



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

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

Michael  
Thurmond

**Planning Commission Hearing Date: January 4, 2022**

**Board of Commissioners Hearing Date: January 27, 2022**

**STAFF ANALYSIS**

**Case No.:** Z-21-1244885 **Agenda #:** D2

**Location/Address:** 3795 North Druid Hills Rd., Decatur, GA 30033 **Commission District:** 02  
**Super District:** 06

**Parcel ID:** 18-100-04-019

**Request:** Request to rezone the property from NS (Neighborhood Shopping) to C-1 (Local Commercial) to allow for the development of a drive-through restaurant.

**Property Owner(s):** Midtown National Group, LP

**Applicant/Agent:** David Kirk, on behalf of Chick-fil-a, Inc.

**Acreage:** 1.04 acres

**Existing Land Use:** Retail Commercial

**Surrounding Properties:** To the north of the subject property is North Druid Hills Road, to the south is North DeKalb Mall, to the west is commercial, and to the east is commercial.

**Adjacent Zoning:** **North:** R75, O-I **South:** C-1 **East:** C-1 **West:** C-1

**Comprehensive Plan:** **Town Center (TC)**  **Consistent**  **Inconsistent**

<b>Proposed Density:</b> N.A.	<b>Existing Density:</b> N.A.
<b>Proposed Square Ft.:</b> 2,800 sq. ft.	<b>Existing Units/Square Feet:</b> N.A.
<b>Proposed Lot Coverage:</b> 6.14%	<b>Existing Lot Coverage:</b> N.A.

## **Subject Property and Surrounding Area**

The subject property is a 1.04-acre site located on the south side of North Druid Hills Road bordering the north side of the North DeKalb Mall. An on-ramp to I-285 is located approximately 1,700 feet to the east of Lawrenceville Highway (Highway 78). The property is currently occupied by a vacant commercial retail establishment; formerly a Pier 1 Imports store. The adjoining and nearby land uses to the east, south, and west are commercial uses zoned C-1 and NS. The adjoining and nearby land uses to the north are mix of residential and commercial uses zoned R-75 and O-I. The commercial uses to the east of the subject property and fronting on North Druid Hills Road consist of four drive-through restaurants (Zaxby's, McDonalds, Chick-fil-A, and Checkers). Also, to the east of the subject property, uses include an existing dry-cleaners, auto repair shop, liquor store, gas station, and jeweler. There is also an existing 3-story commercial building that appears to have Class C office space with various existing businesses which include a store front church, hair salon, and a driving school. West of the subject property are two existing one story buildings home to Peachtree Spine Physicians as well as a pet hospital. South of the subject property is an undeveloped lot and North Dekalb Mall. It is important to note that the mall technically closed in 2020, however, there are a few stores, a U.S. Postal Service branch, and an AMC movie theatre still operating along perimeter of the physical mall site. To the north of the subject property, is a mix of residential and commercial uses. The residential uses are mostly located in the North Druid Woods neighborhood. It is a modest neighborhood consisting of one store ranch style homes. Office residential uses along this portion of the corridor consist of a holistic health center, auto insurance office, a dry cleaner, travel agents office, massage therapist, and chiropractor.

## **Zoning History**

Based on DeKalb County records, it appears that the NS (Neighborhood Shopping) zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956. The *DeKalb County 2035 Comprehensive Plan* designates the subject property's future land use as Town Center (TC).

## **Project Analysis**

The applicant is requesting to rezone the subject property from NS (Neighborhood Shopping) to C-1 (Local Commercial) for the purpose of constructing a drive-through restaurant. The applicant's request proposes the relocation of the Chick-fil-A restaurant from 3905 N. Druid Hills Road to the subject property. Based on the site plan provided by the applicant, the construction of the 2,800 square foot drive through restaurant will require the demolition of the vacant one-story building which was a furniture and home essentials retail establishment (Pier 1 Imports). The project will make use of the two existing connections to Birch Road and North Druid Hills Road. These connections will serve as both entrances and exits for customers. The North Druid Hills Road access will serve as a right-in/right-out only. The Birch Road ingress/egress will be full access. The drive-through restaurant will consist of three drive-through lanes that merge into two lanes as they approach the drive through service area, which will permit servers to walk food out instead of using a drive-through window. The redeveloped site is proposed to accommodate vehicular stacking for 41 cars and include 29 parking spaces, of which, two will be designated for patrons with disabilities. The restaurant will also have outdoor seating for customers on the east side of the building. Additionally, the developer intends to install a variety of trees and shrubs around the site to beautify it and buffer some of the vehicular activity.

## **Impact Analysis**

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

The proposed rezoning is in conformity with the policies and intent of the *DeKalb County Comprehensive Plan*. The subject property is located in the Town Center (TC) future land use area. The intent of the Town Center character area is “to promote the concentration of residential and commercial structures, which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage. The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.” The C-1 Zoning District is a permitted zoning district within the Town Center future land use designation along with medium density, high density, and mixed-use zoning districts. The current NS zoning is not a permitted zoning district within the Town Center designation, therefore, this zoning change request would contribute to the implementation of the *Comprehensive Plan*.

### **B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

The proposed rezoning to C-1 (Local Commercial) will be consistent with many of the existing zoning designations of surrounding properties including North DeKalb Mall. This is reflective of a gradual change in this vicinity to C-1. This zoning consistency may contribute to future redevelopment of the mall and surrounding properties and streamline the ability to assemble surrounding properties in the future. Additionally, a zoning change from NS to C-1 supports future land use goals to permit a greater intensity of nonresidential development in the vicinity of the subject property. As a preferred zoning district within the town center character area, it is implied that the C-1 zoning district and its collection of permissible principal and accessory uses are suitable; prohibited uses are not suitable; and that other uses are subject to special land use permit approval in order to evaluate the appropriateness of those uses based on impacts and conditions that may be unique depending on their settings.

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

The subject property may have limited economic use as currently zoned (NS). There are other active properties in the vicinity within the NS Zoning District. The Neighborhood Shopping (NS) Zoning District permits uses including, but not limited to: places of worship, offices, retail, indoor recreation, daycare, and hair care services. The Local Commercial (C-1) Zoning District permits uses including, but not limited to: places of worship, offices, retail, indoor recreation, daycare, hair care services, furniture repair, medical services, special trade contractors, dog grooming, drive-through restaurants, live/work units, hotels/motels, colleges/universities, research facilities, and theatres.

While the vacant use, Pier 1 Imports (i.e. home furnishing/furniture retail), which was a casualty of an international slate of store closings in 2020 (<https://www.usatoday.com/story/money/2020/02/17/pier-one-imports-store-closures-list-2020-bankruptcy/4555899002/>), may not be an indication of the viability (or lack thereof) of the current zoning classification, rezoning to C-1 would enhance the property's prospects for reuse.

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

The immediate environment around the subject property primarily consists of commercial uses zoned C-1. C-1 permits a wide range of nonresidential options that may produce varied impacts on adjacent properties in the immediate area or beyond. Given the popularity of Chick-Fil-A restaurants, redevelopment of the site will likely immediately improve the condition of the property and significantly increase the activity on-site in comparison to its current condition or previous condition when the Pier 1 Imports was open, anecdotally. The applicant has not provided any data relating to traffic impacts, however, one could reasonably assume the new establishment would generate a significant increase in traffic at this location during peak hours. The proposed Chick-Fil-A new intersection of North Druid Hills Road and Birch Road will likely see an increase in turning activity due to the proposed use. It is important to remember that with the redevelopment of the mall site traffic in the area will likely increase. Since the requested use is subject to a special land use permit (SLUP) approval, the response to this criterion is best addressed in the corresponding SLUP application.

**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:**

North Druid Hills Road is designated as a major arterial road. Thus, it is a heavily traveled corridor. Any use on the subject property should aim to reduce transportation conflicts, reduce curb cuts, promote inter-parcel access arrangements, reduce hindrances to vehicular mobility, and promote efficient ingress/egress.

North DeKalb Mall was sold and development plans are in development. Redevelopment of the mall site will help activate the area and will directly connect to the subject site through sidewalk access, pathways, and potential bike lanes. The redevelopment of the mall site as well as the subject site will help to increase both pedestrian and vehicle activity in the area making it more attractive to businesses and more convenient for local residents.

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

There are no known historic buildings, sites, districts or archeological resources that would be adversely affected by the rezoning request from NS (Neighborhood Shopping) to C-1 (Local Commercial).

**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:**

C-1 permits a wide range of commercial options that may produce varied impacts on public infrastructure. Since the requested use is subject to a special land use permit (SLUP) approval, the response to this criterion is best addressed in the corresponding SLUP application. However, one possible mitigating factor is that the proposal includes the relocation of the drive-thru restaurant from its current location to the subject property. Theoretically, there could be a zero-sum impact. Alternatively, relocation to the subject property creates a vacancy at the current Chick-fil-A location that may be reused or redeveloped and create additional impacts.

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

The request for rezoning from NS (Neighborhood Shopping) to C-1 (Local Commercial) has not generated any specific impacts to the environment or surrounding natural resources.

**Compliance with district standards**

Per the chart below, the proposed C-1 (Local Commercial) drive-through restaurant does not comply with the minimum development standards for setbacks in the front, side, and rear for the C-1 (Local Commercial) District per Table 2.2 of the *DeKalb County Zoning Ordinance*.

<u>C-1 STANDARD</u>	<u>REQUIREMENT</u>	<u>PROPOSED</u>	<u>COMPLIANCE</u>
FRONT (all other streets)	10ft min/60ft max	< 60ft.	YES
SIDE INTERIOR	15ft.	> 15ft.	YES
SIDE – Corner lot on public street	30ft.	< 30ft.	NO (variance needed)
REAR	20ft.	> 20ft.	YES
HEIGHT	2 story/35 ft.	≈ 21ft.	YES

## **Staff Recommendation**

The rezoning proposal is consistent with the *2035 Comprehensive Plan*. The TC (Town Center) future land use designation supports the requested zoning designation. Moreover, the rezoning from NS (Neighborhood Shopping) to C-1 (Local Commercial) would permit a zoning designation that is more consistent with the zoning of the surrounding properties. Therefore, Staff recommends approval with the following conditions:

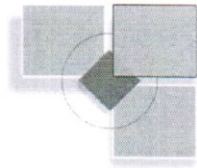
1. The use of the property shall be limited to a Chick-Fil-A drive-through restaurant only.
2. See SLUP-21-1244886 for additional conditions related to this redevelopment project.
3. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.
4. The applicant shall provide right-in right-out ingress egress on Birch Road and North Druid Hills Road.
5. A development agreement shall be subject to future approval by the Board of Commissioners and the applicant. The applicant has proffered to enter into a development agreement with DeKalb County for road network system improvements adjacent to the subject property to include but is not limited to installation of a westbound left turn lane at North Druid Hills Road and Birch Road or monetary contribution to installation of a westbound left turn lane at North Druid Hills Road and Birch Road.



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: Griffin & Davis Consulting, Inc. E-Mail: kdg@griffin-davis.com

Applicant Mailing Address:
5425 Peachtree Parkway, Suite 215, Peachtree Corners, GA 30092

Applicant Phone: (678) 717-7814 Fax: (912) 235-6959

Owner(s): Kova Real Estate, LLC E-Mail: contactchima@gmail.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
6402 Atlanta Blvd, Suite 210 Norcross, GA 30071

Owner(s) Phone: (678) 598-1964 Fax: N/A

Address/Location of Subject Property: 1484 Columbia Drive & 1520 Columbia Circle Decatur, GA 30032

District(s): 15TH Land Lot(s): 86 Block: \_\_\_\_\_ Parcel(s): 15 186 04 028 & 15 186 04 029

Acreage: 2.73 Commission District(s): 3 d

Present Zoning Category: R-75 Proposed Zoning Category: MR-1

Present Land Use Category: Suburban

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.

Disclosure of Campaign Contributions

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

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

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

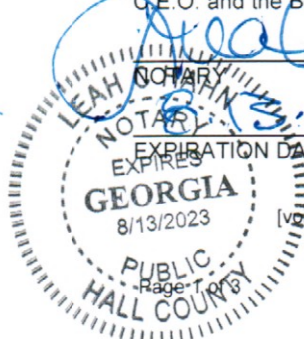
- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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.

(Kenton O. Griffin)

SIGNATURE OF APPLICANT / DATE

Check One: Owner \_\_\_\_\_ Agent X \_\_\_\_\_



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

**1484 Columbia Drive & 1520 Columbia Circle**

All that tract or parcel of land lying and being in landlot 186 of 15<sup>th</sup> District of DeKalb County, Georgia.

From an iron pin set at Bobolink Drive right-of-way (r/w) hence 452.5' southeasterly along original r/w; thence North 79° 52' 54" East for 1.81 feet to iron pin at POINT of BEGINNING; thence North 79° 52' 54.0" East for a distance of 293.14 feet; thence, South 30° 25' 39.0" East for a distance of 140.74 feet; thence, North 58° 44' 43.0" East for a distance of 56.17 feet; thence, South 28° 05' 20.0" East for a distance of 51.10 feet; thence, South 41° 26' 15.0" East for a distance of 130.00 feet; thence, North 63° 18' 28.0" East for a distance of 73.21 feet; thence South 33° 05' 02.0" East for a distance of 94.73 feet; thence, South 64° 19' 45.0" for a distance of 89.74 feet; thence 49° 48' 20.0" for a distance of 101.70 feet; thence, South 63° 18' 28.0" West for a distance of 291.47 feet; thence, North 46° 57' 00.0" West for a distance of 48.71 feet; thence, North 37° 23' 37.0" West for a distance of 148.93 feet; thence, North 29° 00' 27.0" West for a distance of 40.49 feet; thence, North 26° 29' 22.0" West for a distance of 107.17 feet; thence North 23° 58' 16.0" West a distance of 56.80 feet to POINT OF BEGINNING.

**Said parcel is 2.738 acres**



**APPLICATION**

&

Other Materials Required by  
The Dekalb County Application to Amend  
Official Zoning Map  
by

**Kova Real Estate, LLC**

Regarding Property

Located in Land Lot 186 of the 15<sup>th</sup> District at

**1484 Columbia Drive & 1520 Columbia Circle**

and more particularly described in  
Exhibit A (legal description)

**Date 07-01-2021**

**Revised 07-22-2021**

Presented By

Kenton O. Griffin, P.E, LEED AP

kog@griffin-davis.com

**Griffin & Davis Consulting, Inc.**

5425 Peachtree Parkway

Suite 215

Peachtree Corners, GA 30092

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: 7/1/2021

TO WHOM IT MAY CONCERN:

(I) (WE) Portia T. Minter, CEO Full Word Bapt Church <sup>Christian Jubilee</sup> <sub>INC.</sub>  
Name of owner(s)

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

Kova Real Estate LLC  
Name of Agent or Representative

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

Edna D Young  
Notary Public Edna D Young  
Notary Public, DeKalb County, Georgia  
My Commission Expires 09/12/2022

Portia T. Minter  
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

1484 Columbia Drive Community Meeting  
January 29, 2021 7pm  
Attendance Sheet.

1. CHIMA Nwosu
2. KENTON Griffin
3. JESSA HUMANSKI
4. LEAH CLEMENTS
5. MARK BUMGARDNER
6. PEE BUMGARDNER
7. APRIL TIGNER
8. KELECHIM DIORGU
9. LAURA PETTIFORD
10. EDWIN GLORIA ?
11. SHARON ?

**Griffin & Davis Consulting, Inc.**



5425 Peachtree Parkway,  
Suite 215  
Peachtree Corners, GA 30092  
1484meeting@griffin-davis.com

Dear Neighbor,

06/14/2021

**1484 Columbia Drive Community Meeting**

You are receiving this notification because you are a property owner within 500-feet of the following property:

**Property Address**

1484 Columbia Drive Decatur GA 30032

**Parcel No.**

15 186 04 028

Kova Real Estate, LLC will be submitting an Application to the "Amend Official Zoning Map" of DeKalb County from R-75 (Single Family Residential) to allow for the construction of 45 2-story and 3-story Townhomes.

You are invited to participate in the zoom virtual Meeting on Tuesday June 29<sup>th</sup> at 7:00 pm. You can participate in the meeting via the zoom phone app, telephone, and or via you I-pad tablet or computer. If you don't have zoom client already installed on your device, you will need to download prior to the meeting and enter the Meeting ID and Passcode. The download is available at www.zoom.us The connection details are on the following page:

Kova Real Estate is inviting you to a scheduled Zoom meeting.

Topic: 1484 Zoning Hearing

Time: Jun 29, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting Link

<https://us05web.zoom.us/j/82167945569?pwd=TjNzMS8rNUdNTkIvc11LNGlWVnJJQT09>

Meeting ID: 821 6794 5569

Passcode: 946728

One tap mobile

+13126266799,,82167945569#,,,,\*946728# US (Chicago)

+19292056099,,82167945569#,,,,\*946728# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 821 6794 5569

Passcode: 946728

Find your local number: <https://us05web.zoom.us/j/82167945569>

Please do not hesitate to contact me at [1484meeting@griffin-davis.com](mailto:1484meeting@griffin-davis.com) if you have any questions.

Sincerely,



**Kenton O. Griffin**

Principal

cc: Mr. Jeremy McNeil Senior Planner DeKalb County

All that tract or parcel of land lying and being in landlot 186 of 15<sup>th</sup> District of DeKalb County, Georgia.

From an iron pin set at Bobolink Drive right-of-way (r/w) hence 452.5' southeasterly along original r/w; thence North 79° 52' 54.0" East for 1.81 feet to iron pin at POINT OF BEGINNING; thence North 79° 52' 54.0" East for a distance of 293.14 feet; thence, South 30° 25' 39.0" East for a distance of 140.74 feet; thence, North 58° 44' 43.0" East for a distance of 56.17 feet; thence, South 28° 05' 20.0" East for a distance of 51.10 feet; thence, South 41° 26' 15.0" East for a distance of 130.00 feet; thence, South 63° 18' 28.0" West for a distance of 337.38 feet; thence, North 46° 57' 00.0" West for a distance of 48.71 feet; thence, North 37° 23' 37.0" West for a distance of 148.93 feet; thence, North 29° 00' 27.0" West for a distance of 40.49 feet; thence, North 26° 29' 22.0" West for a distance of 107.17 feet; thence North 23° 58' 16.0" West a distance of 56.80 feet to POINT OF BEGINNING.

**Said parcel is 2.54758 acres**

**Campaign Disclosure Statement**

Kova Real Estate, LLC, its owner, or representatives in this matter have made to campaign contributions of any kind to any of the decision makers with respect to the rezoning application to Dekalb County Georgia.

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Return To:  
Kim Greene Hughes, Esq.  
K. G. Hughes and Associates, LLC  
225 Country Club Drive, Suite 240  
Stockbridge, GA 30281

STATE OF GEORGIA

DEKALB COUNTY

**EXECUTOR'S DEED**

THIS INDENTURE, made this 4<sup>th</sup> day of May, 2013, between Margaret Elizabeth Tyler Jenkins and Robert Edward Tyler, as Co-Executors Under the Will of Maud Louise Wallser Tyler, probated in Solemn Form in the Probate Court of Gwinnett County, Georgia,, as party of the First Part (hereinafter called "Grantor"), and The Christian Jubilee Full Word Baptist Church, Inc. of the State of Georgia and County of DeKalb, of the second part as GRANTEE; the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

**WITNESSETH:**

That the said Grantor, acting under and by virtue of the power and authority contained in the Last Will and Testament of MAUD LOUISE WALLSER TYLER, said Will having been probated and recorded in solemn form in the Probate Court of Gwinnett County, Georgia, and Letters Testamentary having been granted to Margaret Elizabeth Tyler Jenkins and Robert Edward Tyler on the 18th day of December, 2012, for and in consideration of the sum of \$10 paid at and before the sealing and delivery of this instrument, and for other valuable consideration, the receipt and sufficiency of which is acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm to The Christian Jubilee Full Word Baptist Church, Inc. of the State of Georgia and County of DeKalb,



All that tract or parcel of land lying and being in Land Lot 186 of the 15th District of DeKalb County, Georgia, being Lot 4, Block A, Columbia Drive Subdivision Unit No. 2, according to the plat of record at Plat Book 18, Page 7, DeKalb County records, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of North Columbia Circle, 246 feet northeasterly, as measured along the northwesterly side of North Columbia Circle, from its intersection with the northeasterly side of Columbia Drive; running thence northeasterly along the northwesterly side of North Columbia Circle 67 feet to an iron pin; running thence northwesterly 251.7 feet to an iron pin; running thence southwesterly 118.7 feet to an iron pin; running thence southeasterly 100 feet to an iron pin; running thence southwesterly 44 feet to an iron pin; running thence southeasterly 188.2 feet to the iron pin on the northwesterly side of North Columbia Circle and the point of beginning.

**LESS AND EXCEPT:**

All that tract or parcel of land lying and being in Land Lot 186 of the 15th District of DeKalb County, Georgia, being Part of Lot 4, Block A, Columbia Drive Subdivision Unit No. 2, according to the plat of record at Plat Book 18, Page 7, DeKalb County records, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of North Columbia Circle, 246 feet northeasterly, as measured along the northwesterly side of North Columbia Circle, from its intersection with the northeasterly side of Columbia Drive; running thence northeasterly along the northwesterly side of North Columbia Circle 67 feet to an iron pin; running thence northwesterly 157.51 feet to an iron pin; running thence southwesterly and forming an interior angle of 96 degrees 58 minutes 35 seconds with the last described course, 134.45 feet to an iron pin; running thence southeasterly 188.2 feet to the iron pin on the northwesterly side of North Columbia Circle and the point of beginning.

Said less and except being the same property conveyed to Billy R. Oliver by Deed dated 12/7/73 and recorded in Deed Book 3114, Page 514, DeKalb County, Georgia Records.

To have and to hold the said tract or parcel of land with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed by the said deceased.

IN WITNESS WHEREOF, the Grantor herein has hereunto affixed his hand and set his seal, the day and year first above written.

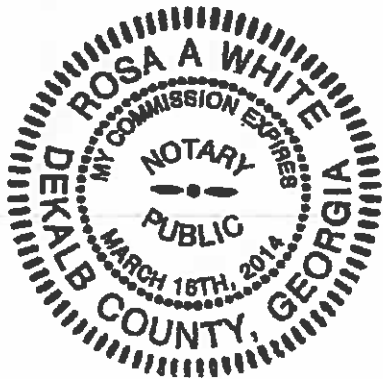
Margaret Elizabeth Tyler Jenkins  
Margaret Elizabeth Tyler Jenkins  
Co-Executor U/W of Maud Louise Wallser Tyler, Grantor

Signed, sealed and delivered in presence of:

Karen A. Lindsley  
Unofficial Witness

Rosa G. White  
Notary Public

Robert E. Tyler  
Robert Edward Tyler  
Co-Executor U/W of Maud Louise Wallser Tyler, Grantor



After Recording Please Return to:  
Troutman Sanders LLP  
600 Peachtree Street, N.E.  
Suite 5200  
Atlanta, Georgia 30308-2216  
Attn: Jennifer M. Duncan, Esq.

STATE OF GEORGIA

COUNTY OF FULTON

**QUITCLAIM DEED**

THIS INDENTURE is made as of the 3<sup>rd</sup> day of September, 2009, between COLUMBIA VILLAGE DEVELOPMENT PARTNERS ("Grantor") and THE CHRISTIAN JUBILEE FULL WORD BAPTIST CHURCH, INC., a Georgia non-profit corporation ("Grantee") (Grantor and Grantee to include their respective heirs, successors, legal representatives and assigns where the context permits or requires).

WITNESSETH

THAT Grantor, for the sole purpose hereinafter set forth, and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, does by these presents remise, release and forever quitclaim unto Grantee all of Grantor's right, title and interest in and to all that certain tract or parcel of land lying and being in DeKalb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein (hereinafter collectively referred to as the "Land").

TO HAVE AND TO HOLD said property unto Grantee, so that neither Grantor nor any person(s) or legal representative(s) claiming under Grantor shall at any time, by any means or ways, have, claim, or demand any right, title, or interest in or to the Land or its appurtenances, or any rights thereof.

## EXHIBIT "A"


ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 186, 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE INTERSECTION OF THE ORIGINAL EASTERLY RIGHT-OF-WAY OF COLUMBIA DRIVE AND THE SOUTHERLY RIGHT-OF-WAY OF BOBOLINK DRIVE, AND RUNNING THENCE SOUTHERLY ALONG SAID ORIGINAL EASTERLY RIGHT-OF-WAY OF COLUMBIA DRIVE A DISTANCE OF 452.5 FEET TO A POINT; RUNNING THENCE NORTH 79 DEGREES 52 MINUTES 54 SECONDS EAST A DISTANCE OF 1.81 FEET TO AN REBAR FOUND ON THE EASTERLY RIGHT-OF-WAY OF COLUMBIA DRIVE (RIGHT-OF-WAY VARIES), BEING THE TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING RUNNING THENCE NORTH 79 DEGREES 52 MINUTES 54 SECONDS EAST A DISTANCE OF 293.14 FEET TO AN OPEN TOP PIPE FOUND; RUNNING THENCE SOUTH 30 DEGREES 25 MINUTES 39 SECONDS EAST A DISTANCE OF 140.74 FEET TO AN OPEN TOP PIPE FOUND; RUNNING THENCE NORTH 58 DEGREES 44 MINUTES 43 SECONDS EAST A DISTANCE OF 56.17 FEET TO A REBAR FOUND; RUNNING THENCE SOUTH 28 DEGREES 05 MINUTES 20 SECONDS EAST A DISTANCE OF 51.10 FEET TO AN IRON PIN PLACED; RUNNING THENCE SOUTH 41 DEGREES 26 MINUTES 15 SECONDS EAST A DISTANCE OF 130.00 FEET TO A REBAR FOUND; RUNNING THENCE SOUTH 63 DEGREES 18 MINUTES 28 SECONDS WEST A DISTANCE OF 337.27 FEET A REBAR FOUND ON SAID EASTERLY RIGHT-OF-WAY OF COLUMBIA DRIVE; RUNNING THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 49.30 FEET (SAID ARC BEING SUBTENDED BY A 49.29 FOOT CHORD BEARING NORTH 46 DEGREES 57 MINUTES 00 SECONDS WEST, WITH A RADIUS OF 1206.73 FEET) TO A POINT; RUNNING THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 148.93 FEET (SAID ARC BEING SUBTENDED BY A 148.40 FOOT CHORD BEARING NORTH 37 DEGREES 23 MINUTES 37 SECONDS WEST, WITH A RADIUS OF 508.77 FEET) TO A REBAR FOUND; RUNNING THENCE NORTH 29 DEGREES 00 MINUTES 27 SECONDS WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 40.49 FEET TO A POINT; RUNNING THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 107.17 FEET (SAID ARC BEING SUBTENDED BY A 107.13 FOOT CHORD BEARING NORTH 26 DEGREES 29 MINUTES 22 SECONDS WEST, WITH A RADIUS OF 1219.19 FEET) TO A POINT; RUNNING THENCE NORTH 23 DEGREES 58 MINUTES 16 SECONDS WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 56.80 FEET TO A REBAR FOUND, BEING THE TRUE POINT OF BEGINNING; SAID PARCEL BEING SHOWN AS TRACT "A" AND TRACT "B" ON, AND CONTAINING A TOTAL OF 2.56 ACRES ACCORDING TO, PLAT OF SURVEY FOR THE CHRISTIAN JUBILEE FULL WORD BAPTIST CHURCH INC., DATED 08/03/09, BY SOLAR LAND SURVEYING COMPANY, JOHN W. STANZILIS, JR., G.R.L.S. NO. 2109 (JOB # 09-02090).

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

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Notary Public

[AFFIX NOTARIAL SEAL]

GRANTOR:

COLUMBIA VILLAGE DEVELOPMENT  
PARTNERS

By:   
\_\_\_\_\_  
S. Gregory Hays, Receiver for  
Pinnacle Development Partners, LLC

2011

## **I. Background and Introduction**

The DeKalb County zoning ordinance Section 27-7.3 authorizes the Board of commissioners to approve applications to Amend Official Zoning Map of DeKalb County Georgia in an individual case, provided such amendment is consistent with the intent and purpose of the ordinance and the "Comprehensive Land Use Plan." This circumstance is applicable to the properties and therefore the reason for this application.

The properties are located at 1484 Columbia Drive and 1520 Columbia Circle and are approximately 2.51 and 0.22 acres respectively. The current Land Use designation is Suburban in the DeKalb County Comprehensive Land Use and are in the R-75 District. On or around March 1<sup>st</sup> the prospective owner Mr. Chima Nwosu, of Kova Real Estate, LLC (Kova), secured this property by contract and has made no modifications to the property. The property currently contains no habitable structures, a few trees, and is essentially undeveloped. Kova intends to clear the property, enhance the perimeter buffers, if necessary, and develop approximately 34 single-family attached units (Townhomes) known as Columbia Heights Townhomes. The townhomes are expected to be 3-storey with an average size of 1,700 sq.ft.. Kova hereby submits this Application to Amend Official Zoning Map of DeKalb County Georgia.

This document is submitted as Kova's written justification in support of the application request. The application form, a site plans, the properties' legal description, and a location map are submitted with this document.

This request from Kova, is to present an application to amend the Zoning Maps of the properties located at 1484 Columbia, 1520 Columbia Circle from R-75 to MR-1. This amendment is to allow for the development of 34 single-family attached units.

The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map.

**A. *WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN.***

The DeKalb County 2035 Comprehensive Land Use Plan permits residential 3 story single-family attached townhomes. The proposed development is therefore in conformity with the policy and intent of the comprehensive plan.

**B. *WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY OR PROPERTIES.***

The proposed zoning of MR-1 will allow for the development of townhomes. The development will be 100% residential in concert with all the adjacent residential properties. Furthermore, approximately 500-feet north on Columbia Drive is Lauren Parc, a 71-unit townhome community.

**C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.**

The property is currently zoned R-75 and is vacant. R-75 permits single family detached homes with a minimum lot size of 10,000 square feet. While the Property does have a reasonable economic use, the proposed townhomes will be an enhancement to the economic viability of the Property and the community as a whole.

**D. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY OR PROPERTIES.**

The development proposed is 100% residential and is consistent with adjacent properties and the Lauren Parc Townhomes. The rezoning proposal will therefore not adversely affect the existing use or usability of adjacent or nearby properties in the area.

**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.**

There are no known existing zoning conditions on the property.

**F. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.**

There are no historic buildings on site and there are no known archaeological resources affected by this zoning proposal.

**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 proposed development will contain 34 single family attached units. The development of these townhomes will not result in excessive use of the existing infrastructure. The adjacent roadway to the development is Columbia Drive. This section of Columbia Drive is a 4-lane undivided roadway classified as a local arterial.

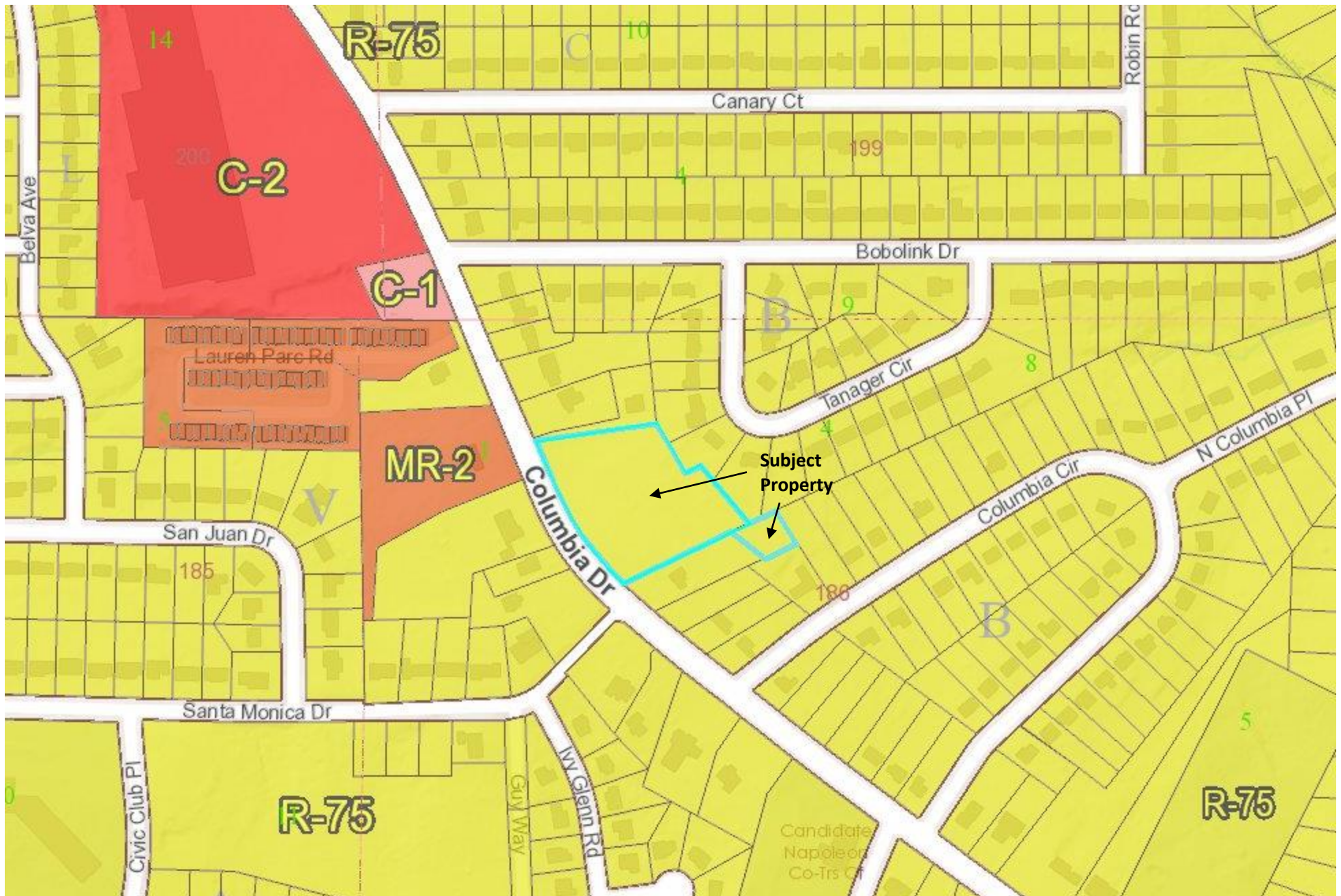
**H. WHETHER THE ZONING PROPOSAL ADVERSELY IMPACTS THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.**

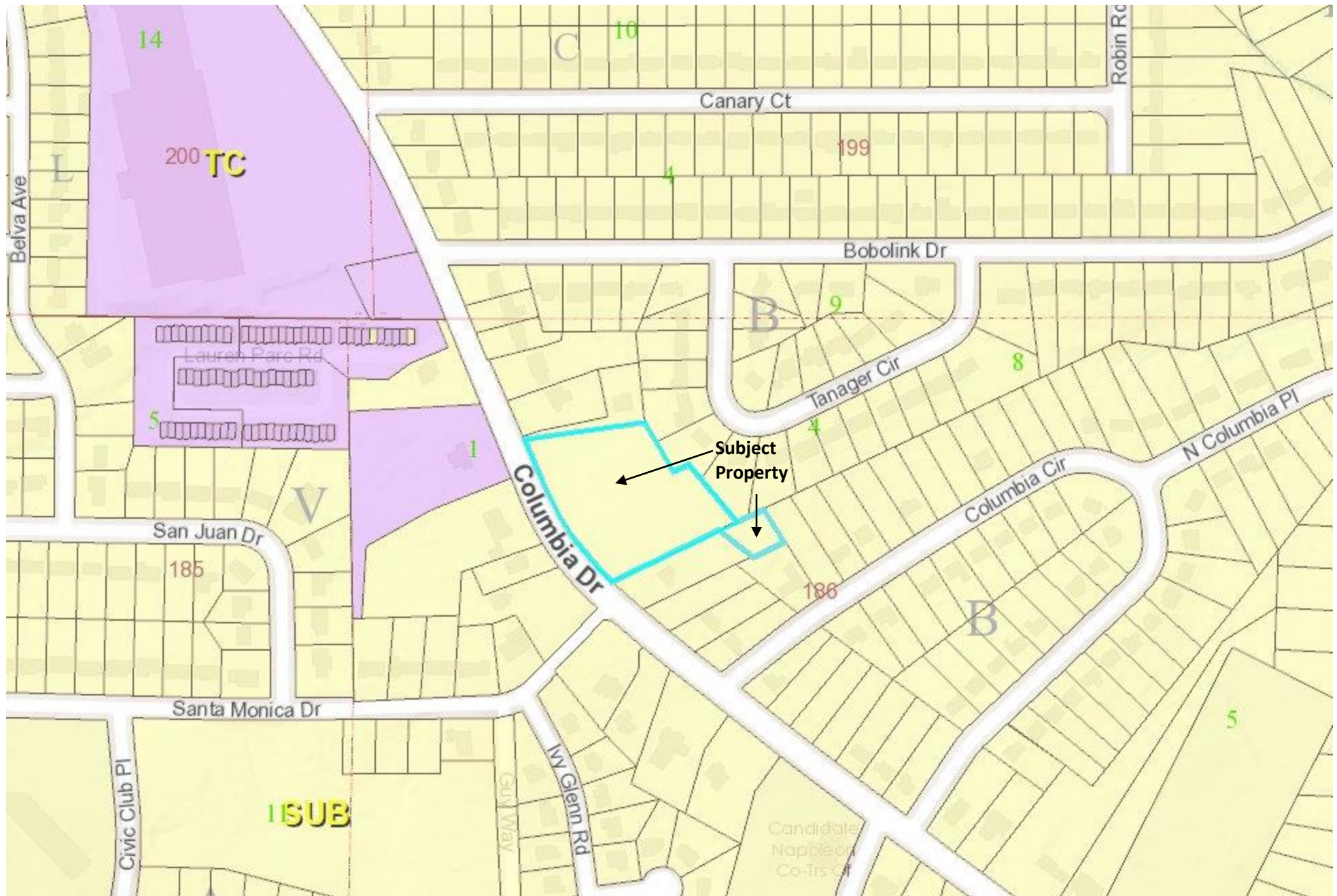
A site visit revealed no evidence of wetlands, water of the US or waters of the state on site; therefore, the zoning proposal has no adverse impacts to any identified environmental resource.

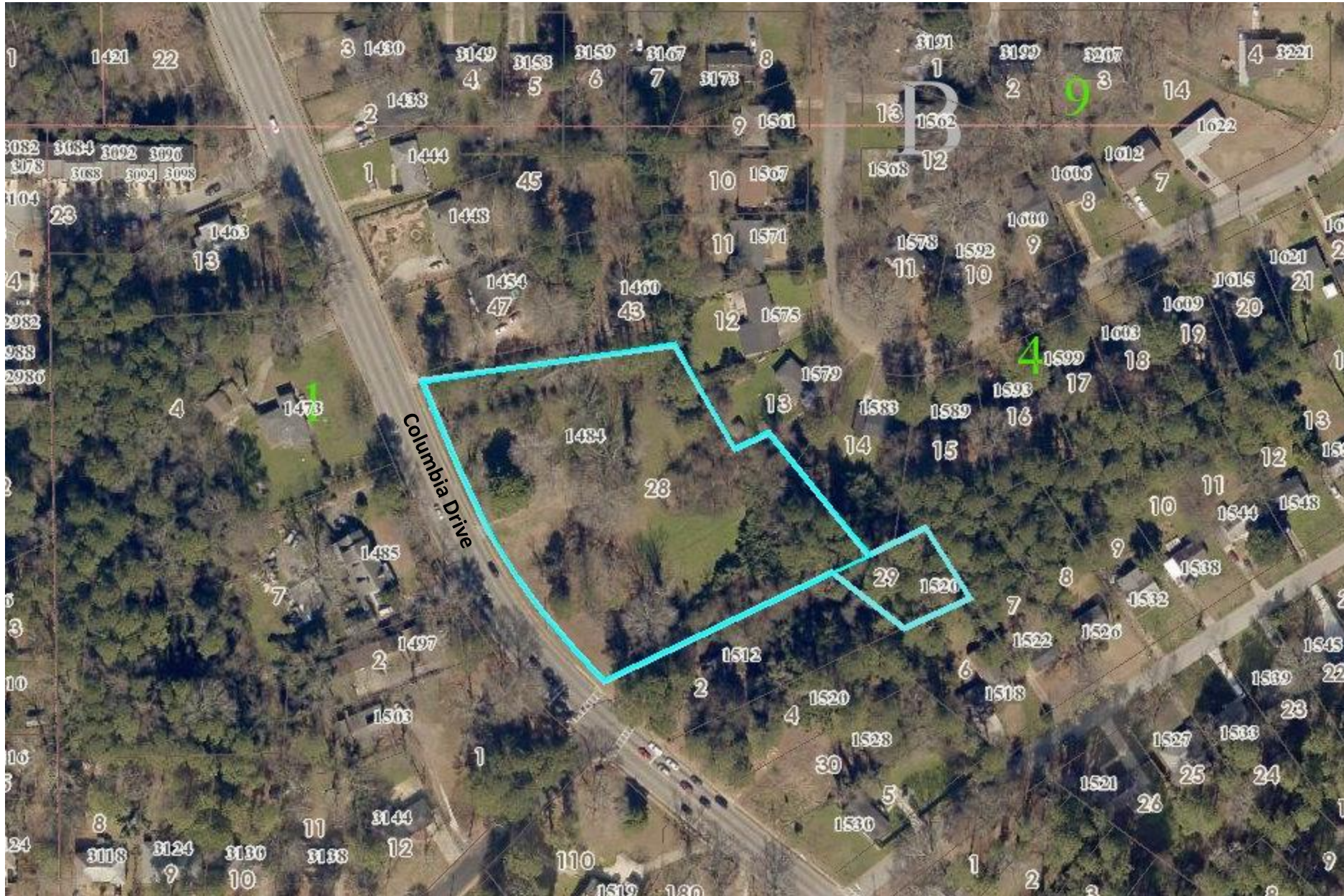














Subject Property



Above, homes on opposite side of Columbia Drive. At right, homes under construction at 1520 and 1528 Columbia Drive.

