



DeKalb County Government

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

Legislation Text

File #: 2024-0367, Version: 1

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of MBA Productions, LLC c/o Giacoma, Roberts, & Daughdrill, LLC for a Major Modification of zoning conditions pursuant to CZ-00069 to allow music recording and photography studios in the O-I (Office-Institutional) zoning district, at 6020, 6038, and 6048 Paul Road.

PETITION NO: D5-2024-0367 CZ-24-1246919

PROPOSED USE: Music recording and photography studios.

LOCATION: 6020, 6038, and 6048 Paul Road, Lithonia, Georgia 30058

PARCEL NO. : 16-094-01-074; 16-194-01-075; 16-094-01-076

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of MBA Productions, LLC c/o Giacoma, Roberts, & Daughdrill, LLC for a Major Modification of zoning conditions pursuant to CZ-00069 to allow music recording and photography studios in the O-I (Office-Institutional) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2024) Denial. (April 8, 2024) Denial.

PLANNING COMMISSION: (July 11, 2024) Pending. (May 2, 2024) Approval with conditions.

PLANNING STAFF: Approval with conditions.

STAFF ANALYSIS: The applicant, Giacoma Roberts and Daughdrill, LLC of MBA Productions LLC., is seeking removal of Zoning Condition #1, which states: 1. Use of the site is limited to the Boys and Girls Club and the proposed 14,000 square foot expansion. And Condition #7: 7. Approval based upon the Staff recommendations and site plan. The rezone was also approved limiting the use of the subject site(s) to the then-approved site plan. Removing the two (2) conditions will increase the likelihood of redevelopment and allow the applicant to rehabilitate and expand the buildings on site for music recording and photography studios. The proposed use(s) are permitted by right in the OI zoning district under *radio or television broadcasting studio* definition in Section 9.1.3 *Defined Terms*. The proposed use of the property as a broadcasting studio is permitted by right within the OI zoning

district. While this use may not directly benefit the surrounding neighborhood, the proposal aims to address the properties on the site that have been vacant for at least 5 years. According to the DeKalb 2050 Unified Plan, the SUB Character Areas are intended to acknowledge areas of the county with traditional suburban land use patterns, while also encouraging new development to enhance connectivity and accessibility (pg. 41). The development can align with this intent by integrating streetscaping and revitalizing long-standing vacant buildings. The applicant has submitted a supplement to the original application on 4/12/24. The supplement addresses the concerns raised at the Community Council Five (CC5) meeting. Community Council 5 remained opposed to the major modification at the June 10th Community Council Meeting. The applicant has not addressed if there has been any progress made with the surrounding community for support of their request. While originally the applicant did not specify hours of operation, the applicant has since proposed to maintain regular hours of operation Monday through Friday from 9:00 a.m. to 7:00 p.m. and Saturdays and Sundays from 10:00 a.m. to 4:00 p.m. Access to the property at any time will be by appointment only. Exhibit C (enclosed) presents other recording studios within DeKalb County and confirmed hours of operation. No uses will occur outdoors. All the buildings will be soundproofed and comply with the *DeKalb County Noise Ordinance*. The applicant has stated there will be sign(s) installed to discourage the potential for trespassing and loitering, as well as a privacy fence and security cameras. Furthermore, the Applicant has consulted with Amos Perry, the Principal Design Consultant of Pinnacle Multimedia LLC, regarding the soundproofing of the recording studio. The Affidavit of Mr. Perry (titled Multi Room Recording Facility Technical Considerations) is enclosed (Exhibit B). A Staff site visit has confirmed a one-story, brick and metal building, a dilapidated single-family structure, and a parking lot in poor condition. Structures are shown on the existing site plan (MBA-23-001 enclosed) The proposed improvements will be one hundred thirty (130) feet away from the shared property line with the closest house (6026 Paul Road) to the East. The applicant intends to redevelop the structure located on 6038 Paul Road (labeled one story warehouse) and remove the dilapidated one-story structure (labeled one story on frame) located at 6020 Paul Road. The dilapidated structure will be replaced with a new and similarly sized 2,800 square foot structure. Based on the approved plans associated with CZ- 00069, the Boys and Girls Club intended to construct a 14,000 square foot gymnasium on 6048 Paul Road. However, the gymnasium was never built. The applicant has proposed to install a 7,200 square foot building shown on the proposed site plan (labeled Additions and Renovations) which will conform to the general appearance and design of the existing structure on 6038 Paul Road, as shown in the conceptual building renderings labeled "Renovations to Paul Road" (enclosed). The applicant has submitted conceptual building elevations (see enclosed). The proposed building(s) appears to follow exterior building materials set forth in Section 5.7.4. *Building Materials*. The proposed change in use will require the applicant to comply with the current regulations specified in Section 8.1.16 *Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites*. OI zoning districts require parking to be located in the rear of a site based upon Section 6.1.3. - *Parking regulations, off-street parking spaces (5)*. The parking is proposed to remain *in front* of proposed 7,800 building (6048 Paul Road) with additional parking between the other two buildings (6020 and 6038 Paul Road). Due to the level of site improvements that will increase the nonconformity of the site(s) (expanding and improving the parking lot and two proposed new buildings), the applicant will need to seek variances from the Zoning Board of Appeals if the major modification application is approved by the Board of Commissioners. Additionally, based on a preliminary review of the zoning proposal the applicant will need to meet all requirements set forth in Section 5.4.3 *Streetscape Elements and Dimensions*, Section 5.4.4. *Site and parking area landscaping (D 1-10)*, and Table 5.2(b): *Transitional Buffer Minimum by Buffer Class* requires a class "C" (50 feet) along the eastern boundary line adjacent to R-100 (Residential Medium Lot-100). Site Plan "Additions and Renovations" displays the smaller

proposed building (2,800 square foot at 6020 Paul Road) along the eastern boundary line is setback 20-feet, not 50 feet. Otherwise, the proposal appears to comply with the OI zoning district requirements of *Section 2.24.1 Non-Residential Dimensional Requirements* (height, lot coverage, etc.). Staff has discussed with the applicant a potential site plan reconfiguration in order to relocate the parking expansion and improvements in between the existing gymnasium on 6038 Paul and the proposed building on 6040 Paul Road by turning the proposed building 180 degrees. The suggested configuration would lessen variance requests and increase conformance with existing single-family properties along Paul Road by removing parking in front of the site. However, based on the existing topography, the applicant and Surveyor (Gaddy Surveying and Design, Inc) company believe that reorienting the building and relocating the parking is not feasible. Enclosed is a letter from Gaddy (Exhibit A) which discusses these considerations. Staff recognizes that the proposed modification to the condition(s) may be necessary to redevelop the site(s). As is, the sites contain dilapidated buildings with no reasonable economic use with the existing condition limiting the site's use to a Boys and Girls Club and site plan. The major modification request may contribute positively to the economic landscape using adaptive reuse to create an art-related business within a neighborhood. By incorporating appropriate transitional buffers, landscaping, and possible site plan reconfiguration, the proposal may improve the existing development and minimize adverse impacts. Furthermore, the Boys and Girls Club has since relocated to a new and improved building located five (5) minutes away (1839 Phillips Road) and is unlikely to return to the subject site, as the Boys and Girls Club no longer own the subject site. Therefore, based on review of Section 7.3.10 (*modification of approved zoning conditions*) and taken as a whole, it appears that the proposed request is compatible with adjacent and surrounding properties due to the reduced building scale and massing, limited hours of operation, security measures including a controlled access gate, security cameras, and a privacy fence, and proposed soundproofing measures. Staff recommends “Approval with conditions of the major modification request to remove Conditions #1 and the motion “per staff recommendations and site plan”. All other approved conditions adopted by the Board of Commissioners in July 2000 as delineated in the attached recommended conditions shall remain in force and in effect.

PLANNING COMMISSION VOTE: (July 11, 2024) Pending. (May 2, 2024) Approval with conditions 6-1-0. Jan Costello moved, Jana Johnson seconded for approval with 8 conditions, per Staff recommendation, with 2 additional conditions: 1) Fence shall be aesthetically pleasing and appropriate for front yards in a residential area; and 2) Parking shall be reduced to the minimum required and the additional space be used for landscaping. Vivian Moore opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2024) Denial 7-0-0. (April 8, 2024) Denial 6-2-1.