



DeKalb County Government

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

Agenda Item

File #: 2019-3556
File Status: Preliminary Item

5/28/2019

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

SUBJECT:

COMMISSION DISTRICT(S): 4 & 7

Application of Phillip Witherington to rezone property from R-100 (Residential Medium Lot) to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza at 425, 433, and 441 North Deshon Road.

PETITION NO: N7. Z 19 1243173

PROPOSED USE: General Commercial Uses

LOCATION: 425, 433, and 441 North Deshon Road

PARCEL NO. : 18 030 01 011, 18 030 01 012, 18 030 01 013

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Phillip Witherington to rezone property from R-100 (Residential Medium Lot) to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza. The property is located on the east side of Janie Way and the west side of North Deshon Road at 425, 433, and 441 North Deshon Road. The property has approximately 259 feet of frontage along the east side of Janie Way and approximately 310 feet of frontage along North Deshon Road and contains 2.03 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: FULL CYCLE DEFERRAL

PLANNING COMMISSION: DENIAL

PLANNING STAFF: DENIAL

STAFF ANALYSIS: The subject properties fall within a SUB (Suburban) character area which calls for protecting established residential neighborhoods and focusing commercial development around major intersections classified as collector roadway and above (SUB Policy #1. Residential Protection & Policy #3. Non-residential development). The subject properties are in the middle of a residential area, with the Waters Edge single-family subdivision to the east across North Deshon Road and a combination of single-family

homes, vacant land, and a telecommunication tower to the north and west. The nearest intersection at Janie Way/North Deshon Road is not a major intersection as Janie Way is a narrow two-lane local road with no curb and gutter and no sidewalks. The nearest major intersection is approximately 775 feet to the south at North Deshon Road (Minor Arterial) and Rockbridge Road (Minor Arterial) where existing commercial development is already located, including the Deshon Plaza Shopping Center, Quik Trip convenience store, McDonalds restaurant, and retail businesses. Permitting commercial at this location is essentially “leap frogging” several single-family zoned (R-100) properties that lie between the commercial at the existing North Deshon/Rockbridge node and this location. Further, the submitted site plan and application do not indicate what specific commercial uses are proposed, nor how the proposed site layout will adequately protect the surrounding residential area with appropriate transitional buffers, landscaping, driveway access restrictions, or the provision of required parking and adequate internal circulation. Based on the submitted information, it appears that the request does not comply with the intent of the SUB character area of the Comprehensive Plan to protect established residential neighborhoods from incompatible development (Sec 7.3.4.A) and therefore may not permit a use that is suitable and compatible with adjacent and nearby properties (Sect. 7.3.4.B). It is the recommendation of the Planning & Sustainability Department that the application be, respectfully, “Denied”.

PLANNING COMMISSION VOTE: DENIAL 9-0-0. L. Osler moved, A. Atkins seconded for denial per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: FULL CYCLE DEFERRAL (13-0-0). Council recommended Full Cycle Deferral due to the following: 1) The applicant did not provide adequate notification for the pre-submittal community meeting; and 2) The applicant has not specified a specific land use and needs to provide more clarification as to the scope of the proposed project. Some concerns were expressed that commercial use is not appropriate in the middle of residential area.

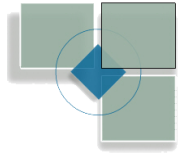


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

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



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: May 7, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: May 28, 2019 6:30 P.M.

STAFF ANALYSIS

Case No.:	Z-19-1243173	Agenda #: N-7
Location/ Address:	425, 433, & 441 North Deshon Road, Stone Mountain Georgia	Commission District: 4 Super District: 7
Parcel ID:	18 030 01 011, 18 030 01 012, 18 030 01 013	
Request:	To rezone property from R-100 (Residential Medium Lot) District to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza.	
Property Owner:	Howard Burke	
Applicant/Agent:	Phillip Witherington	
Acreage:	2.03	
Existing Land Use:	Vacant land	
Surrounding Properties:	Single-family subdivision (Waters Edge) to the east across North Deshon Road; single-family homes, vacant land, and a telecommunications tower to the west and north; and vacant land and the Deshon Plaza Shopping Center, Quik Trip, McDonalds restaurant and retail uses to the south.	
Adjacent Zoning:	North: R-100 South: R-100 East: RSM West: R-100 & RSM	
Comprehensive Plan:	SUB	Consistent <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/>
Proposed Density:	NA	Existing Density: NA
Proposed Units/Square Ft.:	5,000 s.f. commercial building	Existing Units/Square Feet: Vacant land
Proposed Lot Coverage:	NA	Existing Lot Coverage: NA

Staff Recommendation: DENIAL

The subject properties fall within a SUB (Suburban) character area which calls for protecting established residential neighborhoods and focusing commercial development around major intersections classified as collector roadway and above (SUB Policy #1. Residential Protection & Policy #3. Non-residential development). The subject properties are in the middle of a residential area, with the Waters Edge single-family subdivision to the east across

North Deshon Road and a combination of single-family homes, vacant land, and a telecommunication tower to the north and west. The nearest intersection at Janie Way/North Deshon Road is not a major intersection as Janie Way is a narrow two-lane local road with no curb and gutter and no sidewalks. The nearest major intersection is approximately 775 feet to the south at North Deshon Road (Minor Arterial) and Rockbridge Road (Minor Arterial) where existing commercial development is already located, including the Deshon Plaza Shopping Center, Quik Trip convenience store, McDonalds restaurant, and retail businesses. Permitting commercial at this location is essentially “leap frogging” several single-family zoned (R-100) properties that lie between the commercial at the existing North Deshon/Rockbridge node and this location. Further, the submitted site plan and application do not indicate what specific commercial uses are proposed, nor how the proposed site layout will adequately protect the surrounding residential area with appropriate transitional buffers, landscaping, driveway access restrictions, or the provision of required parking and adequate internal circulation. Based on the submitted information, it appears that the request does not comply with the intent of the SUB character area of the Comprehensive Plan to protect established residential neighborhoods from incompatible development (Sec 7.3.4.A) and therefore may not permit a use that is suitable and compatible with adjacent and nearby properties (Sect. 7.3.4.B). It is the recommendation of the Planning & Sustainability Department that the application be, respectfully, “Denied”.

SUBJECT PROPERTY

The 2.03 acre project site is located on the west side of North Deshon Road and the east side of Janie Way in Stone Mountain, Georgia. The property is currently undeveloped.

PROJECT ANALYSIS

The proposed request is to allow a 5,000 square foot commercial building on three lots totaling 2.03 acres. The properties have frontage along North Deshon Road, a two-lane minor arterial with curb and gutter, and Janie Way, a narrow two-lane local road with no curb, gutter, or sidewalk. The submitted site plan and information do not indicate the specific uses proposed, only “General Commercial” uses. The submitted site plan does not show required parking, internal circulation, required transitional buffers adjacent to residential zoning to the north and south, or any driveway access restrictions to Janie Way.

STANDARD		NS REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100 feet	300 feet	YES
LOT AREA		20,000 square feet	88,426 square feet	YES
YARD SETBACKS	FRONT	30 feet	100 ft	YES
	CORNER LOT SIDE	NA	NA	NA
	INTERIOR SIDE	20 feet	70 feet	YES
	REAR	20 feet	100 feet	YES
MAX LOT COVERAGE		80%	Not shown	NO

TRANS. BUFFERS	50 feet to north and south abutting R-100 residential zoning	None shown	NO
PARKING LOT LANDSCAPING	Min. 10% of parking lot must be landscaped; 1 tree island for every 8 parking spaces; 5-ft wide perimeter landscape strip	None shown	NO
HEIGHT	2 story	Not indicated	NO
PARKING	10 spaces if all proposed uses are retail	None shown.	NO

Supplemental Requirements

Since the applicant has indicated that the proposed land uses are “general commercial”. Supplemental regulations will not apply until the specific use is determined.

Access and Transportation Considerations

Based on the submitted site plan and information, the proposed use would be accessed via one driveway from North Deshon Road. North Deshon Road is a two-lane minor arterial road which can sufficiently accommodate commercial traffic. The properties also have property frontage along Janie Way, a narrow two-lane local road with no curb and gutter. However, no access is proposed from Janie Way. The Traffic Engineer had indicated that there are no traffic engineering concerns at this time.

Sidewalk/Pedestrian Access

Based on the submitted information and field investigation of the project site, there are no existing or proposed sidewalks along this stretch of North Deshon Road or Janie Way. If the rezoning were approved, sidewalks would be required along North Deshon Road and Janie Way.

Building Mass and Materials

Based on the submitted plan and information, the proposed use will be located in a one-story commercial building. Based on the submitted site plan, it appears that the project complies with all required minimum building setbacks and maximum building height requirements. Therefore, there do not appear to be any impacts on the size, scale, and massing of adjacent and nearby lots and buildings due to the proposed building’s mass and materials.

LAND USE AND ZONING ANALYSIS

Section 7.3.4 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 subject properties fall within a SUB (Suburban) character area which calls for protecting established residential neighborhoods and focusing commercial development around major intersections classified as collector roadway and above. Since the nearest intersection at North Deshon Road and Janie Way is not collector or above (Janie Way is a narrow two-lane local street) and the subject properties are in the middle of a residential area, it does not appear that the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

Based on the submitted information, as well as field investigation of the project site, it appears that the proposed NS district is not suitable with the adjacent and surrounding residential properties since the submitted site plan and application do not indicate what specific commercial uses are proposed, nor how the proposed site layout will adequately protect the surrounding residential area with appropriate transitional buffers, landscaping, driveway access restrictions, or the provision of required parking and internal circulation.

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

It appears that the property may have a reasonable economic use as currently zoned R-100 which allows single-family residential development.

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

Based on the submitted information, as well as field investigation of the project site, it appears that the zoning proposal may adversely affect the existing usability of the adjacent and surrounding residential properties since the submitted site plan and application do not indicate what specific commercial uses are proposed, nor how the proposed site layout will adequately protect the surrounding residential area with appropriate transitional buffers, landscaping, driveway access restrictions, or the provision of required parking and internal circulation.

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 subject properties fall within a SUB (Suburban) character area which calls for protecting established residential neighborhoods and focusing any commercial development around major intersections classified as collector roadway and above (SUB Policy #1. Residential Protection & Policy #3. Non-residential development). The nearest intersection at Janie Way/North Deshon Road is not a major intersection since Janie Way is a narrow two-lane local road with no curb and gutter and no sidewalks. The nearest major intersection is approximately 775 feet to the south at North Deshon Road (Minor Arterial) and Rockbridge Road (Minor Arterial) where existing commercial development is already located, including the Deshon Plaza Shopping Center, Quik Trip convenience store, McDonalds restaurant, and retail businesses. Permitting commercial at this location is essentially “leap frogging” several single-family zoned (R-100) properties that lie between the commercial at the existing North Deshon/Rockbridge node and this location.

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

Based on the submitted information, there are no historic buildings, site, districts, or archaeological resources on the subject property.

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 departments and agencies that the proposal could cause excessive use of existing streets, transportation facilities, utilities, or schools. There are not anticipated impacts on schools since the request is for non-residential zoning. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is adequate.

Planning and Sustainability Department Recommendation:
DENIAL

Attachments:

1. Public Works Department Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs

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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.: 405, 433, 2-19-1243173 Parcel I.D. #: 18-030 .01- 011
012
013
Address: 441 North Dasher Road
Stone Mountain, Ga.
30087

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: John Russell

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/12/2019

N.6

Z-19-1243161/15-179-03-047

1936 Glenwood Ave., Atlanta, GA 30317

Amendment

- Please general comments.

N.7

Z-19-1243163/18-195-09-002

3398 Briarcliff Raod, Atlanta, GA 30345

Amendment

- Septic installed on 3-27-1968
- Please see general comments.

~~N.8~~ N.8

Z-19-1243173/18-030-01-011,18-030-01-012,18-030-01-013

433 North Deshon Road, Stone Mountain, GA 30087

Amendment

- Septic installed on surrounding properties.
- Please see general comments.



4/12/2019

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

March 7, 2019

Subject: Property Rezoning

Dear Zoning Board Members

Having grown up in Stone Mountain and as a long time resident of Dekalb County, I've watch how much both Stone Mountain and Dekalb County have grown and changed over the years. When I was a child growing up in Stone Mountain, it was a small town and now it's one of the bigger metropolitan cities. My understanding is that when the property in question was first zoned for residential that was the perfect choice for the land.

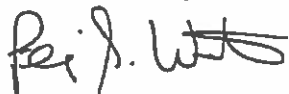
Over the years the area has changed and grown as the rest of our county has. Now the property across the street has Public's shopping center with many shops and stores in the center. Next door to the property is Sherwin Williams, CVS, QT, McDonalds and other valuable businesses that provide for the community.

For about 13 years the owner, who is now about 80 years old and in bad health, has attempted to sale the property as residential lots to build homes on. He has been unsuccessful and would like to try selling the wooded three properties as one commercial lot to build for light commercial, perhaps a one story Medical Doctors office, Eye Doctors office or other business that would be of value to the community, with a simple NS usage.

At the Community Meeting I hosted, the concerns that were voiced was that currently the property is being used as a dumping ground for trash and as escape route for vandals attempting to rob from the residential neighbors in the area. A lit building and parking lot is believed to cut down on these attempts and keep the area from being so dark. We plan to market to business with low traffic needs, 8am to 5pm business hours and few employees, no more than 5- 10.

We ask that you approve our request to change the current residential zoning usage to a simple NS commercial zoning so we can improve the property for the community, provide needed income for the owners diabetes medical condition and to bring in a higher tax usage for the county.

Thank you for your consideration



Phillip Witherington

IMPACT ANALYSIS

A. YES, THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.

B. YES, THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES.

C. NO, THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL DOESN'T HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

D. NO, THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT THE EXISTING USE OF ADJACENT OR NEARBY PROPERTIES.

E. YES, THERE ARE OTHER OR CHANGING CONDITIONS AFFECTING THE PROPERTY WHICH GIVES SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

F. NO, THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES.

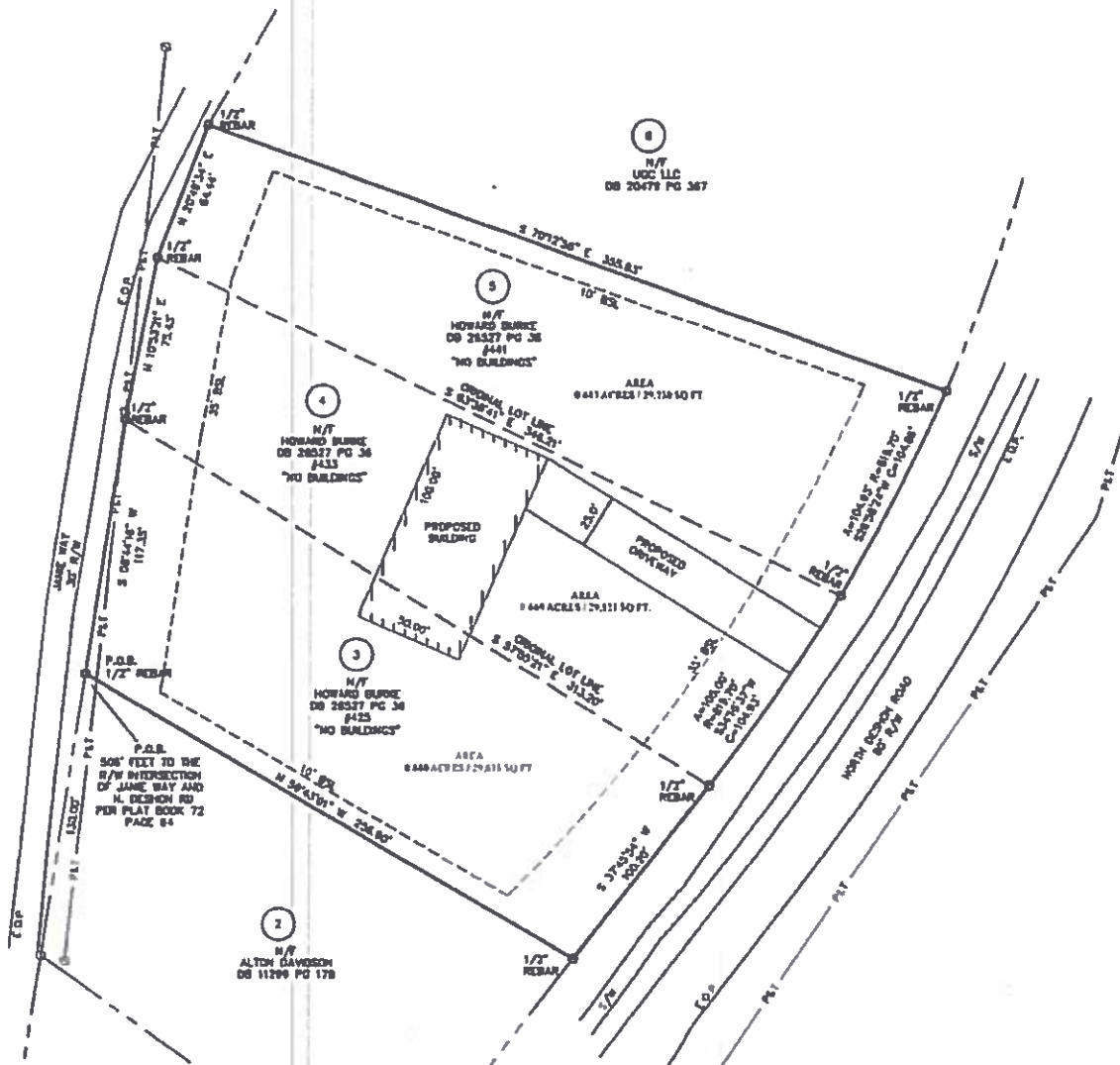
G. NO, THE ZONING PROPOSAL WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXISTING OR BUILDINGS OR USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS.



FOR THE FIRM
BOUNDARY ZONE, INC.
LSJ 839

NOT VALID WITHOUT
ORIGINAL SIGNATURE

03/05/2019
KYLE BUTTERWORTH LSJ 839 DATE



GRID NORTH
GA WEST NAD 83
DATUM NAVD 83

SCALE: 1" = 40'

NO.	REVISION	DATE



COMINATION PLAT
PREPARED FOR: HOWARD BURKE
LOTS 3-5, NORTH DESHON ESTATES S/D
LAND LOT 30, 18 TH DISTRICT,
DEKALB COUNTY, GEORGIA - 03/05/2019

<ul style="list-style-type: none"> ○ PROPERTY CORNER FOUND (AS NOTED) ● 1/2" REBAR WITH CAP SET LSF 839 ■ R/W WOLMERT ▲ FIRE HYDRANT ○ MANHOLE □ CLEAN OUT ■ WATER METER ● WATER VALVE ○ POWER POLE ▲ LIGHT POLE □ A/C UNIT - GLY WIRE ○ JUNCTION BOX □ OUTFLOW STRUCTURE ○ DRAINAGE INLET ○ POWER/LIGHT POLE ■ GAS VALVE □ CABLE BOX ■ POWER METER ○ POWER BOX ■ REGULAR PARADO ○ HANDICAP LL LAND LOT N/W CORN OR FORMERLY R/W RIGHT-OF-WAY P/L PROPERTY LINE OH OVERHANG ■ GAS METER C.B. CATCH BASIN OFF CANILEVER ■ TELEPHONE BOX ▲ SIGN -W-WATER LINE -U-OVERHEAD UTILITY LINE -S-SEWER LINE -G-CAS LINE -C-CABLE LINE -T-TELEPHONE LINE -F-FENCE LINE -CO-CONTROL LINE BSL BUILDING SETBACK LINE CONC. CONCRETE EDP EDGE OF PAVEMENT BFE BASEMENT FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION FTE FINISHED FLOOR ELEVATION DB DEED BOOK PB PLAT BOOK PG PAGE POB POINT OF BEGINNING POC POINT OF COMMENCEMENT A.K.A. ALSO KNOWN AS ● HARDWOOD TREE ● PINE TREE 	<ul style="list-style-type: none"> F.T.A. FORMERLY KNOWN AS NAD NORTH AMERICAN DATUM NAV D NORTH AMERICAN VERTICAL DATUM
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THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH AFFECT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RE-CERTIFICATION BY THE SURVEYOR NAMED SAID PERSON.

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AREA SUMMARY: SEE ABOVE

BOUNDARY REFERENCE: DEED BOOK 2627, PAGE 3A, PLAT BOOK 72, PAGE 64 FIELDWORK PERFORMED ON 01/14/2018

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,746 FEET

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBINO TOTAL STATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.82 FEET.



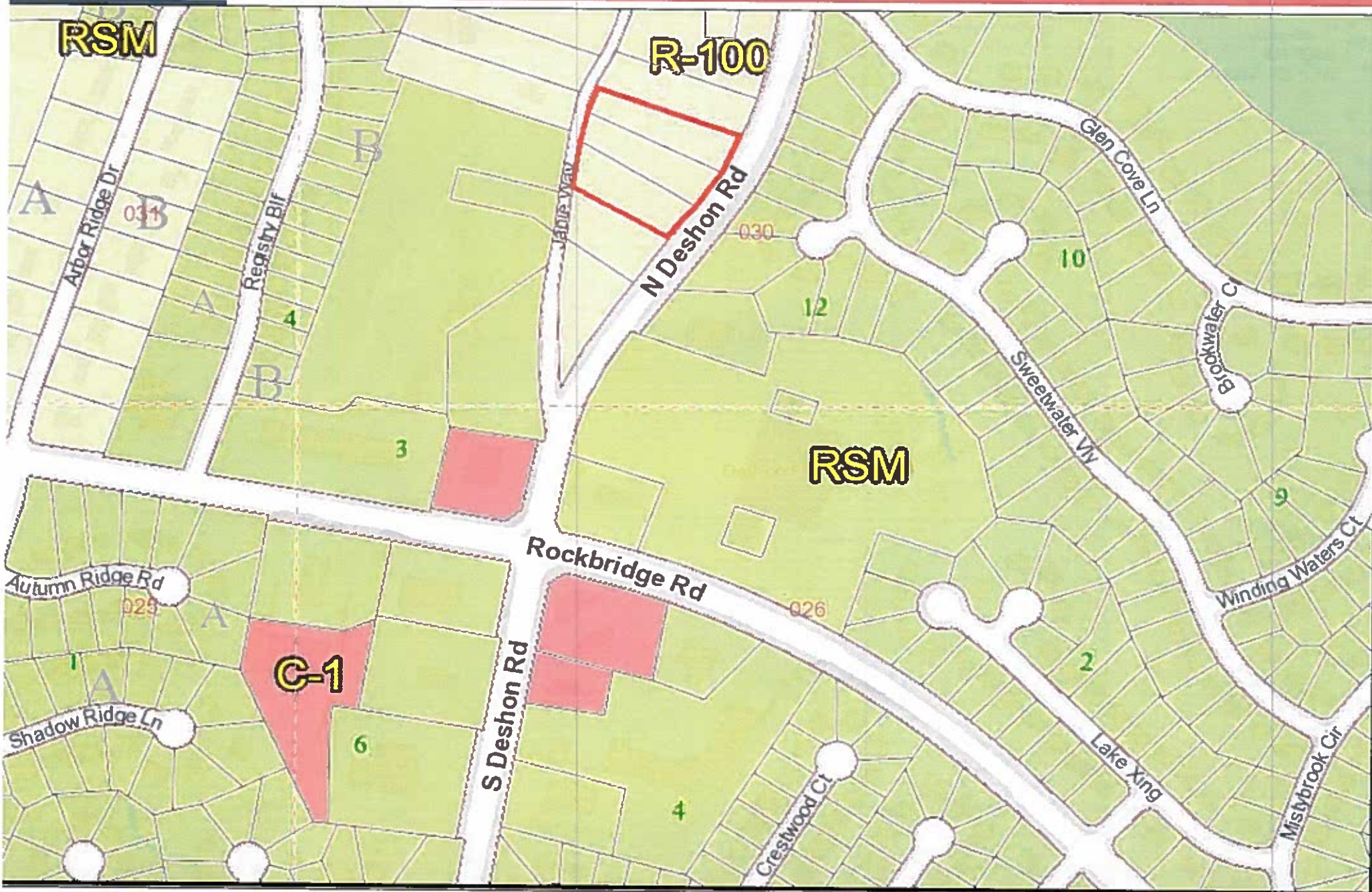
BOUNDARY zone Inc. LAND SURVEYING SERVICES LANDSCAPE ARCHITECTURE LAND PLANNING

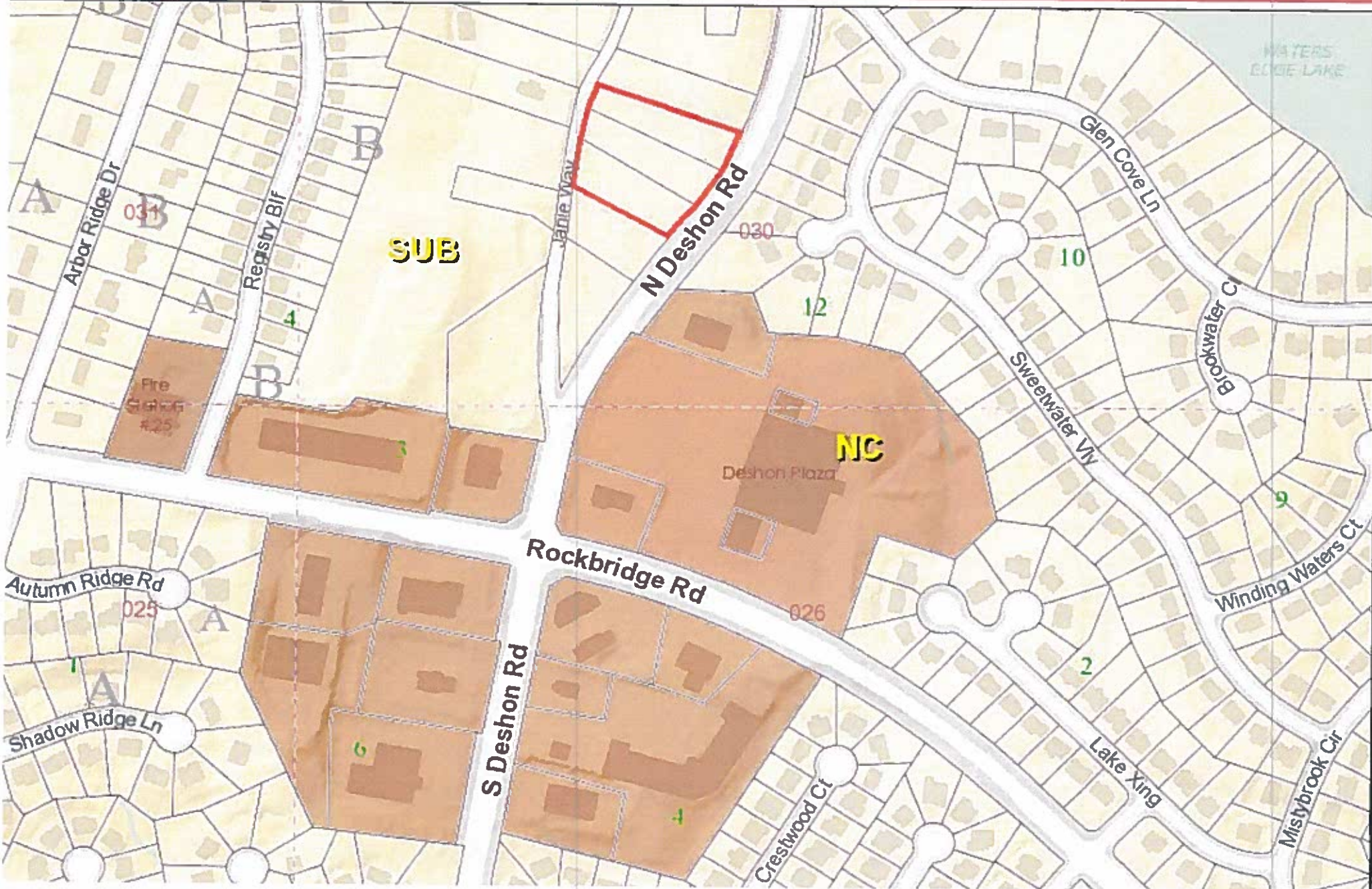
1715 ALLEN DRIVE SUITE 1000 WYOMING, GEORGIA 30261
478-978-1000
1715 ALLEN DRIVE SUITE 1000 WYOMING, GEORGIA 30261
478-978-1000

WWW.BOUNDARYZONE.COM (770) 271-5772 (1995) 343-9226

PROJECT
1923/01

SHEET
2 OF 2









DEPARTMENT OF PLANNING & SUSTAINABILITY

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



Date Received: 2/15/19 Application No: Z-19-1243173

Applicant Name: PHILIP WITHERINGTON FOR HOWARD BURKE

Applicant E-Mail Address: PW@PHILIPWITHERINGTON.COM

Applicant Mailing Address: 1633 MONCRIEF CIRCLE DECATUR, GA 30033

AND 112 BLACKSTON COURT FAIR PLAY, S.C. 29643

Applicant Daytime Phone: 404-808-4554 Fax: N/A

Owner Name: HOWARD BURKE

If more than one owner, attach list of owners.

Owner Mailing Address: 423 CLEVELAND FERRY RD. FAIR PLAY, S.C. 29643

Owner Daytime Phone: 704-499-5747

Address of Subject Property: 433, 441, 425 N. DESHONG RD. STONE MOUNTAIN,
GA. 30087

Parcel ID#: 18 030 01 012, 18 030 01 013, 18 030 01 011

Acreage: 0.7, 0.7, 0.7 Commission District: 4 & 7

Present Zoning District(s): R-100

Proposed Zoning District: NS

Present Land Use Designation: SMR

Proposed Land Use Designation (if applicable): N/A



DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.5. 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.
- B. Whether 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.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby 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.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

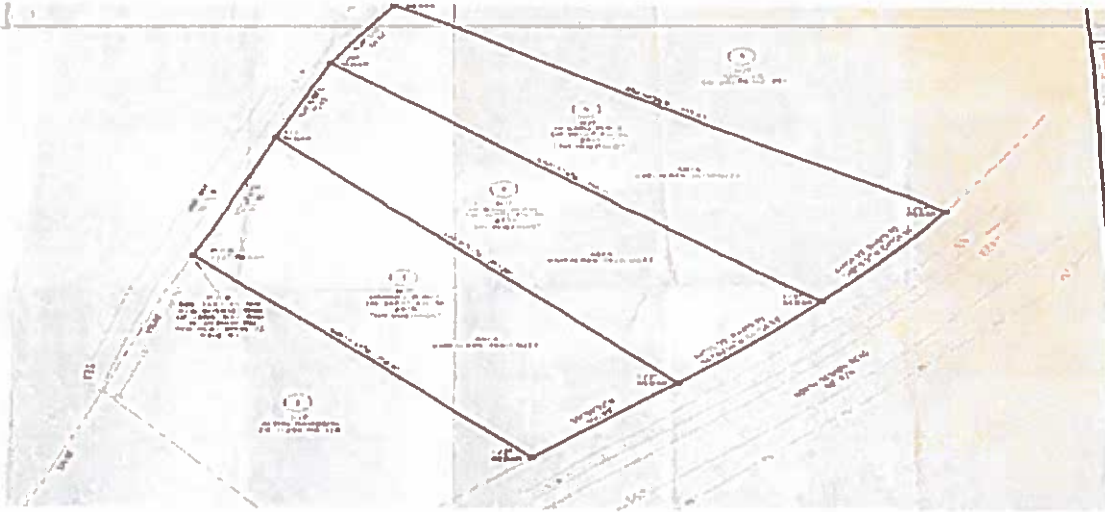
x W. Howard Burke
Signature of Applicant /Date

Check one: Owner Agent _____

Expiration Date/ Seal

Key P. Williams

*Notary seal not needed if answer is "no".



Community Meeting

February 22, 7:00 p.m.

Stone Mountain

*To be held at Smoke Rise Baptist Church
5901 Hugh Howell Rd, Stone Mountain, GA 30087*

*Come ask questions, provide comments and
give your input for our community.*

**All businesses, organizations
and individuals Invited**

*Help us decide what you'd like to build on the
three lots above which are across from Auto Zone.*

MEETING SIGN-IN SHEET

Project: N. DE SHING RD

Meeting Date: 2/22/17

Facilitator: PHILIP WITHERINGTON

Location: SMOKE RISE CHURCH

Name	Address	Phone	E-Mail
Nancy + Morvin Fields	455 Janie Way	770-815-4339	
Eleanor Fields + Janice Jones	531 Janie Way	STANTON GA 30087	nancy + fields@gmail



DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 3/2/19

TO WHOM IT MAY CONCERN:

(I) (WE) HOWARD BURSE
Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

PHILLIP WITHERINGTON
Name of Agent or Representative

to file an application on (my) (our) behalf.

Nora B. Chamber
Notary Public 3-16-21 Expires



W. Howard Burse
Owner

Notary Public

/
Owner

Notary Public

Owner

Notary Public

Owner



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Phillip Witherington Phone: 4/800-4554 Email: pw@phillipwitherington.com

Property Address: 425, 433, 441 N. Deussen Rd

Tax Parcel ID: 18-030-01-011, 012, 013 Comm. District(s): 4/5/7 Acreage: _____

Existing Use: undeveloped Proposed Use: Commercial

Supplemental Regs: _____ Overlay District: NA DRI: NA

Rezoning: Yes _____ No R100

Existing Zoning: R-VM100 Proposed Zoning: NS Square Footage/Number of Units: _____

Rezoning Request: Rezone to commercial uses

Land Use Plan Amendment: Yes _____ No

Existing Land Use: _____ Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes _____ No _____ Article Number(s) 27- _____

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

