



DeKalb County Government

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

Agenda Item

File #: 2019-4716
File Status: Preliminary Item

1/7/2020

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

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7

Application of Arpon, LLC c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District for the development of a self-storage facility in conjunction with adjacent C-1 (Local Commercial) zoned property, at 5636 Redan Road.

PETITION NO: N9. Z-20-1243622 (2019-4716)

PROPOSED USE: Self-storage facility

LOCATION: 5672 Redan Road

PARCEL NO. : 16-062-02-008

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Arpon, LLC c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District for the development of a self-storage facility in conjunction with adjacent C-1 (Local Commercial) zoned property located at 5636 Redan Road. The property is located on the west side of Georgia Railroad and in the rear of properties located on the north side of Redan Road, at 5672 Redan Road, Stone Mountain, GA. The property has approximately 15 feet of frontage off an alley-way on Redan Road and contains 1.6 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Deferral.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is requesting to rezone 1.6 acres from the R100 (Residential Medium Lot) District to C-1 (Local Commercial) District to develop a self-storage facility in conjunction with adjacent zoned C-1 property. Located within a Suburban Character Area designated by the 2035 Comprehensive Plan, the rezoning request to the C-1(Local Commercial) District is consistent with the following Plan Policy: Non-

residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of surrounding residents. Given that Redan Road is a minor arterial, the proposed commercial use should not cause an excessive burden on existing streets and transportation facilities. The proposed use will have no impact on area schools. Therefore, the Department of Planning and Sustainability recommends, “Approval, subject to staff’s recommended conditions”.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 8-0-1. The Council members voted to defer the request to allow the applicant to host another community meeting with surrounding neighborhoods prior to the Planning Commission meeting on January 7, 2020.

Recommended Conditions

Z-20-1243622

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, however, that a Self-Storage Facility shall be allowed as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:
 - A. The primary building in which the office is located shall be a two-story climate-controlled building;
 - B. Security cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency.
 - C. Access to the self-storage facility shall be prohibited between the hours of 10:00pm and 7:00am daily.
 - D. The storage units may not be used for the following: operating a business or service enterprise; Personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; storage of hazardous or toxic materials; living or sleeping quarters; or event space for parties, meetings, flea markets, or other similar activities.

Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.
2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces shall be calculated per Chapter 27, Article 6: Parking of the DeKalb County Zoning Ordinance.
5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of-way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
8. All buildings shall be three (3) sided brick along the front and sides. However, this condition shall not apply to self-storage facilities.
9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.

10. To maintain consistency on all potential commercial uses on the site, all signage must be compliant to development standards within the Greater Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

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

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 07, 2020, 6:30 P.M

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

STAFF ANALYSIS

Case No.: Z-20-1243622 **Agenda #:** N.9

Location/Address: The west side of Georgia Railroad and in the rear of properties located on the north side of Redan Road at 5672 Redan Road, Stone Mountain, GA. **Commission District:** 5 **Super District:** 7

Parcel ID: 16-062-02-008

Request: To rezone property from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District for the development of a self-storage facility in conjunction with adjacent C-1 (Local Commercial) zoned property located at 5636 Redan Road.

Property Owner/Applicant: Arpon, LLC

Applicant's Agent: Battle Law, P.C.

Acreage: 1.6 Acres

Existing Land Use: Single-Family Residence

Surrounding Properties Adjacent Zoning: East, west and south of the site along Redan Road are various retail, commercial and institutional uses zoned C-2 (General Commercial). Adjacent to the site along the west property line is property zoned C-1 (Local Commercial) pursuant to CZ-18-22137 and approved for general retail, commercial and office uses.

Comprehensive Plan: Suburban (SUB) Consistent Inconsistent

Proposed Storage Facility Square Ft.: 81,250 Square Feet	Existing Building Sq. Footage: None
Proposed Lot Coverage: 53.5%	Existing Lot Coverage: None

SUBJECT SITE & ZONING HISTORY

Per the submitted survey, the site consists of a vacated one-story wood frame building consisting of approximately 1,100 square feet. The remainder of the site consists of very mature and dense vegetation. Access is via a long driveway from an existing curb cut on Redan Road. The character of the area immediately surrounding the site consists of various commercial and institutional uses. The site is located behind existing auto related businesses (tire sales and auto repair) and places of worship (Judah House of Praise and Atlanta Restoration Breakthrough Ministries) fronting on Redan Road. Further west at the intersection of Redan Road and Panola Road is a strip commercial plaza with various retail uses and CITGO gas station with convenience store.

The subject site was zoned R-100 (Residential Medium Lot) District with the adoption of the DeKalb County Zoning Code in 1956. Adjacent to the site along the west property line is C-1 (Local Commercial) District zoned property pursuant to CZ-18-22137 for general retail, commercial and office uses. Prohibited uses included all uses listed as prohibitive within Tier 2 of the Greater Hidden Hills Overlay District. Properties fronting on Redan Road are zoned C-2 (General Commercial) District without conditions.

ZONING ANALYSIS

The request is to rezone the subject 1.6-acre tract from R-100 (Residential Medium Lot) District to the C-1 (Local Commercial) District for the development of a self-storage facility in connection with the adjacent zoned C-1 property west of the site. The applicant is also requesting companion case (CZ-20-1243623) to modify approved conditions on the adjacent property which prohibits development of a self-storage facility.

Per the DeKalb Zoning Ordinance, the purpose of the R-100 District is to provide for the protection of neighborhoods within the county where lots have a minimum area of 15,000 square feet and to provide for compatible infill developments in neighborhoods. The subject site does not abut any other R-100 zoned properties in the area. The triangular site bordered by the Georgia Railroad along the east property line and commercial zoned properties on the south west property lines. The requested C-1 (Local Commercial) District would allow uses compatible with existing zoned and developed commercial uses along Redan Road.

Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

Located within a Suburban Character Area designated by the 2035 Comprehensive Plan, the rezoning request to the C-1(Local Commercial) District is consistent with the following Plan Policy: Non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of surrounding residents. Small scale non-residential development shall be limited to qualifying intersections (Collector roadway and above). Redan Road is a minor arterial.

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

The rezoning request for C-1 (Local Commercial) District is suitable in view of adjacent and nearby commercial uses along Redan Road.

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

Given that the site is bordered by commercial zoned properties and the Georgia Railroad, the site may not have a reasonable economic use as currently zoned R-100 (Residential Medium Lot) District.

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

The approval of the C-1 district on the subject site will not affect the existing use or usability of adjacent or nearby commercial 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.

There are no single-family detached residences in the immediate surrounding area that would give supporting grounds for disapproval of the C-1 rezoning request.

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

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Redan Road becomes a two-lane minor arterial in front of the site. The proposed use will have no impact on area schools, existing streets, transportation facilities or utilities.

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

The rezoning proposal to the C-1 district should not adversely impact the environment or surrounding natural resources.

PROJECT ANALYSIS

Per the submitted letter-of-intent and other submitted documentation, the goal is to develop a self-storage building in conjunction with the adjacent commercial zoned property west of the site. The site plan submitted to the Planning and Sustainability Department on October 31, 2019, depicts the combined 6.53-acre parcel split into two tracts: (Tract A & Tract B). Tract A as shown on the submitted site plan consists of 0.96 acres within the Greater Hidden Hills Overlay District. The vacant Tract A has frontage on Redan Road and is designated for future commercial development. Tract B consists of 5.57 acres and depicts development of the self-storage facility. The proposed facility consists of seven buildings: Building A (a first level and a full basement consisting of 22,000 square feet each); Building B consisting of 8,300 square feet; Building C consisting of 6,800 square feet; Building D consisting of 5,300 square feet; Building E consisting of 2,000 square feet; Building F consisting of 1,200 square feet and Building G consisting of 13,650 square feet. The total proposed building square footage for the self-storage facility is 81,250 square feet. Access to the self-storage facility is via a proposed curb cut on Redan Road.

PROPOSED OVERALL SITE PLAN COMPLIANCE WITH DISTRICT STANDARDS

The overall site for development as a self-storage facility and future commercial development on TRACT A as depicted on the submitted site plan should comply with minimum development standards of the C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance and development standards for Tier 2 of the Greater Hidden Hills Overlay District (GHHOD).

STANDARD	REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH (C-1)	A minimum 100 feet of lot width on a public street frontage	Approximately 195 feet of frontage along Redan Road.	Yes

LOT AREA (C-1)	20,000 Square Feet	Combined 6+ acres or 261,360 + Square Feet	Yes
FRONT BUILDING SETBACK – Front for overall proposed development is located within the Greater Hidden Hills Overlay District-Tier 2.	Minimum 0 Feet to maximum 20 feet within Tier 2 of the Greater Hidden Hills Overlay District. (Article 3.37.13.B.1.)	Proposed 20-foot building setback	Yes
SIDE INTERIOR BUILDING SETBACK	TRACT A (GHHOD) –May be 0 feet	TRACT A – 5 Feet	Yes
REAR SETBACK	TRACT A (GHHOD) 10-Feet	TRACT A (GHHOD) 10-Feet	Yes
REAR SETBACK	TRACT B – 30 Feet	TRACT B – 30 Feet	Yes
TRANS. BUFFERS Table 5.2(a)	TRACT B - 50 feet adjacent to R zoned property along north property line.	50 feet adjacent to R zoned property along north property line.	Yes
HEIGHT	2 stories/35 feet	2 stories or 35 feet	Yes
PARKING Article 6 TRACT B - Minimum 1 space per 8,000 Square Feet of floor area.	Based on 81,250 square feet of heated floor area, a minimum 10 spaces are required.	TRACT B -10 parking spaces TRACT A – Unable to determine at this time. Will be based on future development.	Yes
OPEN SPACE PROVIDED	10%	Not calculated or depicted on submitted survey	Site should be able to accommodate this standard.
LINEAR FEET OF NEW SIDEWALK	Sidewalk along Redan Road frontage	Sidewalk currently exists along Redan Road frontage.	Yes

Staff Recommendation: APPROVAL WITH CONDITIONS

The applicant is requesting to rezone 1.6 acres from the R100 (Residential Medium Lot) District to C-1 (Local Commercial) District to develop a self-storage facility in conjunction with adjacent zoned C-1 property. Located within a Suburban Character Area designated by the 2035 Comprehensive Plan, the rezoning request to the C-1 (Local Commercial) District is consistent with the following Plan Policy: Non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of surrounding residents. Given that Redan Road is a minor arterial, the proposed commercial use should not cause an excessive burden on existing streets and transportation facilities. The proposed use will have no impact on area schools. Therefore, the Department of Planning and Sustainability recommends **APPROVAL** of the rezoning request to C-1 (Local Commercial) District subject to the following conditions for consideration:

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibitive Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, however, that a Self-Storage Facility shall be allowed as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:
 - A. The primary building in which the office is located shall be a two-story climate-controlled building;
 - B. Security cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency.
 - C. Access to the self-storage facility shall be prohibited between the hours of 10:00pm and 7:00am daily.
 - D. The storage units may not be used for the following: operating a business or service enterprise; Personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; storage of hazardous or toxic materials; living or sleeping quarters; or event space for parties, meetings, flea markets, or other similar activities.

Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.
2. Building height shall not exceed 2 stories or 35 feet.
3. Access points on Panola Road and Redan Road is subject to approval by the Transportation Division of the Department of Public Works.
4. The number of allowable parking spaces for a self-storage facility shall be calculated per Chapter 27, Article 6: Parking of the DeKalb County Zoning Ordinance.
5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as required, approved or waived by the Transportation Division of the Department of Public Works.
6. Dedicate at no cost to DeKalb County 50 feet from centerline of right-of-way on Panola Road and 40 feet from centerline on Redan Road. Right of way dedication may impact setbacks.
7. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
8. All buildings shall be three (3) sided brick along the front and sides. However, this condition shall not apply to self-storage facilities.
9. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.

10. To maintain consistency on all potential commercial uses on the site, all signage must be compliant to development standards within the Greater Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
11. Provide outside trash receptacles for patrons.
12. Screen roof-top equipment.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

Attachments:

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

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- ✓ **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- 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** *(Certificate of Appropriateness 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 or Special Exception** *(Required seeking 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 changes to zoning conditions approved by the Board of Commissioner on 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 require submittal of application, fees and supporting documents. Please consult with the appropriate department/division.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT

Application Number: Z-20-1243622

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. **The site is a stormwater hotspot.** Recommend Low Impact Development features/Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development

permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer is not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-20-1243622

Parcel I.D. #: 16-062-03-008

Address: 5672 Redan Road

Stone Mountain, Georgia

WATER:

Size of existing water main: 8" CI, 8" DI, & 20" 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: Barbashela 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: 21.7 (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.

SITE IS LOCATED W/IN CAPACITY RESTRICTED AREA.
SEWER ACTION PLAN WILL MOST LIKELY BE
REQUIRED. MJD

Signature: [Handwritten Signature]

N-10



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-20-124362 Parcel I.D. #: 16-062 . 02-008

Address: 5672 Hedon Road
Stone Mountain, Georgia

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH 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: Jermaine Russell

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

**Zoning related applications for
development of Self storage facility**

NOV 07 2019

Community Meeting
Thursday, October 24, 2019
6:30 pm until 8:00 pm
Crossroads Presbyterian Church
5587 Redan Rd
Stone Mountain, GA 30058

SUBJECT PROPERTY:
5636 Redan Rd
Stone Mountain, GA 30058



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



ZICZ No. Z-19-1243622
Filing Fee: \$750

Date Received: _____ Application No.: _____

Applicant: Arpon, LLC c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

Applicant Mailing Address: One West Court Sq., Suite 750, Decatur, GA 30030

Applicant Phone: 404-601-7616 Fax: 404-745-0045

Owner(s) Byron Higginbotham E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 283 Woods Rd, Brooks, GA 30205

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: 5672 Redan Road

District(s): 16 Land Lot(s): 062 Block: 02 Parcel(s): 008

Acreage: _____ Commission District(s): 5 & 7

Present Zoning Category: R-100 Proposed Zoning Category: C-1

Present Land Use Category: SUB

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

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

Have you the applicant made \$250 or more in campaign contributions 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 the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

EXPIRATION DATE / SEAL

Arpon, N.C.
By: [Signature]
SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for to Amendment Official Zoning Map

by

ARPON, LLC

for

1.6 ± Acres of Land
located at
5672 Redan Road
Land Lot 62, 16th District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, GA30030
404-601-7616

I. STATEMENT OF INTENT

The Applicant, Arpon, LL, is seeking to rezone a 1.6-acre tract of land located at 5672 Redan Road from R-100 to C-1 for the development of a Self-Storage Facility in connection with the property located at 5636 Redan Road (the "Adjacent Property") , which is zoned C-1 pursuant to CZ18-22137. The Subject Property is located within the Suburban Land Use District is developed with a one-story house. Simultaneously with this Application, the Applicant has applied for a Major Change of Conditions Application to amend the conditions which currently prohibit the development of a Self-Storage Facility on the Adjacent Property.

II. SUBJECT PROPETY

The Subject Property is located off of an alley way behind Judah House of Praise at 5670 Redan Road, a Cell Tower property at 5674 Redan Road, and property owned by Ace Homes, LLC which appears to be used as an automobile repair facility at 5680 Redan Road. All of the properties to the entrance of 5672 Redan Road are zoned C-2 and are located within Tier II of the Greater Hiddens Hills Overlay District. The Subject Property IS NOT located within the Overlay District. While the house built in 1940, is zoned R-100, it is clear from the area photos of the property, and the pictures taxes by the County's Appraiser, that the Subject Property is not being used strictly for residential usage. The cars from the property at 5680 Redan Road are parked in front of and to the east of the improvements located on the Subject Property. It appears as if the Subject Property and the property at 5680 Redan Road are being used jointly for a junk yard or some type of repair facility, as the cars are also located within the Redan right of way in no orderly fashion. This area is in desperate of cleaning up, and we believe that the proposed rezoning of the Subject Property, will make a major dent in cleaning up this area, along with the County's code enforcement officers.

Based on the information obtained, it is questionable as to whether there is running water and sewer connected to the Subject Property. There is a reported stench to the property which suggests that there are sewage issues on the Subject Property. The Applicant is seeking to acquire the Subject Property, work with code enforcement to get the vehicles currently located on the Subject Property removed and clean up the area. This would go a long way toward the revitalization of the Subject Property and area leading up to the Subject Property.

In connection with the review of this Application, the Applicant is the proposed zoning conditions attached hereto as Exhibit "A" which are substantially consistent with the conditions currently imposed on the Adjacent Property.

III. IMPACT ANALYSIS

- (a) Suitability of use: The proposed application will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is surrounded by C-1 and C-2 uses South, East and West of the Subject Property. The northeastern boundary of the Subject Property abuts the railroad. The uses on Redan Road include an older strip center, with gas pumps, automobile repair facilities,

beauty salons and the DeKalb County Fire Station. A new Waffle House and Family Dollar are slated to be opened on the western boundary of the Subject Property off of Panola Road. As stated above, the properties which line the street up to the Subject Property are zoned C-2. Therefore, the proposed use is consistent with the existing and proposed uses in the area.

- (b) Effect on adjacent property: The use of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners. The proposed use will allow for the development of this undeveloped parcel which has become a dumping ground. The proposed use will bring more presence along the street, and as well as security cameras to assist with making the area safer. The proposed improvements will have a positive impact on the redevelopment of the street, and the surrounding area.
- (c) Economic use of current zoning: The Subject Property has no use as currently zoned R-100. The area in which the Subject Property is located is 100% commercial, with C-2 properties and C-1 properties abutting the Subject Property, along with the railroad tracks. The Subject Property is no longer suitable for residential use, and based on the current state of the Subject Property which is overloaded with cars, it is clear that the Subject Property is being used for more than residential purposes.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.
- (e) Effect on historic building, sites, etc. The approval of this Rezoning Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this Rezoning Application will not result in any adverse environmental impact.
- (g) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property has a land use designation of Suburban. Rezoning the Subject Property to C-1 is consistent with both the Suburban Land Use Designation, as well as with the Neighborhood Center designation for the Adjacent Property.
- (h) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

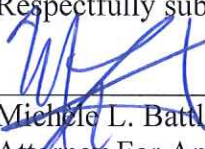
A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning 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.

Respectfully submitted,



Michelle L. Battle
Attorney For Applicant

EXHIBIT "A"

Proposed Conditions

1. Limit site to general retail, commercial or office uses permitted within the C-1 (Local Commercial) District. Prohibitive uses shall be as listed within the DeKalb County Code, Chapter 27-Article 3.37.10 Prohibited Uses in Tier 2 of the Greater Hidden Hills Overlay District, in effect on the day of approval of this rezoning, provided, however, that a Self-Storage Facility shall be allowed as a permitted use on the portion of the Subject Property located outside of Tier 2 of the Greater Hidden Hills Overlay District subject to the following conditions:

- A. The primary building in which the office is located shall be a two-story climate-controlled building;
- B. Security Cameras shall be installed within the two-story building, as well as throughout the perimeter of the facility, and connected to the DeKalb County law enforcement agency;
- C. Access to the Self-Storage Facility shall be prohibited between the hours of 10pm and 7am daily;
- D. The storage units may not be used for the follow:
 - i. Operating a business or service enterprise,
 - ii. Personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment,
 - iii. Storage of hazardous or toxic materials,
 - iv. Living or sleeping quarters, or
 - v. Event space for parties, meetings, flea markets, or other similar activities.

Site plan is conceptual and subject to the approval of the Director of Planning and Sustainability for compliance to zoning code and approved conditions.

- 2. Building height shall not exceed 2 stories or 35 feet.
- 3. Access points on Redan Road are subject to approval by the Transportation Division of the Department of Public Works.
- 4. The number of allowable parking spaces shall be calculated using parking criteria consistent with the Greater Hidden Hills Overlay District per Article 3.37.32.
- 5. Provide road improvements (such as deceleration lanes, bike paths or a multipurpose lane) as may be required, approved or waived by the Transportation Division of the Department of Public Works.
- 6. Provide sidewalks and street lights per Article 5 of the DeKalb County Code.
- 7. All buildings shall be three (3) sided brick along the front and sides, provided, however,

this condition shall not apply to Self-Storage Facilities.

8. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
9. To maintain consistency on all potential commercial uses on the site, all signage must comply with the development standards within the Hidden Hills Overlay District per Article 3.37.26 of the DeKalb County Code.
10. Provide outside trash receptacles for patrons.
11. Screen roof-top equipment.
12. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

GREATER HIDDEN HILLS OVERLAY DISTRICT

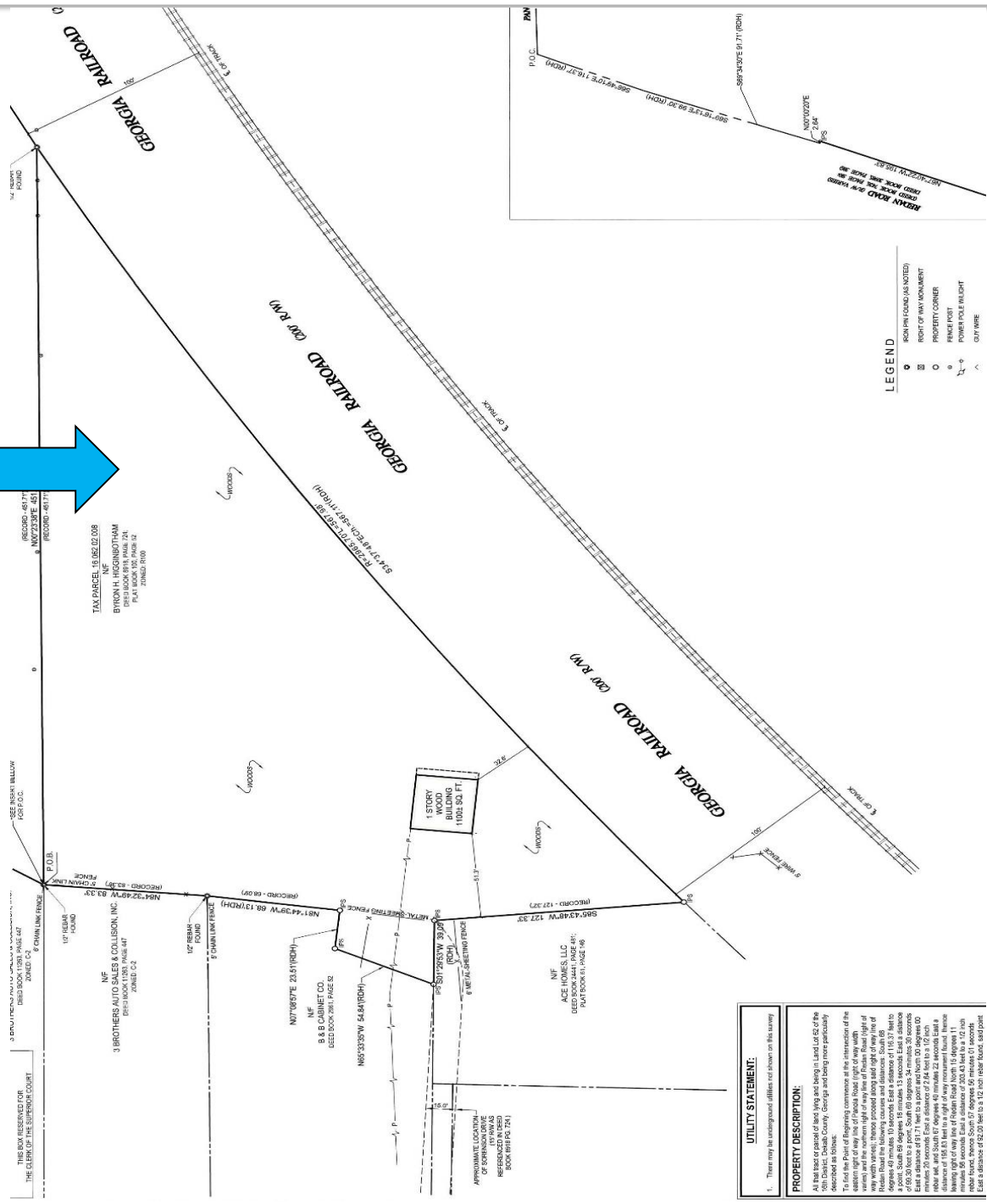
Sec. 3.37.10. - Prohibited uses in Tier 2.

The following principal uses of land and structures shall be prohibited in Tier 2:

- A. Adult entertainment establishment.
- B. Adult service facility.
- C. Automotive parts store.
- D. Automotive repair, major or minor, and body and paint shop.
- E. Blood collection center.
- F. Breeding kennel.
- G. Check cashing establishment to include automobile title loan and pay day loan establishment.
- H. Tire store where the majority of the tires offered for sale are used tires.
- I. Funeral home and crematory.
- J. Gold-buying establishment.
- K. Heavy truck and equipment repair and trade shop.
- L. Reserved.
- M. Motel.
- N. New and used automotive, truck, boat and trailer sales.
- O. Night club.
- P. Outdoor amusement and recreation facility.
- Q. Outdoor equipment and materials storage.
- R. Outdoor open sales and flea market.
- S. Pawn shop.
- T. Personal care home/child caring institution.
- U. Self storage facility.
- V. Car wash and detailing.
- W. Storage yard for damaged or confiscated vehicles.
- X. Storage/salvage and junk yard.
- Y. Tattoo establishment.
- Z. Thrift and consignment store, which is an establishment selling pre-owned merchandise.
- AA. Transitional housing and boarding house.
- BB. Truck stop and terminal.
- CC. Funeral home.
- DD. Temporary and/or outdoor sale unless authorized by special administrative permit from the planning director in accordance with the requirements of this division.

([Ord. No. 15-08](#), 8-25-2015)

Site Proposed For Rezoning

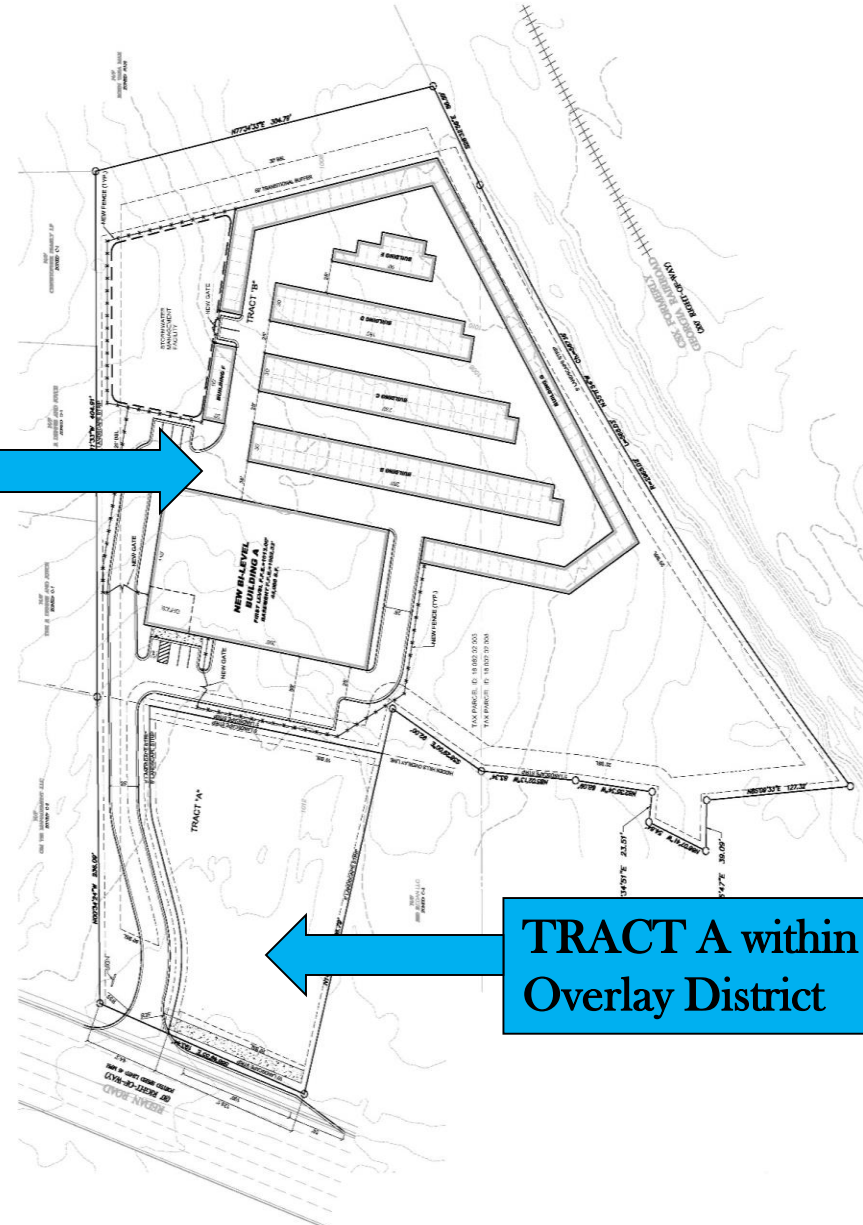


UTILITY STATEMENT:
 1. There may be underground utilities not shown on this survey.

PROPERTY DESCRIPTION:
 All that tract or parcel of land lying and being in Land Lot 62 of the Georgia Railroad (M.R.R.) Right of Way Monument, as more particularly described as follows:
 To find the Point of Beginning commence at the intersection of the eastern right of way line of Parcel 1005 (right of way width 100 feet) with the right of way line of Parcel 1006 (right of way width 100 feet); thence proceed along said right of way line of Parcel 1005 (right of way width 100 feet) to the Point of Beginning; South 89° 00' 00\"/>

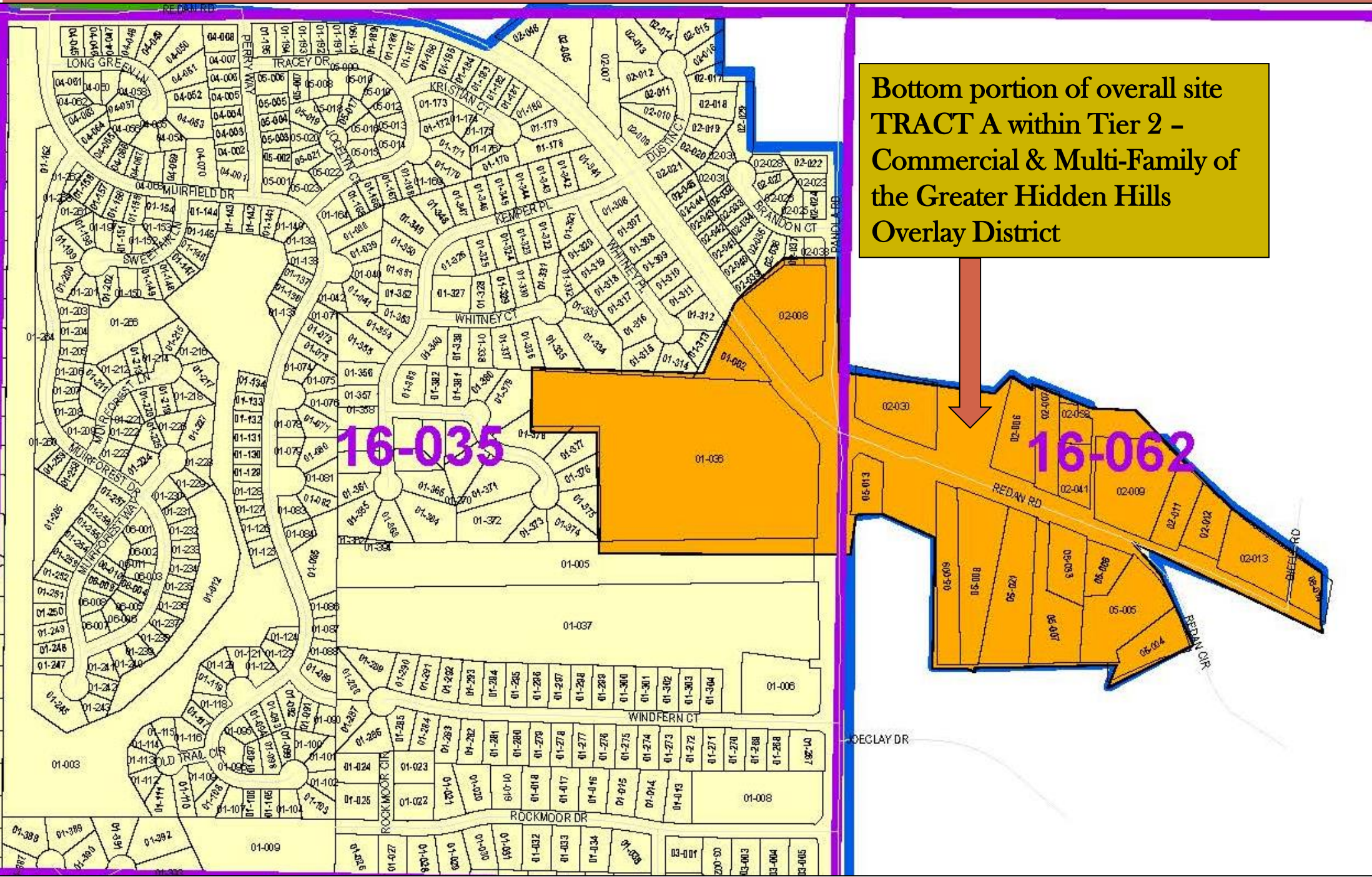
- LEGEND**
- BOUNDARY MONUMENT (AS NOTED)
 - RIGHT OF WAY MONUMENT
 - PROPERTY CORNER
 - FENCE POST
 - POWER POLE IN LIGHT
 - GUY WIRE

Proposed Self-Storage Facility



TRACT A within Greater Hidden Hills Overlay District





Bottom portion of overall site
TRACT A within Tier 2 -
Commercial & Multi-Family of
the Greater Hidden Hills
Overlay District

16-035

16-062

REDAN RD

REDAN CIR

DECLAY DR

