



DeKalb County Government

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

Agenda Item

File #: 2019-4717
File Status: Preliminary Item

1/7/2020

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

**Application of Arpon, LLC c/o Battle Law, P.C. to request a Major Modification to approved conditions pursuant to CZ- 18-22137 to amend conditions #1 and #8 to allow a self-storage facility on the site, within a C-1 (Local Commercial) District, at 5636 Redan Road
PETITION NO: N10. CZ-20-1243623 (2019-4717)**

PROPOSED USE: Self-Storage Facility

LOCATION: 5636 Redan Road

PARCEL NO. : 16-062-02-005

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Arpon, LLC c/o Battle Law, P.C. to request a Major Modification to approved conditions pursuant to CZ- 18-22137 to amend conditions #1 and #8 to allow a self-storage facility on the site, within a C-1 (Local Commercial) District. The property is located on the north side of Redan Road approximately 306 feet east of Panola Road, at 5636 Redan Road, Stone Mountain, GA. A portion of the property fronting on Redan Road is located within Tier 2 of the Greater Hidden Hills Overlay District. The property has approximately 196 feet of frontage along the north side of a Redan Road and contains 4.87 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Deferral.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is requesting to modify conditions pursuant to CZ-10-22137 to allow development of a self-storage facility in combination with the adjacent parcel on C-1 (Local Commercial) zoned property. Located within a Neighborhood Center Character Area designated by the 2035 Comprehensive Plan, the modification request is consistent with the following Plan Policy: Each neighborhood Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several

neighborhoods. Given that Redan Road is a minor arterial, the proposed commercial use should not cause an excessive burden on existing streets and transportation facilities. The proposed use will have no impact on area schools. Therefore, the Department of Planning and Sustainability recommends, “Approval, subject to Staff’s recommended conditions”.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 8-0-1. The Community Council voted to defer the request to allow the applicant to host another community meeting with surrounding neighbors prior to Planning Commission meeting on January 07, 2020.

Recommended Conditions

CZ-20-1243623

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, however, that a Self-Storage Facility shall be allowed as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:
 - A. The primary building in which the office is located shall be a two-story climate-controlled building;
 - B. Security cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency.
 - C. Access to the self-storage facility shall be prohibited between the hours of 10:00pm and 7:00am daily.
 - D. The storage units may not be used for the following: operating a business or service enterprise; Personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; storage of hazardous or toxic materials; living or sleeping quarters; or event space for parties, meetings, flea markets, or other similar activities.

Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.
2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces shall be calculated using parking criteria consistent with the Greater Hidden Hills Overlay District per Article 3.37.32.
5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of-way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
8. All buildings shall be three (3) sided brick along the front and sides. However, this condition shall not apply to self-storage facilities.

9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
10. To maintain consistency on all potential commercial uses on the site, all signage must be compliant to development standards within the Greater Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 07, 2020, 6:30 P.M

Board of Commissioners Hearing Date: January 28, 2020, 6:30 P.M.

STAFF ANALYSIS

Case No.: CZ-20-1243623 **Agenda #:** N.10

Location/Address: The north side of Redan Road approximately 306 feet east of Panola Road at 5636 Redan Road, Stone Mountain, GA. **Commission District:** 5 **Super District:** 7

Parcel ID: 16-062-02-005

Request: To request a major modification to approved conditions pursuant to CZ-18-22137 to amend conditions 1 and 8 to allow a self-storage facility on the site.

Property Owner/Applicant: Arpon, LLC

Applicant's Agent: Battle Law, P.C.

Acreage: 4.87 Acres

Existing Land Use: Undeveloped property consisting of mature vegetation with trees and shrubbery

Surrounding Properties Adjacent Zoning: East, west and south of the site along Redan Road are various retail, commercial and institutional uses zoned C-2 (General Commercial). Adjacent to the site along the west property line is property zoned C-1 (Local Commercial) pursuant to CZ-18-22137 and approved for general retail, commercial and office uses.

Comprehensive Plan: **Neighborhood Center (NC)** **Consistent** **Inconsistent**

| | |
|---|--|
| Proposed Storage Facility Square Ft.: 81,250 Square Feet | Existing Building Sq. Footage: None |
| Proposed Lot Coverage: 53.5% | Existing Lot Coverage: None |

SUBJECT SITE & ZONING HISTORY

Per the submitted survey, the 4.87-acre undeveloped site consists of primarily woods, mature vegetation and grass. A small shed is located on the property. The site has frontage on Redan Road (a four-lane minor arterial). The character of the area immediately surrounding the site consists of various commercial and institutional uses on Redan Road. They include auto related businesses (tire sales and auto repair) and places of worship (Judah House of Praise and Atlanta Restoration Breakthrough Ministries). Further west at the intersection of Redan Road and Panola Road is a strip commercial plaza with various retail uses and CITGO gas station with convenience store.

The subject site was rezoned from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District pursuant to Z-18- 22137 by the Board of Commissioners on June 26, 2018 with the following 13 approved conditions:

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning. Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.
2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces shall be calculated using parking criteria consistent with the Greater Hidden Hills Overlay District per Article 3.37.32.
5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of-way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
8. All buildings shall be three (3) sided brick along the front and sides.
9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
10. To maintain consistency on all potential commercial uses on the site, all signage must be compliant to development standards within the Greater Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

MODIFICATION REQUESTS

Per the submitted Statement of Intent, the applicant is requesting to modify conditions 1 & 8 as follows:

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning. **However, a Self-Storage Facility shall be allowed as a permitted use on the portion of the subject property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:**
 - A. **The primary building in which the office is located shall be a two-story climate- controlled building.**
 - B. **Security cameras shall be installed within the two-story building as well as throughout the perimeter of the facility and connected to the DeKalb County law enforcement Agency.**
 - C. **Access to the self-storage facility shall be prohibited between the hours of 10p.m. and 7a.m. daily.**
 - D. **The storage units may not be used for the following: operating a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; storage of hazardous or toxic materials; living or sleeping quarters; or event space for parties, meetings, flea markets, or other similar activities.**

Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.

8. All buildings shall be three (3) sided brick along the front and sides. **However, this condition shall not apply to self-storage facilities.**

MODIFICATION ANALYSIS

The modification request to conditions 1 and 8 is to develop a self-storage facility on the subject site in conjunction with the adjacent parcel at 5672 Redan Road proposed for C-1 (Local Commercial) District pursuant to Z-20-1243622. Existing condition 1 prohibit uses as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of the rezoning. A self-storage facility is a listed prohibited use in Tier 2. The intent of the original approved condition was to allow development on the site consistent with the Greater Hidden Hills Overlay District because the bottom portion of the site fronting on Redan Road (identified as Tract A) on the submitted site plan is within the Greater Hidden Hills Overlay District. However, the top portion of the parcel where the proposed self-storage facility will be located is not within the Greater Hidden Hills Overlay District.

The modification request is to allow a self-storage facility as a permitted use on the site. In addition, the applicant is proposing developing and operating restrictions for the self-storage facility if allowed on the site. The requested modification limits the height of the primary building to two stories; the addition of security cameras around the perimeter of the site; limited hours of storage unit accessibility; and restrictions for use of storage unit space such as flea markets and events space for parties. Condition 8 requires buildings to be 3-sided brick. The applicant is requesting that this condition not apply to the proposed self-storage facility. Both modification requests only apply to the development of a self-storage facility. It does not affect any other prohibited use within Tier 2 of the Greater Hidden Hills Overlay District. The proposed site plan depicts compliance to required transitional buffer adjacent to

residential zoned property along the north property line. Given that the proposed storage facility is located interior to the development and adjacent to Georgia Railroad, Planning staff is of the opinion that the modification requests do not affect the overall quality of development on the site.

Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and 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.**
Located within a Neighborhood Center Character Area designated by the 2035 Comprehensive Plan, the modification request is consistent with the following Plan Policy: Each neighborhood Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**
The modification request to allow a self-storage facility will permit a use that is compatible with adjacent and nearby commercial uses along Redan Road.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**
The proposed modification request will not affect the current C-1 (Local Commercial) zoning on the subject site.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**
The modification request to allow a self-storage facility will not affect other commercial uses along Redan Road.
- 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.**
Only the bottom portion of the site (TRACT A) is located within the Greater Hidden Hills Overlay District. Modification of the condition to allow development of a self-storage facility with restrictions on usage in the top portion of the site does not impact the intent of the Overlay District.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**
The proposed modification request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.
- 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.**
Redan Road becomes a two-lane minor arterial in front of the site. The proposed use will have no impact on area schools, existing streets, transportation facilities or utilities.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**
The modification request should not adversely impact the environment or surrounding natural resources.

PROPOSED OVERALL SITE PLAN COMPLIANCE WITH DISTRICT STANDARDS

The overall site for development as a self-storage facility and future commercial development on TRACT A as depicted on the submitted site plan should comply with minimum development standards of the C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance and development standards for Tier 2 of the Greater Hidden Hills Overlay District (GHHOD).

| STANDARD | REQUIREMENT | EXISTING/PROPOSED | COMPLIANCE |
|---|---|--|------------|
| LOT WIDTH (C-1) | A minimum 100 feet of lot width on a public street frontage | Approximately 195 feet of frontage along Redan Road. | Yes |
| LOT AREA (C-1) | 20,000 Square Feet | Combined 6 + acres or 261,360 + Square Feet | Yes |
| FRONT BUILDING SETBACK – Front for overall proposed development is located within the Greater Hidden Hills Overlay District-Tier 2. | Minimum 0 Feet to maximum 20 feet within Tier 2 of the Greater Hidden Hills Overlay District. (Article 3.37.13.B.1.) | Proposed 20-foot building setback | Yes |
| SIDE INTERIOR BUILDING SETBACK | TRACT A (GHHOD) –May be 0 feet | TRACT A – 5 Feet | Yes |
| REAR SETBACK | TRACT A (GHHOD) 10-Feet | TRACT A (GHHOD) 10-Feet | Yes |
| REAR SETBACK | TRACT B – 30 Feet | TRACT B – 30 Feet | Yes |
| TRANS. BUFFERS Table 5.2(a) | TRACT B - 50 feet adjacent to R zoned property along north property line. | 50 feet adjacent to R zoned property along north property line. | Yes |
| HEIGHT | 2 stories/35 feet | 2 stories or 35 feet | Yes |
| PARKING Article 6 TRACT B - Minimum 1 space per 8,000 Square Feet of floor area. | Based on 81,250 square feet of heated floor area, a minimum 10 spaces are required. | TRACT B -10 parking spaces TRACT A – Unable to determine at this time. Will be based on future development. | Yes |

| | | | |
|-----------------------------|------------------------------------|--|---|
| | | | |
| OPEN SPACE | 20% Tract B Min. 10% Tract A | Not calculated or depicted on submitted survey | Site should be able to accommodate this standard. |
| LINEAR FEET OF NEW SIDEWALK | Sidewalk along Redan Road frontage | Sidewalk currently exists along Redan Road frontage. | Yes |

Staff Recommendation: APPROVAL WITH CONDITIONS

The applicant is requesting to modify conditions pursuant to CZ-10-22137 to allow development of a self-storage facility in combination with the adjacent parcel on C-1 (Local Commercial) zoned property. Located within a Neighborhood Center Character Area designated by the 2035 Comprehensive Plan, the modification request is consistent with the following Plan Policy: Each neighborhood Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods. Given that Redan Road is a minor arterial, the proposed commercial use should not cause an excessive burden on existing streets and transportation facilities. The proposed use will have no impact on area schools. Therefore, the Department of Planning and Sustainability recommends **APPROVAL** of the modification request subject to the following conditions:

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, however, that a Self-Storage Facility shall be allowed as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:
 - A. The primary building in which the office is located shall be a two-story climate-controlled building;
 - B. Security cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency.
 - C. Access to the self-storage facility shall be prohibited between the hours of 10:00pm and 7:00am daily.
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Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.

2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces shall be calculated using parking criteria consistent with the Greater Hidden Hills Overlay District per Article 3.37.32.

5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of-way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
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9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
10. To maintain consistency on all potential commercial uses on the site, all signage must be compliant to development standards within the Greater Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map & Land Use Map
5. Aerial Photograph/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 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.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT

Application Number: **CZ-20-1243623**

The following areas below may warrant comments from the development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **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 is not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

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



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-20-1243623

Parcel I.D. #: 16-062-02-005

Address: 5636 Redan Road

Stone Mountain, Georgia

WATER:

Size of existing water main: 8" CI, 8" DI, & 20" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Barbashela Creek Basin

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

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

Sewage Capacity; * (MGPD)

Current Flow: 21.7 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

SITE IS LOCATED W/IN CAPACITY RESTRICTED
AREA. SEWER ACTION PLAN WILL MOST LIKELY
BE REQUIRED. INFO.

Signature: _____



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.: CZ-20-12436-23 Parcel I.D. #: 16-062, 02-005

Address: 5636 Redan Road
Stone Mountain, Ga. 30088

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:

Did not see any traffic engineering concerns at this time.

Signature: Janet Russell



DeKalb County

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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



DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

20
CL-~~14~~-1213623

Existing Conditional Zoning No.: CZ18-22137

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

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

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

OWNER NAME: The R. Dennis and Joyce H. Christopher Family Limited Partnership (If more than one owner, attach contact information for each owner)

Daytime Phone#: 770-385-0714 Fax #: _____ E-mail: _____

Mailing Address: 3200 Georgia 142, Mansfield, GA 30055

SUBJECT PROPERTY ADDRESS OR LOCATION: 5636 Redan Road

Decatur, DeKalb County, GA, 30088

District(s): 16 Land Lot(s): 062 Block(s): 02 Parcel(s): 005

Acreage or Square Feet: 4.87 acres Commission District(s): 5&7 Existing Zoning: C-1(Cond)

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

Yes No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: _____ Agent: _____
(Check One)

Arpon, LLC

Signature of Applicant: By: 

Printed Name of Applicant: Arpon, LLC Major Modification Application

B Battle Law, P.C.
Commercial Real Estate & Zoning

ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: bdc@battlelawpc.com

**Zoning related applications for
development of Self storage facility**

NOV 07 2019

Community Meeting
Thursday, October 24, 2019
6:30 pm until 8:00 pm
Crossroads Presbyterian Church
5587 Redan Rd
Stone Mountain, GA 30058

SUBJECT PROPERTY:
5636 Redan Rd
Stone Mountain, GA 30058

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for Major Change of Condition for
CZ18-22137

by

ARPON, LLC

for

4.87± Acres of Land
located at
5636 Redan Road
Land Lot 62, 16th District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, GA30030
404-601-7616

I. STATEMENT OF INTENT

The Subject Property is a 4.87-acre tract located at 5636 Redan Road east of the northeastern corner of Redan Road and Panola Road. The Subject Property is was rezoned from R-100 to C-1 pursuant to DeKalb County Zoning Case No. CZ18-22137. The Applicant, Arpon, LLC, is seeking to acquire the Subject Property for the development of office/retail space within the portion of the Subject Property located in the Greater Hidden Hills Overlay District Tier 2, with the balance of the Subject Property, along with the property located at 5672 Redan Road, being developed for a self-storage facility. While CZ18-22137 covers the properties located at 1230, 1238 and 1248 Panola Road, this Major Change of Condition Application is limited to the Subject Property, as the proposed changes only impact the Subject Property. Simultaneously with this Application, the Applicant has applied to rezone the property at 5672 Redan Road from R-100 to C-1.

II. MODIFICATIONS REQUESTED

The Subject Property was rezoned in 2018 subject to thirteen (13) zoning conditions attached hereto as Exhibit "A". Of the 13 Conditions, the Applicant is seeking to amend the following two conditions as follows with the additions underlined and highlighted in red:

Condition 1: Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibited Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, provided, however, that a Self-Storage Facility shall be allow as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:

- A. The primary building in which the office is located shall be a two-story climate-controlled building;
- B. Security Cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency;
- C. Access to the Self-Storage Facility shall be prohibited between the hours of 10pm and 7am daily;
- D. The storage units may not be used for the follow:
 - i. Operating a business or service enterprise,
 - ii. Personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment,
 - iii. Storage of hazardous or toxic materials,
 - iv. Living or sleeping quarters, or

v. Event space for parties, meetings, flea markets, or other similar activities.

Site plan is conceptual and subject to the approval of the Director of Planning and Sustainability for compliance to zoning code and approved conditions.

Condition 8: All buildings shall be three (3) sided brick along the front and sides, **provided, however, this condition shall not apply to Self-Storage Facilities.**

III. IMPACT ANALYSIS

- (a) Suitability of use: The proposed application will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is surrounded by C-1 and C-2 uses South, East and West of the Subject Property. The northeastern boundary of the Subject Property abuts the railroad. The uses on Redan Road include an older strip center, with gas pumps, automobile repair facilities, beauty salons and the DeKalb County Fire Station. A new Waffle House and Family Dollar are slated to be opened on the western boundary of the Subject Property off of Panola Road. Therefore, the proposed use is consistent with the existing and proposed uses in the area.
- (b) Effect on adjacent property: The uses of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners. The proposed use will allow for the development of this undeveloped parcel which has become a dumping ground and location for nefarious activities. The proposed use will bring more presence along the street, and as well as security cameras to assist with making the area safer. Also, the improvements will raise the property values of the adjacent parcels. The single-family home North of the Subject Property will not be negatively impacted as the transitional buffer will provide screening, along with the privacy fence to be installed. Additionally, the development of the Subject Property will eliminate pedestrian access cutting through the Subject Property to access Stone Mountain Lithonia Road.
- (c) Economic use of current zoning: Due to the rear portion of the property have little visibility from Redan Road, the proposed use of the rear portion of the Subject Property is minimal. Retailers prefer to be located along the right of way. There already two strip centers in the area which provide retail space for convenience stores, liquor stores, barbershops, beauty salons, nail salons, insurance agencies, food shops etc. With the automobile shops located near the front entrance, there is very few options for the development of office/retail space within the rear of the Subject Property that would thrive and not be a duplication of the uses already prevalent in the area.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation

facilities, utilities, or schools in the area. In fact, a self-storage facility would have the least amount of impact on public utilities than any other use, due to the low volume of traffic generated by the use.

- (e) Effect on historic building, sites, etc. The approval of this Major Change of Condition Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this Major Change of Condition Application will not result in any adverse environmental impact.
- (g) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property is currently zoned C-1 which is in conformity with the Neighborhood Center designation for the Subject Property.
- (h) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in

violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend zoning conditions for the Subject Property as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the amendments to the zoning conditions in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

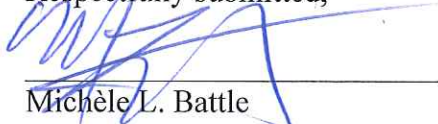
A refusal to allow the modification of the zoning conditions in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning conditions and classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

IV. CONCLUSION

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

Respectfully submitted,



Michèle L. Battle
Attorney For Applicant

EXHIBIT "A"

Approved Conditions for CZ18-22137

Z-18-22137 - Proposed C-1 Zoned Conditions

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibited Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning. Site plan is conceptual and subject to the approval of the Director of Planning and Sustainability for compliance to zoning code and approved conditions.
2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces shall be calculated using parking criteria consistent with the Greater Hidden Hills Overlay District per Article 3.37.32.
5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as may be required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
8. All buildings shall be three (3) sided brick along the front and sides.
9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
10. To maintain consistency on all potential commercial uses on the site, all signage must be comply development standards within the Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

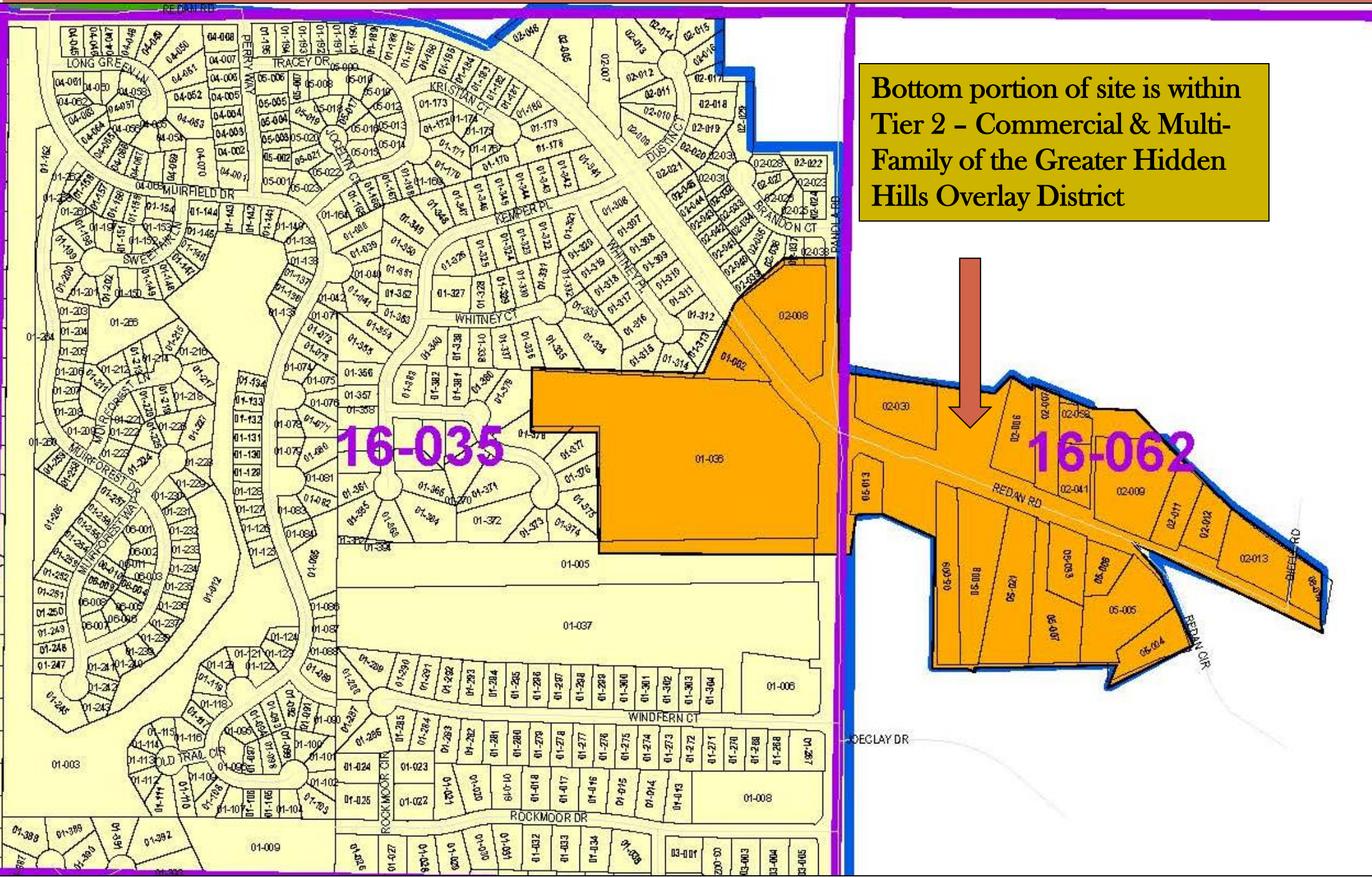
GREATER HIDDEN HILLS OVERLAY DISTRICT

Sec. 3.37.10. - Prohibited uses in Tier 2.

The following principal uses of land and structures shall be prohibited in Tier 2:

- A. Adult entertainment establishment.
- B. Adult service facility.
- C. Automotive parts store.
- D. Automotive repair, major or minor, and body and paint shop.
- E. Blood collection center.
- F. Breeding kennel.
- G. Check cashing establishment to include automobile title loan and pay day loan establishment.
- H. Tire store where the majority of the tires offered for sale are used tires.
- I. Funeral home and crematory.
- J. Gold-buying establishment.
- K. Heavy truck and equipment repair and trade shop.
- L. Reserved.
- M. Motel.
- N. New and used automotive, truck, boat and trailer sales.
- O. Night club.
- P. Outdoor amusement and recreation facility.
- Q. Outdoor equipment and materials storage.
- R. Outdoor open sales and flea market.
- S. Pawn shop.
- T. Personal care home/child caring institution.
- U. Self storage facility.
- V. Car wash and detailing.
- W. Storage yard for damaged or confiscated vehicles.
- X. Storage/salvage and junk yard.
- Y. Tattoo establishment.
- Z. Thrift and consignment store, which is an establishment selling pre-owned merchandise.
- AA. Transitional housing and boarding house.
- BB. Truck stop and terminal.
- CC. Funeral home.
- DD. Temporary and/or outdoor sale unless authorized by special administrative permit from the planning director in accordance with the requirements of this division.

([Ord. No. 15-06](#), 8-25-2015)



Bottom portion of site is within Tier 2 - Commercial & Multi-Family of the Greater Hidden Hills Overlay District

16-035

16-062

