

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to amend Section 7.4.6 of the DeKalb County Zoning Ordinance to modify criteria to be considered in evaluating and deciding an application for a Special Land Use Permit (SLUP). This text amendment is County-wide.

PETITION NO: N5. TA-21-1244986 (2021-3159)

PROPOSED USE: To modify criteria for Special Land Use Permits (SLUPs).

LOCATION: County-wide.

PARCEL NO. : N/A

INFO. CONTACT: John Reid, Sr. Planner/Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability to amend Section 7.4.6 of the DeKalb County Zoning Ordinance to modify criteria to be considered in evaluating and deciding an application for a Special Land Use Permit (SLUP). This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: No Quorum; CC-2: Denial; CC-3: Approval; CC-4: Denial; CC-5: Approval.

PLANNING COMMISSION: Full Cycle Deferral.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached staff report.

PLANNING COMMISSION VOTE: Full Cycle Deferral 8-0-0. Jon West moved, April Atkins seconded for Full Cycle Deferral to the Jan. 2022 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1: No Quorum. Regarding the proposed changes to criteria, the Council members present recommended the following changes/edits: Criteria G - Must have the word “surrounding”, not just “adjacent”; Criteria D - Must state “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”; Criteria E - Removing “E” and adding to “B” does not have the same effect. Must have the word “surrounding”; Criteria S - Leave as-is; do not remove. The other points were okay.; CC-2: Denial 7-0-0; CC-3: Approval 6-2-0; CC-4: Denial 10-0-0. The Council recommended denial indicating that reducing the amount of SLUP criteria is not appropriate, and that it would be more appropriate to increase the amount of SLUP criteria instead of reducing it to make sure that all potential impacts were addressed and reviewed. Discussion included the potential for the proposed amendment to make it easier for developers and applicants to get their projects approved if there was less criteria; CC-5: Approval 8-0-0.



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date:

November 4, 2021

Board of Commissioners Hearing Date:

November 18, 2021

TEXT AMENDMENT ANALYSIS

AGENDA NO.: N.5

ZONING CASE NO.: TA-21-1244986

COMMISSION DISTRICTS: All Districts

APPLICANT: Director of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: SECTION 27-7.4.6 (SPECIAL LAND USE PERMIT ; CRITERIA TO BE CONSIDERED)

REASON FOR REQUEST:

The Zoning Ordinance currently prescribes nineteen (19) criteria to be considered by the planning department, planning commission, and board of commissioners regarding review of Special Land Use Permits (SLUPs). The large number of criteria can be cumbersome to review if there are a large number of items for consideration on the agenda. Additionally, some of these criteria appear to be duplicative and could be consolidated with other criteria for easier and quicker review as well as a less cumbersome process for applicants submitting SLUP applications. The intent of this text amendment is to consolidate and reduce the number of criteria from nineteen (19) to twelve (12) to address these issues.

PROPOSED CHANGES:

The proposed amendment reduces and consolidates the amount of SLUP criteria from nineteen (19) to twelve (12) to allow for ease of review and administration. The following changes are proposed (Also see attached for proposed additions in **blue bold** and deletions in ~~red strikethrough~~):

1. Eliminate Criteria "L" regarding transitional buffer compliance and consolidate with Criteria "A" relating to adequacy of the site.
2. Eliminate Criteria "G" regarding adverse impacts on adjacent properties and consolidate with Criteria "B" relating to compatibility with adjacent and surrounding properties.
3. Eliminate Criteria "D" regarding adequacy of the public street on which the use is proposed and consolidate with Criteria "C" relating to adequacy of public services and facilities.
4. Eliminate Criteria "E" regarding whether existing land uses along access routes to the site will be adversely affected by volume of traffic of proposed use. This issue should be sufficiently addressed by Criteria "B" which deals with compatibility of use with adjacent and surrounding properties.
5. Eliminate Criteria "I" regarding whether proposed use will create adverse impacts upon adjoining land uses by reason of manner of operation and consolidate with Criteria H which relates to adverse impacts by hours of operation.
6. Eliminate Criteria "R" regarding creating a negative shadow impact on adjoining lots with Criteria "O" which relates to appropriateness of size, scale, and massing of proposed buildings with the size, scale, and massing of adjoining buildings.
7. Eliminate Criteria "S" regarding consistency with the needs of the neighborhood and the comprehensive plan. These issues should already be sufficiently addressed in Criteria "B" relating to compatibility with surrounding properties and Criteria "K" regarding consistency with comprehensive plan.

RECOMMENDATION(S):

RESOLUTION

A RESOLUTION TO AMEND SECTION 7.4.6 OF THE DEKALB COUNTY ZONING ORDINANCE TO MODIFY CRITERIA TO BE CONSIDERED IN EVALUATING AND DECIDING AN APPLICATION FOR A SPECIAL LAND USE AMENDMENT

WHEREAS, the Zoning Ordinance currently prescribes nineteen (19) criteria to be considered by the planning department, planning commission, board of commissioners, applicants, and affected citizens regarding review of Special Land Use Permits (SLUPs);

WHEREAS, the large number of criteria can be cumbersome to review by commissioners, applicants, and affected citizens if there are a large number of items for consideration on the agenda;

WHEREAS, some of the SLUP criteria appear to be duplicative and could be consolidated with other criteria for easier and quicker review by commissioners and affected citizens as well as a less cumbersome process for applicants submitting SLUP applications;

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. To consolidate and reduce the number of criteria from nineteen (19) to twelve (12) to address these issues as follows:
 - a. Eliminate Criteria “L” regarding transitional buffer compliance and consolidate with Criteria “A” relating to adequacy of the site.
 - b. Eliminate Criteria “G” regarding adverse impacts on adjacent properties and consolidate with Criteria “B” relating to compatibility with adjacent and surrounding properties.
 - c. Eliminate Criteria “D” regarding adequacy of the public street on which the use is proposed and consolidate with Criteria “C” relating to adequacy of public services and facilities.
 - d. Eliminate Criteria “E” regarding whether existing land uses along access routes to the site will be adversely affected by volume of traffic of proposed use. This

issue should be sufficiently addressed by Criteria “B” which deals with compatibility of use with adjacent and surrounding properties.

e. Eliminate Criteria “I” regarding whether proposed use will create adverse impacts upon adjoining land uses by reason of manner of operation and consolidate with Criteria H which relates to adverse impacts by hours of operation.

f. Eliminate Criteria “R” regarding creating a negative shadow impact on adjoining lots with Criteria “O” which relates to appropriateness of size, scale, and massing of proposed buildings with the size, scale, and massing of adjoining buildings.

g. Eliminate Criteria “S” regarding consistency with the needs of the neighborhood and the comprehensive plan. These issues should already be sufficiently addressed in Criteria “B” relating to compatibility with surrounding properties and Criteria “K” regarding consistency with comprehensive plan.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2021.

STEPHEN R. BRADSHAW

Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2021.

MICHAEL L. THURMOND

Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER

Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

County Attorney

Sec. 7.4.6. Special land use permit; criteria to be considered.

The following criteria shall be considered by the planning department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the board of commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations of this Code:

- 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, [transitional buffer zones](#), and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, [and 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.](#)
- C. Adequacy of public services, public facilities, [public streets](#), and utilities to serve the proposed use, [and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic congestion in the area.](#)
- 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.~~
- 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.~~
- 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.
- 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.~~
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the [manner and](#) hours of operation of the proposed use.
- 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.~~
- 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.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- 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.~~
- M. Whether there is 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.
- 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, [and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.](#)

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

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

~~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.~~

~~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.~~

(Ord. No. 15-06 , 8-25-2015; Ord. No. 17-01 , Pt. I, 5-23-2017)