



# DeKalb County Government

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

## Agenda Item

**File #:** 2020-0084

5/28/2020

**File Status:** Preliminary Item

**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

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

**Application of Senior Design Group LLC c/o Battle Law PC to rezone property from R-100 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to develop a mixed residential community consisting of both single-family detached and attached units, at 1705 Panola Road.**

**PETITION NO:** N3. Z-20-1243750 (2020-0084)

**PROPOSED USE:** Single-Family Detached and Attached Subdivision

**LOCATION:** 1705 Panola Road

**PARCEL NO. :** 16-037-01-002

**INFO. CONTACT:** Karen Hill

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

**PURPOSE:**

Application of Senior Design Group LLC c/o Battle Law PC to rezone property from R-100 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to develop a mixed residential community consisting of both single-family detached and attached units with a maximum of 131 units at a density of 5.72 units per acre within the Greater Hidden Hills Overlay District. The property is located on the west side of Panola Road, approximately 430 feet north of the intersection of Panola Road and Young Road, at 1705 Panola Road, Stone Mountain, GA. The property has approximately 1,016 feet of frontage along the west side of Panola Road and contains 22.99 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** No recommendation.

**PLANNING STAFF:** Approval with conditions.

**STAFF ANALYSIS:** The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct 131 units consisting of single-family detached and attached housing units at a proposed density of 5.39 units per acre is compatible with the

surrounding and adjacent properties and complies with the RSM district standards. The request is compatible with the Suburban (SUB) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District be “Approved, with staff’s recommendation conditions”.

**PLANNING COMMISSION VOTE: No vote. Three motions failed and, therefore, this item moves forward to the BOC with no recommendation from the Planning Commission.** Motion details: **1st Motion:** G. McCoy moved. J. West seconded for a Full Cycle Deferral to allow the applicant to submit a new site plan. The motion failed 3-5-0. **2nd Motion:** E. Patton moved, P. Womack, Jr. seconded for Approval with Staff’s modified conditions as follows: Condition #7 - Rental cap shall be 35%; and, condition #10 - replace stucco with hardi-plank. The motion failed 2-6-0. **3rd Motion:** J. Johnson moved, P. Womack, Jr. seconded for Approval with Staff’s modified condition as follows: - Condition #7 - Rental cap shall be 25%. The motion failed 4-4-0.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 7-0-0.**

## BOC Recommended Conditions

Z-20-1243750

1. The development shall have a maximum of 131 units consisting of single-family detached and attached residential units. Conceptual layout of site plan and building design shall be subject to approval of the Director of Planning & Sustainability Department.
2. Provide two (2) points of access on Panola Road. Vehicular ingress and egress shall be subject to approval by the DeKalb County Department of Public Works, Transportation Division.
3. Dedicate a minimum 50 feet of right of way from centerline of Panola Road (or all public infrastructure on right of way – including street lights, whichever greater).
4. Separation of access points required is at least 245 feet. Professional engineer must provide signed and sealed sight distance calculations for the two access points on Panola Road based on AASHTO sight distance guidelines prior to permitting.
5. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval.
6. Six-foot sidewalks required along Panola Road frontage.
7. A mandatory homeowners' association shall be created and shall be governed by a declaration of covenants, conditions, and restrictions. The homeowner association shall be responsible for the maintenance of required transitional buffer, open space within the property, street lighting, amenity areas and pedestrian paths.
8. Provide open space in compliance to Chapter 27-Article 5 of the DeKalb Code of Ordinances per conceptual site plan.
9. Building facades shall be constructed with at least three sides brick, stacked stone, or masonry stucco excluding architectural decorative features.
10. No residential units shall directly face Panola Road.
11. All exterior lighting shall be screened from adjacent properties or shielded to minimize glare and keep light inside the development.
12. Provide a minimum six-foot high fence along the interior property lines external to the buffer. The buffer must meet requirements of Section 27-5.4.5(C)(1)-(C)(3) of this code regarding planting height, planting type, and planting functions.
13. A six-foot high fence and minimum 15-foot wide buffer on the public street adjacent frontage, or a 30 feet wide planted buffer with a four-foot high berm on the public street adjacent frontage shall be provided along Panola Road. The buffer must meet requirements of Section 27-5.4.5(C)(1)-(C)(3) of this code regarding planting height, planting type, and planting functions. Street-facing fences shall have masonry (brick, stone, or hard coat stucco finish) piers separating fence sections with maximum lengths of 24 feet. A pier shall be required at any point where the fence changes direction. Piers must be at least 12 inches wide.

14. 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.



**DeKalb County Department of Planning & Sustainability**

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

**Decatur, GA 30030**

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

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: March 03, 2020, 6:30 P.M**

**Board of Commissioners Hearing Date: May 28, 2020, 5:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-20-1243750 **Agenda #:** N.3

**Location/Address:** The property is located along the west side of Panola Road, approximately 430 feet north of the intersection of Panola Road and Young Road at 1705 Panola Road, Stone Mountain, GA. **Commission District:** 5 **Super District:** 7

**Parcel ID:** 16-037-01-002

**Request:** To rezone property from R-100 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to develop a mixed residential community consisting of both single-family detached and attached units with a maximum of 131 units at a density of 5.72 units per acre within the Greater Hidden Hills Overlay District.

**Property Owner:** Mary Jennifer Zeagler Cowan

**Applicant/Agent:** Senior Design Group, LLC / co Battle Law, P.C.

**Acreage:** 22.99 Acres

**Existing Land Use:** Single Family Residence & Accessory Structures

**Surrounding Properties Adjacent Zoning:** East and north are single-family detached residences zoned RSM. West is zoned R-100 and is developed with single-family detached residences. South is zoned OI (Office-Institutional) District and C-1 (Local Commercial) District and is developed with Berean Christian Academy.

**Comprehensive Plan:** Suburban (SUB)  **Consistent**  **Inconsistent**

<b>Proposed Additional Square Ft.:</b> N/A	<b>Existing Residential Sq. Footage:</b> Approximately 2,304 Square Feet
<b>Proposed Additional Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> <35%

## **SUBJECT PROPERTY**

The subject 22.99 -acre site consists of one single-family residence with accessory structures and heavily wooded mature trees. The site has approximately 1,000 feet of frontage on Panola Road (a four-lane major arterial with a median). The site is located northwest of Young Road and south of Circlestone Drive within the Residential Tier of the Greater Hidden Hills Overlay District and surrounded by a mixture of residential developments and institutional uses. Adjacent to the site along the north property line is Biffle Downs subdivision. West and adjacent to the site is Hidden Hills subdivision. Along the east side of Panola Road is Winmire Lane subdivision. South and adjacent to the site is Berean Christian Church child care facility, recreational center and worship center.

## **ZONING HISTORY**

The site is currently zoned R-100 (Residential Medium Lot) District.

## **ZONING ANALYSIS**

The subject application requests an amendment to the Official Zoning Map pursuant to Chapter 27, Article 7.3 of the DeKalb Code of Ordinances to rezone the entire 22.99-acre site to the RSM (Small Lot Residential Mix) District to allow for the development of a mixed residential community consisting of both detached and attached single-family residences with a maximum 131 units (75 detached units and 56 attached units) at a density of 5.72 units per acre. The proposed RSM zoning district is consistent and compatible with RSM zoned properties adjacent north of the site and RSM zoned properties east of Panola Road. The proposed mixed residential development is consistent with the residential tier of the Greater Hidden Hills Overlay District.

The proposed rezoning to RSM (Small Lot Residential Mix) District is appropriate for this site given its consistency with the 2035 Comprehensive Land Use Plan which designates this within the Suburban (SUB) Character Area. The intent of the Suburban (SUB) Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. The future land use for the surrounding properties to the west, north and east are all designated Suburban (SUB) Character Area. The future land use for the property south of the subject site is the Neighborhood Center (NC) Character Area. The proposed rezoning to RSM (Small Lot Residential Mix) District would be compatible with the future land use for both Suburban (SUB) and Neighborhood Center (NC) Character Area.

## **PROJECT ANALYSIS**

The applicant requests to rezone the property from R-100 (Residential Medium Lot 100) District to RSM (Small Lot Residential Mix) District to allow the development of 131 residential units at a density of 5.72 units per acre. Located within a Suburban character area, the RSM district has a base max density of 4 units per acre. Per Chapter 27-Article 2.12.5 – 2.6 allows for density increases based on public improvements, transit proximity and amenity proximity. Per the submitted Letter-of-Intent, a 20% density bonus is being achieved based on proximity to the recreational facility at the Berean Christian Church at 2201 Young Road .24 miles south the site; the installation of a bus shelter at the MARTA bus stop in front of 1763 Panola Road adjacent to the site along the south property line; and the extension of sidewalks beyond the subject property to connect with existing sidewalk in front of 1763 Panola Road.

The submitted site plan depicts 56 attached townhomes and 75 single-family detached residences. The site plan shows four pockets of open space and a detention pond on the site. The proposed minimum lot area is 5,000 square feet for single-family detached residences and 1,000 square feet for attached residences. The proposed townhomes are internal to the site. Single-family detached residences will abut other single-family detached residences within the Biffle Downs and Hidden Hills subdivisions. Access is proposed via two curb cuts on Panola Road.

## Impact Analysis

Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.

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

The 2035 Comprehensive Plan designates the subject site within the Suburban (SUB) Character Area. The intent of the Suburban (SUB) Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. The proposed rezoning and development are compatible with the policy and intent of the 2035 Comprehensive Plan.

**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 to the RSM (Small Lot Residential Mix) District complies with Chapter 27- Article 5.2.3 Compatibility of new and existing subdivisions by providing a 20-foot wide transitional buffer along the perimeter property lines adjacent to single-family detached residences on minimum lot sizes of 5,000 square feet (.11 acres).

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

The site as currently zoned R-100 would not provide the greatest economic use for the site. Larger homes on larger lots would produce fewer residences resulting in increased costs for construction and purchase.

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

The rezoning request to the RSM (Small Lot Residential Mix) District should not adversely affect the use or usability of adjacent and/or nearby residential properties in the area along Panola Road.

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

The proposed mixed development offers two types of residential (single-family detached residences and attached single-family residences) within the subject site. Home ownership and compliance to development standards provide supporting grounds for approval of the zoning request.

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

The proposed rezoning will not adversely affect historic buildings, sites, districts or archaeological resources.

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

The zoning proposal to the RSM District to develop 131 residential units would increase traffic along Panola Road. However, given that Panola Road is a four-lane major arterial with a median, the increase in traffic should

be mitigated by road improvements along the property frontage. The Department of Public Works Traffic Engineering did not find any traffic concerns that would disrupt traffic flow. The DeKalb County School District stated that this development would add 56 students to the following schools: 11 at Redan Elementary School, 5 at Redan Middle School, 7 at Redan High School and 29 at other DeKalb County School District schools and 4 at private schools. All three neighborhood schools have capacity for additional students.

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

The rezoning proposal to the RSM district will not adversely impact the environment or surrounding natural resources.

**COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, the proposed RSM (Residential Small Lot) single-family attached townhomes can comply with minimum development standards of the RSM (Residential Small Lot) District per Table 2.2 of the DeKalb County Zoning Ordinance.

<b>RSM STANDARD</b>	<b>REQUIREMENT</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
MIN. LOT WIDTH	25 feet for SFA & 50 feet for SFD	25 ft. & 50 ft.	YES
MIN. LOT AREA	1,000 sq. ft. for SFA & 5,000 sq. ft. for SFD	1,000 sq. ft. & 5,000 sq. ft.	YES
FRONT SETBACK	Min 20 ft. for SFD & 15 ft. for SFA	20 ft. & 15 ft.	YES
INTERIOR LOT - SIDE	3 ft. with minimum 10 ft. building separation for SFD	3 ft. with minimum 10 ft. building separation for SFD	YES
REAR	20 ft. SFD & 15 ft. for SFA	20 ft. SFD & 15 ft. for SFA	YES
DWELLING UNITS PER ACRE	4 – 8	5.39 (Bonus Density)	YES
MAX. LOT COVERAGE	70%	Not labeled on submitted site plan	NO
HEIGHT	3 STORIES OR 45 FEET	2 STORIES	YES
MIN. PARKING Article 6	Minimum 1.75 parking spaces	Not labeled on submitted site plan	NO
OPEN SPACE	Minimum 20% if site is > 5 acres. Site is 22.99 acres	20.3%	YES
Linear Feet of Sidewalk	5-feet wide	5-feet wide	YES



**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct 131 units consisting of single-family detached and attached housing units at a proposed density of 5.39 units per acre is compatible with the surrounding and adjacent properties and complies with the RSM district standards. The request is compatible with the Suburban (SUB) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection.

Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District be APPROVED along with staff's recommendation conditions.

1. The development shall have a maximum of 131 units consisting of single-family detached and attached residential units. Conceptual layout of site plan and building design shall be subject to approval of the Director of Planning & Sustainability Department.
2. Provide two (2) points of access on Panola Road. Vehicular ingress and egress shall be subject to approval by the DeKalb County Department of Public Works, Transportation Division.
3. Dedicate a minimum 50 feet of right of way from centerline of Panola Road (or all public infrastructure on right of way – including street lights, whichever greater).
4. Separation of access points required is at least 245 feet. Professional engineer must provide signed and sealed sight distance calculations for the two access points on Panola Road based on AASHTO sight distance guidelines prior to permitting.
5. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval.
6. Six-foot sidewalks required along Panola Road frontage.
7. A mandatory homeowners' association shall be created and shall be governed by a declaration of covenants, conditions, and restrictions. The homeowner association shall be responsible for the maintenance of required transitional buffer, open space within the property, street lighting, amenity areas and pedestrian paths.
8. Provide open space in compliance to Chapter 27-Article 5 of the DeKalb Code of Ordinances per conceptual site plan.
9. Building facades shall be constructed with at least three sides brick, stacked stone, or masonry stucco excluding architectural decorative features.
10. No residential units shall directly face Panola Road.
11. All exterior lighting shall be screened from adjacent properties or shielded to minimize glare and keep light inside the development.
12. Provide a minimum six-foot high fence along the interior property lines external to the buffer. The buffer must meet requirements of Section 27-5.4.5(C)(1)-(C)(3) of this code regarding planting height, planting type, and planting functions.

13. A six-foot high fence and minimum 15-foot wide buffer on the public street adjacent frontage, or a 30 feet wide planted buffer with a four-foot high berm on the public street adjacent frontage shall be provided along Panola Road. The buffer must meet requirements of Section 27-5.4.5(C)(1)-(C)(3) of this code regarding planting height, planting type, and planting functions. Street-facing fences shall have masonry (brick, stone, or hard coat stucco finish) piers separating fence sections with maximum lengths of 24 feet. A pier shall be required at any point where the fence changes direction. Piers must be at least 12 inches wide.
14. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

#### Attachments

1. Department Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Map
6. Site Photos

## 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 space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- ✓ **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✓ **Variance or Special Exception** *(Required seeking relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

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

**DeKalb County Transportation Division**  
**March 2020 Zoning Comments**

N1. No comments

N2. No comments

N3. Panola Road is classified as a major arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc.) are on right of way, whichever greater. 6-foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. 2 points of access required. Separation of access points required is at least 245 feet. Engineer must provide signed and sealed sight distance calculations for the two access points onto Panola Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.

N4. Engineer must provide signed and sealed sight distance calculations (stopping and intersection-Speed Limit 45 mph) for the access point onto Rockbridge Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy. Rockbridge Road is classified as a minor arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 40 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc.) are on right of way, whichever greater. 6-foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to Transportation Division approval of a Land Development Permit.

N5. Moreland Ave is State Route 42. GDOT review and approval required prior to Transportation Approval. Moreland Avenue is classified as a major arterial. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 50 feet from centerline or such that all public infrastructure (sidewalks, streetlights, bike lanes, etc.) are on right of way, whichever greater. 6-foot sidewalk required. Bike facilities required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. Lynwyn Lane is classified as a local road. . Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks, streetlights, etc.) are on right of way, whichever greater. 5-foot sidewalk required. Street lights required with payment to Georgia Power and signed petition required prior to LDP approval by Transportation. Engineer must provide signed and sealed sight distance calculations (stopping and intersection) for the access point onto Rockbridge Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.

N6. Developer must improve the curves along the frontage of Porter Road and bring Porter Road up to county standards along the entire frontage in order to obtain permit. Porter Road is classified as a local road. Please note the infrastructure requirements in the Land development Code Chapter 14-190 and the Zoning Code (Chapter 5). Right of way dedication of 27.5 feet from centerline or such that all public infrastructure (sidewalks, streetlights, etc.) are on right of way, whichever greater. 5-foot sidewalk required. 10-foot landscape area required. Street lights required with payment to Georgia Power and signed petition required prior to final plat approval. . Engineer must provide signed and sealed sight distance calculations (stopping and intersection) for the access point onto Rockbridge Road based on AASHTO sight distance guidelines. Engineer must confirm sight distance prior to certificate of occupancy.



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

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



N-3



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-20-1243750 Parcel I.D. #: 16-037, 01-002  
Address: 1705 Lanola Road  
Stone Mountain, Ga

### 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) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

### COMMENTS:

Did not see any traffic engineering concerns at this time.

Signature: John Reid





DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: Z-20-1243750

Parcel I.D. #: 16-037-01-002

Address: 1705 Panola Road

Stone Mountain, Georgia

WATER:

Size of existing water main: 8" DI, 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: Lower Snapfinger Creek Basin

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: Approximately 222 feet Northwest of property

Water Treatment Facility: Snapfinger 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.

THIS AREA HAS SEWER CAPACITY RESTRICTIONS AT THIS TIME. ALSO, AN EASEMENT FROM ADJACENT PROPERTY OWNERS WILL BE REQUIRED TO ACCESS SANITARY SEWER. MJO

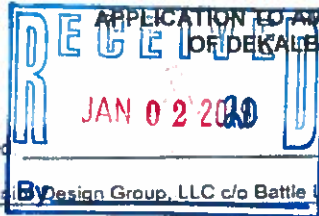
Signature: [Handwritten Signature]



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

Form fields including Date Received, Application No. (Z-20-124370), Applicant (By Design Group, LLC), Address (One West Court Square), Phone (404.601.7616), Fax (404.745.0045), Owner(s) (See Exhibit "A"), and Zoning/Category information (R-100, RSM, 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.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga 30030.

NOTARY signature line

SIGNATURE OF APPLICANT / DATE

EXPIRATION DATE / SEAL

Check One Owner Agent X

SARABETH NARANJO
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Nov. 4, 2022

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



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**

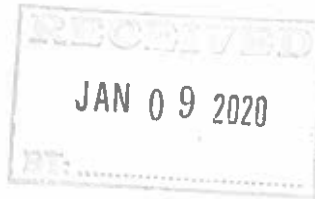
**Email: [bdc@battlelawpc.com](mailto:bdc@battlelawpc.com)**

## **REZONING FROM R-100 TO RSM FOR THE DEVELOPMENT OF A SINGLE FAMILY SUBDIVISION**

**Community Meeting  
Tuesday, December 17, 2019  
6:30 pm until 7:30 pm  
Berean Christian Church  
Kerwin B. Lee Family Life Center  
2197 Young Road  
Stone Mountain, Georgia 30088**

**SUBJECT PROPERTY:  
1705 Panola Road  
Stone Mountain, Georgia 30088**





**UPDATED**  
**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

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

of

**Senior Design Group, LLC**  
**c/o Battle Law, P.C.**

for

22.99± acres of land located at  
**1705 Panola Road**

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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](mailto:mlb@battlelawpc.com)

## **I. STATEMENT OF INTENT**

The Applicant, Senior Design Group, LLC, is seeking to rezone the 22.99 acre parcel located at 1705 Panola Road, Stone Mountain, unincorporated DeKalb County, Georgia (the "Subject Property") from R-100 to RSM for the development of a mixed residential community with both single-family detached and attached units with a maximum of 131 units at a density of 5.72 units per acre. The Subject Property has a land use designation of Suburban and is located within the Residential District of the Greater Hidden Hills Overlay District. The density bonus is being achieved based on proximity to the recreational facility at the Berean Christian Church at 2201 Young Road, Stone Mountain, GA , the installation of a bus shelter at the MARTA Bus Stop on Panola Road in front of 1763 Panola Road, Stone Mountain, GA and the extension of sidewalks beyond the Subject Property.

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 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 allow for the development of residential lots at a density that is suitable for the area considering the existing uses, as well as the proposed mixed use improvements to the adjacent Berean Christian Church campus approved by the Board of Commissioners pursuant to CZ-08-14827 and CZ-10-16207. The Subject Property is located on Panola Road, and all ingress and egress to the Subject

Property will be through Panola Road. There is a MARTA bus stop located along the frontage of the Subject Property. These facts alone support the development of higher density than currently allowed under the R-100 District regulations in order to place higher density near public transportation and arterial roads that can handle the additional traffic demands.

With respect to the existing surrounding residential uses, immediately adjacent to the northern boundary of the Subject Property is the Biffle Downs Subdivision which was built out in the late 1980's. This subdivision is currently zoned RSM, and has a minimum lot size of 6,000 sq. ft. The Biffle Downs has a variety of 1 and 2 story homes with hardi-plan siding, and some with either stone or brick accents. The homes sizes range from 1,200 sq. ft. of heated floor area to 1,850 sq. ft., with homes having tax assessed values ranging from \$75,000.00 to \$150,000.00. The Hidden Hills No. 5 subdivision adjacent to the western boundary line of the Subject Property is zoned R-100 with minimum 15,000 sq. ft. lots. The heated floor area ranges from 1,400 sq. ft. to 2,400 sq. ft. with a mixture of 1 and 2 story homes and tax assessed values between \$110,000.00 to \$165,000.00. Finally, East of the Subject Property on the East side of Panola Road is the Winmire Subdivision which is zoned RSM. This subdivision is similar to what is planned for the Subject Property with respect to the single-family detached product. The homes in Winmire are 2 story craftsman style homes with a minimum heated floor area is 2,300 sq. ft, with the homes selling in the mid \$200K's. It is the Applicant's intent to build similar style homes, with a both single story and two story homes with square footages ranging from 1,300 sq. ft. to 2,200 sq. ft. with a sales price in the \$200,000.00.

- (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. The significant increase in the sale price of the proposed homes on the Subject Property will only benefit the surrounding properties which were built over 18 years ago and suffered significantly during the economic downturn. Additionally, the proposed development will support the growth and redevelopment of the Panola Road corridor.
- (c) 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. The Applicant will be installing sidewalks along Panola Road, which will support the continued improvement of the County's public right of ways. Additionally, to achieve the density bonus the Applicant will be installing a bus shelter at the MARTA stop adjacent to the Subject Property.
- (d) Economic use of current zoning: The Subject Property has no use as currently zoned as the development of a 15,000 sq. ft. single family lot home would not be economically feasible. The development of large lot single family homes is not currently marketable in the area as the sales prices of the homes and lots would be significantly higher than current market rates due to building and infrastructure costs.
- (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 which supports the RSM zoning district.

#### **IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Land use Amendment Application at issue be approved. 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 2<sup>nd</sup> day of January, 2020.

Respectfully submitted,

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Michèle L. Battle, Esq.  
Attorney For Applicant

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 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 to rezone the Subject Property to the classification 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 rezoning 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 rezoning in questions 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 rezoning 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 zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional 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.

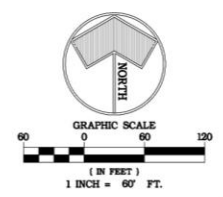




VICINITY MAP N.T.S. TAKEN FROM GOOGLE MAPS

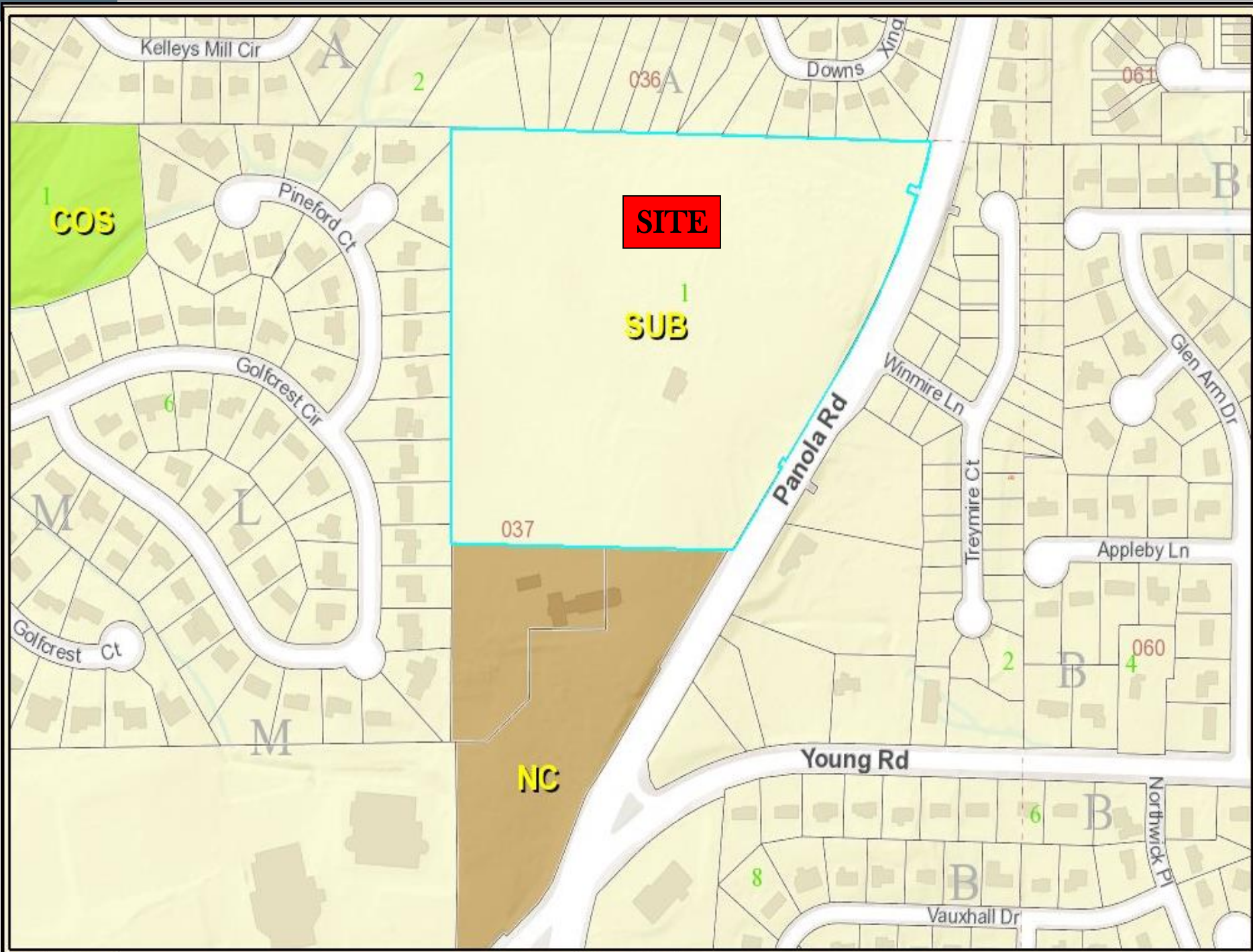
NOTES

- 1. SITE AREA = +/- 22.91 ACRES
- 2. EXISTING ZONING = R-100
- 3. PROPOSED ZONING = RS1 (SFD 4 SFA)
- 4. BUILDING SETBACKS
  - FRONT = 15'
  - SIDE = 5' (10' BUILD SEPARATION)
  - REAR = 20' SFD, 15' SFA
- 5. MINIMUM LOT AREA = 5,000 SFD, 1,000 SFA
- 6. MINIMUM LOT WIDTH = 50' SFD, 25' SFA
- 7. MAX BUILDING HEIGHT = 35' SFD 45' SFA
- 8. MAX LOT COVERAGE = 50%
- 9. TOTAL UNITS = 151
- 10. DENSITY = 5.72 UNITS/ACRE
- 11. OPEN SPACE = 4.66 AC (20.3%)
- 12. BOUNDARY TAKEN FROM A PLAT BY NORTHEAST LAND SURVEYING, LLC















Close-up of Existing Single-Family Residence

Existing residence shown on large 22.99 acre lot

