



**DeKalb County Department of Planning & Sustainability**

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

**Decatur, GA 30030**

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

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

**STAFF ANALYSIS**

**Case No.:** CZ-21-1244384 **Agenda #:** N. 3

**Location/Address:** 1688, 1708, 1756, and 7480 Rock Chapel Road **Commission District:** 5 **Super District:** 7

**Parcel ID(s):** 16-195-01-002, -004, -006, -047

**Request:** Modify the conditions of zoning pursuant to CZ -07-12945 in the MU-1 (Mixed Use- 1) and MU-4 (Mixed Use - 4) zoning district to eliminate the zoning condition requiring senior apartments, single-family residential units, and stacked flats above the commercial component.

**Property Owner(s):** Hybrass Properties, LLC, Landlife, LLC, and Maristone Investment Properties

**Applicant/Agent:** Landlife, LLC c/o Battle Law, PC

**Acreage:** 116.45 acres

**Existing Land Use:** Undeveloped, wooded

**Surrounding Properties:** To the north and northeast: undeveloped, wooded (mixed zoning); to the east, southeast, and south: single-family residential (zoned R-85); to the southwest, west, and northwest: undeveloped; rock and gravel quarries (City of Stonecrest).

**Comprehensive Plan:** **Town Center, Suburban**      **Consistent**       **Inconsistent**

<b>Proposed Density:</b> 3.22 units/acre	<b>Existing Proposed Density:</b> 6.79 units/acre
<b>Proposed Units/Building Square Ft.:</b> 375 units, 123,791 s.f. retail	<b>Existing Proposed Units/Building Square Feet:</b> 791 units, 123,791 s.f. retail

**Zoning History:**

In September 2007, the Board of Commissioners rezoned the subject property from OI (Office Institutional), OD (Office Distribution), R-85 (Single-Family Residential-85), and M (Light Industrial) to OCR (Office Commercial

Residential), PC-1 (Planned Community-1), and R-85 (Single-Family Residential-85). These zoning classifications were changed to MU-1 and MU-4 during the 2015 zoning ordinance update. The proposed development included 791 residential units consisting of 140 townhome units, 264 senior apartment units, 275 single-family detached units, 112 units above commercial, and up to 123,000 square feet of retail. The Board of Commissioners approved the proposal with conditions for each type of land use.

### **SITE and PROJECT ANALYSIS**

The subject property is a 116.45-acre tract with frontage on Rock Chapel Road, a six-lane major thoroughfare. The property is undeveloped and wooded. A single-family residential subdivision is located to the southeast. A rock quarry is located on the adjoining property to the northeast, and another rock quarry is located across Rock Chapel Road, to the west. The Stonecrest Mall is located approximately 10 miles to the south. The Emory Hillandale Hospital is located approximately 11.4 miles to the southwest.

The applicant proposes to eliminate the senior apartment units as well as the single-family residential units. The number of townhomes would be increased to 375 units, and the commercial component would be reduced to one multi-tenant building. The conditions related to the senior apartment units and single-family residential units would be deleted, as shown in the marked-up conditions, which follow the staff recommendation. In addition, the applicant proposes to delete or modify the conditions related to the parking ratio of commercial uses and exterior lighting, as shown in the marked-up conditions. In addition, the applicant proposes to revise the conditions regarding single-family attached homes, as follows:

- **Fifty townhomes shall have a** full bedroom and full bath on main level.
- A maximum of ~~One Hundred Forty (140) units~~ 375 units will be allowed and shall not be affected or reduced in number by a reduction in the number of detached homes.

### **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:**

Development of only townhomes is consistent with the Town Center land use designation of the property, as it would result in a more compact residential form than single-family detached.

Housing Policy No. 6 of the 2035 Comprehensive Plan regarding senior housing states: “Encourage housing for the elderly that is well planned, soundly financed, and located within a pedestrian friendly, residential community.” While the proposed development would provide pedestrian amenities and would create a residential community, it would lack the network of social services, institutions, recreational facilities, and amenities that combine to create an “aging in place” community. These elements are important to help those senior citizens who do not feel comfortable driving on major roadways from becoming isolated or overly dependent on fee-for-service providers. –Section 4.2.46(G) of the *Zoning Ordinance* (Senior Housing) describes the services and amenities that are required in an environment that is suitable for seniors: “A senior housing facility shall only be approved after consideration of the use permit criteria, found in Article 7 and after consideration of the following: 1. Proximity and pedestrian access to retail services and public amenities. 2. Transportation alternatives. 5. Site and building design that encourages social interaction. 6. Building design that meets Easy Living standards.” In addition, the list of submittal requirements for a senior housing application includes the requirement for a description of “Proximity to services such as health care, shopping, recreation, and transit” (Section 4.2.46(I)). While the proposed development would have a retail component, there is no guarantee that the tenants who would eventually occupy the retail building would

provide basic goods and services that would enable the seniors to avoid driving or obtaining private driver services.

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

The proposal to eliminate the requirement for senior apartment units and single-family detached units in a mixed use development is intended to enable the property owner to develop the property in a manner that is consistent with the current housing market, with housing products that are suitable given the property's location. The concern about whether the location next to a rock quarry is suitable for senior housing was vetted during the 2007 development review process, and resulted in the adoption of a condition that states: "The Project Applicant and/or subsequent Builder(s) or Owners of the Senior Living Units shall utilize sound deadening building materials to lessen the adverse impacts of outside noise on those seniors living in the residential units, subject to approval of the Development Division of the Planning and Development Department."

The proposal to delete the conditions related to parking and exterior lighting will not significantly affect the development. The 2015 zoning ordinance has satisfactory standards regarding parking and exterior lighting.

The proposal to delete the condition regarding stacked flats is appropriate.

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

The zoning proposal under consideration in this analysis does not involve a change in the zoning classification of the property. The zoning classifications that were approved in 2007 appear to have reasonable economic use.

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

Elimination of the senior housing apartment building would not adversely affect the use or usability of adjacent or nearby property.

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

The fact that the property has remained undeveloped since zoning approval in 2007 suggests low market interest in developing it as currently zoned. The modification of the zoning proposal may spur interest in developing the property.

**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:** Elimination of senior housing units would not have an overall effect on the impact of the proposed development on transportation facilities, utilities,

or schools. There might be a net reduction of trips to and from the development, resulting from the elimination of senior units from the number of total residential units.

**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:**

The proposal to eliminate the requirement for senior apartment units and single-family residential units is intended to enable the property owner to develop the property in a manner that is consistent with the current housing market, with housing products that are suitable given the property's location. Regarding the senior housing component: Housing Policy No. 6 of the 2035 Comprehensive Plan regarding senior housing states: "Encourage housing for the elderly that is well planned, soundly financed, and located within a pedestrian friendly, residential community." While the proposed development would provide pedestrian amenities and would create a residential community, it would lack the network of social services, institutions, recreational facilities, and amenities that combine to create an "aging in place" community. These elements are important to help those senior citizens who do not feel comfortable driving on major roadways from becoming isolated or overly dependent on fee-for-service providers.

Section 4.2.46(G) of the *Zoning Ordinance* (Senior Housing) describes the services and amenities that are required in an environment that is suitable for seniors, including "proximity and pedestrian access to retail services and public amenities" and "transportation alternatives". While the proposed development would have a retail component, there is no guarantee that the tenants who would eventually occupy the retail building would provide basic goods and services that would enable the seniors to avoid driving or relying on the provision of private driver services. The fact that the property has remained undeveloped since zoning approval in 2007 suggests low market interest in developing it as currently zoned. The modification of the zoning proposal may spur interest in developing the property. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions:

**Marked-Up Proposed Conditions – for Final Recommended Conditions (clean copy) see below.**

General

1. Developer shall construct improvements as required by Georgia DOT and/or Department of Engineering based upon final configuration of site plan.
2. ~~Developer shall have eighteen (18) months from the date of zoning approval to apply for the initial land disturbance permit (LDP) based upon those County development standards existing at the time of rezoning. If no LDP is sought within eighteen (18) months after rezoning approval, unless otherwise permitted by law, t~~The developer shall comply with the County development standards in existence at the time of LDP application submittal.
3. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Commercial

1. Where crosswalks occur through paved parking areas and drives, visually distinct paving material shall be used to accommodate pedestrian safety as well as aesthetics throughout the development.
2. Principal building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, arcades, corniced parapets, peaked roof forms, arches, display



windows, moldings or tile work, integral planters or wing walls that incorporate landscaped areas, or sitting areas.

3. The largest continuous space for one tenant shall be limited to no more than Seventy-Five Thousand (75,000) square feet.
4. There shall be designated bicycle parking easily accessible from pedestrian connections, residential areas, non-residential areas, as well as park areas.
5. ~~Parking shall be calculated at 4:900 square foot ratio for all commercial uses.~~
6. ~~Exterior lighting fixtures shall be no closer than 5 feet of the perimeter of a parking lot.~~
7. Garbage dumpster pickup shall be between 6:00 a.m. and 9:00 p.m., Monday through Saturday.
8. The following uses shall be prohibited on the property:
  - (a) ~~Bars, Lounges or night clubs provided this shall not preclude a restaurant such as but not limited to Applebee's from having a bar.~~ No late-night establishments.
  - (b) Hotels or Motels.
  - (c) Theaters.
  - (d) Electronic game playing centers.
  - (e) Adult entertainment centers.
  - (f) Adult novelty stores.
  - (g) Pawn shops.
  - (h) Pool halls.
  - (i) Tattoo parlors.
9. The following uses are expressly allowed on the property:
  - (a) No more than one gas station with convenience store;
  - (b) Schools;
  - (c) Day care for all ages;
  - (d) No more than one grocery store;
- ~~10. Stack flats or condominiums above retail with a minimum of Eight Hundred (800) square feet of heated space and two parking spaces per unit.~~
11. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 20% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, stucco, or glass. Exterior building material shall not be of aluminum or vinyl siding, or corrugated steel.
12. No Commercial deliveries will occur between the hours of 9:00 p.m. and 7:00 a.m.

#### Residential

1. A common area/community park shall be located within a reasonable walking distance of all residential units.
2. Covenants to restrict rentals to no more than Fifteen Percent (15%).
3. Covenants and Homeowners Association for detached homes and townhomes shall be filed with the County prior to final plat approval.
4. A notice will be provided to potential buyers and at closing or execution of leases describing the proximity of an active rock quarry to the North of the Project, indicating that period blasting does occur, similar to the following:

ATTENTION: Tenant/Homeowner is advised that this property is located adjacent to an active quarry operated by ~~Lafarge North America~~. This quarry produces graded stone in various sizes, as well as concrete and masonry sand, gravel, and slag aggregates. The aggregate materials are quarried by drilling and/or blasting of rock, then extracting the material. All of the operation is required to take place within the limits and

tolerances prescribed by the State of Georgia and federal guidelines. ~~Lafarge North America~~ maintains that it manages an active environmental program designed to monitor and manage environmental matters to minimize impact to adjacent property owners and the surrounding community. Please consider these facts before you decide to rent/purchase.

#### ~~Detached~~

- ~~1. The detached homes shall be limited to no more than Two Hundred Seventy-Five (275) homes.~~
- ~~2. A minimum of Fifty Feet (50') at the building line for a minimum of half of the units and minimum of Seventy (70') at the building line for the balance of the units.~~
- ~~3. Fifteen percent (15%) of units to have basements with brick, rock, pre-cast cement, stucco on three sides up to the water table.~~
- ~~4. Minimum heated square feet of: 1,400 square feet at 10%; 1,700 square feet at 20%; 1,850 square feet at 30%; and 2,000 square feet at 35%.~~
- ~~5. Active amenity with pool, four tennis courts, pavilion style club house, and tot lot.~~
- ~~6. A minimum of two car garage.~~
- ~~7. A model home with Three (3) sides of brick, rock or stucco covering a minimum of Eighty Percent (80%) of the front and Two (2) sides, along with Three (3) and Four (4) sides in the same percentage offered as an upgrade will be required.~~

#### Attached

1. Minimum heated square feet of 1,600.
2. Minimum of two car garage.
3. Active amenity with pool, two tennis courts, pavilion style club house, and tot lot.
4. Fifty townhomes shall have a Full bedroom and full bath on main level.
5. A maximum of ~~One Hundred Forty (140)~~ 375 units will be allowed and shall not be affected or reduced in number by a reduction in the number of detached homes.

#### ~~Active Adult~~

- ~~1. Deed restricted to 55 years and older per Fair Housing Act standards.~~
- ~~2. Minimum heated square feet of 600.~~
- ~~3. Active amenity.~~

### **Final Recommended Conditions**

#### General

1. Developer shall construct improvements as required by Georgia DOT and/or Department of Engineering based upon final configuration of site plan.
2. The developer shall comply with the County development standards in existence at the time of LDP application submittal.
3. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

#### Commercial

1. Where crosswalks occur through paved parking areas and drives, visually distinct paving material shall be used to accommodate pedestrian safety as well as aesthetics throughout the

development.

2. Principal building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, arcades, corniced parapets, peaked roof forms, arches, display windows, moldings or tile work, integral planters or wing walls that incorporate landscaped areas, or sitting areas.
3. The largest continuous space for one tenant shall be limited to no more than Seventy-Five Thousand (75,000) square feet.
4. There shall be designated bicycle parking easily accessible from pedestrian connections, residential areas, non-residential areas, as well as park areas.
5. Garbage dumpster pickup shall be between 6:00 a.m. and 9:00 p.m., Monday through Saturday.
6. The following uses shall be prohibited on the property:
  - (a) Bars, Lounges or night clubs provided this shall not preclude a restaurant such as but not limited to Applebee's from having a bar.
  - (b) Hotels or Motels.
  - (c) Theaters.
  - (d) Electronic game playing centers.
  - (e) Adult entertainment centers.
  - (f) Adult novelty stores.
  - (g) Pawn shops.
  - (h) Pool halls.
  - (i) Tattoo parlors.
7. The following uses are expressly allowed on the property:
  - a. No more than one gas station with convenience store;
  - b. Schools;
  - c. Day care for all ages;
  - d. No more than one grocery store;
8. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 20% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, stucco, or glass. Exterior building material shall not be of aluminum or vinyl siding, or corrugated steel.
9. No Commercial deliveries will occur between the hours of 9:00 p.m. and 7:00 a.m.

#### Residential

1. A common area/community park shall be located within a reasonable walking distance of all residential units.
2. Covenants to restrict rentals to no more than Fifteen Percent (15%).
3. Covenants and Homeowners Association for detached homes and townhomes shall be filed with the County prior to final plat approval.
4. A notice will be provided to potential buyers and at closing or execution of leases describing the proximity of an active rock quarry to the north of the Project, indicating that period blasting does occur, similar to the following:

ATTENTION: Tenant/Homeowner is advised that this property is located adjacent to an active quarry. This quarry produces graded stone in various sizes, as well as concrete and masonry sand, gravel, and slag aggregates. The aggregate materials are quarried by drilling and/or blasting of rock, then extracting the material. All of the operation is required to take place within the limits and tolerances prescribed by the State of Georgia and federal guidelines. The quarry maintains that it manages an active environmental

program designed to monitor and manage environmental matters to minimize impact to adjacent property owners and the surrounding community. Please consider these facts before you decide to rent/purchase.

Attached

1. Minimum heated square feet of 1,600.
2. Minimum of two car garage.
3. Active amenity with pool, two tennis courts, pavilion style club house, and tot lot.
4. Fifty townhomes shall have a full bedroom and full bath on main level.
5. A maximum of 375 units will be allowed and shall not be affected or reduced in number by a reduction in the number of detached homes.

**ATTACHMENTS:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plans
6. Land Use Map
7. Zoning Map
8. Aerial View
9. Site Photos

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following may be required:*

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
  - **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
  - **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
  - **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✔ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
  - **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
  - **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
  - **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
  - **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

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

Zoning comments: 12/14/2020

N1. Constitution Road is classified as a minor arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontages at permitting. You may want to check whether this goes against the planning efforts in the DeKalb County SDAT Report Plan to limit trucks on Bouldercrest Road.

N2. Mercer University Drive and Flowers Road are both classified as collector roads. . Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Coordination is required with GDOT Project PI No. 0015646. Dedicate necessary right of way and easements needed for bridge construction.

N3. Rock Chapel Road is classified as a major arterial and state route. GDOT review and permits required, including updated traffic signal permit, prior to receiving permit. Requesting a traffic study to include all phases with proposed land uses. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N4. No comments

N5 & N6. Flat Shoals Pkwy is classified as a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Dedicate right of way to match surrounding parcels. Flakes Mill Road is classified as a minor arterial. . A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Limit access points to one access point on each road by closing the access point nearest the intersection.

N7. No comments

N8. Briarcliff Road and Shallowford Road are both classified as minor arterials. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N9. Covington Hwy is classified at a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N10. North Druid Hill is classified as a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path- preferred) and street lighting along all property frontage at permitting.



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-21-1244384

Parcel I.D. #: 16-195-01-002, 16-195-01-004, 16-195-01-006, 16-195-01-047

Address: 1688, 1708, 1756, and 7480 Rock Chapel Road

Lithonia, Georgia

WATER:

Size of existing water main: 8" DI and 16" DI Water Main ~~adequate/inadequate~~ <sup>S.D</sup>

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Yellow River Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Pole Bridge WTF ~~adequate ( ) inadequate~~ <sup>S.D</sup>

Sewage Capacity; \* (MGPD)

Current Flow: 6.48 (MGPD)

COMMENTS:

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 





## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

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

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

State water buffer **was** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

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



Board of Health

12/14/2020

To: 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 Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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



Board of Health

- N.1 Z-21-1244232 2020-1531/15-077-01-002  
1795 Constitution Road, Atlanta, GA 30316  
- Please review general comments.
- N.2 SLUP-21-1244383 202-1532/18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-0052930  
2930 Flowers Road South, Chamblee, GA 30341  
- Please review general comments.  
- Septic system installed on property 3000 Flowers Road on 09/24/1970.
- N.3 CZ-21-1244384 2020-1534/16-195-01-002,16-195-011-004,16-195-01-006,16-195-01-007  
1688 Rock Chapel Road; Lithonia, GA 30058  
- Please review general comments.  
- Septic indicated on several properties surrounding this location.
- N.4 SLUP-21-1244387 2020-1535/15-164-02-001  
4085 Glenwood Road, Decatur, GA 30032  
- Please review general comments.  
- Septic indicated on several properties; installed between 10-07-59 – July 2001.
- N.5 SLUP-21-1244388 2020-1536/15-061-03-012  
4845 Flat Shoals Parkway, Decatur, GA 30034  
- Please review general comments.  
- Septic indicated on several properties in surrounding area.
- N.6 SLUP-21-1244389 2020-1537/15-061-03-012  
4845 Flat Shoals Parkway, Decatur, GA 30034  
- Please review general comments.  
- Septic system indicated on several properties in surrounding area.
- N.7 Z-21-1244393 2020-1538/15-201-05-002  
1548 Line Street, Decatur, GA 30032  
- Please review general comments.  
- Septic indicated on surrounding property: 1799 Line Street on April 22, 1996.



**Board of Health**

- N.8 SLUP-21-1244393 2020-1539/18-233-07-002  
2345 Shallowford Road, Atlanta, GA 30345
  - Please review general comments.
  - Septic system indicated on surrounding properties.
  
- N.9 Z-21-1244398 2020-1541/15-162-04-007  
5021 Covington Highway, Decatur, GA 30035
  - Please review general comments.
  - Septic system installed 05/24/1967.
  
- N.10 SLUP-21-1244417 2020-1542/18-112-02-003  
3033 North Druid Hills Road, Atlanta, GA 30329
  - Please review general comments.
  - Septic system installed on surrounding property 3035 North Druid Hills Road in 04/14/1980.
  
- N.11 TA-21-1244279 2020-1543  
County-Wide (ALL DISTRICTS)
  
- N.12 TA-21-1244414 2020-1546  
County-Wide (ALL DISTRICTS)
  
- N.13 V-20-1244428 15-228-01-003, 15-228-01-005, 15-228-01-093, 15-288-01-094  
1014 Elder Lane, Stone Mountain, GA 30083

**DeKalb County School District  
Development Review Comments**

**Analysis Date:** 12/10/2020

**Submitted to:** DeKalb County **Case #:** CZ-21-1244384  
**Parcel #:** 16 195 01 002, 004,006, and 0007 and  
16 118 02 047

**Name of Development:** Creekside Village  
**Location:** 1688, 1708, 1726, 1757, and 7480 Rock Chapel Road

**Description:** Mixed use development with 375 townhomes on undeveloped tract near Rock Chapel Road and Pleasant Hill Road

**Impact of Development:** When fully constructed, this development would be expected to generate 86 students: 27 at Rock Chapel Elementary School, 13 at Lithonia Middle School, 13 at Lithonia High School, 32 at other DCSD schools, and 1 at private school. Enrollment at Lithonia HS may be over capacity next year and beyond and may need an additional portable classroom if students are added from this development.

<b>Current Condition of Schools</b>	<b>Chapel Elementary School</b>	<b>Lithonia Middle School</b>	<b>Lithonia High School</b>	<b>Other DCSD Schools</b>	<b>Private Schools</b>	<b>Total</b>
Capacity	697	1,188	1,425			
Portables	0	0	0			
Enrollment (Fcast. Oct. 2021)	505	1,155	1,474			
Seats Available	192	33	-49			
Utilization (%)	72.5%	97.2%	103.4%			
<b>New students from development</b>	27	13	13	32	1	86

New Enrollment	532	1,168	1,487
New Seats Available	165	20	-62
New Utilization	76.3%	98.3%	104.4%

<b>Yield Rates</b>	<b>Home School</b>	<b>DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	0.0728	0.0521	0.0028	0.0426
Middle	0.0344	0.0194	0.0000	0.0179
High	0.0329	0.0131	0.0009	0.0156
<b>Total</b>	<b>0.0467</b>	<b>0.0282</b>	<b>0.0012</b>	<b>0.0254</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	375			
<b>Unit Type</b>	TH			
<b>Cluster</b>	Lithonia High School			
<b>Units x Yield</b>	<b>Home School</b>	<b>DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	27.32	19.53	1.04	47.89
Middle	12.91	7.26	0.00	20.17
High	12.36	4.90	0.32	17.58
<b>Total</b>	<b>52.59</b>	<b>31.69</b>	<b>1.36</b>	<b>85.64</b>
<b>Anticipated Students</b>	<b>Home School</b>	<b>DCSD School</b>	<b>Private School</b>	<b>Total</b>
Rock Chapel Elementary School	27	20	1	48
Lithonia Middle School	13	7	0	20
Lithonia High School	13	5	0	18
<b>Total</b>	<b>53</b>	<b>32</b>	<b>1</b>	<b>86</b>



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**

**MAJOR MODIFICATION APPLICATION**

Existing Conditional Zoning No.: \_\_\_\_\_

**APPLICANT NAME:** Landlife, LLC. c/o Battle Law P.C.

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750, Decatur, GA 30030

**OWNER NAME:** See Attached Exhibit A

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

Daytime Phone#: \_\_\_\_\_ Fax #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**SUBJECT PROPERTY ADDRESS OR LOCATION:** 1688, 1708, 1726, 1757, and 7480 Rock Chapel Road, DeKalb County, GA, 30058

District(s): 16 Land Lot(s): 195 and 188 Block(s): 01 and 02 Parcel(s): 16 195 01 002,004,006,and 0007 and 16 118 02 047

Acreage or Square Feet: 116.45 acres Commission District(s): 5 and 7 Existing Zoning: MU-1 and MU-4


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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

       Yes   X   No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

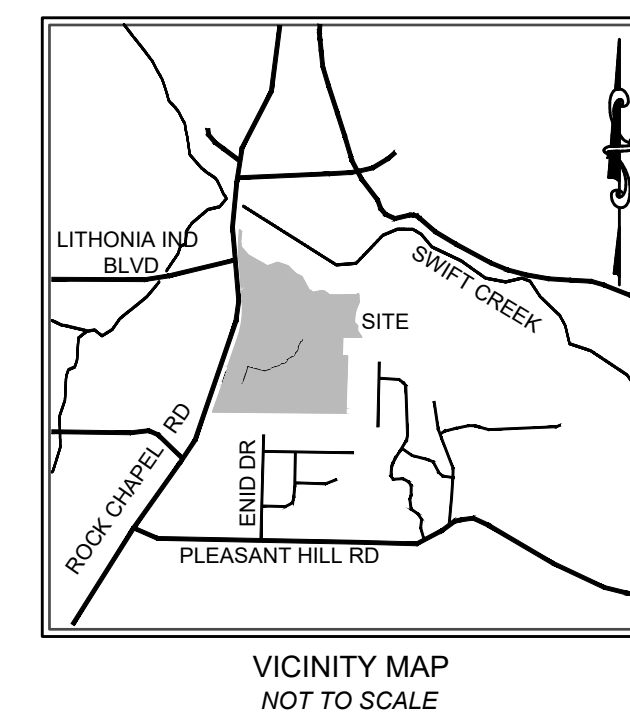
Owner: \_\_\_\_\_ Agent: \_\_\_\_\_  
(Check One)

**Landlife, LLC**

Signature of Applicant: By , Authorized Signatory

Printed Name of Applicant: Landlife, LLC by Michele Battle Major Modification Application

**BOUNDARY EXHIBIT FOR  
HYBRASS PROPERTIES, LLC**  
LAND LOTS 188, 189, 196 & 197, 16TH DISTRICT  
DEKALB COUNTY, GEORGIA



**FALCON DESIGN CONSULTANTS**

CIVIL ENGINEERING  
CONSTRUCTION MANAGEMENT  
LAND SURVEYING  
LANDSCAPE ARCHITECT  
LAND PLANNING

STOCKBRIDGE OFFICE  
230 CHRP. CTR. DR., STE. 200  
STOCKBRIDGE, GEORGIA 30205  
PH: 770.399.6666 - Fax: 770.399.6656

MARIETTA OFFICE  
40 GREENWICH CTR., STE. A  
MARIETTA, GEORGIA 30067  
PH: 770.399.6666

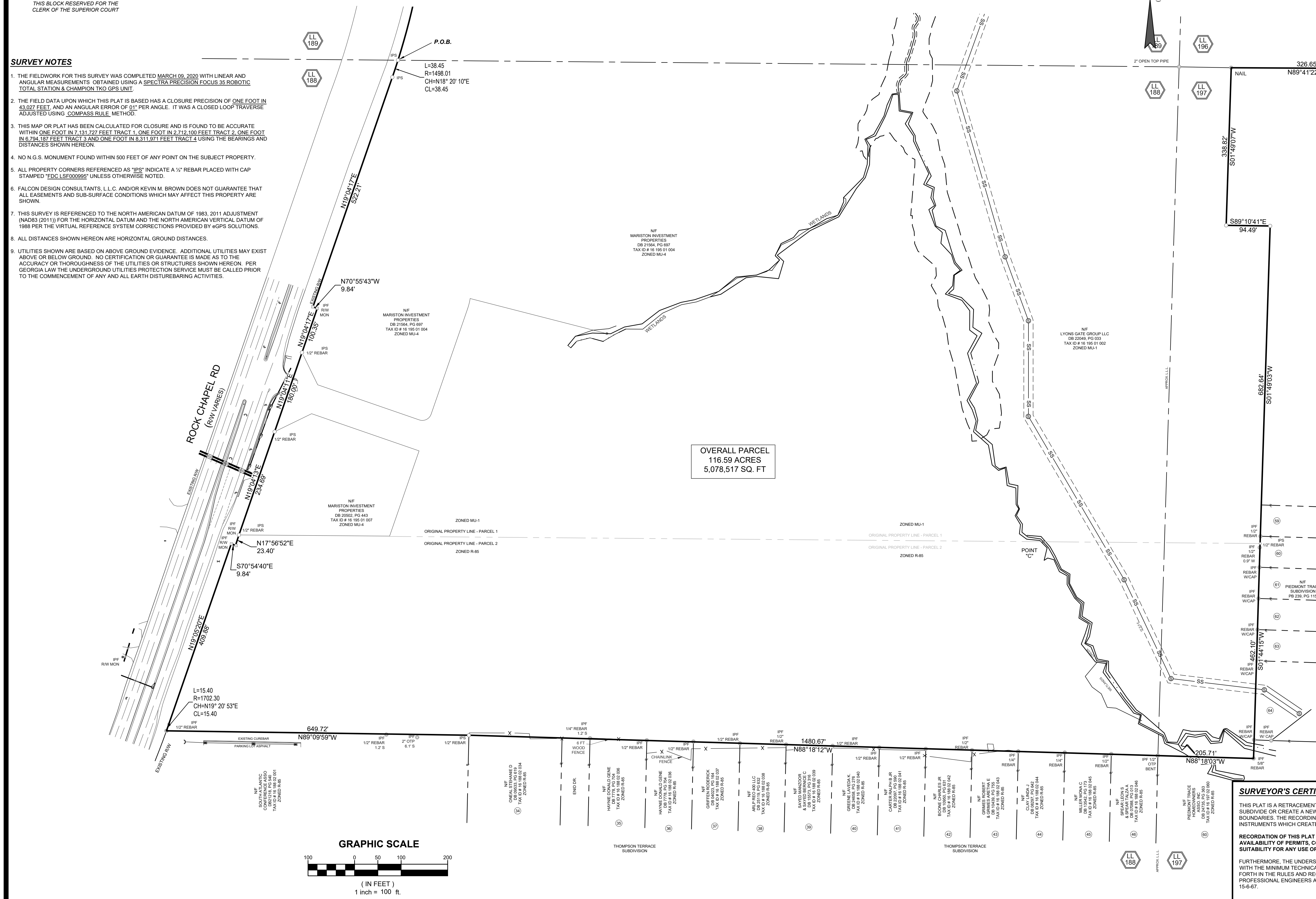
CUMMING OFFICE  
900 PINELEAF RD., STE. C  
CUMMING, GEORGIA 30008  
PH: 770.399.6666

www.fdc-llc.com

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

**SURVEY NOTES**

1. THE FIELDWORK FOR THIS SURVEY WAS COMPLETED MARCH 09, 2020 WITH LINEAR AND ANGULAR MEASUREMENTS OBTAINED USING A SPECTRA PRECISION FOCUS 35 ROBOTIC TOTAL STATION & CHAMPION TKO GPS UNIT.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 43,027 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE ADJUSTED USING COMPASS RULE METHOD.
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 7,131,727 FEET TRACT 1, ONE FOOT IN 2,712,100 FEET TRACT 2, ONE FOOT IN 6,784,187 FEET TRACT 3 AND ONE FOOT IN 8,311,971 FEET TRACT 4 USING THE BEARINGS AND DISTANCES SHOWN HEREON.
4. NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATE A 1/2" REBAR PLACED WITH CAP STAMPED "FDC LSF000995" UNLESS OTHERWISE NOTED.
6. FALCON DESIGN CONSULTANTS, L.L.C. AND/OR KEVIN M. BROWN DOES NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
7. THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83 (2011)) FOR THE HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 PER THE VIRTUAL REFERENCE SYSTEM CORRECTIONS PROVIDED BY GPS SOLUTIONS.
8. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
9. UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.



**LEGEND**

- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- LL LAND LOT
- OTP OPEN TOP PIPE
- REB REBAR
- IPF IRON PIN FOUND
- IPS 1/2" REBAR W/ FDC 000995
- CTP CURB TOP PIPE
- C&G CURBS & GUTTERS
- R/W RIGHT OF WAY
- NF NOW OR FORMERLY
- E OVERHEAD POWER LINE
- sq ft SQUARE FOOT
- REF REFERENCE
- TBM TEMPORARY BENCHMARK
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- RCIP REINFORCED CONCRETE PIPE
- DIP DUCTILE IRON PIPE
- PVC POLYVINYL CHLORIDE PIPE
- HDPE HIGH DENSITY POLYETHYLENE PIPE
- CMP CORRUGATED METAL PIPE
- P PROPERTY LINE
- CL CENTERLINE
- ID IDENTIFICATION
- B.S.L. BUILDING SETBACK LINE
- BOC BACK OF CURB
- C CURVE LABEL
- CI CURB INLET
- DE DRAINAGE EASEMENT
- EOP EDGE OF PAVEMENT
- FH FIRE HYDRANT
- L LINE LABEL
- PKS PK NAIL SET
- SSE SANITARY SEWER EASEMENT
- UE UTILITY EASEMENT
- SWMF STORMWATER MANAGEMENT FACILITY
- CO SEWER CLEAN OUT
- IPF IRON PIN FOUND
- IPF IRON PIN SET
- CP CALCULATED POINT
- PP POWER POLE
- FH FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- JB JUNCTION BOX
- SS SANITARY SEWER MANHOLE
- DI DROP INLET
- R/W RIGHT OF WAY MONUMENT
- SW SINGLE WING CATCH BASIN
- DB DOUBLE WING CATCH BASIN
- CI CURB INLET
- HW HEADWALL
- FS FLARED END SECTION
- GM GAS METER
- GV GAS VALVE
- ET ELECTRIC TRANSFORMER
- LP LIGHT POST
- AS ASPHALT
- CO CONCRETE



BOUNDARY EXHIBIT  
FOR  
**HYBRASS PROPERTIES, LLC**  
LOCATED IN:  
LAND LOTS 188, 189, 196, & 197, 16TH DISTRICT  
DEKALB COUNTY, GEORGIA

REVISIONS	DESCRIPTION
1.	
2.	
3.	
4.	

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR FIRMS NAMED HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON OR PERSONS. THE SIGNATURE OF THE SURVEYOR NAMING SAID PERSON.

DATE:	11/2/2020
SCALE:	1"=100'
FILE NUMBER:	100.002
DRAWN BY:	PC
REVIEWED BY:	K BROWN

**SURVEYOR'S CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.

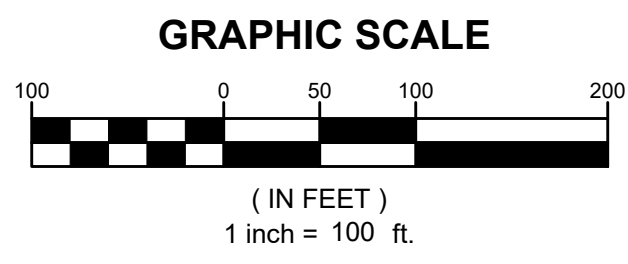
FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

KEVIN M. BROWN  
REGISTERED LAND SURVEYOR #29960

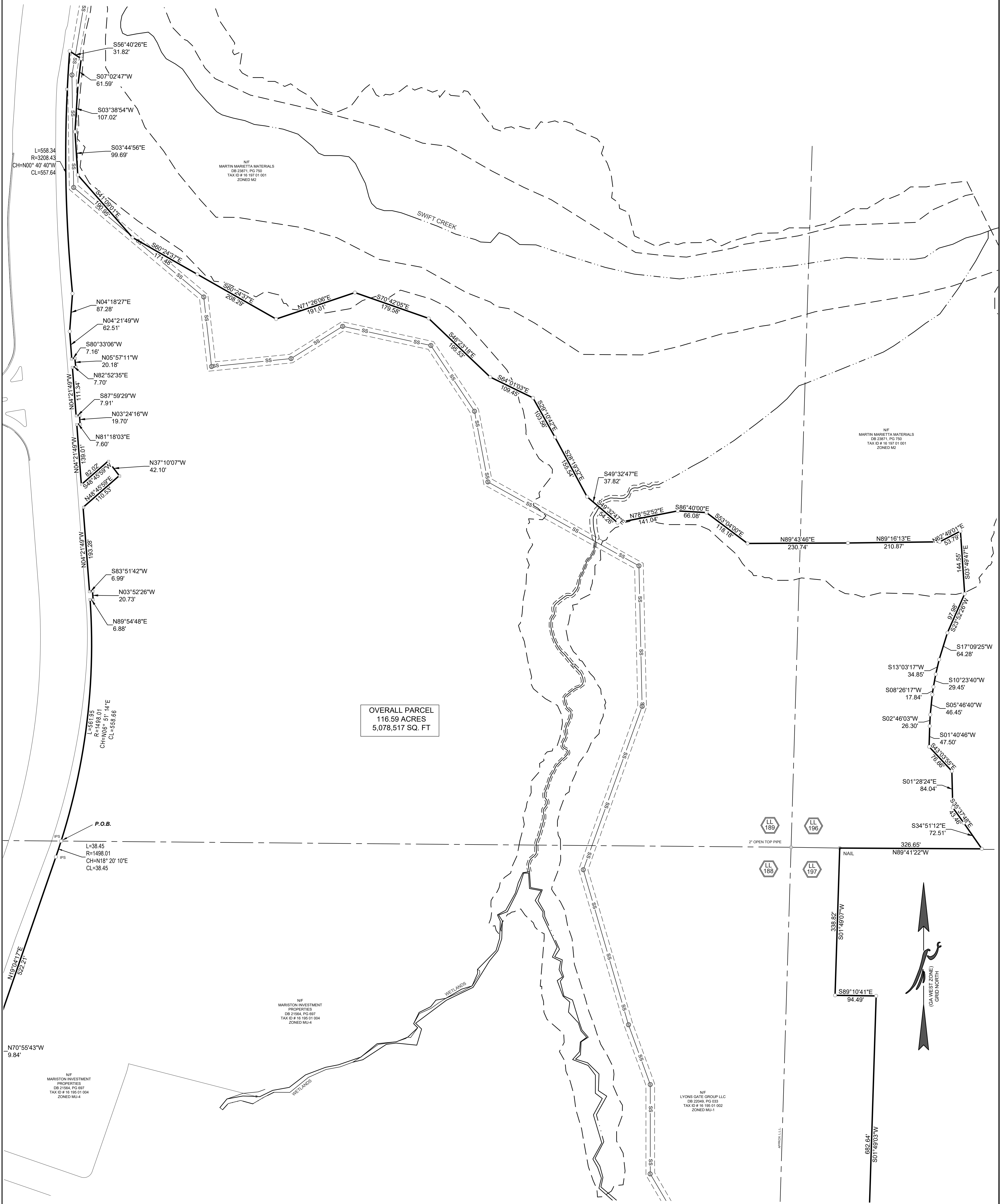
DATE

SHEET NUMBER  
**1 OF 2**





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CLERK OF THE SUPERIOR COURT



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SHEET NUMBER  
**2 OF 2**

COA # 1 SE 000995  
THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE SIGNATURE OF THE SURVEYOR AND THE REGISTERED PROFESSIONAL ENGINEER.

DATE:	11/22/2020
SCALE:	1"=100'
FILE NUMBER:	100.0002
DRAWN BY:	PC
REVIEWED BY:	K. BROWN

REVISIONS	
1	
2	
3	
4	

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

**BOUNDARY EXHIBIT  
FOR  
HYBRASS PROPERTIES, LLC**

LOCATED IN:  
LAND LOTS 188, 189, 196 & 197, 12TH DISTRICT  
DEKALB COUNTY, GEORGIA

**FALCON DESIGN CONSULTANTS**

REGISTERED PROFESSIONAL ENGINEER  
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT  
REGISTERED PROFESSIONAL PLANNER

ENGINEERING  
CONSTRUCTION  
LANDSCAPE ARCHITECTURE  
PLANNING

1000 W. MARKET STREET, SUITE 100  
DEKALB COUNTY, GEORGIA 30030  
PHONE: 404.281.1111  
WWW.FALCONDESIGNCONSULTANTS.COM

**SURVEY DESCRIPTION - ROCK CHAPEL RD – OVERALL**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 188, 189, 196 AND 197, 16TH DISTRICT, DEKALB COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH REBAR AND CAP IN THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE NO. 214, A.K.A. ROCK CHAPEL ROAD, AT THE INTERSECTION OF SAID RIGHT-OF-WAY LINE AND THE LINE DIVIDING LAND LOTS 188 AND 189;

THENCE, WITH SAID RIGHT-OF-WAY LINE, 561.95 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1,498.01 FEET, AND A CHORD BEARING NORTH 06 DEGREES 51 MINUTES 14 SECONDS EAST, 558.66 FEET) TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 89 DEGREES 54 MINUTES 48 SECONDS EAST, 6.88 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 03 DEGREES 52 MINUTES 26 SECONDS WEST, 20.73 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, SOUTH 83 DEGREES 51 MINUTES 42 SECONDS WEST, 6.99 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 04 DEGREES 21 MINUTES 49 SECONDS WEST, 193.28 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 48 DEGREES 45 MINUTES 59 SECONDS EAST, 110.53 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 37 DEGREES 10 MINUTES 07 SECONDS WEST, 42.10 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, SOUTH 48 DEGREES 45 MINUTES 59 SECONDS WEST, 82.02 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 04 DEGREES 21 MINUTES 49 SECONDS WEST, 139.01 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 81 DEGREES 18 MINUTES 03 SECONDS EAST, 7.60 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 03 DEGREES 24 MINUTES 16 SECONDS WEST, 19.70 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, SOUTH 87 DEGREES 59 MINUTES 29 SECONDS WEST, 7.91 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 04 DEGREES 21 MINUTES 49 SECONDS WEST, 111.34 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 82 DEGREES 52 MINUTES 35 SECONDS EAST, 7.70 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 05 DEGREES 57 MINUTES 11 SECONDS WEST, 20.18 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, SOUTH 80 DEGREES 33 MINUTES 06 SECONDS WEST, 7.16 FEET TO A RIGHT-OF-WAY MONUMENT;

THENCE, NORTH 04 DEGREES 21 MINUTES 49 SECONDS WEST, 62.51 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, NORTH 04 DEGREES 18 MINUTES 27 SECONDS EAST, 87.28 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, 558.34 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 3,208.43 FEET, AND A CHORD BEARING NORTH 00 DEGREES 40 MINUTES 40 SECONDS WEST, 557.64 FEET) TO A 1/2 INCH REBAR AND CAP;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, SOUTH 56 DEGREES 40 MINUTES 26 SECONDS EAST, 31.82 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 07 DEGREES 02 MINUTES 47 SECONDS WEST, 61.59 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 03 DEGREES 38 MINUTES 54 SECONDS WEST, 107.02 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 03 DEGREES 44 MINUTES 56 SECONDS EAST, 99.69 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 41 DEGREES 09 MINUTES 01 SECONDS EAST, 190.95 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 60 DEGREES 24 MINUTES 37 SECONDS EAST, 171.48 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 60 DEGREES 24 MINUTES 37 SECONDS EAST, 208.29 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, NORTH 71 DEGREES 26 MINUTES 06 SECONDS EAST, 191.01 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 70 DEGREES 42 MINUTES 05 SECONDS EAST, 179.58 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 46 DEGREES 23 MINUTES 18 SECONDS EAST, 195.53 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 64 DEGREES 01 MINUTES 03 SECONDS EAST, 109.45 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 29 DEGREES 10 MINUTES 42 SECONDS EAST, 103.56 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 28 DEGREES 19 MINUTES 32 SECONDS EAST, 155.54 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 49 DEGREES 32 MINUTES 47 SECONDS EAST, 37.82 FEET TO A POINT IN THE CENTERLINE OF A CREEK;

THENCE, LEAVING SAID CREEK, SOUTH 49 DEGREES 32 MINUTES 47 SECONDS EAST, 54.26 FEET TO A POINT;

THENCE, NORTH 78 DEGREES 52 MINUTES 52 SECONDS EAST, 141.04 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 86 DEGREES 40 MINUTES 00 SECONDS EAST, 66.08 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 53 DEGREES 04 MINUTES 00 SECONDS EAST, 118.18 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, NORTH 89 DEGREES 43 MINUTES 46 SECONDS EAST, 230.74 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, NORTH 89 DEGREES 16 MINUTES 13 SECONDS EAST, 210.87 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, NORTH 62 DEGREES 49 MINUTES 01 SECONDS EAST, 53.79 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 03 DEGREES 49 MINUTES 47 SECONDS EAST, 144.55 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 23 DEGREES 52 MINUTES 26 SECONDS WEST, 97.98 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 17 DEGREES 09 MINUTES 25 SECONDS WEST, 64.28 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 13 DEGREES 03 MINUTES 17 SECONDS WEST, 34.85 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 10 DEGREES 23 MINUTES 40 SECONDS WEST, 29.45 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 08 DEGREES 26 MINUTES 17 SECONDS WEST, 17.84 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 05 DEGREES 46 MINUTES 40 SECONDS WEST, 46.45 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 02 DEGREES 46 MINUTES 03 SECONDS WEST, 26.30 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 01 DEGREES 40 MINUTES 46 SECONDS WEST, 47.50 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 43 DEGREES 03 MINUTES 55 SECONDS EAST, 76.66 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 01 DEGREES 28 MINUTES 24 SECONDS EAST, 84.04 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 35 DEGREES 37 MINUTES 48 SECONDS EAST, 43.46 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 34 DEGREES 51 MINUTES 12 SECONDS EAST, 72.51 FEET TO A 1/2 INCH REBAR AND CAP IN THE SOUTHERLY LINE OF LAND LOT 196;

THENCE, WITH SAID LAND LOT LINE, NORTH 89 DEGREES 41 MINUTES 22 SECONDS WEST, 326.65 FEET TO A NAIL FOUND;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 01 DEGREES 49 MINUTES 07 SECONDS WEST, 338.82 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 89 DEGREES 10 MINUTES 41 SECONDS EAST, 94.49 FEET TO A 1/2 INCH REBAR AT THE NORTHWESTERLY CORNER OF LOT 50, PIEDMONT TRACE SUBDIVISION, AS SHOWN IN PLAT BOOK 239, PAGE 115, DEKALB COUNTY RECORDS;

THENCE, ALONG THE REAR OF LOTS 50 THROUGH 60, SOUTH 01 DEGREES 49 MINUTES 03 SECONDS WEST, 682.64 FEET TO A 1/2 INCH REBAR AND CAP;

THENCE, SOUTH 01 DEGREES 44 MINUTES 15 SECONDS WEST, 462.10 FEET TO A 5/8 INCH REBAR;

THENCE, NORTH 88 DEGREES 18 MINUTES 03 SECONDS WEST, 205.71 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, NORTH 88 DEGREES 18 MINUTES 12 SECONDS WEST, 1,480.67 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 09 MINUTES 59 SECONDS WEST, 649.72 FEET TO A 1/2 INCH REBAR ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROUTE NO. 214;

THENCE, WITH SAID RIGHT OF WAY LINE, 15.40 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1,702.30 FEET AND A CHORD BEARING NORTH 19 DEGREES 20 MINUTES 53 SECONDS EAST, 15.40 FEET) TO A POINT;

THENCE, NORTH 19 DEGREES 05 MINUTES 20 SECONDS EAST, 409.88 FEET TO A RIGHT OF WAY MONUMENT;

THENCE, SOUTH 70 DEGREES 54 MINUTES 40 SECONDS EAST, 9.84 FEET TO A RIGHT OF WAY MONUMENT;

THENCE, NORTH 17 DEGREES 56 MINUTES 52 SECONDS EAST, 23.40 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 19 DEGREES 04 MINUTES 13 SECONDS EAST, 234.69 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 19 DEGREES 04 MINUTES 11 SECONDS EAST, 180.00 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 19 DEGREES 04 MINUTES 17 SECONDS EAST, 100.35 FEET TO A RIGHT OF WAY MONUMENT;

THENCE, NORTH 70 DEGREES 55 MINUTES 43 SECONDS WEST, 9.84 FEET TO A RIGHT OF WAY MONUMENT;

THENCE, NORTH 19 DEGREES 04 MINUTES 17 SECONDS EAST, 522.21 FEET TO A 1/2 INCH REBAR;

THENCE, 38.45 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1,498.01 FEET AND A CHORD BEARING NORTH 18 DEGREES 20 MINUTES 10 SECONDS EAST, 38.45 FEET) TO THE **POINT OF BEGINNING.**

SAID TRACT OR PARCEL CONTAINING **116.59 ACRES (5,078,517 SQUARE FEET).**

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: Michele Battle Phone: \_\_\_\_\_ Email: mlb@battlelawpa.com

Property Address: 7480 Rock Chapel Rd + 1688 Rock Chapel Rd

Tax Parcel ID: 16 195 01 004 16 195 01 002 Comm. District(s): 527 Acreage: \_\_\_\_\_

Existing Use: undeveloped Proposed Use Mix use

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

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

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

**Major Modification:**

Existing Case Number(s): CZ-07-12945, CZ-92069

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: Jeremy McNeil Date 10/28/20

Filing Fees

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00



**Parcel Numbers, Property Addresses, and Zoning Code**

<b>Parcel Numbers</b>	<b>Addresses</b>	<b>Owner</b>	<b>Zoning</b>
16 195 01 002	1688 Rock Chapel Road Lithonia, GA 30058	Hybrass Properties, LLC	MU-1
16 195 01 006	1708 Rock Chapel Road Lithonia, GA 30058	Landlife, LLC	MU-1
16 195 01 007	1726 Rock Chapel Road Lithonia, GA 30058	Maristone Investment Properties	MU-4
16 188 02 047	1756 Rock Chapel Road Lithonia, GA 30058	Landlife, LLC	MU-1
16 195 01 004	7480 Rock Chapel Road Lithonia, GA 30058	Maristone Investment Properties	MU-4



THIS BLOCK RESERVED FOR CLERK OF COURT

ZONE AE

L=558.34'  
R=3208.430'  
CH=N0° 40' 40"W  
CL=557.64'

N04°18'27"E  
87.28'

N04°21'49"W  
62.51'

LITHONIA  
INDUSTRIAL BLVD  
WIDTH VARIES



## SURVEY NOTES

1. THE FIELDWORK FOR THIS SURVEY WAS COMPLETED JANUARY 8, 2020 WITH LINEAR AND ANGULAR MEASUREMENTS OBTAINED USING A SPECTRA PRECISION FOCUS 35 ROBOTIC TOTAL STATION & CHAMPION TKO GPS UNIT.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,923 FEET, AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE ADJUSTED USING COMPASS RULE METHOD.
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 356,303 FEET USING THE BEARINGS AND DISTANCES SHOWN HEREON.
4. NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATE A  $\frac{1}{2}$ " REBAR PLACED WITH CAP STAMPED "FDC LSF000995" UNLESS OTHERWISE NOTED.
6. FALCON DESIGN CONSULTANTS, L.L.C. AND/OR KEVIN M. BROWN DOES NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
7. THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83 (2011)) FOR THE HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM OF 1988 PER THE VIRTUAL REFERENCE SYSTEM CORRECTIONS PROVIDED BY eGPS SOLUTIONS.
8. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.
9. UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

Circle Aggregates Inc., a Delaware corporation and f/k/a Georgia Marble Aggregates Corporation, a Delaware corporation and Ashton Atlanta Residential, L.L.C., a Georgia limited liability company, dated March 17, 2004, recorded in Deed Book 15929, page 50, DeKalb County, Georgia records.

**20 FOOT SEWER EASEMENT AFFECTS SUBJECT PROPERTY AND IS SHOWN HEREON.**

19. Reservation of rights in Limited Warranty Deed between LaFarge Aggregates Southeast, Inc., as successor to interest by name change from Blue Circle Aggregates, Inc. and Georgia Marble Aggregates Corporation (Grantor) and Mariston Developments, LLC, (Grantee) dated November 30, 2007, recorded in Deed Book 20502, page 418, DeKalb County, Georgia records.

**EXCEPTION AFFECTS SUBJECT PROPERTY. SHOWN AS TRACT 6 AND "TEMPORARY EASEMENT AREA".**

20. Reservation of rights in Limited Warranty Deed between LaFarge Aggregates Southeast, Inc., as successor to interest by name change from Blue Circle Aggregates, Inc. and Georgia Marble Aggregates Corporation (Grantor) and Mariston Investment Properties, LLC, (Grantee) dated November 30, 2007, recorded in Deed Book 20502, page 443, DeKalb County, Georgia records.

**EXCEPTION AFFECTS SUBJECT PROPERTY. SHOWN AS TRACTS 1-5 & TWO SOUTHERLY ADJOINERS.**

21. Easement from Lyons Gate Group, LLC to Georgia Power Company, dated December 17, 2008, recorded in Deed Book 21221, page 586, DeKalb County, Georgia records.

**DOCUMENT CONTAINS NO PLOTTABLE EASEMENTS.**

22. Easement for Anchors Guy Poles and Wires from Lyons Gate Group, LLC to Georgia Power Company, dated December 17, 2008, recorded in Deed Book 21221, page 591, DeKalb County, Georgia records.

**DOCUMENT CONTAINS NO PLOTTABLE EASEMENTS. EXISTING GUY WIRES SHOWN.**

23. Matters contained in that certain Affidavit of Condemnation by Kenneth L. Levy, dated October 9, 2008, recorded in Deed Book 21093, page 487 and in Deed Book 21564, page 697, DeKalb County, Georgia records.

**EXCEPTION AFFECTS SUBJECT PROPERTY. MONUMENTS SHOWN INDICATING RIGHT-OF-WAY TAKES AROUND TRAFFIC SIGNAL POLES. APPROXIMATE LOCATION OF PERMANENT SLOPE EASEMENT SHOWN.**

24. Temporary ingress/egress/sanitation easement containing 9.15 acres per plat of survey prepared by Southeastern Engineering, Inc., dated June 28, 2007, certified by Chris Amos Adams, Georgia RLS #2796 that appears in Limited Warranty Deed between State Bank and Trust Company, a Georgia banking corporation and Lyons Gate Group LLC, a Georgia limited liability company, dated June 2, 2010, recorded in Deed Book 22049, page 33, DeKalb County, Georgia records.

**EXCEPTION AFFECTS SUBJECT PROPERTY. SHOWN AS "TEMPORARY EASEMENT AREA".**

25. Encroachment Permit by Georgia Transmission Corporation in favor of LaFarge Aggregates Southeast, Inc., dated October 18, 2004, recorded in Deed Book 16968, page 771, DeKalb County, Georgia records.

**OFFSITE - DOES NOT AFFECT SUBJECT PROPERTY.**

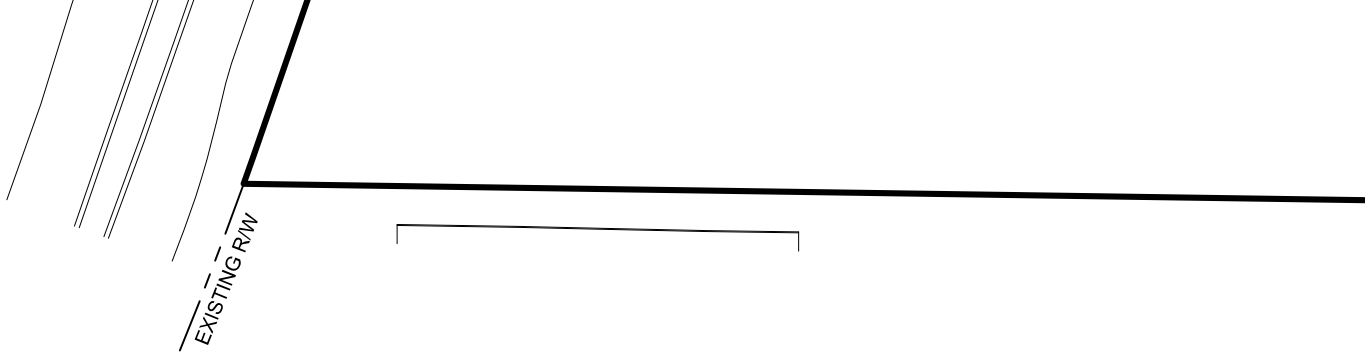
26. Tract 6 has no direct public road access and is accessible only through Tract 3 or Tract 4, and nothing herein shall be construed as insuring that there is a means of direct ingress and egress between a public right-of-way and Tract 6.

distance of 53.369 feet  
distance of 208.29 feet  
distance of 191.01 feet  
distance of 179.58 feet  
distance 195.53 feet  
distance of 109.45 feet  
distance of 103.56 feet  
distance of 155.54 feet  
distance of 35.13 feet  
centerline a distance  
line of SOUTH 07 DE  
proceeding SOUTH 8  
on the Southeasterly

Said parcel contains  
ALL THAT TRACT o  
being more particular

BEGINNING at a poi  
aforesaid District an  
THENCE proceeding  
87.28 feet to a point;  
(said curve having a  
MINUTES 59 SECON  
proceeding SOUTH  
proceeding SOUTH  
proceeding SOUTH  
proceeding SOUTH  
DEGREES 07 MINU  
DEGREES 22 MINU  
DEGREES 53 MINU  
DEGREES 20 MINU  
DEGREES 09 MINU  
to the right an arc d  
bearing of NORTH 5  
POINT OF BEGINNIN

Said parcel contains



ZONED R-85

R/W MON  
S70°54'40"E  
9.84'

N19°05'20"E  
409.88'

L=15.40'  
R=1702.30'  
CL=15.40'  
CD=N19°20'53"E

IPF  
1/2" RB

EXISTING R/W

EXISTING CURB  
PARKING LOT ASPHALT

649.72'  
N89°09'59"W

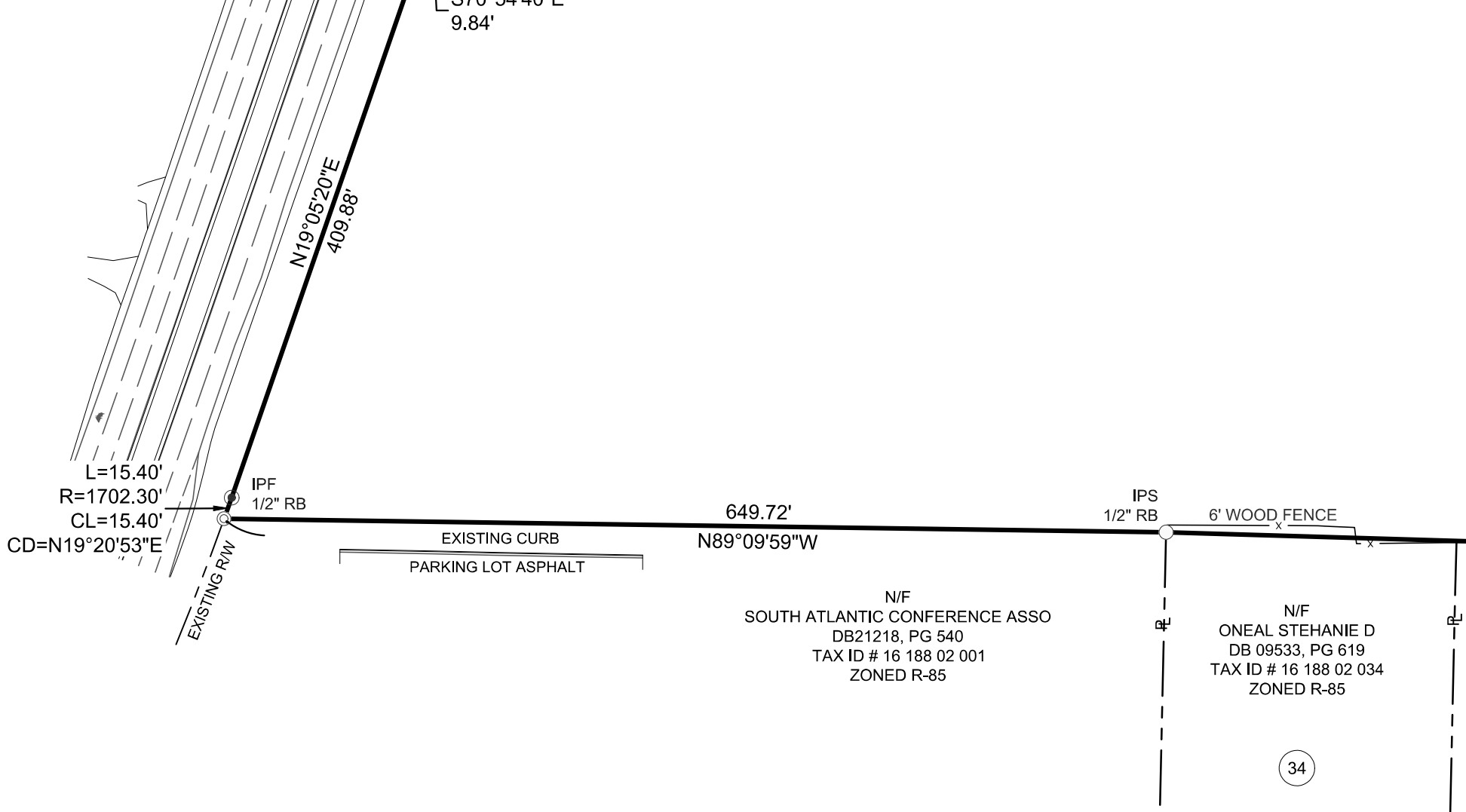
IPS  
1/2" RB

6' WOOD FENCE

N/F  
SOUTH ATLANTIC CONFERENCE ASSO  
DB21218, PG 540  
TAX ID # 16 188 02 001  
ZONED R-85

N/F  
ONEAL STEHANIE D  
DB 09533, PG 619  
TAX ID # 16 188 02 034  
ZONED R-85

34





LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 197 and 122 of the 16th District of DeKalb County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the line dividing Land Lots 188 and 189 of the aforesaid District and County and the Easterly variable right-of-way of State Route No. 124; THENCE proceeding along a curve to the left an arc distance of 574.26 feet (said curve having a radius of 1498.01 feet and being subtended by a chord bearing of North 06 degrees 38 minutes 47 seconds East for a distance of 570.75 feet) to a point; THENCE North 04 degrees 20 minutes 08 seconds West for a distance of 200.96 feet to a point; North 48 degrees 47 minutes 40 seconds East for a distance of 82.02 feet to a point; THENCE North 04 degrees 20 minutes 08 seconds West for a distance of 52.49 feet to a point; THENCE South 48 degrees 47 minutes 40 seconds West for a distance of 82.02 feet to a point; THENCE North 04 degrees 20 minutes 08 seconds West for a distance of 440.64 feet to a point; THENCE proceeding along a curve to the right an arc distance of 680.62 feet (said curve having a radius of 3208.43 feet and being subtended by a chord bearing North 01 degrees 44 minutes 30 seconds West for a distance of 679.34 feet) to a point in the centerline of a creek; THENCE proceeding along a traverse line the following courses and distances:

SOUTH 67 DEGREES 23 MINUTES 12 SECONDS EAST, 1720.56 feet;

NORTH 76 DEGREES 03 MINUTES 45 SECONDS EAST, 1002.48 feet;

SOUTH 55 DEGREES 49 MINUTES 41 SECONDS EAST, 3560.85 feet;

SOUTH 25 DEGREES 20 MINUTES 13 SECONDS EAST, 1147.87 feet;

(Distance along said creek being 8,275 feet more or less)

THENCE departing said centerline and proceeding North 89 DEGREES 34 MINUTES 13 SECONDS West for a distance of 535.34' +/- to point and a two-inch open-top pipe found; THENCE North 89 DEGREES 34 MINUTES 13 SECONDS WEST for a distance of 779.77 feet to a point and a two-inch open-top pipe found; THENCE North 00 degrees 22 minutes 38 seconds East for a distance of 136.51 feet to a point; THENCE North 00 degrees 25 minutes 01 seconds East for a distance of 509.97 feet to a point; THENCE proceeding NORTH 87 DEGREES 16 MINUTES 50 SECONDS WEST a distance of 1721.17 feet to a point and two-inch open-top pipe found; THENCE continuing NORTH 87 DEGREES 16 MINUTES 50 SECONDS WEST a distance of 24 feet more or less to the centerline of an abandoned gravel road; THENCE proceeding along said abandoned road a distance of 451 feet more or less to a point being NORTH 89 DEGREES 18 MINUTES 16 SECONDS WEST a distance of 18.42 feet more less from a one-inch open-top pipe found (aforesaid open-top pipes being subtended by a tie-line of NORTH 22 DEGREES 47 MINUTES 01 SECOND EAST a distance of 444.09 feet); From said point in the centerline of abandoned road, proceed

LEGAL DESCRIPTION

THENCE North 89 DEGREES 18 MINUTES 16 SECONDS West for a distance of 486.00 feet to a point; THENCE North 89 degrees 12 minutes 48 seconds West for a distance of 699.29 feet to a point; THENCE South 01 degrees 50 minutes 38 seconds West for a distance of 682.89 feet to a point; THENCE South 01 degrees 46 minutes 14 seconds West for a distance of 462.09 feet to a point; THENCE North 88 degrees 17 minutes 33 seconds West for a distance of 206.08 feet to a point; THENCE North 88 degrees 17 minutes 33 seconds West for a distance of 1480.66 feet to a point; THENCE North 89 degrees 09 minutes 22 seconds West for a distance of 649.35 feet to a point; THENCE proceeding along a curve to the left an arc distance of 15.40 feet (said curve having a radius of 1702.66 feet and being subtended by a chord bearing of North 19 degrees 21 minutes 31 seconds East for a distance of 15.40 feet) to a point; THENCE North 19 degrees 05 minutes 58 seconds East for a distance of 409.88 feet to a point; THENCE South 70 degrees 54 minutes 02 seconds East for a distance of 9.84 feet to a point; THENCE North 19 degrees 05 minutes 58 seconds East for a distance of 23.02 feet to a point; THENCE North 19 degrees 05 minutes 58 seconds East for a distance of 515.04 feet to a point; THENCE North 70 degrees 54 minutes 02 seconds West for a distance of 9.84 feet to a point; THENCE North 19 degrees 05 minutes 58 seconds East for a distance of 522.21 feet to a point; THENCE proceeding along a curve to the left an arc distance of 38.45 feet (said curve having a radius of 1498.01 feet and being subtended by a chord bearing of North 18 degrees 21 minutes 50 seconds East for a distance of 35.45 feet) to a point and POINT OF BEGINNING.

Concept Plan for:

# Creekside Village

DeKalb County, Georgia

## Land Use Summary

EXISTING ZONING: *MU-1 MIXED-USE LOW DENSITY*

### PHASE II DEVELOPMENT :

Total Area : 77.08 ac

Parcel 1 : 45.88 ac

Parcel 2 : 29.52 ac

Parcel 3 : 1.68 ac

Townhomes : 235 units

Commercial Area A : 2 acres

Commercial Area B : 8 acres

### PHASE I :

Total Area : 39.49 ac

Townhome Units : 140

**TOTAL UNITS PHASE I/II : 375**

### Residential Townhome Su

Min. Lot Size: 3,250 sq ft

Min. Lot Width: 25'

Min. Front Yard Setback: 10'

Min. Side Yard Setback: 15'

Min. Rear Yard Setback: 15'



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

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Application for Major Modification

of

**Landlife, LLC**

for

116.45± acres of land located at  
**1688, 1708, 1726, 1757, and 7480 Rock Chapel Road**  
**Land Lots 95 and 188 of the 5<sup>th</sup> and 7th Districts, DeKalb County, GA**

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
Phone: (404) 601-7616  
Fax: (404) 745-0045  
Email: [mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## I. STATEMENT OF INTENT

The Applicant, Landlife, LLC is the owner of the properties \_\_\_\_\_ acres of land located at 1688, 1708, 1726, 1757, and 7480 Rock Chapel Road, Lithonia, Georgia 30058 (the “Subject Property”). The Subject Property has a land use designation of Town Center and is zoned Mu-4 and MU-1. On September 25, 2007, the DeKalb County Board of Commissioner approved CZ-07-12945 for the development of a mixed-use community (the “Master Project”) which was to include:

140 Townhome Units

264 Senior Apartment Units

275 Single Family Detached Units

Up to 123,000 sq. ft. of retail

The Master Project is a Development of Regional Impact being DRI# 632 Rock Creek Chapel Road. The transportation infrastructure improvements were completed prior to 2008, however, after the real estate market crashed in 2008, construction halted, and the prior developer, Tritium Investment Properties lost site control. The Applicant recently acquired a significant portion of the Master Project property in order to complete the original vision for the site. Currently, a portion of the Subject Property has been approved for the development of 140 townhome units, with a land disturbance permit having been issued. The balance of the Subject Property was to be development for the commercial center, the senior apartments, and a small portion of the single-family detached homes. Unfortunately, no developer/builder has been interested in constructing a senior living facility on the Subject Property based on the approved site plan due to the proximity to the adjacent quarry, and the Subject Property is not in a qualified census district that would allow for tax credit

subsidized financings. For this reason, the Applicant is seeking primarily to remove the 264 senior apartments and replace them with for sale townhome units, which will include up to 50 townhome units being located within a special area on site that will have a master on the main bedroom and full bathroom, which will be marketed to seniors. The Applicant is also proposing a few minor changes to the conditions to align with the requirements under the current DeKalb County Zoning Ordinance. The updated site plan is being submitted with this Application, together with the following proposed amendments to the current zoning conditions approved pursuant to CZ-07-12945, a copy of which is attached hereto as Exhibit "A":



## Maristone Zoning Conditions 8/2/2007

1. Developer shall construct improvements as required by Georgia DOT and/or Department of Engineering based upon final configuration of site plan.
2. Developer shall have eighteen (18) months from the date of zoning approval to apply for the initial land disturbance permit (LDP) based upon those County development standards existing at the time of rezoning. If no LDP is sought within eighteen (18) months after rezoning approval, unless otherwise permitted by law, the developer shall comply with the County development standards in existence at the time of LDP application submittal.

### Commercial

1. Where crosswalks occur through paved parking areas and drives, visually distinct paving material shall be used to accommodate pedestrian safety as well as aesthetics throughout the development.
2. Principal building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, arcades, corniced parapets, peaked roof forms, arches, display windows, moldings or tile work, integral planters or wing walls that incorporate landscaped areas, or sitting areas.
3. The largest continuous space for one tenant shall be limited to no more than Seventy-Five Thousand (75,000) square feet.
4. There shall be designated bicycle parking easily accessible from pedestrian connections, residential areas, non-residential areas, as well as park areas.
5. ~~Parking shall be calculated at 4:900 square foot ratio for all commercial uses.~~
6. ~~Exterior lighting fixtures shall be not closer than 5 feet of the perimeter of a parking lot.~~
7. Garbage dumpster pickup shall be between 6:00 a.m. and 9:00 p.m., Monday through Saturday.
8. The following uses shall be prohibited on the property:
  - (a) Bars, Lounges or night clubs provided this shall not preclude a restaurant such as but not limited to Applebee's from having a bar.
  - (b) Hotels or Motels.
  - (c) Theaters.
  - (d) Electronic game playing centers.
  - (e) Adult entertainment centers.

- (f) Adult novelty stores.
  - (g) Pawn shops.
  - (h) Pool halls.
  - (i) Tattoo parlors.
9. The following uses are expressly allowed on the property:
    - (a) No more than one gas station with convenience store;
    - (b) Schools;
    - (c) Day care for all ages;
    - (d) No more than one grocery store;
  10. ~~Stacks of~~ ~~condominiums~~ ~~above~~ ~~retail~~ ~~with~~ ~~a~~ ~~minimum~~ ~~of~~ ~~Eight~~ ~~Hundred~~ ~~(800)~~ ~~square~~ ~~feet~~ ~~of~~ ~~heated~~ ~~space~~ ~~and~~ ~~two~~ ~~parking~~ ~~spaces~~ ~~per~~ ~~unit.~~
  11. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 20% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, stucco, or glass. Exterior building material shall not be of aluminum or vinyl siding, or corrugated steel.
  12. No Commercial deliveries will occur between the hours of 9:00 p.m. and 7:00 a.m., except with respect to any gas station approved for development

Residential

1. A common area/community park shall be located within a reasonable walking distance of all residential units.
2. Covenants to restrict rentals to no more than Fifteen Percent (15%).
3. Covenants and Homeowners Association for ~~detached homes and~~ townhomes prior to final plat.
4. A notice will be provided to potential buyers and at closing or execution of leases describing the proximity of an active rock quarry to the North of the Project, indicating that period blasting does occur similar to the following:

ATTENTION: Tenant/Homeowner is advised that this property is located adjacent to an active quarry operated by ~~LaFarge North America~~. This quarry produces graded stone in various sizes, as well as concrete and masonry sand, gravel, and slag aggregates. The aggregate materials are quarried by drilling and/or blasting of rock, then extracting the material. All of the operation is required to take place within the limits and tolerances prescribed by the State of Georgia and federal guidelines. ~~LaFarge North America~~ ~~The quarry owner~~ maintains that it manages an active environmental program



designed to monitor and manage environmental matters to minimize impact to adjacent property owners and the surrounding community. Please consider these facts before you decide to rent/purchase.

~~XXXXXXXX~~ Detached DELETED THESE REQUIREMENTS

1. The detached homes shall be limited to no more than Two Hundred Seventy-Five (275) homes.
2. A minimum of Fifty Feet (50') at the building line for a minimum of half of the units and minimum of Seventy (70') at the building line for the balance of the units.
3. Fifteen percent (15%) of units to have basements with brick, rock, pre-cast cement, stucco on three sides up to the water table.
4. Minimum heated square feet of: 1,400 square feet at 10%; 1,700 square feet at 20%; 1,850 square feet at 30%; and 2,000 square feet at 35%.
5. Active amenity with pool, four tennis courts, pavilion style club house, and tot lot.
6. A minimum of two car garage.
7. A model home with Three (3) sides of brick, rock or stucco covering a minimum of Eighty Percent (80%) of the front and Two (2) sides, along with Three (3) and Four (4) sides in the same percentage offered as an upgrade will be required.

Attached

1. Minimum heated square feet of 1,600.
2. Minimum of two car garage.
3. Active amenity with pool, two tennis courts, pavilion style club house, and tot lot.
4. ~~50~~ Full bedroom and full bath on main level.
5. A maximum of ~~One Hundred Forty (140) units~~ <sup>375 units</sup> will be allowed and shall not be affected or reduced in number by a reduction in the number of detached homes.

~~XXXXXXXX~~ Active Adult DELETED THESE REQUIREMENTS

1. Deed restricted to 55 years and older per Fair Housing Act standards.
2. Minimum heated square feet of 600.
3. Active amenity.

4. The exterior of all structures shall be of brick, stone, stucco, shake, or cementitious type material, i.e., hardiplank or a combination thereof. Wood accents will be permitted, but limited to 15%.
5. Sound deadening materials will be utilized in the construction of the Senior Living Units.

Open Space

1. ~~A minimum of Seventy (70) acres shall be designated as open space and protected with recorded covenants.~~
2. The open space shall incorporate trails, bridges if necessary over creeks or environmentally sensitive areas.

## II. IMPACT ANALYSIS

- (a) Suitability of use: The proposed change in zoning conditions will allow for the development of residential lots at a density that is suitable for the area considering the existing uses and zoning classifications in the area, which are all for residential development. The proposed townhome community will allow for a product that is attractive to young professionals and empty nesters who have a desire to live in Lithonia, with easy access to U.S. Route 20, and within a short distance of the Mall at Stonecrest.
- (b) Effect on adjacent property: The proposed development will have a positive impact on the surrounding community. First, it will provide for new homes owners in the area, on an underdeveloped lot. Second, it will provide the area with a variety of commercial opportunities. Third, the Applicant will continue to preserve a significant portion of the beautiful natural landscape on the Subject Property.
- (c) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area.
- (d) Economic use of current zoning: The Subject Property has greater potential with the proposed conditional changes. The Subject Property has been marketing for sale since

2013. Until the Applicant, no other developer has been willing to develop the Subject Property as current zoned. Due to the increase in construction costs, along with the extensive improvements now required by Dekalb County for residential subdivisions, including, internal sidewalks, street trees, street lights, open space requirements, right of way dedication together with public streetscape requirements, detention requirements, and new home design requirements, the cost of development would far exceed the current density allowed on the Subject Property. Additionally, the current market supports smaller lot development.

- (e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Compatibility with Comprehensive Land Use Plan. The Subject Property has a land use designation of Town Center which supports the current MU-1 and MU-4 zoning districts and the condition changes.

#### **IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Major Modification Application at issue be approved. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 28th day of October, 2020.

Respectfully submitted,



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Michèle L. Battle, Esq.  
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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

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

# EXHIBIT "A"

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: September 25, 2007

HEARING TYPE  
PUBLIC HEARING

ACTION TYPE  
ORDINANCE

SUBJECT: **Rezone** – Tritium Investment Properties c/o The Battle Law Group

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  No

INFORMATION Patrick Ejike/Kevin Hunter

PAGES: 54

CONTACT:

PHONE NUMBER: (404) 371-2155

Deferred from 3/27/07, 5/22/07 & 7/24/07 for a public hearing.

**PURPOSE:**  
**Z-07-12945**

Application of Tritium Investment Properties c/o The Battle Law Group to rezone properties from O-I, O-D, R-85 and M to OCR, PC-1 and R-85 to allow for the development of approximately 791 residential units with approximately 123, 700 square feet of commercial development. . The property is located on the east side of Rock Chapel Road, north of its intersection with Maddox Road. The property has approximately 2,511 feet of frontage and contains approximately 263.75 acres.

**Subject Property:** 16-195-01-001, 16-197-03-012 & 16-220-01-001

**RECOMMENDATION(S):**

**PLANNING DEPARTMENT:**

**Approval w/Conditions.** Based on the submitted information it appears that the proposed project meets the requirements of the zoning ordinance for approval of the project site to the OCR, PC-1 And R-85 District(s). The Georgia Regional Transportation Authority (GRTA) issued a Notice of Decision and recommended conditions dated June 30, 2007. It should be noted that the recommendation was germane to pedestrian nodes of access, right-of-way improvements, road connectivity along State Road 124 as well as other points of access that would interface with the project site. Therefore, the recommendation for "Approval, subject to the following conditions:"

1. Approval shall be in general compliance with the submitted Exhibits entitled "Rezoning Exhibit for Maristone", prepared by Southeastern Engineering (SEI), containing the Overall Site Plan Exhibit (Labeled#1), the Rezoning Exhibits (Labeled #2 thru #5), Multi-Modal Access Plan Exhibits (Labeled #6 thru #8), and the Details Plan (labeled #9).
2. Approval shall be subject to conditions as provided in Attachment A, and subject to the limitations placed on allowable modification to the DRI Plan of Development, as described in Attachment B, submitted by the Georgia Regional Transportation Authority (GRTA).
3. Drainage improvements shall be subject to the approval of the Drainage Division of the Public Works Department and the Development Division of the Planning and Development Department.
4. Roadway and access improvements shall be subject to approval of the Transportation Division of the Public Works Department, the Development Division of the Planning and Development Department, and the Georgia Department of Transportation (GDOT).
5. The Project Applicant and/or subsequent Builder(s) or Owners of the Senior Living Units shall utilize Sound Deading Building Materials to lessen the adverse impacts of outside noise on those seniors living in the residential units, subject to approval of the Development Division of the Planning and Development Department.

**PLANNING COMMISSION:**

Defer to BOC.

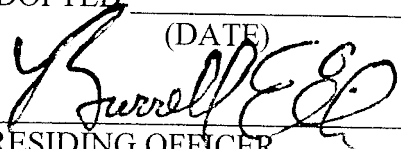
**COMMUNITY COUNCIL:**

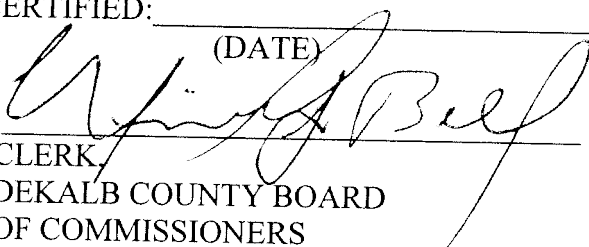
Deferral.

**FOR USE BY COMMISSION OFFICE/CLERK ONLY**


**ACTION:** D.5 Z-07-12945

MOTION was made by Commissioner May seconded by Commissioner Johnson, and passed 7-0-0-0, to approve with conditions submitted and one additional condition: no stream buffer variances, the rezoning application of Tritium Investment Properties c/o The Battle Law Group.

ADOPTED: SEP 25 2007  
(DATE)  
  
PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: SEP 25 2007  
(DATE)  
  
CLERK  
DEKALB COUNTY BOARD OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

APPROVED: OCT 15 2007  
  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETO STATEMENT ATTACHED: \_\_\_\_\_

**MINUTES:**

Michele Battle, 999 Peachtree Street, Atlanta, Ga. 30309, spoke in support of the application. Ms. Battle submitted a list of conditions for the record.

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - JEFF RADER	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - BURRELL ELLIS	<u>X</u>	_____	_____	_____
DISTRICT 5 - LEE MAY	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

## Attachment A – General Conditions

### Conditions to GRTA Notice of Decision:

*The conditions listed herein shall supersede all conditions associated with DRI # 632 Rock Creek Chapel Road.*

#### Development Intensity and Use

- Provide a mixture of uses including commercial and residential.
  - Provide a mixture of housing types including attached and detached single family, and multi-family.

#### Road Connectivity

- The main spine road, "Street A", shall align with the Lithonia Industrial Boulevard extension.
- Provide a maximum of two access points to SR 124.
  - Provide a full access point to SR 124 that aligns with the Lithonia Industrial Boulevard extension.
  - Provide a full access point to SR 124 that aligns with the existing median break.
- No internal intersection shall occur within 200 feet of SR 124 as measured from the stop bar.
- Provide a driveway or street stub to the southern property line abutting property labeled "Glen T. Bloodworth" on the site plan. Allow future vehicular access from the Bloodworth property to this stub.
- The internal street network shall connect to all existing adjacent street stubs.
  - Provide a vehicular connection to the existing Enid Drive street stub.
  - Provide a street connection to Tritium Investment Properties currently under construction adjacent to the southern property line as shown on the site plan and labeled "Street H".
- Extend Street M to the southern property line as shown on the site plan to connect to the Pleasant Hill Trail subdivision.

#### Pedestrian & Bicycle Facilities

- Provide sidewalks along the property frontage abutting SR 124.
- Provide sidewalks on both sides of all internal roads.
- Provide pedestrian connection between the entrances of all non-residential buildings and the sidewalk network.
- Provide bicycle racks near the entrances of all non-residential and multi-family buildings.

### Roadway Improvements as Conditions to GRTA Notice of Decision:

#### SR 124 at Future LIB extension

- Provide a three lane westbound approach along the site driveway.
- Provide a southbound left-turn lane and a northbound right turn lane into the site.

#### SR 124 at existing median break

- Provide separate westbound left and right turn lanes along the site driveway.
- Provide southbound left-turn lane and northbound right turn lane into the site.



## **Attachment B – Required Elements of the DRI Plan of Development**

### **Conditions Related to Altering Site Plan after GRTA Notice of Decision:**

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the “Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.
- All of the “Roadway Improvements as Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.

## Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

### Section 1.

#### SR 124 at Future LIB extension

- Provide a three lane westbound approach along the site driveway.
- Provide a southbound left-turn lane and a northbound right turn lane into the site.

#### SR 124 at existing median break

- Provide separate westbound left and right turn lanes along the site driveway.
- Provide southbound left-turn lane and northbound right turn lane into the site.

### Section 2.

#### Turner Hill Road at Covington Highway

- Widen Covington Highway from two lanes to four lanes on each side of the intersection.

#### Stephenson Road at S. Deshon Road

- Add an exclusive right-turn lane on the eastbound approach.

#### Rock Chapel Road at Pleasant Hill Road

- Add a westbound left-turn lane creating dual left-turn lanes on Pleasant Hill Road.

#### Rock Chapel Road at Union Grove Road

- Add an eastbound left-turn lane creating dual left-turn lanes on Rock Chapel Road.

## Maristone Zoning Conditions 8/2/2007

1. Developer shall construct improvements as required by Georgia DOT and/or Department of Engineering based upon final configuration of site plan.
2. Developer shall have eighteen (18) months from the date of zoning approval to apply for the initial land disturbance permit (LDP) based upon those County development standards existing at the time of rezoning. If no LDP is sought within eighteen (18) months after rezoning approval, unless otherwise permitted by law, the developer shall comply with the County development standards in existence at the time of LDP application submittal.

### Commercial

1. Where crosswalks occur through paved parking areas and drives, visually distinct paving material shall be used to accommodate pedestrian safety as well as aesthetics throughout the development.
2. Principal building entrances shall utilize architectural details such as canopies, overhangs, awnings, recesses, projections, arcades, corniced parapets, peaked roof forms, arches, display windows, moldings or tile work, integral planters or wing walls that incorporate landscaped areas, or sitting areas.
3. The largest continuous space for one tenant shall be limited to no more than Seventy-Five Thousand (75,000) square feet.
4. There shall be designated bicycle parking easily accessible from pedestrian connections, residential areas, non-residential areas, as well as park areas.
5. Parking shall be calculated at 4:900 square foot ratio for all commercial uses.
6. Exterior lighting fixtures shall be not closer than 5 feet of the perimeter of a parking lot.
7. Garbage dumpster pickup shall be between 6:00 a.m. and 9:00 p.m., Monday through Saturday.
8. The following uses shall be prohibited on the property:
  - (a) Bars, Lounges or night clubs provided this shall not preclude a restaurant such as but not limited to Applebee's from having a bar.
  - (b) Hotels or Motels.
  - (c) Theaters.
  - (d) Electronic game playing centers.
  - (e) Adult entertainment centers.

- (f) Adult novelty stores.
  - (g) Pawn shops.
  - (h) Pool halls.
  - (i) Tattoo parlors.
9. The following uses are expressly allowed on the property:
    - (a) No more than one gas station with convenience store;
    - (b) Schools;
    - (c) Day care for all ages;
    - (d) No more than one grocery store;
  10. Stack flats or condominiums above retail with a minimum of Eight Hundred (800) square feet of heated space and two parking spaces per unit.
  11. All commercial building facades visible shall consist of brick, stone, or glass. Stucco and painted dimensioned wood or cement material, such as hardi plank, may be used as accent material only, not to exceed 20% of surface area. Remainder of exterior may consist of brick, precast concrete, split block, stone, stucco, or glass. Exterior building material shall not be of aluminum or vinyl siding, or corrugated steel.
  12. No Commercial deliveries will occur between the hours of 9:00 p.m. and 7:00 a.m.

## Residential

1. A common area/community park shall be located within a reasonable walking distance of all residential units.
2. Covenants to restrict rentals to no more than Fifteen Percent (15%).
3. Covenants and Homeowners Association for detached homes and townhomes prior to final plat.
4. A notice will be provided to potential buyers and at closing or execution of leases describing the proximity of an active rock quarry to the North of the Project, indicating that period blasting does occur similar to the following:

ATTENTION: Tenant/Homeowner is advised that this property is located adjacent to an active quarry operated by LaFarge North America. This quarry produces graded stone in various sizes, as well as concrete and masonry sand, gravel, and slag aggregates. The aggregate materials are quarried by drilling and/or blasting of rock, then extracting the material. All of the operation is required to take place within the limits and tolerances prescribed by the State of Georgia and federal guidelines. LaFarge North America maintains that it manages an active environmental program

designed to monitor and manage environmental matters to minimize impact to adjacent property owners and the surrounding community. Please consider these facts before you decide to rent/purchase.

#### Detached

1. The detached homes shall be limited to no more than Two Hundred Seventy-Five (275) homes.
2. A minimum of Fifty Feet (50') at the building line for a minimum of half of the units and minimum of Seventy (70') at the building line for the balance of the units.
3. Fifteen percent (15%) of units to have basements with brick, rock, pre-cast cement, stucco on three sides up to the water table.
4. Minimum heated square feet of: 1,400 square feet at 10%; 1,700 square feet at 20%; 1,850 square feet at 30%; and 2,000 square feet at 35%.
5. Active amenity with pool, four tennis courts, pavilion style club house, and tot lot.
6. A minimum of two car garage.
7. A model home with Three (3) sides of brick, rock or stucco covering a minimum of Eighty Percent (80%) of the front and Two (2) sides, along with Three (3) and Four (4) sides in the same percentage offered as a upgrade will be required.

#### Attached

1. Minimum heated square feet of 1,600.
2. Minimum of two car garage.
3. Active amenity with pool, two tennis courts, pavilion style club house, and tot lot.
4. Full bedroom and full bath on main level.
5. A maximum of One Hundred Forty (140) units will be allowed and shall not be affected or reduced in number by a reduction in the number of detached homes.

#### Active Adult

1. Deed restricted to 55 years and older per Fair Housing Act standards.
2. Minimum heated square feet of 600.
3. Active amenity.

4. The exterior of all structures shall be of brick, stone, stucco, shake, or cementitious type material, i.e., hardiplank or a combination thereof. Wood accents will be permitted, but limited to 15%.
5. Sound deadening materials will be utilized in the construction of the Senior Living Units.

#### Open Space

1. A minimum of Seventy (70) acres shall be designated as open space and protected with recorded covenants.
2. The open space shall incorporate trails, bridges if necessary over creeks or environmentally sensitive areas.



























# Creekside Village

DeKalb County, Georgia

### Land Use Summary

EXISTING ZONING: MU-1 MIXED-USE LOW DENSITY & MU-4 MIXED-USE HIGH DENSITY

### PHASE II DEVELOPMENT :

Total Area : 77.08 ac

Parcel 1 : 45.88 ac

Parcel 2 : 29.52 ac

Parcel 3 : 1.68 ac

Townhomes : 235 units

Commercial Area A : 2 acres

Commercial Area B : 8 acres

### PHASE I (PREVIOUSLY PERMITTED):

Total Area : 39.49 ac

Townhome Units : 140

TOTAL UNITS PHASE I/II : 375

### Residential Townhome Summary

Min. Lot Size: 3,250 sq ft

Min. Lot Width: 25'

Min. Front Yard Setback: 10'

Min. Side Yard Setback: 15'

Min. Rear Yard Setback: 15'

Prepared by:

Planner/Surveyor/Engineer:

CIVIL ENGINEERING  
CONSTRUCTION MANAGEMENT  
LAND SURVEYING  
LANDSCAPE ARCHITECT  
LAND PLANNING

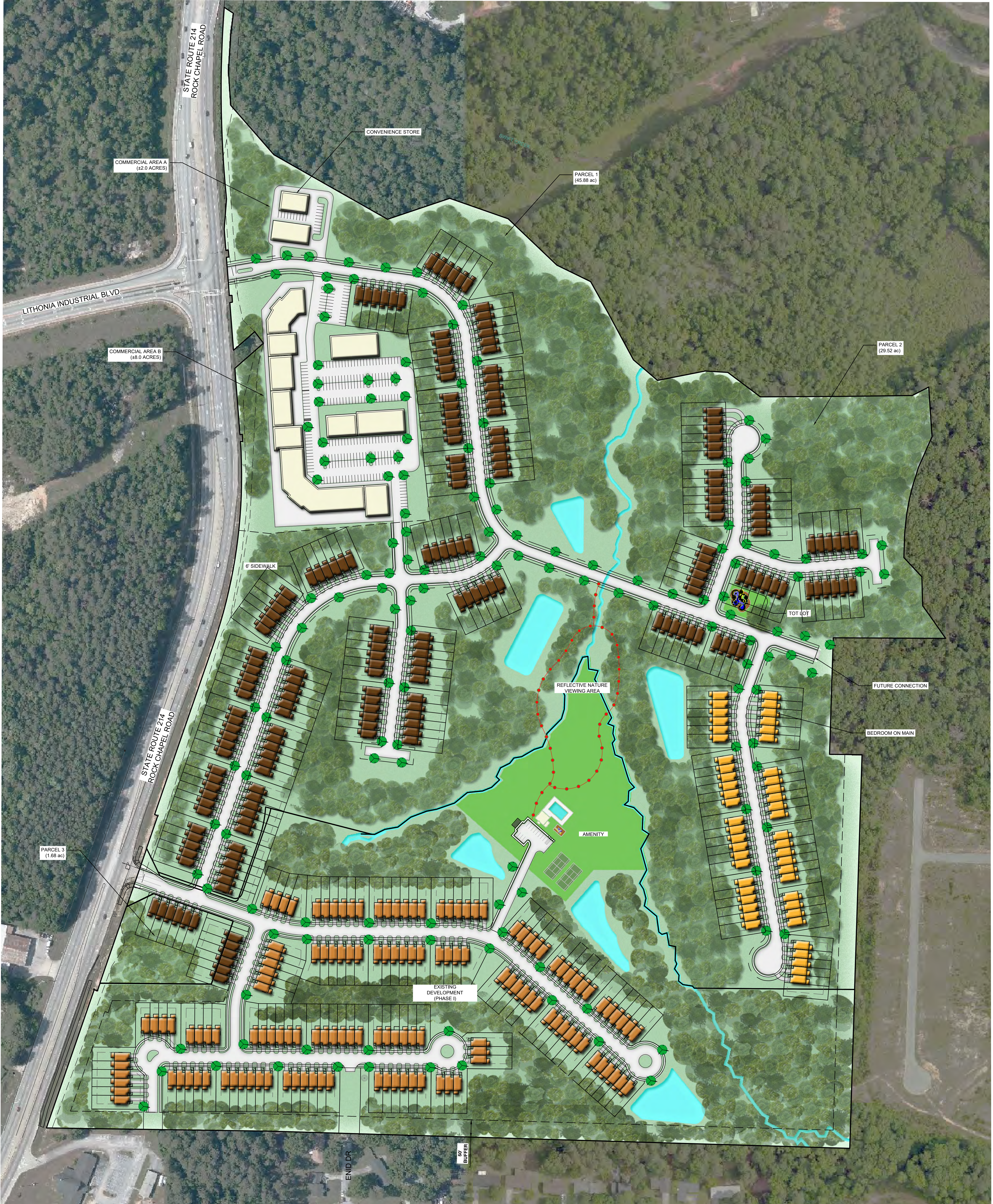
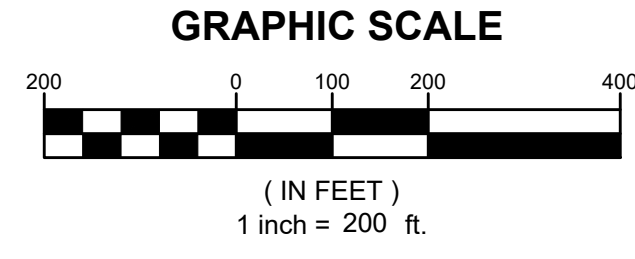


FALCON DESIGN CONSULTANTS

3700 BRIDGEWAY OFFICE  
2500 W. BIRCHWOOD  
2706 KENNESAW, GEORGIA 30144  
PH (770) 588-8666 - Fax (770) 588-8655  
NEWMAN OFFICE  
5000 WOODBRIDGE, STE A  
NEWNAN, GEORGIA 30555  
PH (770) 728-7278  
CLAYTON OFFICE  
500 HICKORY STREET, STE C  
CLAYTON, GEORGIA 30428  
PH (478) 867-3300  
www.fdc-hi.com

Concept plan is for discussion purposes only.  
Final design may vary from depicted configuration.

Date: October 22, 2020






Campaign Contribution Disclosure Statements

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

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

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Larry Johnson	Commissioner	\$700
Lorraine Cochran-Johnson	Commissioner	\$250

By:   
Printed Name: Michèle Battle

October 7, 2020

**RE:** Proposed Major Change of Condition Application for Project on Rock Chapel Road

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Thursday, October 22, 2020 from 6:00 pm – 7:00 pm to discuss the proposed rezoning of the property located at 1688 and 7480 Rock Chapel Road, Lithonia, DeKalb County, GA. My client is seeking to develop portions of the previously approved Maristone mixed use development. We are seeking to have both properties zoned MU-4 with a new site plan.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 5 or email us at [jlj@battlelawpc.com](mailto:jlj@battlelawpc.com) and we'll send you a summary of the meeting.

**Zoom Meeting Details**

**Meeting ID:** 899 3998 9586

**Password:** 090102

Internet: <https://otago.zoom.us/join>

Telephone: (646) 558-8656

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

*Michèle Battle*

Michèle L. Battle

**Maristone Rock Chapel  
Community Meeting Mailing Address List  
October 22, 2020**

<b>Name</b>	<b>Address</b>	<b>City, State, Zip</b>
FAILS TRACY	7572 LOWILLA LN	LITHONIA GA 30058
RICHARDSON TIA TRINETTE	1738 INDIAN WOOD RD	LITHONIA GA 30058
PRICE VALERIE LYNNE	1637 STONE MEADOW RD	LITHONIA GA 30058
BURLEY KEIANA	1693 INDIAN WOOD RD	LITHONIA GA 30058
WALKER WILSON VELICIA	1701 STONE MEADOW RD	LITHONIA GA 30058
MARTIN MARIETTA MATERIALS REAL	P O BOX 8040	FORT WAYNE IN 46898
FLAX DONALD	1729 INDIAN WOOD RD	LITHONIA GA 30058
HUGHES JONATHAN MICHAEL	1634 STONE MEADOW RD	LITHONIA GA 30058
COMMUNITY FOUNDATION FOR NORTHEAST	6500 SUGARLOAF PKWY STE 220	DULUTH GA 30097
WICKS PARKER LESSIE M	1665 STONE MEADOW RD	LITHONIA GA 30058
SCOTT LINDA B	2872 WOODCOCK BLVD # 100	ATLANTA GA 30341
WRIGHT SHARON R	1683 STONE MEADOW RD	LITHONIA GA 30058
LOWE TYRONE C	1711 INDIAN WOOD RD	LITHONIA GA 30058
MARISTON INVESTMENT PROPERTIES	PO BOX 422238	ATLANTA GA 30342
PIEDMONT TRACE HOMEOWNERS ASSO INC	1585 OLD NORCROSS RD STE 101	LAWRENCEVILLE GA 30046
HUNT VANESSA LYNN	1698 INDIAN WOOD RD	LITHONIA GA 30058
FULLER ALFRED WILLIAM JR	1689 STONE MEADOW RD	LITHONIA GA 30058
EDWARDS LOUIS	1717 INDIAN WOOD RD	LITHONIA GA 30058
MONTAGUE LINDA HURTAULT TROY	1681 INDIAN WOOD RD	LITHONIA GA 30058
BURKS SONYA	1716 INDIAN WOOD RD	LITHONIA GA 30058
LANDLIFE LLC	988 E FREEWAY DR SE STE A	CONYERS GA 30094
THOMAS KIWANIS	1643 STONE MEADOW RD	LITHONIA GA 30058
DANIEL ULECIA	1699 INDIAN WOODS RD	LITHONIA GA 30058
SALES TRACY ALEXANDER	1671 STONE MEADOW RD	LITHONIA GA 30058
MCKINLEY LESTER SR	1735 INDIAN WOOD RD	LITHONIA GA 30058
EDWARDS NAJJA M	1662 INDIAN WOOD RD	LITHONIA GA 30058
WHITE JOSELYN NATALIE	1649 STONE MEADOW RD	LITHONIA GA 30058

MASSIAH ORWIN W	1746 INDIAN WOOD RD	LITHONIA GA 30058
RAKESTRAW EDDIE H JR	7556 LOWILLA LN	LITHONIA GA 30058
PARKS CHRISTOPHER ANTHONY	1710 INDIAN WOOD RD	LITHONIA GA 30058
BYRD MICHAEL A	1705 INDIAN WOOD RD	LITHONIA GA 30058
IRVIN BRUCE	1669 INDIAN WOOD RD	LITHONIA GA 30058
MILLER MONA C	7580 LOWILLA LN	LITHONIA GA 30058
COAXUM JAMES B	1646 STONE MEADOW RD	LITHONIA GA 30058
MOORE TELOGIA	1728 INDIAN WOOD RD	LITHONIA GA 30058
PIEDMONT TRACE HOMEOWNERS ASSO INC	1585 OLD NORCROSS RD STE 101	LAWRENCEVILLE GA 30046
MOON VANITA	1631 STONE MEADOW RD	LITHONIA GA 30058
HYBRASS PROPERTIES LLC	988 E FREEWAY DR STE A	CONYERS GA 30094
EDWARDS GARY L	7547 ROSEBERRY WAY	LITHONIA GA 30038
BUTLER DARRELL	1687 INDIAN WOOD RD	LITHONIA GA 30058
JONES KIMBERLY L	1674 INDIAN WOOD RD	LITHONIA GA 30058
FOURSHAW CAROL J	1640 STONE MEADOW RD	LITHONIA GA 30058
SPEAR LEON S	7588 LOWILLA LN	LITHONIA GA 30058
CLARK HOWARD JEFFRY	1722 INDIAN WOOD RD	LITHONIA GA 30058
MADDEN CHARLES EDWARD	1741 INDIAN WOOD RD	LITHONIA GA 30058
PIEDMONT TRACE HOMEOWNERS ASSO INC	1585 OLD NORCROSS RD # 101	LAWRENCEVILLE GA 30046
BARNES LOTTIE	1677 STONE MEADOW RD	LITHONIA GA 30058
HOOKS GERALD	1713 STONE MEADOW RD	LITHONIA GA 30058
SIMMONS SEMONE C	1668 INDIAN WOOD RD	LITHONIA GA 30058
GRIMES ROBERT	7564 LOWILLA LN	LITHONIA GA 30058
JOHNSON RUTHIE M	1742 INDIAN WOOD RD	LITHONIA GA 30058
MCDUFFY CHRISTOPHER	1704 INDIAN WOOD RD	LITHONIA GA 30058
LANDLIFE LLC	988 E FREEWAY DR SE STE A	CONYERS GA 30094
COBB REGINALD	1695 STONE MEADOW RD	LITHONIA GA 30058
JACKSON CHRISTOPHER ANTHONY DESHAWN	1723 INDIAN WOOD RD	LITHONIA GA 30058
TAYLOR SONYA ALEISA	1675 INDIAN WOOD RD	LITHONIA GA 30058
PIEDMONT TRACE HOMEOWNERS ASSO INC	1585 OLD NORCROSS RD STE 101	LAWRENCEVILLE GA 30046





