

STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO REZONE PROPERTY LOCATED AT 1810 COFFEE ROAD & 6821 STONECREST INDUSTRIAL WAY, STONECREST, GA 30058 (PARCEL ID # 16 132 02 002 AND 16-132-02-008) FROM M-2 (HEAVY INDUSTRIAL) DISTRICT TO M (LIGHT INDUSTRIAL) DISTRICT FOR LIGHT MANUFACTURING AND/OR MANUFACTURING USE; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to rezone 1810 Coffee Road & 6821 Stonecrest Industrial Way (Parcel ID # 16 132 02 002 and 16-132-02-008) from M-2 (Heavy Industrial) District to M (Light Industrial) district for Light Manufacturing and/ or Manufacturing use; and

WHEREAS, pursuant to Sec. Sec. 7.3.5. of the City's Zoning Code proposed amendments to the official zoning map shall require an application and public hearings before the planning commission and the Mayor and City Council; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Planning and Zoning Department recommends approval of a rezoning for property located at 1810 Coffee Road & 6821 Stonecrest Industrial Way; and

WHEREAS, the matter was heard in the City's Community Planning Information Meeting pursuant to the provisions of the City's Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. That the Zoning Ordinance of the City of Stonecrest be amended, and the official zoning map established in connection therewith be changed so that the following property located at 1810 Coffee Road & 6821 Stonecrest Industrial Way (PARCEL ID # 16 132 02 002 and 16-132-02-008) or as described on the zoning maps and associated site plan attached as Exhibit A from M-2 (Heavy Industrial) District to M (Light Industrial) district for Light Manufacturing and/ or Manufacturing use.

Section 2. That the rezoning will be approved with the following conditions.

1. Truck Parking as a primary or accessory use is prohibited.
2. Recovered materials facilities wholly or partially with a building are prohibited.
3. Recovered materials processing facilities wholly or partially with a building is prohibited.
4. Recycling and collection facilities are prohibited.
5. Recycling plants are prohibited.
6. Towing yards and wrecker facilities or services are prohibited.
7. Vehicle storage yards are prohibited.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of

the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2025

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



REZONING APPLICATION ANALYSIS

Prepared By: Ellis Still, Deputy Director

Petition Number: **RZ24-005**

Applicant: Michele Battle of Battle Law, P.C.
1681 Wellborn Road
Lithonia, GA 30058
mlb@battlelawpc.com

FOR GTB-GHA Coffee Road JV, LLC
50 Glenlake Parkway
Suite 350
Atlanta, GA 30328

Owner: GTB-GHA Coffee Road JV,
50 Glenlake Parkway
Suite 250, Atlanta, GA 30328

Project Location: 1810 Coffee Road & 6821 Stonecrest Industrial Way, Stonecrest, GA 30058
(Parcel ID # **16 132 02 002 and 16-132-02-008**)

District: 2- Councilman Terry Faye

Acreage: 1.53 acres

Existing Zoning: M-2 (Heavy Industrial) District

Future Land Use: Heavy Industrial (HIND)

Overlay District: N/A

Proposed Development/Request: The applicant is seeking a rezoning and map amendment of 1.53 acres from M-2 (Heavy Industrial) district to M (Light Industrial) district for Light Manufacturing and/or Manufacturing use.

CPIM: April 10, 2025

Staff Recommendations: **APPROVAL WITH CONDITIONS.**

Planning Commission (PC): May 6, 2025 **APPROVAL WITH STAFF CONDITIONS.**

Mayor & City Council: May 29, 2025

Sign Posted/ Legal Ad(s) submitted: March 31, 2025



PROJECT OVERVIEW

Location

The subject property is located at 1810 Coffee Rd and 6821 Stonecrest Industrial Way with a parcel identifications of 16 132 02 002 & 16 132 02 008. The subject properties are currently vacant.

The property abuts M (Light Industrial) District to the east and west, and M-2 (Heavy Industrial) to the north and south.

Background

The City of Stonecrest Zoning Map has the properties zoned M-2 (Heavy Industrial) District. The properties are both wooded and vacant. The applicant's survey indicates that there is a wetland area on the property. The applicant is requesting to rezone Tax Parcels 16 132 02 002 (1810 Coffee Road) and 16 132 02 008 (6821 Stonecrest Industrial Way) from M-2 (Heavy Industrial) to M (Light Industrial).





Adjacent and Surrounding Properties	Zoning (Petition Number)	Land Use
Applicant	M-2 (Heavy Industrial) District	Vacant Land
Adjacent: North	M-2 (Heavy Industrial) District	Truck Parking & Automotive Repair Shop
Adjacent: West	M (Light Industrial)	Vacant
Adjacent: East	M (Light Industrial)	Pepsico
Adjacent: South	M-2 (Heavy Industrial) District	Home Depot Flatbed Distribution

DIVISION 31. - M (LIGHT INDUSTRIAL) DISTRICT

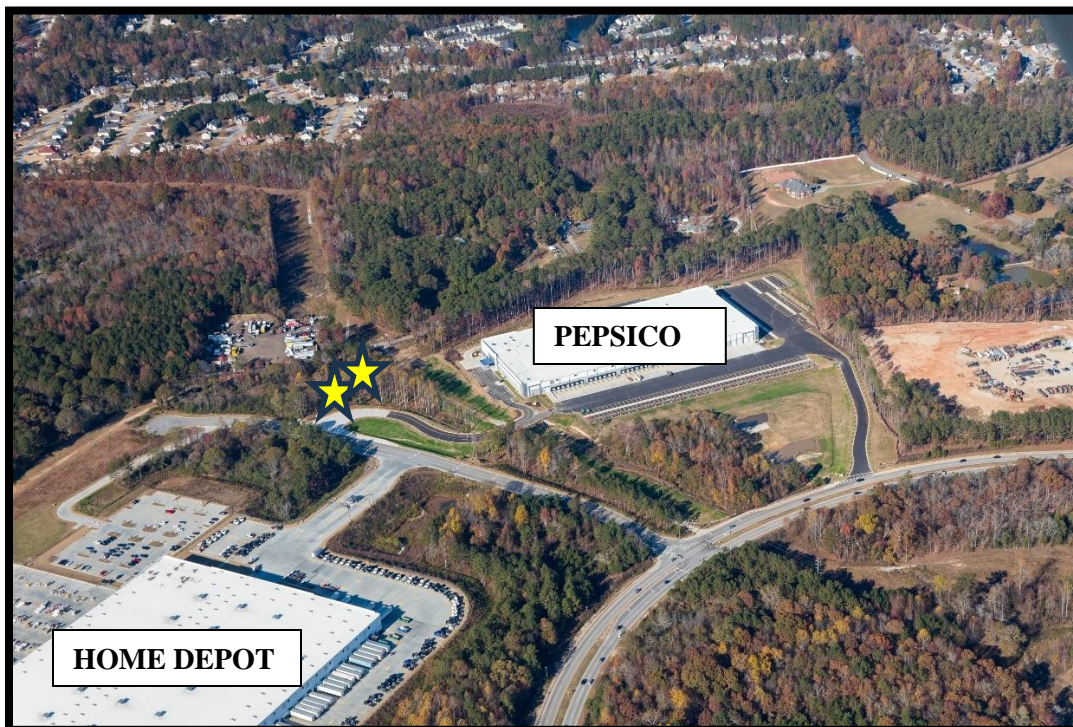
Sec. 2.31.1. - Statement of purpose and intent.

The purpose and intent of the City Council in establishing the M (Light Industrial) District is as follows:

- A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;
- B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;
- C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
- E. To generate employment opportunities and economic development;
- F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;
- G. To allow for the conversion of industrial buildings which are 50 years of age or older to multifamily dwellings so as to promote living and working space as well as historic preservation;
- H. To implement the future development map of the city's most current comprehensive plan.



LOCATION PHOTOS (above-PEPSICO) (below- HOME DEPOT)





RZ24-00005

ADDRESS: **1810 Coffee Road / 6821 Stonecrest Industrial Way**

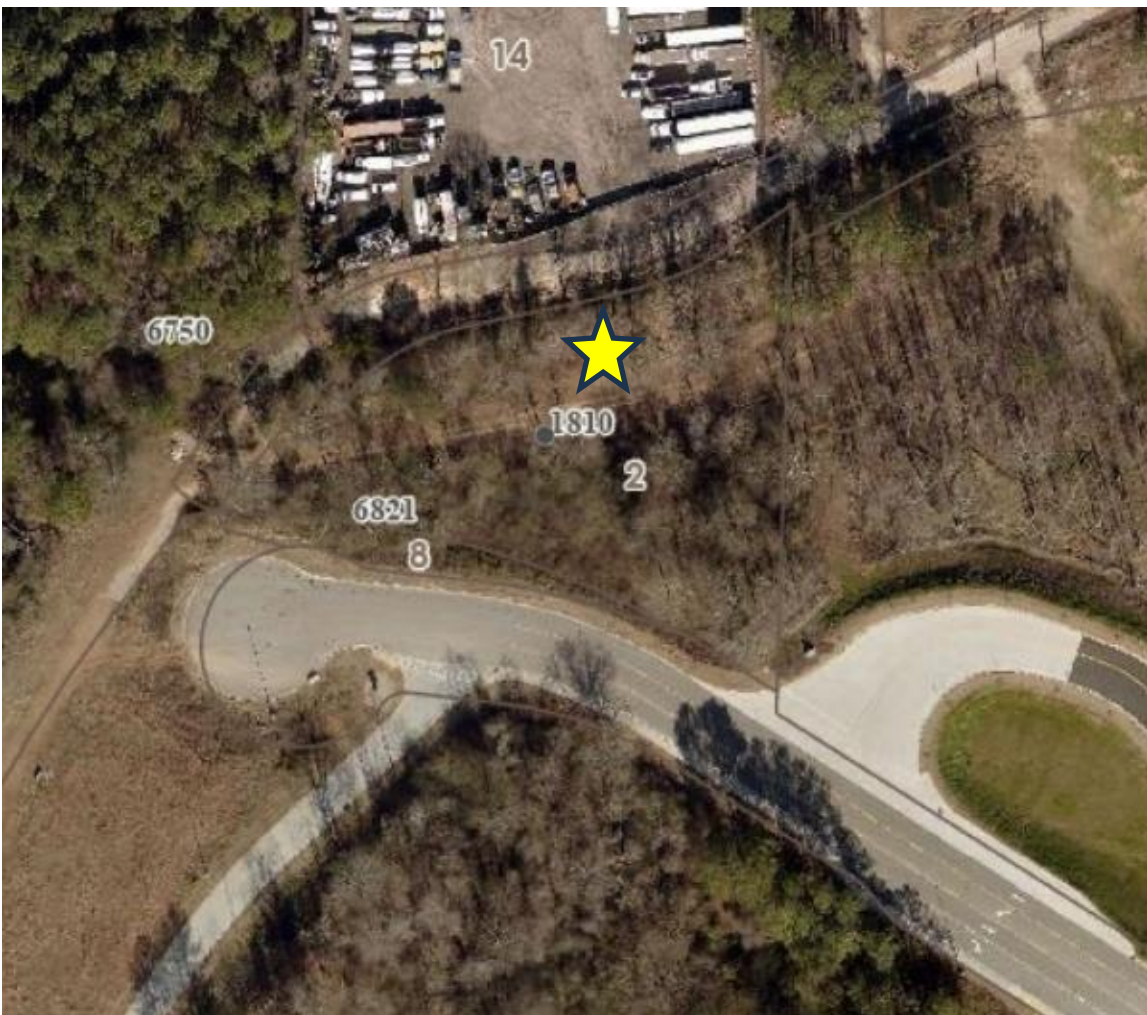
CURRENT ZONING: **M-2 (Heavy Industrial) District**

OVERLAY DISTRICT: **N/A**

FUTURE LAND USE: **Heavy Industrial**

PROPOSED BUILDING LOCATION: 


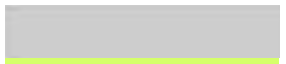

Aerial Map



Zoning Map



Legend

	M-2 Heavy Industrial
	M Light Industrial
	RSM Small Lot Residential

Future Land Use Map



Legend

	Heavy Ind.		Suburban Neighborhood
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CITY OF STONECREST, GEORGIA

STANDARDS OF ZONING MODIFICATION 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.

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

The Stonecrest Future Land Use Map within the Comprehensive Plan shows the Subject Property as having a land use designation of Heavy Industrial. The proposed rezoning to M is compatible with the Heavy Industrial land use designation. The current surrounding zoning district is industrial, both light and heavy.

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.

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The rezoning of the Subject Property is consistent with the surrounding area and abutting properties which are also located within the Heavy Industrial and Light Industrial Land Use District. The proposed M (Light Industrial) designation allows for a broader range of light manufacturing, warehousing, and distribution activities. The surrounding area is primarily characterized by industrial development, aligning with the proposed Light Industrial zoning. However, the applicant has not indicated a specific use other than Light Industrial or Manufacturing.

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

The properties are currently zoned as M-2 (Heavy Industrial). This zoning classification permits various heavy industrial activities, such as manufacturing, processing, and other intense uses. The property does have reasonable economic use under its current zoning designation. The proposal to rezone the property to M (Light Industrial) aims to accommodate a broader range of light industrial uses, including light industrial and manufacturing.

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

The zoning proposal could have a minor adverse effect on the existing use or usability of adjacent or nearby property. Most of the surrounding parcels are zoned and are being used as industrial uses. The proposed rezoning would allow these parcels to be developed as industrial or manufacturing and to be combined with the existing Pepsico parcel. However, there are some residentially zoned nearby properties that could be affected and should be given consideration particularly since we do not know what the use of the property entails.



CITY OF STONECREST, GEORGIA

E. 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.

The City of Stonecrest has placed emphasis on the clean-up of the Lithonia Industrial Park area. The Subject Property has been vacant for well over a decade and another truck parking lot would not align with the intent of what the governing body is intending. Also, there is wetland on the property that appears to be covered over without any plan for mitigation. These factors provide supporting grounds to disapprove the proposed rezoning request.

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

Based on available information currently available, there is no direct indication that the proposed zoning changes would adversely affect historic buildings, sites, districts, or archaeological resources. The property is vacant and has not been developed in the last few decades.

G. 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 proposal is requesting a change from a heavy industrial designation (M-2) to a light industrial designation (M), primarily to develop a light industrial or manufacturing use. The proposed zoning modification will not have a significant impact on existing streets and transportation facilities. In terms of utilities, transportation facilities, and schools, there are no measurable impacts currently. Industrial uses, particularly those like truck storage, generally have less impact on local school populations than residential developments. Furthermore, utility infrastructure is often designed to handle industrial uses, and the proposed use seems to align with the existing industrial zoning of the area.

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

The proposed rezoning does not immediately suggest a significant adverse impact on the environment or surrounding natural resources. However, a few factors need to be carefully considered during the development process to ensure that environmental impacts are minimized or mitigated: **Stormwater Management:** Industrial developments can affect local drainage patterns due to the increase in impervious surfaces. This could potentially lead to increased runoff, flooding, or water quality issues. **Air, Noise Pollution and Lighting:** Manufacturing facilities can sometimes generate noise and air pollution due to the operation of trucks, particularly during loading/unloading or when trucks are idling. The applicant states, the proposed use will not generate any measurable dust, vibrations, odor, glare, emissions, or noise, if any, beyond the Subject Property. However, Staff does not know what the proposed use is and cannot make an informed assessment with the information provided. All lighting on the Subject Property must comply with the City's rules and regulations and must be downward facing. **Wildlife and Vegetation:** If the site contains significant natural resources like wetlands, forests, or wildlife habitats, these will need to be protected or mitigated during the development process. The land is undeveloped, it will have to have an environmental assessment to identify any sensitive areas or species that may be impacted. **Soil and Erosion Control:** Erosion control measures will be required to prevent soil erosion.



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STAFF RECOMMENDATION(S)

Staff was not given any information on what use is proposed other than Light Industrial and/or Manufacturing. These categories are very broad and could include multiple uses. Without specific information about what is being proposed, Staff is recommending APPROVAL with the following conditions:

1. Truck Parking as a primary or accessory use is prohibited.
2. Recovered materials facilities wholly or partially with a building are prohibited.
3. Recovered materials processing facilities wholly or partially with a building is prohibited.
4. Recycling and collection facilities are prohibited.
5. Recycling plants are prohibited.
6. Towing yards and wrecker facilities or services are prohibited.
7. Vehicle storage yards are prohibited.

PLANNING COMMISSION (PC) RECOMMENDATION – May 6, 2025.

Approval with staff listed recommendations.

1. Truck Parking as a primary or accessory use is prohibited.
2. Recovered materials facilities wholly or partially with a building are prohibited.
3. Recovered materials processing facilities wholly or partially with a building is prohibited.
4. Recycling and collection facilities are prohibited.
5. Recycling plants are prohibited.
6. Towing yards and wrecker facilities or services are prohibited.
7. Vehicle storage yards are prohibited.



CITY OF STONECREST, GEORGIA

APPLICATION PACKAGE



CITY OF STONECREST, GEORGIA



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
the City of Stonecrest Zoning Ordinance
For

A Rezoning from M2 to M1 to
Allow for the consolidation of two adjacent parcels for the development of Light Industrial
and/or Manufacturing Uses

of

GTB GHA Coffee Road JV, LLC
c/o Battle Law, P.C.

for

+/-1.530 Acres of Land
Being 1810 Coffee Road and 6821 Stonecrest Industrial Way
Stonecrest, Georgia and
Parcel Nos. 16 132 02 002 & 16-132-02-008

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



CITY OF STONECREST, GEORGIA



Battle Law

I. LETTER OF INTENT

GTB GHA Coffee Road JV, LLC (the "Applicant") is the owner of 1810 Coffee Road and 6821 Stonecrest Industrial Way (collectively, the Subject Property) and 6831 Stonecrest Industrial Way (the "Pepsico Site"). The Pepsico Site is currently zoned M and developed with the Pepsico warehousing and distribution center. The Subject Property is adjacent to the Pepsico Site but is zoned M-2. Both the Subject Property and the Pepsico Site have a land use designation of Heavy Industrial. The Applicant is seeking to submit a lot combination plat for the Subject Property and the Pepsico Site (as combined, the "Master Site") in order to allow for the development of additional improvements including a parking area and new Light Industrial/Light Manufacturing building on the Master Site. In order to achieve this goal the Pepsico Site and the Subject Property must both have the same zoning designation. Therefore, the Applicant is seeking to rezone the Subject Property from M-2 to M.

This document serves as a statement of intent, analyzes the criteria under the Stonecrest Code of Ordinances, and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. STONECREST REZONING CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a land use designation of Heavy Industrial which contemplates warehouse and other light industrial uses. The Applicant is seeking to down zone the Subject Property from M-2 to M which is consistent with the policies and intent of the Heavy Industrial Land Use Designation.

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The rezoning of the Subject Property is consistent with the surrounding area and abutting properties which are also located within the Heavy Industrial and Light Industrial Land Use District. There are properties on the North side of Coffee Road that are zoned residentially with a land use designation of Suburban; however, the Subject Property only has access from Stonecrest Industrial Way, which is a cul-de-sac street which is accessible only from the Lithonia Industrial Park area.



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Battle Law

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

The Subject Property has no use as currently zoned. On January 28, 1986 the Subject Property was rezoned to C-2 and conditioned on use as a "cabinet shop and other uses with all activity to be conducted inside." As a result the Subject Property has no use as currently zoned. The proposed rezoning will allow for development that is consistent with the current land use designation for the Subject Property.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. With respect to the 1,000 ft. distance restriction from places of worship, the Applicant has met with the Grace Community Church of Lithonia, Inc. who own the property at 1640 Redan East, and submitted with this Application is a letter of support for the proposed rezoning and development of the proposed self-storage facility.

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 City of Stonecrest has placed some emphasis on the clean up of the Lithonia Industrial Park area. The Subject Property has been vacant for well over a decade, and used for illegal dumping and truck parking. The Subject Property sits at the entrance from South Stone Mountain into the Lithonia Industrial Park. And, while it is not a large tract the proposed improvements and use would allow for a low intensity industrial use on the site with a significant improvement in the visual appearance of the Subject Property.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

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.

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

3562 Habersham at Northlake • Building J, Suite 100 • Tucker, Georgia 30084 • Ph: 404.601.7616

battlelawpc.com



CITY OF STONECREST, GEORGIA



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The portions of the City of Stonecrest Zoning Ordinance, facially and as applied to the Subject Property, which restricts or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Stonecrest Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would 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 Applicant in violation of the due process and equal protection rights 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

A refusal by the City of Stonecrest Mayor and Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Major Modification of Conditions of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.



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A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City of Stonecrest an opportunity to revise the Property to a constitutional classification. If action is not taken by the City of Stonecrest to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City of Stonecrest on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that this Rezoning Application from C2 to M1 be approved. The Applicant welcomes any questions and feedback from the planning staff.

On this 6th day of August, 2024

Respectfully submitted,

Michele L. Battle, Esq.
Attorney for the Applicant



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



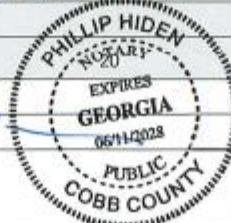
Amendment Application

PROPERTY			
Site Address(es): 1810 Coffee Road & 6821 Stonecrest Industrial Way Stonecrest, GA		Parcel #: 16-132-02-002 16-132-02-008	Zip: 30058
Project Name (If applicable):			
Current Zoning	M-2 (Heavy Industrial)	Proposed Zoning	M-1 (Light Industrial)
Current Use	vacant	Proposed Use	Light Industrial and/or Manufacturing
OWNER INFORMATION			
Name:	GTB-GHA Coffee Road JV, LLC, C/O BATTLE LAW, P.C.		
Address:	3562 Habersham at Northlake, Bldg. J, Suite 100, Tucker, GA 30084		
Email:	mlb@battlelawpc.com	Phone:	404-723-6266
APPLICANT			
Name:	GTB-GHA Coffee Road JV, LLC, C/O BATTLE LAW, P.C.		
Address:	3562 Habersham at Northlake, Bldg. J, Suite 100, Tucker, GA 30084		
Email:	mlb@battlelawpc.com	Phone:	404-723-6266

AFFIDAVIT

To the best of my knowledge, this 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 understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Stonecrest Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.

Applicant's Name:	GTB-GHA Coffee Road JV LLC BY: GH Andco, Inc., ITS: Manager		
Applicant's Signature:		Lorraine Ferguson, Treasurer	Date: 10/14/2024
NOTARY			
Sworn to and subscribed before me this _____ Day of _____			
Notary Public:			
Signature:			Date: 10/14/24





CITY OF STONECREST, GEORGIA

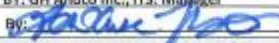
Amendment Application

All applications and plans must be submitted through the
[Citizenserve Online Portal](#)



Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this amendment 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 amendment(s), 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			
Name:	GTB-GHA Coffee Road JV, LLC		
Address:	50 Glenlake Parkway, Suite 350	City, State:	Atlanta, GA
	BY: GH Andco Inc., ITS: Manager	Zip:	30328
Signature:		Lorraine Ferguson, Chief Financial Officer Treasurer	Date: 10-14-2024
Sworn to and subscribed before me this 14th day of October, 2024			
			
Notary Public:			

Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	
		Zip:	
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Additional Property Owner (if applicable)			
Name:			
Address:		City, State:	
		Zip:	
Signature:		Date:	



CITY OF STONECREST, GEORGIA



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



Applicant(s) Notarized Certification

The petitioner acknowledged that this amendment application form is correct and complete. By completing this form, all applicant of the subject property certifies authorization of the filing of the application for amendment(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Applicant			
Name:	GTB-GHA Coffee Road JV, LLC		
Address:	50 Glenlake Parkway, Suite 350 BY: GH Andco, Inc. ITS: Manager	City, State: Atlanta, GA	Zip: 30328
Signature:	By: 	Lorraine Ferguson, Treasurer	Date: 10-14-2024
Sworn to and subscribed before me this 14th day of October, 2024			
Notary Public: 			
			

Applicant (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	
Sworn to and subscribed before me this _____ day of _____, 20____			
Notary Public:			

Applicant (if applicable)			
Name:			
Address:		City, State:	Zip:
Signature:		Date:	



CITY OF STONECREST, GEORGIA

Amendment Application

All applications and plans must be submitted through the [Citizenserve Online Portal](#)



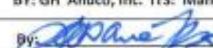
Campaign Disclosure Statement

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/Property Owner

Name:	GTB-GHA Coffee Road JV, LLC 50 Glenlake Parkway, Suite 350		
Address:	BY: GH Andco, Inc. ITS: Manager	City, State: Atlanta, GA	Zip: 30328
Signature:	By:  Lorraine Ferguson, Chief Financial Officer	Treasurer	Date: 10-14-2024

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

RZ Application

All applications and plans must be submitted through the
[Citizenserve Online Portal](#)



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/Property Owner Battle Law, P.C.

Name: Michele L. Battle

Address: c/o Battle Law, P.C., 3562 Habersham at Northlake, Bldg J, Suite 100 **City, State:** Tucker, GA **Zip:** 30084

Signature:  **Date:** 12/3/2024

If the answer above is yes, please complete the following section:

Date	Government Official & Position	Description	Amount



CITY OF STONECREST, GEORGIA

Kimley»Horn

Trip Generation 1810 Coffee Road								
Land Use (ITE Code)	Density	Daily	AM Peak			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total
General Light Industrial (110)	20,000 SF	126	15	2	17	2	11	13
Total Net Trips		126	15	2	17	2	11	13



CITY OF STONECREST, GEORGIA



CITY OF STONECREST, GEORGIA

Environmental Site Analysis (ESA)

1810 Coffee Road and 6821 Stonecrest Industrial Way (Tax Parcel No. 16 132 02 002 and 16 132 02 008, Stonecrest, Georgia)

Conformance with Comprehensive Plan.

The Stonecrest Comprehensive Land Use Map shows the Subject Property as having a land use designation of Heavy Industrial. The proposed rezoning to M is compatible with the Heavy Industrial land use designation.

Environmental Impacts of the Proposed Project.

- (a) **Wetlands.** According to the National Wetlands Inventory Wetlands Mapper, there are no wetlands located on the Subject Property.
- (b) **Floodplain.** According to the Georgia Flood Hazard interactive mapping system, the Subject Property is located in a low-risk area.
- (c) **Streams/stream buffers.** Based on fields observation, there are streams and/or stream buffers within the Subject Property as shown on the submitted survey.
- (d) **Slopes exceeding 33 percent over a 10-foot rise in elevation.** There are no slopes exceeding 33 percent over a 10-foot rise in elevation on the Subject Property.
- (e) **Vegetation (including endangered species).** The Subject Property is mostly wooded, however, to the Applicant's knowledge there are no endangered species located on the Subject Property.
- (f) **Wildlife Species (including fish and endangered species).** To the Applicant's knowledge there are no endangered species located on the Subject Property.
- (g) **Archeological/Historical Sites.** to the Applicant's knowledge there are no archeological or historical sites located on the Subject Property.



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Project Implementation Measures.

- (a) **Protection of environmentally sensitive areas.** There are no environmentally sensitive areas on the Subject Property.
- (b) **Protection of water quality.** Water quality features will be integrated into the storm water facilities located on the Subject Property.
- (c) **Minimization of negative impacts on existing infrastructure.** The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project. It is the Applicant's intent to comply with all Stonecrest and applicable DeKalb County development regulations, and to connect into the existing utilities in the area to minimize disturbance.
- (d) **Minimization of negative impacts on archeological/historically significant area.** To the Applicant's knowledge, there are no archeological/historically significant areas located on or near the Subject Property.
- (e) **Minimization of negative impacts on environmentally stressed communities.** The proposed use of the Subject Property will not generate any measurable dust, vibrations, odor, glare, emissions, or noise, if any, beyond the Subject Property. The Subject Property is located within an industrial area and is separated from the nearest residential area by a 145ft railroad track right of way.
- (f) **Creation and preservation of green space and open space.** The proposed project will result in the removal of trees from the Subject Property in compliance with the City of Stonecrest's tree protection ordinance.
- (g) **Protection of citizens from the negative impacts of noise and lighting.** All lighting on the Subject Property will comply with the City's rules and regulations and will be downward facing.
- (h) **Protection of parks and recreational green space.** To the Applicant's knowledge, there are no parks or recreational green spaces in the area, or on the Subject Property.
- (i) **Minimization of impacts to wildlife habitats.** To the Applicant's knowledge, there are no wildlife habitats on the Subject Property.



CITY OF STONECREST, GEORGIA

City of Stonecrest 2038 Comprehensive Plan 5- Year Update

Industrial Land Uses



Caption: A logistics distribution center located in Stonecrest, GA

Light Industrial (M-LI): The intent of the Light Industrial Character Area is to identify areas that are appropriate for industrial-type uses. The location of these areas shall preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low-intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution, or other nuisance characteristics.

Use Descriptions: Warehouse Distribution; Wholesale/Trade; Automotive

Maximum Density, Units/Acre: n/a

Permitted Districts: OD, C2, MU 4-5, M



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Community Planning Information Meeting (CPIM) Summary Minutes

April 10, 2025, at 6:00 P.M.

Planning-zoning@stonecrestga.gov

***IN-PERSON MEETING**

[Stonecrest's YouTube Broadcast Link](#)

Citizens wishing to actively participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request, including your full name, address, and position on the agenda item you are commenting on (for or against) via email to Planning-zoning@stonecrestga.gov by 2 p.m. the day before the meeting to be read into the record at the meeting.

- I. CALL TO ORDER AND INTRODUCTIONS:** Planning and Zoning Staff – Fellisha Blair
- II. REVIEW OF THE PURPOSE AND INTENT OF THE COMMUNITY PLANNING INFORMATION MEETING AND RULES OF CONDUCT** – Fellisha Blair
- III. Item(s) of Discussion:**

PETITION:	RZ24-005
PETITIONER:	Michele Battle of Battle Law, P.C
LOCATION:	1810 Coffee Rd
PETITIONER'S REQUEST:	The request is for a rezoning and map amendment of the parcel from M-2 (Heavy Industrial) to M (Light Industrial).

Josh Mahoney, attorney at Battle Law, P.C., spoke. He stated that the request for the rezoning will allow the proposed parcel to be combined with its neighboring parcel and for the development of a general manufacturing distribution building. Both parcels are owned by (the) client.

Renee Kale, a resident, asked the applicant how the lot will be monitored for compliance with the ordinance, the number of trucks that can be parked on the property, the environmental impact the trucks may have, and crime.

Josh Mahoney stated that a rendering of the proposal may be obtained from the owner, which will show the number of dock doors the site will have. The development will not have an impact on the environment due to its location. The City of Stonecrest's code enforcement department monitors properties to make sure they comply.

Fellisha Blair, the city's planner, asked if the applicant had the original address of the property.

Josh Mahoney stated that he will provide it to the department.

PETITION:	ZM25-001
PETITIONER:	Anre Washington of Buckhead Coach Company
LOCATION:	7295 Covington Highway
PETITIONER'S REQUEST:	The request is to amend the approved conditions placed on the site to operate a small luxury motor coach parking business

PETITION:	V25-003
PETITIONER:	Anre Washington of Buckhead Coach Company
LOCATION:	7295 Covington Highway
PETITIONER'S REQUEST:	The request is for variances from the minimum acreage



CITY OF STONECREST, GEORGIA

requirement for the proposed use and the (M) - Light Industrial buffer requirements for the adjacent properties.

Anre Washington, the applicant, spoke. The request is to remove the current conditions on the site placed under zoning case CZ-00110, which currently only allows the use of a barber shop, beauty salon, or similar establishment. They would like to operate a luxury motor coach parking business. The site will be renovated and upgraded if approved, including adding vegetation buffers. The company works with schools, corporations, and non-profit organizations to transport customers across states.

Fellisha Blair, the city's planner, asked the applicant about the proposed fence for the site, considering that the driveway of the parcel is shared with a neighboring parcel.

Anre Washington stated that the fence will be placed in the back of the property to enclose the buses.

Fellisha Blair asked if this would be a new business and if they had obtained all documentation in relation to public safety.

Anre Washington stated that the business is locally owned and has been operating since 1989. It is required for the owner and drivers to maintain what is required by the State.

Cobi Brown, the city's administrative assistant, asked the applicant about the number of buses that would be on the property and if there would be a designated area for them on the site.

Anre Washington stated that the company currently has ten buses, which will be parked in the back of the property.

Cobi Brown asked how traffic will be managed.

Anre Washington stated that the business will not operate as a bus terminal. Most of the buses leave in the morning and are on different schedules, traveling to different locations.

Cobi Brown asked the applicant about their target customer group.

Anre Washington stated that the company is a private charter and has worked with schools, the NAACP, wedding parties, the Carter Presidential Center, and other customers looking for premium luxury grade experiences.

Fellisha Blair asked about the timeframe for renting a bus.

Anre Washington stated that there is a four-hour minimum time frame for renting buses.

Director Qawi asked the applicant about the request for a reduction in the setbacks of the property, which contributes to the lot not meeting the acreage requirement for the use. She also asked about the neighboring daycare.

Anre Washington stated that the restrictions on the property will prevent it from fitting into its designated future land use established by the comprehensive plan. He also stated that they have been monitoring the nearby daycare and have not seen any activity.

PETITION:	V25-002
PETITIONER:	Patrick Kelly of MKI
LOCATION:	2336 South Stone Mountain
PETITIONER'S REQUEST:	The request is for two variances from <i>Table 2.24. Nonresidential</i>
	<i>Zoning Districts Dimensional Requirements</i> to reduce the side and front setbacks of the parcel for a commercial development.

Patrick Kelly, the applicant, came up to speak. He stated that his company purchased the property a year ago. The proposed property is irregularly shaped and is the location of a cell tower. He asking for the variance to reduce the setback due to the nearby dead-end road. They would like to build a flex space building that could house a variety of businesses.



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Renee Kale, a resident, came up to get clarification of the proposed use of the property.

Director Qawiy asked if there had been an easement agreement discussed with the owner of the cell tower.

Patrick Kelly stated that they have contacted AT&T representatives. If the petition is approved, the easement agreement will be rewritten to give the cell tower company more access to the property. They have also designed the buildings to be narrow to fit the lot.

Director Qawiy asked if the applicant had considered building only one building on the property.

Patrick Kelly stated that the proposed square footage of the building is more desirable because it will bring in more revenue to help maintain the property.

Fellisha Blair, the city's planner, asked about the location of the detention pond as well as parking.

Patrick Kelly stated that it will be a stormwater detention vault. Parking will be maximized on the property, but the designated number of spaces assigned to each business will vary depending on what is allowed by the city.

IV. ADJOURNMENT

The meeting was adjourned at 6:54 p.m.

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities, and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.

Respectfully submitted by Cobi Brown

APPROVED:


DIRECTOR

04/23/2025

DIRECTOR, COMMUNITY DEVELOPMENT

DATE

ATTEST:



April 23, 2025

SECRETARY

DATE



CITY OF STONECREST, GEORGIA