

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 That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

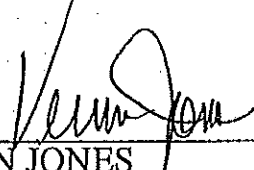
Part 4. This ordinance hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Zoning Board of Appeals.

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

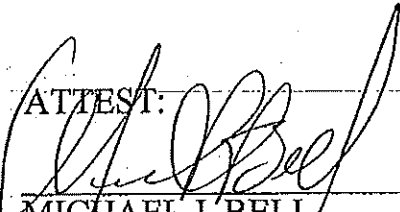


GALE WALLDORFF
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

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

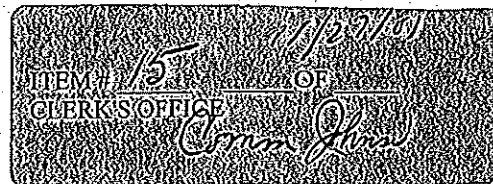
I DO HEREBY CERTIFY that the foregoing is a true and correct excerpt from the Minutes of the Board of Commissioners of DeKalb County, Georgia ADOPTED

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
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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

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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:

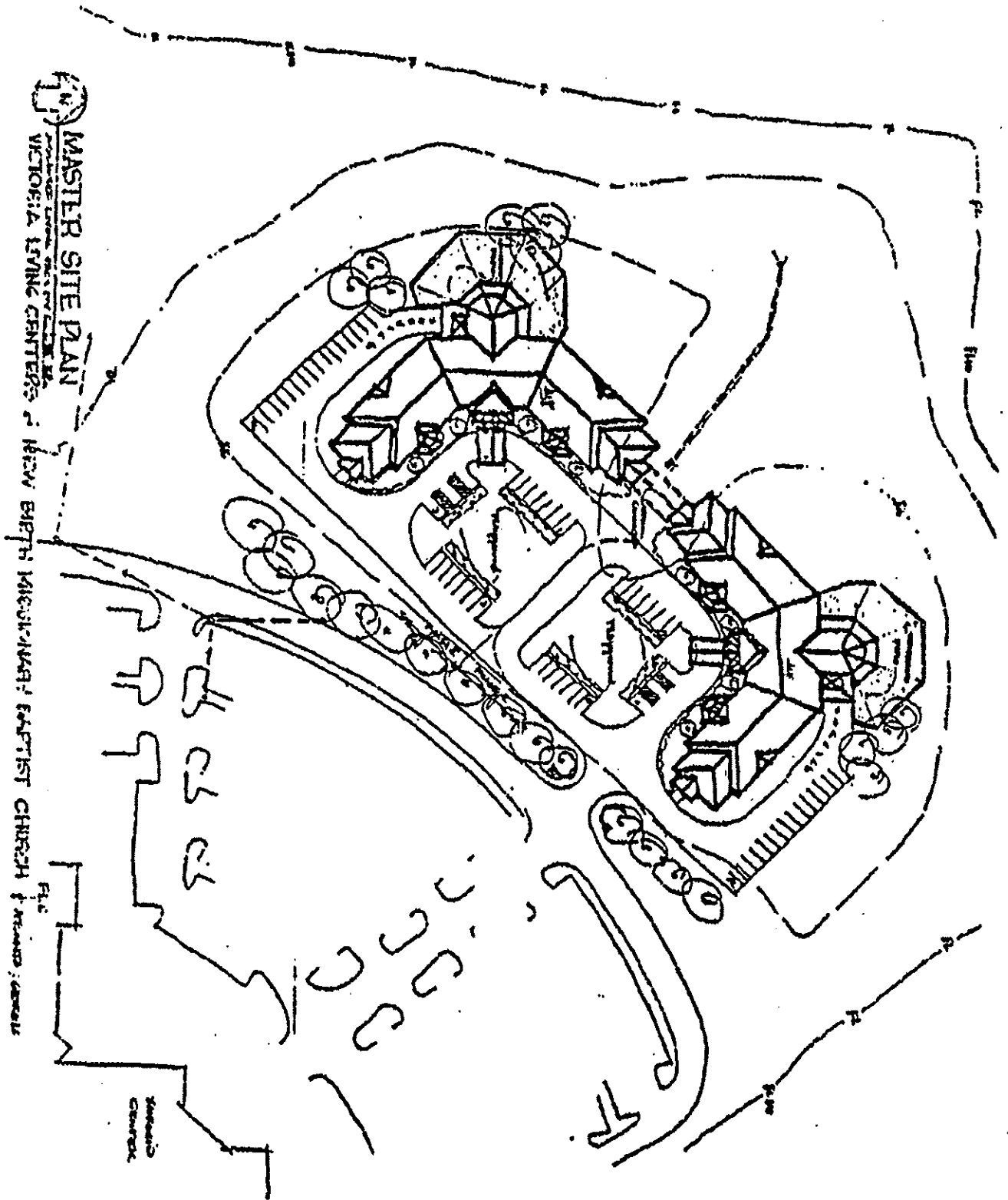
- a) The permissible uses of the Cathedral Complex which include a sanctuary with approximately 7000 seats, a banquet hall, a religious adult education wing (west wing), a 500 – 600 seat chapel, a day school for a maximum of 300 students (with hours of operation limited to between 6:30 a.m. and 5:30 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.

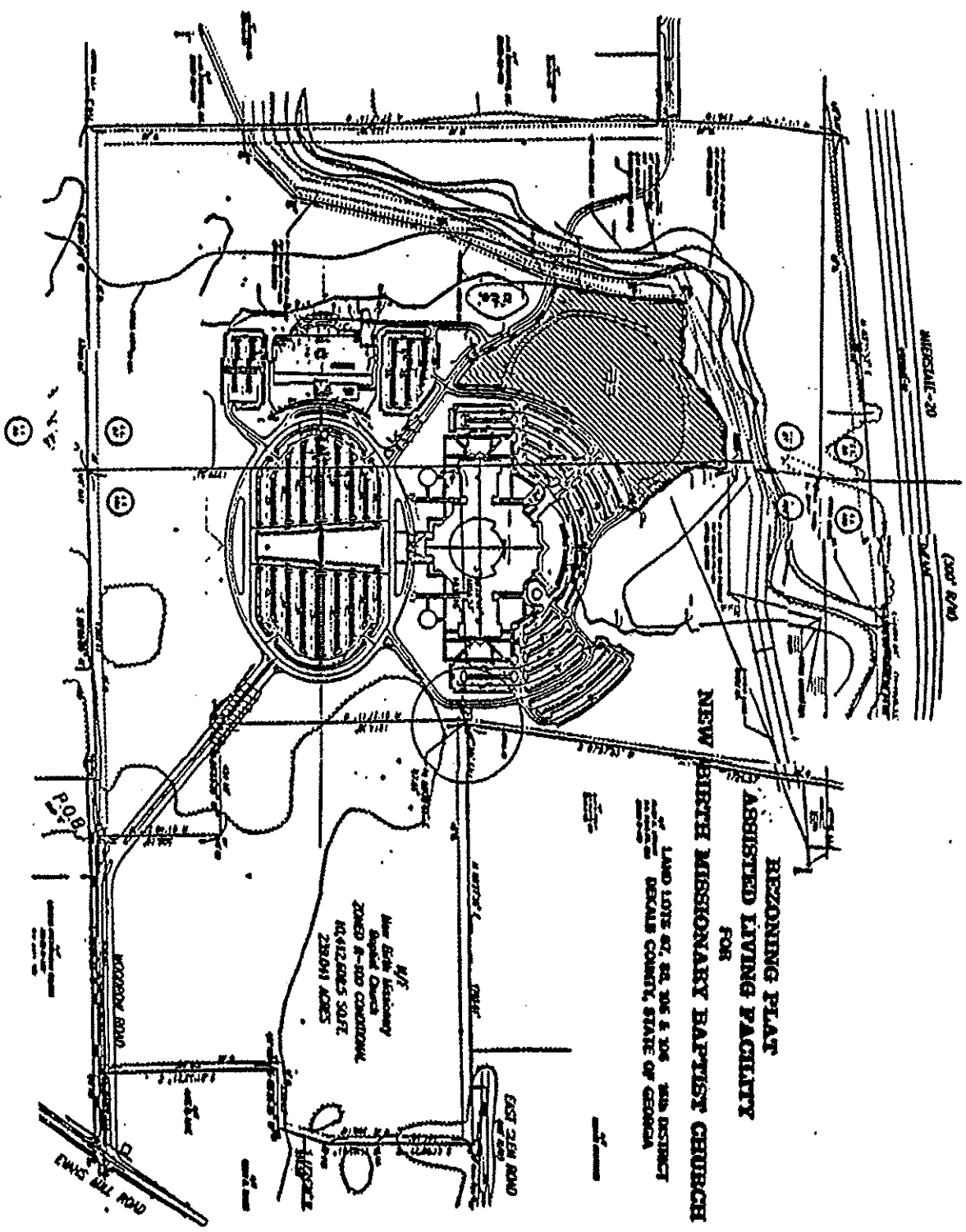
KSG/pew

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 LIVING CENTERS

NEW BIRTH MISSIONARY BAPTIST CHURCH



**REZONING PLAT
FOR
ASSISTED LIVING FACILITY
FOR
NEW FIFTH MISSIONARY BAPTIST CHURCH**

LAND LOTS 87, 88, 98 & 99 10th DISTRICT
DEKALB COUNTY, STATE OF GEORGIA

M/F
New Fifth Missionary
Baptist Church
ZONED R-100 CONDOMINIUM
14,612 SQUARE FEET
238,041 SQUARE FEET

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

NET 10-94

NET 10-94

D. 3



ZONING MODIFICATION

Prepared By: Ramona Eversley, Senior Planner

Petition Number: ZM26-000001

Applicant: Adolphus Armstrong for
aarmstrong@newbirth.org

Property Owner: NEW BIRTH MISSIONARY BAPTIST
6400 Woodrow Road
Lithonia, GA, 30038

Project Location: 6400 Woodrow Road
Parcel ID [16 106 01 009](#)

District: 5 – Councilwoman Karmesha Washington Smith

Acreage: +/- 193.83 acres

Existing Zoning: R-100 – Residential Med Lot

Proposed Zoning:

Overlay: STONECREST OVD TIER 4

Future Land Use: INS - Institutional

Proposed Development/Request: The applicant seeks to amend the approved conditions established in DeKalb County case number CZ-00060 by removing conditions #1, 2, 3, 4, 5, 11&12, of the list of approved conditions for the property to be used as an assisted living facility.

CPIM: May 14, 2026

Planning Commission: June 2, 2026

Mayor & City Council: June 22, 2026

Sign Posted/ Legal Ad(s) submitted: April 30, 2026

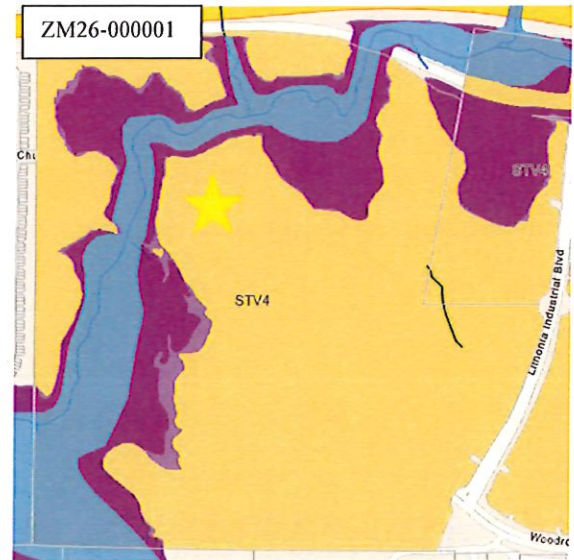
Staff Recommendations: APPROVED W/ CONDITIONS

Planning Commission: TBD

PROJECT OVERVIEW

Location

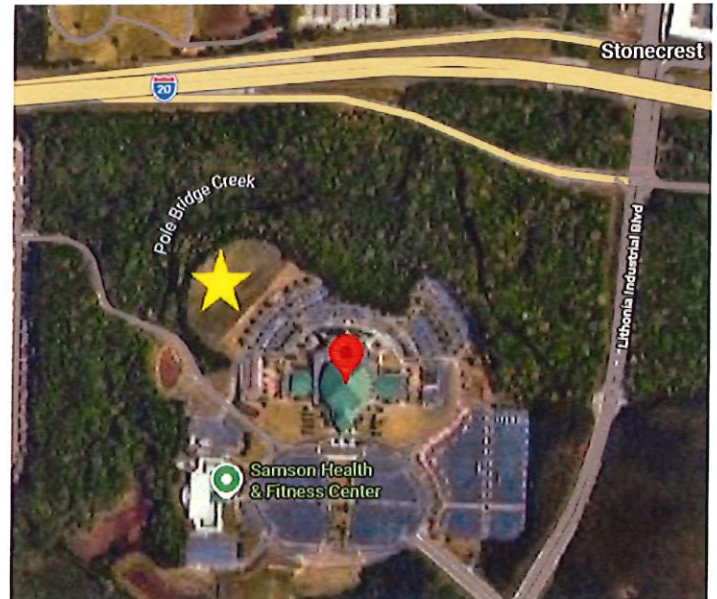
The subject property is situated along Bishop Eddie L. Long Parkway near the Interstate 20 corridor. It is located in eastern DeKalb County in the city of Stonecrest, Ga. with a parcel identification of 16 106 01 009. The subject property is currently a place of worship, New Birth Missionary Baptist Church. The property abuts Interstate 20 to the North. MR-1 (Med Residential – 1) to the West, MU-3 (Mixed-Use Medium Density) to the East and R-100 (Residential Med Lot) to the South.



Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use
Adjacent: North	Interstate 20	Interstate Highway
Adjacent: West	MR-1	Hills at Fairington
Adjacent: East	Stonecrest Overlay Tier 4	Wooded vacant land
Adjacent: South	R-100 (Residential Med Lot) District	Single Family Residential

Background

The City of Stonecrest Zoning Map has the property zoned and located in the Stonecrest Tier 4 Overlay. The underlying zoning is R-100 (Residential Med Lot District.) The land at 6400 Woodrow Road in Stonecrest, Georgia was historically part of a largely rural area in southeast DeKalb County before major suburban development expanded into the region during the late 20th century. The property eventually became the site of the massive campus for New Birth Missionary Baptist Church. Portions of the property are in the FEMA Flood Zone AE. The applicant seeks to amend the approved condition established in DeKalb County, case number CZ-00060 by removing the requirement that a portion of the property be used as an assisted living facility.





Caption: *Image of Emory at Hillendale in Stonecrest, GA, an example of Institutional/Public Land Use*

Institutional/Public (IP): The Institutional/Public Character Area designates specific areas that provide institutional and public services. These areas consist of large areas used for religious, civic, educational, and governmental facilities. These areas are integrated into the rural, suburban, and traditional neighborhood character areas as secondary uses and are considered residential support uses.

Use Descriptions: Schools, Colleges, Hospitals, City Community and Recreation Centers, Public Cemeteries, City Hall, and Post Offices, Public & Civic Facilities and Public Parks, Places of Worship

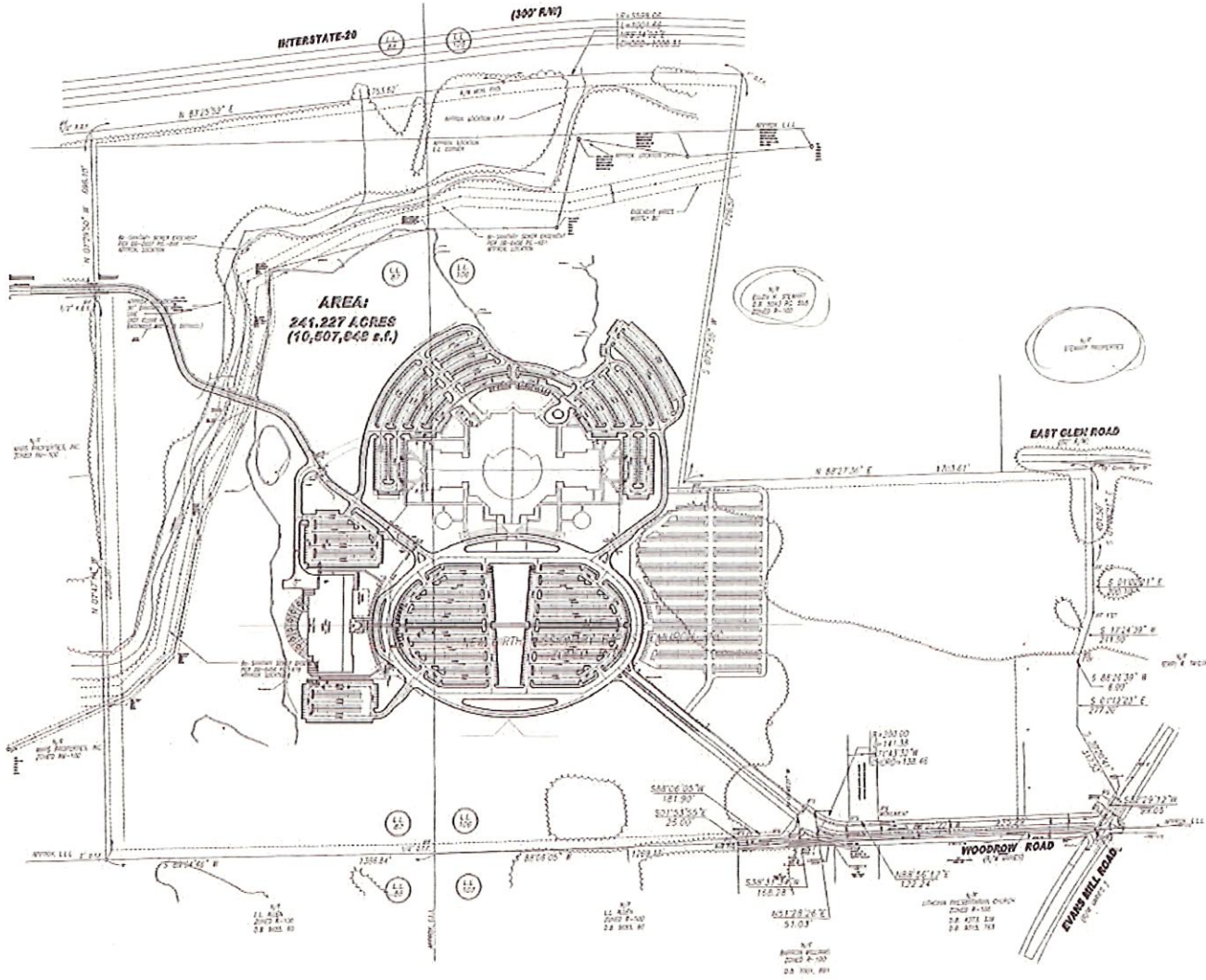
Maximum Density, Units/Acre: Up to 8 dwelling units (du)/ac

Permitted Districts: All

Public Participation

Property owners within 1,000 feet of the subject property were mailed notices of the proposed zoning modification in April 2026. There was a Community Planning Information Meeting (CPIM) held on May 14, 2026 at 6:00 p.m. at city hall. There were nineteen attendees. One resident stated that the previous pastor had promised community access to certain facilities at no cost. She also asked whether the soccer field would be relocated, whether lighting in the area could be restored, and whether the developer could provide guidance to residents interested in transitioning to solar energy systems. Another resident suggested that overhead solar panels be placed in the parking lot. He also asked if trees will be replanted on Woodrow Road.

Existing Site Plan (May 15, 2025)





ZM26- 001

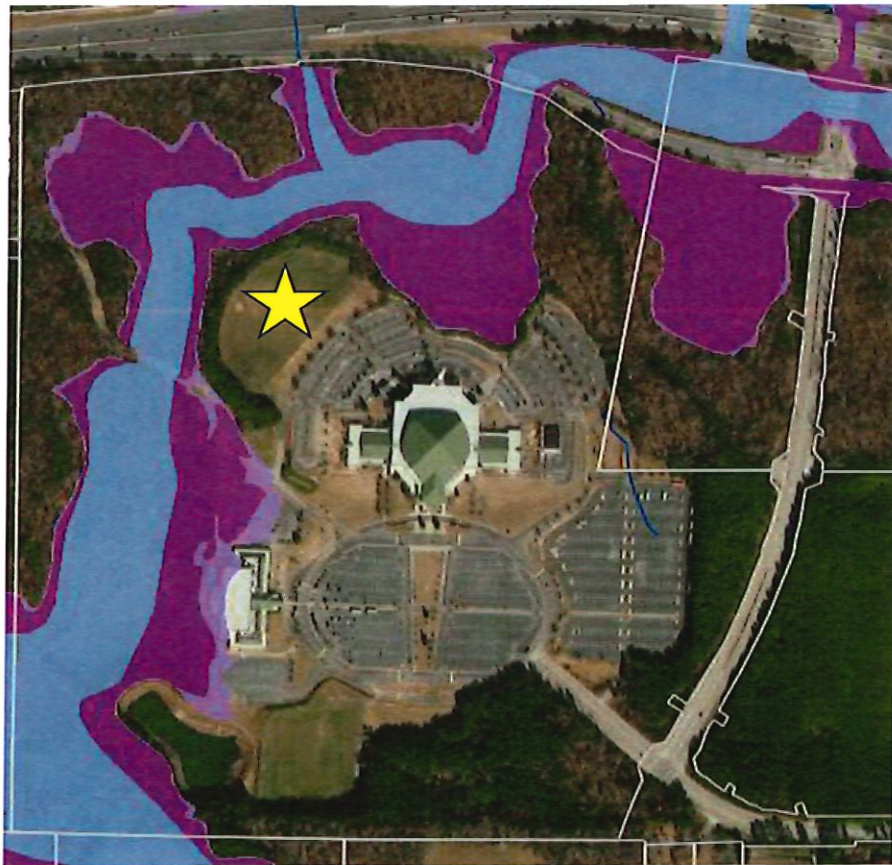
ADDRESS: 6400 Woodrow Rd.

CURRENT ZONING: R-100

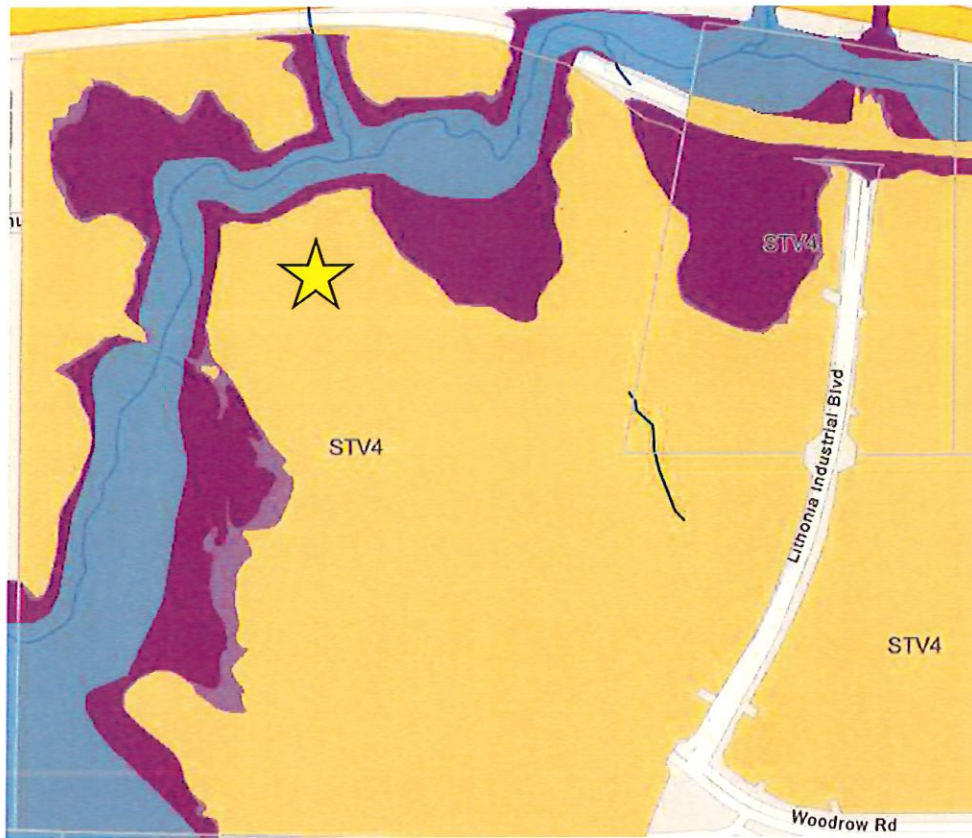
FUTURE LAND USE: Institutional (INS)

STONECREST OVERLAY DISTRICT Tier 4

Aerial Map



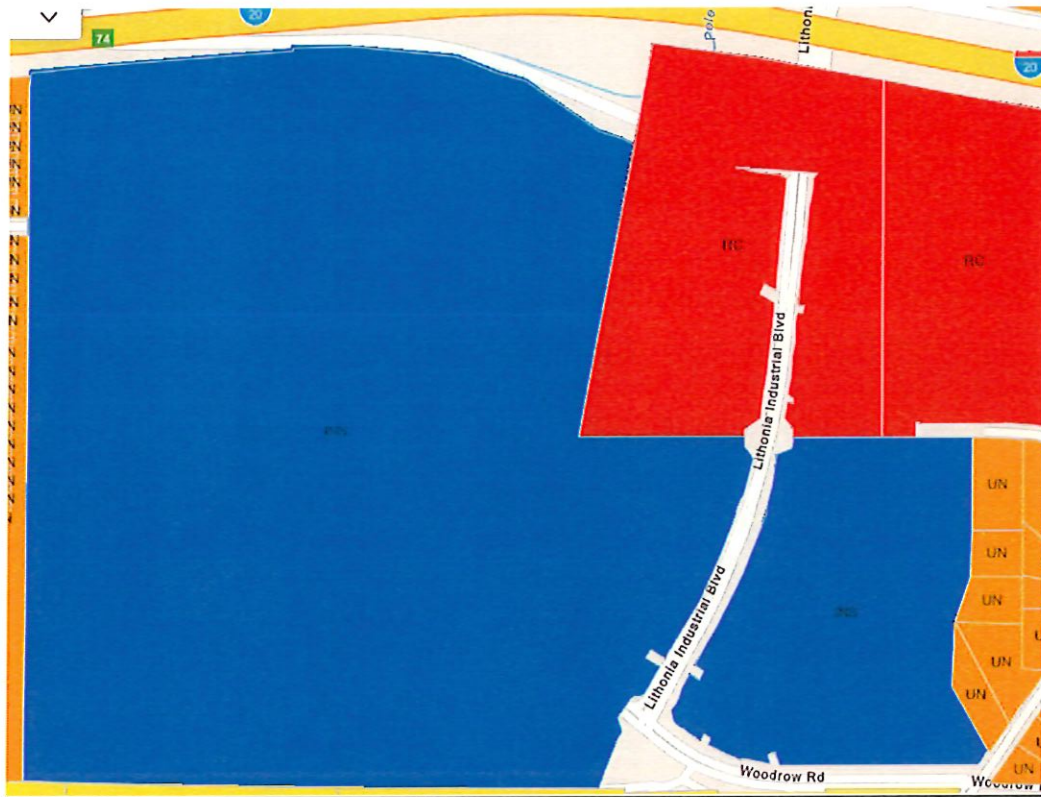
Zoning Map



Legend

- | | |
|---|---|
|  STONECREST OVD TIER 4 |  0.2% Annual Chance Flood Hazard |
|  1% Annual Chance Flood Hazard |  Regulatory Floodway |

Future Land Use Map



Legend

-  Institutional
-  Urban Neighborhood
-  Regional Center



STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

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

The proposed zoning condition modification appears to be in conformity with the policy and intent of the Comprehensive Plan. The applicant is requesting removal of a condition requiring development of an assisted living facility to permit installation of solar panels on approximately 11 acres of the property located at 6400 Woodrow Road.

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

Yes. The proposed zoning condition modification would permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject property is part of an existing large-scale institutional church campus located at 6400 Woodrow Road. The proposed installation of solar panels on approximately 11 acres is compatible with the surrounding institutional, residential, and undeveloped land uses because the use is low-intensity in nature and is not expected to generate significant traffic, noise, lighting, or other operational impacts commonly associated with more intensive development.

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

Yes. The property has reasonable economic use as currently zoned. It is part of an established institutional church campus that already allows development, including an approved assisted living facility. That use has not been developed, and the applicant is instead requesting to use approximately 11 acres for solar panels. The proposed solar installation would provide continued productive use of the property, reduce long-term costs, and support sustainability goals. The request is not due to the property being unusable under current zoning, but reflects a shift to a more suitable and economically practical use for current conditions.

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

At this time it is unknown whether this request will negatively affect nearby properties. The proposed use for solar panels is low-impact and creates little traffic, noise, or infrastructure demand compared to the previously approved assisted living facility. With proper compliance to setbacks, screening, stormwater, and environmental requirements, it should not reduce the value or usability of surrounding properties.

- **Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.**



Several existing and changing conditions support approval of the zoning modification. The property is part of an established church campus, and the 11-acre site remains undeveloped under the current assisted living condition. The site is suitable for low impact use of a solar development.

Approval is also supported by broader trends, including increased focus on renewable energy, changing economic feasibility of assisted living development, and improvements in solar technology.

While the original condition intended assisted living development and environmental constraints may need review, the overall conditions support approval of the request, subject to technical and environmental review.

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

Based on the information available for the subject property at 6400 Woodrow Road, there is no indication at this time that the proposed zoning condition modification for installation of solar panels on approximately 11 acres would adversely affect any known historic buildings, historic districts, or recorded archaeological resource

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

The proposed zoning condition modification is not expected to result in a use that will or could cause excessive or burdensome impacts on existing streets, transportation facilities, utilities, or schools.

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

The proposed zoning change is not expected to significantly harm the environment. It is likely to have a neutral or even positive impact compared to the previously approved assisted living use. Any temporary construction impacts can be managed through standard erosion control, stormwater management, and required environmental permits.

STAFF RECOMMENDATION

Staff recommends **APPROVAL with Conditions** to amend the approved conditions established in DeKalb County case number CZ-00060 to remove conditions #1, 2, 3, 4, 5, 11&12, of the list of approved conditions for the property to be used as an assisted living facility.

Conditions:

1. Development would be limited to solar panels and related equipment on the approved 11-acre site.
2. The project must follow all environmental regulations, including erosion, stormwater, and permitting for any floodplain or wetland impacts.
3. Screening and buffering must reduce visual impacts, and construction must minimize dust, noise, and traffic.
4. No other intensive uses would be allowed without further zoning approval.

PLANNING COMMISSION RECOMMENDATION – June 2, 2026

TBD



Attachment(s): ZM26-001 Application and Supporting Documents





Attachment(s): Ordinance(s)



Attachment(s): Community Planning Information Meeting (CPIM) Summary Minutes