

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: D2-2025-0283 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, AICP

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: (August 2025) Denial. (April 2025) Approval with a condition.

PLANNING COMMISSION: (Sept. 9, 2025) Pending. (May 6, 2025) Two-Cycle Deferral.

PLANNING STAFF: Three-Cycle Deferral.

STAFF ANALYSIS: This application is currently subject to an ongoing Development of Regional Impact (DRI) Study (DRI #4478) that is being conducted by the Atlanta Regional Commission (ARC). 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 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 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. **At the time of this analysis, DRI #4478 is currently ongoing. As a result of conversations with the ARC and the applicant, the Planning and Sustainability Department recommends a “Three-Cycle Deferral of this application request to the March 2026 zoning agenda to allow sufficient time for these procedural requirements to be followed and for additional changes to the proposal that may result”.**

PLANNING COMMISSION VOTE: (September 9, 2025) Pending. 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: (August 2025) Denial 5-2-1. Applicant was not present. **(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.

Planning Commission Hearing Date: September 9, 2025
Board of Commissioners Hearing Date: September 30, 2025

STAFF ANALYSIS

CASE NO.:	Z-25-1247358	File ID #: 2025-0283
Address:	1619 Pleasant Hill Trail & 7850 Pleasant Hill Road, Lithonia, GA 30058	Commission District: 5 Super District: 7
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.	
Property Owner(s):	Hybrass Properties, LLC.	
Applicant/Agent:	Hybrass Properties, LLC. c/o Battle Law, P.C.	
Acreage:	54.02 acres	
Existing Land Use:	Vacant	
Adjacent Zoning:	North: MU-1 East: MU-1 South: M, R-100, RNC West: MU-1, M	
Character Area	Neighborhood Center (NC)	
Comprehensive Plan:	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	

STAFF RECOMMENDATION: THREE-CYCLE DEFERRAL

This application is currently subject to an ongoing Development of Regional Impact (DRI) Study (DRI #4478) that is being conducted by the Atlanta Regional Commission (ARC).

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 “Creeside Village” mixed-use development. At the time of this analysis, several phases of “Creeside 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.

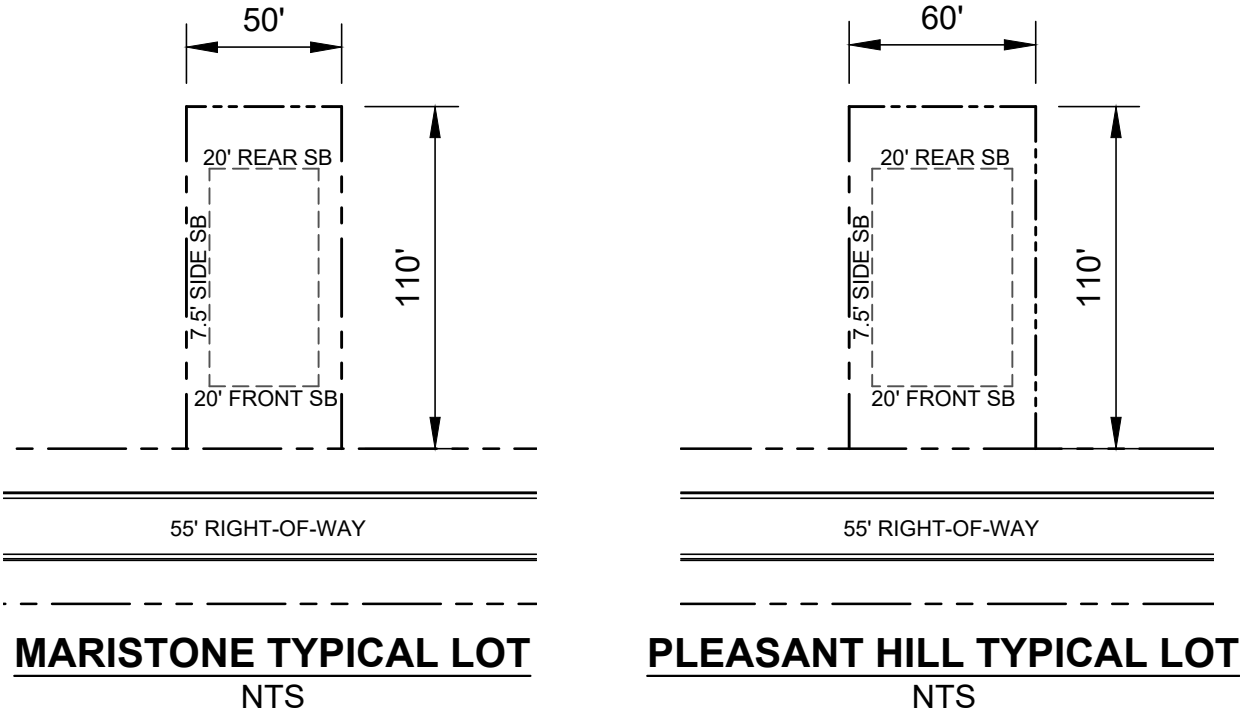
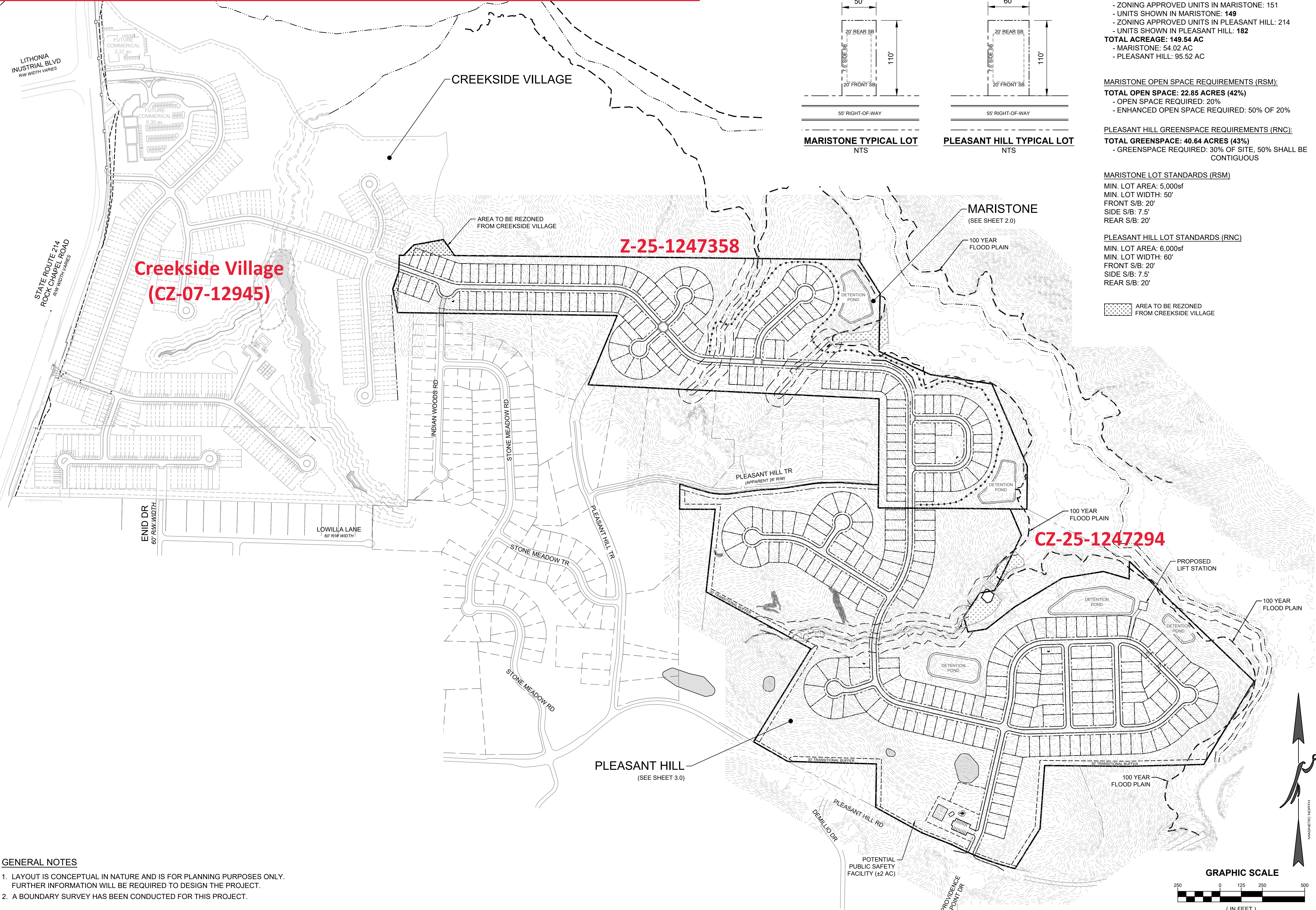
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A total of three (3) access points are proposed that would connect the site with adjacent developments. Two (2) are located near the western portion of the proposed development site, connecting the subject properties with the “Piedmont Trace” subdivision 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 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. **At the time of this analysis, DRI #4478 is currently ongoing. As a result of conversations with the ARC and the applicant, the Planning and Sustainability Department recommends a *Three-Cycle Deferral* of this application request to allow sufficient time for these procedural requirements to be followed and for additional changes to the proposal that may result.**

CZ-25-1247294/Z-25-1247358 SITE PLAN



LAND USE SUMMARY

TOTAL UNITS: 331
- ZONING APPROVED UNITS IN MARISTONE: 151
- UNITS SHOWN IN MARISTONE: 149
- ZONING APPROVED UNITS IN PLEASANT HILL: 214
- UNITS SHOWN IN PLEASANT HILL: 182
TOTAL ACREAGE: 149.54 AC
- MARISTONE: 54.02 AC
- PLEASANT HILL: 95.52 AC

MARISTONE OPEN SPACE REQUIREMENTS (RSM):
TOTAL OPEN SPACE: 22.85 ACRES (42%)
- OPEN SPACE REQUIRED: 20%
- ENHANCED OPEN SPACE REQUIRED: 50% OF 20%

PLEASANT HILL GREENSPACE REQUIREMENTS (RNC):
TOTAL GREENSPACE: 40.64 ACRES (43%)
- GREENSPACE REQUIRED: 30% OF SITE, 50% SHALL BE CONTIGUOUS

MARISTONE LOT STANDARDS (RSM)
MIN. LOT AREA: 5,000sf
MIN. LOT WIDTH: 50'
FRONT S/B: 20'
SIDE S/B: 7.5'
REAR S/B: 20'

PLEASANT HILL LOT STANDARDS (RNC)
MIN. LOT AREA: 6,000sf
MIN. LOT WIDTH: 60'
FRONT S/B: 20'
SIDE S/B: 7.5'
REAR S/B: 20'

AREA TO BE REZONED FROM CREEKSIDE VILLAGE

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.

CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LAND SURVEYING
LANDSCAPE ARCHITECT
LAND PLANNING

FALCON DESIGN CONSULTANTS

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251 CORP CTR DR, STE 200
STOCKBRIDGE, GEORGIA 30281
PH: (770) 389-8666 • Fax: (770) 389-8668

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40 GREENWAY CT, STE A
NEWNAS, GEORGIA 30255
PH: (770) 755-7978

CUMMING OFFICE
500 PEARLE FERRY RD, STE C
CUMMING, GEORGIA 30040
PH: (770) 807-7100

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CONCEPT PLAN FOR
MARISTONE & PLEASANT HILL
LOCATED IN:
LAND LOTS 188, 189, 196, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

REVISIONS

DATE	REVISIONS
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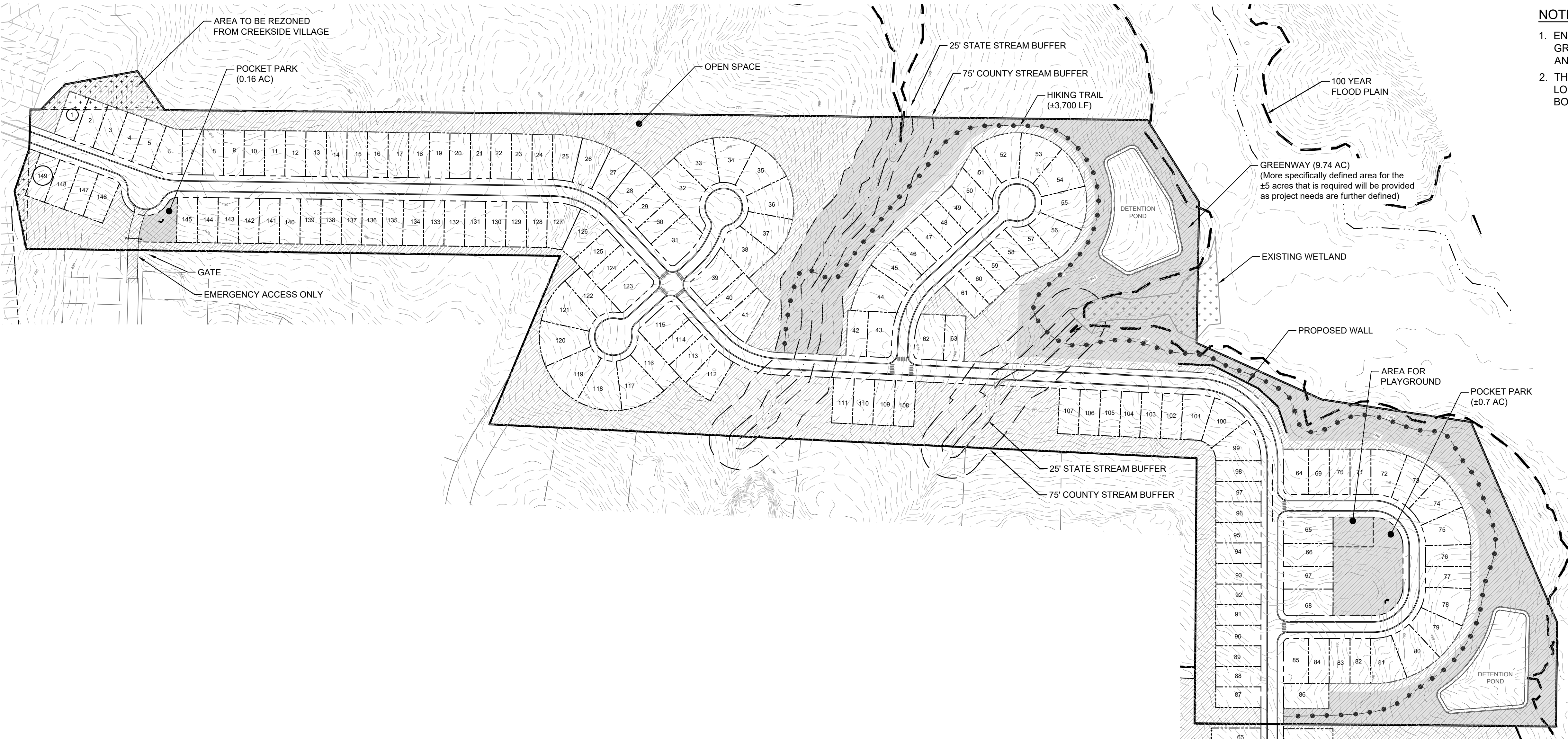
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DATE:	4/08/25
SCALE:	1" = 250'
PROJ NUMBER:	100.029
DRAWN BY:	AM
REVIEWED BY:	JDL
REVISED BY:	

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SHEET NUMBER
1.0

Z-25-1247358 SITE PLAN



LAND USE SUMMARY

TOTAL UNITS: 149
- ZONING APPROVED UNITS IN MARISTONE: 151
- UNITS SHOWN IN MARISTONE: 149
TOTAL ACRES (MARISTONE): 54.20 AC
DENSITY: 2.75 DU/AC
AREA TO BE REZONED: 0.52 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%)

MARISTONE LOT STANDARDS (RSM)

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

- OPEN SPACE
AREA TO CONTAIN REQUIRED ENHANCED OPEN SPACE (10.79 AC)
AREA TO BE REZONED FROM CREEKSIDE VILLAGE

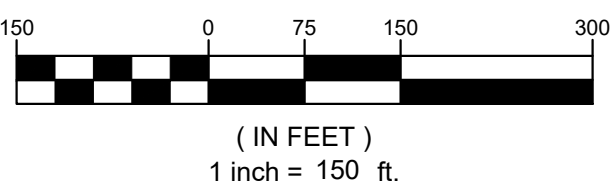
NOTES

1. ENHANCED OPEN SPACE TO INCLUDE A GREENWAY WITH HIKING TRAIL, POCKET PARKS, AND PLAYGROUND
2. THERE ARE NO SLOPES GREATER THAN 1:2 LOCATED WITHIN THE MARISTONE PROPERTY BOUNDARY.

GENERAL NOTES

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2. A BOUNDARY SURVEY HAS BEEN CONDUCTED FOR THIS PROJECT.

GRAPHIC SCALE



CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LAND SURVEYING
LANDSCAPE ARCHITECT
LAND PLANNING

FALCON DESIGN CONSULTANTS

STOCKBRIDGE OFFICE
251 CORY CTR. DR. STE 200
STOCKBRIDGE, GEORGIA 30281
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NEWNAN OFFICE
40 GREENWAY CT. STE. A
NEWNAN, GEORGIA 30255
PH: (770) 252-7979

CUMMING OFFICE
500 PIRKLE FERRY RD. STE. C
CUMMING, GEORGIA 30040
PH: (478) 367-1188

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CONCEPT PLAN
FOR
MARISTONE

LOCATED IN:
LAND LOTS 188, 189, 196, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

REVISIONS

DATE	REVISIONS
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811

DATE: 4/08/25
SCALE: 1" = 150'
PROJ NUMBER: 100.002
DRAWN BY: AM
REVIEWED BY: JDL
REVISED BY:

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SHEET NUMBER

2.0

CZ-25-1247294 SITE PLAN

LAND USE SUMMARY

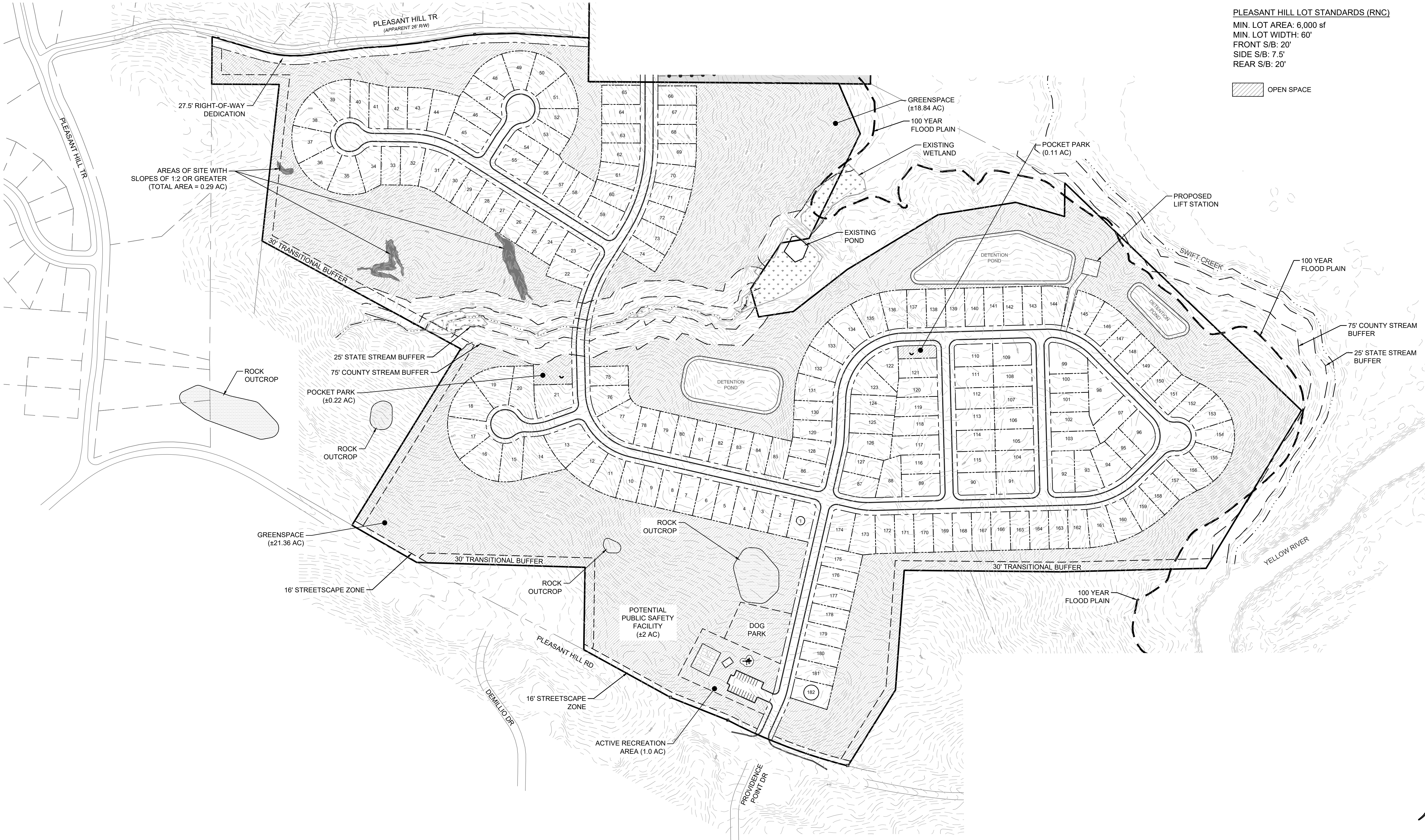
TOTAL UNITS: 182
- ZONING APPROVED UNITS IN PLEASANT HILL: 214
- UNITS SHOWN IN PLEASANT HILL: 182
TOTAL ACRES (PLEASANT HILL): 95.52 AC
DENSITY: 1.91 DU/AC

PLEASANT HILL GREENSPACE REQUIREMENT (RNC):
REQUIRED GREENSPACE: 30% OF SITE (28.66 acres),
50% SHALL BE CONTIGUOUS
PROVIDED GREENSPACE: 40.64 acres (43%),
23.68 acres (58%) CONTIGUOUS

PLEASANT HILL LOT STANDARDS (RNC)

MIN. LOT AREA: 6,000 sf
MIN. LOT WIDTH: 60'
FRONT S/B: 20'
SIDE S/B: 7.5'
REAR S/B: 20'

OPEN SPACE



GENERAL NOTES

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CONCEPT PLAN
FOR
PLEASANT HILL

LOCATED IN:
LAND LOTS 188, 189, 196, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

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REVISED BY:	

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SHEET NUMBER
3.0

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric 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 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 10-foot 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. (JLivingston@dot.ga.gov). 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. (hefowler@dekalbcountyga.gov). No poles to remain in the sidewalk/path. All intersections must meet AASHTO sight distance requirements.



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

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- Transportation/Access/Row

- Storm Water Management

- Flood Hazard Area/Wetlands

- Landscaping/Tree Preservation

- Tributary Buffer

- Fire Safety

**DeKalb County School District
Development Review Comments**

Analysis Date: 3/4/2025

Submitted to: DeKalb County

Case #: Z-25-1247358

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

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.

	Rock Chapel Elementary School	Lithonia Middle School	Lithonia High School	Other DCSD Schools	Private Schools	Total
Current Condition of Schools						
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			
New Seats Available	157	157	-156			
New Utilization	77.4%	87.2%	110.9%			

	Attend Home School	Attend other DCSD School	Private School	Total
Yield Rates				
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			
Unit Type	SF			
Cluster	Lithonia High School			
	Attend Home School	Attend other DCSD School	Private School	Total
Units x Yield				
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 Home School	Attend other DCSD School	Private School	Total
Anticipated Students				
Rock Chapel Elementary School	15	10	2	27
Lithonia Middle School	9	6	0	15
Lithonia High School	18	7	1	26
Total	42	23	3	68



**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

**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**

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.: Z-25-1247358

Parcel I.D. #: 16-220-01-001
16-197-02-009

Address: 1619 Pleasant Hill Trail @ 7850 Pleasant Hill Rd,
Lithonia, Ga 30058

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7th 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: Plans and Field reviewed. No problem that
would interfere with Traffic Flow.

Signature: _____

Jerry White



**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 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: _____



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: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: _____

Parcel ID#: _____

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

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: 12/20/2024

TO WHOM IT MAY CONCERN:

(I), (WE) FARMER H WAYNE TRUSTEE
Name of owners(s) (If more than one owner, attach a separate sheet)

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

Battle Law P.C.

Name of Agent or Representative

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


Notary Public

H Wayne Sam Trustee
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

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 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.



Notary



Signature of Applicant /Date

Check one: Owner X Agent _____



Expiration Date/ Seal

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



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 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 Cana-
da)**

Register in advance for this meeting:

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

Meeting ID: 832 9592 5266

Password: 542283

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OWNERNAME1	PSTLADDRESS
MARTIN MARIETTA MATERIALS REAL	6920 POINTE INVERNESS WAY STE 301
MARISTON DEVELOPMENTS LLC	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	1840 PLEASANT HILL TRL
HARRIS STEPHANIE	1822 STONE MEADOW RD
HEFFNER EVANGELINE	1816 STONE MEADOW RD
KENNEDY MCKENZIE MARLENE E	1810 STONE MEADOW RD
MITCHELL SIMONE A	1804 STONE MEADOW RD
TAYLOR RENEE L	7695 STONE MEADOW TRL
MARSHALL CASSANDRA M	7701 STONE MEADOW TRL
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 MARQUITA DANIEL	7733 STONE MEADOW TRL
WALTERS ALBERT D	7739 STONE MEADOW TRL
LEE GLORIA	7745 STONE MEADOW TRL
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
HAMBIE JAMES	7700 STONE MEADOW TRL
WILLIAMS SHARON	7694 STONE MEADOW TRL
NELSON STEPHANIE	7684 STONE MEADOW TRL
PIEDMONT TRACE HOMEOWNERS ASSO INC	1465 NORTHSIDE DR STE 128
PIEDMONT TRACE HOMEOWNERS ASSO INC	1465 NORTHSIDE DR STE 128
WILLIAMSON RALPH R	1735 PLEASANT HILL TRL
STILLO CAROL S	1745 PLEASANT HILL TRL
WILLIAMS JAMES ORVILLE	1723 PLEASANT HILL TRL
EMERSON CYNTHIA DOWNS	4955 MCCOY CIR
HYBRASS PROPERTIES LLC	6350 LAKE OCONEE PKWY PMB 11051
MACEDO CELESTINO	1711 PLEASANT HILL TRL
CASON YOLANDE ANN	7772 PLEASANT HILL RD
HARRIS MICHAEL D	2555 PLEASANT HILL TRL
POTTINGER CONROL	1739 PLEASANT HILL TRL
HYBRASS PROPERTIES LLC	6350 LAKE OCONEE PKWY PMB 110-51
MACEDO JAIMES GABRIEL	1687 PLEASANT HILL TRL
DIAZ ESTEBAN MELVIN ALEXANDER	1746 PLEASANT HILL TRL
BLK NOVA LLC	5314 HOLLY BROOKE LN
BRYDSON MICHELLE	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

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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	1719 NJ-10 STE 219
HANSLEY DONIELLE T	1966 LOCKSLEY TER
ZACHARY KENETHIA L	1960 LOCKSLEY TER
ROWE RONALD B	1959 LOCKSLEY TER
WHITESIDES CARTER	2082 STRANG BLVD
BRYANT JIMMIE L	2078 STRANG BLVD
DAVIS YVETTE E	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	1622 GIRVAN RIDGE DR
SHINE HARVEY L	7929 PLEASANT HILL RD
REED NORA	2178 PROVIDENCE POINT DR
PEEPLES ANGELA	7911 PROVIDENCE POINT WAY
BLACKWELL PROPERTIES LLC	2350 POINTE PKWY STE 250
BOWDEN TIONA C	2177 PROVIDENCE POINT DR
HARRIS THOMAS JR	2183 PROVIDENCE POINT DR
ANDERSON GRADY MARQUIS	2189 PROVIDENCE POINT DR
LAWSON JOANNA	2195 PROVIDENCE POINT DR
SIMON CHRISTIE NATACHA	116 PLEASANT HILL RD NW
RKM GROUP INVESTMENTS LLC	1017 PEARL MIST DR SW
SWERTFEGER LEON JACK JR U/W	3919 NE WIEUCA RD NE
HYBRASS PROPERTIES LLC	988 EAST FREEWAY DR SE STE A

PSTLCITY__PSTLSTATE__ZIP
 FORT WAYNE , IN 30058
 CUMMING , GA 30058
 LITHONIA , GA 30058
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 CONYERS , GA 30058
 SANDY SPRINGS , GA 30058
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CARMEL , IN 30058
LITHONIA , GA 30058
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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



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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



Battle Law

I. LETTER OF INTENT

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 CONSTITUTIONAL 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, Article I, Section III, Paragraph I of the Constitution of the State of



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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



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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

LEGEND

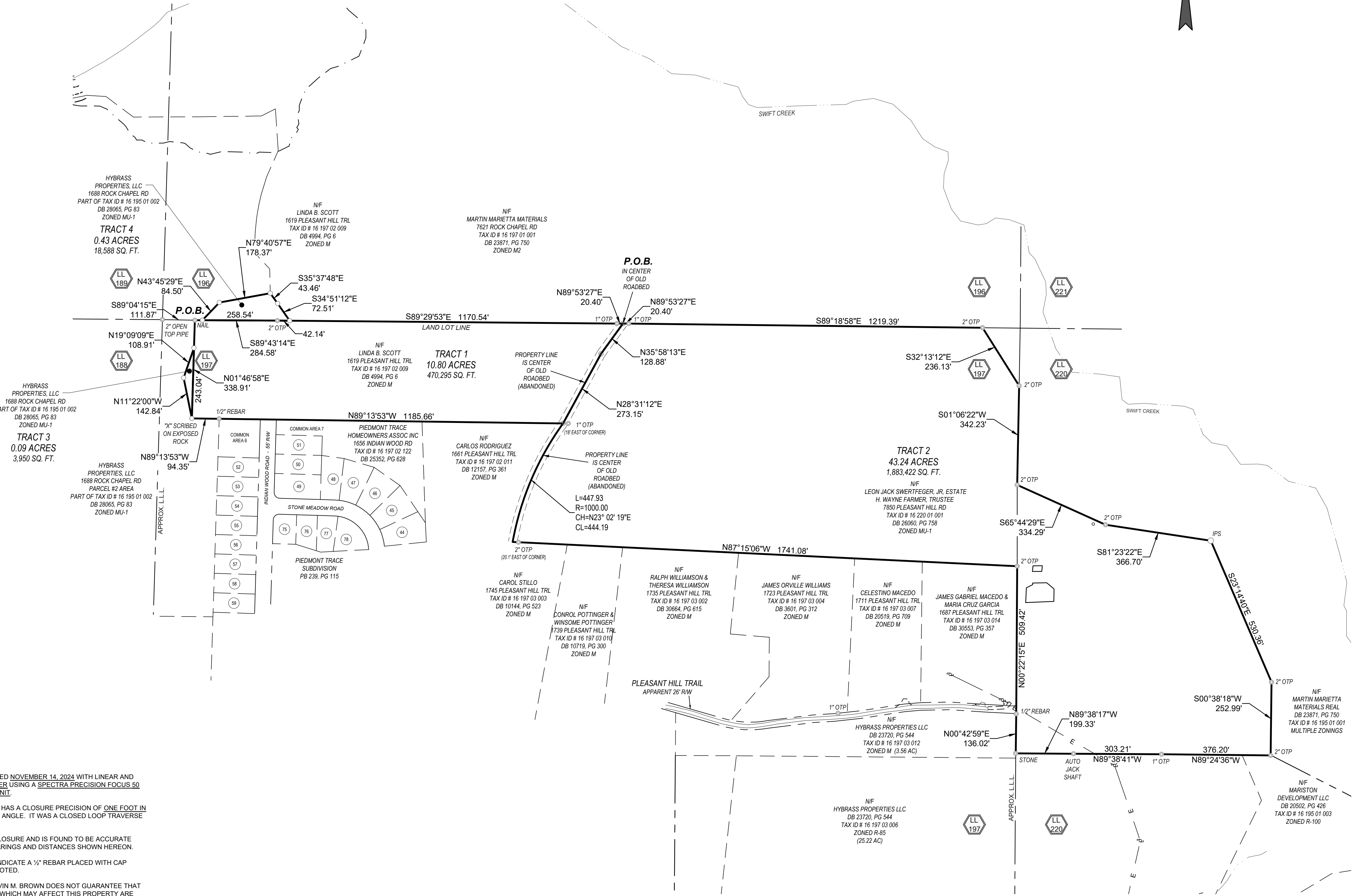
- BOC BACK OF CURB
B.S.L. BUILDING SETBACK LINE
C CURVE LABEL
CI CURB INLET
CL CENTER LINE
C&G CURB & GUTTER
CMP CORRUGATED METAL PIPE
CO SEWER CLEAN OUT
CTP CRIMP TOP PIPE
DB DEED BOOK
DE DRAINAGE EASEMENT
DIP DUCTILE IRON PIPE
D-E OVERHEAD POWER LINE
EOP EDGE OF PAVEMENT
FH FIRE HYDRANT
HDPE HIGH DENSITY POLYETHYLENE PIPE
ID IDENTIFICATION
IPF IRON PIN FOUND
IPS 1/2" REBAR W/C FDC 000995
L LINE LABEL
LL LAND LOT
N/F NOW OR FORMERLY
OTP OPEN TOP PIPE
P PROPERTY LINE
PB PLAT BOOK
PG PAGE
PK PK NAIL SET
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
PVC POLYVINYL CHLORIDE PIPE
RCP REINFORCED CONCRETE PIPE
RB REBAR
REF REFERENCE
R/W RIGHT OF WAY
S/S SQUARE FOOT
SSE SANITARY SEWER EASEMENT
SWMF STORMWATER MANAGEMENT FACILITY
TBM TEMPORARY BENCHMARK
UE UTILITY EASEMENT
- IRON PIN FOUND
IRON PIN SET
CALCULATED POINT
POWER POLE
FIRE HYDRANT
WATER VALVE
WATER METER
JUNCTION BOX
SANITARY SEWER MANHOLE
DROP INLET
RW MONUMENT
SINGLE WING CATCH BASIN
DOUBLE WING CATCH BASIN
CURB INLET
HEADWALL
FLARED END SECTION
GAS METER
GAS VALVE
ELECTRIC TRANSFORMER
TELEPHONE PEDESTAL
LIGHT POST
FIBER OPTICS
HAND HOLE
MAIL BOX
SIGN
CABLE TV BOX
WEIR
YARD INLET
- FEMA SPECIAL FLOOD AREA

SURVEY NOTES

- THE FIELDWORK FOR THIS SURVEY WAS COMPLETED NOVEMBER 14, 2024 WITH LINEAR AND ANGULAR MEASUREMENTS OBTAINED BY J. BUTLER USING A SPECTRA PRECISION FOCUS 50 ROBOTIC TOTAL STATION & CHAMPION TKO GPS UNIT.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,904 FEET, AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE ADJUSTED USING COMPASS RULE METHOD.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 569,462 FEET USING THE BEARINGS AND DISTANCES SHOWN HEREON.
- ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATE A 1/2" REBAR PLACED WITH CAP STAMPED "FDC LSF000995" UNLESS OTHERWISE NOTED.
- FALCON DESIGN CONSULTANTS, L.L.C. AND/OR KEVIN M. BROWN DOES NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
- THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83 (2011)) FOR THE HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 PER THE VIRTUAL REFERENCE SYSTEM CORRECTIONS PROVIDED BY HxGN SMARTNET.
- 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.

FLOOD NOTE

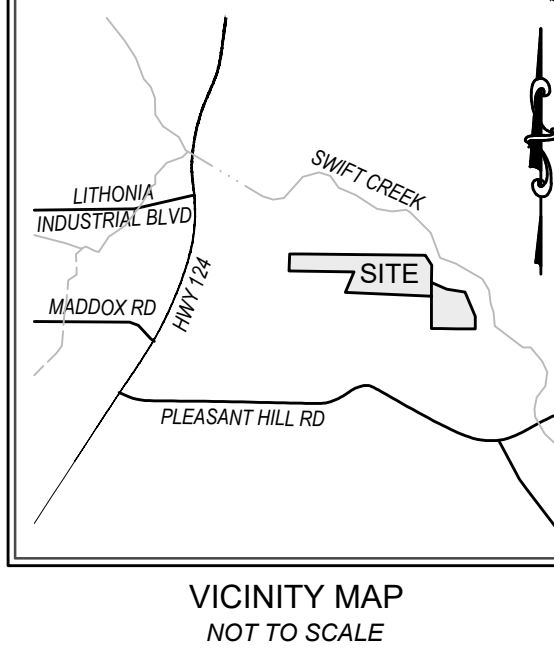
PER FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 13089C0177K EFFECTIVE DATE DECEMBER 8, 2016, A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FEMA FLOOD HAZARD AREA.



GRAPHIC SCALE



(GA WEST ZONE)
GRID NORTH



CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LAND PLANNING

LAND SURVEYING
LANDSCAPE ARCHITECT

FALCON DESIGN CONSULTANTS

STOCKBRIDGE OFFICE
2301 CRISP CTR. DR., STE. 200
STOCKBRIDGE, GEORGIA 30201
PH: (770) 335-8666 - Fax: (770) 335-8655

NEWNAN OFFICE
40 GREGORY CT., STE. A
NEWNAN, GEORGIA 30565
PH: (770) 701-0068

CUMMING OFFICE
500 PIERCE STREET RD., STE. C
CUMMING, GEORGIA 30048
PH: (678) 807-0388

www.fdc-llc.com

BOUNDARY EXHIBIT

MARISTONE

LAND LOTS 197 & 220, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

REVISIONS				THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSONS, OR ENTITY OR ENTITIES NAMED HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON OR PERSONS, AND IS NOT VALID UNLESS SIGNED BY THE SURVEYOR NAMING SAID PERSON.
1.	2.	3.	4.	

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

REGISTERED PROFESSIONAL SURVEYOR

KEVIN M. BROWN

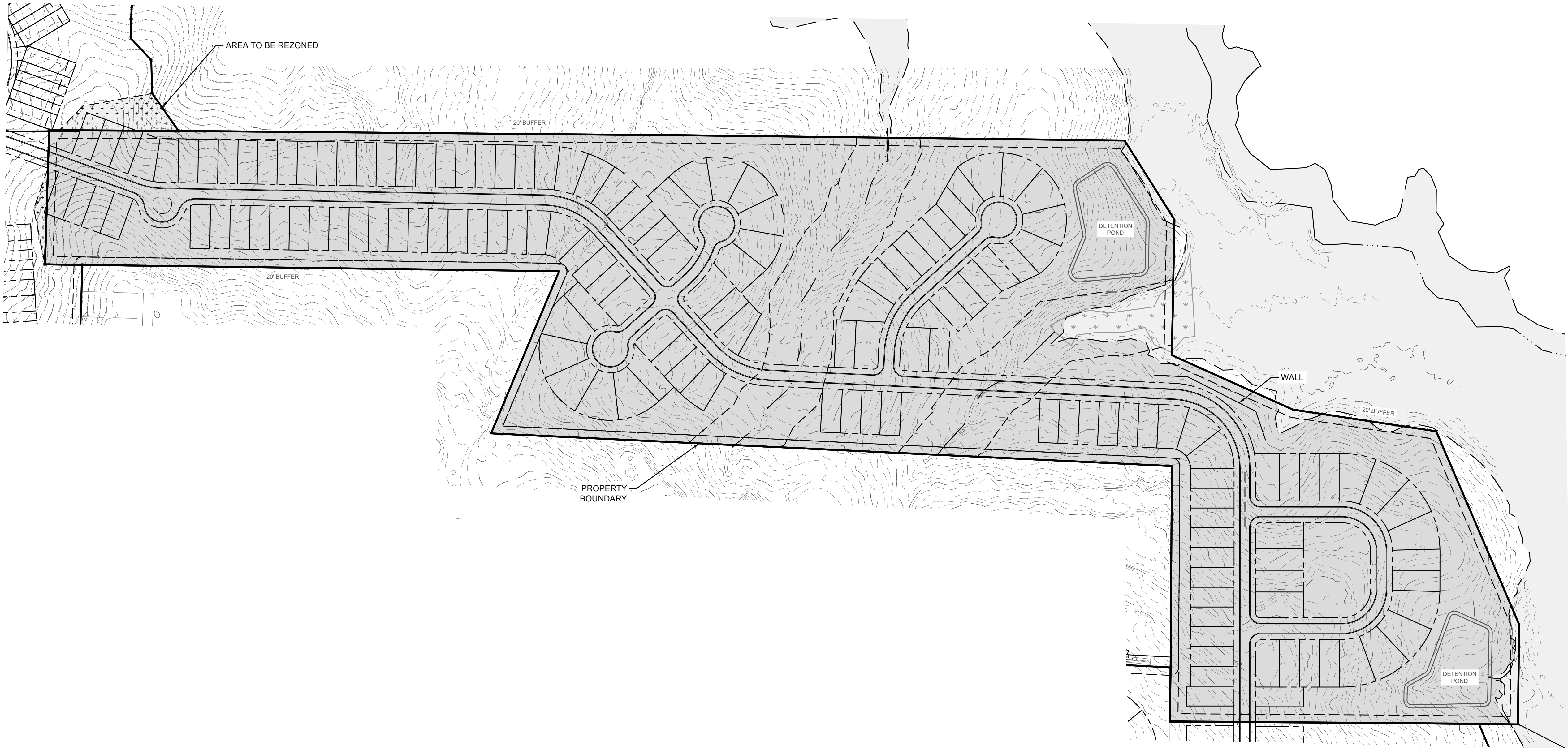
12/16/24

COA# LSF 000995

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

1 of 1



LAND USE SUMMARY

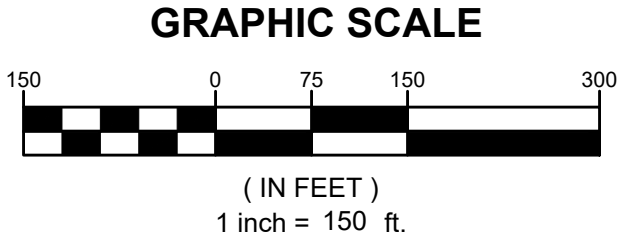
TOTAL UNITS: 149
- ZONING APPROVED UNITS IN MARISTONE: 151
- UNITS SHOWN IN MARISTONE: 149
TOTAL ACRES (MARISTONE): 53.68 AC
OPEN SPACE: 12.38 AC (23%)
DENSITY: 2.78 DU/AC
AREA TO BE REZONED: 0.52 AC

MARISTONE LOT STANDARDS (RSM)

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

GENERAL NOTES

- LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- A BOUNDARY SURVEY HAS BEEN CONDUCTED FOR THIS PROJECT.
- ANY WETLANDS SHOWN IN THE DRAWING WERE OBTAINED FROM THE NATIONAL WETLANDS INVENTORY MAP. FURTHER ENVIRONMENTAL STUDIES WILL BE REQUIRED.
- SEWERABILITY OF THIS PROJECT HAS NOT BEEN DETERMINED.



CIVIL
ENGINEERING
CONSTRUCTION
MANAGEMENT

LAND
SURVEYING
LANDSCAPE
ARCHITECT

LAND
PLANNING

FALCON DESIGN
CONSULTANTS

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

NEWMAN OFFICE
40 GREENWAY CT., STE. A
NEWMAN, GEORGIA 30256
PH: (770) 555-7975

CUMMING OFFICE
500 PIERCE STREET, STE. C
CUMMING, GEORGIA 30040
PH: (678) 895-7100

www.fdc-llc.com

CONCEPT PLAN
FOR
MARISTONE

LOCATED IN:
LAND LOTS 188, 189, 196, 16TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE	REVISIONS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Know what's below.
Call before you dig.
UTILITIES PROTECTION CENTER
1 (800) 485-4343 OR 404.811.1111

DATE:	10/10/24
SCALE:	
PROJ NUMBER:	100.002
DRAWN BY:	NF
REVIEWED BY:	JP
REVISED BY:	

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

1.0

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:

COMMENCING 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 INCH OPEN 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 INCH OPEN 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:

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 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**ZONING AGENDA / MINUTES****MEETING DATE:** September 25, 2007HEARING TYPE
PUBLIC HEARINGACTION TYPE
ORDINANCE**SUBJECT: Rezone** – Tritium Investment Properties c/o The Battle Law Group

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning

PUBLIC HEARING: ☒ YES ☐ NOATTACHMENT: ☒ YES ☐ No

INFORMATION Patrick Ejike/Kevin Hunter

PAGES: 54

CONTACT:

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).
3. Drainage improvements shall be subject to the approval of the Drainage Division of the Public Works 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 Degrading 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.

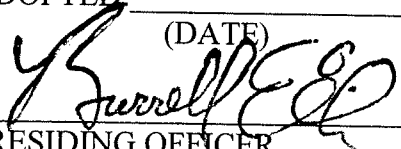
COMMUNITY COUNCIL:

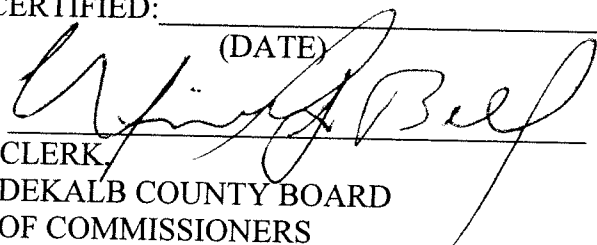
Deferral.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

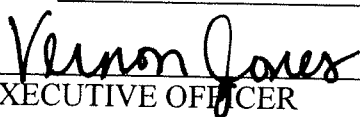
ACTION: D.5 Z-07-12945

MOTION was made by Commissioner May seconded by Commissioner Johnson, and passed 7-0-0-0, 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.

ADOPTED: SEP 25 2007
 (DATE)

 PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: SEP 25 2007
 (DATE)

 CLERK
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: OCT 15 2007

 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____
 CHIEF EXECUTIVE OFFICER
 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	<u>X</u>	_____	_____	_____
DISTRICT 2 - JEFF RADER	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - BURRELL ELLIS	<u>X</u>	_____	_____	_____
DISTRICT 5 - LEE MAY	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

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 forth in Attachment A are satisfied.

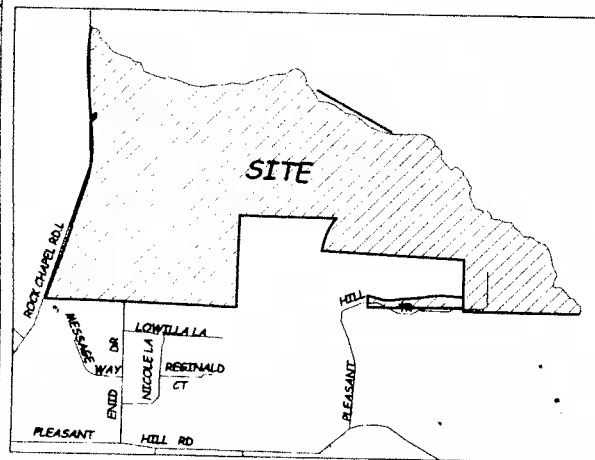
REZONING EXHIBIT FOR MARISTONE

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

LAND LOTS 186, 188, 190, 192, 197, 281, AND 282
DEKALB COUNTY, GEORGIA

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

PREPARED BY:



400 SCALE VICINITY MAP
SECTION 14-91 (4)

SITE DATA

DEVELOPER:

ENGINEER & SURVEYOR:

BOUNDARY REFERENCE:

TOPOL REFERENCE:

STATE WATER REFERENCE:

FEED FLOOD REFERENCE:

CURRENT ZONING:

PROPOSED ZONING:

TOTAL SITE AREA:

DEVELOPMENT AREA:

COMMERCIAL AREA:

SQUARE FOOTAGE:

DENSITY:

CONDOMINIUMS:

TOWNHOUSE AREA:

NUMBER OF UNITS:

DENSITY:

APARTMENT AREA:

NUMBER OF UNITS:

DENSITY:

DEVELOPMENT STANDARDS:

REQUIRED OPEN SPACE:

PROPOSED OPEN SPACE:

CRM DEVELOPMENTS, LLC
6030 BETHELVIEW ROAD, SUITE 102
CUMMING, GEORGIA 30040
PH: (770) 205-5534
SOUTHEASTERN ENGINEERING, INC.
2470 SANDY PLAINS ROAD, SUITE A
MARIETTA, GEORGIA 30066
PH: (770) 551-3930
SOUTHEASTERN ENGINEERING, INC.
2470 SANDY PLAINS ROAD, SUITE A
MARIETTA, GEORGIA 30066
PH: (770) 551-3930
MAP #130000117, DATED 5/7/01
AL M-2, R-85, C-1 & C-2
OOL, PC-1 & R-85
263.754 ACRES
163.305 ACRES
33.20 ACRES
123,700 SF / 33.20 AC = 3,724 SF/AC
24 UNITS / 11.90 ACRES = 5.30 UPA
23.80 ACRES
81
24 UNITS / 11.90 ACRES = 5.30 UPA
23.80 ACRES
264
264 UNITS / 23.80 ACRES = 11.18 UPA
MINIMUM FRONT SETBACK = 30'
MINIMUM SIDE SETBACK = 30'
MINIMUM REAR SETBACK = 40'
MINIMUM BUILDING HEIGHT = 2 STORIES
N/A
21.03 ACRES OR 50%

SITE DATA (CONT.)

PCD-1 ACRES:

SINGLE-FAMILY ATTACHED AREA:

NUMBER OF UNITS:

DENSITY:

SINGLE-FAMILY DETACHED AREA:

NUMBER OF UNITS:

DENSITY:

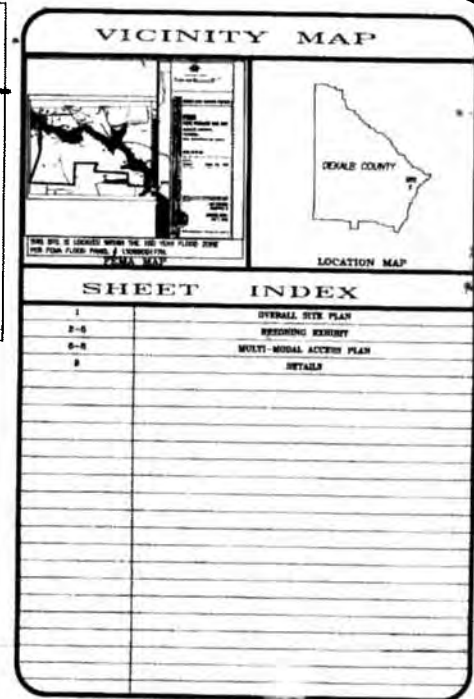
PCD-2 DEVELOPMENT STANDARDS:

REQUIRED OPEN SPACE:

PROPOSED OPEN SPACE:

R-85 ACRES:

192.083 ACRES
24.31 ACRES
88
88 UNITS / 24.31 ACRES = 2.78 UPA
187.75 ACRES
344
344 UNITS / 187.75 ACRES = 2.06 UPA
SINGLE-FAMILY DETACHED
MINIMUM LOT WIDTH = 50'
MINIMUM LOT AREA = 6,300 SF
MINIMUM DWELLING SIZE = 1,000 SF
MINIMUM FRONT SETBACK = 10'
MINIMUM SIDE SETBACK = 7.5'
MINIMUM REAR SETBACK = 15'
MINIMUM FRONT SETBACK = 10'
MINIMUM SIDE SETBACK = 15'
MINIMUM REAR SETBACK = 20'
SINGLE-FAMILY ATTACHED
MINIMUM LOT WIDTH = 50'
MINIMUM LOT AREA = 6,300 SF
MINIMUM DWELLING SIZE = 1,000 SF
MINIMUM FRONT SETBACK = 10'
MINIMUM SIDE SETBACK = 15'
MINIMUM REAR SETBACK = 15'
MINIMUM FRONT SETBACK = 10'
MINIMUM SIDE SETBACK = 15'
MINIMUM REAR SETBACK = 20'
36.00 ACRES OR 50%
76.10 ACRES OR 40%
3.84 ACRES
NO IMPROVEMENTS PLANNED AT THIS TIME



UTILITY NOTE:
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1-800-282-7411
770-551-3930
(MARIETTA, GEORGIA ONLY)
VETERAN ENGINEERING CENTER
IT'S THE LAW

[illegible]

LINE TABLE		
LINE	BEARING	LENGTH
1.1	N70°34'02" W	8.84
1.2	N1°17'30" E	23.02
1.3	N48°37'40" E	87.07
1.4	N48°30'00" E	52.48
1.5	N48°37'40" E	82.02
1.6	N48°37'40" E	82.07
1.8		236.88
1.9	N01°03'00" E	336.82
1.7	N00°23'40" E	94.48
1.10	S 72°11' E	104.81
		72.44
1.11	N81°12'31" E	181.85
1.12	N88°50'25" E	100.70

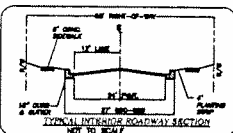
CURVE	CH200H	RADIUS	BEARING	CH200H
01	15.40'	1702.08'	N 11° 21' 31" E	15.40'
02	35.15'		N 11° 21' 31" E	35.15'
03	58.50'		N 73° 57' 57" E	58.50'
04	187.00'		S 86° 33' 57" E	186.38'
05	156.23'	1227.27'	S 42° 43' 31" E	156.12'
06	81.88'	893.82'	S 44° 34' 36" E	81.85'
07	54.47'	411.87'	S 85° 27' 37" E	54.43'
08	130.83'	752.56'	S 86° 10' 48" E	130.87'
09	88.49'	204.21'	S 87° 03' 11" E	88.49'



DEVELOPER: ACR DEVELOPMENTS, LLC
6030 BETHELVIEW ROAD, SUITE 108
CLARKSBURG, GEORGIA 30006
PH: (770) 208-1634

ENGINEER & SURVEYOR: SOUTHEASTERN ENGINEERING, INC.
8470 SHADY PLAINS ROAD, SUITE A
MARIETTA, GEORGIA 30066
PH: (770) 371-1636

REMARKS: SOUTHEASTERN ENGINEERING, INC.
GENERAL & DETAILED CONSTRUCTION, 2/07
DELIMITED BY ACR ENVIRONMENTAL, 2/07
ZONING MAP: ACR ENVIRONMENTAL, 2/07
ZONE ADJ. MAP #130080177, DATED 6/7/01
OK: M-2, E-2B, D-1 & C-0
OKL: PD-1 & P-2B
262,764 ACRES
68,269 ACRES
33.83 ACRES
123,700 SF
123,700 SF / 33.83 AC = 3,729 SF/AC
84 UNITS / 20 FLOORS OF RETAIL BUILDINGS
11.80 ACRES
61 UNITS / 11.80 ACRES = 5.130 UPH
35.83 ACRES
284
284 UNITS / 33.83 ACRES = 11.10 UPH
MINIMUM FRONT SETBACK = 30'
MINIMUM SIDE SETBACK = 10'
MINIMUM REAR SETBACK = 40'
MINIMUM BUILDING HEIGHT = 5 STORIES
N/A
51.03 ACRES OR 308
182,064 ACRES
26.31 ACRES
60
68 UNITS / 60.31 ACRES = 2.78 UPH
167.75 ACRES
344
344 LOTS / 167.75 ACRES = 2.06 UPH
SINGLE-FAMILY DETACHED
MINIMUM LOT WIDTH = 36'
MINIMUM LOT AREA = 6,500 SF
MINIMUM OVERLAP SIDE = 1,200 SF
MINIMUM FRONT SETBACK = 10' 1/2" OR 10' MIN
MINIMUM SIDE SETBACK = 7.5'
MINIMUM SIDE CORNER = 15'
MINIMUM REAR SETBACK = 36'
SINGLE-FAMILY ATTACHED
MINIMUM LOT WIDTH = 36'
MINIMUM LOT AREA = 2,250 SF
MINIMUM OVERLAP SIDE = 1,200 SF
MINIMUM FRONT SETBACK = 10'
MINIMUM SIDE SETBACK = 15'
MINIMUM REAR SETBACK = 10'
36.08 ACRES OR 308
7.10 ACRES OR 348
35.14 ACRES
NOT AUTOMATICALLY PLANNED AT THIS TIME



MINIMUM STREET DIMENSIONS (IN' & IN)
3-12" PARK LANE
2-4" PLANTING STRIPE
3-6" BIKES LANE
10" CURB & GUTTER
SPEED LIMIT 30MPH (MIN)

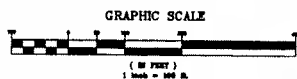
MINOR STREET REQUIREMENTS PER 8-10
2-11' WIDE LANE
2-4' SIDE LANE
2-6' PLANTING STRIP
2-6' SIDEWALK
2-15' CURB STRIP

ALL CORNER LOTS HAVE 15' EXTRA WIDEN REQUIRED BY SEC. 14-067 OF THE DEKALB COUNTY SUBDIVISION REGULATIONS.

STREET GRADING TO BE SHOWN ON CONSTRUCTION PLANS AND SHALL COMPLY WITH SEC. 14-186 AND APPLICABLE AREAS OF DEVELOPMENT CODE.

ALL CONDUIT/PIPE METAL PIPE ARE TO BE FULLY ASPHALT COATED WITH FIBER GLASS EPOXY RESIN.

SITE MUST COMPLY WITH ROAD IMPROVEMENT 14-196 PER DEKALB COUNTY STANDARDS

[illegible]

7-10-10
7-10-10

TYPICAL END UNIT :
P.L.T.

TYPICAL INTERIOR LOT
(N.T.S.)

TOTAL SITE OPEN SPACE CALCULATIONS:

PRIMARY OPEN SPACE = 46.04± ACRES
(ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING FLOOD PLAIN, WETLANDS, STREAM BUFFERS, ETC.)


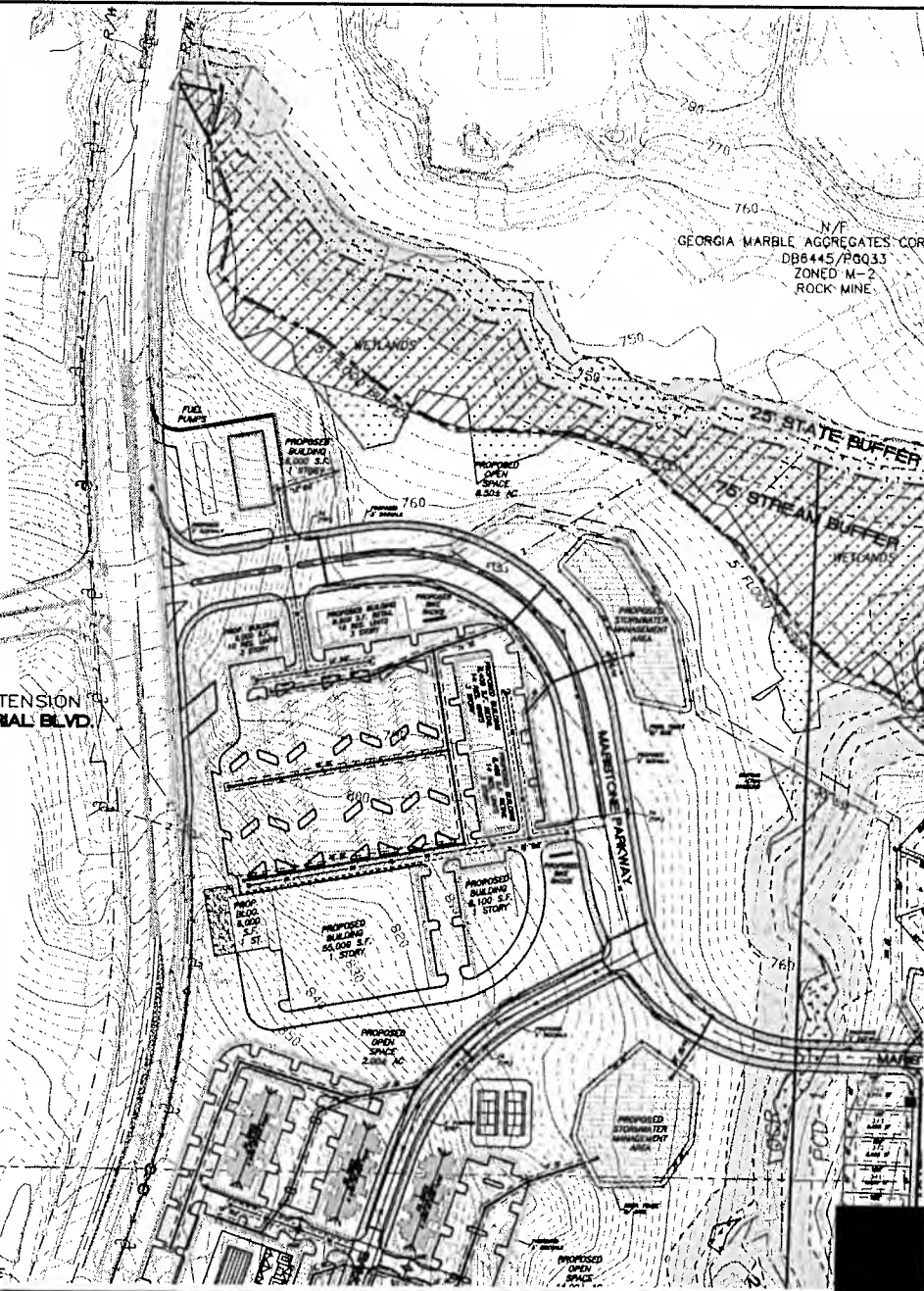
SECONDARY OPEN SPACE = 67.96± ACRES
(ZONING BUFFER, POCKET PARKS, PASSIVE & ACTIVE RECREATION AREAS)

TOTAL OPEN SPACE = 114.00± ACRES OR 43% OF THE TOTAL SITE ACREAGE

STATE ROUTE #124
A.K.A. ROCK CHAPEL ROAD
(APPARENT VARIABLE R/W)

...O.T. PROJ. NO. NH-078-1(21)-
(DB10234/PG188)
PUBLIC/ASPHALT/45 M.P.H.


PROPOSED EXTENSION
LITHONIA INDUSTRIAL BLVD.



SEI
SOUTHEASTERN ENGINEERING
Civil & Structural Engineering, Land Acquiring and Planning
10000 Highway 100, Suite 100
Houston, Texas 77036
Tel. 713/271-4646 Fax 713/267-0466

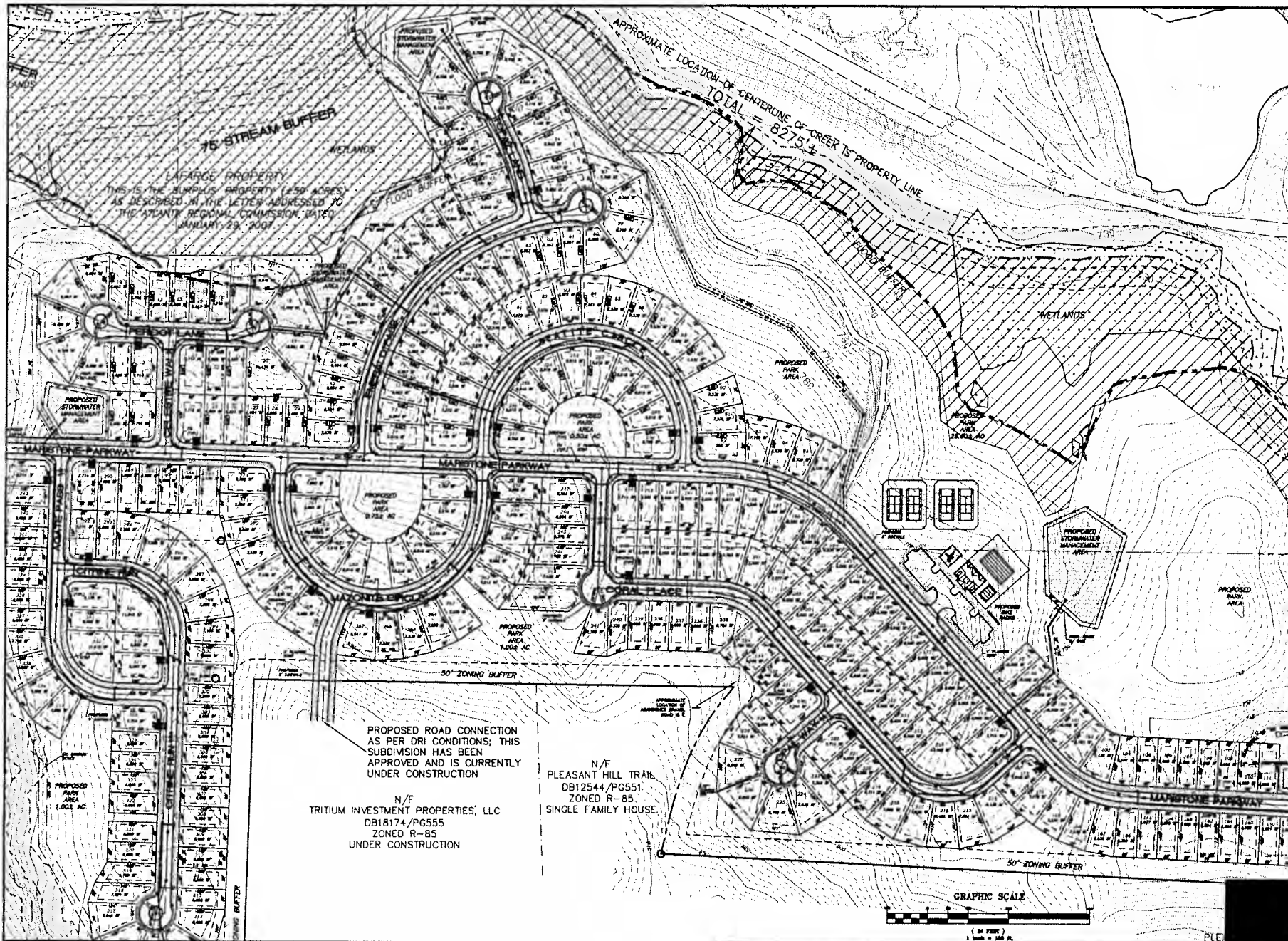
CHRYSLER BANK

[illegible]

	
Project No. 108008360	
Design By: NPA	
Drawn By: NPA	
Checked By: CHE	
Date: 07/30/07	
Scale: 1" = 100'	

REZONING EXHIBIT

(2)



CRIM DEVELOPMENT, LLC
600 BETHLEHEM KENNEDY BLVD
1 LAMAR, CLARK, MO
PHONE: (770) 394-5434

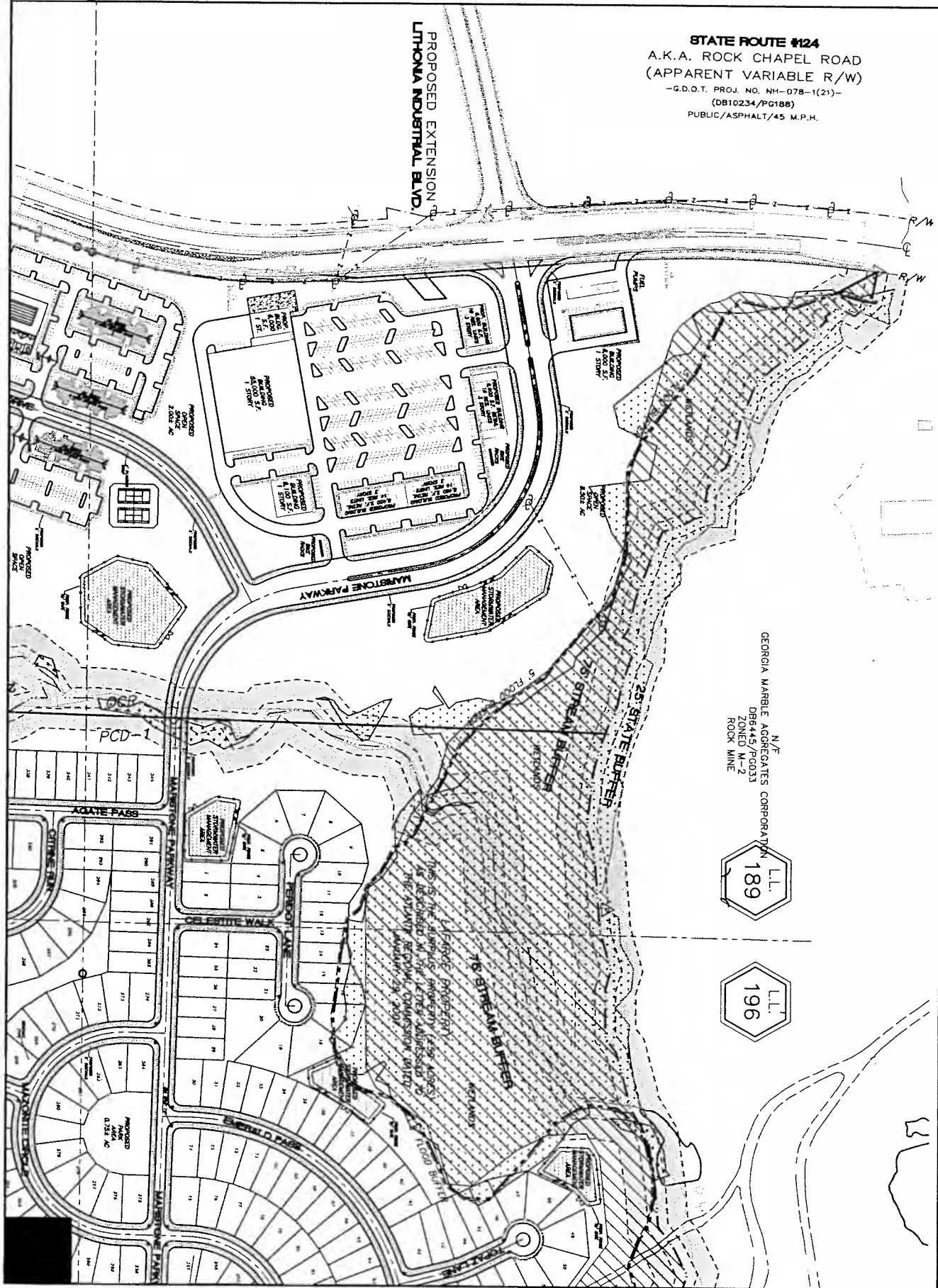
DATE	REVISION

Project No. 180003360
Design By: HRA
Drawn By: HRA
Checked By: CMK
Date: 07/30/07
Scale: 1" = 100'

REZONING EXHIBIT
MARISTONE
CONTACTS ARE IN PAR. 22, 432, 222
LAW: KIM, C. (C) 2007, CLARK, MO

STATE ROUTE #124
A.K.A. ROCK CHAPEL ROAD
(APPARENT VARIABLE R/W)
 -G.D.O.T. PROJ. NO. NH-078-1(21)-
 (DB10234/PG188)
 PUBC/ASPHLT/45 M.P.H.

**PROPOSED EXTENSION OF
 LITHONIA INDUSTRIAL BLVD.**



N/F
 GEORGIA MARBLE AGGREGATES CORPORATION
 DBS&S/FOOSS
 ZONED M-2
 ROCK WINE
 189
 196

6

MULTI-MODAL ACCESS PLAN
MARISTONE

LAND LOTS 88, 89, 90, 91, 92, 21 AND 22
 DUCK NUT COUNTRY, GEORGIA

Project: LITHONIA INDUSTRIAL BLVD. EXTENSION
 Design By: SEA
 Drawn By: SEA
 Checked By: CMC
 Date: 07/24/07
 Scale: 1" = 100'

REVISION

NO.	DESCRIPTION	DATE

CRM DEVELOPMENTS, LLC
 6030 BELTVIEW ROAD, SUITE 100
 LAWRENCE, GEORGIA 30046
 PHONE: 770-975-5514

SEI
 SOUTHEASTERN ENGINEERING
Land & Environmental Engineering, Land Surveying and Planning
 2100 Peachtree Road, Suite 400
 Atlanta, GA 30309

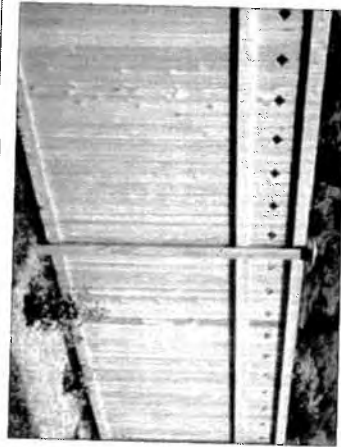
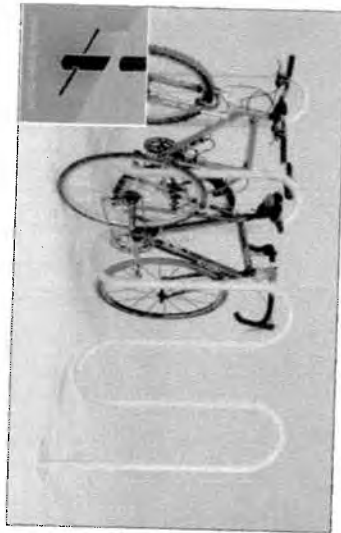
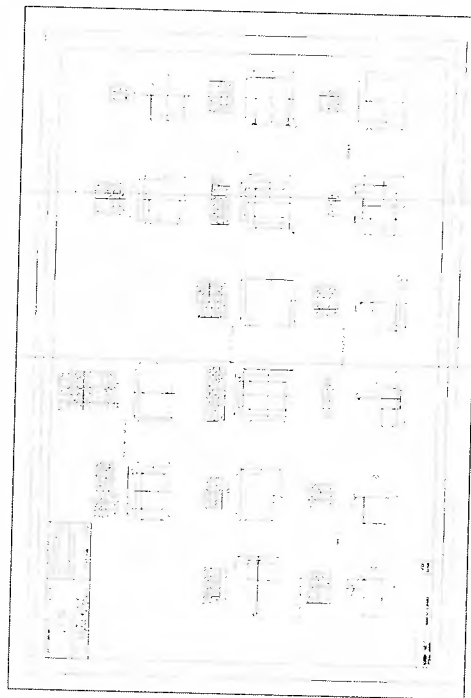
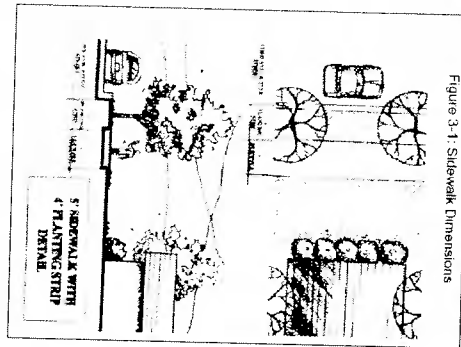
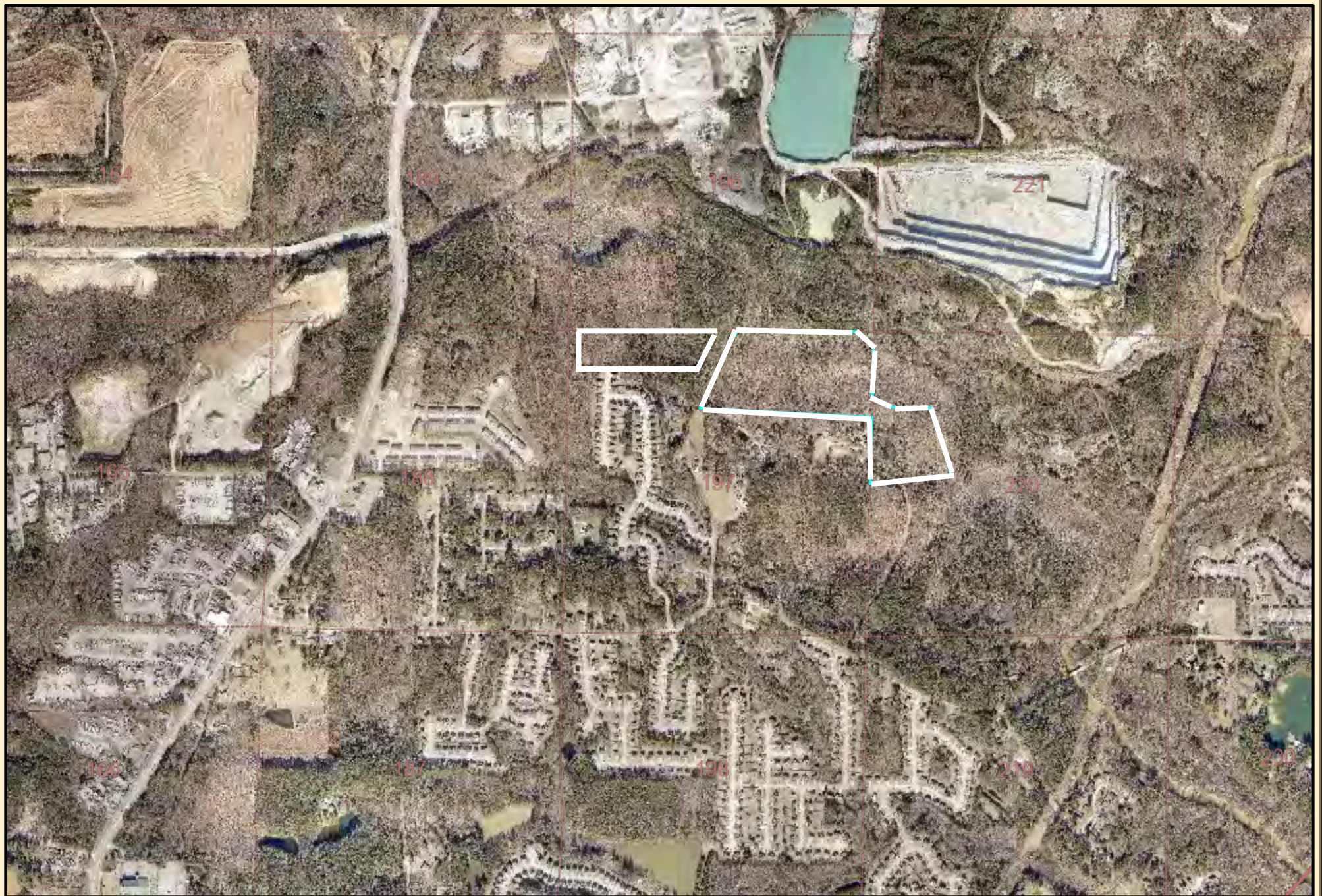
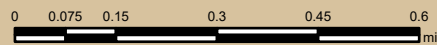


Figure 3-1: Sidewalk Dimensions





DeKalb County Parcel Map

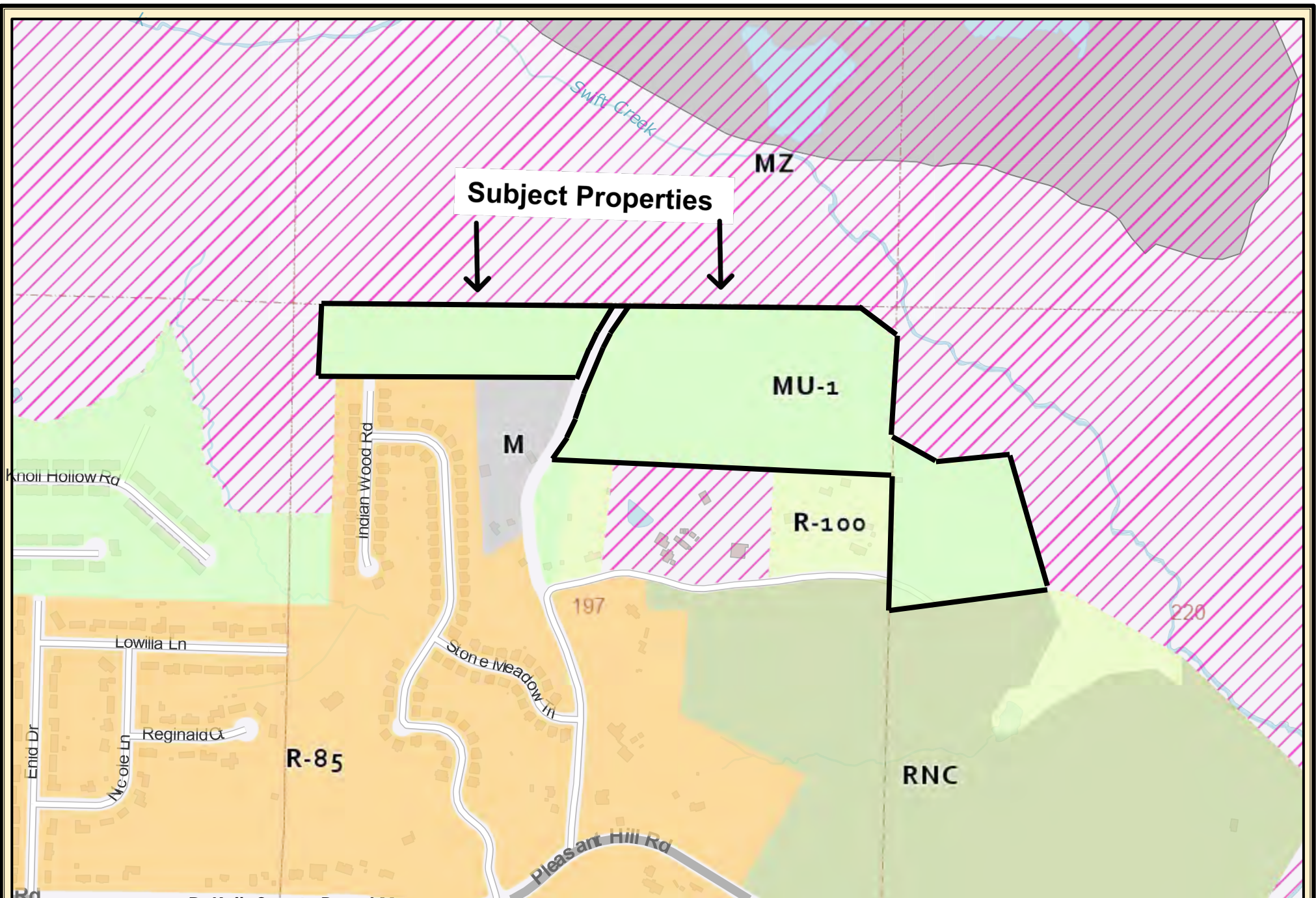


Date Printed: 4/22/2025

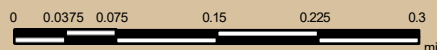


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DeKalb County Parcel Map

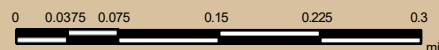
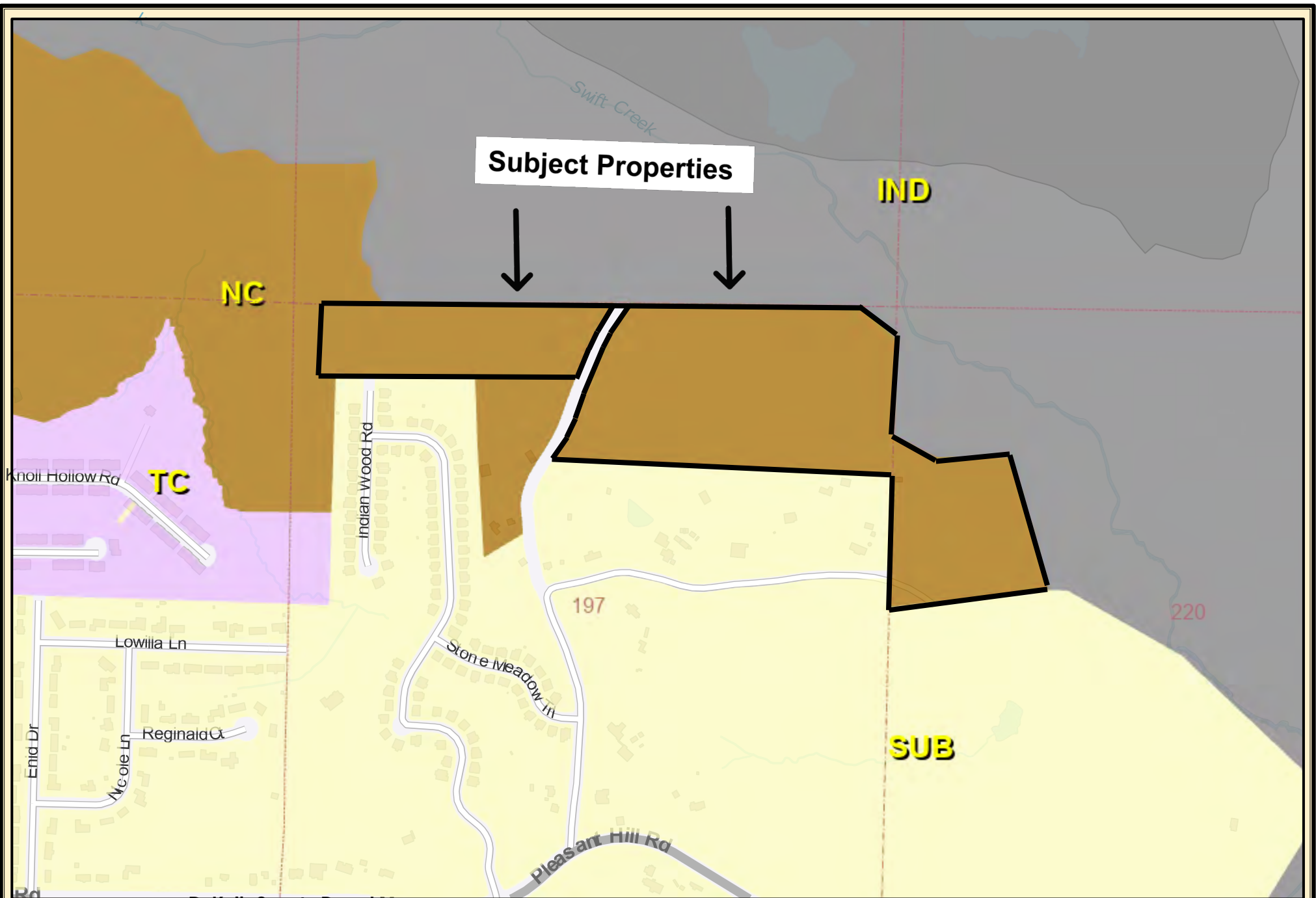


Date Printed: 3/6/2025



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