



**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: September 9, 2021  
Board of Commissioners Hearing Date: September 30, 2021**

**STAFF ANALYSIS**

**Case No.:** CZ-21-1245061 **Agenda #:** N10

**Location/Address:** 3458 Mountain Drive **Commission District:** 4 **Super District:** 6

**Parcel ID(s):** 15-251-01-028

**Request:** A Major Modification of the conditional site plan and other conditions of MU-5 (Mixed Use Very High Density) zoning approved pursuant to CZ-18-22125, to change the mixture of multifamily, office, and retail land uses, and to revise the single-family detached and townhome exterior designs.

**Property Owner(s):** Avondale Park, LLC

**Applicant/Agent:** Avondale Park, LLC c/o Battle Law P.C.

**Acreage:** 9.30 acres

**Existing Land Use:** Undeveloped, cleared for construction

**Surrounding Properties:** To the northwest, north, and northeast: the Oak Creek Apartment Homes; to the east: the DeKalb County Tax Commissioner’s Office; to the southeast: DeKalb County Juvenile Court; to the south and southwest: the Park Plaza office park; to the west: the Farrar Court single-family subdivision.

**Adjacent Zoning:** **North:** MR-2 **South:** O-I **East:** C-1 **West:** R-75 **Northeast:** MR-2 **Northwest:** MR-2  
**Southeast:** O-I **Southwest:** O-I

**Comprehensive Plan:** RC (Regional Center)  **Consistent**  **Inconsistent**

<b>Proposed Density:</b> 22 units/acre	<b>Existing Density:</b> N.A. (undeveloped)
<b>Proposed Units/Square Ft.:</b> 209 units/42,981 s.f. office and retail floor area	<b>Existing Units/Square Feet:</b> N.A. (undeveloped)
<b>Proposed Lot Coverage:</b> varies by land use type; highest: 74.3 % for mixed commercial/residential bldg. <b>Proposed Open Space:</b> 21.6%	<b>Existing Lot Coverage:</b> None (undeveloped)

**ZONING HISTORY**

The subject property was rezoned from R-75 to C-1 in 1985. The 2015 proposal rezoned the property from C-1 (Local Commercial) to PC-3 (Pedestrian Community). PC-3 was converted to MU-5 when the zoning map was updated in September 2015.

In 2015, the Board of Commissioners (BOC) approved a redevelopment proposal for the site, pursuant to CZ-15-19943, which consisted of 11 single-family lots, 35 townhome units, 60 multifamily residential units, 149,100 square feet of office space, and 35,700 square feet of retail space. The BOC approved conditions regarding the site plan, a buffer on the west side of the property, the landscape plan, light fixtures, runoff and sedimentation, stormwater management, open space, floor area of residential units, building form, and allowed uses.

In 2018, the Board of Commissioners approved a major modification to the project (CZ-18-22125) which reduced the number of single-family detached homes, increased the number of single-family attached units, and removed multi-family units from the project. Also, the retail component of the project was significantly reduced. Additionally, modifications to building materials, landscaping, and building heights were granted.

### **PROJECT ANALYSIS**

The applicant is seeking a major modification of project (CZ-18-22125) conditions #1, #10, and #12

“to allow for the development of a single 5-story, mixed-use building with 140 apartment units and 42,981sq. of office/retail space, in lieu of the two 8-story office buildings and one 2-story retail building shown on the 2018 approved site plan. The proposed mixed-use building consists of underground parking, office and retail space on the ground floor, and 4 floors of apartment units above. Each floor containing residential units is proposed to have a conference room, along with office services, private office space, phone lines, answering services, and more.”

### **STAFF RECOMMENDATION: DEFERRAL.**

The applicant and staff have been in regular communication regarding this request. Unfortunately, there are a number of crucial details that are unclear or deficient that need to be addressed before this request can be fully evaluated:

1. Provision of detailed calculations of total residential and non-residential square footages, including those of live-work units, to verify compliance with mixed land use ratios;
2. Update data table to reflect “urban, single-family detached” instead of traditional, “single-family detached” units along with the proper proposed development standards;
3. Update the proposed parking for live-work units and ground floor commercial space;
4. Update/revise open space calculations; and
5. Arrive at an agreement regarding provision of an extended sidewalk to improve pedestrian access between the site and the Kensington MARTA station.

Therefore, the Department of Planning and Sustainability recommends “Deferral” of the major modification request.



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](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-21-1245061

Parcel I.D. #: 15 251 01 020, 15 186 04 027, & 15 186 04 028

Address: 3458, 3468, and 3478 Mountain Drive

Decatur, Georgia

WATER:

Size of existing water main: 6" CI and 16" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Indian Creek Basin

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: Approximately 318 feet West of property

Water Treatment Facility: Snapfinger WTF ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD)

Current Flow: 21.77 (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.

Will need permission from Director to tap less than 8" or greater than 12" water line. Will need sewer capacity approval. Suspect capacity limited location. - D Taylor

Signature: Carlos Taylor

## Zoning

N1. No Comment

N2. Panola Road is classified as a Major Arterial. Infrastructure requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Young Road is classified as a collector road. Infrastructure requirements: 35 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike path (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. The access point on Young Road must be right in/right out only and be located father from the intersection of Young Road at Panola Road. See Land Development Code Section 14-200 (6) for required minimum spacing to get proper offset from the Family Dollar access point. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting.

N3. No file forwarded for review.

N4. North Druid Hills is classified as a Major Arterial. Driveway is to be right in/right out only. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Raise the curb along North Druid Hills to current standards. Infrastructure requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights.

N5. No Comment

N6. No file forwarded for review.

N7. Memorial Drive is a state route. Review and approval of GDOT District 7 is required prior to a land disturbance permit ([rmathis@dot.ga.gov](mailto:rmathis@dot.ga.gov)) Memorial Drive is classified as a Major Arterial. Infrastructure Requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. East Anderson Road is classified as a local road. The Land Development Code requires improvements on all property frontages. Infrastructure Requirements: 27.5 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 5 foot sidewalk, 6 foot landscape strip and street lights. A variance from the Zoning Board of Appeals for the Zoning Code requirements is necessary to eliminate the infrastructure improvements. However, the Transportation Division requires that the right of way dedication of 27.5 feet from centerline be donated- even if ZBA variances for sidewalks, streetlights, etc. are granted. The Land Development Code Section 14-200 (5) requires 3 access points for 170 units. If you propose over 150 units, you will need a variance from the BOC for the Land Development Code prior to approval of the land development permit. You will also need a variance from the BOC if you do not dedicate the right of way on East Anderson Road.

N8. No file forwarded for review.

N9. Columbia Drive is classified as a minor arterial. . Infrastructure Requirements: 40 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Interior roads to be private. Only one access point (30 units). Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting.

N10. No Comment

N11. No Comment

N12. No Comment.



Board of Health

08/20/2021

To: Planning & Sustainability Department  
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, tourist accommodation or swimming pool prior to starting construction.

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

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

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



**DeKalb County School District  
Development Review Comments**

**Analysis Date:** 8/20/2021

**Submitted to:** DeKalb County

**Case #:** CZ-21-1245061

**Parcel #:** 15-251-01-020/-027/-028

**Name of Development:** Avondale Park  
**Location:** 3458 Mountain Drive

**Description:** Mixed-use development with 51 single-family attached, 18 single-family detached, and 140 apartments.

**Impact of Development:** When fully constructed, this development would be expected to generate 46 students: 2 at Avondale Elementary School, 3 at Druid Hills Middle School, 6 at Druid Hills High School, 25 at other DCSD schools, and 10 at private school. Druid Hills High School is expected to be at or above capacity. However, the impact from this development is expected to be minimal.

<b>Current Condition of Schools</b>	<b>Avondale Elementary School</b>	<b>Druid Hills Middle School</b>	<b>Druid Hills High School</b>	<b>Other DCSD Schools</b>	<b>Private Schools</b>	<b>Total</b>
Capacity	495	1,175	1,392			
Portables	0	0	0			
Enrollment (Fcast. Oct. 2021)	412	974	1,405			
Seats Available	83	201	-13			
Utilization (%)	83.2%	82.9%	100.9%			

<b>New students from development</b>	2	3	6	25	10	46
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New Enrollment	414	977	1,411
New Seats Available	81	198	-19
New Utilization	83.6%	83.1%	101.4%

<b>Yield Rates</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	0.0114	0.0785	0.0303	0.0401
Middle	0.0133	0.0321	0.0152	0.0202
High	0.0310	0.0116	0.0053	0.0159
<b>Total</b>	<b>0.0186</b>	<b>0.0407</b>	<b>0.0169</b>	<b>0.0254</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	209			
<b>Unit Type</b>	Mixed			
<b>Cluster</b>	Druid Hills High School			
<b>Units x Yield</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	2.39	16.40	6.34	25.13
Middle	2.78	6.71	3.17	12.66
High	6.47	2.41	1.11	9.99
<b>Total</b>	<b>11.64</b>	<b>25.52</b>	<b>10.62</b>	<b>47.78</b>
<b>Anticipated Students</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Avondale Elementary School	2	16	6	24
Druid Hills Middle School	3	7	3	13
Druid Hills High School	6	2	1	9
<b>Total</b>	<b>11</b>	<b>25</b>	<b>10</b>	<b>46</b>



N10



DEKALB COUNTY GOVERNMENT  
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**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No: CZ-21-1245061 Parcel I.D. #: 15-251-01-020, 077, 078

Address: 3458, 3468, 3478  
Lawrence Dr.  
Decatur, GA

Adjacent Roadway (s):

\_\_\_\_\_  
\_\_\_\_\_  
(classification) (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>th</sup> 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:

Reviewed and found nothing that would  
disrupt traffic flow

Signature: [Signature]

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**MAJOR MODIFICATION APPLICATION**

Existing Conditional Zoning No.: MU-5

**APPLICANT NAME:** Avondale Park LLC c/o Battle Law P.C.

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750, Decatur, GA 30030

**OWNER NAME:** Avondale Park LLC (If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-957-3207 Fax #: \_\_\_\_\_ E-mail: carlos@proterra.us

Mailing Address: 133 Johnson Ferry Road, Suite 500, Marietta, GA 30068

**SUBJECT PROPERTY ADDRESS OR LOCATION:** 3458, 3468, 3478 Mountain Drive, Decatur, GA 30032

\_\_\_\_\_, DeKalb County, GA, \_\_\_\_\_

District(s): 15 Land Lot(s): 251 Block(s): 01 Parcel(s): 028, 020, 027

Acreage or Square Feet: 9.304 acres Commission District(s): 4 & 6 Existing Zoning: MU-5

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

Yes \_\_\_\_\_ No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner:  Agent: \_\_\_\_\_  
(Check One)

**AVONDALE PARK, LLC**

Signature of Applicant: By: 

Printed Name of Applicant: Felipe Castellanos Major Modification Application



July 8, 2021

Brandon White  
DeKalb County Planning & Sustainability  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

**RE: Avondale Park Major Modification Application, Decatur, GA, 30032**

Dear Brandon,

We hereby submit this amended Major Modification Application in reference to the above-mentioned application, located on Mountain Drive, Decatur, GA. With this amended application, we added a request to alter the elevations for single family-detached and -attached homes that were previously approved with the application CZ-18-22125. Please find the updated Statement of Intent and elevations, attached. Thank you.

Best,

*Dani Blumenthal*

Danielle Blumenthal  
Urban Planner  
Email: [dlb@battlelawpc.com](mailto:dlb@battlelawpc.com)

June 4, 2021

**RE:** A Proposed Major Modification at 3458, 3468 , 3478 Mountain Drive, Decatur, Georgia 30032

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Wednesday, June 23, 2021 from 6:00pm – 7:00pm to discuss a proposed Major Modification for properties located at 3458, 3468, 3478 Mountain Drive, Decatur, Georgia 30032. Our client, Avondale Park, LLC. is seeking to change conditions for the property to allow for the development of a 5-story live work building in lieu of the 3 previously approved 8-story office and retail buildings.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our Junior Zoning Paralegal, Brittney Butler, at (404) 601-7616 ext. 7 or email her at [btb@battlelawpc.com](mailto:btb@battlelawpc.com) and she will send you a summary of the meeting.

**You are invited to a Zoom meeting.**

**When: Jun 23, 2021 06:00 PM Eastern Time (US and Canada)**

**Register in advance for this meeting: <https://otago.zoom.us/join>**

**After registering, you will receive a confirmation email containing information about joining the meeting.**

**Meeting ID: 848 2793 1213**

**Passcode: 626671**

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

*Danielle Blumenthal*

Dani Blumenthal



## **Zoom Step by Step Instructions**

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” (the meeting ID will be a 9 digit or 10 digit number)

### **If joining from a mobile Device**

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

### **If joining from a computer**

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

### **Join Audio via Computer**

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio

### **Join Audio via Telephone**

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

### **Raising Your Hand**

As the non-speaker if you wish to ask a question or make a point during the meeting it’s good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

### **Leave Meeting**

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”

First Name	Last Name	Email	Registration Time	Approval Status
Morgan	Rowe	morganroweband@gmail.com	6/23/2021 9:14	approved
		bdc@battlelawpc.com	6/23/2021 17:51	approved
Jessica		jessicagreen2k4@yahoo.com	6/23/2021 18:28	approved
Constance	White	conniewhite652@gmail.com	6/21/2021 10:34	approved
Angela	Cameron	cameron.angie@gmail.com	6/16/2021 19:08	approved
Galaxy	S10e	glendalemjones@yahoo.com	6/23/2021 18:02	approved
Brittney	Butler	btb@battlelawpc.com	6/23/2021 18:14	approved
Emily	Halevy	evh271@gmail.com	6/23/2021 17:59	approved
P.	Zamboni	pzandgz@gmail.com	6/23/2021 13:25	approved
Roshonda	Dennis	2rodennis@gmail.com	6/17/2021 11:27	approved
William	Shahan	ashahan@emory.edu	6/21/2021 15:42	approved
		jtm@battlelawpc.com	6/23/2021 15:41	approved
Akosua	Nyannor	Akosuan@hotmail.com	6/23/2021 18:00	approved
M	Figuroa	miguel.figuroa@yahoo.com	6/23/2021 18:04	approved
Brian	Hammer	tbbhammer@gmail.com	6/11/2021 7:28	approved

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**AUTHORIZATION**

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

Date: 6/17/21

TO WHOM IT MAY CONCERN:

(I), (WE), Avondale Park, LLC  
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to  
Avondale Park, LLC c/o Battle Law, P.C.

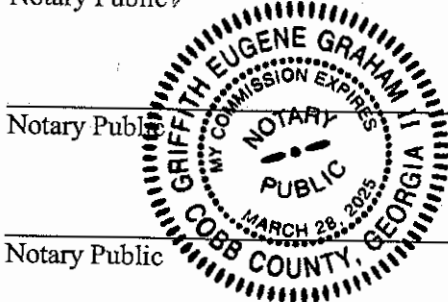
Name of Applicant or Representative

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

Avondale Park, LLC

Eugene Graham  
Notary Public

[Signature] member of Avondale park LLC  
Owner



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

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

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

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.



N/F  
FARRAR COURT HOMES  
PB. 18, PG. 159  
ZONED R-75

N/F  
280 NORTHERN LLC  
PARCEL 18-011-02-006  
DB. 21842, PG. 36  
ZONED RM-85

DISTRICT 18  
DISTRICT 15

LL 11

LL 251

LEGEND			
WOODEN POWER POLE	---○---	TELEPHONE MANHOLE	---○---
EX. OVERHEAD POWER LINES	---E---E---	EX. SINGLEWING CATCH BASIN	---○---
LIGHT POLE	---○---	EX. DOUBLEWING CATCH BASIN	---○---
EX. FENCE	---x---x---	EX. ASPHALT	---[ ]---
IPS = IRON PIN SET (#4 REBAR)		EX. CONCRETE	---[ ]---
DB. = DEED BOOK		EX. FIRE HYDRANT	---[ ]---
PB. = PLAT BOOK		EX. = EXISTING	
PG. = PAGE		RCP = REINFORCED CONCRETE PIPE	
N/F = NOW OR FORMERLY		CMP = CORRUGATED METAL PIPE	
POB = POINT OF BEGINNING			
EX. WATER METER			
EX. WATER VALVE			

I CERTIFY THAT 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. 16-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

SURVEY ORDERED BYD ON: FELIPE CASTELLANOS.  
FIELDWORK COMPLETED ON 4-8-15.  
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.  
REFERENCE BEARING IS GRID (GA. WEST ZONE).

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,855 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

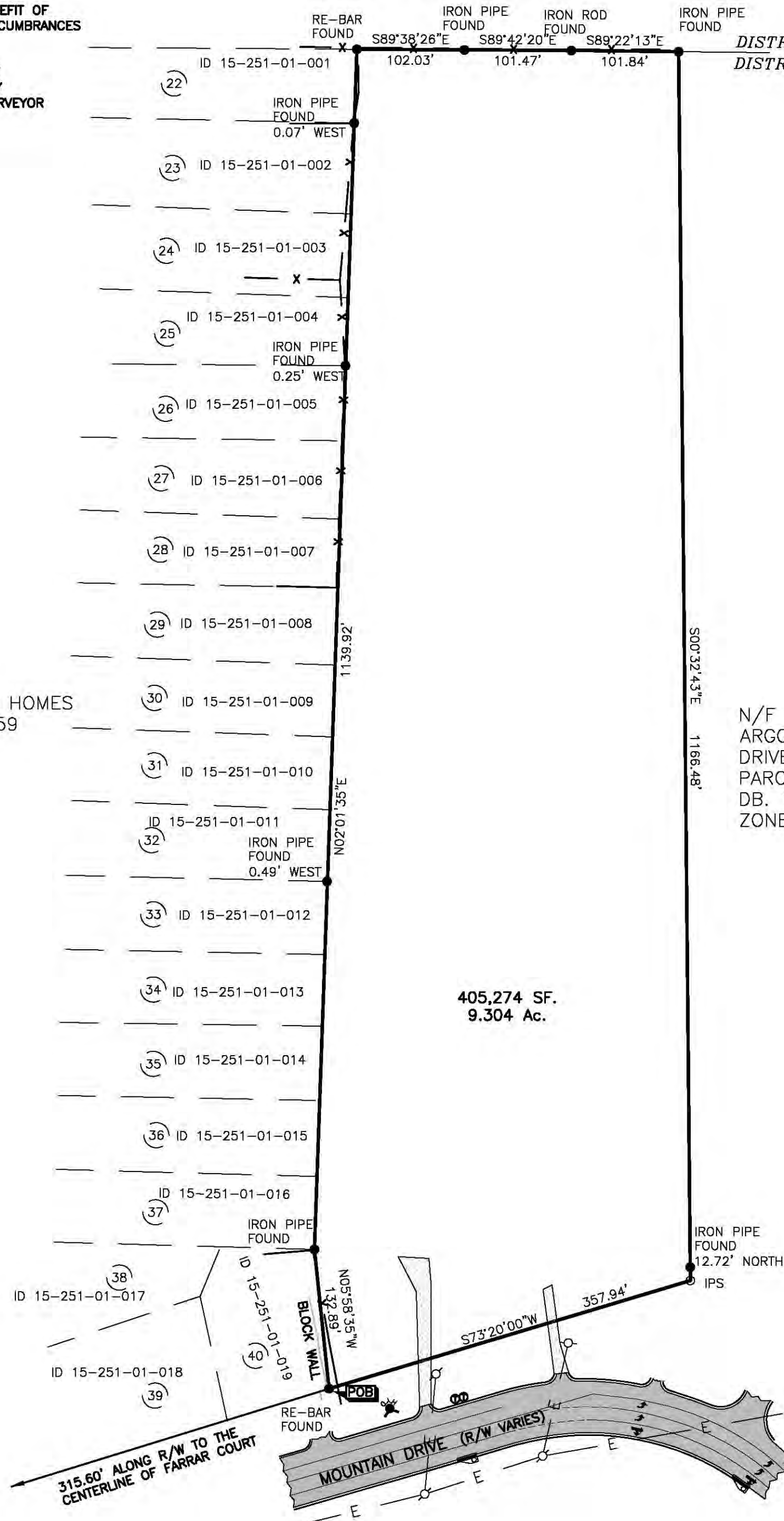
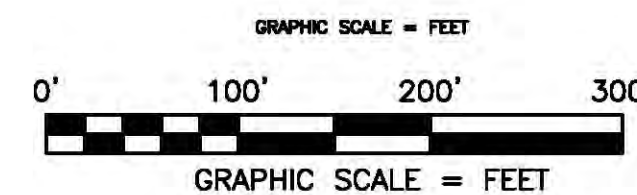
EQUIPMENT USED: TOPCON GTS-313.  
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY - PANEL NUMBER 13089C0088J DATED: MAY 16, 2003

SURVEYOR'S CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

NOTE:  
PURPOSE OF THIS SURVEY IS TO COMBINE PARCELS 15-251-01-0280, 15-251-01-027 & 15-251-01-028 INTO ONE PARCEL.

PARCEL 15-251-01-028  
3458 MOUNTAIN DRIVE  
PARCEL 15-251-01-020  
3468 MOUNTAIN DRIVE  
PARCEL 15-251-01-027  
3478 MOUNTAIN DRIVE

SITE ZONED C-1  
FRONT SETBACK---75'  
REAR SETBACK---20'  
SIDE SETBACK---30'



**SIBLEY-MILLER**  
**SURVEYING & PLANNING INC.**  
2062 HWY. 42 NORTH  
McDONOUGH, GA. 30253  
PHONE: (770) 320-7555  
FAX: (770) 320-7333  
www.sibleysurveying.com

\*TOPOGRAPHICAL SURVEYS  
\*LAND SURVEYING  
\*LAND PLANNING  
\*CONSTRUCTION LAYOUT  
\*LAND DEVELOPMENT DESIGN  
\*CIVIL ENGINEERING

**BOUNDARY SURVEY**  
**AVONDALE PARK LLC.**  
**LAND LOT 251, 15th. DISTRICT**  
**DEKALB COUNTY, GEORGIA**



PROJECT NO.:  
B15024/BOUNDARY  
DRAWN BY: LGS  
SCALE: 1" = 100'  
DATE: 04-13-2015  
SHEET 1 OF 2



## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in land lot 251 of the 15th. district of Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a re-bar found on the North right of way of Mountain Drive, said point being 315.60' as measured along the North right of way of Mountain Drive from the centerline of Farrar Court;  
thence N 05°58'35" W a distance of 132.89' to a iron pipe found;  
thence N 02°01'35" E a distance of 1139.92' to a re-bar found;  
thence S 89°38'26" E a distance of 102.03' to a iron pipe found;  
thence S 89°42'20" E a distance of 101.47' to a iron rod found;  
thence S 89°22'13" E a distance of 101.84' to a iron pipe found;  
thence S 00°32'43" E a distance of 1166.48' to a re-bar set;  
thence S 73°20'00" W a distance of 357.94' to re-bar found;  
which is the point of beginning,  
having an area of 405,274 square feet, 9.304 acres.

Approved Conditions  
Unofficial until ratified by the Board

Date: 8/28/18 Initials: MJE

Comm. ALL

Item No. 2018-1912 Date: 8/28/18

Clerk's Office

RECOMMENDED CONDITIONS

CZ-18-22125

Major Modification of Zoning Conditions of CZ-15-19943

- X 1. The project site shall be developed in substantial conformity with the location of streets, land uses and buildings as shown on the site plan titled "Proposed Development at Avondale Park", prepared by Proterra Development LLC, dated June 13, 2018. A buffer with a depth of 10 to 20 feet shall be provided between the proposed alley ("Catalan Circle") of the proposed townhomes and the western property line (abutting the Farrar Court single-family subdivision) as shown on the aforementioned site plan. Existing trees within the transitional buffer shall be preserved and supplemented with new trees to form an effective visual screen as approved by the County Arborist. Invasive species such as bamboo may be removed from the buffer and additional plantings can be added to form a visual screen. Where invasive species are removed from the buffer, special consideration shall be given to prevent erosion and sedimentation during construction. A screen shall be installed along the entire length of the west property line and at the rear property lines of the single-family homes along the east property line, which shall consist of 1) an opaque fence with the finished side facing outwards and with a height of a minimum of six feet and 2) sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae.
2. The landscape plan will be in substantial compliance to Exhibit E Avondale Park, comply with Article 5 and Chapter 14 of the DeKalb County Code. If trees are replaced in the buffer, the preferred trees are one of or a combination of white oak, shumard red oak, southern red oak, or northern red oak. These are also the preferred trees for street trees within the development. The final landscaping plan shall be approved by the County arborist and shall take into consideration the recompense required under the tree ordinance. Within the development street trees may be planted off the right-of-way if they would otherwise interfere with buried utilities. Recompense should take place within the immediate vicinity of the development along Mountain Drive or along Farrar Court.
3. The development shall comply with Sketch Plan requirements for subdivision prior to the issuance of a Land Disturbance Permit.
4. An outdoor lighting plan shall be submitted, reviewed, and approved by the Planning and Sustainability Department for compliance to the regulations of Section 27-5.6.1 of the County Code prior to the issuance of any building permits. The residential fixtures will be the "Savannah" lamp. Drop dish refractors are prohibited.
5. During construction, the Developer shall post a contact phone number that nearby residents can call to discuss development and construction issues. The developer shall use temporary Best Management Practices (BMPs) for run-off and temporary sedimentation storage in compliance with Section 14.38 (Soil Erosion and Sediment Control) subject to approval of the Land Development Division of the Planning and Sustainability Department. If the Land Development Division determines that the property owners of Farrar Court (in particular those who will not have the benefit of an undisturbed buffer) are susceptible to damage from erosion, the Department may require, at a minimum, additional row(s) of silt fencing and bales of straw to protect the adjacent properties.

6. Provide compliance with Section 14-40 and Section 14-42 of the DeKalb County Code regarding storm water management and water quality control.
7. Open space and park space shall be as shown on the site plan cited in Condition No. 1.
8. The townhomes and single-family detached units shall have a minimum floor area of 1,200 square feet.
9. All residential buildings shall be designed to have a pitched roof.
- X 10. The building materials shall be those listed in Exhibit B Construction Details of CZ-15-19943. The building elevations shall be substantially similar to those depicted in Exhibit C and Exhibit D of CZ-15-19943, as attached. The facades of the parking decks shall be consistent with the remainder of the building and shall use the same buildings materials. The side elevations of all residential buildings shall have windows and architectural detailing as required in Section 275.6(I)(1) of the County Code.
11. Commercial uses shall be limited to those uses allowed in the NS (Neighborhood Shopping) ~~uses~~ district. The following uses are prohibited within the Project Site:
  - a. Animal hospital, veterinary clinic, or boarding or breeding kennels
  - b. Convent or monastery
  - c. Private elementary, middle, or high school
  - d. Hotel, motel, extended stay hotel/motel, or boarding or rooming house
  - e. Movie theater or bowling alley
  - f. Farm or garden supply store
  - g. Liquor store, including retail liquor store as accessory use to hotels, motels and high rise office building
  - h. Adult entertainment establishment or adult service facility
  - i. Nightclubs or late-night establishments
  - j. Coin-operated laundry or dry-cleaning store (specifically excluding dry-cleaning pressing establishments or pick-up stations and coin-operated laundry facilities within the interior of any multi-family apartment building)
  - k. Home appliance repair or service establishment
  - l. Special events facility
  - m. Drive-through facility (other than dry-cleaning pick-up station)
  - n. Pawn shop
  - o. Check cashing establishment
  - p. Place of worship
  - q. Convenience store
  - r. Gas station
- X 12. Maximum building heights of non-residential buildings shall be eight stories. The townhomes along the west side of the site shall be no more than 40 feet high.
13. Subject to Georgia Department of Transportation approval, the developer shall provide a 6-foot wide sidewalk and a 10-foot wide landscape strip within the Mountain Drive right-of-way prior to the

issuance of any certificates of occupancy. Within the landscape strip, provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist so long as there is a minimum of seven trees.

14. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of materials and colors to match building materials of primary buildings.

15. Recycle collection bins shall be provided for the tenants residing in the townhome and multifamily buildings.

16. No direct vehicular access shall be permitted from the subject property to Farrar Court.

17. Secure bicycle storage lockers shall be provided within the parking deck of the stacked flat residential buildings. The space shall be sufficient for a minimum of 20 bikes.

18. No more than one ground sign shall be permitted on the Mountain Drive frontage. The ground sign shall be a monument style sign with a base and framework finished with brick or stone and a maximum height of 6 feet.

19. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Historic Preservation Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

20. A sidewalk shall be extended from the east property line of the subject property to the sidewalk stub located approximately 70 feet from the eastern edge of the driveway into the Tax Commissioner's office.

21. In order to save as many significant trees as possible, utilities shall be installed by tunneling under tree roots, subject to approval or waiver by the County Arborist.

22. The developer shall have a soil study and a water percolation test performed before clearing trees, shall submit the study and test results to the DeKalb County staff, who shall determine whether the site is suitable for land disturbance.

23. The developer shall notify residents of properties on Farrar Court, by way of mailbox flyers, 24 hours in advance of any blasting.

24. The proposed sidewalk along Mountain Drive shall be completed in the first phase of construction, pending GDOT approval.

# Avondale Park Construction Materials

During construction contact

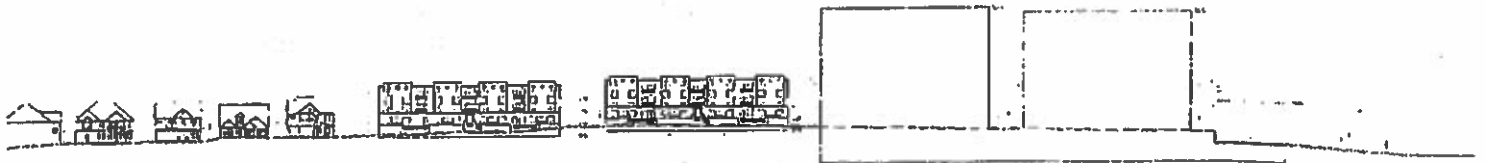
Felipe Castellanos

Tel: 404-857-1369 Fax: 888-419-1191

## CONSTRUCTION DETAILS

RESIDENTIAL SINGLE FAMILY ATTACHED			
			Brick (soldier details, 45 angle details, stone detail)
			Concrete composite siding (hardie plank siding, panels, shingles)
			Natural Stone (stack stone, slate stone, tile stone and others)
			Sintetic Stone and Sintetic Stone Panels
			Real Stucco
Mix-Use-Commercial/Multi-Family BLDG			
			Cladding & Breakmetal (aluminum and metal panel systems)
			Concrete composite panels
			Glass vanners and/or panels
			Real Stucco
			Brick
			Natural Stone (stack stone, slate stone, tile stone and others)
			Sintetic Stone and Sintetic Stone Panels
RETAIL BUILDINGS			
			Cladding & Breakmetal (panel systems)
			Concrete composite panels
			Glass vanners and/or panels
			Real Stucco
			Brick
			Natural Stone (stack stone, slate stone, tile stone and others)
			Sintetic Stone and Sintetic Stone Panels

# Exhibit C



EAST SIDE ELEVATION

415

A-5

J 02

PROTECTOR ASSOCIATES, INC.  
10000 W. 11th St., Suite 100  
Avondale, AZ 85392  
Tel: 623-437-1000  
Fax: 623-437-1001

Proterra  
Listed  
Company

Avondale Park

1525

300-23-0000

AVONDALE

10-10-00

Exhibit D



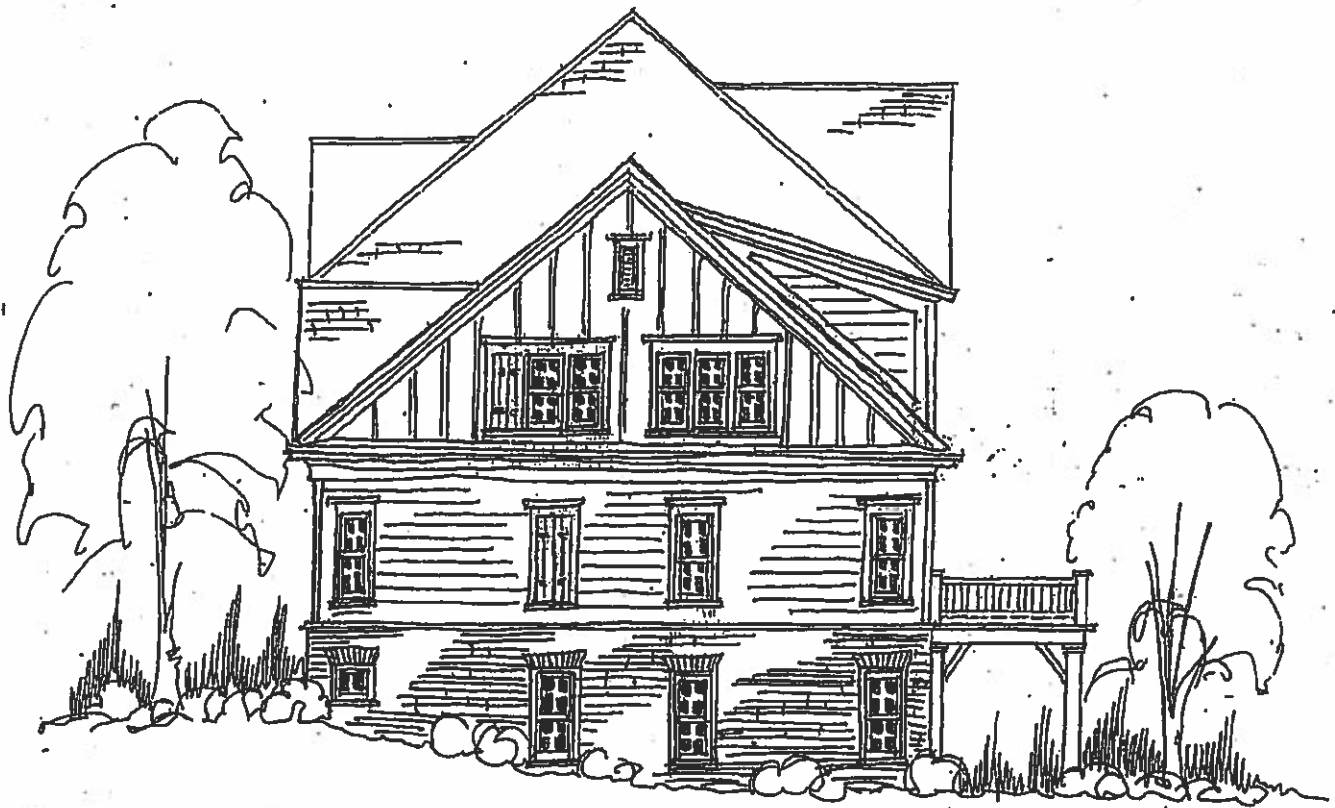
FRONT ELEVATION TOWNHOUSES

EXHIBIT D



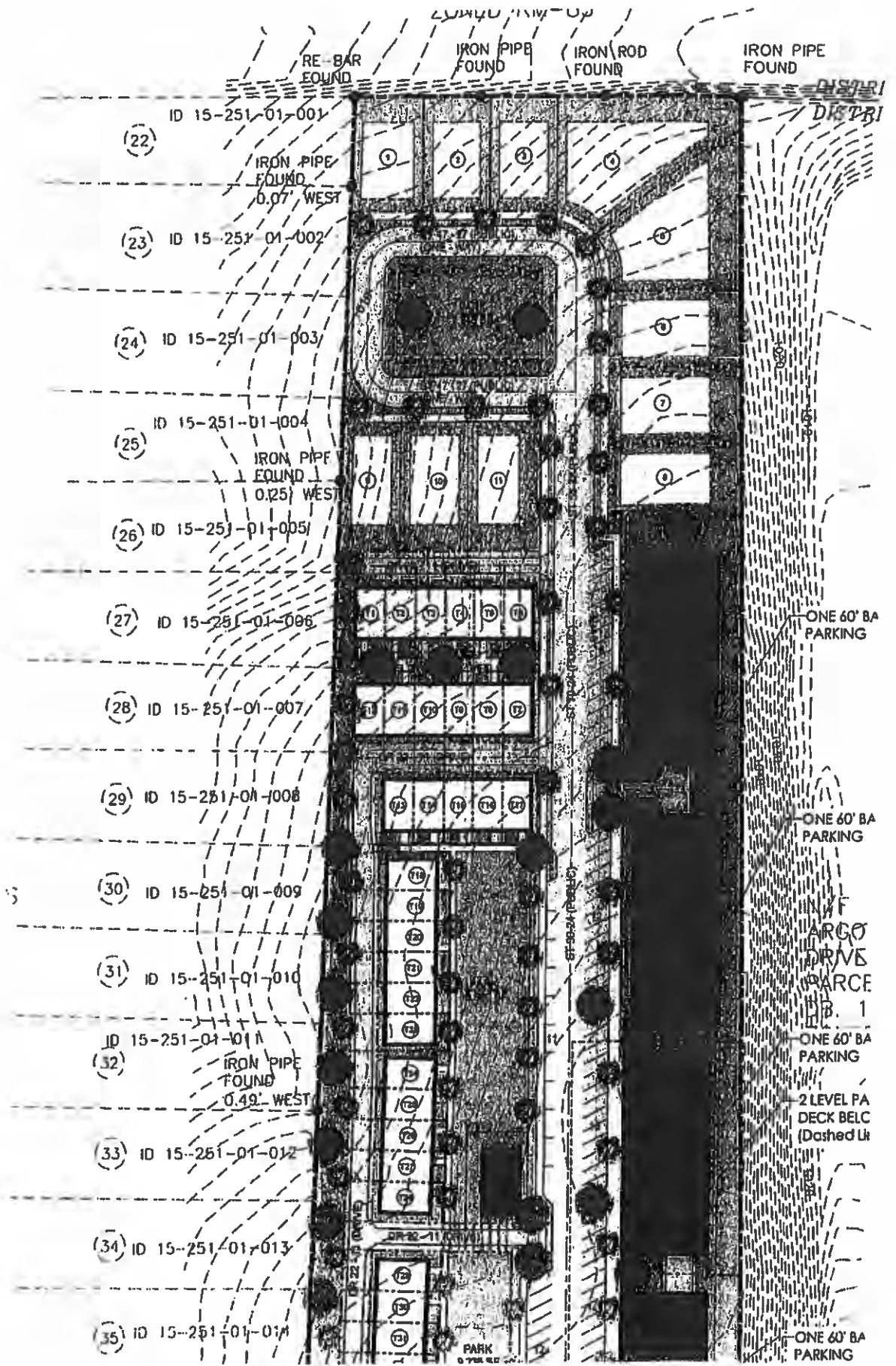
REAR ELEVATION TOWNHOUSES





SIDE ELEVATION TOWNHOUSES

28) NORTH



GRID VERT. 22-35

✓  
R

ALBERT J. THOMAS  
B. 11, 1911  
ONE 15-251-01-014

- (22) ID 15-251-01-001
- (23) ID 15-251-01-002
- (24) ID 15-251-01-003
- (25) ID 15-251-01-004
- (26) ID 15-251-01-005
- (27) ID 15-251-01-006
- (28) ID 15-251-01-007
- (29) ID 15-251-01-008
- (30) ID 15-251-01-009
- (31) ID 15-251-01-010
- (32) ID 15-251-01-011
- (33) ID 15-251-01-012
- (34) ID 15-251-01-013
- (35) ID 15-251-01-014

RE-BAR FOUND

IRON PIPE FOUND

IRON ROD FOUND

IRON PIPE FOUND

IRON PIPE FOUND  
0.07' WEST

IRON PIPE FOUND  
0.25' WEST

IRON PIPE FOUND  
0.49' WEST

ONE 60' BA PARKING

ONE 60' BA PARKING

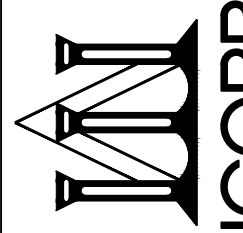
ONE 60' BA PARKING

2 LEVEL PA DECK BELC (Dashed Li)

ONE 60' BA PARKING

PARK

## **PROPOSED SITE PLAN**



EL MINA INCORPORATED

AVONDALE PARK  
DEKALB COUNTY, GEORGIA

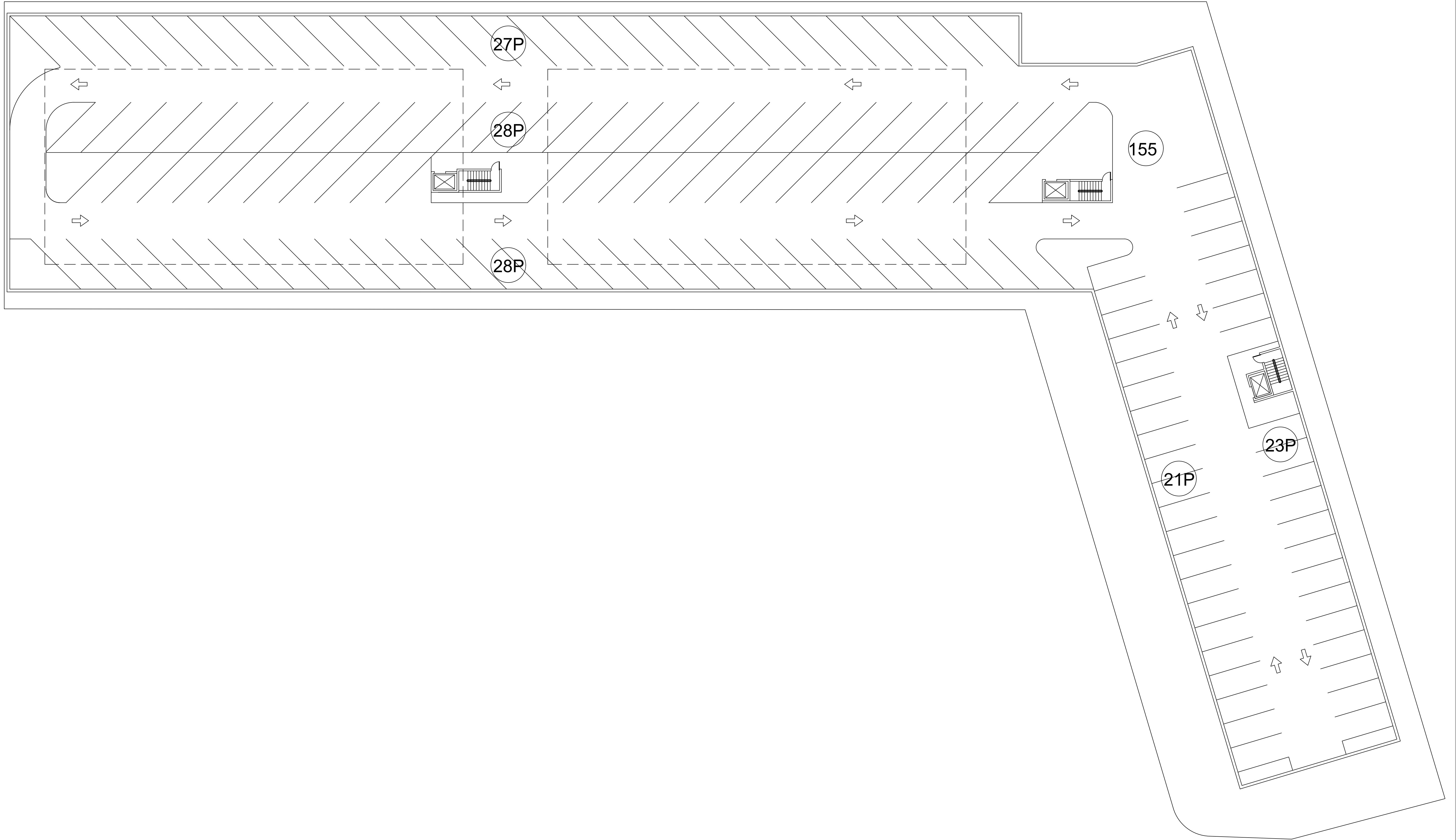
MASTER GRADING PLAN  
MONUMENT SIGN  
SHEET TITLE

DATE	NO	DESCRIPTION

03/17/21  
DATE

JOB NUMBER

REST - 1



**PARKING FLOOR PLAN**  
 SCALE: 1/16" = 1'-0"

**eikon partners llc**  
 alejandro.arenas@eikonpartners.com  
 TEL: 404 857 1369  
 FAX: 404 973 2167  
 133 Johnson Ferry Road suite 115  
 Marietta Georgia

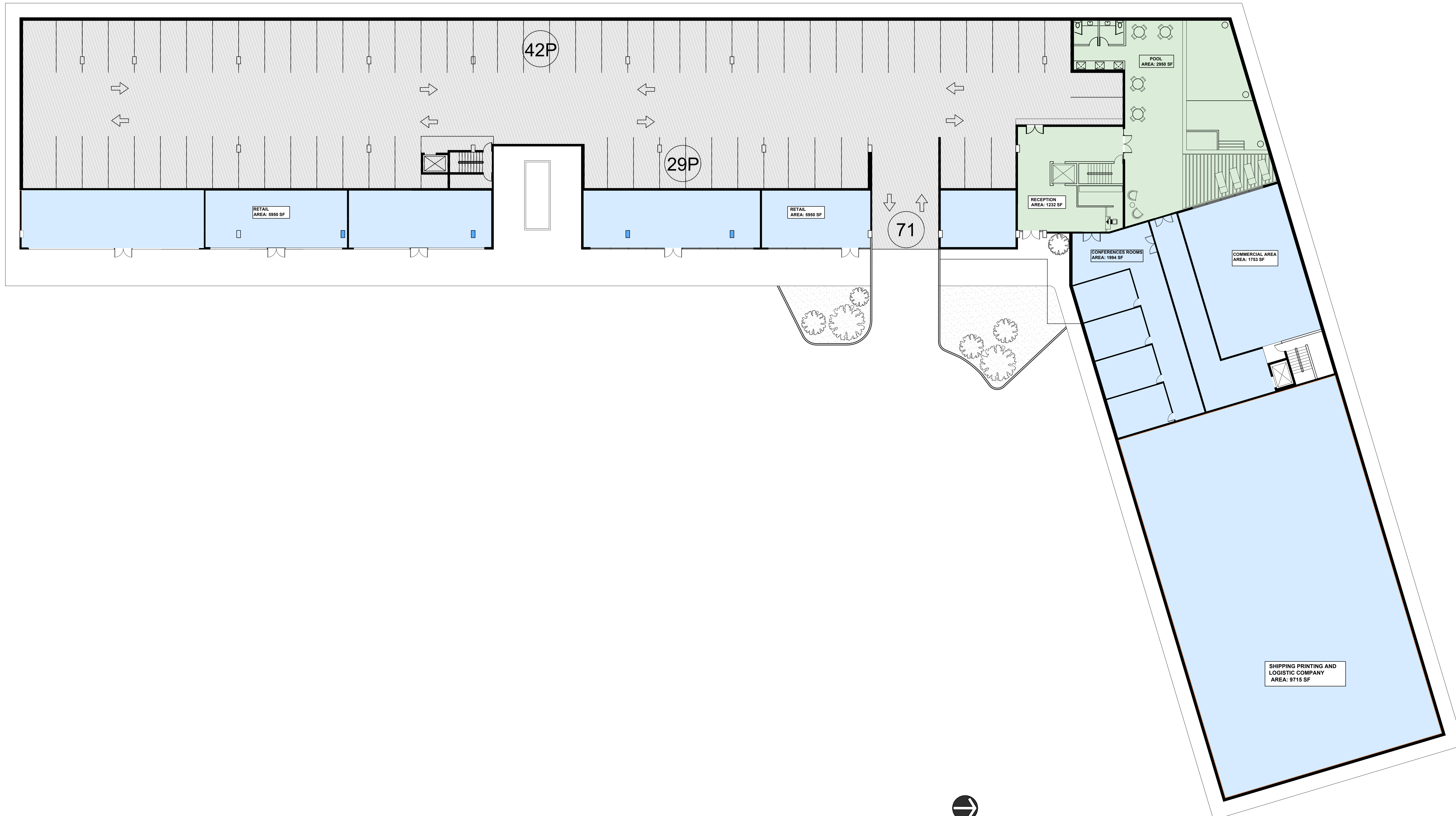
PROPOSED OFFICE BUILDING  
**AVONDALE PARK**  
 1010 AVONDALE PARK DR DECATUR GA 30032

date:  
 NOV\_12\_2020

revised:

comm no.  
 1504

sheet no.  
**A-2B**  
 of OF



**OFFICE RETAIL FLOOR PLAN**

SCALE: 1/16" = 1'-0"

date:  
NOV\_12\_2020

revised:

comm no.  
1504

sheet no.  
**A-2B**

of OF



**APARTMENTS FLOOR PLAN**  
 SCALE: 1/16" = 1'-0"

PROPOSED OFFICE BUILDING  
**AVONDALE PARK**  
 1010 AVONDALE PARK DR DECATUR GA 30032

date:  
 NOV\_12\_2020

revised:

comm no.  
 1504

sheet no.  
**A-2B**  
 of OF

**eikon partners llc**  
 alejandro.arenas@eikonpartners.com

TEL: 404 857 1369  
 FAX: 404 973 2167  
 133 Johnson Ferry Road suite 115  
 Marietta Georgia

LL 11

LL 251

OWNER:  
AVONDALE PARK LLC  
133 JOHNSON FERRY ROAD  
MARIETTA, GA 30068  
FELIPE CASTELLANOS (24 HR CONTACT)  
PHONE: (404) 707 7775

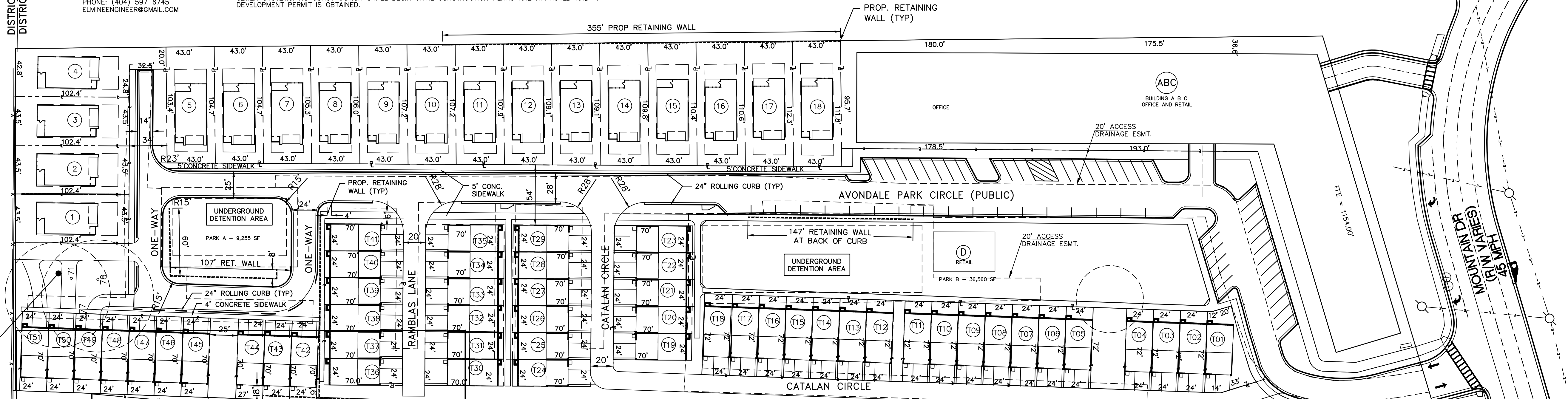
ENGINEER:  
EL MINA, INC  
SUITE 205  
6062 BUFORD HWY  
NORCROSS, GA 30071  
PHONE: (404) 597 6745  
ELMINEENGINEER@GMAIL.COM

DEVELOPER:  
PROTERIA DEVELOPERS  
133 JOHNSON FERRY ROAD  
MARIETTA, GA 30068  
FELIPE CASTELLANOS (24 HR CONTACT)  
PHONE: (404) 707 7775

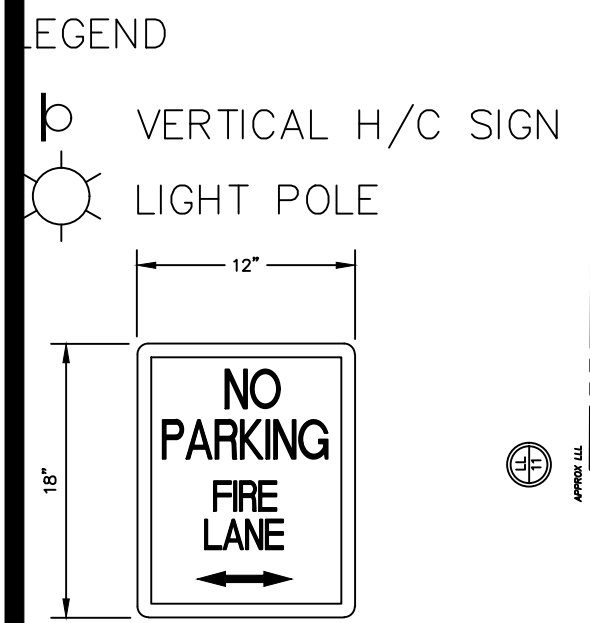
NOTES:  
1. A 75-FOOT TRIBUTARY BUFFER WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB COUNTY OR GA. E.P.D.  
2. SKETCH PLAT APPROVAL DOES NOT CONSTITUTE APPROVAL OF THE STORM DRAINAGE OR SANITARY SEWER SYSTEMS. NO CONSTRUCTION SHALL BEGIN UNTIL CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTAINED.

N/F  
ARGO MEMORIAL DRIVE  
ASSOCIATES  
PARCEL 15-251-01-021  
DB. 18297, PG. 586  
ZONED C-1

N/F  
280 NORTHERN LLC  
PARCEL 18-011-02-006  
DB. 21842, PG. 36  
ZONED RM-85



OPEN SPACE -  
PAVERS TO BE INSTALLED  
OVER GRAVEL AT GRADE



- HEIGHT OF SIGN FACE AS MEASURED FROM BOTTOM OF SIGN SHALL BE MINIMUM OF 4 FEET AND A MAXIMUM 7 FEET FROM THE GROUND LEVEL.
- LETTERS SHALL BE 2" OR MORE IN HEIGHT.
- BLACK LETTERS ON WHITE BACKGROUND. HEIGHT.

LANDUSE SUMMARY MU-5

51 SINGLE FAMILY ATTACHED DWELLINGS - FEE SIMPLE	18 SINGLE FAMILY DETACHED DWELLINGS
2-3 STORIES RESIDENTIAL	2 STORIES RESIDENTIAL
35' MAXIMUM	35' MAXIMUM
YARD REQUIREMENTS	YARD REQUIREMENTS
FRONT: NO MIN NO MAX	FRONT: NO MIN NO MAX
SIDE INT LOT: NO MIN NO MAX	SIDE INT LOT: NO MIN NO MAX
SIDE CORNER PUBLIC ST: 5'	10' FRONT YARD
REAR: 10'	7' SIDE YARD
REAR ALLEY: 5'	20' REAR YARD
	55% OF LOT
MAXIMUM LOT COVERAGE	MAXIMUM LOT COVERAGE
90% OF LOT	35%
MAXIMUM LOT WIDTH	MIN LOT WIDTH
20'	3,500 SF
MIN LOT SIZE	PARKING REQUIRED
1000 SF	2 SPACES PER DWELLING
PARKING REQUIRED	
2 SPACES PER DWELLING	
*BUILDING ABC - LIVE WORK UNITS	* BUILDING D - RETAIL
SQUARE FOOTAGE	SQUARE FOOTAGE
220985	2,000
5 STORIES	2 STORY
YARD REQUIREMENTS	YARD REQUIREMENTS
FRONT: NO MIN NO MAX	FRONT: NO MIN NO MAX
SIDE INT LOT: NO MIN NO MAX	SIDE INT LOT: NO MIN NO MAX
SIDE CORNER LOT PUBLIC ST: 5'	SIDE CORNER LOT PUBLIC ST: 5'
REAR: 10'	REAR: 10'
REAR W ALLEY: 5'	REAR W ALLEY: 5'
MAX LOT COVERAGE	MAXIMUM LOT COVERAGE
80% OF LOT	N/A
MIN LOT WIDTH	MIN LOT WIDTH
25'	35'
	MIN LOT SIZE
	3,500 SF
PARKING REQUIRED	PARKING REQUIRED
1 SPACE PER 300 GROSS SF	1 SPACE PER 300 GROSS SF
1 SPACE PER 1 LIVE WORK UNIT	

COMMERCIAL OFFICE + RETAIL (FAR)	0.70
RESIDENTIAL (DETACHED+ATTACHED)	11.37 UNITS/AC
EXISTING LOT COVERAGE	0.0%
PROPOSED LOT COVERAGE	
*BUILDING ABC	74.3%
*BUILDING D	57.14%
RESIDENTIAL (DETACHED)	63.0%
RESIDENTIAL (ATTACHED)	64.0%
* BUILDING ABC - LIVE WORK UNITS	
4 STORIES OF LIVE WORK UNITS: 35 UNITS PER FLOOR	
TOTAL: 140 UNITS	
TOTAL COMMERCIAL AREA (RETAIL / OFFICE):	42981 SF
COMMERCIAL AREA: 20%	

* PARKING	102 SPACES (2 SPACES PER UNIT)
REQUIRED PARKING SINGLE FAMILY DETACHED	38 SPACES (2 SPACES PER UNIT)
REQUIRED PARKING BUILDING ABC	143 (1 SPACE PER 300 GROSS SF OF BUILDING)
REQUIRED PARKING LIVE WORK UNITS	140 (1 SPACE PER LIVE WORK UNITS)
REQUIRED PARKING BUILDING D	6 (1 SPACE PER 300 GROSS SF OF BUILDING)
TOTAL REQUIRED	429
25% PARKING REDUCTION DUE TO MARTA PROXIMITY	
REQUIRED SPACES	328.5
SINGLE FAMILY - DETACHED PROVIDED	38
SINGLE FAMILY - ATTACHED PROVIDED	102
PARKING DECK PROVIDED	225
SURFACE PARKING PROVIDED	58
TOTAL SPACES PROVIDED	423
OPEN SPACE CALCULATIONS	
TOTAL OPEN SPACE PERCENTAGE	21.6%/87,405 SF
TOTAL PARKING SPACE PERCENTAGE	8.89%/36,009 SF
ONE ACRE OF PARKING SPACE OR SQUARE	0.83 ACRES TOTAL IN DEVELOPMENT
PERCENTAGE OPEN SPACE THAT IS COMMON SPACE	80.1%
ONE PARK IN MIXED USE COMPONENT	28,286 SF OF PARKS IN MIXED-USE COMPONENT.
VARIANCE CALCULATIONS	
PERCENTAGE OF THE OVERALL SITE MIXED	
*USE/NON-RESIDENTIAL-LIVE WORK UNITS	33.51%
PERCENTAGE OVERALL SITE RESIDENTIAL	66.49%

USE ACRES	
SINGLE FAMILY DETACHED	72,261 SF/1.65 ACRES
SINGLE FAMILY ATTACHED	67,981 SF/1.56 ACRES
*COMMERCIAL/ LIVE WORK	70,676 SF/1.75 ACRES

OWNER/DEVELOPER  
AVONDALE PARK, LLC  
133 JOHNSON FERRY ROAD  
MARIETTA, GA 30068-4923  
PH: 404-707-7775  
CONTACT: FELIPE CASTELLANOS

ENGINEER  
GEORGE AWUKU, P.E.  
STE 58, 5341 THOMPSON BRIDGE RD  
MURRAYVILLE, GA 30564  
PH: (404) 597-6745  
ELMINAENGINEER@GMAIL.COM



EL MINA INCORPORATED

AVONDALE PARK  
DEKALB COUNTY, GEORGIA

SITE PLAN  
SHEET TITLE

DATE	NO	DESCRIPTION

09/15/20  
DATE

06-120  
JOB NUMBER

C-03



**AMENDED AND RESTATED**

**STATEMENT OF INTENT**

and

Other Material Required by  
DeKalb County Zoning Ordinance  
For  
A Major Modification Application Pursuant to  
DeKalb County Zoning Ordinance

of

**Avondale Park, LLC.  
c/o Battle Law, P.C.**

for

**9.304± Acres of Land located at 3458, 3468, & 3478 Mountain  
Road** Being Tax Parcel Nos. 15 251 01 020, 15 251 01 027, & 15 251  
01 028 Decatur, DeKalb County, Georgia

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## **10UVCVGO GPV'QH P VGP V**

The Applicant, Avondale Park, LLC., the owner of 9.304 acres of land, being Tax Parcel Nos. 15 251 01 020, 15 251 01 027, and 15 251 01 028 located at 3458, 3468, & 3478 Mountain Road (the “Subject Property”). The Subject Property is zoned MU-5 pursuant to CZ-18-22125, with a land use designation of Regional Center. The Applicant is seeking a Major Modification of the conditions #1, #10, and #12 (a copy of the conditions is attached hereto as Exhibit A) to allow for the development of a single 5-story, mixed-use building with 140 apartment units and 42,981 sq. of office/retail space, in lieu of the two 8-story office buildings and one 2-story retail building shown on the 2018 approved site plan. The proposed mixed-use building consists of underground parking, office and retail space on the ground floor, and 4 floors of apartment units above. Each floor containing residential units is proposed to have a conference room, along with office services, private office space, phone lines, answering services, and more. Each unit will have at least 1 dedicated parking space in the underground parking facility.

The office building was initially planned with the idea of following DeKalb County’s LCI plan, which involved the construction of a County municipal building and all its operation facilities on Memorial Drive. The County LCI proposal has yet to start, and it is unclear when or if it will ever actualize. The live/work proposal was derived from the initial concept idea but will accommodate the current market demands and make the greater Avondale Park project more feasible. Additionally, this proposed live/work building is consistent with the Regional Center land use designation. The DeKalb County 2021 Comprehensive Plan states that some preferred uses include apartments and office space. Both of those uses are included in the proposed live/work building.

In addition, the Applicant is seeking to amend the elevations for single family-detached and single family-attached homes. The original elevations were approved pursuant to CZ-18-

22125 but are no longer feasible for the Applicant to use. The Applicant is seeking to use the elevations included as Exhibit B. For these reasons, the Applicant is seeking a Major Modification, to allow for the development of a 5-story mixed-use, live/work building in place of the 3 initially approved 8-story office/retail buildings and to allow for the use of the proposed elevations for single family homes.

<b>Proposed Building Materials</b>	Brick, Stone, and Siding
<b>Unit Sizes</b>	800 sqft – 1,800 sqft
<b>Number of Bedrooms/Unit</b>	1-3 bedrooms/unit
<b>Number of Units</b>	140 units
<b>Garages Available</b>	Underground Parking Facility
<b>Number of Parking Spaces</b>	225 spaces
<b>Amenities</b>	Conference room on each floor, office services for all residents, such as private office space, phone lines, and answering services
<b>Security Cameras</b>	Yes, throughout the entire building
<b>Anticipated Price</b>	Rent from \$1,300/mo - \$3,000/mo
<b>Who will these units be marketed to?</b>	Professionals, freelancers, and small business owners

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

A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

## II. IMPACT ANALYSIS

- (a) *The existing land uses and zoning classification of nearby property;*

The Subject Property is located on Mountain Drive and is zoned MU-5, with a land use designation of RC. This area is quite diverse in zoning classifications and land uses. Zoning classifications of surrounding properties include C-1, OI, R-75, MU-5, and MR-2. Land uses of surrounding properties include RC and SUB.

- (b) *The effect on adjacent properties;*

The proposed mixed-use building is suitable for the area and will not adversely affect adjacent properties. The proposed project will be an asset to the greater community adding a mixture of dwelling units and office/retail space.

- (c) *Whether the subject property has a reasonable economic use as currently zoned;*

The Subject Property has no reasonable economic use as currently conditioned. Due to the impact of COVID 19, the need for office/retail space has significantly diminished. Therefore, building two 8 story office buildings is not financially feasible in the current rental market.

- (d) *Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;*

The proposed modification will allow for a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed building will be uniquely configured to provide workspace to individuals who are working from home or have a hybrid home/office work schedule. While there are other apartment buildings in the area, the proposed modification will provide a different living experience that is tailored to the recent changes in how people work and live. When this is combined with the fact that the Subject Property is across from the Kensington MARTA Station, which provide easy access to other parts of the Metro Atlanta area, the proposed project is a win for the area.

- (e) *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;*

The proposed use will not negatively impact the the adjacent property owners. The reduction in the eight of the buildings from 8 stories to 5 stories, should be viewed as a positive, as the building will be more in line with the height of other buildings along Mountain Drive. As for the proposed use, this live work space is more comparable to the surrounding uses than the previously approved 8 story office towers.

- (f) *Whether the zoning proposal is in conformity with the policies and intent of the land use plan;*

The proposed live/work/retail building is in conformity with the policies and intent of the Regional Center character 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; and*

The proposed use will not cause any excessive or burdensome use on the existing streets, transportation facilities, utilities, or schools in the area. The proposed building will be predominantly for young professionals and those who desire a live work environment. Therefore, there should be little impact on the public school system. Additionally, the use of the existing streets will be lessened by the reduction in the intensity of use, as an 8-story office tower would generate a significant amount of traffic.

- (h) *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.*

As previously stated, the impact of COVID 19 on the office rental market has been significant. Businesses have come to realize that their employees can be just as productive at home as they can be coming to the office every day. As a result, many businesses are reducing their office space needs by allowing their employees to work from home, or other remote locations. This means that residential homes and the incorporation of more

meaningful workspace, is not a priority. Some businesses are even providing their employees with a stipend to improve their at home work spaces. This is the future, and we must change with it. The proposed modifications are needed adjustments to the rapidly changing office/retail market.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue 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. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights has been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 1<sup>st</sup> day of July, 2021.

Respectfully submitted,



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Michèle L. Battle, Esq.  
Attorney For Applicant







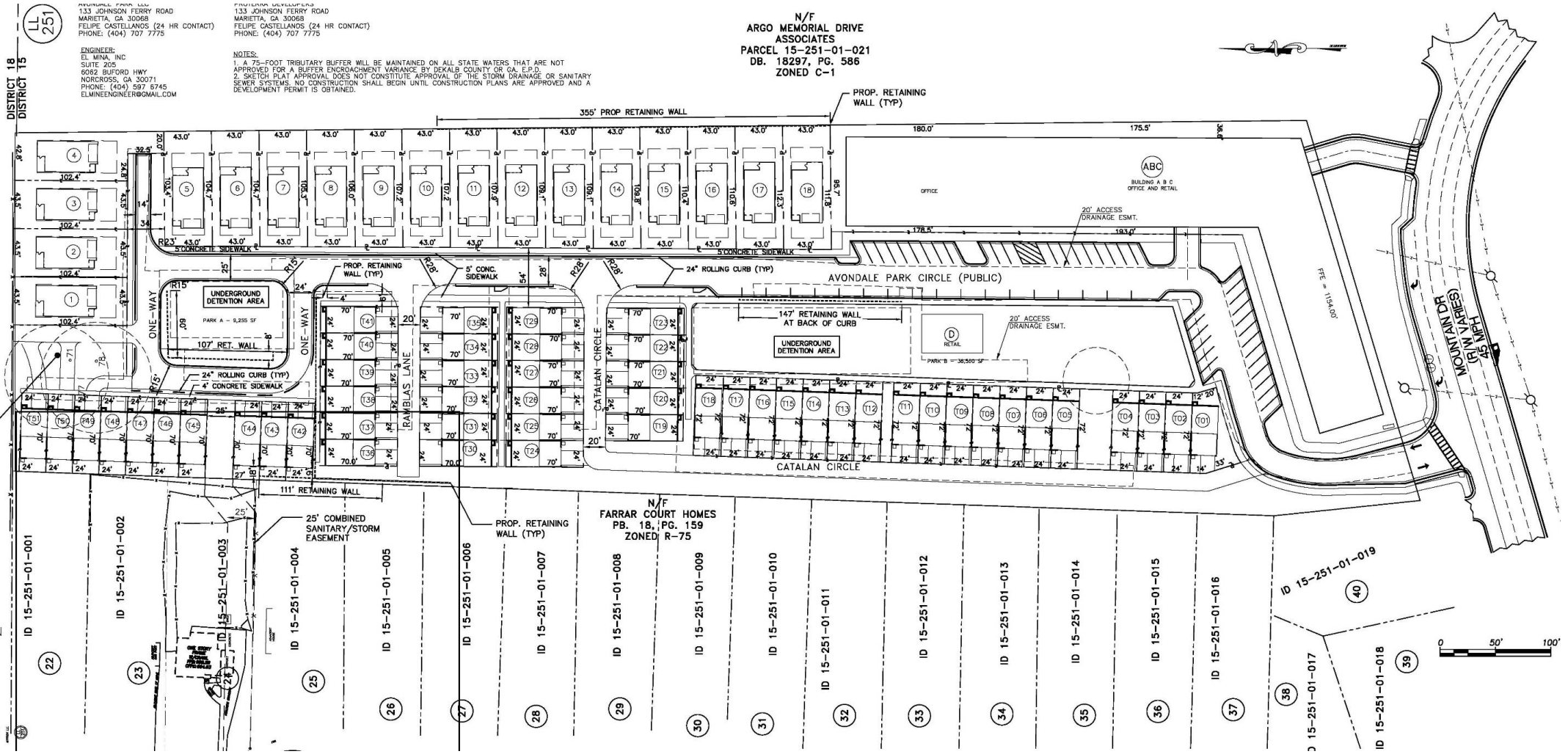


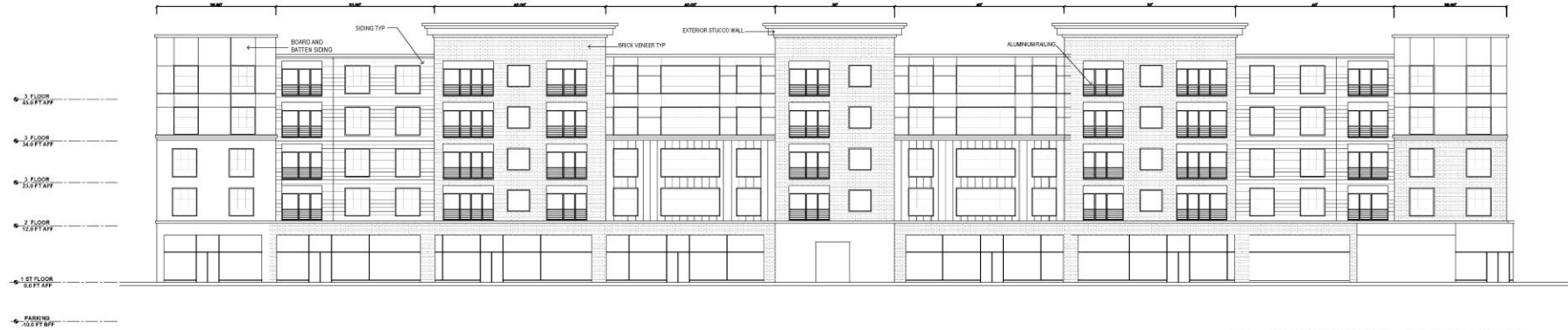






# 28' Value Single Family Farmhouse





**MAIN FACADE Avondale Park**  
SCALE: 1/16" = 1'-0"



**MAIN FACADE Mountain Drive**  
SCALE: 1/16" = 1'-0"

**weikon partners llc**  
aljandro.arnas@weikonpartners.com  
133 Johnson Ferry Road suite 115  
Marietta Georgia  
TEL: 404 857 1389  
FAX 404 873 2167

PROPOSED OFFICE BUILDING  
**AVONDALE PARK**  
1010 AVONDALE PARK DR DECATUR, GA 30032

date:  
NOV\_12\_2020

revised:

comm no.  
1504

sheet no.  
A-2B

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APARTMENTS FLOOR PLAN  
SCALE: 1/16" = 1'-0"

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alejandro.arena@weikonpartners.com  
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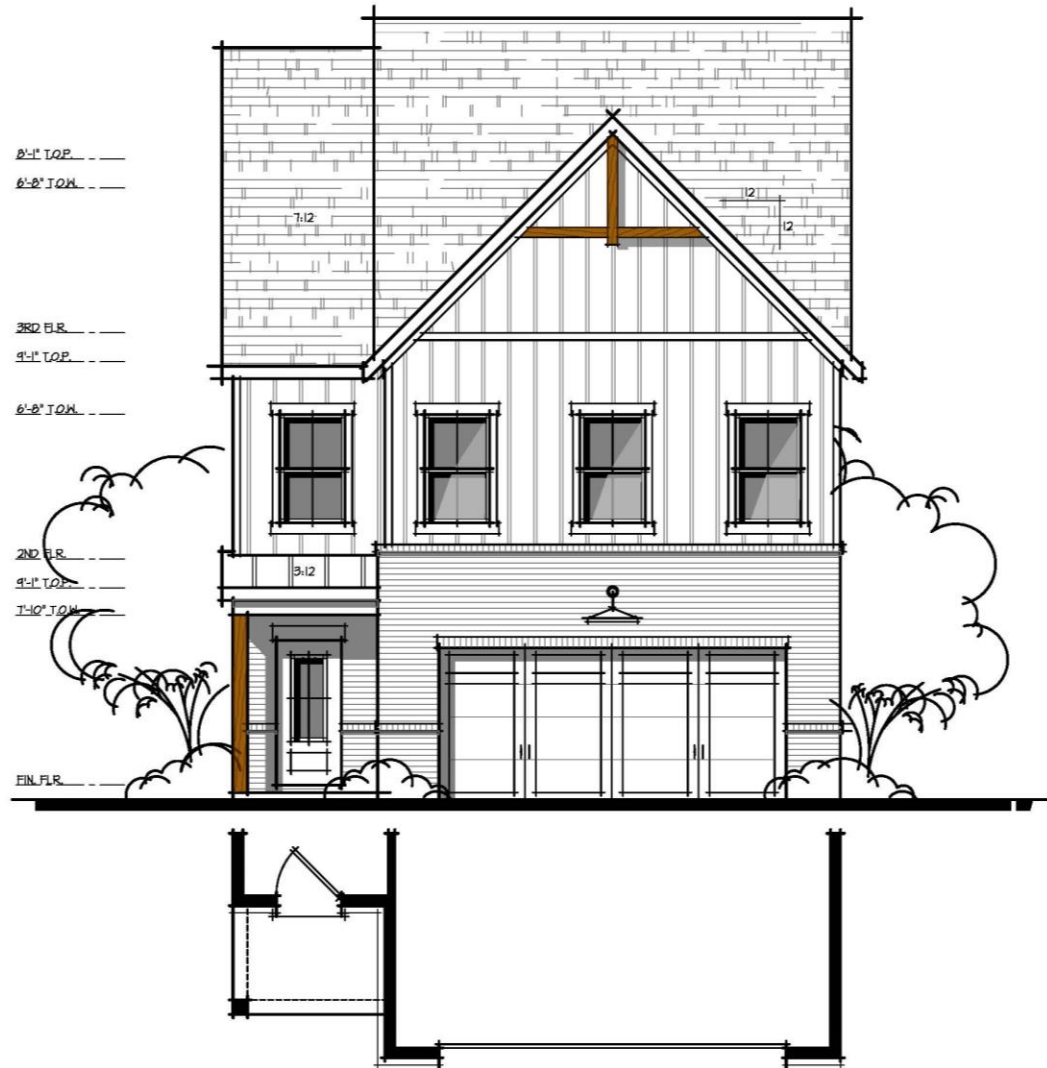
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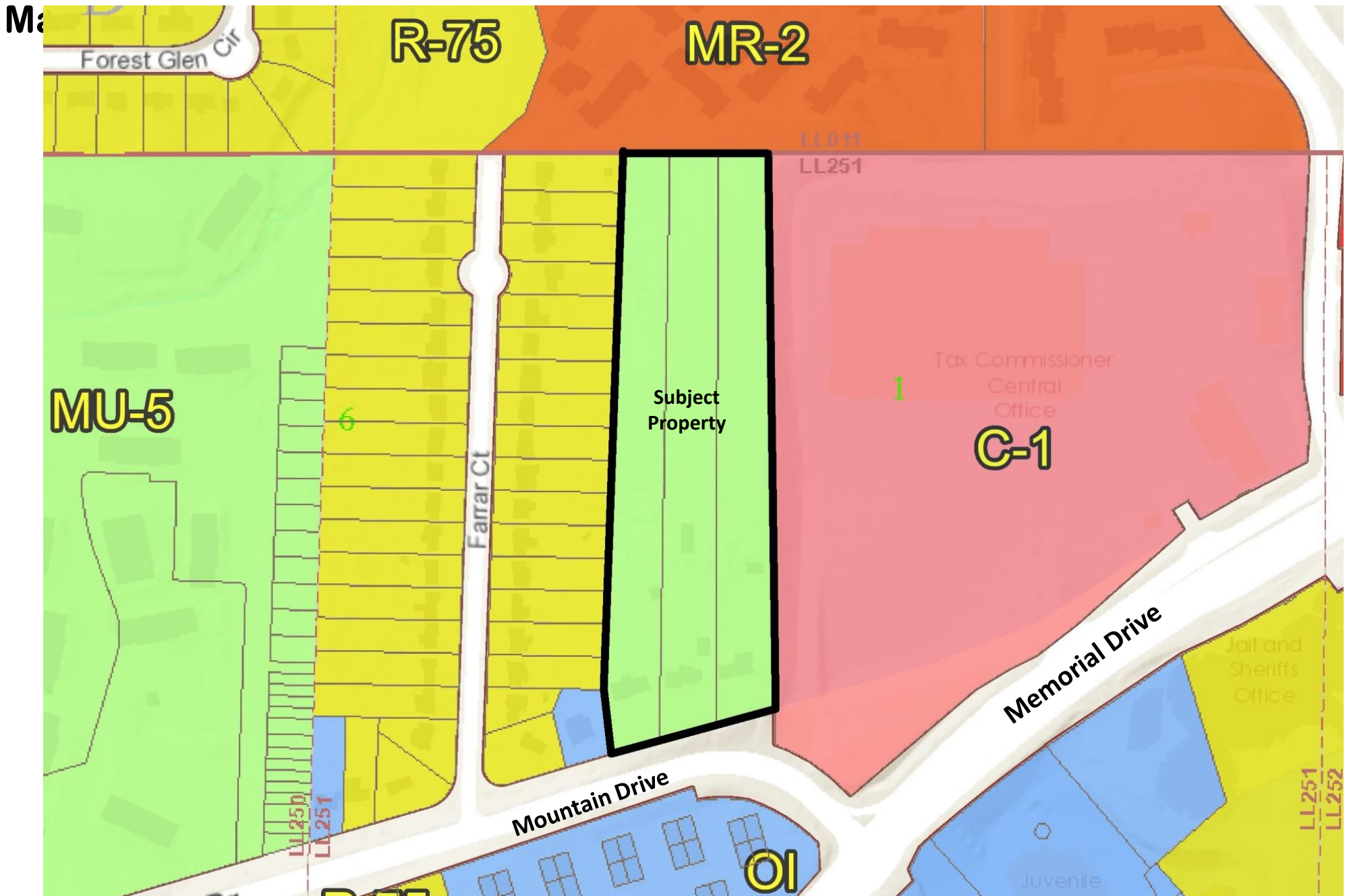
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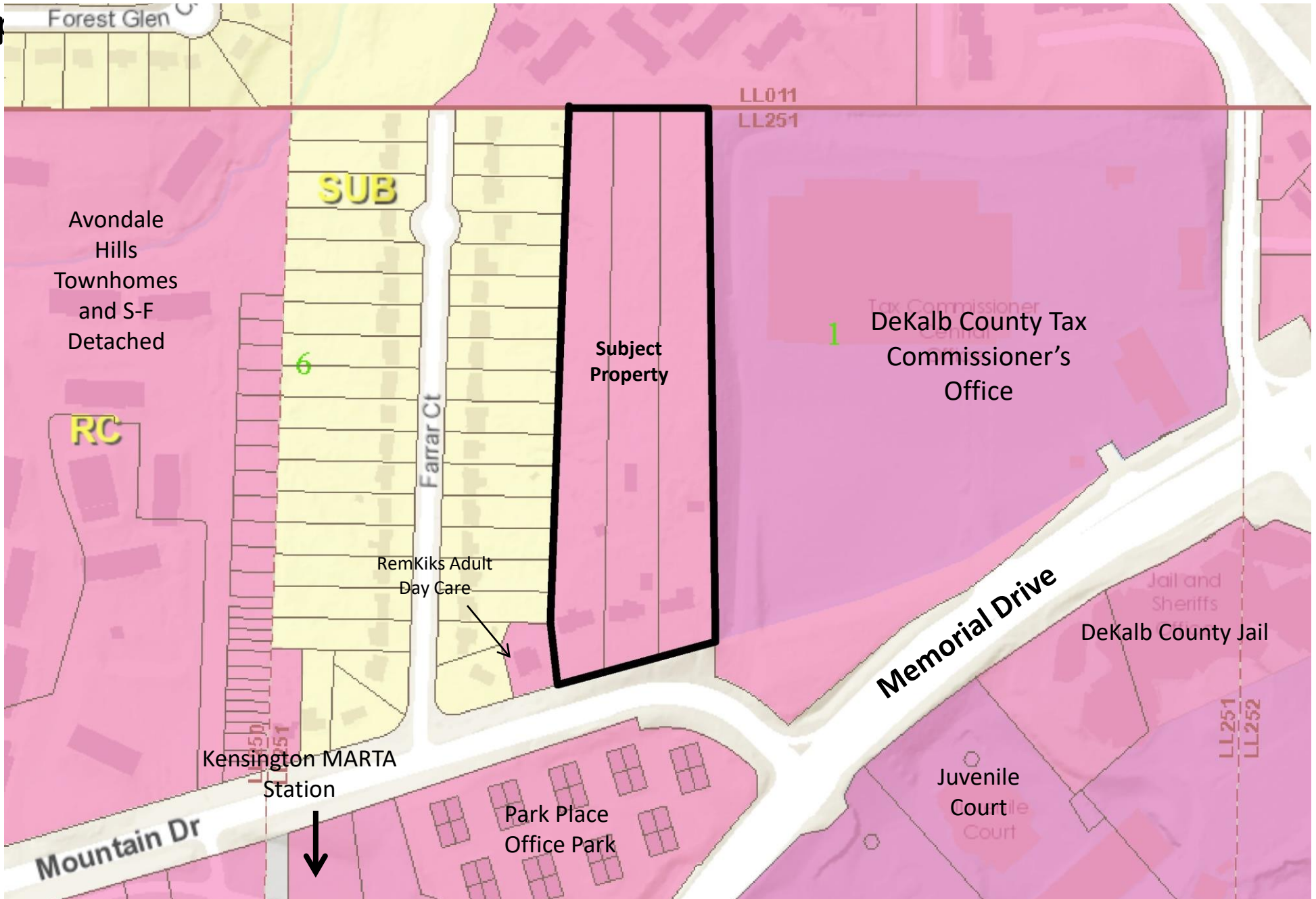


Exhibit B





Map





Subject Property

DeKalb County  
Tax Assessor's  
Office

Avondale Hills  
Townhomes  
and S-F  
Detached

RemKiks Adult Day  
Care

Mountain Drive

Memorial Drive

251



Front of subject property on Mountain Drive.

East side of subject property, viewed from Mountain Drive.

