



PLANNING COMMISSION

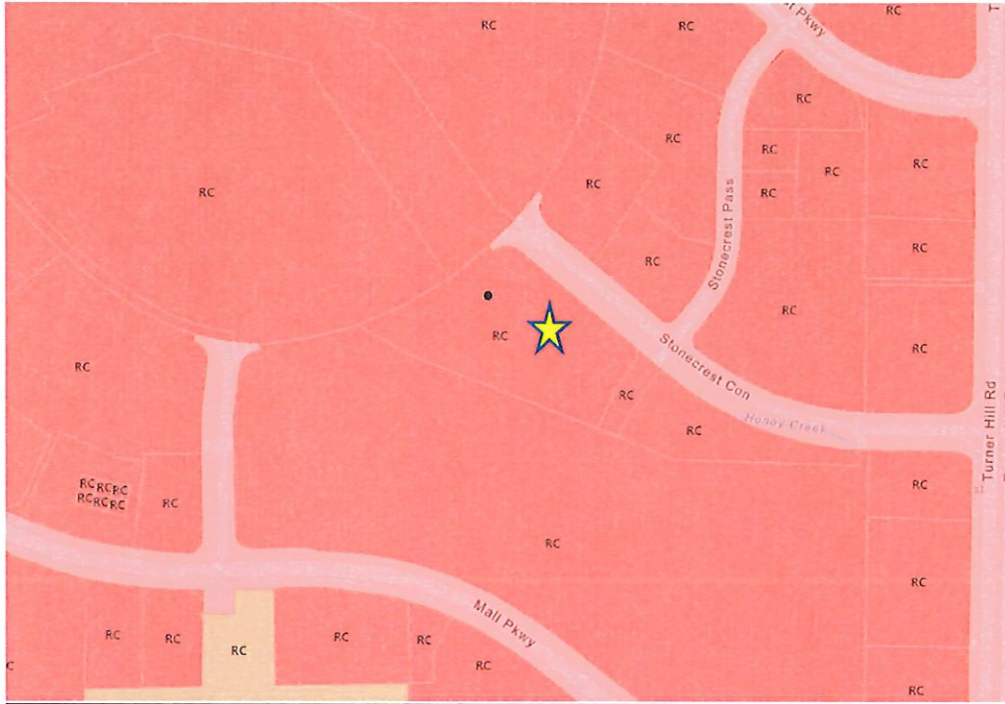
Planning Commission October 4, 2022 / Mayor and City Council Meeting October 24, 2022

GENERAL INFORMATION

Petition Number:	RZ-22-004
Applicant:	Calvin Chan
Owner:	Stonecrest Investments, LLC.
Project Location:	7301 Stonecrest Concourse
Parcel:	16-170-01-028
District:	District 1
Acreage:	4.2 +/- acres
Existing Zoning:	C-1(Local Commercial) Stonecrest Overlay Tier 2
Proposed Zoning:	C-1 (Local Commercial) Stonecrest Overlay Tier 1
Comprehensive Plan Community: Area Designation	RC (Regional Center)
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from C-1, Stonecrest Overlay Tier 2 to C-1 Stonecrest
Staff Recommendations:	<i>Approval/Conditional</i>
Planning Commission	N/A
City Council	N/A



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Zoning Map



Zoning Case: RZ-22-004

Address: 7301 Stonecrest Concourse.

Current Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 2

Proposed Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 1

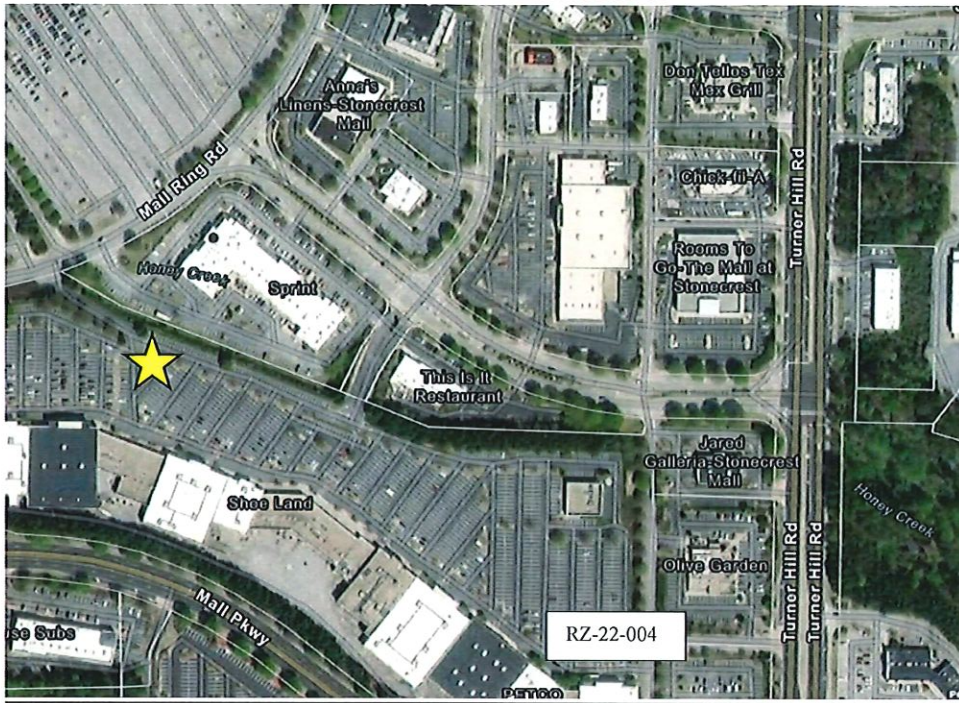


Subject Property

Aerial Map



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PROJECT OVERVIEW



Location

The subject properties are located 7301 Stonecrest Concourse (Parcel ID: 16-170-01-). The Subject Property consists of a ±4.2-acres located in Land Lots 170, 16th District, City of Stonecrest, DeKalb County, Georgia (“Subject Property”).

The property is bounded by Mall Ring Road to the west, by Stonecrest Parkway to the north and Mall Parkway to the south, and Turner Hill Road to the east.



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Rezoning Request

Background:

The applicant is requesting to rezone 4.2 +/- acres of the subject property located 7301 Stonecrest Concourse from C-1 (Local Commercial), Stonecrest Overlay Tier 2 District to C-1 (Local Commercial), Stonecrest Overlay Tier 1 District to allow for a late-night establishment. The subject property consists of an existing commercial business complex of several businesses totaling ±186,219 square feet, parking, and commercial use. The Applicant intends to rezone all parcels comprising the subject to the Stonecrest Tier 1 Overlay which allows for a late-night establishment; whereas late-night establishment is prohibited in Tier 1 of the Stonecrest Overlay. The subject property has no zoning history related.

Stonecrest Overlay Tier 2 (Section 3.5.14.B- Mid-rise Mixed-Use Zone)

17. Commercial parking lots.
18. Automobile wash/wax service.
19. Late-night establishments.
20. Nightclubs.
21. Check cashing facility.
22. Automobile emission testing facilities.



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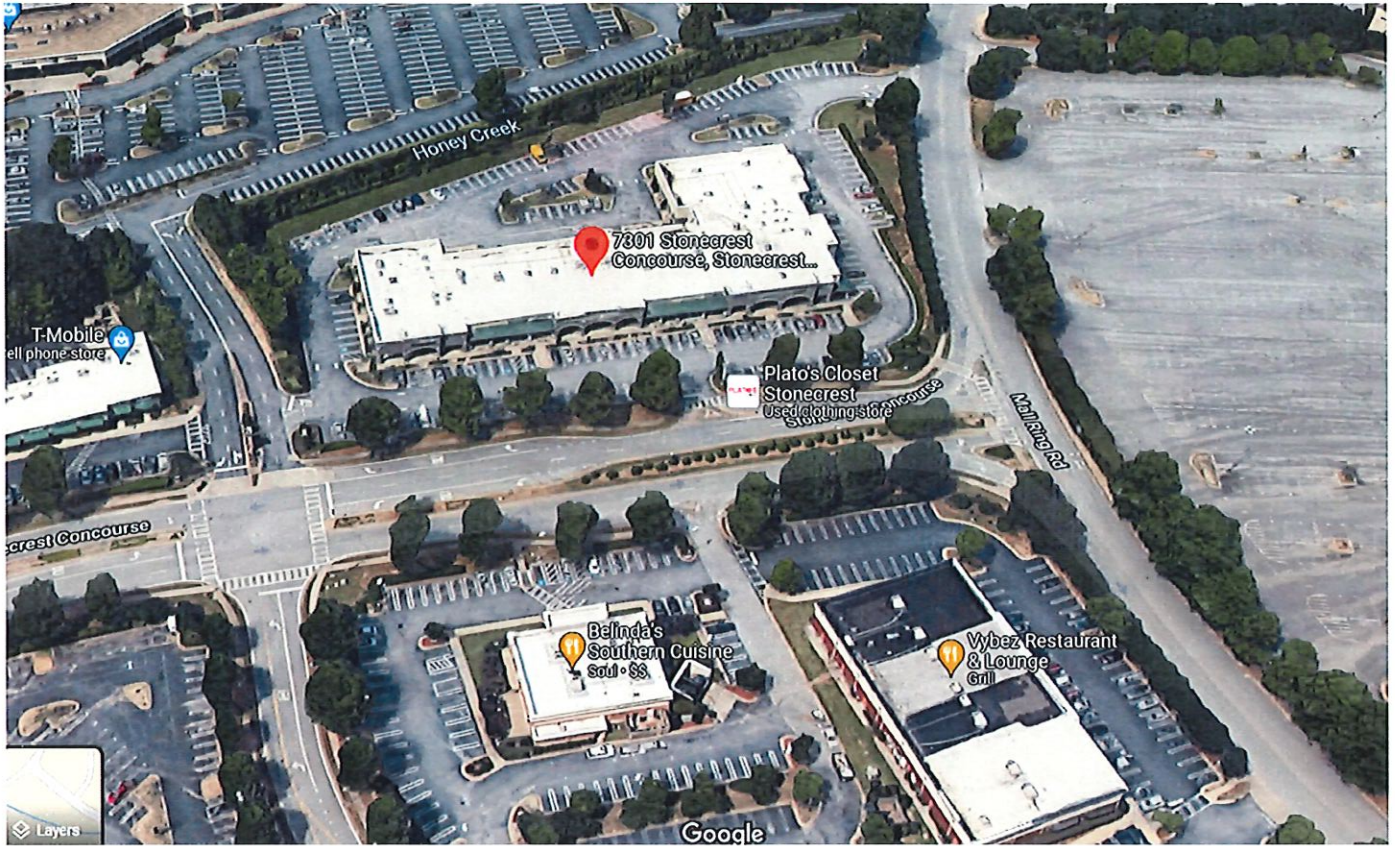
Stonecrest Overlay Tier 1 (Section 3.5.13.A- High-rise Mixed-Use Zone)

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
-

The subject property is designated as Regional Center according to the City of Stonecrest Comprehensive Plan. The intent for Regional Center is to allow for townhomes, condominiums, apartments, local retail and commercial, office, park and recreation, entertainment and cultural, institutional, civic, technology centers and healthcare.

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Public Participation

Community Planning Information Meeting was on September 13, 2022. There was no surrounding property owner to speak in opposition of the rezoning petition, but there were several inquiries and comments regarding security, lighting, and noise ordinance.



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STANDARDS OF REZONING REVIEW

ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	C-1 (Local Commercial) and M (Light Industrial)	Vybez Restaurant & Lounge, Arizona's
Adjacent: East	C-1 (Local Commercial)	Stonecrest Mall, Various dealerships
Adjacent: South	M (Light Industrial) District	DSW, Ross, Marshall's, various retail stores
Adjacent: West	C-1 (Local Commercial)	Chick-fil-A, McDonald's, Rooms To Go, etc.

Zoning Criteria, Staff's Analysis and Comments

Section 7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

- Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.

As shown in the table above, the subject property is surrounded by commercial development.



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- **Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The existing land use is commercial and will not adversely affect the existing use or usability of adjacent or nearby property or properties. The current zoning of the property is the recommended zoning classification for the proposed land use and would be similar to adjacent properties.

- **Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The subject property is adjacent to the Stonecrest Mall and other retail and commercial businesses. There will be no change to the ingress and egress as the existing streets, transportation facilities, utilities and nearby schools will remain the same.

- **Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.**

The proposed use of a late-night establishment is in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is RC, Regional Center. The intent of the Regional Center is to allow for townhomes, condominiums, apartments, local retail and commercial, office, park and recreation, entertainment and cultural, institutional, civic, technology centers and healthcare. The proposed use is in compliance with the comprehensive plan's intent.

- **Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.**

There are no potential impacts on the subject property or properties. The subject property is over 2000 ft away from unincorporated DeKalb County. The adjoining governmental jurisdiction will not be affected by the proposed change.

- **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.**

There are no existing conditions affecting the use and development of the proposed late-night establishment. The applicant is seeking this rezoning to allow for extended hours of entertainment and night life for the residents of Stonecrest.

- **Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property, therefore there will be no impact on historic buildings.



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STANDARDS OF REZONING REVIEW

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

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

Yes. The Proposed Development will complement the existing commercial development in the area. Additionally, the Applicant's request will not result in a different use than what is allowed under the current zoning, rather to seek a uniform zoning and to make technical changes to the existing use. Also, there is no proposed change in building or parking. As a result, the requested land use modification will have no bearing on the use and development of adjacent properties and will be a positive improvement in late-night entertainment for those that are 21 and older.

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

The subject property is located within the Regional Center character area of the Stonecrest Comprehensive Plan. The character area intends to lend to commercial and mixed-use development. The proposed zoning change and development of late-night establishment would be in keeping with the policy and intent of the comprehensive plan.

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

The property is currently zoned C-1, which permits the development of a commercial use such as retail. The property does have reasonable economic use as currently zoned.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties.

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

There are no known existing conditions or changing conditions affecting the use and development of the subject property. The current zoning is the same proposed zoning classification.



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

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

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

The zoning proposed would not cause excessive burdensome.

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

The zoning proposal will not adversely impact the environment or surrounding natural resources.

STAFF RECOMMENDATION

Staff recommends **APPROVAL/CONDITIONS** of RZ-22-004. The conditions are the following:

1. Late-night establishment shall be limited to the subject property only.
2. All lights shall be of concealed source type so that the illumination therefrom shall be controlled in a particular direction away from traffic driving south of Mall Ring Road or east-west along Stonecrest Concourse
3. Security shall be provided from sunset (midnight) to closing
4. The lighting of the parking lot shall be lit to the same standards of hotel and motels.
5. There shall be no parking along in a public right-of-way
6. There shall be no smoking-lounge or
7. Late-night establishment shall not be permitted to be used as an outdoor special event



Amendment Application

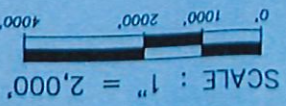
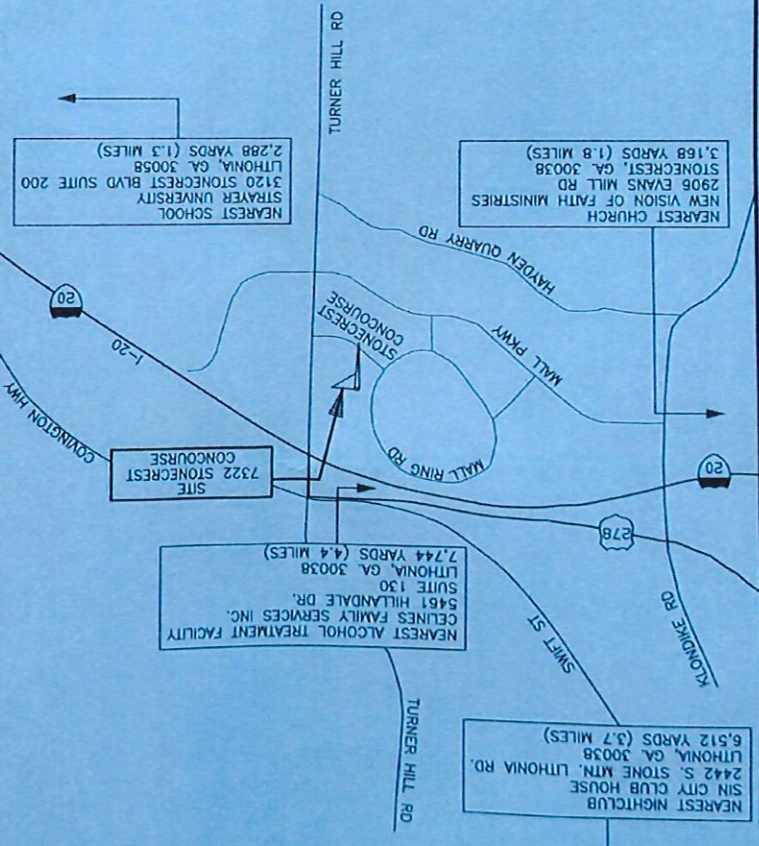
Property Information	Owner's Name:	Stonecrest Investments LLC		
	Owner's Address:	3585 Atlanta Ave Hapeville GA 30358		
	Phone:	512-681-1000	Fax:	
	Property Address:	7301 Stonecrest Concourse	Parcel Size:	
	Parcel ID:			
	Current Zoning Classification:	2		
Requested Zoning Classification:	1			
Applicant Information	Name:	Calvin Chan		
	Address:	7301 Stonecrest Concourse Suite 123 Lithonia GA 30058		
	Phone:	470-359-5956	Fax:	
	Cell:	317-733-5166	Email:	592 Lounge 6@gmail.com
	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Questionnaire	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?			
	no			
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?			
	no			
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			
	no			
	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			
no				
5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?				
no				
6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?				
no				
Affidavit	To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.			
	yes			



ADAM & LEE LAND SURVEYING
 5640 GA. HWY. 20 S.
 LOGANVILLE, GA. 30052 (770)554-8995
 www.adamandlee.com FAX=(770)554-8134

ALCOHOL LICENSE SURVEY FOR:
592 LOUNGE
 7301 STONECREST CONCOURSE SUITE 123
 STONECREST, GEORGIA 30038
 COUNTY: DEKALB DISTRICT: 16TH
 LAND LOT: 170 SECTION:

DATE OF PLAN PREPARATION
 04/14/2021 BY: HMG
 DATE OF FIELD SURVEY
 04/13/2021 BY: SLS
 SCALE: 1"=2000'
 SHEET # 1 OF 1
 21124



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 IT'S THE LAW
 THREE WORKING DAYS BEFORE YOU DIG

NOTE:
 NO CHURCH LIES WITHIN 200 YARDS OF SITE
 NO SCHOOL LIES WITHIN 200 YARDS OF SITE
 NO ALCOHOL TREATMENT FACILITY LIES WITHIN 200 YARDS OF SITE
 NO NIGHTCLUB LIES WITHIN 200 YARDS OF SITE

AFTER RECORDING RETURN TO:
Andrew H. Meyer, Esq.
MEYER CLOSINGS, LLC
5605 Glenridge Drive
Suite 800
Atlanta, Georgia 30342

TAX PARCEL #16-170-01-
028

LIMITED WARRANTY DEED

THIS INDENTURE, made this 19 day of September, 2019 between ATA STONE LITHONIA GA, LLC, an Arizona limited liability company, (hereinafter called AGrantor@) and STONECREST INVESTMENT, LLC, a Georgia limited liability company, (hereinafter called AGrantee@) (the words AGrantor@ and AGrantee@ to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

Grantor, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), and other good and valuable consideration in hand paid by Grantee to Grantor at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency 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, all that tract or parcel of land lying and being in Land Lot 170 of the 16th District, DeKalb County, Georgia said tract of land being more particularly described on Exhibit AA@ attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, together 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.

AND THE SAID Grantor hereby covenants with Grantee that Grantor will forever defend, the right and title to the property described herein, unto Grantee against claims of all persons claiming by, through or under Grantor except for those matters listed on Exhibit AB.@ No other covenants or warranties, express or implied, are given by this Limited Warranty Deed.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, the day and year first above written.

Sworn to and subscribed
in the presence of:

ATA STONE LITHONIA GA, LLC, an
Arizona limited liability company

By: Arciterra Strategic Retail Advisor, LLC
an Arizona limited liability company

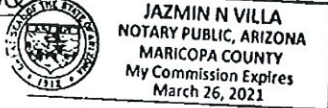
By: Arciterra Group, LLC
Its: Manager

[Signature]
Witness

By: [Signature]

Its: Vice President

[Signature]
Notary Public





592 LOUNGE & RESTAURANT LLC

May 3, 2022

To: Who it May Concern

Please allow this letter and the attached application to serve as our letter of intent to seek a Special Land Use Permit for 592 Lounge & Restaurant located at 7301 Stonecrest Concourse Suite, 123, Stonecrest, GA 30038.

592 Lounge & Restaurant LLC is seeking this permit for the Lounge & Restaurant to be considered a late night establishment for the public to be able to relax and be able to consume food, beer, wine, and alcohol. The security measures that the lounge will have in place will be physical security, security controls and management security. Having physical security will be a top priority for the lounge to deny access to unauthorized personnel. The Lounge will encourage a shared responsibility for security awareness amongst its dedicated staff. Make security awareness everyone's responsibility. The Lounge have policies documenting how to handle the most common security problems that the organization may face. The Lounge also conducts quarterly training for employees proven ways to respond to any possible threats.

The Lounge will also adhere to all noise abatement, waste management and fire safety and emergency plan rules and regulations.

