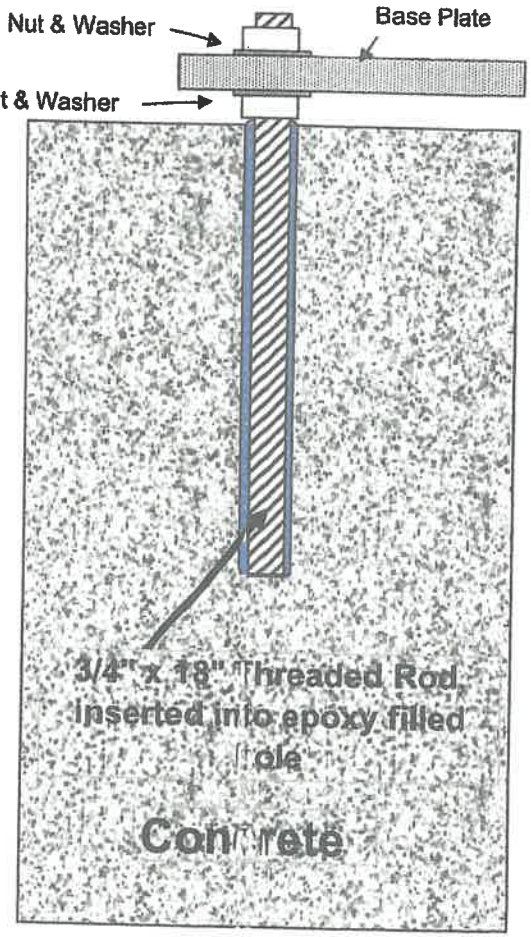
Installing Threaded Rod into Concrete with Epoxy



Step 1. Determine proper location of holes using full size Bolt Pattern Template provided by Stewart Signs and drill a 1" diameter hole 14" deep. After drilling, using compressed air insure all dust and debris is removed from the hole.



Step 2. Insure hole is dry and free of dust and debris, fill hole half way with epoxy.



Step 3: Rotate threaded rod while inserting into hole until it is seated at the bottom. Remove excess epoxy.

Suggested Products:

Threaded Rod: Galvanized Steel, National Coarse
Epoxy: Simpson SET High Strength Epoxy
Epoxy Model Number: SET22
Dispenser Model Number: EDT22B
Mixing Nozzle Model Number: EMN22

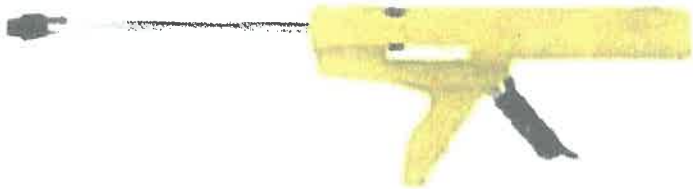


SET22

Epoxy

EMN22

Mixing Nozzle



EDT22B

Dispenser



Threaded Rod

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 3

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Conditional Use Permit Application 20-CU-005 for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-101 – H-1 Zoning Purpose and Standards; 86-182 Conditional Use Standards (Revised)

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization, Historic Preservation

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of Conditional Use application;** Recently, the applicant sought zoning verification for a sit-down, vegan restaurant and loft apartments at 128 South Main Street, site of the former retail business, Simple Pleasures. The building is part of the connected storefronts in the downtown core, between the Arts Clayton Gallery and Fig Tree Café. The property is zoned H-1, Historic District.

While the restaurant is a permitted use in the H-1 district, the lofts required a conditional use permit, with the following condition:

Sec. 86-182. - Mixed family, including lofts.

The following conditions are assigned in the H-1, H-2, O&I and C-1 districts:

(1) No residential unit shall occupy a street level space.

This condition can be met, as the restaurant is proposed for the existing ground level space, and the 4 loft apartments (2 per floor) will be above the restaurant, in two proposed additional floors. The apartments are intended to be high quality, a little over 1000 square feet each and with 9 to 10-foot tall ceilings. The apartments will have terraces in front overlooking the downtown area and terraces in the back overlooking the new Broad Street development. The restaurant on the ground floor, and the two new floors of loft apartments will be connected via an elevator, with a small lobby in the front.

The lofts align with the Future Development Map, which calls for a mix of office, residential, retail, and institutional in the downtown area.

The lofts also align with the purpose of the H-1 District, in Section 86-102 (a):

Purpose of district. The purpose of the H-1 historic district is to provide for retail and residential uses that benefit from close proximity to each other and that will generate pedestrian activity in the city's traditional downtown core. Development and redevelopment in this district is intended to preserve and enhance the historic character of the area while promoting the goals of the Livable Centers Initiative Study.

One of the tenets of the Livable Centers Initiative is to further foster the notion of "live here, work here, play

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

here", particularly in the downtown area, and the loft apartments would certainly help with that goal.

In terms of parking, the following is required, per Section 86-410:

(3) Mixed-use developments shall provide 1.25 spaces for each attached dwelling unit.

(15) Restaurants, cafeterias, night clubs, taverns and similar establishments shall provide the larger of one space per 100 square feet of gross floor area or one space for every three seats for customers, plus one space for every two employees on the shift of greatest employment.

Since there would be 4 loft apartments, this would require 5 parking spaces.

The restaurant area would have 1680 square feet, for 17 parking spaces required. With 44 seats, 15 parking spaces would be required.

22 total parking spaces required. There are exactly 22 parking spaces along the eastern side of Mai Street, closest to the subject building.

The Design Review Commission reviewed the exterior design on June 15th and June 18th. They approved the color scheme and materials for Option "B" (see enclosed), recommended concealing fire escape ladders in the rear, and recommended recessing the front of the apartments 8 feet back, to provide for more outdoor patio space and to soften the effect of the additional building height. They left the total height of the building to the Mayor and Council.

The Historic Preservation Commission also reviewed the exterior design on June 15th and also approved Option "B":

Exterior modifications of and two-story addition to an existing building per architectural drawings by Washington Design Group dated 6/02/2020. Existing brick veneer to be retained on lower floor and exterior painted Tricorn Black SW 6258. New addition exterior shall be a mix of wood veneer, metal, and glass (windows). Per the plans, wood veneer approved colors are Iron Ore SW 7069, GRIS SW 7659, and Tricorn Black SW 6258. Per Design Review Commission, Front of addition shall be recessed 8 feet from the street to create a patio. Fire escape ladder shall be concealed. Building height shall be as approved by Mayor and City Council.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Existing Site
- Zoning Map - 128 South Main Street, Restaurant
- Comp. Plan
- FRONT ELEVATION - OPTION B
- Existing Ground Floor Plan

- Proposed Ground Floor Plan
- First Floor Apartments
- Second Floor Apartments
- Front and Rear Elevations
- Side Elevation 1
- Side Elevation 2
- Structural 1
- Structural 2
- Conditional Use - 128 South Main Street Loft Apartments - Legal Notice
- Zoning Sign

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

CONDITIONAL USE PERMIT
APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: $700.00 (Non-Refundable).

Date of Application: 6/19/20

Property Owner Authorization

I (We) John Taylor the owner(s) of the following property located at: 128 S. Main Street, Jonesboro, GA 30236

Tax Parcel Number: 13-0241D-00C-012 Size of Property: 0.07 ac

Located in Zoning District CB do hereby request permission for a conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

Remodel of an existing Commercial building and addition of Loft Apartments above.

Attachment: Application (1673 : 128 South Main Street Lofts)

Property Owner Information

Name: John Taylor

Mailing Address: 128 S. Main street

City: Jonesboro State: GA Zip: 30236

Phone: (Day) 678-365-5071 (Evening) 678-365-5071

Applicant's Information

(If Different from Owner's Information)

Name:

Mailing Address:

City: State: Zip:

Phone: (Day) (Evening)

Jonesboro Property Information

Existing Uses and Structures: Commercial (not currently in use)

Property address: 128 S. Main Street, Jonesboro, GA 30236

Surrounding Uses and Structures: (See Official Zoning Map): Commercial office/ merchantile

Surrounding Zoning:

North: H-1 South: H-1 East: H-1 West: H-1

Details of Proposed Use: Remodel of existing structure and new lofts

Public Utilities: City of Jonesboro

Access, Traffic and Parking: Street and back parking lot

Special Physical Characteristics: Existing

Attachment: Application (1673 : 128 South Main Street Lofts)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING: N/A EXISTING BUILDING FOOTPRINT EX. PAVING

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

Attachment: Application (1673 : 128 South Main Street Lofts)

The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

Date: 06-19-20 Signed:

Notary: 06/18/20 SEAL

J DAVID WHITTAKER NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA

FOR OFFICE USE ONLY:

Date Received: 6/19/2020 **Received By:** DDA

Fee Amount Enclosed: $ 600

Public Notice Sign Posted (Date) 6/24/20

Legal Ad Submitted (Date) 6/19/20

Legal Ad Published (Date) 6/24/20

Date Approved: ___/___/20___

Date Denied ___/___/20___

Permit Issued ___/___/20___

Comment:

Attachment: Application (1673 : 128 South Main Street Lofts)

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

John Taylor
PRINT NAME

SIGNATURE/DATE

APPLICANT:

Andrew Washington
PRINT NAME

Andrew Washington 06-19-20
SIGNATURE/DATE

NOTARY:

SIGNATURE/DATE 06/19/20

J DAVID WHITTAKER NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA

SEAL

Attachment: Application (1673 : 128 South Main Street Lofts)

Google Maps 100 S Main St

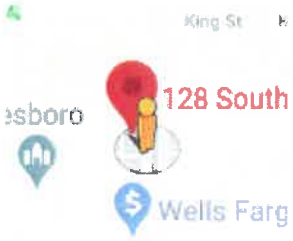


Image capture: Jun 2019 © 2020 Google

Jonesboro, Georgia

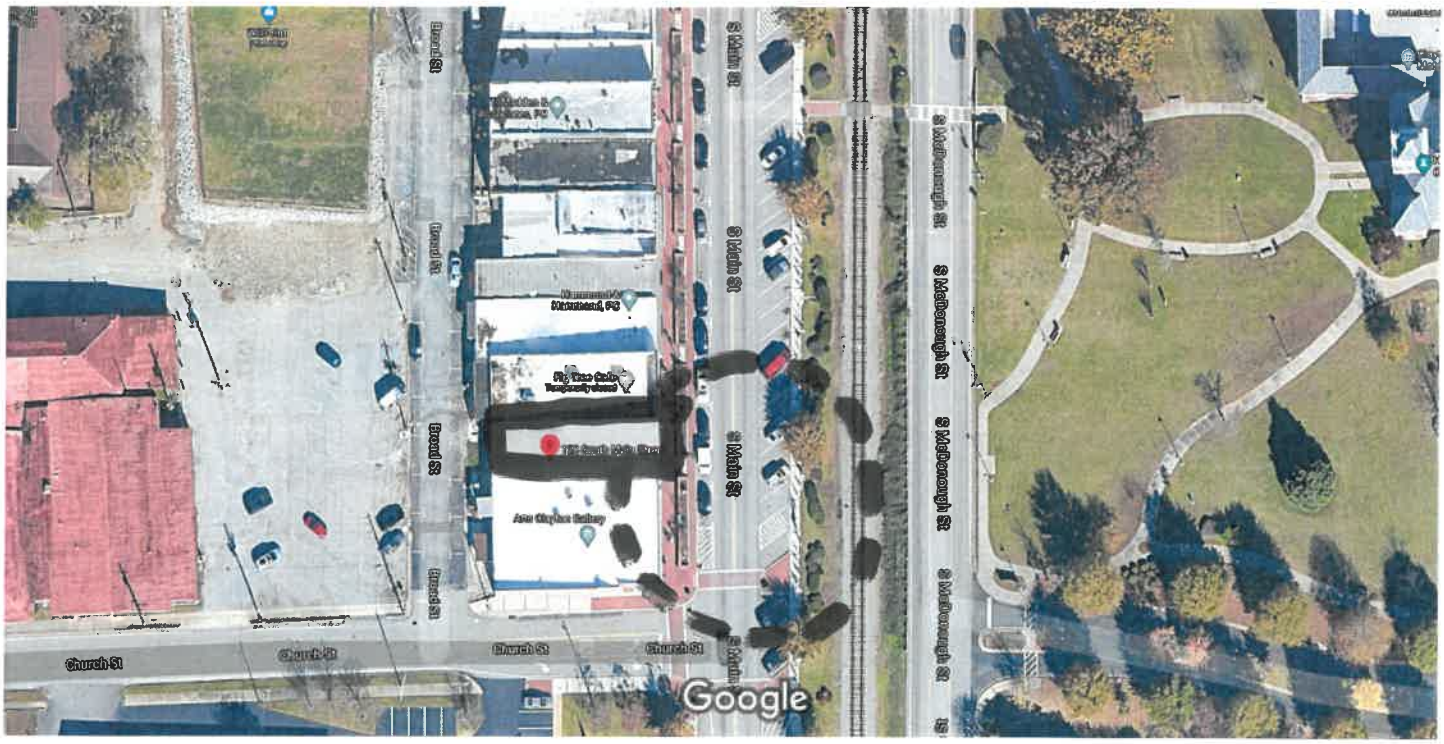
Google

Street View



Attachment: Existing Site (1673 : 128 South Main Street Lofts)

Google Maps 128 S Main St



Map data ©2020 , Map data ©2020 20 ft



128 S Main St

Jonesboro, GA 30236

Directions Save Nearby Send to your phone Share

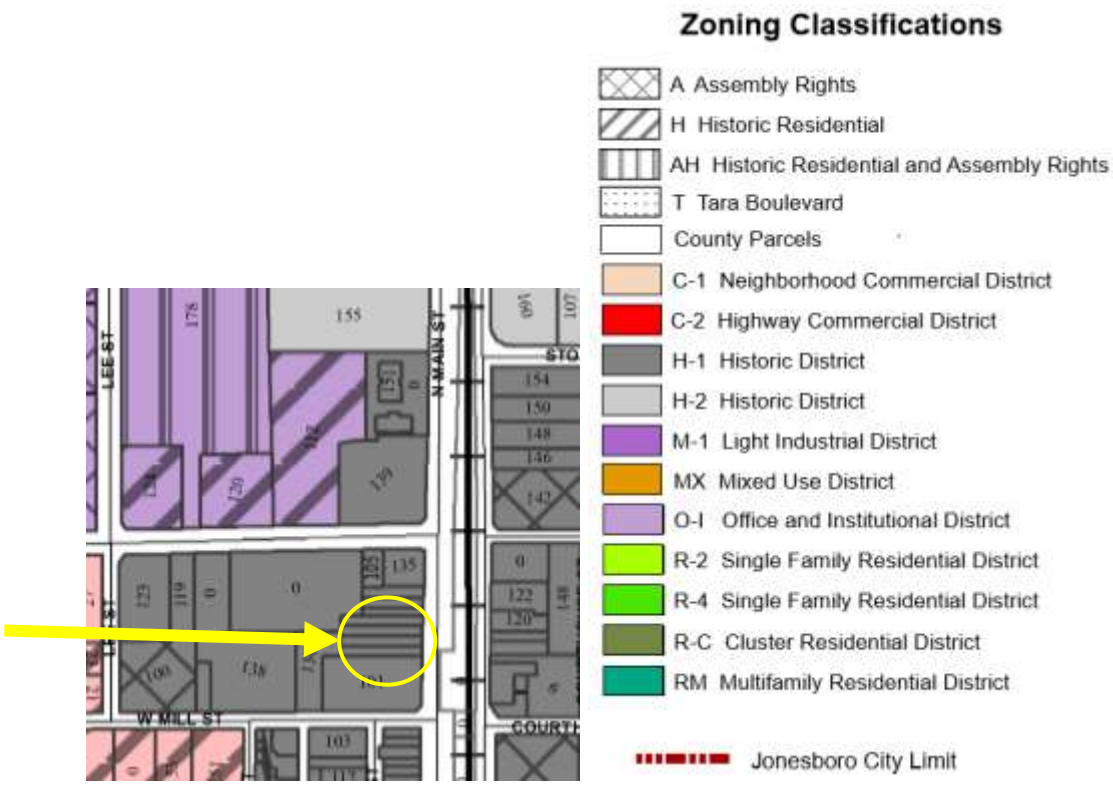
Photos

Attachment: Existing Site (1673 : 128 South Main Street Lofts)

Applicant – John Taylor
Name of Business – To Be Determined
Address - 128 South Main Street
Zoning District – H1
NAICS - 722511
Proposed Use: Restaurant (No Drive Thru), Apartments Top Floor

NAICS Code	USES	R-2	R-4	R-C	R-A	RM	H-1	H-2	O&I	MX	C-1	C-2	M-1	Code Section
722511	Restaurants, Full-Service, Quality Restaurants	N	N	N	N	N	P	P	C	P	P	P	N	Sec. 86-597
N/A	Mixed Use Dwelling, including Lofts	N	N	N	P	P	C	C	C	P	C	N	N	Sec. 86-182

Use is permitted "by right" in the district indicated = P; Use is permitted as a conditional use (section indicated) = C; Use is not permitted = N



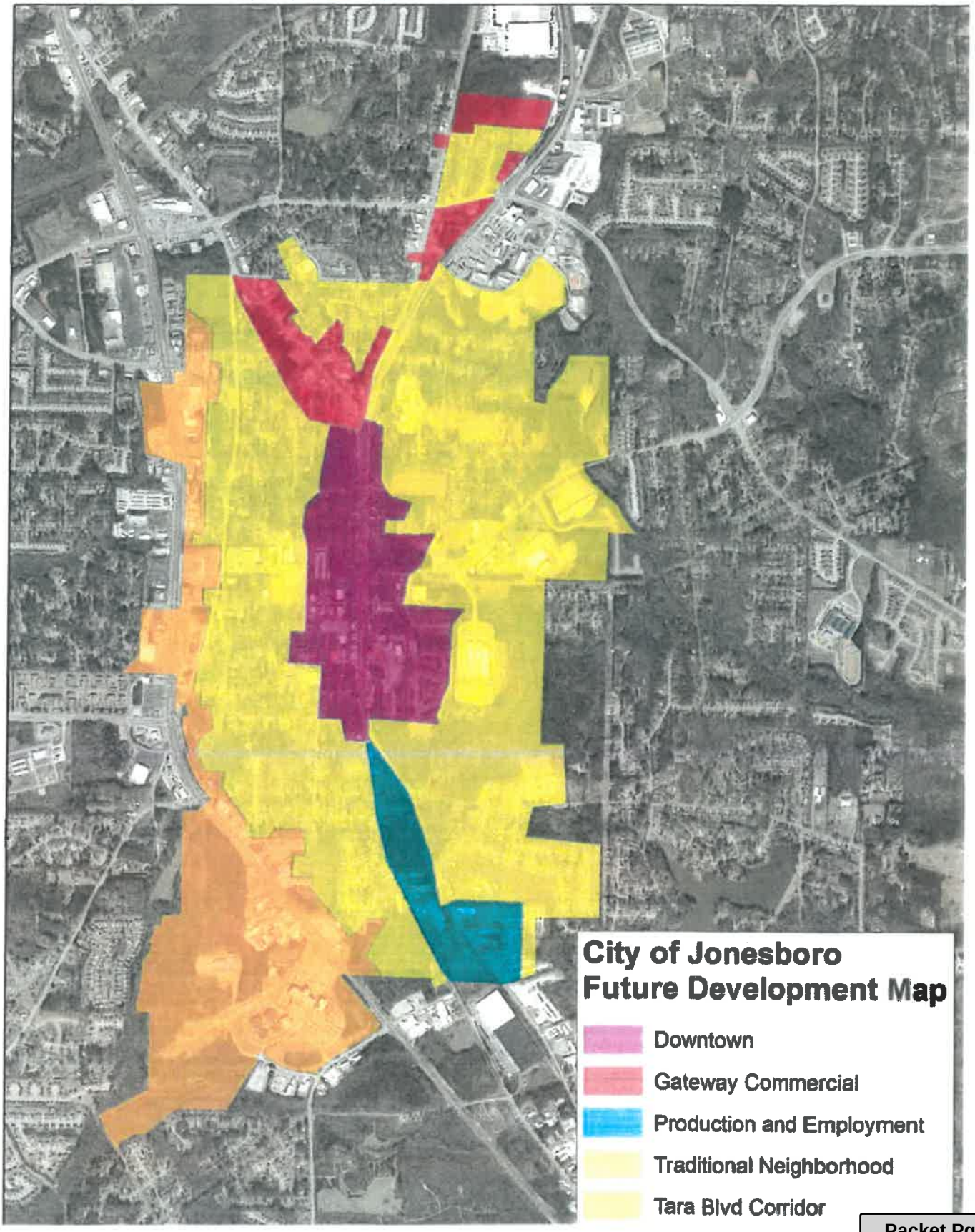
Sec. 86-182. - Mixed family, including lofts.

The following conditions are assigned in the H-1, H-2, O&I and C-1 districts:

(1) No residential unit shall occupy a street level space.

Attachment: Zoning Map - 128 South Main Street, Restaurant (1673 : 128 South Main Street Lofts)

Future Development Map

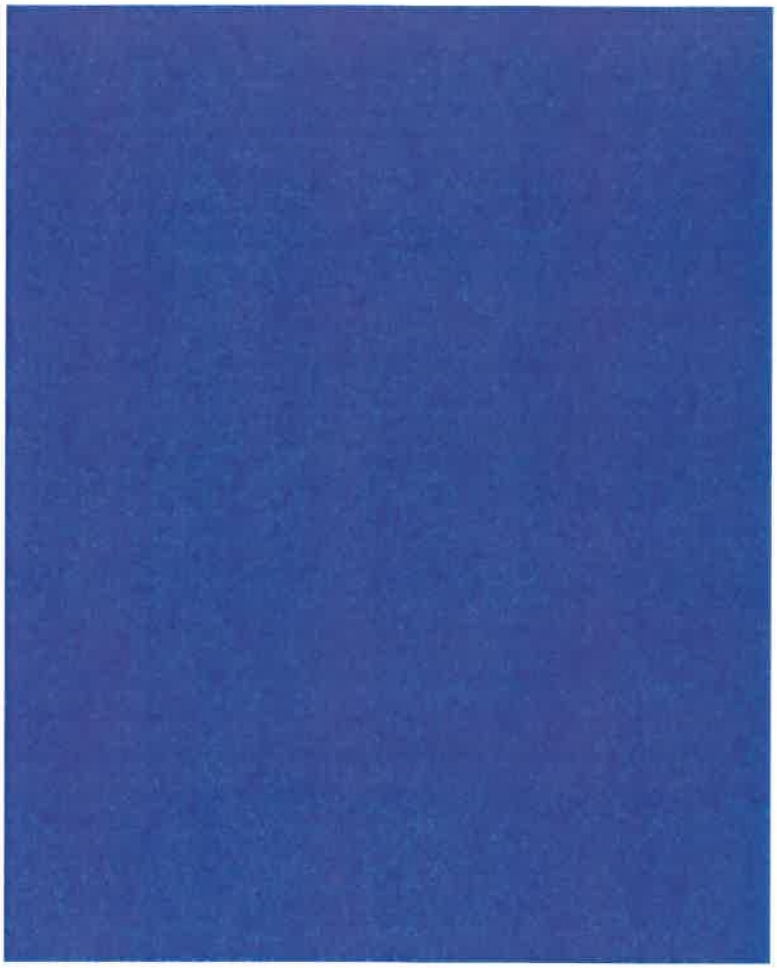


Attachment: Comp. Plan (1673 : 128 South Main Street Lofts)

Downtown

City of Jonesboro: Land Use and Future Development

This is the core commercial and office development center of Jonesboro and the area also includes residential to office conversions. This is the area that the city would like to see reinvestment and development and there is potential for Transit Oriented Development within the Downtown with the expansion of MARTA. The Jonesboro LCI Study should be used as guidance within this area.



Uses:

Office

Residential

Retail

Institutional

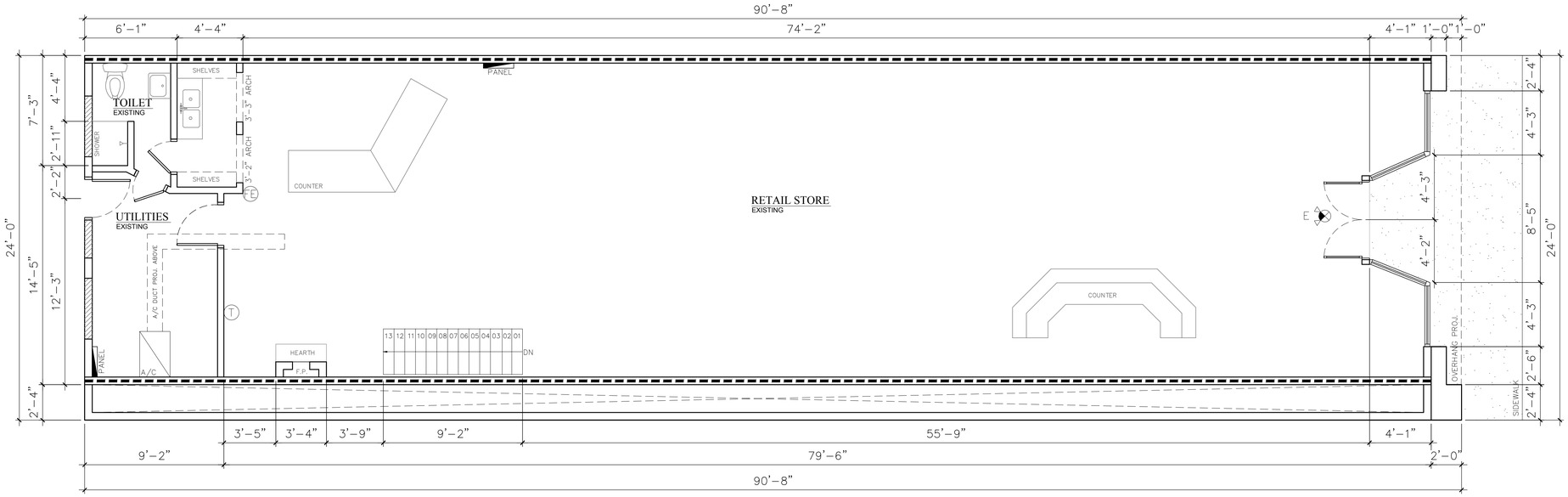
Implementation Measures:

- The Downtown should include a mixture of retail, office, services, and employment
- Design should be pedestrian oriented, with strong, walkable connections between different uses.
- Enhance the pedestrian-friendly environment by adding sidewalks and creating other pedestrian-friendly trail/bike routes linking to neighboring communities and major destinations, such as libraries, neighborhood centers, health facilities, parks, and schools.

Attachment: Comp. Plan (1673 : 128 South Main Street Lofts)



Attachment: FRONT ELEVATION - OPTION B

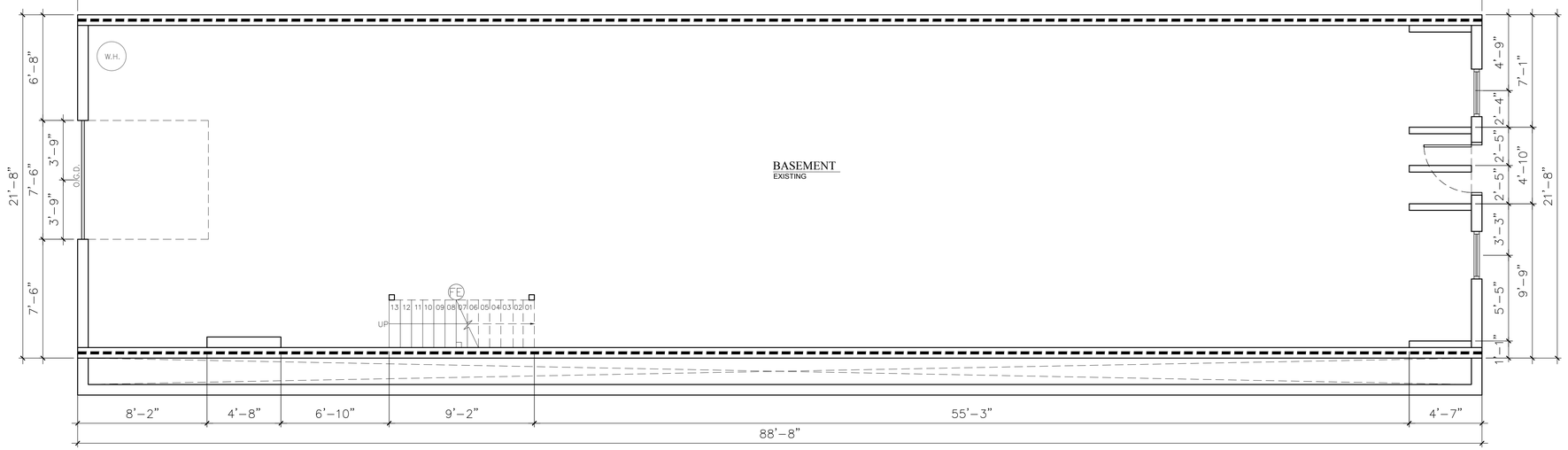


LEGEND

- EXISTING WALL
- DEMISING WALL
- CLOSED WINDOW ABOVE
- EXIT LIGHT W/ BATTERY PACK
- FE FIRE EXTINGUISHER
- T THERMOSTAT

EXISTING MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- DEMISING WALL
- EXIT LIGHT W/ BATTERY PACK
- FE FIRE EXTINGUISHER
- T THERMOSTAT

EXISTING BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0"

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wdg
washingtondesigngroup
1635 Old 41 Hwy., Ste. 112-133
Kennesaw, Georgia 30152
Phone: 404.981.1670
Fax: 770.429.0026
washingtondesign@aol.com

EXISTING
MAIN LEVEL
AND BASEMENT
FLOOR PLAN

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

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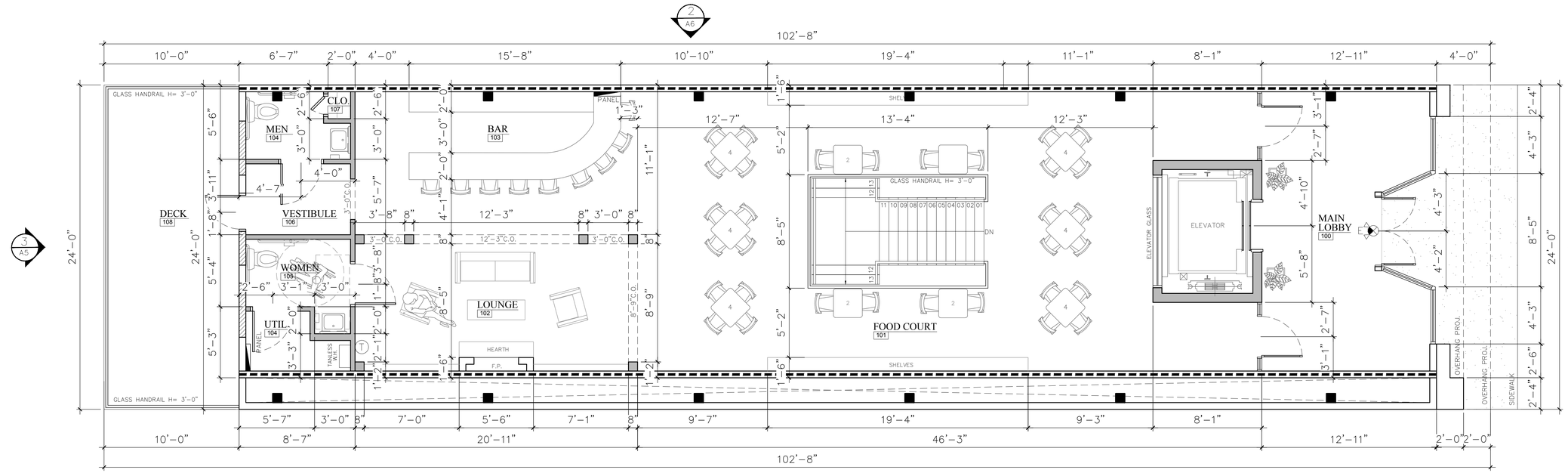
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Date: 06/02/20
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Attachment: Existing Ground Floor Plan (1673 : 128 South Main Street Lofts)

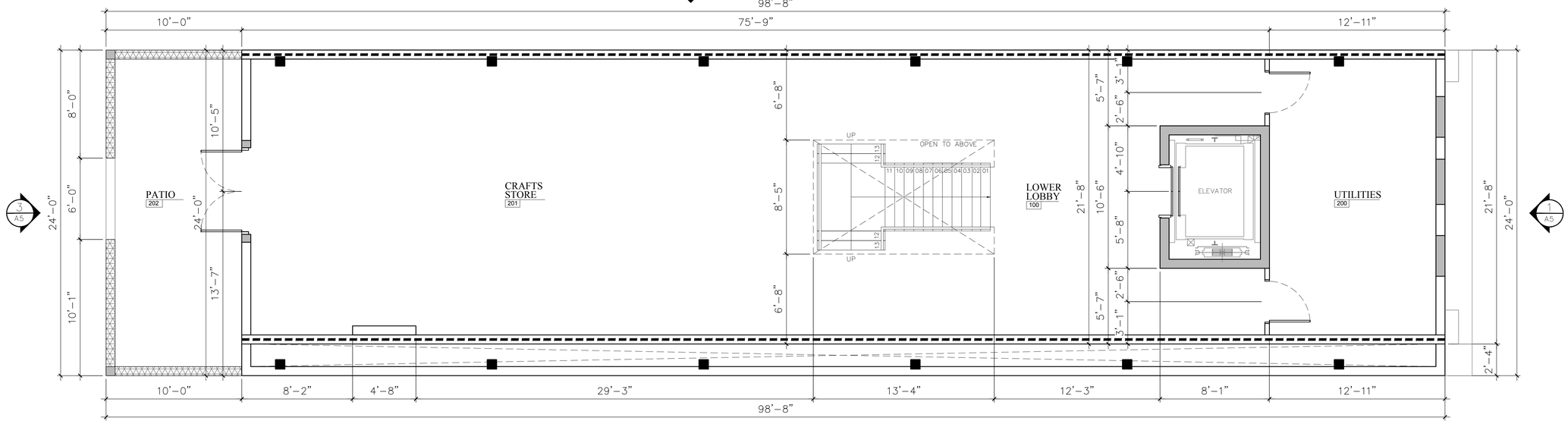


LEGEND

- EXISTING WALL
- DEMISING WALL
- CLOSED WINDOW ABOVE
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- DEMISING WALL
- NEW WALL
- NEW WALL H= 3'-0"
- NEW STRUCTURAL COLUMNS

PROPOSED BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0"

wdg
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Fax: 770.429.0026
washingtondesigngroup washingtondesign@aol.com

PROPOSED MAIN LEVEL AND BASEMENT FLOOR PLAN

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

Revision:

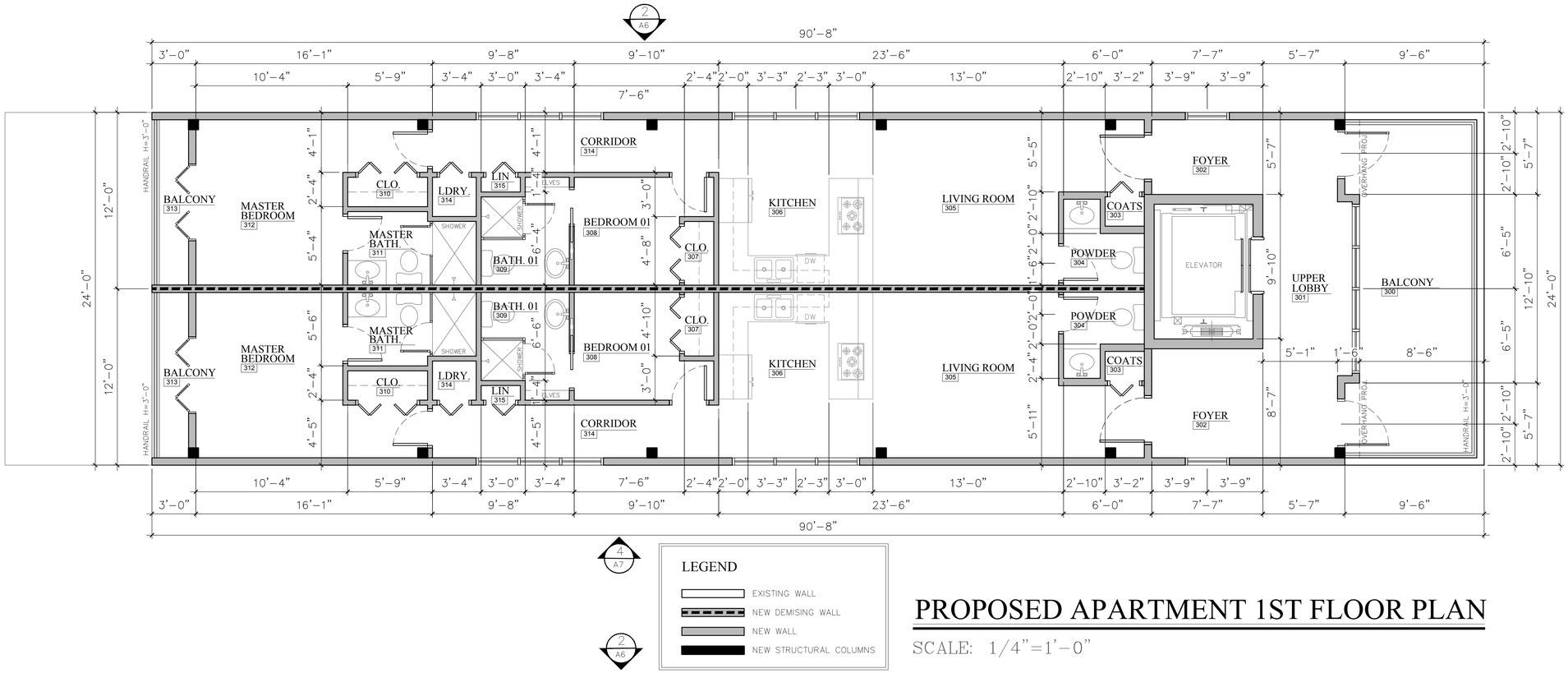
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Attachment: Proposed Ground Floor Plan (1673 : 128 South Main Street Lofts)

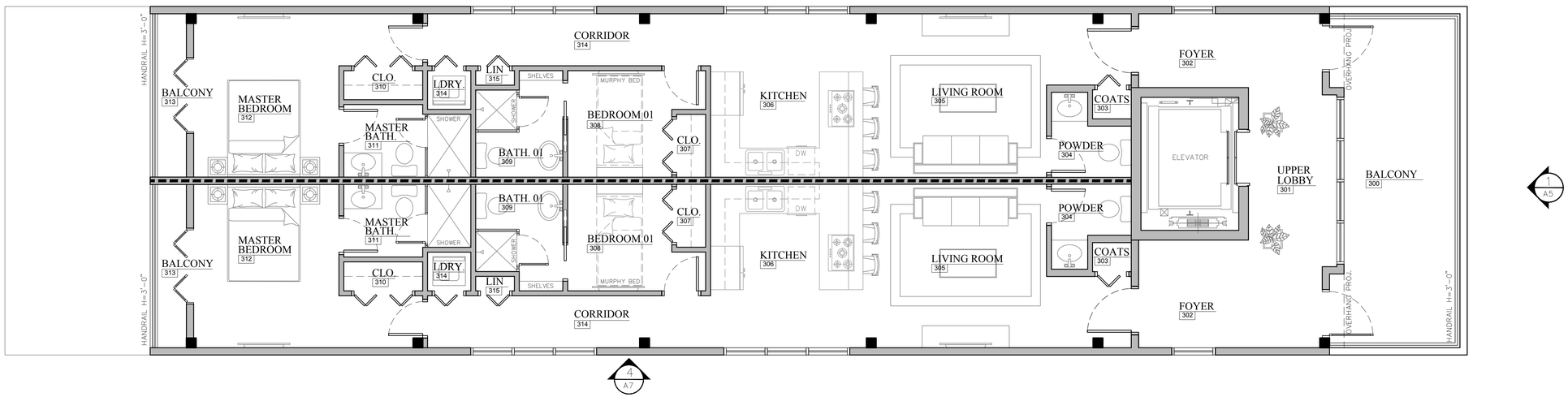


LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT 1ST FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT FURNITURE 1ST FLOOR PLAN

SCALE: 1/4"=1'-0"

wdg
Design Team ▲ Interiors ▲ Space Planning
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Kennesaw, Georgia 30152
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Fax: 770.429.0026
washingtondesigngroup washingtondesign@aol.com

PROPOSED APARTMENT AND FURNITURE 1ST FLOOR PLAN

MIXED USE JONESBORO
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JONESBORO, GA 30236

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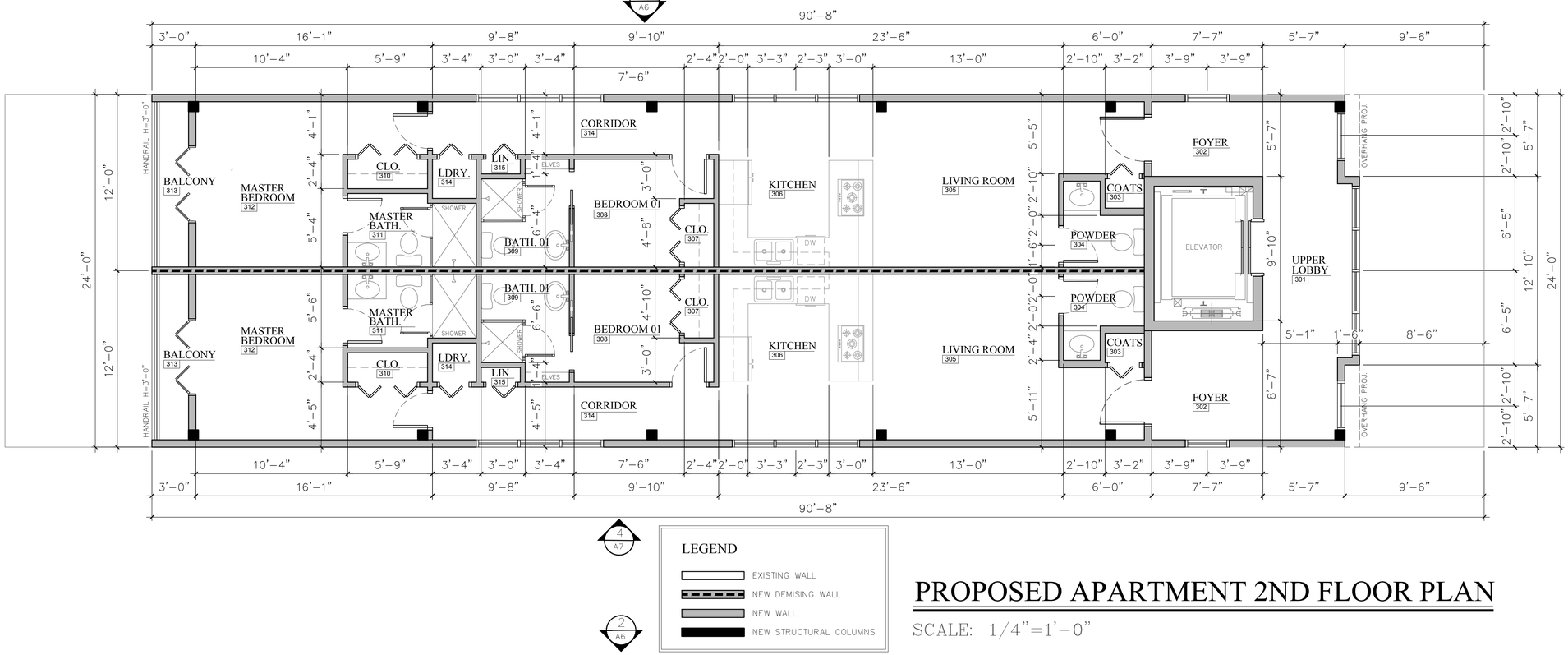
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Project No: X

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Attachment: First Floor Apartments (1673 : 128 South Main Street Lofts)

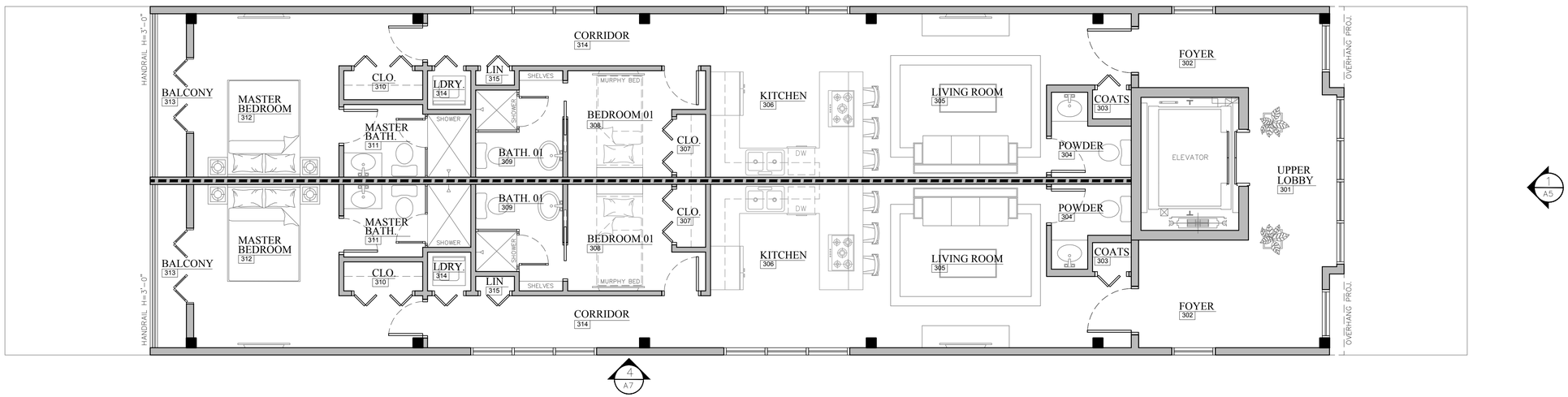


LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT FURNITURE 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"

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Fax: 770.429.0026
washingtondesigngroup@aol.com

PROPOSED APARTMENT AND FURNITURE 2ND FLOOR PLAN

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JONESBORO, GA 30236

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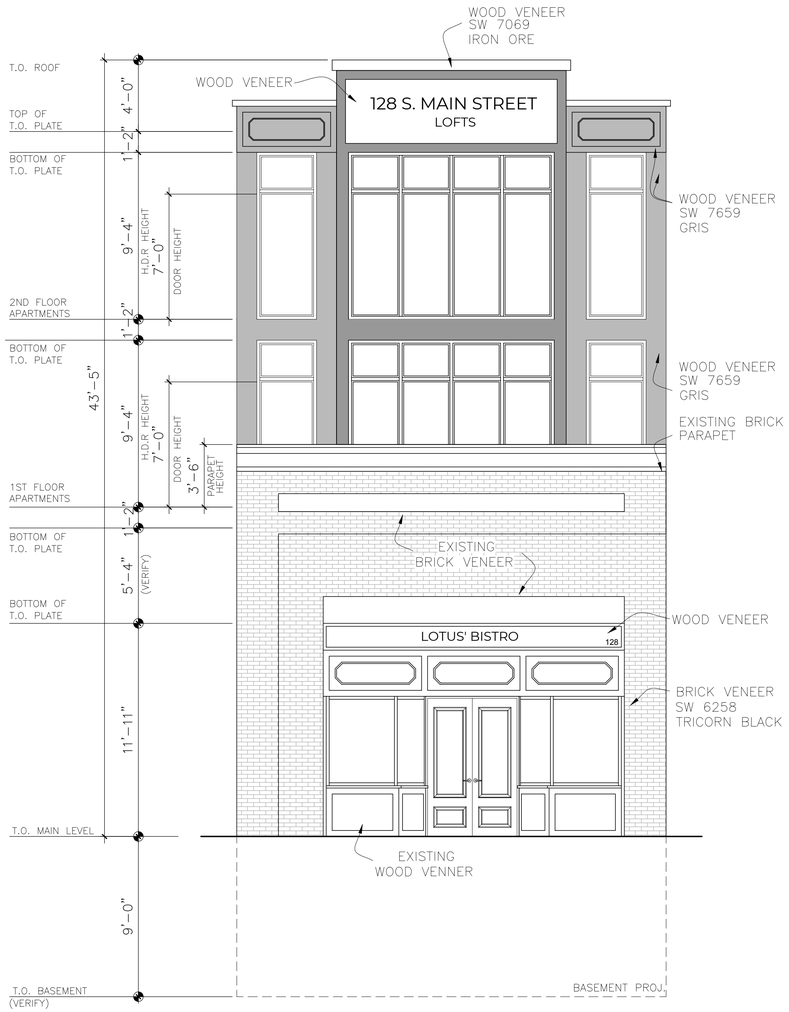
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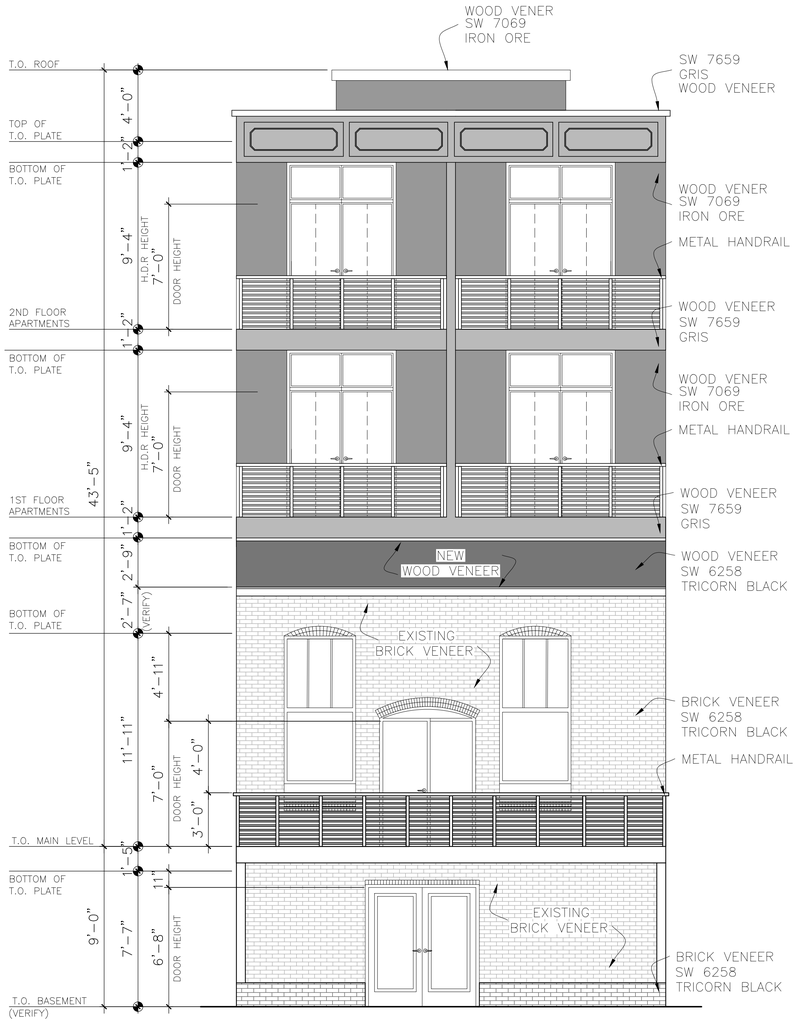
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Attachment: Second Floor Apartments (1673 : 128 South Main Street Lofts)



ELEVATION 01

SCALE: 1/4"=1'-0"



ELEVATION 03

SCALE: 1/4"=1'-0"

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Fax: 770.429.0026
washingtondesigngroup@aol.com

PROPOSED
ELEVATION
1 AND 3

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

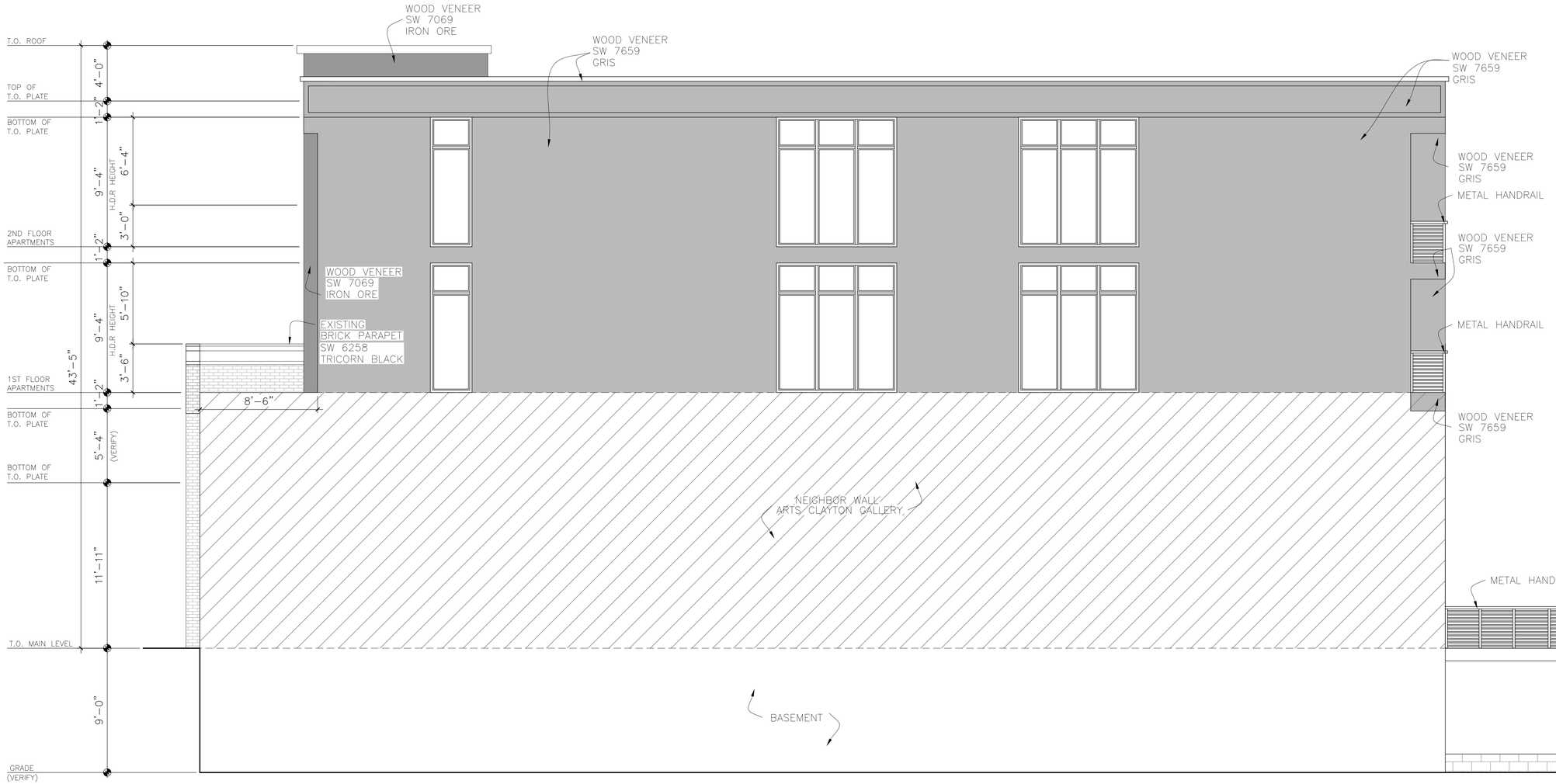
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Attachment: Front and Rear Elevations (1673 : 128 South Main Street Lofts)



ELEVATION 02

SCALE: 1/4"=1'-0"

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Fax: 770.429.0026
washingtondesigngroup@aol.com

PROPOSED
ELEVATION 2

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

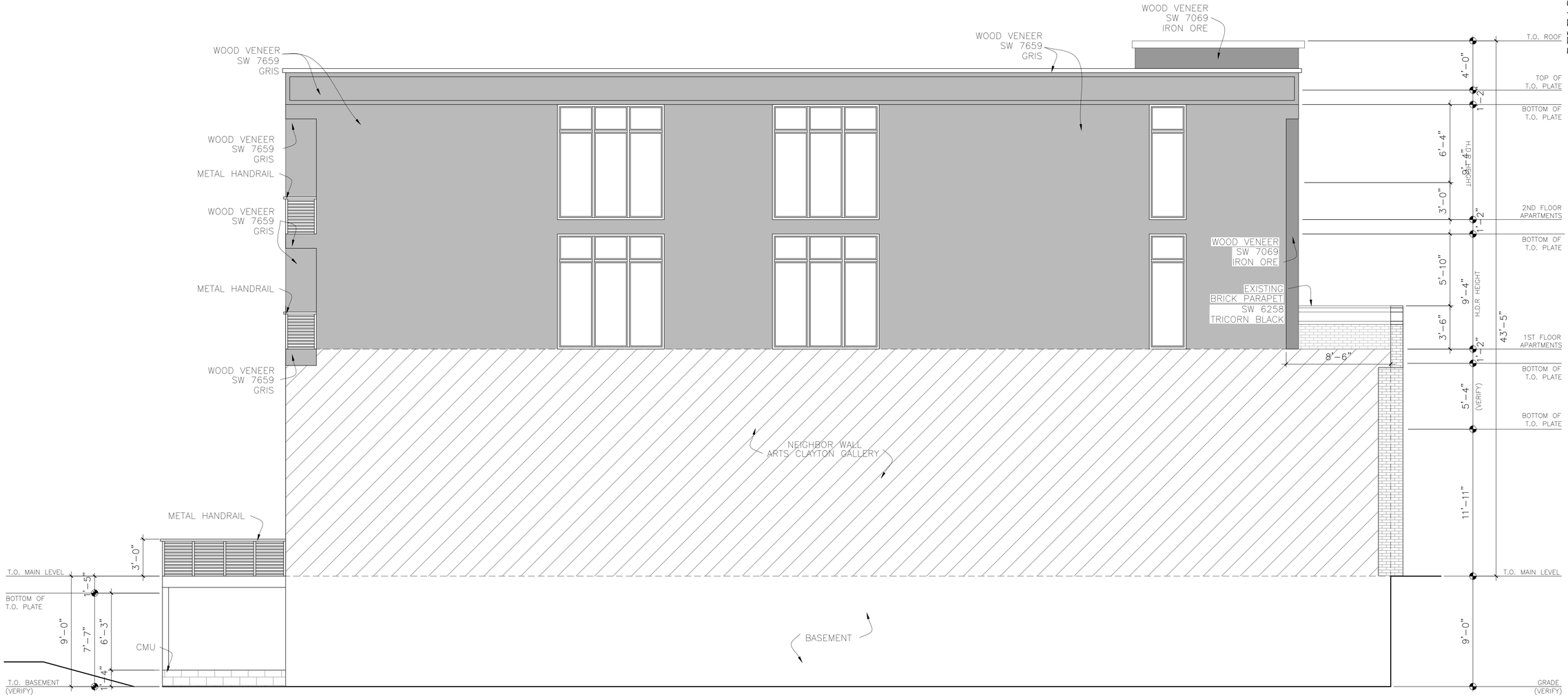
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Date: 06/02/20
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Attachment: Side Elevation 1 (1673 : 128 South Main Street Lofts)

RELEASED FOR CONSTRUCTION



ELEVATION 04

SCALE: 1/4"=1'-0"

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Kennesaw, Georgia 30152
Phone: 404.981.1670
Fax: 770.429.0026
washingtondesigngroup washingtondesign@aol.com

PROPOSED ELEVATION 4

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

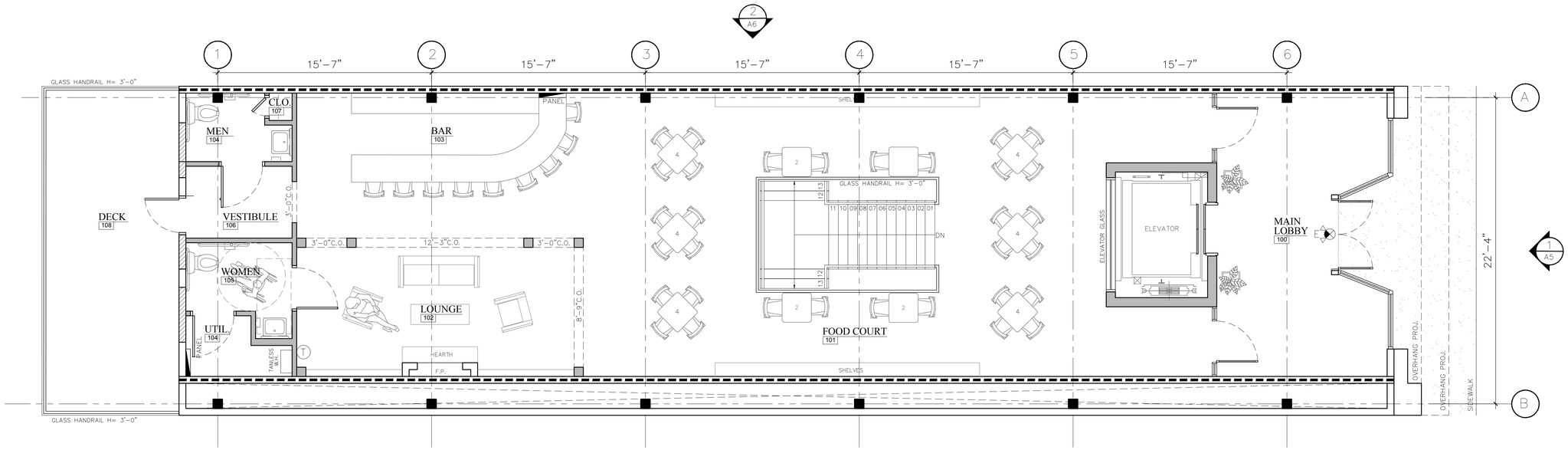
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Project No: X

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Attachment: Side Elevation 2 (1673 : 128 South Main Street Lofts)



LEGEND

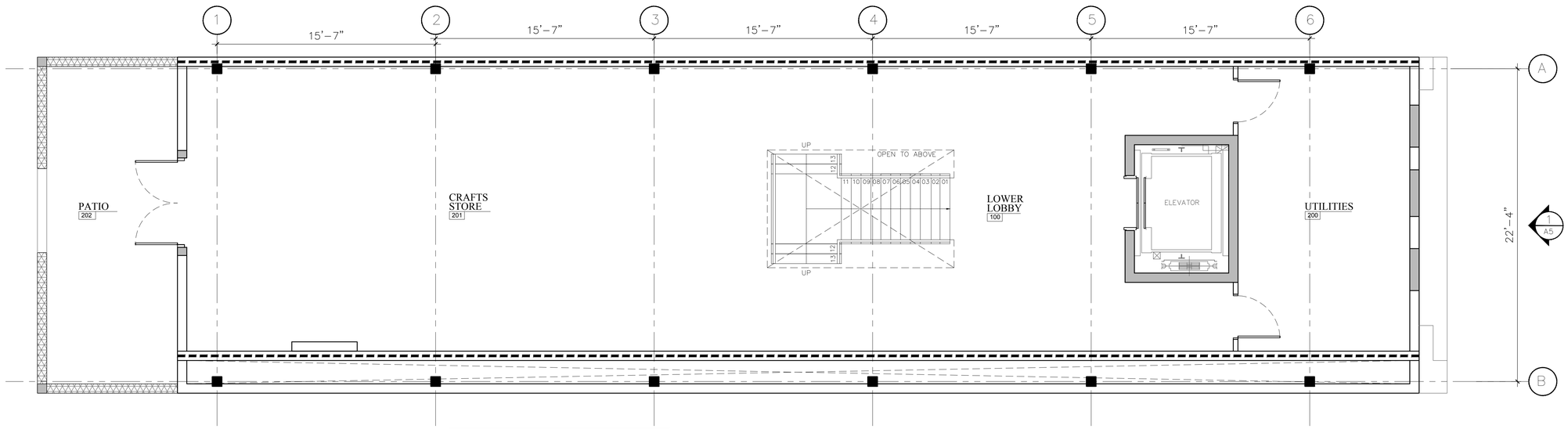
- EXISTING WALL
- DEMISING WALL
- CLOSED WINDOW ABOVE
- NEW WALL
- NEW STRUCTURAL COLUMNS

4 A7

2 A6

PROPOSED STRUCTURE MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- DEMISING WALL
- NEW WALL
- NEW WALL H= 3'-0"
- NEW STRUCTURAL COLUMNS

4 A7

PROPOSED BASEMENT STRUCTURE FLOOR PLAN

SCALE: 1/4"=1'-0"

Washington Design Group ▲ Interiors ▲ Space Planning
1635 Old 41 Hwy., Ste. 112-133
Kennesaw, Georgia 30152
Phone: 404.981.1670
Fax: 770.429.0026
wdg washingtondesigngroup washingtondesign@aol.com

PROP. STRUCTURE MAIN LEVEL AND BASEMENT FLOOR PLAN

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

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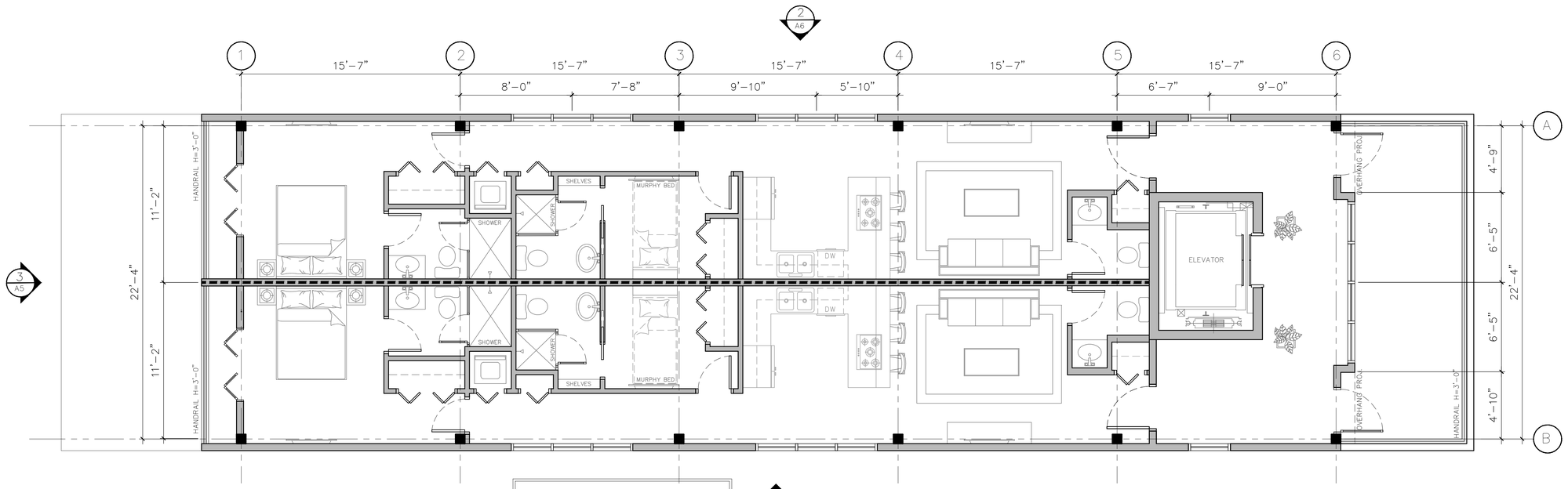
Revision:

Drawn By: AW
Checked By: KE
Date: 06/02/20
Project No: X

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S 1

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Attachment: Structural 1 (1673 : 128 South Main Street Lofts)

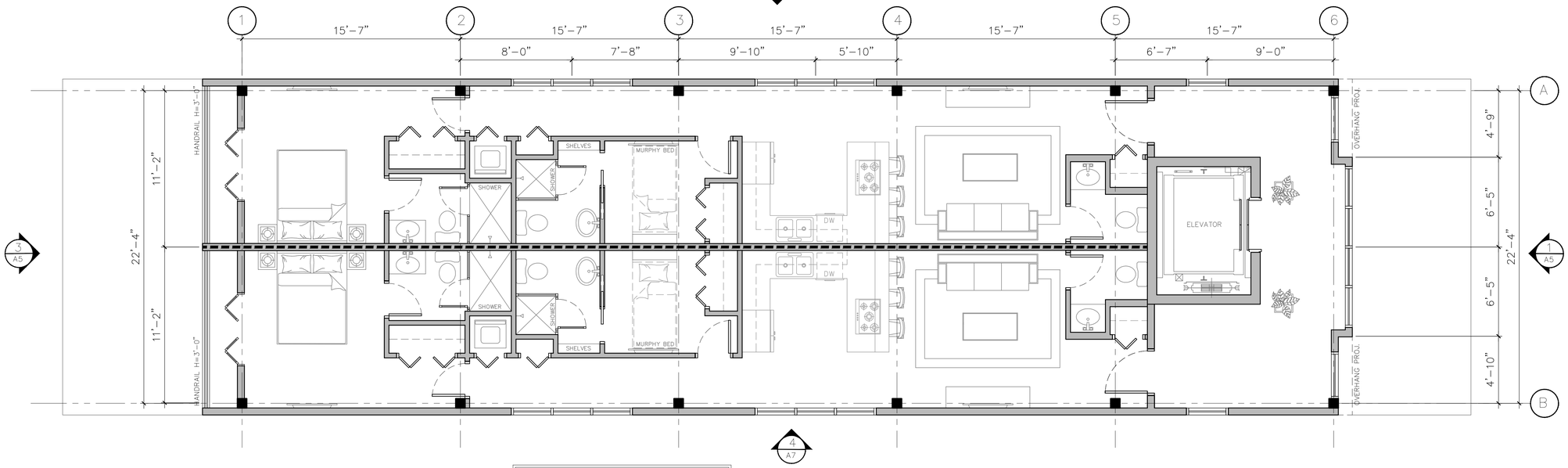


LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APART. STRUCTURE 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APART. STRUCTURE 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"

Custom Homes ▲ Interiors ▲ Space Planning

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Fax: 770.429.0026

washingtondesign@aol.com

PROP. APART. STRUCTURE 1ST AND 2ND FLOOR PLAN

MIXED USE JONESBORO
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JONESBORO, GA 30236

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Attachment: Structural 2 (1673 : 128 South Main Street Lofts)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Conditional Use Permit Application for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Conditional Use - 128 South Main Street Loft Apartments - Legal Notice (1673 : 128 South Main Street Lofts)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Conditional Use Permit by: John Taylor and Washington Design Group for Loft Apartments for property located 128 S. Main St. (Parcel No. 13241D C012) Jonesboro Ga.

LOCATION

Meeting VIA ZOOM

DATE: 07-13-2020 TIME: 6:00PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # 5.4 – 4

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a variance 20-VAR-004 for maximum building height and use of predominantly wood as an exterior material in the Historic District for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-101 – H-1 Zoning Purpose and Standards; 86-343 Variance Criteria

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization, Historic Preservation

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of variance application;** Recently, the applicant sought zoning verification for a sit-down, vegan restaurant and loft apartments at 128 South Main Street, site of the former retail business, Simple Pleasures. The building is part of the connected storefronts in the downtown core, between the Arts Clayton Gallery and Fig Tree Café. The property is zoned H-1, Historic District.

The applicant is also seeking a conditional use for the loft apartments in conjunction with this variance request. The restaurant is proposed for the existing ground level space, and the 4 loft apartments (2 per floor) will be above the restaurant, in two proposed additional floors. The apartments are intended to be high quality, a little over 1000 square feet each and with 9 to 10-foot tall ceilings. The apartments will have terraces in front overlooking the downtown area and terraces in the back overlooking the new Broad Street development. The restaurant on the ground floor, and the two new floors of loft apartments will be connected via an elevator, with a small lobby in the front.

The maximum height for structures in the H-1 District is 3 stories or 35 feet. With the addition of two floors of apartments on top of the existing building, the height of the building would go from the existing 21 feet, 11 inches to 45 feet, 4 inches exceeding the maximum allowable height by 10 feet. Also, the floor area for 3 stories would be about 5000 square feet, exceeding the 3500 square-foot maximum. Thus, a variance is needed for the lofts to happen. (Note: 45 feet, 4 inches is based on 9-foot ceiling heights.)

All such variances must be based upon evidence submitted before the mayor and council and upon findings, supported by the testimony or by documentary testimony, that such variance shall be required in the following instances:
a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
b. The property subject to the variance possesses one or more unique characteristics generally not applicable to similarly situated properties.
c. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
d. The grant of the variance will not grant a special privilege to the property owner.
e. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
f. The grant of the variance is not based solely on economic reasons, nor is the need for the variance the result of actions of the applicant.
g. The variance is the minimum necessary to allow reasonable use of the property.
h. The grant of the variance will not be injurious to the public health, safety or welfare.
i. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

neighborhood or to the general welfare.

If the conditional use for the apartments is approved, then the two new floors are necessary to have the reasonable use of the property as mixed use. Approval of the variance will not be seen as a special privilege to the property owner, as this development could spur similar construction on top of other buildings in the downtown core. The variance would not be injurious to the neighborhood or the general welfare, as it helps promote the goals of the Livable Centers Initiative for the downtown area.

Also, Sec. 86-291 has additional criteria related specifically to the heights of buildings:

Sec. 86-291. - Height limit exceptions.
Height limits established in this chapter pertaining to non-residentially zoned property shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, chimneys, smokestacks, water towers, transmission towers, flag poles, radio and television towers, masts, aerials and similar structures. Bulkheads, elevator penthouses, water tanks and heating and air conditioning units shall also be exempt, provided that such structures shall not cover more than 25 percent of the total roof area of the building on which such structures are located.

City council may issue conditional height permit that increases the height limit of a building on a lot in any zoning district, provided:

(1)The property owner has applied for a conditional height permit and submitted plans and information identifying the type of development proposed, the maximum proposed structure height, and details of proposed development which guarantee accessibility for firefighting equipment throughout construction and thereafter, including noncombustible stairs and standpipes with water under adequate pressure and flow to every floor. **The County Fire Marshal has done a preliminary review of the floor plans and the building itself and is general agreement with the proposed construction.**
(2) A determination has been made that the proposed development is consistent with the city's comprehensive plan, and that the proposed development is of such character as to be an asset to the immediately surrounding neighborhood.
The use is in alignment with the Comprehenisve Plan and the LCI Study and should spur further development in adjacent buildings.
(3) The proposed development will not unduly restrict light and air to surrounding properties nor violate any transitional height plane controls established in this chapter for the protection of residential development. **The added height will not affect light and air for adjacent buildings and will not be tall enough to affect air traffic safety.**
(4) The proposed development conforms to all other standards of the zoning district.
(5) The side yard, front yard, and rear setbacks shall meet the particular district's requirements as described below: **The building footprint will not be altered horizontally, only vertically.**
The front, side and rear yard setbacks shall comply with the standards of the respective zoning district and conform to the following schedule:

•Front yard. The front yard shall be increased one foot for every two feet of height above 35 feet.
•Side yard. The side yard shall be increased one foot for every one foot of height above 35 feet.
•Rear yard. The rear yard shall be increased one foot for every two feet of height above 35 feet.

In summary, the proposed 45-foot, 4-inch height is not an arbitrary number. It reflects the necessary goals of the applicant:

- **Having a quality, mixed use development as a vital node downtown.**
- **Having quality residences downtown, in a limited spatial area that requires vertical elements.**
- **Having quality residences, with 9-foot ceilings and ample space.**
- **4 units are economically feasible, where 2 are not.**
- **Preserving the structural integrity of the existing building and seeking structural safety, by not building directly on the brick roof of the existing building. A steel frame will be installed around the building addition to protect the existing ceiling and provide better structural support. This will near the top of the existing parapet, instead of the existing ceiling.**

The existing storefront on the first floor will mostly retain its original design and material (brick), with similar colors to the adjacent Fig Tree Café. However, the addition of the loft apartments on top is clearly an issue of strict preservation versus modern renovation and reinterpretation. The look of the loft is aligned with the same vision as the renovation of the Broad Street / Firehouse Museum, which was approved by both the Design Review Commission and the Historic Preservation Commission. It would be a good example of transitional

architectural infill. The lofts also are in alignment with the Jonesboro LCI (Livable Centers Initiative) goals bringing modern, high quality housing to the downtown area, as part of the "work here, live here, play here philosophy.

Though the approved loft apartments would make the building the tallest building on the row, it could spur similar vertical construction on adjacent buildings downtown, making this first development less obvious. Indeed, per the enclosed pictures of the historic downtown, many of the buildings were higher than they are now. (Note: the proposed Mexican restaurant will be about 32'-9 3/8" tall, and the existing TA Madden building is about 2 feet taller than that.)

Design Review questions, 6.15.20:

Can an effort be made not to start the apartment level at the top of the parapet and instead at one point lower than the parapet and reduce the total building height?

Side elevation shows the new additions overhanging the existing front building. This is maybe a concern since it feels that it will overpower the existing building.

The rear of the building facing Broad Street will be roughly 52'-6" above street level and it appears to be a shear wall (straight) without any articulation or massing setbacks. This is a concern as it is not compatible with existing building scale in this block.

Also, for new construction in the Historic District along Main Street and McDonough Streets, brick is the main exterior material approved for use. The applicant will keep the brick on the ground floor, but will use much wood veneer and glass on the new floors, which should breakup the brick nicely and complement the use of wood on the adjacent Fig Tree Café.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Existing Site
- Historic Downtown Jonesboro 1
- Historic Downtown Jonesboro 2
- Existing Ground Floor Plan
- Proposed Ground Floor Plan
- First Floor Apartments
- Second Floor Apartments
- Front and Rear Elevations
- Side Elevation 1
- Side Elevation 2

- FRONT ELEVATION - OPTION B
- Variance - 128 South Main Street Building Height - Legal Notice
- Zoning Sign

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: 128 S. Main Street, Jonesboro, GA. 30236

Parcel Identification Number: 13-0241D-00C-012

Size: 3600 sf

Owner: John Taylor

Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Andrew Washington dba/ Washington Design Grou

Mailing Address: 1635 Old 41 Hwy., Ste. #112-133, Kennesaw, GA 30152

Email Address: washingtondesign@aol.com Telephone: 404-981-1670

Attachment: Application (1674 : 128 South Main Street Building Height Variance)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: _____

Requesting Variance from: 21'-11" ± to: 45'-4" ±

Reason for Variance Request: New Loft structure to be built over the existing structure

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
   This structure is being remodeled to accommodate an additional two levels of Loft Apartments and none of the other structures in the district has this.

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.
   The existing structure is proposed to have a Bistro on the Main level, crafts workshop in the basement and Loft Apartment living above the roof plane

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
   The owner can not recap his maximum value or ROI without this renovation and addition in it's present state.

4. Demonstrate how a variance prevents reasonable use of the property.
   A variance will NOT prevent reasonable usage of the subject property.

Attachment: Application (1674 : 128 South Main Street Building Height Variance)

5. Please explain the reasoning for the variance and state whether it is a result of the applicant.
The reason for the variance is to allow for remodeling of the existing structure and addition of loft living. This reasoning is a result of the applicant's purchase and request.

6. Demonstrate how the variance is the only result to allow reasonable use of the property.
Since the existing height restriction is 35'-0" a variance to allow for more height to accommodate the loft apartments is the only request necessary.

7. Will the granting of the requested variance be injurious to the public health, safety or welfare?
No it will not.

8. Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?
The variance request will be unique to the district and ultimately provide harmony as the district grows because of the change being proposed.

Andrew Washington
PRINT NAME

Andrew Washington
SIGNATURE

06-18-20
DATE

FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: ___/___/20___

Information Reviewed By: _____

Actions Taken By: _____

Misc. Notes: _____

Attachment: Application (1674 : 128 South Main Street Building Height Variance)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

John Taylor
PRINT NAME

SIGNATURE/DATE

NOTARY:
SIGNATURE/DATE 2-11-2021

SEAL

J. DAVID WHITTAKER
NOTARY PUBLIC
CHEROKEE COUNTY, GEORGIA

4

APPLICATION FOR ADMINISTRATIVE VARIANCE

Attachment: Application (1674 : 128 South Main Street Building Height Variance)

Google Maps 100 S Main St

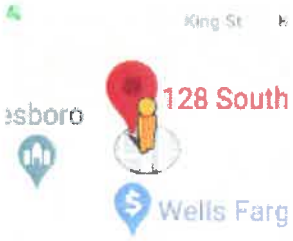


Image capture: Jun 2019 © 2020 Google

Jonesboro, Georgia

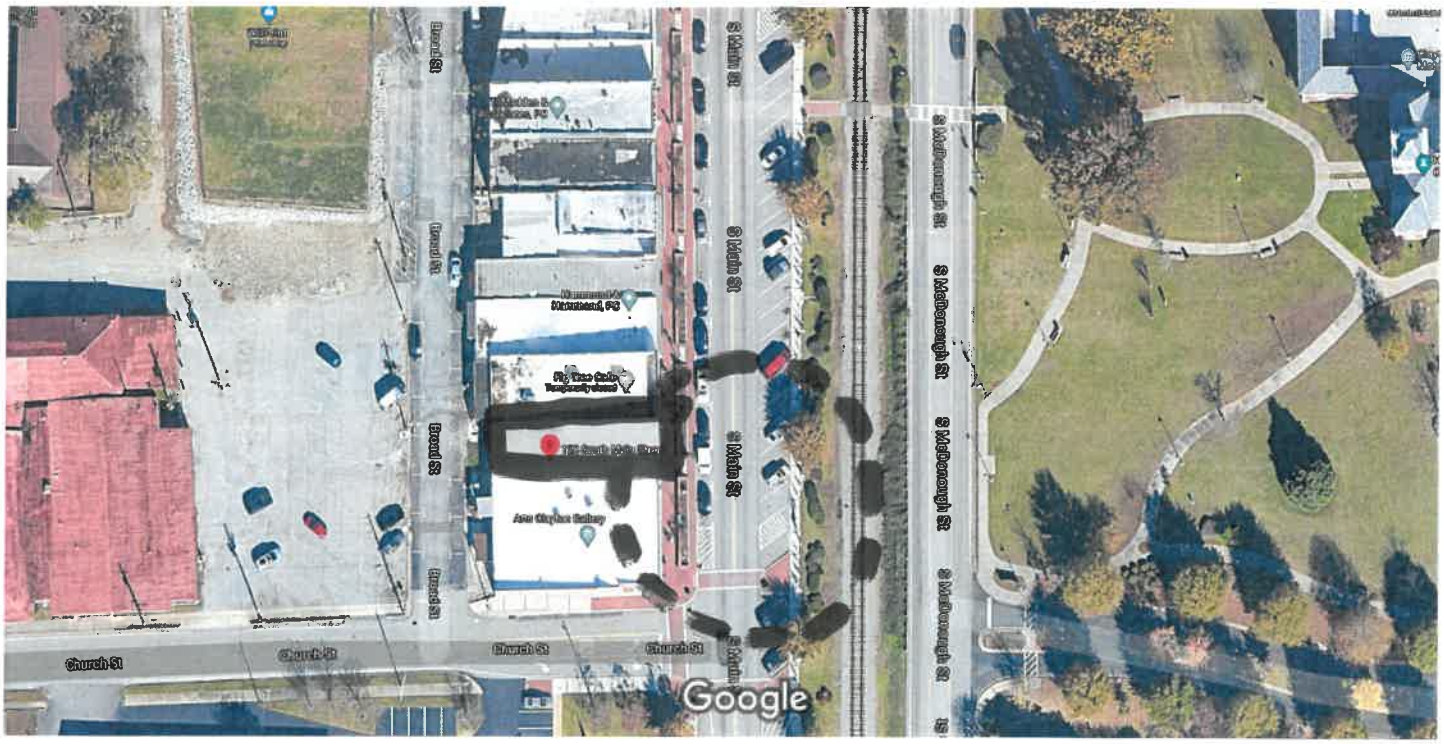
Google

Street View



Attachment: Existing Site (1674 : 128 South Main Street Building Height Variance)

Google Maps 128 S Main St



Map data ©2020 , Map data ©2020 20 ft



128 S Main St

Jonesboro, GA 30236

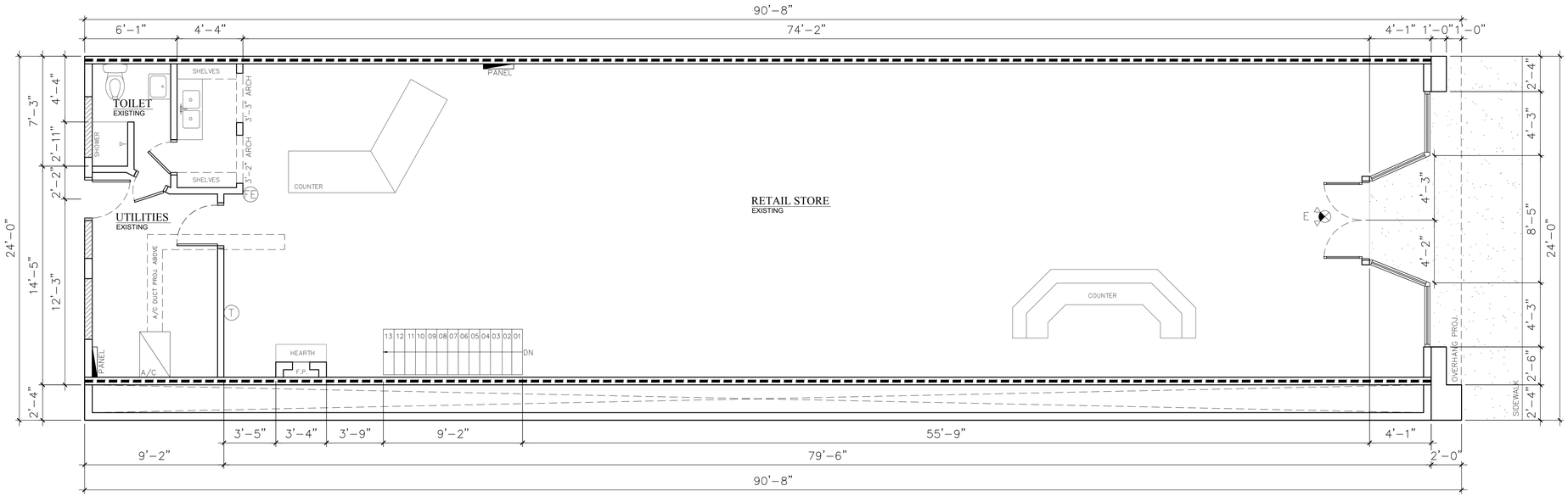
Directions Save Nearby Send to your phone Share

Photos

Attachment: Existing Site (1674 : 128 South Main Street Building Height Variance)


HOTEL
SODA
Coca-Cola

S.S.

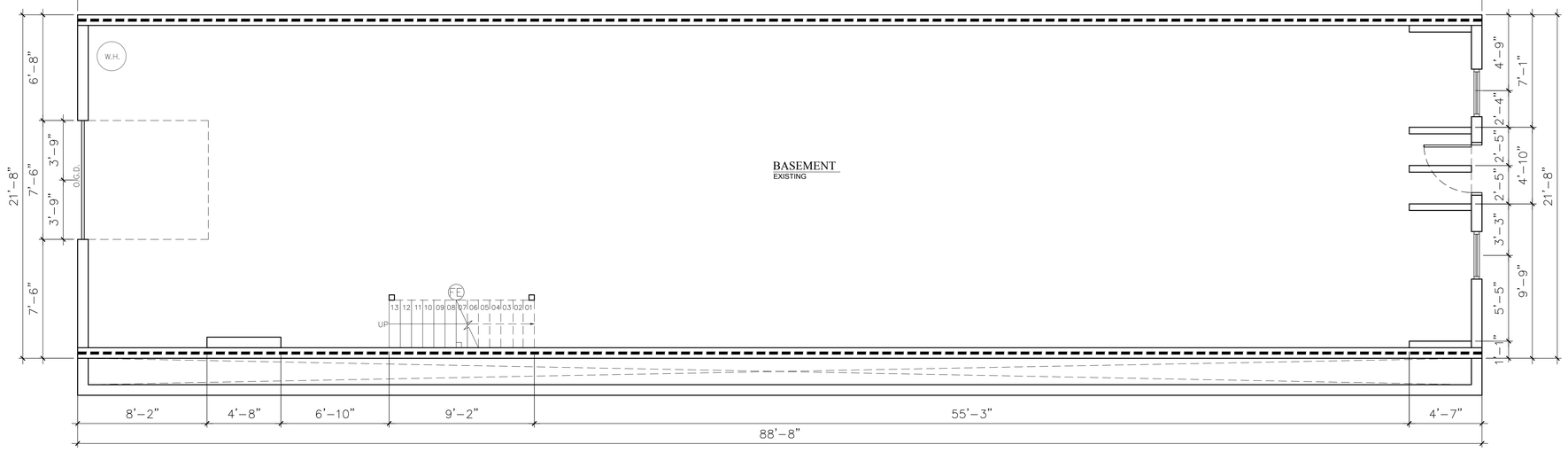


LEGEND

- EXISTING WALL
- DEMISING WALL
- CLOSED WINDOW ABOVE
- EXIT LIGHT W/ BATTERY PACK
- FIRE EXTINGUISHER
- THERMOSTAT

EXISTING MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- DEMISING WALL
- EXIT LIGHT W/ BATTERY PACK
- FIRE EXTINGUISHER
- THERMOSTAT

EXISTING BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0"

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Fax: 770.429.0026
washingtondesign@aol.com

EXISTING
MAIN LEVEL
AND BASEMENT
FLOOR PLAN

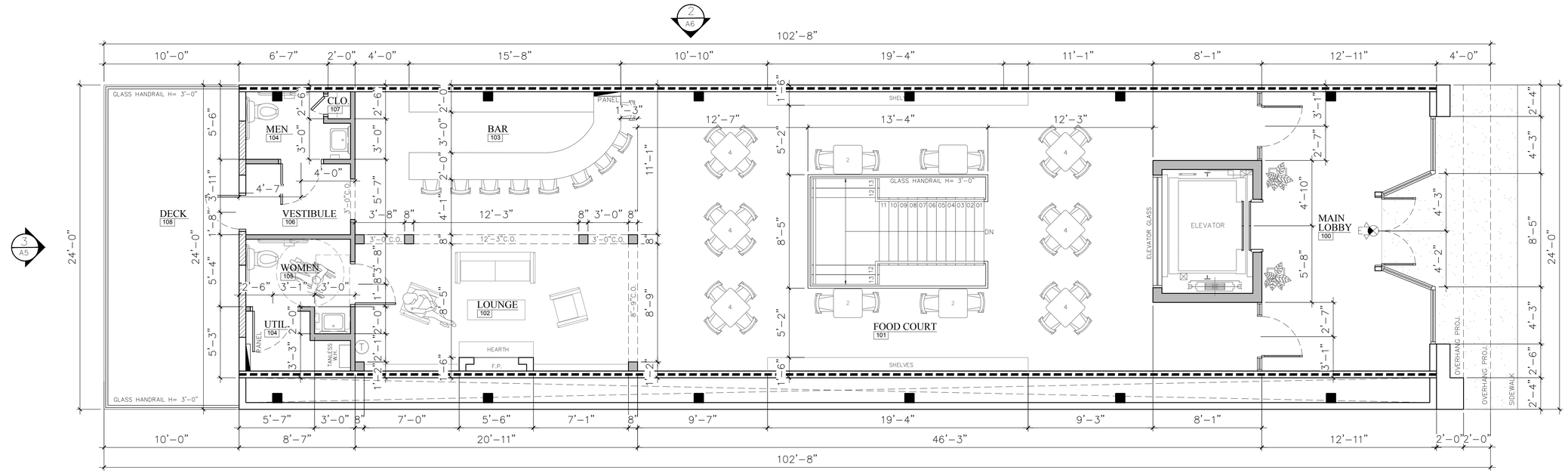
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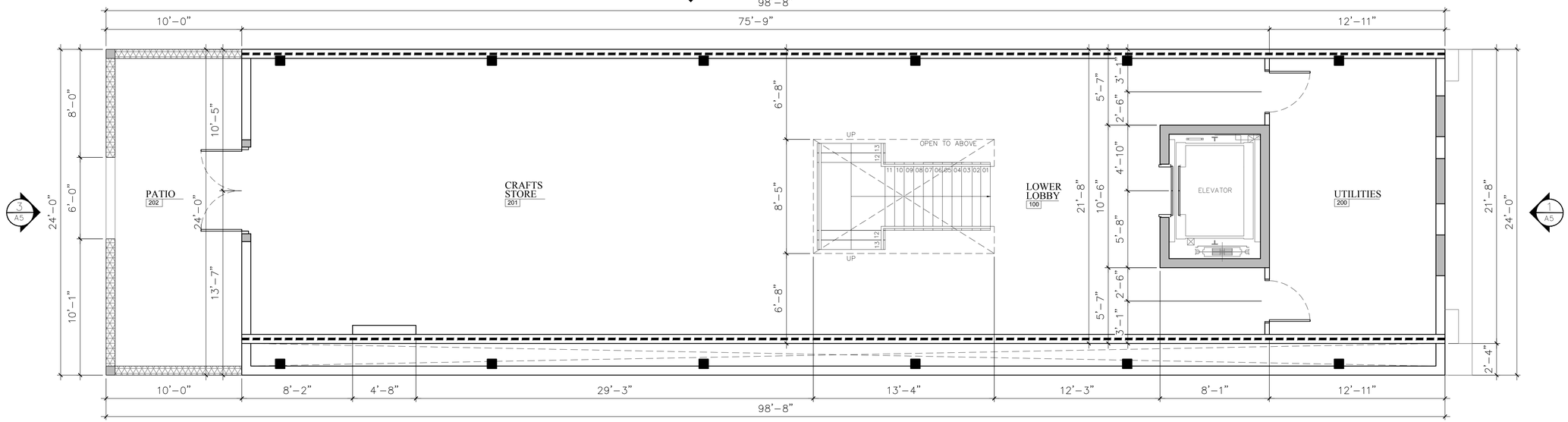
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Attachment: Existing Ground Floor Plan (1674 : 128 South Main Street Building Height Variance)



PROPOSED MAIN LEVEL FLOOR PLAN

SCALE: 1/4"=1'-0"



PROPOSED BASEMENT FLOOR PLAN

SCALE: 1/4"=1'-0"

LEGEND
- EXISTING WALL
- DEMISING WALL
- CLOSED WINDOW ABOVE
- NEW WALL
- NEW STRUCTURAL COLUMNS
- NEW WALL H= 3'-0"

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PROPOSED MAIN LEVEL AND BASEMENT FLOOR PLAN

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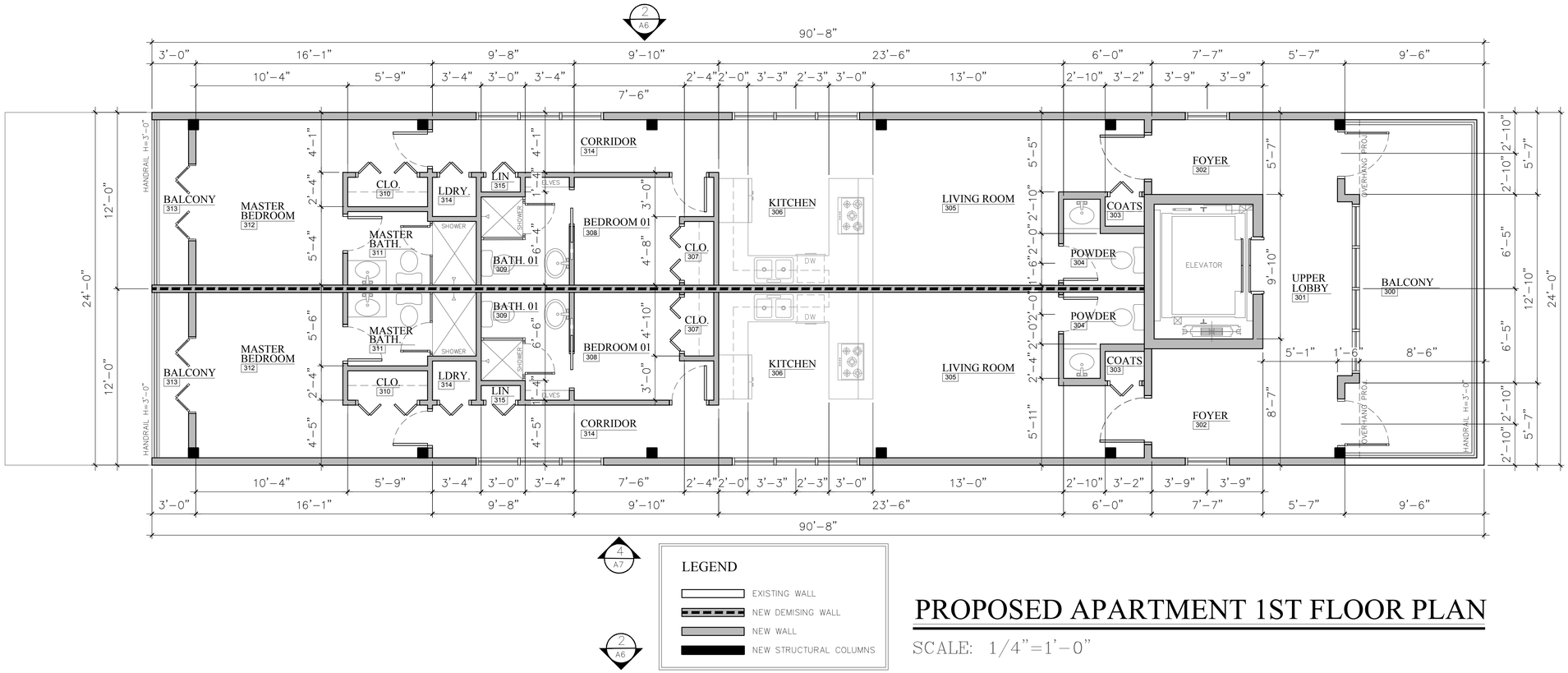
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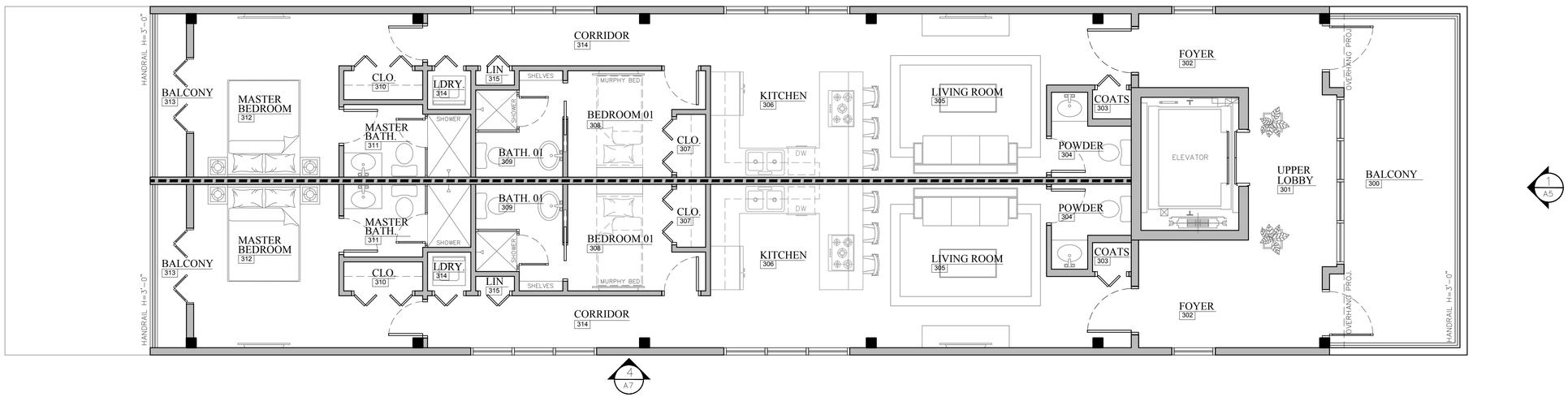
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Attachment: Proposed Ground Floor Plan (1674 : 128 South Main Street Building Height Variance)



PROPOSED APARTMENT 1ST FLOOR PLAN

SCALE: 1/4"=1'-0"



PROPOSED APARTMENT FURNITURE 1ST FLOOR PLAN

SCALE: 1/4"=1'-0"

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Fax: 770.429.0026
washingtondesigngroup@aol.com

PROPOSED APARTMENT AND FURNITURE 1ST FLOOR PLAN

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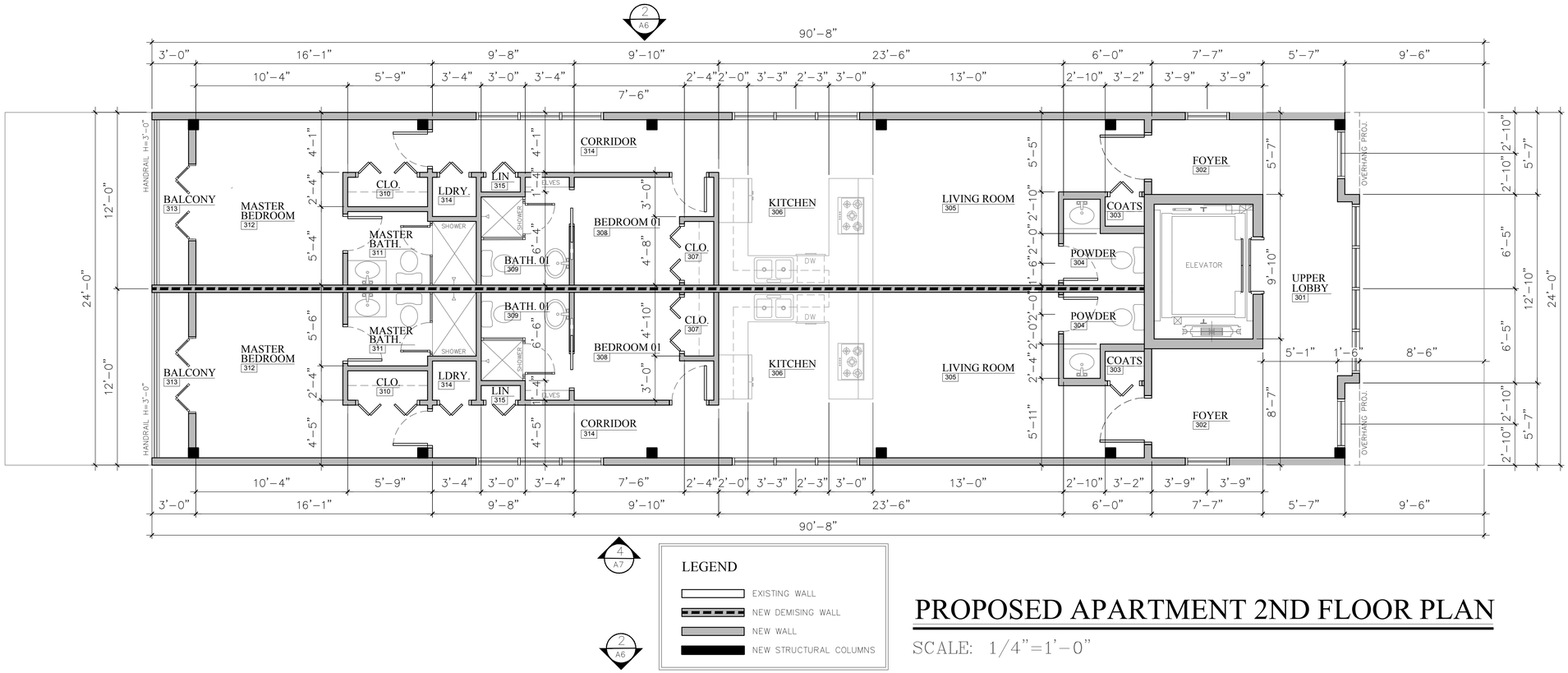
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Attachment: First Floor Apartments (1674 : 128 South Main Street Building Height Variance)

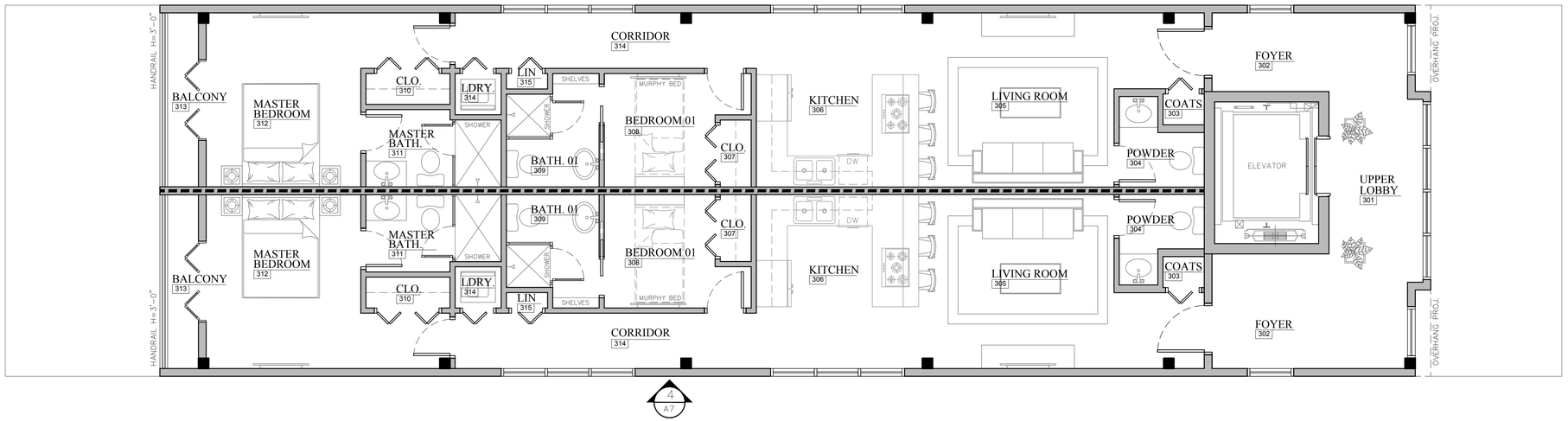


LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"



LEGEND

- EXISTING WALL
- NEW DEMISING WALL
- NEW WALL
- NEW STRUCTURAL COLUMNS

PROPOSED APARTMENT FURNITURE 2ND FLOOR PLAN

SCALE: 1/4"=1'-0"

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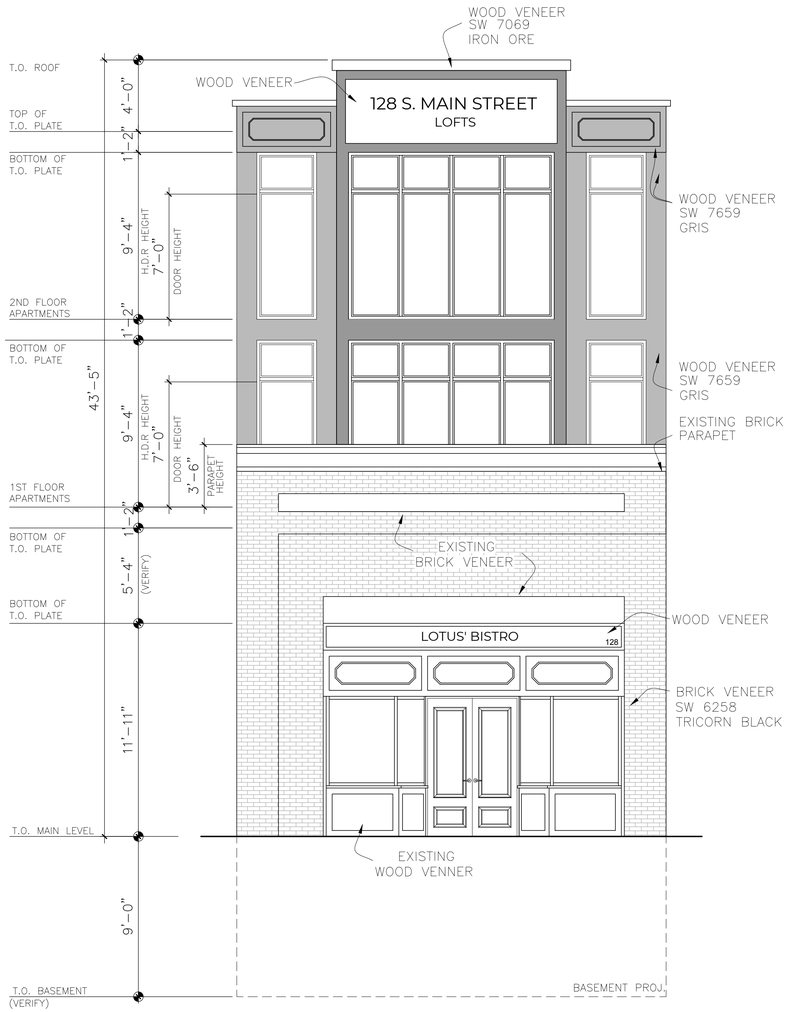
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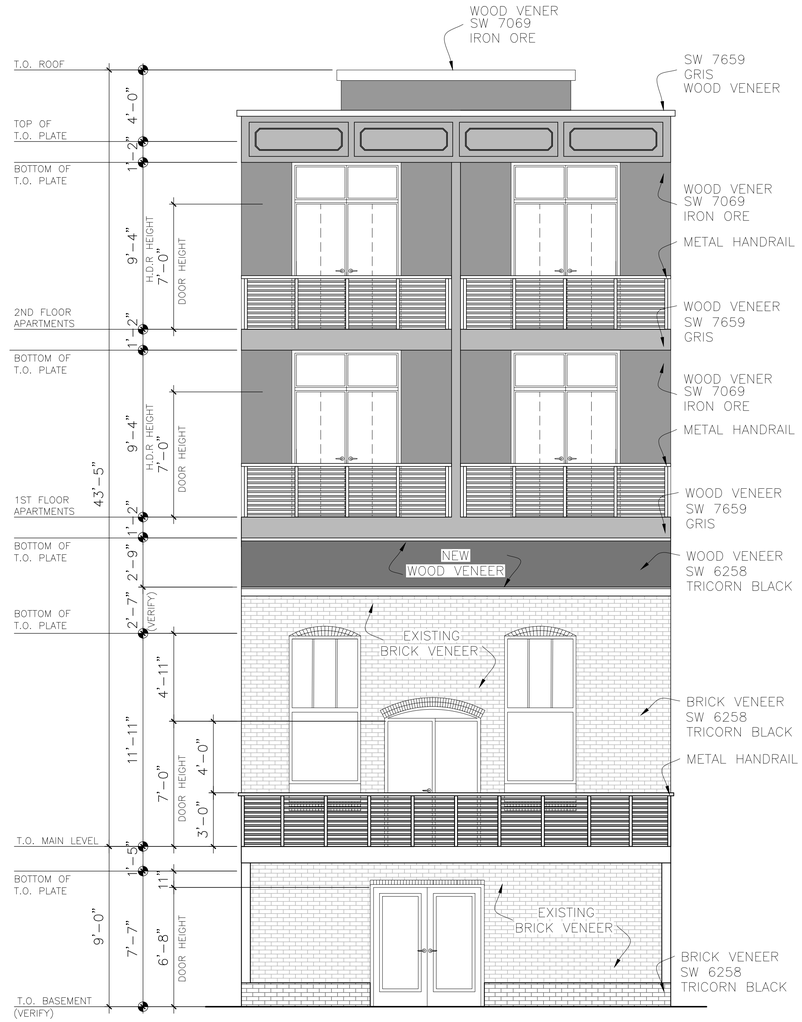
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Attachment: Second Floor Apartments (1674 : 128 South Main Street Building Height Variance)



ELEVATION 01

SCALE: 1/4"=1'-0"



ELEVATION 03

SCALE: 1/4"=1'-0"

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Phone: 404.981.1670
Fax: 770.429.0026
washingtondesigngroup.com

PROPOSED
ELEVATION
1 AND 3

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

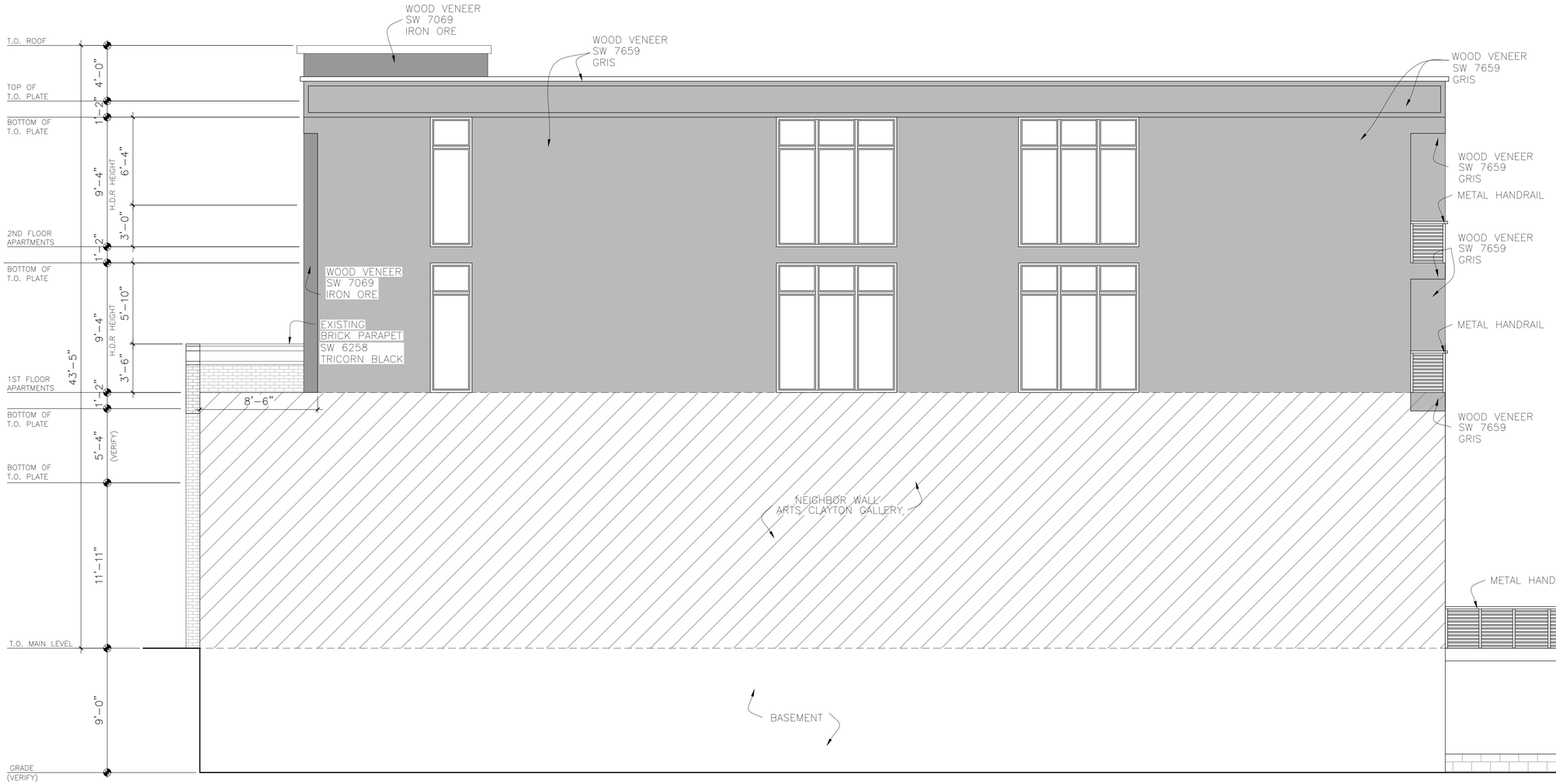
Revision:

Drawn By: AW
Checked By: KE
Date: 06/02/20
Project No: X

Sheet
A 5

©Copyright 2020 Washington Design Group, llc

Attachment: Front and Rear Elevations (1674 : 128 South Main Street Building Height Variance)



ELEVATION 02

SCALE: 1/4"=1'-0"

© Copyright 2020 Washington Design Group, llc

wdg
Washington Design Group ▲ Interiors ▲ Space Planning
1635 Old 41 Hwy., Ste. 112-133
Kennesaw, Georgia 30152
Phone: 404.981.1670
Fax: 770.429.0026
washingtondesigngroup@aol.com

PROPOSED
ELEVATION 2

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

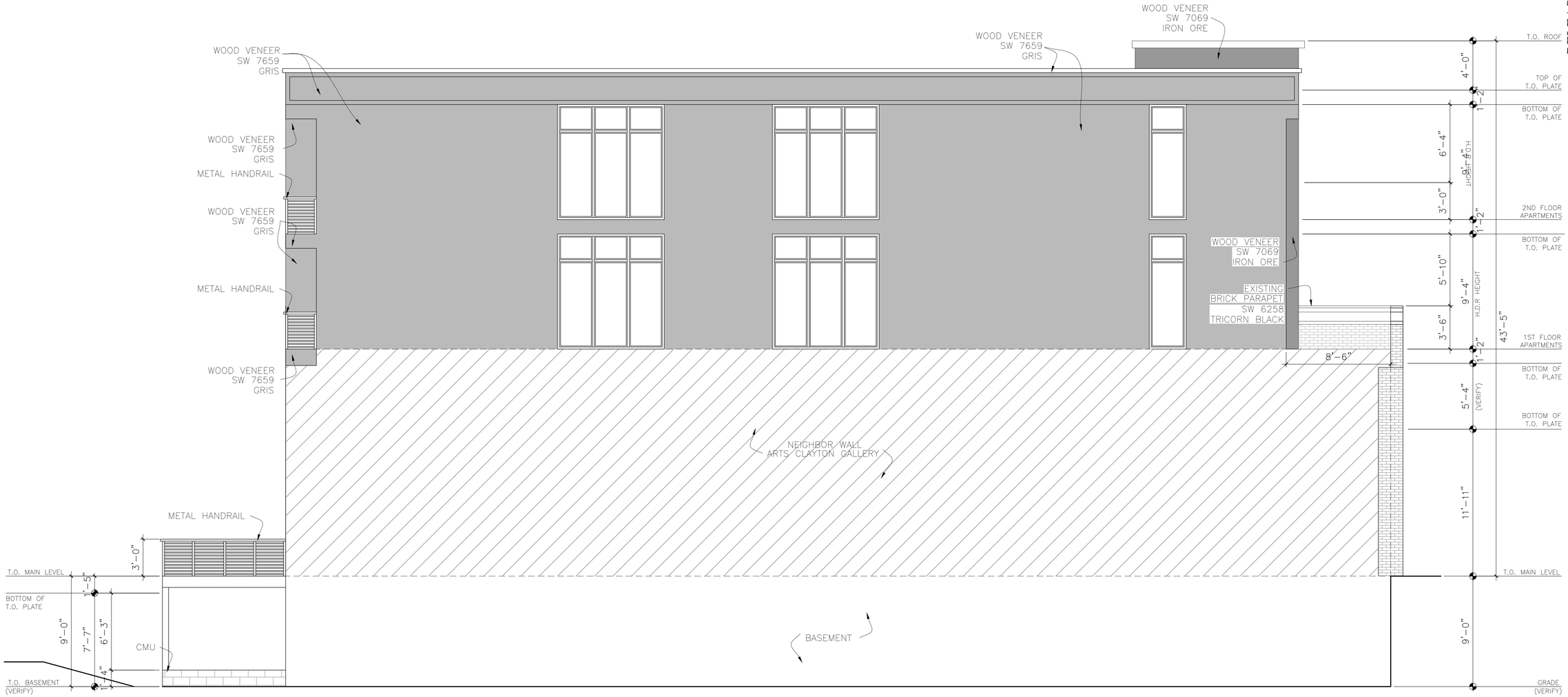
Revision:

Drawn By: AW
Checked By: KE
Date: 06/02/20
Project No: X

Sheet
A 6

Attachment: Side Elevation 1 (1674 : 128 South Main Street Building Height Variance)

RELEASED FOR CONSTRUCTION



ELEVATION 04

SCALE: 1/4"=1'-0"

wdg
Washington Design Group ▲ Interiors ▲ Space Planning
1635 Old 41 Hwy., Ste. 112-133
Kennesaw, Georgia 30152
Phone: 404.981.1670
Fax: 770.429.0026
washingtondesigngroup washingtondesign@aol.com

PROPOSED ELEVATION 4

MIXED USE JONESBORO
128S. MAIN STREET
JONESBORO, GA 30236

Revision:

Drawn By: AW
Checked By: KE
Date: 06/02/20
Project No: X

Sheet
A 7

C Copyright 2020 Washington Design Group, llc

Attachment: Side Elevation 2 (1674 : 128 South Main Street Building Height Variance)



Attachment: FRONT ELEVATION - OPTION B

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Variance for maximum building height and use of predominantly wood as an exterior material in the Historic District for loft apartments, by John Taylor, owner, and Washington Design Group, for property at 128 South Main Street (Parcel No. 13241D C012), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Variance - 128 South Main Street Building Height - Legal Notice (1674 : 128 South Main Street Building Height Variance)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: Variance

Maximum Building Height for Loft Apartments and Use of Predominantly Wood as Exterior Material in the Historic District for, 128 S. Main St Jonesboro Ga. By: John Taylor

LOCATION

Meeting VIA ZOOM

DATE: 07-13-20 TIME: 6:00 p.m.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # 5.5
– 5

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a proposed curb cut onto Batiste Way for Reid's Auto Repair at 244 South Main Street.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
Approval of Additional Curb Cut for Batiste Park Way

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes — Community Planning, Neighborhood and Business Revitalization, Transportation Infrastructure, Safety, Health and Wellbeing

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Ms. Reid has submitted to the Mayor and Council a proposal to make a new curb cut onto Batiste Way to serve as a new exit for Reid's Auto Repair and Emissions. She is also proposing to block the northernmost of the two existing driveways that the business already has on South Main Street and to make the southernmost driveway an entrance only. The applicant has stated that the Main reasons for this is improved traffic flow and safety. The realignment of the entrance / exit is also in conjunction with the page titled "2022 Complete Vision", which seeks to demolish the existing home on the property and to improve the entire business within the interior of the property.

Sec. 86-400. - Proximity of driveways.

Vehicular ingress and egress to any property shall be limited to a maximum of one driveway for any property having a frontage of less than 200 feet on any one street. Additional driveways for properties having a frontage in excess of 200 feet may be permitted upon a finding by the city manager that public safety and convenience will not be substantially impaired.

Per the parcel map, the property currently has over 200 feet of frontage on South Main Street and Batiste Way. However, staff believes that an additional curb cut for an active commercial business onto Batiste Way will substantially impair the tranquility of nearby houses in the adjacent subdivision. Batiste Way is also a local road with a 25 mph speed limit, not designed to accommodate frequent commercial traffic

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private Owner

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- City Council1 (002)
- Parcel map

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

- Site Pictures

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Denial

Mayor Joy Day

City Council Member

124 North Ave

Jonesboro, GA. 30236

Dear Mayor Day and Jonesboro, GA City Council Members:

Thank you for your time and consideration to our request to make positive traffic flow changes within our community. Reids Auto Repair and Emissions has been a fixture in Jonesboro for seventeen years. We have become an integral part of the community and the surrounding area by donating our services, aiding in communi efforts, and supporting educators and other businesses.

The safety and success of the residents and businesses in our immediate area is important to us. Currently, we are seeing daily traffic jams outside of our establishment. We are requesting permission to turn our current exit (located on South Main Street) into an entrance and move the exit to Batiste Way. This change will allow for better flow of traffic entering and exiting our establishment. Further, it will promote the flow of traffic on S. Main Street. As mentioned, this decisio comes from routinely observing traffic pile ups on South Main Street that are negatively impacting not only our customers, school buses, and other businesses, but also the abilities of first responders to pass through this section of town.

We realize that creating an exit on Batiste Park Way may pose some concern. However, the community is to behind our business and all our customer will exit left S. Main Street. We believe that customers exiting onto Batiste Road will find South Main Street easily accessible and pose no concern to residential members of th area.

Please consider our amendment to our facility traffic patterns, we seek to improve traffic flow by eliminating current pile ups and promote first responders passing through. We appreciate your consideration in making progressives changes and thank you for giving us the opportunity to continuing serving the greater Jonesboro area.

Due to the condition of the economy and the overwhelming expense we are attempting to make changes in stages, I have enclosed a drawing of what we would l to have completed in the next two years.

Respectfully Yours,

Carla R. Reid

678-216-5720

Cc: David Allen

Jonesboro City Council

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Safety Concerns – Traffic Entering Establishment- This entrance will be closed if plans approved.

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Jonesboros Finest Blocking Entrance- Traffic Stop

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Current exit onto S. Main Street

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Batiste Way (Street View)

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Batiste Way From Reids Auto Repair – New Exit

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Aerial View of Reids Showing Near-by Residential area

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)

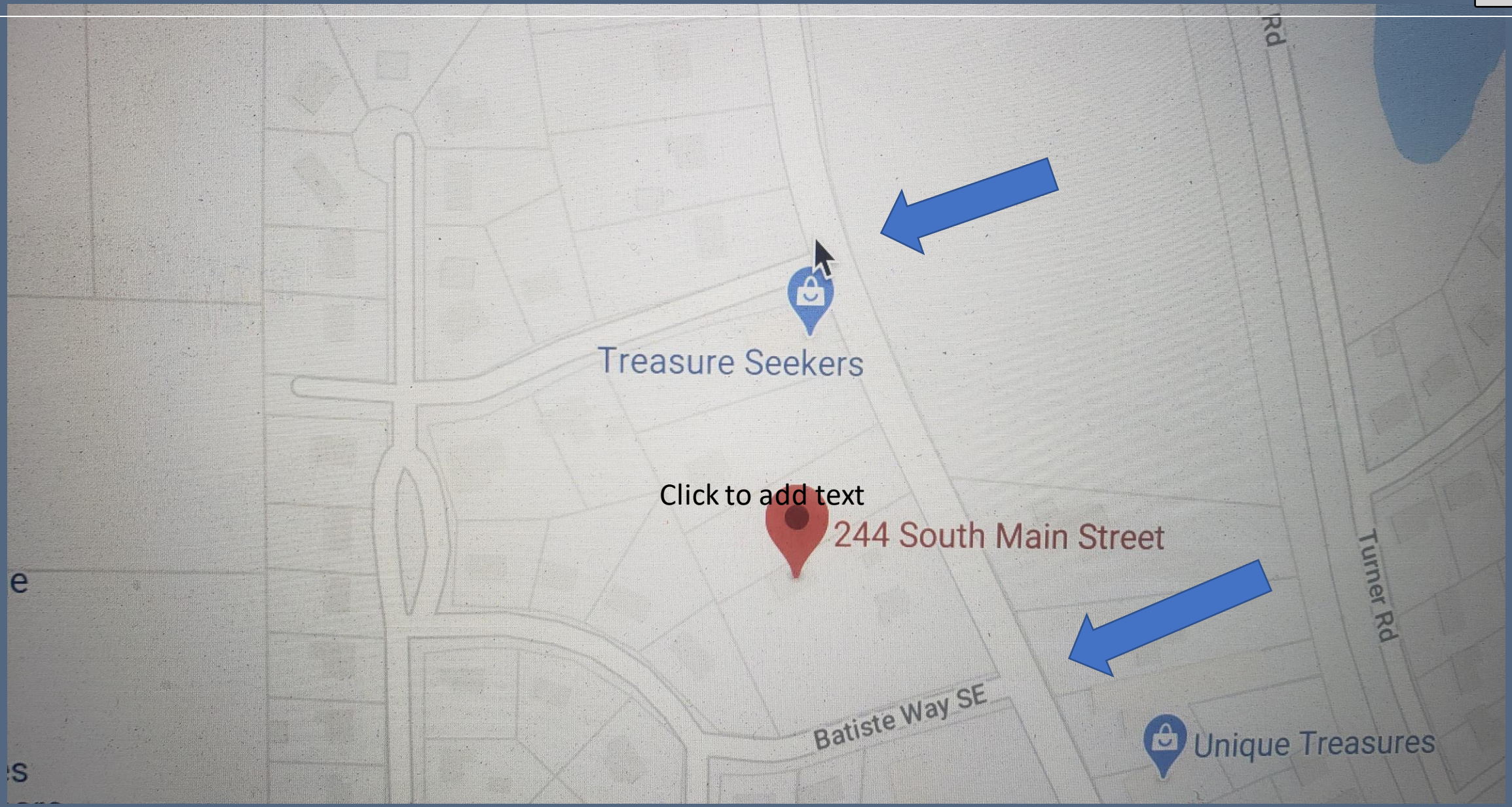


Aerial View of Surrounding Area

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)

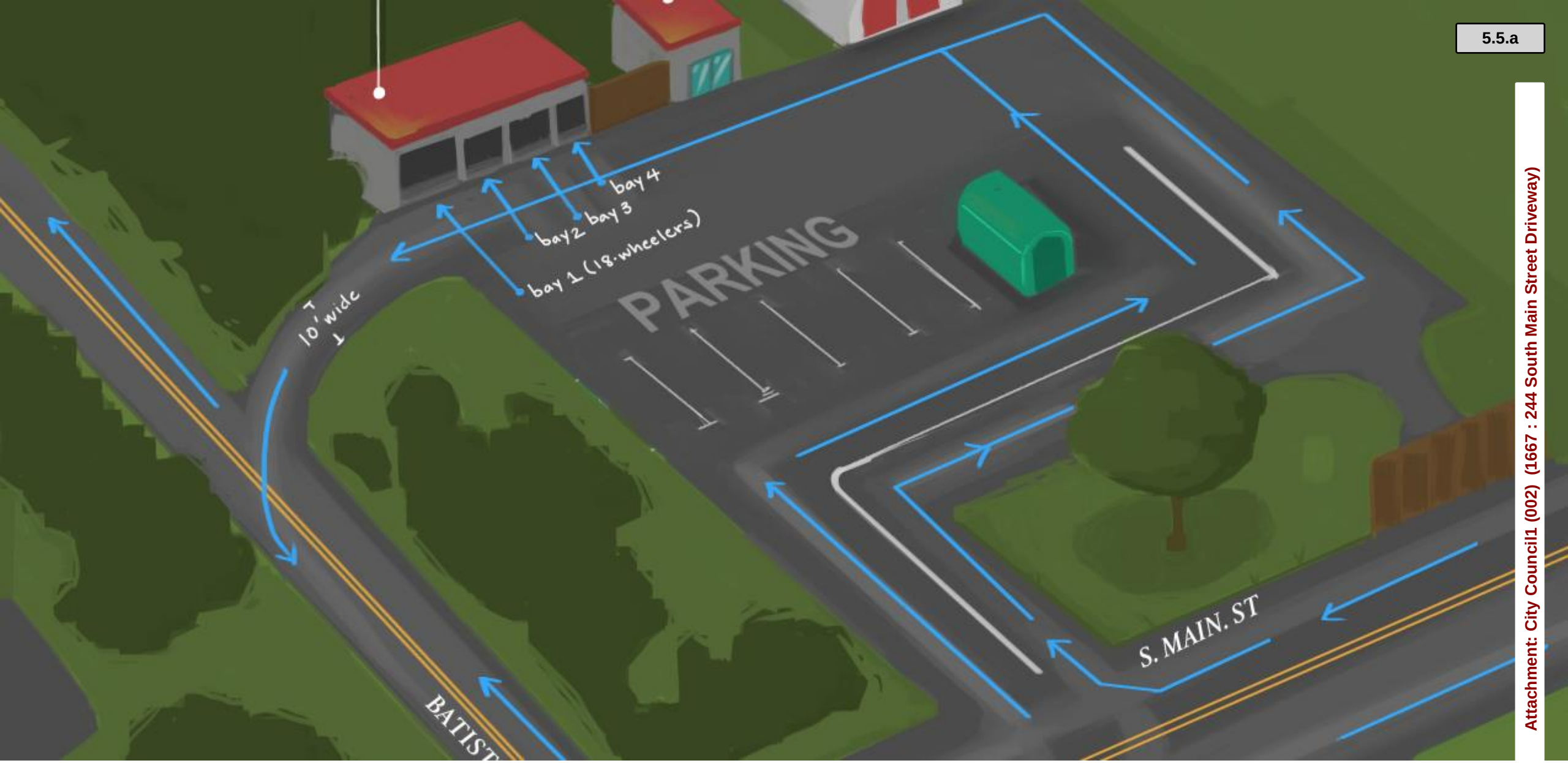


Map of Aerial Area showing two entrances/exits for neighborhood behind facility

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)

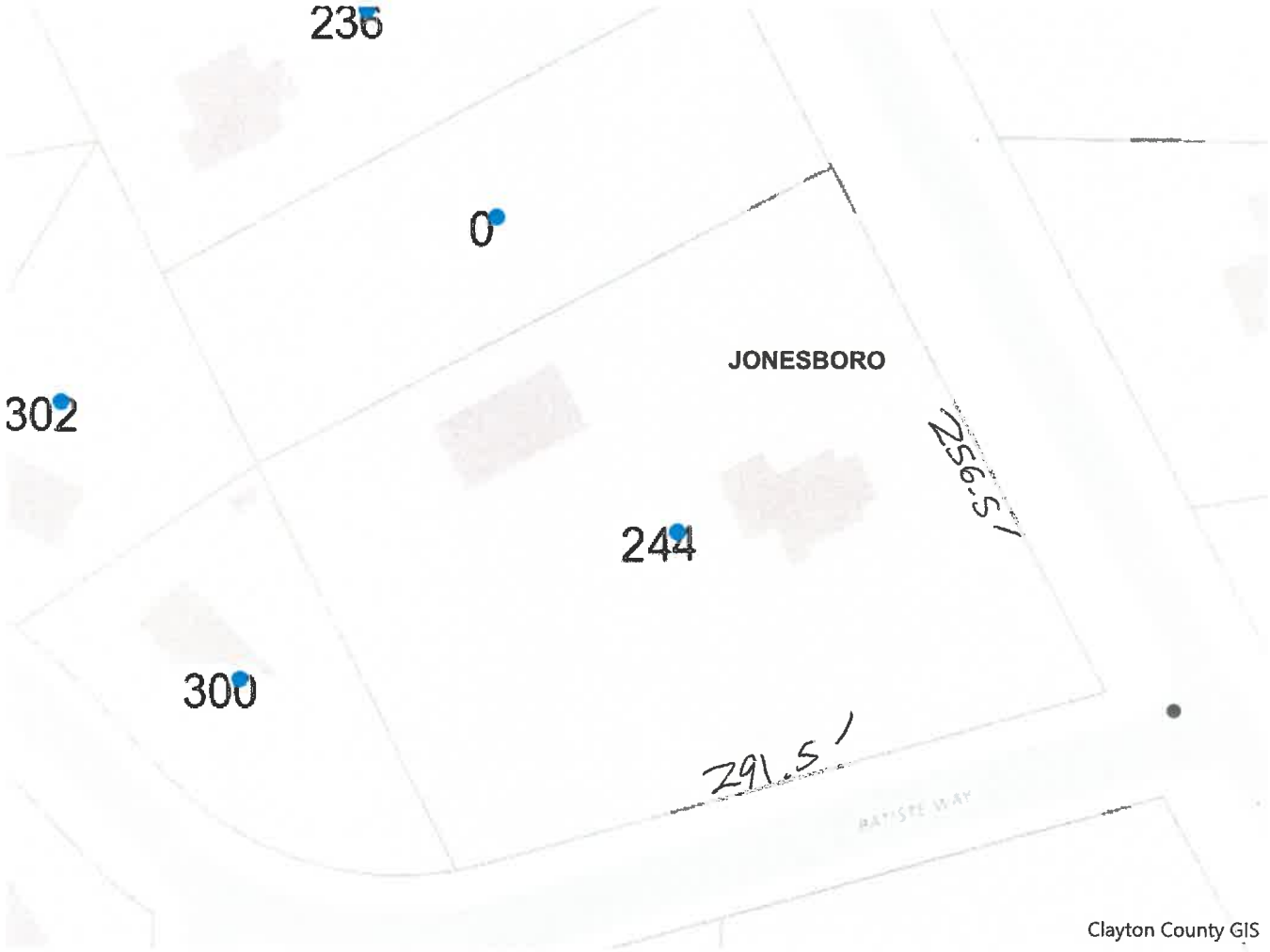
Due to the condition of the economy and the overwhelming expense we are attemepting to make changes in stages

Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)



Attachment: City Council1 (002) (1667 : 244 South Main Street Driveway)

2022 Complete Vision



Attachment: Parcel map (1667 : 244 South Main Street Driveway)



Attachment: Site Pictures (1667 : 244 South Main Street Driveway)



Attachment: Site Pictures (1667 : 244 South Main Street Driveway)



Attachment: Site Pictures (1667 : 244 South Main Street Driveway)



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Attachment: Site Pictures (1667 : 244 South Main Street Driveway)



Attachment: Site Pictures (1667 : 244 South Main Street Driveway)

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # 5.6 – 6

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a map amendment to the Official Zoning Map for rezoning of 9.0 acres of property fronting Old Morrow Road, Parcel ID# 12-0049D-00A from Clayton County's "Heavy Industrial" to Jonesboro's "Light Industrial" and to annex 9.0 acres of property in the corporate city limits of the City of Jonesboro. (Applicant – Brennan Investment Group)

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
O.C.G.A. 36-36-20

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Purpose & Description of the Request

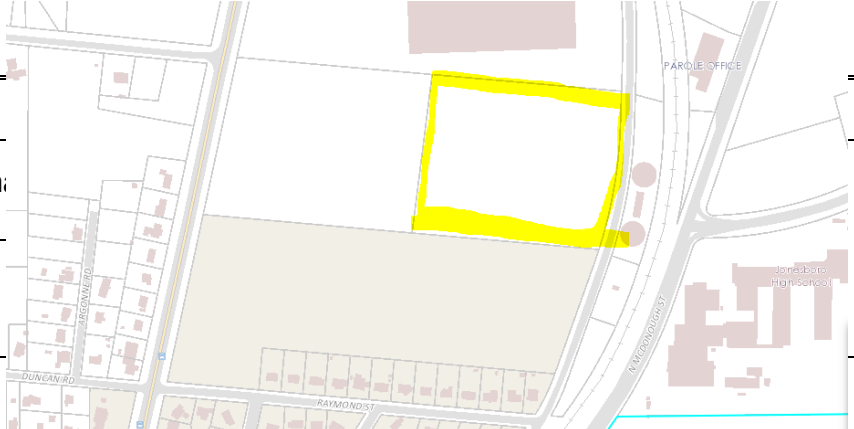
- The City of Jonesboro received a request for rezoning and annexation on May 18, 2020 from Mike Martin of Brennen Investment Group
- The applicant seeks to annex 9.0 acres of land known as parcel number 12-0049D-00A-006 from Clayton County into the City of Jonesboro.
- The intent is to develop a warehousing and storage facility (logistics center).

Background Information

- The 9.0 acre subject site is currently vacant. It is owned by Walker Concrete Company, LLC.
- Application for annexation/rezoning has been officially accepted and assigned a case number.
- As per O.C.G.A. the notice has been submitted to Clayton County via certified mail on May 18, 2020, return receipt requested, within five (5) days of acceptance by the City of Jonesboro. To date, there has been no formal response from Clayton County.
- The ad in the Clayton News Daily announcing the public hearings was run on Wednesday, June 24, 2020

Current Site Conditions:

- The 9.0 acre subject site is currently vacant.
- It has not been assigned an address by Clayton County but is known as tax parcel 12-0049D-00A-006.



Typed Name and Title
Ricky L. Clark, City Mana

Signature



Annexation Requirements (State)

- Annexation is governed by Official Code of Georgia Annotated (O.C.G.A.) Title 36, Chapter 36. Chapter 36 describes three main types of annexation: the 100 percent method, the 60 percent method, and annexation by resolution and referendum. Property can also be annexed by local Act of the General Assembly.
- This property is under the 100% method- one parcel of land with one owner requesting annexation. Municipal corporations can annex unincorporated areas contiguous to the existing corporate limits. The survey of this site, attached as an exhibit, shows the subject site is contiguous to the City.
    1. Signed by 100 percent of owners (or legal representative thereof) of all the land, except the owners of any public road or right-of-way.

2. Complete description of lands to be annexed. When an application for annexation is received, the municipality must give notice (cert. mail) of the proposed annexation to the governing authority of the county wherein the property is located within five business days. The notice must include a map or other description sufficient to identify the area. Section II of this report and corresponding attachments shows the legal description and the County's receipt of the application via certified mail.

3. The county must respond (cert. mail) within five business days of receipt, and inform if any county owned facilities are located in the proposed area to be annexed. Attachment "F" of this report shows certified Gwinnett County response.

Rezoning:

- Should the Council agree to the annexation, the property will need to be rezoned. At current the Clayton County Zoning Designation is H-1 (Heavy Industrial). Our compatible zoning in the City is M-1 (Light Industrial).

Sec. 86-108. - M-1 light industrial district.

(a) Purpose. The M-1 light industrial district is established to provide for manufacturing uses having a minimal impact on the environment and surrounding land uses. The district is intended to attract a complementary mix of assembly, fabricating, distribution and warehousing, service and wholesale operations. A goal of the light industrial district is to provide architectural and site design standards that encourage development of such uses in a park setting; office components are encouraged through development incentives. Uses that require significant infrastructure and transportation systems or substantial outdoor storage; create products in large unit sizes; utilize heavy equipment and massive production facilities; or are associated with hazardous materials, significant noise, heat, vibration or refuse generation are prohibited.

(b) Development standards.

(1) Minimum lot area: 87,120 square feet (two acres) **Lot already complies**

(2) Minimum lot width: 100 feet **Lot already complies**

(3) Minimum front yard: 40 feet **Will comply**

(4) Minimum side yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**

(5) Minimum rear yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**

(6) Maximum building floor area per story: none

(7) Maximum building height: 20 feet **40 feet, see variance application**

(8) Minimum building separation: per building codes

(9) Maximum lot coverage: 80 percent **Will be less than 80%**

Front yard may be reduced to 25 feet when 25 percent of the floor area located at the front of the building is designated as office use. **Unknown amount of office space at this point.**

Building height may be increased to 40 feet when 25 percent of the floor area located at the front of the building is designated as office use. **40 feet, see variance application. Unknown amount of office space at this point**

Sec. 86-617 also provides additional standards for warehousing and storage:

Sec. 86-617 also provides additional standards for warehousing and storage:

Sec. 86-617. NAICS 493 – Warehousing and Storage

The following conditions are assigned in the M-1 district:

(1) Must be located on a street having a classification of collector or greater. **Is proposed to have frontage on Jonesboro Road, which is a collector road and Old Morrow Road, which is designated as a <u>local</u> road in the City. No access to Raymond Street will be allowed.**

(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet. **Complies with this requirement.**

(3) A minimum 75-foot wide buffer shall be maintained between the property and any adjacent, residentially-zoned property. **Per the site plan, a 75-foot wide buffer has been provided along the shared property line that serves as the rear boundary for the 13 homes along Raymond Street. See below for discussion about buffer content.**

(4) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. **One space is required for every 1500 square feet of floor space. With 287,500 total square feet of building, 192 spaces are required. Per the site plan, 215 spaces have been provided.**

(5) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking). **Complies with this requirement.**

(6) All lighting shall be night-sky friendly. **So noted.**

(7) Storage of hazardous materials is prohibited. **No storage of hazardous materials are planned.**

(8) Outdoor storage is permitted provided such storage is confined to the rear yard and is screened using fencing or landscaping which completely obscures the view from adjoining properties and public rights-of-way. Such screening shall have a minimum height of eight feet. **The only items similar to this will be tractor trailers parked in the truck courts on the property. The closest truck court to the back of the residential lots along Raymond Street is 150 feet. See below for discussion about buffer content to better ameliorate this situation.**

Without any actual manufacturing on the property and primarily inside storage, the only real potential with the nearby residences is noise from truck traffic. The County land just to the north has been used for industrial uses for many years. The City asked if the long drive running from Old Morrow Road to Jonesboro Road could possibly be relocated to behind the buildings (where the long detention pond is proposed). Unfortunately, the 20 feet of grade difference in that area will not allow for truck drives or parking.

Regarding buffers, a 75-foot wide buffer is required between industrial uses and detached residential:

(2) Screening requirements.

a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.

b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the

property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

c. Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required by the city manager in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of zoning, special use, or variance approval.

d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this article shall be met outside of the easement area.

(3) Supplemental plantings.

a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this article shall be planted with supplemental plantings so as to provide a year-round effective visual screen,

b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a minimum height of 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a minimum height of ten feet at maturity.

c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

(4) Non-vegetative screening.

a. Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.

b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen. All walls or fences must be architecturally compatible with existing adjacent structures and have a minimum height of six feet.

The 75-foot wide buffer adjacent to the rear of the Raymond Street lots is planned to be undisturbed. This area has significant tree density from Jonesboro Road to about the midway point of Raymond Street, and then it opens up, with few trees and much kudzu. In view of this, and to better buffer the Raymond Street residents from the sights and sounds of trucks driving down the long drive nearby, staff is proposing supplemental plantings in the form of 2 rows of staggered evergreen trees (Leyland Cypress) with the size and spacing specifications highlighted above. A fence would not be affective, owing to the 40-foot height of the buildings.

Regarding the status of the City portion of Old Morrow Road as a local road, the southernmost proposed entrance along Old Morrow Road needs to be removed, to comply with Code, and to try to preserve more privacy for the Raymond Street residents. The other proposed drives along Old Morrow Road need to be left-exit only as truck traffic only needs to occur on Jonesboro Road and north along Old Morrow Road to Battle Creek Road.

If the quality of life of the Raymond Street residents can be maintained, the proposed faci would be of tax and employment benefit to the City. The area directly north of the subject property has trended towards this type of use for many years, and Old Morrow Road has mainly been seen as an industrial access road. The architectural style will be similar to the new LTI building.

Approval Conditions:

1. Final exterior design of buildings shall be subject to Design Review Commission review and approval.

2. Proposed 40-foot building height shall be subject to variance approval by the Mayor and City Council.

3. All lighting shall be night-sky friendly.

4. Landscape plan shall be subject to approval by the Zoning Administrator.

5. In addition to the landscape plan, two rows of staggered Leyland Cypress trees, 6 feet high at time of planting and spaced 10 feet apart, shall be planted along the southern edge of the truck driveway that extends from Jonesboro Road to Old Morrow Road.

6. Required 75-foot buffer along the southern property line shall remain undisturbed.

7. Trucks and employees affiliated with the proposed facility shall not use Raymond Street as a means of access to the subject property.

8. The southeastern driveway along Old Morrow Road shall be removed.

9. Proposed driveways along Old Morrow Road shall be "left exit only", in order to direct business traffic to Battle Creek Road to the north.

Recommendation:

- Based upon staff findings made in this report: Staff recommends **APPROVAL** of this request to annex the 9.0 acre subject site into the City of Jonesboro.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

-

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 7

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Conditional Use Permit Application 20-CU-005 for warehousing and storage, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-108 – M-1 Zoning Purpose and Standards; 86-617 Conditional Use Standards

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of conditional use application, with conditions;** Recently, the applicant sought zoning verification for a warehousing and storage facility for Parcel 120049C D002, a 15.82-acre parcel which has frontage on Jonesboro Road, Raymond Street, and Old Morrow Road in the northern limits of the City of Jonesboro. The parcel is currently undeveloped, partially wooded, and is zoned M-1, Light Industrial. The Comprehensive Plan calls for "Gateway Commercial" for this parcel in the future, which allows for a mix of office, commercial, and industrial uses.

Sec. 86-108. - M-1 light industrial district.

(a) Purpose. The M-1 light industrial district is established to provide for manufacturing uses having a minimal impact on the environment and surrounding land uses. The district is intended to attract a complementary mix of assembly, fabricating, distribution and warehousing, service and wholesale operations. A goal of the light industrial district is to provide architectural and site design standards that encourage development of such uses in a park setting; office components are encouraged through development incentives. Uses that require significant infrastructure and transportation systems or substantial outdoor storage; create products in large unit sizes; utilize heavy equipment and massive production facilities; or are associated with hazardous materials, significant noise, heat, vibration or refuse generation are prohibited.

(b) Development standards.

(1) Minimum lot area: 87,120 square feet (two acres) **Lot already complies**
(2) Minimum lot width: 100 feet **Lot already complies**
(3) Minimum front yard: 40 feet **Will comply**
(4) Minimum side yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**
(5) Minimum rear yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**
(6) Maximum building floor area per story: none
(7) Maximum building height: 20 feet **40 feet, see variance application**
(8) Minimum building separation: per building codes
(9) Maximum lot coverage: 80 percent **Will be less than 80%**

Front yard may be reduced to 25 feet when 25 percent of the floor area located at the front of the building is designated as office use. **Unknown amount of office space at this point.**
Building height may be increased to 40 feet when 25 percent of the floor area located at the front of the building is designated

as office use. **40 feet, see variance application. Unknown amount of office space at this point**

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

Sec. 86-617 also provides additional standards for warehousing and storage:

Sec. 86-617. NAICS 493 – Warehousing and Storage
The following conditions are assigned in the M-1 district:
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(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet. **Complies with this requirement.**
(3) A minimum 75-foot wide buffer shall be maintained between the property and any adjacent, residentially-zoned property. **Per the site plan, a 75-foot wide buffer has been provided along the shared property line that serves as the rear boundary for the 13 homes along Raymond Street. See below for discussion about buffer content.**
(4) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. **One space is required for every 1500 square feet of floor space. With 287,500 total square feet of building, 192 spaces are required. Per the site plan, 215 spaces have been provided.**
(5) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking). **Complies with this requirement.**
(6) All lighting shall be night-sky friendly. **So noted.**
(7) Storage of hazardous materials is prohibited. **No storage of hazardous materials are planned.**
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Regarding buffers, a 75-foot wide buffer is required between industrial uses and detached residential:

(2) Screening requirements.
a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.
b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
c. Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required by the city manager in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of zoning, special use, or variance approval.
d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this article shall be met outside of the easement area.
(3) Supplemental plantings.
a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this article shall be planted with supplemental plantings so as to provide a year-round effective visual screen,
b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a minimum height of 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a minimum height of ten feet at maturity.
c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.
(4) Non-vegetative screening.
a. Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.
b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance

of existing vegetation and located so as to provide an effective visual screen. All walls or fences must be architectu compatible with existing adjacent structures and have a minimum height of six feet.

The 75-foot wide buffer adjacent to the rear of the Raymond Street lots is planned to be undisturbed. This area has significant tree density from Jonesboro Road to about the midway point of Raymond Street, and then it opens up, with few trees and much kudzu. In view of this, and to better buffer the Raymond Street residents from the sights and sounds of trucks driving down the long drive nearby, staff is proposing supplemental plantings in the form of 2 rows of staggered evergreen trees (Leyland Cypress) with the size and spacing specifications highlighted above. A fence would not be affective, owing to the 40-foot height of the buildings.

Regarding the status of the City portion of Old Morrow Road as a local road, the southernmost proposed entrance along Old Morrow Road needs to be removed, to comply with Code, and to try to preserve more privacy for the Raymond Street residents. The other proposed drives along Old Morrow Road need to be left-exit only as truck traffic only needs to occur on Jonesboro Road and north along Old Morrow Road to Battle Creek Road.

If the quality of life of the Raymond Street residents can be maintained, the proposed facility would be of tax and employment benefit to the City. The area directly north of the subject property has trended towards this type of use for many years, and Old Morrow Road has mainly been seen as an industrial access road. The architectural style will be similar to the new LTI building.

Approval Conditions:

1. **Final exterior design of buildings shall be subject to Design Review Commission review and approval.**
2. **Proposed 40-foot building height shall be subject to variance approval by the Mayor and City Council.**
3. **All lighting shall be night-sky friendly.**
4. **Landscape plan shall be subject to approval by the Zoning Administrator.**
5. **In addition to the landscape plan, two rows of staggered Leyland Cypress trees, 6 feet high at time of planting and spaced 10 feet apart, shall be planted along the southern edge of the truck driveway that extends from Jonesboro Road to Old Morrow Road.**
6. **Required 75-foot buffer along the southern property line shall remain undisturbed.**
7. **Trucks and employees affiliated with the proposed facility shall not use Raymond Street as a means of access to the subject property.**
8. **The southeastern driveway along Old Morrow Road shall be removed.**
9. **Proposed driveways along Old Morrow Road shall be "left exit only", in order to direct business traffic to Battle Creek Road to the north.**

(Note: an adjacent 9-acre parcel is proposed to be annexed into the City at the same Council meeting, and will affect the development of the largest building.)

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Site
- Plat
- Zoning Info

- Site Plan
- 2020-06-09 20-028 Brennan Jonesboro CUP
- Rendering
- Jonesboro Logistics Center
- Conditional Use - 54 Investment, LLC - Legal Notice
- Zoning Sign 1
- Zoning Sign 2

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval, with Conditions

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

CONDITIONAL USE PERMIT APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: $700.00 (Non-Refundable).

Date of Application: 06/09/2020

Property Owner Authorization

I (We) 54 Investment Group, LLC the

owner(s) of the following property located at: PIN ID Number 12-0049C-00D-002

Jonesboro Rd & Raymond St, Jonesboro, GA 30236

Tax Parcel Number: 12-0049C-00D-002 Size of Property: 15.82 AC

Located in Zoning District M-1 do hereby request permission for a conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

Warehousing and Storage

Attachment: Application (1677 : Jonesboro Logistics Center)

Property Owner Information

Name: 54 Investment Group, LLC

Mailing Address: 1003 Forest Parkway

City: Forest Park State: GA Zip: 30297

Phone: (Day) (678) 523-5121 (Evening) (678) 523-5121

Applicant's Information

(If Different from Owner's Information)

Name: Mike Martin - Brennan Investment Group

Mailing Address: P.O. Box 234

City: Woodstock State: GA Zip: 30188

Phone: (Day) (404) 550-9888 (Evening) (404) 550-9888

Jonesboro Property Information

Existing Uses and Structures: None

Property address: Jonesboro Rd & Raymond St, Jonesboro, GA 30236

Surrounding Uses and Structures: (See Official Zoning Map): Heavy Industrial /Residential

Surrounding Zoning:

North: Heavy Industrial South: Residential East: N/A - Old Morrow Rd West: N/A - Jonesboro Rd

Details of Proposed Use: Class A Industrial Development - Site Plan with additional details attached W

Public Utilities: Electricity, Sewer all provided

Access, Traffic and Parking: Access through Jonesboro Rd and Old Morrow Rd. Plan to build adequate parking

Special Physical Characteristics: 40' Building Height

Attachment: Application (1677 : Jonesboro Logistics Center)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING:

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

Attachment: Application (1677 : Jonesboro Logistics Center)

The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

Date: 6/9/20 Signed: [signature]

Notary: S. Copeland



SEAL

FOR OFFICE USE ONLY:

Date Received: 6/9/20 **Received By:** _____

Fee Amount Enclosed: $ 600

Public Notice Sign Posted (Date) 6/24/20

Legal Ad Submitted (Date) 6/19/20

Legal Ad Published (Date) 6/24/20

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

_____

_____

_____

Attachment: Application (1677 : Jonesboro Logistics Center)

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

Punam Patil
PRINT NAME

SIGNATURE/DATE

54 investment group LLC

APPLICANT:

Mike Martin
PRINT NAME

SIGNATURE/DATE

NOTARY:

S. Copeland 6/9/2020
SIGNATURE/DATE

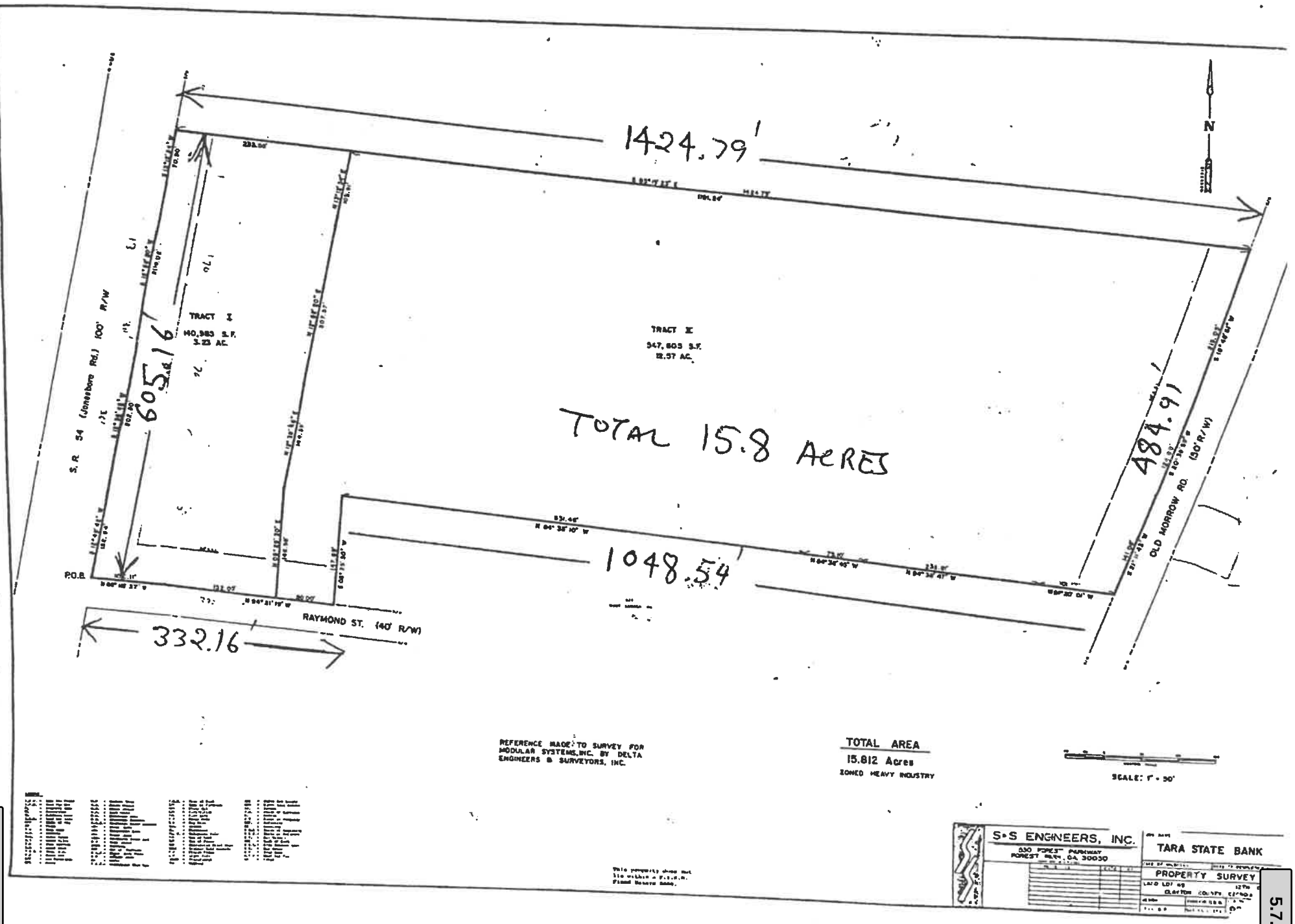
SEAL



Attachment: Application (1677 : Jonesboro Logistics Center)



Attachment: Site (1677 : Jonesboro Logistics Center)


1424.79'
N
TRACT I
40,983 S.F.
0.23 AC.
TRACT II
547,605 S.F.
12.57 AC.
TOTAL 15.8 ACRES
605.16'
484.91'
S.R. 54 (Jonesboro Rd.) 100' R/W
OLD MORROW RD. (80' R/W)
1048.54'
P.O.B.
RAYMOND ST. (40' R/W)
332.16'
REFERENCE MADE TO SURVEY FOR MODULAR SYSTEMS, INC. BY DELTA ENGINEERS & SURVEYORS, INC.
TOTAL AREA
15.812 Acres
ZONED HEAVY INDUSTRY
SCALE: 1" = 50'
S-S ENGINEERS, INC.
TARA STATE BANK
PROPERTY SURVEY

DocuSign Envelope ID: 1C3AC2BF-2643-4C50-B615-FC1CBD23EC2F

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

MARIA

ZONING VERIFICATION REQUEST

Important Notice:

BEFORE leasing, purchasing, or otherwise committing to a property you are STRONGLY ADVISED to confirm that the zoning and physical layout of the building and site are appropriate for the business use intended and will comply with the City's Zoning Ordinance. This includes having a clear understanding of any code restrictions, limitations or architectural guidelines that may impact your operation and any building and site modifications that may be necessary to open your business. This document does not authorize a business to conduct business without an Occupational Tax Certificate. This could result in closure and/or ticketing.

Applicant's Information

Name of Applicant: Mike Martin

Name of Business: Brennan Investment Group, LLC

Property's Address: 15.8 AC land site on Jonesboro Road and Raymond Street

Email Address: mmartin@brennanllc.com / nicholas.peacher@streamrealty.com

Phone: (Day): (404) 550-9888 (Evening): (404) 550-9888

Property Information

Current Use of Property: Land site zoned Light Industrial

Proposed Use of Property (Please provide in great detail the intended use of the property): Build a speculative industrial development consisting of two Class A warehouse/distribution facilities.

DocuSigned by:
Mike Martin
515907C4AAE1432

1/24/2020

Applicant's Signature Date

FOR OFFICE USE ONLY:

Current Zoning: M-1 **NAICS Code:** 493

Required Zoning: M-1 **Conditional Use Needed?** ✓ **Yes or** _____ **No**

☐ **APPROVED** **DENIED** ☐

Comments: REQUIRES CONDITIONAL USE PERMIT FIRST; MUST COMPLY WITH SEC. 86-617

1/27/2020

Zoning Official Signature **Date**

Attachment: Zoning Info (1677 : Jonesboro Logistics Center)

2017 NAICS Code	USES	R-2	R-4	R-C	R-A	RM	H-1	H-2	O&I	MX	C-1	C-2	M-1	Code Section
3122	Tobacco Manufacturing	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-606
493	Warehousing and Storage	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-617
423	Merchant Wholesalers, Durable Goods, With No Customer Showrooms and /or Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	P	
423	Merchant Wholesalers, Durable Goods, With Customer Showrooms and /or Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-618
424	Merchant Wholesalers, Non-Durable Goods, With No Customer Showrooms and /or Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	P	
424	Merchant Wholesalers, Non-Durable Goods, With Customer Showrooms and /or Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-618
311	Food Manufacturing, with no Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	P	
311	Food Manufacturing, with Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-606
313	Textile Mills, with no Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	P	
313	Textile Mills, with Outdoor Storage	N	N	N	N	N	N	N	N	N	N	N	C	Sec. 86-606

Attachment: Zoning Info (1677 : Jonesboro Logistics Center)

Sec. 86-617. NAICS 493 – Warehousing and Storage

The following conditions are assigned in the M-1 district:

(1) Must be located on a street having a classification of collector or greater.

(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

(3) A minimum 75-foot wide buffer shall be maintained between the property and any adjacent, residentially-zoned property.

(4) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(5) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).

(6) All lighting shall be night-sky friendly.

(7) Storage of hazardous materials is prohibited.

(8) Outdoor storage is permitted provided such storage is confined to the rear yard and is screened using fencing or landscaping which completely obscures the view from adjoining properties and public right-of-ways. Such screening shall have a minimum height of eight feet.

(Ord. No. 5-13-19)

Sec. 86-618. NAICS 423, 424 – Merchant Wholesalers, Durable Goods, With or without Customer Showrooms and /or Outdoor Storage

The following conditions are assigned in the M-1 district:

(1) Must be located on a street having a classification of collector or greater.

(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet.

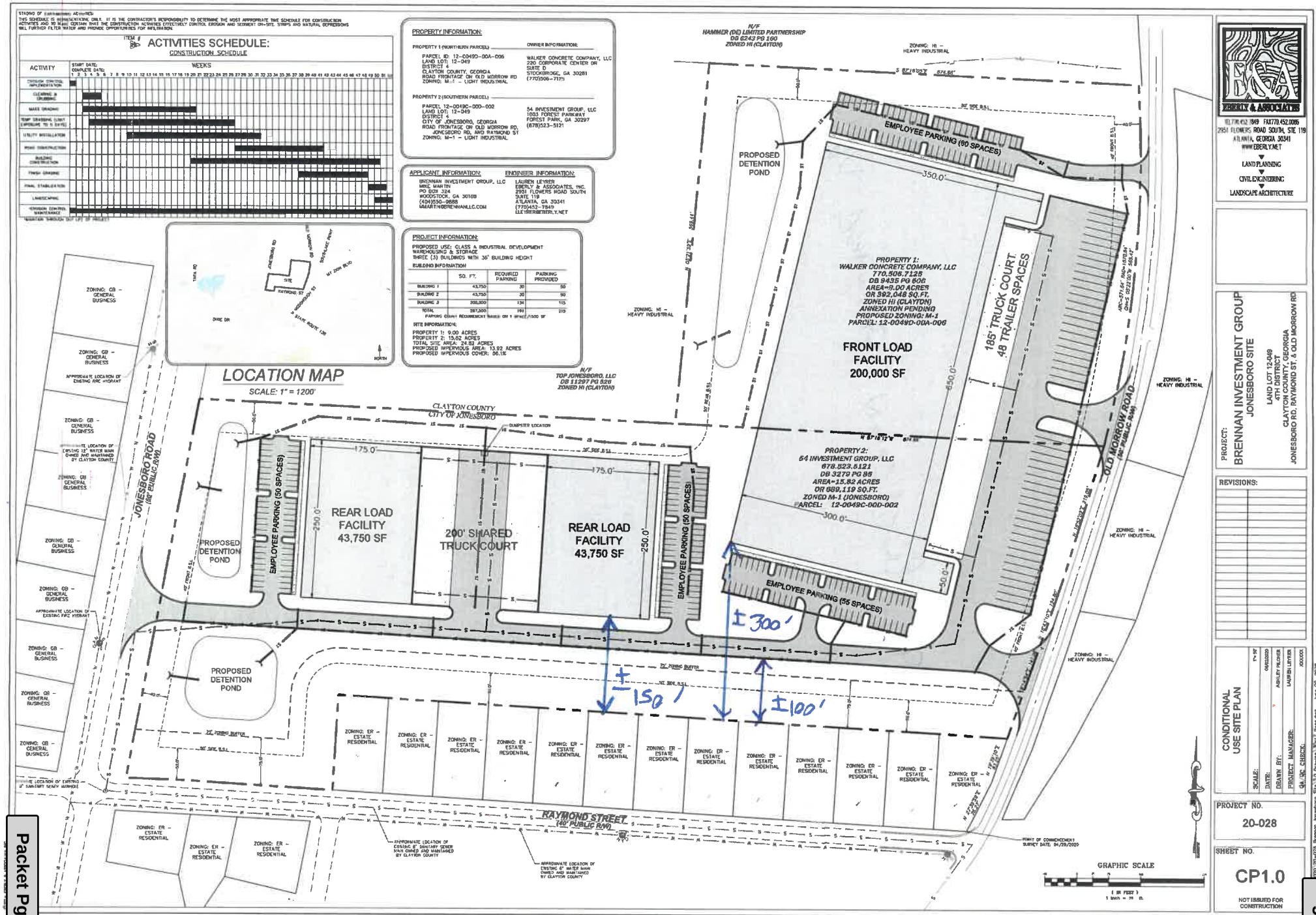
(3) A minimum 75-foot wide buffer shall be maintained between the property and any adjacent, residentially-zoned property.

(4) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided.

(5) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking).

(6) All lighting shall be night-sky friendly.

Attachment: Zoning Info (1677 : Jonesboro Logistics Center)

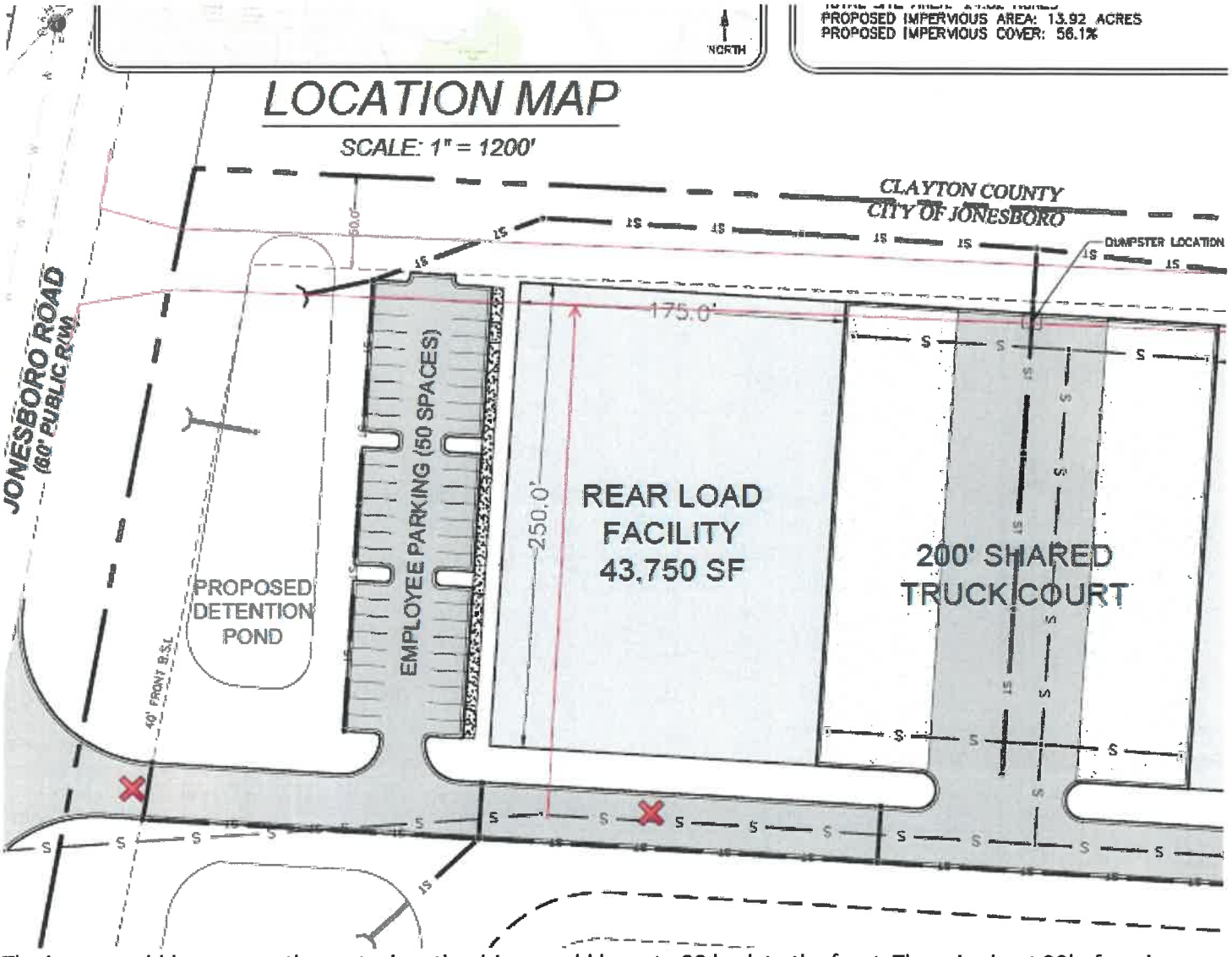

ACTIVITIES SCHEDULE:
CONSTRUCTION SCHEDULE
PROPERTY INFORMATION:
APPLICANT INFORMATION:
ENGINEER INFORMATION:
PROJECT INFORMATION:
LOCATION MAP
SCALE: 1" = 1200'
PROPERTY 1:
WALKER CONCRETE COMPANY, LLC
770.506.7125
DB 9495 PG 506
AREA=9.00 ACRES
OR 392,048 SQ.FT.
ZONED HI (CLAYTON)
ANNEXATION PENDING
PROPOSED ZONING: M-1
PARCEL: 12-0049D-00A-006
FRONT LOAD FACILITY
200,000 SF
185' TRUCK COURT
48' TRAILER SPACES
PROPERTY 2:
64 INVESTMENT GROUP, LLC
678.523.5121
DB 3279 PG 85
AREA=15.82 ACRES
OR 689,119 SQ.FT.
ZONED M-1 (JONESBORO)
PARCEL: 12-0049C-00D-002
REAR LOAD FACILITY
43,750 SF
200' SHARED TRUCK COURT
REAR LOAD FACILITY
43,750 SF
EMPLOYEE PARKING (60 SPACES)
EMPLOYEE PARKING (50 SPACES)
EMPLOYEE PARKING (50 SPACES)
EMPLOYEE PARKING (55 SPACES)
PROPOSED DETENTION POND
PROPOSED DETENTION POND
PROPOSED DETENTION POND
JONESBORO ROAD (80' PUBLIC R/W)
OLD MORROW ROAD (80' PUBLIC R/W)
RAYMOND STREET (40' PUBLIC R/W)
CLAYTON COUNTY
CITY OF JONESBORO
N/F HAMMER (DE) LIMITED PARTNERSHIP DB 6243 PG 160 ZONED HI (CLAYTON)
N/F TOP JONESBORO, LLC DB 11297 PG 326 ZONED HI (CLAYTON)
ZONING: HI - HEAVY INDUSTRIAL
ZONING: GB - GENERAL BUSINESS
ZONING: ER - ESTATE RESIDENTIAL
±150'
±300'
±100'
GRAPHIC SCALE
EBERLY & ASSOCIATES
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
PROJECT: BRENNAN INVESTMENT GROUP JONESBORO SITE
LAND LOT 12-049
4TH DISTRICT
CLAYTON COUNTY, GEORGIA
JONESBORO RD, RAYMOND ST, & OLD MORROW RD
REVISIONS:
CONDITIONAL USE SITE PLAN
PROJECT NO. 20-028
SHEET NO. CP1.0
NOT ISSUED FOR CONSTRUCTION

David Allen

From: Lauren Leyrer <lleyrer@eberly.net>
Sent: Wednesday, July 1, 2020 4:14 PM
To: David Allen
Subject: RE: CUP and Variance Application

Hey David,

I took a look at if we could move the drive around like this:



The issue would be over on the east when the drive would have to 90 back to the front. There is about 20' of grade difference over there that wouldn't allow for the parking, drive, and grade change.

Also, just as an FYI your voicemail box is full. Call my cell if you want to talk though it 904.887.5465

Thank you,

Attachment: Site Plan (1677 : Jonesboro Logistics Center)

STAGING OF EARTHMOVING ACTIVITIES:

THIS SCHEDULE IS REPRESENTATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE MOST APPROPRIATE TIME SCHEDULE FOR CONSTRUCTION ACTIVITIES AND TO MAKE CERTAIN THAT THE CONSTRUCTION ACTIVITIES EFFECTIVELY CONTROL EROSION AND SEDIMENT ON-SITE. STRIPS AND NATURAL DEPRESSIONS WILL FURTHER FILTER WATER AND PROVIDE OPPORTUNITIES FOR INFILTRATION.

ITEM # 29

ACTIVITIES SCHEDULE:

CONSTRUCTION SCHEDULE

ACTIVITY	START DATE: / COMPLETE DATE: — WEEKS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
EROSION CONTROL IMPLEMENTATION	
CLEARING & GRUBBING	
MASS GRADING	
TEMP GRASSING (LIMIT EXPOSURE TO 5 DAYS)	
UTILITY INSTALLATION	
ROAD CONSTRUCTION	
BUILDING CONSTRUCTION	
FINISH GRADING	
FINAL STABILIZATION	
LANDSCAPING	
*EROSION CONTROL MAINTENANCE	

*MAINTAIN THROUGH OUT LIFE OF PROJECT

PROPERTY INFORMATION:

PROPERTY 1 (NORTHERN PARCEL)

PARCEL ID: 12-0049D-00A-006
LAND LOT: 12-049
DISTRICT 4
CLAYTON COUNTY, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD
ZONING: M-1 – LIGHT INDUSTRIAL

OWNER INFORMATION:
WALKER CONCRETE COMPANY, LLC
220 CORPORATE CENTER DR
SUITE D
STOCKBRIDGE, GA 30281
(770)506-7125

PROPERTY 2 (SOUTHERN PARCEL)

PARCEL 12-0049C-00D-002
LAND LOT: 12-049
DISTRICT 4
CITY OF JONESBORO, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD, JONESBORO RD, AND RAYMOND ST
ZONING: M-1 – LIGHT INDUSTRIAL

54 INVESTMENT GROUP, LLC
1003 FOREST PARKWAY
FOREST PARK, GA 30297
(678)523-5121

APPLICANT INFORMATION:

BRENNAN INVESTMENT GROUP, LLC
MIKE MARTIN
PO BOX 324
WOODSTOCK, GA 30188
(404)550-9888
MMARTIN@BRENNANLLC.COM

ENGINEER INFORMATION:

LAUREN LEYRER
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
(770)452-7849
LLEYRER@EBERLY.NET

PROJECT INFORMATION:

PROPOSED USE: CLASS A INDUSTRIAL DEVELOPMENT
WAREHOUSING & STORAGE
THREE (3) BUILDINGS WITH 36' BUILDING HEIGHT

BUILDING INFORMATION

	SQ. FT.	REQUIRED PARKING	PARKING PROVIDED
BUILDING 1	43,750	30	50
BUILDING 2	43,750	30	50
BUILDING 3	200,000	134	115
TOTAL	287,500	194	215

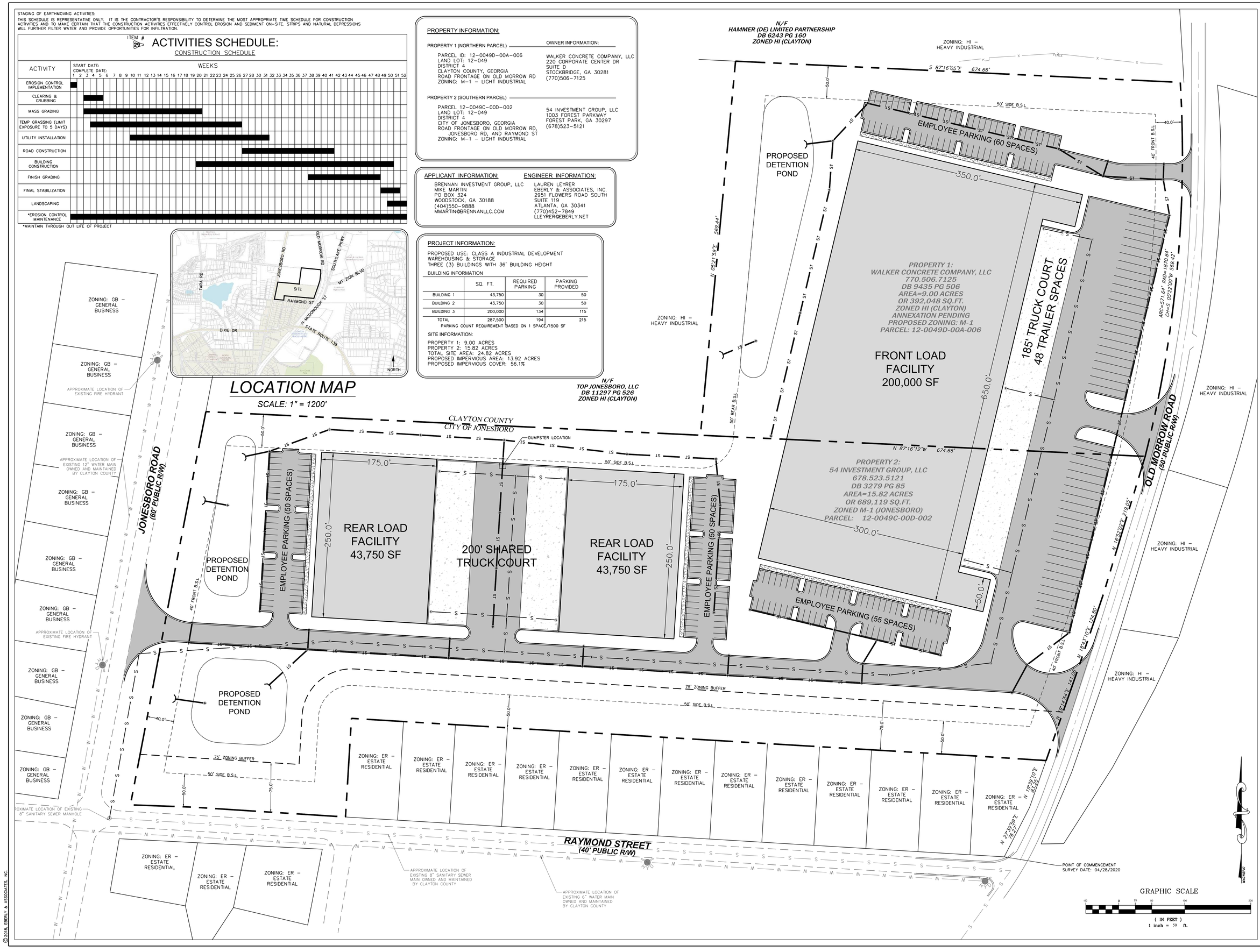
PARKING COUNT REQUIREMENT BASED ON 1 SPACE/1500 SF

SITE INFORMATION:

PROPERTY 1: 9.00 ACRES
PROPERTY 2: 15.82 ACRES
TOTAL SITE AREA: 24.82 ACRES
PROPOSED IMPERVIOUS AREA: 13.92 ACRES
PROPOSED IMPERVIOUS COVER: 56.1%

LOCATION MAP

SCALE: 1" = 1200'



GRAPHIC SCALE

-50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

EBERLY & ASSOCIATES
TEL770.452.7849 FAX770.452.0086
2951 FLOWERS ROAD SOUTH, STE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
BRENNAN INVESTMENT GROUP
JONESBORO SITE

LAND LOT 12-049
4TH DISTRICT
CLAYTON COUNTY, GEORGIA
JONESBORO RD, RAYMOND ST, & OLD MORROW RD

REVISIONS:

CONDITIONAL USE SITE PLAN

SCALE:	1"= 50'
DATE:	06/02/2020
DRAWN BY:	ASHLEY PILCHER
PROJECT MANAGER:	LAUREN LEYRER
QA/QC CHECK:	XXXXXX

PROJECT NO.
20-028

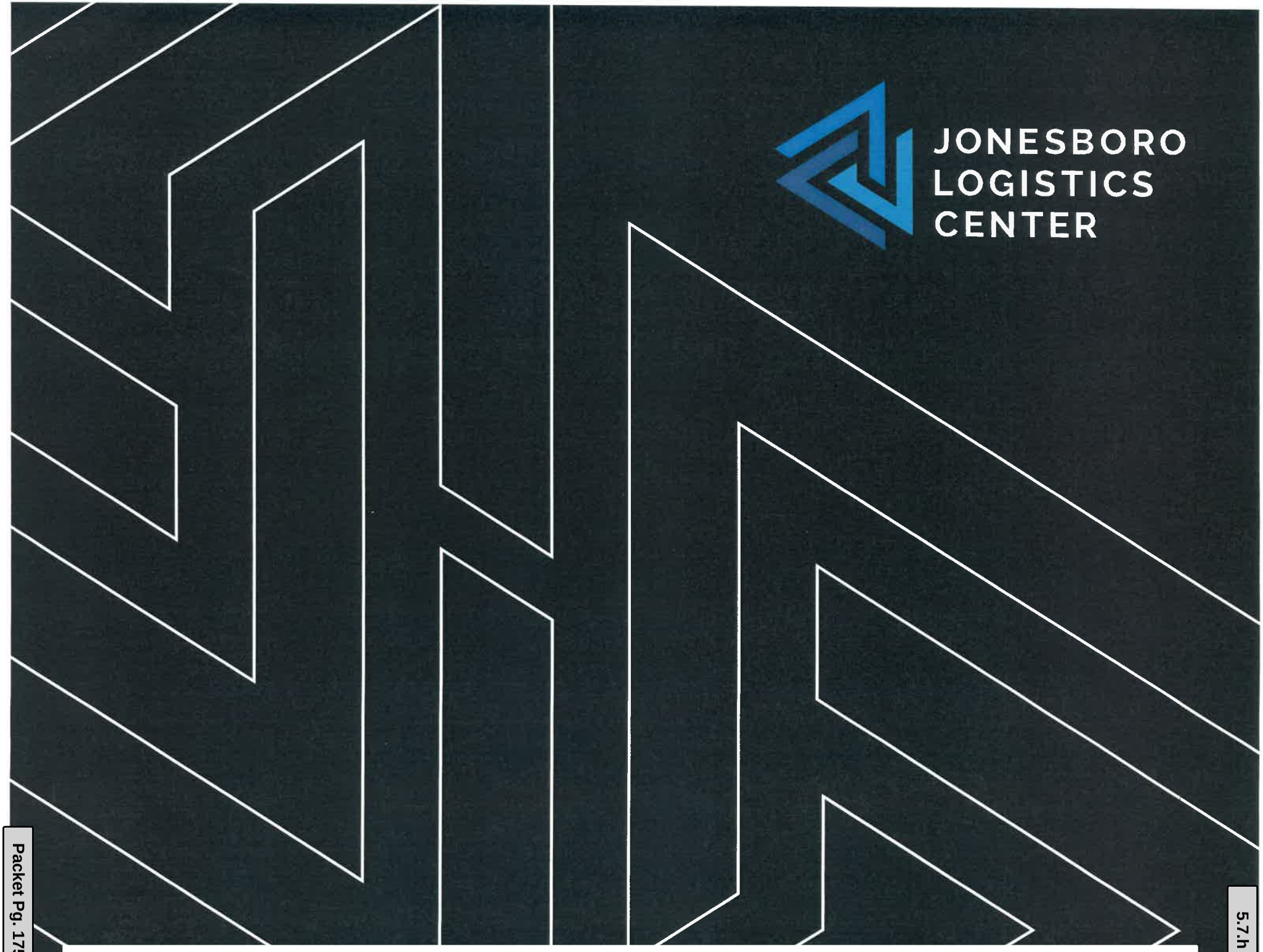
SHEET NO.
CP1.0

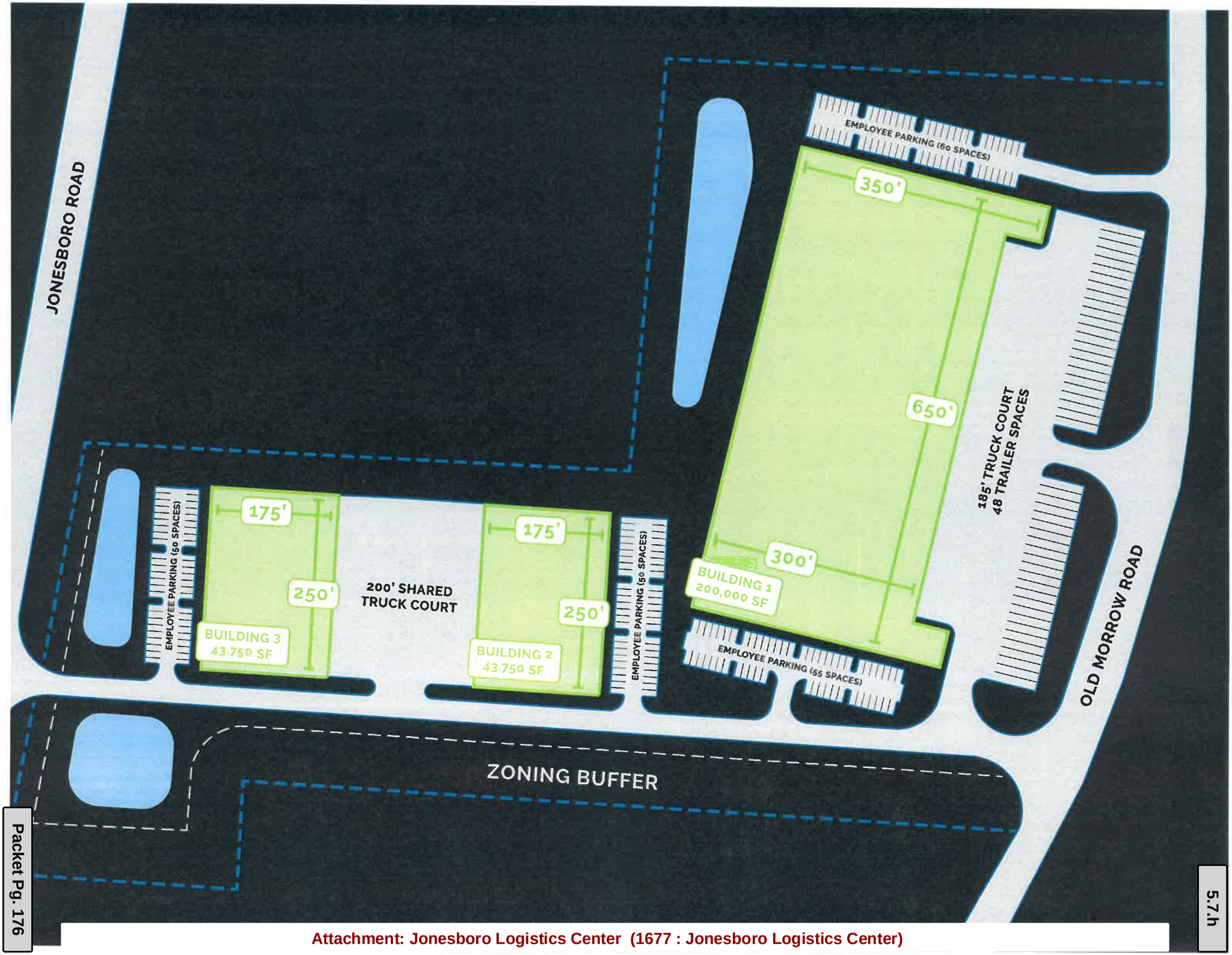
NOT ISSUED FOR CONSTRUCTION

© 2018, EBERLY & ASSOCIATES, INC.

Attachment: 2020-06-09 20-028 Brennan Jonesboro CUP (1677 : Jonesboro Logistics Center)




JONESBORO
LOGISTICS
CENTER


JONESBORO ROAD
EMPLOYEE PARKING (60 SPACES)
350'
650'
185' TRUCK COURT
48 TRAILER SPACES
OLD MORROW ROAD
300'
BUILDING 1
200,000 SF
EMPLOYEE PARKING (55 SPACES)
EMPLOYEE PARKING (50 SPACES)
175'
250'
200' SHARED
TRUCK COURT
BUILDING 3
43,750 SF
175'
250'
BUILDING 2
43,750 SF
EMPLOYEE PARKING (50 SPACES)
ZONING BUFFER

JONESBORO LOGISTICS CENTER

PROPERTY HIGHLIGHTS (APPROX.)

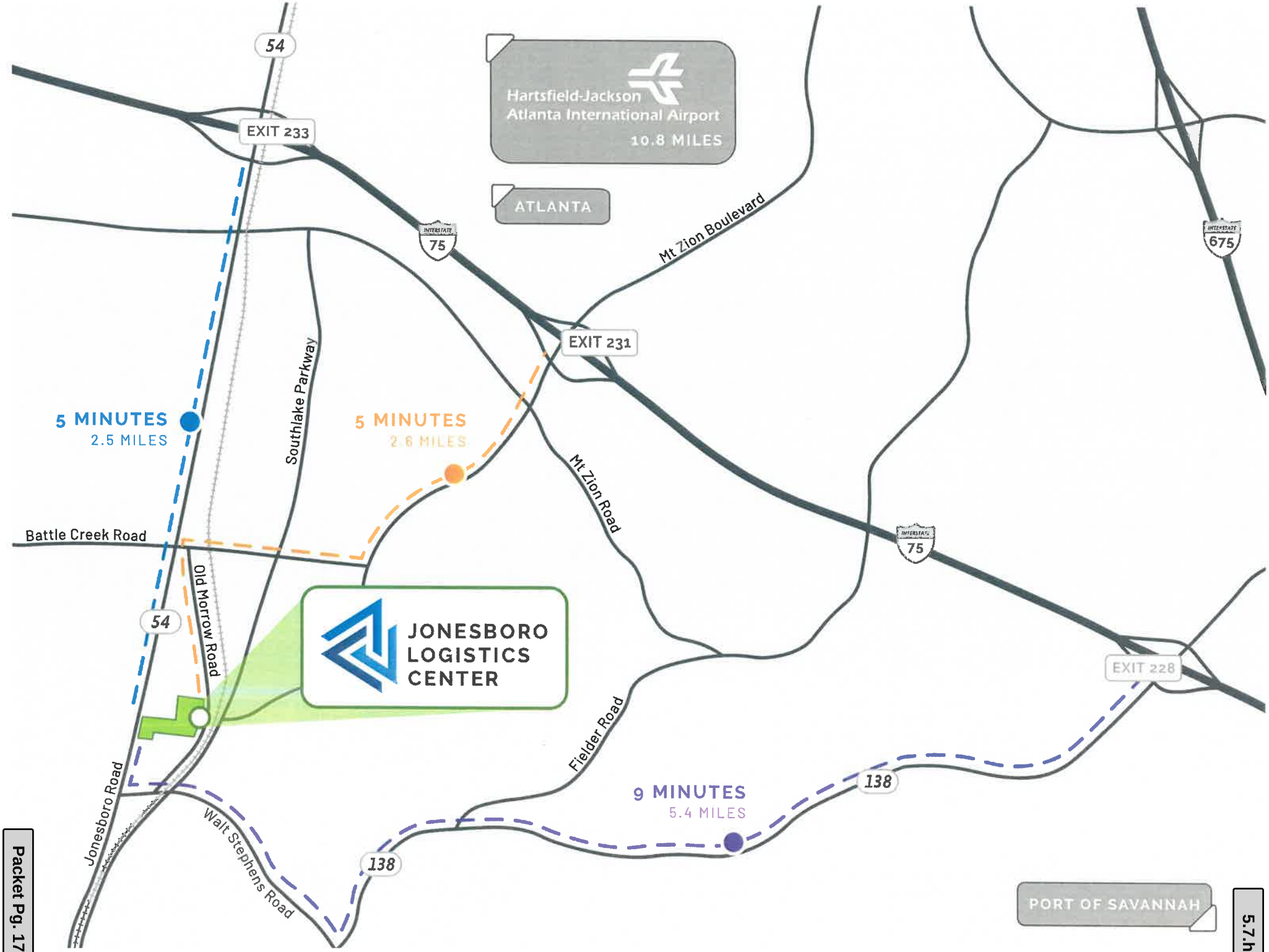
BUILDING ONE - 200,000 RSF	
Building Size	200,000 SF
Truck Court Depth	185'
Clear Height	32'
Dock Doors	40
Drive In	2
Office	BTS
Lighting	LED
Sprinkler	ESFR

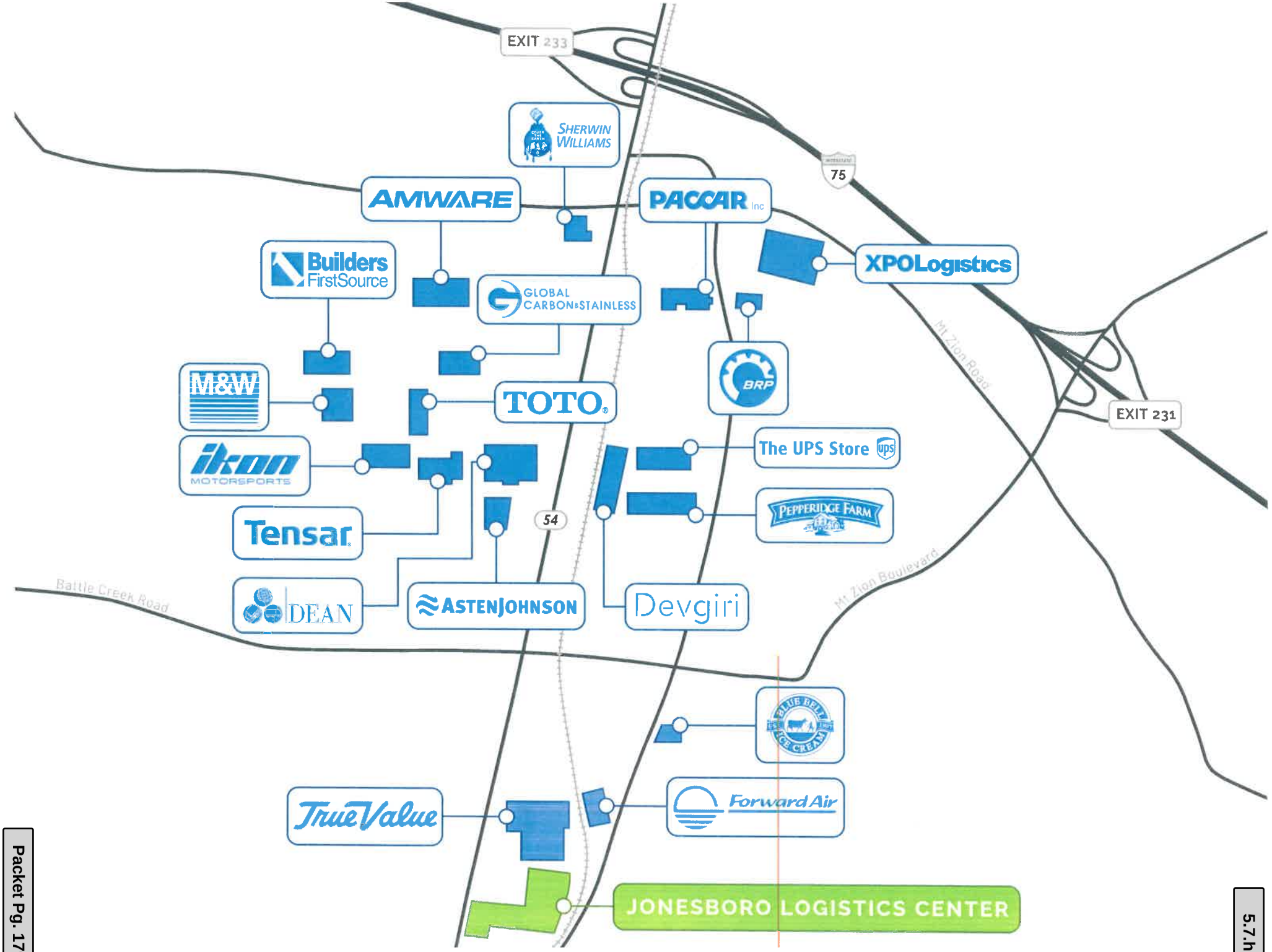
BUILDING TWO - 43,750 RSF	
Building Size	43,750 SF
Truck Court Depth	200' Shared
Clear Height	28'
Dock Doors	10
Drive In	2
Office	BTS
Lighting	LED
Sprinkler	ESFR

BUILDING THREE - 43,750 RSF	
Building Size	43,750 SF
Truck Court Depth	200' Shared
Clear Height	28'
Dock Doors	10
Drive In	2
Office	BTS
Lighting	LED
Sprinkler	ESFR



Attachment: Jonesboro Logistics Center (1677 : Jonesboro Logistics Center)


54
EXIT 233
Hartsfield-Jackson
Atlanta International Airport
10.8 MILES
ATLANTA
INTERSTATE 75
Mt Zion Boulevard
INTERSTATE 675
EXIT 231
5 MINUTES
2.5 MILES
Southlake Parkway
5 MINUTES
2.6 MILES
Mt Zion Road
Battle Creek Road
INTERSTATE 75
Old Morrow Road
54
JONESBORO
LOGISTICS
CENTER
EXIT 228
Fielder Road
9 MINUTES
5.4 MILES
138
Jonesboro Road
Walt Stephens Road
138
PORT OF SAVANNAH



Attachment: Jonesboro Logistics Center (1677 : Jonesboro Logistics Center)

USA DRIVE TIME **MAPS**

Georgia has a solid foundation of air, land, and sea transportation to keep you competitive in the global marketplace.

DRIVE TIMES

LOCATION	DISTANCE
SOUTHEAST REGIONAL ACCESS	
Port of Savannah	234 Miles
Port of Brunswick	261 Miles
Port of Jacksonville	305 Miles
Port of Charleston	308 Miles
Port of Pensacola	320 Miles

LOCATION	DISTANCE
IN-STATE ACCESS	
I-75 Access (Exit 233)	2.3 Miles
I-75 Access (Exit 231)	2.5 Miles
Interstate 675	5.8 Miles
Interstate 285	8.2 Miles
Hartsfield Jackson International Airport (Air Cargo Terminal)	10.8 Miles
Interstate 85	14.1 Miles
Interstate 20	15.5 Miles



TRUCK TRANSIT TIMES FROM GEORGIA



AIR TRANSIT TIMES FROM GEORGIA



RAIL TRANSIT TIMES FROM GEORGIA

Attachment: Jonesboro Logistics Center (1677 : Jonesboro Logistics Center)

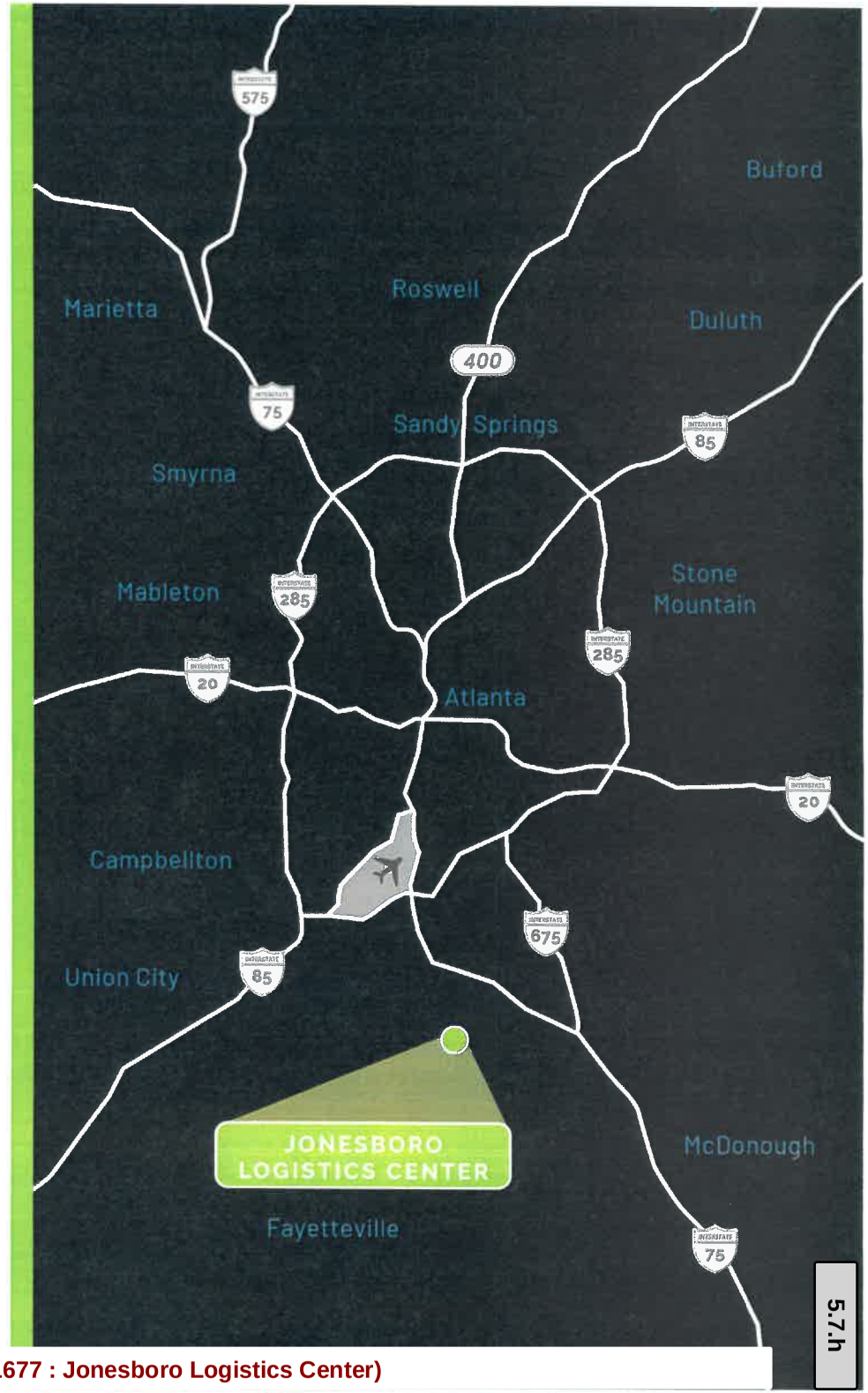
JONESBORO LOGISTICS CENTER

PREMIER LOGISTICS BY LAND, AIR AND SEA

Offers one turn access to the I-75 Interstate and the ability to reach 80% of the US population within two days.

Sits just 11 miles from Hartsfield-Jackson International Airport, the world's busiest passenger airport and 11th busiest air cargo terminal nationally.

Direct access to the Port of Savannah, the nation's 4th busiest port by container volume. This newly deepened port allows ingress and egress for the world's largest shipping vessels.



Attachment: Jonesboro Logistics Center (1677 : Jonesboro Logistics Center)

For leasing information, please contact:

NICK PEACHER
nicholas.peacher@streamrealty.com
404.962.8650

BRADLEY DUNN
bradley.dunn@streamrealty.com
404.962.8621

A development by:

B R E N N A N
I N V E S T M E N T
G R O U P

STREAM

Attachment: Jonesboro Logistics Center (1677 : Jonesboro Logistics Center)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Conditional Use Permit Application for warehousing and storage, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Conditional Use - 54 Investment, LLC - Legal Notice (1677 : Jonesboro Logistics Center)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: C.U.P.

Warehousing and Storage, by Brennan Investment Group, for Property fronting Jonesboro Rd., Raymond St. and Old Morrow Rd. Parcel No. 12049C D002 Jonesboro, Ga.

LOCATION

Meeting V/A ZOOM

DATE: 07-13-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Variance for Maximum Building Height for a Warehouse Building, by Brennan Investment Group, for property fronting Jonesboro Rd, Raymond St and Old Morrow Rd (Parcel No. 12049C D002) Jonesboro, Ga.

LOCATION

Meeting VIA ZOOM

DATE: 7-13-20 TIME: 6:00 PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: C.U.P.

Warehousing and Storage, by Brennan Investment Group, for Property fronting Jonesboro Rd., Raymond St. and Old Morrow Rd. Parcel No. 12049C D002 Jonesboro, Ga.

LOCATION

Meeting V/A ZOOM

DATE: 07-13-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JO

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Variance for

for a Warehous

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St and Old Morr

M

DATE

FOR MORE INFO

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 8

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Variance 20-VAR-006 for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-108 – M-1 Zoning Purpose and Standards; 86-343 Variance Criteria

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes	Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

(This application assumes approval of the annexation and rezoning of the subject 9-acre parcel.)

Agency recommendation – **Approval of variance application;** Recently, the applicant sought zoning verification for a warehousing and storage facility for Parcel 120049C D002, a 15.82-acre parcel which has frontage on Jonesboro Road, Raymond Street, and Old Morrow Road in the northern limits of the City of Jonesboro. The parcel is currently undeveloped, partially wooded, and is zoned M-1, Light Industrial. The Comprehensive Plan calls for "Gateway Commercial" for this parcel in the future, which allows for a mix of office, commercial, and industrial uses.

Sec. 86-108. - M-1 light industrial district.

(a) Purpose. The M-1 light industrial district is established to provide for manufacturing uses having a minimal impact on the environment and surrounding land uses. The district is intended to attract a complementary mix of assembly, fabricating, distribution and warehousing, service and wholesale operations. A goal of the light industrial district is to provide architectural and site design standards that encourage development of such uses in a park setting; office components are encouraged through development incentives. Uses that require significant infrastructure and transportation systems or substantial outdoor storage; create products in large unit sizes; utilize heavy equipment and massive production facilities; or are associated with hazardous materials, significant noise, heat, vibration or refuse generation are prohibited.

(b) Development standards.

(1) Minimum lot area: 87,120 square feet (two acres)
(2) Minimum lot width: 100 feet
(3) Minimum front yard: 40 feet
(4) Minimum side yard: 50 feet, when adjoining a residential use, otherwise zero
(5) Minimum rear yard: 50 feet, when adjoining a residential use, otherwise zero
(6) Maximum building floor area per story: none
(7) Maximum building height: 20 feet **45 feet**
(8) Minimum building separation: per building codes
(9) Maximum lot coverage: 80 percent

Front yard may be reduced to 25 feet when 25 percent of the floor area located at the front of the building is designated as office use.

Building height may be increased to 40 feet when 25 percent of the floor area located at the front of the building is designated

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

as office use. **45 feet. Unknown amount of office space at this point**

The applicant has stated in the application that 25% of office space will probably not be achieved. Even so, the proposed building height is 45 feet, not 40 feet. Therefore, a variance is required.

All such variances must be based upon evidence submitted before the mayor and council and upon findings, supported by the testimony or by documentary testimony, that such variance shall be required in the following instances:
a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
b. The property subject to the variance possesses one or more unique characteristics generally not applicable to similarly situated properties.
c. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
d. The grant of the variance will not grant a special privilege to the property owner.
e. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
f. The grant of the variance is not based solely on economic reasons, nor is the need for the variance the result of actions of the applicant.
g. The variance is the minimum necessary to allow reasonable use of the property.
h. The grant of the variance will not be injurious to the public health, safety or welfare.
i. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

Per the application, warehouses of the type proposed need to have adequate clear heights to utilize the most efficient racking systems (much like LTI). The crux of the variance consideration is whether the Raymond Street residents would be significantly affected by a 45-foot tall building. The buffer and supplemental plantings specified below would help soften the effect. If the building achieves 25% of office space it would be allowed to have a 40-foot height, without a variance. Visually, there would not be a significant difference between a 40-foot and 45-foot tall building. No threats to the general welfare for granting this variance are anticipated, as the buildings will not be close to property lines.

The 75-foot wide buffer adjacent to the rear of the Raymond Street lots is planned to be undisturbed. This area has significant tree density from Jonesboro Road to about the midway point of Raymond Street, and then it opens up, with few trees and much kudzu. In view of this, and to better buffer the Raymond Street residents from the sights and sounds of trucks driving down the long drive nearby, staff is proposing supplemental plantings in the form of 2 rows of staggered evergreen trees (Leyland Cypress) with the size and spacing specifications highlighted above. This would help ameliorate the affects of the 45-foot tall building from the rear of the residences about 200 feet away.

If the quality of life of the Raymond Street residents can be maintained, the proposed facility would be of tax and employment benefit to the City. The area directly north of the subject property has trended towards this type of use for many years, and Old Morrow Road has mainly been seen as an industrial access road. The architectural style will be similar to the new LTI building.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Variance - 54 Investment, LLC Annexed Property - Legal Notice
- Zoning Sign 1
- 2020-06-09 20-028 Brennan Jonesboro CUP

- Rendering

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: Old Morrow Rd, Jonesboro, GA 30236

Parcel Identification Number: 12-0049D-00A-006

Size: 9.00 AC

Owner: Walker Concrete Company, LLC

Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Mike Martin - Brennan Investment Group

Mailing Address: P.O. Box 234

Email Address: mmartin@brennanllc.com Telephone: (404) 550-9888

Attachment: Application (1681 : Annex Jonesboro Logistics Center Height Variance)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: Sec. 86-108.b.7

Requesting Variance from: Building Height of 20 Feet to: Building Height of 45 Feet

Reason for Variance Request: In order to provide functionality and attract industrial tenants, Clas A warehouses must be built with appropriate clear heights. This allows businesses to utilize efficient racking plans within the buildings.

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

Due to the size of the two parcels and the ability to build Class A industrial facilities, we are requesting a variance to build industrial facilities that are in line with similar properties with regards to functionality. Other industrial sites in Jonesboro are not able to support this building size, and therefore do not require this amount of clear height

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

Size of both assembled parcels is larger than other industrial lots in Jonesboro. With larger industrial facilities, there are requirements for extended clear heights. Clayton County allows for 75' building heights for similar projects.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

Under M-1 Light Industrial District development standards, there is a stated maximum building height of 20 feet. There is a provision that allows for 40 foot building height, but only if 25 percent of the area is dedicated to office. This is significantly more office space than the vast majority of industrial tenants will utilize.

4. Demonstrate how a variance prevents reasonable use of the property.

Without this variance, we will not be able to compete with other industrial sites in South Atlanta. We will not be able to continue with construction if we are not able to achieve "market" clear heights.

Attachment: Application (1681 : Annex Jonesboro Logistics Center Height Variance)

5. **Please explain the reasoning for the variance and state whether it is a result of the applicant.**
The variance is the result of a desire to develop Class A Industrial facilities that will attract high-credit businesses and employment opportunities to the Jonesboro area.

6. **Demonstrate how the variance is the only result to allow reasonable use of the property.**
This variance for appropriate clear heights is the only way to attract serious warehousing tenants. The vast majority of these tenants utilize racking plans inside there warehouses that can extend between 24'-36' tall.

7. **Will the granting of the requested variance be injurious to the public health, safety or welfare?**
No - the variance will have no impact to public health, safety or welfare. Rather it will have the opposite effect. These facilities will attract businesses that will spur job growth and employment opportunities in Jonesboro.

8. **Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?**
Yes - the variance and clear height will allow us to attract "a complementary mix of assembly, fabricating, distribution service and wholesale operations".

Mike Martin	
PRINT NAME	SIGNATURE
6/9/20	$600.00
DATE	FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: 6/9/2020

Information Reviewed By: DOA

Actions Taken By:

Misc. Notes:

Attachment: Application (1681 : Annex Jonesboro Logistics Center Height Variance)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

Joe Dickinson
PRINT NAME

SIGNATURE/DATE

NOTARY:

SIGNATURE/DATE

KEVIN BROWN NOTARY PUBLIC HENRY CO., GEORGIA MY COMMISSION EXPIRES JUNE 13, 2022

SEAL

Attachment: Application (1681 : Annex Jonesboro Logistics Center Height Variance)

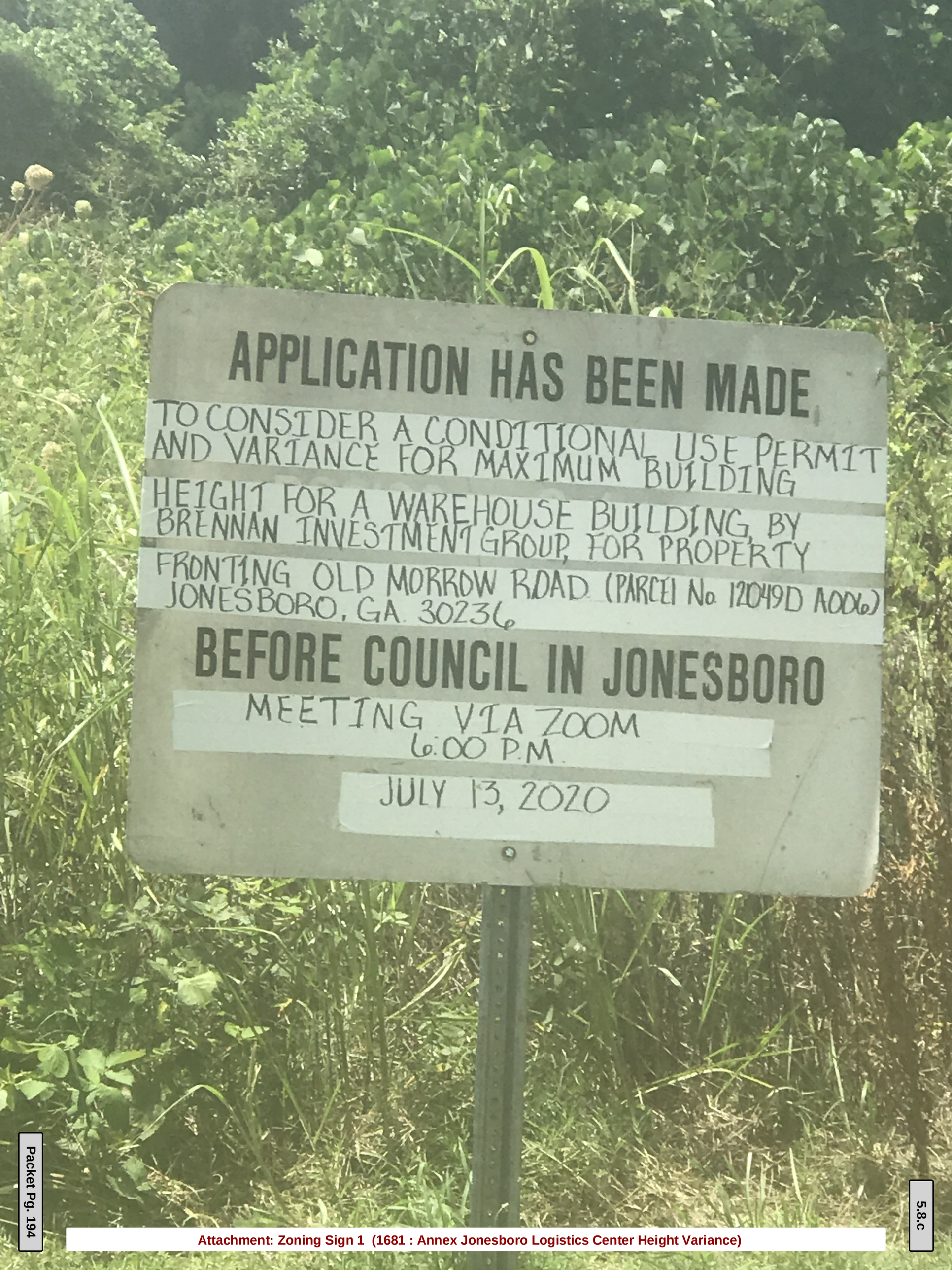
Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Variance for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Variance - 54 Investment, LLC Annexed Property - Legal Notice (1681 : Annex Jonesboro Logistics Center Height Variance)


APPLICATION HAS BEEN MADE
TO CONSIDER A CONDITIONAL USE PERMIT AND VARIANCE FOR MAXIMUM BUILDING HEIGHT FOR A WAREHOUSE BUILDING, BY BRENNAN INVESTMENT GROUP, FOR PROPERTY FRONTING OLD MORROW ROAD (PARCEL No. 12049D A006) JONESBORO, GA. 30236.
BEFORE COUNCIL IN JONESBORO
MEETING VIA ZOOM
6:00 P.M.
JULY 13, 2020

STAGING OF EARTHMOVING ACTIVITIES:

THIS SCHEDULE IS REPRESENTATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE MOST APPROPRIATE TIME SCHEDULE FOR CONSTRUCTION ACTIVITIES AND TO MAKE CERTAIN THAT THE CONSTRUCTION ACTIVITIES EFFECTIVELY CONTROL EROSION AND SEDIMENT ON-SITE. STRIPS AND NATURAL DEPRESSIONS WILL FURTHER FILTER WATER AND PROVIDE OPPORTUNITIES FOR INFILTRATION.

ITEM # 29

ACTIVITIES SCHEDULE:

CONSTRUCTION SCHEDULE

ACTIVITY	START DATE: / COMPLETE DATE: — WEEKS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
EROSION CONTROL IMPLEMENTATION	
CLEARING & GRUBBING	
MASS GRADING	
TEMP GRASSING (LIMIT EXPOSURE TO 5 DAYS)	
UTILITY INSTALLATION	
ROAD CONSTRUCTION	
BUILDING CONSTRUCTION	
FINISH GRADING	
FINAL STABILIZATION	
LANDSCAPING	
*EROSION CONTROL MAINTENANCE	

*MAINTAIN THROUGH OUT LIFE OF PROJECT

PROPERTY INFORMATION:

PROPERTY 1 (NORTHERN PARCEL)

PARCEL ID: 12-0049D-00A-006
LAND LOT: 12-049
DISTRICT 4
CLAYTON COUNTY, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD
ZONING: M-1 – LIGHT INDUSTRIAL

OWNER INFORMATION:
WALKER CONCRETE COMPANY, LLC
220 CORPORATE CENTER DR
SUITE D
STOCKBRIDGE, GA 30281
(770)506-7125

PROPERTY 2 (SOUTHERN PARCEL)

PARCEL 12-0049C-00D-002
LAND LOT: 12-049
DISTRICT 4
CITY OF JONESBORO, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD, JONESBORO RD, AND RAYMOND ST
ZONING: M-1 – LIGHT INDUSTRIAL

54 INVESTMENT GROUP, LLC
1003 FOREST PARKWAY
FOREST PARK, GA 30297
(678)523-5121

APPLICANT INFORMATION:

BRENNAN INVESTMENT GROUP, LLC
MIKE MARTIN
PO BOX 324
WOODSTOCK, GA 30188
(404)550-9888
MMARTIN@BRENNANLLC.COM

ENGINEER INFORMATION:

LAUREN LEYRER
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
(770)452-7849
LLEYRER@EBERLY.NET

PROJECT INFORMATION:

PROPOSED USE: CLASS A INDUSTRIAL DEVELOPMENT
WAREHOUSING & STORAGE
THREE (3) BUILDINGS WITH 36' BUILDING HEIGHT

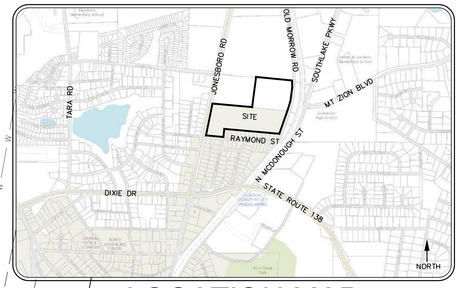
BUILDING INFORMATION

	SQ. FT.	REQUIRED PARKING	PARKING PROVIDED
BUILDING 1	43,750	30	50
BUILDING 2	43,750	30	50
BUILDING 3	200,000	134	115
TOTAL	287,500	194	215

PARKING COUNT REQUIREMENT BASED ON 1 SPACE/1500 SF

SITE INFORMATION:

PROPERTY 1: 9.00 ACRES
PROPERTY 2: 15.82 ACRES
TOTAL SITE AREA: 24.82 ACRES
PROPOSED IMPERVIOUS AREA: 13.92 ACRES
PROPOSED IMPERVIOUS COVER: 56.1%



LOCATION MAP

SCALE: 1" = 1200'

N/F
HAMMER (DE) LIMITED PARTNERSHIP
DB 6243 PG 160
ZONED HI (CLAYTON)

N/F
TOP JONESBORO, LLC
DB 11297 PG 526
ZONED HI (CLAYTON)

CLAYTON COUNTY
CITY OF JONESBORO

JONESBORO ROAD (60' PUBLIC R/W)

OLD MORROW ROAD (50' PUBLIC R/W)

RAYMOND STREET (40' PUBLIC R/W)

ZONING: GB – GENERAL BUSINESS

ZONING: HI – HEAVY INDUSTRIAL

ZONING: ER – ESTATE RESIDENTIAL

PROPERTY 1:
WALKER CONCRETE COMPANY, LLC
770.506.7125
DB 9435 PG 506
AREA=9.00 ACRES
OR 392,048 SQ.FT.
ZONED HI (CLAYTON)
ANNEXATION PENDING
PROPOSED ZONING: M-1
PARCEL: 12-0049D-00A-006

PROPERTY 2:
54 INVESTMENT GROUP, LLC
678.523.5121
DB 3279 PG 85
AREA=15.82 ACRES
OR 689,119 SQ.FT.
ZONED M-1 (JONESBORO)
PARCEL: 12-0049C-00D-002

FRONT LOAD FACILITY 200,000 SF

REAR LOAD FACILITY 43,750 SF

200' SHARED TRUCK COURT

REAR LOAD FACILITY 43,750 SF

185' TRUCK COURT 48 TRAILER SPACES

EMPLOYEE PARKING (60 SPACES)

EMPLOYEE PARKING (50 SPACES)

EMPLOYEE PARKING (55 SPACES)

EMPLOYEE PARKING (50 SPACES)

PROPOSED DETENTION POND

PROPOSED DETENTION POND

PROPOSED DETENTION POND

DUMPSTER LOCATION

APPROXIMATE LOCATION OF EXISTING FIRE HYDRANT

APPROXIMATE LOCATION OF EXISTING 12" WATER MAIN OWNED AND MAINTAINED BY CLAYTON COUNTY

APPROXIMATE LOCATION OF EXISTING 8" SANITARY SEWER MANHOLE

APPROXIMATE LOCATION OF EXISTING 8" SANITARY SEWER MAIN OWNED AND MAINTAINED BY CLAYTON COUNTY

APPROXIMATE LOCATION OF EXISTING 6" WATER MAIN OWNED AND MAINTAINED BY CLAYTON COUNTY

POINT OF COMMENCEMENT
SURVEY DATE: 04/28/2020

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

EBERLY & ASSOCIATES
TEL770.452.7849 FAX770.452.0086
2951 FLOWERS ROAD SOUTH, STE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
BRENNAN INVESTMENT GROUP
JONESBORO SITE
LAND LOT 12-049
4TH DISTRICT
CLAYTON COUNTY, GEORGIA
JONESBORO RD, RAYMOND ST, & OLD MORROW RD

REVISIONS:

CONDITIONAL USE SITE PLAN

SCALE:	1"= 50'
DATE:	06/02/2020
DRAWN BY:	ASHLEY PILCHER
PROJECT MANAGER:	LAUREN LEYRER
QA/QC CHECK:	XXXXXX

PROJECT NO.
20-028

SHEET NO.
CP1.0

NOT ISSUED FOR CONSTRUCTION

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Attachment: 2020-06-09 20-028 Brennan Jonesboro CUP (1681 : Annex Jonesboro Logistics Center Height Variance)



Attachment: Rendering (1681 : Annex Jonesboro Logistics Center Height Variance)

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 9

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Variance 20-VAR-005 for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-108 – M-1 Zoning Purpose and Standards; 86-343 Variance Criteria

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of variance application;** Recently, the applicant sought zoning verification for a warehousing and storage facility for Parcel 120049C D002, a 15.82-acre parcel which has frontage on Jonesboro Road, Raymond Street, and Old Morrow Road in the northern limits of the City of Jonesboro. The parcel is currently undeveloped, partially wooded, and is zoned M-1, Light Industrial. The Comprehensive Plan calls for "Gateway Commercial" for this parcel in the future, which allows for a mix of office, commercial, and industrial uses.

Sec. 86-108. - M-1 light industrial district.

(a) Purpose. The M-1 light industrial district is established to provide for manufacturing uses having a minimal impact on the environment and surrounding land uses. The district is intended to attract a complementary mix of assembly, fabricating, distribution and warehousing, service and wholesale operations. A goal of the light industrial district is to provide architectural and site design standards that encourage development of such uses in a park setting; office components are encouraged through development incentives. Uses that require significant infrastructure and transportation systems or substantial outdoor storage; create products in large unit sizes; utilize heavy equipment and massive production facilities; or are associated with hazardous materials, significant noise, heat, vibration or refuse generation are prohibited.
(b) Development standards.

(1) Minimum lot area: 87,120 square feet (two acres)
(2) Minimum lot width: 100 feet
(3) Minimum front yard: 40 feet
(4) Minimum side yard: 50 feet, when adjoining a residential use, otherwise zero
(5) Minimum rear yard: 50 feet, when adjoining a residential use, otherwise zero
(6) Maximum building floor area per story: none
(7) Maximum building height: 20 feet **45 feet**
(8) Minimum building separation: per building codes
(9) Maximum lot coverage: 80 percent

Front yard may be reduced to 25 feet when 25 percent of the floor area located at the front of the building is designated as office use.
Building height may be increased to 40 feet when 25 percent of the floor area located at the front of the building is designated

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

as office use. **45 feet. Unknown amount of office space at this point**

The applicant has stated in the application that 25% of office space will probably not be achieved. Even so, the proposed building height is 45 feet, not 40 feet. Therefore, a variance is required.

All such variances must be based upon evidence submitted before the mayor and council and upon findings, supported by the testimony or by documentary testimony, that such variance shall be required in the following instances:
a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
b. The property subject to the variance possesses one or more unique characteristics generally not applicable to similarly situated properties.
c. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
d. The grant of the variance will not grant a special privilege to the property owner.
e. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
f. The grant of the variance is not based solely on economic reasons, nor is the need for the variance the result of actions of the applicant.
g. The variance is the minimum necessary to allow reasonable use of the property.
h. The grant of the variance will not be injurious to the public health, safety or welfare.
i. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

Per the application, warehouses of the type proposed need to have adequate clear heights to utilize the most efficient racking systems (much like LTI). The crux of the variance consideration is whether the Raymond Street residents would be significantly affected by a 45-foot tall building. The buffer and supplemental plantings specified below would help soften the effect. If the building achieves 25% of office space it would be allowed to have a 40-foot height, without a variance. Visually, there would not be a significant difference between a 40-foot and 45-foot tall building. No threats to the general welfare for granting this variance are anticipated, as the buildings will not be close to property lines.

The 75-foot wide buffer adjacent to the rear of the Raymond Street lots is planned to be undisturbed. This area has significant tree density from Jonesboro Road to about the midway point of Raymond Street, and then it opens up, with few trees and much kudzu. In view of this, and to better buffer the Raymond Street residents from the sights and sounds of trucks driving down the long drive nearby, staff is proposing supplemental plantings in the form of 2 rows of staggered evergreen trees (Leyland Cypress) with the size and spacing specifications highlighted above. This would help ameliorate the affects of the 45-foot tall building from the rear of the residences about 200 feet away.

If the quality of life of the Raymond Street residents can be maintained, the proposed facility would be of tax and employment benefit to the City. The area directly north of the subject property has trended towards this type of use for many years, and Old Morrow Road has mainly been seen as an industrial access road. The architectural style will be similar to the new LTI building.

(Note: an adjacent 9-acre parcel is proposed to be annexed into the City at the same Council meeting, and will affect the development of the largest building.)

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application

- Plat
- Site Plan
- Rendering
- Variance - 54 Investment, LLC - Legal Notice
- Zoning Sign 1
- Zoning Sign 2

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

VARIANCE REQUEST

Section 86-38. of the Jonesboro Zoning Ordinance allows for the issuance of an Administrative variances. An administrative variance may be granted up to ten percent of the standards of the above referenced chapter. In addition to the Variance Request, please provide a Letter of Intent to include each needed variance and the section of the City's code that pertains to each variance.

Please contact the Jonesboro City Hall (770) 478-3800 and speak with the City Clerk for further information.

Property Information:

Address: Jonesboro Rd & Raymond St, Jonesboro, GA 30236

Parcel Identification Number: 12-0049C-00D-002

Size: 15.82 AC

Owner: 54 Investment Group, LLC

Note: if applicant is not the owner, the applicant must provide written permission from the owner – notarized, and owner's contact information. See Jonesboro City Hall staff to obtain permissible document.

Applicant Information:

Applicant Name: Mike Martin - Brennan Investment Group

Mailing Address: P.O. Box 234

Email Address: mmartin@brennanllc.com Telephone: (404) 550-9888

Attachment: Application (1679 : Jonesboro Logistics Center Height Variance)

PROJECT INFORMATION:

Section of Ordinance in which variance is needed: Sec. 86-108.b.7

Requesting Variance from: Building Height of 20 Feet to: Building Height of 45 Feet

Reason for Variance Request: In order to provide functionality and attract industrial tenants, Class A warehouses must be built with appropriate clear heights. This allows businesses to utilize efficient racking plans within the buildings.

VARIANCE REQUEST

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

Due to the size of the two parcels and the ability to build Class A industrial facilities, we are requesting a variance to build industrial facilities that are in line with similar properties with regards to functionality. Other industrial sites in Jonesboro are not able to support this building size, and therefore do not require this amount of clear height

2. List one or more unique characteristics that are generally not applicable to similarly situated properties.

Size of both assembled parcels is larger than other industrial lots in Jonesboro. With larger industrial facilities, there are requirements for extended clear heights. Clayton County allows for 75' building heights for similar projects.

3. Provide a literal interpretation of the provisions of above referenced chapter and/or section that would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

Under M-1 Light Industrial District development standards, there is a stated maximum building height of 20 feet. There is a provision that allows for 40 foot building height, but only if 25 percent of the area is dedicated to office. This is significantly more office space than the vast majority of industrial tenants will utilize.

4. Demonstrate how a variance prevents reasonable use of the property.

Without this variance, we will not be able to compete with other industrial sites in South Atlanta. We will not be able to continue with construction if we are not able to achieve "market" clear heights.

Attachment: Application (1679 : Jonesboro Logistics Center Height Variance)

5. **Please explain the reasoning for the variance and state whether it is a result of the applicant.**
The variance is the result of a desire to develop Class A Industrial facilities that will attract high-credit businesses and employment opportunities to the Jonesboro area.

6. **Demonstrate how the variance is the only result to allow reasonable use of the property.**
This variance for appropriate clear heights is the only way to attract serious warehousing tenants. The vast majority of these tenants utilize racking plans inside there warehouses that can extend between 24'-36' tall.

7. **Will the granting of the requested variance be injurious to the public health, safety or welfare?**
No - the variance will have no impact to public health, safety or welfare. Rather it will have the opposite effect. These facilities will attract businesses that will spur job growth and employment opportunities in Jonesboro.

8. **Will the requested variance be in harmony with the purpose and intent of the above referenced chapter and/or section?**
Yes - the variance and clear height will allow us to attract "a complementary mix of assembly, fabricating, distribution service and wholesale operations".

Mike Martin	
PRINT NAME	SIGNATURE
6/9/20	$600.00
DATE	FEE AMOUNT

FOR OFFICE USE ONLY:

Date Received: 6/9/2020

Information Reviewed By: DOA

Actions Taken By: _____

Misc. Notes: _____

Attachment: Application (1679 : Jonesboro Logistics Center Height Variance)

ATTACHMENT -1-

PROPERTY OWNER'S AUTHORIZATION

The Undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of a variance for the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

Punam Patel
PRINT NAME

SIGNATURE/DATE

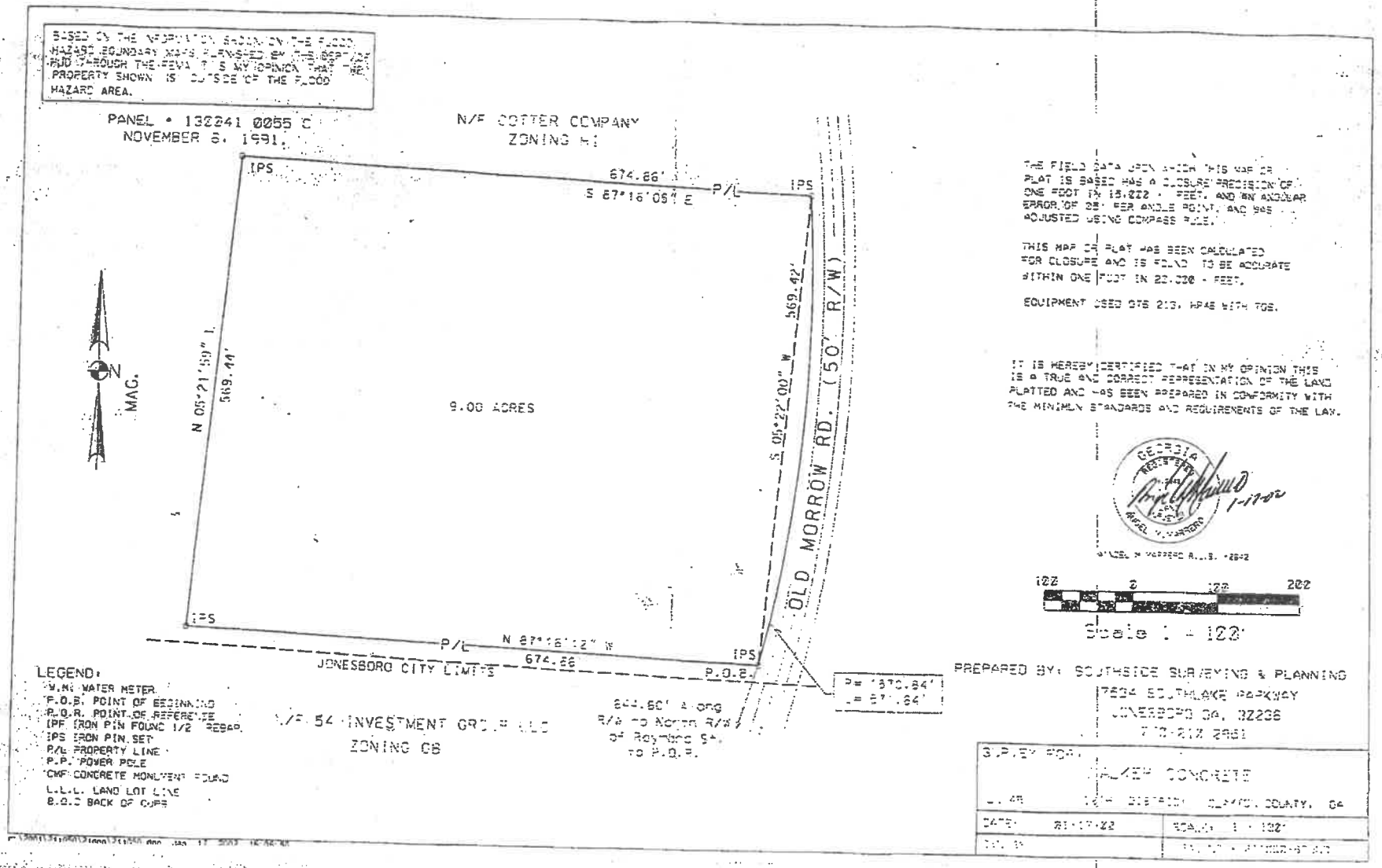
54 investment LLC

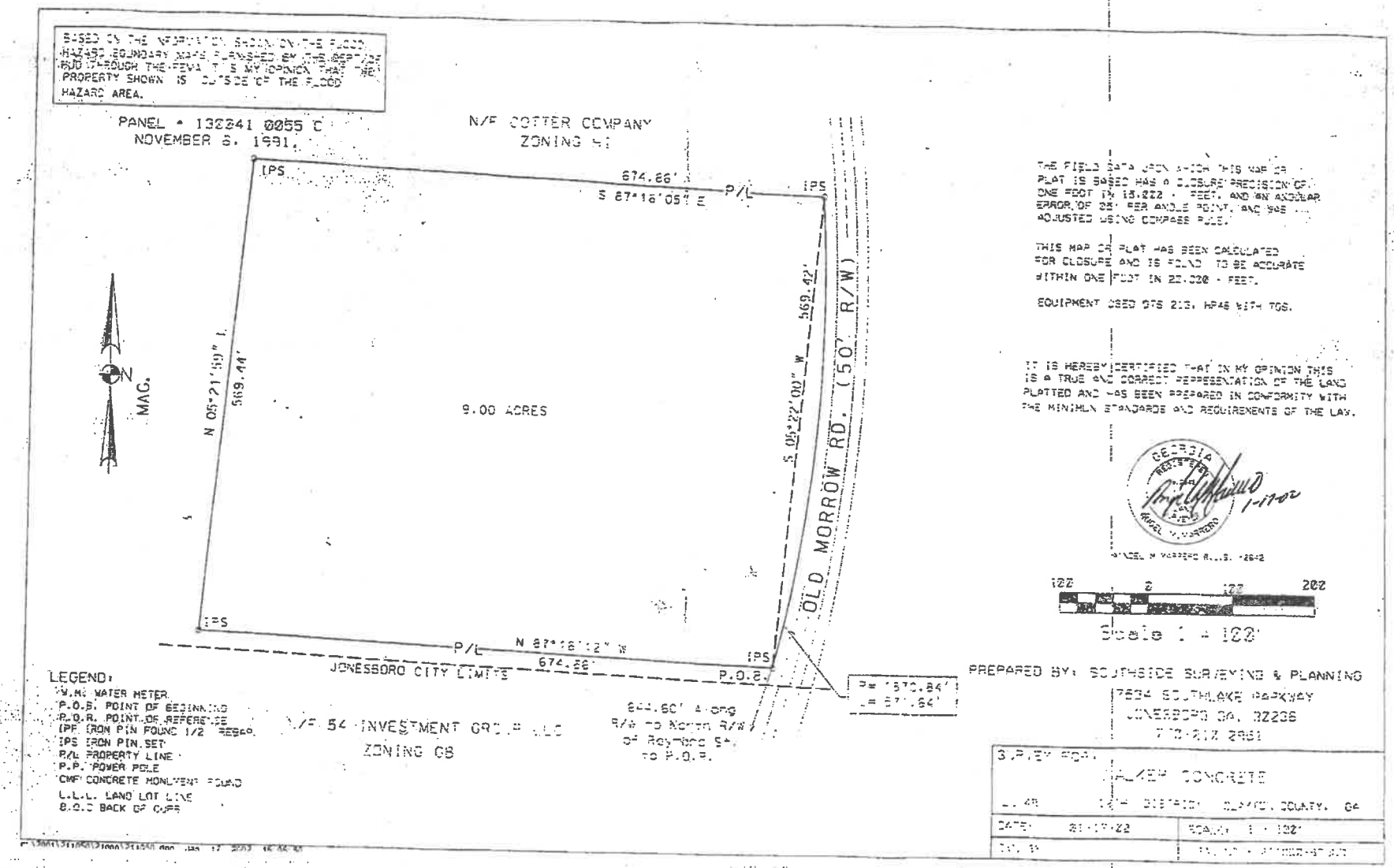
NOTARY:
S. Copeland 6/9/2020
SIGNATURE/DATE

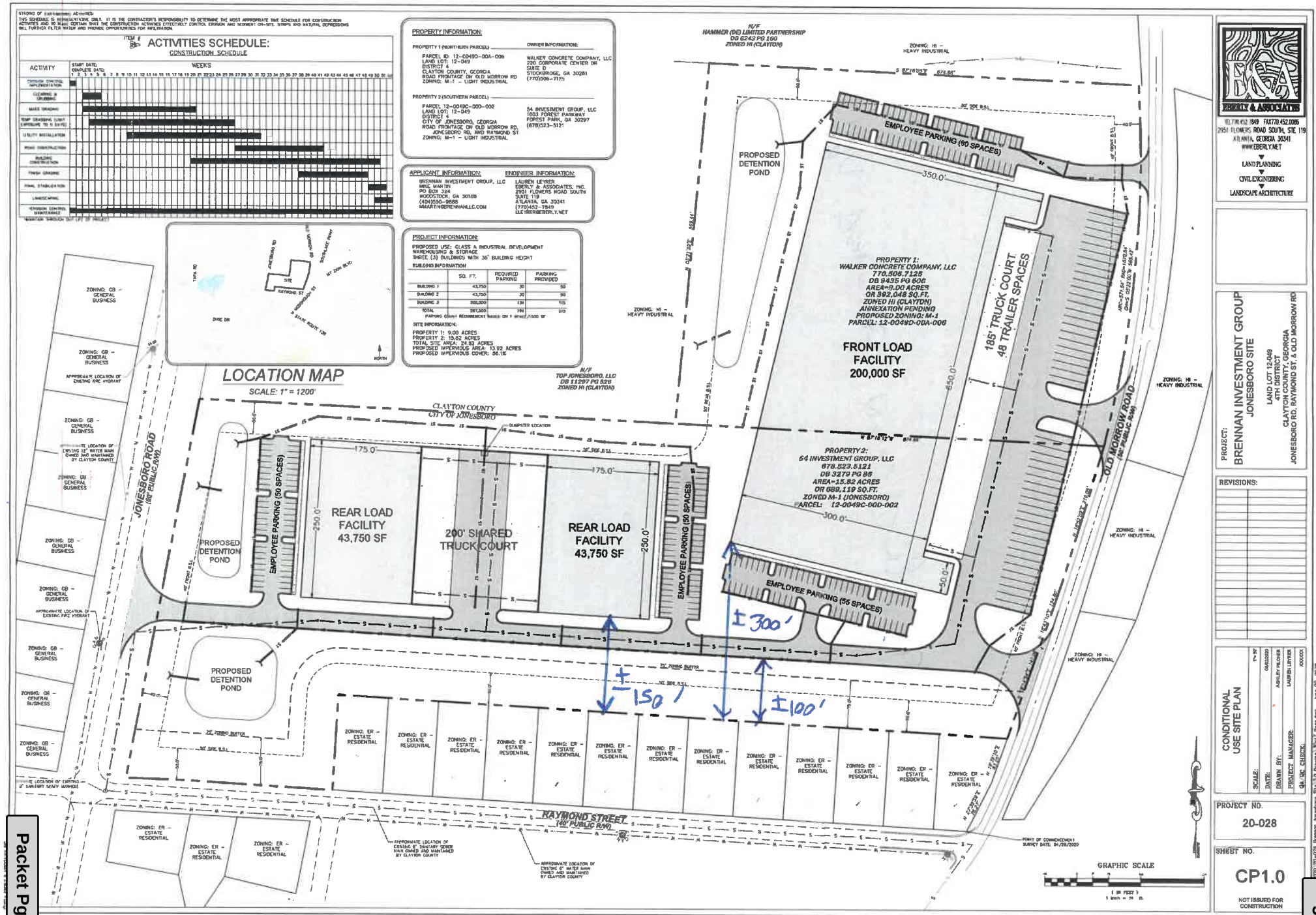
SEAL

S COPELAND NOTARY PUBLIC COBB COUNTY EXPIRES GEORGIA JULY 28, 2023

Attachment: Application (1679 : Jonesboro Logistics Center Height Variance)


BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN IS OUTSIDE OF THE FLOOD HAZARD AREA.
PANEL # 130241 0055 C
NOVEMBER 6, 1991.
N/F COTTER COMPANY
ZONING A1
IPS
674.86'
S 87°16'05" E
P/L
IPS
N 05°21'59" E
569.44'
9.00 ACRES
S 05°22'00" W
569.42'
OLD MORROW RD. (50' R/W)
N
MAG.
IPS
P/L
N 87°16'12" W
674.86
JONESBORO CITY LIMITS
IPS
P.O.B.
P= 1870.84'
L= 87.64'
644.80' ALONG R/W TO NORTH R/W OF RAYMOND ST. TO P.O.B.
N/F 54 INVESTMENT GROUP LLC
ZONING CB
LEGEND:
W.M. WATER METER
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
IPF IRON PIN FOUND 1/2" REBAR
IPS IRON PIN SET
P/L PROPERTY LINE
P.P. POWER POLE
CMF CONCRETE MONUMENT FOUND
L.L.L. LAND LOT LINE
B.O.C. BACK OF CURB
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,222 + FEET, AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 22,020 + FEET.
EQUIPMENT USED GTS 210, HP48 WITH TDS.
IT IS HEREBY CERTIFIED THAT IN MY OPINION THIS IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
GEORGIA REGISTERED LAND SURVEYOR
1-11-02
122 0 122 244
Scale 1" = 122'
PREPARED BY: SOUTHSIDE SURVEYING & PLANNING
7804 SOUTHLAKE PARKWAY
JONESBORO GA. 30236
770-210-2961
SURVEY FOR:
PLAZA CONCRETE
DATE: 01-07-02
SCALE: 1" = 122'


BASED ON THE GRAPHICS SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS PLANNED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN IS OUTSIDE OF THE FLOOD HAZARD AREA.
PANEL # 130241 0055 C
NOVEMBER 8, 1991.
N/F COTTER COMPANY
ZONING A1
IPS
674.86'
S 87°18'05" E
P/L
IPS
N 05°21'59" E
569.44'
9.00 ACRES
S 05°22'00" W
569.42'
OLD MORROW RD. (50' R/W)
MAG.
IPS
P/L
N 87°18'12" W
674.86'
IPS
P.O.B.
JONESBORO CITY LIMITS
LEGEND:
W.M. WATER METER
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
(PF IRON PIN FOUND 1/2" REBAR)
IPS IRON PIN SET
P/L PROPERTY LINE
P.P. POWER POLE
CMF CONCRETE MONUMENT FOUND
L.L.L. LAND LOT LINE
B.O.C BACK OF CURB
N/F 54 INVESTMENT GROUP, LLC
ZONING CB
644.60' Along R/W to North R/W of Raymond St. to P.O.B.
R= 1870.84'
L= 87.64'
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,822 + FEET, AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 22,000 + FEET.
EQUIPMENT USED GTS 213, HP48 WITH TDS.
IT IS HEREBY CERTIFIED THAT IN MY OPINION THIS IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
GEORGIA
1-17-22
122 0 122 244
Scale 1" = 122'
PREPARED BY: SOUTHSIDE SURVEYING & PLANNING
7834 SOUTHLAKE PARKWAY
JONESBORO GA. 30236
770-210-2961
SURVEY FOR:
ACME CONCRETE
DATE: 01-17-22
SCALE: 1" = 122'

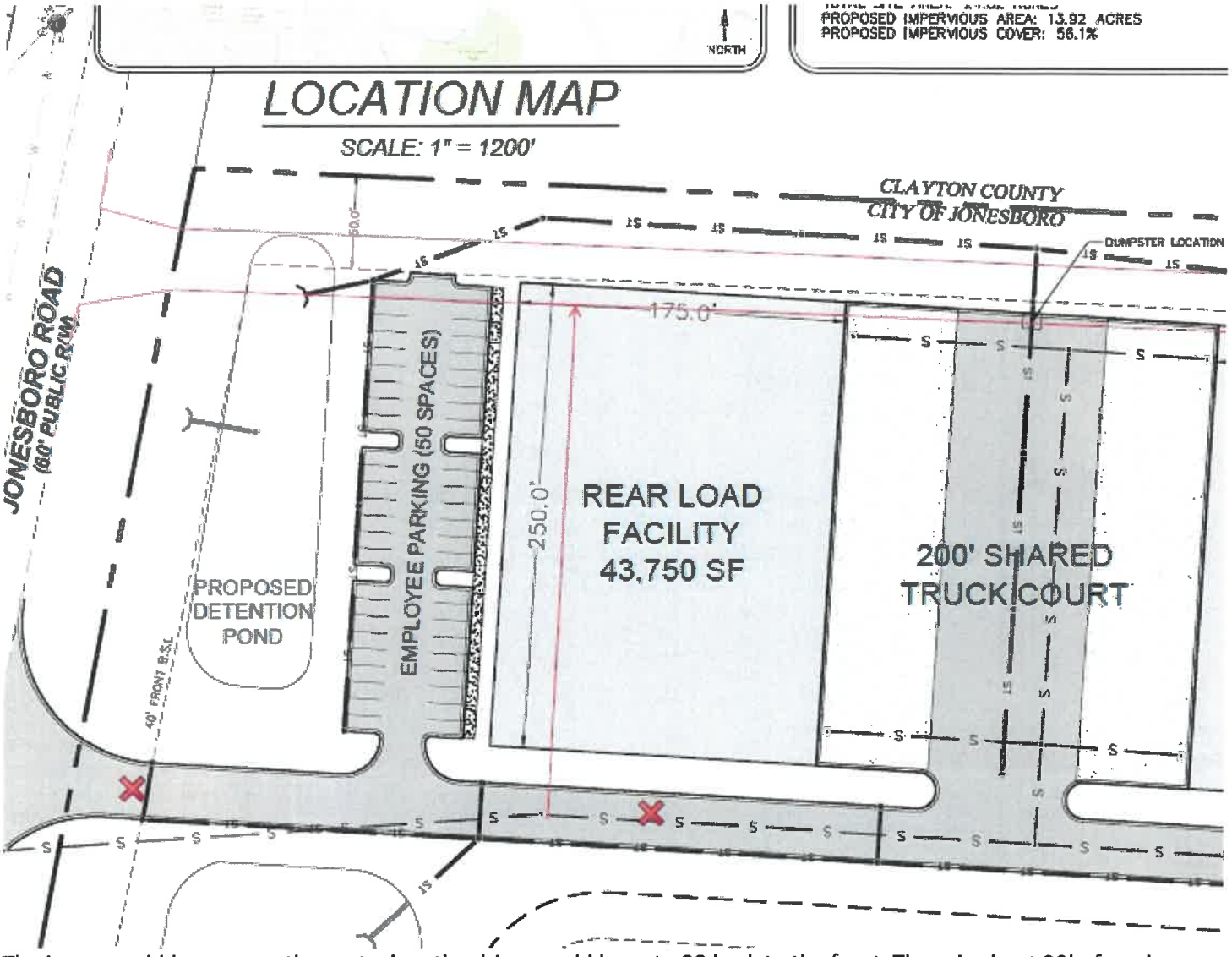

ACTIVITIES SCHEDULE:
CONSTRUCTION SCHEDULE
PROPERTY INFORMATION:
APPLICANT INFORMATION:
ENGINEER INFORMATION:
PROJECT INFORMATION:
LOCATION MAP
SCALE: 1" = 1200'
N/F HAMMER (DE) LIMITED PARTNERSHIP DB 6243 PG 160 ZONED HI (CLAYTON)
N/F TOP JONESBORO, LLC DB 11297 PG 326 ZONED HI (CLAYTON)
PROPERTY 1: WALKER CONCRETE COMPANY, LLC 770.506.7125 DB 9495 PG 506 AREA=9.00 ACRES OR 392,048 SQ.FT. ZONED HI (CLAYTON) ANNEXATION PENDING PROPOSED ZONING: M-1 PARCEL: 12-0049D-00A-006
PROPERTY 2: 64 INVESTMENT GROUP, LLC 678.523.5121 DB 3279 PG 85 AREA=15.82 ACRES OR 689,119 SQ.FT. ZONED M-1 (JONESBORO) PARCEL: 12-0049C-00D-002
FRONT LOAD FACILITY 200,000 SF
185' TRUCK COURT
48 TRAILER SPACES
EMPLOYEE PARKING (60 SPACES)
EMPLOYEE PARKING (55 SPACES)
EMPLOYEE PARKING (50 SPACES)
REAR LOAD FACILITY 43,750 SF
200' SHARED TRUCK COURT
REAR LOAD FACILITY 43,750 SF
PROPOSED DETENTION POND
PROPOSED DETENTION POND
JONESBORO ROAD (80' PUBLIC R/W)
OLD MORROW ROAD (80' PUBLIC R/W)
RAYMOND STREET (40' PUBLIC R/W)
CLAYTON COUNTY CITY OF JONESBORO
ZONING: HI - HEAVY INDUSTRIAL
ZONING: GB - GENERAL BUSINESS
ZONING: ER - ESTATE RESIDENTIAL
±300'
±150'
±100'
GRAPHIC SCALE
EBERLY & ASSOCIATES
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
PROJECT: BRENNAN INVESTMENT GROUP JONESBORO SITE
LAND LOT 12-049 4TH DISTRICT CLAYTON COUNTY, GEORGIA JONESBORO RD, RAYMOND ST, & OLD MORROW RD
REVISIONS:
CONDITIONAL USE SITE PLAN
PROJECT NO. 20-028
SHEET NO. CP1.0
NOT ISSUED FOR CONSTRUCTION

David Allen

From: Lauren Leyrer <lleyrer@eberly.net>
Sent: Wednesday, July 1, 2020 4:14 PM
To: David Allen
Subject: RE: CUP and Variance Application

Hey David,

I took a look at if we could move the drive around like this:



The issue would be over on the east when the drive would have to 90 back to the front. There is about 20' of grade difference over there that wouldn't allow for the parking, drive, and grade change.

Also, just as an FYI your voicemail box is full. Call my cell if you want to talk though it 904.887.5465

Thank you,

Attachment: Site Plan (1679 : Jonesboro Logistics Center Height Variance)



Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Variance for maximum building height for a warehouse building, by Brennan Investment Group, for property fronting Jonesboro Road, Raymond Street, and Old Morrow Road (Parcel No. 12049C D002), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Variance - 54 Investment, LLC - Legal Notice (1679 : Jonesboro Logistics Center Height Variance)

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR: C.U.P.

Warehousing and Storage, by Brennan Investment Group, for Property fronting Jonesboro Rd., Raymond St. and Old Morrow Rd. Parcel No. 12049C D002 Jonesboro, Ga.

LOCATION

Meeting V/A ZOOM

DATE: 07-13-20 TIME: 6:00 P.M.

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Variance for Maximum Building Height for a Warehouse Building, by Brennan Investment Group, for property fronting Jonesboro Rd, Raymond St and Old Morrow Rd (Parcel No. 12049C D002) Jonesboro, Ga.

LOCATION

Meeting VIA ZOOM

DATE: 7-13-20 TIME: 6:00 PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

GIA

nvestment

ond St.

boro, Ga.

-3800

CITY OF JONESBORO, GEORGIA

PUBLIC HEARING FOR:

Variance for Maximum Building Height for a Warehouse Building, by Brennan Investment Group, for property fronting Jonesboro Rd, Raymond St and Old Morrow Rd (Parcel No. 12049C D002) Jonesboro, Ga

LOCATION

Meeting VIA ZOOM

DATE: 7-13-20 TIME: 6:00PM

FOR MORE INFORMATION, PLEASE CONTACT CITY HALL AT 770-478-3800

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # 5.10 – 10

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a Conditional Use Permit Application 20-CU-006 for warehousing and storage, by Brennan Investment Group, for an annexed property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Section 86-108 – M-1 Zoning Purpose and Standards; 86-617 Conditional Use Standards

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

(This application assumes approval of the annexation and rezoning of the subject 9-acre parcel.)

Agency recommendation – **Approval of conditional use application, with conditions;** Recently, the applicant sought zoning verification for a warehousing and storage facility for Parcel 120049C D002, a 15.82-acre parcel which has frontage on Jonesboro Road, Raymond Street, and Old Morrow Road in the northern limits of the City of Jonesboro. The parcel is currently undeveloped, partially wooded, and is zoned M-1, Light Industrial. The Comprehensive Plan calls for "Gateway Commercial" for this parcel in the future, which allows for a mix of office, commercial, and industrial uses.

Sec. 86-108. - M-1 light industrial district.

(a) Purpose. The M-1 light industrial district is established to provide for manufacturing uses having a minimal impact on the environment and surrounding land uses. The district is intended to attract a complementary mix of assembly, fabricating, distribution and warehousing, service and wholesale operations. A goal of the light industrial district is to provide architectural and site design standards that encourage development of such uses in a park setting; office components are encouraged through development incentives. Uses that require significant infrastructure and transportation systems or substantial outdoor storage; create products in large unit sizes; utilize heavy equipment and massive production facilities; or are associated with hazardous materials, significant noise, heat, vibration or refuse generation are prohibited.

(b) Development standards.

(1) Minimum lot area: 87,120 square feet (two acres) **Lot already complies**
(2) Minimum lot width: 100 feet **Lot already complies**
(3) Minimum front yard: 40 feet **Will comply**
(4) Minimum side yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**
(5) Minimum rear yard: 50 feet, when adjoining a residential use, otherwise zero **Will comply**
(6) Maximum building floor area per story: none
(7) Maximum building height: 20 feet **40 feet, see variance application**
(8) Minimum building separation: per building codes
(9) Maximum lot coverage: 80 percent **Will be less than 80%**

Front yard may be reduced to 25 feet when 25 percent of the floor area located at the front of the building is designated as office use. **Unknown amount of office space at this point.**

Building height may be increased to 40 feet when 25 percent of the floor area located at the front of the building is designated

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

as office use. **40 feet, see variance application. Unknown amount of office space at this point**

Sec. 86-617 also provides additional standards for warehousing and storage:

Sec. 86-617. NAICS 493 – Warehousing and Storage
The following conditions are assigned in the M-1 district:
(1) Must be located on a street having a classification of collector or greater. **Is proposed to have frontage on Jonesboro Road, which is a collector road and Old Morrow Road, which is designated as a local road in the City. No access to Raymond Street will be allowed.**
(2) Must be established on a lot having a minimum area of one acre and a minimum frontage of 150 feet. **Complies with this requirement.**
(3) A minimum 75-foot wide buffer shall be maintained between the property and any adjacent, residentially-zoned property. **Per the site plan, a 75-foot wide buffer has been provided along the shared property line that serves as the rear boundary for the 13 homes along Raymond Street. See below for discussion about buffer content.**
(4) Off-street parking and/or drop-off space adequate to meet the needs of the proposed facility shall be provided. **One space is required for every 1500 square feet of floor space. With 287,500 total square feet of building, 192 spaces are required. Per the site plan, 215 spaces have been provided.**
(5) Must be located in a stand-alone building (no planned centers, connected storefronts sharing a common wall, or lots with zero lot line development or shared parking). **Complies with this requirement.**
(6) All lighting shall be night-sky friendly. **So noted.**
(7) Storage of hazardous materials is prohibited. **No storage of hazardous materials are planned.**
(8) Outdoor storage is permitted provided such storage is confined to the rear yard and is screened using fencing or landscaping which completely obscures the view from adjoining properties and public rights-of-way. Such screening shall have a minimum height of eight feet. **The only items similar to this will be tractor trailers parked in the truck courts on the property. The closest truck court to the back of the residential lots along Raymond Street is 150 feet. See below for discussion about buffer content to better ameliorate this situation.**

Without any actual manufacturing on the property and primarily inside storage, the only real potential with the nearby residences is noise from truck traffic. The County land just to the north has been used for industrial uses for many years. The City asked if the long drive running from Old Morrow Road to Jonesboro Road could possibly be relocated to behind the buildings (where the long detention pond is proposed). Unfortunately, the 20 feet of grade difference in that area will not allow for truck drives or parking.

Regarding buffers, a 75-foot wide buffer is required between industrial uses and detached residential:

(2) Screening requirements.
a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.
b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
c. Buffers required alongside property lines shall extend to a street right-of-way line unless otherwise required by the city manager in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of zoning, special use, or variance approval.
d. In situations where the required buffer width is partially or completely contained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this article shall be met outside of the easement area.
(3) Supplemental plantings.
a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this article shall be planted with supplemental plantings so as to provide a year-round effective visual screen,
b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a minimum height of 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a minimum height of ten feet at maturity.
c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.
(4) Non-vegetative screening.
a. Non-vegetative materials utilized to satisfy the screening requirements of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.

b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen. All walls or fences must be architecturally compatible with existing adjacent structures and have a minimum height of six feet.

The 75-foot wide buffer adjacent to the rear of the Raymond Street lots is planned to be undisturbed. This area has significant tree density from Jonesboro Road to about the midway point of Raymond Street, and then it opens up, with few trees and much kudzu. In view of this, and to better buffer the Raymond Street residents from the sights and sounds of trucks driving down the long drive nearby, staff is proposing supplemental plantings in the form of 2 rows of staggered evergreen trees (Leyland Cypress) with the size and spacing specifications highlighted above. A fence would not be affective, owing to the 40-foot height of the buildings.

Regarding the status of the City portion of Old Morrow Road as a local road, the southernmost proposed entrance along Old Morrow Road needs to be removed, to comply with Code, and to try to preserve more privacy for the Raymond Street residents. The other proposed drives along Old Morrow Road need to be left-exit only as truck traffic only needs to occur on Jonesboro Road and north along Old Morrow Road to Battle Creek Road.

If the quality of life of the Raymond Street residents can be maintained, the proposed facility would be of tax and employment benefit to the City. The area directly north of the subject property has trended towards this type of use for many years, and Old Morrow Road has mainly been seen as an industrial access road. The architectural style will be similar to the new LTI building.

Approval Conditions:

1. **Final exterior design of buildings shall be subject to Design Review Commission review and approval.**
2. **Proposed 40-foot building height shall be subject to variance approval by the Mayor and City Council.**
3. **All lighting shall be night-sky friendly.**
4. **Landscape plan shall be subject to approval by the Zoning Administrator.**
5. **In addition to the landscape plan, two rows of staggered Leyland Cypress trees, 6 feet high at time of planting and spaced 10 feet apart, shall be planted along the southern edge of the truck driveway that extends from Jonesboro Road to Old Morrow Road.**
6. **Required 75-foot buffer along the southern property line shall remain undisturbed.**
7. **Trucks and employees affiliated with the proposed facility shall not use Raymond Street as a means of access to the subject property.**
8. **The southeastern driveway along Old Morrow Road shall be removed.**
9. **Proposed driveways along Old Morrow Road shall be "left exit only", in order to direct business traffic to Battle Creek Road to the north.**

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

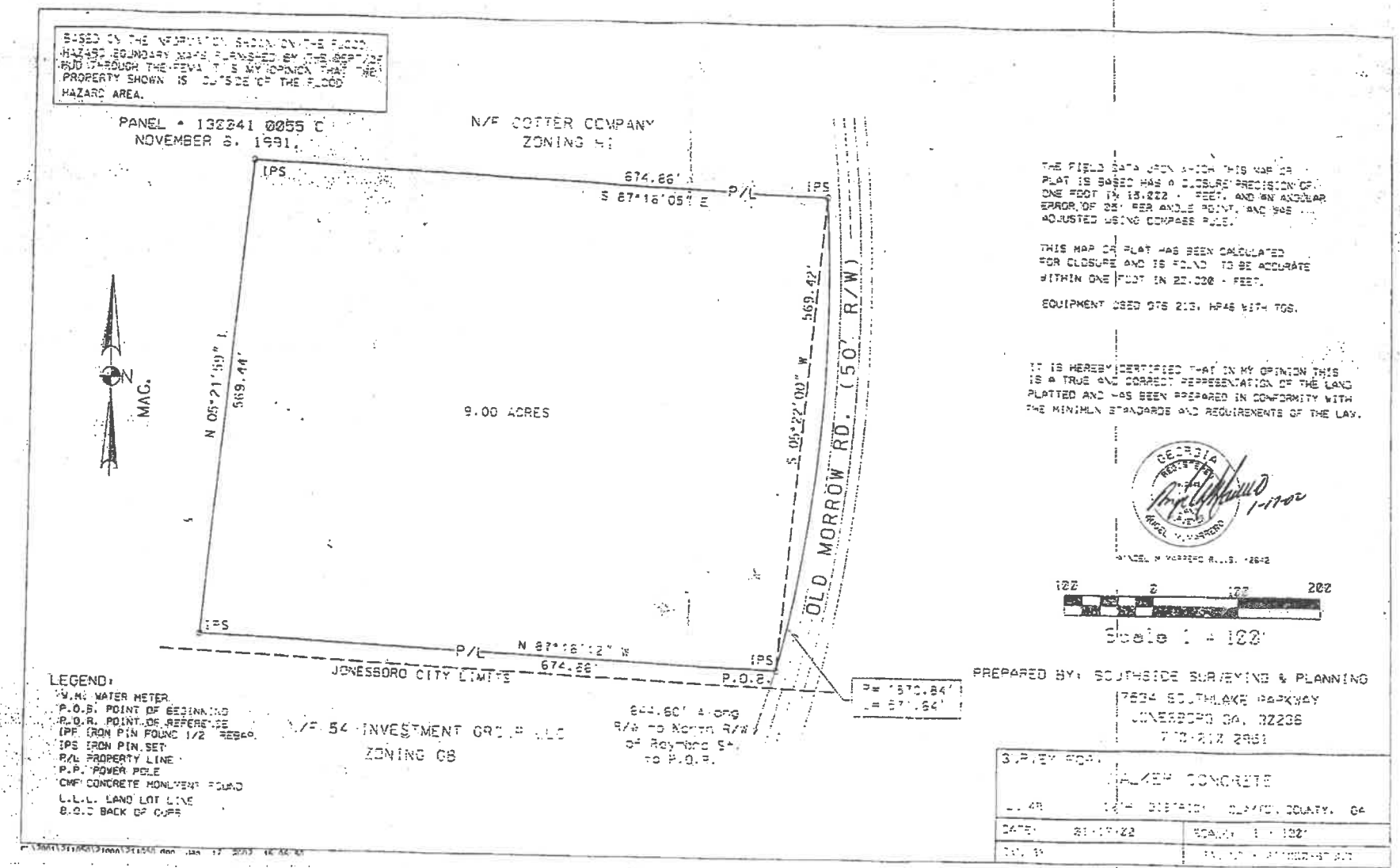
Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Plat
- Application
- 2020-06-09 20-028 Brennan Jonesboro CUP
- Rendering
- Conditional Use - 54 Investment, LLC Annexed Property - Legal Notice

- Zoning Sign 1

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval, with Conditions


BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS PLANNED BY THE DEPT. OF HUD THROUGH THE FEMA IT IS MY OPINION THAT THE PROPERTY SHOWN IS OUTSIDE OF THE FLOOD HAZARD AREA.
PANEL # 130241 0055 C
NOVEMBER 8, 1991.
N/F COTTER COMPANY
ZONING R1
IPS
674.86'
S 87°18'05" E
P/L
IPS
N 05°21'59" E
569.44'
9.00 ACRES
S 06°22'00" W
569.42'
OLD MORROW RD. (50' R/W)
IPS
P/L
N 87°18'12" W
674.86'
JONESBORO CITY LIMITS
IPS
P.O.B.
P.O.R.
N/F 54 INVESTMENT GROUP, LLC
ZONING CB
644.60' along R/W to North R/W of Raymond St. to P.O.B.
R= 1870.84'
L= 87.64'
MAG.
LEGEND:
W.M. WATER METER
P.O.B. POINT OF BEGINNING
P.O.R. POINT OF REFERENCE
IPF IRON PIN FOUND 1/2" REBAR
IPS IRON PIN SET
P/L PROPERTY LINE
P.P. POWER POLE
CMF CONCRETE MONUMENT FOUND
L.L.L. LAND LOT LINE
B.O.C BACK OF CURB
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,822 + FEET, AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 22,000 + FEET.
EQUIPMENT USED GTS 213, HP48 WITH TDS.
IT IS HEREBY CERTIFIED THAT IN MY OPINION THIS IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
GEORGIA
1-17-02
122 0 122 244
Scale 1 = 122'
PREPARED BY: SOUTHSIDE SURVEYING & PLANNING
7634 SOUTHLAKE PARKWAY
JONESBORO GA. 30236
770-210 2961
SURVEY FOR:
ALLEN CONCRETE
LOT 48 14TH DISTRICT CLAYTON COUNTY, GA
DATE: 01-17-02
SCALE: 1" = 122'

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

CONDITIONAL USE PERMIT
APPLICATION

ATTACH ADDITIONAL PAGES IF NECESSARY. ALL ATTACHMENTS MUST BE NUMBERED. INDICATE THE PAGE NUMBER OF ATTACHMENT IN THE SPACES PROVIDED FOR EACH RELEVANT ANSWER.

ANY MISSTATEMENT OR CONCEALMENT OF FACT IN THIS APPLICATION SHALL BE GROUNDS FOR REVOCATION OF THE LICENSE ISSUED AND SHALL MAKE THE APPLICANT LIABLE TO PROSECUTION FOR PERJURY. PLEASE DO NOT LEAVE ANY AREAS UNANSWERED.

APPLICATION FEE: $700.00 (Non-Refundable).

Date of Application: 06/09/2020

Property Owner Authorization

I (We) Walker Concrete Company, LLC the

owner(s) of the following property located at: PIN ID Number 12-0049D-00A-006

Old Morrow Rd, Jonesboro, GA 30236

Tax Parcel Number: 12-0049D-00A-006 Size of Property: 9.00 AC

Located in Zoning District M-1 (Annexation Application with Clayton County) do hereby request permission for a conditional use for the above described property under the Zoning Ordinance zoned for the following purposes:

Warehousing and Storage

Attachment: Application (1680 : Annex - Jonesboro Logistics Center CUP)

Property Owner Information

Name: Walker Concrete Company, LLC

Mailing Address: 220 Corporate Center Dr, Suite D, Stockbridge, GA 30281

City: Stockbridge State: GA Zip: 30281

Phone: (Day) (770) 506-7125 (Evening) (770_ 506-7125

Applicant's Information

(If Different from Owner's Information)

Name: Mike Martin - Brennan Investment Group

Mailing Address: P.O. Box 234

City: Woodstock State: GA Zip: 30188

Phone: (Day) (404) 550-9888 (Evening) (404) 550-9888

Jonesboro Property Information

Existing Uses and Structures: None

Property address: Old Morrow Rd, Jonesboro, GA 30236

Surrounding Uses and Structures: (See Official Zoning Map): Heavy/Light Industrial

Surrounding Zoning:

North: Heavy Industrial South: Light Industrial East: N/A - Old Morrow Rd West: Heavy Industrial

Details of Proposed Use: Class A Industrial Development - Site Plan with additional details attached

Public Utilities: Water, Gas, Electricity, Sewer all provided

Access, Traffic and Parking: Access through Old Morrow Rd . Plan to build adequate parking

Special Physical Characteristics: 40' Building Height

Attachment: Application (1680 : Annex - Jonesboro Logistics Center CUP)

Pursuant to Sec. 86-244 of the Jonesboro Code of Ordinances, a site plan shall accompany an application proposing the rezoning of property to one of the zoning districts contained in article V that is initiated by an owner of property or his agent.

SITE PLAN INFORMATION INCLUDING:

1. Name, address and phone number of property owner.
2. Name, address and phone number of the applicant (if different from the owner).
3. Nature of proposed uses, including a statistical summary of development indicators such as density, nonresidential floor area, maximum building heights, number of lots or dwelling units and minimum unit sizes, as appropriate.
4. A graphic indication of the architectural style, building materials and elevations anticipated.
5. Date of survey and source of datum, as appropriate.
6. Date of site plan and revision dates, as appropriate.
7. North arrow and scale, not to exceed one inch equals 50 feet.
8. Location (district and land lot) and size of the property in acres (or square feet if below one acre).
9. Location sketch of the property in relation to the surrounding area with regard to landmarks such as arterial streets or railroads. Sketches shall be at a scale sufficient to clearly indicate the location of the property, but not greater than one inch equals 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
10. Proposed zoning classification of the property and zoning of all adjacent properties.
11. Man-made features adjacent to the property, including street right-of-ways and street names, city limits and other significant information such as bridges, water and sanitary sewer mains, storm drainage systems and other features, as appropriate.
12. Location and right-of-way width of all proposed streets.
13. Indication of domestic water supply source.
14. Indication of sanitary sewer service.
15. Approximate location of proposed storm water drainage and detention facilities.
16. Any existing or proposed easements.
17. Location of all improvements, public areas or community facilities proposed for dedication to public use.
18. Proposed lot lines and minimum front, side and rear building setbacks for each lot.
19. Approximate footprint and location of all existing and proposed buildings and structures on and adjacent to the site.
20. All existing and proposed access, driveways, parking and loading areas on or adjacent to the site.
21. Proposed solid waste disposal facilities and outdoor storage areas.
22. Proposed buffers and greenspace.
23. Proposed development schedule.

Attachment: Application (1680 : Annex - Jonesboro Logistics Center CUP)

The City may require submission of additional information as may be useful in understanding the proposed use and development of the property.

I HEREBY CERTIFY THAT THE ABOVE INFORMATION AND ALL ATTACHED INFORMATION IS TRUE AND CORRECT:

Date: 6/9/20 Signed: [signature]

Notary: S. Copeland



SEAL

FOR OFFICE USE ONLY:

Date Received: 6 / 9 /20 20 **Received By:** DOA

Fee Amount Enclosed: $ 600

Public Notice Sign Posted (Date) 6/24/20

Legal Ad Submitted (Date) 6/19/20

Legal Ad Published (Date) 6/24/20

Date Approved: ____/____/20____

Date Denied ____/____/20____

Permit Issued ____/____/20____

Comment:

Attachment: Application (1680 : Annex - Jonesboro Logistics Center CUP)

PROPERTY OWNER'S AUTHORIZATION

The undersigned below, or as attached, is the owner of the property which is subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an amendment to the property.

I swear that I am the owner of the property which is the subject matter of the attached application, as it is shown in the records of Clayton County, Georgia.

I hereby depose and say that all above statements and attached statements and/or exhibits submitted are true and correct, to the best of knowledge and belief.

PROPERTY OWNER:

Joe Dickinson
PRINT NAME

SIGNATURE/DATE

APPLICANT:

Mike Martin
PRINT NAME

SIGNATURE/DATE

NOTARY:

S. Copeland 6/9/2020
SIGNATURE/DATE

SEAL



Attachment: Application (1680 : Annex - Jonesboro Logistics Center CUP)

STAGING OF EARTHMOVING ACTIVITIES:

THIS SCHEDULE IS REPRESENTATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE MOST APPROPRIATE TIME SCHEDULE FOR CONSTRUCTION ACTIVITIES AND TO MAKE CERTAIN THAT THE CONSTRUCTION ACTIVITIES EFFECTIVELY CONTROL EROSION AND SEDIMENT ON-SITE. STRIPS AND NATURAL DEPRESSIONS WILL FURTHER FILTER WATER AND PROVIDE OPPORTUNITIES FOR INFILTRATION.

ITEM # 29

ACTIVITIES SCHEDULE:

CONSTRUCTION SCHEDULE

ACTIVITY	START DATE: / COMPLETE DATE: — WEEKS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52
EROSION CONTROL IMPLEMENTATION	
CLEARING & GRUBBING	
MASS GRADING	
TEMP GRASSING (LIMIT EXPOSURE TO 5 DAYS)	
UTILITY INSTALLATION	
ROAD CONSTRUCTION	
BUILDING CONSTRUCTION	
FINISH GRADING	
FINAL STABILIZATION	
LANDSCAPING	
*EROSION CONTROL MAINTENANCE	

*MAINTAIN THROUGH OUT LIFE OF PROJECT

PROPERTY INFORMATION:

PROPERTY 1 (NORTHERN PARCEL)

PARCEL ID: 12-0049D-00A-006
LAND LOT: 12-049
DISTRICT 4
CLAYTON COUNTY, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD
ZONING: M-1 – LIGHT INDUSTRIAL

OWNER INFORMATION:
WALKER CONCRETE COMPANY, LLC
220 CORPORATE CENTER DR
SUITE D
STOCKBRIDGE, GA 30281
(770)506-7125

PROPERTY 2 (SOUTHERN PARCEL)

PARCEL 12-0049C-00D-002
LAND LOT: 12-049
DISTRICT 4
CITY OF JONESBORO, GEORGIA
ROAD FRONTAGE ON OLD MORROW RD, JONESBORO RD, AND RAYMOND ST
ZONING: M-1 – LIGHT INDUSTRIAL

54 INVESTMENT GROUP, LLC
1003 FOREST PARKWAY
FOREST PARK, GA 30297
(678)523-5121

APPLICANT INFORMATION:

BRENNAN INVESTMENT GROUP, LLC
MIKE MARTIN
PO BOX 324
WOODSTOCK, GA 30188
(404)550-9888
MMARTIN@BRENNANLLC.COM

ENGINEER INFORMATION:

LAUREN LEYRER
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD SOUTH
SUITE 119
ATLANTA, GA 30341
(770)452-7849
LLEYRER@EBERLY.NET

PROJECT INFORMATION:

PROPOSED USE: CLASS A INDUSTRIAL DEVELOPMENT
WAREHOUSING & STORAGE
THREE (3) BUILDINGS WITH 36' BUILDING HEIGHT

BUILDING INFORMATION

	SQ. FT.	REQUIRED PARKING	PARKING PROVIDED
BUILDING 1	43,750	30	50
BUILDING 2	43,750	30	50
BUILDING 3	200,000	134	115
TOTAL	287,500	194	215

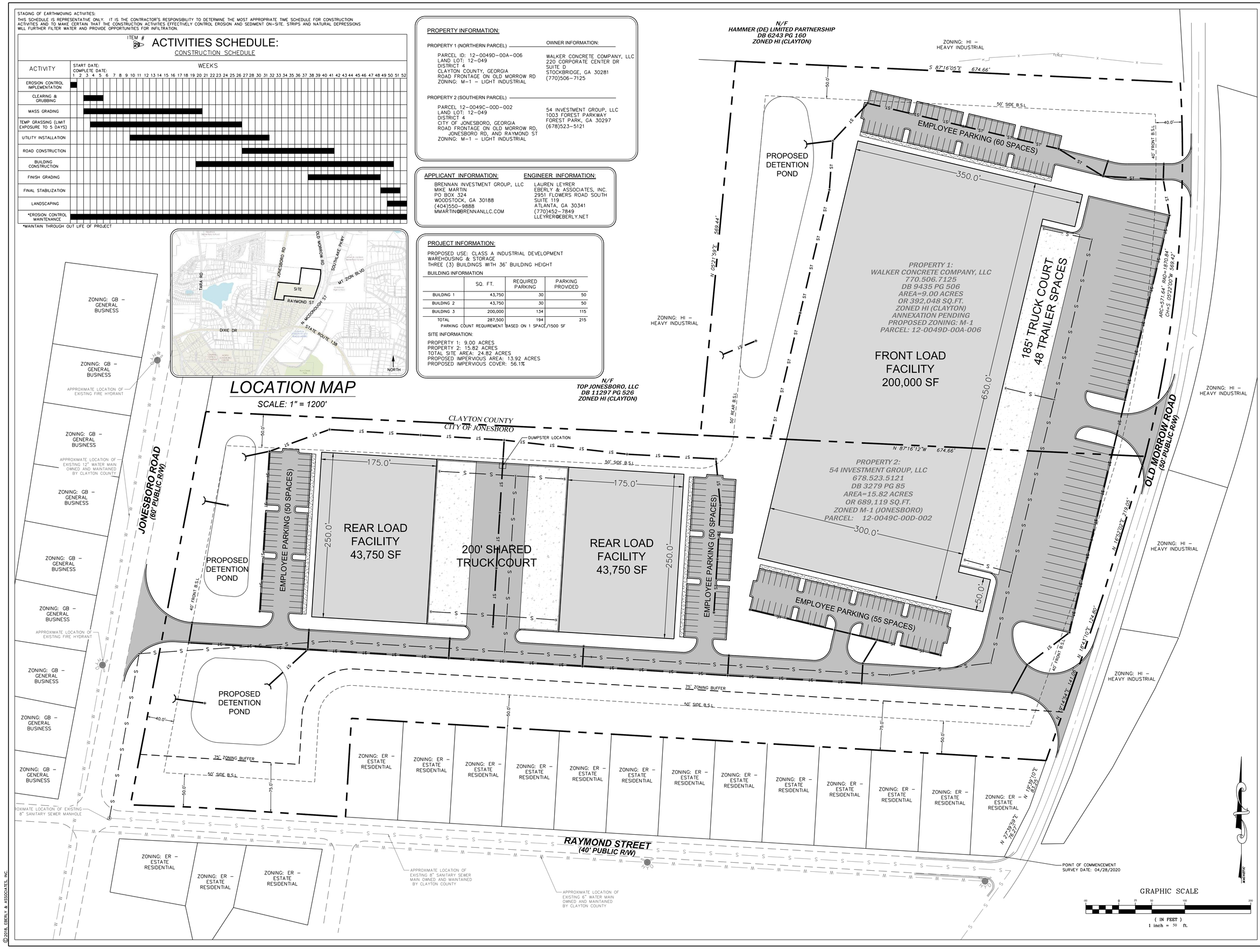
PARKING COUNT REQUIREMENT BASED ON 1 SPACE/1500 SF

SITE INFORMATION:

PROPERTY 1: 9.00 ACRES
PROPERTY 2: 15.82 ACRES
TOTAL SITE AREA: 24.82 ACRES
PROPOSED IMPERVIOUS AREA: 13.92 ACRES
PROPOSED IMPERVIOUS COVER: 56.1%

LOCATION MAP

SCALE: 1" = 1200'



EBERLY & ASSOCIATES
TEL770.452.7849 FAX770.452.0086
2951 FLOWERS ROAD SOUTH, STE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
BRENNAN INVESTMENT GROUP
JONESBORO SITE
LAND LOT 12-049
4TH DISTRICT
CLAYTON COUNTY, GEORGIA
JONESBORO RD, RAYMOND ST, & OLD MORROW RD

REVISIONS:

CONDITIONAL USE SITE PLAN

SCALE:	1"= 50'
DATE:	06/02/2020
DRAWN BY:	ASHLEY PILCHER
PROJECT MANAGER:	LAUREN LEYRER
QA/QC CHECK:	XXXXXX

PROJECT NO.
20-028

SHEET NO.
CP1.0
NOT ISSUED FOR CONSTRUCTION

© 2018, EBERLY & ASSOCIATES, INC.

Attachment: 2020-06-09 20-028 Brennan Jonesboro CUP (1680 : Annex - Jonesboro Logistics Center CUP)



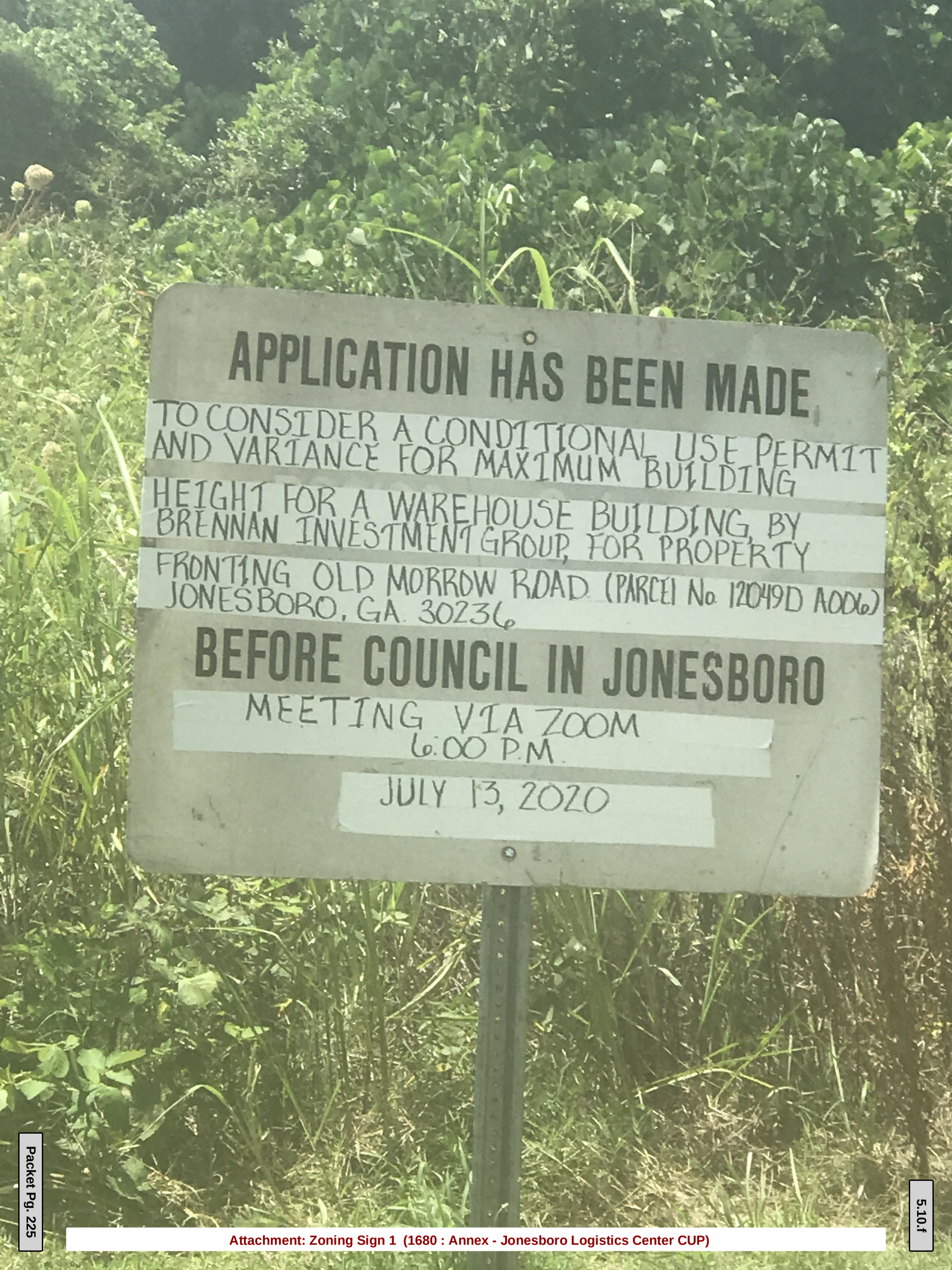
Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on July 13, 2020 via Zoom Meetings, to consider a Conditional Use Permit Application for warehousing and storage, by Brennan Investment Group, for an annexed property fronting Old Morrow Road (Parcel No. 12049D A006), Jonesboro, Georgia 30236. Mayor & Council will first discuss the item at their Work Session to be held on July 6, 2020.

David Allen
Community Development Director

Publish 6/24/20

Attachment: Conditional Use - 54 Investment, LLC Annexed Property - Legal Notice (1680 : Annex - Jonesboro Logistics Center CUP)


APPLICATION HAS BEEN MADE
TO CONSIDER A CONDITIONAL USE PERMIT AND VARIANCE FOR MAXIMUM BUILDING HEIGHT FOR A WAREHOUSE BUILDING, BY BRENNAN INVESTMENT GROUP, FOR PROPERTY FRONTING OLD MORROW ROAD (PARCEL No. 12049D A006) JONESBORO, GA. 30236.
BEFORE COUNCIL IN JONESBORO
MEETING VIA ZOOM
6:00 P.M.
JULY 13, 2020

CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item # – 11

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding Application #20-ALC-002, a request for a Retail Package Dealer license to sell beer and wine beverages for Lidl US Operations dba "Lidl", located at 8155 Tara Boulevard by Boudewign Tiktak.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
Sec. 6-36 License Required to Sell Alcoholic Beverages

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes Economic Development

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Approval. The applicant, Boudewign Tiktak of Lidl US Operations, LLC dba "Lidl", is applying for retail package sales of beer and wine for the Lidl grocery store located at 8155 Tara Blvd Jonesboro, Georgia 30236

Background:

1. As the subject property is new construction, there is no currently alcohol license on hand. The store is slated to open in August of 2020.

2. The subject store is located within a heavy-trafficked commercial area. Surrounding zoning, general plan land use designations and existing uses are denoted as C-2 highway commercial district, and RM multi-family district.

3. Purpose. The C-2 highway commercial district is established to accommodate intense retail and service commercial uses along Jonesboro's arterial highways. A broad range of such uses anticipates traffic from surrounding areas traveling through the city and affords a broad segment of the business community access to the large customer volumes associated with such locations. The automobile is the principal means of transit for shoppers in this district, and convenient on-premises parking is a primary concern. Given the value of arterial locations intended to capture heavy retail traffic, such industrial uses as manufacturing, distribution and processing are prohibited in order to reserve high visibility and enhanced access locations for highway commercial uses.

4. Distance Information – School (Perry Learning Center – 137 Spring Street – 3,110 feet away)

Alcohol Treatment Center – 1792 Mount Zion Road – 17,400 feet away)

Note – Distance from church is n/a as the applicant is not selling distilled spirits

Facts & Issues:

1. Ricky L. Clark, Jr. City Manager has reviewed the application packet. All requirements, per Chapter 6- Alcoholic Beverages, were met.

2. The annual license fee will be $2,000.00

3. The applicant has submitted all necessary background information.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

Private Business; Annual License Fee = $2000

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Publishers Affidavit - Lidl

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

Clayton News

PUBLISHER'S AFFIDAVIT

Attach Copy of Advertisement

Legal Notice

An application has been submitted to the City of Jonesboro Mayor and City Council for a Retail Package Dealer license to sell beer and wine at 8155 Tara Boulevard. The legal business name is LIDL US Operations, LLC. dba "LIDL." Boudewijn Tiktak has requested to be the License Representative. The application will be granted or denied by Mayor and City Council at 6:00 p.m. on the thirteenth day of July 2020 via Zoom Meetings. The required Public Hearing will also be held at that time. The City Council will first hear the item at their Work Session held on July 6, 2020.

Ricky L. Clark, Jr.
City Manager/

State of Georgia
County of Clayton

Personally appeared before the undersigned, **Donna Goodson** who after being first duly sworn states that she is the **Circulation Manager, for the Clayton News,** official legal organ of **Clayton County, Georgia**, and that upon her own personal knowledge knows that the advertisement, a true copy of which is hereto annexed, was published in said newspaper of general circulation on the following dates:

Run Dates: 6/24, 7/1, 2020

Newspaper Ad # 5369

Donna Goodson

Donna Goodson, Affiant

Sworn to and subscribed before me this the 1 day of July, 2020

Signed Jacqueline Torres
Jacqueline Torres, Notary Public
My commission expires September 28, 2021

Jacqueline Torres
Notary Public State of Georgia
Comission Expires 09/28/2021

Attachment: Publishers Affidavit - Lidl (1668 : Lidl Alcohol Package License)

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 12

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding the Georgia Initiative for Community Housing.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

The Georgia Initiative for Community Housing is a three-year program that is jointly administered by the Georgia Department of Community Affairs and the University of Georgia. The program aims to help communities around the state meet their housing and neighborhood revitalization needs. Local governments are chosen through a competitive application process, with five new communities being welcomed into the program each year.

Each participating community forms a "Housing Team" that consists of individuals from various segments of the community. Active members of the Harlem Housing team include a realtor, a church elder/business owner, a retired citizen, a county commissioner, and, of course, city officials. Members of the Housing Team attend two facilitated retreats per year where they are educated on a variety of housing issues and they are given an opportunity to hear about – and most importantly learn from – the good work that is going on in other communities. They also develop a work plan that is actively pursued during the following 6 months.

The Vision and Resources

Jonesboro is already in the midst of a transformation from the renovation of **Lee Street Park** in 2016, to the removal of blighted buildings to bring forward the **Broad Street Plaza** commercial redevelopment. We are fully committed to continually changing the landscape of our community to better our current and future residents. There have been **4 main sources** in bringing the City's vision to fruition, with the most recent being the **Community Transformation Plan**, created in 2020. Please see the below chart that outlines these sources:

2003 Livable Centers Initiative	Jordan Jones & Goulding/Ackerman & Co.	LCI area	December 18, 2003
2015-2020 Jonesboro Comprehensive Plan Update	Atlanta Regional Commission	City-wide	March 14, 2016
2017 Blueprint Jonesboro Plan	City of Jonesboro/Atlanta Regional Commission/TSW	Blueprint Jonesboro Study area	April 2017 Amended April 2020

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

2003 Livable Center Initiative

Through public engagement, and monthly stakeholder meetings the City developed place-based goals that include: diverse housing, diverse travel modes, increased investment in town centers, and historic preservation.

2015 Jonesboro Comp Plan

The Comprehensive Plan is our city-wide planning document which includes the 2035 goals as: bustling main street district, remarkable places throughout the entire city, a strong economy, and a connected city with high quality amenities for all.

2017 Blueprint Jonesboro

This blueprint adds onto the **2003 LCI Study** that outlines goals that include: providing housing opportunities downtown, encouraging mixed use development, increasing Jonesboro's sense of place and community identity, increasing pedestrian connections and safety, reducing demand for vehicular trips, planning for future transit and commuter rail and parking, and promotion of the City's existing assets.

2020 Community Transformation Plan

Just last month the City of Jonesboro and it's phenomenal partner **Southern Crescent Habitat for Humanity** drew up a concept plan that will bring additional positive change to our City with the delivery of enhanced services to our neighborhood residents.

The Partnership

Through partnering with **Southern Crescent Habitat for Humanity** we have strategically put in place 5 key partnerships to continue to chase our goals for this community. Please see below for the carefully chosen partners:

Clayton County Board of Commissioners	15 years	4 new single-family subdivisions and 1 senior townhome community constructed	Other: Affordable Housing
		5 neighborhood watch groups created and 2 community cleanups conducted each year	Other: Neighborhood Revitalization
Heart of the Community Outreach Ministries	4 years	50 Youth Build participants work with SCHFH weekly to build homes and utilize the construction skills learned in HCOM's program	Employment
		HCOM provides transportation for an average of 10 youth per week to their employment opportunities, including those working at SCHFH	Transportation
		12 of HCOM's Youth Build participants have earned their GED and/or secured full-time employment	Education
Metro Fair Housing Services	8 years	Metro provides SCHFH families with 12 8-hour homebuyer education sessions per year serving 114 residents	Education
		SCHFH provides 12 home maintenance classes per year to clients in Metro's first-time homebuyer classes, serving 475 clients	
Nothing But The Truth	4 years	250 families per year have increased access to food resources through weekly distribution of non-perishable food bags to low-income students	Health
Piedmont Fayette Hospital	2 years	2 families assisted with needed home repairs by teams of employee volunteers at Women's Build events.	Other: Neighborhood Revitalization

In Conclusion

The need to apply for participation in GICH to our City is imminent, we are positioned for growth through the vision and partnerships we've implemented into our community. As part of the application process, the City Manager would need to submit a LOI to participate and then apply.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Jonesboro - GICH 2019 LOI

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO

124 North Avenue • Jonesboro, Georgia 30236 • (770) 478-3800 • Fax (770) 478-3775

June 27, 2019

Georgia Initiative for Community Housing
Attention: Dr. Jermaine Johnson
233 Hoke Smith Annex
Athens, GA 30602
(706) 542-4949
Jermaine.Durham@uga.edu

RE: Letter of Intent to apply for the GICH Program 2019

Dear Dr. Durham:

It is my pleasure to submit the below Letter of Intent to apply for the GICH Program. On behalf of the citizens, local officials, employees, and stakeholders in our community, we are excited about this unique opportunity. We appreciate the opportunity to potentially be awarded this transformative vehicle for growth to the City and its partners. As the availability of adequate housing continues to be at the forefront of our needs, we highly intend to work towards an LIHTC application for seniors /55+ housing and other quality housing projects. Please see below for a brief description on the circumstances that led to the submittal of this Letter of Intent, and our future application submittal.

Guidelines for Growth

Since 1999 there have been 3 guidelines for growth in Jonesboro including: The Comprehensive Plan, The Livable Centers Initiative, and the Mainstreet Program. The Comprehensive Plan was adopted in 1999 and revised in 2005, the same year as the first GICH award took place, along with our LCI being founded in 2003, and updated in 2017, and most recently the birth of our Main Street Program. The 4 main goals of the Comprehensive Plan is to improve housing, transportation, economic development, and the community facilities of the City. The first 3 goals and objectives of the LCI is to provide housing Downtown, encourage mixed use development and expand market opportunities. It is clear, the public, and the leaders of Jonesboro believe the key to sustainable growth for our community begins with quality housing.

Downtown Revitalization

Recently the Mainstreet improvement and beautification project has been completed, with Lee Street Park being delivered to our citizens as well. We must continue our forward momentum in redeveloping and revitalizing our Main Street District as it's the core to our vibrant Downtown. Study areas have shown that there are few residential options in the immediate core of Downtown other than older single-family housing stock, with the majority of this housing stock being built between 1960-1979. The need for infill, mixed use development, to provide a diverse range of housing Downtown, has been a common theme in all 3 of the guidelines for growth. The City has made it a priority to identify properties for a residential mixed use project and to partner with execution oriented developers in order to bring this goal to fruition. We are now positioned to apply for a program such as GICH, due to the infrastructure and plans we have carefully put in place over the past 20 years.

Attachment: Jonesboro - GICH 2019 LOI (1678 : Georgia Initiative for Community Housing)

THE NEED FOR GICH

The need for diverse quality housing in Jonesboro is a must. We have a low household income statistic compared to the rest of Clayton County, 40 percent of our renters are cost burdened and we believe the slow growth of our population deals with the lack of undeveloped land available in Downtown. Hence the need for outside financial assistance and direction, through a highly successful program such as GICH. Our community is dedicated to furthering our efforts and resources, to make Jonesboro one of the most desired City's to live, in the South Metro.

We appreciate the opportunity to submit this Letter of Intent and look forward to a favorable response.

Sincerely,

Ricky L. Clark, Jr.
City Manager/Executive Director of DDA & Jonesboro Main Street
(770) 478 – 3800
rclark@jonesboroga.com
124 North Avenue
Jonesboro, GA 30236

Attachment: Jonesboro - GICH 2019 LOI (1678 : Georgia Initiative for Community Housing)

CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item # NEW BUSINESS – 13

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	Sponsor(s)
Office of the City Manager	Mayor Day

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Discussion regarding the following appointments to the Jonesboro Housing Authority:

1. Curtis Burrell – three (3) year term – to expire April 29, 2020
2. Carol Cannon – three (3) year term – to expire June 9, 2018
3. Allen Roark – three (3) year term – to expire September 20, 2019
4. Therese Guidry – [Housing Resident] one (1) year term – to expire June 13, 2018

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Bylaws of Housing Authority

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

The Bylaws of the Authority, provides for five (5) members on the Board of Commissioners for the Authority, four (4) of whom shall be persons who have resided in Clayton County for a period of at least six (6) months, and one (1) person who is currently residing in housing provided by the Authority.

Due to the expiration of various Board Members, the Housing Authority is seeking for the following members to be reappointed.

1. Allen Roark – three (3) year term – September 20, 2023
2. Roger Swint – three (3) year term – June 9, 2021
3. Tammy Stanley – three (3) year term – April 22, 2022
4. Therese Guidry – [Housing Resident] one (1) year term – June 13, 2021
5. Don A. Dixon, Sr. – three (3) year term - July 13, 2023

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	Date	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

N/A

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- RES 2020-006 - City of Jonesboro Resolution to extend terms of Commissioners revised 2020 (002)
- Don Dixon - Board Appointment Application - Jonesboro Housing Authority

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Confirmation

STATE OF GEORGIA
COUNTY OF CLAYTON

RESOLUTION NO. 2020-006

A RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, GEORGIA, TO APPOINT FIVE MEMBERS TO THE BOARD OF COMMISSIONERS FOR THE HOUSING AUTHORITY OF THE CITY OF JONESBORO, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on or about January 18, 1959, the City Council for the City of Jonesboro, Georgia ("the City") adopted a Resolution entitled "Resolution Declaring the Need for Housing Authority in the City of Jonesboro, Georgia," which created and established the Housing Authority of the City of Jonesboro, Georgia ("the Authority") to meet certain housing needs in the City; and

WHEREAS, the Bylaws of the Authority, as amended, now provides for five (5) members on the Board of Commissioners for the Authority, and the City Council wishes to appoint five (5) members to the Authority, four (4) of whom shall be persons who have resided in Clayton County for a period of at least six (6) months, and one (1) person who is currently residing in housing provided by the Authority.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, GEORGIA, as follows.

Section 1. The following persons are hereby appointed to serve as members of the Board of Commissioners for the Housing Authority of the City of Jonesboro, Georgia, and are appointed to serve the following terms or until their successors are duly appointed, at the pleasure of the Mayor and City Council:

Attachment: RES 2020-006 - City of Jonesboro Resolution to extend terms of Commissioners revised 2020 (002) (1676 : Jonesboro Housing

1. Allen Roark – three (3) year term – September 20, 2023
2. Roger Swint – three (3) year term – June 9, 2021
3. Tammy Stanley – three (3) year term – April 22, 2022
4. Therese Guidry – [Housing Resident] one (1) year term – June 13, 2021
5. Don A. Dixon, Sr. – three (3) year term - July 13, 2023

Upon the completion of the above terms, each successor, with the exception of the Housing Resident, shall serve a term not to exceed four (4) years.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional for any reason by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution, which such portions shall remain in full force and effect.

Section 3. Repealer. All Resolutions and parts of Resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Resolution shall be in full force and effect immediately upon and after its final passage.

SO RESOLVED this _____ day of _____, 2018.

CITY OF JONESBORO, GEORGIA

_____
Joy Day, MAYOR

ATTEST:

(THE SEAL OF THE CITY OF JONESBORO, GEORGIA)

_____

Attachment: RES 2020-006 - City of Jonesboro Resolution to extend terms of Commissioners revised 2020 (002) (1676 : Jonesboro Housing

Ricky L. Clark, Jr., City Manager

Attachment: RES 2020-006 - City of Jonesboro Resolution to extend terms of Commissioners revised 2020 (002) (1676 : Jonesboro Housing

RECEIVED
JUN 0 8 2020
Office of the City Manager

Application for Board or Committee Appointment

Eligibility

To be eligible to serve on most Boards and Committee you must qualify as a municipal elector, specifically:

- You must be 18 years of age and older;
- You must reside in the Municipality, or be an owner, tenant of land;
- You must not be prohibited from voting;
- You must be a United States Citizen

Do you meet the above qualification ☒ Yes ☐ No

Please indicate the Board/Committee which interest you:

Jonesboro Housing Authority

Name:

Don A. Dixon, Sr.

Address:

124 Spring St.
Jonesboro, GA 30236

Telephone:

404-925-1528

Email:

dondixon84@gmail.com

Please list all skill sets that you would bring to this Board/Committee that would be an asset (you may attach a resume or letter of support for your application)

Real Estate Attorney since 1994
Previous landlord managing 30 plus units

Have you previously served on a Municipal Board or Committee? ☐ Yes ☒ No

Board/Committee Name	Years of Service

Attachment: Don Dixon - Board Appointment Application - Jonesboro Housing Authority (1676 : Jonesboro Housing Authority - Appointments)

Application for Board or Committee Appointment

Date of Birth	3-24-1956
Date: 6-9-2020	Signature
Mail Application to:	Ricky L. Clark, Jr., City Manager 124 North Avenue Jonesboro, Georgia 30236 Telephone: 770-478-3800 Ext 102 Fax: 770-478-3775 Email: rclark@jonesboroga.com

Interviewed

07/02/20 - Mayor Day & Ricky Clark

* Abundance of exp. in real estate
* legal background (Closings/Title work)
* Community oriented
* Well-Spoken
* Committed to Service

Attachment: Don Dixon - Board Appointment Application - Jonesboro Housing Authority (1676 : Jonesboro Housing Authority - Appointments)

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 14

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a City of Jonesboro Housing Study and Needs Assessment.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Over the past few years, City leadership has focused on quality, sustainable growth. While are efforts have been greatly received by our community relative to quality of life amenities that are underway, we want to ensure that we don't forget about our housing stock. To this end, staff is seeking to perform a comprehensive housing study and needs assessment for the City of Jonesboro. The purpose of the assessment is to identify existing and future housing stock within the community and to identify strategies that will help ensure the City's housing market provides housing opportunities to as many community members as possible.

Some topic areas include assessment of existing housing conditions, demographic and market demands (present and future), and identification of critical housing gaps and issues. To make good policy choices the City needs to better understand the local housing market. Therefore, a Housing Study and Needs Assessment for the City of Jonesboro appears to be a good first step towards attaining a comprehensive understanding of the local housing market.

Staff has been in communication with Clayton State University to procure interns to assist in this "rapid-fire" project. Interns will work with the City Manager and staff to determine the amount of housing inventory that exists in the City of Jonesboro. The team will conduct an assessment of approximately 2000 homes by comparing actual homes with the home database from Clayton County. The team will also develop a 10-question survey for the city to help identify housing needs. Finally, an intern will work with City leadership to analyze all of the data collected and provide the final deliverable. After communication with Clayton State officials, we feel we are better serve with a paid internship ($500 per week) to not only show our commitment to the project, but to show our commitment in a great partnership with Clayton State. We anticipate completion of this endeavor within the month.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

-

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item # – 15

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a minor subdivision plat application 20-SUB-001 for 8500 Tara Boulevard, parcels 05240B A004, 05239 241002, and 05240B A003.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
City Code Chapter 44, Article IV Subdivisions and Land Development; Section 86-107, C-2 Development Standards

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes — Economic Development, Community Planning, Neighborhood and Business Revitalization

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Agency recommendation – **Approval of combination and subdivision plats;** Last year, ADEVCO Corporation received conditional use approval for a climate-controlled self-storage facility at 8500 Tara Boulevard. The applicant is about to close on the property (Parcel 1 on the enclosed Alta survey) to develop it for the approved purpose and is proposing to acquire Parcels 2 and 3 (same enclosed survey) to enlarge the property. (All subject parcels belong to the same owner.) The acquisition of Parcel 2 is to give more room on the side of the property for the storage building and parking, and it was reflected in the concept plan for the conditional use last year. The acquisition of Parcel 3 was designed to give more room for storm water detention and a septic field, but the applicant has recently found out that they must tie into existing sanitary sewer lines and not use septic. The acquisition of Parcel 3 will still enable easier connectivity to existing utilities in the adjacent residential subdivision.

Per the enclosed combination plat, the ADEVCO parcels will be combined into a single 4.66-acre lot, which will then be subdivided into two new lots, 2.68 acres and 1.98 acres, respectively, as shown on the concept plan. The larger lot will have the approved storage facility and its associated appurtenances, and the smaller, 1.98-acre lot will be reserved for future commercial development.
Subdivision, minor: A subdivision of three or fewer lots, which does not involve the construction of a new public or private street. **The new plat will have a total of two new lots.**

Sec. 44-128. - Limitations on minor subdivisions.

(a) Purpose. Minor subdivisions provide certain advantages to the applicant, such as a shorter application process and less public scrutiny, that tend to favor their use over the filing of major subdivision applications. Given these advantages, the prospect exists that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions instead of filing for a major subdivision. It is the intent of the mayor and city council to prohibit the practice of such "chain" subdivisions where the same land owner subdivides land and then files minor subdivision applications on common contiguous parcels, which collectively total more than three lots. It is also the intent of the mayor and city council to prohibit adjacent minor subdivisions within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the major subdivision process.

(b) Common contiguous parcels shown on minor subdivision plats. Contiguous common parcels, as defined by these regulations, shall be referenced on all applications for minor subdivisions, and contiguous common parcels shall be considered part of any application for minor subdivision, for purposes of determining whether or not the division of land proposed is a major subdivision or a minor subdivision.

(c) Limitations. Land within a minor subdivision, including all contiguous parcels owned by the subdivider, shall not be further divided for a period of three years unless a preliminary plat application is filed and approved as a major subdivision pursuant to the requirements of these regulations. If property proposed to be subdivided was part of an original tract, and if the property proposed to be subdivided abuts land that has been divided as a minor subdivision in the last three years, then minor subdivision of said property shall be prohibited. This provision shall not be construed to prohibit the approval of two contiguous minor subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a minor subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of minor subdivision within a three-year period. It is the intent that

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

land abutting a minor subdivision that was owned by the subdivider of the abutting minor subdivision shall not be subdivided as a minor subdivision for a period of three years, regardless of ownership.

The three parcels were owned by the same owner for many years and were not further subdivided. In addition, this is first a combination plat, not a further subdivision of land. The two new lots coming from the combination, will not violate the 3-year rule. Based on this, and the fact that there are less than three lots, no preliminary plat is needed.

Sec. 86-107. - C-2 highway commercial district.

(b) Development standards.
(1) Minimum lot area: 43,560 square feet (one acre) **Both new lots comply**
(2) Minimum lot width: 100 feet **Both new lots comply**
(3) Minimum front yard: 40 feet **Both new lots comply**
(4) Minimum side yard: 30 feet, when adjoining a residential use, otherwise zero **Both new lots comply**
(5) Minimum rear yard: 40 feet, when adjoining a residential use, otherwise zero **Both new lots comply**
(6) Maximum building floor area per story: none
(7) Maximum building height: 40 feet **Variance approved for storage facility**
(8) Minimum building separation: per building codes
(9) Maximum lot coverage: 80 percent **Storage lot impervious coverage will be less than 80%**

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Private developer

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- Application
- Checklist
- 8500 Tara Blvd Survey
- Combination Plat 6.15.20 (002)
- Concept Plan

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CITY OF JONESBORO
124 North Avenue
Jonesboro, Georgia 30236
City Hall: (770) 478-3800
Fax: (770) 478-3775
www.jonesboroga.com

MINOR SUBDIVISION CONCEPT PLAN/FINAL PLAT APPLICATION

This application is required for subdivision of a parcel of land into four (4) property lots or less. All applications must be complete, signed, notarized and submitted in accordance with the adopted Zoning Ordinance. Incomplete applications will not be accepted.

ADMINISTRATION FEE: $250.00 (Non-Refundable). The City of Jonesboro will calculate and advise fees due.

Date Received:	

Owner/ Applicant Information

Property Owner Name: DONNIE H. RUSSEL			**Applicant Name** ADEVCO CORPORATION				
Property Owner Address: 201 BROOKINGS LANE			**Applicant Address:** 400 NORTHRIDGE ROAD, SUITE 620				
City PEACHTREE City	State GA	Zip 30269	City ATLANTA	State GA	Zip 30350		
Telephone			Telephone 404-678-4750				
Fax			Fax				
Email			Email MIKE.BELL@ADEVCO.COM				

Property Information

Project Name: TARA BLVD STORAGE, LLC		**Legal Description: Please attach a deed**	
Address: 8500 TARA BLVD			
Parcel # (s) 05240B A004	**Lot#:**	**Zoning:** C-2	
Acreage:	4.66	**Site Acreage:**	

Attachment: Application (1670 : 8500 Tara Blvd Minor Subdivision Plat)

Proposed Project Information

Zoning Classification:	Any Applicable Variance:	Any Applicable Conditions	Total Acreage:
C-2	☑ Yes ☐ No	☑ Yes ☐ No	4.66
Any Applicable Zoning Overlay Districts:	TARA BLVD OVERLAY		
Total Number of lots Proposed:	2	**Minimum Lot Setbacks**	40'
Minimum Lot Size Proposed:	1.98	**Amenity Area:**	NA

I HEREBY CERTIFY THAT THE SITE DESCRIBED HEREIN WILL BE CONSTRUCTED AND OR USED IN ACCORDANCE WTH ALL APPLICABLE ZONING ORDINANCES AND LAWS GOVERNING THE CITY OF JONESBORO, AND MUST BE RECORDED WITH FIFTEEN (15) DAYS OF APPROVAL.

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN ONE YEAR.

APPLICANT SIGNATURE: J. Michael Bell DATE: 6.22.20

FOR OFFICE USE ONLY:

Date Received: ____/____/20____ **Fee Amount Enclosed: $**_____

Date Approved: ____/____/20____ **Date Denied** ____/____/20____

License Issued ____/____/20____

Comment:

_____

_____

_____

Attachment: Application (1670 : 8500 Tara Blvd Minor Subdivision Plat)

JEFFREY E. TURNER
CHAIRMAN
MICHAEL L. EDMONDSON
VICE CHAIRMAN / DISTRICT 4
SONIA SINGLETON-GREGORY
DISTRICT 1
GAIL B. HAMBRICK
DISTRICT 2
FELICIA FRANKLIN WARNER
DISTRICT 3

COMMUNITY DEVELOPMENT DEPARTMENT
121 South McDonough Street, Jonesboro, GA 30236
Office: (770) 477-3569
https://www.claytoncountyga.gov/government/community-development

PATRICK EJIKE
DIRECTOR

PROPERTY OWNER(S) AUTHORIZATION FORM

I Donnie H. Russell swear and affirm that I am the owner of the property at
(Property Owner's Name)

05240B A004, 05240B A003, as shown on the Tax
(Property Address and Parcel Number)

Map And/or deed records of Clayton County, Georgia.

I hereby authorize D Adevco Corporation to act as the applicant or agent in pursuit of
(Applicant Name)

the development requested on this property.

(Signature of Property Owner)

Personally appeared before me on this 15th day of June 2020

My Commission expires on 11-15-2021

Notary Signature/Seal

GAYLON TUCKER
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES NOVEMBER 15, 2021

June 15, 2020
Date

770-

Attachment: Application (1670 : 8500 Tara Blvd Minor Subdivision Plat)

Community Development Department

Letter of Intent

June 26, 2020

The applicant intends to combine the three parcels on the attached survey into one parcel as shown on the attached Combination Plat. It is our intent to further subdivide the property into two parcels as shown on the Preliminary Concept Plan once the combination has been approved and completed. The second parcel will either be sold or developed at a later date after development of the self-storage facility.

Thank you for your consideration. Please let us know if you have questions or need further information.

J. Michael Bell

ADEVCO Corporation

400 Northridge Road

Suite 620

Atlanta, GA 30350

678-461-4750 Direct

Attachment: Application (1670 : 8500 Tara Blvd Minor Subdivision Plat)

APPLICATION CHECKLIST

Requirement	Minor Subdivision *(three lots or less)*	
Pre-development review with staff	Required	DA
Application form completed	Required	✓
Letter of intent		✓
Number of copies of plat	3	✓
Filing fee *(current rates are on file with City Hall)*	Required	✓
Description of type of water supply and sewerage system and utilities to be provided	Required	✓
Data on existing conditions		✓
Hydrological or other engineering study	Per city manager	N/A
Subdivision entrance monument and landscaping elevation/plan (prepared by registered landscape architect)	Per city manager	N/A
Warranty deed for the dedication of streets and other public places	Required	N/A
Written approval from electric utility company regarding installation of service points and street lights		N/A
As-built drawings of public improvements		N/A
Subdivision improvement guarantee		N/A
Title	Required	✓
Plat Certificates	Required	✓

Attachment: Checklist (1670 : 8500 Tara Blvd Minor Subdivision Plat)

TITLE EXCEPTIONS

FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NO.: NCS–979703–ATL
COMMITMENT DATE: DECEMBER 25, 2019 AT 8:00 AM

SCHEDULE B, PART II

12. EASEMENT FROM BUDDY'S TRAILER SALES OF ATLANTA INC. TO GEORGIA POWER COMPANY, DATED NOVEMBER 2, 1964, FILED FOR RECORD APRIL 14, 1955, AND RECORDED IN DEED BOOK 389, PAGE 419, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINES. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

13. EASEMENT FROM J. H. PARHAM JR. TO ATLANTA GAS LIGHT COMPANY, DATED JANUARY 1969, FILED FOR RECORD FEBRUARY 13, 1969, AND RECORDED IN DEED BOOK 527, PAGE 334, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A 10–FOOT EASEMENT FOR A GAS MAIN. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID MAIN. SAID EASEMENT DOES AFFECT THE SUBJECT PROPERTY AS SHOWN. SAID RIGHT OF ENTRY DOES AFFECT AND IS BLANKET IN NATURE; UNABLE TO PLOT.

14. EASEMENT FROM DONNIE RUSSELL TO GEORGIA POWER COMPANY, DATED JANUARY 14, 1983, FILED FOR RECORD JANUARY 18, 1983, AND RECORDED IN DEED BOOK 1089, PAGE 86, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINES. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

15. TEMPORARY CONSTRUCTION EASEMENT WITH DRIVEWAY EASEMENTS FROM DONNIE H. RUSSELL TO DEPARTMENT OF TRANSPORTATION, DATED MARCH 1, 2018, FILED FOR RECORD MARCH 5, 2018, AND RECORDED IN DEED BOOK 11260, PAGE 531, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES TEMPORARY EASEMENTS FOR THE CONSTRUCTION OF SLOPES AND DRIVEWAYS. SAID EASEMENTS DO AFFECT THE SUBJECT PROPERTY AS SHOWN.

16. TERMS AND PROVISIONS OF AN UNRECORDED LEASE AGREEMENT BY AND BETWEEN DONNIE H. RUSSELL, A/K/A DON RUSSELL AND CMH HOMES, INC., A TENNESSEE CORPORATION, DATED FEBRUARY 15, 2007, AS EVIDENCED BY A MEMORANDUM OF LEASE AGREEMENT BETWEEN THE SAME PARTIES, DATED FEBRUARY 15, 2007, FILED FOR RECORD MARCH 2, 2007, AND RECORDED IN DEED BOOK 9029, PAGE 297, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A LEASE AGREEMENT. SAID AGREEMENT MAY AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE; UNABLE TO PLOT.

17. MATTERS AS SHOWN ON THAT CERTAIN PLAT RECORDED IN PLAT BOOK 7, PAGE 174, AFORESAID RECORDS. SAID PLAT DEPICTS A 10–FOOT DRAINAGE EASEMENT. SAID EASEMENT LIES NORTH OF THE SUBJECT PROPERTY AND DOES NOT AFFECT.

AS-SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOTS 240 AND 241 OF THE 5TH DISTRICT, CITY OF JONESBORO, CLAYTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1–INCH OPEN TOP PIPE FOUND AT THE INTERSECTION OF THE LINE COMMON TO LAND LOTS 240 AND 241 WITH THE WESTERLY RIGHT OF WAY OF BATISTE GARDEN CIRCLE (HAVING A 50–FOOT, PUBLICLY DEDICATED RIGHT OF WAY), SAID OPEN TOP PIPE BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID LAND LOT LINE AND CONTINUING ALONG SAID RIGHT OF WAY OF BATISTE GARDEN CIRCLE SOUTH 01 DEGREES 00 MINUTES 35 SECONDS WEST A DISTANCE OF 50.00 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF BATISTE GARDEN CIRCLE SOUTH 36 DEGREES 48 MINUTES 53 SECONDS EAST A DISTANCE OF 119.55 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE SOUTH 57 DEGREES 23 MINUTES 59 SECONDS EAST A DISTANCE OF 127.10 FEET TO A 5/8–INCH CAPPED REBAR SET; THENCE SOUTH 61 DEGREES 10 MINUTES 47 SECONDS WEST A DISTANCE OF 120.00 FEET TO A 1/2–INCH REBAR FOUND; THENCE SOUTH 61 DEGREES 10 MINUTES 47 SECONDS WEST A DISTANCE OF 300.87 FEET TO A 5/8–INCH CAPPED REBAR SET ON THE EASTERLY RIGHT OF WAY OF TARA BOULEVARD (GA STATE ROUTE 3/U.S. HIGHWAYS 19 & 41)(HAVING A 190–FOOT, PUBLICLY DEDICATED RIGHT OF WAY); THENCE CONTINUING ALONG SAID RIGHT OF WAY OF TARA BOULEVARD THE FOLLOWING COURSES AND DISTANCES: NORTH 39 DEGREES 29 MINUTES 47 SECONDS WEST A DISTANCE OF 500.00 FEET TO A POINT; NORTH 39 DEGREES 29 MINUTES 47 SECONDS WEST A DISTANCE OF 100.00 FEET TO A 1/2–INCH REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY OF TARA BOULEVARD NORTH 76 DEGREES 09 MINUTES 09 SECONDS EAST A DISTANCE OF 436.94 FEET TO A 1/2–INCH REBAR FOUND; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS WEST A DISTANCE OF 82.19 FEET TO A POINT; THENCE SOUTH 00 DEGREES 21 MINUTES 50 SECONDS WEST A DISTANCE OF 61.97 FEET TO A 1–INCH OPEN TOP PIPE FOUND ON THE LINE COMMON TO LAND LOTS 240 AND 241; THENCE CONTINUING ALONG SAID LAND LOT LINE SOUTH 87 DEGREES 33 MINUTES 42 SECONDS EAST A DISTANCE OF 149.33 FEET TO A 1–INCH OPEN TOP PIPE FOUND AT THE INTERSECTION OF SAID LAND LOT LINE WITH SAID RIGHT OF WAY OF BATISTE GARDEN CIRCLE, SAID OPEN TOP PIPE BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 4.661 ACRES (203,014 SQUARE FEET).

UTILITY CONTACTS

WATER	
CLAYTON COUNTY WATER AUTHORITY	*770–960–5203*
1600 BATTLE CREEK RD	
MORROW, GA 30260	
MICHAEL SINN	
MICHAEL.SHINN@CCWA.US	
GAS	
SOUTHERN COMPANY GAS	*404–584–3474*
10 PEACHTREE ST NE	
ATLANTA, GA 30309	
HILINA ALEMAYEHU	
G2SOGASLINELOC@SOUTHERNCO.COM	
POWER	
GEORGIA POWER COMPANY	*404–506–4569*
823 JEFFERSON ST	
ATLANTA, GA 30318	
IKE COLLINS	
COMMUNICATION	
AT&T	*210–821–4105*
208 S. AKARD ST	*305–409–1542*
DALLAS, TX 75202	
ANGELO HINES	
QWEST COMMUNICATION	*800–244–1111*
1801 CALIFORNIA ST	
DENVER, CO 80202	
COMCAST	*770–559–6879*
OLIVER BROOKS	*470–787–4657*
CLAYTON COUNTY TRANSPORTATION	*770–477–3674*
7960 NORTH MCDONOUGH ST	
JONESBORO, GA 30236	
JEFF METARKO	

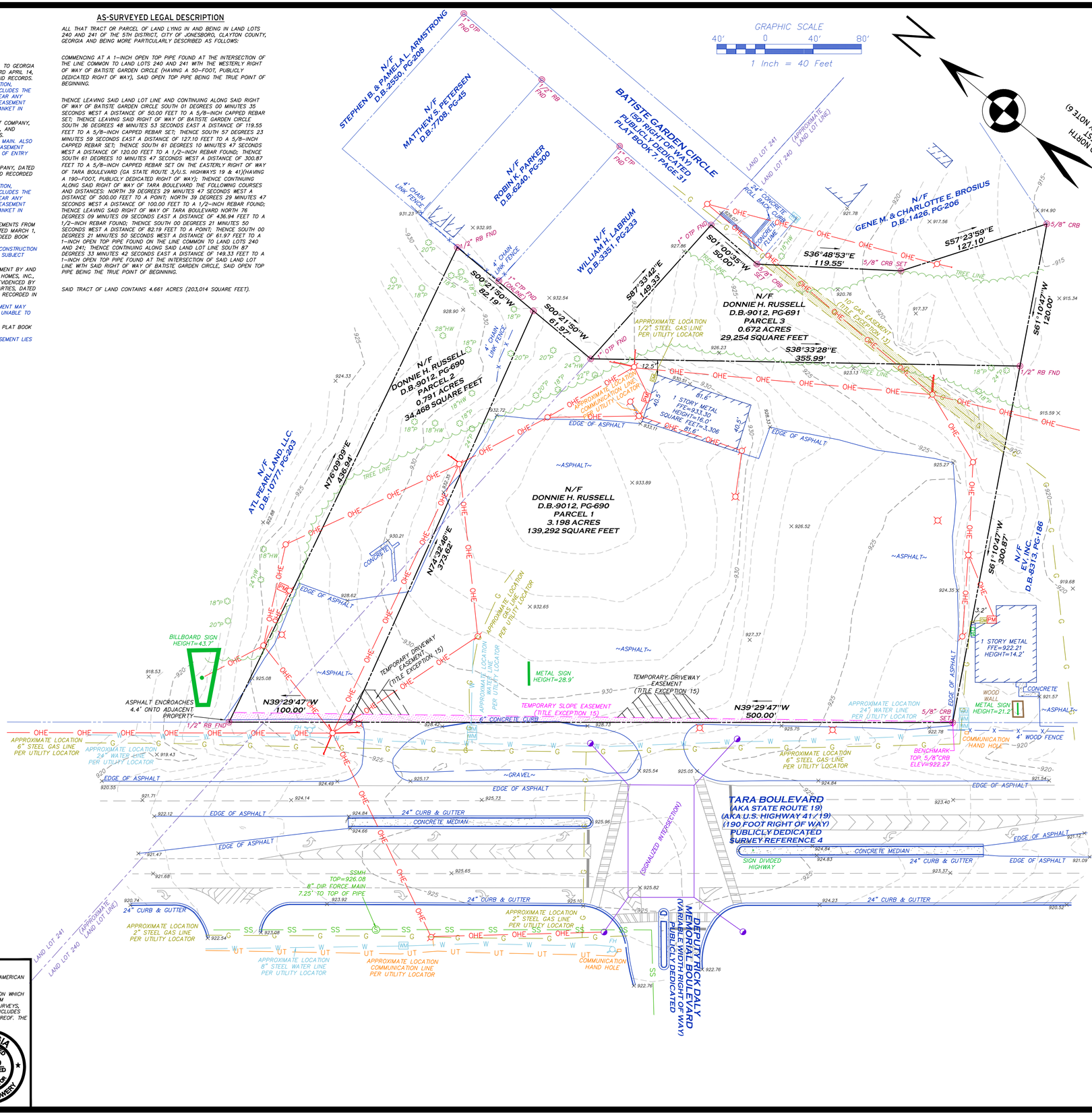
SURVEYOR'S CERTIFICATION

TO ADEVCO CORPORATION, A GEORGIA CORPORATION AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1–5, 7(A)(B)1, 8, 11–14, 16–19, AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 09, 2020.

MITCHELL LOWERY GEORGIA RLS # 3109
DATE OF PLAT OR MAP: MARCH 11, 2020

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY



VICINITY MAP

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED MARCH 09, 2020.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 27,951' WITH AN ANGULAR ERROR OF 1.96 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, TOPCON HIPER LITE+ GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 411,755'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13063C0088F, WITH A DATE OF IDENTIFICATION OF JUNE 07, 2017, FOR COMMUNITY NUMBER 130043, IN THE CITY OF JONESBORO, IN CLAYTON COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIPER LITE+ GPS RECEIVER UTILIZING OPUS–S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILISURVEY, L.L.C., UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON–EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 9012, PAGE 690, CLAYTON COUNTY RECORDS.

10) PROPERTY SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO.NCS–979703–ATL, DATED DECEMBER 25, 2019, AT 8:00AM.

11) NO DELINEATED WETLANDS OBSERVED AT TIME OF SURVEY.

12) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

13) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

14) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

15) SUBJECT PROPERTY HAS DIRECT ACCESS TO TARA BOULEVARD, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

16) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2016 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

SURVEY REFERENCES

1) SURVEY FOR FRANK MADDOX DATED DECEMBER 4, 1961 PREPARED BY LEE ENGINEERING CO AND RECORDED IN PLAT BOOK 7, PAGE 31, CLAYTON COUNTY RECORDS.

2) SURVEY FOR FRANK MADDOX DATED MAY 14, 1962 PREPARED BY LEE ENGINEERING CO AND RECORDED IN PLAT BOOK 7, PAGE 174, CLAYTON COUNTY RECORDS.

3) SURVEY FOR BUDDY'S TRAILER SALES DATED MAY 5, 1975 PREPARED BY GA. LAND SURVEYING CO., INC., SAID PLAT BEING UNRECORDED.

4) RIGHT OF WAY PLANS FOR TARA BOULEVARD LAST REVISED APRIL 4, 2019 PREPARED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION.

LEGEND

	PROPERTY LINE
	OVERHANG/AWNING
(BEARING/DISTANCE)	RECORD CALLS
	BUILDING SETBACK LINE
B.S.L.	BUILDING SETBACK LINE
	INDEX CONTOUR
	MINOR CONTOUR
×	SPOT ELEVATION
W W	WATER LINE
OHE OHE	OVERHEAD UTILITY LINE
G G	GAS LINE
SS SS	SANITARY SEWER LINE
UGE UGE	UNDERGROUND ELECTRIC LINE
UT UT	UNDERGROUND TELEPHONE LINE
X X X	FENCE LINE
	STORM DRAIN PIPE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
GM	GAS METER
GV	GAS VALVE
PM	POWER METER
S	SANITARY SEWER MANHOLE
SWCB	SINGLE–WING CATCH BASIN
RB	REBAR
CRB	CAPPED REBAR
CTP	CRIMP TOP PIPE
OTP	OPEN TOP PIPE
FND	FOUND
	LIGHT POLE
	SIGNAL POLE
	SIGN
	TREE

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
ADEVCO CORPORATION, A GEORGIA CORPORATION,
FIRST AMERICAN TITLE INSURANCE COMPANY

ALTA/NSPS LAND TITLE SURVEY OF:
8500 TARA BOULEVARD
JONESBORO, GEORGIA 30236

COUNTY: CLAYTON
DISTRICT: 5TH
STATE: GEORGIA
LAND LOT: 240 & 241

REVISIONS

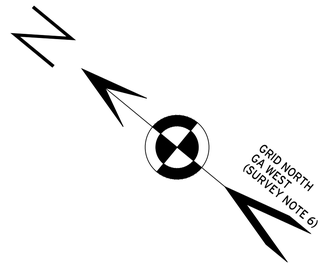
DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

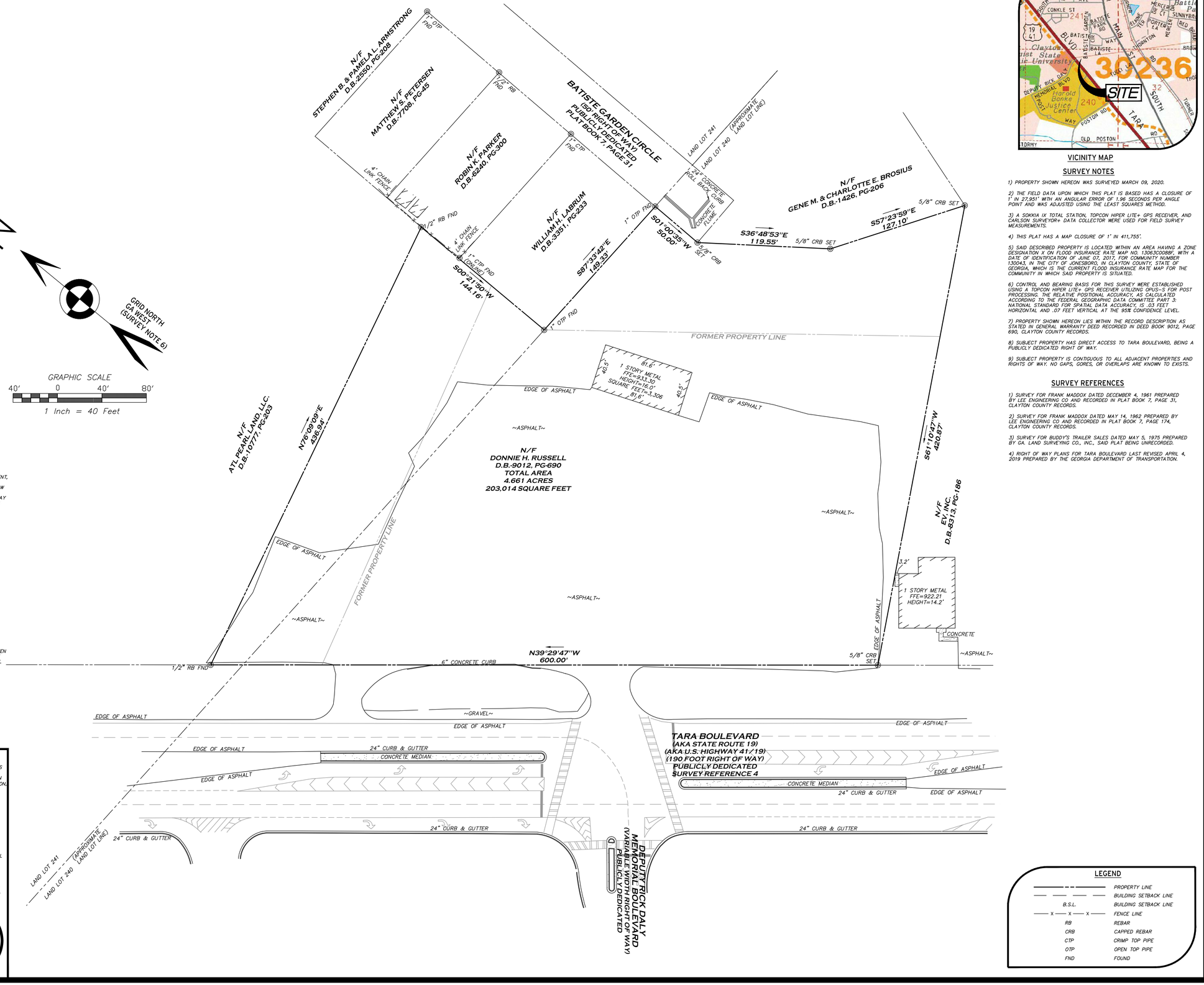
DATE: MARCH 10, 2020
JOB #: 202838
SCALE: 1"=40'
DRAWN BY: H. FISHER

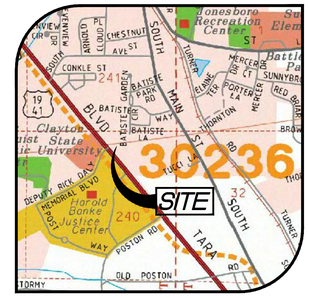
Attachment: 8500 Tara Blvd Survey (1670 : 8500 Tara Blvd Minor Subdivision Plat)

FOR CLERK'S USE ONLY



GRAPHIC SCALE
40' 0 40' 80'
1 Inch = 40 Feet





VICINITY MAP

SURVEY NOTES

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4) RIGHT OF WAY PLANS FOR TARA BOULEVARD LAST REVISED APRIL 4, 2019 PREPARED BY THE GEORGIA DEPARTMENT OF TRANSPORTATION.

OWNER'S CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND THAT ALL STATE, CITY AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID. SAID OWNER DONATES AND DEDICATES TO THE PUBLIC FOR USE FOREVER THE STREET RIGHT-OF-WAY AND IMPROVEMENTS HAVE BEEN INSTALLED THEREIN AS SHOWN ON THIS PLAT.

BY: _____
OWNER

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

BY: _____
WITNESS

BY: _____
NOTARY PUBLIC

APPROVAL CERTIFICATE

PURSUANT TO THE DEVELOPMENT REGULATIONS OF THE CITY OF JONESBORO GEORGIA, AND ALL REQUIREMENTS OF APPROVAL HAVING BEEN FULFILLED, THIS FINAL PLAT WAS GIVEN PRELIMINARY APPROVAL BY THE MAYOR AND CITY COUNCIL ON _____ 20___ AND FINAL APPROVAL BY THE CITY MANAGER AND IT IS ENTITLED TO RECORDATION IN THE CLERK'S OFFICE, CLAYTON COUNTY SUPERIOR COURT.

BY: _____
JOY B. DAY
MAYOR, CITY OF JONESBORO

BY: _____
RICKY C. CLARK, JR., CMC
CITY MANAGER, CITY OF JONESBORO

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR PERSONS UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE," AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE DEVELOPMENT REGULATIONS OF THE CITY OF JONESBORO, GEORGIA, HAVE BEEN FULLY COMPLIED WITH.

MITCHELL LOWERY GEORGIA RLS# 3109

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

MITCHELL LOWERY GEORGIA RLS# 3109

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

LEGEND

———	PROPERTY LINE
— — —	BUILDING SETBACK LINE
B.S.L.	BUILDING SETBACK LINE
—— x —— x ——	FENCE LINE
RB	REBAR
CRB	CAPPED REBAR
CTP	CRIMP TOP PIPE
OTP	OPEN TOP PIPE
FND	FOUND

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
ADEVCO CORPORATION, A GEORGIA CORPORATION

COMBINATION PLAT OF:
8500 TARA BOULEVARD
JONESBORO, GEORGIA 30236

COUNTY: CLAYTON
DISTRICT: 5TH
STATE: GEORGIA
LAND LOT: 240 & 241

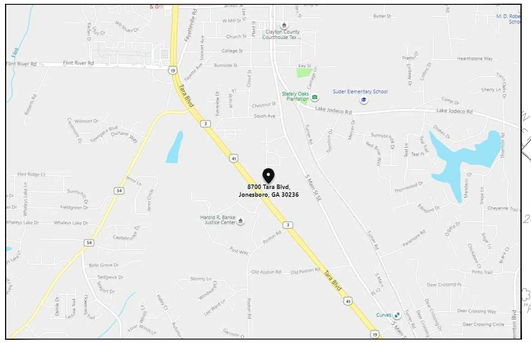
REVISIONS

DATE:	DESCRIPTION

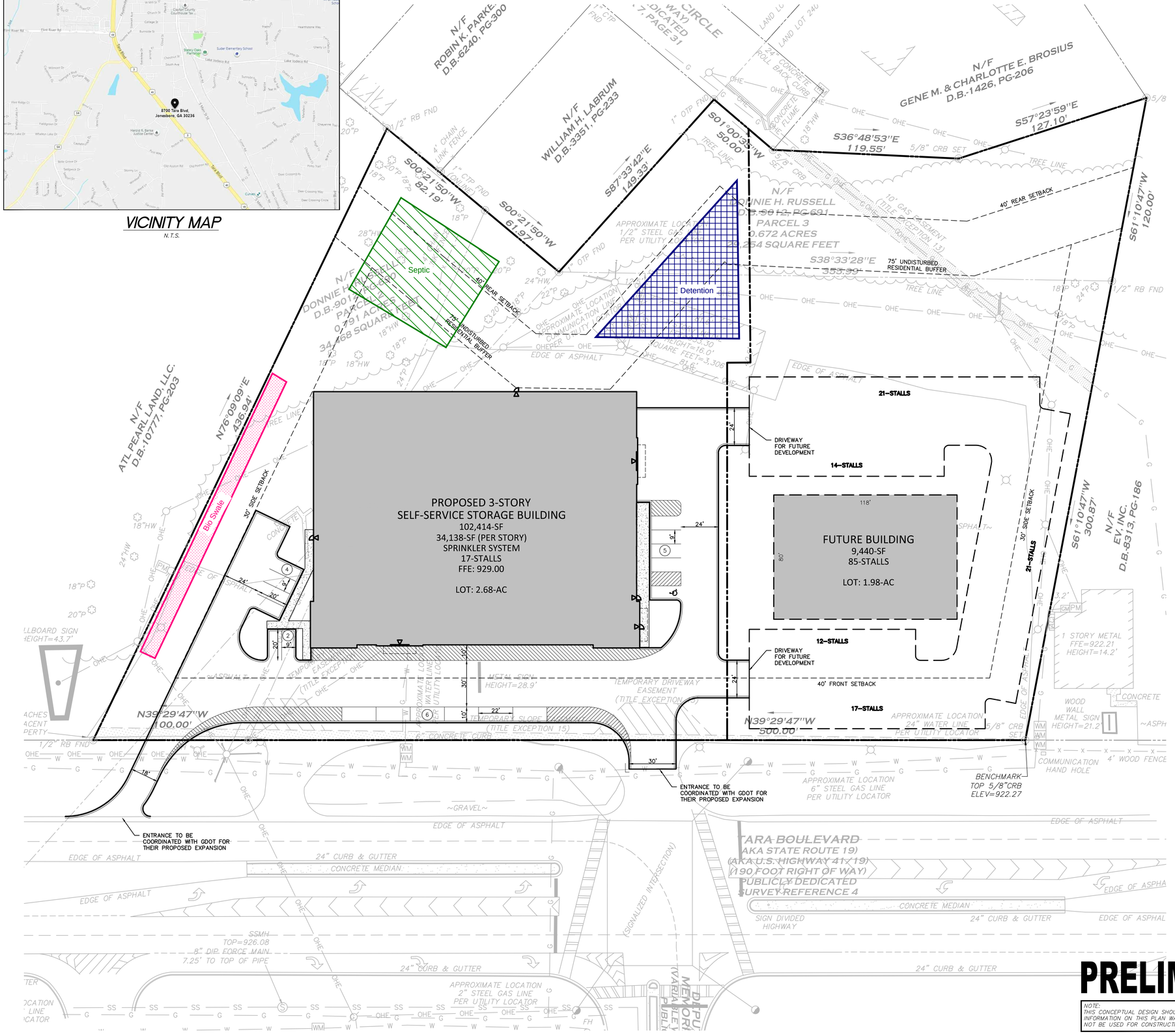
Lowery & Associates LAND SURVEYING, LLC

DATE: JUNE 15, 2020
JOB #: 202838
SCALE: 1"=40'
SHEET 1 OF 1

Attachment: Combination Plat 6.15.20 (002) (1670 : 8500 Tara Blvd Minor Subdivision Plat)



VICINITY MAP
N.T.S.



0 30' 60'
SCALE: 1"=30'

SITE SUMMARY

LOCAL JURISDICTION	Jonesboro
PRIMARY PARCEL ID	05240B A004
ZONING DESIGNATION	C-2
TOTAL PROPERTY ACREAGE	4.40 ACRES
PROPOSED USE	SELF SERVICE STORAGE FACILITY
FRONT BUILDING SETBACK	40'
SIDE BUILDING SETBACK	30'
REAR BUILDING SETBACK	40'
LANDSCAPE STRIP	10'
PROPOSED SELF SERVICE STORAGE FACILITY	102,414 SQ FT
PARKING STALL DIMENSIONS	9'x 20'
REQUIRED PARKING	17
PROPOSED PARKING	17

SITE LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- TRAFFIC FLOW ARROW (PAVEMENT MARKING)
- HANDICAP STALL
- DUMPSTER PAD LOCATION
- PARKING SPACE COUNT

SITE NOTES:

1. COMPLETION OF ALL WORK SHALL BE IN ACCORDANCE THESE PLANS, SPECIFICATIONS, AS WELL AS, WITH FEDERAL, STATE AND LOCAL REGULATIONS. DEVIATION FROM THESE MAY CAUSE THE PROJECT TO BE UNACCEPTABLE.
2. PROJECT TO BE DELIVERED IN ACCORDANCE WITH AMERICANS WITH DISABILITY ACT (ADA) PER FEDERAL, STATE AND LOCAL CODES.
3. PROJECT TO BE DELIVERED IN ACCORDANCE WITH THE UNIFORM TRAFFIC CONTROL MANUAL (MUTCD), ASHTO, AS WELL AS STATE AND LOCAL REGULATIONS.
4. ARCHITECTURAL PLANS ARE TO GOVERN IN THE AREA WITHIN 5' OF THE BUILDING ENVELOPE. THIS IS TO INCLUDE, BUT NOT LIMITED, TO STEPS, STOOPS, SIDEWALKS, RAMPS, HANDRAILS, ETC. SITE CONTRACTOR IS RESPONSIBLE FOR ALL WORK OUTSIDE OF THIS ENVELOPE.
5. THE FACE OF CURB AND OUTSIDE FACE OF BUILDING SHALL BE THE DIMENSIONAL REFERENCE FOR ALL SITE MEASUREMENTS AND RADII, UNLESS OTHERWISE NOTED. ALL RADII SHALL BE ASSUMED TO BE 5' WHERE NO DIMENSION IS GIVEN.
6. EXISTING AND REMAINING FACILITIES, WHETHER ON THE PROPERTY OR ON ADJACENT PROPERTIES, SHALL BE MAINTAINED IN THEIR ORIGINAL CONDITIONS. IF DISTURBED, THESE STRUCTURES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
7. CONTRACTOR IS RESPONSIBLE TO PROVIDING ALL AS-BUILTS AND OTHER CERTIFICATIONS IN ORDER TO CAUSE THE ACCEPTANCE OF THE PROJECT BY THE CLIENT AND RELEASE OF A CERTIFICATE OF OCCUPANCY.
8. CONTRACTOR TO VERIFY THE EXISTING CONDITIONS ON WHICH THE PROJECT DESIGNS (ALL PHASES) ARE BASED AND BECOME FAMILIAR WITH ALL NECESSARY INFORMATION, WHETHER ON THE SUBJECT TRACT OR ADJACENT PROPERTIES. IF UNKNOWN CONDITIONS ARE DISCOVERED WHICH JEOPARDIZES THE SCOPE AND DELIVERY OF THE PROJECT, THE CONTRACTOR IS TO PROVIDE IMMEDIATE WRITTEN NOTIFICATION TO THE ENGINEER.
9. CURB AND GUTTER SHALL BE 18" IN SIZE UNLESS SPECIFIED OTHERWISE.
10. THE CONTRACTOR SHALL DELIVER THE CURB AND GUTTER AT A 28-DAY COMPRESSIVE STRENGTH OF 3,000 PSI.
11. THE CONTRACTOR SHALL DELIVER THE PARKING LOT PAINTING AND STRIPING WITH A MINIMUM OF TWO COATS OF PAINT PER PROJECT SPECIFICATIONS.
12. SIGNAGE SHALL BE HANDED UNDER A SEPARATE PERMIT.
13. A STREET BUFFER WILL BE REQUIRED IN THE EVENT THAT THE ACCESS ROAD IS EVER ACCEPTED BY THE CITY. A STREET BUFFER IS NOT CURRENTLY NEEDED.

PRELIMINARY CONCEPT

NOTE:
THIS CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN WAS DESIGNED FROM LIMITED MATERIAL AND HAS ITS INACCURACIES, THEREFORE IT SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL APPLICABLE MATERIAL NEEDED HAS BEEN REVIEWED AND INCORPORATED.

DRAFT

CONTINEO GROUP
755 COMMERCE DRIVE
SUITE 800
DECATUR, GA 30030
678.601.6046
www.tcg.engineer

ADEVCO
400 Northridge Road
Suite 600, Atlanta, GA 30350
Contact Name: Mike Bell
Telephone: 770.441.7600

SELF-SERVICE STORAGE DEVELOPMENT

ISSUED FOR: CONCEPT PLAN
JURISDICTION: CITY OF JONESBORO
LOCATION: 8500 TARA BOULEVARD, JONESBORO, GEORGIA

#	DATE	REVISIONS

These drawings and the design represented herein, are the exclusive property of CONTINEO GROUP and shall not be reproduced or copied in whole or in part for the project intended without the express written consent of The Contineo Group & provided. Any unauthorized use will be subject to legal action.

DRAWN:	CHECK:
CDB	BHR
JOB NO:	DATE:
19-286	03/20/20

SITE PLAN

SHEET C200

C:\USERS\CONTINEO3D\DROPBOX (CONTINEO-MASTER)\CONTINEO-MASTER\(P-DRIVE) PROJECTS\2019\19-286 - ADEVCO - JONESBORO\DRAWINGS\19-286-PROJ

Attachment: Concept Plan (1670 : 8500 Tara Blvd Minor Subdivision Plat)

CITY OF JONESBORO, GEORGIA COUNCIL
Agenda Item Summary

Agenda Item # NEW BUSINESS – 16

COUNCIL MEETING DATE July 6, 2020

Requesting Agency (Initiator)
Office of the City Manager

Sponsor(s)

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Discussion regarding a subrecipient agreement for use of Community Development Block Grant ("CDBG") Funds between Clayton County and the City of Jonesboro for the Broad Street Plaza Project in the amount of $200,000.00.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Yes Economic Development

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

Earlier this year, Council approved an application be submitted for the Broad Street Streetscape Project. Since that time, we have been awarded $200,000 from Federal PY 2020 which must be expended not later than December 31, 2021. In order to begin drawing down funds, staff is requesting that Mayor & Council approve the Subrecipient Agreement and authorize the Mayor to execute. Further, we will need to authorize the City Manager to amend the budget where necessary to account for additional revenue projections based upon grant proceeds.

Principal Tasks/Program Delivery

As part of an overall effort to revitalize the Jonesboro downtown district, the Broad Street project is intended to service the needs of those low to moderate income residents living nearby providing them accessibility to public amenities, improved walkability & opportunities for food and leisure activity. The principal task being undertaken by the subrecipient includes the addition of sidewalks, paseos, and streetscaping along Broad Street (i.e. lighting, landscaping, parallel parking, restriping). In addition to the sidewalk/streetscape infrastructure project, curbing and catch basins will also be added to prevent flooding from the Main Street area. Lastly, the final task will be the construction of a City Green (hardscape/landscape/lighting improvements) with restrooms. The vision for the green is to reinforce downtown Jonesboro with the addition of a purposeful outdoor civic space that will serve as an "in-town" destination" for those low to moderate income residents to enjoy. All the construction activities will be managed by 4PM a local firm dedicated to ensuring that the project remains within budget and is administered accordingly within the aforementioned scope.

A. Timeline and Budget - Based on your agency's funding award, please adjust project costs originally provided in your application.

Approved Budget Line Items	Requested Budget Amount	Description of Budget Item
DIRECT PROGRAM EXPENSES		
Total Program Staff Salaries	$	

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	Date	
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

Total Fringe Benefits		
Contractor, Consultant Invoices	$ 75,000	Civil Engineering
Architectural/Engineering Costs	$ 75,000	Architectural costs
Infrastructure/Facility Improvements	$750,000	Construction costs
Program/Project Supplies & Materials	$	
Food		
Travel/Mileage ($.575/mile)	$	
ESG/TBRA Homeless Prevention Services (e.g. rent, deposits, utility payments)		
Other ESG/TBRA Essential Services (e.g. childcare, employment, health, transportation, etc.)		
Other Direct Program Expenses		
PROGRAM OPERATING EXPENSES		
Office Rents:		
Utilities:		
Telephone/Communications:		
Payroll, Audit & Accounting:	$	
Conferences and Trainings:	$	
Insurances/Bonding:		
Printing/Reproduction:	$	
Equipment:		
Other Operating Costs		
TOTAL	$900,000	

ASSIGNED PERSONNEL

If applicable, please provide a breakdown of the Salary and Fringe Benefit Costs provided in the budget line items above

Employee and/or Consultant Name	Project Role/Responsibility	Budgeted Salary Cost	Fringe Benefit Cost	Total Budget Cost
TSW	Architectural Services	$75,000		$75,000
Moore-Bass	Civil Engineering	$75,000		$75,000
Hogan Construction	Construction	$6,000,000		$6,000,000

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- CDBG - Suprecipient Agreement - Broad Street 2020
- Funding Notification- Broad Street - CDBG (2020)
- RES 2019-15 - CDBG Approval (Broad Street)

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

HUD PROJECT GRANT NO: B-2020-UC-13-0005

SUBRECIPIENT AGREEMENT FOR USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
BETWEEN
CLAYTON COUNTY, GEORGIA
AND

CITY OF JONESBORO
FOR
BROAD STREET PLAZA

THIS AGREEMENT, entered this 1st day of July, 2020, by and between Clayton County, a political subdivision of the State of Georgia acting by and through its duly elected Board of Commissioners, hereinafter referred to as the "County or Grantee", and **Organization Name**, a CDBG sub recipient organization (either a participating municipality in the Clayton County Urban County CDBG Program, a quasi-local government agency, a local housing authority, or a private non-profit organization), hereinafter referred to as the "Sub recipient," located within the confines of the Clayton County, Georgia, and/or serving CDBG-eligible residents of Clayton County;

WITNESSETH:

WHEREAS, the County has received a PY2020 Community Development Block Grant, hereinafter referred to as "CDBG" under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383; and

WHEREAS, **$200,000.00** from Federal PY 2020; and through this Agreement, **must be expended not later than December 31, 2021**; and CDBG funds have been appropriated by the Clayton County Board of Commissioners for award to the Sub recipient for the implementation of activities determined to be CDBG-eligible by the County. The Grantee reserves the right to recapture the funds if the County finds that any or all of the CDBG funds described in this Agreement are not expended accordingly. If after the sub recipient submits the application, and prior to receiving the funds, the sub recipient determines that is unable to expend the funds as submitted through the application, the sub recipient must notify the County in writing prior to signing this agreement, in order to avoid penalty fees.

NOW, THEREFORE, it is agreed between the parties hereto that; See Exhibits submitted by the sub recipient during the application process. These are attached and made apart hereof:

EXHIBIT 1 BUDGET AND PAYMENTS
EXHIBIT 2 MANDATED REPORTS
EXHIBIT 3 PROCUREMENT
EXHIBIT 4 AGREEMENT AMENDMENTS

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

I. GENERAL CONDITIONS

A. General Compliance

The Sub recipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants, CDBG) including subpart K of these regulations, except that (1) the Sub recipient does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Sub recipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Sub recipient also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Sub recipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. Equal Access to Housing in HUD Programs

Sub recipient agrees to comply with:

1. Through final rule effective March 5, 2012 (Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity) 24 CFR Parts 5, 200,203, 236, 400, 570, 574, 882, 891, and 982, HUD implements a policy to ensure that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. This Rule follows a January 24, 2011, proposed rule, which noted evidence suggesting that lesbian, gay bisexual, and transgender (LGBT) individuals and families are being arbitrarily excluded from housing opportunities in the private sector.

2. It is important that HUD and Clayton County ensure that their programs do not involve discrimination against any individual or family otherwise eligible for HUD-assisted or – insured housing, but that its policies and programs serve as models for equal housing opportunity. Failure to comply with the requirements of this Rule will be considered a violation of the program requirements and will subject the non-compliant grantee to all sanctions and penalties available for program requirement violations.

3. Under 24 CFR 5.100 "sexual orientation" is defined as "homosexuality, heterosexuality, or bisexuality," a definition that the Office of Personnel Management (OPM) uses in the context of the federal workforce in its publication "Addressing Sexual Orientation in Federal Civilian Employment: A Guide to Employee Rights."

4. To promote equal access to HUD's housing programs without regard to sexual orientation or gender identity HUD prohibits unlawful inquiries regarding sexual orientation or gender identity. As proposed, the prohibition precludes owners and operators of HUD-assisted housing or housing whose financing is insured by HUD from inquiring about sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied.

C. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Subrecipient is an independent contractor.

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D. "Hold Harmless"
The Sub recipient does hereby agree to release, indemnify, and hold harmless the County, its employees and agents from and against all costs, expenses, claims, suits, or judgments arising from or growing out of any injuries, loss or damage sustained by any person or corporation, including employees of Sub recipient and property of Sub recipient, which are caused by or sustained in connection with the tasks carried out by the Sub recipient under this Agreement.

E. Workers' Compensation
The Sub recipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement. Sub recipient shall require that its insurance carrier notify the County in the event the insurance cancelled. Sub recipient shall provide the Grantee with proof of worker's compensation insurance.

F. Insurance & Bonding
The Sub recipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud, and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Sub recipient shall comply with the requirements of 24 CFR 84.31 and 84.48, Bonding and Insurance and with the requirements of the Clayton County Procurement Policy. **(Proof of Insurance required)**

G. Grantee Recognition
The Sub recipient shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities, and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Sub recipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

H. Agreement Amendment(s)
This Agreement may be modified or amended by mutual agreement of the parties; however, no waiver, modification, or amendment of any terms, conditions, or provisions of this agreement will be valid, or of any force or effect, unless made in writing, approved by the respective parties' governing bodies and properly executed by the authorized representatives of the parties. All amendments to this Agreement shall be made a part of the Agreement by inclusion in Exhibit 6, which will be attached at the time of any amendment(s). If the Sub recipient seeks an amendment to this agreement, the request for such amendment shall be submitted in written form to the County Community Development Office of HUD Programs, in a format prescribed by the Community Development Office of HUD Programs. If an amendment to the County Consolidated Plan is required, the Sub recipient shall be informed of such requirement and the steps, which must be taken to effect such a Consolidated Plan amendment.

I. Suspension or Termination
In accordance with 24 CFR 85.43, the Grantee may suspend or terminate this Agreement if the Sub recipient materially fails to comply with any terms of this Agreement, which include (but are not limited to), the following:

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;

2. Failure, for any reason, of the Sub recipient to fulfill in a timely and proper manner its obligations under this Agreement;

3. Ineffective or improper use of funds provided under this Agreement; or

4. Submission by the Sub recipient to the Grantee reports that are incorrect or incomplete in any material respect.

In accordance with 24 CFR 85.44, this Agreement may also be terminated for convenience by either the Grantee or the Sub recipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

II. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Sub recipient agrees to comply with 24 CFR 84.21–28 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Sub recipient shall administer its program in conformance with OMB Circular 2 CFR 200 Subpart E—Cost Principles as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record Keeping/Reporting

1. The Sub recipient shall assign "key personnel" to be allocated to each activity as identified in their application and specified below:
    a. Financial Management
    b. Documentation and Record Keeping/Reporting
    c. Project Management
    d. Compliance Monitoring
    e. Procurement

Any changes in the key personnel positions assigned or their general responsibilities under this project are subject to the prior approval of the Grantee based on capacity of personnel.

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

C. Financial Record Keeping

The SUBRECIPIENT shall comply with the requirements of OMB Circular 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR Part 200.34 in regard to any bid guarantees, performance bonds, and payment bonds. All records shall be made available, upon County request, for inspection(s) and audit(s) by the County or its representatives. If a financial audit(s) determines that the Sub recipient has improperly expended CDBG funds, resulting in the U.S. Department of Housing and Urban Development disallowing such expenditures, the County reserves the right to recover from the Sub recipient other monies to fund such disallowed CDBG expenditures.

The Sub recipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506 that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

1. Records providing a full description of each activity undertaken;
2. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
3. Records required to determine the eligibility of activities;
4. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
5. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
6. Financial records as required by 24 CFR 570.502, and 24 CFR 84.21–28; and
7. Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

D. Retention

The Sub recipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of four (4) years. The retention period begins on the date of the submission of the Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

E. Client Data

The Sub recipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request. This data is included in the retention of records requirement. **Client Data must be reported on the attached beneficiary form (Form DB-PS).**

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F. Disclosure

The Sub recipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee's or Sub recipient's responsibilities with respect to services provided under this contract, is prohibited by the law of the State of Georgia, unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian.

G. Close-outs

The Sub recipient's obligation to the Grantee shall not end until all closeout requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Sub recipient has control over CDBG funds, including program income.

H. Audits & Inspections

The Sub recipient agrees to comply with the requirements of:

1. The "Government Auditing Standards [The Yellow Book] 2011 Revision," issued by the Comptroller General, United States General Accounting Office.

2. The "Single Audit Act of 1984" [P.L. 98-502), as amended by the Single Audit Act Amendments of 1996 [P.L. 104-156], requires that States, local governments and non-profit organizations which receive less than $750,000 of Federal funds must have audits performed in conformance with the Single Audit Act, as amended, and with implementing Circulars issued by the Office of Management and Budget. Sub recipient entities must have their audits prepared consistent with the requirements of OMB Circular 2 CFR 200 Subpart F—Audit Requirements.

3. Sub recipients that expend $750,000 or more in federal awards during the recipient's fiscal year must have a program specific audit conducted for that year in accordance with the provisions of Subpart F, Audit Requirements. Recipients that provide federal awards to sub recipients are referred to as "pass-through entities". A sub recipient must also have a program specific audit if it meets the $750,000 expenditure threshold. Pass-through entities are required by 2CFR 200.331 to ensure compliance with Subpart F.

4. The Sub recipients that receive CDBG funds shall provide to the Clayton County Community Development Office of HUD Programs one (1) copy of its normal independent auditor's report, as soon as practicable following the close of its fiscal year, but not later than nine (9) months following the close of each such year.

5. Clayton County shall periodically perform program reviews of Sub recipient financial records and systems not less than one time during the Sub recipient's fiscal year, including the review of Sub recipient records, at least annually, at the offices of the Sub recipient. This review should include procedures to request and verify documentation of all expenditures requested in a single reimbursement request;

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6. Any appropriate corrective action for instances of noncompliance as a result of these program reviews has been taken within six (6) months of notification by Clayton County that these reportable conditions exist;

7. At each fiscal year end, the Sub recipient shall submit to Clayton County a financial statement prepared from the Sub recipient's financial records that presents the revenues received from the Clayton County Community Development Block Grant Program and the expenditures for which these funds were used; and

The above procedures will provide the County's independent auditor with sufficient information to determine whether the Sub recipient has materially complied with the applicable laws and regulations, as they govern their programs. If any of the above procedures provide less information than is already required by this Agreement, then the applicable procedures already stated in this Agreement shall govern the Sub recipient's responsibilities to Clayton County.

All Sub recipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Sub recipient within 30 days after receipt by the Sub recipient. Failure of the Sub recipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments.

I. Reporting and Payment Procedures

1. Program Income

The Sub recipient shall report monthly all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the Sub recipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Sub recipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balance on hand. All unexpended program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Sub recipient will develop an indirect cost allocation plan for determining the appropriate Sub recipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

The Grantee will pay to the Sub recipient funds available under this Agreement based upon information submitted by the Sub recipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Sub recipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Sub recipient accounts. In addition, the Grantee

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reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Sub recipient.

4. Progress Reports

For limited clientele (including "Direct Service" and "Presumed Benefit") activities, the Sub recipient shall provide on a monthly basis, sufficient information to the County on services carried out for all persons served and for CDBG-eligible persons served by activities receiving CDBG assistance under this Agreement. The purpose of the monthly reporting is to enable the County to prepare and submit periodic and annual reports to the U.S. Department of Housing and Urban Development. These Sub recipient-prepared reports shall be submitted in a format provided by the County and at a time no later than the 15th calendar day of each month until all CDBG funds for the activity(s) shall be fully expended and until the end of the fiscal year, June 30. The County shall provide reporting forms and technical assistance to the Sub recipient on the procedures to be followed to collect and report these programmatic data.

J. Procurement

1. Compliance

The Sub recipient shall be responsible for the procurement of all supplies, equipment, services, and construction necessary for implementation of its activity(s). Procurement shall be carried out in accordance with 2 CFR 200 Subpart D and all provisions of the CDBG Regulations 24 CFR Part 570 [See Exhibit 3].

The governing board of the Sub recipient shall formally adopt written procurement procedures which are at least as restrictive as those required in the aforementioned regulations [24 CFR Part 84 or 24 CFR Part 85, as applicable, and 24 CFR 570] and CC Procurement Requirements. A Board Resolution of said procurement procedures and evidence of governing board adoption of the procedures shall be submitted to the County prior to proceeding with any activity.

The Sub recipient shall prepare, or cause to be prepared, all advertisements, negotiations, notices, and documents; enter into all contracts; and conduct all meetings, conferences, and interviews as necessary to insure compliance with the above described procurement requirements.

All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.

2. OMB Standards

Unless specified otherwise within this agreement, the Sub recipient shall procure all materials, property, or services in accordance with the requirements of 2 CFR 200.

3. Travel

The Sub recipient shall obtain written approval from the Grantee for travel outside the metropolitan Atlanta area when using funds provided under this Agreement.

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K. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall comply with the requirements of 24 CFR Part 84 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Sub recipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.

2. Real property under the Sub recipient's control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of $25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement or such longer period of time as the Grantee deems appropriate. If the Sub recipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, the Sub recipient shall pay the Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the Grantee. The Sub recipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period or such longer period of time as the Grantee deems appropriate.

3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, then the proceeds shall be program income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Sub recipient for activities under this Agreement shall be (a) transferred to the Grantee for the CDBG program or (b) retained after compensating the Grantee an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment.

III. RELOCATION, REAL PROPERTY ACQUISITION, AND ONE-FOR-ONE HOUSING REPLACEMENT

The Sub recipient agrees to comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. The Grantee may preempt optional policies upon written notice to sub recipients. The Sub recipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b) (2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. The Sub recipient also agrees to comply with applicable Grantee ordinances, resolutions, and policies concerning the displacement of persons from their residences.

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IV. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Sub recipient agrees to comply with all laws and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

2. Nondiscrimination

The Sub recipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Sub recipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Sub recipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Sub recipient agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Sub recipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement.

B. Affirmative Action

1. Approved Plan

The Sub recipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1966. The Grantee shall provide Affirmative Action guidelines to the Sub recipient to assist in the formulation of such program. The Sub recipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. Women-and Minority-Owned Businesses (W/MBE)

The Sub recipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the terms "small business" means a business

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that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Sub recipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records
The Sub recipient shall furnish and cause each of its own sub recipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records, and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations, and provisions stated herein.

4. Notifications
The Sub recipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Sub recipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement
The Sub recipient will, in all solicitations or advertisements for employees placed by or on behalf of the Sub recipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions
The Sub recipient will include the provisions of Paragraphs X.A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own sub recipients or subcontractors.

C. Drug-free Workplace

1. Sub grantee will provide a drug-free workplace by:
    a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

    b. Establishing an ongoing drug-free awareness program to inform employees about:
        i. The dangers of drug abuse in the workplace;
        ii. The grantee's policy of maintaining a drug-free workplace;
        iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
        iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

    c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by Section IX (B) (7)(a).

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d. Notifying the employee in the statement required by Section IX(B)(7)(a) that, as a condition of employment under the grant, the employee will:

i. Abide by the terms of the statement; and
ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
iii. Notifying the agency in writing, within ten calendar days after receiving notice under Section IX(B)(7)(d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
iv. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph d(2), with respect to any employee who is so convicted-
v. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
vi. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
vii. Workplace under this Agreement shall be identified in this Agreement. Failure to identify all known workplaces constitutes a violation of the Sub recipient's drug-free workplace requirements. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. If the workplace identified to the County changes during the performance of the grant, the Sub recipient shall inform the County of the change(s), if it previously identified the workplaces in question (see paragraph three).

e. Sub recipient's attention is called, in particular, to the following <u>definitions;</u>

i. "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C.812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
ii. "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
iii. "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
iv. "Employee" means the employee of a Sub recipient directly engaged in the performance of work under a grant provided through this Agreement, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of

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work under the grant and who are not on the Sub recipient's payroll. This definition does not include workers not on the payroll of the Sub recipient (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the Sub recipient's payroll; or employees of sub recipients or subcontractors in covered workplaces).

D. Drug-Free Workplace Certification

The certification set out in Section IX (B) (7) is a material representation of fact upon which reliance is placed when the County awards the grant. If it is later determined that the Sub recipient knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

E. Employment Restrictions

1. Prohibited Activity

The Sub recipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

2. Labor Standards

a. The Sub recipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Sub recipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*) and it's implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. The Sub recipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

b. The Sub recipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of $2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Sub recipient of its obligation, if any, to require payment of the higher wage. The Sub recipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

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3. Section 3" Clause

a. Compliance

Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Sub recipient and any of the Subrecipient's subrecipient and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

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b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

F. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

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4. Conflict of Interest
The Subrecipient agrees to abide by the provisions of 24 CFR 84.42 and 570.611, which include (but are not limited to) the following:

   a. The Subrecipient shall maintain and provide a copy to County of written code/standards of conduct that shall govern the performance of its officers, employees, or agents engaged in the award and administration of contracts supported by Federal funds.

   b. No employee, officer, or agent of the Subrecipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

   c. No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a "covered person" includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Subrecipient, or any designated public agency.

5. Lobbying
The Subrecipient hereby certifies that:

   a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

   b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

   c. It will require that the language of paragraph (d) of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly:

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6. Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

7. Copyright
If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes.

8. Religious Activities
The Subrecipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

V. ENVIRONMENTAL CONDITIONS

A. Air and Water
The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:
1. Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
2. Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued there under;
3. Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

B. Flood Disaster Protection
In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint
The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment, and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The

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regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment, and/or abatement may be conducted.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

VI. SCOPE OF WORK

The Subrecipient agrees to assume certain responsibilities for the implementation of its CDBG assisted activities, and certifies that it will comply with the applicable certifications contained in Exhibit 1, with the Scope of Work detailed below, and with any amendments to this Agreement.

The following activities and/or projects shall be carried out by the Subrecipient under the terms of this Agreement and its accompanying certifications and reporting requirements:

A. Principal Tasks/Program Delivery:

The City of Jonesboro will be making Public Facility Improvements: The Broad Street Project includes a complex infrastructure overhaul in terms of addressing drainage issues, underground utilities, new paving, sidewalks, and a refurbished parking lot. Broad Street will transform a formerly blighted area into a place of accessibility with public amenities, improved walkability and opportunities for food and leisure activity.

Community Development: Rehabilitation of the old Fire Station into a restaurant and microbrewery, addition of "The Meeting Place", (a building), a City Green, small pavilion, and landscaping. The Broad Street Project will provide a huge improvement in the social, economic and environment for low-moderate income citizens living in the nearby area as well as visitors to the area.

B. Levels of Performance - The Subrecipient agrees to provide the following levels of program services:

Level I

Objective – Transform a formerly blighted area into a viable, attractive amenity for moderate to low income citizens; improve downtown access through the addition of a City Green, sidewalks, streetscaped, and other structure to enhance downtown ambience and function.

Strategy – Demolish blighted structures (accomplished through CDBG funding). Perform streetscape work to add drainage, catch basins, pavers, underground utilities, sidewalks, landscaping, public restrooms, sitting areas and a City Green.

Measure – Visual inspection of area for accomplishment of project plans. Increase foot traffic in area; feedback from local residents.

C. Total Number of Low/Moderate-Income Persons or Households Served: 4500+ local

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VII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

VIII. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

IX. WAIVER

The Grantee's failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

X. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the Grantee and the Subrecipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Subrecipient with respect to this Agreement.

XI. NOTICE

Written notice under this Agreement shall be provided as follows:

For the COUNTY:
Clayton County HUD Programs Division
1671 Adamson Parkway, Suite 101
Morrow, GA 30260

For the SUBRECIPIENT:
City of Jonesboro
124 North Avenue
Jonesboro, GA 30236

[Signature continue on following page]

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

IN WITNESS WHEREOF, the parties hereunto have affixed their signatures on the dates specified below and the respective Official Seals of the Subrecipient and of Clayton County have been affixed:

FOR THE SUBRECIPIENT:

City of Jonesboro
124 North Avenue
Jonesboro, Georgia 30236

By _____

Joy B. Day, Mayor
City of Jonesboro, GA

_____

(Signature Date)

[Impress City or Corp. Seal Here]

ATTEST:

By _____

_____

(Print Name and Title)

_____

(Signature Date)

Date Approved: Sub recipient Governing Body: _____

FOR CLAYTON COUNTY:

Clayton County Community Development
Office of HUD Programs
1671 Adamson Parkway, Ste. 101
Morrow, Georgia 30260

By _____

Jeffrey E. Turner, Chairman
Clayton County Board of Commissioners

_____

(Signature Date)

By _____

Patrick Ejike, Director
Clayton County Community Development

_____

(Signature Date)

[Impress Clayton County Seal Here]

ATTEST:

By _____

Brenda James, Clerk
Board of Commissioners

_____

(Signature Date)

Award Approved: Board of Commissioners Per Minutes Dated: April 21, 2020

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EXHIBITS

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

EXHIBIT 1
LINE ITEM BUDGET

A. Budget

The Sub recipient has provided the following to the Grantee with a project budget as outlined below. Under this Agreement, the Sub recipient shall provide documentation of all approved budget line items included herein. Where applicable, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Sub recipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee.

Approved Budget Line Items	Requested Budget Amount	Description of Budget Item
DIRECT PROGRAM EXPENSES		
Total Program Staff Salaries	$0.00	
Total Fringe Benefits	$0.00	
Contractor, Consultant Invoices	$75,000.00	Civil engineering
Architectural/Engineering Costs	$75,000.00	Architectural costs
Infrastructure/Facility Improvements	$50,000.00	Construction costs
Program/Project Supplies & Materials	$0.00	
Food	$0.00	
Travel/Mileage ($.54/mile)	$0.00	
ESG/TBRA Homeless Prevention Services (e.g. rent, deposits, utility payments)	$0.00	
Other ESG/TBRA Essential Services (e.g. childcare, employment, health, transportation, etc.)	$0.00	
Other Direct Program Expenses:	$0.00	
PROGRAM OPERATING EXPENSES		
Office Rents:	$0.00	
Office Supplies and Materials	$0.00	
Utilities:	$0.00	
Postage	$0.00	
Telephone/Communications:	$0.00	
Payroll, Audit & Accounting:	$0.00	
Conferences and Trainings:	$0.00	
Insurances/Bonding:	$0.00	
Printing/Reproduction:	$0.00	
Equipment:	$0.00	
Other Operating Costs:	$0.00	
TOTAL	**$200,000.00**	

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

ASSIGNED PERSONNEL

Employee and/or Consultant Name	Project Role/Responsibility	Rate of Pay (Hourly or Salary)	Fringe Benefit Cost	Total Budget Cost Assigned to Project
	Architectural Services	$75,000.00		$75,000.00
	Civil Engineering	$75,000.00		$75,000.00
	Construction	$50,000.00		$50,000.00

B. Budget Modifications

Any amendments to the budget must be requested in writing by both the Sub recipient and approved in writing by the Grantee.

C. Payments

1. Payment of funding is provided on a reimbursable basis, whereby the Sub recipient is must submit a formal request for payment to the Grantee, along with copies of vendor's invoices and other supporting documents related to project expenditures (see Attachment A).

2. Requests for payment shall be submitted on the first Tuesday of each month. Upon receipt, the Grantee shall review all documentation and submit the request to the Clayton County Finance Department whereby final payment shall be forwarded to the Sub recipient within 30 days of approval.

3. Allowable costs shall mean those necessary and proper costs identified in this Agreement and approved by the County, unless any or the United States Department of Housing and Urban Development disallows all such costs.

4. Any payments made under this Agreement must comply with the applicable requirements of the CDBG, HOME and/or ESG programs. The Sub recipient may not request disbursement of funds under this Agreement until the funds are needed for reimbursement of eligible costs, which is at the time the Sub recipient, issues a check to the vendor/payee. The amount of each request must be limited to the amount expended for the work submitted on each respective payment request.

5. Payment requests shall be submitted to:

Clayton County Community Development Department
HUD Programs Division
ATTN: Sr. Program Specialist – CDBG/HOME
1671 Adamson Parkway, Ste. 101
Morrow, Georgia 30260

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

ATTACHMENT A

SUBRECIPIENT PAYMENT REQUEST FORM

Clayton County Community Development Department – HUD Programs Division

DATE OF REQUEST: _____

SECTION 1: Sub recipient Information

Organization: City of Jonesboro

Address: 124 North Avenue Jonesboro, GA 30236

Grant #: B-2020-UC-13-0005

Initial Grant Award: $200,000.00 Expiration Date: December 31, 2021

SECTION 2: Payment Details

Current funds available: **$200,000.00** ***Amount of this request:*** _____

Balance After Request: _____

Description of expenditures: _____

Make Checks Payable To: (If different than sub recipient)

SECTION 3: Approved Budget Line Items

Approved Budget Line Items	Approved Budget Amount	Current Balance	Amount of Current Request	Remaining Balance After Draw
DIRECT PROGRAM EXPENSES				
Total Program Staff Salaries	$	$	$	$
Total Fringe Benefits	$	$	$	$
Contractor, Consultant Invoices	$75,000.00	$	$	$
Architectural/Engineering Costs	$75,000.00			
Infrastructure/Facility Improvements	$50,000.00			
Program Supplies & Materials	$	$	$	$
Food	$	$	$	$
Travel/Mileage ($.575/mile max.)	$	$	$	$
ESG/TBRA Homeless Prevention (e.g. rent deposits, utility payments)	$	$	$	$
Other ESG/TBRA Essential Services (e.g. childcare, employment, health, transportation, etc.)	$	$	$	$
Other Direct Program Expenses (Explain):		$	$	$
INDIRECT PROGRAM EXPENSES				
Office Rents:	$	$	$	$
Office Supplies and Materials	$			
Utilities:	$	$	$	$
Postage	$			
Telephone/Communications:	$	$	$	$
Payroll, Audit & Accounting:	$	$	$	$
Conferences and Trainings:	$	$	$	$
Insurances/Bonding:	$	$	$	$
Printing/Reproduction:	$	$	$	$
Equipment:	$	$	$	$
Other Operating Costs:	$	$	$	$
TOTAL	**$200,000.00**			

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

ASSIGNED PERSONNEL EXPENSES

Employee and/or Consultant Name	Total Budget Cost	Current Balance	Amount Of Request	Remaining Balance	Total Fringe Benefit Cost	Current Balance	Amount Of Request	Remaining Balance
	$75,000.00	$	$	$	$	$	$	$
	$75,000.00	$	$	$	$	$	$	$
	$50,000.00	$	$	$	$	$	$	$
	$	$	$	$	$	$	$	$
	$	$	$	$	$	$	$	$

SECTION 4: Match Fund (if applicable)

Matching Fund Source	Total Allocated to Project	Current Amount Expended	Remaining Match

SECTION 5: Certification

By signing this request for payment, I certify that:

- This organization is fully in compliance with all requirements detailed in the sub recipient agreement;
- All required backup documentation is on file and will be available for inspection for a period of three years from the date of the final disbursement of funds under this grant;
- The expenditures covered by this request meet all HUD eligibility requirements and comply with all terms and conditions of the sub recipient agreement;
- The amounts are true and correct;
- No part of this request is a duplicate of payment received for any other source, goods or services under this agreement or any other federal program
- This request does not supplant existing funding from other Federal, State or local sources designed to include this expenditure

Authorizing Personnel

Typed/Printed Title of Authorized Personnel

Signature

Date

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

CLAYTON COUNTY GEORGIA

CDBG DIRECT BENEFICIARY REPORT for PUBLIC SERVICES

Report should be based on # INDIVIDUALS served. Only one contract period should be reported on this form. All clients carried over from previous contract are to be reported as new during first month of current contract. Enter each client only once in the appropriate Race/Ethnicity column.

Project Name: _____ Contract Period (M/Yr): _____ thru _____

Agency Name: _____

RACE[1]	White		Black/African-American		Black/African American and White		Asian		Asian & White		American Indian or Alaska Native		Am. Indian/ Alaska Native & White		Am. Indian/ Alaska Native & Black/African American		Native Hawaiian/ Other Pacific Islander		Other Multi Racial		TOTAL SERVED	Choose only 1 per client: INCOME LEVEL[2] Extr'y Low 0-30%	Very Low 31-50%	Low 51-60%	Mod. 61-80%	GENDER: Male	Female	Trans-gender	Other	DISABLED # of Clients with a Disability[3]	FHH Female-Headed House-holds
Hispanic/Latino ethnicity?	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*	*not H*	*H*		of area median family income									
2019 January																															
February																															
March																															
April																															
May																															
June																															
July																															
August																															
September																															
October																															
November																															
December																															
Year's Subtotal																															
2020 January																															
February																															
March																															
April																															
May																															
June																															
July																															
August																															
September																															
October																															
November																															
December																															
Year's Subtotal																															
TOTAL																															
Total by Ethnicity																					*Total All Incomes*					*Total all Genders*				

[1] Those who are White, Black, or in another racial group may also self-identify as being of Hispanic origin. Count persons of Hispanic-ethnicity in "H" column. Non-Hispanic persons, count in "not H" column. Use only ONE cell/column per client.

[2] Designations of Extremely Low, Low, or Moderate Income should be based on current income limits. This breakdown is not required for projects serving primarily "presumed benefit" clients: homeless, elderly (aged 62 and older), abused children, battered spouses, and disabled persons. Income level for "Presumed Benefit": Homeless-extremely low; abused children-extremely low; DV, severely disabled adults, illiterate adults, persons with AIDS-low; elderly served in senior centers-moderate; other elderly (non-center-served)-low

[3] Person with a Disability: Any person who has a physical or mental impairment that substantially limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing, or learning; or, is regarded as having such an impairment. (24 CFR 8.3)

Name of person preparing this form: _____ Phone #: _____

Title/Staff position: _____ Email: _____

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EXHIBIT 2
MANDATED REPORTS

A. **Maximum Family/Household Income Limits for Clayton County, Georgia**

- Income is Counted for **All** persons living in the household
- HUD changes the income limit yearly, per HUD's fiscal year.
- For HUD's Income limit report, please visit:

https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn

B. **Direct Benefit Activity Report**

FY 2020 Income Limit Area	Median Family Income	FY 2020 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Clayton County, GA	$72,200	Low (80%) Income Limits	$40,450	$46,200	$52,000	***$57,750***	$62,400	$67,000	$71,600	$76,250
		Very Low (50%) Income Limits	$25,250	$28,900	$32,500	***$36,100***	$39,000	$41,900	$44,750	$47,650
		Extremely Low (30%) Income Limits	$15,150	$17,350	$19,500	***$21,650***	$23,400	$25,150	$26,850	$28,600

1. Monthly progress reports will be completed electronically for the duration of the grant activity. Please list below the email address(es) of the staff member(s) that will be responsible for completing the report. Access to the electronic form will be sent via email upon the final execution of the grant agreement.

   Primary Email Address: jday@jonesboroga.com
   Secondary Email Address: rclark@jonesboroga.com

2. Beneficiary reports shall be completed for the prior month's activities by the 10th of each month during the grant period. All persons served are to be reported only during the 1st month they are served.
3. Retention of monthly beneficiary reports is for a period of 5 years.

C. **Minority and Women Owned Business Report**

If contractors are hired for construction work, the MBE report must be completed twice a year and sent to the Office of HUD programs. The report for October – March is due on April 10, and the report for April –September is due October 10.

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

EXHIBIT 3
PROCUREMENT

(A.) **Documenting Compliance**

Procurement requirements are made to ensure that supplies, equipment, construction, and services are obtained as efficiently and economically as possible, as well as in a manner that provides open and free competition. In accordance with the federal regulations of 2 CFR 200 Subpart D –Post Federal Award Requirements, the Sub recipient will comply with the following procurement procedures:

1. The Sub recipient shall prepare, or cause to be prepared, all advertisements, negotiations, notices, and other documents; and enter into all contracts; and conduct all meetings, conferences, and interviews as necessary to insure compliance.

2. The Sub recipient must also check and document the federal list of debarred contractors/excluded parties for all contractors prior to awarding contracts.

3. Every agency should keep procurement records that allow an auditor or other interested party to track the specific nature of the goods/services bought with public funds. At a minimum, must keep a description of the procurement procedures used on the project, data on all contracts awarded, and the amount each contract awarded. Records retention at a minimum of 3 years after final payment.

4. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.

(B.) **General Requirements for Procurement**

The Sub recipient is required to:

1. Establish written selection procedures for procurement (e.g. Policies & Procedure manual), which provide guidance on:
    a. A code of conduct for award or administration of contracts
    b. Procedures for transactions
    c. Procedures for protest and
    d. Documenting a system of contract administration.

2. Maintain records on significant history of procurement;

3. Take all necessary affirmative steps to assure that minority firms, women business enterprises, and labor surplus area firms are used when possible.

For Construction Contracts the following regulations are applicable:

- Copeland Anti-Kickback Act, 29 CFR 3
- Compliance with Contract Work Hours & Safety Standards (standards promulgated by the Secretary of Labor, Section 107)
- Davis-Bacon Act (29 CFR part 1,3,5,6, & 7)
    - Federal law which established the requirement for paying prevailing wages on public works projects.

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

- Applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of $2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.

(C.) **Prohibited Procurement Procedures**

The Sub recipient is restricted from procedures that include:

- "Cost plus a percentage of cost" contracts;
- Making awards made to debarred, suspended, or ineligible parties (check federal list of debarred contractors at https://www.sam.gov) per 2 CFR 200.318(c) (1).
- Exclusions of contractors that develop or draft specifications.

(D.) **Procurement Methods**

There are four types of procurement methods:

1. **Small Purchase Method**
   - Per Clayton County, services, supplies or other property do not cost more than the current threshold of $25,000 and $150,000 under federal requirements; and
   - The Sub recipient must provide receipts of price or rate quotation from at least three qualified vendors.

2. **Competitive Sealed Bid Method**
   - Typically used for construction contracts;
   - Bids are publicly solicited through formal advertising and a firm fixed-price or lump-sum contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.

3. **Competitive Proposal Method**
   - Typically used in selection of professional service providers;
   - Either a fixed-price or "not-to-exceed" contract is awarded; and
   - More than one source submitting proposal.

   For competitive proposals, service provider must respond to either:

   a. Request for Proposal (RFP)
      - Must clearly and accurately state the technical requirements for goods and services
      - Must **publicize** the RFP and honor reasonable requests by parties to have an opportunity to compete.
      - Proposals must be solicited from an adequate (usually 3) number of qualified sources
      - Must conduct a technical evaluation of the submitted proposals to identify the responsible offers.
      - Award made to responsible bidder whose proposal is most advantageous to project including price

   b. Request for Qualifications (RFQ)
      - Most qualified competitor is selected based on evaluation of qualifications.
      - Price is not used as a selection factor
      - This approach may be used **only** to purchase architectural and engineering services.
      - Cannot be used for other types of services

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

4. **Noncompetitive or Sole Source Provider Method**
   - This method is used only under VERY limited circumstances when:
   - Items or service is available from one source.
   - A project is bid out and only one response comes in, this bidder is acceptable if cost is reasonable. Negotiation of cost is acceptable.
   - Used when a public emergency or urgency exists

(E.) **Sample of Procurement Posting**

*****SAMPLE ADVERTISEMENT*****

ADVERTISEMENT TO BID
CITY OF JONESBORO, GEORGIA
ADA SIDEWALK & CURB CUT PROJECT

FEBRUARY 28, 2018

The City of Jonesboro, Georgia (the City), invites separate sealed bids for furnishing all materials, labor, tools, equipment and incidentals necessary for the reconstruction of the aforementioned project. The City of Jonesboro, Georgia, herein referred to as the "Owner" will receive sealed bids at Jonesboro City Hall located at: 124 North Avenue, Jonesboro, Georgia 30236 – ATTN: City Clerk, until 4:00 p.m. (local time) on March 30, 2018, at which time, the names of the responders will be read aloud. **Any bid received after 4:00 p.m. on March 30, 2018 will be returned unopened to the submitter(s).**

As a Federally funded project, procurement for this Project is being carried out in compliance with the "Common Rule," 24 CFR 85.36, and with the written procurement requirements of the City of Jonesboro.

The Project consists of the work specified or indicated on the specifications for the Project referenced herein.

A PRE-BID Conference will be held at Jonesboro City Hall, 124 North Avenue, Jonesboro on Friday, March 16th, 2018 at 10:00 a.m., local time. Prospective bidders are encouraged to attend.

City Clerk- Janice Truhan

(F) **Construction Contractor Bonding**

There are three (3) types of bonds:

1. **Bid Bonds**
   - A guarantee from each bidder equivalent to five percent (5%) of the bid price.
   - Submitted in a form that guarantees funds availability
   - Checks are returned
2. **Performance Bonds**
   - Required on all public work projects greater than $100,000
   - Bond must be equal to 100% of the contract price
   - Must be held for up to one year (1yr) after date of completion.
3. **Payment Bonds**
   - Required on all public work projects greater than $100,000
   - Bond must be equal to 100% of the contract price
   - Must guarantee payment to subcontractors and material supplier

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

(G) **Construction Contract File Checklist**

Bid Section

- ☐ In house list of contractors that legal notice was sent to.
- ☐ Copy of actual notice that appeared in the paper.
- ☐ Bill from newspaper for legal notice.
- ☐ Copy of Bid Forms.
- ☐ Copy of Bid Bonds.
- ☐ Copy of signed "Representations, Certifications, and Other Statements of Bidders", *form HUD-5369-A.*
- ☐ Copy of Non-Collusive Affidavits.
- ☐ Copy of bid tabulation sheet.
- ☐ Agency letter of recommendation to award contract.
- ☐ Copy of independent cost estimate for proposed construction contract.
- ☐ Cost Estimate / Bid Analysis

Contract Award Section

- ☐ Copy of cost or price analysis.
- ☐ Documentation to support the rational for award of the contract.
- ☐ Documentation to support that the contractor was cleared from the Suspended and Debarred listing.
- ☐ Copy of Performance Bond.
- ☐ Copy of Payment Bond.
- ☐ Copy of signed contract.
- ☐ Copy of insurance certificates.
- ☐ Copy of pre-construction checklist.
- ☐ Section 3 Plan

Specifications and Drawings

- ☐ Copy of contract specifications.
- ☐ Copy of any bidding addendums.
- ☐ Copy of drawings.
- ☐ Copy of Schedule of Values
- ☐ Copy of construction schedule

Change Orders

- ☐ Copy of change order documents.
- ☐ Copy of cost or price analysis.
- ☐ Documentation to support the rational for award of the change order. - Finding of Fact and supporting documents.

Contractor Payments and Payrolls

- ☐ Copy of all contractor payment requests.
- ☐ Supportive documentation.
- ☐ Copy of certified payrolls and approvals

Closeout Documents and General Correspondence

- ☐ Miscellaneous correspondence.
- ☐ Copy of final inspections and punch lists.
- ☐ Contract closeout documents.
- ☐ Copy of all warranties.

☐ Copy of all operation and maintenance manuals.

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

EXHIBIT 4
AGREEMENT AMENDMENT

[Add Amendments, When Needed]

Attachment: CDBG - Suprecipient Agreement - Broad Street 2020 (1669 : CDBG - Broad Street Plaza)

Community Development Department
121 South McDonough Street, Jonesboro, GA 30236
Office: (770) 477-3569
https://www.claytoncountyga.gov/government/community-development

May 26, 2020

Honorable Mayor Joy Day
City of Jonesboro
124 North Avenue
Jonesboro, GA 30236

RE: Clayton County 2020 Funding Notification

Dear Honorable Mayor Day:

This letter acknowledges that City of Jonesboro has been awarded the amount of $200,000.00 in the 2020 CDBG Program for Broad Street Plaza.
In preparation of the Sub-recipient Agreement, please complete the attached Scope of Work and Budget forms and return to our office electronically no later than **Friday, June 12th, 2020 by 5:00 P.M.**

If you have questions, please contact Ashley Patterson, Senior Program Specialist, at ashley.patterson@claytoncountyga.gov or by phone at (770) 210-5213.

Sincerely,

Linda Boswell
HUD Programs Manager

Enclosures – Scope of Work and Budget Forms
cc: James Talley, Financial Compliance Manager
cc: Ashley Patterson, Senior Program Specialist

Attachment: Funding Notification- Broad Street - CDBG (2020) (1669 : CDBG - Broad Street Plaza)

STATE OF GEORGIA

CITY OF JONESBORO

RESOLUTION NO. 2019-015

A RESOLUTION OF THE CITY OF JONESBORO, GEORGIA, AUTHORIZING SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, the City of Jonesboro, Georgia, (hereinafter referred to as the "City") is a Municipal Corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, federal monies are available under the Clayton County Community Development Block Grant program for the purpose of the provision or improvement of public facilities; and

WHEREAS, after due consideration, the Mayor & City Council of the City of Jonesboro has recommended that an application be submitted for the following project: Broad Street Plaza Project; and

WHEREAS, the Council has reviewed the need for the proposed project(s) and the benefit(s) to be gained there from and believe this project to be in the best interest of the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Jonesboro does hereby approve and authorize the preparation and filing of an application for the above-name project(s); and that the Mayor is hereby authorized to sign all necessary documents on behalf of the City Council: and that authority is hereby granted to the Mayor to take the necessary steps to prepare and file the application for funds under this program in accordance with this resolution.

SO RESOLVED AND EFFECTIVE, this 9th day of December, 2019

APPROVED:

ATTEST:

_____
Joy B. Day, Mayor

_____
Ricky L. Clark, Jr., City Manager

APPROVED AS TO FORM:

(SEAL)

_____
Steve Fincher, City Attorney

Attachment: RES 2019-15 - CDBG Approval (Broad Street) (1669 : CDBG - Broad Street Plaza)

CITY OF JONESBORO, GEORGIA COUNCIL

Agenda Item Summary

Agenda Item # – 17

COUNCIL MEETING DATE
July 6, 2020

Requesting Agency (Initiator)	**Sponsor(s)**
Office of the City Manager	Community Development Director Allen

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*
Council to consider lifting from table, Ordinance 2020-013, a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III "Specimen Tree Protection" to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

Requirement for Board Action *(Cite specific Council policy, statute or code requirement)*
Chapter 82, Article III Tree Protection Standards

Is this Item Goal Related? *(If yes, describe how this action meets the specific Board Focus Area or Goal)*
Beautification, Community Planning, Neighborhood and Business Revitalization, Safety, Health and Wellbeing

Summary & Background *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

(a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process within the City limits of Jonesboro.

(b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.

(c) Continue to maintain the City as an attractive place to live.

(d) Continue to maintain a healthy living environment in the City.

(e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.

(f) Minimize increases in air pollution and carbon dioxide levels in the air.

(g) Minimize increases in temperature on lands with natural tree cover.

(h) Minimize soil erosion and storm-water runoff and maintain water quality.

(i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective,

FOLLOW-UP APPROVAL ACTION (City Clerk)

Typed Name and Title	**Date**	06/01/20 City Council PUBLIC HEARING REQUIRED Next: 06/08/20 06/08/20 City Council TABLED Next: 07/06/20
Ricky L. Clark, City Manager	July, 6, 2020	
Signature	**City Clerk's Office**	

efficient and economical manner;

(j) Maintain City trees in a healthy and nonhazardous condition.

Sec. 82-23. - Findings.

(a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.

(b) Trees are economically beneficial in attracting new residents and tourists.

(c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.

(d) Trees of significant size are recognized to maintain, and even enhance, property values.

(e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.

(f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.

(g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

The proposed City of Jonesboro Tree Protection Ordinance is more limited in scope than Clayton County tree protection measures, for several reasons:

1. The County still has large swaths of undeveloped land, whereas the City is largely built out.
2. Staff believes that the landscaping provisions of Article XV of the Zoning Code, Landscaping and Buffers, are already adequate for meeting the buffering and parking needs of remaining undeveloped land in the City.
3. The County's practices of meeting tree density requirements for existing and new plantings on developed properties are not necessary in the City, which is noted for retaining significant tree cover throughout.

Thus, the emphasis of the proposed City Ordinance is preserving the quality vegetation that the City already has, on commercial, industrial, institutional, and even single-family residential properties. If the City recognizes the value of its architecture and signage, then it must also value its natural assets and seek some form of compensation for significant vegetation that must be removed. No indiscriminate, purposeless clear cutting will be allowed on City properties. However, in the interests of respecting personal property rights, certain provisions for selective tree removal are made in this Ordinance.

The City's vegetative assets must be protected before it is too late.

Update for June 8th meeting: Based on comments from the Mayor and Council at the June 1st meeting, particularly concerning the treatment of residential properties, the Ordinance was revised with revisions in bold red in the attached Ordinance called "Tree Protection Ordinance REV".

Update for 7.6.20 meeting: The initial version of the Specimen Tree Protection Ordinance was reviewed and discussed during the June Council meetings. The public hearing requirement was also fulfilled on June 8th. The item was tabled until the July meetings, due to several comments and concerns from the Mayor and

Council in June, including:

1. **Softening the impact on existing residential property owners in regards to specimen tree protection requirements.**
2. **Clarifying that tree professionals other than certified arborists can also prepare reports relating to specimen tree removal.**
3. **Clarify what control, if any, the City could have over utility companies excessively pruning trees.**
4. **Clarify certain aspects of the Penalties section of the Ordinance.**
5. **Add a legal mechanism by which property owners can deal with limbs, etc. extending from adjacent properties.**
6. **Clarify what types of vegetation will be regulated by the City and what types will not.**

Some of these items were addressed in time for the June 8th meeting. For the July 6th meeting, all items have been addressed, based on a comprehensive review by the City Attorney's office.

Once again, this Ordinance only concerns itself with the protection of certain types and sizes of trees within the City limits.

Fiscal Impact *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*

n/a

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

- TREE PROTECTION ORDINANCE
- Legal Notice - Specimen Tree Protection Ordinance
- TREE PROTECTION ORDINANCE REV
- FD TREE PROTECTION ORDINANCE V4
- FD TREE PROTECTION ORDINANCE V6

Staff Recommendation *(Type Name, Title, Agency and Phone)*

Approval

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

(a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process within the City limits of Jonesboro.

(b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.

(c) Continue to maintain the City as an attractive place to live.

(d) Continue to maintain a healthy living environment in the City.

(e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.

(f) Minimize increases in air pollution and carbon dioxide levels in the air.

(g) Minimize increases in temperature on lands with natural tree cover.

(h) Minimize soil erosion and storm-water runoff and maintain water quality.

(i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;

(j) Maintain City trees in a healthy and nonhazardous condition.

(Ord. xx-xx-xx)

Sec. 82-23. - Findings.

(a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.

(b) Trees are economically beneficial in attracting new residents and tourists.

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

(c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.

(d) Trees of significant size are recognized to maintain, and even enhance, property values.

(e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.

(f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.

(g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

(Ord. xx-xx-xx)

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most current version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

(Ord. xx-xx-xx)

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The length of time the land will be so utilized;
(2) The productivity of land in its present use;
(3) The relationship of the property to the comprehensive zoning plan; and

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

(4) The current zoning classification of such lands as delineated on the official zoning map.

Caliper. The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

(1) For existing preserved trees, at a point four and one-half feet above the ground;

(2) For new replaced trees, at a point six inches above ground; and

(3) For multiple trunk trees, as provided in the measure of diameter at breast height.

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Private tree. Any tree located on private property.

Pruning. The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

Topping. The severe cutting back of tree branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

(1) The improper use of machinery on the trees;

(2) The storage of materials in or around the trees;

(3) Soil compaction;

(4) Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;

(5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;

(6) Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);

(7) Excessive topping;

(8) Removal of more than 20 percent of the critical root zone;

(9) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and

(10) The application of herbicides or defoliants to any tree without first obtaining a permit.

Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

(Ord. xx-xx-xxx)

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

(a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;
(b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;
(c) All proposed development along private drives and / or easements;
(d) Infrastructure projects crossing public and / or private properties;
(e) All exterior renovations, alterations, and / or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
(f) All exterior renovations, alterations, and / or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
(g) Any specimen tree(s) scheduled for significant pruning / thinning, topping or removal on already developed commercial, industrial, or institutional properties, not exempted under Section 82-29;

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

(h) Any specimen tree(s) scheduled for significant pruning / thinning, topping or removal on already developed residential properties, including the Historic Residential Overlay, not exempted under Section 82-29;
(i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-29;
(j) *Applicability to public land.* The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

(Ord. xx-xx-xxx)

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any properties, or a portion thereof, within the City limits, for any reason, is strictly prohibited. The topping of specimen trees, by anyone other than authorized public officials or private professionals, is also prohibited.

(Ord. xx-xx-xxx)

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

(Ord. xx-xx-xxx)

Sec. 82-29. - Specimen tree criteria.

a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).

1. *Size criteria:*

    a. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
    b. *Large softwood trees*. 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
    c. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.
    d. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

2. *Condition criteria:*

    a. At least ten years life expectancy.

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b. Trunk is relatively sound and solid with no extensive decay.
c. No more than one major and several minor dead limbs readily visible (hardwoods only).
d. No major insect or pathological problem, per a certified arborist report.

b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.

c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30.

d) Specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.

e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.

f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees (such as certified arborists' reports) shall be at the expense of the developer / property owner, save for public trees.

(Ord. xx-xx-xxx)

Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

a) *Removal due to death, disease or infestation.* Upon the official report of a certified arborist and/or a qualified representative of the State Forestry Commission, in accordance with commonly accepted forestry practices and a finding of tree death, disease or infestation, the removal of one of more private specimen trees on a residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist and /or qualified representative of the of the State Forestry Commission, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.

d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.

e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.

f) *Trail / pathways.* Municipal projects designed and maintained under the City of Jonesboro's green space objectives.

g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary topping.)

h) *Grandfathered projects.*

1. This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.

2. In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.

i) *Horticulture.* Active horticultural operations, including:

1. All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;

2. All orchards of trees in active commercial operation;

3. This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

j) *Bona fide agricultural operations.*

k) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

(Ord. xx-xx-xxx)

Sec. 82-31. – Tree Protection Plans

a) New developments.

1. *With disturbance of 1 acre or above*. For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:
    - *a.* North arrow and graphic scale (same scale as erosion control plans);
    - *b.* Boundary survey of the entire property to be developed;
    - *c.* Limits of clearing and proposed erosion control fencing **in bold**;
    - *d.* Approximate tree line (prior to clearing) on entire property;
    - *e.* Location **in bold** of all required buffers on the subject property;
    - *f.* *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
    - *g.* Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burnholes, equipment washdown areas and entrance pads.
    - *h.* Location **with bold circles** of all existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;
    - *i.* Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved;
    - *j.* Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;
    - *k.* Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;
    - *l.* Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
    - *m.* Any relevant construction details such as tree protection fence, tree planting, etc.
2. *With disturbance less than 1 acre*. For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

the specific area on the subject property to be altered, with the following additional information:

a. North arrow and graphic scale (same scale as erosion control plans);
b. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
c. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height;
d. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height;
e. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
f. Any relevant construction details such as tree protection fence, tree planting, etc.

b) *Developed properties.* For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc. the following information is required:

1. Simple site plan, showing all existing structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height;
2. Photographs of all specimen trees requested to be removed;
3. Where applicable, official report of a certified arborist and/or a qualified representative of the State Forestry Commission, documenting a finding of tree death, disease or infestation;
4. Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure.

c) *Master plans.* It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

(1) An approved preliminary plan or master plan is already on file at City Hall.

(2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.

(3) Only pines and other softwoods may be harvested.

(Ord. xx-xx-xxx)

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property, and, where applicable, trees within buffers.

a) Tree *preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.

1. The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.

2. Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.

3. Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.

b) Protective *barriers.*

1. Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance.
All protective barriers shall be installed according to the City standards of practice as outlined in this Article.

2. All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.

3. All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.

4. All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor shall plan revision activities stop the department from instituting action for violation of this article.

1. New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:

a. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;

b. Trees must be at least four inch caliper;

c. Species selected for planting must be ecologically compatible with the specifically intended growing site;

d. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.

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e. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;

f. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provisions of City regulations;

g. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

(Ord. xx-xx-xxx)

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property, the following replacement ratios shall apply:

a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. *20 / 4 = 5 trees*

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. *21 / 4 = 5.25 = 6 trees*

b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. 24 / 2 = 12 / 4 = 3 trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. 26 / 2 = 13 / 4 = 3.25 = 4 trees

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. *12 / 4 = 3 trees*

For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. *13 / 4 = 3.25 = 4 trees*

d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount of same-species, replacement trees double the amount of specimen trees removed.

For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. *1 tree x 2 = 2 trees*

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

(Ord. xx-xx-xxx)

Sec. 82-34. - Tree bank and tree fund.

a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.

b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.

c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund.

d) Tree *Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer / property owner's expense.

e) Tree *bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.

f) *Value.* The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

(Ord. xx-xx-xxx)

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

(Ord. xx-xx-xxx)

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

(Ord. xx-xx-xxx)

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed $1,000.00 per day, or confinement in jail not to exceed six months, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to $1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.

b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive or other equitable relief to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.

c) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

(Ord. xx-xx-xxx)

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

Sec. 82-38. - Severability.

a) It is hereby declared to be the intention of the Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, were upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

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

(Ord. xx-xx-xxx)

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native / indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees

Genus Quercus (Oak)

Acceptable species (with related cultivars)

Quercus phellos (Willow Oak)

Quercus palustris (Pin Oak)

Quercus virginiana (Live Oak)

Quercus stellata (Post Oak)

Quercus rubra (Northern Red Oak)

Quercus coccinea (Scarlet Oak)

Quercus acutissima (Sawtooth Oak)

Genus Acer (Maple)

Acceptable species (with related cultivars)

Acer rubrum (Red Maple)

Acer saccharum (Sugar Oak)

Acer platanoides "Crimson King' et.al. (Norway Maple cultivars)

Acer saccharum nigrum (Black Maple)

Acer barbatum (Southern Sugar Maple)

Genus Ulmus (Elm)

Acceptable species (with related cultivars)

Ulmus parvifolia (Chinese Elm)

Ulmus pumila (Siberian Elm)

Ulmus rubra (Slippery Elm)

Ulmus alata (Winged Elm)

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

Zelkova serrata (Japanese Zelkova)

Other acceptable hardwood species (with related cultivars)

**Acer buergeranum (Trident maple)*
**Acer ginnala (Amur Maple)*
**Acer palmatum (Japanese Maple)*
Aesculus parviflora (Bottlebrush buckeye)
Aesculus pavia (Red buckeye)
Aesculus sylvatica (Georgia buckeye)
Betula lenta (Sweet birch)
Betula nigra (River birch)
Carpinus caroliniana (American hornbeam)
Carya australis (Southern shagbark hickory)
Carya ovata (Shagbark hickory)
**Cercis Canadensis (Redbud)*
**Cornus alternifolia (Pagoda dogwood)*
**Cornus florida (Flowering dogwood)*
**Cornus kousa (Kousa dogwood)*
Crataegus phaenopyrum (Washington hawthorn)
Fagus grandifolia (American beech)
Fraxinus americana (White ash)
Fraxinus pennsylvanica (Green ash)
Gleditsia triacanthus (Honey locust)
Halesia Carolina (Silverbell)
Ilex longpipes (Georgia holly)
Ilex opaca (American holly)
**Ilex verticillata (Winterberry)*
**Ilex vomitoria (Yaupon holly)*
Liriodendron tulipifera (Tulip tree)
Magnolia grandiflora (Southern magnolia)
Magnolia macrophylla (Bigleaf magnolia)
Nyssa aquatic (Water tupelo)
Nyssa sylvatica (Black gum)
Ostrya virgniana (Eastern hophornbeam)
Oxydendrum arboretum (Sourwood)
Planera aquatica (Planetree)
Platanus x acerifolia (London planetree)
**Prunus caroliniana (Cherry laurel)*
**Prunus serotina (Black cherry)*
Sassafras albidum (Sassafras)
Taxodium distichum (Bald cypress)
Tilia americana (American basswood)
Tilia caroliniana (Carolina basswood)

**Denotes specimen understory tree*

Acceptable softwood species (with related cultivars)

Juniperus silicicola (Southern red cedar)
Juniperus virginiana (Eastern red cedar)
Pinus echinata (Shortleaf pine)
Pinus palustris (Longleaf pine)
Pinus strobus (Eastern white pine)
Pinus taeda (Loblolly pine)
Pinus virginiana (Virginia pine)
Tsuga Canadensis (Eastern hemlock)

(Ord. xx-xx-xxx)

Attachment: TREE PROTECTION ORDINANCE (1646 : Tree Protection Ordinance)

Legal Notice

Public Hearing will be held by the Mayor and Council of the City of Jonesboro at 6:00 P.M. on June 8, 2020, via Zoom Meetings, to consider a proposed text amendment to the City of Jonesboro Code of Ordinances, with the addition of Article III “Specimen Tree Protection” to Chapter 82 – Vegetation, of the City of Jonesboro Code of Ordinances.

David Allen
Zoning Administrator / Community Development Director

Publish 05/20/20

Attachment: Legal Notice - Specimen Tree Protection Ordinance (1646 : Tree Protection Ordinance)

CHAPTER 82. - VEGETATION

ARTICLE III. – SPECIMEN TREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

(a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process **on non-residential properties** within the City limits of Jonesboro.

(b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.

(c) Continue to maintain the City as an attractive place to live.

(d) Continue to maintain a healthy living environment in the City.

(e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.

(f) Minimize increases in air pollution and carbon dioxide levels in the air.

(g) Minimize increases in temperature on lands with natural tree cover.

(h) Minimize soil erosion and storm-water runoff and maintain water quality.

(i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;

(j) Maintain City trees in a healthy and nonhazardous condition.

(Ord. 06-08-20)

Sec. 82-23. - Findings.

(a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.

(b) Trees are economically beneficial in attracting new residents and tourists.

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(c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.

(d) Trees of significant size are recognized to maintain, and even enhance, property values.

(e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.

(f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.

(g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

(Ord. 06-08-20)

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most recently adopted version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

(Ord. 06-08-20)

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The length of time the land will be so utilized;
(2) The productivity of land in its present use;
(3) The relationship of the property to the comprehensive zoning plan; and

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(4) The current zoning classification of such lands as delineated on the official zoning map.

Caliper. The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

(1) For existing preserved trees, at a point four and one-half feet above the ground;

(2) For new replaced trees, at a point six inches above ground; and

(3) For multiple trunk trees, as provided in the measure of diameter at breast height.

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

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Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Other qualified authority. Any person or entity that has demonstrated knowledge and experience in the field of proper tree care and maintenance.

Private tree. Any tree located on private property.

Pruning. **The selective elimination or cutting back** of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

Topping. The severe cutting back **of all, or nearly all, of branches on a tree**, to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

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Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

(1) The improper use of machinery on the trees;

(2) The storage of materials in or around the trees;

(3) Soil compaction;

(4) Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;

(5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;

(6) Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);

(7) Excessive topping;

(8) Removal of more than 20 percent of the critical root zone;

(9) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and

(10) The application of herbicides or defoliants to any tree without first obtaining a permit.

Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

(Ord. 06-08-20)

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

(a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;
(b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;
(c) All proposed development along private drives and / or easements;
(d) Infrastructure projects crossing public and / or private properties;
(e) All exterior renovations, alterations, and / or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;
(f) All exterior renovations, alterations, and / or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

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(g) Any specimen tree(s) scheduled for **topping or removal** on already developed commercial, industrial, or institutional properties, not exempted under Section 82-29;
(h) Any specimen tree(s) scheduled **for topping or removal on already developed residential properties, only within the Historic Residential Overlay**, not exempted under Section 82-29;
(i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-29;
(j) *Applicability to public land.* The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

(Ord. 06-08-20)

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any undeveloped or already developed residential, commercial, industrial, or institutional properties, or a portion thereof, within the City limits, is strictly prohibited without prior approval by the Community Development Department and the Mayor and City Council. The topping of specimen trees, by anyone other than authorized public officials **and/or** private professionals, is also prohibited.

(Ord. 06-08-20)

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

(Ord. 06-08-20)

Sec. 82-29. - Specimen tree criteria.

a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).

1. *Size criteria:*

a. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
b. *Large softwood trees*. 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
c. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.

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d. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

2. *Condition criteria:*
   a. At least ten years life expectancy.
   b. Trunk is relatively sound and solid with no extensive decay.
   c. No more than one major and several minor dead limbs readily visible (hardwoods only).
   d. No major insect or pathological problem, per a certified arborist **or other qualified authority** report.

b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.

c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30. **For property owners with questions as to whether trees proposed to be removed qualify as specimen trees, the Zoning Administrator shall be contacted to confirm tree status onsite.**

d) **With the exception of already developed single-family detached and duplex residential lots,** specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.

e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.

f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals **and other qualified authorities**, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees shall be at the expense of the developer / property owner, save for public trees.

(Ord. 06-08-20)

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Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

a) *Removal due to death, disease or infestation.* Upon the official report of a **certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority**, and a finding of tree death, disease or infestation, the removal of one of more private specimen trees on any residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist **or other qualified authority**, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees **over time** be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject **specimen** tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall **promptly** consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees **over time** be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

1. ***Rights of property owners with tree and/or branch encroachments onto their properties*. Property owners dealing with whole trees (whether specimen or not) and branches of trees encroaching onto their properties have certain rights and allowable practices to remediate the encroachment:**
   - **Property owners shall have the right to cut off branches and roots that stray into their property. The affected property owner can trim only up to the boundary line and must obtain permission to enter the tree owner's property. A property owner cannot cut the entire tree down and cannot destroy the structural integrity or the cosmetic symmetry and appeal of a tree by improper trimming. A property owner who finds a neighbor's tree encroaching must first give notice to the tree owner prior to commencing work and give the tree owner the chance to correct the problem. If the tree owner does nothing, the tree can still be trimmed.**
   - **If a tree owner allows the tree to grow so that it uproots a fence, it shall be considered an encroachment onto the adjacent property. In that instance, the tree owner shall be required to remove the offending tree.**
   - **Leaves, flowers, pods, nuts, fruits, etc. which fall off and end up on adjacent property are considered a natural occurrence and are the**

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responsibility of the landowner on whose property they ultimately come to rest.

- **A boundary tree is one planted on the boundary line itself and shall not be removed without mutual agreement from the affected property owners.**

c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.

d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.

e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.

f) *Trail / pathways.* Municipal projects designed and maintained under the City of Jonesboro's green space objectives.

g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary topping.)

h) *Grandfathered projects.*

1. This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.
2. In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.

i) *Horticulture.* Active horticultural operations, including:

1. All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;
2. All orchards of trees in active commercial operation;
3. This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

i) Bona fide agricultural operations.

j) General maintenance. **Selective pruning associated with the preservation of a tree.**

k) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

(Ord. 06-08-20)

Sec. 82-31. – Tree Protection Plans

a) New developments.

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1. *With disturbance of 1 acre or above*. For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:
    a. North arrow and graphic scale (same scale as erosion control plans);
    b. Boundary survey of the entire property to be developed;
    c. Limits of clearing and proposed erosion control fencing **in bold**;
    d. Approximate tree line (prior to clearing) on entire property;
    e. Location **in bold** of all required buffers on the subject property;
    f. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
    g. Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burn holes, equipment washdown areas and entrance pads.
    h. Location **with bold circles** of all existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;
    i. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved;
    j. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;
    k. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;
    l. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
    m. Any relevant construction details such as tree protection fence, tree planting, etc.
2. *With disturbance less than 1 acre*. For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing the specific area on the subject property to be altered, with the following additional information:
    a. North arrow and graphic scale (same scale as erosion control plans);
    b. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc;
    c. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height;
    d. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height;

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e. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property;
f. Any relevant construction details such as tree protection fence, tree planting, etc.

b) *Developed properties.* For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc., **the owner shall contact the Zoning Administrator to the property and the following information shall be obtained for consideration and placed in the property file at City Hall:**

1. Simple site plan, showing all existing **major** structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height **(obtained by Zoning Administrator);**
2. Photographs of all specimen trees requested to be removed **(obtained by Zoning Administrator)**;
3. Where applicable, official report of a **certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority**, documenting a finding of tree death, disease or infestation;
4. Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure.
5. **Decisions by the Zoning Administrator on these matters shall be rendered within 3 business days of the Zoning Administrator being contacted.**

c) *Master plans.* It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

(1) An approved preliminary plan or master plan is already on file at City Hall.

(2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.

(3) Only pines and other softwoods may be harvested.

(Ord. 06-08-20)

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property **(excepting already developed single-family detached and duplex residential lots)**, and, where applicable, trees within buffers.

a) Tree *preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.

1. The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.

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2. Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.

3. Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.

b) Protective *barriers.*

1. Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance.
All protective barriers shall be installed according to the City standards of practice as outlined in this Article.

2. All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.

3. All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.

4. All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist **or other qualified authority**, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor shall plan revision activities stop the department from instituting action for violation of this article.

1. New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:

a. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;

b. Trees must be at least four inch caliper;

c. Species selected for planting must be ecologically compatible with the specifically intended growing site;

d. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.

e. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;

f. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in

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accordance with the performance bonding requirements and provisions of City regulations;

g. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

(Ord. 06-08-20)

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property **(excepting already developed single-family detached and duplex residential lots)**, the following replacement ratios shall apply:

a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. *20 / 4 = 5 trees*

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. *21 / 4 = 5.25 = 6 trees*

b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. 24 / 2 = 12 / 4 = 3 trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. 26 / 2 = 13 / 4 = 3.25 = 4 trees

c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

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For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. *12 / 4 = 3 trees*

For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. *13 / 4 = 3.25 = 4 trees*

d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount of same-species, replacement trees double the amount of specimen trees removed.
For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. *1 tree x 2 = 2 trees*

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

(Ord. 06-08-20)

Sec. 82-34. - Tree bank and tree fund.

a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.

b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.

c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund. **The tree bank and tree fund shall not apply to already developed single-family detached and duplex residential lots but shall apply to all lots within a proposed single-family or multi-family residential development during the time of initial clearing and development.**

d) Tree *Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer / property owner's expense.

e) Tree *bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.

f) *Value.* The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

(Ord. 06-08-20)

Attachment: TREE PROTECTION ORDINANCE REV (1646 : Tree Protection Ordinance)

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

(Ord. 06-08-20)

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

(Ord. 06-08-20)

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed $1,000.00 per day, or confinement in jail not to exceed six months, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to $1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.

b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive or other equitable relief to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.

c) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

(Ord. 06-08-20)

Sec. 82-38. - Severability.

a) It is hereby declared to be the intention of the Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms, or words of this article, were upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.

Attachment: TREE PROTECTION ORDINANCE REV (1646 : Tree Protection Ordinance)

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

(Ord. 06-08-20)

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native / indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees

Genus Quercus (Oak)

Acceptable species (with related cultivars)

Quercus phellos (Willow Oak)

Quercus palustris (Pin Oak)

Quercus virginiana (Live Oak)

Quercus stellata (Post Oak)

Quercus rubra (Northern Red Oak)

Quercus coccinea (Scarlet Oak)

Quercus acutissima (Sawtooth Oak)

Genus Acer (Maple)

Acceptable species (with related cultivars)

Acer rubrum (Red Maple)

Acer saccharum (Sugar Oak)

Acer platanoides "Crimson King' et.al. (Norway Maple cultivars)

Acer saccharum nigrum (Black Maple)

Acer barbatum (Southern Sugar Maple)

Genus Ulmus (Elm)

Acceptable species (with related cultivars)

Ulmus parvifolia (Chinese Elm)

Ulmus pumila (Siberian Elm)

Zelkova serrata (Japanese Zelkova)

Ulmus rubra (Slippery Elm)

Ulmus alata (Winged Elm)

Other acceptable hardwood species (with related cultivars)

**Acer buergeranum (Trident maple)*

**Acer ginnala (Amur Maple)*

**Acer palmatum (Japanese Maple)*

Halesia Carolina (Silverbell)

Ilex longpipes (Georgia holly)

Ilex opaca (American holly)

Attachment: TREE PROTECTION ORDINANCE REV (1646 : Tree Protection Ordinance)

Aesculus parviflora (Bottlebrush buckeye)
Aesculus pavia (Red buckeye)
Aesculus sylvatica (Georgia buckeye)
Betula lenta (Sweet birch)
Betula nigra (River birch)
Carpinus caroliniana (American hornbeam)
Carya australis (Southern shagbark hickory)
Carya ovata (Shagbark hickory)
**Cercis Canadensis (Redbud)*
**Cornus alternifolia (Pagoda dogwood)*
**Cornus florida (Flowering dogwood)*
**Cornus kousa (Kousa dogwood)*
Crataegus phaenopyrum (Washington hawthorn)
Fagus grandifolia (American beech)
Fraxinus americana (White ash)
Fraxinus pennsylvanica (Green ash)
Gleditsia triacanthus (Honey locust)
**Ilex verticillata (Winterberry)*
**Ilex vomitoria (Yaupon holly)*
Liriodendron tulipifera (Tulip tree)
Magnolia grandiflora (Southern magnolia)
Magnolia macrophylla (Bigleaf magnolia)
Nyssa aquatic (Water tupelo)
Nyssa sylvatica (Black gum)
Ostrya virgniana (Eastern hophornbeam)
Oxydendrum arboretum (Sourwood)
Planera aquatica (Planetree)
Platanus x acerifolia (London planetree)
**Prunus caroliniana (Cherry laurel)*
**Prunus serotina (Black cherry)*
Sassafras albidum (Sassafras)
Taxodium distichum (Bald cypress)
Tilia americana (American basswood)
Tilia caroliniana (Carolina basswood)

**Denotes specimen understory tree*

Acceptable softwood species (with related cultivars)

Juniperus silicicola (Southern red cedar)
Juniperus virginiana (Eastern red cedar)
Pinus echinata (Shortleaf pine)
Pinus palustris (Longleaf pine)
Pinus strobus (Eastern white pine)
Pinus taeda (Loblolly pine)
Pinus virginiana (Virginia pine)
Tsuga Canadensis (Eastern hemlock)

(Ord. 06-08-20)

Attachment: TREE PROTECTION ORDINANCE REV (1646 : Tree Protection Ordinance)

STATE OF GEORGIA
COUNTY OF CLAYTON
CITY OF JONESBORO

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, GEORGIA, BY ADOPTING AND ADDING A NEW ARTICLE III (SPECIMEN TREE PROTECTION), TO CHAPTER 82 (VEGETATION); TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Jonesboro, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the Mayor and Council desire to provide for the conservation and replacement of certain trees in an effort to continue to maintain the City as an attractive place to live and to minimize increases in air pollution and carbon dioxide levels in the air; and

WHEREAS, it has been found that tree preservation is valuable in providing shade and cooling effects, and in reducing air, noise, and visual pollution; and

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

WHEREAS, the preservation of existing trees is a public purpose that protects the public health, safety, general welfare, and aesthetics of the City of Jonesboro and all its citizens.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

NOW THEREFORE, be it and it is hereby ordained by the Mayor and Council of the City of Jonesboro:

Section 1. The Code of Ordinances of the City of Jonesboro, Georgia, is hereby amended by adopting and adding a new Article III (Specimen Tree Ordinance) to Chapter 82 (Vegetation), and inserting the provisions set forth in Exhibit A attached hereto and made a part by reference.

Section 2. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

enforceable, and of full force and effect.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Jonesboro, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this _____ day of _____, 2020.

{SIGNATURES ON FOLLOWING PAGE}

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

CITY OF JONESBORO, GEORGIA

_____

Joy Day, Mayor

ATTEST:

_____

Ricky L. Clark, Jr., City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

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EXHIBIT A

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(SEE ATTACHED)

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Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

(a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process on non-residential properties within the City limits of Jonesboro.

(b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.

(c) Continue to maintain the City as an attractive place to live.

(d) Continue to maintain a healthy living environment in the City.

(e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.

(f) Minimize increases in air pollution and carbon dioxide levels in the air.

(g) Minimize increases in temperature on lands with natural tree cover.

(h) Minimize soil erosion and storm-water runoff and maintain water quality.

(i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;

(j) Maintain City trees in a healthy and nonhazardous condition.

Sec. 82-23. - Findings.

(a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(b) Trees are economically beneficial in attracting new residents and tourists.

(c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.

(d) Trees of significant size are recognized to maintain, and even enhance, property values.

(e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.

(f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.

(g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most current version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The length of time the land will be so utilized;

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(2) The productivity of land in its present use;
(3) The relationship of the property to the comprehensive zoning plan; and
(4) The current zoning classification of such lands as delineated on the official zoning map.

Caliper. The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

(1) For existing preserved trees, at a point four and one-half feet above the ground;

(2) For new replaced trees, at a point six inches above ground; and
(3) For multiple trunk trees, as provided in the measure of diameter at breast height.

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Other qualified authority. Any person or entity that has demonstrated knowledge and experience in the field of proper tree care and maintenance.

Private tree. Any tree located on private property.

Pruning. The selective elimination or cutting back of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Topping. The severe cutting back of all, or nearly all, branches on a tree, to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

(1) The improper use of machinery on the trees;

(2) The storage of materials in or around the trees;

(3) Soil compaction;

(4) Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;

(5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;

(6) Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);

(7) Excessive topping;

(8) Removal of more than 20 percent of the critical root zone;

(9) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and

(10) The application of herbicides or defoliants to any tree without first obtaining a permit.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and/or open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

(a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;

(b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;

(c) All proposed development along private drives and/or easements;

(d) Infrastructure projects crossing public and / or private properties;

(e) All exterior renovations, alterations, and/or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

(f) All exterior renovations, alterations, and/or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

(g) Any specimen tree(s) scheduled for topping or removal on already developed commercial, industrial, or institutional properties, not exempted under Section 82-30;

(h) Any specimen tree(s) scheduled for topping or removal on already developed residential properties, only within Historic Residential Overlay, not exempted under Section 82-30;

(i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-30; and

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(j) *Applicability to public land.* The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any undeveloped or already developed residential, commercial, industrial, or institutional properties, or a portion thereof, within the City limits, is strictly prohibited without prior approval by the Community Development Department and the Mayor and City Council. The topping of specimen trees, by anyone other than authorized public officials and/or private professionals, is also prohibited.

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

Sec. 82-29. - Specimen tree criteria.

(a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).

(1) *Size criteria:*

i. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
ii. *Large softwood trees*. 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
iii. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.
iv. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

(2) *Condition criteria:*

i. At least ten years life expectancy.
ii. Trunk is relatively sound and solid with no extensive decay.
iii. No more than one major and several minor dead limbs readily visible (hardwoods only).

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

iv. No major insect or pathological problem, per a certified arborist or other qualified authority report.

(b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.

(c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30. For property owners with questions as to whether trees proposed to be removed qualify as specimen trees, the Zoning Administrator shall be contacted to confirm tree status onsite.

(d) With the exception of already developed single-family detached and duplex residential lots, specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.

(e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.

(f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals, and other qualified authorities, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees (such as certified arborists' reports) shall be at the expense of the developer / property owner, save for public trees.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

(a) *Removal due to death, disease or infestation.* Upon the official report of a certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority, and a finding of tree death, disease or infestation, the removal of one of more private specimen trees on a residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist or other qualified authority, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees over time be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

(b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject specimen tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall promptly consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees over time be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

(1) Rights of property owners with tree and/or branch *encroachments onto their properties*. Property owners dealing with whole trees (whether specimen or not) and branches of trees encroaching onto their properties have certain rights and allowable practices to remediate the encroachment:

i. Property owners shall have the right to cut off branches and roots that stray into their property. The affected property owner can trim only up to the boundary line and must obtain permission to enter the

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

tree owner's property. A property owner cannot cut the entire tree down and cannot destroy the structural integrity or the cosmetic symmetry and appeal of a tree by improper trimming. A property owner who finds a neighbor's tree encroaching must first give notice to the tree owner prior to commencing work and give the tree owner the chance to correct the problem. If the tree owner does nothing, the tree can still be trimmed.

ii. If a tree owner allows the tree to grow so that it uproots a fence, it shall be considered an encroachment onto the adjacent property. In that instance, the tree owner shall be required to remove the offending tree.

iii. Leaves, flowers, pods, nuts, fruits, etc. which fall off and end up on adjacent property are considered a natural occurrence and are the responsibility of the landowner on whose property they ultimately come to rest.

iv. A boundary tree is one planted on the boundary line itself and shall not be removed without mutual agreement from the affected property owners.

(c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.

(d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.

(e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.

(f) *Trail / pathways.* Municipal projects designed and maintained under the City of Jonesboro's green space objectives.

(g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary topping.)

(h) *Grandfathered projects.*

(1) This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(2) In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.

(i) *Horticulture.* Active horticultural operations, including:

(1) All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;
(2) All orchards of trees in active commercial operation;
(3) This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

(j) *Bona fide agricultural operations.*

(k) General maintenance. Selective pruning associated with the preservation of a tree.

(l) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

Sec. 82-31. – Tree Protection Plans.

(a) *New developments.*

(1) *With disturbance of 1 acre or above*. For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:

i. North arrow and graphic scale (same scale as erosion control plans);
ii. Boundary survey of the entire property to be developed;
iii. Limits of clearing and proposed erosion control fencing **in bold**;
iv. Approximate tree line (prior to clearing) on entire property; and
v. Location **in bold** of all required buffers on the subject property;
vi. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc.;
vii. Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burn holes, equipment washdown areas and entrance pads;
viii. Location **with bold circles** of all existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;
ix. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

trees to be saved; show tree protection fencing around the drip line of specimen trees to be preserved;

x. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;

xi. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;

xii. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and

xiii. Any relevant construction details such as tree protection fence, tree planting, etc.

(2) *With disturbance less than 1 acre*. For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing the specific area on the subject property to be altered, with the following additional information:

i. North arrow and graphic scale (same scale as erosion control plans); and

ii. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc; and

iii. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height; and

iv. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height; and

v. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and

vi. Any relevant construction details such as tree protection fence, tree planting, etc.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(b) *Developed properties.* For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc., the owner shall contact the Zoning Administrator to the property and the following information shall be obtained for consideration and placed in the property file at City Hall:

(1) Simple site plan, showing all existing major structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height (obtained by Zoning Administrator);

(2) Photographs of all specimen trees requested to be removed (obtained by Zoning Administrator);

(3) Where applicable, official report of a certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority, documenting a finding of tree death, disease or infestation;

(4) Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure; and

(5) Decisions by the Zoning Administrator on these matters shall be rendered within three (3) business days of the Zoning Administrator being contacted.

(c) *Master plans.* It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

(1) An approved preliminary plan or master plan is already on file at City Hall.

(2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.

(3) Only pines and other softwoods may be harvested.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property (excepting already developed single-family detached and duplex residential lots), and, where applicable, trees within buffers.

(a) *Tree preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.

(1) The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.

(2) Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.

(3) Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.

(b) *Protective barriers.*

(1) Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance. All protective barriers shall be installed according to the City standards of practice as outlined in this Article.

(2) All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.

(3) All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.

(4) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

(c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist of other qualified authority, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

shall plan revision activities stop the department from instituting action for violation of this article.

(1) New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:

i. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;

ii. Trees must be at least four-inch caliper;

iii. Species selected for planting must be ecologically compatible with the specifically intended growing site;

iv. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.

v. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;

vi. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provisions of City regulations;

vii. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

(d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property (excepting already developed single-family detached and duplex residential lots), the following replacement ratios shall apply:

(a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. *20 / 4 = 5 trees*

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. *21 / 4 = 5.25 = 6 trees*

(b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. 24 / 2 = 12 / 4 = 3 trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. 26 / 2 = 13 / 4 = 3.25 = 4 trees

(c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. *12 / 4 = 3 trees*

For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. *13 / 4 = 3.25 = 4 trees*

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

(d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount of same-species, replacement trees double the amount of specimen trees removed.

For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. *1 tree x 2 = 2 trees*

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

Sec. 82-34. - Tree bank and tree fund.

(a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.

(b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.

(c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund. The tree bank and tree fund shall not apply to already developed single-family detached and duplex residential lots but shall apply to all lots within a proposed single-family or multi-family residential development during the time of initial clearing and development.

(d) *Tree Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer/property owner's expense.

(e) *Tree bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.

(f) *Value*. The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed $1,000.00 per day, or confinement in jail not to exceed six months, or both. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

(a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to $1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.
(b) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive or other equitable relief to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.
(c) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

Sec. 82-38. - Severability.

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

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

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

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native or indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees:

Genus Quercus (Oak)

Acceptable species (with related cultivars)

Quercus phellos (Willow Oak) — *Quercus rubra (Northern Red Oak)*

Quercus palustris (Pin Oak) — *Quercus coccinea (Scarlet Oak)*

Quercus virginiana (Live Oak) — *Quercus acutissima (Sawtooth Oak)*

Quercus stellata (Post Oak)

Genus Acer (Maple)

Acceptable species (with related cultivars)

Acer rubrum (Red Maple) — *Acer saccharum nigrum (Black Maple)*

Acer saccharum (Sugar Oak) — *Acer barbatum (Southern Sugar Maple)*

Acer platanoides "Crimson King' et.al. (Norway Maple cultivars)

Genus Ulmus (Elm)

Acceptable species (with related cultivars)

Ulmus parvifolia (Chinese Elm) — *Ulmus rubra (Slippery Elm)*

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

Ulmus pumila (Siberian Elm) *Ulmus alata (Winged Elm)*

Zelkova serrata (Japanese Zelkova)

Other acceptable hardwood species (with related cultivars)

**Acer buergeranum (Trident maple)* *Halesia Carolina (Silverbell)*

**Acer ginnala (Amur Maple)* *Ilex longpipes (Georgia holly)*

**Acer palmatum (Japanese Maple)* *Ilex opaca (American holly)*

Aesculus parviflora (Bottlebrush buckeye) **Ilex verticillata (Winterberry)*

Aesculus pavia (Red buckeye) **Ilex vomitoria (Yaupon holly)*

Aesculus sylvatica (Georgia buckeye) *Liriodendron tulipifera (Tulip tree)*

Betula lenta (Sweet birch) *Magnolia grandiflora (Southern magnolia)*

Betula nigra (River birch) *Magnolia macrophylla (Bigleaf magnolia)*

Carpinus caroliniana (American hornbeam) *Nyssa aquatic (Water tupelo)*

Carya australis (Southern shagbark hickory) *Nyssa sylvatica (Black gum)*

Carya ovata (Shagbark hickory) *Ostrya virgniana (Eastern hophornbeam)*

**Cercis Canadensis (Redbud)* *Oxydendrum arboretum (Sourwood)*

**Cornus alternifolia (Pagoda dogwood)* *Planera aquatica (Planetree)*

**Cornus florida (Flowering dogwood)* *Platanus x acerifolia (London planetree)*

**Cornus kousa (Kousa dogwood)* **Prunus caroliniana (Cherry laurel)*

Crataegus phaenopyrum (Washington hawthorn) **Prunus serotina (Black cherry)*

Fagus grandifolia (American beech) *Sassafras albidum (Sassafras)*

Fraxinus americana (White ash) *Taxodium distichum (Bald cypress)*

Fraxinus pennsylvanica (Green ash) *Tilia americana (American basswood)*

Gleditsia triacanthus (Honey locust) *Tilia caroliniana (Carolina basswood)*

**Denotes specimen understory tree*

Acceptable softwood species (with related cultivars)

Juniperus silicicola (Southern red cedar) *Pinus taeda (Loblolly pine)*

Juniperus virginiana (Eastern red cedar) *Pinus virginiana (Virginia pine)*

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

901	*Pinus echinata (Shortleaf pine)*	*Tsuga Canadensis (Eastern hemlock)*
902	*Pinus palustris (Longleaf pine)*	
903	*Pinus strobus (Eastern white pine)*	

Attachment: FD TREE PROTECTION ORDINANCE V4 (1646 : Tree Protection Ordinance)

STATE OF GEORGIA
COUNTY OF CLAYTON
CITY OF JONESBORO

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF JONESBORO, GEORGIA, BY ADOPTING AND ADDING A NEW ARTICLE III (SPECIMEN TREE PROTECTION), TO CHAPTER 82 (VEGETATION); TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the governing authority of the City of Jonesboro, Georgia (the "City") are the Mayor and Council thereof; and

WHEREAS, the Mayor and Council desire to provide for the conservation and replacement of certain trees in an effort to continue to maintain the City as an attractive place to live and to minimize increases in air pollution and carbon dioxide levels in the air; and

WHEREAS, it has been found that tree preservation is valuable in providing shade and cooling effects, and in reducing air, noise, and visual pollution; and

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

WHEREAS, the preservation of existing trees is a public purpose that protects the public health, safety, general welfare, and aesthetics of the City of Jonesboro and all its citizens.

Attachment: FD TREE PROTECTION ORDINANCE V6 (1646 : Tree Protection Ordinance)

NOW THEREFORE, be it and it is hereby ordained by the Mayor and Council of the City of Jonesboro:

Section 1. The Code of Ordinances of the City of Jonesboro, Georgia, is hereby amended by adopting and adding a new Article III (Specimen Tree Ordinance) to Chapter 82 (Vegetation), and inserting the provisions set forth in Exhibit A attached hereto and made a part by reference.

Section 2. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

Attachment: FD TREE PROTECTION ORDINANCE V6 (1646 : Tree Protection Ordinance)

enforceable, and of full force and effect.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. The effective date of this Ordinance shall be the date of its adoption by the Mayor and Council unless otherwise stated herein.

Section 5. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Jonesboro.

Section 6. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Jonesboro, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

SO ORDAINED, this _____ day of _____, 2020.

{SIGNATURES ON FOLLOWING PAGE}

Attachment: FD TREE PROTECTION ORDINANCE V6 (1646 : Tree Protection Ordinance)

CITY OF JONESBORO, GEORGIA

_____

Joy Day, Mayor

ATTEST:

_____

Ricky L. Clark, Jr., City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Attachment: FD TREE PROTECTION ORDINANCE V6 (1646 : Tree Protection Ordinance)

EXHIBIT A

(SEE ATTACHED)

Attachment: FD TREE PROTECTION ORDINANCE V6 (1646 : Tree Protection Ordinance)

CHAPTER 82. - VEGETATION

ARTICLE III. - SPECIMENTREE PROTECTION

Sec. 82-22. - Purpose.

This article shall hereafter be known and cited as the "City of Jonesboro Tree Protection Ordinance".

The purpose of this article is to:

(a) Provide standards for the conservation and replacement of certain trees as part of the land development and building construction process on non-residential properties within the City limits of Jonesboro.

(b) Provide standards for the conservation of certain trees in established residential areas within the City limits of Jonesboro, including the Historic District and the Historic Residential Overlay.

(c) Continue to maintain the City as an attractive place to live.

(d) Continue to maintain a healthy living environment in the City.

(e) Continue to protect and enhance the aesthetic qualities of the City and reduce the loss of aesthetic quality provided by natural tree cover, due to development and clear cutting.

(f) Minimize increases in air pollution and carbon dioxide levels in the air.

(g) Minimize increases in temperature on lands with natural tree cover.

(h) Minimize soil erosion and storm-water runoff and maintain water quality.

(i) Provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the standards and requirements of this article are administered in the most effective, efficient and economical manner;

(j) Maintain City trees in a healthy and nonhazardous condition.

Sec. 82-23. - Findings.

(a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live.

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(b) Trees are economically beneficial in attracting new residents and tourists.

(c) Tree preservation enhances the value and marketability of property and, thereby, promotes the stability of residential neighborhoods making them more livable and desirable, and thus helps prevent the emergence of blighted neighborhoods, slum conditions, and urban sprawl.

(d) Trees of significant size are recognized to maintain, and even enhance, property values.

(e) Trees aid in preventing erosion, storm drainage, siltation of streams and reservoirs, and flash flood damage.

(f) Trees are valuable in providing shade and cooling effects, and in preventing air, noise, and visual pollution.

(g) The significant tree cover and specimen trees already throughout the City limits of Jonesboro are valued aesthetic and historic assets and need to be preserved with thoughtful planning.

Sec. 82-24. - Boundaries.

The provisions of this article shall apply to all public and private lands, or portions thereof, and right-of-ways within the City limits of Jonesboro. The boundaries of the City are shown on the most current version of the City of Jonesboro Official Zoning Map.

This article is supplemental to the underlying zoning district classifications established in the City Zoning Ordinance, Chapter 86, governing all properties. The provisions of this article apply to all types of development potentially involving the removal of certain trees within the City limits. The standards and requirements of this article shall govern in any case where standards and requirements of this article conflict with those of the underlying zoning district or other provisions of the City Zoning Ordinance, including but not limited to subdivision regulations, landscape standards, and buffer yard standards.

Sec. 82-25. - Definitions.

For the purpose of these regulations, certain words or terms used shall be defined below. Other terms shall be found in Section 86-62.

Bona fide agricultural purpose. A good faith commercial or domestic agricultural use of the land, any such determination of which shall be based upon, but not limited solely to, the following factors:

(1) The length of time the land will be so utilized;

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(2) The productivity of land in its present use;
(3) The relationship of the property to the comprehensive zoning plan; and
(4) The current zoning classification of such lands as delineated on the official zoning map.

Caliper. The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery grown trees having a diameter of less than six inches.

Certified arborist. A person who has met the State of Georgia certification requirements for proper tree care and maintenance, and the diagnosis of tree diseases.

Clear cutting. The total removal of all trees, specimen or otherwise, from a property by any means.

Clearing. The removal of vegetation from a property by any means.

Critical root zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths times the number of inches of the trunk diameter. Can also be represented on a mature tree by its dripline.

Cultivar. A tree variety that has been produced in cultivation by selective breeding for certain desirable traits.

Cutting. The detaching or separating of any limb, branch, or root from a tree.

Dead tree. A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Diameter breast height (DBH). The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter, tree. The diameter of a tree measured as follows:

(1) For existing preserved trees, at a point four and one-half feet above the ground;

(2) For new replaced trees, at a point six inches above ground; and
(3) For multiple trunk trees, as provided in the measure of diameter at breast height.

Drip line. A vertical line extending from the outermost branches of a tree perpendicular to the ground.

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Established recompense value. The dollar value assigned to a natural resource. It represents the lost public value of trees removed. Used for purpose of calculating cash recompense for removal or destruction of trees. This amount shall be set by the Mayor and City Council.

Forestry. The science, business and art of creating, conserving and responsibly managing forests on a continuous basis for both commodity and non-commodity purposes.

Genus. A category of biological classification ranking between the family and the species marked by common characteristics or by one common characteristic.

Hardwood. The wood from a broadleaved, canopy tree (such as oak, maple, elm, etc.) as distinguished from that of conifers.

Native tree. For the purposes of this Article, an indigenous tree species that belongs to, and is well adapted for Jonesboro and the surrounding geographical area.

Other qualified authority. Any person or entity that has demonstrated knowledge and experience in the field of proper tree care and maintenance.

Private tree. Any tree located on private property.

Pruning. The selective elimination or cutting back of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.

Public tree. Any tree located on property belonging to the county.

Replacement tree. A new tree planted on a site as recompense for the removal of any specimen trees as outlined in this article.

Softwood. The wood from a coniferous, canopy tree (such as pine, fir, spruce, etc.) as distinguished from that of broadleaved trees.

Species. A category of biological classification ranking immediately below the genus or subgenus, comprising related organisms or populations potentially capable of interbreeding.

Specimen tree. Any tree, whether hardwood or softwood, canopy or understory, determined by the City to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health.

State Forestry Commission. A state appointed commission which protects and conserves forests, prevents and suppresses wildfires, provides rural fire department assistance, assists landowners and communities with forest management, and grows and sells quality tree seedlings for planting.

Timber harvesting. A timber management activity as part of a demonstrated ongoing agricultural land use.

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Topping. The severe cutting back of all, or nearly all, branches on a tree, to a stub, bud, or a lateral branch not large enough to assume the terminal role.

Tree bank. A site such as a school, public park, or streetscape where an owner/developer of a site shall donate and plant the required replacement trees when it is not feasible to plant the required trees within their site's project area.

Tree bank fund. A fund created to receive and hold monies generated by specimen tree removal in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or offsite.

Tree protection or planting plan. A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet recompense requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be preserved, whether specimen trees or trees within a specified buffer area, in order to comply with applicable requirements and shall include nothing less than the total area of the critical root zone of the tree or group of trees collectively.

Tree preservation area means the total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this article.

Tree removal means any act, whether intentional or unintentional, which causes a tree to die within two years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:

(1) The improper use of machinery on the trees;

(2) The storage of materials in or around the trees;

(3) Soil compaction;

(4) Altering the natural grade to expose the roots or to leave cover the tree's root system with less~~more~~ than four inches of soil;

(5) Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;

(6) Pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);

(7) Excessive topping;

(8) Removal of more than 20 percent of the critical root zone;

(9) Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and

(10) The application of herbicides or defoliants to any tree without first obtaining a permit.

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Tree replacement area. The area designated for a tree or trees to be planted in order to provide recompense for specimen tree removal.

Tree thinning. The selective cutting or thinning of trees only for the clear purpose of proper forestry management in order to protect said forest from disease or infestation and in no way shall be construed as including clear cutting.

Sec. 82-26. - Applicability.

The provisions of this article shall not limit the applicability any buffering and/or open space requirements in this Article or the City Zoning Ordinance. The terms and provisions of this article shall be consistent with any requirements imposed by state law or by the state department of transportation in connection with any state-owned or maintained right-of-way. The standards of this article shall apply to any development, redevelopment, alteration, expansion, or tree removal within the City boundaries as indicated below.

(a) All proposed commercial, industrial, or institutional developments on previously undeveloped properties;

(b) All proposed residential developments, including developments on major and minor subdivisions, on previously undeveloped properties;

(c) All proposed development along private drives and/or easements;

(d) Infrastructure projects crossing public and / or private properties;

(e) All exterior renovations, alterations, and/or additions to existing commercial, industrial or institutional developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

(f) All exterior renovations, alterations, and/or additions to existing residential developments or structures which could potentially affect specimen trees within the same property or within buffers on the same property;

(g) Any specimen tree(s) scheduled for topping or removal on already developed commercial, industrial, or institutional properties, not exempted under Section 82-30;

(h) Any specimen tree(s) scheduled for topping or removal on already developed residential properties, only within Historic Residential Overlay, not exempted under Section 82-30;

(i) Any specimen trees or other historically or culturally significant trees within the Historic District, not exempted under Section 82-30; and

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(j) *Applicability to public land*. The provisions of this article shall apply to all public entities and owners of public property within the county and it shall be unlawful for the owners to fail to comply with all provisions and requirements of this article.

Sec. 82-27. – Clear cutting and topping.

The clear cutting of any undeveloped or already developed residential, commercial, industrial, or institutional properties, or a portion thereof, within the City limits, is strictly prohibited without prior approval by the Community Development Department and the Mayor and City Council. The ~~necessary~~ topping of specimen trees, by anyone other than authorized public officials and/or private professionals, is also prohibited.

Sec. 82-28. – Timber harvesting.

With the majority of the City of Jonesboro being already developed, timber harvesting is not a regular practice within the City limits. Any proposals for timber harvesting within the City limits would be subject to approval by the Mayor and City Council and generally only for the purposes of proper forestry management or a bona fide agricultural purpose.

Sec. 82-29. - Specimen tree criteria.

(a) The following criteria are used by the Zoning Administrator to identify specimen trees for preservation. Both the size and condition criteria must be met for a tree to qualify as a specimen, with the exception of trees designated as specimen trees for historic or cultural purposes. (Note: specimen trees do not necessarily have to be native trees).

(1) *Size criteria:*

i. *Large hardwood trees.* 18-inches at diameter breast height (DBH) or larger—such as oaks, maples, elms, etc.
ii. *Large softwood trees.* 24-inches at diameter breast height (DBH) or larger—such as pines, firs, spruces, etc.
iii. *Specimen understory trees.* 4-inches at diameter breast height (DBH) or larger—such as dogwoods, redbuds, flowering cherries, etc.
iv. A lesser-sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical or cultural significance, particularly in the Historic District.

(2) *Condition criteria:*

i. At least ten years life expectancy.
ii. Trunk is relatively sound and solid with no extensive decay.
iii. No more than one major and several minor dead limbs readily visible (hardwoods only).

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iv. No major insect or pathological problem, per a certified arborist or other qualified authority report.

(b) The critical root zone (CRZ) of specimen trees to be preserved shall be protected with hog-back/wire-back tree save fencing with metal support posts.

(c) If a specimen tree is requested to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the Zoning Administrator for approval, unless the developer / property owner has qualified for an exemption under Section 82-30. For property owners with questions as to whether trees proposed to be removed qualify as specimen trees, the Zoning Administrator shall be contacted to confirm tree status onsite.

(d) With the exception of already developed single-family detached and duplex residential lots, specimen trees that cannot be saved due to extenuating circumstances shall be replaced elsewhere on the same property, per the approval of the Zoning Administrator and the standards of Section 82-33. Replacement trees shall be in quality condition and shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. For sites which lack adequate room for replacement trees, the developer / property owner shall either plant the required amount of replacement trees on an approved City of Jonesboro tree bank site or recompense shall be paid to the City of Jonesboro tree fund, per the standards of Section 82-34.

(e) Any specimen tree which is intentionally or unintentionally removed, by definition of *tree removal* in Section 82-25, without the appropriate review and approval of the Zoning Administrator, shall be subject to a citation in Municipal Court. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its previous condition. Violations will be subject to the applicable penalties as described in Section 82-37 of this Article. Any fines or other penalties imposed upon violations of this Section shall be in addition to the required recompense measures that a developer / property owner would voluntarily submit to.

(f) The Zoning Administrator shall reserve the right to request the assistance of certified professionals, and other qualified authorities, as the need may arise, to aid in the determination of specimen tree status, by species, size, and /or condition. All reports or other information by professionals concerning specimen trees (such as certified arborists' reports) shall be at the expense of the developer / property owner, save for public trees.

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Sec. 82-30. - Exemptions.

The following developments are exempted from compliance with the clearing and tree removal provisions of this Article:

(a) *Removal due to death, disease or infestation.* Upon the official report of a certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority, and a finding of tree death, disease or infestation, the removal of one of more private specimen trees on a residential, commercial, institutional, or industrial property may be authorized to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential injury to life and property. The property owner, prior to removal of the diseased tree(s), shall notify the Zoning Administrator, identifying the location of the potentially affected tree(s), and shall submit the written report of the certified arborist or other qualified authority, recommending the removal of the subject tree(s). However, in no case shall the removal of diseased or infected specimen trees over time be a method of "gradual clear-cutting" of a property. Unless otherwise recommended by a qualified professional in order to prevent a spreading of disease or infestation, the removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

(b) *Removal to protect an existing structure.* Certain private specimen trees, regardless of health condition, potentially pose an injury to life and property due to their proximity to existing homes and other types of man-made structures and their potential to fall upon these structures during storms, etc. The property owner, prior to removal of the subject specimen tree(s), shall notify the Zoning Administrator, identifying the location of the tree(s) in question. The Zoning Administrator shall promptly consult with the property owner on the subject property and shall document the size, species, and location of the tree(s) in question. The Zoning Administrator shall then give written approval or denial of the request to the property owner within 3 business days of the onsite consultation. If the request is denied, a written reason must also be given to the property owner. In the case of denial, a written appeal may be made to the Mayor and City Council. However, in no case shall the removal of potentially injurious specimen trees over time be a method of "gradual clear-cutting" of a property. The removal of these type of specimen trees shall be limited to 3 or fewer per property per calendar year.

(1) Rights of property owners with tree and/or branch *encroachments onto their properties*. Property owners dealing with whole trees (whether specimen or not) and branches of trees encroaching onto their properties have certain rights and allowable practices to remediate the encroachment:

i. Property owners shall have the right to cut off branches and roots that stray into their property. The affected property owner can trim only up to the boundary line and must obtain permission to enter the

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tree owner's property. A property owner cannot cut the entire tree down and cannot destroy the structural integrity or the cosmetic symmetry and appeal of a tree by improper trimming. A property owner who finds a neighbor's tree encroaching must first give notice to the tree owner prior to commencing work and give the tree owner the chance to correct the problem. If the tree owner does nothing, the tree can still be trimmed.

ii. If a tree owner allows the tree to grow so that it uproots a fence, it shall be considered an encroachment onto the adjacent property. In that instance, the tree owner shall be required to remove the offending tree.

iii. Leaves, flowers, pods, nuts, fruits, etc. which fall off and end up on adjacent property are considered a natural occurrence and are the responsibility of the landowner on whose property they ultimately come to rest.

iv. A boundary tree is one planted on the boundary line itself and shall not be removed without mutual agreement from the affected property owners.

(c) *Rights-of-way.* The development of street rights-of-way, easements, or clear zones within a proposed subdivision or subdivision expansion provided that all other areas within such subdivision comply with the provisions of this Article.

(d) *City authorized.* State and City roadway projects. Also, any municipal projects on publicly-owned land.

(e) *Public trees.* Specimen trees on City-owned and maintained property, which, for matters of public safety or other reasons, need to be removed.

(f) *Trail / pathways*. Municipal projects designed and maintained under the City of Jonesboro's green space objectives.

(g) *Easements.* Utility easements for power lines, pipelines, etc. (This includes necessary, but not excessive, pruning. ~~topping~~.)

(h) *Grandfathered projects.*

(1) This article shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this Article, provided that all time constraints relating to the permit are observed.

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(2) In no event shall any grandfathered project be extended for more than 12 months from the date of enactment of this Article.

(i) *Horticulture.* Active horticultural operations, including:

(1) All active plant or tree nurseries and botanical gardens only in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose;
(2) All orchards of trees in active commercial operation;
(3) This exception shall not be interpreted to include timber-harvesting incidental to development of the land.

(j) *Bona fide agricultural operations* as defined by this Article.~~.~~

(k) General maintenance. Selective pruning associated with the preservation of a specimen tree.

~~(k)~~(l) Pruning, topping, and removal of any and all types of vegetation that does not qualify as specimen trees.

~~(l)~~(m) Notwithstanding the foregoing, all reasonable efforts shall be made to save specimen trees.

Sec. 82-31. – Tree Protection Plans.

(a) *New developments.*

(1) *With disturbance of 1 acre or above*. For developments already requiring a land disturbance permit and civil construction documents, a tree protection plan shall be included with the document set, with the following minimum information:

i. North arrow and graphic scale (same scale as erosion control plans);
ii. Boundary survey of the entire property to be developed;
iii. Limits of clearing and proposed erosion control fencing **in bold**;
iv. Approximate tree line (prior to clearing) on entire property; and
v. Location **in bold** of all required buffers on the subject property;
vi. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc.;
vii. Proposed location of temporary construction activities, such as equipment or worker parking, materials storage, burn holes, equipment washdown areas and entrance pads;

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viii. Location **with bold circles** of <u>all</u> existing trees on the subject property (including buffers) that meet specimen tree criteria, with species and width at diameter breast height;

ix. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; show tree protection fencing around the drip line of specimen trees to be preserved;

x. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article;

xi. Location of any supplemental plantings for buffer areas judged to be inadequate, with species, caliper size, and quantity to be planted;

xii. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and

xiii. Any relevant construction details such as tree protection fence, tree planting, etc.

(2) *With disturbance less than 1 acre*. For smaller-scale developments that still involve property-wide disturbance, but less than one acre, a standalone tree protection plan is required, with the same information specified in Section 82-31(a)1 above. For smaller-scale developments just involving an exterior alteration to a building or structure, such as a building addition or a parking lot extension, a scaled site enlargement plan showing the specific area on the subject property to be altered, with the following additional information:

i. North arrow and graphic scale (same scale as erosion control plans); and

ii. *Shaded* outline of all proposed impervious elements on the property, such as buildings, parking, roads, etc; and

iii. Location of all areas designated as tree preserved areas on the subject property, including buffers and any stand-alone specimen trees to be saved; Show tree protection fencing around the drip line of specimen trees to be preserved; designated specimen trees must provide location (including dimensions from proposed structures), species, and width at diameter breast height; and

iv. Location of any specimen trees to be removed, with any corresponding tree replacement areas, and calculations for tree replacement and / or financial recompense to demonstrate compliance with this Article; designated specimen trees must provide location, species, and width at diameter breast height; and

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v. Tree / plant schedule for any replacement tree and / or buffer supplemental plantings on the subject property; and

~~v.~~vi. Any relevant construction details such as tree protection fence, tree planting, etc.

(b) *Developed properties.* For properties containing existing structures, such as residences, but no proposed development, and where specimen tree removal is requested due to maintenance issues, safety concerns, etc., the owner shall contact the Zoning Administrator to the property and the following information shall be obtained for consideration and placed in the property file at City Hall:

(1) Simple site plan, showing all existing major structures on the property and all trees meeting specimen tree criteria proposed to be removed. Designated specimen trees must provide location, species, and width at diameter breast height (obtained by Zoning Administrator);

(2) Photographs of all specimen trees requested to be removed (obtained by Zoning Administrator);

(3) Where applicable, official report of a certified arborist, qualified representative of the State Forestry Commission, certified tree professional, extension service agent, or other qualified authority, documenting a finding of tree death, disease or infestation;

(4) Where applicable, report from Zoning Administrator, documenting the need for tree removal in order to protect an existing structure; and

(5) Decisions by the Zoning Administrator on these matters shall be rendered within three (3) business days of the Zoning Administrator being contacted.

(c) *Master plans.* It is recognized that certain large tracts of land are planned for residential development or planned unit developments, and are developed in phases over many years. Large portions of these planned developments remain forest lands for many years and periodically require removal of certain trees to grow better. For those residential lands of ten acres or more, selective thinning may be allowed subject to the following conditions:

(1) An approved preliminary plan or master plan is already on file at City Hall.
(2) An application for selective timber harvesting must be filed with the Department of Community Development and be presented to the Mayor and City Council for approval. The application must include a map or plat of the property indicating the area to be harvested together with a

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harvesting plan prepared by a registered forester, engineer, or landscape architect. The timber management plan must contain methods for protection of hardwoods from damage during the timber operation.

(3) Only pines and other softwoods may be harvested.

Sec. 82-32. - Tree preservation and planting requirements.

The following requirements shall apply to specimen trees proposed to be retained within a property (excepting already developed single-family detached and duplex residential lots), and, where applicable, trees within buffers.

(a) *Tree preservation area.* A tree preservation area shall be established around each tree or group of trees to be retained.

(1) The tree preservation area shall include no less than the total area of the critical root zone of a tree or group of trees collectively.

(2) Layout of the utility and grading plans shall avoid disturbance of the tree preservation areas.

(3) Construction site activities, such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within the tree preservation areas.

(b) *Protective barriers.*

(1) Protective tree fencing, staking or continuous ribbon shall be installed between tree preservation areas and areas proposed to be cleared, graded or otherwise disturbed on the site, prior to any land disturbance. All protective barriers shall be installed according to the City standards of practice as outlined in this Article.

(2) All tree preservation areas are to be designated as such with "tree save area" signs posted in addition to the required protection fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree preservation standards are recommended for site entrances.

(3) All tree preservation areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree preservation area.

(4) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

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(c) *Encroachment.* If encroachment into a tree preservation area causes irreparable damage to the trees, as determined by a certified arborist of other qualified authority, the development plan shall be revised to compensate for the loss in tree density. The irreparably damaged trees shall be designated "lost trees" and lost tree penalties shall be enforced. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of the article, nor shall plan revision activities stop the department from instituting action for violation of this article.

(1) New trees proposed as recompense for lost specimen trees on a property shall comply with the following guidelines:

i. The spacing of new trees must be compatible with site limitations and with responsible consideration towards species size when mature;

ii. Trees must be at least four-inch caliper;

iii. Species selected for planting must be ecologically compatible with the specifically intended growing site;

iv. Species selected for planting shall be the identical species of the specimen tree lost. If the identical species is unable to be found, the replacement tree equivalency list in Section 82-39 shall be consulted. Native / indigenous species are preferred.

v. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability;

vi. In the event that new trees proposed to be planted to achieve full recompense are not installed or likewise compensated to the City tree bank or tree bank fund upon application for a certificate of occupancy or final plat approval (as appropriate), then a performance bond or other acceptable surety in an amount equal to 110 percent of the value of the new trees and their installation shall be posted in accordance with the performance bonding requirements and provisions of City regulations;

vii. Upon final installation of new trees planted under the requirements of the article, and following acceptance by the department of community development, the owner shall warrant the new trees and provide for the exact replacement of those which do not survive for a period of no less than two years, as determined by the Zoning Administrator.

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(d) *Removal.* Anytime a tree is cut within the City, whether a public or private tree, the stump shall be removed and the land re-graded, compacted, and leveled where the tree was located.

Sec. 82-33. – Tree replacement ratios.

For specimen tree recompense involving actual replacement tree planting on a subject property (excepting already developed single-family detached and duplex residential lots), the following replacement ratios shall apply:

(a) *For specimen hardwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 20-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **five** 4-inch caliper maples along the side of the same property. *20 / 4 = 5 trees*

For example: A 21-inch maple specimen, unable to be saved in the middle of a development, is adequately replaced with **six** 4-inch caliper maples along the side of the same property. *21 / 4 = 5.25 = 6 trees*

(b) *For specimen softwoods removed.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to *half* of the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 24-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper pines along the side of the same property. 24 / 2 = 12 / 4 = 3 trees

For example: A 26-inch pine specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper pines along the side of the same property. 26 / 2 = 13 / 4 = 3.25 = 4 trees

(c) *For specimen understory tree removed, 12 inches wide (DBH) and larger.* An amount of same-species, replacement trees having a cumulative diameter breast height equivalent to the specimen tree removed. (Note: For replacement tree ratios that do not divide evenly, the remainder shall constitute an additional replacement tree.)

For example: A 12-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **three** 4-inch caliper dogwoods along the side of the same property. *12 / 4 = 3 trees*

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For example: A 13-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **four** 4-inch caliper dogwoods along the side of the same property. *13 / 4 = 3.25 = 4 trees*

(d) *For specimen understory tree removed, below 12 inches wide (DBH).* An amount of same-species, replacement trees double the amount of specimen trees removed.

For example: A 5-inch dogwood specimen, unable to be saved in the middle of a development, is adequately replaced with **two** 4-inch caliper dogwoods along the side of the same property. *1 tree x 2 = 2 trees*

(Note: For replacement trees that are not able to be identical species to the specimen tree removed, refer to Section 82-39 for equivalent replacements.)

Sec. 82-34. - Tree bank and tree fund.

(a) *Designation.* The tree bank and tree bank fund are hereby established for the City of Jonesboro.

(b) *Oversight and administration.* The tree bank and tree bank fund shall be overseen and administered by the Mayor and City Council.

(c) *Applicability.* If the Zoning Administrator determines that it is not feasible to relocate or replace required trees on-site, the developer / property owner may satisfy the specimen tree replacement requirement by paying into the hereby established tree bank or tree bank fund. The tree bank and tree fund shall not apply to already developed single-family detached and duplex residential lots but shall apply to all lots within a proposed single-family or multi-family residential development during the time of initial clearing and development.

(d) *Tree Bank.* The tree bank refers to areas (school, public park, or streetscape, etc.) set aside by the Mayor and City Council as permanent receiver sites for tree plantings. Plantings may be carried out directly by the developer / property owner with Mayor and City Council approval of the planting plan and in coordination with the Zoning Administrator and Director of Public Works or the plantings may be carried out directly by the Public Works Department at developer/property owner's expense.

(e) *Tree bank fund.* The tree bank fund refers to a fund created to receive and hold monies paid by developers / property owners approved for specimen tree removal, in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site. Funds accumulated herein shall be used for the planting and installation of trees on public property, parks, schools, streetscapes, or other approved property within the City only.

(f) *Value.* The established recompense value for monies paid into the tree bank fund shall be a sum of money reflecting the current market price of both materials and

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planting costs plus an additional ten percent of that price for maintenance. However, developers / property owners who illegally remove specimen trees per the standards of this article shall be subject to fines or penalties in addition to recompense.

Sec. 82-35. – Non-liability of City.

Nothing in this article shall be deemed to impose any liability upon the City of Jonesboro or upon any of its officers or employees or to relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his or her control in a safe condition.

Sec. 82-36. - Enforcement.

It shall be the responsibility of the Zoning Administrator and the Department of Community Development to enforce this Article, with assistance from the City Code Enforcement Officer(s). The Zoning Administrator or his/her designee shall have the authority to revoke, suspend, or void any development or building permit, and to withhold issuance of a certificate of occupancy. The Director of Community Development shall also have the authority to suspend all work on a site or any portion thereof and coordinate with the City Code Enforcement Officers(s) concerning citations to Municipal Court, where tree removal or damage occurs in violation of this Article.

Sec. 82-37. - Violation and penalties.

Any person violating a provision of this article shall be guilty of violating a duly adopted ordinance of the City, and, upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed $1,000.00 ~~per day~~, or confinement in jail not to exceed six months, or both. Any continuing violation of this ordinance may be subject to a fine not to exceed $1,000.00 per day. The court shall have the power and authority to place any person found guilty of a violation of this article on probation and to suspend or modify any fine or sentence. The owner of any property wherein a violation exists, and any builder, contractor or agent, who may have assisted in the commission of any such violation, may be guilty of a separate offense.

~~(a) A violation of this article shall constitute a misdemeanor punishable by a fine of up to $1,000.00 per day and/or a sentence of up to 30 calendar days incarceration per day per occurrence. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violations. Replacement / recompense shall also be required.~~

~~(b)~~(a) In lieu of or in addition to the other remedies herein, the City Attorney is authorized to file a petition seeking injunctive, ~~or~~ other equitable relief, or other such lawful action as is necessary to secure compliance with the provisions of this article. The City shall be entitled to its attorney's fees for any action through which relief is awarded.

~~(c)~~(b) If a violation were to occur anytime post certificate of occupancy or on any unimproved acreage then penalties shall be imposed based on the provisions of the recompense value for trees as set out in this Article.

Commented [MH4]: The general provision provid... a person violating of this Ordinance shall be guilty u... conviction of the court, and **may** be punished by a f... to exceed $1000.00 or confinement in jail not to exc... months. Also, the violator **may** be subject to a fine ... exceed $1000.00 per day for continual violations.

The important piece here is that once a violation is presented before the court, the solicitor and judge ... determine the appropriate punishment based on th... presented before them. In all likelihood, they will understand the limits of the per day fine they can administer as it relates to a single act of cutting dow... specimen tree.

However, there are provisions of this Article where ... the potential for continual violations to occur that a... continual fines per day.

Sec. 82-32 requires protective barriers to be installe... maintained throughout the land disturbance and construction process. Should the barriers not be ins... if they are in continual disarray, it would be valuabl... the ability to issue a fine not to exceed $1000.00 pe... until the issue is fixed.

Likewise, Sec. 82-31 creates a situation where a fine ... punishment may be warranted.

Commented [MH5]: The owner is the primary vi... they commission a tree cutter or contractor to remo... tree in violation of this ordinance. But, as stated her... cutter or contractor who assists in such violation or ... this ordinance in contradiction to the direction of th... property owner may be guilty of a separate offense.

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Sec. 82-38. - Severability.

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

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

Sec. 82-39. – Replacement tree equivalency list.

For replacement trees that are not able to be identical species to the specimen tree removed, refer to the acceptable substitutes below. Unless otherwise stated, equivalent replacement trees shall remain in the same genus as removed specimen trees. Native or indigenous species are preferred, but the greater emphasis is on aesthetic quality.

Canopy Trees:

Genus Quercus (Oak)

Acceptable species (with related cultivars)

Quercus phellos (Willow Oak)	*Quercus rubra (Northern Red Oak)*
Quercus palustris (Pin Oak)	*Quercus coccinea (Scarlet Oak)*
Quercus virginiana (Live Oak)	*Quercus acutissima (Sawtooth Oak)*
Quercus stellata (Post Oak)	

Genus Acer (Maple)

Acceptable species (with related cultivars)

Acer rubrum (Red Maple)	*Acer saccharum nigrum (Black Maple)*
Acer saccharum (Sugar Oak)	*Acer barbatum (Southern Sugar Maple)*

Acer platanoides "Crimson King' et.al. (Norway Maple cultivars)

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Genus Ulmus (Elm)

Acceptable species (with related cultivars)

Ulmus parvifolia (Chinese Elm) *Ulmus rubra (Slippery Elm)*

Ulmus pumila (Siberian Elm) *Ulmus alata (Winged Elm)*

Zelkova serrata (Japanese Zelkova)

Other acceptable hardwood species (with related cultivars)

**Acer buergeranum (Trident maple)* *Halesia Carolina (Silverbell)*

**Acer ginnala (Amur Maple)* *Ilex longpipes (Georgia holly)*

**Acer palmatum (Japanese Maple)* *Ilex opaca (American holly)*

Aesculus parviflora (Bottlebrush buckeye) **Ilex verticillata (Winterberry)*

Aesculus pavia (Red buckeye) **Ilex vomitoria (Yaupon holly)*

Aesculus sylvatica (Georgia buckeye) *Liriodendron tulipifera (Tulip tree)*

Betula lenta (Sweet birch) *Magnolia grandiflora (Southern magnolia)*

Betula nigra (River birch) *Magnolia macrophylla (Bigleaf magnolia)*

Carpinus caroliniana (American hornbeam) *Nyssa aquatic (Water tupelo)*

Carya australis (Southern shagbark hickory) *Nyssa sylvatica (Black gum)*

Carya ovata (Shagbark hickory) *Ostrya virgniana (Eastern hophornbeam)*

**Cercis Canadensis (Redbud)* *Oxydendrum arboretum (Sourwood)*

**Cornus alternifolia (Pagoda dogwood)* *Planera aquatica (Planetree)*

**Cornus florida (Flowering dogwood)* *Platanus x acerifolia (London planetree)*

**Cornus kousa (Kousa dogwood)* **Prunus caroliniana (Cherry laurel)*

Crataegus phaenopyrum (Washington hawthorn) **Prunus serotina (Black cherry)*

Fagus grandifolia (American beech) *Sassafras albidum (Sassafras)*

Fraxinus americana (White ash) *Taxodium distichum (Bald cypress)*

Fraxinus pennsylvanica (Green ash) *Tilia americana (American basswood)*

Gleditsia triacanthus (Honey locust) *Tilia caroliniana (Carolina basswood)*

**Denotes specimen understory tree*

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Acceptable softwood species (with related cultivars)

Juniperus silicicola (Southern red cedar)
Juniperus virginiana (Eastern red cedar)
Pinus echinata (Shortleaf pine)
Pinus palustris (Longleaf pine)
Pinus strobus (Eastern white pine)
Pinus taeda (Loblolly pine)
Pinus virginiana (Virginia pine)
Tsuga Canadensis (Eastern hemlock)

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