



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: May 6, 2021, 5:30 P.M.
Board of Commissioners Hearing Date: May 27, 2021, 5:30 P.M.**

STAFF ANALYSIS

Case No.: LP-21-1244541 **Agenda #:** D.5
Location/Address: 2328 Pine Mountain St, Lithonia, GA 30058 **Commission District:**5 Super District:7
Parcel IDs: 16 167 08 010
Request: Future Land Use Plan Map Amendment
Property Owner(s): Aisha Thomas
Applicant/Agent:
Acreage: 0.79 Acres
Existing Land Use: Light Industrial (LIND)
Proposed Land Use: Suburban (SUB)
Surrounding Properties:
Adjacent Zoning: North: M (LIND) South: M/RE (SUB/LIND) East: M (LIND) West: M/RE (LIND/SUB)
(Adjacent Land Use): Northeast: M (LIND) Northwest: M (LIND) Southeast: RE (SUB) Southwest: M (LIND)
Comprehensive Plan:

Consistent Inconsistent

Proposed Density: N/A 3 units/acre

Existing Density: N/A

Proposed Units/Square Ft.: N/A units

Existing Units/Square Feet: N/A

Proposed Lot Coverage: N/A

Existing Lot Coverage: N/A

Companion Application:

The applicant has filed a companion application (Z-21-1244542) to amend the Zoning of the parcel from M (Industrial) to MR-1 (Medium Density Residential - 1).

STAFF RECOMMENDATION: DENIAL

The intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

The Suburban Character Area policies are:

1. Residential Protection - Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. Protect single family stable neighborhoods adjacent Activity Centers from incompatible development that could alter established residential development patterns and density
2. Traditional Neighborhood Principles - In appropriate locations encourage residential development to conform with traditional neighborhood development principles including a higher mix of uses, improved pedestrian vehicular activity and increased pedestrian access to retail and other activities
3. Non-Residential Development - The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above)
4. Density Increases - This shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.
5. Walkability - Locate development and activities within easy walking distance of transportation facilities
6. Infill Development - Enforce residential infill development regulations in efforts to preserve and stabilize existing neighborhoods
7. Infill Development - Permit accessory housing units, or new well-designed, small-scale infill multifamily residences to increase neighborhood density and income diversity
8. Transitional Buffer - In areas adjacent to Activity Centers, require the transition of higher densities/intensities to occur within Activity Center and abiding by the delineated Activity Center boundary
9. Greenspace - Wherever possible, connect to a regional network of greenspace and trails, available to pedestrians
10. Connectivity - Promote strong connectivity and continuity between existing and new developments
11. Street Design - Promote street design that fosters traffic calming including narrower residential streets, on-street parking, and the addition of bicycle and pedestrian facilities
12. Bicycle and Pedestrian - Encourage good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/ subdivisions, and multiple site access points
13. Transportation Alternatives - Provide a variety of transportation alternatives such as bicycle and pedestrian paths and greenway areas
14. Sense of Place - Promote sense of place initiatives such as public art, fountains, plazas, signage and other design guidelines to improve the public realm
15. Density - Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access. as well as automobile dependency
16. Nodes - A) Create neighborhood focal points through the use of existing pockets parks and squares for community activities. B) Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences
17. Street Character - Improve street character with consistent signage, lighting, landscaping and other design features
18. Architecture - Encourage compatible architecture styles that maintain regional and neighborhood character.

Because the current Future Land Use designation of the subject parcel is Light Industrial, staff is including the intent of the Light Industrial designation and corresponding policies.

The intent of the Light Industrial Character Area is identify areas appropriate for industrial type uses. The location of these areas shall preserve the appeal and appearance of residential and commercial areas from the prospective intrusion of light industrial land uses. These areas consist of areas used in low intensity manufacturing, including wholesale trade, and distribution activities that do not generate excessive noise, vibration, air pollution or other nuisance characteristics.

The Light Industrial Character Area policies are:

1. Infrastructure - Provide appropriate infrastructure support for industrial development in designated industrial areas
2. Buffer - Protect surrounding areas from the negative impacts of noise and light pollutants
3. Residential Protection - Prohibit the encroachment of industrial uses into established residential areas
4. Environmental Compatibility - Direct development to industrial districts located in areas with compatible soils drainage and other environmental characteristics
5. Zoning Compatibility - Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses
6. Re-zoning - Minimize the rezoning of light industrial properties to residential uses
7. Future Designations - Designate specific areas through the use of zoning and other land use tools for industrial development
8. Retrofit - Develop or, where possible, retrofit property planned industrial parks with adequate water, sewer, storm water, and transportation infrastructure for all component uses at build-out
9. Location of Centers - Locate industrial centers in areas with good access to highways
10. Landscaping - Incorporate landscaping and site design to soften or shield views of buildings and parking lots, loading docks, etc.
11. Regulations Compatibility - Create and implement zoning and development regulations for industrial uses
12. Truck Routes - Designate truck routes to reduce noise, pollutants and traffic congestion in residential areas
13. Access Management - Provide access controls and management standards in compliance with the DeKalb County Transportation Plan
14. Adaptable Reuse - Convert obsolete and empty industrial buildings into multifamily and/or live-work establishments.

The policies of the Suburban Character Area and the Light Industrial Character Area suggest that there is little if any compatibility between them and the primary uses attributed to each. Both Character Area policies speak to minimizing the encroachment of each other by the other.

The preponderance of the parcels in this area are designated Light Industrial. One of the few parcels in this area with a Suburban designation, 2346 Pine Mountain St, is also on this current cycle agenda for consideration for amendment to Light Industrial (LP-21-1244580 – Staff’s recommendation for this application is APPROVAL). For these reasons, staff’s recommendation for this Land Plan Map Amendment application is ‘DENIAL’.

Attachments:

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

DeKalb County Long Range Planning Division Supplemental Land Use Report

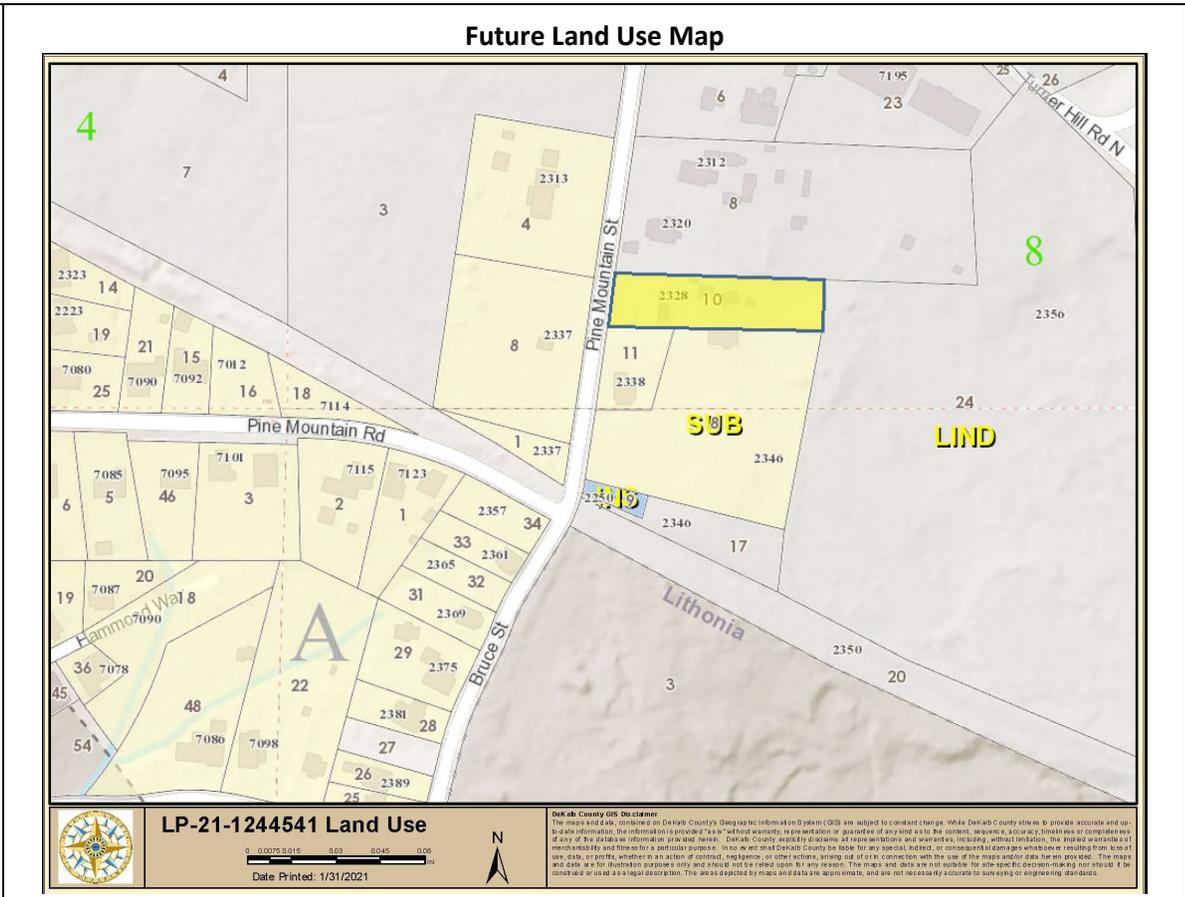
Case No. LP-21-1244541 Project Name: Aisha Thomas	Existing FLU: Light Industrial (LIND) Proposed FLU: Suburban (SUB)	Staff Recommendation Denial
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Suburban - The intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.

Land Use
Suburban
Up to 8 Dwelling Units Per Acre.

Primary Uses

- Single Family Detached Residential
- Townhomes
- Assisted Living Facilities
- Neighborhood Retail
- Schools
- Libraries
- Health Care Facilities
- Parks and Recreational Facilities
- Public and Civic Facilities
- Institutional Uses



Project Description	Address: 2328 Pine Mountain Street, Lithonia, GA 30058		
	Owner / Project Name: Aisha Thomas		
	Use	Square Feet (% of total dev)	Units (if applicable)
	Residential	N/A	N/A
	Commercial	N/A	N/A
	Office	N/A	N/A
	Retail	N/A	N/A
	Entertainment	N/A	N/A
Other	N/A	N/A	
Total			

**DeKalb County Long Range Planning Division
Supplemental Land Use Report**

Suburban Character Area Policies	Support to Staff Recommendation			Justification
	YES	NO	N/A	
1. Residential Protection - Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density. Protect single family stable neighborhoods adjacent Activity Centers from incompatible development that could alter established residential development patterns and density.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Traditional Neighborhood Principles - In appropriate locations encourage residential development to conform with traditional neighborhood development principles including a higher mix if uses, improved pedestrian vehicular activity and increased pedestrian access to retail and other activities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Non-Residential Development - The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Density Increases - This shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Walkability - Locate development and activities within easy walking distance of transportation facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Infill Development - Enforce residential infill development regulations in efforts to preserve and stabilize existing neighborhoods.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Infill Development - Permit accessory housing units, or new well - designed, small - scale infill multifamily residences to increase neighborhood density and income diversity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. Transitional Buffer - In areas adjacent to Activity Centers, require the transition of higher densities/intensities to occur within Activity Center and abiding by the delineated Activity Center boundary.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Greenspace - Wherever possible, connect to a regional network of greenspace and trails, available to pedestrians.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Connectivity - Promote strong connectivity and continuity between existing and new developments.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Street Design - Promote street design that fosters traffic calming including narrower residential streets, on-street parking, and the addition of bicycle and pedestrian facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Bicycle and Pedestrian - Encourage good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Transportation Alternatives - Provide a variety of transportation alternatives such as bicycle and pedestrian paths and greenway areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Sense of Place - Promote sense of place initiatives such as public art, fountains, plazas, signage and other design guidelines to improve the public realm.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**DeKalb County Long Range Planning Division
Supplemental Land Use Report**

15. Density - Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access as well as automobile dependency.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Nodes - A) Create neighborhood focal points through the use of existing pockets parks and squares for community activities. B) Create neighborhood focal points by locating schools, community centers, or well-,designed small commercial centers at suitable locations within walking distance of residences.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Street Character - Improve street character with consistent signage, lighting, landscaping and other design features.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
18. Architecture - Encourage compatible architecture styles that maintain regional and neighborhood character	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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

Questions	Compliant			Comments to support zoning proposal
	YES	NO	N/A	
A. Zoning proposal is in conformity with the policy and intent of the comprehensive plan:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. The property to be affected by the zoning proposal has a reasonable economic use as currently zoned:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. The zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. The zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G. 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
H. The zoning proposal adversely impacts the environment or surrounding natural resources.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Demographic Profile			
Quality of Life Elements	Project Area (census tract)	DeKalb County (2016)	Difference (+/-)
Median Household Income	\$49,661	\$51,349	-\$16,376
Owner Occupied Housing	57%	57%	
Renter Occupied Housing	43%	43%	
Median Home Value	\$148,700	\$163,600	-\$14,900
Median Rental Costs (2 BR)			
Age Distribution (majority)	25-44	25-44	

Source: ESRI Community Analyst

**DeKalb County Long Range Planning Division
Supplemental Land Use Report**

Economic Development Analysis

(Based on the 2014 DeKalb County Economic Strategic Plan)

Policies	Compliance with the Strategic Plan			Additional comments that justify staff recommendation
	Yes	No	N/A	
Target Industry and Niches <input checked="" type="checkbox"/> Click here if no Target Industry applies				
Professional and Business Services (PBS) Niche Markets: Entrepreneur-Enabled Businesses, E-commerce, Engineering, Creative Design, Consulting, Accounting, & Marketing	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Life Sciences Services, products, and activities that are broadly related to research, manufacturing and other activities focused upon or utilizing living organisms, with particular attention to activities relating to the maintenance or restoration of health. Niche Markets: Biotechnology, Bioinformatics, Proteomics, Health IT, Senior Care Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tourism Tourism as an industry focuses on destinations, travelers, and the businesses that accommodate those travelers. Niche Markets: Cultural Tourism, Bed & Breakfast Inns, Youth Sporting Events, Dynamic Tour Packaging	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
LOGISTICS The process of planning, implementing, and controlling the efficient flow of goods and services through the supply chain from producer to consumer. Distribution includes all freight carriers (air, trucking, and intermodal) and warehousing. Niche Markets: Specialized Freight Trucking, Back Office Support Services, Truck Terminals, Warehouse Distribution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
CONSTRUCTION AND SUPPORT TRADES (CST) Construction is the creation or improvement of man-made structures. It can include residential, commercial, and industrial building construction, or civil construction, which encompasses infrastructure and utilities. Niche Markets: Construction Materials Manufacturing, Contracting, Homebuilding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Advanced Manufacturing - Advanced manufacturing is a category of manufacturing that utilizes innovative technologies to make better products and improve the methods to produce those products. Niche Markets: Fabricated Metals Manufacturing, Medical Equipment and Supplies, Laboratory Equipment and Supplies, Light Manufacturing and Assembly.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Improve Business Climate				
Business Climate Action Plan 1. Optimize Incentives 2. Support Entrepreneurs & Small Businesses 3. Support Existing Businesses & Foster Expansion 4. Finalize Implementation of Development Services Overhaul 5. Strengthen the Economic Development Organization 6. Improve Marketing, Branding, and Communication for the County & DADC	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**DeKalb County Long Range Planning Division
Supplemental Land Use Report**

Revitalize Commercial Corridors and Embrace New Employment Centers				
Employment Centers Action Plan. Subject property / project provides the following (check all that apply): <input type="checkbox"/> Incentivize redevelopment and build public/private partnerships <input type="checkbox"/> Secure appropriate zoning. Rezone required? ____ <input type="checkbox"/> Appropriate marketing and branding for employment centers and target industries <input type="checkbox"/> Creation of a new employment center in DeKalb County <input type="checkbox"/> Encourage clustering through target industry support programs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Click "N/A" if the property is not within an employment center.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Northern DeKalb Employment Center Location (check one): <input type="checkbox"/> The I-85 / I-285 interchange <input type="checkbox"/> Northlake Mall	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
West Central DeKalb Employment Center Location (check one): <input type="checkbox"/> Intersection of Briarcliff Road North Druid Hills Road <input type="checkbox"/> Intersection of I-85 and Clairmont Road <input type="checkbox"/> Intersection of N Druid Hills Road and Lavista Road	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Southwest DeKalb Employment Center Location (check one): <input type="checkbox"/> I-20/ Candler Road <input type="checkbox"/> I-20 / I-285 Interchange <input type="checkbox"/> Memorial Drive <input type="checkbox"/> Moreland Area	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
East Central DeKalb Employment Center Location (check one): <input type="checkbox"/> Stone Mountain Industrial Park <input type="checkbox"/> Memorial Drive, I-285 Interchange	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Southeast DeKalb Employment Center Location (check one): <input type="checkbox"/> I-285/Indian Creek MARTA Station <input type="checkbox"/> I-285 / Covington Hwy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Quality of Place Enhancements				
New Employment Centers and the Comprehensive Plan <input type="checkbox"/> This project will initiate a land use amendment <input type="checkbox"/> The project will provide connectivity for employment centers <input type="checkbox"/> This project will create Gateways	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Game Changing / Catalytic Projects <input type="checkbox"/> Consider a multi-purpose Convention Center facility <input type="checkbox"/> Consider a multi-purpose sportsplex facility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Infrastructure and Aesthetics <input type="checkbox"/> Utilization of CIDs and TADs to fund infrastructure and beautification projects, especially along South Memorial Drive. <input type="checkbox"/> Highway interchange improvements are packaged to accommodate logistics industry in Moreland area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

DeKalb County Long Range Planning Division Supplemental Land Use Report

Transportation Planning Analysis

(Based on the DeKalb County 2014 Comprehensive Transportation Plan)

Policies	Compliant with the CTP			Additional comments that justify staff recommendation
	Yes	No	N/A	
Functional Classification for the project site: <input type="checkbox"/> Freeway <input type="checkbox"/> Major Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input checked="" type="checkbox"/> Local	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Freight <input type="checkbox"/> Located on a truck or sanitation route <input type="checkbox"/> Proximity of Landfill or Transfer Station <input type="checkbox"/> Located on a state route <input type="checkbox"/> Located in proximity of rail lines and / or crossings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Access Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Complete Streets Policy County / Developer will consider installing bicycle and / or pedestrian facilities, and Transit facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Design: The following street design guidelines and best practices are listed on page 16 in the Appendix document of the CTP.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Application: See page 16 in the Appendix document of the CTP	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Exemptions: <input type="checkbox"/> Roadway corridor legally prohibits specific users (e.g. bicyclists and pedestrians on interstate) <input type="checkbox"/> Cost of providing bicycle or pedestrian facilities is excessively disproportionate to the need or probable use <input type="checkbox"/> Absence of current and future need is documented <input type="checkbox"/> Roadways not owned or operated by DeKalb County.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Performance Measures. Success of complete streets include: <input type="checkbox"/> Miles of new on-street bicycle routes <input type="checkbox"/> Miles of new or reconstructed sidewalks <input type="checkbox"/> Percentage completion of bicycle and pedestrian networks as envisioned by the latest DeKalb County Comprehensive Transportation Plan <input type="checkbox"/> Increase in pedestrian and bicycle volumes along key corridors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Human Services Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bicycle and Pedestrian Level of Service Goals and Connectivity <input type="checkbox"/> LOS B (within an activity center) <input type="checkbox"/> LOS C (not within an activity center) <input type="checkbox"/> Existing PATH Trail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Priority Bicycle Network <input type="checkbox"/> First Tier Priority Network <input type="checkbox"/> Second Tier Priority Network <input type="checkbox"/> Existing PATH <input type="checkbox"/> Future PATH	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
MARTA and TOD	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bus Routes <input type="checkbox"/> Project is on a bus route <input type="checkbox"/> Project is near a bus route <input type="checkbox"/> Project is not close to a bus route	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transit Stations <input type="checkbox"/> Project is on a transit station site <input type="checkbox"/> Project is near a transit station <input type="checkbox"/> Project is not close to a transit station	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

APPLICATION TO AMEND COMPREHENSIVE LAND USE PLAN
OF DEKALB COUNTY, GEORGIA

Application No.: _____ Date Received: _____

Applicant's Name: Aisha J. Thomas of AJT Law E-Mail: aisha@ajtlawfirm.com

Applicant's Mailing Address: 931 MONROE DR. NE SUITE A 102-610, ATLANTA, GEORGIA 30308

Applicant's Daytime Phone #: 313-516-7294 Fax: 866-476-1026

(If more than one owner, attach information for each owner as Exhibit "A")

Owner's Name: Datona Properties, LLC E-Mail: danac5006@yahoo.com

Owner's Mailing Address 5006 Laythan Jace Ct., Snellville, GA 30039

Owner's Daytime Phone # 770-331-4858 Fax: _____

Address/Location of Subject Property: 2328 Pine Mountain St., Lithonia, GA 30058

District(s): 0415 Land Lot(s): 167 Block(s): _____ Parcel(s): _____

Acreage: .79 Commission District(s): 5 & 7

Current Land Use Designation: LIND Proposed Land Use Designation: SUB or HC

Current Zoning Classification(s): M

PLEASE READ THE FOLLOWING BEFORE SIGNING

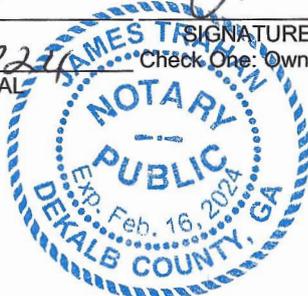
- I. This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.
- II.
- III. Disclosure of Campaign Contributions: In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered: Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No
- IV.

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

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

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

NOTARY 8-16-2023 SIGNATURE OF APPLICANT [Signature]
EXPIRATION DATE / SEAL Check One: Owner Agent DATE 12/23/2020



DEPARTMENT OF PLANNING & SUSTAINABILITY

As per Section 27-829 of the Zoning Ordinance of DeKalb County, each applicant seeking an amendment to the official Comprehensive Plan land use maps shall provided a complete written response to each of the following standards and factors for evaluation applications for amendments to the Comprehensive Plan land use maps:

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property;
 2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property;
 3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 4. Whether the amendment is consistent with the written policies in Comprehensive Plan Text;
 5. Whether there are environmental impacts or consequences resulting from the proposed change;
 6. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near county boundary lines;
 7. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change;
 8. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.
-



DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

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)

client: Dana Christian

Applicant Name: Aisha Thomas Phone: (470) 357-4639 Email: aishe@ajtlawfirm.com

Property Address: 2328 Pine Mountain

Tax Parcel ID: 16-167-08-010 Comm. District(s): 5:7 Acreage: 79 acres 34,412 s.f.

Existing Use: 5-F detached house Proposed Use: 3 s-f. attached townhomes

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes No _____

Existing Zoning: M Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes No _____

Existing Land Use: IND Proposed Land Use: SUB next to SUB 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: _____

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: 2.37 u/acre 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:

No site plan presented @ pre-app.

Planner: Melora Furman

Date 8/5/20

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

Datona Properties LLC Land Use Amendment Community Meeting

December 16, 2020 7p-9p

SIGN-IN SHEET 200M

NAME	ADDRESS OR AFFILIATION	PHONE#	EMAIL
Jan Costello			Janrcostello@gmail.com
Bina S. Mangham	8179 Pleasant Hill Rd		manghamlaw@att.net
ARS / AIF	7195 Turner Hill Rd		
S. Nichols / ARS	7195 Turner Hill Rd		
Aisha Thomas	Managing Attorney		Aisha@AjtLawFirm.com
Chris Pierre	Architect		chrispierre@cs.com
Ramon Tookes	Developer		ramontookes@gmail.com
Dana Christian	owner	770 331 4858	info@datonapropertiesllc.com
Anthony Christian	owner	770 331 4857	info@datonapropertiesllc.com

Datona Properties LLC
2140 McGee Rd Suite C630
Snellville, Ga 30078

**Notice of Land Use Amendment
Application Community Meeting**

To: (Resident)

We are planning to apply for a Dekalb County Land Use Amendment to 2328 Pine Mountain Lithonia, Ga 30058.

Find out more about the project, ask questions, and voice your opinion at the following community meeting:

Date: December 16, 2020

Time: 7PM

Location: Zoom ID# 404 671 1818 Password 2328

If you have any questions about the meeting, please call 770-331-4858 or email info@datonapropertiesllc.com. We look forward to seeing you there!

Sincerely,
Dana Christian

email to these ppl

DeKalb County Neighborhood Registry - Commission District

First Name	Last Name	Email	Address	City	State	Zip Code	
Dennis	Allen	dennisallen05@comcast.net					Community (
Kenisha	Barksdale	kbarksdal22@gmail.com					Community (
Samson	Burrell	Samson_burrell@yahoo.com					Community (
Barbara	Campbell	dstcampbell@bellsouth.net *					Community (
Jan	Costello	janrcostello@gmail.com					Community (
Jay	Cunningham	jaycunningham2014@yahoo.com					Community (
Marshall	English	marshallenglishsr@yahoo.com					Community (
Tonya	Jones	mstonya@earthlink.net					Community (
Preston	Mercer	mercernic451@gmail.com					Community (
Joscelyn	O'Neil	oneiloooo4@comcast.net					Community (
Charles	Peagler	konceptatlanta@bellsouth.net					Community (
Jonathan	Phillips	jonathanjaypee@aol.com					Community (
Danny	Tripplin	dadrtrip@yahoo.com					Community (
Wayne	Williams	w_duane_williams@yahoo.com					Community (
Michelle	Henson		4140 Creek Stone Court	Stone Mountain	GA	30083	State Rep Di:
Patricia	Elmore	pedge@urbanretail.com	2929 Turner Hill Rd	Lithonia	GA	30038	Stonecrest M
Bina S.	Mangham	manghamlaw@att.net	8179 Pleasant Hill Rd	Lithonia	GA	30058	Eaast DeKalb
Marcella	Salter	cellasalt5@yahoo.com	1664 Stone Meadow Rd	Lithonia	GA	30058	
Larry	Salter	salter37@yahoo.com	1664 Stone Meadow Rd	Lithonia	GA	30058	
Denis	Travis	denisetravis74@gmail.com	1658 Stone Meadow Rd	Lithonia	GA	30058	
Harold	Morrie	harold53@hotmail.com	1743 Harmony Hills Ct	Lithonia	GA	30058	Harmony Hil
Consuelo	Espinoza Godden	goddenc@gptc.edu	6720 Marbut Road	Lithonia	GA	30058	Georgia Pied

Mail

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078



FOREVER
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Ms. Evelyn Dumas
2338 Pinemountain St.
Lithonia, ga. 30058

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078



FOREVER
862101210094411

KP Sirak LLC
2337 Pinemountain St.
Lithonia, ga. 30058

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DeKalb County
2250 Pine Mountain St.
Lithonia, Ga. 30058



OREVER

862101210094411



OREVER

862101210094411



Portfolio Properties LLC. Attn: Lithonia
Benjamin
Holdings LLC.
2346 Pine Mountain St.
Lithonia, Ga 30058

DATONA PROPERTIES LLC
2440 Mcgee Rd Ste. C630
Snellville, Ga 30078



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Benjamin
Fonette Thompson
2320 Pine Mountain St.
Lithonia, Ga. 30058

DATONA PROPERTIES LLC
2440 Mcgee Rd Ste. C630
Snellville, Ga 30078

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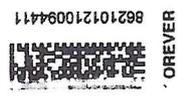
Anderson Sara Lynn
Watson
2337 Pine Mountain St.
Lithonia, Ga. 30058

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

Synchronicity LLC.
2350 Bruce St.
Lithonia, Ga. 30058

Hanson Aggregates
Southeast LLC.
2400 Rock Chapel Rd.
Lithonia, Ga 30058



DATONA PROPERTIES LLC
2440 Mcgee Rd Ste. C630
Snellville, Ga 30078

Kenneth Thompson Benjamin
2312 Pine Mountain St.
Lithonia, Ga. 30058

DATONA PROPERTIES LLC
2440 Mcgee Rd Ste. C630
Snellville, Ga 30078

A.R.S Mechanical LLC
7195 Turner Hill Rd. N.
Lithonia, Ga. 30058

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UNITED STATES
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UNITED STATES
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DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snelville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snelville, Ga 30078

Larry Salter
11604 Stone Meadow Rd
Uphonia, Ga 30058

Gonzalo Espinoza Godden
6720 Walnut Road
Uphonia, Ga 30058



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FOREVER



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FOREVER

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

Binion Paynter
A. Julia
2294 Pine Mountain St.
Lithonia, Ga. 30058

Harold Morris
1743 Harmony Hills Ct
Lithonia, Ga 30058

OVERVIEW
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OVERVIEW
862101210094411



DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

Denís Travs
1058 Stone Meadow Rd
Lithonia, Ga 30058

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OREVER



862101210094411
OREVER

Portfolio Properties
LLC. & Mh Lithonia
Holding LLC.
2356 Pine Mountain St.
Lithonia, Ga. 30058

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

DATONA PROPERTIES LLC
2140 Mcgee Rd Ste. C630
Snellville, Ga 30078

Marcella Satter
1664 Stone Meadows Rd
Lithonia, ga 30058

Bina S Mangham
8179 Pleasant Hill Rd
Lithonia, Ga 30058



OREVER
862101210094411



OREVER
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DAITONA PROPERTIES LLC
2440 Mcgee Rd Ste. C630
Snellville, Ga 30078

Ms. Carol Harris
2313 Pine Mountain St.
Lithonia, Ga 30058



862101210094411



FOREVER

Bina S. Mangham
8179 Pleasant Hill Rd
Lithonia, Ga 30058

JA PROPERTIES LLC
Mcgee Rd Ste. C630
Snellville, Ga 30078



Patricia Elmore
2929 Turner Hill Rd
Lithonia, Ga 30058

ATONA PROPERTIES LLC
40 Mcgee Rd Ste. C630
Snellville, Ga 30078

30



Michelle Henson
4140 Creek Stone Ct
Stone Mountain, Ga 30083

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: 12.22.2020

TO WHOM IT MAY CONCERN:

(I) (WE) Dana Christian of DaTona Properties LLC
Name of owner(s)

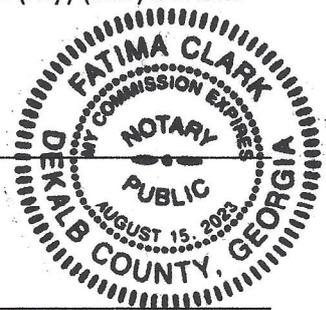
being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Aisha Thomas, MA, JD, CCIM of AJT Law
Name of Agent or Representative

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

[Signature]

Notary Public



Notary Public

Notary Public

Notary Public

Dana Christian MM

Owner

Owner

Owner

Owner

Return Recorded Document to:
PAVIELLE DORTCH, LLC
881 PONCE DE LEON AVENUE, STE 4
ATLANTA, GA 30306
PARCEL ID: Property 1:
16-167-08-010

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF FULTON

FILE #: 19-05032

THIS INDENTURE made this August 9, 2019 between **Carolyn Broughton N/K/A Carolyn Christian**, of the County of DeKalb and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **Datona Properties, LLC, a Georgia Limited Liability Company**, 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 DOLLARS (\$10.00) and other good and valuable considerations 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.

All tract or parcel of land, With house and all other improvements located thereon, lying and being in Land Lot 167 of the 15th District of DeKalb County, Georgia, fronting 110 feet on Jacksonville street, and bounded on the North by Lots known as the Frank Aycox and CE. Cannon lots: With 315 feet bounded on the East by property of CE. Cannon: With 110 feet bounded on the South by property of Carl Goddard, and thence running 315 feet back to Jacksonville Street and then along said Jacksonville Street to the starting point.

Subject Property Address: 2328 PINE MOUNTAIN STREET, Lithonia, GA 30058

Parcel ID: 16 167 08 010

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE**, subject, however, to all liens, exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Subject Property, as well as standby fees, real estate taxes, and assessments on the Property for the current year and prior and subsequent years, and subsequent taxes and assessments

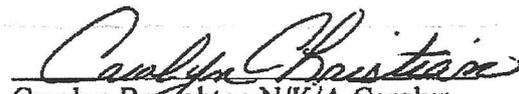
for prior years due to change in land usage or ownership, and any and all zoning laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances").

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 by, through and under the above named grantor, but not otherwise provided, however, that Grantor's conveyance of the Property and Grantor's warranties of title contained in this Deed are and shall be subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness _____
Notary Public _____
PAVIELLE DORTCH
NOTARY PUBLIC
FULCH COUNTY, GEORGIA
MY COMMISSION EXPIRES
OCT 10 2019


Carolyn Broughton N/K/A Carolyn
Christian

LEGAL DESCRIPTION

All tract or parcel of land, With house and all other improvements located thereon, lying and being in Land Lot 167 of the 15th District of DeKalb County, Georgia, fronting 110 feet on Jacksonville street, and bounded on the North by Lots known as the Frank Aycox and CE. Cannon lots: With 315 feet bounded on the East by property of CE. Cannon: With 110 feet bounded on the South by property of Carl Goddard, and thence running 315 feet back to Jacksonville Street and then along said Jacksonville Street to the starting point.



THIS PROPERTY DOES NOT LIE WITHIN
A 100 YEAR FLOOD PLAIN ACCORDING
TO REFERENCE PLAT.

PREPARED FOR:

DATONA PROPERTIES LLC

SUBDIVISION: 2328 PINE MOUNTAIN ST PG 614

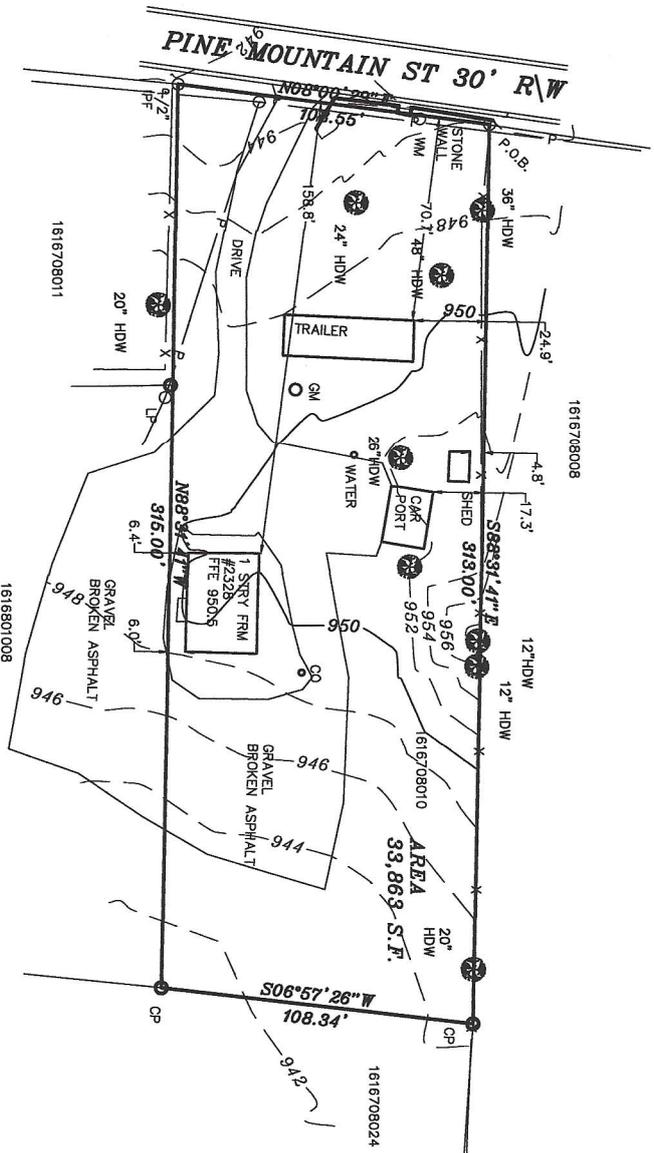
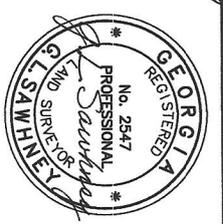
LOT: N/A LAND LOT: 167 DATE: 08/17/2020

BLOCK: DISTRICT: 17TH REV:

SCALE: 1" = 40' COUNTY: DEKALB, GA JOB NO.: 16-0259

SAWHNEY AND ASSOCIATES
523 HASTINGS DR PH # (678)-500-4366
JONESBORO GA 30228

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE
MINIMUM STANDARDS AND REQUIREMENTS OF LAW.
J.L. Sawhney

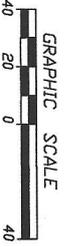


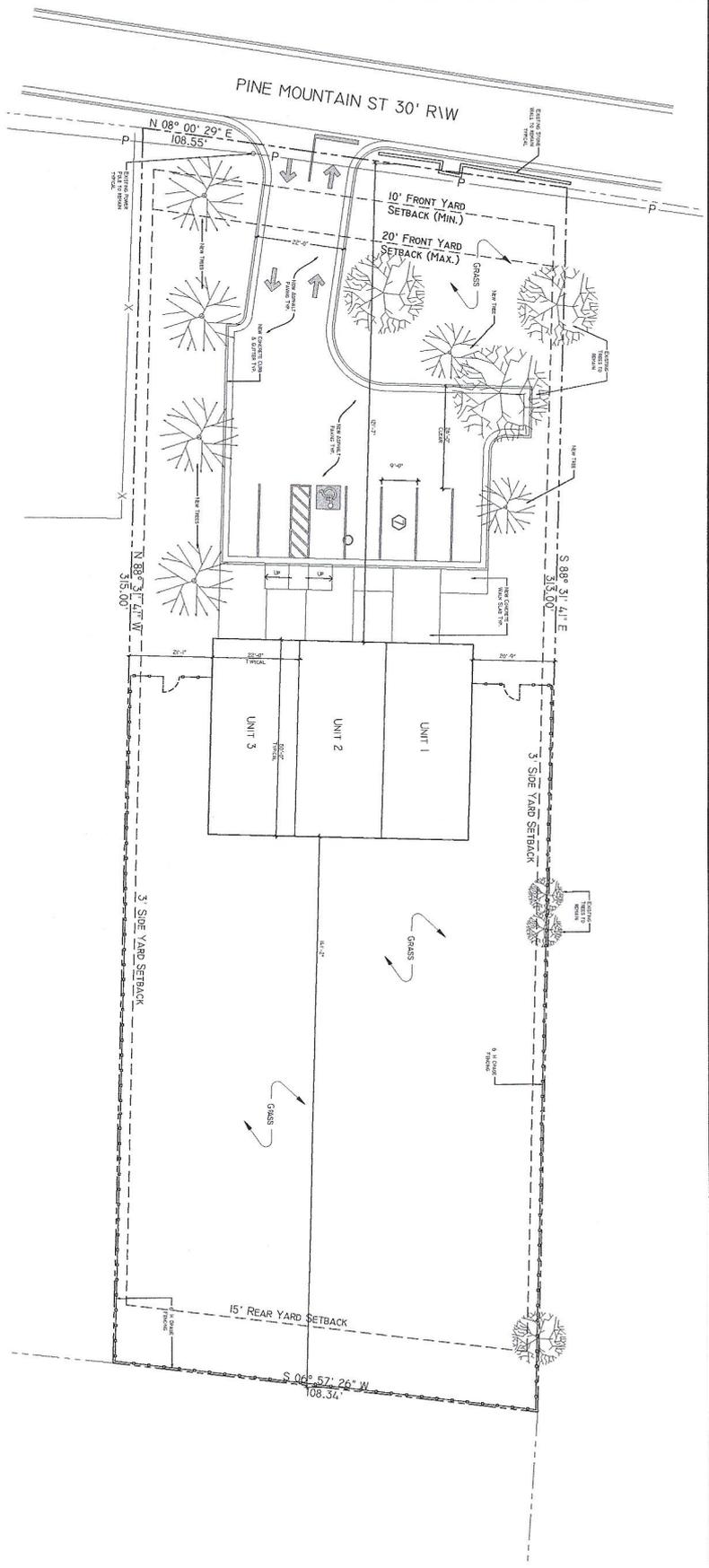
ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS
SUBJECT TO ALL LEGAL EASEMENTS AND
RIGHTS-OF-WAY PUBLIC OR PRIVATE.
NO DETERMINATION OF FLOOD HAZARD HAS BEEN
MADE FOR THIS PROPERTY BY THIS SURVEYOR.
NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT
REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF
APPROPRIATE POSSESSION (IRON NAILS FOUND, SHED &
HEAD OF LINE HOUSE LOCATIONS, ETC.) THEY MAY DIFFER
AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE
APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO
DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR
NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT
OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND
CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE
ALL POSSIBLE PROPERTY LINE DISPUTES OR
DISCREPANCIES.
THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A
CURRENT TITLE COMMITMENT, EASEMENTS AND BURDEN
ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN
THIS PROPERTY. THIS SURVEY IS SUBJECT TO REVISIONS
AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

LEGEND

- IPS-IRON PIN FOUND
- IPS-IRON PIN SET
- R/W-RIGHT OF WAY
- MAG-MAGNETIC
- PLD-BEING OF BEGINNING
- BLD-BUILDING EASEMENT
- N/E-NEIGHBORLY
- P = PREVIOUS
- E = EXISTING
- P/P = POWER POLE

CLOSURE DATA
FIELD CLOSURE=17N 30.00+
ANGLE POINT ERROR=20"
EQUIPMENT USED=EDM & GPS
ADJUSTMENT METHOD=NONE
PLAT CLOSURE=17N 100.00+





PROJECT INFORMATION		
NO.	DESCRIPTION	REMARKS
1	PROPOSED SITE PLAN	
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1 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



NEW 3-UNIT TOWNHOUSE DEVELOPMENT
LOCATED AT
2328 PINE MOUNTAIN STREET
DEKALB COUNTY, GA

COPYRIGHT 2020
PIERRE DESIGN & DEVELOPMENT
ALL RIGHTS RESERVED
NO PART OF THIS DOCUMENT
MAY BE REPRODUCED OR
TRANSMITTED IN ANY FORM
OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING
PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION
SYSTEMS WITHOUT THE
WRITTEN CONSENT OF SAME.

PIERRE DESIGN & DEVELOPMENT
URBAN FOCUSED COMMERCIAL REAL ESTATE
3361 CHAMBLEE TUCKER ROAD
SUITE 1000 ATLANTA, GA 30346
(770) 999-9700 FAX (770) 999-7600

REVISIONS
NO. 1
DATE
BY
REVISIONS
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STATEMENT OF INTENT AND JUSTIFICATION

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application to Amend the Comprehensive Land Use Plan
of

DATONA PROPERTIES, LLC
c/o AJT LAW, LLC

For

2328 Pine Mountain St.
DeKalb County, GA

Commission Districts 5 & 7

Submitted for Applicant by:

Aisha J. Thomas, Esq.
AJT Law, LLC
931 Monroe Dr., Suite A 102-610
Atlanta, GA 30308
470-357-4639

STATEMENT OF INTENT

Please accept this letter on behalf of Datona Properties, LLC (DP), as property owner of 2328 Pine Mountain St., Lithonia, GA 30058. DP is requesting an amendment to the Comprehensive Land Use Plan and a subsequent amendment to the Zoning of the aforementioned parcel under Chapter 27, Section 7.3.1. of the Dekalb County Zoning Ordinance. This parcel was previously owned by the decedent father of the Principal of DP for the last twenty years. DP is requesting the amendments in order to fulfill the wishes of their father by developing housing on the parcel. This legacy parcel is currently designated as Light Industrial District and zoned M.

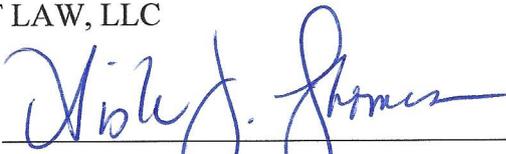
There are currently two dilapidated residential structures on the parcel consisting of a trailer and a single-family home. DP is respectfully requesting an amendment of the Comprehensive Land Use Plan to change the use to Suburban or High Corridor in order to facilitate a rezoning to Medium Density Residential (MR-1). MR-1 zoning would allow DP to develop a permitted use of a three-unit townhome structure on the parcel. The rental townhomes will meet the community housing goals listed in the Comprehensive Land Use Plan by diversifying housing types and options while providing new affordable workforce housing. The townhomes will consist of three, two-story 2,000 square foot units with a roof height of 33 feet.

For the foregoing reasons, the Applicant respectfully requests that the Dekalb County Board of Commissioners amend the Comprehensive Land Use Plan and the Official Zoning Map. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 31st day of December, 2020.

Respectfully submitted,

AJT LAW, LLC

By: 

Aisha J. Thomas, Esq.

Attorney for Applicant

APPLICATION TO AMEND COMPREHENSIVE LAND USE PLAN

DEKALB COUNTY, GEORGIA

AJT Law (the "Applicant"), submits this Land Use Amendment application for approximately .79 acres that are located 2328 Pine Mountain St., Lithonia, Georgia 30058 (the "Property"). The Property has a current land use of Light Industrial District and is zoned commercial (M). The Applicant is requesting an amendment of Comprehensive Land Use Plan to Suburban or Highway Corridor. Upon approval of the amendment of the Comprehensive Land Use Plan, Applicant has also submitted a Rezoning request to MR-1 in accordance with Section 27-829 of the Zoning Ordinance of Dekalb County, to allow for the development of a new three-unit townhome development that will provide workforce housing to the community.

The Applicant responds to the following standards governing the exercise of the zoning power for amendment of the Comprehensive Land Use Plan requests:

I. Whether the proposed land use change will permit a use that are suitable in consideration of the use and development of adjacent and nearby property or property;

The Applicant's proposal will permit a use that is suitable in light of the use and development of adjacent and nearby property. The Property is currently zone Light Industrial District (LIND) however it was previously residential property and currently has two single-family structures on the property. The parcel north Property is developed with a residential home despite of the LIND designation. The adjacent parcels south and northwest of the Property have a land use designation of Suburban (SUB).

II. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or property;

The Applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby property. The Applicant's proposal is compatible with the nearby residential uses and provides a buffer to the adjacent commercial uses. The proposed use are three townhomes which will be available for lease to the community.

III. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The Applicant's proposal will not result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The addition of new three-unit three-bedroom townhomes may possibly bring in new students but would not be burdensome the schools.

IV. Whether the amendment is consistent with the written policies in the Comprehensive Plan Text;

The Dekalb County 2035 Comprehensive Plan designates the area as Light Industrial District. However, the Applicant's proposal will meet the Community Housing goals of infilling and providing new affordable housing by adding density and diversifying the housing types and options.

V. Whether there are environmental impacts or consequences resulting from the proposed change;

The Applicant's proposed change has no environmental impacts or consequences. There is currently developed residential structures on the parcel and surrounding parcels.

VI. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near county boundary lines;

The Applicant's proposal will not impact properties in an adjoining governmental jurisdiction, it is not located near a county boundary line.

VII. Whether there are other existing conditions affecting the use and development of the affected land areas which support the approval of the proposed land use change;

As indicated above, the Applicant proposes a development that will be compatible with the adjacent land uses. The development will support the local community goals by diversifying the housing type and providing workforce housing.

VIII. Whether there are impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

The Applicant's proposal does not impact historic buildings, sites, districts or archaeological resources.

The Applicant respectfully requests that the Dekalb County Board of Commissioners amend the Comprehensive Land Use Plan.

**NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF
CONSTITUTIONAL RIGHTS**

**APPLICATION FOR LAND USE AMENDMENT AND REZONING
DEKALB COUNTY, GEORGIA**

Georgia Law and the procedures of Dekalb County Zoning Ordinance require us to raise Federal and State Constitutional objections during the land use amendment and rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, the Applicant raises the following constitutional objections at this time:

The existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant further respectfully submits that the DeKalb County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the property than presently exists as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. Moreover, in the event of opposition to the proposed rezoning, the Applicant submits that opponents do not have standing to assert opposition and can prove no special damages as per the specially aggrieved citizen test.

Accordingly, the Applicant respectfully requests that the DeKalb County Board of Commissioners grant the Amendment to the Comprehensive Land Use Plan and the Amendment to Official Zoning Map requested by the Applicant.

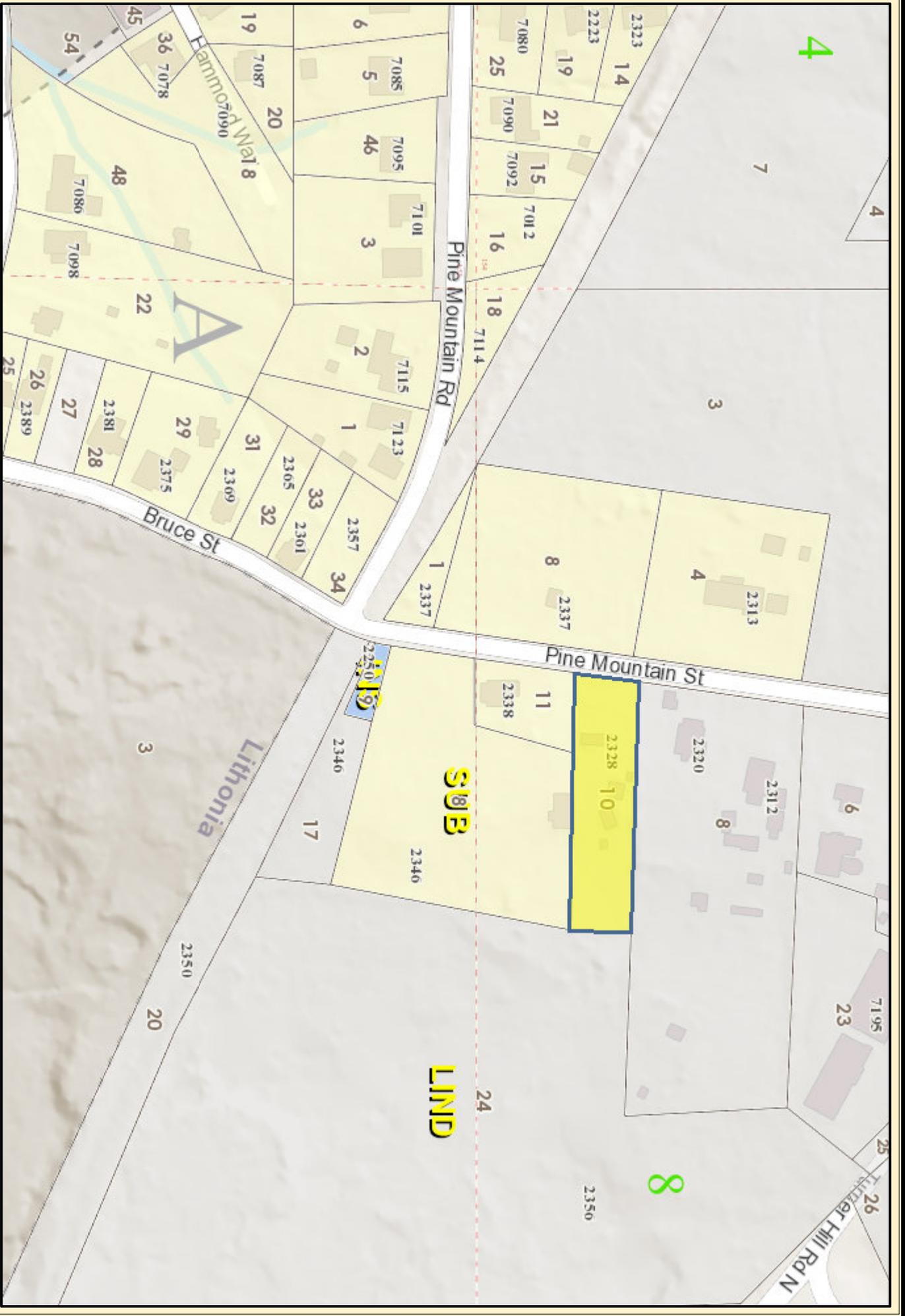


LP-21-1244541 Land Use

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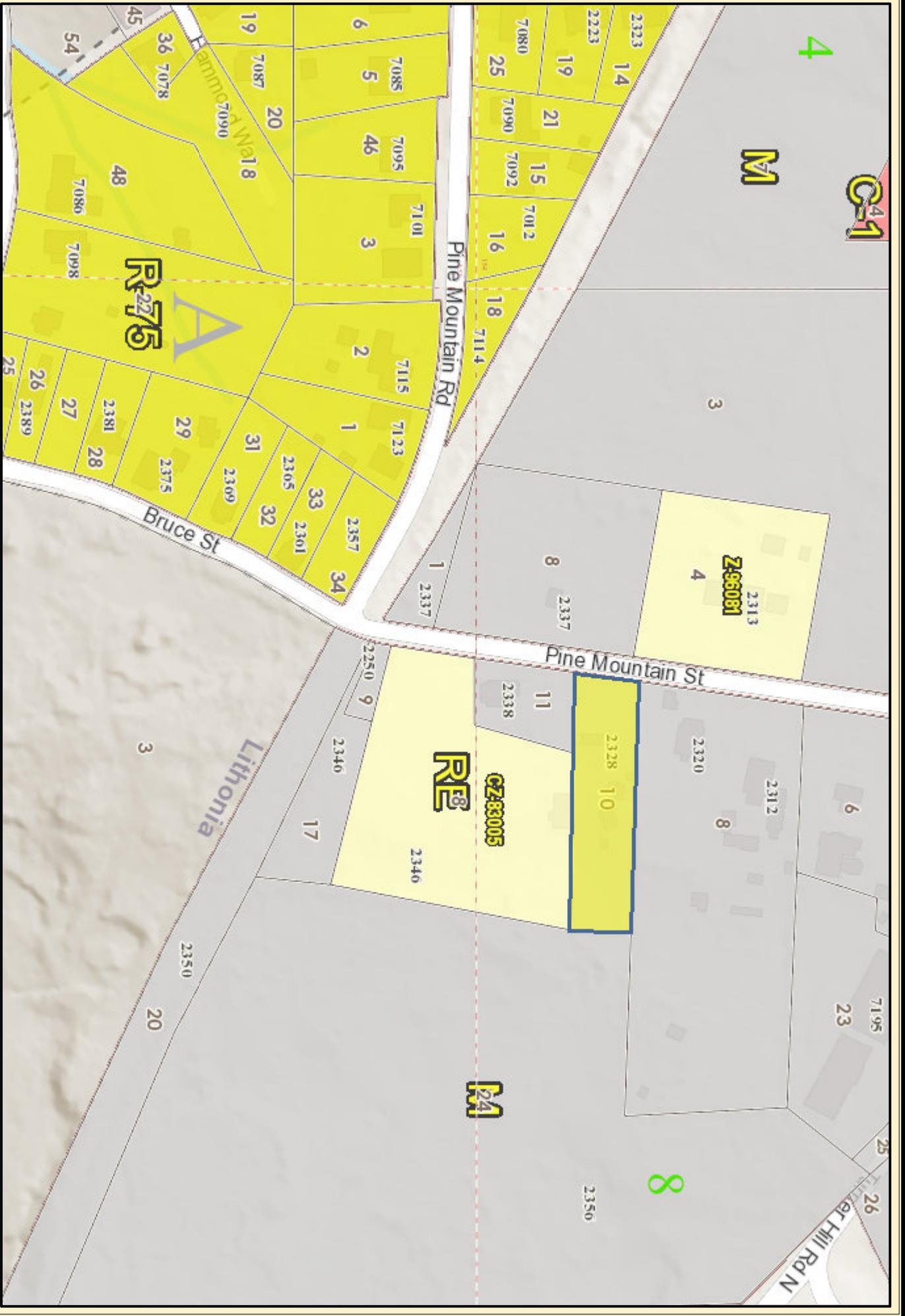




LP-21-1244541 Zoning Map



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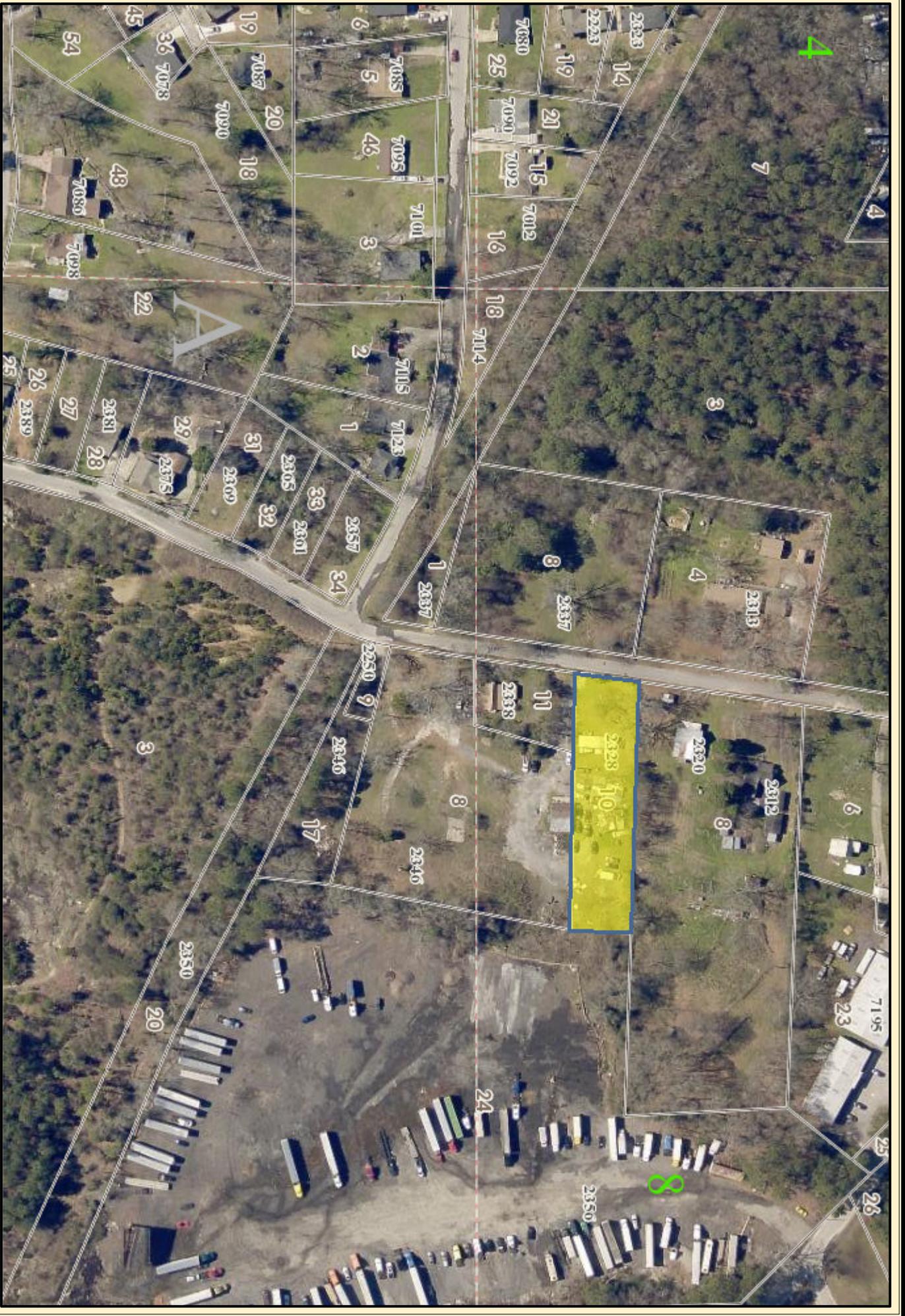
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LP-21-1244541 Aerial Map



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