



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300
 Decatur, GA 30030
 (404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: March 7, 2017, 6:30 P.M.

Board of Commissioners Hearing Date: March 28, 2017, 6:30 P.M.

Board of Commissioners Hearing Date: April 25, 2017 10:00 A.M. (Decision Only)

STAFF ANALYSIS

Case No.:	LP 17 21187	Agenda #:	
Location/Address:	3191, 3081, & 3201 Flowers Road S	Commission District: 1	Super District: 7
Parcel IDs:	18 266 02 007, 18 265 03 049, 18 265 03 011		
Request:	Land Plan Map Amendment from SUB (Suburban) to INS (Institutional)		
Property Owner(s):	Alliance PJRT Limited Partners		
Applicant/Agent:	Cortland Partners c/o Kathryn M. Zickert		
Acreage:	59.028 acres		
Existing Land Use:	SUB (Suburban)		
Surrounding Properties:	SUB (Suburban), INS (Institutional), & OP (Office Park)		
Adjacent Zoning:	North: INS/SUB (OI/R-100) South: SUB (R-100) East: SUB (R-100) West: OP/INS (OI)		
Comprehensive Plan:	Northeast: SUB (R-100) Northwest: INS (OI) Southeast: SUB/INS (R-100/OI) Southwest: SUB (R-100)		
	<input checked="" type="checkbox"/>	Consistent	<input type="checkbox"/> Inconsistent
Proposed Density: 13.04	Existing Density: 13.04		
Proposed Units/Square Ft.: 770	Existing Units/Square Feet: 770		
Proposed Lot Coverage: N/A	Existing Lot Coverage: N/A		

Companion Application:

The applicant has filed a companion application (CZ 17 21185) to rezone the property from MR-2 (Medium Density Residential -2) with conditions pursuant to CZ-86153, to OI (Office Institutional).

STAFF RECOMMENDATION:

Applicant is submitting this amendment application to comply with the Relationship between character areas and zoning districts. (Article 1.2.3 of the Zoning Ordinance of DeKalb County; and corresponding Table 1.2: Character areas and permitted zoning districts.)

Therefore, the Department of Planning and Sustainability recommends "Approval".

COMMUNITY COUNCIL RECOMMENDATION: Approval w/Conditions (5-0-0)

1. Maximum density of 13 units per acre

2. Based on the existing site plan.

SUBJECT PROPERTY AND SURROUNDING AREA

The subject property is a gated community known as “Park Pointe North.” It consists of 34 apartment buildings with a total of 770 units. North of the subject property is the Atlanta Campus of Mercer University. West, South, and East of the subject property are single family detached homes and Henderson Middle School.

PROPOSED PROJECT

There is no proposed project

LAND USE ANALYSIS

LAND USE MAP AMENDMENT EVALUATION

Section 27-829 of the Zoning Ordinance, “Amendments to comprehensive plan land use maps” states that the following standards and factors shall guide the evaluation of all proposed amendments to the comprehensive plan land use maps:

- 1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby property:** The proposed land use change creates zoning consistency and continues to permit all existing and surrounding uses.
- 2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property:** There are no tangible adverse impacts on existing uses or projected uses of surrounding property.
- 3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:** This proposed change does not involve development of the site. There is no impact on infrastructure or facilities.
- 4. Whether the zoning proposal is consistent with the written policies in the comprehensive plan text:** The companion zoning proposal is consistent with the comprehensive plan and its policies.
- 5. Whether there are environmental impacts or consequences resulting from the proposed change:** No development associated with this application.
- 6. Whether there are impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near county boundary lines.** No development associated with this application.
- 7. 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:** No conditions existing or foreseeable conditions being added to impact recommendation.
- 8. Whether there are impacts on historic buildings, sites, districts, or archaeological resources resulting from the proposed change:** No development proposed. There are no additional impacts to existing resources.

Attachments:

1. Department Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Map



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND COMPREHENSIVE LAND USE (FUTURE DEVELOPMENT) MAP PLAN OF DEKALB COUNTY, GEORGIA

Application No: WUP-17-21187 Date Received: (for DeKalb County stamp)

Applicant's Name: Cortland Partners c/o Kathryn M. Zickert E-Mail: kmzickert@sgrlaw.com

Applicant's Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, Ga 30309

Applicant's Daytime Phone #: 404-815-3704 Fax: 404-685-7004

Owner's Name: Alliance PJRT Limited Partners E-Mail: kanej@starwood.com

Owner's Mailing Address: 400 Galleria Parkway, Ste. 1450

Owner's Daytime Phone #: 770-644-2341 Fax: 770-541-1105

Address/Location of Subject Property: 3191, 3081 and 3201 Flowers Rd. So.

District(s): 18 Land Lot(s): 266, 265 Block(s): 02, 03 Parcel(s): 007, 049, 011

Acreage: 59.028 Commission District(s): 1 / 7

Current Land Use Designation: SUB Proposed Land Use Designation: INS

Current Zoning Classification(s): MR-2 / O-1

PLEASE READ THE FOLLOWING BEFORE SIGNING

This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.

Disclosure of Campaign Contributions: In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered: Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing: 1. The name and official position of the local government official to whom the campaign contribution was made. 2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga 30030.

Shawna E. Avila
NOTARY

[Signature]
SIGNATURE OF APPLICANT

3-16-20
EXPIRATION DATE / SEAL



Check One: Owner Agent [checked] DATE

350 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404-371-2955 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: http://www.dekalbcountyga.gov/planning
E-Mail Address: planninganddevelopment@dekalbcountyga.gov



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 10-25-16

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), Alliance PJRT Limited Partners
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
Kathryn M. Zickert, Esq., Smith, Gambrell & Russell, LLP
(Name of Applicant or Agent Representing Owner)

to file an application on (my) / (our) behalf.

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

MELLANY WILLIAMSON
NOTARY PUBLIC
COBB COUNTY, GEORGIA
Commission Expires
MARCH 18, 2020

Disclosure of Campaign Contributions

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Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? ___ Yes No

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1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Date: 10/21/2016

Applicant / Owner: Alliance PJRT Limited Partners
[print name]


[signature and title] James Kane, SVP

Name and official position of the local government official to whom the campaign contribution was made	Date of Donation	Dollar Amount of Donation

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

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2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the CEO and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Date: 10-25-16

Applicant / Owner: Cortland Partners, LLC
[print name]

[Signature]
[signature and title] Manager

Name and official position of the local government official to whom the campaign contribution was made	Date of Donation	Dollar Amount of Donation

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? ___ Yes No

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Date: 10-25-16

Applicant / Owner: Flowers GA Partners, LLC
[print name]


[signature and title] Manager

Name and official position of the local government official to whom the campaign contribution was made	Date of Donation	Dollar Amount of Donation

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Main: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Kathryn M. Zickert
Direct Tel: (404) 815-3704
Direct Fax: (404) 685-7004
kmzickert@sgrlaw.com

November 30, 2016

Via Facsimile: 404.371.7004

Ms. Barbara Sanders
DeKalb County Clerk to Commission and CEO
1300 Commerce Drive
Decatur, Georgia 30030

Re: Campaign Contribution Disclosure – November 2014 through November 30, 2016

Dear Ms. Sanders:

This letter is intended to provide campaign contributions as required by state law for Kathryn M. Zickert, Dennis, J. Webb, Jr., Vickie B. Chung and Smith, Gambrell & Russell, LLP. Please be advised that over the past two years our total contributions have been as follows:

CANDIDATE	AMOUNT	DATE	CONTRIBUTOR
Mereda Davis Johnson	\$1,000	5/20/15	Kathy Zickert
Mereda Davis Johnson	\$1,000	5/20/15	SGR

Please do not hesitate to contact me if you require any further information.

Sincerely,



Kathryn M. Zickert
Attorney

KMZ/sea

cc: DeKalb County Planning Director (via hand delivery)



STATEMENT OF INTENT

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Land Use Map Amendment Application

of

CORTLAND PARTNERS, LLC

for

± 59.028 Acres of Land
located in
Land Lots 265, 266, 248, 249, 18th District, DeKalb County

From Suburban to Institutional

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks a Comprehensive Land Use Plan Amendment for ± 59.028 acres of land located in Land Lots 265, 266, 248 and 249, 18th District of DeKalb County (“Subject Property”), consisting of three separate parcels developed into apartments in three phases, as depicted on the survey submitted with this application. Parcel 1 (26.54 acres) is zoned OI. Parcel 2 (20.68 acres) is zoned MR-2. Parcel 3 (11.81 acres) is zoned OI. Parcels 1 and 3 comprise 3081 Flowers Road South, and Parcel 2 comprises 3191 Flowers Road South. The entire development, known as “Park Pointe North,” consists of 34 apartment buildings in a gated community with a total of 770 units, at a density of thirteen units per acre. The apartments range in size from one to three bedrooms, and are served by a number of on-site amenities including pools, tennis courts, fitness centers and outdoor picnic areas.

The applicant seeks to amend the Comprehensive Land Use Plan designation of the Subject Property from Suburban to Institutional to reflect the existing density of the Subject Property, as the Suburban designation only allows up to eight units per acre. Concurrently with this application, the applicant seeks a rezoning of the OI portion of the Subject Property to MR-2 to make the zoning across the entirety of the Subject Property consistent, and a variance to reduce the minimum unit size from 650 square feet to 600 square feet.¹ The applicant does not intend on redeveloping the Subject Property, and the number and size of apartments will remain the same.

This document is submitted as the Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis as required by the

¹ There are 16 units at 600 square feet, 108 units at 628 square feet, and 12 units at 640 square feet. The remaining 634 units are all larger than 700 square feet.

DeKalb County Zoning Ordinance, § 27-7.3.4. A survey of the Subject Property and other required materials have been filed contemporaneously with the Application.

II. IMPACT ANALYSIS

A.

THE PROPOSED LAND USE PLAN CHANGE PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The Institutional category primarily encourages religious, civic, education and governmental purposes. The Subject Property is located directly adjacent to the Mercer Atlanta Campus, and this residential use is fully consistent with the character area. The proposed designation is appropriate given the use, development, and future land use plan classifications of adjacent and nearby property, including the apartments currently on site. The Subject Property is immediately adjacent to a mix of institutional uses. As indicated, directly across Flowers Road South is property designated Institutional, which is currently developed as Mercer University's Atlanta Campus. Directly to the west of the Subject Property is property designated Office Park, used as offices. Properties to the south and east designated as Suburban are separated from the Subject Property by substantial natural buffers of mature trees, as well as setbacks ranging from 52 to 131 feet, which will remain unchanged.

B.

THE PROPOSED LAND USE PLAN CHANGE WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposed Land Use Plan amendment for the Subject Property will not adversely affect the existing use or usability of adjacent properties. The Subject Property is already surrounded by a mix of institutional and office uses. The existing apartments will remain. Other primary land uses under the Institutional designation, such as churches and schools, are often

integrated into residential character areas as secondary, residential support uses.

Moreover, the Applicant will meet with Staff and neighbors throughout the application process to ensure that the proposed land use amendment is acceptable. Appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed land use amendment.

C.

THE PROPOSED LAND USE PLAN CHANGE WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Because the existing use will remain unchanged, there will be no change in traffic, utilities, schools, or other public services.

D.

THE REQUESTED AMENDMENT IS CONSISTENT WITH THE WRITTEN POLICIES IN THE COMPREHENSIVE PLAN TEXT.

This Application is consistent with the intent, goals, and policies of DeKalb County's 2005-2025 Comprehensive Plan. The proposed modification is appropriate given the location of the Subject Property and its proximity to other properties designated Industrial. The proposal would foster a number of general policies and strategies of the County's Comprehensive Plan, including:

INSCAP1: Ensure that institutional land is compatible with adjacent uses.

LUP4: Allow increased density to encourage urban lifestyles that support mixed use in activity centers.

E.

THE PROPOSED AMENDMENT WILL NOT NEGATIVELY IMPACT PROPERTIES IN ADJOINING GOVERNMENTAL JURISDICTIONS.

The Subject Property rests entirely within DeKalb County and will have no negative

impacts upon properties in adjoining governmental jurisdictions.

F.

**OTHER EXISTING AND CHANGING CONDITIONS AFFECTING
THE USE AND REDEVELOPMENT OF THIS LAND.**

As previously stated, the apartments currently existing on the Subject Property have a density of thirteen units per acre, but the Suburban classification only allows eight units per acre. The purpose of this application is to amend the Subject Property's land use designation into a category that is compatible with the existing use.

G.

**THE PROPOSED USE WILL NOT HAVE ANY IMPACT UPON HISTORIC
BUILDINGS, SITES, DISTRICTS OR ARCHEOLOGICAL RESOURCES.**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the Land Use Map amendment requested.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed Land Use Map amendment, or any attempt to change the Land Use Map designation of the Subject Property to an intervening classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the

United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would be invalid inasmuch as the Zoning Ordinance of DeKalb County is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

DeKalb County's Zoning Ordinance lacks adequate standards for the Board of Commissioners to exercise its power to review this Application. Specifically, the "standards" set out in Section 27-7.3.4 are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

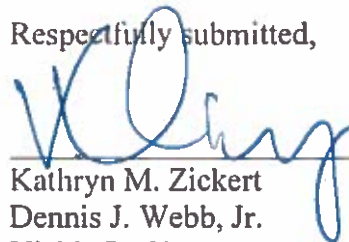
Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to amend the County's Land Use Map, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Land Use Map amendment be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 30th day of November, 2016.

Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Attorneys for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director

FIRST AMENDED

APPLICATION TO AMEND COMPREHENSIVE LAND USE (FUTURE DEVELOPMENT) MAP PLAN OF DEKALB COUNTY, GEORGIA

MAR 02 2017

Application No.: LU-17-21187 Date Received: (for DeKalb County stamp)

Applicant's Name: Cortland Partners c/o Kathryn M. Zickert E-Mail: kmzickert@sgrlaw.com

Applicant's Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, Ga 30309

Applicant's Daytime Phone #: 404-815-3704 Fax: 404-685-7004

(If more than one owner, attach information for each owner as Exhibit "A")
Owner's Name: Cortland Partners, LLC E-Mail: brendan.sheehan@cortlandpartners.com

Owner's Mailing Address: 3424 Peachtree Road, NE, Ste. 300

Owner's Daytime Phone #: 404-965-3988 Fax:

Address/Location of Subject Property: 3191, 3081 and 3201 Flowers Rd. So.

District(s): 18 Land Lot(s): 266, 265 Block(s): 02, 03 Parcel(s): 007, 049, 011

Acreage: 59.028 Commission District(s): 1 / 7

Current Land Use Designation: SUB Proposed Land Use Designation: INS

Current Zoning Classification(s): MR-2 / O-I

PLEASE READ THE FOLLOWING BEFORE SIGNING

I. This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.

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Shawna E Avila
NOTARY

Kathryn M Zickert
SIGNATURE OF APPLICANT

3-16-20
EXPIRATION DATE / SEAL



Check One: Owner [] Agent [X] 3-1-17
DATE

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] (404) 371-2550 [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 3-2-17

CHECK TYPE OF APPLICATION:

- [X] LAND USE PLAN
[X] REZONE
() MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE) Cortland Partners, LLC
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
Kathryn M. Zickert, Esq., Smith, Gambrell & Russell, LLP
(Name of Applicant or Agent Representing Owner)

to file an application on (my) / (our) behalf.

Shawna E. Avila
Notary Public

[Signature]
Owner

Notary Public

Owner

Notary Public

Owner



**FIRST AMENDED
STATEMENT OF INTENT**

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Land Use Map Amendment Application
(Application No. LU-17-21187)

of

CORTLAND PARTNERS, LLC

for

± 59.028 Acres of Land
located in
Land Lots 265, 266, 248, 249, 18th District, DeKalb County

From Suburban to Institutional

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks a Comprehensive Land Use Plan Amendment for ± 59.028 acres of land located in Land Lots 265, 266, 248 and 249, 18th District of DeKalb County (“Subject Property”), consisting of three separate parcels developed into apartments in three phases, as depicted on the survey submitted with this application. Parcel 1 (26.54 acres) is zoned OI. Parcel 2 (20.68 acres) is zoned MR-2. Parcel 3 (11.81 acres) is zoned OI. Parcels 1 and 3 comprise 3081 Flowers Road South, and Parcel 2 comprises 3191 Flowers Road South. The entire development, known as “Park Pointe North,” consists of 34 apartment buildings in a gated community with a total of 770 units, at a density of thirteen units per acre. The apartments range in size from one to three bedrooms, and are served by a number of on-site amenities including pools, tennis courts, fitness centers and outdoor picnic areas.

The applicant seeks to amend the Comprehensive Land Use Plan designation of the Subject Property from Suburban to Institutional to reflect the existing density of the Subject Property, as the Suburban designation only allows up to eight units per acre. Concurrently with this application, the applicant seeks a rezoning of the MR-2 portion of the Subject Property to OI to make the zoning across the entirety of the Subject Property consistent (Application No. Z-17-21185), and a variance to reduce the minimum unit size from 1,000 square feet to 600 square feet (Application No. A-17-21186).¹ The applicant does not intend on redeveloping the Subject Property, and the number and size of apartments will remain the same. In fact, the Applicant has recently purchased the complex and will be extensively renovating the existing apartments and amenity areas. The purpose of these applications is therefore threefold: to make the zoning classification across the Subject Property consistent, to bring the land use classification in

¹ There are 16 units at 600 square feet; 108 units at 628 square feet; 12 units at 640 square feet; 144 units at 719 square feet; 60 units at 760 square feet; 60 units at 827 square feet; 12 units at 830 square feet; 36 units at 919 square feet; and 14 units at 990 square feet. The remaining 308 units are all 1,000 square feet or larger.

conformity with the existing density, and to make legally nonconforming units lawful so the Applicant may move forward with its renovation plans.

This document is submitted as the First Amended Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis as required by the DeKalb County Zoning Ordinance, § 27-7.3.4. A survey of the Subject Property, updated owner authorization form, and other required materials have been filed contemporaneously with the Application.

II. IMPACT ANALYSIS

A.

THE PROPOSED LAND USE PLAN CHANGE PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The Institutional category primarily encourages religious, civic, education and governmental purposes. The Subject Property is located directly adjacent to the Mercer Atlanta Campus, and this residential use is fully consistent with the character area. The proposed designation is appropriate given the use, development, and future land use plan classifications of adjacent and nearby property, including the apartments currently on site. The Subject Property is immediately adjacent to a mix of institutional uses. As indicated, directly across Flowers Road South is property designated Institutional, which is currently developed as Mercer University's Atlanta Campus. Directly to the west of the Subject Property is property designated Office Park, used as offices. Properties to the south and east designated as Suburban are separated from the Subject Property by substantial natural buffers of mature trees, as well as setbacks ranging from 52 to 131 feet, which will remain unchanged.

B.

THE PROPOSED LAND USE PLAN CHANGE WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

The proposed Land Use Plan amendment for the Subject Property will not adversely affect the existing use or usability of adjacent properties. The Subject Property is already surrounded by a mix of institutional and office uses. The existing apartments will remain. Other primary land uses under the Institutional designation, such as churches and schools, are often integrated into residential character areas as secondary, residential support uses.

Moreover, the Applicant will meet with Staff and neighbors throughout the application process to ensure that the proposed land use amendment is acceptable. Appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed land use amendment.

C.

THE PROPOSED LAND USE PLAN CHANGE WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

Because the existing use will remain unchanged, there will be no change in traffic, utilities, schools, or other public services.

D.

THE REQUESTED AMENDMENT IS CONSISTENT WITH THE WRITTEN POLICIES IN THE COMPREHENSIVE PLAN TEXT.

This Application is consistent with the intent, goals, and policies of DeKalb County's 2005-2025 Comprehensive Plan. The proposed modification is appropriate given the location of the Subject Property and its proximity to other properties designated Institutional. The proposal would foster a number of general policies and strategies of the County's Comprehensive Plan, including:

INSCAP1: Ensure that institutional land is compatible with adjacent uses.

LUP4: Allow increased density to encourage urban lifestyles that support mixed use in activity centers.

E.

THE PROPOSED AMENDMENT WILL NOT NEGATIVELY IMPACT PROPERTIES IN ADJOINING GOVERNMENTAL JURISDICTIONS.

The Subject Property rests entirely within DeKalb County and will have no negative impacts upon properties in adjoining governmental jurisdictions.

F.

OTHER EXISTING AND CHANGING CONDITIONS AFFECTING THE USE AND REDEVELOPMENT OF THIS LAND.

As previously stated, the apartments currently existing on the Subject Property have a density of thirteen units per acre, but the Suburban classification only allows eight units per acre. The purpose of this application is to amend the Subject Property's land use designation into a category that is compatible with the existing use.

G.

THE PROPOSED USE WILL NOT HAVE ANY IMPACT UPON HISTORIC BUILDINGS, SITES, DISTRICTS OR ARCHEOLOGICAL RESOURCES.

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the Land Use Map amendment requested.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed Land Use Map amendment, or any attempt to change the Land Use Map designation of the Subject Property to an intervening classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the

Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed Land Use Map amendment, or any attempt to change the designation of the Subject Property to an intervening classification, would be invalid inasmuch as the Zoning Ordinance of DeKalb County is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

DeKalb County's Zoning Ordinance lacks adequate standards for the Board of Commissioners to exercise its power to review this Application. Specifically, the "standards" set

out in Section 27-7.3.4 are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

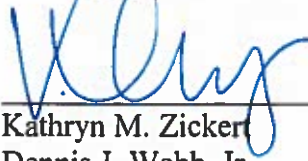
Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to amend the County's Land Use Map, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Land Use Map amendment be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 2nd day of March, 2017.

Respectfully submitted,

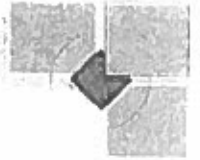


Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Attorneys for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500



DeKalb County Planning & Sustainability Department



PRE-APPLICATION FORM
REZONES, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Pre-application conference is required prior to filing application; copy must be submitted at filing)

Applicant Name: Kathy Zuchert Phone: 4/815-3704 Email: kmzuchert@SGRAW.com
Owner Name: Courtyard Partners Phone: Email:
Property Address: 3201 Flowers Road South
Tax Parcel ID: 18-265-03-011 18-266-02-007 Comm. District: 1/7 Acreage: 59.03
Existing Zoning: O-I Proposed Zoning: O-I Square Footage/Number of Units 890
Existing Use: Existing Non-conforming units Proposed Use: No New Bldgs
Existing Case Number(s): C287160, C278-117
Existing Land Use: SUB Proposed Land Use: CRC Consistent [] Inconsistent []
Rezoning Request: Bring existing units into compliance

Special Land Use Permit: Article Number: 27-
Special Land Use Request:

Major Modification: Yes [] No [] Case Number:
Conditions to be modified and request:

Land Use Plan Amendment: Yes [x] No []
Justification for amendment request:

CONTINUE ON BACK

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ Planning Commission: _____
 Owners Authorization: _____ Community Council Meeting: _____ Public Notice: _____ Notice Signs: _____
 Building Permits: _____ Fire Inspection: _____ Business License: _____ Land Disturbance Permit: _____
 State License: _____ Lighting Plan: _____ Campaign Disclosure: _____ Impact Analysis: _____
 Zoning Conditions: _____ Letter of Intent: _____ Board of Commissioners: _____ Tent Permit: _____
 Supplemental Regulations: _____ Overlay District _____ DRI _____

Review of Site Plan

Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size: _____ Frontage: _____
 Landscape Strips: _____ Buffers: _____ 0 Parking Lot Landscaping: _____ Parking Spaces: _____
 Screening: _____ Streetscapes: _____ Fencing/Walls: _____ Open Space: _____
 Enhanced Open Space: _____ Building Materials: _____ Roof Material: _____ Fenestration: _____
 Façades: _____ Orientation: _____ Garages: _____ Pedestrian Plan: _____ Sidewalks _____

Possible Variances: 1) Min unit size from 1000 to 600
2) Bldg setback from Flowers Rd.

Comments: _____

Planner: ME Date 10/21/16

Filing Fees

REZONING: RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5, OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE AMENDMENT	\$500.00
SPECIAL LAND USE PERMIT	\$400.00
MAJOR MODIFICATION	\$250.00

Record Legal Description

PARCEL 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 249 & 265 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH (VARIABLE RIGHT-OF-WAY) AND THE SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE (80' RIGHT-OF-WAY), RUN THENCE ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE 249.71 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 649.10 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES 24 MINUTES 38 SECONDS EAST 248.17 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00 DEGREES 28 MINUTES 00 SECONDS WEST A DISTANCE OF 887.48 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED RUN SOUTH 00 DEGREES 28 MINUTES 19 SECONDS WEST A DISTANCE OF 1,086.54 FEET TO A POINT; THENCE SOUTH 00 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 125.58 FEET TO A POINT; THENCE NORTH 41 DEGREES 31 MINUTES 59 SECONDS WEST A DISTANCE OF 131.79 FEET TO A POINT; THENCE NORTH 59 DEGREES 26 MINUTES 17 SECONDS WEST A DISTANCE OF 230.00 FEET TO A POINT; THENCE NORTH 73 DEGREES 23 MINUTES 01 SECONDS WEST A DISTANCE OF 202.01 FEET TO A POINT; THENCE SOUTH 75 DEGREES 47 MINUTES 58 SECONDS WEST A DISTANCE OF 158.00 FEET TO A POINT; THENCE SOUTH 55 DEGREES 26 MINUTES 59 SECONDS WEST A DISTANCE OF 158.97 FEET TO A POINT; THENCE SOUTH 41 DEGREES 27 MINUTES 58 SECONDS WEST A DISTANCE OF 445.04 FEET TO AN IRON PIN FOUND; THENCE SOUTH 69 DEGREES 33 MINUTES 18 SECONDS WEST A DISTANCE OF 276.10 FEET TO AN IRON PIN FOUND; THENCE SOUTH 44 DEGREES 48 MINUTES 48 SECONDS WEST A DISTANCE OF 70.85 FEET TO AN IRON PIN FOUND; THENCE NORTH 88 DEGREES 19 MINUTES 40 SECONDS WEST A DISTANCE OF 138.53 FEET TO A POINT; THENCE NORTH 24 DEGREES 41 MINUTES 59 SECONDS EAST A DISTANCE OF 740.98 FEET TO AN IRON PIN FOUND, THENCE NORTH 23 DEGREES 03 MINUTES 13 SECONDS WEST A DISTANCE OF 299.80 FEET TO AN IRON PIN FOUND AT SAID SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH; THENCE ALONG SAID RIGHT-OF-WAY LINE 88.49 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2,899.80 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 62 DEGREES 11 MINUTES 24 SECONDS EAST 88.49 FEET TO A POINT; THENCE NORTH 61 DEGREES 18 MINUTES 59 SECONDS EAST A DISTANCE OF 421.02 FEET TO A POINT; THENCE 279.87 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 671.63 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 49 DEGREES 22 MINUTES 45 SECONDS EAST 277.85 FEET TO A POINT, THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 52 DEGREES 33 MINUTES 32 SECONDS EAST A DISTANCE OF 22.03 FEET TO A POINT; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 85.46 FEET TO A POINT; THENCE SOUTH 48 DEGREES 05 MINUTES 39 SECONDS EAST A DISTANCE OF 135.59 FEET TO A POINT; THENCE NORTH 45 DEGREES 15 MINUTES, 31 SECONDS EAST A DISTANCE OF 152.37 FEET TO A POINT; THENCE SOUTH 44 DEGREES 44 MINUTES 29 SECONDS EAST A DISTANCE OF 93.00 FEET TO A POINT; THENCE NORTH 45 DEGREES 15 MINUTES 31 SECONDS EAST A DISTANCE OF 60.65 FEET TO A POINT; THENCE NORTH 32 DEGREES 54 MINUTES 39 SECONDS EAST A DISTANCE OF 228.14 FEET TO A POINT; THENCE SOUTH 89 DEGREES 31 MINUTES 31 SECONDS EAST A DISTANCE OF 119.46 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PROPERTY CONTAINS 26.54 ACRES.

PARCEL 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 248, 249, 265, & 266 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH (VARIABLE RIGHT-OF-WAY) AND THE SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE (80' RIGHT-OF-WAY), RUN THENCE ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE 249.71 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 649.10 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES 24 MINUTES 38 SECONDS EAST 248.17 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00 DEGREES 28 MINUTES 00 SECONDS WEST A DISTANCE OF 887.48 FEET TO A POINT; THENCE SOUTH 00 DEGREES 28 MINUTES 19 SECONDS WEST A DISTANCE OF 1,086.54 FEET TO A POINT; THENCE SOUTH 00 DEGREES 25 MINUTES 09 SECONDS WEST A DISTANCE OF 125.58 FEET TO A POINT; THENCE NORTH 41 DEGREES 31 MINUTES 59 SECONDS WEST A DISTANCE OF 131.79 FEET TO A POINT; THENCE NORTH 59 DEGREES 26 MINUTES 17 SECONDS WEST A DISTANCE OF 230.00 FEET TO A POINT; THENCE NORTH 73 DEGREES 23 MINUTES 01 SECONDS WEST A DISTANCE OF 202.01 FEET TO A POINT; THENCE SOUTH 75 DEGREES 47 MINUTES 58 SECONDS WEST A DISTANCE OF 158.00 FEET TO A POINT; THENCE SOUTH 55 DEGREES 26 MINUTES 59 SECONDS WEST A DISTANCE OF 158.97 FEET TO A POINT; THENCE SOUTH 41 DEGREES 27 MINUTES 58 SECONDS WEST A DISTANCE OF 445.04 FEET TO AN IRON PIN FOUND; THENCE SOUTH 69 DEGREES 33 MINUTES 18 SECONDS WEST A DISTANCE OF 276.11 FEET TO AN IRON PIN FOUND; THENCE SOUTH 44 DEGREES 48 MINUTES 48 SECONDS WEST A DISTANCE OF 70.85 FEET TO AN IRON PIN FOUND; THENCE NORTH 88 DEGREES 19 MINUTES 40 SECONDS WEST A DISTANCE OF 138.52 FEET TO A POINT AND THE TRUE POINT OF BEGINNING, FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUE NORTH 88 DEGREES 19 MINUTES 40 SECONDS WEST A DISTANCE OF 708.11 FEET TO AN IRON PIN FOUND; THENCE NORTH 64 DEGREES 40 MINUTES 27 SECONDS WEST A DISTANCE OF 428.73 FEET TO AN IRON PIN FOUND; THENCE NORTH 16 DEGREES 53 MINUTES 46 SECONDS WEST A DISTANCE OF 186.57 FEET TO AN IRON PIN FOUND; THENCE NORTH 16 DEGREES 14 MINUTES 39 SECONDS EAST A DISTANCE OF 262.72 FEET TO AN IRON PIN FOUND AT SAID SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH; THENCE ALONG SAID RIGHT-OF-WAY LINE 1,317.95 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2,899.80 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 76 DEGREES 05 MINUTES 03 SECONDS EAST 1,306.64 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 23 DEGREES 03 MINUTES 13 SECONDS EAST A DISTANCE OF 299.80 FEET TO A POINT; THENCE SOUTH 24 DEGREES 41 MINUTES 59 SECONDS WEST A DISTANCE OF 740.98 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY CONTAINS 20.68 ACRES.

PARCEL 3

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 265 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH (VARIABLE RIGHT-OF-WAY) AND THE SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE (80' RIGHT-OF-WAY), RUN THENCE ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE OF MERCER UNIVERSITY DRIVE 249.71 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 649.10 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES 24 MINUTES 38 SECONDS EAST 248.17 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 00 DEGREES 28 MINUTES 00 SECONDS WEST A DISTANCE OF 887.48 FEET TO A POINT; THENCE NORTH 89 DEGREES 31 MINUTES 31 SECONDS WEST A DISTANCE OF 119.46 FEET TO A POINT; THENCE SOUTH 32 DEGREES 54 MINUTES 39 SECONDS WEST A DISTANCE OF 228.14 FEET TO A POINT; THENCE SOUTH 45 DEGREES 15 MINUTES 31 SECONDS WEST A DISTANCE OF 60.65 FEET TO A POINT; THENCE NORTH 44 DEGREES 44 MINUTES 29 SECONDS WEST A DISTANCE OF 93.00 FEET TO A POINT; THENCE SOUTH 45 DEGREES 15 MINUTES 31 SECONDS WEST A DISTANCE OF 152.37 FEET TO A POINT; THENCE NORTH 48 DEGREES 05 MINUTES 39 SECONDS WEST A DISTANCE OF 135.59 FEET TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 85.46 FEET TO A POINT; THENCE NORTH 52 DEGREES 33 MINUTES 32 SECONDS WEST A DISTANCE OF 22.03 FEET TO A POINT AT SAID SOUTHEASTERN RIGHT-OF-WAY LINE OF FLOWERS ROAD SOUTH; THENCE ALONG SAID RIGHT-OF-WAY LINE 364.85 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 671.63 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 21 DEGREES 52 MINUTES 43 SECONDS EAST 360.38 FEET TO A POINT; THENCE NORTH 06 DEGREES 18 MINUTES 59 SECONDS EAST A DISTANCE OF 207.95 FEET TO A POINT; THENCE 521.80 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 919.90 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES 33 MINUTES 59 SECONDS EAST 514.83 FEET TO A POINT; THENCE NORTH 38 DEGREES 48 MINUTES 59 SECONDS EAST A DISTANCE OF 117.13 FEET TO A POINT AND THE BEGINNING.

THE ABOVE-DESCRIBED PROPERTY CONTAINS 11.810 ACRES.

TOGETHER WITH AND SUBJECT TO THE PERPETUAL, NON-EXCLUSIVE RIGHT, TITLE AND INTEREST OF GRANTOR, FOR THE BENEFIT OF AND AS AN APPURTENANCE TO THE PROPERTY, AND TO THE RIGHTS, PRIVILEGES AND EASEMENTS CREATED UNDER THE FOLLOWING EASEMENTS:

(A) I-85 SIGN EASEMENT, DATED NOVEMBER 14, 1986, BETWEEN THE CORPORATION OF MERCER UNIVERSITY AND POST PARTNERS II, LTD., RECORDED IN DEED BOOK 5650, PAGE 311, DEKALB COUNTY, GEORGIA RECORDS; AS AMENDED BY MODIFICATION OF I-85 SIGN EASEMENT, DATED APRIL 12, 2016, BY AND AMONG THE CORPORATION OF MERCER UNIVERSITY, A GEORGIA CORPORATION AND ALLIANCE PART LIMITED PARTNERSHIP, A DELAWARE LIMITED PARTNERSHIP (AS SUCCESSOR-IN-INTEREST TO POST PARTNERS II, LTD.), RECORDED APRIL 26, 2016 IN DEED BOOK 25522, PAGE 7, DEKALB COUNTY, GEORGIA RECORDS.

(A) STORM DRAINAGE EASEMENTS, DATED MAY 25, 1987, BETWEEN THE CORPORATION OF MERCER UNIVERSITY AND POST PARTNERS II, LTD., RECORDED IN DEED BOOK 5851, PAGE 555, AFORESAID RECORDS; AND

(B) SANITARY SEWER EASEMENTS, DATED MAY 25, 1987, BETWEEN THE CORPORATION OF MERCER UNIVERSITY AND POST PARTNERS II, LTD., RECORDED IN DEED BOOK 5851, PAGE 551, AFORESAID RECORDS.

APN: 18-266-02-007, 18-265-03-049 & 18-265-03-011

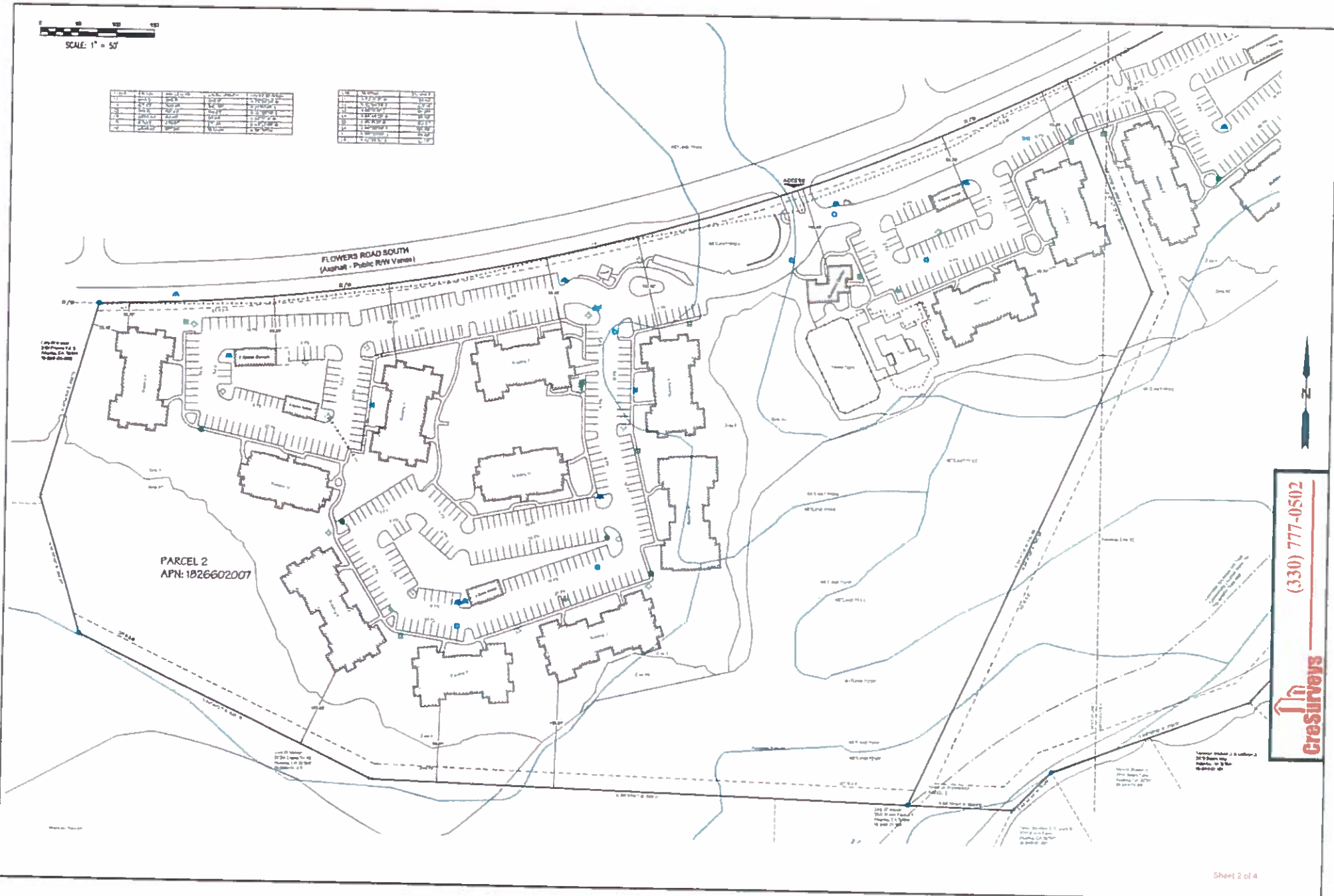
CONTAINING 2571240.54 S.F., 59.028 ACRES MORE OR LESS.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT ORDER NO. GA-160256 WITH AN EFFECTIVE DATE OF NOVEMBER 10, 2016.

SCALE: 1" = 50'

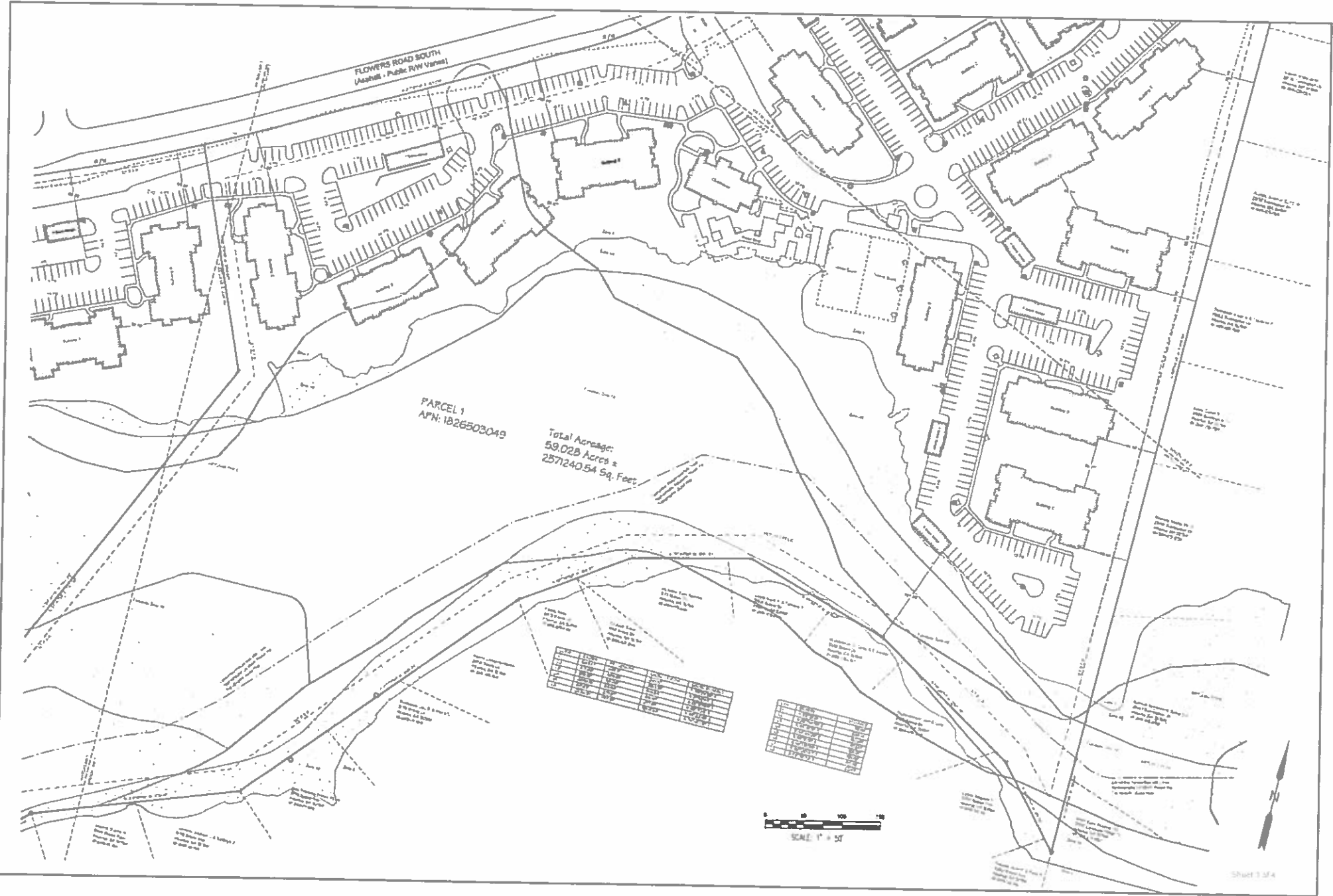
NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	PREPARED	11/15/11	J. J. ...		
2	REVISED	11/15/11	J. J. ...		
3	REVISED	11/15/11	J. J. ...		
4	REVISED	11/15/11	J. J. ...		
5	REVISED	11/15/11	J. J. ...		
6	REVISED	11/15/11	J. J. ...		
7	REVISED	11/15/11	J. J. ...		
8	REVISED	11/15/11	J. J. ...		
9	REVISED	11/15/11	J. J. ...		
10	REVISED	11/15/11	J. J. ...		

NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
11	REVISED	11/15/11	J. J. ...		
12	REVISED	11/15/11	J. J. ...		
13	REVISED	11/15/11	J. J. ...		
14	REVISED	11/15/11	J. J. ...		
15	REVISED	11/15/11	J. J. ...		
16	REVISED	11/15/11	J. J. ...		
17	REVISED	11/15/11	J. J. ...		
18	REVISED	11/15/11	J. J. ...		
19	REVISED	11/15/11	J. J. ...		
20	REVISED	11/15/11	J. J. ...		



PARCEL 2
APN: 1826602007

Cresimpro
(330) 777-0502



FLOWERS ROAD SOUTH
(Asphalt - Public R/W Varies)

PARCEL 1
APN: 1826503049

Total Acreage:
59.028 Acres ±
2,571,240.54 Sq. Feet

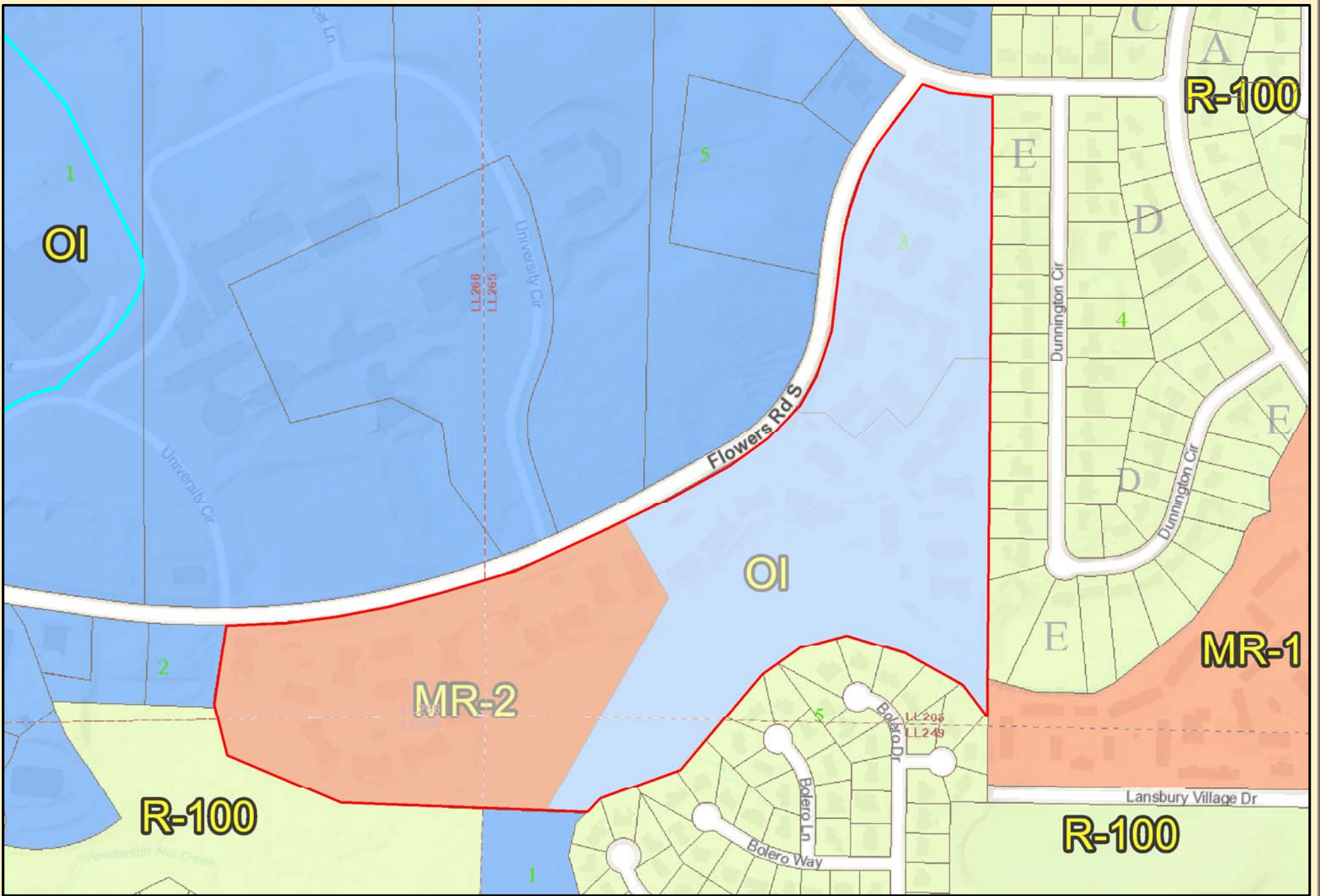
Lot	Area (Sq. Ft.)	Area (Acres)
1	10,000	0.2296
2	10,000	0.2296
3	10,000	0.2296
4	10,000	0.2296
5	10,000	0.2296
6	10,000	0.2296
7	10,000	0.2296
8	10,000	0.2296
9	10,000	0.2296
10	10,000	0.2296
11	10,000	0.2296
12	10,000	0.2296
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91	10,000	0.2296
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93	10,000	0.2296
94	10,000	0.2296
95	10,000	0.2296
96	10,000	0.2296
97	10,000	0.2296
98	10,000	0.2296
99	10,000	0.2296
100	10,000	0.2296

Lot	Area (Sq. Ft.)	Area (Acres)
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2	10,000	0.2296
3	10,000	0.2296
4	10,000	0.2296
5	10,000	0.2296
6	10,000	0.2296
7	10,000	0.2296
8	10,000	0.2296
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15	10,000	0.2296
16	10,000	0.2296
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99	10,000	0.2296
100	10,000	0.2296

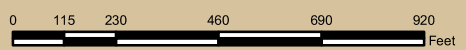
SCALE: 1" = 50'



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Zoning Map LP 17 21187

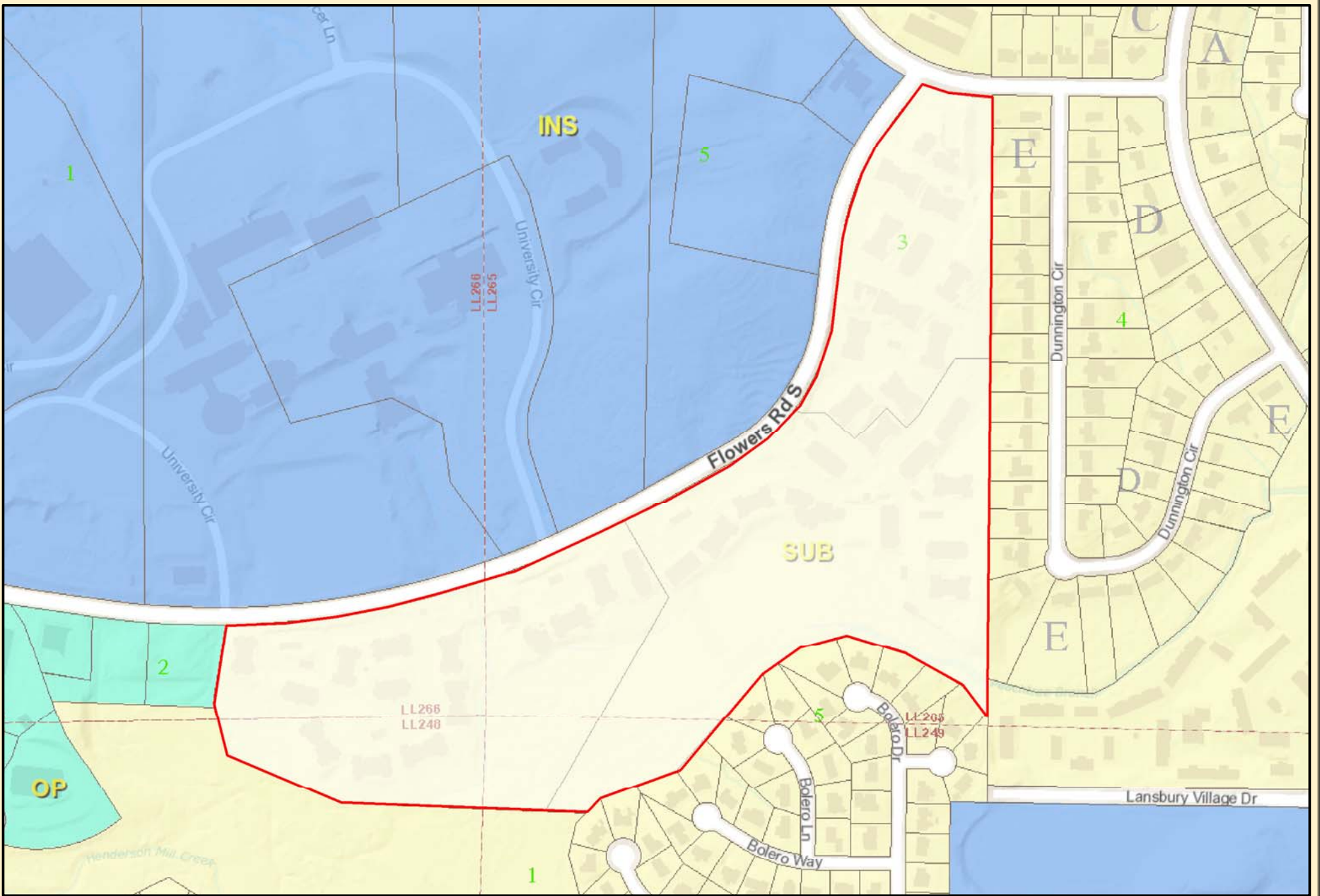


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Land Use Map LP 17 21187

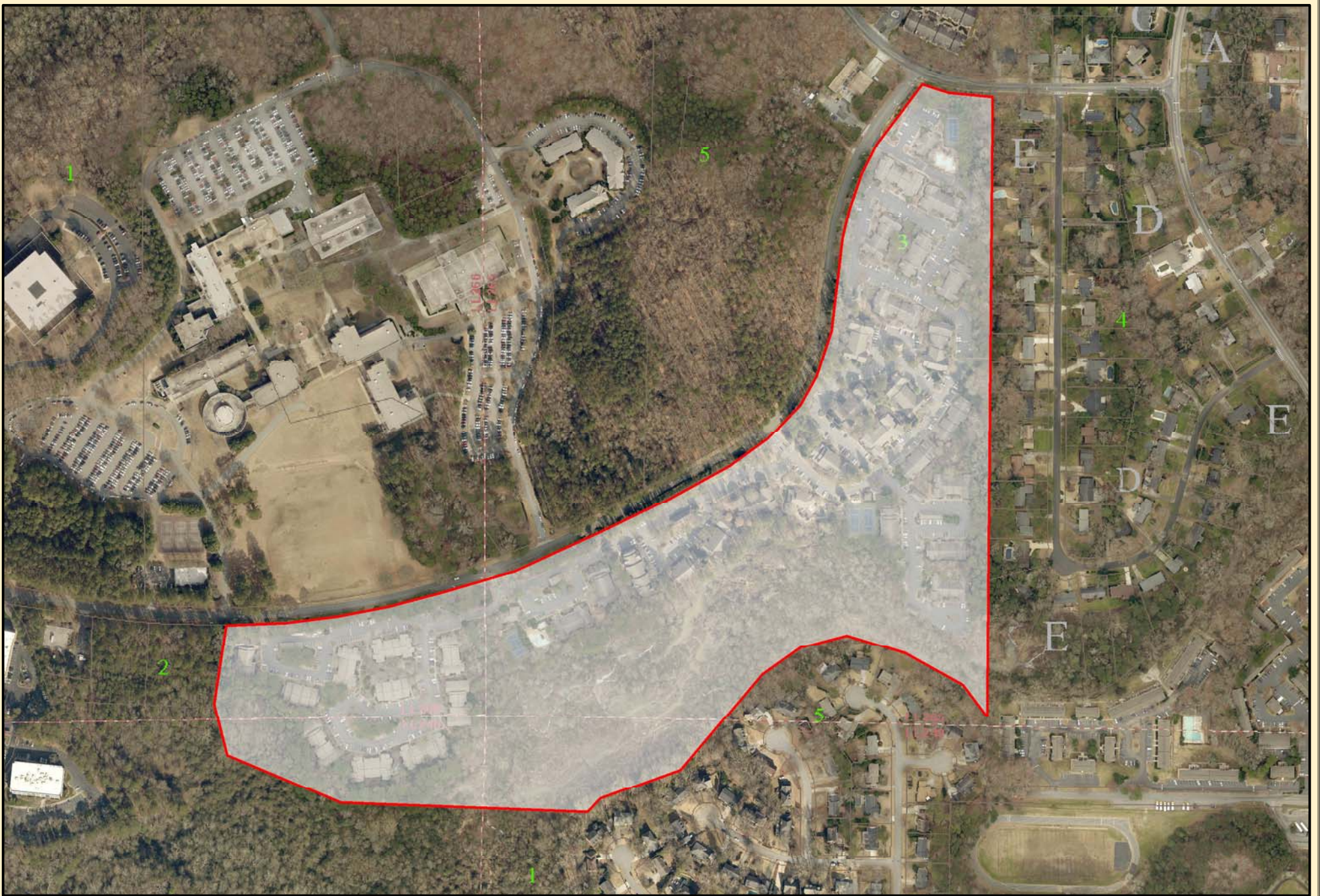


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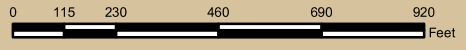


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Aerial Map LP 17 21187



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