



# DeKalb County Government

178 Sams Street  
Decatur, GA 30030

## Legislation Details (With Text)

**File #:** 2023-0335    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 3/15/2023    **In control:** Board of Commissioners  
**On agenda:** 6/13/2023    **Final action:** 6/13/2023  
**Title:** COMMISSION DISTRICT(S): Commission District 5 Super District 7  
Application of Austin Brannen (Euphoric Ventures, LLC and Project Cross, LLC) to remove the properties from the Stonecrest Overlay District to allow for light industrial uses, at 8361 & 8637 Covington Highway.

### Indexes:

**Attachments:** 1. Substitute 2023 06.13 Item 2023-0335, 2. Z-23-1246378 Recommended Conditions May 2023 BOC, 3. Z-23-1246378 May 2023 BOC Staff Report 8361.8637 Covington Hwy

| Date      | Ver. | Action By                               | Action                       | Result |
|-----------|------|---|------------------------------|--------|
| 6/13/2023 | 1    | Board of Commissioners                  | approved with conditions     | Pass   |
| 5/25/2023 | 1    | Board of Commissioners - Zoning Meeting | deferred to the next meeting | Pass   |
| 5/2/2023  | 1    | Planning Commission                     |                              |        |

Substitute

**Public Hearing:** YES ☒ NO ☐    **Department:** Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S):** Commission District 5 Super District 7

**Application of Austin Brannen (Euphoric Ventures, LLC and Project Cross, LLC) to remove the properties from the Stonecrest Overlay District to allow for light industrial uses, at 8361 & 8637 Covington Highway.**

**PETITION NO:** Z-23-1246378

**PROPOSED USE:** Light Industrial uses.

**LOCATION:** 8361 and 8361 & 8637 Covington Highway, Lithonia, Georgia 30058

**PARCEL NO. :** 16-183-02-003, 16-202-02-005

**INFO. CONTACT:** Brandon White, Current Planning Manager

**PHONE NUMBER:** 404-371-2155

### PURPOSE:

Remove the properties from the Stonecrest Overlay District to allow for light industrial uses.

### RECOMMENDATION:

**COMMUNITY COUNCIL:** Deferral.

**PLANNING COMMISSION:** Approval with Condition(s).

**STAFF RECOMMENDATION:** Approval with Conditions.

**PLANNING STAFF ANALYSIS:** The properties designated as 8361 and 8367 Covington Highway are both zoned M (Light Industrial). This zoning allows for light industrial uses such as warehouse/distribution buildings, truck stops, vehicle storage yards, and light manufacturing. However, in addition to the underlying zoning, the subject properties are located within Tier 1 (High- Rise Mixed-Use Zone) of the Stonecrest Area Overlay District. Per Section 27-3.5.13. of the Zoning Ordinance, the majority of uses that would otherwise be permitted per the underlying M-zoning are prohibited by the Overlay. One exception to this is warehouse/distribution buildings, which are permitted by-right because the uses in the O-D (Office-Distribution) Zoning District are authorized in the Overlay. A Land Disturbance Permit (LDP #1245599) was approved for 8361 Covington Highway on September 13, 2022. The scope of work for the LDP and two associated building permits (#3109764 and #3109767) was to construct two warehouse buildings with a cumulative total of 484,000 square feet of space. The applicant proposes to remove the subject properties from the Stonecrest Area Overlay District to expand the possible uses that can be permitted in the constructed space by the underlying M (Light Industrial) zoning. Light manufacturing, outdoor storage, transportation equipment storage, and vehicle storage are proposed as potential future uses in addition to the already-proposed warehouse/distribution buildings. Such uses would be consistent with the DeKalb County 2050 Comprehensive Land Use Plan; according to the Future Land Use map, the properties are located in a Light Industrial (LIND) character area, which allows up to M-2 (Heavy Industrial) zoning without the presence of the Stonecrest Overlay. Surrounding uses include automobile sales, automobile repair, tire dealers and repair, and outside storage. These uses are located on parcels within Tier 3 (Low-Rise Mixed-Use Zone) of the Overlay, which, like Tier 1, prohibits industrial uses, likely making these existing uses legal nonconforming. Properties directly across the subject parcels on the other side of Interstate 20 are located in the City of Stonecrest, which has its own Stonecrest Area Overlay District that appears to mirror the County's Overlay in terms of intent and verbiage. These City properties are located in Tier 1 (also referred to as the High-Rise Mixed-Use Zone) of the City's Stonecrest Area Overlay District, which more or less allows and prohibits the same uses in Tier 1 of County's Overlay. The south side of Interstate 20 is comparatively more developed than the (unincorporated) north side, with the core of development being the Mall at Stonecrest. Aside from the shopping mall itself, development is limited in scope to traditional suburban "big-box" retail centers, shopping strips, automobile sales, and fast-food restaurants; residential development is limited to the extreme southern and eastern portions of the City's Overlay. At the current time, there is no development that exceeds more than a few stories in height. Section 3.5.3. (C) of the County's Zoning Ordinance establishes that one of the main purposes of the Overlay is "to implement the policies and objectives of the *DeKalb County Comprehensive Plan 1985-2015* and the policies and objectives of the design guidelines for the Stonecrest Overlay District". Considering the recent adoption of the 2050 Comprehensive Land Use Plan and the plan's designation of the subject properties as being in a Light Industrial (LIND) Character Area, staff acknowledges that the intent of the Overlay may no longer be in accordance with future land use plans, and ultimately, staff anticipates the elimination of the Stonecrest Overlay. The majority of the Overlay was previously annexed, undermining the intent and purpose of the Overlay. Furthermore, the implementation of the Overlay has failed to promote the type of growth that was intended by its adoption. At its meeting held on May 02, 2023, the DeKalb County Planning Commission noted this conflict and voted to recommend approval of the proposal with the condition that said proposal shall conform with Tier 1 of the Stonecrest Area Overlay District, apart from the use restrictions which shall allow for the additional uses of light industrial and (screened) outside storage. Considering existing conditions along the Covington Highway corridor and the conflict of the Overlay's intent with that of the Comprehensive Land Use Plan, it is the recommendation of the Planning & Sustainability Department to approve the proposal with conditions. Staff also recommends that additional landscaping is provided to enhance the Covington Highway corridor and to screen any uses from the adjacent property zoned MHP to the south and east.

**PLANNING COMMISSION VOTE:** Approval with Conditions 7-0-0. Jon West moved, Jan Costello

seconded for approval with the condition that the proposal shall conform with all provisions of the Tier 1 Stonecrest Overlay District, with the exception of the use restrictions which shall allow for the additional use of light industrial and screened outdoor storage. Vivian Moore was not present for this vote.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 9-0-0.** Deferred, due to date error on sign posting.