

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Urban Retail LLC c/o Battle Law for a Special Land Use Permit (SLUP) request to allow an increase in building height to four stories for a self-storage facility in the C-1 (Local Commercial) District, at 1923 Clairmont Road.

PETITION NO: N18. SLUP-21-1244574 2021-2125

PROPOSED USE: Height increase to four stories for a self-storage facility.

LOCATION: 1923 Clairmont Road, Decatur, Ga.

PARCEL NO.: 18-103-05-022

INFO. CONTACT: Dustin Jackson, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Urban Retail LLC c/o Battle Law for a Special Land Use Permit (SLUP) request to allow an increase in building height to four stories for a self-storage facility in the C-1 (Local Commercial) District. The property is located on the southeast corner of Clairmont Road and North Williamsburg Drive, at 1923 Clairmont Road, Decatur. The property has approximately 200 feet of frontage on Clairmont Road, 233 feet of frontage on North Williamsburg Drive and contains 1 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: Based on the impact analysis and land use analysis above, the Special Land Use Permit request is consistent with the following intent of the 2035 Comprehensive Plan: “promote the redevelopment of declining commercial corridors and improve the function and aesthetic appeal of more stable commercial corridors”. Per the impact analysis above, the Special Land Use request meets the standards and adequacies of the design and aesthetic of the surrounding community. The request presents limited negative impacts on current traffic conditions and on the natural environment. The size, scale, and massing of the proposed use corresponds with some existing buildings in the vicinity and does not create a negative impact on the built environment. Per the impact analysis, the Special Land Use request will not adversely affect the existing use or usability of adjacent or nearby properties. The Department of Planning and Sustainability recommends “Approval with Conditions”.

PLANNING COMMISSION VOTE: Denial 9-0-0. P. Womack, Jr. moved, J. West seconded for denial. The Board felt the request of four-stories was inappropriate in this area and there was strong opposition from the community.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 5-0-0.

SLUP-21-1244574
Recommended Conditions

1. The subject property shall be developed in substantial conformity with the following site plans: "Variance Site Plan", prepared by Bohler, dated 12-18-20 and with the building elevation attached to the SLUP application.
2. The Special Land Use Permit shall be issued to Urban Retail, LLC for the increase in building height from two stories to four stories.
3. Incorporate a public seating area with at least one bench in the shaded space under new or existing trees along Clairmont Road.
4. The Special Land Use Permit issued to Urban Retail, LLC for the increase in building height from two stories to four stories shall not be transferrable.
5. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entities whose decision should be based on the merits of the application under review by such entity.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: March 4, 2021
Board of Commissioners Hearing Date: March 25, 2021

STAFF ANALYSIS

Case No.: SLUP-21-1244574 **Agenda #:** N18

Location/Address: 1923 Clairmont Road, Decatur, GA 30033 **Commission District:** 02 **Super District:** 06

Parcel ID: 18-103-05-022

Request: Special Land Use Permit (SLUP) request to allow an increase in building height to four stories for a self-storage facility.

Property Owner(s): Urban Retail, LLC

Applicant/Agent: Urban Retail, LLC c/o Battle Law P.C.

Acreage: 1.00 acres

Existing Land Use: Single-Family Residential

Surrounding Properties: To the north of the subject property is North Williamsburg Dr., to the south is commercial, to the west is Clairmont Drive, and to the east is commercial.

Adjacent Zoning: North: C-1 South: C-1 East: O-I West: O-I

Comprehensive Plan: Commercial Redevelopment Corridor (CRC)
Consistent Inconsistent

Proposed Density: N/A	Existing Density: N/A
Proposed Square Ft.: 110,000 Sq. Ft.	Existing Units/Square Feet: 1,808 Sq. Ft.
Proposed Lot Coverage: N/A	Existing Lot Coverage: N/A

Subject Property

The subject property is a one acre site located on the southeast corner of Clairmont Road and North Williamsburg Drive. The property is currently occupied by an existing gas station and convenience store zoned C-1 (Local Commercial). Bordering the eastern property line is an existing garden-style office park and parking lot zoned OI (Office Institutional). Bordering the southern property line is an existing restaurant zoned C-1 (Local Commercial). Bordering the northern property line is North Williamsburg Drive and an existing one-story commercial building zoned C-1 (Local Commercial). Across Clairmont Road from the subject property are various existing commercial and institutional buildings such as a family therapist office and a pre-school zoned OI (Office Institutional). The closest multi-family units are located about 350 feet east of the subject property on North Williamsburg Drive. The next closest residential units are located slightly over 350 feet southwest of the subject site and are classified as senior housing units. The Goddard School of Decatur is located across the street from the subject property. The closest natural waterway is Burnt Fork Creek about 1900 feet east of the subject property.

Zoning History

Based on DeKalb County records, it appears that the C-1 (Local Commercial) zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956. The *DeKalb County 2035 Comprehensive Plan* designates the subject property's future land use as Commercial Redevelopment Corridor (CRC). The CRC (Commercial Redevelopment Corridor) future land use designation has a preferred building height of 1-3 stories.

Project Analysis

Per the submitted Special Land Use Permit application, the applicant is requesting an increase in allowed building height from two stories to four stories for the development of an 110,000 square feet self-storage facility. The proposed use, mini-warehouse, is permitted by-right, subject to a 2-story/35-foot maximum height limitation.

Impact Analysis

- A.** Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The proposed self-storage facility has adequate land available for the use and meets all required yard, open space, and parking provisions from the Dekalb County code.

- B.** Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

The proposed self-storage facility is comparable with the adjacent properties and land uses. The adjacent uses consist of various office and educational uses.

C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

The proposed use at the subject site has adequate public services, public facilities, and utilities to meet County requirements and the proposed uses demand.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The proposed use has its main entrance and exit located off North Williamsburg Drive in the same location as the existing entrance and exit and will not hinder current traffic conditions on North Williamsburg Drive, nor will it contribute negatively to current traffic patterns on North Williamsburg Drive. The proposed use will have a designated loading area in the rear of the building that will have the capacity to accept moving trucks and other vehicles, further reducing the use's impact on traffic conditions. This loading area will bring trucks and vehicles into the building where customers can effectively park and unload without hindering traffic. The proposed use has no entrance or exit on Clairmont Road therefore limiting the impacts on the current traffic conditions. In most instances self-storage facilities generate very few trips which contribute to minimal impacts on traffic conditions. The Dekalb County Transportation Department requires that the proposed use have safe vehicular circulation and paved off street parking.

E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

The existing uses located along the access route to the site will not be adversely affected by the character of vehicles or volume of traffic generated by the proposed use. The self-storage facility will attract various types of vehicles such as cars, SUVs, and vehicles designated for moving purposes. It is not expected that the use of the site will generate excessive traffic that will adversely affect any of the surrounding existing uses.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

The subject property has adequate ingress and egress off of North Williamsburg Road that has a marked pedestrian crossing with clear sight triangles for automotive safety and convenience. The site has adequate ingress and egress to allow for safe and efficient access of emergency vehicles such as fire safety vehicles, medical emergency vehicles, and public safety vehicles.

- G.** Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed use will create no adverse environmental effects on the adjoining land uses. The proposed self-storage facility will not generate any noises or vibrations that are abnormal for any commercial use.

- H.** Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

The proposed use will not serve as a 24-hour establishment, rather it will be accessible to customers during standard business hours and extended evenings. The benefits of self-storage hours of operation is that they allow customers to safely access the building during hours that are in alignment with the hours of activity in the surrounding community.

- I.** Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The proposed self-storage use within the C-1 (Local Commercial) district will have no adverse impact on the adjoining uses by reason of manner of operation. The self-storage use being proposed at the subject property will enhance the surrounding uses and improve the aesthetic of the area by incorporating a building design that emulates an office building, which is similar to other surrounding commercial structures. The proposed use also incorporates existing and new landscaping elements into its design.

- J.** Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The self-storage use being proposed is consistent with and meets the requirements of the C-1 (Local Commercial) zoning district classification. Per the Dekalb County Code self-storage facilities are permitted in the C-1 (local commercial) zoning district.

- K.** Whether the proposed use is consistent with the policies of the comprehensive plan.

Per the comprehensive plan the future land use designated is CRC (Commercial Redevelopment Corridor). The proposed use is consistent with the Dekalb County Comprehensive Plans future land use objective to “promote the redevelopment of declining commercial corridors and improve the function and aesthetic appeal of more stable commercial corridors”. In its current condition, the use at the site does not contribute to the objective mentioned, however, the proposed use will make the site viable and usable once again. The proposed use will have a design incorporated that is meant to enhance the aesthetic appeal of the commercial corridor and contribute to the future redevelopment of commercial corridor.

- L.** Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed use meets the C-1 (local commercial) code buffer requirements per Article 5 Section 5.4 of the Dekalb County Code.

- M.** Whether there is adequate provision of refuse and service areas.

The proposed use has adequate provision of refuse and service areas.

- N.** Whether the length of time for which the special land use permit is granted should be limited in duration.

The Special Land Use request should not be limited in duration due to this permit allowing for the increase in height for a structure that will be existing for a long term basis.

- O.** Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The proposed building will consist of 3-4 floors of self-storage space that is appropriate in relation to the size, scale, and massing of the adjacent lots and buildings. The adjacent buildings range in height from 1-4 floors and are commercial uses. The Goddard School located across Clairmont Road has a height of 2-floors, and across Clairmont Road from the subject property is an existing 2-story office building which is home to various medical services. Within a 1-mile radius of the subject property there are a number of buildings with heights above 3-floors. About 350 feet southwest of the subject property on Clairmont Road is the Holbrook of Decatur which is 5-stories and shares the same future land use (CRC) as the subject property. Clairmont Crest which is located about 400 feet south of the subject property on Clairmont Road is 5-stories and also shares the same future land use (CRC) as the subject property. Also south of the subject property is the Overlook at Clairmont which are 3-4 story townhomes. Just beyond the Overlook at Clairmont is the Atlanta VA Medical Center which consists of a number of buildings ranging in heights from 4 to 15 stories. Another building within a 1-mile radius is Clairmont Place which is 7-stories. In response to community concerns and requests, the building is set back from the street in order to address scale and massing.

- P.** Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

There are no know historic building, sites, districts or archeological resources in the immediate area that will be adversely effected by the proposed use.

- Q.** Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed use meets the requirements of the supplemental regulations for the Special Land Land Use Permit. The proposed use has sufficient buffering by distance and landscaping from nearby uses and nearby residential uses. The proposed use also has sufficient architectural and design quality to be in harmony with the existing aesthetic of the surrounding neighborhood. The exterior of the building is designed to emulate an office building in order to fit into the existing built environment and improve aesthetic flow of the corridor. The proposed use aligns with the DeKalb County Comprehensive Plan which promotes the redevelopment of declining commercial corridors and improve the function and aesthetic appeal of more stable commercial corridors.

- R.** Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed self-storage use has sufficient distance from adjoining lots preventing any negative shadow impacts.

- S.** Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed self-storage use shows consistency with the needs of the neighborhood and aesthetically meets the compatibility of the surrounding community. The proposed use shows consistency with the *Comprehensive Plan* and meets the requirements of a Commercial Redevelopment Corridor (CRC). Although self-storage facilities are auto-dependent, the proposed site plan seeks to conceal and funnel vehicular traffic from Clairmont Road to the rear of the facility; remove parking spaces from the front of the site; while including an enhanced streetscape to make the redevelopment more pedestrian friendly; and preserve a few existing trees along Clairmont Road.

Staff Recommendation

Based on the impact analysis and land use analysis above, the Special Land Use Permit request is consistent with the following intent of the *2035 Comprehensive Plan*: “promote the redevelopment of declining commercial corridors and improve the function and aesthetic appeal of more stable commercial corridors”. Per the impact analysis above, the Special Land Use request meets the standards and adequacies of the design and aesthetic of the surrounding community. The request presents limited negative impacts on current traffic conditions and on the natural environment. The size, scale, and massing of the proposed use corresponds with some existing buildings in the vicinity and does not create a negative impact on the built environment. Per the impact analysis, the Special Land Use request will not adversely affect the existing use or usability of adjacent or nearby properties. The Department of Planning and Sustainability recommends approval with conditions.

1. The subject property shall be developed in substantial conformity with the following site plans: “Variance Site Plan”, prepared by Bohler, dated 12-18-20 and with the building elevation attached to the SLUP application.
2. The Special Land Use Permit shall be issued to Urban Retail, LLC for the increase in building height from two stories to four stories.
3. Incorporate a public seating area with at least one bench in the shaded space under new or existing trees along Clairmont Road.
4. The Special Land Use Permit issued to Urban Retail, LLC for the increase in building height from two stories to four stories shall not be transferrable.
5. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entities whose decision should be based on the merits of the application under review by such entity.

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: Urban Retail, LLC c/o Battle Law P.C.

Daytime Phone #: 404-601-7616 Fax #: 404-745-0045

Mailing Address: One West Court Sq., Suite 750, Decatur, GA 30030

E-mail: mlb@battlelawp.com

OWNER NAME: Urban Retail, LLC (if more than one owner, attach contact information for each owner)

Daytime Phone #: 404-630-4761 Fax #: _____

Mailing Address: 3905 Lavista Road, Suite C, Tucker, GA 30084

E-mail: usmangandhi@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 1923 Clairmont Road

Decatur, DeKalb County, GA, 30033

District(s): 18 Land Lot(s): 103 Block(s): 05 Parcel(s): 022

Acreage or Square Feet: 1.018 acres Commission District(s): 2&6 Existing Zoning: C-1

Proposed Special Land Use (SLUP): Increase height from 2 stories to 4 stories for a Self-Storage Facility

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: _____ Agent: Signature of Applicant: Battle Law, P.C.
(Check One) By: [Signature]

Printed Name of Applicant: Michele L. Battle, President

Notary Signature and Seal:

[Signature]



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 12/30/2020

TO WHOM IT MAY CONCERN:

(I) (WE), Urban Retail, LLC
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to
Battle Law, P.C.
Name of Applicant or Agent

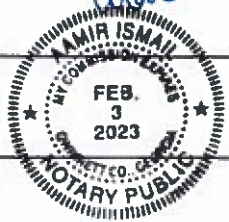
to file an application on (my) (our) behalf.

Amir Ismail [Signature] Urban Retail, LLC
Notary Public 12/30/2020 By: [Signature]
Owner

N/A [Signature] N/A
Notary Public Owner

N/A [Signature] N/A
Notary Public Owner

N/A [Signature] N/A
Notary Public Owner





Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Urban Retail, LLC c/o Battle Law, P.C Phone: 404.601.7616 Email: mlb@battlelawpc.com

Property Address: 1923 Clairmont Road, Decatur, GA 30033

Tax Parcel ID: 1810305022 Comm. District(s): 2 & 6 Acreage: 1.018

Existing Use: CRC - Self Storage Facility Proposed Use CRC - Self Storage Facility

Supplemental Regs: No Overlay District: No DRI: No

Rezoning: Yes No X

Existing Zoning: C-1 Proposed Zoning: N/A Square Footage/Number of Units: N/A

Rezoning Request: _____

Land Use Plan Amendment: Yes No X

Existing Land Use: CRC Proposed Land Use: N/A Consistent N/A Inconsistent N/A

Special Land Use Permit: Yes X No Article Number(s) 27- _____

Special Land Use Request(s) (SLUP) Increase height from 2 stories to 4 Stories for a Self-Storage Facility

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____
 Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____
 Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
 Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
 Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
 Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____ Enhanced
 Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size:
 _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____ Buffers: _____
 Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____ Screening:
 _____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____ Bldg. Height: _____ Bldg.
 Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____ Roofs: _____ Fenestration: _____
 Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____
 Possible Variances: _____

Comments: _____

Planner: _____

J Prince

Date

1-15-2021

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00



MICHELE L. BATTLE, ESQ.
President

December 22, 2020

RE: A Proposed Rezoning Project at 1923 Clairmont Road, Decatur, Georgia 30033

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Wednesday, January 6, 2021 from 6:00pm – 7:00pm to discuss a proposed Rezoning project for property located at 1923 Clairmont Road, Decatur, Georgia 30033. My client, Urban Retail, LLC is seeking a Special Land Use Permit to allow for height up to 4 stories in connection with the development of a Multi-Story Self-Storage Facility.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 2 or email us at bdc@battlelawpc.com and we'll send you a summary of the meeting.

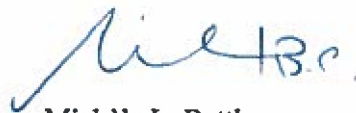
You are invited to a Zoom meeting.
When: Jan 6, 2021 06:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:
<https://us02web.zoom.us/join/register/tZYtdOGurjlsHdPCltyH-UejKdOdY0Z0h4ah>

After registering, you will receive a confirmation email containing information about joining the meeting.

Please contact our offices if you have any questions regarding the meeting.

Sincerely,



Michèle L. Battle



Zoom Step by Step Instructions

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” (the meeting ID will be a 9 digit or 10 digit number)

If joining from a mobile Device

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If joining from a computer

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

Join Audio via Computer

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio

Join Audio via Telephone

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

Raising Your Hand

As the non-speaker if you wish to ask a question or make a point during the meeting it's good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

Leave Meeting

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 103 of the 18th District, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at 5/8-inch rebar set at the intersection of the eastern right-of-way of Clairmont Road (100' right-of-way) with the southern right-of-way of North Williamsburg Drive (60' right-of-way); Thence along said right-of-way of North Williamsburg Drive, South 88 degrees 32 minutes 44 seconds East a distance of 233.79 feet to a PK nail set on the division line between N and L Investment Properties (Deed Book 23165, Page 25) and Williamsburg Professional Center, LLC (Deed Book 10586, Page 320); Thence leaving said right-of-way, along said division line, South 20 degrees 06 minutes 20 seconds West a distance of 125.20 feet to a PK nail set; Thence South 19 degrees 58 minutes 32 seconds West a distance of 74.25 feet to a PK nail set; Thence North 88 degrees 41 minutes 05 seconds West a distance of 17.31 feet to a PK nail set; Thence North 89 degrees 03 minutes 07 seconds West a distance of 52.90 feet to a 5/8-inch rebar set; Thence North 88 degrees 45 minutes 07 seconds West a distance of 163.92 feet to a 1/2-inch rebar found on the eastern right-of-way of Clairmont Road; Thence along said right-of-way, North 20 degrees 02 minutes 57 seconds East a distance of 200.60 feet to a 5/8-inch rebar set at the intersection of the eastern right-of-way of Clairmont Road with the southern right-of-way of North Williamsburg Drive; Said 5/8-inch rebar set being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.018 Acres.

STATEMENT OF INTENT

And

Other Material Required by
DeKalb County, Georgia Zoning Ordinance
For

A Special Land Use Permit for an Increase in Height pursuant to
the DeKalb County Zoning Ordinance

Of

URBAN RETAIL, LLC

For

+/-1.018 acres of Land
Being 1923 Clairmont Road
Land Lot 103, 18th District, Unincorporated DeKalb County

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Urban Retail, LLC, is the owner of the property located at 1923 Clairmont Road, Decatur, GA (the "Subject Property"). The Subject Property has a land use designation of Commercial Redevelopment Corridor (CRC) and is zoned C-1 unconditional. The Application is seeking to develop a four (4) story self-storage facility on the Subject Property. As the Subject Property is not located within an activity center as defined in the DeKalb County Zoning Ordinance, a Special Land Use Permit is needed in order to exceed 2 stories.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Zoning Ordinance Section 27-7.4.6 Criteria. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

ZONING ORDINANCE SECTION 27-7.4.6 - CRITERIA

- A. Adequacy of the size of the Site for contemplated use/height:** The Subject Property is more than adequate for the proposed use, with the additional building height.
- B. Compatibility of the proposed use/height with adjacent properties:** The proposed use/height is compatible with the height and use of nearby properties including 1880 and 1861 Clairmont Road, which are both five (5) building. There are no single-family residential units abutting the Subject Property.
- C. Adequacy of public services, facilities and utilities:** There are adequate public services, facilities and utilities to support the proposed uses.
- D. Adequacy of the public street:** The Subject Property is located on Clairmont Road, which is a major arterial road, which is appropriate for a commercial development.
- E. Possibility of adverse effect along access routes to the site:** There is no possibility of adverse effect along the access route to the Subject Property as a result of the use of the Subject Property, or proposed height of the proposed improvements.
- F. Ingress and egress to the Subject Property:** There is adequate ingress and egress to the Subject Property. The proposed project will have two driveways, which allow for adequate circulation for ingress and egress. Access to the office and outside loading dock will be off North Williamsburg Dr., which is a public street. The other access point will be off of the private driveway for the Williamsburg Business Office complex to the rear of the building.
- G. Adverse impact on adjoining land use by reason of noise, smoke, odor, dust or vibration:** The Applicant's proposed use of the Subject Property will not create an adverse impact on the adjoining land uses by reason of noise, smoke, odor, dust or vibration.

H. Adverse impact on adjoining land use by reason of hours of operation: The Applicant's hours of operation will not have an adverse impact on the adjoining land uses.

I. Adverse impact by manner of operation: The manner of operation of the Applicant will not have an adverse impact on the adjoining land uses.

J. Use consistent with zoning district classification: The use of the Subject Property for a 4 story self-storage facility is consistent with the C-1 District Regulations.

K. Use consistent with the Comprehensive Land Use Plan: The use of the Subject Property for a self-storage facility is consistent with the Institutional Comprehensive Land Use Plan designation for the Subject Property.

L. Compliance with buffer zones and setback requirements: There are no buffer required in connection with the proposed development. The Applicant is seeking variances from the front and side yard setbacks due to the configuration of the Subject Property. The proposed variances will bring the building closer to the street. Additionally, there is no parking in front of the building, which allows for a better visual along Clairmont Road, which is a commercial redevelopment corridor

N. Length of time for SLUP: The special land use permit should not be limited in duration.

O. Appropriateness of size, scale and massing of buildings in comparison to adjacent properties: The proposed height is appropriate in size, scale and massing of other buildings in the area. The Subject Property is a corner lot that is near two five-story buildings. The building to the rear of the site are 1 and 2 story buildings office buildings. There is also a four-story apartment complex on North Williamsburg Drive which is in walking distance of the Subject Property.

P. Adverse historic impact: The proposed project will not have an adverse impact on any historic buildings, sites, districts or archaeological resources in the surrounding area.

Q. Satisfaction of Supplemental Regulations: N/A

R. Negative Shadow Impact: The proposed increase in height will not create an negative shadow impact on nearby or adjacent properties.

S. Compatibility with Community Needs. The proposed height increase will allow for the development of a self-storage that will serve the surrounding commercial corridor, as well as the surrounding residential community. The two nearest self-storage facilities are a 3375 North Druid Hills Road and 3391 North Druid Hills Road. Both facilities are one-story outdoor access roll up door self-storage units. The proposed facility will contain climate-controlled units that are accessible through an interior corridor. This facility will have the look and feel of a regular

office building. Additionally, it will finally allow for the development of an old gas station property that has been vacant for years.

III. CONSTITUTIONAL ALLEGATIONS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict 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 DeKalb County 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 to allow the special land use permit 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.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Special Land Use Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 30th day of December, 2020.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant





DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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**

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



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-21-1244574

Parcel I.D. #: 18-103-05-022

Address: 1923 Clairmont Road

Decatur, Georgia

WATER:

Size of existing water main: 8" CI and 30" CI Water Main ~~adequate~~ (adequate/inadequate) *S-D*

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: South Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: R. M. Clayton WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 127 (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.

Capacity Restricted Area
S-D

Signature: *Carlo [Signature]*



N-18

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

Case No.: SCUP-21-1244574 Parcel I.D. #: 18-103-05-022

Address: 1923
Clammitt Rd
Decatur, GA 30033

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Reviewed, found no problems that would
interrupt traffic flow.

Signature: [Handwritten Signature]

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 Mount 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-21-1243933 2021-2109/18-011-06-001,18-011-06-004,18-011-06-005,18-011-06-006,18-011-06-007**
 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
- N.3 **Z-21-1243934 2021-2110 / 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
- 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
- N.6 **LP-21-1244580 2021-2113 / 16-168-01-008** 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

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 space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*

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 *(Certificate of Appropriateness 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 or Special Exception *(Required seeking 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 changes to zoning conditions approved by the Board of Commissioner on 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 require submittal of application, fees and supporting documents. Please consult with the appropriate department/division.