

November 17, 2014

DEKALB COUNTY

ITEM NO. N.11

BOARD OF COMMISSIONERS

HEARING TYPE
PUBLIC HEARING

ZONING AGENDA

ACTION TYPE
ORDINANCE

MEETING DATE: November 18, 2014

SUBJECT: Text Amendment – TA-14-19494 - Stonecrest Overlay

SUBSTITUTE

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: X YES NO

ATTACHMENT: ☒ YES ☐ No

PAGES: 11

CONTACT: Marian Eisenberg,
Zoning Administrator

404-371-4922

PURPOSE:

TA-14-19494

Application of DeKalb County Board Of Commissioners to amend Chapter 27 of the DeKalb County Code of Ordinances, to amend the Stonecrest Compatible Overlay District to allow automobile leasing within Tier 3 and for other purposes.

REASON FOR REQUEST:

To remove automobile rental/leasing facilities from the prohibited list of uses in the Stonecrest Overlay in order to allow as a permitted principle use within Tier III of the Stonecrest Overlay.

RECOMMENDATIONS:

PLANNING DEPARTMENT:

APPROVAL. The subject text amendment proposes to delete automobile leasing from the list of prohibited uses in Tier III of the Stonecrest Overlay District. Enterprise Rent-A-Car is seeking to locate a state of the art facility at 8032 Covington Highway within an existing commercial building. The facility is proposed for retrofitting to accommodate the use with approximately 150K to 250K planned to be spent on renovations. The use proposes to bring approximately 15 new jobs to the area.

Staff notes that the Stonecrest Overlay District was amended earlier this year, removing used auto sales from the prohibited list. Used auto sales along with new auto sales dealerships are now allowed as permitted uses in Tier III with supplemental regulations that require a minimum of three acres and other requirements such as screening and landscaping. Staff recognizes that leasing facilities are often smaller in operations in comparison to auto sales establishments therefore, there are no size requirements recommended as supplemental regulations. All improvements to the property are subject to the standards and design guidelines of the Stonecrest Overlay District. It is staff's opinion given recent amendments to the Stonecrest Overlay District and the use and development of surrounding Tier III properties, the proposed auto leasing use would be a suitable use and would be compatible with nearby uses. Staff recommends "Approval".

November 17, 2014

PLANNING COMMISSION:

Approval with Conditions 6-1-0. M. Butts moved, V. Moore seconded for approval per staff recommendation. The motion passed 6-1-0 for approval of this application. J. West opposed.

COMMUNITY COUNCIL:

CC 5: Other 0-0-0. No vote. Community Council did not discuss text amendment due to lack of time. Preceding cases used up meeting time in library.

AN ORDINANCE

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

WHEREAS, the Board of Commissioners of DeKalb County established the Stonecrest Area Overlay District by ordinance on May 28, 2002, as amended in July 2008, November 2012 and April 2014; and

WHEREAS, the Board of Commissioners desires to protect the Stonecrest Area from encroachment of incompatible uses and structures, and seeks to ensure compatibility of the use of property along the corridor of the Stonecrest Area with general redevelopment which occurs around new regional mall developments; and

WHEREAS, the Board of Commissioners desires to stimulate growth and development by allowing compatible uses within the Stonecrest Area; and

WHEREAS, the Board of Commissioners desires to encourage and promote compatible mixed use developments that will provide opportunities for livable and sustainable communities; and

WHEREAS, the Board of Commissioners seeks to protect the health, safety and welfare of persons and the value of property within the Stonecrest Area; and

WHEREAS, the ordinance which established the Stonecrest Area Overlay District on May 28, 2002, as amended in July 2008, November 2012, and April 2014 does not include extensive provisions for prohibited uses; and

WHEREAS, the Stonecrest Area Overlay District seeks to further the County's efforts in encouraging the development of compatible uses and quality environments;

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 and the same is hereby amended as follows:

PROPOSED TEXT AMENMENT (below)

PART I: ENACTMENT

Section 27-719.15(b) shall be deleted in its entirety and a new Section 27-719.15(b) shall be inserted in lieu thereof to read as follows:

Sec. 27-719.15. - Low-rise mixed-use zone (Tier III).

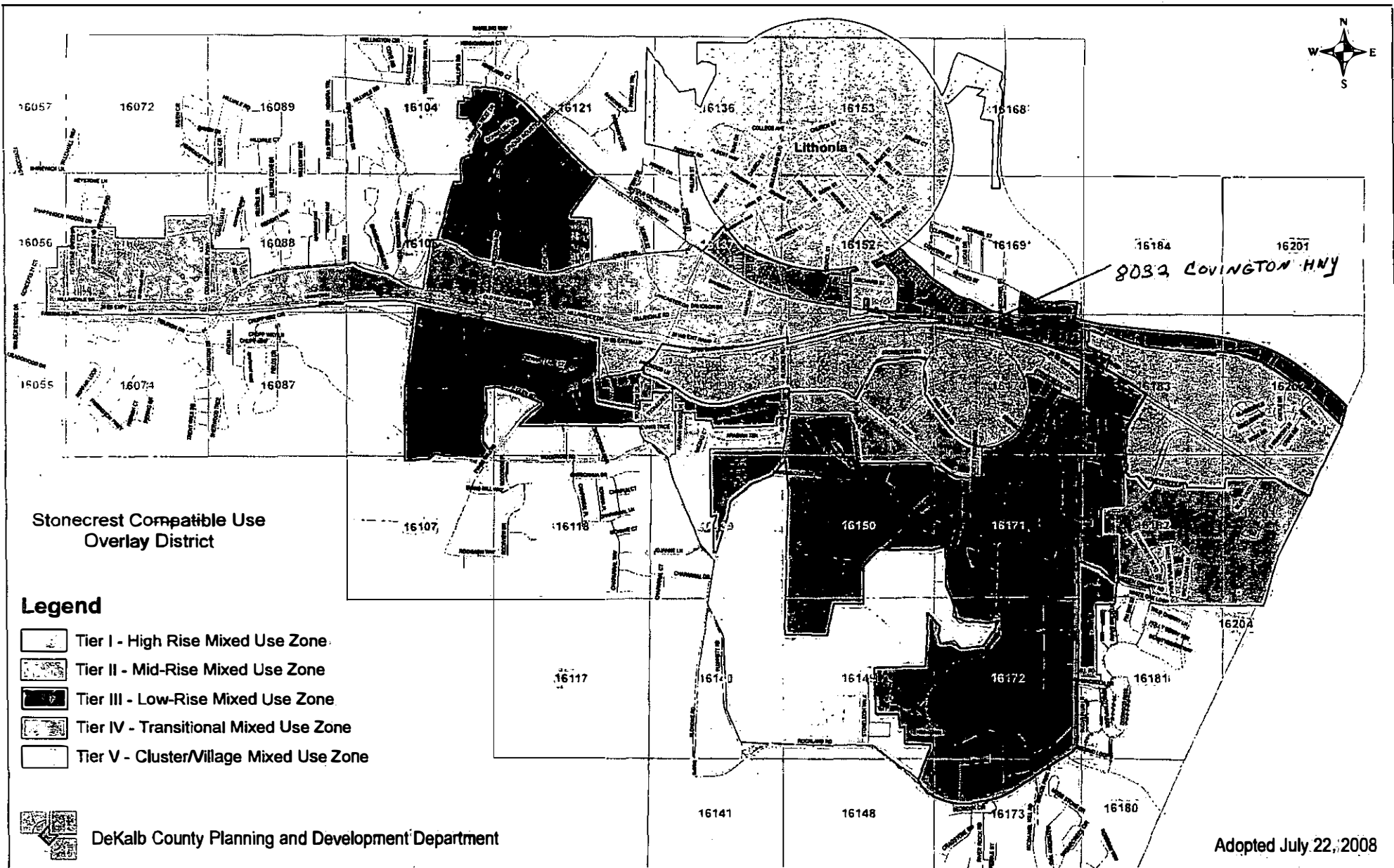
(a) ***Principal uses and structures.*** The following principal uses of land and structures shall be authorized within Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Compatible Use Overlay District:

- (1) All uses authorized in the C-1 and C-2 (General Commercial) District, except those listed in (b), below.
- (2) All uses authorized in the O-I (Office Institutional) District, except those listed in (b), below.
- (3) All uses authorized in the O-D (Office Distribution) District, except those listed in (b), below.
- (4) All uses authorized in the RM-75 (Multifamily Residential) District.
- (5) Buildings that contain a mixture of two (2) or more uses selected from those authorized in this district.

(b) ***[Prohibited uses.]*** The following principal uses of land and structures shall be prohibited within Tier III: Low-rise mixed use zone of the Stonecrest Area Overlay District:





- (1) Kennels.
- (2) Storage yards.
- (3) Tire dealers and tire repair.
- (4) Adult entertainment establishments.
- (5) Adult service facilities.
- (6) Outdoor amusement and recreation services facilities.
- (7) Outdoor storage.
- (8) Appliance and equipment repair shops.
- (9) Motels.

- (10) Used motor vehicles dealers, except those used motor vehicle dealers satisfying the requirements of section 27-729.15 (k) which is also applicable to new auto sales dealerships.
- (11) Temporary and seasonal outdoor sales.
- (12) Automobile title loan establishments.
- (13) Pawn shops.
- (14) Liquor stores.
- (15) Salvage yards and junk yards.
- (16) Self storage facilities.
- (17) Gasoline service stations.
- (18) Major and minor automobile repair and maintenance shops.
- ~~(19) Automotive rental and leasing.~~ *(Automobile rental and leasing once removed from prohibited list, the use will be allowed as a permitted use in C-1 and C-2 underlying zoning districts)*
- (19) Commercial parking lots.
- (20) Carwashes and detail shops.
- (21) Night clubs and late-night establishments.
- (22) Check cashing establishments.
- (23) Automobile emission testing facilities.



**Stonecrest Compatible Use
Overlay District**

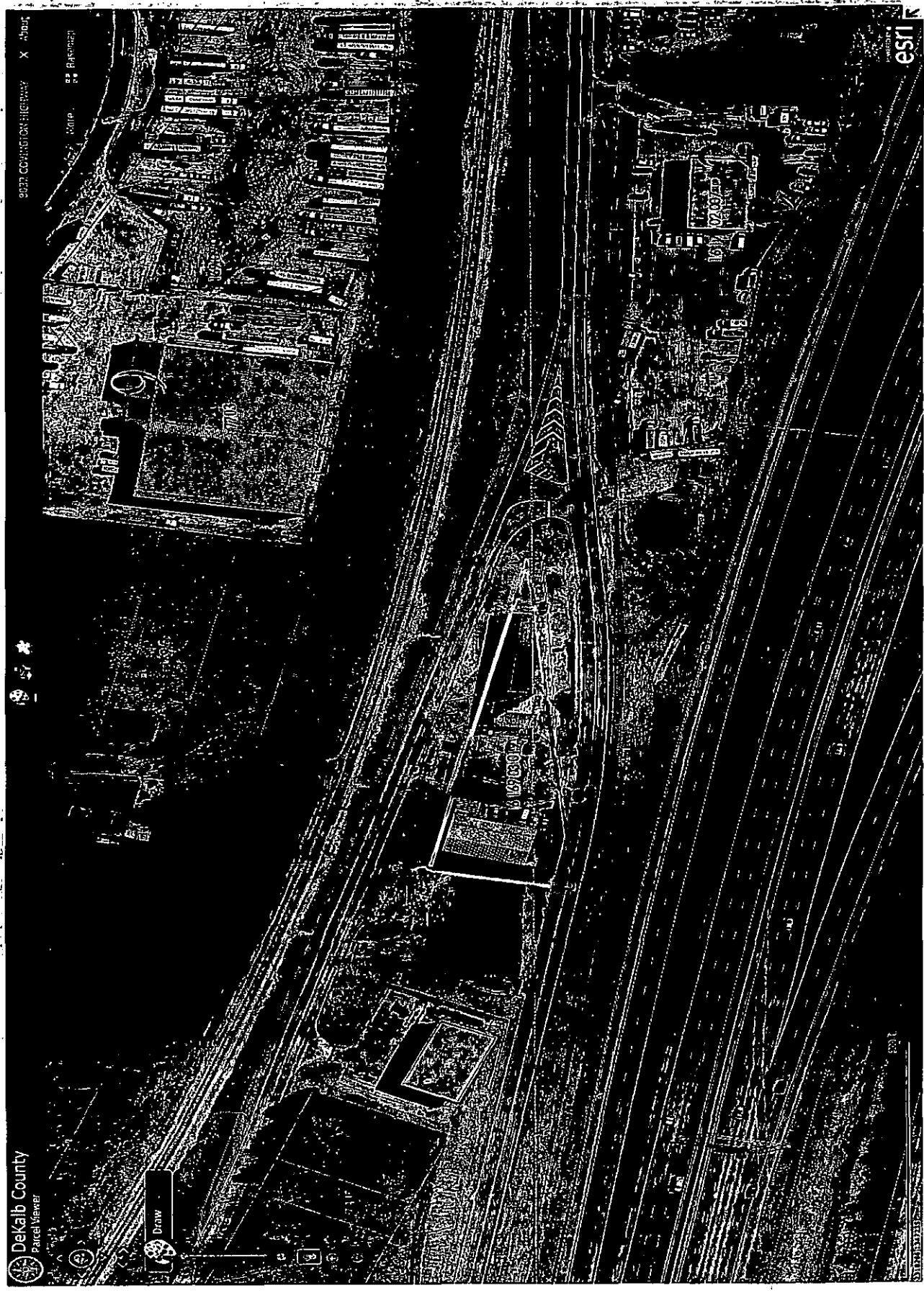
Legend

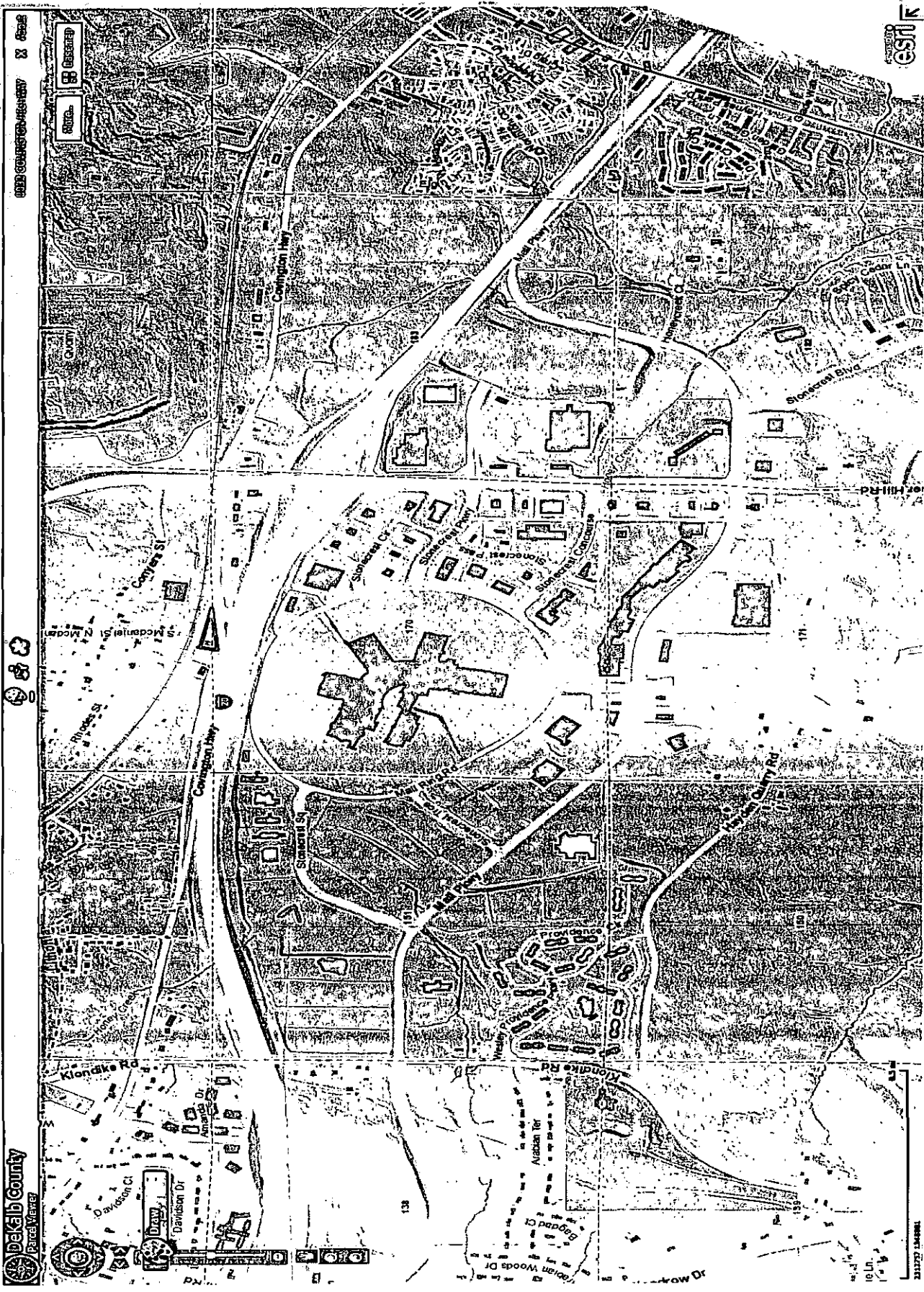
-  Tier I - High Rise Mixed Use Zone
-  Tier II - Mid-Rise Mixed Use Zone
-  Tier III - Low-Rise Mixed Use Zone
-  Tier IV - Transitional Mixed Use Zone
-  Tier V - Cluster/Village Mixed Use Zone

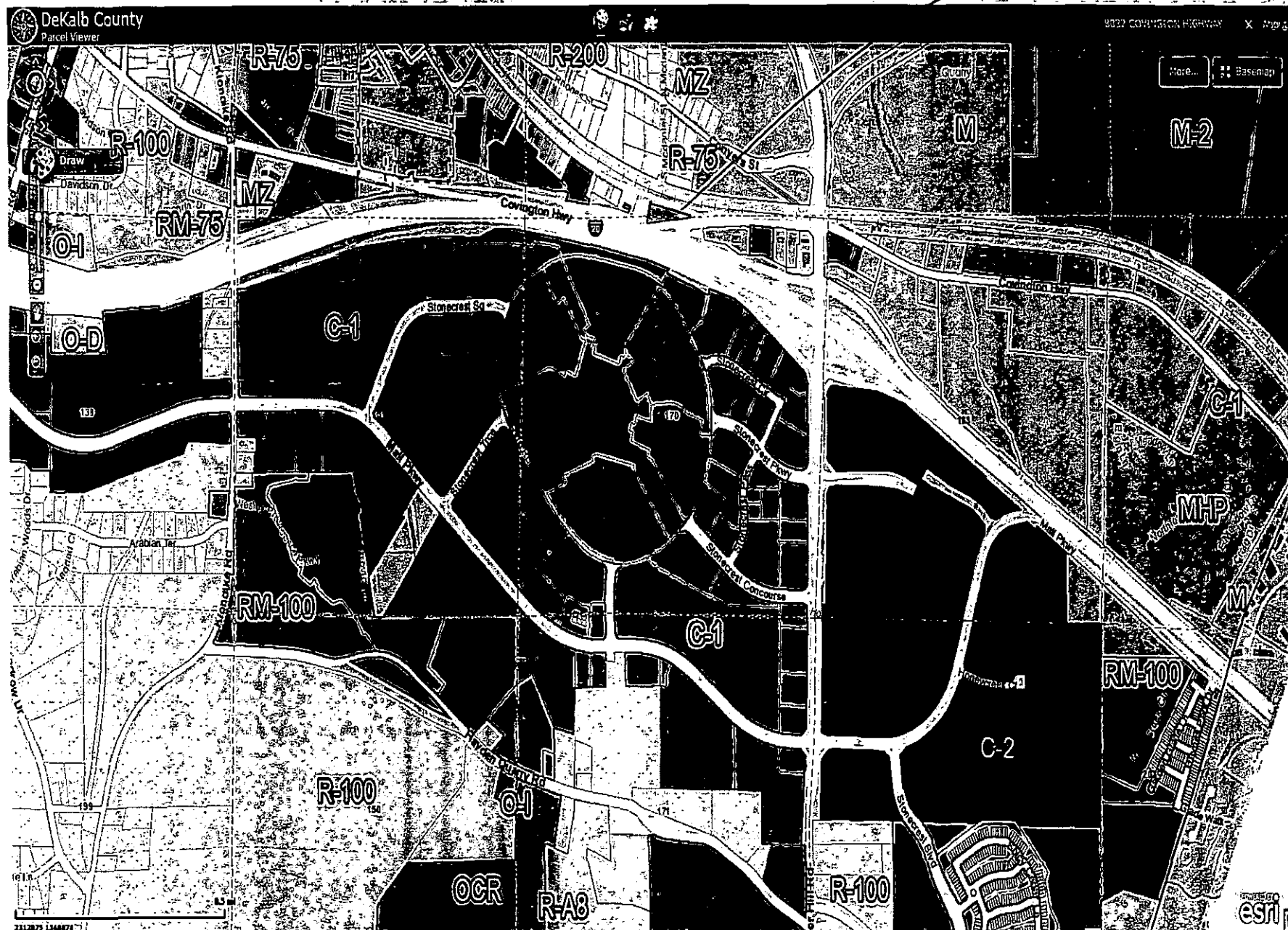


DeKalb County Planning and Development Department

Adopted July 22, 2008







AN ORDINANCE

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AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of DeKalb County established the Stonecrest Area Overlay District by ordinance on May 28, 2002, as amended in July 2008, November 2012 and April 2014; and

WHEREAS, the Board of Commissioners desires to protect the Stonecrest Area from encroachment of incompatible uses and structures, and seeks to ensure compatibility of the use of property along the corridor of the Stonecrest Area with general redevelopment which occurs around new regional mall developments; and

WHEREAS, the Board of Commissioners desires to stimulate growth and development by allowing compatible uses within the Stonecrest Area; and

WHEREAS, the Board of Commissioners desires to encourage and promote compatible mixed use developments that will provide opportunities for livable and sustainable communities; and

WHEREAS, the Board of Commissioners seeks to protect the health, safety and welfare of persons and the value of property within the Stonecrest Area; and

WHEREAS, the ordinance which established the Stonecrest Area Overlay District on May 28, 2002, as amended in July 2008, November 2012, and April 2014 does not include extensive provisions for prohibited uses; and

WHEREAS, the Stonecrest Area Overlay District seeks to further the County's efforts in encouraging the development of compatible uses and quality environments;

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 and the same is hereby amended as follows:

PART I: ENACTMENT

Section 27-719.15(b) shall be deleted in its entirety and a new Section 27-719.15(b) shall be inserted in lieu thereof to read as follows:

Sec. 27-719.15. - Low-rise mixed-use zone (Tier III).

(b) Prohibited uses. The following principal uses of land and structures shall be prohibited within Tier III: Low-rise mixed use zone of the Stonecrest Area Overlay District:

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PART II: EFFECTIVE DATE

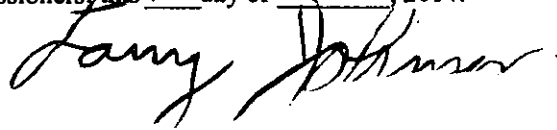
This ordinance shall become effective immediately upon the date of adoption by the Board of Commissioners and approval by the Chief Executive Officer.

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. All ordinances or resolutions, or parts thereof, in conflict with the ordinance are repealed.

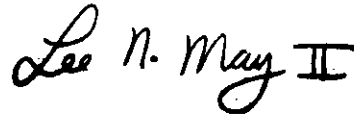
November 14, 2014

ADOPTED by the DeKalb County Board of Commissioners, this 18 day of November, 2014.



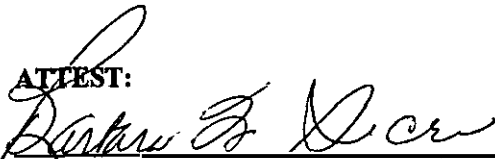
LARRY L. JOHNSON, MPH
Presiding Officer
Board of Commissioners DeKalb County,
Georgia

APPROVED by the Interim Chief Executive Officer of DeKalb County, this 19 day of November, 2014.



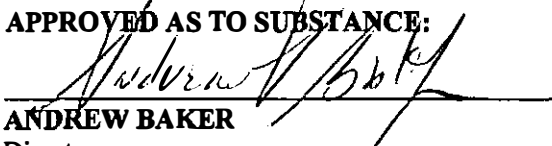
LEE MAY
Interim Chief Executive Officer
DeKalb County, Georgia

ATTEST:



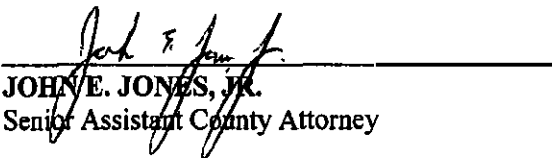
BARBARA SANDERS, CCC, CMC
Clerk to the Board of Commissioners and
Chief Executive Officer, DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:



ANDREW BAKER
Director
Planning & Sustainability Dept.

APPROVED AS TO FORM:



JOHN E. JONES, JR.
Senior Assistant County Attorney