

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY LOCATED AT THE NORTHEAST SIDE OF CHUPP WAY EXTENSION FROM R-100 – CONDITIONAL (SINGLE FAMILY RESIDENTIAL - CONDITIONAL) ZONING DISTRICT TO RM-100 – CONDITIONAL (MULTIFAMILY RESIDENTIAL - CONDITIONAL) ZONING DISTRICT AND FOR OTHER PURPOSES.

APPLICANT: Charles M. Patterson
OWNER:
COMMISSION DISTRICTS: 5 & 7

WHEREAS, Charles M. Patterson has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the northeast side of Chupp Way Extension and more particularly described as follows:

All that tract or parcel of land lying and being in **District 16, Land Lot 106, Block 1, Part of Parcel 5** of DeKalb County, Georgia, containing 11.09 acres and,

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IV, Division 1, Section 27-832 and Section 27-833 for amending the DeKalb County Zoning Ordinance for the subject property from R-100 – Conditional (Single Family Residential - Conditional) Zoning District to RM-100 – Conditional (Multifamily Residential - Conditional) Zoning District.

**THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA,
HEREBY ORDAINS:**


Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, as set forth in Section 27-4 of the DeKalb County Zoning Ordinance, an amendment to rezone property located on the northeast side of Chupp Way Extension is hereby approved.

Part 2: That if this amendment is approved conditionally under the provisions of Section 27-833 and Section 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Section 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance (Attachment A).

Part 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

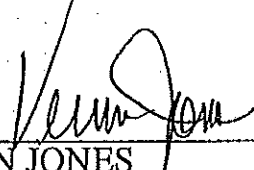
Part 4. This ordinance hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Zoning Board of Appeals.

.....
ADOPTED by the DeKalb County Board of Commissioners this 27th day of November, 2001.

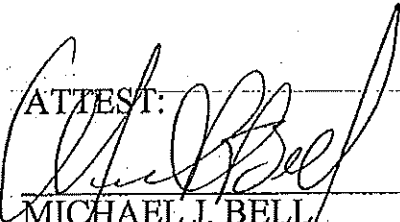


GALE WALLDORFF
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 27th day of November, 2001.



VERNON JONES
Chief Executive Officer
DeKalb County, Georgia

ATTEST:


MICHAEL J. BELL
Ex-officio Clerk
Board of Commissioners
DeKalb County

APPROVED AS TO FORM:

CHARLES HICKS
County Attorney

ATTACHMENT "A"

FINAL CONDITIONS FOR CZ-00060

Requested by Applicant:

1. Use of property as an assisted living facility.

By Planning Department:

Approval with conditions.

1. Use of the property for supportive living multifamily dwelling units.
2. One parking space per two dwelling units.
3. Access and road improvements as required by Public Works.

By Planning Commission:

No Recommendation. (Tie vote)

By Board of Commissioners:

Approval with conditions – List of conditions attached.

STATE OF GEORGIA
DEKALB COUNTY

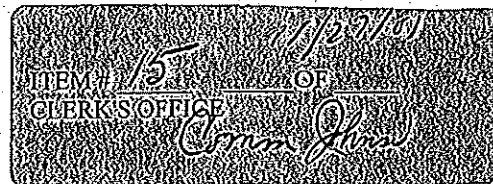
I DO HEREBY CERTIFY that the foregoing is a true and correct excerpt from the Minutes of the Board of Commissioners of DeKalb County, Georgia ADOPTED

This 24th day of July, 2022

Barbara St. Andrew
Deputy Clerk, Board of Commissioners



MEMORANDUM



This communication is confidential and protected by the attorney-client privilege and attorney work product rule. It is intended only for the use of the individual or entity to which it is addressed. Dissemination or distribution to persons or entities not directly involved with the subject matter on behalf of the County is prohibited.

November 20, 2001

To: Members, Board of Commissioners

Through: Charles G. Hicks, County Attorney *CH*

From: Karen Scott Greene, Assistant County Attorney *KS*

Subject: **Rezoning Application of Charles M. Patterson which formed the basis for New Birth Missionary Baptist Church vs. DeKalb County, Georgia, et al.**
 Superior Court of DeKalb County, Georgia
 Civil Action File No. 00-CV-13462-10
 (Our File No. 01-0633)

As you know, the County agreed to a settlement of the above-styled case and as part of that settlement the County agreed to rezone the property at issue from R-100 to RM-100 with a number of conditions. As a result, the Rezoning Petition of Charles M. Patterson that has commonly been referred to as the New Birth Baptist Church Rezoning, will come before you for consideration on November 27, 2001.

The following proposed conditions represent the agreement of the parties in the settlement of the above-styled suit and include the conditions recommended by the Planning Department and as stated in the applicant's letter of November 2, 2001. All conditions have been reviewed by the Law Department and are consistent with the settlement and RM-100 zoning in DeKalb County.

As such, the following conditions, if accepted by the Board, should be read into the record when the application of Charles M. Patterson, number CZ-00060, is heard and should become part of the permanent file:

1. Applicant will develop no more than one hundred thirty-three (133) dwelling units, within no more than two (2) buildings, for an assisted living facility under the RM-100 zoning district. The maximum lot coverage by buildings shall not exceed 35%.
2. Each building will be no more than two (2) stories in height.

Memorandum to Board of Commissioners
November 20, 2001
Page 2 of 3

3. The front yard setbacks will be no less than thirty-five (35) feet, the side yard setbacks will be no less than twenty (20) feet, and the rear yard setbacks will be no less than forty (40) feet.
4. If two buildings are developed, the buildings shall comply with all requirements of Section 27-788(e) of the DeKalb County Zoning Ordinance.
5. There shall be a minimum of sixty-seven (67) parking spaces for the facility and the parking lot shall comply with all of the requirements of § 27-753 of the DeKalb County Zoning Ordinance.
6. Lighting shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
7. There shall be an outdoor recreational area equal to no less than five percent (5%) of the total area of the lot.
8. Applicant shall comply with the DeKalb County Tree Ordinance and all green space requirements.
9. All utilities will be underground.
10. Applicant shall comply with all conditions identified in the Consent Order dated October 11, 2001.
11. The property shall only be used for supportive living multifamily dwelling units.
12. One parking space per two dwelling units shall be allowed.
13. Access and road improvements as required by Public Works.
14. There shall be imposed a twenty-four (24) month moratorium (hereinafter "moratorium") applicable to each of the parcels of real property that constitute the campus of New Birth Missionary Baptist Church, which is defined as the Subject Property and all those parcels of real property included in zoning case no. CZ-98006 (hereinafter "New Birth campus") prohibiting:
 - a) the construction of any new facilities, buildings, structures or additions, except for the contemplated ALF, and except for existing structures that are

ATTACHMENT

Memorandum to Board of Commissioners

November 20, 2001

Page 3 of 3

damaged or destroyed by fire or other act of God, may be reconstructed, subject to the then applicable building regulations; and

- b) The filing of any special land use permit application, rezoning application, application for variance or special exception which would in any way alter the present zoning on the New Birth campus; (not including the filing of any application for special administrative permits or other permits necessary for the operation of legally permissible temporary and seasonal events); and

15. The use permitted on the New Birth campus during the term of the moratorium shall be limited to:

- a) The permissible uses of the Cathedral Complex which include a sanctuary with approximately 7000 seats, a banquet hall, a religious adult education wing (west wing), a 500 – 600 seat chapel, a day school for a maximum of 300 students (with hours of operation limited to between 6:30 a.m. and 5:30 p.m. except for normal and customary night-time and weekend school activities), Sunday school rooms, administrative offices, counseling rooms, administrative offices, a nursery, a first aid room, dressing rooms, informational kiosks, a music rehearsal room, a library, and a book store; and
- b) The permissible use of the Family Life Center which includes racquetball courts, basketball courts, weight rooms, dining facilities and a kitchen, administrative offices and meeting rooms; and
- c) The permissible uses of the "to be constructed" assisted living facility with a maximum of 133 units;
- d) Legally permitted temporary or seasonal uses on the New Birth Campus.

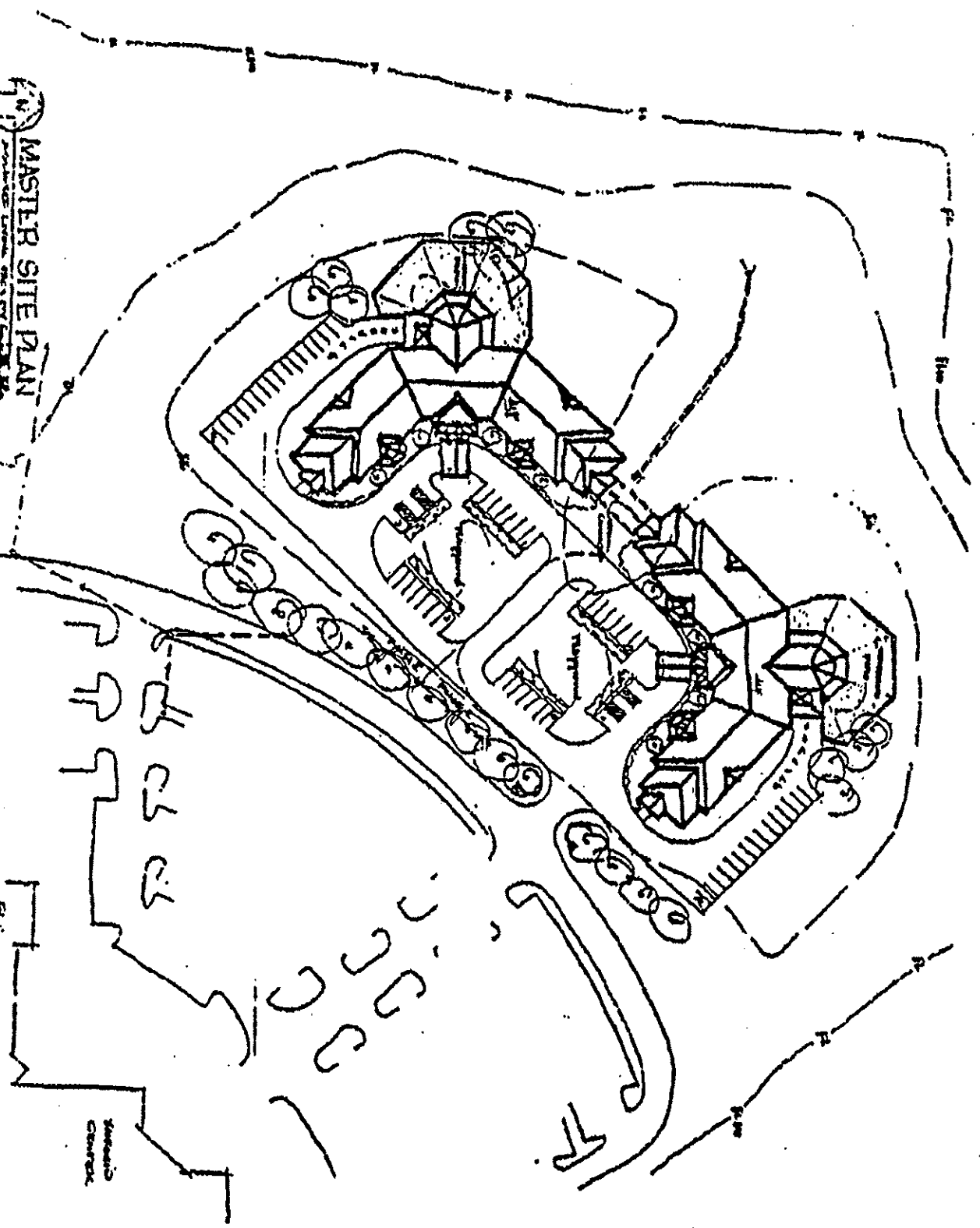
16. Access to the New Birth campus by Chupp Way shall be open at all times.

If you have any questions regarding this matter, please feel free to contact our office at (404) 371-3011.

KSG/pew

cc: Vernon Jones, Chief Executive Officer
Richard Stogner, Executive Assistant
Raymond R. White, Director of Planning Department
Bob Maxey, Zoning Administrator, Planning Department
William J. Linkous, Chief Assistant County Attorney
Viviane H. Ernstes, Chief Assistant County Attorney

MASTER SITE PLAN
VICTORIA LYNN CENTERS & NEW BIRTH MINISTRIES BAPTIST CHURCH



2

R-100

3

CZ-93020

OD

CZ-97041

EXPRESSWAY

SOUTHEAST

RM-100

RM-100

R-100

CZ-08008

UNDER CONSTRUCTION

WTA 400

CZ-98008

1500

D. 3