Public Hearing: YES ⊠ **NO** □ **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

Application of Joseph Cooley, Esq. to rezone property from RE (Residential Estate) District to M-1 (Light

Industrial) District to allow a warehouse/office use, at 2346 Pine Mountain Street.

PETITION NO: N7. Z-21-1244581 2021-2114

PROPOSED USE: Warehouse/office.

LOCATION: 2346 Pine Mountain Street, Lithonia, Ga.

PARCEL NO.: 16-168-01-008

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Joseph Cooley, Esq. to rezone property from RE (Residential Estate) District to M-1 (Light Industrial) District to allow a warehouse/office use. The property is located on the east side of Pine Mountain Street, approximately 20 feet north of Pine Mountain Road, at 2346 Pine Mountain Street, Lithonia. The property has approximately 78 feet of frontage on Pine Mountain Street and contains 1.2 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Full Cycle Deferral.

STAFF ANALYSIS: If the future land use map amendment request from Suburban (SUB) to Light Industrial (LIND) is approved, then the rezoning request to the M (Light Industrial) Zoning District would be consistent with the *Comprehensive Plan* for the following three (3) reasons: 1. Table 1.2 (Character Areas and Permitted Zoning Districts) of the Zoning Ordinance lists M (Light Industrial) as a permissible use in the Light Industrial character area. 2. In order to implement Comprehensive Plan Light Industrial Character Area Policy #7 (Future Designations) it is recommended that we "designate specific areas through the use of zoning and other land use tools for industrial development." 3. The proposed warehouse/storage use is listed as one of the primary, light industrial uses noted in the Comprehensive Plan (pg. 75). However, the applicant informed staff that a warehouse is the intended use for the subject property and the conceptual plan in under development. The request cannot be fully evaluated without the proposed development plan. Therefore, the Department of Planning and Sustainability recommends "Full Cycle Deferral".

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 8-0-0. There was strong opposition from the community.



DeKalb County Department of Planning & Sustainability

330 W. Ponce De Leon Avenue, Suite 300 Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: March 2, 2021 Board of Commissioners Hearing Date: March 25, 2021

STAFF ANALYSIS

Case No.: Z-21-1244581	Agenda #: N7
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Location/Address: 2346 Pine Mountain Street **Commission District:** 5 **Super District:** 7

Parcel ID: 16-168-01-008

Request: To rezone the subject property from the RE (Residential Estate) District to M (Light

Industrial) for a warehouse facility.

Property Owner(s): MH Lithonia Holdings, LLC & Neisem Properties, LLC

Applicant/Agent: Joseph Cooley, Esq.

Acreage: 1.8 acres

Existing Land Use: Undeveloped

Surrounding To the north of the subject property are residential parcels, to the south are undeveloped

Properties: parcels, to the west are residential and undeveloped parcels, and to the east is a truck lot.

Adjacent Zoning: North: M South: M East: M West: M

Comprehensive Plan: Suburban (SUB)

Consistent

Consistent

Consistent

Proposed Density: N/A

Proposed Square Ft.: TBD

Existing Density: N/A

Existing Units/Square Feet: 0 SF

Proposed Lot Coverage: TBD

Existing Lot Coverage: 14%

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ZONING HISTORY

Zoning records indicate that all properties along upper Pine Mountain Street were zoned industrial, as of 1963. Moreover, the residential community south of the subject property has been zoned R-75 since at least 1963. The subject property was conditionally rezoned to RE in 1983. Staff has been unable to find records related to that zoning change. Additionally, a future land use map amendment to Light Industrial (LIND) and a rezoning to M (Light Industrial) were disapproved by the Board of Commissioners in November 2018.

SUBJECT PROPERTY AND VICINITY

The undeveloped subject property is approximately 1.8 acres. A mobile home once existed on-site, but it was demolished a few years ago. The site contains existing driveways and appears to be used for overflow parking from adjacent residential properties, but otherwise, the subject property is nondescript.

The northern portion of Pine Mountain Street is a narrow, two-way, local street without sidewalks or curb and gutter. With multiple auto repair businesses along Rock Chapel Road and a large 18-wheeler truck parking yard, quarries and other resource extraction sites, warehouses, and bulk landscaping supply yards along Turner Hill Road, the character of the general area could best be described as "rural industrial." There are six homes on M zoned lots in the general area. However, in the immediate area, there are five residences along the upper portion of Pine Mountain Street; one of them is zoned RE and the other four are zoned M. Additionally, southwest of the subject property, along lower Pine Mountain Street and surrounding local roads, is an established residential neighborhood with R-75 (Residential Medium Lot-75) zoning. A portion of the neighborhood is located within the jurisdiction of the City of Lithonia.

LONG-RANGE PLANNING CONTEXT

Please note that the applicant filed a companion application to amend the future land use map designation of the parcel from Suburban (SUB) to Light Industrial (LIND). Please review Case LP-21-1244580 (Agenda Item N6) for additional long-range planning analysis.

PROJECT DESCRIPTION

The applicant is seeking light industrial zoning of the subject property. Following the District 5 Community Council meeting, the applicant informed staff that a warehouse is the intended use for the subject property, pending rezoning approval. A proposed site plan is still being developed.

COMPLIANCE WITH DISTRICT STANDARDS:

M DEVELOPMENT STANDARDS	REQUIREMENT	PROPOSED	COMPLIANCE
MIN. OPEN SPACE	15-20% (depending on GFA)	Unknown	To be determined
MIN. TRANSITIONAL BUFFER	N/A	N/A	N/A
MIN. ENHANCED OPEN SPACE	N/A	N/A	N/A
MIN. LOT AREA	30,000sf	79,361sf	Yes
MIN. LOT WIDTH	100 feet	76.2 feet	No (Nonconforming lot)

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MAX. LOT COVERAGE		80%	Unknown	To be determined
BUILDING SETBACKS	FRONT (arterial road)	Min. 60 ft.	Unknown	To be determined
	INTERIOR SIDE	Min. 20 ft.	Unknown	To be determined
BUII	REAR	Min. 30 feet	Unknown	To be determined
MINIMUM UNIT SIZE		No maximum	N/A	N/A
MAX. BLDG. HEIGHT		No maximum	N/A	N/A
MIN. STREETSCAPE		6-ft. landscape strip; 6-ft. sidewalk; 1 light pole/80ft. (max); and 1 street tree/50 ft.	Unknown	To be determined
PARKING		Min: 1 space/2500sf Max: 1 space/500sf	Unknown	To be determined

LAND USE AND ZONING ANALYSIS

Section 7.3.5. of the *Zoning Ordinance* (Standards and factors governing review of proposed amendments to the official zoning map) states that the following standards and factors...shall govern the review of all proposed amendments to the official zoning map:

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

This rezoning request was submitted concurrently with a future land use map amendment request (Case LP-21-1244580—Agenda Item N6). If the future land use map amendment request from Suburban (SUB) to Light Industrial (LIND) is approved, then the rezoning request to the M (Light Industrial) Zoning District would be consistent with the *Comprehensive Plan* for the following three (3) reasons:

- 1. Table 1.2 (Character Areas and Permitted Zoning Districts) of the *Zoning Ordinance* lists M (Light Industrial) as a permissible use in the Light Industrial character area.
- 2. In order to implement *Comprehensive Plan* Light Industrial Character Area Policy #7 (Future Designations) it is recommended that we "[d]esignate specific areas through the use of zoning and other land use tools for industrial development."
- 3. The proposed warehouse/storage use is listed as one of the primary, light industrial uses noted in the *Comprehensive Plan* (pg. 75).

However, if the future land use map amendment is disapproved, then the requested rezoning would be incompatible with its Suburban future land use map 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:

Suitability cannot be determined at this time. Following the District 5 Community Council meeting, the applicant informed staff that a warehouse is the intended use for the subject property and the conceptual plan in under development. Additionally, the applicant states in the letter of intent that the "parcels immediately to the south, east and northeast also belong to the Owner.... By combining the Subject Property with the Owner's adjacent

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properties, which has direct access to Turner Hill Road, the Subject Property has possibilities for beneficial economic uses." Absent more specificity, the suitability of this request is largely dependent upon one's vantage point. Some residential property owners may see the light industrial request as encroachment into a residential community. Alternatively, light industrial property owners may see the request as an exercise of land use rights based on the adopted zoning and future land use designations in the general area. It may be feasible to develop the subject property in a manner that supports land use policies, meets economic development goals, and provides community safeguards. However, those may also be competing interests.

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

The current zoning, RE (Residential Estate), is one of the most restrictive districts within the zoning hierarchy. It permits a narrow spectrum of uses limited to mostly agricultural uses, single-family, detached residential (only), institutional uses, educational uses, and a scant number of nonresidential uses. The subject property may have reasonable economic use now. However, if approved, the rezoning may significantly increase the economic viability of the subject property.

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

It may be feasible to develop the subject property for light industrial use and mitigate foreseeable adverse impacts. A more definitive response cannot be given until a development plan is submitted for review.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

This is a complex request, but the existing zoning and future land use map designations of the surrounding area appear to support the rezoning request. There are several existing parcels with the Light Industrial future land use designation. Of the 31 parcels roughly bounded by Turner Hill Road, Rock Chapel Road, and an easement or right-of-way that creates an imaginary southern boundary, 25 parcels have a Light Industrial future land use designation. There is one lot designated Institutional and five designated Suburban (including the subject property). Of those same 31 parcels, only two are zoned residential (i.e. RE conditional). The remaining zoning by parcel breaks down as follows: one C-2 (General Commercial), four C-1 (Local Commercial), and 24 M (Light Industrial). While there are conflicts between existing uses, zoning, and future land use map designations in this area, zoning records from 1963 and present documentation indicates a preference for transition to light industrial uses in this area.

Additionally, the applicant states in the letter of intent that the "parcels immediately to the south, east and northeast also belong to the Owner.... By combining the Subject Property with the Owner's adjacent properties, which has direct access to Turner Hill Road, the Subject Property has possibilities for beneficial economic uses."

In addition to the requests for the subject property, the owner of the adjoining property to the north, 2328 Pine Mountain Street, has submitted a future land use map designation amendment from Light Industrial (LIND) to Suburban (SUB) and a rezoning request from the M Zoning District to the RE Zoning District to construct a triplex development. Staff recommends disapproval of those two requests.

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

The provided survey does not indicate any historic features. Moreover, the subject property is not located in an historic or archaeological overlay district.

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G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

Preliminary review of the existing infrastructure on/or adjacent to the subject property by regulatory reviewers did not generate significant concerns. Future development plans will be subject to applicable, regulatory reviews. Any nonresidential development of the subject property will include a prohibition or restriction of access to/from Pine Mountain Street.

Given the close proximity of light industrial properties to the established residential community to the south, it may be prudent—in the long-term, if the existing residential uses became vacant—to abandon the upper portion of the Pine Mountain Road right-of-way and improve the Turner Hill Road spur for truck traffic. Along with the road abandonment, enhanced buffering and future lot recombinations could facilitate the implementation of several Light Industrial policies in this area and potentially permit a more harmonious relationship between the light industrial node and the residential properties to its south.

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

The zoning proposal does not appear to negatively impact the environment or surrounding natural resources.

STAFF RECOMMENDATION: Full-cycle deferral.

If the future land use map amendment request from Suburban (SUB) to Light Industrial (LIND) is approved, then the rezoning request to the M (Light Industrial) Zoning District would be consistent with the *Comprehensive Plan* for the following three (3) reasons:

- 1. Table 1.2 (Character Areas and Permitted Zoning Districts) of the Zoning Ordinance lists M (Light Industrial) as a permissible use in the Light Industrial character area.
- 2. In order to implement Comprehensive Plan Light Industrial Character Area Policy #7 (Future Designations) it is recommended that we "[d]esignate specific areas through the use of zoning and other land use tools for industrial development."
- 3. The proposed warehouse/storage use is listed as one of the primary, light industrial uses noted in the Comprehensive Plan (pg. 75).

However, the applicant informed staff that a warehouse is the intended use for the subject property and the conceptual plan in under development. The request cannot be fully evaluated without the proposed development plan. Therefore, the Department of Planning and Sustainability recommends full-cycle deferral of the request.

On the other hand, should the Planning Commission approve the request, the Department of Planning and Sustainability recommends the following conditions:

- 1. The subject property shall be consolidated with adjacent properties under common ownership or designed to facilitate shared access through parcels with access to Turner Hill Road (or the spur road).
- 2. Ingress/egress to/from the site shall not include Pine Mountain Street.

Attachments:

- 1. Department and Division Comments
- 2. Board of Health Comments
- 3. Board of Education Comments
- 4. Application
- 5. Site Plan/Survey
- 6. Zoning Map

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- Land Use Plan Map Aerial Photograph Site Photographs 7.
- 8.
- 9.

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NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:



• Land Disturbance Permit (Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)



• **Building Permit** (New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)



- **Certificate of Occupancy** (Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)
- **Plat Approval** (Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)
- **Sketch Plat Approval** (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
- Overlay Review (Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)
- **Historic Preservation** (A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)
- **Variance** (Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)
- Minor Modification (Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)
- **Major Modification** (Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)



- **Business License** (Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).
- Alcohol License (Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

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The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

• Transportation/Access/Row

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

• Storm Water Management

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

• Flood Hazard Area/Wetlands

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

• Landscaping/Tree Preservation

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

• Tributary Buffer

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

• Fire Safety

<u>Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.</u>



NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO **MICHELLE M** ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID IREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.:LP-21-1244580
Parcel I.D. #: <u>16-168-01-008</u>
Address: 2346 Pine Mountain Street
Lithonia, Georgia
WATER:
Size of existing water main: 6" CI Water Main (adequate inadequate)
Distance from property to nearest main: Adjacent to Property
Size of line required, if inadequate: N/A
SEWER:
Outfall Servicing Project: Pole Bridge Creek Basin
Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line:
Water Treatment Facility:Pole Bridge WTF () adequate () inadequate
Sewage Capacity; * (MGPD) Current Flow: 6.48 (MGPD)
COMMENTS:
* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.
Signature: Cubo



NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID IREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: <u>Z-21-1244581</u>	
Parcel I.D. #: <u>16-168-01-008</u>	
Address: 2346 Pine Mountain Street	
Lithonia, Georgia	
WATER:	
Size of existing water main: _6" CI Water Main(add	equate inadequate)
Distance from property to nearest main: <u>Adjacent to Prope</u>	rty
Size of line required, if inadequate: N/A	_
SEWER:	14844444444444444444444444444444444444
Outfall Servicing Project: Pole Bridge Creek Basin	
Is sewer adjacent to property: Yes (X) No () If no, distant	ce to nearest line:
Water Treatment Facility:Pole Bridge WTF	() adequate () inadequate
Sewage Capacity; <u>*</u> (MGPD)	Current Flow: <u>6.48</u> (MGPD)
COMMENTS:	
* Please note that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed or appropriate that the sewer capacity has not been reviewed to th	oved for this project. A Sewer Capacity Request (SCR) process and should be addressed early in the process.
S	ignature: Carlos





NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

1 Obbie // Oldis 11011 110 Li	TOTALERATIO
Case No.: 7-21-1244581 Parcel I.D.#: 1 Address: 2346	6-168-01-008
PINE MOUNTAIN ST LITHONIA, GABOUSE	
PINE MAT. CC	oadway (s):
(classification)	(classification)
Capacity (TPD) Latest Count (TPD) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes Proposed right of way width	Existing right of way width
Please provide additional information relating to the following sta	itement.
According to studies conducted by the Institute of Traffic Engineer generate an average of fifteen (15) vehicle trip end (VTE) per 1, 00 factor. Based on the above formula, thesquare foot place with approximatelypeak hour vehicle trip ends.	00 square feet of floor area, with an eight (8%) percent peak hour
Single Family residence, on the other hand, would generate ten (1 peak hour factor. Based on the above referenced formula, the a maximum of units per acres, and the given fact that the provehicle trip end, and peak hour vehicle trip end would be generated.	(Single Family Residential) District designation which allows oject site is approximatelyacres in land area,daily
COMMENTS:	
Reviewed found Hothing	Alm would disrupt
TILLETTIC PITTYRA.	
P. 8	19 (1996)

N1. No Comment

N2 & N3. Coordinate and provide the required right of way for the GDOT Managed Lanes I-285 East Project prior to permitting. GDOT PM: Tim Matthews at TMatthews@dot.ga.gov. Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer) with the land development permit documents.

N4 & N5. Covington Hwy is a state route. Review and approval by GDOT District 7 (Justin Hatch at Juhatch@dot.ga.gov) required prior to issuance land development permit. Covington Hwy is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum (GDOT may have additional requirements): 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N6 & N7. Pine Mountain Road is classified as a local residential. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

Please note that we received complaints about truck traffic on this street and it is posted no trucks. Consideration should be given to how to handle truck access and traffic. Limit all truck access to SR 124 Turner Hill Road. No truck access on Pine Mountain Rd.

N8. No Comment

N9. This development requires a traffic study (337 units) be presented to identify required improvements prior to zoning. I recommend deferral until a traffic study is submitted so that we can incorporate the result of the traffic study into the zoning conditions. Traffic study should address requirements for left turning lanes and right turn lane on North Druid Hills at the Mont Moriah Road and the need for a potential traffic signal. Please confirm the existing right of way on Mount Moriah Road. The county records show a 60 foot right of way and it appears that the development is encroaching on the right of way. The study should also address the lanes needed to accommodate the traffic exiting Mount Moriah Rd at the intersection. Direct pedestrian access is to be provided from the public sidewalks to the proposed development. North Druid Hills Road is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure

(sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents. Mount Moriah Road is classified as a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 6- foot landscape strip, 5-foot sidewalk, streetlights. Mount Moriah Road must be brought up to minimum county standards to include at least 22 feet of pavement along entire property frontage. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N10 & N11. Pine Mountain Road is classified as a local. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N12. Requesting a traffic study be completed prior to zoning to determine the impacts of the development on the intersection of Rockbridge Road at Mountain Park Trail and the proposed driveway on Rockbridge Road. Only one access point of Mountain Park Trail. The access point on Mountain Park Trail must be shifted to the rear property line away from Rockbridge Road. Please note the minimum driveway/street separation required in Section 14-200 (6). Remove acceleration lane from Rockbridge Road frontage. Provide direct pedestrian access from public right of way to the proposed destinations. Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. Mountain Park Trail is classified as a local. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer) with the land development permit documents.

N13. Northern Ave is classified as a collector road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 35 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight

distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N14. No comment.

N15, N16 and N17. Panola Road is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents. Young Road is classified as a collector road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 35 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer) with the land development permit documents. Please note the minimum driveway/street separation required in Section 14-200 (6). Applies to driveways on the opposite side of the road also. Access point on Young Road needs to be relocated away from the traffic signal. The developer is required to upgrade the pedestrian features of the traffic signal at Panola Road at Young Road, as needed, as identified by the Transportation Division of Public Works. A pedestrian connection must be provided from the public sidewalk to the building entrances.

N18. Clairmont Road is a state route. Review and approval by GDOT District 7 required prior to issuance land development permit. Clairmont Road is classified as a major arterial. Only one access point allowed on Clairmont Road located away from the intersection with N Williamsburg Dr. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum (GDOT may have additional requirements): 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents. N. Williamsburg Drive is classified as a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 6- foot landscape strip, 5-foot sidewalk, streetlights. Only one access point allowed on N Williamsburg Road located away from the intersection on Clairmont Road. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N19. No Comment

N20. Clifton Springs Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents. If interior roads are to public. They will need to meet the requirements for a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

Board of Health

02/15/2021

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager Cc: Alan Gaines, Technical Services Manager

Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- multiple dwellings
- · food service establishments
- · hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

Board of Health

N.1	TA-21-1244539	2021-2108
	County-Wide (All District)	
	36	

N.2 LP-21-12439332021-2109/18-011-06-001,18-011-06-004,18-011-06-005,18-011-06-006,18-

011-06-007

District 04 Super District 06

3581 Rockbridge Road, Stone Mountain, GA 30083

3605 Rockbridge Road, Stone Mountain, GA 30083

3611 Rockbridge Road, Stone Mountain, GA 30083

3599 Rockbridge Road, Stone Mountain, GA 30083

3593 Rockbridge Road, Stone Mountain, GA 30083

3581 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments
- Septic system installed on September 23, 1960 for property 3605
- Septic system installed on September 23, 1960 for property 3611

Total acres 4.8

$Z-21-1243934 \quad 2021-2110 \ / \ 18-011-06-001, \ 18-011-06-004, 18-011-06-005, 18-011-06-006, 18-010-06-006, 18-010-06-006, 18-010-06-006, 18-010-06-006, 18-010-06-006, 18-010-06-006, 1$ N.3

011-06-007

District 04 Super District 06

3581 Rockbridge Road, Stone Mountain, GA 30083

3605 Rockbridge Road, Stone Mountain, GA 30083

3611 Rockbridge Road, Stone Mountain, GA 30083

3599 Rockbridge Road, Stone Mountain, GA 30083

3593 Rockbridge Road, Stone Mountain, GA 30083

3581 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments
- Septic system installed on September 23, 1960 for property 3605
- Septic system installed on September 23, 1960 for property 3611

Total acres 4.8

N.4 LP-21-1244555 2021-2111 / 15-162-04-008

District 05 Super District 07

5011 Covington Highway, Decatur, GA 30035

Please review general comments

Total acres 0.61

N.5 Z-21-1244408 202102112 / 15-162-04-008

District 05 Super District 07

5011 Covington Highway, Decatur, GA 30045

Please review general comments

Total acres 0.61

LP-21-1244580 2021-2113 / 16-168-01-008 N.6

District 05 Super District 07

2346 Pine Mountain Street, Lithonia, GA 30058

Please review general comments

Total acres 1.2

DeKalb County Board of Health

445 Winn Way - Box 987 Decatur, GA 30031

404.294.3700 • www.dekalbhealth.net

Board of Health

N.7 **Z-21-1244581 2021-2114 / 16-168-01-008** District 05 Super District 07

2346 Pine Mountain Street, Lithonia, GA 30058

- Please review general comments

Total acres 1.2

N.8 **TA-21-1244599 2021-2115**

District 02 Super District 06

North Druid Hills Briarcliff Node, Atlanta, GA 30329

- Please review general comments

Total acres (not stated)

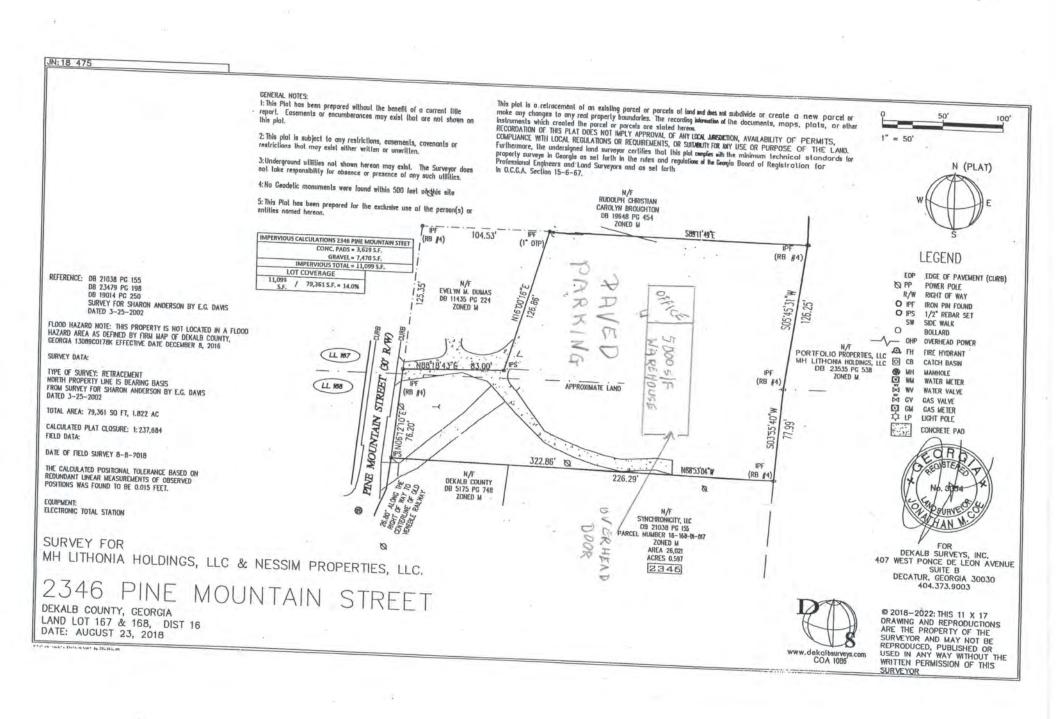
N.9 **Z-21-1244535 2021-2116 / 18-152-01-005, 18-152-01-006, 18-152-01-054**

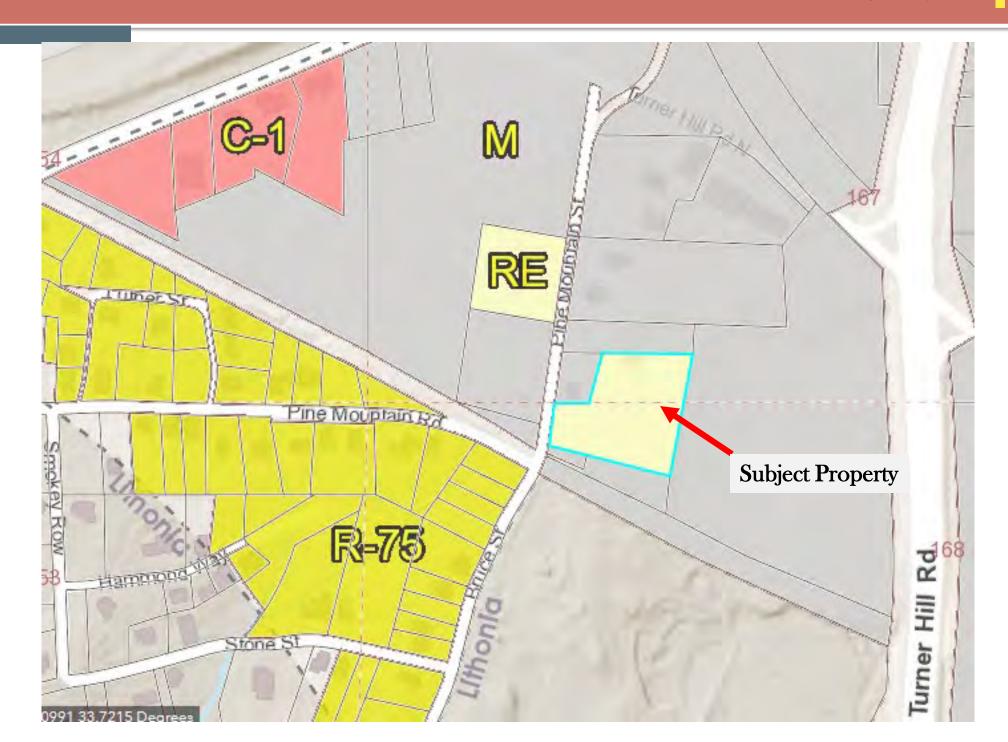
District 02 Super District 06

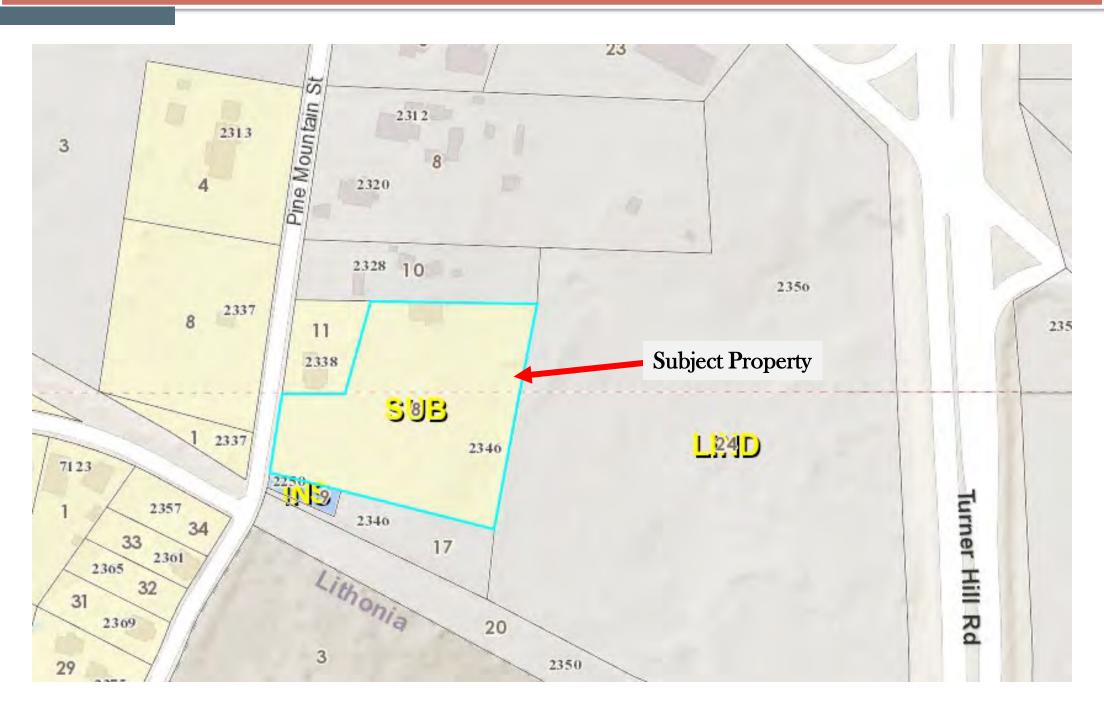
2490 North Druid Hills Road, Atlanta, GA 30329

- Please review general comments
- Several surrounding properties with septic system installed Total acres 5.6
- N.10 **LP-21-1244541 2021-2117 / 16-167-08-010** District 05 Super District 07 2328 Pine Mountain Street, Lithonia, GA 30058
 - Please review general comments
 - Several surrounding properties with septic system installed Total acres 0.79
- N.11 **Z-21-1244542 2021-2118 / 16-167-08-010** District 05 Super District 07 2328 Pine Mountain Street, Lithonia, GA 30058
 - Please review general comments
 - Several surrounding properties with septic system installed

Total acres 0.79























Zoning Application

For 2346 Pine Mountain Street Unincorporated DeKalb County

Application # LU-21-1244580



Cooley Planning & Land Use Law LLC
Joseph L. Cooley AICP RLA JD
Attorney-at-Law
Land Use Planning/Land Use and Zoning Law



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond Chief Executive Officer Andrew A. Baker, AICP Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

	Z/CZ No
Data Bassinst	Z/CZ No
Date Received: A	pplication No.:
Applicant: Joseph Cooley, Esq.(agent for owner)	E-Mail: Cooleylandlaw@gmail.com
Applicant Mailing Address: 243 Highland Rose Way, S	Sugar Hill, GA 30518
Applicant Phone: <u>770-778-4776</u>	
Owner(s): MH Lithonia Holdings LLC E-M. (If more than one owner, attach as Exhibit	ail: mnhabif@habifproperties.com
Owner's Mailing Address: 3717 Roswell Rd NE #100	Atlanta, GA 30342
Owner(s) Phone: (404) 522-9342	Fax:
Address/Location of Subject Property: 2346 Pine Mour	ntain Street
District(s): Dist. <u>16</u> Land Lot(s): <u>167, 168</u>	Block: <u>01</u> Parcel: <u>008</u>
Acreage: 1.224 Commis	sion District(s): District 5 & Super District 7
Present Zoning Category: RE	Proposed Zoning Category: M
Present Land Use Category: SUB	*******************
	LOWING BEFORE SIGNING
This form must be completed in its entirety before the attachments and filing fees identified on the attachments, shall be determined as incomplete and sincomplete.	ne Planning Department accepts it. It must include the nents. An application, which lacks any of the required shall not be accepted.
In accordance with the Conflict of Interest in Zoning Amust be answered:	paign Contributions Act, O.C.G.A., Chapter 36-67A, the following questions
Have you the applicant made \$250 or more in campa two years immediately preceding the filling of this app	aign contributions to a local government official within lication? Yes No
If the answer is yes, you must file a disclosure reshowing;	eport with the governing authority of DeKalb County
contribution was made.	e local government official to whom the campaign
 The dollar amount and description of e immediately preceding the filing of this a 	ach campaign contribution made during the two years pplication and the date of each such contribution.
The disclosure must be filed within 10 days after the at C.E.O. and the Board of Commissioners DeKalb Cour	nty, 1300 Commerce Drive, Decatur, Ga. 30030.
NOTARY	SIGNATURE OF APPLICANT / DATE
EXPIRATION DATE / SEAL WAS	Check One: Owner Agent

330 West Ponce de Leon Avenue – Suites 100-500 – Decatur, Georgia – 30030 [voice] 404.371.2155 – [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007 Web Address http://www.dekalbcountyga.gov/planning Email Address: planninganddevelopment@dekalbcountyga.gov

ATTACHMENT "A"

Application to Amend Official Zoning Map DeKalb County, GA

Owners' Information

Owner(s): MH Lithonia Holdings LLC — Morris Habif, Managing

Partner E-Mail: mnhabif@habifproperties.com
Owner's Mailing Address: 3717 Roswell Rd. NE #100, Atlanta, GA 30342
Owner(s) Phone: (404) 522-9358 Fax:
Owner(s): Neisem Properties LLC — Morris Habif, Managing
Partner E-Mail: mnhabifnhabifproperties.com
Owner's Mailing Address: 3717 Roswell Rd. NE #100, Atlanta, GA 30342
Owner(s) Phone: (404) 522-9358 Fax:

<u>Letter of Intent</u> <u>Rezoning & Land Use Change</u>

For

2346 Pine Mountain Street (#16 168 01 008) (Subject Property), DeKalb County, Georgia

Rezoning/Land Use Change of the Subject Property from RE (Residential Estate) to M (Light Industrial) and from SUB (Subdivision) to LIND (Light Industrial) was applied for on August 28, 2008. Staff recommendations were for approval of the Land Use Change and approval of the Rezoning with conditions; however, the Land Use Change application was denied by the DeKalb County Board of Commissioners, and the Rezoning Application was not heard. The required two-year timeframe prior to resubmitting Rezoning and Land Use Applications has expired.

The Subject Property consists of approximately 1.224 acres. It is located west of Turner Hill Road; directly north of the City of Lithonia; and approximately 0.15 miles south of the Stonecrest city limits. *(see attachments)*. It is currently zoned RE. The parcel is mostly cleared with concrete and gravel areas which are visible in the attached aerial photograph. Past structures on the parcel included a dilapidated mobile home and shed, The mobile home has been antidotally described by neighboring land owners as a "crack house". The structures were demolished and the property has been vacant since. Aerial photos of the site and surrounding area clearly show that the area, at least since 2003, has been primarily in use as light industrial uses. (see attached photos).

The Subject Property is completely surrounded to the north, south, east and west with parcels zoned M (see attachments). The surrounding future land use classification of the properties is primarily LIND.

The parcels immediately to the south, east and northeast also belong to the Owner. Those parcels consist of approximately 8.61 acres, are zoned M, and are designated LIND on the future land use map. The parcels were previously cleared, but remain undeveloped. The parcels have approximately 811 feet of frontage on Turner Hill Road, with direct access to Turner Hill Road via Turn Hill Road N. Combined with the Subject Property the total acreage is approximately 10.25 acres.

The Subject Property has no value as currently zoned Residential Estate and with a Suburban land use designation. The Subject Property with the Owner's adjacent properties has direct access to Turner Hill Road. The Subject Property has possibilities for beneficial economic uses, but not as currently zoned. This would ultimately be an economical benefit for the community and DeKalb County.

There was opposition to the application at the Board of Commissioners Land Use Change hearing over two years ago. Person speaking expressed a fear of an increase of illegal activities, such as prostitution and illegal drug sales, increased traffic that might be generated from future redevelopment, and change of character to the area. Some wanted to see a site development plan to know exactly what was to be built there. At a recent community meeting, when asked what they at the community wanted to see for the entire area in which the Subject property is located, they overwhelmingly said it should all be residential housing. This is contrary to the Comprehensive Plan and current zonings.

The character of the area surrounding the Subject Property is not Suburban as currently classified. Concept plans, site plans and review/approval of all development plans will involve working with the community, the Planning and Sustainability Department, the Development Authority of DeKalb

County (DADC), and other DeKalb County departments.

The Owner (Mr. Morris Habif and Habif Properties) have been consolidating and redeveloping properties in the Atlanta area for many years. He was a key participant in the redevelopment south of Five Points since 1968 and has been featured in the Atlanta Journal Constitution several times regarding the positive work he has been doing for the area. ("Another Chance of a Lifetime awaits South Downtown Area", Torpy, AJC, Oct. 4, 2018; attached). Mr. Habif has successfully consolidated parcels to encourage development and redevelopment throughout his career. His company has a substantial list of successful projects in the Atlanta area (see https://habifproperties.com for more detailed information).

The Applicant requests the land use designation of the "Subject Property" be changed from <u>SUB</u> (Suburban) to <u>LIND</u> (Light Industrial). This would bring the Subject Property into consistency with:

- 1) The current uses of surrounding properties and zoning all of said properties which are currently zoned M Light Industrial;
- 2) the predominate future land use map designation of surrounding properties as LIND Light Industrial;
- 3) the text and policies of the 2021 DeKalb County Comprehensive Plan Policy;
- 4) and the Owner's right and ability to develop his land to have an economically viable use.

We respectfully request that the DeKalb Board of Commissioners approve the concurrent Land Use and the Rezoning Applications.

Sincerely,
Joseph L. Cooley, Esq.
Cooley Planning & Land Use Law, LLC
Attorney for Habif Properties (Owner)

<u>Letter of Intent</u> Rezoning & Land Use Change

For

2346 Pine Mountain Street (#16 168 01 008) (Subject Property), DeKalb County, Georgia

Rezoning/Land Use Change of the Subject Property from RE (Residential Estate) to M (Light Industrial) and from SUB (Subdivision) to LIND (Light Industrial) was applied for on August 28, 2008. Staff recommendations were for approval of the Land Use Change and approval of the Rezoning with conditions; however, the Land Use Change application was denied by the DeKalb County Board of Commissioners, and the Rezoning Application was not heard. The required two-year timeframe prior to resubmitting Rezoning and Land Use Applications has expired.

The Subject Property consists of approximately 1.224 acres. It is located west of Turner Hill Road; directly north of the City of Lithonia; and approximately 0.15 miles south of the Stonecrest city limits. *(see attachments)*. It is currently zoned RE. The parcel is mostly cleared with concrete and gravel areas which are visible in the attached aerial photograph. Past structures on the parcel included a dilapidated mobile home and shed, The mobile home has been antidotally described by neighboring land owners as a "crack house". The structures were demolished and the property has been vacant since.

The Subject Property is completely surrounded to the north, south, east and west with parcels zoned M. The surrounding future land use classification of the properties is primarily LIND.

The parcels immediately to the south, east and northeast also belong to the Owner. Those parcels consist of approximately 8.61 acres, are zoned M, and are designated LIND on the future land use map. The parcels were previously cleared, but remain undeveloped. The parcels have approximately 811 feet of frontage on Turner Hill Road, with direct access to Turner Hill Road via Turn Hill Road N. Combined with the Subject Property the total acreage is approximately 10.25 acres.

The Subject Property has no value as currently zoned Residential Estate and with a Suburban land use designation. By combining the Subject Property with the Owner's adjacent properties, which has direct access to Turner Hill Road, the Subject Property has possibilities for beneficial economic uses. This would ultimately be an economical benefit for the community and DeKalb County.

There was opposition to the application at the Board of Commissioners Land Use Change hearing over two years ago. Person speaking expressed a fear of an increase of illegal activities, such as prostitution and illegal drug sales, increased traffic that might be generated from future redevelopment, and change of character to the area. Some wanted to see a site development plan to know exactly what was to be built there.

As much as it may be desired, a site development plan cannot be realistically determined or prepared until such time that the parcels are consolidated with all having the same zoning and future land use designation. The character of the area surrounding the Subject Property is not Suburban as currently classified. Concept plans, site plans and review/approval of all future development plans will involve working with the community, the Planning and Sustainability Department, the Development Authority of DeKalb County (DADC), and other DeKalb County departments. Some issues, such as potential traffic impacts, cannot be properly addressed until such time as to a development concept is developed.

The Owner (Mr. Morris Habif and Habif Properties) have been consolidating and redeveloping properties in the Atlanta area for many years. He was a key participant in the redevelopment south of Five Points since 1968 and has been featured in the Atlanta Journal Constitution several times regarding the positive work he has been doing for the area. ("Another Chance of a Lifetime awaits South Downtown Area", Torpy, AJC, Oct. 4, 2018; attached). Mr. Habif has successfully consolidated parcels to encourage development and redevelopment throughout his career. His company has a substantial list of successful projects in the Atlanta area (see https://habifproperties.com for more detailed information).

The Applicant requests the land use designation of the "Subject Property" be changed from <u>SUB</u> (<u>Suburban</u>) to <u>LIND</u> (<u>Light Industrial</u>). This would bring the Subject Property into consistency with:

- 1) The current uses of surrounding properties and zoning all of said properties which are currently zoned M Light Industrial;
- 2) the predominate future land use map designation of surrounding properties as LIND Light Industrial;
- 3) the text and policies of the 2021 DeKalb County Comprehensive Plan Policy;
- 4) and the Owner's right and ability to develop his land to have an economically viable use.

We respectfully request that the DeKalb Board of Commissioners approve the concurrent Land Use and the Rezoning Applications.

Sincerely,

Joseph L. Cooley, Esq. Cooley Planning & Land Use Law, LLC Attorney for the Owner

APPLICANT'S STATEMENT OF IMPACT ANALYSIS FOR ZONING APPLICATION

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan?

Yes, the proposal is in conformity with the intent of the Comprehensive Plan. The parcel is 1.22 acres of undeveloped land currently zoned RE (Residential Estate) with a Comprehensive Plan designation of SUB (suburban). The Owner's adjacent 8.61 acre properties are designated LIND (light industrial) and zoned M. The Subject Property is completely surrounded by parcels zoned M.

2021 Comprehensive Plan 5 Year Update: Policies

The primary land use policies for the SUB include (pg. 118):

- Single Family Detached Residential
- Townhomes
- Assisted Living Facilities
- Neighborhood Residential
- Schools
- Libraries
- Health Care Facilities
- Parks and Recreation Facilities
- Public and Civic Facilities
- Institutional Uses.

The primary land use policies for the LIND include (pg. 115-116)

- · Light Industrial Uses
- Manufacturing
- Warehouse/Distribution
- Wholesale/Trade
- Automotive
- Accessory Commercial
- Education Institutions
- Community Facilities

SUB use policies (as stated in the Comprehensive Plan) are clearly **inconsistent and inappropriate** for the Subject Property due to surrounding zoning and land uses. It is within an area of surrounding properties designated LIND and zoned M.

Whereas, **LIND** use policies are **clearly consistent** with surrounding property uses and M zoning. The concurrent Land Use Designation change application and zoning change application would make the Subject Property consistent in zoning and land use, and be consistent with surrounding zoning, land use categories, and current uses.

<u>B.</u> 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 surrounding properties are primarily used are either undeveloped or used for light industrial and service industries. The Subject Property owners are also the owners of the 8.5 acre property adjacent to and east of the Subject Property. (parcel #16 167 08 024). Both parcels have been impacted from previous clearing in mining operations. The rezoning would allow a sensible consolidation of parcels to be in the same zoning and land use classification.

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

No. The subject property is currently zoned RE (residential estate) but is surrounded by M (light industrial) zoned land. As currently zoned (RE) one single-family estate residence could be constructed on the property, but it would be surrounded by property zoned M (light industrial). It is not a suitable, usable, or a realistic use for a single-family residence. Approval of the applications to LIND and M would allow the Owner a viable use for the property.

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

No, the property is located within a large area of M zoned properties and would have no negative affect on surrounding properties. The property northeast of the property is zoned M, but an existing older home is still utilized as a rental. The Owner would be acceptable to a buffer requirement between the two properties at the time more defined development plans are being considered.

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

The Subject Property was rezoned in 1985 (CZ-83005). The Applicant submitted an Open Records Act request, but the County could not find the rezoning file or any records related to the rezoning.

The zoning and land use have already changed in the surrounding area, making the Subject Property unusable as RE. Other properties of the same block are all zoned M. Properties having older residential structures have been converted to service-related businesses. The rezoning of the property to M (light industrial) would be consistent with existing uses and conditions of adjacent properties.

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

There are no historic buildings or archaeological resources on the site to the knowledge of the owner and no historic districts close to the property.

G. Whether the zoning proposal will result in a use, which will or could cause excessive burdensome use of existing streets, transportation facilities, utilities or schools?

No negative or burdensome impacts are expected from the rezoning of the Subject Property. All properties along Pine Mountain Street, except for one, have already been zoned M.

Deed Book 19014 Pg250 Linda Carter Clerk of Superior Court DeKalb Counts, Georgia

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 167 AND 168 OF THE 16TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET AT A POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF PINE MOUNTAIN STREET (HAVING A 20 FOOT RIGHT-OF-WAY) MEETS THE NORTHERLY RIGHT-OF-WAY LINE OF OLD VENABLE RAILWAY. SAID POINT IS 26.8 FEET FROM THE CENTERLINE OF SAID RAILWAY AND PINE MOUNTAIN STREET; THENCE RUN ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PINE MOUNTAIN STREET NORTH 06 DEGREES 08 MINUTES 00 SECONDS EAST A DISTANCE OF 76.20 FEET TO A NAIL IN A CONCRETE DRIVE; THENCE RUN NORTH 88 DEGREES 16 MINUTES 00 SECONDS EAST A DISTANCE OF 83.00 FEET TO A POINT; THENCE RUN NORTH 16 DEGREES 01 MINUTE 53 SECONDS EAST A DISTANCE OF 126.87 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 11 MINUTES 49 SECONDS EAST A DISTANCE OF 214.53 FEET TO AN IRON PIN SET; THENCE RUN SOUTH 05 DEGREES 41 MINUTES SS SECONDS WEST A DISTANCE OF 126.09 FEET TO A IRON PIN SET ON THE LINE DIVIDING LAND LOTS 167 AND 168; THENCE RUN SOUTH 03 DEGREES 54 MINUTES 01 SECOND WEST A DISTANCE OF 78.00 FEET TO AN IRON PIN SET; THENCE RUN NORTH 88 DEGREES 54 MINUTES 41 SECONDS WEST A DISTANCE OF 322.86 FEET TO AN IRON PIN SET AND THE POINT OF BEGINNING, CONTAINING 1.224 ACRES AS PER SURVEY PREPARED FOR SHARON ANDERSON, BY E. G. DAVIS, GEORGIA REGISTERED LAND SURVEYING NO. 2363, DATED MARCH 25, 2002.

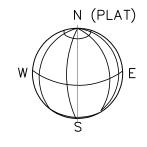
TOGETHER WITH A PERPETUAL EIGHT (8) FOOT WIDE EASEMENT TOGETHER WITH ALL RIGHTS, AND PROVISION NECESSARY FOR THE FULL USE AND ENJOYMENT OF SAID EASEMENT, INCLUDING THE RIGHT OF INGRESS AND EGRESS, PASS AND REPASS, TO AND ACROSS SAID EASEMENT WHICH SAID EASEMENT IS MORE FULLY DESCRIBED IN THAT WARRANTY DEED FROM CHARLES C. FURGERSON TO RANDY LAMAR ANDERSON, DATED FEBRUARY 9, 1978, RECORDED IN DEED BOCK 3747, PAGE 823, DEKALB COUNTY, GEORGIA RECORDS.

1: This Plat has been prepared without the benefit of a current title report. Easements or encumberances may exist that are not shown on

2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for

2346



100'

LEGEND

1" = 50'

EDGE OF PAVEMENT (CURB) EOP M PP POWER POLE

RIGHT OF WAY O IPF IRON PIN FOUND

O IPS 1/2" REBAR SET SIDE WALK

OHP OVERHEAD POWER

BOLLARD

🙇 FH FIRE HYDRANT 0 CB CATCH BASIN

0

MH MANHOLE WM WATER METER

W WY WATER VALVE GV GAS VALVE

© GM GAS METER

□ LIGHT POLE

CONCRETE PAD

DEKALB SURVEYS, INC. 407 WEST PONCE DE LEON AVENUE SUITE B DECATUR, GEORGIA 30030 404.373.9003

www.dekalbsurveys.com COA 1086

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REFERENCE: DB 21038 PG 155 DB 23479 PG 198 DB 19014 PG 250

SURVEY FOR SHARON ANDERSON BY E.G. DAVIS

DATED 3-25-2002

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY. GEORGIA 13089C0178K EFFECTIVE DATE DECEMBER 8, 2016

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT NORTH PROPERTY LINE IS BEARING BASIS FROM SURVEY FOR SHARON ANDERSON BY E.G. DAVIS DATED 3-25-2002

TOTAL AREA: 79,361 SQ FT, 1.822 AC

CALCULATED PLAT CLOSURE: 1:237,684 FIELD DATA:

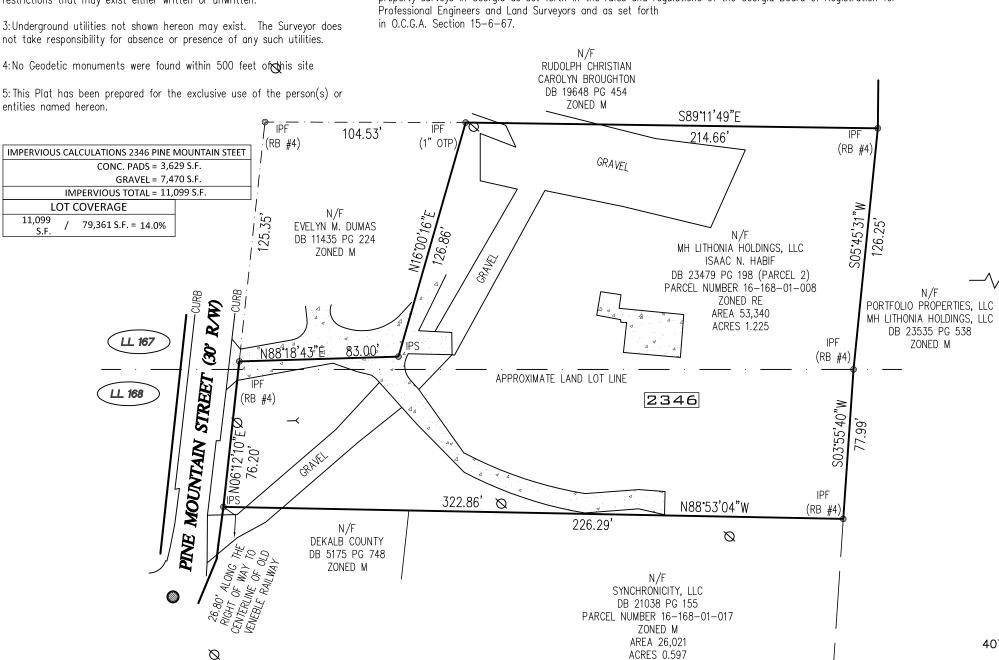
DATE OF FIELD SURVEY 8-8-2018

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.

EQUIPMENT:

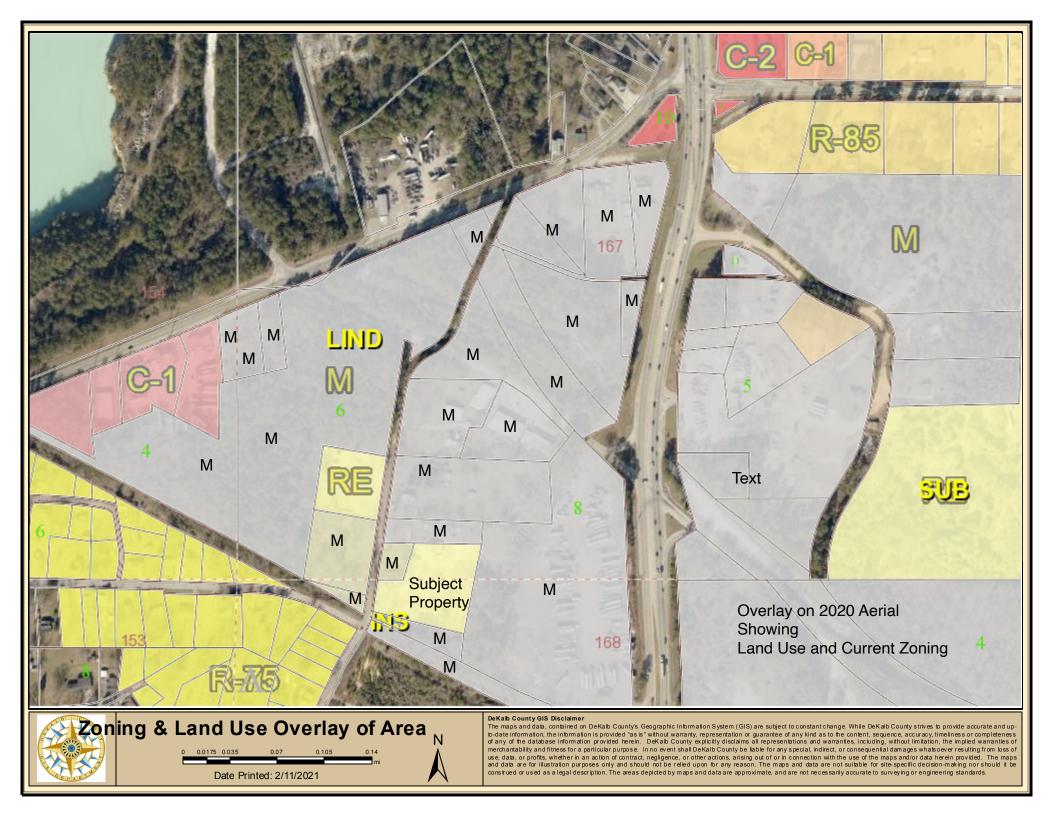
ELECTRONIC TOTAL STATION

SURVEY FOR SHARON ANDERSON

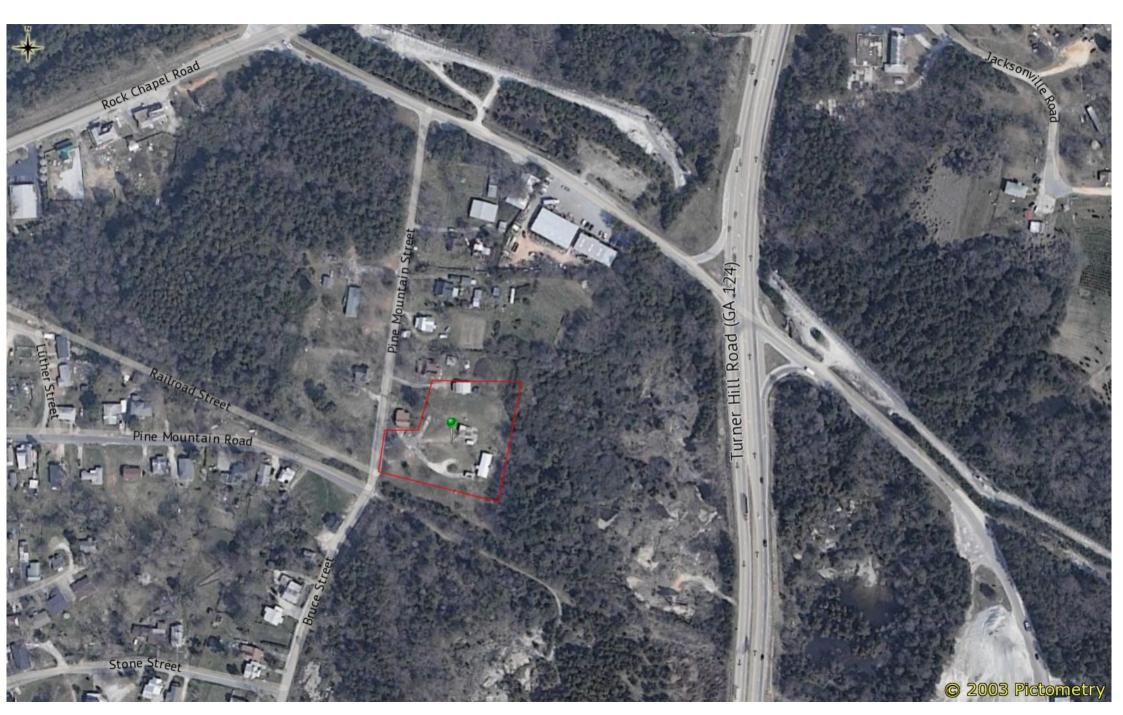


2346 PINE MOUNTAIN STREET

DEKALB COUNTY, GEORGIA LAND LOT 167 & 168, DIST 16 DATE: AUGUST 23, 2018



2003 area aerial



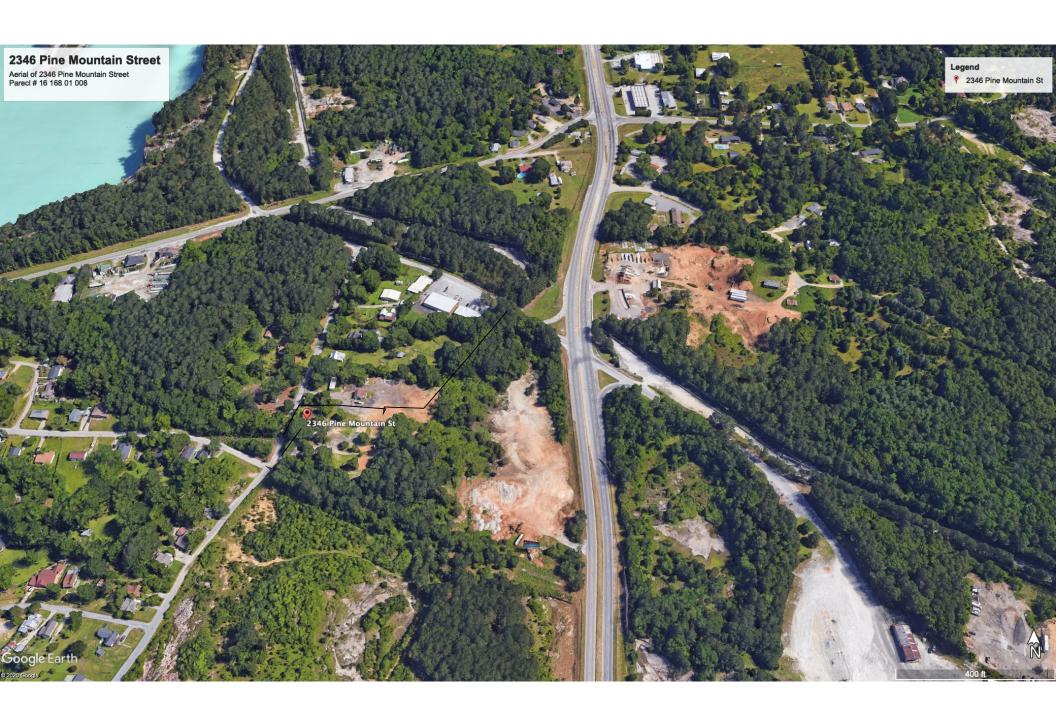
2011 aerial

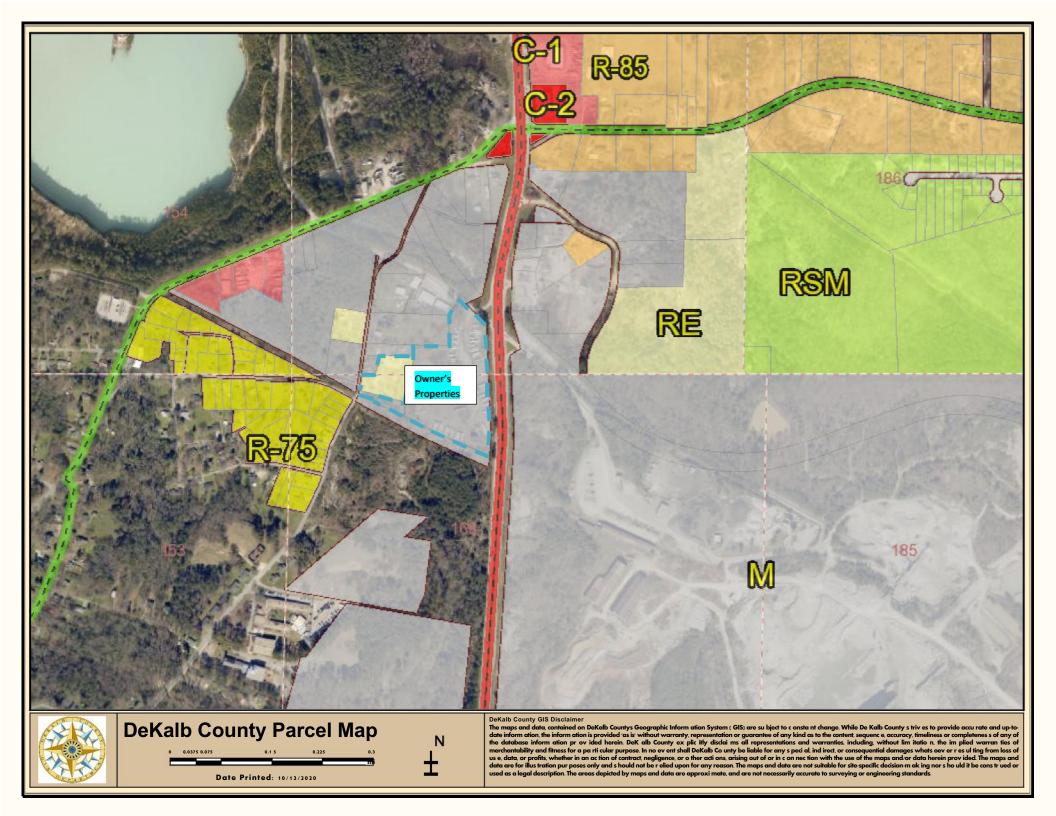


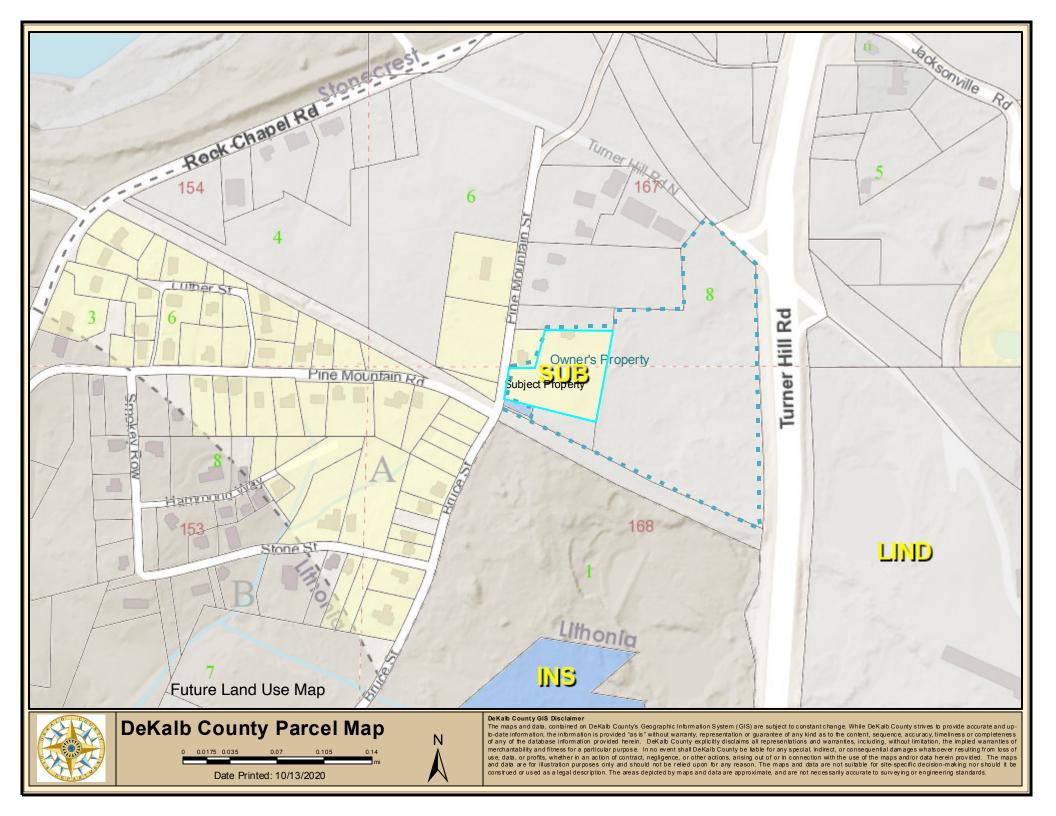


Feb 2020 aerial area











Joseph L. Cooley AICP RLA JD Attorney-at-Law Land Use Planning/Land Use and Zoning Law

<u>DeKalb County Rezoning of Property and Change of Land Use at</u>

2346 Pine Mountain Road, DeKalb County

Appropriateness of Application

and

Constitutional Assertions

The Applicant in order to preserve all rights of appeal and as required by Georgia law for such appeals hereby asserts the following:

The portions of the zoning resolution of DeKalb County and comprehensive land amendment as applied to the Subject Property which classify or may classify the Subject Property so as to prohibit its development as proposed by the Applicant are and would be unconstitutional in that they would destroy the Applicant's property right without first paying fair, adequate and just compensation for such rights in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1083, Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the zoning resolution and comprehensive land amendment of DeKalb County to the Subject Property that restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the First 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 Georgia of a983 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 and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of Georgia of 1083, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to approve this Application for rezoning and comprehensive plan amendment as proposed by the Applicant would be unconstitutional and discriminate in a arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 10893 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of this Application 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 the Applicant's utilization of the Subject Property would also constitute an arbitrary, capricious, and discriminatory act and would likewise violate the provisions of the State and Federal Constitutions set forth hereinabove.

Owner	Property Number	Property Street	City	ZIP	Mailing Add	<u>fress</u>	Acceptation of the second		-	Notice Statu
Evelyn Dumas	2338	Pine Mountain Street	Lithonia	30058	4168	Indian Forest Road	Stone Mountain	GA		delivered
Christian Rudolph	2328	Pine Mountain Street	Lithonia	30058	2328	Pine Mountain Street	Lithonia	GA	100000000000000000000000000000000000000	delivered
Jose Jimenez	2356	Pine Mountain Street	Lithonia	30058	1310	C Street	Elmont	NY		delivered
Synchronicity LLC	2346	Pine Mountain Street	Lithonia	30058	PO Box 8087	77	Conyers	GA		delivered
Lori Mccart	2312	Pine Mountain Street	Lithonia	30058	2312	Pine Mountain Street	Lithonia	GA		delivered
Julia Binion Poynter	2294	Pine Mountain Street	Lithonia	30058	2294	Pine Mountain Street	Lithonia	GA	and the second	delivered
ARS Mechanical LLC	7195	Pine Mountain Street	Lithonia	30058	1941	Gees Mill Road	Conyers	GA		delivered
Doris Williams	2313	Pine Mountain Street	Lithonia	30058	2313	Pine Mountain Street	Lithonia	GA	30058	delivered
Sara Lynn Anderson	2337	Pine Mountain Street	Lithonia	30058	2337	Pine Mountain Street	Lithonia	GA		returned
Thomas Spratling	2357	Bruce Steet	Lithonia	30058	2357	Bruce Steet	Lithonia	GA	1.00	delivered
Tomika Nichols	2361	Bruce Steet	Lithonia	30058	2361	Bruce Steet	Lithonia	GA	30058	returned
Arthur Scott	2365	Bruce Steet	Lithonia	30058	2365	Bruce Steet	Lithonia	GA		delivered
Willie Johnson	2369	Bruce Steet	Lithonia	30058	2369	Bruce Steet	Lithonia	GA		returned
Gil Haim Varon	2375	Bruce Steet	Lithonia	30058	2375	Bruce Steet	Lithonia	GA		delivered
GSGS Atlanta LLC	2381	Bruce Steet	Lithonia	30058	922	Presserve Bluff Dr.	Buford	GA		delivered
Juan Carlos Garcia	2389	Bruce Steet	Lithonia	30058	2389	Bruce Steet	Lithonia	GA		returned
Jerome Franklin	7098	Stone Street	Lithonia	30058	7098	Stone Street	Lithonia	GA		delivered
Woodie Frankllin	7086	Stone Street	Lithonia	30058	7086	Stone Street	Lithonia	GA		delivered
Robert Scott	7123	Pine Mountain Road	Lithonia	30058	7123	Pine Mountain Road	Lithonia	GA		delivered
Robin Elaine Fretwen	7155	Pine Mountain Road	Lithonia	30058	7155	Pine Mountain Road	Lithonia	GA		delivered
Claudine Anderson	7101	Pine Mountain Road	Lithonia	30058	7101	Pine Mountain Road	Lithonia	GA		delivered
Davidson Mineral Prop. Inc	2388	Rock Chapel Road	Lithonia	30058	3520	Piedmont Rd. Suite 410	Atlanta	GA	30305	delivered
Properties owned by Mi	Lithonia Holdings LLC or Del	Calb Counnty are not included on the r	neiling list.							
Highlighted in Yellow: Persons living at properties who came to the Pre-App Community Meeting										

The meeting was held via Zoom and lasted approximately 1 hr. 10 min.

Attached is the two notices of the Zoom meeting (second containing additional information), list of property owners notified and letters that were returned.

- Property currently Zoned RE Residential Estate and is identified future land use map as SUB Suburban.
- It was rezoned with conditions to Residential Estate in 1988
- Mostly cleared with concrete and gravel areas.
- Many years ago, it had a trailer on the property- identified by neighbors as a crack house
- Subject Property: parcel consists of 1.22 acre zoned RE Residential Estate

Owner owns a total of 10.45 total acres in the block formed by:

- Turner Hill Road North to the north
- o Turner Hill Road to the east
- o Abandoned RR ROW and Lithonia City Limits to the south
- Pine Mountain Street to the west.
- There are 11 parcels within that block:
 - 9 currently zoned M Light Manufacturing
 - o 1 (subject property) is zoned RE residential estate.
 - o 0.05 ac parcel at the corner of PM Street and the RR ROW zoned I Institutional vacant
- On both sides of Pine Mountain Street there are only 2 properties zoned RE:
 - Subject Property &
 - The property at 2313 Pine Mountain Street (approx. 1 ac) (further north down on the west side) with a single family detached home with 3 other buildings.
 - All the other property on both sides of the street are currently zoned M light manufacturing. (except for 0.05 ac Dekalb County parcel)
- It is not developable as Residential Estate and should not be shown as being Suburban under the Land Use policies and character area characteristics of the 2036 land use plan update.
- The property has no economic value as currently zoned.

I met with members of the neighboring area on Wednesday February 3.

- They were opposed to rezoning.
- I discussed many types of uses allowed in Light Industrial zoning
- We discussed what they wanted to see and the answer was "We want to see the entire area as residential."
- I explained the comprehensive planning process and I suggested if that is the way the feel they may
 about the whole area they may want to contact the BOC and the Planning & Sustainability Department
 to see if there would be interest in trying to have a Small Area Plan done to relook at the long range
 uses.
- No one would agree.

I told them I would discuss it with my Client the next day, which I did.

• He informed me that they are planning to develop the property for warehouse use and the plans will be submitted with the final application for public hearings.



MINA

Thomas Spratling 2357 Bruce Street Lithonia, GA 30058

MIXIE

300 4C 1

0201/29/2

RETURN TO SENDER NO MAIL RECEPTACLE UNABLE TO FORWARD

.uK: 93243107423240

30518>4527

NMR

BC: 30518452743 *2091-02324-29-

Cooley Planning & Land Use Lav 243 Highland Rose Way Sugar Hill, GA 30518

Arthur Scott
2365 Bruce Street
Lithonia, GA 30058

:K1: 33543187443368

NMR

30518>4527

NIXIE 500 4C 1 0201/29/2

RETURN TO SENDER NO MAIL RECEPTACLE UNABLE TO FORWARD

BC: 30518452743 *2091-02320-29-

Cooley Planning & Land Use L 243 Highland Rose Way Sugar Hill, GA 30518

Robin Elaine Fretwen 7155 Pine Mountain Road Lithonia, GA 30058

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0201/29/2

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Cooley Planning & Land Use 243 Highland Rose Way Sugar Hill, GA 30518

Sara Lynn Anderson 2337 Pine Mountain Street Lithonia, GA 30058

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