



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

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

Planning Commission Hearing Date: January 8, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: January 22, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1235311 **Agenda #:** N. 8

Location/Address: 3012 River Road & 3727 Oakvale Road, Decatur **Commission District:** 3 **Super District:** 6

Parcel IDs: 15-040-01-003 & 15-057-01-012

Request: Rezone property from R-100 (Residential-Medium Lot - 100) to RSM (Residential Small Lot Mix) for development of ten single-family detached homes.

Property Owner(s): 3012 River Road, LLC

Applicant/Agent: Shea Roberts for 3012 River Road, LLC

Acreage: 2.44 acres

Existing Land Use: A vacant single-family house.

Surrounding Properties: To the north and northeast: undeveloped, wooded property; to the east: the Pentecostal Deliverance Assembly place of worship; in all other directions, single-family residential.

Adjacent Zoning: **North:** R-100 **South:** RSM **East:** R-100 **West:** RSM **Northeast:** R-100 **Northwest:** RSM **Southeast:** RSM **Southwest:** RSM

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

Proposed Density: 4 units/acre	Existing Density: .4 units/acre
Proposed Units: 10	Existing Units: 1
Proposed Lot Coverage: information not provided	Existing Lot Coverage: (estimated) less than 10%

SITE AND PROJECT ANALYSIS

The subject property is a 2.44 acre site located in southwest DeKalb County between Panthersville Road and Oakvale Road, near the Oakvale Falls neighborhood. The property is comprised of two parcels and has frontage on River Road, a two-way, two-lane minor arterial. The portion of the subject property with an Oakvale Road address is the rear of a property that fronts on Oakvale Road but is land-locked. A single-family house with a driveway from River Road is located on the property. It appears to be vacant. An area around the house has been cleared for a lawn; the remainder of the subject property is heavily wooded.

The applicant proposes to demolish the single-family dwelling on the project site, combine the two parcels that comprise the subject property, and subdivide the resulting tract for ten single-family homes. Access to the development would be provided by a two-way, 25-foot wide, private cul-de-sac street. A 29,465 square foot park is proposed to be located at the end of the cul-de-sac, with features including a dog park and a playground. Sidewalks are proposed along the river Road frontage and along the west side of the private street. Street trees are proposed along the east side of the private street. Total exterior and interior sidewalk length is 520 lineal feet.

The submitted floor plans and elevations show cottage-style homes with two stories, peaked roofs two-car front-facing garages and 2,288 square feet of floor area. The elevations indicate that proposed exterior finishes would be brick or a combination of brick and cementitious siding.

ZONING ANALYSIS

The property is located approximately .65 mile south of the I-20 Overlay District. Tracts of land located between the south boundary of the Overlay District to approximately .5 miles south of River Road have medium density zoning designations of MR-2, MR-1, R-85, R-75 and RSM, with the denser zoning classifications located closer to the Overlay District. It appears that, historically, the area of the County surrounding the subject property had a rural or very low-density suburban character, was zoned R-100, and was developed over time with higher-density neighborhoods along the major roads that feed into I-20. Several of the few remaining nearby R-100 tracts are occupied by places of worship. One of the largest remaining R-100 tracts is Truelove Park. While these properties are zoned R-100, their use for institutional and recreational land uses effectively remove them from the current inventory of R-100 land suitable for home construction.

The zoning proposal is consistent with the land use transition of higher residential densities near the I-20 Overlay to lower densities south of River Road. Moreover, the River Ridge Court subdivision, which adjoins the western boundary of the subject property, is zoned RSM (with lot sizes of 13,068 square feet), as well as the Woods of Oakvale subdivision located approximately .16 mile to the east (with lot sizes as small as 4,356 square feet), and several large neighborhoods located immediately across River Road to the south (with lots of various sizes, including lots as small as 4,356 square feet). The proximity of several existing RSM zoning districts supports the proposal to rezone the subject property to RSM.

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:

As discussed in the zoning analysis above, the zoning proposal is consistent with the following policies and strategies of the 2035 Comprehensive Plan: "Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density." (Suburban Character Area Policy 1) and "Ensure that new development and redevelopment is compatible with existing residential area." (Land Use Policy 4)

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 single-family development is suitable in view of the use of adjacent and nearby properties.

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

It appears that the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; however, this conclusion does not negate the reasonableness of the proposal to rezone the property.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed single-family development is compatible in density and character with the adjoining River Ridge Court subdivision and would be compatible with R-100 properties to the north and east.

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 zoning proposal is consistent with the land use transition of higher residential densities near the I-20 Overlay to lower densities south of River Road. Moreover, the proximity of several existing RSM zoning districts supports the proposal to rezone the subject property to RSM.

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

There are no historic buildings, sites, districts, or archaeological resources on or near 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:

The Department of Public Works Traffic Engineering Division has commented that the proposed development would not interrupt traffic flow on surrounding streets.

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

There has been no indication that the proposed development would impact the natural environment or surrounding natural resources any more than what is typical for residential redevelopment of a site at an increased density.

Compliance with District Standards:*

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE & W/BONUSES)		4 & 8 units/acre	4 units per acre. No density bonus necessary.	Yes
MIN. OPEN SPACE (Applicable if project is > 5 ac. or ≥ 36 d.u.s)		Not applicable – project has 2.44 acres with 10 units	Not applicable.	Not applicable.
MIN. LOT AREA		5,000 sq. ft.	5,000 sq. ft. – 6,732 sq. ft.	Yes
MIN. LOT WIDTH		50 ft.	50 ft.	Yes
MAX. LOT COVERAGE		50%	29%	Yes
BUILDING SETBACKS	FRONT	Min. 20 feet	20 feet	Yes
	INTERIOR SIDE	3 ft. w/min. 10 ft. between bldgs.	3 – feet w/10+ distance between buildings	Yes

	SIDE – CORNER LOT	Min. 20 feet	Lot 1: 22.5 feet Lot 5: 21 feet Lot 10: 15 feet	A variance might be necessary for Lot 10.
	REAR W/O ALLEY	20 feet.	20 feet	Yes
MINIMUM UNIT SIZE		1,200 sq. ft.	2,288 sq. ft.	Yes
PARKING		Min. 2 spaces; Max 4 spaces	4 spaces (2 in driveway, 2 in garage)	Yes

QUALITY OF LIFE METRICS

Open Space: 29, 465 square feet (27%)

Linear Feet of New Sidewalk or Trails: 520 linear feet

STAFF RECOMMENDATION: APPROVAL

The zoning proposal is consistent with the following policies and strategies of the 2035 Comprehensive Plan: “Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.” (Suburban Character Area Policy 1) and “Ensure that new development and redevelopment is compatible with existing residential areas.” (Land Use Policy 4). The zoning proposal is consistent with the land use transition of higher residential densities near the I-2 Overlay to lower densities south of River Road. In addition, the proximity of several existing RSM zoning districts supports the proposal to rezone the subject property to RSM. The proposed single-family development is compatible in density and character with the adjoining River Ridge Court subdivision and would be compatible with R-100 properties to the north and east. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The subject property shall be development for no more than 10 single-family detached homes, consistent with the layout shown on the site plan titled, “Proposed Site Plan”, prepared by Pimsler & Hoss Architects, Inc., dated 10/23/18, revised 12/10/18 and stamped as received by the Department of Planning and Sustainability on December 11, 2018, which shall be subject to the sketch plat requirements of Chapter 14 of the DeKalb County Code.
2. Textured or stamped paving shall be installed across the curb cut on River Road as a pedestrian crossing.
3. A landscaped island shall be installed at the center of the cul-de-sac to reduce impervious surfaces within the development, subject to approval by the Public Works and Public Safety Departments.
4. 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 and Elevations
6. Maps and Photographs

NEXT STEPS

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

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✔ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

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.

- **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.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N8

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

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: 2-19-1235311 Parcel I.D. #: 15-040-01,003 & 15-057-01-012

Address: 3012
RIVER Rd
DECATUR, GA.

Adjacent Roadway (s):

(classification)	(classification)

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

<p>PLANS AND FIELD REVIEWED. NO PROBLEM THAT WOULD INTERFERE WITH TRAFFIC FLOW.</p>

Signature: Jerry White

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/21/2018

N.5

SLUP-19-1242980 2018-3064 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.

N.6

SLUP-19-1235296 2018-3065 16-035-01-033

5393 ROCKMOOR DR, STN MTN, GA 30088

Amendment

- Please review general comments.

N.7

Z-19-1235291 2018-3066 15-140-04-011

Z-19-1235291 2018-3066 JREID Commission District 03 Super District 06

Amendment

- Please review general comments.

 N.8

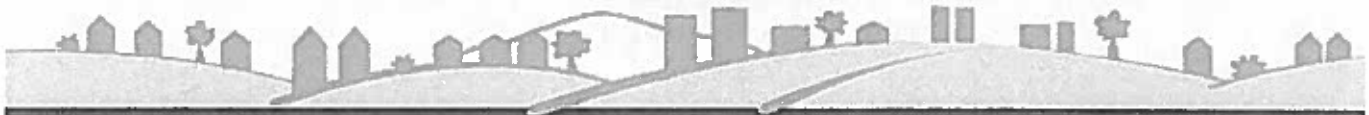
Z-19-1235311 2018-3067 15-040-01-003; 15-057-01-012

3012 RIVER RD, DECATUR, GA 30034

Amendment

- Please review general comments.

DEKALB COUNTY



Board of Health

12/21/2018

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

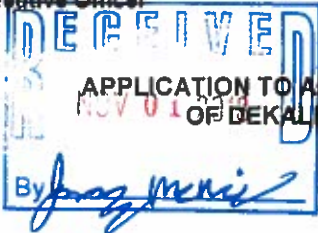
DeKalb County Board of Health



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. 1235311
Filing Fee: \$500

Date Received: Application No.: Z-18-1235311

Applicant: 3012 River Road, LLC c/o Shea Roberts E-Mail: sroberts@grdlegal.com

Applicant Mailing Address: 945 East Paces Ferry Road, Atlanta, GA 30326

Applicant Phone: (404) 924-2850 Fax: (404) 795-0734

Owner(s): 3012 River Road, LLC E-Mail: sroberts@grdlegal.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2921 Piedmont Road Ste B, Atlanta, GA 30305

Owner(s) Phone: (404) 924-2850 Fax: (404) 795-0734

Address/Location of Subject Property: 3012 River Road / 3727 Oakvale Road, Decatur, GA 30034

District(s): 15 Land Lot(s): 40, 57 Block: Parcel(s): 15-040-01-003 / 15-057-01-012

Acreage: 2.438 Commission District(s): 3

Present Zoning Category: R100 Proposed Zoning Category: RSM

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? X 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

SIGNATURE OF APPLICANT / DATE

Check One: Owner ___ Agent X

830 West Peachtree Street, N.E. - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov



Giacoma Roberts & Daughdrill LLC

Shea E. Roberts
Direct: (404) 924-2853
sroberts@grdlegal.com

August 21, 2018

VIA U.S. MAIL
NEIGHBORING PROPERTY OWNERS

NOTICE OF COMMUNITY MEETING

DATE: Wednesday, September 5, 2018
TIME: 7:00 p.m.
PLACE: 3012 River Road, Decatur, GA 30034

**RE: PROPOSED REZONING APPLICATION FOR PROPERTIES LOCATED
AT 3012 RIVER ROAD and 3727 OAKVALE ROAD**

To Whom it May Concern:


This office represents 3012 River Road, LLC, the owner of the properties located at 3012 River Road and 3727 Oakvale Road in Decatur, GA 30034. You are receiving this letter because you own property within five hundred (500) feet of either (or both) of these properties which are currently zoned R100 (Residential Medium Lot-100 District) for single family residential use. The Owner is proposing to submit an application to DeKalb County to rezone the properties from R100 to RSM (Residential Small Lot Mix) to allow for townhomes to be constructed on the properties.

In advance of filing an application, we are inviting you to a Community Meeting at the above date, time, and location. The purpose of the meeting is to provide the community with the opportunity to review the site plan and voice its opinions, questions, concerns, or support of the proposed rezoning.

We look forward to seeing you at the meeting and hearing your position.

Sincerely,

GIACOMA ROBERTS
& DAUGHDRILL, LLC


Shea E. Roberts

MEETING SIGN-IN SHEET

Project: _____ Meeting Date: _____
 Facilitator: _____ Location: _____

Name _____ Address _____ Phone _____ E-Mail _____

Rosemarie Miles 3620 Thistle Oak Trace 4) ~~229-841-6166~~ 229-7157 rashleymiles@gmail.com
 TERRELL GRIFFIN 3639 River Ridge Ct 4) 241-841-6166 terrellg@att.net
 Barbara Griffin 3639 River Ridge Ct 4) 241-841-6166 barbara.0912@att.net
 ANTHONY HICKS 3650 River Ridge Ct 7-576-9540
 Olga Babli 3665 Forest Downs Trace 917-660-9791
 Thelma Hutchison Williams 3771 River Ridge Ct. (678) 575-6911 thelma@bellsouth.net
 Gloria Johnston 2901 Oakvale Falls Dr. 404) 212-8373
 Rosalind Ella Tamm 3688 River Ridge Ct. 404-291-7871
 BYRON WHITE 3640 River Ridge Ct 404-212-1038 AMW900@YAHOO.COM
 Chad Conley 3544 Forest Downs CV Charles.conley@gmail.com
 Richard & Gloria McCre 2915 River Ridge Hill Decatur Ga 30034
 Virginia Jenkins 3829 River Ridge Ct Decatur Ga 30034 404-244-
 Calvin Lowrey 3767 Oakvale Rd Decatur 30034 (404-805-7598
 M. Jean Biggs 3166 DEMER Lndg. Dec. 30034 404-241-5394
 Rev. Frances V. Mills 2859 River Close Dr. Dec, 30034 404-310-6851
 Sharon Carter 2952 Woody Ct, Decatur 30034 4-401-3739
 NERPHEN SALTER 3678 River Ridge Ct, Decatur, GA 4) 243-5874
 Pamela Jackson 3628 Thistle Oak Trace Decatur, GA (7) 841-1581
 Leroy Green 3873 River Ridge Ct Decatur GA. leroy.leegreen@gmail.com
 Dr. Dahlia Pottinger 3819 River Ridge Ct Decatur, GA dahlia@att.net

revfmills@aol.com
 4-310-6851

MEETING SIGN-IN SHEET

Project: _____ Meeting Date: _____
 Facilitator: _____ Location: _____

Name Address Phone E-Mail

Andrew Wilson 3897 River Ridge Ct 4/244-0755 anwilson26@gmail.com

Gregory A Griffith Sr 3653 River Ridge Ct 4/328-0493

Patricia Patrick 3674 river ridge court brooksbruce@bellsouth.net

Ellen C. Johnson 2989 Patty Hollow Ct, Decatur Ethel8435@gmail.com

Sonia Edwards - 3658 River Ridge Ct Decatur 30034

STEU E HONG 3667 RIVE R idg 287597

Theod. Allen 3733 River Ridge Ct 404-244-8564 Theod.L21@gmail.com

Alesia Johnson 2989 Patty Hollow 4/193-5696 ajohnsonvideo@yahoo.com

Lydia Fears 3119 Ozmer Landing Dec. 404-309-0231 po991279@comcast.net

Paige Britt 3123 ozmer Lndg Dec. paigebritt@yahoo.com

Thurman Henderson - 3643 River Ridge Ct. thurman-henderson@ATT.NET

Against Lesia Jackson 3120 Ozmer Landing, Decatur 4/273-0563 lesia_jackson@yahoo.com

Against BS Thomas Riverwest SD djyt321@bellsouth.net 4/502-6024

Against Ernestine Grison Riverwest SD egrissam0212@gmail.com

Against Pamela Jackson 3628 Thistle Oak Trce 4/841-4581 pamela.jackson@att.net

Anthony Maddox 3808 River Ridge Court 4/391-4373 anthony.maddox@comcast.net

MEETING SIGN-IN SHEET

Project:

Meeting Date:

Facilitator:

Location:

Name	Address	Phone	E-Mail
Mr & Mrs Hicks	3650 River Ridge	7-576-9540	
Michelle S. Ware	3533 Forest Downs Cove	4.381-9207	msware3533@comcast.net
NORPHENIA SALTER			NORWMS8@
Ralph Brannen	3697 River Ridge Decatur GA 30034		By mail, LMR
Vicki Boseman	3654 River Ridge Ct.		vboseman@attlook.

Lindsey Powell

From: Lindsey Powell
Sent: Friday, October 26, 2018 4:34 PM
To: rashleymiles@gmail.com; thenita@bellsouth.net; anwilso26@gmail.com; egrissom0212@gmail.com; pamelajackson1913@gmail.com; amw900@yahoo.com; chad.e.conley@gmail.com; revfvmills@aol.com; leroy.lee.green@gmail.com; dactad@gmail.com; brooksbruce@bellsouth.net; joh nec8435@gmail.com; ajohnsonvideo@yahoo.com; paigebritt@yahoo.com; thurman_henderson@att.net; lesia_jackson@yahoo.com; bjyt321@bellsouth.net; anthony.maddox@comcast.net; msware3533@comcast.net; norwms8@gmail.com; Vicki Boseman; tgriffin@atlantaga.gov; barbara0972000@yahoo.com; poggie7a@comcast.net; theodisl10@gmail.com
Cc: Shea Roberts; lloydmcfarlane642@gmail.com
Subject: CHANGE of LOCATION 3012 River Road MEETING

All:

This is to notify you that we are changing the location of the upcoming meeting. Special thanks to the assistance of your neighbors Vicki Boseman and Terrell Griffin for coordinating with Pastor McFarlane to secure the Church!

The meeting will still occur on **Tuesday, October 30 at 7 pm** (same date and time), but will now be held at the **Pentecostal Deliverance Assembly at 3032 River Road, Decatur, GA 30034.**

We look forward to seeing you there, but please don't hesitate to contact me with questions or concerns in the meantime.

Thank you, and have a great weekend!



Lindsey E. Powell
Attorney
Direct: (404) 924-2857
Fax: (404) 795-0734
lpowell@grdlegal.com
Giacoma Roberts & Daughdrill LLC
Resurgens Plaza, Ste 2750
945 East Paces Ferry Road
Atlanta, Georgia 30326
Main: (404) 924-2850
www.grdlegal.com

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From: Lindsey Powell

Sent: Thursday, October 25, 2018 4:25 PM

To: 'rashleymiles@gmail.com' <rashleymiles@gmail.com>; 'thenita@bellsouth.net' <thenita@bellsouth.net>; 'anwilso26@gmail.com' <anwilso26@gmail.com>; 'egrissom0212@gmail.com' <egrissom0212@gmail.com>; 'pamelajackson1913@gmail.com' <pamelajackson1913@gmail.com>; 'amw900@yahoo.com' <amw900@yahoo.com>; 'chad.e.conley@gmail.com' <chad.e.conley@gmail.com>; 'revfvmills@aol.com' <revfvmills@aol.com>; 'leroy.lee.green@gmail.com' <leroy.lee.green@gmail.com>; 'dactad@gmail.com' <dactad@gmail.com>; 'brooksbruce@bellsouth.net' <brooksbruce@bellsouth.net>; 'johnec8435@gmail.com' <johnec8435@gmail.com>; 'ajohnsonvideo@yahoo.com' <ajohnsonvideo@yahoo.com>; 'paigebritt@yahoo.com' <paigebritt@yahoo.com>; 'thurman_henderson@att.net' <thurman_henderson@att.net>; 'lesia_jackson@yahoo.com' <lesia_jackson@yahoo.com>; 'bjyt321@bellsouth.net' <bjyt321@bellsouth.net>; 'anthony.maddox@comcast.net' <anthony.maddox@comcast.net>; 'mswire3533@comcast.net' <mswire3533@comcast.net>; 'norwms8@gmail.com' <norwms8@gmail.com>; 'Vicki Boseman' <vboseman@outlook.com>; 'tgriffin@atlantaga.gov' <tgriffin@atlantaga.gov>; 'barbara0972000@yahoo.com' <barbara0972000@yahoo.com>; 'poggie7a@comcast.net' <poggie7a@comcast.net>; 'theodisl10@gmail.com' <theodisl10@gmail.com>

Cc: Shea Roberts <sroberts@grdlegal.com>

Subject: 3012 River Road MEETING

Good afternoon:

Following the Community Meeting on September 5, we went back to the drawing board to incorporate your comments and suggestions. We've created a new site plan which we hope and believe will address the comments we heard from each of you, and we're excited to present it to you!

Therefore, we will be holding a second meeting on **Tuesday, October 30 at 7:00 p.m.** at the property, located at **3012 River Road, Decatur, GA 30034**. We're happy to host the meeting at another nearby location, so if anyone has any suggestions for an alternate meeting place, please contact me.

You are receiving this email because you previously attended the Pre-Application Meeting to discuss the proposed rezoning of the property. Please feel free to share this communication with other neighbors who may not have attended or who may not have signed in.

Thank you, and we look forward to seeing you all on Tuesday! In the meantime, I'm available to answer any questions you may.



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MEETING SIGN-IN SHEET

Project: 3012 River Road and 3727 Oakvale Road	Date: October 30, 2018
Location: Pentecostal Deliverance Assembly	
3032 River Road, Decatur, GA 30034	

NAME	ADDRESS	EMAIL ADDRESS	PHONE NUMBER
Vicki Baseman	3654 River Ridge Court, Decatur	vbaseman@outlook.com	404 244-6169
TERRELL GRIFFIN	3639 RIVER RIDGE CT, Decatur	Tgriffine@att.net	404 877-8602
Gregory Gai Silk	3653 River Ridge Ct Decatur		404-328-0993
Anthony Hicks	3650 River Ridge Ct, Decatur		678-833-8191
Charlotte Hicks	3650 River Ridge Ct, Decatur		770-576-9540
Devin + Erica Talence	3688 River Ridge Ct Decatur	Tarren - c@bellsouth.net	404 243 8611
Lesia Jackson	3120 Ozmer Landing, Decatur	lesia-jackson@yahoo.com	4) 273-0563
Vincent Dixon	3619 Thistle Oak Trail, Decatur	V.DIXON@VAHDO.COM	4-772-8062
Charles Smith	2917 Dunwoon Place, Decatur	CNAPOLK@COMCAST.NET	678 232-9993
Virginia Jenkins	3829 River Ridge Ct	VJenkins1942@gmail.com	404-2449120
Nella S. Juan	3634 River Ridge Ct	NEVJOHN@MSN.COM	404 391-1304
Rosa Miles	3620 Thistle Oak Trace	Rashley.miles@gmail.com	4) 229-7145
KAREN YERMONSON	4477 2761 Rag. Ny River	Koliggs4299@aol.com	4-4567624
Shere + Divia Long	3667 River Ridge Ct, Decatur 30034	longinsulation@yahoo.com	678-754-7881
Wanda Smith	3668 River Ridge Ct Decatur	Swanda74@gmail.com	4) 322-8120

MEETING SIGN-IN SHEET

Project: 3012 River Road and 3727 Oakvale Road	Date: October 30, 2018
Location: Pentecostal Deliverance Assembly	
3032 River Road, Decatur, GA 30034	

NAME	ADDRESS	EMAIL ADDRESS	PHONE NUMBER
Ralph Bryan	3697 River Ridge Ct		404-453-6715
Olga Bell	3665 FOREST DOWNS		404/243-6759 / 917-660-7191
Bruce Brooks	3674 RRC	brooksbruce@bellsouth.net	7/378-0385
Sarah Smith	2750 Green Marsh Ct	fatgkcds13@gmail.com	404-375-1141
Glenn Bush	3651 Forest Downs Trs		
Robert Rushing	3651 Forest Downs Trs.	bob@rushingbraidsgent.com	404-600-8947
Juanes Mills	2859 River Close Dr	Revfmills@aol.com	404-310-6851
Maureen Lobner	2952 Woody Ct	slatmeee@bellsouth.net	4-401-3739
Elbert Coates	2962 Woody Ct	E.Coates@bellsouth.net	4-212-9844
Thurman Henderson	3643 River Ridge Ct	tharman-henderson@ATT.NET	(602) 784-1829
Therita H. Williams	3711 River Ridge Ct	therita@bellsouth.net	(676) 575-6911
B1 Thomas	2767 Green Marsh Ct	bjt32a@bellsouth.net	404 502-6624
Wend Smith	3678 River Ridge Ct Decatur, GA	Swendk24@gmail.com	(4) 322-8120

I. INTRODUCTION

The Applicant, 3012 River Road, LLC, is seeking to rezone \pm 2.438 acres of land located at 3012 River Road and 3727 Oakvale Road (collectively the "Subject Property"), Decatur, GA 30034, in Land Lots 57 and 40, 15th District of DeKalb County, from R-100 to RSM to permit development of ten (10) single-family detached homes. The Subject Property is located on River Road between the intersections of Oakvale Road and River Ridge Court. 3012 River Road contains a one-story brick building which has become dilapidated and unsafe. 3727 Oakvale Road sits immediately behind 3012 River Road and is presently vacant. Immediately west of the Subject Property and south across River Road are single-family detached homes zoned RSM. The property immediately to the east of the Subject Property is zoned R-100 and currently used by the Pentecostal Deliverance Assembly as a church. The Comprehensive Land Use Plan presently calls for Suburban (SUB) development of the entire area.

This document is submitted both as the Statement of Intent (Letter of Application), preservation of the Applicant's constitutional rights, and the Written Analysis as required by DeKalb County Zoning Ordinance § 27-7.3.5. A Site Plan of the Subject Property has been filed contemporaneously with the Application along with other required materials.

II. IMPACT ANALYSIS

A.

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

The Subject Property and surrounding area are currently designated Suburban (SUB) under the Comprehensive Land Use Plan. The Applicant is not seeking a land use plan amendment as the SUB character area allows for RSM zoning. The proposal for 10 single-family detached homes is a permissible density under that category taking into account allowable bonuses for proximity to public amenities, such as the Fork Creek Mountain Park. Therefore, this Application is fully compliant with the Comprehensive Land Use Plan and also would effectively implement the character area policies of the County's Land Use as excerpted below:

- (a) Residential Protection: protecting single-family neighborhoods from incompatible development.
- (b) Density Increases: increasing density without degrading the overall quality of life for the surrounding established neighborhood.
- (c) Walkability: location of residential development within easy walking distance of transportation facilities, i.e. MARTA.
- (d) Connectivity: promoting strong connectivity and continuity between existing and new developments.
- (e) Street Design: promoting street design that fosters traffic calming including narrower residential streets, on-street parking, and the addition of bicycle and pedestrian facilities.

- (f) Transportation Alternatives: providing a variety of transportation alternatives such as bicycle and pedestrian paths.
- (g) Architecture: encouraging compatible architectural styles that maintain regional and neighborhood character.

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 on the north side of River Road between the intersections of Oakvale Road and River Ridge Court. The Subject Property consists of a vacant lot and an older single-family home that has fallen into disrepair. The Applicant's proposed use of the Subject Property is designed specifically to preserve and maintain owner-occupied, single-family housing. The proposed project will be aesthetically pleasing and strike a proper development balance in this neighborhood. The intended final appearance of this subdivision will compare favorably to other similar projects in the County. Appropriate attention to scale, buffering, setbacks and landscaping will be given by the Applicant to ensure that this project will blend harmoniously with its surroundings.

C.

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

The Subject Property is a large, irregularly shaped lot on a minor arterial road. Development of one new single-family detached residence on the Subject Property simply is not economically feasible considering that the lot size would be grossly disproportionate to the adjacent existing single-family residences. The

Applicant is not seeking a density in excess of that permitted by the County's Future Land Use Plan. Therefore, the Applicant respectfully submits that the Zoning Ordinance of DeKalb County, Georgia, as amended from time to time and known as the DeKalb County Zoning Ordinance, to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the DeKalb County Zoning Ordinance deprives the Applicant of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current R-100 zoning classification and any other zoning of the Subject Property save for what has been requested by the Applicant as established in the DeKalb County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no

substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute, a taking of the Applicant's private property without just compensation and without due process in violation of 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 I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

A refusal to allow the 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. § 36-66-1, *et. seq.*, and the minimal procedural due process standards guaranteed by the Constitutional provisions set forth above.

Finally, this Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

D.

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

The proposed rezoning will enhance the existing use or usability of adjacent and nearby property. When the Applicant acquired the Subject Property it was ridden with abandoned cars and a dilapidated single-family structure. The Applicant has removed the cars and intends to continue to improve the Subject Property by removing the dilapidated structure and replacing it with a new single-family development. This is a more desirable use of the Subject Property and entirely

consistent with the residential use that surrounds the property to the west and south across River Road. The enhancement of the Subject Property will only benefit the adjacent and surrounding property values.

E.

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

The Applicant's proposal will result in a practical, useful, and marketable development revitalizing a deteriorating and abandoned property, and creating an asset for the surrounding area. A detached single-family use is compatible with the current single-family residential use of the adjacent and neighboring properties.

F.

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

A portion of the Soapstone Historic District is located within approximately 500 feet of the Subject Property but is primarily devoted to preserving archaeological sites. The Subject Property is not itself designated as a historic building, site, district, or archaeological resource. Because a portion of the Soapstone Historic District has itself been developed with single-family homes, there is no reason to believe the proposed rezoning, outside the District, would have an adverse impact on any archaeological site or resource.

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

This project, if approved, certainly will not affect existing transportation facilities. Requisite parking is provided incidental to this development. The traffic to be generated by the proposed project should not significantly affect traffic capacities in the area, and it can be accommodated. Additionally, Subject Property is served by mass transit with access to MARTA bus route 15 and is in close proximity to three MARTA stops on River Road.

The Subject Property also has access to water and sewer. Finally, the Subject Property is served by Oakview Elementary School, Cedar Grove Middle School, and Cedar Grove High School each of which has capacity for any additional students generated by this project. Therefore, the proposed rezoning will not result in an excessive use of existing facilities.

H.

THE ZONING PROPOSAL WILL NOT ADVERSELY IMPACT THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES

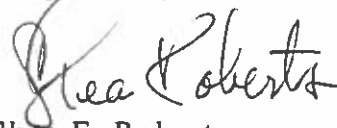
The proposed rezoning and development will not have an adverse impact on the environment or surrounding natural resources. The Applicant will comply with the DeKalb County Tree Ordinance, and any other developmental ordinances applicable to this site.

III. CONCLUSION

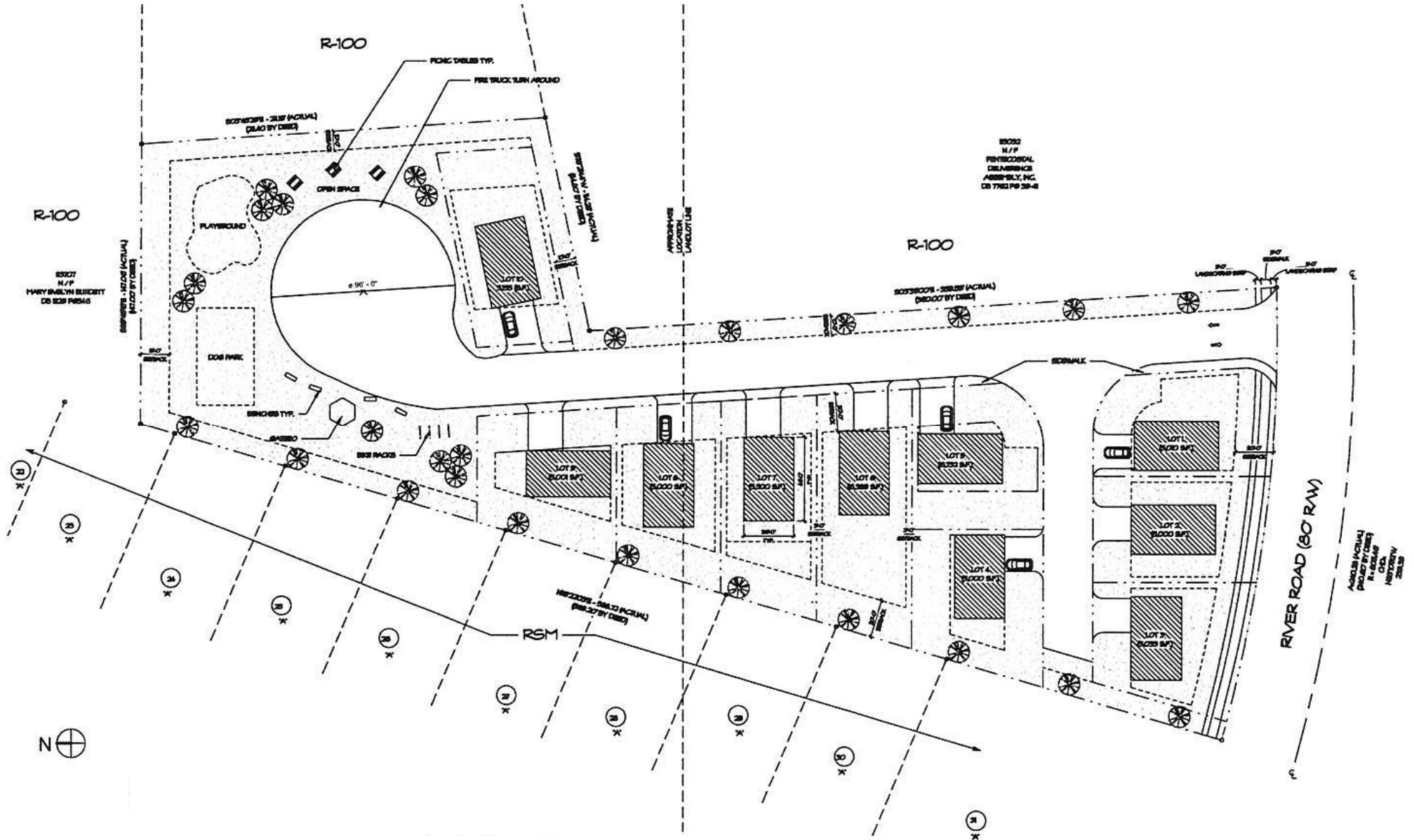
For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

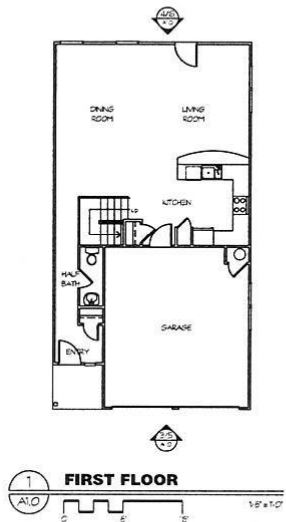
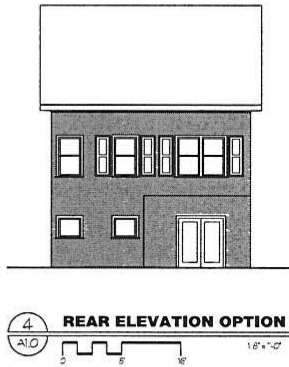
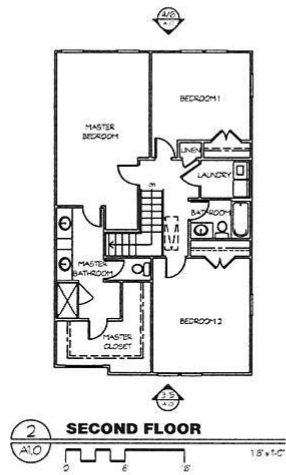
This 1st day of November, 2018.

Respectfully submitted,



Shea E. Roberts
Attorney for the Applicant





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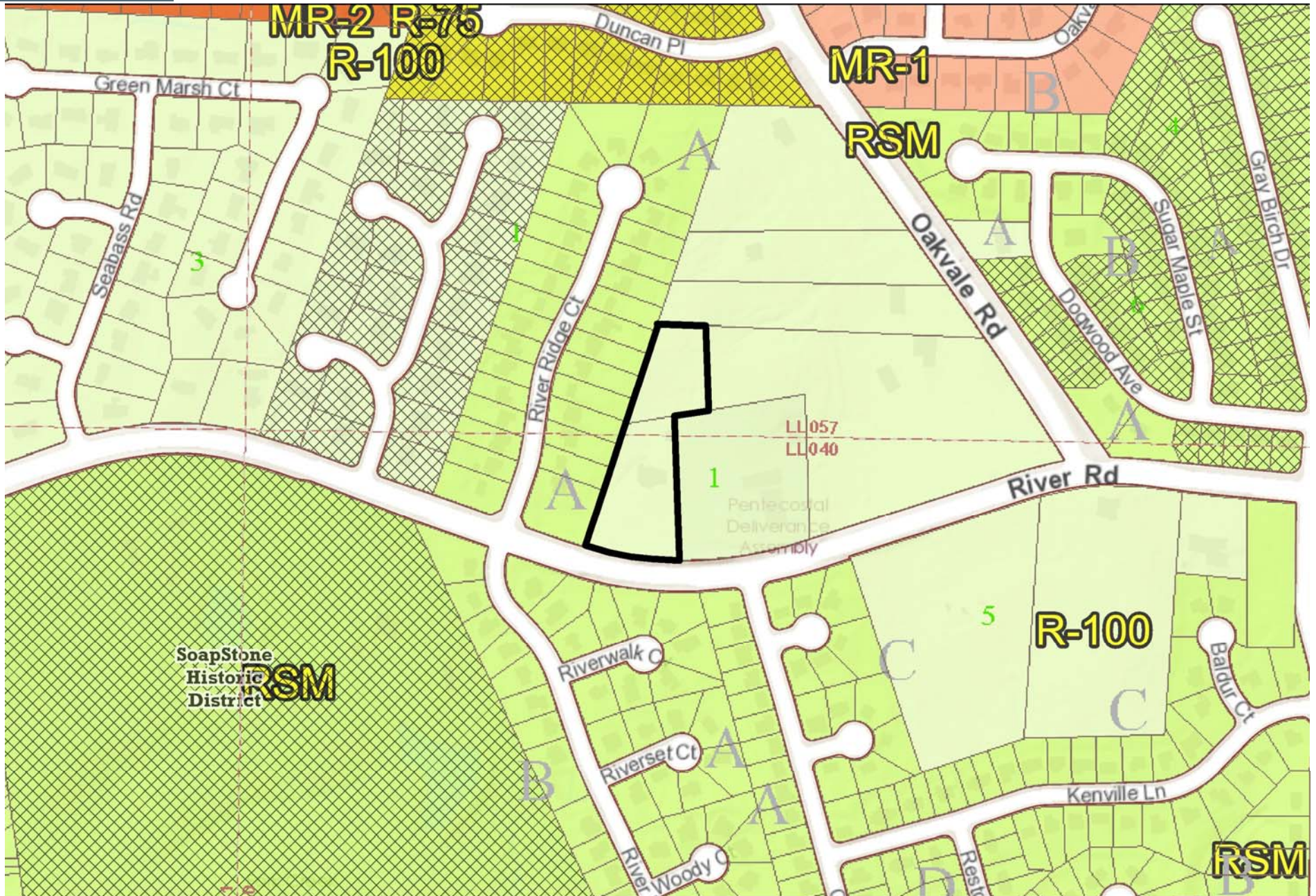
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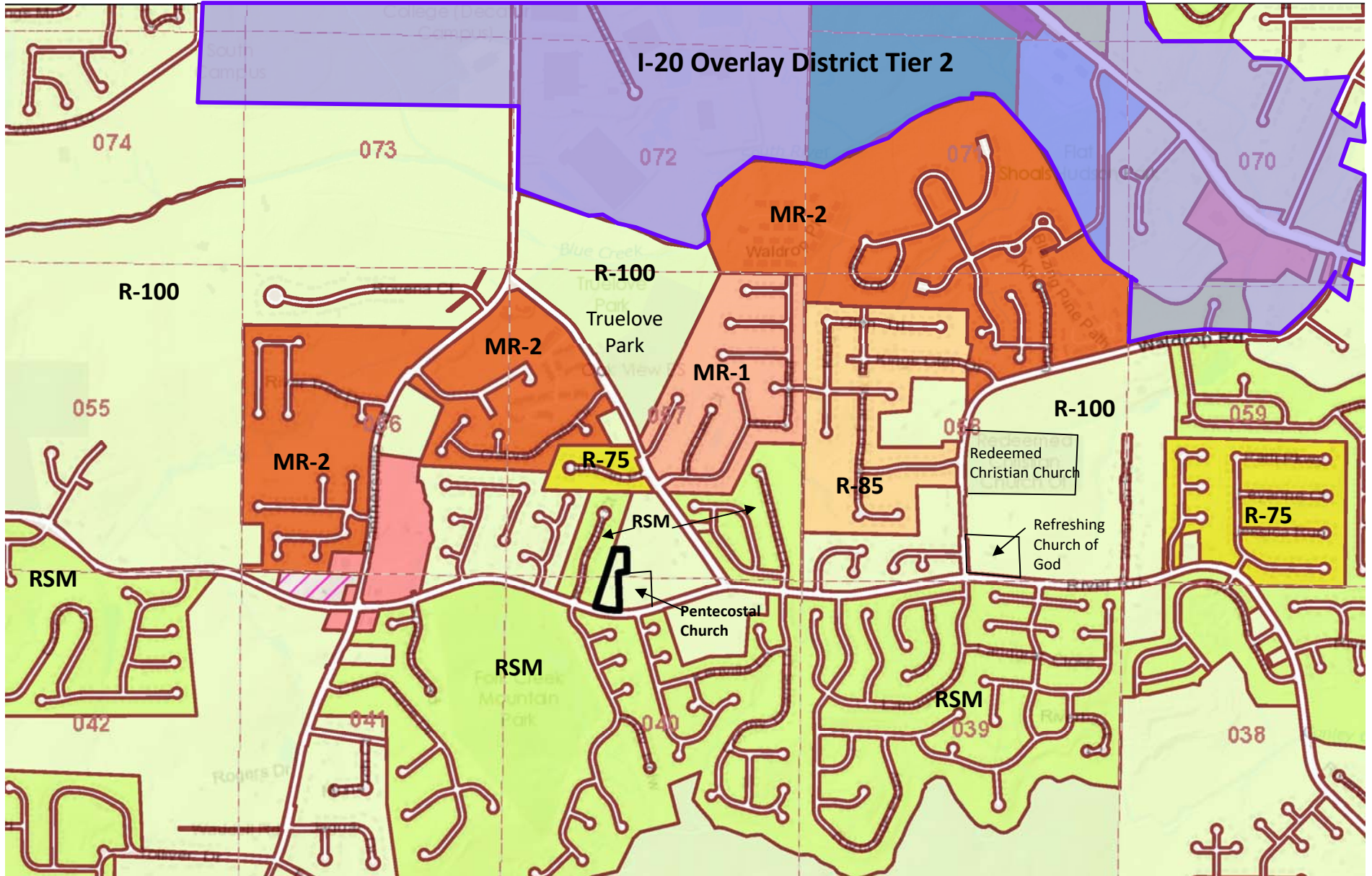
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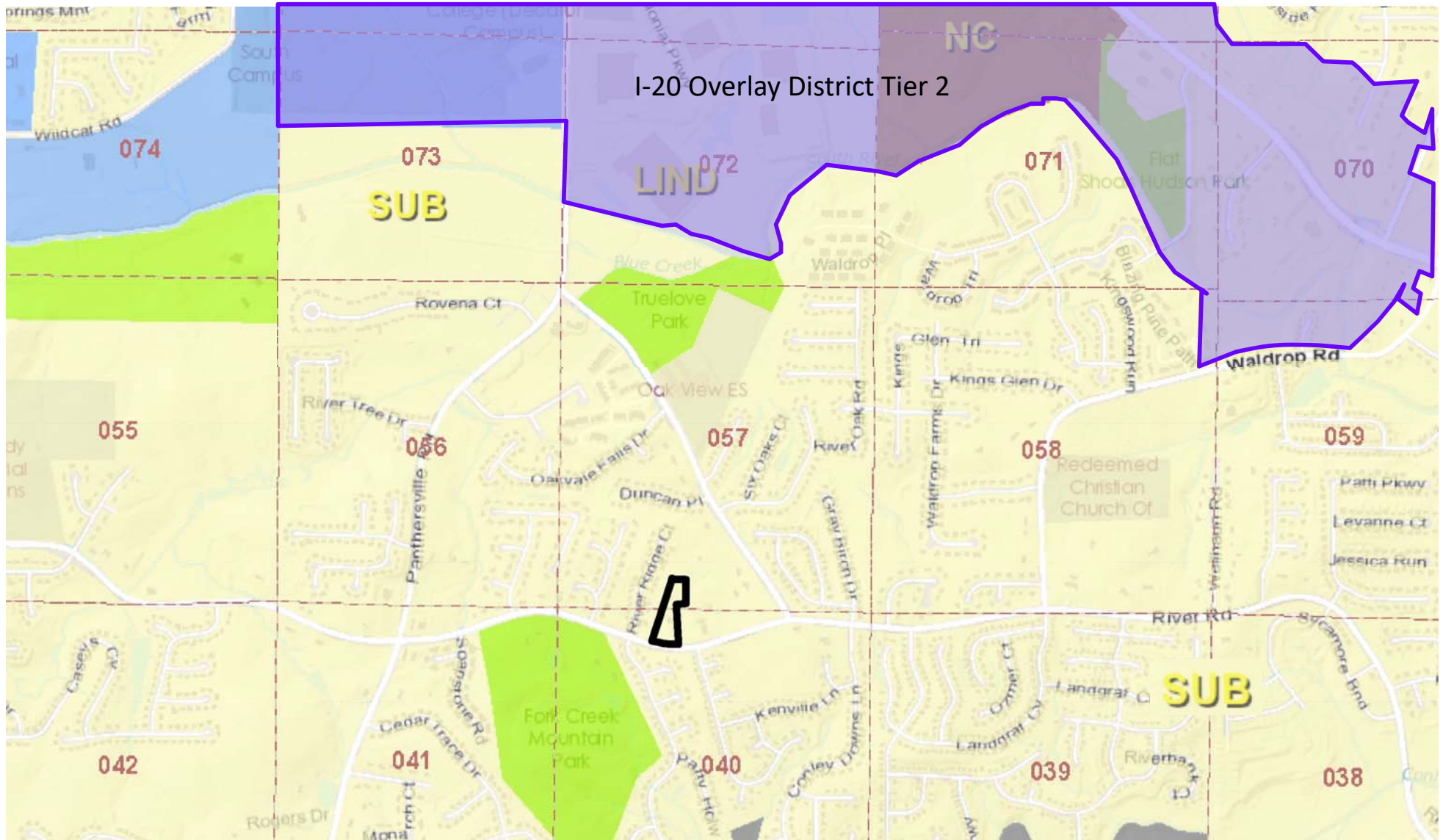
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 CHECKED BY: REP

FLOOR PLAN/
 ELEVATIONS

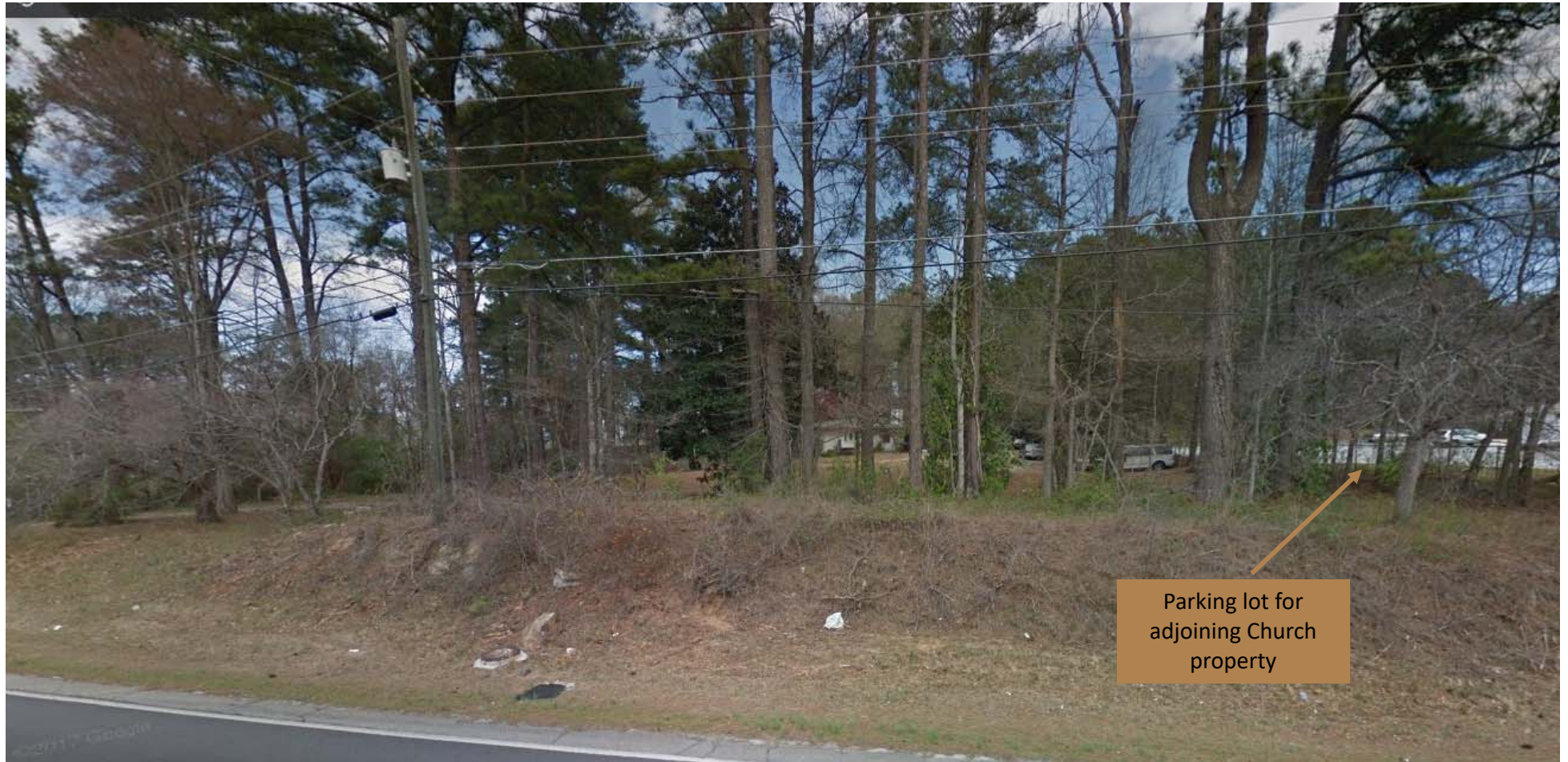
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Parking lot for adjoining Church property