



DeKalb County Government

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

Agenda Item

File #: 2020-0085
File Status: Preliminary Item

5/28/2020

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

SUBJECT:

COMMISSION DISTRICT(S): 4 & 6

Application of Noonan Enterprises for a Major Modification of zoning conditions pursuant to CZ-16-20628 to allow construction of a health services clinic in an OI (Office-Institutional) district, at 4038 Rockbridge Road.

PETITION NO: N4. CZ-20-1243753 (2020-0085)

PROPOSED USE: Health Services Clinic

LOCATION: 4038 Rockbridge Road

PARCEL NO. : 18-043-02-013

INFO. CONTACT: Melora Furman

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Noonan Enterprises for a Major Modification of zoning conditions pursuant to CZ-16-20628 to allow construction of a health services clinic in an OI (Office-Institutional) district. The property is located the north side of Rockbridge Road, approximately 336 feet west of Susan Creek Drive, at 4038 Rockbridge Road, Stone Mountain, GA. The property has approximately 308 feet of frontage on Rockbridge Road and contains 2.18 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: Deferral.

PLANNING COMMISSION: Approval with Conditions.

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 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: Approval with Conditions, 6-2-0. L. Osler moved and G. McCoy seconded for “Approval” with Staff’s conditions, with a modification to condition #13 to read as follows: “Outside amplification prohibited, except for health fair events.”

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 8-0-0. The Council Board recommended Full Cycle Deferral to allow the applicant to schedule another community meeting for additional community input.

Recommended Conditions

CZ-20-1243753

Major Modification of CZ-16-20628 for a Health Services Clinic

May 6, 2020

1. Restricted to use solely as a health services clinic.
2. Limit access to one curb cut on Rockbridge Road. Location of road improvements, including, without limitation, all curb cut road improvements, deceleration lane, left turn land and amount of right-of-way dedication, if any, shall be determined by the Department of Public Works, Transportation Division.
3. Minimum front yard setback shall be 60 ft.
4. Ten (10) foot landscape strip required along the front boundary line of the Subject Property, pursuant to a Landscape Plan approved by the County Arborist. All trees planted within the landscape strip shall be native overstory trees.
5. Continue the existing sidewalk along property frontage in accordance with development regulations.
6. All refuse areas shall be completely screened from public right-of-way with enclosure and [shall] be placed behind buildings.
7. Signage shall be a ground monument sign with a brick base. The sign area shall not exceed thirty-two (32) square feet, excluding the base and shall not exceed six (6) feet in height.
8. Obtain required land disturbance and building permits for completion of site improvements (parking, sidewalks and landscaping) and compliance to building and safety codes prior to receiving a CO (Certificate of Occupancy).
9. No overflow parking shall be permitted in the surrounding residential neighborhoods.
10. The height of all building improvements located on the Subject Property shall not exceed 35 ft.
11. All new buildings constructed on the Subject Property shall have a pitched roof. Flat roofs shall be strictly prohibited.
12. The front façade of the principal building to be constructed shall be designed with residential characteristics in order to avoid the appearance of a commercial-type façade.
13. Outside amplification devices shall be prohibited, except during health fair events.
14. Lighting on the principal building and accessory building shall have a residential characteristic. Lighting can be wall-mounted near entrances. Accent lighting along the buildings is prohibited. Solar pedestrian lighting for walkways, motion detector lighting near buildings, and pole mounted security lighting for the parking spaces are permitted, but shall be at least 50' from the perimeter of the property. All outdoor lighting for the Subject Property shall be in conformity with the following requirements:
 - a. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
 - b. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.

- c. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
 - d. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of [the] site.
 - e. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.
15. The applicant shall comply with the requirements of the tree ordinance and shall plant a minimum of three overstory shade trees on the site. In addition, the applicant shall comply with tree planting requirements of the zoning code for parking lots and streetscaping. The County Arborist shall review have the authority to approve the final landscaping plan.
 16. If required to mitigate stormwater runoff to be deeper than two feet, the detention area shall be constructed as a bioretention pond, subject to approval by the DeKalb County Land Development Division.
 17. The required transitional buffers at the rear and on the west side of the subject property shall conform to the standards contained in Section 27-5.4.5 of the DeKalb County Code (the "Zoning Ordinance").
 18. Bike lanes shall not be required.
 19. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.



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.: CZ-20-1243753 **Agenda #:** N. 4

Location/Address: 4038 Rockbridge Road, Stone Mountain, GA **Commission District:** 4 **Super District:** 6

Parcel ID(s): 18-043-02-013

Request: Major Modification of zoning conditions pursuant to CZ-16-20628 to allow construction of a health services clinic in an OI (Office-Institutional) District.

Property Owner(s): Masjid Rahman Islamic Center, Inc.

Applicant/Agent: Clarkston Community Health Center

Acreage: 2.18 acres

Existing Land Use: Two vacant single-family residential buildings

Surrounding Properties: To the north and northeast (zoned MR-2): multifamily residential; to the east (zoned MR-2): vacant, undeveloped land; to the southeast, south, and southwest (zoned R-100): single-family residential; to the west and northwest (zoned NS): a day care center

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

Proposed Square Ft.: 8,000 square feet	Existing Units/Square Feet: 2 units
Proposed Lot Coverage: approximately 40%	Existing Lot Coverage: approximately 10%

Zoning History: In 2016, the Board of Commissioners approved an application by the Masjid Rahman Islamic Center to rezone the property from RSM (Residential Small Lot Mix) to OI (Office-Institutional) pursuant to CZ-16-20628 with a condition that restricts its use to a place of worship. In addition, the Board of Commissioners approved conditions related to vehicular access, a minimum front yard setback of 60 feet; a ten-foot landscape strip along front property line, planted with native overstory trees; the existing sidewalk along the property frontage; screening of refuse areas; signage; size of the proposed place of worship; siting of the parking to the rear of the building; maximum height; roof and front façade design; limitations on the use of outside amplification devices; and exterior lighting.

SITE AND PROJECT ANALYSIS

The subject property is a 2.18-acre parcel with 308 feet of frontage on Rockbridge Road, a minor arterial. It is developed with two unoccupied single-family residential buildings. The buildings have been unoccupied since at least 2016, when the property was subject to rezoning action pursuant to CZ-16-20628. A gravel and dirt driveway leads from Rockbridge Road to the buildings. The property has been cleared of trees, except for some scrub trees located along the front property line.

The property is located approximately 1,800 feet east of the intersection of Rockbridge Road with Memorial Drive. It is near the southern edge of a NC (Neighborhood Center) character area that is centered around this intersection. Land uses along Memorial Drive near this intersection are commercial, with predominantly C-1 (Local Commercial) zoning. Properties with frontage on Rockbridge Road between the intersection and the subject property are developed with a mixture of commercial, office, and medium-density single-family residential land uses, and are zoned C-1, C-2 (General Commercial), NS (Neighborhood Services), OI (Office-Institutional), R-100 (Residential Medium Lot – 100), and RSM (Residential Small Lot Mix). A day care center (zoned C-2) is located on the adjoining property to the west of the subject property. The Spring Chase Apartments multifamily residential development (zoned MR-2) is located to the rear of the subject property. A densely wooded, 145-foot wide buffer is located on the multifamily residential property between the rear of the subject property and the multifamily residential development, and a densely wooded “leg” of the multifamily property that extends along the east side of the subject property to Rockbridge also forms a landscape buffer. If the multifamily residential property is redeveloped in the future, these buffers might be eliminated; however, the required buffers on the subject property would serve to screen development to the north and east from the proposed health clinic.

The proposal under consideration is to modify the 2013 conditions to allow construction of an 8,000 square foot health services clinic that would be operated by the Clarkston Community Health Center, Inc. An architectural rendering submitted with the application indicates that the clinic would be one story, with a brick façade. Forty surface parking spaces would be located to the front and west side of the building. The application describes the proposed clinic as a free health clinic “which provides a medical home to the uninsured and underserved residents of DeKalb County, Clarkston, and surrounding communities.”

Compliance with Development Standards

O-I STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. LOT AREA		20,000 s.f.	2.18 acres (94,960.8 square feet)	Yes
MIN. LOT WIDTH		100 ft.	308 feet	Yes
MAX. LOT COVERAGE		80%	Approximately 40%	Yes
MIN. OPEN SPACE		≥ 40,000 s.f. of gross floor area – 20%	Not applicable.	N. A.
ENHANCED OPEN SPACE		None required	Not applicable	N.A.
BUILDING SETBACKS	FRONT	Zoning conditions pursuant to CZ-16-20628 specify a minimum setback of 60 ft., no maximum. Zoning ordinance does not specify maximum.	178 ft.	Yes
	INTERIOR SIDE	20 ft.	East side – 63 ft. West side – 166 ft	Yes Yes
	SIDE – CORNER LOT	Min. 50 ft.	Not applicable	Not applicable
	REAR	Min. 20 ft.	71 ft.	Yes

O-I STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. BLDG. HEIGHT WITHOUT SLUP	5 stories and 70 ft.	One story	Yes
PARKING	Min. 1 space/500 s.f. = 16 spaces Max 1 space/200 s.f. = 40 spaces	40 spaces	Yes
PARKING LOT LANDSCAPING	Min. 1 tree/8 pkg. spaces and min. 1 island/10 pkg. spaces = 5 trees and 4 islands	1 island, no trees shown.	Must be shown on LDP site plan or a variance will be necessary.
PERIMETER LANDSCAPE STRIP	5-ft. landscape strip around perimeter of site	Not shown on site plan.	Must be shown on LDP site plan or a variance will be necessary.

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 policies of the 2035 Comprehensive Plan consistent with the provision of services to support the health and welfare of the population. The property is located at the edge of a NC (Neighborhood Center) character area, which is intended to serve a neighborhood’s needs for goods and services.
- 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 proposed use is suitable in view of the use and development of adjacent and nearby properties. It is not expected to have any negative effects on the day care center on the adjoining property to the west. In addition the adjoining properties to the north and east would be buffered from the proposed development by the required transitional buffers on the subject property, and the single-family residential neighborhood to the south is separated from the property by Rockbridge Road.
- C. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:** The zoning conditions that were adopted in 2016, which limit use of the property to a place of worship that was not constructed and is no longer an active proposal, diminish its economic use.
- D. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** The proposed health services clinic is not expected to adversely affect the use or usability of adjacent or nearby property.
- 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:** There is only one health facility that serves uninsured or underinsured residents within a four-mile radius of the subject property: the Oakhurst Medical Centers clinic in the Memorial Square Shopping Center, located to the north of the subject property on Memorial Drive. There appears to be a significant need for the service that the proposed health facility would provide.

- 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:** There has been no indication from reviewing agencies and departments that a health service clinic at the proposed location will excessively burden adjoining or nearby streets, transportation facilities, utilities, or schools.
- H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources:** The recommendations related to landscaping of the site would increase the number of trees on the property, thereby restoring natural resources to a property that is almost completely devoid of trees.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

The proposal is consistent with the policies of the 2035 Comprehensive Plan consistent with the provision of services to support the health and welfare of the population. The property is located at the edge of a NC (Neighborhood Center) character area, which is intended to serve a neighborhood’s needs for goods and services. The proposed use is suitable in view of the use and development of adjacent and nearby properties. It is not expected to have any negative effects on the day care center on the adjoining property to the west. In addition, the adjoining properties to the north and east would be buffered from the proposed development by the required transitional buffers on the subject property, and the single-family residential neighborhood to the south is separated from the property by Rockbridge Road. If developed in accordance with the recommendations related to landscaping of the site, redevelopment of the property would restore natural resources to a property that is almost completely devoid of trees. Finally, there appears to be a significant need for the service that the proposed health facility would provide. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

Proposed Revisions to Zoning Conditions:

1. Restricted to use solely as a ~~Place of Worship.~~ health services clinic.
2. Limit access to one curb cut on Rockbridge Road. Location of road improvements, including, without limitation, all curb cut road improvements, deceleration lane, left turn land and amount of right-of-way dedication, if any, shall be determined by the Department of Public Works, Transportation Division.
3. Minimum front yard setback shall be 60 ft.
4. Ten (10) foot landscape strip required along the front boundary line of the Subject Property, pursuant to a Landscape Plan approved by the County Arborist. All trees planted within the landscape strip shall be native overstory trees.
5. Continue the existing sidewalk along property frontage in accordance with development regulations.
6. All refuse areas shall be completely screened from public right-of-way with enclosure and [shall] be placed behind buildings.
7. Signage shall be a ground monument sign with a brick base. The sign area shall not exceed thirty-two (32) square feet, excluding the base and shall not exceed six (6) feet in height.
8. Obtain required land disturbance and building permits for completion of site improvements (parking, sidewalks and landscaping) and compliance to building and safety codes prior to receiving a CO (Certificate of Occupancy).
- ~~9. The existing one-story frame building shall be demolished, and the Applicant shall have the right to construct a new principal building on the Subject Property, which building shall not exceed 3,000 sq. ft. One accessory building may be located on the Subject Property and shall not exceed 2,000 sq. ft. Until the new principal~~

~~building is constructed, the Applicant shall have the right to use the existing one-story brick building located on the Subject Property. Any expansion of the Place of Worship beyond the square footage set forth in these conditions shall require a zoning modification by the Board of Commissioners.~~

~~10.9. All parking spaces and accessory uses constructed on the Subject Property shall be located to the rear of the principal building.~~ No overflow parking shall be permitted in the surrounding residential neighborhoods.

~~11.10.~~ The height of all building improvements located on the Subject Property shall not exceed 35 ft.

~~12.11.~~ All new buildings constructed on the Subject Property shall have a pitched roof. Flat roofs shall be strictly prohibited.

~~13.12.~~ The front façade of the principal building to be constructed shall be designed with residential characteristics in order to avoid the appearance of a commercial-type façade.

~~14.13.~~ Outside amplification devices shall be prohibited, except ~~in connection with periodic special events, such as an outdoor holiday celebration, festival, picnic, children's fun day, etc.~~ Such events shall comply with the ~~Temporary Outdoor Use Regulations in the zoning code, Section 27.4.3~~ during health fair events.

~~15.14.~~ Lighting on the principal building and accessory building shall have a residential characteristic. Lighting can be wall-mounted near entrances. Accent lighting along the buildings is prohibited. Solar pedestrian lighting for walkways, motion detector lighting near buildings, and pole mounted security lighting for the parking spaces are permitted, but shall be at least 50' from the perimeter of the property. All outdoor lighting for the Subject Property shall be in conformity with the following requirements:

- a. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
- b. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
- c. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
- d. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of [the] site.
- e. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.

15. The applicant shall comply with the requirements of the tree ordinance and shall plant a minimum of three overstory shade trees on the site. In addition, the applicant shall comply with tree planting requirements of the zoning code for parking lots and streetscaping. The County Arborist shall review have the authority to approve the final landscaping plan.

~~16. If required to mitigate stormwater runoff to be deeper than two feet, the detention area shall be constructed as a bioretention pond, subject to approval by the DeKalb County Land Development Division.~~

17. The required transitional buffers at the rear and on the west side of the subject property shall conform to the standards contained in Section 27-5.4.5 of the DeKalb County Code (the "Zoning Ordinance").

18. Bike lanes shall not be required.

~~19. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.~~

Attachments:

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

Final Version of Proposed Conditions:

1. Restricted to use solely as a health services clinic.
2. Limit access to one curb cut on Rockbridge Road. Location of road improvements, including, without limitation, all curb cut road improvements, deceleration lane, left turn land and amount of right-of-way dedication, if any, shall be determined by the Department of Public Works, Transportation Division.
3. Minimum front yard setback shall be 60 ft.
4. Ten (10) foot landscape strip required along the front boundary line of the Subject Property, pursuant to a Landscape Plan approved by the County Arborist. All trees planted within the landscape strip shall be native overstory trees.
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9. No overflow parking shall be permitted in the surrounding residential neighborhoods.
10. The height of all building improvements located on the Subject Property shall not exceed 35 ft.
11. All new buildings constructed on the Subject Property shall have a pitched roof. Flat roofs shall be strictly prohibited.
12. The front façade of the principal building to be constructed shall be designed with residential characteristics in order to avoid the appearance of a commercial-type façade.
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 - b. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
 - c. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
 - d. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any

one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of [the] site.

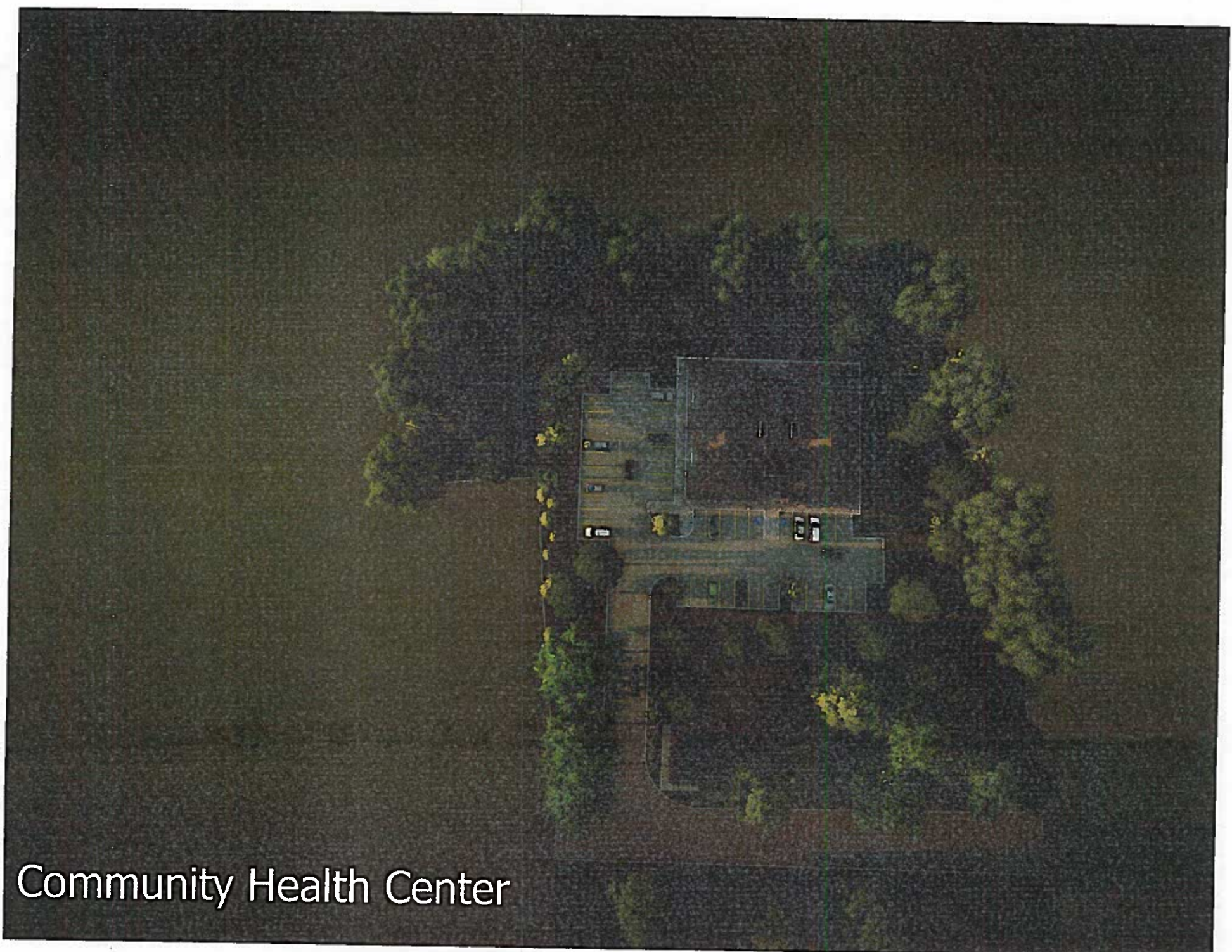
- e. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.
15. The applicant shall comply with the requirements of the tree ordinance and shall plant a minimum of three overstory shade trees on the site. In addition, the applicant shall comply with tree planting requirements of the zoning code for parking lots and streetscaping. The County Arborist shall review and have the authority to approve the final landscaping plan.
 16. If required to mitigate stormwater runoff to be deeper than two feet, the detention area shall be constructed as a bioretention pond, subject to approval by the DeKalb County Land Development Division.
 17. The required transitional buffers at the rear and on the west side of the subject property shall conform to the standards contained in Section 27-5.4.5 of the DeKalb County Code (the "Zoning Ordinance").
 18. Bike lanes shall not be required.
 19. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

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.



Community Health Center

EXHIBIT A



Community Health Center

EXHIBIT B



Community Health Center

EXHIBIT C



EXHIBIT D



Community Health Center

EXHIBIT E

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



N 24

DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-20-1243753 Parcel I.D. #: 18-043-02-013

Address: 4038
Rockbridge Rd.
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) 6⁷TH 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>PLANS AND FIELD REVIEWED. NO PROBLEM THAT</u>
<u>WOULD INTERFERE WITH TRAFFIC FLOW.</u>

Signature: Jerry Whit



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-20-1243753

Parcel I.D. #: 18-043-02-013

Address: 4038 Rockbridge Road

Stone Mountain, Georgia

WATER:

Size of existing water main: 8" DI and 16" 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.

THIS AREA HAS SEWER CAPACITY RESTRICTIONS
AT THIS TIME. MJO

Signature: 

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



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: CZ-20-1243753

APPLICANT NAME: Clarkston Community Health Center c/o Battle Law, P.C.

Daytime Phone#: 404.601.7616 Fax #: 404.745.0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750 Decatur, Georgia 30030

OWNER NAME: Masjid Rahman Islamic Center Inc (If more than one owner, attach contact information for each owner)

Daytime Phone#: _____ Fax #: _____ E-mail: _____

Mailing Address: 4038 Rockbridge Road Stone Mountain, Georgia 30083

SUBJECT PROPERTY ADDRESS OR LOCATION: 4038 Rockbridge Road

Stone Mountain, DeKalb County, GA, 30083

District(s): 18 Land Lot(s): 043 Block(s): 02 Parcel(s): 013

Acreage or Square Feet: 2.18 Commission District(s): 04 Existing Zoning: O1

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?
Yes No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: _____ Agent: X
(Check One)

Clarkston Community Health Center

Signature of Applicant: By: [Signature]

Printed Name of Applicant: Clarkston Community Health Center Major Modification Application

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

ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

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

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: bdc@battlelawpc.com

**MAJOR CHANGE OF
CONDITION APPLICATION
FOR 4038 ROCKBRIDGE
ROAD FOR MEDICAL
OFFICE SPACE**

**Community Meeting
Wednesday, December 18, 2019
6:30 pm until 7:30 pm
Clarkston Library
951 North Indian Creek
Clarkston, Georgia 30021**

**SUBJECT PROPERTY:
4038 Rockbridge Road
Stone Mountain, Georgia 30083**

COMMUNITY MEETING

SIGN IN SHEET

Subject Property: 4038 Rockbridge Road, Stone Mountain, GA 30083

951 North Indian Creek Drive, Clarkston, GA 30021

Wednesday, December 18, 2019 6:30 PM - 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Myra	Tsung	419 Rue de Chateau	Stone Mtn.	GA	30083	myrnelise@hotmail.com
Chris	Buchanan	814 East Ave Scottsdale	Scottsdale	GA	30079	chr.s.buchanan@100jg
Alexis	Stewart	496 S. Main St. Safari Circle	Stone Mtn.	30083		922stewart@att.net
Joe	Arvington	466 S Keys Rd	Stone Mtn	30083		jarring55@gmail.com
Joe Jean	Borowski	4088 Rue Antoinette	"	"		jimb1946@gmail.com
Abdul	Amer					amer@areng.com
Dawn	Parler	3931 Sul Lane Dunwoody	Dunwoody, Ga	30032	678-687-2908	DawnParler@450.com
CYNTHIA	CARPENTIER	227 BERSAN AVENUE	ATLANTA GA	30316		cynthiastover44@gmail.com
TASHIN	MASID	2844 Ash Spring Trce	Tucker	30084		caofanc2@yaho.com
SACED	Moh	5400 Stone Mtn				

**COMMUNITY MEETING
SIGN IN SHEET**

**Subject Property: 4038 Rockbridge Road, Stone Mountain, GA 30083
951 North Indian Creek Drive, Clarkston, GA 30021
Wednesday, December 18, 2019 6:30 PM - 8:00 PM**

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Fras	Saeed	5400 Stammuhman				
Arefa	CASSOBBING	2109 Oakman-Dr NE	Atlanta GA	30345		
Sania	Abdulh	3628 Kelvin Ct	Lilburn	30047		
RAHIM GUL CLAIRE GUL		126 SIMMONS RD SE	LAURENCEVILLE	30046		
Jim	ANDERSEN	1025 FATAWAYE ST BROOKHAVEN	BROOKHAVEN	30319		
Daisophia	Harper	14303 Pminda Circle	Atlanta	30038		daiharper@CSAhomecare.com
BROXTON	JACK	482 SAFARI CIRCLE	STONE MOUNTAIN	30038		!
Masako	Yoshihara	244 Commerce Dr	Decatur	30030		
RAHIM	GUL	dr rahimgul@gmail.com				

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance

MAJOR CHANGE OF CONDITIONS APPLICATION

CZ- 16-20628

For

CLARKSTON COMMUNITY HEALTH CENTER, INC.

4038 Rockbridge Road, Stone Mountain, GA
2.510± Acres of Land
located in
Land Lot 43, 18th District, DeKalb County
Commission Districts 4 and 6

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404)601-7616 Phone
(404)745-0045 Facsimile
mlb@battlelawpc.com

I. INTRODUCTION

The Applicant, Clarkston Community Health Center, Inc., seeks to amend the conditions approved by the DeKalb County Board of Commissioners for the property located at 4038 Rockbridge Road, Stone Mountain, GA (the "Subject Property") in order to allow for the Subject Property to be developed as a health care facility. The Subject Property is currently owned by the Masjid Rahman Islamic Center, Inc. (the "Masjid") and was rezoned in 2016 from RSM to O-I (Cond) to allow for the development of a mosque on the Subject Property, subject to the fifteen condition set forth in Exhibit "A" attached hereto and by this reference incorporated herein. As a result of the cost of the imposed conditions, the Masjid elected to purchase another location. The Applicant has the Subject Property under contract for purchase, and is seeking to modify, or delete the following three conditions as indicated:

Condition 1:

1. Restricted to use solely as a Place of Worship

Revise condition as follows:

1. Restricted to use solely as a Health Services Clinic

Condition 9:

9. The existing one story frame building shall be demolished, and the Applicant shall have the right to construct a new principal building on the Subject Property which building shall not exceed 3,000 sq. ft. One accessory building may be located on the Subject Property and shall not exceed 2,000 sq. ft. Until the new principal building is constructed, the Applicant shall have the right to use the existing one-story brick building located on the Subject Property. Any expansion of the Place of Worship beyond the square footage set forth in these conditions shall require a zoning modification by the Board of Commissioners.

Delete condition 9 in its entirety. It is the Applicant's intent to demolish all existing structures and build a new state of the art 8,000 sq. ft. clinic

Condition 10:

10. All parking spaces and accessory uses constructed on the Subject Property shall be located to the rear of the principal building. No overflow parking shall be permitted in the surrounding residential neighborhoods.

Delete the first sentence of Condition 10. so that the revised condition reads as follows:

10. No overflow parking shall be permitted in the surrounding residential neighborhoods

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance, § 27-7.3.5. A surveyed plat and site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. DESCRIPTION OF PROPOSED USE

The Subject Property is a +/-2.510 acre tract zoned O-I (Cond) and subject to Zoning Case CZ-16-20628. The property has in excess of 200 feet of frontage on Rockbridge Road which is a minor thoroughfare. Abutting the Subject Property is a parcel at 4032 Rockbridge Road which is currently zoned NS and occupied by the Buzy Bee Learning Center child care facility, and the property at 4949 Memorial Drive, which is zoned MR-2 and is developed as the Spring Chase multi-family apartment complex. The Applicant is seeking to develop the Subject Property for a health care facility, which is a permitted use under the O-I District Regulations.

Clarkston Community Health Center, Inc. (CCHC) is a free health clinic which is a 501(c)(3) charitable organization. Currently located at 3700 Market Street, Suite E1 in downtown Clarkston, it is the mission of CCHC to be a state-of-the-art, culturally and linguistically competent health care facility which provides a medical home to the uninsured and underserved residents of

DeKalb County, Clarkston and surrounding communities. CCHC opened its doors in 2015 and now serves over 2,500 patients per year. CCHC has established partnerships with Emory University, Mercer University, Clayton State University and University of North Georgia. Emory University Medical, and Nurse Practitioner and Nursing students, which allows doctors, interns, medical students, and nurses to rotate through the clinic on a regular basis. Emory University Ophthalmology Department holds a vision clinic once a month and free glasses are provided in partnership with Lions Club. CCHC has partnered with top-ranking medical programs in the greater Atlanta area including Emory University Healthcare, The Centers for Disease Control and Prevention, Emory University School of Medicine, Emory University School of Nursing, and Emory University Rollins School of Public Health. CCHC has recently partnered with the Institute for Healthcare Improvement to develop the CCHC Quality Improvement (QI) Team. This inter-professional team works with CCHC staff to ensure that patients receive the best care possible when visiting the clinic. In June of 2019, CCHC started a Women's Health Initiative at our clinic. In collaboration with Emory Medical School we have conducted an extensive survey of our women patients, specifically focusing on refugees and recent immigrants in the community. Through this program, CCHC has established a relationship with DeKalb Medical in Decatur, GA where patients of CCHC will be provided low cost services for routine mammogram screenings and MRIs utilizing hospital facilities and their mobile unit. DeKalb Medical have also agreed to provide CCHC patients with low cost unilateral ultrasounds and biopsies and a patient navigator for the patients when needed.

CCHC is operated totally on a voluntary basis. The services provided include medical, dental, vision, mental health, pharmacy, lab work and women's health services. All services are directed towards individuals who do not have health insurance or cannot afford health insurance.

The majority of CCHC's patients are either African American or refugees, however, the clinic services people from all racial and ethnic groups as poverty has no color or cultural designation. Poverty resulting from unemployment/underemployment is a major challenge in this culturally and linguistically diverse area. Between 2009 and 2013, the poverty rate in Clarkston alone doubled from 16% to 32%. Among foreign-born residents, the poverty rate rises to an astonishing 56%. One in two of every child in Clarkston lives below the poverty line. Not surprisingly, Georgia has an uninsured rate comparable to our high poverty rate. Georgia ranks 7th in the nation in poverty and 6th in the nation in uninsured individuals. Research is clear that uninsured populations have the greatest health disparities. CCHC is determined to fill this gap for those in Clarkston and its surrounding communities in DeKalb County, and throughout the Metro Atlanta area.

CCHC is funded 100% through donations and grants. Recently, CCHC received two small grants for operational purposes. One grant is from Akers Foundation (\$10K) for establishing development programs for the clinic and the other one is from Georgia Charitable Care Network (\$10K) for supporting our expansion plans. To date, CCHC has raised over \$800,000 in just two months to support the acquisition and redevelopment of the Subject Property.

It is the Applicant's desire to continue its good works on the Subject Property. The current location is only 2,000 sq. ft. The clinic has outgrown this facility which has 2 examination rooms and limited space for procedures, ex-rays, etc. The Subject Property will be developed with a 7,000 sq. ft. building which will have 12 dedicated examination rooms, a pharmacy, imaging rooms, and waiting area, as well as a pharmacy. This state-of-the art facility will be set a standard of what can be done to help those who have found themselves pushed to the margins. Just because you are economically challenged doesn't mean that your health care or the facilities that you are

seen in should be of lesser quality.

Based on the foregoing, as well as the supporting Impact Analysis below, it is the Applicant's request that this Application be approved.

III. IMPACT ANALYSIS

A.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is zoned O-I which is in conformity with the Suburban Designation given to the Subject Property under the 2035 DeKalb Comprehensive Land Use Plan, and serves to implement specific policies and objectives set forth in the County's Comprehensive Plan.

B.

THE PROPOSED REZONING PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The Subject Property is located between a child day care facility and a multi-family apartment complex. Under the prior zoning case the Subject Property was to be developed for mosque. The 15 conditions that were approved made it extremely challenging for the current owner to redevelop the Subject Property. Additionally, it is believed that no other place of worship would look to relocate to the Subject Property due to the restrictiveness of the conditions on a place of worship. The use of the Subject Property, however, as a health care facility is an ideal use for the Subject Property. The Applicant has no issue with complying with the majority of the

conditions currently imposed on the Subject Property. It is the Applicant's intent to significantly improve the appearance of the Subject Property by removing the current fencing, and installing, sidewalks, landscaping, a beautiful 8,000 sq. ft. building with a pitch roof with residential characteristics to the building.

Additionally, the clinic has limited hours of operation. Because the clinic is operated by volunteers, the clinic is only open 4 days a week:

Wednesday: 9:00am - 2:00pm (By appointment only)

Friday: 9:00 am - 2:00 pm (By appointment only)

Saturday: 9:00 am - 1:00 pm

Sunday: 10:00 am - 2:00 pm

Harriet Tubman Women's Clinic

Sunday: 4:00 pm – 6:00 pm (By appointment only)

On average, the clinic sees 60 to 80 patients per week. Most of the patients either walk to the clinic or take the bus. There are some patients who drive to the clinic, and the proposed site plan provides ample parking for those patients, as well as the staff. As a result of these limited hours, there will be no impact on traffic in the area, as the clinic is not open during normal rush hour traffic, and the clinic is closed before area schools let out during the week. It is the Applicant's belief that this proposed use is suitable in view of the surrounding zonings and would allow for a use that is no more impactful than the use of the Subject Property as a place of worship.

C.

**THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property has limited use as currently zoned as it is only marketable to places of worship. Due to the conditions imposed on the Subject Property, it would be very difficult for a small starter church to bear the financial burden of making all of the infrastructure improvements required, including the removal of the existing structure, grading, parking landscaping, installation of sidewalks and detention facilities, to only have a 3,000 sq. ft. place of worship. The costs are simply prohibitive, which is what the Owner discovered after the rezoning in 2016 was approved.

D.

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed modification to the current zoning conditions will in no way adversely affect the existing use or usability of adjacent or nearby property. The limited days of operation, along with the significant improvements that will be made to the appearance of the Subject Property will only serve to support the use and values of the surrounding uses and residential subdivisions.

E.

**OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The proposed use of the Subject Property will be no more impactful on the area than the currently approved place of worship. The installation of sidewalks along Rockbridge Road will

serve the entire community. Additionally, the improvements made to the Subject Property will help property values in the area, and remove dilapidated buildings that are magnets for criminal activity and vagrants. Additionally, there will be no traffic generated by the Subject Property during morning and evening rush hour traffic. Finally, the proposed health care facility will have no negative impact on the public schools in the area.

F.

**THE ZONING PROPOSAL WILL NOT
ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the proposed modifications to the existing conditions.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

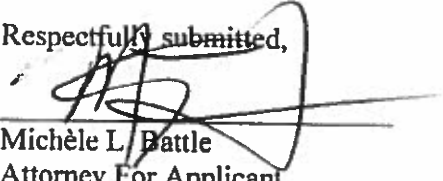
The proposed changes to the existing conditions, if approved, will not affect existing transportation facilities or utilities, and it will not negatively impact the schools in the area.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Major Change of Condition ~~Application~~ at issue be approved. The Applicant also invites and welcomes any comments ~~from Staff~~ or other officials of DeKalb County so that such recommendations or input might be ~~incorporated~~ as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This ~~30th~~ day of December, 2019.

Respectfully submitted,


Michèle L. Battle
Attorney For Applicant



ED CONDITIONS FOR Z-16-20628

Masjid Rahman Islamic Center

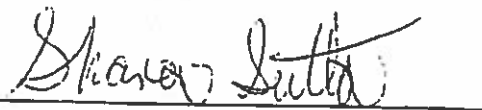
4038 Rockbridge Road

BOC Hearing Date: June 28, 2016

DS

1. Restricted to use solely as a Place of Worship
2. Limit access to one curb cut on Rockbridge Road. Location of road improvements, including, without limitation, all curb cut road improvements, deceleration lane, left turn lane and amount of right-of-way dedication, if any, shall be determined by the Department of Public Works, Transportation Division.
3. Minimum front yard setback shall be 60 ft.
4. Ten (10) foot landscape strip required along the front boundary line of the Subject Property, pursuant to a Landscape Plan approved by the County Arborist. All trees planted within the landscape strip shall be native overstory trees.
5. Continue the existing sidewalk along property frontage in accordance with development regulations.
6. All refuse areas shall be completely screened from public right-of-way with enclosure and be placed behind buildings.
7. Signage shall be a ground monument sign with a brick base. The sign area shall not exceed thirty-two (32) square feet, excluding the base and shall not exceed six (6) feet in height.
8. Obtain required land disturbance and building permits for completion of site improvements (parking, sidewalks and landscaping) and compliance to building and safety codes prior to receiving a CO (Certificate of Occupancy)
9. The existing one story frame building shall be demolished, and the Applicant shall have the right to construct a new principal building on the Subject Property which building shall not exceed 3,000 sq. ft. One accessory building may be located on the Subject Property and shall not exceed 2,000 sq. ft. Until the new principal building is constructed, the Applicant shall have the right to use the existing one-story brick building located on the Subject Property. Any expansion of the Place of Worship beyond the square footage set forth in these conditions shall require a zoning modification by the Board of Commissioners.
10. All parking spaces and accessory uses constructed on the Subject Property shall be located to the rear of the principal building. No overflow parking shall be permitted in the surrounding residential neighborhoods.
11. The height of all building improvements located on the Subject Property shall not exceed 35 ft.
12. All new buildings constructed on the Subject Property shall have a pitched roof. Flat roofs shall be strictly prohibited.

13. The front façade of the principal building to be constructed shall be designed with residential characteristics in order to avoid the appearance of commercial-type façade.
14. Outside amplification devices shall be prohibited, except in connection with periodic special events, such as an outdoor holiday celebration, festival, picnic, children's fun day, etc. Such events shall comply with the Temporary Outdoor Use Regulations in the zoning code 27.4.3
15. Lighting on the principal building and accessory building shall have a residential characteristic. Lighting can be wall mounted near entrances. Accent lighting along the buildings is prohibited. Solar pedestrian lighting for walkways, motion detector lighting near buildings, and pole mounted security lighting for the parking spaces are permitted, but shall be at least 50' from the perimeter of the property. All outdoor lighting for the Subject Property shall be in conformity with the following requirements:
 - a. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
 - b. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
 - c. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
 - d. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of four and one-half (4.5) foot candles of light output throughout the parking area. A single light source type shall be used for any one (1) site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
 - e. The minimum mounting height for a pole is twelve (12) feet. The maximum mounting height for a pole is twenty-five (25) feet excluding a three-foot base.



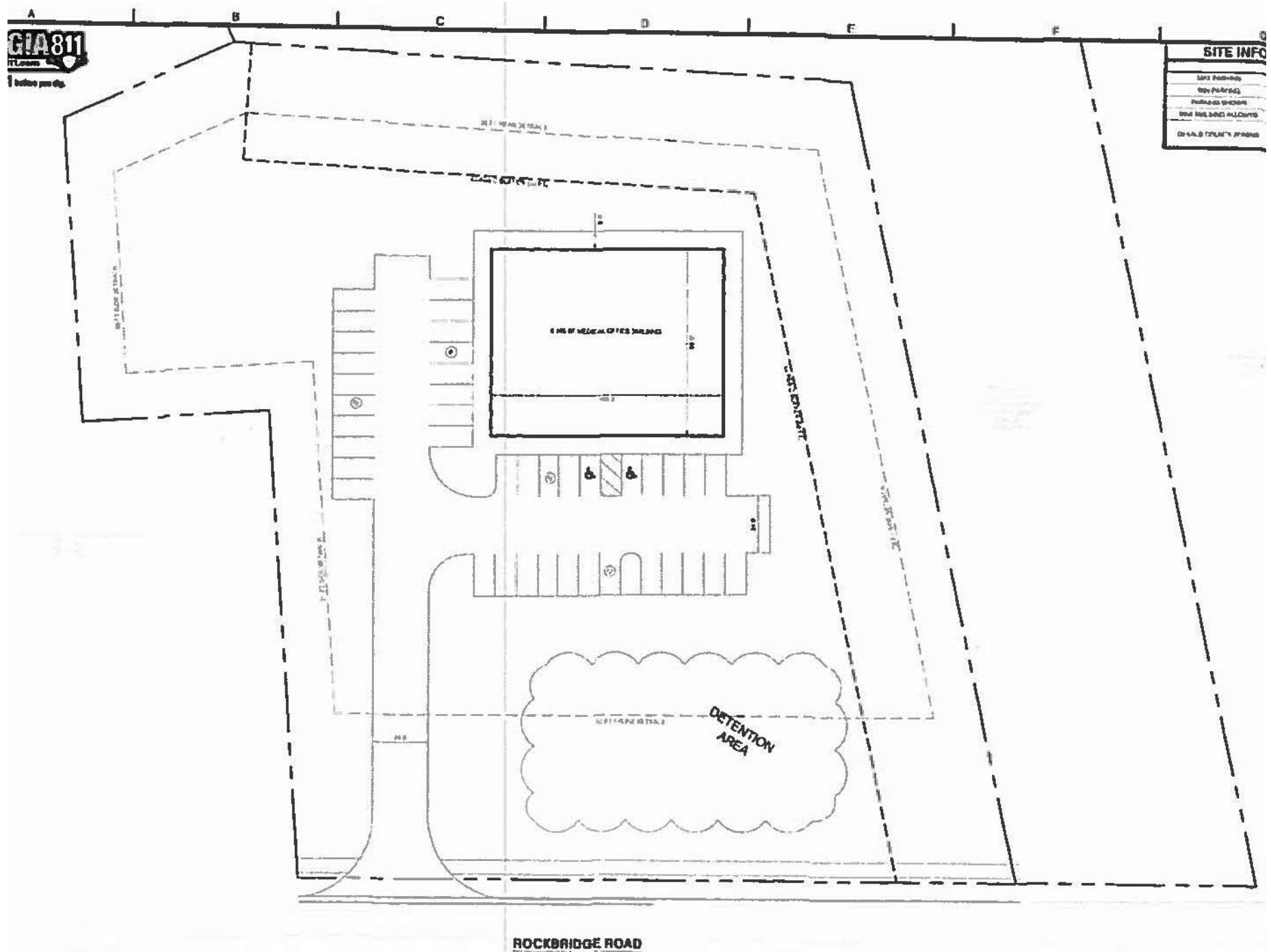
Commissioner Sharron Barnes Sutton

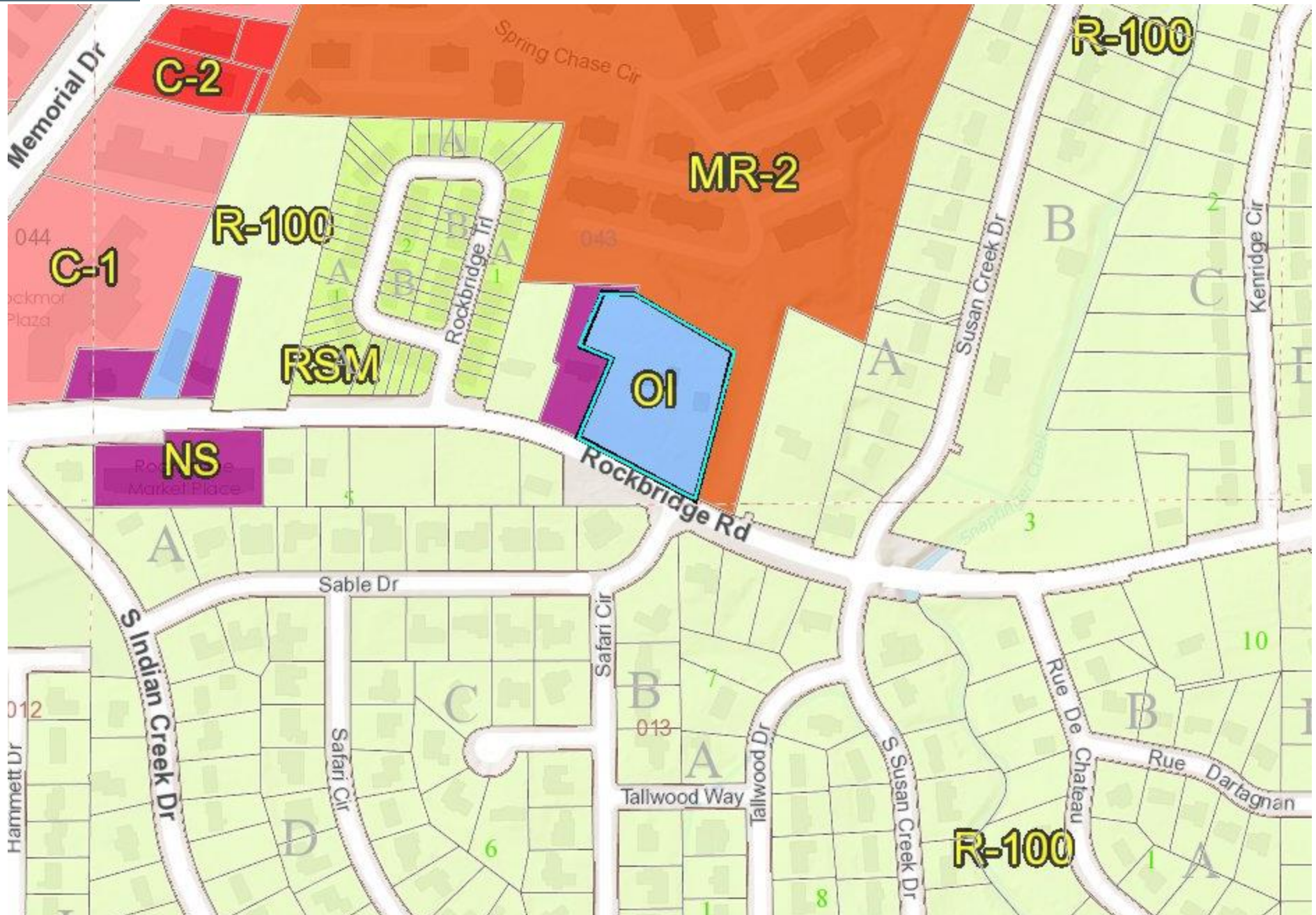
District 4

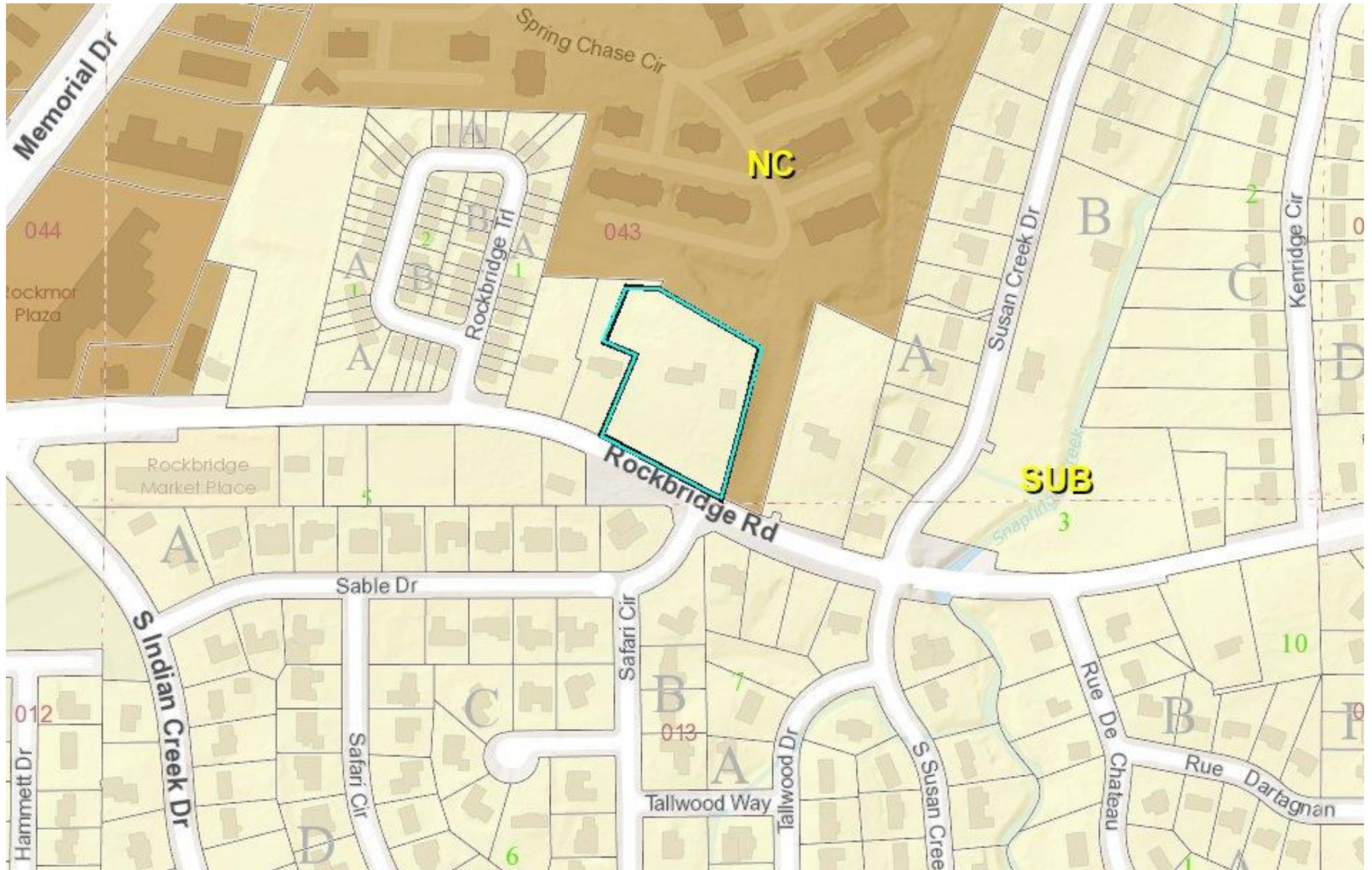


Commissioner Kathie Gannon

District 6











(at left) Subject property.



(at right) Subject property and day care center on the adjoining lot to the west.