



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

File ID: 2017-1120

Substitute

Public Hearing: YES  NO

Department: Planning and Sustainability

### SUBJECT:

Commission District(s): 5 & 7

Text amendment to the DeKalb County Zoning Ordinance, Chapter 27-3.5.15, Tier 3

Information Contact: Marian Eisenberg

Phone Number: 404-371-4922

### PURPOSE:

To amend Tier 3 of the Stonecrest Overlay to allow property already zoned M (Light Industrial) to use their land as zoned, and to allow fuel pumps as an accessory to a convenience store with a SLUP. This amendment will allow expansion and improvement to some old gas stations in Tier 3, and remove impediments to new and expanded industrial uses, which can enhance our employment base in unincorporated DeKalb.

### NEED/IMPACT:

Staff was in the process of updating the overlay when the city of Stonecrest was created. The process ceased. What we heard from the participants in the update was the need to address property zoned M and the desire of some residents for a new, upscale convenience store and fuel station. This amendment addresses both items.

### FISCAL IMPACT:

No cost to the county.

### RECOMMENDATION:

COMMUNITY COUNCIL: Approval

PLANNING COMMISSION: Planning Commission Recommendation: Approval

PLANNING STAFF: Approval

**PLANNING STAFF ANALYSIS:** There is an area between the new city of Stonecrest and the city of Lithonia that is still in unincorporated DeKalb County. Before the incorporation of Stonecrest, staff began working on revisions to the overlay district. Two issues discussed: 1) Clarification as to use of property zoned M (Light Industrial) and 2) Address the prohibited use of gas stations, in that existing gas stations couldn't expand and upgrade, and the fact that residents wanted a high end convenience store with gas such as QuikTrip. This amendment addresses these issues. In order to promote and maintain a high quality land uses, staff added caveats to the amendments by adding SLUP requirements to the M district and requiring the convenience store to be at least 4,000 square feet.

PLANNING COMMISSION VOTE: Approval 8-0-0

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 7-1-0

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,  
CHAPTER 27, THE STONECREST AREA OVERLAY DISTRICT REGULATIONS,  
AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners desires to amend certain permitted uses in the Stonecrest Area Overlay District to permit all uses authorized in M (light industrial) districts and to allow convenience stores with gas pumps over 4,000 square feet;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, that Chapter 27 of the Code of DeKalb County, be the same is hereby amended as follows:

**PART I: ENACTMENT**

*Sections 3.5.15(A)(3) and 3.5.15(B)(17) are deleted in their entirety and new Sections 3.5.15(A)(3) and 3.5.15(B)(17) are added to read as follows:*

**Sec. 3.5.15. – Low-rise mixed-use zone (Tier III).**

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(A)(3) All uses authorized in the O-D (Office Distribution) District and M (Light Industrial) District, except those listed in (B) below, subject to applicable special use permits.

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(B)(17) Gasoline service stations, except convenience stores with gas pumps over 4,000 square feet, subject to applicable special use permits.

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**PART II. EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

**PART III. SEVERABILITY**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional.

**PART IV. REPEAL OF CONFLICTING ORDINANCES**

This ordinance amends the zoning ordinance of DeKalb County, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying permits lawfully issued under previous ordinances or resolutions, and provided further that modification or repeal of those past conditions of approval may be accomplished as authorized and provided by the requirements of this zoning ordinance.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
JEFF RADER  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

\_\_\_\_\_  
**BARBARA NORWOOD-SANDERS, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO SUBSTANCE:**

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**ANDREW BAKER**  
Planning Director

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**  
Interim County Attorney

# Stonecrest Overlay District - UNI Dekalb Tiers

