

Agenda Item

File ID: 2022-1483

Substitute

6/28/2022

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 07

Application of Battle Law, PC to rezone property from R-100 (Residential Medium Lot-100) to RSM (Residential Small Lot Mix) to develop a 21-unit senior housing community, at 373 Stone Mountain-Lithonia Road.

PETITION NO.: Z-22-1245558 (2022-1483)

PROPOSED USE: Senior Housing (Single-family, detached, cottage style homes.)

LOCATION: 373 & 399 Stone Mountain Lithonia Road, Stone Mountain, Georgia

PARCEL NO.: 18-037-05-003, -004

Information Contact: Melora Furman, Sr. Planner

Phone Number: 404-371-2155

PURPOSE:

Application of Battle Law, PC to rezone property from R-100 (Residential Medium Lot-100) to RSM (Residential Small Lot Mix) to develop a 21-unit senior housing community, at 373 Stone Mountain-Lithonia Road.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

STAFF RECOMMENDATION: Approval with Conditions (rev. 6/24/2022).

PLANNING STAFF ANALYSIS: 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.

PLANNING COMMISSION VOTE: Approval with Conditions 5-0-1. LaSonya Osler moved, Jana Johnson seconded for Approval with three (3) conditions, per Staff recommendation. Tess Snipes abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 10-0-0.

2022-1483

SUBSTITUTE

RECOMMENDED ZONING CONDITIONS

06-28-2022

1. The development shall be in substantial conformity to the revised site plan titled, “Zoning Plan for Stone Mountain Lithonia Road Tract”, prepared by Alliance Engineering and Planning, dated 8/11/2022 and stamped as received by the Department of Planning and Sustainability on 5/3/22.
2. That stormwater detention facility shall be underground and 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.
3. A dog waste disposal station shall be provided in the Dog Walk Park.
4. The approval of this -----rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.



DeKalb County Department of Planning & Sustainability

**178 Sams Street
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

Board of Commissioners Hearing Date: June 28, 2022

STAFF ANALYSIS

Case No.: Z-22-1245558 **Agenda #:** 2022-1483

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: Rezone property from R-100 (Residential Medium Lot-100) to RSM (Residential Small Lot Mix) to develop a 21-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

Proposed Density: 4.83 units/acre	Existing Density: N.A. (undeveloped)
Proposed Units: 21	Existing Units: N.A. (undeveloped)

Companion Application: The applicant has filed a companion application (SLUP-22-1245692) to allow use of the property for senior housing.

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 site plan for the proposal under consideration has undergone significant revisions. The site plan initially submitted for this application was for a 23-unit cottage-style development with detached, one-story homes laid out around a central green space. A 20-foot-wide private drive with street parking on its outer side circled around the perimeter of the development site and provided vehicular access to driveways at the rear of each home. The site plan now shows 23 cottages in groups of two to six homes that face green spaces. These green spaces are interconnected with walking paths. A surface parking lot is located at the center of the site. The homes are on individual, “fee simple” lots with common area around the lots.

Underground detention is still located at the east side of the development site. Common green space at the south end of the property 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	4.83 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 allowed)
MIN. OPEN SPACE (Applicable if project is > 5 ac. or ≥ 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 (typical)	Yes
MIN. LOT WIDTH		20 feet	35 feet (typical)	Yes
MAX. LOT COVERAGE		50% per lot	50%	Yes
BUILDING SETBACKS	FRONT (entire lot)	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	N.A.
MINIMUM UNIT SIZE/MAX. BUILDING FOOTPRINT		800 square feet/1,200 square feet	800 square feet/1,000 square feet	Yes
MAX. BLDG. HEIGHT		1.5 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	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.

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
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.
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
PARKING	Min. 2 /unit = 46 spaces; Max. 4 /unit = 92 spaces	40 spaces	A variance will be necessary.

LAND USE AND ZONING ANALYSIS

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

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

The 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.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

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.

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

It appears that the property has reasonable economic use for single-family homes allowed by the current R-100 zoning classification. However, this conclusion does not nullify the desirability of rezoning the property for development of cottage homes for seniors.

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

The proposed development is not expected to have adverse effects on adjacent properties. The development would be screened by dense trees that would be planted in the transitional buffer located along the east property line of the subject property. It is not expected to have a negative effect on the adjoining public utility office property to the south.

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

According to the US Census American Fact Finder service, senior citizens over 55 years old comprised 22% of the DeKalb County population in 2017, or approximately 161,934 persons. The senior population increased by approximately 5,000 persons per year between 2010 and 2017. 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 the sense of community provided by the cottage layout to avoid isolation and provide a sense of security and support.

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

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

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

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.

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

There has been no indication that the zoning proposal will have adverse impacts on the environment or surrounding natural resources beyond those that are typical when a wooded property is redeveloped.

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:

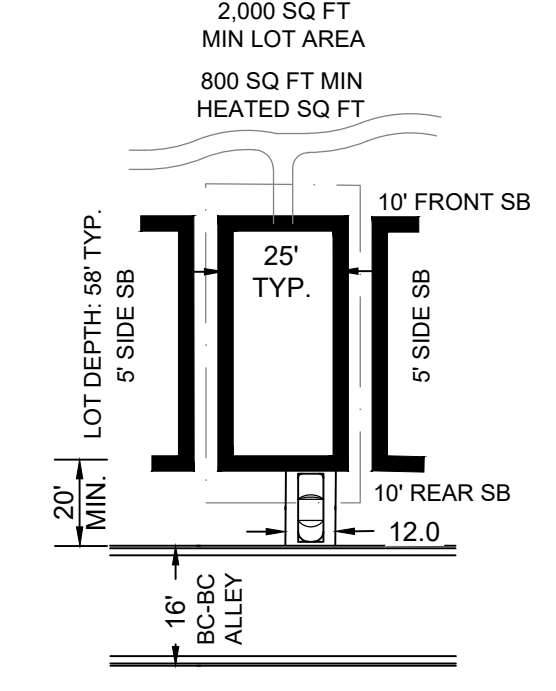
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2. That stormwater detention facility shall be underground and shall be engineered and located to provide minimal risk of impacting the adjoining property to the north, subject to approval by staff of the Land Development Division.
3. A dog waste disposal station shall be provided in the Dog Walk Park.
4. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

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



**SINGLE FAMILY COTTAGE
TYPICAL LOT DETAIL**



PROPERTY OWNERS:
PID: 18 037 05 003 - DAWN GROUP LLC
PID: 18 037 05 004 - DAWN GROUP LLC

PARKING ANALYSIS		TOTAL PER HOUSE	TOTAL LOT	TOTAL SPACES
LOT TYPE	GARAGE/DRIVEWAY			
FRONT ENTRY	0	1	23	23
TOTAL PARKING SPACES REQUIRED FOR RESIDENTIAL				12
GUEST / CLUBHOUSE / MAIL KIOSK PARKING				25
TOTAL PARKING SPACES PROPOSED FOR RESIDENTIAL				48

SEWER NOTE:
SEWER WILL BE A GRAVITY LINE AND TIE INTO THE EXISTING SEWER MANHOLE ALONG ALONG CARRIAGE WALK WAY.

WATER NOTE:
EXISTING WATER LINE LOCATED ON STONE MOUNTAIN LITHONIA ROAD AND PROVIDED BY DEKALB COUNTY.

STREET LIGHT NOTE:
FIXTURES AND ILLUMINATION SHALL COMPLY WITH COUNTY STANDARDS.

FEMA NOTE:
NO PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD PLAIN AS PER FEMA MAP NO. 13089C0091K, DATED DECEMBER 08, 2016

TREE PRESERVATION NOTE:
EITHER 120 INCHES (DBH) PER ACRE OR 25% OF EXISTING SIGNIFICANT TREES PER ACRE OF SUCH SIGNIFICANT TREES, WHICHEVER IS LESS, SHALL BE PRESERVED ON THE SITE.

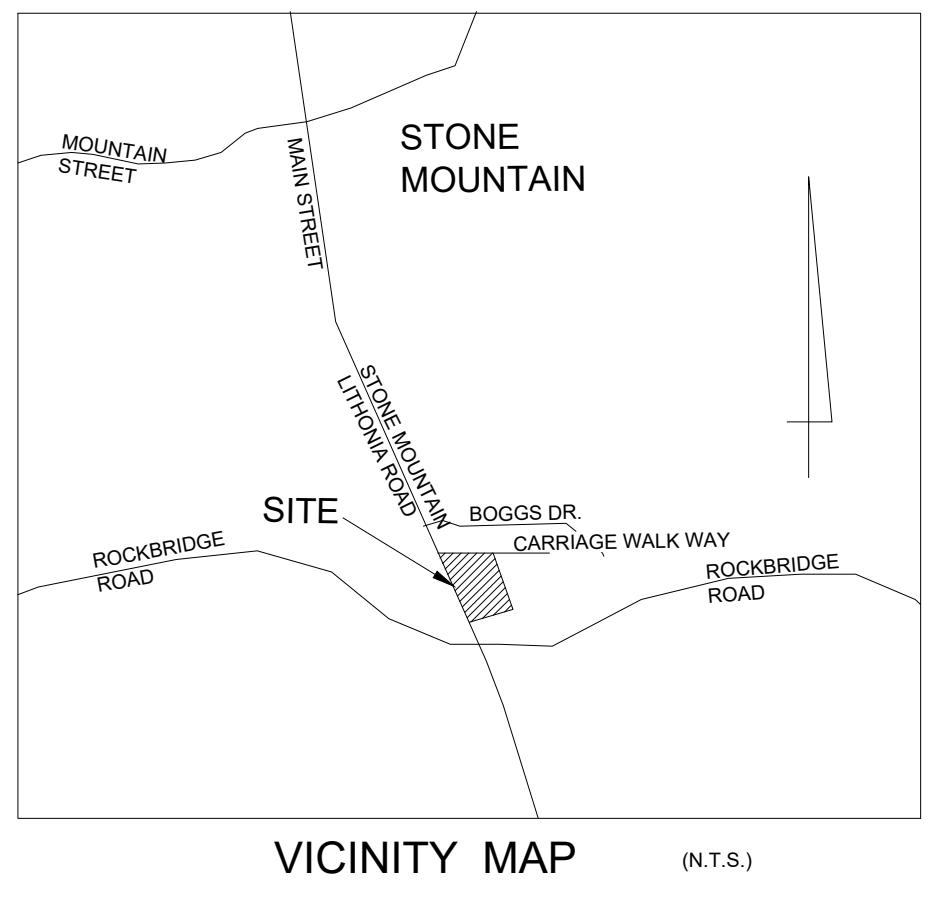
BOUNDARY SURVEY BY:
ALLIANCE SURVEY
4525 S. LEE STREET
BUFORD, GEORGIA 30518
PHONE: 334.360.4197

= PROPOSED TREE SAVE LIMITS; LIMITS ARE SUBJECT TO CHANGES WITH FURTHER REVIEW OF GRADING AND TREE SURVEY DATA.

DEVELOPMENT TABLE	
GROSS ACRES:	+/-4.34 AC. (189,050 SQ. FT.)
EXISTING ZONING:	R-100
PROPOSED ZONING:	RSM W/ SLUP / DEKALB COUNTY
TOTAL UNITS:	23 UNITS
TOTAL DENSITY:	5.30 U/A
UNIT WIDTH:	25' TYPICAL
LOT AREA:	2,000 SQ. FT. MIN.
LOT WIDTH:	35' TYPICAL
UNIT HEATED AREA:	800 SF MIN.
BUILDING SETBACKS	
FRONT:	20' THOROUGHFARES; 10' INTERNAL (20' MIN DRIVEWAYS)
REAR:	10'
SIDE:	5'
BETWEEN FOUNDATIONS:	
L/S STRIP:	10' TYPICAL
BUILDING HT. REQUIRED:	AS SHOWN
PARKING REQUIRED:	35 FT MAXIMUM
LOT COVERAGE ALLOWED:	0.5 / UNIT FOR EACH DWELLING; 0.25 / UNIT FOR GUESTS
LOT COVERAGE PROVIDED:	50% (MAXIMUM PER LOT OR TOTAL PARCEL ACREAGE)
	50%

SEC. 5.5.1 (B) THE OPEN SPACE REQUIREMENTS IN DIVISION 5 OF THIS ARTICLE DO NOT APPLY TO RESIDENTIAL SUBDIVISIONS WITH LESS THAN FIVE (5) ACRES OR LESS THAN THIRTY-SIX (36) RESIDENCES.

VARIANCES REQUESTED:
1.) 800 SQUARE FEET MAXIMUM BUILDING FOOTPRINT TO 1000 SQUARE FEET
2.) GRADED & REPLANTED BUFFERS



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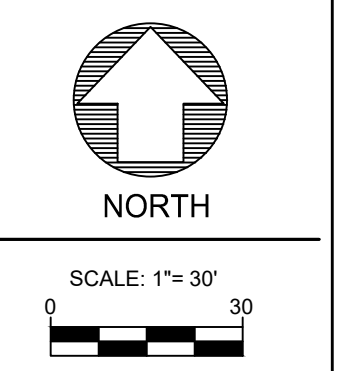
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RELEASED
FOR
CONSTRUCTION

SURVEYING BY:
GRANT SHEPHERD & ASSOCIATES, INC.
PHONE: (770)418-8823
CONTACT: SEATON G. SHEPHERD JR.

BATTLE LAW
3862 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

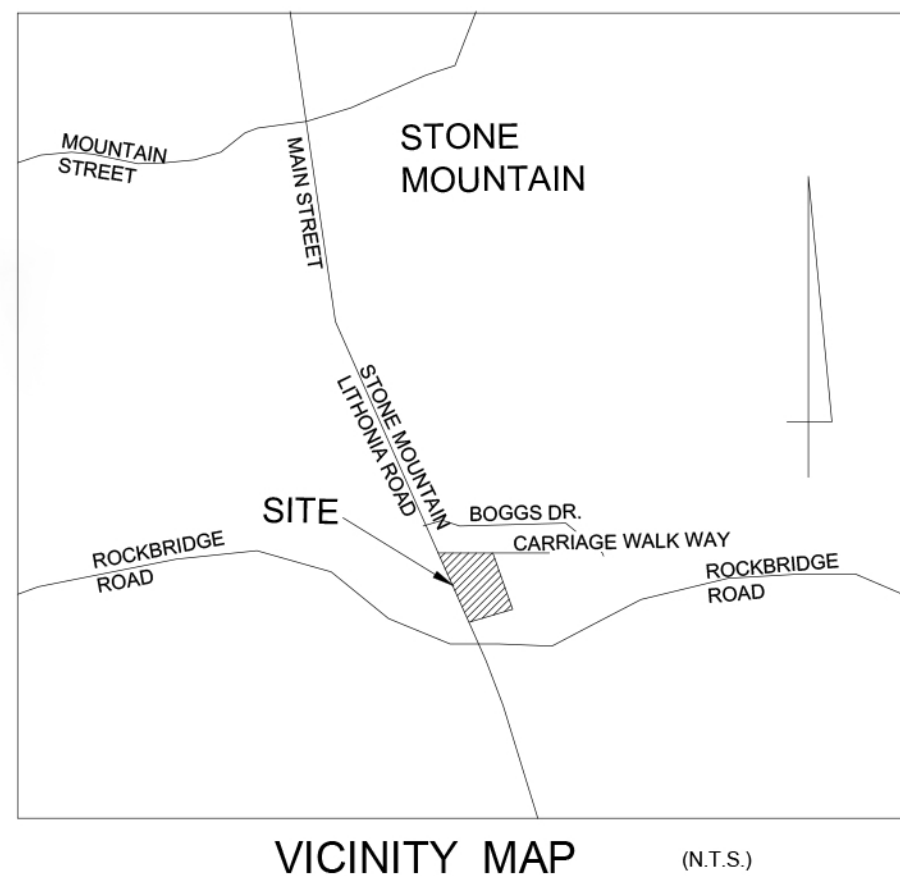
Zoning Plan for
STONE MOUNTAIN LITHONIA ROAD TRACT
373 & 389 STONE MOUNTAIN LITHONIA ROAD
L.L. 36 & 37 - DISTRICT 181H
PARCEL # 18 037 05 003 & 18 037 05 004

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

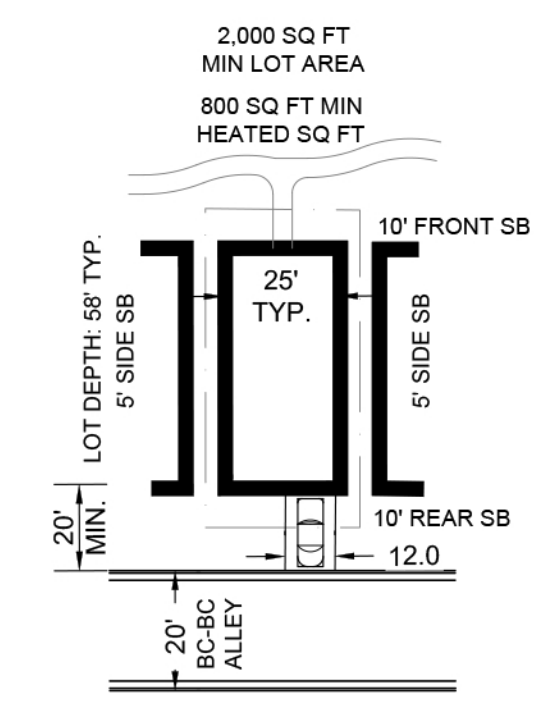


ZONING PLAN

5.16.22



SINGLE FAMILY COTTAGE TYPICAL LOT DETAIL



PROPERTY OWNERS:
 PID: 18 037 05 003 - DAWN GROUP LLC
 PID: 18 037 05 004 - DAWN GROUP LLC

PARKING ANALYSIS		TOTAL PER HOUSE	TOTAL LOT	TOTAL SPACES
LOT TYPE	GARAGE/DRIVEWAY			
FRONT ENTRY	0	1	23	23
TOTAL PARKING SPACES REQUIRED FOR RESIDENTIAL 12				
GUEST / CLUBHOUSE / MAIL KIOSK PARKING 25				
TOTAL PARKING SPACES PROPOSED FOR RESIDENTIAL 48				

SEWER NOTE:
 SEWER WILL BE A GRAVITY LINE AND TIE INTO THE EXISTING SEWER MANHOLE ALONG CARRIAGE WALK WAY.

WATER NOTE:
 EXISTING WATER LINE LOCATED ON STONE MOUNTAIN LITHONIA ROAD AND PROVIDED BY DEKALB COUNTY.

STREET LIGHT NOTE:
 FIXTURES AND ILLUMINATION SHALL COMPLY WITH COUNTY STANDARDS.

FEMA NOTE:
 NO PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD PLAIN AS PER FEMA MAP NO. 13089C0091K, DATED DECEMBER 08, 2016

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BOUNDARY SURVEY BY:
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 PHONE: 334.360.4197

= PROPOSED TREE SAVE LIMITS: LIMITS ARE SUBJECT TO CHANGES WITH FURTHER REVIEW OF GRADING AND TREE SURVEY DATA.

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BUILDING HT. REQUIRED:	35 FT MAXIMUM
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LOT COVERAGE PROVIDED:	50%

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VARIANCES REQUESTED:
 1.) 800 SQUARE FEET MAXIMUM BUILDING FOOTPRINT TO 1000 SQUARE FEET
 2.) GRADED & REPLANTED BUFFERS

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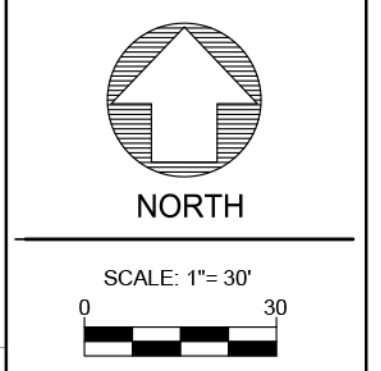
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 TUCKER, GA 30084
 24 HR CONTACT: MICHELE BATTLE
 PHONE: 404.601.7616 EXT. 1
 EMAIL: MLB@BATTLELAWPC.COM

Zoning Plan 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



ZONING PLAN

04.12.22

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).
- 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). Interior streets must be private.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

N-15

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

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-22-1245558 Parcel I.D. #: 18-037-05-003 & -004

Address: 373 & 399
Stone Mountain GA,

Adjacent Roadway (s):

(classification) (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

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

COMMENTS:

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

Signature: Jerry White

4/13/2022

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

General Comments:

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

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

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

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

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

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

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

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



DEKALB COUNTY 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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

**Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia**

Date Received: _____ Application No: _____

Applicant Name: Battle Law, P.C.

Applicant E-Mail Address: mlb@battlelawpc.com

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

Applicant Daytime Phone: 404-601-7616 Fax: _____

Owner Name: Dawn Group LLC

If more than one owner, attach list of owners.

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

Owner Daytime Phone: _____

Address of Subject Property: 373, 399 Stone Mountain Lithonia Road Stone Mountain, GA 30088

Parcel ID#: 18 037 05 004, 18 037 05 003

Acreage: 4.3436 Commission District: District 4, Super District 7

Present Zoning District(s): R-100

Proposed Zoning District: RSM

Present Land Use Designation: SUB

Proposed Land Use Designation (if applicable): _____

REZONING APPLICATION CHECKLIST

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre-Application form** (to be completed in pre-application meeting). Please call 404-371-2155 for appointment.

 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners association(s) may also be provided.

 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

 A. **Application form** with name and address of applicant and owner, and address of subject property;

 B. **Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;

 C. **Letter of application and impact analysis**

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.

2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

 D. **Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.

 E. **Campaign disclosure statement** (required by State law).

 F. **Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*

 G. **Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:

 a. complete boundaries of subject property;

 b. dimensioned access points and vehicular circulation drives;

 c. location of all existing and proposed buildings, structures, setbacks and parking;

 d. location of 100 year floodplain and any streams;

 e. notation of the total acreage or square footage of the subject property;

 f. landscaping, tree removal and replacement, buffer(s); and

 g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

 H. **Reduced Site Plan**, reduced to 8.5" x 11".

 I. **Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).

 J. **Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

 K. **Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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

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

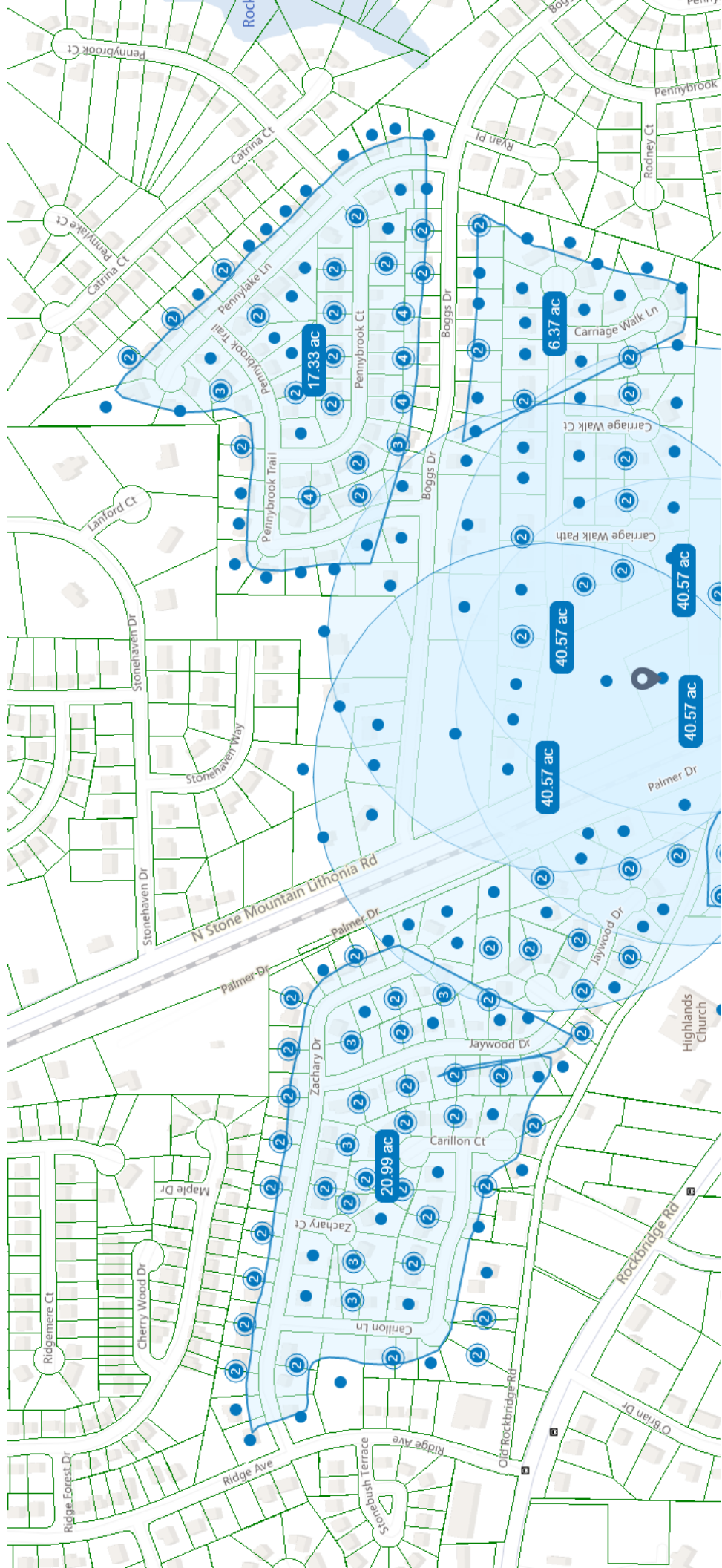
Muhammad A Glasgow	Dessica F Hodges	533 Jaywood Dr	Stone Mountain	GA	30083-3877
Charles McKenzie	Chineka McKenzie	539 Jaywood Dr	Stone Mountain	GA	30083-3877
Jimmy E Alvarez		545 Jaywood Dr	Stone Mountain	GA	30083-3877
Douglas N McCurdy		Po Box 305110	Nashville	TN	37230-5110
Autozone Inc		5100 Poplar 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

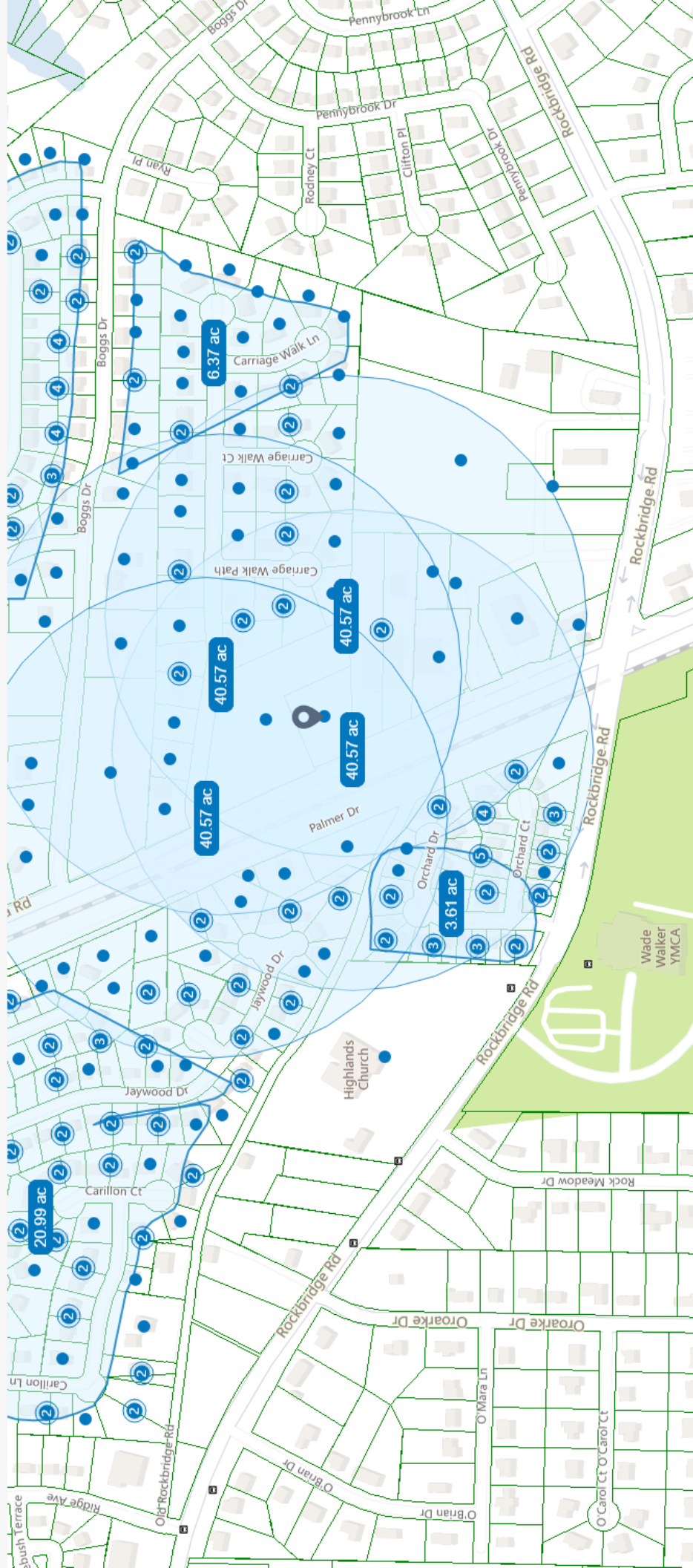
Community Meeting Mailing List

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

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning on Application Pursuant to
DeKalb County Zoning Ordinance

of

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

for

4.34± Acres of Land located at 373 & 399 Stone Mountain Lithonia Road
Being Tax Parcel No. 18 037 05 004 & 18 037 05 003
Stone Mountain, DeKalb County, Georgia, 30088

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
3562 Habersham at Northlake
Building J, Suite 100
Tucker, Georgia 30084
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Tricycle Development Group 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. The Subject Property has been marketed for over a decade with no interest in any development as currently zoned. The Applicant is seeking this rezoning to RSM to allow for a 26-unit senior bungalow community. The 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.

Building Materials	Hardie board with brick accents
Unit Size	800sf – 1,200sf
Number Of Bedrooms	1 and 2
Garages	Parking Pad for each unit
Anticipated List Price	\$250,000 - \$275,000

This document is submitted both as a Statement of Intent and Impact Analysis with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis.

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

II. IMPACT ANALYSIS

(a) *The existing land uses and zoning classification of nearby property;*

The Subject Property is located on Stone Mountain Lithonia Road and is zoned R-100, with a land use designation of SUB. Other properties in the area are zoned R-100, R-75 and RSM with a future land use designation of SUB.

(b) *The effect on adjacent properties;*

The proposed 26-unit senior bungalow community is suitable for the area and will not adversely affect adjacent properties. The proposed project will be an asset to the greater community adding more housing options to the area. Additionally, being that the homes will be for the senior population, the new homes will not have a significant impact on traffic and will have no impact on local schools.

(c) *Whether the subject property has a reasonable economic use as currently zoned;*

The Subject Property has minimal economic use as currently zoned. Due to building costs and current market trends, the Subject Property would be better suited with smaller lots than allowed with its current R-100 zoning classification.

(d) *Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;*

The proposed RSM zoning and associated proposed senior development are suitable in view of the use and development adjacent and nearby property. The surrounding properties are primarily residential, similar to the proposed subdivision. Future residents

of the proposed subdivision would also have the opportunity to support local businesses and enjoy the nearby Wade Walker Park and YMCA.

- (e) *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;*

The proposed use will not adversely affect the existing use or usability of adjacent or nearby property. The proposed community will add 26 homes on the Subject Property, which would be an asset, rather than an adversity, for the greater neighborhood.

- (f) *Whether the zoning proposal is in conformity with the policies and intent of the land use plan;*

The zoning proposal is in conformity with the policies and intent of the land use plan. The future land use designation of the Subject Property is SUB, and the proposed RSM zoning classification is in line with that.

- (g) *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and*

The proposed use, a 26-unit senior bungalow community, will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The homes will be occupied by seniors, so the development will have minimal impact on roads and no impact on schools.

- (h) *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

To the Applicant's knowledge, there are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning to RSM.

III. CONCLUSION

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

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 grant the Special Land Use Permit 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 granting of the Special Land Use Permit 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 grant the Special Land Use Permit in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to approve the Special Land Use Permit in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

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

This 24th day of February 2021.

Respectfully submitted,

Michèle Battle /DLB
Michèle L. Battle, Esq.
Attorney For Applicant

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:

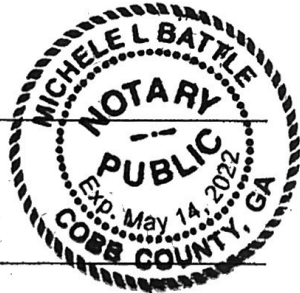
(I) (WE) Dawn Group LLC
Name of owner(s)

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

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 *

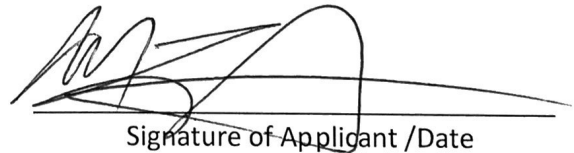
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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".

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 *

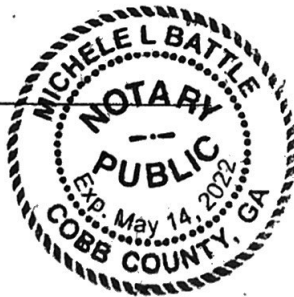
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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".

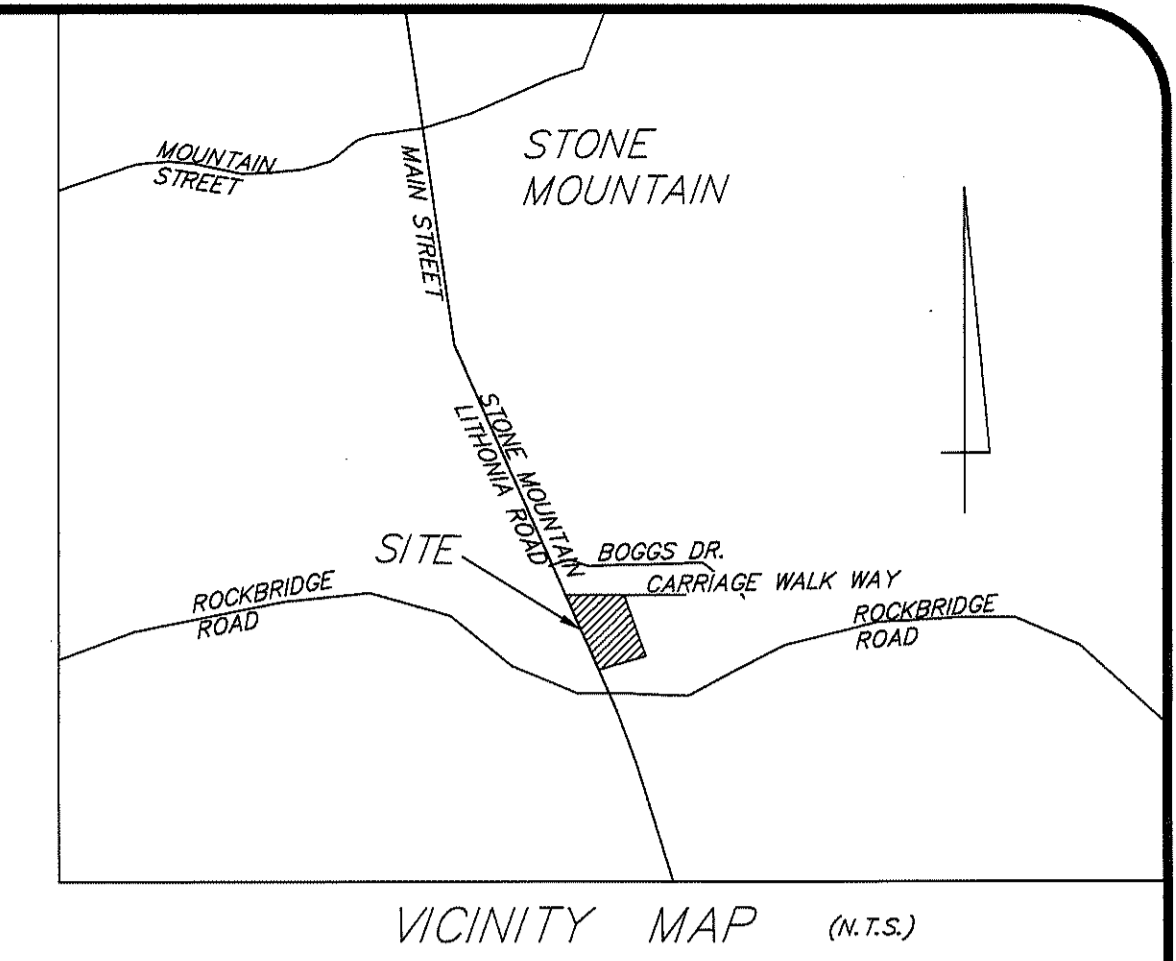
Campaign Contribution Disclosure Statements
Last Updated 2/24/2021

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.

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

By: 
Printed Name: Michele L. Battle



TREE LEGEND
 * = PINES
 ○ = HARDWOODS & OAKS

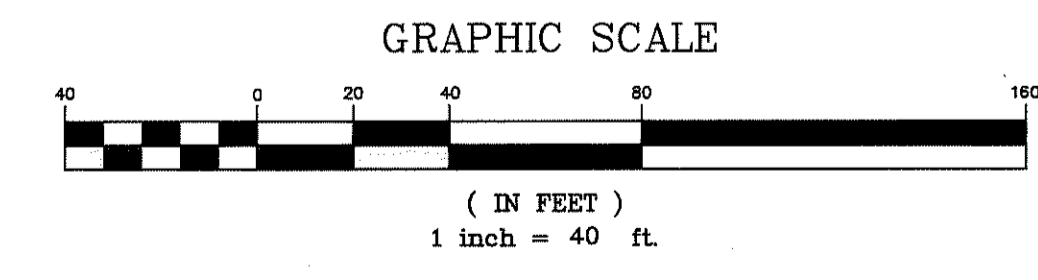
AREA
 189,211 SQ. FT.
 4.3436 ACRES

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

—x—x—	FENCE	⊕	TEMPORARY BENCHMARK
—+—+—	RAILROAD	⊕	CURB INLET
—g—g—	GAS LINE	⊕	HEADWALL
—w—w—	WATER LINE	⊕	SINGLE WING CATCH BASIN
—u—u—	UNDER GROUND POWER LINE	⊕	DOUBLE WING CATCH BASIN
—a—a—	AERIAL POWER LINE	⊕	IRON PIN FOUND/SET
—s—s—	UNDER GROUND SOUTHERN BELL	⊕	COMPUTED POINT
—t—t—	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	⊕	CMP CORRUGATED METAL PIPE
⊕	GAS METER	⊕	RCP REINFORCED CONCRETE PIPE
⊕	FIRE HYDRANT	⊕	DIP DUCTILE IRON PIPE
⊕	CRIMP TOP PIPE	⊕	PVC POLYVINYL CHLORIDE
⊕	OPEN TOP PIPE	⊕	IPF IRON PIN SET - 1/2" RB
⊕	REINFORCING BAR	⊕	IPF 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.
 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.

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

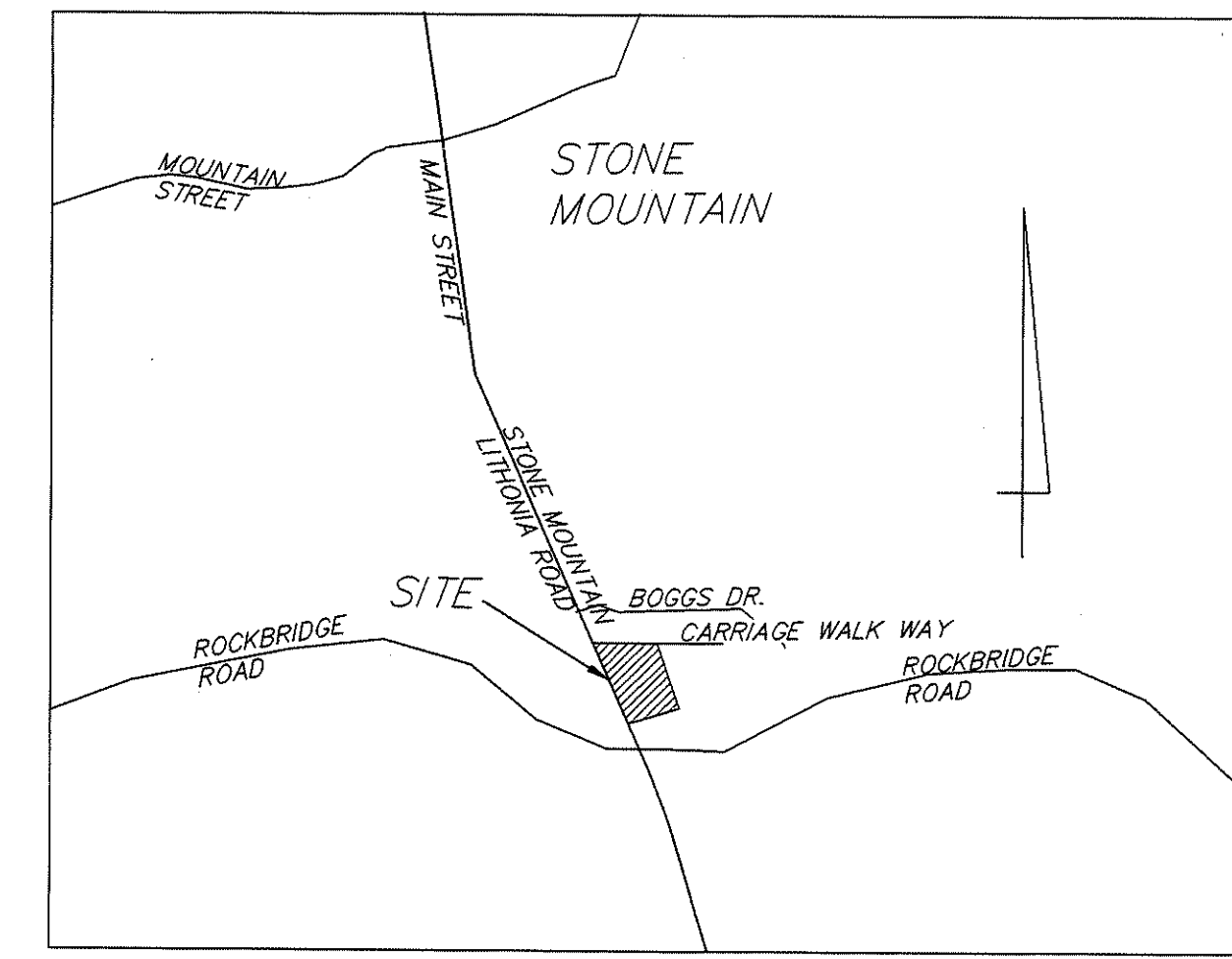
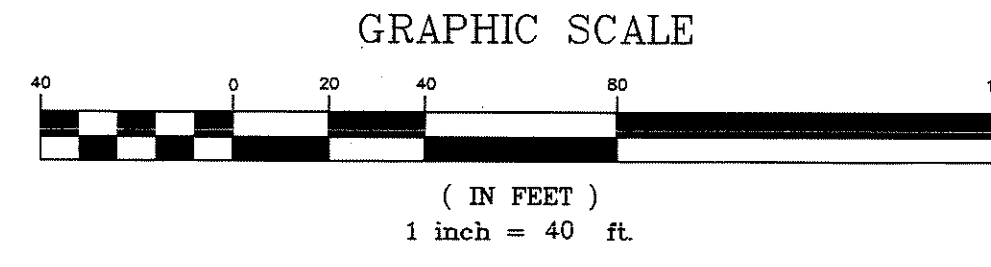
LEGEND

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

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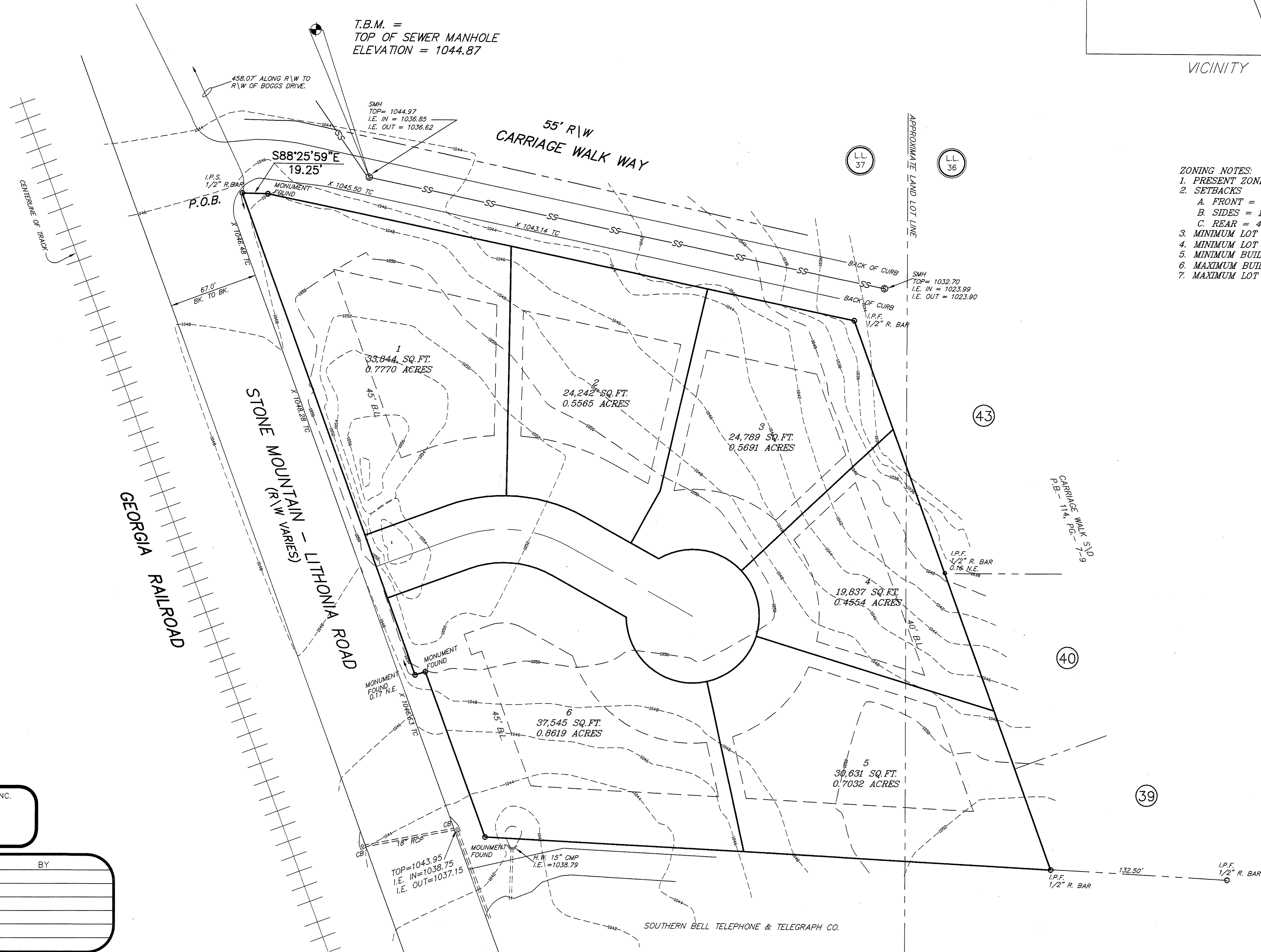
UTILITIES PROTECTION CENTER
CALL FREE
IN METRO ATLANTA
(770)623-4344
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG

CAUTION
THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



VICINITY MAP (N.T.S.)

- ZONING NOTES:**
1. PRESENT ZONING R-100.
 2. SETBACKS
 - A. FRONT = 45'
 - B. SIDES = 10'
 - C. REAR = 40'
 3. MINIMUM LOT SIZE = 15,000 SQ.FT.
 4. MINIMUM LOT FRONTAGE = 100'
 5. MINIMUM BUILDING SIZE = 2,000 SQ.FT.
 6. MAXIMUM BUILDING HEIGHT = 35'
 7. MAXIMUM LOT COVERAGE = 35%.



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REV. DATE	DESCRIPTION	BY

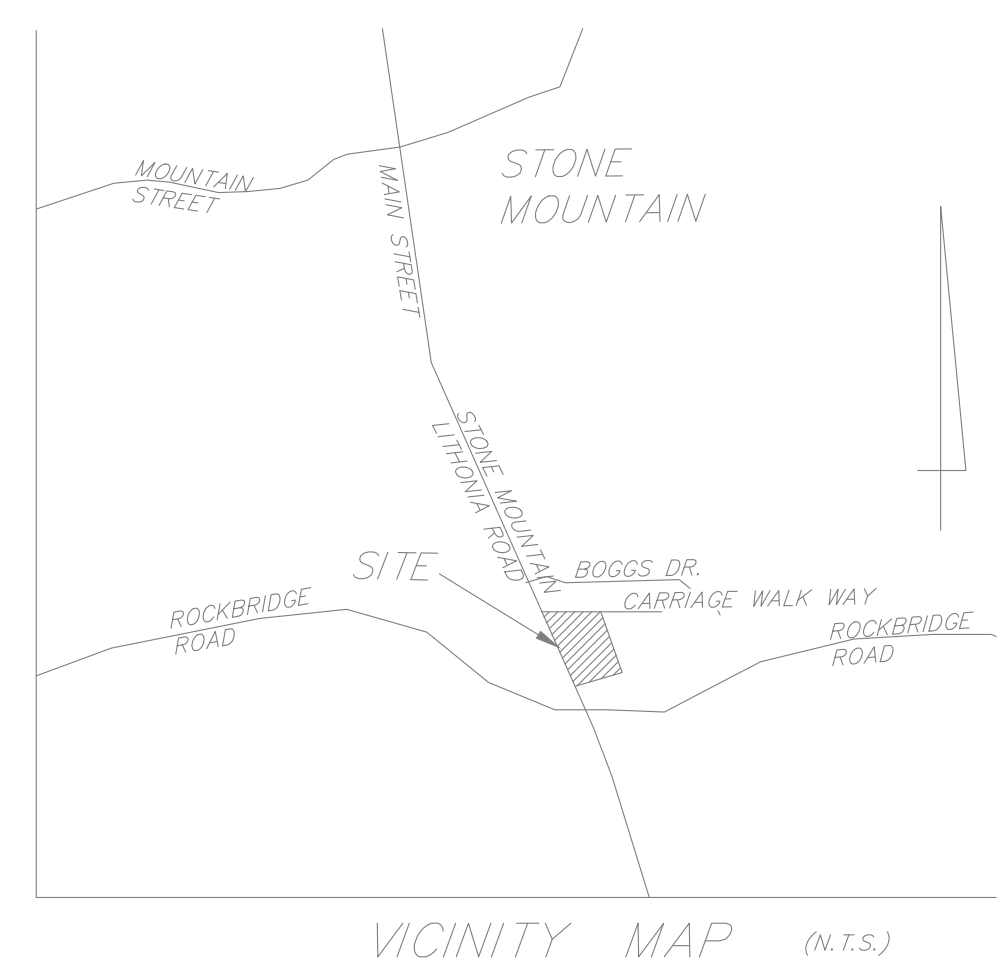
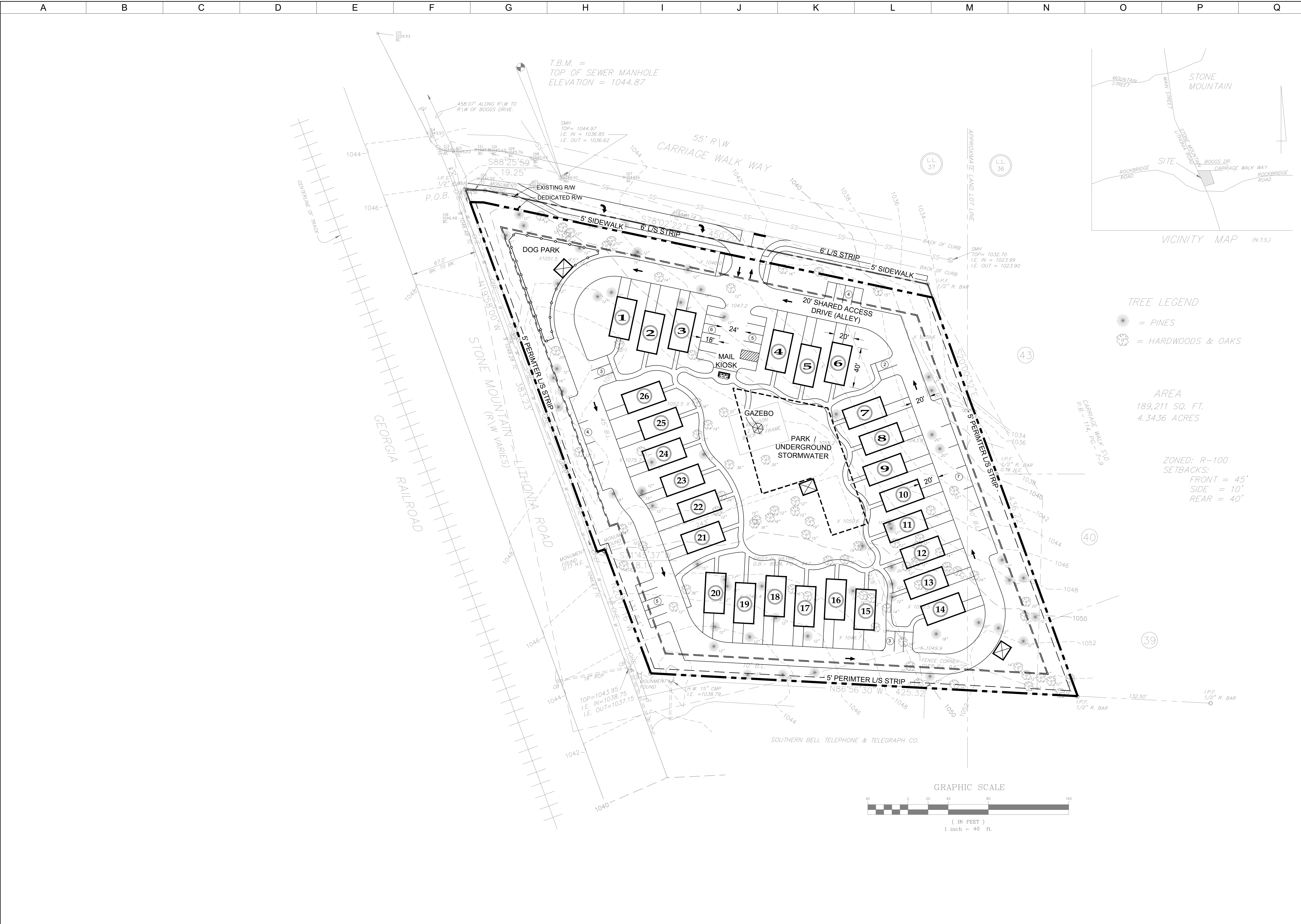


SHEET NO: **C-1.1**

CONCEPTUAL LOT LAYOUT PLAN FOR: **R.M.T. CONSTRUCTION**

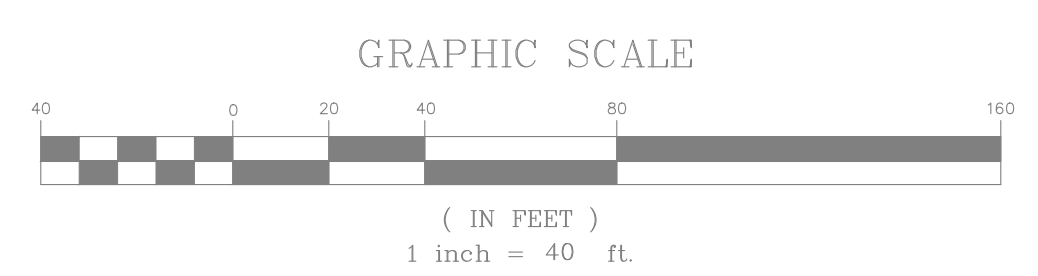
GRANT SHEPHERD & ASSOCIATES, INC.
LAND SURVEYING • PLANNING • SITE DEVELOPMENT
3761 VENTURE DR., SUITE 205
GWINNETT PLACE BUSINESS
PARK DULUTH, GA 30096 OFFICE
(770)418-9893 FAX
(770)418-9899 EMAIL: ggs3761@aol.com

LOCATED IN:
LAND LOTS 36 & 37 OF THE
14TH DISTRICT
DEKALB COUNTY, GEORGIA
DATE: JANUARY 13, 2004
SCALE: 1" = 40'
JOB NUMBER: 02-12-491



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.aep.com

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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

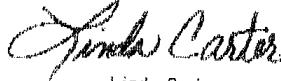
CONCEPT PLAN

02.14.22

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 THE COPY OF THIS DEED AND THE TRUE COPY OF THIS DEED

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:

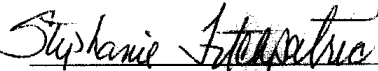
BEING MORE FULLY DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

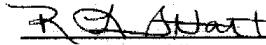
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

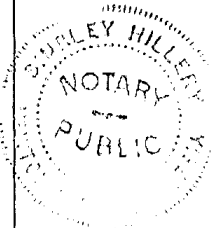


EXHIBIT "B"

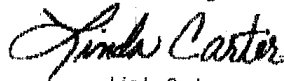
Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 36 AND 37 OF THE 18TH 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.



2021 SEWER CAPACITY EVALUATION

Department of Watershed Management

Email request to sewercapacity@dekalbcountyga.gov

Project Name:

DeKalb County AP #:

Type of Development:

Project Address:

Land Lot and Parcel ID:

Estimated Month Flow Begins:

Replacing existing sewer customer? Yes No

Total Peak Flow Requesting:

Sewershed:

Average Daily Flow Requesting:

Intended Tie-In Manhole ID:

Peak & Average flow = Proposed flow minus existing flow (GPD)

Developer/Owner Information:

Company's Name:

Address:

Contact Name:

City, State, Zip Code:

Phone Number:

Email Address:

Engineer Information:

Company's Name:

Address:

Contact Name:

City, State, Zip Code:

Phone Number:

Email Address:

Please include the following items in your submittal package:

Proposed Peak Daily Flow Calculation based on attached guidelines (See Appendix A)

Existing Developments New Conditions

Separate detailed calculations signed by the owner or owner's representative detailing building use type(s) and units for both proposed and existing (if applicable)

All requested flows greater than 500 GPD ADF must be sealed by a Professional Engineer

Geographical Information System (GIS) map clearly showing the proposed site(s) surrounding areas, and utilities

Proposed utility plan, if available

Name:

Date:

Signed:

Seal:



Capacity Evaluation Request will not be accepted until the form is completed and all supplemental information is attached. Submit doc sewercapacity@dekalbcountyga.gov.

Internal Use Only

Date Capacity Request Reviewed and Accepted:

Received By:

Signed:

Appendix - A (Revised 01/01/2020)

Table 1: Sanitary Flow Contributions from Site Specific Sources

CONTRIBUTOR	UNIT	DESIGN AVG DAILY FLOW (GPD)
Barber Shop	Per Station	20
Carwash (Automatic)	Per Unit	166
Carwash (Self Service)	Per Bay	100
Church (NOT including food or day schools)	Per 1,000 sf	30
Coffee Shop/Deli/Fast Food	Per 1,000 sf	450
Coin Laundromats	Per Washing Machine	400
Commercial Laundromats	Per Washing Machine	640
Daycare	Per 1,000 sf	150
Dentist	Per dental chair	120
Full-Service Restaurant/Bar/Caterer	Per 1,000 sf	550
Gym/Dance Studio (w/o shower)	Per 1,000 sf	65
Gym/Dance Studio (w/showers)	Per person	20
Hair Salon	Per Shampoo Bowl/Chair	150
Hospitals	Per bed	200
Motel/Hotel	Per room	100
Nail Salon	Per pedicure chair	50
Nursing Home/Assisted Living	Per bed	125
Offices	Per 1,000 sf	110
Police/Fire Station	Per 1,000 sf	100
Residence (Single family/Apts/Condo, etc.)	Per residence	185
Retail/Shopping Center/Mercantile	Per 1,000 sf	100
School	Per student	16
School - w/gymnasium	Per student	20
Service Station/Convenience Store	Per 1,000 sf	100
Theater/Museum/Auditorium/Amusement	Per 1,000 sf	65
Warehouse/Industrial	Per 1,000 sf	25

GPD = gallons per day

NOTE: Design peak flow rates shall be calculated by multiplying the total design average daily flow rate determined per the table above by a peaking factor of **2.5**.

Fill out SCER application, show calculations, scan your application and submit via email: sewercapacity@dekalbcountyga.gov.

MANHOLE ID 18-036-S103

Average Annual Daily Flow (AADF) = (# of Units) X AADF per Unit Day

AADF per Unit Day (GPD) = **185** (Resident Single Family)

of Units = **24**

185 GPD X 24 = **4440** GPD

AADF from proposed development = Sum of all land use flow from proposed development

4440 GPD = 4440 GPD

Peak Flow = 2.5 x AADF from proposed development

2.5 X 4440 GPD = **11100** GPD

Convert Peak Flow to Gallons per Minute (GPM) = Peak Flow (GPD) / 1440

11100 (GPD) / 1440 = **7.71** GPM









Shopping List:

- bread
- coffee
- chocolate



Shopping List
bread
coffee
milk











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

REZONING:	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

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/13/2022

N.13

LP-22-1245669 2022-1481 / 18-070-03-007, 18-070-03-011, 138-070-03-012

5615 Memorial Drive, Stone Mountain, GA 30083

Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.

N.14

Z-22-1245670 2022-1482 / 18-070-03-007, 18-070-03-011, 18-070-03-012

5615 Memorial Drive, Stone Mountain, GA 30083

Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.

N.15

Z-22-1245558 2022-1483/ 18-037-05-003, 18-037-05-004

373 Stone Mountain Lithonia Road, Stone Mountain, GA 30088

Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.



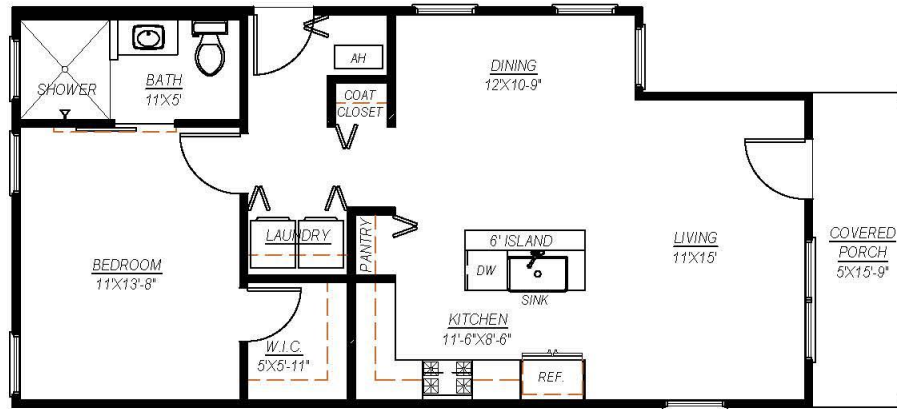
N. 15 Z-22-1245558
N. 16 SLUP-22-125692

Site Plan Detail



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

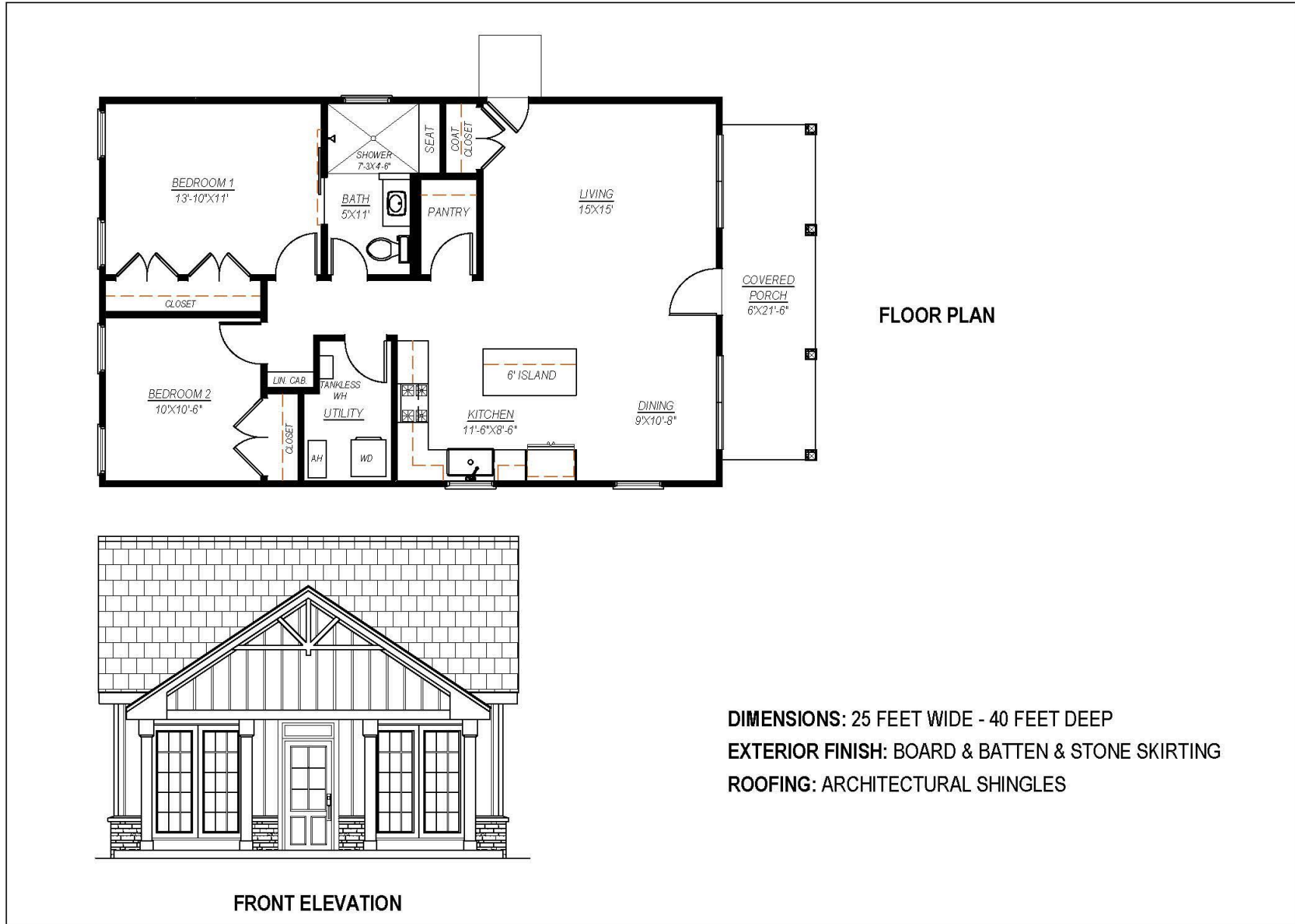
OVER 55 ACTIVE ADULT HOME

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



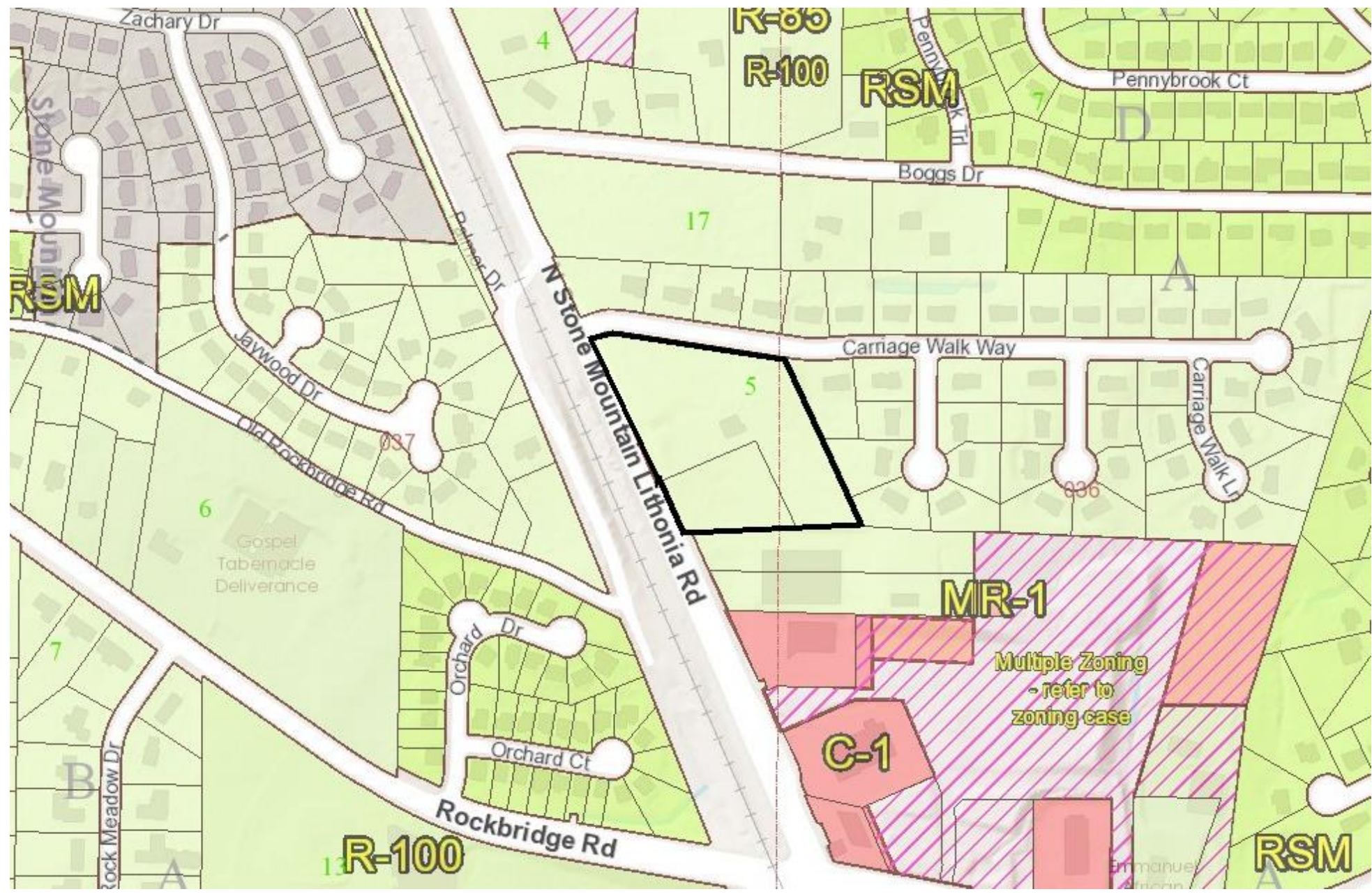
OVER 55 ACTIVE ADULT HOME

2 BEDROOM 1 BATH BUNGALOW
1000 SQUARE FEET LIVING AREA

A'VANT
ARCHITECTURE

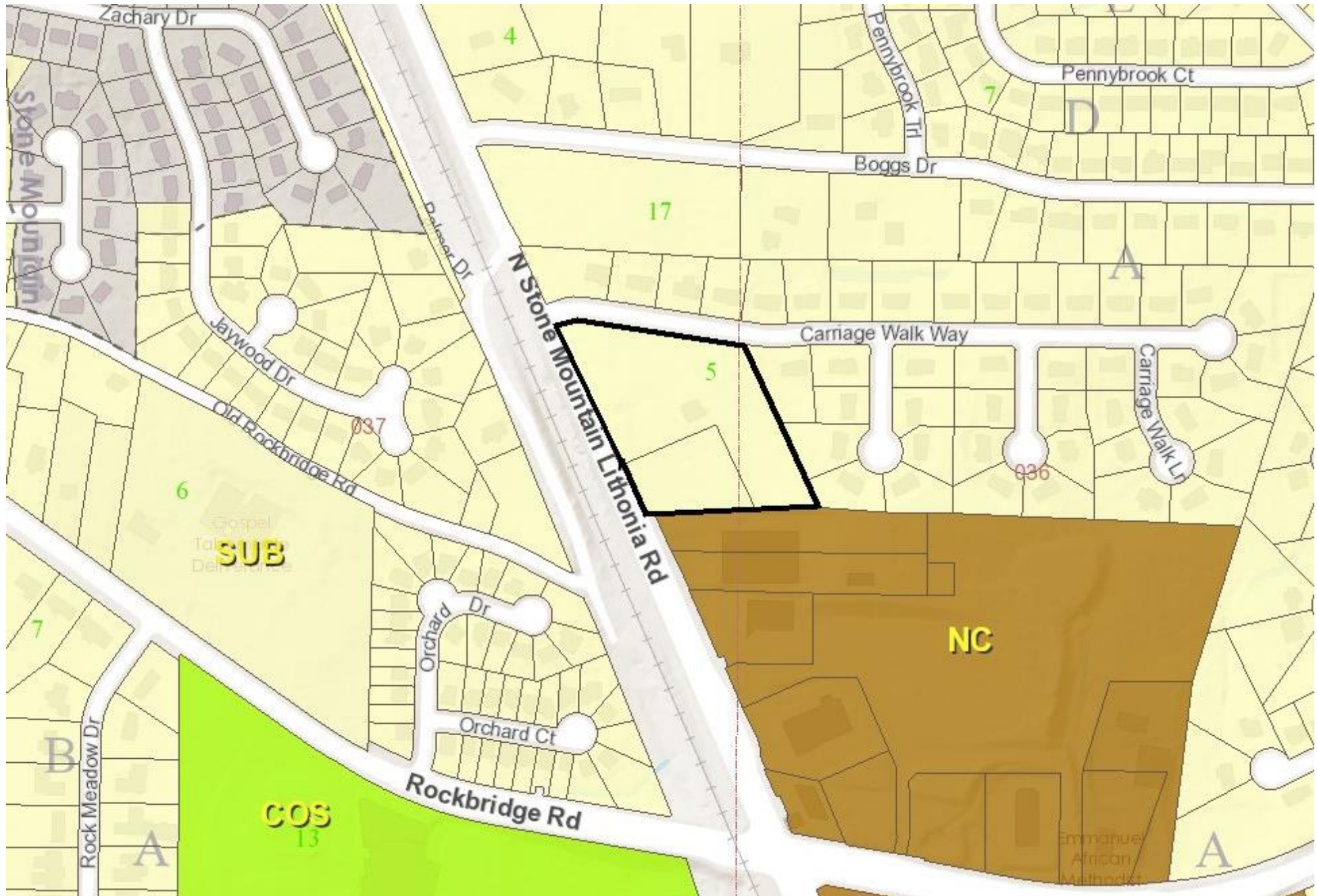
N. 15 Z-22-1245558
N. 16 SLUP-22-125692

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

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

Site Photo



Homes in Adjoining Subdivision