THE CITY OF STONECREST GEORGIA

RECEIVED 06-05-18

PRE-APPLICATION FORM
LAND USE PETITIONS AND VARIANCE PETITIONS

Purpose & Process

R2-18-003

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development 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. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application in order for your submittal to be deemed complete.

Applicant Name: LDG Development, c/o Battle Law Phone: 4) 601-7616

Applicant E-mail: mlb@battlelawpc.com Fax:

Representative Name: Battle Law, P.C. Phone:

Representative E-mail: mlb@battlelawpc.com Fax:

Site Address: 6554 Chupp Road Parcel Size: ~~58~~ 51.4 acres

Tax Parcel #: 16 120 01 003 (153) 013, 015 City Council District:

Existing Zoning and Case Number: CZ-04019 Proposed Zoning:

C-4, O-I, R-A8

Comprehensive Plan Character Area Map Designation:

Application Type: ☒ Rezoning ☐ Special Land Use Permit ☐ Variance ☐ Special Exception

Variance Type: ☐ Administrative ☐ Zoning Board of Appeals ☐ Stream Buffer

Overlay District: ☐ I-20 ☒ Stonecrest

Additional Studies: ☐ Trip Generation Report ☐ Traffic Impact Study ☐ Development of Regional Impact Review ☐ Environmental Impact Review

Proposal Description: development of 240 townhome units w/ commercial component

Applicant Signature: Date: 5/16/18

Planner Signature: Date: 5/16/18

THE CITY OF STONECREST GEORGIA

Amendment Application

Owner Information

Owner's Name: LALITHA LLC

Owner's Address: 2056 SHAUDI LN, ATLANTA GA 30345

Phone: (404) 274-1965 **Fax:** **Email:** ckantipudi@gmail.com>

Property Address: See attached property information **Parcel Size:** 51.4 acres

Parcel ID: See attached property information

Current Zoning Classification: See attached property information

Requested Zoning Classification: N/A

Property Information

Name: LDG Development c/o Battle Law, P.C.

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

Phone: (404) 601-7616 Fax:

Cell: Email: red@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?

☐ Yes ☒ No

Questionnaire

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?

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?

PROPERTY INFORMATION

TOTAL: 51.4 ACRES

16 105 05 003
2601 MACEDONIA ROAD
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: C-1 (Local Commercial)
LAND USE: LIND (LIGHT INDUSTRIAL)
STONECREST OVD TIER 4

16 121 05 015
7257 COVINGTON HIGHWAY
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: RSM (Small Lot Residential)
LAND USE: LIND
STONECREST OVD TIER 4

16 121 05 003
7247 COVINGTON HIGHWAY
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: C-1 (Local Commercial)
LAND USE: LIND
STONECREST OVD TIER 4

16 120 01 013
2616 MACEDONIA ROAD
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: RSM (Small Lot Residential)
LAND USE: SUB (SUBURBAN)
STONECREST OVD TIER 4

16 120 01 003
6560 CHUPP ROAD
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: RSM
LAND USE: SUB
STONECREST OVD TIER 4

16 120 01 053
6554 CHUPP ROAD
LITHONIA 30058
OWNER: LALITHA LLC
ZONING: OI (Office/Institutional)
LAND USE: HC (HIGHWAY CORRIDOR)
STONECREST OVD TIER 4

THE CITY OF STONECREST GEORGIA

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.

Applicant's Name: LDG Development c/o Battle Law, P.C.

Applicant's Signature: | Date: 6/5/18

Notary

Sworn to and subscribed before me this 5th Day of June 20 18

Notary Public: Batoya Clements

Signature:

My Commission Expires: May 04, 2020

BATOYA CLEMENTS NOTARY PUBLIC Exp. May 04, 2020 GWINNETT COUNTY, GA

Fee

☐ Application Fee ☐ Sign Fee ☐ Legal Fee

Fee: $ | Payment: ☐ Cash ☐ Check ☐ CC | Date:

☐ Approved ☐ Approved with Conditions ☐ Denied | Date:

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

THE CITY OF STONECREST GEORGIA

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.

Property Owner (If Applicable)

Signature: [illegible] Date: May 23, 2018

Address: 2056 SHAUDI LN City, State: Atlanta GA Zip: [illegible]

Phone: 404 274 1965

Sworn to and subscribed before me this 23rd day of May, 18

Notary Public: Susan B. Jackson

SUSAN B. JACKSON
MY COMMISSION EXPIRES
NOTARY PUBLIC
JUNE 14, 2021
FAYETTE COUNTY, GEORGIA

Property Owner (If Applicable)

Signature: Susan B Jackson Date: May 23, 2018

Address: 234 Stanley Rd. City, State: Fayetteville Zip: 30214

Phone: 678 614 9547

Sworn to and subscribed before me this 23rd day of May, 2018

Notary Public:

Property Owner (If Applicable)

Signature: Date:

Address: City, State: Zip:

Phone:

Sworn to and subscribed before me this _____ day of _____, 20____

Notary Public:

THE CITY OF STONECREST GEORGIA

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").

Applicant / Petitioner	Signature:		Date: 6/5/18
	Address: 1469 South 4th Street	City, State: Louisville, KY	Zip: 40208
	Phone: (502) 345-1578		
	Sworn to and subscribed before me this 5th day of June, 20 18		
	Notary Public: Batoya Clements		
Attorney / Agent	Signature:		Date: 6/5/18
	Address: One West Ct. Sq., Ste 750	City, State: Decatur, GA	Zip: 30030
	Phone: (404) 601-7616		
	Sworn to and subscribed before me this 5th day of June, 20 18		
	Notary Public: Batoya Clements		

BATOYA CLEMENTS NOTARY PUBLIC Exp. May 04, 2020 GWINNETT COUNTY, GA

THE CITY OF STONECREST GEORGIA

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

Applicant / Owner	
	Signature:
	Address: 1469 South 4th street, Louisville, KY 40208
	Date: 6/5/18

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

Date	Government Official	Official Position	Description	Amount

STATEMENT OF INTENT AND IMPACT ANALYSIS

and

Other Material Required by
City of Stonecrest Zoning Ordinance
for the
Application for Zoning Amendment
to Change Conditions to CZ-04019

of

LDG Development
c/o Battle Law, P.C.

for

51.4± acres of land located at
7257 & 7247 Covington Highway, 2616 & 2601 Macedonia Road, and 6560 & 6554 Chupp Road
City of Stonecrest, Georgia

Submitted for Applicant by:

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

I. STATEMENT OF INTENT

The Applicant, LDG Development, LLC, is seeking a Major Change of Condition to modify four (4) of the nineteen (19) conditions approved by the DeKalb County Board of Commissioner pursuant CZ-04019 in connection with the proposed development of a ±51.4-acre tract of assembled land being 7257 and 7247 Covington Highway, 2616 and 2601 Macedonia Road, and 6560 and 6554 Chupp Road (the "Subject Property") located near the corner of Lithonia Industrial Boulevard and Covington Highway, with access off Covington Highway and Chupp Road in the City of Stonecrest, Georgia,. The Subject Property has land use designations of Suburban, (SUB) Highway Corridor (HC) and Light Industrial (LI), is currently zoned O-I, C-1 and RSM, and is located within Tier IV of the Stonecrest Overlay District. The Applicant is seeking to develop a 240-unit townhome community. Currently, the Subject Property is unimproved and heavily wooded.

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the City of South Fulton Ordinance, Section 28.4.2. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. REQUESTED MODIFICATIONS TO EXISTING CONDITIONS

The following conditions were approved pursuant to CZ-04019 for 63.6 acres of land of which the Subject Property is a portion:

COMM.
ITEM NO. H9 4,13,04
CLERK'S OFFICE Comm Johnson

Conditions of Zoning for Windgate, Inc.
CZ-04019

1. All common area shall be maintained by a mandatory homeowners association.
2. Developer shall install sidewalks on both sides of the internal streets of the Subject Property.
3. Developer shall install curb, gutter and sidewalk along its Chupp Road frontage from the property line to Lithonia Industrial Boulevard, provided the County secures permission to do so from the intervening property owner.
4. All residential dwelling units shall have a minimum of 1400 square feet of heated space.
5. Dwelling units shall have a minimum of at least 5 different designs and staggered facades.
6. Each dwelling unit shall have a fenced patio.
7. Developer shall plant at least 1 hardwood shade tree of 8-10 feet in height in the front yard of each dwelling unit prior to issuance of a certificate of occupancy for that dwelling.
8. Development shall comply with the DeKalb County tree ordinance.
9. Developer shall provide at least one recreation area that shall feature a playground and gazebo for resident use.
10. Developer shall provide interior pathways/trails linked to the recreation area(s).
11. All dwelling units shall have an attached garage for at least one (1) car.
12. All facades shall consist of brick, stucco, stone, shake shingles, or hardiplank; no vinyl or wood except on eaves, dormers, gables and similar architectural accents.
13. Detention facilities shall be screened from view by a 6 foot fence and evergreen trees and shrubs.
14. All utilities shall be underground.
15. Developer shall provide landscaping and entry treatment for each public road entrance to the Subject Property. These improvements must be installed prior to issuance of the final Certificate of Occupancy.
16. Developer shall construct deceleration lanes as required by Public Works.
17. The Development shall contain at least 100 thousand square feet of commercial space. No liquor stores, pawn shops, check cashing, billiard halls, or nail salons shall be allowed on the Subject Property.

18. **Detached commercial buildings in the Development shall have, at minimum, 2 sides brick, including a brick front façade. Attached commercial buildings shall have brick on the sides and at least as a part of the front façade and design.**

19. **Security fencing or other screening may be erected around the perimeter of the Subject Property.**

In connection with the development of the Subject Property, the Applicant is seeking to modify the following four (4) conditions as follows:

Condition 1: ***~~All common area shall be maintained by a mandatory homeowners association~~.***

The Applicant is requesting the deletion of Condition 1. The proposed townhome units will be rental units. Therefore, there will not be a homeowners association. The owner will maintain the common areas.

Condition 4: ***All residential dwelling units shall have a minimum of ~~1400~~ 1,000 square feet of heated space.***

Based upon the proposed site plan, two-bedroom dwelling units will average 1,050 to 1100 square feet and three-bedroom dwelling units will be 1,200 square feet. Therefore, the Applicant requests to reduce the minimum square feet per unit to 1,000 square feet to accommodate the proposed site plan.

Condition 11: ***~~All dwelling units shall have an attached garage for at least one (1) car.~~***

The Applicant is requesting the deletion of Condition 11. The proposed project will not have attached garages but will instead feature outdoor parking lots between buildings. This will eliminate parking on the street. It and will also offer a more aesthetically pleasing view of the properties by eliminating the driveways directly in front of the homes.

Condition 17: ***The ~~Development~~ <u>undeveloped portions the Subject Property zoned C-1 may be developed for</u> ~~shall contain~~ a <u>minimum of</u> ~~at least~~ twenty thousand square feet of***

commercial space. No liquor stores, pawn shops, check cashing, billiard halls, or nail maintain shall be allowed on the Subject Property.

The Applicant is seeking to develop the residential components of the Subject Property which will support the future development of the commercial components of the Subject Property. The proposed site plan submitted with the Application preserves the C-1 components of the Subject Property located on Lithonia Industrial Boulevard and Covington Highway for future development. The Applicant will be developing the residential component and the infrastructure and roads for the two commercial components first, with the commercial components remaining intact for future development opportunities.

III. IMPACT ANALYSIS

(a) Suitability of use: The proposed application will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The proposed project is consistent with the existing intended use of the Subject Property. The major distinction is that the units will be rental units instead of fee simple units. Yet, in reality this is a distinction without significance, as the Evans Mill Townhome community was originally developed for fee simple units, but the majority of the units in the townhome community are rental units with tax value averaging less than $30,000 per unit. The proposed development will allow for a significant upgrade in the rental townhome market in the area, and will bring roof tops to the area that will allow for the development of the commercial components of the Subject Property in the future.

(b) Effect on adjacent property: The uses of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners. The majority the

property adjacent to the Subject Property is zoned M1 and located in Tier IV of the Stonecrest Overlay District and is either undeveloped or developed with light commercial uses. Along a portion of the East side of the Subject Property are a few parcels along Covington Highway that are rezoned R-75, which are also located in Tier IV of the Stonecrest Overlay District, along with the Evans Mill Townhome community which was built in 1986 and is currently zoned MR-2. The proposed development will result in a significant increase in the current value of the Subject Property, which will only benefit the surrounding properties. Additionally, the proposed development will allow for the development of the Subject Property in an area that has had no significant development in excess of 20 years.

(c) Economic use of current zoning: The economic value of the Subject Property would be significantly diminished without the approval of the requested.

(d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area. According to the Impact Report by the DeKalb County Board of Education, Stoneview Elementary has exceeded its capacity. Lithonia Middle School and Lithonia High School are close to reaching its capacity. It should be noted, however, that this proposed development was originally approved in 2004 by the Board of Commissioners. Therefore, there has been ample time for the DeKalb County School Board to add the additional capacity needed to accommodate the anticipated student population to be generated by the proposed project.

(e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.

(f) Environmental Impact. Based upon the Environmental Site Analysis, the approval of this Application will not result in any adverse environmental impact.

IV. CONCLUSION

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

This 5th day of June, 2018.

Respectfully submitted,

Roxanne E. Daley, Esq.
Attorney For Applicant

CONSTITUTIONAL ALLEGATIONS

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 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 the Due Process Clause of the Fourteenth Amendment to 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 and capricious act by the City of Stonecrest Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of 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, the

Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Stonecrest Board of Commissioners to 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 hereinabove.

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

Public Participation Plan

Applicant: LDG Development

1. The applicant will send out notices for the proposed community meeting to those property owners identified in the property owner list generated by the City of Stonecrest and provided to the applicant at the time of submission of this application.

2. The property owners will be notified of the community meeting by postcard.

3. The applicant will hold a community meeting at 7:00pm at a location to be determined, which will be at a location within a one to two mile radius of the subject property.

4. Mailing list and copy of the letter to be mailed is attached.

Environmental Site Analysis (ESA)

1. **Conformance with the Comprehensive Plan**. The Subject Property is a 51.4 assembled tract of land located near the southern corner of Lithonia Industrial Boulevard and Covington Highway located in the City of Stonecrest. The DeKalb County Comprehensive Map, which Stonecrest temporarily adopted, shows the Subject Property as having land use designations of Light Industrial, Suburban and Highway Corridor. All parcels are within the Stonecrest Overlay District Tier 4. It is the Applicant's intent to modify the existing zoning conditions on the Subject Property to allow for the development of 240 townhome units with two commercial components. These uses conform with the Comprehensive Map.

2. **Environmental Impacts of the Proposed Project.**

   (a) **Wetlands.** According to the National Wetlands Inventory Wetlands Mapper, the information regarding wetlands varies by parcel and is as follows:
      a. **16 105 05 003 - 2601 Macedonia Road:** The subject property is located near but not within an area designated as Wetlands.
      b. **16 121 05 003 - 7247 Covington Highway:** The subject property is not located within any area designated as Wetlands.
      c. **16 121 05 015 - 7257 Covington Highway:** The subject property is not located within any area designated as Wetlands.
      d. **16 120 01 013 - 2616 Macedonia Road:** The subject property is near an area designated as Wetlands, but not within an area designated as Wetlands.
      e. **16 120 01 003 - 6560 Chupp Road:** The subject property is not within an area designated as Wetlands.
      f. **16 120 01 053 - 6554 Chupp Road:** The subject property is not within an area designated as Wetlands.

   (b) **Floodplain.** According to the FEMA National Flood Hazard interactive mapping system, the Subject Property is in an area of minimal flood hazard Zone X. The only parcel that varies from this is 16 121 05 015 - 7257 Covington Highway which is in an area of a floodway Zone AE.

   (c) **Streams/stream buffers.** Based on fields observation and verification by the Applicant's surveyor, there are wetlands located on the Subject Property. The Applicant has identified them and has included the stream buffers required by the City.

   (d) **Slopes exceeding 33 percent over a 10-foot rise in elevation.** Based on fields observation and verification by the Applicant's surveyor, there are no slopes exceeding 33 percent over a 10-foot rise in elevation on the Subject Property.

   (e) **Vegetation (including endangered species).** The Subject Property is heavily wooded, however, to the Applicant's knowledge, based on field observation there are no endangered species located on the Subject Property.

   (f) **Wildlife Species (including fish and endangered species).** Based on field observation, to the Applicant's knowledge, there are no endangered species located on the Subject Property.

(g) **Archeological/Historical Sites.** Based on field observation, to the Applicant's knowledge, there are no archeological or historical sites located on the Subject Property.

3. Project Implementation Measures

(a) **Protection of environmentally sensitive areas.** There are no environmentally sensitive areas located on the Subject Property. However, the Subject Property will be in compliance with all stream buffer requirements.

(b) **Protection of water quality.** All stormwater runoff generated from a site shall be adequately treated before discharge in accordance with Section 25-363 of the DeKalb County Code of Ordinances.

(c) **Minimization of negative impacts on existing infrastructure.** The existing infrastructure surrounding the Subject Property will not be negatively impacted by the development of the proposed project. It is the Applicant's intent to comply with all City of Stonecrest development regulations, and to connect into the existing utilities in the area in order to minimize disturbance.

(d) **Minimization on archeological/historically significant area.** To the Applicant's knowledge, there are no archeological/historically significant areas located on or near the Subject Property.

(e) **Minimization of negative impacts on environmentally stressed communities.** The proposed uses in the proposed project will be for residential and commercial uses which are generally compatible with nearby communities, as the use will be contained and to the knowledge of Applicant, will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property.

(f) **Creation and preservation of green space and open space.** The proposed project will result in the removal of trees from the Subject Property. As the proposed project is for a residential and commercial use, there will be significant green space area located on the Subject Property as shown on the site plan and required under the City's land development ordinance.

(g) **Protection of citizens from the negative impacts of noise and lighting.** All lighting on the Subject Property will be in compliance with the City rules and regulations, and in accordance with the City's noise regulations.

(h) **Protection of parks and recreational green space.** To the Applicant's knowledge, there are no parks or recreational green space in the area.

(i) **Minimization of impacts to wildlife habitats.** To the Applicant's knowledge, there are no wildlife habitats on or near the Subject Property.

Environmental Impact Report

1. **Environmental Adverse Uses.** There will not be any environmentally adverse uses.

2. **Impact on noise levels of the surrounding area.** The use of the Subject Property will be in compliance with the City rules and regulations regarding noise levels. As the use on the Subject Property will be wholly contained within the proposed improvements with adequate and required noise buffering, there should be no impact on the surrounding area from the proposed use of the Subject Property.

3. **Impact on air quality of surrounding area**. As previously stated, the proposed project will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property.

4. **Impacts of water quality/resources.** All stormwater runoff generated from a site shall be adequately treated before discharge in accordance with Section 25-363 of the DeKalb County Code of Ordinances.

5. **Impacts on vegetation, fish and wildlife species**. There are no state waters, made ponds or other water features on Subject Property. To the best of Applicant's knowledge there is no wildlife located on or near the Subject Property. The Subject Property is heavily wooded and will be cleared in accordance with all local laws and regulations.

6. **Impacts of thermal and explosive hazards on the surround areas.** The Subject Property will be used for the development of a townhome community and commercial. Currently there is no intent for thermal or explosive hazards to be located on the Subject Property, and to the extent that any such uses may be located on the Subject Property in accordance with the District Regulations, such uses will be conducted in accordance with all Federal, State and local laws and regulations.

7. **Impacts of hazardous wastes on the surrounding area.** The Subject Property will be used for a townhome community and commercial component, and to the extent that any hazardous waste is generated in connection with the operation of any business to be located on the Subject Property in accordance with the District Regulations, such waste shall be disposed of in accordance with all Federal, State and local laws and regulations.

8. **Minimization of negative impacts on environmentally stressed communities.** The proposed uses in the proposed project are generally compatible with nearby residential communities, as the use will be contained wholly within the properties, and to the knowledge of Applicant, will not generate any measurable dust, vibrations, odor, glare, emissions or noise beyond the Subject Property. Furthermore, to the best of the Applicant's knowledge, there are no environmental stressed communities within the general vicinity of the Subject Property.

DeKalb County School District
Development Review Comments

Analysis Date: 6/1/2018

Submitted to: City of Stonecrest/Battle Law PC

Case #:

Parcel #: 16 105 05 003,
16 121 05 003/015
16 120 01 003/013/053

Name of Development: LDG Development in NW Stonecrest

Location: Near Covington Hwy, Lithonia Industrial, and Chupp Rd

Description: New affordable townhome apartment community proposed for mostly vacant property off of Covington Hwy, Lithonia Industrial Blvd, and Chupp Rd.

Impact of Development: When fully constructed, this development would be expected to generate 124 students: 53 at Stoneview ES, 23 at Lithonia MS, 23 at Lithonia HS, and 25 at other DCSD schools. Stoneview ES enrollment is already over the facility capacity and this development would require additional portable classrooms to be installed. Lithonia HS may also be impacted and require new portable classrooms.

Current Condition of Schools	Stoneview ES	Lithonia MS	Lithonia HS	Other DCSD Schools	Private Schools	Total
Capacity	663	1,188	1,416			
Portables (Fall 2018)	8	0	0			
Enrollment (Fcst. Oct. 2018)	849	1,138	1,409			
Seats Available	-186	50	7			
Utilization (%)	128.1%	95.8%	99.5%			
New students from development	53	23	23	25	0	124
New Enrollment	902	1,161	1,432			
New Seats Available	-239	27	-16			
New Utilization	136.0%	97.7%	101.1%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.217889	0.071456	0.000000	0.289345
Middle	0.096385	0.013349	0.000000	0.109734
High	0.095565	0.021510	0.000000	0.117075
Total	**0.4098**	**0.1063**	**0.0000**	**0.5162**

Student Calculations

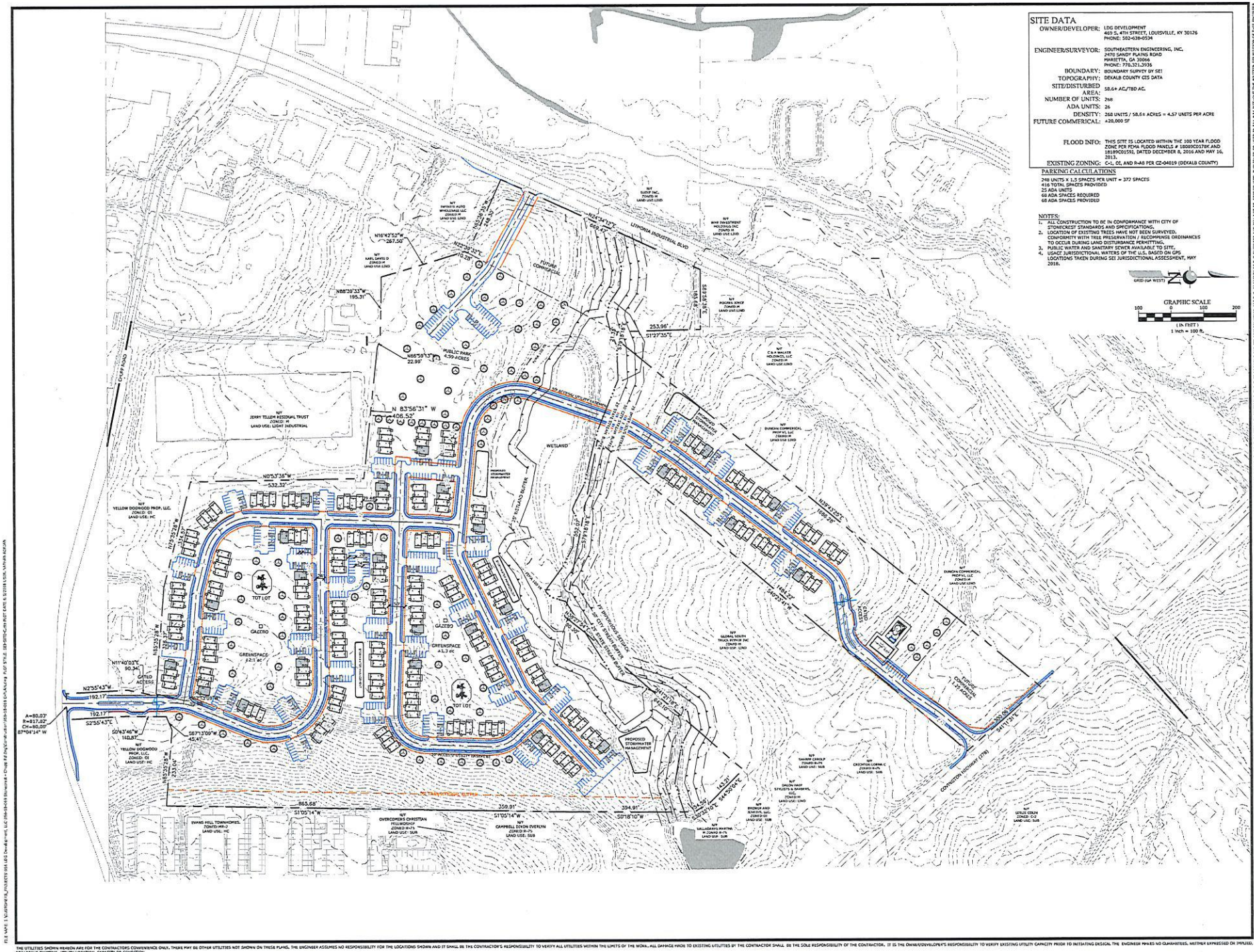
Proposed Units	240
Unit Type	TH/Apt
Cluster	Lithonia

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	52.29	17.15	0.00	69.44
Middle	23.13	3.20	0.00	26.33
High	22.94	5.16	0.00	28.10
Total	**98.36**	**25.51**	**0.00**	**123.87**

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Stoneview ES	53	17	0	70
Lithonia MS	23	3	0	26
Lithonia HS	23	5	0	28
Total	**99**	**25**	**0**	**124**

Trip Generation Report

Land Use (ITE Code)	Intensity	Daily	A.M. Peak			P.M. Peak		
		Total	In	Out	Total	In	Out	Total
Townhouse (230)	268 Units	1557	20	98	118	93	46	139
Shopping Center (820)	20,000 S.F.	854	12	7	19	36	39	74
TOTAL		2411	32	105	137	129	85	213



SITE DATA

OWNER/DEVELOPER:	LDG DEVELOPMENT 409 S. 4TH STREET, LOUISVILLE, KY 30126 PHONE: 502-638-0534
ENGINEER/SURVEYOR:	SOUTHEASTERN ENGINEERING, INC. 2470 SANDY PLAINS ROAD MARIETTA, GA 30066 PHONE: 770.321.2936
BOUNDARY:	BOUNDARY SURVEY BY SEI
TOPOGRAPHY:	DEKALB COUNTY GIS DATA
SITE/DISTURBED AREA:	58.6± AC/TBD AC.
NUMBER OF UNITS:	268
ADA UNITS:	26
DENSITY:	268 UNITS / 58.6± ACRES = 4.57 UNITS PER ACRE
FUTURE COMMERICAL:	±20,000 SF
FLOOD INFO:	THIS SITE IS LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13089C0175K AND 13089C0159J, DATED DECEMBER 8, 2016 AND MAY 16, 2013.
EXISTING ZONING:	C-1, OI, AND R-A8 PER CZ-04019 (DEKALB COUNTY)

PARKING CALCULATIONS

268 UNITS X 1.5 SPACES PER UNIT = 372 SPACES
416 TOTAL SPACES PROVIDED
25 ADA UNITS
68 ADA SPACES REQUIRED
68 ADA SPACES PROVIDED

NOTES:

1. ALL CONSTRUCTION TO BE IN CONFORMANCE WITH CITY OF STONECREST STANDARDS AND SPECIFICATIONS.
2. LOCATION OF EXISTING TREES HAVE NOT BEEN SURVEYED. CONFORMITY WITH TREE PRESERVATION / RECOMMENDE ORDINANCES TO OCCUR DURING LAND DISTURBANCE PERMITTING.
3. PUBLIC WATER AND SANITARY SEWER AVAILABLE TO SITE.
4. USACE JURISDICTIONAL WATERS OF THE U.S. BASED ON GPS LOCATIONS TAKEN DURING SEI JURISDICTIONAL ASSESSMENT, MAY 2018.

SOUTHEASTERN ENGINEERING, INC.
2470 Sandy Plains Road, Marietta, Georgia 30066
tel 770.321.2936 fax 770.321.2937
www.seiengineering.com

No	ISSUED DESCRIPTION	DATE

DESIGN PROFESSIONAL: SOUTHEASTERN ENGINEERING, INC. 2470 SANDY PLAINS ROAD MARIETTA, GA 30066 770-321-2936 FAX
OWNER: LDG DEVELOPMENT
409 S. 4TH STREET
LOUISVILLE, KY 30126
502-638-0534 FAX
CBYRD@LDGDEVELOPMENT.COM
24 HOUR CONTACT INFORMATION
CHRIS BYRD 502-638-0534

ZONING EXHIBIT

LDG STONECREST - CHUPP ROAD

PROJECT LOCATED AT:
LL 105, 120, & 121 OF THE 16TH DISTRICT
6554 CHUPP ROAD STONECREST, GA 30058
DEKALB COUNTY

ISSUED FOR: SUBMITTAL

Project No.: 956-18-069
Designed By: NPA
Issue Date: 4/3/2018

ZE-1

811 Know what's below. Call before you dig.

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO VERIFY EXISTING UTILITY CAPACITY PRIOR TO INITIATING DESIGN. THE ENGINEER MAKES NO GUARANTEES, NEITHER EXPRESSED OR IMPLIED, REGARDING EXISTING UTILITY LOCATION, CAPACITY OR CONDITION.

LEGAL DESCRIPTION

All that tract of parcel of land lying and being in Land Lots 105, 120, and 121 of the 16th District, 16th Section, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at a point at the northwestern corner of Land Lot 120, also being the common corner for Land Lots 104, 105, 120 and 121, said point being the TRUE POINT OF BEGINNING;

THENCE proceeding along the line common to Land Lots 105 and 120, said line being the western property line of lands now or formerly owned by Duncan Commercial Properties Vi LLC, as per Deed Book 26611 Page 561, Dekalb County Records, SOUTH 01 DEGREES 27 MINUTES 35 SECONDS EAST a distance of 253.96 feet to a point;

THENCE proceeding along the southerly line of the aforementioned lands, SOUTH 79 DEGREES 18 MINUTES 18 SECONDS EAST a distance of 21.35 feet to a point;

THENCE proceeding along the easterly line of the aforementioned lands, NORTH 39 DEGREES 43 MINUTES 25 SECONDS EAST a distance of 1686.28 feet to a point located on the southerly right-of-way line of Covington Highway (a.k.a U.S. Highway 278 and State Highway 12) (85 foot right-of-way per Georgia Department of Transportation, Right-of-Way Map, Project RF-195-1, dated March 7, 1977);

THENCE proceeding along the aforesaid right-of-way, SOUTH 41 DEGREES 11 MINUTES 31 SECONDS EAST a distance of 300.06 feet to a point;

THENCE leaving the aforesaid right-of-way and proceeding along the westerly line of lands now or formerly owned by Global South Truck Repair, INC., as per Deed Book 25277 Page 728, Dekalb County Records, SOUTH 40 DEGREES 23 MINUTES 41 SECONDS WEST a distance of 1484.22 feet to a point;

THENCE proceeding along the southerly line of the aforementioned lands, SOUTH 79 DEGREES 18 MINUTES 18 SECONDS EAST a distance of 552.07 feet to a point;

THENCE proceeding along the easterly line of the aforementioned lands the following courses and distances

- NORTH 38 DEGREES 27 MINUTES 54 SECONDS EAST a distance of 80.30 feet to a point;
- NORTH 41 DEGREES 21 MINUTES 18 SECONDS EAST a distance of 642.10 feet to a point, said point being the common corner of lands now or formerly owned by Dalon Hair Stylists and Barbers, LLC., as per Deed Book 25522 Page 241, and lands now or formerly owned by Brewer Jenkins, LLC, as per Deed Book 25441 Page 557, Dekalb County Records;

THENCE proceeding along the southerly line of the aforementioned lands now or formerly owned by Brewer and Jenkins, LLC., SOUTH 44 DEGREES 50 MINUTES 04 SECONDS EAST a distance of 143.21 feet to a point, said point being the common corner of the aforementioned lands and lands now or formerly owned by Martha M. Valladares and Pablo Flores, as per Deed Book 24916 Page 147, Dekalb County Records;

THENCE proceeding along the southerly line of the aforementioned lands now or formerly owned by Martha M. Valladares and Pablo Flores, SOUTH 30 DEGREES 32 MINUTES 10 SECONDS EAST a distance of 54.59 feet to a point located on the common line of Land Lots 120 and 121, and being the northwesterly common corner to the aforementioned lands and the lands now or formerly owned by Campbell Dixon Everlyn, as per Deed Book 26776 Page 705, Dekalb County Records;

THENCE proceeding along the line westerly line of the aforementioned lands the following courses and distances:

- SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST a distance of 394.91 feet to a point;
- SOUTH 00 DEGREES 18 MINUTES 10 SECONDS WEST a distance of 359.91 feet to a point, said point being the common corner of the aforementioned lands now or formerly owned by Campbell Dixon Everlyn and the lands now or formerly owned by Karen Icklan, as per Deed Book 13912 Page 708;

THENCE proceeding SOUTH 01 DEGREES 05 MINUTES 14 SECONDS WEST a distance of 166.08 feet to a point, said point being the common corner of the aforementioned lands and lands now or formerly known as the Evans Mill Townhomes, as per Plat Book 81 Page 106, Dekalb County Records;

THENCE proceeding along the westerly line of the aforementioned lands known as Evans Mill Townhomes, SOUTH 01 DEGREES 05 MINUTES 14 SECONDS WEST a distance of 699.60 feet to a point, said point being the common corner of the aforementioned lands and lands now or formerly owned by Yellow Dogwood Properties, LLC., as per Deed Book 19231 Page 273, Dekalb County Records;

THENCE proceeding along the northerly line of the aforementioned lands the following courses and distances:

- NORTH 85 DEGREES 35 MINUTES 28 SECONDS WEST a distance of 233.04 feet to a point;
- SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST a distance of 45.41 feet to a point;

THENCE proceeding along the westerly line of the aforementioned lands the following courses and distances:

- SOUTH 00 DEGREES 43 MINUTES 46 SECONDS WEST a distance of 110.87 feet to a point;
- SOUTH 02 DEGREES 55 MINUTES 43 SECONDS EAST a distance of 192.17 feet to a point located on the northerly right-of-way of Chupp Road (right-of-way varies);

THENCE along the aforesaid right-of-way, following a curve to the right an arc length of 80.03 feet (said curve having a radius of 817.82 feet and a chord bearing of SOUTH 87 DEGREES 04 MINUTES 14 SECONDS WEST and a chord distance of 80.00 feet) to a point, said point being located at the common corner of the aforesaid right-of-way and the lands now or formerly owned by Yellow Dogwood Properties, LLC., as per Deed Book 19231 Page 273, Dekalb County Records;

THENCE leaving said right-of-way of Chupp Road and proceeding along the easterly line of the aforementioned lands the following courses and distances:

- NORTH 02 DEGREES 55 MINUTES 43 SECONDS WEST a distance of 192.17 feet to a point;
- NORTH 11 DEGREES 40 MINUTES 03 SECONDS EAST a distance of 90.34 feet to a point, said point being located on the northerly line of the aforementioned lands;

THENCE proceeding along the northerly line of the aforementioned lands the following courses and distances:

- SOUTH 67 DEGREES 13 MINUTES 09 SECONDS WEST a distance of 10.98 feet to a point;
- NORTH 85 DEGREES 35 MINUTES 28 SECONDS WEST a distance of 326.37 feet to a point;
- NORTH 75 DEGREES 35 MINUTES 28 SECONDS WEST a distance of 334.57 feet to a point;

THENCE proceeding NORTH 00 DEGREES 53 MINUTES 36 SECONDS WEST a distance of 532.32 feet to a point, said point being the common corner of lands now or formerly owned by Yellow Dogwood Properties, LLC., as per Deed Book 22152 Page 97, Dekalb County Records;

THENCE proceeding along the northerly line of the aforementioned lands, NORTH 83 DEGREES 56 MINUTES 31 SECONDS WEST a distance of 406.52 feet to a point, said point being located on the easterly margin of Macedonia Road;

THENCE proceeding NORTH 66 DEGREES 59 MINUTES 13 SECONDS WEST a distance of 22.99 feet to a point, said point being located on the westerly margin of Macedonia Road;

THENCE leaving the said margin and proceeding along the northerly line common to lands now or formerly owned by Karl D. Davis and Steve I. Young, as per Deed Book 26409 Page 758, Dekalb County Records, the following courses and distances:

- NORTH 88 DEGREES 39 MINUTES 33 SECONDS WEST a distance of 195.31 feet to a point;
- NORTH 16 DEGREES 42 MINUTES 52 SECONDS WEST a distance of 267.50 feet to a point;
- NORTH 22 DEGREES 39 MINUTES 32 SECONDS EAST a distance of 10.28 feet to a point, said point being the common corner of the aforementioned lands and lands now or formerly owned by Infinite Automobile Wholesale, LLC., as per Deed Book 25196 Page 723, Dekalb County Records;

THENCE proceeding along the northerly line of the aforementioned lands, NORTH 65 DEGREES 38 MINUTES 35 SECONDS WEST a distance of 248.30 feet to a point, said point being located on the easterly right-of-way of Lithonia Industrial Boulevard (80 foot right-of-way);

THENCE proceeding along the aforesaid right-of-way, NORTH 24 DEGREES 34 MINUTES 12 SECONDS EAST a distance of 669.42 feet to a point located on the line common to Land Lots 105 and 120;

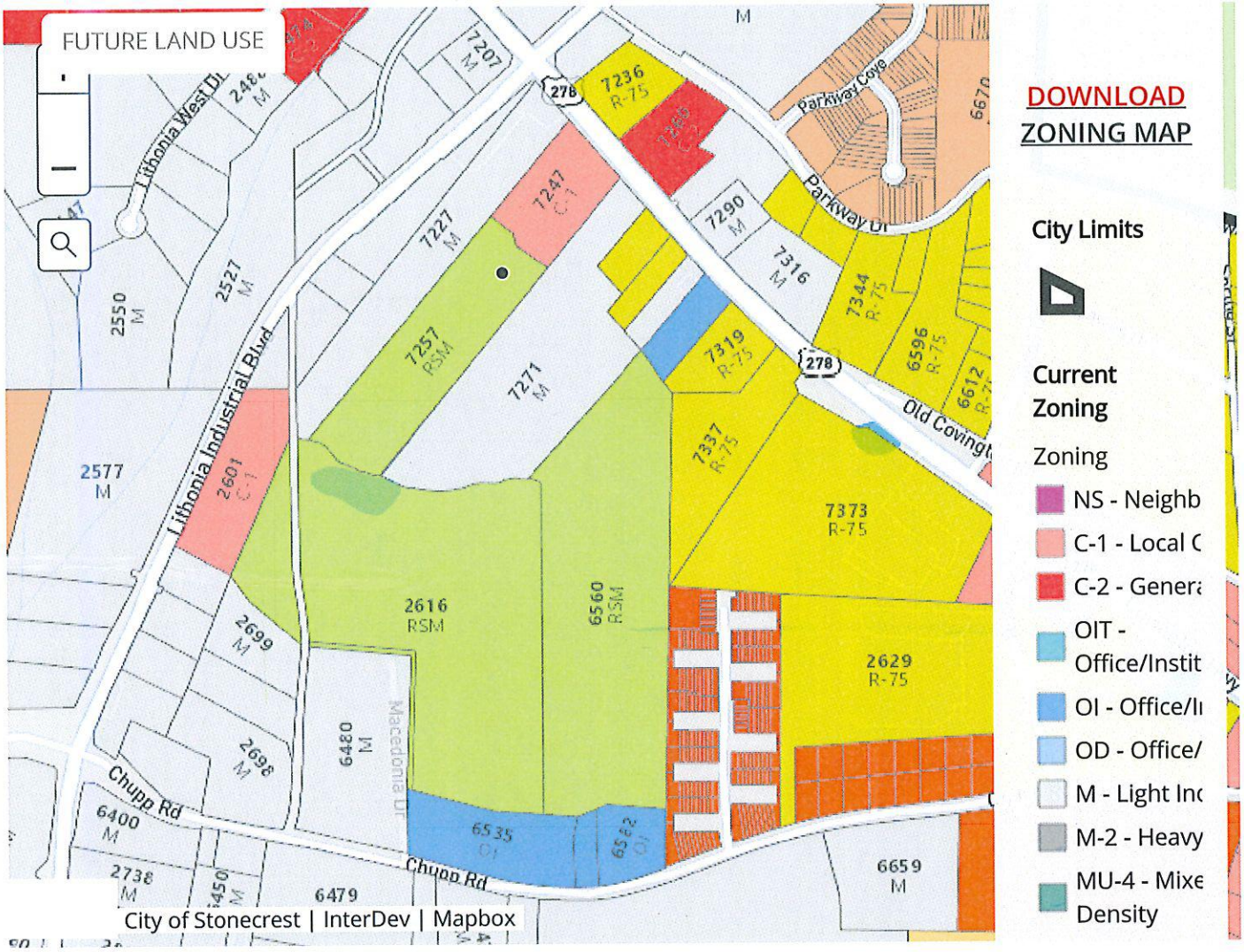
THENCE proceeding along the aforementioned land lot line, SOUTH 89 DEGREES 58 MINUTES 38 SECONDS EAST a distance of 185.68 feet to a point, said point being the TRUE POINT OF BEGINNING,

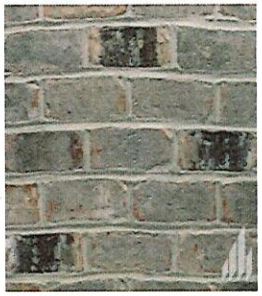
Said parcel contains 2535149 Square Feet or 58.199 Acres

Explore Stonecrest

City of Stonecrest, Georgia

WELCOME COUNCIL DISTRICTS CURRENT ZONING ZONING OVERLAYS





LDG Development

MONTICELLO PARK PHASE II DEVELOPMENT

LDG Development

MONTICELLO PARK PHASE II DEVELOPMENT

AERIA VIEW