



**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: May 7, 2019, 6:30 P.M.**

**Board of Commissioners Hearing Date: May 28, 2019, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-19-1243046 **Agenda #:** D. 3

**Location/Address:** 2387 Wellborn Road **Commission District:** 5 **Super District:** 7

**Parcel ID(s):** 16-071-09-001

**Request:** Rezone property from C-1 (Local Commercial) to MR-1 (Medium Density Residential-1) for 124 single-family attached townhome units at a density of 8.4 units per acre.

**Property Owner(s):** Wellborn Road Common Tenancy

**Applicant/Agent:** Rocklyn Homes, Inc. c/o Battle Law, P.C.

**Acreage:** 14.75 acres

**Existing Land Use:** Undeveloped, wooded.

**Surrounding Properties:** To the northwest, west, north, and northeast: single-family attached townhomes; to the east and southeast: undeveloped land and a telecommunications tower; to the south: a Citgo service station; to the southwest: single-family residential.

**Adjacent Zoning:** **North:** MR-1 **South:** C-1 **East:** RSM **West:** MR-1 **Northeast:** MR-1 **Northwest:** MR-1  
**Southeast:** C-1 **Southwest:** RSM

**Comprehensive Plan:** **CRC (Commercial Redevelopment Corridor)**  **Consistent**  **Inconsistent**

<b>Proposed Density:</b> 8.4 units per acre	<b>Existing Density:</b> not applicable (property is undeveloped)
<b>Proposed Units:</b> 124	<b>Existing Units:</b> not applicable (property is undeveloped)
<b>Proposed Lot Coverage:</b> information not provided	<b>Existing Lot Coverage:</b> not applicable (property is undeveloped)

**Zoning History:** The subject property was rezoned in 1998 from RM-100, R-A, and R-100 to C-1 with conditions, pursuant to CZ-98075. The zoning conditions limited vehicular access to one point on Covington Highway and one point on Wellborn Road; required a fifty-foot undisturbed buffer on the three rear property lines; required sidewalks on Wellborn Road; prohibited pawn shops, liquor stores, adult entertainment establishments, flea markets, check

cashing establishments, storage facilities, beeper retail outlets, and billboards; required that lighting be directed away from adjoining residential property; and allowed a maximum of two monument signs.

## **SITE AND PROJECT ANALYSIS**

The subject property is a heavily wooded site that is located approximately one mile north of Interstate 20 and approximately .72 mile east of Panola Road, in southeast DeKalb County. It has frontage on Covington Highway, a four-lane major arterial/State route and Wellborn Road, a two-lane minor arterial. Wellborn Road is part of a “second tier” priority bicycle network approved in the 2014 Comprehensive Transportation Plan.

The property is part of a Commercial Redevelopment Corridor character area that extends from the subject property approximately .45 miles to the east along Covington Highway. Like the subject property, all other properties in the corridor are undeveloped and wooded, with two exceptions: a .4-acre property on the southeastern corner of Covington Highway and Wellborn Road, which is developed with a Shell service station; and a property on the opposite side of Wellborn Road from the subject property, which was cleared of trees for construction of a telecommunications tower. The majority of the properties in the corridor are zoned C-1 (Local Commercial), including a 5.2-acre property at 6434 Covington Highway that juts into the center of the subject property. A MARTA bus stop is located on Covington Highway, near the intersection with Wellborn Road.

The Covington Station and Windgate townhome subdivisions adjoin the northwest, north, and northeast property lines. Both Covington Station and Windgate are zoned MR-1 and were developed in 2002 with a density of 10 units per acre. The density of nearby subdivisions appear to decrease as their distance from the Covington Highway/Wellborn Road intersection increases. For example, the Wellborn Creek subdivision, located north of Covington Station and Windgate (approximately 1,000 feet north of the subject property), has a density of approximately 7 units per acre. The Amberly East and Ridgefield West subdivisions, located north of the Wellborn Creek subdivision and north of Marbut Road (approximately ½ mile north of the subject property), have densities of approximately 4 units per acre.

The proposal is for a 124-unit townhome development with a playground on its eastern side, a “dog run” park, and a 2.7-acre park on its west side. The site plan shows a detention pond next to Wellborn Road. Vehicular access to the subdivision is proposed via a three-lane driveway on Wellborn Road, which leads to a grid of 22-foot wide private drives. Five-foot landscape strips and five-foot sidewalks are shown on each side of the private drive.

The proposed density of 8.4 units per acre exceeds the base density by .4 units per acre. The applicant proposes to install public art to allow the increase in density.

## **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:** The proposed development is consistent with Commercial Redevelopment Corridor Policy No. 6: “Cluster high density development at nodes and along major corridors outside of established residential areas.” The density of the proposed development fits into the existing land use pattern of the area, which is characterized by an increase in development density as proximity to the Covington Highway corridor increases. Moreover, while the density of the proposed development would be higher than that of the established subdivisions north of Marbut Road, it is lower than the two immediately adjacent subdivisions.

- 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 zoning proposal will permit a use that is suitable in the context of surrounding development in that the proposed building form (single-family attached townhomes) and unit density (8.4 units per acre) is similar to that of the adjoining townhome subdivisions.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:** The property has economic use as currently zoned, but it has remained undeveloped for the 21 years following the rezoning action that changed its classification to C-1. Thus, it does not appear to be marketable with its current zoning classification.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** The proposed development is similar in character to adjacent property and is not expected to have adverse effects on these properties, nor on nearby residential subdivisions.
- 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:** Staff has not identified existing or changing conditions that would support approval or disapproval of 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:** Staff of the Public Works Traffic Engineering Division has commented that plan and field reviews indicated “no problem that would interfere with traffic flow.” The DeKalb County School Board has commented that the assigned middle and high schools have capacity for the additional students that are expected to be generated by the proposed development, but “Panola Way Elementary School is over capacity and additional students from this development may [necessitate an] additional portable classroom on campus.”
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:** There are no streams or designated conservation areas on the property. Apart from the usual effects of developing a natural, wooded area, the zoning proposal is not expected to have adverse impacts on the environment. In this case, the effects of development are mitigated by the preservation of a 2.7-acre park on the western side of the development.

**Compliance with District Standards:**

<b>MR – 1 STANDARD – FEE-SIMPLE TOWNHOMES</b>	<b>REQUIRED/ALLOWED</b>	<b>PROVIDED/PROPOSED</b>	<b>COMPLIANCE</b>
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 8 units/acre W/Bonuses: 12 units/ac.	8.4 units/acre  (includes density bonus for Public Art which allows up to 1.6 add’l. units per acre)	Yes
MIN. OPEN SPACE	20%	Approximately 35%	Yes
MIN. TRANSIT’NL BUFFER	None required.	N. A.	N.A.

<b>MR – 1 STANDARD – FEE-SIMPLE TOWNHOMES</b>		<b>REQUIRED/ALLOWED</b>	<b>PROVIDED/PROPOSED</b>	<b>COMPLIANCE</b>
MIN. LOT AREA		Not applicable.	N.A.	N.A.
MIN. LOT WIDTH		Not applicable.	N.A.	N.A.
MIN LOT WIDTH - NEW CORNER LOT		Not applicable.	N.A.	N.A.
MAX. LOT COVERAGE		80%	Approximately 40%	Yes
MINIMUM UNIT SIZE		1,200 square feet	Minimum 1,200 square feet	Yes
MAX. BLDG. HEIGHT		3 stories or 45 feet	2 ½ stories	Yes
BUILDING SETBACKS	FRONT	Determined only by utility placement, ROW, and streetscape.	20 feet	Yes
	INTERIOR SIDE	None required.	N.A.	N.A.
	SIDE – CORNER LOT	Same as front: Determined only by utility placement, ROW, and streetscape.	N.A.	N.A.
	REAR W/O ALLEY	15 feet	25 feet	Yes
PARKING		Min.: 1.5 space/unit + .25 guest spaces/unit Max.: 3 spaces/unit + .25 guest spaces/unit Min. 31 guest spaces	2 spaces per unit and 28 guest spaces	Unit spaces – Yes Guest spaces – A 10% administrative variance will be required.
STREETSCAPING ALONG WELLBORN ROAD		Min. 10' landscape strip, min. 6' sidewalk; street trees 50' apart	5-foot landscape strip, 5-foot sidewalk, street trees not shown	Variances might be necessary.
STREETSCAPING ALONG PROPOSED PRIVATE DRIVES		5-foot landscape strip back of curb; 5-foot sidewalk; street trees 50 ft. on center or every other unit, whichever is less	5-foot landscape strip; 5-foot sidewalk; street trees every other unit	Yes

### QUALITY OF LIFE METRICS

Open Space: 5.02 acres (approximately 35%)

Linear Feet of New Sidewalks: (on site) approximately 2, 848 linear feet.

Linear Feet of New Trails: approximately 1,164 linear feet.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS.

The proposed development is consistent with Commercial Redevelopment Corridor Policy No. 6: “Cluster high density development at nodes and along major corridors outside of established residential areas.” The zoning proposal will permit a use that is suitable in the context of surrounding development. The proposed building form and density is similar to that of the adjoining townhome subdivisions. Thus, is not expected to have adverse effects on these properties, nor on nearby residential subdivisions. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The development shall be for a maximum of 124 townhome units.
2. No wooden fencing shall be permitted along Wellborn Road or Covington Highway.
3. Exterior building materials shall comply with the Article 5 standards of the Zoning Ordinance and shall have a brick “skirt” on the side wall of the units to a height of at least 4 feet measured from grade. The front façade of the units shall incorporate multiple textures and materials similar to those depicted on the photographs titled “Building Form Example 1” and “Building Form Example 2”, which were submitted to the Planning and Sustainability Department and date stamped January 3, 2019. Additionally, the rear façade of any unit facing Wellborn Road shall be 100% brick.
4. The public art proposed by the applicant to qualify the development for a density bonus of up to 1.6 additional units per acre above the base density of 8 units per acre shall be located at the main entrance to the development. The public art shall be of a size and design such that it can reasonably be expected to be visible to passengers of vehicles who drive by the main entrance, subject to approval by the Planning Commission. The public art shall be installed prior to the issuance of a certificate of occupancy for any unit in the proposed development that causes the density of the development to exceed 4 units per acre.
5. A dedicated left turn lane shall be installed on Wellborn Road to allow access into the full-service entrance for the proposed development, subject to the approval of the DeKalb County Transportation Department.
6. Opaque privacy fencing shall be placed along or near the perimeter of the boundary line of the property adjacent to the “Wind Rose on Wellborn” townhome community.
7. There shall be a mandatory homeowners’ association (“Homeowners’ Association”) which shall own and maintain the common areas, and enforce the covenants placed on the townhome community.
8. The recorded covenants for establishing the Homeowners’ Association shall contain a 35% rental restriction. A copy of the recorded covenants with the rental restriction highlighted shall be delivered to the Department of Planning and Sustainability prior to the recording of the final plat for the townhome community. The Homeowners’ Association shall enforce the rental restriction.
9. 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 and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Maps and 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.**



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT

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 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.

• **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.

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- **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.

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## Zoning Comments

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N1 & N2. Rock Chapel Road is SR 124. GDOT review and permits required. . Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Rock Chapel Road is classified as a major arterial. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 50 feet from centerline required. All public infrastructure is required on public right of way- even if it exceeds 50 feet from centerline. Applicant is encouraged to seek an access easement across private property to obtain access to the traffic signal at Rock Mountain Rd and Rock Chapel Road. Street lighting along Rock Chapel Road required.

N3. No customer parking within public right of way along Chantilly Road due to close proximity of multiple intersections. Chantilly Road is classified as a local road. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 27.5 feet from centerline of Chantilly Road. These requirements will be applied with any land development permits.


N4. Rice Road, Classified as a local road. No comment.

N5. Lexington Trace is classified as a local road. Agape Way is classified as a local road. Agape Road is located within the I-285 right of way. GDOT review and approval is required. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Applicant must coordinate with the Major Mobility Improvement Projects (MMIP) proposed managed lanes project along the east wall of I-285. Contact Tim Matthews ([TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov)) prior to permitting. Local roads require a 27.5 foot right of way dedication from centerline, 5 foot landscape strip, 5 foot sidewalk. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Streetlights required. Infrastructure improvements required on all frontages.

N6. Nicole Lane is classified as a local road. Reginald Court is classified as a local road. No comment.

N7 & N8. E. Tupelo Street is classified as a local roads. Oldfield Road is classified as a local road. All local public roads require a 27.5 foot right of way from centerline, five foot landscape strip, five foot sidewalk and street lights. Infrastructure improvements required on all frontages. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements.

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 N9. Wellborn Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 bike lane, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Requires GDOT approval and review. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Major arterials require a 50 right of way dedication from centerline, 6 foot sidewalks, 4 foot bike lane, 5 foot landscape strip and street lights. Number of units requires two access points per code. Eliminate the acceleration lane at entrance. GDOT has just awarded an intersection project at the intersection of Covington Hwy at Wellborn Rd/Cove Lake Road. Coordinate with construction awarded to Baldwin Paving. Install a roundabout at the access point on Wellborn Road- eliminates the right turn lane and the left turn lane. The Transportation Division will support the one entrance with the installation of a roundabout, but still requires Board action to vary from the code.

N10. Flowers Road is classified as a collector road. . Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 foot bike lake, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Extend infrastructure improvements along all property lines. Intersection, stopping and left turn sight distance required to be verified by Professional Engineer at entrance on Wellborn Road due to curve and possible hill crest along Wellborn Road. Minimum sight distance requirements must be met for permitting.

(19)



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](mailto:MMALEXANDER@DEKALBCOUNTYGA.GOV) OR JOHN REID  
[JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
**PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: 2-19-1243046 Parcel I.D. #: 16-071-09-001

Address: 2387  
Wellborn Rd  
LITHONIA, GA 30058

Adjacent Roadway (s):  
Covington Hwy Major  
\_\_\_\_\_  
(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:

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

Signature: [Handwritten Signature]



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: Z-19-1243046

Parcel I.D. #: 16-071-09-001

Address: 2387 Wellborn Road

Lithonia, Georgia

*Wellborn Road  
MUF*

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: Pole Bridge Creek Basin

Is sewer adjacent to property: Yes  No  If no, distance to nearest line: Approximately 428 feet South of Property

Water Treatment Facility: Pole Bridge WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 6.48 (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.


Signature: 



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: Z-19-1243046

Parcel I.D. #: 16-071-09-001

Address: 2387 Wellborn Road

Lithonia, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

*Constitution Highway  
next to fire line.  
NUE*

SEWER:

Outfall Servicing Project: Pole Bridge Creek Basin

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: Approximately 428 feet South of Property

Water Treatment Facility: Pole Bridge WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 6.48 (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.


Signature: 

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

2/15/2019

N.9

Z-19-1243046 /2019-3216/16-071-09-001

2387 Wellbome Rd., Lithonia, GA

Amendment

- Note: Property 2018 located in the same area has septic installed 11/02/1985. Septic installation may apply.

*Septic not allowed for proposed development - sewer must be installed during*

N.10

SLUP-19-1243047-2019-3217/18-266-01-001,18-266-01-004

2891 Mercer University Drive, Chamblee, GA

Amendment

- Septic was located at 3000 Flowers Road installed on 09/24/1970.

- Please see general comments.

*SDP phase - sewer capacity letter (next page) MUF*





770.621.7200 (o) | Watershed Management  
770.621.7271 (f) | 1580 Roadhaven Drive  
DeKalbCountyga.gov | Stone Mountain, GA 30083

Chief Executive Officer  
Michael Thurmond

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## LETTER SHOWING SEWER CAPACITY

March 18, 2019

Attention: Andrew Lovejoy  
Civil Engineering Consultants, Inc.  
4994 Lower Roswell Rd., Ste. 17  
Marietta, GA 30068

Re: 2387 Wellborn Rd.  
16<sup>th</sup> Dist, LL 071  
Subdivision  
Polebridge

Dear Mr. Lovejoy:

The DeKalb County Department of Watershed Management ("DWM") received a sewer capacity request regarding the potential availability of sanitary sewer capacity at the above-referenced location. In response to the inquiry, DWM staff confirms that sanitary sewer capacity may be available for the subject property at this time. **After evaluating your capacity request, it has been determined based on the criteria set forth in DWM's Interim Sanitary Sewer Capacity Evaluation Program dated July 13, 2018 that DWM's wastewater collection, transmission, and treatment system has adequate capacity to receive the wastewater flow contribution from your sewer service connection as documented in your sewer capacity request. As such, approval to proceed with the project is granted with regards to sanitary sewer capacity.**

Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the provided anticipated capacity needs associated with the project. In the event that sewer system infrastructure improvements are required to accommodate any new flow contribution and ensure adequate sewer system capacity as a result of development on the referenced property, the developer will be responsible for the cost associated with installing any such improvements to the existing sewer system infrastructure pursuant to DeKalb County Code of Ordinances, Chapter 25, Article IV – "Sewers and Sewerage Disposal". Once installed and accepted by DeKalb County, the improvements will be owned and maintained by DeKalb County.

This information is based on currently available data and should only be used to substantiate the potential availability of sewer services as of the date of this correspondence. Circumstances are subject to change and the potential capacity indicated herein is in no way guaranteed.

Should you have any questions or concerns in reference to this response, please do not hesitate to contact the Division of Planning & Development of DWM at [mlotts@dekalbcountyga.gov](mailto:mlotts@dekalbcountyga.gov).

Sincerely,

  
Zachary L. Williams  
Executive Assistant/Chief Operating Officer

  
Darren Eastall  
Program Administrator-Consent Decree

DEKALB COUNTY

Board of Health

2/15/2019

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 School District  
Development Review Comments**

Analysis Date: 2/19/2019

**Submitted to:** DeKalb County **Case #:** Z-19-1243046  
**Parcel #:** 16-071-09-001

**Name of Development:** RockIn Homes Wellborn Rd  
**Location:** 2387 Wellborn Rd (Near Wellborn & Covington Hwy)

**Description:** Proposed development of 124 townhome units on currently undeveloped property

**Impact of Development:** When fully constructed, this development would be expected to house 41 students: 9 at Panola Way ES, 7 at Miller Grove MS, 8 at Miller Grove HS, 16 at other DCSD schools, and 1 in private school. The middle and high school have capacity for additional students. Panola Way ES is over capacity and additional students from this development may generate additional portable classroom on campus.

Current Condition of Schools	Panola Way	Miller Grove	Miller Grove	Other	Private	Total
	ES	MS	HS	DCSD Schools	Schools	
Capacity	762	1,127	1,830			
Portables	3	16*	0			
Enrollment (Fcst. Oct. 2019)	752	887	1,177			
Seats Available	10	240	653			
Utilization (%)	98.7%	78.7%	64.3%			
<b>New students from development</b>	<b>9</b>	<b>7</b>	<b>8</b>	<b>16</b>	<b>1</b>	<b>41</b>
New Enrollment	761	894	1,185			
New Seats Available	1	233	645			
New Utilization	99.9%	79.3%	64.8%			

\*Portable Classrooms at Miller Grove MS to be removed, Summer 2019

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.075382	0.077793	0.006456	0.159631
Middle	0.060176	0.029622	0.002230	0.092028
High	0.065514	0.015739	0.001712	0.082965
<b>Total</b>	<b>0.2011</b>	<b>0.1232</b>	<b>0.0104</b>	<b>0.3346</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	<b>124</b>			
<b>Unit Type</b>	<b>TH</b>			
<b>Cluster</b>	<b>Miller Grove HS</b>			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	9.35	9.65	0.80	19.80
Middle	7.46	3.67	0.28	11.41
High	8.12	1.95	0.21	10.28
<b>Total</b>	<b>24.93</b>	<b>15.27</b>	<b>1.29</b>	<b>41.49</b>
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Panola Way ES	9	10	1	20
Miller Grove MS	7	4	0	11
Miller Grove HS	8	2	0	10
<b>Total</b>	<b>24</b>	<b>16</b>	<b>1</b>	<b>41</b>

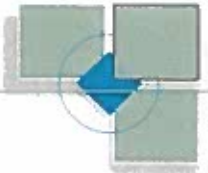




DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA
JAN 03 2019

Z/CZ No. 1243046
Filing Fee: \$750

Date Received: Application No.:

Applicant: Rocklyn Homes Inc. c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

Applicant Mailing Address: One West Court Sq., 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: See Attached

Owner(s) Phone: Fax:

Address/Location of Subject Property: 2387 Wellborn Road

District(s): 16 Land Lot(s): 071 Block: 09 Parcel(s): 001

Acreage: 14.75 Commission District(s): 5 & 7

Present Zoning Category: C-1 (cond) Proposed Zoning Category: MR-1

Present Land Use Category: CRC

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

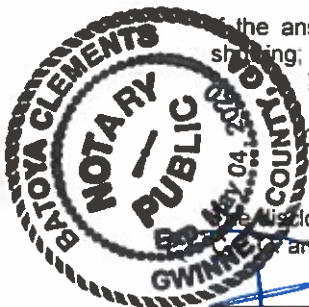
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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 applicant and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



NOTARY
May 04, 2020
EXPIRATION DATE / SEAL

By:
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



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 C-1 TO MR-1 TO ALLOW FOR THE DEVELOPMENT OF A TOWNHOME SUBDIVISION**

**Community Meeting  
Wednesday, December 12, 2018  
7:00 pm until 8:00 pm  
Redan Trotti Library  
1569 Wellborn Road  
Lithonia, GA 30058**

**PROPOSED LOCATION:  
2387 WELLBORN ROAD  
LITHONIA, GEORGIA 30058**

SIGN IN SHEET  
 2387 WELLBORN ROAD  
 REZONING COMMUNITY MEETING  
 REDAN - TROTTI LIBRARY - 1569 WELLBORN ROAD, LITHONIA  
 WEDNESDAY, DECEMBER 12, 2018 7:00 PM – 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Ozella Jackson	Jackson	2536 Rock Creek Rd	Lithonia	30058		
Yammariah	Wynn	7408 Congress St	Lithonia	30058	7-484-6612	Sadiede 63@gmail.com
MARVIN	SAGGUS	2947 Valley Ridge Dr	Decatur	30032	404-2994170	
Jan	Costello	1813 S Hidden Hills Pkwy	Stu Mtn	30088	770 815 0105	janriostello@gmail.com
Marty	Garrison	2399 Lake Cove Ct.	Lithonia	30058	770-866-4010	martyvirgo@yahoo.com
Rose	Sheppards	5799 Cedar Cliff Ln	Lithonia			
<del>Arms</del>	Arms	5727 Windfall Lane	Lithonia	30058	(6) 78-3593	ms101@earthlink.net

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## **I. STATEMENT OF INTENT**

The Applicant, Rocklyn Homes, Inc., is seeking to rezone the 14.75 acres of undeveloped land located at 2387 Wellborn Road, Lithonia, GA (the "Subject Property") from C-1 (cond) to MR-1 for the development of 124 fee simple single family attached units at a density of 8.4 units per acre. The Subject Property has a land use designation of Commercial Redevelopment Corridor.

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 permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is abutted along its northern, eastern and western boundaries by the Covington Station and Windgate townhome communities which are zoned MR-1, and the southern border of the Subject Property wraps around 6434 Covington Highway which is 5.28 acre tract of undeveloped land zoned C-1. The proposed development will allow for townhome units to be developed which are a step up in design and price points from the townhome units located in the Covington Station and Windgate subdivisions.

Additionally, Covington Highway is a commercial node which will benefit greatly from the development of the Subject Property townhome units. The viability of a

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commercial area is determined in large part by the number of roof tops in the area. As the Subject Property surrounds an undeveloped commercial tract with frontage on Covington Highway, the proposed rezoning will support the potential development of commercial uses that would allow for an integrated mixed-use project with interparcel connectivity through pedestrian walkways. It will also support the doctors, nurses and other medical personal that have a desire to live in the area near the DeKalb Medical Center in newer more contemporary dwelling units, as the majority of the housing stock in the area is in excess of 20 years old.

- (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 in the low \$200,000 based upon recent sales of new units developed by the Applicant in the area. This significant increase in the current value of 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 allow for the continued development and resurgence of the Covington Highway corridor and encourage the development of the adjacent 5.28 tract.
- (c) Economic use of current zoning: The Subject Property has no use as currently zoned. In 1998 the Subject Property was rezoned from RM-100, RA and R-100 to C-1 (conditional) CZ-98075 in anticipation of the property being developed for commercial use. Unfortunately, the Subject Property has remained undeveloped for the past 20 years, despite having been listed for sale during various periods since the rezoning. Additionally, the Subject Property surrounds a 5.28 acre tract of undeveloped land located at 6434

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Covington Highway which has also remained undeveloped over the past 20 years. Due to the lack of interest in the development of the Subject Property for commercial usage, it is the Applicant's and property owner's contention that the Subject Property has not viable or marketable use as currently zoned C-1 (conditional).

- (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. The Applicant will be installing sidewalks along Wellborn Road and Covington Highway, which will support the continued improvement of the County's public right of ways.
  - (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 Commercial Redevelopment Corridor. The MR-1 zoning district is a permitted use within the CRC Land Use District and will support the policies to encourage housing diversity and the development of townhome units within the CRC Land Use District.
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#### **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

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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 3<sup>rd</sup> day of January, 2019.

Respectfully submitted,

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Michèle L. Battle, Esq.  
Attorney For Applicant

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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 I of the Constitution of the State of Georgia.

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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.



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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.

Rezoning & Land Use Decisions  
September 22, 23 & 24, 1998

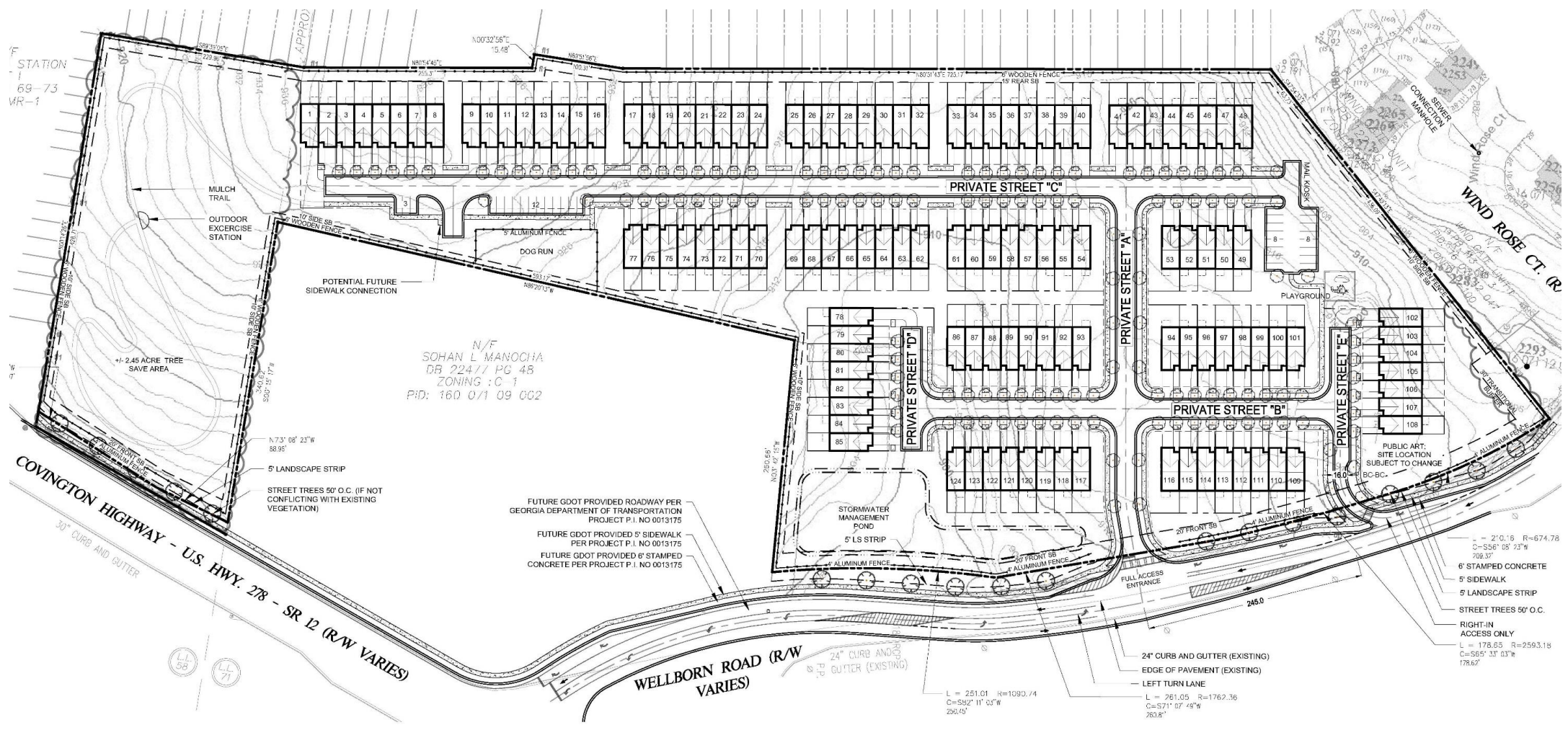
1. Martha R. Mann - LP-98040 - Denied.
2. Martha R. Mann - Z-98084 - Deferred to 10/13/98 at 10:00 a.m. for decision only.
3. Crim Development, Inc. - LP-98037 - Withdrawn without prejudice.
4. Crim Development, Inc. - CZ-98080 - Withdrawn without prejudice.
5. Crim Development, Inc. - CZ-90011 - Withdrawn without prejudice.
6. Fred K. Glenn - LP-98027 - Deferred to 10/13/98 at 10:00 a.m. for decision only.
7. Fred K. Glenn - CZ-98069 - Deferred to 10/13/98 at 10:00 a.m. for decision only.
8. Landed Gentry Development, Inc. - LP-98036-Withdrawn without prejudice.
9. Landed Gentry Development, Inc. - Z-98079 - Denied.
10. Greenforest Community Development, Inc. - LP-98054 - Deferred to 10/27/98 at 10 a.m. for public hearing.
11. Greenforest Community Development, Inc. - CZ-98102 - Deferred to 10/27/98 at 10:00 a.m. for public hearing.

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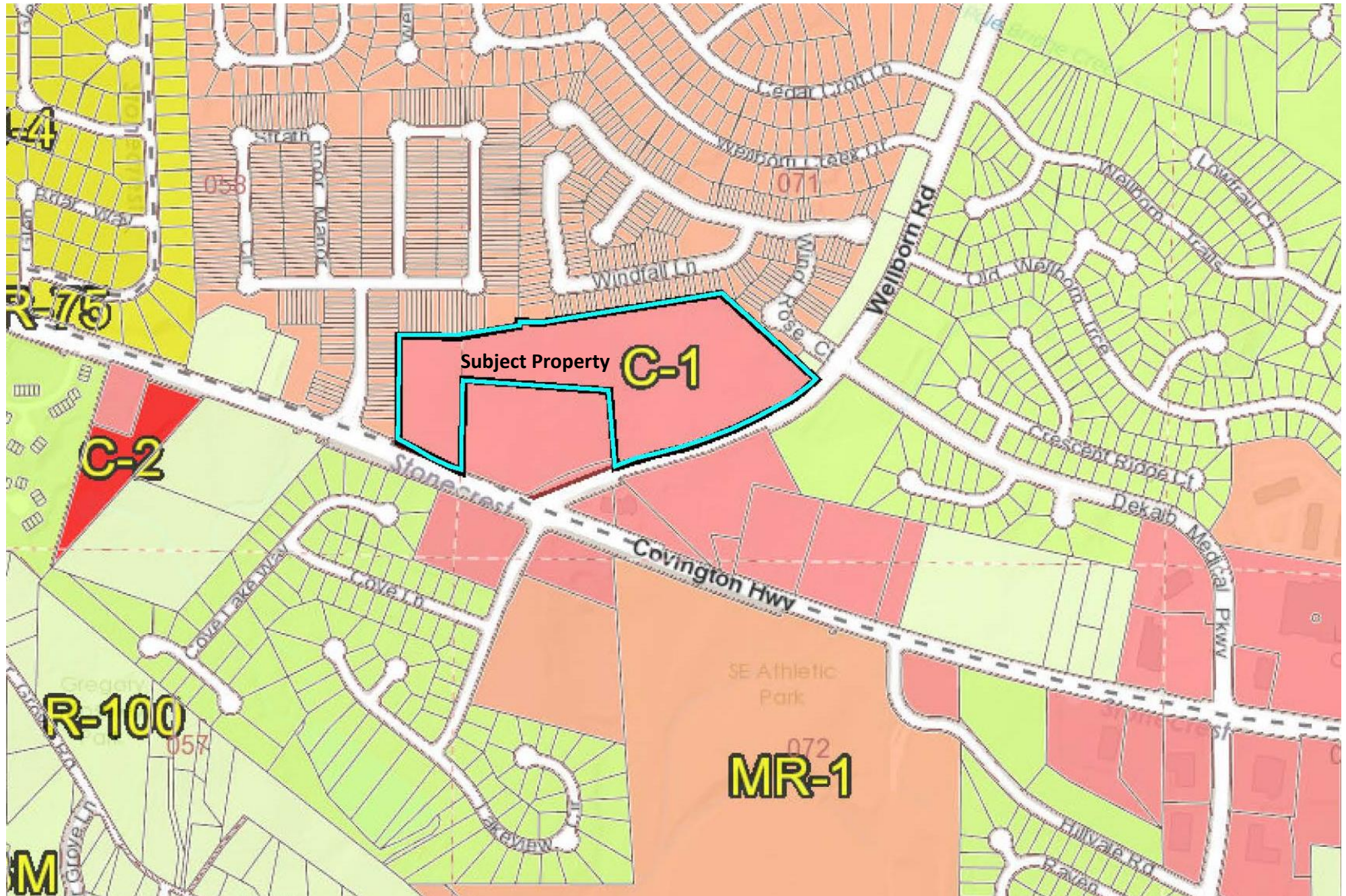
12. Wellborn Road Common Tenancy - LP-98032 - Approved L.I.C.
- \* 13. Wellborn Road Common Tenancy - CZ-98075 - Approved C-1 subject to the following conditions:
  1. No more than one point of access on Covington Highway and no more than one point of access on Wellborn Road;
  2. Road improvements and access location to be determined by the Public Works Department and Georgia Department of Transportation;
  3. Fifty (50) feet undisturbed buffer on the three rear property lines;
  4. Sidewalks on Wellborn Road;
  5. Prohibit the following uses: (pawn shops, liquor stores, adult entertainment establishments, flea market, check cashing establishments, storage facilities, beeper retail outlets);

6. No billboards be constructed on property,
7. All lighting be directed away from the adjoining residential property, and
8. Two monument signs only.

14. Jacqueline C. Kiadii - LP-98031 - Denied.
15. Jacqueline C. Kiadii - CZ-98074 - Denied.
16. Vernon Tharps - LP-98047 - Denied.
17. Vernon Tharps - CZ-98093 - Denied.
18. Compton Oliver - CZ-86015 - Denied alteration.
19. Glenn Sims - LP-98029 - Approved O P R.
20. Glenn Sims - Z-98072 - Approved OI.
21. Andrew Logan - LP-98044 - Approved LIC.
22. Andrew Logan - CZ-98089 - Approved C-1 for expansion of the adjoining personal care home based on the attached site plan and the following:
  1. The use is limited to the extension of the adjoining assisted living facility (personal care home).
  2. The property is developed consistent with the attached site plan.
  3. Road and drainage improvements shall be provided as required by the Public Works Department.
  4. No pylon sign.
  5. Food & service delivery between 8.00 a.m. and 6.00 p.m. only.
  6. Twenty foot landscape buffer on north and south lines.
  7. Planted buffer on west line.
  8. Lighting directed downward and toward interior of property.
23. Douglas Frassrand - LP-98043 - Denied.
24. Douglas Frassrand - CZ-98088 - Denied.
25. Penny Lea Hall - LP-98030 - Approved OPR.
26. Penny Lea Hall - CZ-98073 - Approved OI conditioned on the following:
  1. As requested, the property is joined with the adjoining land.



Site Plan dated 3-01-19









(left) Subject property, viewed towards the north.



(right) View towards the south and Covington Highway.





