

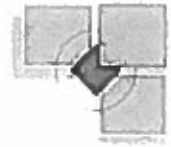


**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

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



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: September 6, 2018, 6:30 P.M.**  
**Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** SLUP-18-1235179 **Agenda #:** N24

**Location/Address:** 6158 & 6166 Memorial Drive, Stone Mountain, Georgia **Commission District:** 4 **Super District:** 7

**Parcel ID:** 18-091-01-022,18-091-01-029

**Request:** For a Special Land Use Permit (SLUP) for major auto repair within the C-2 district.

**Property Owner:** Aria & Todd Properties LLC

**Applicant/Agent:** Aria & Todd Properties LLC

**Acreage:** 1.4 acres

**Existing Land Use:** Two vacant buildings

**Surrounding Properties:** Auto Sales and Auto Repair (AutoWorld Superstore [owned and operated by the applicant]) to the west; Apartments (Hairston Lake Apartments) to the north; Auto-Sales and Auto Repair (AATL Auto Trade and Friendship Body Shop) to the east; and a liquor store (Beverage Club Package Store, a vacant building, and a specialized school (1st United DUI Driving School) to the south across Memorial Drive.

**Adjacent Zoning:** North: MR-1 South: C-1 East: C-2 West: C-2

**Comprehensive Plan:** CRC (See LP-18-1235115) Consistent  Inconsistent

**Proposed Density:** NA **Existing Density:** NA

**Proposed Units/Square Ft.:** Major auto-repair within two existing buildings containing 5,092 square feet **Existing Units/Square Feet:** Two vacant buildings

**Proposed Lot Coverage:** NA **Existing Lot Coverage:** NA

**ZONING HISTORY**

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

## PROJECT ANALYSIS

The project site comprises two properties, 6158 and 6166 Memorial Drive. Those two properties contain two vacant buildings totaling 5,092 square feet. The applicant is proposing to rezone to C-2 (General Commercial) to allow major auto-repair uses, consistent with the C-2 property to the south that the applicant owns which contains a major auto repair business (AutoWorld Superstore). There is one driveway access to 6166 Memorial Drive and two driveways accessing 6158 Memorial Drive. Memorial Drive is a six-lane major thoroughfare with sidewalks, curb, and gutter. Field investigation of the project site indicates 6 striped parking spaces at 6166 Memorial Drive and five striped parking spaces at 6158 Memorial Drive. The property is flat, with no floodplains or streams running through or near the property based on the submitted site plan. The property is surrounded by Auto Sales and Auto Repair (AutoWorld Superstore) to the west; Apartments (Hairston Lake Apartments) to the north; Auto-Sales and Auto Repair (AATL Auto Trade and Friendship Body Shop) to the east; and a liquor store (Beverage Club Package Store, a vacant building, and a specialized school (1st United DUI Driving School) to the south across Memorial Drive.

Section 4.2.14 of the Zoning Ordinance requires the follow Supplemental Regulations for Major Auto Repair Establishments:

*Automobile repair, major, and paint shops. Major automobile repair and paint shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground or hospital. All activities shall be carried on entirely within an enclosed building, unless in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.*

Based on county records, it appears that there is compliance with Section 4.2.14 as there are no schools, parks, playgrounds or hospitals within 300 feet of the subject properties. All auto repair activities will be required to be indoors.

## IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

Based on the submitted information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. If both of the subject properties were consolidated into one property, there would be compliance with most of the zoning requirements including minimum lot width, minimum lot area and front and rear yard building setbacks. Additionally, the existing buildings are non-conforming as they were constructed circa 1967 and 1971.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The properties are surrounded by similar C-2 zoning to the east and west, with auto-repair and auto-sales as the predominant land use along this stretch of Memorial Drive. Therefore, it appears that the zoning proposal demonstrates compatibility.

**C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building. Per comments from the Department of Public Works, due to the high volume of development in the area causing increased flows, sanitary sewer capacity cannot be guaranteed at the time the development comes on line.

**D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:**

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the auto repair will be located in established commercial buildings and access a major arterial road (Memorial Drive).

**E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a major arterial road (Memorial Drive).

**F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be located in an established commercial building with a curb cut on a major arterial road (Memorial Drive).

**G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

Given the predominant C-2 zoning pattern and auto-related businesses along this stretch of Memorial Drive, it does not appear that the zoning proposal would adversely affect adjacent and surrounding properties.

**H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

See "G" above.

**I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:**

See criteria "H".

- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**

See criteria "A".

- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**

Companion case LP-18-1235115 proposes to change the character area from SUB (Suburban) to CRC (Commercial Redevelopment Corridor). Staff is recommending approval of that companion case since the properties to the east and west also fall within a CRC (Commercial Redevelopment Corridor) character area along a major thoroughfare road (Memorial Drive). The proposed C-2 zoning is consistent with Table 1.2 of the Zoning Ordinance (Character Areas and Permitted Zoning Districts) and the policies and strategies of the Comprehensive Plan's Commercial Redevelopment Corridor (CRC) character area calling for focused development on parcels that abut or have access to the designated Commercial Redevelopment Corridor (CRC Policy #18).

- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:**

Based on field investigation of the subject site and county aerial maps, the Zoning Ordinance requires a 50 foot undisturbed buffer along the northern property line abutting the MR-2 zoned apartments, and the site appears to only have a 45 foot undisturbed buffer. However, there is existing mature vegetation within the site's 45 foot buffer to provide adequate screening.

- M. Whether or not there is adequate provision of refuse and service areas:**

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

- N. Whether the length of time for which the special land use permit is granted should be limited in duration:**

Given the predominant auto-related uses to the east and west, it does not appear that the proposed SLUP should be limited in duration.

- O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:**

There are no new buildings proposed as the request is only to allow major auto repair within the two existing buildings. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:**

Based on county records, it appears that there is compliance with Section 4.2.14 as there are no schools, parks, playgrounds or hospitals within 300 feet of the subject properties. All auto repair activities will be required to be indoors.

R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:

There are no new buildings proposed as the request is only to allow major auto repair within the two existing buildings. Therefore, there should not be a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

Based on the submitted information, there is an auto-repair establishment abutting the west property line that is owned by the applicant. Additionally there are other auto-repair establishments along this stretch of Memorial Drive.

T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

Based on the submitted information, it appears that the SLUP request is consistent with the policies of the proposed Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan calling for focused development on parcels that abut or have access to the designated Commercial Redevelopment Corridor (CRC Policy #18). Given the predominant C-2 zoning pattern and auto-related businesses along this stretch of Memorial Drive, it appears that the proposed use would be compatible with the neighborhood.

**COMPLIANCE WITH C-2 (LOCAL COMMERCIAL) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2**

STANDARD	REQUIRED	EXISTING/PROVIDED	COMPLIANCE
LOT WIDTH Sec.27-186(a)	100 Feet	97 feet (6166 Memorial) 70 feet (6158 Memorial)	No (non-conforming lot, buildings constructed circa 1967 and 1971. Combining the two lots would create conformity of the overall site)
LOT AREA Sec.27-186(b)	30,000 Square Feet	40,510 s.f. (6166 Memorial)  13,068 s.f. (6158 Memorial)	Yes  No (non-conforming lot, buildings constructed circa 1967 and 1971. Combining the two lots would create conformity of the overall site.)
FRONT SETBACK Sec.27-186(c)(4)	60 Feet	65 Feet (6166 Memorial)  65 Feet (6158 Memorial)	Yes  Yes
INTERIOR SIDE YARD SETBACK Sec.27-186(d)	20 Feet	18 Feet (6166 Memorial)  4 Feet (6158 Memorial)	No (non-conforming lot, buildings constructed circa 1967 and 1971)  No (non-conforming lot, buildings constructed circa 1967 and 1971)
REAR SETBACK Sec.27-186(e)	30 Feet	250 Feet (6166 Memorial)  50 Feet (6158 Memorial)	Yes  Yes
TRANS. BUFFERS	50 Feet (6166 Memorial)	45 feet (North p/l)	No (non-conforming lot, buildings

	No buffer required for 6158 Memorial since does not abut residential zoning		<i>constructed circa 1967 and 1971. Existing parking lot built too close to rear property line to comply)</i>
BUILDING HEIGHT Sec.27-187	Maximum 2 stories	One story	Yes
PARKING Sec. 27-150 (e)	7 spaces (6166 Memorial)	6 spaces (6166 Memorial)	<i>No (non-conforming lot, buildings constructed circa 1967 and 1971)</i>
	6 spaces (6158 Memorial)	5 spaces (6158 Memorial)	<i>No (non-conforming lot, buildings constructed circa 1967 and 1971)</i>

**Staff Recommendation: APPROVE WITH CONDITIONS**

The proposed SLUP is required to allow Major Auto Repair within the proposed C-2 zoning district (See Companion Case Z-18-1235061). There is also a companion Land Use Amendment case (LP-18-1235115) which proposes to change the Character Area from SUB (Suburban) to CRC (Commercial Redevelopment Corridor) since C-2 is not allowed in a SUB character area. The proposed request is consistent with the predominant auto-related development pattern and C-2 zoning along this stretch of Memorial Drive. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Approved" with the following conditions:

1. All auto repair work to be completely indoors.
2. All overnight parking of vehicles awaiting service shall be completely indoors.
3. Any outdoor storage areas shall be at least fifty (50) feet from the street right-of-way.
4. Should a new sign be constructed, it shall be a monument sign with a brick base not to exceed ten (10) feet in height or 48 square feet in size.
5. All refuse areas shall be completely screened from view of public right-of-way, parking and pedestrian areas.
6. Landscaping within the grassy area along Memorial Drive subject to approval of the County Arborist and the Planning Department.

**Attachments:**

1. Departmental Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
  - c. Watershed Management
  - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map

5. Aerial Photograph
6. Location Photographs

**NEXT STEPS:** *Following an approval of this action, one or several of the following approvals or permits may be required:*

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation zoning, site development, watershed and health department standards will be checked for compliance)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above require submittal**

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking and all other applicable requirements of the zoning district in which the use is proposed to be located. *Yes it is adequate.*
- B. Compatible of the proposed use with adjacent properties and land use and other properties and land uses in the district. *Yes adjacent properties have C2 zoning*
- C. Adequacy of public services, public facilities and utilities to serve the use contemplated. *Yes*
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. *It will not change traffic or congestion to public street*
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use. *No increased traffic & congestion to public street.*
- F. Ingress and egress to the subject property and to all proposed buildings, structures and uses thereon with particular references to pedestrian and automotive safety and convenience, traffic flow and control and access in the event of fire or other emergency. *Traffic flow to existing businesses for emergency vehicles will not be impeded*
- G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust or vibration generated by the proposed use. *No environmental issues will result from this proposed change*
- H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use. *Hours of operation will not have an adverse*
- I. Whether or not the proposed use will create adverse impact upon any adjoin land use by reason of the manner of operation of the proposed use. *No adverse impact will affect adjoining properties*
- J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located. *The proposed plan is consistent with zoning requirements of the district zone classification*
- K. Whether or not the proposed use is consistent with the policies of the comprehensive Plan, *It is consistent with comprehensive plan*
- L. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is proposed to be located. *Proposed plan has transitional buffer zones*
- M. Whether or not there is adequate provision of refuse and service areas: *There is adequate provision for refuse service*
- N. Whether the length of time for which the special land use permit is granted should be limited in duration. *No length of time should be placed on this permit*
- O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings. *No change*
- P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources. *No change*
- Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit. *Yes it satisfies requirements*
- R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building. *No change*
- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan. *Yes the proposed plan is consistent with neighboring businesses*



permit. (The Zoning Code trumps the Land Development Code but when the Zoning Code is silent, the Land Development Code takes effect.)

N11. Treadway Road is classified local. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

Public local roads require a 27.5 foot right of way from the centerline (for a total of 55 feet), 5 foot sidewalks, 5 foot landscape strip and street lights within the right of way. The right of way width show on the application does not seem to meet the 55 feet for the interior streets. Cul-de-sac appears to be substandard also. These will need to be corrected prior to permitting and will impact storm detention, setbacks, etc.

N12. McClendon is a collector street. Allow only one standard size commercial curb cut on McClendon Dr. Install sidewalks along property frontage. Street lights required behind sidewalk within right of way at permitting.

N13. Memorial Drive is a major arterial and a state route. GDOT review and permits required.

N14. Memorial Drive is a major arterial and a state route. GDOT review and permits required. Eliminate a curb cut on 6158 and restore streetscape.

N15. Snapfinger Road is a major arterial. Site limited to right in/right out access point.

N16. Rockbridge Road is a minor arterial. . See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. Construct sidewalks along Rockbridge Road to Allgood Circle within right of way. Limited to one access point onto Rockbridge Road.

N17. Bermuda Road is a collector road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

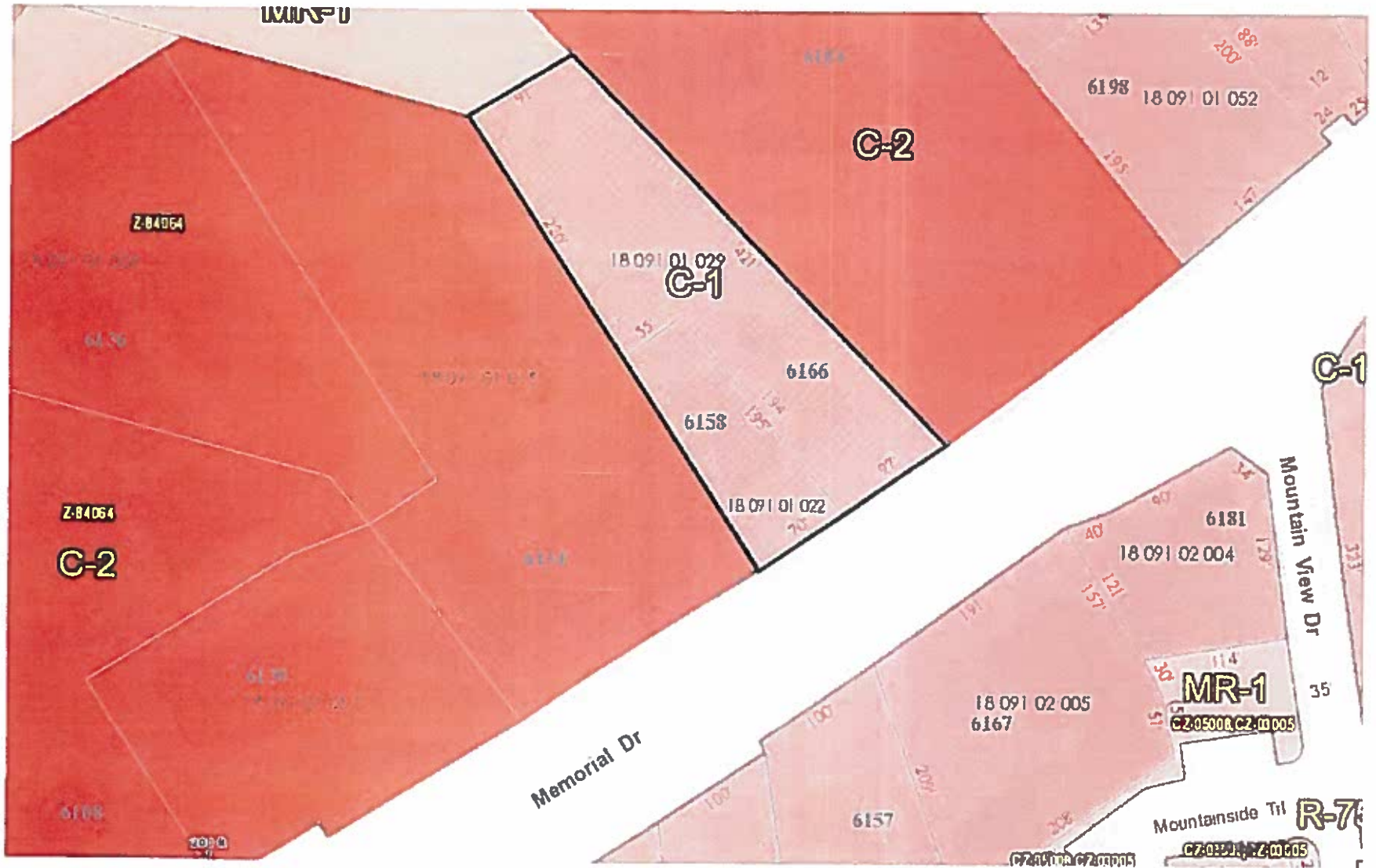
35 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. Add roundabout at the intersection of Stewart Mill Road and Bermuda Road. Gordon Burkett at Keep DeKalb Beautiful is working on the concept for this project. Add sidewalks and street lights along Bermuda Road (within right of way) to the intersection of Stewart Mill Road. Complete all requirements of GRTA's notice of decision that are within DeKalb County. Design to restrict truck movements from using Stewart Mill Road to get to Rockbridge Road.

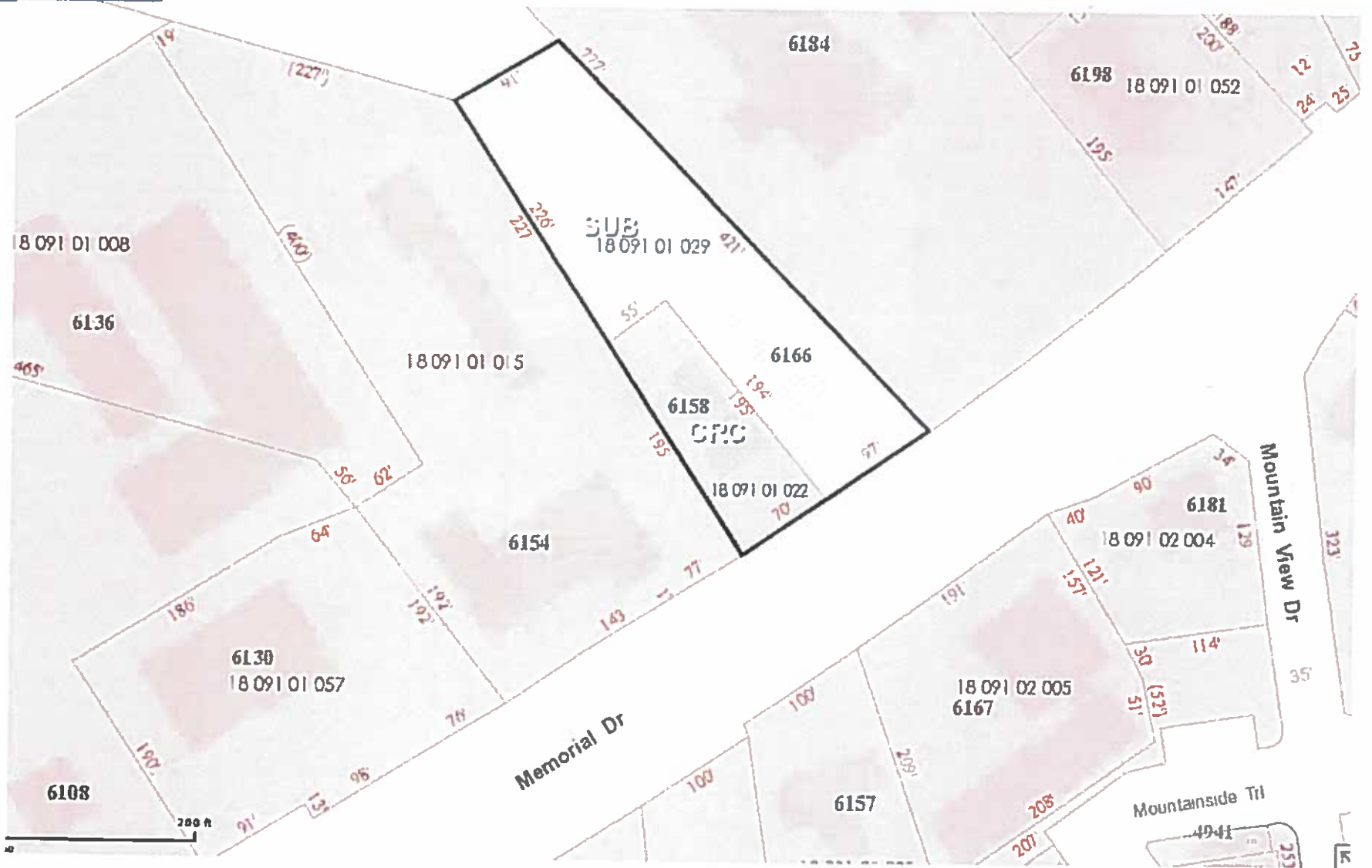
N18. Norris Lake is a collector road. Pleasant Hill is a minor arterial. Pleasant Hill Way is a local road. Pleasant Hill Way appears to be public in some areas where the development is proposed. I assume they are planning an right of way abandonment. Provide ped/bike access from the neighborhood into the park, as approved by the Parks and Recreation Department. Frontage on Pleasant Hill Way must be improved to Code also. 339 lots requires a traffic study be completed prior to zoning. Traffic study should include the access points and the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Left turn lane required on Pleasant Hill Road. Add sidewalks along frontage of Norris Lake Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Add sidewalks along frontage of Pleasant Hill Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Consider moving the roundabout to Pleasant Hill Road. Request deferral until the study is received. Norris Lake requires right of way dedication of 35' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Road requires right of way dedication of 40' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Way right of way dedication of 27.5' from centerline, 12 foot travel lane on the development side from centerline, 5 foot sidewalks and street light on back of curb within the proposed right of way.

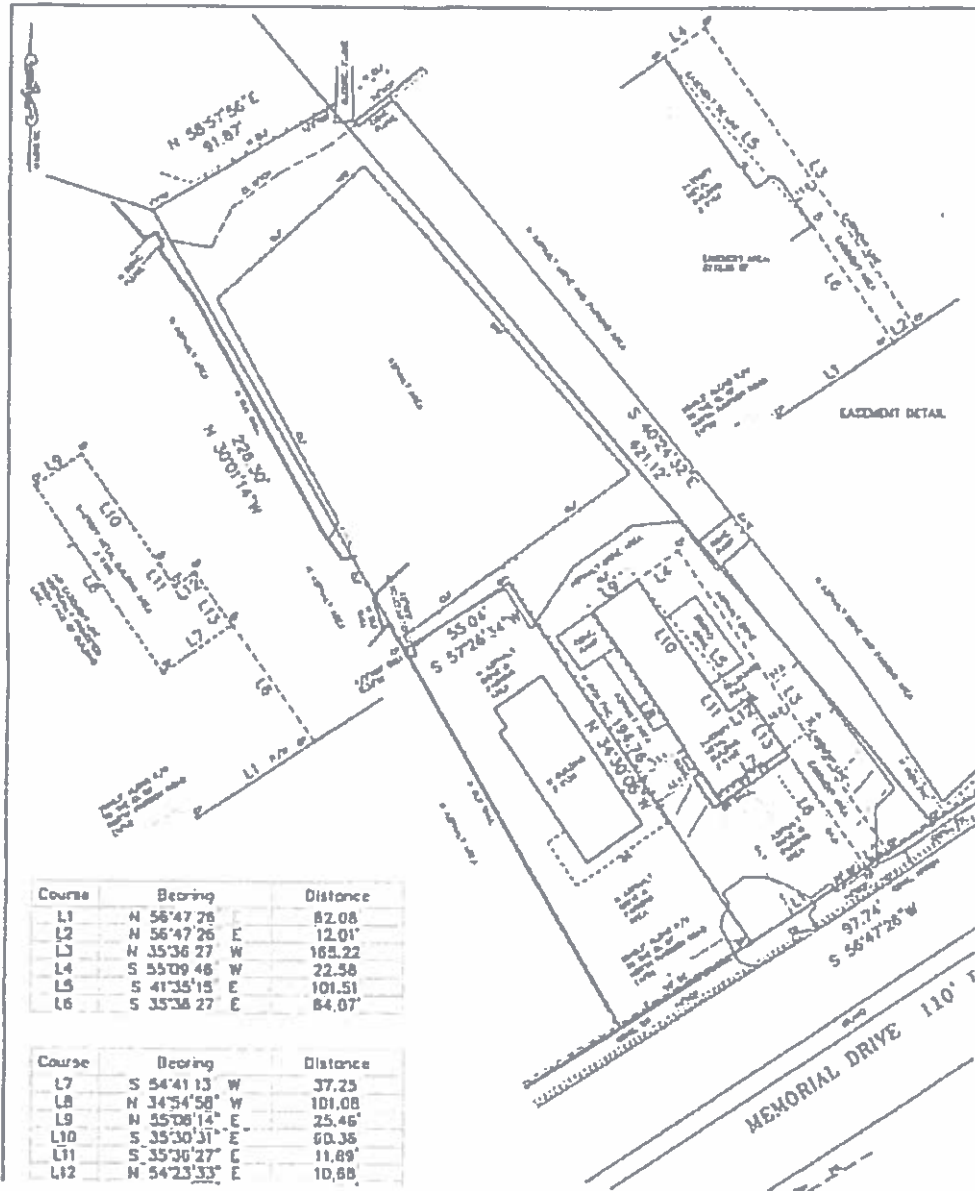
N19. No Comments.

N20 & N21.. Rock Chapel Road is a major arterial and state route. GDOT review and permits required at permitting. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

N22. 5. Stone Mountain Lithonia Road is a minor arterial. Add sidewalks and street lights behind sidewalks and within right of way along property frontage and dedicate 40 feet of right of way from centerline.







N.24

SLUP 18 1235179

Aerial



N.24 SLUP 18 1235179

Site Photo



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: \_\_\_\_\_ Application No: SLUP-18-1235179

APPLICANT NAME: Auto + Todd Properties LLC

Daytime Phone: (770) 498-2300 E-Mail: autosparta@bellsouth.net

Mailing Address: 6154 Memorial Dr. Stone Mountain Ga 30083

Owner Name: Kathleen D. Todd David E. Anic  
(If more than one owner, attach contact information for each owner)

Daytime Phone: (770) 498-2300 E-Mail: autosparta@bellsouth.net

Mailing Address: 6154 Memorial D

SUBJECT PROPERTY ADDRESS OR LOCATION: 6158 + 6166 Memorial Dr.  
Stone Mountain Ga DeKalb County, GA, 30083

Parcel ID: 1809101027 + 1809101022 Acreage or Square Feet: 1.3 acres Commission Districts 4+7

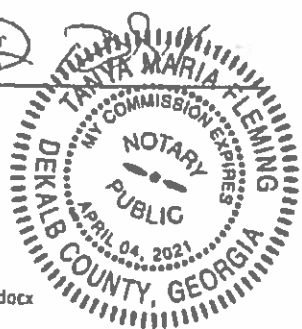
Existing Zoning: C1 Proposed Special Land Use (SLUP) C2-slop  
major auto repair

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

Owner:  Agent: \_\_\_\_\_ Signature of Applicant

Printed Name of Applicant: Kathleen D

Notary Signature and Seal: Tanya Maria Fleming



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# **PUBLIC NOTICE**

## **TO**

### **Request for a Special Land Use Permit**

**Filed by: Aria & Todd Properties llc**

**Located at: 6166 Memorial Drive and 6158  
Memorial drive**

**Stone Mountain, Ga 30083**

**Current Use: C1 (Light Auto Service)**

**Proposed Use: C2 (Auto Body and Car Maintenance)**

**Hours of Operation: Current: Mon-Sat 8am to 6pm**

**Proposed: No change**

**Capacity: No change**

**Pre-Submittal Community Meeting to Take Place at:**

**Autoworld Superstore**

**6154 Memorial Drive Stone Mountain, Ga 30083**

**Time and Date: Wednesday, May 23, 2018 7pm**

**Any questions--- call Kathleen Todd**

**(678)471-4751**





6166

LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in Land Lot 91 of the 18th District of DeKalb County, Georgia, being part of property as shown on survey recorded in Plat Book 67, Page 68, DeKalb County Records, and being more particularly described as follows:

BEGINNING at an iron pin located on the Northwestern right-of-way line of Memorial Drive (a 110-foot right of way width), 2040.3 feet Northeastly as measured along the Northwestern right of way line of Memorial Drive from its intersection with the center line of Hairston Road if the Northwestern right-of-way line of Memorial Drive were extended so as to intersect with the center line of N. Hairston Road; running thence Northeastly along the Northwestern right of way line of Memorial Drive, a distance of 97.74 feet to an iron pin; running thence North 40 degrees 24 minutes 32 seconds West, a distance of 421.12 feet to an iron pin; running thence South 58 degrees 57 minutes 56 seconds West, a distance of 91.87 feet to an iron pin; running thence South 30 degrees 01 minutes 14 seconds East, a distance of 226.30 feet to an iron pin; running thence North 57 degrees 26 minutes 34 seconds East, a distance of 55.84 feet to an iron pin; running thence South 34 degrees 30 minutes 06 seconds East a distance of 194.76 feet to an iron pin located on the Northwestern right of way line of Memorial Drive and the POINT OF BEGINNING.

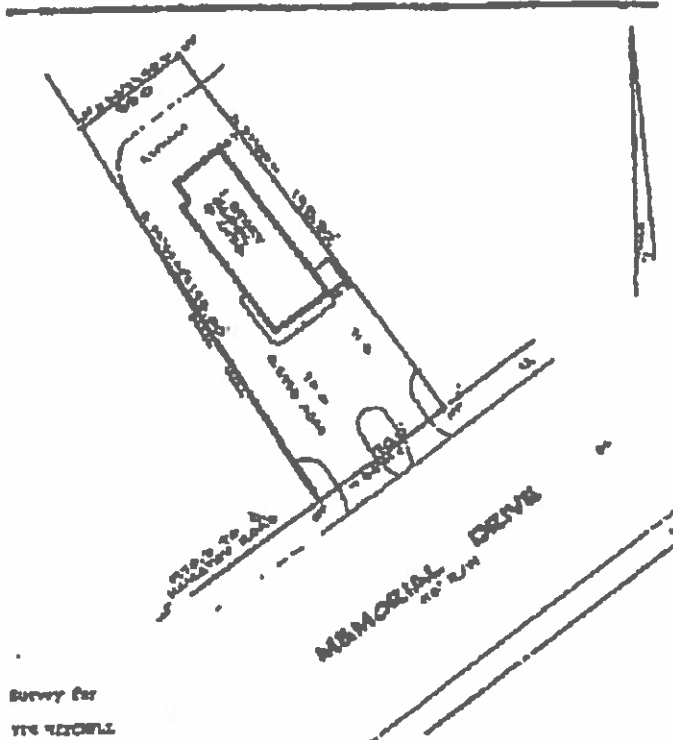
Subject Property Address: 6166 Memorial Drive, Stone Mountain, GA 30083

Parcel ID: 18 091 01 019



### Exhibit "A" Legal Description

LAND LOT 21, 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, BEING KNOWN AS 6158 MEMORIAL DRIVE ACCORDING TO THE PRESENT METHOD OF NUMBERING IN DEKALB COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED ON A PLAN OF SURVEY DATED APRIL 25, 1999, FORWARDED BY ALVIN E. WAGNER & ASSOCIATES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.



Survey for

THE PURCHASER

Property at 6158 Memorial Drive

Land Lot 21, 18th District, DeKalb County, Georgia

April 25, 1999

Scale 1" = 40'

Made by  
ALVIN E. WAGNER & ASSOC.  
PLANNERS - SURVEYORS  
P.O. Box 788  
Stockbridge, GA 30281

In my presence and the presence of the witnesses, I have read and explained the contents of this instrument to the parties and they have acknowledged the same to be their free and voluntary act and deed.



Purchaser

Seller

25-9104-145

EXHIBIT "A"

4340 of 61

6158

2011037178 DEED BOOK 22358 Pg 65  
Filed and Recorded  
2/14/2011 11:12:16 AM  
Linda Carter  
Clerk of Superior Court  
DeKalb County, Georgia  
Real Estate Transfer Tax 577 00

Return to:  
LANE & KARLO, LLP  
1827 Powers Ferry Road  
Building Five  
Atlanta, Georgia 30338

File No: LK103171

**LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF COBB

THIS INDENTURE, made and entered into as of the 7<sup>th</sup> day of February, in the year two thousand eleven, by and between

**REKEEP INVESTMENTS, INC.**


of the County of Mecklenburg, and State of North Carolina, as party or parties of the first part, hereinafter called Grantor, and

:

**ARIA AND TODD PROPERTIES, LLC**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.)

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the

  
Initials

receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm unto the said Grantee, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 91, 18<sup>th</sup> District, DeKalb County, Georgia, being 0.2798 acres, as shown on plat of survey for Jim Mitchell by Alvin F. Vaughn & Assoc., Registered Land Surveyors, dated April 25, 1980, recorded in Deed Book 9104, Page 145, DeKalb County records, and being more particularly described as follows:

BEGINNING at an Iron pin on the northwest right-of-way of Memorial Drive (110-foot right-of-way) 1,970.3 feet northeasterly from the intersection of the northwesterly right-of-way of Memorial Drive and the centerline of Halrston Road, as measured along the northwesterly right-of-way of Memorial Drive; running thence North 54 degrees 49 minutes East along the northwesterly right-of-way of Memorial Drive 70.0 feet to an Iron pin; thence North 37 degrees 00 minutes West 195.32 feet to an Iron pin; thence South 54 degrees 22 minutes 40 seconds West 55.0 feet to an Iron pin; thence South 32 degrees 35 minutes 40 seconds East 195.00 feet to an Iron pin on the northwesterly right-of-way of Memorial Drive and the point of beginning.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through or under Grantor herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed as of the day and year above written.

Signed, sealed and delivered in the presence of:

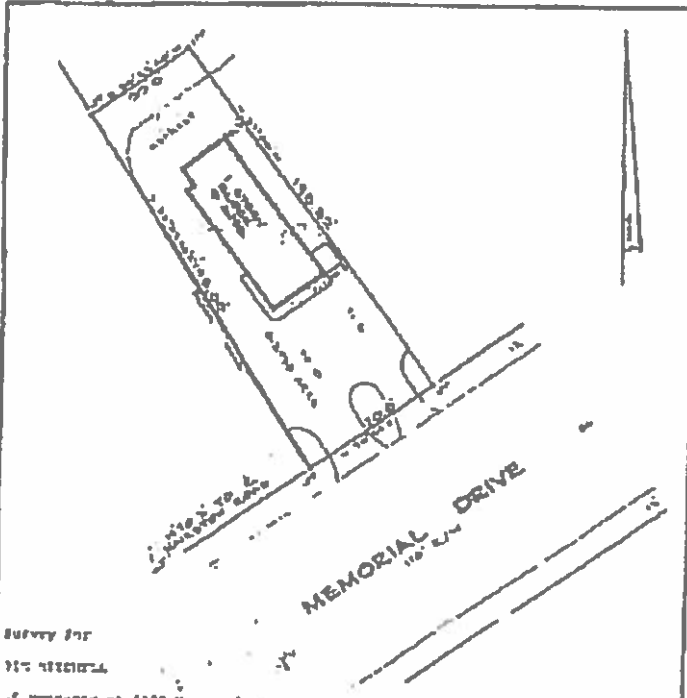
  
Witness

Rekeep Investments, Inc.

By:  (SEAL)  
Michael Pecker, President

  
Notary Public





Survey for  
 11% interest  
 in property at 6150 Memorial Drive  
 Land Lot 97, 10th District, DeKalb County, Georgia  
 April 25, 1980      Scale 1" = 40'

Made by  
 ALVIN T. VAUGHN & ASSOC.  
 Planners - Surveyors  
 P.O. Box 783  
 Stockbridge, Ga. 30281

I, the undersigned, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client.



910416145

EXHIBIT "A"

4340 10 61

**AFFIDAVIT**

**STATE OF GEORGIA  
COUNTY OF DEKALB**

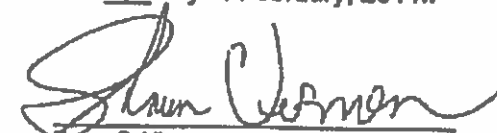
**Re: Aria and Todd Properties, LLC**


BEFORE ME, a notary public in and for said State and County, came **DAVID E. ARIA**, being duly sworn, deposes and says on oath as follows:

That Deponent and Kathleen Dale Todd are the sole Members of Aria and Todd Properties, LLC; that said company has been duly organized pursuant to the Articles of Organization of Aria and Todd Properties, LLC filed April 4, 2003, in the Office of the Secretary of State, State of Georgia and that certain Operating Agreement for Aria and Todd Properties, LLC of even date therewith; that no amendment or modification thereof has occurred; that said company is this date in good standing with said Secretary of State; that the purchase of property located at and designated as 6158 Memorial Drive, Stone Mountain, DeKalb County, Georgia 30083 is made pursuant to and in full compliance therewith; that either Deponent or Kathleen Dale Todd, as a Member/Manager, is thereby empowered to execute such deeds and other documents as are necessary to effectuate the conveyance of said property; and

That this affidavit is made with the understanding that it will be relied upon by sellers or lenders dealing with said property, by attorneys certifying title in and to said property, and by title insurance companies insuring title in and to said property.

Sworn to and subscribed before me  
this 9 day of February, 2011..

  
Notary Public

  
David E. Aria

**SHAUN L. VERNON  
NOTARY PUBLIC  
Gwinnett County - State of Georgia  
My Comm. Expires Jan. 2, 2015**

6166

2018091073 DEED BOOK 26899 P 145  
Filed and Recorded:  
AUG 18 11:18:38 AM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

Refer to Recorded Document to:  
Jefe B. Mangrum Attorney at Law  
4010 Levee Rd.  
Tucker, GA 30084

LIMITED WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF DeKalb

This Instrument made this 14th day of April, 2018 between 2013 BWE GA, LLC, a Georgia Limited Liability Company as party or parties of the first part, hereinafter called Grantor, and Aja and Todd Propp, LLC a Domestic Limited Liability Company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns whose the context requires or permits).

W I T N E S S E T H that Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) Dollars and other good and valuable considerations in hand paid or and before the making and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, conveyed, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Exhibit "A"

TAX MAP OR PARCEL ID NO: 11 01 81 021  
Street Address: 6146 Memorial Dr., Suwanee, GA 30086

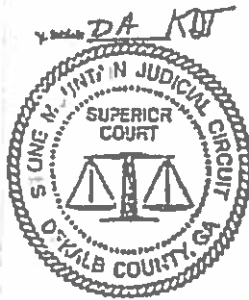
Except as to Easements and Warranty: Less described as part of the Consideration and any other items described in this deed as being either assumed or subject to which this is being validly existing easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded and validly existing restrictions, servitudes, covenants, conditions, oil and gas leases, mineral interests excepting to persons other than Grantee, and other instruments, other than conveyances of the further fee estate, that affect the Property, validly existing rights of adjoining owners in any ways and forms situated on a common boundary, any encroachments, covenants, or easements in any or boundary lines; any encroachments or overlapping of improvements, and that create perpetual title and easement as created between the Grantor and Grantee; all rights, obligations, and other matters arising from and existing by reason of the County in which the Property is located and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes but not independent obligations for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations here Conveyance and the Excepted to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the right and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantee's heirs, successors, and assigns against every person whatsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from Conveyance; and the Excepted to Conveyance and Warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS, WHERE IS" with any and all known and patent faults and defects and that there is no warranty by Grantor that the Property has a particular beneficial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other warranties with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no covenants or implied warranties, except for the special warranties of title set forth in this deed.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, easements and appurtenances thereto, to the said Grantee, heirs, successors, or assigns forever, to the only proper use, benefit and to that of the said Grantee forever in PERPETUITY.

AND THIS SAID Grantor will warrant and defend the title to the above described property unto the said Grantee against




State of Georgia, DeKalb County,  
The undersigned officer of DeKalb Superior Court certifies that this is a true and correct copy of the original document which is on file and of record in the Office of the Clerk of Superior Court. Witness my hand and seal of the Superior Court of DeKalb County, Georgia.


This 26th day of July 2018  
Signature: [Handwritten Signature]  
Deputy Clerk DeKalb County Superior Court

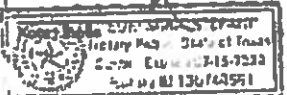
DEED BOOK 26899 PAGE 145-147



Do hereby release and discharge of all persons abiding by, through or under the above named Grantee, but against none what.  
IN WITNESS WHEREOF, Grantee has hereunto set her hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:  
  
Witness

Grantee:  
2013 SYRGA, LLC  
a Domestic Limited Liability Company  
by:  (Seal)  
Name: Scott White  
Title: Manager





Grantee's Acceptance of Deed

Grantee accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the attached Grantee's signed regarding the property described in the deed. Grantee waives and releases all claims against Grantee, including fraud and fraudulent inducement against Grantee and all persons and entities associated with Grantee.

Arts and Todd Properties, LLC  
a Domestic Limited Liability Company

Arts and Todd Properties, LLC  
a Domestic Limited Liability Company


by:  (Seal)  
Name: Kathleen D. Todd  
Title: Manager

by:  (Seal)  
Name: David E. Arts  
Title: Manager

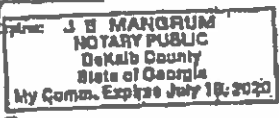
COUNTY OF DeKalb

STATE OF GEORGIA

The foregoing instrument was acknowledged before me, this 19 day of April, 2012, by Kathleen D. Todd, Manager, Arts and Todd Properties, LLC, a Domestic Limited Liability Company.

Witness   
Name: ARON HAYES


  
Notary Public  
My Commission Expires: J B MANGRUM




COUNTY OF DeKalb

STATE OF GEORGIA

The foregoing instrument was acknowledged before me, this 19 day of April, 2012, by David E. Arts, Manager, Arts and Todd Properties, LLC, a Domestic Limited Liability Company.

Witness   
Name: ARON HAYES

  
Notary Public  
My Commission Expires:



Witness ARON HAYES



LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in Land Lot 91 of the 18th District of DeKalb County, Georgia, being part of property as shown on survey recorded in Plat Book 63, Page 68, DeKalb County Records, and being more particularly described as follows:

BEGINNING at an iron pin located on the Northwestern right-of-way line of Memorial Drive (a 110-foot right of way width), 2040.3 feet Northeastly as measured along the Northwestern right of way line of Memorial Drive from its intersection with the center line of Hairston Road if the Northwestern right-of-way line of Memorial Drive were extended so as to intersect with the center line of N. Hairston Road; running thence Northeastly along the Northwestern right of way line of Memorial Drive, a distance of 97.74 feet to an iron pin; running thence North 40 degrees 24 minutes 32 seconds West, a distance of 421.12 feet to an iron pin; running thence South 58 degrees 57 minutes 56 seconds West, a distance of 91.87 feet to an iron pin; running thence South 30 degrees 01 minutes 14 seconds East, a distance of 226.30 feet to an iron pin; running thence North 57 degrees 26 minutes 34 seconds East, a distance of 55.04 feet to an iron pin; running thence South 34 degrees 30 minutes 06 seconds East a distance of 194.76 feet to an iron pin located on the Northwestern right of way line of Memorial Drive and the POINT OF BEGINNING.

Subject Property Address: 6166 Memorial Drive, Stone Mountain, GA 30083

Parcel ID: 18 091 01 029



