

1. Agenda

Documents:

[BOMC-4-27-20-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Public Hearing Regarding An Ordinance By The Avondale Estates Board Of Mayor And Commissioners To Amend The Zoning Ordinance Of The City To Exempt Property Zoned General Commercial ("GC") From Parking Requirements, Including Parking Lot Landscape Plan Review By The Architectural Review Board; And To Amend The Tree Ordinance To Exempt Property Zoned GC From The Parking Lot Landscaping Requirements Of The Tree Ordinance

Documents:

[APPLICATION FOR GC PARKING AMENDMENT 4.14.20.PDF](#)
[GENERAL COMMERCIAL ZONE PARKING AMENDMENT FINAL 4.14.20.PDF](#)

4. An Ordinance By The Avondale Estates Board Of Mayor And Commissioners To Amend The Zoning Ordinance Of The City To Exempt Property Zoned General Commercial ("GC") From Parking Requirements, Including Parking Lot Landscape Plan Review By The Architectural Review Board; And To Amend The Tree Ordinance To Exempt Property Zoned GC From The Parking Lot Landscaping Requirements Of The Tree Ordinance

Documents:

[APPLICATION FOR GC PARKING AMENDMENT 4.14.20.PDF](#)
[GENERAL COMMERCIAL ZONE PARKING AMENDMENT FINAL 4.14.20.PDF](#)

5. Resolution For Renovations At City Hall

Documents:

[RES TO APPROVE CITY HALL RENOVATIONS.PDF](#)

6. New Planning & Zoning Board (PZB) Appointee

Documents:

[2020 PZB APPOINTMENT.PDF](#)

7. Resolution For Roadway & Pedestrian Lighting Operation And Maintenance

Documents:

[GDOT AGREEMENT.PDF](#)
[US 278 GDOT LIGHTING RES.PDF](#)

8. Public Comment

9. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS
REGULAR MEETING
APRIL 27th, 2020
6:30 P.M.
VIA ZOOM**

AGENDA

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Public Hearing Regarding an Ordinance by the Avondale Estates Board of Mayor and Commissioners to Amend the Zoning Ordinance of the City to Exempt Property Zoned General Commercial ("GC") From Parking Requirements, Including Parking Lot Landscape Plan Review by the Architectural Review Board; and to Amend the Tree Ordinance to Exempt Property Zoned GC from the Parking Lot Landscaping Requirements of the Tree Ordinance**
- Item #4 **An Ordinance by the Avondale Estates Board of Mayor and Commissioners to Amend the Zoning Ordinance of the City to Exempt Property Zoned General Commercial ("GC") From Parking Requirements, Including Parking Lot Landscape Plan Review by the Architectural Review Board; and to Amend the Tree Ordinance to Exempt Property Zoned GC from the Parking Lot Landscaping Requirements of the Tree Ordinance**
This amendment would exempt property zoned GC from parking lot landscape requirements. The impending sale of the Department of Juvenile Justice (DJJ) Building and their request for additional parking is the impetus for this change. The code is currently a combination of DeKalb County codes with urban overlay standards from Avondale Estates, and has never been applied to existing GC parcels. The zoning code re-write will address problematic elements of the code, and staff supports this amendment until the new code can be implemented later this year.
- Item #5 **Resolution for Renovations at City Hall**
This will authorize the city manager to spend an amount not to exceed \$49 thousand on renovations at city hall. Improvements will optimize security and office space.
- Item #6 **New Planning & Zoning Board (PZB) Appointee**
A seat has been vacant on this board for several months. At their April 20th meeting, the voted to recommend a new member for approval by the Board of Mayor and Commissioners (BOMC).

Item #7 **Resolution for Roadway & Pedestrian Lighting Operation and Maintenance**

The Georgia Department of Transportation will install new lighting as part of the US 278 Complete Streets project, as long as the BOMC resolves to fund operation and maintenance after installation.

Item #8 Public Comment

Item #9 Adjournment

APPLICATION FOR TEXT AMENDMENT

TO EXEMPT PROPERTY ZONED GENERAL COMMERCIAL FROM PARKING REQUIREMENTS INCLUDING PARKING LOT LANDSCAPING REQUIREMENTS.

1) APPLICANT

City Manager Patrick Bryant

21 North Avondale Plaza

Avondale Estates, Georgia 30002

2) CURRENT PROVISIONS OF TEXT TO BE AFFECTED:

- a.) Section 1204 of the Zoning Ordinance, regarding Parking Requirements
- b.) Subsection 5-413(d) of the City Code, regarding parking lot landscaping.

3) PROPOSED WORDING OF TEXT CHANGES

Please see the attached proposed Ordinance.

4) REASON FOR AMENDMENT REQUEST

The impetus for this proposed amendment is the impending sale of the Department of Juvenile Justice Building. Section 1204 of the Zoning Ordinance requires many more parking spaces than required by the State of Georgia and more spaces than could conceivably be provided on the lot. The Design Guidelines for parking lots that are part of the Architectural Review Board review would require more trees and more space to be dedicated to non-parking than the site can accommodate. Finally, the tree ordinance would require more trees and shaded area than are possible at the site and the tree ordinance does not allow for a variance.

The properties zoned GC are already built out with fewer parking spaces than the code currently requires. While the DJJ building proposes to add some additional parking, even with the new parking, the number of parking spaces falls below the required minimum parking requirements. As is being demonstrated by the DJJ building, property owners are fully motivated by market forces to provide adequate parking. Reducing parking requirements is appropriate in an area that has an adjoining single-family neighborhood in walking distance and good proximity to MARTA services. This proposed change is consistent with the future use that the City envisions as the area evolves over time from suburban to more urban.

In the interest of moving forward with the DJJ building transaction immediately, staff is comfortable eliminating the review of parking lot landscaping plans within the GC zone until the parking landscape requirements can be fully reviewed and a new code is adopted later this year.

ORDINANCE NO. _____

AN ORDINANCE BY THE AVONDALE ESTATES BOARD OF MAYOR AND COMMISSIONERS TO AMEND THE ZONING ORDINANCE OF THE CITY TO EXEMPT PROPERTY ZONED GENERAL COMMERCIAL (“GC”) FROM PARKING REQUIREMENTS, INCLUDING PARKING LOT LANDSCAPE PLAN REVIEW BY THE ARCHITECTURAL REVIEW BOARD; AND TO AMEND THE TREE ORDINANCE TO EXEMPT PROPERTY ZONED GC FROM THE PARKING LOT LANDSCAPING REQUIREMENTS OF THE TREE ORDINANCE.

WHEREAS, within the City of Avondale Estates there exists a certain commercial area on the Eastern edge of the city that is zoned General Commercial; and

WHEREAS, the General Commercial area has already been built out with parking that does not comply with existing parking regulations of the Zoning Ordinance; and

WHEREAS, the Board of Mayor and Commissioners hereby finds that market forces will be sufficient to ensure adequate parking in the General Commercial area.

NOW THEREFORE, BE IT ORDAINED by the City of Avondale Estates as follows:

SECTION 1. Appendix A to the Code of Ordinances, known as the Zoning Ordinance of the City of Avondale Estates, is hereby amended to add new subsection (IV) to Section 1204, regarding parking, to read as follows:

“(IV) The parking requirements of subsection (III) this section 1204, including minimum space requirements and parking lot landscape plan review by the Architectural Review Board, shall not apply to property zoned General Commercial (“GC”), except that the following subsections of 1204(III) shall continue to apply to the GC zone: (D)(1) regarding grading and surface of parking lots, (D)(2) regarding lighting, (D)(3) regarding use of parking lots, (F) regarding boats and recreational vehicles, and (G) regarding storage of vehicles not bearing a current license plate.”

SECTION 2. City Code Chapter 5, Article X, regarding tree protection and preservation, is hereby amended to add new subsection (d)(5) to Section 5-413, to read as follows:

“(d)(5) The parking lot landscaping requirements of this section 5-413(d) shall not apply to property zoned General Commercial (“GC”).”

SECTION 3. This amendment shall become effective immediately upon its adoption in conformance with the Zoning Procedures Law.

[signature page follows]

SO ORDAINED, this ____ day of _____, 2020.

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES**

Jonathan Elmore, Mayor

Attest:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn

Assistant City Attorney

Advertised: _____

PZB Public Hearing: _____

Advertised: _____

BOMC Public Hearing: _____

APPLICATION FOR TEXT AMENDMENT

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City Manager Patrick Bryant

21 North Avondale Plaza

Avondale Estates, Georgia 30002

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The impetus for this proposed amendment is the impending sale of the Department of Juvenile Justice Building. Section 1204 of the Zoning Ordinance requires many more parking spaces than required by the State of Georgia and more spaces than could conceivably be provided on the lot. The Design Guidelines for parking lots that are part of the Architectural Review Board review would require more trees and more space to be dedicated to non-parking than the site can accommodate. Finally, the tree ordinance would require more trees and shaded area than are possible at the site and the tree ordinance does not allow for a variance.

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WHEREAS, the General Commercial area has already been built out with parking that does not comply with existing parking regulations of the Zoning Ordinance; and

WHEREAS, the Board of Mayor and Commissioners hereby finds that market forces will be sufficient to ensure adequate parking in the General Commercial area.

NOW THEREFORE, BE IT ORDAINED by the City of Avondale Estates as follows:

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SECTION 3. This amendment shall become effective immediately upon its adoption in conformance with the Zoning Procedures Law.

[signature page follows]

SO ORDAINED, this ____ day of _____, 2020.

**BOARD OF MAYOR AND COMMISSIONERS
CITY OF AVONDALE ESTATES**

Jonathan Elmore, Mayor

Attest:

Gina Hill, City Clerk

Approved as to Form:

Stephen G. Quinn

Assistant City Attorney

Advertised: _____

PZB Public Hearing: _____

Advertised: _____

BOMC Public Hearing: _____

**A RESOLUTION
AUTHORIZING THE CITY MANAGER TO CONTRACT FOR CITY HALL
RENOVATIONS**

WHEREAS, the City of Avondale Estates is dedicated to providing safe and adequate facilities for employees; and

WHEREAS, the City also strives to provide facilities that are practical and easy to use for residents and other visitors conducting city business; and

WHEREAS, City staff has determined a need make improvements at City Hall in an effort to achieve these goals; and

NOW, AND THEREFORE, BE IT RESOLVED, the Board of Mayor and Commissioners of the City of Avondale Estates hereby authorizes the City Manager to enter into a contract to make improvements at City Hall, in compliance with state bid laws and in an amount not to exceed \$49 thousand.

SO RESOLVED, this 27th day of April 2020.

**CITY OF AVONDALE ESTATES BOARD
OF MAYOR AND COMMISSIONERS**

Jonathan Elmore, Mayor

Attest: _____
Gina Hill, City Clerk

A RESOLUTION

**TO APPOINT A NEW MEMBER OF THE PLANNING AND ZONING BOARD FOR
THE CITY OF AVONDALE ESTATES**

WHEREAS, City of Avondale Estates has created a Planning and Zoning Board (PZB);
and

WHEREAS, the Board of Mayor and Commissioners has the authority to appoint its
members; and

WHEREAS, the PZB has a vacancy due to a member being elected to the Board of
Mayor and Commissioners; and

WHEREAS, the position was advertised, the PZB interviewed applicants and made a
recommendation to the Board of Mayor and Commissioners; and

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Mayor and
Commissioners of the City of Avondale Estates that the following member be appointed
to the Avondale Estates Planning and Zoning Board:

_____ Term to expire on June 30, 2022

RESOLVED this 27th day of April 2020

**BOARD OF MAYOR AND COMMISSIONERS OF
THE CITY OF AVONDALE ESTATES, GEORGIA**

Jonathan Elmore, Mayor

ATTEST:

Gina Hill, City Clerk



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

April 18, 2020

Mr. Patrick Bryant
City Manager
City of Avondale Estates
21 North Avondale Plaza
Avondale Estates, GA 30002

***RE: Roadway/pedestrian lighting assistance for SR 10/US 278 FM CS
721/ASHTON PLACE TO CR 5206/SAMS CROSSING – P.I. No. 0015071; City of
Avondale Estate***

Dear Mr. Bryant,

The Department will require a signed agreement for roadway/pedestrian lighting installed as part of the above referenced project. The lighting shall be administered in the form of a Local Government Lighting Project Agreement (LGLPA). It will be the responsibility of the City to provide the Energy, Operation and Maintenance for the system. The Department shall be responsible for the design and installation, including all costs of materials for the system.

Attached for your review are three (3) original copies of the proposed LGLPA between the Georgia Department of Transportation and City of Avondale Estates, for City and State participation. It is requested that a Resolution be secured from the City Council before entering into the Agreement. By virtue of the Resolution, the City can then enter into the Agreement. The Resolution/Agreement process can be done concurrently. If you concur with the terms of this Agreement, please attach an official copy of the Resolution (including all signatures and seals) to each of the Agreements. Then, please obtain the necessary signatures and appropriate seals from the City Council on all three copies of the Agreement and return all three copies to the Office of Design Policy & Support for further handling. *Please do not fill in the date on the first page of the Agreement, as the Department will complete this upon execution.* We will return one copy of the executed Agreement for your files.



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

If you have any questions or need any additional assistance, please contact Robert Graham at (404) 631-1684.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert L. Brown, Jr.', written in a cursive style.

FOR Christopher Rudd, P.E.
State Design Policy Engineer

Enclosure: Local Government Lighting Project Agreement (3 copies)

cc: Robert L. Brown, Jr., State Transportation Board, Congressional District 4
Meg Pirkle, Chief Engineer
Kathy Zahul, District 7 Engineer
Hiral Patel, Director of Engineering

AGREEMENT
BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
CITY OF AVONDALE ESTATES

This Agreement is made and entered into this _____ day of _____, 20____, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**, and the CITY OF AVONDALE ESTATES, GEORGIA acting by and through its City Council, hereinafter called the **CITY**.

WHEREAS, the CITY has represented to the DEPARTMENT a desire to obtain roadway/pedestrian lighting as part of the **SR 10/US 278 FM CS 721/ASHTON PLACE TO CR 5206/SAMS CROSSING** project, said lighting to be installed under P.I. No. 0015071, DeKalb County;

WHEREAS, the CITY has represented to the DEPARTMENT a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting system at the aforesaid location, and the DEPARTMENT has relied upon such representation; and

WHEREAS, the DEPARTMENT has indicated a willingness to fund the materials and installation for the said lighting system at the aforesaid location, with funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the CITY hereby agree each with the other as follows:

1. The DEPARTMENT or its assigns shall cause the installation of all materials and equipment necessary for roadway/pedestrian lighting as part of the **SR 10/US 278 FM CS 721/ASHTON PLACE TO CR 5206/SAMS CROSSING** project, said lighting to be installed under P.I. No. 0015071, DeKalb County as shown on Attachment "A" attached hereto and made a part hereof.

2. Upon completion of installation of said lighting system, and acceptance by the DEPARTMENT, the CITY shall assume full responsibility for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The CITY further agrees to provide and pay for all the energy required for the operation of said lighting system.

3. The DEPARTMENT shall retain ownership of all materials and various components of the entire lighting system. The CITY, in its operation and maintenance of the lighting system, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

4. This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The DEPARTMENT reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the CITY.

5. It is understood by the CITY that the DEPARTMENT has relied upon the CITY'S representation of providing for the energy, maintenance, and operation of the lighting represented by this Agreement; therefore, if the CITY elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the CITY shall reimburse the DEPARTMENT the materials cost for the lighting system. If the CITY elects to de-energize or fails to properly maintain any individual unit within the lighting system, the CITY shall reimburse the DEPARTMENT for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The DEPARTMENT will provide the CITY with a statement of material costs upon completion of the installation.

The covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

RECOMMENDED:

CITY OF AVONDALE ESTATE

BY:

Mayor

(SEAL)

GA DEPARTMENT OF TRANSPORTATION

WITNESS

BY _____
Commissioner

Notary Public

(SEAL)

This Agreement approved by the City Council at a meeting held at

this _____ day of _____,

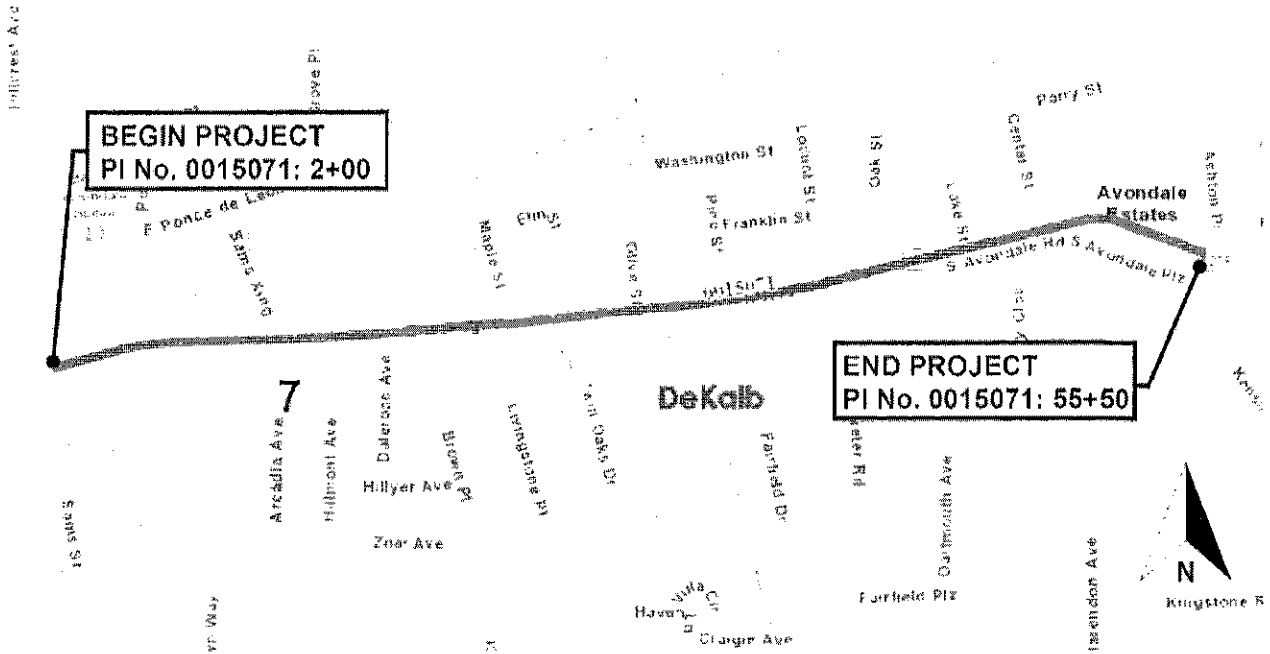
20__.

ATTEST:

Treasurer

City Clerk

Attachment "A"



Project Location Map

**SR 10/US 278 from CS 721/Ashton Place to CR 5206/Sams
Crossing
City of Avondale Estates (DeKalb County)
P.I. No. 0015071**

**RESOLUTION TO
PROVIDE THE ENERGY, OPERATION AND MAINTENANCE OF LIGHTING
INSTALLED BY
THE GEORGIA DEPARTMENT OF TRANSPORTATION AS PART OF THE US 278
COMPLETE STREET PROJECT**

WHEREAS, the City of Avondale Estates has adopted the 2014 Downtown Master Plan recommending a redesign and safety improvements along US 278; and

WHEREAS, this project – called the US 278 Complete Street Project – will encourage healthier and safer transportation for residents and visitors while supporting local businesses; and

WHEREAS, as part of the project, the Georgia Department of Transportation (GDOT) will be responsible for the cost of the materials, as well as design and installation of roadway and pedestrian lighting; and

WHEREAS, GDOT will administer this portion of the project through the Local Government Lighting Project Agreement (LGLPA); and

WHEREAS, as part of the agreement, the City must resolve to maintain the lighting after installation; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Commissioners that the City of Avondale Estates will provide the energy, operation and maintenance for the lighting system once installed by GDOT.

SO, RESOLVED, this 27th day of April 2020.

THE CITY OF AVONDALE ESTATES

Attest:

Jonathan Elmore, Mayor

Gina Hill, City Clerk