

404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov Clark Harrison Building 330 W. Ponce de Leen Ave Decatur, GA 30030

## DEPARTMENT OF PLANNING & SUSTAINABILITY

# SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received:	Application No:
APPLICANT NAME:JOHN CORCORAN	
Daytime Phone:470-440-8594	E-Mail:john.corcoran@theHDC.org
Mailing Address:750 Commerce Dr., Decatur, G	SA 30030
Owner Name:METROPOLITAN ATLANTA RAF	TRANSIT AUTHORITY (MARTA)
(If more than one owner, att	ach contact information for each owner)
Daytime Phone:404-848-5011	E-Mail:dfrank@itsmarta.com
Mailing Address:2424 Piedmont Rd, Atlanta,	GA 30324
SUBJECT PROPERTY ADDRESS OR LOCATION: _	3391 Kensington Rd,
Decatur, DeKall	o County, GA,30032
Parcel ID:1525006009, 1525103001, 15251030	002, 1525103003 Acreage or Square Feet:4.3
Commission DistrictsDistrict 4/Super District 6	Ĵ
Existing Zoning:R75Pro	oposed Special Land Use (SLUP)Senior Housing, MU4
I hereby authorize the staff of the Planning and subject of this application.  Printed Name of Applicant: John Corcoran Owner: Agent:X  Signature of Applicant  Notary Signature and Seat:	Sustainable Department to inspect the property that is the
P:\Current_Planning\Forms Application Forms 2018\SPEC has LANDELSES	PERMIT (SERVE) dock July 10, 2018
"Intumount"	K. Gennin.



#### **IMPACT ANALYSIS**

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for 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.
- B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district.
- C. Adequacy of public services, public facilities and utilities to serve the use contemplated.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. Ingress and egress to the subject property and to all proposed buildings, structures and uses thereon with particular references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency.
- G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust or vibration generated by the proposed use.
- H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use.
- I. Whether or not the proposed use will create adverse impact upon any adjoin land use by reason of the manner of operation of the proposed use.
- J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive Plan,
- 1. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located.
- M. Whether or not there is adequate provision of refuse and service areas:
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether 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 the adjacent and nearby lots and buildings.
- P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.
- R. Whether or not the proposed building as a result of its proposed height will 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 the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan.

### **IMPACT ANALYSIS**

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, offstreet parking and all other applicable requirements of the zoning district in which the use is proposed to be located. Yes, the site is adequate to support the proposed development of senior housing and satisfy all requirements.
- B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district. In the past five years, properties along Kensington Road have transitioned to denser residential uses. This proposal conforms with the changing land use pattern of the adjacent and nearby properties.
- C. Adequacy of public services, public facilities and utilities to serve the use contemplated. The proposed senior development will be positioned within close proximity to public services and utilities.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. TBD. MARTA along with our development partner will evaluate the potential ancillary impacts of the station development when site plan and development concept have been designed and approved. The development will incorporate any mitigation plans after final evaluations have been completed.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use. No, the proposed land use will not adversely affect the volume of traffic for existing land uses along the access routes.
- F. Ingress and egress to the subject property and to all proposed buildings, structures and uses thereon with particular references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency. The development will incorporate any mitigation plans after final evaluations have been completed.
- G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust or vibration generated by the proposed use.

  No, the proposed development is a senior residential community that will not have an adverse impact on noise, smoke, odor, dust or vibration generation.
- H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use. No, the proposed development will not adversely impact hours of operations of any adjoining land.

- Whether or not the proposed use will create adverse impact upon any adjoin land use by reason of the manner of operation of the proposed use. No. The proposed development will not adversely impact the manner of operations of any adjoining land.
- J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located. **Yes. The development is consistent with all the requirements of the zoning district.**
- K. Whether or not the proposed use is consistent with the policies of the comprehensive Plan, Yes. The 2035 Comprehensive Plan designates the MARTA Station within a Regional Center classification. In addition, the station has been the subject of a DeKalb County Small Area Plan and a 2012 Livable Centers Initiative Plan. These plans recommend high density mixed-use development. MU-4 is specifically listed as a permitted zoning district in the Regional Center classification.
- L. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located. Yes, the proposed senior housing development will adhere to the all required buffer zones and transitional buffer zones.
- M. Whether or not there is adequate provision of refuse and service areas: Yes, the proposed development will have adequate provisions for refuse and service areas as outlined in the attached schematic plan.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration. No, the SLUP duration should not be limited and should be for the life of the development.
- 0. 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 the adjacent and nearby lots and buildings. Yes, the proposed senior housing development will be appropriate to the size and scale of nearby buildings.
- P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources. No. There are no known historic buildings, sites, districts, or archaeological resources that will be adversely affected.
- Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.
  - The primary use of the proposed development is independent senior housing.
  - Accessory uses of this senior housing residence will include a clubhouse for classes, meetings, and other community amenities.
  - The maximum number of unrelated residents living independently (not requiring personal care) and at age fifty-five (55) or older allowed in an independent living unit is one (1) per bedroom.
  - This development will be 4 stories and will not require a height SLUP.
  - The development will incorporate accessibility standards that meet the following certification requirements for easy living or universal design and/or include all of the following minimum features:

- 1. At least one (1) step free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.
- 2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
- 3. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
- 4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- The site selection and design of the proposed senior community has considered the following criteria:
- 1. Proximity and pedestrian access to retail services and public amenities.
- 2. Transportation alternatives.
- 3. Integration into existing neighborhoods through connectivity and site design.
- 4. Diverse housing types.
- 5. Site and building design that encourages social interaction.
- 6. Building design that meets easy living standards.
- 7. Building height.
- 8. Landscaping.
- 9. Maximum lot coverage.
- 10. Setbacks from exterior property lines.
- 11. Site size.
- 12. Access to thoroughfare.
- R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building. No, the development is planned as a 4-story building and will not create a negative shadow on any surrounding buildings.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan. Yes. In the past five years, properties along Kensington Road have transitioned to denser residential uses. This proposal conforms with the changing land use pattern of the adjacent and nearby properties and the goals as outlined in the comprehensive plan.



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## DEPARTMENT OF PLANNING & SUSTAINABILITY

## AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

March 25, 2020	
TO WHOM IT MAY CONCERN:	
(I) (WE) Metropolitan Atlanta Rapid Transit A	uthority (MARTA)
Nar	me of owner(s)
being (owner) (owners) of the subject property delegate authority to	described below or attached hereby
Housing Development Corporation	
Name of A	Agent or Representative
tary Public 04/01/20 META JARY	Owner Thank
tary Public	Owner
ary Public	Owner
ary Public	



#### **FILING FEES**

At the time of submittal, a filing fee shall accompany each Special Land Use Permit application as follows:

#### SPECIAL LAND USE PERMIT

\$400.00

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. Applications deferred "full cycle" do not require additional fees. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.

## **ADDITIONAL CRITERIA FOR SPECIFIED USES**

No application for a special land use permit for the uses specified below shall be granted by the board of commissioners unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 and complying with applicable regulations in Article 4, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. Telecommunications towers and antennas. In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the board of commissioners shall comply with and apply the requirements of section 4.2.57.
- B. Mine, mining operation, gravel pit, quarry, or sand pit. In determining whether to authorize a special land use permit for a mine, mining operation, gravel pit, quarry, or sand pit, the board of commissioners shall also consider each of the following criteria:
  - 1. Whether the type and volume of traffic associated with such use will cause congestion in the streets and will create noise and vibration along streets used for residential purposes or adjacent to activity centers.
  - Whether the applicant has provided a soil erosion control plan and a reuse or reclamation plan which meets the requirements of DeKalb County and of the Georgia Surface Mining Act, O.C.G.A. § 12-4-70, et seq., as amended, and the Rules of Department of Natural Resources, Chapter 391- 3-3, as amended.
  - 3. Whether or not the applicant meets the requirements of the county's noise ordinance.
- C. Child day care facility. In determining whether to authorize a special land use permit for a child day care facility, the board of commissioners shall also consider each of the following criteria:



- 1. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
- 2. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.
- 4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.
- D. Biomedical waste disposal facilities, disposal facilities, landfills, county solid waste disposal facilities, county solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities far hazardous and/or toxic materials including radioactive materials.
- In determining whether to authorize a special land use permit for a biomedical waste disposal
  facility, disposal facility, landfill, county solid waste disposal facility, county solid waste landfill,
  private industry solid waste disposal facility, solid waste handling facility, solid waste thermal
  treatment technology facility, or disposal facility for hazardous and/or toxic materials including
  radioactive materials, the board of commissioners shall also consider each of the following
  criteria:
  - a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.
  - b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.
  - c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential street(s) resulting from truck and other vehicular traffic associated with the facility.
  - d. Whether the proposed use does not represent an over-concentration of such uses in the area.
- 2. An assessment shall be prepared by the DeKalb County sanitation division regarding item 1.d above.



# LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1.	Is the requested SLUP for a new business or an existing business? (Please check only one) New Business Existing Business If the SLUP is for an existing business please answer question Nos. 2 - 5.
2.	Does this Business have a current Business License? Yes No  If yes, provide a copy of current business license.
3.	Has this business ever been operated without a Business License? Yes No
	If yes, how long did the business operate without a business license?
4.	<ul> <li>Has this business received a citation for any of the following:</li> <li>a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.</li> <li>b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.</li> <li>c. Business closure and renovation without surrendering license to State and County as required by State law.</li> <li>d. Change of business name, ownership, or use without DeKalb County approval.</li> <li>e. No valid Certificate of Occupancy issued by DeKalb County</li> <li>f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.</li> <li>g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.</li> </ul>
5.	If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.



