DeKalb County

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: January 7, 2021 Board of Commissioners Hearing Date: January 28, 2021

STAFF ANALYSIS						
Case No.:	SLUP-20-1244110		Agenda #: D1			
Location/Address:	North side of Chamblee T Road, approximately 150 of North Embry Circle, at 3220, and 3250 Chamblee Road Chamblee, Georgia.	feet east 3214, e Tucker	Commission District: 01 Super District: 07			
Parcel ID:	18-283-02-012; 18-284-04-007; and 18-284-04-008					
Request:	A Special Land Use Permit (SLUP) to add a new 700-seat sanctuary and expand the parking lot to accommodate 243 parking spaces.					
Property Owner/Agent:	Embry Hills Church of Christ					
Applicant/Agent:	Battle Law P.C.					
Acreage:	5.80 acres					
Existing Land Use:	Place of worship and three detached single-family structures.					
Surrounding Properties/ Adjacent Zoning:	North: R-100 (Residential Medium Lot-100) District; Detached Single Family Residences. East: NS (Neighborhood Shopping Commercial) District; Asiklar Camisi (Masjid). South: R-100 (Residential Medium Lot-100) and RSM (Small Lot Residential Mix); Detached Single Family Residences and Muti-Family housing. West: R-100 (Residential Medium Lot) District; Detached Single Family Residences.					
Comprehensive Plan:	Suburban (SUB)		X Inconsistent			
Proposed Density: N/A		Existin	ng Density: N/A			
Proposed Square Ft.: N/A		Existing Units/Square Feet: N/A				
Proposed Lot Coverage: 55%		Existing Lot Coverage: 43%				

SUBJECT PROPERTIES

The subject properties are located on the north side of Chamblee Tucker Road, approximately 150 feet east of North Embry Circle, at 3214, 3220, and 3250 Chamblee Tucker Road Chamblee, Georgia. All three sites combined contain approximately 5.80 acres with approximately 670 feet of frontage along Chamblee Tucker Road. The surrounding properties to the north are detached, single-family residences. The surrounding properties to the south across Chamblee Tucker Road are detached, single-family residences and multi-family housing. The property west of the subject property is a detached, single-family residence. The subject property to the east is the location of *Asiklar Camisi (Masjid)*. The subject properties are zoned R-100 (Residential Medium Lot-100) District.

ADJACENT ZONING

The properties are currently zoned R-100 (Residential Medium Lot-100) District along the Chamblee Tucker road corridor. To the south of the site properties, across Chamblee Tucker Road, are R-100 (Residential Medium Lot-100) and RSM (Small Residential Lot Mix) zoned properties. To the north and west of the subject properties are R-100 (Residential Medium Lot-100) zoned properties. Directly east of the subject properties, is the NS (Neighborhood Shopping Commercial) zoning district.

PROJECT ANALYSIS

The applicant is requesting a Special Land Use Permit (SLUP) for the expansion of an existing place of worship. Based on the submitted materials, the applicant is proposing to demolish the three single family home buildings on the subject properties; expand the existing church building that will include a new sanctuary with 700 fixed seats; expand the parking lot area to provide for a total of 243 parking spaces at a ratio of 1 space for every 2.88 fixed seats; and enlarge the existing detention pond and "install on-site water quality."

The submitted site plan depicts the existing place of worship with the proposed addition. The site plan also depicts 243 parking spaces along the western, eastern, and northern parts of the structure. Also, located east of the proposed structure is placement of the proposed renovated detention pond.

The existing sidewalk along Chamblee Tucker Road will be maintained to provide pedestrian access to the place of worship. The existing ingress and egress from Chamblee Tucker Road will also to be maintained for entry/exit for the place of worship.

IMPACT ANALYSIS

Section 27-7.4.6 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:

Located on 5.80 acres, adequate land area is available to for the proposed church expansion. All required yards, open space, and off-street parking are satisfied within the R-100 (Residential Medium Lot-100) District.

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

The current use is compatible with the adjacent and surrounding properties.

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

It appears that there are adequate public streets and services are available for the proposed church expansion.

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:

The subject property is located on Chamblee-Tucker Road which is classified as a "minor arterial" street and has adequate capacity to handle the volume of traffic generated by the proposed use.

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.

The proposal will not adversely affect the character of the vehicles or the volume of traffic generated by the proposed use. Traffic generated by the subject property has already been absorbed and accommodated over the past years as a place of worship.

F. Adequacy of 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, there is one access point to the site with street frontage along Chamblee Tucker Road. Emergency vehicles can access the site safely from this one access point. According to the site plan, it appears traffic will flow in a circular pattern to access the drive-through lane and available parking spaces.

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:

The proposed church expansion should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

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:

The hours of operation of the place of worship should not create adverse impacts upon adjoining land uses.

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

The manner of operation for the proposed place of worship should not create adverse impacts upon adjoining land uses.

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

Places of Worships are a permitted use within the R-100 (Residential Medium Lot-100) District with a Special Land Use Permit (SLUP).

J. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The site is located within the Suburban Character Area (SUB) per the *DeKalb County 2035 Comprehensive Plan*. The proposed church expansion is consistent with the following area policies: The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents.

K. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed church expansion will abut R-100 (Medium Residential Lot) District to the north and west. The applicant will provide a 20-foot transitional buffer adjacent to all residential areas.

L. Whether or not there is adequate provision of refuse and service areas.

Adequate provision of refuse areas will be provided on site.

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

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit.

N. 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.

The proposed SLUP is compatible in size and massing of adjacent and nearby commercial buildings in the area.

O. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed SLUP will not adversely affect historic buildings, sites, districts, or archaeological resources.

P. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed SLUP complies with all of the following supplemental regulations per Sec.27-4.2.42. of the DeKalb County Zoning Code:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least fifty (50) feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than twenty (20) feet for a side-yard and no less than thirty (30) feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.
- C. The parking areas and driveways for any such uses shall be located at least twenty (20) feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three (3) acres and shall have frontage of at least one hundred (100) feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.

- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.
- R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed SLUP request does not create a negative shadow impact on any adjoining lot or building.

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 objective of the comprehensive plan.

The proposed SLUP request may be consistent with the needs of the neighborhood or the community as a whole and would not be in conflict with the overall objective of the *Comprehensive Plan*.

COMPLIANCE WITH DISTRICT STANDARDS

The site zoned R-100 (Residential Medium Lot-100) District must comply with minimum development standards per Article 2 – Table 2.2 Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (M)	MININUM OF 100 FEET ON A PUBLIC STREET FRONTAGE	627 FEET	YES
LOT AREA (M)	15,000 SQUARE FEET	252,648 SQUARE FEET	YES
LOT COVERAGE	Max. 35%	57%	No. A variance is required
FRONT BUILDING SETBACK	40 FEET	40 FEET	YES
SIDE BUILDING SETBACK	10 FEET	50 FEET	YES
REAR SETBACK	40 FEET	50 FEET	YES
HEIGHT	35 FEET	2 stories	YES
OPEN SPACE	MINIMUM 20%	45%	YES
PARKING – ARTICLE 6	175 (MIN) (One (1) space for each four (4) seats in the largest assembly room) 350 (MAX) (One (1) space for each two (2) seats in the largest assembly room)	243 SPACES	YES

STAFF RECOMMENDATION:

The site is located within the Suburban Character Area (SUB) per the DeKalb County 2035 Comprehensive Plan. The proposed church expansion is consistent with the following area policies: The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. Also, based of the submitted materials, the proposed church expansion will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration. Therefore, the Planning and Sustainability Department recommends **approval** of the requested Special Land Use Permit (SLUP) subject to the following conditions:

- 1. Additional landscaping in the required parking setbacks, as approved by the County Arborist, to help enhance the visual buffer.
- 2. Additional fencing along the edge of the parking lot areas to help shield headlights from spillover onto adjacent residential properties.
- 3. New 6" high curbing around the perimeter of the existing rear parking lot.
- 4. A minimum of 58 parking spaces shall be constructed of a pervious surface in the new parking lot
- 5. Site and building lights to be downward facing and designed so as not to be directed at residential properties or spill onto said properties
- 6. Security gates with locks shall be maintained to the entrance to the rear parking area to cut down on unauthorized usage.

Attachments:

- 1. Department and Division Comments
- 2. Application
- 3. Site Plan
- 4. Zoning Map and Land Use Map
- 5. Aerial Photograph/Site Photographs





NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: <u>SUP-20-1244110</u> Parcel I.D. #: _ Address: <u>3214</u>	18-263-,02-012
Chamble, Gro	
l' Adjacen	at Rondway (s):
(classification)	(classification)
Capacity (TPD)	Capacity (TPD)
Latest Count (TPD) Hourly Capacity (VPH)	Latest Count (TPD) Hourly Capacity (VPH)
Peak Hour. Volume (VPH) Existing number of traffic lanes	Peak Hour. Volume (VPH)
Existing right of way width	Existing number of traffic lanes Existing right of way width
Proposed number of traffic lanes Proposed right of way width	Proposed number of traffic lanes Proposed right of way width
Please provide additional information relating to the following	statement.
	ineers (ITE) <u>6/7TH</u> Edition (whichever is applicable), churches l, 000 square feet of floor area, with an eight (8%) percent peak hou lace of worship building would generatevchicle trip ends,
Single Family residence, on the other hand, would generate ten peak hour factor. Based on the above referenced formula, the a maximum ofunits per acres, and the given fact that the vehicle trip end, and peak hour vehicle trip end would be g	1 (10) VTE's per day per dwelling unit, with a ten (10%) percent (Single Family Residential) District designation which allows project site is approximately acres in land area, daily generated with residential development of the parcel.
COMMENTS:	
Planes & field Reviewed	. Found Nothing Hos
would Intrap Motice	V VV ,

Signature:



The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

Transportation/Access/Row

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

• Storm Water Management

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

• Flood Hazard Area/Wetlands

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

• Landscaping/Tree Preservation

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

• Tributary Buffer

State water buffer was reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

Fire Safety

<u>Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.</u>



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COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: <u>SLUP-20-1244110</u>
Parcel I.D. #: 18-283-02-012; 18-284-04-007; and 18-284-04-008
Address: 3214, 3220, and 3250 Chamblee Tucker Road
Chamblee, Georgia
WATER:
Size of existing water main: 8" DI Water Main (adequate/inadequate)
Distance from property to nearest main: Adjacent to Property
Size of line required, if inadequate: <u>N/A</u>
SEWER:
Outfall Servicing Project: North Fork Peachtree Creek Basin
Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line:
Water Treatment Facility: RM Clayton WTF () adequate () inadequate
Sewage Capacity; * (MGPD) Current Flow: 127 (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.

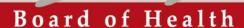
Signature:



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COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: <u>Z-20-1244119</u>
Parcel I.D. #:18-050-12-005
Address: 1377 Scott Boulevard
Decatur, Georgia
WATER:
Size of existing water main: 8" DI 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: South Fork Peachtree Creek Basin
Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line:
Water Treatment Facility: RM Clayton WTF () adequate () inadequate
Sewage Capacity; * (MGPD) Current Flow: 127 (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:



08/13/2020

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.

Board of Health

New Cases:

- N.1 SLUP-20-12244105 2020-0833 / 18-111-03-018 2933 North Druid Hills Road, Atlanta, GA 30329
 - Please review general comments.
 - Septic system installed on location surrounding 2933 North Druid Hills. The location with septic system installed was 2814 North Druid Hills Road on 08/02/1963.
- N.2 LP-20-1244107 / 2020-0834 /18-196-04,18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041 2814 Clairemont Road, Atlanta, GA 30329
 - Please review general comments.
 - Septic installed on property 2920 Clairmont Road on 04/07/1974 within the vicinity of property 2814 Clairemont.
- N.3 Z-20-1244108 / 2020-0835 / 18-196004-029, 18-196-04-033, 18-196-04-034, 18-196-04-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041 2814 Clairmont Road, Atlanta, GA 30329
 - Please review general comments.
- N.4 SLUP-20-1244110 / 2020-0836 / 18-283-02-012, 18-283-02-007, 18-283-02-008 3214 Chamblee-Tucker Road, Chamblee, GA 30341
 - Please review general comments.
 - Septic system installed on property 04/13/1961
- N.5 LP-20-1244114 / 2020-0837 / 16-252-02-002 8400 Pleasant Hill Way, Lithonia, GA 30058
 - Please review general comments.
 - Septic system installed on property near vicinity at 8406 Pleasant Hill Way
- N.6 Z-20-1244113 / 2020-0838 / 16-254-02-002 8400 Pleasant Hill Way, Lithonia, GA 30058
 - Please review general comments.
- N.7 Z-20-1244119 / 2020-0839 / 18-050-12-005 1377 Scott Blvd., Decatur, GA 30030
 - Please review general comments.

DeKalb County Board of Health445 Winn Way – Box 987
Decatur, GA 30031
404.294.3700 • www.dekalbhealth.net

Board of Health

- N.8 Z-20-1244120 / 2020-0840 / 15-201-07-001, 15-201-07-003, 15-201-07-004, 15-201-07-005, 15-201-07-007
 - 3229 Memorial Drive, Decatur, GA 30032
 - Septic system installed on in same vicinity. The location is 3232 Memorial Drive on 04/21/1970.
 - Please review general comments.
- N.9 TA-20-1244141 / 2020-0841 / 18-043-01-004 4900 Memorial Drive, Stone Mountain, GA 30083
 - Please review general comments.
 - Septic System installed on 09/11/1964 at property 4947 Memorial Drive.

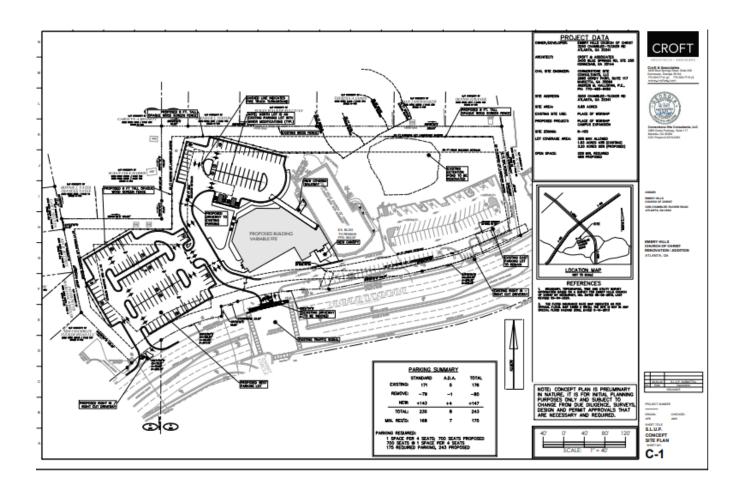


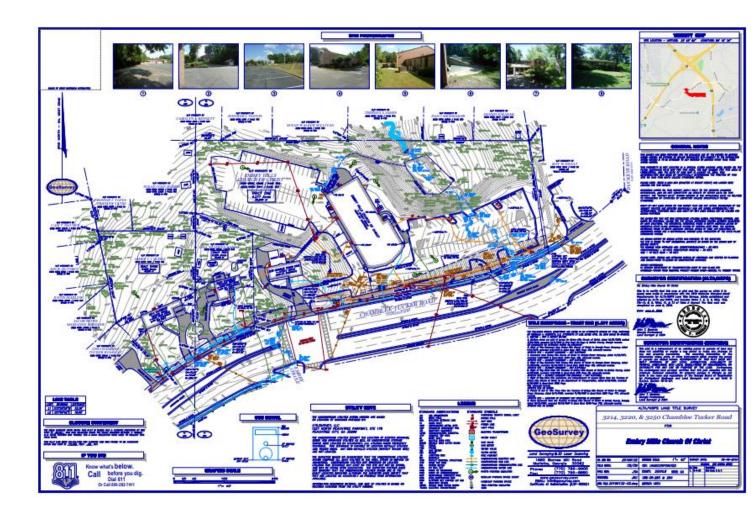
DEPARTMENT OF PLANNING & SUSTAINABILITY

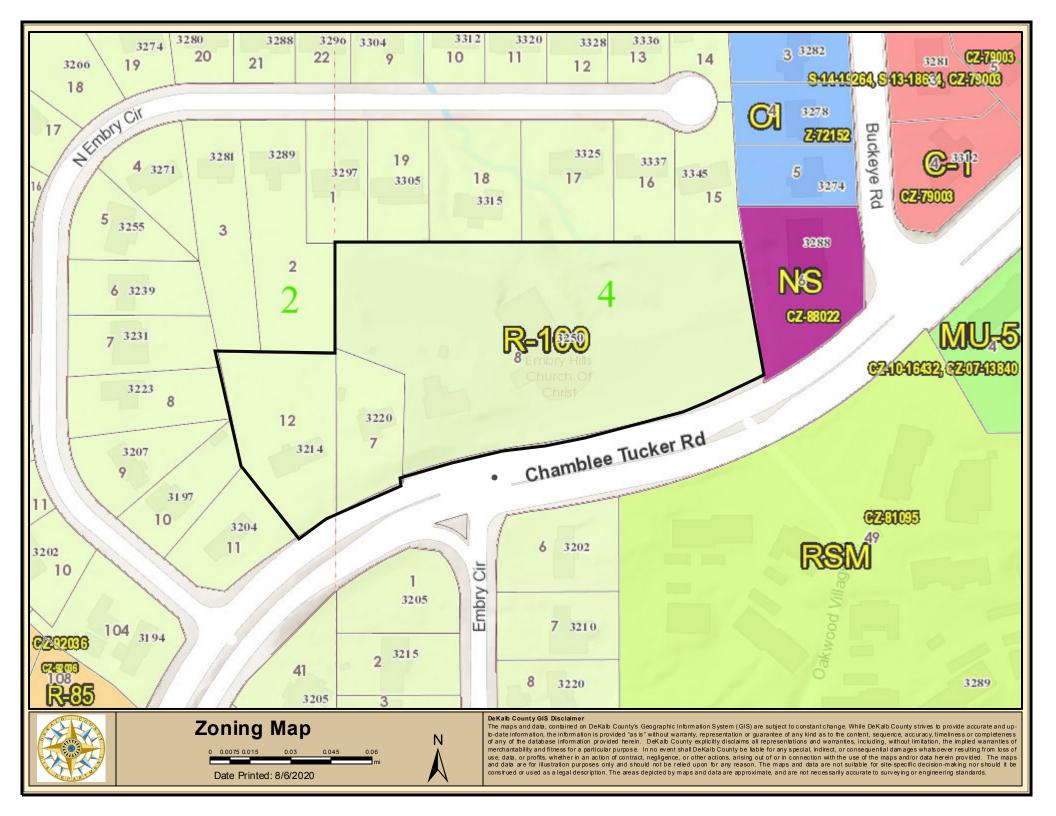
SPECIAL LAND USE PERMIT APPLICATION

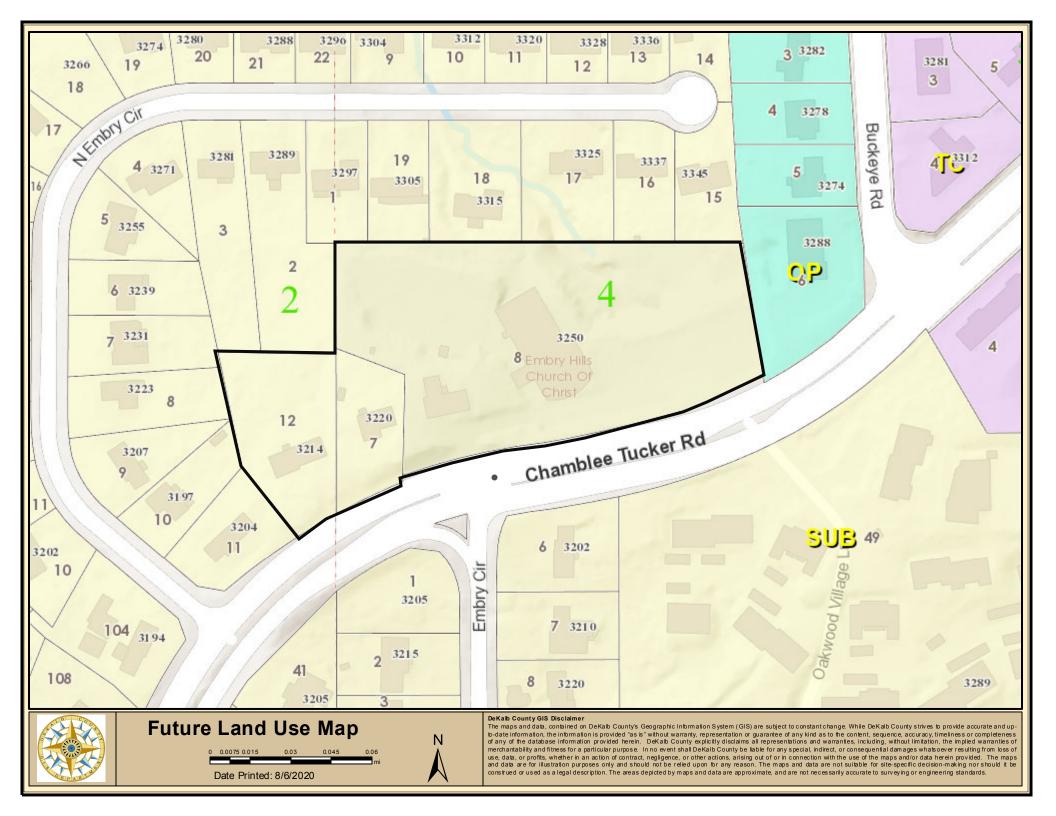
Amendments will not be accepted after 5 working days after the filing date.

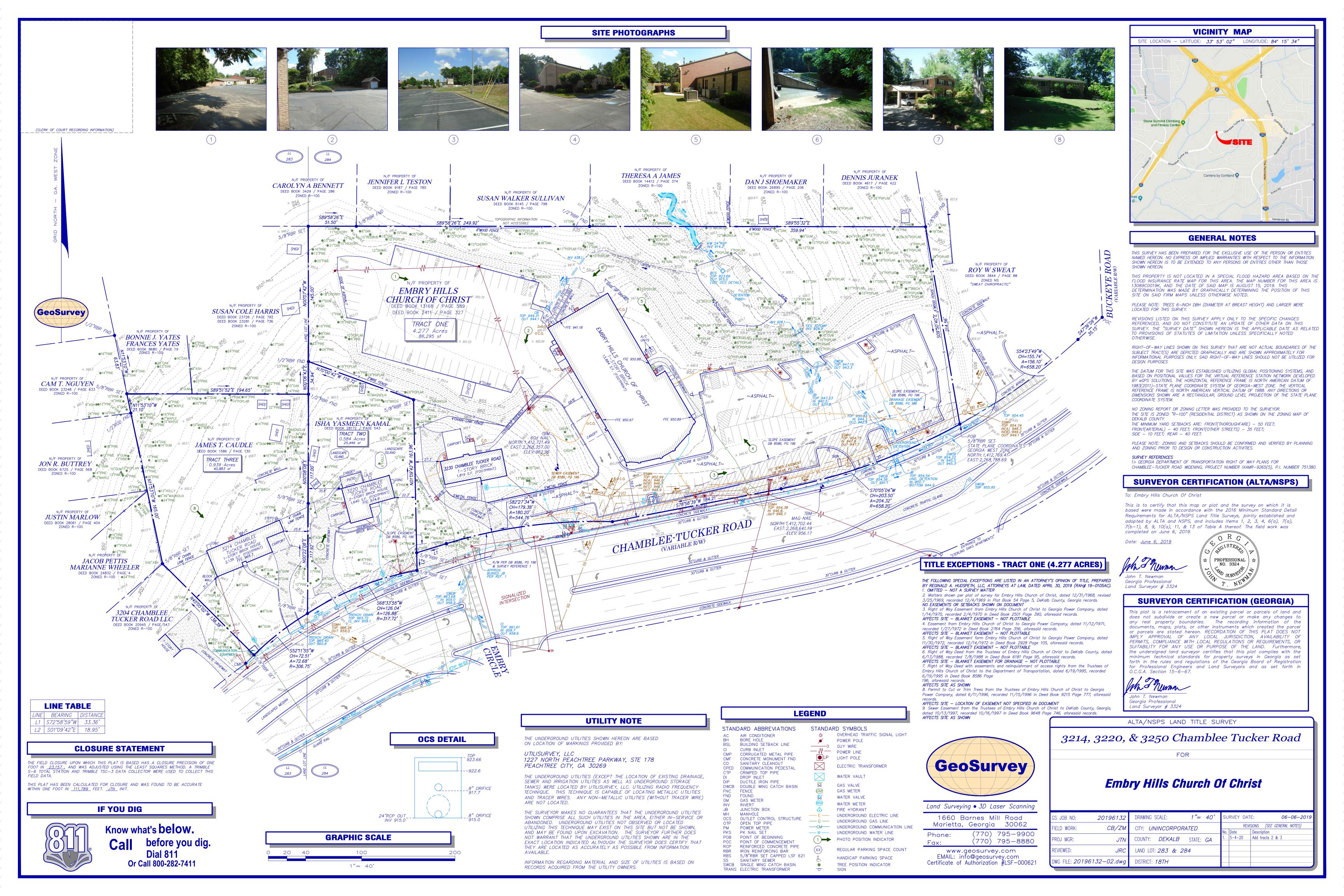
Date Received: Application No.:				
APPLICANT NAME: Embry Hills Church of Christ, Inc. c/o Battle Law, P. C.	į			
Daytime Phone #: _404.601.7616 Fax #: _404.745.0045				
Mailing Address: One West Court Square Suite 750 Decatur, GA 30030				
E-mail: mlb@battlelawpc.com				
OWNER NAME: Embry Hills Church of Christ, Inc. more than one owner, attach contact information for each owner)				
Daytime Phone #: Fax #:				
Mailing Address: _3250 Chamble Tucker Road , Atlanta, GA 30341				
E-mail: _jjohnson@fg-inc.net				
SUBJECT PROPERTY ADDRESS OR LOCATION: 3214,3220 & 3250 Chamblee-Tucker Road	_			
, DeKalb County, GA, <u>30341</u>	_			
District(s):18 Land Lot(s):283 & 284 _ Block(s):02 & 04 _ Parcel(s):012, 007 & 008				
Acreage or Square Feet: +/-5.80 Commission District(s): 1 & 7 Existing Zoning: R-100	_			
Proposed Special Land Use (SLUP): A SLUP for a Place of Worship pursuant to DeKalb County Zoning Ordinance	2			
I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application. Owner: Agent: X Signature of Applicant: Agent:				
(Check One)				
Printed Name of Applicant: Battle (aw P.C.				
Notary Signature and Seal: JANET JENNINGS Notary Public, Cobb Co., Georgia My Commission Expires 5-6-2024				

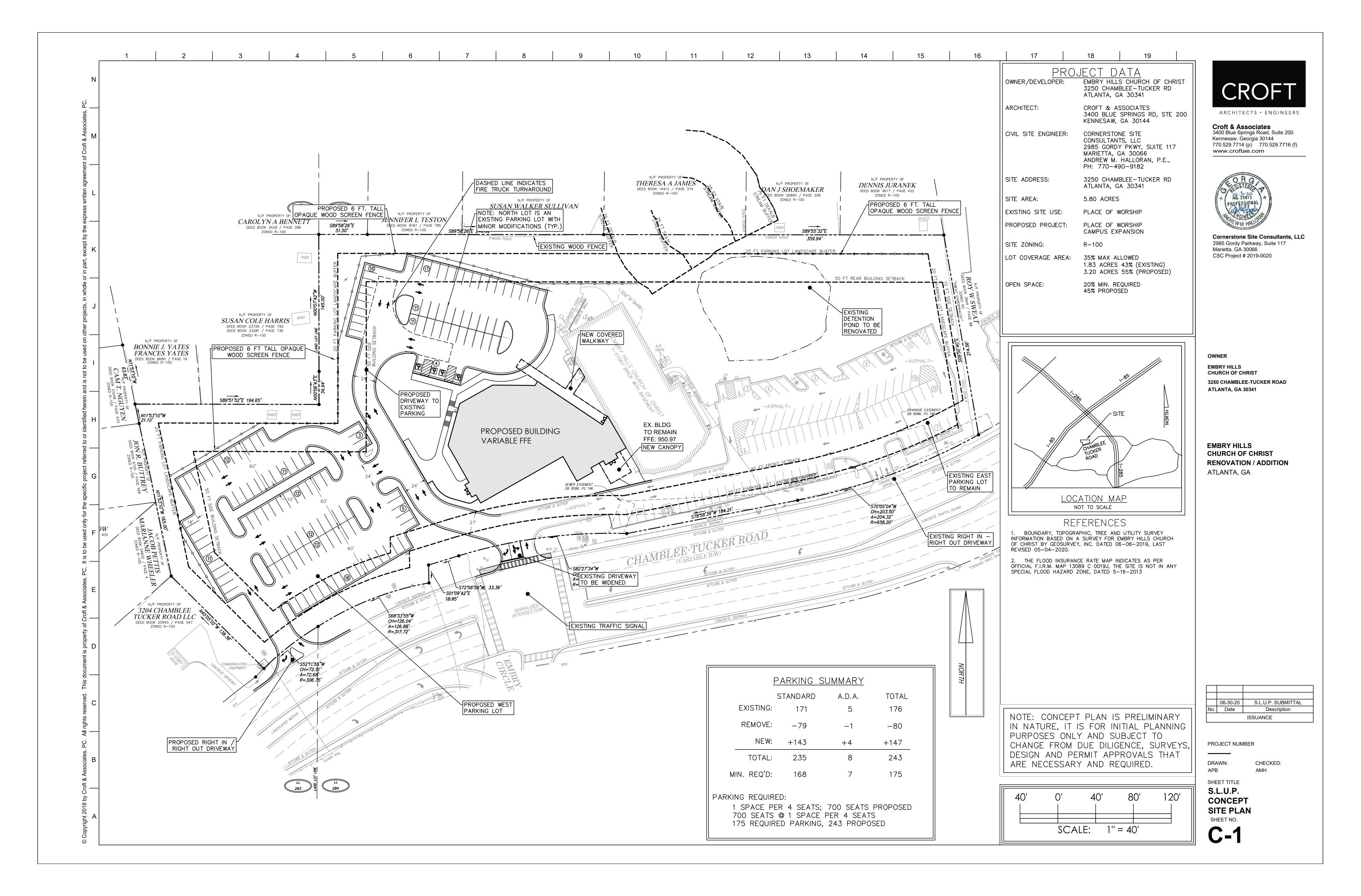


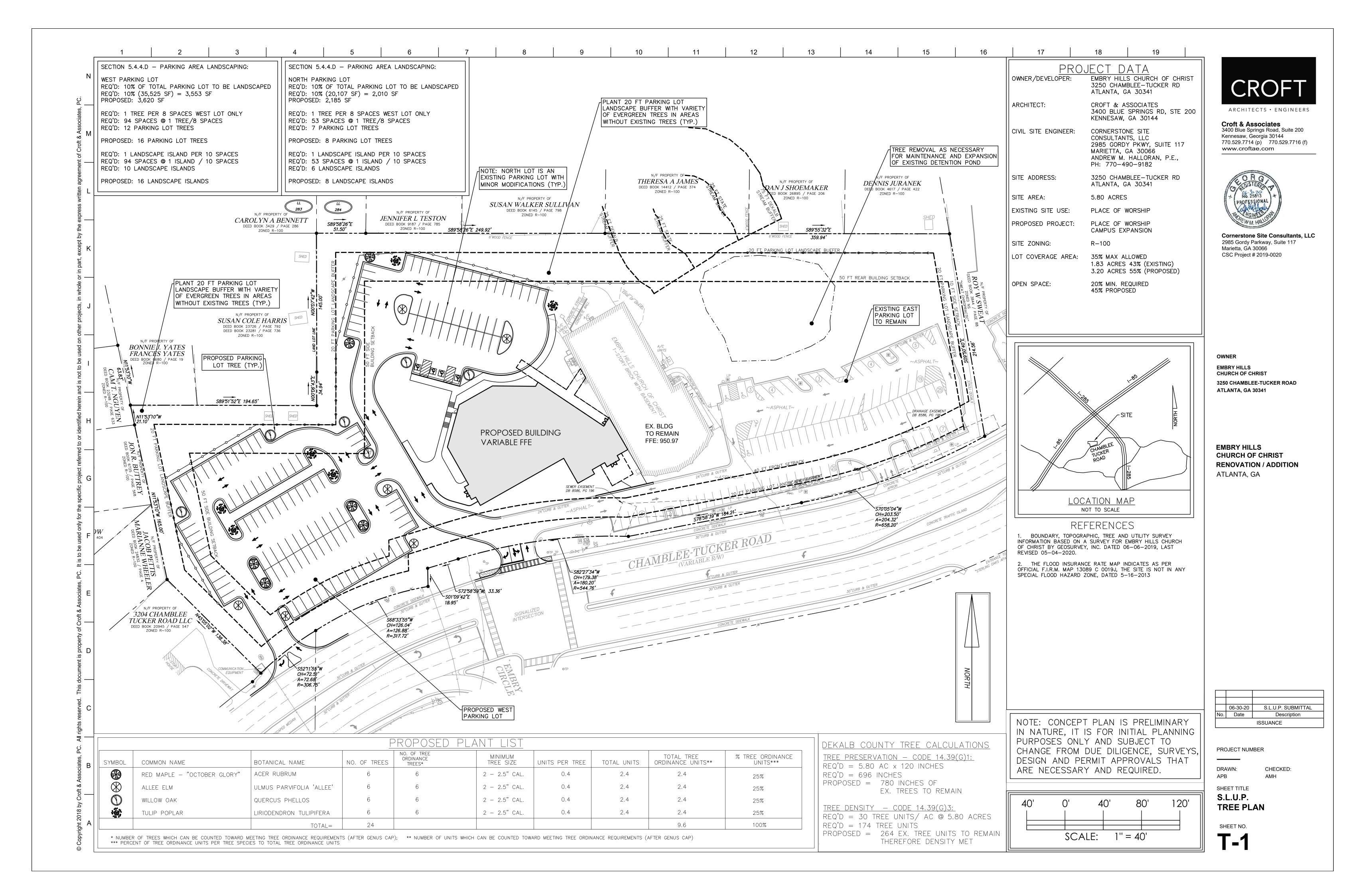


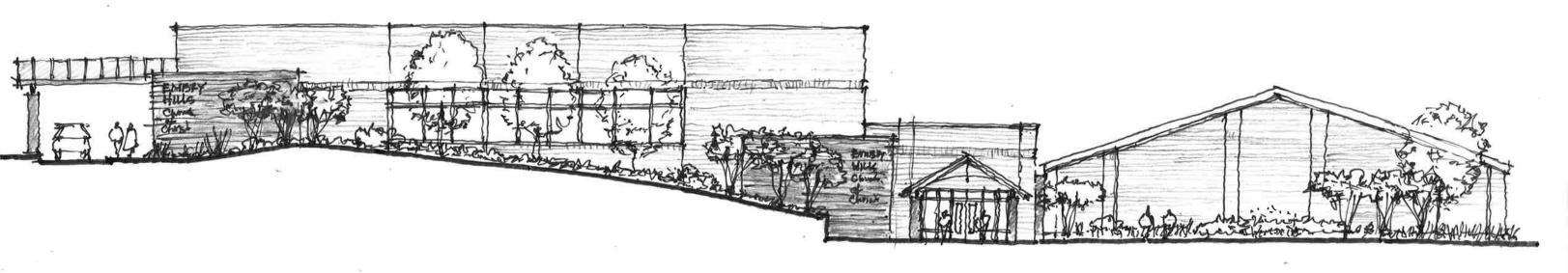












NEW SANCTUARY

HEW ENTRY CONNECTOR

BXISTING

Conceptual Elevation Chamblee-Tucker Road - Etappy HIUS CHURCH OF CHRIST @.26.2020