



DeKalb County Department of Planning & Sustainability

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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.: SLUP-18-1235088 **Agenda #:** N. 21

Location/Address: 1904 South Stone Mountain-Lithonia Road **Commission District:** 5 **Super District:** 7

Parcel ID(s): 16-093-05-004

Request: A Special Land Use Permit for a 9,000 square foot gymnasium addition to an existing place of worship in an R-100 (Residential-Medium Lot - 100) district.

Property Owner(s): Medhanealem Eritrean Orthodox Church

Applicant/Agent: Walter A. Collins

Acreage: 2.55

Existing Land Use: The Medhanealem Eritrean Orthodox Church

Surrounding Properties: To the north and northwest: railroad tracks and the Holt Road R-O-W; to the northeast and east: Redan Elementary School; to the southeast (across S. Stone Mt. Lithonia Rd.): a cemetery; to the south and southwest (across S. Stone Mt. Lithonia Rd.): Kingdom Scholars Academy and a shopping center; to the west: the Parex construction company.

Adjacent Zoning: **North:** R-100 **South:** R-100 and O-I **East:** R-100 **West:** M **Northeast:** R-100
Northwest: M **Southeast:** R-100 **Southwest:** O-I

Comprehensive Plan: NC (Neighborhood Commercial) **Consistent** ☒ **Inconsistent** ☐

Proposed Density: Not applicable	Existing Density: Not applicable
Proposed Square Ft.: 14,893 s.f.	Existing Square Ft.: 5,733 s.f.
Proposed Lot Coverage: Information not provided.	Existing Lot Coverage: Information not provided.

PROJECT ANALYSIS

The Special Land Use Permit is requested by the Medhanealem Eritrean Orthodox Church ("the Church") to allow construction of a 9,000 square foot, 26.25-foot high gymnasium. The existing Church appears to have been constructed prior to the requirement that a place of worship in a single-family residential zoning district must obtain a Special Land Use Permit. In addition, it appears to pre-date the adoption of supplemental regulations for places of worship. Two buildings are currently used by the congregation: the main building, located at the front of the property, and a detached, 2,688 square foot auxiliary building to the rear of the main building. The

gymnasium is proposed to be constructed on grassed open space that is now being used for the church playground. It would be connected to the rear of the auxiliary building by an enclosed corridor. Pre-coated metal panels are proposed as an exterior building material.

The subject property fronts on South Stone Mountain-Lithonia Road, a minor arterial. There is currently no sidewalk along the front of the subject property nor along the adjoining property to the west, although a sidewalk is located on the front of the Redan Elementary School, to the east.

Compliance with District Standards:

R-100 STANDARD		REQUIRED/ALLOWED	PROPOSED/PROVIDED	COMPLIANCE
YARD SETBACKS	FRONT	Min. 40 ft.	65 ft.	Yes
	CORNER LOT SIDE	Not applicable	Not applicable	Not applicable
	INTERIOR SIDE	Min. 10 ft.	East side: 40 ft. West side: 120 ft.	Yes
	REAR	Min. 40 ft.	325 ft.	Yes
HEIGHT		Max. 35 ft.	26.25 ft.	Yes
PARKING		(If the proposed addition is used as the largest gathering space): Min. 1 space per 40 s.f.= 225 spaces; Max. 1 space per 20 s.f. = 450 spaces	Information not provided	Information not provided
LOT COVERAGE		Max. 35%	Information not provided	Information not provided
BUILDING FORM AND DESIGN		Façade walls cannot be longer than 40 ft. without projections and recesses.	Gymnasium is designed with flat façade walls.	The building design must comply or an administrative waiver from this requirement must be granted.
SUPPLEMENTAL REGULATIONS				
MIN. LOT AREA & FRONTAGE		3 acres & 100 ft. along public street	2.55 acres & 225 feet	Lot complies with min. frontage; existing acreage appears to be legally non-conforming.
DISTANCE OF PROPOSED ADDITION FROM ADJOINING ZONING DISTRICT		Residential: 50 ft.; Non-residential: 20 ft.	East side (residential): 40 ft.; West side (non-residential): 120 ft.	The building must comply or variances will be necessary.
SETBACK FROM ANY R-0-W		Front yard setback (min. 40 ft.)	65 ft.	Yes

SUPPLEMENTAL REGULATIONS			
PARKING AREAS & DRIVEWAYS	20 ft. from any property line w/ screen of 6 ft. fence or vegetation	Existing parking area and driveway are 20 ft. from west property line; no new parking areas or driveways are proposed; lack of screen is legally non-conforming.	Yes
STREET CLASSIFICATION	Must be located on thoroughfare or arterial	Located on a minor arterial.	Yes
USES OPERATED BY PLACE OF WORSHIP	Uses not defined as part of place of worship must comply with applicable regulations.	A gymnasium (i.e., an indoor recreation facility) is an authorized accessory use to a place of worship.	Yes

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

- 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 size of the subject property is adequate for the contemplated use. As depicted on the site plan, the property will accommodate the proposed building addition without encroachment into required yard setbacks or exceeding the maximum allowed lot coverage. The addition will not increase the required number of off-street parking spaces or affect circulation within the existing parking lot. After construction of the addition, the site will comply with applicable requirements of the R-100 district. It would not comply with the requirement in the supplemental regulations for a distance buffer from the adjoining residentially-zoned property to the east, as discussed in paragraph Q.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:** The current use of the property for a place of worship is compatible with other properties and land uses in the surrounding area. The proposed expansion would not change the use of the property nor make it incompatible surrounding properties and land uses.
- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:** Public services, public facilities, and utilities appear to be adequate to serve the existing place of worship, and there is no indication that the proposed gymnasium will generate increased demands on the public infrastructure to the extent that it would become inadequate.
- 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 proposed use, so as not to unduly increase traffic or create congestion in the area:** It is possible that the gymnasium would allow the Church to program events and gatherings that could generate more traffic than what is currently generated by the Church. Based on

comments by the County Division of Transportation and the County Division of Traffic Engineering, there is sufficient traffic carrying capacity for the proposed use, and it is not expected to create congestion on the surrounding street system.

- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:** Except for an occasional service vehicle, the Church currently generates traffic comprised of passenger cars. The proposed gymnasium is not expected to change the character of vehicles currently generated by the Church. The volume of traffic resulting from the proposed gymnasium is not expected to adversely affect land uses along access routes to the site because it is expected to be absorbed by South Stone Mountain-Lithonia Road.
- F. 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:** Ingress and egress is currently provided by a 50-foot wide driveway that connects South Stone Mountain-Lithonia Road to the Church's parking lot, and appears to be satisfactory. Users of the proposed gymnasium would use the existing parking lot and are not expected to affect circulation within it. Pedestrian access to the property could be improved with a sidewalk across the frontage of the property that connects with the sidewalk in front of the Redan School.
- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:** Any noise generated by the proposed gymnasium is not expected to negatively affect adjoining land uses, which are a school on one side, a light industrial plant on the other, and railroad tracks to the rear of the property.
- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:** The proposed use is not expected to create adverse impacts upon any adjoining land use due to its hours of operation.
- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:** The proposed use is not expected to create adverse impacts upon any adjoining land use due to its manner of operation as a recreational and social gathering facility.
- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:** After construction of the addition, the site will comply with applicable requirements of the R-100 district.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:** The proposal is consistent with the policies of the 2035 Comprehensive Plan. It would allow an existing place of worship to thrive and to provide activity space for members of the Church and the surrounding community.
- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:** The plan does not comply with the required distance buffer from an adjoining residentially-zoned property. However, It should be noted that the adjoining property to the east, while zoned R-100, is used for the Redan Elementary School, whereas the apparent intent of the regulation is to buffer a residence from a place of worship.
- M. Whether or not there is adequate provision of refuse and service areas:** No changes in the existing refuse and services areas appear to be necessary.

- N. Whether the length of time for which the special land use permit is granted should be limited in duration:** Because the proposed use of the site is suitable, there is no reason to limit its duration.
- O. Whether or not 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 would be 28.5 feet in height, would be located at the rear of the property, and would be a considerable distance from the buildings on the adjoining properties to the east and west. For these reasons, the size and scale of the proposed building is appropriate. The building does not comply with the requirement that the façade walls be no longer than 40 feet without recesses and projections. The flat façade planes of the building could create the impression of undesirable massiveness.
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:** No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:** The proposed gymnasium would not comply with the requirement in the supplemental regulations for a distance buffer from the adjoining residentially-zoned property to the east. It would be located 40 feet from the adjoining property instead of the required 50 feet. The applicant has the option of seeking a variance from this requirement. It should be noted that the adjoining property to the east, while zoned R-100, is used for the Redan Elementary School, whereas the apparent intent of the regulation is to buffer a residence from a place of worship.
- R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:** The proposed building would not create a negative shadow impact on any adjoining lot or building.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:** The proposed use would be consistent with the needs of the neighborhood or of the community as a whole, would be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan. The existing acreage of the lot is non-conforming by approximately .45 of an acre (approximately 19,602 square feet), but the lot is large enough to accommodate the existing Church, a parking lot, the proposed addition, recreational space, and green space, without adversely impacting land uses on adjoining properties, which are all non-residential.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposal is consistent with the policies of the 2035 Comprehensive Plan. It would allow an existing place of worship to thrive and to provide activity space for members of the Church and the surrounding community. The current use of the property for a place of worship is compatible with other properties and land uses in the surrounding area, as well as adjoining land uses, which are a school on one side, a light industrial plant on the other, and railroad tracks to the rear of the property. The proposed expansion would not change the use of the property nor make it incompatible surrounding properties and land uses. Based on comments by the County Division of Transportation and the County Division of Traffic Engineering, there is sufficient traffic carrying capacity for the proposed use, and it is not expected to create congestion on the surrounding street system. Use of the proposed gymnasium is not expected to create adverse impacts upon any adjoining land use due to its hours or manner of operation.

Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The Special Land Use Permit shall be issued to the Medhanealem Eritrean Orthodox Church, for a place of worship and an accessory gymnasium, and shall be transferrable in accordance with Section 27-7.4.12 of the DeKalb County Code.
2. The proposed gymnasium shall be constructed in a manner consistent with the site plan titled, “Site Plan for Medhanealem Eritrean Orthodox Church”, prepared by Patrick and Associates, dated 1/5/2018.
3. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

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

NEXT STEPS

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

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

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