



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  
mlb@battlelawpc.com

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

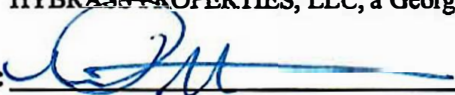
\_\_\_\_\_, DeKalb County, GA, \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s) : \_\_\_\_\_ Block(s) : \_\_\_\_\_ Parcel(s) : \_\_\_\_\_

Acreege 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



Government Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

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: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Comm. District(s): \_\_\_\_\_ 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): \_\_\_\_\_

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**

<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

**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](mailto:jnb@battlelawpc.com)

## COMMUNITY MEETING TO DISCUSS A REZONING OF THE PROPERTY FROM RNC TO RSM FOR 185 SINGLE-FAMILY DETACHED LOTS

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

**When: October 17,2024**

**Time: 6:30 PM Eastern (US and Canada)**

**Register in advance for this meeting:**

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

**Meeting ID: 832 9592 5266**

**Password: 542283**

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OWNERNAME1	PSTLADDRESS
MARTIN MARIETTA MATERIALS REAL	6920 POINTE INVERNESS WAY STE 301
MARISTON DEVELOPMENTS LLC	6030 BETHELVIEW RD # 102
GOSPEL ASSEMBLY CHURCH OF	7771 PLEASANT HILL RD
ORTIZ FIDEL PEREZ	1831 PLEASANT HILL TRL
BRITT LONNIE JOE	1825 PLEASANT HILL TRL
RODRIGUEZ CARLOS	PO BOX 1075
CLARKE SHAWN M	1125 HAMMOND DR APT 562
HOLUB JOSEPH A	1840 PLEASANT HILL TRL
HARRIS STEPHANIE	1822 STONE MEADOW RD
HEFFNER EVANGELINE	1816 STONE MEADOW RD
KENNEDY MCKENZIE MARLENE E	1810 STONE MEADOW RD
MITCHELL SIMONE A	1804 STONE MEADOW RD
TAYLOR RENEE L	7695 STONE MEADOW TRL
MARSHALL CASSANDRA M	7701 STONE MEADOW TRL
ANDREWS CANDICE I	7711 STONE MEADOW TRL
KHALID JULIOUS G	7721 STONE MEADOW TRL
FKH SFR PROPCO K LP	1850 PARKWAY PL STE 900
TOLBERT MARQUITA DANIEL	7733 STONE MEADOW TRL
WALTERS ALBERT D	7739 STONE MEADOW TRL
LEE GLORIA	7745 STONE MEADOW TRL
WILLIAMS DENEEN	7751 STONE MEADOW TRL
PROCOPE BEVERLY	7732 STONE MEADOW TRL
THAI TUAN T	7722 STONE MEADOW TRL
TURNER RHONDA M	7716 STONE MEADOW TRL
DEBARDELABEN DANNIE	7710 STONE MEADOW TRL
MACON CARL	7706 STONE MEADOW TRL
HAMBIE JAMES	7700 STONE MEADOW TRL
WILLIAMS SHARON	7694 STONE MEADOW TRL
NELSON STEPHANIE	7684 STONE MEADOW TRL
PIEDMONT TRACE HOMEOWNERS ASSO INC	1465 NORTHSIDE DR STE 128
PIEDMONT TRACE HOMEOWNERS ASSO INC	1465 NORTHSIDE DR STE 128
WILLIAMSON RALPH R	1735 PLEASANT HILL TRL
STILLO CAROL S	1745 PLEASANT HILL TRL
WILLIAMS JAMES ORVILLE	1723 PLEASANT HILL TRL
EMERSON CYNTHIA DOWNS	4955 MCCOY CIR
HYBRASS PROPERTIES LLC	6350 LAKE OCONEE PKWY PMB 11051
MACEDO CELESTINO	1711 PLEASANT HILL TRL
CASON YOLANDE ANN	7772 PLEASANT HILL RD
HARRIS MICHAEL D	2555 PLEASANT HILL TRL
POTTINGER CONROL	1739 PLEASANT HILL TRL
HYBRASS PROPERTIES LLC	6350 LAKE OCONEE PKWY PMB 110-51
MACEDO JAIMES GABRIEL	1687 PLEASANT HILL TRL
DIAZ ESTEBAN MELVIN ALEXANDER	1746 PLEASANT HILL TRL
BLK NOVA LLC	5314 HOLLY BROOKE LN
BRYDSON MICHELLE	1826 PLEASANT HILL TRL
T K MORELAND INC	PO BOX 2838
2018 3 IH BORROWER LP	P.O. BOX 4900
BEDFORD FUTURE	7787 PLEASANT HILL RD
BLAIR HAZEL	7793 PLEASANT HILL RD
ALGHRAIRI YOUNUS A	1849 DEMILIO DR
MAXEY DENZEL	1857 DEMILLIO DR
PATTERSON KERRY WAYNE	1865 DEMILIO DR

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BOLTON CYNTHIA	1871 DEMILIO DR
FEACHER REGINA M	1877 DEMILIO DR
HAY LANCELOT G	1883 DEMILIO DR
BAF ASSETS 6 LLC	5001 PLAZA ON THE LAKE STE 200
CAMPBELL JOSEPH	1895 DEMILIO DR
NGO MINH CAM	1901 DEMILIO DR
NELSON COLIN A	1907 DEMILIO DR
FENNIMORE LLC	3921 MARTIN DR
WAYNE THOMAS GROUP INC	PO BOX 2838
510 SFR GA OPERATIONS I LLC	1719 NJ-10 STE 219
HANSLEY DONIELLE T	1966 LOCKSLEY TER
ZACHARY KENETHIA L	1960 LOCKSLEY TER
ROWE RONALD B	1959 LOCKSLEY TER
WHITESIDES CARTER	2082 STRANG BLVD
BRYANT JIMMIE L	2078 STRANG BLVD
DAVIS YVETTE E	2072 STRANG BLVD
WOODS RODNEY B	8936 GREY MOUNTIAN DR
EMILE GAETHANE	2071 STRANG BLVD
WILKERSON REX A	7812 PLEASANT HILL RD
SHERMAN REGINA	1902 DEMILIO DR
OTTEY PAULINE	1896 DEMILIO DR
GOOLSBY STANTHONY	1890 DEMILIO DR
BATTISTE IOANA	1884 DEMILIO DR
COLWELL TIMOTHY	1878 DEMILIO DR
ONWUSONYE IKECHUKWU	1874 DEMILIO DR
BROWN ANGELA L	PO BOX 1214
ANTHONY LAVERNE L	1858 DEMILIO DR
HUANG SU TZU	1622 GIRVAN RIDGE DR
SHINE HARVEY L	7929 PLEASANT HILL RD
REED NORA	2178 PROVIDENCE POINT DR
PEEPLES ANGELA	7911 PROVIDENCE POINT WAY
BLACKWELL PROPERTIES LLC	2350 POINTE PKWY STE 250
BOWDEN TIONA C	2177 PROVIDENCE POINT DR
HARRIS THOMAS JR	2183 PROVIDENCE POINT DR
ANDERSON GRADY MARQUIS	2189 PROVIDENCE POINT DR
LAWSON JOANNA	2195 PROVIDENCE POINT DR
SIMON CHRISTIE NATACHA	116 PLEASANT HILL RD NW
RKM GROUP INVESTMENTS LLC	1017 PEARL MIST DR SW
SWERTFEGER LEON JACK JR U/W	3919 NE WIEUCA RD NE
HYBRASS PROPERTIES LLC	988 EAST FREEWAY DR SE STE A

PSTLCITY\_\_PSTLSTATE\_\_ZIP  
FORT WAYNE , IN 30058  
CUMMING , GA 30058  
LITHONIA , GA 30058  
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LOGANVILLE , GA 30058  
PARSIPPANY , NJ 30058  
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COLLTEWAH , TN 30058  
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ATLANTA , GA 30058  
CONYERS , GA 30058



# 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](mailto:mlb@battlelawpc.com)

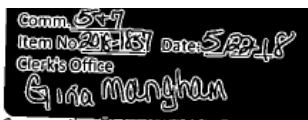


# Battle Law

## 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, 16<sup>th</sup> 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 to changes in the market, along with the location of rock on the property, the Applicant is seeking to amend the approved zoning conditions in order to update the site plan which reduces the total maximum number of single-family detached units from 214 units to 182. Based upon the new site plan, the Applicant is seeking to modify conditions 1, 4, 9 and 10 as follows:

Condition 1: Limit the use to no more than 182 single-family detached units based upon the site plan submitted to the DeKalb County Planning and Sustainability Department on October 28, 2024;

Conditions 4: Allow for 2 points of entry onto Pleasant Hill Road, with one full-service entrance and one emergency only entrance, along with a third point of entry from the proposed adjacent residential community North of the Subject Property as soon on the submitted site plan.

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.

### **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 nearby area is predominantly residential in area and this residential development aligns with that residential character of the area by adding additional single family detached housing and conserving a substantial amount of open space for the community.

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

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 the subject property in the original contemplated configuration, which would result in a significant loss of lots.



## Battle Law

**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.

**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 reduces the number of lots, and takes pressure off of the number of curb cuts along Pleasant Hill Road which is a minor arterial road. Additionally, the connection through the adjacent proposed community will allow for a tertiary access point to Rock Chapel Road.

### **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 CONTITUTIONAL 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



## Battle Law

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 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.



## Battle Law

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: 9/16, 2024

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 J. Endress  
Notary Public  


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

Notary Public

Notary Public

Notary Public

Owner

Owner

Owner



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes  No  \*

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

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

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



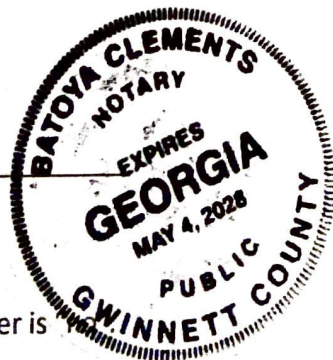
Notary

*Michelle L Battle*

Signature of Applicant /Date

Check one: Owner  Agent

May 04, 2028  
Expiration Date/ Seal



\*Notary seal not needed if answer is

Commissioner/Zoning Advisory Board Member Name	County/District	Date	Amount
Lorraine Cochran Johnson	DeKalb County	6/17/2022	\$ 750.00
Oz Nesbitt	Rockdale County	6/30/2023	\$ 249.00
Lauren Kiefer	Brookhaven	10/25/2023	\$ 250.00
Malaika Wells	DeKalb County	10/25/2023	\$ 250.00
Lance Hammonds	DeKalb County	10/25/2023	\$ 250.00
Mereda Davis Johnson	DeKalb County	11/1/2023	\$ 1,000.00
Lisa Cupid	Cobb County	12/4/2023	\$ 500.00
Ted Terry	DeKalb County	3/4/2024	\$ 500.00
Felicia Franklin	Clayton County	3/4/2024	\$ 500.00
Lorraine Cochran Johnson	DeKalb County	5/8/2024	\$ 500.00
Larry Johnson	DeKalb County	5/8/2024	\$ 500.00

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

By  \_\_\_\_\_

Signature of Applicant /Date

Name/Title: Michael R. Potts  
Manager

Check one: Owner X Agent \_\_\_\_\_

N/A  
\_\_\_\_\_  
Notary

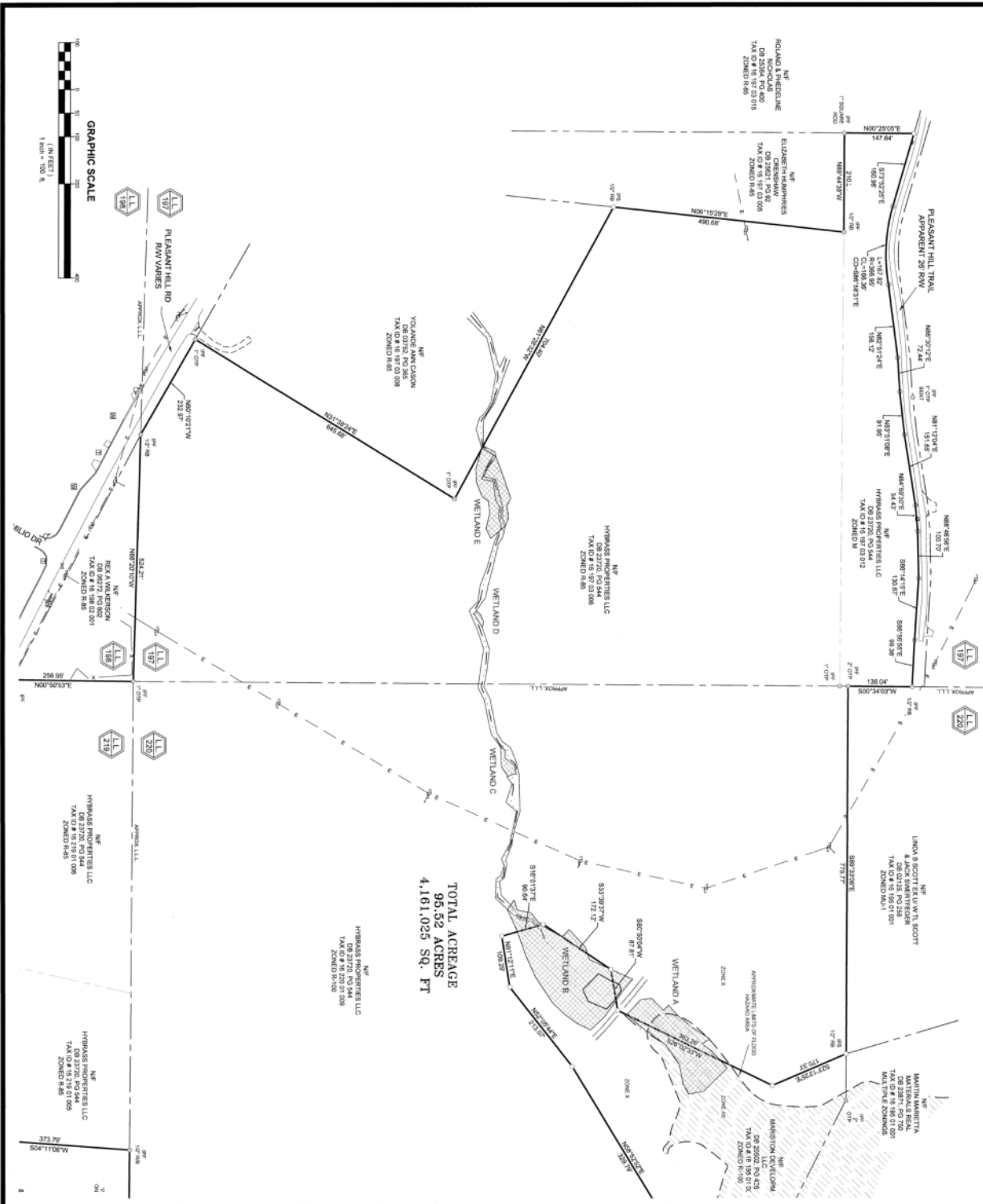
N/A  
\_\_\_\_\_  
Expiration Date/ Seal

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

**SURVEY REFERENCES**

CONVEYOR COUNTY RECORD HYBRASS PROPERTIES LLC  
 COUNTY ZONING MAP 2018 R-10  
 AS SHOWN ON LOCAL INDEPENDENT MAPS OF DEKALB COUNTY, GEORGIA COMMUNITY  
 DEVELOPMENT DEPARTMENT 2018, A PORTION OF  
 THE INFORMATION IS LOCATED IN A FLOOD HAZARD ZONING

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



**TOTAL ACREAGE**  
 95,532 ACRES  
 4,101,025 SQ. FT.



**SURVEY NOTES**

THIS SURVEY WAS PERFORMED BY THE SURVEYOR AND HIS ASSISTANTS IN THE FIELD AND THE SURVEYOR HAS REVIEWED THE DATA AND CONSIDERED THE RESULTS THEREOF.  
 ALL DISTANCES SHOWN HEREON ARE HORIZONTAL AND DO NOT INCLUDE SLOPE CORRECTIONS.  
 THIS SURVEY IS BASED ON THE ASSUMPTION THAT THE BOUNDARIES SHOWN ON THE PREVIOUS SURVEY ARE CORRECT AND THAT THE SURVEYOR HAS NO KNOWLEDGE OF ANY OTHER SURVEYS THAT MAY AFFECT THE RESULTS OF THIS SURVEY.  
 THE SURVEYOR HAS NOT CONDUCTED A FIELD CHECK OF THE SURVEY DATA AND THEREFORE DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA.  
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**LEGEND**

1/8" = 1'-0"	1/4" = 1'-0"	1/2" = 1'-0"	3/4" = 1'-0"	1" = 1'-0"
1/8" = 1'-0"	1/4" = 1'-0"	1/2" = 1'-0"	3/4" = 1'-0"	1" = 1'-0"
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1/8" = 1'-0"	1/4" = 1'-0"	1/2" = 1'-0"	3/4" = 1'-0"	1" = 1'-0"

**SURVEY CERTIFICATE**

I, the undersigned, being a duly licensed and qualified Surveyor in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original field notes and computations on which this survey is based, and that the same have been carefully compared with the original field notes and computations and found to be correct and true.  
 DATE: 12/14/18  
 SIGNATURE: [Signature]

	CIVIL ENGINEERING SURVEYING 1000 Peachtree Street, N.W. Atlanta, Georgia 30309	LAND MANAGEMENT 1000 Peachtree Street, N.W. Atlanta, Georgia 30309
	CONSTRUCTION MANAGEMENT 1000 Peachtree Street, N.W. Atlanta, Georgia 30309	

**BOUNDARY RETRACEMENT SURVEY FOR HYBRASS PROPERTIES LLC**

LOCATED IN:  
 LAND LOTS 197, 219 & 220, 16TH DISTRICT  
 DEKALB COUNTY, GEORGIA

**REVISIONS**

NO.	DATE	REVISION
1	12-14-18	INITIAL SURVEY
2	12-14-18	FINAL SURVEY
3	12-14-18	FINAL SURVEY

**DEKALB COUNTY SURVEYOR**

DATE: 12-14-18

DRAWN BY: [Name]

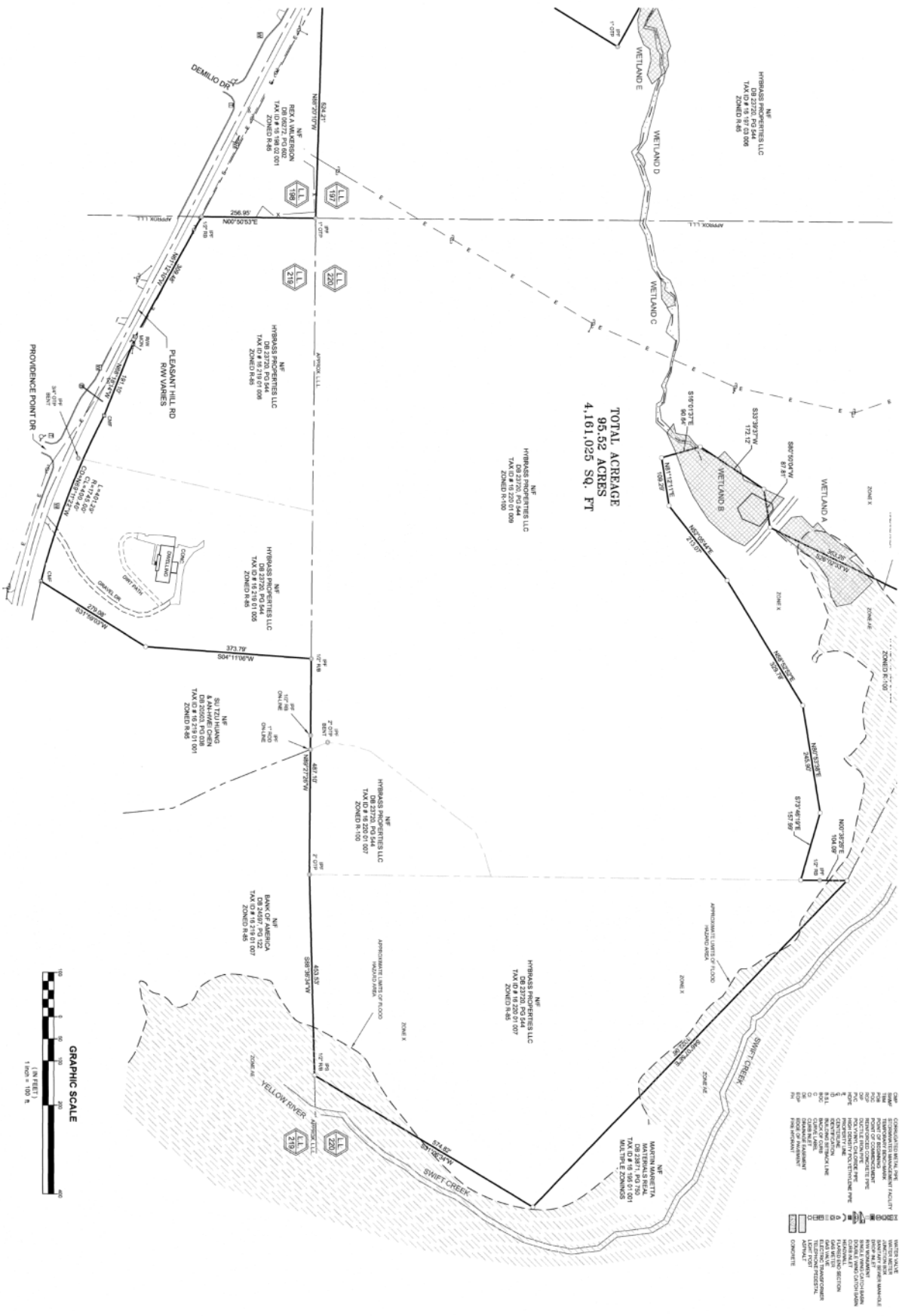
REVIEWED BY: [Name]

SHEET NUMBER: 1 OF 2



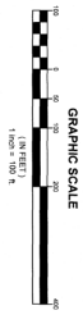
**BOUNDARY RETRACEMENT SURVEY FOR:  
HYBRASS PROPERTIES LLC  
LAND LOTS 197, 219 & 220, 16TH DISTRICT  
DEKALB COUNTY, GEORGIA**

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



**LEGEND**

---	EXISTING ROAD	---	EXISTING UTILITY
---	PROPOSED ROAD	---	PROPOSED UTILITY
---	EXISTING FENCE	---	PROPOSED FENCE
---	EXISTING CURB	---	PROPOSED CURB
---	EXISTING SIDEWALK	---	PROPOSED SIDEWALK
---	EXISTING DRIVEWAY	---	PROPOSED DRIVEWAY
---	EXISTING EASEMENT	---	PROPOSED EASEMENT
---	EXISTING ENCROACHMENT	---	PROPOSED ENCROACHMENT
---	EXISTING CONCRETE	---	PROPOSED CONCRETE
---	EXISTING ASPHALT	---	PROPOSED ASPHALT
---	EXISTING GRAVEL	---	PROPOSED GRAVEL
---	EXISTING SAND	---	PROPOSED SAND
---	EXISTING DIRT	---	PROPOSED DIRT
---	EXISTING ROCK	---	PROPOSED ROCK
---	EXISTING BRICK	---	PROPOSED BRICK
---	EXISTING TILE	---	PROPOSED TILE
---	EXISTING STONE	---	PROPOSED STONE
---	EXISTING METAL	---	PROPOSED METAL
---	EXISTING WOOD	---	PROPOSED WOOD
---	EXISTING PLASTER	---	PROPOSED PLASTER
---	EXISTING GYPSUM	---	PROPOSED GYPSUM
---	EXISTING CONCRETE	---	PROPOSED CONCRETE
---	EXISTING ASPHALT	---	PROPOSED ASPHALT
---	EXISTING GRAVEL	---	PROPOSED GRAVEL
---	EXISTING SAND	---	PROPOSED SAND
---	EXISTING DIRT	---	PROPOSED DIRT
---	EXISTING ROCK	---	PROPOSED ROCK
---	EXISTING BRICK	---	PROPOSED BRICK
---	EXISTING TILE	---	PROPOSED TILE
---	EXISTING STONE	---	PROPOSED STONE
---	EXISTING METAL	---	PROPOSED METAL
---	EXISTING WOOD	---	PROPOSED WOOD
---	EXISTING PLASTER	---	PROPOSED PLASTER
---	EXISTING GYPSUM	---	PROPOSED GYPSUM
---	EXISTING CONCRETE	---	PROPOSED CONCRETE



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<p><b>2 OF 2</b></p> <p>SHEET NUMBER</p>		<p><b>REVISIONS</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										<p><b>BOUNDARY RETRACEMENT SURVEY FOR HYBRASS PROPERTIES LLC</b></p> <p>LOCATED IN: LAND LOTS 197, 219 &amp; 220, 16TH DISTRICT DEKALB COUNTY, GEORGIA</p>	<p><b>FALCON DESIGN</b></p> <p>LAND PLANNING &amp; SURVEYING</p> <p>1000 W. BIRCHWOOD DR. SUITE 100 ALPHARETTA, GA 30201 770.443.1111</p>
NO.	DATE	DESCRIPTION														

THIS PLAN 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 RE-CERTIFICATION BY THE SURVEYOR NAMED SAID PERSON.

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;

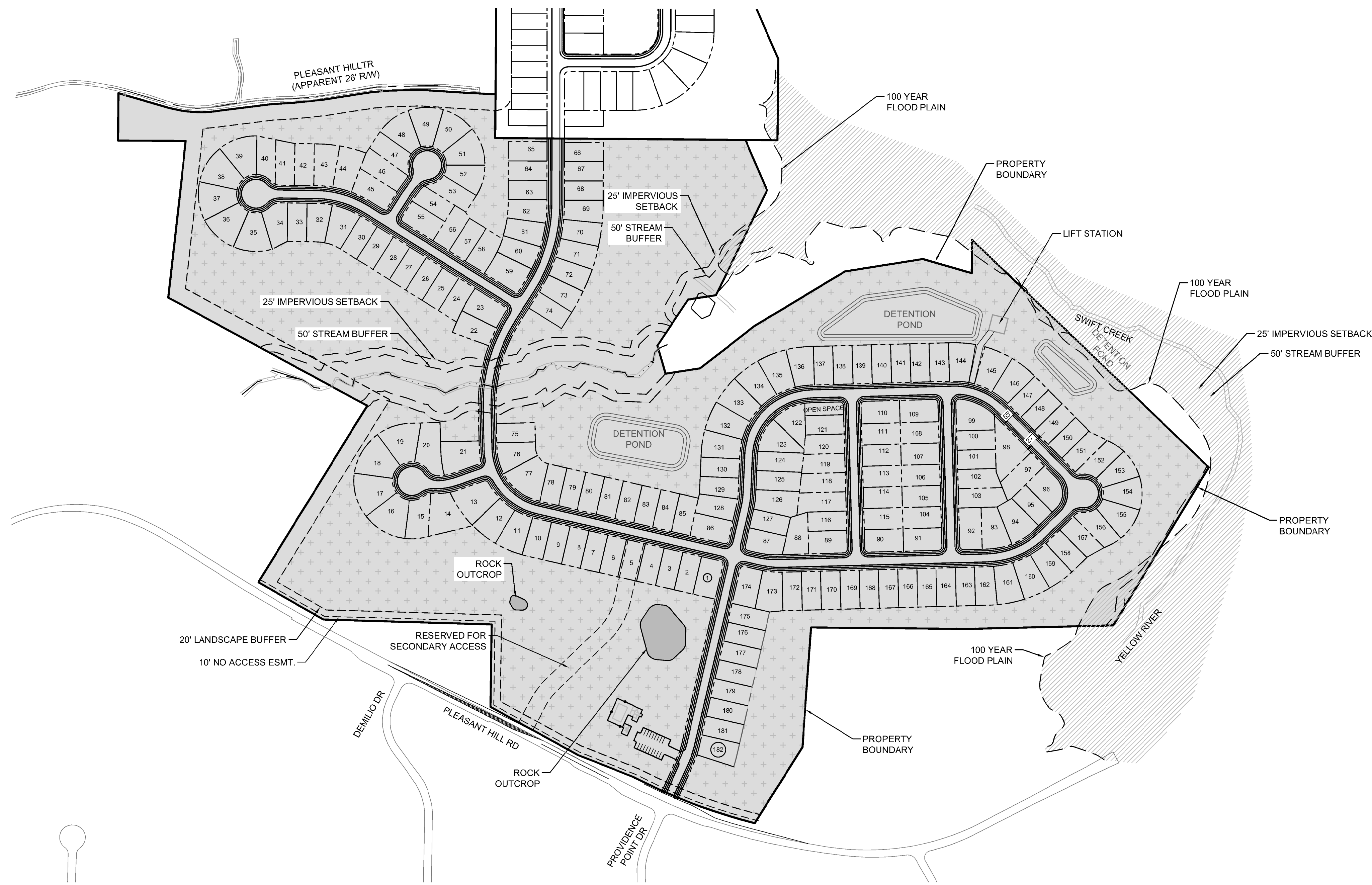
THENCE, SOUTH 86 DEGREES 14 MINUTES 15 SECONDS EAST, 130.67 FEET TO A POINT;

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)**.



**LAND USE SUMMARY**

TOTAL UNITS: 182  
 - ZONING APPROVED UNITS IN PLEASANT HILL: 214  
 - UNITS SHOWN IN PLEASANT HILL: 182

**PLEASANT HILL LOT STANDARDS(RNC)**

MIN. LOT AREA: 6,000sf  
 MIN. LOT WIDTH: 60'  
 FRONT S/B: 20'  
 SIDE S/B: 7.5'  
 REAR S/B: 20'

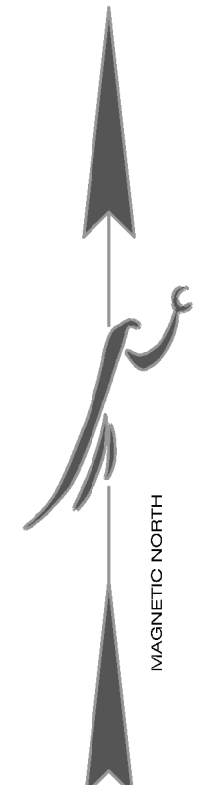
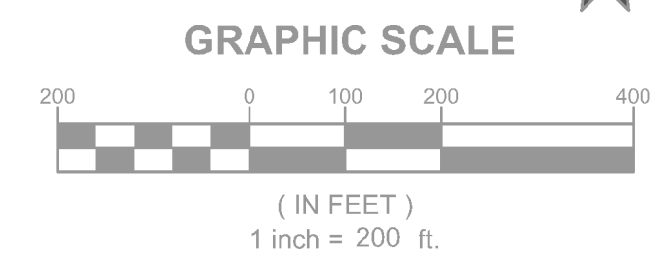
**RNC GREENSPACE REQUIREMENTS:**

REQUIRED GREENSPACE: 30% OF SITE (25.42 acres)  
 -50% SHALL BE CONTIGUOUS  
 PROVIDED GREENSPACE: 36.91 acres WITH OVER  
 50% CONTINUOUS GREENSPACE

PLEASANT HILL  
 GREENSPACE

**GENERAL NOTES**

- LAYOUT IS CONCEPTUAL IN NATURE AND IS FOR PLANNING PURPOSES ONLY. FURTHER INFORMATION WILL BE REQUIRED TO DESIGN THE PROJECT.
- A BOUNDARY SURVEY HAS BEEN CONDUCTED FOR THIS PROJECT.
- ANY WETLANDS SHOWN IN THE DRAWING WERE OBTAINED FROM THE NATIONAL WETLANDS INVENTORY MAP. FURTHER ENVIRONMENTAL STUDIES WILL BE REQUIRED.
- SEWERABILITY OF THIS PROJECT HAS NOT BEEN DETERMINED.



CIVIL ENGINEERING  
 CONSTRUCTION MANAGEMENT  
 LAND SURVEYING  
 LANDSCAPE ARCHITECT  
 LAND PLANNING

**FALCON DESIGN CONSULTANTS**

STOCKBRIDGE OFFICE  
 215 COURT CTR. ERM. 312-200  
 STOCKBRIDGE, GEORGIA 30281  
 PH: (770) 939-8666 - Fax: (770) 939-8668

NEWNAN OFFICE  
 40 GREENWAY CT. STE. A  
 NEWNAN, GEORGIA 30055  
 PH: (770) 256-7979

CUMMING OFFICE  
 500 FERRIS EUREY RD. STE. 310  
 CUMMING, GEORGIA 30041  
 PH: (770) 807-7700

www.fdc-llc.com

CONCEPT PLAN  
 FOR  
**PLEASANT HILL**

LOCATED IN:  
**LAND LOTS 188, 189, 196, 16TH DISTRICT**  
**DEKALB COUNTY, GEORGIA**

DATE	REVISIONS
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Know what's below  
 Call before you dig.  
 UTILITIES PROTECTION CENTER  
 1-800-762-7467 OR 404-524-8181

DATE:	10/10/24
SCALE:	
PROJ NUMBER:	100.002
DRAWN BY:	AM
REVIEWED BY:	JDL
REVISED BY:	

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER  
**1.0**