



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: May 01, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.**

STAFF ANALYSIS

Case No.: 2018-1857/ Z-18-22130 **Agenda #:** N.9

Location/Address: The south side of Pleasant Hill Trail and the north side of Pleasant Hill Road at 1716 Pleasant Hill Trail and 7956. 7890, 8024, 7788, 7900 & 7860 Pleasant Hill Road, Lithonia, Georgia. **Commission District:** 5 **Super District:** 7

Parcel ID: 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: 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.

Property Owners: Hybrass Properties, LLC

Applicant/Agent: Hybrass Properties, LLC/ Battle Law P.C.

Acreage: 95.52 Acres

Existing Land Use: Undeveloped

Surrounding Properties: Single-Family detached residences

Adjacent & Surrounding Zoning: North: MU-1 (Mixed Use Low Density) District
North: R-100 (Residential Medium Lot) District
East, West & South: R-85 (Residential Medium Lot) District

Comprehensive Plan: Suburban Consistent X

Proposed Units: 214	Existing : N/A
Proposed Lot Coverage: < 35% Per Lot	Existing Lot Coverage: N/A

SUBJECT PROPERTY:

The subject property consists of 7 contiguous parcels for a total of 95.52 acres in unincorporated DeKalb County. The site is located on the north side of Pleasant Hill Road (minor arterial) and the south side of Pleasant Hill Trail (a local unimproved street). Pleasant Hill Road runs west to Rock Chapel Road (a major arterial). The large tract of land is undeveloped. It is roughly graded with no infrastructure. The site consists of dirt, gravel, rocks with shrubbery and mature hardwood trees located throughout. A creek runs east to west through the middle of the site.

CHARACTER OF SURROUNDING AREA:

The surrounding area is developed with scattered detached single-family residences on large lots adjacent to the site along the east and north side of Pleasant Hill Trail and the along the north side of Pleasant Hill Road. West of the site is Piedmont Trace Subdivision, a single-family detached residential community with frontage on Pleasant Hill Trail and Pleasant Hill Road. Across from the subject site along the south side of Pleasant Hill Road is Providence Point Subdivision. Southeast is Gospel Assembly church.

ZONING HISTORY:

On November 24, 1992, a portion of the site at 7890 and 7956 Pleasant Hill Road was rezoned to R-100 Residential Medium Lot) District pursuant to Z-92069 with conditions for single-family homes to developed on lots not less than 25,000 square feet with a minimum heated floor area of 1,800 square feet. The tract located at 1716 Pleasant Hill Road is zoned M (Light Industrial) and the remaining four (4) tracts are zoned R-85 (Residential Medium Lot) District.

PROJECT ANALYSIS:

The request is to rezone the subject site from R-100 & R-85 (Residential Medium Lot) Districts and M (Light Industrial) District to RNC (Neighborhood Conservation District) to develop a 214-lot single-family residential subdivision at a net density of 2.6 units per acre. Per the submitted Letter-of-Intent, 30% of the site excluding rock, wetlands, floodplain and required stream buffers will be used as allotted greenspace per the requirements of the RNC. The development has an amenity area with swimming pool. The site plan depicts five detention ponds along the periphery of the site. Access to the proposed subdivision is depicted via two curb cuts on Pleasant Hill Road. No access is proposed from Pleasant Hill Trail. Per the submitted site plan, the proposed subdivision complies with development standards for the RNC zoning district as indicated in the chart below. The applicant is required to submit for Sketch Plat to get approval on site layout and compliance to subdivision regulations.

RNC STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
Sec. 27-2.10.6.A Minimum Acres	7 acres	+/- 95.52 acres	Yes
Sec. 27-2.10.7.A.1 Density	Maximum 8 units per acre	2.6 units per acre	Yes
Sec. 27-2.10.7.A.2 Lot Width	Min. 60 ft.	60 ft.	Yes
Sec. 27-2.10.7.A.3 Lot Area – Interior Lots	Min. 6,000 Square Feet	6,000 Square Feet	Yes
Lot-Area – Lots abutting adjacent R-85 district	80% of 12,000 Square Feet = 9,600 Square Feet	9,600 Square Feet	Yes

Per Sec 2.10.5.I, a conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than 200 units, shall include a minimum of either a single active recreation area of at least two 2 acres in size or two (2) active recreation areas that are each at least one (1) acre in size. The DeKalb County Code defines active recreation areas to include but not limited to swimming, tennis, and other court games, baseball and

other field sports, golf and playground activities. Planning Staff notes that the submitted site plan depicts 2 acres dedicated to active recreation along the northern portion of the site, but it includes only playground equipment within a play area and a gazebo. The active recreation area must be redesigned to meet the requirements for the RNC subdivision.

The large 95.52 acre site has natural and physical features that qualify this site for RNC Development. The site has dirt, gravel, rocks with shrubbery and mature hardwood trees located throughout with a creek that runs east to west in the middle of the site. The RNC District has strict greenspace standards for development. Per the submitted site plan, the site has 12.76 acres of unusable area that consists of rock outcroppings, streams, buffers, wetlands, floodplains and slopes greater than 50% which are excluded from allotted greenspace. Therefore the remaining 82.76 acres are required to adhere to greenspace standards.

RNC GREENSPACES STANDARDS	REQUIREMENT	PROPOSED	COMPLIANCE
Sec. 27-2.10.5.A 30% allotted greenspace excluding undevelopable areas	30% of 82.76 acres = 25.42 acres	25.42 acres	Yes
Sec.27-2.10.5.C 50% allotted greenspace must be contiguous	50% of 25.42 acres = 12.71 acres	The northwestern portion of the site area complies with this standard.	Yes
Sec.27-2.10.5.G Pedestrian circulation system	Pedestrian path(s) and/or sidewalks	Depicted on site plan within open space area.	Yes
Sec. 27-2.10.5. Active recreation area	>200 units must have a minimum of 2 acres	2 acres of active recreation area dedicated within open space.	Yes. However site must include active recreation activities as defined by the DeKalb County Code.

The submitted site plan depicts a pocket park (open space) interior to the development near Pleasant Hill Road. Sec.5.5.3.C states that no lot shall be more than a quarter mile distance from a designated open space area. Staff notes that the site plan does not meet this criteria.

ZONING ANALYSIS

The applicant is requesting to rezone the subject site from R-100 & R-85 (Residential Medium Lot) Districts and M (Light Industrial) District to RNC (Neighborhood Conservation) District. The purpose and intent of the R-85 (Single-family Residential) District is to provide for the protection of neighborhoods within the county where lots have a minimum area of twelve thousand (12,000) square feet. The M district provides location for industrial associated uses.

Per Sec.2.10.2, the RNC (Neighborhood Conservation) District was created to encourage residential development within the county that preserves unique environmental features and be consistent with the comprehensive land use plan. The RNC encompasses elements of the Green DeKalb Initiative by providing greenspace areas and preserving existing natural trees and vegetation. The goals of the RNC District regulations are: To conserve significant areas of useable greenspace within single-family neighborhoods in the rural and suburban character areas of the comprehensive plan; To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code; To promote construction of

accessible landscaped walking trails and bike paths both within subdivisions and where possible connected to neighboring communities, business, and facilities to reduce reliance on automobiles; To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community; To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development; and To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the county.

The R-85 and R-100 zoning district have different minimum residential development standards than the RNC zoning district as depicted in the chart below. The most significant difference between the zoning districts is the minimum lot size. The R-85 zoning district has a minimum lot size of 12,000 square feet and the R-100 zoning district has minimum lot size of 15,000 square feet. The RNC zoning district has a minimum lot size of 6,000 square feet. However, the RNC zoning district requires a larger lot size and side yard setback on periphery lots abutting residential zoned property. This allows large sites with unique and natural characteristics to be compatible with existing adjacent residential properties.

Development Standards	R-85	R-100	RNC Per Article 2.10.7
Lot Area	12,000 Square Feet	15,000 Square Feet	6,000 Square Feet 9,600 Square Feet for periphery lots abutting R-85 zoned lots
Side Yard Setback	8.5 Feet	10 Feet	7.5 Feet
Lot Width	85 Feet	100 Feet	60 Feet
Front Yard Setback From Street	35 Feet	35 Feet	20 Feet Proposed 30 Feet adjacent to R-85 along perimeter lots
Side yard along street side on corner lot	35 Feet	35 Feet	20 Feet
Rear Yard	40 Feet	40 Feet	20 Feet

The proposed request for an RNC district is consistent with previous Board action in the area. Pursuant to Z-14-18943, the Board of Commissioners approved a 211 lot RNC subdivision on Union Grove Road further south of the subject site. The proposed RNC zoning district allows greater flexibility for development by incorporating use of greenspace and allowing compatible lot sizes on the periphery of the site. To ensure compliance to greenspace requirements, applicants for development within an RNC districts 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.

LAND USE PLAN ANALYSIS:

The subject site is located within the Suburban Character area designated by the DeKalb County 2035 Comprehensive Plan. The Suburban character area allows a maximum density of 8 units per acre which is consistent with the applicant’s request of 2.6 units per acre. Given that the requested RNC zoning district would require development standards compatible with adjacent zoned districts, the rezoning request would be consistent with the

following 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.

Section 27-7.3.5 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.

- A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.** The rezoning proposal to the RNC (Neighborhood Conservation) District is consistent with plan policy to “Ensure that new development and redevelopment is compatible with existing residential areas”.
- 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 zoning proposal to the RNC zoning district would require single-family residences with compatible lot sizes on peripheral lots abutting other residential zoned properties. This standard permits a use that is suitable in view of adjacent and nearby residential development.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.** The site has a reasonable economic use as currently zoned R-85 and R-100 (Residential Medium Lot) District albeit constrained by environmental features. However, the existing M (Light Industrial) District is surrounded by residential zoned and developed properties, and therefore may not have a reasonable economic use as currently zoned. The proposed RNC zoning district with its combined greenspace and natural features may provide more opportunity for economic development.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** The rezoning proposal to the RCD zoning district may not adversely affect the use or usability of adjacent or nearby residential properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.** The intent of the RNC zoning district is to provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Zoning Code. The site has natural and physical features that qualify this site for RNC Development. The site has dirt, gravel, rocks with shrubbery and mature hardwood trees located throughout with a creek that runs through the middle of the site.
- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.** It appears there are no historic buildings, sites, districts, or archaeological resources located on the property or in the surrounding area.
- G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** Given that Pleasant Hill Road is a minor arterial, it should be able to absorb additional traffic resulting from the proposed subdivision. Traffic impact may be also lessened by installation of traffic improvements such as a deceleration lane at the subdivision entrance. Given existing residential properties in the area, the request should not cause an excessive burden on utilities. There may be an increase in school enrollment due to the proposed rezoning request. A traffic study prepared by David Pickworth, PE and dated February 2018 was submitted with the application. In summary it states that the future build scenario for all lots by 2025 indicates that traffic generated by the proposed development will increase in both the AM and PM peak hours. This is due to increased through traffic on Pleasant Hill Road due to new development trips.

H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.** The proposed rezoning to the RNC (Neighborhood Conservation) District has a positive impact on the environment and surrounding natural resources by incorporating the natural resources (rock, streams, wetlands) in the overall design of the proposed subdivision.

STAFF RECOMMENDATION: APPROVAL WITH 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** of the request to rezone the subject site to the RNC zoning district per the attached recommended 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 Hybass 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 prohibited along the front façade.
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.

Attachments:

1. Department Comments
2. Application
3. Site Survey & Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Site Photographs
7. Site Pictometry

NEXT STEPS

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

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

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



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39, as well as the development standards in the zoning ordinance and are subject to approval from the County Arborist.

- **Tributary Buffer**

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

- **Fire Safety**

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

Transportation Comments

N1. Midway Road is classified as a collector road (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Beech Drive is classified as a local road (requires 27.5 feet right of way dedication from centerline, 5 foot sidewalk, and street lights). Verify that street offsets meet Section 14-200 (6) of the Land Development Code. Verify that intersection and stopping sight distance (per AASHTO) are met.

N2. Moreland Ave is a state route. GDOT review and permits are required. Moreland Ave is classified as a major arterial (requires 50 foot right of way dedication from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Bailey St is a minor arterial (requires 40 foot right of way dedication from centerline, bike lanes or multiuse path, 6 foot sidewalk, and street lights). Restrict parking along frontage of Bailey Street. Relocate existing access point farther from the intersection of Moreland Ave. Only one access point allowed on Bailey Street.

N3. Midway Road is classified as a collector road (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Tocoma Way is classified as a local road (requires 27.5 feet of right of way dedication from centerline, 5 foot sidewalks and street lights). Locate driveway on lot 5 away from sharp curve. Extend sidewalks to the intersection of Tocoma Way and Midway Road on Tocoma Way for Midway Elem School access.

N4. ROW is within the City of Atlanta. COA review and permits required. No additional comments.

N5. Mountain Drive is a state route. GDOT review and approval is required. Verify sight distance (per AASHTO standards) for vehicles exiting the site. Mountain Drive is classified as a collector (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Verify that site driveway meets offset requirements in code section 14-200 (6). Verify length of queuing area for turn lanes is adequate at the intersection of access point and Mountain Dr. Code section 14-200 (5) requires 3 access points for 271 units. Extend sidewalks to existing sidewalks to the south near the intersection of Mountain Drive at Memorial Drive.

N6. Valley Brook Road is classified as a minor arterial (requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Verify sight distance (stopping and intersection) for road near Judylyn Drive. If sight distance is not met, turn lanes or other improvements are required. Private alley may end in a turn around. If the interior streets are planned to be public, public alleys must connect to public streets and local roads require a 55 foot right of way, 6 foot sidewalk and streetlights. It appears that part of the proposed development is located on the existing Ford Place right of way. This will need to be corrected or the right of way abandoned.

N7. No comments.

N8. Parcel 15—62-02-005 is located within the Hidden Hills overlay district. The overlay requirements trump the zoning and land development codes. In areas where the overlay is silent, the zoning then the land development code is applied. Panola Road is a major arterial (requires 50 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Limit access point to right in/right out on Panola Road due to vehicle paths crossing multiple lanes, including 2 left turn lanes for the intersection of Panola Road at Redan Road. Redan Road is classified as a minor arterial (requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights).

N9. Pleasant Hill Road is classified as a minor arterial requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Per code section 14- 200 (5) 214 units requires 3 access points. Verify that intersection and stopping sight distance (per AASHTO) are met prior to submitting for a land development permit.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2018-1857/2-18-2230 Parcel I.D. #: 16-197 03-006

Address: Pleasant Hill Rd
& Pleasant Hill Rd

Adjacent Roadway (s):

(classification) (classification)

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

<p>Plans and Field reviewed. Recommend that a deceleration and acceleration lane be provided. Found nothing else that would cause traffic concerns.</p>

Signature: [Signature]



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

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

Case No.: Z-18-22130/2018-1857

Parcel I.D. #: 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

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

WATER:

Size of existing water main: 6" AC, 8" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Yellow River Basin

Is sewer adjacent to property: Yes () No () If no, distance to nearest line: Approximately 198 feet South of the Property

Water Treatment Facility: Pole Bridge WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 6.48 (MGPD)

COMMENTS:

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

Signature: 

**DeKalb County School District
Zoning Review Comments**

Analysis Date: 4/12/2018

Submitted to: Dekalb County

Case #: Z-18-22130

Name of Development: Hybrass Pleasant Hill Road Development

Parcel #: 16-197-03-006/12

Location: Pleasant Hill Road East of Pleasant Hill Trail

16-219-01-005/6

16-220-01-004/7/9

Description: Planning 214 single-family units on undeveloped property.

Impact of Development: When fully constructed, this development would be expected to house 108 students: 31 at Rock Chapel ES, 15 at Lithonia MS, 22 at Lithonia HS, 36 at other DCSD schools and 4 in private schools. The elementary and middle schools have capacity for additional students. The high school may become over-crowded with this development, but likely will not because the enrollment forecast is lower for Lithonia HS after next year.

Current Condition of Schools	Rock Chapel			Other DCSD Schools	Private Schools	Total
	ES	Lithonia MS	Lithonia HS			
Capacity	713	1,188	1,416			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2018)	502	1,138	1,409			
Seats Available	211	50	7			
Utilization (%)	70.4%	95.8%	99.5%			
New students from development	31	15	22	36	4	108

New Enrollment	533	1,153	1,431
New Seats Available	180	35	-15
New Utilization	74.8%	97.1%	101.1%

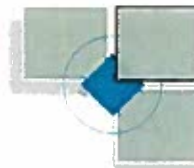
Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.146216	0.080849	0.007372	0.234436
Middle	0.071560	0.036583	0.002826	0.110968
High	0.102752	0.050688	0.003932	0.157372
Total	0.3205	0.1681	0.0141	0.5028
Student Calculations				
Proposed Units	214			
Unit Type	SF			
Cluster	Lithonia			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	31.29	17.30	1.58	50.17
Middle	15.31	7.83	0.60	23.74
High	21.99	10.85	0.84	33.68
Total	68.59	35.98	3.02	107.59
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Rock Chapel ES	31	17	2	50
Lithonia MS	15	8	1	24
Lithonia HS	22	11	1	34
Total	68	36	4	108



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

RECEIVED
FEB 28 REC'D

Z/CZ No. 22130
Filing Fee: _____

Date Received: _____ Application No.: _____

BY: Hybrass Properties, LLC c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

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

Applicant Phone: 404-601-7616 Fax: 404-745-0045

Owner(s): Hybrass Properties, LLC E-Mail: bill@havenwoodholdings.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
988 East Freeway Drive SE, Suite A, Conyers, GA 30094

Owner(s) Phone: 770-679-4262 Fax: _____

Address/Location of Subject Property: See Attached List

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

Acreage: 95.52 Commission District(s): 5 & 7

Present Zoning Category: M, R100 and R85 Proposed Zoning Category: RNC

Present Land Use Category: Suburban

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

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

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? _____ Yes X 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 the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

09/26/21

EXPIRATION DATE



[Signature]
SIGNATURE OF APPLICANT / DATE

Check One: Owner X Agent _____

550 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404 271-2455 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

HYBRASS PROPERTIES, LLC
LIST OF PROPERTIES FOR REZONING

<u>Owner Name</u>	<u>Property Address</u>	<u>ParcelID</u>
<u>HYBRASS PROPERTIES LLC</u>	7956 PLEASANT HILL RD	16 220 01 007
<u>HYBRASS PROPERTIES LLC</u>	7890 PLEASANT HILL RD	16 220 01 009
<u>HYBRASS PROPERTIES LLC</u>	8024 PLEASANT HILL RD	16 220 01 004
<u>HYBRASS PROPERTIES LLC</u>	7788 PLEASANT HILL RD	16 197 03 006
<u>HYBRASS PROPERTIES LLC</u>	7900 PLEASANT HILL RD	16 219 01 005
<u>HYBRASS PROPERTIES LLC</u>	7860 PLEASANT HILL RD	16 219 01 006
<u>HYBRASS PROPERTIES LLC</u>	1716 PLEASANT HILL TRL	16 197 03 012

Battle Law, P.C.
Commercial Real Estate & Zoning
ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:
Phone: 404-601-7616 ext. 2
Fax: 404-745-0045
Email: bdc@battlawpc.com

REZONING TO
RESIDENTIAL NEIGHBORHOOD
CONSERVATION (RNC)
FOR 214 LOTS

Community Meeting
Tuesday, February 13, 2018
6:30 pm until 7:30 pm
Union Missionary Baptist Church
3rd Floor
2470 Bruce Street
Lithonia, GA 30058

PROPOSED LOCATIONS:
7788, 7860, 7890, 7956, 7900 &
8024 PLEASANT HILL ROAD AND
1716 PLEASANT HILL TRAIL
LITHONIA, GEORGIA

<u>Name</u>	<u>Title</u>	<u>FirstName</u>	<u>MiddleName</u>	<u>LastName</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Mariston Investment Properties					Po Box 422238	Atlanta	GA	30342-9238
1756 Rock Chapel								
Stehanie D Oneal	Ms.	Stehanie	D	Oneal	1753 Enid Dr	Lithonia	GA	30058-5032
Donald Gene Haynie	Mr.	Donald	Gene	Haynie	7508 Lowilla Ln	Lithonia	GA	30058-5037
Roderick Griffin	Mr.	Roderick		Griffin	7516 Lowilla Ln	Lithonia	GA	30058-5037
Manzoor Sayed	Mr.	Manzoor		Sayed	7532 Lowilla Ln	Lithonia	GA	30058-5037
Laveda K Greene	Ms.	Laveda	K	Greene	7540 Lowilla Ln	Lithonia	GA	30058-5037
Ralph B Carter Jr	Mr.	Ralph	B	Carter	7548 Lowilla Ln	Lithonia	GA	30058-5037
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Prep 6 Llc					8300 N Mopac Expy	Austin	TX	78759-8330
7900 PHR								
Harvey Lewis Shine	Mr.	Harvey	Lewis	Shine	7929 Pleasant Hill Rd	Lithonia	GA	30058-5011
Shea Wills		Shea		Wills	7943 Pleasant Hill Rd	Lithonia	GA	30058-5011
Jeremy Hamilton Yancey	Mr.	Jeremy	Hamilton	Yancey	7950 Pleasant Hill Rd	Lithonia	GA	30058-5012
Tiona C Bowden	Ms.	Tiona	C	Bowden	2177 Providence Point Dr	Lithonia	GA	30058-5162
Cherie H Debose	Ms.	Cherie	H	Debose	7905 Providence Point Way	Lithonia	GA	30058-5168
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Su Tzu Huang	Ms.	Su	Tzu	Huang	1622 Girvan Ridge Dr	Duluth	GA	30097-5934
Karen Harris	Ms.	Karen		Harris	796 Summer Palm Ct	Sanford	FL	32771-7261
7860 phr								
Natacha Simon-Christie	Ms.	Natacha		Simon-Christ	116 Pleasant Hill Rd Nw	Conyers	GA	30012-1437
Angela L Brown	Ms.	Angela	L	Brown	Po Box 1214	Lithonia	GA	30058-1043
Rex A Wilkerson	Mr.	Rex	A	Wilkerson	7812 Pleasant Hill Rd	Lithonia	GA	30058-5010
Tiona C Bowden	Ms.	Tiona	C	Bowden	2177 Providence Point Dr	Lithonia	GA	30058-5162
Laverne L Anthony	Ms.	Laverne	L	Anthony	1858 Demilio Dr	Lithonia	GA	30058-6504
Kathryn M Powell	Ms.	Kathryn	M	Powell	1874 Demilio Dr	Lithonia	GA	30058-6504
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Dnp Properties Llc					9001 E Carroll Rd	Winston	GA	30187-1289
1716 pht								
Ralph R Williamson	Mr.	Ralph	R	Williamson	1299 Corley Rd Nw	Conyers	GA	30012-2043
Cynthia Downs Emerson	Ms.	Cynthia	Downs	Emerson	4955 McCoy Cir	Cumming	GA	30040-3845

Flavio Macedo Jaimes	Mr.	Flavio	Macedo	Jaimes	1687 Pleasant Hill Trl	Lithonia	GA	30058-5818
Celestino Macedo	Mr.	Celestino		Macedo	1711 Pleasant Hill Trl	Lithonia	GA	30058-5818
James Orville Williams	Mr.	James	Orville	Williams	1723 Pleasant Hill Trl	Lithonia	GA	30058-5818
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
7788 phr								
Yolande Ann Cason	Ms.	Yolande	Ann	Cason	7772 Pleasant Hill Rd	Lithonia	GA	30058-5008
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
7890 phr								
Mariston Developments Llc					6030 Bethelview Rd	Cumming	GA	30040-8020
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
7956 phr								
Jeremy Hamilton Yancey	Mr.	Jeremy	Hamilton	Yancey	7950 Pleasant Hill Rd	Lithonia	GA	30058-5012
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Su Tzu Huang	Ms.	Su	Tzu	Huang	1622 Girvan Ridge Dr	Duluth	GA	30097-5934
8024 phr								
Dekalb County					1300 Commerce Dr	Decatur	GA	30030-3222
Bobby C Crawford	Mr.	Bobby	C	Crawford	8063 Pleasant Hill Rd	Lithonia	GA	30058-5013
Lois B Canneto	Ms.	Lois	B	Canneto	8071 Pleasant Hill Rd	Lithonia	GA	30058-5013
Philip C Kazmark	Mr.	Philip	C	Kazmark	8101 Pleasant Hill Rd	Lithonia	GA	30058-5015
Church Of The Living God					8120 Pleasant Hill Rd	Lithonia	GA	30058-5016
Hybrass Properties Llc					981 E Freeway Dr Se	Conyers	GA	30094-5965
Martin Marietta Materials Real					Po Box 8040	Fort Wayne IN		46898-8040

SIGN IN SHEET
7788, 7860, 7890, 7956, 7900 & 8024 Pleasant Hill Rd/1716 Pleasant Hill Trail
REZONING COMMUNITY MEETING
Union Missionary Baptist Church, 2470 Bruce Street, Lithonia, GA

TUESDAY, FEBRUARY 13, 2018 6:30 PM – 7:30 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
CAROL	STILLO	1745 Pleasant Hill Trail	Lithonia	30058	678-230-4821	carolstillo@yahoo.com
J I	James	109 th 1711 Pleasant Hill Jel.				
Shannon	Williams	1711 Pleasant Hill Jel	Lithonia	30058	7-866-1861	IJMACK96@gmail.com
James	Williams	1723 Pleasant Hill Trail	Lithonia	30058	678 449 5379	chelledw68@gmail.com
THERESA	WILLIAMSON	1735 Pleasant Hill Trail	Lithonia	30058	404-488-1471	williamsontree@comcast.net
Rod	Griffin	7516 LOWILLA LN	LITHONIA	30058	770309540	

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application to Amend Official Zoning Map

of

HYBRASS PROPERTIES, LLC

for

+/-95.52 Acres of Land
located in
Land Lots 197,219 & 220, 16th District, DeKalb County

From R-100, R-85 and M to RNC (Residential Neighborhood Conservation District)

Submitted for Applicant by:

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

I. LETTER OF INTENT

The Subject Property is an assemblage of the seven (7) tracts of land having an aggregate acreage of +/- 95.52 acres identified in the List of Properties submitted with this Application. All seven tracts were acquired by Hybrass Properties, LLC (the "Applicant") in 2013 after the tracts were foreclosed upon in 2009. Two of the seven tracts of land, being Tax Parcels 16 220 01 007 and 16 220 01 009, are locked parcels zoned R-100 with a Land Use Designation of Suburban, and subject to a 1992 Blue Circle Aggregates Rezoning Case (CZ-92069) that required a minimum lot size of 25,000 sq. ft.

R-100 (PARCELS B and F)

The boundaries of this district are as set forth on the zoning plat by Blue Ridge Engineering dated September 24, 1992 filed herewith and the accompanying legal description for Parcels B and F.

The uses and restrictions applicable to this R-100 district shall be as set forth in the Dekalb County Zoning Ordinance, except that single family homes shall be limited to dwellings with not less than 1,800 square feet of heated living space constructed on lots not less than 25,000 square feet.

The tract located at 1716 Pleasant Hill Trail is the only parcel zoned M, which also has a Land Use Designation of Suburban. The remaining four tracts, being 7788, 7860, 7900, and 8024 Pleasant Hill Road, are zoned R-85 with a Land Use Designation of Suburban.

It is the Applicant's desire to rezone the Subject Property to RNC (Residential Neighborhood Conservation District) to allow for the development of 214 detached single family lots on the Subject Property with a minimum lot size of 6,000 sq. ft. and an average lot size of +/-8,893 sq.ft. The Subject Property is heavily forested, has significant rock outcroppings, wetlands, and is abutted by Swift Creek along the eastern boundary line of the Subject Property, and is traversed by a branch of Swift Creek which runs east to west through the Subject Property.

As a result of these environmental features it is the Applicant's contention that the only reasonable way to develop the Subject Property pursuant to the requirements set forth under the RNC District Regulations.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance, § 27-7.3.5. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

A.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is designated Suburban under the DeKalb Comprehensive Land Use Plan through 2035. It is the Applicant's contention that the proposed rezoning is in conformity the following policies:

1. Promote new communities that feature greenspace and neighborhood parks, pedestrian circulation transportation options, and appropriate mix of uses and housing types:
2. Protect environmentally-sensitive areas including wetlands, floodplains, water supply watersheds and stream corridors
3. Encourage the preservation of open space, farmland, natural and critical environmental areas

4. Implement zoning tools that preserve open space, natural resources and the environment
5. Preserve trees and other natural resources to protect the environment and aesthetically enhance communities.

B.

**THE PROPOSED REZONING PERMITS A USE THAT IS
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND
NEARBY PROPERTY.**

The proposed rezoning to RNC will permit the continued development of single family detached housing along the Pleasant Hill Road corridor. The Subject Property is adjacent to the rear portion of Maristone project (CZ07-12945) immediately Northeast of the Subject Property, which was rezoned in September of 2007 for the development of 275 single family homes with a minimum square footage of 4,500 sq. ft. The proposed subdivision on the Subject Property will provide for a minimum lot size of 6,000 sq. ft. with an average lot size of 8,893 sq. ft. for 214 units. The step up in lot size provides for a suitable transition into the R-85 lots along Pleasant Hill Road. Furthermore, it is in the best interest of the surrounding community to reduce the amount of disturbance within the environmentally sensitive areas located on the Subject Property. Removal of trees in the tree save area, as well as blasting of the rock outcropping to develop the Subject Property, would have a negative impact on the surrounding community, particularly for those living along Pleasant Hill Trail.

C.

**THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property as currently zoned has marginal value, due to the costs associated with the development of the Subject Property in its entirety to achieve a marketable lot yield. The Applicant and the owners respectfully submit that the Zoning Ordinance of DeKalb County, Georgia, as amended from time to time and known as the "DeKalb County Zoning Ordinance", to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the DeKalb County Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current zoning classification and any other zoning of the Subject Property save for what has been requested by it as established in the DeKalb County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general

welfare of the public and substantially harm the Applicant. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the Subject Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood

opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

Finally, the Applicant protests any action which would prohibit development of the Subject Property as requested inasmuch as the Zoning Ordinance was adopted in violation of or in other respects does not comply with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. and minimum procedural due process standards guaranteed by the Constitutional provisions set forth above.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

D.

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property.

E.

**OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is a residential community. The Subject Property has been undeveloped for more than thirty (30) years due to the environmental challenges with the Subject Property, together with the current zoning conditions which significantly limited the

viability of the development of the Subject Property. The currently required 25,000 sq. ft. lots required on the R-100 zoned property is simply not marketable in 2018. When this is factored in with the increasing construction costs for the development of residential subdivisions, and the stagnate house values in the area, the cost of developing the Subject Property is cost prohibitive without the layout relief granted under the RNC District Regulations.

F.

**THE ZONING PROPOSAL WILL NOT
ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The proposed rezoning, if approved, will not affect existing transportation facilities or utilities, and it will not negatively impact the schools in the area, which are Rock Chapel Elementary at 72% capacity, Lithonia Middle School at 91% capacity and Lithonia High School at 93% capacity, according to the DeKalb County Public School website and 10/3/2017 Enrollment Report. With respect to sanitary sewer capacity, the Applicant has submitted a Sewer Capacity Request Letter for the area. Finally, the Applicant is submitting the required Traffic Study with

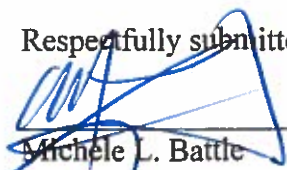
this Application, and will address any required road improvements along Pleasant Hill Road which are a result of the additional traffic that will be generate by the proposed subdivision.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 26th February, 2018.

Respectfully submitted,



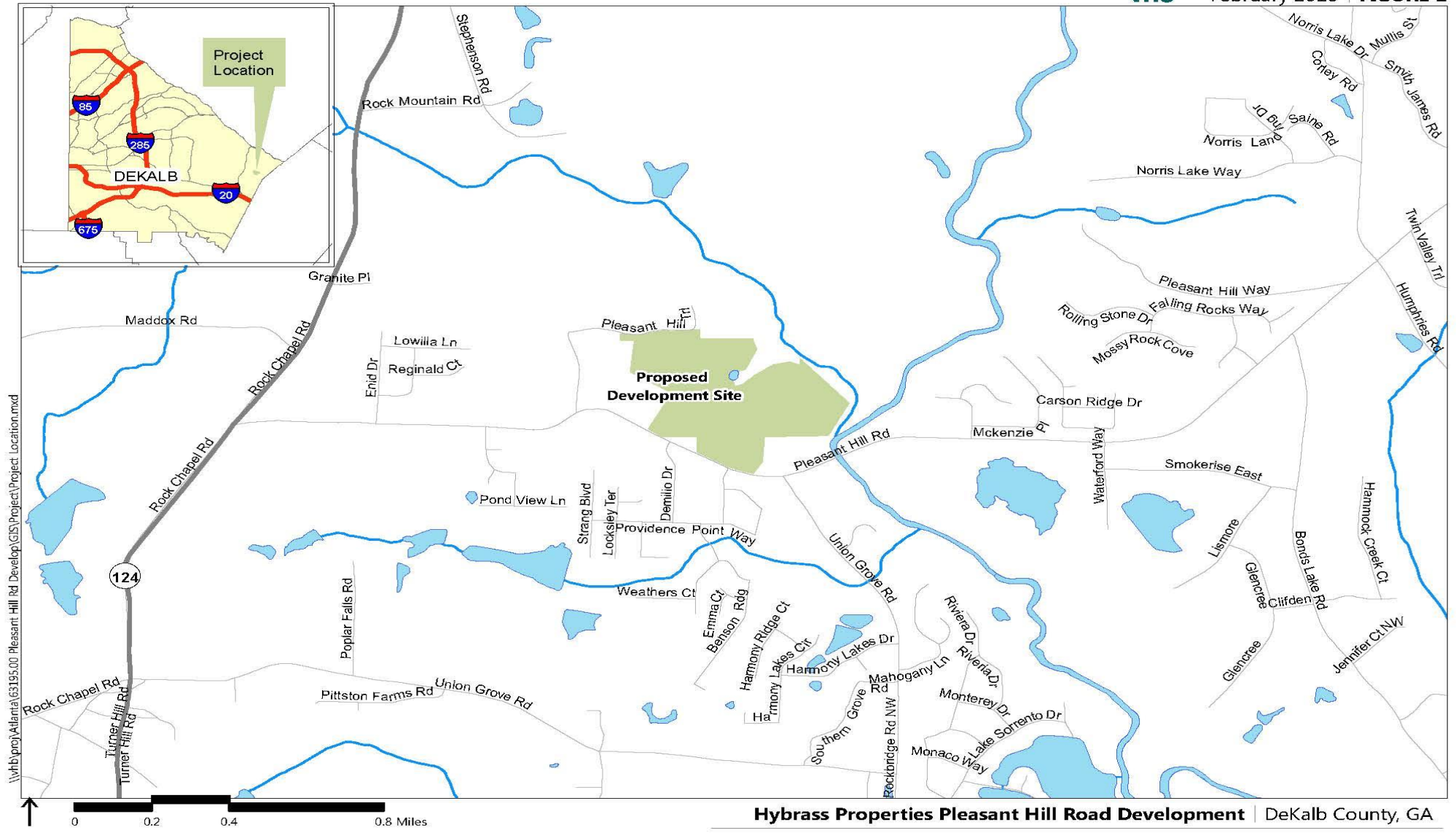
Michele L. Battle
Attorney For Applicant

ADDITIONAL CONSTITUTIONAL ALLEGATION

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Subject Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed by the Applicant 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.



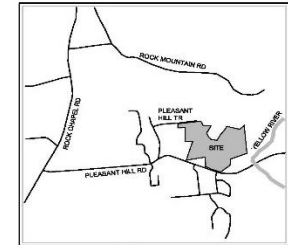
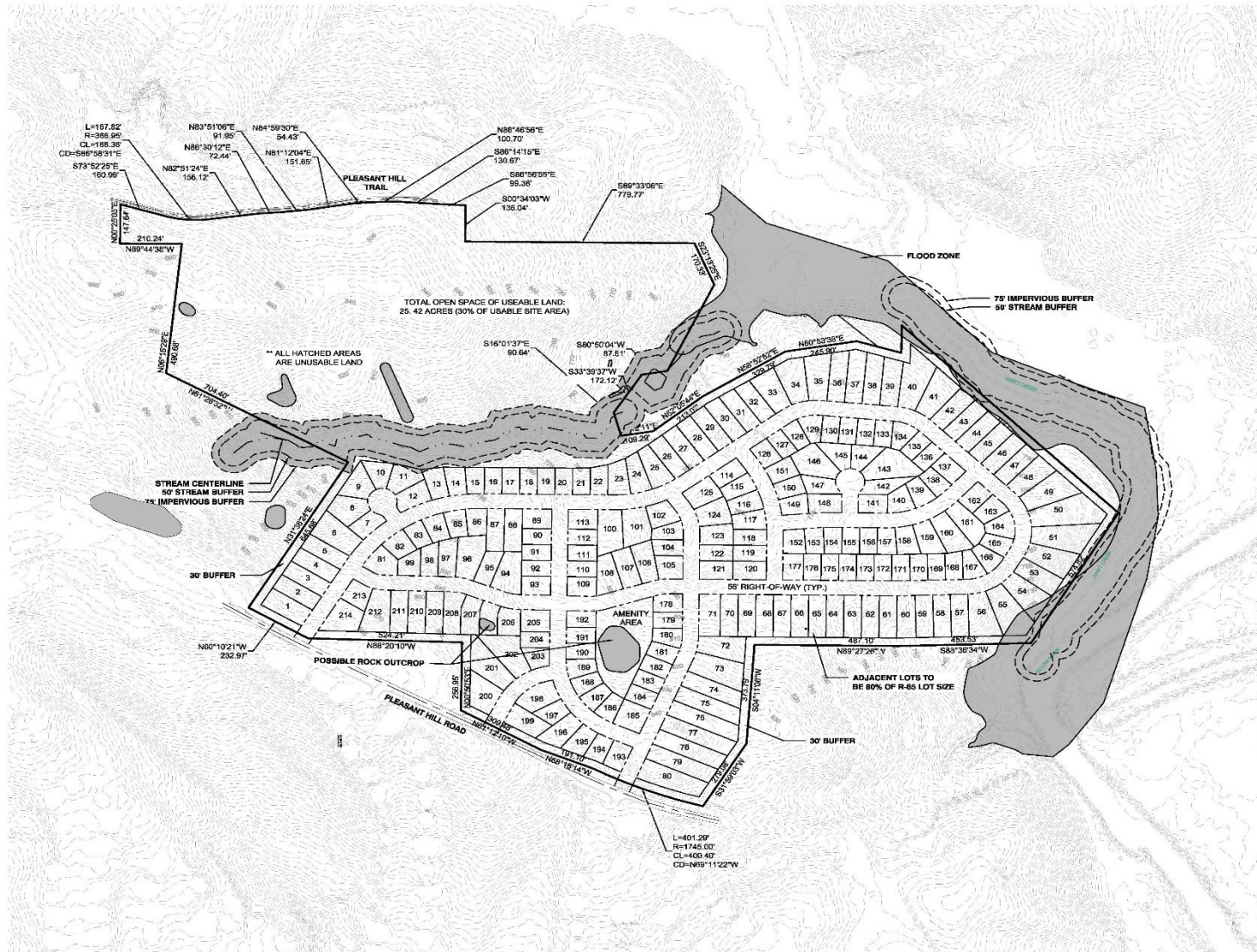
February 2018 | FIGURE 1



Hybrass Properties Pleasant Hill Road Development | DeKalb County, GA

- State Highways
- Streams/Rivers
- Proposed Development Site
- Streets
- Water Bodies

Project Location:
DeKalb County, GA
Data Source: US Census Bureau,
Geography Division, ARC



VICINITY MAP
N.T.S.

LAND USE SUMMARY
TOTAL SITE AREA : 95.52 ACRES (GROSS ACRES)

TOTAL USABLE AREA : 82.76 ACRES (NET ACRES)
NOT INCLUDING:
SLOPES GREATER THAN 50%
WETLANDS AND FLOOD PLAINS
STREAMS AND BUFFERS
ROCK OUTCROPPINGS

TOTAL OPEN SPACE AREA : 25.42 ACRES (30% OF USEABLE LAND)

EXISTING ZONING CLASSIFICATION:
RESIDENTIAL-85 (R-85) & RESIDENTIAL-100 (R-100)

PROPOSED LAND USE:
RESIDENTIAL NEIGHBORHOOD CONSERVATION (RNC)

TOTAL UNITS:
72 LOTS @ 9,600 SF (80% OF ADJACENT R-85 ZONING)
142 LOTS @ 6,000 SF (MINIMUM)
214 LOTS TOTAL

DENSITY:
2.6 DUNJIA (NET DENSITY)

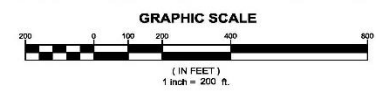
RNC DEVELOPMENT STANDARDS:
MIN. LOT SIZE = 6,000 SF (TYP. LOT)
MIN. LOT WIDTH = 60'
MIN. FRONT YARD SETBACK = 30'
MIN. SIDE YARD SETBACK = 7.5'
MIN. REAR YARD SETBACK = 20'

BOUNDARY LOTS (80% ADJACENT R-85 ZONING):
MIN. LOT SIZE = 9,600 SF (TYP. LOT)
MIN. LOT WIDTH = 60'
MIN. FRONT YARD SETBACK = 30'
MIN. SIDE YARD SETBACK = 7.5'
MIN. REAR YARD SETBACK = 20'

RIGHT-OF-WAY:
55' LINEAR FT.
INCLUDES:
TRAVEL LANES: 24'
UTILITY STRIPS: 28'
CURB AND GUTTER: 4'
TOTAL: 56'

BOUNDARY SURVEY PREPARED FOR HYBRASS PROPERTIES, LLC,
BY FALCON DESIGN CONSULTANTS, DATED 12-14-16.
TOPOGRAPHY IS FROM DEKALB COUNTY GIS.
DESIGN IS CONCEPTUAL IN NATURE AND PROVIDED FOR
DISCUSSION PURPOSES ONLY.

FLOOD NOTE
AS SHOWN ON FLOOD INSURANCE RATE MAPS OF
HENRY COUNTY, GEORGIA COMMUNITY
PANEL NUMBER: 13151C0085D EFFECTIVE DATE
OCTOBER 6, 2015. A PORTION OF THIS PROPERTY IS
LOCATED IN A SPECIAL FEMA FLOOD HAZARD AREA
(ZONE A). THIS AREA IS SHOWN GRAPHICALLY PER
AVAILABLE MAP INFORMATION.

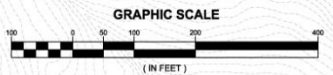


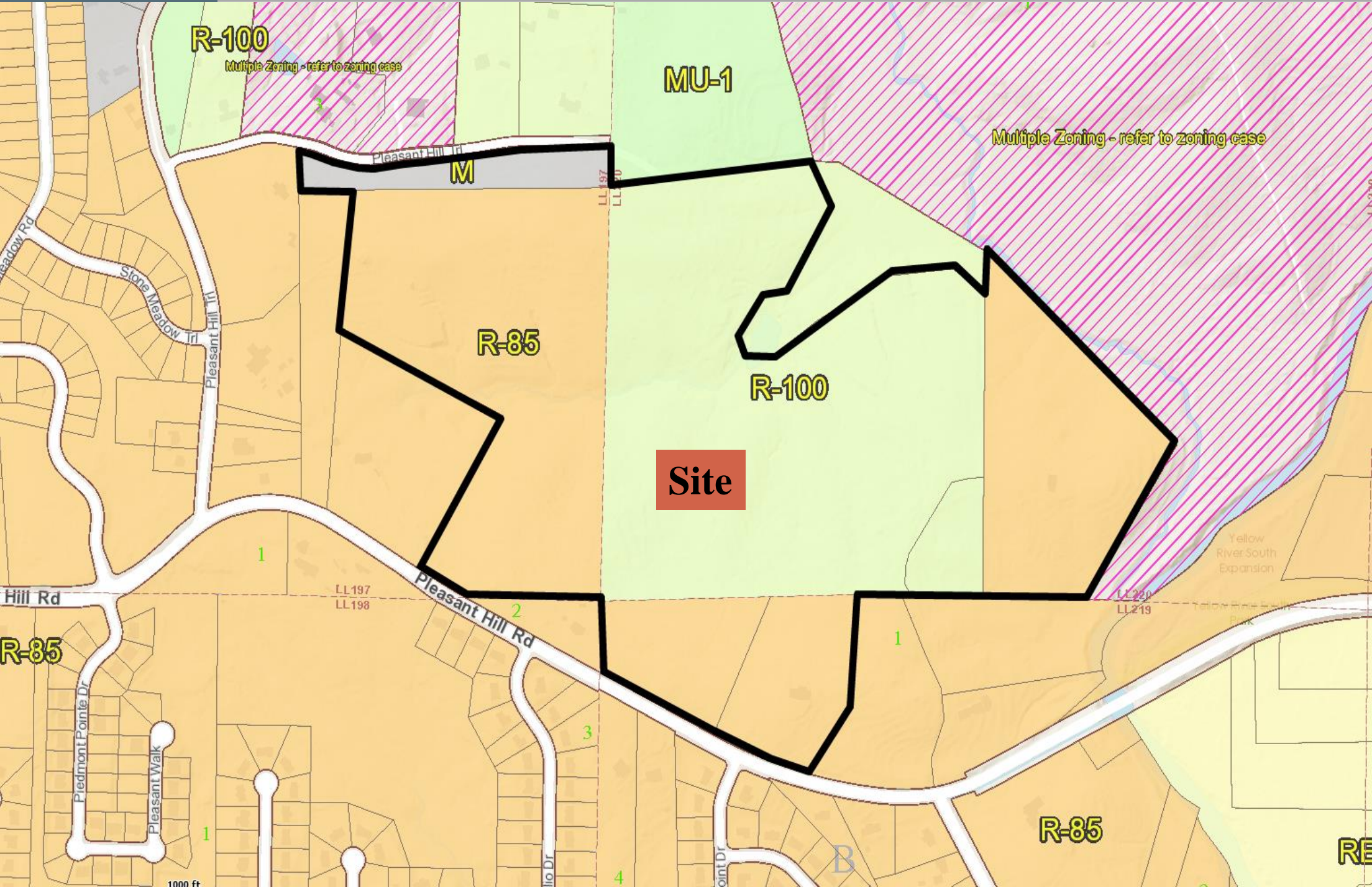
PRELIMINARY (NOT FOR CONSTRUCTION)

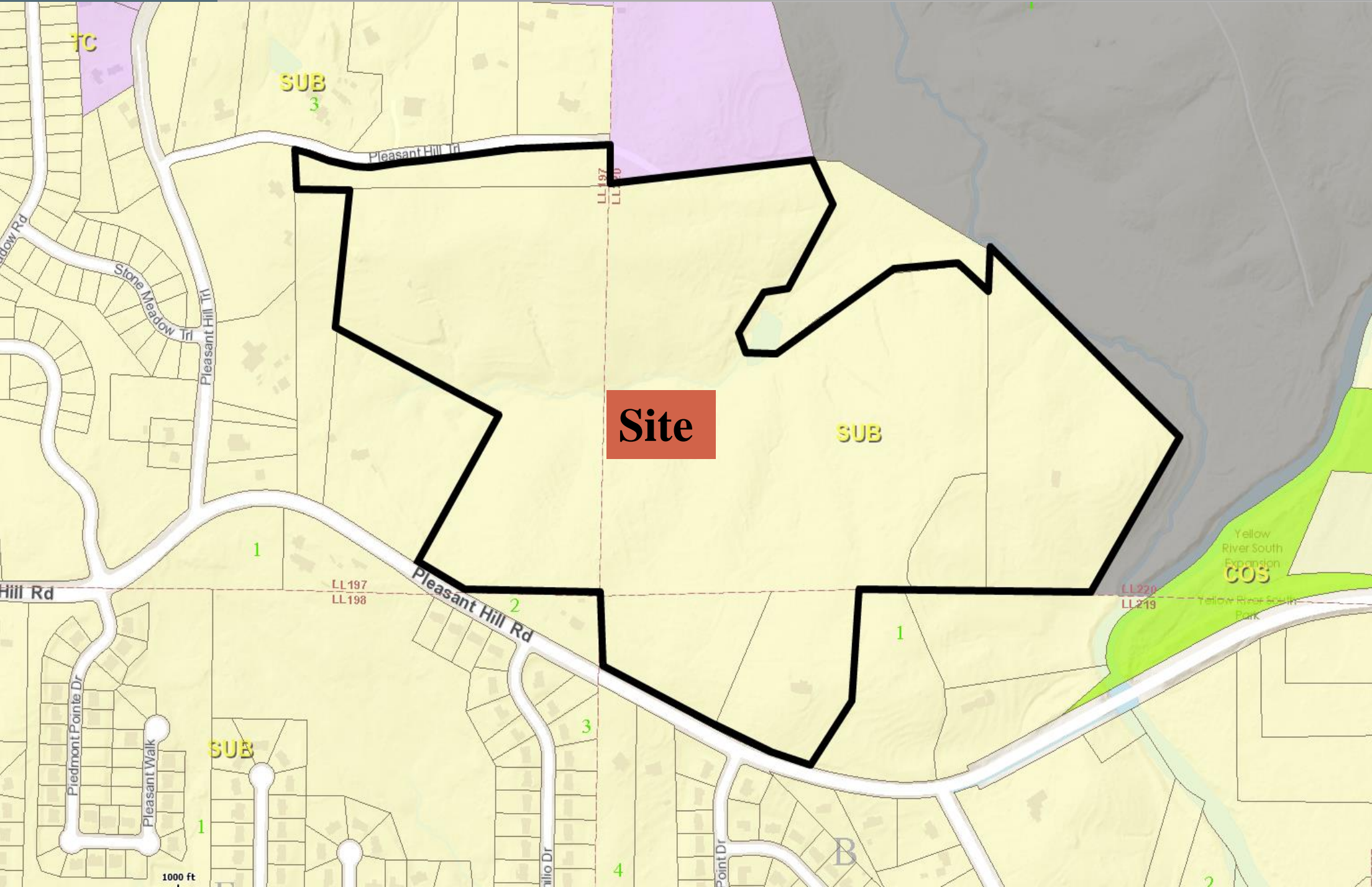
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Pleasant Hill Road
DeKalb County, Ga
4/6/18









Pleasant Hill Trail

Pleasant Hill Trail

Site

Pleasant Hill Road

Demilio Drive

Union Grove Rd

1000 ft



← Pleasant Hill Road

Pleasant Hill Trail →

