

STATE OF GEORGIA

CITY OF LITHONIA

ORDINANCE NO. 2024-02-01

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LITHONIA, GEORGIA TO REZONE PROPERTY LOCATED AT 2501 PARK DRIVE FROM NCD NEIGHBORHOOD CONSERVATION DISTRICT TO AN O-I OFFICE-INSTITUTION DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Lithonia (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to rezone 2501 Park Drive from NCD Neighborhood Conservation District to an O-I Office-Institution District; and

WHEREAS, pursuant to Sec. Sec. 27-832 of the City’s Zoning Code proposed amendments to the official zoning map shall require an application and public hearings before the Mayor and City Council; and

WHEREAS, the Zoning Administrator proposes approval with conditions; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Zoning Administrator recommends approval of a rezoning for property located at 2501 Park Drive; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LITHONIA, GEORGIA, and by the authority thereof:

Section 1. That the Zoning Ordinance of the City of Lithonia be amended, and the official zoning map established in connection therewith be changed so that the property located at 2501 Park Drive, parcel number: 16 136 01 068 or as described on the zoning maps and associated site plan attached as Exhibit A from NCD Neighborhood Conservation District to an O-I Office-Institution District and for other purposes.

Section 2. That the rezoning will be approved with the conditions contained within the memorandum prepared by the City's Zoning Administrator attached here as Exhibit A.

Section 3. That the memorandum prepared by the City's Zoning Administrator attached as Exhibit A shall be incorporated herein by reference.

Section 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 8. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Lithonia.

Section 9. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

Lithonia, Georgia.

ORDAINED this 4th day of March, 2024.

[SIGNATURES TO FOLLOW]



CITY OF LITHONIA GEORGIA


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

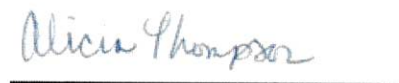

City Attorney

EXHIBIT A



City of Lithonia, Georgia

MEMORANDUM

TO: Ashley Waters, City Clerk
FROM: Bill Johnston, Zoning Administrator
DATE: 19 December 2023
RE: Application to rezone 2501 Park Drive from an NCD District to an O-I-C District

BACKGROUND

Mr. Allen Mitchell, Director of DeKalb County Community Development Department, has submitted an application to rezone a 19.557-acre wooded tract from the current NCD Neighborhood Conservation District to an O-I Office-Institution District, subject to proposed conditions. The property is identified on a survey prepared by Rochester and Associates, LLC and dated May 12, 2023 as 2501 Park Drive. The Parcel Identification Numbers for the properties involved are attached, with Parcel 16 136 01 068 being the focus of the planned development. The application proposes the rezoning of those properties to allow construction of the Lucious Sanders Recreation Center.

FINDINGS

The conditions proposed in the rezoning application reference the Lithonia Park Concept Plan, dated November 13, 2023, and the Lucious Sanders Recreation Center Architectural Rendering, dated June 6, 2023. These exhibits are attached and comprise the conditions of zoning that would control development of the Lucious Sanders Recreation Center.

Sec. 27-487. Statement of purpose and intent.

The purpose and intent of the mayor and city council in establishing the O-I (OfficeInstitution) District is as follows:

- (a) To provide convenient areas within the city for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the city.
- (b) To provide locations for the development of cultural, recreational, educational and health service facilities for the city.

Sec. 27-488. Principal uses and structures.

The following principal uses of land and structures shall be authorized in the O-I (Office-Institution) District, among other uses:

- (a) Child day care center and kindergarten.
- (b) Community facilities as follows:
 - (1) Cemetery or mausoleum.
 - (2) Cultural facilities.
 - (3) Golf course and clubhouse, private.
 - (4) Neighborhood recreation center or swimming pool.

2020 Comprehensive Plan Guidance

The Future Land Use and Character Areas Map adopted in the 2020 Comprehensive Plan Update designates the property at 2501 Park Drive as "Recreation and Open Space." As stated in the Plan, "The Recreation and Open Space character area includes existing parks, as well as undeveloped areas ideal for the expansion of existing recreational facilities or to be preserved as natural open space. The Lithonia Park visioning project - Park Pride - and capital improvement plan were completed in 2019 calling for construction of a new Lucious Sanders Recreation Center in Lithonia Park."

Land uses anticipated in the Recreation and Open Space character area include Residential Uses; Commercial, Professional, and Civic Uses; Light Industrial Uses and Recreational Uses. Plan Implementation Strategies include: "Work with DeKalb County and other partners to upgrade park facilities, such as benches, bike racks, and active recreational components." The Lucious Sanders Recreation Center will complement the adjacent recreation facilities, including a swimming pool, and serve as a gathering place for the Lithonia community.

Zoning Ordinance Guidance

Sec. 27-2. *General purposes* of the Ordinance establishes the following purposes, among others:

- (f) To facilitate the creation of a convenient, attractive and harmonious community.
- (h) To expedite the provision of adequate police and fire protection, safety from crime, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

Provision of such public facilities as the proposed Lucious Sanders Recreation Center contributes to a harmonious community by establishing a venue for social interaction and generating a sense of pride that the teams that compete at the Center will experience. This section specifically provides for "recreational facilities."

CONCLUSIONS

Sec. 27-832. *Standards and factors governing review of proposed amendments to official zoning map*, that is, a property rezoning, are established by this section. The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map. These standards appear in italics, along with an analysis of the application for conditional rezoning:

(a) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The Plan specifically references the Center: "The Lithonia Park visioning project - Park Pride - and capital improvement plan were completed in 2019 calling for construction of the new Lucious Sanders Recreation Center in Lithonia Park." In addition, the Recreation and Open Space character area lists Recreational Uses as a future land use on the 2501 Park Drive property. Accordingly, the zoning proposal 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 proposed location of the Center is bordered on three sides by a community pool that is an institutional use, a water storage tank, also an institutional use, and Park Drive. Much of the surrounding property is heavily wooded. A small number of dwellings are found nearby. Given this context, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The NCD Neighborhood Conservation District accommodates a wide range of uses. However, as the County and the City of Lithonia are the owners of the property and as such, have designated the future use of the property in adopted plans and policy guides as recreation rather than any of the principal uses allowed in the NCD, the property may not have a reasonable economic use as currently zoned.

As found in the application, the following circumstances indicate that the property may not have a reasonable economic use as currently zoned:

"An O-I-C (Office-Institution) Conditional zoning is sought with the conditions being the site plan which is identified as the Lithonia Park Concept Plan, dated November 13, 2023, and the Lucious Sanders Recreation Center architectural rendering, dated June 6, 2023. The current zoning (NCD) Neighborhood Conservation District does not permit the construction of a sports center, or community center. Per the zoning regulations, allowable floor space for commercial uses is directly dependent on the number of dwellings within the district, and there are no existing dwellings within the district. Additionally, the stated purpose of the district is to preserve existing neighborhoods. As there are no existing dwellings within the district, the purpose of the NCD is

not met and maintaining the district within this Park does not benefit the City or its citizens in any way. An O-I-C zoning would allow for not only construction of this recreation facility, but future development in line with the Lithonia Park Visioning Plan by Park Pride, dated March 1, 2018.”

(d) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

As the proposed Center will generate new vehicle volumes, the few residents of nearby dwellings could be adversely impacted. In addition, parking lot lighting could adversely impact these same residents. However, the vast majority of adjacent properties are owned by either DeKalb County or City of Lithonia as seen in the Lithonia Park Properties attachment.

A very limited number of residents would be marginally impacted given the amount of tree cover on the property and on nearby property that will remain following development. Some residents can be expected to enjoy the convenient access to such a Center which will feature indoor activities. Accordingly, the zoning proposal may not adversely affect the existing use of adjacent or nearby property in any substantial manner.

(e) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

DeKalb County is committed to funding the proposed Lucious Sanders Recreation Center in Lithonia Park. Development of this community-building asset through funding provided by DeKalb County is an existing condition that gives supporting grounds for approval of the zoning proposal.

In addition, visitors to the nearby athletic field and community pool may benefit from access to of the substantial amount of parking planned to serve the Center.

(f) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

The City is not aware of the presence of any of these resources on the property.

(g) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The property will be accessed via Parkway Drive, a local street reportedly under the jurisdiction of the City of Stonecrest that is substandard as to width and condition. Upgrading of that street should be considered in future repaving projects to address this concern. To the extent that the Center will attract visitors from beyond Lithonia, water and sanitary sewer utilities could be impacted. However, visitors to the Center are expected to be primarily from Lithonia. No increase in student population will be caused by approval of the rezoning application.

RECOMMENDATION

Based on the above analysis applying the Sec. 27-832 *Standards and factors governing review of proposed amendments to official zoning map*, and the findings and conclusions in this report, approval of the proposed conditional rezoning of the 2501 Park Drive property from an NCD District to an O-I-C District Conditional is appropriate, subject to conditions A, B and C proposed by the applicant. Condition D will ensure that no extraordinary expenses will be incurred by development of the Lucious Sanders Recreation Center.

A. The property will be developed in a manner consistent with the Lithonia Park Concept Plan, dated November 13, 2023.

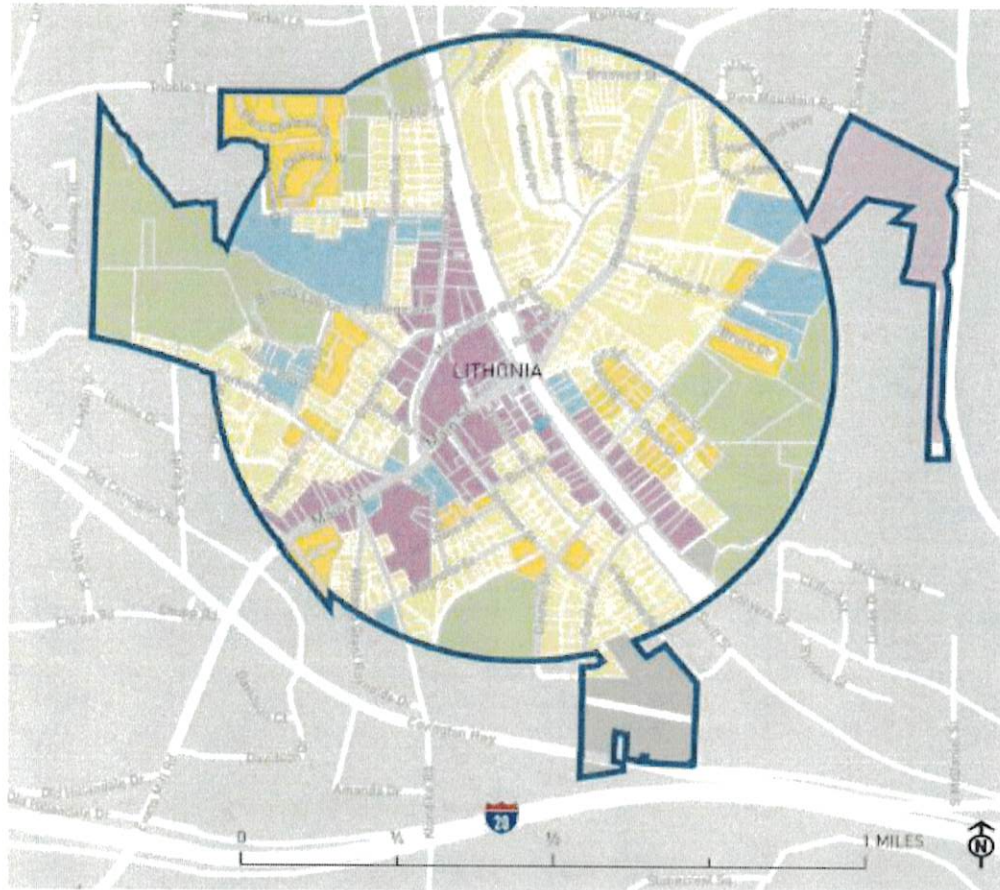
B. Construction shall conform to the design and material standards depicted in the Lucious Sanders Recreation Center Architectural Rendering, dated June 6, 2023.

C. The several properties owned by DeKalb County will be combined into a single lot through a combination plat, subject to the Subdivision Ordinance of the City of Lithonia.

D. While the impacts on water and sanitary sewer services are as yet unknown, the rezoning should be conditioned to a finding that none of the impacts on these systems or services would be unreasonable.

Attachments: Future Land Use & Character Areas Map
Zoning Map
Lithonia Park Concept Plan
Lithonia Park Properties
Combination Plan
List of Parcels to be Rezoned
Lucious Sanders Recreation Center Architectural Rendering
Google Image
Pavement Width and Condition of Parkway Drive

FUTURE LAND USE & CHARACTER AREAS MAP

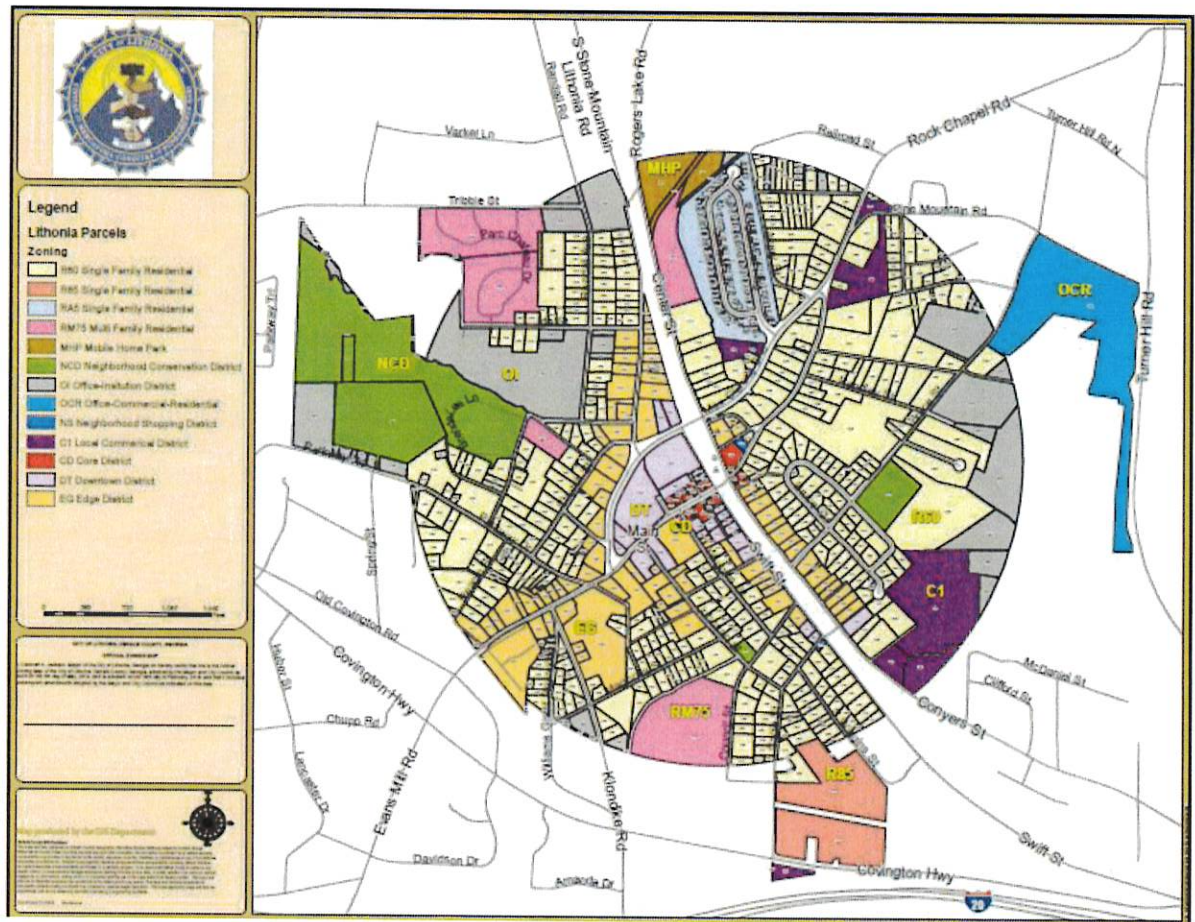


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|---------------------------|---------------------|
| LITHONIA CITY LIMITS | INTOWN MIXED USE |
| TRADITIONAL RESIDENTIAL | PERIMETER MIXED USE |
| MULTI-FAMILY RESIDENTIAL | LIGHT INDUSTRIAL |
| RECREATION AND OPEN SPACE | |
| INSTITUTIONAL | |

27

Atlanta Regional Commission

ZONING MAP





LITHONIA PARK PROPERTIES



COMBINATION PLAN



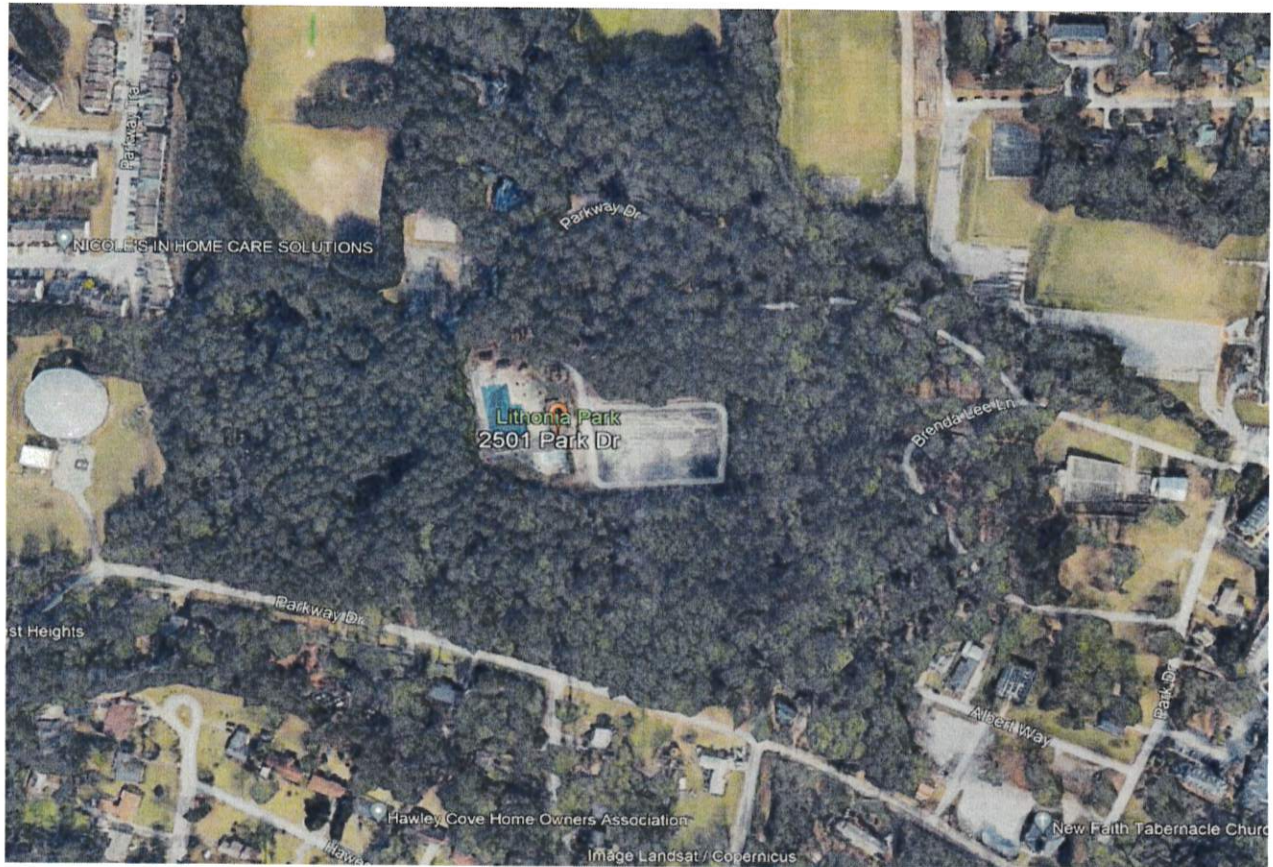
LIST OF PARCELS TO BE REZONED

Parcel number	Address	Acreage	Current Zoning
16 136 01 003	6680 Parkway Road Lithonia, GA 30058	4.71	O-I
16 136 01 068	2501 Park Drive Lithonia, GA 30058	13.14	NCD
16 136 01 041	6684 Parkway Road Lithonia, GA 30058	0.12	O-I
16 136 01 042	6698 Parkway Road Lithonia, GA 30058	0.26	O-I
16 136 01 004	6694 Parkway Road Lithonia, GA 30058	0.14	O-I
16 136 01 005	6706 Parkway Road Lithonia, GA 30058	0.27	O-I
16 136 01 006	6714 Parkway Road Lithonia, GA 30058	0.18	O-I
16 136 01 007	6730 Parkway Road Lithonia, GA 30058	0.73	O-I

LUCIOUS SANDERS RECREATION CENTER ARCHITECTURAL RENDERING



GOOGLE IMAGE



PAVEMENT WIDTH AND CONDITION OF PARKWAY DRIVE

