

PLANNING COMMISSION MEETING
Stonecrest City Hall - 6:00 PM **In-Person Meeting*
August 2, 2022



A G E N D A

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit their request via email address kjackson@stonecrestga.gov by noon the day of the hearing, July 5, 2022. A zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

I. Call to Order

II. Roll Call

III. Approval of the Agenda

IV. Presentations - Presentation by Senior Planner Keedra Jackson, Planning and Zoning Department on department activities and upcoming cases.

V. Approval of Minutes - Planning Commission Meeting Minutes Summary dated July 5, 2022

VI. Old Business:

Public Hearing(s):

LAND USE PETITION: RZ-22-002

PETITIONER: Nick Faber of IDI Logistics

LOCATION: 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road

PROPOSED AMENDMENT: To rezone subject properties from M (Light Industrial) and M-2 (Heavy Industrial) to M (Light Industrial) for the amendment of zoning conditions CZ-81143: #7, 10, 11, 14, and 17 to allow for the construction of three-building warehouse development to include truck parking.

I.

VII. New Business:

LAND USE PETITION: RZ-22-004

PETITIONER: 592 Lounge, LLC – Calvin Chan

LOCATION: 7301 Stonecrest Concourse, Suite 123

PROPOSED AMENDMENT: To seek a rezoning from the C-1 (Local Commercial Business) Stonecrest Overlay Tier 3 to the C-1, Stonecrest Overlay Tier 1 to allow for a late-night establishment.

LAND USE PETITION: RZ-22-005

PETITIONER: Dossey, LLC, c/o Battle Law PC

LOCATION: 3266 Hayden Quarry Road and 7407 Hayden Quarry Road

PROPOSED AMENDMENT: Is seeking to rezone the subject properties from R-100 (Residential Medium Lot) to MR-1 (Medium Density Residential) to develop 55 single-family attached townhomes to be owned fee simple on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16 182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road.

LAND USE PETITION: RZ-22-006

PETITIONER: Wilson, Brock, Irby, LLC. on behalf of Duke Realty Limited Partnership

LOCATION: 2975 Evans Mill Road (16 106 01 006) and 6378 East Glen Road (16 106 01 007)

PROPOSED AMENDMENT: To seek a rezoning from R-100 (Residential Medium Lot) to OD (Office Distribution) and to seek a comprehensive land use change from City Center to Light Industrial

VIII. Adjournment

2300 & 2301 S Stone Mountain Lithonia Blvd.

- Amendment Application
- Prop Owner Notarized Cert. (6)
- Campaign Disclosure (10)
- Letter of Intent
- Site Plan
- Survey
- Bldg. Photos
- Ariel Parcel Map
- Updated Boundary Description 7-22-2022
- Staff Reports



Amendment Application

Property Information	Owner's Name: Judy L. Kelly, James W. Kelly, Jr., Daniel H. Kelly			
	Owner's Address: 6515 Marbut Road, Lithonia, GA 30058			
	Phone: 770.482.2995	Fax:	Email: daniel92647@gmail.com	
	Property Address: 2368 Stone Mountain Lithonia Road, Lithonia, GA 30058		Parcel Size: +/- 1.66 ac	
	Parcel ID: 16-124-01-003			
	Current Zoning Classification: M-2 - Heavy Industrial			
	Requested Zoning Classification: M - Light Industrial			
	Name: Nick Faber			
	Address: 1197 Peachtree Street, NE, Suite 600, Atlanta, GA 30361			
	Phone: 404.479.1642	Fax:		
Cell: 770.335.3688	Email:			
Applicant Information	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>			
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? See attached Letter of Intent.			
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? See attached Letter of Intent.			
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? See attached Letter of Intent.			
	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? See attached Letter of Intent.			
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? See attached Letter of Intent.			
	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? See attached Letter of Intent.			
	<i>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.</i>			
	Questionnaire			
Affidavit				



Amendment Application

Property Information	Carol French Spann as Executor under the Will of Laura M. Cheek, William Hirsch, Judy L. Kelly, James W. Kelly, Jr., Owner's Name: Daniel H. Kelly & The Second James A. Kaufmann Family Partnership, LLLP		
	Owner's Address: The Kelly's: 6515 Marbut Road, Lithonia, GA 30058 / Carol French: 5176 Trumball Court, Dunwoody, GA 30338 / William Hirsch: 19825 North Cove Road, Suite B/ PMB 208, Cornelius, NC 28031		
	Phone: 770.482.2995	Fax:	Email: daniel92647@gmail.com
	Property Address: 2300 Stone Mountain Lithonia Road, Lithonia, GA 30058		Parcel Size: +/- 67.012 ac
	Parcel ID: 16-125-01-002		
	Current Zoning Classification: M - Light Industrial		
	Requested Zoning Classification: M - Light Industrial		
Applicant Information	Name: Nick Faber		
	Address: 1197 Peachtree Street, NE, Suite 600, Atlanta, GA 30361		
	Phone: 404.479.1642	Fax:	
	Cell: 770.335.3688	Email:	
Questionnaire	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? <div style="text-align: right;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>		
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? See attached Letter of Intent.		
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? See attached Letter of Intent.		
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	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? See attached Letter of Intent.		
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.		



Amendment Application

Property Information	Owner's Name: Judy L. Kelly, James W. Kelly, Jr., Daniel H. Kelly	
	Owner's Address: 6515 Marbut Road, Lithonia, GA 30058	
	Phone: 770.482.2995	Fax: _____
	Email: daniel92647@gmail.com	
	Property Address: 2330 Stone Mountain Lithonia Road, Lithonia, GA 30058	Parcel Size: +/- 53.102 ac
	Parcel ID: 16-125-01-153	
Applicant Information	Current Zoning Classification: M-2 - Heavy Industrial	
	Requested Zoning Classification: M - Light Industrial	
	Name: Nick Faber	
	Address: 1197 Peachtree Street, NE, Suite 600, Atlanta, GA 30361	
	Phone: 404.479.1642	Fax: _____
	Cell: 770.335.3688	Email: _____
Questionnaire	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? See attached Letter of Intent.	
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Affidavit	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? See attached Letter of Intent.	
	<i>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.</i>	



Amendment Application

Property Information	Owner's Name: James W. Kelly, Jr. and Daniel H. Kelly	
	Owner's Address: 6515 Marbut Road, Lithonia, GA 30058	
	Phone: 770.482.2995	Email: daniel92647@gmail.com
	Fax:	
	Property Address: 1801 Coffee Road, Lithonia, GA 30058 16-132-01-001	
	Parcel Size: +/- 51.296 ac	
Applicant Information	Parcel ID: 16-132-01-001	
	Current Zoning Classification: M2 - Heavy Industrial	
	Requested Zoning Classification: M - Light Industrial	
	Name: Nick Faber	
	Address: 1197 Peachtree Street, NE, Suite 600, Atlanta, GA 30361	
	Phone: 404.479.1642	Fax:
Cell: 770.335.3688	Email:	
Questionnaire	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? <div style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</div>	
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Affidavit	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? See attached Letter of Intent.	
	<i>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.</i>	



Amendment Application

Property Information	Owner's Name: Daniel H. Kelly, James W. Kelly, Jr.		
	Owner's Address: 6515 Marbut Road, Lithonia, GA 30058		
	Phone: 770.482.2995	Fax:	Email: daniel92647@gmail.com
	Property Address: 2376 Stone Mountain Lithonia Road, Lithonia, GA 30058		Parcel Size: +/- 32.059 ac
	Parcel ID: 16-132-01-019		
	Current Zoning Classification: M2 - Heavy Industrial		
Applicant Information	Requested Zoning Classification: M - Light Industrial		
	Name: Nick Faber		
	Address: 1197 Peachtree Street, NE, Suite 600, Atlanta, GA 30361		
	Phone: 404.479.1642	Fax:	
	Cell: 770.335.3688	Email:	
	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?		
	See attached Letter of Intent.		
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?		
	See attached Letter of Intent.		
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?		
	See attached Letter of Intent.		
Affidavit	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?		
	See attached Letter of Intent.		
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?		
	See attached Letter of Intent.		
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See attached Letter of Intent.			
<i>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.</i>			



Affidavit
Notary
Fee

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.

Nick Faber, Market Officer, IDI Logistics

Applicant's Name:

Nick Faber

Applicant's Signature:

Date:

Sworn to and subscribed before me this 7th Day of February 2022

Allison Heeley
Notary Public:

Allison Heeley

Signature:

August 19, 2023

My Commission Expires:



Application Fee Sign Fee Legal Fee

Fee: \$ 500.00

Payment: Cash Check CC

Date:

Approved Approved with Conditions Denied

Date:

***One sign is required per street frontage and/or every 500 feet of street frontage**



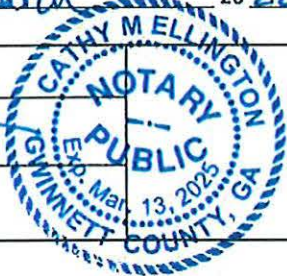
Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature:		Date:
	Address: 1197 Peachtree Street NE, Suite 600		City, State: Atlanta, GA
	Phone: 770.335.3688		
	Sworn to and subscribed before me this <u>7th</u> day of <u>February</u> , 20 <u>22</u>		
Attorney / Agent	Notary Public:		
	Signature:		
	Address:		City, State:
	Phone:		
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			



Applicant Signature
Notary
Fee

Applicant's Name: Kathryn M. Zickert, Smith, Gambrell & Russell, LLP		
Applicant's Signature: <i>Kathryn M Zickert</i>	Date: 03.28.2022	
Sworn to and subscribed before me this <u>28th</u> Day of <u>March</u> 20 <u>22</u>		
Notary Public: <i>Cathy M. Ellington</i>		
Signature: <i>Cathy M. Ellington</i>		
My Commission Expires: <u>03.13.2025</u>		
<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee <input type="checkbox"/> Legal Fee		
Fee: \$	Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC	Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Date:

***One sign is required per street frontage and/or every 500 feet of street frontage**

Owner Affidavits

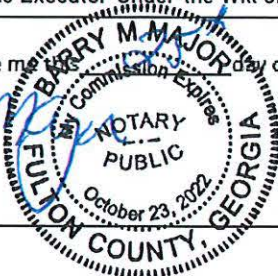


Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Under the will of Laura M Cheek

Property Owner (If Applicable)	Signature: <i>Carol French Spann as Executor</i>		Date: <i>3-25-22</i>
	Address: 2300 Stone Mountain Lithonia Rd		City, State: Lithonia, GA
			Zip: 30058
	Phone: Carol French Spann, as Executor Under the Will of Laura M. Cheek		
Sworn to and subscribed before me <i>Carol French Spann</i> day of <i>March</i> , 20 <i>22</i>			
Notary Public: <i>Barry M. Major</i>			





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature:	William Hirsch	Date:
	Address: 2300 Stone Mountain Lithonia Rd	City, State: Lithonia, GA	Zip: 30058
	Phone: (404) 630-4701		
	Sworn to and subscribed before me this <u>17th</u> day of <u>March</u> , 20 <u>22</u>		
Notary Public: Notary Expires: 08/26/2024			

State of North Carolina
 County of Mecklenburg
 Personally appeared before me this 17th of March 2022,
 William N. Hirsch, who did swear to the above.





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (if Applicable)	Signature: <u>Judy L. Kelly</u>	Judy L. Kelly	Date: <u>04/09/22</u>
	Address: <u>2368 Stone Mountain Lithonia Rd</u>	City, State: <u>Lithonia, GA</u>	Zip: <u>30058</u>
	Phone: <u>(770) 312-4604</u>		
	Sworn to and subscribed before me this <u>4th</u> day of <u>April</u> , 20 <u>22</u>		
Notary Public: <u>Beverly K. Allen</u>			





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (if Applicable)	Signature: <u>James W. Kelly, Jr.</u>	Date: <u>04-01-2022</u>	
	Address: <u>2300 Stone Mountain Lithonia Rd</u>	City, State: <u>Lithonia, GA</u>	Zip: <u>30058</u>
	Phone: <u>James W. Kelly, Jr.</u>		
	Sworn to and subscribed before me this <u>1st</u> day of <u>April</u> , 20 <u>22</u>		
Notary Public: <u>Beverly K Allen</u>			





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.


Property Owner (if Applicable)	Signature: <u>Daniel H. Kelly</u>	Daniel H. Kelly	Date: <u>4-4-2022</u>
	Address: <u>2300 Stone Mountain Lithonia Rd</u>	City, State: <u>Lithonia, GA</u>	Zip: <u>30058</u>
	Phone: <u>770-313-2654</u>		
	Sworn to and subscribed before me this <u>4th</u> day of <u>April</u> , 20 <u>22</u>		
Notary Public: <u>Beverly K. Allen</u>			





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature: <i>Alice Elaine Kaufmann</i>	The Second James A. Kaufmann Family Partnership, LLLP	Date: <i>03.18.2022</i>
	Address: 2300 Stone Mountain Lithonia Rd	City, State: Lithonia, GA	Zip: 30058
	Phone: <i>404-664-4014</i>		
	Sworn to and subscribed before me this <i>18th</i> day of <i>March</i> , 20 <i>22</i>		
	Notary Public: <i>Bay</i>		

Campaign Disclosures



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Carol French Spann as Executor Under the will of Laura M. Cheek</i>	(Carol French Spann, as Executor Under the Will of Laura M. Cheek)
	Address: <i>5176 Trumbull Ct. Dunwoody GA 30338</i>	
	Date: <i>3-25-22</i>	

If you answered yes above, please complete the following section:


Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature:  (William Hirsch)
	Address: 19825 N. Cove Rd. - Suite B208 - Cornelius, NC 28031
	Date: 3/17/21

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Judy L. Kelly</i> (Judy L. Kelly)
	Address: <i>3204 Kylemoor Drive, Conyers, GA 30012</i>
	Date: <i>04/04/22</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>James W. Kelly Jr</i> (James W. Kelly, Jr.)
	Address: <i>1165 Glenstone CT COMYERS GA 30012</i>
	Date: <i>04-04-2022</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Daniel H. Kelly</i> (Daniel H. Kelly)
	Address: <i>1121 Glenstone ct. NW, Conyers, 30012</i>
	Date: <i>4-4-2022</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Alice Elaine Kaufmann</i> (The Second James A. Kaufmann Family Partnership, LLLP)
	Address: <i>2662 Peachtree Rd NW 11E APT. Atlanta, GA 30305</i>
	Date: <i>March 18, 2022</i>

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Nick Faber</i>
	Address: Nick Faber, Market Officer, IDI Logistics, 1197 Peachtree Street NE, Suite 600, Atlanta, GA 30361
	Date: February 7, 2022

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: <i>Kathryn M Zickert</i> Kathryn M. Zickert
	Address: Smith, Gambrell & Russell, LLP, 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309
	Date: 03.28.2022

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount



Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes No

Applicant / Owner	Signature: Dennis J. Webb, Jr.
	Address: Smith, Gambrell & Russell, LLP, 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, GA 30309
	Date: 03.28.2022

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount

Letter of Intent

FIRST AMENDED
LETTER OF INTENT

and

Other Material Required by
City of Stonecrest Zoning Ordinance

for the

Rezoning Application

of

IDI Logistics, LLC

for

+205.12 acres of land located in
Land Lots 124,125, & 132, 16th District
2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road
and 1801 Coffee Road

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
(404) 815-3500

I. INTRODUCTION

This Application seeks to rezone an assemblage of five properties from the M-2 (Heavy Industrial) and M (Light Industrial) districts to the M district and amend certain prior conditions of approval to allow the development of a three-building warehouse project. The Subject Property consists of a ±205.12-acre assemblage of five parcels located in Land Lots 124, 125 and 132, 16th District, City of Stonecrest, DeKalb County, Georgia (“Subject Property”). The Subject Property is more particularly located at 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road (Parcel IDs: 16-125-01-002, 16-125-01-153, 16-124-01-003, 16-132-01-019, and 16-132-01-001). IDI Logistics, LLC (the “Applicant”) is proposing a development on the Subject Property consisting of three warehouse buildings totaling ±1,932,122 square feet, parking, and associated site improvements (the “Proposed Development”). The Proposed Development is an allowed use under the current M-2 and M zoning. The Applicant intends to rezone all of the parcels comprising the Subject Property to the M zoning district to create a uniform zoning for the development and allow the consolidation and replatting of the property in the future.¹ In addition, the Applicant seeks to amend the conditions of zoning to better align with current design practices and to allow the Proposed Development.²

Two of the five total parcels that comprise the Subject Property were rezoned on November 24, 1981, then located in unincorporated DeKalb County, from R-100 (Single Family Residential) to M Light Industrial and M-2 Heavy Industrial zoning district pursuant to zoning

¹ The City of Stonecrest Planning Staff have indicated that the Subject Property will need to have a uniform zoning to allow its consolidation and replatting.

² The rezoning of the Subject Property may remove and replace the current conditions of zoning. If the City Council elects to readopt the same or similar conditions, the Applicant requests the amendment of certain conditions that would prohibit the Proposed Development.

ordinance Z-81143 (the "1981 Rezoning")³. Later the Subject Property became a part of the City of Stonecrest when it was incorporated, however this did not affect the 1981 Rezoning conditions.⁴ The 1981 Rezoning was subject to seventeen conditions, including the following which are the subject of the instant application:

7. The height of any building located on the site shall not exceed 40 feet.

10. All buildings shall use earth tone colors the same being defined as colors which shall attempt to blend with the landscape and foliage located on property.

11. The fronts of any and all buildings constructed on the property shall use some brick veneer, stone, wood, or a mixture of some of the same.

14. Access to the site shall be limited to the Stone Mountain-Lithonia Road or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.

17. A cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property.

A copy of the Z-81143 approval and conditions are attached as Exhibit 1.

In the forty years since the original rezoning, the Subject Property has remained vacant and undeveloped. However, it is in an ideal location for warehouse development and is in an area characterized by similar warehouse development, including the existing Home Depot Flatbed Distribution Center, located just south of the Subject Property at 1810 Coffee Road. The fact that the Subject Property has remained undeveloped is likely due to the 1981 Rezoning conditions. In order to develop the Subject Property, it must be rezoned and the 1981 Rezoning conditions must be modified to bring them into conformance with current conditions and design

³ The Subject Property was originally a single parcel with mixed zoning districts. The Subject Property was subdivided into its current configuration at some point prior to its incorporation into the City of Stonecrest.

⁴ The City of Stonecrest Code of Ordinances §1.1.11 notes that any zoning conditions adopted by DeKalb County prior to the adoption of the City's Zoning Ordinance still apply.

practices.

Since 1981, the standard design for light industrial buildings, including warehousing, has evolved to incorporate certain construction technology as well as better design practices. In order to accommodate industry-wide changes to loading bay heights, the building height for most modern warehouse facilities exceeds 40 feet, including the Proposed Development's ±48 foot building height. In addition, tilt-up panel construction⁵ has become an industry standard for modern warehouse design and concrete block has become less widely used, as envisioned in the 1981 Rezoning conditions. Moreover, the 1981 Rezoning conditions call for a cyclone fence⁶ along the property lines, which provides little to no mitigation of visual or other impacts from the Proposed Development. The Applicant's site design will provide additional landscaped buffers in lieu of the cyclone fence. The Applicant will be providing a minimum of a 150-foot vegetated buffer (the 150-foot buffer will be composed of 75-foot undisturbed and 75-foot landscaped buffers) along the north and west property lines. In areas where the proposed grading will encroach into the 150' buffer the Applicant will replant with landscaping. Finally, the 1981 Rezoning limited access to South Stone Mountain Lithonia Road and Coffee Road. Stonecrest Industrial Way, which was not constructed when the 1981 Rezoning was adopted, will provide for a much more efficient and practical route for vehicular access and also ensure the absence of truck traffic in residential areas. As a result of the changes in design practices and site conditions, the Applicant now seeks to modify the above conditions to match the following wording:

⁵ Tilt-Up construction features series of concrete panels tilted up into place to form a building's exterior wall. Each panel is temporarily braced until the roof ties the structure together.

⁶ Cyclone fence can be used interchangeably with chain link fence.

7. The height of any building located on the site shall not exceed 50 feet.⁷

10. All buildings shall use colors in general accordance with the concept elevations.

11. The fronts of any and all buildings constructed on the property will be of a tilt-up concrete panel construction with a color in accordance with the elevations referenced in condition #10.

14. Access to the site shall be limited to the Stonecrest Industrial Way or Coffey Road⁸ and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.

17. A 75-foot vegetated landscape strip shall be placed on the North and West property lines as generally depicted on the site plan, dated February 28, 2022.

A copy of the concept elevations is attached as Exhibit 2.

The requested rezoning and modification of the conditions will bring the zoning into step with current design practices and allow the development of the Subject Property for an appropriate and fitting use. The Applicant submits this document as a Letter of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written analysis for the proposed rezoning criteria listed in the City of Stonecrest Zoning Ordinance ("Zoning Code"), § 7.3.5.

II. CRITERIA TO BE APPLIED TO REZONING

A. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.

Yes. Typically, rezoning applications seek to permit a new use that is not allowed under the current zoning. The Applicant's proposed warehouse use, however, is already allowed under the current zoning and the rezoning to M allows a uniform zoning across the Subject Property's

⁷ The Applicant is proposing a ±48 foot building height, however is requesting a modification to a 50-foot building height incorporate a 2-foot buffer to allow for adjustments in the final grading and building design.

⁸ The 1981 Rezoning spells the street as "Coffey" Road, however modern maps refer to it as "Coffee" Road.

entire assemblage. The fact that the proposed warehouse use is allowed as of right under the current zoning evidences the Proposed Development's alignment with the Comprehensive Plan.

The City of Stonecrest Comprehensive Plan 2038 identifies the Subject Property as being within the Heavy Industrial character area. The Comprehensive Plan identifies the M zoning district as appropriate for the Heavy Industrial character area. *See Comprehensive Plan 2038, figure LU-06.* The proposed warehouse use supports the stated intent of the Heavy Industrial character area:

The intent of the Industrial Character Area is to identify areas that are appropriate for more intense land uses that are industrial related. This designation consists of heavy and light industrial classifications. These uses shall be located as such to protect residential and commercial areas from potential disturbances generated by industrial land uses. This designation would consist of land used for warehousing, distribution, manufacturing, assembly and processing. (See City of Stonecrest Comprehensive Plan 2038, pg. 175)

Also, the Proposed Development supports the following goals of the Heavy Industrial character area:

- Buffer - Protect surrounding areas from the negative impacts of noise and light pollutants.
 - Zoning Compatibility - Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses.
 - Access Management - Provide access controls and management standards in compliance with the DeKalb County Transportation Plan.
- (See City of Stonecrest Comprehensive Plan 2038, pg. 178)

The proposed design's incorporation of buffers and landscaping will ensure that any potential disturbances generated by the Proposed Development do not negatively impact the adjacent residential uses to the north and west.

B. 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 industrial development in

the area and will fully mitigate its impacts on the adjacent single family residential to the north and west. 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 current conditions to allow an updated design. Also, there is no proposed change in intensity beyond what is allowed under the current M-2 and M zoning districts. In addition, the Applicant is proposing enhanced buffers that are a minimum of 150 feet wide along the northern and western property lines to mitigate any impacts on the adjacent property. See attached as Exhibit 3, the concept sight-line sections illustrating the proposed buffers. As a result, the requested modification will have no bearing on the use and development of adjacent properties and will be a positive improvement in design over what the 1981 Rezoning allows.

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

The Subject Property could be developed for an industrial development under the current zoning. However, the zoning and the zoning conditions must be amended to allow a more practical development. The Subject Property has remained undeveloped since its 1981 rezoning and will likely remain undeveloped unless the zoning and the prior conditions are brought into conformance with current design and construction practices.

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

The Proposed Development will not adversely impact the surrounding properties. Any impacts from the requested increase in height will be offset by the incorporation of additional

buffers. Also, the proposed façade conditions will allow a more aesthetically pleasing and modern design. Furthermore, the modifications will update the Proposed Development's access to the adjacent roadways. The current zoning conditions require the proposed truck traffic to access either Stone Mountain Lithonia Road, which is not adjacent to the Subject Property, or Coffee Road, which is a small residential/rural road, neither of which are feasible given the location of the Subject Property and the surrounding development. For example, accessing South Stone Mountain Lithonia Road will require access over property that the Applicant does not control, including railroad right-of-way. Instead, the requested modification will provide direct access to Stonecrest Industrial Way and funnel truck traffic to the nearby roadways in the same manner as the truck traffic from the adjacent Home Depot Distribution Center. This access also directs truck traffic away from Coffee Road and the adjacent residential subdivision, thereby eliminating impacts on the adjacent residences. As a result, the requested modifications will not adversely impact the use or usability of the adjacent property, and is anticipated to have a positive effect.

E. WHETHER THERE ARE OTHER EXISTING CONDITIONS OR CHANGING CONDITIONS AFFECTING THE PROPERTY'S USE AND DEVELOPMENT THAT PROVIDE SUPPORTING GROUNDS FOR APPROVAL OR DENIAL OF THE ZONING PROPOSAL.

Yes. The Proposed Development is intended as a uniform construction and the Applicant anticipates combining the parcels together for its development.⁹ The combination plat will require the rezoning of all the parcels to a uniform M zoning. Also, as noted above, the 1981 Rezoning conditions must be amended to bring them into conformance with modern design

⁹The Applicant is also anticipating the replatting of the parcels after its development to allow more logical property lines that match the Proposed Development's layout.

practices and allow reasonable access to the right-of-way. Design and construction standards have changed since the 1981 Rezoning and as a result the conditions have become outdated. The requested modifications will bring the conditions into conformance with current standards to allow a practical, modern development.

F. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.

The proposed modification will not adversely impact any historical resources. According to Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry.

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

No. The proposed zoning will not increase the density or square footage of warehouse allowed under the current zoning. The requested rezoning and modifications to the conditions concern only certain architectural, buffering, and access requirements. As a result, the requested rezoning will not have any net increase on traffic, transportation facilities, or utilities. Additionally, the proposed warehouse use is non-residential and will have no impact on schools. Finally, utilities are available to serve the site.

IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

As agent for the owners of the property, the Applicant respectfully submits that the current zoning classifications and zoning conditions of the Subject Property established in the City of Stonecrest Zoning Ordinance, to the extent that they prohibit the proposed development,

are unconstitutional, and constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to approve the rezoning and zoning modification would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

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

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

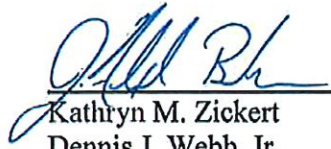
VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the rezoning at issue

be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stonecrest.

This 4th day of May, 2022.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K. M. Zickert', is written over a horizontal line.

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

Site Plan

MACGREGOR ASSOCIATES ARCHITECTS

2727 Peachtree Parkway, Suite 400
 Building Two, Atlanta 30328
 Atlanta, Georgia 30328
 770-452-9400

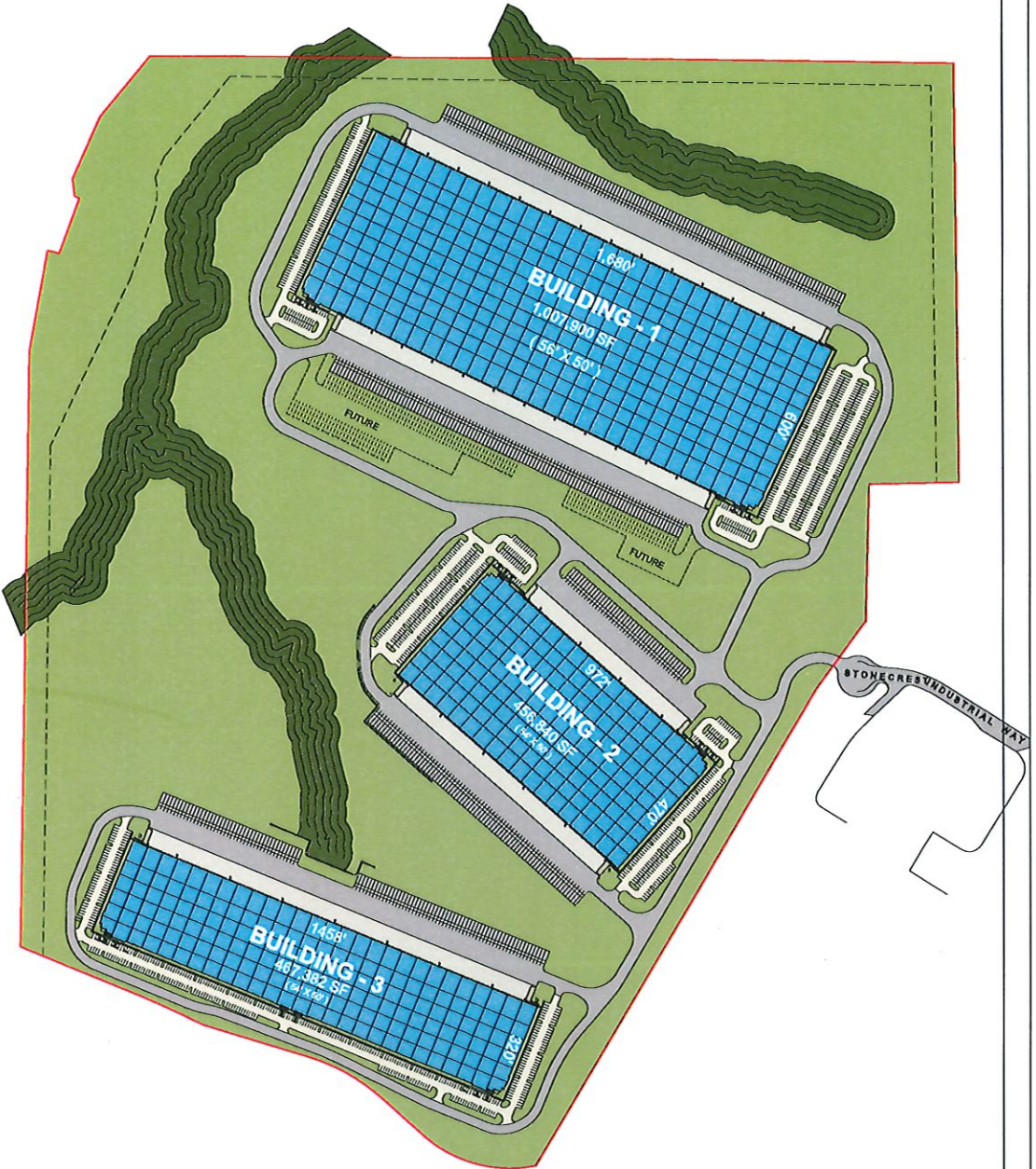
Atlanta Region, Special NE
 Building 300, Stone 800
 Atlanta, GA 30381
 770-808-1108



PROJECT NUMBER: 3709-088
 SCALE: 1" = 160'-0"

STONECREST INDUSTRIAL PARK
 DEKALB COUNTY, GEORGIA

MP-6
 MASTER PLAN
 03/20/22

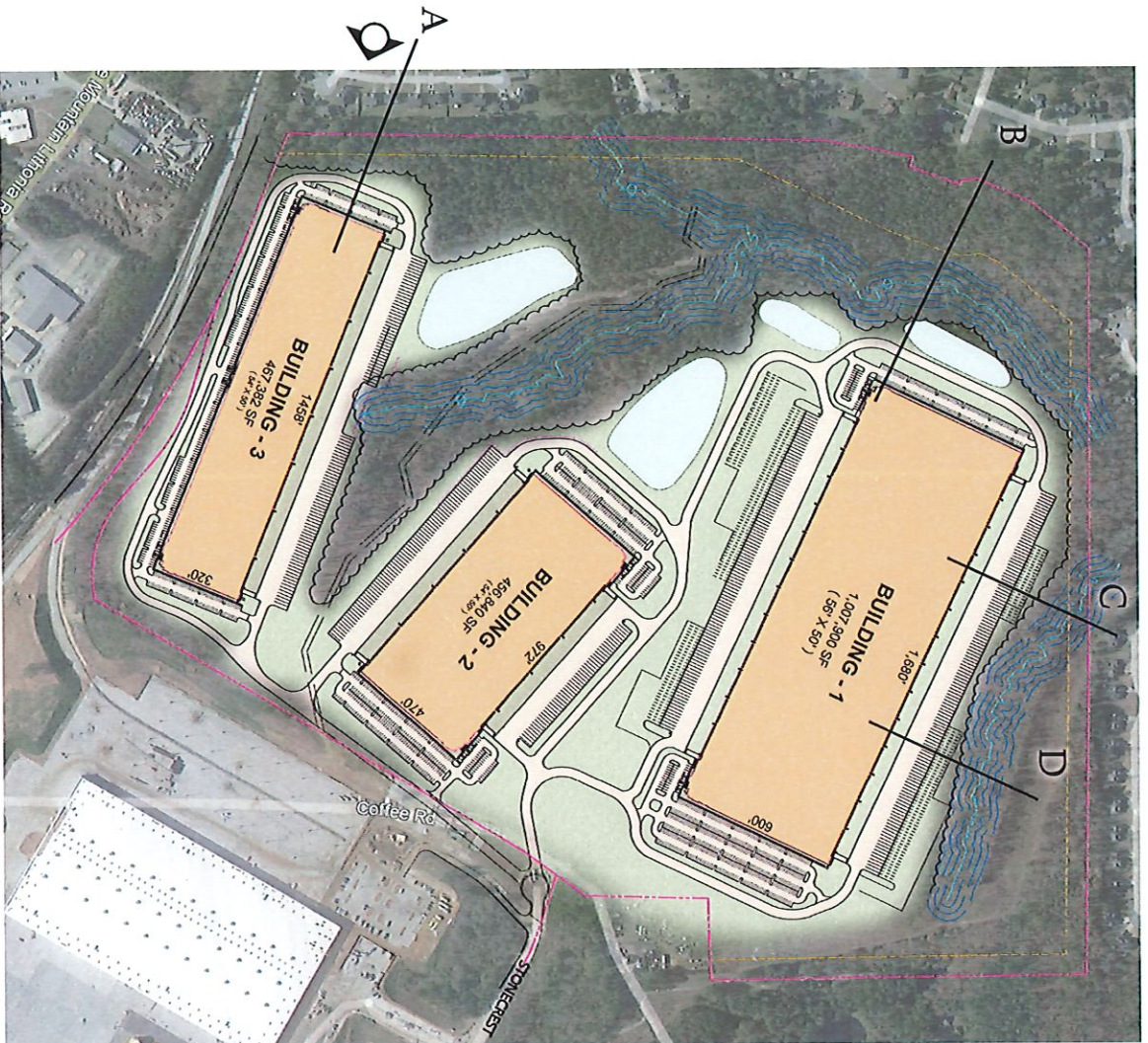


SITE DATA

BUILDING 1:	1,007,900 SF
DOCK DOORS:	180
TRUCKLEN PARKING:	258 - (FUTURE: 120)
BUILDING 2:	158,840 SF
DOCK DOORS:	108
TRUCKLEN PARKING:	158
BUILDING 3:	467,382 SF
DOCK DOORS:	84
TRUCKLEN PARKING:	80

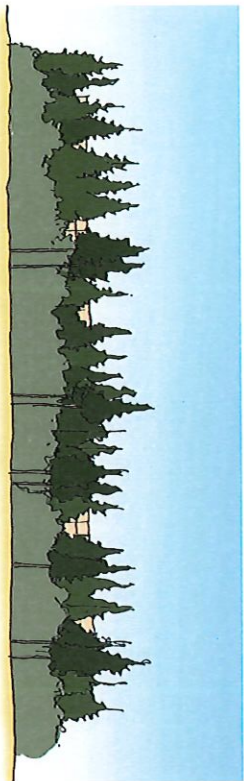
2020A, BUILDING 2/DRCL, 1/29/22, 12E



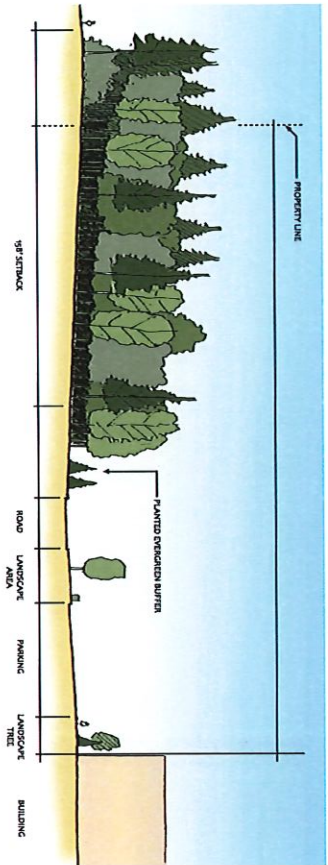


STONECREST - SITE PLAN

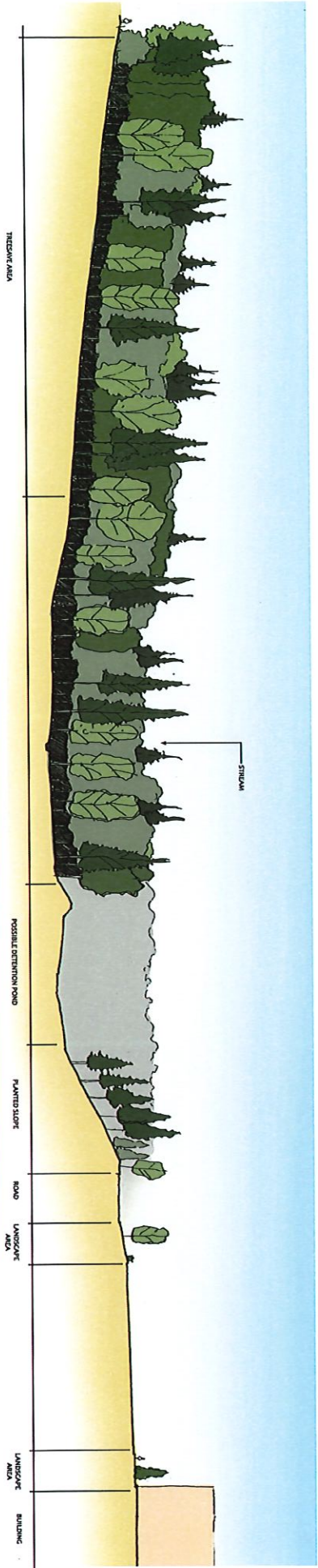
March 1st, 2022



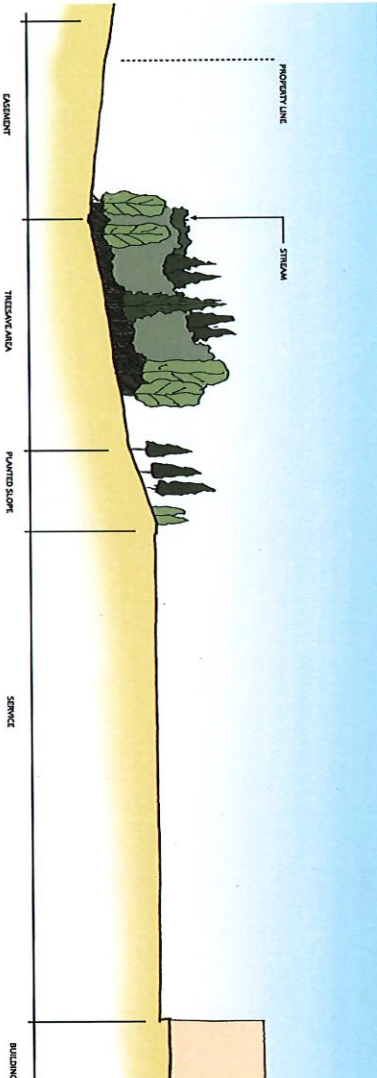
ELEVATION



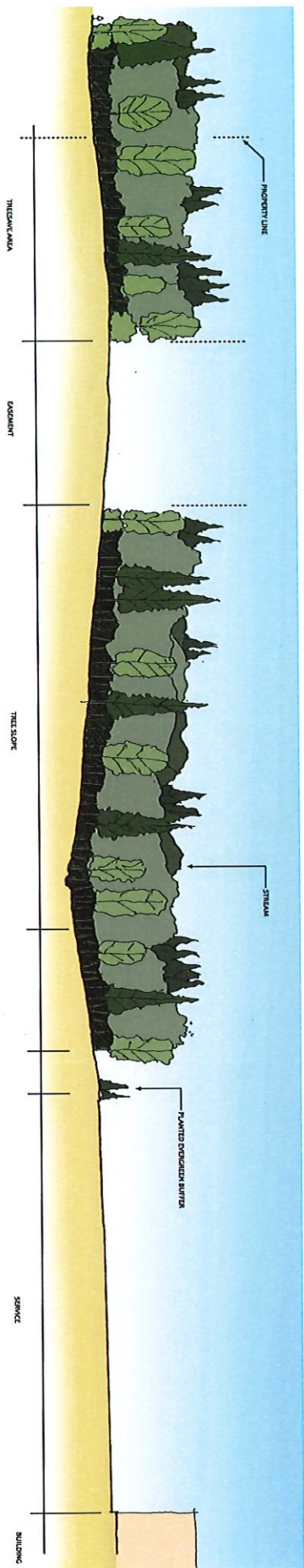
SECTION A
1" = 10'



SECTION B



SECTION C



SECTION D



Survey

PLANNERS AND ENGINEERS COLLABORATIVE
 WE PROVIDE SOLUTIONS
 3815 UNIVERSITY BLVD. SUITE 200
 ST. LOUIS, MO 63108
 PHONE: 314.433.1100
 FAX: 314.433.1101
 WWW: WWW.PAECOLLABORATIVE.COM

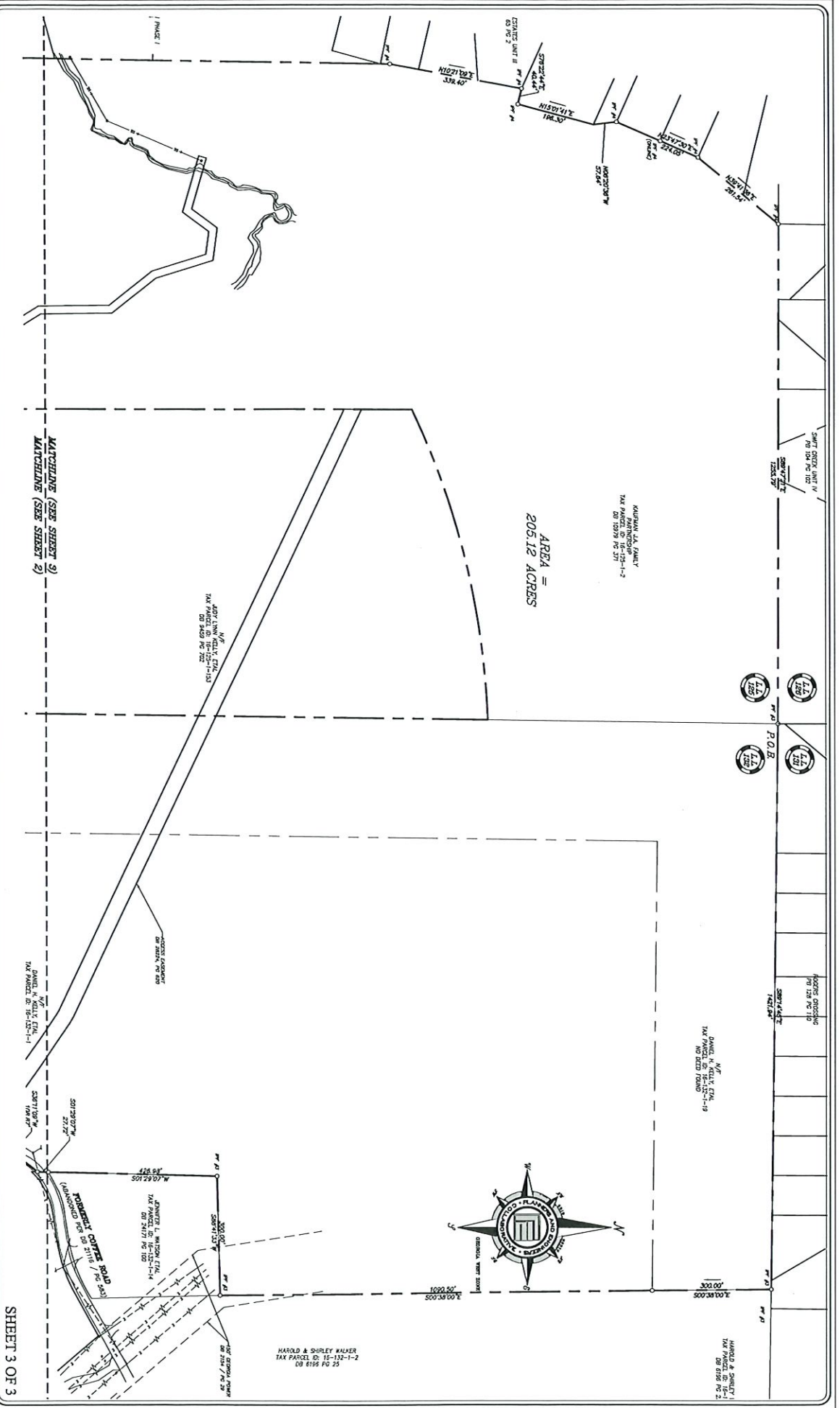
REV	DATE	DESCRIPTION	BY
1	3/27/2013	ALTA SURVEY	DMW
2			
3			
4			

LAND LOTS 124, 125, 126 & 123
 DISTRICT 15th

ALTA/SURVEY LAND TITLE SURVEY FOR
STONECREST

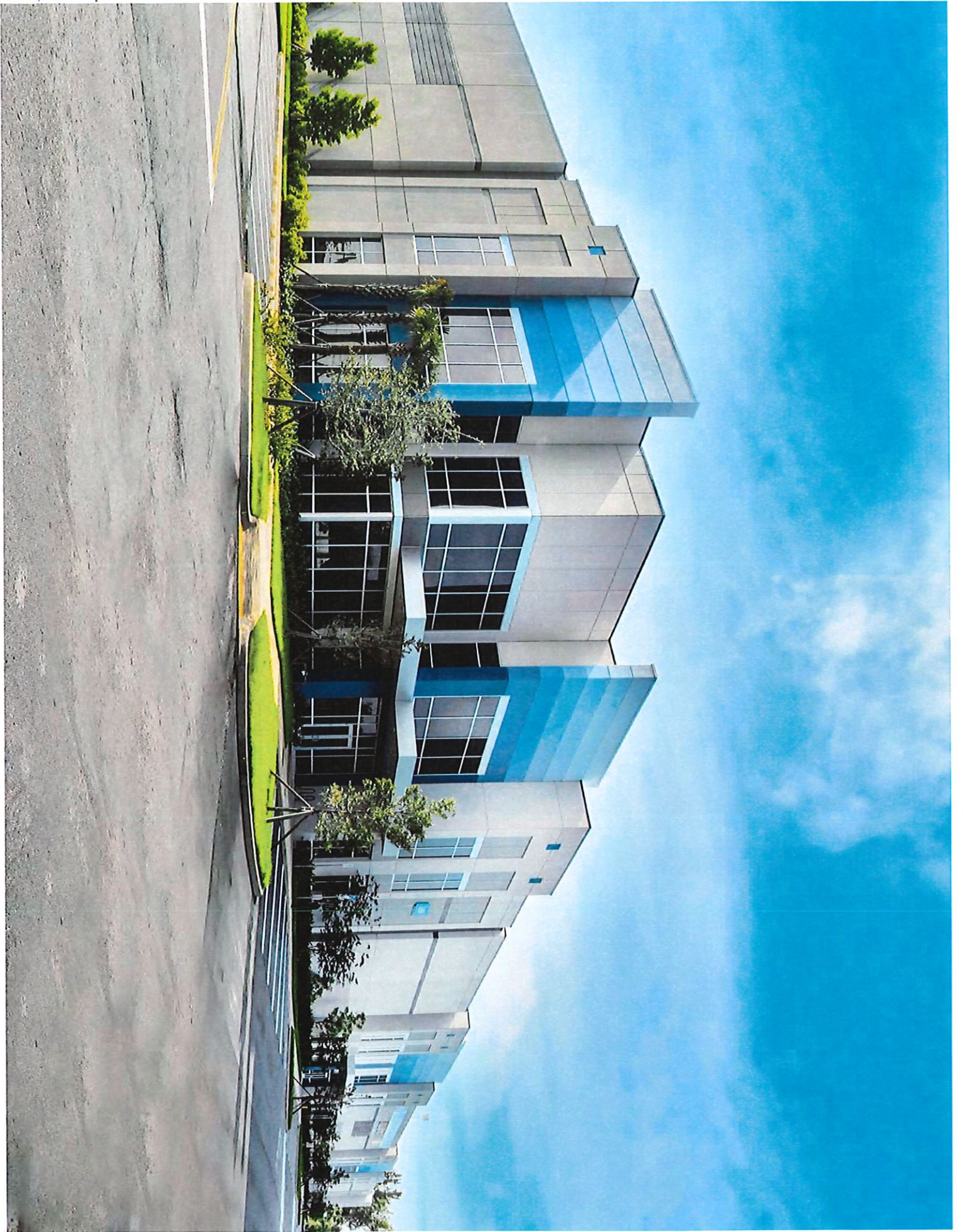
DEKALB COUNTY
 GEORGIA

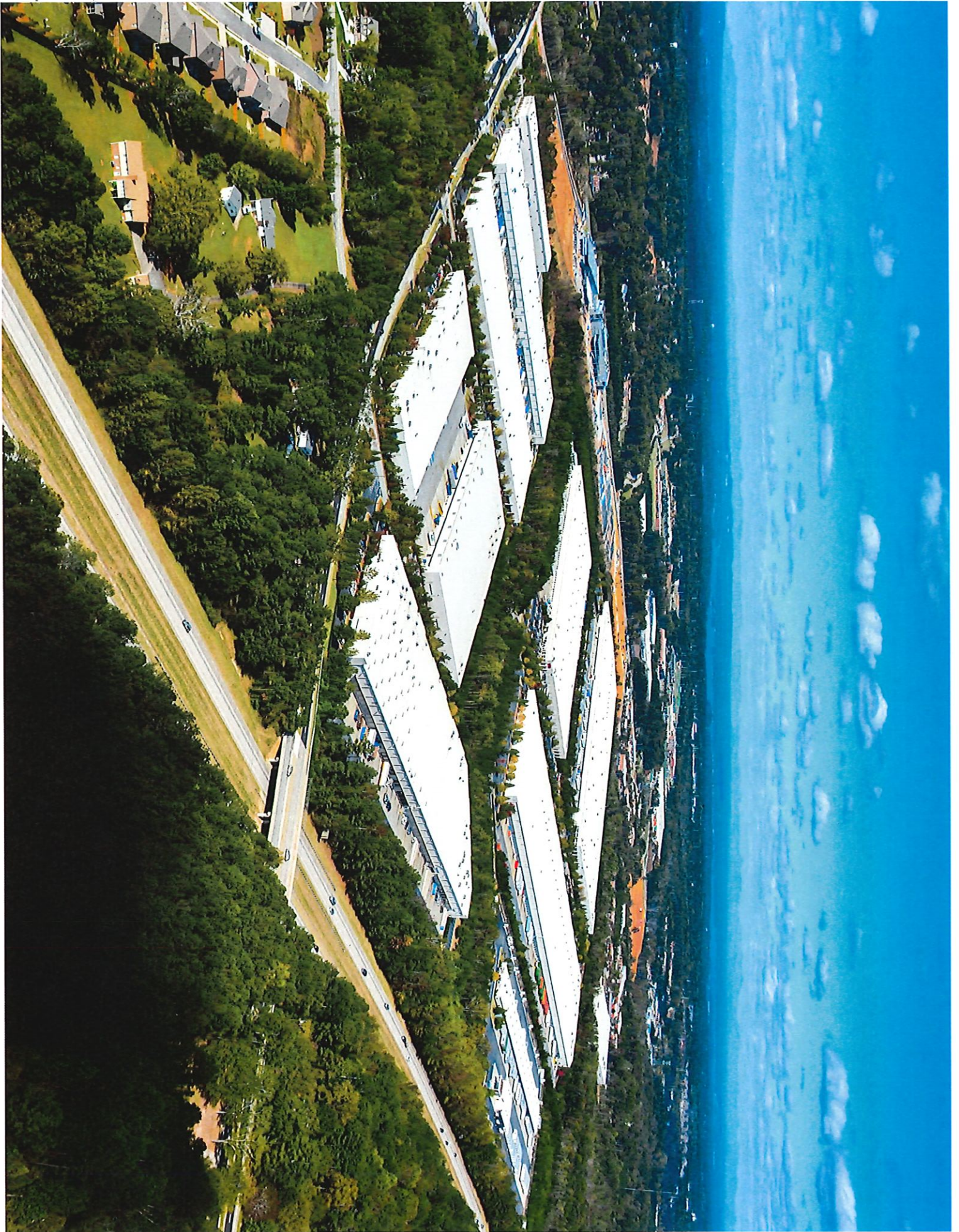
DRAWN BY: ACS
 DATE: APRIL 26, 2011
 FILE NO.: 19146.00
 DATE OF FIELD WORK: AUGUST 7, 2010



SHEET 3 OF 3











920

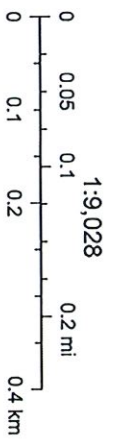
amazon

Aerial Parcel Map



5/19/2022, 2:31:20 PM

- Stonecrest Parcels
- 2020 Imagery
- Dekalb Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Parcel 16-125-1-2 Boundary Description

All that tract or parcel of land lying and being in Land Lots 124 and 125, 16th District Dekalb County, Georgia, and being more particularly described as follows:

COMMENCE at an iron pin at the common corner of Land Lots 125, 126, 131 and 132 said point being the TRUE POINT OF BEGINNING;

Thence South 00 degrees 48 minutes 19 seconds West a distance of 730.00' to a point;
Thence with a curve turning to the left with an arc length of 807.83', with a radius of 1990.14', with a chord bearing of South 76 degrees 15 minutes 41 seconds West, with a chord length of 802.30', to a point;
Thence South 00 degrees 08 minutes 01 seconds West a distance of 1419.07' to a point;
Thence with a curve turning to the right with an arc length of 1149.41', with a radius of 998.56', with a chord bearing of South 55 degrees 52 minutes 49 seconds West, with a chord length of 1087.00', to a point;
Thence North 01 degrees 01 minutes 27 seconds East a distance of 1149.52' to a point in the center line of a stream;

Thence along the centerline of said stream the following bearings and distances:

North 66 degrees 57 minutes 02 seconds East a distance of 34.04' to a point;
North 44 degrees 42 minutes 59 seconds East a distance of 40.71' to a point;
North 66 degrees 15 minutes 02 seconds East a distance of 100.89' to a point;
South 78 degrees 47 minutes 57 seconds East a distance of 28.46' to a point;
North 19 degrees 22 minutes 13 seconds East a distance of 60.15' to a point;
North 31 degrees 12 minutes 22 seconds East a distance of 28.48' to a point;
North 47 degrees 47 minutes 41 seconds West a distance of 16.65' to a point;
North 08 degrees 07 minutes 17 seconds West a distance of 5.59' to a point;
North 80 degrees 47 minutes 11 seconds East a distance of 11.61' to a point;
North 49 degrees 25 minutes 25 seconds East a distance of 7.24' to a point;
North 24 degrees 11 minutes 56 seconds East a distance of 35.37' to a point;
North 63 degrees 04 minutes 30 seconds East a distance of 20.18' to a point;
North 27 degrees 17 minutes 40 seconds East a distance of 52.87' to a point;
North 11 degrees 39 minutes 25 seconds East a distance of 45.37' to a point;
North 17 degrees 39 minutes 41 seconds West a distance of 32.86' to a point;
North 31 degrees 13 minutes 27 seconds East a distance of 48.60' to a point;
North 16 degrees 49 minutes 49 seconds East a distance of 26.52' to a point;
North 32 degrees 43 minutes 23 seconds East a distance of 32.76' to a point;
North 00 degrees 20 minutes 39 seconds West a distance of 19.44' to a point;
North 12 degrees 09 minutes 48 seconds East a distance of 77.24' to a point;
South 89 degrees 42 minutes 54 seconds East a distance of 25.03' to a point;
North 62 degrees 16 minutes 35 seconds East a distance of 11.51' to a point;
North 26 degrees 47 minutes 03 seconds West a distance of 18.94' to a point;
North 28 degrees 25 minutes 10 seconds East a distance of 12.24' to a point;
North 73 degrees 09 minutes 05 seconds East a distance of 27.76' to a point;
North 10 degrees 53 minutes 01 seconds East a distance of 49.10' to a point;
North 84 degrees 01 minutes 50 seconds West a distance of 10.62' to a point;
North 47 degrees 33 minutes 52 seconds West a distance of 13.11' to a point;
North 05 degrees 39 minutes 12 seconds West a distance of 16.96' to a point;
North 31 degrees 10 minutes 31 seconds East a distance of 37.09' to a point;
North 16 degrees 30 minutes 51 seconds West a distance of 11.56' to a point;

North 32 degrees 07 minutes 46 seconds East a distance of 18.33' to a point;
North 00 degrees 09 minutes 08 seconds East a distance of 12.62' to a point;
North 18 degrees 04 minutes 35 seconds West a distance of 13.75' to a point;
North 11 degrees 36 minutes 18 seconds East a distance of 47.20' to a point;
North 28 degrees 00 minutes 09 seconds West a distance of 7.23' to a point;
North 31 degrees 11 minutes 01 seconds East a distance of 35.64' to a point;
South 70 degrees 33 minutes 58 seconds East a distance of 18.81' to a point;
North 66 degrees 13 minutes 08 seconds East a distance of 9.43' to a point;
North 10 degrees 53 minutes 43 seconds West a distance of 29.71' to a point;
North 50 degrees 10 minutes 27 seconds East a distance of 19.23' to a point;
South 31 degrees 10 minutes 01 seconds East a distance of 13.90' to a point;
North 51 degrees 54 minutes 37 seconds East a distance of 16.15' to a point;
North 77 degrees 13 minutes 44 seconds East a distance of 26.96' to a point;
North 50 degrees 29 minutes 29 seconds East a distance of 16.60' to a point;
North 11 degrees 45 minutes 58 seconds West a distance of 13.48' to a point;
North 56 degrees 17 minutes 40 seconds East a distance of 29.25' to a point;
North 48 degrees 13 minutes 45 seconds East a distance of 50.51' to a point;
North 67 degrees 11 minutes 14 seconds East a distance of 25.99' to a point;
North 17 degrees 39 minutes 39 seconds East a distance of 20.06' to a point;
North 23 degrees 05 minutes 35 seconds West a distance of 5.70' to a point;
North 41 degrees 45 minutes 42 seconds West a distance of 21.74' to a point;
North 05 degrees 26 minutes 02 seconds West a distance of 10.58' to a point;
North 18 degrees 23 minutes 48 seconds East a distance of 27.14' to a point;
North 20 degrees 23 minutes 14 seconds West a distance of 6.48' to a point;
North 56 degrees 15 minutes 36 seconds West a distance of 57.28' to a point;
North 32 degrees 39 minutes 35 seconds West a distance of 13.52' to a point;
North 10 degrees 21 minutes 14 seconds West a distance of 22.01' to a point;
North 08 degrees 55 minutes 10 seconds East a distance of 25.91' to a point;
North 21 degrees 52 minutes 34 seconds East a distance of 32.59' to a point;
North 16 degrees 17 minutes 11 seconds West a distance of 24.17' to a point;
North 15 degrees 29 minutes 06 seconds East a distance of 42.05' to a point;
North 01 degrees 36 minutes 18 seconds East a distance of 32.52' to a point;
North 10 degrees 33 minutes 44 seconds West a distance of 7.45' to a point;
North 75 degrees 42 minutes 32 seconds West a distance of 6.12' to a point;
North 52 degrees 49 minutes 05 seconds West a distance of 12.75' to a point;
North 00 degrees 47 minutes 34 seconds East a distance of 5.37' to a point;
North 25 degrees 42 minutes 38 seconds East a distance of 14.27' to a point;
North 12 degrees 09 minutes 32 seconds East a distance of 22.15' to a point;
North 52 degrees 59 minutes 29 seconds East a distance of 2.79' to a point;
South 77 degrees 38 minutes 58 seconds East a distance of 6.18' to a point;
North 47 degrees 32 minutes 13 seconds East a distance of 14.62' to a point;
North 07 degrees 08 minutes 01 seconds East a distance of 34.66' to a point;
North 34 degrees 54 minutes 41 seconds East a distance of 3.24' to a point;
North 41 degrees 39 minutes 46 seconds East a distance of 24.29' to a point;
North 48 degrees 04 minutes 13 seconds East a distance of 32.09' to a point;
North 00 degrees 21 minutes 58 seconds West a distance of 11.38' to a point;
North 17 degrees 30 minutes 48 seconds West a distance of 7.83' to a point;
North 33 degrees 12 minutes 15 seconds East a distance of 46.22' to a point;

North 46 degrees 29 minutes 01 seconds East a distance of 47.42' to a point;
North 34 degrees 45 minutes 11 seconds East a distance of 21.41' to a point;
North 79 degrees 42 minutes 11 seconds East a distance of 22.19' to a point;
North 41 degrees 06 minutes 29 seconds East a distance of 12.13' to a point;
North 06 degrees 21 minutes 20 seconds East a distance of 13.23' to a point;
North 59 degrees 16 minutes 07 seconds East a distance of 27.68' to a point;
North 48 degrees 13 minutes 00 seconds East a distance of 29.29' to a point;
North 44 degrees 14 minutes 59 seconds East a distance of 67.71' to a point;
North 61 degrees 03 minutes 04 seconds East a distance of 20.79' to a point;
North 65 degrees 58 minutes 10 seconds East a distance of 45.59' to a point;
North 19 degrees 59 minutes 42 seconds East a distance of 7.65' to a point;
North 41 degrees 50 minutes 40 seconds East a distance of 24.82' to a point;
North 53 degrees 36 minutes 40 seconds East a distance of 25.70' to a point;
North 49 degrees 42 minutes 24 seconds East a distance of 32.86' to a point;
North 22 degrees 15 minutes 59 seconds East a distance of 15.57' to a point;
North 16 degrees 52 minutes 39 seconds West a distance of 7.12' to a point;
North 40 degrees 30 minutes 49 seconds West a distance of 12.36' to a point;
North 28 degrees 34 minutes 18 seconds West a distance of 7.20' to a point;
North 11 degrees 05 minutes 56 seconds East a distance of 10.85' to a point;
North 31 degrees 11 minutes 53 seconds East a distance of 6.14' to a point;
North 47 degrees 47 minutes 41 seconds East a distance of 10.41' to a point;
North 78 degrees 38 minutes 23 seconds East a distance of 8.79' to a point;
South 73 degrees 44 minutes 12 seconds East a distance of 21.49' to a point;
North 38 degrees 23 minutes 58 seconds East a distance of 29.70' to a point;
North 89 degrees 57 minutes 04 seconds East a distance of 31.56' to a point;
North 47 degrees 54 minutes 18 seconds East a distance of 24.44' to a point;
North 66 degrees 44 minutes 27 seconds East a distance of 29.16' to a point;

Thence leaving said stream South 89 degrees 48 minutes 57 seconds East a distance of 596.77' to an iron pin, said point being the TRUE POINT OF BEGINNING.

Said tract having an area of 2200893 square feet, 50.023 acres.



PLANNING COMMISSION

Planning Commission August 2, 2022 / Mayor and City Council Meeting August 22, 2022

GENERAL INFORMATION

Petition Number: RZ-22-002

Applicant: Nick Faber, IDI Logistics

Owner: James W. Kelly, Jr. and Daniel H. Kelly

Project Location: 2300, 2330, 2368 and 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.

Parcels: 16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001).

District: District 1

Acreage: 188.140 +/- acres

Existing Zoning: M (Light Industrial) / M-2 (Heavy Industrial)

Proposed Zoning: M (Light Industrial)

**Comprehensive Plan Community:
Area Designation** HIND (Heavy Industrial)

Proposed Development/Request: The applicant is requesting to rezone the subject properties from M and M-2 for the development of three warehouse building

Staff Recommendations: *Approval/Conditional*

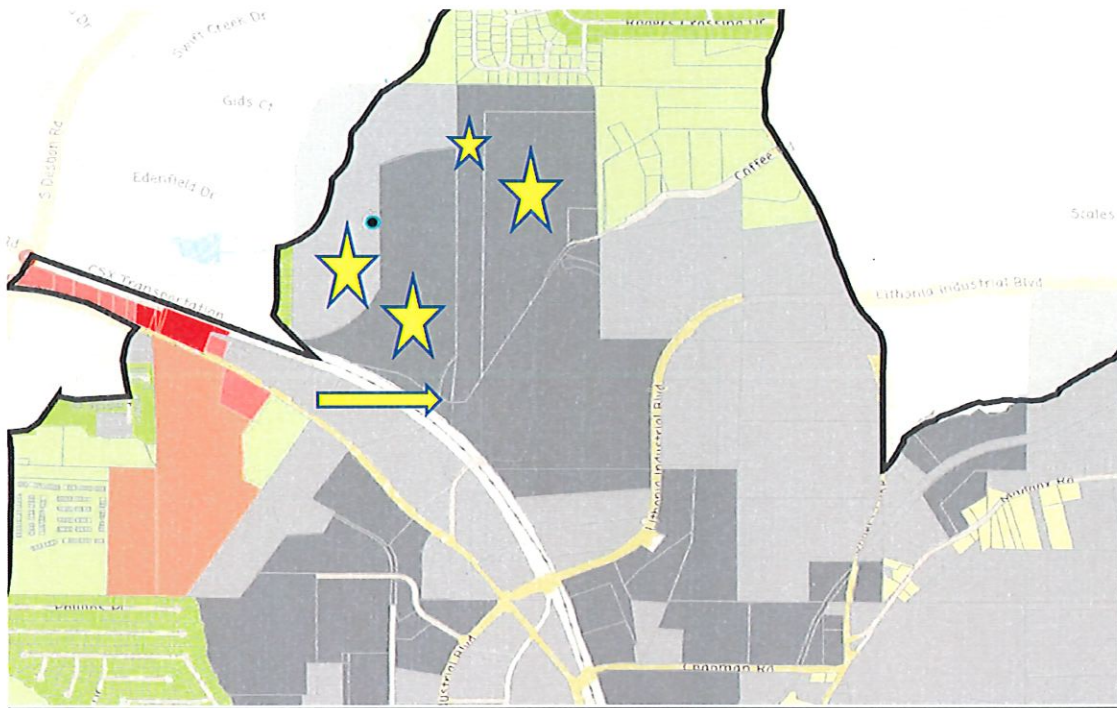
Planning Commission Deferred for 60 days at the June 7th meeting

City Council Deferred back to Planning Commission for due to incorrect legal ad, property deed and survey



PLANNING COMMISSION

Zoning Map



Zoning Case: RZ-22-002

Address: 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.

Current Zoning: M (Light Industrial) and M-2 (Heavy Industrial)

Proposed Zoning: M (Light Industrial)



Subject Property



PLANNING COMMISSION
Aerial Map



PROJECT OVERVIEW

Location

The subject properties are located at 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road (Parcel IDs: 16-125-01-002, 16-125-01-153, 16-124-01-003, 16-132-01-019, and 16-132-01-001). The Subject Property consists of a ±188.140-acre assemblage off five parcels located in Land Lots 124, 125 and 132, 16th District, City of Stonecrest, DeKalb County, Georgia (“Subject Property”).

The property is bounded by Deshon Estates to the west, by The Villas at Rogers Crossing to the north and Home Depot to the southeast. Located to the south is CRX Transportation Services.



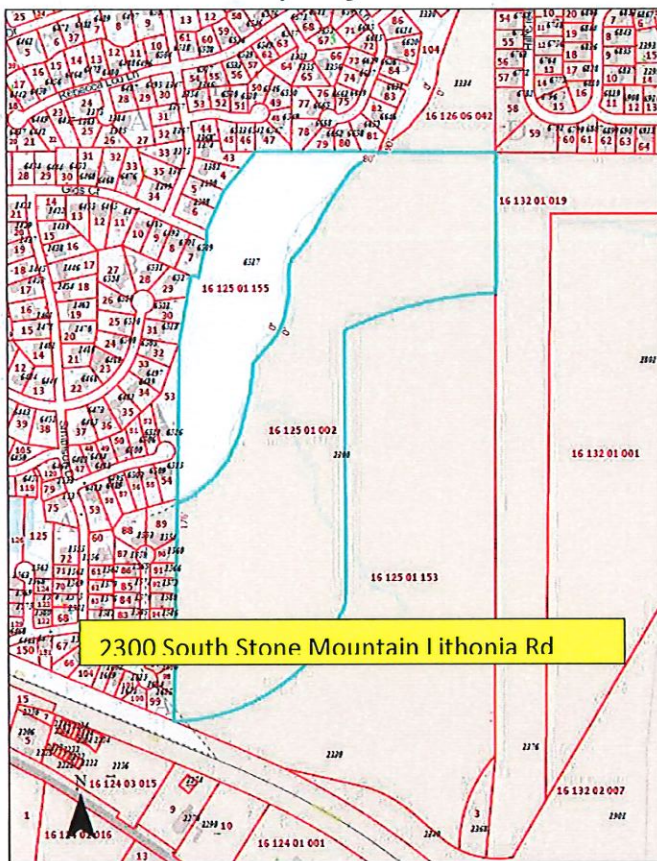
Subject Property



PLANNING COMMISSION

Background:

The applicant is requesting to rezone the 188.140 +/- acres of the subject property from M (Light Industrial) District and M-2 (Heavy Industrial) District to M (Light Industrial) District to allow the development of a three-building warehouse project. Subject Property consisting of three warehouse buildings totaling $\pm 1,932,122$ square feet, parking, and associated site improvements. The Applicant intends to rezone all parcels comprising the Subject Property to the M zoning district to create a uniform zoning for the development and allow the consolidation and replatting of the property in the future. In addition, the Applicant seeks to amend the conditions of zoning to better align with current design practices and to allow the Proposed Development. On May 20, 2022, staff was advised by DeKalb County GIS there was a subdivision of Parcel # 16 125 01 002. Parcel 16 125 01 002 have total of 50.61 AC and newly created parcel 16 125 01 155 total acreage 18.08 AC.



Two of the five total parcels that comprise the Subject Property were rezoned on November 24, 1981, then located in unincorporated DeKalb County, from R-100 (Single Family Residential) to M Light Industrial and M-2 Heavy Industrial zoning district pursuant to zoning ordinance Z-81143. Although the subject property was incorporated under the jurisdiction of the City of Stonecrest when it was incorporated, this did not eradicate the 1981 Rezoning conditions. Zoning conditions stay with the land.



PLANNING COMMISSION

The 1981 Rezoning was subject to seventeen conditions, the following conditions are what the applicant is seeking to amend:

1. The height of any building located on the site shall not exceed 40 feet. (#7)
2. All buildings shall use earth tone colors the same being defined as colors which shall attempt to blend with the landscape and foliage located on property. (#10)
3. The fronts of all buildings constructed on the property shall use some brick veneer, stone, wood, or a mixture of some of the same. (#11)
4. Access to the site shall be limited to the Stone Mountain-Lithonia Road or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road. (#14)
5. A cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property. (#17)

The applicant is proposing modern warehouse facilities that will exceed 40 feet in height (48 feet). In addition, tilt-up panel construction has become an industry standard for modern warehouse design and concrete block has become less widely used, as envisioned in the 1981 Rezoning conditions. Furthermore, the 1981 Rezoning conditions call for a cyclone fence along the property lines. The Applicant's site design will provide additional landscaped buffers in lieu of the cyclone fence. The applicant will be providing a minimum of a 150-foot of vegetated buffer (the 150-foot buffer will be composed of 75-foot undisturbed and 75-foot landscaped buffers) along the north and west property lines. In areas where the proposed grading will encroach into the 150' buffer the Applicant will replant with landscaping. Lastly, the 1981 Rezoning requires access to South Stone Mountain Lithonia Road and Coffee Road. The applicant is proposing to utilize Stonecrest Industrial Way areas. the Applicant now seeks to modify the above conditions to match the following wording:

7. The height of any building located on the site shall not exceed 50 feet.

10. All buildings shall use colors in general accordance with the concept elevations.

11. The fronts of any and all buildings constructed on the property will be of a tilt-up concrete panel construction with a color in accordance with the elevations referenced in condition.

14. Access to the site shall be limited to the Stonecrest Industrial Way or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.

7. A 75-foot vegetated landscape strip shall be placed on the North and West property lines as generally depicted on the site plan, dated February 28, 2022.

The applicant is seeking the following Parking requests:

RZ-22-2002

Planning Commission, August 2, 2022

KJ

5



PLANNING COMMISSION

	1,007,900	
BUILDING 1:	SF	
DOCK DOORS	180	
AUTO PARKING	503	
TRAILER		
PARKING	228	(FUTURE 120)

	456,840
BUILDING 2:	SF
DOCK DOORS	107
AUTO PARKING	386
TRAILER	
PARKING	120

	467,382
BUILDING 3:	SF
DOCK DOORS	94
AUTO PARKING	379
TRAILER	
PARKING	99

Total Auto Parking:	1268	
Total Trailer		
Parking:	447	(FUTURE 120)
Total Loading Docks:	381	

Required Parking (Warehouse)
 Min. 1 space per 2,500 sf of Floor Area
 Max. 1 space per 500 sf of Floor Area

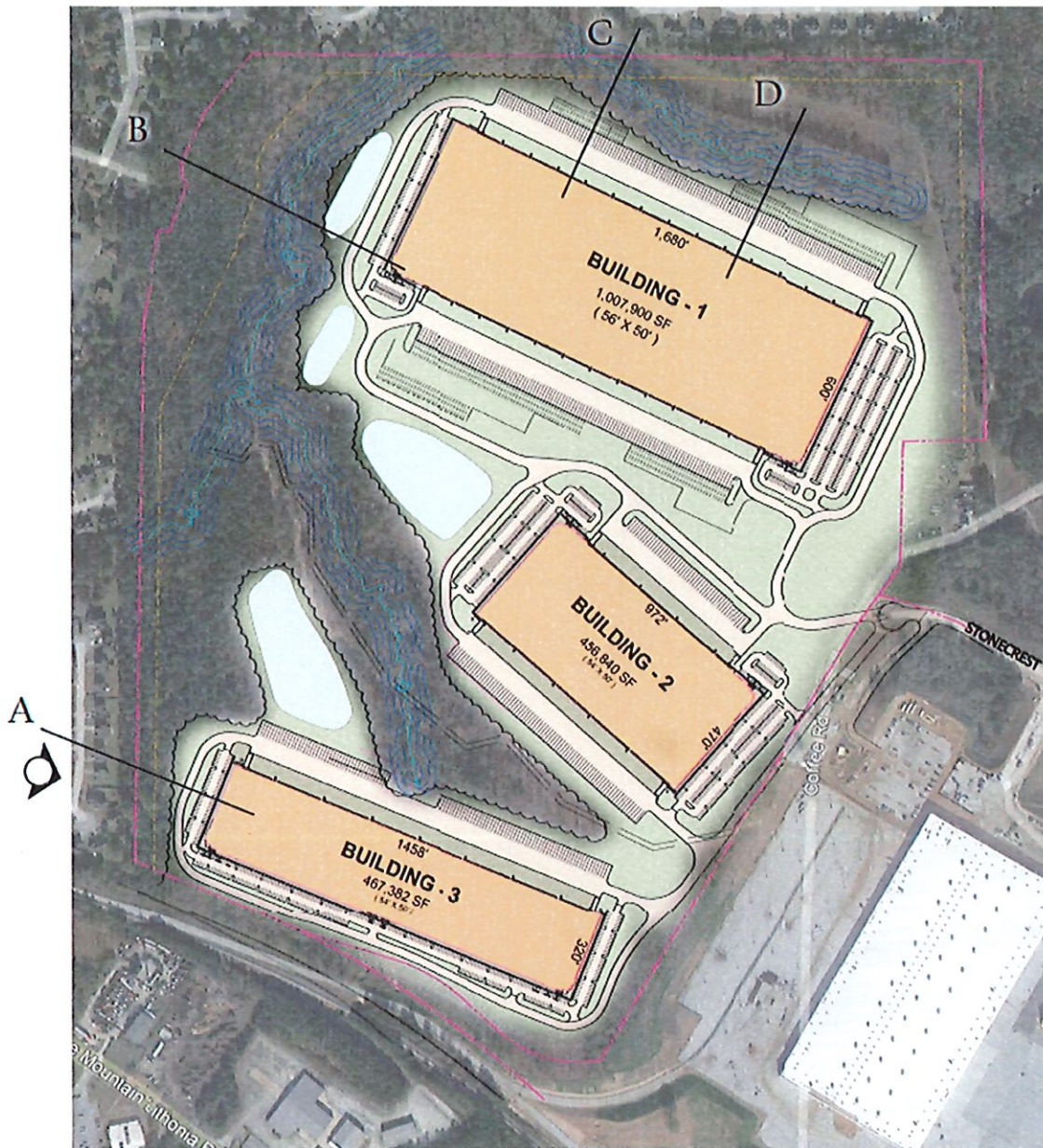
Required Loading (Warehouse)
 3 spaces up to 99,000 sf + 1 space per
 additional 10,000 sf

	Floor Area	Min Parking Req.	Max. Parking		Floor Area	Min Loading Spaces
BUILDING 1	1,007,900	403.16	2015.8	BUILDING 1	1,007,900	93.79
BUILDING 2	456,840	182.74	913.68	BUILDING 2	456,840	38.68
BUILDING 3	467,382	186.95	934.76	BUILDING 3	467,382	39.74

Article 6, Section 6.1.5- "One space for each 500 square feet of floor area"

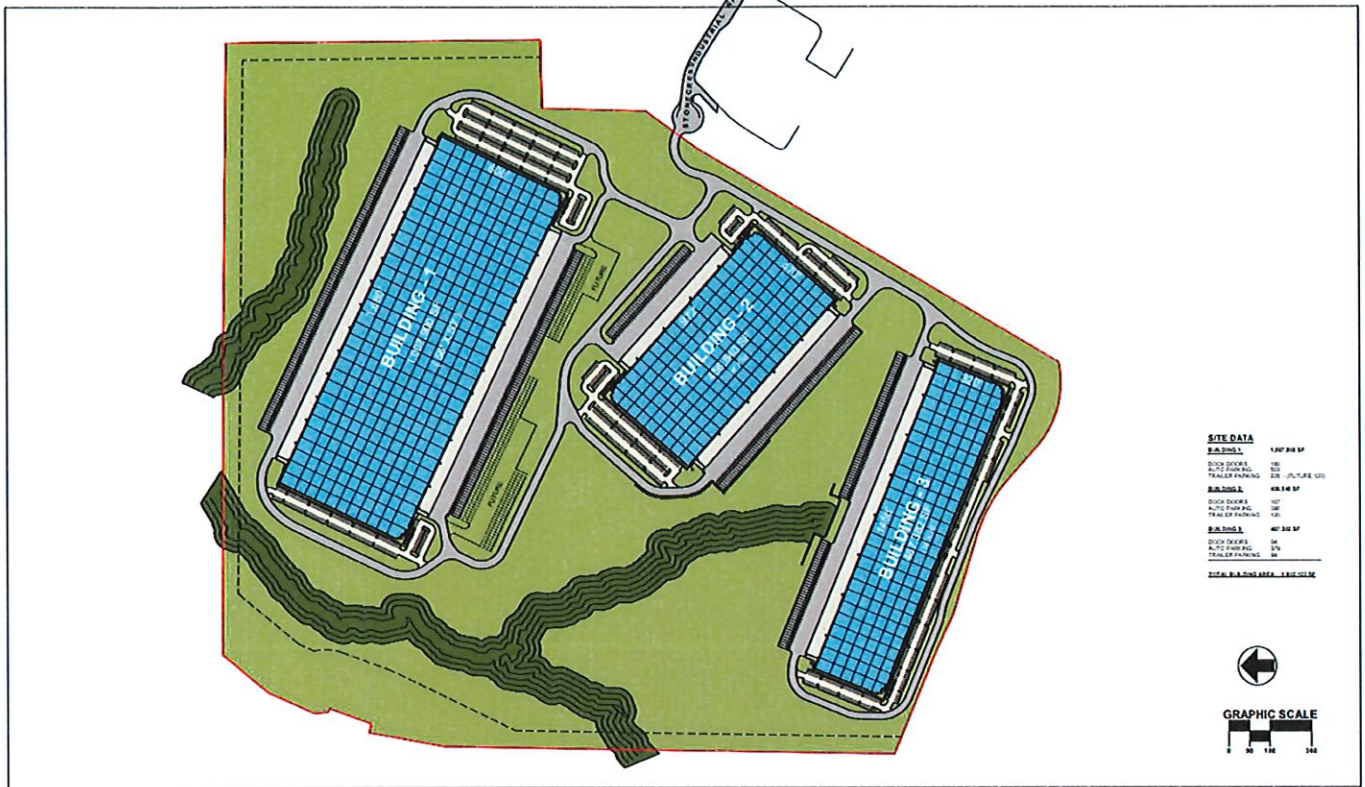
PLANNING COMMISSION

Conceptual Site Plan





PLANNING COMMISSION



MACGREGOR ASSOCIATES ARCHITECTS
 3727 Perkasie Ferry Road SE
 Building Park, Suite 1400
 Atlanta, Georgia 30339
 770-432-8468

Atlanta, Georgia
 1121 Peachtree Street NE
 Building 200, Suite 900
 Atlanta, GA 30364
 770-880-1120



PROJECT NUMBER: 3701-006
 SCALE: 1" = 150' 0"

STONECREST INDUSTRIAL PARK
 DEKALB COUNTY, GEORGIA

MP-6
 MASTER PLAN
 8/3/2022

Public Participation

Community Planning Information Meeting was on May 24, 2022. There were no surrounding property owner to speak in opposition of the rezoning petition.



PLANNING COMMISSION

STANDARDS OF REZONING REVIEW

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 below, the subject property is surrounded by industrial and residential development. *
Please see the map below table

ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	RSM(Residential Small Lot) District	Single-family (The Villas at Rogers Crossing)
Adjacent: East	M (Light Industrial) District	Industrial (Home Depot Flatbed Distribution)
Adjacent: South	M (Light Industrial) District	Industrial (CSX Transportation)
Adjacent: West	R-100 (Med Residential) District and RSM (Residential Small Lot) District	Residential (Deshong Estates Subdivision)



PLANNING COMMISSION

Zoning Criteria, Analysis and Comments

- **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 Heavy Industrial 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 property and 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.**

There is one full-access point proposed on Stonecrest Industrial Way within the cul-du-sac, which it is planned to connect to Lithonia Industrial Boulevard. Lithonia Industrial Boulevard provides connection to the regional truck route Rock Chapel Road which is a Regional Thoroughfare and Regional Truck Route. The project is expected to generate a total of 2,012 daily new car trips and 1,036 daily new truck trips. The Transportation Impact Study does not recommend any roadway improvement conditions of approval.

- **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 warehouse facility is in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is HIND, Heavy Industrial.

- **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.**

On March 17, 2022, A DRI review of a proposal to construct 1,904,300 SF of industrial space on a 138.12 site on Stonecrest Industrial Way in the City of Stonecrest in DeKalb County. Currently the entire site is forested with significant stream and wetland areas. Three one-story industrial space buildings are proposed: Building 1 with 445,500 SF; Building 2 with 456,840 SF; and Building 3 with 1,002,000 SF. A total of 1,286 car parking spaces and 780 truck/trailer spaces are included. The local DRI review trigger is an application for a land disturbance permit. There will be one phase with build-out expected in 2024.

The site is currently entirely wooded. Additional retention of existing trees on the site would be desirable and in keeping with regional goals regarding carbon sequestration and climate change/heat island effect mitigation. The project can further support The Atlanta Region's Plan in general by incorporating other aspects of regional policy, including green infrastructure and/or low-impact design, e.g., pervious pavers, rain gardens, vegetated swales, etc., in parking areas and site driveways, and as part of any improvements to site frontages. Approximately 33



PLANNING COMMISSION

acres of the site are shown as not disturbed on the site plan. This includes site boundary buffer and stream buffer areas. There may be potential opportunities for linking these fragmented undeveloped areas with adjacent undeveloped or protected areas to ensure their maintenance and productive use.

- **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 existing conditions affecting the use and development of the proposed warehouse facility as to why the applicant is seeking a rezoning to amend conditions Z-81143. The current zoning of the property (M) is a permitted zoning classification of warehouse and truck parking.

- **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.

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 industrial development in the area and will fully mitigate its impacts on the adjacent single family residential to the north and west. 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 current conditions to allow an updated design. Also, there is no proposed change in intensity beyond what is allowed under the current M-2 and M zoning districts. In addition, the Applicant is proposing enhanced buffers that are a minimum of 150 feet wide along the northern and western property lines to mitigate any impacts on the adjacent property. See attached as Exhibit 3, the concept sight-line sections illustrating the proposed buffers. As a result, the requested modification will have no bearing on the use and development of adjacent properties and will be a positive improvement in design over what the 1981 Rezoning allows.

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

The subject property is located within the Heavy Industrial character area of the Stonecrest Comprehensive Plan. The character area intends to lend to both industrial and single-family dwellings in unincorporated DeKalb



PLANNING COMMISSION

County. The proposed zoning change and development of residential development would be in keeping with the policy and intent of the comp plan.

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

The property is currently zoned M, which permits the development of a light industrial use such as warehousing. The property is also located in residential/industrial area where industrial uses are heavily present. 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. Staff believes the applicant has shown good faith by reaching out to staff several months in advance to discuss the proposed project and has conducted independent meetings with the surrounding community.

- **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 existing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. The current zoning is the same proposed zoning classification.

- **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; however limited existing infrastructure in these areas will constrain the amount of additional growth that is possible. Transportation improvements are needed within these Developing Suburbs, but care should be taken not to spur unwanted growth. No EV charging stations are proposed; inclusion of some EV charging stations would be supportive of regional EV infrastructure development plans.

- **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.



PLANNING COMMISSION

STAFF RECOMMENDATION

Staff recommends **APPROVAL/CONDITIONS** of RZ-22-002. The conditions are the following:

1. The applicant shall provide a minimum of 250 feet buffer of natural vegetation between the adjacent residential dwellings along the western and southern property line and 200 feet with 50 feet disturbed and replanted for the northern side (Rogers Lake Crossing) of the property line.
2. The applicant shall dedicate the conservation areas to the City of Stonecrest
3. The applicant shall supply at least 4 EV parking spaces
4. A 50 foot undisturbed, buffer shall be provided along the Western property line South of Lot 31 Block D of Deshong Estates to the Railroad Right-of-way, as shown on said site plan.
5. The applicant shall provide a landscape plan for the entrance off of Coffey Road or either Stone Mountain-Lithonia Road.
6. Any and all roadways, proposed streets, or industrial boulevards found within the site shall be grassed to the edge of the right-of-way, said right-of-way to be not less than 60 feet.
7. All surface water retention facilities shall be designed to 10% above requirements as set forth in the DeKalb County Code.
8. The height of any building shall not exceed 50 feet in height.
9. Rear yard loading and unloading shall be prohibited on all buildings constructed on property which is adjacent to Deshong Estates.
10. No building located on property adjacent to Deshong Estates shall have exposed concrete block.
11. All lighting on buildings located on property adjacent to any existing R-100 zoned property shall be focused and directed toward the building and away from said existing R-100 property.
12. Internal lit signs are prohibited on the property
13. No lights shall be located above the roofline of any building
14. All lights shall be of concealed source type so that the illumination therefrom shall be controlled in a particular direction away from Deshong Estates and Rogers Lake Crossing
15. Signs above the roofline are prohibited
16. Access to the site shall be limited to the Stonecrest Industrial Way or Coffey Road and no streets shall be connected to any existing street or future street which runs, or is to run, through any adjacent residentially zoned property. This paragraph does not apply to Coffey Road.
17. There shall be no discharge of any sewage or waste water into Swift Creek.
18. There shall be a cyclone fence of not less than 6 feet in height shall be placed on the North and West property lines of said property in addition to the 75 foot vegetation buffer.
19. There shall be a Performance Bond submitted by the applicant in the amount of
20. Side walks?