**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. to rezone properties from MU-1 (Mixed-Use Low Density) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of 149 single-family homes, at 1619 Pleasant Hill Trail and 7850 Pleasant Hill Road.

PETITION NO: N1-2025-0283 Z-25-1247358

PROPOSED USE: Single-family homes.

**LOCATION:** 1619 Pleasant Hill Trail; 7850 Pleasant Hill Road, Lithonia, Georgia 30058

**PARCEL NO.**: 16 197 02 009 & 16 220 01 001 **INFO. CONTACT:** Adam Chappell, Sr. Planner

**PHONE NUMBER:** 404-371-2155

#### **PURPOSE:**

Application of Hybrass Properties, LLC c/o Battle Law P.C. to rezone properties from MU-1 (Mixed-Use Low Density) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of 149 single-family homes.

# **RECOMMENDATION:**

**COMMUNITY COUNCIL:** (April 2025) Approval with a condition.

PLANNING COMMISSION: (May 6, 2025) Two-Cycle Deferral.

**PLANNING STAFF:** Two-Cycle Deferral.

**STAFF ANALYSIS:** The applicant requests a rezoning of the subject properties from the MU-1 (Mixed-Use Low Density) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow for of a major subdivision of up to 149 single-family detached dwellings. The subject properties, comprising approximately 54.02 acres, are part of a larger grouping of properties that were rezoned in 2007 to the now-defunct PCD Zoning District as a result of CZ-07-12945. The current zoning designation is a result of the adopted 2015 Zoning Ordinance rewrite. The properties are adjacent to and were originally intended to be developed with properties to the west that comprise what is now known as the "Creekside Village" mixed-use development. At the time of this analysis, several phases of "Creekside Village" have been either completed or are under construction. The properties are located within a Neighborhood Center (NC) Character Area, which encourages "compact residential development in mixed-use projects" that "complement the smaller scale character of nearby neighborhoods" per the Dekalb County 2050 Unified Plan. The rezoning request would result in lots that would serve as a transition in housing stock, density, and height, from single-family attached dwellings (townhomes) to the west and larger single-family detached lots to the south and east. The request would also eliminate the mixeduse requirement that is currently imposed by the MU-1 Zoning District. Currently, at least ten (10) percent of the cumulative floor area of the development site would be required to be dedicated to non-residential uses; the original PCD zoning did not have a minimum non-residential component. The conceptual site plan associated with CZ-07-12945 indicates that the area that is now the subject properties was always intended to be developed as a subdivision of single-family detached dwellings. The irregularity, narrowness, topography, and existing features (such as State Waters) that traverse the site make it difficult for the site to be developed as part and in the

form of an interconnected grid. Nevertheless, there are some proposed intersecting streets in the center of the development site, and the creation of a block in the southeastern portion of the site, that includes an area allocated to function as enhanced open space. A total of 20 percent of the development site is required to consist of open space, of which 50 percent (or ten (10) percent of the overall development site) shall be enhanced open space. Per the site plan, portions of wetlands and stream buffers are intended to provide a system of walking trails. The minimum open space requirements appear to be met, but there are concerns that some of the areas identified as open space consist of steep slopes (1:2 feet). Per Section 5.5.3. of the Zoning Ordinance, no more than 50 percent of the minimum open space provided shall be in areas designated as floodplain, wetlands, steep slopes, streams and buffers. A total of three (3) access points are proposed that would connect the site with adjacent developments. Two (2) are located near the western portion of the proposed development site, connecting the subject properties with the "Piedmont Trace" subdivision to the south and the larger "Creekside Village" to the west. A third connection provides access to the properties associated with a concurrent application (CZ-25-1247294) to the southeast. As with the site plan associated with CZ-25- 1247294, this interconnectivity allows for a layout that veers from traditional subdivision designs that are historically more insulated. As with CZ-25-1247294, there have been Staff and community concerns that the number of access points in and out of the development site may not be sufficient in relation to the number of units proposed and may create traffic concerns both external and internal to the developments. Although the minimum number of access points appears to be met per Section 14-200. of the Land Development Code, the proposal would likely trigger a traffic impact study if the subject request and concurrent application are enforced as separate phases within a larger development. Individually, the proposals fall short of the 200-unit-minimum threshold for a study per Section 5.3.4. of the Zoning Ordinance; together, however, this requirement is triggered. Connectivity, while desirable from an urban design perspective, may potentially result in some portions of internal streets bearing a traffic load that is higher than that of typical local streets and closer to those seen by collector roads; new subdivisions with frontage on collector roads or arterials are required to have lots facing internal local streets as opposed to said collector roads or arterials. In addition to a likely traffic impact study, the area that is now "Creekside Village" as well as the subject properties were part of a DRI review in 2007 (DRI #632). The age of the review, as well as the connection with and partial integration of the proposals with the larger "Creekside Village", have been determined by the Atlanta Regional Commission (ARC) to require a new Development of Regional Impact (DRI) to be submitted and reviewed. From a land use perspective, the proposed rezoning of the subject properties would result in development that is largely unchanged from the conceptual plans for the site associated with CZ-07-12945, and the density would serve as a proper transition between existing/proposed densities that is supported along the periphery of a Neighborhood Center (NC) Character Area. While the proposal does not necessarily promote walkability and increased transit usage, this is largely due to the physical restraints of the properties. However, the aforementioned access/traffic concerns and procedural requirements raised by both County and ARC Staff necessitate additional information be provided. Therefore, the Planning and Sustainability Department recommends a "Two-Cycle Deferral to the September 2025 zoning agenda" of this application request to allow for these procedural requirements to be followed and for additional changes to the proposal that may result.

PLANNING COMMISSION VOTE: (May 6, 2025) Two-Cycle Deferral 6-0-0. Jan Costello moved, Edward Patton seconded for a two-cycle deferral to the September 2025 zoning agenda, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 2025) Approval with a condition (6-0-0) that the residents surrounding the property must be notified of any blasting that may occur in advance and informed of the name of the company hired to do the blasting.



# DeKalb County Government Services Center 178 Sams Street Decatur, GA 30030 404-371-2155

www.dekalbcountyga.gov/planning

https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info

# Planning Commission Hearing Date: May 6, 2025 Board of Commissioners Hearing Date: May 22, 2025

## STAFF ANALYSIS

CASE NO.:	Z-25-1247358	File ID #: 2025-0283		
Address:	1619 Pleasant Hill Trail & 7850 Pleasant Hill Road, Lithonia, GA 30058			
Parcel ID(s):	16-197-02-009 & 16-220-01-001			
Request:	Rezone properties from the MU-1 (Mixed-Use Low Density) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow for the development of up to 149 single-family detached dwellings.			
<b>Property Owner(s):</b>	Hybrass Properties, LLC.			
Applicant/Agent:	Hybrass Properties, LLC. c/o Battle Law, P.C.			
Acreage:	54.02 acres			
<b>Existing Land Use:</b>	Vacant			
Adjacent Zoning:	North: MU-1 East: MU-1 South: M, R-100, RNC West: MU-1, M			
Comprehensive Plan:	X Consistent Inconsistent			
<b>Proposed Density:</b> 2.77	units/acre ]	Existing Density: NA		
<b>Proposed Units/Square F</b>	t.: NA	Existing Units/Square Feet: NA		

#### **STAFF RECOMMENDATION:** TWO-CYCLE DEFERRAL

The applicant, Hybrass Properties, LLC c/o Battle Law, P.C., requests a rezoning of the subject properties from the MU-1 (Mixed-Use Low Density) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow for of a major subdivision of up to 149 single-family detached dwellings.

The subject properties, comprising approximately 54.02 acres, are part of a larger grouping of properties that were rezoned in 2007 to the now-defunct PCD Zoning District as a result of CZ-07-12945. The current zoning designation is a result of the adopted 2015 *Zoning Ordinance* rewrite. The properties are adjacent to and were originally intended to be developed with properties to the west that comprise what is now known as the "Creekside Village" mixed-use development. At the time of this analysis, several phases of "Creekside Village" have been either completed or are under construction.

The properties are located within a Neighborhood Center (NC) Character Area, which encourages "compact residential development in mixed-use projects" that "complement the smaller scale character of nearby neighborhoods" per the *Dekalb County 2050 Unified Plan*. The rezoning request would result in lots that would serve as a transition in housing stock, density, and height, from single-family attached dwellings (townhomes) to the west and larger single-family detached lots to the south and east. The request would also eliminate the mixed-use requirement that is currently imposed by the MU-1 Zoning District. Currently, at least ten (10) percent of the cumulative floor area of the development site would be required to be dedicated to non-residential uses; the original PCD zoning did not have a minimum non-residential component. The conceptual site plan associated with CZ-07-12945 indicates that the area that is now the subject properties was always intended to be developed as a subdivision of single-family detached dwellings.

The irregularity, narrowness, topography, and existing features (such as State Waters) that traverse the site make it difficult for the site to be developed as part and in the form of an interconnected grid. Nevertheless, there are some proposed

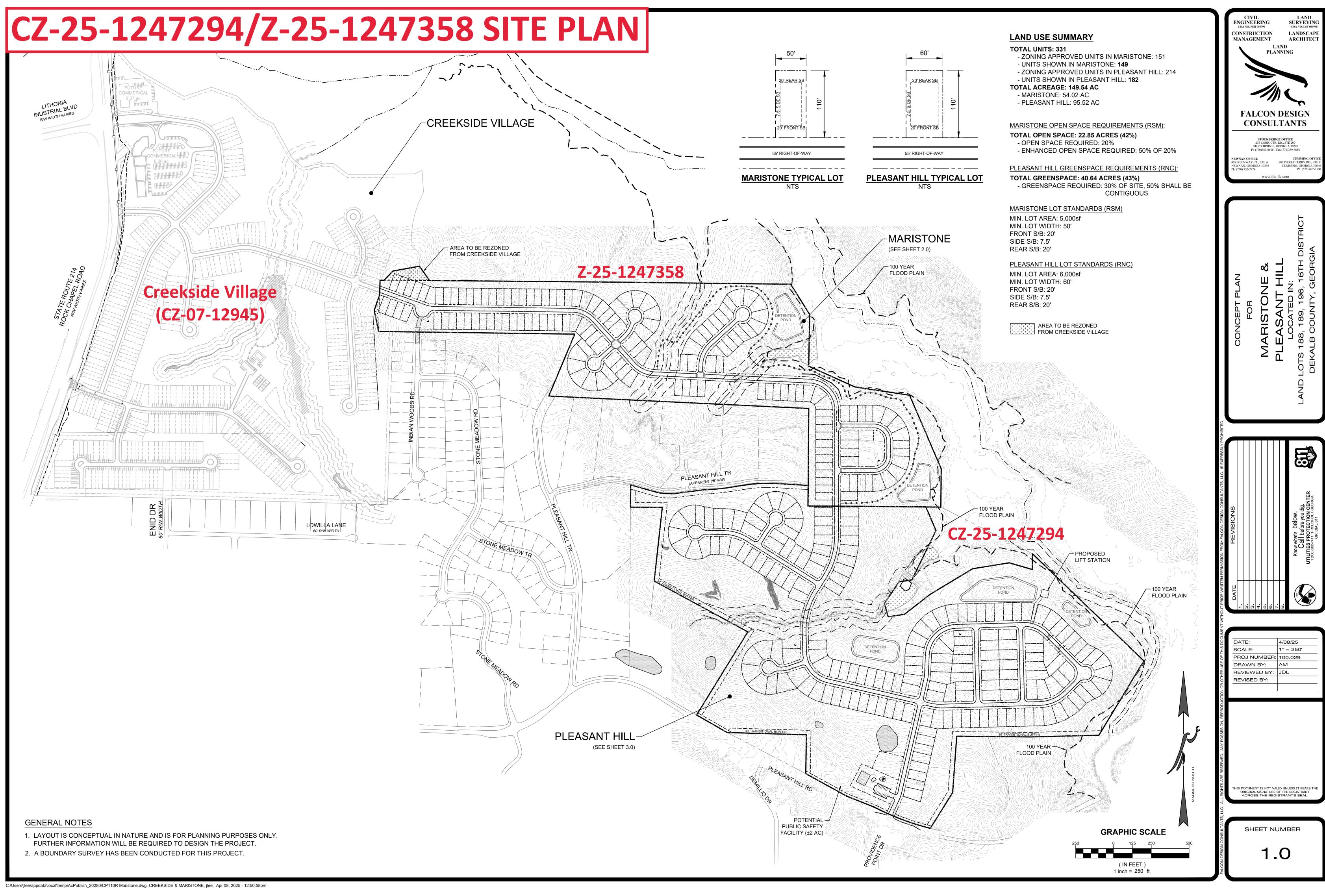
intersecting streets in the center of the development site, and the creation of a block in the southeastern portion of the site, that includes an area allocated to function as enhanced open space. A total of 20 percent of the development site is required to consist of open space, of which 50 percent (or ten (10) percent of the overall development site) shall be enhanced open space. Per the site plan, portions of wetlands and stream buffers are intended to provide a system of walking trails. The minimum open space requirements appear to be met, but there are concerns that some of the areas identified as open space consist of steep slopes (1:2 feet). Per Section 5.5.3. of the *Zoning Ordinance*, no more than 50 percent of the minimum open space provided shall be in areas designated as floodplain, wetlands, steep slopes, streams and buffers.

A total of three (3) access points are proposed that would connect the site with adjacent developments. Two (2) are located near the western portion of the proposed development site, connecting the subject properties with the "Piedmont Trace" subdivision to the south and the larger "Creekside Village" to the west. A third connection provides access to the properties associated with a concurrent application (CZ-25-1247294) to the southeast. As with the site plan associated with CZ-25-1247294, this interconnectivity allows for a layout that veers from traditional subdivision designs that are historically more insulated.

As with CZ-25-1247294, there have been Staff and community concerns that the number of access points in and out of the development site may not be sufficient in relation to the number of units proposed and may create traffic concerns both external and internal to the developments. Although the minimum number of access points appears to be met per Section 14-200. of the *Land Development Code*, the proposal would likely trigger a traffic impact study if the subject request and concurrent application are enforced as separate phases within a larger development. Individually, the proposals fall short of the 200-unit-minimum threshold for a study per Section 5.3.4. of the *Zoning Ordinance; together*, however, this requirement is triggered. Connectivity, while desirable from an urban design perspective, may potentially result in some portions of internal streets bearing a traffic load that is higher than that of typical local streets and closer to those seen by collector roads; new subdivisions with frontage on collector roads or arterials are required to have lots facing internal local streets as opposed to said collector roads or arterials.

In addition to a likely traffic impact study, the area that is now "Creekside Village" as well as the subject properties were part of a DRI review in 2007 (DRI #632). The age of the review, as well as the connection with and partial integration of the proposals with the larger "Creekside Village", have been determined by the Atlanta Regional Commission (ARC) to require a new Development of Regional Impact (DRI) to be submitted and reviewed.

From a land use perspective, the proposed rezoning of the subject properties would result in development that is largely unchanged from the conceptual plans for the site associated with CZ-07-12945, and the density would serve as a proper transition between existing/proposed densities that is supported along the periphery of a Neighborhood Center (NC) Character Area. While the proposal does not necessarily promote walkability and increased transit usage, this is largely due to the physical restraints of the properties. However, the aforementioned access/traffic concerns and procedural requirements raised by both County and ARC Staff necessitate additional information be provided. Therefore, the Planning and Sustainability Department recommends a "Two-Cycle Deferral to the September 2025 zoning agenda" of this application to allow for these procedural requirements to be followed and for additional changes to the proposal that may result.



# Z-25-1247358 SITE PLAN

# LAND USE SUMMARY

- ZONING APPROVED UNITS IN MARISTONE: 151 - UNITS SHOWN IN MARISTONE: 149 TOTAL ACRES (MARISTONE): 54.20 AC DENSITY: 2.75 DU/AC

# MARISTONE OPEN SPACE REQUIREMENTS (RSM):

TOTAL OPEN SPACE: 22.85 ACRES (42%) OPEN SPACE: 10.90 ACRES (20% required) ENHANCED OPEN SPACE: 5.45 ACRES (50% of req'd 20%) LAND SURVEYING

LANDSCAPE

**PLANNING** 

**FALCON DESIGN** 

**CONSULTANTS** 

STOCKBRIDGE OFFICE 235 CORP. CTR. DR., STE 200 STOCKBRIDGE, GEORGIA 30281 Ph (770)389-8666 - Fax (770)389-8656

CONSTRUCTION

MANAGEMENT

# MARISTONE LOT STANDARDS (RSM)

MIN. LOT AREA: 5,000 sf MIN. LOT WIDTH: 50' FRONT S/B: 20' SIDE S/B: 7.5'

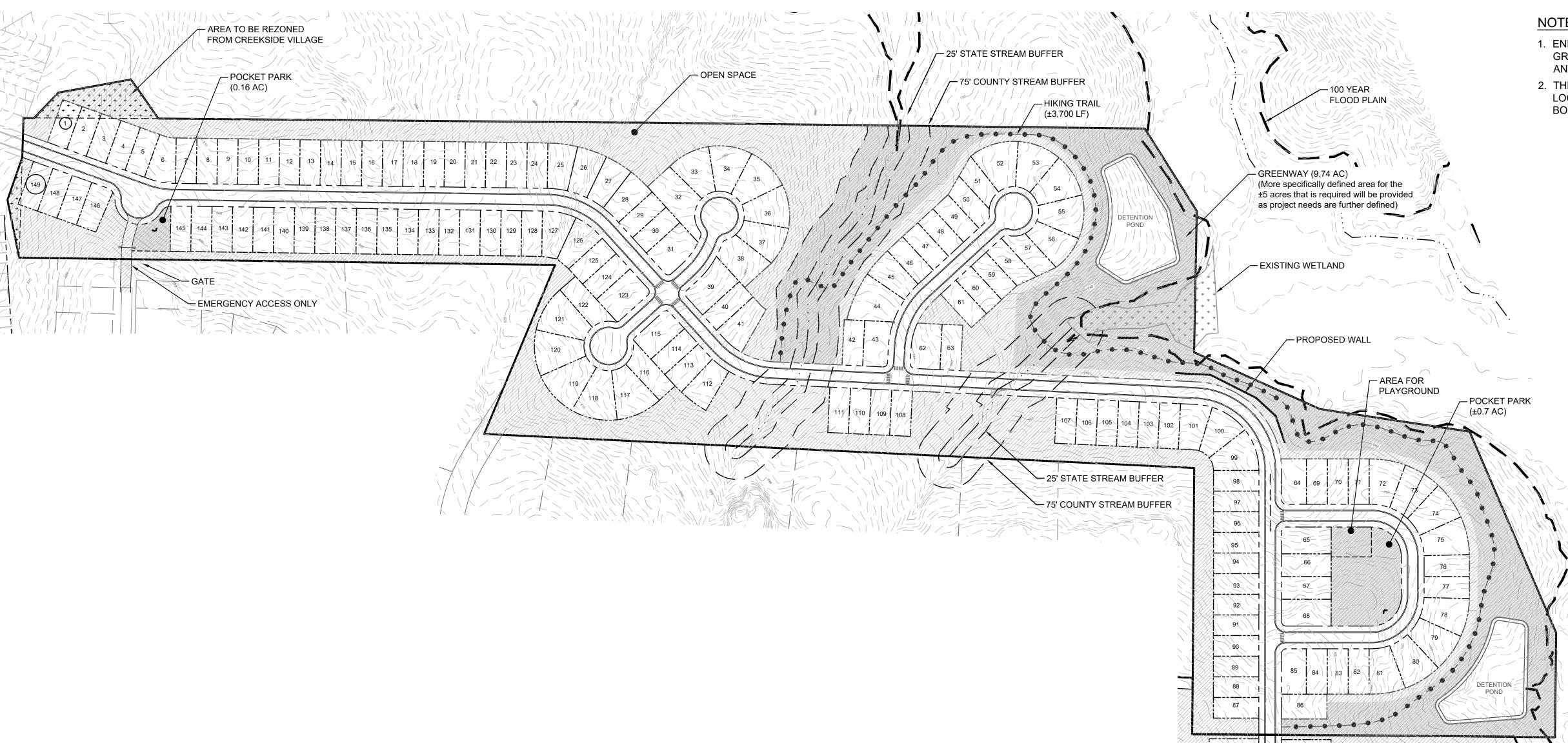
OPEN SPACE

AREA TO CONTAIN REQUIRED ENHANCED OPEN SPACE (10.79 AC)

AREA TO BE REZONED FROM CREEKSIDE VILLAGE

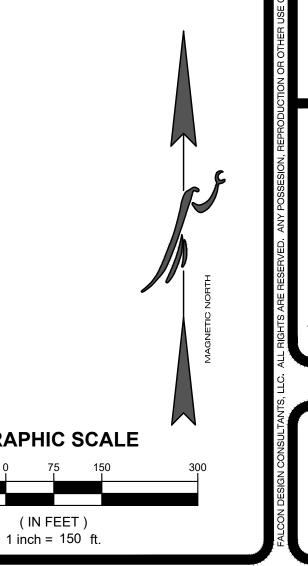
# NOTES

- GREENWAY WITH HIKING TRAIL, POCKET PARKS, AND PLAYGROUND
- 2. THERE ARE NO SLOPES GREATER THAN 1:2



# **GENERAL NOTES**

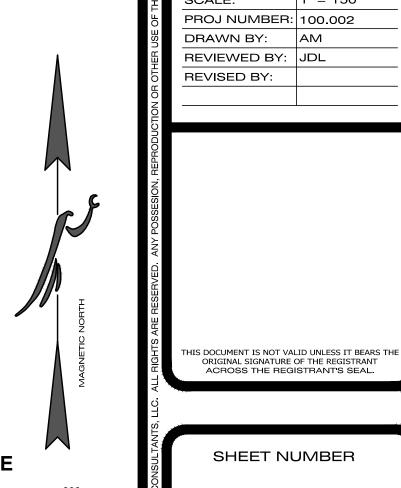
- 1. LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- 2. A BOUNDARY SURVEY HAS BEEN CONDUCTED FOR THIS PROJECT.



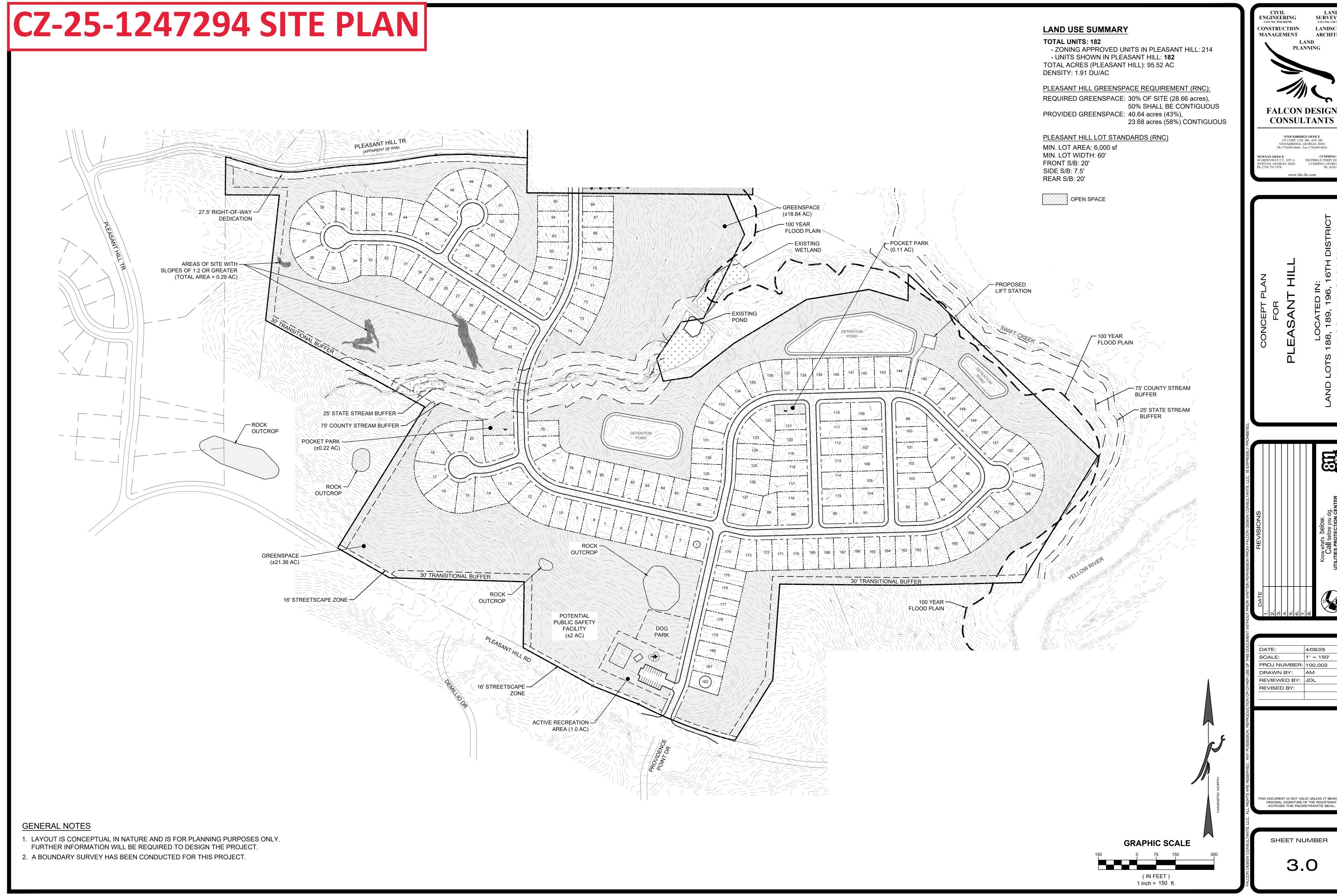
**TOTAL UNITS: 149** AREA TO BE REZONED: 0.52 AC

REAR S/B: 20'

- 1. ENHANCED OPEN SPACE TO INCLUDE A
- LOCATED WITHIN THE MARISTONE PROPERTY BOUNDARY.



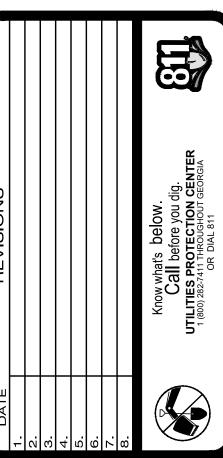
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LAND SURVEYING LANDSCAPE **PLANNING** 

**FALCON DESIGN** 

STOCKBRIDGE OFFICE 235 CORP. CTR. DR., STE 200 STOCKBRIDGE, GEORGIA 30281 Ph (770)389-8666 - Fax (770)389-8656



PROJ NUMBER: 100.002 REVIEWED BY: JDL IIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.



Government Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

# DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive OfficerInterim DirectorLorraine Cochran-JohnsonCedric G. Hudson, MCRP

# **ZONING COMMENTS – MAY 2025**

N1-2025-0283 Z-25-1247358 (1619 Pleasant Hill Trl & 7850 Pleasant Hill Rd: 149 units. Pleasant Hill Trail appears to be an unimproved right of way (not abandoned) in the proposed project area (per GIS Map)- classified as local. Verify ownership. If determined to be an unimproved public right of way, infrastructure improvements noted in in Zoning Code 5.4.3 and Land Development Code 14-190 are required. This project requires 2 access points- ensure phasing meets required access points at any given time since connecting to other developments. Ensure that there are enough access points to service the entire system when all developments are complete (i.e.- this development cannot put the other developments that it is connecting to out of compliance for number of access points). Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. All interior streets require a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements.

N2-2025-0285 Z-25-1247420 (4743 Flat Shoals Pkwy): 79 Units. 4743 Flat Shoals Parkway. Flat Shoals Parkway is SR 155 and classified as a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Interior streets to be private. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

# N3-2025-0286 CZ-25-1247427 (1816 Candler Road); and N4-2025-0287 Z-25-1247428 (3221 Glenwood Road):

I-20 Overlay District, Tier 2. Seek guidance from the overlay planner for required infrastructure improvements. Candler Road is SR 155 and a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Where the overlay is silent: Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenwood Road is classified as a minor arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenhill Place is classified as a local road. Discussions need to be held about approval of truck entrance on this road. No approval of truck entrance without the direct approval of Planning and Development and the Transportation Division. Would prefer truck traffic from Glenwood Rd or Candler Rd (both truck routes). If permission is granted, the entire roadway section (including pavement section) will need to be brought up to current standards to accommodate truck traffic. Requires a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). Lane widths and other design factors must be designed for truck traffic. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

N5-2025-0288 Z-25-1247426; and N6-2025-0289 SLUP-25-1247425 (5346 O'Malley Lane): No parking within 100 feet of the intersection.

N7-2025-0291 SLUP-25-1247431 (2667 Candler Woods Court): No on-street parking allowed.

N8-2025-0292 SLUP-25-1247429 (3574 Boring Road): No on-street parking allowed.

#### N9-2025-0293 SLUP-25-1247395 (2615 Shallowford Road): No comments.

## N10-2025-0295 SLUP-25-1247423; and N11-2025-0296 SLUP-25-1247424:

Memorial Drive is a state route. GDOT review and approval is required prior to permitting. (<a href="Millingston@dot.ga.gov"><u>ILivingston@dot.ga.gov</u></a>). If a land development permit is required: Memorial Drive is a major arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (<a href="majority-negative-nega



#### 3/5/2025

To: Ms. LaSondra Hill, Planning Manager

From: Ryan Cira, Director

Cc: Alan Gaines, Duty 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 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.



N1 2025-0283

Z-25-1247358 16 197 02 009 & 16 220 01 001

1619 Pleasant Hill Trail & 7850 Pleasant Hill Road, Lithonia, GA 30058 Amendment

- Please review the general comments.
- No septic indicated for this property.

N2 2025-0285

Z-25-1247420 15 061 03 001

4743 Flat Shoals Parkway, Decatur, GA 30034 Amendment

- Review general comments
- No septic indicated.

N3 2025-0285

CZ-25-1247427 15 170 13 030

1816 Glenwood Road, Decatur, GA 30032 Amendment

- Review general comments
- No septic indicated for this property.



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

*NOTE*: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID <a href="mailto:jreid@dekalbcountyga.gov">jreid@dekalbcountyga.gov</a> AND/OR LASONDRA HILL <a href="mailto:lahill@dekalbcountyga.gov">lahill@dekalbcountyga.gov</a>

ſhe f	ollowing areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the
rop	osed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.
	ELOPMENT ANALYSIS:
•	Fransportation/Access/Row
•	Storm Water Management
	Flood Hazard Area/Wetlands
•	-lood Hazard Area/wetlands
	_andscaping/Tree Preservation
•	-anuscaping/free Freservation
•	Tributary Buffer

Fire Safety			
	 	 	 <del></del>

#### DeKalb County School District Development Review Comments

Submitted to: DeKalb County Case #: Z-25-1247358

Parcel #: 16 197 02 009 & 16 220 01 001

**Analysis Date:** 

3/4/2025

Name of Development: Hybrass Properties LLC

Location: 1619 Pleasant Hill Trail & 7850 Pleasant Hill Road, Lithonia, GA 30058

**Description:** Rezoning request to allow for development of 149 Single family homes.

Impact of Development: When fully constructed, this development would be expected to generate 68 students: 15 at Rock

Chapel Elementary School, 9 at Lithonia Middle School, 18 at Lithonia High School, 23 at other DCSD schools, and 3 at private school. The additional homes are not expected to have a significant impact on the neighborhood elementary and middle schools. Enrollment at Lithonia HS is already above capacity, and additional students from development may add to the strain until redistricting

can be approved.

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 2024)	524	1,064	1,564			
Seats Available	172	166	-138			
Utilization (%)	75.3%	86.5%	109.7%			
New students from development	15	9	18	23	3	68
New Enrollment	539	1,073	1,582	1		
New Seats Available	157	157	-156			
New Utilization	77.4%	87.2%	110.9%			

		Attend	Attend other		
		Home	DCSD	Private	
Yield Rates		School	School	School	Total
Elementary		0.1015	0.0677	0.0128	0.1820
Middle		0.0627	0.0378	0.0029	0.1033
High		0.1185	0.0477	0.0052	0.1714
Total		0.2826	0.1532	0.0208	0.4567
Student Calculations					
Proposed Units		149	٦		
Unit Type		SF			
Cluster	Lithonia	High School			
•		Attend	Attend other		
		Home	DCSD	Private	
Units x Yield		School	School	School	Total
Elementary		15.12	10.09	1.90	27.11
Middle		9.34	5.63	0.43	15.40
High		17.65	7.11	0.77	25.53
Total		42.11	22.83	3.10	68.04
		Attend	Attend other		
		Home	DCSD	Private	
Anticipated Stude	ents	School	School	School	Total
Rock Chapel Elementary School		15	10	2	27
Lithonia Middle School		9	6	0	15
Lithonia High Sch	ool	18	7	1	26
Total		42	23	3	68



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# REZONE COMMENTS FORM:

# PUBLIC WORKS ROAD AND DRAINAGE

Case No.: Parcel I.D. #:
Address:
Drainage Basin:
Upstream Drainage Area:
Percent of Property in 100-Year Floodplain:
Impact on property (flood, erosion, sedimentation) under existing zoning:
Required detention facility(s):
COMMENTS:
Signature: Akin A. Akinsola



# **DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM**

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PUBLIC WORKS TRAFFIC ENGINEERING

/6-220-01-001

**COMMENTS FORM:** 

- 2 K 12 H 72 FA	// /67 61 6 6
Case No.: Z-25-1247358	Parcel I.D. #s: /6-/9/-02-009
	1 @ 7850 Pleasant Hill Rd
Lithonia, Ga 30058	
•	
Adj	acent Roadway (s):
(classifica	ntion) (classification)
Capacity (TPD)	Capacity (TPD)
Latest Count (TPD) Hourly Canacity (VPH)	Latest Count (TPD)
Hourly Capacity (VPH)  Peak Hour. Volume (VPH)	Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes
Existing number of traffic lanes	Peak Hour, Volume (VPH)
Existing right of way width	Existing right of way width
Existing right of way width Proposed number of traffic lanes	Proposed number of traffic lanes
Proposed right of way width	Proposed right of way width
square foot place of worship bu peak hour vehicle trip ends.  Single Family residence, on the other hand, would generate ten (10 actor. Based on the above referenced formula, the (Single units per acres, and the given fact that the project site is appropeak hour vehicle trip end would be generated with residentia	-
comments: Plans and field Revis	ewed. No problem that
	TRAFFIC Flow.
	One 1/11:+ 1
	Signature: Joun White



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

# 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 inadequa	ite
Sewage Capacity:	(MGPD) Current Flow:	(MGPD)
COMMENTS:		

Signature:



# MARTA May 2025 Case Comments

#### D1-2024-1496 CZ-25-1246771 4015 Flat Shoals Pkwy:

This development is adjacent to existing service along Columbia Drive and also fronts planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and existing and planned bus stops.

## N2-2025-0285 Z-25-1247420 4743 Flat Shoals Pkwy:

This development is adjacent to planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and planned bus stops.

#### N3-2025-0286 CZ-25-1247427 1816 Candler Road:

This property is adjacent to existing MARTA service as well as the planned Candler Road Arterial Rapid Transit project. While no ART stops are planned in front of this parcel on Candler Road, there will be an increased pedestrian demand for this location due to proximity to improved transit. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.

#### N4-2025-0287 Z-25-1247428 3221 Glenwood Road:

This location is adjacent to existing MARTA service for Route 107. Due to this and proximity to the planned Candler Road Arterial Rapid Transit project, there will be an increased pedestrian demand for this location. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.



# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

# Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received:	Application No:
Applicant Name:	
Applicant E-Mail Address:	
Applicant Mailing Address:	
Applicant Daytime Phone:	Fax:
Owner Name:	than one owner, attach list of owners.
Owner Daytime Phone:	
Parcel ID#:	
Acreage:	
Present Zoning District(s):	
Proposed Zoning District:	
Present Land Use Designation:	
Proposed Land Use Designation (if appli	cable):



# **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.

TO WHOM IT MAY CONCERN:	
(I), (WE) FARMER H WAYNE TR	USTEE
(I), (WE) Name of owners(s) (If more than one	
riame of owners (sy firm of e than one	owner, actaon a separate sneety
Being (owner) (owners) of the subject property describ	ed below or attached hereby delegate authority to:
Battle Law P.C.	
Name of Agent or Re	epresentative
to file an application on (my), (our) behalf.	
1 000	
Loan a Milluedu	A May Sam Trustee
Notary Public	Owner
THE PARTY OF THE P	
No. 10 Like	
Notary Public	Owner
Notary Public	Owner
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Notary Public	Owner



# **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 filling 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. 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. llinder Check one: Owner X

Expiration Date/ Seal

<sup>\*</sup>Notary seal not needed if answer is "no".



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

#### **Zoom Instructions:**

Go to <a href="https://otago.zoom.us/join">https://otago.zoom.us/join</a> 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: inb@battlelawpc.com

# COMMUNITY MEETING TO DISCUSS A REZONING OF THE PROPERTY FROM RNC TO RSM FOR 185 SINGLE-FAMILY DETACHED LOTS

Project Title: Hybrass Properties, LLC
-Pleasant Hill Road & Maristone

When: October 17,2024

Time: 6:30 PM Eastern (US and Canada)

Register in advance for this meeting: https://otago.zoom.us/join

Meeting ID: 832 9592 5266

Password: 542283

### 16\_197\_03\_006\_1000\_Feet

OWNERNME1 PSTLADDRESS

MARTIN MARIETTA MATERIALS REAL

MARISTON DEVELOPMENTS LLC

PSTLADDRESS

6920 POINTE INVERNESS WAY STE 301

6030 BETHELVIEW RD # 102

GOSPEL ASSEMBLY CHURCH OF 7771 PLEASANT HILL RD
ORTIZ FIDEL PEREZ 1831 PLEASANT HILL TRL
BRITT LONNIE JOE 1825 PLEASANT HILL TRL

RODRIGUEZ CARLOS PO BOX 1075

CLARKE SHAWN M

1125 HAMMOND DR APT 562
HOLUB JOSEPH A

HARRIS STEPHANIE

HEFFNER EVANGELINE

KENNEDY MCKENZIE MARLENE E

1125 HAMMOND DR APT 562

1840 PLEASANT HILL TRL

1822 STONE MEADOW RD

1816 STONE MEADOW RD

1804 STONE MEADOW RD MITCHELL SIMONE A 7695 STONE MEADOW TRL TAYLOR RENEE L 7701 STONE MEADOW TRL MARSHALL CASSANDRA M ANDREWS CANDICE I 7711 STONE MEADOW TRL KHALID JULIOUS G 7721 STONE MEADOW TRL FKH SFR PROPCO K LP 1850 PARKWAY PL STE 900 **TOLBERT MAROUITA DANEL** 7733 STONE MEADOW TRL 7739 STONE MEADOW TRL WALTERS ALBERT D 7745 STONE MEADOW TRL LEE GLORIA

WILLIAMS DENEEN 7751 STONE MEADOW TRL PROCOPE BEVERLY 7732 STONE MEADOW TRL THAI TUAN T 7722 STONE MEADOW TRL TURNER RHONDA M 7716 STONE MEADOW TRL DEBARDELABEN DANNIE 7710 STONE MEADOW TRL MACON CARL 7706 STONE MEADOW TRL 7700 STONE MEADOW TRL HAMBIE JAMES WILLIAMS SHARON 7694 STONE MEADOW TRL 7684 STONE MEADOW TRL **NELSON STEPHANIE** 

PIEDMONT TRACE HOMEOWNERS ASSO INC
PIEDMONT TRACE HOMEOWNERS ASSO INC
WILLIAMSON RALPH R
STILLO CAROL S
WILLIAMS JAMES ORVILLE

1465 NORTHSIDE DR STE 128
1465 NORTHSIDE DR STE 128
1735 PLEASANT HILL TRL
1745 PLEASANT HILL TRL

EMERSON CYNTHIA DOWNS 4955 MCCOY CIR

HYBRASS PROPERTIES LLC 6350 LAKE OCONEE PKWY PMB 11051

MACEDO CELESTINO

CASON YOLANDE ANN

HARRIS MICHAEL D

POTTINGER CONROL

1711 PLEASANT HILL TRL

2772 PLEASANT HILL TRL

2555 PLEASANT HILL TRL

1739 PLEASANT HILL TRL

HYBRASS PROPERTIES LLC 6350 LAKE OCONEE PKWY PMB 110-51

MACEDO JAIMES GABRIEL

DIAZ ESTEBAN MELVIN ALEXANDER

BLK NOVA LLC

BRYDSON MICHELLE

1687 PLEASANT HILL TRL

1746 PLEASANT HILL TRL

5314 HOLLY BROOKE LN

1826 PLEASANT HILL TRL

T K MORELAND INC PO BOX 2838 2018 3 IH BORROWER LP P.O. BOX 4900

BEDFORD FUTURE 7787 PLEASANT HILL RD BLAIR HAZEL 7793 PLEASANT HILL RD

ALGHRAIRI YOUNUS A 1849 DEMILIO DR
MAXEY DENZEL 1857 DEMILLIO DR
PATTERSON KERRY WAYNE 1865 DEMILIO DR

# 16\_197\_03\_006\_1000\_Feet

BOLTON CYNTHIA 1871 DEMILIO DR FEACHER REGINA M 1877 DEMILIO DR HAY LANCELOT G 1883 DEMILIO DR

BAF ASSETS 6 LLC 5001 PLAZA ON THE LAKE STE 200

CAMPBELL JOSEPH 1895 DEMILIO DR
NGO MINH CAM 1901 DEMILIO DR
NELSON COLIN A 1907 DEMILIO DR
FENNIMORE LLC 3921 MARTIN DR
WAYNE THOMAS GROUP INC PO BOX 2838

510 SFR GA OPERATIONS I LLC
HANSLEY DONIELLE T
ZACHARY KENETHIA L
ROWE RONALD B
WHITESIDES CARTER
BRYANT JIMMIE L
DAVIS YVETTE E

1719 NJ-10 STE 219
1966 LOCKSLEY TER
1960 LOCKSLEY TER
2962 STRANG BLVD
2078 STRANG BLVD
2072 STRANG BLVD

WOODS RODNEY B 8936 GREY MOUNTIAN DR
EMILE GAETHANE 2071 STRANG BLVD
WILKERSON REX A 7812 PLEASANT HILL RD

SHERMAN REGINA 1902 DEMILIO DR OTTEY PAULINE 1896 DEMILIO DR **GOOLSBY STANTHONY** 1890 DEMILIO DR BATTISTE IOANA 1884 DEMILIO DR **COLWELL TIMOTHY** 1878 DEMILIO DR ONWUSONYE IKECHUKWU 1874 DEMILIO DR BROWN ANGELA L PO BOX 1214 ANTHONY LAVERNE L 1858 DEMILIO DR

HUANG SU TZU

SHINE HARVEY L

REED NORA

PEEPLES ANGELA

BLACKWELL PROPERTIES LLC

BOWDEN TIONA C

HARRIS THOMAS JR

1622 GIRVAN RIDGE DR

7929 PLEASANT HILL RD

2178 PROVIDENCE POINT DR

7911 PROVIDENCE POINT WAY

2350 POINTE PKWY STE 250

2177 PROVIDENCE POINT DR

ANDERSON GRADY MARQUIS

LAWSON JOANNA

SIMON CHRISTIE NATACHA

RKM GROUP INVESTMENTS LLC

2189 PROVIDENCE POINT DR

116 PLEASANT HILL RD NW

1017 PEARL MIST DR SW

SWERTFEGER LEON JACK JR U/W

HYBRASS PROPERTIES LLC 988 EAST FREEWAY DR SE STE A

3919 NE WIEUCA RD NE

- PSTLCITY\_PSTLSTATE\_ZIP
- FORT WAYNE, IN 30058
- CUMMING, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- CONYERS, GA 30058
- SANDY SPRINGS, GA 30058
- LITHONIA, GA 30058
- MARIETTA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- EITHONIA, OA 30030
- LITHONIA, GA 30058
- LITHONIA, GA 30058 ATLANTA, GA 30058
- ATLANTA, GA
- LITHONIA, GA 30058
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- LITHONIA, GA 30058
- CUMMING, GA 30058
- GREENSBORO, GA 30058
- LITHONIA, GA 30058
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- GREENSBORO, GA 30058
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- LOGANVILLE, GA 30058
- LITHONIA, GA 30058
- LOGANVILLE, GA 30058
- SCOTTSDALE, AZ 30058
- LITHONIA, GA 30058

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- AUSTIN , TX 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- ELLENWOOD, GA 30058
- LOGANVILLE, GA 30058
- PARSIPPANY, NJ 30058
- LITHONIA, GA 30058
- COLLTEWAH, TN 30058
- LITHONIA, GA 30058
- LITHONIA CA COCE
- LITHONIA, GA 30058
- **DULUTH**, **GA** 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- CARMEL, IN 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- LITHONIA, GA 30058
- CONYERS, GA 30058
- LILBURN, GA 30058
- ATLANTA, GA 30058
- CONYERS, GA 30058

Name (original name) Email Duration (minutes) Guest Recording In waiting room Michele Battle mlb@battlelawpc.com 22 No OK No



# **STATEMENT OF INTENT**

and

Other Material Required by DeKalb County Zoning Ordinance For A Rezoning from MU-1 to RSM

of

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

for

+/- 53.68 Acres of Land 1619 and 7850 Pleasant Hill Trail, Lithonia being Tax Parcels 16 197 02 009 and 16 220 01 001

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



# I. <u>LETTER OF INTENT</u>

Hybrass Properties, LLC (the "Applicant") is seeking to rezone 1619 and 7850 Pleasant Hill Trail (the "Subject Property") from MU-1 to RSM for the development of 149 single family detached at a density of 2.78 units per acre. The Subject Property has a land use designation of Neighborhood Commercial and is part of a DRI Project approved by the Board of Commissioner in September of 2007 (CZ- 07-12945). At that time the Subject Property, along with adjacent parcels that are no longer apart of the proposed development, was intended to be developed for up to 250 single family homes. The purpose of the rezoning is to allow the development to proceed without having to incorporate a non-residential component which is now required under the MU-1 zoning designation. At the time of the rezoning approved in 2007, the subject Property was zoned under the now inactive PCD Zoning District, which did not require a percentage of non-residential development.

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 for the Neighborhood Commercial land use designation.

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 proposed rezoning will not change the use contemplated for the property back in 2007. The Subject Property is an interior lot which is abutted by residentially zoned properties to the South. The area north of the Subject Property is a quarry with significant buffers that mitigate the impact of the nearby Quarry. The Subject Property will still connect into the originally contemplated project that will have access to both Rock Chapel Road and to Pleasant Hill Road.

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

The Subject Property does not have a reasonable economic use as currently zoned, as it is not plausible to develop 10% of the Subject Property for non-residential use. The Subject Property does not have frontage along a commercial corridor that would make non-residential uses viable or desirable.

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

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The proposed rezoning 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 rezoning 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 beyond that which was originally contemplated for the site.

## **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

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, 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.

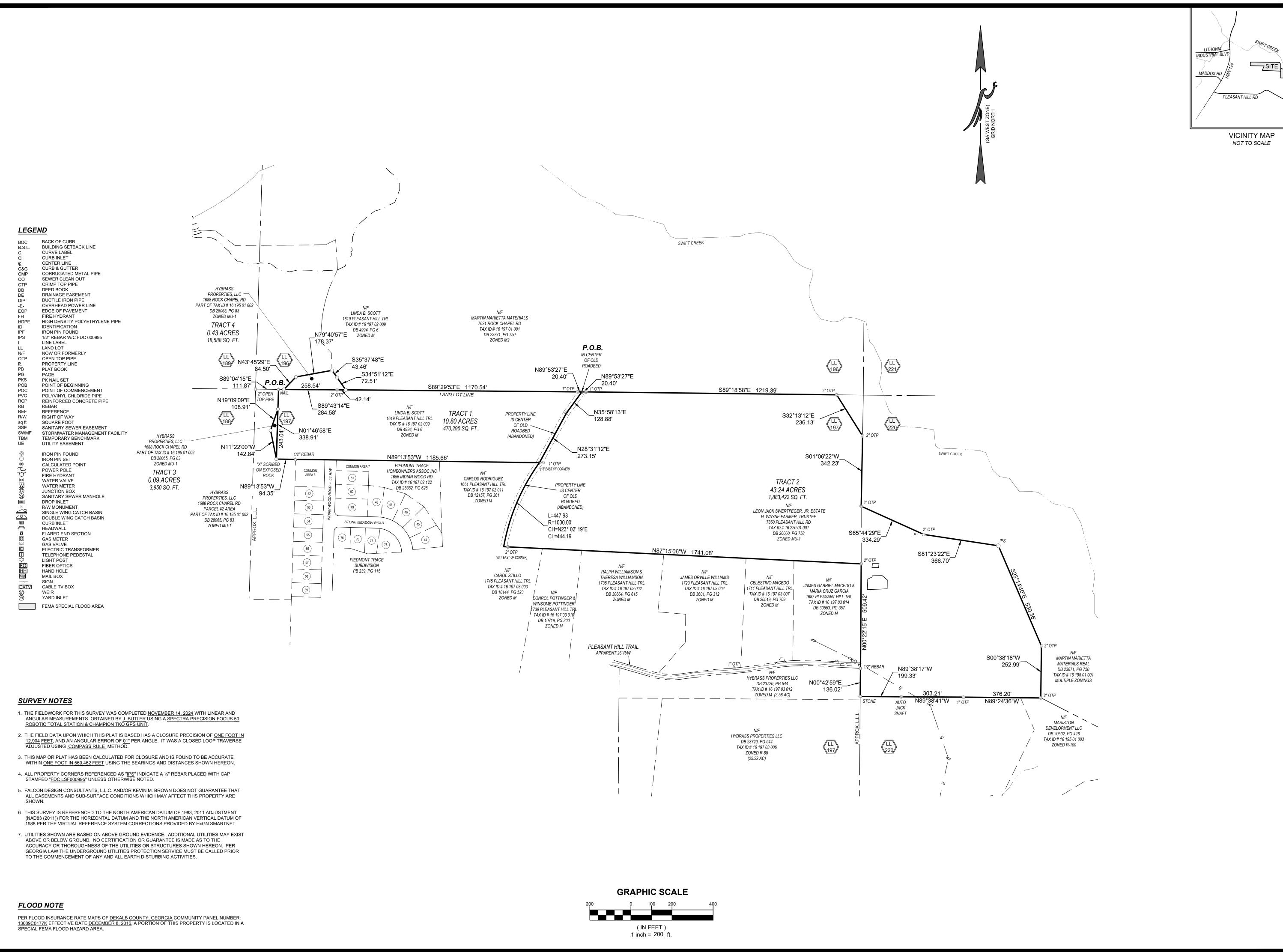
A refusal to allow the major modification of zoning conditions in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) 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



CIVIL ENGINEERING CONSTRUCTION LANDSCAPE MANAGEMENT PLANNING FALCON DESIGN **CONSULTANTS** 

DISTRIC-RGIA

MARIS<sup>-</sup>

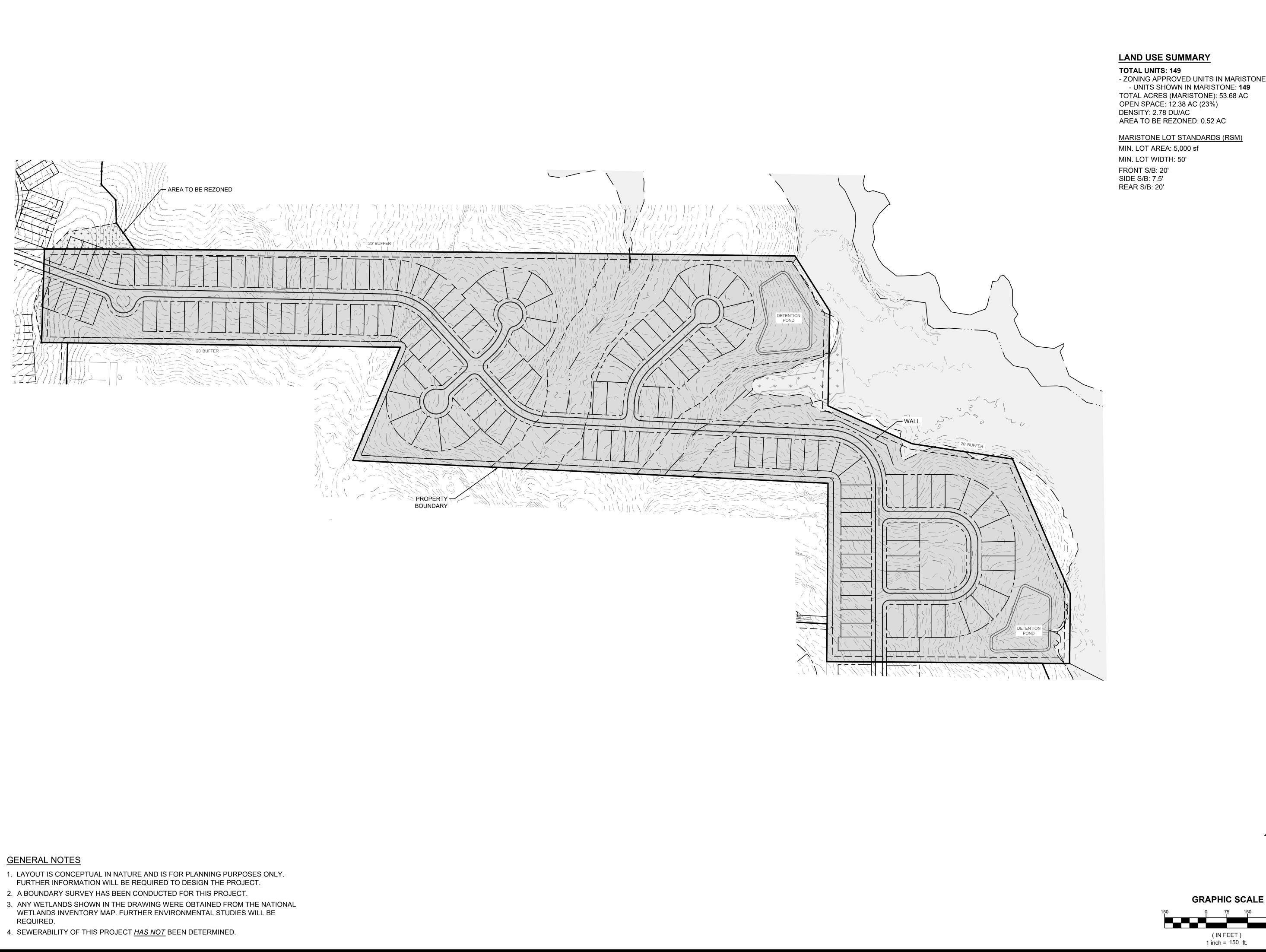
DATE: 12-16-2024 SCALE: 1" = 200' FILE NUMBER: 100.029 DRAWN BY: JR REVIEWED BY: K. BROWN



ACROSS THE REGISTRANT'S SEAL

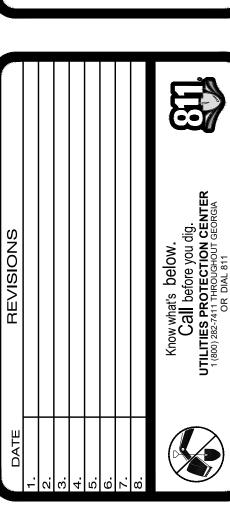
SHEET NUMBER

of 1



- ZONING APPROVED UNITS IN MARISTONE: 151 - UNITS SHOWN IN MARISTONE: 149 TOTAL ACRES (MARISTONE): 53.68 AC OPEN SPACE: 12.38 AC (23%)

CIVIL ENGINEERING COA NO. PER 004790 LAND SURVEYING COA NO. LSF 000995 CONSTRUCTION LANDSCAPE MANAGEMENT ARCHITECT **PLANNING FALCON DESIGN CONSULTANTS** STOCKBRIDGE OFFICE 235 CORP. CTR. DR., STE 200 STOCKBRIDGE, GEORGIA 30281 Ph (770)389-8666 - Fax (770)389-8656



10/10/24 SCALE: PROJ NUMBER: 100.002 DRAWN BY: NF REVIEWED BY: JP REVISED BY: HIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

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

**BEGINNING** AT A NAIL LOCATED SOUTH 89 DEGREES 04 MINUTES 15 SECONDS EAST, 111.87 FROM A 2 INCH OPEN TOP PIPE FOUND AT THE COMMON CORNER OF LAND LOTS 188, 189, 196 AND 197:

THENCE, WITH THE NORTHERLY LINE OF LAND LOT 197, SOUTH 89 DEGREES 43 MINUTES 14 SECONDS EAST, 284.58 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, SOUTH 89 DEGREES 29 MINUTES 53 SECONDS EAST, 1,170.54 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, NORTH 89 DEGREES 53 MINUTES 27 SECONDS EAST, 20.40 FEET TO A POINT IN THE CENTER OF AN OLD ROADBED;

THENCE, LEAVING SAID LAND LOT LINE AND WITH SAID ROADBED, SOUTH 35 DEGREES 58 MINUTES 13 SECONDS WEST, 128.88 FEET TO A POINT;

THENCE, SOUTH 28 DEGREES 31 MINUTES 12 SECONDS WEST, 273.15 FEET TO A POINT (SAID POINT LOCATED 18 FEET WEST OF A 1 INCH OPEN TOP PIPE);

THENCE, LEAVING SAID ROADBED, NORTH 89 DEGREES 13 MINUTES 53 SECONDS WEST, 1,185.66 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 13 MINUTES 53 SECONDS WEST, 94.35 FEET TO AN "X" SCRIBED ON EXPOSED ROCK:

THENCE, NORTH 01 DEGREES 46 MINUTES 58 SECONDS EAST, 338.91 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING 10.80 ACRES (470,295 SQUARE FEET).

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

<u>COMMENCING</u> AT A 2 INCH OPEN TOP PIPE FOUND AT THE COMMON CORNER OF LAND LOTS 188, 189, 196 AND 197;

THENCE, WITH THE NORTHERLY LINE OF LAND LOT 197, SOUTH 89 DEGREES 04 MINUTES 15 SECONDS EAST, 111.87 FEET TO A NAIL;

THENCE, SOUTH 89 DEGREES 43 MINUTES 14 SECONDS EAST, 284.58 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, SOUTH 89 DEGREES 29 MINUTES 53 SECONDS EAST, 1,170.54 FEET TO A 1 INCH OPEN TOP PIPE:

THENCE, NORTH 89 DEGREES 53 MINUTES 27 SECONDS EAST, 20.40 FEET TO A POINT IN THE CENTER OF AN OLD ROADBED AT THE **POINT OF BEGINNING**:

THENCE, CONTINUING WITH SAID NORTHERLY LAND LOT LINE, NORTH 89 DEGREES 53 MINUTES 27 SECONDS EAST, 20.40 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, SOUTH 89 DEGREES 18 MINUTES 58 SECONDS EAST, 1,219.39 FEET TO A 2 INCHOPEN TOP PIPE;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 32 DEGREES 13 MINUTES 12 SECONDS EAST, 236.13 FEET TO A 2 INCH OPEN TOP PIPE ON THE EASTERLY LINE OF LAND LOT 197; THENCE, WITH SAID EASTERLY LAND LOT LINE, SOUTH 01 DEGREES 06 MINUTES 22 SECONDS WEST, 342.23 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 65 DEGREES 44 MINUTES 29 SECONDS EAST, 334.29 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, SOUTH 81 DEGREES 23 MINUTES 22 SECONDS EAST, 366.70 FEET TO 1/2 INCH REBAR AND CAP SET;

THENCE, SOUTH 23 DEGREES 14 MINUTES 40 SECONDS EAST, 530.36 FEET TO A 2 INCH OPEN TOP PIPE:

THENCE, SOUTH 00 DEGREES 38 MINUTES 18 SECONDS WEST, 252.99 FEET TO A 2 INCH OPEN TOP PIPE:

THENCE, NORTH 89 DEGREES 24 MINUTES 36 SECONDS WEST, 376.20 FEET TO A 1 INCHOPEN TOP PIPE;

THENCE, NORTH 89 DEGREES 38 MINUTES 41 SECONDS WEST, 303.21 FEET TO AN AUTOMOBILE JACK SHAFT;

THENCE, NORTH 89 DEGREES 38 MINUTES 17 SECONDS WEST, 199.33 FEET TO A STONE ON THE EASTERLY LINE OF LAND LOT 197:

THENCE, WITH SAID EASTERLY LAND LOT LINE, NORTH 00 DEGREES 42 MINUTES 59 SECONDS EAST, 136.02 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 22 MINUTES 15 SECONDS EAST, 509.42 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID LAND LOT LINE, NORTH 87 DEGREES 15 MINUTES 06 SECONDS WEST, 1,741.08 FEET TO A POINT IN THE CENTER OF AN OLD ROADBED (SAID POINT LOCATED 20.1 FEET WEST OF A 2 INCH OPEN TOP PIPE);

THENCE, WITH OLD ROADBED, 447.93 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 1,000.00 FEET AND A CHORD BEARING NORTH 23 DEGREES 02 MINUTES 19 SECONDS EAST, 444.19 FEET) TO A POINT (SAID POINT LOCATED 18 FEET WEST OF A 1 INCH OPEN TOP PIPE);

THENCE, NORTH 28 DEGREES 31 MINUTES 12 SECONDS EAST, 273.15 FEET TO A POINT; THENCE, NORTH 35 DEGREES 58 MINUTES 13 SECONDS EAST, 128.88 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING 43.24 ACRES (1,883,422 SQUARE FEET).

# TRACT 3

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

<u>COMMENCING</u> AT A 2 INCH OPEN TOP PIPE FOUND AT THE COMMON CORNER OF LAND LOTS 188, 189, 196 AND 197;

THENCE, SOUTH 89 DEGREES 04 MINUTES 15 SECONDS EAST, 111.87 TO A NAIL; THENCE, SOUTH 01 DEGREES 46 MINUTES 58 SECONDS WEST, 95.87 FEET TO THE **POINT OF BEGINNING**;

THENCE, SOUTH 01 DEGREES 46 MINUTES 58 SECONDS WEST, 243.04 FEET TO AN "X" SCRIBED ON EXPOSED ROCK;

THENCE, NORTH 11 DEGREES 22 MINUTES 00 SECONDS WEST, 142.84 FEET TO A POINT; THENCE, NORTH 19 DEGREES 09 MINUTES 09 SECONDS EAST, 108.91 FEET TO THE **POINT OF BEGINNING.** 

SAID TRACT OR PARCEL CONTAINING 0.09 ACRES (3,950 SQUARE FEET).

# TRACT 4

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 196, 16TH DISTRICT, DEKALB COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 2 INCH OPEN TOP PIPE FOUND AT THE COMMON CORNER OF LAND LOTS 188, 189, 196 AND 197;

THENCE, SOUTH 89 DEGREES 04 MINUTES 15 SECONDS EAST, 111.87 FEET TO A NAIL; THENCE, SOUTH 89 DEGREES 43 MINUTES 14 SECONDS EAST, 26.03 FEET TO THE **POINT OF BEGINNING**;

THENCE, NORTH 43 DEGREES 45 MINUTES 29 SECONDS EAST, 84.50 FEET TO A POINT; THENCE, NORTH 79 DEGREES 40 MINUTES 57 SECONDS EAST, 178.37 FEET TO A POINT; THENCE, SOUTH 35 DEGREES 37 MINUTES 48 SECONDS EAST, 43.46 FEET TO A POINT; THENCE, SOUTH 34 DEGREES 51 MINUTES 12 SECONDS EAST, 72.24 FEET TO A POINT; THENCE, NORTH 89 DEGREES 29 MINUTES 53 SECONDS WEST, 41.99 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, NORTH 89 DEGREES 43 MINUTES 14 SECONDS WEST, 258.54 FEET TO THE **POINT OF BEGINNING.** 

SAID TRACT OR PARCEL CONTAINING 0.43 ACRES (18,583 SQUARE FEET).

# **DEKALB COUNTY**

ITEM NO.	

# **BOARD OF COMMISSIONERS**

#### **HEARING TYPE ZONING AGENDA / MINUTES PUBLIC HEARING**

MEETING DATE: September 25, 2007

**ACTION TYPE ORDINANCE** 

SUBJECT: Rezone - Tritium Investment Properties c/o The Battle Law Group

DEPARTMENT: Planning		PUBLIC HEARING: ✓ YES □ NO			
ATTACHMENT:	✓ YES □ No	INFORMATION CONTACT:	Patrick Ejike/Kevin Hunter		
PAGES:	54	PHONE NUMBER:	(404) 371-2155		

Deferred from 3/27/07, 5/22/07 & 7/24/07 for a public hearing.

# PURPOSE: Z-07-12945

Application of Tritium Investment Properties c/o The Battle Law Group to rezone properties from O-I, O-D, R-85 and M to OCR, PC-1 and R-85 to allow for the development of approximately 791 residential units with approximately 123, 700 square feet of commercial development. The property is located on the east side of Rock Chapel Road, north of its intersection with Maddox Road. The property has approximately 2,511 feet of frontage and contains approximately 263.75 acres.

**Subject Property:** 

16-195-01-001, 16-197-03-012 & 16-220-01-001

# **RECOMMENDATION(S):**

# PLANNING DEPARTMENT:

Approval w/Conditions. Based on the submitted information it appears that the proposed project meets the requirements of the zoning ordinance for approval of the project site to the OCR, PC-1 And R-85 District(s). The Georgia Regional Transportation Authority (GRTA) issued a Notice of Decision and recommended conditions dated June 30, 2007. It should be noted that the recommendation was germane to pedestrian nodes of access, right-of-way improvements, road connectivity along State Road 124 as well as other points of access that would interface with the project site. Therefore, the recommendation for "Approval, subject to the following conditions:"

- 1. Approval shall be in general compliance with the submitted Exhibits entitled "Rezoning Exhibit for Maristone", prepared by Southeastern Engineering (SEI), containing the Overall Site Plan Exhibit (Labeled#1), the Rezoning Exhibits (Labeled #2 thru #5), Multi-Modal Access Plan Exhibits (Labeled #6 thru #8), and the Details Plan (labeled #9).
- 2. Approval shall be subject to conditions as provided in Attachment A, and subject to the limitations placed on allowable modification to the DRI Plan of Development, as described in Attachment B, submitted by the Georgia Regional Transportation Authority (GRTA).
- Drainage improvements shall be subject to the approval of the Drainage Division of the Public Works 3. Department and the Development Division of the Planning and Development Department.
- 4. Roadway and access improvements shall be subject to approval of the Transportation Division of the Public Works Department, the Development Division of the Planning and Development Department, and the Georgia Department of Transportation (GDOT).
- 5. The Project Applicant and/or subsequent Builder(s) or Owners of the Senior Living Units shall utilize Sound Deading Building Materials to lessen the adverse impacts of outside noise on those seniors living in the residential units, subject to approval of the Development Division of the Planning and Development Department.

# PLANNING COMMISSION:

Defer to BOC.

# **COMMUNITY COUNCIL:**

Deferral.

	FOR USE B	Y COMMIS	SSION OFF	ICE/CLER	K ONLY
0.5 Z-07-129	945				

**ACTION**: D MOTION was made by Commissioner May seconded by Commissioner Johnson, and passed 7-0-0, to approve with conditions submitted and one additional condition: no stream buffer variances, the rezoning application of Tritium Investment Properties c/o The Battle Law Group. SEP 2 5 2007 SEP 2 5 2007 ADOPTED: **CERTIFIED:** (DATE (DATE) CLERK. DEKALB COUNTY BOARD OF COMMISSIONERS DEKAL'B COUNTY BOARD OF COMMISSIONERS FOR USE BY CHIEF EXECUTIVE OFFICER ONLY OCT 1 5 2007 APPROVED: VETOED: CHIEF EXECUTIVE OF CER CHIEF EXECUTIVE OFFICER **DEKALB COUNTY DEKALB COUNTY** VETO STATEMENT ATTACHED: **MINUTES:** Michele Battle, 999 Peachtree Street, Atlanta, Ga. 30309, spoke in support of the application. Ms. Battle submitted a list of conditions for the record.

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	X			LIDSEIVI
DISTRICT 2 - JEFF RADER		-		<del></del>
DISTRICT 3 – LARRY JOHNSON		-		
DISTRICT 4 – BURRELL ELLIS	^			
DISTRICT 5 – LEE MAY	<u>^</u>			
	X			
DISTRICT 6 – KATHIE GANNON	X			***************************************
DISTRICT 7 – CONNIE STOKES	X			

# Attachment A - General Conditions

# **Conditions to GRTA Notice of Decision:**

The conditions listed herein shall supersede all conditions associated with DRI # 632 Rock Creek Chapel Road.

# Development Intensity and Use

- Provide a mixture of uses including commercial and residential.
  - Provide a mixture of housing types including attached and detached single family, and multi-family.

# Road Connectivity

- The main spine road, "Street A", shall align with the Lithonia Industrial Boulevard extension.
- Provide a maximum of two access points to SR 124.
  - Provide a full access point to SR 124 that aligns with the Lithonia Industrial Boulevard extension.
  - Provide a full access point to SR 124 that aligns with the existing median break.
- No internal intersection shall occur within 200 feet of SR 124 as measured from the stop bar.
- Provide a driveway or street stub to the southern property line abutting property labeled "Glen T. Bloodworth" on the site plan. Allow future vehicular access from the Bloodworth property to this stub.
- The internal street network shall connect to all existing adjacent street stubs.
  - Provide a vehicular connection to the existing Enid Drive street stub.
  - Provide a street connection to Tritium Investment Properties currently under construction adjacent to the southern property line as shown on the site plan and labeled "Street H".
- Extend Street M to the southern property line as shown on the site plan to connect to the Pleasant Hill Trail subdivision.

# Pedestrian & Bicycle Facilities

- Provide sidewalks along the property frontage abutting SR 124.
- Provide sidewalks on both sides of all internal roads.
- Provide pedestrian connection between the entrances of all non-residential buildings and the sidewalk network.
- Provide bicycle racks near the entrances of all non-residential and multi-family buildings.

# Roadway Improvements as Conditions to GRTA Notice of Decision:

# SR 124 at Future LIB extension

- Provide a three lane westbound approach along the site driveway.
- Provide a southbound left-turn lane and a northbound right turn lane into the site.

# SR 124 at existing median break

- Provide separate westbound left and right turn lanes along the site driveway.
- Provide southbound left-turn lane and northbound right turn lane into the site.

# Attachment B - Required Elements of the DRI Plan of Development

# Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the "Conditions to GRTA Notice of Decision" set forth in Attachment A are satisfied.
- All of the "Roadway Improvements as Conditions to GRTA Notice of Decision" set torth in Attachment A are satisfied.

# REZONING EXHIBIT FOR MARISTONE. \*

PREPARED FOR:

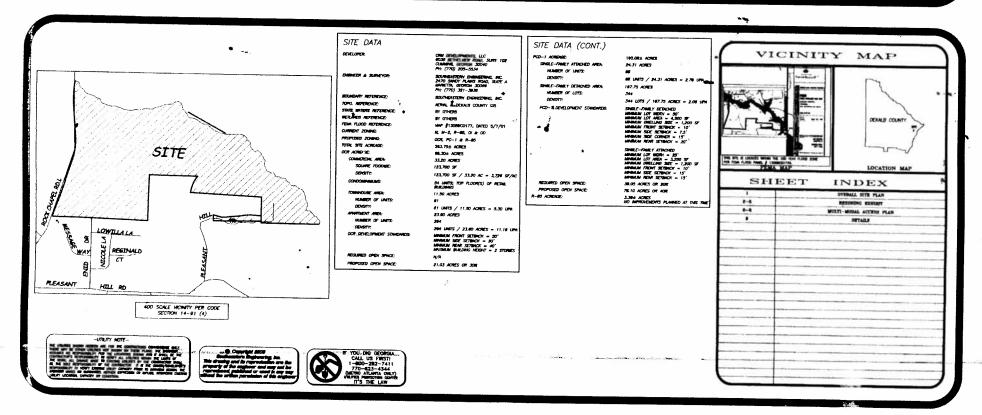
CRM DEVELOPMENTS, LLC 6030 BETHELVIEW ROAD, SUITE 102 CUMMING, GEORGIA, 30040 PHONE: 770-205-5534

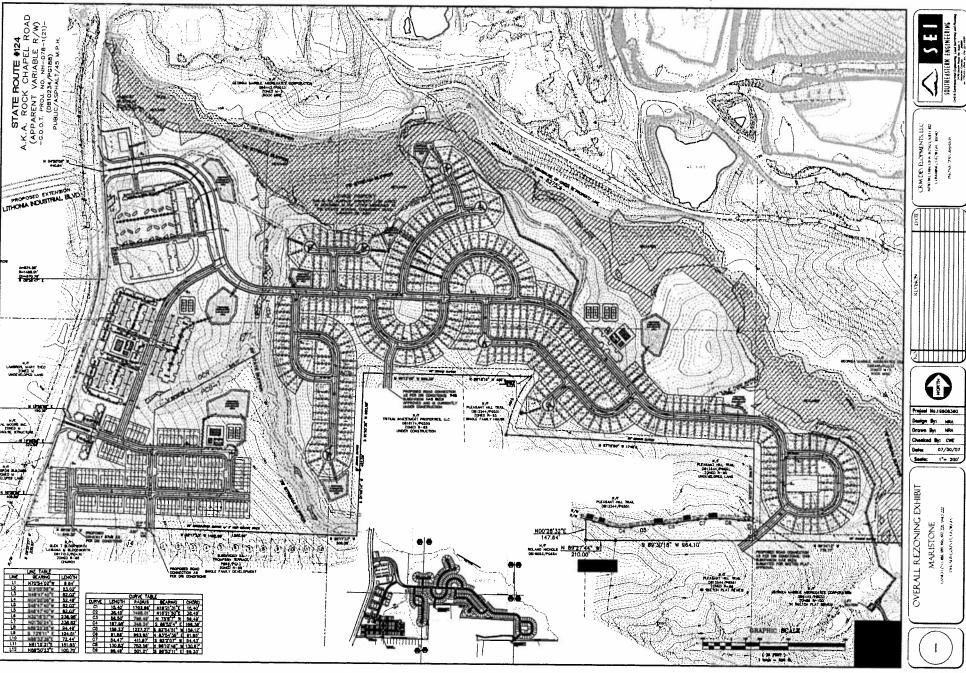
LAND LOTS 188, 180, 196, 197, 281, AND 282 DEKALS COUNTY, QUOSGIA SOUTHEASTERN ENGINEERING
CHIE & Revisionmental Engineering, Land Graveying and Flancing
2419 Annual Plancia Rd. (State A.)
Reference, Company Plancia Rd. (State A.)
Reference, Company 2-15(2)

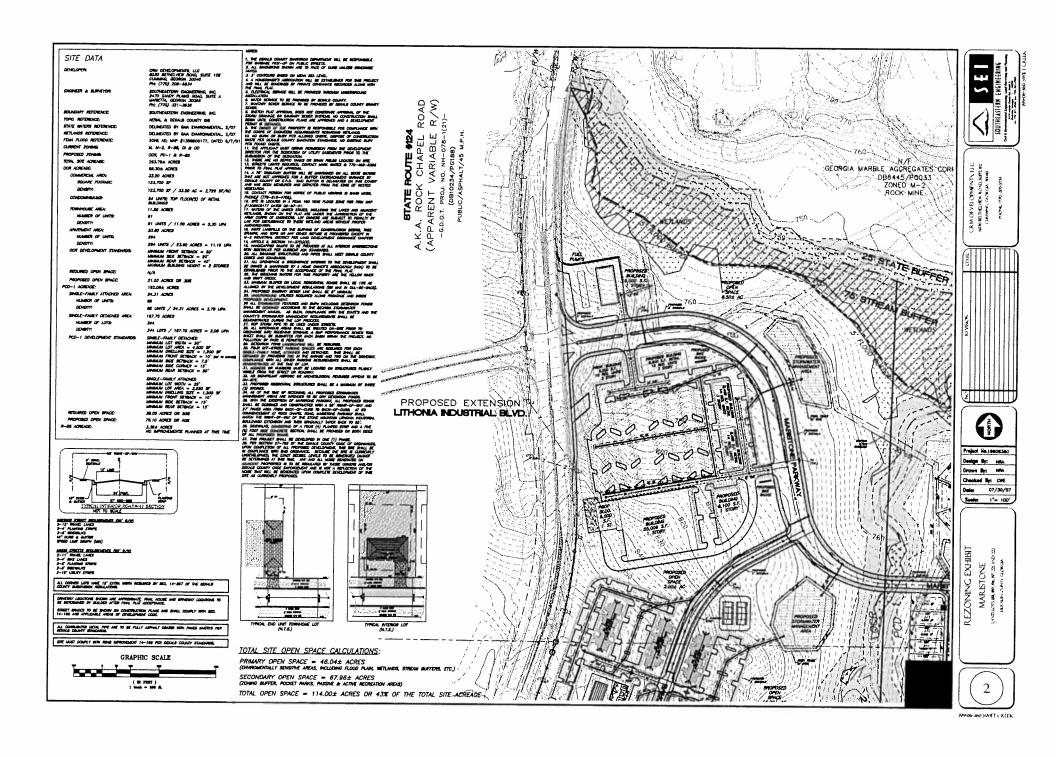
PREPARED BY:

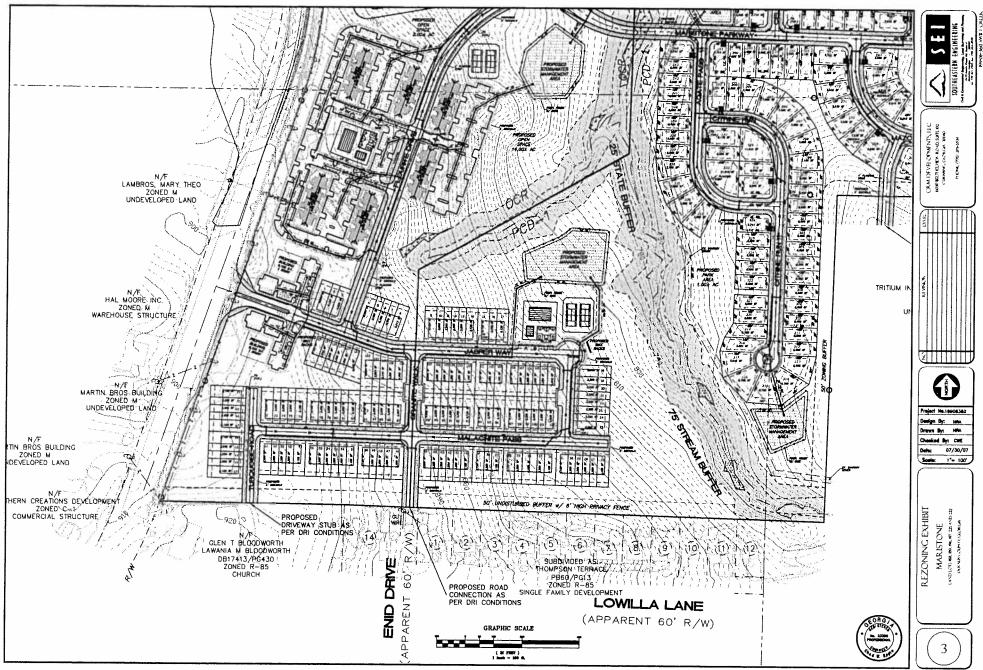


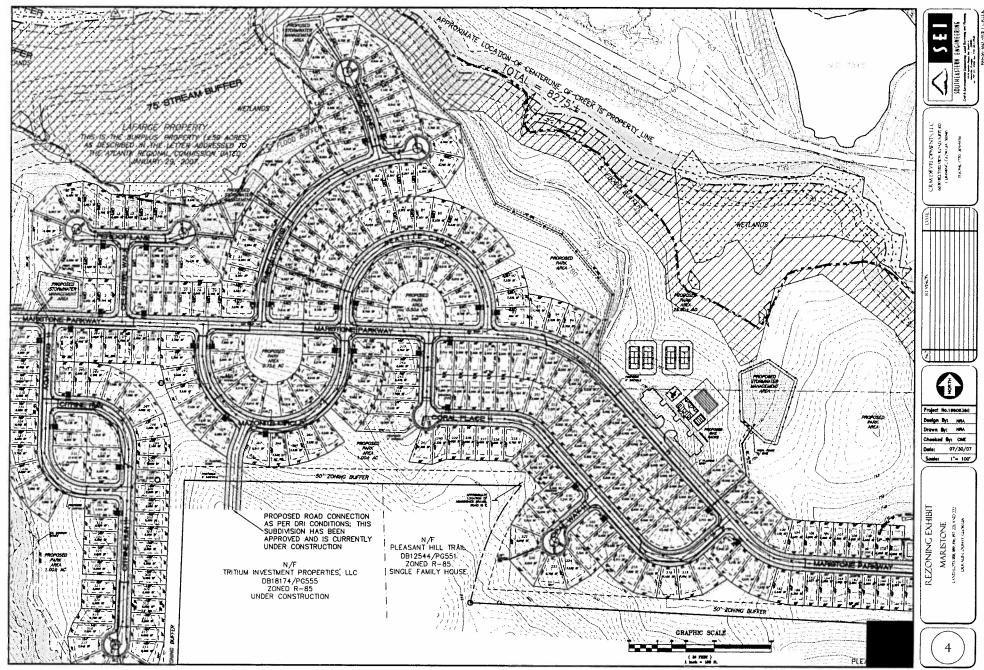
24 HOUR CONTACT: DOUG PERRY PHONE: 770-205-5534

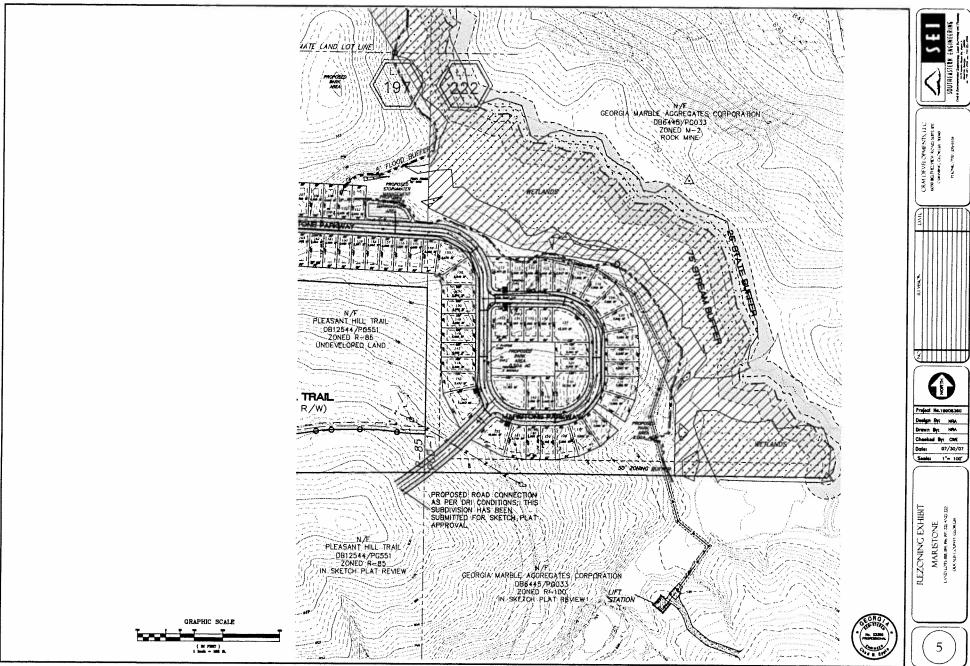


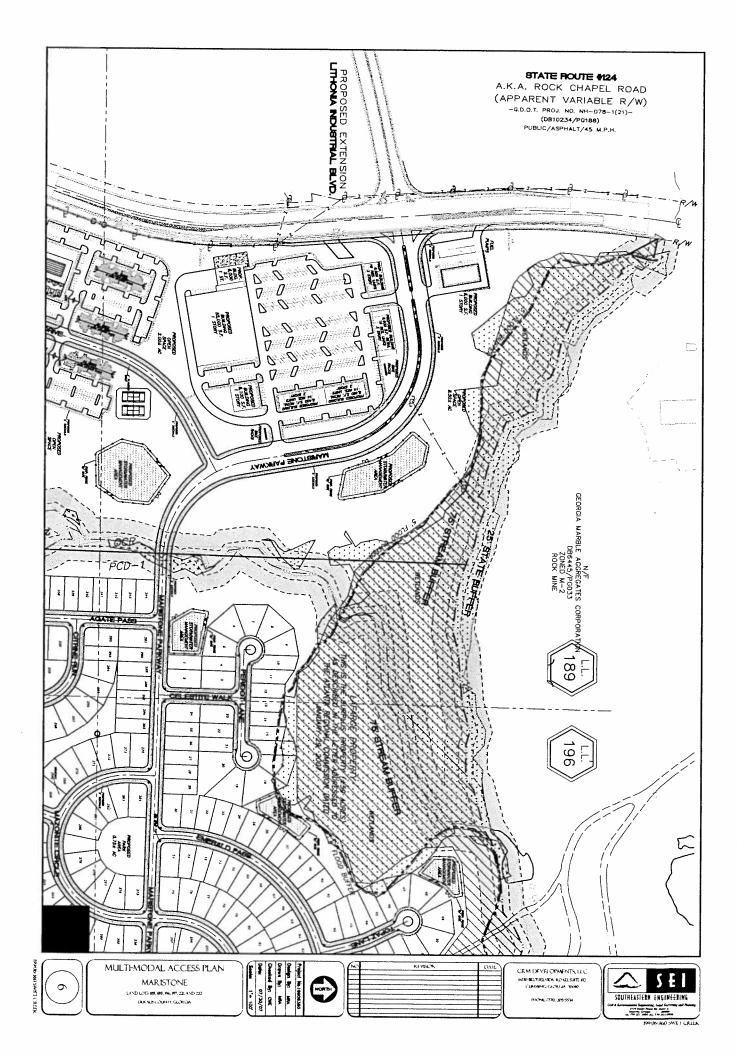


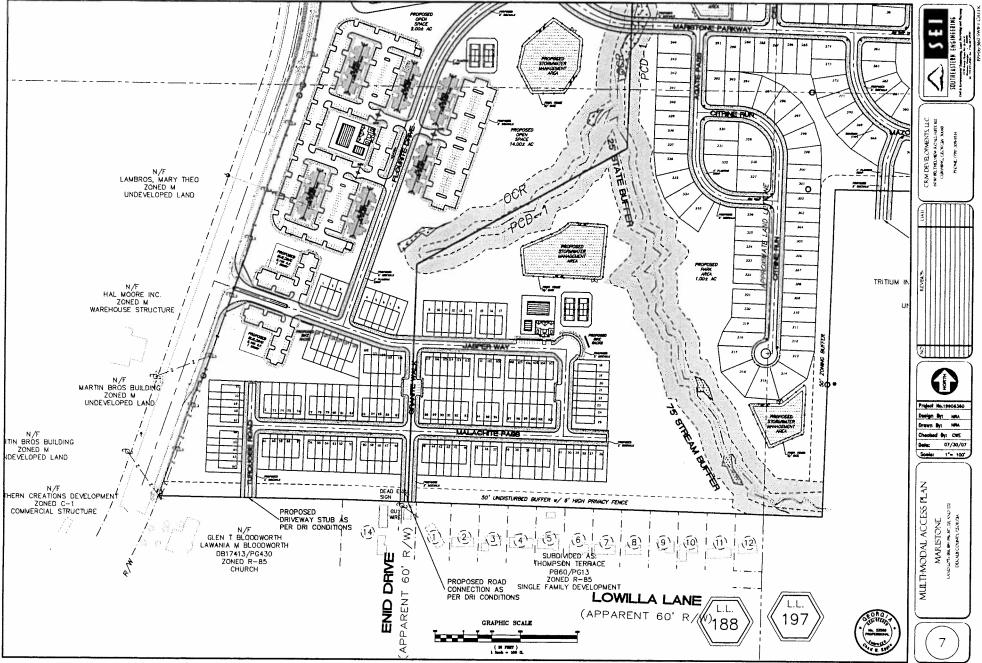




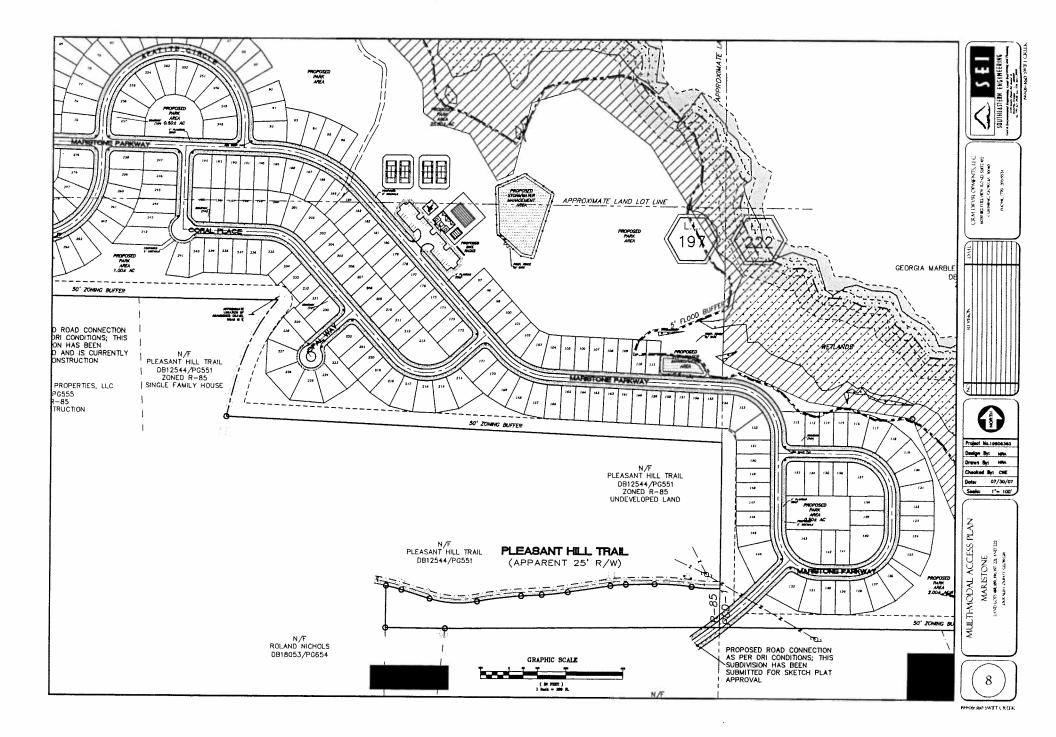


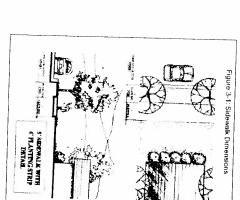


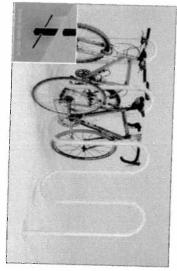


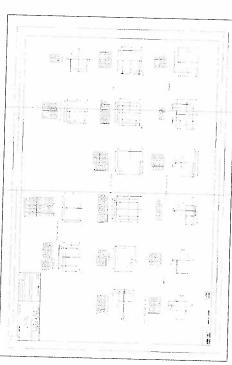


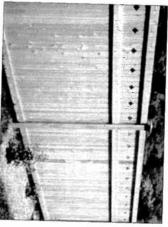
1999-06-360 SWIFT CREEK















DETAILS

MARISTONE

LANGUOIS BIR BRONG STO ZULAND 202

DIKALBECOUNTY, CHORGIA



no RAYSON

CLI ZINAMOLISVEC MARD THE CLOCK WENDERLESS ON ON OHOM ADDRESS DOMAIN

HIDNE (70), Morros







# **DeKalb County Parcel Map**

0 0.075 0.15 0.3 0.45 0.6 Date Printed: 4/22/2025 À

DeKalb County GIS Disclaimer

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