



# DeKalb County Department of Planning & Sustainability

178 Sams Street  
Decatur, GA 30030

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

**Planning Commission Hearing Date: May 3, 2022, 5:30 P.M.**  
**Board of Commissioners Hearing Date: May 26, 2022, 5:30 P.M.**

## STAFF ANALYSIS

**Case No.:** SLUP-22-1245692 **Agenda #:** N. 16

**Location/Address:** 373 & 399 Stone Mountain Lithonia Road, Stone Mountain, Georgia **Commission District:** 4 **Super District:** 7

**Parcel ID(s):** 18-037-05-003 & -004

**Request:** Special Land Use Permit to allow a 26-unit senior housing community.

**Property Owner(s):** Dawn Group, LLC

**Applicant/Agent:** Battle Law, PC

**Acreage:** 4.34 acres

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

**Surrounding Properties:** To the north, northeast, east, southeast, south, southwest, and west: single-family residential (zoned R-75). To the northwest: single-family attached (zoned MR-2).

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

<b>Proposed Density:</b> 5.99 units/acre	<b>Existing Density:</b> N.A. (undeveloped)
<b>Proposed Units:</b> 26	<b>Existing Units:</b> N.A. (undeveloped)

**Companion Application:** The applicant has filed a companion application (Z-22-1245558) to rezone the property from R-100 to RSM to allow development of a cottage-style development.

**Zoning History:** Based on DeKalb County records, it appears that the R-100 zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

### SITE AND AREA ANALYSIS

The subject property is comprised of two parcels that total 4.34 acres on the southeast corner of Stone Mountain Lithonia Road, a major arterial with an adjoining railroad track, and Carriage Walk Way, a local cul-de-sac street. The property is located approximately 880 feet north of the intersection of Stone Mountain Lithonia Road with Rockbridge Road, and approximately 1,117 feet from Wade Walker Park, which is located on the southwest corner of the intersection.

The buildable area of the development site is approximately 6 feet above the grade of the adjoining sidewalk along Stone Mountain Lithonia Road. The center of the site is relatively level, but the topography slopes downward on the edges of the site towards the northeast, where the adjoining property is developed with a

single-family home, and the southwest, where the property adjoins Stone Mountain Lithonia Road. The property is heavily wooded.

The surrounding area is predominantly residential. Properties to the north, east, and west, are developed for single-family homes and are zoned either R-100 or RSM. The adjoining property to the east, as well as properties across Carriage Walk Way, are zoned R-100 and are developed with single-family homes. The adjoining property to the south is used for an office although it is zoned R-100. The next adjoining properties on the east side of Stone Mountain Lithonia Road are part of a commercial node at the intersection of Stone Mountain Lithonia Road with Rockbridge Road. Commercial uses in this node include a Family Dollar store and the Rockbridge Place shopping center, which contains a grocery store and pharmacy. A four-story, 120-unit, senior housing development called *Harmony at Stone Mountain* is located behind the commercial uses that front on the northeast corner of the intersection. *Harmony at Stone Mountain* was approved in 2020 pursuant to CZ-10-1243605. Wade Walker Park is located at the southwest corner of the intersection.

Pedestrian connections from the subject property to the commercial node at Stone Mountain Lithonia Road and Rockbridge Road are fair. Five- to six-foot sidewalks are located along both North Stone Mountain Lithonia Road and Rockbridge Road, and provide access between the subject property, the intersection, and Wade Walker Park. However, there is no landscape strip between the sidewalk and curb that would buffer pedestrians from traffic along these busy streets, and the sidewalk is interrupted in numerous locations by wide curb cuts that allow vehicular access to non-residential uses. The curb cuts do not have demarcated pedestrian crossings. Thus, the sidewalks and intersection allow but do not encourage walking from the subject property to surrounding amenities and services. This is a heightened problem for seniors who may no longer drive and who need more time to cross intersections than younger pedestrians. Possible future County improvements to the pedestrian infrastructure might alleviate these problems.

**PROJECT DESCRIPTION**

The proposal under consideration is for a 23-unit cottage-style development with detached, one-story homes laid out around a central green space. The homes are on individual lots and face the central green space. The walkways from the front of each home lead to a path that winds its way around the central green space. A 20-foot wide private drive with street parking on its outer side circles around the perimeter of the development site and provides vehicular access to driveways at the rear of each home. Underground detention is located at the east side of the development site. In addition to the circular path, the green space is enhanced with a clubhouse and a community garden. A dog walk park is located at the southeast corner of the site. A decorative fence is proposed along both adjoining streets; it would be set back more than 10 feet from the property lines in a landscaped strip located along both streets and would be partially screened by plants in the landscape strip.

**Compliance with District Standards**

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE & W/BONUSES)	Base: 4 units/acre; With bonuses: 8 units/acre	5.30 units/acre	Yes, with bonuses
DENSITY BONUSES	Amenity Proximity = add'l. 20% units for each amenity	Grocery store w/in ¼ mile = add'l. .8 units; Park w/in ¼ mile – add'l. .8 units	Yes (4 + .8 + .8 = 5.6 units/acre)

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. OPEN SPACE (Applicable if project is > 5 ac. or $\geq$ 36 d.u.s)		Not applicable	Not applicable	Not applicable
MIN. TRANSITIONAL BUFFER		20 ft. adjacent to R districts on east and south sides of site	East side: 20 ft. graded and replanted buffer  South side: 0 ft.	Yes  Applicant intends to apply for variance
MIN. LOT AREA		2,000 square feet	2,000 square feet	Yes
MIN. LOT WIDTH		25 feet	35 feet (typical)	Yes
MAX. LOT COVERAGE		50% per lot	50%	Yes
BUILDING SETBACKS	FRONT	Min. 20 feet	Approximately 60 – 65 feet	Yes
	INTERIOR SIDE	3 feet w/ min. 10 feet between buildings	Superseded by transitional buffer	N.A.
	SIDE – CORNER LOT	Same as front setback	Approximately 80 feet	Yes
	REAR W/O ALLEY	20 feet	Superseded by transitional buffer	Yes
MINIMUM UNIT SIZE/MAX. BUILDING FOOTPRINT		800 square feet/800 square feet	800 square feet/1,000 square feet	Applicant intends to apply for variance from max. building footprint
MAX. BLDG. HEIGHT		2 stories and 35 ft.	One story and 35 feet	Yes
STREETSCAPING – Carriage Walk Way		6 foot landscape strip back of curb, 5 foot sidewalk, street trees every 30 ft., light poles every 100 feet max	6 foot landscape strip back of curb, 5 foot sidewalk, street trees and light poles not shown	Yes; street trees and light poles must comply or variances will be necessary
STREETSCAPING – Stone Mountain Lithonia Road		6 foot landscape strip back of curb, 10 foot sidewalk, street trees every 50 ft., light poles every 80 feet max	20-foot wide landscape strip next to existing sidewalk	Variances will be necessary.
PARKING		Min. 2 /unit = 46 spaces; Max. 4 /unit = 92 spaces	2 spaces (in driveway) + 25 visitor spaces = 71 spaces	Yes
RETAINING WALLS AT NORTHEAST AND SOUTHWEST CORNERS OF SITE		Max. 6 feet high if not tiered or max. 12 feet high if tiered	10 feet high, not tiered	The walls must be tiered or a variance will be required.

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
DECORATIVE FENCE	Up to 6 ft. along a street; up to 8 ft. along interior property lines	6ft. adjoining Carriage Walk Way; 6 ft. adjoining Stone Mt. Lithonia Road	Yes

**LAND USE AND ZONING ANALYSIS**

**Sec. 7.4.6. Special land use permit; criteria to be considered.**

The following criteria shall be considered by the planning department, the planning commission, and the board of commissioners in evaluating and deciding any application for a special land use permit. The board of commissioners shall use the following criteria in making a decision regarding approval or disapproval of a special land use permit application:

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The site is adequate for the proposed development. No variances to reduce yards, transitional buffers, open space, or parking are requested.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.**

As a single-family residential land use with a relatively low density, the proposed development would be compatible with the land uses on adjacent and nearby properties. No adverse impacts on adjoining land uses are expected.

- C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.**

Comments from reviewing departments, divisions, and agencies indicate that the proposed development is not expected to be excessively burdensome on existing streets, transportation facilities, utilities, or schools.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

Comments from the Traffic Engineering Division indicate that Stone Mountain Lithonia Road has sufficient traffic-carrying capacity for the proposed development.

- E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.**

The entrance from Carriage Walk Way and the internal private drive would provide satisfactory vehicular circulation to ensure pedestrian and automotive safety, good traffic flow and control, and satisfactory access by public safety and emergency vehicles.

- F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.**

The proposed development would be no different in terms of operational characteristics than a typical single-family residential subdivision, and, as a result, is not expected to have adverse impacts on adjoining land uses.

**G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The applicant expects to apply for variances for non-compliance with any requirements of the RSM district.

**H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.**

The proposal is generally consistent with the applicable policy of the 2035 Comprehensive Plan regarding provision of senior housing. The Comprehensive Plan recognizes that the senior population of DeKalb County is increasing, and it calls for provision of more housing for seniors. Housing Policy No. 6 states, "Encourage housing for the elderly that is well planned, soundly financed and located within a pedestrian friendly, residential community." The subject property is not located within the "pedestrian friendly", residential community contemplated by this policy, but it is located closer to amenities and services than if it were located within the heart of one of the low-density single-family residential neighborhoods that are typical of southeastern DeKalb County. In the future, DeKalb County may remedy the lack of pedestrian infrastructure along Stone Mountain Lithonia Road and at its intersection with Rockbridge Road by installing wider sidewalks, pedestrian crossings, refuge medians, bump-outs, or other pedestrian infrastructure.

**I. Whether there is adequate provision of refuse and service areas.**

The internal circulation system appears to be adequate to accommodate a garbage truck that would pick up refuse on a regular basis.

**J. Whether the length of time for which the special land use permit is granted should be limited in duration.**

As the proposed development is suitable at the subject property, there is no reason to limit the duration of the requested special land use permit.

**K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.**

The proposed homes would be one story high and the development would be screened from the adjoining residential property by a transitional buffer planted with trees; thus the size, scale and massing of proposed buildings are appropriate in relation to the size, scale and massing of the home on the adjacent lot. The homes would be smaller in size and scale than those on the properties across Carriage Walk Way and, because of the landscape strip along the front of the property, would not be visually connected to the homes along Carriage Walk Way.

**L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

**M. No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.**

**N. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

The proposed development satisfies the supplemental regulations for a senior housing development.

**SUPPLEMENTAL REGULATIONS: Sec. 4.2.46. - Senior housing: independent and assisted living, nursing, and continuing care.**

- A. Primary uses: Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multi-family (attached) residences.

The proposed senior housing facility will be comprised of detached units for independent living in a cottage-style, single-family residential subdivision.

- B. Accessory uses: Senior housing facilities shall include one (1) or more of the following accessory uses:

1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
2. Central kitchen and dining facility.
3. Recreation and amenities.
4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
5. Adult day care.

The facility is proposed to have recreational facilities and amenities in the form of a central green space and the dog walk park. It will have a club house in which classes, meeting, and other events may be held. .

- C. The maximum number of unrelated residents living independently (not requiring personal care) and at age fifty-five (55) or older allowed in an independent living unit is one (1) per bedroom.

The application indicates that the development will comply with this regulation.

- D. Height standards: A senior living facility in which all of the occupied units are occupied by at least one senior aged fifty-five (55) or older is authorized up to ten (10) stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in Article 5.

The proposed homes would be one story in height.

- E. Accessibility standards: All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:

1. At least one (1) step free entrance to the main floor at either the front or side of the structure; if only one (1) is provided, it shall not be from a patio or raised deck.
2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
3. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.

The floor plans submitted by the applicant indicate that the homes will comply with these regulations. Compliance will be checked during review of the site plan and floor plans that are required for the land disturbance permit and the building permits.

**F. Assisted living, nursing and continuing care facilities shall provide the following:**

**1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:**

**a. Primary services: on-site dining facility, twenty-four-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.**

**b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.**

**c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.**

As the proposed facility is not an assisted living, nursing, or a continuing care facility, these requirements are not applicable.

**G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in Article 7 and after consideration of the following:**

**1. Proximity and pedestrian access to retail services and public amenities.**

**2. Transportation alternatives.**

**3. Integration into existing neighborhoods through connectivity and site design.**

**4. Diverse housing types.**

**5. Site and building design that encourages social interaction.**

**6. Building design that meets easy living standards.**

For items 1-4, please refer to standards and factors A-C. The central green shown on the site plan would encourage social interaction. The applicant has stated that the development will meet Item G(6).

**H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:**

**1. Building height.**

**2. Landscaping.**

**3. Maximum lot coverage.**

**4. Setbacks from exterior property lines.**

**5. Site size.**

**6. Access to thoroughfare.**

See OCGA standard D and the Compliance With District Standards chart, above. The property has access to North Stone Mountain Lithonia Road, a four-lane major arterial, and Rockbridge Road, a four-lane minor arterial.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS

The Comprehensive Plan Update acknowledges that the senior population of DeKalb County is increasing, and it calls for provision of more housing for seniors. Housing Policy No. 6 states, “Encourage housing for the elderly that is well planned, soundly financed and located within a pedestrian friendly, residential community.” The subject property is not located within the “pedestrian friendly, residential community” contemplated by this policy, but it is located closer to amenities and services than if it were located within the heart of one of the low-density single-family residential neighborhoods that are typical of southeastern DeKalb County. In the future, DeKalb County might remedy the lack of pedestrian infrastructure along the public streets and at the North Stone Mountain Lithonia Road-Rockbridge Road intersection by installing wider sidewalks, pedestrian crossings, refuge medians, bump-outs, or other pedestrian infrastructure.

The steady growth in the senior population indicates a continuing need for new senior housing and supports approval of the application under consideration. The cottage development form was conceptualized with seniors in mind, as they often seek a sense of community provided by the cottage layout to avoid isolation and provide a sense of security and support. At the same time, the proposed development would be compatible with adjoining properties via a thickly-planted vegetative buffer along the east side of the site. Comments from reviewing departments, divisions, and agencies indicate that the proposed development is not expected to be excessively burdensome on existing streets, transportation facilities, utilities, or schools. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The development shall be in substantial conformity to the site plan titled, “Zoning Plan for Stone Mountain Lithonia Road Tract”, prepared by Alliance and dated 8/11/2022, except that the underground detention facility shall be engineered and located to provide minimal risk of impacting the adjoining property to the north, subject to approval by staff of the Land Development Division.
2. A dog waste disposal station shall be provided in the Dog Walk Park.
3. 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.



## 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.**

## **Comments – Public Works Transportation Division**

### **Z-22-124558 & SLUP-22-1245692, 373 Stone Mountain Lithonia Road**

- South Stone Mountain Lithonia Road is classified as major arterial.
- Please see Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure improvements.
- Required right of way dedication of 50 feet from centerline or such that all public infrastructure is within right of way, whichever greater. Required: 6-foot sidewalk and 4-foot bike lane OR a 10-foot multiuse path (preferred), 10-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: [heftowler@dekalbcountyga.gov](mailto:heftowler@dekalbcountyga.gov)).
- Carriage Walk Way is classified as a local road. Improvements are required to bring the development's side of the road (from centerline of road) up to current standards. Required right of way dedication of 27.5 feet from centerline. Right of way dedication may impact lot size, set back requirements and lot yield.
- Required: 5-foot sidewalk 6-foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: [hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). Interior streets must be private.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

N-16

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.: SLUP-22-1245692 Parcel I.D. #: 18-037-05; 003 & -004

Address: 373 & 399  
stone mountain Gd

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:

Plans and field reviewed, no problem that would interfere with Traffic flow.

Signature: Jerry Whit



## 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:

- **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 **(sections have been amended recently; please request the amended chapter)**, 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.

**There are concerns related to the discharge point of the stormwater mgt facility. Consideration must be given as to where the discharge pipe from the facility is directed as to not create adverse effects.**

**Runoff Reduction Volume shall be provided, unless technical justification is provided as to the unfeasibility. Strongly recommend to investigate the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.**

- **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**

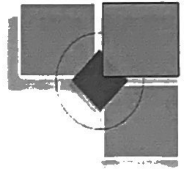
Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: Application No.:

APPLICANT NAME: Battle Law, P.C.

Daytime Phone #: 404-601-7616 Fax #:

Mailing Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084

E-mail: mlb@battlelawpc.com

OWNER NAME: Dawn Group LLC

(If more than one owner, attach contact information for each owner)

Daytime Phone #: Fax #:

Mailing Address: 2998 Panola Road #100 Lithonia, GA 30038

E-mail: earltrmt@ymail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 373, 399 Stone Mountain Lithonia Road

Stone Mountain, DeKalb County, GA, 30088

District(s): 18 Land Lot(s): 36, 37 Block(s): Parcel(s): 18 037 05 004, 18 037 05 003

Acreage or Square Feet: 4.3436 Commission District(s): 4,7 Existing Zoning: R-100

Proposed Special Land Use (SLUP): Senior housing

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: Agent: X (Check One)

Signature of Applicant: By: [Signature]

Printed Name of Applicant: Battle Law, P.C.

Owner Name: Michele Battle
Title: President, Officer

Notary Signature and Seal:

[Signature]



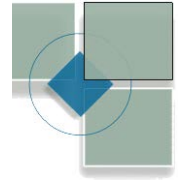
330 West Peachtree Street - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

# DeKalb County Department of Planning & Sustainability



Lee May  
Interim Chief Executive Officer

Andrew Baker  
Director



## **SPECIAL LAND USE PERMIT APPLICATION CHECKLIST** (SUBMIT 4 COMPLETE, COLLATED SETS OF APPLICATION DOCUMENTS)

- \_\_\_\_\_ 1. Mandatory **Pre-Application Conference** with Planning & Sustainability staff. **Pre-Application form** to be completed in pre-application meeting. Please call (404) 371-2155 to schedule pre-app conference.
- \_\_\_\_\_ 2. Hold a **Community Meeting** with surrounding neighborhood associations and residents. Notify staff in advance of date, time, and location of meeting. **Provide documentation** (e.g., meeting notice, sign-in sheets, letter(s) from homeowners associations).
- \_\_\_\_\_ 3. **Application Form**. Form must be completely filled out and be the first page of packet.
- \_\_\_\_\_ 4. Notarized **Authorization Form**, if the applicant is not the owner of the subject property, which
  - \_\_\_\_\_ a. is signed and notarized by all owners of the subject property;
  - \_\_\_\_\_ b. contains the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property; and
  - \_\_\_\_\_ c. includes a warranty deed, if ownership is less than 2 consecutive years.
- \_\_\_\_\_ 5. **Written Legal Description** of subject property, in metes and bounds.
- \_\_\_\_\_ 6. **Boundary Survey** (showing existing buildings, structures, and improvements), prepared and sealed within the past ten years by a professional engineer, or land surveyor registered in the State of Georgia and is consistent with the plat(s) on Official Tax Record. Applicant shall certify that the Boundary Survey is complete and currently accurate. **Site plans shall be drawn to scale** showing all proposed development or redevelopment projects, proposed buildings, structures, and improvements. Site plans must include the following:
  - \_\_\_\_\_ a. Complete boundaries of subject property including curb cuts, internal vehicular circulation facilities, and sidewalks;
  - \_\_\_\_\_ b. Location of buildings, structures, setback lines, buffer lines, and parking;
  - \_\_\_\_\_ c. Location of any 100-year floodplains, streams, and stream buffer lines;
  - \_\_\_\_\_ d. Notation of the total acreage or square footage of the subject property;
  - \_\_\_\_\_ e. Landscaping, trees, open space, and undisturbed buffers;
  - \_\_\_\_\_ f. Notation of building square footages and heights, residential density calculations, existing and proposed lot coverage, required and proposed parking, and open space calculations;
  - \_\_\_\_\_ g. Four copies of site plans:
    1. Full-size site plans (at least 11" x 17"): 4 copies, folded.
    2. Site plan reduced to 8 ½" x 11". 4 copies
- \_\_\_\_\_ 7. **Building Elevations**, renderings or details of materials proposed for compliance to Article 5.
- \_\_\_\_\_ 8. **Letter of Application** identifying the proposed zoning classification, the reason for the rezoning request, the existing and proposed use of the property, and detailed characteristics of the proposed use (e.g., floor area, height of buildings, number of units, mix of unit types, hours of operation, etc. Include any statement of conditions agreed upon by the applicant.
- \_\_\_\_\_ 9. Written documented, detailed analysis of the impact of the proposed zoning map amendment with respect to each of the standards and factors specified in Article 7.4.
- \_\_\_\_\_ 10. Campaign disclosure statement, if applicable, to be filed in compliance with State law.
- \_\_\_\_\_ 11. **Application fee - \$400.00**. Payable to DeKalb County.

### **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

**If subject property is made up of parcels located on opposite sides of a public street, a separate application is required for each parcel.**

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**PRE-APPLICATION FORM**  
**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**  
**(Required prior to filing application: signed copy of this form must be submitted at filing)**

Applicant Name: Tricycle Development Group, LLC Phone: 404.601.7616 Email: mlb@battlelawpc.com

Property Address: 373 and 399 Stone Mountain Lithonia Road

Tax Parcel ID: 18 037 05 004, 18 037 05 003 Comm. District(s): 4,7 Acreage: 4.34 ac

Existing Use: Vacant (SUB) Proposed Use Senior Bungalow Community (SUB)

Supplemental Regs: N/A Overlay District: N/A DRI: N/A

**Rezoning:** Yes  No

Existing Zoning: R-100 Proposed Zoning: RSM Square Footage/Number of Units: 26 units, 800sf-1,200sf

Rezoning Request: The Applicant is seeking to rezone from R-100 to RSM to allow for 26 senior bungalows

**Land Use Plan Amendment:** Yes  No

Existing Land Use: SUB Proposed Land Use: N/A Consistent  Inconsistent

**Special Land Use Permit:** Yes  No  Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s) \_\_\_\_\_

**Major Modification:**

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting: \_\_\_\_\_ Review Calendar Dates: \_\_\_\_\_ PC: \_\_\_\_\_ BOC: \_\_\_\_\_  
 Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: \_\_\_\_\_ Enhanced  
 Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_ Lot Size:  
 \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_ Buffers: \_\_\_\_\_  
 Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: \_\_\_\_\_ Parking - Bicycle: \_\_\_\_\_ Screening:  
 \_\_\_\_\_ Streetscapes: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_ Bldg. Height: \_\_\_\_\_ Bldg.  
 Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials: \_\_\_\_\_ Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_  
 Façade Design: \_\_\_\_\_ Garages: \_\_\_\_\_ Pedestrian Plan: \_\_\_\_\_ Perimeter Landscape Strip: \_\_\_\_\_  
 Possible Variances: \_\_\_\_\_

Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Planner: Dustin Jackson Date 7/19/21

Filing Fees

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00

**LAND USE MAP AMENDMENT** \$500.00

**SPECIAL LAND USE PERMIT** \$400.00





## Battle Law

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

### Zoom Instructions:

Go to <https://www.battlelawpc.com> . On the Home page, please click on “Projects”, then choose “DeKalb County”. Scroll down to the correct “Project Title” and click on “Join Meeting” under the correct meeting date. To join by phone, please dial (646) 558-8656 and enter the Meeting ID and Passcode provided on the website.

We encourage you to come out and participate!

***\*\*Please Note: This meeting is hosted solely by Battle Law, P.C.\*\****

For More Information Contact  
Brittney Butler at:  
Phone: 404-601-7616 ext. 7  
Fax: 404-745-0045  
Email: [btb@battlelawpc.com](mailto:btb@battlelawpc.com)

## REZONING TO ALLOW FOR THE DEVELOPMENT OF SENIOR COTTAGES

You are invited to a Zoom meeting.

**Project Title: Stone Mountain Lithonia  
Road**

**When: Wednesday, February 23, 2022**

**Time: 6:00 PM Eastern (US and Canada)**

**Register in advance for this meeting:**

**<https://www.battlelawpc.com>**



**PROPOSED LOCATION(S):**

**[373, 399 Stone Mountain Lithonia  
Road Stone Mountain, GA 30088  
Parcels 18 037 05 004, 18 037 05 003](#)**



# Battle Law

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

PLEASE  
PLACE  
STAMP  
HERE

«Name»

«Address»

«City», «State» «Zip»

## Community Meeting Mailing List

Owner 1	Owner 2	Owner Address	Owner City	Owner State	Owner Zip
Manuel Monje	Edith A Penaloza	5486 Boggs Dr	Stone Mountain	GA	30087-5738
Manuel T Monje		5486 Boggs Dr	Stone Mountain	GA	30087-5738
Philbert Laudat		5502 Boggs Dr	Stone Mountain	GA	30087-5740
Harold B Hibbert	Carmen T Hibbert	4715 Manly Ct	Stone Mountain	GA	30088-3622
Zwaaf Maryke Trustee		Po Box 941325	Atlanta	GA	31141-0325
Ryan Smith		5531 Boggs Dr	Stone Mountain	GA	30087-5741
Steven Wright		590 Valley Hall Dr	Atlanta	GA	30350-4631
Darryl A Faison		5551 Boggs Dr	Stone Mountain	GA	30087-5741
Freddy A Axel Jr	Carla L Axel	5575 Boggs Dr	Stone Mountain	GA	30087-5741
Fannie Few		5576 Boggs Dr	Stone Mountain	GA	30087-5742
Larry Griffin		5580 Boggs Dr	Stone Mountain	GA	30087-5742
Yvonne B Meeks	Milton Meeks	5585 Boggs Dr	Stone Mountain	GA	30087-5741
Charles Reinke Revocble Trust		966 Hickory Dr	Rifle	CO	81650-2174
Ray Edge Jr		5591 Boggs Dr	Stone Mountain	GA	30087-5741
Alvin A Williams	Reynette A Watson	5592 Boggs Dr	Stone Mountain	GA	30087-5742
Kent L Jackson		5598 Boggs Dr	Stone Mountain	GA	30087-5742
Tah 2017 1 Borrower LLC		1508 Brookhollow Dr	Santa Ana	CA	92705-5426
Stephanie Henderson		5604 Boggs Dr	Stone Mountain	GA	30087-5742
Madgline C Hunt-Thomas		5607 Boggs Dr	Stone Mountain	GA	30087-5743
Ann M Calder	Ankh Atun	1570 Linksview Way	Stone Mountain	GA	30088-3700
Kevin Lamont Babb		5614 Boggs Dr	Stone Mountain	GA	30087-5742
Judy Panas		1875 Woodberry Run Dr	Snellville	GA	30078-5668
Latascha Traylor		Po Box 17618	Atlanta	GA	30316-0618
Stephanie Blocker		5623 Boggs Dr	Stone Mountain	GA	30087-5743
Integrity Financial Grp LLC		3505 Lake Lynda Dr	Orlando	FL	32817-8324
Denise F Norwood		5631 Boggs Dr	Stone Mountain	GA	30087-5743
Rh Partners Ownerco LLC		5001 Plaza On The Lk	Austin	TX	78746-1070
Magdalene C Slayton		5636 Boggs Dr	Stone Mountain	GA	30087-5742
James R Hedger	Christine L Hedger	5639 Boggs Dr	Stone Mountain	GA	30087-5743
Peachtree Trust Inc		2550 Technology Dr	Orlando	FL	32804-8025
John Bailey	Lucy Jackson	476 Carillon Ct	Stone Mountain	GA	30083-3874
Komla Akoni	Atetom Ware	477 Carillon Ct	Stone Mountain	GA	30083-3874
Luther Earl Perry		481 Carillon Ct	Stone Mountain	GA	30083-3874
Court 482 Rockbridge Carillon	R W Macdonald	4426 Hugh Howell Rd Ste B	Tucker	GA	30084-4919
Oreol Properties LLC		Po Box 1495	Stone Mountain	GA	30086-1495
Carvester L Moore	Mary Moore	494 Carillon Ct	Stone Mountain	GA	30083-3874
Ppiv Fm Borrower LLC		235 Peachtree St NE	Atlanta	GA	30303-1401
Crystal Hunter Franklin		506 Carillon Ct	Stone Mountain	GA	30083-3875
Janelle Josey		507 Carillon Ct	Stone Mountain	GA	30083-3875
Ashley Carpenter		511 Carillon Ct	Stone Mountain	GA	30083-3875
Stanley Desmond Shepard Jr		474 Carillon Ln	Stone Mountain	GA	30083-3863
Nutshell Properties LLC		2965 Pharr Ct S	Atlanta	GA	30305
Jana J McAllister	Anthony D McAllister	479 Carillon Ln	Stone Mountain	GA	30083-3864
Richard Lawson		482 Carillon Ln	Stone Mountain	GA	30083-3863
Songa Jones		485 Carillon Ln	Stone Mountain	GA	30083-3864
Resi T11 Borrower LLC		3505 Koger Blvd	Duluth	GA	30096-8977
James Campbell	Marcel Campbell	494 Carillon Ln	Stone Mountain	GA	30083-3863
Promise Homes Borrower I LLC		26050 Mureau Rd Ste 110	Calabasas	CA	91302-3171
Reginald K Miller		Po Box 831643	Stone Mountain	GA	30083-0028
Joyce Melvin Miller	Reginald K Miller	Po Box 831643	Stone Mountain	GA	30083-0028
Carl N Friese		795 Harbor Bay Dr	Lawrenceville	GA	30045-6598
Brenda Newsome		513 Carillon Ln	Stone Mountain	GA	30083-3866
Djg Georgia LLC		600 Sequoia Ct	Loganville	GA	30052-2147
Ignatius Akpan Ukpong	Tiffany Ukpong	525 Carillon Ln	Stone Mountain	GA	30083-3866
Dennis Lee Schneider	Ruth Ann Schneider	526 Carillon Ln	Stone Mountain	GA	30083-3865
Lucila Hernandez Cruz		531 Carillon Ln	Stone Mountain	GA	30083-3866
Russell E Moore		2718 Wood Hollow Ct	Conyers	GA	30094-8006
Shawntae Rana	Yashbir J Rana	542 Carillon Ln	Stone Mountain	GA	30083-3865
Olive Hamilton		501 Carriage Walk Ct	Stone Mountain	GA	30087-5925
Mechelle Holmes		502 Carriage Walk Ct	Stone Mountain	GA	30087-5925
Clifton Robertson		511 Carriage Walk Ct	Stone Mountain	GA	30087-5925
Chad King		512 Carriage Walk Ct	Stone Mountain	GA	30087-5925
Lloyd Braithwaite	Erwin M Braithwaite	515 Carriage Walk Ct	Stone Mountain	GA	30087-5925
Agnes H Carrington	Walter C Fields	516 Carriage Walk Ct	Stone Mountain	GA	30087-5925
2018 3 lh Borrower Lp		1717 Main St	Dallas	TX	75201-4612
Dinzei Gertrude Madeleine Mpitu		521 Carriage Walk Ct	Stone Mountain	GA	30087-5925

Community Meeting Mailing List

James King	Ilene King	523 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Espino Maria D Medrano		529 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Asuquo Asanansi		535 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Charles E Blount Jr		540 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Melete Tekeste G-Mariam		541 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Espino Cesar A Medrano	Espino Maria D Medrano	547 Carriage Walk Ln	Stone Mountain	GA	30087-5926
Carol Johnson		499 Carriage Walk Path	Stone Mountain	GA	30087-5923
Sayfuden Mohamed	Seida Surur	509 Carriage Walk Path	Stone Mountain	GA	30087-5924
Yiesha Cobb		510 Carriage Walk Path	Stone Mountain	GA	30087-5924
Ken A Jordan	Wanda Jordan	513 Carriage Walk Path	Stone Mountain	GA	30087-5924
Frisnel Jean Charles		514 Carriage Walk Path	Stone Mountain	GA	30087-5924
James Milton Reed		518 Carriage Walk Path	Stone Mountain	GA	30087-5924
Valedeen M Dill		519 Carriage Walk Path	Stone Mountain	GA	30087-5924
Tyler Family Properties Trust		5490 Carriage Walk Way	Stone Mountain	GA	30087-5922
Robin Roberts		5500 Carriage Walk Way	Stone Mountain	GA	30087-5922
Barbara Braithwaite		5510 Carriage Walk Way	Stone Mountain	GA	30087-5922
Alexander International Enterp		3450 Holly Trail Ln	Alpharetta	GA	30022-5943
Dorothy A Anderson		5530 Carriage Walk Way	Stone Mountain	GA	30087-5922
Clifford Jackson Jr	Linda R Jackson	5533 Carriage Walk Way	Stone Mountain	GA	30087-5795
Quintin J McCleave		5538 Carriage Walk Way	Stone Mountain	GA	30087-5922
Dagne M Aruso	Abebech E Teboro	5546 Carriage Walk Way	Stone Mountain	GA	30087-5922
Lachu M Gurung		5560 Carriage Walk Way	Stone Mountain	GA	30087-5922
Bonergues Moran		5565 Carriage Walk Way	Stone Mountain	GA	30087-5796
Omar Kiyana	Hawa Alio	5570 Carriage Walk Way	Stone Mountain	GA	30087-5922
Lillie Mae Gallaway		5578 Carriage Walk Way	Stone Mountain	GA	30087-5922
Dinon S Phillips	Maria J Phillips	5586 Carriage Walk Way	Stone Mountain	GA	30087-5922
Teresa Ann Brown		5594 Carriage Walk Way	Stone Mountain	GA	30087-5922
Kendra Brazil		5604 Carriage Walk Way	Stone Mountain	GA	30087-5921
Sfr Xii Atl Owner 4 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Muriel Nelson		5615 Carriage Walk Way	Stone Mountain	GA	30087-5798
Lillian B Scales		5618 Carriage Walk Way	Stone Mountain	GA	30087-5921
Trevor Bailey		5619 Carriage Walk Way	Stone Mountain	GA	30087-5798
Steven J Dudley	Antonia D Dudley	5622 Carriage Walk Way	Stone Mountain	GA	30087-5921
Noel G Williams	Sarah H Williams	5623 Carriage Walk Way	Stone Mountain	GA	30087-5798
Sami L McNeal		Po Box 494	Stone Mountain	GA	30086-0494
Henry Smith		491 Jaywood Ct	Stone Mountain	GA	30083-3880
Priest Foust	Paula Foust	494 Jaywood Ct	Stone Mountain	GA	30083-3880
Ellis Retail Acquisition LLC		1165 Kingston Dr	Atlanta	GA	30342-2121
Glenda Walton	Joshua Walton	498 Jaywood Ct	Stone Mountain	GA	30083-3880
Janean M Williams		439 Jaywood Dr	Stone Mountain	GA	30083-3879
Paul J Kennedy		534 Baltimore Ave SW	Lilburn	GA	30047-4104
Hema Tamang		441 Jaywood Dr	Stone Mountain	GA	30083-3879
Ralph Anthony Tremato Jr		442 Jaywood Dr	Stone Mountain	GA	30083-3878
Creola Ingram-Davis		443 Jaywood Dr	Stone Mountain	GA	30083-3879
Sfr Atl Owner 2 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Jean T High		447 Jaywood Dr	Stone Mountain	GA	30083-3879
Edward N Adams		448 Jaywood Dr	Stone Mountain	GA	30083-3878
Mary D Gilmartin		452 Jaywood Dr	Stone Mountain	GA	30083-3878
Larry C Little	Livia B Little	453 Jaywood Dr	Stone Mountain	GA	30083-3879
Danny F Martin	Wilma B Martin	1720 Concept 21 Cir	Austell	GA	30168-6873
Alfred T Wright		460 Jaywood Dr	Stone Mountain	GA	30083-3878
Mary Batton		463 Jaywood Dr	Stone Mountain	GA	30083-3879
Sonia D Bacon		469 Jaywood Dr	Stone Mountain	GA	30083-3879
Vonnetta Thomas		475 Jaywood Dr	Stone Mountain	GA	30083-3879
Sfr Xii Atl Owner 5 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Zewdi Tesfamichael		1330 Killian Shoals Way SW	Lilburn	GA	30047-7606
Ray William Sweatman Jr		489 Jaywood Dr	Stone Mountain	GA	30083-3879
Charon N Cooper		493 Jaywood Dr	Stone Mountain	GA	30083-3879
Fyr Sfr Borrower LLC		3505 Koger Blvd	Duluth	GA	30096-8977
Donald R Colley Sr		497 Jaywood Dr	Stone Mountain	GA	30083-3879
Charles P Windham	Cheryl A Windham	502 Jaywood Dr	Stone Mountain	GA	30083-3876
Asia J Etheridge		503 Jaywood Dr	Stone Mountain	GA	30083-3877
Ericka K Barnes		514 Jaywood Dr	Stone Mountain	GA	30083-3876
John P Lynn III		1246 Social Circle Pkwy	Social Circle	GA	30025-4673
Eric Isabel		524 Lantana Ct NW	Acworth	GA	30102-8139
Latashia D Way		527 Jaywood Dr	Stone Mountain	GA	30083-3877
Edward W Mascari	Jane D Mascari	532 Jaywood Dr	Stone Mountain	GA	30083-3876

## Community Meeting Mailing List

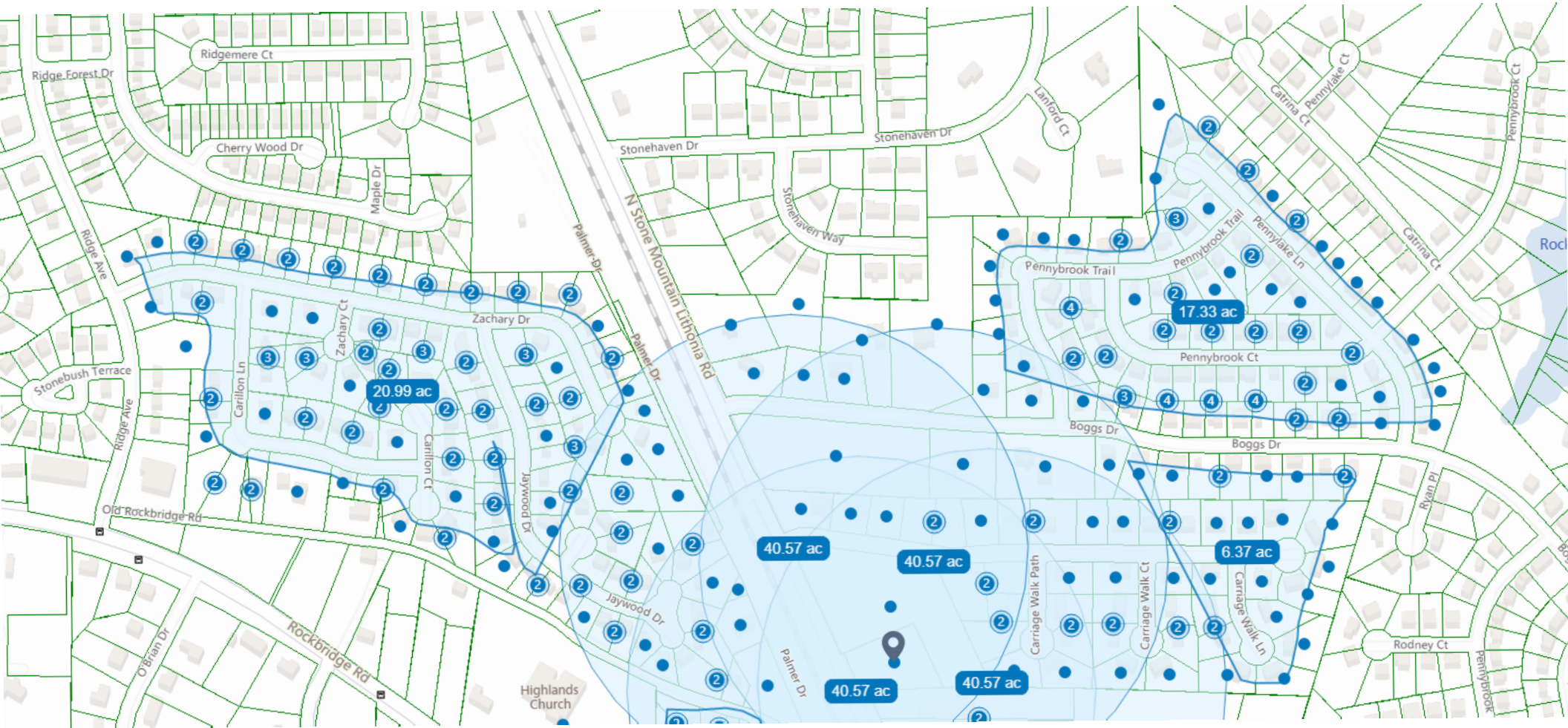
Muhammad A Glasgow	Dessica F Hodges	533 Jaywood Dr	Stone Mountain	GA	30083-3877
Charles McKenzie	Chineka McKenzie	539 Jaywood Dr	Stone Mountain	GA	30083-3877
Jimmy E Alvarez		545 Jaywood Dr	Stone Mountain	GA	30083-3877
Douglas N McCurdy		Po Box 305110	Nashville	TN	37230-5110
Autozone Inc		5100 Poplar Ave	Memphis	TN	38137-4000
Bellsouth		Po Box 182333	Columbus	OH	43218-2333
Antonio Flores		475 N Stone Mtn Lithonia Rd	Stone Mountain	GA	30088-1525
Martha Charmelle Scott		5384 Old Rockbridge Rd	Stone Mountain	GA	30083-6806
John Hitt		500 Greenhaven Rd	Stone Mountain	GA	30087-5014
Audrey Barrett	Symone Wilson	5468 Orchard Ct	Stone Mountain	GA	30083-6816
Abshir Saney		1415 14th Ave E	West Fargo	ND	58078-3457
Denise V John		5472 Orchard Ct	Stone Mountain	GA	30083-6816
Costa Panos		2161 Abby Ln NE	Atlanta	GA	30345-3516
Cynthia Woods		5476 Orchard Ct	Stone Mountain	GA	30083-6816
Tracey Vaneen Brown		Po Box 3477	Decatur	GA	30031-3477
Mia L Rogers		7092 Thames Ln	Riverdale	GA	30296-1964
Latessa Taylor		5481 Orchard Ct	Stone Mountain	GA	30083-6817
Ellis Refinance Portfolio LLC		1165 Kingston Dr	Atlanta	GA	30342-2121
Bryan Houston		5485 Orchard Ct	Stone Mountain	GA	30083-6817
Ellis Refinance Portfolio LLC		1163 Kingston Dr	Atlanta	GA	30342
Kenneth Rome		5488 Orchard Ct	Stone Mountain	GA	30083-6816
Bondian Equity LLC		1930 Harrison St Ste 204	Hollywood	FL	33020-7828
Agler Properties LLC		2148 Main St E	Snellville	GA	30078-3496
Gena Kassa		5493 Orchard Ct	Stone Mountain	GA	30083-6817
Mary L Pace		5494 Orchard Ct	Stone Mountain	GA	30083-6816
James E Boykin	Lytonia M Watkins	5495 Orchard Ct	Stone Mountain	GA	30083-6817
Pfin II F LLC		6300 Powers Ferry Rd	Atlanta	GA	30339-2919
Adrian Flint		6274 Greenock Dr	Stone Mountain	GA	30087-6093
Carrol J Brown		409 Orchard Dr	Stone Mountain	GA	30083-6818
Thomas A Eshelman II		415 Orchard Dr	Stone Mountain	GA	30083-6818
Bezawork Taye		419 Orchard Dr	Stone Mountain	GA	30083-6818
Sherri B Ashford	Jacquelyn G Ashford	423 Orchard Dr	Stone Mountain	GA	30083-6818
Albert Norman Malone		1595 Lake Lucerne Rd SW	Lilburn	GA	30047-4530
Baf 2 LLC		5001 Plaza On The Lk	Austin	TX	78746-1070
Eric Rivers		435 Orchard Dr	Stone Mountain	GA	30083-6818
Maurice Esters	Rita Lynn Esters	436 Orchard Dr	Stone Mountain	GA	30083-6800
Fatoum C Doubad-Winters		437 Orchard Dr	Stone Mtn	GA	30083-6818
Tah 2017 2 Borrower LLC		1508 Brookhollow Dr	Santa Ana	CA	92705-5426
Sandra A Wilson		441 Orchard Dr	Stone Mountain	GA	30083-6818
Faye B Dalce		443 Orchard Dr	Stone Mountain	GA	30083-6818
Hudson Sfr Property Holdings II LLC		2711 N Haskell Ave Ste 2100	Dallas	TX	75204-2933
Laura Alicia Romero Mondragon		448 Orchard Dr	Stone Mountain	GA	30083-6800
Phyllis Bebee Powell	Jerome Powell	453 Orchard Dr	Stone Mountain	GA	30083-6818
American Investments LLC		3344 Peachtree Rd NE Ste 800	Atlanta	GA	30326-4807
Floyd B Dixon		458 Orchard Dr	Stone Mountain	GA	30083-6800
Ahmed Bryan Sylla		3251 Ward Dr SW	Atlanta	GA	30354-2641
Sharalynn Simmons		824 Arbor Hill Dr	Stone Mountain	GA	30088-2365
Clara Cherry		Po Box 2282	Decatur	GA	30031-2282
Allen L Johnson Jr		1861 McLain Ln	Decatur	GA	30035-1748
Gutierrez Elio J Pinto		410 Palmer Dr	Stone Mountain	GA	30083-6814
Alifeleti E Johnson		410 Palmer Dr	Stone Mountain	GA	30083-6814
Bisram Dukharan		569 N Stone Mtn Lithonia Rd	Stone Mountain	GA	30088-1523
Dekalb County		1300 Commerce Dr	Decatur	GA	30030-3222
Charles E Brown	Ethel Brown	4982 Isle Royal Ct	Stone Mountain	GA	30088-2305
Five Three Six LLC		Po Box 29593	Atlanta	GA	30359-0593
Carolyn Taylor		5557 Pennybrook Ct	Stone Mountain	GA	30087-5746
Myrna A Ross		5563 Pennybrook Ct	Stone Mountain	GA	30087-5746
Wanda I Santiago		5567 Pennybrook Ct	Stone Mountain	GA	30087-5746
Maria D Quijano Garcia	Jose J Caballero Quijano	5571 Pennybrook Ct	Stone Mountain	GA	30087-5746
Lawrence M Peltier		5575 Pennybrook Ct	Stone Mountain	GA	30087-5746
Sfr Xii Owner 2 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Artell V Simon		5581 Pennybrook Ct	Stone Mountain	GA	30087-5746
Timothy Foston Jr		5585 Pennybrook Ct	Stone Mountain	GA	30087-5746
Loretta W Ingram		5586 Pennybrook Ct	Stone Mountain	GA	30087-5751
Howard W McDowell		5590 Pennybrook Ct	Stone Mountain	GA	30087-5751
Efrain Martinez		5591 Pennybrook Ct	Stone Mountain	GA	30087-5746
Beverly D Alexander Gardner	Tyre Gardner Jr	5596 Pennybrook Ct	Stone Mountain	GA	30087-5751

## Community Meeting Mailing List

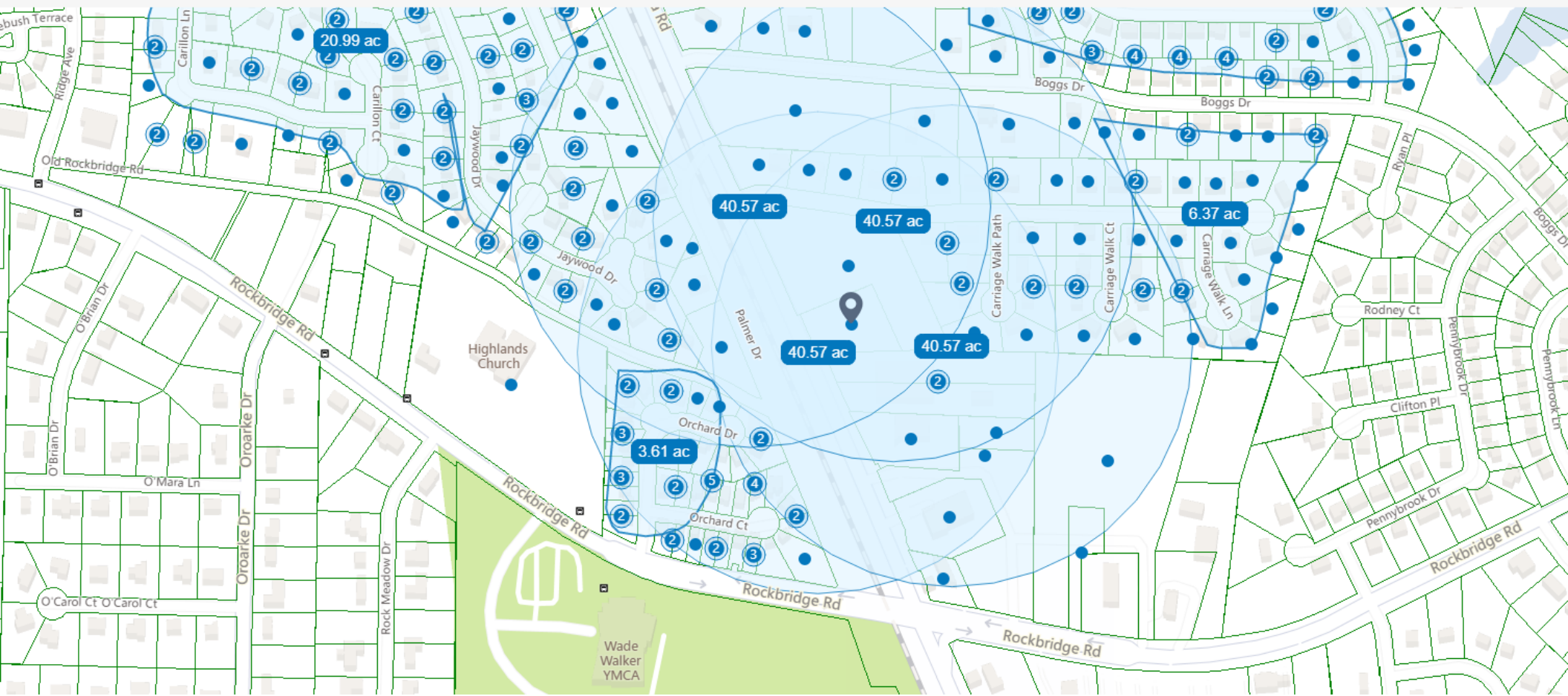
Chandra Carter		5597 Pennybrook Ct	Stone Mountain	GA	30087-5746
Alexa Thompson		5600 Pennybrook Ct	Stone Mountain	GA	30087-5751
Sfr Xii Atl Owner 5 Lp		9200 E Hampton Dr	Capitol Heights	MD	20743-3820
John E Lee Jr		5608 Pennybrook Ct	Stone Mountain	GA	30087-5751
Dee A Green		5609 Pennybrook Ct	Stone Mountain	GA	30087-5746
Cynthia Lovelace		5612 Pennybrook Ct	Stone Mountain	GA	30087-5751
Cary L Vanderbilt		7923 S Chappel Ave	Chicago	IL	60617-1052
Jackie McGhee	Cathy F McGhee	5618 Pennybrook Ct	Stone Mountain	GA	30087-5751
William Daniel		5619 Pennybrook Ct	Stone Mountain	GA	30087-5746
William B Clary	Linda S Clary	5625 Pennybrook Ct	Stone Mountain	GA	30087-5746
Barbara Carter Thompson		5626 Pennybrook Ct	Stone Mountain	GA	30087-5751
Caroline Wright	Hilma B Wright	5509 Pennybrook Trl	Stone Mountain	GA	30087-5700
Kasimah B Gee		4424 Cherie Glen Trl	Stone Mountain	GA	30083-1826
Latoya Morgan		5515 Pennybrook Trl	Stone Mountain	GA	30087-5700
Kerwen James Riley	Elsa Rosario	5522 Pennybrook Trl	Stone Mountain	GA	30087-5749
Olubunmi Peters	Remi Peters	5527 Pennybrook Trl	Stone Mountain	GA	30087-5700
Derek D McClinton Sr	Barbara A Clayton	5528 Pennybrook Trl	Stone Mountain	GA	30087-5749
Davinci Ga LLC		853 Broadway Fl 5	New York	NY	10003-4724
Angela E Flemming		5542 Pennybrook Trl	Stone Mountain	GA	30087-5749
Gladstone George Royal		5543 Pennybrook Trl	Stone Mountain	GA	30087-5700
Freddie L Boyer	Ida M Bouyer	5544 Pennybrook Trl	Stone Mountain	GA	30087-5749
Sway 2014 1 Borrower LLC		8665 E Hartford Dr	Scottsdale	AZ	85255-7804
Cecelia Jones		5564 Pennybrook Trl	Stone Mountain	GA	30087-5749
Horace White		5573 Pennybrook Trl	Stone Mountain	GA	30087-5750
5574 Pennybrook Trail Land		Po Box 441	Roswell	GA	30077-0441
Kathy D Hill		5579 Pennybrook Trl	Stone Mountain	GA	30087-5750
Wisguen Louisius	Casseus Lucis	5587 Pennybrook Trl	Stone Mountain	GA	30087-5750
Dierdre Nesbitt		5590 Pennybrook Trl	Stone Mountain	GA	30087-5749
Sfr Xii Atl Owner 3 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Benjamin		Po Box 271	Stone Mountain	GA	30086-0271
Kitty Geouge Wilson		527 Pennylake Ln	Stone Mountain	GA	30087-5748
Earl L Roy		528 Pennylake Ln	Stone Mountain	GA	30087-5747
Diversified Residential Homes 1 LLC		3495 Piedmont Rd NE Ste 300	Atlanta	GA	30305-1717
Shh Atlanta I LLC		2727 Lbj Fwy	Dallas	TX	75234-7334
Devin Marquis McKenzie		540 Pennylake Ln	Stone Mountain	GA	30087-5747
Shaya Y White		544 Pennylake Ln	Stone Mountain	GA	30087-5747
Rhoda Jean Wallace		Po Box 870685	Stone Mountain	GA	30087-0018
Luther J Hooper		558 Pennylake Ln	Stone Mountain	GA	30087-5768
Juanita J Smith		572 Pennylake Ln	Stone Mountain	GA	30087-5768
Mussie Hagos Habtemicael		550 Indian Acres Ct	Tucker	GA	30084-1619
Karen A Morris		579 Pennylake Ln	Stone Mountain	GA	30087-5769
Vickie E Nolden		584 Pennylake Ln	Stone Mountain	GA	30087-5768
Ronald Lee Burns Sr		585 Pennylake Ln	Stone Mountain	GA	30087-5769
Eldon N Campbell		99 White Rose Ct	Loganville	GA	30052-6614
Ruth Jackson		593 Pennylake Ln	Stone Mountain	GA	30087-5769
Eric Gerard Evans		596 Pennylake Ln	Stone Mountain	GA	30087-5768
I And P Investments LLC		586 Candlewick Ln NW	Lilburn	GA	30047-5843
Nancy Frierson		608 Pennylake Ln	Stone Mountain	GA	30087-5768
613 Pennylake Lane Land Trust		Po Box 88322	Atlanta	GA	30356-8322
Progress Atlanta LLC		Po Box 4090	Scottsdale	AZ	85261-4090
Audwin Joseph		619 Pennylake Ln	Stone Mountain	GA	30087-5778
Yamasa Co Ltd		Po Box 4090	Scottsdale	AZ	85261-4090
Stephen L Thompson	Ruthie A Thompson	622 Pennylake Ln	Stone Mountain	GA	30087-5768
Nicky R Johnson		5574 Five Forks Trickum Rd	Stone Mountain	GA	30087-3049
Chin Community Baptist Church		5580 Rockbridge Rd	Stone Mountain	GA	30088-1518
Yetenayet B Hailu		6217 Magnolia Rdg	Stone Mountain	GA	30087-6070
McCurdy Douglas N Jr		7 Lumpkin St	Lawrenceville	GA	30046-8440
Harmony At Stone Mountain Lp		920 Florence Blvd	Florence	AL	35630-3731
Stop And Go Ent Inc		1253 Silver Trace Dr SW	Lilburn	GA	30047-3262
Terizian R M Living Trust		8510 Ryewood Trl	Colorado Springs	CO	80919-4536
Dawn Group LLC		2998 Panola Rd	Lithonia	GA	30038-2394
Thierno Thierry Diallo	Stephan A Diallo	437 S Stone Mtn Lithonia Rd	Stone Mountain	GA	30088
Hubert R John		5503 Stonehaven Way	Stone Mountain	GA	30087-5721
Atlantis Acquisitions LLC		1583 Trailview Way	Stone Mountain	GA	30083
Robert E Lewis Sr		540 Zachary Ct	Stone Mountain	GA	30083-3871
George John	Paula John	1258 Melrose Forest Ct	Lawrenceville	GA	30045-7021
Rep William J Est Pers Heirs McCreary	Sharon E McCreary	5367 Zachary Dr	Stone Mountain	GA	30083-3870

Community Meeting Mailing List

Tommie D Collins		5311 Zachary Dr	Stone Mountain	GA	30083-3868
Fritz L Pope	Jacqueline L McDonald	5312 Zachary Dr	Stone Mountain	GA	30083-3867
Sfr Xii Owner 1 Lp		5318 Zachary Dr	Stone Mountain	GA	30083-3867
Wdell Property Brothers LLC		3200 Pine Branch Ct	Decatur	GA	30034-3773
Belinda D Usher		5326 Zachary Dr	Stone Mountain	GA	30083-3867
Matthew J Smith		1250 Druid Knoll Dr NE	Brookhaven	GA	30319-4110
Flores Juan J Gonzalez	Gallegos Maria Z Silva	5332 Zachary Dr	Stone Mountain	GA	30083-3867
Delphine H Teal		5338 Zachary Dr	Stone Mountain	GA	30083-3867
Ronnie A Jones		5343 Zachary Dr	Stone Mountain	GA	30083-3869
Myra Edey		5350 Zachary Dr	Stone Mountain	GA	30083-3867
Kimberly R Melson		5351 Zachary Dr	Stone Mountain	GA	30083-3869
Credusa LLC		No Address Available	Decatur	GA	30031
Skv Investments LLC		2240 Granade Rd SW	Conyers	GA	30094-6818
McCreary William J Estate Pers Rep Heirs		1123 Zonolite Rd NE	Atlanta	GA	30306-2014
Melvin Cooper	Laureen L Cooper	5370 Zachary Dr	Stone Mountain	GA	30083-3867
Taylor Heidi Morris		5373 Zachary Dr	Stone Mountain	GA	30083-3870
Cheryl K Gentle		5376 Zachary Dr	Stone Mountain	GA	30083-3867
Jacqueline Apollo		5379 Zachary Dr	Stone Mountain	GA	30083-3870
Gecko Properties LLC		330 Lake Crest Dr	Roswell	GA	30075-3424
Morgan Whitney Shane		5385 Zachary Dr	Stone Mountain	GA	30083-3870
Johnny Stroud	Carolyn Huff	5388 Zachary Dr	Stone Mountain	GA	30083-3867
Mamie Manson Tanksley		5394 Zachary Dr	Stone Mountain	GA	30083-3867
Tracy D Manson		5400 Zachary Dr	Stone Mountain	GA	30083-3872
Oumer Abdukadir Hassan	Lula Ahamed Yusuf	5406 Zachary Dr	Stone Mountain	GA	30083-3872
Darryl D Johnson		2895 Rolling Rd	Macon	GA	31204-1028
Abdorachid Arreh	Fatoma A Edleh	1110 Taylor Oaks Dr	Roswell	GA	30076-1186
Mark E Allen	Wanda L Allen	5418 Zachary Dr	Stone Mountain	GA	30083-3872
Wanda J Threalkill		5419 Zachary Dr	Stone Mountain	GA	30083-3873
Aida L Chermanz		Po Box 183	Duluth	GA	30096-0004
Yacin Aouled Farah		5432 Zachary Dr	Stone Mountain	GA	30083-3872
Fkh Sfr Propco D L P		1850 Parkway Pl SE Fl 9	Marietta	GA	30067-4439
Sfr Xii Atl Owner 2 Lp		4645 Hawthorne Ln NW	Washington	DC	20016-3437
Nayda Cruz Demaya	Vicente Maya	5444 Zachary Dr	Stone Mountain	GA	30083-3872
Eunice M Jameison		5450 Zachary Dr	Stone Mountain	GA	30083-3872
Mary A Korre		2330 Gleneagle Trce NW	Conyers	GA	30012-3304
Emilio J Luna	Carmen Luna	5456 Zachary Dr	Stone Mountain	GA	30083-3872
Bruce Johnson	Eleanor D Johnson	511 Belgrave Ln	Tucker	GA	30084-2069
Rosa Blocker		5461 Zachary Dr	Stone Mountain	GA	30083-3873
George S Cotton	Tammy L Cotton	5462 Zachary Dr	Stone Mountain	GA	30083-3872
Marcia Fagin		5465 Zachary Dr	Stone Mountain	GA	30083-3873
Laura A Blansett	Dale L Blansett	Po Box 16179	Fernandina Beach	FL	32035-3120
James Younge III		5472 Zachary Dr	Stone Mountain	GA	30083-3872







## Community Meeting Sign-In Sheet

First Name	Last Name	Email	Registratio	Approval Status
Matt	Leatherma	grammymi:	#####	approved
Tee	Zellous	tee_zellous	#####	approved
Stacey	m Armstro	armstrongs	#####	approved
Sharon Collier		collierchat	#####	approved
Kenyatta Willis		kenyattawi	#####	approved
Patsy	Pettis	PatsyJohns	#####	approved
M Cooper		little.creek	#####	approved
Jana	Johnson	nativenyc@	#####	approved
Tresa D	Smith	agapesh20	#####	approved
Kenyatta Willis		kcw1906@	#####	approved
Joe	Arrington	jarring55@	#####	approved
Mary	Veit	dexandmoi	#####	approved
Dani	Blumentha	dlb@battle	#####	approved
Angela	Davis	travione@l	#####	approved
Roslyn	Allison	Allisongrou	#####	approved

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: February 8, 2022

TO WHOM IT MAY CONCERN:

(I) (WE) Dawn Group LLC  
Name of owner(s)

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

Battle Law, P.C.  
Name of Agent or Representative

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

[Signature]  
Notary Public



Notary Public

Notary Public

Notary Public

Dawn Group LLC  
By: [Signature]  
Owner Name: Earl Thomas  
Title: V.PRESIDENT OFFICER

Owner

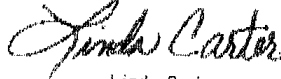
Owner

Owner

RETURN TO:

Boykin Edwards, Jr.  
3951 Snapfinger Parkway  
Suite 345  
Decatur, GA. 30035

Deed Book 14075 Pg 389  
Filed and Recorded Jan-17-2003 01:34pm  
~~2003-0006665~~  
Real Estate Transfer Tax \$200.00



Linda Carter  
Clerk of Superior Court DeKalb Cty, Ga.  
I HEREBY DO FILE IN PUBLIC RECORD DEED OR INSTRUMENT FOR THE YEAR IN WHICH IT IS FILED

**WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made the 16 day of December, in the year two thousand two between

**R. L. STEWART**

of the County of DEKALB, and State of GEORGIA, as party or parties of the first part, hereinafter called Grantor, and

**THE DAWN GROUP, L.L.C.**

of the County of DEKALB, and the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH THAT:** Grantor, for and in consideration of the sum of **TEN and No/100 (\$10.00) DOLLARS** in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

**BEING MORE FULLY DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

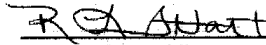
**TO HAVE AND TO HOLD** the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

**AND THE SAID** Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

**IN WITNESS WHEREOF**, Grantor has signed and sealed this deed, the day and year above written.

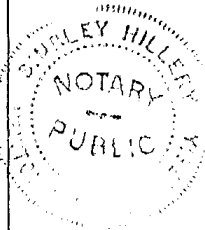
Signed, sealed and delivered in presence of:

  
UNOFFICIAL WITNESS

 (Seal)  
R. L. STEWART

  
NOTARY PUBLIC

**SHIRLEY HILLERY**  
Notary Public, DeKalb County, Georgia  
My Commission Expires August 10, 2008



**EXHIBIT "B"**

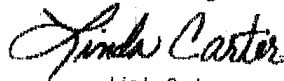
**Legal Description**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 36 AND 37 OF THE 18<sup>TH</sup> DISTRICT OF DEKALB COUNTY, GEORGIA AND SHOWN AS 4.345 ACRES MORE OR LESS ON A PLAT OF SURVEY FOR JOHN HAYNIE, JR. AND MARGARET MILLS PREPARED BY DILLS JONES & ASSOCIATES, DATED DECEMBER 11, 1998, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

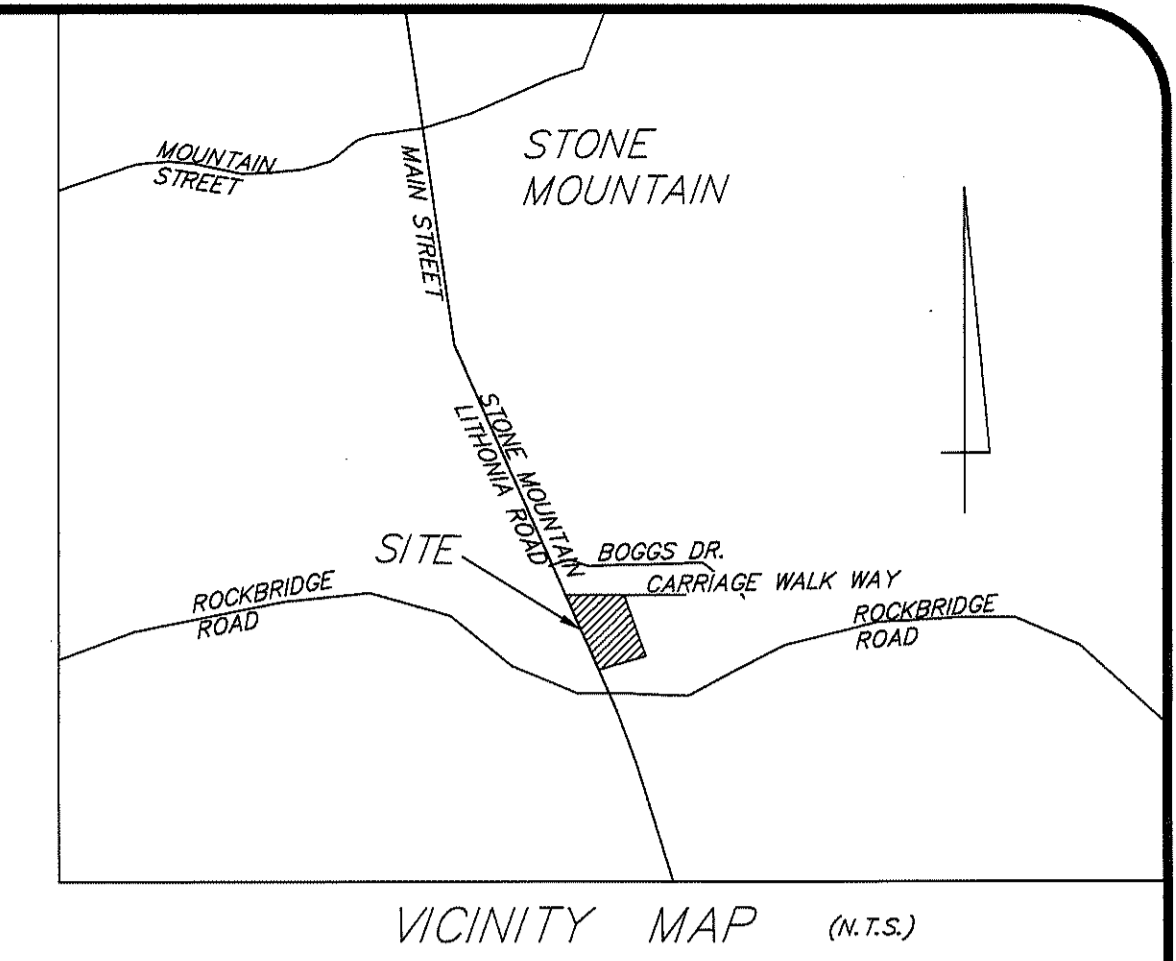
BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY OF STONE MOUNTAIN-LITHONIA ROAD (SAID RIGHT OF WAY VARIES), SAID POINT OF BEGINNING BEING LOCATED 458.07 FEET SOUTHERLY FROM THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF STONE MOUNTAIN-LITHONIA ROAD AND THE SOUTHERLY RIGHT OF WAY OF BOGGS DRIVE; LEAVING SAID RIGHT OF WAY, CONTINUE THENCE SOUTH 88 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 19.25 FEET TO A MONUMENT; CONTINUE THENCE SOUTH 78 DEGREES 02 MINUTES 22 SECONDS EAST A DISTANCE OF 450.20 FEET TO AN IRON PIN; CONTINUE THENCE SOUTH 19 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF 436.41 FEET TO AN IRON PIN; CONTINUE THENCE NORTH 86 DEGREES 55 MINUTES 25 SECONDS WEST A DISTANCE OF 425.49 FEET TO A MONUMENT; CONTINUE THENCE NORTH 20 DEGREES 06 MINUTES 20 SECONDS WEST A DISTANCE OF 131.54 FEET TO A MONUMENT; CONTINUE THENCE SOUTH 71 DEGREES 45 MINUTES 37 SECONDS WEST A DISTANCE OF 8.14 FEET TO A MONUMENT ON THE EASTERLY RIGHT OF WAY OF STONE MOUNTAIN-LITHONIA ROAD; CONTINUE THENCE ALONG SAID RIGHT OF WAY NORTH 19 DEGREES 58 MINUTES 00 SECONDS WEST A DISTANCE OF 383.23 FEET TO A MONUMENT, BEING THE POINT OF BEGINNING.

THIS PROPERTY BEING THE SAME AS CONVEYED BY ADMINISTRATOR'S DEED RECORDED IN DEED BOOK 8524 PAGE 447, TOGETHER WITH THE PROPERTY CONVEYED BY ADMINISTRATOR'S DEED RECORDED IN DEED BOOK 8524 PAGE 451, EXECUTOR'S DEED RECORDED IN DEED BOOK 7471, PAGE 37, EXECUTOR'S DEED RECORDED IN DEED BOOK 7452 PAGE 74, AND WARRANTY DEED RECORDED IN DEED BOOK 3910 PAGE 363, LESS AND EXCEPT THAT PROPERTY CONVEYED BY WARRANTY DEED RECORDED IN DEED 10253 PAGE 344; ALL SAID DEEDS BEING RECORDED IN THE CLERK'S OFFICE OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA.

Deed Book 14075 Pg 390



Linda Carter  
Clerk of Superior Court Dekalb Cty. Ga.  
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD AS KEPT IN BOOK 14075



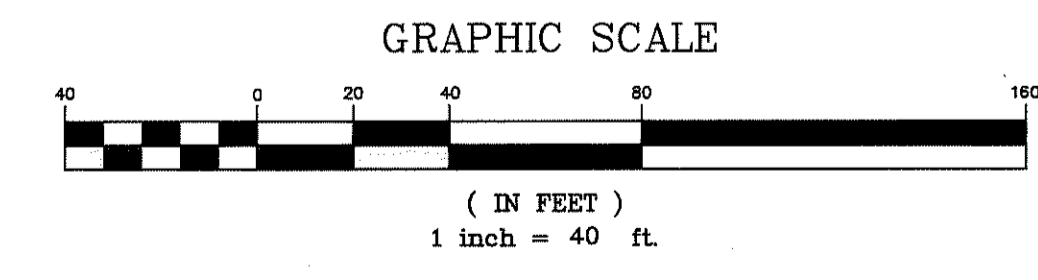
- TREE LEGEND**
- = PINES
  - = HARDWOODS & OAKS

**AREA**  
189,211 SQ. FT.  
4.3436 ACRES

**ZONED: R-100**  
**SETBACKS:**  
FRONT = 45'  
SIDE = 10'  
REAR = 40'

- SURVEYORS NOTES:**
1. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED WITH A TOPCON GTS-303 TOTAL STATION.
  2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,405 FEET AND AN ANGULAR ERROR OF 0.3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
  3. THIS PLAT OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1" IN 157,745'
  4. THE PROPERTY DEPICTED HEREON DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL 13089C 0091 H DATED: MAY 7, 2001
  5. UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.

- LEGEND**
- |                            |                          |
|----------------------------|--------------------------|
| FENCE                      | TEMPORARY BENCHMARK      |
| RAILROAD                   | CURB INLET               |
| GAS LINE                   | HEADWALL                 |
| WATER LINE                 | SINGLE WING CATCH BASIN  |
| UNDER GROUND POWER LINE    | DOUBLE WING CATCH BASIN  |
| AERIAL POWER LINE          | IRON PIN FOUND/SET       |
| UNDER GROUND SOUTHERN BELL | COMPUTED POINT           |
| AERIAL SOUTHERN BELL       | EXISTING SPOT ELEVATION  |
| POWER POLE                 | PROPOSED SPOT ELEVATION  |
| LIGHT POLE                 | STORM SEWER MANHOLE      |
| GUY WIRE                   | SANITARY SEWER MANHOLE   |
| WATER VALVE                | GEORGIA POWER MANHOLE    |
| WATER METER                | RIGHT OF WAY MONUMENT    |
| GAS VALVE                  | CORRUGATED METAL PIPE    |
| GAS METER                  | REINFORCED CONCRETE PIPE |
| FIRE HYDRANT               | DUCTILE IRON PIPE        |
| CRMP TOP PIPE              | POLYVINYL CHLORIDE       |
| OPEN TOP PIPE              | IRON PIN SET - 1/2" RB   |
| REINFORCING BAR            | IRON PIN FOUND           |



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

*Grant Shepherd*  
GA. R.L.S. NO. 2136

REV.	DESCRIPTION

LOCATED IN  
LAND LOTS 36,37, 18th DISTRICT  
DEKALB COUNTY, GEORGIA

SCALE 1" = 40'  
DATE: 02-11-2003  
JOB NO.: 02-12-490

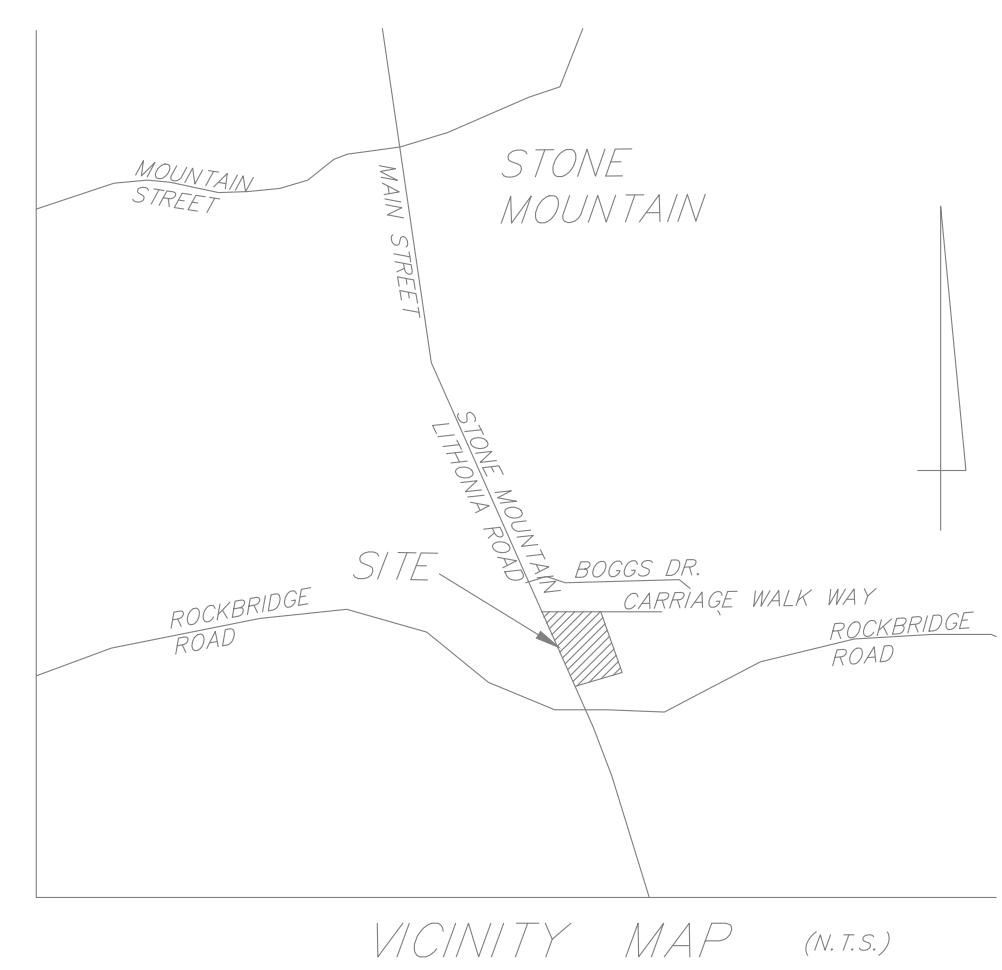
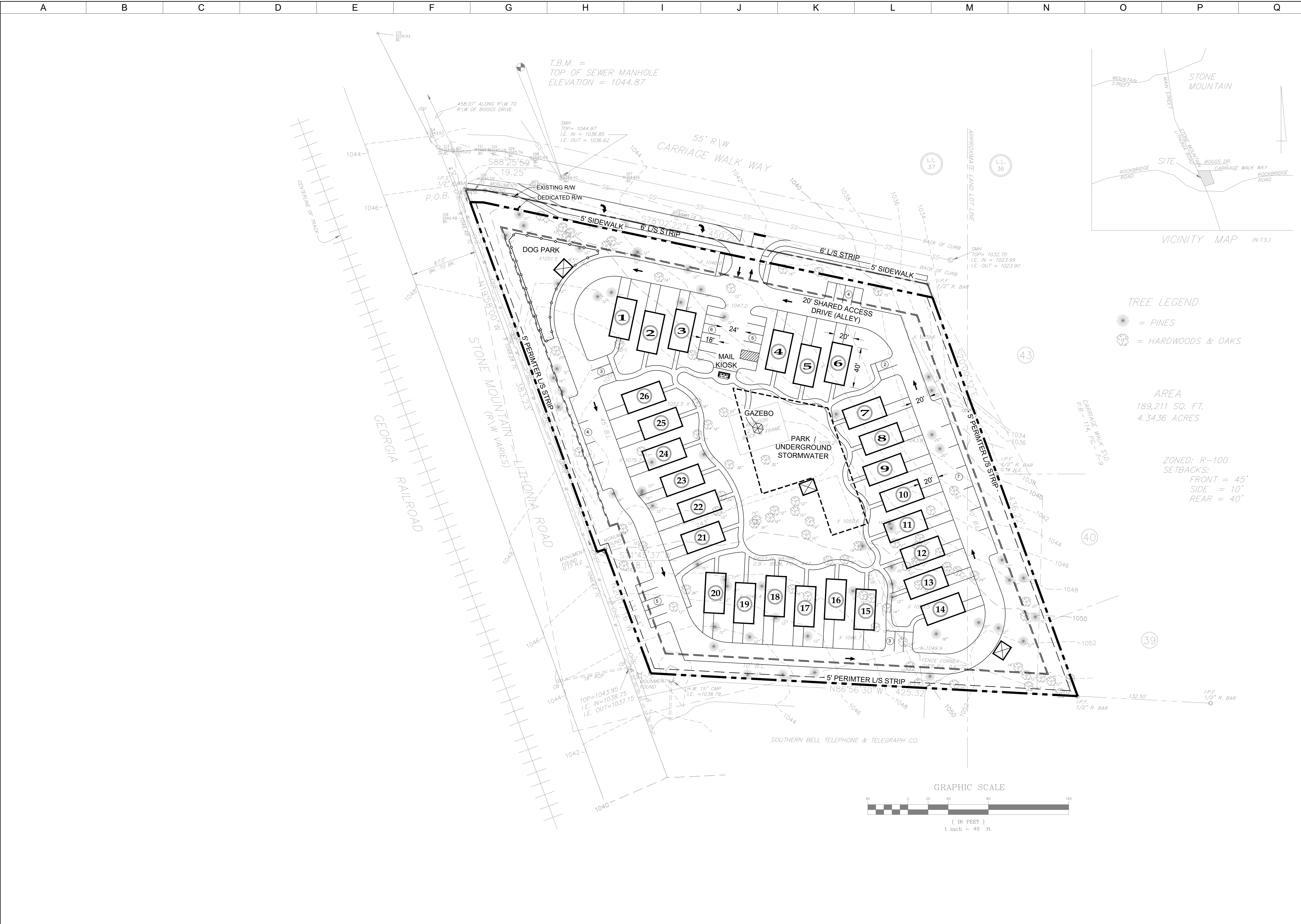


BOUNDARY, TOPOGRAPHIC & TREE SURVEY  
FOR  
**R M T CONSTRUCTION, INC.**

Z:\Dwg2002\DeKalb\0212490.dwg 2/11/2003 9:35:20 AM EST

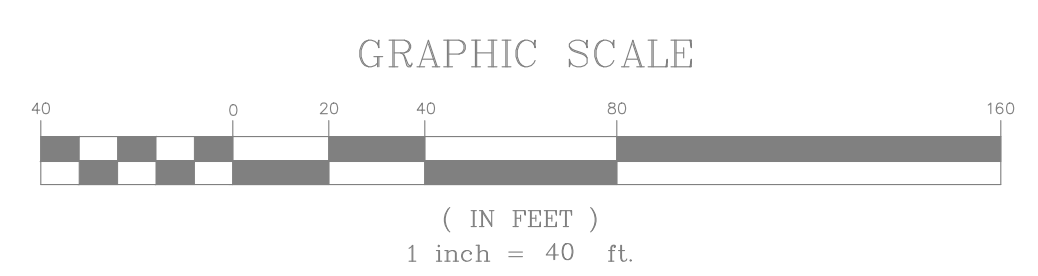
**GRANT SHEPHERD & ASSOCIATES**  
SURVEYING · PLANNING  
3751 VENTURE Dr., SUITE 205  
GWINNETT PLACE BUSINESS PARK  
DULUTH, GA 30096  
OFFICE (770)418-9823  
FAX (770)418-9829  
EMAIL: sgs3761@aol.com

02-12-490



**AREA**  
189,211 SQ. FT.  
4.3436 ACRES

**ZONED: R-100**  
**SETBACKS:**  
FRONT = 45'  
SIDE = 10'  
REAR = 40'



**ALLIANCE ENGINEERING + PLANNING LANDSCAPE ARCHITECTURE LAND SURVEYING**  
ONE ENGINEERING + LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING  
279 South Main St., Suite A.1 | Alpharetta, GA 30009  
770.223.4735 | www.alliance.com

Copyright 2020, Alliance Engineering & Planning, Inc.  
This drawing is the sole property of Alliance Engineering & Planning, Inc. It is to be used for the specific project and location identified herein only. No part of this drawing may be reproduced, stored in any retrieval system, or transmitted in any form or by any means, either electronic, mechanical, printed, photocopied, or in any way without the written permission of Alliance Engineering & Planning.

**NOT RELEASED FOR CONSTRUCTION**

**BATTLE LAW**  
3562 HABERSHAM AT NORTHLAKE  
BUILDING J, SUITE 100  
TUCKER, GA 30084  
24 HR CONTACT: MICHELE BATTLE  
PHONE: 404.601.7616 EXT. 1  
EMAIL: MLB@BATTLELAWPC.COM

**Site Concept Plans for**  
**STONE MOUNTAIN LITHONIA ROAD TRACT**  
373 & 389 STONE MOUNTAIN LITHONIA ROAD  
L.L. 36 & 37 - DISTRICT 18TH  
PARCEL # 18 037 05 003 & 18 037 05 004

Orig. Issue 08.11.20  
Designed by BW  
Checked by BW  
Project # 20089

**CONCEPT PLAN**

02.14.22

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

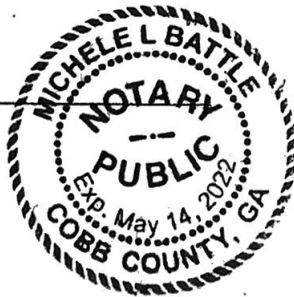
Yes \_\_\_\_\_ No X \*

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


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

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

  
\_\_\_\_\_  
Notary



Dawn Group, LLC

By:   
\_\_\_\_\_  
Signature of Applicant /Date

Check one: Owner X Agent \_\_\_\_\_

\_\_\_\_\_  
Expiration Date/ Seal

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



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes  No  \*

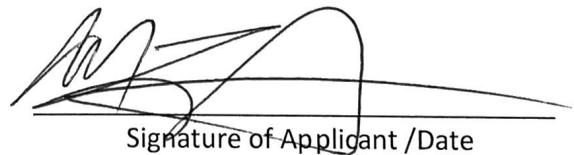
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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

  
Notary



  
Signature of Applicant /Date

Check one: Owner \_\_\_\_\_ Agent

08/18/25  
Expiration Date/ Seal

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

Campaign Contribution Disclosure Statements  
Last Updated 2/24/2021

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michèle L Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Ted Terry	<b>Commissioner</b>	<b>\$500</b>
Mereda Davis Johnson	<b>Commissioner</b>	<b>\$250</b>

By:   
Printed Name: Michele L. Battle



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by  
DeKalb County Zoning Ordinance  
For  
A Special Land Use Permit to Allow for Senior Housing

of

**Tricycle Development Group, LLC.  
c/o Battle Law, P.C.**

for

**+/-4.3 Acres of Land**  
Being 373 and 399 North Stone Mountain Lithonia Road, Georgia and  
Parcel Nos. 18 037 05 003 and 18 037 05 004

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
Habersham at Northlake, Building J, Suite 100  
Tucker, Georgia 300384  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)



# Battle Law

## **I. LETTER OF INTENT**

The Applicant, Tricycle Development Group, LLC. is seeking to rezone the property located at 373 and 399 Stone Mountain Lithonia Road, being tax parcel nos. 18 037 05 004 and 18 037 05 003 (the “Subject Property”) from R-100 to RSM to allow for a 26-unit senior bungalow community for active adults ages 55 and older. The Subject Property has been marketed for over a decade with no interest in any development as currently zoned. This proposed subdivision is introducing a beautiful product that is new to the area. The proposed senior bungalows, ranging from 800sf – 1,200sf are perfect for seniors seeking to downsize, but wish to remain active in the community. Proposed amenities include a walking trail interior to the site, a dog park, and a clubhouse. The proposed RSM zoning and proposed senior bungalow subdivision are consistent with the suburban (SUB) future land use designation and would be appropriate for the area.

This document is submitted both as a Statement of Intent, analysis of the Special Land Use Permit (SLUP) criteria, and a preservation of the Applicant’s constitutional rights. 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. SLUP CRITERIA**

*A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.*

The Subject Property is perfect for the contemplated use. The Applicant has included a site plan with this Application which shows that all dimensional requirements for this contemplated use have been met under the proposed RSM zoning district.

*B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.*

The proposed use is compatible with those uses on adjacent properties and those in the district. To the North, West, and East, the Subject Property abuts single-family detached homes. To the South the Subject Property abuts an AutoZone auto parts store. The Applicant proposes twenty-six (26) single-family detached bungalows that would be age-restricted and, therefore, qualify as senior housing.

Senior housing is compatible with the surrounding uses, especially in the way the Applicant has laid out the proposed community. This proposal creates a cohesive walkable cottage community that blends in with the adjacent traditional suburban neighborhood. The proposed community would also be complementary to the senior apartment community currently being developed at the corner of Rockbridge Road and Stone Mountain Lithonia Road.



## Battle Law

*C. Adequacy of public services, public facilities, and utilities to serve the proposed use.*

There Subject Property can connect to both public water and sewer. The Applicant has submit to DeKalb County a Sewer Capacity Letter Request on February 17, 2022.

*D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.*

The local public street on which this use is proposed feeds into North Stone Mountain Lithonia Road which is classified as a Major Arterial Street by the Georgia Department of Transportation. The proposed use only contemplates twenty-six (26) age restricted senior bungalows. Therefore, the number of trips in and out of the proposed community will be significantly less than what one would typically see in a similarly sized family-oriented development. The combination of the low number of homes, the activity levels of seniors, and the fact that the proposed community is at the intersection of a local street and a Major Arterial Street shows that the streets are more than adequate to support the proposed use.

*E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.*

The existing land uses located along access routes to the Subject Property will not be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use. The character of vehicle generated by this use would likely be typical, consumer vehicles. Furthermore, the number of trips generated by this proposed use will be low, as seniors are not expected to drive as often as someone younger. Many seniors are retired and do not need to drive to and from work every day whereas a younger resident would.

*F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.*

The site plan proposes adequate ingress and egress to the Subject Property and to all proposed buildings, structures, and uses thereon. The International Fire Code was recently updated in January of 2022 to update the number of units that would trigger the requirement for a second entrance into a new development. That update changed the number from thirty (30) units to 120 units. This proposed community falls below even the pre-update number.

*G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.*

The proposed use will not create adverse impacts up on any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The Subject Property



## Battle Law

will be used for single-family detached senior housing cottages. This use should be quiet and free of any uses that would result in smoke, odor, dust or vibration.

*H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.*

The proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The Subject Property will not be used for business purposes. So, there are no “hours of operation.” Additionally, there are no amenities on this site that would encourage use into the late hours. The amenities, a walking trail and gazebo, are meant to be used during the day so that the residents might enjoy the weather and get some exercise. Additionally, the property will be managed by an HOA that will operate during normal business hours.

*I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.*

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. These will be single-family detached homes occupied by senior citizens. The use will be identical to the existing single-family detached homes in the area except the homes on the Subject Property will be occupied solely by seniors.

*J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.*

The proposed use is consistent with the current requirements of the zoning district classification in which the use is proposed to be located.

*K. Whether the proposed use is consistent with the policies of the comprehensive plan.*

The proposed use is consistent with the senior housing policies set forth in the comprehensive plan to encourage housing for seniors that is well planned, soundly financed and located within a pedestrian friendly, residential community.

*L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.*

The proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

*M. Whether there is adequate provision of refuse and service areas.*

There are adequate provisions of refuse and service areas.



## Battle Law

*N. Whether the length of time for which the special land use permit is granted should be limited in duration.*

There is no need to limit the length of time for which the special land use permit is granted. Once the use is approved, the senior housing community will be built and continue to exist into the future indefinitely. Therefore, limiting the duration of the SLUP would result in a non-conforming use upon its expiration.

*O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.*

The size, scale, and massing of proposed buildings are appropriate in relation to the size of the Subject Property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

*P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.*

The proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not located in a historic district and there are no historic buildings or sites nearby.

*Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.*

The proposed use satisfies the requirements contained within the supplemental regulations for such SLUP. See the additional analysis following this one that addresses the supplemental regulations for senior housing communities.

*R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.*

The proposed use will not create a negative shadow impact on any adjoining lot or building as a result of the proposed building height. The proposed building height is limited to one story.

*S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.*

The proposed use would be consistent with the needs of the neighborhood or the community as a whole, it would be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan. DeKalb County desperately needs



## Battle Law

more diversity in the type of senior housing being offered, particularly in South DeKalb where senior housing has typically been limited to apartment buildings.

### **III. SENIOR HOUSING CRITERIA**

In addition to the SLUP criteria above, certain other criteria apply specifically to new senior-housing developments. Those criteria are listed and addressed in this section below.

#### *1. Proximity and pedestrian access to retail services and public amenities.*

Various kinds of retail and public amenities surround the Subject Property. Rockbridge Plaza is located .30 miles from the Subject Property and has a grocery store, pharmacy, bank and other retail outlets in the center. Wade Walker YMCA and Park is also located within walking distance of the Subject Property. This facility has senior oriented programming. Additionally, the Subject Property is a five (5) minute drive from one of the entrances to Stone Mountain Park.

#### *2. Transportation alternatives.*

There are MARTA buses stop at several locations along North Stone Mountain Lithonia Road and several more along Rockbridge Road SW with the closest stop being 0.3 miles from the Subject Property.

#### *3. Integration into existing neighborhoods through connectivity and site design.*

The proposed use will integrate nicely into the neighborhood. The sole entrance will be off of Carriage Walk Way where other residents are already entering their neighborhood. The senior community will abut a cul-de-sac of the abutting neighborhood and act almost like a second cul-de-sac that is set aside for senior residents while amenities.

#### *4. Diverse housing types.*

The proposed use will introduce a housing type for seniors not currently available in the area. Historically this part of South DeKalb has only provided for affordable senior apartment units.

#### *5. Site and building design that encourages social interaction.*

The site proposes a centralized enhanced open space that includes walking path, a gazebo or club house, a community garden and a dog park. The proposed homes will all face the central open space to provide a shared space that has the feeling of a private community. The homes facing the shared open space also serves as a security measure so that if anybody is hurt while in the shared space, several residents will “have eyes on” the open space.

#### *6. Building design that meets easy living standards.*





## Battle Law

The proposed homes are meant to be small homes that are easy to maintain and easily accessible for seniors. There will be no stepped entrances so that the residents can avoid walking up steps to enter their home, and all units will be one story.

### **IV. ADDITIONAL CRITERIA**

The following criteria are additional criteria that must be considered for senior housing. They are listed and addressed in this section below.

1. *Building height.*

The homes will be one (1) story.

2. *Landscaping.*

All required landscape buffers will be adhered to. All landscaping of buffers and centralized open space will be handled by a mandatory HOA.

3. *Maximum lot coverage.*

The maximum lot coverage will comply with the zoning requirements.

4. *Setbacks from exterior property lines.*

The setbacks will satisfy those required by the zoning district.

5. *Site size.*

The site is +/-189,211sq.ft. or +/- 4.3 acres.

6. *Access to thoroughfare.*

The Subject Property has access to North Stone Mountain Lithonia Road via the ingress/egress onto Carriage Walk Way which in turn access North Stone Mountain Lithonia Road.

### **V. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from R-100 to RSM and accompanying Special Land Use Permit be approved. The Applicant welcomes any questions and feedback from the planning staff.



## Battle Law

### **VI. 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 amend the land use and/or 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 land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would



## Battle Law

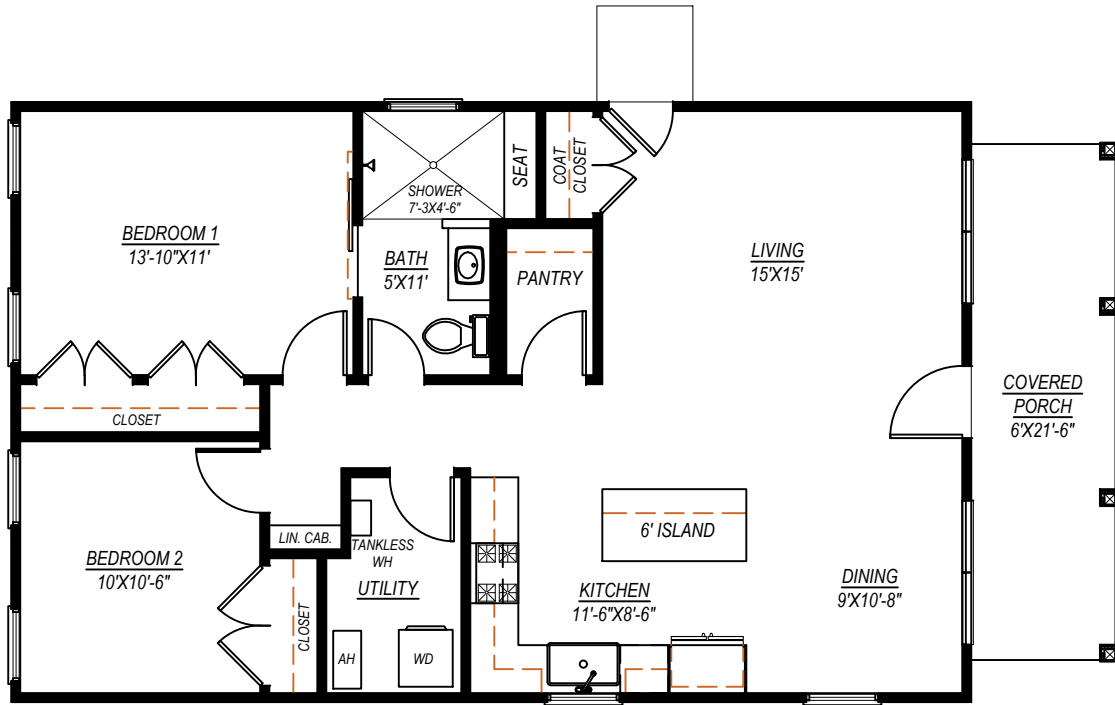
be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or 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 land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

---

Michele L. Battle, Esq.  
Attorney for the Applicant



**FLOOR PLAN**



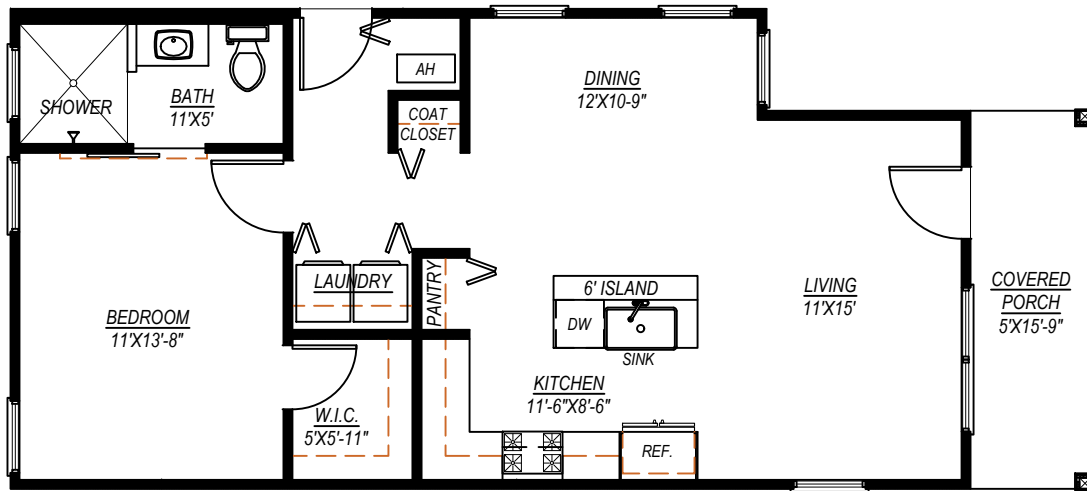
**FRONT ELEVATION**

**DIMENSIONS:** 25 FEET WIDE - 40 FEET DEEP  
**EXTERIOR FINISH:** BOARD & BATTEN & STONE SKIRTING  
**ROOFING:** ARCHITECTURAL SHINGLES

**OVER 55 ACTIVE ADULT HOME**

**2 BEDROOM 1 BATH BUNGALOW**  
 1000 SQUARE FEET LIVING AREA

**A'VANT**  
**ARCHITECTURE**



**MAIN FLOOR PLAN**



**FRONT ELEVATION**

**DIMENSIONS:** 20 FEET WIDE - 40 FEET DEEP  
**EXTERIOR FINISH:** BOARD & BATTEN CEDAR SHAKES &  
 STONE SKIRTING  
**ROOFING:** ARCHITECTURAL SHINGLES

**OVER 55 ACTIVE ADULT HOME**

**1 BEDROOM 1 BATH BUNGALOW**  
 764 SQUARE FEET LIVING AREA

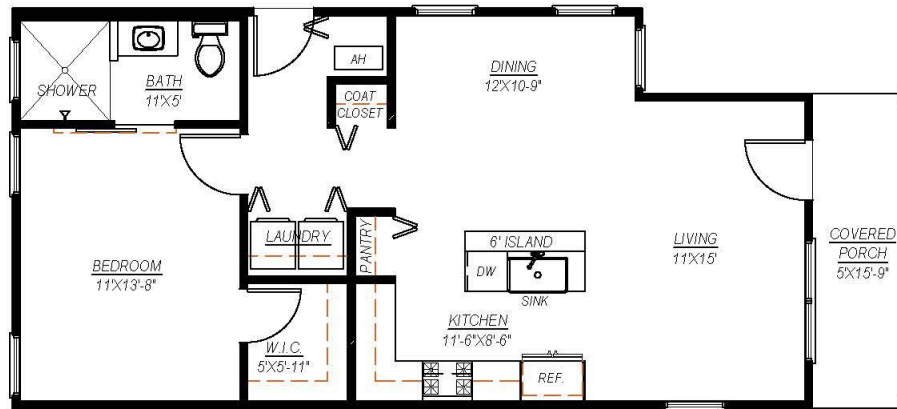
**A'VANT**  
**ARCHITECTURE**





N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

# Elevation and Floor Plan - 1



MAIN FLOOR PLAN



FRONT ELEVATION

DIMENSIONS: 20 FEET WIDE - 40 FEET DEEP  
EXTERIOR FINISH: BOARD & BATTEN CEDAR SHAKES &  
STONE SKIRTING  
ROOFING: ARCHITECTURAL SHINGLES

OVER 55 ACTIVE ADULT HOME

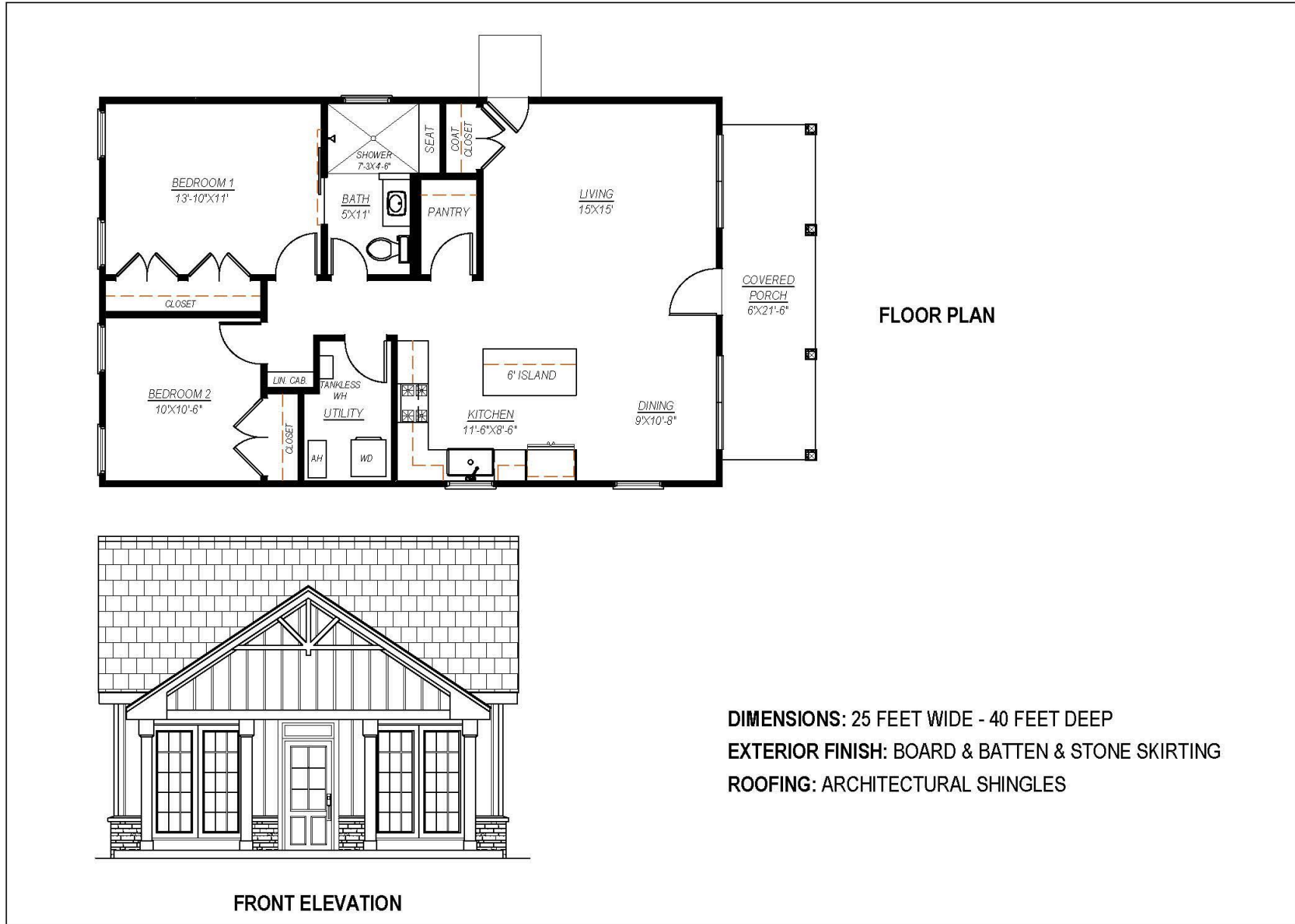
1 BEDROOM 1 BATH BUNGALOW  
764 SQUARE FEET LIVING AREA

A'VANT  
ARCHITECTURE



N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

# Elevation and Floor Plan - 2



**OVER 55 ACTIVE ADULT HOME**

**2 BEDROOM 1 BATH BUNGALOW**  
1000 SQUARE FEET LIVING AREA

**A'VANT**  
ARCHITECTURE

N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

# Zoning Map



N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

# Land Use Map



N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

Aerial View



N. 15 Z-22-1245558  
N. 16 SLUP-22-125692

Site Photo



Subject Property



Homes in Adjoining Subdivision