



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2018-2442    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 7/18/2018    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 9/25/2018    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
 N5 JT Asphalt CZ 18 1235045

**Indexes:**

**Attachments:** 1. N5 CZ 18 1235045 RECOMMENDED CONDITIONS, 2. N5 JT Asphalt CZ 18 1235045, 3. 2018 09.25 Item 2018-2442 REVISED Conditions

| Date      | Ver. | Action By                               | Action  | Result |
|-----------|------|---|---|--------|
| 9/25/2018 | 1    | Board of Commissioners - Zoning Meeting |   |        |
| 9/6/2018  | 1    | Planning Commission                     | approved with conditions per staff recommendation | Pass   |

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 6

N5 JT Asphalt CZ 18 1235045

**PETITION NO:** CZ 18 1235045

**PROPOSED USE:** Remove condition of SLUP

**LOCATION:** 1139 Fleetwood Drive

**PARCEL NO.:** 15 080 02 069

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

To remove a condition of a Special Land Use Permit (SLUP 15 19931) which limits hours of operation of an asphalt plant within the M (Light Industrial) District between 7:00 a.m. and 5:00 p.m. The property is located on the south side of Fleetwood Drive, the west side of Sunnyhill Drive, the east side of Almand Road, and the eastern terminus of Ray Street at 1139 Fleetwood Road and 3382 Almand Road in Atlanta, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** APPROVAL WITH CONDITIONS

**PLANNING COMMISSION:** APPROVAL WITH CONDITIONS

**PLANNING STAFF: APPROVAL WITH CONDITIONS**

**PLANNING STAFF ANALYSIS:** (REVISED 9/7/2018) The subject property was approved for a Special Land Use Permit (SLUP) to allow operation of an asphalt plant on August 11, 2015 with twenty-three conditions per SLUP-15-19931 (see attached). Condition # 9 restricted the hours of operation from 7:00 a.m. to 5:00 p.m. on weekdays and Saturdays and closed on Sundays. The applicant proposes to remove the condition limiting hours of operation since the property is in a predominantly Industrial (M) zoned area and there will be compliance with the County's Noise Ordinance. While there are several single-family residential structures surrounding the subject site along Sunnyhill Drive, Fleetwood Drive, and Almand Road, those properties are all zoned light industrial (M) and are non-conforming uses since single-family residential is not an allowed land use in the M zoning district. Based on research of County records, there have been no noise complaints for the asphalt plant since the SLUP was approved in 2015. Based on input from the Planning Commission meeting, Staff has added a condition requiring that no dumping or deliveries from suppliers and vendors shall occur after 6:00 p.m. (See Condition #24). Therefore, it is the recommendation of the Planning and Sustainability Department that the request be "Approved" subject to this additional condition and all other original 2015 conditions carried forward.

**PLANNING COMMISSION VOTE:** APPROVAL WITH CONDITIONS 5-3-0 M. Butts moved, J. Johnson seconded for approval with Staff's conditions, with an added condition that there be no dumping or deliveries after 6:00 p.m.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** APPROVAL WITH CONDITIONS 8-0-1  
Community Council recommended that the request be conditioned so that the hours of operation are subject to the Noise Ordinance.