



PLANNING COMMISSION MEETING  
Stonecrest City Hall's *Zoom Video* - 6:00 PM  
November 9, 2021

**A G E N D A**

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

*Citizens wishing to activity participate and make a comment during the public hearing portion of the meeting please submit their request via email address [lillian.lowe@stonecrestga.gov](mailto:lillian.lowe@stonecrestga.gov) by noon the day of the hearing, November 9, 2021, and a zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.*

- I. Call to Order
- II. Roll Call
- III. Approval of the Agenda
- IV. Presentations - Presentation by Jim Summerbell, AICP, Planning and Zoning Director on department activities and upcoming cases.
- V. Public Comments – The Secretary, Lillian Lowe, will read public comments submitted before the meeting.
- VI. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated October 5, 2021.
- VII. Old Business: None
- VIII. New Business

**1. Public Hearing(s):**

|                            |   |
|----------------------------|---|
| LAND USE PETITION:         | RZ-21-006   |
| PETITIONER:                | Ray of Hope Christian Church Disciples of Christ, Inc<br>c/o Battle Law, P.C.   |
| LOCATION:                  | 4700 Browns Mill Rd   |
| <b>PROPOSED AMENDMENT:</b> | Proposed change in zoning conditions, rezoning from RSM (Residential Medium Lot-100) with conditions to RSM (Small Lot Residential Mix) with other conditions for the development of a 73-townhome community with park amenities. |

**IX. Adjournment**



## PLANNING COMMISSION MEETING MINUTES SUMMARY

### STONECREST CITY HALL'S *ZOOM-Video MEETING*, 6:00 PM

October 5, 2021

#### I. Call to Order

The Vice Chairman called the Planning Commission meeting to order on Tuesday, October 5, 2021, at 6:04 PM via *ZOOM-Video* meeting. The Secretary, Lillian Lowe, read the Rules and Procedures for the Planning Commission Meetings and Public Hearings.

#### II. Roll Call

Vice Chairman JW Eady was the presiding official at the October 5, 2021, meeting. Chairman Eric Hubbard was not present, an excused absence. Commissioner Joyce Walker, Pearl Hollis, and Gwen Mathis were present. There was a quorum.

Planning & Zoning Director Jim Summerbell and Attorney Alicia Thompson were present.

#### III. Approval of the Agenda

Vice Chairman Eady called for a motion. Commissioner Walker motioned to **APPROVE** the Agenda for the October 5, 2021, Planning Commission Meeting. Commissioner Mathis seconded the motion. The motion was unanimously **APPROVED**.

#### IV. Presentations - Presentation by Jim Summerbell, AICP, Planning and Zoning Director on department activities and upcoming cases (**ATTACHMENT I**) includes:

October 14<sup>th</sup> – Meet with City Council to discuss Zoning Ordinance text amendments.

October 20<sup>th</sup> – Planning Information Meeting (Tentatively Scheduled)

November 9<sup>th</sup> – The next Planning Commission Meeting

Zoning Cases currently being reviewed for consideration for the November 9, 2021, Planning Commission's Agenda:

- *OLD BUSINESS* – RZ-21-006, 4700 Browns Mill Road
- SLUP-21-005, 4460 Idlewood Park
- RZ-21-009 and SLUP 21-006, 2888 Evans Mill Road

#### V. Public Comments – Secretary Lillian Lowe will read public comments submitted. There were no public comments submitted.

#### VI. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated September 7, 2021.

Vice Chairman Eady called for a motion. Commissioner Mathis motioned to **APPROVE** the Planning Commission Meeting Minutes Summary dated September 7, 2021. Commissioner Walker seconded the motion. The motion was unanimously **APPROVED**.

#### VII. Approval of Schedule – 2022 Planning Commission Meeting Schedule

Vice Chairman Eady called for a motion. Commissioner Walker motioned to **APPROVE** the 2022 Planning Commission Meeting Schedule. Commissioner Mathis seconded the motion. The motion was unanimously **APPROVED**.

#### VIII. Old Business: None

**IX. New Business**

**1. Public Hearing(s): Public Hearings:**

LAND USE PETITION: RZ-21-007  
PETITIONER: City of Stonecrest, Planning & Zoning Dept.  
LOCATION: 17 parcels of land east of Klondike Rd and Plunkett Rd, south of Hayden Quarry Road, and north of Rockland Road

| Parcel ID     | Address                 |
|---------------|-------------------------|
| 16 139 02 010 | 6815 Hayden Quarry Road |
| 16 139 02 017 | 3216 Klondike Road      |
| 16 139 02 020 | 3220 Klondike Road      |
| 16 139 02 008 | 3230 Klondike Road      |
| 16 139 02 016 | 3240 Klondike Road      |
| 16 139 02 007 | 3278 Klondike Road      |
| 16 139 02 019 | 3304 Klondike Road      |
| 16 140 03 018 | 3280 Plunkett Road      |
| 16 140 03 027 | 3310 Plunkett Road      |
| 16 140 03 016 | 3350 Plunkett Road      |
| 16 140 03 019 | 3332 Plunkett Road      |
| 16 140 03 020 | 3418 Plunkett Road      |
| 16 140 03 028 | 3466 Plunkett Road      |
| 16 140 03 008 | 6900 Rockland Road      |
| 16 140 03 026 | 6914 Rockland Road      |
| 16 141 06 001 | 3582 Plunkett Road      |
| 16 141 06 002 | 6888 Rockland Road      |

**PROPOSED AMENDMENT:** Proposed rezoning from Stonecrest Area Overlay, Tier 5 to Arabia Mountain Conservation Overlay

Planning & Zoning Director Jim Summerbell presented **PETITION RZ-21-007**. Spoke on the expansion of the Arabia Mountain Conservation Overlay District. Proposed rezoning from Stonecrest Area Overlay, Tier 5 to Arabia Mountain Conservation Overlay. Discussed the permitted and prohibited uses in Tier 5 and prohibited uses in Arabia Mountain Conservation Overlay. Staff recommended **APPROVAL OF PETITION RZ-21-007**.

The Vice Chairman opened the public hearing for those in support. There was one (1) in support: 1. *Spoke-in-person:* Ms. Faye Coffield is in support of this project.

The Vice Chairman opened the public hearing for those in opposition. There were none.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **APPROVE PETITION RZ-21-007 WITH STAFF'S RECOMMENDATIONS**. Commissioner Hollis seconded the motion. The vote was **unanimously APPROVED**.

LAND USE PETITION: RZ-21-008  
PETITIONER: ACE Homes LLC  
LOCATION: 2241 South Stone Mountain Lithonia Road  
**PROPOSED AMENDMENT:** Rezoning of 2241 South Stone Mountain Lithonia Road (part) from C-1 (Local Commercial) to MR-1 (Medium Density Residential), and change in conditions for a proposed Medium Density Residential (MR-1) development at 2241 South Stone Mountain Lithonia Road, 2261 South Stone Mountain Lithonia Rd, and 1780 Phillips Rd.

Planning & Zoning Director Jim Summerbell presented **PETITION RZ-21-008**. Staff recommended **APPROVAL of PETITION RZ-21-008 TO MR-1 AND C-1, WITH THE FOLLOWING CONDITIONS:**

1. The future development of the site shall be in compliance with the general concept plan submitted on September 7, 2021, with this rezoning application prepared by Prime Engineering.
2. A Homeowners Association (HOA) will be established prior to the approval of a final plat for the development. HOA membership will be requirement of all property owners within the development.
3. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
4. The applicant must submit a tree save and landscaping plan to the Director prior to issuance of building or land development permits.
5. The City Engineer shall review and approve driveway location prior to the issuance of building or land development permits.
6. A minimum 5-foot sidewalk shall be installed along the property frontage on S Stone Mountain Lithonia Road.

On October 4, 2021, Planning & Zoning Director received the updated site plan, prepared by Prime Engineering, related to RZ-21-008 (**ATTACHMENT II**). Staff will amend the recommended conditions to include reference to this version of the site plan.

The applicant, Mr. Robert MacPherson, Prime Engineering, stated that the NW corner had townhomes along the spine of road, and single family residential with the commercial parcel too. The South cluster was a bunch of duplexes for senior housing and a single family residential on the South. Requesting two things:

1. Make sure it intersects with the driveway across the street. Make a slight twist in the road to get alignment; slightly adjust the commercial lines to accommodate the single family residential; and work around the stream buffer that is in that area. Trying to clean it up so that it works.
2. The current owner really does not want to build the quadruplex senior housing complex but, rather it be single family.

The amenities will include a clubhouse with a swimming pool, walking trails, amphitheater, soccer field, pavilion, and playground. The applicant wants to build a walking trail around the pond, the

wetlands and come back around the commercial piece and connects with the sidewalks that will be placed within the subdivision. The applicant stated that the city attorney asked to create left turn lanes, there are two points of ingress and egress to enter the subdivision.

The Vice Chairman opened the public hearing for those in support. There was one in support:  
1. *Spoke-in-person*: Ms. Faye Coffield is in support of this project.

The Vice Chairman opened the public hearing for those in opposition. There were none in opposition.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **APPROVE PETITION RZ-21-008 BASED ON STAFF'S RECOMMENDATIONS**. Commissioner Hollis seconded the motion. The vote was **unanimously APPROVED**.

LAND USE PETITION: TMOD-21-009  
PETITIONER: Planning & Zoning Department  
LOCATION: Citywide

**PROPOSED AMENDMENT:** Amendment to the Stonecrest Code of Ordinance, Chapter 4 – Alcoholic Beverages, and Chapter 27 – Zoning Ordinance to further define and regulate special events, temporary outdoor events, late-night establishments, and similar uses.

Planning & Zoning Director Jim Summerbell presented **PETITION TMOD-21-009**. Spoke on the Amendment to the Stonecrest Code of Ordinance, Chapter 4 and Chapter 27, special events, temporary outdoor events, late-night establishments, and similar uses. The new definitions and revised supplemental regulations were discussed. Staff recommended **APPROVAL OF TMOD-21-009 TO THE CITY COUNCIL**.

The Vice Chairman opened the public hearing for those in support. There were none in support.

The Vice Chairman opened the public hearing for those in opposition. There were none in opposition.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **APPROVE PETITION RZ-21-008 BASED ON STAFF'S RECOMMENDATIONS**. Commissioner Eady seconded the motion. The vote was **unanimously APPROVED**.

LAND USE PETITION: TMOD-21-010  
PETITIONER: Planning & Zoning Department  
LOCATION: Citywide

**PROPOSED AMENDMENT:** Amendment to Stonecrest Zoning Ordinance, Chapter 27 to remove inconsistencies in land use terms and definitions,

and to clarify and update the uses allowed in each zoning district.

Planning & Zoning Director Jim Summerbell presented **PETITION TMOD-21-010**. Spoke on the revision to permitted uses. Staff recommended **APPROVAL OF TMOD-21-010, THE AMENDMENTS HIGHLIGHTED IN THE TRACK CHANGES VERSION OF THE ZONING ORDINANCE, TO THE CITY COUNCIL OF PROHIBITED USE LIST AND RESTRICTIONS ON RESIDENTIAL USES IN INDUSTRIAL AREAS.**

The Vice Chairman opened the public hearing for those in support. There were none in support.

The Vice Chairman opened the public hearing for those in opposition. There were none in opposition.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **APPROVE PETITION RZ-21-010 WITH THE SLUP FOR COMMERCIAL PARKING AND STAFF'S RECOMMENDATIONS**. Commissioner Walker seconded the motion. The vote was **unanimously APPROVED**.

|                            |  |
|----------------------------|--|
| LAND USE PETITION:         | TMOD-21-011  |
| PETITIONER:                | Planning & Zoning Department   |
| LOCATION:                  | Citywide   |
| <b>PROPOSED AMENDMENT:</b> | Amendment to Stonecrest Zoning Ordinance, Chapter 27 to remove language encouraging residential conversion of industrial buildings and allowing residential construction in industrial zoning districts. |

Planning & Zoning Director Jim Summerbell presented **PETITION TMOD-21-011**. Spoke on discouraging residential conversion of industrial buildings and residential construction in industrial zones. Staff recommended **Approval of TMOD-21-011 TO THE CITY COUNCIL**.

The Vice Chairman opened the public hearing for those in support. There were none in support.

The Vice Chairman opened the public hearing for those in opposition. There were none in opposition.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **DEFER PETITION TMOD-21-011 BACK TO CITY COUNCIL AND STAFF'S RECOMMENDATIONS**. Commissioner Walker seconded the motion. The vote was **unanimously APPROVED**.

|                    |                              |
|--------------------|------------------------------|
| LAND USE PETITION: | TMOD-21-012                  |
| PETITIONER:        | Planning & Zoning Department |
| LOCATION:          | Citywide                     |

**PROPOSED AMENDMENT:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 6 - Parking to amend the parking regulations concerning gravel truck parking lots.

Planning & Zoning Director Jim Summerbell presented **TMOD-21-012**. Spoke on the amendment to gravel parking lot provisions. Staff recommended **APPROVAL OF TMOD-21-012, THE AMENDMENTS HIGHLIGHTED IN THE TRACK CHANGES VERSION OF THE ZONING ORDINANCE.**

In preparing for tonight's meeting, Mr. Summerbell stated that the track changes version of the code related to Gravel Parking, **TMOD-21-012 Stonecrest Zoning Code Update, REVISIONS and NEW ORDINANCES, Revision to Sec. 6.1.3. – Parking regulations, off-street parking spaces** did not PDF correctly. The PDF did not highlight the changes, but just showed the recommended text. Attached is the corrected version, highlighting the changes with strikethrough and underline. All of the changes can be found on page 4 and relate to subsection **6.1.3.B.10 (ATTACHMENT III).**

The Vice Chairman opened the public hearing for those in support. There were none in support.

The Vice Chairman opened the public hearing for those in opposition. There were none in opposition.

The Vice Chairman closed the public hearing before going into discussion.

The Vice Chairman asked for a motion. Commissioner Mathis motioned to **APPROVE TMOD-21-012 AS PRESENTED.** Commissioner Hollis seconded the motion. The vote was **unanimously APPROVED.**

**X. Adjournment**

The vote was carried unanimously to adjourn the meeting at 8:09 PM. Commissioner Mathis motioned to adjourn. Commissioner Hollis seconded the motion.

The meeting can be viewed on [Stonecrest YouTube Live Channel](#).

**APPROVED:**

\_\_\_\_\_  
Chairman Date

**ATTEST:**

\_\_\_\_\_  
Secretary Date



# PLANNING COMMISSION MEETING

October 5, 2021

## ATTACHMENT I

PowerPoint Presentation on Upcoming Cases

by

Planning & Zoning Director  
Jim Summerbell, AICP





## **Presentation on Upcoming Cases**



# Upcoming Cases

- Staff is tentatively scheduled to meet with City Council on October 14 to discuss Zoning Ordinance text amendments. Amendments under consideration include:
  - Arabia Mtn Conservation Overlay – Agri-tourism Facility Supplemental Use Criteria
  - Supplemental use provisions for uses of special concern
  - Transitional buffer zones between residential and industrial uses
  - Design guidelines for the I-20 and Stonecrest Area Overlays
- Planning Information Meeting tentatively scheduled on October 20 to review Planning and Zoning Activities and upcoming cases with the community
- Note the next PC meeting will be held on the second Tuesday of the month, November 9, due to the City elections
- Zoning Cases currently being reviewed for consideration for November 9 PC Agenda, include:
  - Old business, RZ-21-006, 4700 Browns Mill Road, Proposed change in conditions for a townhome community in an RSM District
  - SLUP-21-005, 4460 Idlewood Park. Property owner, Special Land Use Permit to operate Adult Day Care in a single-family home in an RSM District.
  - RZ-21-009 and SLUP-21-006, 2888 Evans Mill Rd, rezoning from Stonecrest Area Overlay, Tier 1 to Tier 3, and Special Land Use Permit for a gas station and convenience store.



# PLANNING COMMISSION MEETING

October 5, 2021

## ATTACHMENT II

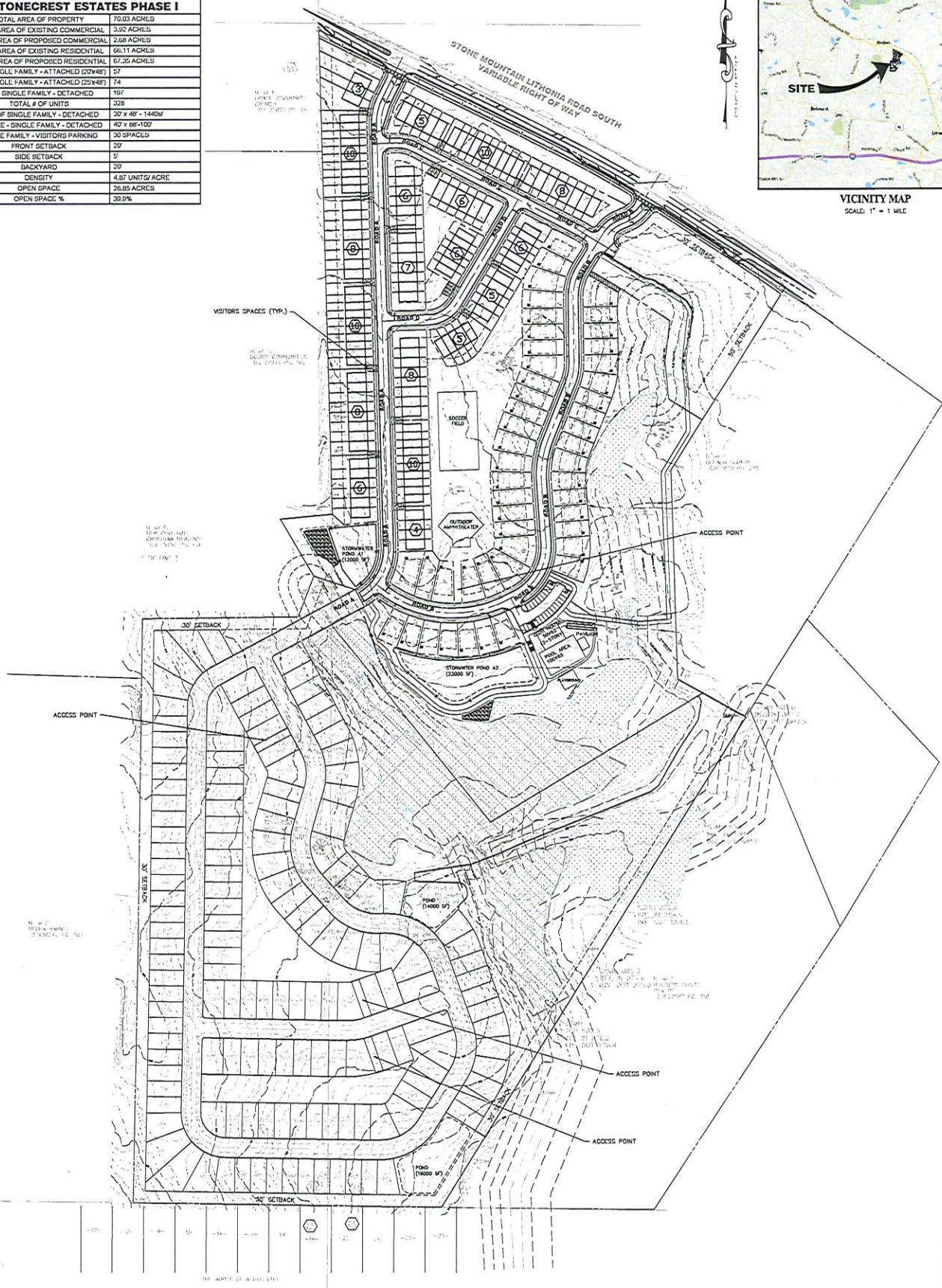
### PETITION RZ-21-008

Updated Site Plan

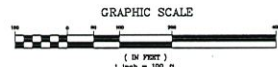
| STONECREST ESTATES PHASE I              |                    |
|---|--------------------|
| TOTAL AREA OF PROPERTY                  | 70.93 ACRES        |
| TOTAL AREA OF EXISTING COMMERCIAL       | 3.92 ACRES         |
| TOTAL AREA OF PROPOSED COMMERCIAL       | 2.68 ACRES         |
| TOTAL AREA OF EXISTING RESIDENTIAL      | 66.11 ACRES        |
| TOTAL AREA OF PROPOSED RESIDENTIAL      | 67.35 ACRES        |
| # OF SINGLE FAMILY - ATTACHED (20'x48') | 57                 |
| # OF SINGLE FAMILY - DETACHED (25'x48') | 197                |
| TOTAL # OF UNITS                        | 329                |
| SIZE OF SINGLE FAMILY - DETACHED        | 30' x 48' - 144sqm |
| LOT SIZE - SINGLE FAMILY - DETACHED     | 40' x 88'-100'     |
| SINGLE FAMILY - VISITORS PARKING        | 30 SPACES          |
| FRONT SETBACK                           | 20'                |
| SIDE SETBACK                            | 5'                 |
| BACKYARD                                | 20'                |
| DENSITY                                 | 4.87 UNITS/ACRE    |
| OPEN SPACE                              | 26.85 ACRES        |
| OPEN SPACE %                            | 38.0%              |



VICINITY MAP  
SCALE: 1" = 1 MILE



1 OVERALL SITE PLAN  
SCALE: 1" = 100'



|                             |              |             |     |
|-----------------------------|--------------|-------------|-----|
| DRAWING DATE                | 10/04/2021   | DRAWN BY    | TMB |
| DRAWING SCALE               | 1" = 100'    | DESIGNED BY | REM |
| PROJECT NUMBER              | 1445-002     | CHECKED BY  | REM |
| DRAWING NUMBER              | SHEET 1 OF 1 |             |     |
| NOT ISSUED FOR CONSTRUCTION |              |             |     |

|                   |  |
|-------------------|--|
| DRAWING TITLE     |  |
| OVERALL SITE PLAN |  |

© 2013 PRIME ENGINEERING, INC. Notes, as stated herein, are valid on the original drawing; the dimensions of which are 30 by 42 inches. These scales, noted herein, are hereby changed by the ratio of the overall sheet dimensions of the print to corresponding dimensions of the original drawing. This drawing is the property of PRIME ENGINEERING, INCORPORATED and is not to be reproduced or copied in whole or in part. It is only to be used for the project and site specifically identified herein and it is not to be used on any other project. It is to be returned upon request.

|       |  |
|-------|--|
| SEAL  |  |
| DATE: |  |

|               |                            |
|---------------|----------------------------|
| PROJECT:      | STONECREST ESTATES PHASE I |
| PREPARED FOR: | CRAFT HOMES, LLC           |

**PRIME ENGINEERING INCORPORATED**

3715 NORTHSIDE PARKWAY NW  
300 NORTHCREEK, SUITE 200  
ATLANTA, GEORGIA 30327  
404-425-7100



# PLANNING COMMISSION MEETING

October 5, 2021

## ATTACHMENT III

Gravel Parking, TMOD-21-012

Stonecrest Zoning Code Update

**REVISIONS and NEW ORDINANCES**  
**Revision to Sec. 6.1.3. – Parking Regulations**



**PLANNING & ZONING STAFF REPORT**

**MEETING DATE: October 5, 2021**

---

**GENERAL INFORMATION**

- Petition Number:** TMOD 21-012
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 6 - Parking to amend the parking regulations concerning gravel truck parking lots.

**FACTS AND ISSUES:**

The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement. The street frontage fencing and landscaping of S & W Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard as of the beginning of 2025.

**PROPOSAL:**

Revise Subsection B.10. to improve the appearance of parking lots. Fences along street frontage would be upgraded to the standard of fences which are currently in place along the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling. Frontage fences of new parking lots could not be made of chain link or wood, and must be ten feet high.

Vegetation between streets and fences would have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All existing parking lots would have to upgrade to this new standard no later than January 1, 2025.

**TMOD-21-012**  
**STONECREST ZONING CODE UPDATE**  
**REVISIONS and NEW ORDINANCES**

**Revision to Sec. 6.1.3. – Parking regulations, off-street parking spaces**

Proposal:

- Revise Subsection B.10. to improve the appearance of parking lots. Fences along street frontage would be upgraded to the standard of fences which are currently in place along the LIB and Chapman Road frontages of S & W Automotive Parts and Encore Recycling. Frontage fences of new parking lots could not be made of chain link or wood, and must be ten feet high.
- Vegetation between streets and fences would have to be 100% evergreen trees at least six feet high and/or two-inch caliper, and would have to be mulched, watered, and maintained, and replaced where necessary. All existing parking lots would have to upgrade to this new standard no later than January 1, 2025.

*Photos illustrating the recommended fencing type for Gravel Parking*



Reason for proposal:

The 2018 revision of Section 6.1.3. to allow parking on gravel has succeeded in encouraging creation of new standalone truck parking lots, but the appearance of the lots from the public right of way needs improvement. The street frontage fencing and landscaping of S & W Automotive Parts and Encore Recycling were installed to a higher standard which should be observed by new standalone truck parking lots, and current lots should be retrofitted to the new standard as of the beginning of 2025.

- (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
- (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
- (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.

9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

| Minimum Parking Space Dimensions |                     |                     |                             |
|----------------------------------|---------------------|---------------------|-----------------------------|
| Parking Angle                    | Minimum Stall Width | Minimum Stall Depth | Minimum Parking Aisle Width |
| Regular-sized vehicles           |                     |                     |                             |
| 90 degrees                       | 9'                  | 18'                 | 24'                         |
| 75 degrees                       | 9'                  | 19'                 | 21'                         |
| 60 degrees                       | 9'                  | 17'                 | 14'                         |
| 45 degrees                       | 9'                  | 15'                 | 11'                         |
| Compact vehicles                 |                     |                     |                             |
| 90 degrees                       | 8.5'                | 15'                 | 22'                         |
| 75 degrees                       | 8.5'                | 16'                 | 20'                         |
| 60 degrees                       | 8.5'                | 15'                 | 14'                         |
| 45 degrees                       | 8.5'                | 14'                 | 10'                         |



sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;

- e. Parking areas shall be inspected by the City of Stonecrest every two years to ensure continued compliance with the above specifications. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;
- f. Parking areas on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage with existing unpaved areas shall be considered a nonconforming use under section 8.1.5 exempt from the requirements of subsections B.10. and 11 of this section. if the underlying use of the parcel was issued a business license or Motor Carrier Number valid on December 31, 2017;
- g. All other parcels with existing unpaved areas shall have two years to comply with these specifications with a one time extension up to 12 months.



**PLANNING COMMISSION MEETING**

**NOVEMBER 9, 2021**

**STAFF REPORT  
RZ-21-006**

**for**

**Ray of Hope Christian Church Disciples of Christ  
c/o Battle Law, P.C.**



## PLANNING & ZONING STAFF REPORT

RZ-21-006

Planning Commission Meeting November 9, 2021

---

### GENERAL INFORMATION

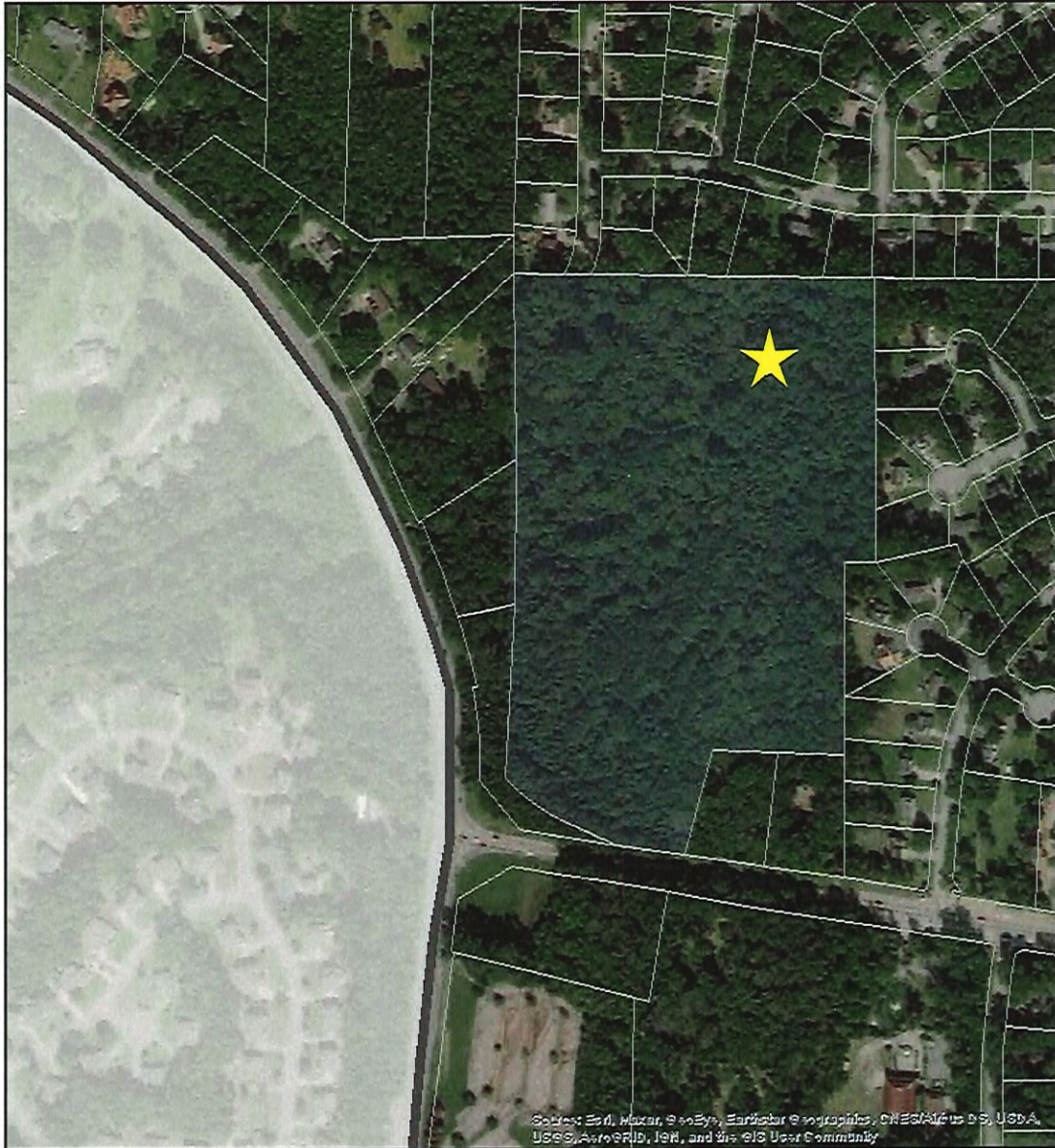
|   |   |
|---|---|
| <b>Petition Number:</b>                               | RZ-21-006   |
| <b>Applicant:</b>                                     | Ray of Hope Christian Church Disciples of Christ c/o Battle Law, P.C.   |
| <b>Owner:</b>   | Ray of Hope Christian Church Disciples of Christ  |
| <b>Project Location:</b>                              | 4700 Browns Mill Road   |
| <b>District:</b>                                      | District 4 – George Turner  |
| <b>Acreage:</b>                                       | Approximately 24.9 acres  |
| <b>Existing Zoning:</b>                               | RSM (Small Lot Residential Mix) with conditions   |
| <b>Proposed Zoning:</b>                               | RSM (Small Lot Residential Mix) (modification to change conditions)   |
| <b>Comprehensive Plan Character Area Designation:</b> | Suburban Neighborhood   |
| <b>Proposed Development/Request:</b>                  | The applicant is requesting a change of conditions; rezoning from RSM (Residential Medium Lot-100) with conditions to RSM (Small Lot Residential Mix) with other conditions for the development of a 73-townhome community with park amenities. |
| <b>Previous Action:</b>                               | DeKalb County zoning case CZ-05-32 tied the rezoning of the parcel to allow for 112 senior housing units  |
| <b>Staff Recommendations:</b>                         | <b>Approval with conditions</b>   |



PLANNING & ZONING STAFF REPORT

RZ-21-006

Aerial Map



Source: Esri, Maxar, GeoEye, Earthstar, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

ZONING CASE: **RZ-21-006**

ADDRESS: **4700 Browns Mill Road**

CURRENT ZONING: **RSM (Small Lot Residential Mix)**

FUTURE LAND USE: **Suburban**

0 0.05 0.1 mi

Zoning Map

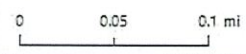


PLANNING & ZONING STAFF REPORT

RZ-21-006



**ZONING CASE: RZ-21-006**  
ADDRESS: **4700 Browns Mill Road**  
CURRENT ZONING: **RSM (Small Lot Residential Mix)**  
FUTURE LAND USE: **Suburban**

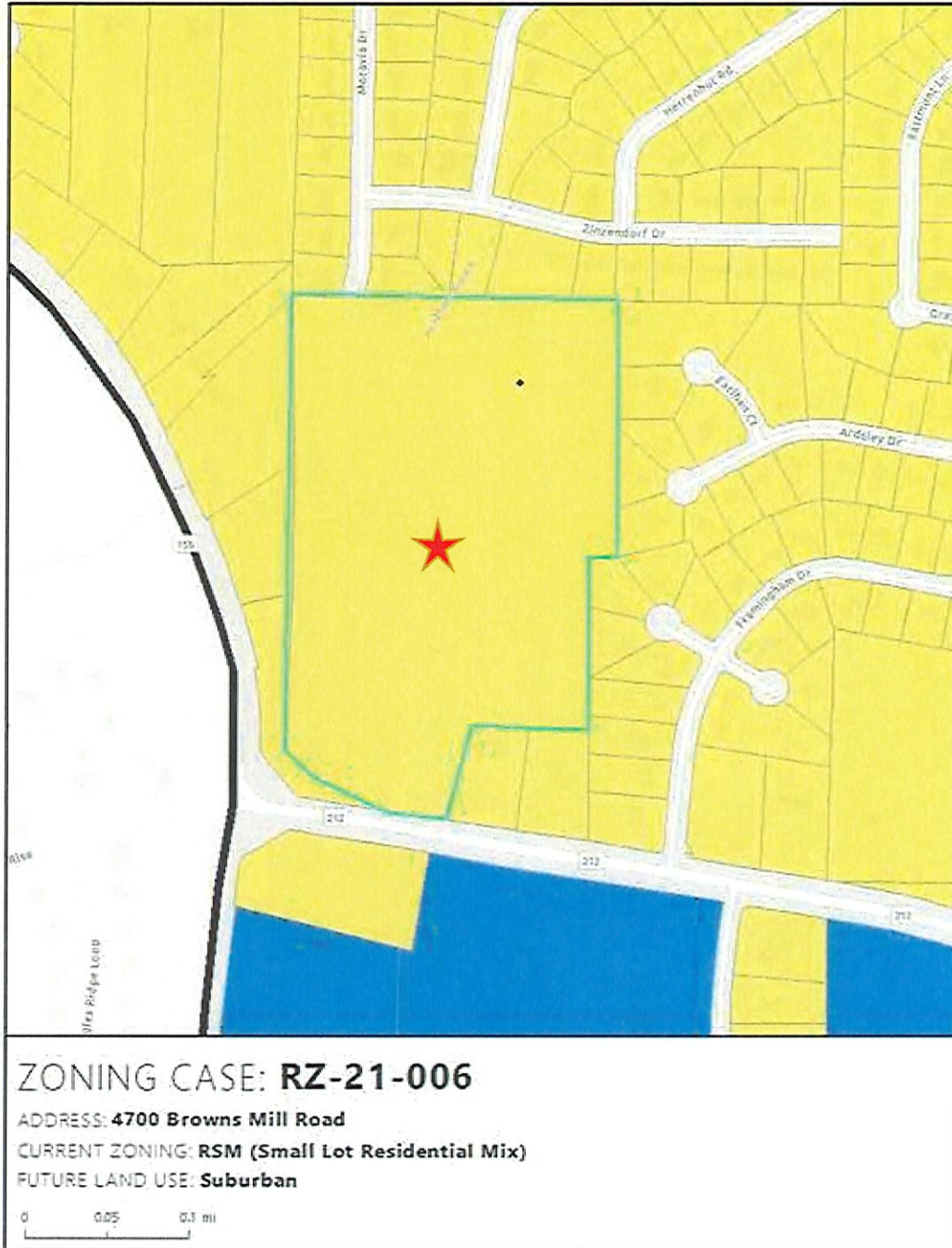


Future Land Use Map



PLANNING & ZONING STAFF REPORT

RZ-21-006





## PLANNING & ZONING STAFF REPORT

RZ-21-006

### PROJECT OVERVIEW

#### Location

The subject property is located at 4700 Browns Mill Road. The property is located on the north side of Browns Mill Road and east of the Browns Mill Road and Snapfinger Road intersection.

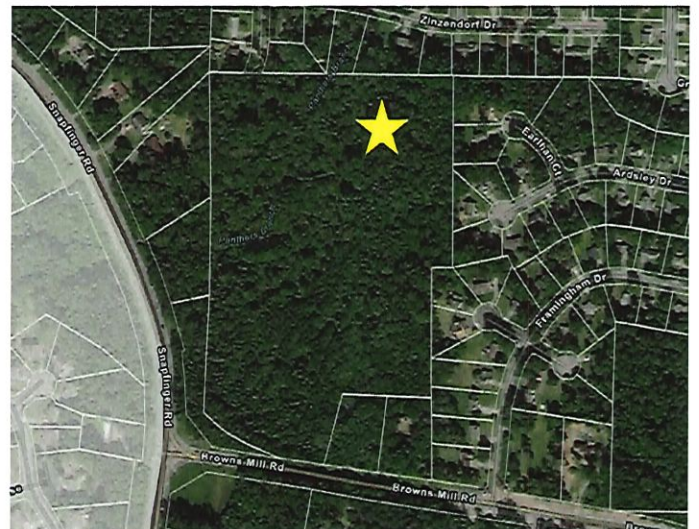
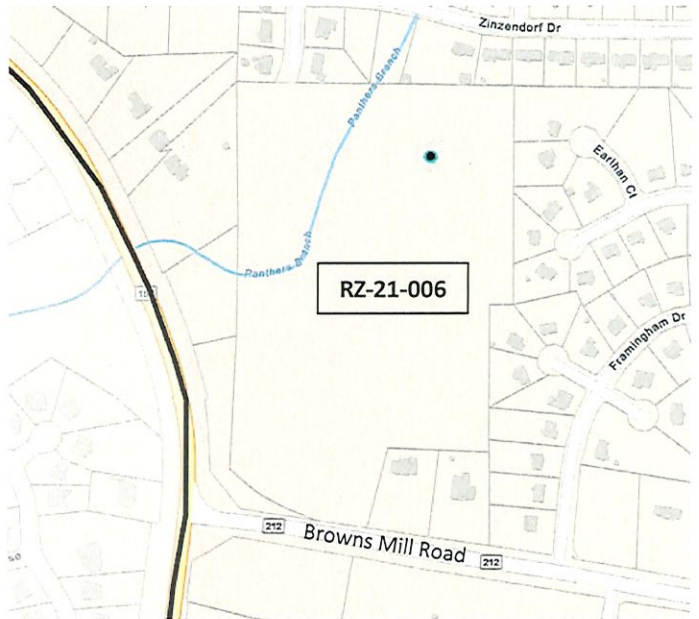
The subject parcel is zoned RSM and is surrounded in all directions with parcels that are zoned R-100. To the north and east there are single family home developments. To the west and south of the subject parcel there are vacant parcels.

#### Background

Currently, the property is undeveloped and has a creek that runs through the northwest portion of it. There is an east west slope on the property.

In 2005, DeKalb County approved a rezoning (case number CZ-05-32) in which the subject property was rezoned from R-100 to R-A8 to allow the applicant to construct 112 attached single family senior living units. When the City of Stonecrest was incorporated, the R-A8 zoning district became the current RSM zoning district. The Letter of Intent included in the application for RZ-21-006 states that the property has tried since 2005 to develop the parcel under those conditions from the 2005 case without success.

The Stonecrest Zoning Ordinance states that in order to modify the conditions of a zoning on a past case, the case must come back before the City Council to make the request.





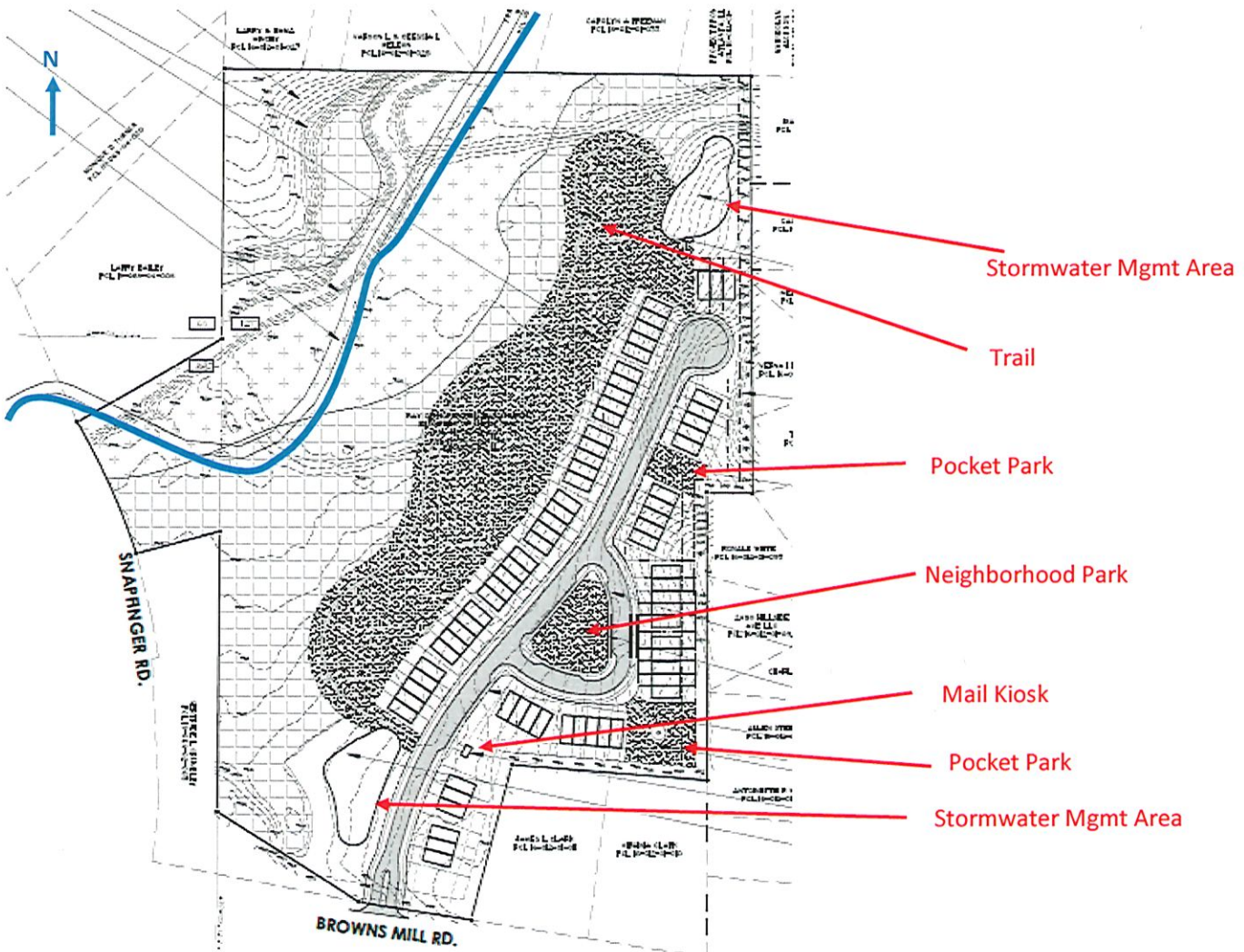
## PLANNING & ZONING STAFF REPORT

RZ-21-006

### Rezoning Request

The applicant is requesting to rezone the subject property from RSM (Small Lot Residential Mix) with conditions to RSM (Small Lot Residential Mix) with different conditions. In 2005, the DeKalb County Board of Commissioners approved the site plan below to allow 112 attached senior living units on the subject parcel. The applicant is now requesting that the conditions placed on the property be removed, and new conditions be placed on the property that would allow a 73-unit townhome development. The applicant is not requesting a change in the zoning district. Access to the site will be off of Browns Mill Road, and due to its close proximity to the Snapfinger Road (SR 155)/Browns Mill Road intersection GDOT is limiting access to the site will be limited to right-in and right-out at the site entrance.

### Proposed Site Plan

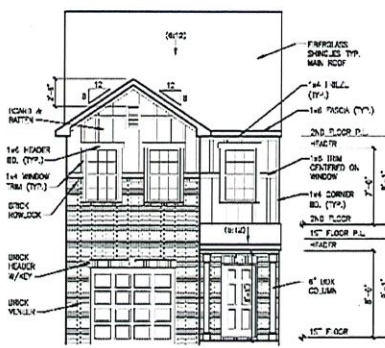
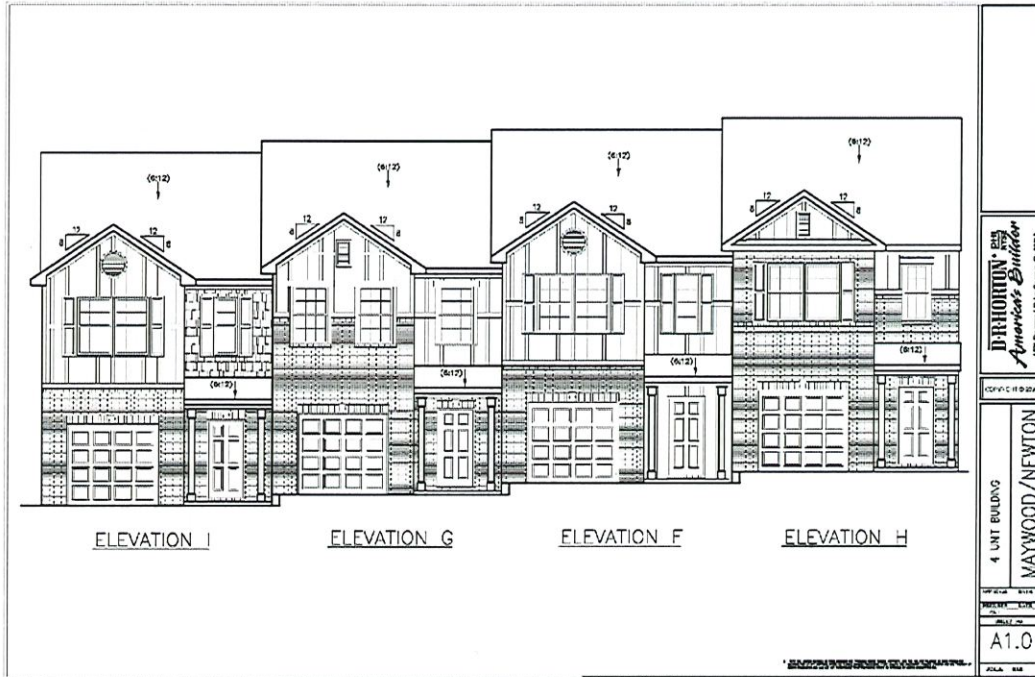




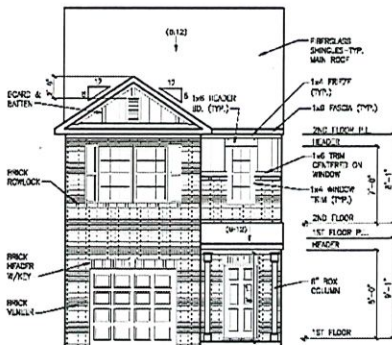
PLANNING & ZONING STAFF REPORT

RZ-21-006

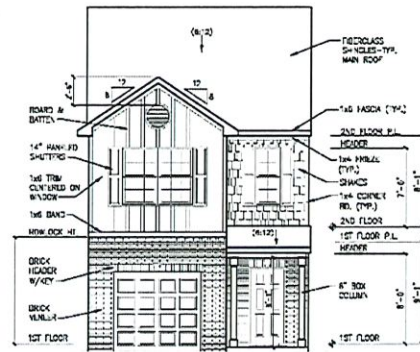
Elevations



FRONT ELEVATION G  
(SCALE: 3/16"=1'-0")



FRONT ELEVATION H  
(SCALE: 3/16"=1'-0")



FRONT ELEVATION I  
(SCALE: 3/16"=1'-0")



## PLANNING & ZONING STAFF REPORT

RZ-21-006

### Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning. The city-sponsored community information meeting was held on August 18, 2021, at 5:00 pm via Zoom.com. Several residents show up at the community meeting regarding the rezoning application and others watch via YouTube. Following the August 18 community meeting, two other meetings were held by Battle Law concerning the rezoning request.. Links to recordings of the meetings can be found below.

Topic: Community Meeting for Browns Mill Road

Start Time: Sep 22, 2021 05:52 PM

Meeting Recording:

[https://us02web.zoom.us/rec/share/Obv119D9-R7XhFzDOacll8Dv92dvgncrKueM3Lc\\_5S133w7tsEo2hcVWPwXrBtKo.ltdwgMOXJwhhgY2e](https://us02web.zoom.us/rec/share/Obv119D9-R7XhFzDOacll8Dv92dvgncrKueM3Lc_5S133w7tsEo2hcVWPwXrBtKo.ltdwgMOXJwhhgY2e)

Access Passcode: g.@G1SAH

Topic: Follow-Up Community Meeting for 4700 Browns Mill Road

Start Time: Oct 13, 2021 05:59 PM

Meeting Recording:

<https://us02web.zoom.us/rec/share/fvf7C69tUD7AYbLS4XtslN1kf42mAKLDCBzpkKPM26AigDwVRlul1BWsi4ntXCXc.z0LCuvxweMFU-klQ>

Access Passcode: \*w7kCj8v

### STANDARDS OF REZONING REVIEW

**Section 7.3.4** of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Planning and Zoning Department and Planning Commission. Each element is listed with staff analysis.

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

The subject property is located within the Suburban character area of the Stonecrest Comprehensive Plan. The Suburban character area intends to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. The proposed density for areas of this type is up to 8 dwelling units per acre.

The proposed modification of zoning conditions is on a parcel that is already zoned RSM and is partially surrounded by single-family developments. Additionally, the proposed site plan shows that the density will be well under the 8 units/acre allowed in this character area. The applicant's proposed development would meet the intent of the Comprehensive Plan.

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



**PLANNING & ZONING STAFF REPORT**

RZ-21-006

As shown in the table below, the subject property is surrounded by a mix of land uses.

| Adjacent & Surrounding Properties | Zoning (Petition Number)             | Land Use   | Density Non-Residential (SF/Acre) Residential (Units/Acre) |
|-----------------------------------|--------------------------------------|--|--|
| Subject Property                  | RSM, proposed RSM                    | Current: Undeveloped<br>Proposed: Townhomes        | Proposed: 2.9 units/acre                                   |
| Adjacent: North                   | R-100 (Residential Med Lot) District | Residential development of single-family homes     | 2 units per acre   |
| Adjacent: West                    | R-100 (Residential Med Lot) District | Undeveloped and one single family home (northwest) |  |
| Adjacent: East                    | R-100 (Residential Med Lot) District | Residential development of single-family homes     | 2 units per acre   |
| Adjacent: South                   | R-100 (Residential Med Lot) District | Undeveloped land                                   |  |

The proposed change in zoning conditions would permit a use that would be suitable in view and development of the nearby properties. A change in the zoning of the property is not part of the applicant’s request, and the proposed site plan shows a reduction of density from 4.8 units/acre to 2.9 units/acre. The previously approved site plan was for apartments, where the site plan included in the RZ-21-006 application is for owner-occupied townhomes. An owner-occupied product is more in line with surrounding land uses.

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

The property is currently zoned RSM with conditions which allows for 112-unit senior living attached units. The property owner, Ray of Hope Christian Church Disciples of Christ, has tried for several years to find an interested developer without success, so one must conclude that there is not a reasonable economic use for the property as zoned, thus the reason for the rezoning request to modify the conditions of zoning.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. The applicant is not requesting a change in the zoning conditions, only the conditions of zoning from the 2005 case. Right now, apartments are allowed on the property and the applicant is requesting a change in the conditions to allow attached townhomes. Townhomes would be more compatible with adjacent and 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.**



## PLANNING & ZONING STAFF REPORT

RZ-21-006

There is a stream in the northwest portion of the subject parcel that impacts the development of the site. The stream would require a 75' buffer on each side. The proposed site plan reflects this requirement.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

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

Access to the property will be Browns Mill Road that staff believes would have the capacity to handle the volume of traffic generated by the modification of zoning conditions. The proposal will not cause an excessive or burdensome on utilities as Dekalb County states the property has the sewer capacity for the intended use. The proposed use will not have harmful or oppressive use of schools.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

The zoning proposal will not adversely impact the environment or surrounding natural resources.

### **STAFF RECOMMENDATION**

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-006** the following conditions:

1. The property shall be developed in general conformance with the site plan submitted with this application, dated 8/06/2021.
2. There shall be a Mandatory Homeowners Association which shall own and maintain the common areas, and enforce the covenants placed on the community.
3. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development shall be protected in perpetuity.
4. The applicant must submit a tree save and landscaping plan to the Director prior to issuance of building or land development permits.
5. The City Engineer shall review and approve driveway location prior to the issuance of building or land development permits.

Attachments:



## PLANNING & ZONING STAFF REPORT

RZ-21-006

1 – RZ-21-006 Application including:

Letter of Intent,

Concept Plan

Building Elevations

Environmental Site Analysis

Owner and Applicant Affidavit

Public Participation Plan

2 - DeKalb County 2005 Rezoning Case File for CZ-05-32

Attachment 1: RZ-21-006 Application Materials



## Amendment Application

|  |  |                              |
|--|--|------------------------------|
| Owner Information  | Owner's Name: Ray of Hope Christian Church Disciples of Christ, Inc.   |                              |
|  | Owner's Address: 2778 Snapfinger Road Decatur, Georgia 30034   |                              |
|  | Phone: 770-696-5100  | Email: chale52@rayofhope.org |
|  | Property Address: 4700 Browns Mill Road Stonecrest, Georgia 30038  | Parcel Size: 24.9            |
|  | Parcel ID: 16 012 01 007   |                              |
|  | Current Zoning Classification: RSM with conditions   |                              |
| Property Information   | Requested Zoning Classification: RSM with other conditions   |                              |
|  | Name: Ray of Hope Christian Church Disciples of Christ, Inc. c/o Battle Law, P.C.  |                              |
|  | Address: One West Court Square, Suite 750, Decatur, GA 30030   |                              |
|  | Phone: 404.601.7616  | Fax: 404.745.0045            |
|  | Cell:  | Email: mlb@battlelawpc.com   |
|  | Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?                              |                              |
|  | <input type="checkbox"/> Yes <input type="checkbox"/> No   |                              |
|  | 1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?  |                              |
|  | See Attached Statement of Intent and Impact Analysis   |                              |
|  | 2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?  |                              |
| 3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? |  |                              |
| Questionnaire  | 4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? |                              |
|  | 5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?  |                              |
|  | 6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?                                       |                              |



Affidavit

To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.

Cynthia L. Hole

Applicant's Name:

Ray of Hope Christian Church Disciples of Christ, Inc. c/o Battle Law, P.C.

Applicant's Signature:

Cynthia L. Hole

Date: 8/3/2021

Sworn to and subscribed before me this

3rd

Day of

August

20 21

Monique Wedderburn Brown

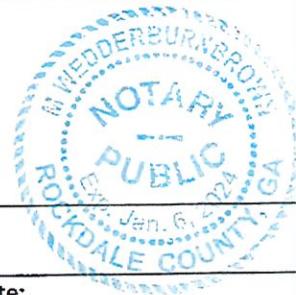
Notary Public:

M Wedderburn

Signature:

01/06/2024

My Commission Expires:



Application Fee    Sign Fee    Legal Fee

Fee: \$

Payment:  Cash    Check    CC

Date:

Approved    Approved with Conditions    Denied

Date:

Notary

Fee

**\*One sign is required per street frontage and/or every 500 feet of street frontage**



**STATEMENT OF INTENT**

and

Other Material Required by  
City of Stonecrest Zoning Ordinance  
For  
A Rezoning Application Pursuant to  
City of Stonecrest Zoning Ordinance

of

**Ray of Home Christian Church Disciples of Christ, Inc.  
c/o Battle Law, P.C.**

for

**24.9± Acres of Land located at 6301 Browns Mill Road  
Being Tax Parcel No. 16 012 01 007  
Stonecrest, Georgia**

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
3562 Habersham at Northlake, Bldg. J  
Tucker, GA 30084  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## I. STATEMENT OF INTENT

The Applicant, Ray of Home Christian Church Disciples of Christ, Inc., is seeking to rezone 24.9 acres of land located at 4700 Browns Mill Road, Stonecrest, GA 30038, being Tax ID No. 16 012 01 007 (“Subject Property”). The property is currently zoned RSM (with conditions, pursuant to CZ-05-32, attached) with a future land use designation of Suburban. The Applicant is seeking to rezone this property to RSM with other conditions to allow for a community of 73 townhomes with a landscaped common space complete with firepits and seating areas. The proposed RSM zoning and development are consistent with the future land use designation, as established in Figure LU-06 of City of Stonecrest Comprehensive Plan 2038. Additionally, the proposed rezoning and proposed development are appropriate for the area. Properties immediately adjacent to the Subject Property are zoned RSM. The Subject Property is well suited being zoned RSM. The Applicant is only seeking to change zoning conditions to allow for a 73-unit townhome community.

|                        |  |
|------------------------|--|
| <b>Current Zoning</b>  | RSM with conditions  |
| <b>Proposed Zoning</b> | RSM with other conditions  |
| <b>Future Land Use</b> | Suburban   |
| <b>Number of Units</b> | 73 townhomes   |
| <b>Amenities</b>       | Landscaped common space complete with firepits and seating areas |
| <b>Open Space</b>      | 19.4 ac  |
| <b>Total Acreage</b>   | +/- 24.9ac   |

## II. PROPERTY HISTORY

The Applicant and/or its affiliated entity, City of Hope, Inc., have owned the Subject Property for over 35 year. It was the Applicant’s desire for decades to develop senior housing on

the Subject Property. So, in 2005 the Applicant worked with a developer to rezone the Subject Property to RA-8 (know known as RSM) for the development of a 122 unit affordable senior apartment community in a townhome configuration. After the rezoning the deal with the developer fell through, and for over the past 16 years the Applicant has sought to sell or partner with others to develop the approved senior community on the property. Several developers over the past 16 years, including one in the past twelve months, have all reached the same conclusion --the numbers simply don't work.

After years of trying the Applicant has exhausted their efforts and is now looking to use the proceeds from the sale of the Subject Property to support the mission of the Church, including supporting seniors in the area. The Applicant has sought the input of development professionals and determined that the best use for the Subject Property is to convert the townhome units initially proposed into a for sale townhome community. In order to achieve this goal, the Applicant has put together a team of development professionals to guide them through this process, so that the Subject Property can be marketed for sale for the Subject Property's highest and best use.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, the Rezoning Application Criteria, and the Future Land Use Map Amendment Criteria. A surveyed plat and conceptual site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

### **III. REZONING APPLICATION 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 Applicant is only seeking to change the zoning conditions on the Subject Property. The Subject Property is located at the intersection of Snapfinger Road and Browns Mill Road, which are both arterial roads. The existing RSM is a suitable use for a property having frontage on a

commercial corridor.

*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 will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Subject Property is already zoned for townhome units. The difference is that there will be fewer units, and each townhome unit will only serve one family, instead of two apartment flats. The reduction in density is appropriate to balance out the units being for individuals and families, and not only seniors who drive less. Additionally, the conversion of the Subject Property into fee simply townhome units is more compatible with the surrounding single family detached units than an apartment complex.

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

The Subject Property has no reasonable economic use as currently zoned. The existing conditions limit the use of the Subject Property to a product that simply cannot be built. The Applicant has tired for 16 years to develop the Subject Property as currently zoned with ZERO success. It is past time to have the conditions removed so that the Applicant can continue so support its mission.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposed community will serve as another residential development to enhance the area's housing market.

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

The area in which the Subject Property is located is changing as local businesses are being started in the area, and old commercial development is being updated. The area is seeing a resurgence and this resurgence has positively impacted the value of the Subject Property, provided that this Modification of Conditions Application is approved. Without this approval, the Subject Property will have no value to the Applicant or anyone else, and thereby deprive the Applicant of the opportunity to sell the Subject Property for its highest and best use.

*F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources; and*

The zoning proposal will not adversely affect historic buildings, sites, district, or archaeological resources.

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

The zoning proposal will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

#### **IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF APPLICANT'S CONSTITUTIONAL RIGHTS**

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

The application of the City of Stonecrest 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 City of Stonecrest City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant to the extent such

different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

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

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

The existing 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 City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of DeKalb 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.

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

The application of the City of Stonecrest 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 to allow the special land use permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

#### V. CONCLUSION

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

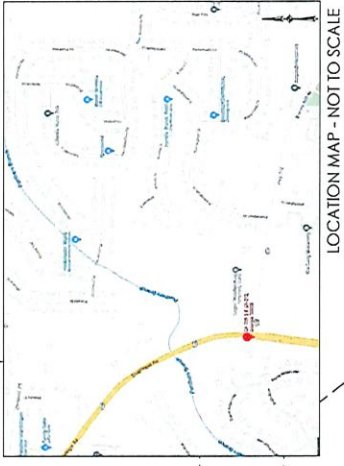
This 9th day of August, 2021.

Respectfully submitted,



---

Michèle L. Battle, Esq.  
Attorney For Applicant

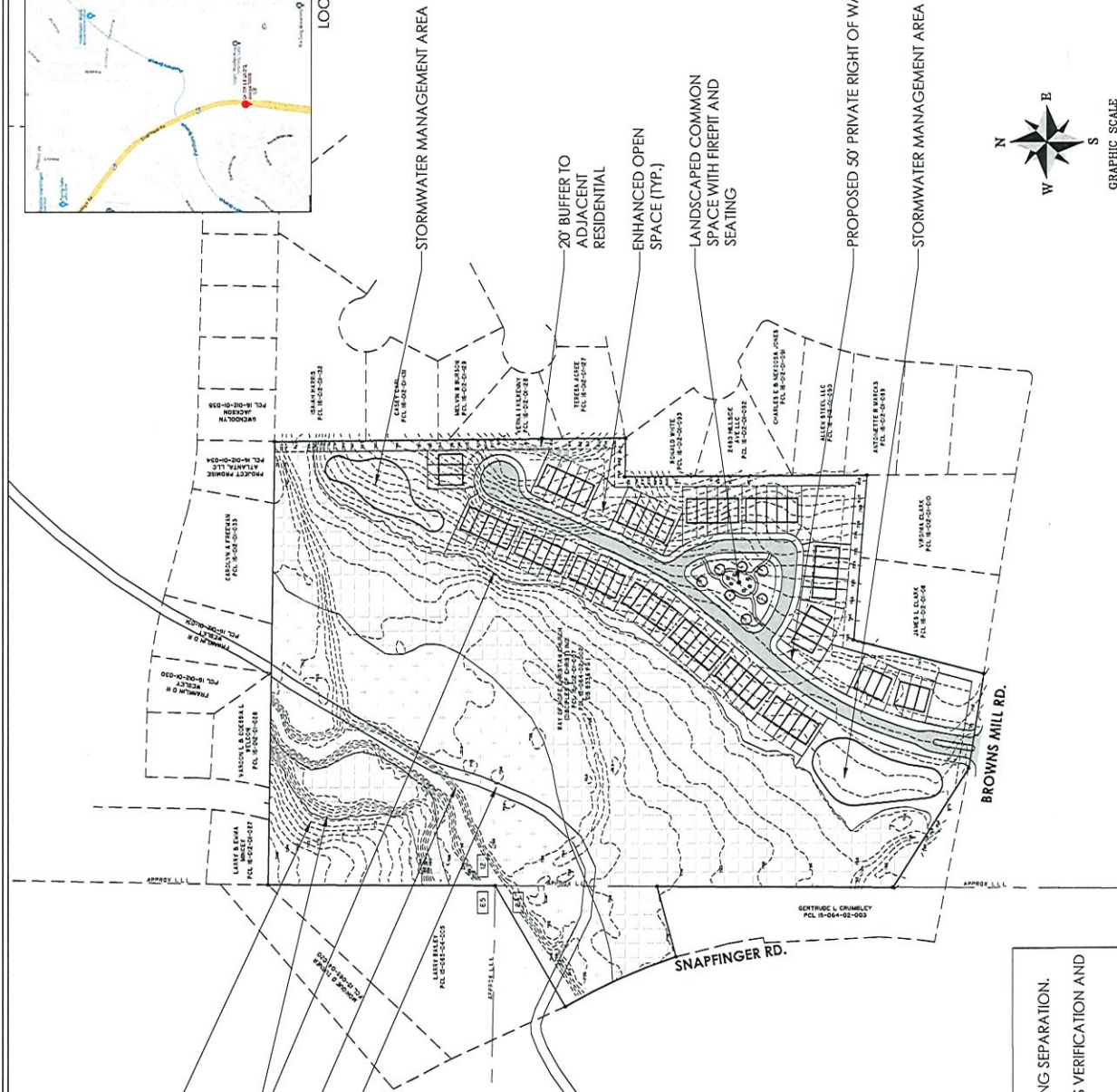
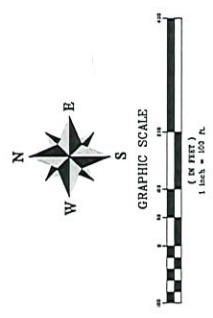


**BROWNS MILL RD.  
TOWNHOMES  
ZONING SITE PLAN**

STONEMOUNT, GA  
PREPARED FOR:  
RAY OF HOPE CHRISTIAN CHURCH

PREPARED BY:  
**THOMAS HUTTON**  
PLANNING ARCHITECTS & ENGINEERS  
1000 N. W. 10TH AVE., SUITE 100  
MIAMI, FL 33136  
TEL: 305.375.1100  
WWW.THOMASHUTTON.COM

DATE: 02/20/2020  
SCALE: 1" = 100'  
SHEET: 1 OF 1



AREA NOT INCLUDED IN THE USABLE AREA CALCULATION DUE TO BEING IMPRACTICAL FOR ACCESS

FLOODPLAIN LIMITS  
FEMA FLOODWAY  
PANTHER'S BRANCH

**SUMMARY:**

|   |          |
|---|----------|
| CURRENT ZONING: RSM                                 |          |
| GROSS ACREAGE.....                                  | ±24.9 AC |
| USEABLE AREA*.....                                  | ±9.7 AC  |
| TOTAL OPEN SPACE REQUIRED.....                      | ±5.0 AC  |
| (20% OF GROSS ACREAGE)                              |          |
| DEVELOPED AREA.....                                 | ±5.5 AC  |
| ROADS (1.9 AC) + LOTS (3.6 AC)                      |          |
| TOTAL OPEN SPACE PROVIDED.....                      | ±19.4 AC |
| GROSS ACREAGE (±24.9 AC) - DEVELOPED AREA (±5.5 AC) |          |
| ENHANCED OPEN SPACE REQUIRED.....                   | ±2.5 AC  |
| ENHANCED OPEN SPACE PROVIDED.....                   | ±1.9 AC  |
| TOTAL STORMWATER MANAGEMENT AREA.....               | ±0.8 AC  |
| TOTAL UNITS (20'X46' FOOTPRINT).....                | 73 UNITS |
| 20'X90' LOTS  |          |
| GROSS DENSITY.....                                  | 2.9 U/AC |
| NET DENSITY*.....                                   | 7.5 U/AC |

\*USABLE AREA IS AREA OUTSIDE OF THE FLOODPLAIN AND PRACTICAL FOR SITE ACCESS.

REPRESENTS AREA TO BE COUNTED TOWARDS ENHANCED OPEN SPACE.

- NOTES:**
1. SETBACKS ARE 20' FRONT, 15' REAR, WITH 10' MINIMUM BUILDING SEPARATION.
  2. WATER AND SEWER TO BE PROVIDED BY DEKALB COUNTY.
  3. SITE PLAN MAY REQUIRE ADJUSTMENT UPON FINAL WETLANDS VERIFICATION AND TREE SURVEY BEING PERFORMED.
  4. MAXIMUM BUILDING HEIGHTS TO BE 45' OR 3 STORIES.
  5. ALL ADJACENT PARCELS ARE ZONED R-100.
  6. NO KNOWN UNDERGROUND ELECTRICAL LINES OR UTILITIES ON SITE.
  7. CONTOURS DERIVED FROM THE 2010 DEKALB COUNTY LIDAR.



APPROVAL DATE  
 DESIGNER DATE  
 CDR DATE  
 SHEET NO.

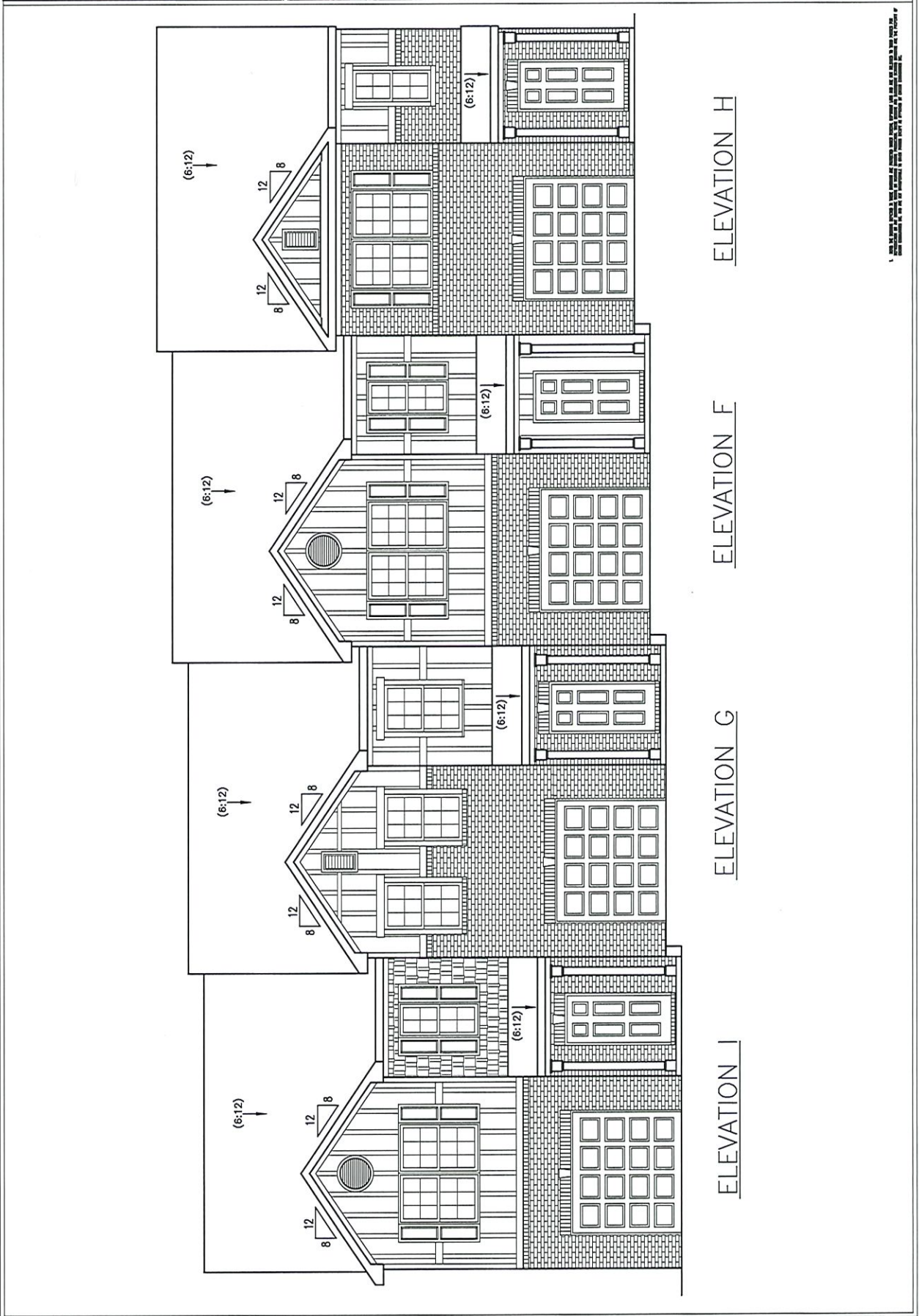
**D-R HORTON**  
*America's Builder*  
 1371 Dogwood Drive Conyers, Ga 30012

COPYRIGHT © 2020

MAYWOOD/NEWTON  
 4 UNIT BUILDING

A1.0

SCALE: N.E.S.



1. THIS SET OF PLANS IS THE PROPERTY OF D-R HORTON, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF D-R HORTON, INC.

1371 Dogwood Drive Corvallis, OR 97331  
 503-755-1111  
**D-R-HORTON**  
*America's Builder*  
 P.L.L.C.

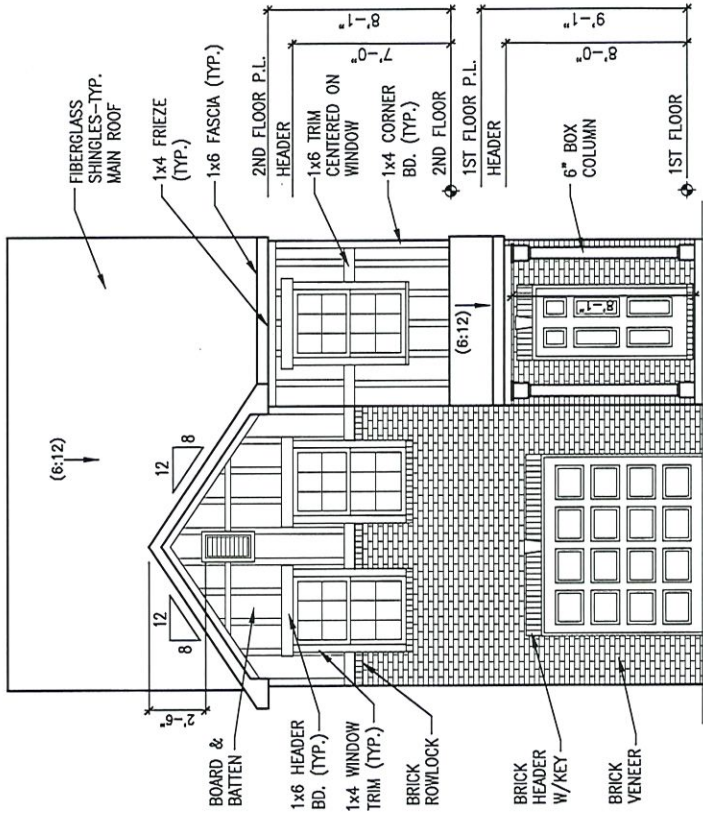
1371 Dogwood Drive Corvallis, OR 97331

COPYRIGHT © 2020

FRONT ELEVATION G  
 THE MAYWOOD 2

|           |      |
|-----------|------|
| APPROVAL  | DATE |
| DESIGNER  | DATE |
| CHK       |      |
| SHEET NO. |      |

**A3.6**  
 SCALE: 3/16"=1'-0"



**FRONT ELEVATION G**  
 (SCALE: 3/16"=1'-0")

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 3. SEE NOTES ON SHEET A3.5 FOR MATERIALS AND FINISHES.  
 4. SEE NOTES ON SHEET A3.6 FOR MATERIALS AND FINISHES.  
 5. SEE NOTES ON SHEET A3.7 FOR MATERIALS AND FINISHES.  
 6. SEE NOTES ON SHEET A3.8 FOR MATERIALS AND FINISHES.  
 7. SEE NOTES ON SHEET A3.9 FOR MATERIALS AND FINISHES.  
 8. SEE NOTES ON SHEET A3.10 FOR MATERIALS AND FINISHES.  
 9. SEE NOTES ON SHEET A3.11 FOR MATERIALS AND FINISHES.  
 10. SEE NOTES ON SHEET A3.12 FOR MATERIALS AND FINISHES.



**D-R-HORTON**  
*America's Builders*  
 1371 Dogwood Drive Conyers, Ga 30012

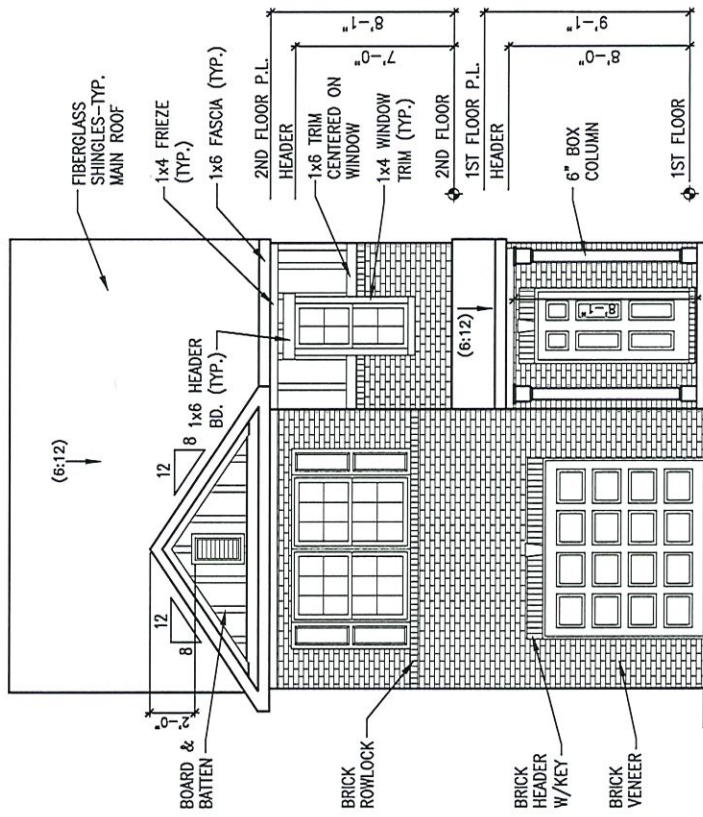
COPYRIGHT © 2000

FRONT ELEVATION H  
 THE MAYWOOD 2

|           |      |
|-----------|------|
| APPROVAL  | DATE |
| DESIGNER  | DATE |
| C/LH      |      |
| SHEET NO. |      |

A3.7

SCALE: 3/16"=1'-0"



FRONT ELEVATION H  
 (SCALE: 3/16"=1'-0")

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

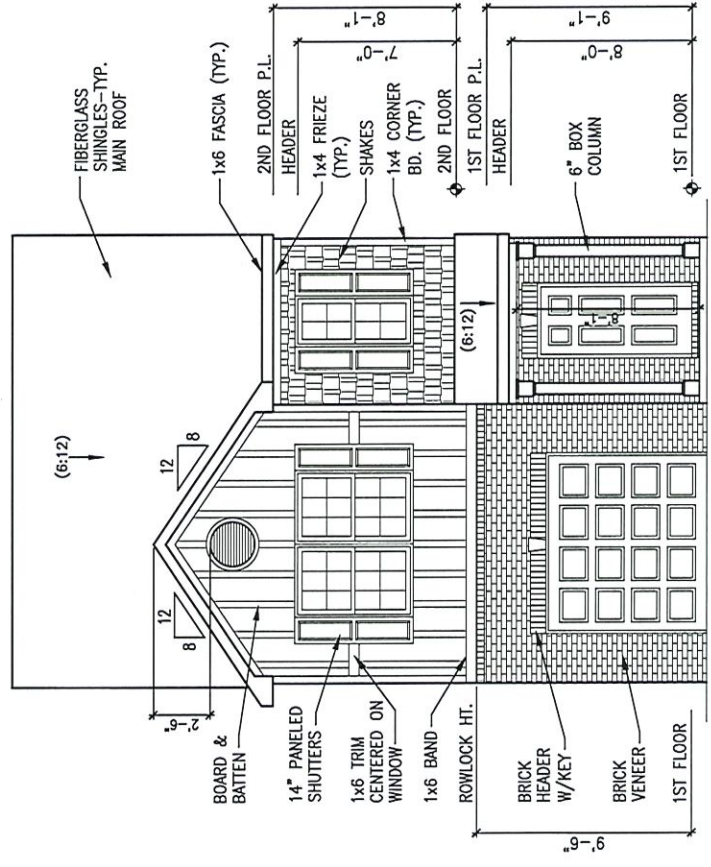
1371 Dogwood Drive Conyers, Ga 30012  
**America's Builder**  
**D-R-HORTON**  
PHI  
RES

1371 Dogwood Drive Conyers, Ga 30012  
**America's Builder**  
**D-R-HORTON**  
PHI  
RES

APPROVAL DATE  
 DESIGNER DATE  
 CDR  
 SHEET NO.  
 A3.8  
 SCALE 1/4"=1'-0"

FRONT ELEVATION I  
 THE MAYWOOD 2

APPROVAL DATE  
 DESIGNER DATE  
 CDR  
 SHEET NO.  
 A3.8  
 SCALE 1/4"=1'-0"



**FRONT ELEVATION I**  
 (SCALE: 3/16"=1'-0")

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOKS AND THE NATIONAL BUILDING CODES.



# PRE-APPLICATION FORM

## Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Planning & Zoning Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es) procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (770) 224-0200.

Meeting Date & Time: July 28, 2021 10:00am -10:30am

Applicant/Representative Name: Ray of Hope Christian Church, Inc. c/o Battle Law, P.C. Phone: 404-601-7616

Applicant/Representative Email: mlb@battlelawpc.com

Stie Address: 4700 Browns Mill Rd Parcel ID #: 16 012 01 007

Previous Zoning & Case number(s): CZ-05-32 Current Zoning: RSM-with condition

City Council District: District 4 Proposed Zoning: RSM -Other Conditions

Comprehensive Plan Character Area Map Designation: Suburban Neighborhood

Application Type:  Rezoning  Special Land Use Permit  Variance  Special Administrative

Zoning Board of Appeals  Stream Buffer


Overlay District:  I-20  Stonecrest  Arabia Mountain

Additional Studies:  Trip Generation Report  Traffic Impact Study  
 Developmental of Regional Impact Review  Environmental Impact Review  
 Concept Plan Review

Proposal Description: The Applicant is seeking a change of conditions to allow for a 73 unit townhome community.

Meeting Participants: \_\_\_\_\_

Applicant/Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director/Planner Signature:  \_\_\_\_\_ Date: 8-5-2021



### Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

Yes  No

Ray of Hope Christian Church Disciples of Christ, Inc.

|                   |  |
|-------------------|--|
| Applicant / Owner | Signature: <i>Cy L Noel</i>                          |
|                   | Address: 2778 Snapfinger Road Decatur, Georgia 30034 |
|                   | Date: 8/3/2021                                       |

If you answered yes above, please complete the following section:

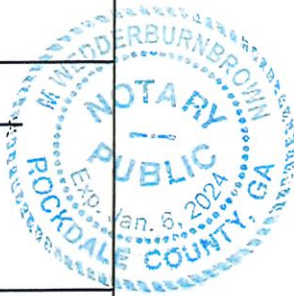
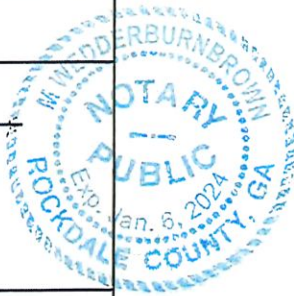
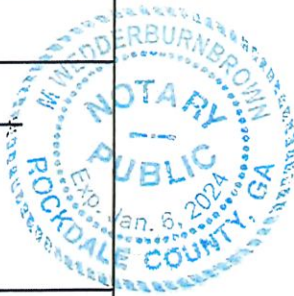
| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |
|      |                     |                   |             |        |



## Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Ray of Hope Christian Church Disciples of Christ, Inc.

|                                   |   |                                 |                       |
|-----------------------------------|---|---------------------------------|-----------------------|
| Property Owner<br>(If Applicable) | Signature: <u><i>[Signature]</i></u>  |                                 | Date: <u>8/3/2021</u> |
|                                   | Address: <u>2778 Snapfinger Road</u>  | City, State: <u>Decatur, GA</u> | Zip: <u>30034</u>     |
|                                   | Phone: <u>770-696-5100</u>  |                                 |                       |
| Property Owner<br>(If Applicable) | Sworn to and subscribed before me this <u>3<sup>rd</sup></u> day of <u>August</u> , 20 <u>21</u>                            |                                 |                       |
|                                   | Notary Public: <u><i>[Signature]</i></u>  |                                 |                       |
|                                   | <div style="text-align: right;">  </div> |                                 |                       |
| Property Owner<br>(If Applicable) | Signature:  |                                 | Date:                 |
|                                   | Address:  | City, State:                    | Zip:                  |
|                                   | Phone:  |                                 |                       |
| Property Owner<br>(If Applicable) | Sworn to and subscribed before me this _____ day of _____, 20_____  |                                 |                       |
|                                   | Notary Public:  |                                 |                       |
|                                   | <div style="text-align: right;">  </div> |                                 |                       |
| Property Owner<br>(If Applicable) | Signature:  |                                 | Date:                 |
|                                   | Address:  | City, State:                    | Zip:                  |
|                                   | Phone:  |                                 |                       |
| Property Owner<br>(If Applicable) | Sworn to and subscribed before me this _____ day of _____, 20_____  |                                 |                       |
|                                   | Notary Public:  |                                 |                       |
|                                   | <div style="text-align: right;">  </div> |                                 |                       |

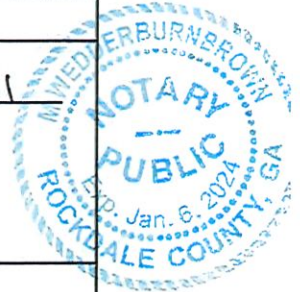


## Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Ray of Hope Christian Church Disciples of Christ, Inc.

|  |                               |  |                          |
|--|-------------------------------|--|--------------------------|
| Applicant / Petitioner   | Signature: <u>[Signature]</u> |  | Date: <u>8/3/2021</u>    |
|  | Address: 2778 Snapfinger Road |  | City, State: Decatur, GA |
|  | Phone: 770-696-5100           |  |                          |
| Sworn to and subscribed before me this <u>3<sup>rd</sup></u> day of <u>AUGUST</u> , 20 <u>21</u> |                               |  |                          |
| Notary Public:   |                               |  |                          |
| <u>[Signature]</u>   |                               |  |                          |
| Attorney / Agent   | Signature:                    |  | Date:                    |
|  | Address:                      |  | City, State:             |
|  | Phone:                        |  |                          |
| Sworn to and subscribed before me this _____ day of _____, 20_____                               |                               |  |                          |
| Notary Public:   |                               |  |                          |





## PUBLIC PARTICIPATION PLAN

Applicant: Ray of Hope Christian Church Disciples of Christ, Inc.

1. The following individuals (property owners within a minimum of 750 ft of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified

The City of Stonecrest will notify property owners within at least 500 feet from the property to attend their City of Stonecrest sponsored Community Information Meeting on August 18, 2021.

---

---

---

2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Property owners within at least 500 feet from the property will be notified by the City of Stonecrest staff in

whichever method of notification staff chooses.

---

---

---

3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

Individuals will be allowed to participate by attending the City of Stonecrest sponsored Community Information

Meeting on August 18, 2021 where we will be in attendance.

---

---

---

*Attach additional sheets as needed.*



# Environmental Site Analysis

Analyze the impact of the proposed rezoning and provide a written point-by-point

## response to Points 1 through 3: 1. Conformance to the Comprehensive Plan:

- a. Describe the proposed project and the existing environmental conditions on the site.

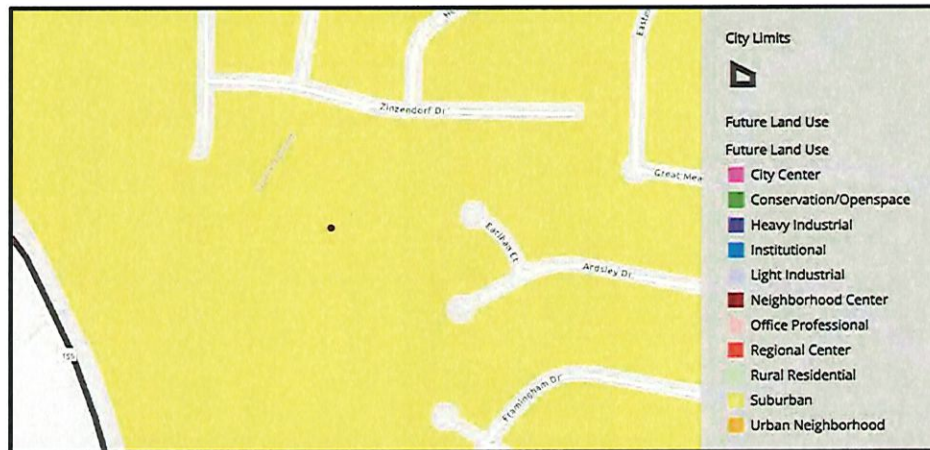
The Applicant is seeking to rezone the Subject Property, being Parcel No. 16 012 01 007 from RSM with conditions to RSM other conditions to allow for 73 townhome units at a gross density of 2.9 u/ac (net density of 7.5 u/ac).

- b. Describe adjacent properties. Include a site plan that depicts the proposed project.

Adjacent properties are primarily residential; RSM immediately adjacent and R-100 outside of that.

- c. Describe how the project conforms to the Comprehensive Land Use Plan.

The Future Land Use designation of the Subject Property is Suburban. The proposed change in conditions and proposed seventy-three (73) unit townhome community both conform to the Comprehensive Land Use Plan, as they both fall within the Suburban Land Use category. The Applicant is not seeking to change the current zoning classification of the Subject Property, but rather change the zoning conditions. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



- d. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

The proposed project is in conformance with the land use suggestion of the Comprehensive Plan and pertinent Plan policies. The Plan allows for RSM zoning within the Suburban Land Use designation. The proposed density is also supported by the Suburban land use designation.



## 2. Environmental Impacts of The Proposed Project

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

### a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

To the Applicant's knowledge, there are no wetlands on the

property. b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

There is a floodplain on the Northwestern portion of the Subject Property.

### c. Streams/stream buffers

- Field observation and verification

There is a river, Panther's Branch, and buffer that intersects the Northwestern portion of the Subject Property.

### d. Slopes exceeding 25 percent over a 10-foot rise in elevation

- United States Geologic Survey Topographic Quadrangle Map
- Field observation and verification

To the Applicant's knowledge, there are no slopes exceeding 25% over a 10-foot rise in elevation.

### e. Vegetation • United States Department of Agriculture, Nature Resource Conservation Service

- Field observation

The property is heavily wooded.

### f. Wildlife Species (including fish)

- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

To the Applicant's knowledge, there are no wildlife habitats on the property.

### g. Archeological/Historical Sites

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

To the Applicant's knowledge, there are no archeological/historical sites.



### 3. Project Implementation Measures

Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

The applicant will do whatever deemed necessary to protect environmentally sensitive

- areas. b. Protection of water quality

The applicant will do whatever deemed necessary to protect water quality.

- c. Minimization of negative impacts on existing infrastructure

The applicant will do whatever deemed necessary to minimize negative impacts on existing infrastructure.

- d. Minimization on archeological/historically significant areas

To the Applicant's knowledge, there are no archeological/historically significant areas on the property.

- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

To the Applicant's knowledge, the community is not an environmentally stressed one.

- f. Creation and preservation of green space and open space



The proposed development includes 19.4 acres of open space, including 1.9 acres of enhanced open space.

g. Protection of citizens from the negative impacts of noise and lighting

The proposed single family-detached community minimally impact current citizens in terms of noise and lighting.

h. Protection of parks and recreational green space

To the Applicant's knowledge, the proposed development will not adversely impact existing parks and recreational green space.

i. Minimization of impacts to wildlife habitats

To the Applicant's knowledge, there is no nearby wildlife habitats.

## Exhibit A

## [LEGAL DESCRIPTION OF THE LAND]

All that tract or parcel of land lying and being in Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at 1/2" rebar iron pin placed at the intersection of the Northern right-of-way of Browns Mill Road (100' R/W) with the centerline of the Old Road Bed; thence running North 58 degrees 49 minutes 59 seconds West along the centerline of Old Road Bed a distance of 272.90 feet to a 1/2" rebar iron pin found at the intersection of Old Road Bed with the common Land Lot and District Line of Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia; thence running North 00 degrees 53 minutes 19 seconds West along said common Land Lot and District Line a distance of 456.05 feet to a 1/2" rebar iron pin placed; thence running South 73 degrees 45 minutes 22 seconds West a distance of 140.70 feet to a 1/2" rebar iron pin placed on the Eastern right-of-way of Snapfinger Road (State Route 155) (R/W varies); thence running North 25 degrees 26 minutes 43 seconds West along said right-of-way an arc distance of 235.0 feet (Chord = 234.6') to a 1/2" rebar iron pin placed; thence running Northeastly along the centerline of Panthers Creek a distance of 270 feet more or less (Chord distance of 270.78' and having a bearing of North 58 degrees 40 minutes 32 seconds East) to a 1/2" rebar iron pin placed on the common Land Lot and District line of Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia; thence running North 89 degrees 32 minutes 38 seconds East a distance of 857.32 feet to a nail found in fence post; thence running South 01 degrees 43 minutes 12 seconds East a distance of 578.67 feet to a 1/2" rebar iron pin found; thence running South 89 degrees 23 minutes 25 seconds West a distance of 74.97 feet to a 1/2" rebar iron pin found; thence running South 01 degrees 29 minutes 26 seconds East a distance of 468.07 feet to a 1/2" rebar iron pin found; thence running North 86 degrees 44 minutes 49 seconds West a distance of 319.34 feet to a 1/2" rebar iron pin found; thence running South 13 degrees 30 minutes 00 seconds West a distance of 260.36 feet to a 1/2" rebar iron pin found on the Northern right-of-way of Browns Mill Road; thence running North 82 degrees 18 minutes 41 seconds West along said right-of-way a distance of 184.47 feet to a 1/2" rebar iron pin placed at the intersection of said Northern right-of-way of Browns Mill Road with the centerline of Old Road Bed and The True Point of Beginning; said tract containing 24.90 acres.

All that tract or parcel of land lying and being in Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2" rebar iron pin placed at the intersection of the Northern right-of-way of Browns Mill Road (100' R/W) with the centerline of Old Road Bed; thence running North 58 degrees 49 minutes 59 seconds West along the centerline of Old Road Bed a distance of 272.90 feet to a 1/2" rebar iron pin found at the intersection of the centerline of Old Road Bed with the common Land Lot and District Line of Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia; thence running North 00 degrees 53 minutes 19 seconds West along said common Land Lot and District Line a distance of 456.05 feet to a 1/2" rebar iron pin placed; thence running South 73 degrees 45 minutes 22 seconds West a distance of 140.70 feet to a 1/2" rebar iron pin placed on the Eastern right-of-way of Snapfinger Road (State Route 155) (R/W varies); thence running North 25 degrees 26 minutes 43 seconds West along said right-of-way an arc distance of 235.0 feet (Chord = 234.6') to a 1/2" rebar iron pin placed; thence running Northeastly along the centerline of Panthers Creek a distance of 270 feet more or less (Chord distance of 270.78' and having a bearing of North 58 degrees 40 minutes 32 seconds East) to a 1/2" rebar iron pin placed on the common Land Lot and District line of Land Lot 64 of the 15<sup>th</sup> District and Land Lot 12 of the 16<sup>th</sup> District of DeKalb County, Georgia; thence running North 00 degrees 53 minutes 19 seconds West along said common Land Lot and District line a distance of 440.00 feet to a rock found at the Southeastern corner of Land Lot 65 of the 15<sup>th</sup> District of DeKalb County, Georgia; thence running North 89 degrees 32 minutes 38 seconds East a distance of 857.32 feet to a nail found in fence post; thence running South 01 degrees 43 minutes 12 seconds East a distance of 578.67 feet to a 1/2" rebar iron pin found; thence running South 89 degrees 23 minutes 25 seconds West a distance of 74.97 feet to a 1/2" rebar iron pin found; thence running South 01 degrees 29 minutes 26 seconds East a distance of 468.07 feet to a 1/2" rebar iron pin found; thence running North 86 degrees 44 minutes 49 seconds West a distance of 319.34 feet to a 1/2" rebar iron pin found; thence running South 13 degrees 30 minutes 00 seconds West a distance of 260.36 feet to a 1/2" rebar iron pin found on the Northern right-of-way of Browns Mill Road; thence running North 82 degrees 18 minutes 41 seconds West along said right-of-way a distance of 184.47 feet to a 1/2" rebar iron pin placed at the intersection of the said Northern right-of-way of Browns Mill Road with the centerline of Old Road Bed and The True Point of Beginning; said tract containing 24.90 acres.

DS  
TFLH

Attachment 2: DeKalb County 2005 Rezoning Case File for CZ-05-32

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: June 14, 2005

HEARING TYPE  
PUBLIC HEARING

ACTION TYPE  
ORDINANCE

SUBJECT: **Rezone** – City of Hope Ministries

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning

PUBLIC HEARING: YES  NO

ATTACHMENT:  YES  No  
  
PAGES:

INFORMATION CONTACT: Shari Strickland/John A. Bell  
  
PHONE NUMBER: (404) 371-2155

Deferred from 5/26/05 for decision only.

**PURPOSE:**  
**CZ-05-32**

Application of City of Hope Ministries to rezone property located on the north side of Browns Mill Road, east of its intersection with Snapfinger Road from R-100 to R-A8. The property has frontage of 456 feet along Browns Mill Road and contains 23.55 acres. The application is conditioned on development of a senior living facility.

**Subject Property:**  
16-012

**RECOMMENDATION(S):**

**PLANNING DEPARTMENT:**

**APPROVAL.** The requested zoning amendment to the RA-8 District to allow senior family attached development for use as a senior living facility would be consistent with the low intensity use of the area. The zoning proposal would be in conformity with the policy and intent of the comprehensive plan. The proposed zoning amendment and development of the site for senior living would be compatible to the surrounding community which is comprised of single family residential use. Therefore, it is the recommendation of the Planning Department that the application be “Approved, subject to the following conditions:”

1. Use of the property shall be limited to single family attached dwellings for Senior Living only.

**PLANNING COMMISSION:**

Full cycle deferral.

**COMMUNITY COUNCIL:**

Approval.



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

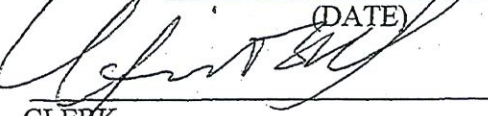
**ACTION: H11**

MOTION was made by Commissioner Hank Johnson, seconded by Commissioner Stokes, and passed 5-0-0-2, to approve as conditioned by the Planning Department and further conditioned by the conditions set forth by a letter dated June 10, 2005, the rezoning application of City of Hope Ministries. Commissioners Boyer and Walldorff were absent and not voting.

ADOPTED: JUN 14 2005  
(DATE)

  
PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: JUN 14 2005  
(DATE)

  
CLERK,  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

APPROVED: JUN 21 2005

  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

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

**MINUTES:**

**Commissioner Boyer left the meeting at 1:50 p.m.**

Commissioner Hank Johnson submitted 14 conditions for the record to be kept on file in the Clerk's Office.

No one spoke for or against the application.

|                             | FOR   | AGAINST | ABSTAIN | ABSENT |
|-----------------------------|-------|---------|---------|--------|
| DISTRICT 1 - ELAINE BOYER   | _____ | _____   | _____   | X      |
| DISTRICT 2 - GALE WALLDORFF | _____ | _____   | _____   | X      |
| DISTRICT 3 - LARRY JOHNSON  | X     | _____   | _____   | _____  |
| DISTRICT 4 - BURRELL ELLIS  | X     | _____   | _____   | _____  |
| DISTRICT 5 - HANK JOHNSON   | X     | _____   | _____   | _____  |
| DISTRICT 6 - KATHIE GANNON  | X     | _____   | _____   | _____  |
| DISTRICT 7 - CONNIE STOKES  | X     | _____   | _____   | _____  |



**SITE ANALYSIS:**

The project site is located on the north side of Browns Mill, east of its intersection with Snapfinger Road in unincorporated DeKalb County. The property has frontage of 456 feet along Browns Mill Road and contains 23.55 acres. The site is undeveloped and is contains dense growth of vegetation containing mature pine trees and hardwood vegetation. The topography is characterized by a sloping terrain which leads to a floodplain area and an interior creek bed. The character of the area consists of single family residential neighborhoods and a several institutional uses. Surrounding land uses consists of a single family residential development to the north and to the south; and institutional uses further to the southeast.

**PROJECT ANALYSIS:**

The project applicant is requesting an Amendment to Official Zoning Map pursuant to Section 27-821 of the DeKalb County Zoning Ordinance, to rezone the project site from the R-100 (Single Family Residential) District to the RA-8 (Single Family Residential) District to utilize the property for a senior living facility comprised of 112 single family attached housing units. The proposed RA-8 zoning district appears to be an appropriate zoning district for the intended use. It also appears that an attached housing development for senior living was would be compatible with the low intensity character of the surrounding area.

**ZONING ANALYSIS:**

The submitted site plan depicts development of one-hundred and twelve (112) single family attached residential units that would be occupied for senior living. The proposed RA-8 zoning district appears to be an appropriate zoning district for the intended use. The minimum setback requirements in the RA-8 ( Single Family Residential) District includes front yard setback along a public street of 5 feet; a side yard setback of 15 feet for attached dwellings and a rear yard of 30 feet. A transitional buffer area is required along properties that are zoned residential of 20 feet. Therefore, it appears the project site has ample size to meet the front and side yard setbacks, and buffer requirements of the proposed RA-8 zoning district. The project would also require a 75 foot stream buffer to minimize potential impacts on this sensitive stream corridor and floodplain habitat. The creek and dense growth of vegetation should act as an effective buffers from adjacent parcels allowing for a quality development for senior living.

**LAND USE PLAN CONSISTENCY:**

It should be noted that the Land Use Plan recommends an LDR category. The applicant has filed a companion application to amend the Comprehensive Land Use Plan to the LMR land use category (Case Number: LP-05-19).

**COUNTY DEPARTMENTS/ DIVISION COMMENTS OR RECOMMENDATIONS:**

**DEKALB COUNTY PUBLIC WORKS DEPARTMENT:**

**Water and Sewer:**

**Traffic:**

**Capacity:**

**Latest Count:**

**Hourly Capacity:**

**Peak Hour Volume:**

**Trips Generated:**

**DEKALB COUNTY SCHOOLS SYSTEM:**

| <b>Schools:</b> | <b>High</b> | <b>Middle</b> | <b>Elementary</b> |
|-----------------|-------------|---------------|-------------------|
|-----------------|-------------|---------------|-------------------|

Name of School:

Recommended capacity:

Latest Enrollment:

Students Generated by Existing Zoning:

Students Generated by Proposed Zoning:

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendment to official zoning map" states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the zoning maps:

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

The zoning proposal would be in conformity with the policy and intent of the comprehensive plan.

**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 would permit a use that is suitable in view of the uses and development of adjacent and nearby properties. The development of residential parcels immediately to the north, south, east and west indicate the character of compatible developments.

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

Based on the submitted information, it does not appear that the property has a reasonable economics use as currently zoned.

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

Based on the submitted information it does not appear that the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property, given the low intensity nature of the proposed development.

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

See "C" above.

**F. 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:**

There appears to be other existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval of the zoning proposal.

**G. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources:**

Based on the submitted information it does not appear that the project proposal would adversely affect historic buildings, sites, or archaeological resources.

**H. 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.**

Based on the submitted information, it does not appear that the zoning proposal could result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

**PLANNING DEPARTMENT RECOMMENDATION:**

**APPROVAL** The requested zoning amendment to the RA-8 District to allow senior family attached development for use as a senior living facility would be consistent with the low intensity use of the area. The zoning proposal would be in conformity with the policy and intent of the comprehensive plan. The proposed zoning amendment and development of the site for senior living would be compatible to the surrounding community which is comprised of single family residential use. Therefore, it is the recommendation of the Planning Department that the application be "Approved, subject to the following conditions":

1. Use of the property shall be limited to single family attached dwellings for Senior Living only.

# PLANNING COMMISSION MEETING SCHEDULE

Meets on the 1<sup>st</sup> Tuesday of each month at 6:00 PM unless otherwise stated.



# 2022

| January |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|
| Su      | Mo | Tu | We | Th | Fr | Sa |
|         |    |    |    |    |    | 1  |
| 2       | 3  | 4  | 5  | 6  | 7  | 8  |
| 9       | 10 | 11 | 12 | 13 | 14 | 15 |
| 16      | 17 | 18 | 19 | 20 | 21 | 22 |
| 23      | 24 | 25 | 26 | 27 | 28 | 29 |
| 30      | 31 |    |    |    |    |    |

| February |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| Su       | Mo | Tu | We | Th | Fr | Sa |
|          |    | 1  | 2  | 3  | 4  | 5  |
| 6        | 7  | 8  | 9  | 10 | 11 | 12 |
| 13       | 14 | 15 | 16 | 17 | 18 | 19 |
| 20       | 21 | 22 | 23 | 24 | 25 | 26 |
| 27       | 28 |    |    |    |    |    |
|          |    |    |    |    |    |    |

| March |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| Su    | Mo | Tu | We | Th | Fr | Sa |
|       |    | 1  | 2  | 3  | 4  | 5  |
| 6     | 7  | 8  | 9  | 10 | 11 | 12 |
| 13    | 14 | 15 | 16 | 17 | 18 | 19 |
| 20    | 21 | 22 | 23 | 24 | 25 | 26 |
| 27    | 28 | 29 | 30 | 31 |    |    |
|       |    |    |    |    |    |    |

January 4<sup>th</sup>

February 1<sup>st</sup>

March 1<sup>st</sup>

| April |    |    |    |    |    |    |
|-------|----|----|----|----|----|----|
| Su    | Mo | Tu | We | Th | Fr | Sa |
|       |    |    |    |    | 1  | 2  |
| 3     | 4  | 5  | 6  | 7  | 8  | 9  |
| 10    | 11 | 12 | 13 | 14 | 15 | 16 |
| 17    | 18 | 19 | 20 | 21 | 22 | 23 |
| 24    | 25 | 26 | 27 | 28 | 29 | 30 |
|       |    |    |    |    |    |    |

| May |    |    |    |    |    |    |
|-----|----|----|----|----|----|----|
| Su  | Mo | Tu | We | Th | Fr | Sa |
| 1   | 2  | 3  | 4  | 5  | 6  | 7  |
| 8   | 9  | 10 | 11 | 12 | 13 | 14 |
| 15  | 16 | 17 | 18 | 19 | 20 | 21 |
| 22  | 23 | 24 | 25 | 26 | 27 | 28 |
| 29  | 30 | 31 |    |    |    |    |
|     |    |    |    |    |    |    |

| June |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| Su   | Mo | Tu | We | Th | Fr | Sa |
|      |    |    | 1  | 2  | 3  | 4  |
| 5    | 6  | 7  | 8  | 9  | 10 | 11 |
| 12   | 13 | 14 | 15 | 16 | 17 | 18 |
| 19   | 20 | 21 | 22 | 23 | 24 | 25 |
| 26   | 27 | 28 | 29 | 30 |    |    |
|      |    |    |    |    |    |    |

April 5<sup>th</sup>

May 3<sup>rd</sup>

June 7<sup>th</sup>

| July |    |    |    |    |    |    |
|------|----|----|----|----|----|----|
| Su   | Mo | Tu | We | Th | Fr | Sa |
|      |    |    |    |    | 1  | 2  |
| 3    | 4  | 5  | 6  | 7  | 8  | 9  |
| 10   | 11 | 12 | 13 | 14 | 15 | 16 |
| 17   | 18 | 19 | 20 | 21 | 22 | 23 |
| 24   | 25 | 26 | 27 | 28 | 29 | 30 |
| 31   |    |    |    |    |    |    |

| August |    |    |    |    |    |    |
|--------|----|----|----|----|----|----|
| Su     | Mo | Tu | We | Th | Fr | Sa |
|        | 1  | 2  | 3  | 4  | 5  | 6  |
| 7      | 8  | 9  | 10 | 11 | 12 | 13 |
| 14     | 15 | 16 | 17 | 18 | 19 | 20 |
| 21     | 22 | 23 | 24 | 25 | 26 | 27 |
| 28     | 29 | 30 | 31 |    |    |    |
|        |    |    |    |    |    |    |

| September |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|
| Su        | Mo | Tu | We | Th | Fr | Sa |
|           |    |    |    | 1  | 2  | 3  |
| 4         | 5  | 6  | 7  | 8  | 9  | 10 |
| 11        | 12 | 13 | 14 | 15 | 16 | 17 |
| 18        | 19 | 20 | 21 | 22 | 23 | 24 |
| 25        | 26 | 27 | 28 | 29 | 30 |    |
|           |    |    |    |    |    |    |

\*July 5<sup>th</sup>

August 2<sup>nd</sup>

\*September 6<sup>th</sup>

| October |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|
| Su      | Mo | Tu | We | Th | Fr | Sa |
|         |    |    |    |    |    | 1  |
| 2       | 3  | 4  | 5  | 6  | 7  | 8  |
| 9       | 10 | 11 | 12 | 13 | 14 | 15 |
| 16      | 17 | 18 | 19 | 20 | 21 | 22 |
| 23      | 24 | 25 | 26 | 27 | 28 | 29 |
| 30      | 31 |    |    |    |    |    |

| November |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| Su       | Mo | Tu | We | Th | Fr | Sa |
|          |    | 1  | 2  | 3  | 4  | 5  |
| 6        | 7  | 8  | 9  | 10 | 11 | 12 |
| 13       | 14 | 15 | 16 | 17 | 18 | 19 |
| 20       | 21 | 22 | 23 | 24 | 25 | 26 |
| 27       | 28 | 29 | 30 |    |    |    |
|          |    |    |    |    |    |    |

| December |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| Su       | Mo | Tu | We | Th | Fr | Sa |
|          |    |    |    | 1  | 2  | 3  |
| 4        | 5  | 6  | 7  | 8  | 9  | 10 |
| 11       | 12 | 13 | 14 | 15 | 16 | 17 |
| 18       | 19 | 20 | 21 | 22 | 23 | 24 |
| 25       | 26 | 27 | 28 | 29 | 30 | 31 |
|          |    |    |    |    |    |    |

October 4<sup>th</sup>

November 8<sup>th</sup>

December 6<sup>th</sup>

| Federal holidays 2022 |                        |        |                  |        |                      |  |
|-----------------------|------------------------|--------|------------------|--------|----------------------|--|
| Jan 1                 | New Year's Day         | Jul 4  | Independence Day | Nov 11 | Veterans Day         |  |
| Jan 17                | Martin Luther King Day | Sep 5  | Labor Day        | Nov 24 | Thanksgiving Day     |  |
| Feb 21                | Presidents' Day        | Oct 10 | Columbus Day     | Dec 25 | Christmas Day        |  |
| May 30                | Memorial Day           |        |                  | Dec 26 | Christmas Day (obs.) |  |

Holiday Week\*

APPROVED | 10-5-2021/LL