

DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

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

**Planning Commission Hearing Date: Thursday, November 2, 2023
Board of Commissioners Hearing Date: Thursday, November 16, 2023**

STAFF ANALYSIS

Case No.:	CZ-23-1246656	Agenda #: 2023-1150
Location/Address:	1716 Pleasant Hill Trail, 7956, 7890, 8024, 7799, 7900 & 7860 Pleasant Hill Road Lithonia, GA 30058	Commission District: 05 Super District: 07
Parcel ID(s):	16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-220-01-004, 16-220-01-007 & 16-220-01-009	
Request:	Major modification of zoning conditions pursuant to CZ-18-22130 to construct townhouses within the RNC (Residential Neighborhood Conservation) Zoning District.	
Property Owner(s):	Hybass Properties, LLC	
Applicant/Agent:	Hybass Properties, LLC c/o Battle Law, P.C.	
Acreage:	95.52 acres	
Existing Land Use:	Vacant	
Surrounding Properties:	North: R-100, MU-1, M-2 (Across Pleasant Hill Trail) East: R-85 South: R-85 (Across Pleasant Hill Road) West: R-75	
Comprehensive Plan:	Suburban (SUB) Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>	

Staff Recommendation: Two-Cycle Deferral.

The subject properties were originally rezoned to the RNC (Residential Neighborhood Conservation) Zoning District with conditions in 2018 (Z-18-22130) which limited the number of units to no more than 214 single-family, detached residences. The properties are located within a Suburban (SUB) Character Area.

The request for a major modification to zoning conditions pursuant to Z-18-22130 is primarily due to existing topographic conditions on site that were not foreseen by the developer at the time of the original rezoning. The new request will significantly reduce the disturbed area of the overall development site by proposing single-family attached dwellings that reduce the unit size and take up a much smaller surface area. The applicant is only proposing to change from single-family detached to single-family, attached buildings on smaller areas of land with their own front and rear yards. This building form is not permitted in the RNC zoning district; attached dwellings here can only be permitted as condominiums, defined in Section 5.7.6. (B) of the *Zoning Ordinance* as:

- One (1) or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.

From a Planning perspective, this does little to affect the proposed configuration of the new site plan other than to require a minimum building setback from all peripheral property lines; the proposed dwellings still have a minimum building setback line from all streets and/or drives. The proposal is consistent with the intent of the RNC zoning district per Section 2.10.2 of the *Zoning Ordinance*.

There are potential site plan deficiencies, however, that may affect the configuration and/or potential lot yield with the development:

- The applicant proposes a total of two (2) vehicle access points, down from four (4) that was originally proposed with the original submittal. Per Section 14-200 of the *Land Development Code*, a minimum of three (3) access points is required for residential developments with 151-300 total units. This requirement cannot be waived by a condition of rezoning and can only be addressed by a variance from the Planning Commission.
- The new site plan does not appear to prove compliance with the minimum greenspace requirement as defined per Section 2.10.5. of the *Zoning Ordinance*. A minimum of 30 percent of the total site area shall be dedicated to greenspace, which may not consist of the following features (per Section 2.10.5.(B)):
 1. Streams and stream buffers
 2. Wetlands
 3. Rock outcroppings
 4. Stopes steeper than 1:2 slope
 5. Sites of archaeological significance
 6. Floodplains
 7. Areas intended to be dedicated for right of way

The site plan shows a development site that appears to have extreme slopes throughout, as well as having state waters/stream buffers. Meeting this greenspace requirement could pose a challenge for development and could affect lot yield.

At the most recent Planning Commission meeting held on November 2, 2023, the applicant requested a two-cycle deferral of the proposal, claiming that the requirement of single-family attached dwellings to be developed as condominiums in the RNC zoning district would not be feasible from a cost perspective. To give the applicant more time to reassess their proposal, the Planning & Sustainability Department also recommends a *Two-Cycle Deferral*.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING 16-220-01-009

16-197-03-006, 16-197-03-012
16-219-01-005, 16-219-01-006

Case No.: CZ-23-1246656

Parcel I.D. #s: 16-220-01-004, 16-220-01-007

Address: 1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 and
7860 Pleasant Hill Rd

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: Did not see any traffic engineering concerns
at this time.

Signature: Jerry White

10/16/2023

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Environmental Health Deputy Director
Re: Rezone Application Review

General Comments:

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

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

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

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

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

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

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

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

N5-2023-1148

SLUP-23-1246653 / 16-193-04-004, 16-193-04-005

8070 and 8080 Rockbridge Road, Stone Mountain, GA 30087

- Septic 1000 gallons indicated on 8070 Rockbridge Road, installed on 03/17/1981.
- Please review general comments

N6-2020-1149

CZ-23-1246655 / 15-083-01-013

2179 Bouldercrest Road, Atlanta, GA 30316

- Septic indicated on 2179 Bouldercrest Road, installed on 09/30/1967
- Please review general comments.

N7-2023-1150

CZ-23-1246656 / 16-197--03-006, 16-197-03-012,16-219-01-004,16-219-01-006,16-220-01-004,16-220-01-007 & 16-220-01-009

1716 Pleasant Hill Trail and 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road

- Please review general comments.

N8-2023-1151

SLUP-23-1246658 / 15-126-10-023

2536 Snapfinger Road, Decatur, GA 30034

- Septic indicated on surrounding properties.
- Please review general comments.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes ____ No ____ If no, distance to nearest line: _____

Water Treatment Facility: _____ adequate ____ inadequate ____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS:

Signature: _____



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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The following must be added as conditions on the approval of the modification

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:

1. 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 state waters and special flood hazard areas.
2. The county codes require the hydrology study to model the existing conditions as wooded
3. Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identifying the location where RRV can be provided and re-designing/revising the layout to comply with the RRV requirement.
4. The presence of FEMA Flood Hazard Area was 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 requires compliance with Article IV of Chapter 14 and FEMA floodplain regulations
5. 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.
6. The 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.
7. The internal street(s) must be at least 24' for the travel lanes (2 x 12') and have a R/W of 55' at a minimum

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.:

Parcel I.D. #: 16-197-03-012, 16-220-01-007,
16-220-01-009, 16-220-01-004, 16-197-03-006,
16-219-1-005 & 16-219-01-006

Address: 1716 Pleasant Hill Trail, 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road, Lithonia, GA 30058,

Drainage Basin: Yellow River

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 1%

Impact on property (flood, erosion, sedimentation) under existing zoning: Flood impact will be from the Yellow river overtopping its banks thus resulting in overbank flooding but would not seriously affect the property. Erosion and sedimentation activities may be limited to the banks of Yellow river creek due to topography

Required detention facility(s): Yes. Detention/retention facilities would be required for stormwater management per section 14-40 of DeKalb County codes of ordinance.

COMMENTS:

The majority portion of the parcels are outside the floodplain but there exists FEMA designated Special Flood Hazard Areas on the fringe of properties at the northeast portions of the listed parcels. Compliance with the floodplain management and flood damage prevention ordinances is required and also, adequate erosion and sedimentation and pollution control measures will be required for any proposed development in this area.

Signature: _____

- 1.** 1326 Clairmont Road Po' Boy Shop - SLUP 1246649 INCOMPLETE- No Comment
- 2.** N-1. 1484 and 1520 Columbia Drive. Columbia Drive is classified as a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between path and back of curb, and street lights required. Please note that private roads must be constructed to public road standards. They should be 24 feet wide instead of 20 feet wide. I am concerned that people will park along the road and not in the designated parking spots due to distance from spots to lots 2-9. Add no Parking signs on both sides of the interior street from Columbia Drive to end of Lot 17. No parking allowed on Columbia Drive. Needs a spot for turnaround at the security gate if vehicles are not allowed to enter. They cannot back into Columbia Drive should entrance be denied.
- 3.** N-2 4822 Covington Hwy. Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between back of curb and path, street lights required. Required to upgrade traffic signal to provide pedestrian facilities. GDOT signal permit required.
- 4.** N-3. 1726 Church St. Scott Blvd is SR 8 and requires GDOT review and approval prior to permitting. Scott Blvd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required. No access allowed directly to Scott Blvd. Church Street is classified at a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5-foot landscape strip between back of curb and path, street lights required. One right in right out access only along Church Street- prefer no access. Connector street is classified as local. Requires a 27.5 foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires 5 foot landscape strip between back of curb and sidewalk, 6 foot sidewalk, street lights required.
- 5.** N-4 & N-5 8070 and 8080 Rockbridge Rd. Rockbridge Road is SR 124. GDOT review and permitting required. Rockbridge Rd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared use path, 5-foot landscape strip between back of curb and path, street lights required. Design entrance as a typical right in/right out for driver clarity. South Rockbridge Road is a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required.
- 6.** N-6. 2179 Bouldercrest Rd. Bouldercrest Rd is a classified as a major arterial. Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, add curb and gutter, 5 foot landscape strip between back of curb and path, and street lights. Verify that each driveway meets minimum intersection and stopping sight distance per AASHTO.
- 7.** N-7. 1716 Pleasant Hill Trails and Various Pleasant Hill Road Major Mod
Pleasant Hill Trail is a local road and must be improved as part of this development's frontage. Requires a 27.5 foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 5-foot landscape strip and a 5 foot sidewalk, street lights required. Pleasant Hill Road is classified as a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within

ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 10-foot shared path, 5 foot landscape strip between path and back of curb, street lights required. Both access points must meet minimum sight distance requirements per AASHTO for intersection and stopping sight distance. Pleasant Hill Road has a speed limit of 45 mph. A variance is needed for minimum number of access points per section 14-200 (5) of the land development code. For the Transportation Division to support the variance, a full intersection design with left turn lanes and right turn lanes will be required at Providence Point Dr and the new road. Consider adding traffic calming measures on interior streets to determine driveway placement. (Hard to retrofit townhome communities with traffic calming.) Assuming interior streets will be private based on plan provided. Private streets must be built to public road standards.

- 8.** N-8. & N-9. 2536 Snapfinger Rd. I-20 Overlay District Tier 3. Overlay standards take precedent- where silent the zoning and then the land development standards are applied. Snapfinger Road is classified as a major arterial. ROW dedication of 50 feet from center line of Snapfinger Rd or such that all public infrastructure is within ROW, whichever greater. Follow the infrastructure requirements of the overlay district, but at a minimum: The public roads to the east and north require a right of way dedication of 27.5 feet from centerline, five-foot landscape strip from back of curb, 5 foot sidewalk and street lighting.
- 9.** N-10. 2569 & 73 Dusty Lane. Dusty Lane is classified as a local road. Required to dedicate 27.5 feet of right of way from centerline or such that all public infrastructure is within right of way, whichever greater. Requires five-foot landscape strip from back of curb to sidewalk, five-foot sidewalk and pedestrian lighting.
- 10.** N-11 & N-12. 3823 N Druid SLUP. Eliminate one curb cut on North Druid Hills Rd. North Druid Hills Rd is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required. Provide necessary driveway easements/ROW for the Birch Road at North Druid Hills Rd Intersection project. Coordinate with PW- Transportation on easement/ROW.
- 11.** N-13. 4381 Covington Hwy. Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5 foot landscape strip between back of curb and path, street lights required.
- 12.** N-14. No Comment.



DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Date Submitted: _____ Case No.: _____

Existing Conditional Zoning No.: _____

APPLICANT NAME: HYBRASS PROPERTIES, LLC c/o Battle Law, P.C.

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

Mailing Address: 3562 Habersham at Northlake, Bldg. J, Ste. 100, Tucker, GA 30084

OWNER NAME: HYBRASS PROPERTIES, LLC

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

Daytime Phone#: 404-557-4892 Fax #: _____ E-mail: doug@havenwoodholdings.com

Mailing Address: 6350 Lake Oconee Pkwy, Suite 110, PMB 51
Greensboro, GA 30642

SUBJECT PROPERTY ADDRESS OR LOCATION: See Attached List on Schedule A

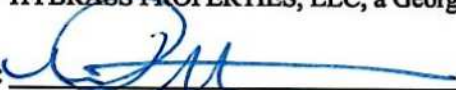
_____, DeKalb County, GA, _____

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

Acreeage or Square Feet: 95.52 Commission District(s): 5 & 7 Existing Zoning: RNC

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

HYBRASS PROPERTIES, LLC, a Georgia limited liability company

Signature of Applicant: 

Printed Name of Applicant: Michael R. Potts

Its: Managing Member



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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: Battle Law, P.C. Phone: _____ Email: _____

Property Address: 1716 Pleasant Hill Trl; 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Rd.

Tax Parcel ID: 16-197-03-006, 16-197-03-012, 16-219-01-005, 16-219-01-006, 16-221 _____ Comm. District(s): 5 & 7 Acreage: _____

Existing Use: _____ Proposed 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-18-22130

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

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

Review of Site Plan

Density: _____ 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: _____ Date: _____

FILING FEES

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

SCHEDULE A
LIST OF PROPERTIES

Searched for:

Owner Name HYBRASS PROPERTIES
Street PLEASANT HILL
Tax Year 2023-2023
Inactive Account No

Results 1 - 7 of 7

Parcel	Owner	Parcel Address	City
16 197 03 006	HYBRASS PROPERTIES LLC	7788 PLEASANT HILL RD	LITHONIA
16 197 03 012	HYBRASS PROPERTIES LLC	1716 PLEASANT HILL TRL	LITHONIA
16 219 01 005	HYBRASS PROPERTIES LLC	7900 PLEASANT HILL RD	LITHONIA
16 219 01 006	HYBRASS PROPERTIES LLC	7860 PLEASANT HILL RD	LITHONIA
16 220 01 004	HYBRASS PROPERTIES LLC	8024 PLEASANT HILL RD	LITHONIA
16 220 01 007	HYBRASS PROPERTIES LLC	7956 PLEASANT HILL RD	LITHONIA
16 220 01 009	HYBRASS PROPERTIES LLC	7890 PLEASANT HILL RD	LITHONIA



Battle Law

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

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A CHANGE OF CONDITIONS APPLICATION TO ALLOW FOR TOWNHOMES

**Project Title: Hybrass Properties, LLC
-Pleasant Hill Road**

When: August 24th, 2023

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

Register in advance for this meeting:

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

Meeting ID: 863 7614 5793

Password: 341004

NELSON CC 1907 DEM LITHONIA GA 30058
SHERMAN 1902 DEM LITHONIA GA 30058
OTTEY PAL 1896 DEM LITHONIA GA 30058
REED NOR. 2178 PRO\ LITHONIA GA 30058
WILLIAMS C 1735 PLEA LITHONIA GA 30058
FENNIMOF 3921 MAR ELLENWOOD GA 30294
B I A INVE 950 EAGLE STOCKBRIDGE GA 30281
GOOLSBY S 1890 DEM LITHONIA GA 30058
PEEPLES AI 7911 PRO\ LITHONIA GA 30058
BLACKWEL 2350 POIN CARMEL IN 46032
SIMON CH 116 PLEAS. CONYERS GA 30012
RKM GROU 1017 PEAR LILBURN GA 30047
GOSPEL AS 7771 PLEA LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
2018 3 IH E 1717 MAIN DALLAS TX 75201
BLAIR HAZ 7793 PLEA LITHONIA GA 30058
HUANG SU 1622 GIRV. DULUTH GA 30097
HYBRASS P 6350 LAKE GREENSBORO GA 30642
MOODY W 7898 PRO\ LITHONIA GA 30058
EMERSON 4955 MCCI CUMMING GA 30040
MACEDO J 1687 PLEA LITHONIA GA 30058
CAMPBELL 1895 DEM LITHONIA GA 30058
BROWN AI PO BOX 12 LITHONIA GA 30058
YANCEY JE 7950 PLEA LITHONIA GA 30058
PFIN II F LL 6300 POW ATLANTA GA 30339
DEKALB CC 1300 COM DECATUR GA 30030
MARTIN M 6920 POIN FORT WAYNE IN 46804
BEDFORD I 7787 PLEA LITHONIA GA 30058
HAY LANCE 1883 DEM LITHONIA GA 30058
COLWELL T 1878 DEM LITHONIA GA 30058
MATTHEW 7899 PRO\ LITHONIA GA 30058
HARRIS TH 2183 PRO\ LITHONIA GA 30058
HOLLAND I 2204 PRO\ LITHONIA GA 30058
WILLIAMS 1723 PLEA LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
BAF ASSET 5001 PLAZ AUSTIN TX 78746
NGO MINF 1901 DEM LITHONIA GA 30058
BATTISTE I 1884 DEM LITHONIA GA 30058
ONWUSOM 1874 DEM LITHONIA GA 30058
BLACKMAI 1718 MOS LITHONIA GA 30058
USUANI CC 7893 PRO\ LITHONIA GA 30058
JACKSON C 7881 PRO\ LITHONIA GA 30058
BOWDEN T 2177 PRO\ LITHONIA GA 30058
ANDERSON 2189 PRO\ LITHONIA GA 30058
CRAWFORI 8063 PLEA LITHONIA GA 30058
MARISTON 6030 BETH CUMMING GA 30040
MACEDO C 1711 PLEA LITHONIA GA 30058

MAXEY DE 1857 DEM LITHONIA GA 30058
OPENDOO 410 N SCO TEMPE AZ 85281
YANCEY JE 7950 PLEA LITHONIA GA 30058
COLEMAN 7997 PLEA LITHONIA GA 30058
WILLS SHE. 7943 PLEA LITHONIA GA 30058
JOHNSON | 7221 S SEE CHICAGO IL 60636
LAWSON JI 2195 PRO\ LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
HYBRASS P 988 EAST F CONYERS GA 30094
CASON YO 7772 PLEA LITHONIA GA 30058
ALGHRAIRI 1849 DEM LITHONIA GA 30058
PATTERSO 1865 DEM LITHONIA GA 30058
FEACHER F 1877 DEM LITHONIA GA 30058
WILKERSO 7812 PLEA LITHONIA GA 30058
ANTHONY 1858 DEM LITHONIA GA 30058
HYBRASS P 6350 LAKE GREENSBORO GA 30642
COLEMAN 7997 PLEA LITHONIA GA 30058
SHINE HAR 7929 PLEA LITHONIA GA 30058
LYMON ST 2203 PRO\ LITHONIA GA 30058
SWERTFEG 3919 NE W ATLANTA GA 30342
HYBRASS P 988 EAST F CONYERS GA 30094

Meeting ID	Topic	User Email	Duration (Minutes)	Participants
86376145793	Hybrass Properties, LLC-Pleasant Hill Road Community Meeting	jnb@battlelawpc.com	36	4

Name (Original Name)	User Email	Duration (Minutes)	Guest	Recording Consent
Jordan Battle	jnb@battlelawpc.com	36	No	
Michele Battle	mlb@battlelawpc.com	2	No	
Michele Battle	mlb@battlelawpc.com	34	No	Yes
holly		1	Yes	
holly		22	Yes	Yes
Sheree Henry		1	Yes	
Sheree Henry		16	Yes	Yes



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Major Change of Zoning Conditions

of

Hybrass Properties, LLC
c/o Battle Law, P.C.

for

+/- 95.52 Acres of Land
Being 7 parcels along Pleasant Hills Road
Lithonia, Georgia and
Parcel Nos. 16 197 03 006, 16 197 03 012, 16 219 01 005,
16 219 01 006, 16 220 01 004, 16 220 01 007, and 16 220 01 009

Submitted for Applicant by:

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

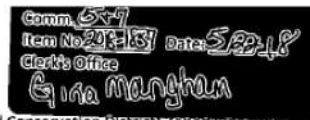


Battle Law

I. LETTER OF INTENT

Hybrass Properties, LLC (the “Applicant”) is seeking to develop on +/- 95.52 acres of land having frontage on Pleasant Hills Road (the “Subject Property”) with 214 fee simple townhome units. Schedule A of this Application contains the list of the specific parcels included in the Subject Property.

In 2018, the Subject Property was rezoned to RNC with the following 17 conditions:



Z-18-22130 Proposed RNC (Neighborhood Conservation District) Zoned Conditions

1. Limit the use to a 214-unit single-family detached subdivision with recreational and greenspace area as conceptually shown on the revised site plan entitled CONCEPTUAL PLAN for Hybrass Properties, LLC located in Land Lots 197, 219 & 220, 16th District, DeKalb County, Georgia and submitted to the Planning and Sustainability Department on February 28, 2018.
2. Provide a minimum of 30% greenspace (25.42 acres) excluding rock and required buffers.
3. Provide a minimum of 50% (12.11 acres) contiguous greenspace.
4. Provide three (3) points of access on Pleasant Hill Road subject to approval by the Transportation Division within the Department of Public Works.
5. Dedicate at no cost to DeKalb County 40 feet from centerline of right-of-way on Pleasant Hill Road.
6. Provide a deceleration lane on Pleasant Hill Road and onsite road improvements as required by the Transportation Division within the Department of Public Works.
7. Demonstrate compliance to intersection and stopping sight distance per American Association of State Highway and Transportation Officials (AASHTO) prior to receiving an approved Land Disturbance Permit (LDP).
8. Provide bike lanes or multiuse path, 6-foot wide sidewalks on Pleasant Hill Road and street lights or as may be required by the Transportation Division within the Department of Public Works.
9. The heated floor area shall be no less than 2,100 square feet.
10. Each home shall have a minimum two-car garage (side entry garages where lot area allows).
11. The front façade building materials shall include a minimum of 40% brick masonry. Stone masonry, cedar shingles, and/or hard coat stucco. Vinyl siding is strictly prohibited.
12. Provide underground utilities.
13. Front and sides shall be sodded prior to the issuance of a Certificate of Occupancy.
14. No more than one (1) brick base monument sign shall be erected at each subdivision entrance. Sign area shall not exceed 32 square feet, excluding base and shall not exceed eight (8) feet in height.
15. The entrances to the subdivision shall be landscaped subject to the approval of the DeKalb County Arborist.
16. A mandatory homeowners association with bylaws and covenants shall be established and maintained for the subdivision. The bylaws and covenants will explain the maintenance responsibility for common space, and landscaping.
17. Any applicant for development within this approved RNC shall be required to provide a legal mechanism for unified control of the entire parcel to be developed for review and approval by the county attorney prior to the issuance of any land disturbance or building permit.



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Due a significant amount of rock being located on the Subject Property, the Applicant is seeking to reduce the disturbed area by converting to a townhome project that will have a mixture of 2 story and 3 story units. To effectuate this conversion, the Applicant is seeking to modify conditions 1, 4, 9 and 10 as follows:

Condition 1: Limit the use to no more than 214 townhome units based upon the submitted site plan;

Conditions 4: Allow for 2 points of entry

Conditions 7: Allow a minimum floor area of 1,400 sq. ft. for the 2 floor units, and 1,800 sq. ft. for the 3 story units.

Condition 10: Remove the side entry garage requirement.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance, and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. DEKALB COUNTY IMPACT ANALYSIS CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The Subject Property has a future land use designation of Suburban. The Suburban land use designation promotes housing choice and income diversity without sacrificing traditional neighborhood layouts. The Applicant's proposed site plan will feature a mix of two story and three story single family townhomes with an expansive 61.76% Open Space Ratio. This site plan adds new housing types to the area that complements the single-family character of nearby subdivisions to the West and South.

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

A residential townhome community is suitable in view of the use and development of nearby properties. The nearby area is predominantly residential in area and this residential development aligns with that residential character while adding new housing options for single families and conserving a substantial amount of open space with trails for the community.

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



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The subject property does not have a reasonable economic use as currently zoned. A large section of the Subject Property's geography presents challenges to constructing single family detached homes.

D. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties

The proposed modification would not adversely affect the existing use or usability of adjacent or nearby properties because the number of housing units does not change from the already approved site plan.

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

The applicant is not aware of any other existing or changing conditions that give grounds for the approval or disapproval of the zoning proposal.

F. Whether their zoning proposal will adversely affect historic building sites districts or archaeological resources

The Applicant is not aware of any historic buildings sites or archaeological resources on the subject property.

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

The Applicant's proposed modification does not change the number of housing units on the site, so there will be no increase in the proposed use of existing streets, transportation facilities, utilities or schools.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Zoning Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS



Battle Law

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

A refusal to allow the major modification of zoning conditions in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the



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Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of 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.



Michele L. Battle, Esq.
Attorney for the Applicant

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 9/6, 2023

TO WHOM IT MAY CONCERN:

(I), (WE), HYBRASS PROPERTIES, LLC
Name of Owner(s)

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

BATTLE LAW P.C.
Name of Applicant or Representative

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

HYBRASS PROPERTIES, LLC, a Georgia limited liability company

Rebecca A. Endress
Notary Public



By: [Signature]
Name: Michael R. Potts
Its: manager

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application? Yes _____ No X *

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

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

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

HYBRASS PROPERTIES, LLC, a Georgia limited liability company

N/A
Notary

By [Signature]
Signature of Applicant /Date
Name/Title: Michael R. Potts
manager

Check one: Owner X Agent _____

N/A
Expiration Date/ Seal

*Notarization is not needed if the response is "No"

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes No *


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

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


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



Notary

BATTLE LAW, P.C.


Signature of Applicant /Date
Name: Michele L. Battle, Esq.
Check one: Owner Agent


Expiration Date/Seal May 04, 2024

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

SURVEY REFERENCES

CURRENT OWNER OF RECORD: HYBRASS PROPERTIES LLC
 DEED BOOK 2322, PAGE 544
 CURRENT ZONING: M-R45 & R-150

FLOOD NOTE

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY PANEL NUMBER 138020716A & 138020716B EFFECTIVE DATE DECEMBER 8, 2016, A PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD ZONE.

**BOUNDARY RETRACEMENT SURVEY FOR:
 HYBRASS PROPERTIES LLC
 LAND LOTS 197, 219 & 220, 16TH DISTRICT
 DEKALB COUNTY, GEORGIA**



SURVEY NOTES

NO N.G.S. MONUMENT FOUND WITHIN 666 FEET OF ANY POINT ON THE SUBJECT PROPERTY
 ALL PROPERTY CORNERS REFERENCED AS 1/2" P. INDICATES A 1/2" NEHA PLACED W/ PDC 5006 UNLESS OTHERWISE NOTED.
 FALCON DESIGN CONSULTANTS, L.L.C. AND/OR JASON HOPKINS DO NOT GUARANTEE THAT ALL ENCUMBRANCES AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
 THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SIGNED, SEALED, AND DATED BY JASON A. HOPKINS IN CONTRASTED COLOR OR IN PENCIL OR IN BLUE INK.
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.
 THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREIN AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.
 THIS PLAN MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.
 THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM IN A D.C. OF 1983/04 ADJUSTMENT FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (NAVD. 1988) FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOSID.
 ALL DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
 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 HEREIN. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
 THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 26,381 FEET AND AN ANGULAR ERROR OF 10" PER ANGLE. IT WAS A CLOSED LOOP TRVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
 THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT IS THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 26,381 FEET.
 LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A SPECTRA PRECISION FOCUS 30 ROBOTECH TOTAL STATION & CHAMPION TWO ROVER SYSTEM. THE FIELDWORK WAS COMPLETED XX.XX.XXXX ON THIS PROJECT.

**TOTAL ACREAGE
 95.52 ACRES
 4,161,025 SQ. FT**

LEGEND

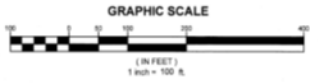
DB	DEED BOOK	L	LINE LABEL
FB	FLAT BOOK	NF	NON-FORMERLY
PG	PAGE	PN	PN WALL SET
LAN	LANDLORD	RS	REINFORCED SANDWICH BOARD EMBARKMENT
OP	OPEN TOP PIPE	UL	UTILITY EMBARKMENT
REF	REBAR	REF	REFERENCE
RF	ROCK PIN FOUND	CD	CONCRETE CURB
1/2"	1/2" NEHA PLACED W/ PDC 5006	SC	SCREW CLAMP
CTP	CRAMP TOP PIPE	BL	BLOCK FOUND
CLB	CURB & GUTTER	AN	ANCHOR SET
HP	HEAD OF PIPE	CP	CALLOUT POINT
NF	NON-FORMERLY	PP	POWER POLE
CF	CONCRETE FOUNDATION	FF	FEED THROUGH
CM	CORRUGATED METAL PIPE	WV	WATER VALVE
SMF	STORM SEWER MANAGEMENT FACILITY	WT	WATER TOWER
TM	TEMPORARY SIGN/EMBARK	JB	JUNCTION BOX
PO	POINT OF BEGINNING	SB	SANITARY SINKER BENCHOLE
PDC	POINT OF COMMENCEMENT	DRP	DROP INLET
RCP	REINFORCED CONCRETE PIPE	RNB	RIB ROOFING
DP	DUCTILE IRON PIPE	SR	SINGLE RING CATCH-BASIN
PCP	POLYURETHANE COLORED PIPE	DR	DOUBLE RING CATCH-BASIN
HPRE	HIGH DENSITY POLYETHYLENE PIPE	CI	CURB INLET
PR	PROCEDEUTY	HE	HEADWALL
CL	CENTERLINE	FL	FLAGGED END SECTION
GC	GAS CATCHER	GM	GAS METER
B.S.L.	BUILDING SETBACK LINE	SP	SPRINKLER
BOC	BACK OF CURB	ET	ELECTRIC TRANSFORMER
C	CURVE LABEL	EP	ELECTRIC PULSATION
CB	CURB BULLET	LF	LEIGHT FOOT
OS	ORANGE SHADERED	AS	ASPHALT
RF	ROCK FOUNDING	CON	CONCRETE
HP	PIPE HYDRANT		

SURVEY CERTIFICATE

IT IS HEREBY CERTIFIED THAT IN MY OPINION, THIS IS A TRUE AND CORRECT REPRESENTATION OF THIS PROPERTY AND WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 181-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS, SURVEYORS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 18-8-4 AUTHORITY O.C.G.A. SECS. 18-8-47, 49-14, 49-14.6, 49-14.8 & 49-14.9.

JASON A. HOPKINS DATE: 12-19-16

"As used in this Certification, words require to be able to declare a professional opinion of compliance with these facts or findings which are the subject of this certificate and does not constitute a warranty or guarantee, either expressed or implied."



BOUNDARY RETRACEMENT SURVEY FOR
HYBRASS PROPERTIES LLC
 LOCATED IN:
 LAND LOTS 197, 219 & 220, 16TH DISTRICT
 DEKALB COUNTY, GEORGIA

REVISIONS

NO.	DATE	DESCRIPTION
1	12-19-16	ISSUED FOR PERMITS
2	12-19-16	ISSUED FOR PERMITS
3	12-19-16	ISSUED FOR PERMITS
4	12-19-16	ISSUED FOR PERMITS

DATE: 12-19-16
 SCALE: 1" = 100'
 FILE NUMBER: 1301-001
 DRAWN BY: LABALEY
 REVIEWED BY: J. HOPKINS

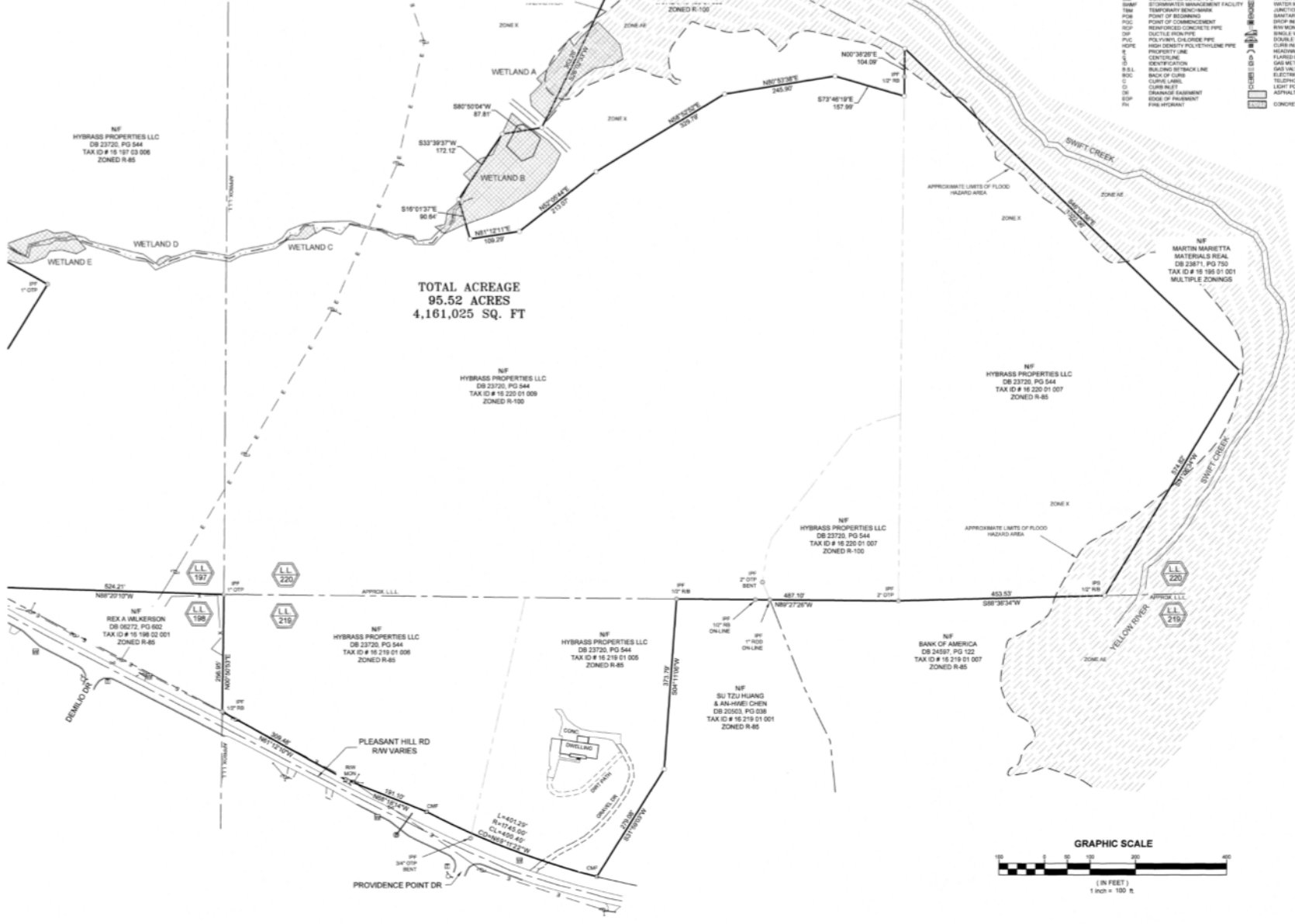


SHEET NUMBER
1 OF 2

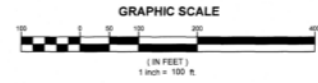
BOUNDARY RETRACEMENT SURVEY FOR:
HYBRASS PROPERTIES LLC
 LAND LOTS 197, 219 & 220, 16TH DISTRICT
 DEKALB COUNTY, GEORGIA

LEGEND

DB	DEEP BOOK	L	LINE LABEL
FB	FLAT BOOK	NF	NORTH CORNER
PG	PAGE	PNB	PAVING BENCH
LL	LAND LOT	ESC	ESTABLISHED EASEMENT
OP	OPEN TOP PIPE	SE	SETBACK EASEMENT
IB	IRON	REF	REFERENCE
IP	IRON PIN FOUND	SCC	SEWER CLEAN OUT
PS	12" BIRMINGHAM DUCT IRON	SFC	SQUARE FOOT
CP	CAMP TOP PIPE	SP	IRON PIN FOUND
CB	CURB & GUTTER	SPB	IRON PIN SET
RW	RIGHT OF WAY	CP	CALCULATED POINT
NF	NORTH CORNER	PP	POWER POLE
CB	CONCRETE	WV	WATER VALVE
CM	CONCRETE MOUNTING FACILITY	WVJ	WATER VALVE JUNCTION BOX
TM	TEMPORARY ENCLOSURE	SW	SEWER WETTER BENCH
PO	POINT OF BEGINNING	SPM	STOP AND SET
PC	POINT OF COMMENCEMENT	SWB	SEWER WETTER BENCH
PC	POLYURETHANE CONCRETE PIPE	SWC	SEWER WETTER BENCH
DP	DUCTILE IRON PIPE	SWC	SEWER WETTER BENCH
PC	POLYURETHANE CONCRETE PIPE	SWC	SEWER WETTER BENCH
HD	HIGH DENSITY POLYETHYLENE PIPE	SWC	SEWER WETTER BENCH
PR	PROPERTY LINE	SWC	SEWER WETTER BENCH
S	SEWER	SWC	SEWER WETTER BENCH
SC	SEWER CLEAN OUT	SWC	SEWER WETTER BENCH
RSL	RAILROAD TRACK LINE	SWC	SEWER WETTER BENCH
ESC	EASEMENT	SWC	SEWER WETTER BENCH
C	CURB	SWC	SEWER WETTER BENCH
DR	DRAINAGE	SWC	SEWER WETTER BENCH
ESP	EASEMENT	SWC	SEWER WETTER BENCH
FM	FIRE MOUNT	SWC	SEWER WETTER BENCH



TOTAL ACREAGE
 95.52 ACRES
 4,161,025 SQ. FT



BOUNDARY RETRACEMENT SURVEY
 FOR
HYBRASS PROPERTIES LLC
 LOCATED IN:
 LAND LOTS 197, 219 & 220, 16TH DISTRICT
 DEKALB COUNTY, GEORGIA

REVISIONS

NO.	DATE	DESCRIPTION

DATE: 12-14-18
 SCALE: 1" = 100'
 FILE NUMBER: 100-001
 DRAWN BY: LESLEY
 REVIEWED BY: JHPHONS



SHEET NUMBER
2 OF 2

P:\Projects\100-001 Pleasant Hill Road Survey\img\PLANS\ANT\BNCR1-02.dwg, 24/03/20, Jphons, Jan 23, 2017 - 9:50:32am

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 197, 219 AND 220, 16TH DISTRICT, DEKALB COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 INCH OPEN TOP PIPE FOUND ON THE COMMON CORNER OF LAND LOTS 197, 198, 219 AND 220;

THENCE, ALONG THE SOUTHERLY LINE OF LAND LOT 197, NORTH 88 DEGREES 20 MINUTES 10 SECONDS WEST, 524.21 FEET TO A 1/2 INCH REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL ROAD (RIGHT-OF-WAY WIDTH VARIES);

THENCE, WITH SAID RIGHT-OF-WAY LINE, NORTH 60 DEGREES 10 MINUTES 21 SECONDS WEST, 232.97 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID RIGHT-OF-WAY LINE, NORTH 31 DEGREES 38 MINUTES 24 SECONDS EAST, 645.68 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, NORTH 61 DEGREES 28 MINUTES 32 SECONDS WEST, 704.40 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 06 DEGREES 15 MINUTES 29 SECONDS EAST, 490.68 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 44 MINUTES 38 SECONDS WEST, 210.24 FEET TO A 1 INCH SQUARE ROD;

THENCE, NORTH 00 DEGREES 25 MINUTES 05 SECONDS EAST, 147.64 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL TRAIL (APPARENT 26 FOOT RIGHT-OF-WAY WIDTH);

THENCE, WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 73 DEGREES 52 MINUTES 25 SECONDS EAST, 160.98 FEET TO A POINT;

THENCE, 167.82 FEET ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 366.95 FEET AND A CHORD BEARING SOUTH 86 DEGREES 58 MINUTES 31 SECONDS EAST, 166.36 FEET) TO A POINT;

THENCE, NORTH 82 DEGREES 51 MINUTES 24 SECONDS EAST, 156.12 FEET TO A POINT;

THENCE, NORTH 86 DEGREES 30 MINUTES 12 SECONDS EAST, 72.44 FEET TO A POINT;

THENCE, NORTH 83 DEGREES 51 MINUTES 08 SECONDS EAST, 91.95 FEET TO A POINT;

THENCE, NORTH 81 DEGREES 12 MINUTES 04 SECONDS EAST, 151.65 FEET TO A POINT;

THENCE, NORTH 84 DEGREES 59 MINUTES 30 SECONDS EAST, 54.43 FEET TO A POINT;

THENCE, NORTH 88 DEGREES 46 MINUTES 56 SECONDS EAST, 100.70 FEET TO A POINT;

THENCE, SOUTH 86 DEGREES 14 MINUTES 15 SECONDS EAST, 130.67 FEET TO A POINT;

THENCE, SOUTH 86 DEGREES 56 MINUTES 55 SECONDS EAST, 99.38 FEET TO A 1/2 INCH REBAR ON THE EASTERLY LINE OF LAND LOT 197;

THENCE, WITH SAID LAND LOT LINE, SOUTH 00 DEGREES 34 MINUTES 03 SECONDS WEST, 136.04 FEET TO A 2 INCH OPEN TOP PIPE;

THENCE, LEAVING SAID LAND LOT LINE, SOUTH 89 DEGREES 33 MINUTES 06 SECONDS EAST, 779.77 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 23 DEGREES 13 MINUTES 25 SECONDS EAST, 170.33 FEET TO A POINT;
THENCE, SOUTH 26 DEGREES 02 MINUTES 33 SECONDS WEST, 363.26 FEET TO A POINT;
THENCE, SOUTH 80 DEGREES 50 MINUTES 04 SECONDS WEST, 87.81 FEET TO A POINT;
THENCE, SOUTH 33 DEGREES 39 MINUTES 37 SECONDS WEST, 172.12 FEET TO A POINT;
THENCE, SOUTH 16 DEGREES 01 MINUTES 37 SECONDS EAST, 90.64 FEET TO A POINT;
THENCE, NORTH 81 DEGREES 12 MINUTES 11 SECONDS EAST, 109.29 FEET TO A POINT;
THENCE, NORTH 52 DEGREES 05 MINUTES 44 SECONDS EAST, 213.07 FEET TO A POINT;
THENCE, NORTH 58 DEGREES 52 MINUTES 52 SECONDS EAST, 329.79 FEET TO A POINT;
THENCE, NORTH 80 DEGREES 53 MINUTES 38 SECONDS EAST, 245.90 FEET TO A POINT;
THENCE, SOUTH 73 DEGREES 46 MINUTES 19 SECONDS EAST, 157.99 FEET TO A POINT;
THENCE, NORTH 00 DEGREES 38 MINUTES 26 SECONDS EAST, 104.09 FEET TO A POINT;
THENCE, SOUTH 46 DEGREES 07 MINUTES 58 SECONDS EAST, 1,022.06 FEET TO A POINT;
THENCE, SOUTH 31 DEGREES 06 MINUTES 34 SECONDS WEST, 574.82 FEET TO A 1/2 INCH REBAR ON THE SOUTHERLY LINE OF LAND LOT 220;
THENCE, WITH SAID LAND LOT LINE, SOUTH 88 DEGREES 36 MINUTES 34 SECONDS WEST, 453.53 FEET TO A 2 INCH OPEN TOP PIPE;
THENCE, NORTH 89 DEGREES 27 MINUTES 26 SECONDS WEST, 487.10 FEET TO A 1/2 INCH REBAR;
THENCE, LEAVING SAID LAND LOT LINE, SOUTH 04 DEGREES 11 MINUTES 06 SECONDS WEST, 373.79 FEET TO A POINT;
THENCE, SOUTH 31 DEGREES 59 MINUTES 03 SECONDS WEST, 279.08 FEET TO A CONCRETE MONUMENT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF PLEASANT HILL ROAD;
THENCE, WITH SAID RIGHT-OF-WAY LINE, 401.29 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 1,745.00 FEET AND A CHORD BEARING NORTH 69 DEGREES 11 MINUTES 22 SECONDS WEST, 400.40 FEET) TO A CONCRETE MONUMENT;
THENCE, NORTH 68 DEGREES 18 MINUTES 14 SECONDS WEST, 191.10 FEET TO A CONCRETE MONUMENT;
THENCE, NORTH 61 DEGREES 12 MINUTES 10 SECONDS WEST, 309.48 FEET TO A 1/2 INCH REBAR ON THE WESTERLY LINE OF LAND LOT 219;
THENCE, WITH SAID LAND LOT LINE, NORTH 00 DEGREES 50 MINUTES 53 SECONDS EAST, 256.95 FEET TO THE **POINT OF BEGINNING**.
SAID TRACT OR PARCEL CONTAINING **95.52 ACRES (4,161,025 SQUARE FEET)**.















AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP IN ORDER TO REZONE PROPERTY FROM M (LIGHT INDUSTRIAL) DISTRICT, R-100 & R-85 (RESIDENTIAL MEDIUM LOT) DISTRICTS TO RNC (NEIGHBORHOOD CONSERVATION) DISTRICT TO DEVELOP 214 DETACHED SINGLE-FAMILY RESIDENCES WITH A MINIMUM LOT SIZE OF 6,000 SQUARE FEET. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF PLEASANT HILL TRAIL AND THE NORTH SIDE OF PLEASANT HILL ROAD, APPROXIMATELY 897 FEET EAST OF THE NORTHEAST INTERSECTION OF PLEASANT HILL ROAD AND PLEASANT HILL TRAIL AT 7956, 7890, 8024, 7788, 7900 & 7860 PLEASANT HILL ROAD AND 1716 PLEASANT HILL TRAIL, LITHONIA, GEORGIA. THE PROPERTY HAS APPROXIMATELY 1,146 FEET OF FRONTAGE ALONG THE SOUTH SIDE OF PLEASANT HILL TRAIL AND APPROXIMATELY 901.87 FEET OF FRONTAGE ALONG THE NORTH SIDE OF PLEASANT HILL ROAD AND CONTAINS 95.52 ACRES.

APPLICANT: Hybrass Properties

OWNER:

COMMISSION DISTRICTS: 5 & 7

WHEREAS, Hybrass Properties has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located at 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road and 1716 Pleasant Hill Trail, and more particularly described as follows:

All that tract or parcel of land and being in **District 16, Land Lots 197, 219, & 220, Blocks 03 & 01, Parcels 006, 012, 005, 006, 004, 007, & 009** of DeKalb County, Georgia, containing 95.52 acres, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IIV, Division 3, Section 27-7.3 for amending the DeKalb County Zoning Ordinance for the subject property from R-100 & R-85 District to RNC District.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, set forth in Section 27, Article 1.1 & 7.3 of the DeKalb County Zoning Ordinance, an amendment to rezone property from M (Light Industrial) District, R-100 & R-85 (Residential Medium Lot) Districts to RNC (Neighborhood Conservation) District to develop 214 detached single-family residences with a minimum lot size of 6,000 square feet. The property is located on the south side of Pleasant Hill Trail and the north side of Pleasant Hill Road approximately 897 feet east of the northeast intersection of Pleasant Hill Road and Pleasant Hill Trail at 7956, 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road and 1716 Pleasant Hill Trail, Lithonia, Georgia. The property has approximately 1,146 feet of frontage along the south side of Pleasant Hill Trail and approximately 901.87 feet of frontage along the north side of Pleasant Hill Road. The property contains 95.52 acres and is hereby approved, (with conditions).

Part 2: That if this amendment is approved conditionally, and under the provisions of Section 27-7.3.9 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Part 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance.

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Part 4: This ordinance, hereby approved, does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved in accordance with Chapter 27, Article VII, Division 5.

ADOPTED by the DeKalb County Board of Commissioners this _____ day of

_____ 2018.

Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

FINAL CONDITIONS FOR Z-18-22130 2018-1857

REQUESTED BY APPLICANT:

Application of Hybrass Properties, LLC c/o Battle Law, PC to rezone property from M (Light Industrial) District, R-100 & R-85 (Residential Medium Lot) Districts to RNC (Neighborhood Conservation) District to develop 214 detached single-family residences with a minimum lot size of 6,000 square feet.

PLANNING AND SUSTAINABILITY DEPARTMENT:

Approval w/Conditions. The rezoning request from the R-85 (Residential Medium Lot and M (Light Industrial) Districts to the RNC (Neighborhood Conservation District) allows greater flexibility for development by incorporating use of greenspace with natural features of the environment and allowing development standards compatible with adjacent residential properties. The proposed single-family development is consistent with the following DeKalb County 2035 Comprehensive Plan policies: Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density; and Ensure that new development and redevelopment is compatible with existing residential areas. The proposed RNC zoning district with its combined greenspace and natural features provides more opportunity for development on the subject site. Given that Pleasant Hill Road is a minor thoroughfare, it should be able to absorb additional traffic resulting from the proposed subdivision. To ensure compliance to greenspace requirements, applicants for development within an RNC are required to provide a legal mechanism for unified control of the entire parcel to be developed and a legal mechanism for the maintenance and protection of land held in common prior to the issuance of any land disturbance permit. Given that the proposed RNC zoning district provides for the protection of land in harmony with adjacent residential properties, Planning Staff concludes that the proposed RNC zoning district is appropriate for the site. Staff recommends conditions consistent with the conditions approved on Union Grove Road for RNC development pursuant to Z-14-18943. Therefore, the Department of Planning and Sustainability recommends "Approval, with the following conditions":

1. Limit the use to a 214-unit single-family detached subdivision with recreational and greenspace area as conceptually shown on the revised site plan entitled CONCEPTUAL PLAN for Hybrass Properties, LLC located in Land Lots 197, 219 & 220, 16'h District, DeKalb County, Georgia and submitted to the Planning and Sustainability Department on February 28, 2018.
2. Provide a minimum of 30% greenspace (25.42 acres) excluding rock and required buffers.
3. Provide a minimum of 50% (12.11 acres) contiguous greenspace.
4. Provide three (3) points of access on Pleasant Hill Road subject to approval by the Transportation Division within the Department of Public Works.
5. Dedicate at no cost to DeKalb County 40 feet from centerline of right-of-way on Pleasant Hill Road.
6. Provide a deceleration lane on Pleasant Hill Road and onsite road improvements as required by the Transportation Division within the Department of Public Works.
7. Demonstrate compliance to intersection and stopping sight distance per American Association of State Highway and Transportation Officials (AASHTO) prior to receiving an approved Land Disturbance Permit (LOP).
8. Provide bike lanes or multiuse path, 6-foot wide sidewalks on Pleasant Hill Road and street lights or as may be required by the Transportation Division within the Department of Public Works.
9. The heated floor area shall be no less than 2,100 square feet.
10. Each home shall have a minimum two-car garage (side entry garages where lot area allows).
11. The front facade building materials shall include a minimum of 40% brick masonry. Stone masonry, cedar shingles, and/or hard coat stucco. Vinyl siding is strictly prohibited.
12. Provide underground utilities.
13. Front and sides shall be sodded prior to the issuance of a Certificate of Occupancy.

14. No more than one (1) brick base monument sign shall be erected at each subdivision entrance. Sign area shall not exceed 32 square feet, excluding base and shall not exceed eight (8) feet in height.
15. The entrances to the subdivision shall be landscaped subject to the approval of the DeKalb County Arborist.
16. A mandatory homeowner's association with bylaws and covenants shall be established and maintained for the subdivision. The bylaws and covenants will explain the maintenance responsibility for common space, and landscaping.
17. Any applicant for development within this approved RNC shall be required to provide a legal mechanism for unified control of the entire parcel to be developed for review and approval by the county attorney prior to the issuance of any land disturbance or building permit.

PLANNING COMMISSION:

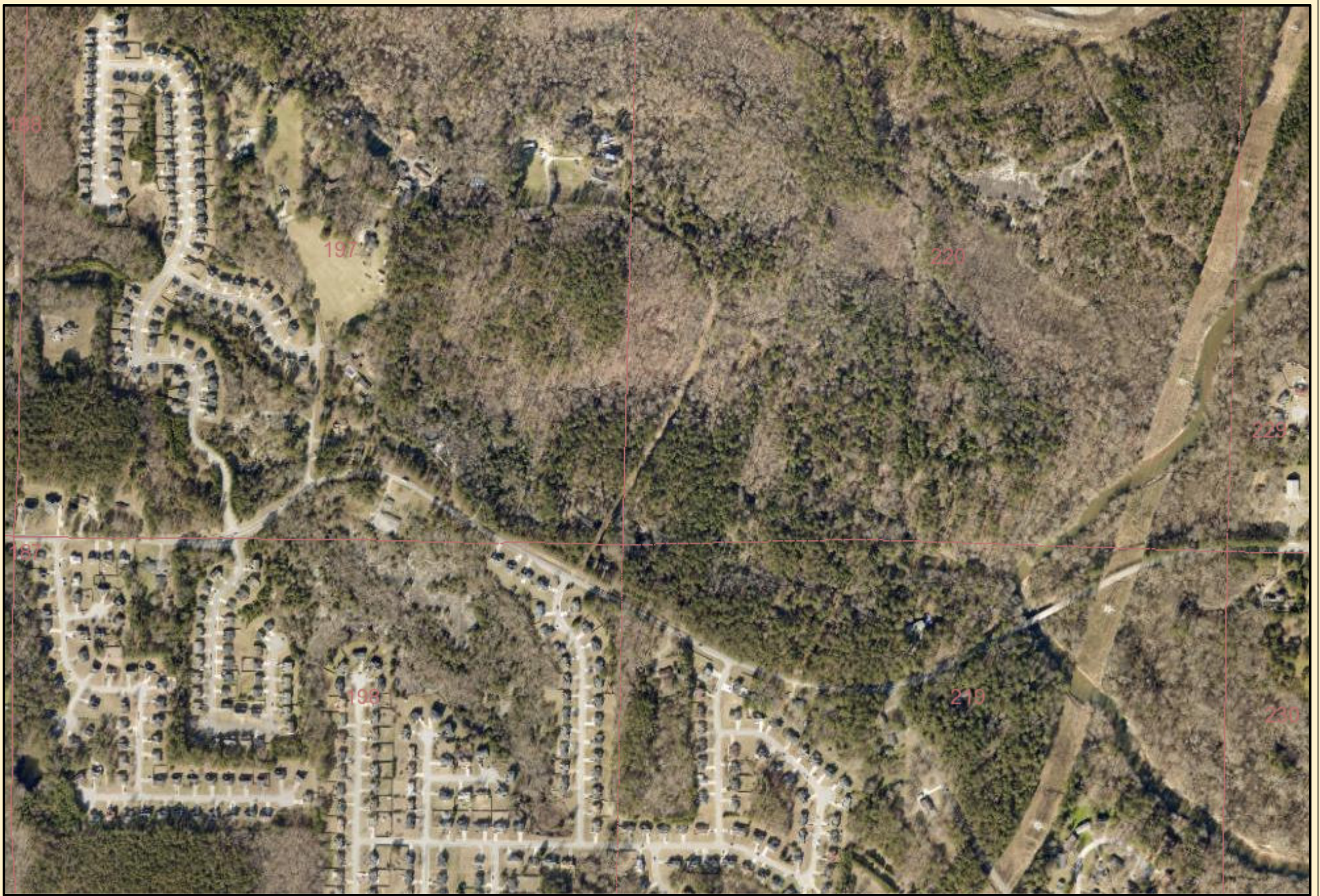
Approval w/Conditions. 7-0-0. Approval M. Butts moved, J. West seconded for approval with additional conditions submitted by the applicant. They include minimum heated floor area of 2,100 square feet; a mandatory homeowner's association; and front building façade materials.

BOARD OF COMMISSIONERS:

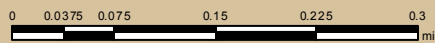
May 22, 2018, Approved with Staff's seventeen (17) staff conditions, dated May 9, 2018.

Z-18-22130 Proposed RNC (Neighborhood Conservation District) Zoned Conditions

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DeKalb County Parcel Map

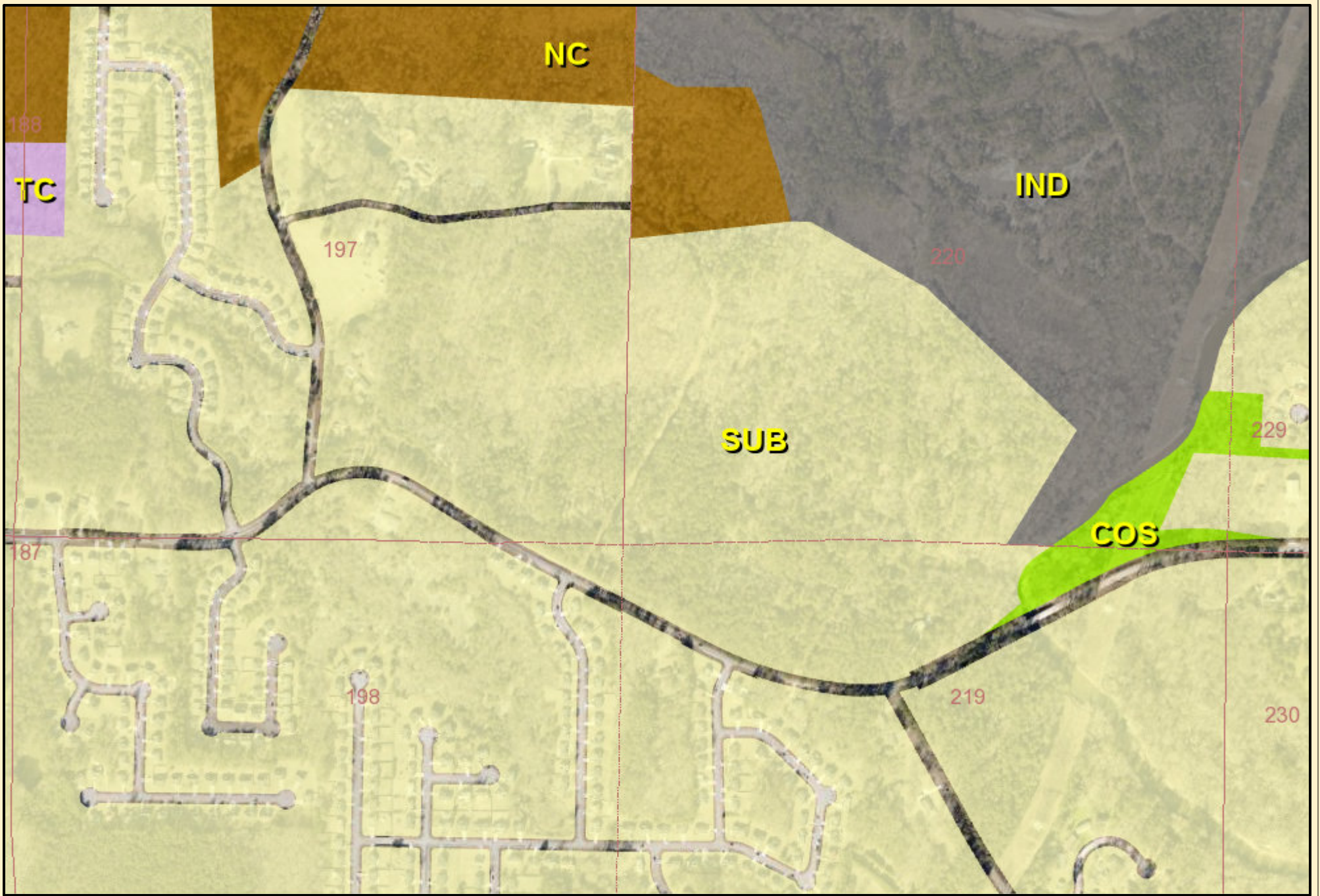


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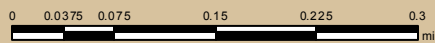


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DeKalb County Parcel Map

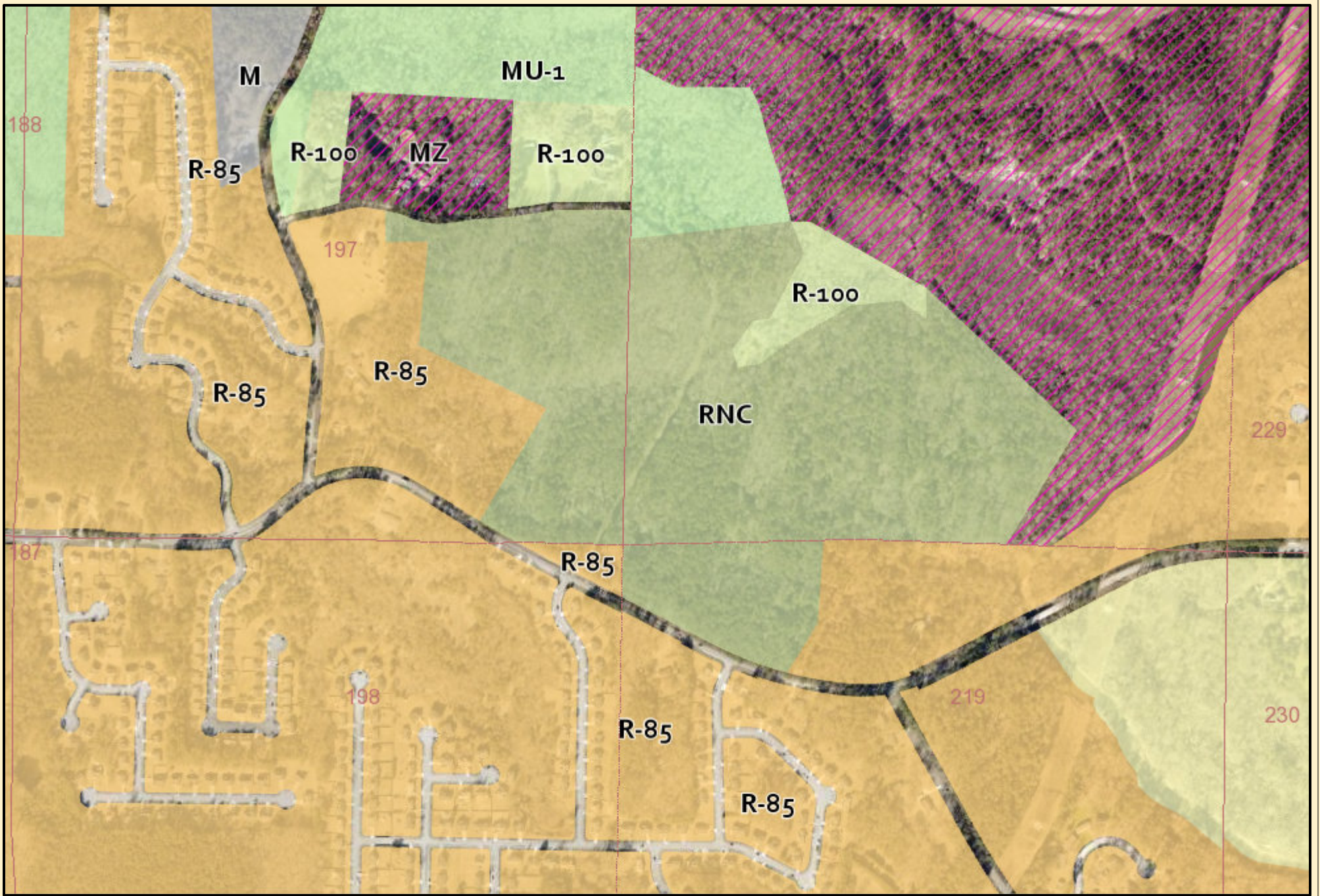


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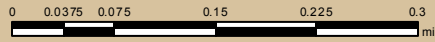


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DeKalb County Parcel Map



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