THE CITY OF STONECREST GEORGIA

Amendment Application

Owner Information

Owner's Name: Daniel H. Kelly,James W. Kelly, Jr., Judy L. Kelly

Owner's Address: P. O. Box 993, Lithonia, Ga 30058

Phone: 770-482-2995 | Fax: 770-492-2997 | Email: kellylandkellypaving@gmail.com

Property Address: Tract "A", 1882 Coffee Road | Parcel Size: 16.791acres

Parcel ID: Tract "A", 16 132 02 003

Current Zoning Classification: M

Requested Zoning Classification: M-2 Conditional

Property Information

Name: Bernard Knight

Address: P.O. Box 29156, Atlanta, Ga 30359

Phone: 404-247-8614 | Fax: N/A

Cell: 404-247-8614 | Email: bknightattorney@att.net

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?

☐ Yes ☑ 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?

yes

2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?

yes

3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

no

4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

yes

5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?

no

6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? no

THE CITY OF STONECREST GEORGIA

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.

Applicant's Name: Bernard Knight

Applicant's Signature: Bernard Kn | Date:

Sworn to and subscribed before me this 6 Day of February 20 18

Notary

Notary Public: Daniel Passariello

Signature:

My Commission Expires: January 8, 2022.

DANIEL PASSARIELLO MY COMMISSION EXPIRES NOTARY PUBLIC JANUARY 8, 2022 FULTON COUNTY, GEORGIA

Fee

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

Fee: $ | 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**

THE CITY OF STONECREST GEORGIA

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: James W. Kelly Jr | Date: 2-6-2018

Address: 6515 Marbut Rd | City, State: Lithonia, GA | Zip: 30058

Phone: 770 312 4406

Sworn to and subscribed before me this 6th day of February, 2018

Notary Public: Beatrice C Kelly

My Commission Expires August 27, 2019

Property Owner (If Applicable)

Signature: Judy Z Kelly | Date: 2-6-2018

Address: 6515 Marbut rd | City, State: Lithonia, GA | Zip: 30058

Phone: 770-482-2995

Sworn to and subscribed before me this 6th day of February, 2018

Notary Public: Beatrice C Kelly

My Commission Expires August 27, 2019

Property Owner (If Applicable)

Signature: Judy Z Kelly | Date: 2-6-2018

Address: 6515 Marbut Rd | City, State: Lithonia, GA | Zip: 30058

Phone: 770 312 4604

Sworn to and subscribed before me this 6 day of February, 2018

Notary Public: Beatrice C Kelly

My Commission Expires August 27, 2019

THE CITY OF STONECREST GEORGIA

Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is ~~the executor or~~ Attorney-~~In-Fact under a Power of Attorney~~ at Law 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: Bernard Ken		Date: 02 06 08
	Address: PO Box 29156	City, State: Atlanta GA	Zip: 30359
	Phone: 404 247 8614		
	Sworn to and subscribed before me this 6th day of February, 20 18		
	Notary Public:		
Attorney / Agent	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

DANIEL PASSARIELLO
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 8, 2022
FULTON COUNTY, GEORGIA

LETTER OF INTENT

APPLICATION OF BERNARD KNIGHT, ATTORNEY AT LAW, ON BEHALF OF DANIEL H. KELLY, JAMES W. KELLY, JR. AND JUDY L. KELLY TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF STONECREST, GA, BY REZONING TRACT "A" OF 1882 COFFEE ROAD, PARCEL I.D. # 16 132 02 003, 16.791 ACRES FROM M TO M-2 CONDITIONAL

I. INTRODUCTION

The Subject Property is Tract "A" of 1882 Coffee Road, Parcel I.D. # 16 133 01 002, and consists of 16.791 acres. The tract is zoned M, and has five (5) sides. It is owned by Daniel H. Kelly, James W. Kelly, Jr., and Judy L. Kelly (the Kellys), who are siblings and who all work in the family business, Kelly Land Co., Inc. The tract was divided from Tract "B" by approved lot division plat which was recorded by the Clerk of DeKalb Superior Court on January 9, 2018, Plat Book 258, Page 88. As yet, a new address and parcel i.d. number have not been assigned, to the best of Applicant's knowledge, and the parcel will be referred to herein as Tract "A" of the Subject Property.

Tract "A" is divided from Tract "B" by the southwestern boundary of a recorded Georgia Power easement, DeKalb Superior Court Deed Book 2154, Page 29. A second side consists of over three hundred feet (300') of frontage on Lithonia Industrial Boulevard Extension Phase I, which opened in May 2013. Another two (2) sides are adjacent to Parcel 16 132 02 002, 1810 Coffee Road, which is zoned M-2 and is likewise owned the owners of Tract "A". The fifth leg of Tract "A" is between one hundred and two hundred feet of frontage on the public right of way of Coffee Road.

The Subject Property is part of Lithonia Industrial park and the approximately three hundred forty-five (345) acre Kelly Industrial Tract. The Kelly Industrial Tract has extensive frontage on, and public road access to, the recently-opened Extension of Lithonia Industrial Boulevard. The City of Stonecrest Comprehensive Plan classifies the tract as IND (Industrial).

In the late 1980s the owners' father, the late James W. "Big Jim" Kelly, Sr., sought an extension of Lithonia Industrial Boulevard, which ten ended at South Stone Mountain Lithonia Road. He and others secured the approval of the County for the Extension's design, and donated right-of-way for the project. However, the Extension remained unbuilt for some quarter of a century until Federal stimulus funds became available during the late 2000s. At that time the Kellys negotiated with the County to provide additional right-of-way for the Extension, and as part of those dealings the County abandoned most of Coffee Road and conveyed the old right-of-way to the Kellys. Tract "A" fronts on the remaining public section of Coffee Road. The Extension of the Boulevard was formally opened in 2013. These two events – the opening of the Extension (which is a designated arterial and truck route per the 2014 DeKalb County Transportation Plan) and the closing of former Coffee Road (which also facilitates development of the Kelly Industrial Tract), coupled with recently-completed improvements by GDOT to the intersection of the Boulevard and Covington Highway by adding left-turn lanes, have encouraged the Kellys to take undertake additional measures in order to market and/or develop their Kelly Industrial Tract.

Those measures include the present application to rezone Tract "A" from M to M-2 conditional, in order to complete an inner core of M-2 parcels within which parcels lines can be rearranged in order to subdivide the inner core for development. In order to ensure adequate buffering for the residential parcels on the north side of the public remnant of Coffee Road, the

Kellys are offering to condition the rezoning on a placing an undisturbed buffer along the Coffee Road frontage, except for one access point for light vehicles.

This document is submitted as a Letter of Intent with respect to this Application. A plat of survey and other required materials are being filed with this Application.

II. ANALYSIS OF THE IMPACT OF THE PROPOSED REZONING AND RESPONSE TO REQUIRED QUESTIONS

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan?

Yes, the zoning proposal conforms with the policy and intent of the Comprehensive Plan. The Subject Property is classified as IND (Industrial) character area.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties?

Yes, the uses which would be allowed by the zoning proposal would be suitable in view of the use and development of adjacent and nearby properties. The Subject Property is part of the approximately 345-acre, ten parcel Kelly Industrial Tract, all of which is zoned heavy or light industrial. It is the Kellys' intention to develop and/or market the acreage as part of the Kelly Industrial Tract, with direct access to Lithonia Industrial Boulevard. More specifically, Tract "A" is bordered by the Georgia Power Easement and Tract "B" beyond that; Lithonia Industrial Boulevard; 1810 Coffee Road, which is owned by the Kellys and is zoned M-2; and Coffee Road frontage.

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

The Subject Property has a reasonable economic use as currently zoned, but the Kellys' ability to develop the Kelly Industrial Park optimally will be enhanced by augmenting the current core of heavy industrial with the Subject Property.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?

No, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property, most of which industrially zoned. The residential properties on the north side of Coffee Road will not be adversely affected because a fifty foot undisturbed buffer, except for a curb cut for light vehicles, is proposed for that frontage.

E. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal?

The recent completion of Phases I and II of the Lithonia Industrial Boulevard Extension; the abandonment of much of Coffee Road to the Kellys; and the recent completion of the left-turn lanes to resolve the former bottleneck at the Lithonia Industrial Boulevard / Covington Highway intersection facilitate development of the Kelly Industrial Tract.

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

No.

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. Except for light vehicular access to Coffee Road, access to and from the Subject Property will be primarily (and for heavy equipment, exclusively) via Lithonia Industrial Boulevard, which is designated in the City's Comprehensive Plan as a truck route and arterial.

III. CONCLUSION

For the foregoing reasons, Daniel H. Kelly, James W. Kelly, Jr., and Judy L. Kelly, by and through their agent and legal counsel, Applicant Bernard Knight, respectfully request that the application to rezone from M to M-2 conditional be approved.

Filed the 6th day of February, 2018.

Respectfully submitted,

Bernard Knight
Applicant, Agent and Attorney for Owners

Bernard Knight
Attorney at Law
(404) 247-8614
bknightattorney@att.net
PO Box 29156
Atlanta, GA 30359

NOTES:

CURRENT OWNER(S): DANIEL H. KELLY,
JAMES W. KELLY JR. &
JUDY L. KELLY

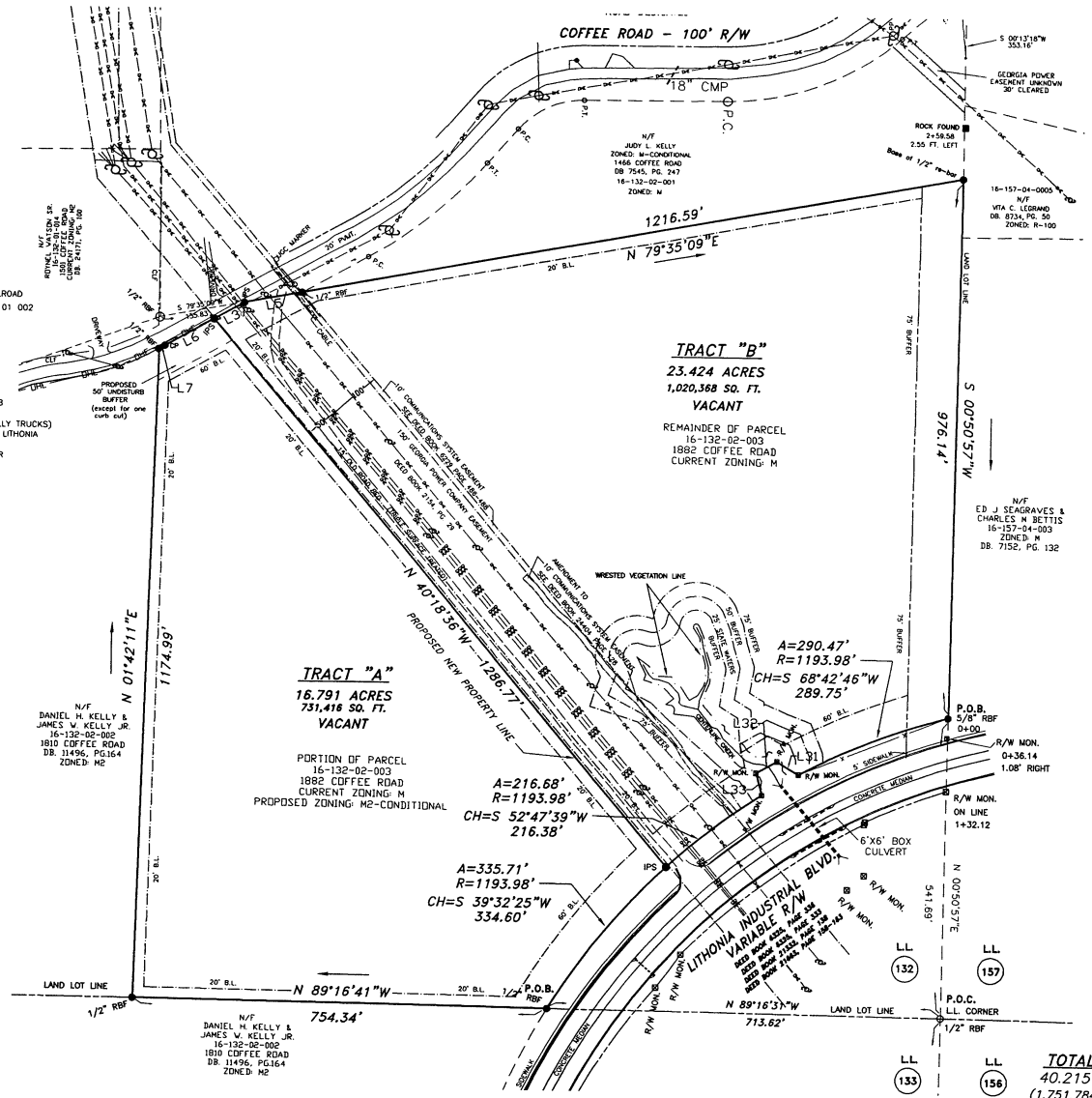
CURRENT ZONING REQUIREMENTS: M-LIGHT INDUSTRIAL

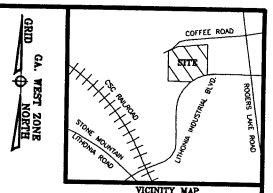
DIMENSIONAL: MIN. 30,000 SQ. FT
MIN. 100' ROAD FRONTAGE
MAX. 80% LOT COVERAGE

SETBACKS: FRONT-60'
SIDE-20'
REAR-30'

THE PROPERTY SHOWN HEREON IS NOT IN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE F.I.R.M. NO.: 13089C0178K DATED: DECEMBER 8, 2016

- NEAREST WATER SERVICE IS AT THE INTERSECTION OF LITHONIA INDUSTRIAL BLVD. AND THE CSX RAILROAD
- NEAREST SEWER SERVICE AVAILABLE TO THE WEST, ALONG SWIFT CREEK, CROSSING PARCEL 16 125 01 002
- A 75' TRIBUTARY BUFFER WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOR APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB COUNTY OR GEORGIA E.P.D.
- THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS. OF ENGINEERS REQUIREMENTS REGARDING WETLANDS.
- TOPOGRAPHIC INFORMATION TAKEN FROM DEKALB COUNTY G.I.S.
- THE ANGULAR BEARINGS SHOWN ON THE PLAT ARE BASED ON STATE PLAN COORDINATES, GEORGIA WEST ZONE
- FIFTY-FOOT (50') UNDISTRUBED BUFFER ALONG COFFEE ROAD FRONTAGE, EXCEPT FOR ONE (1) CURB CUT FOR VEHICLE ACCESS.
- ACCESS TO COFFEE ROAD SHALL BE LIMITED TO AUTOMOBILE AND PICK-UP TRUCKS (INCLUDING DUALLY TRUCKS) WITH OR WITHOUT EQUIPMENT STORAGE OR TRAILERS. HEAVER VEHICLES AND EQUIPMENT TO ACCESS LITHONIA INDUSTRIAL BOULEVARD.
- ALL EXISTING BUILDINGS, WELLS, DRIVEWAYS, FENCES, CELL TOWERS, AND ANY OTHER STRUCTURES OR IMPROVEMENTS ON ADJACENT PROPERTIES WITHIN 200 FEET OF THE SUBJECT PROPERTY ARE SHOWN.





VICINITY MAP
NOT TO SCALE

Line Table		
Line #	Length	Direction
L5	105.63	N79° 35' 10"E
L6	101.40	N61° 02' 17"E
L7	12.80	N61° 04' 17"E
L31	45.63	N59° 55' 01"W
L32	43.40	S60° 32' 07"W
L33	41.54	S15° 22' 40"E
L37	62.86	N61° 07' 30"E

NOTES:

THE FIELD DATA USED TO CALCULATE THIS PLAT HAS A CLOSURE PRECISION OF ONE FOOT IN 12,084 FEET AND AN ANGULAR ERROR OF 10"PER ANGLE. TRAVERSE ADJUSTED BY COMPASS RULE.

THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS WAS A CARLSON CR5 ROBOTIC TOTAL STATION A SIGNIFICANT AMOUNT OF GPS DATA WAS GATHERED USING A TOPCON HYPER SR ROVER OPERATING ON THE CARL-DUDLEY RTK NETWORK

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 268,493 FEET.

ALL IPS ARE 1/2" DIA RE-BARS UNLESS NOTED OTHERWISE

THE RELATIVE POSITIONAL ACCURACY OF GPS WORK IS LESS THAN OR EQUAL TO THE MAXIMUM OF 0.07 FOOT PER POINT.

LEGEND

I.P.F.	=IRON PIN FOUND	C.B.	=CATCH BASIN
I.P.S.	=IRON PIN SET	SWCB	=SINGLE WING CATCH BASIN
R.B.F.	=RE-BAR FOUND	DWCB	=DOUBLE WING CATCH BASIN
O.T.	=OPEN TOP	J.B.	=JUNCTION BOX
C.T.	=CRIMPED TOP	D.I.	=DROP INLET
FND.	=FOUND	C.I.	=CURB INLET
R/W	=RIGHT-OF-WAY	Y.I.	=YARD INLET
P.L.	=PROPERTY LINE	H.W.	=HEAD WALL
C.L.	=CENTER LINE	S.M.P.	=CORRUGATED METAL PIPE
B.L.	=BUILDING LINE	R.C.P.	=REINFORCED CONCRETE PIPE
L.L.	=LAND LOT	D.I.P.	=DUCTILE IRON PIPE
L.L.L.	=LAND LOT LINE	D.E.	=DRAINAGE EASEMENT
-W-	=WATER LINE	SSMH	=SANITARY SEWER MANHOLE
-S-	=SEWER LINE	S.S.E.	=SANITARY SEWER EASEMENT
-G-	=GAS LINE	F.H.	=FIRE HYDRANT
-X-	=FENCE LINE	W.V.	=WATER VALVE
-P-	=POWER LINE	W.M.	=WATER METER
-W-	=OVERHEAD LINES	G.V.	=GAS VALVE
P.P.	=POWER POLE	G.M.	=GAS METER
U.P.	=UTILITY POLE	N/F	=NOW OR FORMERLY
G.A.	=GUY ANCHOR	D.B.	=DEED BOOK
A	=ARC	P.B.	=PLAT BOOK
CH.	=CHORD	PG.	=PAGE
R	=RADIUS	C.M.F.	=CONCRETE MONUMENT FOUND
TAN.	=TANGENT	UGP	=UNDERGROUND POWER LINE
UGT	=UNDERGROUND TELECOMMUNICATIONS LINE		
HDPE	=HIGH DENSITY POLYETHYLENE PIPE		

IRON PINS SET ARE 1/2" RE-BARS UNLESS OTHERWISE NOTED.
BOL. = BOLLARD
BR = BRICK

SITE PLAN FOR REZONING APPLICATION

TRACT "A"

PLAT BOOK 258, PAGE 88

1882 COFFEE ROAD

TOTAL AREA
40.215 ACRES
(1,751,784 SQ. FT.)

HOUSTON ENGINEERING, INC.
DESIGN ENGINEERS and SURVEYORS
SINCE 1964
JPARISH@HOUSTON-ENGINEERING.COM
1424 VETERANS DRIVE SUITE 3
CONYERS, GEORGIA , 30012
PH (770) 483-8471
FAX (770)761-1261
MEMBER SURVEY & MAPPING SOCIETY OF GEORGIA & N.S.P.S.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED. USE DOES NOT EXTEND TO ANY UNNAMED PARTY WITHOUT EXPRESS CONSENT BY THE SURVEYOR MAKING SAID PARTY.

KELLY LAND CO., INC.

LAND LOT 132	18TH DISTRICT
DEKALB COUNTY	STONECREST, GEORGIA
SCALE: 1"= 100'	DATE: 02/05/2018

GRAPHIC SCALE 100 0 100 200 300 1" = 100'

REVISED:

PLAT PREPARED BY: GRANT A. HOUSTON, LS003340 JOB NO.: 018-0014

1882 COFFEE ROAD
STONE CREST, GA
TRACT-A

All that tract or parcel of land lying and being in Land Lot 132 of the 18th District of DeKalb County, Georgia, City of Stone Crest and being more particularly described as follows:

To find the True Point of Beginning commence at a 1/2" rebar found at the common corner of Land Lots 132, 133, 156 and 157. Thence, along the south line of Land Lot 132, N 89°16'31" W a distance of 713.62 feet to a 1/2" rebar found on the West right-of-way line of Lithonia Industrial Boulevard (variable at this point), the TRUE POINT OF BEGINNING.

Thence, from said true point of beginning continue along the South line of Land Lot 132, N 89°16'41" W a distance of 754.34 feet to a 1/2" rebar found;

Thence, leaving the South line of Land Lot 132, N 01°42'11" E a distance of 1174.99 feet to a 1/2" rebar found on the South right-of-way of Coffee Road (variable at this point);

Thence, along said right of way, N 61°04'17" E a distance of 12.80 feet to a point;

Thence, N 61°02'17" E a distance of 101.40 feet to a 1/2" rebar set;

Thence, leaving the south right-of-way of Coffee Road, S 40°18'36" E a distance of 1286.77 feet to a 1/2" rebar set on the Northwest right-of-way of Lithonia Industrial Boulevard;

Thence, along said right-of-way and a curve to the left (said curve having a chord bearing of S 39°32'25" W, a chord distance of 334.60 feet and a radius of 1193.98 feet) an arc distance of 335.71 feet to a 1/2" rebar found, the TRUE POINT OF BEGINNING.

Said tract or parcel contains 16.791 acres.

MAILING LIST IDENTIFYING ALL PROPERTY OWNERS WITHIN
FIVE HUNDRED FEET (500') OF THE SUBJECT PROPERTY

16 132 01 014
1501 COFFEE ROAD
ROYNEL WATSON SR.
JENNIFER WATSON
2220 LAKE ROCKAWAY ROAD
CONYERS GA 30012

16 132 01 002
1485 COFFEE ROAD
HAROLD WALKER
SHIRLEY WALKER
1483 COFFEE ROAD
LITHONIA GA 30058

16 132 01 008
1483 COFFEE ROAD
HAROLD WALKER
SHIRLEY WALKER
1483 COFFEE ROAD
LITHONIA GA 30058

16 132 01 015
1461 COFFEE ROAD
ANDY WEDDERBURN
PO BOX 831119
STONE MOUNTAIN GA 30083

16 132 02 005
1548 LITHONIA INDUSTRIAL BOULEVARD
ROGERS LAKE LANDFILL SERVICES
1851 ROGERS LAKE ROAD
LITHONIA GA 30058

16 133 01 022
1588 LITHONIA INDUSTRIAL BOULEVARD
ROGERS LAKE LANDFILL SERVICES
1851 ROGERS LAKE ROAD
LITHONIA GA 30058

16 132 02 001
1466 COFFEE ROAD
JUDY L KELLY
PO BOX 993
LITHONIA GA 30058

16 132 02 003
1882 COFFEE ROAD TRACT "B"
DANIEL H KELLY
JAMES W KELLY JR
JUDY L KELLY
PO BOX 993
LITHONIA GA 30058

16 132 02 002
1810 COFFEE ROAD
DANIEL H KELLY
JAMES W KELLY JR
JUDY L KELLY
PO BOX 993
LITHONIA GA 30058

16 133 01 016
1600 LITHONIA INDUSTRIAL BOULEVARD
DANIEL H KELLY
JAMES W KELLY JR
JUDY L KELLY
PO BOX 993
LITHONIA GA 30058

(LETTER TO BE MAILED TO AFFECTED PARTIES IDENTIFYING DATE,
LOCATION WITHIN THE CITY OF STONECREST, AND
TIME OF INFORMATION MEETING TO BE SCHEDULED)

PUBLIC NOTICE OF REQUEST TO REZONE FROM M TO M-2 CONDITIONAL

TO BE FILED BY: DANIEL H. KELLY, JAMES W. KELLY, JR., & JUDY L. KELLY

SUBJECT PROPERTY IS TRACT "A" OF 1882 COFFEE ROAD, PARCEL I.D. # 16 132 02 003

CURRENT USE: UNDEVELOPED

PROPOSED USE: FUTURE INDUSTRIAL PARK

REASON FOR REZONING REQUEST: TO REZONE AN UNDEVELOPED LIGHT INDUSTRIAL PARCEL WITHIN A 345-ACRE INDUSTRIAL PARK, FROM M TO M-2 CONDITIONAL FOR THE PURPOSE OF ALLOWING M-2 PARCEL BOUNDARIES WITHIN THE INDUSTRIAL PARK TO BE REARRANGED.

COMMUNITY INFORMATION MEETING TO TAKE PLACE AT:

CS TRUCK & TRAILER
6575 MARSHALL BOULEVARD, LITHONIA GA 30058
7:00 P.M. ON FRIDAY, FEBRUARY 23, 2018.

CONTACT: BERNARD KNIGHT
ATTORNEY AT LAW
bknightattorney@att.net
(404) 247-8614