



# DEKALB COUNTY PLANNING DEPARTMENT

1300 Commerce Drive, Suite 400, Decatur, Georgia 30030-3221

Phone: (404)371-2155

Fax: (404)371-2813



DeKalb County

The Honorable Vernon Jones  
Chief Executive Officer

## ZONING ANALYSIS

Planning Department

Raymond R. White, AICP,  
Director

**Case No:** CZ-04038

**Agenda #:** 26

**Parcel-ID:** 18-131-01-001 18-131-01-002 18-131-01-004 18-131-01-005 18-131-01-006

**Applicant:** Park Springs, LLC

**Commission Districts:** 4 and 7

**Agent Authorized By:**

**Signed by:**

**Location:** southwest side of New Bermuda Road, south of West Park Place Boulevard

**SITE CHARACTERISTICS:** Mixed use development under construction

**Adjacent Land Use:** State park, abandoned airport, low density residential, commercial.

**Adjacent Zoning:** R-150, M-2, and R-100

**Compatibility of size and configuration with development standards (sketch attached if necessary):**

Meets zoning conditions approved by the Board of Commissioners.

**Comprehensive Plan Recommendation:** LMR, OPR and LDR. (LMR on portion of development being amended).

**Existing Zoning:** RM-100, R-50, R

**Proposed Zoning:** RM-100, R-50, R-150, OI (cond)

**Est. Max Net Density/Acre:** (Varies)

**Est. Max Net Density/Acre:** N/A

**Estimated Max. Units:** (app zoning)

**Estimated Max. Units:** N/A

**CONDITIONS REQUESTED BY APPLICANT:**

**Acreage:** 52.7

The application is conditioned on a revised site plan which proposes a change in the height of the RM-100 portion of the property.

### **ZONING HISTORY:**

(CZ-97041) M-2 and R-100 to RM-100, R-50, and OI (cond.)

P.D. - Approval w/ conditions; P.C.- 7/1/97, Deferral; B.C.- 7/22/97, Approved amended application w/ conditions

### **PLANNING DEPARTMENT RECOMMENDATION (S):**

Approval with conditions. This proposal is to increase the height of the structures in the RM-100-zoned part of the property and to change the configuration from one large L-shaped structure originally approved on the site plan to three (3) four-story buildings. The property was originally rezoned in July, 1997, based on a list of conditions and a conceptual site plan. The increase in height is considered appropriate based on a previous action to alter the conditions of zoning on structures in May, 2000. The 2000 action allowed 4/5 story splits on the OI-zoned portion. The construction of this development is well under way, with many facilities already in place. Staff

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

**ACTION: 26. CZ-04038**

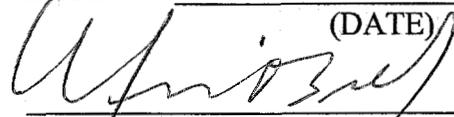
MOTION was made by Commissioner Ellis, seconded by Commissioner Walker, and passed 6-0-0-1 to approve with conditions recommended by staff, the rezoning application of Park Springs, LLC. Commissioner Yates was absent and not voting.

ADOPTED: MAR 24 2004  
(DATE)



PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

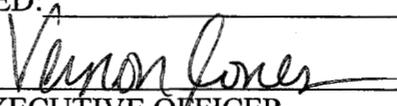
CERTIFIED: MAR 24 2004  
(DATE)



CLERK,  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

APPROVED: APR 05 2004



CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

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

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

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

**MINUTES:**

**Commissioner Yates left the meeting at 8:30 p.m.**

Victor Ellis, 1239 Peachtree Street, Atlanta, Ga. 30309, spoke in support of the application.

No one spoke in opposition of the application.

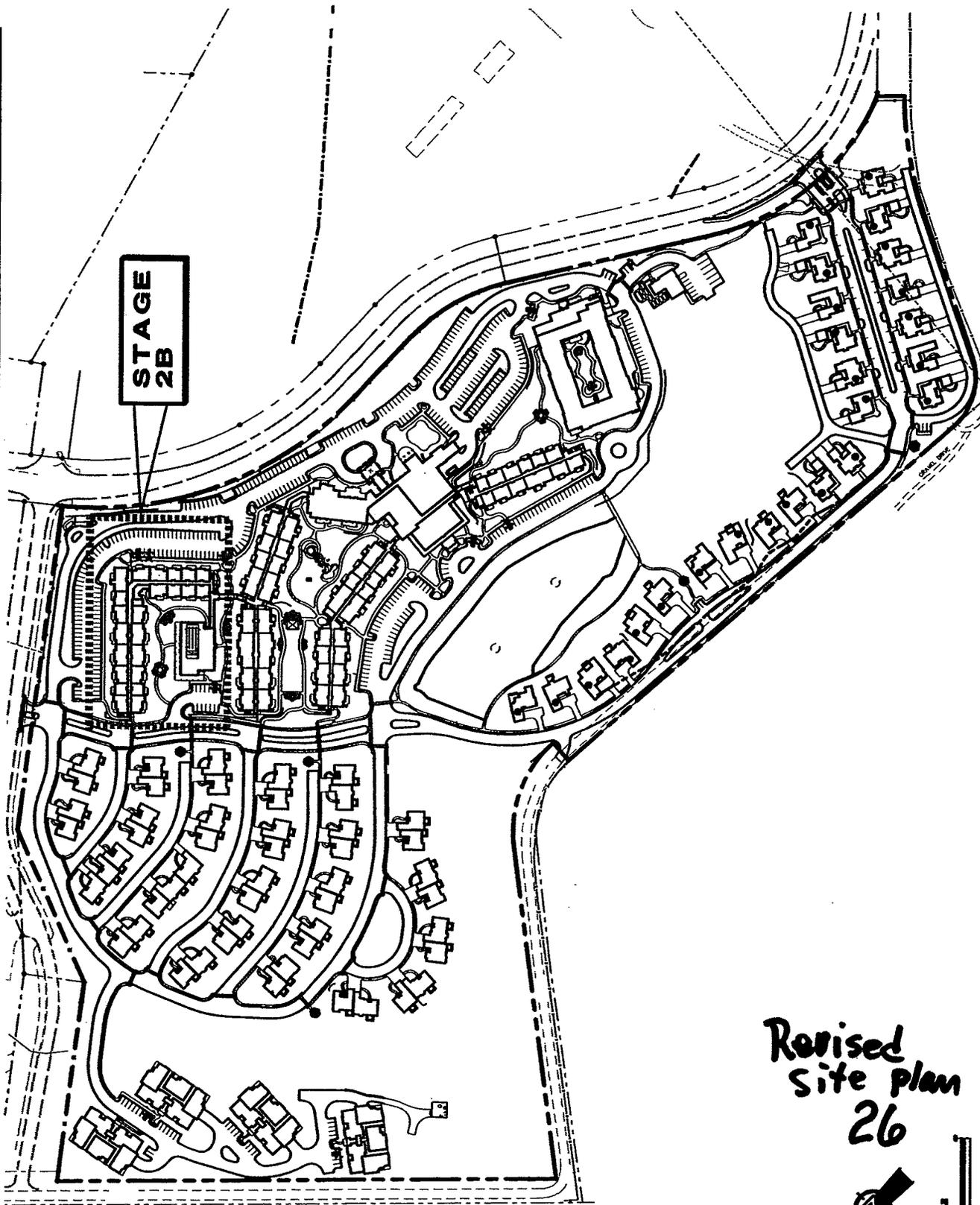
	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - GALE WALLDORFF	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - BURRELL ELLIS	<u>X</u>	_____	_____	_____
DISTRICT 5 - HANK JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 6 - JUDY YATES	_____	_____	_____	<u>X</u>
DISTRICT 7 - LOU WALKER	<u>X</u>	_____	_____	_____

recommendation is for approval based on the following:

1. Increase in height on the RM-100 portion to four stories.
2. Total number of units to remain at 194.
3. One building originally approved to now become three (3) structures.
4. With the exception of the changes to condition number seven and the concurrent modification to the site plan, and the alteration to the OI zoning conditions of May 23, 2000, all other conditions of the original rezoning of July 22, 1997 to remain in effect.

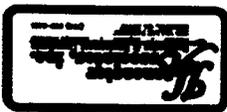


# PARK SPRINGS AT STONE MOUNTAIN



STAGE  
2B

Revised  
Site plan  
26



PARK SPRINGS AT STONE MOUNTAIN  
GENERAL ZONING PLAN



# SMITH, GAMBRELL & RUSSELL, LLP

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Victor A. Ellis

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Direct Fax No. - 404-685-7028

E-Mail - vaellis@sgrlaw.com

February 3, 2004

VIA HAND DELIVERY

Mr. Robert H. Maxey  
Zoning Administrator  
DeKalb County Planning Department  
1300 Commerce Drive Suite 400  
Decatur, Georgia 30030

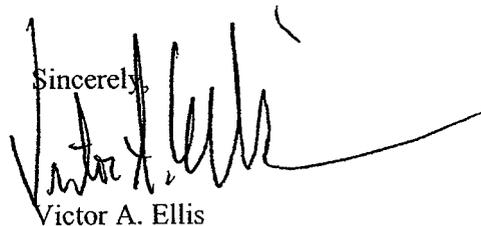
Re: Z-04038 - Rezoning Application of Park Springs, LLC for ± 52.705 acres on Bermuda Road at West Park Place Boulevard

Dear Bob:

I have attached five (5) full-size and one (1) 8.5" x 11" reduced copies of both the original and revised zoning plans for the above-referenced application of my client, Park Springs, LLC. Please note that this is actually an "Alteration of Conditions" application. This proposal seeks solely to modify Condition No. 7 of the original rezoning (CZ-97041) to allow 3 four-story buildings for "Stage 2B" of the development instead of one, large, L-shaped building using a "3/4 split" as originally approved in 1997. This approach will allow a much more aesthetically pleasing development while reducing substantially the amount of surface parking and impervious surface approved with the original rezoning.

As always, thank you very much for your attention to this matter and please call me at your leisure if you have any questions.

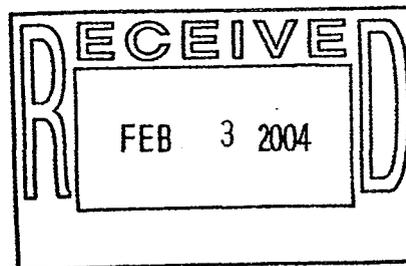
Sincerely,



Victor A. Ellis

VAE/Imm  
Enclosures

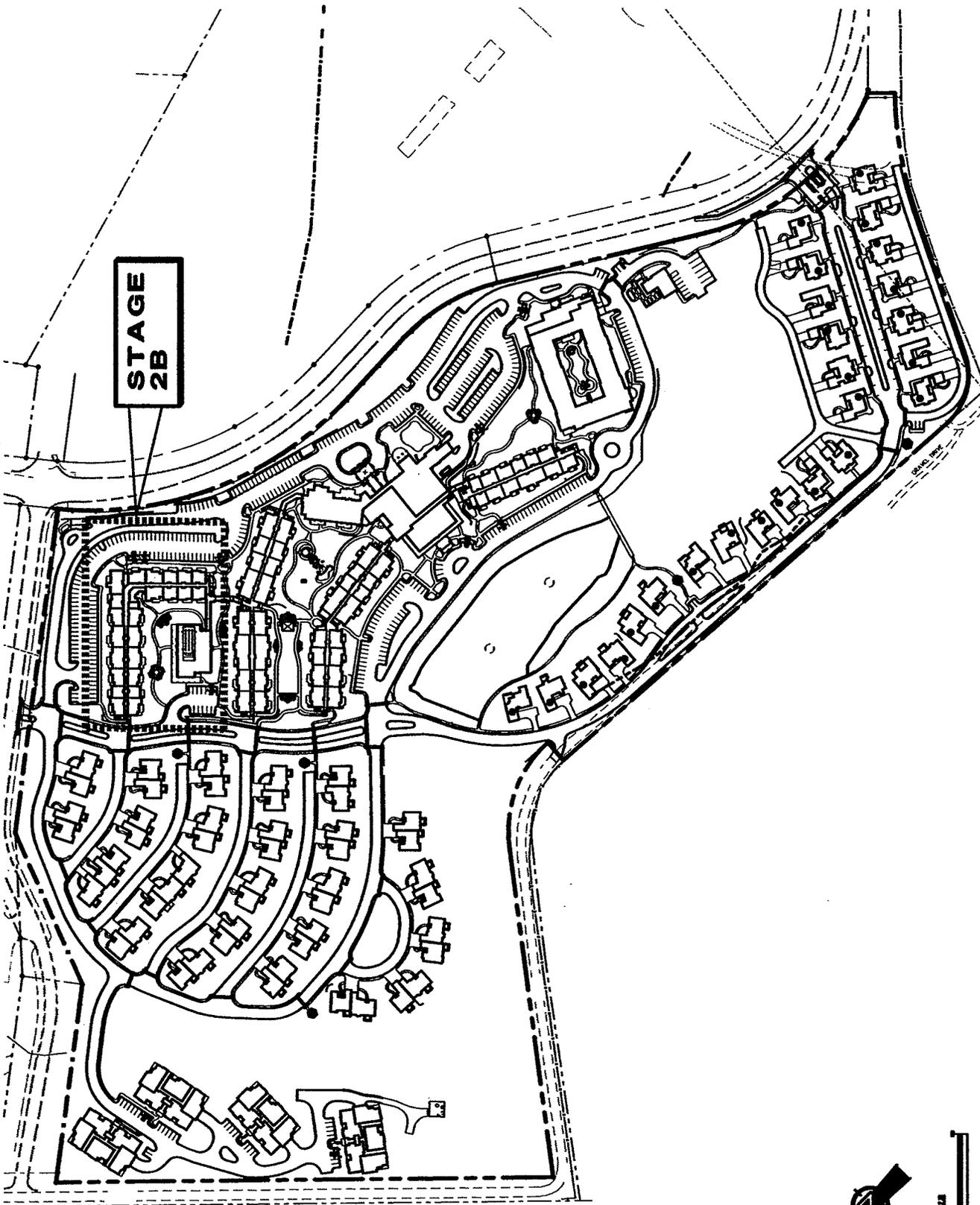
cc: Mr. Kevin Isakson  
Kathryn M. Zickert (*without encl.*)



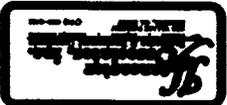
26

LIT/848909.1

# PARK SPRINGS AT STONE MOUNTAIN



STAGE  
2B



PARK SPRINGS AT STONE MOUNTAIN  
GENERAL ZONING PLAN



Approved  
Conditions of Zoning

CZ-97041

7/22/97

see  
attached

1. ~~The entirety of the project whose approval is sought by this application shall be a senior retirement community as designated in the Fair Housing Amendment Act. The R-50 part of the project shall contain no more than 50 homes. The O-1 part of the project shall contain assisted living facilities with no more than 120 units. The RM-180 part of the project shall contain no more than 394 units.~~
2. Bermuda road, the right-of-way for which already has been donated, shall be improved to County specifications prior to occupancy.
3. Only the single-family component of the project may be accessed by the existing Bermuda Road right-of-way. The balance of the community will be accessed from the newly improved Bermuda Road.
4. The project components shall be connected internally by pedestrian walkways.
5. All lighting shall be of controlled footprint so as to minimize glare.
6. Monument signage shall be utilized throughout the project.
7. ~~The exterior façade of the residential units shall consist of stucco, brick, architectural stone or siding. No exposed concrete block shall be permitted.~~
8. Any outdoor amenities package for this project will be oriented internal to the property.

see  
attached

9. see attached.

10. see attached.

26

original  
Conditions

CONDITIONS OF ZONING  
ISAKSON-BARNHART DEVELOPMENT CO.  
REZONING APPLICATION  
LP-97028  
CZ-97041

- 1. Replace first Paragraph of Amended Conditions of Zoning with the following:

The Property shall be developed as a continuous care senior retirement community as per the requirements of the Fair Housing Amendments Act. The tracts covered by these applications shall be the following sizes and districts:

24.36 acres: for attached or detached independent living units at not more than 8 units per acre, under the RM-100 zoning district.

*Limited to 194 units.*

13.48 acres: for attached independent living units and assisted living units (total of which cannot exceed 320 units) under the O-I zoning district.

13.45 acres: for detached independent living units under the R-50 zoning district.

*No more than 50 units.*

The restriction upon use of this community by senior citizens in accordance with the Fair Housing Act also shall apply to any subleases, resales, or other occupancy of the premises not arranged by the developer/owner. The number of occupants allowed to reside in any dwelling unit shall be as defined by DeKalb County Code.

Conditions 2 through 6 are the same as appear on the amended condition list.

- 7. A new seventh condition shall read as follows:

The exterior facade of any building constructed on the Property shall consist of brick, stucco, drivet, architectural stone, or siding and shall represent a residential design, including roof treatment. No exposed concrete block shall be permitted. Unless otherwise agreed by an authorized representative of the Rockbridge-Deshon Civic Coalition, the front elevations of all structures over two stories in height shall contain at least 50% masonry, stucco or drivet, or architectural stone. No elevation shall exceed three stories in height from finished grade, but this prohibition shall not prevent "3/4 splits". Any fencing erected along the perimeter of the project shall be of architectural design consistent with the project as a whole, or otherwise shall consist of black or green vinyl-coated

*orig. cond.*

*26*

\* Not with standing the above, no more than 10% of the other structures shall be 100% siding. Ten percent of all buildings may be 100% siding. The other 90% in its entirety shall have at least 50% of the front facade in masonry.

chain link fence or screened with landscaping materials.

Condition 8 shall remain the same as on the amended condition list.

A new condition 9 shall be added as follows: The developer shall comply with the terms of the DeKalb County Tree Ordinance in developing the Subject Property and shall use its best efforts to replant the trees required thereunder on the Subject Property or on public property within the immediate area, i.e. Stone Mountain Park.

A new condition 10 shall be added as follows: Developer shall work with the Stone Mountain Park Authority to create a pedestrian/bicycle entrance on the eastern side of the Park for use by its residents and the surrounding communities. The developer also shall construct a walking/bicycle path along New Bermuda Road to connect to the pedestrian access easement reserved as such on the conceptual site plan for this project.



DeKalb County

The Honorable Vernon Jones  
Chief Executive Officer

## DEKALB COUNTY PLANNING DEPARTMENT COMMENTS ON ZONING MATTERS SET FORTH IN



PLANNING DEPARTMENT

Raymond R. White,  
AICP, Director

**O.C.G.A. 36-67-3**

**Agenda Number: 26**

**APPLICATION #:: CZ-04038**

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

The zoning proposal will permit a use which is 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 will permit a use which is suitable in view of the existing use and development of adjacent and nearby properties and given the conditions approved by the Board of Commissioners in 1997 and the alteration of 2000.

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

It is not possible for the zoning analysis staff to determine whether the property has a reasonable economic value as currently zoned.

**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 use or usability of adjacent or nearby residential properties.

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

It is not possible for the zoning analysis staff to determine whether the property affected by the zoning proposal has a reasonable economic value as currently zoned.

**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:**

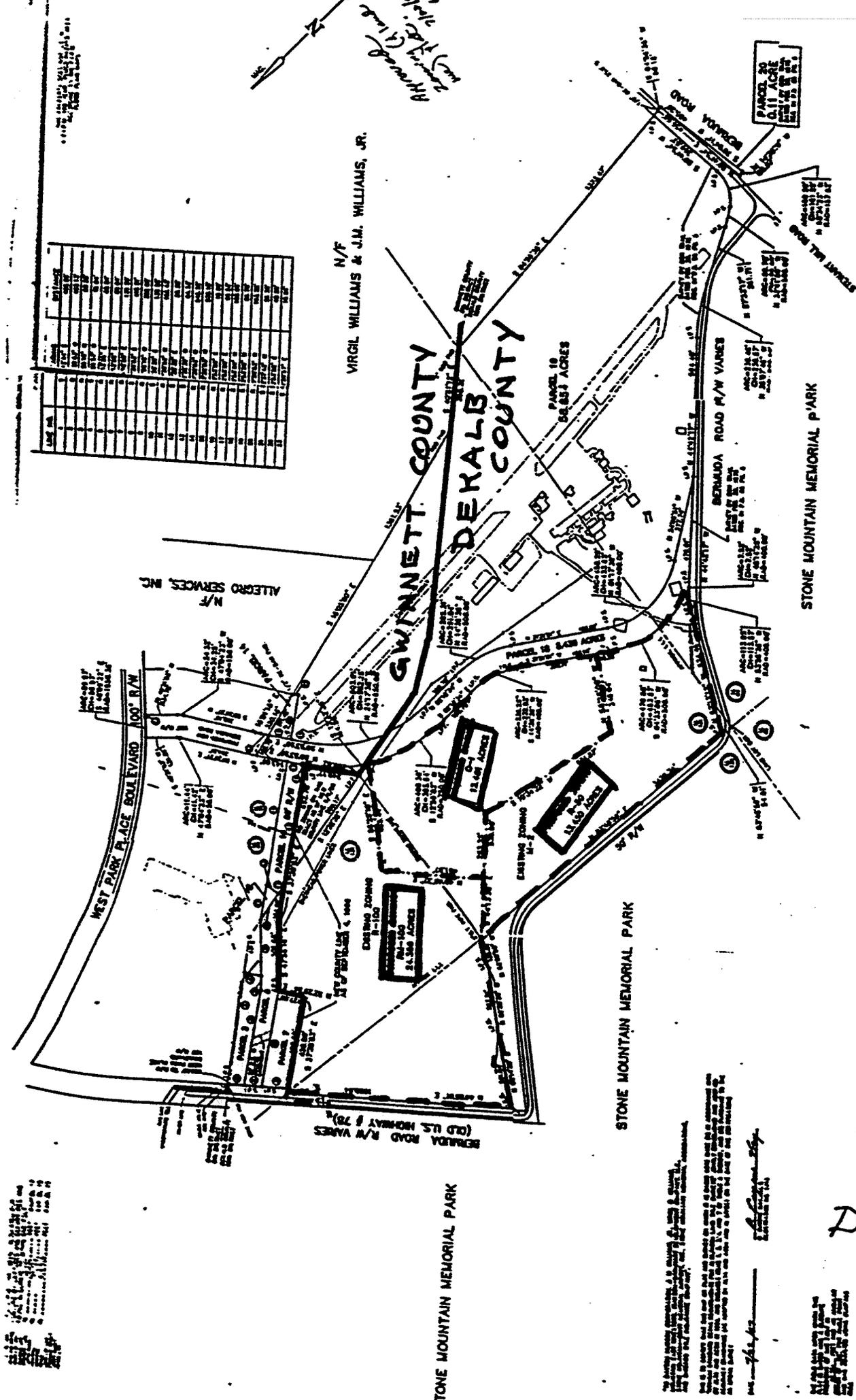
See Zoning Analysis and Staff recommendation.

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

This proposal is not expected to adversely effect 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:**

This zoning proposal will not result in a use which could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed development, now under construction, is a retirement community.



SURVEY FOR  
**STONE MOUNTAIN MEMORIAL ASSOCIATION &  
 ISAKSON/BARNHART DEVELOPMENT CO. LLC. &  
 CHICAGO TITLE INSURANCE COMPANY**  
 LAND LOTS 89 & 90 6TH DIST. GWINNETT COUNTY, GEORGIA  
 LAND LOTS 84, 130, & 131 18TH DIST. DEKALB COUNTY, GEORGIA  
 1987



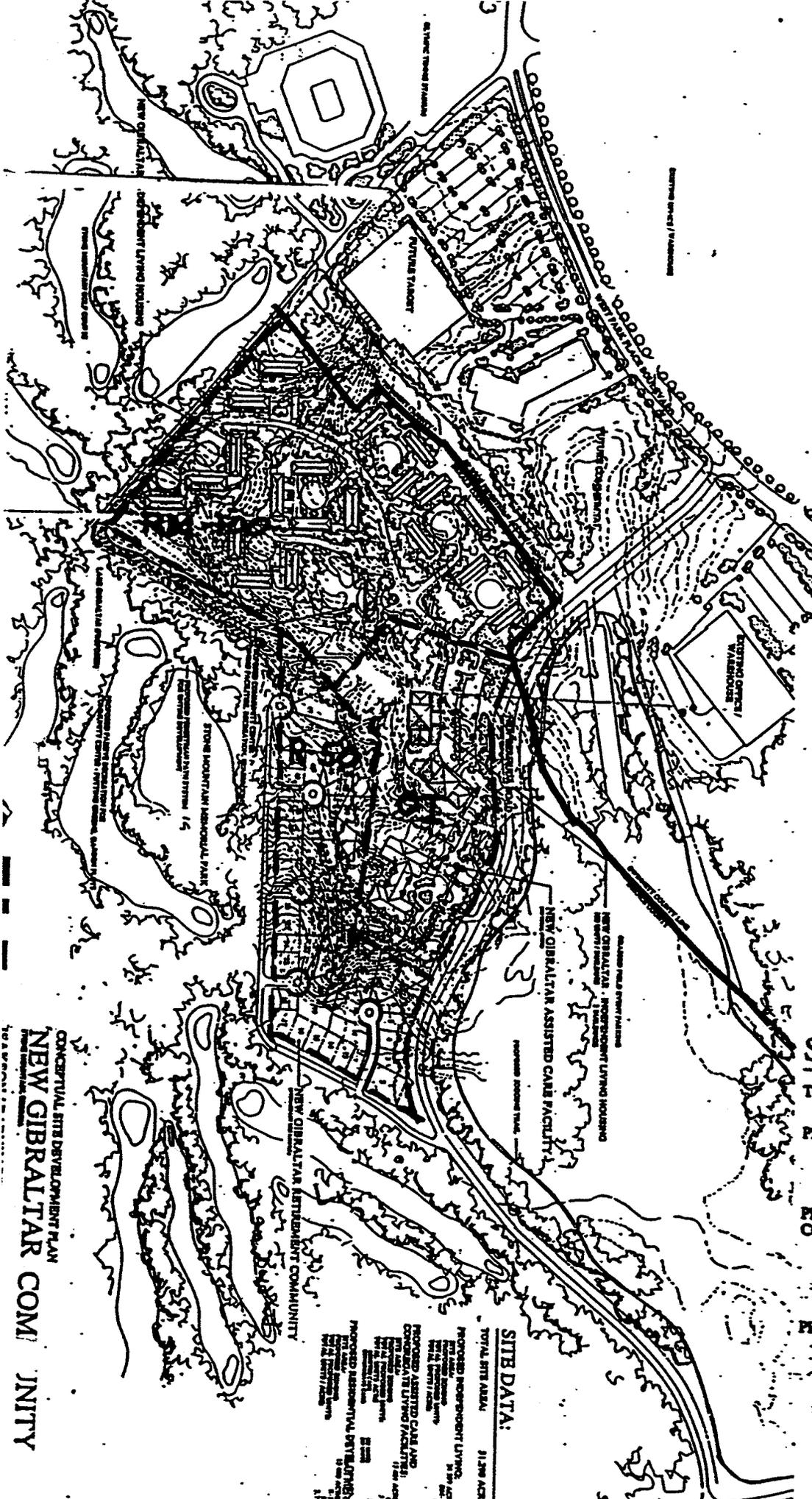
**EVEY CONCEPTS, INC.**  
 1071 WILSON DRIVE • SUITE 100  
 ATLANTA, GEORGIA 30329  
 (404) 525-1100

D-45

THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES INTO ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA SURVEYING ACT OF 1977, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, GEORGIA. I AM A LICENSED SURVEYOR IN THE STATE OF GEORGIA.

I HEREBY CERTIFY THAT THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES INTO ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA SURVEYING ACT OF 1977, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, GEORGIA. I AM A LICENSED SURVEYOR IN THE STATE OF GEORGIA.

DATE: 10/15/87  
 SURVEYOR: [Signature]  
 LICENSE NO. 12345



26.  
original site  
plan of 1997

**SITE DATA:**

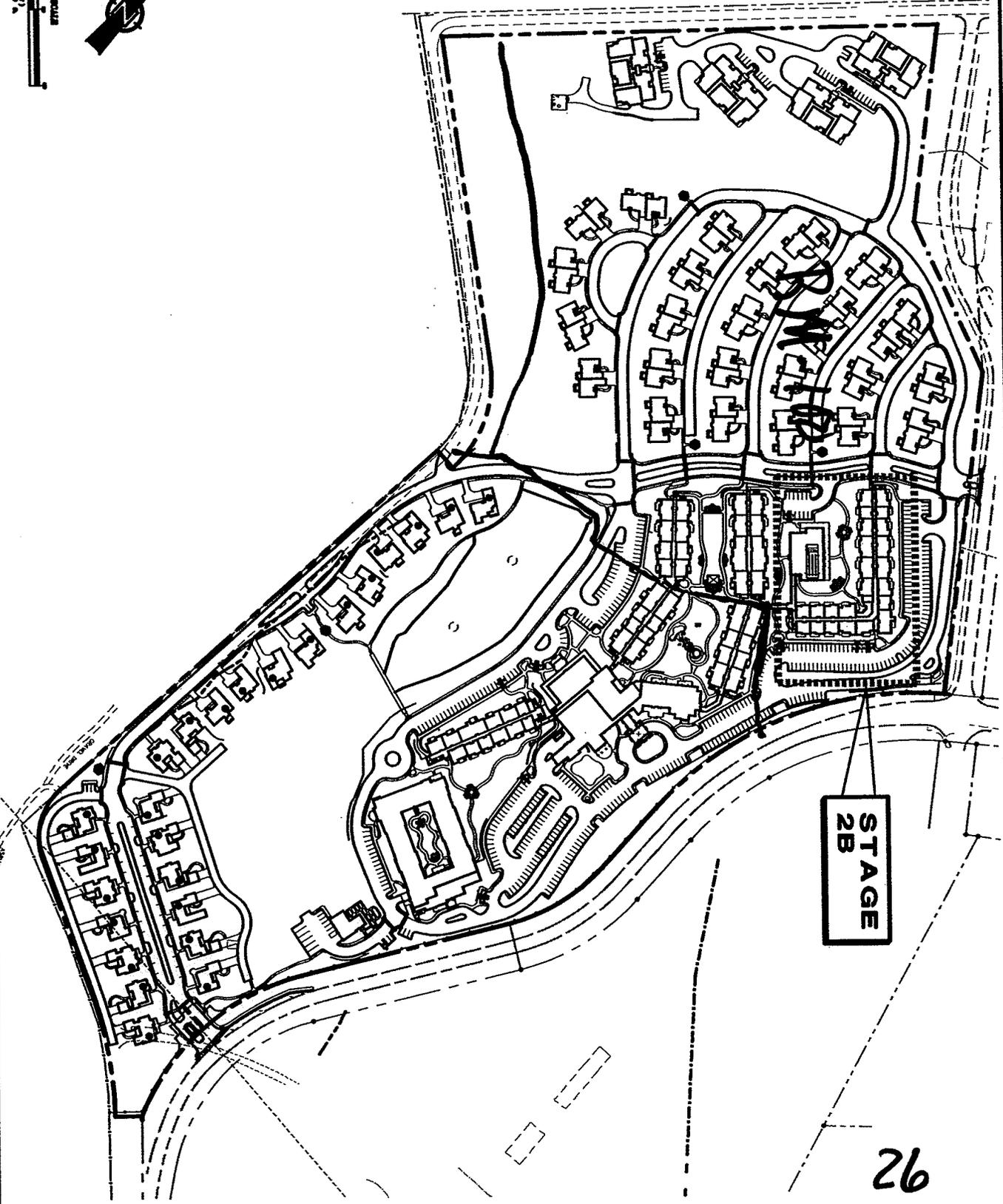
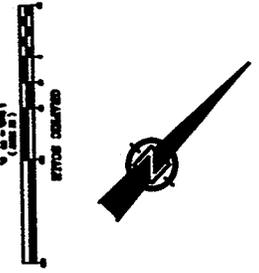
TOTAL SITE AREA:	51,290 ACRES
<b>PROPOSED INDEPENDENT LIVING:</b>	
SITE AREA:	24,337 ACRES
PROPOSED ZONING:	RM-100
TOTAL PROPOSED UNITS:	194
TOTAL UNITS / ACRE:	8
<b>PROPOSED ASSISTED CARE AND CONGREGATE LIVING FACILITIES:</b>	
SITE AREA:	17,411 ACRES
PROPOSED ZONING:	6-1
TOTAL PROPOSED UNITS:	320
TOTAL UNITS ACRE:	28
ASSISTED CARE:	200 UNITS
CONGREGATE CARE:	200 UNITS
<b>PROPOSED RESIDENTIAL DEVELOPMENT:</b>	
SITE AREA:	13,430 ACRES
PROPOSED ZONING:	R-30
TOTAL PROPOSED UNITS:	30
TOTAL UNITS / ACRE:	3.72

**SITE DATA:**

TOTAL SITE AREA:	51,290 ACRES
PROPOSED INDEPENDENT LIVING:	194 UNITS
PROPOSED ASSISTED CARE AND CONGREGATE LIVING FACILITIES:	320 UNITS
PROPOSED RESIDENTIAL DEVELOPMENT:	30 UNITS
TOTAL UNITS:	544 UNITS
TOTAL UNITS / ACRE:	10.6

CONCEPTUAL SITE DEVELOPMENT PLAN  
NEW GIBRALTAR COMMUNITY

# PARK SPRINGS AT STONE MOUNTAIN



STAGE  
2B

26

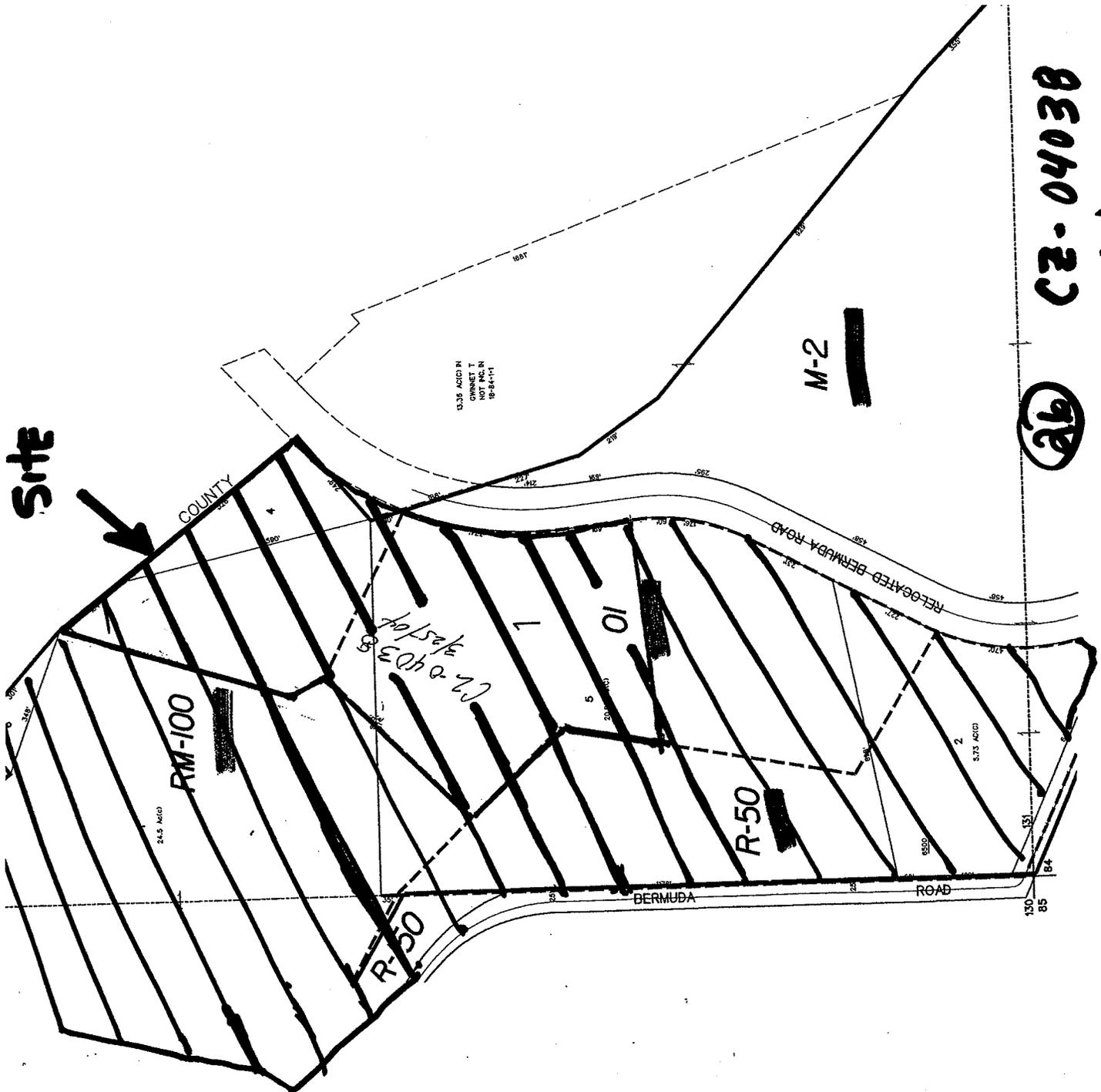


**ORIGINAL ZONING PLAN**

**PARK SPRINGS AT STONE MOUNTAIN**  
 Park Springs at Stone Mountain, LLC  
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



Site



2b CZ-04038

RM-100 + OI (c.)  
RM-100 + OI (c.)

M-2

COUNTY

RM-100

R-50

R-20

BERMUDA ROAD

RELEGATED-BERMUDA ROAD

15.35 ACID IN CONCRETE T NOT INC IN 18-84-11

5.73 ACID

24.2 ACID

M-2 04038

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