DeKalb County Department of Planning & Sustainability

178 Sams Street, Decatur, GA 30030

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

Planning Commission Hearing Date: Tuesday, January 9, 2024 Board of Commissioners Hearing Date: Thursday, January 25, 2024

STAFF ANALYSIS

Case No.:	Z-24-1246748	Agenda #: 2023-1432
Location/Address:	1075 Zonolite Road Atlanta, GA 30306	Commission District: 02 Super District: 06
Parcel ID(s):	18-107-04-049	
Request:	Rezone property from the M (Light Industrial) Zoning District to the C-1 (Local Commercial) Zoning District to expand the office and commercial uses on the property.	
Property Owner(s):	AP Zonolite LLC	
Applicant/Agent:	AP Zonolite LLC c/o Troutman Pepper Hamilton Sanders LLP	
Acreage:	1.74 acres	
Existing Land Use:	Office, Retail, Personal Service	
Surrounding Properties:	North: R-75 (Across Railroad) East: M South: R-75 West: R-75	
Comprehensive Plan:	Town Center (TC) Consistent X Inconsistent	

<u>Staff Recommendation</u>: 30-day deferral to the Board of Commissioners.

The subject property is currently zoned M (Light Industrial) and is improved with a one-story building (comprising approximately 29,000 square feet) constructed circa 1959. There are multiple tenants currently occupying the building, consisting primarily of office, retail, and personal service uses.

The property is located at the western terminus of Zonolite Road, a local street which at its eastern end intersects with Briarcliff Road directly across from the Sage Hill Shopping Center. Two properties approximately 200 feet to the south, designated as 1123 and 1145 Zonolite Road, were rezoned from the M (Light Industrial) zoning district to the MU-1 (Mixed-Use Low Density) zoning district in 1998, conditioned on the reuse of the existing industrial buildings for mixed office/residential purposes. The remaining properties along the street are zoned M (Light Industrial). While these structures appear to have housed industrial uses in the past, they appear to have been repurposed over time and are currently used primarily for office, retail, and personal service uses (such as barber shops/beauty salons, dry cleaning shops), much like the subject property. The subject property shares a southern boundary with Zonolite Park, which is owned by the County and is zoned R-75 (Residential Medium Lot-75) along this boundary. The existing site is nonconforming with regards to current transitional buffer requirements and potentially with yard setback requirements. A portion of the existing parking area appears to be on land owned and operated by the County.

While the current uses on the subject property are permitted by-right in the M (Light Industrial) Zoning District, the applicant proposes to rezone the subject property to the C-1 (Local Commercial) Zoning District in order to expand the potential office and commercial uses on the property. Only a few specific office uses are permitted in the M zoning district (e.g., building or construction offices, engineering and architectural offices). Rezoning to the C-1 district would allow for greater office and commercial flexibility; consistent with the surrounding office and commercial uses to the east. The proposed rezoning of the property to the C-1 Zoning District would constitute a "downgrade" in intensity with respect to the industrial uses that are currently permitted by-right and would not have an adverse effect on the surrounding character of the adjacent properties.

That being said, there are number of uses that are permitted in the C-1 Zoning District that may not be appropriate for the existing building or the building site, given the relative size and location of both. At the Planning Commission meeting held on January 9, 2024, Staff presented the proposal and recommended Approval With Conditions. The original conditions, which are included with this updated analysis, were mainly to prohibit said uses that Planning Staff deemed incompatible. Discussions with the applicant revealed a desire for certain uses, such as child daycare facilities, indoor recreation, and alcohol sales, for example, to be removed from the list of prohibited uses. Staff was and is amenable to further discussion of the list of prohibited uses. For this reason, the Planning Commission recommended a *Two-Cycle Deferral* as requested by the applicant.

Further conversations with Planning Staff and the applicant are ongoing at the time of this analysis. In order to allow Planning Staff and the applicant additional time to finalize recommended conditions, the Planning & Sustainability Department recommends a 30-Day Deferral to the Board of Commissioners.

Z-24-1246748

Staff Recommended Conditions

12/13/2023

1075 Zonolite Road Atlanta, GA 30306

- 1) The subject property shall be governed by all of the requirements of the C-1 (Local Commercial) Zoning District. In addition, the following principal and accessory uses of land and structures shall be prohibited on the subject property:
 - 1. Live-work units
 - 2. Bed and breakfasts
 - 3. Hotels/Motels
 - 4. Nursing care facilities or hospices
 - 5. Personal care homes (group or community)
 - 6. Child caring institutions (group or community) or daycare centers and facilities
 - 7. Shelters for homeless persons
 - 8. Transitional housing facilities
 - 9. Clubs, orders, or lodges
 - 10. Coliseums or stadiums/not associated with church or school
 - 11. Funeral homes or crematoriums
 - 12. Cultural facilities
 - 13. Swimming pools, commercial
 - 14. Tennis courts, swimming pools, play or recreation area, community
 - 15. Colleges, universities, research and training facilities
 - 16. Private kindergartens, elementary, middle, or high schools,
 - 17. Any automobile/boat/trailer sales, service, or outside storage
 - 18. Indoor recreation

- 19. Nightclubs or late night establishments
- 20. Special events facilities
- 21. Alcohol outlets/liquor stores, including accessory to retail
- 22. Commercial greenhouses or plant nurseries
- 23. Convenience stores
- 24. Drive-through facilities
- 25. Farmer's markets
- 26. Fuel pumps
- 27. Grocery stores
- 28. Retail warehouses
- 29. Any transportation and storage uses (with exception to parking as an accessory use to permitted uses)
- 30. Adult day care centers and facilities
- 31. Coin laundries
- 32. Commercial kennels
- 33. Satellite television antennae
- 34. New wireless telecommunication facilities
- 2) 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 Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO JOHN REID <u>ireid@dekalbcountyga.gov</u> AND/OR LASONDRA HILL <u>lahill@dekalbcountyga.gov</u>

REZONE COMMENTS FORM:

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: Z-23-1246748	Parcel I.D. #: 18-107-04-049	
Address: 1075 Zonolite Road Atlanta, GA 3030	06	
Drainage Basin: South Fork Peachtree Creek		
Upstream Drainage Area: N/A		
Percent of Property in 100-Year Floodplain: 8	3%	
flood impact on the subject property. About 90% of	ation) under existing zoning: There is no known or reported of it is located outside the floodplain but there is a FEMA neast portion of the property. Erosion and sedimentation activities condition.	
Required detention facility(s): Detention may be and triggers the applicability criteria in Sec. 14-2	be required if the property is to be redeveloped or expanded $40(b)(2)$ of the County code.	
COMMENTS:		
Since no redevelopment is being proposed with the	his rezoning, any development arising from the rezoning that	
would create additional impervious areas may require installation of stormwater BMPs to adequately manage the		
generated runoff without any adverse effect on th	e current MS4 infrastructures.	
Signatu	ure:	

Board of Health

12/15/2023

To: LaSonda Hill, Planning and Sustainability

From: Ryan Cira, Environmental Health Director Cc: Alan Gaines, Environmental Health Deputy

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 networks. 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

	Case #	Location (Address)	Comment 1	Comment 2
N1	SLUP-24-1246742	3684 Seton Hall Way, Decatur, GA 30034	Please review general comments.	
N 2	SLUP-24-1246743	2445 Wesley Chapel Road, Decatur, GA 30045	Please review general comments.	No septic indicated
V 3	CZ-24-1246744	5449 Covington Highway, Decatur, Ga 30035	Please review general comments.	No septic indicated
N 4	SLUP-24-1246745	1369 Clairmont Road, Decatur, GA 30033	Please review general comments.	No septic indicated
N 5	SLUP-24-1246746	4077 Flat Shoals Parkway, Decatur, GA 30034	Please review general comments.	No septic indicated
V 6	Z-24-1246747	6826 Covington Highway, Lithonia, GA 30058	Please review general comments.	No septic indicated
٧7	Z-24-1246748	1075 Zonolite Road, Atlanta, GA 30306	Please review general comments.	No septic indicated
1 8	SLUP-24-1246750	2056 Tudor Castle Circle, Decatur, GA 30035	Please review general comments.	No septic indicated
1 9	TA-24-1246761	County-Wide	Please review general comments.	
N10	TA-24-1246762	County-Wide	Please review general comments.	

Chief Executive Officer
Michael Thurmond

Government Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director Cedric Hudson

ZONING COMMENTS DECEMBER 2023

N1. SLUP-24-1246742 - 3684 Seton Hall Way: No comment.

N2. SLUP-24-1246743 - 2445 Westley Chapel Road: No comment.

N3. CZ-24-1246744 - 449 Covington Hwy: Hidden Hills OVD Tier 1. Must meet the requirement of the overlay district. Covington Hwy is SR 12 and required state review and approval prior to permitting. Contact: Cowan, Ashley S ACowan@dot.ga.gov. At a minimum, Covington Hwy is classified as a major arterial. A right of way dedication of 50 feet from centerline OR such that all public infrastructure is within ROW (including streetlighting), whichever greater. The land development code requires a bike facility. Our preference is a 10-foot multiuse path instead of a 4-foot bike lane. The zoning code requires pedestrian scale street lighting.

N4. SLUP-24-1246745 - 1369 Clairmont Rd: No comment.

N5. SLUP-24-1246746 - 4077 Flat Shoals Rd: No Comment.

N6. Z-24-1246747 - 6826 Covington Hwy: Covington Hwy is SR 12 and required state review and approval prior to permitting. Contact: Cowan, Ashley S <u>ACowan@dot.ga.gov</u>. Covington Hwy is classified as a major arterial. A right of way dedication of 50 feet from centerline OR such that all public infrastructure is within ROW (including streetlighting), whichever greater. The land development code requires a bike facility. Our preference is a 10-foot multiuse path instead of a 4-foot bike lane. The zoning code requires pedestrian scale street lighting.

N7. Z-24-1246748 - 1075 Zonolite Rd: Verify property lines. It appears their plans are not on their property. No other comment.

N8. SLUP-24-1246750 - 2056 Tudor Castle Cir: No comment.

N9. TA-24-1246761 - No Comment.

N10. TA-24-1246762 - No Comment.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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:

- Storm Water Management
 - (1) No concerns
- Flood Hazard Area/Wetlands
 - (1) The presence of FEMA Flood Hazard Area was present in the County G.I.S. mapping records for the site.
- Landscaping/Tree Preservation
 - (1) <u>Landscaping and tree preservation plans for any building, or parking lot must comply with</u>

 <u>DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.</u>
- Tributary Buffer
 - (1) Site is part of the South Fork Peachtree Creek Basin.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.:	Parcel I.D. #:	
Address:		
		_
WATER:		-
Size of existing water main:		_ (adequate/inadequate)
Distance from property to nearest main:	Size of line	required, if inadequate:
SEWER:		
Outfall Servicing Project:		
Is sewer adjacent to property: Yes No	If no, distance to nearest line: _	
Water Treatment Facility:	adequate inadequat	e
Sewage Capacity:	(MGPD) Current Flow:	(MGPD)
COMMENTS:		

Signature:



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

	Adjacent Roadway (s):
(0	classification) (classification)
Capacity (TPD)	Capacity (TPD)
Latest Count (TPD) Hourly Capacity (VPH)	Latest Count (TPD) Hourly Capacity (VPH)
Hourly Capacity (VPH) Peak Hour. Volume (VPH)	Peak Hour. Volume (VPH)
EXISURE NUMBER OF TRAILIC IRNES Existing number of traffic lanes	
Existing right of way width Proposed number of traffic lanes	Existing right of way width Proposed number of traffic lanes
Proposed right of way width	Proposed right of way width
Please provide additional information relating to the fo	llowing statement.
average of fifteen (15) vehicle trip end (VTE) per 1, 000 se	ic Engineers (ITE) 6/7th Edition (whichever is applicable), churches generate an quare feet of floor area, with an eight (8%) percent peak hour factor. Based on the
above formula, the square foot place of w peak hour vehicle trip ends.	
above formula, the square foot place of we peak hour vehicle trip ends. Single Family residence, on the other hand, would general	te ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour (Single Family Residential) District designation which allows a maximum of the is approximately acres in land area. daily vehicle trip and
above formula, the square foot place of we peak hour vehicle trip ends. Single Family residence, on the other hand, would genera factor. Based on the above referenced formula, the units per acres, and the given fact that the project side peak hour vehicle trip end would be generated with	te ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour (Single Family Residential) District designation which allows a maximum of the is approximately acres in land area, daily vehicle trip end, and residential development of the parcel.
square foot place of we peak hour vehicle trip ends. Single Family residence, on the other hand, would genera factor. Based on the above referenced formula, the units per acres, and the given fact that the project site peak hour vehicle trip end would be generated with COMMENTS: Plans and field Reference.	te ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour (Single Family Residential) District designation which allows a maximum of the is approximately acres in land area. daily vehicle trip and
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Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received:	Application No:	
Applicant Name: AP Zonolite LLC c/o Trou Applicant E-Mail Address: jessica.hill@tro Applicant Mailing Address:	-	
Applicant Daytime Phone: (404) 885-352	9 Fax: N/A	
Owner Name: AP Zonolite LLC	e than one owner, attach list of owners.	
Owner Mailing Address: 1000 Marietta Street NW, Suite 122, Atlanta, Georgia 30318		
Owner Daytime Phone: (404) 783-6465		
Address of Subject Property: 1075 Zono	lite Road	
Parcel ID#: 18 107 04 049		
Acreage: 1.90 acres		
Present Zoning District(s): Light Industria	al (M)	
Proposed Zoning District: Local Commerc		
Present Land Use Designation:	enter (TC)	
Proposed Land Use Designation (if appli	cable):	

Development Services Center 178 Sams Street Decatur, GA 30030



Chief Executive Officer

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director Cedric Hudson

Michael Thurmond

REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal www.epermits.dekalbcountyga.gov

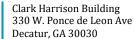
You MUST email us that you've submitted the application online. For questions, email: plansustain@dekalbcountyga.gov

- 1. Schedule a mandatory Pre-Application Conference with Planning & Sustainability staff by appointment. Obtain Pre-Application form (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment. Hold a Pre-Submittal Community Meeting with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners' association(s) may also be provided. Submit Application (Email to planner and submit onlineepermits.dekalbcountyga.gov Please assemble materials in the following order). A. Application form with name and address of applicant and owner, and address of subject property; B. Pre-submittal community meeting notice and sign-in sheet and other documentation of meeting, if any; C. Letter of application and impact analysis 1. Letter of application identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any. Impact analysis of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes. D. Authorization Form, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years. E. Campaign disclosure statement (required by State law). F. Legal boundary survey of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. (If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.) G. Site Plan, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following: a. complete boundaries of subject property; b. dimensioned access points and vehicular circulation drives; c. location of all existing and proposed buildings, structures, setbacks and parking; d. location of 100-year floodplain and any streams; e. notation of the total acreage or square footage of the subject property; f. landscaping, tree removal and replacement, buffer(s); and
 - H. Written Legal Description of metes and bounds of the subject property (can be printed on site plan or survey).

e. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces,

- I. Building Form Information. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
- J. Completed, signed Pre-application Form (Provided at pre-application meeting.)

parking ratios, open space calculations, and other applicable district standards.





Chief Executive Officer

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Michael Thurmond

Andrew A. Baker, AICP

PRE-APPLICATION FORM REZONE, SPECIAL LAND U SE PERMIT, MODIFICATION, AND LAND USE

(Required prior to filing application: signed copy of this form must be su bmitted at filing)

Applicant Name:Henry BaileyPhone: 404-885-3348 Property A	Address: _1075 Zonolite Road
Tax Parcel ID:18 107 04 049 Comm. District(s): _2 & 6	Acreage: 1.74
Existing Use: _office	
Supplemental Regs:NA DRI:NA	_
Rezoning: YesX No Existing Zoning: M Proposed Zoning: MU-1 or C-1	Square Footage/Number of Units:
Rezoning Request:	
Land Use Plan Amendment: Yes NoX	
Existing Land Use:TC Proposed Land Use: _NA	Consistent Inconsistent
Special Land Use Permit: Yes No _X	
Major Modification: NA	
Existing Case Number(s):	
Condition(s) to be modified:	





WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION Pre-submittal Community Meeting: X Review Calendar Dates: PC: 01/09/24 BOC: 01/25/24 Letter of Intent: X Impact Analysis: X Owner Authorization(s): Campaign Disclosure: __X__ Zoning Conditions: __X__ Community Council Meeting: ___12/12/23__ Public Notice, Signs: Tree Survey, Conservation: X Land Disturbance Permit (LDP): Sketch Plat: Bldg. Permits: X Fire Inspection: X Business License: X State License: Lighting Plan: Tent Permit: Submittal Format: NO STAPLES, NO BINDERS PLEASE *Deadline for hosting pre-community meeting with 15 days notice for January 2024 agenda cycle would be 10/25/23 **Filing Deadline for application is 11/02/23 **Review of Site Plan** Density: Density Bonuses: Mix of Uses: Open Space: Enhanced Open Space: Setbacks: front X sides X side corner X rear Lot Size: X Frontage: X Street Widths: X Landscape Strips: X Buffers: Parking Lot Landscaping: X Parking - Auto: X Parking - Bicycle: Screening: X Streetscapes: X Sidewalks: X Fencing/Walls: Bldg. Height: X Bldg. Orientation: X Bldg. Separation: X Bldg. Materials: Roofs: Fenestration: X Façade Design: Garages: Pedestrian Plan: Perimeter Landscape Strip: Possible Variances: Comments: Applicant will need to provide justification as to how proposed mixed commercial project and MU-1 or C-1

zoning is compatible with surrounding area. If pursuing an MU-1 zoning district, applicant will need to ensure that the submittal requirements for MU-1 are complied with—per Sec 2.19.4. Applicant will need to demonstrate compliance with MU-1 or C-1 zoning requirements, as applicable, including maximum building height, streetscape, minimum number of parking spaces, etc. Depending on what adjacent parcel is zoned to west, there may be a 50 foot undisturbed buffer requirement.



IMPACT ANALYSIS

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

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

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

See attached.

LETTER OF APPLICATION 1075 Zonolite Road

This application proposes to rezone the property located at 1075 Zonolite Road in unincorporated DeKalb County from Light Industrial (M) to Local Commercial (C-1). The purpose of this rezoning request is to accommodate the continued use of the property with expanded office and commercial uses. The current M zoning of the property only allows limited office and commercial uses. The property is currently improved with an existing one-story building containing approximately 29,000 square feet. There is no redevelopment of the property proposed by this application. Access to the property will remain in its current location on Zonolite Road and parking will be provided in the existing surface parking lots on the property.

IMPACT ANALYSIS

(a) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The zoning proposal conforms with the policy and intent of the Comprehensive Plan. The future land use designation for the property is Town Center (TC). The proposed C-1 zoning district is listed as one of the zoning districts that is compatible with the TC designation. The Comprehensive Plan's text for the TC designation encourages the location of heights and densities that allow for appropriate transitions to adjacent, stable single family neighborhoods. The purpose of the rezoning is to allow the continued use and operation of the property in the existing one-story adaptively re-used industrial building. The property is adjacent to stable single-family neighborhoods. The building is not being expanded or otherwise changed with respect to bulk and height. Approving the requested rezoning allows for the continued use of the property in a manner that is compatible with Comprehensive Plan's policy that encourages these types of uses adjacent to stable single family neighborhoods.

(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 zoning proposal accommodates the continued use of the existing improvements on the property but with expanded office and commercial uses. Several office uses are already located on the property. The property is located at the end of a dead end street. The adjacent property to the east is developed with a single-story industrial building that has also been adaptively reused for general office purposes. Farther east is property owned by the applicant that has been adaptively re-used for office and commercial purposes. Immediately adjacent to the north is a railway right-of-way with single family residential located farther north across the right-of-way. A single family residential neighborhood is located to the west and separated by significant vegetative buffering. The South Fork Peachtree Creek traverses south of the property where the Zonolite pedestrian trail is located. The existing use of the improvements on this property are as much a part of the fabric of the neighborhood as the adjacent and nearby properties. Rezoning the property to continue these uses is suitable in view of the use and development of the adjacent and nearby properties.

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

The property is currently zoned M. While the property can be redeveloped under the current zoning, market demand in the area would not support the scale and type of development required to make such a project viable. Additionally, the property has been adaptively re-used by converting the one-story industrial building into office and other retail space. The current zoning significantly limits the type of office and commercial uses while allowing many other uses that are incompatible with the neighborhood around the property. Not only would development under current zoning require complete redevelopment at an incompatible scale but it would also allow certain uses on the property that would not be suitable given the use and usability of nearby and adjacent properties. This suggests that the current zoning is misaligned with the character and market demand for the immediate area. Absent a rezoning to a district that permits uses that are consistent with the character of the area and the demand, the economic use of the property is significantly limited.

(d) Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. As discussed above, the property is located at the end of a dead end street and the adjacent and nearby properties include other office and commercial uses, single family residential and local recreational amenities. The use of the property as it is used today will remain generally the same with the exception that additional nonresidential uses will be permitted on the property and some less desirable industrial uses will not be permitted. The change in uses permitted on the property will not have an adverse effect on the adjacent or nearby properties as the uses proposed already exist on the property or in the immediate vicinity of the property.

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

There are not existing or changing conditions affecting the use and development of the property that give supporting grounds for disapproval of the proposal. Notwithstanding the foregoing, there are existing and changing conditions that support approval of the proposal. Considering the general decline of occupied office tenancy, to ensure the continued use and viability of the property, a rezoning to the proposed district is required. The current zoning limits the type of office uses permitted on the property in manner that increases the possibility of future vacancy. Expanding the pool of potential office tenants on this site reduces the chance for future vacancy and the resulting desire to fill the vacancy with incompatible uses that are permitted under the current zoning.

(f) Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.

The zoning proposal will not adversely affect historic buildings, sites, districts or archaeological resources. The property has been improved for decades and no redevelopment is proposed. The property does not include any historic buildings. The property is not a historic site and is not included in a historic district. There are also no apparent archaeological resources located on the property.

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

The property is currently developed and uses the existing streets, transportation facilities and utilities. It is not anticipated that there will be any increase to the current use of this infrastructure. Further, because there is no residential use associated with this property there is no impact on local school capacity.

(h) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal will not result in any new development on the property. There will be no increase in impact beyond any impacts already experienced as a result of the use of the property.



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ___ No <u>X</u>*

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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner_____Agent__

Expiration Date/ Seal

^{*}Notary seal not needed if answer is "no".



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes

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

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

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

Signature of Applicant /Date

Check one: Owner____Agent

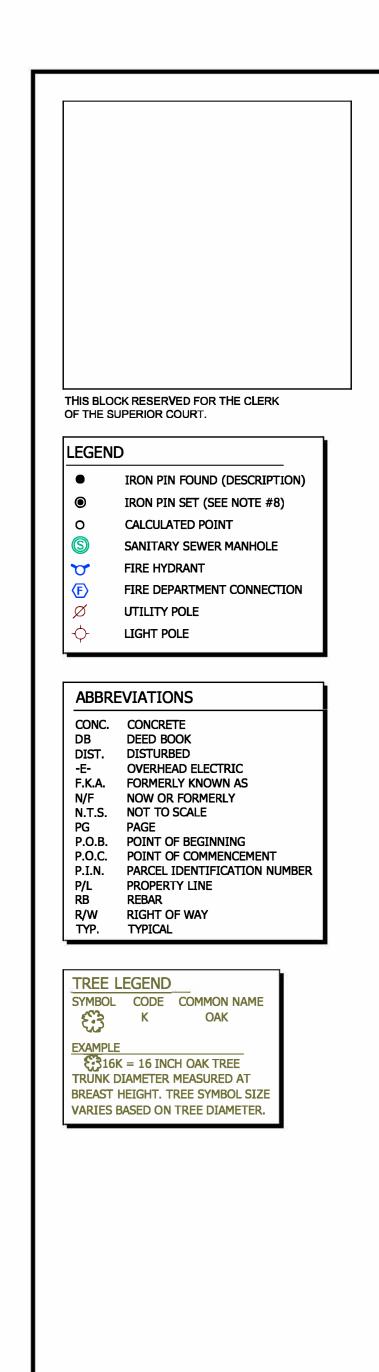
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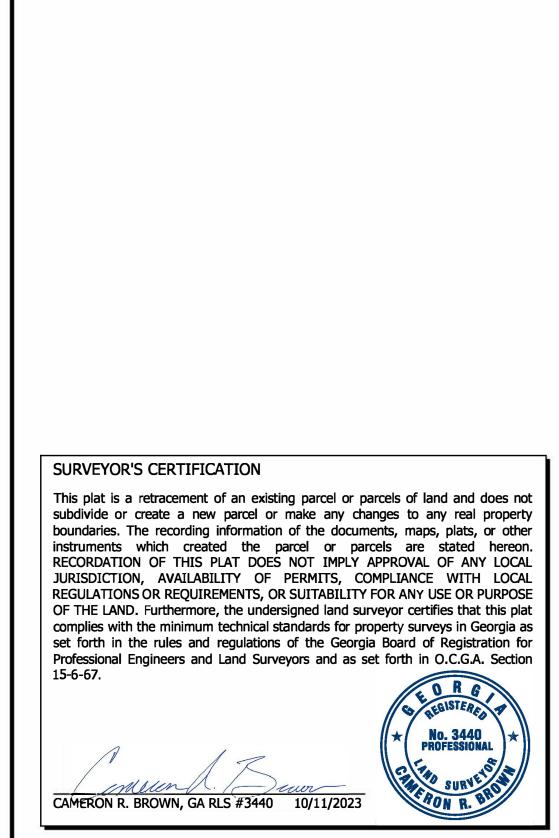


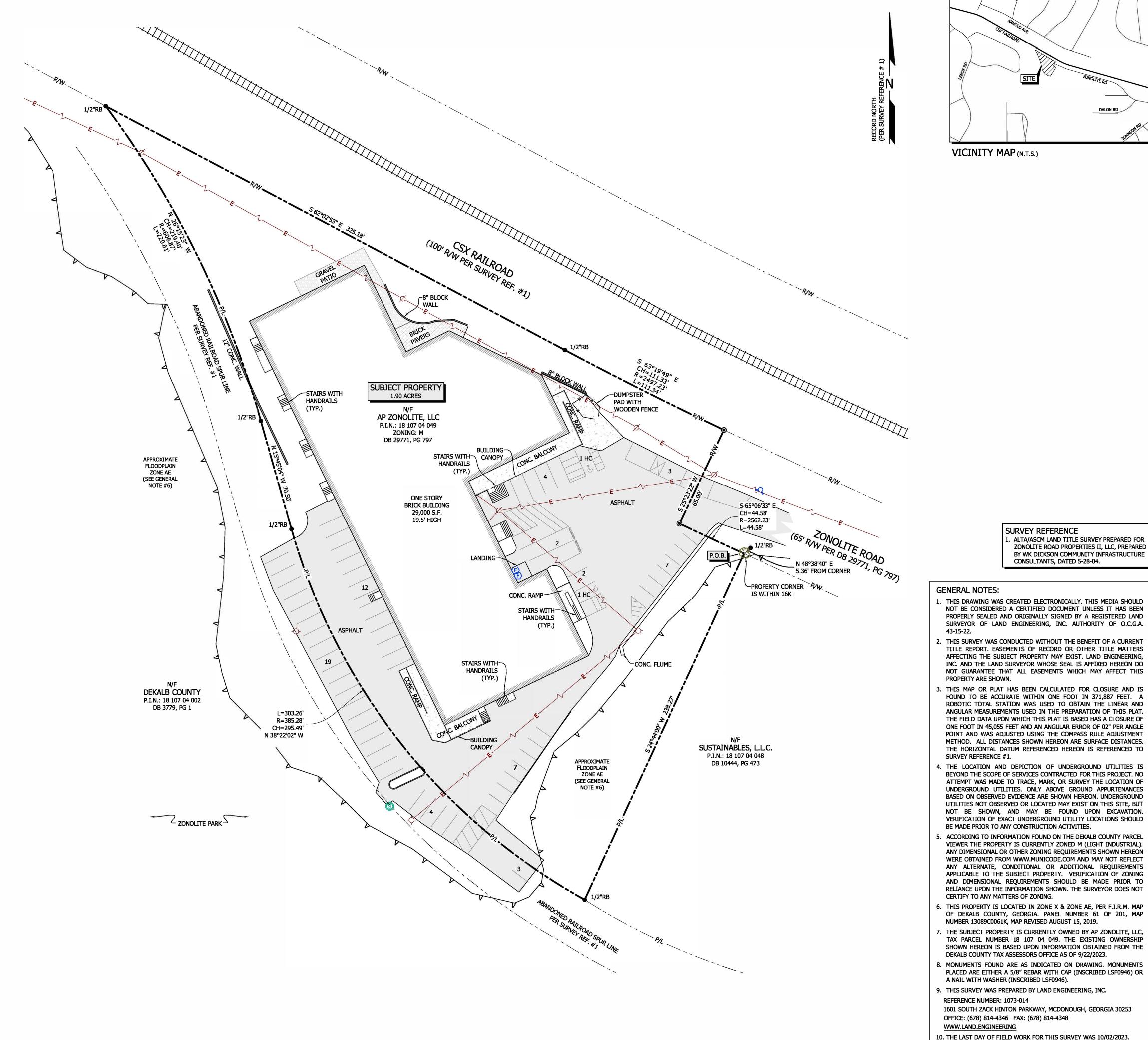
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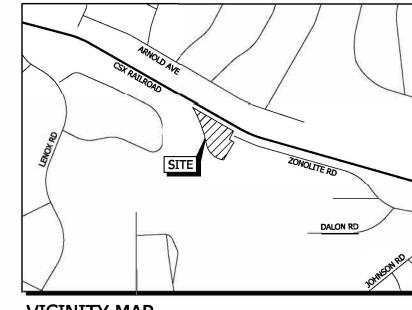
The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date:	
TO WHOM IT MAY CONCERN:	
(I) (WE)	
	owner(s)
being (owner) (owners) of the subject property descri authority to	bed below or attached hereby delegate
AP Zonolite LLC c/o Troutman Pepper Hamilton Sanders	SLLP
Name of Agent	or Representative
Notary Public To file an application on (my) (our) behalf. DA SOUTHER PUBLIC PUBL	Owner
Notary Public	Owner
Notary Public	Owner
Notary Public	Owner









SURVEY REFERENCE

CONSULTANTS, DATED 5-28-04.

1. ALTA/ASCM LAND TITLE SURVEY PREPARED FOR ZONOLITE ROAD PROPERTIES II, LLC, PREPARE

BY WK DICKSON COMMUNITY INFRASTRUCTURE

VICINITY MAP (N.T.S.)

T 678.814.4346, F 678.814.4348 www.land.engineering

McDonough, Georgia 30253

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT O SERVICES, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION BY LAND ENGINEERING, INC. SHALL BE WITHOUT LIABILITY TO LAND ENGINEERING, INC. COPYRIGHT LAND ENGINEERING, INC. 2023

Professional Seal:





Know what's below. Call before you dig.

DIG SAFELYI 800-282-7411

Project Number: 1073-014 Drawn By: DAM

Submittals:

Date: 09/26/2023

Revisions:

10/11/2023 ADDRESS COMMENTS

Client / Prepared for:

ASANA PARTNERS

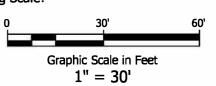
1000 MARIETTA STREET NW SUITE 122, ATLANTA, GA 30318

Project Name:

1075 ZONOLITE ROAD

Project Location: 1075 ZONOLITE ROAD Land Lot: 107 District: 18TH Section: -City: -County: DEKALB State: GEORGIA

Drawing Scale:



Sheet Title:

BOUNDARY SURVEY

Sheet Number:

P:\1073\014\CAD\Borders\Border 24x36.dwg, Model, deborah.mckinney, Oct 10, 2023 - 10:18pm

Total Sheets: Revision:

Legal Description (As-Surveyed)

All that tract or parcel of land lying and being in Land Lot 107, 18th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at a 16" Oak Tree on the Southwesterly right-of-way of Zonolite Road (65' R/W); Thence, leaving said right-of-way South 24°44'00" West, a distance of 238.27 feet to a 1/2" rebar found on the Abandoned Railroad Spur Line; Thence, along said Abandoned Railroad Spur Line, along a curve to the left with an arc distance of 303.26 having a radius of 385.28 feet and a chord bearing North 38°22'02" West a distance of 295.49 feet to a 1/2" rebar found; Thence, continuing along said Abandoned Railroad Spur Line, North 15°45'04" West a distance of 70.50 feet to a 1/2" rebar found; Thence, continuing along said Abandoned Railroad Spur Line, along a curve to the right with an arc distance of 220.61 having a radius of 606.87 feet and a chord bearing North 26°15'23" West a distance of 219.40 feet to a 1/2" rebar found on the southerly right-of-way line of CSX Railroad (100' R/W); Thence, along said right-of-way, South 62°02'53" East a distance of 325.18 feet to a 1/2" rebar found; Thence, continuing along said right-of-way, along a curve to the right with an arc distance of 111.34 having a radius of 2497.23 feet and a chord bearing South 63°19'49" East a distance of 111.33 feet to a 5/8" rebar with cap (LSF0946); Thence, leaving said right-of-way South 25°23'22" West, a distance of 65.00 feet to a Nail with washer (LSF0946); Thence, along a curve to the left with an arc distance of 44.58 having a radius of 2562.23 feet and a chord bearing South 65°06'33" East a distance of 44.58 feet to a 16" Oak Tree, said tree also being the POINT OF BEGINNING.

Said property contains 1.90 acres more or less.



















1075 Zonolite Pre-Filing Community Meeting Report

- 1. Notices for the pre-filing community meeting were sent out via a combination of certified mail and email in accordance with your requirements.
- 2. The pre-filing community meeting was held on October 17, 2023 in accordance with the attached notice.
- 3. There were no attendees other than counsel and the applicant. The applicant opened the room at 6pm and the room remained open until 6:30pm.

Troutman Pepper Hamilton Sanders LLP Bank of America Plaza, 600 Peachtree Street NE, Suite 3000 Atlanta, GA 30308 troutman¹ pepper

troutman.com

Henry A. Bailey, Jr. D 404.885.3348 henry.bailey@troutman.com

September 29, 2023

VIA CERTIFIED MAIL

Re: 1075 Zonolite Road – Pre-Filing Community Meeting

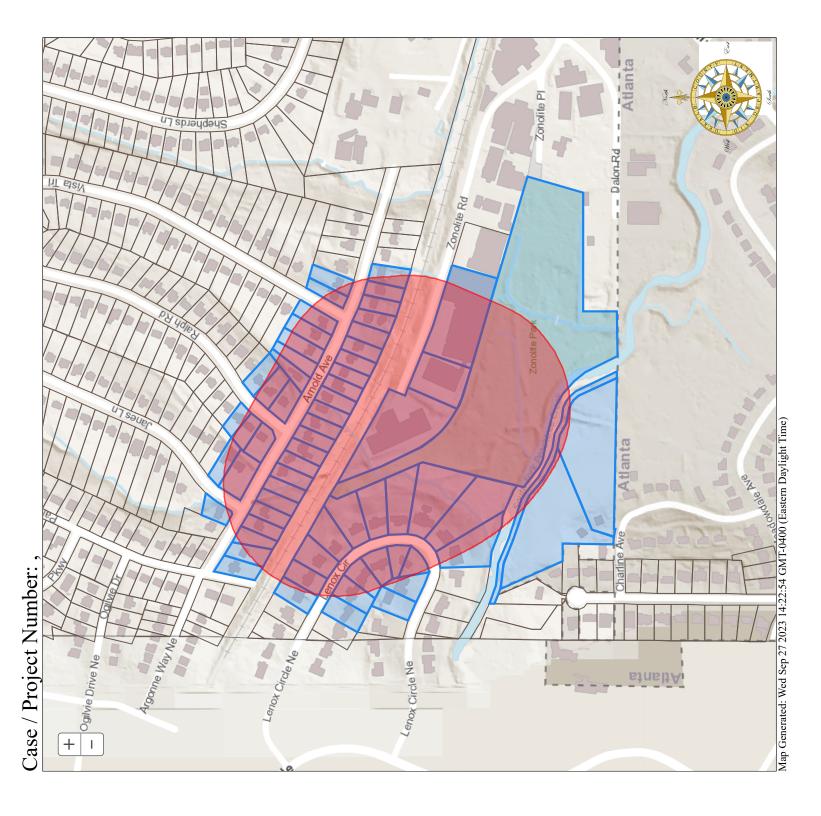
Dear Neighbor:

You are receiving this letter because your property is located within 500 feet of the property located at 1075 Zonolite Road in unincorporated DeKalb County (the "Property") that is owned by AP Zonolite LLC (the "Applicant"). The Applicant intends to file a rezoning application on the Property to change the zoning from Industrial (M) to Local Commercial (C-1). Generally, the purpose of the rezoning request is to allow a broader scope of office and retail uses, which is how the Property is currently being used. There is no plan to redevelop the Property as the existing buildings and improvements will remain.

As a part of the rezoning process, we want to invite you to participate in the pre-filing community meeting to discuss the project in detail. The meeting will be held in person near the Property at **1123 Zonolite Road**, **Suite 17 on October 17**, **2023 at 6:00 pm**. We look forward to meeting you and answering your questions. Should you have any questions or you are unable to attend please feel free to reach out to me at the information contained herein.

Best regards.

Henry A. Bailey, Jr.





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Bailey, Henry A.

From: Bailey, Henry A.

Sent: Monday, October 2, 2023 8:55 AM

To: 'president@woodlandhillsatlanta.org'; 'petedensmore124@gmail.com';

'kimberly@southforkconservancy.org'

Subject: FW: Pre-Community Meeting for 1075 Zonolite

Attachments: Community Meeting Letter 9.29.23.pdf

All – please see the attached community meeting letter for the property located at 1075 Zonolite. We hope you can make it.

Henry Bailey

Associate

Direct: 404.885.3348 | Cell: 803.730.8134

henry.bailey@troutman.com

From: Bailey, Henry A.

Sent: Friday, September 29, 2023 8:59 AM

To: 'estusemucho@icloud.com' <estusemucho@icloud.com>; 'tedaniel@mindspring.com' <tedaniel@mindspring.com>; 'artghansen@gmail.com' <artghansen@gmail.com>; 'maryhinkel@comcast.net' <maryhinkel@comcast.net>; 'brucemac@earthlink.com'
'prucemac@earthlink.com'
'prucemac@earthlink.com' <javasea2635@gmail.com' <javasea2635@gmail.com>; 'jruvnsn@yahoo.com' <rnvnsn@yahoo.com' <if1smith@gmail.com' <jf1smith@gmail.com>; 'jtatltravel@gmail.com' <jtatltravel@gmail.com>; 'avenet@bellsouth.net' <avenet@bellsouth.net>

Subject: Pre-Community Meeting for 1075 Zonolite

All – please see the attached notice letter for the pre-filing community meeting for the property located at 1075 Zonolite.

Let me know if you have any questions.

Henry Bailey

Associate

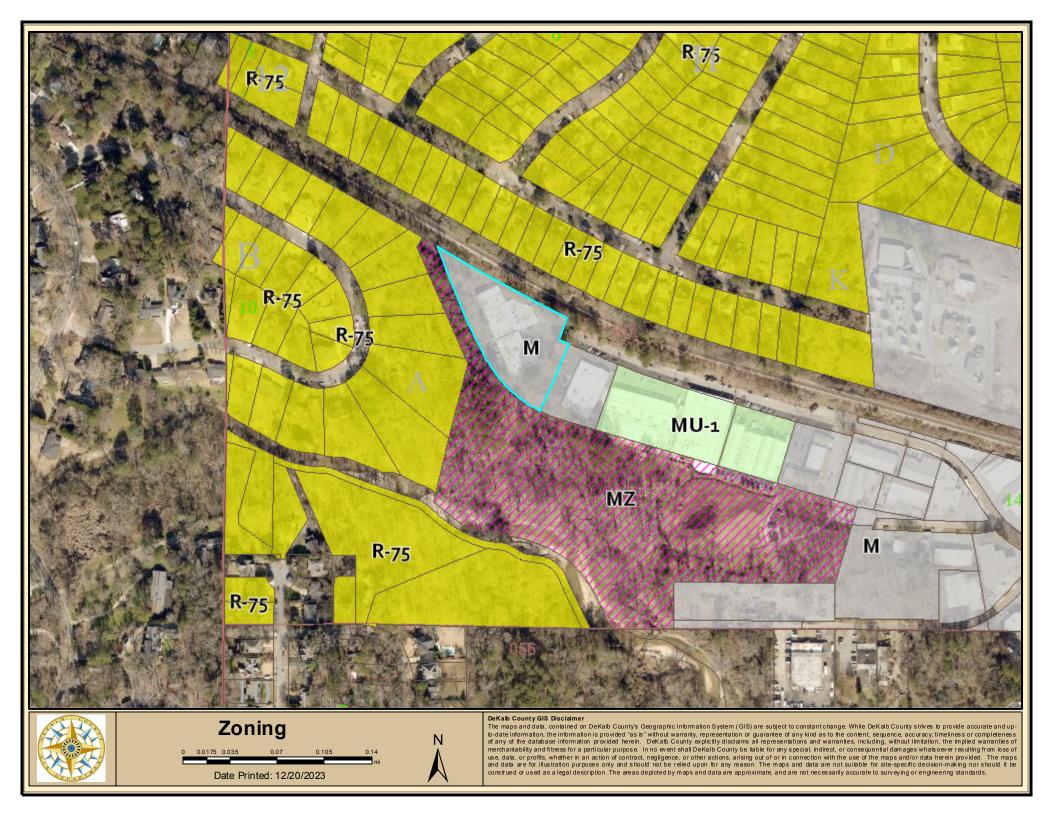
Direct: 404.885.3348 | Cell: 803.730.8134

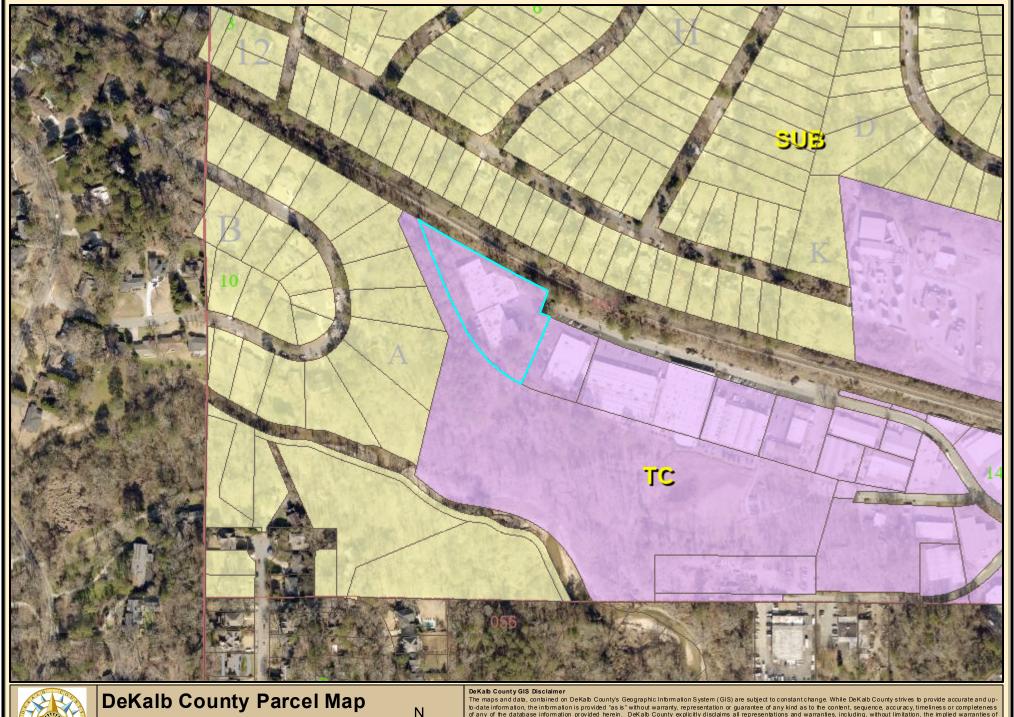
henry.bailey@troutman.com

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600 Peachtree Street, NE, Suite 3000 Atlanta, GA 30308 troutman.com

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Date Printed: 12/20/2023



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