

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 5 & 7**

**Application of Aiesha Thomas to rezone property from M-1 (Light Industrial) District to MR-1 (Medium Density Residential-1) District to allow the construction of three single-family attached townhomes, at 2328 Pine Mountain Street.**

**PETITION NO: N11. Z-21-1244542 2021-2118**

**PROPOSED USE: Three (3) single-family attached townhomes.**

**LOCATION: 2328 Pine Mountain Street, Lithonia, Ga.**

**PARCEL NO. : 16-167-08-010**

**INFO. CONTACT: Melora Furman, Sr. Planner**

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

**PURPOSE:**

Application of Aiesha Thomas to rezone property from M-1 (Light Industrial) District to MR-1 (Medium Density Residential-1) District to allow the construction of three single-family attached townhomes. The property is located on the east side of Pine Mountain Street, approximately 290 feet north of Pine Mountain Road, at 2328 Pine Mountain Street, Lithonia. The property has approximately 110 feet of frontage on Pine Mountain Street and contains 0.79 acre.

**RECOMMENDATIONS:**

**COMMUNITY COUNCIL: Approval.**

**PLANNING COMMISSION: Pending.**

**PLANNING STAFF: Denial.**

**STAFF ANALYSIS:** The proposal for a three-family dwelling would not be a suitable use of the property. Zoning on both sides of Pine Mountain Road is predominantly Light Industrial, even though most of the properties are developed with residences. The zoning pattern echoes the land use designations of the Future Land Use Map. The property and the adjacent and nearby properties are clearly envisioned to be part of the light industrial base of the County. In addition, the proposal is not consistent with the policies of the *2035 Comprehensive Plan*, which do not support conversion of industrial land to residential land. Policy No. 6 of the IND (Industrial) Character Area states: "Minimize the rezoning of light industrial properties to residential uses." Policy No. 5 states: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses." Residential land uses have the potential to conflict with industrial land uses if residents object to noise, vibration, dust, or other side effects of normal industrial operations. Finally, a three-family dwelling with surface parking at the front of the building would be inconsistent in scale and appearance to the residences on adjacent and nearby properties. Therefore, the Department of Planning and Sustainability recommends "Denial". If the Planning Commission recommends "Approval of the proposed development, staff of the Planning and Sustainability recommends that the following conditions be attached to the approval: 1) The trees at the rear of the site shall be preserved unless dead or evaluated as diseased or dying by a certified arborist. 2) The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority".

**PLANNING COMMISSION VOTE: Pending.**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 8-0-0.**



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: March 2, 2021, 5:30 P.M.**

**Board of Commissioners Hearing Date: March 25, 2020, 5:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-21-1244542 **Agenda #:** N. 11

**Location/Address:** 2328 Pine Mountain Street, Lithonia, GA **Commission District:** 5 **Super District:** 7

**Parcel ID(s):** 16-167-08-010

**Request:** Rezone property from M (Light Industrial) to MR-1 (Medium Density Residential-1) to allow construction of three single-family attached townhomes (i.e., a three-family dwelling).

**Property Owner(s):** Datona Properties, LLC

**Applicant/Agent:** Aisha Thomas of AJT Law

**Acreage:** 0.79 acres

**Existing Land Use:** Car repair

**Surrounding Properties:** North and Northeast: Single-Family Residential (zoned M); East and Southeast: Semi trailer parking (zoned M); South: Single-Family Residential and cleared property (zoned M and RE); Southwest, West, and Northwest: Single-family residential (zoned M and RE).

**Comprehensive Plan:** LIND (Light Industrial)  Consistent  Inconsistent (see LP-21-1244541)

<b>Proposed Density:</b> 3.79 units/acre	<b>Existing Density:</b> 1.26 units/acre
<b>Proposed Units:</b> Three	<b>Existing Units:</b> One
<b>Proposed Lot Coverage:</b> 26.8%	<b>Existing Lot Coverage:</b> approximately 25%

**Companion Application:** The applicant has filed a companion application (LP-21-1244541) to amend the Future Land Use Map designation of the property from LIND (Light Industrial) to SUB (Suburban).

**Zoning History:** Based on DeKalb County records, the property appears to have been zoned M (Light Industrial) since at least 1963.

**SITE AND PROJECT ANALYSIS**

The subject property is a 0.79-acre lot located approximately one mile northeast of the center of the City of Lithonia. The property fronts on the east side of Pine Mountain Street, a two-way, unstriped local street. A commercial trailer and a car repair shop are located on the property. Cars are parked on unpaved areas in front of and behind the car repair shop. The front of the property is approximately two feet above the grade of the

street, and the topography slopes gradually upwards from the street. Mature trees are located at the rear of the site.

The character of the surrounding area is industrial, although it bears signs of former agricultural use. Five houses are located on Pine Mountain Street; one of them is zoned residential and the other four are zoned M. Two of the properties appear to have been the homesteads of former farms, because of their size (1.51 acres and 2.41 acres) and because of the large buildings on the properties, which appear to be formerly used as barns or agricultural storage/equipment buildings.

The adjoining property to the east and southeast is zoned M and is used for parking semi-trucks. The adjoining properties to the south, 2338 and 2346 Pine Mountain Street, appear to be remnants of a farm homestead. 2346 Pine Mountain Street was zoned RE (Residential Estate) in 1983 pursuant to CZ-83005. The RE classification allows agricultural uses, and it is possible that the 1983 zoning contemplated use of the property for farming purposes. An application to rezone 2346 Pine Mountain Street to M has been filed (Z-21-1244581) and is on the same agenda as the matter under consideration in this staff report.

The proposal under consideration is for a two-story townhome-style building with three rental units (i.e. “three-family dwelling” or “triplex” as per the *Zoning Ordinance*). Parking would be provided by an asphalt parking lot located in front of the building. Each unit would be 2,000 square feet in size. The site plan indicates common area around the building, including a fenced, grass yard behind the building.

**Compliance with District Standards:**

MR-1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)		Base: 8 units/acre w/Bonuses: 12 units/ac.	3.79 units/acre	Yes
MIN. TRANSITIONAL BUFFER		None required.	N.A.	N.A.
MIN. LOT AREA		4,000sf	33,863sf	Yes
MIN. LOT WIDTH		55 ft.	108.55 ft.	Yes
MAX. LOT COVERAGE		55%	26.50%	Yes
BUILDING SETBACKS	FRONT (For entire bldg. site)	0 ft; Determined by utility placement, ROW, streetscape	121 ft., 7 inches	Yes
	INTERIOR SIDE	3 ft.	North side: 20 ft., 9 inches South side: 21 ft., 1 inch	Yes Yes
	REAR	15-20 ft.	141 ft., 2 inches	Yes
MINIMUM UNIT SIZE		1,000 square feet	2,000 square feet	Yes
PARKING		Min. 1.5 per unit = 4 spaces Max. 3 per unit = 9 spaces	5 spaces	Yes



MR-1 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. BLDG. HEIGHT	35 feet	30 feet	Yes
MIN. STREETScape DIMENSIONS - PROPERTY FRONTAGE	6-ft. landscape strip and 5-ft. sidewalk on each side, 100 ft. streetlight spacing, and street trees 30 ft. on center or for every unit.	No information provided.	Non-compliance necessitates variances.

**LAND USE AND ZONING ANALYSIS**

Section 27-832 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:**

The proposal is not consistent with the policies of the *2035 Comprehensive Plan*, which do not support conversion of industrial land to residential land. Policy No. 6 of the LIND (Light Industrial) Character Area states: “Minimize the rezoning of light industrial properties to residential uses.” Policy No. 5 states: “Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses.” Residential land uses have the potential to conflict with industrial land uses if residents object to noise, vibration, dust, or other side effects of normal industrial operations.

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

The proposal for a three-family dwelling would not be a suitable use of the property. The north-south segment of Pine Mountain Street, on which the subject property is located, traverses part of one of the largest Light Industrial zoning districts in the County. Zoning on both sides of this segment of Pine Mountain Street is predominantly Light Industrial, even though most of the properties are developed with residences. The zoning pattern echoes the land use designations of the Future Land Use Map. The property and the adjacent and nearby properties are clearly envisioned to be part of the light industrial base of the County.

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

The property has reasonable economic use as currently zoned. The M District allows for auto-and transportation-related land uses, as well as a variety of other land uses.

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

A three-family dwelling with surface parking at the front of the building would be inconsistent in scale and appearance to the residences on adjacent and nearby properties. It would detract from the usability of these homes. In addition, it could adversely affect nearby industrial properties, if its residents were to complain to the owners of these industrial properties about vibration, dust, or other customary effects of normal industrial operations.

**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 owner of the adjoining property to the south, 2346 Pine Mountain Street, has applied to have the property rezoned from RE (Residential Estate) to M (Light Industrial). The petition to rezone 2346 Pine Mountain Street gives further evidence that properties on Pine Mountain Street are transitioning to light industrial use.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**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:**

There has been no indication from reviewing agencies that the zoning proposal would be burdensome on existing streets, transportation facilities, utilities, or schools.

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

The submitted site plan indicates that all the trees at the rear of the site would be removed and replaced with a lawn. It would not be necessary or desirable to do so. Retention of some existing trees could screen views of the adjoining industrial property and provide shade for a lawn/play area at the rear of the building.

**STAFF RECOMMENDATION: DENIAL.**

The proposal for a three-family dwelling would not be a suitable use of the property. Zoning on both sides of Pine Mountain Road is predominantly Light Industrial, even though most of the properties are developed with residences. The zoning pattern echoes the land use designations of the Future Land Use Map. The property and the adjacent and nearby properties are clearly envisioned to be part of the light industrial base of the County. In addition, the proposal is not consistent with the policies of the *2035 Comprehensive Plan*, which do not support conversion of industrial land to residential land. Policy No. 6 of the IND (Industrial) Character Area states: "Minimize the rezoning of light industrial properties to residential uses." Policy No. 5 states: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses." Residential land uses have the potential to conflict with industrial land uses if residents object to noise, vibration, dust, or other side effects of normal industrial operations. Finally, a three-family dwelling with surface parking at the front of the building would be inconsistent in scale and appearance to the residences on adjacent and nearby properties. Therefore, the Department of Planning and Sustainability recommends "Denial".

If the Planning Commission recommends "Approval" of the proposed development, staff of the Planning and Sustainability recommends that the following conditions be attached to the "Approval":

1. The trees at the rear of the site shall be preserved unless evaluated as diseased or dying by a certified arborist.

2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following 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.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **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.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(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.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for 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 requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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 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.

- **Fire Safety**

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



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](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: Z-21-1244542

Parcel I.D. #: 16-167-08-010

Address: 2328 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: Pole Bridge Creek Basin

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

Water Treatment Facility: Pole Bridge 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: 

N-11



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MICHELLE ALEXANDER [MMALEXANDER@DEKALBCOUNTYGA.GOV](mailto:MMALEXANDER@DEKALBCOUNTYGA.GOV) OR JOHN REID  
[JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-21-1244542 Parcel I.D. #: 16-167-08-010

Address: 2328

PINE MOUNTAIN ST  
LITHONIA, GA 30058

Adjacent Roadway (s):

\_\_\_\_\_  
\_\_\_\_\_  
(classification) (classification)

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 \_\_\_\_\_

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 \_\_\_\_\_

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> 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:

Reviewed, found nothing that would disrupt traffic.

Signature: [Handwritten Signature]



N1. No Comment

N2 & N3. Coordinate and provide the required right of way for the GDOT Managed Lanes I-285 East Project prior to permitting. GDOT PM: Tim Matthews at [TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov). Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer)with the land development permit documents.

N4 & N5. Covington Hwy is a state route. Review and approval by GDOT District 7 (Justin Hatch at [Juhatch@dot.ga.gov](mailto:Juhatch@dot.ga.gov)) required prior to issuance land development permit. Covington Hwy is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum (GDOT may have additional requirements): 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents.

N6 & N7. Pine Mountain Road is classified as a local residential. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents.

Please note that we received complaints about truck traffic on this street and it is posted no trucks. Consideration should be given to how to handle truck access and traffic. Limit all truck access to SR 124 Turner Hill Road. No truck access on Pine Mountain Rd.

N8. No Comment

N9. This development requires a traffic study (337 units) be presented to identify required improvements prior to zoning. I recommend deferral until a traffic study is submitted so that we can incorporate the result of the traffic study into the zoning conditions. Traffic study should address requirements for left turning lanes and right turn lane on North Druid Hills at the Mount Moriah Road and the need for a potential traffic signal. Please confirm the existing right of way on Mount Moriah Road. The county records show a 60 foot right of way and it appears that the development is encroaching on the right of way. The study should also address the lanes needed to accommodate the traffic exiting Mount Moriah Rd at the intersection. Direct pedestrian access is to be provided from the public sidewalks to the proposed development. North Druid Hills Road is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure

(sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents. Mount Moriah Road is classified as a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 6- foot landscape strip, 5-foot sidewalk, streetlights. Mount Moriah Road must be brought up to minimum county standards to include at least 22 feet of pavement along entire property frontage. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents.

N10 & N11. Pine Mountain Road is classified as a local. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N12. Requesting a traffic study be completed prior to zoning to determine the impacts of the development on the intersection of Rockbridge Road at Mountain Park Trail and the proposed driveway on Rockbridge Road. Only one access point of Mountain Park Trail. The access point on Mountain Park Trail must be shifted to the rear property line away from Rockbridge Road. Please note the minimum driveway/street separation required in Section 14-200 (6). Remove acceleration lane from Rockbridge Road frontage. Provide direct pedestrian access from public right of way to the proposed destinations. Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. Mountain Park Trail is classified as a local. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6- foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer)with the land development permit documents.

N13. Northern Ave is classified as a collector road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 35 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. . All access points must meet minimum intersection and stopping sight

distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents.

N14. No comment.

N15, N16 and N17. Panola Road is classified as a major arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents. Young Road is classified as a collector road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 35 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 10- foot landscape strip, 6-foot sidewalk, bike lanes, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for 35 mph and presented (signed and sealed by a professional engineer)with the land development permit documents. Please note the minimum driveway/street separation required in Section 14-200 (6). Applies to driveways on the opposite side of the road also. Access point on Young Road needs to be relocated away from the traffic signal. The developer is required to upgrade the pedestrian features of the traffic signal at Panola Road at Young Road, as needed, as identified by the Transportation Division of Public Works. A pedestrian connection must be provided from the public sidewalk to the building entrances.

N18. Clairmont Road is a state route. Review and approval by GDOT District 7 required prior to issuance land development permit. Clairmont Road is classified as a major arterial. Only one access point allowed on Clairmont Road located away from the intersection with N Williamsburg Dr. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 50 from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum (GDOT may have additional requirements): 10- foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer)with the land development permit documents. N. Williamsburg Drive is classified as a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 6- foot landscape strip, 5-foot sidewalk, streetlights. Only one access point allowed on N Williamsburg Road located away from the intersection on Clairmont Road. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

N19. No Comment

N20. Clifton Springs Road is classified as a minor arterial. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 40 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required at a minimum: 10-foot landscape strip, 6-foot sidewalk, bike lanes or multiuse path, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents. If interior roads are to public. They will need to meet the requirements for a local road. Please note the infrastructure requirements in Chapter 5 of the Zoning Code and Chapter 14-190 of the Land Development Code. A right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks/streetlights) are within right of way, whichever greater. Required: 6-foot landscape strip, 5-foot sidewalk, streetlights. All access points must meet minimum intersection and stopping sight distance requirements per AASHTO Greenbook for the posted speed limit and presented (signed and sealed by a professional engineer) with the land development permit documents.

**Board of Health**

02/15/2021

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

- N.1 **TA-21-1244539 2021-2108**  
**County-Wide (All District)**  
**36**
- N.2 **LP-21-1243933 2021-2109/18-011-06-001,18-011-06-004,18-011-06-005,18-011-06-006,18-011-06-007** District 04 Super District 06  
 3581 Rockbridge Road, Stone Mountain, GA 30083  
 3605 Rockbridge Road, Stone Mountain, GA 30083  
 3611 Rockbridge Road, Stone Mountain, GA 30083  
 3599 Rockbridge Road, Stone Mountain, GA 30083  
 3593 Rockbridge Road, Stone Mountain, GA 30083  
 3581 Rockbridge Road, Stone Mountain, GA 30083  
 - **Please review general comments**  
 - **Septic system installed on September 23, 1960 for property 3605**  
 - **Septic system installed on September 23, 1960 for property 3611**  
 Total acres 4.8
- N.3 **Z-21-1243934 2021-2110 / 18-011-06-001, 18-011-06-004,18-011-06-005,18-011-06-006,18-011-06-007** District 04 Super District 06  
 3581 Rockbridge Road, Stone Mountain, GA 30083  
 3605 Rockbridge Road, Stone Mountain, GA 30083  
 3611 Rockbridge Road, Stone Mountain, GA 30083  
 3599 Rockbridge Road, Stone Mountain, GA 30083  
 3593 Rockbridge Road, Stone Mountain, GA 30083  
 3581 Rockbridge Road, Stone Mountain, GA 30083  
 - **Please review general comments**  
 - **Septic system installed on September 23, 1960 for property 3605**  
 - **Septic system installed on September 23, 1960 for property 3611**  
 Total acres 4.8
- N.4 **LP-21-1244555 2021-2111 / 15-162-04-008** District 05 Super District 07  
 5011 Covington Highway, Decatur, GA 30035  
 - Please review general comments  
 Total acres 0.61
- N.5 **Z-21-1244408 202102112 / 15-162-04-008** District 05 Super District 07  
 5011 Covington Highway, Decatur, GA 30045  
 - Please review general comments  
 Total acres 0.61
- N.6 **LP-21-1244580 2021-2113 / 16-168-01-008** District 05 Super District 07  
 2346 Pine Mountain Street, Lithonia, GA 30058  
 - Please review general comments  
 Total acres 1.2

**DeKalb County Board of Health**

445 Winn Way – Box 987

Decatur, GA 30031

404.294.3700 • [www.dekalbhealth.net](http://www.dekalbhealth.net)



Board of Health

- N.7    **Z-21-1244581 2021-2114 / 16-168-01-008**    District 05 Super District 07  
2346 Pine Mountain Street, Lithonia, GA 30058  
- Please review general comments  
Total acres 1.2
- N.8    **TA-21-1244599 2021-2115**    District 02 Super District 06  
North Druid Hills Briarcliff Node, Atlanta, GA 30329  
- Please review general comments  
Total acres (not stated)
- N.9    **Z-21-1244535 2021-2116 / 18-152-01-005, 18-152-01-006, 18-152-01-054**  
District 02 Super District 06  
2490 North Druid Hills Road, Atlanta, GA 30329  
- Please review general comments  
- Several surrounding properties with septic system installed  
Total acres 5.6
- N.10    **LP-21-1244541 2021-2117 / 16-167-08-010**    District 05 Super District 07  
2328 Pine Mountain Street, Lithonia, GA 30058  
- Please review general comments  
- Several surrounding properties with septic system installed  
Total acres 0.79
- N.11    **Z-21-1244542 2021-2118 / 16-167-08-010**    District 05 Super District 07  
2328 Pine Mountain Street, Lithonia, GA 30058  
- Please review general comments  
- Several surrounding properties with septic system installed  
Total acres 0.79

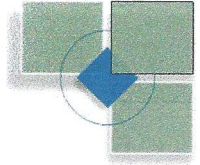




DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: Aisha J. Thomas of AJT LAW E-Mail: aisha@ajtlawfirm.com

Applicant Mailing Address:
931 MONROE DR. NE SUITE A 102-610, ATLANTA, GEORGIA 30308

Applicant Phone: 313-516-7294 Fax: 866-476-1026

Owner(s): Datona Properties, LLC E-Mail: danac5006@yahoo.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
5006 Laythan Jace Ct., Snellville, GA 30039

Owner(s) Phone: 770-331-4858 Fax: \_\_\_\_\_

Address/Location of Subject Property: 2328 Pine Mountain St., Lithonia GA 30058

District(s): 15 Land Lot(s): 167 Block: \_\_\_\_\_ Parcel(s): \_\_\_\_\_

Acreage: 0.79 Commission District(s): 5 & 7

Present Zoning Category: M Proposed Zoning Category: M-2-1

Present Land Use Category: LND

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 36-67A, 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

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.

NOTARY

EXPIRATION DATE / SEAL

SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404-371-2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov





DeKalb County  
GEORGIA

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

Clark Harrison Building  
330 W. Ponce de Leon Ave  
Decatur, GA 30030

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

PRE-APPLICATION FORM  
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Required prior to filing application: signed copy of this form must be submitted at filing)

client: Dana Christian

Applicant Name: Aisha Thomas Phone: <sup>(470)</sup> 357-4639 Email: aishe@ajtlawfirm.com

Property Address: 2328 Pine Mountain

Tax Parcel ID: 16-167-08-010 Comm. District(s): 5<sup>th</sup>7 Acreage: 0.79 acres <sup>34,412 s.f.</sup>

Existing Use: S-F detached house Proposed Use: 3 s-f. attached townhomes

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

Rezoning: Yes  No \_\_\_\_\_

Existing Zoning: M Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Use Plan Amendment: Yes  No \_\_\_\_\_

Existing Land Use: IND Proposed Land Use: SUB <sup>next to SUB</sup> Consistent  Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No  Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s) \_\_\_\_\_  
\_\_\_\_\_

Major Modification:

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting:  Review Calendar Dates:  PC:  BOC:   
 Letter of Intent:  Impact Analysis:  Owner Authorization(s):  Campaign Disclosure:   
 Zoning Conditions:  Community Council Meeting:  Public Notice, Signs:   
 Tree Survey, Conservation:  Land Disturbance Permit (LDP):  Sketch Plat:   
 Bldg. Permits:  Fire Inspection:  Business License:  State License:   
 Lighting Plan:  Tent Permit:  Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

Density: 2.37 u/acre Density Bonuses:  Mix of Uses:  Open Space:  Enhanced  
 Open Space:  Setbacks: front  sides  side corner  rear  Lot Size:  
 Frontage:  Street Widths:  Landscape Strips:  Buffers:   
 Parking Lot Landscaping:  Parking - Auto:  Parking - Bicycle:  Screening:  
 Streetscapes:  Sidewalks:  Fencing/Walls:  Bldg. Height:  Bldg.  
 Orientation:  Bldg. Separation:  Bldg. Materials:  Roofs:  Fenestration:   
 Façade Design:  Garages:  Pedestrian Plan:  Perimeter Landscape Strip:   
 Possible Variances: \_\_\_\_\_

Comments:  
No site plan presented @ pre-app.

Planner: Melora Furman Date: 8/5/20

Filing Fees

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	<u>\$500.00</u>
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		<u>\$500.00</u>
<b>SPECIAL LAND USE PERMIT</b>		\$400.00



DATONA PROPERTIES LLC Land Use Amendment Community Meeting  
 December 16, 2020 7p-9p SIGN-IN SHEET ZOOM

NAME	ADDRESS OR AFFILIATION	PHONE#	EMAIL
Jan Costello			Janrcostello@gmail.com
Bina S. Mangham	8179 Pleasant Hill Rd		manghamlaw@att.net
ARS / AIF	7195 Turner Hill Rd		
S. Nichols / ARS	7195 Turner Hill Rd		
Aisha Thomas	Managing Attorney		Aisha@AjtLawfirm.com
Chris Pierre	Architect		chrispierre@cs.com
Ramon Toukes	Developer		ramontoukes@gmail.com
Dana Christian	owner	770 331 4858	info@datonapropertiesllc.com
Anthony Christian	owner	770 331 4857	info@datonapropertiesllc.com

Datona Properties LLC  
2140 McGee Rd Suite C630  
Snellville, Ga 30078

**Notice of Land Use Amendment  
Application Community Meeting**

To: (Resident)

We are planning to apply for a Dekalb County Land Use Amendment to 2328 Pine Mountain Lithonia, Ga 30058.

Find out more about the project, ask questions, and voice your opinion at the following community meeting:

**Date:** December 16, 2020

**Time:** 7PM

**Location:** Zoom ID# 404 671 1818 Password 2328

If you have any questions about the meeting, please call 770-331-4858 or email [info@datonapropertiesllc.com](mailto:info@datonapropertiesllc.com). We look forward to seeing you there!

Sincerely,  
Dana Christian

email to these ppl

DeKalb County Neighborhood Registry - Commission District

First Name	Last Name	Email	Address	City	State	Zip Code	
Dennis	Allen	dennisallen05@comcast.net					Communit
Keneshia	Barksdale	kbarksdal22@gmail.com					Communit
Samson	Burrell	Samson_burrell@yahoo.com					Communit
Barbara	Campbell	dstcampbell@bellsouth.net *					Communit
Jan	Costello	janrcostello@gmail.com					Communit
Jay	Cunningham	jaycunningham2014@yahoo.com					Communit
Marshall	English	marshallenglishsr@yahoo.com					Communit
Tonya	Jones	mstonya@earthlink.net					Communit
Preston	Mercer	mercernic451@gmail.com					Communit
Joscelyn	O'Neil	oneil00004@comcast.net					Communit
Charles	Peagler	konceptatlanta@bellsouth.net					Communit
Jonathan	Phillips	jonathanjaypee@aol.com					Communit
Danny	Tripplin	dadrtrip@yahoo.com					Communit
Wayne	Williams	w_duane_williams@yahoo.com					Communit
Michelle	Henson		4140 Creek Stone Court	Stone Mountain	GA	30083	State Rep I
Patricia	Elmore	pedge@urbanretail.com	2929 Turner Hill Rd	Lithonia	GA	30038	Stonecrest
Bina S.	Mangham	manghamlaw@att.net	8179 Pleasant Hill Rd	Lithonia	GA	30058	Eaast DeKa
Marcella	Salter	cellasalt5@yahoo.com	1664 Stone Meadow Rd	Lithonia	GA	30058	
Larry	Salter	salter37@yahoo.com	1664 Stone Meadow Rd	Lithonia	GA	30058	
Denis	Travis	denisetravis74@gmail.com	1658 Stone Meadow Rd	Lithonia	GA	30058	
Harold	Morrie	harold53@hotmail.com	1743 Harmony Hills Ct	Lithonia	GA	30058	Harmony H-
Consuelo	Espinoza Godden	goddenc@gptc.edu	6720 Marbut Road	Lithonia	GA	30058	Georgia Pie

Mail

**STATEMENT OF INTENT AND JUSTIFICATION**

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Application to Amend the Official Zoning Map  
of

**DATONA PROPERTIES, LLC**  
**c/o AJT LAW, LLC**

For

2328 Pine Mountain St.  
DeKalb County, GA

Commission Districts 5 & 7

Submitted for Applicant by:

Aisha J. Thomas, Esq.  
AJT Law, LLC  
931 Monroe Dr., Suite A 102-610  
Atlanta, GA 30308  
470-357-4639



**STATEMENT OF INTENT**

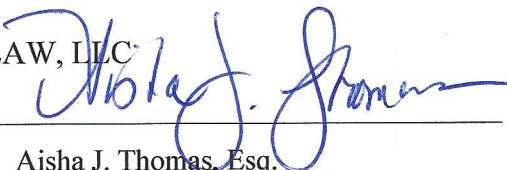
Please accept this letter on behalf of Datona Properties, LLC (DP), as property owner of 2328 Pine Mountain St., Lithonia, GA 30058. DP is requesting an amendment to the Comprehensive Land Use Plan and a subsequent amendment to the Zoning of the aforementioned parcel under Chapter 27, Section 7.3.1. of the Dekalb County Zoning Ordinance. This parcel was previously owned by the decedent father of the Principal of DP for the fifteen years. DP is requesting the amendments in order to fulfill the wishes of their father by developing housing on the parcel. This legacy parcel is currently designated as Light Industrial District and zoned M.

There are currently two dilapidated residential structures on the parcel consisting of a trailer and a single-family home. DP is respectfully requesting an amendment of the Comprehensive Land Use Plan to change the use to Suburban or High Corridor in order to facilitate a rezoning to Medium Density Residential (MR-1). MR-1 zoning would allow DP to develop a permitted use, 3-unit townhome structure on the parcel. The rental townhomes will meet the community housing goals listed in the Comprehensive Land Use Plan by diversifying housing types and options while providing new affordable workforce housing. The townhomes will consist of three, two-story 2,000 square feet units with a roof height of 33 feet.

For the foregoing reasons, the Applicant respectfully requests that the Dekalb County Board of Commissioners amend the Comprehensive Land Use Plan and the Official Zoning Map. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 31<sup>st</sup> day of December, 2020.

Respectfully submitted,

AJT LAW, LLC  
By:   
Aisha J. Thomas, Esq.  
Attorney for Applicant

## APPLICATION TO AMEND OFFICIAL ZONING MAP

### DEKALB COUNTY, GEORGIA

AJT Law (the "Applicant"), submits this application to amend Official Zoning Map for approximately .79 acres that are located 2328 Pine Mountain St., Lithonia, Georgia 30058 (the "Property"). The Property has a current land use of Light Industrial District and is zoned (M). The Applicant has also requested an amendment of Comprehensive Land Use Plan to Suburban or Highway Corridor and amendment of the zoning to Medium Density Residential (MR-1), in accordance with Section 27-832 of the Zoning Ordinance of Dekalb County, to allow for the development of a new three-unit townhome development that will provide workforce housing to the community.

The Applicant responds to the following standards governing the exercise of the zoning power for amendment of the Official Zoning Map requests:

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

The Applicant's zoning proposal is not currently in conformity with the policy and intent of the Comprehensive Plan but has submitted a concurrent application to Amend the Comprehensive Land Use Plan. The Applicant is requesting a down-zoning from Light Industrial (M) to MR-1.

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

The Applicant's zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. The Property is currently zone Light Industrial District (M) however it was previously zoned residential and currently has two single-family structures on the property. The adjacent parcels south and northwest of the Property are developed with residential homes and zoned Residential Estate (RE).

**C. Whether the property to be affected by the zoning proposal may have a reasonable economic use as currently zoned.**



While the Property currently has some economic value, the Property is currently underdeveloped with older single-family structures with functional obsolescence. The property is also relatively small for a potential commercial development. As a result, the Property does not have a reasonable economic use as currently zoned without an amendment to the rezoning map as requested by the Applicant.

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

The Applicant's zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The Applicant's proposal is compatible with the nearby residential uses and provides a buffer to the adjacent commercial uses. The proposed use are three townhomes which will be available for lease to the community.

**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.**

As indicated above, the Applicant proposes a development that will be compatible with the adjacent land uses. The development will support the local community goals by diversifying the housing type and providing workforce housing.

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

The Applicant's zoning proposal will not impact historic buildings, sites, districts or archaeological resources.

**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.**

The Applicant's zoning proposal will not result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The addition of new three-unit three-bedroom townhomes may possibly bring in new students but would not be burdensome to the schools.

The Applicant respectfully requests that the Dekalb County Board of Commissioners amend the Official Zoning Map.

**NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS**

**APPLICATION FOR LAND USE AMENDMENT AND REZONING  
DEKALB COUNTY, GEORGIA**

Georgia Law and the procedures of Dekalb County Zoning Ordinance require us to raise Federal and State Constitutional objections during the land use amendment and rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, the Applicant raises the following constitutional objections at this time:

The existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant further respectfully submits that the DeKalb County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the property than presently exists as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. Moreover, in the event of opposition to the proposed rezoning, the Applicant submits that opponents do not have standing to assert opposition and can prove no special damages as per the specially aggrieved citizen test.

Accordingly, the Applicant respectfully requests that the DeKalb County Board of Commissioners grant the Amendment to the Comprehensive Land Use Plan and the Amendment to Official Zoning Map requested by the Applicant.



Return Recorded Document to:  
PAVIELLE DORTCH, LLC  
881 PONCE DE LEON AVENUE, STE 4  
ATLANTA, GA 30306  
PARCEL ID: Property 1:  
16-167-08-010

**LIMITED  
WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FULTON

FILE #: 19-05032

**THIS INDENTURE** made this August 9, 2019 between **Carolyn Broughton N/K/A Carolyn Christian**, of the County of DeKalb and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **Datona Properties, LLC, a Georgia Limited Liability Company**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All tract or parcel of land, With house and all other improvements located thereon, lying and being in Land Lot 167 of the 15th District of DeKalb County, Georgia, fronting 110 feet on Jacksonville street, and bounded on the North by Lots known as the Frank Aycox and CE. Cannon lots: With 315 feet bounded on the East by property of CE. Cannon: With 110 feet bounded on the South by property of Carl Goddard, and thence running 315 feet back to Jacksonville Street and then along said Jacksonville Street to the starting point.

Subject Property Address: 2328 PINE MOUNTAIN STREET, Lithonia, GA 30058

Parcel ID: 16 167 08 010

**This Deed is given subject to all easements and restrictions of record, if any.**

**TO HAVE AND TO HOLD** the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE**, subject, however, to all liens, exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Subject Property, as well as standby fees, real estate taxes, and assessments on the Property for the current year and prior and subsequent years, and subsequent taxes and assessments

for prior years due to change in land usage or ownership, and any and all zoning laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances").

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor, but not otherwise provided, however, that Grantor's conveyance of the Property and Grantor's warranties of title contained in this Deed are and shall be subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness \_\_\_\_\_  
Notary Public \_\_\_\_\_  
PAVIELLE DORTCH  
NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
OCTOBER 3, 2019

  
Carolyn Broughton N/K/A Carolyn  
Christian

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 12.22.2020

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

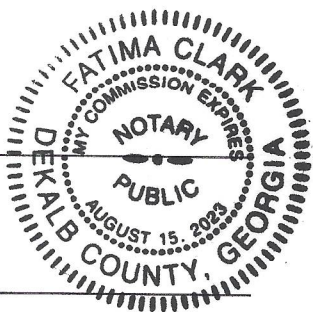
(I) (WE), DATONA PROPERTIES BY DANA CHRISTIAN  
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to

Aisha Thomas, MA, JD, CCIM of AJT Law  
(Name of Applicant or Agent Representing Owner) 931 Monroe Dr. Suite A 102610  
Atlanta GA 30308

to file an application on (my) / (our) behalf.

[Signature]  
Notary Public



Dana Christian MM  
Owner

Notary Public

Owner

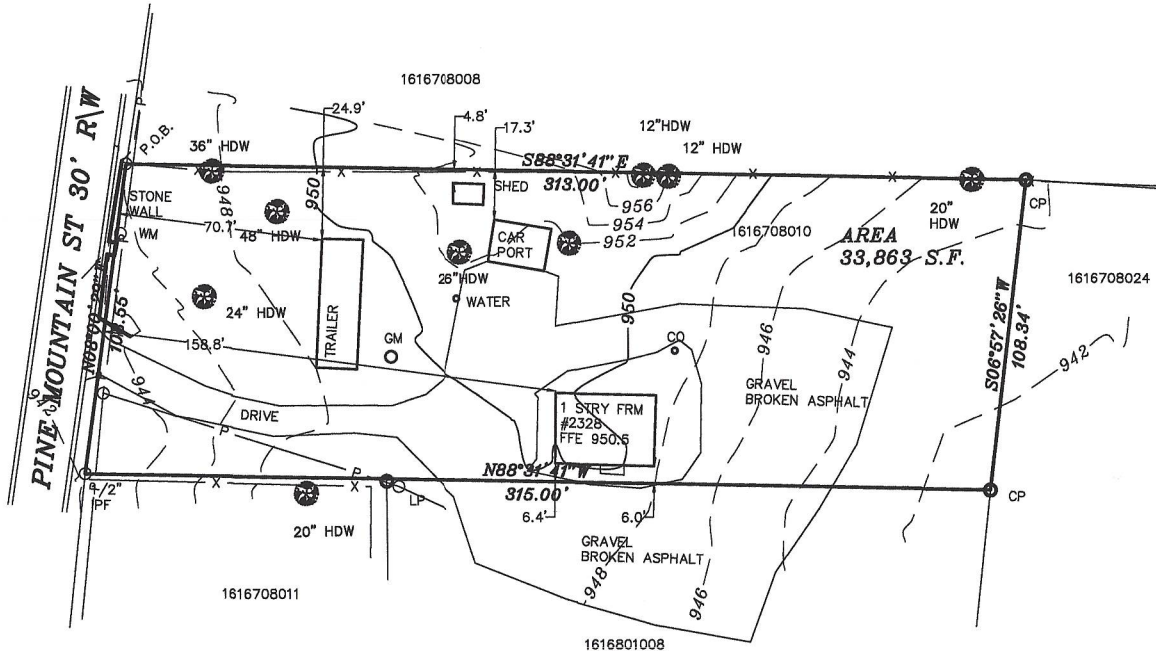
Notary Public

Owner

## LEGAL DESCRIPTION

All tract or parcel of land, With house and all other improvements located thereon, lying and being in Land Lot 167 of the 15th District of DeKalb County, Georgia, fronting 110 feet on Jacksonville street, and bounded on the North by Lots known as the Frank Aycox and CE. Cannon lots: With 315 feet bounded on the East by property of CE. Cannon: With 110 feet bounded on the South by property of Carl Goddard, and thence running 315 feet back to Jacksonville Street and then along said Jacksonville Street to the starting point.





ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.  
 NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.  
 NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.  
 THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS SURVEY IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO REFERENCE PLAT.

PREPARED FOR:

DATONA PROPERTIES LLC

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

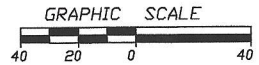
*J.L. Sawhney*

SUBDIVISION:	2328 PINE MOUNTAIN ST	DB27721	PG 614
LOT:	N/A	LAND LOT:	167
BLOCK:		DISTRICT:	17TH
SCALE:	1" = 40'	COUNTY:	DEKALB, GA
		DATE:	08/17/2020
		REV:	
		JOB NO.:	16-0253



UTILITIES PROTECTION CENTER  
 Call FREE  
 IN METRO ATLANTA  
 325-5000  
 THROUGHOUT GEORGIA  
 1-800-282-7411  
 THREE WORKING DAYS BEFORE YOU DIG

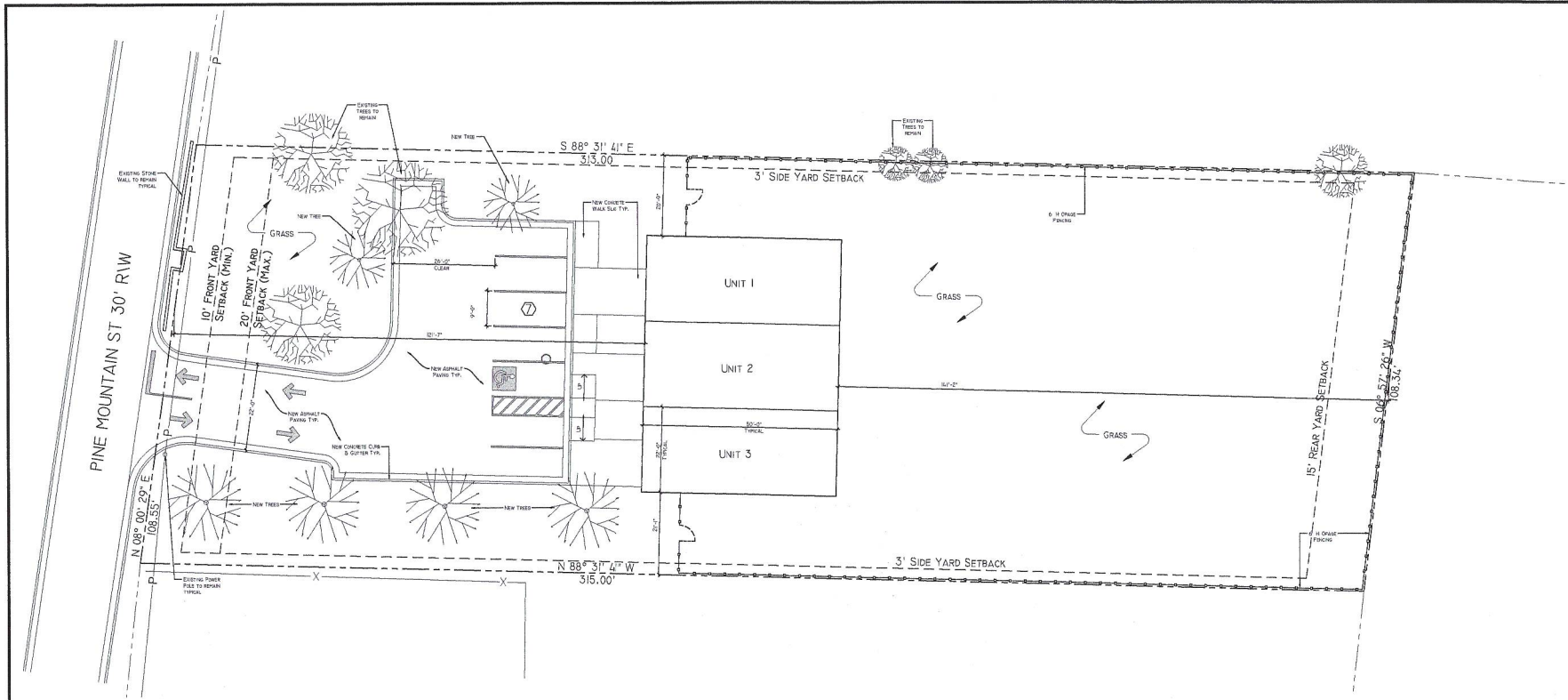
LEGEND  
 IPF=IRON PIN FOUND  
 IPS=IRON PIN SET  
 R/W=RIGHT OF WAY  
 MAG= MAGNETIC  
 P.D.B.=POINT OF BEGINNING  
 B/L=BUILDING LINE  
 DE=DRAINAGE EASEMENT  
 N/F=NOW OR FORMERLY  
 P = PREVIOUS  
 E = EXISTING  
 P/P = POWER POLE



CLOSURE DATA  
 FIELD CLOSURE=1"IN 30,000+  
 ANGLE POINT ERROR=< 20"  
 EQUIPMENT USED=E.D.M. & GPS  
 ADJUSTMENT METHOD=NONE  
 PLAT CLOSURE=1"IN 100,000+

**SAWHNEY AND ASSOCIATES**  
 523 HASTINGS DR PH.# (678)-500-4356  
 JONESBORO GA 30228





PROJECT INFORMATION				
ADDRESS	PARCEL #	REQUIRED	RECEIVED	PROVIDED
2328 PINE MOUNTAIN STREET				
LITHKONA, GA. 30357-5003				
LAND LIFT 107				
9TH DISTRICT				
LITHKONA (UNINCORPORATED DEKALB COUNTY)				
DEKALB COUNTY				
PARCEL # 19-07-03-010				
USE	DESCRIPTION	REQUIRED	RECEIVED	PROVIDED
CURRENT: BUSINESS - TOWNHOUSE/STORAGE YARD	CONVERTED			
PROPOSED: RESIDENTIAL - THREE FAMILY DWELLING	RESIDENTIAL			
MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM
MINIMUM: 6,000 SQUARE FEET	MAXIMUM: 107 APPLICABLE	MINIMUM: 1.5 SPACES/UNIT	MAXIMUM: 3.0 SPACES/UNIT	MINIMUM: 1.5 SPACES/UNIT
PROVIDED: 53,863.50 SQUARE FEET, 0.7771 ACRES GROSS		ACCESSIBLE PARKING: 1 SPACE PER 4.25 TOTAL SPACES		
USE	DESCRIPTION	REQUIRED	RECEIVED	PROVIDED
MINIMUM ALLOWABLE: 50% (STRUCTURES + PARKING)	MAXIMUM ALLOWABLE: 50% (STRUCTURES + PARKING)			
PROVIDED: 20.82%	0.7771 ACRES @ 8 DUE/ACRE = 6.22 UNITS ALLOWABLE			
BUILDING FOOTPRINT = 5,300 SQUARE FEET (66-455)	3 DWELLING UNITS PROVIDED			
PARKING = 5,005.90 SQUARE FEET	1 UNITS @ 2,200 SF/EA (EA UNIT = 2 FLOORS @ 22,450' PER FLOOR) OTHER UNITS			
OPEN SPACE = 20.00% REQUIRED (6,772.66 SQ. FT.)				
OPEN SPACE = 75.52% PROVIDED (24,817.60 SQ. FT.)				
LOT WIDTH = 58' MIN. REQUIRED: 10' PROVIDED				
REVISION	DATE	BY	APP. FOR	REVISION
01	14 DEC 2020			
02	24 DEC 2020			
03				
04				
05				

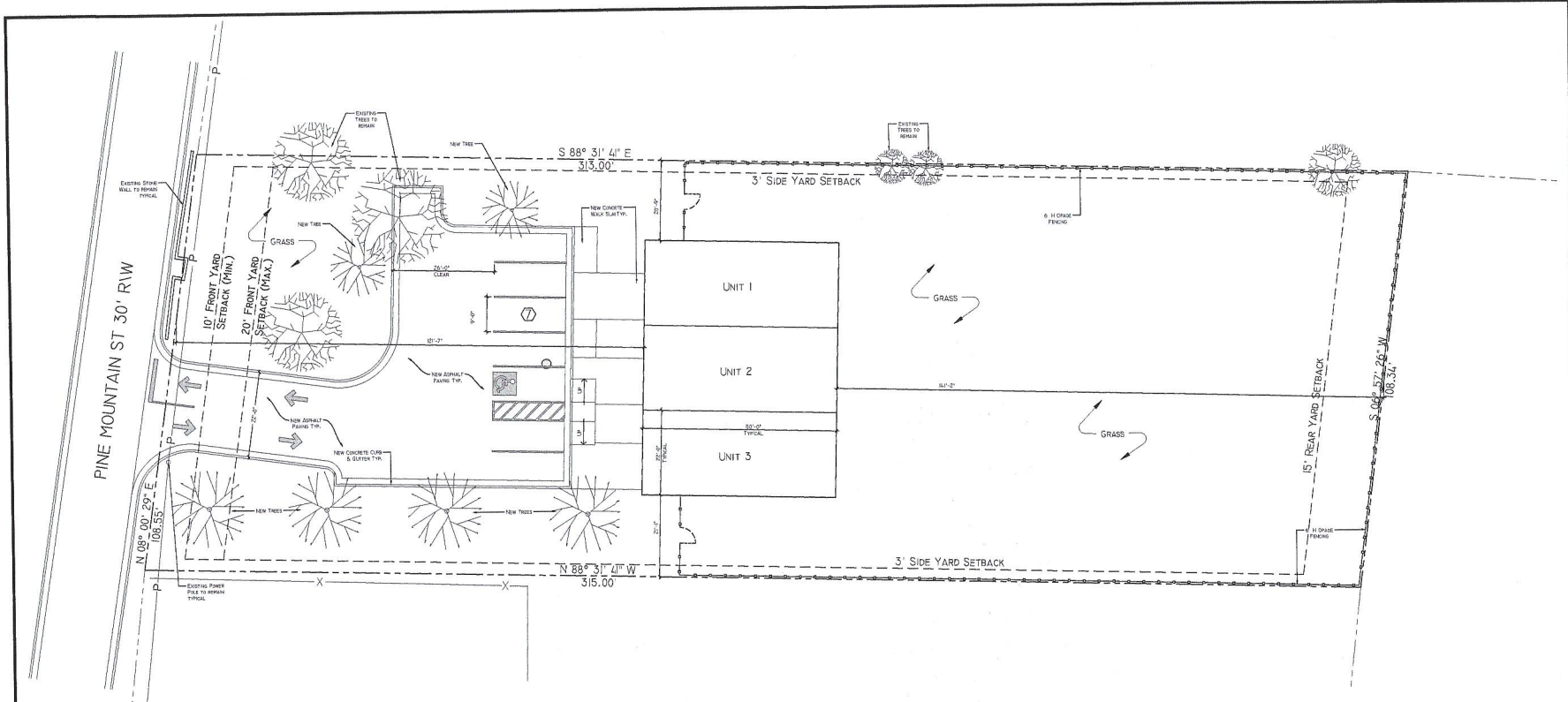
1 PROPOSED SITE PLAN  
SCALE: 3/32" = 1'-0"











PIERRE DESIGN & DEVELOPMENT  
 LANDSCAPE ARCHITECTURE, INC.  
 3351 CHAMBERLAIN TUCKER ROAD  
 SUITE 100  
 DEKALB COUNTY, GA 30034  
 (770) 426-1111  
 www.pierre-design.com

NEW 3-UNIT TOWNHOUSE DEVELOPMENT  
 LOCATED AT  
 2328 PINE MOUNTAIN STREET  
 DEKALB COUNTY, GA

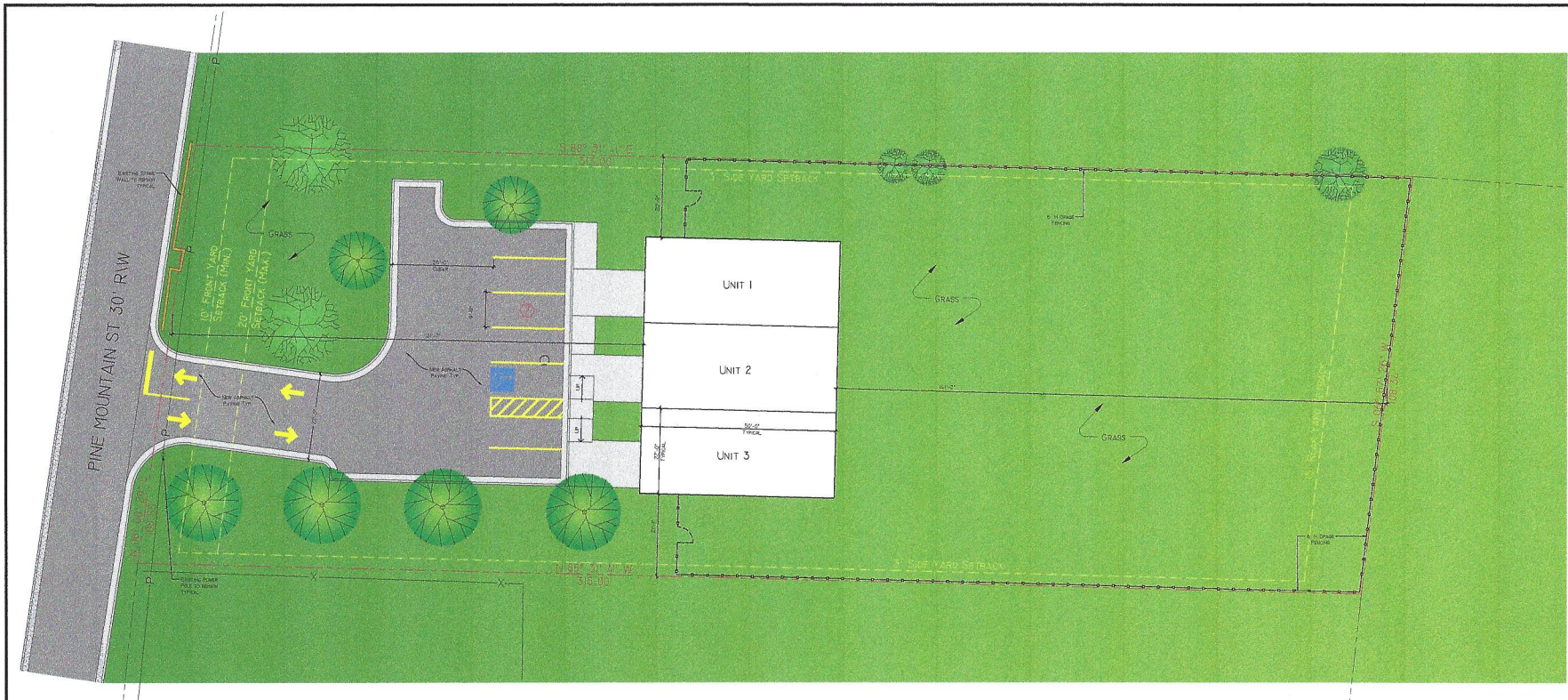
1 PROPOSED SITE PLAN  
 SCALE: 3/32" = 1'-0"

PROJECT INFORMATION			
<b>PARCELS &amp; LOTS</b>			
ADDRESS	DESCRIPTION	REQUIRED	PROVIDED
2328 PINE MOUNTAIN STREET	DESCRIPTION	REQ.	PROV.
LITHKOPKA, GA 30057-5103	FRONT YARD	10'-0"	20'-0"
LAND LOT 107	SIDE YARD (MINIMUM)	3'-0"	10'-0"
17TH DISTRICT	SIDE YARD (MAXIMUM)	2'-0"	10'-0"
LITHKOPKA (UNINCORPORATED DEKALB COUNTY)	REAR YARD	15'-0"	14'-0"
<b>DEKALB COUNTY</b>			
PARCEL # 16-101-08-010	ZONING	REQUIRED	PROVIDED
	DESCRIPTION	REQ.	PROV.
	LOW DENSITY RESIDENTIAL SPACES		
<b>COMMENTS</b>			
CURRENT: R-1 - LOW DENSITY DISTRICT	- OCCUPANT SPACES	1	4
PROPOSED: RH-1 - HOUSING RESIDENTIAL DISTRICT	- GUEST SPACES	-	-
	- ACCESSIBLE SPACES	-	-
<b>TOTAL</b>	TOTAL PARKING SPACES	0	10
<b>CLIENT: BUSINESS - TOWN/AUTO STORAGE YARD</b>			
<b>PROPOSED: RESIDENTIAL - THREE FAMILY DWELLING</b>			
<b>PARKING CALCULATION</b>			
LOT AREA	MIN. = 1.5 SPACES/100' x 3' x 3' x 4.5 SPACES x 5 SPACES		
MINIMUM: 4,000 SQUARE FEET	MIN. = 5.0 SPACES/100' x 3' x 3' x 9.0 SPACES		
MINIMUM: 100' DIMENSION	GREASE TRAP: 1.5 TO 2.0 SPACES/100' MIN. 0.25 x 3' x 0.75 SPACE x 1.0 SPACE		
MINIMUM: 100' DIMENSION	WATER PUMPING: 0.25 SPACES/100' MIN. 0.25 x 3' x 0.75 SPACE x 1.0 SPACE		
PROVIDED: 35,863.50 SQUARE FEET; 0.7774 ACRES (GROSS)	ACCESSIBLE PARKING: 1 SPACE PER 1.5 TOTAL SPACES		
<b>USE COVERAGE</b>			
MAXIMUM ALLOWABLE: 55% (STRUCTURES + PAVING)	MAX. ALLOWABLE DENSITY: 8 DWELLING UNITS / ACRE		
PROVIDED: 26.30%	0.7774 ACRES @ 8 DWELLING UNITS = 6.22 UNITS ALLOWABLE		
BUILDING FOOTPRINT: 5,500 SQUARE FEET (600 x 95')	5 DWELLING UNITS PROVIDED		
PAVING: 5,645.90 SQUARE FEET	1 UNIT @ 2,200 SF PER UNIT + 2 FLOWERS @ 22,450 SQ. FT. (GROSS) GREEN AREA		
OPEN SPACE: 20.00% REQUIRED (0.77266 AC. FT.)			
DRIVE SPACE: 71.52% PROVIDED (26,697.40 SQ. FT.)			
LOT WIDTH: 158' MIN. REQUIRED: 110' PROVIDED			
<b>SETBACKS (MINIMUM)</b>			
MAXIMUM ALLOWABLE: 35'-0" (FOR PRIMARY STRUCTURE)			
20'-0" AFF. (TO HEIGHT OF ROOF)			
35'-0" AFF. (TO PEAK OF CHIMNEY)			



REVISION  
 01 14 DEC 2020  
 01 24 DEC 2020  
 SHEET  
 SP.01  
 1 OF 2





PROJECT INFORMATION			
ADDRESS	DATE & LOTS	REQUIRED	PROVIDED
2328 PINE MOUNTAIN STREET	DECEMBER	MIN.	PROV.
LITHKIA, GA. 30337-0103	FRONT YARD	10'-0"	20'-0" 12'-0"
LAKE LOT 101	SIDE YARD (ROUND)	5'-0"	13'-0" 20'-0"
7TH DISTRICT	SIDE YARD (SQUARE)	5'-0"	10'-0" 21'-0"
LITHKIA (INCORPORATED DEKALB COUNTY)	REAR YARD	15'-0"	N/A 14'-0"
DEKALB COUNTY	PARKING		
PARCEL # 16-101 01 00	DECEMBER	REQUIRED	REQUIRED
ZONING	2017 STREET PARKING SPACES	MIN.	PROV.
CURRENT: RI - LIGHT INDUSTRIAL DISTRICT	- OCCUPANT SPACES	1	0 0
PROPOSED: PRF - MEDIUM DENSITY RESIDENTIAL DISTRICT	- GUEST SPACES	1	1
	- ACCESSIBLE SPACES	1	1
	TOTAL PARKING SPACES	4	12 2
CURRENT: BUSINESS - TRIMMINGS STORAGE YARD	PARKING CALCULATION		
PROPOSED: RESIDENTIAL - THREE FAMILY DWELLING	MIN. = 1.5 SPACES/1.5 X 3 = 4.5 SPACES + 5 SPACES		
	MIN. = 5.0 SPACES/5.0 X 3 = 9.0 SPACES		
MAX. AREA	MIN. = 0.00 SQUARE FEET		
	MAXIMUM: NOT APPLICABLE		
	PROVIDED: 15,863.50 SQUARE FEET, 0.777X ACRES GROSS		
	ACCESSIBLE PARKING: 1 SPACE PER 4-25 TOTAL SPACES		
LOT COVERAGE	DENSITY CALCULATION		
MAXIMUM ALLOWABLE: 55% (STRUCTURES + PARKING)	MAX. ALLOWABLE DENSITY: 18 DWELLING UNITS / ACRE		
PROVIDED: 20.57%	0.777X ACRES @ 0.22 UNITS/A = 0.22 UNITS ALLOWABLE		
BUILDING FOOTPRINT = 3,500 SQUARE FEET (66,450.3)	3 DWELLING UNITS PROVIDED		
PARKING = 5,865.50 SQUARE FEET	3 UNITS @ 2,200 SQ/UNIT (6,600 SQ. FT.)		
OPEN SPACE = 20.00% PROVIDED (6,772.66 SQ. FT.)	1 LIGHT GARAGE		
OPEN SPACE = 75.52% PROVIDED (24,897.60 SQ. FT.)			
LOT WIDTH = 55' MIN. REQUIRED: NO PROVIDED			
DEVELOPMENT			
MAXIMUM ALLOWABLE: 35'-0" (FOR PRIMARY STRUCTURE)			
20'-0" (AT THE FRONT OF LOT)			
35'-0" (AT THE REAR OF LOT)			

1 PROPOSED SITE PLAN  
SCALE: 3/32" = 1'-0"



PIERRE DESIGN & DEVELOPMENT  
ARCHITECTS & PLANNERS  
3340 CUMBERLAND LUCKER ROAD  
SUITE 2000, ATLANTA, GA 30328  
(404) 525-1100  
WWW.PIERREDD.COM

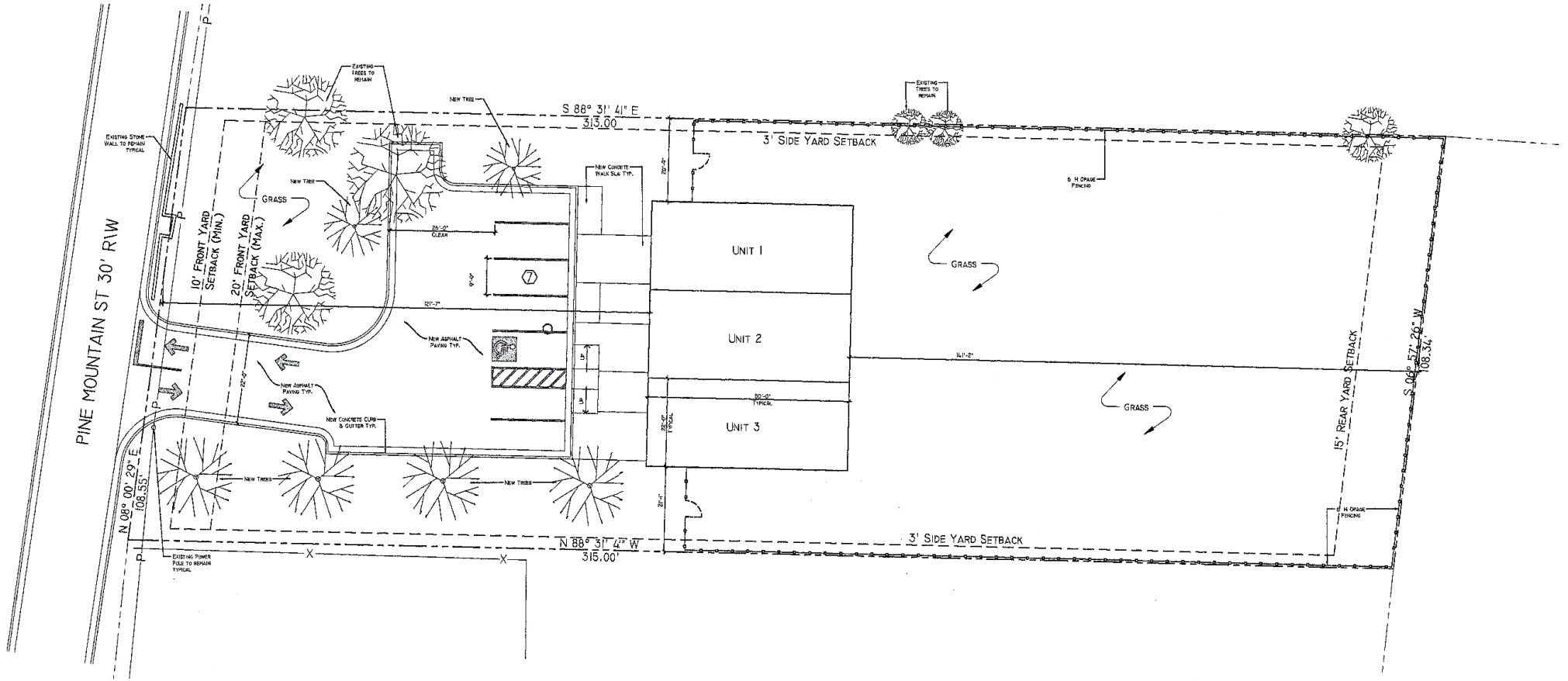
NEW 3-UNIT TOWNHOUSE DEVELOPMENT  
LOCATED AT  
2328 PINE MOUNTAIN STREET  
DEKALB COUNTY, GA

REVISION  
00 14 DEC 2020  
01 24 DEC 2020  
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SHEET  
SP.01  
1 OF 2









PROJECT INFORMATION

PROPOSED SITE PLAN





