



DeKalb County Government

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

Agenda Item

File #: 2019-4355
File Status: Preliminary Item

11/19/2019

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

SUBJECT:

COMMISSION DISTRICT(S): 3 & 6

Application of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre, at 2354 & 2378 Whites Mill Road; and 2570 Kelly Lake Road.

PETITION NO: N1. Z-19-1243517

PROPOSED USE: Single-family residential subdivision.

LOCATION: 2354 & 2378 Whites Mill Road, and 2570 Kelly Lake Road, Decatur.

PARCEL NO. : 15-138-07-019, -050, -051

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application Z-19-1243517 of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre. The property is located at the northeast corner of Whites Mill Road and Kelly Lake Road at 2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road in Decatur. The property has approximately 928 feet of frontage along Whites Mill Road and 778 feet of frontage along Kelly Lake Road and contains 14.89 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: DENIAL.

PLANNING COMMISSION: NO RECOMMENDATION.

PLANNING STAFF: APPROVAL WITH CONDITIONS.

STAFF ANALYSIS: As a single-family residential development, the proposed development would be consistent with the single-family residential character of the surrounding area and is generally consistent with policy No. 1 of the Suburban Character Area to “protect stable neighborhoods from incompatible

development.” While the density would be higher than that of the older neighborhoods in the area, an increase in density would contribute to the continuing vitality of the area by allowing for development of homes that correspond to a changing housing market. If developed in accordance with the recommended zoning conditions, the proposed development is not expected to adversely affect the existing use or usability of adjacent or nearby property. Adjacent properties to the north and east would be buffered from the development by wooded open space and a 20-foot “tree save” buffer. In addition to the trees in this buffer, a .29-acre wooded area on the north end of the site would be preserved and the site plan shows what appear to be original trees in the rear yards of lots 32-41 and 42-49. Preservation of these natural resources are a positive characteristic of the plan. Therefore, the Department of Planning and Sustainability recommends “Approval with Conditions”.

PLANNING COMMISSION VOTE: No recommendation. 1st Motion: J. Johnson moved for approval as per the staff recommendation. The motion failed for lack of a second. 2nd Motion: J. West moved for denial. The motion failed for lack of a second. The application moves forward to the Board of Commissioners with no recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial, 5-0-0. No quorum. The members present based the recommendation on the following comments by affected neighbors: the R-60 zoning would only benefit the developer, not the neighborhood; the sewer system in the area is overburdened and the existing sewer line leaks into the creek in the Kelly Heights neighborhood; traffic congestion is already an area-wide problem and alternatives to automobile transportation are not being provided; there are already drainage problems and new floodplain boundaries have required many neighbors to purchase expensive flood insurance; the proposed lots are smaller than those in the surrounding area.

RECOMMENDED CONDITIONS

Z-19-1243517

Rezone from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60)

October 28, 2019

1. The development shall contain no more than 49 single-family lots.
2. A 20-foot “tree save” buffer shall be established along the east, west, and south borders of the property. Trees in the buffer shall be preserved except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist. Where existing trees in the tree save buffers are sparse, they shall be supplemented by evergreen trees and understory trees to create a landscape screen, subject to approval by the County Arborist.
3. To ensure continued preservation of the tree save buffer after properties are sold and re-sold, titles to individual lots on the perimeter of the east, west, and south borders of the property shall contain a transcript of Condition No. 2.
4. Trees located in the rear yards of lots 32-41 and 42-49 shall be preserved as shown on the site plan titled, “Village at Kelly Lake”, prepared by Land Solution Associates, LLC and dated 10-1-19, except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist.
5. To ensure continued preservation of the trees in rear yards of lots 32-41 and 42-49 after properties are sold and re-sold, titles to these lots shall contain a transcript of Condition No. 4.
6. Any perimeter wall or fence shall be located on the interior side of the 20-foot tree save buffer. “Interior side” means the side closest to the proposed development.
7. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

8. There shall be a mandatory homeowner's association ("HOA") with automatic membership for all homeowners and their successors.

9. At no time shall more than 35% of the homes located within the subdivision be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to DeKalb County simultaneously with the recording of the Final Subdivision Plat.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: November 5, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: November 19, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1243517 **Agenda #:** N. 1

Location/Address: 2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road **Commission District:** 3 **Super District:** 6

Parcel ID(s): 15-138-07-019, -050, -051

Request: Rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) to allow development of 49 single-family detached homes at a density of 3.29 units per acre.

Property Owner(s): Epic XXXVII, LLC, Whites Mill Partners

Applicant/Agent: Epic XXXVII, LLC c/o Battle Law, P.C.

Acreage: 14.89 acres

Existing Land Use: A single-family detached house; majority of site is wooded

Surrounding Properties: To the west, northwest, north, northeast, and south: single-family detached neighborhoods (zoned R-75); to the east, the Kelly Lake Elementary School (zoned R-75); to the southeast: property under development for single-family homes (zoned R-60); to the southwest: the Kelly Lake Church of God in Christ (zoned R-75).

Comprehensive Plan: Suburban **Consistent** **Inconsistent**

Proposed Density: 3.29 units/acre	Existing Density: .067 units/acre
Proposed Units: 49	Existing Units: One
Proposed Lot Coverage: 50%	Existing Lot Coverage: (estimated) less than 1%

Zoning History: Based on DeKalb County records, it appears that the R-75 zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

SITE AND PROJECT ANALYSIS

The subject property is a 14.89-acre site located at the northeast corner of Whites Mill Road, a two-way, two-lane collector, and Kelly Lake Road, a two-way, two-lane local street. The property is comprised of three parcels. 2354 Whites Mill Road is occupied by a single-family house in a clearing surrounded by densely growing trees. The other two parcels are unoccupied and are densely wooded.

The character of the surrounding area is single-family residential. The property is located within an R-75 district that extends for miles in a northwesterly direction from the Candler Road commercial corridor on the east and Interstate 20 on the south. The Kelly Lake Elementary School is located on the adjoining property to the east. Two churches are located on Whites Mill Road, to the southwest of the subject property. All other adjoining and nearby properties are single family residential.

Lots in the older subdivisions near the subject property tend to exceed the minimum R-75 lot size of 10,000 square feet. For example, the smallest lot in the Whites Mill Valley subdivision, located across Whites Mill Road from the subject property and developed in the mid-1960s, is 13,068 square feet. The smallest lot in the Jenay Court subdivision, also located across Whites Mill Road from the subject property and developed in the mid-1960s, is 14,810 square feet. Lots in Kelly Lake Court, the adjoining subdivision to the west and built around 19062-63, vary in size but the smaller lots are 11,326 to 11,800 square feet in size. The Enclave at East Atlanta, the adjoining subdivision to the north of the subject property, was developed in 2004 to 2005. Like Kelly Lake Court, this newer subdivision has lots that vary in size: three of the 28 lots measure just over 10,000 square feet and several large lots measure up to 34,000 square feet.

The exception to the zoning and development pattern that surrounds the subject property is an R-60 development located on the opposite side of Kelly Lake Road from the subject property. The zoning was approved in 2004 pursuant to CZ-04-144 for 30 single-family lots at a density of 2.74 units per acre. The plat for this development, now called Augusta Point, was for 26 lots, for a density of 2.38 units per acre. Lots in Augusta Point vary in size but the smaller lots are just over the R-60 minimum of 6,000 square feet. The site has been cleared and it appears that street and underground infrastructure are under construction.

The proposal under consideration is for a 49-lot single-family subdivision with a density of 3.29 units per acre. Lot sizes vary although the majority of the lots (i.e., 29 lots) measure between 6,000 and 6,055 square feet, and 16 of the lots are exactly 6,000 square feet. The northern 3.33-acre portion of the site is reserved as wooded open space. The interior streets feature landscape strips, sidewalks on both sides, and street trees.

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

- A. **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:** As a single-family residential development, the proposed development would be consistent with the single-family residential character of the surrounding area. Thus it is generally consistent with policy No. 1 of the Suburban Character Area to "protect stable neighborhoods from incompatible development."
- B. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:** The proposal is suitable in view of the use and development of adjacent and nearby properties. While the density would be higher than that of the older neighborhoods in the area, an increase in density would contribute to the continuing vitality of the area by allowing for development of homes that correspond to a changing housing market.
- C. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:** There might be economic use for the property as currently zoned, depending on the size, design, amenities, and price point offered for homes on R-100 lots.
- D. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** If developed in accordance with the recommended zoning conditions, the proposed development is not

expected to adversely affect the existing use or usability of adjacent or nearby property. Adjacent properties to the north and east would be buffered from the development by wooded open space and a 20-foot “tree save” buffer.

- E. **Whether there is other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:** The single-family residential character of the surrounding area supports the zoning proposal.
- F. **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:** No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.
- G. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:** There has been no indication that the proposed development will result in a use that would cause an excessive or burdensome use of surrounding streets, utilities, or schools.
- H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources:** The proposal is not expected to adversely impact the environment or surrounding natural resources more than a typical single-family redevelopment project on a wooded property. The proposed development is an inwardly-oriented layout that would allow for preservation of trees in the tree save buffer that would surround the site on three sides; in addition, a .29-acre wooded area on the north end of the site would be preserved. To ensure continued preservation of the tree save buffer after properties are sold and re-sold, Staff has recommended a condition that the titles to properties with the buffer contain a transcript of the zoning condition that requires the trees to be preserved.

Compliance with District Standards:

R-60 STANDARD		REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. LOT AREA		6,000 s.f.	6,000 – 13,574.19 s.f.	Yes
MIN. LOT WIDTH		60 feet		
MIN. LOT WIDTH – NEW CORNER LOT		75 feet	80.91 – 92.13 feet	Yes
MIN. YARD SETBACKS	FRONT	20 feet	20 feet	Yes
	CORNER LOT - SIDE	20 feet	20+ feet	Yes
	INTERIOR LOT - SIDE	7.5 feet	7.5+ feet	Yes
	REAR	30 feet	30+ feet	Yes
MAX. HEIGHT		35 ft.	Information not provided.	Must comply or variances must be granted.

R-60 STANDARD	REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. FLOOR AREA OF DWELLING	1,200 square feet	Information not provided.	Must comply or variances must be granted.
MAX. LOT COVERAGE	35%	Information not provided.	Must comply or variances must be granted.
MIN. OPEN SPACE/ENHANCED OPEN SPACE (>5 AC OR >36 DUS)	20% site acreage = 129,721 s.f.	Open space: 145,304 s.f.	Yes
MIN. ENHANCED OPEN SPACE (>5 AC OR >36 DUS)	10% site acreage = 64,861 s.f.	Enhanced OS not shown	Must comply or variances must be granted.
PARKING	Min. 2 spaces per unit; Max. 4 spaces per unit.	Information not provided.	Must comply or variances must be granted.
MIN. STREETSCAPE DIMENSIONS - PROPERTY FRONTAGE	Whites Mill (collector): 10-ft. landscape strip, 6-ft. sidewalk, light poles 80 ft. apart, street trees 50 ft. on center Kelley Lake Road (local) 6-ft. landscape strip and 5-ft. sidewalk on each side; light poles 100 ft. apart, street trees 30 ft. on center	Streetscaping not shown Existing 5 foot sidewalk, no landscape strip, no light poles, no street trees.	Streetscaping must comply or administrative waivers must be approved. Streetscaping must comply or administrative waivers must be approved.
BIKE LANES	Required along Whites Mill Rd. & Kelley Lake Road, as per Sec. 27-14-190, subject to approval by Public Works Dept.	Not shown.	Subject to approval by Public Works Department.
MIN. STREETSCAPE DIMENSIONS – INTERNAL STREETS	6-ft. landscape strip and 5-ft. sidewalk on each side; light poles 100 ft. apart (subject to approval by Public Works Dept.), street trees 30 ft. on center	6-ft landscape strip, 5-foot sidewalks, street trees 30 ft. on center	Yes

QUALITY OF LIFE METRICS

Open Space: 145,304 square feet (22%)

Linear Feet of New Sidewalk or Trails: Information not provided.

STAFF RECOMMENDATION: APPROVAL.

As a single-family residential development, the proposed development would be consistent with the single-family residential character of the surrounding area and is generally consistent with policy No. 1 of the Suburban Character Area to “protect stable neighborhoods from incompatible development.” While the density would be higher than that of the older neighborhoods in the area, an increase in density would contribute to the continuing vitality of the area by allowing for development of homes that correspond to a changing housing market. If developed in accordance with the recommended zoning conditions, the proposed development is not expected to adversely affect the existing use or usability of adjacent or nearby property. Adjacent properties to the north and east would be buffered from the development by wooded open space and a 20-foot “tree save” buffer. In addition to the trees in this buffer, a .29-acre wooded area on the north end of the site would be preserved and the site plan shows what appear to be original trees in the rear yards of lots 32-41 and 42-49. Preservation of these natural resources are a positive characteristic of the plan. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The development shall contain no more than 49 single-family lots.
2. A 20-foot “tree save” buffer shall be established along the east, west, and south borders of the property. Trees in the buffer shall be preserved except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist. Where existing trees in the tree save buffers are sparse, they shall be supplemented by evergreen trees and understory trees to create a landscape screen, subject to approval by the County Arborist.
3. To ensure continued preservation of the tree save buffer after properties are sold and re-sold, titles to individual lots on the perimeter of the east, west, and south borders of the property shall contain a transcript of Condition No. 2.
4. Trees located in the rear yards of lots 32-41 and 42-49 shall be preserved as shown on the site plan titled, “Village at Kelly Lake”, prepared by Land Solution Associates, LLC and dated 10-1-19, except trees that are found to be diseased or insect infested by the county extension service, the state forestry commission, a certified arborist, or the county arborist.
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6. Any perimeter wall or fence shall be located on the interior side of the 20-foot tree save buffer. “Interior side” means the side closest to the proposed development.
7. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.
8. There shall be a mandatory homeowner’s association (“HOA”) with automatic membership for all homeowners and their successors.
9. At no time shall more than 35% of the homes located within the subdivision be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to DeKalb County simultaneously with the recording of the Final Subdivision Plat.

Attachments:

1. Department, Division, and Agency Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✔ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

TRANSPORTATION DIVISION COMMENTS

Zoning Comments 10/14/2019

N1. No offsite parking allowed due to curve in the road.

N2. No offsite parking allowed due to proximity to Briarcliff Road intersection.

N3. No comments.

N4. Welborn Road- Collector. Requires pedestrian street lights at 80 foot spacing, 5-foot landscape strip, 6-foot sidewalks, bike lanes, right of way dedication of 35 from centerline or to ensure all public infrastructure is within right of way, whichever greater. Dekalb Medical Parkway- local. Requires pedestrian scale street lights, 3-foot landscape strip and a 6 foot sidewalk. Covington Hwy- Major Arterial and State Route. GDOT review required prior to permitting. Coordinate with GDOT PI No 0008228 and dedicate any necessary right of way. Minimum of 50 form centerline. Sidewalks and pedestrian scale street lighting can be installed under the GDOT project in exchange of the right of way dedication. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting. Need at least 2 feet of ROW on back of sidewalk for streetlights. Interior roads to be private or must meet the requirements for a local road. (55-foot right of way dedication, five foot landscape strip, 6 foot sidewalk, street lighting.)

N5. Covington Hwy- Major. GDOT permits/review required prior to permitting. Add sidewalks and pedestrian scale lighting along property frontage. Five-foot landscape strip, 6-foot sidewalk. ROW dedication of 50 foot from centerline or to cover public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights.

N6. Wesley Chapel Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting.

N7 & N8. Panola Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines.

N9. White Mill Road- Collector. Dedicate 35 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. Requires 5-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting, bike lanes. Kelly Lake Road- local. Requires dedication of 27.5 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Five-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. New roads, of public, require a ROW dedication of 55 feet, five-foot landscape strip, 6 foot sidewalk, and street lighting. Miter right of way corner at Whites Mill Road at Kelly Lake Road.

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DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2-19-1243517 Parcel I.D. #: 15138.07-019

Address: 2354
Whites Mill Rd

Adjacent Roadway (s):

(classification) (classification)

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

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:

Field and Plans reviewed. Found nothing that would disrupt traffic flow

Signature: [Signature]



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-19-1243517

Parcel I.D. #: 15-138-07-019, 15-138-07-050, & 15-138-07-051

Address: 2354 & 2378 White Mill Road and 2570 Kelly Lake Road
Decatur, Georgia

WATER:

Size of existing water main: 2" GA, 6" AC, 8" DI, 8" PVC, 24" DI, & 24" CS Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Doolittle Creek Basin

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: Approximately 212 feet West of Property

Water Treatment Facility: Snappfinger Creek WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

NOTE: TAPPING OF 2" OR 6" WATERLINE WILL NOT
BE ALLOWED. MLO

Signature: [Handwritten Signature]

DEKALB COUNTY



10/9/2019

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

10/9/2019

N.9

15-138-07-019; 15-138-07-050; 15-138-07-051

→ 2354&2378 Whites Mill Road; & 2570 Kelley Lake Road, Decatur, GA 30032

Amendment

- Please review general comments.
- Septic installed in the surrounded area of 2354 White Mill on 5/6/1964.

N.10

Z-19-1243522 / 2019-4356/ 15-060-01-192

3792 Harvest Drive, Decatur, GA 30034

Amendment

- See general comments.

N.11

Z-19-1243524 / 2019-4357/ 15-162-02-015

4982 Covington Highway, Decatur, GA 30035

Amendment

- Review general comments.

N.12

TA-19-1243554 /2019-4397

ALL DISTRICTS

Amendment

- Please review general comments.

DeKalb County School District
Development Review Comments

Analysis Date: 10/28/2019

Submitted to: DeKalb County Case #: Z-19-1243517
Parcel #: 15-138-07-019-050/051

Name of Development: 2354 & 2378 Whites Mill Rd; 2570 Kelly Lake Rd
Location: Whites Mill Rd & Kelly Lake Rd

Description: Proposed 65 single family detached units on a majority wooded site.

Impact of Development: When fully constructed, this development would be expected to house 14 students: 4 at Kelley Lake ES, 2 at McNair MS, 1 at McNair HS, 4 at other DCSD schools, and 3 in private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Kelley Lake ES	McNair, Ronald E. MS	McNair, Ronald E. HS	Other DCSD Schools	Private Schools	Total
Capacity	450	1,074	1,594			
Portables	2	0	0			
Enrollment (Oct. 2019)	357	778	616			
Seats Available	93	296	978			
Utilization (%)	79.3%	72.4%	38.6%			
New students from development	4	2	1	4	3	14

New Enrollment	361	780	617
New Seats Available	89	294	977
New Utilization	80.2%	72.6%	38.7%

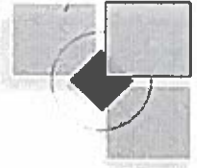
Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.057332	0.026121	0.032987	0.116440
Middle	0.024781	0.020756	0.005308	0.050845
High	0.017939	0.018766	0.007625	0.044330
Total	0.1001	0.0656	0.0459	0.2116
Student Calculations				
Proposed Units	65			
Unit Type	Mixed			
Cluster	McNair, Ronald E. HS			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	3.73	1.70	2.14	7.57
Middle	1.61	1.35	0.35	3.31
High	1.17	1.22	0.50	2.89
Total	6.51	4.27	2.99	13.77
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Kelley Lake ES	4	2	2	8
McNair, Ronald E. MS	2	1	0	3
McNair, Ronald E. HS	1	1	1	3
Total	7	4	3	14



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. 7-19-1243517
Filing Fee:

Date Received: Application No.:

Applicant: Epic XXXVII, LLC c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

Applicant Mailing Address: One West Court Square, Suite 750 Decatur, GA 30030

Applicant Phone: 404.601.7616 Fax: 404.745.0045

Owner(s): See Attached E-Mail:
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:

Owner(s) Phone: Fax:

Address/Location of Subject Property: See Attached Whites Mill Rd., Kelley Lake Rd.

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

Acreage: 14.89 Commission District(s): 3 & 6

Present Zoning Category: R-75 Proposed Zoning Category: RSM R-60

Present Land Use Category: SUB

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

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

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes X No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.P.D. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



Signature of Notary Public
Date: May 04, 2020

SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent X

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

B Battle Law, P.C.
Commercial Real Estate & Zoning

ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: bdc@battlawpc.com

**REZONING FROM R-75 TO
RSM TO ALLOW FOR THE
DEVELOPMENT OF 84 SINGLE
FAMILY HOMES**

**Community Meeting
Wednesday, August 21, 2019
6:30 pm until 8:00 pm
Amanda Flipper AME Church
2477 Whites Mill Rd, Decatur, GA 30032**

**PROPOSED LOCATIONS:
2354, 2378 Whites Mill Road & 2570 Kelly
Lake Road**

COMMUNITY MEETING

SIGN IN SHEET

2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road
 Amanda Flipper AME Church- 2477 Whites Mill Road, Decatur, GA 30032
 Wednesday, August 21, 2019 6:30 PM - 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
^{SHERI} HAROLD	BANKS	2512 WHITES MILL LN	DECATUR	30032	404 243 5453	hbanks2512@AOL.COM
VIVIAN	DALLAS	2403 So. Eiffel Ct	DEC., GA.	30032	404 243-6113	
Mihika	Kopma	2599 Pantone Tr	Decatur	30032	404 798 1013	
Laura	Muhammad	2385 Fortune Dr	Decatur	30032		
LoShauke	Waters	2773 Oak Village Tr Decatur GA	Decatur GA	30032	229 630 7150	
MORRIS Willie ALENE	Phillips BURKS BURKS	2516 Lloyd Ct Decatur GA 30032	Decatur	30032	404 246 8714	
JACQUELYN	ANTHONY	2388 KELLY LAKE DR	DECATUR	30032	404 243 9272	
ANTHONY	STOVALL	2476 WHITES MILL LN	DECATUR GA	30032	404 245-7053	Stovallsegi@ yahoo.com
Adam	WINNIE	2703 Oak Village Tr	Decatur GA	30032	334 3355 9855	winnieg@group@ hotmail.com
Paula Resley	Resley	2717 Oak Village Tr	Decatur GA	30032	320 6996778	cajatorjire gmail.com
Cooper L.	Cooper	2349 Whites Mill Ln	Decatur	30032	404-243-9519	REHA1344@yahoo.com
Michael	Faulkner	2111 Oak Village Tr	Decatur	30032		chatecaansfo@att.net
Deborah	DeIK	2245 whites mill rd	Decatur GA	30032		deborahdelke@gmail.com

COMMUNITY MEETING

SIGN IN SHEET

2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road
 Amanda Flipper AME Church— 2477 Whites Mill Road, Decatur, GA 30032
 Wednesday, August 21, 2019 6:30 PM – 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
LaVerne	Baker	2525 Habersham	Decatur	30032	4-241 5425	
Gail	Smith	2372 La Fortune Dr	Decatur	30032	404 519-3286	daphnesmith2372@gmail.com
Cathy	Sudrine	2384 La Fortune DR	Dec	30032	404 381-6539	Cysidwell@yahoo
Vertonia	Jarrett	2632 Candler Woods Dr	Dec.	30032	404 734-1185	vertoniaj@gmail.com
Carl	Jeffar	2603 Yale Terrace	Decatur	30032	404-243- 5779	carl.jeffar@gmail.com
Florence	Minton	2518 Whites Mill Ln	Decatur	30032		florenceminton@bellsouth.net
Lelia	Hodo	2515 JENAY ct.	DECATUR	30032		LELIA HODO @YAHOO
Ellen	Kates	2259 Whites Mill	"	"	4- 244-1905	ellenkates@yahoo
Jayice	Cranston	2403 Kelly Lane Dr	Decatur	30032	404 2128671	msjmc2@gmail.com
Vivonne	Jobe	2441 La Fortune	Decatur	30032	404 243 9661	Vivonne.Job@yahoo.com
Evelyn	Williams	2536 Kelly Lane Dr	Decatur	30032	404 2414322	evelyn1947@bellsouth.net

COMMUNITY MEETING

SIGN IN SHEET

2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road
 Amanda Flipper AME Church— 2477 Whites Mill Road, Decatur, GA 30032
 Wednesday, August 21, 2019 6:30 PM – 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Joyce	Dedeaux	2445 Kelly Lake Drive	Decatur, GA	30032	404-241-6248	
Mary	Datcher	2444 Kelly Lake Dr	Decatur Ga	30032	(4)243-4073	
Annie	Robinson	2466 " " "	" "	" "	(4)241-0859	
EUGENE	BARKSDALE	2306 BELMONT DR	DECATUR	30032	404-244-1615	
Bettianne	Bookman	2492 Jengy ct	Decatur	30032		
Annie	McCoy	2682 Kelly Lake Rd	Dec Ga.	30032	(4) 241 6615	NA
Bobbie	Britt	2382 Fontaine Cir	Dec, GA	30032	4/244-1500	britt-bebellsouth.net
Uivian	Williams	Fontaine Cir	Decatur, Ga	30032	4/243-9319	
Gail	Reeder	2351 Whites Mill	Decatur	30032		
Jennie Basen	Basen	2137 Bixler Circle	Decatur	30032		basenjcd@bellsouth.net

COMMUNITY MEETING

SIGN IN SHEET

2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road
 Amanda Flipper AME Church-- 2477 Whites Mill Road, Decatur, GA 30032
 Wednesday, August 21, 2019 6:30 PM - 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Joann	Hale	2404 Kelly Lake Dr	Dec GA	30032	404 243-8115	3jheirs@comcast.net
Barbara	Rentz	2438 Summerland Dr	Dec. GA	30032	404 243-6230	barbarnbilled@yahoo.com
Theresa	Florence	2412 Kelly Lake Dr	Dec. GA	30032	404 241-6681	thofast@comcast.net
Duane	Cowan	2749 Oak Village Trl	Dec. Ga	30032	(4) 640-4668	
MARJORIE	Cowan	" "	Dec GA	"	6429-3170	marjcowan1@gmail.com
Kenneth	Bowell	3056 San Juan Dr	" "	"		pdk-powell@comcast.net
Mantha	Williams	2365 Ousley Ct	Decatur GA		4-274-7142	MOW!11500A4-UCF
CEDECK	LANGSTON	2458 WHITES MILL LN	DEC, GA	30032	(6) 44-7720	LANGSTON83@gmail.com
Naomi	Ward	2570 Candler Woods Dr	Dec, GA	30032	(4) 241-7587	NaomiWard@att.net
Ann	Jackson	2593 Pautone Trace	Decatur, GA	30032	4) 241-9005	
Cori	Bowe	2309 Whites Mill Road	Decatur, GA	30032		Corinlane@yahoo.com
Ursula	Lewis	1349 Dawn Ct	Decatur Ga	30032	(4) 249-3442	UrsulaLewis@yahoo.com
Daniel	Walker	2774 Oak Village Trl	Decatur, GA	30032	7) 617-5224	walkerd162@bellsouth.net
Priscilla	Davenport	Po Box 3709184	Decatur, GA	30037	404-438-0062	pssunlimited@gmail.com

EPIC XXXVII, LLC

Rezoning Application

LIST OF OWNERS AND PROPERTY INFORMATION

Owner: Whites Mill Partners
Owner
Address: 2221 D Peachtree Road, #220
Atlanta, GA 30309
Tax Parcel: 15 138 07 019
Address: 2354 Whites Mill Road
Zoned: R-75

Owner: Epic XXXVII, LLC
Owner
Address: 430 Plasters Avenue, NE, Suite 100
Atlanta, GA 30324-3912
Tax Parcel: 15 138 07 050
Address: 2378 Whites Mill Road
Zoned: R-75

Owner: Epic XXXVII, LLC
Owner
Address: 430 Plasters Avenue, NE, Suite 100
Atlanta, GA 30324-3912
Tax Parcel: 15 138 07 051
Address: 2570 Kelly Lake Road
Zoned: R-75

Multiple Tax

Parcels/Address: 15 138 07 019	2354 Whites Mill Road	Zoned: R-75
15 138 07 050	2378 Whites Mill Road	Zoned: R-75
15 138 07 051	2570 Kelly Lake Road	Zoned: R-75

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for Rezoning

of

EPIC XXXVII, LLC
c/o Battle Law, P.C.

for

14.89± acres of land located at
2354 Whites Mill Road
2378 Whites Mill Road
2570 Kelly Lake Road

From R-75 to RSM

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
Phone: (404) 601-7616
Fax: (404) 745-0045
Email: mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Epic XXXVII, LLC, is seeking to rezone the 14.89 aggregate acres of undeveloped land located at 2354 and 2378 Whites Mill Road, and 2570 Kelly Lake Road in unincorporated DeKalb County (the "Subject Property") from R-75 to RSM for the development of 65 single-family detached homes at a density of 4.37 units per acre. The Subject Property has a land use designation of Suburban.

It is the Applicant's desire to develop 65 single family detached homes on the Subject Property. The units will be a minimum of 5,000 sq. ft. with 24 of the 65 lots abutting a neighborhood enhanced greenspace area located in the center of the proposed subdivision. The enhanced green space area will be improved with walking path that will connect into the sidewalk system within the subdivision. Additionally, there will be a trail connecting to the Kelly Lake Elementary School adjacent to the Subject Property. It should be noted that the proximity to the public school is the basis for the 20% density bonus. The proposed homes will be similar in style and price point to The Enclave at East Atlanta which abuts the northern boundary of the Subject Property. Due to the increase in land values in the area, as well as the rising cost of land development, the development of the Subject Property with R-75 would result in price points for the proposed homes which would exceed the current price points in the area, which could negatively impact the marketability of the proposed homes. The proposed subdivision is an infill project which will provide new housing in an area that has not seen new housing since prior to the real estate crash in 2007. It should be noted that Board of Commissioner approved a rezoning to R-60 of 10.93 acres on Kelly Lake Road across from the Subject Property in 2004 (CZ-04-144).

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application

*April 2005
30 units
2.74 u/ac*

as required by the DeKalb County Zoning Ordinance. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

- (a) Suitability of use: The proposed rezoning will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. It is the Applicant's contention that the proposed subdivision is consistent with the abutting residential development, and will provide for new development in an area that has not seen any new development in over 10 years. The proposed development will allow for single family homes to be development at a price point that is consistent with surrounding value without outpricing the market.
- (b) Effect on adjacent property: The proposed development will have a positive impact on the surrounding community, as it will support the continued recovery of the area from the 2007 economic downturn which devastated South DeKalb. It is anticipated that the proposed units will have a sales price starting at \$350,000 and up.
- (c) Economic use of current zoning: The Subject Property has no use as currently zoned.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area.
- (e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.

- (f) Compatibility with Comprehensive Land Use Plan. The Subject Property has a land use designation of Suburban. The RSM zoning district is a permitted zoning district within the Suburban Land Use District and will support the policies to encourage housing diversity and the development of single family homes within the Suburban Land Use District.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 5th day of September, 2019.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant

Examples Of Proposed Home Styles



Furman, Melora L.

From: Yvonne Jobe <yvonne.job@yaho.com>
Sent: Wednesday, October 2, 2019 7:24 PM
To: Lucy Ann Loving; krisr1994@bellsouth.net; Furman, Melora L.; Hill, Karen F.
Subject: Fwd: COMMUNITY COUNCIL MEETING. OCTOBER 9th 2019

This I sent to the Community Council Members,LCJohnson,Larry Johnson and theCEO Office.

Sent from my iPad

Begin forwarded message:

From: Carolyn Jones <carolyn.jones818@yaho.com>
Date: October 2, 2019 at 5:47:33 PM EDT
To: Yvonne Jobe <yvonne.job@yaho.com>
Subject: Re: COMMUNITY COUNCIL MEETING. OCTOBER 9th 2019

Thank you for the information. I agree with your comments. I sit on the council and in my opinion there should be a moratorium on building in DeKalb until the county repair the sewage system.

Sent from my iPhone



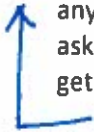
On Oct 2, 2019, at 4:11 PM, Yvonne Jobe <yvonne.job@yaho.com> wrote:

CASE NUMBER 219-1243517.

My name is YVONNE JOBE. I have lived in Dekalb County for 46 yrs @ 2441 La Fortune Dr,Decatur GA 30032. I am writing today to let you know how I feel about the rezoning of property on 2354,2378 Whites Mill Road and2570 Kelly Lake Road. Myself and 125 plus neighbor have signed a petition to stop the rezoning of this property. We want to maintain the zoning pattern R75. established in the community prior to the one R60 zoning that happened in 2005 The whole surrounding community NORTH, SOUTH,EAST,WEST has the R 75zoning .Building more homes outside a R 75 zoning will have a negative effect on the surrounding neighborhood East of said SUBDIVISION. More homes being built will add more to the drainage issues that exists. The less hard surface and more green space will be a positive impact on property below this site. Water does run downhill .When the Enclave was built in2005 my property flooded. Doolittle Creek runs thru this community and it cuts thru my property on La Fortune Dr which is East of proposed development. The area in front of my home across the street has always been a flood plain. I have been in my home since 1973 and never did I see any flooding of my property until the Enclave was built in 2005! I have included these pictures! Even with a heavy rain today the Creek well swells her banks and can fill 3/4 of a 6 ft drain pipe that goes under La Fortune Dr.as the street water rushes on its way. In 2016 FEMA redid the Flood Maps and homes along this DOOLITTLE CREEK were put in a flood plain thus causing you to buy flood insurance! Regardless of the out come of this zoning issue the builder of this property should have the responsibility to correct any and all possible flooding issues that can be presented to this community now and

tomorrow!!!!!! BUILDERS built and the community below suffers the hazard of water run off and they are gone!!!! We presently have a subdivision being built in front of KELLY LAKE ELEMENTARY SCHOOL that will consist of 29 homes. Once this property is developed there could be a total of 94 new homes directly across the st of each other!!!!Let's not forget that the KELLY LAKE ELEMENTARY SCHOOL sits in front and to the side of these development. This is already a busy street and ,intersection since Kelly Lake Rd And Whites Mill serve as a cut thru to I 20 and Candler Rd. Now safety is a concern. The entrance and exit for each subdivision is KELLY LAKE ROAD. More congestion in the making for our community!!!!

.This applicant initially wanted to built 84 homes on this 14.89 acres with a RSM zoning change. HOW MUCH RESPECT DID HE GIVE TO OUR COMMUNITY MADE UP OF MOSTLY R75 ZONING????? Is greed somewhere? JUST ASKING. The one and only R 60 zoning in our community is from 2005 when no one cared about our neighborhood. Now we are prime property for builders to make a killing by rezoning so they can put more homes on their sites to add to their bottom line .The people and the-community being a afterthought.Approving the property zone change for higher density encourages others to apply for the same subsequently causing an excessive burdensome use of streets,utilities and schools. New homes are a positive to a community but changing the zoning is a negative to OUR COMMUNITY!!!! Thank you for giving me your eyes and ears. This is very dear to my heart and I do appreciate you! For give any of my mistakes, i'm 76yrs old!!!! I have been told and hear how bad the sewer systems is in DEKALB COUNTY so let's build to add more stress to this decaying system. I have presently 2 holes in the sewer pipe going across the creek and can get no one to come and do anything about it . Do we wait till it ruptures and contaminates the water system??? Just asking! Thanks for your time!! Yvonne Jobe Email me if need more info. Was told we get 3 min to present opposition at the CC MEETING.



CITIZEN COMMENT - P.2 of 2

SAY NO TO REZONING

HELP US SAY NO TO REZONING FROM R-75 TO RSM TO ALLOW FOR THE DEVELOPMENT OF 65 SINGLE FAMILY HOMES.
 THE PROPOSED LOCATIONS ARE: 2354, 2378 WHITES MILL RD & 2570 KELLY LAKE RD. THE COMMUNITY COUNCIL
 MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 9TH, 6:30 PM AT WESLEY CHAPEL LIBRARY. SIGNATURE OF
 HOMEOWNERS ONLY.

NAME	ADDRESS	PHONE NO.
Linda Ford	2407 Kelly Lake Dr	404-207-9302
JOANN HALE	2404 KELLY LAKE DRIVE	404 243 8115
Patricia Flouren	2412 Kelly Lake Dr Decatur	404 241 6668
James DeLong	2445 Kelly Lake Dr Decatur	404-241-6246
Therese W. Robinson	2466 Kelly Lake Dr. Decatur	404-241-8599
Wendy A. Mahall	2474 Kelly Lake Dr. Decatur	678-816-9584
Lynne W. Penn	2465 Kelly Lake, W. Decatur	404-211-2666
Patricia J. Ford	2432 Kelly Lake Dr.	404-243-3647
Tanice Crawford	2403 Kelly Lake Dr Decatur	404-212-8671
Wynne Cawthon	2999 Kelly Lake Dr., Decatur, GA.	404-241-1571
William Cawthon	2999 Kelly Lake Dr. Decatur, GA.	404-241-1571
JACQUELYN ANTHONY	2388 KELLY LAKE DR, DECATUR, GA	404-243-9272
Nadhel Bawon	2389 Kelly Lake Dr Decatur, GA	404-243-1679
Marisol Cortes	2435 Kelly Lake Dr. Decatur, GA	470-298 1030
Charles Palmer	2664 Kelly Lane Ct Decatur, GA	770-608 2845
Debra Darcot	2444 Kelly Lake Dr Decatur	404-243-4073
James Arnold	2665 Kelly Lake Court	404-583-4932
Martha Faniel	2670 Kelly Lake Ct.	678-359-987
	2459 Kelly Lake Dr	404-241-4085
PRETTANY WINDOM	2458 KELLY LAKE DR DECATUR GA	478-512-2481
DOLLIE MARYAN	2483 Kelly Lake Dr.	1-914-446-93
Emily Hargitt	2671 Kelly Lake Ct	678-525-5252
Debra Darcot	2429 Kelly Lake Lane Dr	404-243-9867
Lucy A. Hill	2417 Kelly Lake Dr Decatur	404-212-5151
Fant Turner	2452 Kelly Lake Dr	404-576 7945
Vickie Hutchinson	2520 Whites Mill Lane	678-362-9869-9242
Joyce Smith	2351 Gordon Rd Decatur	300 241 723
Emma Jackson	2519 Brentwood Court	404-805-0278
Angeline Jakes	2575 Whites Mill Lane 30032	404 625 3571
Betty Carter	3435 LYNN IRIS DR 30034	404 581 2626
TONI BROWN	2461 WHITES MILL LANE DEC 30032	404-241-8279
Melissandre Browning	2745 Shelorie Dr Dec. 30034	404 244 0519
Della Morris	3651 Parkway Her Dec 30032	413 46-8454

SAY NO TO REZONING

Center

HELP US SAY NO TO REZONING FROM R-75 TO RSM TO ALLOW FOR THE DEVELOPMENT OF 65 SINGLE FAMILY HOMES.
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 HOMEOWNERS ONLY.

NAME	ADDRESS	PHONE NO.
Mary L. Warren	2157 Whites Mill Rd	4-243-0863
Eddie Warren	2157 Whites Mill Rd	4-243-2863
Jo Childers	2136 Whites Mill Rd	4-401-9072
Stacie Rowland	2527 Kelly Lake Rd	404-212-1771
Mildred Mitchell	2704 Catalina Way	404-358-5370
Ruby Brown	2757 Glenvalley Dr.	404-284-7096
Bernice GAVIN	2377 SUMMERLAND	404-241-8550
Alia Harton	2698 McAfee Rd. S.W	404-997-1399 59
Mary Davis	1905 Joseph Ct, Decatur Ga	404-889-7195
Fannie King	2929 More Dr Dec Ga	404-284-1885
Glenn Smith	3471 Calvert Road Dec Ga	404-288-1165
Astella Morris	3656 Lakewood Glen Dec Ga	4-396-8454
Carolyn Howard-Jenkins	3193 McAfee Rd Decatur Ga	4-284-2771

M Payne

Furman, Melora L.

From: Yvonne Jobe <yvonne.job@yaho.com>
Sent: Wednesday, October 2, 2019 7:24 PM
To: Lucy Ann Loving; krisr1994@bellsouth.net; Furman, Melora L.; Hill, Karen F.
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On Oct 2, 2019, at 4:11 PM, Yvonne Jobe <yvonne.job@yaho.com> wrote:

CASE NUMBER 219-1243517.

My name is YVONNE JOBE. I have lived in Dekalb County for 46 yrs @ 2441 La Fortune Dr,Decatur GA 30032. I am writing today to let you know how I feel about the rezoning of property on 2354,2378 Whites Mill Road and2570 Kelly Lake Road. Myself and 125 plus neighbor have signed a petition to stop the rezoning of this property. We want to maintain the zoning pattern R75. established in the community prior to the one R60 zoning that happened in 2005 The whole surrounding community NORTH, SOUTH,EAST,WEST has the R 75zoning .Building more homes outside a R 75 zoning will have a negative effect on the surrounding neighborhood East of said SUBDIVISION. More homes being built will add more to the drainage issues that exists. The less hard surface and more green space will be a positive impact on property below this site. Water does run downhill .When the Enclave was built in2005 my property flooded. Doolittle Creek runs thru this community and it cuts thru my property on La Fortune Dr which is East of proposed development. The area in front of my home across the street has always been a flood plain. I have been in my home since 1973 and never did I see any flooding of my property until the Enclave was built in 2005! I have included these pictures! Even with a heavy rain today the Creek well swells her banks and can fill 3/4 of a 6 ft drain pipe that goes under La Fortune Dr.as the street water rushes on its way. In 2016 FEMA redid the Flood Maps and homes along this DOOLITTLE CREEK were put in a flood plain thus causing you to buy flood insurance! Regardless of the out come of this zoning issue the builder of this property should have the responsibility to correct any and all possible flooding issues that can be presented to this community now and

Lot #	Area
1	7495.23
2	6030.52
3	6020.76
4	6000.00
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98	6000.00
99	6000.00
100	6000.00

Parcel #	Area
41	8055.54
42	7812.39
43	8000.00
44	8000.00
45	8000.00
46	8055.54
47	7987.92
48	7509.92
49	13574.19

Parcel #	Area	Deduct	Total
CS#2	33031.87	14006.52	
CS#3	145304.08	17135.93	
			TOTAL 147103.50 S.F. (3.38 Ac)



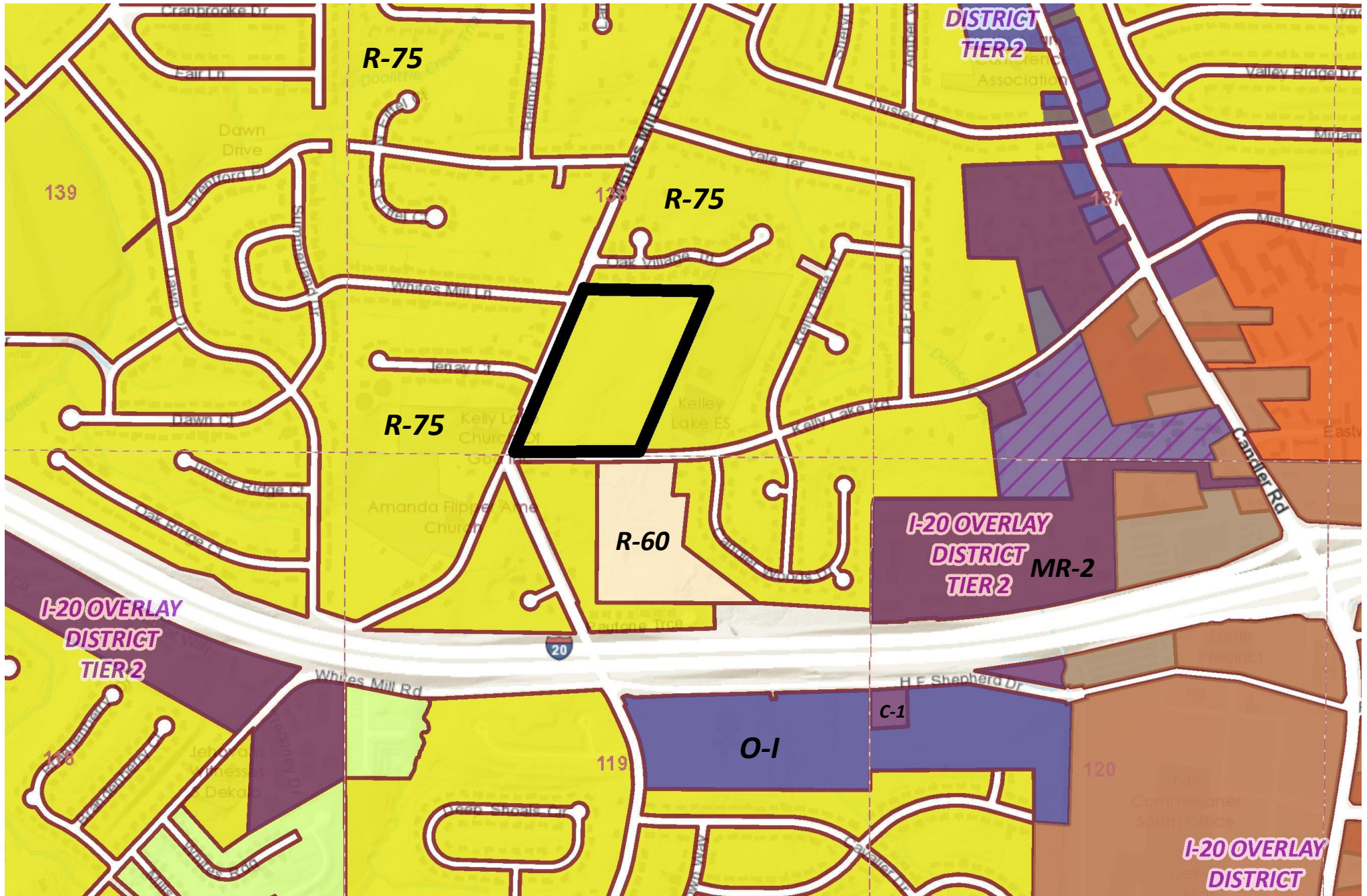
N/F
DEKALB BOARD OF EDUCATION

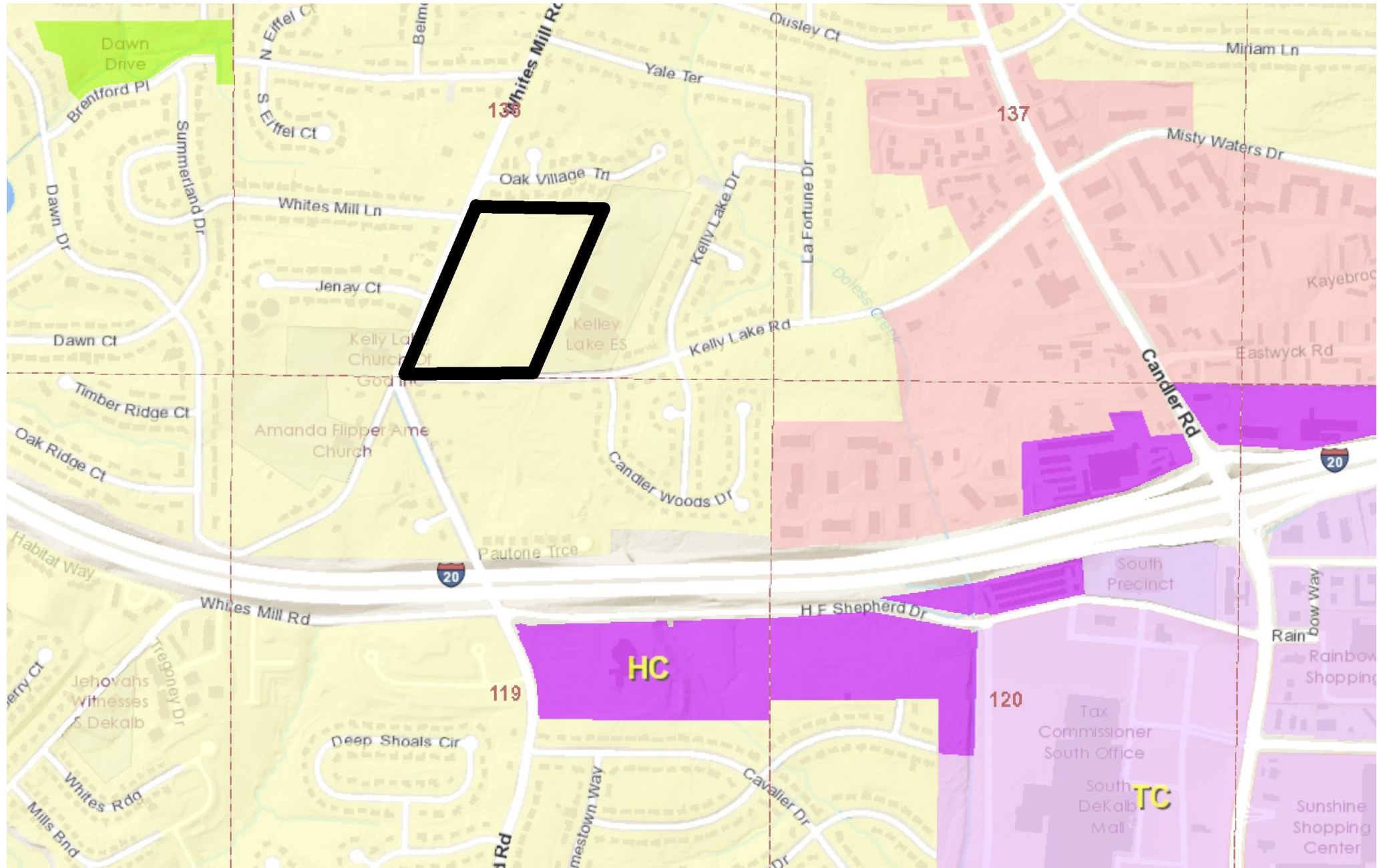
PROJECT INFORMATION	
PRESENT ZONING	R-75
PROPOSED ZONING	R-60 (6,000 S.F. MIN.)
LAND AREA	14.89 Ac
UNITS PROPOSED	49
DENSITY PROPOSED	3.29 UNITS/AC
AVERAGE LOT SIZE	6,971.18 S.F.
OPEN SPACE PROPOSED	3.38 Ac (23%)*

8 OF 11 SPECIMEN TREES SAVED

SETBACKS:	
FRONT	20'
SIDE	7.5'
REAR	40'











(left) Kelly Lake Road frontage, looking west towards Whites Mill Road.

(right) A home on the opposite side of Kelly Lake Road from the subject property.





2354 Whites Mill Road at Whites Mill Lane, looking south.



Typical Whites Mill Road frontage.