



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2018-2437

9/25/2018

File Status: Preliminary Item

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

N20 PAUL HUE - Z-18-1235067

PETITION NO: Z-18-1235067

PROPOSED USE: Towing business

LOCATION: 2018 Rock Chapel Road, Lithonia

PARCEL NO.: 16-166-01-004

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

To rezone property from R-85 (Residential Medium Lot-85) to M-2 (Heavy Industrial) to allow a vehicle towing service. The property is located the east side of Rock Chapel Road, approximately 975 feet south of Pleasant Hill Road, at 2018 Rock Chapel Road, Lithonia. The property has approximately 358 feet of frontage on Rock Chapel Road and contains 4.98 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: DENIAL.

PLANNING COMMISSION: APPROVAL.

PLANNING STAFF: DENIAL.

STAFF ANALYSIS: The zoning proposal is not consistent with the Suburban character area in which it is located, which does not allow M-2 zoning. Even if the property were re-designated to the Industrial Character Area as requested by the companion application LP-18-1235067, the proposal would not be consistent with the policies and intent of the 2035 Comprehensive Plan. The property is located in the midst of a low-density residential district. Operation of a towing business on the property would conflict with the Industrial Character Area Policy No. 3 to "Prohibit the encroachment of industrial uses into established residential areas." Although the property is located opposite several non-residential land uses on the west side of Rock Chapel Road, Rock Chapel Road forms a boundary that definitively separates the non-residential west side of the road from the

residential east side. The closest industrial character area on the east side of Rock Chapel Road is located almost ½ mile to the south of the subject property, at the intersection of Rock Chapel Road and Union Grove Road; those properties are designated Light Industrial on the Land Use Map but zoned R-85. There are few non-residentially zoned properties on the east side of Rock Chapel Road near the subject property; the closest one is a Shell service station located approximately ¼ mile to the north, at the intersection of Rock Chapel Road with Pleasant Hill Road. Unlike the Shell station property, which is located at an intersection that could potentially become a small commercial node, the subject property is located at a considerable distance from the closest intersections to the north and south. Nor is the zoning proposal suitable in view of the use and development of adjacent and nearby properties. Use of the property for a towing business has the potential to adversely affect the adjoining property to the north, which is developed with an occupied single-family residence, as well as adjoining and nearby properties that could be developed for future single-family residential use under their current R-85 zoning classification. Therefore, the Department of Planning and Sustainability recommends “Denial”. However, in consideration of the Planning Commission recommendation for “Approval”, Staff recommends that if the Board of Commissioners approves the zoning proposal, the attached conditions also be approved.

PLANNING COMMISSION VOTE: Approval, 7-1-0. M. Butts moved and P. Womack, Jr. seconded for approval. E. Patton opposed. The motion for support of the zoning proposal was based on reasoning that the towing business would largely be operated off-site, the tow trucks would be driven off the site and returned to the site at discrete times, and that there would not be any activity related to the towing business during the majority of the day. Further, the motion was based on the scarcity of homes in the surrounding area and the conclusion that few homes would be impacted by the proposed towing business.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 5-3-1. Opponents were concerned that that there would be no buffer protection for adjoining residential properties.

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: September 6, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-18-1235067 **Agenda #:** N. 20

Location/Address: 2018 Rock Chapel Road **Commission District:** 5 **Super District:** 7

Parcel ID: 16-166-01-004

Request: To rezone property from R-85 (Residential Medium Lot - 85) to M-2 (Heavy Industrial) to allow a vehicle towing service.

Property Owner(s): Paul Hue

Applicant/Agent: Paul Hue

Acreage: 4.98 acres

Existing Land Use: Single-family residential

Surrounding Properties: To the north, northeast, east, southeast, and south: single-family residential. To the southwest, west, and northwest: commercial, light industrial, and auto-related uses.

Adjacent Zoning: **North:** R-85 **South:** R-85 **East:** R-85 **West:** in City of Stonecrest **Northeast:** R-85
Northwest: in City of Stonecrest **Southeast:** R-85 **Southwest:** in City of Stonecrest

Comprehensive Plan: Suburban (SUB) **Consistent** **Inconsistent** **See LP-18-1235068**

Proposed Density: N.A.	Existing Density: .20 units/acre
Proposed Units/Square Ft.: Information not provided	Existing Units/Square Feet: One unit
Proposed Lot Coverage: Information not provided	Existing Lot Coverage: (Estimated) less than 10%

Companion Application: The applicant has filed a companion application (LP-18-1235068) to amend the Land Use Plan Map from Suburban (SUB) to Light Industrial (LIND).

PROJECT ANALYSIS

The subject property is located on the east side of Rock Chapel Road, a major arterial and state route. Rock Chapel Road is a boundary between unincorporated DeKalb County on the east side of the road and the City of Stonecrest

on the west side of the road. It also forms a boundary between residential character area on the east side and a light industrial/commercial character area on the west side. Properties that adjoin or are located near the subject property on the east side of the road, in unincorporated DeKalb County, are designated as a Suburban character area and are zoned R-85; they are wooded or developed with single-family residences on large lots. Before incorporation of the City of Stonecrest, properties on the west side of the road were designated as a Light Industrial Character Area and zoned M (Light Industrial). They are developed with a mixture of commercial, light industrial, and auto-related land uses.

The request to rezone the property to the M-2 district would allow its use for a towing company. The application states, "My intent for this property is to have the ability to park my Tow Trucks [sic], be able to service them on site as well as erect a commercial accessory building which will house a repair shop for commercial vehicles and an office." Currently, the subject property is occupied by two single-family detached homes and three accessory structures. One of the latter is a 143-square foot building that appears to have been used in the past as a large shed. The applicant has stated that the existing houses are intended to be used as offices, and that tow trucks may be stored in the open space to the rear of the property. The site plan depicts a new structure, measuring approximately 850 square feet, which would be used as an office and garage.

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

The proposal is not consistent with the policies and intent of the 2035 Comprehensive Plan. If it were re-designated as an Industrial Character Area, operation of a towing business would conflict with the Industrial Character Area policy to "Prohibit the encroachment of industrial uses into established residential areas." (Policy No. 3)

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 zoning proposal is not suitable in view of the use and development of adjacent and nearby properties. M-2 zoning would allow incursion of an industrial use into a low-density residential district. The closest industrial character area on the east side of Rock Chapel Road is located almost ½ mile to the south of the subject property, at the intersection of Rock Chapel Road and Union Grove Road; those properties are designated Light Industrial on the Land Use Map but zoned R-85. There are few non-residentially zoned properties on the east side of Rock Chapel Road near the subject property; the closest one is a Shell service station located approximately ¼ mile to the north, at the intersection of Rock Chapel Road with Pleasant Hill Road. Unlike the Shell station property, which is located at an intersection that could potentially become a small commercial node, the subject property is located at a considerable distance from the closest intersections to the north and south.

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

The subject property may have a reasonable economic use as currently zoned.

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

Use of the property for a towing business has the potential to adversely affect the adjoining property to the north, which is developed with an occupied single-family residence, as well as adjoining and nearby properties that could be developed for future single-family residential use under their current R-85 zoning classification.

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:

The necessity to change the land use designation of the property indicates the degree to which the proposed zoning is incompatible with the vision for future use of the subject property in the context of the surrounding area, thereby supporting disapproval.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

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:

There has been no indication that the proposed towing business would excessively burden the public infrastructure.

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

The area of the subject property in which the towing business would operate is largely cleared, so it would not cause loss of trees and natural habitat. It is not possible to determine impacts related to disposal of products related to vehicle repair without detailed information about the proposed operation and practices of the business. In any case, the proposed use is unsuitable from a land use perspective, whether or not it would adversely impact the environment.

Compliance with District Standards:

M-2 STANDARD	REQUIREMENT	PROPOSED/PROVIDED	COMPLIANCE
LOT AREA	One acre	4.98 acres	Yes
LOT WIDTH	Min. 150 feet	358 feet	Yes
OPEN SPACE	Sites with 5,000 – 39,999 GFA: min. 15%; Sites with 40,000 + GFA: min. 20%	Information not provided	Information not provided
TRANSITIONAL BUFFERS	Min. 100 feet when located adjacent to a residential district.	Approximately 13 feet	The site must comply or a variance will be necessary.
FLOOR AREA PER BUILDING	No maximum	Proposed new building would be approximately 143 s.f.	Yes
HEIGHT	No maximum	Information not provided	Yes

M-2 STANDARD		REQUIREMENT	PROPOSED/PROVIDED	COMPLIANCE
PARKING		Min. one space/2,000 s.f.; Max. once space/1,300 s.f.	Information not provided	Information not provided
YARD SETBACKS	FRONT	Min. 60 feet	77.9 feet	Yes
	CORNER LOT -SIDE	Min. 60 feet	Not applicable	Not applicable
	INTERIOR LOT - SIDE	Min. 20 feet	9.6 feet	The existing house at the rear the lot would be non-conforming with respect to the side setback. It conforms to the 8.5 ft. side setback of the existing R-100 zoning classification.
	REAR	Min. 30 feet	456 feet	Yes

STAFF RECOMMENDATION: DENIAL

The proposal is not consistent with the policies and intent of the 2035 Comprehensive Plan. If the subject property were re-designated as an Industrial Character Area, operation of a towing business would conflict with the Industrial Character Area policy to “Prohibit the encroachment of industrial uses into established residential areas.” (Policy No. 3) The property is located in the midst of a low-density residential district. The closest industrial character area on the east side of Rock Chapel Road is located almost ½ mile to the south of the subject property, at the intersection of Rock Chapel Road and Union Grove Road; those properties are designated Light Industrial on the Land Use Map but zoned R-85. There are few non-residentially zoned properties on the east side of Rock Chapel Road near the subject property; the closest one is a Shell service station located approximately ¼ mile to the north, at the intersection of Rock Chapel Road with Pleasant Hill Road. Unlike the Shell station property, which is located at an intersection that could potentially become a small commercial node, the subject property is located at a considerable distance from the closest intersections to the north and south. Nor is the zoning proposal suitable in view of the use and development of adjacent and nearby properties. Use of the property for a towing business has the potential to adversely affect the adjoining property to the north, which is developed with an occupied single-family residence, as well as adjoining and nearby properties that could be developed for future single-family residential use under their current R-85 zoning classification.

Therefore, the Department of Planning and Sustainability recommends “Denial”.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Land Use Plan Map
7. Aerial Photograph
8. Site Photographs

NEXT STEPS

If this zoning request is approved, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

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



**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 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. The site is not indicated as a stormwater hotspot.

- **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 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 however topography indicates the potential for drainage through the property and into adjoiner's pond. State water buffer may exist. 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.

From: Keeter, Patrece
Sent: Monday, August 13, 2018 12:01 PM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>
Subject: RE: Request for Inter-Departmental Comments

N20 & N21.. Rock Chapel Road is a major arterial and state route. GDOT review and permits required at permitting. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-18-1235067 Parcel I.D. #: 16-166, 01-004

Address: 2818 Rock Chapel Rd.
Lithonia, Ga 30058

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 _____

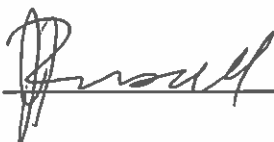
Please provide additional information relating to the following statement.

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:

<u>No traffic engineering concerns at this time.</u>

Signature: 

DEKALB COUNTY



Board of Health

8/24/2018

To: Ms. Madolyn Spann, Planning Manager
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.

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

DeKalb County Board of Health

DeKalb County Board of Health
404.508.7900 • www.dekalbhealth.net
8/24/2018

→ N.21

Z-18-1235067/16-166-01-004

2018 Rock Chapel Road

Amendment

- Please review general comments.
- Indictions filed in DCBOH system that an septic system is currently installed on this property as of 08/12/2003.

N.22

SLUP-18-1235088//16-093-05-004

1904 South Stone Mountain-Lithoni Road

Amendment

- Please see general comments.

N.23

2018-2451/Z-18-1235091/16-191-03-007 & 15-191-03-008

1753 and 1727 Stephenson Road, Lithonia, Ga

Amendment

- Please review general comments.
- Indictions filed in DCBOH system that an septic system is currently installed on this property 1753 Stephenson as of 12/03/1984 .

N.24

SLUP-18-1235179/18 091 01 022 & 18 091 01 029

6158 & 6166 Memeorial Drive, Stone Mountain, Ga

Amendment

- Please review general comments.
- Indictions filed in DCBOH system that an septic system is currently installed on this property 6158 Memorial Drive as of 09-27-1967 .
- Additional Notes: Received from Rezone Adminstration- It is a comparision to case: LP-18-1235115 & Z-18-1235061.



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

MLF

2-18-
Date Received: 1235067 Application No.: _____
 Applicant: Paul Hne E-Mail: kristowine@gmail.com
 Applicant Mailing Address: 4428 Quinton Hill Ct, Snellville GA 30039
 Applicant Phone: 770-912-9035 Fax: _____
 Owner(s): Same as above E-Mail: _____
 (If more than one owner, attach as Exhibit "A")
 Owner's Mailing Address: _____
 Owner(s) Phone: _____ Fax: _____
 Address/Location of Subject Property: 2018 Rock Chapel Rd, Lithonia GA 30058
 District(s): 5 Land Lot(s): _____ Block: _____ Parcel(s): _____
 Acreage: 4.98 Commission District(s): 517
 Present Zoning Category: R85 Proposed Zoning Category: M2
 Present Land Use Category: R85IN

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

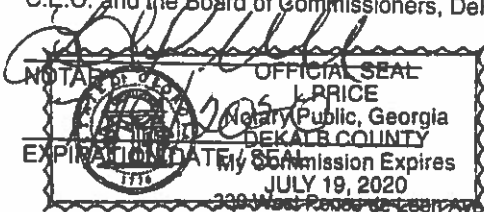
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions 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:

- The name and official position of the local government official to whom the campaign contribution was made.
- 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 the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

STATEMENT OF INTENT

May 1st, 2018

DeKalb County Dept. of Planning and Sustainability

Rezone, Land Use and Special Land Use:

Clark Harrison Building

330 W Ponce De Leon Ave

Suite 500

Decatur, Ga 30030

RE: LAND USE AMENDMENT

The applicant Paul Hue is seeking the subject property from R-85 to M2 with a proposed land use of LIND for the property located at 2018 Rock Chapel Rd, Lithonia GA 30058. To be used as an accessory building for repairs to commercial vehicles, parking for our Tow trucks only and also a business office.

Commission District 5 & 7

Present Zoning R-85 – Proposed Zoning M2

Present Land Use TN – Proposed Land Use LIND

PARCEL ID: 16 166 01 004

Welcome Residents of DeKalb!

Please Sign in

Date: 3/12/2018

Resident sign in sheet

Name	Address	Time	Initials	REP
Paul Hue	2018 Rock Chapel Rd	6:50pm		me
Rickey Dixon	8344 Falling Rocks way	7:00		me
Marvel Candow	25 Pebble Hill Court	7:00	me	me
Anthony DAVIS	316 Beechwood Lane	7:00		me
Carol Spivey	2150 Northenly way	7:00		me

May 1st,

DeKalb County Dept. of Planning and Sustainability

Rezone, Land Use and Special Land Use:

Clark Harrison Building

330 W Ponce De Leon Ave

Suite 500

Decatur, Ga 30030

Zoning Board Members;

I am requesting to rezone, my property located in DeKalb county district 5 from the current zone of R-85 (Residential) to M2 (Heavy Industrial). The main reason for the rezoning request for our property at 2018 Rock Chapel Rd, is to comply with DeKalb county zoning ordinance. Until recently we were not aware of the accurate zoning of the property. This property was marketed to us as commercial; as there was a construction company there before with huge equipment and vehicles constantly coming and going we didn't look further into it. My intent for this property is to have the ability to park my Tow Trucks, be able to service them on site as well as erect a commercial accessory building which will house a repair shop for commercial vehicles and an office.

LAND USE ANALYSIS

LAND USE AMENDMENT EVALUATION

1. **Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property:** The proposed land use would permit uses that are suitable for present development of adjacent property.
2. **Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property:** The proposed land use change will not adversely affect the residential character or walkability and sense of place as the area is mostly commercial and no walk ways are present.
3. **Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of the existing streets, transportation facility, utilities, or schools:** The existing roadway and street grid were created to serve a commercial and residential footprint. This roadway already supports major commercial vehicles with ease, there should be no additional impact.
4. **Whether the zoning proposal is consistent with the written policies in the comprehensive plan text:** The zoning proposal is contingent upon the approval of the proposed land use amendment. The zoning proposal seems to be consistent with the comprehensive plan text.
5. **Whether there are environmental impacts or consequences resulting from the proposed change:** The proposed Tow truck parking and repair shop does carry with it a possible environmental impact, which is why we are willing to have a few restrictions in terms of direct environmental impact for residential neighborhoods close by.
6. **Whether there are impacts on properties in an adjoining government jurisdiction in cases of proposed changes near county boundary lines:** There are no foreseen impacts that will affect any governmental jurisdiction.
7. **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approved or denial of the proposed land use change:** The existing use of the property is residential. The proposed use for parking and adding an accessory building would not be in compliance with the existing zoning, however there should be no major impact to surrounding property.
8. **Whether there are impacts on historic buildings, sites, districts, or archaeological resources resulting from the proposed change:** Currently, there are no historical designations or archaeological resources being impacted.

LEGAL DESCRIPTION OF PROPERTY

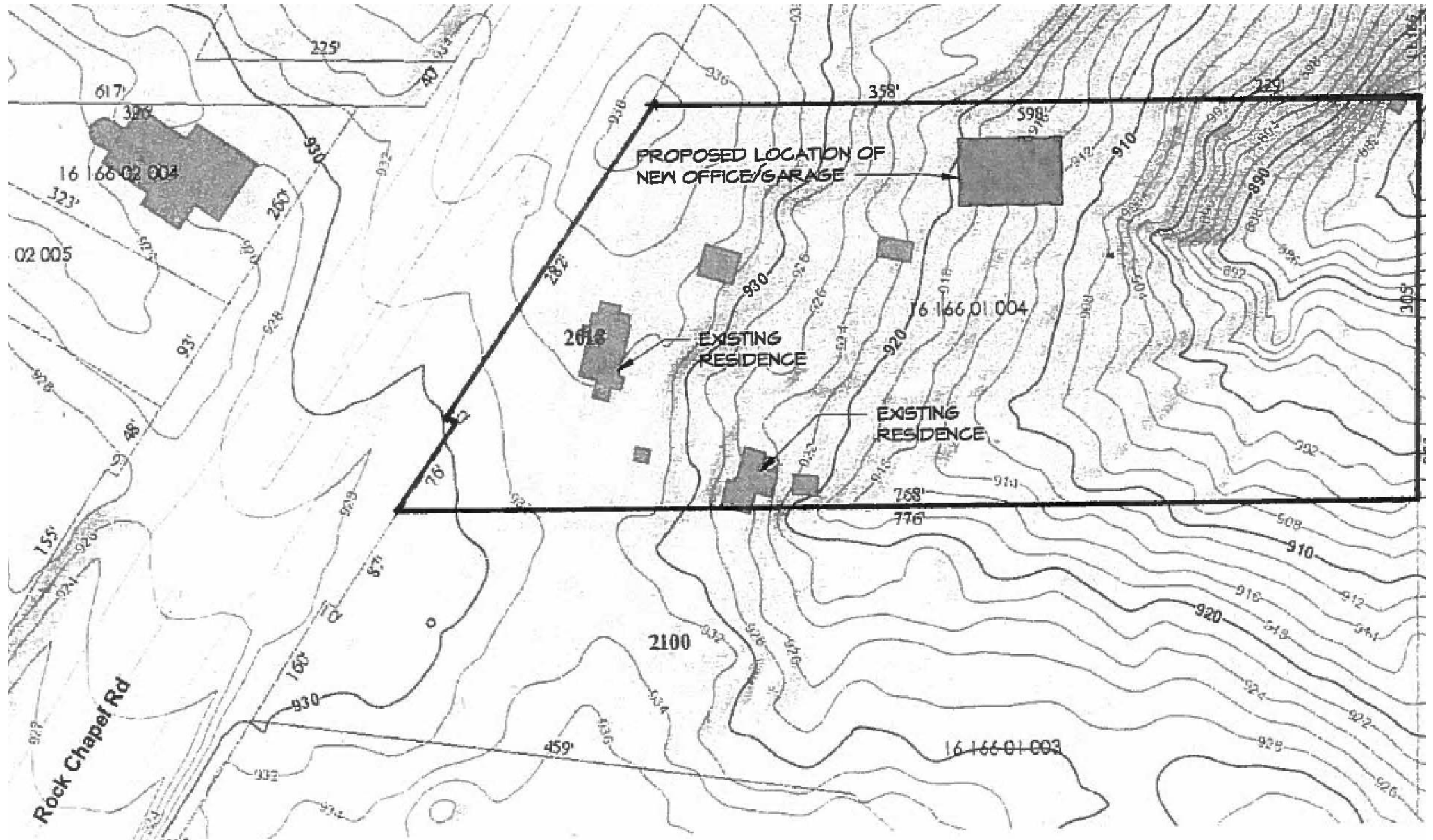
ALL THAT TRACT OR PARCEL OF LAND lying and being in land Lot 166 of the 16th District of DeKalb County, Georgia, containing 5.00 acres, more or less and described as follows:

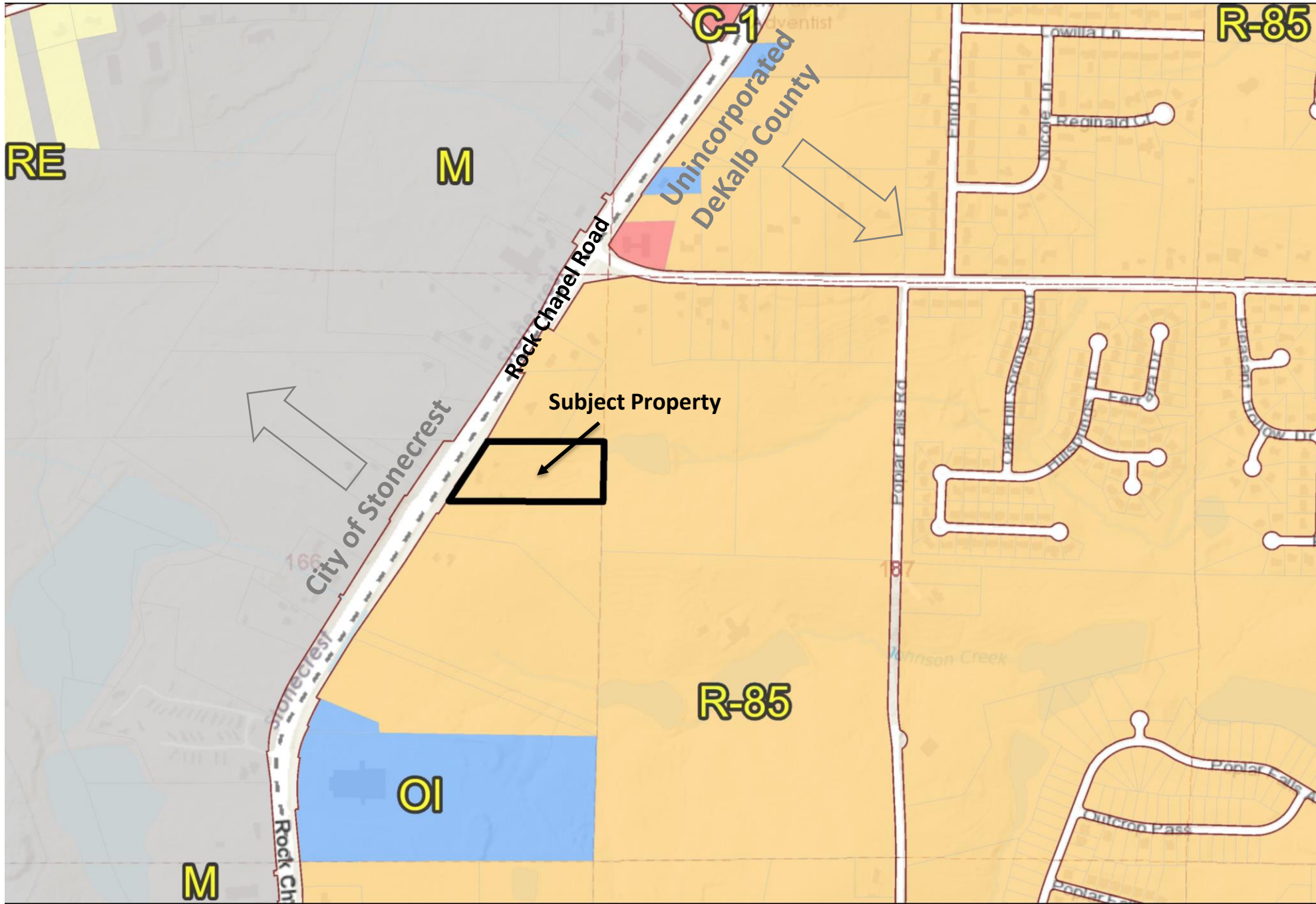
BEGINNING at a corner on the East side of Lithonia and Rock Chapel or Rockbridge Road, 23.5 feet South of large boulder; thence N 88 degrees 30 minutes E, 640 feet to northeast corner on original line of land lot No. 166; thence S 1 degree 30 minutes E, 305 feet along the east line of said land lot to a corner; thence S 88 degrees 30 minutes W, 800 feet to right of way of rock Chapel Road; thence N 30 degrees 00 minutes E along right of way of Rock Chapel Road, 353 feet to beginning corner.

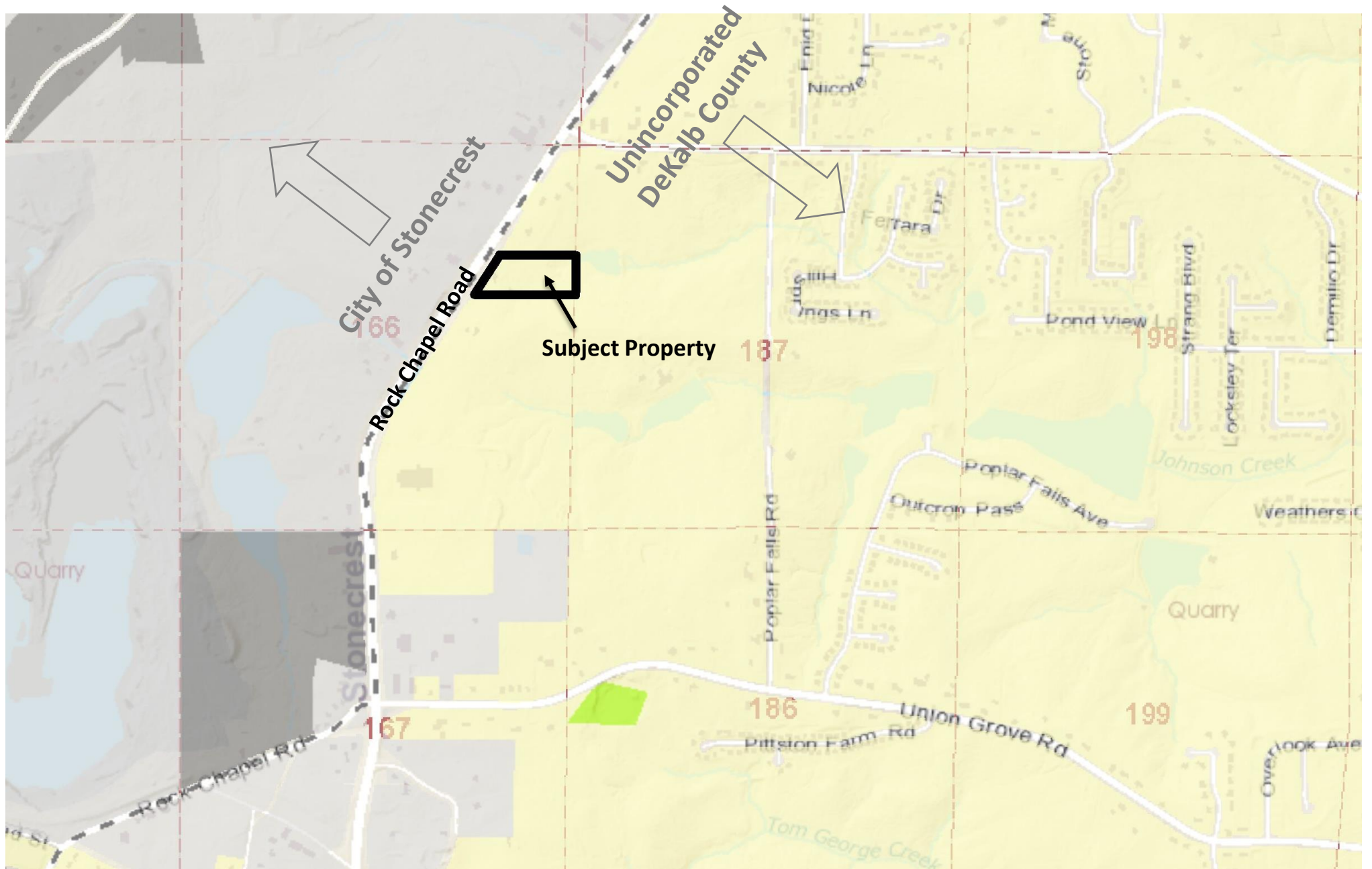
TAX ID 16-166-01-004

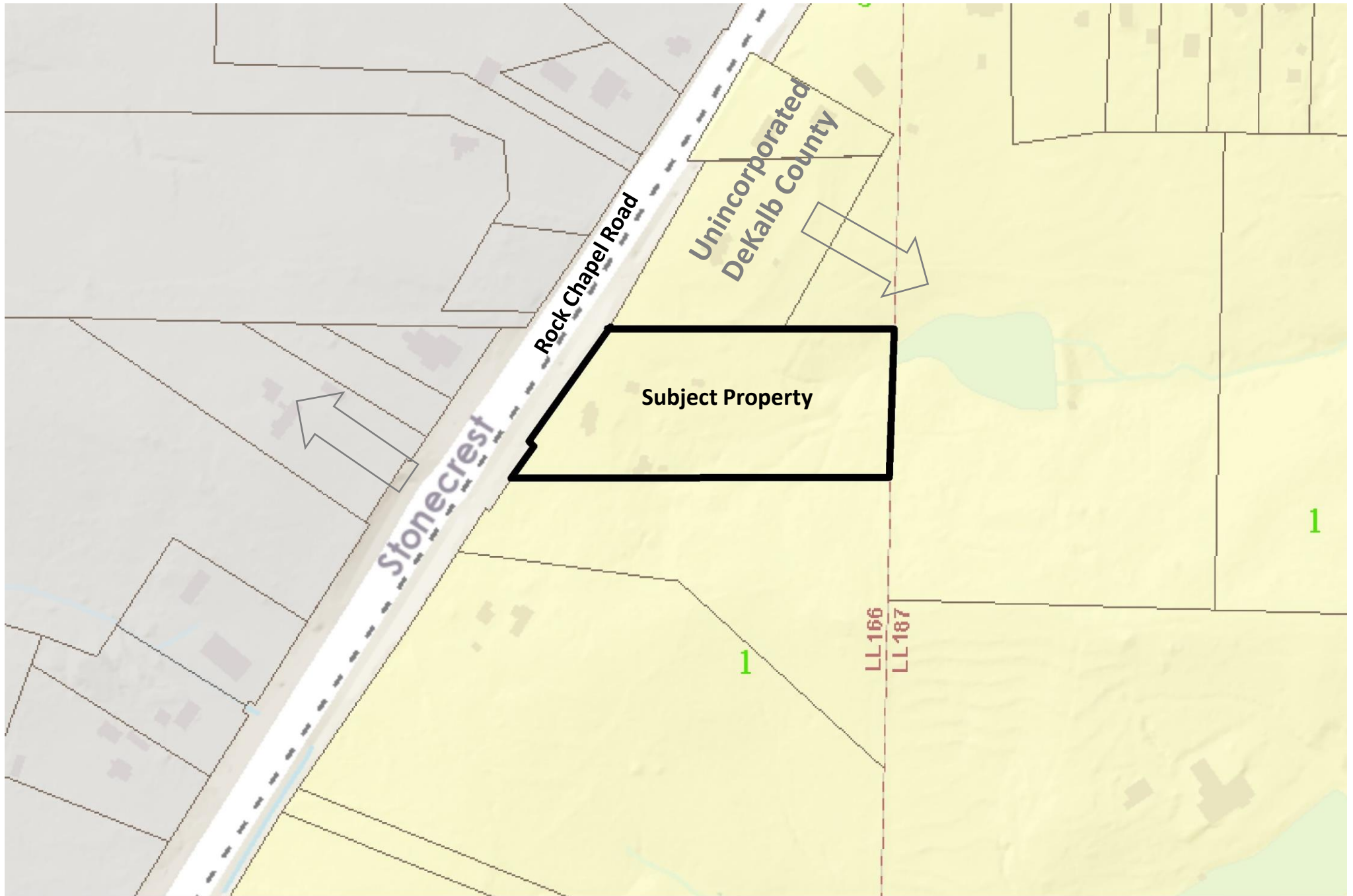
TO HAVE AND HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any ways, have, claim or demand any right or title to said premises or appurtenances, or rights thereof.

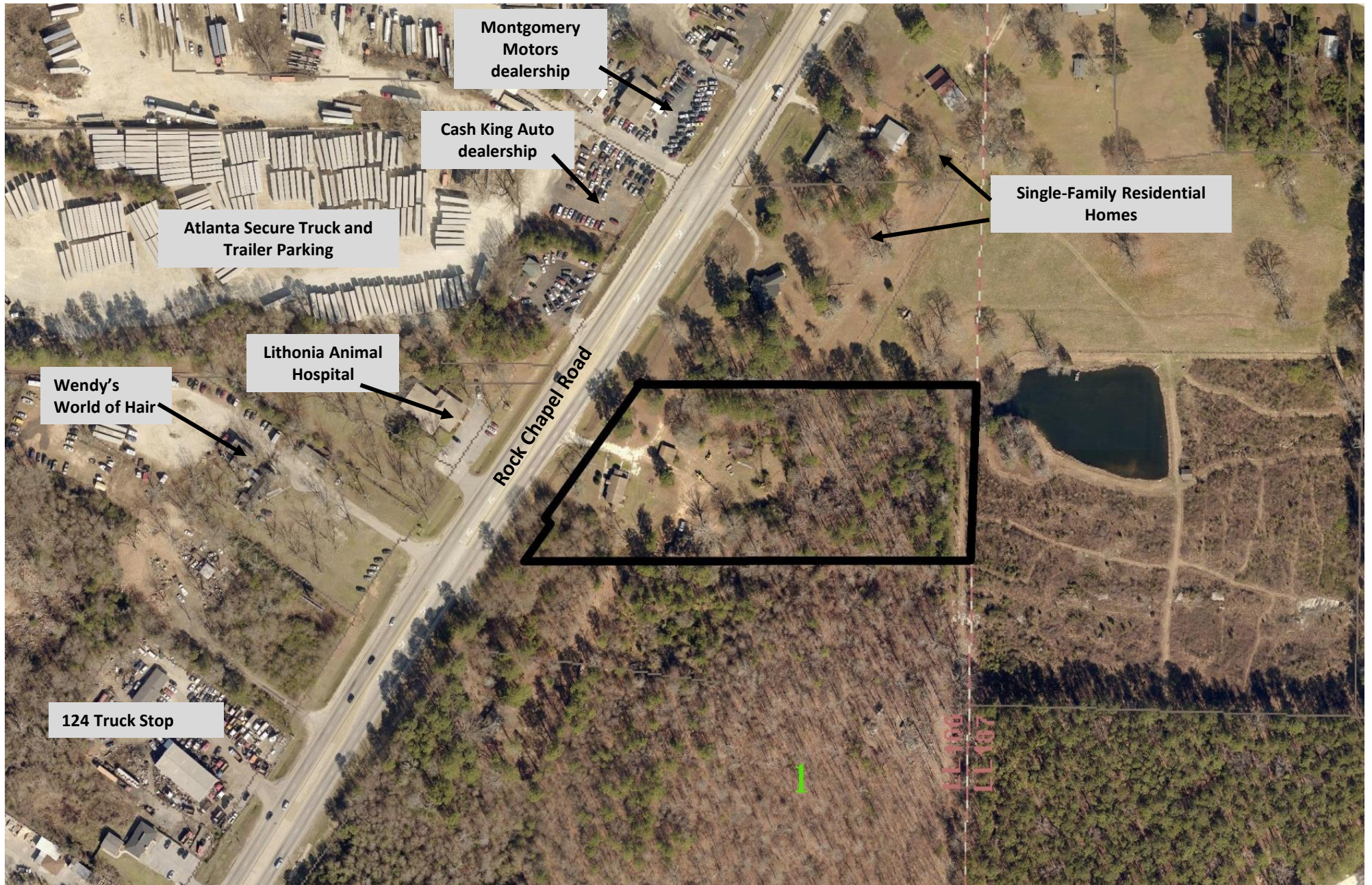
Current physical address being; 2018 Rock Chapel Road, Lithonia Georgia 30058.



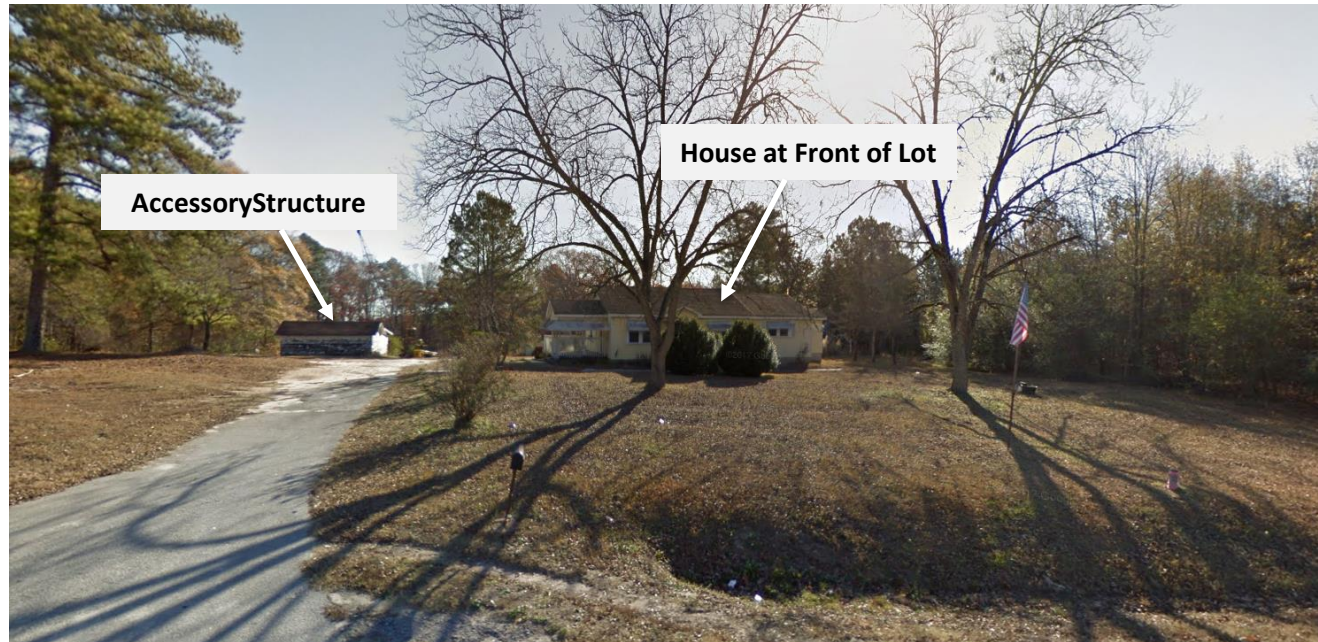












(left) Subject Property, viewed from Rock Chapel Road.

(right) Second house located behind house at front of lot.





(right) View from Subject Property, looking north on Rock Chapel Road.