

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

Planning Commission Hearing Date: July 11, 2024
Board of Commissioners Hearing Date: July 25, 2024

STAFF ANALYSIS

| | | | |
|--------------------------------|--|--------------------------------|---------------------------|
| Case No.: | CZ-24-1246919 | Agenda #: 2024-0367 | |
| Address: | 6020, 6038, 6048 Paul Road, Lithonia, GA 30058 | Commission District: 05 | Super District: 05 |
| Parcel ID(s): | 16 094 01 074; 16 094 01 075; 16 094 01 076 | | |
| Request: | A Major Modification of zoning conditions pursuant to CZ-00069 to allow music recording and photography studios in the O-I (Office-Institutional) zoning district. | | |
| Property Owner(s): | MBA Productions, LLC. | | |
| Applicant/Agent: | Giacoma Roberts & Daughdrill, LLC. | | |
| Acreage: | 1.65 | | |
| Existing Land Use: | Office/Institutional- previously a Boys and Girls Club. | | |
| Surrounding Properties: | North: R-100 (Residential Medium Lot-100), COS (Conservation Open Space) East: R-85 (Residential Medium Lot-85) South: R-100 West: OI (Office Institutional), R-100 | | |
| Comprehensive Plan: | Suburban (SUB) | Consistent X | Inconsistent |

Staff Recommendation: Approval with Conditions.

The DeKalb County Board of Commissioners placed six (6) zoning conditions on the three (3) subject site(s) abutting Mystery Valley Golf Course in 2000 through zoning application CZ-00069:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.
2. Access to future redevelopment to be approved by Public Works.
3. Any expansion to meet code requirements in terms of lot coverage.
4. Any road improvements as required by Public Works.

5. The site plan is considered appropriate given the physical constraints of the site which is of shallow depth and the proposed use of the property.
6. If the site buffers are reduced to 20-feet the buffer area should be planted and a fence provided.

The applicant, Giacomina Roberts and Daughdrill, LLC of MBA Productions LLC., is seeking removal of Zoning Condition #1, which states:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.

And Condition #7:

7. Approval based upon the Staff recommendations and site plan.

The rezone was also approved limiting the use of the subject site(s) to the then-approved site plan. Removing the two (2) conditions will increase the likelihood of redevelopment and allow the applicant to rehabilitate and expand the buildings on site for music recording and photography studios. The proposed use(s) are permitted by right in the OI zoning district under *radio or television broadcasting studio* definition in Section 9.1.3 *Defined Terms*.

The proposed use of the property as a broadcasting studio is permitted by right within the OI zoning district. While this use may not directly benefit the surrounding neighborhood, the proposal aims to address the properties on the site that have been vacant for at least 5 years. According to the DeKalb 2050 Unified Plan, the SUB Character Areas are intended to acknowledge areas of the county with traditional suburban land use patterns, while also encouraging new development to enhance connectivity and accessibility (pg. 41). The development can align with this intent by integrating streetscaping and revitalizing long-standing vacant buildings.

The applicant has submitted a supplement to the original application on 4/12/24. The supplement addresses the concerns raised at the Community Council Five (CC5) meeting. Community Council 5 remained opposed to the major modification at the June 10th Community Council Meeting. The applicant has not addressed if there has been any progress made with the surrounding community for support of their request. While originally the applicant did not specify hours of operation, the applicant has since proposed to maintain regular hours of operation Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturdays and Sundays from 10:00 a.m. to 4:00 p.m. Access to the property at any time will be by appointment only. Exhibit C (enclosed) presents other recording studios within DeKalb County and confirmed hours of operation. No uses will occur outdoors. All the buildings will be soundproofed and comply with the *DeKalb County Noise Ordinance*. The applicant has stated there will be sign(s) installed to discourage the potential for trespassing and loitering, as well as a privacy fence and security cameras. Furthermore, the Applicant has consulted with Amos Perry, the Principal Design Consultant of Pinnacle Multimedia LLC, regarding the soundproofing of the recording studio. The Affidavit of Mr. Perry (titled Multi Room Recording Facility Technical Considerations) is enclosed (Exhibit B).

A Staff site visit has confirmed a one-story, brick and metal building, a dilapidated single-family structure, and a parking lot in poor condition. Structures are shown on the existing site plan (MBA-23-001 enclosed) The proposed improvements will be one hundred thirty (130) feet away from the shared property line with the closest house (6026 Paul Road) to the East. The applicant intends to redevelop the structure located on 6038 Paul Road (labeled one story warehouse) and remove the dilapidated one-story structure (labeled one story on frame) located at 6020 Paul Road. The dilapidated structure will be replaced with a new and similarly sized 2,800 square foot structure. Based on the approved plans associated with CZ- 00069, the Boys and Girls Club intended to construct a 14,000 square foot gymnasium on 6048 Paul Road. However, the gymnasium was never built. The applicant has proposed to install a 7,200 square foot building shown on the proposed site plan (labeled Additions and Renovations) which will conform to the general appearance and design of the existing structure on 6038 Paul Road, as shown in the conceptual building renderings labeled "Renovations to Paul Road" (enclosed). The applicant has submitted conceptual building elevations (see enclosed). The proposed building(s) appears to follow exterior building materials set forth in Section 5.7.4. *Building Materials*.

The proposed change in use will require the applicant to comply with the current regulations specified in Section 8.1.16 *Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites*. OI zoning districts require parking to be located in the rear of a site based upon Section 6.1.3. - *Parking regulations, off-street parking spaces (5)*. The parking is proposed to remain *in front* of proposed 7,800 building (6048 Paul Road) with additional parking between the other two buildings (6020 and 6038 Paul Road). Due to the level of site improvements that will increase the nonconformity of the site(s) (expanding and improving the parking lot and two proposed new buildings), the applicant will need to seek variances from the Zoning Board of Appeals if the major modification application is approved by the Board of Commissioners. Additionally, based on a preliminary review of the zoning proposal the applicant will need to meet all requirements set forth in Section 5.4.3 *Streetscape Elements and Dimensions*, Section 5.4.4. *Site and parking area landscaping (D 1-10)*, and Table 5.2(b): *Transitional Buffer Minimum by Buffer Class* requires a class “C” (50 feet) along the eastern boundary line adjacent to R-100 (Residential Medium Lot-100). Site Plan “Additions and Renovations” displays the smaller proposed building (2,800 square foot at 6020 Paul Road) along the eastern boundary line is setback 20-feet, not 50 feet. Otherwise, the proposal appears to comply with the OI zoning district requirements of Section 2.24.1 *Non-Residential Dimensional Requirements* (height, lot coverage, etc.). Staff has discussed with the applicant a potential site plan reconfiguration in order to relocate the parking expansion and improvements in between the existing gymnasium on 6038 Paul and the proposed building on 6040 Paul Road by turning the proposed building 180 degrees. The suggested configuration would lessen variance requests and increase conformance with existing single-family properties along Paul Road by removing parking in front of the site. However, based on the existing topography, the applicant and Surveyor (Gaddy Surveying and Design, Inc) company believe that reorienting the building and relocating the parking is not feasible. Enclosed is a letter from Gaddy (Exhibit A) which discusses these considerations.

Staff recognizes that the proposed modification to the condition(s) may be necessary to redevelop the site(s). As is, the sites contain dilapidated buildings with no reasonable economic use with the existing condition limiting the site’s use to a Boys and Girls Club and site plan. The major modification request may contribute positively to the economic landscape using adaptive reuse within a neighborhood. By incorporating appropriate transitional buffers, landscaping, and possible site plan reconfiguration, the proposal may improve the existing development and minimize adverse impacts. Furthermore, the Boys and Girls Club has since relocated to a new and improved building located five (5) minutes away (1839 Phillips Road) and is unlikely to return to the subject site, as the Boys and Girls Club no longer own the subject site. Therefore, based on review of Section 7.3.10 (*modification of approved zoning conditions*) and taken as a whole, it appears that the proposed request is compatible with adjacent and surrounding properties due to the reduced building scale and massing, limited hours of operation, security measures including a controlled access gate, security cameras, and a privacy fence, and proposed soundproofing measures. Staff recommends approval with conditions of the major modification request to remove Conditions #1 and the motion “per staff recommendations and site plan”. All other approved conditions adopted by the Board of Commissioners in July 2000 as delineated below shall remain in force and in effect.

Existing Conditions from July 26th, 2000, CZ-00069:

1. Access to future redevelopment to be approved by Public Works.
2. Any expansion to meet code requirements in terms of lot coverage.
3. Any road improvements as required by Public Works.
4. The site plan is considered appropriate given the physical constraints of the site which is of shallow depth and the proposed use of the property.
5. If the site buffers are reduced to 20-feet the buffer area should be planted and a fence provided.

Staff Proposed Conditions:

1. The Applicant shall meet all requirements set forth in *Table 5.2(b): Transitional Buffer Minimum by Buffer Class*, *Section 5.4.3 Streetscape Elements and Dimensions* and *Section 5.4.4., Site and parking area landscaping (D 1-10)*, prior to issuance of building or occupancy permits.
2. Future construction shall be done in substantial compliance with the elevation exhibit attached herein.
3. The approval of this Major Modification application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.
4. There shall be no outdoor events with amplified sound permitted on the premises.
5. Soundproofing measures shall be installed prior to the issuance of any certificates of occupancy.

Staff Proposed Conditions:

1. The Applicant shall meet all requirements set forth in *Table 5.2(b): Transitional Buffer Minimum by Buffer Class*, *Section 5.4.3 Streetscape Elements and Dimensions* and *Section 5.4.4., Site and parking area landscaping (D 1-10)*, prior to issuance of building or occupancy permits.
2. Future construction shall be done in substantial compliance with the elevation exhibit attached herein.
3. The approval of this Major Modification application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.
4. There shall be no outdoor events with amplified sound permitted on the premises.
5. Soundproofing measures shall be installed prior to the issuance of any certificates of occupancy.

Zoning Comments – May 2024

N1. 15-193-09-024. No on-street parking allowed on South Hairston Road or Lost Colony Drive as part of the SLUP comments. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. South Hairston Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) Lost Colony Drive is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk on either street.

N2. 16-102-03-014. No comment on SLUP

N3. 15-154-01-095. No Comment on SLUP. Shamrock Drive and Kennard Lane are both classified as local roads. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk on either street.

N4. 18-028-03-003 No comment on SLUP. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Mountain Harbor is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk.

N5. 18-050-14-021. For SLUP: add concrete island to protect the power pole in front of 558. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Medlock Road is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk.

N6. 15-021-01-015 & 15-021-01-016. In Overlay District. Where overlay is silent- the Zoning Code and Land Development Codes are applied. All interior neighborhood streets are to be private. Existing house driveway must be discussed further. Intentions of this structure unknown at this time. Bouldercrest Rd is classified as a major arterial Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) Cedar Grove Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov)

N7. 16-094-01-074, 16-094-01-075, 16-094-01-076. No Comment on SLUP. IF a Land Development Permits is required for this project- please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Paul Road is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov).

N8 & 9. 3901 Durham Park Road. Applicant is required complete all items in the Atlanta Regional Commission's Attachment A in the Notice of Decision, once approved, in addition to requirements of the Zoning Code, Land Development Code and PW-Transportation Division. Durham Park Road is classified as a local road. However, a 10-foot multiuse path will be required along the frontage due to the direct multimodal connection to the MARTA station. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip between the back of curb and the 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Coordination with the GDOT Major Mobility Investment Program (MMIP) I-285 Managed Lane Project is required. (Tim W. Matthews, State Express Lanes Administrator, TMatthews@dot.ga.gov or Xavier James at xjames@dot.goa.gov.) MARTA is required to construct a multi-use path, at least 10 feet in width, through the property to connect Durham Park Road to Redan Road.



04/03/2024

To: 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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
445 Winn Way – Box 987
Decatur, GA 30031
404.294.3700 • www.dekalbhealth.net

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/1/2024

N.4

2024-0363 SLUP-24-1246908 18-028-03-003

598 Mountain Harbor, Stone Mountain, GA 30087

Amendment

- Please review general comments.
- DeKalb County Public Health prohibits use of on-site sewage disposal systems for child or adult day care facilities with more than six (6) clients.

N.5

2024-0365 Z-24-1246908 18-028-03-003

558 Medlock Road, Decatur, GA 30030

Amendment

- Please review general comments.
- Note: There are indications of septic installed on several surrounding properties.

N.6

2024-0366 SLUP-24-1246917 15-021-01-015 & 15-021 01 016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

Amendment

- Please review general comments.
- Septic installed on property 2098 in 3/28/66 and 2124 on 7/11/69.

N.7

2024-0366 / CZ-24-1246919 16 094 01 074; 16 094 01 075; 16 094 01 076

6020,6038, and 6048 Paul Road, Lithonia, GA 30058

Amendment

- Please review general comments.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@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**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**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 ____ inadequate ____

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**

Case No.: CZ-24-1246919 Parcel I.D. #: 16-094-01-076
16-094-01-074; 16-094-01-075
 Address: 6020, 6038, and 6048, Paul Rd, Lithonia, Ga. 30058

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: Did not see any traffic engineering concerns
at this time.

Signature: Joery White



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola



Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson
Direct: (404) 924-2860
pdodson@grdlegal.com

Samuel J. Holder
Direct: (404) 924-2858
sholder@grdlegal.com

May 9, 2024

VIA EMAIL TO: akfolgherait@dekalbcountyga.gov and RLBragg@dekalbcountyga.gov
Dekalb County Department of Planning & Sustainability

1300 Commerce Drive

Decatur, GA 30030

Attn: Andrea K. Folgherait and Rachel L. Bragg

RE: MBA Productions, LLC's Second Supplement for Application for Major Modification of Zoning Conditions 6020, 6038, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058

Dear Ms. Folgherait and Ms. Bragg:

As you know, MBA Productions, LLC (the "Applicant") is seeking a Major Modification of Zoning Conditions on three (3) DeKalb County parcels with parcel identification numbers 16 094 01 074, 16 094 01 075, and 16 094 01 074 commonly known as 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (collectively the "Property"). The Applicant is pleased that the Dekalb County Planning Commission (the "Planning Commission") has recommended approval of the Application, however the Applicant objects to four (4) of the proposed zoning conditions recommended by the Planning Commission including:

2. An additional and/or new business license shall be withheld until all landscape and site improvements come into compliance;
6. There shall be no events or loitering permitted on the premises;
7. The fence constructed shall be aesthetically pleasing and appropriate for front yards in a residential area; and
8. Parking shall be reduced to the minimum required (30) and the removed parking spaces (6) shall be converted into additional landscaping.

Applicant submits this Second Supplement to its Application for Major Modification of Zoning Conditions ("Supplement") to specifically address and oppose each of these recommended zoning conditions.

Paramount in this analysis is the premise that "the governmental power to interfere by zoning regulations with the general rights of the land owner by restricting the character of his use, is not unlimited, and other questions aside, such restriction cannot be imposed if it does not bear a substantial relation to the public health, safety, morals, or general welfare." Cross v. Hall County, 238 Ga. 709, 711 (1977) *citing* Barrett v. Hamby, 235 Ga. 262 (1975). These four (4) proposed zoning conditions the Planning Commission seeks to impose by do not bear a substantial relation

to public health, safety, morals, or general welfare. Addressing these four conditions in turn, Applicant respectfully shows as follows:

A. An additional and/or new business license shall be withheld until all landscape and site improvements come into compliance.

Applicant's plan, as shown in its proposed site plan, is a multi-phase project. Applicant's project includes the renovation of the existing structure on 6038 Paul Road, construction of the new structure on 6048 Paul Road, and then demolition of an existing dilapidated home and construction of a second structure in accordance with the proposed site plan on 6020 Paul Road. Preventing Applicant from receiving its business license until the entire project is complete would impose a significant burden, in both time and expense, upon the Applicant forcing Applicant to complete all phases of the project prior to obtaining a business license. Additionally, "landscape and site improvements" and "come into compliance" are vague standards. Development of the property and granting of business licenses are controlled by multiple DeKalb County Ordinance provisions, and there are already regulatory procedures and requirements in place that Applicant must follow if its Application is approved. If Applicant's project violates a development regulation or business license requirement, DeKalb County already has legislatively authorized and approved methods to address any potential issues. The Georgia Supreme Court in Cross determined that a zoning condition may be set aside as arbitrary or unreasonable if the condition does not bear substantial relation to the public health, safety, morality or general welfare. This condition would be an arbitrary and unreasonable condition because it creates an unnecessary additional requirement upon the Applicant. In turn, this condition could prevent Applicant from operating on its Property after the completion if the initial phase(s) of the project when existing DeKalb County ordinances would permit it.

B. There shall be no events or loitering permitted on the premises.

Attempting to prohibit events and loitering at the Property is an improper zoning condition. Office-Institutional ("OI") zoning districts are non-residential. DeKalb County Ordinance Chapter 27 ("Zoning Ordinance"), Art. 2, Sec. 2.1.1. Although Applicant does not intend to use the property as a Special Events Facility, such use is expressly permitted in OI. Zoning Ordinance, Art. 4, Table 4.1. Furthermore, Zoning Code Article 4, Section 4.3 controls temporary use regulations, including receiving a special use permit and conditions of use. Additionally, a potentially permitted temporary use is a charitable/non-profit event. Zoning Ordinance Article 4, Table 4.3. At multiple hearings and community meetings Applicant has expressed its willingness to try to positively engage with the community, and a charitable event may be the best vehicle for that engagement. This proposed zoning condition would destroy that possibility to the detriment of all. Applicant may also want to hold a grand opening event for its business, which should be permitted as long as Applicant follows applicable codes and ordinances. To be clear, Applicant is not a club, bar, or event space. It does not intend to hold large parties or other similar events. Prohibiting special events is arbitrary, capricious, and an unreasonable restriction on the use of property that does not bear a substantial relation to public health, safety, morals, or general welfare.

Loitering is an offense against public peace and order that is also already controlled by DeKalb County Ordinances. DeKalb County Ordinance Chapter 16, Art. 3, Sec 16-43 states:

Sec. 16-43. Loitering—Generally.

(a) It shall be unlawful for any person after having been directed by an officer or member of the police department to move away therefrom, to remain or loiter in front of any church or other place of public worship during services therein, or in front of any theater, concert hall, ballroom, coffeehouse, tavern or other public place, or to loiter or idle away time around the hotels or on the sidewalks or public streets or roads of the county.

(b) A person commits the offense of loitering when the person is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

...
(Code 1976, § 10-1008; Ord. No. 11-02, Pt. I, § 1, 11-27-01)

Applicant, its employees, and its clients must comply with this anti-loitering ordinance, and expressly not use the Property in a way that, “warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.” This condition of zoning to prohibit loitering is an unnecessary surplusage which is reiterating a requirement that already exists in DeKalb County’s ordinances, in which case it is unnecessary and the express language in the County’s ordinances should control, or through this condition of zoning the County is an unlawful attempt to expand the definition of loitering and prevent anyone from being outside at the Property, in which case this is an unreasonable restriction on the use of the Property. The Georgia Supreme Court in Cross determined that a zoning condition may be set aside as arbitrary or unreasonable if the condition does bear substantial relation to the public health, safety, morality or general welfare. Applicant intends to and must comply with DeKalb County ordinances which address both of these issues, but this condition of zoning is improper and should not be placed on the Property. The Applicant has offered to place no loitering signs on the Property.

C. The fence constructed shall be aesthetically pleasing and appropriate for front yards in a residential area.

Applicant must comply with fencing requirements outlined in Zoning Ordinance, Art. 5, Sec. 5.4.7. This includes material requirements that, “With the exception of M and M-2 zoning districts, freestanding walls or fences erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or material simulating wrought iron. Any other material, including but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.” Zoning Ordinance, Art. 5, Sec. 5.4.7(A)(6). Zoning Ordinance Table 5.3 provides information for the height of fencing in OI, and as a non-residential district, Zoning Ordinance Art. 2, Sec. 2.1.1, Table 5.3 states:

| | | | |
|---|--|--|--|
| Non-residential, and mixed-use zoning districts | Up to ten (10) feet if adjoining non-residential use. Eight (8) feet if adjoining residential zoning or use | Shall not be located in right-of-way. Setback varies, depends on sight visibility. | May apply for a variance from zoning board of appeals to increase height up to twelve (12) feet max. |
|---|--|--|--|

Applicant must also have to comply with transitional buffer requirements for the surrounding residentially zoned properties and Zoning Ordinance Art. 5, Sec. 5.4.5 controls. OI next to R residentially zoned properties must meet Buffer Class C requirements. Zoning Ordinance Art. 5, Table 5.2(a). Buffer Class C has a fifty-foot width requirement. Zoning Ordinance Table 5.2(b).

Applicant is sensitive to the fact that the Property has residentially zoned properties near it and desires to have an aesthetically pleasing Property. But “aesthetically pleasing” relates to beauty and appearance and is entirely subjective. Over time, what is aesthetically pleasing and appropriate for front yards in a residential area can change. This zoning condition does not establish who decides what is aesthetically pleasing, and to try to have code enforcement or some other group determine what is “aesthetically pleasing and appropriate for front yards in a residential area” creates a *subjective* standard that Applicant cannot meet. Conditions of zoning must be substantially related to public health, safety, morality or general welfare, and a regulation for “aesthetically pleasing” does not reach this threshold. As written, this condition could even be considered void for vagueness. Applicant will comply with zoning and development requirements for fencing and transition buffers for OI zoning, but this condition of zoning is improper and should not be imposed.

D. Parking shall be reduced to the minimum required (30) and the removed parking spaces (6) shall be converted into additional landscaping.

The Zoning Ordinance already controls the minimum and maximum amount of off required off-street parking ratios. DeKalb County Zoning Ordinance Art. 6, Sec. 6.1.4. Setting a maximum number of parking spaces by a zoning condition which is more restrictive than the existing ordinance does not bear a substantial relation to public health, safety, morals, or general welfare. While Applicant does not believe that this is a proper condition of zoning, Applicant is willing to agree to reduce the number of parking spaces on the site plan to the minimum required by zoning and development regulations for the Property, but Applicant believes that setting a fixed limit on the number of parking spaces unfairly restricts the use of the Property. Zoning Ordinance Table 6.2 controls the minimum spaces required for all uses in DeKalb County. DeKalb Planning has indicated that for the intended professional office use there must be one (1) parking space per five hundred square feet (500ft) of floor area. As proposed, Applicant’s site plan shows that the Property will have a combined 15,000 sf of building, which should require thirty (30) parking spaces. If as-built the buildings had 15,100 sf of building, the Zoning Ordinance would require thirty-one (31) spaces but the condition of zoning would prevent the additional space. Applicant is agreeable to alternative wording of this requirement and is willing to work with the Planning Department to revise this condition, but as written creates an undue burden which could have the inadvertent effect to freeze the use of the Property.

E. Conclusion

For the above and foregoing reasons, Applicant objects to proposed conditions of zoning numbers 2, 6, 7 and 8 asks that DeKalb County not impose them on the Property as they will be arbitrary, and do not have a substantial relation to the public health, safety, morals, or general welfare. Thank you for your assistance with this matter. Should you have any questions about this matter, please contact us at your earliest convenience.

Sincerely,

**GIACOMA ROBERTS &
DAUGHDRILL, LLC**

[/s/ Patrick Doyle Dodson](#)
Patrick Doyle Dodson

[/s/ Samuel J. Holder](#)
Samuel J. Holder

PDD/SJH



Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson
Direct: (404) 924-2860
pdodson@grdlegal.com

Samuel J. Holder
Direct: (404) 924-2858
sholder@grdlegal.com

April 12, 2024

VIA EMAIL TO: akfolgherait@dekalbcountyga.gov and RLBragg@dekalbcountyga.gov
Dekalb County Department of Planning & Sustainability

1300 Commerce Drive

Decatur, GA 30030

Attn: Andrea K. Folgherait and Rachel L. Bragg

**RE: Supplement for Application for Major Modification of Zoning Conditions
6020, 6038, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058
MBA Productions, LLC (“Applicant”)**

Dear Ms. Folgherait and Ms. Bragg:

In order to address the community’s concerns raised at both the Community Meeting and Community Council Meeting and to address the comments raised by DeKalb County Department of Planning & Sustainability, Applicant submits this Supplement to Application for Major Modification of Zoning Conditions (“Supplement”). As you know, Applicant is seeking a Major Modification of Zoning Conditions on three (3) DeKalb County parcels with parcel identification numbers 16 094 01 074, 16 094 01 075, and 16 094 01 074 commonly known as 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (collectively the “Property”).

As the County is aware, the Property is currently zoned Office Institutional (“OI”). When the East DeKalb Boys and Girls Club asked DeKalb County to rezone the Property to OI in July 2000, the DeKalb County Board of Commissioners placed six (6) zoning conditions on the Property through re-zoning application CZ-00069. Applicant is seeking this Major Modification to remove two conditions of the 2000 rezoning, including, “Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion” and the site plan specific approval. No opposition was raised at either the Community Meeting or the Community Council Meeting as to lifting the two (2) conditions of zoning, rather all comments were directed towards Applicant’s intended use of the Property. If DeKalb County denies the Application, there is no economically viable use for the Property, nor would there be any value in the Property itself since the use is restricted solely to that of a “Boys and Girls Club.” Applicant submits this its Supplement and respectfully shows as follows:

1. Orientation of Buildings and Parking

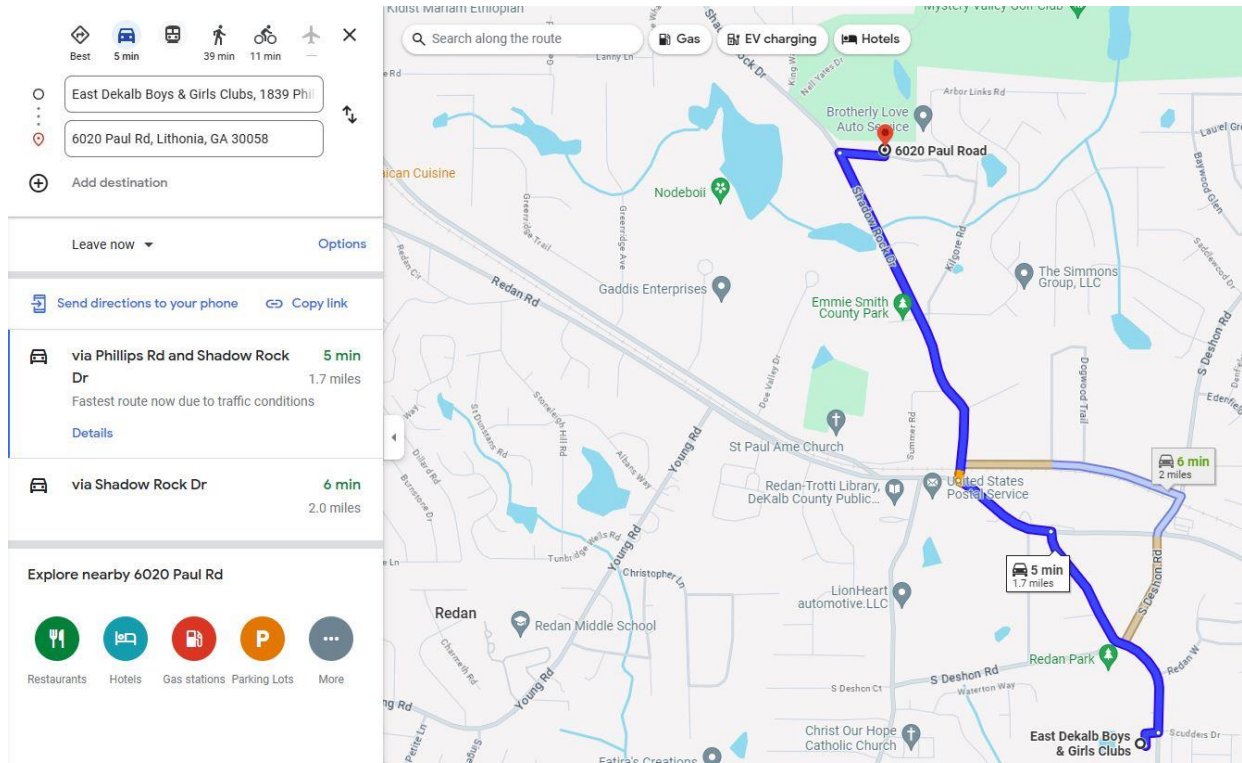
Ms. Folgherait has raised concerns about the current intended orientation of the new building and parking on 6048 Paul Road. Specifically, Ms. Folgherait discussed rotating the

proposed building from being parallel to Paul Road to perpendicular to Paul Road and relocating parking from the front of the building to between the current building on 6038 Paul Road and the proposed building for 6048 Paul Road. Applicant has reviewed the site plan and discussed this request with its surveyor, Mr. Frank Gaddy of Gaddy Surveying and Design, Inc. (“Gaddy”). Based on the existing topography, existing parking lot features, space needed for utilities, and in an effort to preserve mature trees on 6048 Paul Road, Applicant and Gaddy believe that reorienting the building and relocating the parking is not feasible on this lot. Applicant is enclosing a letter from Gaddy attached as **Exhibit A** which discusses these considerations in further detail. To the extent that Applicant needs a variance to permit the current intended orientation of the building, Applicant now seeks an administrative variance in conjunction with its Application for Major Modification. To the extent that this request cannot be accommodated by an administrative variance, Applicant will seek a variance to the same effect. Additionally, Applicant notes that the current approved site plan from the July 2000 re-zoning *requires* that the building be oriented parallel to Paul Road and that if the site plan specific condition of zoning is not lifted, then Applicant will only be able to build the substantially larger structure in the orientation contemplated by the currently approved site plan.

2. Use as a Boys and Girls Club

The condition of zoning on the Property expressly limits the Property’s use to a Boys & Girls Club. Yet, the East DeKalb Boys and Girls Club stopped using the Property as a Boys and Girls Club and stopped maintaining the Property several years ago. After leaving the Property unattended for multiple years, the Boys & Girls Club sold the Property to Applicant on March 11, 2021. There is now an East DeKalb Boys & Girls Club located at 1839 Phillips Road, Lithonia, GA 30058 operating out of the Redan Recreation Center since at least 2016. This location is only 1.45 miles from 6020 Paul Rd as the crow flies, and is 1.7 miles by car.

Google Maps Route From 1839 Phillips Rd to 6020 Paul Rd

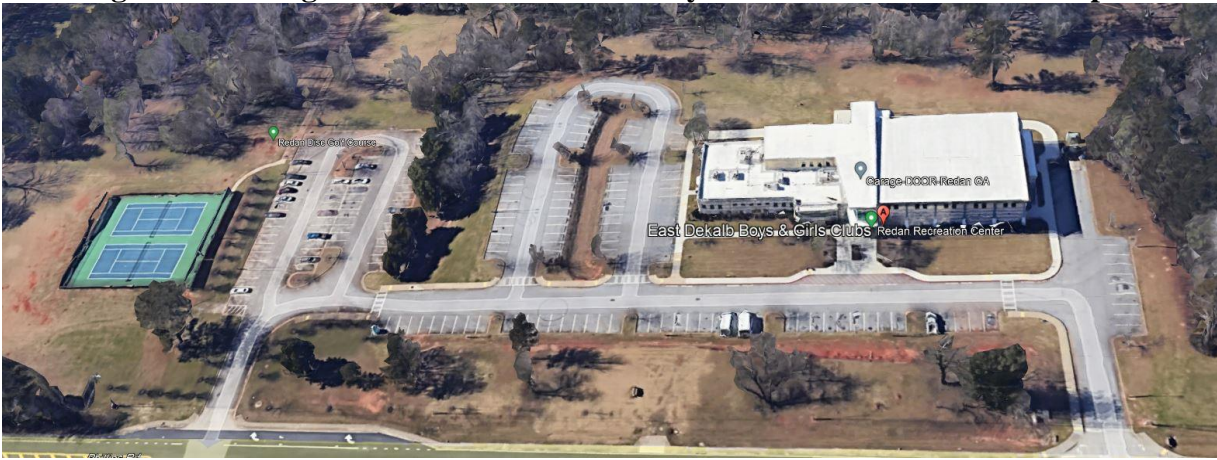


Not only is the East DeKalb Boys & Girls Club extremely close to the Property, but the building and property appears to be larger, newer, better maintained, and filled with additional amenities such as disc golf and tennis courts.

Google Earth Image from Front of East DeKalb Boys & Girls Club at 1839 Phillips Rd



Google Earth Image of Site of East DeKalb Boys & Girls Club at 1839 Phillips Rd



The fact is that the Property was not previously maintained and all but abandoned for several years by the Boys & Girls Club and is no longer owned by the Boys and Girls Club. For these reasons, there is no reasonable expectation that a Boys & Girls Club will ever return to the Property. If the current zoning condition for the property is confined to the singular use as a Boys and Girls Club, Applicant will be denied all viable economic use and value of the Property.

3. Soundproofing

Applicant intends to build recording studios within the existing building on 6038 Paul Road. Applicant has consulted with Amos Perry, the Principal Design Consultant of Pinnacle Multimedia LLC regarding the soundproofing for the recording studios. Mr. Perry has indicated that in order to record in multiple sound booths at the same time, there must be proper isolation between booths. With this level of soundproofing, little to no noise would escape the recording studio to potentially disrupt neighbors. The Affidavit of Mr. Perry titled Multi Room Recording Facility Technical Considerations is attached hereto as **Exhibit B**. Applicant is taking all reasonable steps to be a good neighbor and to prevent any disruptions due to sound.

4. Hours of Operation

Based on the discussions with the community and the Planning Department, Applicant now proposes to maintain regular hours of operation Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturdays and Sundays from 10:00 a.m. to 4:00 p.m. by appointment only. Applicant will also conduct business after its regular business hours by appointment. Applicant further note that there are many recording studios in DeKalb County, including in residential districts, which hold themselves out to the public as being open either until midnight or open 24 hours a day, seven days a week. Mitchell Donavant contacted multiple recording studios and confirmed their hours of operation. Affidavit of Mitchell Donavant is attached hereto as **Exhibit C**.

5. Security

At both the Community Meeting and the Community Council Meeting, concerns were raised about the Applicant's intended use of the Property as a recording and photography studio. Applicant is concerned that there is a fundamental misunderstanding and misconception of the Applicant's intended use of the Property, which is a permitted use within OI zoning districts. Applicant is not opening a night club or event center and will not be serving alcohol. Applicant intends to use the Property for a first-class recording and photography studio, with high end fixtures and equipment. The use does not contemplate high rates of traffic and will not accept walk-ins. It is intended that the recording studios will be utilized by musicians and entertainers of many different musical genres including, but not limited to country, gospel, Christian, jazz, rhythm and blues, classical, rock, hip-hop and rap. The studios may also be used to record podcasts, voice-overs, and soundtracks. Applicant has been repeatedly confronted with anecdotal claims that recording studios bring crime, but there has been no evidence offered to establish that a recording studio is any more dangerous than any other use permitted within OI zoning districts. .

The DeKalb County Code of Ordinance does not contemplate on-site security guard requirements for OI zoning districts generally or for a recording or photography studio. Applicant is submitting a certified copy of the DeKalb County Zoning Ordinance, certified on April 9, 2024, and attached hereto as **Exhibit D**. Importantly other recording studios in DeKalb County do not have on-site security personnel, nor are they required by the County to maintain on-site security personnel. *See Exhibit C*.

Despite the County having no security requirements for the proposed use (which is a permitted use within OI zoning districts), Applicant intends to take multiple steps to secure the Property. First, there will be a new six (6) foot privacy fence around the Property. Applicant will install gates with FOB and call box access at its curb cuts to control and limit individual and vehicle access to the Property. Applicant will post no loitering signs on the Property. Applicant will install security cameras and other electronic security measures on the Property. These are all reasonable steps to protect the Property and its contents and to limit any potential disruption to the community.

6. Conclusion

Thank you for your assistance with this matter. Should you have any questions about this matter, please contact us at your earliest convenience.

Sincerely,

GIACOMA ROBERTS &
DAUGHDRILL, LLC



Patrick Doyle Dodson

GIACOMA ROBERTS & DAUGHDRILL, LLC
Impact Analysis for 6020, 6038, and 6048 Paul Road
April 12, 2024
Page 6


Samuel J. Holder

PDD/SJH
[Enclosure]

EXHIBIT A



GADDY SURVEYING & DESIGN, INC.



Thursday, April 11, 2024

Patrick Dodson, Esq.
C/o Giacoma Roberts & Daughdrill, LLC
Salesforce Tower, Suite 2450
950 East Paces Ferry Road
Atlanta, GA 30326

Reference: 6020, 6038, & 6048 Paul Road

Dear Mr. Dodson,

I have reviewed the rezoning site plan prepared by Woodward Architecture, Inc. for the referenced property. In my opinion, this concept layout is the best possible layout addressing the concerns from the neighborhood as expressed in the community on-line meeting held on January 16, 2024, and the existing configuration of the property. The concept layout is in substantial compliance with the previously submitted site plan for rezoning case (CZ 00069) filed by the previous owner of the property (East DeKalb Boys and Girls Club) approved July 26, 2000, by the DeKalb County Board of Commissioners.

The Woodward concept plan is less restrictive than the previous zoning plan approved by DeKalb County. Both the Woodward and the previous Boys & Girls Club plan indicate the proposed building to be located a minimum of 12 feet from the Mystery Valley Gold Course property at the rear of the property with parking between the proposed building and Paul Road. The Woodward plan proposes a smaller building and takes into consideration additional Rights-of-Way dedication and landscaping strip between the additional Rights-of-Way and the parking area. The previous plan did not take the Rights-of-Way dedication into consideration. The Woodward plan reduces the size of the proposed building and provides curb islands for tree plantings and shading of the proposed parking lot area. Security gates and fencing are proposed to control and limit access to the property.

The previous zoning approval (CZ 00069) includes a staff analysis stating: "Front yard parking is not allowed in the OI zone; however, on this site there is no other place to locate it." This statement is still valid and should be considered as applicable in the modification to zoning application.

The homeowners expressed concern for increased pedestrian traffic to or from the facility during the January 16, 2024, on-line meeting. This concern was responded to by the proposed security cameras and the security gates and fencing of the property with appointment only restricted use of the property. The required sidewalk along the frontage of the property was met with opposition from the neighborhood since there are no existing sidewalks on Paul Road or an existing sidewalk along Shadow Rock Drive to allow for a future county project extension.

The Woodward concept allows for a sewer connection from the existing building to the existing manhole located at the east property line via a sewer service through the parking area in front of the proposed building addition. If the required sewer was required to be installed in the rear of the proposed building, the building size would be reduced significantly and located closer to Paul Road to allow for the sewer installation at an increased distance for protection of the trees located on the Mystery Valley Golf Course side of the rear property line. The Woodward concept also takes into consideration preservation of five specimen oak trees located along the eastern side of the property. These trees range in size from 32 to 43 inches at diameter breast height.

Current drainage patterns flow towards the northeast corner of the subject property. A proposed stormwater management facility is indicated to the east side of the proposed building which would maintain existing flow patterns from the property. This area could be supplemented with an additional underground facility under the parking area should an increased volume be determined necessary to satisfy the current channel protection, runoff reduction, and detention requirements of the DeKalb County Development Code.

The County previously eliminated the buffer along the Mystery Valley Golf Course side of the property stating: "A 50-foot buffer is required along the rear of the property according to the code; however, the property to the rear is a county golf course and the buffer would seem redundant. In place of the buffer the site plan shows a 12-foot planted area with chain link fence which is already in place." This condition is still applicable for the zoning modification. Previous staff analysis also included a statement regarding a buffer to the west side of the property – the property to the west of this property is currently zoned OI and no buffer is required.

To summarize, in my opinion the concept plan prepared by Woodward Architecture, Inc. provides the best development plan considering the existing configuration of the property in keeping with current design requirements. Effort is obvious to provide a concept plan that is in substantial compliance with previous approvals granted by DeKalb County. Should you need additional information, please contact me at (770) 931-5920.

Sincerely,

V. F. Gaddy, Jr.

Virgil F. Gaddy, Jr., P.E., P.L.S.
President - Gaddy Surveying & Design, Inc.

EXHIBIT B

Multi Room Recording Facility Technical Considerations

Amos Perry

Principal Design Consultant

Pinnacle Multimedia LLC

480-235-3808

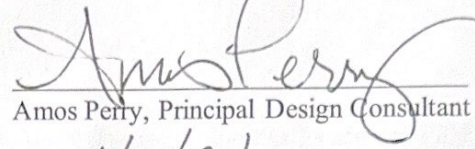
This document is prepared in reference to the following properties located at 6020, 6038, 6048 Paul Rd in Lithonia, GA. Construction of the complexity and precise nature of recording facilities require a team of specialist including mechanical, structural and electrical engineers. An architect will also be required to prepare construction documents and to facilitate the issuance of permits. The studio designer retained for this project will specify the construction of the isolation shells, doors, windows, interior acoustic control devices and electronic systems.

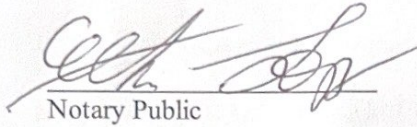
A multi room facility in which multiple rooms are expected to operate simultaneously to produce music and audio for film will require significant isolation. The building approach for this multi room facility would include floated concrete floors that are isolated from each other to prevent sound transmission between rooms, sand filled concrete block exterior walls, and significant heavy ceiling systems. There will be dead air space between the concrete exterior walls and the 2x6 double wall interior wall construction filled with dense rock wool insulation. This would be a room within a room construction to help provide the most effective amount of sound isolation between rooms within the facility and to also reduce the amount of external noise transmission out of and into the facility. Custom designed doors would be required to preserve the isolation and to provide the proper sound transmission class (STC) rating of 50-60. A STC rating in this range is considered excellent and loud sounds are heard faintly or not at all.

With this level of soundproofing, little to no noise would escape the multi room facility or disrupt neighbors. This is the best approach to attenuate airborne sound for a facility of this type located in an urban residential setting.

Pinnacle Multimedia LLC

Signed, sealed, and delivered
in the presence of:


Amos Perry, Principal Design Consultant


Notary Public

Date: 4/8/24

My Commission Expires: 06/23/2025

(NOTARY SEAL)

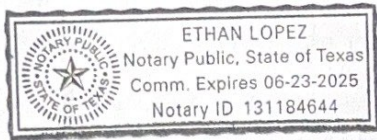


EXHIBIT C

AFFIDAVIT OF MITCHELL DONAVANT

STATE OF GEORGIA
COUNTY OF DEKALB

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Mitchell Donavant, who after first being duly sworn, states:

1. My name is Mitchell Donavant and I am competent in all respects to testify to the matters set forth herein.
2. I am a former teacher and a current audio engineer and music producer.
3. I have a long history of mentoring up and coming engineers and producers, including multiple Grammy nominated and Grammy winning producers.
4. I am a resident of DeKalb County and a member of MBA Productions, LLC.
5. MBA Productions LLC owns 6020 Paul Rd, 6038 Paul Rd, and 6048 Paul Rd in Lithonia, Georgia 30058 (the "Property").
6. I have attended the Community Meeting and Community Council Meetings for MBA Production, LLC's Application for Major Modification. In those meetings, members of the community raised concerns about safety and security, which MBA Productions takes very seriously. We are trying to build a successful local business that employs members of the community and creates first class music, podcasts, photographic images and advertisements.
7. I have researched and contacted five (5) other production studios in DeKalb County to determine their hours of operation and whether they provide on-site security. None of the studios have on site security and they all have hours of operation greater than or equal to what MBA Productions is seeking. Their information is as follows:
 - a. **UGU Recordings**
 - i. Open: Monday through Friday 9:00 a.m. to 9:00 p.m.
 - ii. Address: 2152 Forest Ridge Rd SE, Atlanta, GA 30316

iii. Security: No Security

b. **3AM Studios**

- i. Open: Monday through Friday 9:00 a.m. to 12:00 a.m., Saturday through Sunday 9:00 a.m. to 3:00 a.m.
- ii. Address: 4582 Memorial Dr, Decatur, Ga 30032
- iii. Security: No Security

c. **Roclanta Studios**

- i. Open: 24 hours a day, 7 days a week
- ii. Address: 2540 Wiggins St, Suite F, Lithonia, Ga 30058
- iii. Security: No Security

d. **Prescott Studios**

- i. Open: Monday through Sunday 10:00 a.m. to 10:00 p.m.
- ii. Address: 1042 Mainstreet Lake Dr., Stone Mountain, Ga 30088
- iii. Security: No Security

e. **OYL Studio**

- i. Open: 24 hours a day, 7 days a week
- ii. Address: 790 Glendale Rd, Unit A, Scottdale, Ga 30079
- iii. Security: No Security

8. UGU Recordings is in a residential neighborhood. I am attaching a Google Earth screen capture showing Prescott Studios surrounded by residential property as **Exhibit A**.

9. Prescott Studios is in a residential neighborhood. I am attaching a Google Earth screen capture showing Prescott Studios surrounded by residential property as **Exhibit B**.

EXHIBIT A

UGU RECORDINGS

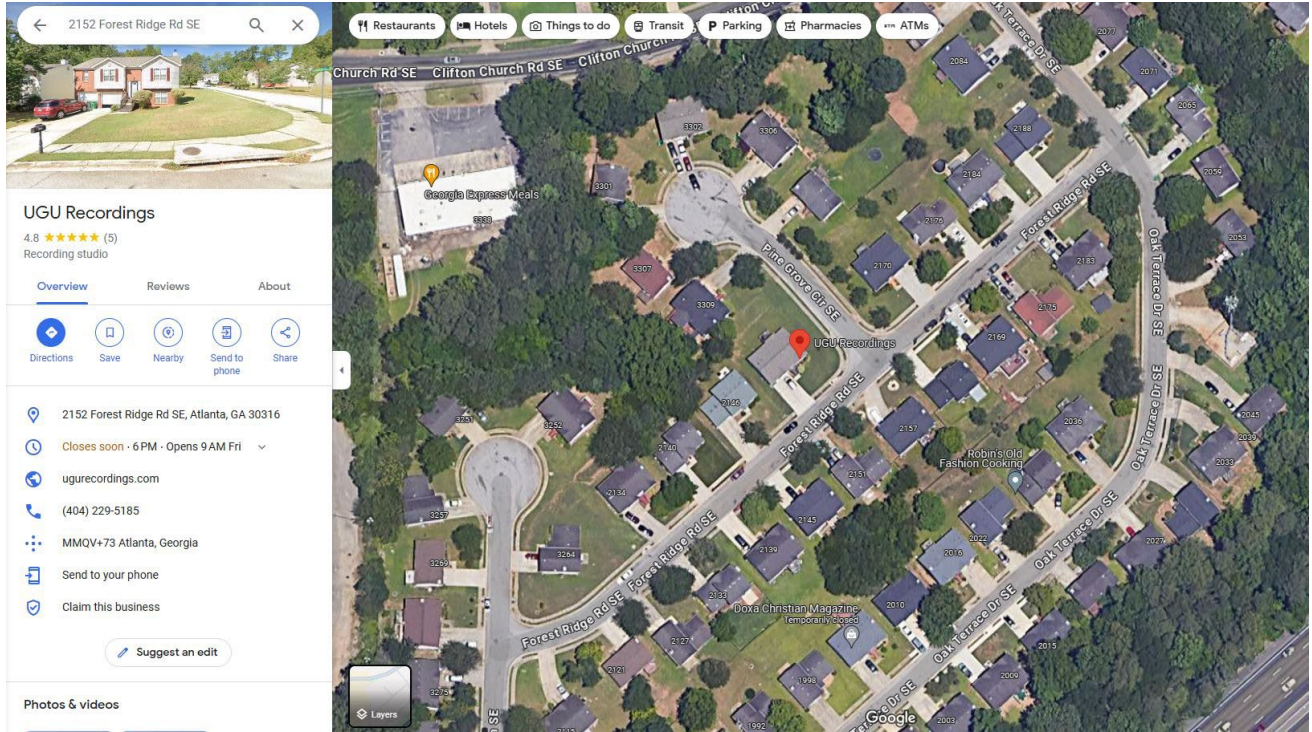


EXHIBIT B

PRESCOTT STUDIOS

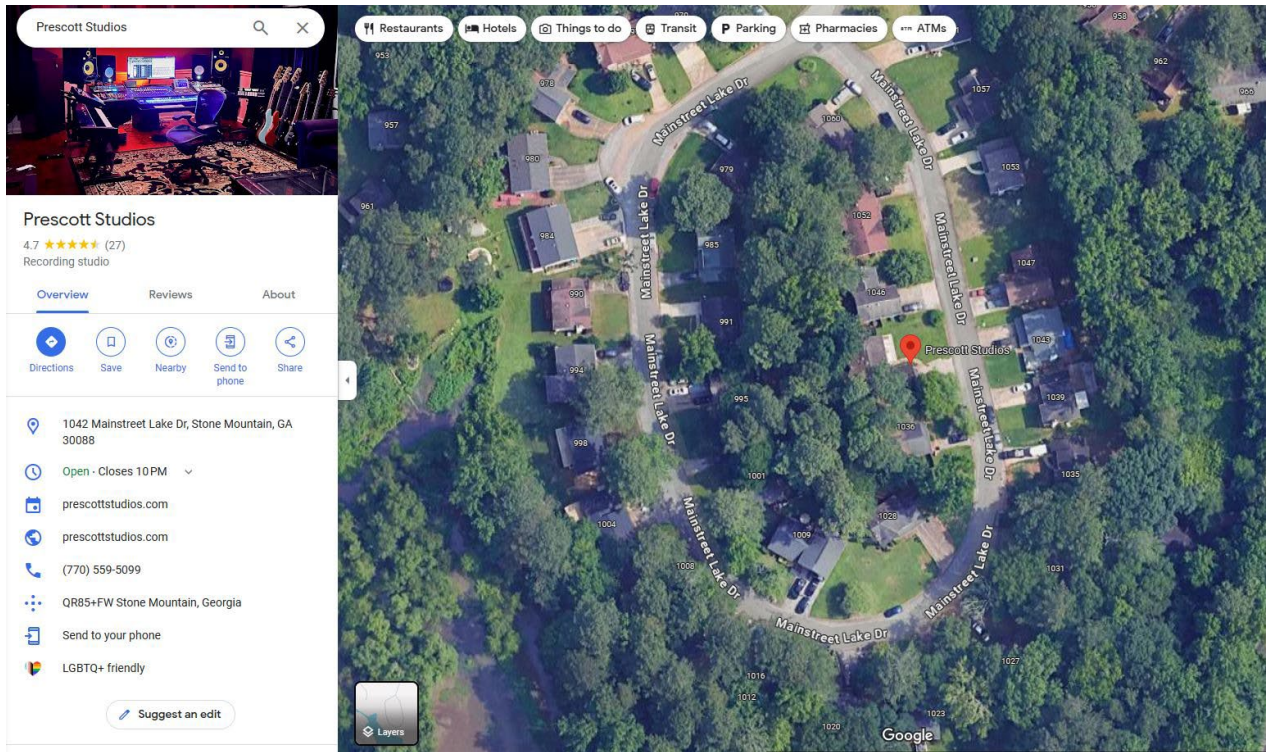


EXHIBIT D

**Due to the size of file, Staff has supplied a
link to Chapter 27: ZONING**

**[https://library.municode.com/ga/dekalb_county/codes/
code_of_ordinances?nodeId=CODECO_CH27ZO_ART1GERE](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH27ZO_ART1GERE)**



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Date Submitted: February 26, 2024 Case No.: _____

Existing Conditional Zoning No.: CZ-00069

APPLICANT NAME: Giacoma Roberts & Daughdrill, LLC

Daytime Phone#: 404-924-2850 Fax #: _____ E-mail: pdodson@grdlegal.com

Mailing Address: 950 E. Paces Ferry Rd, Ste 2450, Atlanta, GA 30326

OWNER NAME: MBA Productions, LLC

(If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-437-5705 Fax #: _____ E-mail: mbaproductionsllc@gmail.com

Mailing Address: 3692 Del Rio Terrace, Decatur, GA, 30032

SUBJECT PROPERTY ADDRESS OR LOCATION: 6020, 6038, and 6048 Paul Road

Lithonia, DeKalb County, GA, 30058

District(s): 16 Land Lot(s): 94 Block(s): _____ Parcel(s): 3

Acreage or Square Feet: 1.65 Commission District(s): _____ Existing Zoning: OI

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

Signature of Applicant: 

Printed Name of Applicant: Patrick Doyle Dodson



Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson, Esq.

Direct: (404) 924-2860

pdodson@grdlegal.com

Samuel J. Holder, Esq.

Direct: (404) 924-2858

sholder@grdlegal.com

January 31, 2024

TO:

Commissioner Mereda Davis Johnson
Commissioner Lorraine Cochran-Johnson
Community Council 5 Members
Neighborhood Registry District 5

Re: MBA Productions, LLC Proposed Major Modification of Zoning Conditions at 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058

Dear Mesdames and Messieurs:

You are receiving this letter because MBA Productions, LLC (the “Applicant”) is considering requesting a Major Modification of Zoning Conditions at 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (the “Property”) which Property is located within your district. The Applicant is seeking to remove a zoning condition which limits the use of the Property to a Boys and Girls Club to allow the Property to be used as a music recording studio and photography studio which are both permitted uses within the current “Office Institutional” zoning of the Property. A copy of the proposed Site Plan and Survey have been included for your review.

As part of the application process, Dekalb County requires any person requesting a change in zoning conditions to host a Pre-Submittal community information and input meeting. We are excited to present this proposal to you. The purpose of the meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving you the opportunity to review the proposed request for a change in zoning and to mitigate any impacts such proposal may have on the community.

Date of Zoom Meeting: Friday, February 16, 2024

Time of Zoom Meeting: 5:15 PM Eastern Time

Zoom Meeting Link:

<https://us02web.zoom.us/j/87685743441?pwd=cDB2dkt0dW5xR0JmYXFHSVdRMVpQZz09>

Meeting ID: 876 8574 3441

Passcode: 361603

Zoom Step by Step Instructions

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" (the meeting ID is provided herein above).

If joining from a mobile device:

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If joining from a computer:

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file. Just before Entering the meeting, you will be prompted to enter a display name. This name is simply to identify you in the meeting.

To join audio by computer:

You will then be prompted on how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio.

To join audio by telephone:

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password Simply enter this number followed by # and the video audio will then be synchronized.

Raising your hand to speak:

As a non-speaker if you wish to ask a question or make a point during the meeting it's good protocol to use the "Raise Hand" icon. If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the "Participants" icon.

A window listing other participants will appear, there is also a "Raise Hand" icon, click the icon to make it known to the Host that you would like to raise your hand. If you wish to lower your hand, click the "Lower Hand" icon that will have replaced the "Raise Hand" icon.

Leaving meeting:

To leave a meeting from Zoom on your desktop, select "End Meeting" then "Leave Meeting."

GIACOMA ROBERTS & DAUGHDRILL, LLC

Community Meeting Notice

January 31, 2024

Page 3 of 3

You are invited to this meeting to share your thoughts and concerns and to gain additional information about the proposed project. Should you have any questions, please contact me at (404) 924-2850.

Sincerely,

GIACOMA ROBERTS & DAUGHDRILL, LLC

/s/ Patrick Doyle Dodson

Patrick Doyle Dodson

/s/ Samuel J. Holder

Samuel J. Holder

Attorneys for Applicant

Via Email Only To:

Commissioner Mereda Davis Johnson (mdjohnson@dekalbcountyga.gov)

Commissioner Lorraine Cochran-Johnson (lcjohnson@dekalbcountyga.gov)

Community Council 5 Members (dennisallen05@comcast.net; andrewse199@gmail.com;

kbarksdal22@gmail.com; fshafiq@msn.com; dstbc@bellsouth.net; lmellis@lspmconsulting.com;

e7hubbard@gmail.com; oneiloooo4@comcast.net; konceptatlanta@bellsouth.net;

Perry_leona@bellsouth.net; dpriestbrown@bellsouth.net; and mtaylor7907@gmail.com)

Neighborhood Registry District 5 (blkrain51@gmail.com; cellasalt5@yahoo.com;

coleslaw4t4@yahoo.com; cthompson131920@yahoo.com; denisetravis74@gmail.com;

ellison.taneisha@gmail.com; erica_weaver@yahoo.com; ghhcdc@gmail.com;

harold53@hotmail.com; hlove1223@aol.com; janrcostello@gmail.com; manghamlaw@att.net;

marshallenglishr@yahoo.com; mstonya@earthlink.net; pedge@urbanretail.com; tcmg27@gmail.com;

terrell.steen@gmail.com; topdawgmo@yahoo.com; vickymoosesbb@yahoo.com; and

w_duane_williams@yahoo.com)

Via Regular Mail Only To:

Consuelo Espinoza Godden
6720 Marbut Road
Lithonia, GA 30058

Jonelle Bertrand
1533 Dillard Road
Stone Mountain, GA 30088

4140 Creek Stone Court
Stone Mountain, GA 30083

Dale Phillips
2538 Panola Road
Lithonia, GA 30058

Kerrington Rice
2218 Triple Crown Lane
Lithonia, GA 30058

Phylliss Coles
2350 Triple Crown Lane
Lithonia, GA 30058

Johnnie Washington
2343 Rolling Trail
Lithonia, GA 30058

Larry Salter
1664 Stone Meadow Rd
Lithonia, GA 30058
Michelle Henson

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Virgil F. Gaddy, Jr., CA PLS # 2661

4/21/23
DATE

GRID NORTH (GA WEST)

LEGEND

| | | | |
|--------|-------------------|-----|--------------------------|
| IPS | IRON PIN SET | MA | MAPLE |
| RFB | 1/2" REBAR | PN | PINE |
| CTF | REBAR FOUND | CT | CYPRESS |
| OTF | CRIMP TOP FOUND | PV | PRIVET |
| OTF | OPEN TOP FOUND | PP | POPPAR |
| JB | JUNCTION BOX | MAG | MAGNOLIA |
| R/W | RIGHT-OF-WAY | DW | DOGWOOD |
| BL | BUILDING LINE | EM | ELECTRIC METER |
| P | PROPERTY LINE | CM | CAS METER |
| CR | CATCH BASIN | ICV | IRRIGATION CONTROL VALVE |
| HV | HEADWALL | TB | TELEPHONE BOX |
| SMH | SEWER MANHOLE | PC | PECAN |
| X | FENCE | DW | DOGWOOD |
| L.L. | LAND LOT LINE | WN | WALNUT |
| O.L.L. | ORIGINAL LOT LINE | RB | REDBUD |
| DL | DRAINAGE EASMT. | TR | TELEPHONE BOX |
| SE | SEWER EASMT. | HV | HARDWOOD |
| UE | UTILITY EASMT. | EL | ELDERBERRY |
| CLF | CHAIN LINK FENCE | CL | CHERRY LAUREL |
| WF | WOOD FENCE | WF | WOOD FENCE |
| PP | POWER POLE | SG | SWEETGUM |
| DN | DRAIN | EB | ELDERBERRY |
| LP | LIGHT POLE | BC | BLACK CHERRY |
| CP | CRACK OF PAVEMENT | HK | HICKORY |
| C | CENTERLINE | HB | HACKBERRY |
| CC | CELEBRITY | POB | POWER DISTRIBUTION BOX |
| CM | CREPE MYRTLE | CC | CRIPPE MYRTLE CLUSTER |
| | | CP | COMPUTED POINT |

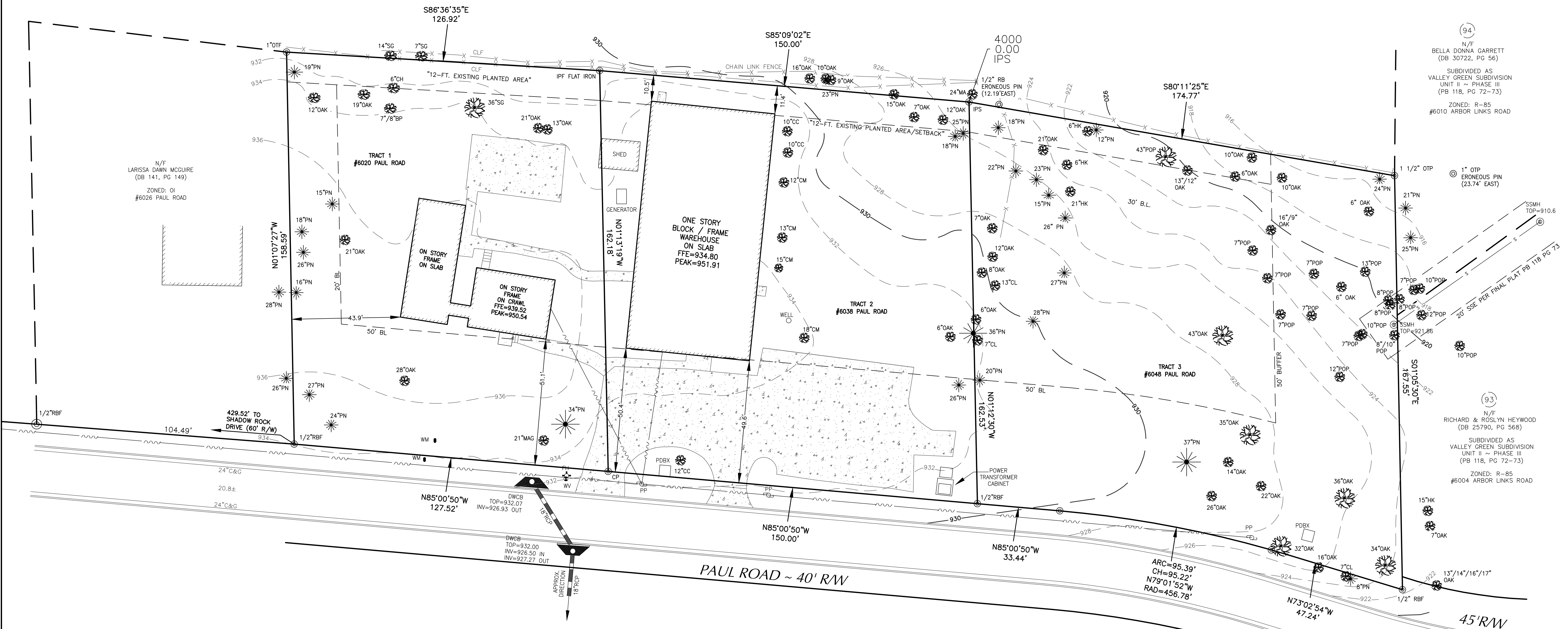
TRACT 1
LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
LOT AREA = 20,313.5
BUILDING = 1,755.7
WALKWAY & STEPS = 24.3
CONCRETE = 1,659.0
PART OF SHED = 8.4
TOTAL IMPERVIOUS AREA = 3,447.4
LOT COVERAGE = 16.9%

TRACT 2
LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
LOT AREA = 24,214.3
BUILDING = 5,044.1
CONCRETE = 5,584.6
GENERATOR = 24.0
SHED = 47.6
TOTAL IMPERVIOUS AREA = 10,700.3
LOT COVERAGE = 44.1%

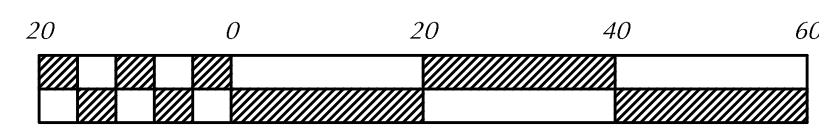
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,458 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 174,645 FEET.
A LEICA TS13 03" X300 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.
GRID LOCATION & TOPOGRAPHIC DATUM OBTAINED USING A DUAL FREQUENCY LEICA GS14 RECEIVER AND GEORGIA LEICA RTK NETWORK. DATUM = NAVD88.
THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.L.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0094K, EFFECTIVE DATE: 12/8/2016.
TRACT 1 AREA = 0.47 ACRE
TRACT 2 AREA = 0.55 ACRE
TRACT 3 AREA = 0.63 ACRE
TOTAL AREA = 1.65 ACRES
PROPERTY ZONED: OI (CZ - 00069)
SETBACKS SHOWN HEREON ARE BASED ON DEKALB ZONING REQUIREMENTS AND ARE SUBJECT TO APPROVAL BY DEKALB COUNTY DEPARTMENT OF PLANNING AND ZONING. NOTE: BASED ON ZONING ANALYSIS PROVIDED BY DEKALB COUNTY PLANNING AND SUSTAINABILITY DEPARTMENT THE REQUIRED 50-FT. BUFFER ADJACENT TO MYSTERY VALLEY GOLF COURSE APPEARS TO HAVE BEEN ELIMINATED IN LIEU OF AN EXISTING 12-FT. PLANTED AREA AND CHAIN LINK FENCE ALONG THE COMMON PROPERTY LINE WITH MYSTERY VALLEY GOLF COURSE (SEE PAGE 2 OF 2 OF ITEM 41 OF JULY 26, 2000 BOARD OF COMMISSIONERS MEETING) FOR SUBJECT PROPERTY.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

N/F DEKALB COUNTY
"MYSTERY VALLEY GOLF COURSE"
ZONED: R-100
#6104 SHADOW ROCK DRIVE



GRAPHIC SCALE



1 INCH = 20 FEET

PROJECT NUMBER
MBA-23-001

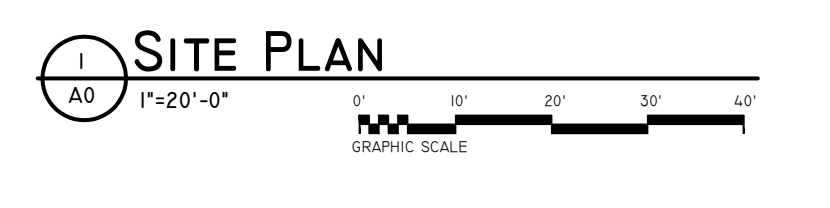
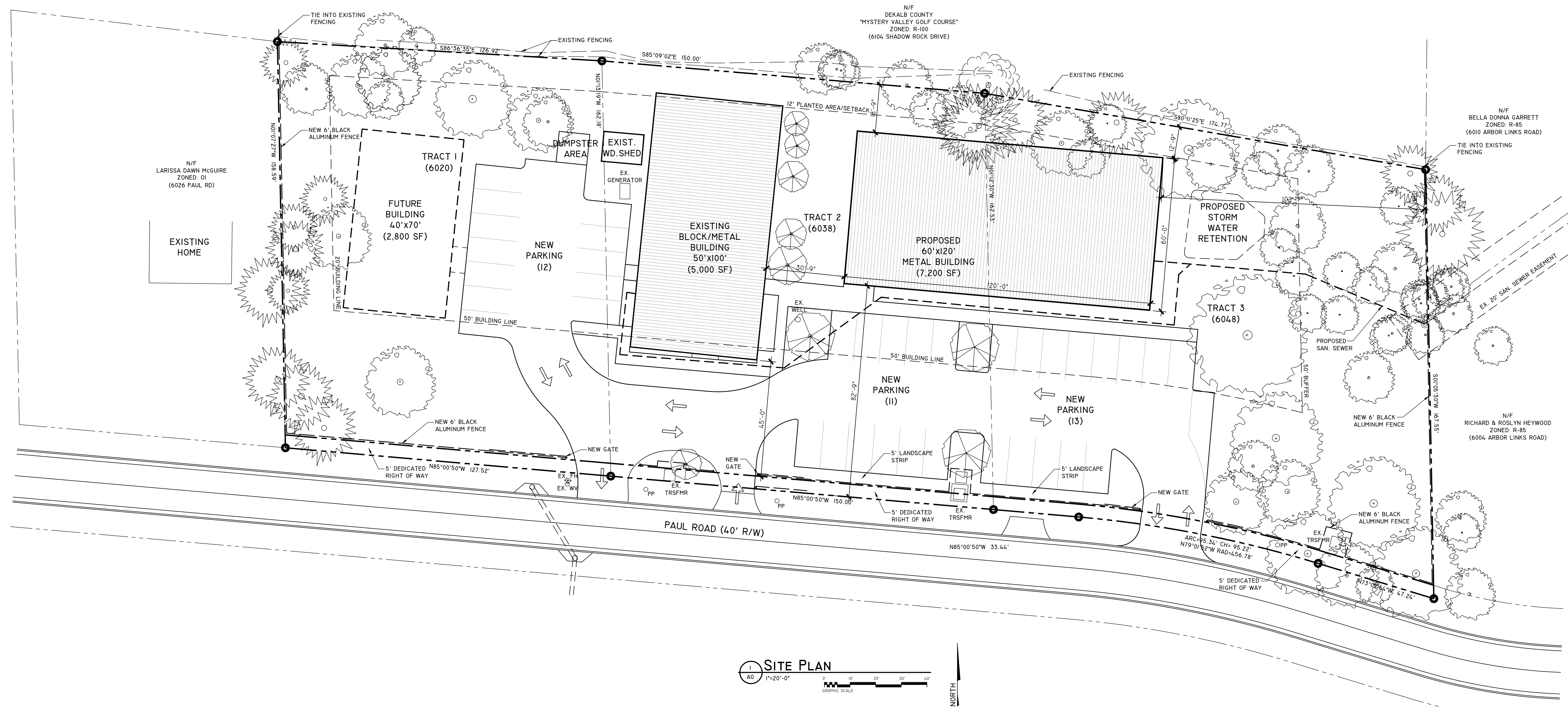
BY FIELD DRAWING
TDC 04-21-23 05-01-23

UPDATED: 11-20-2023; ZONING SETBACK AND INFO.



TOPOGRAPHIC SURVEY FOR:
MBA PRODUCTIONS, LLC
#6020, #6038 & #6048 PAUL ROAD
(DEED BOOK 29167 PAGES 119-123)
LAND LOT 94, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

TITLE
ADDITION AND RENOVATIONS TO 6020, 6038, 6048 PAUL ROAD LITHONIA, GA 30058 FOR MBA PRODUCTIONS LLC



LOT COVERAGES

| 6020 TRACT 1 | 6038 TRACT 2 | 6048 TRACT 3 |
|-------------------------------------|--------------------------------------|-------------------------------------|
| 20,313 SQUARE FEET | 24,216 SQUARE FEET | 27,569 SQUARE FEET |
| 7,768 SF IMPERVIOUS 38% COVERAGE | 16,320 SF IMPERVIOUS 67% COVERAGE | 9,680 SF IMPERVIOUS 35% COVERAGE |

PARKING CALCULATIONS

| BUILDING SQUARE FOOTAGES | RATIO | PARKING SPACES REQUIRED | PARKING SPACES PROVIDED |
|--------------------------|--------------------|-------------------------|-------------------------|
| EXISTING: 5,000 SF | 1 SPACE PER 500 SF | 10 SPACES | 11 SPACES |
| PROPOSED: 7,200 SF | OF BLDG SPACE | 14 SPACES | 13 SPACES |
| FUTURE: 2,800 SF | | 6 SPACES | 12 SPACES |
| TOTAL PLANNED: 15,000 SF | | 30 SPACES | 36 SPACES |

NOTE: SITE PLAN INFORMATION TAKEN FROM A SURVEY DATED MAY 1, 2023 BY:

GADDY SURVEYING & DESIGN, INC.
1215 PLEASANT HILL ROAD
LAWRENCEVILLE, GA 30044
V.F. GADDY JR.
GA REGISTRATION #2661
REFER TO THIS SURVEY FOR ADDITIONAL SITE INFORMATION

ALL DIMENSIONS ON THIS PLAN ARE TO BE APPROXIMATE AND ARE TO BE VERIFIED BY A GEORGIA REGISTERED LAND SURVEYOR

PROPERTY INFORMATION:
OWNER: MBA PRODUCTIONS, LLC
ZONED: 01 (CZ-00069)

LAND LOT: 94 - 16TH DISTRICT
DEED BOOK 29167 PAGE 119-123
DEKALB COUNTY, GA

PROPERTY AREAS:
TRACT 1 (6020): 0.47 ACRE
TRACT 2 (6038): 0.55 ACRE
TRACT 3 (6048): 0.63 ACRE
TOTAL: 1.65 ACRES

REVISIONS

| DESCRIPTION | DATE |
|-------------|------|
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SCALE: 1" = 20'-0"
DRAWN: ADW
CHECK: ADW
DATE: 01-08-24
PROJECT NO. 2356

SHEET NO.

A0



Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson, Esq.

Direct: (404) 924-2860

pdodson@grdlegal.com

Samuel J. Holder, Esq.

Direct: (404) 924-2858

sholder@grdlegal.com

January 31, 2024

VIA REGULAR MAIL

Property Owner

Re: MBA Productions, LLC Proposed Major Modification of Zoning Conditions at 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058

Dear Property Owner:

You are receiving this letter because MBA Productions, LLC (the “Applicant”) is considering requesting a Major Modification of Zoning Conditions at 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (the “Property”) which Property is located within 500 feet of your property. The Applicant is seeking to remove a zoning condition which limits the use of the Property to a Boys and Girls Club to allow the Property to be used as a music recording studio and photography studio. A copy of the proposed Site Plan and Survey have been included for your review.

As part of the application process, Dekalb County requires any person requesting a change in zoning to host a Pre-Submittal community information and input meeting. We are excited to present this proposal to you. The purpose of the meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving you the opportunity to review the proposed request for a change in zoning and to mitigate any impacts such proposal may have on the community. The community meeting will be held via Zoom as indicated herein below.

Date of Zoom Meeting: Friday, February 16, 2024

Time of Zoom Meeting: 5:15 PM Eastern Time

Zoom Meeting Link:

<https://us02web.zoom.us/j/87685743441?pwd=cDB2dkt0dW5xR0JmYXFHSVdRMVpQZz09>

Meeting ID: 876 8574 3441

Passcode: 361603

[Zoom instructions included on next page.]

Zoom Step by Step Instructions

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" (the meeting ID is provided herein above).

If joining from a mobile device:

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If joining from a computer:

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file. Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

To join audio by computer:

You will then be prompted on how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio.

To join audio by telephone:

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password Simply enter this number followed by # and the video audio will then be synchronized.

Raising your hand to speak:

As a non-speaker if you wish to ask a question or make a point during the meeting it's good protocol to use the "Raise Hand" icon. If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the "Participants" icon.

A window listing other participants will appear, there is also a "Raise Hand" icon, click the icon to make it known to the Host that you would like to raise your hand. If you wish to lower your hand, click the "Lower Hand" icon that will have replaced the "Raise Hand" icon.

Leaving meeting:

To leave a meeting from Zoom on your desktop, select "End Meeting" then "Leave Meeting."

GIACOMA ROBERTS & DAUGHDRILL, LLC

Community Meeting Notice

January 31, 2024

Page 3 of 3

You are invited to this meeting to share your thoughts and concerns and to gain additional information about the proposed project. Should you have any questions, please contact me at (404) 924-2850.

Sincerely,

GIACOMA ROBERTS & DAUGHDRILL, LLC

/s/ Patrick Doyle Dodson

Patrick Doyle Dodson

/s/ Samuel J. Holder

Samuel J. Holder

Attorneys for Applicant

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Virgil F. Gaddy, Jr., CA PLS # 2661
 4/21/23
 DATE

GRID NORTH (GA WEST)

LEGEND

| | | | |
|--------|-------------------|-----|--------------------------|
| IPS | IRON PIN SET | MA | MAPLE |
| RFB | 1/2" REBAR | PN | PINE |
| CTF | REBAR FOUND | CY | CYPRESS |
| OTF | CRIMP TOP FOUND | PV | PRIVET |
| OTF | OPEN TOP FOUND | PP | POPPAR |
| JB | JUNCTION BOX | MAG | MAGNOLIA |
| R/W | RIGHT-OF-WAY | DW | DOGWOOD |
| BL | BUILDING LINE | EM | ELECTRIC METER |
| P | PROPERTY LINE | CM | CAS METER |
| CR | CATCH BASIN | ICV | IRRIGATION CONTROL VALVE |
| HW | HEADWALL | TB | TELEPHONE BOX |
| SMH | SEWER MANHOLE | PC | PECAN |
| X | FENCE | DW | DOGWOOD |
| L.L. | LAND LOT LINE | WN | WALNUT |
| O.L.L. | ORIGINAL LOT LINE | RB | REDBUD |
| DL | DRAINAGE EASMT. | TR | TELEPHONE BOX |
| SE | SEWER EASMT. | HW | HARDWOOD |
| UE | UTILITY EASMT. | CL | CHERRY LAUREL |
| CLF | CHAIN LINK FENCE | WF | WOOD FENCE |
| PP | POWER POLE | SG | SWEETGLUM |
| DN | DRAIN PILE | EB | ELDERBERRY |
| LP | LIGHT POLE | BC | BLACK CHERRY |
| CP | CEMENT | HK | HICKORY |
| CM | CREPE MYRTLE | HB | HACKBERRY |
| | | POB | POWER DISTRIBUTION BOX |
| | | CC | CRIPPE MYRTLE CLUSTER |
| | | CP | COMPUTED POINT |

TRACT 1
 LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
 LOT AREA = 20,313.5
 BUILDING = 1,755.7
 WALKWAY & STEPS = 24.3
 CONCRETE = 1,659.0
 PART OF SHED = 8.4
 TOTAL IMPERVIOUS AREA = 3,447.4
 LOT COVERAGE = 16.9%

TRACT 2
 LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
 LOT AREA = 24,214.3
 BUILDING = 5,044.1
 CONCRETE = 5,584.6
 GENERATOR = 24.0
 SHED = 47.6
 TOTAL IMPERVIOUS AREA = 10,700.3
 LOT COVERAGE = 44.1%

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,458 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 174,645 FEET.

A LEICA TS13 03" X300 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

GRID LOCATION & TOPOGRAPHIC DATUM OBTAINED USING A DUAL FREQUENCY LEICA GS14 RECEIVER AND GEORGIA LEICA RTK NETWORK. DATUM = NAVD88.

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TRACT 2 AREA = 0.55 ACRE

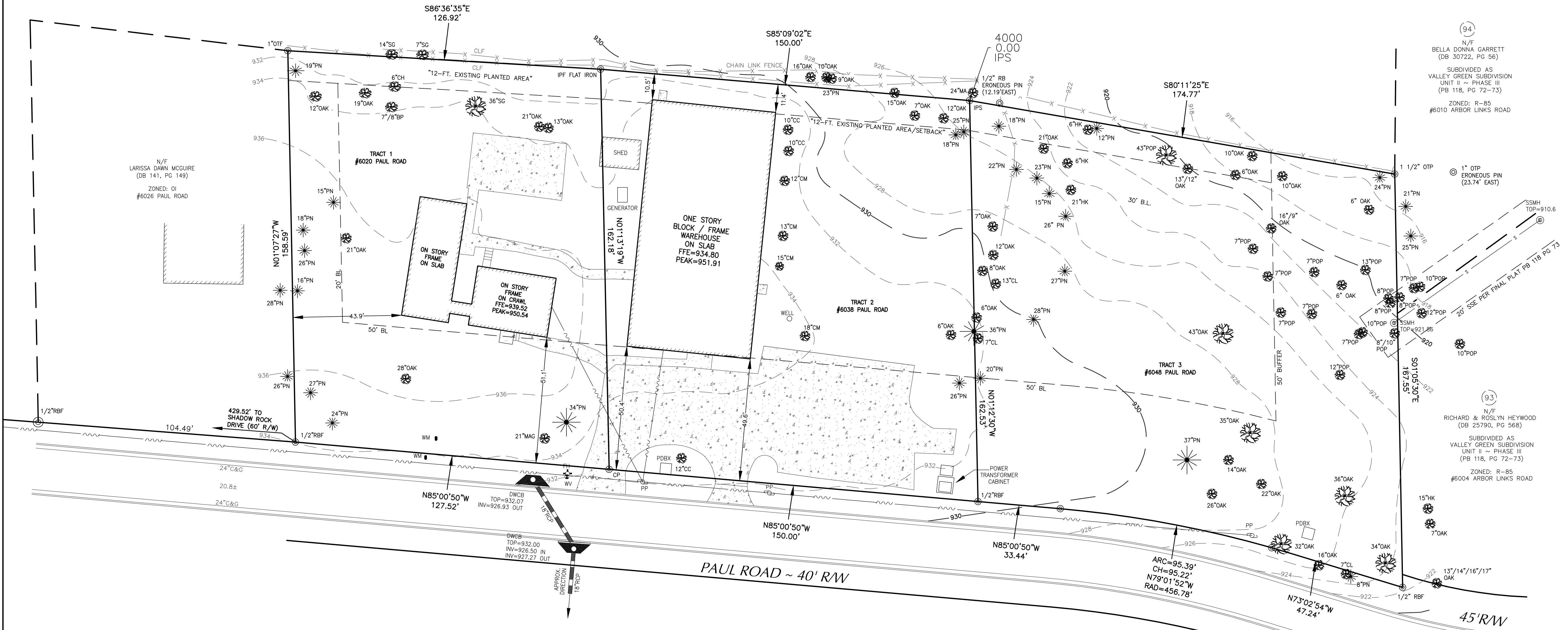
TRACT 3 AREA = 0.63 ACRE

TOTAL AREA = 1.65 ACRES

PROPERTY ZONED: OI (CZ - 00069)

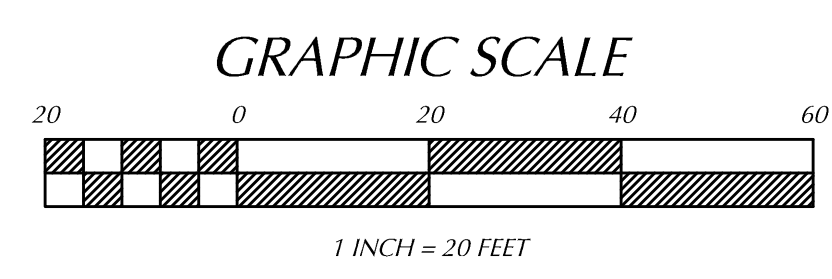
SETBACKS SHOWN HEREON ARE BASED ON DEKALB ZONING REQUIREMENTS AND ARE SUBJECT TO APPROVAL BY DEKALB COUNTY DEPARTMENT OF PLANNING AND ZONING. NOTE: BASED ON ZONING ANALYSIS PROVIDED BY DEKALB COUNTY PLANNING AND SUSTAINABILITY DEPARTMENT THE REQUIRED 50-FT. BUFFER ADJACENT TO MYSTERY VALLEY GOLF COURSE APPEARS TO HAVE BEEN ELIMINATED IN LIEU OF AN EXISTING 12-FT. PLANTED AREA AND CHAIN LINK FENCE ALONG THE COMMON PROPERTY LINE WITH MYSTERY VALLEY GOLF COURSE (SEE PAGE 2 OF 2 OF ITEM 41 OF JULY 26, 2000 BOARD OF COMMISSIONERS MEETING) FOR SUBJECT PROPERTY.

N/F DEKALB COUNTY
 "MYSTERY VALLEY GOLF COURSE"
 ZONED: R-100
 #6104 SHADOW ROCK DRIVE



94
 N/F BELLA DONNA GARRETT
 (DB 30722, PG 56)
 SUBDIVIDED AS VALLEY GREEN SUBDIVISION UNIT II ~ PHASE III (PB 118, PG 72-73)
 ZONED: R-85
 #6010 ARBOR LINKS ROAD

93
 N/F RICHARD & ROSLYN HEYWOOD
 (DB 25790, PG 568)
 SUBDIVIDED AS VALLEY GREEN SUBDIVISION UNIT II ~ PHASE III (PB 118, PG 72-73)
 ZONED: R-85
 #6004 ARBOR LINKS ROAD

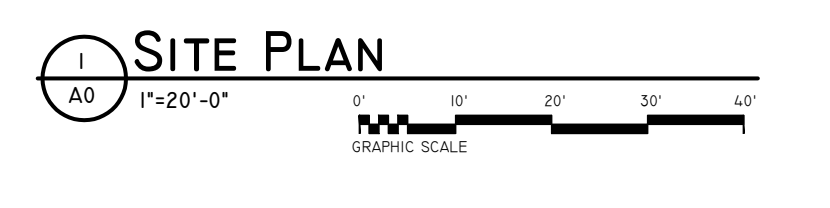
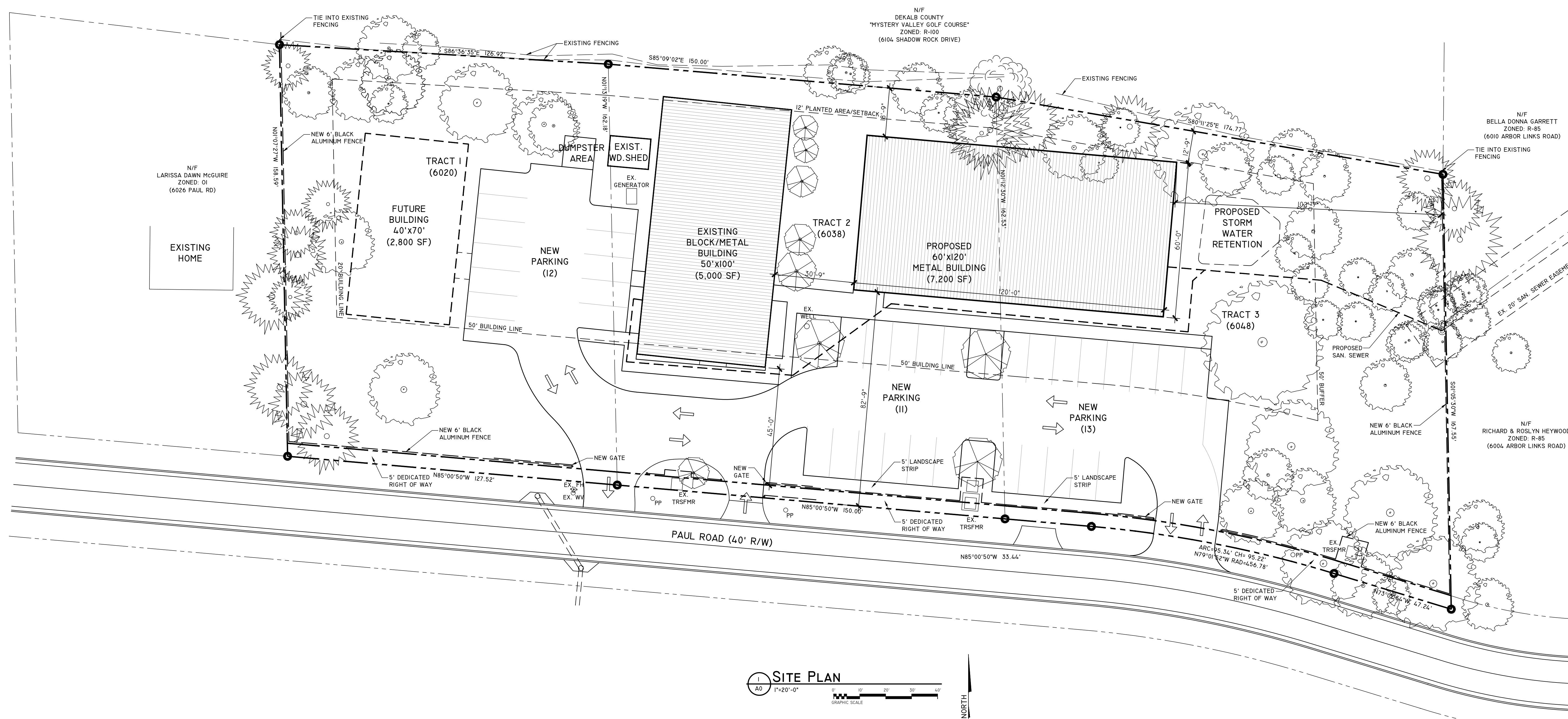


PROJECT NUMBER
MBA-23-001
 BY FIELD DRAWING
 TDC 04-21-23 05-01-23
 UPDATED: 11-20-2023. ZONING SETBACK AND INFO.

GADDY SURVEYING & DESIGN, INC.
 1375 HICKORY HILL ROAD
 LAWRENCEVILLE, GEORGIA 30044
 PHONE - (770) 931-5920
 FAX - (770) 931-5903
 U.S. CERTIFICATE OF AUTHORIZATION #15001014
 P.E. CERTIFICATE OF AUTHORIZATION #16000540

TOPOGRAPHIC SURVEY FOR:
MBA PRODUCTIONS, LLC
 #6020, #6038 & #6048 PAUL ROAD
 (DEED BOOK 29167 PAGES 119-123)
 LAND LOT 94, 16TH DISTRICT
 DEKALB COUNTY, GEORGIA

TITLE
ADDITION AND
RENOVATIONS
TO
6020, 6038, 6048
PAUL ROAD
LITHONIA, GA
30058
FOR
MBA
PRODUCTIONS LLC



LOT COVERAGES

| 6020 TRACT 1 | 6038 TRACT 2 | 6048 TRACT 3 |
|-------------------------------------|--------------------------------------|-------------------------------------|
| 20,313 SQUARE FEET | 24,216 SQUARE FEET | 27,569 SQUARE FEET |
| 7,768 SF IMPERVIOUS 38% COVERAGE | 16,320 SF IMPERVIOUS 67% COVERAGE | 9,680 SF IMPERVIOUS 35% COVERAGE |

PARKING CALCULATIONS

| BUILDING SQUARE FOOTAGES | RATIO | PARKING SPACES REQUIRED | PARKING SPACES PROVIDED |
|--------------------------|--------------------|-------------------------|-------------------------|
| EXISTING: 5,000 SF | 1 SPACE PER 500 SF | 10 SPACES | 11 SPACES |
| PROPOSED: 7,200 SF | OF BLDG SPACE | 14 SPACES | 13 SPACES |
| FUTURE: 2,800 SF | | 6 SPACES | 12 SPACES |
| TOTAL PLANNED: 15,000 SF | | 30 SPACES | 36 SPACES |

NOTE: SITE PLAN INFORMATION TAKEN FROM A SURVEY DATED MAY 1, 2023 BY:

GADDY SURVEYING & DESIGN, INC.
1215 PLEASANT HILL ROAD
LAWRENCEVILLE, GA 30044
V.F. GADDY JR.
GA REGISTRATION #2661
REFER TO THIS SURVEY FOR ADDITIONAL SITE INFORMATION

ALL DIMENSIONS ON THIS PLAN ARE TO BE APPROXIMATE AND ARE TO BE VERIFIED BY A GEORGIA REGISTERED LAND SURVEYOR

PROPERTY INFORMATION:
OWNER: MBA PRODUCTIONS, LLC
ZONED: 01 (CZ-00069)

LAND LOT: 94 - 16TH DISTRICT
DEED BOOK 29167 PAGE 119-123
DEKALB COUNTY, GA

PROPERTY AREAS:
TRACT 1 (6020): 0.47 ACRE
TRACT 2 (6038): 0.55 ACRE
TRACT 3 (6048): 0.63 ACRE
TOTAL: 1.65 ACRES

REVISIONS

| DESCRIPTION | DATE |
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SCALE: 1" = 20'-0"
DRAWN: ADW
CHECK: ADW
DATE: 01-08-24
PROJECT NO. 2356

SHEET NO.

A0






Certificate of Mailing — Firm

| | | | | |
|---|---|---|---|--|
| Name and Address of Sender Giacoma Roberts & Daughdrill, LLC 950 East Paces Ferry Road Suite 2450 Atlanta, Georgia 30326 | TOTAL NO. of Pieces Listed by Sender 58 | TOTAL NO. of Pieces Received at Post Office™ 58 | Affix Stamp Here <i>Postmark with Date of Receipt</i>  | |
| | Postmaster, per (name of receiving employee) <i>Kiera Canady</i> | | | |
| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | | |  U.S. POSTAGE PAID ATLANTA, GA 30355 JAN 31, 24 AMOUNT \$3.48 R2303S103707-30 0000 |
| 1. Consuelo Espinoza Godden | 6720 Marbut Road Lithonia, GA 30058 | | | |
| 2. Jonelle Bertrand | 1533 Dillard Road Stone Mountain, GA 30088 | | | |
| 3. Michelle Henson | 4140 Creek Stone Court Stone Mountain, GA 30083 | | | |
| 4. Dale Phillips | 2538 Panola Road Lithonia, GA 30058 | | | |
| 5. Kerrington Rice | 2218 Triple Crown Lane Lithonia, GA 30058 | | | |
| 6. Phyliss Coles | 2350 Triple Crown Lane Lithonia, GA 30058 | | | |






Certificate of Mailing — Firm

| | | | |
|---|---|---|---|
| Name and Address of Sender Giacoma Roberts & Daughdrill, LLC 950 East Paces Ferry Road Suite 2450 Atlanta, Georgia 30326 | TOTAL NO. of Pieces Listed by Sender 1 | TOTAL NO. of Pieces Received at Post Office™ | Affix Stamp Here <i>Postmark with Date of Receipt.</i>   0000 |
| | Postmaster, per (name of receiving employee)  | | |
| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | | U.S. POSTAGE PAID ATLANTA, GA 30355 JAN 31 24 AMOUNT \$3.48 R2303S103707-30 |
| 1. Johnnie Washington | 2343 Rolling Trail Lithonia, GA 30058 | | |
| 2. Larry Salter | 1664 Stone Meadow Rd Lithonia, GA 30058 | | |
| 3. DEKALB COUNTY | 1300 COMMERCE DR DECATUR GA 30030 | | |
| 4. MICKENS ANGELA D | 2276 KILGORE LN LITHONIA GA 30058 | | |
| 5. WALLACE JASON | 5981 ARBOR LINKS RD LITHONIA GA 30058 | | |
| 6. PATRICK CLARKE LISA | 991 CARRIAGE TRACE WAY STONE MOUNTAIN GA 30087 | | |






Certificate of Mailing — Firm

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| Name and Address of Sender Giacoma Roberts & Daughdrill, LLC 950 East Paces Ferry Road Suite 2450 Atlanta, Georgia 30326 | TOTAL NO. of Pieces Listed by Sender | TOTAL NO. of Pieces Received at Post Office™ | Affix Stamp Here <i>Postmark with Date of Receipt.</i>  | | | |
| | Postmaster, per (name of receiving employee)  | | | | | |
| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | |  <p>U.S. POSTAGE PAID ATLANTA, GA 30355 JAN 31, 24 AMOUNT \$3.48 R2303S103707-30</p> | | | |
| 1. ANDREWS ELIZABETH | 6170 SHADOW ROCK DR LITHONIA GA 30058 | | | | | |
| 2. GREEN RALPH | 5976 ARBOR LINKS RD LITHONIA GA 30058 | | | | | |
| 3. GRIMES JANET | 5987 ARBOR LINKS RD LITHONIA GA 30058 | | | | | |
| 4. GRAVES SYLVIA H | 6171 SHADOW ROCK DR LITHONIA GA 30058 | | | | | |
| 5. DENNIS ARLENE | 6022 ARBOR LINKS RD LITHONIA GA 30058 | | | | | |
| 6. ARMOUR CHEREE | 2284 KILGORE LN LITHONIA GA 30058 | | | | | |





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| 1. BOUIE LINDA | 6034 ARBOR LINKS RD LITHONIA GA 30058 | | |
| 2. ADDIS CAROLINE | 6164 SHADOW ROCK DR LITHONIA GA 30058 | | |
| 3. HEYWOOD RICHARD | 6004 ARBOR LINKS RD LITHONIA GA 30058 | | |
| 4. LESTER VICKIE | 2295 PARKLAKE DR STE 557 ATLANTA GA 30345 | | |
| 5. DURDEN CURTIS | 1315 KILGORE RD LITHONIA GA 30058 | | |
| 6. STOA ACQUISITIONS LLC | 2394 E CAMELBACK STE 200 PHOENIX AZ 85016 | | |



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| 1. NEAL CARRIE N | 6041 PAUL RD LITHONIA GA 30058 | | | |
| 2. BUCHANAN THOMAS J | 6151 SHADOW ROCK DR LITHONIA GA 30058 | | | |
| 3. MCGUIRE HAROLD | 5501 MILLER GROVE RD LITHONIA GA 30058 | | | |
| 4. ARCHER TELFORD | 2170 LESTER RD CONYERS GA 30012 | | | |
| 5. ZACHARY BILLY | 5996 PAUL RD LITHONIA GA 30058 | | | |
| 6. SMITH JARON | 6159 SHADOW ROCK DR LITHONIA GA 30058 | | | |



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| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | Postage | Fee | Special Handling | Parcel Airlift |
|---|---|---------|-----|------------------|----------------|
| 1. WEBSTER NORMA | 1117 E 224 ST BRONX NY 10466 | | | | |
| 2. SMITH BILLY T | 6209 REMINGTON PARK LITHONIA GA 30058 | | | | |
| 3. ACQUAYE JOHN A | 5986 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 4. TABANO RODGERS MONICA | 5993 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 5. HAMMOND DAVID | 5992 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 6. SMITH WILLIE C | 2269 KILGORE LN LITHONIA GA 30058 | | | | |



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| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | Postage | Fee | Special Handling | Parcel Airlift |
|---|---|---------|-----|------------------|----------------|
| 1. WILLIS VIRGINIA M | 5980 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 2. BYAM AYANA | 6040 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 3. RUSSELL JASPER J | 3577 WOODS DR DECATUR GA 30032 | | | | |
| 4. JONES LINDA J | 6028 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 5. GREATER ST PAUL CHURCH OF GOD IN | 6015 PAUL RD LITHONIA GA 30058 | | | | |
| 6. WHITERS CAROLYN W | 6075 PAUL RD LITHONIA GA 30058 | | | | |





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|---|---|----------------|------------|-------------------------|-----------------------|
| 1. MCGUIRE HAROLD | 5501 MILLER GROVE RD LITHONIA GA 30058 | | | | |
| 2. MILLS MOLLIE CLARK | PO BOX 431 REDAN GA 30074 | | | | |
| 3. BROWN ANDREA | 6182 VALLEY GREEN RD LITHONIA GA 30058 | | | | |
| 4. OHAYON MOTY MORDEKHAY | 2148 MAIN ST E SNELLVILLE GA 30078 | | | | |
| 5. KIRBY JOAN E | 6231 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 6. MCINTOSH ELAINE SMITH | 6300 SHADOW ROCK DRIVE ST LITHONIA GA 30058 | | | | |



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| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | Postage | Fee | Special Handling | Parcel Airlift |
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| 1. JAMES KENNETH | 6039 ARBOR LINKS RD LITHONIA GA 30058 | | | | |
| 2. MCGUIRE LARISSA DAWN | 6026 PAUL RD LITHONIA GA 30058 | | | | |
| 3. LEITCH ELIZABETH | 6027 ARBOR LINK RD LITHONIA GA 30058 | | | | |
| 4. MULLEN JOHNATHAN KELLY | 6176 VALLEY GREEN RD LITHONIA GA 30058 | | | | |
| 5. TAH 2017 1 BORROWER LLC | 1508 BROOKHOLLOW DR SANTA ANA CA 92705 | | | | |
| 6. ANDERSON VALERIE | 6033 ARBOR LINKS RD LITHONIA GA 30058 | | | | |



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| USPS® Tracking Number Firm-specific Identifier | Address (Name, Street, City, State, and ZIP Code™) | Postage | Fee | Special Handling | Parcel Airlift |
|---|---|---------|-----|------------------|----------------|
| 1. ZACHARY BILLY A | 5996 PAUL RD LITHONIA GA 30058 | | | | |
| 2. PFIN II F LLC | 6300 POWERS FERRY RD STE 600 142 ATLANTA GA 30339 | | | | |
| 3. SINGLETON YVETTE M | 6188 VALLEY GREEN RD LITHONIA GA 30058 | | | | |
| 4. STEPHENSON OTIS JR | 3430 HAPSBURG CT SNELLVILLE GA 30039 | | | | |
| 5. | | | | | |
| 6. | | | | | |

Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing – Firm* (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

Privately Printed Forms: The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).

Community Meeting 2-16-2024 Zoom Call Chat Log

- 17:16:11 From XO : Brandon Sterling
- 17:16:35 From jasper : Jasper Russell 2264 Kilgore Lane
- 17:16:39 From iPhone : Tamara Fowler
- 17:16:39 From Pastor and Lady Heath : Pastor Jerome Heath
- 17:17:00 From Pastor and Lady Heath : Pastor Heath 6015 Paul Rd
- 17:17:31 From Trae Neely : Trae Neely 6041 Paul Rd
- 17:17:55 From Mitchell Donavant : Mitchell Donavant
- 17:36:53 From Pastor and Lady Heath : What kind of foot traffic could we expect on a regular basis?
- 17:37:06 From Trae Neely : I have a question
- 17:37:47 From McGuire : Sound issues as well. My home sits right next to the existing home beside the boys and girls club
- 17:37:57 From jasper : Over time there has been shootings at studios around atlanta, how do you pose to mitigate those issues.
- 17:39:01 From McGuire : Agreed and I have a 10 year old child. Operations hours as well as traffic
- 17:40:23 From XO : Regular business hours and the majority of the investment will be into the sound proofing
- 17:41:54 From XO : And also security cameras
- 17:43:32 From XO : Yes we have considered an onsite security guard
- 17:45:56 From iPhone angela mickens : Has this already been decided or do we get a vote on it first

17:49:19 From Pastor and Lady Heath : How long do you anticipate construction to take?

17:51:44 From Pastor and Lady Heath : What will the building closest to Ms. McGuire be used for?

17:52:46 From XO : The building on the left will be offices and photography

17:54:13 From McGuire : Replying to "How long do you anti..."

This would be a part...

17:54:38 From Pastor and Lady Heath : Will that building be sound proof as well being so close to a home?

18:03:04 From XO : We're open to all genres. We're looking to gain corporate accounts for businesses to record commercials and voice overs to any kind of music a client would need to record.



Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson
Direct: (404) 924-2860
pdodson@grdlegal.com

Samuel J. Holder
Direct: (404) 924-2858
sholder@grdlegal.com

February 26, 2024

DeKalb County Department of Planning & Sustainability
1300 Commerce Drive
Decatur, GA 30030

**RE: Letter of Application
6020, 6038, and 6048 Paul Road,
Lithonia, DeKalb County, Georgia 30058
MBA Productions, LLC (“Applicant”)**

Dear DeKalb County Department of Planning And Zoning:

This Letter of Application for a Major Modification of a Zoning Condition (the “Application”) is being submitted on behalf of MBA Productions, LLC, the owner of certain real property located in DeKalb County designated as Tax Parcels 16 094 01 074, 16 094 01 075, and 16 094 01 076 commonly known as 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (collectively the “Property”). The Property is currently zoned Office Institutional (“OI”). Applicant intends to use the Property for a music recording studio, which DeKalb County Staff previously confirmed would be treated as the **permitted use** of *radio or television broadcasting studio*. Applicant also intends to use the Property for a photography studio which is also a **permitted use** under OI zoning. While both intended uses are permitted by OI zoning, the Property is burdened by a prior condition of zoning that limits the use of the Property exclusively to a “Boys and Girls Club” which was approved contingent on a specific site plan. Applicant is seeking a Major Modification to remove the zoning condition on the Property limiting its use to a Boys and Girls Club and have the County approve a new site plan. Applicant submits this Application outlining its intended use for the Property and in support of its Major Modification of Zoning Conditions as follows:

1. Property Information, Location, and Current Use and Zoning Conditions.

The Property is located in Lithonia, Georgia within unincorporated DeKalb County. It is on a local road, Paul Road, off of an arterial road, Shadow Rock Drive, and abuts the Mystery Valley Golf Club. The Property is currently zoned OI and Applicant intends to keep the OI designation and use the Property for OI permitted uses.

Applicant is seeking a Major Modification because on July 26, 2000 when the Property was re-zoned to OI, the DeKalb County Board of Commissioners placed six (6) zoning conditions on the Property through Zoning Application CZ-00069. A copy of the July 26, 2000

Board of Commissioners agenda minutes for CZ-00069 is attached as "**Exhibit 1**". Applicant is seeking the removal of Zoning Condition #1 which states:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.

Ex 1, p. 2. The 2000 rezoning was also approved "per staff recommendations and site plan," limiting the use of the Property to the then-approved site plan. Ex 1, p. 3.

The Property has been vacant and abandoned for at least five (5) years. The Boys & Girls Club of Metro Atlanta, Inc. ceased operating in the Property multiple years before selling it. The Boys & Girls Club of Metro Atlanta, Inc. stopped paying its sewage and water bills and allowed the Property, including the two buildings on it, to fall into disrepair. One of the buildings on the Property has extensive water damage and has large holes in its roof. The other building is in better structural condition but has been long neglected and needs vital repairs. The Boys & Girls Club of Metro Atlanta, Inc. ceased landscaping the Property and the lots became overgrown and people dumped trash in them. Rather than spend extensive amounts of money to repair the Property and reopen the Boys and Girls Club, the Boys & Girls Club of Metro Atlanta, Inc. sold the Property to Applicant on March 11, 2021.

Since purchasing the Property, Applicant has already taken numerous steps to clean up the Property, but is unable to make substantial improvements on the Property due to the restrictive conditions of zoning. Applicant is not affiliated with the Boys and Girls Club and is unable to use Property as a Boys and Girls Club. Furthermore, based on the site plan approved in 2000, the only additional building that Applicant could build on the Property is the fourteen thousand (14,000) square foot gymnasium shown on the original site plan. Applicant is seeking this Major Modification to remove the limitation of only using the Property as a Boys and Girls Club and requests that the County approve a new site plan. If the Major Modification is not granted and the zoning condition remains on the Property and Applicant will be denied all economic use of the Property and the Property will remain a dilapidated blight on the community.

2. Applicant's Proposed Use of the Property

There is, however, a viable use for the property and Applicant is prepared to invest the funds necessary to restore the Property, if the prior zoning condition is removed. Applicant intends to use the Property for a music recording studio and photography studio. For the music recording studio portion of the Property, Applicant intends to run a local small business whereby appointment-only musicians and other artists book studio time and Applicant will provide a sound proofed recording booth and control room which will be operated by Applicant's audio engineers and producers. Applicant is open to records a wide variety of products such as songs, radio commercials, and podcasts. For the photography studio portion, Applicant intends to have appointment-only, high end photography sets which can be available for a number of different photography uses. Both a recording studio and a photography studio are permitted uses in the OI

zoning category. Each use will be by appointment only to ensure that traffic in and out of the site will be minimized and to ensure that there is minimal disruption outside the buildings when transitioning from one appointment to another.

On November 8, 2022, Applicant participated in an initial Pre-Application meeting with DeKalb County Department of Planning & Sustainability. After the meeting, DeKalb County Planning Staff stated on the pre-application form:

Based on your description of your proposed use (“1. It’s just a music studio. 2. They will be owners and operate it on a daily basis. 3. Hours of operation are from 10 am to 11 pm 4. There will be no admission fee. 5. No alcohol will be consumed on the premises. 6. The premises will be more of a production studio”), your proposed use will fall under the DeKalb County use of “radio or television broadcasting studio”. This use is allowed within the OI zoning district.

A copy of the original pre-application form is attached hereto as “**Exhibit 2**”. Since the original 2022 pre-application meeting, the use of a radio or television broadcasting studio and/or a photography studio remain *permitted uses* in OI Zoning Districts. DeKalb County Municipal Code Chapter 27 (“Zoning Code”) Article 4, § 4.1.3 lists in part:

Table 4.1 Use Table

| Use | KEY: P - Permitted use | | | | | | | | | | | | | | SA - Special administrative permit from director of planning | | | | See Section 4.2 | | | | | | |
|---|------------------------|-----|-------|------|------|------|-----|------|------|--------|-----|-----|----|----|--|-----|-----|----|-----------------|---|-----|------|------|------|--------|
| | RE | BLG | R-100 | R-35 | R-75 | R-40 | RCM | RM-1 | RM-2 | RM-3.3 | MHP | RNC | OI | OT | NS | C-1 | C-2 | CO | | M | M-2 | MU-1 | MU-2 | MU-3 | MU-4.5 |
| Radio or television broadcasting studio | | | | | | | | | | | | | P | | | | P | | P | P | P | P | P | P | |
| Photographic studio | | | | | | | | | | | | | P | P | P | P | P | | P | P | P | P | P | P | |

Applicant’s intended use is consistent with the Property’s current zoning designation and when compared to the previous Boys and Girls Club usage will not increase the burden on the Property or the community. Importantly, the Applicant’s proposed uses of the Property are permitted within the Property’s current zoning designation.

3. Applicant’s Details And Characteristics Of Its Proposed Use Of The Property And Site Plan.

The Property currently contains an approximately 1,816 square foot single story house on 6020 Paul Road, a roughly 5,000 square foot metal and cinderblock structure on 6038 Paul Road, and a wooded lot on 6048 Paul Road where the Boys and Girls Club elected not to build a previously approved 14,000 square foot gymnasium complex. *See Ex. 1; see also* May 1, 2023

site plan from Gaddy Surveying & Design, Inc. for MBA PRODUCTIONS, LLC #6020, #6038 & #6048 PAUL Road (“Survey”) attached within Applicant’s application. There is existing paving, particularly on 6038 Paul Road, for a parking lot to service the building which appears to contain 18 parking spaces. However, the parking lot is in relatively bad condition and in need of repair and restriping.

Applicant has worked with Andrew Woodward of A. Woodward Architecture, Inc. to prepare a Site Plan that incorporates the current state of the Property as well as proposes additions to the Property that will ultimately result in a revitalized layout that will enhance the Property and the surrounding community. A copy of the proposed Site Plan for MBA Productions LLC (“Site Plan”) is attached as a part of Applicant’s application. The single-story home on 6020 Paul Road is in a dilapidated condition and has an unusual layout, which will make it near impossible to incorporate into Applicant’s intended use. The current house has extensive water damage, holes in its roof, and is not presently safe for occupancy. Applicant is proposing the demolition of the dilapidated structure, adding a new parking lot area, and building a new 40’x70’ structure (2,800 square feet). Site Plan. Applicant plans to re-use the structure on 6038 Paul Road and will remodel the interior of the building, including inserting substantial soundproofing to be able to use this space as a recording studio. Id. Applicant also plans to restore the parking on 6038. On 6048 Paul Road, Applicants plan to add a new 60’x120’ (7,200 sf) metal building (roughly half the size of the 14,000 square foot gymnasium already permitted for the Boys and Girls Club). Ex. 1; Site Plan. Applicant further plans to add additional parking on 6048 Paul Road and add an additional curb cut to permit a better traffic flow across the Property. Site Plan.

None of the planned structures will exceed thirty-five (35) feet in height and, based on the renderings prepared by A. Woodward Architecture, Inc. and included within the Application, the new 7,200 sf building proposed for 6048 Paul Road will be approximately the same height as the current building on 6038 Paul Road, approximately sixteen (16) feet tall plus roofing. The 7,200 sf proposed building will also utilize materials consistent with the pre-existing building on 6038 Paul Road, which Applicant plans to revitalize, and will comply with the Dekalb County Zoning Ordinance. Applicant will install substantial sound proofing on all portions of the structures used for recording. Applicant will also ensure that there is sufficient fencing, vegetative buffers, and side yards between its buildings and the surrounding properties to comply with the Dekalb County Zoning Ordinance.

As to the number of parking spaces itself, based on the size of the buildings planned for the Property, it is expected that thirty (30) parking spaces will be needed to adequately comply with zoning regulations. Site Plan. Applicant is proposing to provide thirty-six (36) spaces for the Property, which will more than service its needs. Id. The current Site Plan provides sufficient parking such that that all parking for the Property will be on-site.

All of the proposed structures will comply with the OI zoning requirements and will be harmonious with the currently permitted structures. By removing the restriction limiting the Property to the singular use as a Boys and Girls Club, Applicant will be able to use the Property

for a recording and photography studio in a manner consistent with the current OI zoning regulations. Applicants will turn underutilized and poorly maintained lots into a low-intensity use that will enhance the surrounding community.

Applicant intends to use the buildings on a daily basis, with a small team of employees and a varying number of artists. Due to the expensive equipment necessary to run a recording studio, Applicant does not intend to have the buildings open to the public and instead have all recordings completed by appointment only.

If given the opportunity, Applicant will restore the Property to a useful, usable function that will enhance the Property and surrounding community.

4. Community Meeting Discussion.

Applicant held its community meeting on Friday, February 16, 2024 at 5:15pm via Zoom. Despite sending over sixty invitations out to the community meeting by both mail and electronic mail, less than ten (10) members of the community attended. Members of the community raised generalized concerns about security, noise, traffic, loitering in the parking lots, and hours of operation. Applicant desires to be a good neighbor and hopes to create a business near which the community will support and enjoy living. Applicant responded to the community's concerns at the meeting itself but, to provide further clarity, Applicant is outlining and elaborating on its responses.

With regard to security, Applicant intends to install privacy fencing around the entire property and there will be parking lots and vegetative buffers between the fence line and the buildings. Applicant plans to have gates on all of its driveways which will be controlled by electronic fobs, or a similar system, and visitors will have to be permitted entry through the gate into the parking lot. The buildings will not be open to the public, and visitors will have to make appointments prior to arriving. Applicant also intends to secure the buildings themselves to protect the equipment stored inside of them and to have internal and external security cameras.

Regarding the traffic, loitering, and hours of operation, due to the by appointment only nature of its business, Applicant does not expect there to be substantial vehicular traffic around the Property and, because it is a gated enclosure, Applicant does not expect to have any substantial amount of foot traffic where visitors "walk" to the Property. Applicant plans to install "No Loitering" and "No Trespassing" signs on the Property and will enforce previous appointments' timely departure for the next appointment. Given the expense of utilizing the recording booths, Applicant expects that its customers will seek to maximize booth time and not linger in the parking areas or outside the buildings.

Addressing the concerns about noise, first, Applicant is required to and will comply with DeKalb County noise ordinance. Second, in order to be able to actually record and edit music in multiple booths inside Applicant's building(s), there has to be substantial soundproofing around each recording booth where the musician is located and the control room where the audio

engineer is located so there is no bleed of sound between booths. That same soundproofing isolates the booths from the exterior noise. Applicant does not expect, and it would be detrimental to its ability to record music, if the sound from inside any of the booths could be heard in the immediately adjacent booth, let alone outside the building. To further enhance the separation and noise suppression, Applicant is deliberately locating the recording studio in the building on 6038 Paul Road, i.e., the middle of the assemblage. The recording studio will be over one hundred thirty (130) feet away from the shared **property line** with the closest house (6026 Paul Road, Lithonia, DeKalb County, Georgia 30058) to the East. *See* Site Plan and Survey. In between the recording studio and this house, there will be privacy fencing, vegetative buffers, another planned building, and a parking lot which would further dampen and block any noise which managed to escape extensive sound proofing. Id.

Applicant takes the concerns of the community very seriously, and its design and intended use of the Property already addresses the concerns that were raised at the community meeting.

LEGAL AND CONSTITUTIONAL OBJECTIONS

The portions of the County's Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any conditions (current or otherwise) or development standards are unconstitutional in that they destroy Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The application of the County's Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any conditions or development standards, other than in accordance with the Application for Major Modification (including all intervening conditions, categories or other zoning restrictions) is unconstitutional, illegal, null and void, constituting a taking of Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying MBA Productions, LLC an economically viable use of its land while not substantially advancing legitimate state interests.

Additionally, denial of the Application for Major Modification would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States. A refusal by the County and/or the Dekalb County Board of Commissioners (including its members in both their official and individual capacity) to grant the Application as requested would constitute a taking of the Applicant's Property. Because of this unconstitutional taking, the City would be required to pay just compensation to MBA Productions, LLC.

Likewise, denial of the Application would constitute an arbitrary and capricious act by the County and/or the Dekalb County Board of Commissioners (including its members in both their official and individual capacity) without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the County and/or the Dekalb County Board of Commissioners (including its commissioners) to grant the Application for the Property in accordance with the criteria as requested by MBA Productions, LLC would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application subject to conditions to the extent such different conditions would have the effect of restricting MBA Productions, LLC's utilization of the Property would also constitute an arbitrary, capricious, and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove. Any attempt by the County and/or the Dekalb County Board of Commissioners to require MBA Productions, LLC to rezone its Property to the extent such rezoning would have the effect of further restricting MBA Productions, LLC's utilization of the Property which would also constitute an arbitrary, capricious, and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Denial of the Application would be an arbitrary, capricious, and unreasonable use of the County's Zoning Ordinance against our client who has a substantial interest and has demonstrated herein that it is specially aggrieved by the Denial such that he has standing to bring this Application as it will have the use and enjoyment of the Property stripped from it 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. In addition, denial of the Application would be clearly erroneous and a gross abuse of discretion because it depends on facts which do not exist and because it violates the Georgia and United States Constitutions, violates due process, and equal protection.

CONCLUSION

Applicant respectfully submits this Letter of Application in support of its Application for Major Modification of certain zoning conditions to permit a recording studio and photography studio at the Property. Applicant is committed to the revitalization of the Property and enhancing the community around it. Applicant's proposed use of the Property is a permitted use under the Property's current OI zoning classification and is likely less intensive than the previously permitted use. Applicant welcomes the opportunity to meet with all interested parties and representatives and respectfully request the Application be granted as requested and that the Board of Commissioners approve the major modification and remove the condition of zoning

GIACOMA ROBERTS & DAUGHDRILL, LLC

Letter of Application for 6020, 6038, and 6048 Paul Road

February 26, 2024

Page 8 of 8

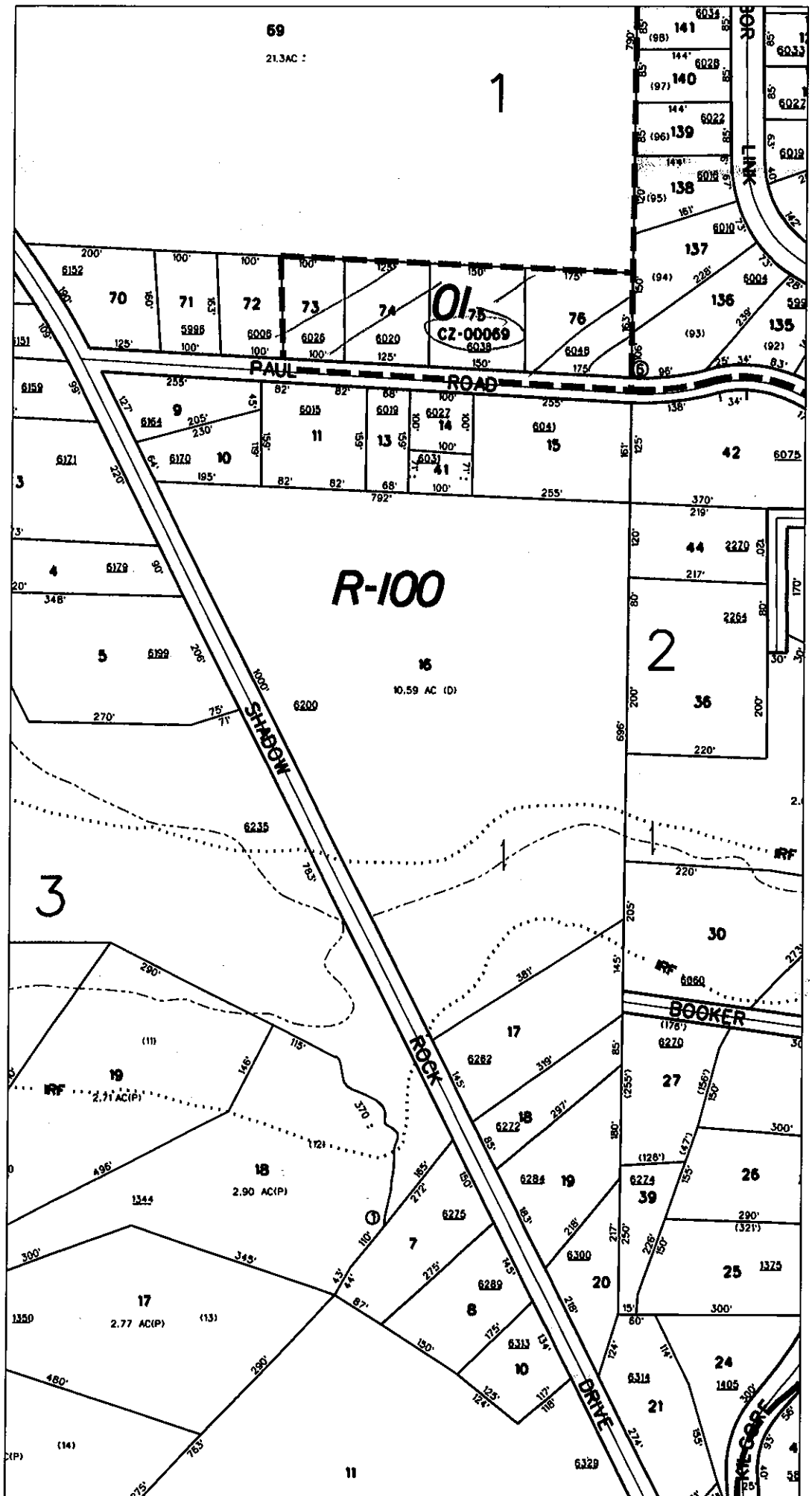
limiting the Property to a Boys and Girls Club use based on an outdated site plan. Should you have any questions about this matter, please contact us at your earliest convenience.

Sincerely,
**GIACOMA ROBERTS &
DAUGHDRILL, LLC**

/s/ Patrick Doyle Dodson
Patrick Doyle Dodson

PDD/sjh
Attachments

EXHIBIT 1



DEKALB COUNTY

ITEM No. 44.

BOARD OF COMMISSIONERS

ZONING - AGENDA / MINUTES

MEETING DATE: July 26, 2000

| | |
|-------------|-------------------------------------|
| PRELIMINARY | <input type="checkbox"/> |
| ACTION | <input type="checkbox"/> |
| PUB. HRG. | <input checked="" type="checkbox"/> |

| | |
|--------------|-------------------------------------|
| RESOLUTION | <input type="checkbox"/> |
| ORDINANCE | <input checked="" type="checkbox"/> |
| PROCLAMATION | <input type="checkbox"/> |

SUBJECT: Rezoning - East DeKalb Boys and Girls Club

COMMISSION DISTRICTS: 4 & 7

DEPARTMENT: PLANNING

ATTACHMENT **Pages:** 15

INFORMATION CONTACT: RAY WHITE
 ROBERT MAXEY
 PHONE NUMBER (404) 371-2155

PURPOSE:

CZ-00069

Application of East DeKalb Boys and Girls Club to rezone property located on the north side of Paul Road, 325 feet east of Shadow Rock Road, from R-100 to OI. The property has frontage of 550 feet and contains 2.05 acres. The application is conditioned on expansion of the existing club based as a site.

SUBJECT PROPERTY Parcel-ID #: 16-94-4-(5-8)

RECOMMENDATION(S):

PLANNING DEPARTMENT

Approval with conditions. The Boys and Girls Club which occupies this site is a community-oriented facility. Ordinarily an Office-Institutional zoning would not be encouraged on this site; however, given the nature of the facility and the strong presence of institutional uses and a public facility, approval should be considered. Staff recommendation is for approval based on the following:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.
2. Access to the future redevelopment to be approved by Public Works.
3. Any expansion to meet code requirements in terms of lot coverage.
4. Any road improvements as required by Public Works.
5. The site plan is considered appropriate given the physical constraints of the site which is of shallow depth and the proposed use of the property.
6. If the side buffers are reduced to 20 feet the buffer area should be planted and a fence provided.


FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

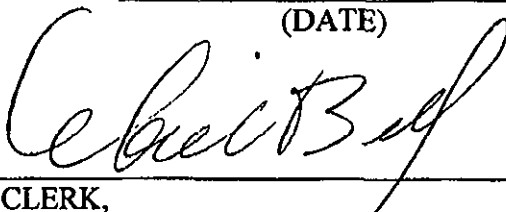
MOTION was made by Commissioner Davis, seconded by Commissioner Brown, and passed 5-0-0-1, to approve per staff recommendations and site plan, the rezoning application of East DeKalb Boys and Girls Club. Commissioner Yates out of the room and not voting.

ADOPTED: JUL 26 2000
(DATE)

CERTIFIED: JUL 26 2000
(DATE)



PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

MINUTES:

Shirley Durden, 1335 Kilgore Rd., Lithonia. GA 30058; and Terry Galloway, 2987 Clairmont Rd., Atlanta, GA 30329, spoke in support of the application.

No one spoke in opposition to the application.

Attachments

| | FOR | AGAINST | ABSTAIN | ABSENT |
|-------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| DISTRICT 1 - ELAINE BOYER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DISTRICT 2 - GALE WALDORF | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DISTRICT 3 - JACQUELINE SCOTT | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DISTRICT 4 - KEN DAVIS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DISTRICT 5 - WILLIAM C. BROWN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DISTRICT 6 - JUDY YATES | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Note: The site plan has been submitted to Public Works and the Law Department in accordance with Code Section 27-833 B. The plan has also been submitted to the Parks and Recreation Department and to Fire Marshal. Front yard parking is not allowed in the OI zone; however, on this site there is no other place to locate it. This would require a variance. A 50-foot buffer is required on the rear of the property according to the code; however, the property located to the rear is a county golf course and the buffer would seem to be redundant. In place of the buffer the site plan shows a 12-foot planted area with a chain link fence which is already in place. A 50-foot buffer is also required on the west and east sides of the property adjacent to the residential zones. If these buffers are waived through the variance process, letters should be obtained from the adjacent owners indicating that they have no objection to such a waiver.

PLANNING COMMISSION:

Approval.

COMMUNITY COUNCIL

Approval.

35°28'22"E 112.82'

S 87°00'00"E 162.98'

1/2"

30' SETBACK

30' SETBACK

- GRASSED PLAY AREA

R-100
CONDITIONAL USE
ONE STORY BLOCK
GYMNASIUM

PROPOSED GYMNAS

FINISH FLOOR
939.37

120'

50' SETBACK

SIDEWALK

TRAFFIC STRIPING

EP

H/C/ SIGNS (12)

RECESSED H/C RAMP

ASPHALT

P 16" +
MAG 10" +

24" C & G TYP

(6)

EP

N 86°50'47"W
150.00'

PAUL ROAD 30' R/W

N 86°50'47"
29.11'

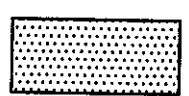
6' SLIDE GATE
WITH LOCK

R-100

RELOCATE EXISTING
PP, COORDINATE W/
POWER COMPANY

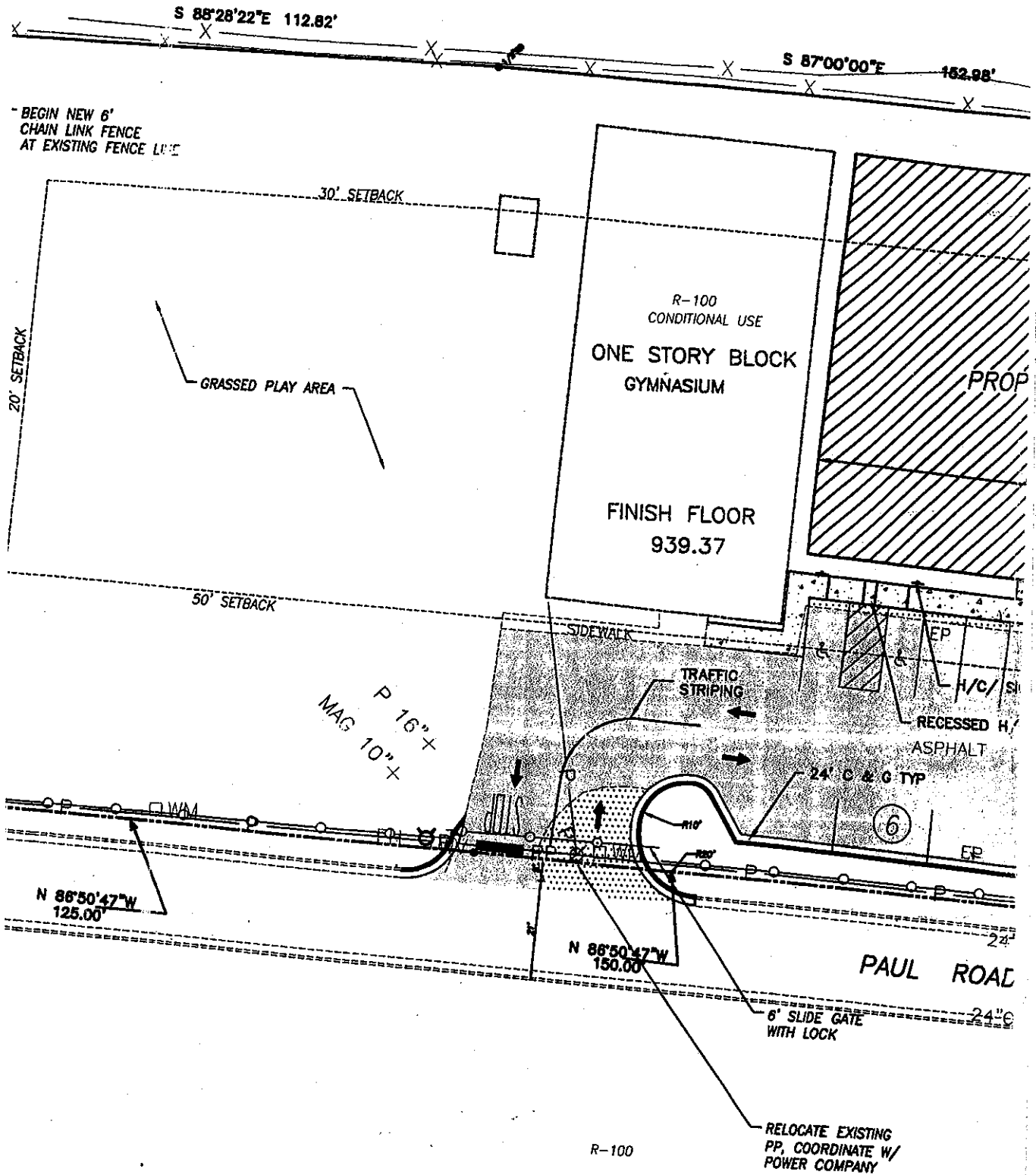


OVERLAY EXISTING PAVEMENT WITH
1" OF PERMAFLEX AND 1/2" OF TYPE E
SURFACE COURSE

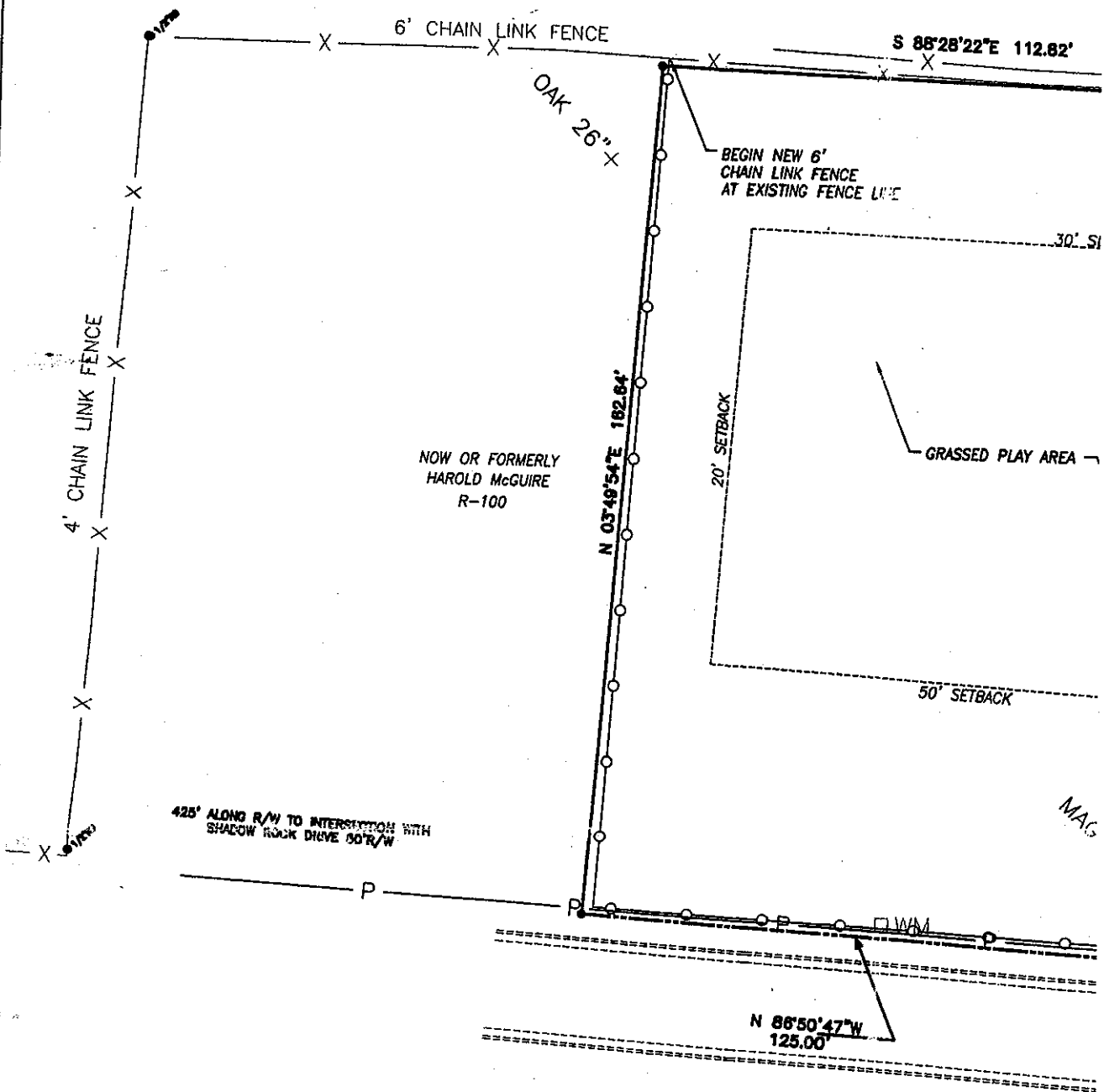


NEW ASPHALT PAVING (1 1/2" TYPE E, 2" BINDER, 6" G.A.B.)

R-100
NOW OR FORMERLY
DEKALB COUNTY PARK
(MYSTERY VALLEY GOLF COURSE)



OVERLAY EXISTING PAVEMENT WITH
1" OF PERMAFLEX AND 1" OF TYPE E
SURFACE COURSE



OWNER

ROBERT PATILLO PROPERTIES INC.
 2987 CLAIRMONT ROAD, SUITE 550,
 ATLANTA, GA 30329
 PHONE: 404-235-3550

ENGINEER

SCOTT GARDNER

CZ-00009

16-94-4-(5-8)

East Dekalb Boys and Girls Club

R-100 to DI (card)

P.D. - app w/ card.

P.C. - 7/12/00

B.C. - 7/26/00 - approved as conditioned

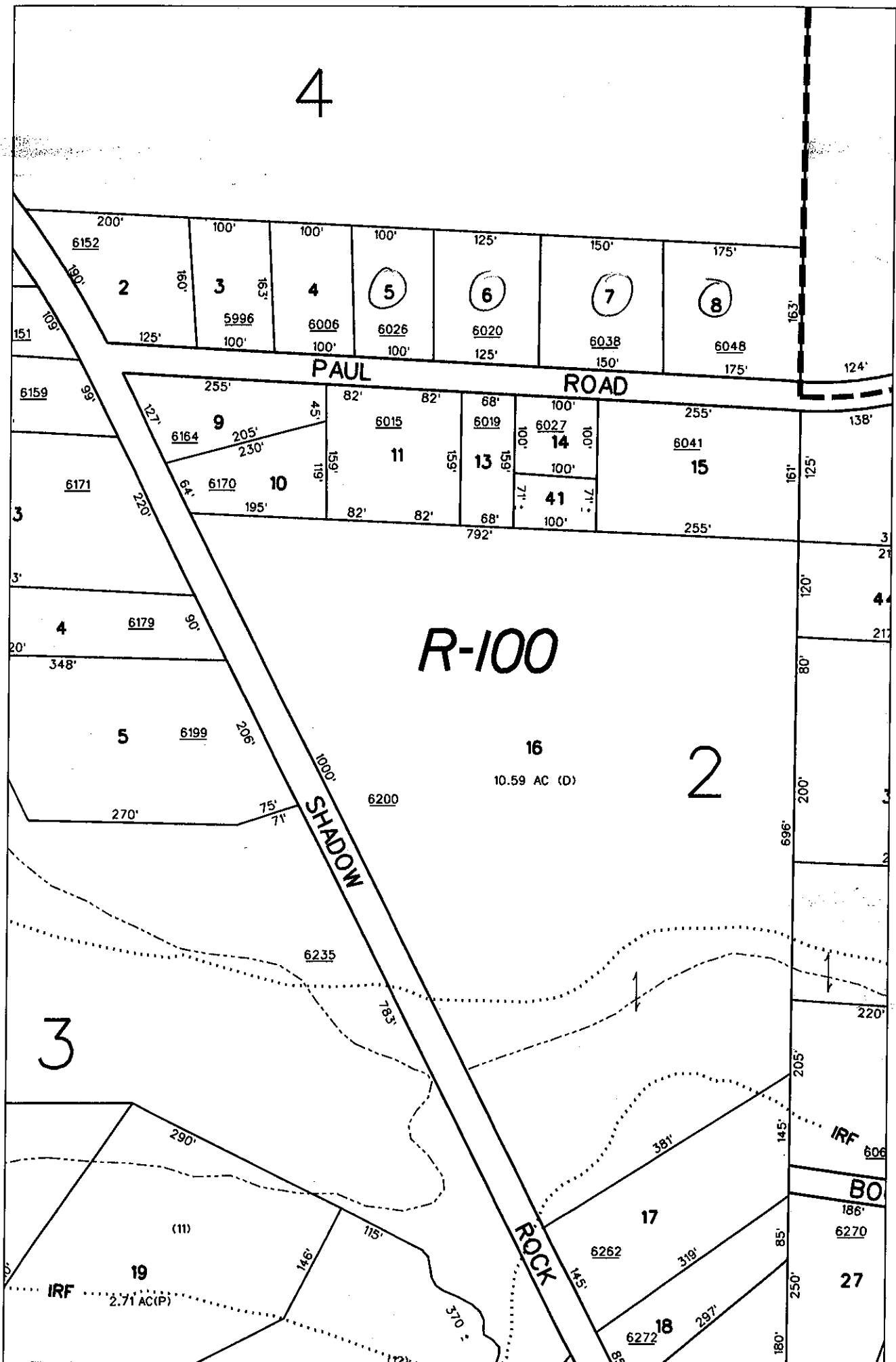


EXHIBIT 2

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

Applicant Name: Jean Paraison Phone: : 404-353-0562 Email: jeanmparaison@gmail.com

Property Address: 6038 Paul Road

Tax Parcel ID: 16 094 01 075 Comm. District(s): 5 & 7 Acreage: .56

Existing Use: Vacant Recreation Building (Boys & Girls Club) Proposed Use Production Studio (Music)
Supplemental Regs: N Overlay District: NA DRI: NA

Rezoning: Yes No X

Existing Zoning: O-I with conditions
Square Footage/Number of Units:

Land Use Plan Amendment: Yes No X

Existing Land Use: SUB (Suburban) Proposed Land Use: NA Consistent Inconsistent X

Special Land Use Permit: Yes No X

Major Modification: Y

Existing Case Number(s): CZ-00069

Condition(s) to be modified: currently limited to boys and girls club

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: X PC: 03/07/23*
BOC: 03/30/23* Letter of Intent: X Impact Analysis: X Owner Authorization(s): X
Campaign Disclosure: X Zoning Conditions: X Community Council Meeting: 2/6/23*

DEPARTMENT OF PLANNING & SUSTAINABILITY

Public Notice, Signs: (Applicant must pick up and post and/or will be done by Staff) _____ Tree
Survey, Conservation: _____ Land Disturbance Permit (LDP): Sketch Plat:
Bldg. Permits: Fire Inspection: Business License: State License:
 Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS
PLEASE

***These are the relevant meetings and deadlines assuming the Board of Commissioners adopts the 2023 calendar on November 17th, 2022.**

***Deadline for hosting pre-community meeting with 15 days notice for March 2023 agenda cycle would be 12/21/22 and Filing Deadline for complete application would be 12/22/22.**

***If a complete application is submitted after 20 cases have been submitted, application will be moved to the May 2023 agenda cycle.**

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: Enhanced
Open Space: Setbacks: front sides side corner _____ rear Lot Size:
 Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: Parking - Auto: Parking - Bicycle:
 Screening: Streetscapes: Sidewalks: Fencing/Walls:
Bldg. Height: Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: Roofs:
 Fenestration: Façade Design: Garages: Pedestrian Plan:
Perimeter Landscape Strip:
Possible Variances: _____

Based on your description of your proposed use (“1. It’s just a music studio. 2. They will be owners and operate it on a daily basis. 3. Hours of operation are from 10 am to 11 pm 4. There will be no admission fee. 5. No alcohol will be consumed on the premises. 6. The premises will be more of a production studio”), your proposed use will fall under the DeKalb County use of “radio or television broadcasting studio”. This use is allowed within the OI zoning district. The property at 6038 Paul Road is zoned OI, however there are conditions on the property that limit the use to the Boys and Girls Club. You will need to apply for a Major Modification for your proposed use.

Applicant must provide justification as to how the proposed major modification to zoning conditions is

DEPARTMENT OF PLANNING & SUSTAINABILITY

compatible with surrounding uses and also comply with the O-I zoning requirements including but not limited to sidewalks, street trees, paving and striping the parking lot, providing minimum number of parking spaces, etc shown on site plan. Application fee for major modification application is \$500.

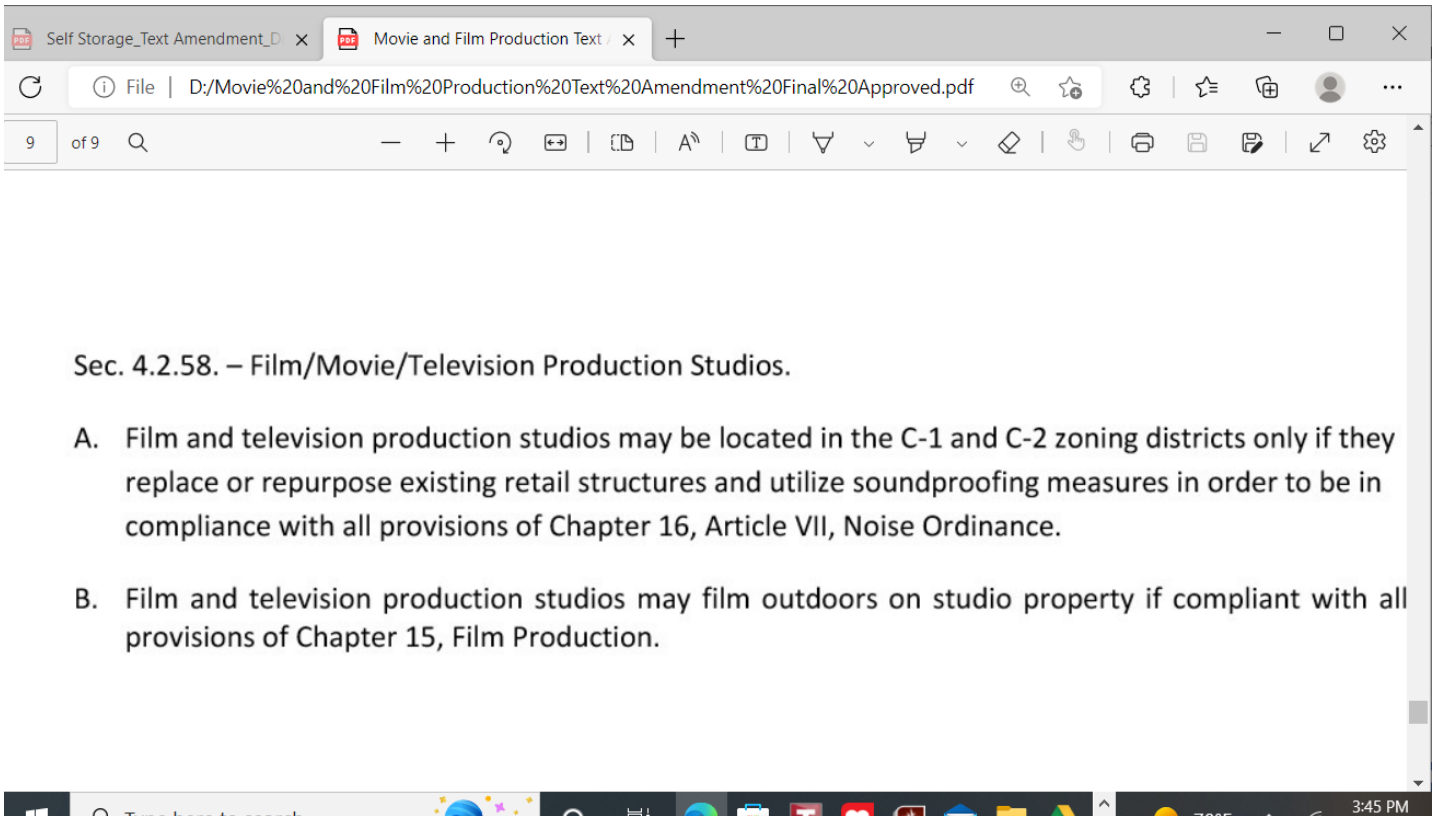
This only a preliminary review and is not a complete list of zoning requirements, a final and complete review will be done upon official submission of a rezoning application and concept plan.

Planner: John Reid _____ Date 11/08/22 _____

Filing Fees

| | | |
|--------------------------------|---|----------|
| REZONING: | RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 | \$500.00 |
| | RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5 | \$750.00 |
| | OL, OD, OIT, NS, C1, C2, M, M2 | \$750.00 |
| LAND USE MAP AMENDMENT | | \$500.00 |
| SPECIAL LAND USE PERMIT | | \$400.00 |

DEPARTMENT OF PLANNING & SUSTAINABILITY





Giacoma Roberts & Daughdrill LLC

Patrick Doyle Dodson
Direct: (404) 924-2860
pdodson@grdlegal.com

Samuel J. Holder
Direct: (404) 924-2858
sholder@grdlegal.com

February 26, 2024

Dekalb County Department of Planning & Sustainability
1300 Commerce Drive
Decatur, GA 30030

**RE: Impact Analysis for Major Modification of Zoning Conditions
6020, 6038, and 6048 Paul Road,
Lithonia, DeKalb County, Georgia 30058
MBA Productions, LLC (“Applicant”)**

Dear DeKalb County Department of Planning And Zoning:

Applicant is seeking a Major Modification of Zoning Conditions on three (3) DeKalb County parcels with parcel identification numbers 16 094 01 074, 16 094 01 075, and 16 094 01 074 commonly known as 6020 Paul Road, 6038 Paul Road, and 6048 Paul Road, Lithonia, DeKalb County, Georgia 30058 (collectively the “Property”). Applicant intends to use the Property as a recording studio and photography studio, which DeKalb County Planning Staff previously stated would be treated as a “*radio or television broadcasting studio*” in accordance with the Dekalb County Zoning Use Table (*See* Dekalb County Code of Ordinances Chapter 27, Article 4, Table 4.1), but Applicant must modify certain zoning conditions which limit the current use of the Property. Applicant submits this Impact Analysis in support of its Application for Major Modification of Zoning Conditions to allow Applicant’s intended use of the Property.

The Property is currently zoned Office Institutional (“OI”), which permits Applicant’s proposed use of the Property as a *radio or television broadcasting studio*, however when the Property was rezoned OI in July 2000, the DeKalb County Board of Commissioners placed six (6) zoning conditions on the Property through conditional zoning application CZ-00069. A copy of the July 26, 2000 Board of Commissioners agenda minutes for CZ-00069 is attached as “**Exhibit 1**”. Applicant is seeking the removal of conditional zoning requirement #1 which states:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.

Ex 1, p. 2. Because the County’s approval of the previous rezoning was “site plan” specific, Applicant also seeks to amend/modify the previously approved site plan to provide a more cohesive and modern plan. The Boys & Girls Club of Metro Atlanta, Inc. stopped using the Property as a Boys and Girls Club and stopped maintaining the Property.

After leaving the Property unattended for multiple years, the Boys & Girls Club of Metro Atlanta, Inc. sold the Property to Applicant on March 11, 2021. If the current zoning condition for the property is confined to the singular use as a Boys and Girls Club, Applicant will be denied all viable economic use of the Property.

In accordance with Dekalb County Zoning Ordinance §§ 27-7.3.5, 7.3.9, and 7.3.10 please allow this letter to serve as Applicant’s Impact Analysis of the proposed major modification showing as follows:

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The Applicant’s intend use of the Property is in conformity with the policy and intent of the Dekalb County Comprehensive Plan. The Property is within the Suburban Character Area. The intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. See Dekalb County 2050 Unified Comprehensive Land Use Plan. These areas include those developed (built out) and those under development pressures. OI zoning is permitted and appropriate within Suburban Character Areas and is the underlying existing zoning of the property.

| Zoning District | Rural Residential (max 4 du/a) | Suburban (max 8 du/a) | Traditional Neighborhood (max 12 du/a) | Neighborhood Center (max 24 du/a) | Town Center (max 60 du/a) | Regional Center (max 120 du/a) | Office Park (max 30 du/a) | Institutional | Industrial | Light Industrial | Commercial Redevelopment Corridor (max 18 du/a) | Highway Corridor (max 30 du/a) |
|-----------------|--------------------------------|-----------------------|--|-----------------------------------|---------------------------|--------------------------------|---------------------------|---------------|------------|------------------|---|--------------------------------|
| RE | RE | RE | R-60 | RSM | MR-1 | HR-1 | R-100 | M | C-2 | RSM | HR-1 | |
| RLG | RLG | RLG | RSM | MR-1 | MR-2 | MU-1 | R-85 | M-2 | OD | MR-1 | MU-1 | |
| R-100 | R-100 | R-100 | MR-1 | MR-2 | HR-1 | MU-2 | R-75 | OD | OI | MR-2 | MU-2 | |
| R-85 | R-85 | R-85 | MR-2 | HR-1 | HR-2 | MU-3 | R-60 | C-2 | M | MU-1 | MU-3 | |
| R-75 | R-75 | R-75 | MU-1 | HR-2 | HR-3 | MU-4 | RSM | | M-2 | MU-2 | MU-4 | |
| RNC | R-60 | R-60 | MU-2 | MU-1 | MU-1 | NS | MR-1 | | | MU-3 | C-1 | |
| MHP | RNC | RNC | MU-3 | MU-2 | MU-2 | C-1 | MR-2 | | | NS | C-2 | |
| NS | MHP | RSM | NS | MU-3 | MU-3 | C-2 | MU-1 | | | C-1 | OD | |
| | RSM | MR-1 | C-1 | MU-4 | MU-4 | OIT | MU-2 | | | C-2 | OI | |
| | MU-1 | MU-1 | OI | MU-5 | MU-5 | OI | MU-3 | | | OI | OIT | |
| | NS | MU-2 | OIT | OI | OI | OD | OI | | | OD | M | |
| | C1 | NS | | OIT | OIT | | OIT | | | OIT | M-2 | |
| | OIT | C-1 | | C-1 | C-1 | | | | | | | |
| | OI | OIT | | C-2 | C-2 | | | | | | | |

*du/a = dwelling units per acre

Dekalb County Code of Ordinances Chapter 27, Article 1, Table 1.2. In conjunction with this Impact Analysis, Applicant is submitting a full application with a site plan which evidences the structures and parking that it intends to include on the Property (“Application”).

Applicant intends to use of the Property as a recording and photography studio is permitted within the County's OI zoning district. For 6038 Paul Road, Applicant intends to revitalize and refurbish the current structure on the parcel. For 6020 Paul Road, Applicant intends to remove the current dilapidated one-story structure and add additional parking and a similarly sized 2,800 square foot structure. For 6048 Paul Road, the Boys and Girls Club previously received approval to erect a 14,000 square foot additional gymnasium which was never built. Rather than building this 14,000 square foot structure, Applicant intends to install a substantially smaller, 7,200 square foot building which will conform to the general appearance and design of the current structure on 6038 Paul Road, as shown in the building rendering submitted with the Application. Ex. 1, pp. 2, 5-6. Granting the Applicant's request to remove the zoning condition limiting the use of the property to permit the proposed use of the property as a recording and photography studio is consistent with the current zoning of the Property as well as the Suburban Character Area.

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

Applicant's intended use of the Property is less intense than the use for which the property is presently restricted and the proposed use is suitable in view of the use and development of adjacent and nearby properties. To the north of the Property is the Mystery Valley Golf Course, zoned R-100. To the west, 6026 Paul Road Lithonia, GA 30058, the adjacent parcel is also zoned OI. To the east, there are single family residential lots zoned R-85, however the Applicant intends to maintain a 50-ft heavily wooded buffer along the property line. Diagonally to the southwest, at 6015 Paul Road Lithonia, GA 30058, the parcels are zoned R-100 but maintain an institutional use as the Redan Church of Christ. The remainder of the lots along Paul Road near the Property appear to be residential lots used for R-100.

The Applicant intends to maintain the current OI zoning of the Property, but seek a Modification of the Conditions of Zoning limiting the use of the property to that of a Boys and Girls Club. Permitting Applicant to use the property as a recording and photography studio is suitable in light of the surrounding uses and current zoning of the Property. There are substantial buffers, including wooded buffers, along the edges of the Property and the structures on the Property wherein music will be recorded will include substantial sound proofing and noise dampening improvements as necessary and in accordance with the County's development regulations. The intended use for the Property will not increase the intensity of traffic in the immediate area. In addition, Applicant's intended use will not disrupt or negatively impact its neighbors and will revitalize the three parcels which were neglected by the prior owner. The two structures currently on the Property are severely dilapidated and in need of significant renovation, and any future use of the Property will require either demolition or major improvements to the structures.

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

Applicant's Property has no reasonable economic use if the current zoning conditions are not modified to permit Applicant's proposed use and site plan amendment. Multiple years prior to Applicant purchasing the Property, the Boy's and Girl's Club shuttered its doors and stopped actually operating at the Property. Whether due to declining attendance, lack of community interest, or unable to afford the Property or its upkeep, the Boys & Girls Club of Metro Atlanta, Inc. determined that the Property was no longer a viable location for a Boys and Girls Club. The buildings at the Property were left unattended and fell into disrepair. The Boys & Girls Club of Metro Atlanta, Inc. owed unpaid utility charges to DeKalb County, putting the Property at risk of foreclosure. Rather than pay the required utility bills, repair the Property, and reopen the Boys and Girls Club, on March 11, 2021, the Boys & Girls Club of Metro Atlanta, Inc. sold the Property to Applicant.

Applicant is unaffiliated with any Boys and Girls Clubs, and Applicant is unable to open a Boys and Girls Club at the Property. Furthermore, there is now an East Dekalb Boys & Girls Clubs located at 1839 Phillips Rd, Lithonia, GA 30058, which is only 1.7 miles or 4 minutes by car from the Applicant's Property. Given how close an alternative Boys and Girls Club is located, it is extremely unlikely that the Boys & Girls Club of Metro Atlanta, Inc. would ever try to reopen a Boys and Girls Club at Applicant's Property. Any subsequent use of the Property will require a removal of this zoning condition and an approval of a new site plan. If the zoning condition and site plan specific approval is not removed, the Property will be stripped of all reasonable economic use and will continue to be a blight on the surrounding neighborhood.

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

The request to modify the current zoning conditions will not adversely affect the use or usability of adjacent or nearby properties. Applicant's proposed use of the Property as recording and photography studio is a permitted use under OI zoning. Notwithstanding, Applicant plans to take necessary steps to ensure that its use will not impact the usability of adjacent or nearby properties including adding substantial soundproofing to the buildings, installing fences, and preserving and expanding vegetative buffers between the Property and their neighbors in accordance with the County's development regulations. Applicant's site plan proposes additional parking internal to the Property and Applicant does not expect that on the street parking will be necessary. Significantly, the proposed use is no more burdensome than the currently permitted use and will not substantially increase traffic along the road. Applicant is committed to being a good neighbor and asset to its community.

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 proposed project will be a substantial improvement from the site's existing conditions while maintaining and preserving a substantial number of trees and other natural resources on the Property. Any future use of the Property will require modification of the current zoning conditions which limit the Property to a single use. The Property is already zoned OI which, but for the zoning condition, permits Applicant's intended use conditions as a matter of right. The house structure on 6020 Paul Road has substantial water and structural damage and, if left as is, will be a risk to the community. If this Major Modification is approved, Applicant intends to remove this dangerous building. However, rather than tear down everything onsite, Applicant is trying to incorporate and revitalize the structure on 6038 Paul Road into its' design, preserve the local character of the structure, and minimize its impact on the Property and the surrounding community.

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

The zoning proposal will not affect historic buildings, sites, districts, or archaeological resources. The site is not located in a historic district, and there are no historic buildings within the immediate vicinity of the project.

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 proposal is not expected to increase the amount of traffic entering the site and, given the reduction in intensity of use, will not result in excess or burdensome use of existing streets, transportation facilities, utilities, or schools. The lots surrounding the project site are currently characterized by a mixture of commercial, institutional, and residential uses, including a golf course to the rear of the Property and a church diagonally across the street from the Property. The road servicing the Property is a local road with limited traffic. While Applicant proposes an additional curb cut for the property, Applicant's use may be less intensive than the Boys and Girls Club.. Applicant does not expect its use to materially impact the usage of County utilities, transportation facilities or schools.

CONCLUSION

Applicant respectfully submits this Impact Analysis to show that its intended use will not burden the community but will instead help improve and revitalize the area. The Property is already zoned OI and Applicant's intended use is permitted within the OI category. In addition, Applicant's intended use of the Property is no more intensive than the current use of a Boys and

Girls Club, and may be *less* intensive than the previous use. The current zoning condition limiting the use of the Property to a Boys and Girls Club should be modified to permit Applicant's proposed use and amended site plan.

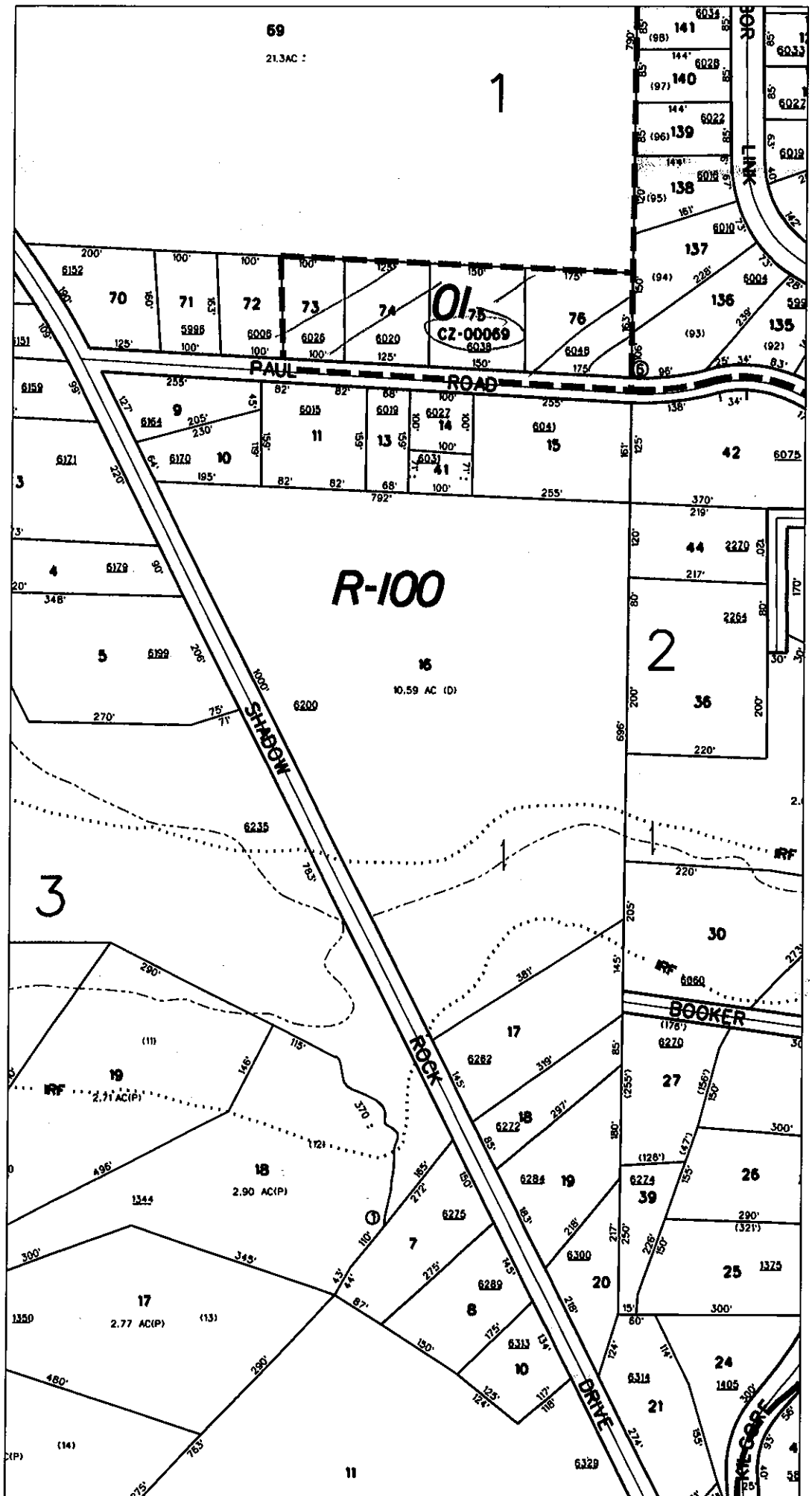
Applicant welcomes the opportunity to meet with all interested parties and representatives and respectfully request the Application be granted as requested and that the Board of Commissioners approve the major modification. Should you have any questions about this matter, please contact us at your earliest convenience.

Sincerely,
**GIACOMA ROBERTS &
DAUGHDRILL, LLC**

/s/ Patrick Doyle Dodson
Patrick Doyle Dodson

PDD/sjh
Attachment

EXHIBIT 1



DEKALB COUNTY

ITEM No. 44.

BOARD OF COMMISSIONERS

ZONING - AGENDA / MINUTES

MEETING DATE: July 26, 2000

| | |
|-------------|-------------------------------------|
| PRELIMINARY | <input type="checkbox"/> |
| ACTION | <input type="checkbox"/> |
| PUB. HRG. | <input checked="" type="checkbox"/> |

| | |
|--------------|-------------------------------------|
| RESOLUTION | <input type="checkbox"/> |
| ORDINANCE | <input checked="" type="checkbox"/> |
| PROCLAMATION | <input type="checkbox"/> |

SUBJECT: Rezoning - East DeKalb Boys and Girls Club

COMMISSION DISTRICTS: 4 & 7

DEPARTMENT: PLANNING

ATTACHMENT **Pages:** 15

INFORMATION CONTACT: RAY WHITE
 ROBERT MAXEY
 PHONE NUMBER (404) 371-2155

PURPOSE:

CZ-00069

Application of East DeKalb Boys and Girls Club to rezone property located on the north side of Paul Road, 325 feet east of Shadow Rock Road, from R-100 to OI. The property has frontage of 550 feet and contains 2.05 acres. The application is conditioned on expansion of the existing club based as a site.

SUBJECT PROPERTY Parcel-ID #: 16-94-4-(5-8)

RECOMMENDATION(S):

PLANNING DEPARTMENT

Approval with conditions. The Boys and Girls Club which occupies this site is a community-oriented facility. Ordinarily an Office-Institutional zoning would not be encouraged on this site; however, given the nature of the facility and the strong presence of institutional uses and a public facility, approval should be considered. Staff recommendation is for approval based on the following:

1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion.
2. Access to the future redevelopment to be approved by Public Works.
3. Any expansion to meet code requirements in terms of lot coverage.
4. Any road improvements as required by Public Works.
5. The site plan is considered appropriate given the physical constraints of the site which is of shallow depth and the proposed use of the property.
6. If the side buffers are reduced to 20 feet the buffer area should be planted and a fence provided.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION:

MOTION was made by Commissioner Davis, seconded by Commissioner Brown, and passed 5-0-0-1, to approve per staff recommendations and site plan, the rezoning application of East DeKalb Boys and Girls Club. Commissioner Yates out of the room and not voting.

ADOPTED: JUL 26 2000
(DATE)

CERTIFIED: JUL 26 2000
(DATE)

Gale Waldorf

PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

Chester B. ...

CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

MINUTES:

Shirley Durden, 1335 Kilgore Rd., Lithonia. GA 30058; and Terry Galloway, 2987 Clairmont Rd., Atlanta, GA 30329, spoke in support of the application.

No one spoke in opposition to the application.

Attachments

| | FOR | AGAINST | ABSTAIN | ABSENT |
|-------------------------------|-------------------------------------|---------|---------|-------------------------------------|
| DISTRICT 1 - ELAINE BOYER | <input checked="" type="checkbox"/> | | | |
| DISTRICT 2 - GALE WALDORF | <input checked="" type="checkbox"/> | | | |
| DISTRICT 3 - JACQUELINE SCOTT | <input checked="" type="checkbox"/> | | | |
| DISTRICT 4 - KEN DAVIS | <input checked="" type="checkbox"/> | | | |
| DISTRICT 5 - WILLIAM C. BROWN | <input checked="" type="checkbox"/> | | | |
| DISTRICT 6 - JUDY YATES | | | | <input checked="" type="checkbox"/> |

Note: The site plan has been submitted to Public Works and the Law Department in accordance with Code Section 27-833 B. The plan has also been submitted to the Parks and Recreation Department and to the Fire Marshal. Front yard parking is not allowed in the OI zone; however, on this site there is no other place to locate it. This would require a variance. A 50-foot buffer is required on the rear of the property according to the code; however, the property located to the rear is a county golf course and the buffer would seem to be redundant. In place of the buffer the site plan shows a 12-foot planted area with a chain link fence which is already in place. A 50-foot buffer is also required on the west and east sides of the property adjacent to the residential zones. If these buffers are waived through the variance process, letters should be obtained from the adjacent owners indicating that they have no objection to such a waiver.

PLANNING COMMISSION:

Approval.

COMMUNITY COUNCIL

Approval.

35°28'22"E 112.82'

S 87°00'00"E 162.98'

1/2"

30' SETBACK

30' SETBACK

R-100
CONDITIONAL USE
ONE STORY BLOCK
GYMNASIUM

PROPOSED GYMNAS

FINISH FLOOR
939.37

120'

- GRASSED PLAY AREA

50' SETBACK

SIDEWALK

TRAFFIC
STRIPING

RECESSED H./V. RAMP

ASPHALT

P 16" +
MAG 10" +

24" C & G TYP

24" C&G

N 86°50'47"W
150.00'

PAUL ROAD 30' R/W

N 86°50'47"
29.11'

6' SLIDE GATE
WITH LOCK

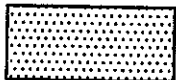
24" C&G

R-100

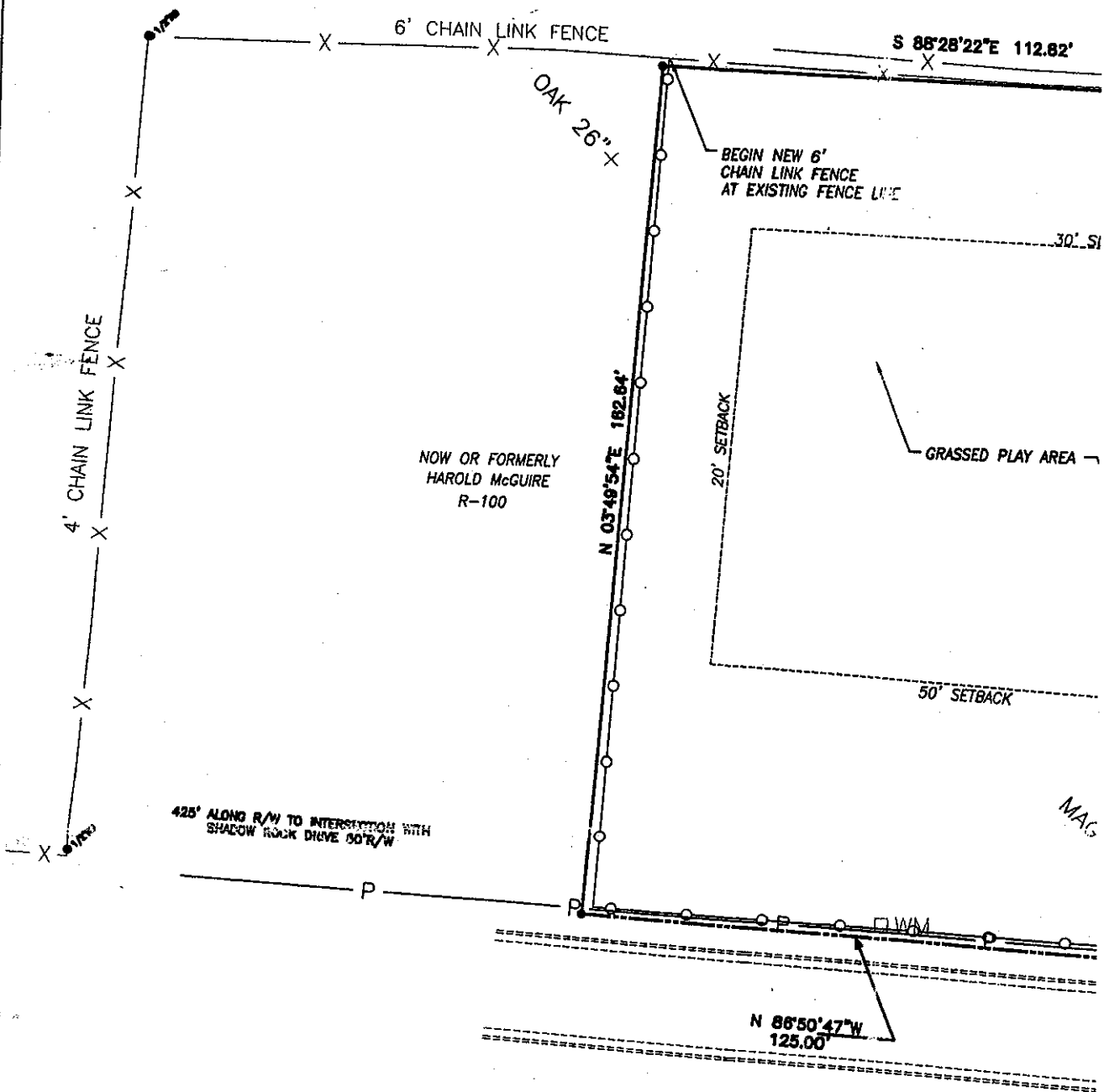
RELOCATE EXISTING
PP, COORDINATE W/
POWER COMPANY



OVERLAY EXISTING PAVEMENT WITH
1" OF PERMAFLEX AND 1/2" OF TYPE E
SURFACE COURSE



NEW ASPHALT PAVING (1 1/2" TYPE E, 2" BINDER, 6" G.A.B.)



OWNER

ROBERT PATILLO PROPERTIES INC.
 2987 CLAIRMONT ROAD, SUITE 550,
 ATLANTA, GA 30329
 PHONE: 404-235-3550

ENGINEER

SCOTT GARDNER

CZ-00009

16-94-4-(5-8)

East Dekalb Boys and Girls Club

R-100 to DI (card)

P.D. - app w/ card.

P.C. - 7/12/00

B.C. - 7/26/00 - approved as conditioned

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 2/26/24

TO WHOM IT MAY CONCERN:

(I), (WE), MBA Productions, LLC

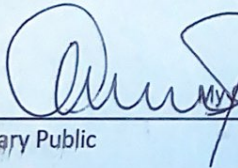
Name of Owner(s)

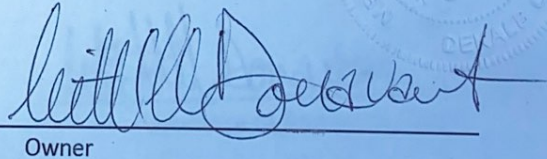
being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Giacoma Roberts & Daughdrill, LLC

Name of Applicant or Representative

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


MBA UKOHA KALU
NOTARY PUBLIC
DeKalb County, Georgia
My Commission Expires 7/27/2024
Notary Public


Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

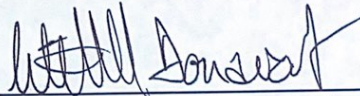
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application? Yes _____ No *

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

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

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

Notary

 2-26-24

Signature of Applicant /Date

Check one: Owner Agent _____

Expiration Date/ Seal

*Notarization is not needed if the response is "No"

SURVEYOR'S CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



Virgil F. Gaddy, Jr. CA PLS # 2661

4/21/23
DATE

GRID NORTH (GA WEST)

| LEGEND | |
|--------|--------------------------|
| IPS | IRON PIN SET |
| RFB | 1/2" REBAR |
| CTF | CRIMP TOP FOUND |
| OTF | OPEN TOP FOUND |
| JB | JUNCTION BOX |
| R/W | RIGHT-OF-WAY |
| BL | BUILDING LINE |
| P | PROPERTY LINE |
| CR | CATCH BASIN |
| HW | HEADWALL |
| SMH | SEWER MANHOLE |
| X | FENCE |
| L.L. | LAND LOT LINE |
| O.L.L. | ORIGINAL LOT LINE |
| D.E. | DRAINAGE EASMT. |
| S.E. | SEWER EASMT. |
| L.L.E. | UTILITY EASMT. |
| CLF | CHAIN LINK FENCE |
| PP | POWER POLE |
| DM | DUMP PILE |
| LP | LIGHT POLE |
| CP | CELESTIAL |
| CM | CRIPPE MYRTLE |
| MA | MAPLE |
| PN | PINE |
| CT | CYPRESS |
| PV | POPPAR |
| POP | POPPAR |
| MAG | MAGNOLIA |
| DW | DOGWOOD |
| EM | ELECTRIC METER |
| ICV | IRRIGATION CONTROL VALVE |
| TB | TELEPHONE BOX |
| TRCAN | TRUCK CAN |
| DM | DOGWOOD |
| WALNUT | WALNUT |
| REBRID | REBAR ID |
| TR | TELEPHONE BOX |
| HW | HARDWOOD |
| CL | CHERRY LAUREL |
| WB | WOOD FENCE |
| SG | SWEETGLUM |
| EL | ELDERBERRY |
| BC | BLACK CHERRY |
| HK | HICKORY |
| HB | HACKBERRY |
| POBN | POWER DISTRIBUTION BOX |
| CC | CRIPPE MYRTLE CLUSTER |
| CP | COMPUTED POINT |

TRACT 1
LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
LOT AREA = 20,313.5
BUILDING = 1,755.7
WALKWAY & STEPS = 24.3
CONCRETE = 1,659.0
PART OF SHED = 8.4
TOTAL IMPERVIOUS AREA = 3,447.4
LOT COVERAGE = 16.9%

TRACT 2
LOT COVERAGE CALCULATIONS (IN Sq.Ft.):
LOT AREA = 24,214.3
BUILDING = 5,044.1
CONCRETE = 5,584.6
GENERATOR = 24.0
SHED = 47.6
TOTAL IMPERVIOUS AREA = 10,700.3
LOT COVERAGE = 44.1%

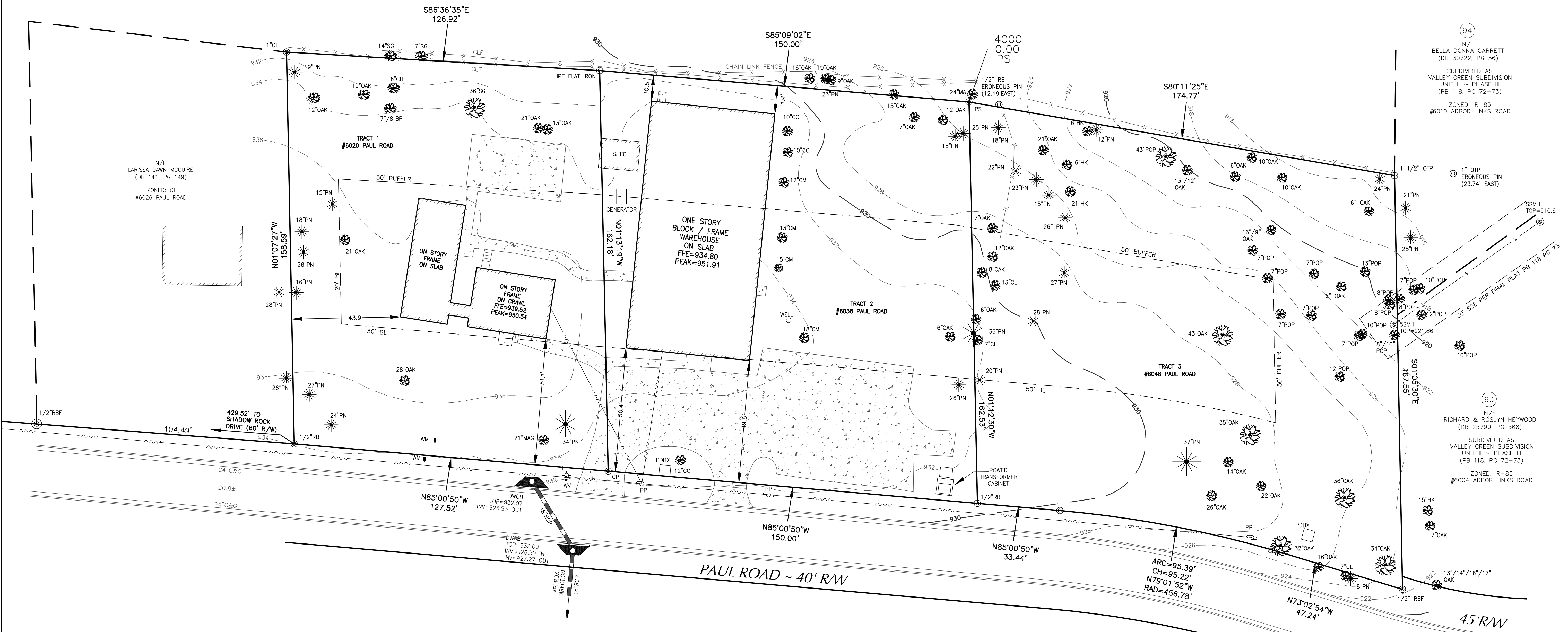
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,458 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 174,645 FEET.
A LEICA TS13 03" 8300 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.
GRID LOCATION & TOPOGRAPHIC DATUM OBTAINED USING A DUAL FREQUENCY LEICA GS14 RECEIVER AND GEORGIA LEICA RTK NETWORK. DATUM = NAVD'88.
THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.L.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0094K, EFFECTIVE DATE: 12/8/2016.
TRACT 1 AREA = 0.47 ACRE
TRACT 2 AREA = 0.55 ACRE
TRACT 3 AREA = 0.63 ACRE
TOTAL AREA = 1.65 ACRES
PROPERTY ZONED: OI (CZ - 00069)
SETBACKS SHOWN HEREON ARE BASED ON DEKALB ZONING REQUIREMENTS AND ARE SUBJECT TO APPROVAL BY DEKALB COUNTY DEPARTMENT OF PLANNING AND ZONING. NOTE: CONDITIONS OF ZONING MAY HAVE ALTERED SETBACKS AND BUFFERS AFFECTING SUBJECT PROPERTY - DEKALB COUNTY HAS NOT RESPONDED TO REQUESTS FROM LEGAL COUNCIL FOR COPIES OF CONDITIONS OF ZONING AS OF THE DATE OF THIS PLAT OF SURVEY.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

PROJECT NUMBER
MBA-23-001

BY FIELD DRAWING
TDC 04-21-23 05-01-23

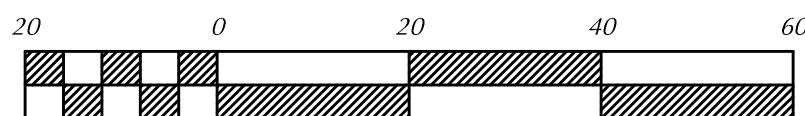
N/F DEKALB COUNTY
"MYSTERY VALLEY GOLF COURSE"
ZONED: R-100
#5104 SHADOW ROCK DRIVE



GADDY SURVEYING & DESIGN, INC.
13725 WOODBURN AVE. SUITE 100
LAWRENCEVILLE, GEORGIA 30044
PHONE - (770) 931-5920
FAX - (770) 931-5903
P.E. CERTIFICATE OF AUTHORIZATION #15001014
P.E. CERTIFICATE OF AUTHORIZATION #160005450

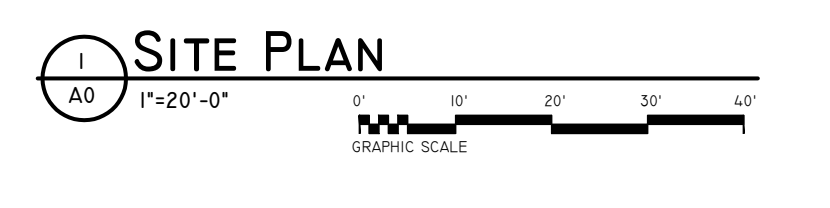
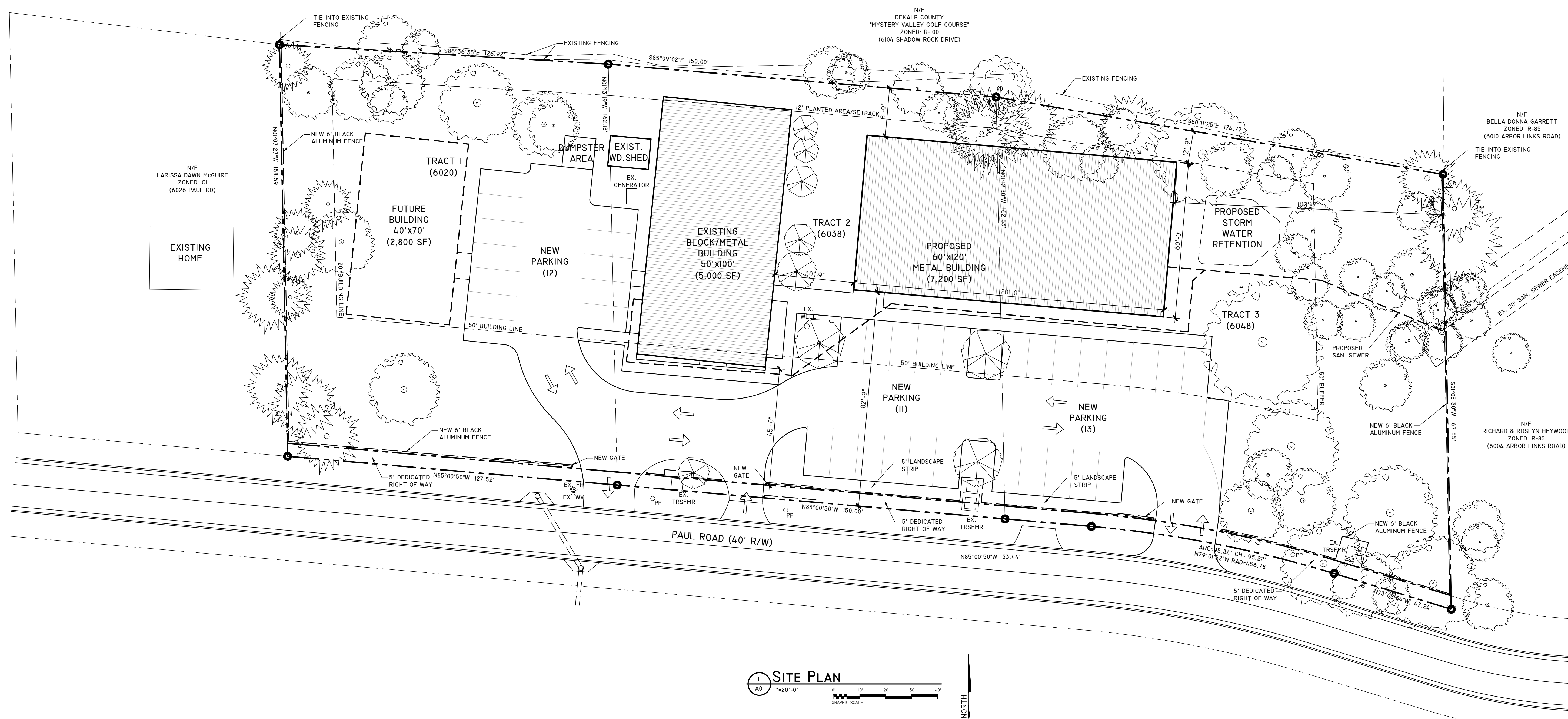
TOPOGRAPHIC SURVEY FOR:
MBA PRODUCTIONS, LLC
#6020, #6038 & #6048 PAUL ROAD
(DEED BOOK 29167 PAGES 119-123)
LAND LOT 94, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

GRAPHIC SCALE



1 INCH = 20 FEET

TITLE
ADDITION AND
RENOVATIONS
TO
6020, 6038, 6048
PAUL ROAD
LITHONIA, GA
30058
FOR
MBA
PRODUCTIONS LLC



LOT COVERAGES

| 6020 TRACT 1 | 6038 TRACT 2 | 6048 TRACT 3 |
|-------------------------------------|--------------------------------------|-------------------------------------|
| 20,313 SQUARE FEET | 24,216 SQUARE FEET | 27,569 SQUARE FEET |
| 7,768 SF IMPERVIOUS 38% COVERAGE | 16,320 SF IMPERVIOUS 67% COVERAGE | 9,680 SF IMPERVIOUS 35% COVERAGE |

PARKING CALCULATIONS

| BUILDING SQUARE FOOTAGES | RATIO | PARKING SPACES REQUIRED | PARKING SPACES PROVIDED |
|--------------------------|--------------------|-------------------------|-------------------------|
| EXISTING: 5,000 SF | 1 SPACE PER 500 SF | 10 SPACES | 11 SPACES |
| PROPOSED: 7,200 SF | OF BLDG SPACE | 14 SPACES | 13 SPACES |
| FUTURE: 2,800 SF | | 6 SPACES | 12 SPACES |
| TOTAL PLANNED: 15,000 SF | | 30 SPACES | 36 SPACES |

NOTE: SITE PLAN INFORMATION TAKEN FROM A SURVEY DATED MAY 1, 2023 BY:

GADDY SURVEYING & DESIGN, INC.
1215 PLEASANT HILL ROAD
LAWRENCEVILLE, GA 30044
V.F. GADDY JR.
GA REGISTRATION #2661
REFER TO THIS SURVEY FOR ADDITIONAL SITE INFORMATION

ALL DIMENSIONS ON THIS PLAN ARE TO BE APPROXIMATE AND ARE TO BE VERIFIED BY A GEORGIA REGISTERED LAND SURVEYOR

PROPERTY INFORMATION:
OWNER: MBA PRODUCTIONS, LLC
ZONED: 01 (CZ-00069)

LAND LOT: 94 - 16TH DISTRICT
DEED BOOK 29167 PAGE 119-123
DEKALB COUNTY, GA

PROPERTY AREAS:
TRACT 1 (6020): 0.47 ACRE
TRACT 2 (6038): 0.55 ACRE
TRACT 3 (6048): 0.63 ACRE
TOTAL: 1.65 ACRES

REVISIONS

| DESCRIPTION | DATE |
|-------------|------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

SCALE: 1" = 20'-0"
DRAWN: ADW
CHECK: ADW
DATE: 01-08-24
PROJECT NO. 2356

SHEET NO.

A0

Exhibit "A"
(1 of 2)

(6020 Paul Road)

All that tract or parcel of land lying and being in Land Lot 94 of the 16th District of DeKalb County, Georgia, and more particularly described as follows:

Beginning at a point on the north side of an unnamed street, now called Paul Drive, four hundred twenty-five (425) feet east from the east side of Stone Mountain-Redan Road, said point on the east side of Stone Mountain-Redan Road is located nine hundred (900) feet, more or less, west from an iron pin which is located one thousand nine hundred ninety-eight and three-tenths (1,998.3) feet north of an iron pin located on the dividing line between Land Lots 93 and 94 of said 16th District; running thence east along the north side of Paul Drive, one hundred twenty-five (125) feet to a point; running thence north, one hundred sixty-three (163) feet to a point; running thence west, one hundred twenty-five (125) feet to a point; running thence south, one hundred sixty-three (163) feet to the north side of Paul Drive at the point of beginning.

Parcel ID No. 16 094 01 074

TOGETHER WITH:

(6038 Paul Road)

All that tract or parcel of land lying and being in Land Lot 94 of the 16th District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a point on the northerly side of Paul Drive (dirt), 562 feet southeasterly from a point where the northerly side of Paul Drive (dirt) intersects the southeasterly side of Shadow Rock Drive; running thence north 2 degrees west a distance of 164.8 feet to an iron pin; running thence south 83 degrees 20 minutes east a distance of 150 feet to an iron pin; extending thence south 2 degrees east a distance of 164.8 feet to an iron pin located on the northerly side of Paul Drive (dirt), which iron pin being located 2,029.2 feet north from the south line of said Land Lot 94; running thence north 83 degrees 20 minutes west along the northerly side of Paul Drive (dirt) a distance of 150 feet to the point of beginning.

Parcel ID No. 16 094 01 075

Exhibit "A"
(2 of 2)

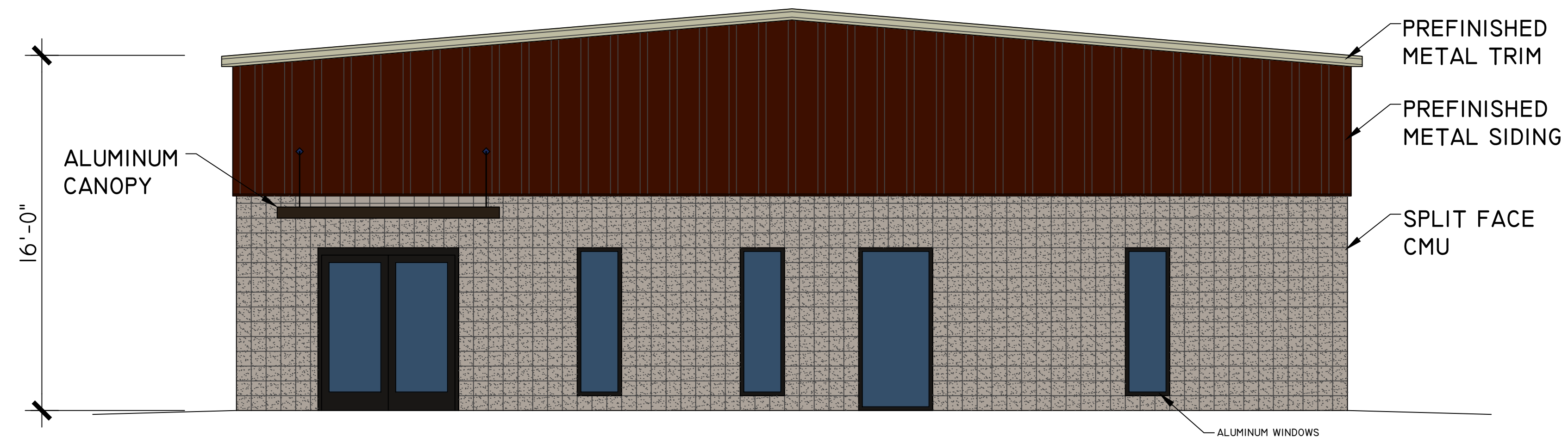
TOGETHER WITH:

(6048 Paul Road)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 94 of the 16th District of DeKalb County, Georgia, and more particularly described as follows:

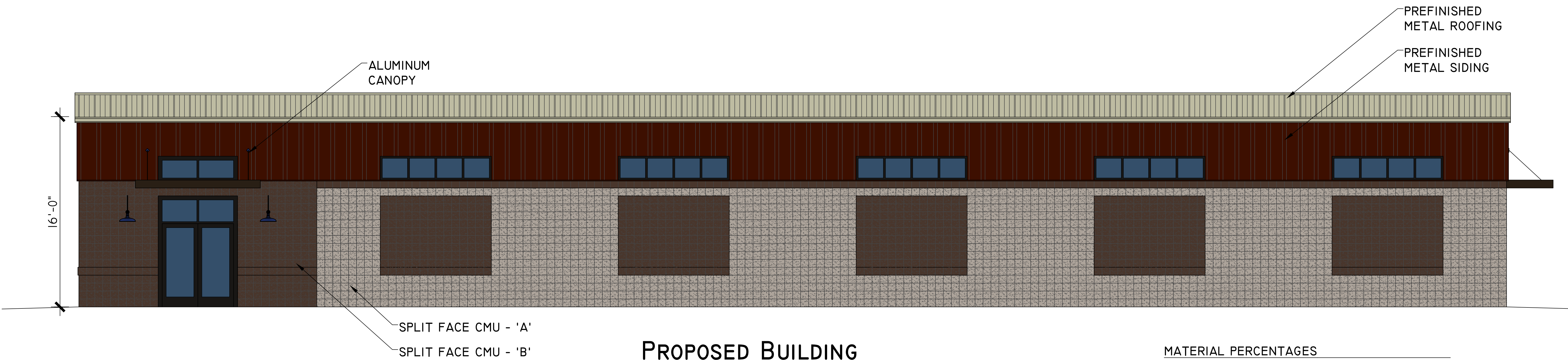
BEGINNING at a point on the northerly side of Paul Drive, said point being seven hundred twelve (712) feet easterly from the intersection of the north side of Paul Drive with the easterly side of Shadow Rock Drive; thence running north 2 degrees west one hundred sixty-four and eight-tenths (164.8) feet to an iron pin; thence south 83 degrees 20 minutes east one hundred seventy-five (175) feet to an iron pin; thence south 2 degrees east one hundred sixty-four and eight-tenths (164.8) feet to an iron pin on the northerly side of Paul Drive; thence north 83 degrees 20 minutes west along the northerly side of Paul Drive one hundred seventy-five (175) feet to an iron pin at the point of beginning, being improved property known as No. 6048 Paul Drive in DeKalb County, Georgia.

Parcel ID No. 16 094 01 076



EXISTING BUILDING
FRONT (SOUTH) ELEVATION

1
AI 1/4" = 1'-0"



PROPOSED BUILDING
FRONT (SOUTH) ELEVATION

2
AI 1/4" = 1'-0"

MATERIAL PERCENTAGES

| | |
|----------------------------------|------|
| WINDOWS AND DOORS: (SF: 174) | 9% |
| SPLIT FACE CMU TYPE A: (SF: 928) | 50% |
| SPLIT FACE CMU-TYPE B: (SF: 280) | 15% |
| METAL PANELS: (SF: 480) | 26% |
| (TOTAL FACADE SF: 1,859) | 100% |



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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant Name: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes ____ No ____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes ____ No ____

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

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

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____
 Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____
 Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
 Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
 Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
 Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____
 Enhanced Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____
 Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____
 Buffers: _____ Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____
 Screening: _____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____
 Bldg. Height: _____ Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____
 Roofs: _____ Fenestration: _____ Façade Design: _____ Garages: _____ Pedestrian Plan: _____
 Perimeter Landscape Strip: _____
 Possible Variances: _____

Comments: _____

Planner: _____ Date: _____

FILING FEES

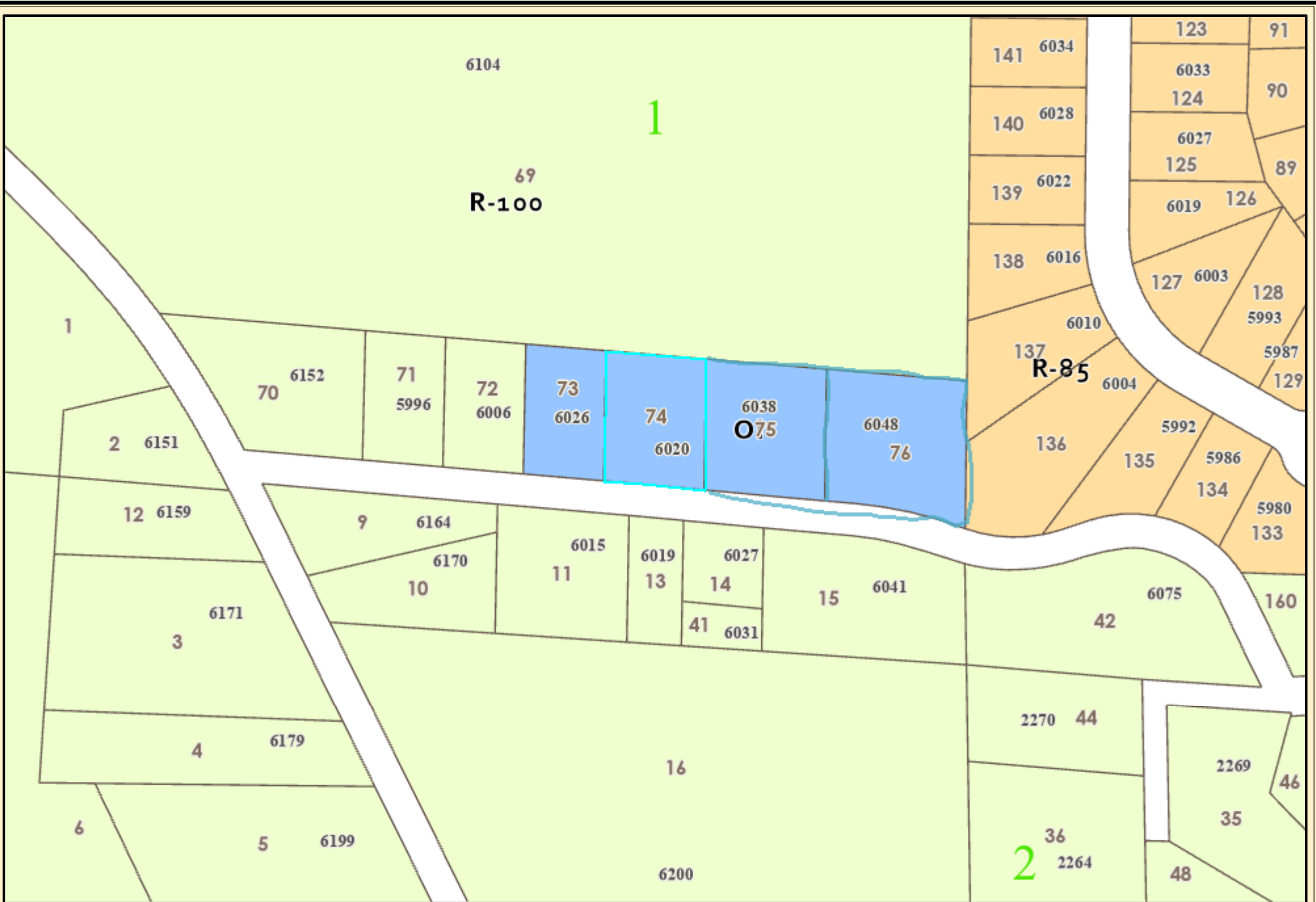
| | | |
|--------------------------------|---|----------|
| REZONING: | RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 | \$500.00 |
| | RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5 | \$750.00 |
| | OI, OD, OIT, NS, C1, C2, M, M2 | \$750.00 |
| LAND USE MAP AMENDMENT | | \$500.00 |
| SPECIAL LAND USE PERMIT | | \$400.00 |



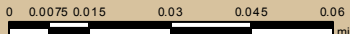








DeKalb County Parcel Map



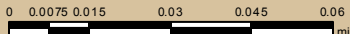
Date Printed: 4/23/2024



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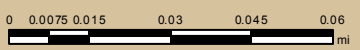


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DeKalb County Parcel Map

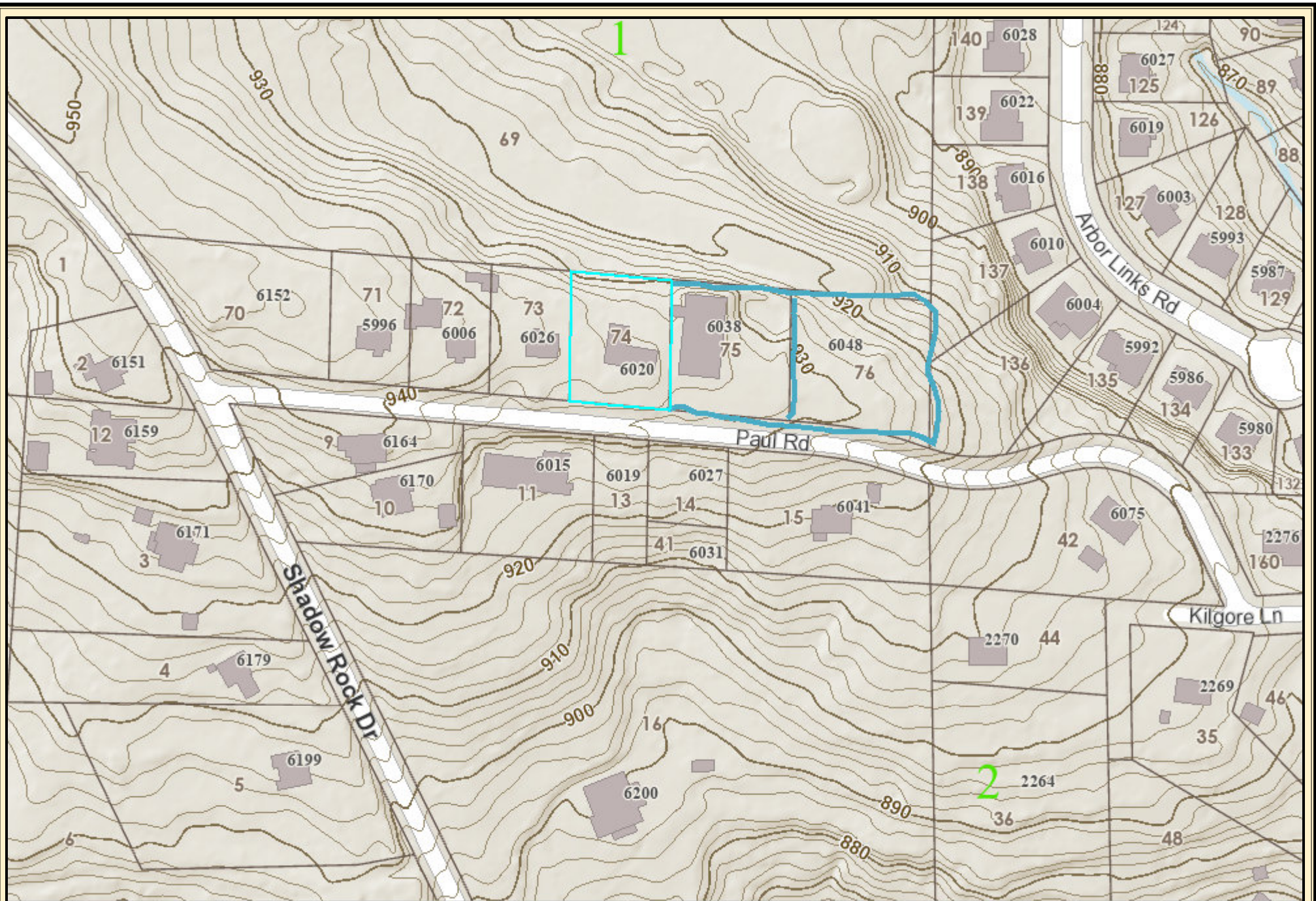


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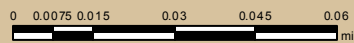


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