

2975 EVANS MILL RD

- Rezoning Application
- Letter of Intent
- Site Plan
- Staff Reports



Rezoning Application

Owner Information	Owner's Name: TRACT 1 - STEWART PROPERTIES; ATTN: PETE SIEGENTHALER	
	TRACT 2 - DSSA PROPERTIES, LLC; ATTN: SAM STEWART	
	Owner's Address: TRACT 1 - 1318 MEDINAH DR.; FORT MYERS, FL 33919	
	TRACT 2 - 6893 MAIN ST.; LITHONIA, GA 30058	
	Phone: TRACT 1 - (239) 482-0553	TRACT 1 - CPS38@AOL.COM
	TRACT 2 - (770) 482-8841	Fax: Email: TRACT 2 - SSTEWARD@CAMERONANDROBERTS.COM
	Property Address: TRACT 1 - 6378 E GLEN RD; LITHONIA, GA 30038	
	TRACT 2 - 2975 EVANS MILL RD REAR; LITHONIA, GA 30038	
	Parcel Size: TRACT 1 - 20.98 ACRES	
	TRACT 2 - 10.05 ACRES	
Property Information	Parcel ID: TRACT 1 - 16 106 01 007 TRACT 2 - 16 106 01 006	
	Current Zoning Classification: R-100 / STONECREST OVD TIER 4	
	Requested Zoning Classification: OD - OFFICE / DISTRIBUTION	
	Name:	
	Address:	
	Phone:	Fax:
	Cell:	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?
PLEASE SEE ATTACHED LETTER OF INTENT		
2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?		
PLEASE SEE ATTACHED LETTER OF INTENT		
3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?		
PLEASE 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?		
PLEASE SEE ATTACHED LETTER OF INTENT		
5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?		
PLEASE 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?		
PLEASE SEE ATTACHED LETTER OF INTENT		



Applicant Signature
Notary
Fee

Applicant's Name: Duke Realty Limited Partnership by: Duke Realty Corporation		
Applicant's Signature: <i>by: Wes Hardy, SVP</i>	<i>W Hardy</i>	Date: <i>6/7/2022</i>
Sworn to and subscribed before me this <i>7th</i> Day of <i>June</i> 20 <i>22</i>		
Notary Public: <i>Nancy A. Taylor</i>		
Signature: <i>Nancy A Taylor</i>		
My Commission Expires: <i>Nov. 11, 2025</i>		
<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**

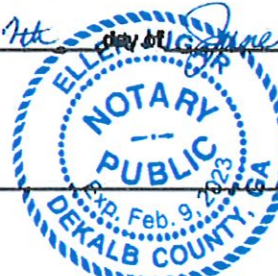


Applicant/Petitioner Notarized Certification

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").

Duke Realty Limited Partnership; By: Duke Realty Corporation

Applicant / Petitioner	Signature: <i>By: [Signature]</i>	Date: <i>6/7/22</i>	
	Address: <i>3715 Davinci Ct; Ste. 300</i>	City, State: <i>Atlanta, GA</i>	Zip: <i>30092</i>
	Phone: <i>(770) 717-3220</i>		
Sworn to and subscribed before me this <i>7th</i> day of <i>June</i> , 20 <i>22</i>			
Notary Public: <i>[Signature]</i>			
Attorney / Agent	Signature: <i>[Signature]</i>	Date: <i>6/7/22</i>	
	Address: <i>249 Peachtree Rd, Suite 700</i>	City, State: <i>Atlanta, Ga</i>	Zip: <i>30339</i>
	Phone: <i>404-853-5050</i>		
Sworn to and subscribed before me this <i>7th</i> day of <i>June</i> , 20 <i>22</i>			
Notary Public: <i>[Signature]</i>			



WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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HAROLD BUCKLEY, JR.

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TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

June 7, 2022

VIA ELECTRONIC MAIL

Ms. Keedra Jackson, Director
City of Stonecrest Community Development Department
3120 Stonecrest Boulevard, Suite 190
Stonecrest, GA 30038

Re: Letter of Intent, Justification, and Environmental Site Analysis for Application by Duke Realty for Rezoning and a Related Comprehensive Plan Map Amendment (a "Comp Plan Amendment") for Property Fronting on Lithonia Industrial Boulevard.

Dear Ms. Jackson:

My firm represents Duke Realty Limited Partnership ("Duke"), which desires to develop the Site with an office/distribution center. Duke respectfully seeks to rezone 2975 Evans Mill Road (16 106 01 006) and 6378 East Glen Road (16 106 01 007) (collectively the "Site") From R-100 (Single-Family Residential) - Stonecrest Overlay District - Tier 4 to OD (Office Distribution). The Site is located just ¼ mile from Lithonia Industrial Boulevard's access ramps to I-20. Due to the nature of its rezoning request, Duke also seeks a Comp Plan Amendment to redesignate the Site from City Center to Light Industrial.

The approval standards for Comp Plan Amendments and rezoning applications are set forth in sections 7.3.4 and 7.3.5 of the zoning ordinance, respectively. Duke's application satisfies all of these approval standards as follows:

I. The Comp Plan Amendment request satisfies all of the city's approval standards

A. The Comp Plan Amendment is suitable in consideration of adjacent and nearby uses

The Site is located at the southeast corner of Lithonia Industrial Boulevard and I-20. This location makes the Site uniquely suited for Duke's proposed distribution center because trucks can access it directly from I-20 without traveling through any established residential communities.

New Birth Missionary Baptist Church ("New Birth") is the only development located across the street from the Site. The church occupies several buildings encompassing total floor area of approximately 240,000 square feet on a 234-acre campus. Redesignating the Site as Light Industrial is suitable in light of this major institutional use.

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DUKE REALTY REZONING AND LAND USE AMENDMENT APPLICATION

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The Site's rear property line abuts residential uses in a retirement community known as the Villages East Duplexes, and a few single-family residences along E. Glen Road. Duke's proposed distribution center is suitable in consideration of these residential uses because vehicular access to the Site will be provided exclusively from Lithonia Industrial Boulevard; and a substantial tree buffer will prevent the new facility from being visible to any residential neighbors. Therefore, amending the Site's land use designation is suitable even in light of the adjacent residential uses.

B. The Comp Plan Amendment will not adversely affect the use or usability of adjacent or nearby properties

Redesignating the Site as Light Industrial will not adversely affect surrounding properties because the only development on the other side of Lithonia Industrial Boulevard is also an institutional use. Furthermore, PepsiCo, Inc. has expressed its intent to occupy the proposed office/warehouse distribution center, which is essentially a mixed-use development. Currently, PepsiCo has an office warehouse facility in Stone Mountain that houses a substantial number of office employees in addition to housing warehousing space for the company's products. PepsiCo has decided to redevelop that facility, which will result in the displacement of a significant number of office employees from that site. Duke's development proposal includes office space to accommodate these displaced white-collar workers, which would be consistent with the institutional/office character of the New Birth Baptist Church campus across the street from the Site. Therefore, Duke's proposed use is more of a hybrid office-distribution development than a traditional distribution warehouse. This fact, and the fact that the proposed distribution center will not be accessible or visible from the residential properties along the rear of the Site, support the approval of Duke's zoning and comprehensive plan requests.

C. The Comp Plan Amendment will not overburden the city's transportation infrastructure, utilities, or schools

Redesignating the Site as Light Industrial will not generate any additional demand for schools or other educational infrastructure. Furthermore, the Site is served by the same robust transportation and utility infrastructure that serves New Birth. Therefore, existing local infrastructure is more than sufficient to support Duke's comprehensive plan amendment.

D. The Comp Plan Amendment is consistent with the city's land use policies

The comprehensive plan sets forth an enumerated set of light industrial land use policies that require:

- Appropriate infrastructure support for industrial development
- Buffering to protect surrounding areas from industrial noise and light pollutants
- Protection of established residential areas from industrial encroachment, and
- Good access to highways

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The Comp Plan Amendment is consistent with the foregoing land use policies for several reasons. The Site has access to public infrastructure that is configured to handle high density development like New Birth, and it is directly adjacent to the interchange for Lithonia Industrial Boulevard and I-20. The Site is located adjacent to established residential property, but it does not encroach into any established residential areas. Instead, this segment of Lithonia Industrial Boulevard is characterized by major institutional development and raw land. Duke's development plan also incorporates a 75-foot undisturbed tree buffer that protects that adjacent residential area from potential industrial light and noise impacts. And finally, Duke's development proposal is a hybrid office distribution facility, which is less intense than a traditional warehouse distribution center for a couple of reasons. First, the facility will incorporate professional office space as a primary development component. And second, the facility's warehouse component will be much smaller than a traditional, standalone warehouse, and the warehouse operation must be compatible with the on-Site professional office component.

E. The Comp Plan Amendment will not impact any other governmental jurisdiction

Redesignating the Site will not impact any other governmental jurisdiction because the property is located more than a mile from the city's nearest corporate limits.

F. Conditions affecting the Site's proposed use and development support the approval of Duke's application

The public tends to perceive distribution centers as facilities that exclusively serve and benefit business interests, primarily as a network that facilitate business-to-business deliveries. What is less apparent to the public on a macro level is how the sharp rise of e-commerce over the past decade has fundamentally changed consumer markets and expectations. More specifically, American consumers (including Stonecrest residents) have come to expect to receive goods they ordered online to be delivered within 1 or 2 days due to the ease of online purchasing. Due to these market conditions, the role that distribution centers play in the consumer market will continue to grow and evolve.

Furthermore, one of the lessons of the ongoing COVID-19 pandemic is that society needs a robust supply chain for the storage and distribution of critical goods and materials. In this case, those goods and materials are ventilators, N95 masks, disinfecting products, and medicines. The use of intermediary warehousing is increasing to compensate for substantial disruptions in supply chain logistics. Additionally, the current pandemic has turbocharged consumer demand for e-commerce services at the very time that supply chain logistics is being called upon to facilitate the distribution and storage of emergency products and supplies.

Finally, recent storms in Texas and other states have shown that extreme weather can disrupt supply chain operations far beyond immediately impacted areas. Given the rapidly accelerating effects of climate change, it is foreseeable that weather-based supply chain disruptions will increase in frequency.

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For these reasons, future government emergency preparedness plans will almost certainly include pre-emptive supply chain logistics flexibility. Therefore, the logistics industry will be called upon to accommodate sudden and unforeseen demand for emergency supplies on top of the ongoing shift in the consumer market from bricks-and-mortar retail to e-commerce services.

The foregoing existing and changing conditions support the approval of Duke's comprehensive plan amendment.

G. The Comp Plan Amendment will not impact any historic or archaeological resources

Duke commissioned a professional cultural resources analysis, prepared by a historian **and** an archeologist. The foregoing experts concluded that the Site does not contain any historic or archaeological resources that could be disturbed by Duke's development proposal; and that no such resources were located within 1,100 feet of the Site. A copy of this written analysis is included in Duke's application package.

II. The rezoning request satisfies all of the city's rezoning approval standards

As explained in detail above, the approval of Duke's rezoning request:

- Conforms to the policy and intent of the comprehensive plan
- Is suitable in light of the use and development of adjacent or nearby properties
- Will not adversely affect the use and development of adjacent or nearby properties
- Is supported by existing and changing conditions
- Will not have any impact on historic or archaeological resources, and
- Not overburden the city's transportation infrastructure, utilities, or schools

A. The Site does not have a reasonable economic use under its current zoning

The Site has been zoned single-family residential since before it was incorporated into the city of Stonecrest, during which time it failed to attract any residential development activity. The site across the street at 6400 Woodrow Road, which has the same single-family residential zoning, similarly failed to attract any significant development activity until New Birth improved the site with its transformational 234,000-square-foot church campus. The foregoing facts support a determination that the Site does not have a reasonable economic use under its current single-family residential zoning.

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B. Environmental Site Analysis: Duke's proposed distribution center will not adversely impact the environment or surrounding natural resources

Duke commissioned a Phase I Environmental Assessment Report a ("Phase I") and an Aquatic Resource Delineation Report on the Site (an "Aquatic Report"). The following environmental site analysis is based on the professional analysis and conclusions in these reports, which are included in Duke's zoning application package.

1. Conformance to the comprehensive plan

a. Description of project and existing environmental Site conditions

The proposed distribution center will consist of an office-distribution building and accessory car and truck parking. Parking is provided in four interconnected parking areas. Truck parking will be provided on the north and south sides of the building, adjacent to the building's loading areas. The two areas for car parking spaces will be provided at the front and rear of the building. Vehicular access to the Site will be provided exclusively from Lithonia Industrial Boulevard.

The Site has a total land area of approximately 30 acres. The Aquatic Report identified approximately 0.030 acres (1,306.80 square feet) of wetland area along the Site's northern boundary, adjacent to the I-20 right-of-way.¹ This small wetland area, which drains into a concrete culvert underneath I-20, is the only environmentally sensitive area on the Site.

There is an unnamed off-site stream that is located on residential land to the east of the Site, which has a linear length of approximately 181.44 feet.² Because of its off-site location, Duke's development proposal cannot physically impact this stream.

b. Description of adjacent properties

The Site is located on the east side of Lithonia Industrial Boulevard, immediately south of the right-of-way for I-20. All of the properties on the east side of Lithonia Industrial Boulevard between I-20 and Woodrow Road, including the Site, are heavily wooded raw land. The Site abuts residentially developed property along its rear property line.

c. Project conformance to the Comprehensive Land Use Plan

As explained in the foregoing analysis for the Comp Plan Amendment, the project conforms to the Comprehensive Land Use Plan's land use policies.

d. Comprehensive Land Use Map

The Comprehensive Land Use Map designates the Site for residential use. Therefore, this rezoning application includes a request to redesignate the Site for industrial use.

¹ Aquatic Report, Figure 2.

² Id.

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DUKE REALTY REZONING AND LAND USE AMENDMENT APPLICATION

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e. Project compliance with Comprehensive Land Use Plan policies

As explained in the foregoing analysis for the Comp Plan Amendment, the project conforms to the Comprehensive Land Use Plan's land use policies.

2. Environmental impacts of the proposed distribution center

Duke's site plan does not call for the disturbance of the small wetland area along the boundary the Site shares with the I-20 right-of-way. The Site does not have any other environmentally sensitive areas.

3. Project implementation measures

The only environmentally sensitive Site condition is a small wetland area along the property's northern boundary, adjacent to I-20. Duke's site plan does not call for the disturbance of this wetland area.

The Site directly residential property along its rear property line. Duke's site plan calls for the provision of a 75-foot undisturbed tree buffer immediately adjacent to abutting residential properties. This tree buffer will protect these residential properties from potential industrial light and noise impacts.

III. Constitutional objections

Georgia courts have long held that a zoning applicant must present any potential constitutional objections to the local government during the zoning review process. Applicants who fail to do so substantially deprive themselves of a legal basis to appeal adverse zoning decisions.³ Therefore, for the sole purpose of satisfying this strict requirement of Georgia law, Duke very respectfully advises the city of its constitutional objections.

1. The approval standards set forth in the Stonecrest zoning ordinance (the "Zoning Ordinance") do not sufficiently restrain the City Council's discretion regarding the approval of rezoning applications, which deprives the Courts of a reasonable basis for judicial review of such decisions. Therefore, any denial of the Application (or the approval of any lesser relief than requested) would deprive Duke of its protected rights to due process of law and equal protection under the law in violation of Article I, Section III, Paragraph 1; and Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983. Similarly, such action would also violate the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

³ *DeKalb County v. Bembry*, 252 Ga. 510, 314 S.E.2d 900 (1984) (Held that the trial court erred in failing to grant summary judgment to DeKalb County because the applicant failed to present constitutional objections to the County Commission).

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2. The denial of the Application (or the approval of any lesser relief than requested) would substantially damage the usability of Duke's property, thereby seriously compromising the property's marketability. Therefore, a denial of the Application would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

3. The denial of Duke's application (or the approval of any lesser relief than requested) would be inconsistent with the policies set forth in the Zoning Ordinance, making such a decision an arbitrary and capricious act. Therefore, such action would deprive Duke of its protected rights to due process of law and equal protection under the law under the Constitution of the State of Georgia, 1983 and the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

4. The Zoning Ordinance sets forth the sole criteria to be used by the City Council in its review and consideration of Duke's application. Denial of the application (or the approval of any lesser relief than requested) based on criteria and/or considerations other than those expressly enumerated in the Zoning Ordinance for rezoning applications would constitute an arbitrary, capricious and unreasonable use of the zoning power and a deprivation of property without due process of law in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia, 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983; and the equal protection and due process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Please let me know if I may provide you with any additional information or clarify anything in this letter.

Sincerely,

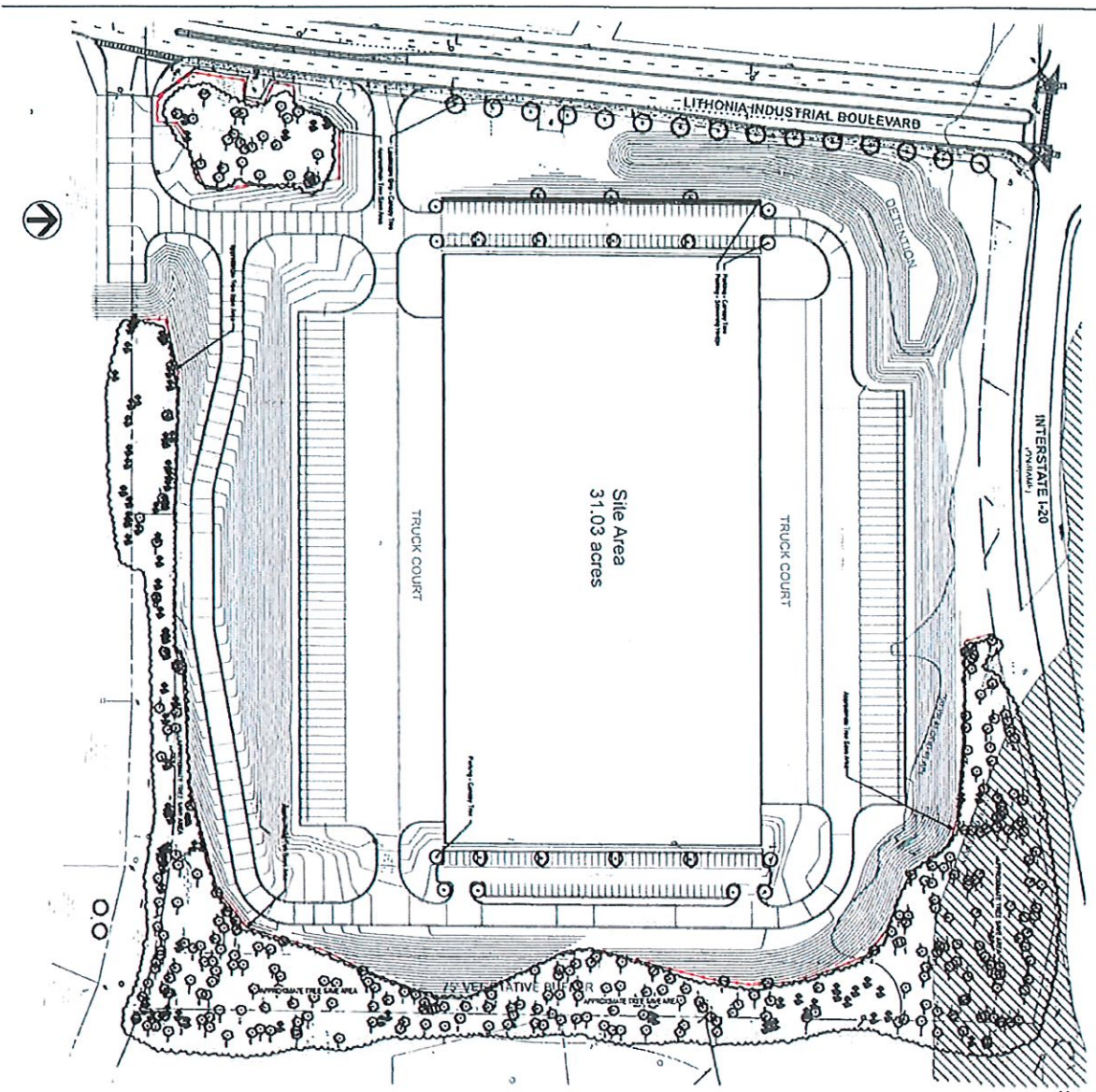
WILSON BROCK & IRBY, L.L.C.



By: Harold Buckley, Jr., AICP
Attorneys for Duke Realty Limited Partners

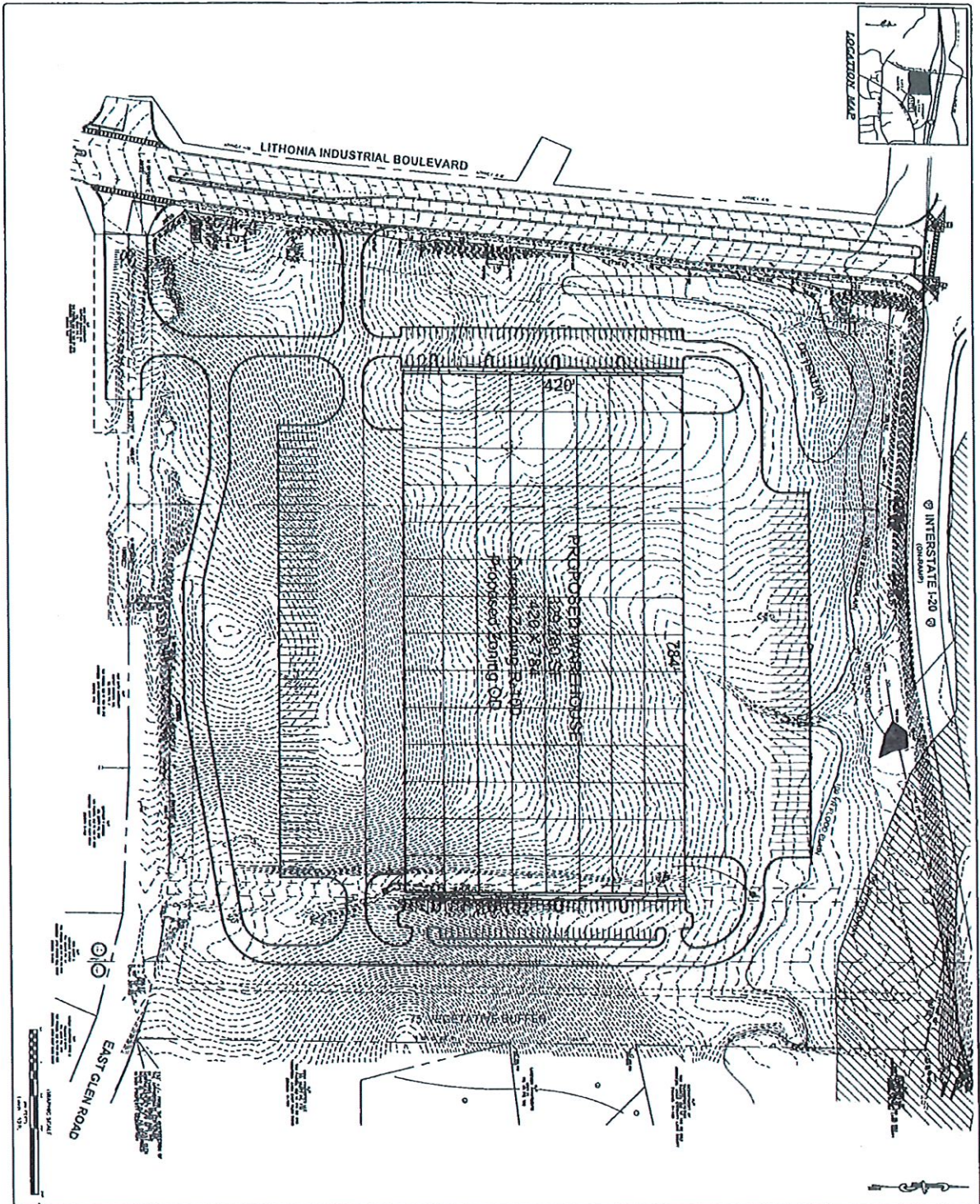
Enclosures

cc: Ms. Nathalie Tyler-Martin
Mr. David Sprinkle
Mr. Wes Hardy



- LANDSCAPE REQUIREMENTS**
- 1. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 2. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 3. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 4. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 5. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 6. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 7. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 8. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 9. All trees to be removed shall be replaced with a minimum of 1" diameter trees.
 - 10. All trees to be removed shall be replaced with a minimum of 1" diameter trees.

	<p>LITHONIA INDUSTRIAL DUKE REALTY</p> <p>PARCEL ID 15-106-01-001 & 15-106-01-002 CITY OF STOCKCREEST DEKALB COUNTY GEORGIA EXISTING ZONING R-10A PROPOSED M</p>		
<p>DATE: 10/15/15 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: AS SHOWN SHEET NO: L-100</p>			



<p>TP-10</p> <p>DESTINA TOPO</p> <p>DATE: 11/11/10</p> <p>SCALE: 1" = 100'</p>	<p>CLIENT:</p> <p>Lithonia Industrial Duke Realty</p>
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Lithonia Industrial Duke Realty
 PARCEL ID 16-108-01-007 & 16-108-01-006
 CITY OF STONECREST, DEKALB COUNTY, GEORGIA
 EXISTING ZONING R-100/Proposed OD



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 REAL ESTATE SERVICES
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 Website: www.dikerealty.com



PLANNING COMMISSION

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

GENERAL INFORMATION

Petition Number:	RZ-22-006
Applicant:	Wilson, Brock, Irby, LLC. on behalf of Duke Realty Limited Partnership
Owner:	James W. Kelly, Jr. and Daniel H. Kelly
Project Location:	2975 Evans Mill Road and 6378 East Glen Road
Parcels:	16-106-01-006 and 16-106-01-007
District:	District 5
Acreage:	Tract 1: 20.98 acres and Tract 2: 10.05 acres
Existing Zoning:	R-75 and R-100 (Residential Medium Lot) and Stonecrest Overlay Tier 4
Proposed Zoning:	OD (Office Distribution)
Comprehensive Plan Community: Area Designation	CC (City Center)
Proposed Development/Request:	To seek a rezoning from R-75 (Residential Medium Lot) Stonecrest Overlay Tier 4 to OD (Office Distribution) and to seek a comprehensive land use change from City Center to Light Industrial for the development of a distribution center.
Staff Recommendations:	<i>Denial</i>
Planning Commission	N/A
City Council	N/A



PLANNING COMMISSION

Zoning Map



Subject Property

Zoning Case: RZ-22-006

Address: 2975 Evans Mill Road and 6378 East Glen Road

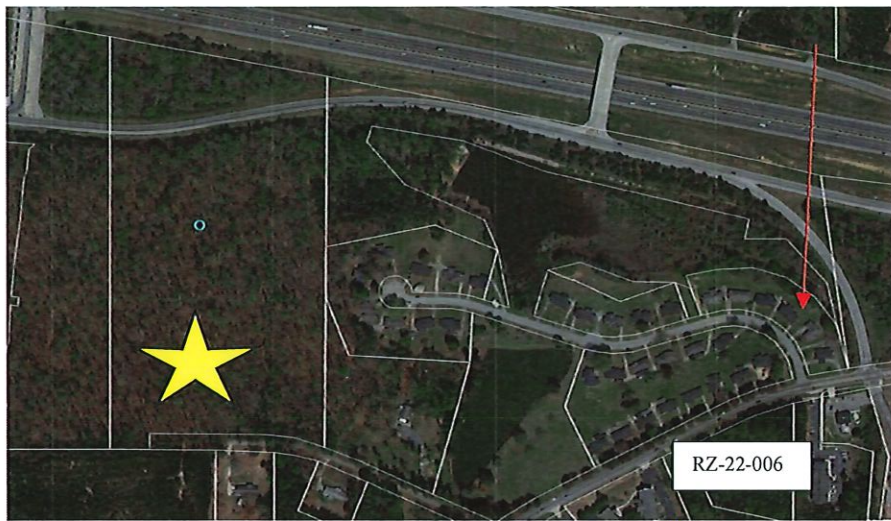
Current Zoning: R-75 and R-100 (Residential Medium Lot)

Proposed Zoning: OD (Office Distribution)



PLANNING COMMISSION

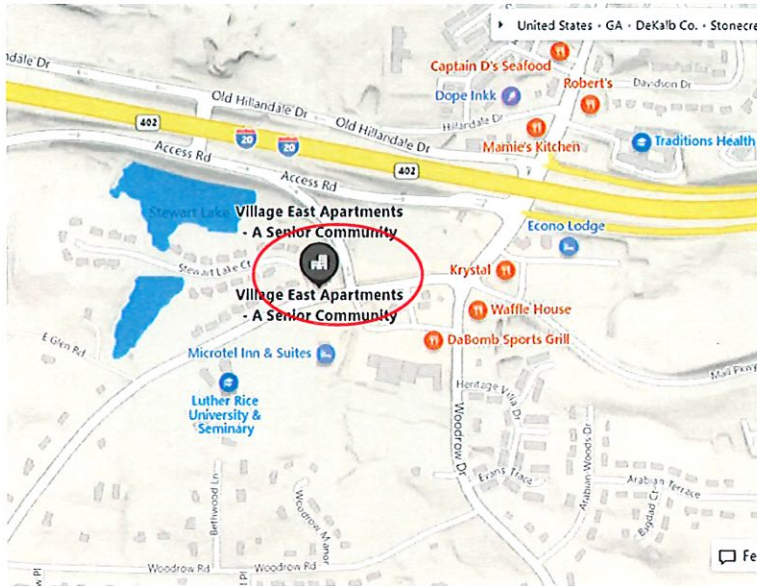
Aerial Map



Subject Property



PLANNING COMMISSION



Location

The subject properties are located at 2975 Evans Mill Road and 6378 East Glen Road (Parcel IDs: 16-106-06-006 (Tract 2) and 16-106-01-007). The Subject Property consists of a ±31.03-acre assemblage of two parcels located in Land Lot 106, 16th District, City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The subject property abuts Village East Duplex Retirement Community. The surrounding properties are residential dwellings.

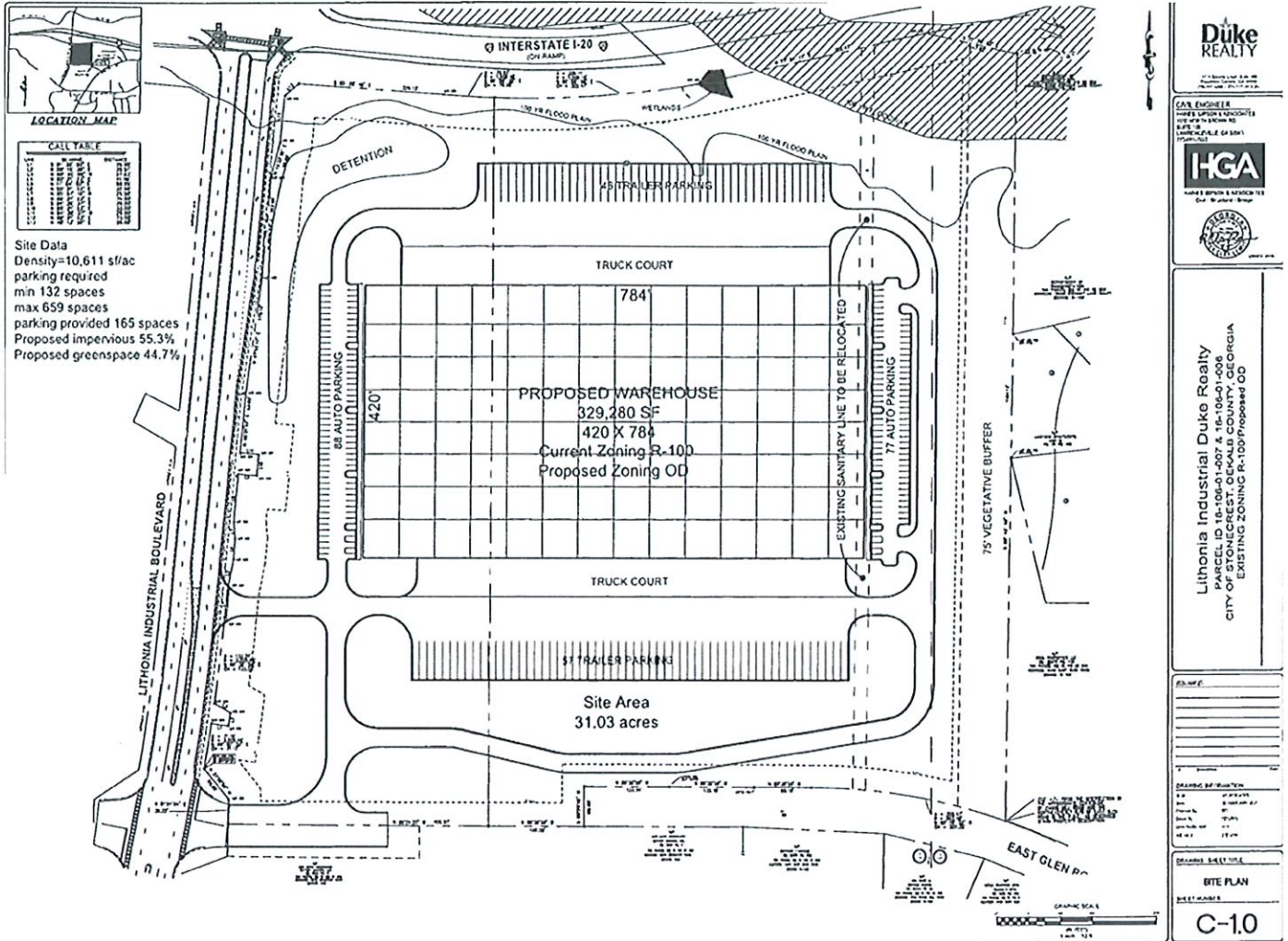
BACKGROUND:

On August 3, 2021, the rezoning and comprehensive plan amendment was deferred by the Planning Commission to allow the applicant more time to meet with the community. On August 18, 2021, the applicant submitted a withdrawal of the petition without prejudice.

The proposed distribution center will consist of an office-distribution building and accessory car and truck parking. Parking is provided in four interconnected parking areas. Truck parking will be provided on the north and south sides of the building, adjacent to the building's loading areas. The two areas for car parking spaces will be provided at the front and rear of the building. Vehicular access to the Site will be provided exclusively from Lithonia Industrial Boulevard.

The site has a total land area of approximately 30 acres. The Aquatic Report identified approximately 0.030 acres (1,306,80 square feet) of wetland area long the site's northern boundary, adjacent to the I-20 right-of-way. This small wetland area, which drains into a concrete culvert underneath I-20, is the only environmentally sensitive area on the site.

PLANNING COMMISSION



Public Participation

Community Planning Information Meeting is scheduled on July 26, 2022.



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	I-20 Interstate and M (Light Industrial)	Industrial Development, Marbut Elementary and Lithonia High School
Adjacent: East	C-1 (Local Business) and R-75 (Residential Medium Lot)	Krystals, Waffle House, DaBomb Sports and Grill, Village East Duplex Retirement Community
Adjacent: South	R-100 (Residential Medium Lot), C-1 (Local Business) and O-I (Office Institutional)	Microtel Inn Suites & Hotel, Luther Rice University & Seminary,
Adjacent: West	R-100 (Med Residential) District and R-75 (Residential Medium Lot) District	New Birth Missionary Baptist Church



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 intent of the City Center Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage. The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre. The subject property is located within the City Center future land use characteristic area of the Comprehensive Plan. The proposed rezoning and comprehensive land use change would not be compatible with this policy and intent of the Comprehensive Plan.

- **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 properties are zoned R-100 and R-75, which prohibits the development of a warehouse/distribution development. Redesignating the site to light industrial will introduce a land use that is more intensive than the existing land use infrastructure.

- **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 not in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is City Center. The proposed land use will encroach into an established neighborhood development.

- **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 potential impacts on property or properties in an adjoining governmental jurisdiction. 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



PLANNING COMMISSION

project can further support the Comprehensive Plan 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.

- **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 or changing conditions affecting the use and development of the affected land areas.

- **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.**

The proposed change in zoning would not permit a use that would be suitable in view and development of the nearby properties. The surrounding uses are strictly residential. The Village East Apartments were constructed in 1965 establishing a residential characteristic in this area. The subject properties are not contiguous in which questions the suitability of the proposed development.

- **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 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 properties are currently zoned R-100 and R-75 has been zoned residential since the incorporation of the City of Stonecrest, which permits the development of residential development such as single-family residential



PLANNING COMMISSION

dwelling. The property is also located in residential/commercial area where industrial residential 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 may have a negative impact on the existing use or usability of adjacent or nearby properties. The proposed development is South of I-20 which primarily consists of residential development. This development is suitable for an industrialized area that is located North of I-20.

- **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 different from the proposed zoning classification.

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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 may 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

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

The site has a total land area of approximately 30 acres. The Aquatic Report identified approximately 0.030 acres (1,306,80 square feet) of wetland area long the site's northern boundary, adjacent to the I-20 right-of-way. This small wetland area, which drains into a concrete culvert underneath I-20, is the only environmentally sensitive area on the site.

STAFF RECOMMENDATION



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Staff recommends **DENIAL** of the proposed petition.



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

GENERAL INFORMATION

Petition Number:	RZ-22-006
Applicant:	Wilson, Brock, Irby, LLC. on behalf of Duke Realty Limited Partnership
Owner:	James W. Kelly, Jr. and Daniel H. Kelly
Project Location:	2975 Evans Mill Road and 6378 East Glen Road
Parcels:	16-106-01-006 and 16-106-01-007
District:	District 5
Acreage:	Tract 1: 20.98 acres and Tract 2: 10.05 acres
Existing Zoning:	R-100 (Residential Medium Lot) and Stonecrest Overlay Tier 4
Proposed Zoning:	OD (Office Distribution)
Comprehensive Plan Community: Area Designation	CC (City Center)
Proposed Development/Request:	To seek a rezoning from R-75 (Residential Medium Lot) Stonecrest Overlay Tier 4 to OD (Office Distribution) and to seek a comprehensive land use change from City Center to Light Industrial for the development of a distribution center.
Staff Recommendations:	<i>Denial</i>
Planning Commission	N/A
City Council	N/A



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Zoning Map



Subject Property

Zoning Case: RZ-22-006

Address: 2975 Evans Mill Road and 6378 East Glen Road

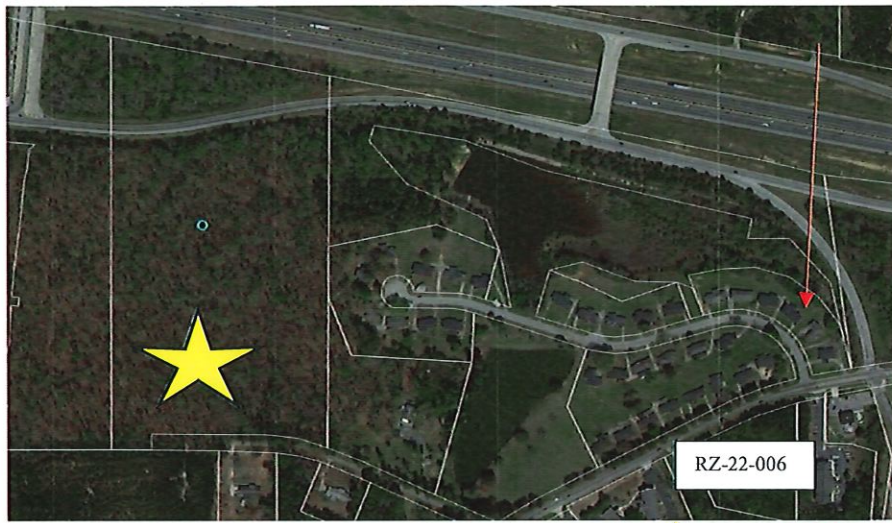
Current Zoning: R-75 and R-100 (Residential Medium Lot)

Proposed Zoning: OD (Office Distribution)



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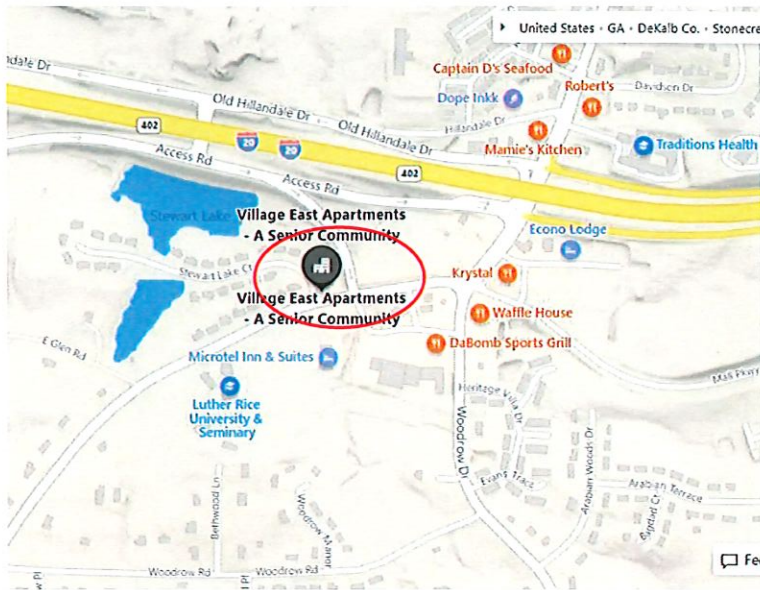
Aerial Map



Subject Property



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Location

The subject properties are located at 2975 Evans Mill Road and 6378 East Glen Road (Parcel IDs: 16-106-06-006 (Tract 2) and 16-106-01-007). The Subject Property consists of a ±31.03-acre assemblage of two parcels located in Land Lot 106, 16th District, City of Stonecrest, DeKalb County, Georgia (“Subject Property”).

The subject property abuts Village East Duplex Retirement Community. The surrounding properties are residential dwellings.

BACKGROUND:

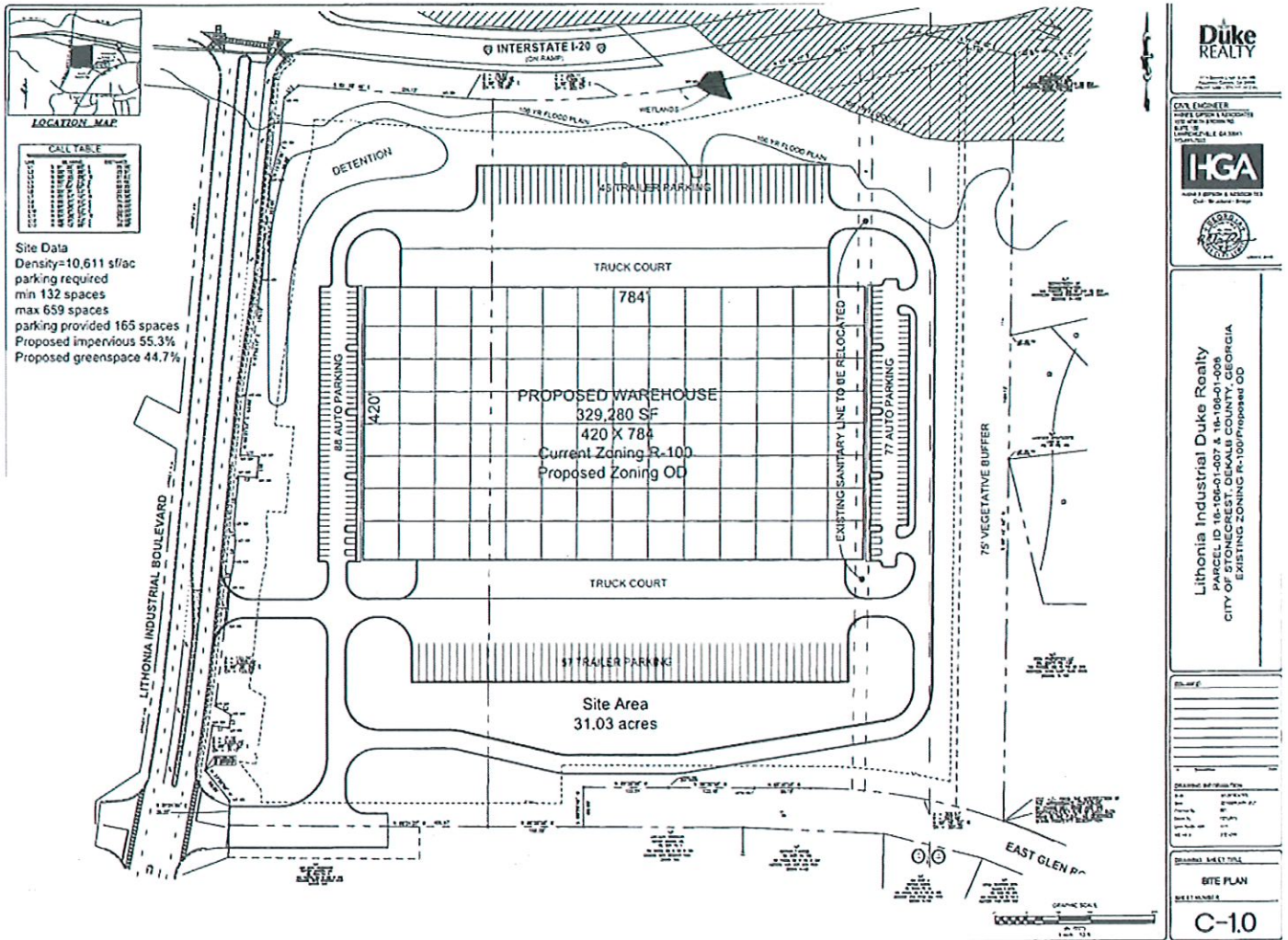
On August 3, 2021, the rezoning and comprehensive plan amendment was deferred by the Planning Commission to allow the applicant more time to meet with the community. On August 18, 2021, the applicant submitted a withdrawal of the petition without prejudice.

The proposed distribution center will consist of an office-distribution building and accessory car and truck parking. Parking is provided in four interconnected parking areas. Truck parking will be provided on the north and south sides of the building, adjacent to the building’s loading areas. The two areas for car parking spaces will be provided at the front and rear of the building. Vehicular access to the Site will be provided exclusively from Lithonia Industrial Boulevard.

The site has a total land area of approximately 30 acres. The Aquatic Report identified approximately 0.030 acres (1,306,80 square feet) of wetland area long the site’s northern boundary, adjacent to the I-20 right-of-way. This small wetland area, which drains into a concrete culvert underneath I-20, is the only environmentally sensitive area on the site.



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Public Participation

Community Planning Information Meeting is scheduled on July 26, 2022.



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STANDARDS OF REZONING REVIEW

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- **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	I-20 Interstate and M (Light Industrial)	Industrial Development, Marbut Elementary and Lithonia High School
Adjacent: East	C-1 (Local Business) and R-75 (Residential Medium Lot)	Krystals, Waffle House, DaBomb Sports and Grill, Village East Duplex Retirement Community
Adjacent: South	R-100 (Residential Medium Lot), C-1 (Local Business) and O-I (Office Institutional)	Microtel Inn Suites & Hotel, Luther Rice University & Seminary,
Adjacent: West	R-100 (Med Residential) District and R-75 (Residential Medium Lot) District	New Birth Missionary Baptist Church



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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 intent of the City Center Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage. The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre. The subject property is located within the City Center future land use characteristic area of the Comprehensive Plan. The proposed rezoning and comprehensive land use change would not be compatible with this policy and intent of the Comprehensive Plan.

- **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 properties are zoned R-100 and R-75, which prohibits the development of a warehouse/distribution development. Redesignating the site to light industrial will introduce a land use that is more intensive than the existing land use infrastructure.

- **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 not in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is City Center. The proposed land use will encroach into an established neighborhood development.

- **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 potential impacts on property or properties in an adjoining governmental jurisdiction. 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



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project can further support the Comprehensive Plan 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.

- **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 or changing conditions affecting the use and development of the affected land areas.

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

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STAFF RECOMMENDATION



PLANNING COMMISSION

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