



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

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

Planning Commission Hearing Date: November 5, 2020
Board of Commissioners Hearing Date: November 19, 2020

Deferred Full Cycle from September 2020

STAFF ANALYSIS

Case No.: Z-20-1244108 **Agenda #:** D. 2

Location/Address: 2794, 2778, 2804, 2806, 2810, 2814, 3080 & 3070 Clairmont Road and 3068 Briarcliff Road, Atlanta, Georgia. **Commission District:** 2 **Super District:** 6

Parcel ID(s): 18-196-04-029, -033, -034, -035, -037, -038, 040, & -041

Request: Rezoning of property from the C-1 (Local Commercial) and the C-2 (General Commercial) districts to the HR-3 (High Density Residential-3) district to allow for the construction of a mixed use development consisting of approximately 14,000 square feet of accessory restaurant and retail space and 264 multi-family apartments.

Property Owner(s): JMAR Investors, LP and 3068 Briarcliff, LLC

Applicant/Agent: Stein Investment Co., LLC c/o Dennis J. Webb, Jr.

Acreage: 3.85 acres

Existing Land Use: Various uses related to auto repair

Surrounding Properties: To the west: (zoned MR-2) The Rivera Terrace Condominiums; to the northwest and north: (zoned HGR-2) an open space portion of the Camden St. Clair Apartments, and the Interstate-85 right-of-way; to the northeast: (zoned MR-2) the Audubon Briarcliff Apartments; to the east: (zoned C-1) a Popeye’s restaurant and the Williamsburg Retail Plaza; to the southeast: (zoned C-1) a Chevron gas station; to the south: (zoned C-1) a Quick Trip gas station/convenience store and the Briarcliff shopping center (formerly containing a Piggly Wiggly grocery store); to the southwest: the Kings Ridge Senior Residence.

Comprehensive Plan: NC (Neighborhood Center) **Consistent** **Inconsistent** See LP-20-1244107

Proposed Density: 69 units/acre	Existing Density: Not applicable
Proposed Units/Square Ft. Non-Res.: 264/approx. 14,000 s.f.	Existing Units/Square Feet: N.A./Info. not provided.
Proposed Lot Coverage: 84%	Existing Lot Coverage: Information not provided

Companion Application: LP-20-1244107: An application to amend the Future Land Use Map from NC (Neighborhood Center) to RC (Regional Center) to allow rezoning of the property to HR-3 classification.

Zoning History: In May 2018, rezoning and SLUP applications (Z-18-22035, SLUP-18-22037, SLUP-18-22038, and SLUP-18-22039) were filed to allow development of a RaceTrac convenience store with alcohol sales and fuel pumps and a Wendy's drive-through restaurant. The Board of Commissioners granted the applicant's request to withdraw the applications in June 2018.

Based on DeKalb County records, it appears that the C-1 and C-2 zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

PLAN CONTEXT

Briarcliff Road-Clairmont Road Small Area Study

The proposal under consideration prompted a small area study to plan growth management and development strategies for the Neighborhood Center in which the subject property is located; (*the activity center is re-named in the study as the Briarcliff-Clairmont Activity Center*). The study locates the subject property in the Core Mixed-Use subarea, which is comprised of the subject property as well as the Williamsburg Plaza shopping center located on the west side of Clairmont Road. Recommendations for this subarea are:

- Building heights: base maximum height of 8 stories or 100 feet; SLUPs for 10 stories along I-85
- Residential densities: 70 – 90 units per acre with bonuses for additional densities
- Use common driveways and access points to minimum curb cuts and conflict points along Clairmont and Briarcliff Roads
- A new roadway connection between Briarcliff Road and the I-85 frontage road (described as “aspirational and will require further study and engineering, as well as the involvement of multiple landowners, DeKalb County, and GDOT)
- Buildings to be located along public roads/back of sidewalk, with parking located behind or beside buildings and with screening from the public ROW
- Pedestrian amenities as per DeKalb County guidelines (zoning ordinance).
- New residential developments to provide a range of housing types and sizes to reflect the needs of the community and area workforce

The Briarcliff Road-Clairmont Road Small Area Study is currently in draft form. Planning staff has raised questions about the conclusions of the study and the process used to formulate the recommendations. The citizen participation process used to formulate the study relied on the input of a core group of stakeholders instead of the broad spectrum of community residents and landowners who are typically involved in such a study. In addition, the questions raised about the conclusions in the study act to caution against using the it as the basis for a recommendation on the development proposal under consideration in this staff report. While the study recommendations support the land use mix, density, and height of the proposed development, these questions also raise a larger issue, since the proposed development could serve as a precedent for redevelopment of the Williamsburg Plaza property. For example, traffic impact is a concern. If the core area were to be built out at the densities and intensities recommended, how would levels of service on Clairmont Road and Briarcliff Road be affected? A roadway connection between Briarcliff Road and I-85 would help alleviate the traffic that would be generated by the type and intensity of development recommended in the study, but such development could outpace the timeframe for study, possible land acquisition, and construction for the roadway.

PROJECT ANALYSIS

The subject property is a 3.85-acre tract located at the northwest corner of Clairmont Road, a major arterial, and Briarcliff Road, a minor arterial. The tract is comprised of nine lots; five of the lots are occupied with an auto-related business, some which occupy more than one lot: an auto repair business, an oil-change business, and an auto salvage/storage business. Three of the lots, including a land-locked lot, are developed with vacant commercial buildings and asphalt parking areas that appear to have been used for auto-related businesses.—The remaining lot at the north end of the parcel is undeveloped open space.

The property is located approximately 135 feet south of the on and offramps to Interstate 85. The cities of Brookhaven and Chamblee are located on the other side of the Interstate, to the northwest and the northeast, respectively.

The intersection of Clairmont Road and Briarcliff Road forms the center of a commercial/multifamily residential node that is designated as a Neighborhood Center activity area. Commercial uses in the Neighborhood Center include the Williamsburg and Williamsburg Village shopping centers, the Briarcliff shopping center, several chain restaurants, two service stations, and a wide range of single-use commercial buildings that contain retail and service businesses. Five multifamily and single-family attached developments are located within the Neighborhood Center, listed by starting with the development that is closest to the Clairmont Road-Briarcliff Road intersection and ending with the development that is furthest to the intersection: Rivera Condominiums (approximately 19 units/acre); Camden St. Clair Apartments (26 units/acre); Audubon Briarcliff apartments (8 units per acre); Kings Bridge senior housing development (49 units/acre), .the Villas on Briarcliff (12 units/acre).

The proposal is for a mixed-use development comprised of:

- a 5,020 square foot, two-story restaurant at the corner of Clairmont and Briarcliff Roads;
- a 77,854 square foot, six-story residential building with ground floor retail; and
- a 204,865 square foot, five and six story residential building with internal parking deck and walk-out units onto Clairmont Road.

The site plan shows bike lanes along both Clairmont and Briarcliff Roads. In addition, streetscaping is provided along both frontages, consisting of landscape strips back of curb, planted with street trees, and sidewalks six to eight feet wide.

Access and Transportation Considerations:

The proposal would consolidate fifteen separate curb cuts into one access point: a right in/right-out access point on Clairmont Road. A second access point would be provided through the use of an easement from a driveway on the adjoining property to the west, the Rivera Condominiums property at 3042 Briarcliff Road. Vehicular circulation through the site is dependent on the ability of the developer to obtain this easement.

The bicycle lanes and sidewalks shown on the site plan are consistent with improvements for Clairmont Road called for in the *2014 DeKalb County Comprehensive Transportation Plan (CTP)*, as well as the sidewalk requirements of the zoning ordinance and the Chapter 14 requirement for bike lanes.

GDOT has programmed improvements for Clairmont Road between the I-285 intersection with Clairmont Road to Lavista Road, involving installation of a raised concrete median with no breaks except at intersections; this will improve traffic flow by limiting left turns. Clairmont Road will be widened and resurfaced. The site plan incorporates these improvements.

A traffic study, prepared by Kimley Horn, for the applicant states that certain site improvements are needed to serve the background road network traffic plus the traffic from the proposed development, including turn lanes on Briarcliff Road. This would require revisions to the site plan, which currently does not depict the turn lanes, and may necessitate building setback variances. The traffic study states that existing peak hour levels of service at the Briarcliff Road-Clairmont Road intersection are D-E (level of service F is considered to be a failure of the road system to provide adequate traffic circulation). The study states that future levels of service would be D-E, which represent an improvement over current levels, partly as a result of GDOT's plan to construct an additional southbound lane on Clairmont.

Compliance with District Standards:

HR-3 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 60 units/acre W/Bonuses: 120 units/acre	69 units/acre	Yes (see bonus calculations)
DENSITY BONUSES	Provision of structured parking allows 20% density bonus. (60/acre base + 12/acre bonus units = 72/acre allowed)	Structured parking provided for residential component.	Yes
MIN. OPEN SPACE	15%	21%	
MIN. OPEN SPACE /ENHANCED OPEN SPACE (Applicable if project is > 5 ac. or ≥ 36 d.u.s)	No minimum	N.A.	N.A.
MIN. LOT AREA	None required.	N.A.	N.A.
MIN. LOT WIDTH	100 feet	196 feet (Briarcliff Rd.)	Yes
MINIMUM UNIT SIZE	650 square feet	Information not provided.	Non-compliance will necessitate a variance.
MAX. LOT COVERAGE	85%	84%	Yes
MAX. BLDG. HEIGHT	No limit.	2 – 6 stories	Yes
MIN. TRANSITIONAL BUFFER	(along west property line): 30 feet & 6-foot high fence	30 feet	Yes
PERIMETER LANDSCAPE STRIP	Required along rear property line.	Not provided.	No; a variance will be necessary.

HR-3 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
BUILDING SETBACKS	FRONT (For entire bldg. site)	(Briarcliff Road): Minimum 10 feet Maximum 20 feet	Before road widening– 12 ft. After road widening – 0 ft.	Yes After road widening, a variance will be needed.
	INTERIOR SIDE	0 ft.; w/ 3-ft. separation between buildings	Superceded by transitional buffer	N.A.
	SIDE - CORNER LOT	(Clairmont Road): Minimum 10 feet Maximum 20 feet	Before road widening – 18.5 ft.; After road widening -- 2 ft.;	Yes After road widening, a variance will be needed.
	REAR W/O ALLEY	MF & MU:20 ft. CM/OF/MU: 15 ft.	20 feet	Yes
PARKING		<u>MF- Res.:</u> Min. – 1.5 spaces/unit = 396 spaces; Max. – 3 spaces/unit = 792 spaces <u>Commercial (including restaurant):</u> Min. – 1 space/150 s.f. = 66 spaces; Max. – 1 space/75 s.f. = 133 spaces	370 spaces 57 spaces	Does not meet minimum; a variance will be necessary. Does not meet minimum; a variance will be necessary.
BIKE LANES		4 feet on Briarcliff and Clairmont	4 feet on Briarcliff and Clairmont	Yes
MIN. STREETSCAPE DIMENSIONS - PROPERTY FRONTAGES ON ARTERIALS IN ACTIVITY CENTERS		10-ft. landscape strip back of curb, 6-ft. sidewalk, street trees planted min. 40 ft. on center	(Relative to existing ROW): Briarcliff Rd.: 4-ft. landscape strip; 6-ft. sidewalk; trees approx. 35' on center Clairmont Rd.: 6-ft. and 2-ft landscape strips; 8-ft. sidewalk; trees approx. 35' on center	No; variances will be needed for non-compliance of landscape strips

LAND USE AND ZONING ANALYSIS

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

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

The zoning proposal is a companion to a land use amendment that would re-designate the property as a Regional Center in order to establish consistency with the proposed residential density of 69 units per acre. However, the proposal is not consistent with the policy and intent visualized for Regional Centers in the 2035 Comprehensive Plan. The Plan describes Regional Activity Centers as “a concentration of regional serving activities” that have “a high intensity of regional commercial, office, employment areas and higher-education facilities” characterized by “high vehicular traffic and high transit use, including stops, shelters and transfer points”. While the proposed restaurant might draw customers from the entire region, the store and services that would comprise the retail component are unlikely to do so, and the development doesn’t provide an employment center that would employ a regional work force. The site is too small to accommodate a transit stop, let alone the mixture of transit and other uses that are visualized by the *Comprehensive Plan*. Over time, the area designated in The Briarcliff Road-Clairmont Road Small Area Study might develop into a regional center, and then it would be appropriate to designate the subject property, along with other properties in the Activity Center, as a Regional Center.

The proposed development is consistent with individual Regional Center policies contained in the *2035 Comprehensive Plan*, such as: “Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping, and people.” (No. 4); Create compact mixed-use districts and reduce automobile dependency and travel to obtain basic services.” (No. 5) However, it should be noted that Regional Center Policies 4 and 5 are the same as Neighborhood Center Policies 4 and 5. And, while the proposal itself would not organize circulation patterns throughout the activity center, or street interconnections as called for in Regional Center Policy No. 18, it would provide a bike lane as a traffic calming measure and does provide sidewalks as required by the zoning regulations. The development would not provide a greater transitional buffer next to the lower-density Rivera Condominium property than what is required by the zoning regulations, as called for in Regional Center policy No. 6.

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 69 units/acre density of the residential portion of the development (earned through a density bonus), and the six-story height of the proposed residential buildings are inconsistent with that of nearby apartment and condominium developments. Densities of existing residential developments within the Neighborhood Center are an average of 22 units per acres, consistent with Neighborhood Center densities. Redevelopment of the site with contemporary design and a pedestrian-oriented street edge is suitable at this location but the magnitude and scale of the proposed development is inappropriate without a planning rationale in the form of an approved plan ~~for~~ that has been generated through community input.

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

It appears that the property has reasonable economic use as currently zoned. The May 2018 proposal to redevelop the site for auto-oriented commercial uses is an indicator of market interest in developing the site as currently zoned with the C-1 and C-2 classifications; the proposal was withdrawn largely as a result of community opposition. Other uses allowed in the C-1 and C-2 districts, such as retail or a restaurant, might have drawn community support. At the same time, economic use for C-1 and C-2 does not negate the desirability of rezoning to another classification for a suitable purpose; a mixed-use development at an appropriate scale and density is a good use of the site.

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

The proposed development is well buffered and separated by streets from adjoining and nearby properties and is not likely to adversely affect their use and usability.

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 Briarcliff Road-Clairmont Road Small Area Study is currently underway. ~~staff has reconsidered this recommendation.~~ The study is still in draft form. and Planning staff has raised questions about the conclusions of the study and the process used to formulate the recommendations.

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

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

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The traffic study prepared by Kimley Horn calls for site improvements, including turn lanes on Briarcliff Road. This would require revisions to the site plan, which currently does not depict the turn lanes, and may necessitate building setback variances and/or adjustments to the site plan during building permitting. If the Planning Commission recommends approval of the proposal, Staff suggests that any recommendation for a conditional site plan state that it is to be subject to standards implemented by the Transportation Division. At the time this report is being written, the Board of Education has not yet commented on the impact of the development on the school system.

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

The buildings and paved portions of the proposed development would be located on property that is already paved, and redevelopment of the property would offer an opportunity to improve the quality and reduce the amount of water runoff from the site.

STAFF RECOMMENDATION: DEFERRAL

For the September zoning cycle, staff recommended “Denial” for the following reasons:

The proposal is not consistent with the policy and intent of Regional Centers as stated in the 2035 Comprehensive Plan. The Plan describes Regional Activity Centers as “a concentration of regional serving activities” that have “a high intensity of regional commercial, office, employment areas and higher-education facilities” characterized by “high vehicular traffic and high transit use, including stops, shelters and transfer points”. While the proposed restaurant might draw customers from the entire region, the store and services that would comprise the retail component are unlikely to do so, and the development doesn’t provide an employment center that would employ a regional work force. The site is too small to accommodate a transit stop, let alone the mixture of transit and other uses that are visualized by the Comprehensive Plan. Moreover, rezoning to the HR-3 zoning classification

could establish a precedent that would lead to further rezonings for higher-density or more intense developments with which the street, utility, and service infrastructure would not be able to keep pace. In addition, the 69 units/acre density of the residential portion of the development (earned through a density bonus), and the six-story height of the proposed residential buildings is inconsistent with that of nearby apartment and condominium developments.

The Briarcliff Road-Clairmont Road Small Area Study is currently underway. The study is in its preliminary stages. Therefore, the Department of Planning and Sustainability recommends “deferral” to allow time for the study to be completed and evaluated in relation to the development proposal for the subject property.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Land Use Plan Map
7. Aerial Photograph
8. Site Photographs

NEXT STEPS

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

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

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

**PUBLIC WORKS DEPARTMENT, TRANSPORTATION DIVISION
COMMENTS**

N.2 & N.3A: Clairmont Road is SR 155. GDOT review and approval required prior to permitting. Clairmont Road is classified as a major arterial. Right of way dedication of 50 foot from centerline or such that all public infrastructure is within the right of way, whichever greater, required. Six-foot wide sidewalks, bike lanes (or ten-foot wide multiuse path in lieu of bike lanes), 10-foot landscape area, streetlights required. Briarcliff Road is classified as a minor arterial. Right of way dedication of 40 foot from centerline or such that all public infrastructure is within the right of way, whichever greater, required. Six-foot wide sidewalks, bike lanes (or ten-foot wide multiuse path in lieu of bike lanes), 10-foot landscape area, streetlights required. Verify intersection and turning sight distances meet AASHO requirements at permitting. Access points are to remain as far away from the intersection of Clairmont Rd and Briarcliff Rd as possible. Coordinate and donate right of way necessary for GDOT PIs 0015680 and 0015956. Provide pedestrian connections between site destinations and sidewalks on public right of way. Verify intersection and turning sight distances meet AASHO requirements at permitting.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: LP-20-124107 Parcel I.D. #: 18-196-04-029, 033, 034

Address: 2772, 2804, 2806, 2810,
2814, 3080 Clairmont Rd
Atlanta Ga. 30329

3068 Briarcliff Rd
Atlanta 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: *Jerry White*



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

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

Case No.: Z-20-1244108

Parcel I.D. #: 18-196-04-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041

Address: 2794, 2778, 2804, 2806, 2810, 2814, 3080, and 3070 Clairmont Road and 3068 Briarcliff Road
Atlanta, Georgia

WATER:

Size of existing water main: 8" DI & 30" DI Water Main *ms* (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: North Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: R M Clavton WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 127 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: *[Handwritten Signature]*

08/13/2020

To: Current Planning
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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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

Board of Health

New Cases:

- N.1 SLUP-20-12244105 2020-0833 / 18-111-03-018
2933 North Druid Hills Road, Atlanta, GA 30329**
- Please review general comments.
 - Septic system installed on location surrounding 2933 North Druid Hills. The location with septic system installed was 2814 North Druid Hills Road on 08/02/1963.
- N.2 LP-20-1244107 / 2020-0834 / 18-196-04, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041
2814 Clairmont Road, Atlanta, GA 30329**
- Please review general comments.
 - Septic installed on property 2920 Clairmont Road on 04/07/1974 within the vicinity of property 2814 Clairmont.
- N.3 Z-20-1244108 / 2020-0835 / 18-196004-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041
2814 Clairmont Road, Atlanta, GA 30329**
- Please review general comments.
- N.4 SLUP-20-1244110 / 2020-0836 / 18-283-02-012, 18-283-02-007, 18-283-02-008
3214 Chamblee-Tucker Road, Chamblee, GA 30341**
- Please review general comments.
 - Septic system installed on property 04/13/1961
- N.5 LP-20-1244114 / 2020-0837 / 16-252-02-002
8400 Pleasant Hill Way, Lithonia, GA 30058**
- Please review general comments.
 - Septic system installed on property near vicinity at 8406 Pleasant Hill Way
- N.6 Z-20-1244113 / 2020-0838 / 16-254-02-002
8400 Pleasant Hill Way, Lithonia, GA 30058**
- Please review general comments.
- N.7 Z-20-1244119 / 2020-0839 / 18-050-12-005
1377 Scott Blvd., Decatur, GA 30030**
- Please review general comments.



BRIARCLIFF WOODS

C I V I C A S S O C I A T I O N

August 11, 2020

Subject: Proposal by Stein Investment Co., LP 20 1244107 2814, parts 1 and 2,
Z 20 1244108 2814, part 3 (Agenda items N2 and N3)
2814 Clairmont Rd., Atlanta, GA 30329

Dear Community Council Members:

On behalf of the Briarcliff Woods Civic Association, we wish to express our support for the proposed changes in land use from Neighborhood Center (NC) to Regional Center (RC), and the proposed rezoning from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential-3).

We believe that the proposed redevelopment of this property is appropriate for the parcels, and that it will add value to the neighborhood, without unduly burdening traffic and infrastructure.

Signed on behalf of the Briarcliff Woods Civic Association Board of Directors.

Sincerely,
Gunter Sharp

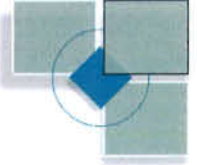
Chair, Zoning and Public Planning Committee



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: Stein Investment Co, LLC (Virginia), c/o Dennis J. Webb, Jr. E-Mail: dwebb@sgrlaw.com

Applicant Mailing Address: 1230 Peachtree Street, N.E., Suite 3100, Atlanta, Georgia 30309

Applicant Phone: (404) 815-3620 Fax: (404) 685-6920

Owner(s): See Exhibit "A" E-Mail:
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: See Exhibit "A"

Owner(s) Phone: Fax:

Address/Location of Subject Property: See Exhibit "A"

District(s): 18th Land Lot(s): 196 Block: 04 Parcel(s): See Exhibit "A"

Acreage: +/- 3.845 Commission District(s): 2nd and 6th

Present Zoning Category: C-1/C-2 Proposed Zoning Category: HR-3

Present Land Use Category: NC

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? X 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.

Notary section with signature of Sheila Johnson, Notary Public, Dec. 29, 2023, and signature of applicant with date.

EXHIBIT "A"

Address/Location of Subject Property

JMAR Investors, LP

2814 Clairmont Road/18 196 04 029

2810 Clairmont Road/18 196 04 040

2806 Clairmont Road/18 196 04 039

2804 Clairmont Road/18 196 04 037

2794 Clairmont Road/18 196 04 035

2778 Clairmont Road/18 196 04 034

3080 Clairmont Road/18 196 04 033

3070 Clairmont Road/18 196 04 038

3068 Briarcliff, LLC

3068 Briarcliff Road/18 196 04 041

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

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys at Law

Dennis J. Webb, Jr.
Direct Tel: 404-815-3620
Direct Fax: 404-685-6920
dwebb@sgrlaw.com

June 16, 2020

Re: Community Meeting

Dear Neighbor:

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

<u>Property Address:</u>	<u>Parcel No.</u>
2814 Clairmont Road	18 196 04 029
2810 Clairmont Road	18 196 04 040
2806 Clairmont Road	18 196 04 039
2804 Clairmont Road	18 196 04 037
2794 Clairmont Road	18 196 04 035
2778 Clairmont Road	18 196 04 034
3080 Clairmont Road	18 196 04 033
3070 Clairmont Road	18 196 04 038
3068 Briarcliff Road	18 196 04 041

Stein Investment Co, LLC, will be submitting an Application to the Amend Official Zoning Map of DeKalb County from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential-3) or MU-5 (Mixed-Use Very High Density) and an Application to Amend Comprehensive Land Use Plan to change the current land use designation from NC (Neighborhood Center) to RC (Regional Center), all to allow for a mixed use development with +/-14,000 square feet of commercial/restaurant space and 264 multi-family units.



Neighboring Property Owners
June 16, 2020
Page 2

You are invited to participate in a virtual Community Meeting on July 1, 2020 at 7:00 PM.

To join the meeting via internet, use the following instructions

Meeting number: 129 702 6789
Password: maYuj6tX4w8

Wednesday, July 1, 2020
7:00 pm | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs

From an internet browser navigate to sgrlaw.webex.com
Enter the meeting number in the "join a meeting" field.
Press Enter
Enter the meeting password
Click Ok
Click Join Meeting

Note there may be some software to install/run depending on the user's computer configuration.

To join by phone, use the following

+14043971516 US Toll
8773093457 US Toll Free
Access code: 129 702 6789

Note the system will ask for an "attendee ID" to be entered or for # to be pressed to bypass - there is no attendee ID, so press #.

Should you have any questions regarding this application, please feel free to contact me.

Sincerely,



Dennis J. Webb, Jr.
Attorney at Law

DJW/vmo

BRIARCLIFF WEST – PRE-APPLICATION COMMUNITY MEETING
JULY 1, 2020 (7:00PM) VIA WEBEX CONFERENCE

LIST OF MEETING ATTENDEES:

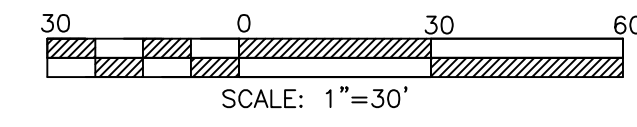
DW	Dennis (Den) Webb	☑	🔒
AZ	Adam Zuckerman	☑	🔒
AP	Alan Pinsker		🔒
BV	barbara Gibbs vargas	☑	🔒
B	BCurran	☑	🔒
📞	Call-in User_3		🔒
📞	Call-in User_4		🔒
📞	Call-in User_5		🔒
📞	Call-in User_6		🔒
C	ck		🔒
CD	Clayton Daspit		🔒
D	david		
DR	David & Nancy Romeiko		🔒
GS	Gunter Sharp	☑	🔒
JL	Jason Linscott	☑)
JL	John LP	☑	🔒
L	Leah		🔒
MD	M. Drysdale		🔒
M	mahad		🔒
M	MJP		
NB	Nate Bradshaw		🔒
N	Nicole		🔒
RR	Ranyatta Roland		🔒
SB	Susan Bailey		🔒

ALTA/NSPS LAND TITLE SURVEY FOR:

STEIN INVESTMENT COMPANY, LLC, a Virginia limited liability company, FIRST AMERICAN TITLE INSURANCE COMPANY

LAND LOT 196 - 18TH DISTRICT
DEKALB COUNTY, GEORGIA

DATE OF FIELD WORK 11-20-2017 (TRAVERSE), 8-9-2019 (FIELD OBSERVATION)
DATE OF PLAT PREPARATION 8-8-2019
EQUIPMENT USED: TRIMBLE S6



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-167, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19 AND 43-15-22.

UTILITY NOTE: PATRICK & ASSOCIATES, INC. NOR THE LICENSED PROFESSIONAL ASSUME ANY LIABILITY FOR THE EXISTENCE, LOCATION, MATERIAL OR SIZE OF ANY UNDERGROUND UTILITY SHOWN ON THIS SURVEY. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE EXISTENCE, EXACT LOCATION, MATERIAL AND SIZE OF ANY UNDERGROUND UTILITY ASSOCIATED WITH THE PROJECT.

Survey Notes

The field data upon which this plat is based has a closure precision of one foot in 137,721 feet, an angular error of 02 seconds per angle point, and was adjusted using compass rule.

This plat has been calculated for closure and found to be accurate within one foot in 240,744 feet.

There are no parking space on this property.

The property has direct access to Briarcliff Road and Clairmont Road which is an accepted public street or highway.

There is no evidence of earth moving work.

There is no evidence of currently ongoing building construction and building additions.

There is no evidence of any changes in street right of way.

There is no evidence of cemeteries or burial grounds.

There is no evidence of the site being used as a solid waste dump, storage of hazardous waste, a pump, or sanitary landfill.

There are no party walls with adjoining property owners.

No wetlands report was provided for this survey.

Patrick & Associates, Inc. has a Professional Liability Insurance policy in the amount of \$1,000,000.

FLOOD NOTE:
By graphic plotting only, this property is not in zone "X" Flood Insurance Rate Map No. 13089c00541 and 13089c00581 which bears an effective date May 16, 2013. No field surveying was performed to determine this zone.

Utility Notes

The existence and location of the surface and sub-surface utilities shown are based upon available records and surface visible evidence as of FEBRUARY 1, 2018. The extent and liability of this information is limited to Standards for a Quality Level C Utility Investigation as defined by the American Society of Civil Engineers (ASCE, Publication 38-02).

Before digging in this area, call utility locators at 1-800-282-7411 for field locations (request for ground markings) of underground utility lines.

Field Measured Legal Description

TRACT ONE AND TRACT TWO (COMBINED)

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district of DeKalb County, Georgia and being more particularly as follows:

Commencing at the north end of mitered right-of-way of Clairmont Road and Briarcliff Road this being the true point of beginning.

THENCE South 34 degrees 51 minutes 46 seconds West for a distance of 31.02 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 100.01 feet to a point;

THENCE North 18 degrees 10 minutes 25 seconds West for a distance of 5.29 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 83.93 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 51.03 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 70.82 feet to an IPS 1 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 351.60 feet to an IPF 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 169.97 feet to a NF IN 2.5"OTP;

THENCE North 08 degrees 47 minutes 55 seconds West for a distance of 86.89 feet to an IPF 5/8"RB;

THENCE North 86 degrees 08 minutes 29 seconds East for a distance of 190.23 feet to an IPS 1 1/2"rb;

THENCE South 28 degrees 51 minutes 41 seconds East for a distance of 53.52 feet to an IPS 1 1/2"rb;

THENCE South 28 degrees 13 minutes 38 seconds East for a distance of 102.61 feet to a R/W MON;

THENCE North 19 degrees 37 minutes 21 seconds East for a distance of 70.04 feet to a point;

THENCE along a curve to the right having a radius of 2814.44 feet and an arc length of 62.39 feet, being subtended by a chord of South 17 degrees 27 minutes 23 seconds East for a distance of 62.38 feet to a point;

THENCE North 73 degrees 10 minutes 43 seconds East for a distance of 5.00 feet to a point;

THENCE along a curve to the right having a radius of 2819.44 feet and an arc length of 32.86 feet, being subtended by a chord of South 16 degrees 29 minutes 15 seconds East for a distance of 32.86 feet to a point;

THENCE South 18 degrees 22 minutes 52 seconds East for a distance of 321.30 feet to a point at the true point of beginning.

Said property contains 3.845 acres.

Field Measured Legal Description

TRACT ONE

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district of DeKalb County, Georgia and being more particularly as follows:

Commencing at the north end of mitered right-of-way of Clairmont Road and Briarcliff Road this being the true point of beginning.

THENCE South 34 degrees 51 minutes 46 seconds West for a distance of 31.02 feet to a point;

THENCE North 18 degrees 10 minutes 25 seconds West for a distance of 5.29 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 83.93 feet to a MAG N/F;

THENCE North 13 degrees 37 minutes 52 seconds West for a distance of 148.95 feet to a MAG N/F;

THENCE South 75 degrees 54 minutes 26 seconds West for a distance of 25.96 feet to a MAG-N/F;

THENCE North 83 degrees 17 minutes 17 seconds West for a distance of 25.00 feet to a point;

THENCE South 13 degrees 37 minutes 52 seconds East for a distance of 144.65 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 70.82 feet to an IPS 1 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 351.60 feet to an IPF 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 169.97 feet to a IPF 2.5"OTP;

THENCE North 08 degrees 47 minutes 55 seconds West for a distance of 86.89 feet to an IPF 5/8"RB;

THENCE North 89 degrees 08 minutes 29 seconds East for a distance of 190.23 feet to an IPS 1 1/2"RB;

THENCE South 28 degrees 51 minutes 41 seconds East for a distance of 53.52 feet to an IPS 1 1/2"RB;

THENCE South 19 degrees 37 minutes 21 seconds East for a distance of 70.04 feet to a point;

THENCE along a curve to the right having a radius of 2814.44 feet and an arc length of 62.39 feet, being subtended by a chord of South 17 degrees 27 minutes 23 seconds East for a distance of 62.38 feet to a point;

THENCE North 73 degrees 10 minutes 43 seconds East for a distance of 5.00 feet to a point at the true point of beginning.

Said property contains 3.681 acres.

Said property contains 0.164 acres.

Items Corresponding to Schedule B

Notes Corresponding to Special Exceptions Schedule B - Section II

STEIN INVESTMENT COMPANY, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY

Commitment No: NCS-938604-ATL
Effective Date: July 12, 2019 @ 8:00 a.m.

- 12. Easement from J.T. Hill to Georgia Power Company, dated January 28, 1947, filed for record June 27, 1947, and recorded in Deed Book 689, Page 236, DeKalb County, Georgia records. Unable to determine location to plot on survey.
- 13. Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated May 7, 1958, filed for record May 19, 1958, and recorded in Deed Book 1338, Page 312, aforesaid records. Unable to determine location to plot on survey. Address list on deed (2804 Clairmont Road) is part of subject property. The affect of this easement would be limited to the parcel listed on the deed.
- 14. Easements as conveyed in Right-of-Way Deed from Julia Jones Hill and Pierce Oil Company to State Highway Department of Georgia, dated October 18, 1961, filed for record October 20, 1961 and recorded in Deed Book 1617, Page 199, aforesaid records. Does not affect subject property.
- 15. Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated June 14, 1963, filed for record July 9, 1963, and recorded in Deed Book 1785, Page 312, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- 16. Right-of-Way Easement from Mrs. Julia J. Hill to Georgia Power Company, dated November 16, 1965, filed for record January 27, 1966, and recorded in Deed Book 2069, Page 470, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- 17. Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated September 20, 1972, filed for record October 9, 1972, and recorded in Deed Book 2894, Page 338, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- 18. Easements as conveyed in Right of Way Deed from Julia Jones Hill to Department of Transportation, dated August 5, 1977, filed for record August 31, 1977 and recorded in Deed Book 3696, Page 933, aforesaid records. As shown on survey.
- 19. Easement from Tune-Up-Clinic Incorporated to Georgia Power Company, dated December 1, 1982, filed for record February 16, 1983, and recorded in Deed Book 4717, Page 518, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- 20. Matters as shown on that certain plat recorded in Plat Book 10, Page 63, aforesaid records. Plat is of parent tract as shown on survey.
- 21. Matters as shown on that certain plat recorded in Plat Book 30, Page 100, aforesaid records. Plat lies within subject property, no adverse affect on property.
- 22. Matters as shown on that certain plat recorded in Plat Book 40, Page 115, aforesaid records. Plat lies within subject property, no adverse affect on property.
- 23. Terms and provisions of that certain unrecorded lease as evidenced by Memorandum of Lease from Julia Jones Hill to BP Oil Company, an Ohio corporation, dated September 13, 1990, filed for record September 21, 1990 and recorded in Deed Book 6799, Page 232, aforesaid records. As shown on survey.
- 24. Terms and provisions of that certain unrecorded lease as evidenced by Lease Modification from Julia Jones Hill to Waffle House, Inc., dated May 21, 1993, filed for record June 6, 1993 and recorded in Deed Book 7739, Page 269, aforesaid records. As shown on survey.

Statement of Encroachments

Fence meanders along west property line.

Zoning Information

No zoning report provided for survey.

Area

Total LAND area of subject property is 3.845 Acres
TRACT ONE is 3.681 Acres.
TRACT TWO is 0.164 Acres.

ALTA/NSPS Land Title Survey

Surveyor's Certification:

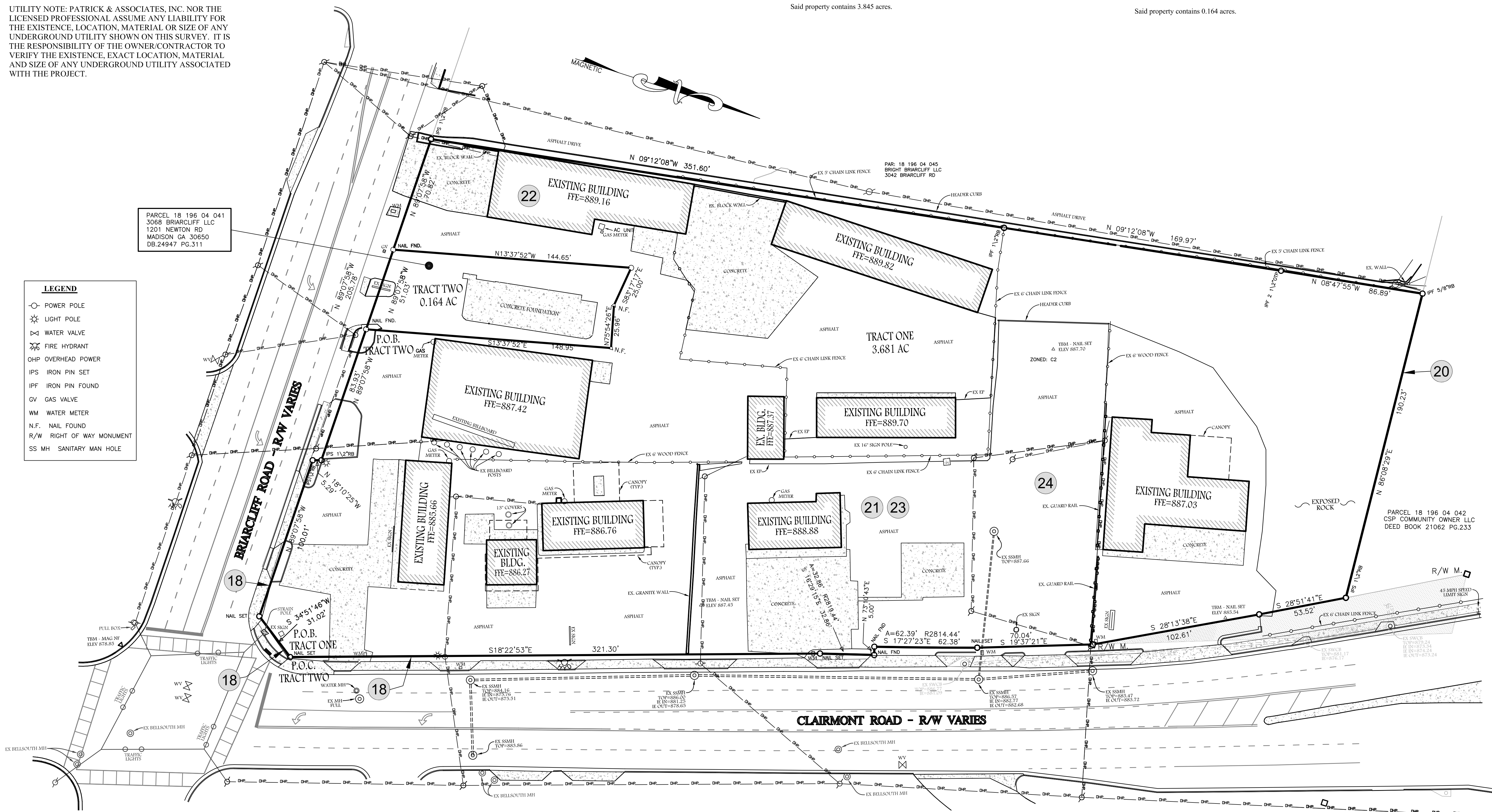
To: STEIN INVESTMENT COMPANY, LLC, a Virginia limited liability company
FIRST AMERICAN TITLE INSURANCE COMPANY.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1, 3, 4, 8, 11, 13, 14, 16, 17, 18 and 19 of Table A thereof.

The field work was completed on: Survey Traverse November 20, 2017
Field Observation August 9, 2019.

Date of Plat or Map: August 8, 2019
Equipment used: Trimble S6

James S. Hull, Jr.
James S. Hull, Jr.
Registration/License No. 2856



PATRICK & ASSOCIATES, INC.
SURVEYING & ENGINEERING
928 BLACKLAWN ROAD
CONYERS, GEORGIA 30094
PH: 770-483-9745

MASTER 29131
JOB NO. 19-607
DWG. NO. 32903

Drawing name: C:\Users\robert.barciff\OneDrive\Documents\017481003_3086 Briarcliff Road\CAD\PlanSheets\C2-00 - SITE PLAN.dwg C2-00 SITE PLAN Jul 01, 2020 5:35pm by: Robert Barciff

STREETSCAPE SUMMARY:

BRIARCLIFF ROAD NORTHEAST
 (MINOR ARTERIAL - DEKALB CLASSIFICATION)
 EDGE OF EXISTING TRAVEL LANE
 4' BIKE LANE
 30" CURB AND GUTTER
 4' LANDSCAPE STRIP
 6' SIDEWALK (MINIMUM WIDTH)
 6' LANDSCAPE STRIP (INTERMITTENT)

CLAIRMONT ROAD
 STATE ROUTE 155 (MAJOR ARTERIAL - DEKALB CLASSIFICATION)
 EDGE OF PROPOSED TRAVEL LANE (ROAD WIDENING)
 4' BIKE LANE
 30" CURB AND GUTTER
 6' LANDSCAPE STRIP
 8' SIDEWALK
 2' LANDSCAPE STRIP

DEVELOPMENT SUMMARY:

LAND USE
 APARTMENTS
 ALLOWED (BASE+20% BONUS) 276 (72 UNITS/ACRE)
 PROPOSED 264 (68.7 UNITS/ACRE)

COMMERCIAL
 PROPOSED 10,000 SF

BUILDING SUMMARY
 BUILDING A 204,865 SF
 BUILDING B 77,854 SF
 BUILDING C 5,020 SF

PARKING SUMMARY
 APARTMENTS
 REQ'D 396 SPACES (1.5 PER UNIT)
 PROVIDED 370 (1.4 PER UNIT)
 COMMERCIAL
 REQ'D (RESTAURANT) 67 SPACES (1/150 SF)
 PROVIDED 57 SPACES (1/167 SF)

LOADING SUMMARY
 REQUIRED 4 SPACES (INCL. 1 x XL SPACE)
 PROVIDED 2 SPACES (12' x 35' x 14' CLEAR)

BUILDING HEIGHT
 BUILDING MAX (BASE / BONUS) PROPOSED
 A 8 STORIES / NO LIMIT 6 STORIES
 B 10 STORIES / NO LIMIT 6 STORIES
 C - 2 STORIES

FLOOD PLAIN
 THIS PROJECT DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. "FLOOD HAZARD BOUNDARY MAP" COMMUNITY PANEL NUMBER 13089C0054K, DATED 8/15/2019.

ZONING SUMMARY:

SITE AREA
 EXISTING 3.845 ACRES

ZONING
 ZONING CLASSIFICATION
 EXISTING C1 & C2
 PROPOSED HR-3

OVERLAY DISTRICT
 N/A

FUTURE LAND USE (COMPREHENSIVE PLAN)
 EXISTING NC (NEIGHBORHOOD CENTER)
 PROPOSED RC (REGIONAL CENTER)

OPEN SPACE
 REQ'D 15%
 PROVIDED 21%

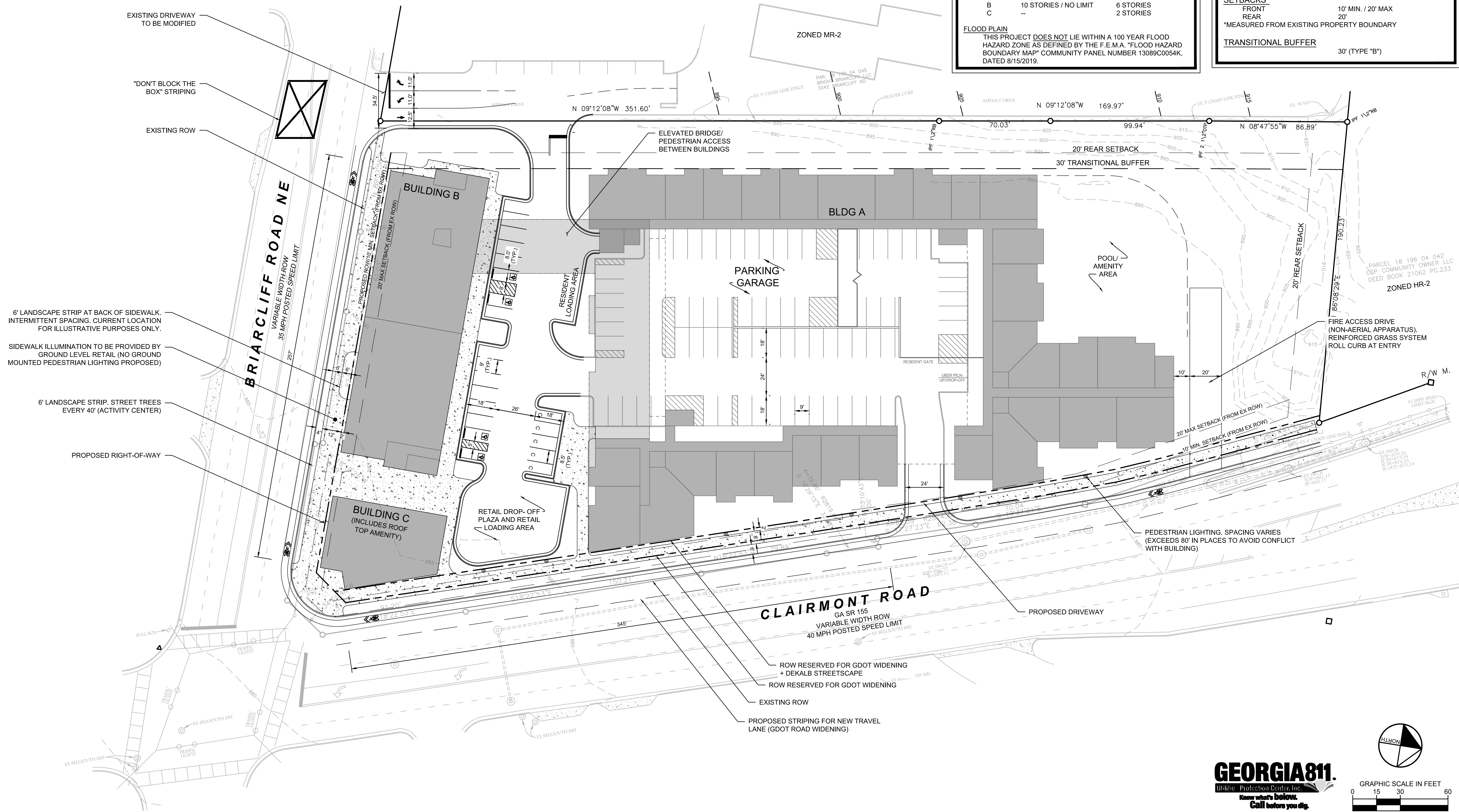
OUTDOOR RECREATION AREA (5.7.7(G))
 REQ'D 5%
 PROVIDED 5%

LOT COVERAGE (PERCENT IMPERVIOUS)
 MAX 85%
 PROPOSED 84%

SETBACKS*
 FRONT 10' MIN. / 20' MAX
 REAR 20'

*MEASURED FROM EXISTING PROPERTY BOUNDARY

TRANSITIONAL BUFFER
 30' (TYPE "B")



Kimley Horn
 PREPARED BY
STEIN INVESTMENT GROUP
 PROJECT
BRIARCLIFF WEST
 3080 BRIARCLIFF ROAD
 ATLANTA, GA 30329
 DEKALB COUNTY

NO. 033056
 REGISTERED PROFESSIONAL ENGINEER
 BRADLEY L. HORN
 7/1/20

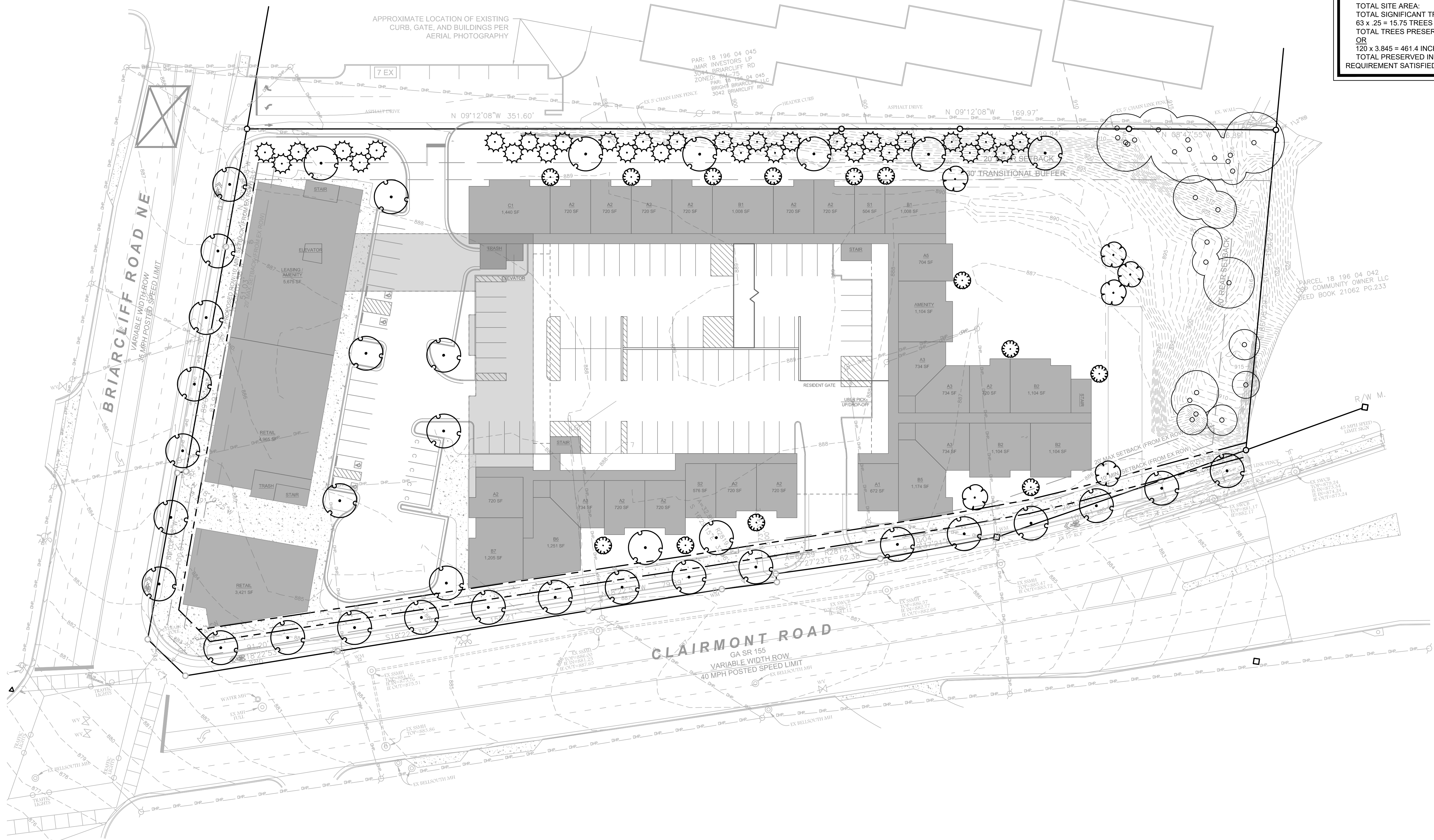
GSWCC NO. (LEVEL II) 22363
 DRAWN BY RWB
 DESIGNED BY RWB
 REVIEWED BY BLH
 DATE 7/1/20
 PROJECT NO. 017481003
 TITLE
REZONING SITE PLAN
 SHEET NUMBER
C0.10

GEORGIA811
 Utility Protection Center, Inc.
 Know what's below.
 Call before you dig.

GRAPHIC SCALE IN FEET
 0 15 30 60

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Drawing name: C:\Users\Kate.Winn\OneDrive\Development Services - Documents\017481003_3086 Briarcliff Road\CAD\PlanSheets\L-00 LANDSCAPE PLAN.dwg L2-00 TREE REPLACEMENT PLAN Jun 30, 2020 2:01pm by: Kate.Winn



CONCEPT PLANT SCHEDULE

SYMBOL	DESCRIPTION	QTY	SIZE	UNITS	TOTAL UNITS
	COLUMNAR DECIDUOUS TREE	13	2" CAL	.4	5.2
	EVERGREEN TREE	31	2" CAL	.2	6.2
	OVERSTORY TREE	36	3" CAL	.5	18.0
	UNDERSTORY TREE	6	2" CAL	.4	2.4

CALCULATIONS:

SITE DENSITY:
 TOTAL SITE AREA: 3.845 ACRES
 30 UNITS PER ACRE REQUIRED
 3.845 x 30 = 115.35 UNITS REQUIRED

EXISTING UNITS: 83.8
 115.35 - 83.8 = 31.55 REPLACEMENT UNITS REQUIRED
 REPLACEMENT UNITS PROVIDED: 31.8
 REQUIREMENT SATISFIED

PARKING LOT:
 1 TREE REQUIRED PER 8 PARKING SPACES
 TOTAL PARKING SPACES IN SURFACE LOT: 21
 21 / 8 = 3 TREES REQUIRED
 TOTAL TREES PROVIDED IN PARKING LOT: 3
 REQUIREMENT SATISFIED

SIGNIFICANT TREE PRESERVATION:
 120" PER ACRE OR 25% (WHICHEVER IS LESS) OF EXISTING SIGNIFICANT TREES TO BE PRESERVED
 TOTAL SITE AREA: 3.845 ACRES
 TOTAL SIGNIFICANT TREES: 63 TREES
 63 x 25 = 15.75 TREES REQUIRED TO BE PRESERVED
 TOTAL TREES PRESERVED: 26 TREES
 OR
 120 x 3.845 = 461.4 INCHES REQUIRED TO BE PRESERVED
 TOTAL PRESERVED INCHES: 292 INCHES
 REQUIREMENT SATISFIED

Kimley»Horn
©2020 KIMLEY-HORN AND ASSOCIATES, INC.
 3850 EAST WINDY HILL DRIVE, SUITE 350
 FORT WORTH, TEXAS 76106-3092
 PHONE 770.825.0744
 WWW.KIMLEY-HORN.COM

STEIN INVESTMENT GROUP
 5607 GLENRIDGE DRIVE, SUITE 200
 ATLANTA, GA 30342
 PHONE: 770.580.2480

NO.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

BRIARCLIFF WEST
 3080 BRIARCLIFF ROAD
 ATLANTA, GA 30329
 DEKALB COUNTY

PRELIMINARY
 NOT FOR CONSTRUCTION

7/1/20

GSWCC NO. (LEVEL II)	22363
DRAWN BY	KCW
DESIGNED BY	KCW
REVIEWED BY	TML
DATE	7/1/2020
PROJECT NO.	017481003
TITLE	TREE REPLACEMENT PLAN
SHEET NUMBER	L2-00

GEORGIA811
UNITE Protection Center, Inc.
 Know what's below.
 Call before you dig.

GRAPHIC SCALE IN FEET
 0 15 30 60

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Drawing name: C:\Users\Kate.Winn\OneDrive\Desktop\Development Services - Documents\017481003_3086 Briarcliff Road\CAD\Plan\Sheets\L-100 LANDSCAPE PLAN.dwg Jun 30, 2020 2:01pm by: Kate Winn

PART 1 - GENERAL

- 1.1 DESCRIPTION
A. EXTENT OF PLANTING IS SHOWN ON THE DRAWINGS AND IN THE SCHEDULES.
B. PROVIDE ALL LABOR, MATERIALS AND EQUIPMENT REQUIRED BY OR REFERENCED FROM THE DRAWINGS AND SPECIFICATIONS TO COMPLETE THE WORK OF THIS SECTION.
C. CONTRACTOR SHALL VERIFY PLANT COUNT FROM PLAN, AND SHALL PROVIDE AND INSTALL ALL PLANT MATERIAL ON PLAN.
D. GRADES TO WITHIN ONE INCH OF FINAL GRADE THROUGHOUT SITE SHALL BE PROVIDED BY OTHERS AND IS NOT IN LANDSCAPE CONTRACT.

- 1.2 QUALITY ASSURANCE
A. ALL PLANTS SHALL CONFORM TO OR SURPASS MINIMUM QUALITY STANDARDS AS DEFINED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, CURRENT EDITION OF AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY AMERICAN ASSOCIATION OF NURSERYMEN, INC. AND IN ADDITION SHALL CONFORM TO SIZES AND DESCRIPTIONS IN THE PLANT LIST.
B. SUBSTITUTION FROM THE SPECIFIED PLANT LIST WILL BE ACCEPTED ONLY WHEN SATISFACTORY EVIDENCE IN WRITING IS SUBMITTED TO THE LANDSCAPE ARCHITECT, SHOWING THAT THE SPECIFIED PLANT MATERIAL IS NOT AVAILABLE.
C. THE SELECTION OF ALL MATERIALS AND THE EXECUTION OF ALL OPERATIONS REQUIRED UNDER THE DRAWINGS AND SPECIFICATIONS IS SUBJECT TO THE APPROVAL OF THE OWNER AND LANDSCAPE ARCHITECT.

- D. INSTALL ALL PLANT MATERIALS IN A NEAT AND PROFESSIONAL MANNER.
E. MAKE MINOR ADJUSTMENTS TO LAYOUT AS MAY BE REQUIRED AND REQUESTED AT NO ADDITIONAL COST TO THE OWNER.
1.3 DELIVERY, STORAGE AND HANDLING
A. DELIVER MATERIALS IN SUCH A MANNER AS TO NOT DAMAGE OR DECREASE THE HEALTH AND VIGOR OF THE PLANT MATERIALS.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.4 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.5 CONTRACTOR'S PERIODIC INSPECTION
A. DURING THE GUARANTEE PERIOD, CONTRACTOR SHALL MAKE PERIODIC INSPECTIONS OF THE PROJECT TO SATISFY HIMSELF THAT MAINTENANCE BY THE OWNER IS ADEQUATE.
B. THE COMPONENTS SHALL BE THOROUGHLY MIXED TO A UNIFORM CONSISTENCY BY HAND OR MACHINE METHODS.

- 1.6 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.7 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.8 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.9 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.10 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.11 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.12 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.13 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.14 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.15 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.16 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- 1.17 GUARANTEE
A. GUARANTEE PLANT MATERIALS AND LAWN AREAS FOR ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
B. STORE MATERIALS AWAY FROM DETRIMENTAL ELEMENTS. COORDINATE WITH GENERAL CONTRACTOR TO SECURE A SAFE STAGING AREA.
C. HANDLE, LOAD, UNLOAD, AND TRANSPORT MATERIALS CAREFULLY TO AVOID DAMAGE.
D. MAINTAIN AND PROTECT PLANT MATERIALS AS NECESSARY TO INSURE HEALTH AND VIGOR.

- C. ALL PLANT MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY AND ALL PLANTS WHICH FAIL TO MEET THIS SPECIFICATION AT ANY POINT DURING THE INSTALLATION OF THE JOB. ALL REJECTED MATERIALS SHALL BE PROMPTLY REMOVED FROM THE SITE BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
D. ALL PLANT MATERIALS FURNISHED SHALL BE WELL BRANCHED, PROPORTIONED WIDTH TO HEIGHT, OF NORMAL HABIT, SOUND HEALTHY AND VIGOROUS IN GROWTH. THE MINIMUM ACCEPTABLE SIZES OF PLANTS SHALL BE MEASURED BEFORE PRUNING WITH BRANCHES IN NORMAL POSITION AND SHALL CONFORM TO MEASUREMENTS SPECIFIED. PLANTS USED WHERE SYMMETRY IS REQUIRED SHALL BE MATCHED AS CLOSELY AS POSSIBLE. PLANTS SHALL MEET ALL REQUIREMENTS AS LISTED IN THE PLANT LIST.
E. PLANTS SHALL BE FIELD NURSERY, CONTAINER GROWN OR COLLECTED MATERIAL SUBJECT TO THE REQUIREMENTS OF THE SPECIFICATION.

- F. ALL PLANTS SHALL BE OF HEALTHY STOCK, FREE FROM DISEASE, INSECTS, EGGS, LARVAE, AND PARASITES OF AN OBJECTIONABLE OR DAMAGING NATURE.
G. BALLED AND BURLAPPED PLANT MATERIALS ARE TO BE WRAPPED WITH ORGANIC WRAPPING BURLAP ONLY. SYNTHETIC MATERIAL WILL NOT BE ACCEPTED. REMOVE ALL NURSERY LOADING STRAPS ONCE PLANT MATERIAL IS PLACED IN THE PIT.
2.5 MATERIAL FOR GUYING AND STAKING
A. STAKES FOR SUPPORTING TREES SHALL BE SOUND TIMBER, STRAIGHT, SIZED AS SHOWN IN PLANTING DETAILS AND OF SUFFICIENT LENGTH TO ADEQUATELY SUPPORT THE PLANT. ALL VISIBLE SURFACES SHALL BE PAINTED DARK GREEN OR BROWN, BUT NOT BLACK.

- B. DEADEN OR STAKES FOR ANCHORING GUY WIRES IN THE GROUND SHALL BE OF SIZE, MATERIAL, AND STRENGTH ADEQUATE TO HOLD GUY TAUT AND MAINTAIN TREE FIRMLY IN AN UPRIGHT POSITION.
C. WIRE SHALL BE #12 GAUGE GALVANIZED WIRE IN DOUBLE TWISTED STRAND TO ADJUST TENSION.
D. HOSE FOR ENCASING GUY WIRES SHALL BE NEW OR SUITABLE USED 3/4 INCH DIAMETER RUBBER OR PLASTIC GARDEN HOSE, BLACK IN COLOR.

- 2.6 MULCH
A. PINE STRAW MULCH SHALL BE CLEAN, FRESH, FREE OF NOXIOUS WEEDS, SEED, FIRE ANTS, JAPANESE BEETLES AND/OR FRINGED BEETLES.
2.7 SEED
A. CERTIFIED, BLUE TAG, CLEAN, DELIVERED IN ORIGINAL, UNOPENED PACKAGES AND BEARING AN ANALYSIS OF THE CONTENTS, GUARANTEED 95 PERCENT PURE AND TO HAVE A MINIMUM GERMINATION RATE OF 85 PERCENT, WITHIN ONE YEAR OF TEST.

- 2.8 SEED
A. CERTIFIED, BLUE TAG, CLEAN, DELIVERED IN ORIGINAL, UNOPENED PACKAGES AND BEARING AN ANALYSIS OF THE CONTENTS, GUARANTEED 95 PERCENT PURE AND TO HAVE A MINIMUM GERMINATION RATE OF 85 PERCENT, WITHIN ONE YEAR OF TEST.
PART 3 - EXECUTION
3.1 TIME AND PLANTING
A. PLANTING OPERATIONS SHALL BE DURING FAVORABLE WEATHER IN WHICH CONDITIONS ARE NEITHER EXTREMELY COLD OR HOT, NEAR TO THE POINT THAT THE RISK OF LOSS IS TOO GREAT. THE CONTRACTOR SHALL INFORM THE LANDSCAPE ARCHITECT OF HIGH RISKS DUE TO WEATHER.

- 3.2 EXCAVATION FOR PLANTING TREES AND SHRUBS
A. CIRCULAR PLANT PITS WITH VERTICAL SIDES SHALL BE DUG BY HAND OR MACHINE METHODS FOR PLANTING OF TREES AND SHRUBS.
B. TREE PIT DIAMETERS SHALL BE A MINIMUM OF TWO FEET GREATER THAN THE SPREAD OF THE ROOT MASS.
C. SHRUB PIT DIAMETER SHALL BE A MINIMUM OF ONE FOOT GREATER THAN THE SPREAD OF THE ROOT MASS.

- D. CONTRACTOR SHALL TEST EXCAVATED PLANT PITS TO SATISFY HIMSELF THAT SUFFICIENT DRAINAGE IS PRESENT FOR PROPER PLANT SURVIVAL.
E. IF THE INDIVIDUAL PITS ARE ARRANGED IN A GROUP, THE AREA BETWEEN PITS SHALL BE FILLED TO THE REQUIRED GRADE WITH EXISTING SOIL AND MULCHED WITH PINE STRAW MULCH THREE INCHES DEEP. PLANT BEDS SHALL BE NEATLY EDGED AND KEPT FREE OF WEEDS UNTIL THE WORK IS ACCEPTED.

- 3.3 EXCAVATION FOR PLANTING GROUNDCOVERS
A. GROUNDCOVER BEDS SHALL BE SCARIFIED BY HAND OR MACHINE METHOD TO A MINIMUM DEPTH OF EIGHT INCHES. THREE INCHES OF PEAT HUMUS ADDITIVE AND 20 POUNDS PER 1000 SQUARE FEET OF STA-GREEN NURSERY SPECIAL FERTILIZER SHALL BE UNIFORMLY INCORPORATED INTO THE SOIL TO THE FULL EIGHT INCH MINIMUM DEPTH.

- 3.4 DRAINAGE TEST
A. REPRESENTATIVE TREE PITS FROM EACH PLANTING AREA SHALL BE FILLED WITH WATER. IF PERCOLATION IS LESS THAN WITHIN A PERIOD OF 12 HOURS, DRILL A TWELVE-INCH AUGER TO A DEPTH OF FOUR FEET BELOW THE BOTTOM OF THE PIT, RETEST THE PIT. IN CASE DRAINAGE IS STILL UNSATISFACTORY NOTIFY LANDSCAPE ARCHITECT IN WRITING OF THE CONDITION BEFORE PLANTING TREES IN THE QUESTIONABLE AREAS. CONTRACTOR IS FULLY RESPONSIBLE FOR WARRANTY OF THE TREES.
B. SHRUB AND GROUNDCOVER BEDS SHALL BE SPOT TESTED.

- C. DISPOSE OF SUBSOIL REMOVED FROM LANDSCAPE EXCAVATIONS. DO NOT MIX WITH THE PLANTING SOIL. DO NOT USE AS BACKFILL OR USE TO CONSTRUCT SAUCERS AROUND PITS.
3.5 SETTING TREES, SHRUBS, GROUNDCOVERS
A. BALLED AND CONTAINER PLANTS SHALL BE PLACED FIRMLY UPON SCARIFIED SUB-GRADE AND BACKFILLED WITH PLANTING SOIL MIXTURE. REMOVE ALL WIRE, CORDS, AND BURLAP FROM TOP OF ROOT BALL. HAND TAMP CAREFULLY AROUND AND UNDER BALL TO FILL ALL VOIDS. WATER DURING BACKFILLING. FORM SAUCER FROM PLANTING SOIL MIXTURE IN ORDER TO RETAIN WATER.

- B. GENTLY LOOSEN OUTER ROOTS OF CONTAINER GROWN PLANTS TO ENCOURAGE OUTWARD GROWTH.
C. FERTILIZER SHALL BE THOROUGHLY MIXED AND SOAKED INTO THE TOP TWO INCHES OF SOIL FOR ALL PLANT PITS.

- 3.6 TREE TRANSPORTATION
A. THE CONTRACTOR SHALL BE RESPONSIBLE NOT ONLY FOR THE SAFE TRANSPORTATION OF THE PLANTS TO THE SITE BUT ALSO THEIR CONDITION UPON ARRIVAL. TREES WITH ABRASIONS OF THE BARK, SUNSCALDS, FRESH CUTS, OR BREAKS OF LIMBS WHICH HAVE NOT COMPLETELY CALLOUSED WILL BE REJECTED. TREES WHICH HAVE BEEN DAMAGED DURING TRAVEL WILL BE REPLACED BY THE CONTRACTOR AT NO ADDITIONAL COST. ALL PLANT UNIT COSTS WILL REFLECT ALL THE ABOVE LISTED SPECIFICATIONS.

- 3.7 TREE TAGS
A. ALL PLANTS ACCEPTED AT THE NURSERY BY THE LANDSCAPE ARCHITECT SHALL BE TAGGED WITH SERIALIZED SELF LOCKING TAGS. TREES DELIVERED TO THE SITE WITHOUT THESE TAGS OR WITH BROKEN TAGS WILL BE REJECTED. THE TAGS SHALL REMAIN ON THE TREES UNTIL THE CONTRACTOR HAS BEEN GIVEN INSTRUCTIONS BY THE LANDSCAPE ARCHITECT FOR THEIR REMOVAL.

- 3.8 PRUNING
A. DECIDUOUS TREES AND SHRUBS SHALL HAVE DEAD, BROKEN, AND CROWDED WOOD PRUNED TO COMPENSATE FOR THE LOSS OF ROOTS IN TRANSPORTING. IDENTIFIED AND REQUIRED ADDITIONAL PRUNING MAY BE NECESSARY AT THE DIRECTION OF THE LANDSCAPE ARCHITECT.
B. EVERGREEN TREES AND SHRUBS SHALL BE PRUNED ONLY TO THIN OUT HEAVY GROWTH.

- C. CUTS OVER 3/4 INCH IN DIAMETER SHALL BE PAINTED WITH TREE DRESSING PAINT. NO PAINT CONTAINING LEAD SHALL BE PERMITTED.
3.9 GUYING, STAKING AND MULCHING
A. GUY TREES TWO-INCH CALIPER AND OVER. SPACE THREE GUYS EQUALLY ABOUT EACH TREE, ATTACHED AT APPROXIMATELY TWO-FIFTHS UP THE TRUNK. GUYS SHOULD BE AT A 45-DEGREE ANGLE AND ANCHORED IN THE GROUND WITH STAKES. GUY TO TRUNKS WITH WIRE LOOPS AND BLACK RUBBER HOSE DRAWN SNUG IN ALL DIRECTIONS. THESE GUYS SHALL BE EQUALLY TAUT.

- B. STAKE TREES LESS THAN TWO INCHES CALIPER WITH TWO OR THREE WOOD STAKES DRIVEN TWO FEET INTO THE GROUND WITH THE PORTION EXTENDING ABOVE THE GROUND APPROXIMATELY ONE-HALF OF THE TRUNK HEIGHT. STAKE ONE FOOT FROM TRUNK, FASTENED AT APPROXIMATELY TWO-FIFTHS OF TRUNK HEIGHT WITH WIRE RUN THROUGH RUBBER HOSE.
C. MULCH ALL PLANTING BEDS AND OTHER AREAS DESIGNATED TO BE MULCHED, WITH THREE "SETTLED" INCHES OF PINE STRAW MULCH. INDIVIDUAL PLANTS ARE TO BE MULCHED AS DETAILED. MULCH IS TO BE MEASURED AFTER SETTLEMENT.

- 3.10 UNIT COST
A. ALL PLANT UNIT COSTS WILL REFLECT ALL THE ABOVE LISTED SPECIFICATIONS.
3.11 PREPARATION OF GRASS AREAS
A. FINE GRADE ALL GRASS AREAS TO FINISH GRADE. ALL AREAS SHALL HAVE SMOOTH AND CONTINUAL GRADE BETWEEN THE EXISTING AND FIXED CONTROLS SUCH AS WALKS AND CURBS. ROLL, SCARIFY, RAKE AND LEVEL AS NECESSARY TO OBTAIN TRUE, EVEN, AND FIRM LAWN SURFACES. ALL FINISHED GRADES SHALL MEET APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE BEFORE GRASSING OPERATIONS BEGIN.
B. AREAS TO RECEIVE GRASS
1. GRADE WILL BE BROUGHT TO THE LEVEL OF ± 1" OF THE FINISHED GRADE BY THE GENERAL CONTRACTOR. THE LANDSCAPE CONTRACTOR WILL BE RESPONSIBLE FOR THE TOP ± 1" OF SOIL WORK. THIS IS TO INCLUDE ALL TOPSOIL HAULING AND PLACEMENT, SPREADING, DEBRIS REMOVAL AND ANY GRADING REQUIRED TO BRING THE FINISHED TOPSOIL GRADE TO THE PROPER LEVEL FOR GRASS.

- 2. THOROUGHLY TILL EXISTING SOIL TO A MINIMUM DEPTH OF FOUR INCHES BY RUNNING TILLING DEVICE TWO DIRECTIONS AT RIGHT ANGLES OVER THE ENTIRE SURFACE TO BE GRASS. FINE GRADE TO ACHIEVE UNIFORMITY AND DRAINAGE.
3. SPREAD SPECIFIED FERTILIZER AS PER MANUFACTURER'S RECOMMENDATIONS.
4. APPLY LIME UNIFORMLY WITH A MECHANICAL SPREADER TO THE ENTIRE AREA TO BE HYDROSEED AT THE RATE OF 50 LBS/1000 SQUARE FEET.
5. WORK SOIL TO A UNIFORM GRADE SO THAT ALL AREAS HAVE POSITIVE DRAINAGE AWAY FROM DRIVES, BUILDINGS, AND LANDSCAPED AREAS.
6. REMOVE ALL TRASH AND STONES EXCEEDING TWO INCHES IN DIAMETER FROM AREA TO A DEPTH OF TWO INCHES PRIOR TO HYDROSEEDING.

- C. HYDROSEEDING OPERATIONS
1. HYDRAULIC EQUIPMENT FOR THE APPLICATION OF HYDROSEED MULCH AND SEED SHALL BE EQUIPPED WITH A POWER DRIVEN AGITATOR WHICH WILL KEEP THE MIXTURE UNIFORM DURING APPLICATIONS. THE EQUIPMENT SHALL HAVE SUFFICIENT FORCE AND CAPACITY TO APPLY A UNIFORM APPLICATION OF THE MIXTURE TO THE LIMITS OF THE SLOPES. CAUTION SHALL BE EXERCISED ADJACENT TO NON-GRASSED AREAS TO PREVENT OVSERSPRAY ONTO PLANT BEDS OR PAVED AREAS.
2. HYDROSEED MIXTURE SHALL CONSIST OF:
A. HYDROSEED MULCH TO BE: "CONWED 2000" AS MANUFACTURED BY CONWED CORP., OR "SILVA-FIBES PLUS" AS MANUFACTURED BY WEYERHAUSER AT A RATE OF 30 LBS/1000 SQUARE FEET.
B. SEED MIX: COMMON BERMUDA AT A RATE OF 2 LBS/1000 SQUARE FEET, REFERENCE PLANT AND MATERIALS LIST.
3. SEED SHALL NOT BE SOWN WHEN WINDS EXCEED 10 MILES PER HOUR OR AT ANY TIME THE GROUND IS NOT IN A SUITABLE CONDITION FOR SEEDING.
4. INOCULATED SEED SHALL BE ADDED TO THE HYDROSEED MIX ONLY IMMEDIATELY PRIOR TO HYDROSEEDING OPERATIONS.

- D. SODDING OPERATIONS
1. DELIVERY OF SOD SHALL BE SCHEDULED SO AS TO ALLOW LAYING OF SOD WITHOUT DELAY. NO SOD SHALL REMAIN STACKED LONGER THAN 24 HOURS. IN THE EVENT THAT SOD CANNOT BE LAID IMMEDIATELY UPON DELIVERY, CONTRACTOR SHALL LAY SOD ON A DESIGNATED SITE TO BE APPROVED BY THE LANDSCAPE ARCHITECT. NO SOD SHALL OVERLAP AND IT SHALL BE LIGHTLY WATERED AS NECESSARY TO KEEP MOIST.
2. LAY SOD SO THAT NO VOIDS OCCUR. SOD SHALL BE TAMPED AND ROLLED BY HAND METHODS. THE COMPLETED SURFACE SHALL BE TRUE TO FINISH GRADE AND EVEN AND FIRM ALL POINTS.

- 3. SODDING OPERATIONS
1. DELIVERY OF SOD SHALL BE SCHEDULED SO AS TO ALLOW LAYING OF SOD WITHOUT DELAY. NO SOD SHALL REMAIN STACKED LONGER THAN 24 HOURS. IN THE EVENT THAT SOD CANNOT BE LAID IMMEDIATELY UPON DELIVERY, CONTRACTOR SHALL LAY SOD ON A DESIGNATED SITE TO BE APPROVED BY THE LANDSCAPE ARCHITECT. NO SOD SHALL OVERLAP AND IT SHALL BE LIGHTLY WATERED AS NECESSARY TO KEEP MOIST.
2. LAY SOD SO THAT NO VOIDS OCCUR. SOD SHALL BE TAMPED AND ROLLED BY HAND METHODS. THE COMPLETED SURFACE SHALL BE TRUE TO FINISH GRADE AND EVEN AND FIRM ALL POINTS.

- 4. CONTRACTOR IS RESPONSIBLE FOR THEFT OF EQUIPMENT AND MATERIAL AT THE JOB SITE BEFORE, DURING AND AFTER INSTALLATION, UNTIL DATE OF SUBSTANTIAL COMPLETION OF THE WORK IN TOTAL.
PART 4 - CLEANUP & PROTECTION
4.1 GENERAL
A. DURING PLANTING OPERATIONS KEEP PROJECT SITE CLEAN AND ORDERLY.
B. UPON COMPLETION OF WORK, CLEAR GROUNDS OF DEBRIS, SUPERFLUOUS MATERIALS AND ALL EQUIPMENT. REMOVE FROM SITE TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT AND OWNER.

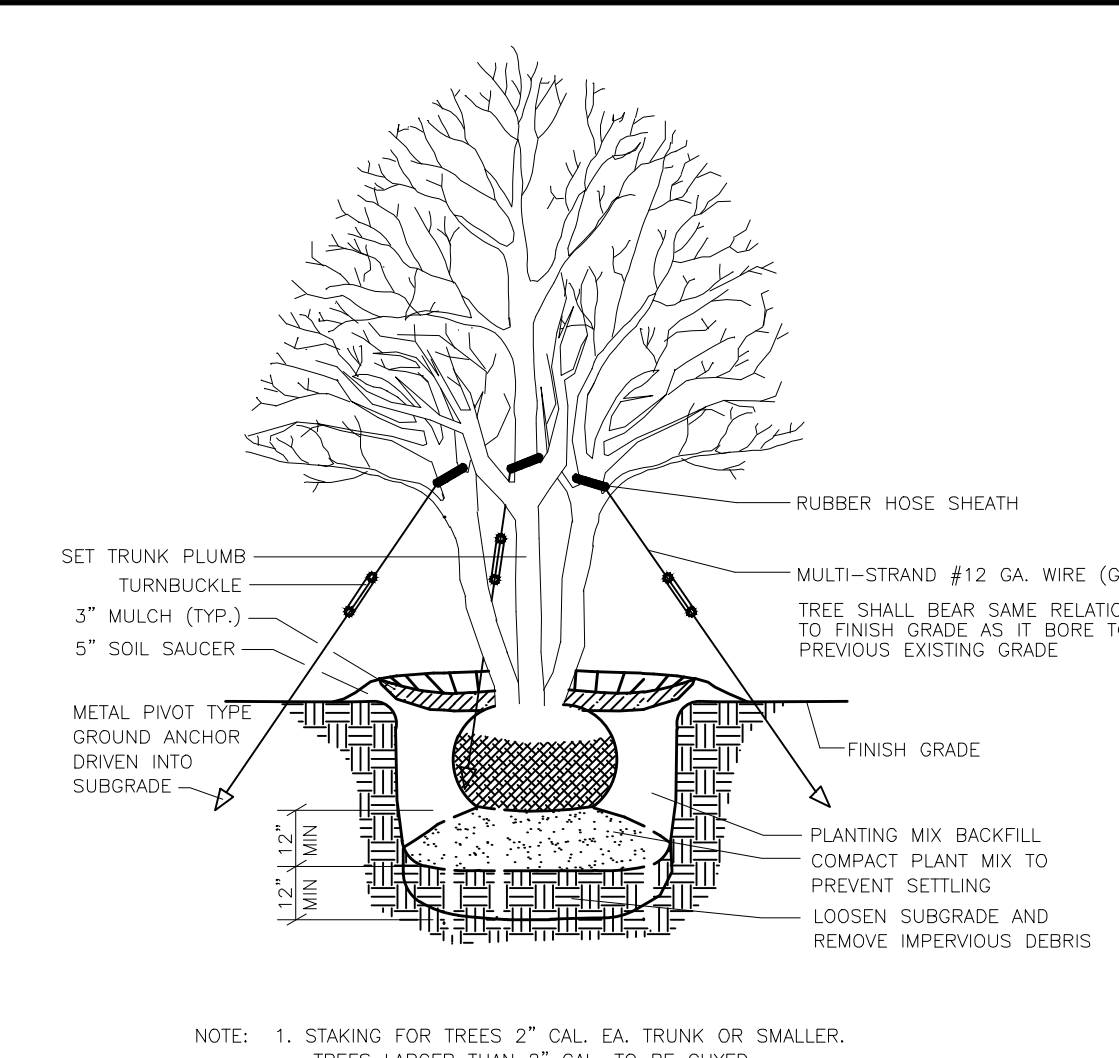
- C. PROTECT ALL WORK AND MATERIALS FROM DAMAGE DUE TO IRRIGATION OPERATIONS, AND OPERATIONS BY OTHER CONTRACTORS, TRADES, AND TRESPASSERS. MAINTAIN PROTECTION UNTIL DATE OF SUBSTANTIAL COMPLETION.
D. CONTRACTOR IS RESPONSIBLE FOR THEFT OF EQUIPMENT AND MATERIAL AT THE JOB SITE BEFORE, DURING AND AFTER INSTALLATION, UNTIL DATE OF SUBSTANTIAL COMPLETION OF THE WORK IN TOTAL.

- PART 5 - ACCEPTANCE AND GUARANTEE
5.1 SUBSTANTIAL COMPLETION
A. SUBMIT WRITTEN REQUESTS FOR INSPECTION FOR SUBSTANTIAL COMPLETION TO THE LANDSCAPE ARCHITECT AT LEAST SEVEN CALENDAR DAYS PRIOR TO ANTICIPATED DATE OF INSPECTION AND TESTING. AT THIS TIME A "PUNCH LIST" WILL BE WRITTEN BY THE LANDSCAPE ARCHITECT FOR THE CONTRACTOR TO RESPOND TO IN ORDER TO BE GRANTED SUBSTANTIAL COMPLETION.
B. SUBMIT RECORD DRAWINGS AND MAINTENANCE MANUALS TO THE OWNER'S REPRESENTATIVE.
C. REVIEW THE WORK JOINTLY WITH THE OWNER AND LANDSCAPE ARCHITECT FOR SUBSTANTIAL COMPLETION.
D. UPON COMPLETION OF REPAIRS AND REPLACEMENTS FOUND NECESSARY AT THE TIME OF REVIEW, THE OWNER AND LANDSCAPE ARCHITECT WILL CONFIRM THE DATE OF SUBSTANTIAL COMPLETION, IF ALL ITEMS ON THE PUNCH LIST HAVE BEEN TAKEN CARE OF. IF NECESSARY ANOTHER PUNCH LIST WILL BE WRITTEN TO ITEMIZE ANY DEFICIENCIES STILL EXISTING.

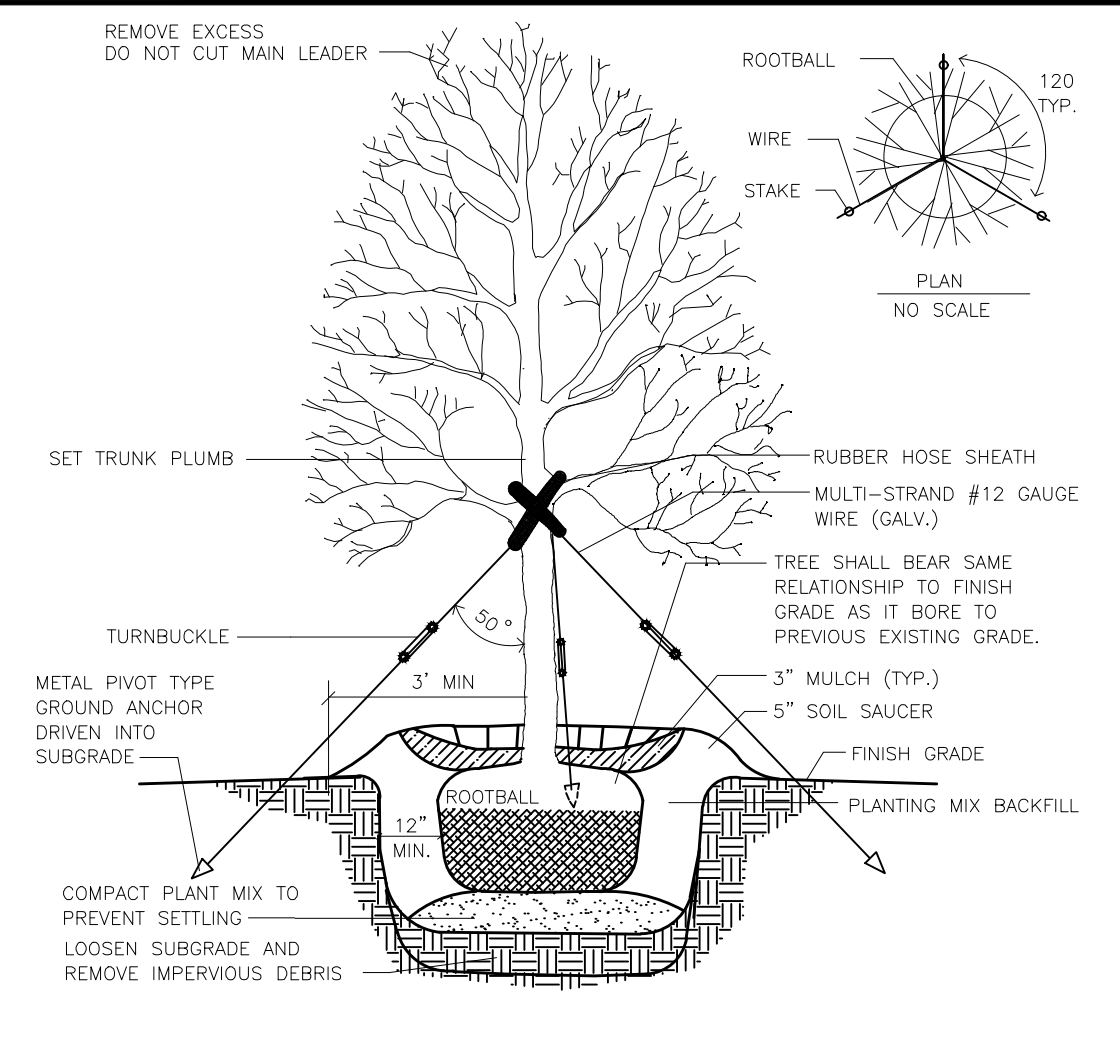
- E. THE DATE OF SUBSTANTIAL COMPLETION WILL CONSTITUTE THE BEGINNING DATE OF THE ONE-YEAR GUARANTEE.
5.2 GUARANTEE
A. GUARANTEE ALL WORK, PRODUCTS, EQUIPMENT AND MATERIALS FOR ONE YEAR, BEGINNING AT THE DATE OF SUBSTANTIAL COMPLETION.
B. MAKE GOOD ANY DAMAGE, LOSS, DESTRUCTION, OR FAILURE. REPAIRS AND REPLACEMENTS SHALL BE DONE PROMPTLY AND AT NO ADDITIONAL COST TO THE OWNER.
C. REPAIR DAMAGE TO GRADE, PLANTS AND OTHER WORK AS NECESSARY.
D. IF THE REPLACEMENT IS NOT ACCEPTABLE DURING OR AT THE END OF THE GUARANTEE PERIOD, THE OWNER MAY ELECT EITHER SUBSEQUENT REPLACEMENT OR CREDIT. REPLACEMENT PRODUCTS SHALL HAVE A SIMILAR ONE-YEAR GUARANTEE FROM THE TIME OF REPLACEMENT.
E. GUARANTEE APPLIES TO ALL LOSSES WITH THE EXCEPTION OF THOSE DUE TO ACTS OF GOD, VANDALISM, OR OWNER NEGLECT, AS DETERMINED BY THE LANDSCAPE ARCHITECT.

- 5.3 FINAL INSPECTION AND ACCEPTANCE
A. AT THE END OF THE GUARANTEE PERIOD AND UPON REQUEST FOR INSPECTION, JOINTLY REVIEW ALL GUARANTEED WORK FOR FINAL ACCEPTANCE.
B. SUBMIT WRITTEN REQUEST FOR INSPECTION FOR FINAL ACCEPTANCE TO THE LANDSCAPE ARCHITECT AT LEAST TWO WEEKS PRIOR TO ANTICIPATED DATE OF INSPECTION; INCLUDE LIST OF WORK SUBSTANTIALLY COMPLETE AND A LIST OF WORK REPLACED DURING GUARANTEE PERIOD.
C. UPON COMPLETION BY THE CONTRACTOR OF ALL REQUIRED REPLACEMENTS, THE OWNER AND THE LANDSCAPE ARCHITECT WILL CONFIRM THE DATE OF FINAL ACCEPTANCE OF THE WORK.

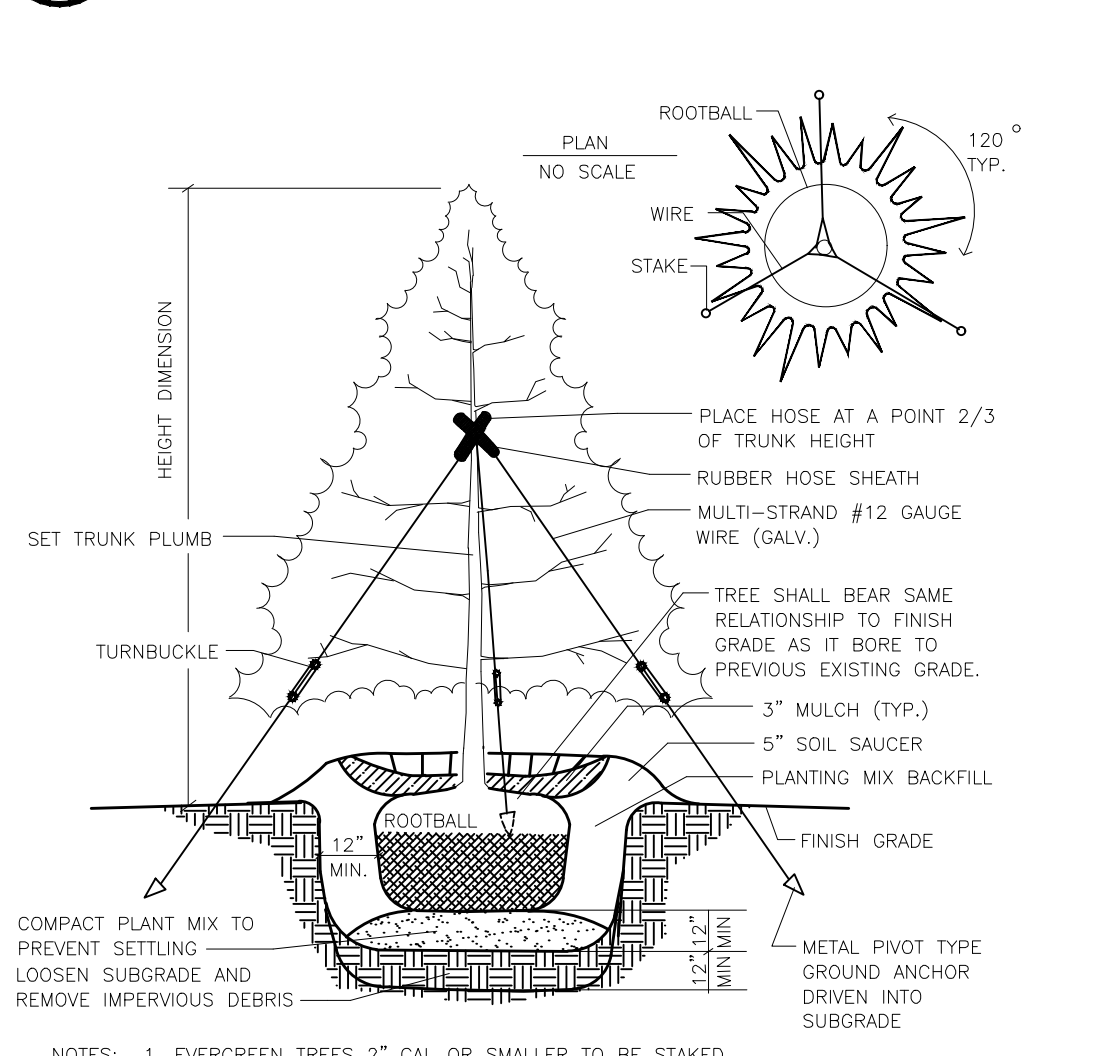
- END OF LANDSCAPE PLANTING SECTION



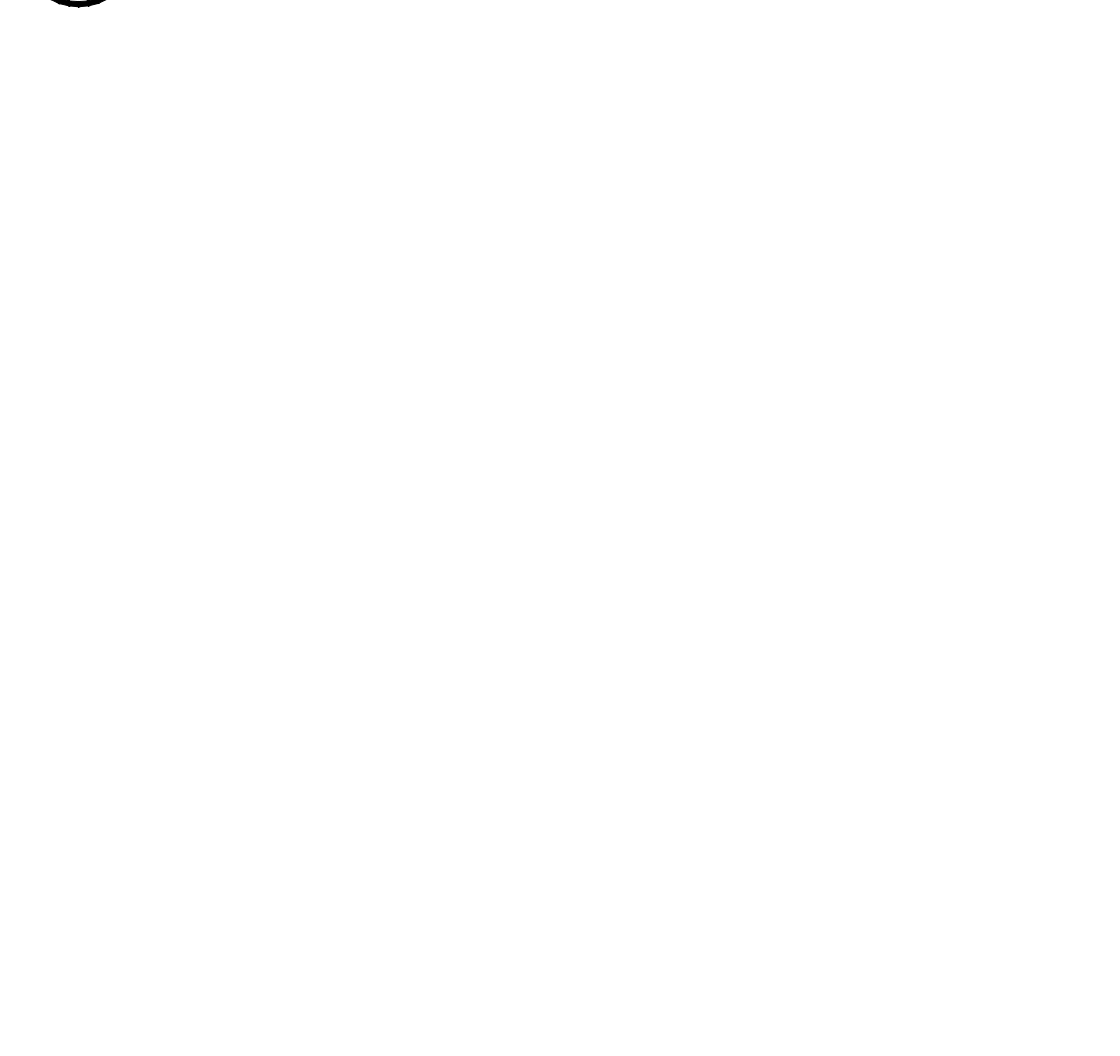
1 MULTI-TRUNK TREE PLANTING AND GUYING SECTION SCALE: NTS



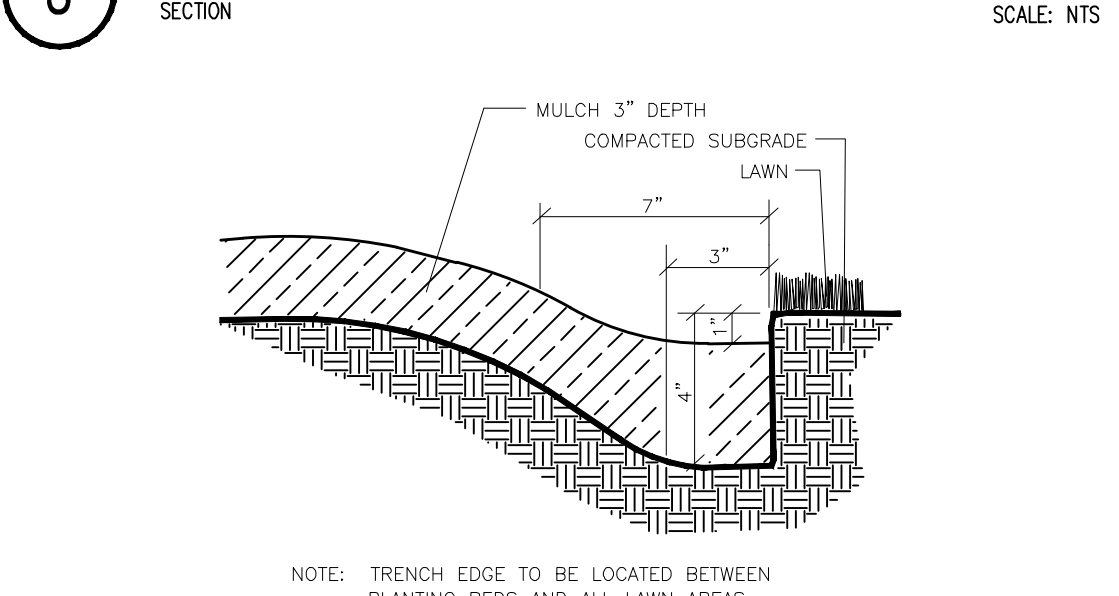
2 SHADE TREE PLANTING AND GUYING SECTION SCALE: NTS



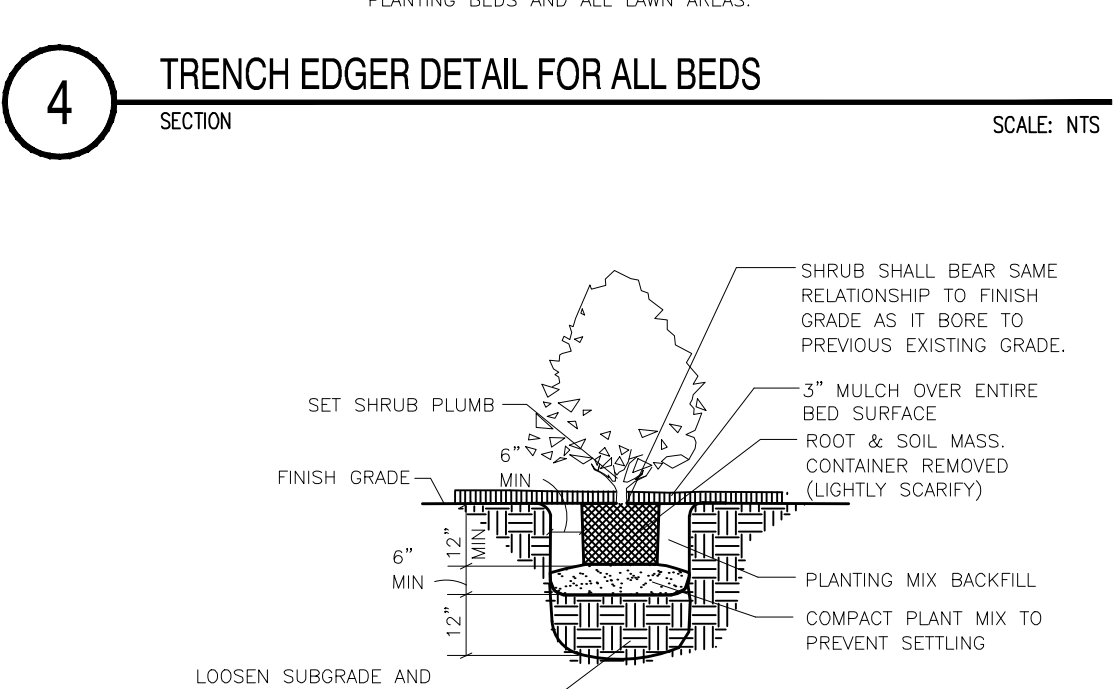
3 EVERGREEN TREE PLANTING AND GUYING SECTION SCALE: NTS



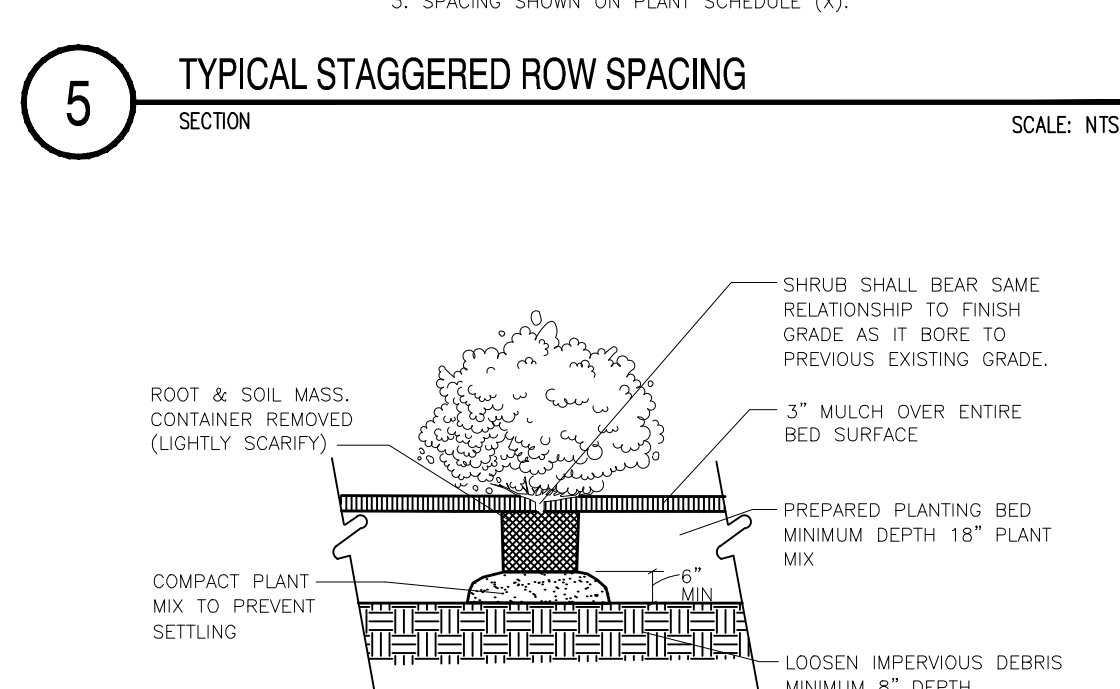
4 TRENCH EDGER DETAIL FOR ALL BEDS SECTION SCALE: NTS



5 TYPICAL STAGGERED ROW SPACING SECTION SCALE: NTS



6 TYPICAL CONTAINER SHRUB PLANTING SECTION SCALE: NTS



7 TYPICAL BEDDING FOR PLANTS SPACED LESS THAN 36\"/>

SEVERE WEATHER CONDITIONS
AS PER THE SPECIFICATIONS LISTED ON THIS SHEET UNDER PART 5 - ACCEPTANCE AND GUARANTEE, THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL MATERIALS AND LABOR UNTIL SUCH TIME AS THE PROJECT HAS BEEN ACCEPTED BY THE OWNER / LANDSCAPE ARCHITECT AND THE 1 YEAR WARRANTY TIME HAS STARTED. IT SHALL BE THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO HAVE PROPER INSURANCE FOR ANY LOSSES THAT MAY OCCUR TO THE PROJECT AND HIS INSTALLED OR STORED PLANT MATERIAL DUE TO A HURRICANE OR SEVERE WEATHER CONDITIONS (OR OTHER ACTS OF GOD OR VANDALISM) THAT MAY OCCUR DURING THE CONSTRUCTION OF THE PROJECT. THE OWNER OF THE PROJECT WILL NOT BE RESPONSIBLE FOR ADDITIONAL FEES INCURRED DUE TO LOSSES, DAMAGES, OR LABOR TO REPAIR SITE TO THE PROPOSED PLANS IF THIS CIRCUMSTANCE OCCURS PRIOR TO THE START OF THE 1 YEAR GUARANTEE PERIOD.

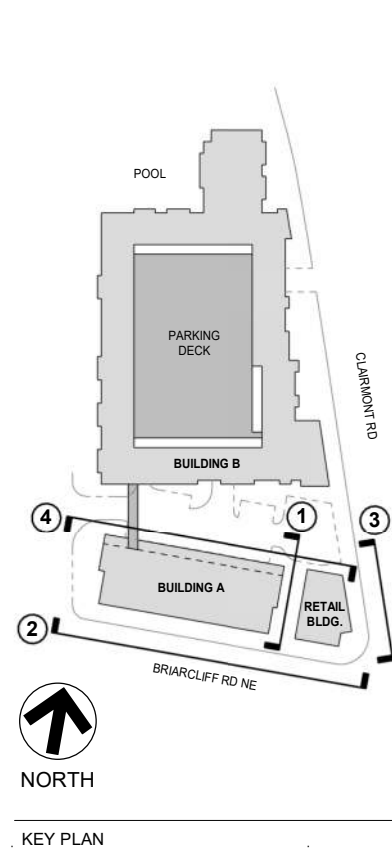
Kimley Horn STEIN INVESTMENT GROUP BRIARCLIFF WEST 3080 BRIARCLIFF ROAD ATLANTA, GA 30329 DEKALB COUNTY PROJECT PRELIMINARY NOT FOR CONSTRUCTION 7/1/20 GSWCC NO. (LEVEL II) 22363 DRAWN BY KCW DESIGNED BY KCW REVIEWED BY TML DATE 7/1/2020 PROJECT NO. 017481003 TITLE LANDSCAPE NOTES & DETAILS SHEET NUMBER L2-01



ELEVATION 1 - BUILDING A



ELEVATION 2 - BUILDING A (BRIARCLIFF RD)



ELEVATION 3 - RETAIL BUILDING



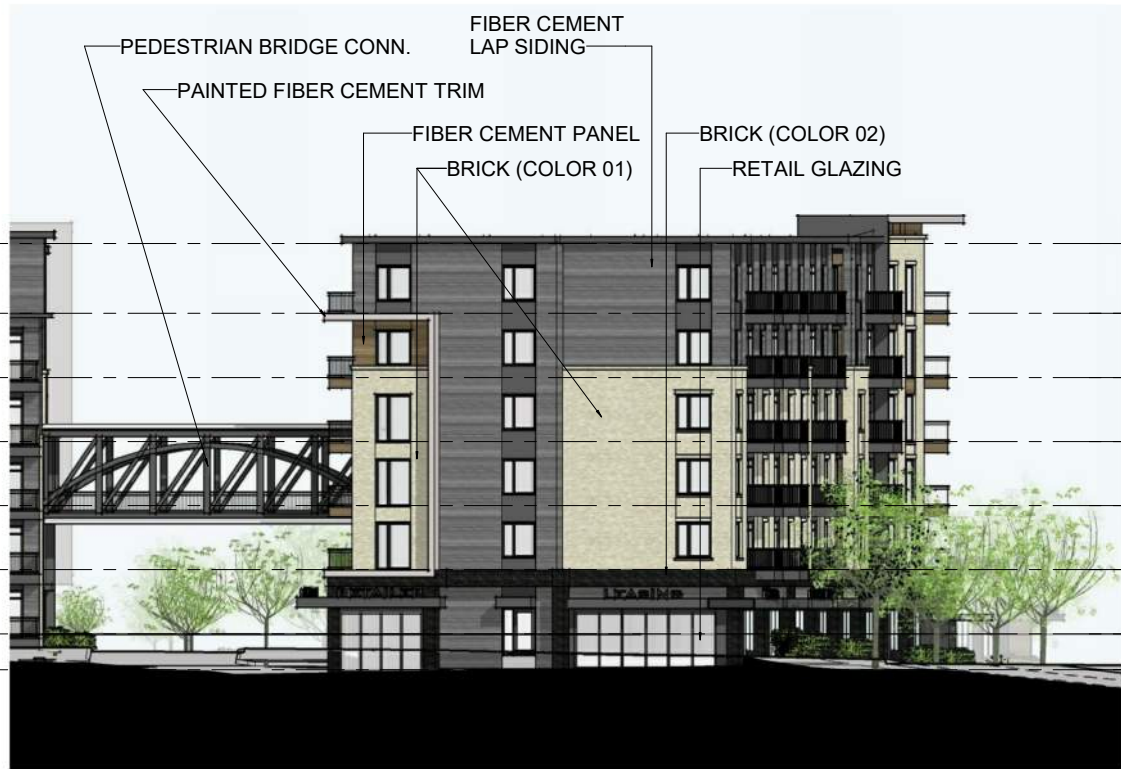
ELEVATION 4 - BUILDING A

ELEVATIONS

BRIARCLIFF & CLAIMONT SITE

06/29/20
LAS # 11265-00

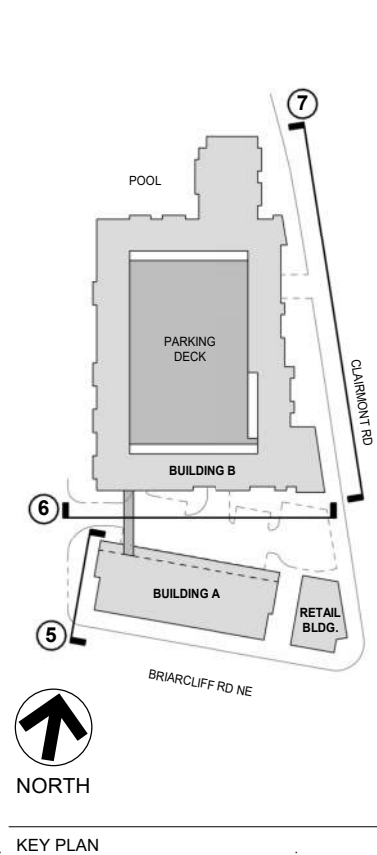
10' 11' 16' 11' 132FT



ELEVATION 5 - BUILDING A



ELEVATION 6 - BUILDING B



KEY PLAN



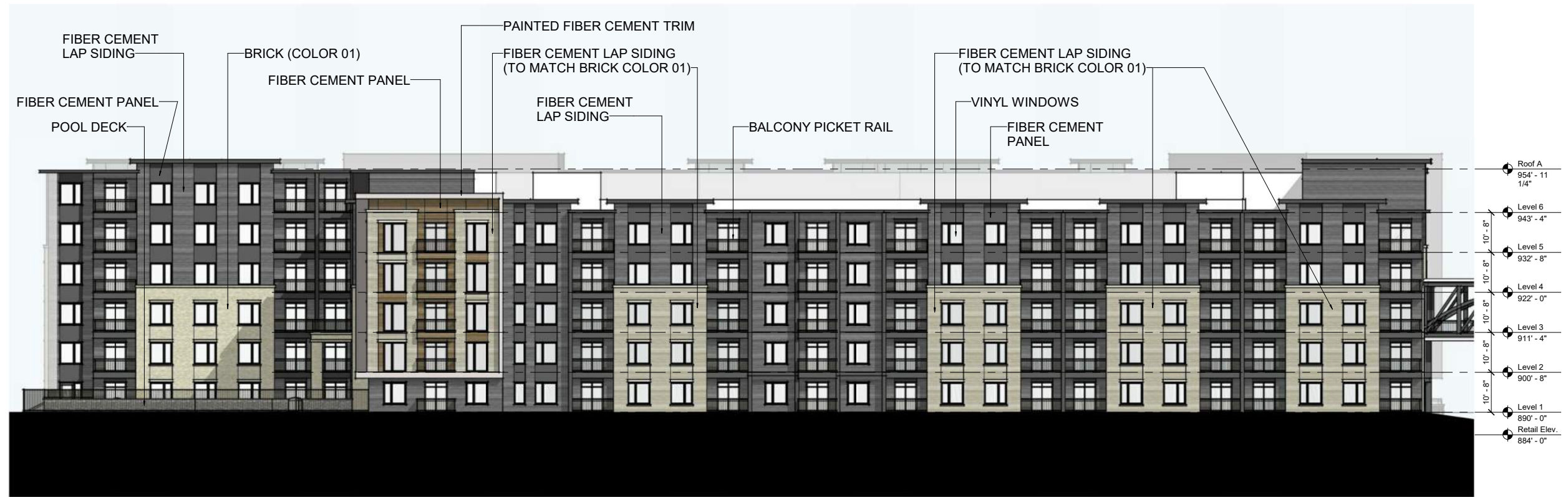
ELEVATION 7 - BUILDING B (CLAIRMONT RD)

ELEVATIONS

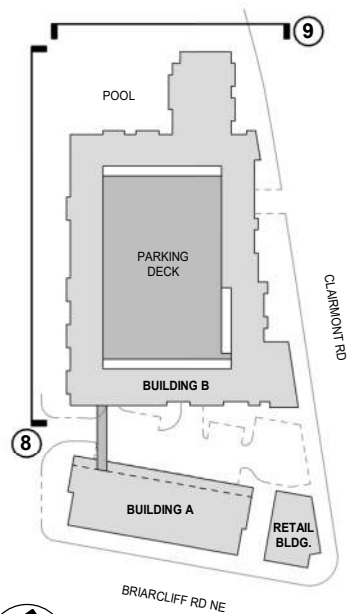
BRIARCLIFF & CLAIRMONT SITE

06/29/20
LAS # 11265-00

10' 16' 32' FT



ELEVATION 8 - BUILDING B



NORTH

KEY PLAN



ELEVATION 9 - BUILDING B

ELEVATIONS

BRIARCLIFF & CLAIRMONT SITE

06/29/20
LAS # 11265-00



STATEMENT OF INTENT

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Rezoning Application

of

Stein Investment Co, LLC

for

± 3.845 Acres of Land
located in
Land Lot 196, 18th District, DeKalb County

From C-1/C-2 to HR-3

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
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I. INTRODUCTION

This Application seeks the rezoning of an assemblage of ± 3.845 acres of land located in Land Lot 196, 18th District of DeKalb County (“Subject Property”), from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential--3). The Subject Property consists of nine tax parcels and is positioned in the Southwest quadrant of the intersection of Interstate 85 and Clairmont Road. This node is characterized by high traffic volumes; I-85 experiences approximately 250,000 vehicle trips per weekday and Clairmont Road 43,000 vehicle trips per weekday.

The northern portion of the intersection contains intense, regional commercial, office and employment uses and correspondingly intense land use designations. For example, the northeast quadrant lies in the City of Chamblee. It includes Century Center and is zoned MU-BC (Mixed-Use-Business Center). The MU-BC district is designed to “facilitate a high-rise urban form of development with a mix of uses.” (City of Chamblee Unified Development Ordinance, Section 210-12). Accordingly, it authorizes, among other things, multi-family, office, restaurant/retail and hotel uses with no restrictions on height or density. (Chamblee UDO at Section 210-12).

Similarly, the northwest quadrant of the node lies in the City of Brookhaven. It is zoned OI (Office-Institutional), a district intended to accommodate “institutional and office uses, as well as supporting retail and service uses.” (City of Brookhaven Zoning Ordinance, Section 27-261(d)). The OI district has a base height restriction of five stories or 70 feet, but allows greater heights with a Special Use Permit. (Brookhaven Zoning Code at Section 27-294).¹

The southern portion of the node lies in unincorporated DeKalb County. Although

¹ In addition to the more intense uses and entitlements on the north side of the node, the Applicant also notes that the \$1.5 B Children’s Healthcare of Atlanta campus and the \$1 B Emory Executive Park healthy innovation district development are in proximity at the intersection of I-85 and North Druid Hills Road. In addition to allowing for a variety of uses, these developments are projected to create 7,500 new jobs.

exposed to the same intensity as the properties to the north, the DeKalb parcels do not have the zoning and land use designations necessary for the “urban form of development” that the area justifies. Instead, the properties are zoned C-1 and C-2, which restrict building heights to two stories or 35 feet, or MR-2 (Medium Density Residential), which restricts building heights to three stories or 45 feet. Equally limiting, the properties are designated as “Neighborhood Center” on DeKalb County’s Comprehensive Plan, a classification that confines residential development to 24 units per acre or less. As a result, the parcels in the southern portion of the node have stagnated and are characterized by older, stand-alone, single-story commercial uses, strip centers with large parking fields, and garden-style apartments.

The Subject Property is no exception. At a gateway into unincorporated DeKalb County, the Subject Property is zoned C-1 and C-2 and contains five older, single-story buildings surrounded by asphalt. Two buildings are vacant. Of the remaining three, each houses an auto-related business, including auto repair, oil change, and auto salvage/outdoor auto storage. The Subject Property also has 15 full-access curb cuts, nine on Clairmont Road and six on Briarcliff Road.

The Applicant hopes to transform the Subject Property into vibrant, pedestrian-oriented, mixed-use development that is consistent with its location and the northern quadrants in this node. The development will include \pm 10,000 square feet of restaurant/retail space and 264 multi-family units located in three buildings.² Building “C” is at the corner of Clairmont and Briarcliff Roads and will contain a two-story restaurant structure with a rooftop patio. Adjacent and to the west, Building “B” is envisioned as a six-story residential building with ground floor retail. To the north, Building “A” will consist of five/six-story residential building that wraps a

² The residential density proposed is 69 units per acre. The Applicant will be relying upon a density bonus to achieve this density.

parking deck and provides walk-out units on Clairmont Road. Buildings “C” and “B” will be separated from Building “A” by an inviting pedestrian plaza and vehicular drop off area.

In contrast to the existing condition, the Subject Property will have only one direct access point onto the right-of way, a right-in/right-out on Clairmont Road. Further, the Clairmont and Briarcliff frontages will include significant streetscape, providing for a four foot bike lane, an eight foot sidewalk (compared to Dekalb’s six foot sidewalk requirement) and landscape strips, among other things. The development will provide 50% more open space than code requires and an outdoor amenity for residents. Finally, the development has been planned to allow for future right-of-way improvements on Clairmont Road. The Georgia Department of Transportation (“GDOT”) has plans (GDOT PI 0015956) to improve Clairmont Road along the entire frontage of the Subject Property extending south toward Audubon Drive by, among other things, constructing a raised median and creating an additional southbound thru-lane. This development has been specifically designed to accommodate and further enhance³ GDOT’s proposed improvements.

This document is submitted as a 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 as well as a site plan and conceptual renderings have been filed contemporaneously with the Application, along with other required materials.

³ For example, the GDOT project contemplates a five foot sidewalk while the Applicant is proposing an eight foot sidewalk.

II. IMPACT ANALYSIS

A.

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

Concurrent with this request, the Applicant has filed an application to modify the Land Use Map designation for the Subject Property from the "Neighborhood Center (NC)" character area to "Regional Center (RC)" character area. As alluded to above, the node in which the Subject Property is located is already functioning as a regional center, from both a traffic standpoint and, on the north side, from a use and entitlement standpoint. Changing the designation on the Subject Property recognizes this fact and promotes a number of policies and goals of the County's Comprehensive Plan, including:

- Creating compact mixed-use districts and reducing automobile dependency and travel to obtain basic services.
- Creating pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.
- Improving street character with consistent signage, lighting, landscaping and other design features.
- Including a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.
- Providing setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.
- Adding traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.
- Identifying and encouraging new and innovative approaches to quality residential

development which expand housing opportunities and minimize public and private costs.

- Enhancing existing and developing new gateways throughout the County.

B.

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

The Subject Property is in the southwest quadrant of a major node that, to the north, includes high-intensity office, commercial and residential uses and entitlements that will allow for more. On the south side and in immediate proximity to the Subject Property, the uses adjacent and nearby are comparable in both nature (i.e., multi-family at the Camden St. Clair (West) and commercial/restaurant at Williamsburg Village (East)) and height (i.e., Briarcliff Oaks Apartments (West) and Kingsbridge Retirement Community (Southwest)). Finally, the Subject Property also abuts property currently zoned HR-2 (High Density Residential—2) (Camden St. Clair (West)), a complimentary zoning district.

C.

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

The Subject Property's has limited economic use as currently zoned. The best evidence of this fact are the existing uses on-site. Despite its prime location at the intersection of a major interstate and a major arterial road and despite its proximity to major employment centers like Century Center, the Subject Property is only partially occupied and is used exclusively for auto repair, oil change and auto storage/salvage.

D.

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

See B above.

E.

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

Both the Subject Property's zoning and Land Use designation have lagged change and growth in the immediate area. The Applicant seeks to rectify that fact, proposing a development that will be an asset for the nearby community and, potentially, a catalyst for additional high-quality redevelopment for other parcels in area.

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.

The development, if approved, will not adversely affect existing transportation facilities. The Applicant will be providing a Traffic Impact Study that directly responds to this issue and highlights two additional points relevant to traffic. First, through this development, the Applicant will be removing 15 full-access curb cuts and replacing them with only one direct

access point onto the right-of-way, a right-in and right-out on Clairmont Road. This change will improve traffic flow by controlling access to the right-of-way. Second, the Subject Property is zoned commercial now, meaning that the site is already entitled for a number of uses that could generate significantly more traffic than proposed (e.g., A health/fitness club and automated car wash are allowed on the site today as of right and would generate 31% more daily trips; a pharmacy without a drive-thru, a high-turnover sit-down restaurant and an automated car wash are allowed on the site today as of right and would generate 54% more daily trips).

Water and sewer exist at the Subject Property. Further, the Applicant is in the process of securing a sewer capacity letter from the County.

Finally, and as to schools, the Subject Property is served by Sagamore Hills Elementary School, Henderson Middle School and Lakeside High School. The Applicant notes that the majority of the multi-family units are studio and one-bedroom and, hence, not designed for families. Therefore, while the Subject Property may generate some additional school-aged children, the Applicant anticipates that the numbers will be low and should have, at best, a negligible impact on the County school system.

H.

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

The Applicant will comply with all federal, state, and county regulations relating to environmental protection to ensure that the proposed development will not adversely affect the environment.

III. NOTICE OF CONSTITUTIONAL CHALLENGE AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the existing zoning on the Subject Property is unconstitutional and 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 and factors" 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.

The Applicant raises the defenses of lack of standing and failure to exhaust administrative remedies.

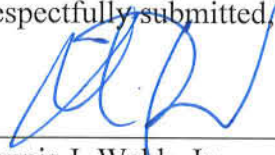
IV. CONCLUSION

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.

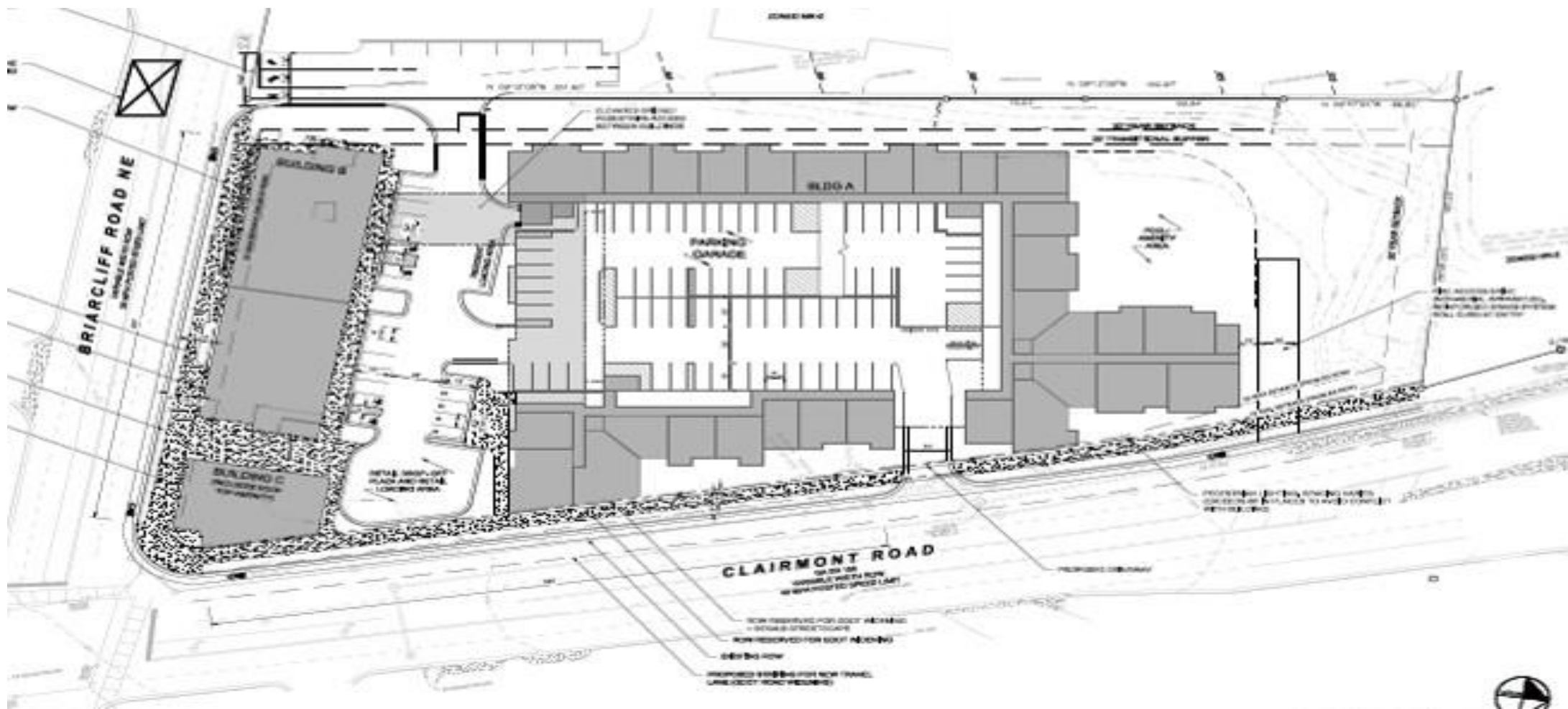
This 2nd day of July, 2020.

Respectfully submitted,



Dennis J. Webb, Jr.
Attorney for Applicant

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Promenade, Suite 3100
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404-815-3500

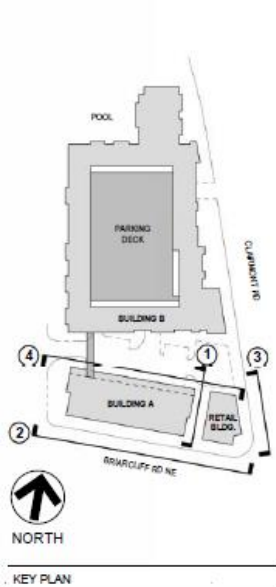




Roof A	954' - 11 1/4"
Level 6	943' - 4"
Level 5	932' - 8"
Level 4	922' - 0"
Level 3	911' - 4"
Level 2	900' - 8"
Level 1	890' - 0"
Retail Elev.	884' - 0"

ELEVATION 1 - BUILDING A

ELEVATION 2 - BUILDING A (BRIARCLIFF RD)



Roof A	954' - 11 1/4"
Level 6	943' - 4"
Level 5	932' - 8"
Level 4	922' - 0"
Level 3	911' - 4"
Level 2	900' - 8"
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Retail Elev.	884' - 0"

ELEVATION 3 - RETAIL BUILDING

ELEVATION 4 - BUILDING A



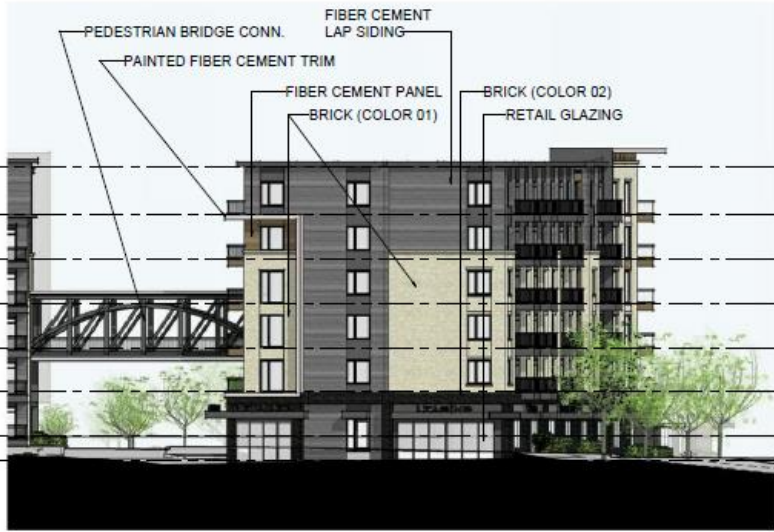
ELEVATION 5 - BUILDING A



ELEVATION 6 - BUILDING B



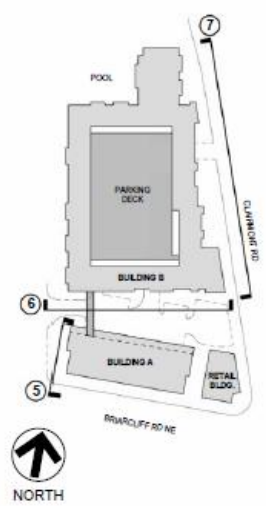
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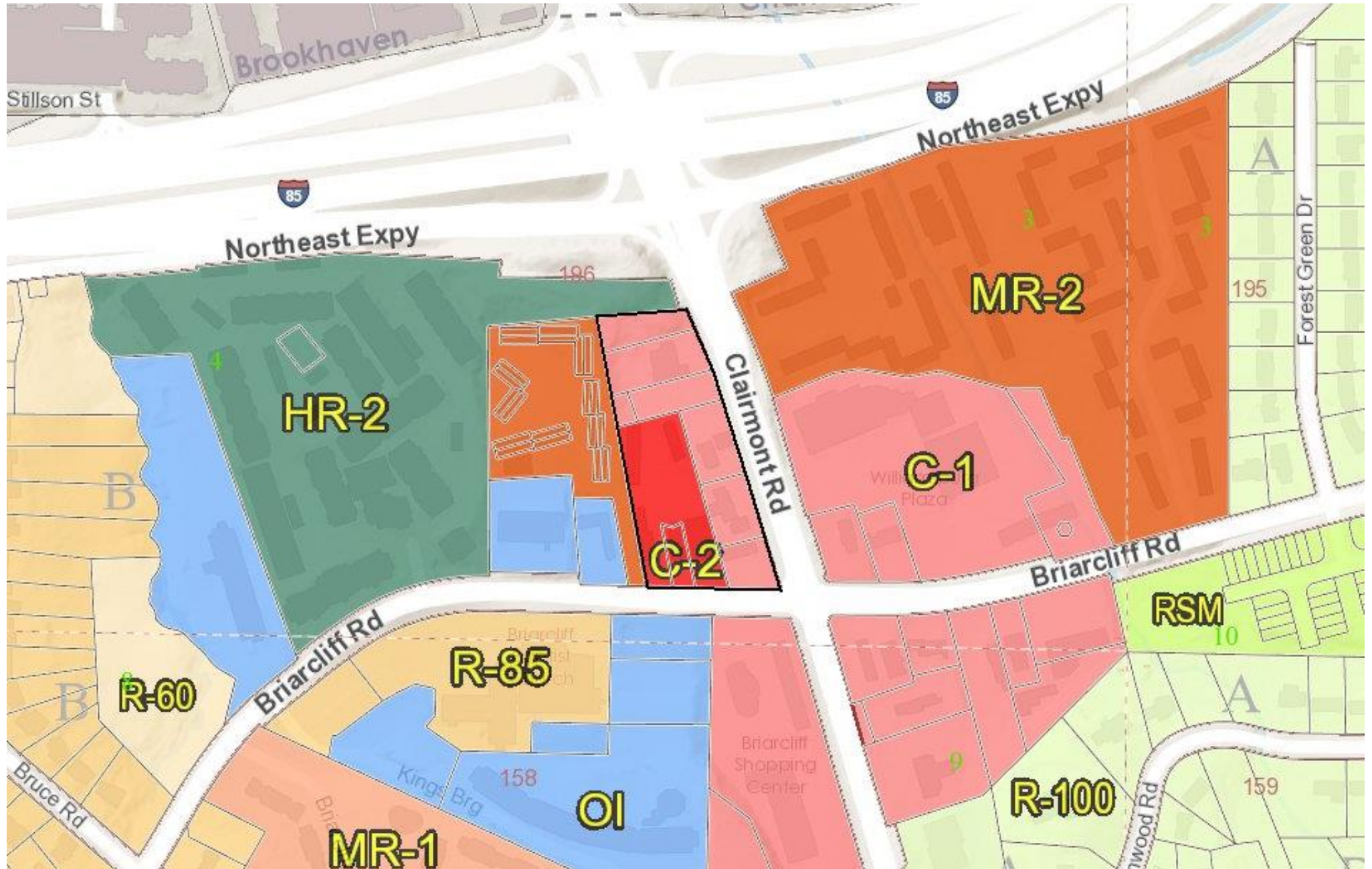
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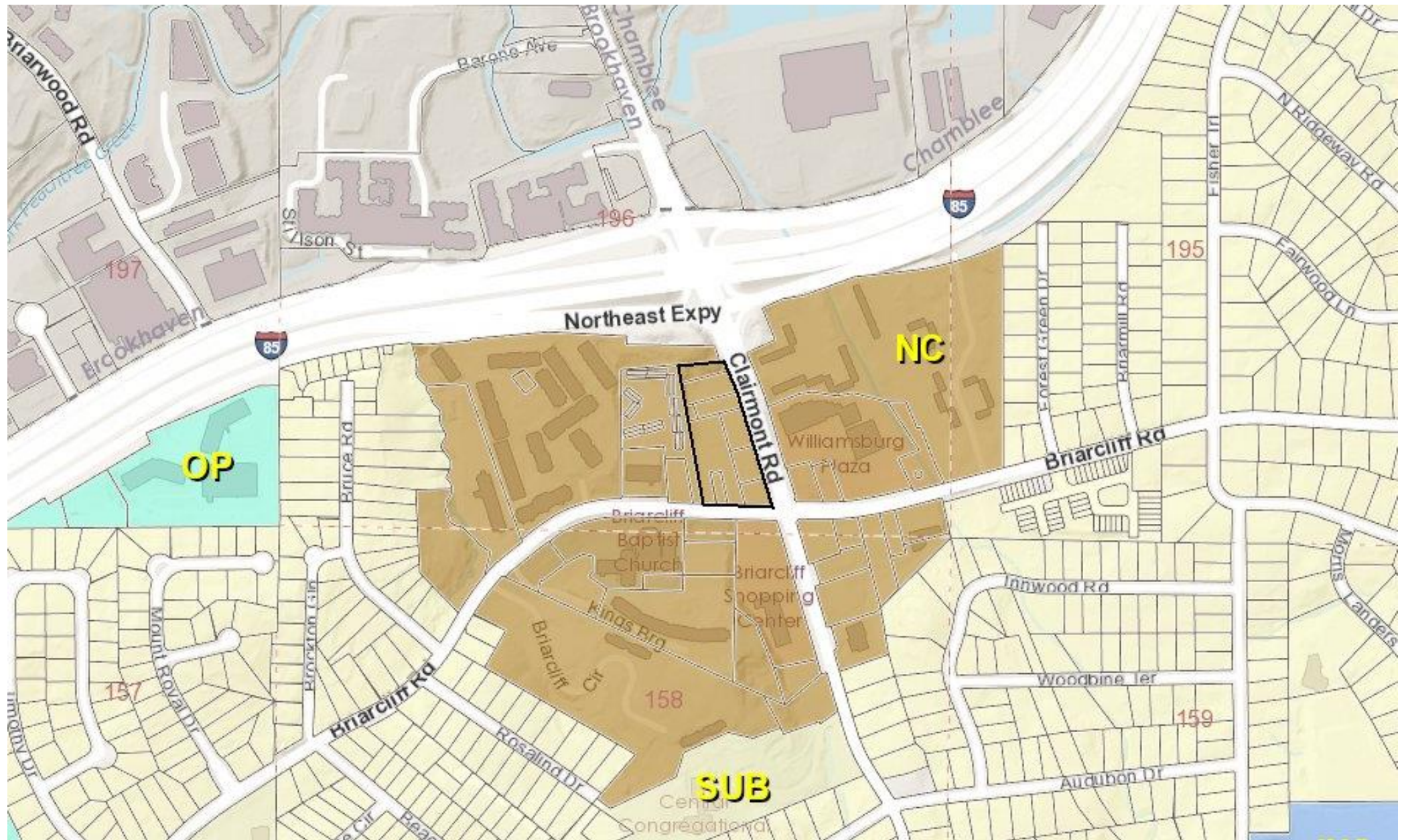


ELEVATION 6 - BUILDING B



ELEVATION 7 - BUILDING C







Proposed Future Land Use Map



