

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

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

Application of Hybrass Properties, LLC c/o Battle Law P.C., LLC for a major modification of zoning conditions pursuant to CZ-18-22130 to construct townhouse dwellings within the RNC (Residential Neighborhood Conservation) zoning district., at Pleasant Hill Trail and Pleasant Hill Road.

PETITION NO: D3-2023-1150 CZ-23-1246656

PROPOSED USE: Modification of zoning conditions to construct fee-simple townhomes.

LOCATION: 1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road, Lithonia, Georgia 30058

PARCEL NO. : 16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007 & 16-220-01-009

INFO. CONTACT: Adam Chappell, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Hybrass Properties, LLC c/o Battle Law P.C., LLC for a major modification of zoning conditions pursuant to CZ-18-22130 to construct townhouse dwellings within the RNC (Residential Neighborhood Conservation) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 12, 2024) Withdrawal. (Oct. 2, 2023) Approval.

PLANNING COMMISSION: (March 5, 2024) Withdrawal without prejudice. (Nov. 2, 2023) Two-Cycle Deferral.

PLANNING STAFF: Withdrawal without prejudice.

STAFF ANALYSIS: The applicant, Hybrass Properties, LLC c/o Battle Law, P.C., has requested that this item be “Withdrawn Without Prejudice. Planning and Sustainability supports this request.

PLANNING COMMISSION VOTE: (March 5, 2024) Withdrawal without Prejudice 8-0-0. Jan Costello moved, Edward Patton seconded for withdrawal without prejudice, per Staff recommendation. (Nov. 2, 2023) Two-Cycle Deferral 8-0-0. Jan Costello moved, Deanna Murphy seconded for a 2-cycle deferral to the March 2024 zoning agenda, per the Applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Feb. 12, 2024) Withdrawal without prejudice, per the Applicant’s request 8-0-1. (Oct. 2, 2023) Approval.



Battle Law

2/14/2024

VIA: EMAIL

CZ-23-1246656

ATTN: Brandon White (blwhite@dekalbcountyga.gov)

Current Planning Zoning Manager White:

On behalf of the Applicant for the proposed Major Modification of Conditions application for property located at 1716 Pleasant Hill Trail, and 7956, 7890, 8024, 7788, 7900, and 7860 Pleasant Hill Road, being parcel numbers 16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007, and 16-220-01-009 pertaining to petition number CZ-23-1246656, I respectfully request to withdraw this application.

Prepared By:

Joshua Mahoney

For Battle Law, P.C.

DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: Tuesday, March 5, 2024

Board of Commissioners Hearing Date: Thursday, March 28, 2024

STAFF ANALYSIS

Case No.:	CZ-23-1246656	Agenda #: 2023-1150
Location/Address:	1716 Pleasant Hill Trail, 7956, 7890, 8024, 7799, 7900 & 7860 Pleasant Hill Road Lithonia, GA 30058	Commission District: 05 Super District: 07
Parcel ID(s):	16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007 & 16-220-01-009	
Request:	Major modification of zoning conditions pursuant to CZ-18-22130 to construct townhouses within the RNC (Residential Neighborhood Conservation) Zoning District.	
Property Owner(s):	Hybass Properties, LLC	
Applicant/Agent:	Hybass Properties, LLC c/o Battle Law, P.C.	
Acreage:	95.52 acres	
Existing Land Use:	Vacant	
Surrounding Properties:	North: R-100, MU-1, M-2 (Across Pleasant Hill Trail) East: R-85 South: R-85 (Across Pleasant Hill Road) West: R-75	
Comprehensive Plan:	Suburban (SUB)	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>

Staff Recommendation: WITHDRAWAL WITHOUT PREJUDICE.

The applicant, Hybass Properties, LLC c/o Battle Law, P.C., has requested that this item be withdrawn without prejudice.

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

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

Application of Hybrass Properties for a major modification of zoning conditions pursuant to CZ-18-22130 to construct fee-simple townhouses within the RNC (Residential Neighborhood Conservation) zoning district, at Pleasant Hill Trail and Pleasant Hill Road.

PETITION NO: N7-2023-1150 CZ-23-1246656

PROPOSED USE: Modification of zoning conditions to construct fee-simple townhomes.

LOCATION: 1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road, Lithonia, Georgia 30058

PARCEL NO. : 16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007 & 16-220-01-009

INFO. CONTACT: Adam Chappell, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Hybrass Properties for a major modification of zoning conditions pursuant to CZ-18-22130 to construct fee-simple townhouses within the RNC (Residential Neighborhood Conservation) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Two-Cycle Deferral.

PLANNING STAFF: Two-Cycle Deferral.

STAFF ANALYSIS: The subject properties were originally rezoned to the RNC (Residential Neighborhood Conservation) Zoning District with conditions in 2018 (Z-18-22130) which limited the number of units to no more than 214 single-family, detached residences. The properties are located within a Suburban (SUB) Character Area. The request for a major modification to zoning conditions pursuant to Z-18-22130 is primarily due to existing topographic conditions on site that were not foreseen by the developer at the time of the original rezoning. The new request will significantly reduce the disturbed area of the overall development site by proposing single-family attached dwellings that reduce the unit size and take up a much smaller surface area. The applicant is only proposing to change from single-family detached to single-family, attached buildings on smaller areas of land with their own front and rear yards. This building form is not permitted in the RNC zoning district; attached dwellings here can only be permitted as condominiums, defined in Section 5.7.6. (B) of the Zoning Ordinance as ➤ One (1) or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership. From a Planning perspective, this does little to affect the proposed configuration of the new site plan other than to require a minimum building setback from all peripheral property lines; the proposed dwellings still have a minimum building setback line from all streets and/or drives. The proposal is consistent with the intent of the RNC zoning district per Section 2.10.2 of the Zoning Ordinance. There are potential site plan deficiencies, however, that may affect the configuration and/or potential lot yield with the development: • The applicant proposes a total of two (2) vehicle access points, down from four (4) that was originally proposed with the original submittal. Per Section 14-200 of the Land Development Code, a

minimum of three (3) access points is required for residential developments with 151-300 total units. This requirement cannot be waived by a condition of rezoning and can only be addressed by a variance from the Planning Commission. • The new site plan does not appear to prove compliance with the minimum greenspace requirement as defined per Section 2.10.5. of the Zoning Ordinance. A minimum of 30 percent of the total site area shall be dedicated to greenspace, which may not consist of the following features (per Section 2.10.5.(B)):

1. Streams and stream buffers
2. Wetlands
3. Rock outcroppings
4. Slopes steeper than 1:2 slope
5. Sites of archaeological significance
6. Floodplains
7. Areas intended to be dedicated for right of way.

The site plan shows a development site that appears to have extreme slopes throughout, as well as having state waters/stream buffers. Meeting this greenspace requirement could pose a challenge for development and could affect lot yield. At the most recent Planning Commission meeting held on November 2, 2023, the applicant requested a two-cycle deferral of the proposal, claiming that the requirement of single-family attached dwellings to be developed as condominiums in the RNC zoning district would not be feasible from a cost perspective. To give the applicant more time to reassess their proposal, the Planning & Sustainability Department also recommends a “Two-Cycle Deferral”.

PLANNING COMMISSION VOTE: Two-Cycle Deferral 8-0-0. Jan Costello moved, Deanna Murphy seconded for a 2-cycle deferral to the March 2024 zoning agenda, per the Applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval.

DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

**Planning Commission Hearing Date: Thursday, November 2, 2023
Board of Commissioners Hearing Date: Thursday, November 16, 2023**

STAFF ANALYSIS

Case No.:	CZ-23-1246656	Agenda #: 2023-1150
Location/Address:	1716 Pleasant Hill Trail, 7956, 7890, 8024, 7799, 7900 & 7860 Pleasant Hill Road Lithonia, GA 30058	Commission District: 05 Super District: 07
Parcel ID(s):	16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007 & 16-220-01-009	
Request:	Major modification of zoning conditions pursuant to CZ-18-22130 to construct townhouses within the RNC (Residential Neighborhood Conservation) Zoning District.	
Property Owner(s):	Hybass Properties, LLC	
Applicant/Agent:	Hybass Properties, LLC c/o Battle Law, P.C.	
Acreage:	95.52 acres	
Existing Land Use:	Vacant	
Surrounding Properties:	North: R-100, MU-1, M-2 (Across Pleasant Hill Trail) East: R-85 South: R-85 (Across Pleasant Hill Road) West: R-75	
Comprehensive Plan:	Suburban (SUB)	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>

Staff Recommendation: Two-Cycle Deferral.

The subject properties were originally rezoned to the RNC (Residential Neighborhood Conservation) Zoning District with conditions in 2018 (Z-18-22130) which limited the number of units to no more than 214 single-family, detached residences. The properties are located within a Suburban (SUB) Character Area.

The request for a major modification to zoning conditions pursuant to Z-18-22130 is primarily due to existing topographic conditions on site that were not foreseen by the developer at the time of the original rezoning. The new request will significantly reduce the disturbed area of the overall development site by proposing single-family attached dwellings that reduce the unit size and take up a much smaller surface area. The applicant is only proposing to change from single-family detached to single-family, attached buildings on smaller areas of land with their own front and rear yards. This building form is not permitted in the RNC zoning district; attached dwellings here can only be permitted as condominiums, defined in Section 5.7.6. (B) of the *Zoning Ordinance* as:

- One (1) or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

From a Planning perspective, this does little to affect the proposed configuration of the new site plan other than to require a minimum building setback from all peripheral property lines; the proposed dwellings still have a minimum building setback line from all streets and/or drives. The proposal is consistent with the intent of the RNC zoning district per Section 2.10.2 of the *Zoning Ordinance*.

There are potential site plan deficiencies, however, that may affect the configuration and/or potential lot yield with the development:

- The applicant proposes a total of two (2) vehicle access points, down from four (4) that was originally proposed with the original submittal. Per Section 14-200 of the *Land Development Code*, a minimum of three (3) access points is required for residential developments with 151-300 total units. This requirement cannot be waived by a condition of rezoning and can only be addressed by a variance from the Planning Commission.
- The new site plan does not appear to prove compliance with the minimum greenspace requirement as defined per Section 2.10.5. of the *Zoning Ordinance*. A minimum of 30 percent of the total site area shall be dedicated to greenspace, which may not consist of the following features (per Section 2.10.5.(B)):
 1. Streams and stream buffers
 2. Wetlands
 3. Rock outcroppings
 4. Stopes steeper than 1:2 slope
 5. Sites of archaeological significance
 6. Floodplains
 7. Areas intended to be dedicated for right of way

The site plan shows a development site that appears to have extreme slopes throughout, as well as having state waters/stream buffers. Meeting this greenspace requirement could pose a challenge for development and could affect lot yield.

At the most recent Planning Commission meeting held on November 2, 2023, the applicant requested a two-cycle deferral of the proposal, claiming that the requirement of single-family attached dwellings to be developed as condominiums in the RNC zoning district would not be feasible from a cost perspective. To give the applicant more time to reassess their proposal, the Planning & Sustainability Department also recommends a *Two-Cycle Deferral*.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-23-1246656

Parcel I.D. #: 16-220-01-004, 16-220-01-007

Address: 1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 and 7860 Pleasant Hill Rd

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) 6⁷th 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: Did not see any traffic engineering concerns
at this time.

Signature: Jerry White

10/16/2023

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Environmental Health Deputy Director
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 the 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

N5-2023-1148

SLUP-23-1246653 / 16-193-04-004, 16-193-04-005

8070 and 8080 Rockbridge Road, Stone Mountain, GA 30087

- Septic 1000 gallons indicated on 8070 Rockbridge Road, installed on 03/17/1981.
- Please review general comments

N6-2020-1149

CZ-23-1246655 / 15-083-01-013

2179 Bouldercrest Road, Atlanta, GA 30316

- Septic indicated on 2179 Bouldercrest Road, installed on 09/30/1967
- Please review general comments.

N7-2023-1150

CZ-23-1246656 / 16-197--03-006, 16-197-03-012,16-219-01-004,16-219-01-006,16-220-01-004,16-220-01-007 & 16-220-01-009

1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road

- Please review general comments.

N8-2023-1151

SLUP-23-1246658 / 15-126-10-023

2536 Snapfinger Road, Decatur, GA 30034

- Septic indicated on surrounding properties.
- Please review general comments.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ **Parcel I.D. #:** _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ **Size of line required, if inadequate:** _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes _____ No _____ **If no, distance to nearest line:** _____

Water Treatment Facility: _____ adequate _____ inadequate _____

Sewage Capacity: _____ (MGPD) **Current Flow:** _____ (MGPD)

COMMENTS:

Signature: _____

**DeKalb County School District
Development Review Comments**

Analysis Date: 10/3/2023

Submitted to: DeKalb County

Case #: CZ-23-1246656

Parcel #: 16-197-03-06, etc.

Name of Development: Hybrass Pleasant Hill Trail

Location: 1716 Pleasant Hill Trail, 1956/789802/7788/7900/7860 Pleasant Hill Road

Description: Application to construct 214 single-family attached homes

Impact of Development: When fully constructed, this development would be expected to generate 49 students: 13 at Rock Chapel Elementary School, 9 at Lithonia Middle School, 13 at Lithonia High School, 13 at other DCSD schools, and 1 at private school. Current enrollment at Lithonia High school is above capacity, but is expected to decline in future years.

Current Condition of Schools	Rock Chapel Elementary School	Lithonia Middle School	Lithonia High School	Other DCSD Schools	Private Schools	Total
Capacity	696	1,230	1,426			
Portables	0	0	0			
Enrollment (Oct. 2022)	555	1,215	1,490			
Seats Available	141	15	-64			
Utilization (%)	79.7%	98.8%	104.5%			

New students from development	13	9	13	13	1	49
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New Enrollment	568	1,224	1,503
New Seats Available	128	6	-77
New Utilization	81.6%	99.5%	105.4%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0620	0.0333	0.0032	0.0985
Middle	0.0411	0.0201	0.0000	0.0612
High	0.0594	0.0096	0.0006	0.0696
Total	0.1625	0.0630	0.0038	0.2293
Student Calculations				
Proposed Units	214			
Unit Type	SF			
Cluster	Lithonia High School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	13.28	7.12	0.69	21.09
Middle	8.79	4.30	0.00	13.09
High	12.71	2.06	0.13	14.90
Total	34.78	13.48	0.82	49.08
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Rock Chapel Elementary School	13	7	1	21
Lithonia Middle School	9	4	0	13
Lithonia High School	13	2	0	15
Total	35	13	1	49



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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The following must be added as conditions on the approval of the modification

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:

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, 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 state waters and special flood hazard areas.
2. The county codes require the hydrology study to model the existing conditions as wooded
3. Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identifying the location where RRv can be provided and re-designing/revising the layout to comply with the RRv requirement.
4. The presence of FEMA Flood Hazard Area was 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 requires compliance with Article IV of Chapter 14 and FEMA floodplain regulations
5. 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.
6. The state water buffer was reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.
7. The internal street(s) must be at least 24' for the travel lanes (2 x 12') and have a R/W of 55' at a minimum

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.:

Parcel I.D. #: 16-197-03-012, 16-220-01-007,
16-220-01-009, 16-220-01-004, 16-197-03-006,
16-219-1-005 & 16-219-01-006

Address: 1716 Pleasant Hill Trail, 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road, Lithonia, GA 30058,

Drainage Basin: Yellow River

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 1%

Impact on property (flood, erosion, sedimentation) under existing zoning: Flood impact will be from the Yellow river overtopping its banks thus resulting in overbank flooding but would not seriously affect the property. Erosion and sedimentation activities may be limited to the banks of Yellow river creek due to topography

Required detention facility(s): Yes. Detention/retention facilities would be required for stormwater management per section 14-40 of DeKalb County codes of ordinance.

COMMENTS:

The majority portion of the parcels are outside the floodplain but there exists FEMA designated Special Flood Hazard Areas on the fringe of properties at the northeast portions of the listed parcels. Compliance with the floodplain management and flood damage prevention ordinances is required and also, adequate erosion and sedimentation and pollution control measures will be required for any proposed development in this area.

Signature: _____

- 1.** 1326 Clairmont Road Po' Boy Shop - SLUP 1246649 INCOMPLETE- No Comment
- 2.** N-1. 1484 and 1520 Columbia Drive. Columbia Drive is classified as a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between path and back of curb, and street lights required. Please note that private roads must be constructed to public road standards. They should be 24 feet wide instead of 20 feet wide. I am concerned that people will park along the road and not in the designated parking spots due to distance from spots to lots 2-9. Add no Parking signs on both sides of the interior street from Columbia Drive to end of Lot 17. No parking allowed on Columbia Drive. Needs a spot for turnaround at the security gate if vehicles are not allowed to enter. They cannot back into Columbia Drive should entrance be denied.
- 3.** N-2 4822 Covington Hwy. Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between back of curb and path, street lights required. Required to upgrade traffic signal to provide pedestrian facilities. GDOT signal permit required.
- 4.** N-3. 1726 Church St. Scott Blvd is SR 8 and requires GDOT review and approval prior to permitting. Scott Blvd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required. No access allowed directly to Scott Blvd. Church Street is classified at a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5-foot landscape strip between back of curb and path, street lights required. One right in right out access only along Church Street- prefer no access. Connector street is classified as local. Requires a 27.5 foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires 5 foot landscape strip between back of curb and sidewalk, 6 foot sidewalk, street lights required.
- 5.** N-4 & N-5 8070 and 8080 Rockbridge Rd. Rockbridge Road is SR 124. GDOT review and permitting required. Rockbridge Rd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared use path, 5-foot landscape strip between back of curb and path, street lights required. Design entrance as a typical right in/right out for driver clarity. South Rockbridge Road is a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required.
- 6.** N-6. 2179 Bouldercrest Rd. Bouldercrest Rd is a classified as a major arterial. Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, add curb and gutter, 5 foot landscape strip between back of curb and path, and street lights. Verify that each driveway meets minimum intersection and stopping sight distance per AASHTO.
- 7.** N-7. 1716 Pleasant Hill Trails and Various Pleasant Hill Road Major Mod
Pleasant Hill Trail is a local road and must be improved as part of this development's frontage. Requires a 27.5 foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 5-foot landscape strip and a 5 foot sidewalk, street lights required. Pleasant Hill Road is classified as a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within

ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 10-foot shared path, 5 foot landscape strip between path and back of curb, street lights required. Both access points must meet minimum sight distance requirements per AASHTO for intersection and stopping sight distance. Pleasant Hill Road has a speed limit of 45 mph. A variance is needed for minimum number of access points per section 14-200 (5) of the land development code. For the Transportation Division to support the variance, a full intersection design with left turn lanes and right turn lanes will be required at Providence Point Dr and the new road. Consider adding traffic calming measures on interior streets to determine driveway placement. (Hard to retrofit townhome communities with traffic calming.) Assuming interior streets will be private based on plan provided. Private streets must be built to public road standards.

- 8.** N-8. & N-9. 2536 Snapfinger Rd. I-20 Overlay District Tier 3. Overlay standards take precedent- where silent the zoning and then the land development standards are applied. Snapfinger Road is classified as a major arterial. ROW dedication of 50 feet from center line of Snapfinger Rd or such that all public infrastructure is within ROW, whichever greater. Follow the infrastructure requirements of the overlay district, but at a minimum: The public roads to the east and north require a right of way dedication of 27.5 feet from centerline, five-foot landscape strip from back of curb, 5 foot sidewalk and street lighting.
- 9.** N-10. 2569 & 73 Dusty Lane. Dusty Lane is classified as a local road. Required to dedicate 27.5 feet of right of way from centerline or such that all public infrastructure is within right of way, whichever greater. Requires five-foot landscape strip from back of curb to sidewalk, five-foot sidewalk and pedestrian lighting.
- 10.** N-11 & N-12. 3823 N Druid SLUP. Eliminate one curb cut on North Druid Hills Rd. North Druid Hills Rd is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required. Provide necessary driveway easements/ROW for the Birch Road at North Druid Hills Rd Intersection project. Coordinate with PW- Transportation on easement/ROW.
- 11.** N-13. 4381 Covington Hwy. Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required.
- 12.** N-14. No Comment.



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Date Submitted: _____ Case No.: _____

Existing Conditional Zoning No.: _____

APPLICANT NAME: HYBRASS PROPERTIES, LLC c/o Battle Law, P.C.

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: cmm@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Bldg. J, Ste. 100, Tucker, GA 30084

OWNER NAME: HYBRASS PROPERTIES, LLC

(If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-557-4892 Fax #: _____ E-mail: doug@havenwoodholdings.com

Mailing Address: 6350 Lake Oconee Pkwy, Suite 110, PMB 51
Greensboro, GA 30642

SUBJECT PROPERTY ADDRESS OR LOCATION: See Attached List on Schedule A

_____, DeKalb County, GA, _____

District(s): _____ Land Lot(s): _____ Block(s): _____ Parcel(s): _____

Acreage or Square Feet: 95.52 Commission District(s): 5 & 7 Existing Zoning: RNC

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

HYBRASS PROPERTIES, LLC, a Georgia limited liability company

Signature of Applicant: 

Printed Name of Applicant: Michael R. Potts

Its: Managing Member

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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)

Applicant Name: Battle Law, P.C. Phone: _____ Email: _____
Property Address: 1716 Pleasant Hill Trl; 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Rd.
Tax Parcel ID: 16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-221 _____ Comm. District(s): 5 & 7 Acreage: _____
Existing Use: _____ Proposed Use: _____
Supplemental Regs: _____ Overlay District: _____ DRI: _____
Rezoning: Yes _____ No _____
Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____
Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No _____
Existing Land Use: _____ Proposed Land Use: _____ Consistent _____ Inconsistent _____
Special Land Use Permit: Yes _____ No _____ Article Number(s) 27- _____
Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): CZ-18-22130
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: _____ 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: _____

Planner: _____ Date: _____

FILING FEES

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	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
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

SCHEDULE A
LIST OF PROPERTIES

Searched for:

Owner Name HYBRASS PROPERTIES
Street PLEASANT HILL
Tax Year 2023-2023
Inactive Account No

Results **1 - 7** of **7**

Parcel	Owner	Parcel Address	City
16 197 03 006	HYBRASS PROPERTIES LLC	7788 PLEASANT HILL RD	LITHONIA
16 197 03 012	HYBRASS PROPERTIES LLC	1716 PLEASANT HILL TRL	LITHONIA
16 219 01 005	HYBRASS PROPERTIES LLC	7900 PLEASANT HILL RD	LITHONIA
16 219 01 006	HYBRASS PROPERTIES LLC	7860 PLEASANT HILL RD	LITHONIA
16 220 01 004	HYBRASS PROPERTIES LLC	8024 PLEASANT HILL RD	LITHONIA
16 220 01 007	HYBRASS PROPERTIES LLC	7956 PLEASANT HILL RD	LITHONIA
16 220 01 009	HYBRASS PROPERTIES LLC	7890 PLEASANT HILL RD	LITHONIA



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A CHANGE OF CONDITIONS APPLICATION TO ALLOW FOR TOWNHOMES

**Project Title: Hybrass Properties, LLC
-Pleasant Hill Road**

When: August 24th, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 863 7614 5793

Password: 341004

NELSON CC 1907 DEM LITHONIA GA 30058
SHERMAN 1902 DEM LITHONIA GA 30058
OTTEY PAL 1896 DEM LITHONIA GA 30058
REED NOR 2178 PRO\ LITHONIA GA 30058
WILLIAMS 1735 PLEA LITHONIA GA 30058
FENNIMOF 3921 MAR ELLENWOOD GA 30294
B I A INVE 950 EAGLE STOCKBRIDGE GA 30281
GOOLSBY 1890 DEM LITHONIA GA 30058
PEEPLAS AI 7911 PRO\ LITHONIA GA 30058
BLACKWEL 2350 POIN CARMEL IN 46032
SIMON CH 116 PLEAS CONYERS GA 30012
RKM GROU 1017 PEAR LILBURN GA 30047
GOSPEL AS 7771 PLEA LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
2018 3 IH 1717 MAIN DALLAS TX 75201
BLAIR HAZ 7793 PLEA LITHONIA GA 30058
HUANG SU 1622 GIRV DULUTH GA 30097
HYBRASS P 6350 LAKE GREENSBORO GA 30642
MOODY W 7898 PRO\ LITHONIA GA 30058
EMERSON 4955 MCC CUMMING GA 30040
MACEDO J 1687 PLEA LITHONIA GA 30058
CAMPBELL 1895 DEM LITHONIA GA 30058
BROWN AI PO BOX 12 LITHONIA GA 30058
YANCEY JE 7950 PLEA LITHONIA GA 30058
PFIN II F LL 6300 POW ATLANTA GA 30339
DEKALB CC 1300 COM DECATUR GA 30030
MARTIN M 6920 POIN FORT WAYNE IN 46804
BEDFORD I 7787 PLEA LITHONIA GA 30058
HAY LANCE 1883 DEM LITHONIA GA 30058
COLWELL 1878 DEM LITHONIA GA 30058
MATTHEW 7899 PRO\ LITHONIA GA 30058
HARRIS TH 2183 PRO\ LITHONIA GA 30058
HOLLAND I 2204 PRO\ LITHONIA GA 30058
WILLIAMS 1723 PLEA LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
BAF ASSET 5001 PLAZ AUSTIN TX 78746
NGO MIN 1901 DEM LITHONIA GA 30058
BATTISTE I 1884 DEM LITHONIA GA 30058
ONWUSOM 1874 DEM LITHONIA GA 30058
BLACKMA 1718 MOS LITHONIA GA 30058
USUANI CC 7893 PRO\ LITHONIA GA 30058
JACKSON C 7881 PRO\ LITHONIA GA 30058
BOWDEN 12177 PRO\ LITHONIA GA 30058
ANDERSON 2189 PRO\ LITHONIA GA 30058
CRAWFOR 8063 PLEA LITHONIA GA 30058
MARISTON 6030 BETH CUMMING GA 30040
MACEDO C 1711 PLEA LITHONIA GA 30058

MAXEY DE 1857 DEM LITHONIA GA 30058
OPENDOO 410 N SCO TEMPE AZ 85281
YANCEY JE 7950 PLEA LITHONIA GA 30058
COLEMAN 7997 PLEA LITHONIA GA 30058
WILLS SHE. 7943 PLEA LITHONIA GA 30058
JOHNSON 7221 S SEE CHICAGO IL 60636
LAWSON JI 2195 PRO\ LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
HYBRASS P 988 EAST F CONYERS GA 30094
CASON YO 7772 PLEA LITHONIA GA 30058
ALGHRAIRI 1849 DEM LITHONIA GA 30058
PATTERSO 1865 DEM LITHONIA GA 30058
FEACHER F 1877 DEM LITHONIA GA 30058
WILKERSO 7812 PLEA LITHONIA GA 30058
ANTHONY 1858 DEM LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
COLEMAN 7997 PLEA LITHONIA GA 30058
SHINE HAR 7929 PLEA LITHONIA GA 30058
LYMON ST 2203 PRO\ LITHONIA GA 30058
SWERTFEG 3919 NE W ATLANTA GA 30342
HYBRASS P 988 EAST F CONYERS GA 30094

Meeting ID	Topic	User Email	Duration (Minutes)	Participants
86376145793	Hybrass Properties, LLC-Pleasant Hill Road Community Meeting	jnb@battlelawpc.com	36	4
Name (Original Name)	User Email	Duration (Minutes)	Guest	Recording Consent
Jordan Battle	jnb@battlelawpc.com	36	No	
Michele Battle	mlb@battlelawpc.com	2	No	
Michele Battle	mlb@battlelawpc.com	34	No	Yes
holly		1	Yes	
holly		22	Yes	Yes
Sheree Henry		1	Yes	
Sheree Henry		16	Yes	Yes



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Major Change of Zoning Conditions

of

**Hybrass Properties, LLC
c/o Battle Law, P.C.**

for

+/- 95.52 Acres of Land
Being 7 parcels along Pleasant Hills Road
Lithonia, Georgia and
Parcel Nos. 16 197 03 006, 16 197 03 012, 16 219 01 005,
16 219 01 006, 16 220 01 004, 16 220 01 007, and 16 220 01 009

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

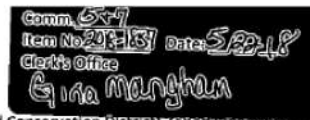


Battle Law

I. LETTER OF INTENT

Hybrass Properties, LLC (the “Applicant”) is seeking to develop on +/- 95.52 acres of land having frontage on Pleasant Hills Road (the “Subject Property”) with 214 fee simple townhome units. Schedule A of this Application contains the list of the specific parcels included in the Subject Property.

In 2018, the Subject Property was rezoned to RNC with the following 17 conditions:



Z-18-22130 Proposed RNC (Neighborhood Conservation District) Zoned Conditions

1. Limit the use to a 214-unit single-family detached subdivision with recreational and greenspace area as conceptually shown on the revised site plan entitled CONCEPTUAL PLAN for Hybrass Properties, LLC located in Land Lots 197, 219 & 220, 16th District, DeKalb County, Georgia and submitted to the Planning and Sustainability Department on February 28, 2018.
2. Provide a minimum of 30% greenspace (25.42 acres) excluding rock and required buffers.
3. Provide a minimum of 50% (12.11 acres) contiguous greenspace.
4. Provide three (3) points of access on Pleasant Hill Road subject to approval by the Transportation Division within the Department of Public Works.
5. Dedicate at no cost to DeKalb County 40 feet from centerline of right-of-way on Pleasant Hill Road.
6. Provide a deceleration lane on Pleasant Hill Road and onsite road improvements as required by the Transportation Division within the Department of Public Works.
7. Demonstrate compliance to intersection and stopping sight distance per American Association of State Highway and Transportation Officials (AASHTO) prior to receiving an approved Land Disturbance Permit (LDP).
8. Provide bike lanes or multiuse path, 6-foot wide sidewalks on Pleasant Hill Road and street lights or as may be required by the Transportation Division within the Department of Public Works.
9. The heated floor area shall be no less than 2,100 square feet.
10. Each home shall have a minimum two-car garage (side entry garages where lot area allows).
11. The front façade building materials shall include a minimum of 40% brick masonry. Stone masonry, cedar shingles, and/or hard coat stucco. Vinyl siding is strictly prohibited.
12. Provide underground utilities.
13. Front and sides shall be sodded prior to the issuance of a Certificate of Occupancy.
14. No more than one (1) brick base monument sign shall be erected at each subdivision entrance. Sign area shall not exceed 32 square feet, excluding base and shall not exceed eight (8) feet in height.
15. The entrances to the subdivision shall be landscaped subject to the approval of the DeKalb County Arborist.
16. A mandatory homeowners association with bylaws and covenants shall be established and maintained for the subdivision. The bylaws and covenants will explain the maintenance responsibility for common space, and landscaping.
17. Any applicant for development within this approved RNC shall be required to provide a legal mechanism for unified control of the entire parcel to be developed for review and approval by the county attorney prior to the issuance of any land disturbance or building permit.

Prepared 5/9/2018 by: KFHILL
PC: 05/22/2018

Page 7

DeKalb County Board of Commissioners
Zoning Hearing, May 22, 2018, 6:30 p.m.
Agenda Item No. N.9 / Application No. Z-18-22103
Submitted to the Record by Gina S. Mangham
East DeKalb Community Coalition *GSM*



Battle Law

Due a significant amount of rock being located on the Subject Property, the Applicant is seeking to reduce the disturbed area by converting to a townhome project that will have a mixture of 2 story and 3 story units. To effectuate this conversion, the Applicant is seeking to modify conditions 1, 4, 9 and 10 as follows:

Condition 1: Limit the use to no more than 214 townhome units based upon the submitted site plan;

Conditions 4: Allow for 2 points of entry

Conditions 7: Allow a minimum floor area of 1,400 sq. ft. for the 2 floor units, and 1,800 sq. ft. for the 3 story units.

Condition 10: Remove the side entry garage requirement.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance, and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. DEKALB COUNTY IMPACT ANALYSIS CRITERIA

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a future land use designation of Suburban. The Suburban land use designation promotes housing choice and income diversity without sacrificing traditional neighborhood layouts. The Applicant's proposed site plan will feature a mix of two story and three story single family townhomes with an expansive 61.76% Open Space Ratio. This site plan adds new housing types to the area that complements the single-family character of nearby subdivisions to the West and South.

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

A residential townhome community is suitable in view of the use and development of nearby properties. The nearby area is predominantly residential in area and this residential development aligns with that residential character while adding new housing options for single families and conserving a substantial amount of open space with trails for the community.

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



Battle Law

The subject property does not have a reasonable economic use as currently zoned. A large section of the Subject Property's geography presents challenges to constructing single family detached homes.

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

The proposed modification would not adversely affect the existing use or usability of adjacent or nearby properties because the number of housing units does not change from the already approved site plan.

E. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal

The applicant is not aware of any other existing or changing conditions that give grounds for the approval or disapproval of the zoning proposal.

F. Whether their zoning proposal will adversely affect historic building sites districts or archaeological resources

The Applicant is not aware of any historic buildings sites or archaeological resources on the subject property.

G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The Applicant's proposed modification does not change the number of housing units on the site, so there will be no increase in the proposed use of existing streets, transportation facilities, utilities or schools.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Zoning Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS



Battle Law

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by 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 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners grant the major modification of zoning conditions as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any major modification of zoning conditions of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the major modification of zoning conditions in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the major modification of zoning conditions in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the



Battle Law

Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 9/6, 2023

TO WHOM IT MAY CONCERN:


(I), (WE), HYBRASS PROPERTIES, LLC
Name of Owner(s)


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

BATTLE LAW P.C.
Name of Applicant or Representative

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

HYBRASS PROPERTIES, LLC, a Georgia limited liability company


Notary Public



Notary Public

By: 
Name: Michael R. Potts
Its: manager

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application? Yes _____ No X *


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 to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

HYBRASS PROPERTIES, LLC, a Georgia limited liability company

N/A
Notary

By 
Signature of Applicant /Date
Name/Title: Michael R. Potts
manager

Check one: Owner X Agent _____

N/A
Expiration Date/ Seal

*Notarization is not needed if the response is "No"

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

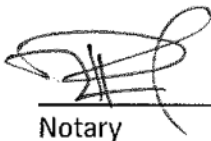
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

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 to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.



Notary

BATTLE LAW, P.C.



Signature of Applicant /Date

Name: Michele L. Battle, Esq.

Check one: Owner ☐ Agent ☒



Expiration Date/Seal

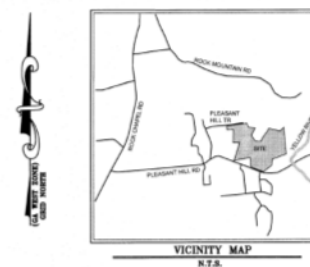
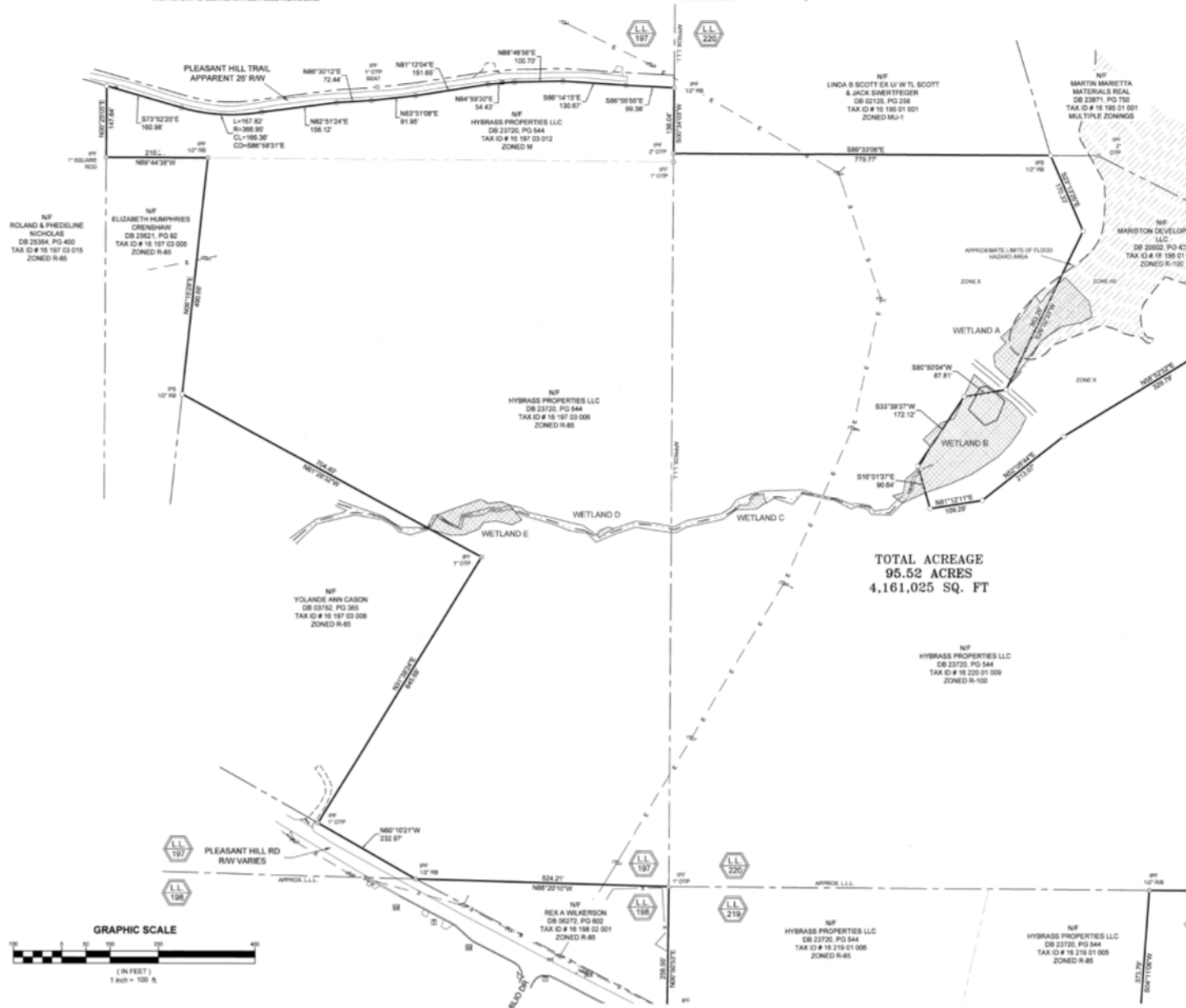
May 04, 2024

*Notary seal not needed if answer is "no".

CURRENT OWNER OF RECORD: HYBRASS PROPERTIES, LLC
DEED BOOK 23720, PAGE 544
CURRENT ZONING: M, R-81 & R-110

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 130800181K & 130800177K, EFFECTIVE DATE DECEMBER 8, 2018, A PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD ZONE.

BOUNDARY RETRACEMENT SURVEY FOR:
HYBRASS PROPERTIES LLC
LAND LOTS 197, 219 & 220, 16TH DISTRICT
DEKALB COUNTY, GEORGIA



NO N.D.B. SIGNATURE SHOULD WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY

NO N.D.B. SIGNATURE SHOULD WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY

ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1" REBAR PLACED W/FC FDC 500 UNLESS OTHERWISE NOTED.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED. JASON A. HOPKINS IN CONTRASTING COLOR OF INK PER D.C.D.A. 43-15-22.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983/1984 ADJUSTMENT FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE.

STATION NETWORK DEVELOPED BY EGIS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID 2000.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT
29,261 FEET, AND AN ANGULAR ERROR OF 31" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE
WAS ADJUSTED USING THE LEAST SQUARES METHOD.

LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A SPECTRA PRECISION FOCUS ROBOTIC TOTAL STATION & CHAMPION TWO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED

XX XX, XXXX ON THIS PROJECT.

LEGEND			
DB	DEED BOOK	L	LINE LABEL
PB	PLAT BOOK	NF	NOW OR FORMERLY
PG	PAGE	PS	PSIAL SET

LL	LAND LOT	SAN	SANITARY SEWER EASEMENT
OTP	GREEN TOP PIPE	UE	UTILITY EASEMENT
RB	REDAR	REF	REFERENCE
WF	IRON PIN FOUND	CO	RIVER CLEAN OUT
PS	12" REBAR W/ FOC 30000		SQ. FT.
CTP	CRIMP TOP PIPE		IRON PIN FOUND
	CLASS A (4" FOC)	○	IRON PIN SET

C&G	CURB & GUTTER		W&P&S BOX	
R/W	RIGHT OF WAY		CALCULATED POINT	
NF	NOW OR FORMERLY		POWER POLE	
O-	OVERHEAD POWER LINE		FIRE HYDRANT	
CMP	CORRUGATED METAL PIPE		WATER VALVE	
SWMP	STORMWATER MANAGEMENT FACILITY		WATER METER	
T&M	TEMPORARY BENCHMARK		JUNCTION BOX	

POB	POINT OF BEGINNING		SANITARY SEWER MANHOLE
POC	POINT OF COMMENCEMENT		DROP INLET
ROP	REINFORCED CONCRETE PIPE		R/W MONUMENT
DP	DUCTILE IRON PIPE		SINGLE WING CATCH BASIN
PVC	POLYVINYL CHLORIDE PIPE		DOUBLE WING CATCH BASIN
HDPE	HIGH DENSITY POLYETHYLENE PIPE		CURB INLET

PROPERTY LINE	HEADWALL
CENTERLINE	FLARED END SECTION
IDENTIFICATION	GAS METER
B-S-L	BUILDING SETBACK LINE
BOC	BACK OF CURB
C	CURVE LABEL
CI	CURB INLET
	GAS VALVE
	ELECTRIC TRANSFORMER
	TELEPHONE PEDestal
	LIGHT POST

DE	DRAINAGE EASEMENT		ASPHALT
EOP	EDGE OF PAVEMENT		CONCRETE
FM	FINAL HYDRAUNT		

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IT IS HEREBY CERTIFIED THAT IN MY OPINION, THIS IS A TRUE AND CORRECT REPRESENTATION OF THIS PROPERTY AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 160-7 OF THE RULES OF THE GEOLOGICAL BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET

FORN IN THE GEORGIA PLAT ACT O.C.G.A. 15-4-47 AUTHORITY O.C.G.A. SECS. 15-4-47, 43-15-4,
43-15-6, 43-15-12, 43-15-22.

 12-14-11

JASON A. HOPKINS
REGISTERED LAND SURVEYOR #33115

DATE:

²² As used in the Certification, certify means to state or declare a professional opinion of conditions regarding these facts or findings which are the subject of the certification and does not constitute a warranty or guarantee, either expressed or implied.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

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Denver, CO 80231
Tel: 303.733.1100
Fax: 303.733.1101
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DESIGN
FALCON
A stylized logo featuring a bird in flight, with the word "DESIGN" written vertically to its left.

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10000 E. 1st Ave., Suite 200
Denver, CO 80231
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BOUNDARY RETRACEMENT SURVEY
FOR
HYBRASS PROPERTIES LLC
LOCATED IN:
LAND LOTS 197, 219 & 220, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

REVISIONS	
1.	
2.	
3.	
4.	
5.	

DATE:	12-14-18
SCALE:	1" = 100'
FILE NUMBER:	100.001
DRAWN BY:	L.BAILEY
REVIEWED BY:	J.HOPKINS

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE ENGINEER AND THE ADDRESS OF THE ENGINEER'S FIRM.

SHEET NUMBER
1 OF 2

[illegible]

TOTAL ACREAGE
95.52 ACRES
4,161,025 SQ. FT

LAND PLANNING
 10011 TOWERS BLVD., SUITE 100
 WILSON, NC 27157
 WWW.LP-NC.COM

CONSTRUCTION MANAGEMENT
 10011 TOWERS BLVD., SUITE 100
 WILSON, NC 27157
 WWW.LP-NC.COM

DESIGN

ENVIRONMENTAL ENGINEERING
 10011 TOWERS BLVD., SUITE 100
 WILSON, NC 27157
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BOUNDARY RETRACEMENT SURVEY
FOR
HYBRASS PROPERTIES LLC
LOCATED IN:
LAND LOTS 197, 219 & 220, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

REVISIONS	
1.	
2.	
3.	
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DATE:	12-14-18
SCALE:	1" = 100'
FILE NUMBER:	100.001
DRAWN BY:	LIBAILEY
REVIEWED BY:	JH HOPKINS

12-14-18

10000

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE
 ORIGINAL SIGNATURE OF THE ENGINEER
 APPROXIMATELY THE FOLLOWING SIGNATURE:

SHEET NUMBER

2 OF 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 197, 219 AND 220, 16TH DISTRICT, DEKALB COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 INCH OPEN TOP PIPE FOUND ON THE COMMON CORNER OF LAND LOTS 197, 198, 219 AND 220;

THENCE, ALONG THE SOUTHERLY LINE OF LAND LOT 197, NORTH 88 DEGREES 20 MINUTES 10 SECONDS WEST, 524.21 FEET TO A 1/2 INCH REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL ROAD (RIGHT-OF-WAY WIDTH VARIES);

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 60 DEGREES 10 MINUTES 21 SECONDS WEST, 232.97 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 31 DEGREES 38 MINUTES 24 SECONDS EAST, 645.68 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, NORTH 61 DEGREES 28 MINUTES 32 SECONDS WEST, 704.40 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 06 DEGREES 15 MINUTES 29 SECONDS EAST, 490.68 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 44 MINUTES 38 SECONDS WEST, 210.24 FEET TO A 1 INCH SQUARE ROD;

THENCE, NORTH 00 DEGREES 25 MINUTES 05 SECONDS EAST, 147.64 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL TRAIL (APPARENT 26 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 73 DEGREES 52 MINUTES 25 SECONDS EAST, 160.98 FEET TO A POINT;

THENCE, 167.82 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 366.95 FEET AND A CHORD BEARING SOUTH 86 DEGREES 58 MINUTES 31 SECONDS EAST, 166.36 FEET) TO A POINT;

THENCE, NORTH 82 DEGREES 51 MINUTES 24 SECONDS EAST, 156.12 FEET TO A POINT;

THENCE, NORTH 86 DEGREES 30 MINUTES 12 SECONDS EAST, 72.44 FEET TO A POINT;

THENCE, NORTH 83 DEGREES 51 MINUTES 08 SECONDS EAST, 91.95 FEET TO A POINT;

THENCE, NORTH 81 DEGREES 12 MINUTES 04 SECONDS EAST, 151.65 FEET TO A POINT;

THENCE, NORTH 84 DEGREES 59 MINUTES 30 SECONDS EAST, 54.43 FEET TO A POINT;

THENCE, NORTH 88 DEGREES 46 MINUTES 56 SECONDS EAST, 100.70 FEET TO A POINT;

THENCE, SOUTH 86 DEGREES 14 MINUTES 15 SECONDS EAST, 130.67 FEET TO A POINT;

THENCE, SOUTH 86 DEGREES 56 MINUTES 55 SECONDS EAST, 99.38 FEET TO A 1/2 INCH REBAR ON THE EASTERLY LINE OF LAND LOT 197;

THENCE, WITH SAID LAND LOT LINE, SOUTH 00 DEGREES 34 MINUTES 03 SECONDS WEST, 136.04 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 89 DEGREES 33 MINUTES 06 SECONDS EAST, 779.77 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 23 DEGREES 13 MINUTES 25 SECONDS EAST, 170.33 FEET TO A POINT;
THENCE, SOUTH 26 DEGREES 02 MINUTES 33 SECONDS WEST, 363.26 FEET TO A POINT;
THENCE, SOUTH 80 DEGREES 50 MINUTES 04 SECONDS WEST, 87.81 FEET TO A POINT;
THENCE, SOUTH 33 DEGREES 39 MINUTES 37 SECONDS WEST, 172.12 FEET TO A POINT;
THENCE, SOUTH 16 DEGREES 01 MINUTES 37 SECONDS EAST, 90.64 FEET TO A POINT;
THENCE, NORTH 81 DEGREES 12 MINUTES 11 SECONDS EAST, 109.29 FEET TO A POINT;
THENCE, NORTH 52 DEGREES 05 MINUTES 44 SECONDS EAST, 213.07 FEET TO A POINT;
THENCE, NORTH 58 DEGREES 52 MINUTES 52 SECONDS EAST, 329.79 FEET TO A POINT;
THENCE, NORTH 80 DEGREES 53 MINUTES 38 SECONDS EAST, 245.90 FEET TO A POINT;
THENCE, SOUTH 73 DEGREES 46 MINUTES 19 SECONDS EAST, 157.99 FEET TO A POINT;
THENCE, NORTH 00 DEGREES 38 MINUTES 26 SECONDS EAST, 104.09 FEET TO A POINT;
THENCE, SOUTH 46 DEGREES 07 MINUTES 58 SECONDS EAST, 1,022.06 FEET TO A POINT;
THENCE, SOUTH 31 DEGREES 06 MINUTES 34 SECONDS WEST, 574.82 FEET TO A 1/2 INCH REBAR ON THE SOUTHERLY LINE OF LAND LOT 220;
THENCE, WITH SAID LAND LOT LINE, SOUTH 88 DEGREES 36 MINUTES 34 SECONDS WEST, 453.53 FEET TO A 2 INCH OPEN TOP PIPE;
THENCE, NORTH 89 DEGREES 27 MINUTES 26 SECONDS WEST, 487.10 FEET TO A 1/2 INCH REBAR;
THENCE, LEAVING SAID LAND LOT LINE, SOUTH 04 DEGREES 11 MINUTES 06 SECONDS WEST, 373.79 FEET TO A POINT;
THENCE, SOUTH 31 DEGREES 59 MINUTES 03 SECONDS WEST, 279.08 FEET TO A CONCRETE MONUMENT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL ROAD;
THENCE, WITH SAID RIGHT-OF-WAY LINE, 401.29 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 1,745.00 FEET AND A CHORD BEARING NORTH 69 DEGREES 11 MINUTES 22 SECONDS WEST, 400.40 FEET) TO A CONCRETE MONUMENT;
THENCE, NORTH 68 DEGREES 18 MINUTES 14 SECONDS WEST, 191.10 FEET TO A CONCRETE MONUMENT;
THENCE, NORTH 61 DEGREES 12 MINUTES 10 SECONDS WEST, 309.48 FEET TO A 1/2 INCH REBAR ON THE WESTERLY LINE OF LAND LOT 219;
THENCE, WITH SAID LAND LOT LINE, NORTH 00 DEGREES 50 MINUTES 53 SECONDS EAST, 256.95 FEET TO THE **POINT OF BEGINNING**.
SAID TRACT OR PARCEL CONTAINING **95.52 ACRES (4,161,025 SQUARE FEET)**.

LAND USE SUMMARY

CURRENT ZONING: RNC
TOTAL SITE AREA: 96.52 AC
TOTAL SINGLE FAMILY ATTACHED UNITS: 214
GROSS DENSITY: 2.24 du/ac
TOTAL RIGHT-OF-WAY: 7.42 AC
OPEN SPACE: 58.99 AC (61.76%)

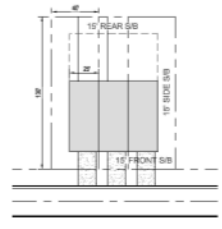
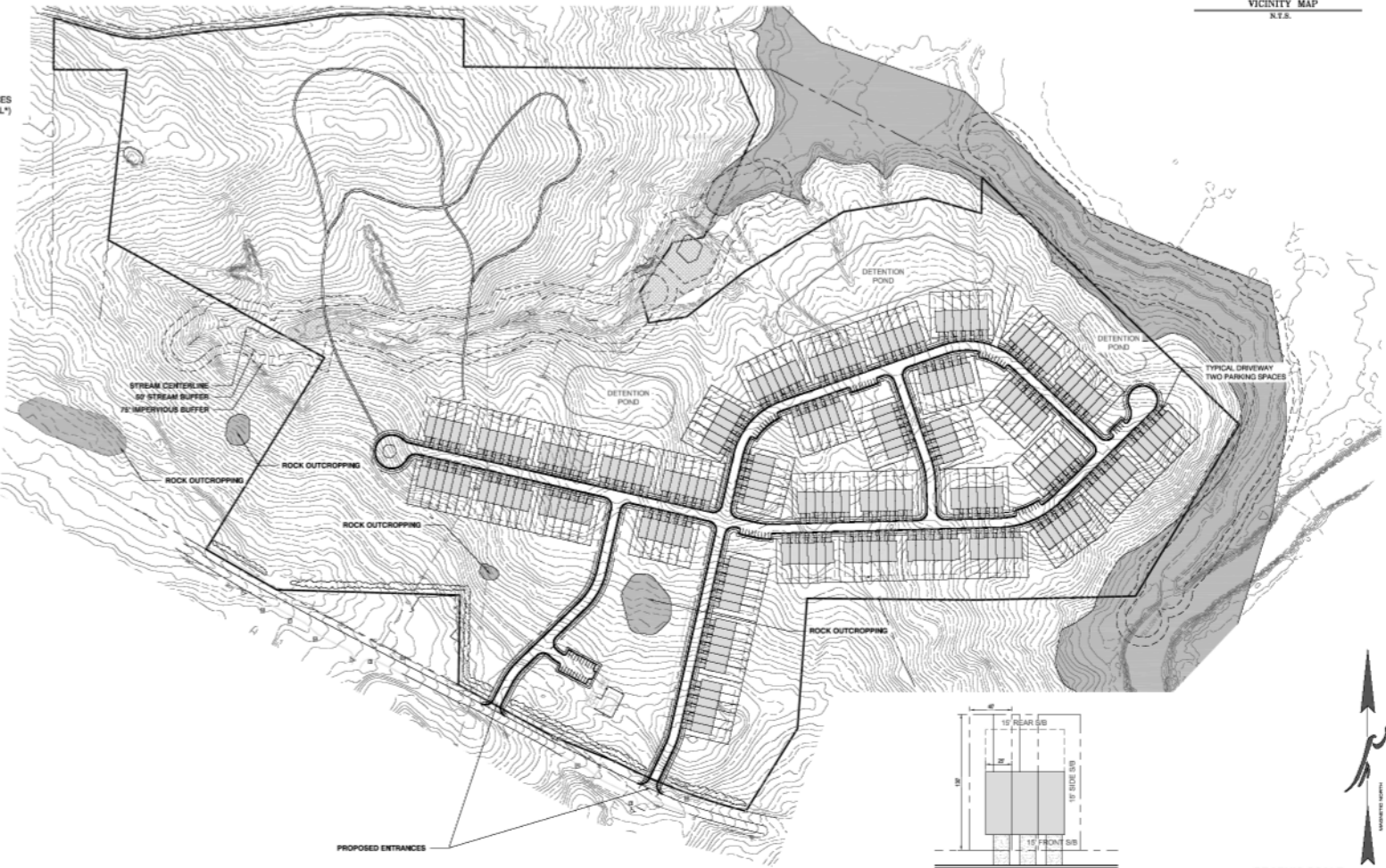
SINGLE FAMILY ATTACHED STANDARDS

MIN. UNIT SIZE: 1,500 SF
MIN. WIDTH: 25'
FRONT S/B: 15'
SIDE S/B: 15'
REAR S/B: 15'
MAX BUILDING HEIGHT: 35'

PARKING REQUIREMENTS

1.5 SPACES PER DWELLING UNIT, PLUS 0.25 SPACES
FOR GUEST PARKING: 214 UNITS x 1.75 = 374.5 SPACES

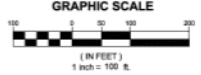
PARKING SPACES PROVIDED:
428 DRIVEWAY SPACES
51 OFF-STREET PARKING SPACES
TOTAL PARKING SPACES PROVIDED: 479 PARKING SPACES
AMENITY PARKING SPACES: 20 (NOT INCLUDED IN TOTAL*)



TYPICAL SINGLE FAMILY ATTACHED
SCALE: 1" = 50'



DESIGN IS CONCEPTUAL IN NATURE AND PROVIDED
FOR DISCUSSION PURPOSES ONLY. NO FIELD SURVEY
HAS BEEN PERFORMED. TOPOGRAPHIC INFORMATION
OBTAINED FROM DEKALB COUNTY GIS. BOUNDARY
SURVEY PERFORMED BY FALCON DESIGN
CONSULTANTS.



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PLANNING
LAND
SCULPTING
LANDSCAPE
ARCHITECT

**FALCON DESIGN
CONSULTANTS**

ATTORNEYS AT LAW
COLUMBIA, SC
ARCHITECTS
FALCON DESIGN
CONSULTANTS

REGISTERED PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

www.fdc.com

CONCEPT PLAN
FOR
HYBRASS PROPERTIES, LLC
LOCATED IN:
LAND LOTS 197, 219, 220, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE: 2-22-22
SCALE: 1" = 100'
PROJ NUMBER: 100.001
DRAWN BY: JDL
REVIEWED BY: JDL
REVISED BY:

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DATE: 2-22-22
SCALE: 1" = 100'
PROJ NUMBER: 100.001
DRAWN BY: JDL
REVIEWED BY: JDL
REVISED BY:

SHEET NUMBER
1.0















AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP IN ORDER TO REZONE PROPERTY FROM M (LIGHT INDUSTRIAL) DISTRICT, R-100 & R-85 (RESIDENTIAL MEDIUM LOT) DISTRICTS TO RNC (NEIGHBORHOOD CONSERVATION) DISTRICT TO DEVELOP 214 DETACHED SINGLE-FAMILY RESIDENCES WITH A MINIMUM LOT SIZE OF 6,000 SQUARE FEET. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF PLEASANT HILL TRAIL AND THE NORTH SIDE OF PLEASANT HILL ROAD, APPROXIMATELY 897 FEET EAST OF THE NORTHEAST INTERSECTION OF PLEASANT HILL ROAD AND PLEASANT HILL TRAIL AT 7956, 7890, 8024, 7788, 7900 & 7860 PLEASANT HILL ROAD AND 1716 PLEASANT HILL TRAIL, LITHONIA, GEORGIA. THE PROPERTY HAS APPROXIMATELY 1,146 FEET OF FRONTAGE ALONG THE SOUTH SIDE OF PLEASANT HILL TRAIL AND APPROXIMATELY 901.87 FEET OF FRONTAGE ALONG THE NORTH SIDE OF PLEASANT HILL ROAD AND CONTAINS 95.52 ACRES.

APPLICANT: Hybrass Properties

OWNER:

COMMISSION DISTRICTS: 5 & 7

WHEREAS, Hybrass Properties has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located at 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road and 1716 Pleasant Hill Trail, and more particularly described as follows:

All that tract or parcel of land and being in **District 16, Land Lots 197, 219, & 220, Blocks 03 & 01, Parcels 006, 012, 005, 006, 004, 007, & 009** of DeKalb County, Georgia, containing 95.52 acres, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IIV, Division 3, Section 27-7.3 for amending the DeKalb County Zoning Ordinance for the subject property from R-100 & R-85 District to RNC District.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, set forth in Section 27, Article 1.1 & 7.3 of the DeKalb County Zoning Ordinance, an amendment to rezone property from M (Light Industrial) District, R-100 & R-85 (Residential Medium Lot) Districts to RNC (Neighborhood Conservation) District to develop 214 detached single-family residences with a minimum lot size of 6,000 square feet. The property is located on the south side of Pleasant Hill Trail and the north side of Pleasant Hill Road approximately 897 feet east of the northeast intersection of Pleasant Hill Road and Pleasant Hill Trail at 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road and 1716 Pleasant Hill Trail, Lithonia, Georgia. The property has approximately 1,146 feet of frontage along the south side of Pleasant Hill Trail and approximately 901.87 feet of frontage along the north side of Pleasant Hill Road. The property contains 95.52 acres and is hereby approved, (with conditions).

Part 2: That if this amendment is approved conditionally, and under the provisions of Section 27-7.3.9 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Part 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance.

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Part 4: This ordinance, hereby approved, does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved in accordance with Chapter 27, Article VII, Division 5.

ADOPTED by the DeKalb County Board of Commissioners this _____ day of

_____ 2018.

Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

FINAL CONDITIONS FOR Z-18-22130 2018-1857**REQUESTED BY APPLICANT:**

Application of Hybrass Properties, LLC c/o Battle Law, PC to rezone property from M (Light Industrial) District, R-100 & R-85 (Residential Medium Lot) Districts to RNC (Neighborhood Conservation) District to develop 214 detached single-family residences with a minimum lot size of 6,000 square feet.

PLANNING AND SUSTAINABILITY DEPARTMENT:

Approval w/Conditions. The rezoning request from the R-85 (Residential Medium Lot and M (Light Industrial) Districts to the RNC (Neighborhood Conservation District) allows greater flexibility for development by incorporating use of greenspace with natural features of the environment and allowing development standards compatible with adjacent residential properties. The proposed single-family development is consistent with the following DeKalb County 2035 Comprehensive Plan policies: Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density; and Ensure that new development and redevelopment is compatible with existing residential areas. The proposed RNC zoning district with its combined greenspace and natural features provides more opportunity for development on the subject site. Given that Pleasant Hill Road is a minor thoroughfare, it should be able to absorb additional traffic resulting from the proposed subdivision. To ensure compliance to greenspace requirements, applicants for development within an RNC are required to provide a legal mechanism for unified control of the entire parcel to be developed and a legal mechanism for the maintenance and protection of land held in common prior to the issuance of any land disturbance permit. Given that the proposed RNC zoning district provides for the protection of land in harmony with adjacent residential properties, Planning Staff concludes that the proposed RNC zoning district is appropriate for the site. Staff recommends conditions consistent with the conditions approved on Union Grove Road for RNC development pursuant to Z-14-18943. Therefore, the Department of Planning and Sustainability recommends "Approval, with the following conditions":

1. Limit the use to a 214-unit single-family detached subdivision with recreational and greenspace area as conceptually shown on the revised site plan entitled CONCEPTUAL PLAN for Hybrass Properties, LLC located in Land Lots 197, 219 & 220, 16'h District, DeKalb County, Georgia and submitted to the Planning and Sustainability Department on February 28, 2018.
2. Provide a minimum of 30% greenspace (25.42 acres) excluding rock and required buffers.
3. Provide a minimum of 50% (12.11 acres) contiguous greenspace.
4. Provide three (3) points of access on Pleasant Hill Road subject to approval by the Transportation Division within the Department of Public Works.
5. Dedicate at no cost to DeKalb County 40 feet from centerline of right-of-way on Pleasant Hill Road.
6. Provide a deceleration lane on Pleasant Hill Road and onsite road improvements as required by the Transportation Division within the Department of Public Works.
7. Demonstrate compliance to intersection and stopping sight distance per American Association of State Highway and Transportation Officials (AASHTO) prior to receiving an approved Land Disturbance Permit (LOP).
8. Provide bike lanes or multiuse path, 6-foot wide sidewalks on Pleasant Hill Road and street lights or as may be required by the Transportation Division within the Department of Public Works.
9. The heated floor area shall be no less than 2,100 square feet.
10. Each home shall have a minimum two-car garage (side entry garages where lot area allows).
11. The front facade building materials shall include a minimum of 40% brick masonry. Stone masonry, cedar shingles, and/or hard coat stucco. Vinyl siding is strictly prohibited.
12. Provide underground utilities.
13. Front and sides shall be sodded prior to the issuance of a Certificate of Occupancy.

14. No more than one (1) brick base monument sign shall be erected at each subdivision entrance. Sign area shall not exceed 32 square feet, excluding base and shall not exceed eight (8) feet in height.
15. The entrances to the subdivision shall be landscaped subject to the approval of the DeKalb County Arborist.
16. A mandatory homeowner's association with bylaws and covenants shall be established and maintained for the subdivision. The bylaws and covenants will explain the maintenance responsibility for common space, and landscaping.
17. Any applicant for development within this approved RNC shall be required to provide a legal mechanism for unified control of the entire parcel to be developed for review and approval by the county attorney prior to the issuance of any land disturbance or building permit.

PLANNING COMMISSION:

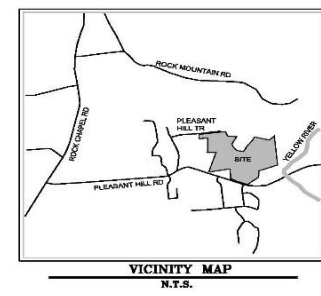
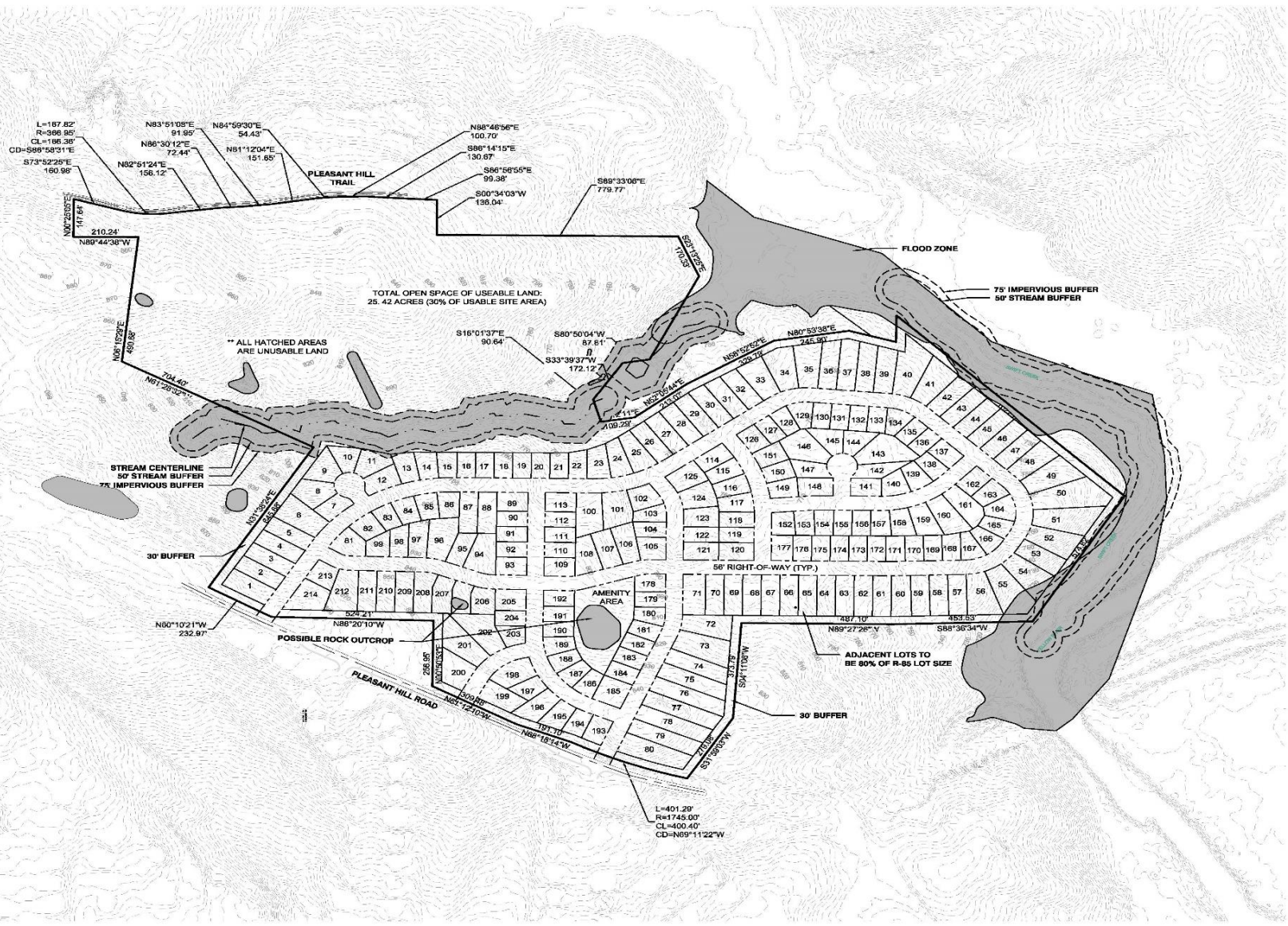
Approval w/Conditions. 7-0-0. Approval M. Butts moved, J. West seconded for approval with additional conditions submitted by the applicant. They include minimum heated floor area of 2,100 square feet; a mandatory homeowner's association; and front building façade materials.

BOARD OF COMMISSIONERS:

May 22, 2018, Approved with Staff's seventeen (17) staff conditions, dated May 9, 2018.

Z-18-22130 Proposed RNC (Neighborhood Conservation District) Zoned Conditions

1. Limit the use to a 214-unit single-family detached subdivision with recreational and greenspace area as conceptually shown on the revised site plan entitled CONCEPTUAL PLAN for Hybass Properties, LLC located in Land Lots 197, 219 & 220, 16th District, DeKalb County, Georgia and submitted to the Planning and Sustainability Department on February 28, 2018.
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17. Any applicant for development within this approved RNC shall be required to provide a legal mechanism for unified control of the entire parcel to be developed for review and approval by the county attorney prior to the issuance of any land disturbance or building permit.



LAND USE SUMMARY
TOTAL SITE AREA : 95.52 ACRES (GROSS ACRES)

TOTAL USABLE area : 82.76 ACRES (NET ACRES)
NOT INCLUDING:
SLOPES GREATER THAN 50%
WETLANDS AND FLOOD PLAINS
STREAMS AND BUFFERS
ROCK OUTCROPPINGS

TOTAL OPEN SPACE AREA: 25.42 ACRES (30% OF USEABLE LAND)

EXISTING ZONING CLASSIFICATION:
RESIDENTIAL-85 (R-85) & RESIDENTIAL-100 (R-100)

PROPOSED LAND USE:
RESIDENTIAL NEIGHBORHOOD CONSERVATION (RNC)

TOTAL UNITS:
72 LOTS @ 9,600 SF (80% OF ADJACENT R-85 ZONING)
142 LOTS @ 6,000 SF (MINIMUM)
214 LOTS TOTAL

DENSITY:
2.6 DU/NUA (NET DENSITY)

RNC DEVELOPMENT STANDARDS:
MIN. LOT SIZE = 6,000 SF (TYP. LOT)
MIN. LOT WIDTH = 60'
MIN. FRONT YARD SETBACK = 30'
MIN. SIDE YARD SETBACK = 7.5'
MIN. REAR YARD SETBACK = 20'

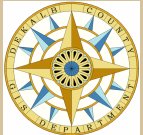
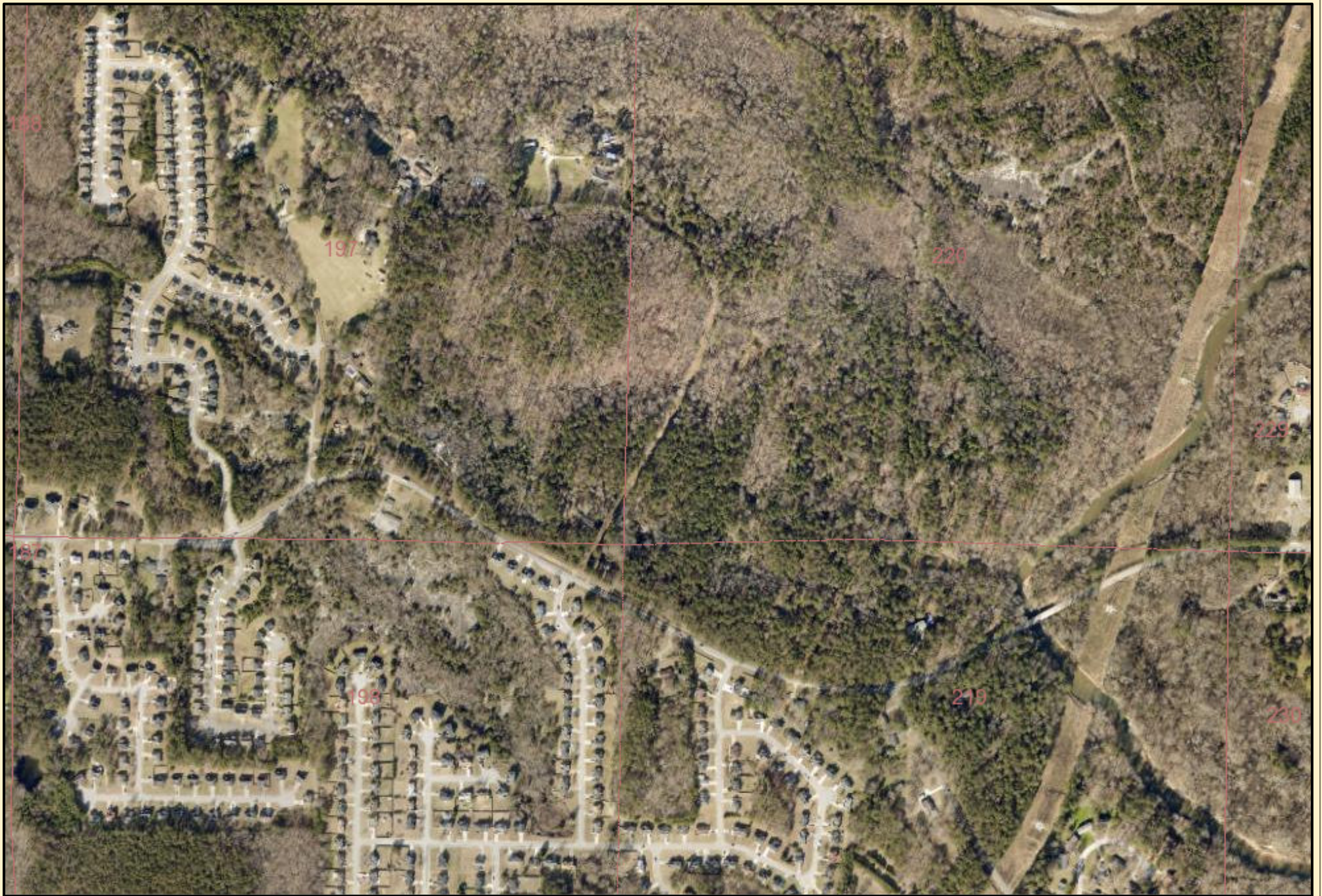
BOUNDARY LOTS (80% ADJACENT R-85 ZONING):
MIN. LOT SIZE = 9,600 SF (TYP. LOT)
MIN. LOT WIDTH = 60'
MIN. FRONT YARD SETBACK = 30'
MIN. SIDE YARD SETBACK = 7.5'
MIN. REAR YARD SETBACK = 20'

RIGHT-OF-WAY:
56' LINEAR FT.
INCLUDES:
TRAVEL LANES: 24'
UTILITY STRIPS: 28'
CURB AND GUTTER: 4'
TOTAL: 56'



PRELIMINARY (NOT FOR CONSTRUCTION)

BOUNDARY SURVEY PREPARED FOR HYBRASS PROPERTIES, LLC,
FALCON DESIGN CONSULTANTS, DATED 12-14-18.
TOPOGRAPHY IS FROM DEKALB COUNTY GIS.
DESIGN IS CONCEPTUAL IN NATURE AND PROVIDED FOR
DISCUSSION PURPOSES ONLY.



DeKalb County Parcel Map

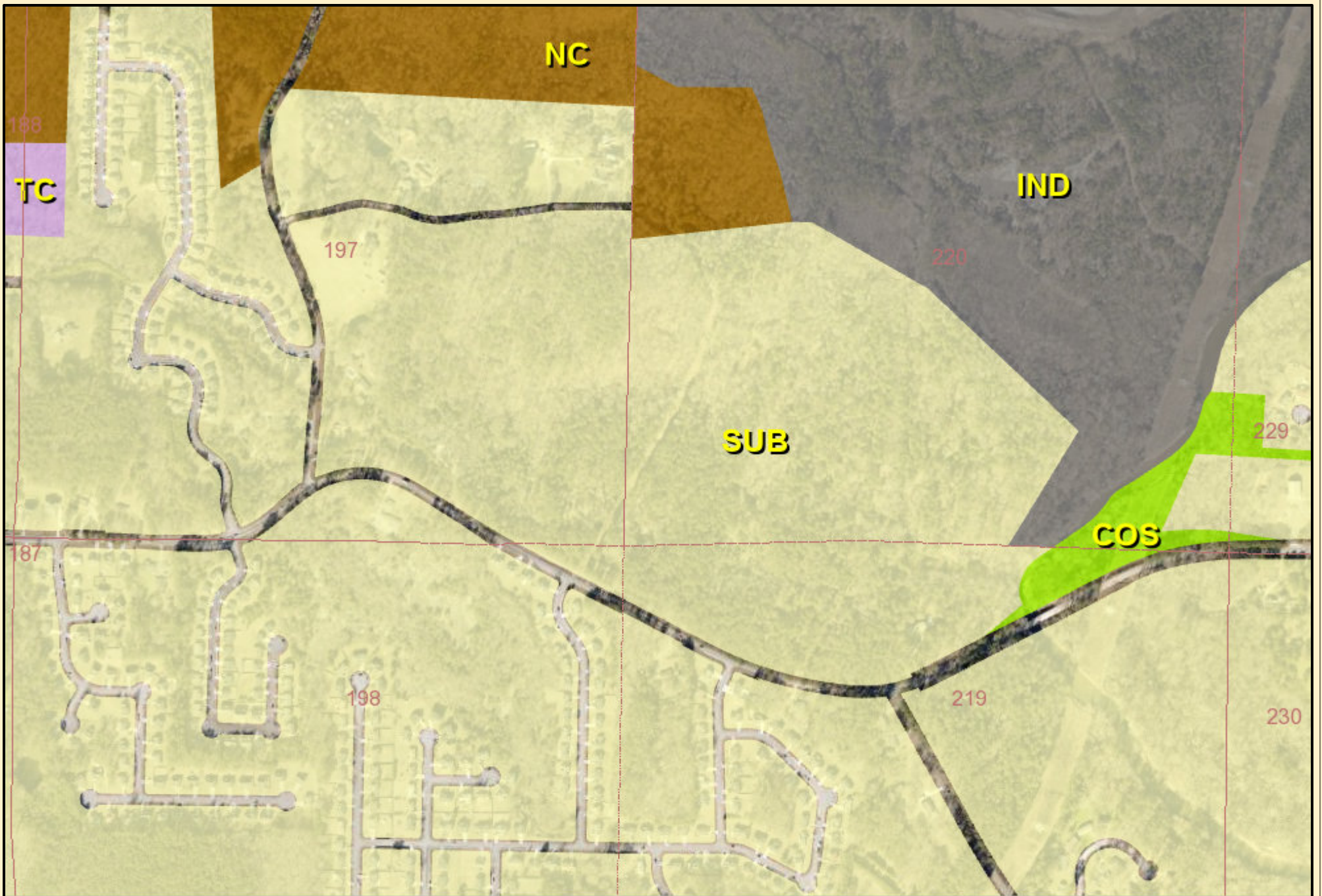
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Date Printed: 10/25/2023



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DeKalb County Parcel Map

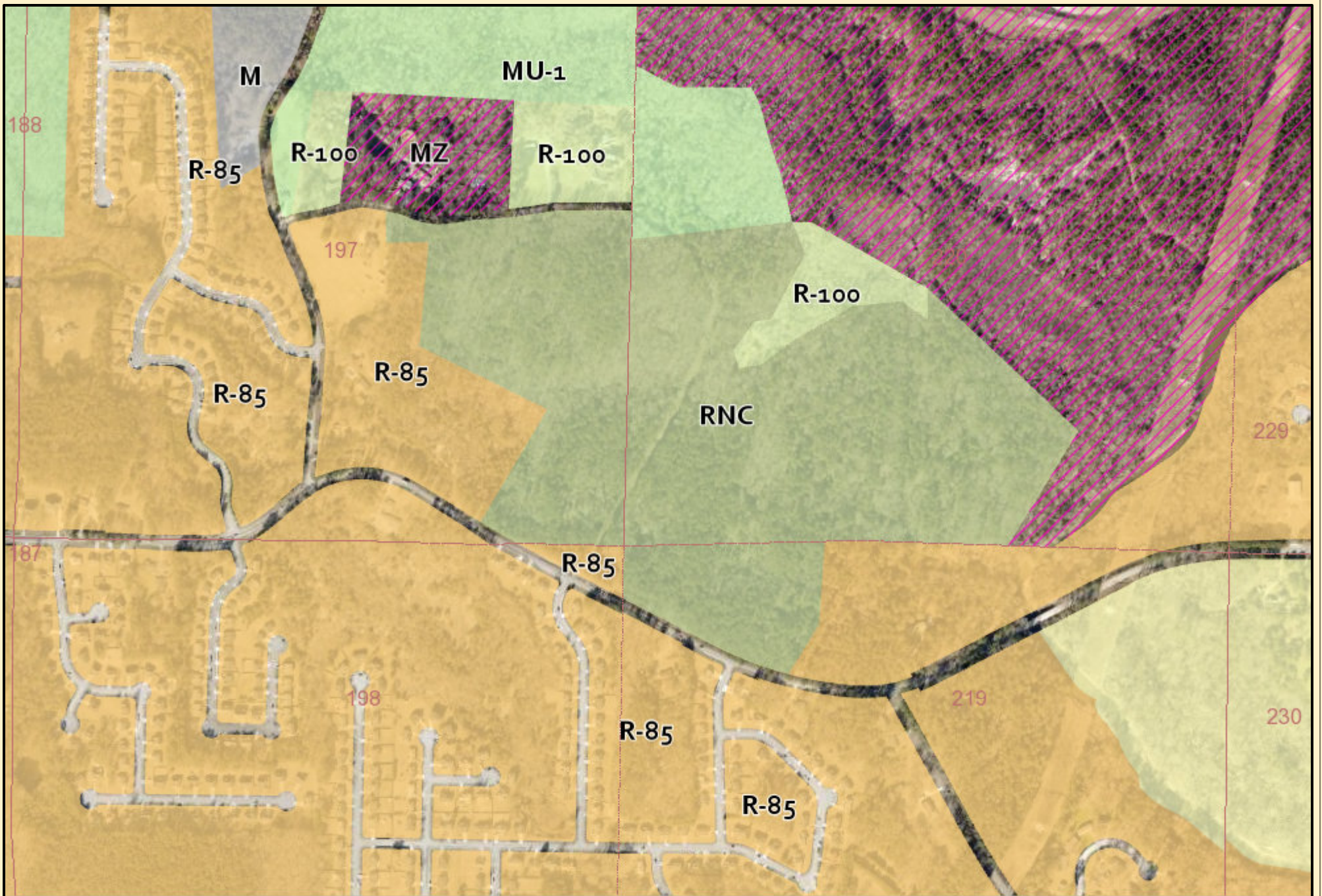
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