

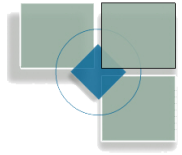


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

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



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 5, 2021

Board of Commissioners Hearing Date: January 28, 2021

STAFF ANALYSIS

Case No.: Z-20-1244232 **Agenda #:** N-1

Location/Address: The south side of Constitution Road, approximately 1,290 feet east of International Park Drive at 1795 Constitution Road in Atlanta, Georgia **Commission District:** 3 Super District: 6

Parcel ID: 15-077-01-002

Request: To rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 1/M (Light Industrial) District to M (Light Industrial) District to allow for a truck parking lot (Transportation Equipment Storage) and an accessory vocational school (outdoor truck driver training related to maneuvering and parking).

Property Owner: Schneider Resources, LLC

Applicant/Agent: Williams Teusink LLC c/o Kyle Williams

Acreage: 5.03

Existing Land Use: Vacant building

Surrounding Properties: Truck terminal, vocational training, and truck offices to the west (owned by Schneider Resources); a vacant apartment building (currently under redevelopment) to the east; vacant land and two single-family homes to the north across Constitution Road; and a truck parking lot to the south (owned by Schneider Resources).

Adjacent Zoning: **North:** BOD Tier 1/C-1 & R-75 **South:** M **East:** BOD Tier 1/MR-2 **West:** M

Comprehensive Plan: LIND (Light Industrial) **Consistent** **Inconsistent**

Proposed Density: NA **Existing Density:** NA

Proposed Units/Square Ft.: Truck parking lot and accessory outdoor vocation school for truck parking/maneuvering **Existing Units/Square Feet:** Vacant Building

Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

Staff Recommendation: WITHDRAWAL WITHOUT PREJUDICE

The subject property falls within Tier 1 of the Bouldercrest Overlay District (BOD) and has an underlying zoning of M (Light Industrial). The applicant originally wanted to demolish the existing building and operate a vocational school for outdoor truck driver training, and to park those trucks on-site overnight. Since Tier 1 of the BOD allows vocational training but does not allow overnight truck parking, the applicant was requesting that the BOD be removed because the underlying M zoning district allows both overnight truck parking and vocational training.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long-term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached). Therefore, the Planning & Sustainability Department recommends that the application be “withdrawn without prejudice.”

Zoning History:

The property was zoned Bouldercrest Cedar Grove Moreland Overlay District, Tier 1, on March 26, 2013 by the Board of Commissioners. The property was zoned M on November 27, 1990 with zoning conditions per Case CZ-90092 which required a transitional buffer along the east property line.

SUBJECT PROPERTY

The 5.03-acre project site is located on the south side of Constitution Road, approximately 1,290 feet east of International Park Drive at 1795 Constitution Road in Atlanta, Georgia. The property currently contains a vacant building. The property is relatively flat along Constitution Road and drops steeply toward the rear of the property.

PROJECT ANALYSIS

The proposed request is to remove the Bouldercrest Overlay District (BOD) designation so that the property is only zoned M (Light Industrial). The applicant originally wanted to demolish the existing building and operate a vocational school for outdoor truck driver training, and to park those trucks on-site overnight. The applicant is requesting that the BOD be removed since Tier 1 of the overlay district prohibits truck parking lots, but the underlying M zoning allows that land use. The underlying M (Light Industrial) zoning district is consistent with the adjacent M-zoned properties to the west that are owned by the same owner (Schneider Resources) but do not fall within the Bouldercrest Overlay District. The proposed truck parking lot and accessory outdoor vocation school (related to truck parking and maneuvering) is also consistent with the truck terminal, truck office/training, and truck parking lot on the adjacent properties to the west. The underlying M zoning will require a 75- foot undisturbed buffer along the eastern property line abutting the MR-2 zoning which contains apartments that are currently under redevelopment.

Given that the property’s M zoning is consistent with the M-zoned properties that are under common ownership to the west with no Bouldercrest Overlay District designation, and that the proposed truck parking lot/outdoor truck driving vocational school is consistent with the truck related land uses to the west, it appears that the request to remove the BOD is consistent and compatible with adjacent and surrounding properties. Additionally, the underlying M zoning would require a transitional buffer along the east side of the property abutting the MR-2 residential district per zone case CZ-90092. The applicant has submitted variance applications which will be heard

by the Board of Zoning Appeals at their February meeting to reduce the required transitional buffer abutting the MR-2 zoned property.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached).

Additional criteria applicable to the underlying M zoning of the subject property is shown in the table below.

STANDARD		M REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100 feet	325 feet	YES
LOT AREA		30,000 square feet	219,107 square feet	YES
YARD SETBACKS	FRONT	60 ft.	NA	N/A
	INTERIOR SIDE	20 ft.	NA	N/A
	REAR	30 ft.	NA	N/A
	. OPEN SPACE	20%	26%	YES
BUILDING MATERIALS		NA No buildings proposed	NA	YES.
TRANS. BUFFERS		75-foot wide undisturbed buffer along eastern property line	Existing 50- foot wide buffer along eastern property line is shown on site plan.	NO. Will require a variance from the Board of Zoning Appeals.
HEIGHT		NA No building proposed	NA No building proposed	YES
PARKING		No parking required since no buildings are proposed. Parking lots must be paved in accordance with Article 6 of the zoning ordinance.	Applicant indicates that parking lot will be paved and will comply with Article 6 of the Zoning Ordinance.	YES
MAX LOT COVERAGE		80%	74%	YES
SIDEWALKS AND STREETSCAPING		6-ft. sidewalk and 10-ft landscape strip along Constitution Road, with	Not shown on site plan.	No for sidewalks. A 25 foot wide landscape strip along Constitution Road is shown,

	street trees every 50 feet on center.		but no street trees at 50 feet on center are shown. (Non-compliance will necessitate variances from the Board of Zoning Appeals)
STREET LIGHTS AND PEDESTRIAN LIGHTS	Street lights along the existing roads shall be at 80 ft on center.	No street lights or pedestrian lights shown on plan.	No. Non-compliance shall necessitate variances from the Board of Zoning Appeals.
PARKING LOT LANDSCAPING	<p>A five (5) foot wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements.</p> <p>A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three (3) feet in height shall be required between surface parking and an adjacent public street right-of-way.</p> <p>A minimum of ten (10) percent of the total lot area of the parking lot shall be landscaped.</p> <p>One tree for every 8 parking spaces; one tree island for every 10 parking spaces. See Article 5.4.4.C and 5.4.4.D for more clarification and additional requirements.</p>	<p>25-foot wide perimeter landscape strip shown along south and west property lines which are not subject to streetscape or buffer requirements.</p> <p>None shown on site plan</p> <p>Information not shown on site plan.</p> <p>Not shown on plan.</p>	YES for perimeter landscape strip. NO for all other parking lot landscaping requirements. Variances will be required from Board of Zoning Appeals.

The character of the surrounding area consists of a truck terminal, vocational training, and truck offices to the west (owned by Schneider Resources) within the M (Light Industrial) district; a vacant apartment building (currently under redevelopment) to the east within the MR-2 and Bouldercrest Overlay (Tier 1) districts; vacant land and two single-family homes to the north across Constitution Road within the C-1 (Local Commercial)/Bouldercrest Overlay District

(Tier 1) and the R-75 (Single-Family Residential) district; and a truck parking lot to the south (owned by Schneider Resources) within the M (Light Industrial) district

Access and Transportation Considerations

The subject site's access is via one driveway off Constitution Road. Constitution Road is a four-lane minor arterial road with a center turn lane, curb and gutter, and no sidewalks. The Traffic Engineer has indicated that there are no traffic engineering concerns at this time. Therefore, ingress/egress and parking should be sufficient.

The DeKalb County Transportation Department has provided the following comments.

Constitution Road is classified as a minor arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontages at permitting. You may want to check whether this goes against the planning efforts in the DeKalb County SDAT Report Plan to limit trucks on Bouldercrest Road.

Sidewalk/Pedestrian Access

Based on the submitted information and field investigation of the project site, there are no sidewalks along this stretch of Constitution Road in this established industrial area. Article 5 of the zoning ordinance requires that sidewalks be provided, unless variances are obtained by the Board of Zoning Appeals.

Building Mass and Materials

Based on the submitted plan and information, the proposed use will be a truck parking lot and outdoor truck driving vocation school. No buildings are proposed. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

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 M zoning district is consistent with the policies and strategies of the Light Industrial (LIND) character area of the 2035 Comprehensive Plan calling for the protection of existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land use and the protection of residential uses (LIND Policy #3 & 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 property's underlying M zoning is consistent with the M-zoned properties that are under common ownership to the west which do not fall within the Bouldercrest Overlay District. Additionally, the proposed truck parking lot/outdoor truck driving vocational school is consistent with the truck related land uses to the west. The underlying M zoning would require a transitional buffer along the east side of the property abutting the MR-2 zoning which contains apartments that are currently being redeveloped. Therefore, it appears that the request to remove the BOD will not adversely affect the existing use or usability of adjacent or nearby property. Therefore, it appears that the request to remove the BOD is consistent and compatible with adjacent and surrounding properties.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached).

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

The property appears to have a reasonable economic use as currently zoned “Bouldercrest Overlay District, Tier 1” with an underlying M (Light Industrial) zoning district since there is an existing vacant building currently on the property. However, the Bouldercrest Overlay District does not allow truck parking lots. The underlying M zoning would allow the applicant’s proposed truck parking lot and accessory outdoor truck driving vocation school.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached).

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

It appears that the zoning proposal would not adversely affect the use of adjacent and nearby properties. The property’s M zoning is consistent with the M-zoned properties that are under common ownership to the west which do not fall within the Bouldercrest Overlay District. Additionally, the proposed truck parking lot/outdoor truck driving vocational school is consistent with the truck related land uses to the west. The underlying M zoning would require a transitional buffer along the east side of the property abutting the MR-2 zoning which contains apartments that are currently being redeveloped. Therefore, it appears that the request to remove the BOD will not adversely affect the existing use or usability of adjacent or nearby property.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached).

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 M zoning district is consistent with the policies and strategies of the Light Industrial (LIND) character area of the 2035 Comprehensive Plan calling for the protection of existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land use and the protection of residential uses (LIND Policy #3 & 6). The property's M zoning is also consistent with the M-zoned properties that are under common ownership to the west which do not fall within the Bouldercrest Overlay District. Additionally, the proposed truck parking lot/outdoor truck driving vocational school is consistent with the truck related land uses to the west. Therefore, it appears that the request to remove the BOD is consistent and compatible with adjacent and surrounding properties.

Since the application was filed, the applicant has indicated that there will be no overnight truck parking on this property. The applicant has indicated that any overnight truck parking will be located on the adjacent Schneider Trucking properties to the west which are under common ownership and are not within the BOD; those adjacent properties are zoned M which allows overnight truck parking as a permitted land use and have been used for long term truck parking for many years. Since there will be no overnight truck parking on the subject property, there is no need to remove the overlay district designation since vocational training is a permitted land use in Tier 1 of the BOD. The applicant submitted a letter requesting withdrawal of this rezoning application on December 22, 2020 (see attached).

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

Based on the submitted information, there do not appear to be any 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:

Since the property has frontage along a four-lane minor arterial road (Constitution Road), it does not appear that the request will cause a burdensome use of existing streets or transportation facilities. Since the property is proposed for non-residential use there would be no adverse impacts on schools.

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

The proposed development is not expected to have unusual impacts on natural resources.

Planning and Sustainability Department Recommendation: WITHDRAWAL WITHOUT PREJUDICE

Attachments:

1. Public Works Department Comments

- a. Land Development Division
 - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs



WILLIAMS
TEUSINK

R. Kyle Williams
Attorney at Law

404.373.9351 Direct Dial
kwilliams@williamsteusink.com

December 22, 2020

via Electronic Delivery to: jreid@dekalbcountyga.gov

John Reid, Senior Planner
Department of Planning & Sustainability
DeKalb County, Georgia
330 W. Ponce de Leon Avenue
Decatur, Georgia 30030

Re: Z-21-1244232 (the “Rezoning Application”)

1795 Constitution Road SE, Atlanta, DeKalb County, Georgia 30316
Tax Parcel Id No. 15 077 01 002

**NOTICE OF VOLUNTARY WITHDRAWAL OF THE REZONING
APPLICATION**

Dear Mr. Reid:

This correspondence summarizes our recent discussions concerning the intended use and development of 1795 Constitution Road SE, Atlanta, DeKalb County, Georgia 30316 (Tax Parcel Id No. 15 077 01 002)(the “Property”) by my client, Schneider Resources, Inc. (“Schneider”).

Schneider agrees and stipulates that it will limit its use of the Property for on-site vocation job training facilities for its job applicants and drivers associated with CDL Class A Licenses. Schneider specifically agrees and stipulates that there will be no overnight parking at or on the Property. Any and all parking will only be incidental to and an accessory use to the job training facilities, which involves vocationally training applicants and drivers with the coupling and uncoupling of a tractor trailer, securing of a freight and a tractor trailer, driving mechanics, parking, and unloading of freight and tractor trailer. As such, Schneider’s intended use is not an “Automobile/truck parking lot or parking garage, commercial.” Instead, Schneider’s intended use is a “Vocational and specialized school.”

Accordingly, Schneider’s intended use of the Property is a Permitted Use allowable within the Tier 1 of the Bouldercrest-Cedar Gove-Moreland Overlay District as it qualifies as a “Vocational and specialized school.”

Schneider filed the Rezoning Application to remove the Property from the Tier 1 of the Bouldercrest-Cedar Gove-Moreland Overlay District out of an abundance of caution to ensure that its intended use was a Permitted Use. That concern is now moot as Schneider’s intended use of the

John Reid, Senior Planner

December 22, 2020

Page 2

Property is a Permitted Use allowable within the Tier 1 of the Bouldercrest-Cedar Gove-Moreland Overlay District as it qualifies as a "Vocational and specialized school." As such, Schneider hereby voluntarily withdraws the Rezoning Application.

Schneider intends to continue its pursuit of and does not withdraw A-20-1244443, which seeks variances to reduce the transitional buffer on the east side of the Property from 75' to 50' and to eliminate the required landscape strip, sidewalk, and street trees along Constitution Road SE.

I appreciate and thank you for your review and consideration of the Rezoning Application to date and the issues presented with Schneider's intended use of the Property.

Please do not hesitate to contact me with any questions or requests for additional information or documentation to reflect this withdrawal.

Sincerely,


R. Kyle Williams

RKW/etb

cc: Schneider Resources, Inc.

Zoning comments: 12/14/2020

* N1. Constitution Road is classified as a minor arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontages at permitting. You may want to check whether this goes against the planning efforts in the DeKalb County SDAT Report Plan to limit trucks on Bouldercrest Road.

N2. Mercer University Drive and Flowers Road are both classified as collector roads. . Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Coordination is required with GDOT Project PI No, 0015646. Dedicate necessary right of way and easements needed for bridge construction.

N3. Rock Chapel Road is classified as a major arterial and state route. GDOT review and permits required, including updated traffic signal permit, prior to receiving permit. Requesting a traffic study to include all phases with proposed land uses. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N4. No comments

N5 & N6. Flat Shoals Pkwy is classified as a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Dedicate right of way to match surrounding parcels. Flakes Mill Road is classified as a minor arterial. . A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Limit access points to one access point on each road by closing the access point nearest the intersection.

N7. No comments

N8. Briarcliff Road and Shallowford Road are both classified as minor arterials. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N9. Covington Hwy is classified at a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N10. North Druid Hill is classified as a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path- preferred) and street lighting along all property frontage at permitting.



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-21-1244232

Parcel I.D. #: 15-077-01-002

Address: 1795 Constitution Road

Atlanta, Georgia

WATER:

Size of existing water main: 8" CI, 8" DI, and 16" CI Water Main ~~(adequate/inadequate)~~ 5-D

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Constitution Area Creek Basin

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

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.

CAPACITY RESTRICTED AREA
5-D

Signature: [Handwritten Signature]



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas. **The discharge from the stormwater management facility of the development shall be connected to an existing storm sewer structure to prevent properties downstream from experiencing an increased volume of runoff after construction.**

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

12/14/2020

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

General Comments:

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

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

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

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

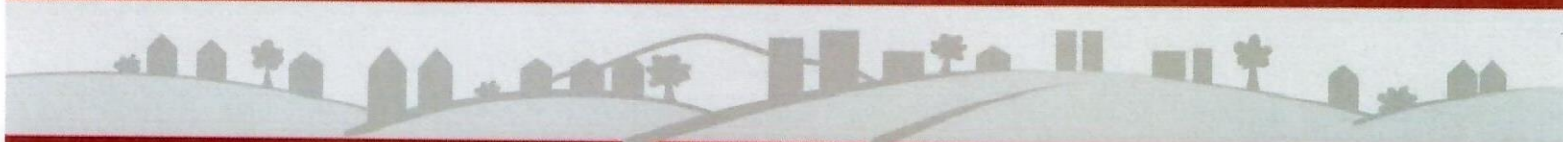
This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

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.

- N.1 Z-21-1244232 2020-1531/15-077-01-002
1795 Constitution Road, Atlanta, GA 30316
- Please review general comments.
- N.2 SLUP-21-1244383 202-1532/18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-0052930
2930 Flowers Road South, Chamblee, GA 30341
- Please review general comments.
- Septic system installed on property 3000 Flowers Road on 09/24/1970.
- N.3 CZ-21-1244384 2020-1534/16-195-01-002, 16-195-011-004, 16-195-01-006, 16-195-01-007
1688 Rock Chapel Road; Lithonia, GA 30058
- Please review general comments.
- Septic indicated on several properties surrounding this location.
- N.4 SLUP-21-1244387 2020-1535/15-164-02-001
4085 Glenwood Road, Decatur, GA 30032
- Please review general comments.
- Septic indicated on several properties; installed between 10-07-59 – July 2001.
- N.5 SLUP-21-1244388 2020-1536/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic indicated on several properties in surrounding area.
- N.6 SLUP-21-1244389 2020-1537/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic system indicated on several properties in surrounding area.
- N.7 Z-21-1244393 2020-1538/15-201-05-002
1548 Line Street, Decatur, GA 30032
- Please review general comments.
- Septic indicated on surrounding property: 1799 Line Street on April 22, 1996.



Board of Health

- N.8 SLUP-21-1244393 2020-1539/18-233-07-002
2345 Shallowford Road, Atlanta, GA 30345
- Please review general comments.
 - Septic system indicated on surrounding properties.
- N.9 Z-21-1244398 2020-1541/15-162-04-007
5021 Covington Highway, Decatur, GA 30035
- Please review general comments.
 - Septic system installed 05/24/1967.
- N.10 SLUP-21-1244417 2020-1542/18-112-02-003
3033 North Druid Hills Road, Atlanta, GA 30329
- Please review general comments.
 - Septic system installed on surrounding property 3035 North Druid Hills Road in 04/14/1980.
- N.11 TA-21-1244279 2020-1543
County-Wide (ALL DISTRICTS)
- N.12 TA-21-1244414 2020-1546
County-Wide (ALL DISTRICTS)
- N.13 V-20-1244428 15-228-01-003, 15-228-01-005, 15-228-01-093, 15-288-01-094
1014 Elder Lane, Stone Mountain, GA 30083

DeKalb County Board of Health

445 Winn Way – Box 987

Decatur, GA 30031

404.294.3700 • www.dekalbhealth.net

21



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-21-1244232 Parcel I.D. #: 15-077-01-002

Address: 1795
Constitution Rd
Atlanta, Ga

Boulders Rd Adjacent Roadway (s): Major

(classification)

(classification)

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

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

Please provide additional information relating to the following statement.

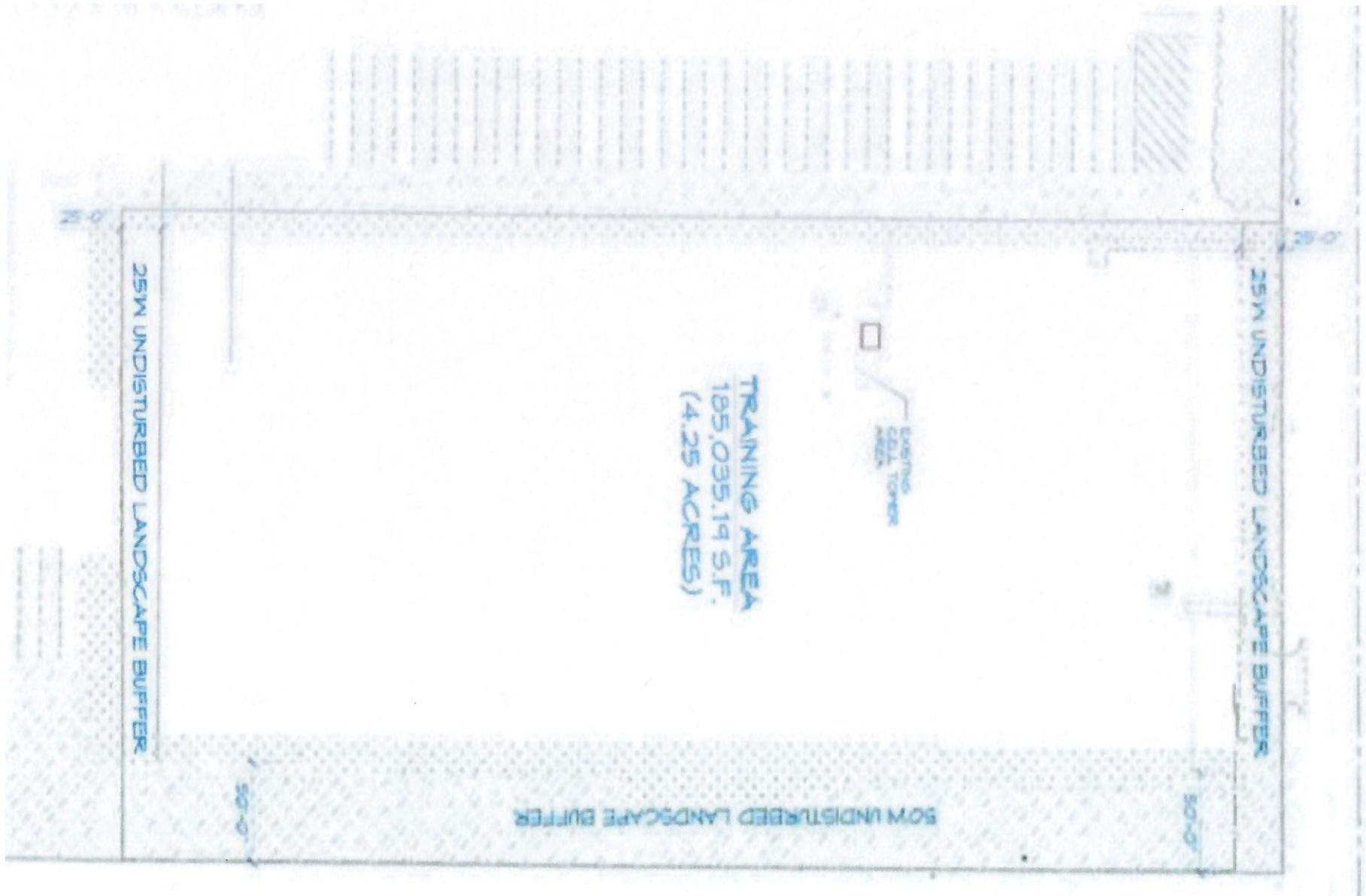
According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____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

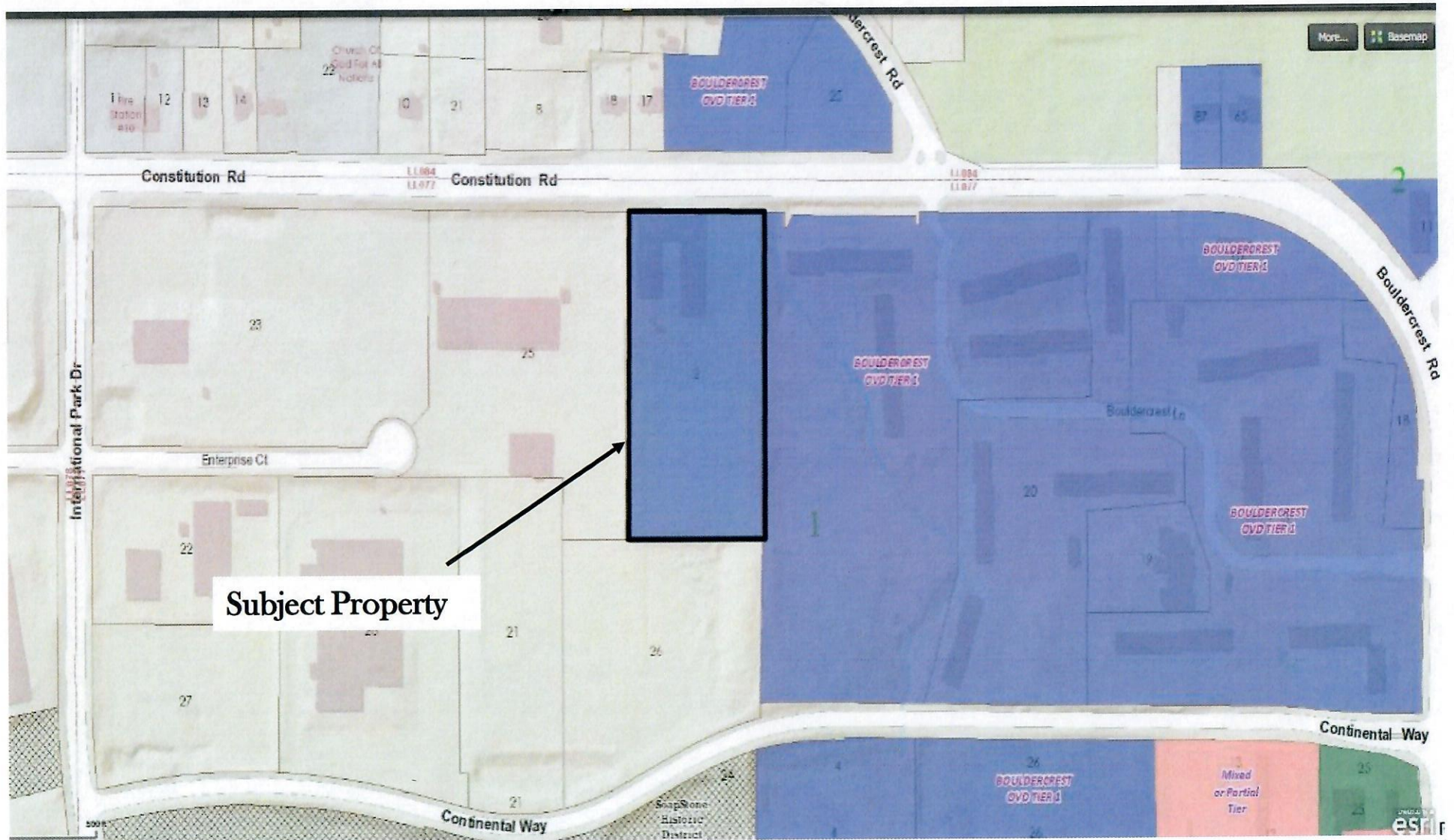
Field and plans reviewed. No problem that would interrupt traffic flow.

Signature: [Signature]



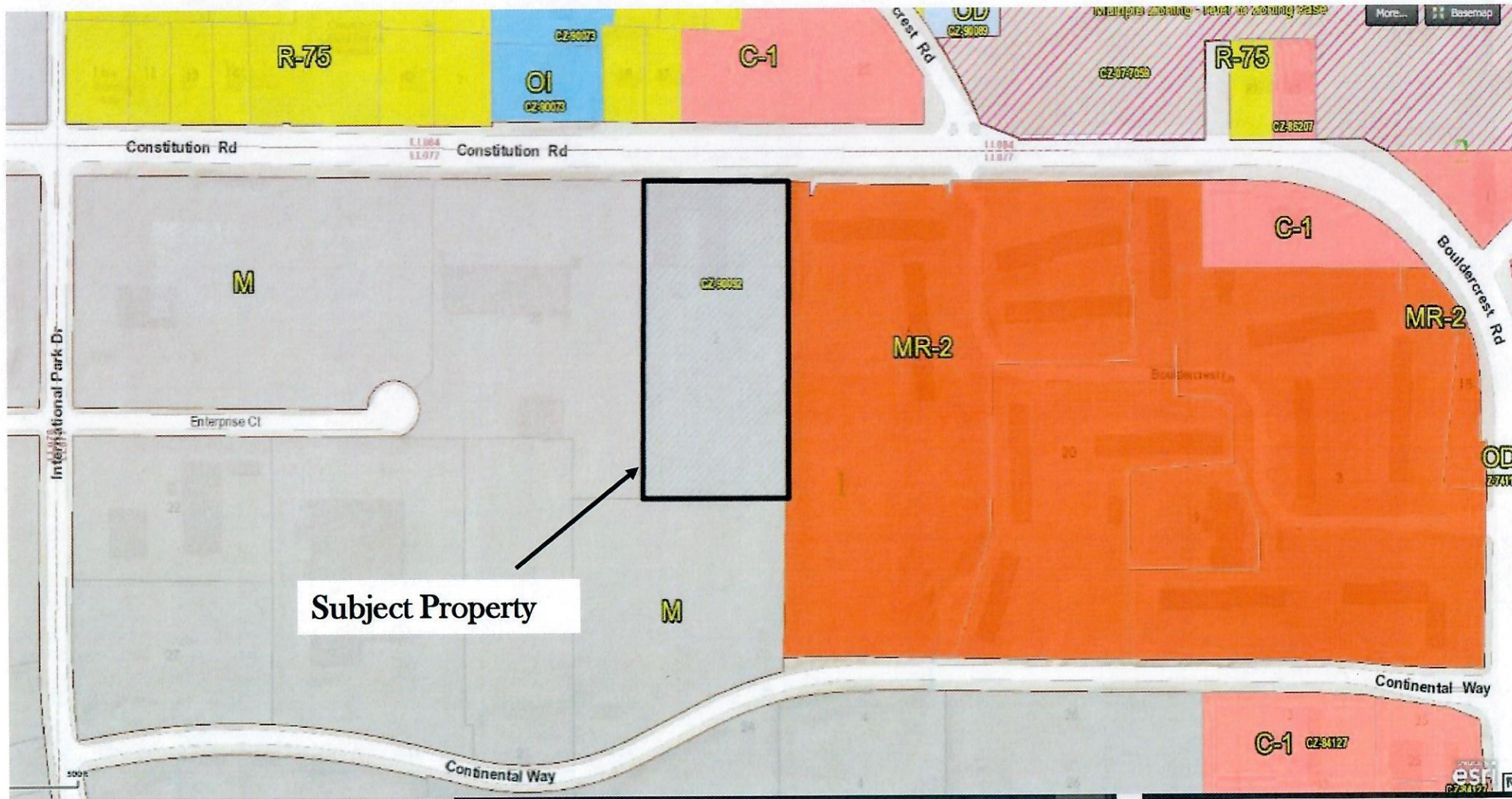
N.1 Z 20 1244232

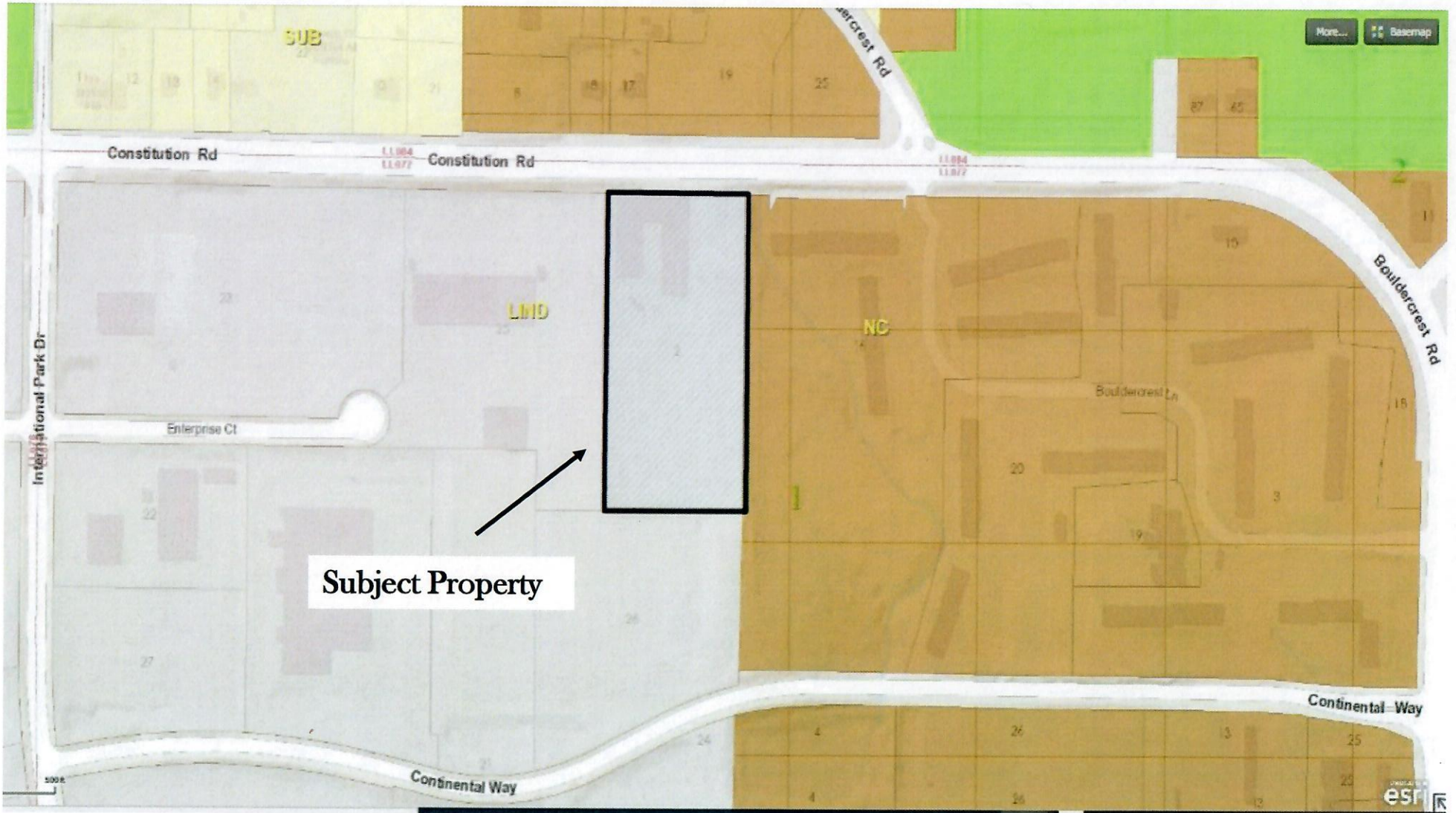
OVERLAY MAP



N.1 Z 20 1244232

ZONING MAP





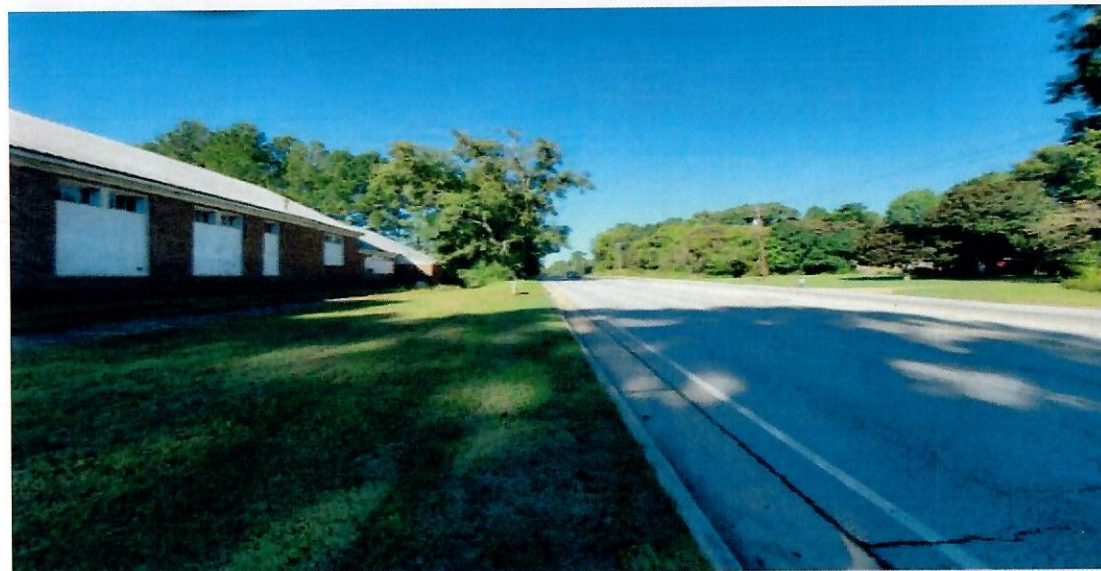
N.1 Z 20 1244232

AERIAL



N.1 Z 20 1244232

SITE PHOTO



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z/CZ No. _____ Filing Fee: _____
Date Received: _____ Application No.: _____
Applicant: Kyle Williams E-Mail: kwilliams@williamsteusink.com
Applicant Mailing Address: 309 Sycamore Street, Decatur, GA 30030
Applicant Phone: 404 373 9590 Fax: 404 378 6049
Owner(s): Schneider Resources, Inc. E-Mail: hunning1@schneider.com
Owner's Mailing Address: 3101 S. Packerland Driv, Green Bay WI 54313
Owner(s) Phone: 920 592 4054 Fax: _____
Address/Location of Subject Property: 1795 Constitution Road, SE
District(s): 15 Land Lot(s): 077 Block: 01 Parcel(s): 002
Acreage: 5.036 Commission District(s): 3 and 5
Present Zoning Category: M/ Bouldercrest OVD Tier 1 Proposed Zoning Category: M
CZ-90092
Present Land Use Category: LIND

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 Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



Handwritten signature of the applicant, Kyle Williams.



R. Kyle Williams
Attorney at Law

404.373.9351 Direct Dial
kwilliams@williamsteusink.com

September 3, 2020

via Electronic Delivery to: aabaker@dekalbcountyga.gov

Andrew A. Baker, AICP
Director, DeKalb County Department of Planning and Sustainability
330 West Ponce de Leon Avenue, 3rd Floor
Decatur, Georgia 30030

Re: APPLICATION TO AMEND OFFICIAL ZONING MAP

1795 Constitution Road, SE, Atlanta, DeKalb County, Georgia 30316
Tax Parcel Id No. 15 077 01 002

Dear Director Baker:

I represent Schneider Resources, Inc. ("Schneider") owner of that certain industrial real property known as and located at 1795 Constitution Road, SE, Atlanta, DeKalb County, Georgia 30316 (the "Property").

The Property contains a total lot area of 219,340 sq. ft. or 5.036 acres. The Property has 325.04' of front yard frontage on Constitution Road, SE.

The Property is zoned M (Light Industrial) District, Conditional pursuant to CZ-90092. The two (2) conditions adopted in 1990 as part of CZ-90092 were:

1. A buffer as required by the Zoning Ordinance is established on the east property line prior to conversion of the tract to an industrial use; and,
2. Road improvements are provided on Constitution Road as may be required by Public Work Department.

The Property is classified by the DeKalb County 2035 Comprehensive Plan with a Character Area/Land Use of Light Industrial.

Despite its industrial zoning and classification, the Property is included within the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1. The Property is the westernmost and last property fronting Constitution Road that is included in the Bouldercrest-Cedar Grove-Moreland Overlay District.

The adjacent and adjoining properties to the west and south are zoned M (Light Industrial) District, but are not included within the Bouldercrest-Cedar Grove-Moreland Overlay

District – Tier 1 or any overlay. The properties to the east are zoned MR-2 (Medium Density Residential-2) and the properties to the north are zoned a mixture of R-75 (Residential Medium Lot-75) District, C-1 (Local Commercial) District and OI (Office Institutional) District.

A. SUMMARY OF PROPOSED REZONING

Schneider is a premier freight, trucking, and transportation logistic provider. In addition to the Property, Schneider owns the following adjacent and adjoining properties:

- (a) 1760 Continental Way, Atlanta, DeKalb County, Georgia
Tax Parcel Id No. 15 077 01 021;
- (b) 1790 Continental Way, Atlanta, DeKalb County, Georgia
Tax Parcel Id No. 15 077 01 026;
- (c) 1749 Enterprise Court, Atlanta, DeKalb County, Georgia
Tax Parcel Id No. 15 077 01 025; and,
- (d) 3300 International Park Drive, Atlanta, DeKalb County, Georgia
Tax Parcel Id No. 15 077 01 023.

These adjacent and adjoining properties owned by Schneider are similarly zoned M (Light Industrial) District and classified by the DeKalb County 2035 Comprehensive Plan with a Character Area/Land Use of Light Industrial. However, these properties are not included within the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 or any overlay.

Since approximately 2001, Schneider has operated a Schneider National Operating/Training Center at its existing properties providing a full-service truck stop for its drivers, job recruitment and training, and related facilities, services, and uses within the County and servicing the southeast.

On December 19, 2019, Schneider purchased the Property to expand its on-site vocation and specialized job educational and training facilities for its job applicants and drivers associated with CDL Class A Licenses. Schneider intends to redevelop the Property to provide vocational and specialized training for its job applicants and employees in the coupling and uncoupling of a tractor trailer, securing of a freight and a tractor trailer, driving mechanics, parking, and unloading of freight and tractor trailer. There will be no public sales or commercial activities conducted on or from the Property. Any and all parking will only be incidental to and an accessory use to the vocational and specialized training.

Schneider's intended use of the Property is a Permitted Use allowable within M (Light Industrial) District as it qualifies as "Colleges, universities, research and training facilities," and/or "Industrial, light," and/or "Outdoor storage, industrial," and/or "Transportation equipment

storage or maintenance (vehicle),” and/or “Truck stop or terminal,” and/or “Vehicle storage yard,” and/or “Warehousing or Storage” use.

Schneider’s intended use of the Property is arguably a Permitted Use allowable within Tier 1 of the Bouldercrest-Cedar Grove-Moreland Overlay District as it qualifies as “Vocational and specialized schools” use. Notwithstanding, initial Planning Staff review has concluded that Schneider’s intended use is an impermissible “Automobile/truck parking lots or parking garages, commercial” use as opposed to a permissible “Vocational and specialized schools” use. As such, initial Planning Staff review has concluded that that Schneider’s intended use is not allowable within the Tier 1 of the Bouldercrest-Cedar Grove-Moreland Overlay District.

Out of an abundance of caution, Schneider requests rezoning of the Property to remove the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 classification and to remove the outdated and inapplicable holdover conditions from CZ-90092. The proposed rezoning is consistent with the DeKalb County 2035 Comprehensive Plan and does not require any amendment.

B. DOCUMENTED IMPACT ANALYSIS

(a) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The proposed rezoning of the Property will permit development of a vocational and specialized training facility that is suitable in view of the use and development of adjacent and nearby property. The Property abuts and adjoins to the west the industrial building known as “Schneider Trucking Facility – Atlanta” and located at Schneider’s adjacent and adjoining properties, which are not within the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 or any overlay. This industrial corridor south of Constitution Road includes additional industrial facilities and uses.

The adjacent and adjoining properties on Constitution Road to the west and south of the Property are zoned M (Light Industrial) District **without** Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 zoning. The adjacent and adjoining property to the east of the Property is zoned MR-2 (Medium Density Residential) with Existing Land Use classification of Neighborhood Center (NC) and Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 zoning. The Property abuts Constitution Road to the north.

The proposed rezoning will allow for a vocational and specialized training facility that would complement and better the serve the existing light industrial uses. The removal of the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 zoning will allow for a more consistent use of the Property with its neighboring industrial properties. While the Property is inside the boundaries of the overlay district, it is unable to be used in the manner it was zoned for. The proposed rezoning will permit a use of the Property that is more consistent with its current zoning.

(b) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

As detailed in Section (a) above, the proposed rezoning is consistent with and will not adversely affect the existing use or usability of adjacent and nearby properties.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The Property does have limited, but not reasonable economic use as currently included in Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1. As currently zoned, the Property’s prospective uses are greatly curtailed due to the conflict between M (Light Industrial) District and Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1. Inclusion in the overlay district is inconsistent with the underlying industrial zoning of the Property and its classification under the DeKalb County 2035 Comprehensive Plan.

The proposed rezoning and vocational and specialized training facility will increase employment opportunities offered by Schneider within the County and all it to continue to grow and expand its business operations in the County. Removing the Property from the Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1 and removing the outdated conditions will bring the Property into conformity with Schneider’s adjacent and adjoining properties and its existing business operations and uses.

(d) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

As detailed in Section (a) above, the proposed rezoning and vocational and specialized training facility is consistent with and will not adversely affect the existing use or usability of adjacent and nearby properties.

(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.

As detailed in Section (a) above, the proposed rezoning and vocational and specialized training facility is consistent with and will not adversely affect the existing use or usability of adjacent and nearby properties.

The Property is not located near county or municipal boundary lines. As such, there are no potential impacts on Property or properties in any adjoining governmental jurisdiction. The removal of the Bouldercrest-Cedar-Grove-Moreland Overlay District – Tier 1 is consistent with adjacent and adjoining zoning and uses.

(f) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources..

The proposed rezoning will not result in any historic building, site, district, or archaeological resource being adversely affected.

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

The proposed rezoning will not result in uses which would cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools. The Property is well served by existing streets, transportation facilities, and utilities within the immediate surrounding areas located Constitution Road. The proposed vocational and specialized training facility will not impact existing schools, and the existing infrastructure is more than sufficient to support the proposed industrial development. The proposed rezoning and vocational and specialized training facility will increase employment opportunities offered by Schneider and all it to continue to grow and expand its business operations in the County. As currently zoned, the Property's prospective uses are greatly curtailed due to the conflict between M (Light Industrial) District and Bouldercrest-Cedar Grove-Moreland Overlay District – Tier 1. Inclusion in the overlay district is inconsistent with the underlying industrial zoning of the Property and its classification under the DeKalb County 2035 Comprehensive Plan.

C. ADDITIONAL SUPPORTING DOCUMENTATION

Applicant includes as additional support for its Application the following:

1. Application to Amend Official Zoning Map;
2. Rezone Application Authorization;
3. Notarized Authorization by Property Owner for Representation;
4. *Warranty Deed* dated December 19, 2019;
5. Legal Descriptions of the Property;
6. CZ-90092, adopted November 27, 1990;
7. Zoning Map of the Property;
8. Comprehensive Land Use Map of the Property;
9. Aerial Photograph of the Property and Surrounding Area;



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: Kyle Williams E-Mail: kwilliams@williamsteusink.com

Applicant Mailing Address:
309 Sycamore Street, Decatur, GA 30030

Applicant Phone: 404 373 9590 Fax: 404 378 6049

Owner(s): Schneider Resources, Inc. E-Mail: hunling1@schnider.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
3101 S. Packerland Driv, Green Bay WI 54313

Owner(s) Phone: 920 592 4054 Fax: _____

Address/Location of Subject Property: 1795 Constiution Road, SE

District(s): 15 Land Lot(s): 077 Block: 01 Parcel(s): 002

Acreage: 5.036 Commission District(s): 3 and 6

Present Zoning Category: M/ Bouldercrest OVD Tier 1 Proposed Zoning Category: M
CZ-90092

Present Land Use Category: LIND

PLEASE READ THE FOLLOWING BEFORE SIGNING

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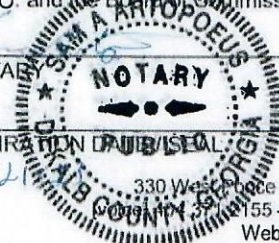
Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filling of this application? X Yes No

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 PUBLIC



SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

EXPIRATION DATE

330 West Peachtree de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
(404) 371-1555 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

DeKalb County Officials Disclosure Report

Commissioner Steve Bradshaw - \$250.00 -- Campaign Contribution

Commissioner Larry Johnson - \$250.00 -- Campaign Contribution

Commissioner Loraine Cochran-Johnson \$250.00-- Campaign Contribution

Commissioner Jeff Rader - \$250.00 -- Campaign Contribution

NOTARIZED AUTHORIZATION FOR REPRESENTATION BY PROPERTY OWNER

1795 Constitution Road, SE (Tax Parcel ID No. 15 077 01 002)

I, Glenn Buntin, as Senior Director of Facilities and authorized representative of Schneider Resources, Inc., swears that Schneider Resources, Inc. is the owner of that certain real property located at and known as 1795 Constitution Road, SE, Atlanta, DeKalb County, Georgia 30316 (Tax Parcel ID No. 15 077 01 002)(the "Property), which is the subject matter of the attached Application. I authorize the persons and firm named below to act as Applicant and my representative in pursuit of this Application, in all matters related to zoning, permitting, planning, building, and development.

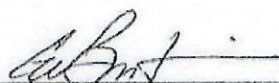
Name of Applicant: R. Kyle Williams

Name of Firm: Williams Teusink, LLC
Address: The High House
309 Sycamore Street
Decatur, Georgia 30030

Telephone No.: (404) 373-9590

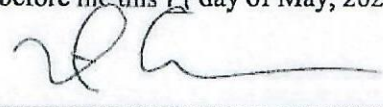
Email: kwilliams@williamsteusink.com

SCHNEIDER RESOURCES, INC.



Glenn Buntin, Senior Director of Facilities

Sworn and subscribed
before me this 19 day of May, 2020.



Notary Public
Commission Expiration Date: NEVER



2020001758 DEED BOOK 28035 Pg 367
Filed and Recorded: 1/7/2020 2:08:00 PM
Recording Fee: \$25.00
Real Estate Transfer Tax: \$1,566.00
Prepared By:
3760043500
7067927936

Tax Parcel No.: 15 077 01 002

UPON RECORDING RETURN TO:

Schneider Resources, Inc.
3101 S. Packerland Drive
Green Bay, Wisconsin 54306-2545
Attention: Justin E. Baucr

Return To:

Fidelity National Title Group
3301 Windy Ridge Parkway, Suite 300
Atlanta, GA 30339
Attn: Ambreen Shahnawaz 192210GA

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made as of December 14, 2019, between **BLACKHALL REAL ESTATE PHASE II LLC**, a Delaware limited liability company (herein called "Grantor"), and **SCHNEIDER RESOURCES, INC.**, a Wisconsin corporation (herein called "Grantee"), whose mailing address is c/o Schneider, 3101 S. Packerland Drive, Green Bay, Wisconsin 54306-2545.

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described in Exhibit A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, **IN FEE SIMPLE**.

This Deed and the warranty of title contained herein are made expressly subject to the items set forth in Exhibit B attached hereto and made a part hereof.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

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

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

Signed, sealed and delivered in the presence of:

BLACKHALL REAL ESTATE PHASE II LLC, a Delaware limited liability company

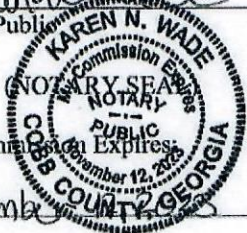
Manal Norrifa
Unofficial Witness

By: **IRINDA CAPITAL MANAGEMENT, LLC**, a Georgia limited liability company, its Manager

Karen N. Wade
Notary Public

By: **RCM Capital Advisors Inc.**, a Georgia corporation, its sole Member and Manager

My Commission Expires:
November 12, 2023



By: *Ryan Millsap*
Name: **Ryan Millsap**
Title: **President**

EXHIBIT ALegal Description

All that tract or parcel of land lying and being in Land Lot 77 of the 15th District of DeKalb County and being further described as follows:

Commencing at the intersection of the Southerly right of way of Constitution Road (65 feet from the centerline) and the Easterly right of way of International Park Drive (80 foot right of way) thence in a Northeasterly direction along the Southern right of way of Constitution Road 1,296.21 feet to rebar found, being the True Point of Beginning; thence continuing along said right of way of Constitution Road and running North 88 degrees 58 minutes 40 seconds East a distance of 325.08 feet to a rebar set; thence leaving said right of way line and running South 00 degrees 30 minutes 00 seconds East for a distance of 673.97 feet to an open top pipe found; thence running South 88 degrees 41 minutes 40 seconds West for a distance of 325.10 feet to a rebar set; thence running North 00 degrees 30 minutes 00 seconds West for a distance of 671.58 feet to a rebar found on the Southerly right of way of Constitution Road and the Point of Beginning.

Said tract being improved property containing 5.036+/- acres or 219,347+/- square feet.

2020001758 DEED BOOK 28035 Pg 370
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

EXHIBIT B

Permitted Title Exceptions

1. Property taxes for the year 2020 and subsequent years, a lien not yet due and payable.
2. Unrecorded Site Lease Agreement as evidenced by that certain Short Form of Lease by and between Herbert A. Mullenix and AT&T Wireless PCS, Inc., a Delaware corporation, dated July 9, 1997, and recorded in Deed Book 9529, Page 93, DeKalb County, Georgia records, as affected by that certain Memorandum of Agreement by and between AT&T Wireless PCS, Inc., a Delaware corporation, acting by and through its agent AT&T Wireless Services, Inc., a Delaware corporation, dated May 6, 1999, and recorded in Deed Book 10824, Page 261, aforesaid records; as assigned by that certain Assignment of Lease dated July 14, 2016 recorded July 18, 2016 in Deed Book 25675, Page 598 in the aforesaid records ; as affected by Assignment of Lease from Genesis Atlanta, LLC, an Arizona limited liability company as Landlord and Assignor and Global Signal Acquisitions IV LLC, a Delaware limited liability company as Assignee, dated July 28, 2016, recorded August 8, 2016 in Deed Book 25715, Page 429, aforesaid records.
3. Easement by and between Genesis Atlanta, LLC and Global Signal Acquisitions IV LLC dated July 28, 2016 and recorded August 8, 2016 in Deed Book 25715, Page 414, in the aforesaid records.
4. Reservation of Payment Rights by Genesis Atlanta, LLC, an Arizona limited liability company dated August 3, 2016 and recorded August 10, 2016 in Deed Book 25722, Page 284 in the aforesaid records.
5. Unrecorded Southern Bell Telephone Easement, DeKalb County Water and Sewer Easements, Atlanta Gas Easement and Overhead Service, to Bouldercrest School, as evidenced by that certain Georgia Power Sketch, being I.O. No. E012-262-74, dated September 20, 1974.
6. All matters that would be disclosed by a current survey of the Property.