



DeKalb County Department of Planning & Sustainability

**178 Sams Street
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

**Planning Commission Hearing Date: May 3, 2022, 5:30 P.M.
Board of Commissioners Hearing Date: May 26, 2022, 5:30 P.M.**

STAFF ANALYSIS

Case No.: Z-22-1245577 **Agenda #:** N7

Location/Address: 1845 and 1851 2nd Avenue, and 1939 Alexander Avenue, Decatur, Georgia **Commission District:** 3 **Super District:** 6

Parcel ID(s): 15-173-07-002, -018, & -048

Request: To rezone property from C-1 (Local Commercial) and M (Light Industrial) to MR-2 (Medium Density Residential-2) for development of a multifamily and townhome development.

Property Owner(s): Perennial Properties

Applicant/Agent: East Lake Holdings, Inc.

Acreage: 11.62 acres

Existing Land Use: Undeveloped, partly wooded

Surrounding Properties: To the northwest: single-family residential (zoned R-75); to the north: a vacated auto repair shop and The Atlanta Masjid Al Islam. To the southeast, southwest, west, and northwest: single-family residential (zoned R-75). To the south: multifamily residential (zoned RSM).

Comprehensive Plan: NC (Neighborhood Commercial) Consistent Inconsistent

Proposed Density: 24 units/acre	Existing Density: N.A. (undeveloped)
Proposed Units: 281	Existing Units: N.A. (undeveloped)

Zoning History:

The subject property, known colloquially as the “Bag Factory Site”, is comprised of three parcels: 1939 Alexander Avenue, 1846 2nd Avenue, and 1851 2nd Avenue. Historic County zoning maps indicate that, as of March 9, 2009, the northernmost halves of 1939 Alexander Avenue and 1846 2nd Avenue were zoned M (Light Industrial), most likely to allow the manufacturing use implied by the nickname of the property. The remaining portions of these properties were zoned M sometime between 2009 and the present, but information about this zoning action have not yet been found.

SITE AND AREA ANALYSIS

The subject property is a 11.62-acre tract located approximately 700 feet south of Glenwood Road, an east-west minor arterial, and approximately 200 – 500 feet east of Fayetteville Road, a collector. The property fronts on 2nd

Avenue, a two-way, two-lane collector, and on Alexander Avenue, a 39-foot wide, largely unpaved local street that dead-ends at the northern edge of the property. The property has mixed zoning: the westernmost two-thirds are zoned M, and the easternmost third is zoned C-1. The western third and south-central parts of the property are heavily wooded. The remainder of the property have been cleared or leveled after demolition of a “bag factory”, or a manufacturing plant for commercial bags, possibly for used for bagging cotton as with the Fulton Bag and Cotton Mill, located in Atlanta. The topography slopes gradually towards the southwest.

Character of surrounding area: Nearby properties are primarily single-family residential, zoned R-75 and RSM, and have the characteristics of traditional neighborhoods: streets are laid out in a grid pattern, and lots are relatively small and uniform. Glenwood Avenue, located approximately 630 to the north in the City of Atlanta, forms a dividing line between these neighborhoods and the East Lake Golf Club and Charlie Yates Golf Course, located to the north of Glenwood. The adjoining property to the south is zoned RSM and is developed for the Columbia Village Villas, a one-story multifamily residential development. Exceptions to the residential land use pattern is found across the street from the subject property and on the adjoining properties to the north. The Donald E. Trimble Funeral Home, the Bethel Baptist Church, and a multitenant commercial building with a restaurant and hair salon are located across 2nd Avenue to the east and are zoned C-1. A vacated auto repair shop, and a small shopping center which is largely occupied by the Atlanta Masjid of Al Islam mosque, both zoned C-1, are located on the adjoining properties to the north. The shopping center has frontage on Fayetteville Road and on Alexander Avenue, which runs behind the rear wall of the mosque. Alexander Avenue is largely unimproved and dead-ends at the north property line of the subject property.

PROJECT DESCRIPTION

The development proposal is for a mixed residential development with accessory retail. It would consist of 237 apartment units, 44 townhomes, and two street-level retail spaces with a total of 5,000 square feet of floor area. A 32,000 square foot green space (called a Village Green on the site plan) would be located at the center of the development. The Village Green and accompanying pavilion would be accessible by the public. For security and privacy, the residential buildings would be accessible only by residents. The multifamily residential buildings would each have a central amenity; one would have a green open space amenity, and the other would have a pool adjacent to a private club and fitness facility.

The proposed development is targeted specifically toward young professionals and empty nesters and is not expected to be occupied with a significant number of families with school aged children. The development will include what the developer calls a “traditional” unit mix of “studio, one-bedroom, two-bedroom (20% of total), and three-bedroom units (5% - 10% of total.)”

Vehicular access would be provided in a double driveway. Vehicular circulation throughout the site would be provided by linear surface parking lots with two-way aisles. The site plan shows sidewalks with street trees lining the surface parking lots. Public transit is provided by two MARTA bus stops located on 2nd Avenue directly in front of the development site. The East Lake MARTA station, located approximately 2 miles from the property, has limited park-and-ride parking lots.

Neighbors have commented that 2nd Avenue carries high levels of traffic during peak commuting hours. They have requested a second point of vehicular ingress and egress, for the purpose of distributing traffic off of 2nd Avenue. A suggestion to connect the subject property with Fayetteville Road through one of the residential properties along Fayetteville is impractical since it is unknown whether any of the owners want to sell at this time. Also, such a proposal might have negative impacts on the remaining residential properties on either side of the purchased property. Finally, the site plan for the proposed development shows that a large, wooded area on the west side of

the side is to remain natural, so that putting a driveway through it would involve destroying trees and re-grading, both of which are not recommended because of consequences to stormwater drainage, habitat, and the climate. Another suggestion is to connect the dead-end Alexander Avenue to the internal circulation system of the site. Transportation Manager, Patrece Keeter, has said that Alexander Avenue is not suitable. At present, it is a narrow, mostly unpaved street that runs along the back of the building used for the Atlanta Masjid Al Islam. Staff recommends a zoning condition that requires a street stub at a point where an internal street/linear parking lot on the subject property can connect with Alexander Avenue if, in the future, the Masjid is demolished, and Alexander Avenue can be widened and used by residents of the development. It is recommended that ingress and egress be allowed only by residents through use of a keyed gate system, to prevent the general public from cutting across the development site.

COMPLIANCE WITH DISTRICT STANDARDS:

MR-2 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 12 d.u.s/acre W/Bonuses: 24 d.u.s/ac.	24 units/acre	Yes
BONUSES	50% greater than base: open space comprises 20- 34.9% of total site area = add'l 6 d.u./acre	28.9%	
MIN. OPEN SPACE	15% = 76,755 s.f.	28.9% (148,500 s.f.)	Yes
MIN. ENHANCED OPEN SPACE	50% of minimum open space = 38,377 s.f.	Approx.. 47,000 s.f.	Yes
MIN. TRANSITIONAL BUFFER	50-foot buffer next to R-75 properties to the west and next to RSM properties to the south	100 ft. to 1500 ft. ±	Yes
MIN. LOT AREA	1,000 s.f. (townhome); N/A (multifamily)	Not applicable; no individual lots proposed for townhomes	N.A.
MIN. LOT WIDTH	20 ft (townhome); 100 feet (multifamily)	Not applicable; no individual lots proposed for townhomes	N.A.
MAX. LOT COVERAGE	Not applicable for developments without	Not applicable.	N.A.

		individual lots; see Open Space		
MR-2 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
BUILDING SETBACKS	FRONT (For entire bldg. site)	Determined by utility placement, ROW, streetscape	10 ft.	Yes
	INTERIOR SIDE	For entire lot: none required	North side: approx.. 35 ft. South side: superseded by transitional buffer	Yes N.A.
	REAR W/O ALLEY	20 ft.	Superseded by transitional buffer	N.A.
MINIMUM UNIT SIZE		Townhomes: 1,000 s.f.; Multifamily: 650 s.f.	Information not provided. Information not provided.	Non-compliance will necessitate variance. Non-compliance will necessitate variance.
MAX. BLDG. HEIGHT		Townhomes: 3 stories or 45 ft, whichever is less; Multifamily: 4 stories or 60 ft., whichever is less	Information not provided 4 stories in 60 ft.	Non-compliance will necessitate variance. Yes
PERIMETER PLANTING STRIP		5 feet with specified plantings.	Superseded by transitional buffer on west and south sides; provided on north side	Yes
PARKING		Townhomes: Min. 1.5 spaces per d.u. & .25/d.u. visitor parking = 77 spaces; Max 3/d.u. & .25 spaces/d.u. visitor parking = 143 spaces Multifamily: Min. 1.5 spaces per d.u. = 355 spaces; Max. 3 spaces/d.u. = 711 spaces Accessory retail: 3 spaces per 1,000 s.f. = 15 spaces	Townhomes: Yes Multifamily: 356 spaces 15 spaces	Yes Yes Yes

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

As a redevelopment project at an unused site in a Neighborhood Center character area, the proposal is consistent with the following policy of the 2021 Comprehensive Plan Update: “Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT). (p. 99) The proposed streetscaping along 2nd Avenue and within the development is consistent with the Plan Update for “Improved street character with consistent signage, lighting, landscaping, and other design features.” (p. 99) The publicly-accessible Village Green is consistent with the following policy: “Encourage [all] development and redevelopment in activity centers [to] provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages, and other design features.” (p. 99)

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 zoning is suitable in view of the use and development of adjacent and nearby properties. It is consistent with the character of the multifamily residential land use on the adjoining property to the south, and compatible with the commercial land uses to the north. Large expanses of wooded property will be left untouched on the west side of the site, buffering the single-family residential land uses on adjoining properties to the west.

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

The fact that the property has remained undeveloped for what the applicant calls “several decades” indicates that there is little market interest in redeveloping the property as currently zoned. Thus the property does not appear to have reasonable economic use.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Because of the substantial buffers next to adjoining single-family residential properties to the west, and the compatibility of the proposed use with the multifamily residential use of the adjoining property to the south, the proposed development is not expected to adversely affect the use or usability of adjacent or nearby property.

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:

Provision of the publicly-accessible park at the center of the development will furnish an important opportunity for neighborhood residents to socialize and recreate.

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

No known historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

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 traffic study prepared for this application indicates that, based on national trip generation rates for various land uses, the proposed development is projected to generate fewer total daily trips than it would if developed for a range of industrial and commercial uses under the current zoning. Public Works Traffic Engineering staff has commented that the proposed development is not expected to impair traffic flow on surrounding streets.

The Board of Education commented that neighborhood elementary, middle, and high schools have the capacity to absorb the additional school-aged children that are expected to live in the development.

There have been no comments from other reviewing agencies and County divisions that indicate an excessive or burdensome use of County infrastructure would result from the proposed development.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

Significant areas of the site are proposed to remain as natural woodland. Thus, the impact of the proposed development on the natural environment is expected to be less than for other proposals that would develop the entire site.

STAFF RECOMMENDATION:

As a redevelopment project at an unused site in a Neighborhood Center character area, the proposal is consistent with the following policy of the 2021 Comprehensive Plan Update: "Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT). (p. 99) The proposed streetscaping along 2nd Avenue and within the development is consistent with the Plan Update for "Improved street character with consistent signage, lighting, landscaping, and other design features." (p. 99) The publicly-accessible Village Green is consistent with the following policy: "Encourage [all] development and redevelopment in activity centers [to] provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages, and other design features." (p. 99) The proposed zoning is suitable in view of the use and development of adjacent and nearby properties. It is consistent with the character of the multifamily residential land use on the adjoining property to the south, and compatible with the commercial land uses to the north.

Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions:

1. The development shall be substantially consistent with the site plan titled, Architectural Site Plan Bag Factory Development, prepared by Dynamik Design, dated 2/23/22.
2. The development shall have no more than 5,000 square feet of accessory retail space.
3. The developer shall work with the Public Works department to determine if a pedestrian pathway can be installed along Alexander Avenue and if so, shall construct a pathway that would connect with a path along

the north side of the property to 2nd Avenue. If approved by Public Works, the path shall be completed before issuance of the final Certificate of Occupancy.

4. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

1. Department, Division, and Agency Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

Public Works Transportation Division Comments

- Second Avenue is classified as a collector road.
- Please see Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure improvements.
- Required right of way dedication of 35 feet from centerline or such that all public infrastructure is within right of way, whichever greater.
- Required: 6 foot sidewalk and 4 foot bike lane OR a 10 foot multiuse path (preferred), curb and gutter raised to current standards, 10 foot landscape strip (see Zoning 5.4.3 for options), pedestrian scale street lighting (contact: hefowler@dekalbcountyga.gov).
- Developer needs to watch [comply with, if applicable] access management requirements in Land Development Code Section 14-200 (6).
- No poles can remain within the limits of the sidewalk or multiuse path.
- Intersection and stopping sight distance must be met for all access points based on AASHTO.
- Make functional pedestrian and bicycle connections between the property destinations and the public right of way.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N-8

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-22-1245595 Parcel I.D. #: 18-100-02-005

Address: LAWRENCEVILLE @
Buck Road
DECATUR, GA.

Adjacent Roadway (s):
N. David Howell Rd _____

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour Volume (VPH) _____	Peak Hour Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Nothing found that would disrupt traffic pattern. Plans and fielded reviewed.

Signature: [Signature]

**DeKalb County School District
Development Review Comments**

Analysis Date: 4/15/2022

Submitted to: DeKalb County

Case #: Z-22-1245577

Parcel #: 15-173-07-002/-018/-048

Name of Development: Bag Factory Development - 1847 2nd Ave

Location: East side of 2nd Avenue south of Glenwood and the dead end of Alexander Ave

Description: Rezoning request to allow for development of 281 unit market-rate rental townhomes and flats.

Impact of Development: When fully constructed, this development would be expected to generate 89 students: 34 at McNair Discovery Learning Acad, 22 at Cedar Grove Middle School, 15 at McNair Middle School, 18 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	McNair Discovery Learning Acad	Cedar Grove Middle School	McNair Middle School	Other DCSD Schools	Private Schools	Total
Capacity	888	1,290	1,200			
Portables	0	0	0			
Enrollment (Oct. 2021)	586	776	884			
Seats Available	302	514	316			
Utilization (%)	66.0%	60.2%	73.7%			
New students from development	34	22	15	18	0	89

New Enrollment	620	798	899
New Seats Available	268	492	301
New Utilization	69.8%	61.9%	74.9%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.1200	0.0370	0.0000	0.1570
Middle	0.0773	0.0120	0.0000	0.0893
High	0.0520	0.0182	0.0000	0.0702
Total	0.2493	0.0672	0.0000	0.3165
Student Calculations				
Proposed Units	281			
Unit Type	APT			
Cluster	McNair Middle School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	33.73	10.39	0.00	44.12
Middle	21.71	3.38	0.00	25.09
High	14.61	5.12	0.00	19.73
Total	70.05	18.89	0.00	88.94
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
McNair Discovery Learning Acad	34	10	0	44
Cedar Grove Middle School	22	3	0	25
McNair Middle School	15	5	0	20
Total	71	18	0	89



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-22-1245577

Parcel I.D. #: 15-173-07-002, -018, & -048

Address: 1845 and 1851 2nd Avenue,
1939 Alexander Avenue,
Decatur, Georgia

WATER:

Size of existing water main: 8" and 12" (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: adequacy unknown

SEWER:

Outfall Servicing Project: Intrenchment Creek

Is sewer adjacent to property: Yes () No (x) If no, distance to nearest line: ~65 ft.

Water Treatment Facility: Atlanta IGA (Xadequate () inadequate)

Sewage Capacity: 40 (MGPD) Current Flow: 36.3 (MGPD)

COMMENTS:

Sewer capacity approval required.

Signature: _____

DeKalb County Board of Health

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4/13/2022

N.5

SLUP-22-1245550 2022-1473 18-103-03-017, 18-103-03-018

1799 Clairmont Road, Decatur, GA 30033

Amendment

- Please review general comments.
- Note: Several properties in the area operate on septic system.

N.6

SLUP-22-1245546 2022-1474 18-018-01-093

518 Lake Michele Court, Stone Mountain, GA 30088

Amendment

- Please review general comments.
- Septic system installed on October 27, 1975.

N.7

Z-22-1245577 2022-1475 15-173-07-002, 15-173-07-018, 15-173-07-048

1847 2nd Ave, Decatur, GA 30032

Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.

N.8

Z-22-1245595 2022-1476 18-100-02-005, 18-100-02-040, 18-100-02-041, 18-100-02-057, 18-100-04-014

2050 Lawrenceville Highway Kiosk 1101, Decatur, GA 30033

Amendment

- Please review general comments.
- Note: Several properties in the surrounding area operate on septic.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control **(sections have been amended recently; please request the amended chapter)**, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

Conceptual plan doesn't indicate the location of the stormwater management facility. Concerns are related to the discharge point of the facility. Development/residences are located downstream of the property, and consideration must be given as to where the discharge pipe from the facility is directed as to not create adverse effects. Runoff Reduction Volume shall be provided, unless technical justification is provided as to the unfeasibility. Strongly recommend to investigate the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was not** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer **was not** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received: _____ Application No: _____

Applicant Name: Harold Buckley

Applicant E-Mail Address: hbuckley@wbilegal.com

Applicant Mailing Address: 2849 Paces Ferry Rd, SE, Suite 700, Atlanta, GA 30339

Applicant Daytime Phone: 770-803-3707 Fax: 404-853-1812

Owner Name: East Lake Holdings, Inc.

If more than one owner, attach list of owners.

Owner Mailing Address: 3445 Peachtree Rd NE, Atlanta, GA 30326

Owner Daytime Phone: 404-233-4339

Address of Subject Property: 1845 2nd Avenue, 1851 2nd Avenue and 1939 Alexander Avenue

Parcel ID#: 15 173 07 048, 15 173 07 002, 15 173 07 018

Acreage: 11.62 acres Commission District: 3

Present Zoning District(s): C-1 and MZ

Proposed Zoning District: MR-2

Present Land Use Designation: NC

Proposed Land Use Designation (if applicable): N/A

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

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February 24, 2022

VIA HAND DELIVERY

Mr. Andrew Baker, Director
DeKalb County Dept. of Planning and Sustainability
330 West Ponce de Leon Avenue, Suite 500
Decatur, GA 30030

RE: Community Outreach Report for Application by Perennial Properties, Inc. (“Perennial”) to Rezone Properties at 1845 2nd Avenue, 1851 2nd Avenue, and 1939 Alexander Avenue (Collectively, the “Bag Factory Site”).

Dear Andrew:

As you know, Perennial is pursuing the county’s approval of its application to downzone the Bag Factory Site from commercial and industrial to multi-family residential. As part of its preparation to file the application, Perennial hosted three community stakeholder meetings in advance of submitting its modification application. The discussion points at these meetings are summarized below.

I. Perennial’s Pre-Application Community Stakeholder Meetings.

Perennial hosted virtual community stakeholder meetings on February 1st, 8th, and 17th. All the meetings started at 6 pm and, while they were scheduled to run until 7:30, the actual time that they ended varied due to their interactive nature. The first meeting ended after 7:30 because the discussion involved a lot of community feedback. The other two meetings were shorter than the first because community feedback/concerns diminished over the course of Perennial’s ongoing community conversation.

Invitations to the first meeting were primarily limited to neighbors whose properties immediately abutted (or were located across the street from) the Bag Factory Site because Perennial wanted to start its community outreach by focusing on the households with the highest potential to be impacted by the proposed development. However, those immediate neighbors shared the invitation with other neighbors who also chose to attend, and Perennial enthusiastically welcomed their attendance. The later community stakeholder meetings were sent to all neighbors within 500 feet of the Bag Factory Site, Community Council 3 members, and anyone else interested in Perennial’s development proposal were invited to participate. Perennial also extended invitations to the third meeting to anyone on the mailing list provided by the planning staff who had not already been invited.

Copies of the invitations to all three meetings and our mailing lists are included in this application package.

II. Points of Community Discussion

The points of discussion raised by community stakeholders tended to be fairly consistent across all three meetings. These discussion points, and Perennial's responses, were primarily:

- **GENTRIFICATION/AFFORDABLE HOUSING**
 - Perennial's target market seems to be smaller families and singles.
 - Will there be long-term opportunities to house larger families?
 - Will there be affordable units and what income levels would they target?

Perennial's proposed development is designed and intended to be approachable market-rate residential units. Accordingly, there will not technically be any units set aside as affordable housing. However, the proposed development will have a traditional mix of unit types, with most units being studios or one-bedroom units. About 20% of the units will have two bedrooms and approximately 5%-10% of the units will have three bedrooms. Therefore, while the proposed development will not have a lot of units to accommodate large families, it will provide housing opportunities for young professionals and empty nesters.

- **POTENTIAL TRAFFIC CONFLICTS**
 - There is a concern about traffic impacts along 2nd Avenue.
 - Can Alexander Avenue provide secondary site access to Fayetteville Road?¹
 - Donald Trimble traffic could conflict with curb cut locations on site plan.
 - Can one driveway be relocated to align with Dancing Fox Road?
 - Acceleration/deceleration lanes could conflict with speeders on 2nd Avenue.
 - Will we accommodate MARTA stops on the Bag Factory Site?

Perennial strongly considered showing secondary site access through Alexander Avenue to avoid relying on 2nd Avenue for its sole access to the Bag Factory Site. However, Perennial decided against providing such secondary access due to anticipated concerns from residential neighbors who live along Fayetteville Road. After being repeatedly presented with the secondary access question by its residential neighbors, Perennial has started considering the inclusion of secondary pedestrian access through Alexander Avenue. More specifically, Perennial has started a dialogue about this issue with the Atlanta Masjid of Al-Islam, which fronts on Alexander Avenue and directly abuts the potential secondary access point.

In response to the other concerns, Perennial revised its site plan to: (1) remove its acceleration/deceleration lanes, (2) split its two-way access driveway into separate one-way driveways, and (3) relocate one of its driveways to better align with one of Donald Trimble's existing curb cuts. Perennial is consulting with its traffic engineers on any remaining discussion points.

¹ This question literally came up at every community stakeholder meeting that Perennial hosted.

▪ **POTENTIAL COMMUNITY CONNECTIONS/CONFLICTS**

- Interparcel access
Will there be pedestrian access between the Bag Factory Site and Publix?
Access safety measures are important, considering recent shootings in the area.
- Community accessibility
Will there be opportunities for small, local businesses to occupy retail spaces?
- Atlanta Masjid of Al-Islam’s daily calls to prayer could generate noise complaints.

As described above, Perennial is exploring opportunities for pedestrian access between the Bag Factory Site and the nearby Publix on Glenwood Avenue. While the development’s proposed central greenspace will be publicly accessible, access to the adjacent residential components will be controlled and restricted.

Perennial has not yet programmed the retail spaces but its ongoing practice is to curate its retail amenities with a preference for local, unique retail experiences over chain businesses.

Perennial is engaging with the Masjid to address concerns about new neighbors complaining about the daily calls to prayer, which is in addition to the ongoing discussion between those parties about potential Alexander Avenue access.

▪ **SITE DESIGN**

- Buffering/privacy for adjoining neighbors
- Driveways around central greenspace prevent having a calm, verdant environment.

Perennial responded to these concerns by revising its site plan to: (1) increase transitional buffering adjacent to neighboring residences, (2) converting the parking spaces around its central open space from asphalt spaces to pervious spaces, and (3) reducing the width of the driveways around the central open space.

The community’s willingness to engage Perennial in an ongoing stakeholder discussion has been extraordinary. These discussions have already resulted in improvements to Perennial’s development plan. At the conclusion of the last pre-application meeting, Perennial advised the participating neighbors of their opportunity to participate in its upcoming Community Council meeting.²


² Many of the participating neighbors resided in Atlanta and, therefore, were unaware of Dekalb County’s community council system.

WILSON BROCK & IRBY, L.L.C.
PERENNIAL PROPERTIES REZONING APPLICATION
February 24, 2022
Page 4

Please do not hesitate to let me know if I may provide you with any additional information or clarify anything regarding Perennial's community stakeholder outreach efforts or methods.

Sincerely,

WILSON BROCK & IRBY, L.L.C.


Harold Buckley Jr., AICP
Attorneys for Perennial Properties

HB:ej

Attachments

cc: Comm. Larry Johnson, District 3
Comm. Ted Terry, District 6
Mr. Craig Wasilewsky, Perennial Properties (via email)

perennial

PROPERTIES

January 20th, 2022

RE: Invitation to Virtual Meeting to Discuss Planned Application to Rezone Property at 1851 2nd Avenue, 1845 2nd Avenue, and 1939 Alexander Avenue (also known as the Bag Factory Site)

Dear Neighbor:

Perennial Properties is exploring an opportunity to develop the property described above (please refer to the attached map) with a residential and mixed-use community development. We want to initiate the community conversation on our development proposal with an intimate meeting with the neighbors whose properties abut or face the site. We hope you can join us at the following virtual meeting so that you may learn more about our company and the proposed development, ask questions, and provide feedback:

Date: Tuesday, February 1st, 2022

Time: 6:00pm – 7:30pm

Meeting Log-In Credentials:

<https://gracehill.zoom.us>

Meeting ID: 935 6647 6267

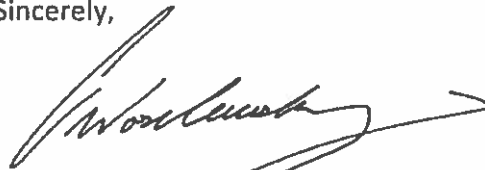
Passcode: 970419

Dial by Phone: 646 876 9923

Perennial Properties will host a follow-up community stakeholder meeting in February before filing its rezoning application. This meeting will be open to anyone in the area who is interested in the proposed development.

If you have any questions about the meeting, please contact me by phone at (678) 389-5515 or email at cwasilewsky@perennialproperties.net. We look forward to meeting you to kick off the community conversation!

Sincerely,



Craig Wasilewsky
Development Manager

perennial

PROPERTIES

February 1st, 2022

RE: Invitation to Virtual Meeting to Discuss Planned Application to Rezone Property at 1851 2nd Avenue, 1845 2nd Avenue, and 1939 Alexander Avenue (also known as the Bag Factory Site)

Dear Neighbor:

Perennial Properties is exploring an opportunity to develop the property described above (please refer to the attached map) with a residential and mixed-use community development. We want to continue the conversation on our development proposal with an intimate community stakeholder meeting with our surrounding neighbors. We hope you can join us at one or both of the following virtual meetings so that you may learn more about our company and the proposed development, ask questions, and provide feedback:

Meeting #1:

Date: Tuesday, February 8th, 2022

Time: 6:00pm – 7:30pm

Meeting Log-In Credentials:

<https://gracehill.zoom.us>

Meeting ID: 951 8263 4847

Passcode: 797009

Dial by Phone: 646 876 9923

Meeting #2:

Date: Thursday, February 17th, 2022

Time: 6:00pm – 7:30pm

Meeting Log-In Credentials:

<https://gracehill.zoom.us>

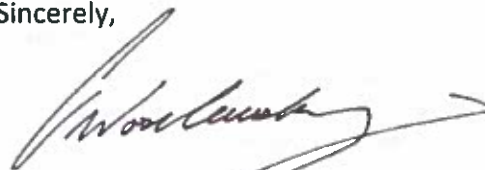
Meeting ID: 937 8110 7101

Passcode: 028103

Dial by Phone: 646 876 9923

If you have any questions about the meeting, please contact me by phone at (678) 389-5515 or email at cwasilewsky@perennialproperties.net. We look forward to meeting you to kick off the community conversation!

Sincerely,

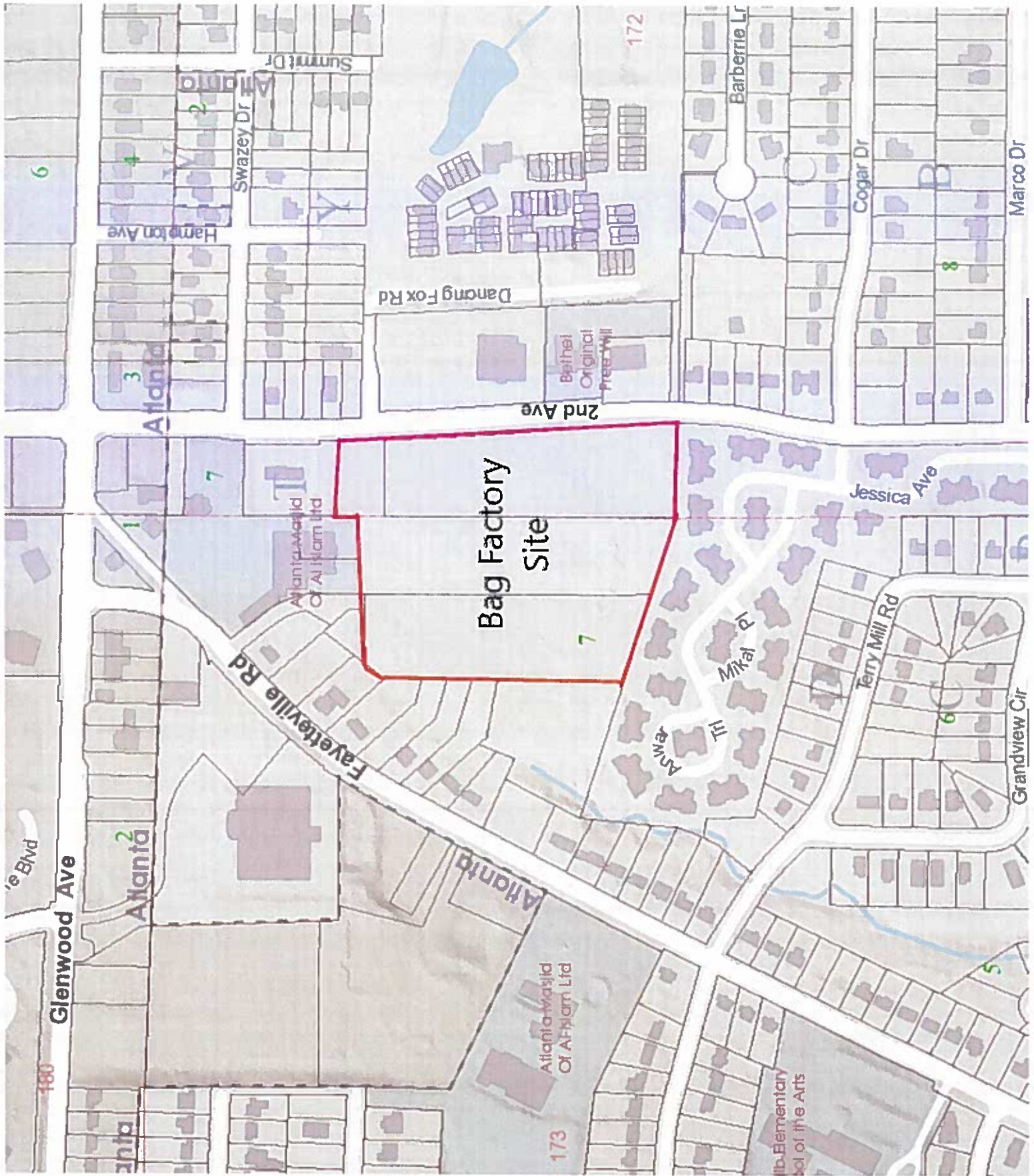


Craig Wasilewsky
Development Manager

Name (Original Name)	User Email	Duration (Minutes)	Guest	Phone #	Comments/ Questions
Evelyn Zakiyyah NuMan	ezyman@gmail.com	92	Yes	404-290-3502	
shinji morokuma	smorokuma@yahoo.com	83	Yes		
Karen Minvielle	karenminvielle@gmail.com	64	Yes		
Mansoor Sabree	mansoor@imancentral.org	76	Yes		
Roger Milliken	rtmillik@comcast.net	42	Yes		
Megan Ambarus	mambarus@perennialproperties.net	80	Yes		
MadameQ Shakir	quran.shakir@mohammedschools.org	75	Yes		
Gwen Davies	gwen.davies@pihcga.org	75	Yes		
Naimah Abdullah	getitdonevac@gmail.com	74	Yes		
Kate Pride Brown	k.p.brown@gatech.edu	32	Yes		
Adilah Muhammad	celebratingsacredconnections@gmail.com	70	Yes		
Tovah (she/her) (Tovah)	ecm.wolf@gmail.com	69	Yes		
Lisa M		65	Yes		
Nadirah Numan		9	Yes		
John		64	Yes		
Andrew Walter	awalter@atlantaga.gov	61	Yes		
Jenny Hoffner she/her	jhoffner@americanrivers.org	42	Yes		
Julie Walter	juliebwalter@gmail.com	59	Yes		
Jamilah Shakir	sacredhealthmovement@gmail.com	35	Yes		
Plemon El-Amin	pelamin@bellsouth.net	52	Yes		
Daaiyah		45	Yes		
Carolyn Aidman	caidman@emory.edu	41	Yes		
Omar Waajid		6	Yes		

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)	Guest
Candice Brown (Perennial Properties)	peren@perennialproperties.net	2/8/2022 17:44	2/8/2022 19:10	87	No
Speakman	lashantaa@gmail.com	2/8/2022 17:48	2/8/2022 18:54	66	Yes
Mrs Harris (Beverly)		2/8/2022 17:48	2/8/2022 19:10	82	Yes
John Wuichet		2/8/2022 17:49	2/8/2022 19:10	82	Yes
Melissa White	m_branha@bellsouth.net	2/8/2022 17:54	2/8/2022 18:03	10	Yes
Catherine Shiel she/her	csheel@emory.edu	2/8/2022 17:55	2/8/2022 19:10	75	Yes
Sara James	sara.james@icpnet.com	2/8/2022 17:55	2/8/2022 18:40	45	Yes
Megan Ambarus	mambarus@perennialproperties.net	2/8/2022 17:56	2/8/2022 17:58	3	Yes
		2/8/2022 17:57	2/8/2022 18:58	62	Yes
Harold Buckley	hbuckley@wbifegal.com	2/8/2022 17:57	2/8/2022 18:58	62	Yes
Barberrie In		2/8/2022 17:58	2/8/2022 18:45	48	Yes
Craig Wasilewsky	cwasilewsky@perennialproperties.net	2/8/2022 17:58	2/8/2022 19:10	73	Yes
Megan Ambarus	mambarus@perennialproperties.net	2/8/2022 17:59	2/8/2022 17:59	1	Yes
shinji morokuma		2/8/2022 17:59	2/8/2022 19:09	71	Yes
Greg		2/8/2022 18:00	2/8/2022 19:10	71	Yes
		2/8/2022 18:00	2/8/2022 19:09	70	Yes
Megan Ambarus	mambarus@perennialproperties.net	2/8/2022 18:00	2/8/2022 19:10	71	Yes
Jenny Hoffner she/her	jhoffner@americanrivers.org	2/8/2022 18:00	2/8/2022 19:00	60	Yes
Melissa White (Melissa White)		2/8/2022 18:03	2/8/2022 19:10	67	Yes
Regenia Spratling Roberts		2/8/2022 18:04	2/8/2022 19:02	59	Yes
		2/8/2022 18:04	2/8/2022 19:09	65	Yes
Carolyn Aidman	caidman@emory.edu	2/8/2022 18:06	2/8/2022 19:10	64	Yes
edison & tovah (Edi Wolf)	ecm.wolf@gmail.com	2/8/2022 18:07	2/8/2022 19:10	63	Yes
Julie Walter	juliebwalter@gmail.com	2/8/2022 18:08	2/8/2022 19:10	62	Yes
Andrew Walter	awalter@atlantaga.gov	2/8/2022 18:09	2/8/2022 19:10	62	Yes
Inge Franjione		2/8/2022 18:09	2/8/2022 19:10	62	Yes
		2/8/2022 18:10	2/8/2022 18:11	2	Yes
		2/8/2022 18:10	2/8/2022 19:10	61	Yes
Jamal's		2/8/2022 18:10	2/8/2022 18:12	3	Yes
Barberrie		2/8/2022 18:14	2/8/2022 19:10	56	Yes
PAULETTE		2/8/2022 18:21	2/8/2022 19:10	50	Yes
paris bryan		2/8/2022 18:25	2/8/2022 18:48	23	Yes
		2/8/2022 18:35	2/8/2022 18:38	4	Yes
Janice K		2/8/2022 18:38	2/8/2022 19:10	33	Yes
Galaxy A32 5G		2/8/2022 18:42	2/8/2022 18:44	3	Yes
		2/8/2022 18:49	2/8/2022 19:10	22	Yes
Keith A. Smith# II	kas4178@gmail.com	2/8/2022 18:51	2/8/2022 19:10	20	Yes
Mary Starck		2/8/2022 19:03	2/8/2022 19:10	7	Yes
		2/8/2022 19:10	2/8/2022 19:10	1	Yes
Speakman	lashantaa@gmail.com	2/8/2022 18:54	2/8/2022 19:10	16	Yes

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)	Guest	Recording Consent
Candice Brown (Perennial Properties)	peren@perennialproperties.net	2/17/2022 17:43	2/17/2022 18:49	66	No	
John Wuichet		2/17/2022 17:44	2/17/2022 17:44	1	Yes	Y
John Wuichet		2/17/2022 17:45	2/17/2022 18:49	65	Yes	
Craig Wasilewsky	cwasilewsky@perennialproperties.net	2/17/2022 17:56	2/17/2022 18:49	54	Yes	
Bj		2/17/2022 17:57	2/17/2022 18:49	53	Yes	
Harold Buckley	hbuckley@wbilegal.com	2/17/2022 17:58	2/17/2022 18:49	51	Yes	
Megan Ambarus	mambarus@perennialproperties.net	2/17/2022 17:59	2/17/2022 18:49	51	Yes	
shinji morokuma		2/17/2022 17:59	2/17/2022 18:48	49	Yes	
Janice K		2/17/2022 17:59	2/17/2022 18:49	50	Yes	
	14048535050	2/17/2022 17:59	2/17/2022 18:49	50	Yes	
Phillip S		2/17/2022 18:00	2/17/2022 18:38	38	Yes	
	14043774185	2/17/2022 18:01	2/17/2022 18:44	43	Yes	
Montgomery		2/17/2022 18:02	2/17/2022 18:49	48	Yes	
Vic Speakman		2/17/2022 18:02	2/17/2022 18:49	48	Yes	
Mark Terry	materry@vmware.com	2/17/2022 18:05	2/17/2022 18:25	21	Yes	
George T IPAD		2/17/2022 18:05	2/17/2022 18:49	44	Yes	
Carolyn Aidman	caidman@emory.edu	2/17/2022 18:07	2/17/2022 18:49	43	Yes	
Melissa White	m_branha@bellsouth.net	2/17/2022 18:09	2/17/2022 18:49	41	Yes	
Wade	wade.burrell@mailchimp.com	2/17/2022 18:26	2/17/2022 18:41	15	Yes	
Jenny Hoffner she/her	jhoffner@americanrivers.org	2/17/2022 18:28	2/17/2022 18:49	22	Yes	



Bag Factory Site

Glenwood Ave

Fayetteville Rd

2nd Ave

Hampton Ave

Dancing Fox Rd

Barberrie Lr

Cogar Dr

Marco Dr

Jessica Ave

Terry Mill Rd

Grandview Cir

Miyal Pl

Anwar Hill

Atlanta-Wasjid Of Afham Ltd

Atlanta-Wasjid Of Afham Ltd

Elementary School of the Arts

6

2

3

7

7

8

6

5

172

173

180

DeKalb County Neighborhood Registry - Commission District 3

Last Name	First Name	Email	Address	City	State	Zip Code	Affiliation Name	CD	SD
Berry	Elfreda	berryelfreda227@gmail.com					Community Council 3	3	
Bond	Beth	bethbond@bellsouth.net					Community Council 3	3	
Craig	Pat	pat.lawrencecraig@gmail.com	3830 Brookview Point	Decatur	GA	30034	Community Council 3	3	
Hodby	Peggy	phthompson3@msn.com					Community Council 3	3	
Jackson	Nettie	NettieJackson@me.com	3714 Vaipariso Circle	Decatur	GA	30034	Community Council 3	3	
Jones	Carolyn	carolyn.jones818@yahoo.com					Community Council 3	3	
Pringle	Willie	apringie@bellsouth.net					Community Council 3	3	
Smith	Samuel	samandbettysmith@bellsouth.net					Community Council 3	3	
Travis	Tommy	TommyTravisconsulting@gmail.com					Community Council 3	3	
Washington	Norma	nahwash4ms@aol.com					Community Council 3	3	
Harris	Tene	tharris@gallerysouthdekalb.com	2801 Candler Rd	Decatur	GA	30031	Gallery at South DeKalb	3	6
Sanders	Christopher	csanders@eastmetrocid.com	2724 Wesley Chapel Road #360909	Decatur	GA	30036	East Metro DeKalb CID	3	7
Wayne	Powell	Pdk-powell@comcast.net	P.O. 374	Decatur	GA	30031	Behndere Civic Club	3	7
Roark	Rob	robroark@allsouthwarehouse.com	1775 Continental Way	Atlanta	GA	30316	CABA Vice President	3	6
Gross	Joel L.	jlgross@stlkybusiness.net	4140 Bonsal Road	Conley	GA	30288	Greater Conley Ind. CID Chair	3	6
Roark	Rob	robroark@allsouthwarehouse.com					Greater Conley Ind. CID Secretary/Treasurer	3	6
Hassan	Alli	Allihasanandassociates.com	3496 Midway	Decatur	GA	30032	Alli Hasan and Associates	3	7
Locks	Danita	dlocks1019@aol.com	1211 Crescentwood Lane	Decatur	GA			3	7
Stephens	Sandra	sfs1289@gmail.com	1289 Crescentwood Lane	Decatur	GA	30032	Crescentwood HOA	3	7
Frank	Leanne	leannef@lightmountain.com	3141 Bonway Dr	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7
Golley	Frank	frank@golleyrealty.com	3392 Midway Rd	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7
Funk	Melanie	mfunk64@att.net	3355 Beech Dr	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7
Barrow	Rachel	rbarrow@comcast.net	2305 Bailey St	Decatur	GA	30032	Corner Stone Of Praise	3	6
Preston	Judy	hpreston23@gmail.com	1307 Crescent Wood Lane	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7
Lips	Erik		3347 Beech Dr	Decatur	GA	30032		3	7
Akins	Pat		1301 Crescentwood Lane	Decatur	GA	30032	Crescentwood	3	7
Berlinsky	Samantha	saberlinsky@gmail.com	1305 Crescentwood Lane	Decatur	GA	30032	Meadowbrook Acres Neighborhood	3	7
McGannon	Monica	mhand27@gahoe.com	4140 Bonsal Rd	Conley	GA		GCI CID	3	6
Gross	Joel	jgross@stlkybusiness.net	4296 Cedar Valley Court	Conley	GA	30328	Cedar Grove Civic Association	3	6
Arnold	Sandra	edsan@bellsouth.net	3826 Loyola Court	Decatur	GA	30034	Staff/Appointee - Commissioner Watson	3	7
Barnes, AIA	Vernell	barnesve@yahoo.com	3011 Rainbow Drive, Suite 180A	Decatur	GA	30034	NAACP DeKalb County Branch	3	7
Evans	John	naacpdek@comcast.net						3	7
Pace	Brenda	bepace2@gmail.com	2638 Glenvalley Drive	Decatur	GA	30032	East Lake Terrace Community Association, Inc.	3	7
Roberts	Regenia	regeniaroberts@bellsouth.net					Community Council 3	3	
Culp	Patricia	ppcup@att.net					Cedar Grove Neighborhood Association	3	6
Dennis	Robert	christinedennis@bellsouth.net	1987 Joseph Court	Decatur	GA	30032	Concerned Neighbors Association	3	6
Bonino	Doninck	dbonino1@aol.com	4125 Milton Parkway	Alpharetta	GA	30055	Brighton Village HOA	3	6
Schwartz	Eric	ericwchwartz@gmail.com					Parkview Civic Club	3	6
Club		parkviewcivicclub@gmail.com					Parkview Civic Club	3	6
Stewart	Willie J.	wazlamor@aol.com	2902 Cedar Trace	Ellenwood	GA	30294	Royal Hills	3	6
Stewart	Erica	ericastewart2009@gmail.com	2902 Cedar Trace Drive	Ellenwood	GA	30294	South DeKalb Neighborhoods Coalition	3	6
Buie-Brown	Jacquelyn	jacquelynbuiebrown@gmail.com					Huntingdale Association	3	7
Jordan	Albera	albertajordan@bellsouth.net					Huntingdale Association	3	7
Jackson	Brenda	bjaevnt@gmail.com					Pointe Bleue Neighborhood Association	3	7
Mustafa	Laurel	elitedesignsati@yahoo.com					Pointe Bleue Neighborhood Association	3	7
Freeman	James	jasu1@bellsouth.net					The Summit at Chapel Lake	3	7

Houston	S B	sbhouston@bellsouth.net	Decatur	GA	30034	Kings Row Coomunity Association	3	7
Coleman	Michael	norfley@yahoo.com	Decatur	GA	30034	Kings Row Coomunity Association	3	7
Hardy	Teresa	president@naacpdekalb.org	Decatur	GA	30034	NAACP DeKalb County Branch	3	7
Dennis	Christine	christinedennis@bellsouth.net	Decatur	GA	30032	Greystone Park Community Association	3	6
Banks	Kenneth	k1776usa@yahoo.com	Decatur	GA	30034	Chapel Hill Neighborhood Association	3	7
Carter	Rachel	info@greshamhills.org	Atlanta	GA		Gresham Hills Neighborhood Association	3	6

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBLEGAL.COM

HAROLD BUCKLEY JR.
HBUCKLEY@WBLEGAL.COM
DIRECT DIAL: 770/803-3707

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

February 23, 2022

VIA: HAND DELIVERY

Mr. Andrew Baker, Director
DeKalb County Dept. of Planning and Sustainability
330 West Ponce de Leon Avenue, Suite 500
Decatur, GA 30030

RE: Application by Perennial Properties, Inc. ("Perennial") to Rezone Properties at 1845 2nd Avenue, 1851 2nd Avenue, and 1939 Alexander Avenue (Collectively, the "Bag Factory Site") to Facilitate a New Multi-Family Residential Development.

Dear Andrew:

My firm represents Perennial, an Atlanta-based developer that, since it was founded in 1988, has specialized in creating high quality residential communities that incorporate street-level retail amenities. Starting with its first residential development, which is located on Lakeview Avenue just north of Ponce de Leon Avenue in Atlanta, Perennial has developed and operated more than 20 sites in and around Atlanta. One of Perennial's most recently developed multi-family communities will open around the corner from the Bag Factory Site at 2201 Glenwood Avenue SE, immediately next door to the Publix on Glenwood Avenue. Perennial's business model of holding the communities it develops over the long term evidences its commitment to its core mission: to provide exceptional housing and retail experiences with extraordinary service for its residents, commercial tenants, and their customers.

While the Bag Factory Site is currently vacant land, Perennial desires to develop it with a 281-unit multi-family residential development consisting of 237 apartment units, 44 townhomes, and two street-level accessory retail spaces totaling 5,000 square feet of floor area. An over 32,000 square-foot village green and activated central pavilion will serve as the heart of the proposed development, and as a defining amenity for future residents and the surrounding community. While the village green will be publicly accessible, access to the residential areas of the development would be controlled and limited to residents. These secure areas would be served by robust amenity services such as two courtyards, one of which would provide a green, park-like setting, with the other serving as a pool courtyard immediately adjacent to a private club and fitness facility.

The Bag Factory Site currently has mixed zoning with various portions of the site zoned for either commercial or industrial development, which would not allow the Bag Factory Site to be improved with a multi-family residential development. Therefore, to facilitate its development vision, Perennial respectfully requests the Site to be downzoned from commercial/industrial to the MR-2 multi-family residential zoning classification. Perennial's rezoning request satisfies all the county's standards for such relief, as set forth in section 27-7.3.5 of the zoning ordinance, as follows:

I. Rezoning approval Standards

A. The rezoning request conforms to the comprehensive plan's policies and intent.

The comprehensive plan includes a future land use map that was created by delineating various character areas based on the county's concept map and various countywide small area studies.¹ The future land use map designates the Bag Factory Site to the Neighborhood Center character area. Table 7.4 of the comprehensive plan confirms that the MR-2 zoning classification, with a density of up to 24 units/acre, is consistent with the Neighborhood Center character area designation. While consistency with the future land use map is not the only measure of whether a zoning application conforms to the comprehensive plan's written policies and intent, it is very strong evidence that the county has pre-screened certain uses and confirmed such consistency. For that reason, Perennial's multi-family development residential proposal conforms to the comprehensive plan's policies and intent.

B. The rezoning permits a use that is suitable in view of the use and development of adjacent and nearby properties.

The Bag Factory Site is located along the west side of 2nd Avenue, less than a quarter mile south of its intersection with Glenwood Avenue and directly across the street from the Donald Trimble Mortuary. 2nd Avenue and Glenwood Avenue are both important roadways that are characterized by varying development types, ranging from commercial and institutional uses to single-family residential uses. However, the area between the Bag Factory Site and the foregoing street intersection to the north is mainly characterized by commercial development. The properties abutting the north side of the Bag Factory Site are developed with a vacant auto repair garage, which is in a state of disrepair, and a commercial development that houses the Atlanta Masjid of Al-Islam, which is a vibrant community of faith. Furthermore, the developments across 2nd Avenue from the Bag Factory Site are all non-residential in character. Perennial's proposed multi-family residential development is suitable considering the use and development of adjacent and nearby properties between the Bag Factory Site and the intersection of 2nd Avenue and Glenwood Avenue to the north.

The Columbia Village Villas, a duplex style senior apartment development, abuts the south side of the Bag Factory Site and would serve as an area of transition between Perennial's medium density multi-family development and adjacent single-family homes fronting on Terry Mill Road. As it is currently configured, the Bag Factory Site directly backs up to five single-family residential properties, which all front Fayetteville Road on the opposite side of the above-mentioned Publix grocery store. Perennial's development proposal includes 50-foot buffers to protect all abutting residential properties, including its neighbors along Fayetteville Road and those in Columbia Village to the south. Perennial's development proposal is suitable considering: (1) the 50-foot buffers between Perennial's proposed development and all adjoining residential developments, and (2) the downward density transition from the commercial developments at the corner of 2nd Avenue and Glenwood Avenue through the Bag Factory Site and Columbia Village to most of the adjacent single-family residential community to the south and west.

¹ Comprehensive Plan, P. 55.

C. The current multiple commercial/industrial zoning does not provide Bag Factory Site with a reasonable economic use.

The Bag Factory Site has remained undeveloped under its current mixed commercial and industrial zoning for several decades. Meanwhile, new development and redevelopment along 2nd Avenue between Glenwood Avenue and Flat Shoals Road has skewed heavily toward residential uses, both single-family and multi-family. Given these two facts, the Bag Factory Site does not have a reasonable economic use under its current multiple zoning.

D. The rezoning will not adversely impact adjacent or nearby properties.

Perennial's proposed development will not adversely impact adjacent or nearby properties for the same reasons that are presented in paragraph B above.

E. There are existing conditions that affect the Site's use and development that support the rezoning's approval.

There are several existing conditions that support the approval of Perennial's rezoning request. First, the Bag Factory Site is located within a Neighborhood Center development node that is centered on the intersection of 2nd Avenue and Glenwood Avenue. The county's land use policies strongly encourage medium density residential developments that promote pedestrian walkability within neighborhood centers. The area around the Bag Factory Site contains several existing community services, such as the Publix grocery store, Dream Wings restaurant, Almadina Market, and a Wells Fargo bank. Developing medium density residential uses on the Bag Factory Site will inherently place more community residents within easy walking distance of these community services. Even more community services would be within easy biking distance, such as the East Lake YMCA and several restaurants at the intersection of 2nd Avenue and Hosea Williams.

F. The rezoning will not adversely affect historic or archaeological resources.

There are no established historic or archaeological resources on the Site, which is undeveloped.

G. The requested rezoning will not impose excessive or burdensome demands on utilities, or transportation and education infrastructure.

The Bag Factory Site is located along 2nd Avenue near its intersection with Glenwood Avenue. Both roadways are major transportation corridors. Furthermore, two MARTA bus stops are located directly in front of the Bag Factory Site on 2nd Avenue; and the East Lake MARTA transit station is located less than 2 miles away, as measured by the most direct pedestrian route. Furthermore, as explained above, the Bag Factory Site is located within easy walking and biking distance of several attractive community services. Therefore, Perennial's proposed development will not cause excessive or burdensome demands on local road infrastructure.

The Bag Factory Site is also zoned for commercial and industrial land uses, both of which generate significant demands on physical infrastructure. Furthermore, the comprehensive plan designates the Bag Factory Site to the Neighborhood Center character area, which includes policies that encourage the development of medium density residential land uses. Based on the foregoing, the Board of Commissioners has clearly determined that the Bag Factory Site's infrastructure is sufficient to support medium density residential developments, like the one Perennial now proposes.

Finally, Perennial's proposed development is targeted toward young professionals and empty nesters who desire an amenity rich intown living experience. Therefore, while some resident households may include school aged children, Perennial does not anticipate such households to comprise a significant portion of the development's overall demographics. Therefore, Perennial's proposed development will not impose an appreciable increase in demand for educational infrastructure. The development will include a traditional unit mix of studio, one-bedroom, two-bedroom (20% of total), and three-bedroom units (5%-10% of total).

H. The rezoning will not adversely impact the environment or natural resources.

The Site does not include any environmentally sensitive features or areas. Furthermore, Perennial's proposed residential and accessory retail uses are not environmentally adverse land uses. Therefore, Perennial's development proposal satisfies this rezoning approval standard.

For all the foregoing reasons, Perennial's request to rezone the Bag Factory Site from its multiple commercial/industrial zoning to the MR-2 zoning classification satisfies all the county's prescribed approval standards for such zoning requests.

II. Supplemental use regulations

Section 4.2.24 of the zoning ordinance prescribes additional regulations governing cottage, mobile home, townhouse, urban single-family, and condominium dwellings. Perennial's development proposal only includes apartments and townhomes. Therefore, Section 4.2.24 only applies to Perennial's proposed townhomes, which are governed by subparagraph D therein.

Section 4.2.24(D) reads in its entirety as follows:

“Townhouse and urban single-family (U-SF). Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.”

Given the permissive nature of the foregoing language, this supplemental use regulation has no bearing on the present analysis of Perennial's compliance with all relevant rezoning standards.

III. Confirmation of the proposed retail component's accessory use status.

In our pre-application conference, the planning staff instructed Perennial to analyze the zoning ordinance to confirm that its proposed retail component was an accessory land use. Our code analysis and resulting conclusion are presented below.

Table 4.1 of the zoning ordinance permits "retail, 5,000 sf or less" as an accessory use for MR-2 properties. Section 9.1.3 of the zoning ordinance generally defines the term "accessory use" as:

"A use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use."

However, the zoning ordinance does not explain in definitional terms what retail elements or characteristics are indicative of an accessory use, as opposed to elements or characteristics that would indicate a principal use. In the absence of any explicit definition of what constitutes an accessory retail use, one must determine what constitutes an accessory retail use by examining the entirety of the zoning ordinance's language.

Section 9.1.3 defines the term "principal use" as: "the primary or predominant use of any lot." Therefore, the question is whether Perennial's proposed retail component is the Bag Factory Site's "primary" or "predominant" use, as opposed to an "incidental" or "subordinate" use. The zoning ordinance does not define the terms "primary," "predominant," "incidental," or "subordinate."

In the absence of definitions for the foregoing terms, the zoning ordinance's plain language is ambiguous as the definitional threshold beyond which accessory retail becomes a principal retail use. Under longstanding Georgia law, zoning ordinances must be strictly administered according to their plain and explicit terms, and any ambiguity as to their meaning must be resolved in favor of the free use of the land.² In other words, if a zoning requirement or restriction is not set forth plainly and unambiguously in the zoning ordinance, that requirement or restriction must be interpreted in the manner most favorable to the property owner.

While the zoning ordinance does not specifically establish the threshold between accessory retail uses and principal retail uses, it does present an implied threshold. Table 4.1 of the zoning ordinance establishes "retail, 5,000 sf or less" as a permitted accessory use for MR-2 properties. That same table also establishes "retail, over 5,000 sf" as a separate land use category, which is prohibited on MR-2 properties.³ Based on the foregoing, it is very reasonable to conclude that the Board of Commissioners' legislative intent is to classify retail development components totaling more than 5,000 square feet as principal land uses, which would necessarily classify smaller retail uses as accessory land uses.

² *Stanfield v. Glynn County*, 280 Ga. 785, 631 S.E.2d 174 (2006); *Dekalb County v. Post Apartment Homes, L.P.*, 234 Ga. App. 409, 412, 506 S.E.2d 899, 902 (1998); *Bo Fancy Productions, Inc. v. Rabun County Bd. Of Comm'rs*, 267 Ga. 341, 478 S.E.2d 373 (1996); *Fayette County v. Seagraves*, 245 Ga. 196, 264 S.E.2d 13 (1980); *Dunkin v. Entrekim*, 211 Ga. 311, 85 S.E.2d 771 (1955).

³ See also zoning ordinance § 4.1.3.B.

WILSON BROCK & IRBY, L.L.C.
PERENNIAL REZONING APPLICATION
February 23, 2022
Page 6

Based on the foregoing reasonable reading of the zoning ordinance, the only appropriate classification of Perennial's proposed retail component, which totals 5,000 square feet, is as being an accessory use. This conclusion is supported by the fact that the retail component only comprises a small fraction of the overall development's floor area. Perennial's development proposal calls for 290,000 square feet of residential floor area, 7,000 square feet of residential amenity space, and 5,000 square feet of retail space. Not only is retail physically the smallest individual development component, it literally constitutes less than 2% of the proposed development's overall floor area, with the proposed accessory fitness club being as large as both retail spaces combined. Therefore, Perennial's proposed retail component complies with the accessory use restriction the MR-2 regulations impose on retail uses.

IV. Constitutional objections and conclusion

Georgia courts have long held that an aggrieved party must present any potential constitutional objections to the local government during the zoning review process, which includes administrative zoning appeals. Applicants who fail to do so substantially deprive themselves of a legal basis to appeal adverse zoning decisions.⁴ Therefore, solely to satisfy mandatory requirements of Georgia law, Perennial respectfully advises Dekalb County of its constitutional objections. Perennial has demonstrated that its rezoning request fully satisfies all applicable standards for the approval of such applications. Therefore, any action by the Board of Commissioners to deny Perennial's requested rezoning or to grant some lesser form of relief would violate Perennial's rights to due process of law and equal protection under the laws.

For all the foregoing reasons, Perennial respectfully requests the approval of its rezoning application. Please do not hesitate to let me know if I may provide you with any additional information or clarify anything in this letter.

Sincerely,

WILSON BROCK & IRBY, L.L.C.



Harold Buckley Jr., AICP
Attorneys for Perennial Properties, Inc.

Attachments.

HB:

cc: Mr. Craig Wasilewsky, Perennial Properties, Inc. (via email)

⁴ DeKalb County v. Bembry, 252 Ga. 510, 314 S.E.2d 900 (1984) (Held that the trial court erred in failing to grant DeKalb County's request for summary judgment because the applicant's constitutional objections were not first raised before the county commission).

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: FEB 22, 2022

TO WHOM IT MAY CONCERN:

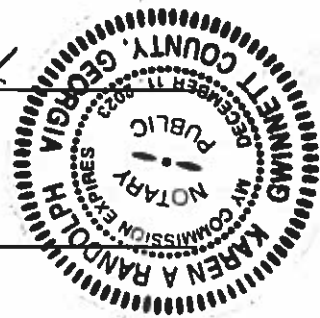
(I) (WE) EAST LAKE HOLDINGS, INC
Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

PERENNIAL PROPERTIES
Name of Agent or Representative

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

Karen A. Randolph
Notary Public



Rick But - VP
Owner FOR EAST LAKE HOLDINGS

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No X *

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 to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

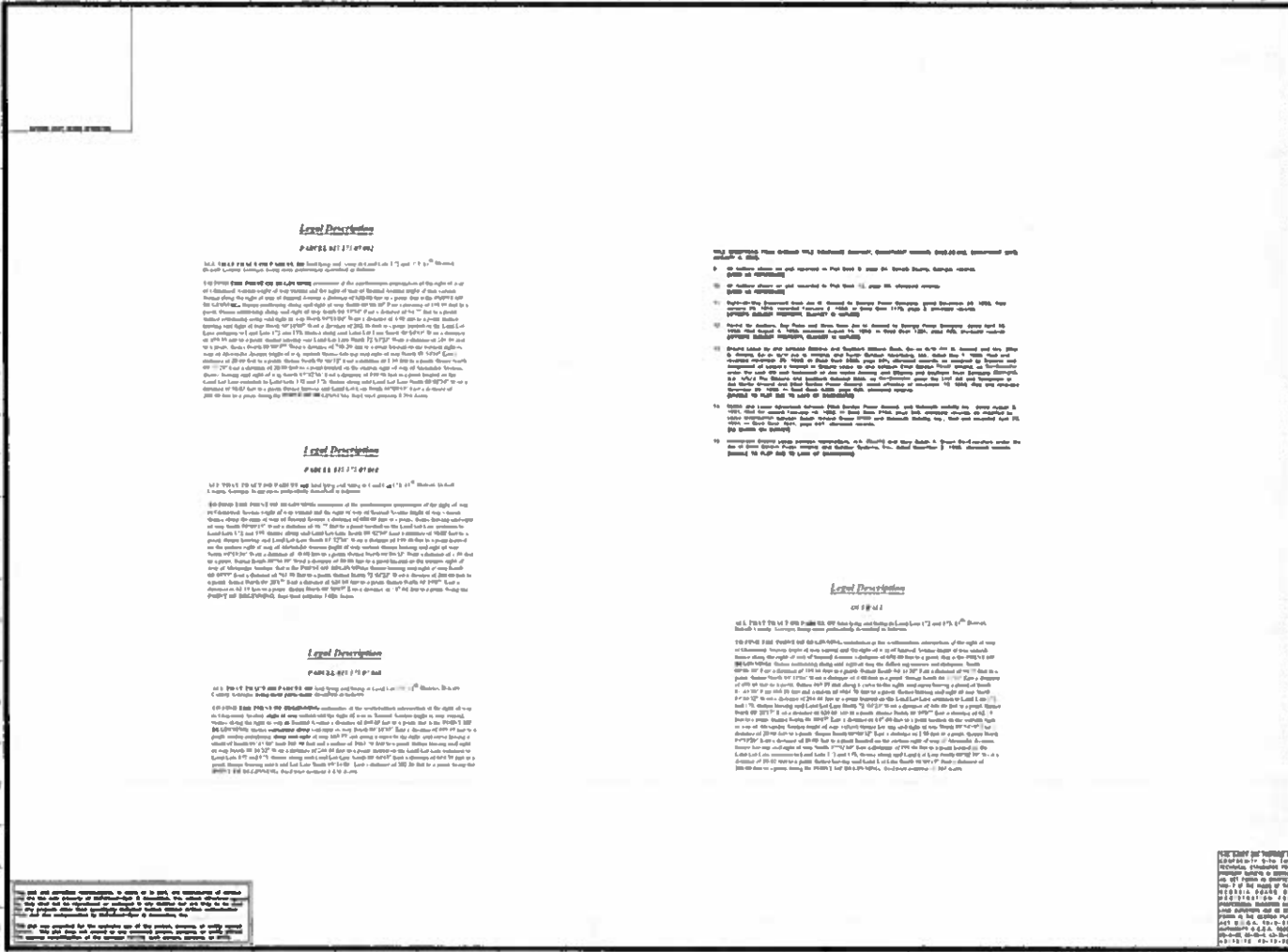
Notary

Hall Burdick 2/23/22
Signature of Applicant /Date

Check one: Owner _____ Agent X

Expiration Date/ Seal

*Notary seal not needed if answer is "no".



Legal Description

PARCEL 01 17 07 002

ALL THAT PART OF LAND 10000 ACRES, more or less, being the same as described in the plat of the same, recorded in the public records of the County of... (The text continues with a detailed legal description of the parcel, including references to previous surveys and specific acreage.)

Legal Description

PARCEL 01 17 07 002

ALL THAT PART OF LAND 10000 ACRES, more or less, being the same as described in the plat of the same, recorded in the public records of the County of... (The text continues with a detailed legal description of the parcel, including references to previous surveys and specific acreage.)

Legal Description

PARCEL 01 17 07 002

ALL THAT PART OF LAND 10000 ACRES, more or less, being the same as described in the plat of the same, recorded in the public records of the County of... (The text continues with a detailed legal description of the parcel, including references to previous surveys and specific acreage.)

- 1. All that part of the land...
- 2. All that part of the land...
- 3. All that part of the land...
- 4. All that part of the land...
- 5. All that part of the land...
- 6. All that part of the land...
- 7. All that part of the land...
- 8. All that part of the land...
- 9. All that part of the land...
- 10. All that part of the land...
- 11. All that part of the land...
- 12. All that part of the land...
- 13. All that part of the land...
- 14. All that part of the land...
- 15. All that part of the land...

Legal Description

OF 100 AC

ALL THAT PART OF LAND 10000 ACRES, more or less, being the same as described in the plat of the same, recorded in the public records of the County of... (The text continues with a detailed legal description of the parcel, including references to previous surveys and specific acreage.)

THIS PLAN AND THE INSTRUMENTS TO WHICH IT IS REFERRED, TOGETHER WITH THE INSTRUMENTS TO WHICH THEY ARE REFERRED, SHALL BE CONSIDERED AS ONE AND THE SAME INSTRUMENT FOR ALL PURPOSES AND SHALL BE GIVEN EFFECT ACCORDING TO THE INTENT AND OBJECT OF THE SAME.

MDA
Michigan Department of Transportation

1000 West Washington Ave., Lansing, MI 48906-1500
Phone: (517) 373-3000
Fax: (517) 373-3001

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION.

MUNYON'S
LANSING
(UNIVERSITY SURVEY)

1000 WEST WASHINGTON AVENUE
LANSING, MICHIGAN 48906-1500
PHONE: (517) 373-3000
FAX: (517) 373-3001



1 ARCHITECTURAL SITE PLAN



SITE DATA

1. ADDRESS: 1485 2ND AVENUE, 1451 2ND AVENUE AND 1501 2ND AVENUE
 2. ZONE: M-12
 3. LOT AREA: 11.14 AC
 4. PERMITTED: 200 UNITS
 5. CURRENT: 200 UNITS
 6. TOTAL: 200 UNITS
 7. TOTAL GROSS AREA: 3,124,938 SF
 8. TOTAL NET AREA: 1,258,075 SF
 9. TOTAL HEATED AREA: 1,258,075 SF
 10. TOTAL PARKING SPACES: 100
 11. TOTAL BICYCLE SPACES: 100
 12. TOTAL BIKE RACKS: 100
 13. TOTAL BIKE LOCKERS: 100
 14. TOTAL BIKE REPAIR STATIONS: 100
 15. TOTAL BIKE STORAGE: 100
 16. TOTAL BIKE REPAIR: 100
 17. TOTAL BIKE STORAGE: 100
 18. TOTAL BIKE REPAIR: 100
 19. TOTAL BIKE STORAGE: 100
 20. TOTAL BIKE REPAIR: 100

BUILDING INFORMATION

MULTIFAMILY
 (N1) 4 STORIES WITH BASEMENT UNITS
 GROSS AREA - 117 619 GSF
 TOTAL - 113 UNITS
 (N2) 4 STORIES WITH BASEMENT UNITS
 GROSS AREA - 12,579 SF
 TOTAL - 126 UNITS
 TOTAL NET AREA - 12,579 SF (NET)
 AVG HEATED AREA - 101,325 SF (NET)
RENTAL TOWNHOMES
 (T1) 2 STORY TOWNHOMES
 WITH TUCK-UNDER GARAGES
 GROSS AREA - 8,431 GSF
 (T2) 3 STORY TOWNHOMES
 WITH TUCK-UNDER GARAGES
 GROSS AREA - 13,578 GSF
 TOTAL TN UNITS - 44
 AVG HEATED AREA - 1,358 SF (NET)
TOTAL RESIDENTIAL - 281 UNITS
ACCESSORY RETAIL
 (R1) 1,000 SF
 (R2) 2,000 SF
TOTAL RESIDENTIAL GROSS AREA - 3,124,938 SF

PROJECT NUMBER: PRP2016-02
BAG FACTORY DEVELOPMENT
 1485 2ND AVENUE, 1451 2ND AVENUE AND 1501 ALEXANDER AVENUE, DECATUR, GEORGIA 30031

CLIENT:
perennial PROPERTIES
 1777 PEACHTREE STREET NE, SUITE 200, ATLANTA, GEORGIA 30329

ARCHITECTURAL SITE PLAN
 SHEET NUMBER: **SP-01**

DYNAMIK DESIGN
 5501 PEACHTREE DUNWOODY RD., BUILDING C, SUITE 200, ATLANTA, GA 30328
 TELEPHONE: 478-868-8110, DYNAMIK@GMAIL.COM



BRICK MASONRY

CHESTNUTS SPRING

CHESTNUTS ROARD
AND BRICK

TRD ROOF

BRICK MASONRY

ALUMINUM
STOREFRONT

CHESTNUTS SPRING

TRD ROOF

BRICK MASONRY

BRICK MASONRY

CHESTNUTS SPRING

BRICK MASONRY

CONCEPTUAL AERIAL SKETCH FOR
REPRESENTATIVE PURPOSES

DYNAMIK
DESIGN

5601 PEACHTREE DUNWOODY RD
ATLANTA, GA 30320
TELEPHONE: 404-252-1000
DYNAMIKDESIGN.COM

CONSULTANT

SCALE

PROJECT NUMBER: 09070100
**BAG FACTORY
DEVELOPMENT**

1645 2ND AVENUE, 1601 2ND AVENUE
AND 1508 ALEXANDER AVENUE
DECATUR, GEORGIA 30022

CLIENT

perennial
PROPERTIES

4077 PEACHTREE STREET NE
SUITE 200
ATLANTA, GEORGIA 30305

TITLE

ARCHITECTURAL
RENDERINGS

SHEET NUMBER

AR-01

Legal Description

PARCEL #15 173 07 002

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 172 and 173, 15th District, Dekalb County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the southwestern intersection of the right of way of Glenwood Avenue (right of way varies) and the right of way of Second Avenue (right of way varies); thence along the right of way of Second Avenue a distance of 650.00 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 00°06'30" East a distance of 119.98 feet to a point; thence continuing along said right of way South 04°11'33" East a distance of 94.77 feet to a point; thence continuing along said right of way North 89°11'04" West a distance of 4.90 feet to a point; thence leaving said right of way North 89°11'05" West a distance of 202.36 feet to a point located on the Land Lot Line common to Land Lots 172 and 173; thence along said Land Lot Line South 00°04'43" West a distance of 659.35 feet to a point; thence leaving said Land Lot Line North 72°03'23" West a distance of 249.49 feet to a point; thence North 00°05'57" West a distance of 743.39 feet to a point located on the western right of way of Alexander Avenue (right of way varies); thence leaving said right of way North 89°54'19" East a distance of 20.00 feet to a point; thence South 00°06'32" East a distance of 1.58 feet to a point; thence North 89°53'28" East a distance of 20.00 feet to a point located on the eastern right of way of Alexander Avenue; thence leaving said right of way North 87°32'34" East a distance of 199.96 feet to a point located on the Land Lot Line common to Land Lots 172 and 173; thence along said Land Lot Line North 00°02'39" West a distance of 50.02 feet to a point; thence leaving said Land Lot Line South 88°09'15" East a distance of 200.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 5.294 Acres.

Legal Description

PARCEL #15 173 07 018

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 173, 15th District, Dekalb County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the southwestern intersection of the right of way of Glenwood Avenue (right of way varies) and the right of way of Second Avenue (right of way varies); thence along the right of way of Second Avenue a distance of 650.00 feet to a point; thence leaving said right of way North 88°09'15" West a distance of 94.77 feet to a point located on the Land Lot Line common to Land Lots 172 and 173; thence along said Land Lot Line South 00°02'39" East a distance of 50.02 feet to a point; thence leaving said Land Lot Line South 87°32'34" West a distance of 199.96 feet to a point located on the eastern right of way of Alexander Avenue (right of way varies); thence leaving said right of way South 89°53'28" West a distance of 20.00 feet to a point; thence North 00°06'32" West a distance of 1.58 feet to a point; thence South 89°54'19" West a distance of 20.00 feet to a point located on the western right of way of Alexander Avenue, that is the **POINT OF BEGINNING**; thence leaving said right of way South 00°05'57" East a distance of 743.39 feet to a point; thence North 72°03'23" West a distance of 200.00 feet to a point; thence North 00°20'17" East a distance of 624.08 feet to a point; thence North 38°19'07" East a distance of 62.15 feet to a point; thence North 86°30'47" East a distance of 147.04 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 3.026 Acres.

Legal Description

PARCEL #15 173 07 048

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 172, 15th District, Dekalb County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the southwestern intersection of the right of way of Glenwood Avenue (right of way varies) and the right of way of Second Avenue (right of way varies); thence along the right of way of Second Avenue a distance of 869.65 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 04°11'33" East a distance of 495.45 feet to a point; thence continuing along said right of way 165.57 feet along a curve to the right, said curve having a chord of South 01°43'36" East 165.50 feet and a radius of 1661.70 feet to a point; thence leaving said right of way North 89°16'32" West a distance of 244.48 feet to a point located on the Land Lot Line common to Land Lots 172 and 173; thence along said Land Lot Line North 00°04'43" East a distance of 659.35 feet to a point; thence leaving said Land Lot Line South 89°11'05" East a distance of 202.36 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 3.426 Acres.

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Harold Buckley Phone: 770-803-3707 Email:
hbuckley@wilegal.com

Property Address: 1845, 1851 Second Avenue, 1939 Alexander avenue

Tax Parcel ID: 15 173 07 048 15 17307002, 15 17 307018 Comm. District(s): 3 Acreage:
11.62 acres

Existing Use: vacant Proposed Use townhome, multi-family, accessory retail and/or
restaurant

Supplemental Regs: Yes—4.2.24 for townhomes and multi-family Overlay District:
NA DRI: NA

Rezoning: Yes No

Existing Zoning: C-1 Proposed Zoning: MR-2 or O-I or mixed-use zoning Square
Footage/Number of Units: _____

Rezoning Request: 237 multi-family residential units and 44 townhome units and 5000 square feet of accessory
commercial/retail/restaurant—281
units

Land Use Plan Amendment: Yes No

Existing Land Use: NC Proposed Land Use: _____ Consistent Inconsistent

Special Land Use Permit: Yes No Article Number(s) 27-

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): NA

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: Review Calendar Dates: PC: 05/03/22 BOC:
05/26/22 Letter of Intent: Impact Analysis: Owner Authorization(s):
Campaign Disclosure: Zoning Conditions: na Community Council Meeting:
04/13/22 Public Notice, Signs: Tree Survey, Conservation: _____ Land Disturbance
Permit (LDP): _____ Sketch Plat: _____ Bldg. Permits: Fire Inspection:
Business License: State License: _____ Lighting Plan: _____ Tent Permit: _____

Submittal Format: NO STAPLES, NO BINDERS PLEASE

Last day to hold –pre-community digital meeting with 15 days notice to qualify for May 2022 agenda cycle is Feb. 23, 2022

Filing Deadline for application is Feb. 24, 2022

Review of Site Plan

Density: Density Bonuses: Mix of Uses: Open Space:
Enhanced Open Space: Setbacks: front sides _____ side corner _____ rear
Lot Size: Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: _____ Parking - Auto: Parking - Bicycle: _____
Screening: Streetscapes: Sidewalks: Fencing/Walls: _____ Bldg.
Height: Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: Roofs: _____
Fenestration: Façade Design: _____ Garages: _____ Pedestrian Plan: Perimeter
Landscape Strip: _____
Possible Variances: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Comments: __. __ Applicant will need to show compliance that commercial uses are accessory to the residential. Only some commercial uses are allowed as an accessory use in MR-2 zoning; this issue will be reviewed upon submittal of rezoning application on its merits. Applicant will need to justify how their proposed MR-2 or O-I or mixed use district is compatible and consistent with the surrounding area. Show compliance with maximum building height and transitional height plane requirements of zoning ordinance. Density bonuses may be required for densities above 12 units per acre. Show compliance with min and max parking requirements, parking lot landscaping. Bicycle parking may be required. Show compliance with building materials and streetscape requirements. 50 foot transitional undisturbed buffer required where abutting single-family zoning districts.

Planner: John Reid Date 02/01/22

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	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

MEMORANDUM

To: Craig Wasilewsky, SE, *Perennial Properties, Inc.*

From: John D. Walker, P.E., PTOE, *Kimley-Horn and Associates, Inc.*
Harrison Forder, P.E., *Kimley-Horn and Associates, Inc.*

Date: Revised – March 4, 2022

RE: ***Bag Factory Development at 1845 2nd Avenue, 1851 2nd Avenue, and 1939 Alexander Avenue, Dekalb County, Georgia – Trip Generation Comparison***

Kimley-Horn is pleased to provide this memorandum regarding the trip generation comparison for the proposed *Bag Factory* development in unincorporated Dekalb County, Georgia. This memo is issued as a revision to the memo dated February 23, 2022, after a review of allowable uses in the C-1 zoning which may be used for the trip generation comparison.

PROJECT OVERVIEW

The *Bag Factory* development is a proposed residential development on an approximate 11.747-acre property located along the west side of 2nd Avenue and south of Alexander Avenue in unincorporated Dekalb County, Georgia.

The site is currently zoned for C-1 (Local Commercial) and M (Light Industrial) land use and the entire site is proposed to be rezoned to MR-2 (Medium Density Residential-2) land use. The trip generation comparison will be based on the following scenarios:

1. Existing Zoning: 58,400 SF Retail, 5,000 SF Day Care Center, 27,200 SF Light Industrial
2. Proposed Zoning: 237 Multi-Family Housing (Mid-Rise) units, 44 Townhomes (Low-Rise), 5,000SF Retail

The purpose of this memorandum is to compare the trip generation potential of the Existing Zoning with the trip generation potential of the Proposed Zoning.

Figure 1 provides a location map. **Figure 2** provides an aerial imagery of the project site. Additionally, the preliminary site plans for the proposed development are provided.

TRIP GENERATION

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the development and the distribution and assignment of that traffic through the study roadway network.

Anticipated trip generation for the proposed *Bag Factory* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition, 2017.

The densities and the project trip generation for the proposed development are summarized by land use in **Table 1**.

Table 1: Gross Trip Generation											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Existing Zoning (C-1 & M)											
Light Industrial	110	27,200 SF	162	81	81	17	15	2	15	2	13
Day Care Center	565	5,000 SF	238	119	119	55	29	26	56	26	30
Retail/Shopping Center	820	58,400 SF	2,204	1,102	1,102	55	34	21	223	107	116
<i>Total Gross Trips</i>			2,604	1,302	1,302	127	78	49	294	135	159
Proposed Zoning (MR-2)											
Multi-Family Housing (Low Rise)	220	44 d.u.	292	146	146	22	5	17	28	18	10
Multi-Family Housing (Mid-Rise)	221	237 d.u.	1,290	645	645	80	21	59	101	62	39
Retail/Shopping Center	820	5,000 SF	188	94	94	5	3	2	19	9	10
<i>Total Gross Trips</i>			1,770	885	885	107	29	78	148	89	59
<i>Difference in Gross Project Trips</i>			-834	-417	-417	-20	-49	+29	-146	-46	-100
<i>% Difference in Gross Project Trips</i>			-32%	-32%	-32%	-16%	-63%	+60%	-50%	-34%	-63%

*Note: No reductions for mixed-use, alternative mode, or pass-by were taken in order to present a conservative analysis.

Based on the trip generation shown in **Table 1**, the proposed *Bag Factory* development is projected to generate approximately 834 less total daily trips (417 in; 417 out), 20 less AM peak hour trips, and 146 less PM peak hour trips than the Existing Zoning. The proposed *Bag Factory* development will generate approximately 32% less gross daily trips, 16% less AM peak hour trips, and approximately 50% less PM peak hour trips compared to the Existing Zoning.

Although the above comparison presents gross trips, some reductions in gross trips are expected based on the neighborhood characteristics. Alternative mode reductions (when a site can be accessed by modes other than vehicles) are expected for the site, as there are multiple retail destinations (including a Publix-anchored shopping center), three schools, and Starmount-McAfee Park are all within 2,000 feet walking distance from the site. Additionally, MARTA bus routes 24 and 34 have stops immediately adjacent to the site along 2nd Avenue, providing service to the Atlanta-Decalb Human Services Complex, GSU Perimeter-Decatur Campus, Gresham Park, and the Blue/Green MARTA Rail lines.

SUMMARY

The proposed *Bag Factory* development is located on an approximate 11.747-acre property located along the west side of 2nd Avenue and south of Alexander Avenue in unincorporated Dekalb County, Georgia. The entire site is proposed to be rezoned from C-1 and M to MR-2.

This memo compared the trip generation potential of the Existing Zoning: 58,400 SF Retail, 5,000 SF Day Care, and 27,200 SF Light Industrial; to the trip generation potential of the Proposed Zoning: 237 Multi-Family Housing (Mid-Rise) units, 44 Townhomes (Low-Rise), 5,000SF Retail. Based on the trip generation comparison, the Proposed Zoning of the proposed *Bag Factory* development is projected to generate approximately 32% less gross daily trips, 16% less AM peak hour trips, and 50% less PM peak hour trips versus the Existing Zoning.

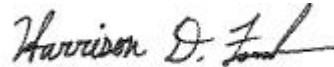
We hope this information is helpful. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



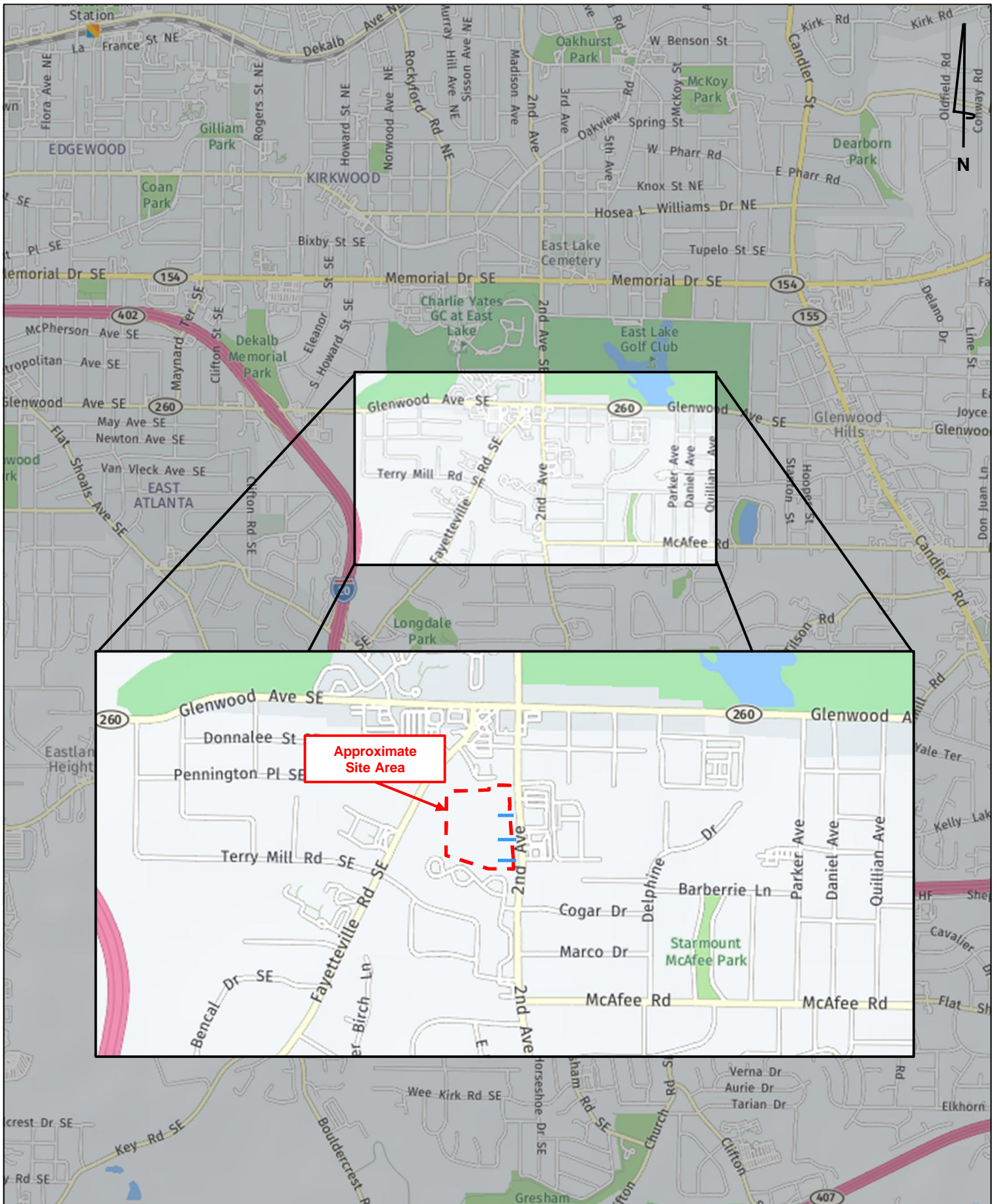
John D. Walker, P.E., PTOE
Senior Vice President



Harrison Forder, P.E.
Project Engineer

Attachments:

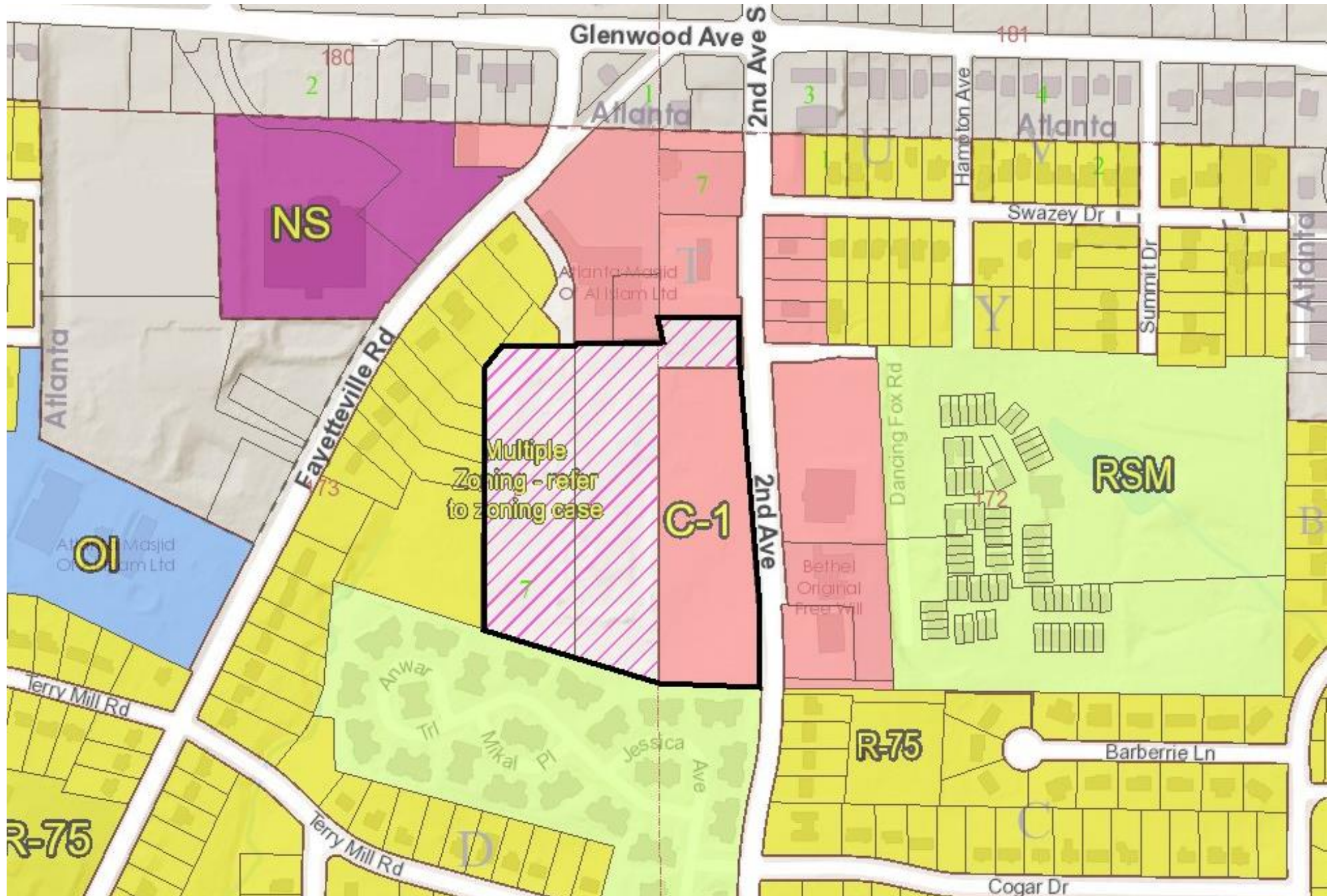
- Figure 1: Site Location Map
- Figure 2: Site Aerial
- Trip Generation Analyses
- Proposed Site Plan

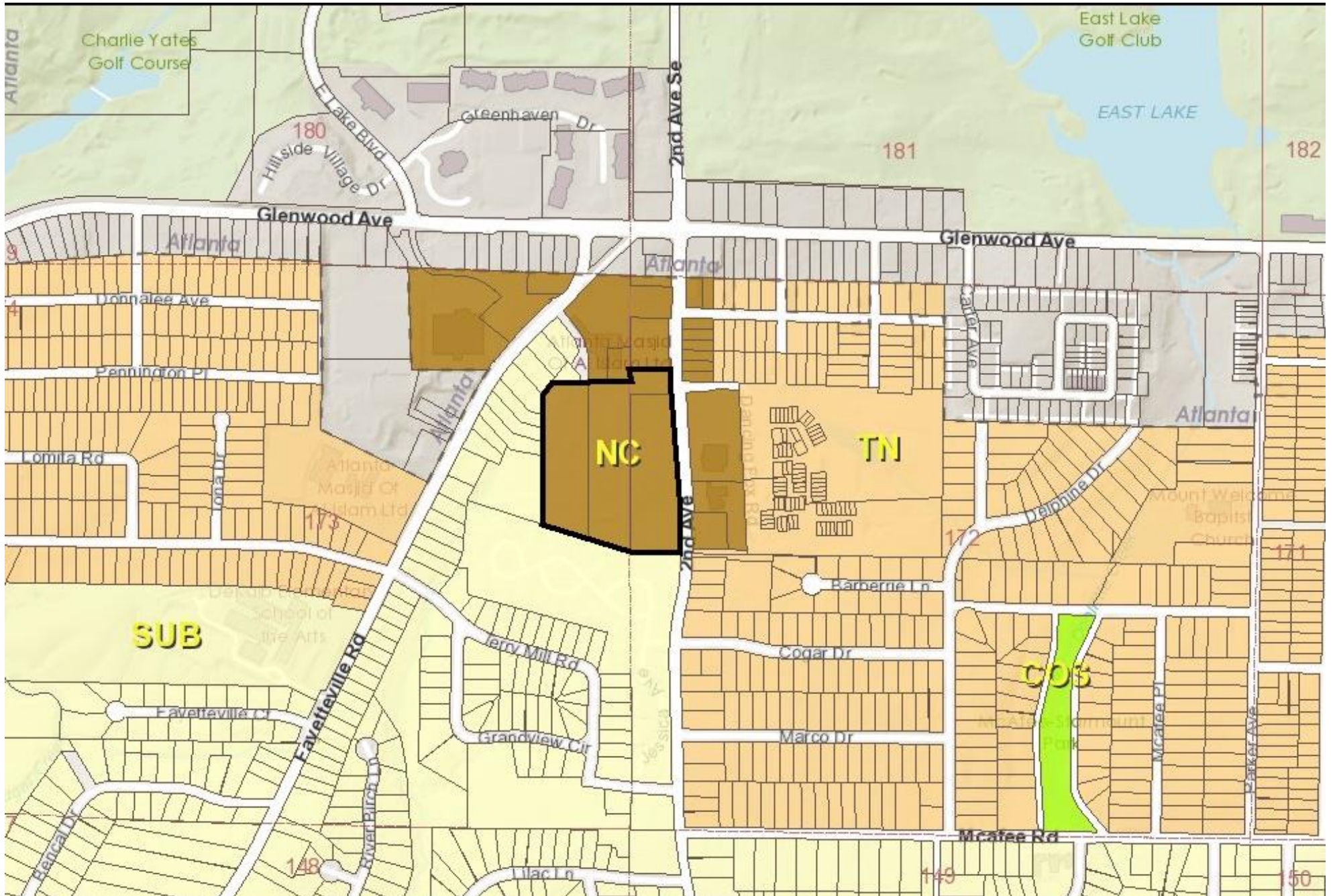
















Subject Property, viewed facing northeast from 2nd Avenue