



Legislation Details (With Text)

**File #:** 2023-0877    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 7/11/2023    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 9/28/2023    **Final action:**  
**Title:** COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of DeKalb County Parks Department c/o Caleb Wittenmyer to request a Major Modification of zoning conditions pursuant to CZ-96056 to remove Condition #16, pertaining to required donation of land to the DeKalb County Parks Department in the RSM (Residential Small Lot Mix) zoning district in Lithonia, Georgia.

**Indexes:**

**Attachments:** 1. CZ-23-1246550 Sept. 2023 Staff Report 6290 Sayler Park

| Date      | Ver. | Action By                               | Action   | Result |
|-----------|------|---|----------|--------|
| 9/28/2023 | 1    | Board of Commissioners - Zoning Meeting | approved | Pass   |
| 9/12/2023 | 1    | Planning Commission                     |          |        |

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District 05 Super District 07**

**Application of DeKalb County Parks Department c/o Caleb Wittenmyer to request a Major Modification of zoning conditions pursuant to CZ-96056 to remove Condition #16, pertaining to required donation of land to the DeKalb County Parks Department in the RSM (Residential Small Lot Mix) zoning district in Lithonia, Georgia.**

**PETITION NO: N7-2023-0877 CZ-23-1246550**

**PROPOSED USE: Remove condition #16 (pursuant to CZ-96056), pertaining to required donation of land to the DeKalb County Parks Department.**

**LOCATION:** 6290 Sayler Park, Lithonia, Georgia 30058

**PARCEL NO. :** 16-102-01-001

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of DeKalb County Parks Department c/o Caleb Wittenmyer to request a Major Modification of zoning conditions pursuant to CZ-96056 to remove Condition #16, pertaining to required donation of land to the DeKalb County Parks Department in the RSM (Residential Small Lot Mix) zoning district. The property is located at 6290 Sayler Park in Lithonia, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** No Quorum.

**PLANNING COMMISSION:** Approval.

**PLANNING STAFF:** Approval.

**STAFF ANALYSIS:** The subject property is part of the Cheshire Estates subdivision and was approved with 20 zoning conditions by the Board of Commissioners per case CZ-96056 on March 30, 1998 (see Exhibit A “*Landman Inc. Proposed Rezoning Conditions*”). DeKalb County’s Department of Recreation, Parks, and Cultural Affairs is requesting to remove Condition #16 which requires the donation of this parcel of land for use by the Parks Department (see enclosed memorandum dated February 1, 2023). Based on the submitted information, the vacant land is consistent with the policy and strategies of the Suburban Character area to preserve and protect existing residential neighborhoods and appears to be compatible with the adjacent park (Redan Park) and surrounding single-family residential uses. Therefore, it is the recommendation of the Planning & Sustainability Department that the application to remove Condition #16 be “Approved”. All other approved conditions adopted by the Board of Commissioners on April 30, 1998 as delineated below shall remain in force and in effect. 1. Proposed RA-5 zoning conditioned to a maximum of 111 single family detached homes on 32.68 acres for a maximum density of 3.4 lots per acre. 2. Minimum heated floor area of houses to be 1,700 square feet, with a minimum average of 1,900 square feet mixed throughout the total development. 3. Minimum two car garage per unit. 4. No exposed concrete block. 5. Sod front yard and seed and straw side and rear yards. 6. Install sidewalks lot by lot on both sides of interior streets. 7. Provide underground utilities. 8. Build a minimum of four house plans mixed throughout the subdivision. 9. Provide for streetlights. 10. Minimum of 75% of houses to be accented with brick, stucco, or stone. 11. Minimum lot size shall be 7,500 square feet. 12. Provide 120% storm water detention. 13. Subdivision entrance monument and plan shall be developed by the developer and approved by the DeKalb County Traffic Engineer. 14. Widen and curb Giles Road for the entire frontage of subdivision per DeKalb County regulations. 15. Widen and pave Giles Road 630 feet (+/-) to 24 feet wide where road is less than 24 feet wide (provided DeKalb County acquires permission or construction easements from owners) as shown on the preliminary lot layout for Park Place (revised date 2/27/98) ~~16. Donate 1.16 acres of unused land and floodplain area at northeast corner of property to DeKalb County Parks and Recreation. Developer to retain necessary rights to sanitary sewer and storm drain easements as required for the subdivision.~~ 17. Install a 6-foot- high chain-link fence from Giles Road along Phillips Chase property and DeKalb County Park property line as shown on preliminary plat of Park Place (revised date 2/28/98) 18. Subdivision covenants to provide for a mandatory homeowner’s association for the maintenance of subdivision entrance sign and landscaping and other common interests of the subdivision. The membership fee to be established by the homeowner’s association. The subdivision entrance to be maintained by the developer until 100% of the lots are sold. 19. A minimum of 4 hardwood trees to be planted on each lot unless 4 existing hardwood trees are preserved on the lot. 20. The side yards on lots 110 & 111 to be developed with R-100 standards (10 feet). This will allow for a larger square foot house on these lots. Staff recommends “Approval”.

**PLANNING COMMISSION VOTE:** Approval 7-0-0. Jan Costello moved, LaSonya Osler seconded for approval, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** No Quorum.