

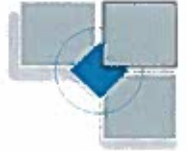


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: May 2, 2017, 6:30 P.M.
Board of Commissioners Hearing Date: May 23rd, 2017, 6:30 P.M.

STAFF ANALYSIS

Case No.:	Z-17-21428	Agenda #: N-1
Location/ Address:	2729 Lawrenceville Highway, Decatur, Georgia	Commission District: 2 Super District: 7
Parcel ID:	18 145 05 009	
Request:	To rezone from R-75 (Single-Family Residential) to MR-2 (Medium-Density Residential-2 to allow a 33-unit fee-simple attached townhome development at a density of 11 units per acre.	
Property Owner:	Rehobath Presbyterian Church	
Applicant/Agent:	Inline Communities	
Acreage:	3.01	
Existing Land Use:	Rehobath Presbyterian Church (Vacant)	
Surrounding Properties:	Medical offices (plastic surgery center, cancer treatment center, insurance office, and dental office, vacant buildings, and adult daycare to the north across Lawrenceville Highway; a vacant building and single-family homes to the east; single-family homes to the south; and a senior residential community under construction to the west.	
Adjacent Zoning:	North: OI South: R-75 East: OI West: MR-2	
Comprehensive Plan:	Current SUB Proposed for CRC (Case LP-17-21281)	Consistent <input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/>
Proposed Density:	11 units per acre	Existing Density: NA
Proposed Units:	33 fee simple attached townhomes	Existing Units: Church

ZONING HISTORY

The property has been zoned R-75 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The original request was to rezone the 3.01 acre property from MR-2 (Medium Density Residential) to allow the demolition of Rehobath Presbyterian Church and a single-family home at 1454 Linkwood Lane and redevelop the site to allow 41 single-family fee-simple single-family attached townhomes at a density of 12 units per acre. The request has been revised to remove the single-family parcel (1454 Linkwood Lane), remove vehicular access to Linkwood Lane, and reduce the number of townhomes from 41 to 33 to allow a density of 11 units per acre. Since the current Suburban (SUB) character area designation on the property limits the density to a maximum of eight units per acre, the applicant is also submitting a companion land use plan amendment request to change to a Commercial Redevelopment Corridor (CRC) Character Area which allows a maximum of 18 units per acre (See companion case LP-17-21281). The proposed townhomes are three stories and will have one access off of Lawrenceville Highway, a four-lane Major Arterial road with a center turn lane, road, via a private drive. The maximum based density allowed in the proposed MR-2 is 24 units per acre, but the applicant is only proposing 11 units per acre. The townhomes will be a minimum of 1,800 square feet and predominantly brick. The site plan is providing 44% open space, even though only 15% is required. No enhanced open space is required since the project is less than 36 attached townhomes. The minimum required 50-foot wide undisturbed buffers are provided adjacent to the R-75 zoned single-family properties along the eastern property line.

The character of the surrounding area consists of medical offices (plastic surgery center, cancer treatment center, insurance office, and dental office), vacant buildings, and adult daycare to the north across Lawrenceville Highway; a vacant building and single-family homes to the east; single-family homes to the south; and a senior residential community under construction to the west.

LAND USE ANALYSIS

The proposal to amend the Land Use Plan Map from SUB (Suburban) to CRC (Commercial Redevelopment Corridor) is consistent with Future Land Use policies from the Comprehensive Plan.

IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

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

The zoning proposal for townhomes at 11 units per acre is consistent with the requested Commercial Redevelopment Corridor (CRC) character area which allows a maximum density of 18 units per acre. The zoning proposal is consistent with the following housing policy of the 2025 Comprehensive Plan: "Enhance the county's existing supply of housing" (HP3).

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 townhomes and MR-2 zoning are an appropriate transition from the office and commercial uses around the I-285/Lawrenceville Highway interchange (zoned O-I, C-1, and C-2) and the senior housing under construction in the MR-2 zoning to the west. The proposed 50 foot buffer along the eastern and southern property line should provide compatibility with the single-family subdivision to the south.

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

It appears that the property currently has a reasonable economic use as currently zoned single-family residential (R-75).

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

It does not appear that the zoning proposal will adversely affect the usability of adjacent or nearby property since the proposed townhomes and MR-2 zoning are an appropriate transition from the office and commercial uses around the I-285/Lawrenceville Highway interchange (zoned O-I, C-1, and C-2) and the senior housing under construction in the MR-2 zoning to the west. The plan provides for the required 50-foot wide undisturbed buffers abutting the adjacent R-75 single-family zoned properties to the east and south. Additionally, the site plan is providing significantly more open space than required by the MR-2 zoning (15% required, 44% provided).

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:

The senior housing currently under construction to the west is a changing condition affecting this property that give grounds for approval.

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

Based on the submitted information, it does not appear that the zoning proposal is located in a historic district.

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:

There should be no burdensome use of streets since Lawrenceville Highway is a four-lane Major Arterial Road with a center turn lane. There has been no indication from reviewing departments and agencies that the proposal could cause excessive use of existing streets, transportation facilities, utilities, or schools.

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

It does not appear that the zoning proposal will adversely impact the environment or surrounding natural resources.

COMPLIANCE WITH DISTRICT STANDARDS:

MR-2 STANDARD	REQUIREMENT	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE	Base: 12 d.u.s/acre W/Bonuses: 24 d.u.s/ac.	11 d.u.s/acre	Yes
MIN. OPEN SPACE	15% = 19,667s.f.	44%=57,446 s.f.	Yes
MIN. TRANSITIONAL	50 ft buffer required next	50 foot buffer	Yes

BUFFER	to R-75 along eastern and southern p/l		
MIN. LOT WIDTH	20 ft.	25 feet	Yes
MAX. LOT COVERAGE	85%	56%	Yes
BUILDING SETBACKS	Front Lawrenceville Hwy Max. 20 ft Front Internal Road 0 Side 0 ft Rear 15 ft	25 ft Min. 20 ft Max. 25 ft Min. 5 ft Max. 10 ft Min. 20 ft Max. 50 ft	NO (<i>Needs variance for max setback along Lawrenceville Hwy</i>) Yes Yes Yes
MINIMUM UNIT SIZE	1,000 sf	1,800 sf	Yes
MAX. BLDG. HEIGHT	3 stories	3 stories	Yes
PARKING	Min. 58 spaces <i>(1.5 spaces + min. .25 for guest pkg.)</i> Max. 107 spaces <i>(3.0 spaces + .25 for guest pkg.)</i>	66 spaces	Yes
BUILDING FORM AND DESIGN	Subject to Article 5		
STREET TREES AND PARKING LOT LANDSCAPING	Subject to Article 5		

Staff Recommendation: APPROVAL WITH CONDITIONS

Since the last Planning Commission meeting, the request has been revised by removing the single-family parcel along Linkwood Lane from the application, and by reducing the number of townhomes from 41 to 33 fee-simple townhome units at a density of 11 units per acre. Since the current Suburban (SUB) character area designation on the property limits the density to a maximum of eight units per acre, the applicant is also submitting a companion land use plan amendment request to change to a Commercial Redevelopment Corridor (CRC) Character Area which

allows a maximum of 18 units per acre (See companion case LP-17-21281). The zoning proposal is consistent with the following housing policy of the 2025 Comprehensive Plan: "Enhance the county's existing supply of housing" (HP3).

The proposed townhomes and MR-2 zoning are an appropriate transition from the office and commercial uses around the I-285/Lawrenceville Highway interchange (zoned O-1, C-1, and C-2) and the senior housing under construction in the MR-2 zoning to the west. It appears that compatibility with the single-family subdivision to the south along Linkwood Lane is achieved with the provision of the required 50-foot wide undisturbed buffers abutting the east and south property lines. Additionally, the site plan is providing significantly more open space than required by the MR-2 zoning (15% required, 44% provided). Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions.

- 1) Limit to single-family attached fee-simple townhomes at a maximum density of 11 units per acre.
- 2) Provide minimum open space of 40%.
- 3) Maximum building height of three stories. Provide compliance with Transitional Height Plane of Article 5.
- 4) Provide 50-foot wide transitional buffer along the eastern and southern property line abutting R-75 zoning. Provide a six foot high screening fence in accordance with Article 5 of the Zoning Ordinance.
- 5) No vehicular access to Linkwood Lane.
- 6) Provide a minimum six-foot wide sidewalk and ten-foot wide landscape strip along the property frontage of Lawrenceville Highway as required by Article 5 of the Zoning Ordinance.
- 7) Comply with Sketch Plat requirements prior to the issuance of a Land Disturbance Permit.
- 8) 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.
- 9) Any retaining wall located next to a property used for or zoned for residential purposes, when said retaining wall exceeds 12 feet in height, it must be approved by the Zoning Board of Appeals.

Attachments:

1. Departmental Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
 - c. Watershed Management
 - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits 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 space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)
- **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.)
- **Historic Preservation Certificate of Appropriateness** (Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)
- ✓ **Variance or Special Exception** (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.)
- **Major Modification** (Required if there are any changes to zoning conditions approved by the Board of Commissioner on 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 require submittal



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 7-17-21428 Parcel I.D. #: 18-145-05-009

Address: 2729
LAWRENCEVILLE Hwy
Decatur GA

Adjacent Roadway (s):

(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:

<u>Plans and field reviewed. No problem that</u> <u>would interfere with traffic flow.</u>

Signature: [Handwritten Signature]

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/14/2017

N.1

Z-17-21428/18-145-05-009

2729 Lawrenceville Highway, Decatur, GA

Amendment

- Please see front page for additional comments.

N.2

SLUP-17-21417/18-051-12-011

1369 & 1371 (Basement) Clairmont Road, Decatur, Ga

Amendment

- Please see additional comments.

N.3

CZ-17-21421/18-104-05-060

1158 McConnell Drive, Decatur, GA

Amendment

- Please see general comments.

N.4

Z-17-21418/15-201-05-005

1562 Line Street, Decatur, GA

Amendment

- Please see general comments.

DEKALB COUNTY

Board of Health

4/14/2017

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

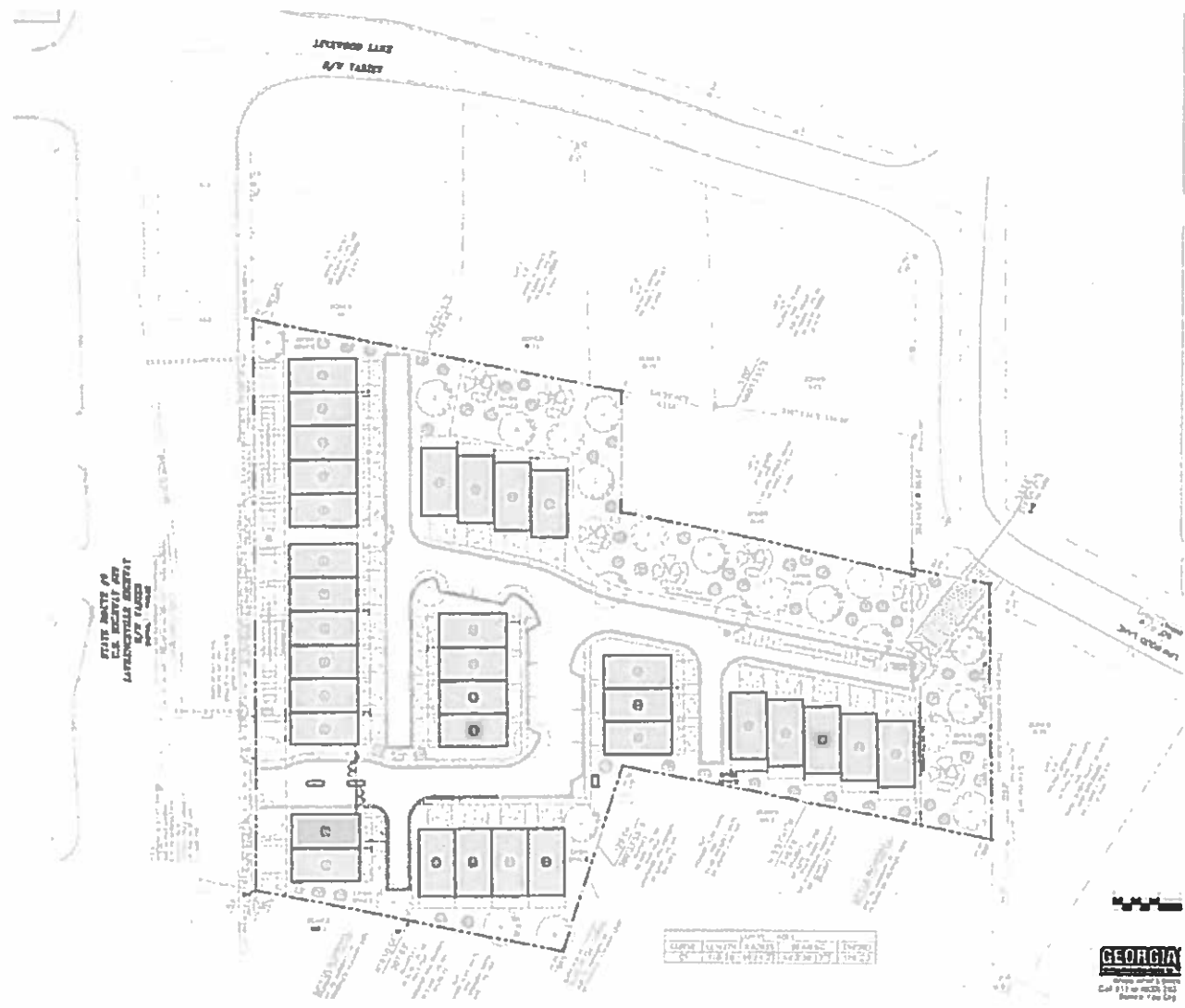
For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

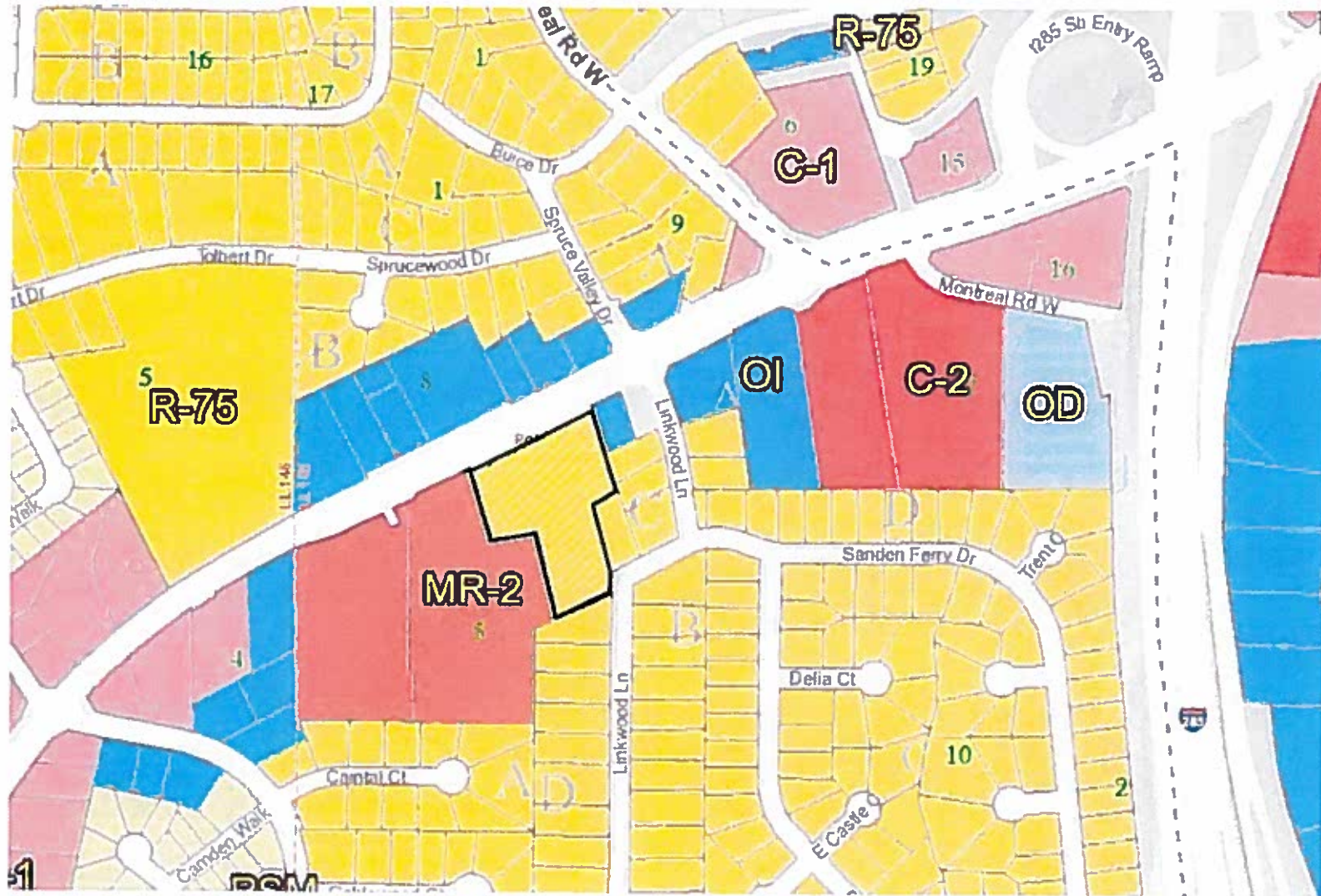
N1 Z 17 21248

Site Plan



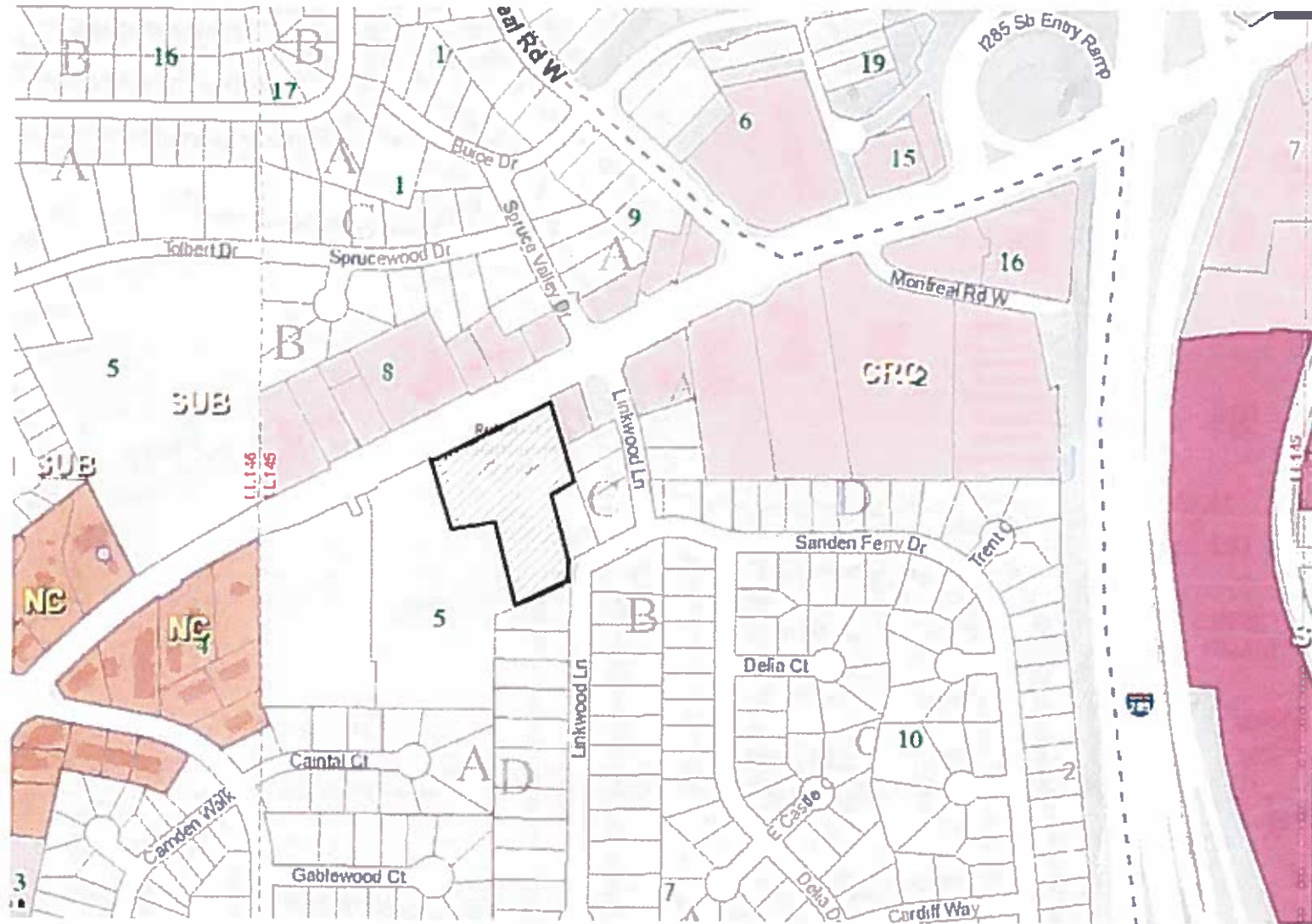
N.1. Z 17 21248

ZONING MAP



N.1. Z 17 21248

FUTURE LAND USE MAP



N.1. Z 17 21248

AERIAL MAP





DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



FIRST AMENDED

APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

APR 11 2017

Date Received: Application No.: 2-17-21428

Applicant: InLine Communities 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 Phone No.: 404-815-3500 Fax: 404-685-7004

Owner(s): Presbytery of Greater Atlanta E-Mail:
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 1024 Ponce de Leon Ave., Ne, Atlanta, GA 30306

Owner(s) Phone No.: 404-898-0711 Fax:

Address/Location of Subject Property: 2729 Lawrenceville Hwy.

District(s): 18 Land Lot(s): 145 Block(s): 05 Parcel(s): 009

Acreage: 3.01 +/- Commission District(s): 217

Current Zoning Category: R-75 Proposed Zoning Category: MR-2

Current Land Use Category: SUB Land Use Amendment Filed? Yes No

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted. 20 collated copies must be submitted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following question 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]
SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent



APR 16 2017
EXPIRATION DATE / SEAL

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

**FIRST AMENDED
STATEMENT OF INTENT**

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Rezoning Application
Z-17-21428

of

INLINE COMMUNITIES

for

± 3.01 Acres of Land
located in
Land Lot 145, 18th District, DeKalb County

From R-75 to MR-2

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 to rezone ± 3.01 acres of land located in Land Lot 145, 18th District of DeKalb County ("Subject Property"), consisting of one parcel known as 2729 Lawrenceville Highway, to allow for the development of 33 townhomes. The Subject Property is currently zoned R-75 and designated as "Suburban" under the County's Comprehensive Land Use Plan. Concurrently with this rezoning application, the Applicant is seeking a land use amendment of the Subject Property to Commercial Redevelopment Corridor (CRC) to allow for the proposed townhome development (Application LP-17-21281). This First Amended Statement of Intent reflects two changes made to the site plan since the initial submission of this Application: (1) the removal of the vehicular driveway on Linkwood Lane; and (2) the removal of the single-family residential parcel known as 1454 Linkwood Lane from the acreage of the proposed development.

The Subject Property is currently developed as the Rehoboth Presbyterian Church. Immediately surrounding the Subject Property is a mix of commercial, institutional and residential uses. Across Lawrenceville Highway is property zoned OI that is developed for a variety of medical uses. Directly adjacent to the Subject Property to the west is property zoned MR-2, developed as a senior residential community. Farther west are properties zoned OI and C-1, some vacant and others used for a variety of commercial uses including seafood store, small shopping center and gas station. About a mile west on Lawrenceville Highway are the Kingston Point Manor Townhomes, zoned MU-4 and MR-2. The Subject Property abuts a single-family neighborhood zoned R-75 to the southeast and property zoned OI directly to the east. With the exception of the Subject Property and two other parcels, all properties on Lawrenceville Highway between North Druid Hills Road and I-285 are designated as CRC on the County's

Future Land Use Map. The proposed townhomes will add an attractive, high-quality residential development in an area relatively lacking in medium-density housing options.

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, § 27-7.3.5. A survey of the Subject Property and other required materials have been filed contemporaneously with the Application.

II. IMPACT ANALYSIS

A.

THE PROPOSED ZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COUNTY'S COMPREHENSIVE LAND USE PLAN.

The Applicant has filed an application to modify the Land Use Map designation for the Subject Property from Suburban to CRC. Given its location and proximity to other properties designated CRC, the Subject Property is suitable for CRC. Moreover, this Application is consistent with the following intent, goals, and policies of DeKalb County's 2005-2025 Comprehensive Plan:

CRCCAP3: Redevelop older strip commercial centers into viable mixed-use developments along the corridor.

CRCCAP5: Create compact mixed-use districts and reduce automobile dependency and travel to obtain basic services.

CRCCAP7: Enhance the visual appearance of commercial structures in a state of disinvestment, underdevelopment and decline.

B.

THE PROPOSED ZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES.

The proposed zoning ultimately would permit a use that would be consistent and quite

suitable in view of the use, development, and future land use plan classifications of adjacent and nearby property. The Subject Property is immediately adjacent to a mix of commercial and institutional uses on properties designated CRC. Directly across Lawrenceville Highway are an adult day care center, plastic surgery center, cancer treatment center, insurance office and dental office, all zoned OI. Farther west along Lawrenceville Highway is the William Bradley Bryant Center for Technology, operated by the DeKalb County Board of Education, zoned R-75, and automotive uses zoned C-1. Immediately adjacent to the Subject Property to the west is property recently rezoned for a senior residential community with 130 independent living units and an assisted living facility with 95 beds, zoned MR-2. Farther west are several vacant properties, a seafood market, small shopping center and gas station, zoned OI and C-1. About a mile west on Lawrenceville Highway are the Kingston Point Manor Townhomes, zoned MU-4 and MR-2. The Subject Property abuts a single-family neighborhood zoned R-75 to the southeast and property zoned OI directly to the east.

The proposed townhome development is appropriate for the Subject Property given the surrounding mix of institutional and commercial uses. Moreover, the proposed townhome development will be developed with appropriate attention to scale, setbacks and buffering, and appropriate conditions will be imposed to mitigate any potentially negative impacts.

C.

THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS LIMITED ECONOMIC USE AS CURRENTLY ZONED.

The Subject Property is currently used as a church. The church has decided to relocate, which will leave the Subject Property vacant and obsolete with limited redevelopment options under the current zoning classification. The requested rezoning will allow the Applicant to redevelop the Subject Property into a high-quality for-sale residential product in a part of the

County relatively lacking in medium-density housing options.

D.

THE PROPOSED ZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTIES.

The proposed rezoning will not adversely affect the existing use or usability of adjacent properties. The Subject Property is surrounded by a mix of commercial and institutional uses on properties zoned OI and C-1 and designated CRC. The proposed townhomes will be developed with appropriate attention to scale, setbacks and buffering and provide a 50 foot buffer between the adjoining R-75 lots to the south and east, which will be properly planted and screened. The Applicant has met with and will continue to meet with Staff and neighbors throughout the application process to ensure that the proposed land use amendment is acceptable. In fact, the revised site plan submitted with this Application, which closes the rear vehicular entrance to the townhome development and removes the 1454 Linkwood Lane parcel, is a direct result of feedback from neighbors. Moreover, appropriate conditions will be imposed to eliminate any potential negative impacts from the proposed rezoning.

E.

THERE ARE OTHER EXISTING AND CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH SUPPORT THE APPROVAL OF THE PROPOSED ZONING.

The County's Comprehensive Plan envisions providing a diverse mix of housing options, with higher-density housing clustered on major roadways. With the exception of the Kingston Point Manor Townhomes a mile away, there are no townhome developments in the immediate vicinity of the Subject Property. High-quality townhomes are in great demand by young professionals and empty-nesters who want to live in a residential community without the maintenance that comes with a traditional single-family home. The frontage on Lawrenceville

Highway, a four-lane road with central turn lane, and proximity to I-285 make the Subject Property an ideal location for the proposed development.

F.

THE PROPOSED ZONING WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL 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 zoning requested.

G.

THE PROPOSED ZONING WILL NOT CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

There are adequate public services to accommodate the proposed townhomes. According to the International Traffic Engineers (ITE) Trip Generation Manual, 9th Ed. (Land Use Category 230: Residential Condominium/Townhome), 33 townhomes will generate approximately 192 trips per weekday, with 15 a.m. peak hour trips and 17 p.m. peak hour trips. Lawrenceville Highway, a four lane road with a central turn lane, has adequate capacity to accommodate these modest figures.

The target market for the proposed townhomes consists of young professionals and empty nesters without school-aged children. Nonetheless, the Subject Property is served by Laurel Ridge Elementary School, Druid Hills Middle School and Druid Hills High School, all of which have capacity to accommodate additional students.

H.

THE PROPOSED ZONING WILL NOT ADVERSELY IMPACT THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.

The Applicant has complied and will continue to comply with all federal, state, and

County regulations relating to environmental protection.

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

The Applicant respectfully submits that a refusal to approve the proposed rezoning, or any attempt to rezone 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 rezoning, or any attempt to rezone 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 rezoning, or any attempt to rezone 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 rezoning, or any attempt to rezone 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 rezoning, or any attempt to rezone 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 27-7.3.5 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.

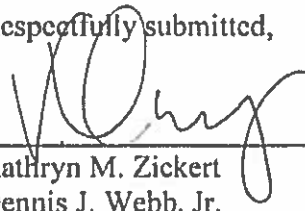
Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to zone and rezone property, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the 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 rezoning be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 12th day of April, 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

**SECOND AMENDED
STATEMENT OF INTENT**

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Land Use Map Amendment Application
LP-17-21281

of

INLINE COMMUNITIES

for

± 3.01 Acres of Land
located in
Land Lot 145, 18th District, DeKalb County

From Suburban to Commercial Redevelopment Corridor

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 ±3.01 acres of land located in Land Lot 145, 18th District of DeKalb County ("Subject Property"), consisting of one parcel known as 2729 Lawrenceville Highway, to allow for the development of 33 townhomes. The Subject Property is currently zoned R-75 and designated as "Suburban" under the County's Comprehensive Land Use Plan. Concurrently with this Application (LP-17-21281), the Applicant has submitted an application to rezone the Subject Property to MR-2 (Z-17-21428). This Second Amended Statement of Intent reflects two changes made to the site plan since the initial submission of this Application: (1) the removal of the vehicular driveway on Linkwood Lane; and (2) the removal of the single-family residential parcel known as 1454 Linkwood Lane from the acreage of the proposed development.

The Subject Property is currently developed as the Rehoboth Presbyterian Church. Immediately surrounding the Subject Property is a mix of commercial, institutional and residential uses. Across Lawrenceville Highway is property zoned OI that is developed as a variety of medical uses. Directly adjacent to the Subject Property to the west is property zoned MR-2, developed as a senior residential community. Farther west are properties zoned OI and C-1, some vacant and others used for a variety of commercial uses including seafood store, small shopping center and gas station. About a mile west on Lawrenceville Highway are the Kingston Point Manor Townhomes, zoned MU-4 and MR-2. The Subject Property abuts a single-family neighborhood zoned R-75 to the southeast and property zoned OI directly to the east. With the exception of the Subject Property and two other parcels, all properties on Lawrenceville Highway between North Druid Hills Road and I-285 are designated as "Commercial Redevelopment Corridor (CRC)." Given its location and proximity to other properties designated CRC, the Subject Property is suitable for CRC. The proposed townhomes will add an attractive,

high-quality residential development in an area relatively lacking in higher-density housing options.

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 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 proposed land use plan change ultimately would permit a use that would be consistent and quite suitable in view of the use, development, and future land use plan classifications of adjacent and nearby property. The Subject Property is immediately adjacent to a mix of commercial and institutional uses on properties designated CRC. Directly across Lawrenceville Highway is an adult day care center, plastic surgery center, and a cancer treatment center. Farther west along Lawrenceville Highway is an insurance office, dental office and the William Bradley Bryant Center for Technology, operated by the DeKalb County Board of Education. All of these properties are designated CRC, with the exception of the Board of Education property, which is designated Suburban. Immediately adjacent to the Subject Property to the west is property recently rezoned for a senior residential community with 130 independent living units and an assisted living facility with 95 beds, which is also designated CRC. Farther west are several vacant properties, a seafood market, small shopping center and gas station, all of which are designated CRC.

The CRC category encourages the redevelopment of areas with declining, unattractive,

vacant or underutilized strip-style shopping centers characterized by a high degree of vehicular traffic and a low degree of open space into more vibrant mixed-use centers. The proposed modification is appropriate given the location of the Subject Property and its proximity to other properties designated CRC.

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 suitability of adjacent properties. The Subject Property is already surrounded by a mix of commercial and institutional uses on properties designated CRC. In fact, it is one of the only properties not designated CRC on the stretch of Lawrenceville Highway between North Druid Hills Road and I-285. The proposed townhomes will be developed with appropriate attention to scale, setbacks and buffering and provide a 50 foot buffer between the adjoining R-75 lots to the south and east, which will be properly planted and screened. The Applicant has met and will continue to meet with Staff and neighbors throughout the application process to ensure that the proposed land use amendment is acceptable. In fact, the revised site plan, which closes the rear vehicular entrance to the townhome development and removes the 1454 Linkwood Lane parcel from the development, is a direct result of feedback the Applicant has received from neighbors. Moreover, 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.**

There are adequate public services to accommodate the proposed townhomes. According to the International Traffic Engineers (ITE) Trip Generation Manual, 9th Ed. (Land Use Category 230: Residential Condominium/Townhome), 33 townhomes will generate approximately 192 trips per weekday, with 15 a.m. peak hour trips and 17 p.m. peak hour trips. Lawrenceville Highway, a four lane road with a central turn lane, has adequate capacity to accommodate these modest figures.

The target market for the proposed townhomes consists of young professionals and empty nesters without school-aged children. Nonetheless, the Subject Property is served by Laurel Ridge Elementary School, Druid Hills Middle School and Druid Hills High School, all of which have capacity to accommodate additional students.

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 CRC. The proposal would foster a number of general policies and strategies of the County's Comprehensive Plan, including:

CRCCAP3: Redevelop older strip commercial centers into viable mixed-use developments along the corridor.

CRCCAP5: Create compact mixed-use districts and reduce automobile dependency

and travel to obtain basic services.

CRCCAP7: Enhance the visual appearance of commercial structures in a state of disinvestment, underdevelopment and decline.

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.**

The County's Comprehensive Plan envisions providing a diverse mix of housing options, with higher-density housing clustered on major roadways. With the exception of the Kingston Point Manor Townhomes a mile away, there are no townhome developments in the immediate vicinity of the Subject Property. High-quality townhomes are in great demand by young professionals and empty-nesters who want to live in a residential community without the maintenance that comes with a traditional single-family home. The frontage on Lawrenceville Highway, a four-lane road with central turn lane, and proximity to I-285 make the Subject Property an ideal location for the proposed development.

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.

**IV. 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.

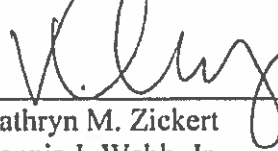
V. CONCLUSION

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 12th day of April, 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

LEGAL DESCRIPTION (Composite)

17-016

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 145 OF THE 18TH LAND DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE POINT FORMED BY THE INTERSECTION OF THE WEST LINE OF LAND LOT 145 WITH THE SOUTHERLY, ORIGINAL RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY ALSO KNOWN AS STATE ROUTE NO. 8 AND U. S. HIGHWAY NO. 29, SAID POINT BEING THE **POINT OF COMMENCEMENT**.

TENCE FROM SAID POINT OF COMMENCEMENT IN A NORTHEASTERLY DIRECTION ALONG SAID ORIGINAL RIGHT OF WAY FOR A DISTANCE OF 543 FEET TO A POINT ON SAID ORIGINAL RIGHT OF WAY.

TENCE, SOUTH 16 DEGREES 10 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 37.47 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY (PER GDOT PROJECT IM-NH-285-I(347), DATED JUNE 25, 1999, SAID POINT BEING THE NORTHWESTERN CORNER OF THE SUBJECT PROPERTY AND THE **TRUE POINT OF BEGINNING**.

TENCE FROM SAID TRUE POINT OF BEGINNING AS THUS ESTABLISHED AND IN A NORTHEASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT OF WAY ALONG A CURVE TO THE LEFT FOR AN ARC DISTANCE OF 116.20 FEET SAID ARC HAVING A RADIUS OF 9,624.27 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 62 DEGREES 39 MINUTES 17 SECONDS EAST FOR A CHORD DISTANCE OF 116.20 FEET TO A POINT ON SAID RIGHT OF WAY;

TENCE CONTINUING ALONG SAID RIGHT OF WAY, NORTH 62 DEGREES 18 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 264.54 FEET TO A POINT ON SAID RIGHT OF WAY;

TENCE DEPARTING SAID RIGHT OF WAY, SOUTH 16 DEGREES 03 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 249.46 FEET TO A POINT;

TENCE, SOUTH 16 DEGREES 20 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 63.06 FEET TO A POINT;

TENCE, NORTH 60 DEGREES 13 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 3.00 FEET TO A POINT;

TENCE, SOUTH 18 DEGREES 14 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 134.35 FEET TO A POINT ON THE RIGHT OF WAY OF LINKWOOD LANE (R/W VARIES);

TENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY, SOUTH 62 DEGREES 44 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 88.54 FEET TO A POINT ON SAID RIGHT OF WAY;



DeKalb County Planning & Development Department

Lee May
Chief Executive Officer



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)

Jan Webb

Applicant Name: Inline Communities Phone: 478 3500 Email: djwebb@sgrlaw.com

Owner Name: Presbytery of Greater Atlanta Phone: _____ Email: _____
r Residence - Paul Miller

Property Address: 2729 Lawrenceville Hwy, 1454 Linkwood Ln

Tax Parcel ID: 18-145-05-009 District: 2/7 Acreage: 3.4

Existing Zoning: R75 Proposed Zoning: MR-2 Square Footage/Number of Units 41 units

Existing Use: vacant church Proposed Use: see sample townhouses 1400 min

Existing Case Number(s): _____

Existing Land Use: SUB Proposed Land Use: CRC Consistent Inconsistent

Rezoning Request: 41 townhouses - Hold till May agenda

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 No

Justification for amendment request: Sub to CRC first, rezoning later

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: _____

Review of Site Plan

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

Possible Variances: _____

Comments: Land use plan first in March. Hold rezoning until May.

NBE

Filing Fees

REZONING: R200, R150, R30, R20, R100, R85, R75 R60, RA5, R50, RA8, RM150, RM100	\$500.00
RDT, TND, RM85, RM75, RMHD, OI OD, OCR, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE AMENDMENT	\$500.00
SPECIAL LAND USE PERMIT	\$400.00
MAJOR MODIFICATION	\$250.00

In Line

064681.001

COMMUNITY MEETING

Regarding Application to rezone property located at 2729 Lawrenceville Hwy. and 1454 Linkwood Lane from R-75 to MR-2 for the purpose of developing townhomes.

Date: Tuesday, February 28, 2017
Time: 7:00 p.m. to 8:00 pm
Place: Rehoboth Presbyterian Church
Christopher Hall
2729 Lawrenceville Hwy.
Decatur, Georgia 30033

Mailed 2-13-17

What is a Community Rezoning Meeting? Community rezoning meetings are designed to inform the surrounding communities of current rezoning and special use permit applications. It's an opportunity for the community to learn about the proposed project, ask questions, present concerns, and make suggestions.

<u>NAME</u>	<u>Address</u>	<u>Email</u>
Robert Gaggins	1387 Camden Walk	gypsy830@gmail.com
Trey Morrison	1487 Sander Ferry Dr.	chaptrey@gmail.com
Peggy Howard	1384 Linkwood Ln	cutpaw2@bellsouth.net
Elizabeth Collins	1414 Linkwood Ln	linkwood1945@gmail.com
Arlene Page	1376 Linkwood Ln	
Charles & Betty Bryson	1408 Sander Ferry Dr	char1408@Bellsouth.net
Heather Clayton	3249 Lindmoor	heatherclayton@hotmail.com
Andrea Greco	1524 Delia Dr	dragreco@yahoo.com
Jayna Noffke	1453 Linkwood	jendaynanoffke@gmail.com
David McKee	1454 Linkwood	ccobrav@hotmail.com
CHARLES A. MAXWELL	1377 SAUNDERS	
Thomas McConley	1431 Linkwood Ln	klm102@gmail.com
K. PARKER	3188 Lindmoor	KRONCELLA@gmail.com
R. PARKER	11	RUSSELLParkerLancaster@gmail.com
R. Best	1346 L. 1 & Ln	markbest@gmail.com
Diane Smith	1650 Delia Dr.	sdmsmith@mindspring.com
J. Hamilton Gaggins	1385 Camden Walk	gypsy830@gmail.com
Roxanne Smith	4103 Newfield, 11	gms157@gmail.com

name	address	email
Lampy Phyllis	1499 Sander Ferry Dr	
John Rutter	1183 Sander Ferry Dr	john.rutter@earthlink.net
Mary Britting	3301 Old Mill Ct.	mbritting@notmail.
RAY CORBETT	3196 VALAIRE DR Dec	RAYCOR@AOL.COM

Return Recorded Document to:
O'Kelley & Sorohan LLC
1979 Lakeside Pkwy. Ste 340
Tucker, GA 30084

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF DEKALB

This Indenture made this 1st day of DECEMBER in the year Two Thousand and Sixteen, between REHOBOTH PRESBYTERIAN CHURCH, INC. as party or parties of the first part, hereinafter called Grantor, and THE PRESBYTERY OF GREATER ATLANTA, INC. as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, any and all interest in said property, being more particularly described on Exhibit A attached hereto and incorporated by reference.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

REHOBOTH PRESBYTERIAN CHURCH, INC.

By: W. Bryant (Seal)
Name: BRAD BRYANT
Title: Secretary

[Signature]
Witness

[Signature]
Notary Public
(ATTACH SEAL)

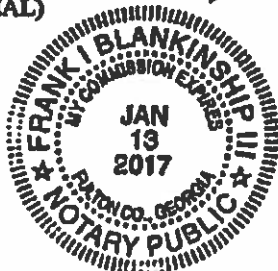


EXHIBIT A

Legal Description

Tract One: The Manor

All that tract and parcel of land lying and being in Land Lot 164 of the 18th District of DeKalb County, Georgia, and being known as Lots 5 and 6 of the Property of W. E. Smith, according to Plan of record in Plat Book 32, Page 72, DeKalb County, Georgia Records, and being more particularly described as follows:

BEGINNING at the Northeast Intersection of Fern Drive and Simpson Drive (hereinafter known as Private Drive); and thence thence Easterly along the Northernly side of Fern Drive 100 feet to a point; thence running Southwesterly along the Northwesterly side of Fern Drive 115 feet to a point; extending thence North 20 degrees 35 minutes East a distance of 318.5 feet to a point; extending thence South 88 degrees 00 minutes West a distance of 243.5 feet to the Easterly side of Simpson Drive; thence running South 16 degrees 30 minutes West along the Easterly side of Simpson Drive, 206 feet to said intersection at a point of beginning. Reference: Deed Book 1614, Page 677

Tract Two: The Sanctuary Property

All that tract and parcel of land lying and being in Land Lot 145 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a point on the southeasterly side of the Lawrenceville Highway six hundred seventy four and five tenths (674.5) feet east of the west Land Lot 130

and extending thence northerly along the westerly side of said Lawrenceville Highway two hundred fifty (250) feet to an iron pin corner; thence South 17 degrees 30 minutes East two hundred eighty seven (287) feet to an iron pin corner; thence northwesterly two hundred fifty (250) feet to an iron pin corner; thence northwesterly two hundred eighty seven (287) feet to an iron pin corner on the southeasterly side of Lawrenceville Highway and the point of beginning. Reference: Deed Book 317, Page 364

Tract Three: The Commission Property

All that tract or parcel of land lying and being in Land Lot 145 of the 18th District of DeKalb County, Georgia and being described according to plan of property of R.E. Huffington, made by M. A. Freer, surveyor, June 12, 1949, and being more particularly described as follows:

BEGINNING at an iron pin eighty (80) feet southwest from an iron pin on the west side of Huffington Circle, said iron pin on Huffington Circle being four hundred eighty-seven (487) feet south from the southwest corner of Huffington Circle and Lawrenceville Road, said beginning point also being on the south line of the Methodist Episcopal Church property; extending thence northwesterly one hundred seventy (170) feet to an iron pin corner; thence southeasterly four hundred fifty (450) feet to an iron pin on the northwest side of Huffington Circle; extending thence northerly along Huffington Circle one hundred seventy (170) feet to an iron pin; thence northwesterly two hundred fifty (250) feet to the point of beginning. Reference: Deed Book 1978, Page 492

Tract Four: Christopher Hall Property

All that tract and parcel of land lying and being in Land Lot 143 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the southerly side of Decatur-Lawrenceville Road 343 feet westerly as measured along the southerly side of said Road from the west line of the Land Lot 143; running thence southeasterly 243.4 feet along the westerly side of Lot 2 of the Subdivision to which reference is hereinafter made to an iron pin; thence southerly 129 feet to an iron pin; thence north 14 degrees west 287 feet to an iron pin on the south side of Decatur-Lawrenceville Road; thence extending southwesterly along the southern side of the Decatur-Lawrenceville Road 431.3 feet to an iron pin at the point of beginning; the same being Lot 5 of the plat of the R.E. Huffington property made by M. A. Freer, dated May 30, 1947. Reference: Deed Book 1557, Page 16

LEGAL DESCRIPTION (Composite)

17-016

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THENCE DEPARTING SAID RIGHT OF WAY, SOUTH 16 DEGREES 03 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 249.46 FEET TO A POINT;

THENCE, SOUTH 16 DEGREES 20 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 63.06 FEET TO A POINT;

THENCE, NORTH 60 DEGREES 13 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 3.00 FEET TO A POINT;

THENCE, SOUTH 18 DEGREES 14 MINUTES 34 SECONDS EAST FOR A DISTANCE OF 134.35 FEET TO A POINT ON THE RIGHT OF WAY OF LINKWOOD LANE (R/W VARIES);

THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID RIGHT OF WAY, SOUTH 62 DEGREES 44 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 88.54 FEET TO A POINT ON SAID RIGHT OF WAY;

THENCE, SOUTH 16 DEGREES 04 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 50.69 FEET TO A POINT;

THENCE DEPARTING LINKWOOD LANE, SOUTH 62 DEGREES 10 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 170.00 FEET TO A POINT;

THENCE, NORTH 15 DEGREES 57 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 249.69 FEET TO A POINT;

THENCE, SOUTH 80 DEGREES 33 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 129.04 FEET TO A POINT;

THENCE, NORTH 16 DEGREES 10 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 207.93 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 147,916 SQUARE FEET OR 3.396 ACRES.

STATE ROUTE 49
U.S. HIGHWAY 49
LAWRENCEVILLE HIGHWAY
80% TYPICAL
SECTION 1-1000

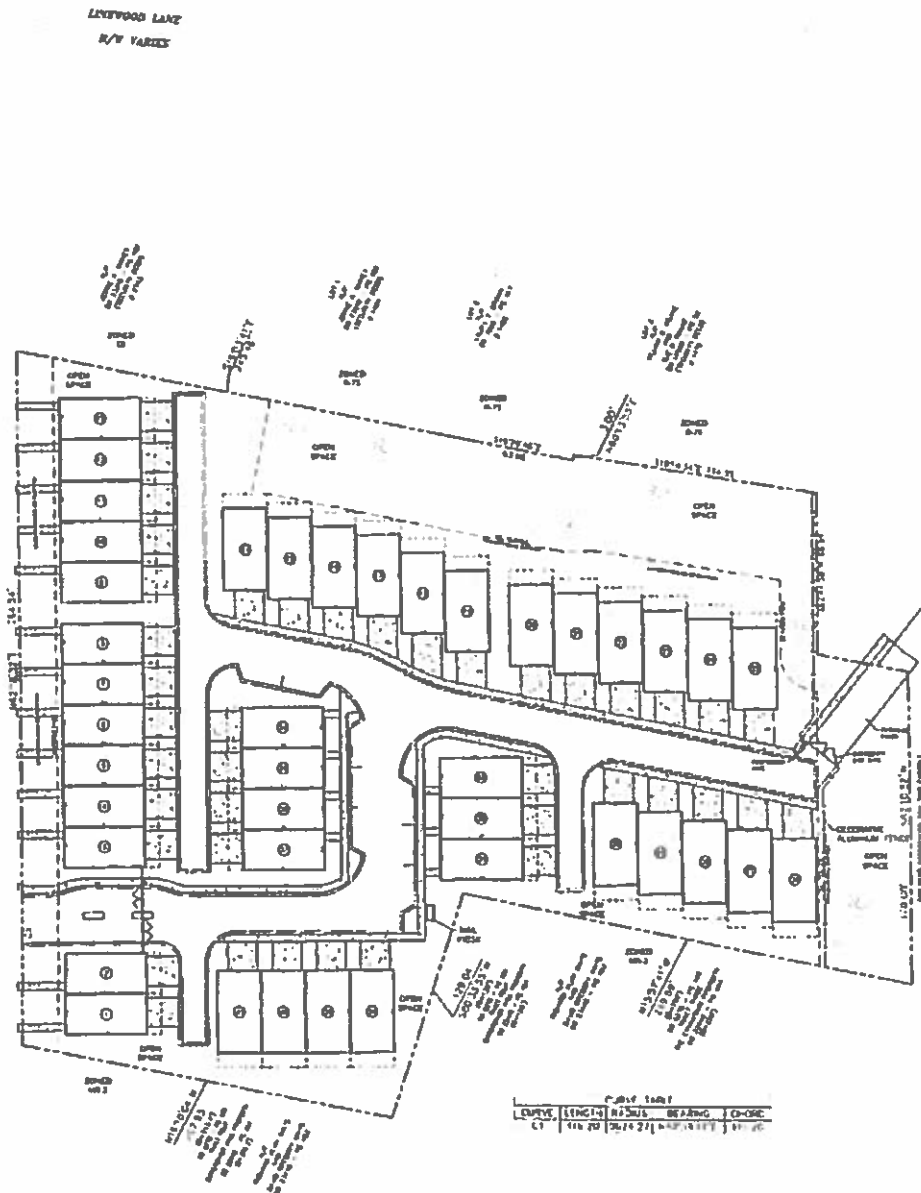
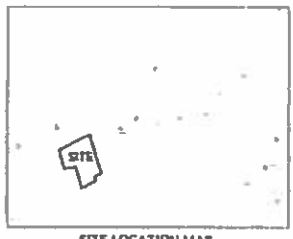


TABLE 1
CURVE DATA

LEAVE	ENTER	RADIUS	BEARING	CHORD
C1	118.20	2674.27	149° 11' 17"	2711.20



GEORGIABUILD
Civil Engineering
1111 G Street, NW
Atlanta, GA 30309
404.525.7777
www.georgiabuild.com



SITE DATA

SITE ADDRESS	2729 LA LAWRENCEVILLE HWY
PARCEL #1	145-08-008
PARCEL #2	145-08-009
SITE AREA	3.29 ACRES (142,913 SF)
CURRENT ZONING	R-7
PROPOSED ZONING	MS-2
ALLOWABLE DENSITY	12 UNITS PER ACRE (144 UNITS)
PROPOSED USE	48 TOWNHOMES (12 UNITS/AC)
MINIMUM LOT SIZE	1,000 SF (PER AC)
MAX. BUILDING HEIGHT	3.5 STORIES
MAXIMUM LOT COVERAGE	33% (47,177 SF)
PROVIDED LOT COVERAGE	37% (52,869 SF)
REQUIRED OPEN SPACE	11% (15,727 SF)
PROVIDED OPEN SPACE	30% (42,900 SF)
SETBACKS	
FRONT YARD	20'
SIDE YARD	4'-0"
REAR YARD	15'
TRANSFERRED YARD	30' CLASS C - F FROM P-75 LOTS
PARKING SPACES	2 SPACE PER DWELLING = 92
RESIDENTIAL SPACES	48
GARAGE SPACES	92
BICYCLE PARKING SPACES	17
TOTAL SITE SPACES	177

FLOOD PLAIN NOTE
THE PROPERTY IS NOT IN AN AREA OF SPECIAL FLOOD HAZARD OR OTHERWISE ON THE FLOOD INSURANCE RATE MAP. THE PROPERTY IS NOT IN A FLOOD PLAIN.



paradigm
Engineering Services, Inc.
11777 Peachtree Dunwoody Rd., Suite 100
Atlanta, GA 30328
(770) 426-2828

NO.	DATE	BY	FOR
1	11/11/21	DL	PLAN

NO.	DATE	BY	FOR

MLive Communities, LLC
44 Avenue B
Lawrenceville, GA 30046
770-962-9112

ZONING SITE PLAN
LAWRENCEVILLE TOWNHOMES
2729 LAWRENCEVILLE HIGHWAY
Lot 145, 146, 147
DeKalb County, Georgia

C1

EXHIBIT A

Rezone Application for InLine Communities

Presbytery of Greater Atlanta, Inc.
Frank I. Blankinship III Director of Operations/
Congregational Consultant
1024 Ponce de Leon Avenue NE
Atlanta, GA 30306
(404) 898-0711

David McKee and Candace Kesler McKee
1454 Linkwood Lane
Decatur, Georgia 30033