



DeKalb County Government

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

Agenda Item

File #: 2020-0083

5/28/2020

File Status: Preliminary Item

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

Application of Sudhir Tejpaul to rezone property in the Kensington-Memorial Overlay District from MU-4 (Mixed Use-4) to HR-1 (High-Density Residential-1) for a multifamily residential building, at 1221 & 4220 S. Indian Creek Place.

PETITION NO: N2. Z-20-1243741 (2020-0083)

PROPOSED USE: A four-story multifamily residential building.

LOCATION: 1221 and 4220 South Indian Creek Place, Stone Mountain, GA

PARCEL NO. : 15-222-13-015 & 15-222-13-019

INFO. CONTACT: Melora Furman

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Sudhir Tejpaul to rezone property in the Kensington-Memorial Overlay District from MU-4 (Mixed Use-4) to HR-1 (High-Density Residential-1) for a multifamily residential building. The property is located on the south side of Redan Road, approximately 286 feet east of South Indian Creek Drive, at 1221 and 4220 Indian Creek Place, Stone Mountain, GA. The property has approximately 35 feet of frontage on Redan Road, 481 feet on Indian Creek Place/Paulette Way, and 300 feet on Indian Creek Place and contains 2.27 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: Deferral.

PLANNING COMMISSION: Deferral Full Cycle.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The proposal is consistent with the 2035 Comprehensive Plan's Town Center policies that support a high-density mix of retail, office, services and employment centers that serve several neighborhoods. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed multifamily building is one of the uses that contribute to a mixed use development that will be built out in phases. The zoning proposal will not adversely affect the existing use

or usability of adjacent or nearby property, which are either retail (the CVS store), part of the originally approved development concept (townhomes), or located approximately ten feet above the project site (the Hiawatha subdivision). Therefore, the Department of Planning and Sustainability recommends “Approval with Conditions”.

PLANNING COMMISSION VOTE: Deferral Full Cycle, 6-2-0. G. McCoy moved and J. West seconded a motion to defer full cycle to allow time for the applicant to submit a more detailed site plan and elevations and renderings of the proposed building.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 7-0-0. The Community Council Board recommended full cycle deferral to allow time for the applicant to redefine the site plan to show an amenity area and detention pond, and to submit architectural plans.

RECOMMENDED CONDITIONS

Z-20-1243741

Rezoning of Property from MU-4 to HR-1

February 24, 2020

1. The ground sign shall be a monument-style sign with a base and framework made of brick or stone, and shall not exceed a height of fifteen feet. Sign faces shall not exceed sixty-four square feet in area.
2. 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.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

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

Planning Commission Hearing Date: March 3, 2020, 6:30 P.M.

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

STAFF ANALYSIS

Case No.: Z-20-1243741 **Agenda #:** N2

Location/Address: 1221 and 4220 Indian Creek Place, Stone Mountain, GA **Commission District:** 5 **Super District:** 7

Parcel ID(s): 15-222-13-015 & 15-222-13-019

Request: To rezone property in the Kensington-Memorial Overlay District from MU-4 (Mixed-use-4) to HR-1 (High-Density Residential-1) for a multifamily residential building.

Property Owner(s): Sid Tejpaal

Applicant/Agent: Sid Tejpaal

Acreage: 2.27

Existing Land Use: Asphalt paving for a parking lot & cleared land.

Surrounding Properties: To the north (zoned MU-4/Kensington Memorial Overlay District Tier 2): vacant land which was cleared for a commercial building; to the east (zoned MU-4/Kensington Memorial Overlay District Tier 2): townhomes; to the southeast, south, and southwest (zoned R-75): single-family residential; to the west and northwest (zoned C-1/Kensington Memorial Overlay District Tier 2): a CVS store.

Comprehensive Plan: TC (Town Center) ☒ **Consistent** ☐ **Inconsistent**

Proposed Units: 52	Existing Units: N.A. (Undeveloped)
Proposed Density: 22.9 units/acre	Existing Density: N.A. (Undeveloped)
Proposed Lot Coverage: 80%	Existing Lot Coverage: approximately 50%

Zoning History: The subject property is part of a larger parcel on which a mixed-use development has been developed in phases. The concept for the mixed-use development included townhomes, retail, and multifamily residential with ground floor retail. Part of the parcel was rezoned in 2003 pursuant to CZ-02-065 from R-75 (Single-Family Residential) to C-1 (Local Commercial) for the retail portion of the mixed-use development. In 2014, the Board of Commissioners rezoned the C-1 portion of the mixed-use development to OCR (Office-Commercial-Residential) to allow inclusion of a three-story mixed-use building with 26 residential units and ground floor retail. A concurrent application, SLUP-14-18989, was approved to allow the height of the mixed-use building to be three stories. The additional story was intended to allow for an increase in the number of residential units. Another

concurrent application, CZ-14-18962, modified the site plan of the overall mixed-use development to allow an increase in the number of townhome units. The C-1 and OCR classifications of the property were converted to MU-4 when the updated zoning ordinance was approved in 2015.

The Board of Commissioners deferred this case from the March zoning cycle to allow the applicant to develop and submit architectural renderings of the proposed multifamily building. The applicant has submitted the renderings that are included in the graphic attachments to this report.

SITE AND PROJECT ANALYSIS

The subject property is located on Redan Road, a minor arterial, and South Indian Creek Place, a local street, approximately 400 feet west of the intersection of Redan Road and South Indian Creek Drive. It is currently vacant except for some cleared portions that have been cleared for construction of surface parking lots that are intended to serve the retail and multifamily residential components of the proposed mixed-use development. The topography is level. The site is located approximately fourteen feet below the adjoining property to the south, which is developed with the Hiawatha single-family residential subdivision. A fourteen-foot retaining wall has been constructed along the south property line.

The townhome portion of the originally proposed mixed-use development has been constructed, and has been subdivided into condominiums. The portion of the mixed-used development at the front of the site, which was intended to be used for a retail building, has been split from the larger parcel.

The property is located in a Town Center activity center that is centered at the intersection of Redan Road and South Indian Creek Drive. A CVS store is located at the southwest corner of this intersection, on a property that adjoins the western property line of the mixed-use development site. The Indian Creek Crossing shopping center, which includes a grocery store, is located directly across Redan Road from the subject property. Other commercial land uses are located on all four corners of the Redan Road-South Indian Creek Drive intersection.

The applicant requests that the property be rezoned to allow the proposed mixed-use building to be increased from three stories to four stories and to be converted from residential with ground floor retail to all residential. The requested HR-1 zoning classification would allow the proposed multifamily residential density. The footprint of the previously approved three-story building, shown on the site plan next to the south property line, would not change.

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 consistent with the 2035 Comprehensive Plan’s Town Center policies that support a high-density mix of retail, office, services and employment centers that 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 properties:** The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:** The application states that the current real estate market favors conversion of the mixed-use building to an all-residential building.

- D. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property, which are either retail (the CVS store), part of the originally-approved development concept (townhomes), or located approximately fourteen feet above the project site (the Hiawatha subdivision).
- 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:** It appears that the current real estate market is driving the conversion of the mixed-use building to an all-residential building.
- 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:** Comments from reviewing agencies and departments indicate that the proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Although the School Board commented that the nearest elementary school is at capacity, the comments also stated: "However, the impact of this development is expected to minor."
- H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources:** Because the site is already cleared of trees and is not located near any environmentally-sensitive natural resources, it is not expected to adversely affect the environment.

Compliance with District Standards:

HR-1 STANDARD FOR MULTIFAMILY	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 24 units/acre w/Bonuses: 40 units/ac.	22.9 units/acre	Yes
MIN. OPEN SPACE	15%	15%	Yes
MIN. TRANSITIONAL BUFFER	50 feet on south side.	50 feet	Yes
MIN. LOT AREA	Not applicable	Not applicable	Not applicable
MIN. LOT WIDTH	100 ft.	35 ft. on Redan Road (original 2003 proposal had approximately 645 ft. on Redan Rd.)	Yes
MAX. LOT COVERAGE	85%	85%	Yes
MINIMUM UNIT SIZE	650 square feet	2 bdrm. --1,082 s.f. 1 bdrm. -- 750 s.f.	Yes

HR-1 STANDARD FOR MULTIFAMILY		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
BUILDING SETBACKS	FRONT (For entire bldg. site)	Min. 10 ft., Max. 20 ft.	Approximately 100 feet	A variance from the maximum setback will be necessary.
	INTERIOR SIDE	Not applicable	Not applicable	Not applicable
	REAR W/O ALLEY	Superseded by transitional buffer	Superseded by transitional buffer	Superseded by transitional buffer
	REAR W/ALLEY	Not applicable	Not applicable	Not applicable
MAX. BLDG. HEIGHT		4 stories and 60 feet	Maximum 60 feet	Yes
TRANS'L HEIGHT PLANE		Applicable on south side.	Bldg. encroaches into height plane.	A variance will be necessary.
PARKING		Min. – 1.5 spaces/unit = 78 spaces Max. – 3 spaces/unit = 156 spaces	78 spaces	Yes

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposal is consistent with the 2035 Comprehensive Plan's Town Center policies that support a high-density mix of retail, office, services and employment centers that serve several neighborhoods. 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 will not adversely affect the existing use or usability of adjacent or nearby property, which are either retail (the CVS store), part of the originally approved development concept (townhomes), or located approximately ten feet above the project site (the Hiawatha subdivision). Therefore, the Department of Planning and Sustainability recommends "Approval With Conditions".

1. The ground sign shall be a monument-style sign with a base and framework made of brick or stone, and shall not exceed a height of fifteen feet. Sign faces shall not exceed sixty-four square feet in area.
2. At least two overstory "canopy" trees shall be planted in front of the proposed multifamily residential building.
3. The surface parking lot in front of the proposed multifamily residential building shall comply with the parking lot landscaping requirements set out in Article 5 of the zoning ordinance.
4. 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. Board of Education Comments
4. Application
5. Site Plan & Renderings
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. 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.

From: Keeter, Patrece <pgkeeter@dekalbcountyga.gov>
Sent: Wednesday, February 19, 2020 9:35 AM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Wise, Rashad <rtwise@dekalbcountyga.gov>; Brown, Jeffery <Jbrown3@dekalbcountyga.gov>; Fowler, Herman E. <hcfowler@dekalbcountyga.gov>
Subject: March 2020 Zoning comments

N1. No comments

→ N2. No comments

N3. Panola Road is classified as a major arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc) are on right of way, whichever greater. 6 foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. 2 points of access required. Separation of access points required is at least 245 feet. Engineer must provide signed and sealed sight distance calculations for the two access points onto Panola Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.

N4. Engineer must provide signed and sealed sight distance calculations (stopping and intersection-Speed Limit 45 mph) for the access point onto Rockbridge Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy. Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 40 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc) are on right of way, whichever greater. 6 foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to Transportation Division approval of a Land Development Permit.

N5. Moreland Ave is State Route 42. GDOT review and approval required prior to Transportation Approval. Moreland Avenue is classified as a major arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc) are on right of way, whichever greater. 6 foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. Laynwyn Lane is classified as a local road. . Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks, streetlights, etc) are on right of way, whichever greater. 5 foot sidewalk required. Street lights required with payment to Georgia Power and signed petition required prior to LDP approval by Transportation. Engineer must provide signed and sealed sight distance calculations (stopping and intersection) for the access point onto Rockbridge Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.

N6. Developer must improve the curves along the frontage of Porter Road and bring Porter Road up to county standards along the entire frontage in order to obtain permit. Porter Road is classified as a local road. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks, streetlights, etc) are on right of way, whichever greater. 5 foot sidewalk required. 10 foot landscape area required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. . Engineer must provide signed and sealed sight distance calculations (stopping and intersection) for the access point onto Rockbridge Road based on

AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.

Patrece G. Keeter, P.E.

*Engineering Manager,
Department of Public Works
Transportation Division*

1950 West Exchange Place, 4th FL
Tucker, Georgia 30084
pgkeeter@dekalbcountyga.gov

☎ 770-492-5281
📠 678-758-3860
DeKalbCountyGA.gov



N-2



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-20-1243741 Parcel I.D. #: 15-222 13-015
1221 & 1220 Indian Creek Place
Address: Stone Mountain, Ga.

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Did not see any traffic engineering concerns at this time.

Signature: Joseph R. Reed



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 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 the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**



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- **Landscaping/Tree Preservation**

**DeKalb County School District
Development Review Comments**

Analysis Date: 2/19/2020

Submitted to: DeKalb County **Case #:** Z-20-1243741
Parcel #: 15-222-13-015/-019

Name of Development: Indian Creek Place
Location: Near the intersection of South Indian Creek Road and Redan Road

Description: New multi-family residential building with fifty-two (52) units

Impact of Development: When fully constructed, this development would be expected to generate 17 students: 6 at Rowland ES, 4 at Bethune, Mary McLeod MS, 3 at Towers HS, 4 at other DCSD schools, and 0 at private schools. Enrollment at Rowland ES is at capacity. However, the impact of this development is expected to be minor.

	Rowland ES	Bethune, Mary McLeod MS	Towers HS	Other DCSD Schools	Private Schools	Total
Current Condition of Schools						
Capacity	474	1,350	1,299			
Portables	7	0	0			
Enrollment (Fcast. Oct. 2020)	478	773	792			
Seats Available	-4	577	507			
Utilization (%)	100.8%	57.3%	61.0%			
New students from development	6	4	3	4	0	17

New Enrollment	484	777	795
New Seats Available	-10	573	504
New Utilization	102.1%	57.6%	61.2%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.117588	0.040048	0.001603	0.159238
Middle	0.068229	0.010477	0.000000	0.078706
High	0.056458	0.014159	0.006667	0.077283
Total	0.2423	0.0647	0.0083	0.3152

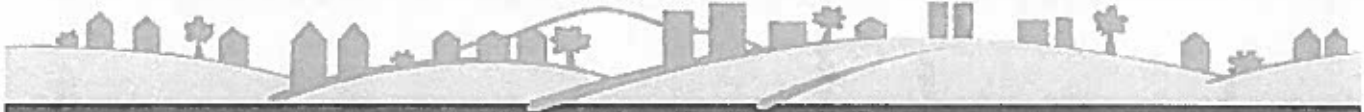
Student Calculations

Proposed Units	52
Unit Type	APT
Cluster	Towers HS

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	6.11	2.08	0.08	8.27
Middle	3.55	0.54	0.00	4.09
High	2.94	0.74	0.35	4.03
Total	12.60	3.36	0.43	16.39

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Rowland ES	6	2	0	8
Bethune, Mary McLeod MS	4	1	0	5
Towers HS	3	1	0	4
Total	13	4	0	17

DEKALB COUNTY



Board of Health

2/18/2020

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 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.: Z-20-1243741

Parcel I.D. #: 15-222-13-015 & 15-222-13-019

Address: 1221 and 4220 Indian Creek Place

Stone Mountain, Georgia

WATER:

Size of existing water main: 8" 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: Upper Snapfinger 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: 21.77 (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.

AT THIS TIME SEWER CAPACITY RESTRICTIONS EXIST IN
THIS AREA. MJB

Signature: 



DeKalb County
GEORGIA

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

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

Date Received: 12/26/2019 Application No: 1243741

Applicant Name: Sid Tejpaal

Applicant E-Mail Address: Samirproperties@gmail.com

Applicant Mailing Address: 11890 Douglas Road, Suite 110
Alpharetta GA 30005

Applicant Daytime Phone: 770-842-7383 Fax: 770-521-0058

Owner Name: Sid Tejpaal

If more than one owner, attach list of owners.

Owner Mailing Address: 11890 Douglas Road, suite 110, Alpharetta GA
30005

Owner Daytime Phone: 770-842-7383

Address of Subject Property: 1221 Indian Creek Place, Stone
Mountain GA 30083

Parcel ID#: 15 222 13 019

Acreage: 2.27 Commission District: 5-7

Present Zoning District(s): MD 4

Proposed Zoning District: HR 1

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

PUBLIC NOTICE

Request for a HR-1 and Modifications of Approved Zoning Conditions.

Filed By: Sid Tejpaal

Location: Indian Creek Village, Stone Mountain, GA 30083

Current Zoning: MU-4

Proposed Use: HR-1. Proposal to amend zoning condition allow

4 story apartment building, currently

Approved for 3 story building with retail

On main level, and 2 floors of apartments

above the retail.

Pre submittal Community meeting to take place on 12/18/2019

AT

CALABAR & GRILL: 4144 Redan Road, Stone Mountain, GA
30083. 7.00 P.M.

Project:

Facilitator:

Meeting Date:

Location:

[illegible]

Sid Tejpaul

Dekalb County Planning Department,

330 West Ponce de Leon Avenue,

Decatur, GA 30030

Re: HR-1

Dear Sir/Madam:

With reference to the above please note that the parcel at present is zoned MU-4, with a 3 story building. The current zoning conditions allows for a mixed use retail on the ground floor and residential apartments on the upper 2 floors. We are requesting the following.

1. We are requesting the zoning conditions be modified to reflect apartments on all the floors, with the property zoned HR-1.
2. We are further requesting the zoning conditions allow for a 4 story apartment building which currently is approved for a 3 story building.
3. We are enclosing a copy of the Board of Commissioners minutes per the previous SLUP petition approval dated March 26th, 2014.

Please note that based on the current economic conditions in the real estate market this proposed change would help us complete this project which has been developed and has been vacant for the past 5 years. The successful completion of this project shall further help the area and adjoining properties as we will be investing 4 million plus to complete this project. Based on the retail vacancy rate in the area, and the Indian Creek Marta Station walking distance from the property this proposed change would benefit the area.

Sincerely



Sid Tejpaul

Impact Analysis

- a. The property is currently zoned MU-4, allowing retail space on the main level, and 2 floors of apartments above the retail space. We propose to build a 4 story building allowing for apartments on all level of the building add a 4th floor. We would conform to the Dekalb County Comprehensive Plan/ ordinance towards building standard HR-1.
- b. The proposed HR-1 would allow adding the 4th floor without adversely impact the current parking limits, since the retail space would require a higher parking density. There are presently other developments in the area with similar zoning.
- c. There other uses based on the MU-4 zoning, but with the mass transit Marta walking distance from the property this is the best use. Further there is plenty of vacancy in the area for retail space available, for example the Food Depot retail center across the street.
- d. The proposed zoning will not adversely affect the existing use of usability of adjacent or nearby properties.
- e. The changing conditions affecting the use and development of the property are a higher vacancy in the retail space in the area. There are several properties that are not occupied, leased.
- f. The zoning proposal will not affect any historical building, sites, districts or archaeological resources.

- g. The proposed HR-1 will not result in causing excessive or burdensome use of existing streets. By eliminating the retail space on the main level of the project it would in fact cause less traffic to the existing streets, transportation facilities
- h. The proposed use will not create any adverse impact upon adjoining land.
- i. The proposed use will not adversely impact adjoining land, as it is still residential apartments.
- j. The proposed use is consistent with the all requirement of the zoning district.
- k. The proposed use is consistent with the policies of the comprehensive plan and is currently zoned MU-4.
- l. The proposed use provides for required buffer zones, and transitional buffer.
- m. The proposed use will have adequate provision of refuse and service area.
- n. We will comply with any limit duration.
- o. The size and mass of the proposed use is consistent, the property at present is zoned for a 3 story retail/apartment building. We conform to the height restriction of maximum 60'.
- p. The proposed use will not impact any historic building, sites.
- q. The proposed use satisfies the requirements contained within the supplemental regulations.

- r. The HR-1 zoning allows for 60' maximum height requirement, the proposed use will not exceed that limit and will not create a negative impact on any adjoining lot or building.
 - s. The property is a mixed use development, with 2 out parcels, one with a drive through, and a 15 unit town home development adjacent to the propose multifamily building. The propose use is consistent with the needs of the neighborhood.
-

D2, D3 AND D4 WERE HEARD TOGETHER

D.4 SLUP-13-18847 APPROVED WITH 17 CONDITIONS SUBMITTED BY KATHY ZICKERT
Commission District: 4 Super District: 6
18-049-14-001, 18-049-14-002, 18-049-14-003, 18-062-04-003

Application of Atlantic Realty Development, Llc for a Special Land Use Permit to increase the height of a 367-unit multi-family residential building from the allowed maximum of two stories to a maximum of five stories in an O-I (Office-Institutional) District. The property is located on the northeast corner of Church Street and Milscott Drive at 1653, 1655, and 1657 Church Street and 2636 and 2656 Milscott Drive, Decatur. The property has approximately 475 feet of frontage on Church Street and approximately 920 feet of frontage on Milscott Drive and contains 9.4 acres.

D.5 CZ-14-18962 APPROVED WITH STAFF'S CONDITIONS
Commission District: 5 Super District: 7
15-222-13-015, 15-222-13-020, 15-222-13-021, 15-222-13-022, 15-222-13-023, 15-222-13-024, 15-222-13-025,
15-222-13-026, 15-222-13-027, 15-222-13-028, 15-222-13-029, 15-222-13-030, 15-222-13-031, 15-222-13-032,
15-222-13-033

Application of V & S Capital DeKalb, Llc to request a major modification to amend approved zoning conditions pursuant to CZ-03-044, to modify the approved conceptual plan and increase the number of townhome units from 11 to 15 in the OCR (Office Commercial Residential) District. The property is located on the southeast corner of Redan Road and South Indian Creek Drive, approximately 140 feet north of Creek Court at 4163 Redan Road and 1202, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1200, and 4220 Indian Creek Place in Stone Mountain, Georgia. The property has approximately 854 feet of frontage along Redan Road and 436 feet of frontage along South Indian Creek Drive and contains 4.895 acres.

D.6 Z-14-19051 APPROVED WITH STAFF'S 9 CONDITIONS Commission District: 5 Super District: 7
15-222-13-019

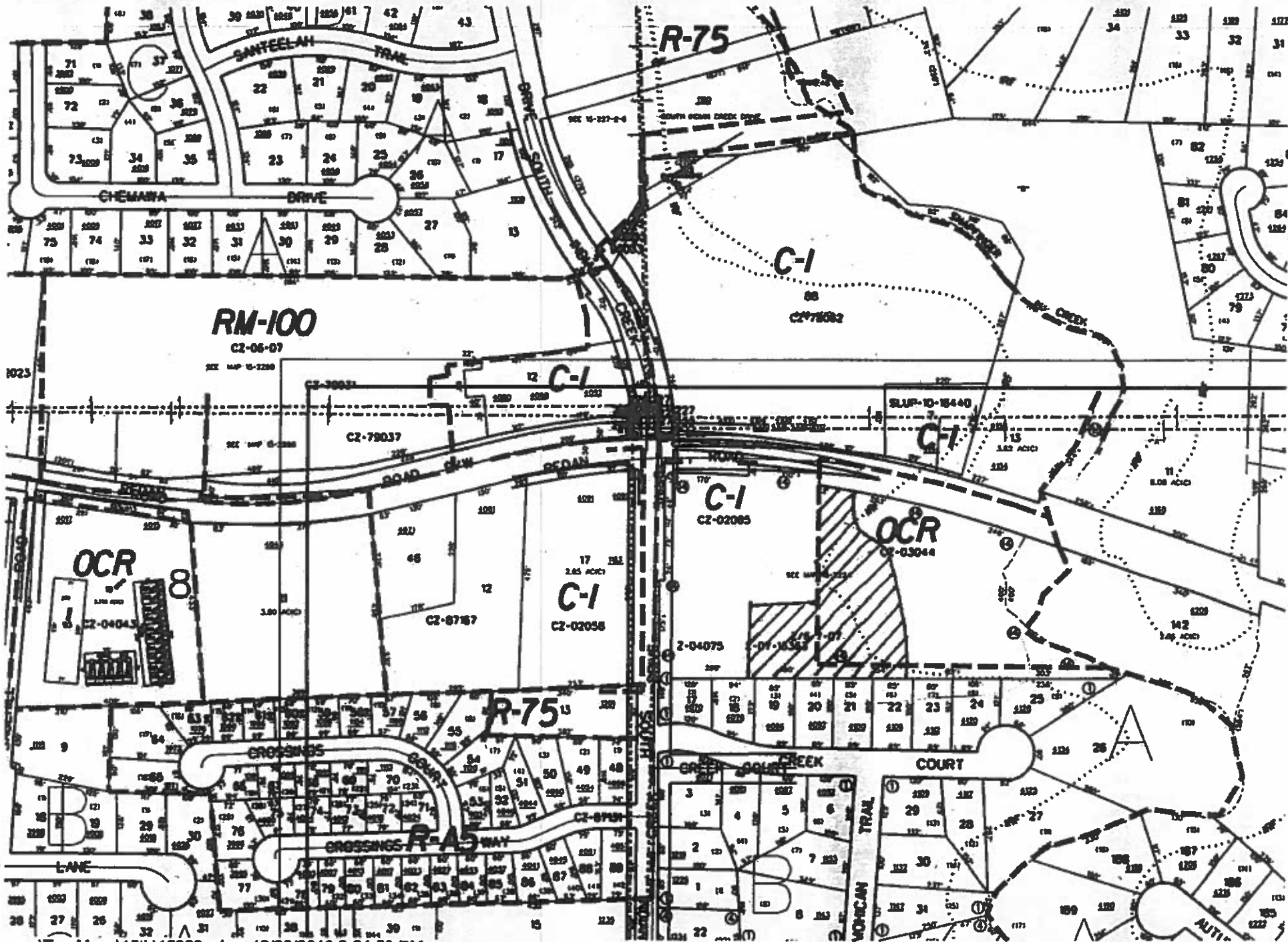
Application of V & S Capital DeKalb, Llc to rezone property from the C-1 (Local Commercial) to the OCR (Office-Commercial-Residential) District to allow a three-story mixed-use building within Indian Creek Village. The property is located on approximately 245 feet south of Redan Road and 190 feet east of South Indian Creek Drive at 1221 Indian Creek Place, Stone Mountain, Georgia. The property has no street frontage, but is accessed via shared internal driveways via unified development plan of Indian Creek Village and contains .63 acre.

D.7 SLUP-14-18989 APPROVED WITH STAFF'S 10 CONDITIONS Commission District: 5 Super District: 7
15-222-13-015, 15-222-13-019

Application of V & S Capital DeKalb, Llc for a Special Land Use Permit to allow an increase in building height from two to three stories for a mixed-use building in the OCR (Office Commercial Residential District). The property is located on the southeast corner of Redan Road and South Indian Creek Drive, approximately 140 feet north of Creek Court at 1221 and 4220 Indian Creek Place in Stone Mountain, Georgia. The property has approximately 854 feet of frontage along Redan Road and 436 feet of frontage along South Indian Creek Drive and contains 1 acre.

D.8 SLUP-14-18963 APPROVED WITH STAFF'S 12 CONDITIONS Commission District: 5
Super District: 7
15-222-13-015, 15-222-13-016, 15-222-13-018

Application of V & S Capital DeKalb, Llc for a Special Land Use Permit to allow a drive-through lane for a proposed 3,400 square foot restaurant in the C-1 (Local Commercial) District. The property is located on the southeast corner of Redan Road and South Indian Creek Drive, approximately 140 feet north of Creek Court at 1146 South Indian Creek Drive and 1170 and



REV. 10/02

DEKALB COUNTY

ITEM NO.

HEARING TYPE
PUBLIC HEARING

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: February 11, 2003

ACTION TYPE
ORDINANCE

SUBJECT: Rezoning- Ralph Defares/Osmond Baptist

Commission Districts: 5 & 7

DEPARTMENT: PLANNING

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: ☒ YES ☐ No

INFORMATION CONTACT: Ray White/Bob Maxey

PAGES: 8

PHONE NUMBER: 404.371.2155

Deferred from November 26, 2002, and January 14, 2003, for a public hearing.

PURPOSE:

Z-02065

Application of Ralph Defares and Osmond Baptist to rezone property located at the southeast corner of South Indian Creek Drive and Redan Road, from R-75 to C-1. The property has frontage of approximately 287 feet on South Indian Creek Drive and 320 feet on Redan Road and contains 2.1 acres.

SUBJECT PROPERTY: Parcel ID#: 15-222-01-098 Property Address: 1144 S. Indian Creek Drive

RECOMMENDATION(S):

PLANNING DEPARTMENT:

Approval with conditions. The land use plan recommendation for this property is LIC which indicates that the commercial request is considered appropriate at this location. The property has had a nonconforming use for some time. The uses have been for tire repair and used car sales. The existing structure does not meet code setback requirements. The applicants request to redevelop the property for a neighborhood shopping center is considered in keeping with the land use plan. The appropriate designation for the site is the C-1 classification for a neighborhood center, given that a three-story structure may be needed which would require a special land use permit in the C-1 zoning district.

1. Use of the property limited to a neighborhood center.
2. Site to meet the tree ordinance.
3. Access points to be approved by Public Works.
4. Deceleration lane on Indian Creek if required by Public Works.
5. Right-turn-out only on Redan Road if required by Public Works.

PLANNING COMMISSION:

Full Cycle Deferral

COMMUNITY COUNCIL:

Deferral

Z-02-065
Page 1 of 2

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION #5

MOTION was made by Commissioner Walker, seconded by Commissioner Johnson, and passed 6-0-0-1, to approve the rezoning application of Ralph Defares/Osmond Baptist. Commissioner Boyer was out of the room and not voting.

Later in the meeting, MOTION was made by Commissioner Walker, seconded by Commissioner Hank Johnson, and passed 6-0-0-1, to reconsider the item. Commissioner Boyer was out of the room and not voting.

MOTION was made by Commissioner Walker, seconded by Commissioner Hank Johnson, and passed 6-0-0-1, to approve with conditions set forth by the planning department. Commissioner Boyer was out of the room and not voting.

ADOPTED: FEB 11 2003

(DATE)


PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: FEB 11 2003

(DATE)


CLERK
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: FEB 24 2003



CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____

CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

Michele Battle, 68 N. Avondale Road, Suite B, Avondale Estates, Ga. 30002, spoke in support of the application.

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER				
DISTRICT 2 - GALE WALLDORFF	✓			
DISTRICT 3 - LARRY JOHNSON	✓			
DISTRICT 4 - BURRELL ELLIS	✓			
DISTRICT 5 - HANK JOHNSON	✓			
DISTRICT 6 - JUDY YATES	✓			
DISTRICT 7 - LOU WALKER	✓			

2-02-065

Page 2 of 2

March 26, 2014

DEKALB COUNTY

ITEM NO. D7

HEARING TYPE
PUBLIC HEARING

BOARD OF COMMISSIONER
ZONING AGENDA / MINUTES
MEETING DATE: May 27, 2014

ACTION TYPE
ORDINANCE

SUBJECT: Special Land Use Permit, SLUP-14-18989 V & S Capital

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: x YES NO

ATTACHMENT: x YES NO

PAGES: 18

INFORMATION

CONTACT: Marian Eisenberg, Zoning Admin.
PHONE NUMBER: (404) 371-2155

Deferred from 2/25/14 & 3/25/14 for a public hearing.

PETITION NO: SLUP-14-18989

PROPOSED USE: Three-story mixed-use building

LOCATION: 1221 and 4220 Indian Creek Place, Stone Mountain, Georgia

PARCEL No.: 15 222 13; Parcels 15 and 19

PURPOSE: For a Special Land Use Permit to allow an increase in building height from two to three stories for a mixed-use building in the OCR (Office Commercial Residential District) District. The property is located on the southeast corner of Redan Road and South Indian Creek Drive, approximately 140 feet north of Creek Court at 1221 and 4220 Indian Creek Place in Stone Mountain, Georgia. The property has approximately 854 feet of frontage along Redan Road and 436 feet of frontage along South Indian Creek Drive and contains 1 acre.

RECOMMENDATIONS:

PLANNING COMMISSION: APPROVAL WITH CONDITIONS

COMMUNITY COUNCIL: APPROVAL

PLANNING STAFF: APPROVAL WITH CONDITIONS

PLANNING COMMISSION (03/04/14): On March 4, 2014 the Planning Commission recommended "Approval" to the Board of Commissioners of the proposed Special Land Use Permit request with Staff's recommended conditions and an additional condition that an elevator is required.

PLANNING STAFF ANALYSIS :

The Special Land Use Permit (SLUP) request is to increase building height to allow a three-story, 42,836 square foot mixed-use residential/retail building on the back portion of the property with retail space on the ground floor and 26 apartments on the upper two upper floors. It appears that the proposed three-story mixed-use building is compatible with the convenience stores, gas stations, and retail uses at the Indian Creek Drive/ Redan Road intersection (Section 27-873b). It does not appear the proposed height of the building would create a negative impact on any adjoining lot or building since there is a fifty (50) foot undisturbed buffer along the southern property line abutting the R-75 zoned single-family subdivision (Hiawatha Subdivision),

Petition Number: SLUP-14-18989
Board of Commissioners: 05/27/14
jlr

SLUP-14-18989
Page 1 of 4 52

March 26, 2014

and the proposed mixed-use building is approximately 17 feet lower than the homes within that residential subdivision (Sec. 27-873 R). Additionally, due to the drop in elevation from the back of the site to Redan Road, only the top two stories of the mixed-use building will be visible from the adjacent residential subdivision. The request is also consistent with the designated Comprehensive Plan's Town Center (TC) character area and policies calling for a high density mix of retail, office, services and employment to serve several neighborhoods (TCCAS20).

This SLUP application was deferred from the February 25, 2014 Board of Commissioner meeting. Half of the proposed three-story mixed-use building is currently zoned C-1 (Local Commercial) and the other half of the mixed-use building is zoned OCR (Office Commercial Residential). The residential apartments planned above the commercial in the mixed-use building is not permissible in the C-1 zoned portion. Therefore, the Board of Commissioners deferred this request from the February 25, 2014 public hearing to allow the applicant to submit a companion rezoning request to OCR to allow mixed retail and residential use as a unified development under one zoning district. Since the last meeting the applicant has submitted a companion rezoning request to OCR (See associated rezoning request Z-14-19051) to address this issue.

Since Section 27-546 (c) and (i) require 103 parking spaces for this future mixed-use phase and there are 82 parking spaces provided, a parking variance is required to address this issue. Therefore, approval cannot be based on the submitted site plan. Nevertheless, it is the recommendation of the Planning and Sustainability Department that the application be "Approved Conditionally" with Staff's recommended conditions. While the Planning Commission recommended a condition requiring an elevator, that is not one of Staff's recommended conditions since the building is only three stories tall.

PLANNING COMMISSION VOTE:

Approval with conditions 8-0-0. T. Phillips moved, T. Snipes seconded for approval as recommended and conditioned by staff with an added condition for an elevator. The motion passed unanimously.

COMMUNITY COUNCIL VOTE/RECOMMENDATION:

Approval 6-0-0. Members present voted to approve the petition per the applicant's request.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION : 2014-05-27 Item D7 V&S Capital SLUP 14 18989

MOTION was made by Stan Watson, seconded by Sharon Barnes Sutton and passed 4-0-0-2 to approve with staff's ten conditions, Application of V & S Capital DeKalb, Llc for a Special Land Use Permit. Commissioners Gannon and Rader were absent and not voting.

ADOPTED: MAY 27 2014

(DATE)

Larry Johnson

PRESIDING OFFICER
DEKALB COUNTY BOARD OF
COMMISSIONERS

CERTIFIED: MAY 27 2014

(DATE)

Larven D. D.

CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

VETO STATEMENT ATTACHED: _____

MINUTES:

Sid Tejpaal, 9155 Waits Ferry Xing, Duluth, Ga. 30097, Horace Moore, 950 Oakwood Chase Circle, spoke in support.

No one spoke in opposition.

FOR : Elaine Boyer, Larry Johnson, Sharon Barnes Sutton, Stan Watson

AGAINST : None

ABSTAIN : None

ABSENT : Jeff Rader, Kathie Gannon

SLUP-14-18989
Page 2 of 4

March 26, 2014

RECOMMENDED CONDITIONS

1. Building shall be mixed-use with commercial on the ground floor and residential apartments on the above floors.
2. The subject properties (Parcels 15 and 19) shall be consolidated into one lot prior to the issuance of any building permits.
3. A minimum of 80% of the building materials on building facades visible from Redan Road or South Indian Creek Drive shall be of brick, stucco, or stone.
4. All refuse containers shall be enclosed with building materials matching the primary building and shall be completely screened from view of the public right-of-way.
5. Any outdoor lighting shall be designed so that no direct light is cast upon or adversely affects adjacent residential properties and roadways.
6. Provide channel cut letters for primary business identification wall sign.
7. Provide inter-parcel access as approved by the Transportation Department of Public Works.
8. Seek applicable variances by the Board of Appeals to the parking and/or other requirements of the OCR zoning district. Approval of this rezoning does not result in any action for which the Board of Zoning Appeals has sole authority.
9. Primary identification ground signs shall be limited to monument style signs with a base and frame work made of brick or stone, and shall not exceed a height of ten feet or a sign area of thirty-two square feet.
10. A defined internal pedestrian crosswalk shall be constructed which provides pedestrian access between the mixed-use building, the townhomes to the east, and the commercial outparcel to the north.



Lee May
Interim Chief Executive
Officer

DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404)371-2155 or (404)371-2813(Fax)

DeKalb
Planning

Administrative Special Exception

July 30, 2014

V AND S CAPITAL DEKALB LLC
C/O V & S Capital Dekalb Llc
11890 Douglas Rd 109
Alpharetta, GA 30005

REF: Administrative Special Exception

Application Number: AV-14-19344

4220 Indian Creek PL

Stone Mountain, GA 30083, 1166 S Indian Creek DR

Stone Mountain, GA 30083, 1170 Indian Creek PL

Stone Mountain, GA 30083, 1221 Indian Creek PL

Stone Mountain, GA 30083

Parcel ID: 15-222-13-015, 15-222-13-017, 15-222-13-018, 15-222-13-019

Dear V & S Capital Dekalb Llc:

This letter is to inform you that your request for an administrative special exception to reduce off-street parking requirements, by an amount not to exceed ten percent (10%), from 161 parking spaces to 156 parking spaces, a difference of 5 parking spaces, as indicated on the submitted site plan and information, meets the minimum requirements as set forth in section 27-922 (A)(3), Special Exception, of the DeKalb County Zoning Ordinance. Section 27-922 (A)(3) states that the planning director is authorized to consider and grant or deny, a special exception for off street parking requirements by an amount not to exceed ten (10) percent of the district requirements, pursuant to the standards specified in Section 27-913 (a) of the DeKalb County Ordinance.

Based on the above referenced criteria, the administrative special exception is hereby approved and given the fact that your administrative special exception request does not exceed ten (10) percent of the the district requirements, your request for an administrative special exception is approved. If further assistance is required regarding this matter, please feel free to contact Kevin Hunter, Zoning Administrator, Current Planning Division, at (404)371-2155.

Sincerely,

Marian Eisenberg,
Zoning Administrator

Approved: X Denied:

AV-14-19344
p. 1 of 5



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer



ADMINISTRATIVE VARIANCES AND SPECIAL EXCEPTIONS APPLICATION

JUL 3 2014

AVISE NO.

19344

APPLICANT: V&S Capital Details LLC

ADDRESS (MAILING): 11870 Douglas Road Suite 109/110

EMAIL: Samirpropertiesa@bellsouth.net

CITY: Alpharetta

STATE: GA

ZIP: 30085

TELEPHONE: 7383

(C) HOME: 770-842-

BUSINESS: 770-521-0008

FAX: 770-521-0058

OWNER OF RECORD FOR WHICH APPLICATION IS MADE (Print name)

Name (Print): V&S Capital Details LLC

Name (Signature): [Signature] Managing Member E-Mail: _____

Address (Mailing): _____ City: _____ State: _____ Zip: _____

Telephone Home: _____ Business: _____ Fax: _____

Authorized Agent: Sid Tejpal

E-Mail: Samirpropertiesa@bellsouth.net

Address (Mailing): _____ City: _____ State: _____ Zip: _____

Telephone Home: _____ Business: _____

ADDRESS/LOCATION OF PROPERTY FOR WHICH APPLICATION IS MADE

Address: land lot 222 15th District City: _____ State: _____ Zip: _____

District(s): C-1/OCR Land Lot(s): 222 Block: 13 Parcel: 018, 19, 15, 017

Zoning: C-1/OCR Commission District(s): 15-222-13-018 15-222-13-15

15-222-13-19 15-222-13-17

To Be Completed By Planning and Sustainability Department

Date Received: _____ Fee Paid: \$200 Receipt No.: _____

1170 Indian Creek Place

CE-13-18962

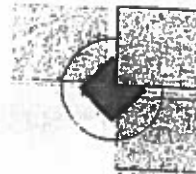
Approved 5/27/2014

(see John)



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer



SUBMITTAL INSTRUCTIONS

I hereby authorize the staff of the DeKalb County Planning Department to inspect the premises of the above-described property.

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED AS A RESULT OF THIS APPLICATION IS TRUE AND CORRECT AND THAT IF AM NOT THE PROPERTY OWNER, I AM AUTHORIZED BY THE SAME TO

MAKE SUCH REQUESTS, CLAIMS, AND REPRESENTATIONS AS MAY BE FOUND WITH THIS APPLICATION.

APPLICANT/AGENT SIGNATURE: [Signature] DATE: 7-2-14

Section 27-922 Administrative Variances and Special Exceptions

A. The Director of Planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section, a variance or a special exception from the following regulations:

1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent (10%) of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in Section 27-916.
2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed 10% of the requirement, but not in an amount which is less than the minimum requirement imposed by Chapter 7 of the DeKalb County Code of Ordinances, pursuant to the standards specified in Section 27-916.
3. Reduce by special exception the off-street parking or loading requirements imposed by this Chapter in an amount not to exceed ten percent (10%) of the district requirement, pursuant to the standards specified in Section 27-913.A.
4. Reduce by special exception the off-street parking requirements imposed by this Chapter for any lot which is located 1,000 feet of the boundary of a Marta Rapid Transit Station in an amount not to exceed 25 percent of the district requirement, pursuant to the standards specified in Section 27-913.B.

B. Any request for administrative variance or special exception permitted by this Section shall be filed with the Director of Planning. The Director shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above, and shall make a written decision on each such application no later than 30 days from the date such application was filed. No administrative variance or special exception shall be authorized to delete, modify or change in any manner any condition imposed by the Board of County Commissioners or the Zoning Board of Appeals.

AV-14-19344
P. 3 of 5

Current Parking Requirements of Indian Creek Village

Proposed Mixed-Use (Building #2)

Retail (1st floor —4 spaces per 1000 sf in OCR zoning)= 57 spaces required

Apartments (1.75 sp per Dwelling Unit)=

46 spaces required

103 spaces

Proposed Restaurant (Building #1)

(1 space per 75 sf C-1 zoning)

45 spaces

Total Parking Required for Commercial/Mixed Use Phase

148 spaces

2628 - Build #1
+ 7858 - Build #2
+ 4154 - Build #2

[REDACTED]

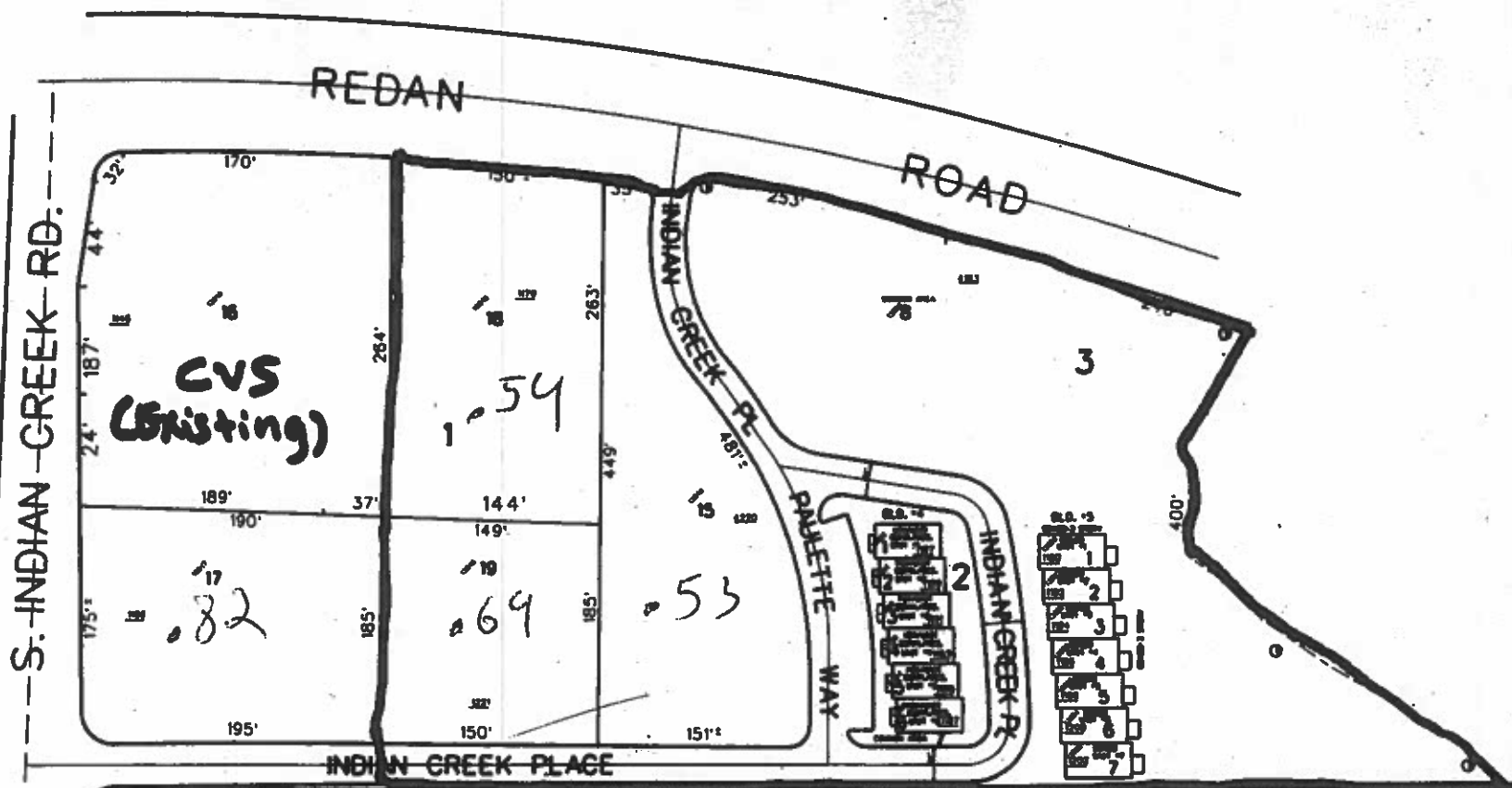
[REDACTED]

[REDACTED] IF we do decided to include CVS Retail#3 as part of this project for parking purposes (since its also owned by VS Capital) then they can just get 1 parking variance —161 sp required, 156 provided—could be done by admin variance

AV-14-19344
p. 4 of 5

AV-14-19344
P. 6 of 6

TOPO:
PHOTO:



Parking Requirements (Current)

Retail/Commercial = 4 sp. per 100 sf =
Multi-Family = 1.75 sp per DU =
Restaurant = 1 sp per 75 sq ft =

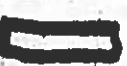

Total parking required =

Parking Requirements (New)

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15 222A

GEORGIA COUNTY, GA

 Parcels involved in zoning modification
 Parcels owned by V&S Capital

Z-20-1243741

Architectural Rendering



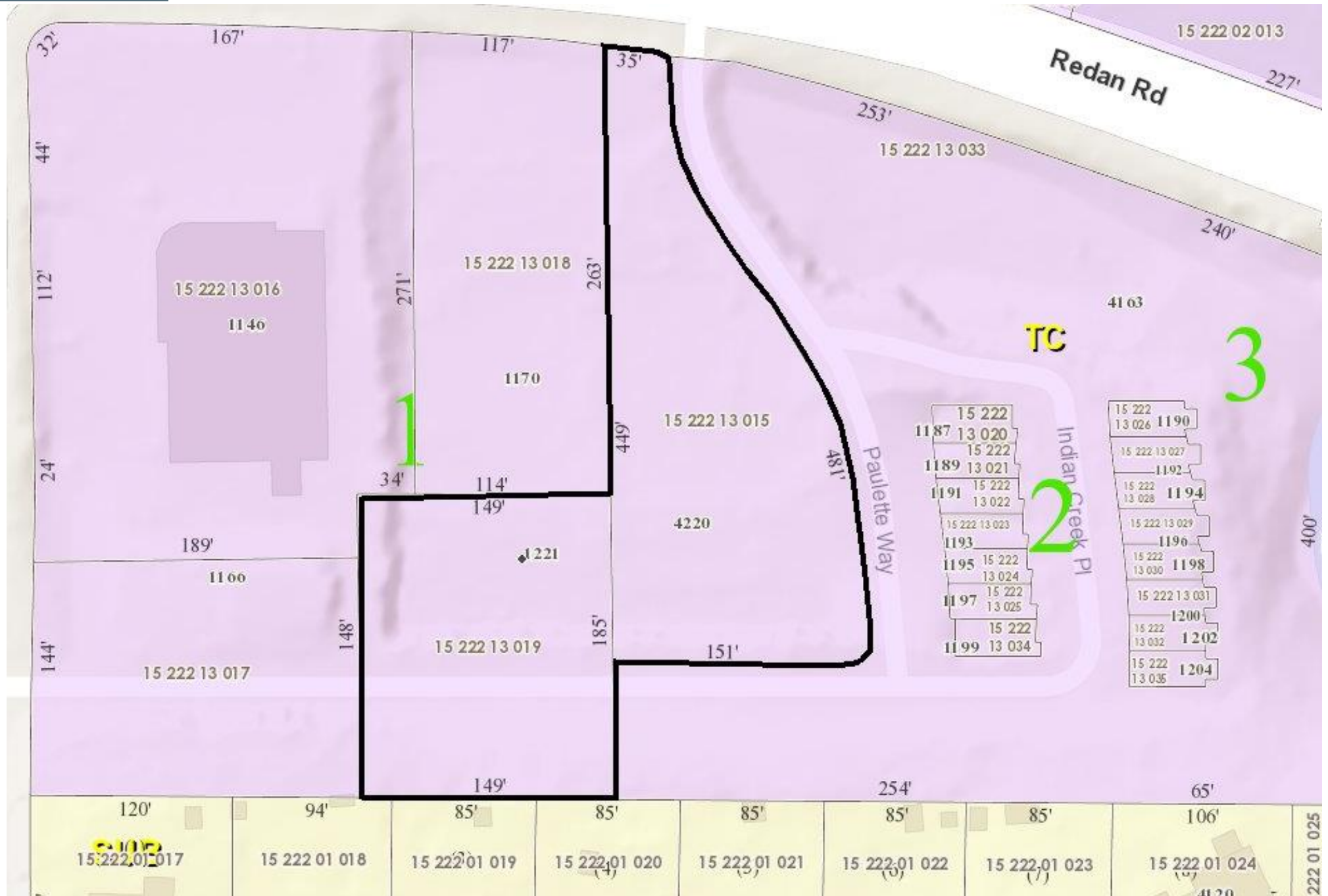
Z-20-1243741

Originally-Proposed Development



Zoning Map

Land Use Map



Z-20-1243741

Aerial View





View of the rear of the subject property, showing the project site for the proposed multifamily residential building.

Front of the subject property, looking towards the CVS on adjoining property to the west.

