

Planning Commission Hearing Date: Tuesday, March 7, 2023 Board of Commissioners Hearing Date: Thursday March 30, 2023

STAFF ANALYSIS

Case No:	Z-23-1246238	Agenda #: N2-2023-0065	
	1422 D. J. Charles 1 D. A. L. Harris 20059	Commission District 05 - Same District 07	
Location/Address:	1422 Rock Chapel Road, Lithonia, 30058	Commission District:05 Super District: 07	
Parcel ID:	16-189-01-003		
Request:	Rezone property from the R-100 (Residential Medium Lot-100) Zoning District to the M		
	(Light Industrial) Zoning District for operation of a landscaping company and other site		
	improvements.		
Property Owner:	Persiah G. Bedward		
Applicant/Agent:	Cornelius Ani / Land Engineering and Surveying, Inc.		
Acreage:	5.23 acres		
Existing Land Use:	Suburban (SUB)		
Adjacent Zoning:	North: R-100 (SUB) South: R-100 (SUB) East: R-100 (SUB) West: R-100 (SUB)		
	Northeast: R-100 (SUB) Northwest: R-100 (SUB) Southeast: R-100(SUB)		
	Southwest: M (LIND)		
Comprehensive Plan:	Consistent: Inconsistent: X		

Staff Recommendation: Denial

The applicant, Cornelius Ani / Land Engineering and Surveying, Inc., is seeking to rezone the property located at 1422 Rock Chapel Road from R-100 (Residential Medium Lot -100) to M (Light Industrial) to operate a landscaping company, upgrade and expand the existing building, and add additional parking. The site is partially developed and was used by the previous owner to store dump trucks and large amounts asphalt, gravel and sand utilized in highway construction. Since the land is zoned residential, these illegal uses were discovered because of a complaint to DeKalb County Code Enforcement. Code Enforcement conducted a site visit and opened active use violation case (1244106) in April 2019 for parking business vehicles on an R-100 zoned property, a violation of Chapter 27-6.1.3. A Final Notice and a Court Summons were initiated in November 2022. The case is still pending based on the outcome of this Rezoning case and the Land Use Amendment.

The applicant stated that a landscaping company with trucks recently purchased the property and is now is operating on the property. The landscaping company plans to provide the on-site sale and the off-site installation of landscaping materials, plants, pine straw and accessories.

The applicant has submitted a companion Land Use Amendment (LP) application to amend the Future Land Use Map from Suburban (SUB) to Light Industrial (LIND) to allow for the expansion of an existing landscaping company with this rezoning request. Therefore, the total request is to rezone and amend the Land

Use Plan for two parcels. 1422 Rock Chapel Road is the northern parcel and 1450 Rock Chapel Road is the southern parcel in the two-parcel tract.

The requested rezoning from R-100 (Residential Medium Lot -100) to M (Light Industrial) is inconsistent with both the *Comprehensive Plan* and *Zoning Ordinance*. The subject property is surrounded by other properties zoned R-100. The purpose and intent of this district is to provide for protection of stable neighborhoods; provide for compatible infill developments and new developments; to provide protections for existing development as new subdivisions are created; to provide flexibility in design on the interior of new development while protecting surrounding development; and to provide for appropriately sized and accessible open space for health, recreational and social opportunities for county residents (Section 2.5.1 *Dekalb County Zoning Ordinance*). The proposed use of the property as a landscaping company with onsite business vehicles, dirt moving equipment, and storage of materials does not fulfill this purpose and intent.

The staff report from the companion Land Use Amendment case (2023-0064) states that the future land use designation for this property is Suburban. The report states:

Per the 2050 Unified Plan, "The intent of the Light Industrial Character Area is to identity areas appropriate for industrial type uses. The location of these areas shall preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses."

The subject property is bordered on all sides to parcels designated as Suburban. The intent of the Suburban Character area designation is to preserve the residential status of these area by limiting the amount of non-residential development. This application to amend the Future Land Use map is inconsistent with the surrounding properties' Future Land Use and the policies of the 2050 Unified Plan.

In addition, approval of this application would undermine the residential development pattern of the area. This site is located along major thoroughfare, Rock Chapel Road (State Route 124) which already has significant movement of heavy industrial goods by truck in and out of the immediate area.

On the site plan submitted by the applicant, the applicant included the required 75-foot transitional buffer along the northern perimeter of the property but failed to include the same required 75-foot buffer along the eastern edge of the parcel, adjacent to residential R-100 parcels. The existing truck parking area in the southwestern corner already encroaches into this required 75-foot transitional buffer. An additional variance would be required for this parking area to remain. The southern edge of this same parking area encroaches into the side yard setback, this may also require a variance, unless the two (2) parcels are consolidated into one (1) large parcel. The site plan also fails to show the 5 (five)-foot landscape strip and the 10-foot multiuse path along Rock Chapel Road per GDOT (Georgia Department of Transportation) requirements.

There are approximately 10 homes nearby which are negatively impacted by the existing and proposed light industrial use of this site. There are land use conflicts because there are residential properties adjacent to the northern, western, and eastern edge of an established Industrial district.

The rezoning requests along with the companion cases are inconsistent with both the *Comprehensive Plan* and *Zoning Ordinance*.

Therefore, staff recommends Denial.



NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO RACHEL BRAGG <u>RLBRAGG@DEKALBCOUNTYGA.GOV</u> OR JOHN REID <u>JREID@DEKALBCOUNTYGA.GOV</u>

COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: LP-23-1246239	
Parcel I.D. #: 16-189-01-003	
Address: 1422 ROCK CHAPEL RD,	
LITHONIA, GA 30058	
WATER:	
Size of existing water main:16" DIP	(adXquate/inadequate)
Distance from property to nearest main:	
Size of line required, if inadequate:	
SEWER: Outfall Servicing Project:	
Is sewer adjacent to property: Yes () No (X) If no, d	
Water Treatment Facility: Polebridge	<u>()</u> adequate () inadequate
Sewage Capacity; <u>20</u> (MGPD)	Current Flow: 7.8 (MGPD)
COMMENTS:	
Sewer capacity request required	

Signature: Yola Lewis



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COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

/inadequate)
est line: aprox. 675"
() adequate () inadequate
Current Flow: 7.8 (MGPD)
-

Signature: Yola Lewis

DEKALB COUNTY

Board of Health

- **P**

2/17/2023

To: Ms. Madolyn Spann, Planning Manager Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Sevices 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.

DeKalb County Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

2/17/2023

N1-202300065 LP-23-1246239 16-189-01-003 1422 Rock Chapel Road, Lithonia, GA 30058 Amendment - Please review general comments. - Septic system install on properties in surrounding area 1400 Roack Chapel Road on September 21, 2001. N2-2023-0065 Z-23-1246238 16-189-01-003 1422 Rock Chapel Road\, Lithonia, GA 30058 Amendment - Please review general comments. - Septic system install on properties in surrounding area 1400 Roack Chapel Road on September 21, 2001. N3-2023-0066 LP-23-1246240 16-189-01-002 1450 Rock Chapel Road, Lithonia, GA 30058 ✓ Amendment - Please review general comments. - Septic installed on surrounding areas of 1473 Rock Chapel Road. This located stated above may have septic system installed. N4-2023-0067 Z-23-1246241 16-189-01-002 1450 Rock Chapel Road, Lithonia, GA 30058 Amendment

- Please review general comments.
- Septic installed on surrounding areas of 1473 Rock Chapel Road. This located stated above may have septic system installed.



Development Service Center 178 Sams Street Decatur, GA 30030 <u>www.dekalbcountyga.gov/planning</u> 404-371-2155 (o); 404-371-4556 (f)

 Chief Executive Officer
 DEPARTMENT OF PLANNING & SUSTAINABILITY
 Interim Director

 Michael Thurmond
 Cedric Hudson
 Cedric Hudson

ZONING COMMENTS – FEBRUARY 2023

N1 (LP-23-1246239), N2 (Z-23-1246238), N3 (LP-23-1246240), and N4 (Z-23-1246241): 1422 Rock Chapel Road. Rock Chapel Road is SR 124. GDOT review and approval required prior to permitting. (<u>mwilson@dot.ga.gov</u>) Rock Chapel Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 10-foot multi-use path. Street Lighting required. (<u>hefowler@dekalbcountyga.gov</u>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

N5 (LP-23-1246249) & N6 (Z-23-1246248): 710 Fayetteville Road (47 Multi-family Units). The zoning is dependent on the conditions for 15 173 07 048, 15 173 07 002 and 15 173 07 018. Provide inter-parcel multimodal connectivity.

N7 (CZ-23-1246278) & N8 (SLUP-23-1246250): 1807 Memorial Drive. Memorial Drive is State Route 154. GDOT review and approval required prior to permitting. (<u>mwilson@dot.ga.gov</u>) The right of way in front of this property is within the City of Atlanta. City of Atlanta review and approval of improvements/access approval required for Memorial Drive. My suggestion would be to make the access point on Memorial Drive a right in/right out and provide primary access at the signal at Wilkinson Drive at Memorial Dr. This would be a City of Atlanta/GDOT decision. Wilkinson Drive and Warren Drive are local streets. DeKalb County Zoning Code (section 5.4.3) and Land Development Code (Section 14-190) require: Right of way dedication of 27.5 feet from centerline, 12 feet of pavement with curb and gutter, a 5-foot sidewalk (Zoning Code) located 6 feet from back of curb. Pedestrian Scale Street lighting required (Contact Street Light Engineer, Herman Fowler: <u>hefowler@dekalbcountyga.gov</u>).

N9 (CZ-23-1246251): 7006 Covington Hwy. Covington Hwy is State Route 12. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov). Covington Hwy is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 10-foot multi-use path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Wellington Walk Place will be a local street. Whether public or private, it needs to be improved to public street standards. DeKalb County Zoning Code (section 5.4.3) and Land Development Code (Section 14-190) require: Right of way dedication of 55 feet (If public), 24 feet of pavement with curb and gutter, a 5-foot sidewalk (Zoning Code) located 6 feet from back of curb. Pedestrian Scale Street lighting required (Contact Street Light Engineer, Herman Fowler: hefowler@dekalbcountyga.gov). Interior streets to remain private. If Wellington Walk remains private, then the HOA will provide funding for ongoing maintenance. Connect sidewalk between Covington Hwy and the existing sidewalks on Wellington Walk Place. Upgrade ADA ramp on the northwest corner of Covington Hwy at Wellington Walk with an ADA ramp of modern standards with truncated domes. Add ADA ramps with truncated domes crossing proposed driveway of townhomes. Provide a pedestrian connection to the townhomes to the sidewalk.

N10 (SLUP-23-1246256): 4434, 4450, 4466 Memorial Drive. Memorial Drive is State Route 10. GDOT review and approval required prior to permitting. (<u>mwilson@dot.ga.gov</u>) GDOT MMIP coordination is also required for the I-285 managed lanes project prior to permitting. Contact Tim Matthews, PM (<u>TMatthews@dot.ga.gov</u>) Dedicate right of way or easements needed for the MMIP project, as required. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 10-foot multi-use path. Street Lighting required. (<u>hefowler@dekalbcountyga.gov</u>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Northern Ave is classified as a collector road. Requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever

greater. Requires a 5-foot landscape strip with a 10-foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. (<u>hefowler@dekalbcountyga.gov</u>) Eliminate right in/right out access point on Northern Ave. Only one access point allowed on Northern Ave. No access allowed from Memorial Drive.



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

DEVELOPMENT ANALYSIS:

- Storm Water Management
 - (1) 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 (those sections have been amended recently, and available in Municode), 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.
 - (2) The county codes require the hydrology study to model the existing conditions as wooded
 - (3) <u>Runoff Reduction Volume shall be provided unless technical justification is provided</u> regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

Flood Hazard Area/Wetlands

The presence of FEMA Flood Hazard Area was not 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 not 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.



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	OMMENTS FORM:	
PUBLIC WORKS	S TRAFFIC ENG	INEERING
N-1-2023-0064		
PUBLIC WORKS N-1-2073-0064 Case No.: <u>LP-23-1246239</u>	Parcel I.D. #: _ 16 -	189-01-043
Address: 1422		
Rock Chape/ Rd		
LITHONIA GA		
	Adjacent Roady	<u>yay (s):</u>
(classifi	cation)	(classification)
Capacity (TPD)		Capacity (TPD)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

DAV. JN/Loss Signature



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	COMMENTS FORM:	
	PUBLIC WORKS TRAFFIC ENGINEERING	
	N2-2023-0065	
Case No.:	: 2-23-1546236 Parcel I.D. #: 16-189-01-003	
Address:	1422 Rock Chapel Rd	
	LITHONIA GA	

Adjacent Roadway (s):

(classification)

(classification)

C

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

HAN was EVIEN400 DA. IMPOSI Signature:



Date Printed: 2/27/2023

use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.









