



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: March 05, 2019, 6:30 P.M.  
Board of Commissioners Hearing Date: March 26, 2019, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-19-1243040 **Agenda #:** N.4

**Location/Address:** The west side of Rice Road, approximately 667 feet north of South Deshon Road at 1676 Rice Road, Lithonia, Georgia. **Commission District:** 5 **Super District:** 7

**Parcel ID:** 16-092-03-012

**Request:** To rezone property from R-100 (Residential Medium Lot) District to RE (Residential Estate) District to operate as an abattoir for meat processing in the rear of a single-family residence.

**Property Owners:** Bradford Rudolph

**Applicant/Agent:** Bradford Rudolph

**Acreage:** 5.61 Acres

**Existing Land Use:** One (1) Single-Family Residence & Accessory Structures

**Surrounding Properties:** Single-Family Detached Residences

**Adjacent & Surrounding Zoning:** North: R-100 (Residential Medium Lot) District  
East, South & West: R-100 (Residential Medium Lot) District

**Comprehensive Plan:** Suburban (SUB) Consistent X

<b>Proposed Residential Units:</b> N/A	<b>Existing Residential Units:</b> 1
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> appears<35%

## **SUBJECT PROPERTY & PROJECT ANALYSIS**

The large 5.61-acre site consists of a large single-family residence with a pool. In the rear of the site are several accessory buildings. A large pond takes up most of the southern portion of the site. A chain link fence runs along the property frontage on Rice Road. Wood and wire fencing border the site along the north and south property lines. The site is accessed via one (1) concrete driveway and one (1) asphalt driveway on Rice Road. The adjacent and surrounding area is developed with single-family detached residences that abut the property along the north, south and west property lines.

The accessory buildings are used for housing, slaughtering and meat processing of animals for sale (goats, lamb, cows, pigs, sheep and rabbits). A site visit by Planning Staff noted several animals on the site. Some of the animals (goats) were in a wooden and wire pen. Staff observed chickens nesting on the property. Staff also noted animals (lambs and horses) grazing on adjacent neighbors' property that extends beyond the 5.61-acre site.

Per the submitted Letter-of-Intent, the applicant has a license from the State of Georgia Department of Agriculture to operate an abattoir/meat processing plant subject to the laws of Georgia, and the rules and regulations promulgated by the Commissioner of Agriculture. The issue date of the license is February 3, 2015. The license does not expire but is subject to revocation by the Commissioner of Agriculture for violation of Georgia State laws. The name of the business as advertised online is Bradford's Livestock. Customers select the animals from the onsite inventory. They are butchered, packaged and given to the customer on site. Although legally licensed by the State of Georgia an abattoir is not a permitted use within the currently zoned R-100 (Residential Medium Lot) District.

## **ZONING ANALYSIS**

The subject application requests an amendment to the Official Zoning Map pursuant to Chapter 27, Article 7.3 of the DeKalb Code of Ordinances to rezone the site from R-100 (Residential Medium Lot) District to the RE (Residential Estate) District to allow the operation of an abattoir (a meat processing plant). Per Article 2.3.1.F, one of the reasons of the RE zoning district is to provide areas for agricultural uses as appropriate. An abattoir is considered an agricultural use. The keeping of animals and the location of buildings associated with the abattoir must comply with **CHAPTER 27-ARTICLE 4.2.7. Agriculture and forestry** which states:

*F. Livestock sales pavilion or abattoirs. Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least one hundred (100) feet from any property line. All animals to be processed shall be fenced at least one hundred (100) feet from any property zoned or used for residential purposes.*

Per the submitted site survey, buildings are depicted within the required 100-foot building setback along the north and west property lines. A frame shed, and a metal and frame building used to slaughter the animals are depicted within 10 feet of the west property line. Another building on the site is within 27 feet of the north property line. During field observation, Planning Staff noted several animals on the site that were not fenced 100 feet from adjacent residential zoned properties. An existing pond on the site limits the locations of the buildings on the site. Therefore, while the proposed RE (Residential Estate) zoning district may be appropriate for the proposed use, the site limitations prohibit compliance with building setbacks required by the DeKalb County Zoning Code.

**COMPLIANCE WITH DISTRICT STANDARDS**

Property zoned for RE (Residential Estate) District must comply with minimum development standards per Article 2-Table 2.2 Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH (RE) Table 2.2	A minimum 150 feet of lot width on a public street frontage	Approximately 500 feet of frontage along Rice Road.	Yes
LOT AREA (RE)	Minimum 1 acre or 43,560 Square Feet	5.61 Acres	Yes
FRONT BUILDING SETBACK	45 Feet	>50 Feet	Yes
SIDE BUILDING SETBACK FOR ABATTOIR	100 Feet along north (side yard) property line	Per submitted site plan, setback appears to be approximately 30 feet	No
REAR SETBACK FOR ABATTOIR	100 Feet along west (rear yard) property line	8.4 Feet	No
HEIGHT	Max 35 Feet	1-story	Yes

**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.**

The 2035 Comprehensive Plan designates this site within a Suburban (SUB) Character Area. The proposed abattoir in the rear of a single-family residence is inconsistent with the following 2035 plan policy: Preserve and enhance the integrity and quality of existing residential 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 rezoning request to the RE (Residential Estate) District to allow the operation of an abattoir will permit a use that is not suitable in view of adjacent and nearby properties given the site's inability to meet building setback requirements for existing buildings and required fencing for the animals. Further the outdoor operations of a working farm are incompatible with a conventional single-family R-75 subdivision.

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

Zoned R-100 (Residential Medium Lot) District within an established neighborhood, the property has a reasonable economic use as a single-family residence.

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

The rezoning request to the RE (Residential Estate) District may adversely affect the existing use or usability of adjacent and nearby residential properties given livestock propensity to encroach on adjacent properties.

**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The site's inability to provide required setbacks for buildings and animal fencing for the abattoir give supporting grounds for disapproval of the rezoning request.

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

It is not known whether the proposed RE (Residential Estate) District will 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.**

The site has frontage on a local street (Rice Road). The proposed rezoning will have no impact on area schools. It should not impact transportation facilities or utilities.

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

The rezoning proposal to the RE (Residential Estate) District to utilize the site as an abattoir may adversely impact surrounding natural resources if the site fails to meet regulations imposed by the Georgia Department of Agriculture.

**Staff Recommendation: DENIAL**

The proposed request for a RE (Residential Estate) District for use as an abattoir on the site fails to meet the required building setbacks and fencing for the facility. Further business operations on this scale are incompatible with single-family residences. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning request on the subject site be "**DENIED**".

**Attachments:**

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

## Traffic Comments - March 2019 Zoning Agenda

N1 & N2. Rock Chapel Road is SR 124. GDOT review and permits required. . Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Rock Chapel Road is classified as a major arterial. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 50 feet from centerline required. All public infrastructure is required on public right of way- even if it exceeds 50 feet from centerline. Applicant is encouraged to seek an access easement across private property to obtain access to the traffic signal at Rock Mountain Rd and Rock Chapel Road. Street lighting along Rock Chapel Road required.

N3. No customer parking within public right of way along Chantilly Road due to close proximity of multiple intersections. Chantilly Road is classified as a local road. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 27.5 feet from centerline of Chantilly Road. These requirements will be applied with any land development permits.

N4. Rice Road, Classified as a local road. No comment.

N5. Lexington Trace is classified as a local road. Agape Way is classified as a local road. Agape Road is located within the I-285 right of way. GDOT review and approval is required. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Applicant must coordinate with the Major Mobility Improvement Projects (MMIP) proposed managed lanes project along the east wall of I-285. Contact Tim Matthews ([TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov)) prior to permitting. Local roads require a 27.5 foot right of way dedication from centerline, 5 foot landscape strip, 5 foot sidewalk. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Streetlights required. Infrastructure improvements required on all frontages.

N6. Nicole Lane is classified as a local road. Reginald Court is classified as a local road. No comment.

N7 & N8. E. Tupelo Street is classified as a local roads. Oldfield Road is classified as a local road. All local public roads require a 27.5 foot right of way from centerline, five foot landscape strip, five foot sidewalk and street lights. Infrastructure improvements required on all frontages. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements.

N9. Wellborn Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 bike lane, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Requires GDOT approval and review. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Major arterials require a 50 right of way dedication from centerline, 6 foot sidewalks, 4 foot bike lane, 5 foot landscape strip and street lights. Number of units requires two access points per code. Eliminate the acceleration lane at entrance. GDOT has just awarded an intersection project at the intersection of Covington Hwy at Wellborn Rd/Cove Lake Road. Coordinate with construction awarded to Baldwin Paving. Install a roundabout at the access point on Wellborn Road- eliminates the right turn lane and the left turn lane. The Transportation Division will support the one entrance with the installation of a roundabout, but still requires Board action to vary from the code.

N10. Flowers Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 foot bike lake, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Extend infrastructure improvements along all property lines. Intersection, stopping and left turn sight distance required to be verified by Professional Engineer at entrance on Wellborn Road due to curve and possible hill crest along Wellborn Road. Minimum sight distance requirements must be met for permitting.

14



# 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](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)**

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2019-2012/2-19-1243040 Parcel I.D. #: 16-092 03-012

Address: 1676 Rice Road  
Lithonia, Georgia

### 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) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

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

### COMMENTS:

<u>Did not see any traffic engineering concerns at this time.</u>

Signature: Jamie Russell



## DEKALB COUNTY GOVERNMENT

### PLANNING DEPARTMENT

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

#### **DEVELOPMENT ANALYSIS:**

- **Transportation/Access/Row**

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

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Industrial general permit will likely be required. 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 was 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.





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

RECEIVED  
JAN 02 2019  
BY:.....

Date Received: \_\_\_\_\_ Application No: Z-19-1243040

Applicant Name: BRADFORD RUDOLPH FOR BRADFORD LIVESTOCK

Applicant E-Mail Address: \_\_\_\_\_

Applicant Mailing Address: 1676 RICE ROAD, Lithonia, Ga. 30058

Applicant Daytime Phone: 770-605-6664 Fax: 470-210-5408

Owner Name: BRADFORD RUDOLPH  
If more than one owner, attach list of owners.

Owner Mailing Address: 1676 Rice Road, Lithonia, GA 30058

Owner Daytime Phone: 770-605-6664

Address of Subject Property: 1676 Rice Road  
Lithonia, Georgia 30058

Parcel ID#: 16 092 03 02

Acreage: 5.61 Commission District: 5

Present Zoning District(s): R-100

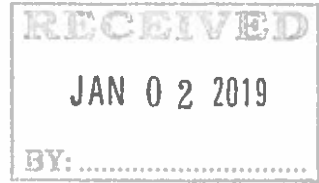
Proposed Zoning District: RE

Present Land Use Designation: SUB

Proposed Land Use Designation (if applicable): RE

**BRADFORD'S LIVESTOCK**  
1676 RICE ROAD  
LITHONIA, GA 30058

**BRADFORD RUDOLPH, OWNER**



**Letter of Application**

**Proposed Zoning Classification: RE - I would like to have my property at 1676 Rice Road, Lithonia, Georgia, 30058 rezoned from a R-100 to a RE; (Districts with lots of a minimum of one acre for single family residential homes and agricultural uses.)**

**Reason: - To operate as an Abattoir and/or meat processing plant subject to the Laws of Georgia, and the Rules and Regulations promulgated by the Commissioner of Agriculture, thereunder, to which I currently hold a License.**

**Currently the property is used for residential purposes, and the rear of the property host animals as stated above. There are 2 part-time employees that work with me.**

**Hours of Operation: Tuesdays – Saturdays from approximately 8:00 am until 6:00 pm**

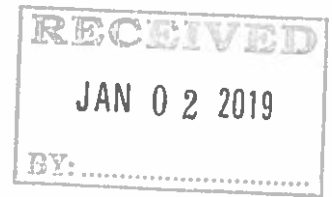
**Buildings/barns/ Pens:**

**2 Barns**

**3 Pens**

**1 Meat processing plant**

NOTICE DATE: 12/13/18



## Public Notice

To

### Notify community of company name and zoning change

**Filed by:** Bradford Homes and Grounds

**Located at:** 1676 Rice Rd Lithonia, Ga 30058

**Current name/use:** Bradford Homes and Grounds, Abattoir

**Proposed name/use:** Bradford's Livestock, Abattoir

**Meeting location:** Redan-Trottie Library 1569  
Wellborn Rd. Lithonia, Ga 300058.

**Date and Time:** December 26, 2018 @ 7:00 p.m. for  
notification clarity

RECEIVED

JAN 02 2019

MEETING SIGN-IN SHEET

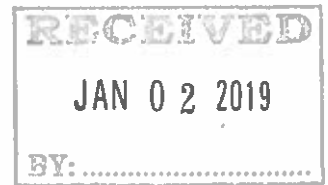
Project: Re Zoning / Re Name  
Facilitator: Bradford Rudolph

Meeting Date: 12 / 26 / 2018  
Location: Redun Tratti Library

BY: .....

Name	Address	Phone	E-Mail
Bradford Rudolph	Lithonia 1676 Rice Rd	770 6664 605	bradfordrudolph@aol.com
Jackee Blades	Lithonia GA 1676 Rice Rd	678 368 8251	jblades@yahoo.com
STEVEN HARRIS	1638 Rice Rd	678-2349640	harrister721@gmail.com
Cheryl Harris	1638 Rice Rd	404-401-2758	CherylHarris23@gmail.com
Jan Costello	1813 S. Hidden Hills Pkwy	770 815 0105	janr10stello@gmail.com

**BRADFORD'S LIVESTOCK**  
**1676 RICE ROAD**  
**LITHONIA, GA 30058**

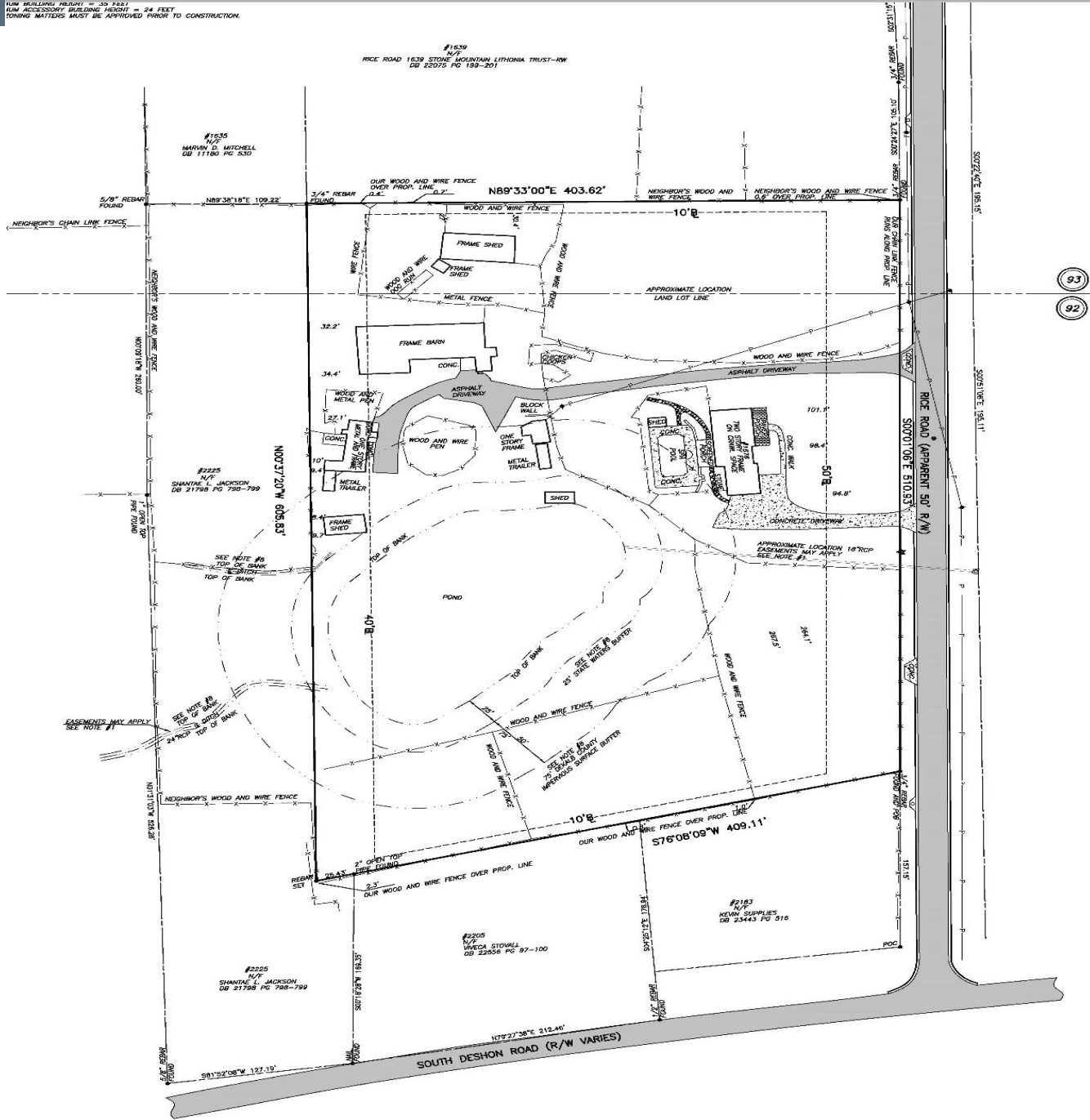


**BRADFORD RUDOLPH, OWNER**

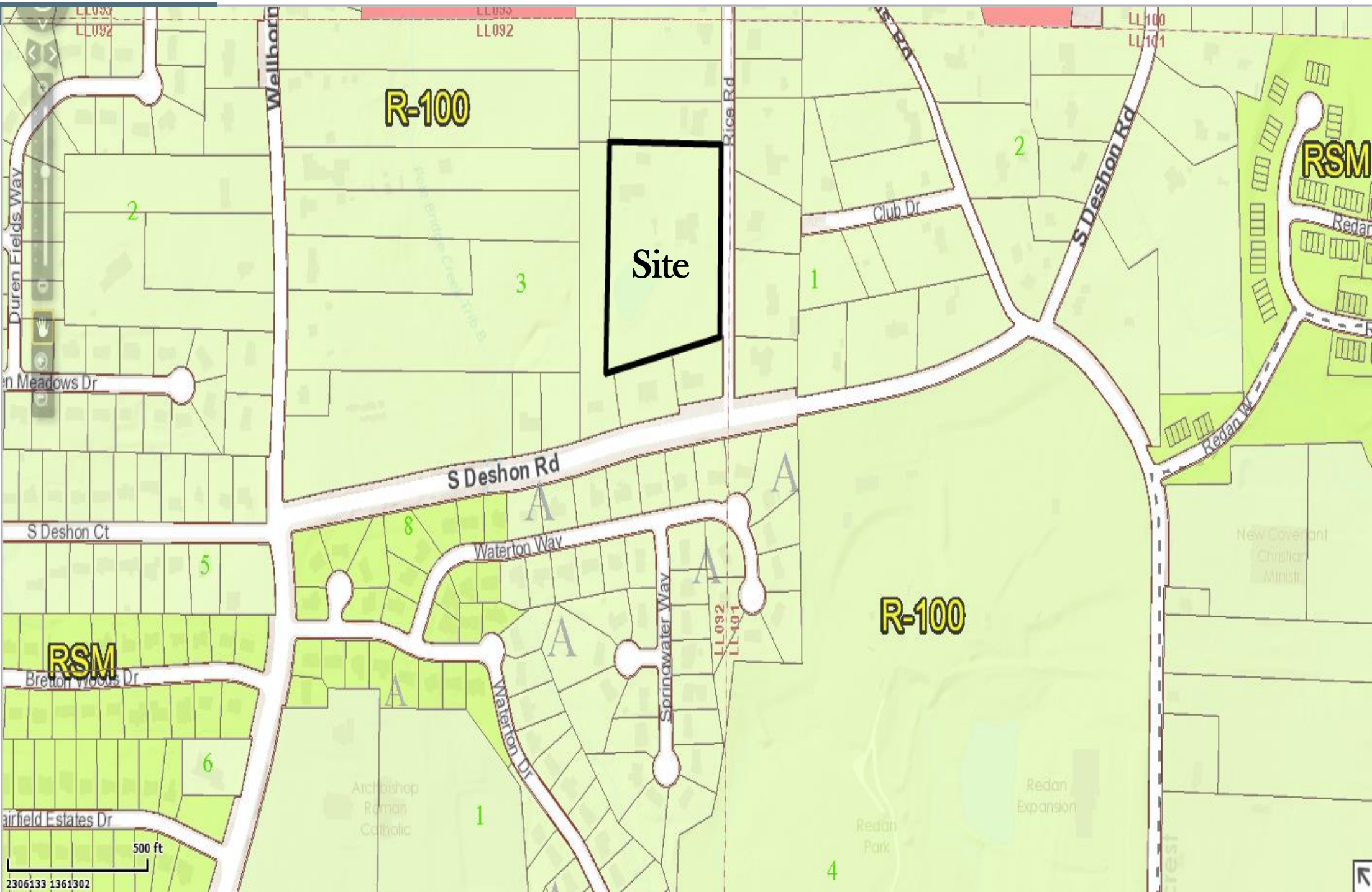
**IMPACT ANALYSIS**

- A. The zoning proposal is in conformance with the policy and intent of the Comprehensive Plan.**
- B. The zoning proposal will permit a land use that is suitable in view of the use and development of adjacent and nearby properties.**
- C. The property to be affected by the zoning proposal does have reasonable economic use as currently zoned.**
- D. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.**
- E. There are no other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.**
- F. The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.**
- G. The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**
- H. The zoning proposal does not adversely impact the environment or surrounding natural resources.**

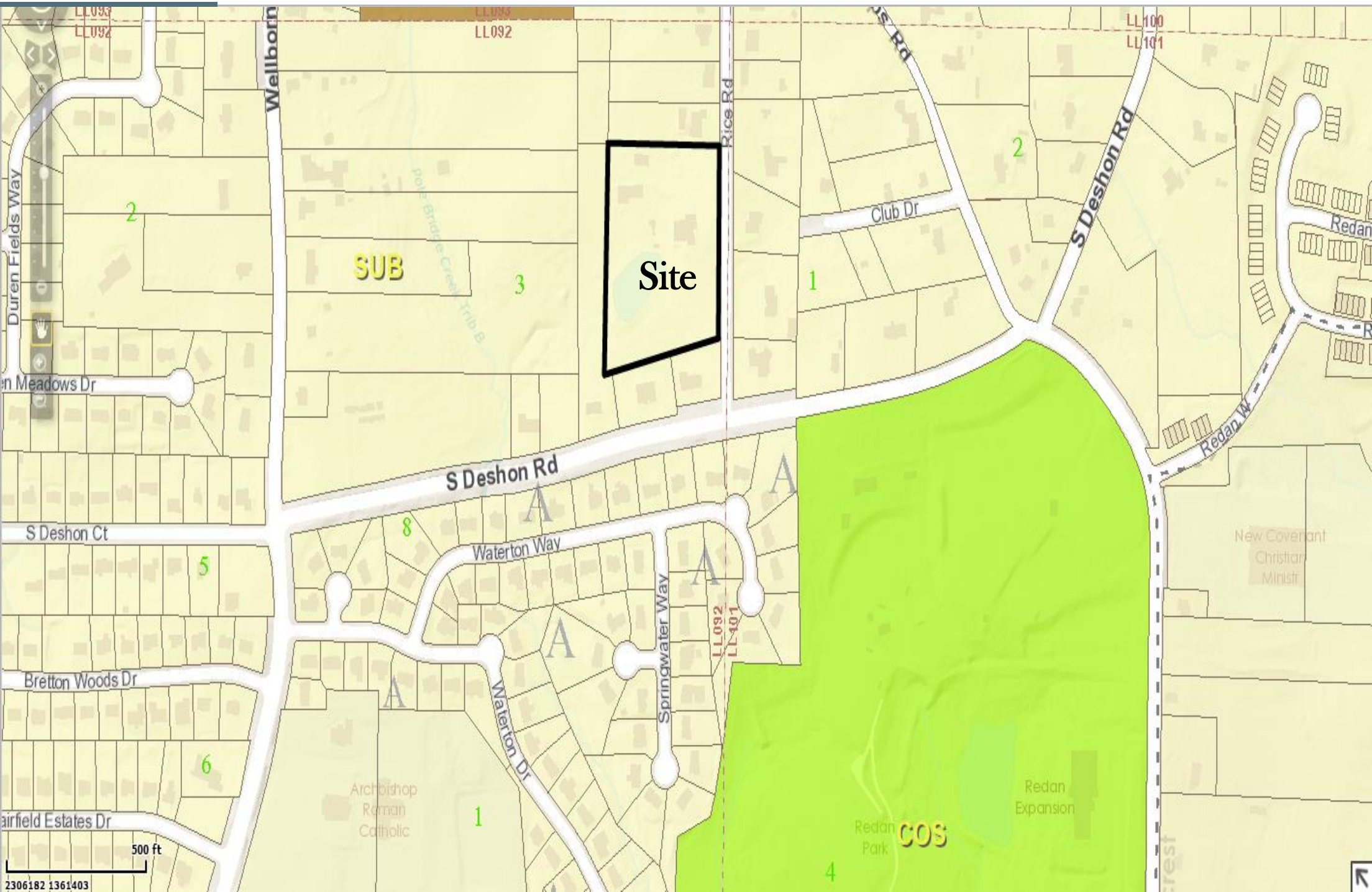
RUM BUILDING HEIGHT = 35 FEET  
RUM ACCESSORY BUILDING HEIGHT = 24 FEET  
FENCING MATTERS MUST BE APPROVED PRIOR TO CONSTRUCTION.















Abattoir  
operation

Residence

Rice Road

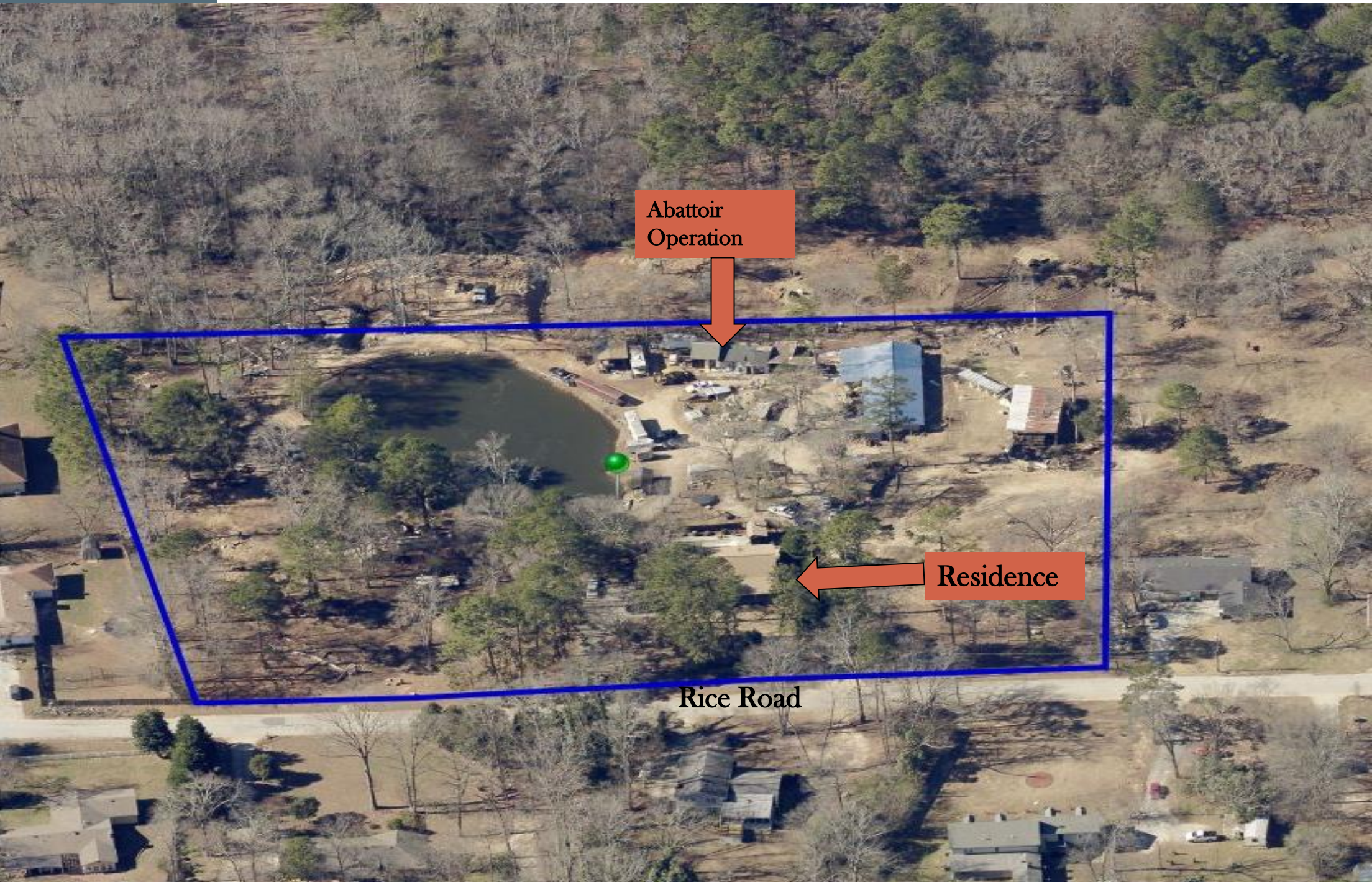
South Deshon Road



N.4

Z-19-1243040

Front View From Rice Road

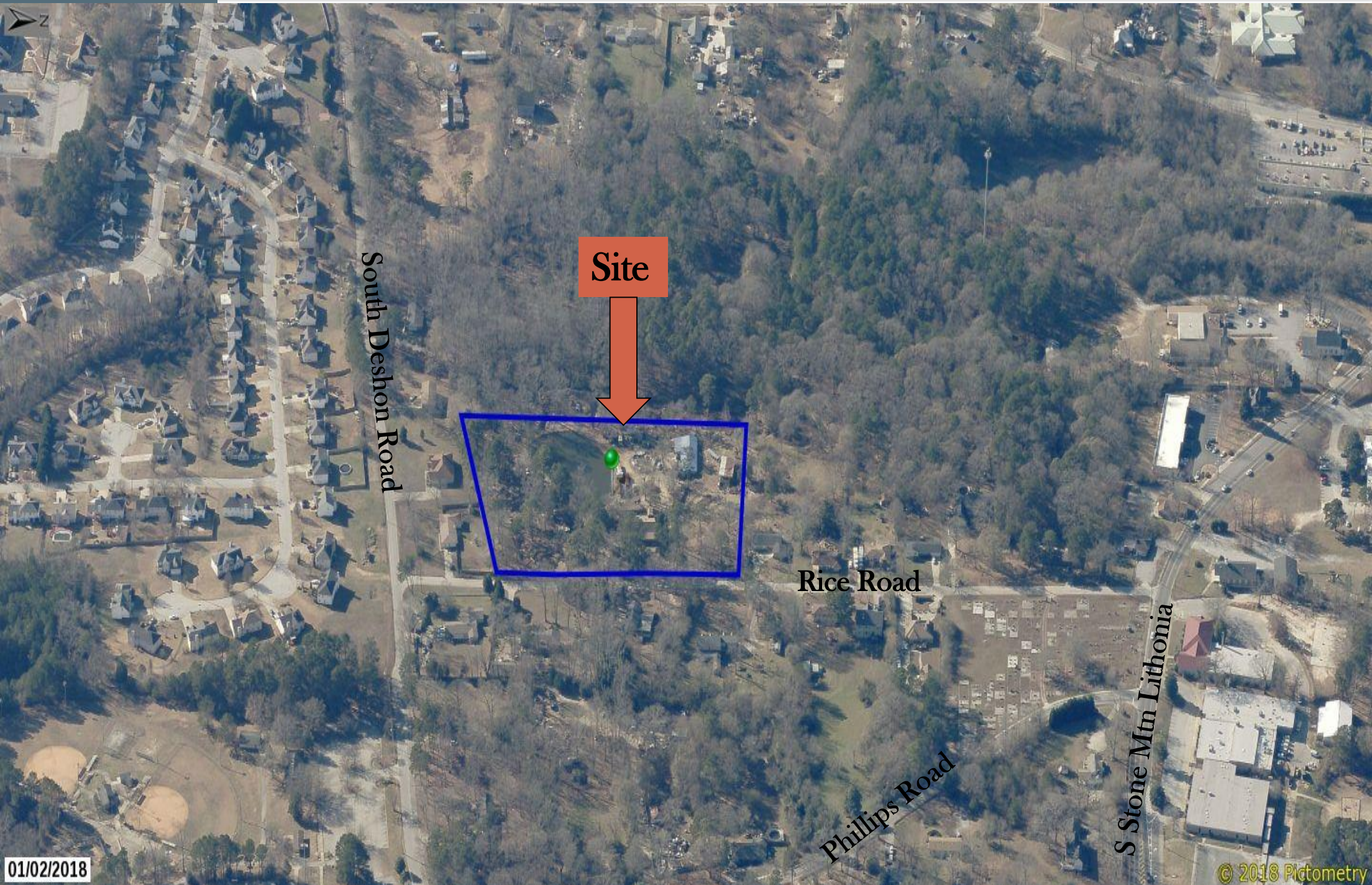


Abattoir  
Operation

Residence

Rice Road





Site

South Deshon Road

Rice Road

Phillips Road

S Stone Mtn Lithonia