



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

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

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: Thursday, November 1, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: Tuesday, November 13, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-18-1235197 **Agenda #:** N.3

Location/Address: 2346 Pine Mountain Road, Lithonia, Georgia **Commission District:** 5 **Super District:** 7

Parcel ID: 16 168 01 008

Request: To rezone property from RE (Residential Estate) District to M (Light Industrial) District to allow future industrial uses in accordance with Section 27-4.1 of the DeKalb County Zoning Ordinance.

Property Owner: MH Lithonia Holdings, LLC & Nessim Properties, LLC

Applicant/Agent: Joseph Cooley

Acreage: 1.22

Existing Land Use: Vacant

Surrounding Properties: Vacant land to the south and west across Pine Mountain Street; single-family homes to the north; and vacant land to the east.

Adjacent Zoning: North: M South: M East: M West: M

Comprehensive Plan: LIND (See LP-18-1235272) consistent inconsistent

Proposed Density: NA **Existing Density:** NA
Proposed Units/Square Ft.: No proposed use at this time **Existing Units/Square Feet:** Vacant
Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

ZONING HISTORY

The property was rezoned to RE in 1983 by the Board of Commissioners per Case CZ-83005. Based on information from the applicant, there was a single-family home on the property that was recently demolished.

PROJECT ANALYSIS

The 1.22 acre project site is located on the east side of Pine Mountain Street, approximately 20 feet north of Pine Mountain Road, at 2346 Pine Mountain Street in Lithonia, Georgia. The subject property is currently vacant. The

property abutting the east side of the project site is also owned by the owners of the subject property. It is the applicant's intention to consolidate these two properties under the same M (Light Industrial) zoning to allow for future industrial uses.

The property is surrounded by M (Light Industrial) zoning with the exception of one other residentially-zoned (RE) property located to the northwest at 2323 Pine Mountain Street which contains a single-family home. Pine Mountain street is currently a narrow two-lane road with no sidewalks or curb and gutter and is predominantly developed with single-family homes and vacant land. While the Light Industrial (M) zoning along this stretch of Pine Mountain Street is currently occupied by single-family homes and vacant land, the Future Land Use Plan calls for most of this area to be Light Industrial (LIND). Planning Staff is recommending the following conditions to transition from the single-family residential properties: 1) Limit access to one-curb cut on Pine Mountain Road; 2) The adjacent lot to the east under common ownership shall be consolidated into one lot prior to the issuance of any Land Disturbance Permits or Buildings Permits; and 3) Access to Pine Mountain Street shall be limited to automobiles and pick-up trucks (including dually trucks) with or without equipment storage or trailers; heavier vehicles and equipment would have to access from Turner Hill Road. Staff has included these proposals into the recommended conditions.

IMPACT ANALYSIS

Section 7.3.4 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

Companion case LP-18-1235272 proposes to change the character area from SUB (Suburban) to LIND (Light Industrial). Staff is recommending approval of that companion case since most of the surrounding properties in the vicinity are also located within a LIND character area. The proposed M 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 LIND character area calling for designating specific areas through the use of zoning and other land use tools for industrial development (LIND Policy #7).

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

Based on the submitted information, as well as field investigation of the project site, the proposed M district appears to be suitable since it is consistent with the predominant M (Light Industrial) zoning pattern along this stretch of Pine Mountain Street. With Staff's recommended conditions pertaining to restricting the number of driveways and prohibiting heavy vehicles and equipment from the Pine Mountain access, it appears that the zoning proposal would not have adverse impacts on the surrounding single-family residential homes that are currently located on industrial (M) zoned properties.

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

The property may have a reasonable economic use for single-family as currently zoned single-family (RE). However, given that the surrounding area along this stretch of Pine Mountain Street is predominantly zoned Light Industrial (M) and designated as a Light Industrial (LIND) character area on the Future Land Use Map, it appears that light industrial land use is a more viable land use. However, the property cannot be used for industrial until it is rezoned.

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

Based on the submitted information, the zoning proposal will not adversely affect the existing use of adjacent or nearby property since the zoning proposal is surrounded by industrial zoning. With Staff's recommended conditions pertaining to restricting the number of driveways and prohibiting heavy vehicles and equipment from the Pine Mountain Street access, it appears that the zoning proposal would not have adverse impacts on the surrounding single-family residential homes that are currently located on industrial (M) zoned properties.

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

The property abutting the east side of the project site is also owned by the owners of the subject property. It is the applicant's intention to consolidate these two properties under the same M (Light Industrial) zoning to allow for future industrial uses. Therefore the rezoning of the property to M will allow it to be consolidated with the surrounding industrial properties to provide a viable economic use of the property. No use is proposed at this time.

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

Based on the submitted information, there are no historic buildings, site, districts, or archaeological resources on the subject property.

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

Since the zoning proposal is for non-residential there are no burdensome impacts on schools. There are no anticipated impacts on existing transportation facilities or utilities given Staff's proposed conditions regarding access onto Pine Mountain Street when the property is developed.

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

It does not appear that the zoning proposal will adversely impact the environment or surrounding natural resources. The zoning proposal is consistent with the proposed Light Industrial (LIND) Comprehensive Plan designation and is consistent with the predominant industrial zoning pattern to the south and west.

COMPLIANCE WITH DISTRICT STANDARDS:

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH	100 feet	191 feet along Turner Hill Road upon consolidation with adjacent property to the east under common ownership.	Yes
LOT AREA	30,000 s.f. (.69 acres)	1.22 acres	Yes
FRONT		NA	NA (Applicant intent is to consolidate with adjacent industrial zoned property)

				to the east under common ownership and have lot frontage and access onto Turner Hill Road. Plans will be drawn and reviewed at the time development comes on line.)
	INTERIOR SIDE		NA	NA (Applicant intent is to consolidate with adjacent industrial zoned property to the east under common ownership and have lot frontage and access onto Turner Hill Road. Plans will be drawn and reviewed at the time development comes on line.)
	REAR		NA	NA (Applicant intent is to consolidate with adjacent industrial zoned property to the east under common ownership and have lot frontage and access onto Turner Hill Road. Plans will be drawn and reviewed at the time development comes on line.)
TRANS. BUFFERS	None (does not abut residential zoning)		NA	N/A No buffers are required since property does not abut residential zoning.
HEIGHT			NA	NA (Applicant intent is to consolidate with adjacent industrial zoned property to the east under common ownership and have lot frontage and access onto Turner Hill Road. Plans will be drawn and reviewed at the time development comes on line.)
Open Space			NA	NA (Applicant intent is to consolidate with adjacent industrial zoned property to the east under common ownership and have lot frontage and access onto Turner Hill Road. Plans will be drawn and reviewed at the time development comes on line.)

Staff Recommendation: APPROVAL WITH CONDITIONS

There is a companion Land Use Amendment case (LP-18-1235072) which proposes to change the Character Area from SUB (Suburban) to LIND (Light Industrial) since M is not allowed in a SUB character area. The proposed M zoning is consistent with the predominant LIND Character area designation in the surrounding area, the policies and strategies of the Comprehensive Plan's LIND character area calling for designating specific areas through the use of zoning and other land use tools for industrial development (LIND Policy #7), and is a permitted zoning district in the LIND Character Area per Table 1.2 of the Zoning Ordinance (Character Areas and Permitted Zoning Districts). Based on the submitted information the proposed M district appears to be suitable since it is consistent with the predominant M (Light Industrial) zoning pattern along this stretch of Pine Mountain Street. With Staff's recommended conditions pertaining to restricting the number of driveways and prohibiting heavy vehicles and equipment from the Pine Mountain access, it appears that the zoning proposal would not have adverse impacts on the surrounding single-family residential homes that are currently located on industrial (M) zoned properties. Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Approved" with the following conditions:

- 1) The adjacent lot to the east under common ownership shall be consolidated into one lot prior to the issuance of any Land Disturbance Permits or Buildings Permits; and
- 2) Access to Pine Mountain Street shall be limited to automobiles and pick-up trucks (including dually trucks) with or without equipment storage or trailers; heavier vehicles and equipment would have to access subject property from Turner Hill Road. Limit access to one-curb cut on Pine Mountain Street.
- 3) Dedicate 27.5 feet of right of way from the centerline of Pine Mountain Road. Bring road up to current county standards at time of any land disturbance permits from the intersection of Bruce Street to northern property line.

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.)*
- ✓ **Architectural Design Requirements of Article 5** *(New construction or exterior renovation)*
- ✓ **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)*
- **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 to the appropriate department or division

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

10/16/2018

N.1

SLUP-18-1235193 2018-2793 15-131-02-009

2336 Wesley Chapel Road

Amendment

- Please see general comments.
- Septic system installed on property on 12/22/17.

N.2

LP-18-1235272 2018-2808 16-168-01-008

2346 Pine Mountain Street, Lithonia, GA 30058

Amendment

- Please see general comments.

 N.3

Z-18-1235197 2018-2774 16-168-01-008

2346 Pine Mountain Street, Lithonia, GA 30058

Amendment

- Please see general comments.

N.4

Z-18-1235207 2018-2745 18-063-14-009,18-101-02-001

1910 Lawrenceville Highway, Decatur, GA 30033

Amendment

- Please see general comments.

10/16/2018

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

General Comments:

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

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

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

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

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

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

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

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

Chief Executive Officer
Michael Thurmond

Board of Commissioners

District 1
Nancy Jester

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Stephen Bradshaw

District 5
Mereda Davis Johnson

District 6
Kathie Gannon

District 7
Gregory Adams Sr.

MEMORANDUM

DATE: October 15, 2018

TO: LaSondra H. Hill
Planning & Sustainability Division

FROM: Michelle L. Otts, P.E., Engineering Manager
Division of Planning & Development

RE: November 2018 Rezone Application(s) for Planning Commission and
Board of Commissioners Public Hearing

Attached is the Water and Sewer information requested for the rezoning cases in question.

Please be aware that projects may be located within a Sanitary Sewer capacity restricted area.

If additional information is required, please call me directly at @ 404-371-4918.



Michelle L. Otts, P.E.
Engineering Manager
Division of Planning & Development



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-18-1235197

Parcel I.D. #: 16-168-01-008

Address: 2346 Pine Mountain Street

Lithonia, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Pine Mountain Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: Pole Bridge Creek WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 6.48 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 

Reid, John

From: Hill, LaSondra
Sent: Tuesday, October 16, 2018 7:24 AM
To: Furman, Melora L.; Hill, Karen F.; Reid, John; Brewer, Brian N.; McNeil, Jeremy P.
Cc: Alexander, Michelle M.
Subject: FW: Request for Inter-Departmental Comments
Attachments: 2820_Decatur Landing_NOD Exp with Cond_executed_20180905.pdf

From: Keeter, Patrece
Sent: Monday, October 15, 2018 5:52 PM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Eisenberg, Marian <meisenberg@dekalbcountyga.gov>; Furman, Melora L. <mlfurman@dekalbcountyga.gov>
Subject: RE: Request for Inter-Departmental Comments

I am having another surgery on the 26th. Everything is looking good- just need to go thru it... I will be out from Oct 26th to Nov. 5th- and maybe more based on my recovery. So if anything is hot- hit me up before then! Thanks!

D1 & @2- Meet all the requirements of the DRI Notice of Decision. See Attached. No left turns out of Oak Tree Road onto North Druid Hills Road. No left turns out of the existing access point on Lawrenceville Hwy. These roads are restricted to left in/right in/ right out. Lawrenceville Hwy is a state route. GDOT must review and approve the site plans prior to submitting for a land development permit. Provide a 25 foot access easement for a future 10 foot multiuse path on the north side of South Fork Peachtree Creek- outside of the 50 foot stream buffer at a location approved by DeKalb County. Easement to be dedicated at the time of permitting. Provide a connection from the development to the South Fork Peachtree Multiuse Path. Provide a multiuse path along Mistletoe Road connecting the neighborhood to the development via the traffic signal. The developer requires a right of way swap for Sweet Briar Road. The County recommends an abandonment, instead of a swap, as this road is really an interior road for use by the development. Ensure that the curves on Sweet Briar Road meet the minimum standards for a road open to the public, including sight distance requirements for existing and future driveways. Fill in the sidewalk gap (+/- 50 feet) along Lawrenceville Hwy in front of 2148 Lawrenceville Hwy, including any ADA ramps. Fill in the sidewalk gap (+/- 80 feet) in front of 3873 North Druid Hills Rd, including any necessary ADA ramps. Install sidewalks/fill in sidewalk gaps and install pedestrian scale lighting on all public roads leading into the development. Pay Georgia Power to install pedestrian scale lighting on North Druid Hills from the deceleration lane at Birch to Lawrenceville Hwy and along Lawrenceville Hwy to the southern property line. DeKalb County will pay the monthly energy charge for areas that do not directly abut the development. Provide meaningful pedestrian/bike connections interior to the development to each destination, including lighting and bike racks to all destinations. Extend the left turn lane northbound on Lawrenceville Hwy at the intersection of North Druid Hills by modifying the median.

General Concern with the site plan: Mistletoe will be one of two full access entrances to the site. It has a direct connection to North Druid Hills and the neighborhood. Yet the sight plan has the entrance feeding the traffic into what appears to be the loading docks and back doors of the box stores. I understand there is a grade change, but there has got to be a way to design this better.

N1. No Comment

*N2 & N3- Dedicate 27.5 feet of right of way from the centerline of Pine Mountain Road. Bring road up to current county standards at time of any land disturbance permits from the intersection of Bruce Street to northern property line.

N4, N5 & N6- Lawrenceville Hwy is state route 8. All access points on Lawrenceville Hwy are require GDOT review and approval required prior to submitting any land development permits to DeKalb County. Extend sidewalks along

Lawrenceville Hwy within the current right of way to the intersection of Harrington Dr (+/- 200 feet), including any necessary ADA ramps. Restripe Orion Drive from Lawrenceville Hwy to the bridge. Upgrade the traffic signal at the intersection of Orion Drive and Lawrenceville Hwy to include pedestrian features. Street Lights required.

N7- No Comment

N8- Flake Mill Road is a minor arterial. Requires right of way dedication of 40 feet from centerline of roadway, 6 foot sidewalks, 5 foot landscape strip, streetlights on back of sidewalk and bike lanes. Line up future access points with Boxwood Lane or the required offset of 245 feet centerline to centerline, as required in Section 14-200 (6) of the land development code. Build sidewalk from Catapa Lane to River Road on west side of road.

N9. No Comment

N10. Covington Hwy is State Route 10. GDOT review and approval is required prior to any land development permits by DeKalb County. Add sidewalks along the frontage. No parking vehicles within the state right of way.

N11. No Comment

From: Hill, LaSondra

Sent: Friday, October 5, 2018 2:26 PM

To: Cushnie, Donovan <dcushnie@dekalbcountyga.gov>; Pelton, David <dwpelton@dekalbcountyga.gov>; Ross, David <dmross@dekalbcountyga.gov>; David Yoke <david_s_yoke@dekalbschoolsga.org>; Evangeline Reaves <Evangeline.Reaves@dph.ga.gov>; Laguaitte, Francis K. <flaguaitte@dekalbcountyga.gov>; Greg Floyd <gffloyd@itsmarta.com>; Hans Williams <hans_g_williams@dekalbschoolsga.org>; Holmes, Jessica L. <jilholmes@dekalbcountyga.gov>; Jones, Ebonique D. <edjones@dekalbcountyga.gov>; MARTA (arhein@itsmarta.com) <arhein@itsmarta.com>; Keeter, Patrece <pgkeeter@dekalbcountyga.gov>; Allen, Peggy <pvalen@dekalbcountyga.gov>; Richard Slaton, MARTA <rslaton@itsmarta.com>; Weaver, Sandra Z <SZWEAVER@dekalbcountyga.gov>; Baugh, Shauna S. <ssbaugh@dekalbcountyga.gov>

Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>

Subject: Request for Inter-Departmental Comments

Importance: High

Please find attached the November 2018 Rezone agenda (with Staff case assignment) and request for comments on Rezoning and Special Land Use Permit applications.

Here is the link for the cases:

<https://www.dropbox.com/sh/us7n7muappa6g0o/AADr3et1G-KDZpDEzseZabfFa?dl=0>

Please submit your comments/questions no later than **Monday, October 15, 2018**. Please use the comment forms that are provided in this email.

Please do not wait to open this link, as it expires. Please open and save the files for when you're ready to review.

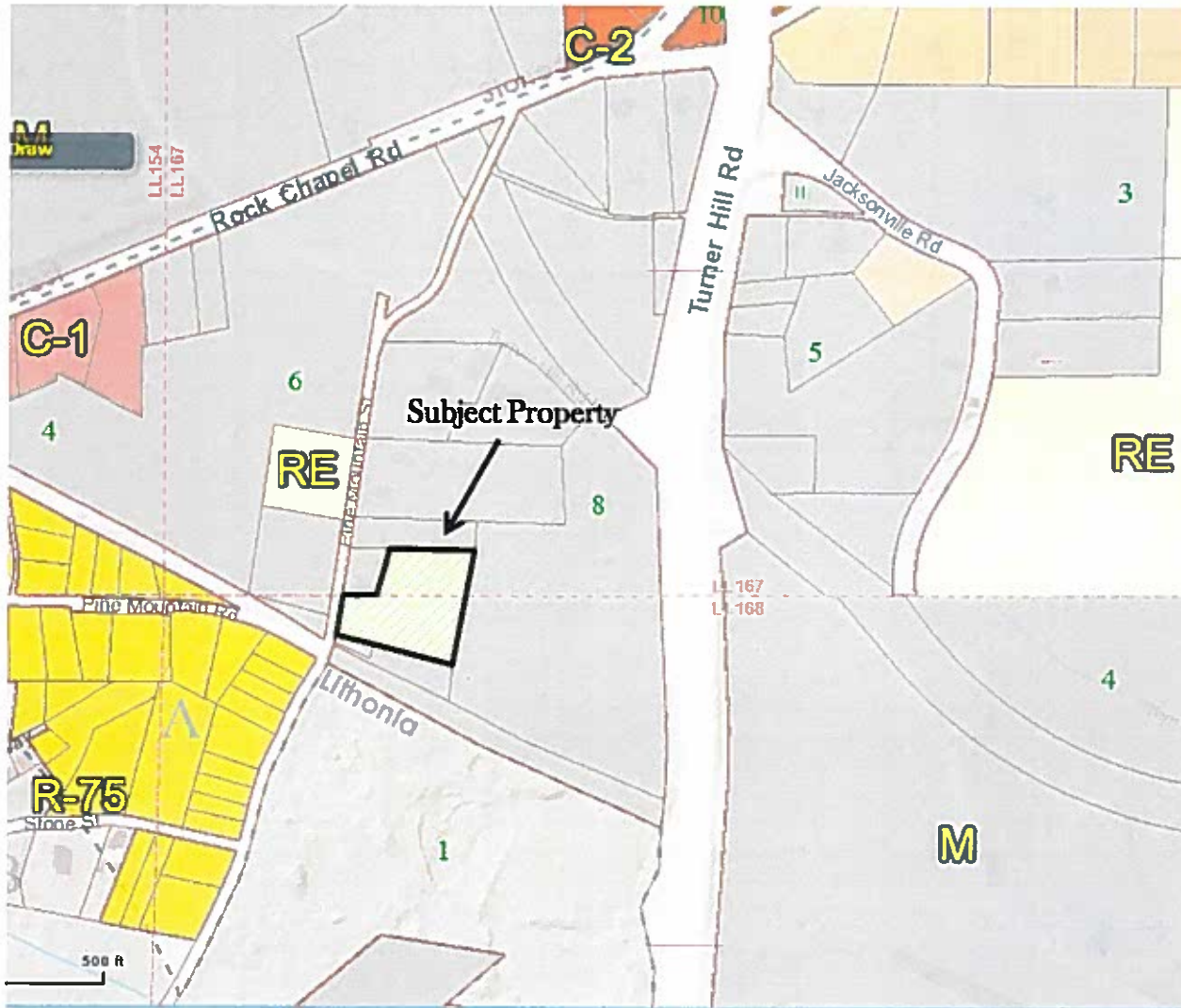
If you have problems with the link, please let me know and I will send them in PDF in several emails.

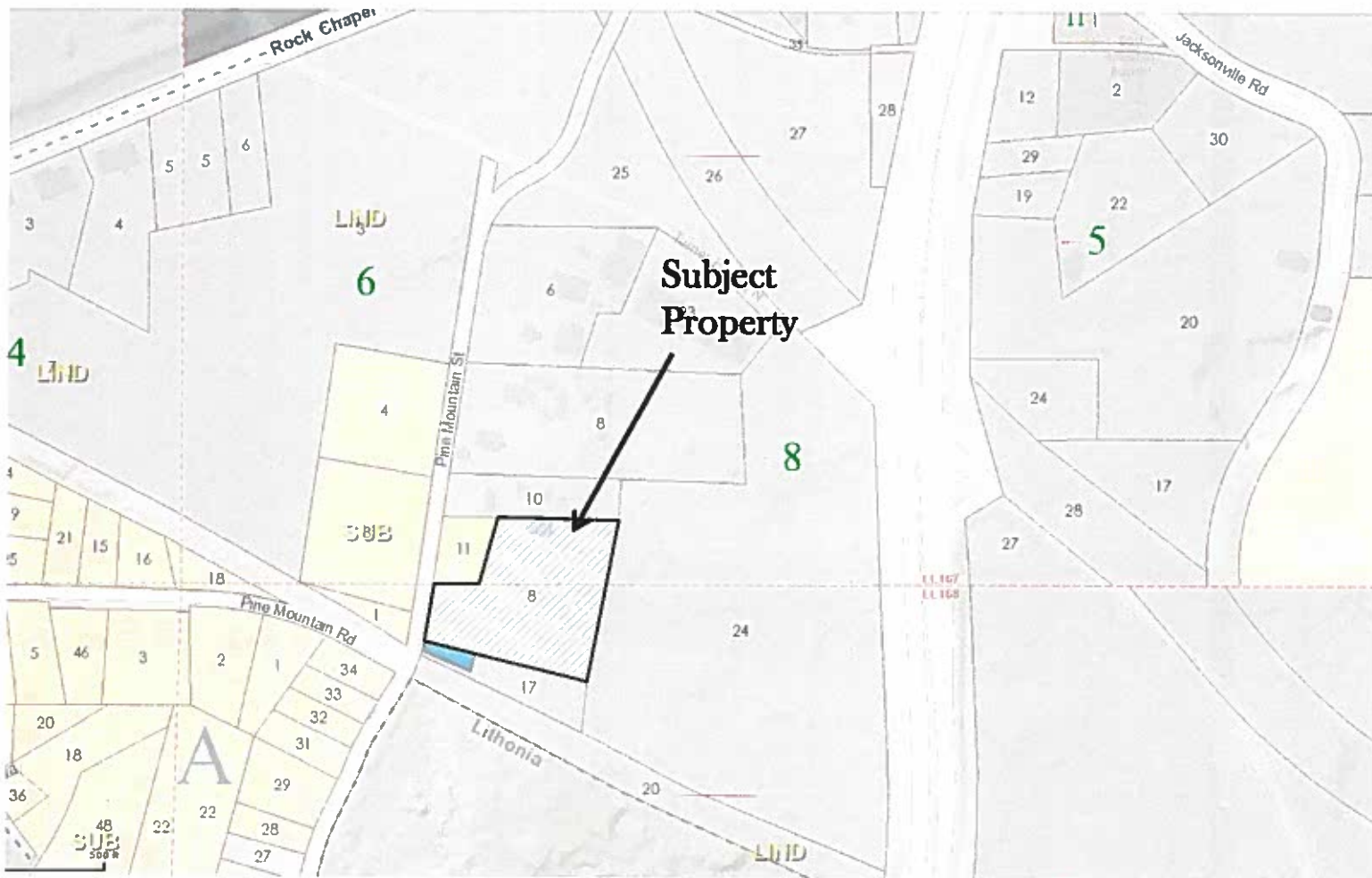
Thank you.

LaSondra H. Hill

Administrative Specialist,

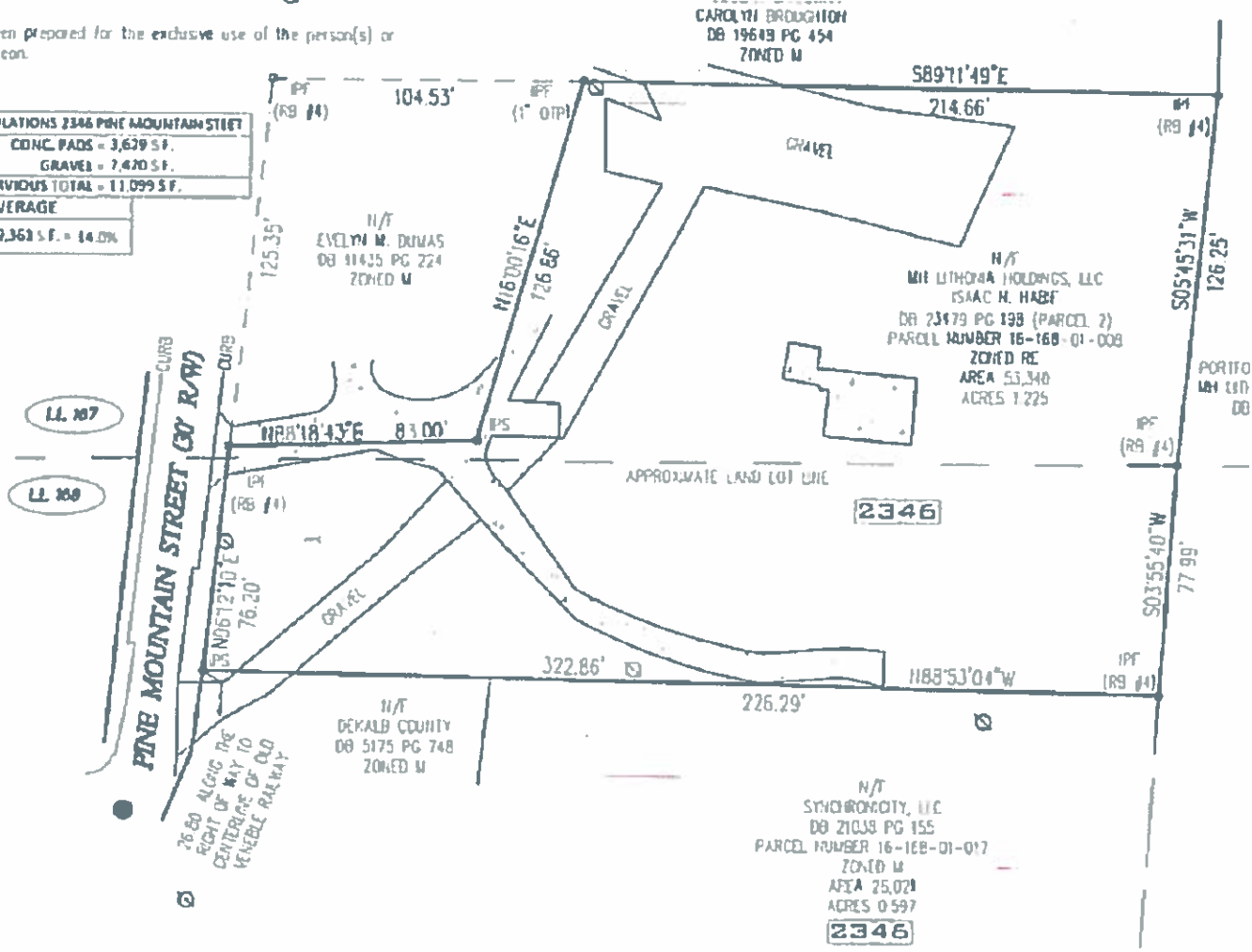
DeKalb County Planning & Sustainability Department





been prepared for the exclusive use of the person(s) or person.

DIMENSIONS 2346 PINE MOUNTAIN STREET	
CONC. PADS =	3,639 SF.
GRAVEL =	7,420 SF.
SERVICIOUS TOTAL = 11,059 SF.	
OVERAGE	
79,363 SF. =	14.0%



N.3 Z-18-1235197

Aerial



N.3 Z-18-1235197

Site Photo





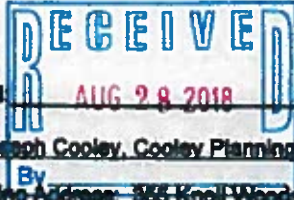
DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Bakar, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA



Z/CZ No. 123E197
Filing Fee: _____

Date Received: AUG 28 2018 Application No.: _____

Applicant: Joseph Cooley, Cooley Planning & Land Use Law LLC (agent for Owner) E-Mail: Cooleylandlaw@gmail.com

By: _____
Applicant Mailing Address: 855 Knoll Woods Drive, Roswell, GA 30075

Applicant Phone: 770-778-4778 Fax: _____

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

Owner's Mailing Address: 3717 Roswell Rd. NE #100, Atlanta, GA 30342

Owner(s) Phone: (404) 522-9358 Fax: _____

Address/Location of Subject Property: 2346 Pine Mountain Street

District(s): 16th Land Lot(s): 167, 168 Block: 01 Parcel(s): 008

Acreage: 1.224 Commission District(s): District 5, Super District 7

Present Zoning Category: RE (residential estate) Proposed Zoning Category: M (light industrial)

Present Land Use Category: LIND - Light Industrial SUB - SUBURBAN

PLEASE READ THE FOLLOWING BEFORE SIGNING

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

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 38-87A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes ___ No X

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

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

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

Sean Ballou
NOTARY
June 15, 2008
EXPIRATION DATE / SEAL



[Signature]
SIGNATURE OF APPLICANT / DATE

Check One: Owner ___ Agent X

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
(voice) 404.371.2155 - (Planning Fax) (404) 371-4666 (Development Fax) (404) 371-3007
Web Address <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

Letter of Intent
Rezoning
For
Property at 2346 Pine Mountain Street (# 16 168 01 008), DeKalb County, Georgia

The Applicant requests the "Subject Property" be rezoned from RE – Residential Estate to M – Light Industrial for the zoning to be consistent with 1) DeKalb County's Comprehensive Land Use Map designation of the property as IND – Light Industrial, and 2) the zoning of adjacent parcels as M – Light Industrial. This is submitted in conjunction with a concurrent application for land use change from SUB (suburban) to LIND (light industrial). Both are required in that the current RE zoning, and the proposed zoning of M, are not and would not be consistent with the current land use classification of SUB. Hence, the need for the concurrent land use application.

The Subject Property is one parcel consisting of approximately 1.224 acres of undeveloped property currently zoned RE – residential estate. (*Please see attached enlargements of the Future Land Use map and current Zoning Map*). It is in an area of the County with numerous mining operations and other light industrial uses. The Subject Property is completely surrounded to the north, south, east and west with parcels zoned as M – Light Industrial.

The property (parcel #16 167 08 024) adjacent to and east of the Subject Property is also owned by the Subject Property owners (Owners) identified in this application. It consists of approximately 8.25 acres, is zoned M, and is undeveloped. The rezoning to M of the Subject Parcel would allow the Owners to combine the two lots to the same zoning category of M that would be consistent with the Comprehensive Plan and the surrounding zoning and uses. The Owners currently have no plans for development of the property.

APPLICANT'S STATEMENT OF IMPACT ANALYSIS FOR ZONING APPLICATION

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

Yes, the proposal is in conformity with the intent of the Comprehensive Plan. The parcel is 1.22 acres of undeveloped land currently zoned RE (Residential Estate) with a Comprehensive Plan designation of SUB (suburban). The Subject Property is completely surrounded by parcels zoned M (Light Industrial). RE is not an allowed zoning district allowed in the Subject Property's Comp Plan designation of SUB. The Subject Property's current zoning or RE is not in conformance with the current Comp Plan Land Use designation. The concurrent Land Use Designation change application and zoning change application would make the Subject Property consistent in zoning and land use and be consistent with surrounding zoning and land use categories.

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

Yes, the property is surrounded on all sides by property that is currently zoned M (light industrial) including the property directly across Pine Mountain Street. The Subject Property owners are also the owners of the property adjacent to and east of the Subject Property. The property number of the adjacent parcel is #16 167 08 024. Both parcels are undeveloped and the rezoning would allow a sensible consolidation of parcels.

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

No. The subject property is currently zoned RE (residential estate) but is surrounded by M (light industrial) zoned land. As currently zoned (RE) one single-family estate residence could be constructed on the property, but it would be surrounded by property zoned M (light industrial) and is not suitable for a single-family residence. Further, the current land use classification of SUB is not consistent with uses allowed under the current zoning of RE.

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

No, the property is located within a large area of M zoned properties and would have no negative affect on surrounding properties.

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

The rezoning of the property to M (light industrial) would be consistent with existing uses and conditions of adjacent properties.

F. Whether the zoning proposal will adversely affect historic buildings, site, district or archaeological resources?

There are no historic buildings or archaeological resources on the site to the knowledge of the owner and no historic districts close to the property.

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

No negative or burdensome impacts are expected from the rezoning of the Subject Property. All properties along Pine Mountain Street, except for one, have already been zoned M.

ATTACHMENT "A"

**Application to Amend Official Zoning Map
DeKalb County, GA**

Owners' Information

Owner(s): MH Lithonia Holdings LLC – Morris Habib, Managing Partner

E-Mail: mrhabib@habifproperties.com

Owner's Mailing Address: 3717 Roswell Rd. NE #100, Atlanta, GA 30342

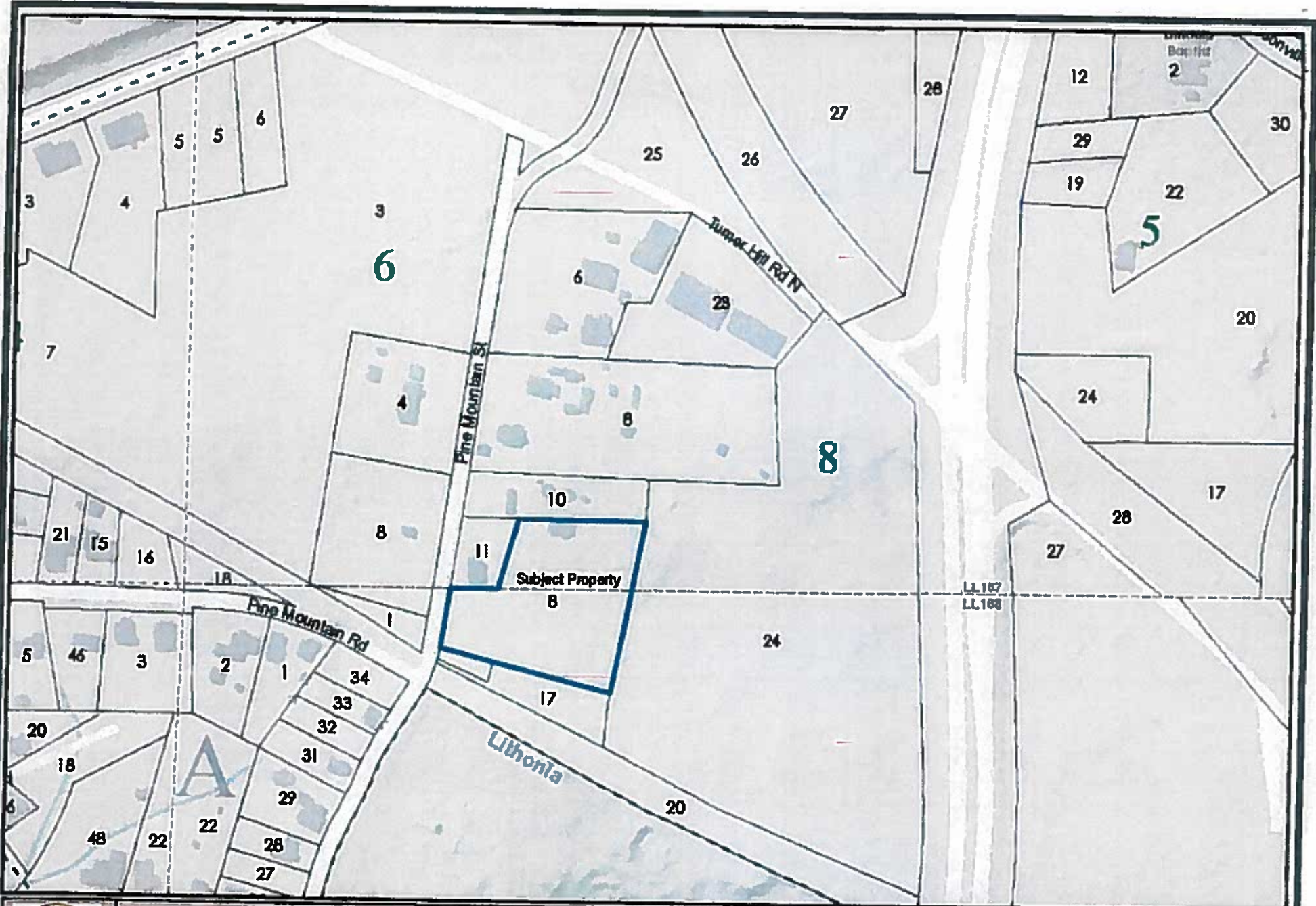
Owner(s) Phone: (404) 622-9358 Fax: _____

Owner(s): Neisem Properties LLC – Morris Habib, Managing Partner

E-Mail: mrhabib@habifproperties.com

Owner's Mailing Address: 3717 Roswell Rd. NE #100, Atlanta, GA 30342

Owner(s) Phone: (404) 522-9358 Fax: _____



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Date Printed: 8/27/2018



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PUBLIC NOTICE
to
Request for Rezoning of Property

Filed by : Joseph Cooley, Cooley Planning & Land Use Law LLC (agent)
for
MH Lithonia Holdings, LLC and Nessim Properties, LLC (owners)

Located at: 2346 Pine Mountain Street
Lithonia, GA 30058

Current Zoning: RE – Residential estate
Current Future Land Use – Light Industrial (LIND)

Proposed Zoning: Light Manufacturing (M)
Proposed Future Land Use – no change

Current Use: Undeveloped
Proposed Use: Consolidation of parcels to same zoning

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

(Lucious Sanders Recreation Center)

(2484 Bruce St, Lithonia, GA 30058)

(Wednesday, August 22, 2018, 7PM)

NOTES

from

Pre-Application Community Meeting
Wednesday, August 22, 2018
Lucious Sanders Recreation Center
2428 Bruce Street, Lithonia, GA 30058

I, Joseph Cooley, attended the pre-application community meeting as representative of the owners. We had seventeen (17) in attendance, including myself. Of the seventeen persons attending, two persons live within the 500 foot notice area. (*highlighted in yellow on the mailing list*).

Attached: 1.) Copy of the Notice of the pre-application community meeting,
2.) Copy of mailing list identifying all property owners and neighboring homeowner's association. There were no homeowner's associations in the area. Twenty-two properties fell within the 500' from the Subject Property requiring notification.
3.) Copy of Meeting Sign in Sheet.


The current and proposed zoning was discussed, as well as the Comprehensive Plan Land Use Map designation.

The concerns identified are as follows:

- People were concerned about the impact on their neighborhood, which they still see as residential. Many have lived there for several generations and don't want to see it change regardless of the comp plan and majority of their properties being zoned M. They were glad the Owners had gotten rid of the structure on the property, claiming it was a crack house.
- There was strong concern that the truck traffic from the adjacent property will use Pine Mountain Street as their ingress/egress negatively affecting their residences. Truck traffic through residential areas seemed to be the major concern.
- They are concerned that truck traffic will be directed onto Bruce Street (the continuation of Pine Mount Street to the south) and Pine Mountain Road. The current community gymnasium and senior center are on Bruce Street and apparently a new community center is planned across the street from the current center on Bruce Street.
- There was concern about people walking across their properties.
- There was a little concern regarding drainage onto the adjacent properties. A quick review of the topo map would seem to not indicate any drainage problems.

Most seemed to understand that the properties on both sides of Pine Mt. Street were already zoned M and designated for light industrial under the comp plan. Attached is the sign-in sheet.

Attendees were given the schedule of the upcoming meetings regarding the property and encourage to attend.


Joseph Cooley, Esq.
Agent for the Owners

MEETING SIGN-IN SHEET

pg. 1

Project: 2346 Pine Mt. Forest Preserve
 Facilitator: Joe Cooper

Meeting Date: 7/22/18

Location: Lithonia Senior Rec. Center

Name	Address	Phone	E-Mail
Martha Epps	2584 Bruce St	770 482-2447	
Margaret Fisher	6894 Bruce Circle	770 837-0712	
Lida B. Hawk	2223 Latta St	770 482-1570	
Dylip Jahan	2536 Rock Chapel Rd	770-242-5552	
Casell Harris	2313 Pine Mt. St.	678-232-9847	
Wylene S. Harper	4992 Braswell Street		
FRED REYNOLDS	6832 Mountain 3 Lithonia	770 291-8030	
Rosa Howard	7102 C. Latta St Lithonia	770 982-1773	
Mr & Mrs Brackley	2522 Latta St	770 482-1254	
Juni Daugherty	7067 Dean Ct. Lithonia		
Sandra Anderson	6616 Deer Creek Path - Lithonia		
Patricia Anderson	7101 Pine Mt. Rd. Lithonia	(404) 916-4024	
Kara Morton	7073 Hammond Way	770 482-5528	
Devella K. Miller	7702 E. Horseshoe Rd	404-640-0008	
Gonetha Woods	7067 Pine Mt. Rd	770-545-5481	
Julia Poyster	2294 Pine Mountain St	678-526-4685	

RECEIVED
 AUG 28 2018
 By _____