

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of FL Sims Funeral Home Decatur LLC to rezone from R-100 (Residential Medium Lot) to O-I (Office Institutional) to allow for a funeral home, at 4031 Rainbow Drive.

PETITION NO: N10. Z-22-1245597 (2022-1478)

PROPOSED USE: Funeral home.

LOCATION: 4031 Rainbow Drive, Decatur, Georgia 30034

PARCEL NO. : 15-125-05-015

INFO. CONTACT: Dustin Jackson, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of FL Sims Funeral Home Decatur LLC to rezone from R-100 (Residential Medium Lot) to O-I (Office Institutional) to allow for a funeral home. The property is located on the south side of Rainbow Drive opposite Shadowbrook Drive at 4031 Rainbow Drive in Decatur, Georgia. The property has approximately 395 feet of frontage along Rainbow Drive. and contains 6.31 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Two-Cycle Deferral.

STAFF ANALYSIS: The rezoning proposal is consistent with the *2035 Comprehensive Plan*. The SUB (Suburban) future land use designation supports the requested zoning designation. Moreover, the rezoning from R-100 (Residential Medium Lot) to O-I (Office Institutional) would permit a zoning designation that is consistent with the uses of the surrounding properties. However, due to concerns about insufficient community engagement and the active use violation, Planning Commission recommended denial. Staff recommends “Two-Cycle Deferral to the September 2022 zoning agenda”.

PLANNING COMMISSION VOTE: Denial 6-0-0. Vivian Moore moved, Gwendolyn McCoy seconded for Denial, due to the business already operating without the proper special land use permit and community opposition.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 10-0-0. Board members thought that there was inadequate notice of the proposed funeral home and do not want a funeral home in the community.



Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: May 5, 2022
Board of Commissioners Hearing Date: May 26, 2022**

STAFF ANALYSIS

Case No.: Z-22-1245597 **Agenda #:** N10

Location/Address: 4031 Rainbow Drive, Decatur, GA 30034 **Commission District:** 03 **Super District:** 07

Parcel ID: 15-125-05-015

Request: Application of FL Sims Funeral Home Decatur LLC to rezone from R-100 (Residential Medium Lot-100) to O-I (Office Institutional) to allow for a funeral home. The property is located on the south side of Rainbow Drive opposite Shadowbrook Drive at 4031 Rainbow Drive in Decatur, Georgia. The property has approximately 395 feet of frontage along Rainbow Drive. and contains 6.31 acres.

Property Owner(s): FL Sims Funeral Home Inc

Applicant/Agent: FL Sims Funeral Home Inc

Acreage: 6.31 Acres

Existing Land Use: Suburban

Surrounding Properties: To the north of the subject property is Rainbow Drive, to the south is Rainbow Elementary School, to the west is single-family residential, and to the east is single-family residential.

Adjacent Zoning: **North:** R-100 **South:** R-100 **East:** R-100 **West:** R-100

Comprehensive Plan: **Suburban (SUB)** ☒ **Consistent** ☐ **Inconsistent**

| | |
|-----------------------------------|----------------------------------------|
| Proposed Density: 1 unit | Existing Density: N/A |
| Proposed Square Ft.: N/A | Existing Units/Square Feet: N/A |
| Proposed Lot Coverage: N/A | Existing Lot Coverage: N/A |

Subject Property

The subject property is a 6.31-acre site located on the south side of Rainbow Drive, 2,000 feet west of Wesley Chapel Road and 385 feet west of Kelly Chapel Road. The property is currently occupied by a one-story place of worship (church). Bordering the eastern property line of the subject property is a wooded vacant lot which is zoned R-100. Beyond the bordering vacant lot are five single-family residences which are also zoned R-100. Bordering the southern property line is the existing Rainbow Elementary School and Southwest DeKalb High School; both of which are zoned R-100. Bordering the northern property line is Rainbow Drive and the Shadowbrook Drive 3-way intersection. Bordering the western property line is single-family residential zoned R-100. Apart from the bordering properties, the properties in the surrounding area are predominantly single-family and institutional uses zoned R-100. There are currently two places of worship located to the southeast of the subject property. Beulah Church of Christ and Wesley Chapel United Methodist, both of which are within 1,500 feet of the subject property.

Zoning History

Based on DeKalb County records, it appears that the R-100 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 Suburban (SUB) Suburban.

Project Analysis

Per the submitted application, the applicant is requesting the property be rezoned from R-100 (Residential Medium Lot-100) to O-I (Office Institutional) for the purpose of allowing a funeral home use. The funeral home use will operate during normal business hours customary to the trade. The proposed use is expected to create 10 jobs. This use will not require any interior or exterior renovations. There will be no site work, demolition, or construction of new structures. The subject property was previously a place of worship for approximately thirty (30) years. As of March 2020, the current use has had an active code violation due to not having a valid occupancy permit. The applicant has a court date to address this violation in July.

Impact Analysis

Section 27-7.3.5 of the DeKalb County Code 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:

The proposed rezoning conforms with the policies and intent of the *DeKalb County Comprehensive Plan*. The *Comprehensive Plan* designates this site and surrounding properties as SUB (Suburban), and states "[t]hese areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns" (pg. 114). "Non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents" (pg. 115). Additionally, the SUB (Suburban) designation promotes institutional uses and supports O-I zoning.

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

The proposed rezoning to O-I (Office Institutional) to allow for a funeral home use at the existing place of

worship will permit a suitable use. Although the zoning of the surrounding properties is R-100 and consist of primarily single-family residential uses, south and southeast of the subject property there are four institutional uses. Two of those uses are schools and the other two are churches. The rezoning proposal would permit a service use (subject to conditions) that is consistent with the past use of the subject property as a nonresidential, civic/institutional facility.

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

The property to be affected by the zoning proposal does have a reasonable economic use as currently zoned, however, the applicant would like to expand the economic use of the subject property by rezoning the property to O-I for reuse of the existing development as a funeral home use.

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

The rezoning request from R-100 (Residential Medium Lot-100) to O-I (Office Institutional) should not adversely affect the use or usability of adjacent properties. The current environment around the subject property consists of primarily single-family residential and institutional uses. The proposed funeral home use will have viewing hours that will typically range from 9am to 7pm Monday through Saturday. Funerals and funeral processions will operate between the hours of 9am to 4pm Monday through Saturday. Each funeral procession will be accompanied by traffic supervision officers.

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:

There are no other existing or changing conditions affecting the use and development of the property. The current neighborhood around the subject property consists primarily of single-family and institutional uses. The proposal would permit a use that is consistent with the existing uses in the area, particularly those to the south of the subject property. The rezoning to O-I (Office Institutional) will not negatively affect the existing aesthetic of the neighborhood. Interdepartmental comments found no major existing or changing conditions that will affect the use of the property. Moreover, Public Works Traffic Engineering found no problems that would disrupt the current flow of traffic.

In the May Planning Commission meeting much of the community's concern focused on the applicants signage and pre-submittal community meeting attendance. The applicant provided photos on March 29th of the appropriate signage for the public hearings. The applicant is required to mail out notification of the pre-submittal meeting to all property owners within a 500 foot radius of the subject site. Upon review of the application, the applicant met that requirement, however, there seemed to have been minimal community attendance at the pre-submittal meeting.

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

There are no known historic buildings, sites, districts or archeological resources that would be adversely

affected by the rezoning request from R-100 (Residential Medium Lot-100) to O-I (Office Institutional).

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:

The request for rezoning from R-100 (Residential Medium Lot) to O-I (Office Institutional) will not result in excessive or burdensome use of existing streets, transit facilities, utilities, or schools. The current use of the property and the addition of a funeral home use would generate a similar amount of trips to the current use alone. Moreover, the modest size and function of the existing building should produce marginal impacts on public infrastructure. Comments provided by the Public Works Traffic Engineering found no problems that would disrupt the current traffic flow.

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

The request for rezoning from R-100 (Residential Medium Lot-100) to O-I (Office Institutional) should not adversely impact the environment or surrounding natural resources. Because the proposal only calls for the conversion from a church to a funeral home use with no renovations of the existing building's interior or exterior there are no disturbances to the natural environment or natural resources expected.

Staff Recommendation

The rezoning proposal is consistent with the *2035 Comprehensive Plan*. The SUB (Suburban) future land use designation supports the requested zoning designation. Moreover, the rezoning from R-100 (Residential Medium Lot) to O-I (Office Institutional) would permit a zoning designation that is consistent with the uses of the surrounding properties. However, due to concerns about insufficient community engagement and the active use violation, Planning Commission recommended denial. Staff recommends a 2-cycle deferral.

Dear Residents,

My name is Fernando L Sims, and we presently operate F.L. Sims Special Event Center at 4031 Rainbow Dr, Decatur, GA. We are applying for rezoning from R-100 to O-I. I will be hosting a virtual Zoom meeting using this link <https://zoom.us/j/91986065388?pwd=a1k1SIR5R0JBK01iTWM2OGVLTkZUT09> on Wednesday, February 16 2022, at 6:30pm and invite you to attend. In this meeting we will discuss the plans for this property and the positive economic impact this facility will bring to the community. If you are unable to attend or would like further information, please feel free to contact me at 404-245-7646 or email me at fernando@simsfunerals.com.

Thank you,

A handwritten signature in black ink, appearing to read 'Fernando L Sims', with a large, stylized loop at the end.

Fernando L Sims

1. [My Meetings](#)

2. Manage "Rezoning Meeting "

[Start this Meeting](#)

Topic

Rezoning Meeting

Description

FL Sims is applying for a rezoning from R-100 to O-I, in this meeting we will discuss the current and future plans and positive economic impact this property will bring to the area.

Time

Feb 16, 2022 06:30 PM Eastern Time (US and Canada)

Add to

[Google Calendar](#)

[Outlook Calendar \(.ics\)](#)

[Yahoo Calendar](#)

Meeting ID

919 8606 5388

Security

Passcode ***** [Show](#)

Waiting Room

Invite Link

<https://zoom.us/j/91986065388?pwd=a1k1SIR5R0JBK01iTWM2OGVLTvKzUT09> [Copy Invitation](#)

Video

HostOn

ParticipantOn

Meeting Options

Allow participants to join anytime

Mute participants upon entry

Automatically record meeting on the local computer

Approve or block entry for users from specific countries/regions

[Start](#)

[Edit](#)

[Delete](#)

[Save as Template](#)

| | | | | |
|---------------|------------------------------------------|-------|------|-----------|
| Meeting Topic | Reopening of 4031 Railroad Decatur GA | 70034 | Date | 2/16/2022 |
| Organizer | Fernando Sims | | Time | 6:30pm |
| Location | Zoom Meeting | | | |

[illegible]



DeKalb County

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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: FL Sims Foreman & Home Decatur Inc Phone: 404-245-7646 Email: fernando@simsforsale.com

Property Address: 4031 Rainbow Drive Decatur GA 30034

Tax Parcel ID: 15-12505015 Comm. District(s): #3 Acreage: 6.31

Existing Use: R100 620-Churches Proposed Use: OI Foreman & Home

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes ☒ No ☐

Existing Zoning: R-100 Proposed Zoning: OI Square Footage/Number of Units: _____

Rezoning Request: WE ARE APPLYING FOR REZONING FROM R-100 TO OI
TO ALLOW FOR A FOREMAN & HOME TO BE ADDED.

Land Use Plan Amendment: Yes ☐ No ☐

Existing Land Use: _____ Proposed Land Use: _____ Consistent ☐ Inconsistent ☐

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

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia

Date Received: _____ Application No: _____

Applicant Name: Fk Sims Funeral Home Decatur Inc

Applicant E-Mail Address: fernando@SimsFunerals.com

Applicant Mailing Address: 2201 S Cobb DL SE Smyrna GA 30080

Applicant Daytime Phone: 404-245-7646 Fax: 678-424-1097

Owner Name: Fernando Sims
If more than one owner, attach list of owners.

Owner Mailing Address: 2201 S Cobb DL SE Smyrna GA 30080

Owner Daytime Phone: 404-245-7646

Address of Subject Property: 4031 Rainbow Drive Decatur GA 30034-2224

Parcel ID#: 15-12505015

Acreage: 6.31

Commission District: District #3 Larry Johnson

Present Zoning District(s): 15th

Proposed Zoning District: OI

Present Land Use Designation: R100 620 Churches, Synagogue, Mosque

Proposed Land Use Designation (if applicable): Funeral Home

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: 2/14/2022

TO WHOM IT MAY CONCERN:

(I) (WE) Fernando Sims
Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Name of Agent or Representative

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

Ericka Matamoros
NOTARY PUBLIC
Cobb County, GEORGIA
My Commission Expires 02/22/2025

Notary Public Ericka Matamoros


Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

AS-BUILT BOUNDARY SURVEY PREPARED FOR
FERNANDO SIMS
LAND LOT 125, 15TH DISTRICT OF DEKALB COUNTY, GEORGIA

AREA
276,093 sq.ft.
6.34 acres



VICINITY MAP
N.T.S.

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT

SURVEY NOTES

- EQUIPMENT USED: TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF $02''$ PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 500,678 FEET.
- THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
- AS SHOWN ON FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 13089C0153J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

CURRENT ZONING

ZONED R-100 (DEKALB COUNTY)

MIN. YARD ADJACENT TO PUBLIC STREET

FRONT YARD: 35 FEET

SIDE YARD: 10 FEET

REAR YARD: 40 FEET

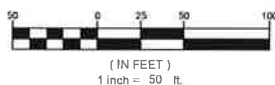
LEGEND

- POWER POLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- JUNCTION BOX
- SANITARY SEWER MANHOLE
- DROP INLET
- R/W MONUMENT
- SINGLE WING CATCH BASIN
- DOUBLE WING CATCH BASIN
- CURB INLET
- HEADWALL
- GAS METER
- GAS VALVE
- ELECTRIC TRANSFORMER
- TELEPHONE PEDestal
- LIGHT POST
- 1/2 INCH PIN SET (IPS)
- REBAR FOUND (RBF)
- CONC. MONUMENT FOUND (CMF)
- CALCULATED POINT
- C. CHAIN LINK FENCE
- CRAMP TOP PIPE FOUND
- OPEN TOP PIPE FOUND
- IRON PIN OR ROD FOUND

NF
SHUMP SHUMP ENT. LLC
(DB 29520, PG 587)
PARCEL ID
15 125 05 014
ZONED:
R-100

NF
MICKEY YOUNG
(DB 15797, PG 288)
PARCEL ID
15 125 25 216
ZONED:
R-100

GRAPHIC SCALE

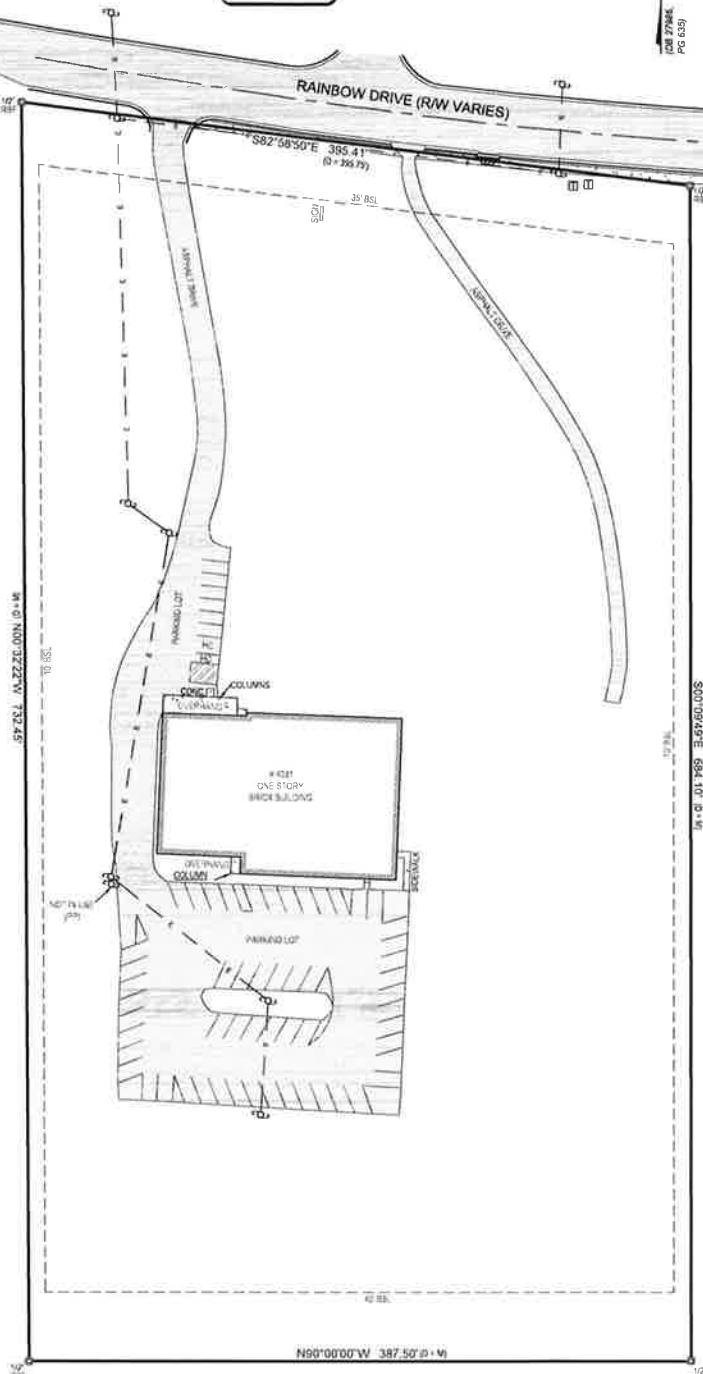


(IN FEET)
1 inch = 50 ft.

SURVEYORS CERTIFICATION

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 PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Cullen Preston Hardee
CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144, LSF 001321
2/23/2022
DATE



NF
DEKALB BOARD OF EDUCATION
(NO DEED REFERENCE)
PARCEL ID
15 100 01 057
ZONED:
R-100

UNITED LAND SURVEYING, LLC, ALL RIGHTS ARE RESERVED. ANY POSSESSION, REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM UNITED LAND SURVEYING, LLC, IS EXPRESSLY PROHIBITED.

JOB NUMBER:
22-029



PLAT DATE: 2/23/2022
FIELD DATE: 2/23/2022
SCALE: 1"=50'
DRAWN BY: J.A.M.
REVIEWED BY: C.P.H.

REVISIONS

| | |
|----|--|
| 1. | |
| 2. | |
| 3. | |
| 4. | |

LEGAL REFERENCE:

| | |
|------------------|-----------|
| DEED BOOK: 27986 | PAGE: 634 |
| PLAT BOOK: --- | PAGE: --- |

SHEET 1 OF 1

AS-BUILT BOUNDARY SURVEY
FERNANDO SIMS
LAND LOT 125, 15TH DISTRICT
DEKALB COUNTY
GEORGIA





PROPOSED RESTORED EVENT HALL LOCATION
SCALE: 1"=40'-0"



PRINT ON 24" X 36" PAPER

c COPYRIGHT 1986-2019 HORACE HENLEY

DISCLAIMER
Contractor To Verify All
Dimensions & Conditions
And/Or Omissions
Before Starting Construction.

| | |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| REVS. | |
| CERTIFICATE OF OCCUPATION | |
| Builder F.L. SIMS INVESTMENTS LLC 404-416-4081 | Project Location 4031 Rainbow Dr., Decatur, GA |
| HORACE HENLEY 770-339-7957 www.CADATLANTA.com Draftsman License No. 12548 State of Georgia | |
| Finish Date: | 7-13-2020 |
| CAD Atlanta Job# | 1361 |
| 02:25 PM | |
| Square Footage | |
| 11,312 EXISTING | |
| 11,312 RESTORED | |
| RELEASED FOR CONSTRUCTION | |
| Page 1L Of 7 | |

Letter of Application

4031 Rainbow Dr Decatur, GA is in a R-100 zoning district. We are applying for a rezoning from R-100 to OI to allow for a Funeral Home to be added. We have occupied the property for the last two (2) years and prior occupancy was held by a similar entity for thirty (30) years. To date we have invested around \$300,000 into this property and it will provide and continuous improvement and economic impact into this area. The funeral home will operate during normal business hours, except for observed holidays and events. We estimate that ten (10) new jobs will be created by this location.

A handwritten signature in dark ink, appearing to read 'F. Sims', with a large, sweeping loop at the end.

Fernando Sims

404-245-7646

Impact Analysis

Criteria: Sec27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, 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 unless the application is in compliance with all applicable regulations in Article 4.

- A. Size of the site and land area is 6.31 acres is adequate for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district which the use is proposed to be located. Property will continue to be used as previously allowed.
- B. Proposed use is compatible with adjacent properties and land use, and other properties and land uses in the district.
- C. Contemplated adequate use of public services, public facilities, and utilities.
- D. Adequate use of the public street and sufficient traffic carrying capacity for the use of proposed so as not to unduly increase traffic and create congestion in the area.
- E. Existing land uses located along access routes to the site will not be affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. All proposed buildings, structures, and subject property uses thereon, ingress and egress with references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency.
- G. Proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration.
- H. Proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation.

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

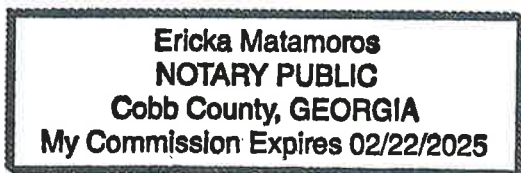
Yes _____ No ✓ *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Ericka Matamoros
Notary



[Signature] 2/14/2022
Signature of Applicant /Date

Check one: Owner ✓ Agent _____

Expiration Date/ Seal

*Notary seal not needed if answer is "no".



**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 AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov**

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-22-1245597

Parcel I.D. #: 15-125-05-015

Address: 4031 Rainbow Drive

Decatur, GA 30034

WATER:

Size of existing water main: 8" likely adequate (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: Cobb Fowler Creek

Is sewer adjacent to property: Yes () No (x) If no, distance to nearest line: ~150 ft.

Water Treatment Facility: Snapfinger WWTP () adequate () inadequate

Sewage Capacity: 36 (MGPD)

Current Flow: 28.3 (MGPD)

COMMENTS:

| |
|-----------------------------------------------------------|
| Will need sewer capacity approval if connecting to sewer. |
| |
| |
| |
| |
| |
| |

Signature: _____

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/13/2022

N.9

Z-22-1245596 2022-1477 15-186-04-028, 15-186-04-029

1500 Columbia Drive, Decatur, GA 30032

☐ Amendment

- Please review general comments.
- Septic system installed on 5/30/63

N.10

Z-22-1245597 2022-1478 15-125-05-015

4031 Rainbow Drive, Decatur, GA 30034

☐ Amendment

- Please review general comments.
- Septic system installed 10/12/1973

N.11

Z-22-1245579 2022-1479 /18-046-04-145, 18-046-04-146, 18-046-04-147, 18-046-04-148, 18-046-04-149, 18-046-04-150, 18-046-04-151, 18-046-04-152

496 Warren Ave., Scottdale, GA 30079

☐ Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.

N.12

Z-22-1245580 2022-1480 / 18-046-04-145, 18-046-04-146, 18-046-04-147, 18-046-04-148, 18-046-04-149, 18-046-04-150, 18-046-04-151, 18-046-04-152

496 Warren Ave., Scottdale, GA 30079

☐ Amendment

- Please review genral comments.
- Note: Several properties in the surrounding area operate on septic.

intersection of Birch Road and North Druid Hills. Add a second left turn lane SB on Orion Dr at the intersection of Lawrenceville Hwy and Orion Drive. Sweet Briar Road, Birch Road, Mistletoe Road and Oaktree Road are all classified as local roads. Required right of way dedication of 27.5 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Pedestrian scale lights and a 10-foot multiuse path required on all roads or as directed by the Transportation Division of Public Works. Multiuse path connection required to the South Fork Peachtree Creek Trail and along Orion Drive. No left turns allowed out of access point on Lawrenceville Hwy, unless signalized. No poles can remain within the limits of the sidewalk or multiuse path. Intersection and stopping sight distance must be met for all access points based on AASHTO. Reserve the right to alter comments after the Notice of Decision is released from the Atlanta Regional Commission and the Georgia Regional Transportation Authority.

- N9.** Columbia Drive is classified as a minor arterial. Required right of way dedication of 40 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Required: 6-foot sidewalk and 4-foot bike lane OR a 10-foot multiuse path (preferred), curb and gutter raised to current standards, 10-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov). Developer needs to watch access management requirements in Land Development Code Section 14-200 (6). No poles can remain within the limits of the sidewalk or multiuse path. Intersection and stopping sight distance must be met for all access points based on AASHTO. Would prefer not to have 3 new driveways on Columbia Drive. Can these properties be serviced from rear private alleys? If new internal street is public- required: Required right of way dedication of 55 feet (total ROW width) Required: 5-foot sidewalk 6-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov). Make sure underground detention pond is not within right of way.
- N10.** Rainbow Drive is classified as a minor arterial. Required right of way dedication of 40 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Required: 6-foot sidewalk and 4-foot bike lane OR a 10-foot multiuse path (preferred), curb and gutter raised to current standards, 10-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov). Developer needs to watch access management requirements in Land Development Code Section 14-200 (6). No poles can remain within the limits of the sidewalk or multiuse path. Intersection and stopping sight distance must be met for all access points based on AASHTO.
- N11-12.** Scottdale Overlay District Tier 1. Infrastructure requirements of the overlay district trump the zoning and land development code. Overlay trumps Zoning trumps Land Development. When silent, the next code on the list applies. Overlay code requirements should be verified with the appropriate planning staff assigned to that overlay district. North Decatur Road is classified as a minor arterial. Required right of way dedication of 40 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Required: 6-foot sidewalk and 4-foot bike lane OR a 10-foot multiuse path (preferred), curb and gutter raised to current standards, 10-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov). Glendale Road and Warren Ave are classified as local roads. Improvements are required to bring the development's side of the road (from centerline of road) up to current standards. Required right of way dedication of 27.5 feet from centerline. Right of way dedication may impact lot size, set back requirements and lot yield. Required: 5-foot sidewalk 6-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov). Developer needs to watch access management requirements in Land Development Code Section 14-200 (6) for the required distance between access point on Glendale Road and North Decatur Road. Access point on Glendale Road needs approval from Transportation Division in Land Development Permitting- may be restricted to right-in right-out due to proximity to traffic signal. No poles can remain within the limits of the sidewalk or multiuse path. Intersection and stopping sight distance must be met for all access points based on AASHTO.
- N13-14.** Memorial Drive is SR 10. GDOT review and approval required prior to land development permit. (GDOT District 7 Contact: Mwilson@dot.ga.gov). Memorial Drive is classified as a major arterial. Please see Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure improvements. Required right of way dedication of 50 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Required: 6-foot sidewalk and 4-foot bike lane OR a 10-foot multiuse path (preferred), 10-foot



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:

- **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 **(sections have been amended recently; please request the amended chapter)**, 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.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
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4-10

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2-22-1245587 Parcel I.D. #: 15-125-05-015
Address: 4031
RAINBOW DR
DEKALB, GA

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:

| |
|---------------------------------------------------------------------------------------------------------|
| AN EXISTING ESTABLISHMENT, FOUND NO PROBLEMS THAT WOULD DISRUPT TRAFFIC FLOW. PLANS AND FIELD REVIEWED. |
| |
| |
| |
| |

Signature: [Signature]

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.