

DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

**Planning Commission Hearing Date: January 5, 2023
Board of Commissioners Hearing Date: January 26, 2023**

STAFF ANALYSIS

Case No.:	Z-22-1246093	Agenda #: 2022-2263
Location/Address:	3355, 3375, & 3395 Northeast Expressway	Commission District: 01 Super District: 07
Parcel ID(s):	18-267-01-004, -007, & -008	
Request:	Rezone from the O-I (Office Institutional) Zoning District to HR-3 (High Density Residential-3) Zoning District to allow multi-family development.	
Property Owner(s):	3395 Northeast Expressway, LLC; 3375 Northeast Expressway, LLC; 3355 Northeast Expressway, LLC	
Applicant/Agent:	Alpha Residential & Parker Poe Adams & Bernstein, LLP	
Acreage:	7.24 acres	
Existing Land Use:	Office	
Surrounding Properties:	North: City of Chamblee East: O-I South: O-I, C-2, MR-2 West: City of Chamblee (across I-85)	
Comprehensive Plan:	RC <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	

Staff Recommendation: Approval with conditions

The applicant is requesting a rezoning from the O-I (Office Institutional) Zoning District to the HR-3 (High Density Residential-3) Zoning District for redevelopment of the site into a 775-unit multi-family residential community. The subject properties contain vacant office buildings. The development will consist of two 7-story buildings, 5,000 square feet of accessory retail/restaurant, and a parking garage internal to the site. Per a 2020 text amendment to the *Zoning Ordinance*, the minimum multi-family unit size for the HR-3 Zoning District is 500 square feet.

The Board of Commissioners adopted the *2050 Unified Plan* on November 17, 2022, which included a change of the future land use designation for the subject properties and others along the Interstate 85 corridor from Office Park (OP) to Regional Center (RC). This change will significantly enhance the visual appeal of the corridor, increase density, and boost much needed regional housing supply near an academic/employment center. With that change, the requested HR-3 zoning is now consistent with the *2050 Unified Plan*.

The HR-3 Zoning District is designed to accommodate high density, high rise, multi-family residential development at a base maximum density of sixty (60) dwelling units per acre. A maximum density up to 120 dwelling units per acre may be achieved if certain community enhancements are provided.

The applicant proposes an additional sixty-six (66) dwelling units per acre worth of bonus density through the provision of the following amenities:

REQUESTED DENSITY BONUSES			
Base Max Density	Amenity	Density Increase %	Add'l Dwelling Units per acre
60 DUs/AC	-	-	-
	MARTA Bus Shelter	20% (60 x .20)	= 12 DUs/AC
	Public Art	20% (60 x .20)	= 12 DUs/AC
	Parking Garage	20% (60 x .20)	= 12 DUs/AC
	LEED certified bldgs	50% (60 x .20)	= 30 DUs/AC
			TOTAL: 66 DUs/AC
TOTAL MAX DENSITY		60 (Base) + 66 (Bonuses) = 126 DUs/AC	

While the proposed development aligns with future land use and zoning goals, it does present a number of notable public infrastructure impacts. Sewer capacity evaluation will be needed to address prospective demand and health regulations of prospective nonresidential uses. The school district estimates additional students for Henderson Mill Elementary and Lakeside High School, which are both at or over capacity (100.2% and 125.9%, respectively). The proposed parking count (1,020 spaces) comes in lower than the minimum required (1,203). However, there may be potential to reduce the number of minimum parking spaces required via shared parking arrangement for mixed-use development, administrative variance, and consideration of MARTA transit service in the vicinity of the subject property. Additionally, although the development group proposes underground stormwater management, the current site plan lacks satisfactory conceptual details.

The number of proposed units exceeds the statutory threshold of 400 housing units for a region and therefore, is subject to Development of Regional Impact (DRI) review by the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA). A recommendation of “approval with conditions” was issued on November 8, 2022 for this project. The decision notice includes a number of recommended transportation and pedestrian system improvements along the project site and in its vicinity. These recommended improvements were also captured in the traffic impact analysis performed by Kimley Horn. Moreover, the project aligns with the Regional Employment Corridor recommendations reuse of developed land, connection between employment and housing, transit/mobility potential, potential for improved access to greenspace.

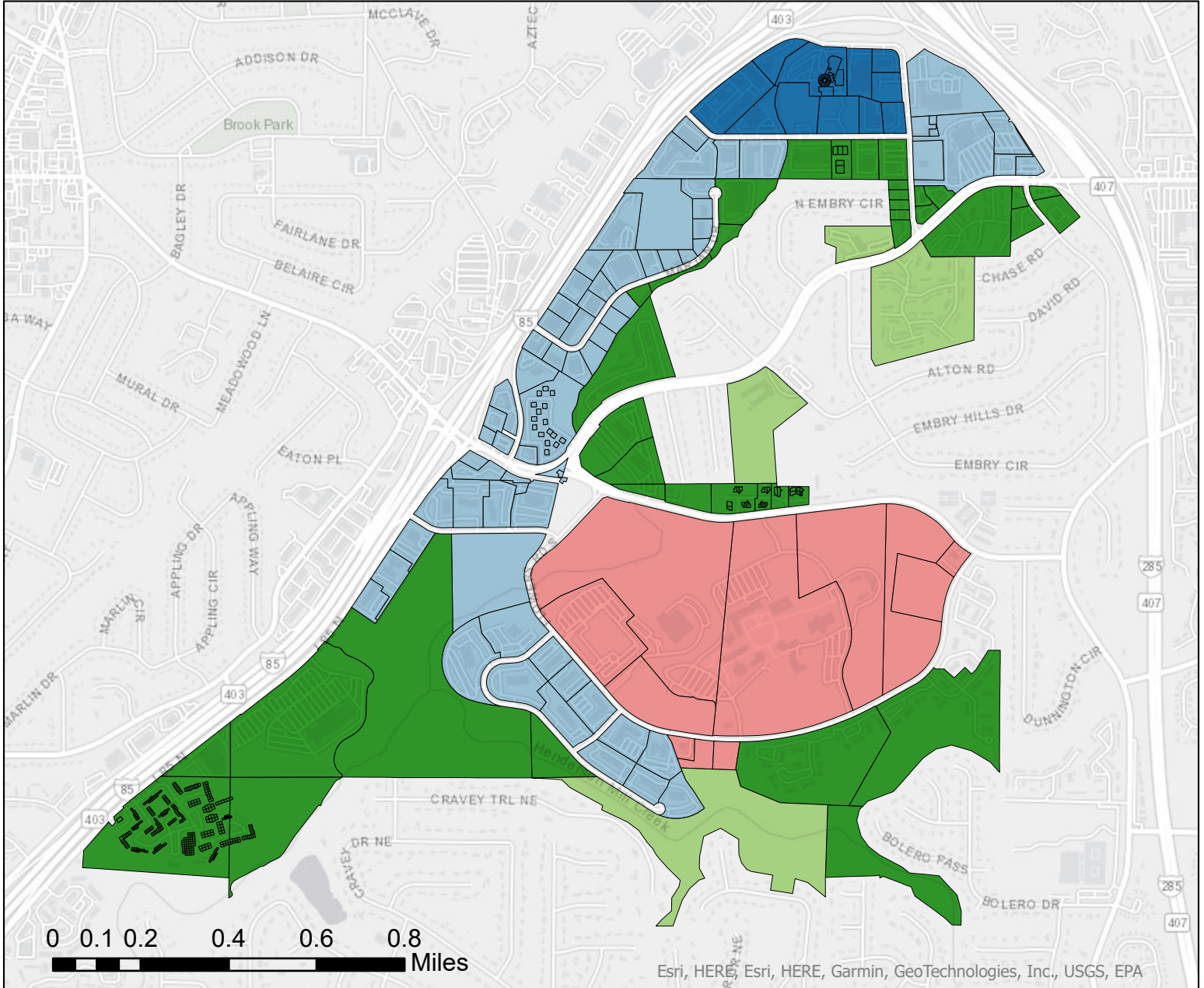
Upon review of Section 7.3.5. of the *Zoning Ordinance*, staff recommends approval with conditions:

1. The subject properties shall be developed in general conformance with the enclosed site plan entitled, “Apex Audubon DRI #3783,” dated, 08/24/2022. Exceptions based on approved variances, minor modifications, or administrative interpretations are acceptable, in accordance with county regulations.
2. The proposed development shall consist of two (2) multi-family residential buildings with no more than 775 dwelling units.
3. Alpha Residential proffers to coordinate with MARTA and Georgia Department of Transportation (GDOT) to install two (2) new bus shelters at existing MARTA bus stops adjacent to the subject property on Northeast Expressway and near the intersection of Woodcock Blvd and Northeast Expressway.
4. Applicant must demonstrate compliance with the density bonus criteria at the appropriate times, as outlined below:
 - a. Public improvements to install bus shelters at existing MARTA bus stops, as described in Condition #3. A written agreement between MARTA and the applicant needs to be submitted to indicate that this improvement will be implemented per MARTA or GRTA standards and a project

timeline for that implementation. Installation must be done prior to issuance of any building permits for the residential project. See Section 2.12.7 (A1).

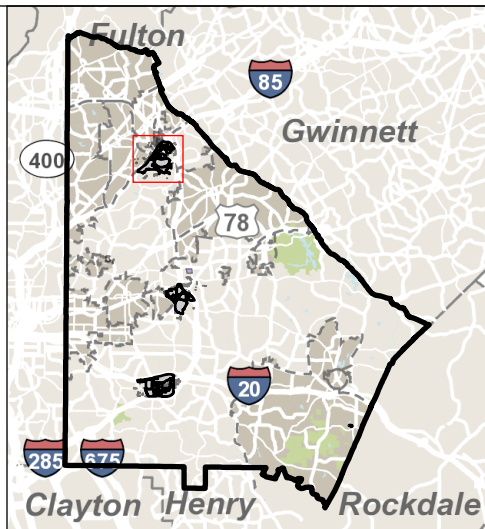
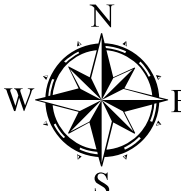
- b. Installation of a public art piece must comply with Planning Commission criteria for public art in Article 2 (See Section 2.12.7 (A3)). Planning Commission approval of the art must occur prior to issuance of a Land Disturbance Permit, and installation of the art piece must occur prior to issuance of any certificates of occupancy.
 - c. Structured Parking shall be constructed during phase 1 in accordance with Section 2.12.7 (A4).
 - d. Applicant must include a receipt with proof of payment and/or registration for the project's inclusion in the LEED certification program with its first application for a building permit. Prior to issuance of certificates of occupancy, applicant must submit a certification letter from the U.S. Green Building Council stating that the project has met its requirements.
5. Alpha Residential (or future property owner) shall provide a pedestrian connection to the Peachtree Creek Greenway, as illustrated on the enclosed site plan. Actual connection may vary, based on site conditions.
 6. Ingress/egress for Driveways A, B, and C shall be designated on future plans and constructed, per Georgia Regional Transportation Authority (GRTA) recommendations.

Presidential Parkway Regional Center Supplemental Land Use Recommendations 2050 Unified Plan



Future Land Use Category

- Center Core
- Outer Core
- Institutional
- Edge 1 (Bordering Residential)
- Edge 2 (Residential)

Map Prepared by:
Long Range Planning
DeKalb County Planning & Sustainability Department



**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 WATER AND SEWER**

Case No.: Z-22-1246093

Parcel I.D. #: 18-267-01-004, 18-267-01-007, 18-267-01-008

Address: 3375 NORTHEAST EXPY
CHAMBLEE, GA 30341

WATER:

Size of existing water main: 8" CI (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: North Fork Peachtree Creek

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

Water Treatment Facility: Atlanta adequate inadequate

Sewage Capacity: 40 (MGPD) Current Flow: 36 (MGPD)

COMMENTS:

Sewer capacity required if work is an addition

Signature: Yola Lewis

10/17/2022

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

General Comments:

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

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

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

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

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

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

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

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

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

10/17/2022

N13 2022-2263

Z-22-1246093 18-267-01-004, 18-267-01-007, 18-267-01-008

3375 Northeast Expy, Chamblee, GA 30341

Amendment

- Please review general comments.
- Note: This property may be on septic. Based on our records several surrounding properties have septic system installed. Our office does not have records that indicates installation.

N14 2022-2264

Z-22-1246095 18-049-01-012, 18-049-01-013

1620 Scott Blvd., Decatur, GA 30033

Amendment

- Please review general comments.
- Note: This property may be on septic. Based on our records several surrounding properties have septic system installed. Our office does not have records that indicates installation.

N15 2022 2265

Z22-1246096 15-248-09-015

2739 Craigie Ave., Decatur, GA 30030

Amendment

- Please review general comments.

N16 2022-2268

SLUP-22-1246099 15-224-09-062

1193 Sherrington Drive, Stone Mountain, GA 30083

Amendment

- Please review general comments.

Zoning Comments – October 2022

- N1.** No package to review.
- N2. 1845 Lawrenceville Hwy.** Lawrenceville Hwy is a state route. GDOT review and approval required prior to permitting. Lawrenceville Hwy is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Add ADA Ramps and a pedestrian crossing across Jordan Lane. Requires a 5-foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Jordan Lane is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12-foot travel lane from centerline with curb and gutter. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. No poles may remain within the limits of the sidewalk. Driveway on Jordan Lane cannot be relocated without Transportation approval- proposed location acceptable.
- N3. 1251 Robinwood Rd.** Build 5 foot sidewalks in front of the subject property and extend to Lawrenceville Hwy within the current right of way. Robinwood Rd is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12 foot travel lane from centerline with curb and gutter. Requires a 5 foot landscape strip with a 5 foot sidewalk on right of way. Requires pedestrian scale streetlights. Street parking within the right of way must be approved by Roads & Drainage prior to permitting. No poles may remain within the limits of the sidewalk. Interior streets/alleys must be private.
- N4. 3458 Mountain Drive.** Mountain Drive is a state route and requires GDOT review and approval prior to permitting. Requires traffic study to determine required number of lanes and queue lengths at entrances. The study will also determine the need for left turn lanes into the development. Mountain Drive is classified as a collector road. Requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Speed Limit is 45 mph (per plans). Watch minimum driveway separation spacing in Sec 14-200(6). Speed Limits between 36 to 45mph requires 245 feet of separation between driveways. Developments with 151-300 residential units require 3 access points (Land development Code Sec 14-200(5).) Suggest that if you are seeking a variance that you do it within the zoning process. Interior street must be private.
- N5. 6168 Marbut Rd.** No parking allowed on Marbut Road.
- N6/N7. 2179 Bouldercrest Road.** Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 from centerline OR such that all public infrastructure is within right of way, whichever greater. Replace curbing along property frontage. Requires a 5 foot landscape strip with a 10 foot multituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. No Parking allowed within the right of way.
- N8. 3507 Memorial Drive.** Memorial Drive is a state route. GDOT review and approval required prior to permitting. No comment. Based on the plan, this site it interior to the property and not adjacent to a right of way.

- N9. 311 South Howard St.** (They have the wrong address on the application. It is 211 South Howard Street.) Memorial Drive is a state route within the City of Atlanta. Both agencies will have to review and approve the requirements prior to permitting. For DeKalb: Memorial Drive requires a right of way dedication of 50 foot from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. DeKalb Transportation will defer to the City of Atlanta comments for right of way improvements. South Howard St is classified as a collector street. South Howard Street requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Access point must remain at the southern property line on South Howard St. Interior private alley (instead of a shared drive for permitting) must be private. Shared drives not allowed for 6 lots, private alley in this case is allowed.
- N10. 1347 Bermuda Road.** By Code- shared driveways can only be for 2 lots. A variance will be necessary to have 6 lots on a shared driveway. Suggestion: widen to 24 feet and make it a private road. Bermuda Road is classified as a collector road. requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Watch minimum separation of drives/roads in section 14-200(6) based on the speed limit of the road.
- N11. 8067 Rockbridge Road.** No Access on The Trace. Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. The Trace is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. This property is within the interior of a curve. Intersection sight distance exiting the property (based on AASHTO guidance and sealed by a professional engineer) must be met prior to permitting. Guardrail resign must also take place by a professional engineer along the Rockbridge frontage.
- N12. 1065 Fayetteville Rd.** Fayetteville Road is classified as a collector road. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Graham Circle is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 12 foot travel lane from centerline of road. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. Interior streets are shown on site plan as private. If they become public: Requires a right of way dedication of 55 feet. Requires a 5 foot landscape strip with a 6 foot sidewalk. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights.
- N13. 2255, 3375, 3395 Northeast Expressway.** All access is from GDOT right of way. GDOT review and permits required. Further discussions required around the Peachtree Greenway Trail connection. All public infrastructure must be on right of way.
- N14. 1602 Scott Blvd.** Scott Blvd is a state route. GDOT review and approval required prior to permitting. Scott Blvd is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. Extend Path to and along Blackmon Drive frontage. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. All interior streets to be private. No access allowed on Blackmon Drive Right in right out only allowed on Scott Blvd- with proper design to prohibit restricted movements.
- N15. 2739 Craigie Ave.** No comment.
- N16. 1259 Sheppard Ct.** No comment.

N17/N18. Not in package to review.

N19. No comment.

**DeKalb County School District
Development Review Comments**

Analysis Date: 10/14/2022

Submitted to: DeKalb County

Case #: Z-22-1246093

Parcel #: 18-267-01-004/-007/-008

Name of Development: Alpha Northeast Expressway

Location: 3355, 3375, 3395 Northeast Expy, south of Woodcock Blvd

Description: Proposed 840 apartment units to replace 3 office buildings.

Impact of Development: When fully constructed, this development would be expected to generate 93 students: 37 at Henderson Mill Elementary, 17 at Henderson Middle School, 21 at Lakeside High School, 16 at other DCSD schools, and 2 at private school. Enrollment at Henderson Mill ES and Lakeside HS is already above capacity and additional students may require temporary or permanent classroom additions and/or redistricting.

Current Condition of Schools	Henderson					Total
	Henderson Mill Elementary	Middle School	Lakeside High School	Other DCSD Schools	Private Schools	
Capacity	504	1,590	1,705			
Portables	7	0	11			
Enrollment (Oct. 2022)	505	1,363	2,147			
Seats Available	-1	227	-442			
Utilization (%)	100.2%	85.7%	125.9%			
New students from development	37	17	21	16	2	93
New Enrollment	542	1,380	2,168			
New Seats Available	-38	210	-463			
New Utilization	107.5%	86.8%	127.2%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
	Elementary	0.0446	0.0094	0.0008
Middle	0.0197	0.0050	0.0000	0.0247
High	0.0248	0.0044	0.0010	0.0303
Total	0.0890	0.0189	0.0018	0.1097
Student Calculations				
Proposed Units	840			
Unit Type	APT			
Cluster	Lakeside High School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	37.43	7.90	0.67	46.00
Middle	16.53	4.24	0.00	20.77
High	20.84	3.71	0.86	25.41
Total	74.80	15.85	1.53	92.18
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Henderson Mill Elementary	37	8	1	46
Henderson Middle School	17	4	0	21
Lakeside High School	21	4	1	26
Total	75	16	2	93



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:

- **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 **(sections have been amended recently; please request the amended chapter)**, 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.

Conceptual plan doesn't indicate the location of the stormwater management facility. Location of stormwater management shall be shown or compliance with the County stormwater management regulations shall be explained.

Additional consideration must be given to the 10% downstream analysis.

Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was 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.**

Stormwater management facility is not allowed in the floodplain nor in the stream buffer.

- **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



N-13

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-22-1246093 Parcel I.D. #: 18-267-01-004

Address: 3375
NORTHWEST EXPY
Chamblee, GA 30341

Adjacent Roadway (s):

(classification) (classification)

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

Please provide additional information relating to the following statement.

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

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Fields and plans Review. Nothing found that would affect traffic condition or flow.

Signature: [Signature]

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received: _____ Application No: _____

Applicant Name: Paul Cables, Alpha Residential represented by Jahnee Prince, Parker Poe

Applicant E-Mail Address: pcables@alpharesidential.com

Applicant Mailing Address: _____

Applicant Daytime Phone: 678-940-9729 Fax: _____

Owners Names: 3355 Northeast Expressway LLC; 3375 Northeast Expressway, LLC; 3395 Northeast Expressway, LLC

Owner Mailing Address: 34 Peachtree Street NW, 28th floor, Atlanta GA 30303

Owner Daytime Phone: 404-861-1795

Address of Subject Property: 3355,3375, and 3395 Northeast Expressway, Chamblee GA 30341

Parcel ID#: 18 267 01 004, 18 267 01 008, 18 267 01 007

Acreage: 7.02 Commission District: 1 and 7

Present Zoning District(s): OI

Proposed Zoning District: HR-3

Present Land Use Designation: OP

Proposed Land Use Designation (if applicable): RC



Jahnee Prince
Associated Professional
t: 678.690.5750
f: 404.869.6972
jahneepri@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

August 10, 2022

Re: Rezoning Application by Alpha Residential for approximately 7.02 acres located at 3355, 3375, and 3395 Northeast Expressway, Chamblee, Georgia 30341

Dear Property Owner:

Our law firm represents Alpha Residential, with respect to the above referenced application for rezoning from OI, Office Institutional to HR-3, High Density Residential-3 to develop up to 840 apartments at 3355, 3375, and 3395 Northeast Expressway, Chamblee, Georgia 30341. A map is attached that shows the location of the subject property and there is a concept plan that shows the conceptual plan for the apartment buildings.

In accordance with Dekalb County's requirements, we are notifying, in writing, all surrounding property owners within a 500 feet radius of the subject property as shown on the most current tax record, and neighborhood associations/community groups within one half mile, that we will be hosting a Zoom community information meeting on August 25, 2022 at 6 pm. Please use this link to join the Zoom Meeting:

<https://parkerpoe.zoom.us/j/87399868605?pwd=TzRDd3BFdXBCRE9LLzJjdDRDMnMvdz09>

Meeting ID: 873 9986 8605

Passcode: 650401

One tap mobile

+13017158592,,87399868605#,,, *650401# US (Washington DC)

+13092053325,,87399868605#,,, *650401# US

Dial by your location

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+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

Meeting ID: 873 9986 8605

Passcode: 650401

Find your local number: <https://parkerpoe.zoom.us/u/kdA01I6ruM>

August 10, 2022
Page 2

The rezoning application will be filed on September 1, 2022. Once our application is accepted by Dekalb County staff, additional materials filed in support of the application may be viewed at <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>. The anticipated Dekalb County Planning Commission hearing date is November 1, 2022 at 5:30 p.m. and the anticipated Dekalb County Board of Commissioners public hearing date is November 17, 2022 at 5:30 p.m.

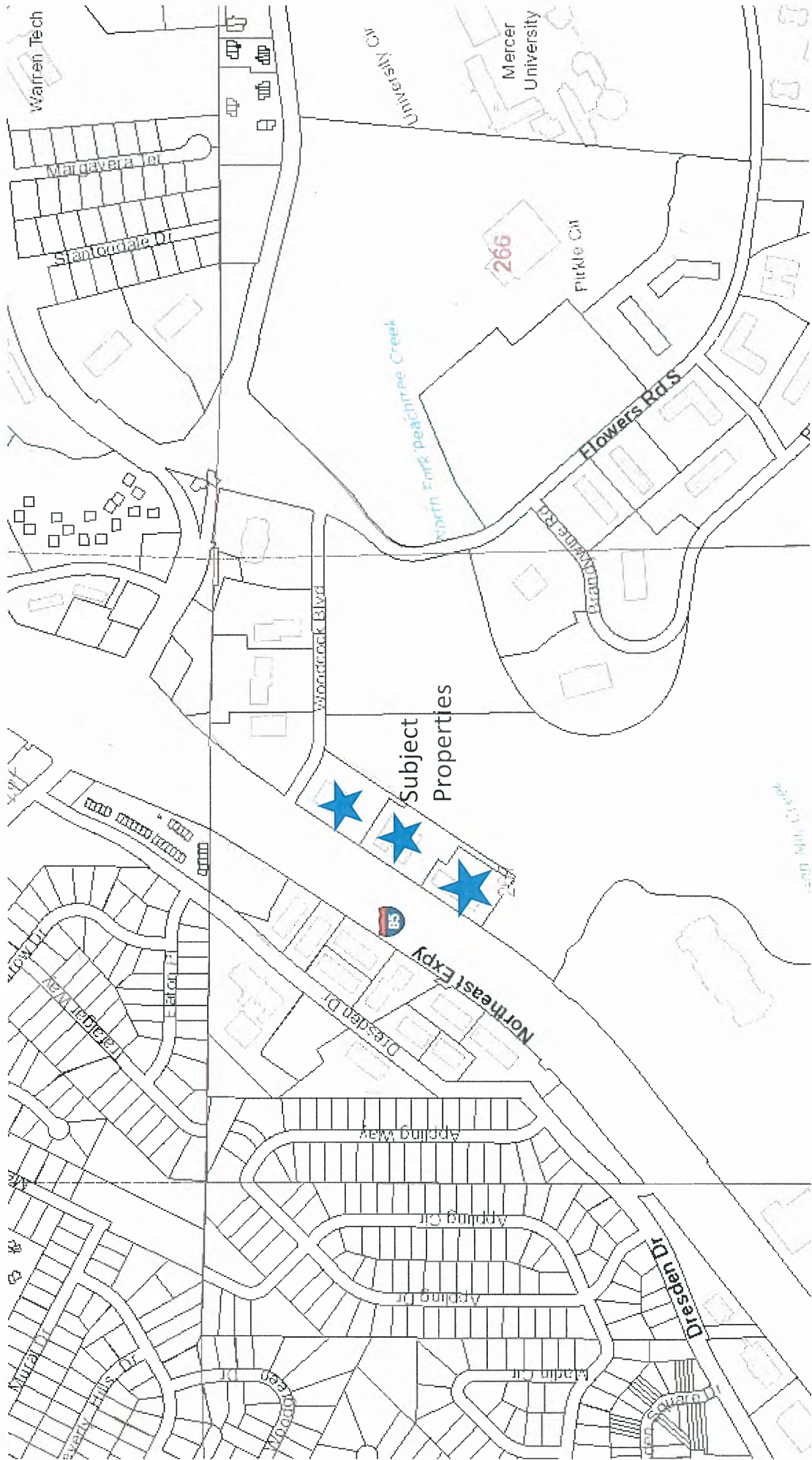
The application does not include your property and this notice does not require that you take any action, only that you be notified as to the matters contained herein. Nevertheless, please feel free to contact me with any questions or concerns regarding the application.

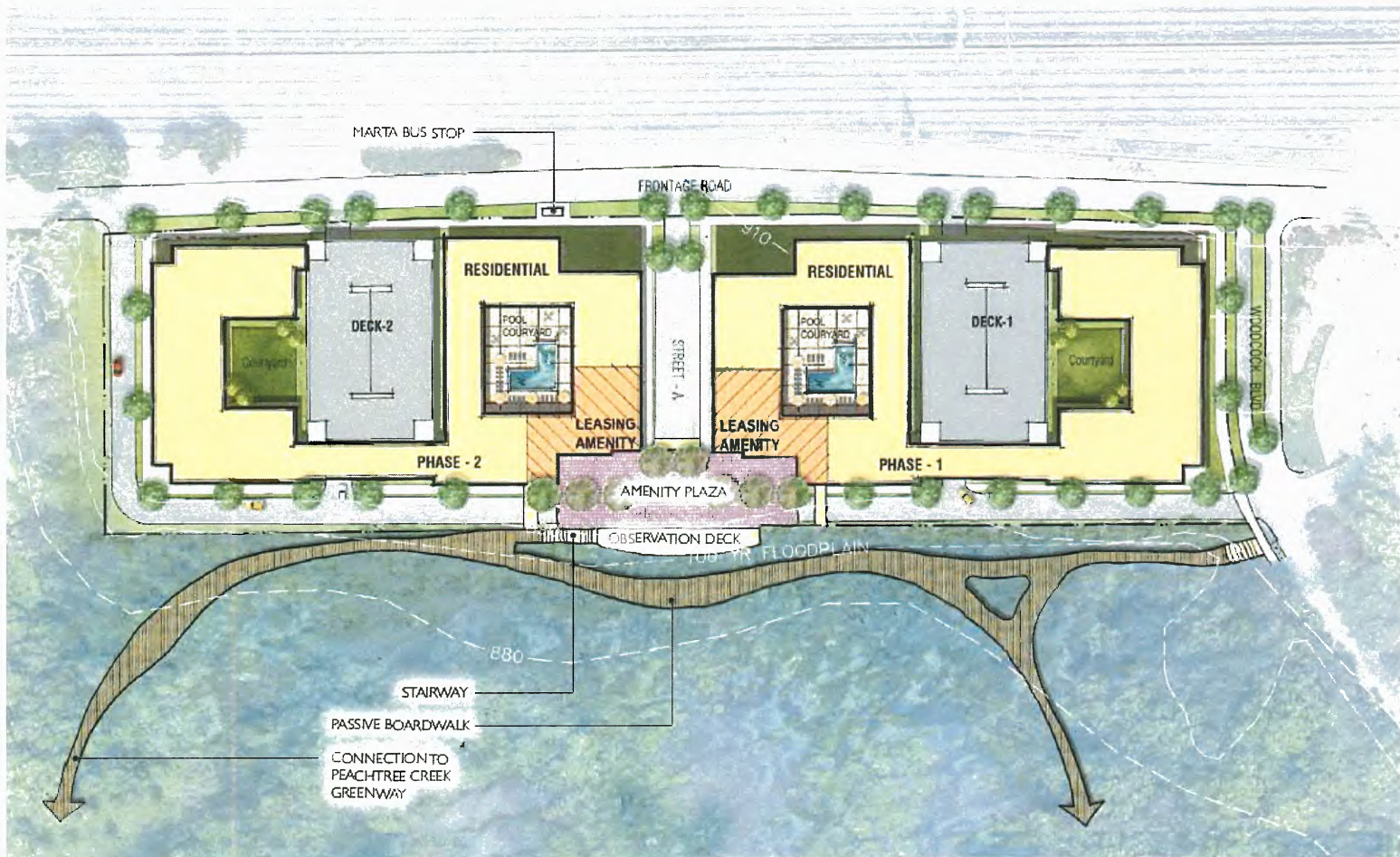
Very truly yours,



Jahnee Prince

JP
Enclosures





Atlanta, GA
July 25, 2022

APEX AUDUBON
SITE CONCEPT PLAN





DeKalb County
G E O R G I A

Development Service Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

Property owner mailing list disclaimer for DeKalb County

We are providing a list of property owners as a courtesy. It may or may not contain all property owners. It is the applicant's responsibility to ensure that they are complying with the community meeting requirements, including contacting all property owners within 500 feet of the subject property.

No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has conducted a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and adjacent and nearby property owners within five hundred (500) feet of the subject property.

A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be held via an online meeting service (e.g. Zoom, Skype, Microsoft Teams, etc.). The online, pre-submittal community meeting shall take place no less than fifteen (15) days after the date of the written notice. Additionally, online, pre-submittal community meetings shall be conducted no earlier than 5:00p.m. on weekdays or between the hours of 9:00a.m. – 5:00p.m. on weekends. Online meetings shall be recorded. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.

Northeast Expressway
POINT JOE PARTNERS LLC
3300 NE EXPRESSWAY BLDG 6
ATLANTA GA 30341

Northeast Expressway
REALTY INCOME CORPORATION
2424 RIDGE RD
ROCKWALL TX 75087

Northeast Expressway
3375 NORTHEAST EXPRESSWAY LLC
5675 JIMMY CARTER BLVD STE 109
LILBURN GA 30047

Northeast Expressway
THIRTY-THREE HUNDRED
3300 NORTHEAST EXPY NE # A
ATLANTA GA 30341

Northeast Expressway
3300 BUILDING 4 LLC
3300 NE EXPRESSWAY BLDG 3
ATLANTA GA 30341

Northeast Expressway
CORPORATION OF MERCER
1350 SPRING ST NW
ATLANTA GA 30309

Northeast Expressway
BOSM 3240 CHAMBLEE LLC
3240 NORTHEAST EXPRESSWAY 100
ATLANTA GA 30341

Northeast Expressway
DAVIS FOX GROUP LLC
3300 NORTHEAST EXPY NE # 8
ATLANTA GA 30341

Northeast Expressway
UNITED CEREBRAL PALSY OF GA
3300 NORTHEAST EXPY 9
ATLANTA GA 30341

Northeast Expressway
ROLLINS CONTINENTAL INC
2170 PIEDMONT AVE NE
ATLANTA GA 30324

Northeast Expressway
DUKE DAVIDSON LLC
3835 PRESIDENTIAL PKWY STE 200
ATLANTA GA 30340

Northeast Expressway
WOODSPRING SUITES ATL-CHAMBLEE
P O BOX 49550
CHARLOTTE NC 28277

Northeast Expressway
RAPIER RONALD BENARD
3043 QUANTUM LN # 11
ATLANTA GA 30341

Northeast Expressway
DRESDEN CAPITAL PARTNERS LLC
28 WING MILL RD
ATLANTA GA 30350

Northeast Expressway
RHAMES PATRICIA
3029 QUANTUM LN # 6
CHAMBLEE GA 30341

Northeast Expressway
EVANS KAYE S
3035 QUANTUM LN
CHAMBLEE GA 30341

Northeast Expressway
RINGER KELLY
3039 QUANTUM LN # 9
CHAMBLEE GA 30341

Northeast Expressway
BOYD ATLANTA TULANE LLC
P.O. BOX 13470
RICHMOND VA 23225

Northeast Expressway
ZHANG XIN
3033 QUANTUM LN # 8
ATLANTA GA 30341

Northeast Expressway
WHITE DIEDREA
2931 ARBOR CREEK LN
ATLANTA GA 30341

Northeast Expressway
BYRD W DEAN
3041 QUANTUM LN
CHAMBLEE GA 30341

Northeast Expressway
ELLSBERRY TIMOTHY
3037 QUANTUM LN # 10
ATLANTA GA 30341



Jahnee Prince
Associated Professional
t: 678.690.5750
f: 404.869.6972
jahneepri@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

September 1, 2022

Via Email

Ms. Rachel Bragg
Zoning Administrator
DeKalb County
Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

Re: Rezoning Application (“**Application**”) by Alpha Capital Partners, LLC (“**Applicant**”) with respect to approximately 7.24 acres being properties commonly known as 3355, 3375, and 3395 Northeast Expressway, Chamblee GA 30341; Tax Parcel Numbers 18 267 01 004, 18 267 01 008, 18 267 01 007 (the “**Property**”)

LETTER OF APPLICATION

Dear Rachel:

This law firm has the pleasure of representing Applicant with respect to the Application. Applicant respectfully submits for consideration the Application, seeking a rezoning of the Property from the OI, Office-Institutional, district to the HR-3, High Density Residential, district to allow for the development of the Property with 775-unit multifamily units contained in two seven story buildings.

The Property -- Background and Existing Zoning

The Property includes three improved parcels, **3355, 3375, and 3395 Northeast Expressway**, Tax Parcel Numbers 18 267 01 004, 18 267 01 008, 18 267 01 007 respectively. The property is 7.02 acres in size and is located on Northeast Expressway, just south of Woodcock Drive. The Property contains three office buildings with associated surface parking. Applicant has the Property under contract to purchase from the existing owners. If this Application is approved, the Applicant intends to redevelop the Property with 775 apartments.

The existing zoning for the Property is OI. The Property is currently designated as Office Professional on the County’s currently adopted comprehensive plan future land use map. The

PPAB 7920218v1

Draft 2050 Unified Plan, currently under consideration for adoption, designates this area as part of the Regional Activity Center at the intersection of Interstates 85 and 285. This Application, including the proposed density and mix of uses, is consistent with the Draft 2050 Unified Plan's Future Land Use designation.

Proposed Redevelopment and Rezoning

Applicant is requesting the rezoning of the 7.24 acre Property, known as 3355, 3375, and 3395 Northeast Expressway, from the current OI (Office Institutional District) to HR-3 (High Density Residential 3) to provide 775 multi-family apartments (mix of studio, one and two bedroom units) with associated amenity areas and 5,000 square feet of accessory retail space. The two buildings will be seven stories in height and there will be an associated parking garage integrated into the design of the buildings.

The proposed rezoning is consistent with the Regional Center Future Land Use designation for this area from the Draft 2050 Unified Plan. The Draft 2050 Unified Plan's states that:

The intent of the Regional Activity Center is to promote the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage. These areas include the highest intensity residential, commercial, office, and higher-education facilities allowed within DeKalb County and serve as regional destinations for employment, shopping, and services. These areas are characterized by high accessibility via the interstates and major roadways, transit, and trails. The areas also have on-site parking, high floor-area ratios, large tracts of land, and campus or unified development.

The Property is currently developed with three low rise office buildings on adjacent parcels. All three office buildings are currently vacant except for one tenant. The buildings have been mostly vacant for the past five years. The attached site plan illustrates the proposed configuration of the site and its proposed connection to the Peachtree Creek trail and natural area to the east of the Property.

Proposed Residential Density

Applicant's site plan includes 775 total housing units on 7.24 acres. This equates to a density of 107 units per acre, which exceeds the base 60 units per acre allowed in the HR-3 zoning district. However, Applicant qualifies for over 120 units per acre as permitted in the proposed zoning district by adding the following bonus density incentive site features:

- Bus shelter (allows 20% increase in density = 12 additional units per acre)
- Public art (allows 20% increase in density = 12 additional units per acre)
- Parking garage (allows 20% increase in density = 12 additional units per acre)
- Certification that proposed buildings, if built as designed, would be accredited by LEED®, EarthCraft, or other similar national accreditation organization, for

energy- and water-efficient site and building design. (allows 50% increase in density = 30 additional units per acre)

Base Density	Density Bonuses Utilized	
	60 units per acre	60 units per acre
Bus shelter	20% density increase	+12 units per acre
Public art	20% density increase	+12 units per acre
Parking garage	20% density increase	+12 units per acre
LEED buildings	50% density increase	+30 units per acre
	Total Density Allowed	=126 units per acre

Rezoning Application Requirements¹

The Dekalb County Rezoning Application sets forth the requirements applicable to rezoning applications, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

1. Documentation of **Pre-Application Conference held with** with Planning & Sustainability staff member John Reid on August 8.

¹ Applicant notifies the Dekalb County of its constitutional concerns with respect to its Application. If the Dekalb County Board of Commissioners (the “**Board**”) denies the Application in whole or in part, then the Property does not have a reasonable economic use under Dekalb County, Georgia – Code of Ordinances/ Chapter 27 – Zoning (the “**Zoning Ordinance**”). Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government’s police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than HR-3 without Applicant’s consent, or if the Board limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Applicant’s consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant’s rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board’s discretion in considering or deciding applications for rezonings. Nevertheless, Applicant remains optimistic that Board’s consideration of the Application will be conducted in a constitutional manner.

2. Documentation of Zoom **Pre-Submittal Community Meeting** in the form of meeting recording.
3. **Application** submitted via the plansustain@dekalbcountyga.gov as requested on the County's website with materials in the following order.
 - A. **Application form** with name and address of applicant and owner, and address of subject property;
 - B. **Pre-submittal community meeting notice** and recording of Zoom meeting as documentation of meeting;
 - C. **Letter of application and impact analysis**
 1. **Letter of application**
 2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance.
 - D. **Authorization Form** from the current property owner.
 - E. **Campaign disclosure statements** (required by State law) for owner, applicant, and applicant's representative.
 - F. **Legal boundary surveys** of the subject properties, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia.
 - G. **Site Plan** including the following:
 - a. complete boundaries of subject property;
 - b. dimensioned access points and vehicular circulation drives;
 - c. location of all existing and proposed buildings, structures, setbacks and parking;
 - d. location of 100 year floodplain and any streams;
 - e. notation of the total acreage or square footage of the subject property;
 - f. landscaping, tree removal and replacement, buffer(s); and
 - g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - H. **Reduced Site Plan**, reduced to 8.5" x 11".
 - I. **Written Legal Description** of metes and bounds of the subject property
 - J. **Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - K. **Completed, signed Pre-application Form** (Provided at pre-application meeting) and Rezoning Application Fee in the amount of \$750.

Concurrent Variance Application

The DeKalb County, Georgia – Code of Ordinances / Chapter 27 – Zoning / Article 6.- Parking/ Section 6.1.4. – Off Street Parking Ratios. requires that multi-family dwellings provide 1.5 parking spaces per dwelling unit. Because these apartment buildings are planned to be 80% studio and one bedroom units, significantly fewer parking spaces are needed than are required. Applicant plans to submit for consideration to the Zoning Board of Appeals a variance application to reduce the required number of parking spaces. It is anticipated that a ratio of 1.25 parking spaces per unit will be needed for these apartments. The variance application will be submitted after the public hearings for the rezoning application have begun.

Ms Rachel Bragg
DeKalb County
September 1, 2022
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Applicant respectfully requests that the Planning and Sustainability Department (the "**Department**") recommend approval of the Rezoning Application to the Planning Commission and Board of Commissioners. Applicant is happy to answer questions or provide any additional information that the Department and the County may have with regard to this Application.

Sincerely,



Jahnee Prince, AICP
Associated Professional

JP/jp/ews

cc: Mr. Paul Cables
Ellen W. Smith, Esq.



Jahnee R. Prince
Associated Professional
t: 678.690.5710
f: 404.869.6972
jahneeprince@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

September 1, 2022

VIA EMAIL

Rachel Bragg, Zoning Administrator
Department of Planning & Sustainability
DeKalb County, Georgia
178 Sams Street
Decatur, GA 30030

Re: Rezoning Application (“**Application**”) by Alpha Capital Partners LLC (“**Applicant**”) with respect to the approximately 7.24-acre property commonly known as 3355, 3375, and 3395 Northeast Expressway, Atlanta, Georgia 30341, Tax Parcel Numbers 18 267 01 004, 18 267 01 008, 18 267 01 007 (the “**Property**”)

IMPACT ANALYSIS

Applicant is requesting the rezoning of Property, from the current OI (Office Institutional) District to HR-3 (High Density Residential - 3) district to re-purpose the currently vacant structures to allow for a 775 unit residential complex with the density of 107 units per acre, with a connection to proposed Peachtree Creek Greenway (the “**Proposed Development**”).

A. The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The Proposed Development is aligned with the intent of the Regional Center character area to promote the concentration of density, development, and regional serving activities in a centralized location that reduces dependency on automobile travel and promotes walkability and increased transit usage, as envisioned in Dekalb County 2050 Unified Plan: Comprehensive Land Use Plan (the “**2050 Unified Plan**”). The Regional Center character area descriptions specify apartments as preferred uses, and list HR-3 as permitted zoning. The rezoning will allow for a higher density residential area that is highly accessible not only via the interstate, but also public transit and trails. With the easy access to the nearby Executive Office Park and Mercer University Atlanta Campus, the Proposed Development will help to transform the area into a regional destination for employment and services. Also, while the area will provide on-site parking to accommodate those traveling by car, the Proposed Development will promote healthy living by incorporating a pedestrian environment that values adjacent environmental assets and encourages socialization, walking, biking, and connectivity.

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

PPAB 7838929v3

The proposed rezoning will positively affect the existing use and nearby properties by expanding the mix of available housing options for professionals looking to live near their work, including those with jobs in the Executive Office Park and Mercer University Atlanta Campus. The boardwalk connection to the planned trail on Mercer property will ensure walkable access, reducing dependency on automobile travel.

C. The Property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned.

The office buildings on site have sat almost completely vacant for over five years demonstrating the low demand for office buildings at this location and that this property does not have reasonable economic use under the current OI zoning district.

D. The zoning proposal will not adversely affect the existing use of usability of adjacent or nearby properties.

The Property is in an appropriate location for the Proposed Development that will complement the nearby residential neighborhoods and surrounding office and higher intensity uses. The Proposed Development introduces an easily accessible residential complex that revitalizes an underutilized site by redeveloping the area and expanding the mix of available housing options available to those with jobs in the area.

E. Other existing or changing conditions that affect the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The proposed rezoning will be in conformity with the policy and intent of Dekalb County 2050 Unified Plan: Comprehensive Land Use Plan. The Proposed Development meets the goal of encouraging more diverse housing and development types to meet the changing needs of residents and communities, as listed in the 2050 Unified Plan. The Proposed Development adds development and intensity near a public transit station with high quality, diverse housing options that revitalizes an underutilized site and addresses the national housing shortage.

F. The zoning proposal will not adversely affect historic building, sites, districts, or archeological resources.

The Proposed Development is designed to complement existing uses nearby and will not adversely affect historic building, sites, districts, or archeological resources.

G. The zoning proposal will not result in a use which could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The Property sits on a major thoroughfare with multiple outlets with easy access to the nearby highway, access to sewer, MARTA bus stops, and proposed trail connectivity that will reduce the traffic burden on adjacent roads.

H. The zoning proposal does not adversely impact the environment or surrounding natural resources.

Rachel Bragg
DeKalb County
September 1, 2022
Page 3

The zoning proposal is aligned with the goals of protecting environmentally sensitive areas and preserving open space, natural resources, and the environment as expressed in the 2050 Unified Plan. To showcase the value and importance of the nearby environmental assets, the Proposed Development includes an observation deck and a passive boardwalk over the adjacent shrub and herbaceous wetlands, with a connection to Peachtree Creek Greenway.

Applicant respectfully requests that the Department of Planning & Sustainability (the "**Department**") recommend approval of the Application to the Planning Commission and the Board of Commissioners. Applicant is happy to answer questions or provide any additional information regarding this Application.

Sincerely,



Jahnee R. Prince

JP

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: 8/30/2022

TO WHOM IT MAY CONCERN:

(I) (WE) 3355 Northeast Expressway, LLC; 3375 Northeast Expressway, LLC; and 3395 Northeast Expressway, LLC
Name of owner(s)

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

Alpha Capital Partners, LLC ico Jahnee Prince, Parker Poe LLC

Name of Agent or Representative

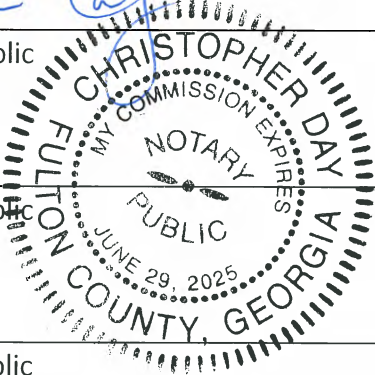
to file an application on (my) (our) behalf.



Notary Public



Owner



Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

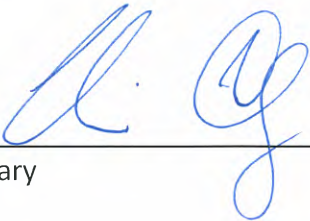
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No *

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

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

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.



Notary



Signature of Applicant /Date

8-29-2022

Check one: Owner Agent _____

6-29-2025

Expiration Date/ Seal



*Notary seal not needed if answer is "no".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

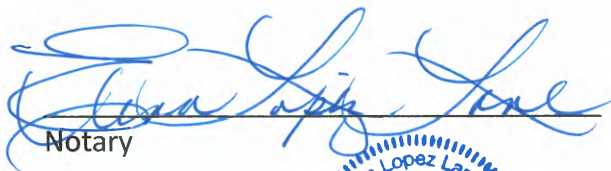
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

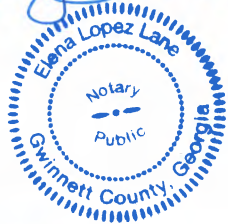
Yes _____ No *

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

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

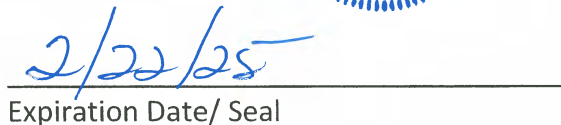
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.


Notary



 8/29/22
Signature of Applicant /Date

Check one: Owner _____ Agent


Expiration Date/ Seal

*Notary seal not needed if answer is "no".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes _____ No X *

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

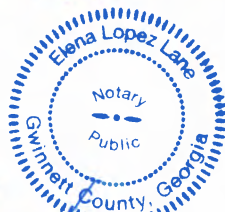
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Elena Lopez Lane
Notary

J Prince 8/29/2022
Signature of Applicant /Date

Check one: Owner _____ Agent X



2/22/25
Expiration Date/ Seal

*Notary seal not needed if answer is "no".



PROJECT NO.	0000074496
DATE	ALB
DESIGNED BY	ALB
CHECKED BY	KRT
DATE	08/24/2022
PROJECT TITLE	0744960001

REZONING SITE PLAN

SHEET NUMBER
C0-10

DEVELOPMENT SUMMARY:

SITE SUMMARY:

PARCEL ID: 16-287-01-004 (3355 NE EXP), 16-287-01-008 (3315 NE EXP), 16-287-01-007 (3306 NE EXP)

CURRENT ZONING: OFFICE INSTITUTIONAL (OI)
 PROPOSED ZONING: HIGH DENSITY RESIDENTIAL (HR-3)

SITE AREA: 7.24 ACRES

MAXIMUM LOT COVER: 15%
 85%

MAXIMUM PROPOSED BUILDING HEIGHT: 1 STORES

BUILDING SETBACK:
 FRONT: 0 FT
 SIDE: 0 FT
 REAR: 0 FT

ALL BUILDING SETBACKS ARE MEASURED FROM EXISTING RIGHT-OF-WAY LIMITS.

PROPOSED LAND USES & DENSITIES:

MULTIFAMILY RESIDENTIAL: 775 UNITS
 LEISURE AND AMENITY: 33,000 SF
 APPROX. TOTAL GROSS SF PER BUILDING: 487,200 SF

PARKING SUMMARY:

MINIMUM REQUIRED PARKING: 1,303 SPACES (TOTAL)
 MULTIFAMILY (775 UNITS): 1,180 SPACES (1.50 SP/UNIT)
 RECREATION (AMENITY): 123 SPACES (3.75 SP/UNIT)
 MAXIMUM ALLOWED PARKING: 2,435 SPACES (TOTAL)
 MULTIFAMILY (775 UNITS): 1,200 SPACES (1.55 SP/UNIT)
 RECREATION (AMENITY): 1,235 SPACES (3.70 SP/UNIT)

PROPOSED PARKING: 1,620 SPACES
 MULTIFAMILY: 1,480 SPACES (1.90 SP/UNIT)
 RECREATION (AMENITY): 140 SPACES (4.23 SP/UNIT)
 DEF: 24 SPACES

- REZONING NOTES:**
- CONCEPTUAL SITE PLAN ONLY. FINAL SITE PLAN AS TO BUILDING LOCATION TO BE APPROVED BY THE BOARD OF COMMISSIONERS.
 - THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS APPROXIMATE AND SUBJECT TO CHANGE AS DESIGN DEVELOPS.
 - IT IS UNDERSTOOD THAT THE SITE MUST COMPLY WITH ALL APPLICABLE ADA STANDARDS, INCLUDING PARKING AND CONNECTIVITY, AND WILL BE DESIGNED AND DETAILLED AS SUCH.
 - EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED OFF AERIAL INFORMATION, THE DEKALB COUNTY GIS SYSTEM, AND SURVEY PROVIDED BY LAND SURVEYING DATE 08/25/2022.
 - THIS SITE IS IN A 500-YEAR FLOODPLAIN.
 - THIS SITE DOES NOT CONTAIN STATE WATERS.
 - THIS SITE DOES NOT CONTAIN A CEMETERY.
 - ALL TREES ON SITE WILL BE REMOVED AS PART OF THE PROPOSED DEVELOPMENT, BUT THE PROPOSED SITE WILL MEET ALL DEKALB COUNTY LAND DEVELOPMENT REGULATIONS ASSOCIATED WITH LANDSCAPING AND TREE REMOVAL REPLACEMENT.

SITE PLAN LEGEND:

- PROPERTY LINE
- 20 FT REAR BUILDING SETBACK LINE
- REGULATORY FLOODWAY
- FLOOD HAZARD ZONE X
- STANDARD DUTY CONCRETE SIDEWALK
- PARKING CIRCLE
- STREET TREE
- STREET LIGHT

VARIANCE REQUEST SUMMARY:

VARIANCES:
 VARIATION FROM URBAN/MIXED-FAMILY P-1 (R-1) G REQUIREMENT OF 1.50 SPACES PER UNIT TO 1.55 SPACES PER UNIT.

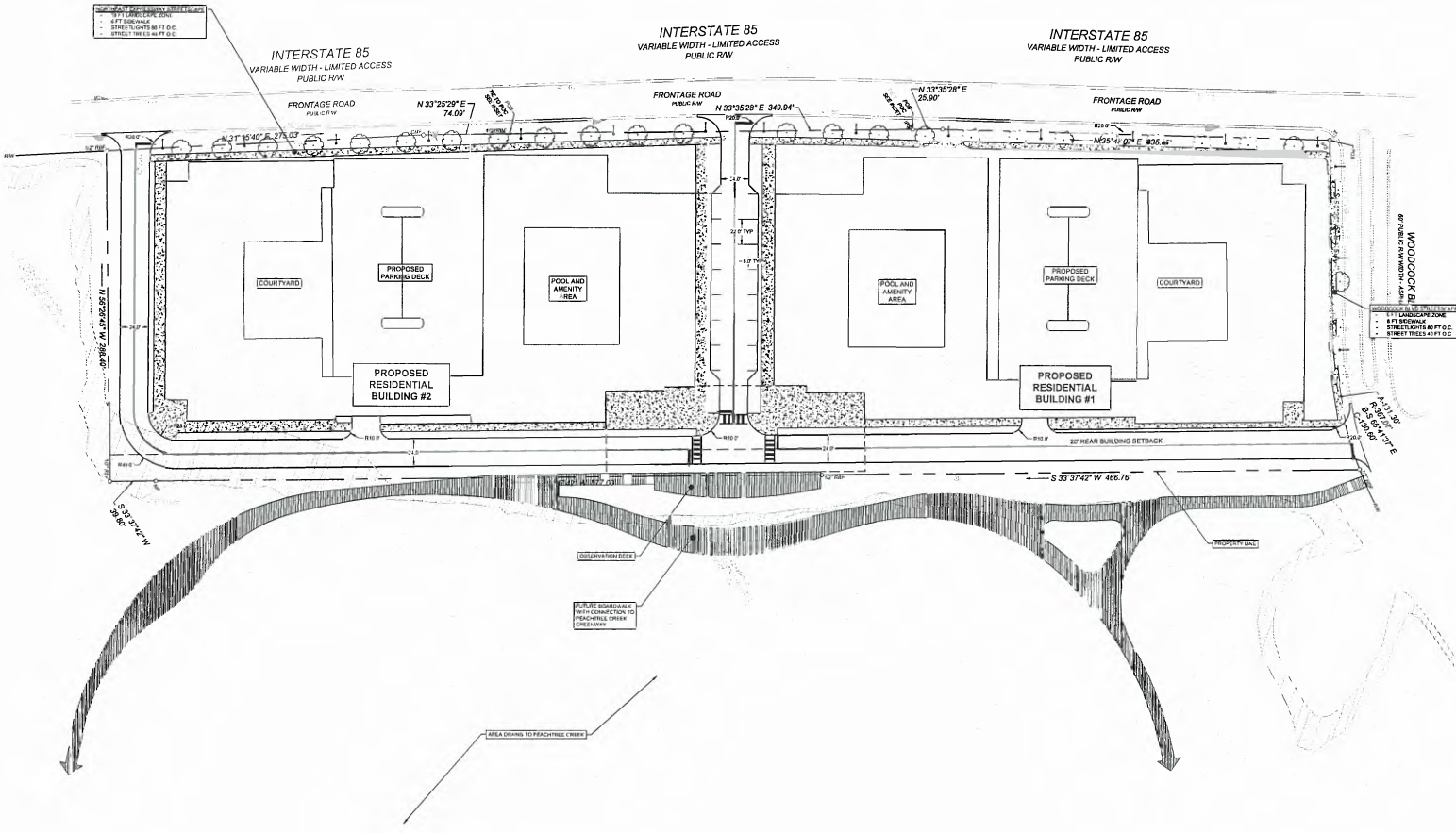
NOTE:

THE PROJECT INTENDS TO ACHIEVE THE MAXIMUM BONUS RESIDENTIAL DENSITY FOR THE REGIONAL CENTER CHARACTER AREA. THIS INCREASES THE BASE MAX 80 OVERLAPPING UNITS PER ACRE TO 120 UNITS PER ACRE. THE PROJECT INTENDS TO ACHIEVE THE FULL 100% BONUS THROUGH A MIX OF ETHNICITIES.

BASE DENSITY: 80 UNITS PER ACRE
 BUS SHELTER: +12 UNITS PER ACRE (20% BONUS)
 PUBLIC ART: +12 UNITS PER ACRE (20% BONUS)
 PARKING GARAGE: +12 UNITS PER ACRE (20% BONUS)
 LEED BUILDINGS: +10 UNITS PER ACRE (10% BONUS)
 TOTAL: 126 UNITS PER ACRE

TOTAL MAXIMUM DENSITY WITH BONUS: 120 UNITS PER ACRE

PROPERTY AREA: 7.24 AC.
 MAXIMUM UNITS: 7.24 AC X 120 UNITS = 870 UNITS



Drawn by: C. Naranjo/ADG; Checked by: M. Naranjo/ADG; Date: 08/24/2022; Project: 3355 NE EXP; City: Atlanta, GA; State: GA; Title: REZONING SITE PLAN; Scale: AS SHOWN; Drawing No: C0-10; Project No: 0000074496; Client: KIMLEY-HORN; Date: 08/24/2022; Project: 3355 NE EXP; City: ATLANTA, GA; State: GA; Title: REZONING SITE PLAN; Scale: AS SHOWN; Drawing No: C0-10; Project No: 0000074496; Client: KIMLEY-HORN

DARTMOUTH BUILDING – 3395 NORTHEAST EXPRESSWAY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 267 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF WOODCOCK BOULEVARD (60' R/W) WITH THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 (VARIABLE R/W), AS SAID RIGHTS-OF-WAY NOW EXIST; THEN ALONG THE SOUTHWESTERLY RIGHT OF WAY OF WOODCOCK BOULEVARD THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 56 DEGREES 26 MINUTES 45 SECONDS EAST 159.04 FEET TO A POINT AND 2) WITH A CURVE TO THE LEFT HAVING A RADIUS OF 367.07 FEET AND A CHORD BEARING SOUTH 66 DEGREES 41 MINUTES 37 SECONDS EAST 130.60 FEET, AN ARC DISTANCE OF 131.30 FEET TO ½" REBAR; THENCE SOUTH 33 DEGREES 37 MINUTES 42 SECONDS WEST 466.76 FEET TO A ½" REBAR; THENCE NORTH 56 DEGREES 27 MINUTES 42 SECONDS WEST 21.65 FEET TO A POINT; THENCE NORTH 33 DEGREES 36 MINUTES 34 SECONDS EAST 82.05 FEET TO A NAIL FOUND; THENCE NORTH 56 DEGREES 26 MINUTES 45 SECONDS WEST 278.57 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 NORTH 33 DEGREES 35 MINUTES 28 SECONDS EAST 25.90 FEET TO A POINT; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 NORTH 35 DEGREES 48 MINUTES 07 SECONDS EAST 335.85 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 2.506 ACRES OR 109,163 SQUARE FEET

TOGETHER WITH THE EASEMENTS CONVEYED AND DESCRIBED IN THE DOCUMENT DATED DECEMBER 21, 1970 RECORDED IN DEED BOOK 2600, PAGE 30, DEKALB COUNTY RECORDS AND SHOWN ON THE PLAT RECORDED IN PLAT BOOK 56, PAGE 52, AFORESAID RECORDS.

HARVARD BUILDING – 3375 NORTHEAST EXPRESSWAY

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 267 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENT AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF WOODCOCK BOULEVARD (60' R/W) AND THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 35 DEGREES 48 MINUTES 07 SECONDS WEST 335.85 FEET AND 2) SOUTH 33 DEGREES 35 MINUTES 28 SECONDS WEST 25.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 26 MINUTES 45 SECONDS EAST 278.57 FEET TO A NAIL FOUND; THENCE SOUTH 33 DEGREES 36 MINUTES 24 SECONDS WEST 82.05 FEET TO A POINT; THENCE SOUTH 56 DEGREES 27 MINUTES 42 SECONDS EAST 21.65 FEET TO ½" REBAR; THENCE SOUTH 33 DEGREES 37 MINUTES 42 SECONDS WEST 577 FEET TO NAIL FOUND; THENCE NORTH 56 DEGREES 25 MINUTES 45 SECONDS WEST 43.46 FEET TO A NAIL FOUND; THENCE NORTH 33 DEGREES 37 MINUTES 42 SECONDS EAST 261.10 TO A NAIL FOUND; THENCE NORTH 56 DEGREES 26 MINUTES 45 SECONDS WEST 103.25 FEET TO A ½" REBAR; THENCE NORTH 33 DEGREES 33 MINUTES 15 SECONDS EAST 48.00 FEET TO A NAIL FOUND; THENCE NORTH 56 DEGREES 26 MINUTES 45 SECONDS WEST 153.25 TO A ½" REBAR ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 85; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 85 NORTH 33 DEGREES 35 MINUTES 28 SECONDS EAST 349.94 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 2.793 ACRES OF 121,646 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THE EASEMENTS CONVEYED AND DESCRIBED IN THE DOCUMENT DATED DECEMBER 21, 1970 RECORDED IN DEED BOOK 2600, PAGE 30, DEKALB COUNTY RECORDS AND SHOWN ON THE PLAT RECORDED IN PLAT BOOK 56, PAGE 52, AFORESAID RECORDS.

CORNELL BUILDING – 3355 NORTHEAST EXPRESSWAY

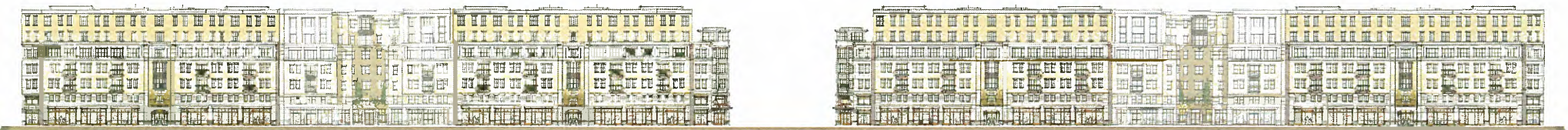
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 267 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF WOODCOCK BOULEVARD (60 R/W) AND THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) SOUTH 35 DEGREES 48 MINUTES 07 SECONDS WEST 335.85 FEET AND 2) SOUTH 33 DEGREES 35 MINUTES 28 SECONDS WEST 349.94 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 26 MINUTES 45 SECONDS EAST 153.25 FEET TO A NAIL FOUND' THENCE SOUTH 33 DEGREES 33 MINUTES 15 SECONDS WEST 48.00 FEET TO A ½" REBAR; THENCE SOUTH 56 DEGREES 26 MINUTES 45 SECONDS EAST 103.25 FEET TO A NAIL FOUND' THENCE SOUTH 33 DEGREES 37 MINUTES 42 SECONDS WEST 261.10 FEET TO A NAIL FOUND; THENCE SOUTH 56 DEGREES 26 MINUTES 45 SECONDS EAST 43.46 FEET TO A NAIL FOUND; THENCE SOUTH 33 DEGREES 37 MINUTES 42 SECONDS WEST 39.80 FEET TO ½" REBAR; THENCE NORTH 56 DEGREES 26 MINUTES 45 SECONDS WEST 288.40 FEET TO A ½" REBAR ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 85; THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85 NORTH 31 DEGREES 15 MINUTES 40 SECONDS EAST 275.03 FEET TO A CONCRETE MONUMENT; THENCE NORTH 33 DEGREES 25 MINUTES 29 SECONDS EAST 74.09 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 1.944 ACRES OF 84,682 SQUARE FEET, MORE OR LESS

TOGETHER WITH THE EASEMENTS CONVEYED AND DESCRIBED IN THE DOCUMENT DATED DECEMBER 21, 1970 RECORDED IN DEED BOOK 2600, PAGE 30, DEKALB COUNTY RECORDS AND SHOWN ON THE PLAT RECORDED IN PLAT BOOK 56, PAGE 52, AFORESAID RECORDS.



West



East



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Jahnee Prince Phone: (678) 690 5710 Email: jahneeprince@parkerpoe.com

Property Address: 3355, 3375, 3395 NE Expressway

Tax Parcel ID: 18 267 01 004,007, 008 Comm. District(s): 1 & 7 Acreage: 7

Existing Use: Vacant Commercial Buildings Proposed Use Apartments (Non-senior housing)

Supplemental Regs: NA Overlay District: NA DRI: YES

Rezoning: Yes No

Existing Zoning: O-I (Office-Institutional)

Proposed Zoning: HR-3 (High Density Residential)

Square Footage/Number of Units: 700

Rezoning Request: O-I to HR-3 for multi-family apartments in two high-rise buildings

Land Use Plan Amendment: Yes No

Existing Land Use: OP Proposed Land Use: NA Consistent Inconsistent

Land Use in 2050 Unified Plan (if adopted) Regional Center

Special Land Use Permit: Yes No Article Number(s) 27-

Major Modification:

Existing Case Number(s): NA

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: Review Calendar Dates: PC: 11/01/22*
BOC: 11/17/22** Letter of Intent: Impact Analysis: Owner Authorization(s):
Campaign Disclosure: Zoning Conditions: Community Council Meeting: 10/19/22
Public Notice, Signs: **(Applicant must pick up and post and/or will be done by Staff)** Tree
Survey, Conservation: _____ Land Disturbance Permit (LDP): Sketch Plat:
Bldg. Permits: Fire Inspection: Business License: State License:
_____ Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS
PLEASE

***Deadline for hosting pre-community meeting with 15 days notice for November 2022 agenda cycle would be 08/31/22**

****Filing Deadline for application is 09/01/22. If there are more than 20 cases on November agenda cycle then case would be heard in January 2023.**

Review of Site Plan

Density: Density Bonuses: Mix of Uses: _____ Open Space:
Enhanced Open Space: Setbacks: front sides side corner _____ rear
Lot Size: Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: Parking - Auto: Parking - Bicycle:
_____ Screening: Streetscapes: Sidewalks: Fencing/Walls:
Bldg. Height: Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: Roofs:
 Fenestration: Façade Design: Garages: Pedestrian Plan:
Perimeter Landscape Strip:

Possible Variances: _____ Current OP Land Use designation maxes out at 30 units per acre. In order to achieve a proposed density of 100 units per acre, the applicant indicates that the 2050 Unified Plan designates the subject properties as a Regional Center character area which allows up to 120 units per acre. Therefore the 2050 Plan would have to be adopted by the Board of Commissioners in order for the proposed HR-3 to be consistent with Land Use Plan.

Show compliance with HR-3 requirements, including but not limited to density bonuses for density above 60

DEPARTMENT OF PLANNING & SUSTAINABILITY

units per acre, minimum lot area and lot width, required parking, parking lot landscaping, minimum open space, maximum building height, minimum unit size, streetscape improvements (sidewalks/street trees/street lighting), building materials, etc. Also provide compliance with Section 6.1.9 of the Parking Code regarding parking garages. The applicant is encouraged to discuss possible transportation improvements that may be required (if the rezoning is approved by the Board of Commissioners) with the county Transportation Department. The applicant is encouraged to contact Land Development Division of Public Works regarding required storm water management, floodplain, and stream buffer issues. **The Board of Commissioners cannot act on request until the DRI is approved.**

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review will be done upon official submission of a rezoning application and concept plan.

Planner: John Reid Date 08/08/22

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

Prince, Jahnee

Subject: Rezoning Virtual Pre-App

Start: Mon 8/8/2022 2:00 PM
End: Mon 8/8/2022 3:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: DeKalb Co. Planning & Sustainability Pre-Apps

Caution: External email

Your appointment will be with Reid, John.

DeKalb Co. Planning & Sustainability Pre-Apps
4043712155

[Manage Booking](#)

.....
Join Teams Meeting

en-US

[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTYzNmE5ZTUOTdkZi00YmRiLTgwNzctM2YzN2lwM2RjMTI1%40thread.v2/0?context=%7b%22Tid%22%3a%22292d5527-abff-45ff-bc92-b1db1037607b%22%2c%22Oid%22%3a%22858ac29e-c656-4060-80f0-8a40b9310254%22%7d)

[join/19%3ameeting_NTYzNmE5ZTUOTdkZi00YmRiLTgwNzctM2YzN2lwM2RjMTI1%40thread.v2/0?context=%7b%22Tid%22%3a%22292d5527-abff-45ff-bc92-b1db1037607b%22%2c%22Oid%22%3a%22858ac29e-c656-4060-80f0-8a40b9310254%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTYzNmE5ZTUOTdkZi00YmRiLTgwNzctM2YzN2lwM2RjMTI1%40thread.v2/0?context=%7b%22Tid%22%3a%22292d5527-abff-45ff-bc92-b1db1037607b%22%2c%22Oid%22%3a%22858ac29e-c656-4060-80f0-8a40b9310254%22%7d)

Meeting ID: 246 505 522 164

If you need a local number, get one here. And if you've forgotten the dial-in PIN, you can reset it.

Toll number: +1 689-223-3756

Conference ID:

928 905 414#

Local Number : <https://dialin.teams.microsoft.com/e89fdd8a-0b75-49dc-bb8e-913370a5ed3d?id=928905414> Reset Pin :

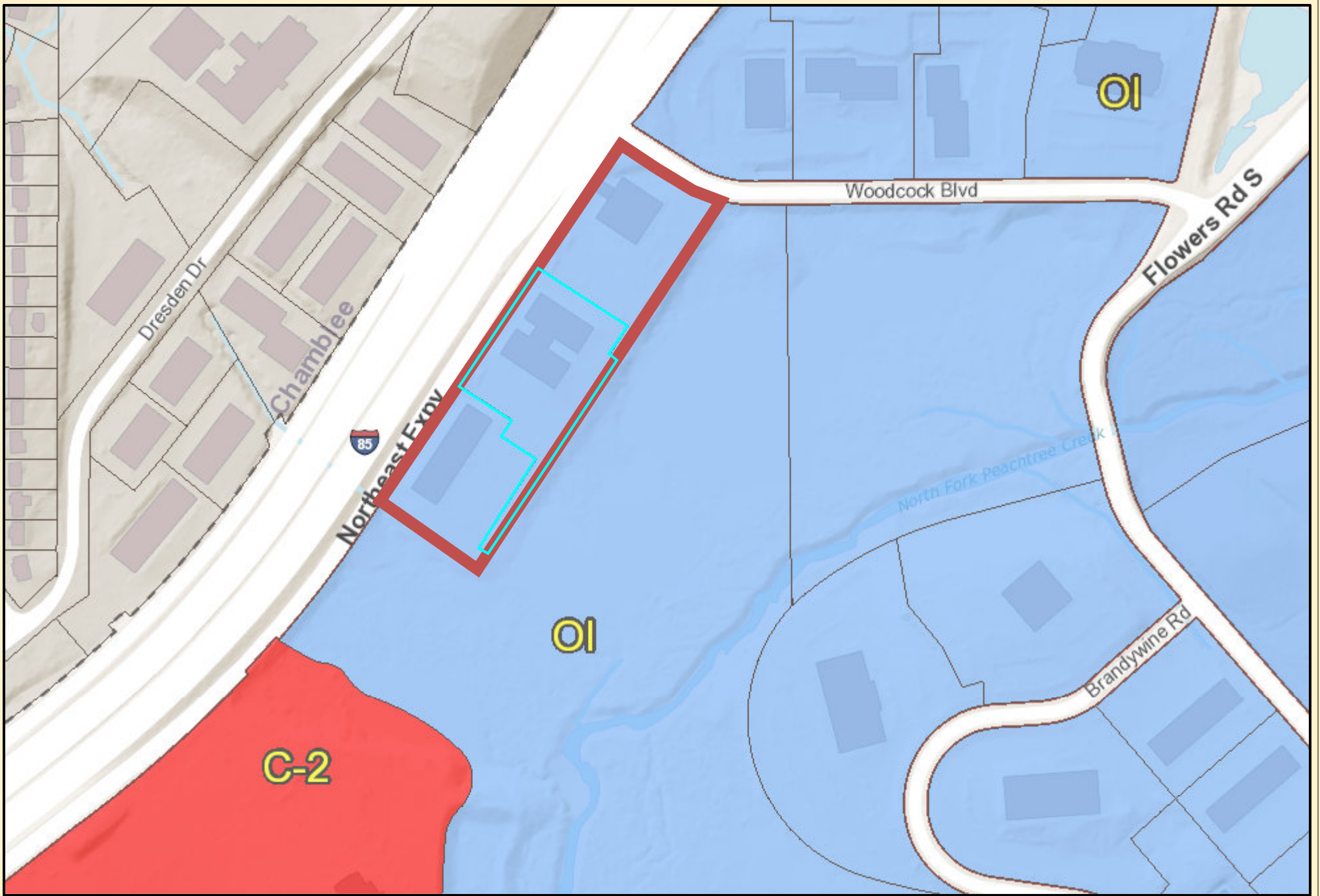
<https://dialin.teams.microsoft.com/usp/pstnconferencing>

Learn More <https://aka.ms/JoinTeamsMeeting> | Meeting options:

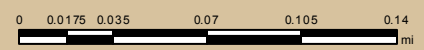
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NE Expressway Z Map

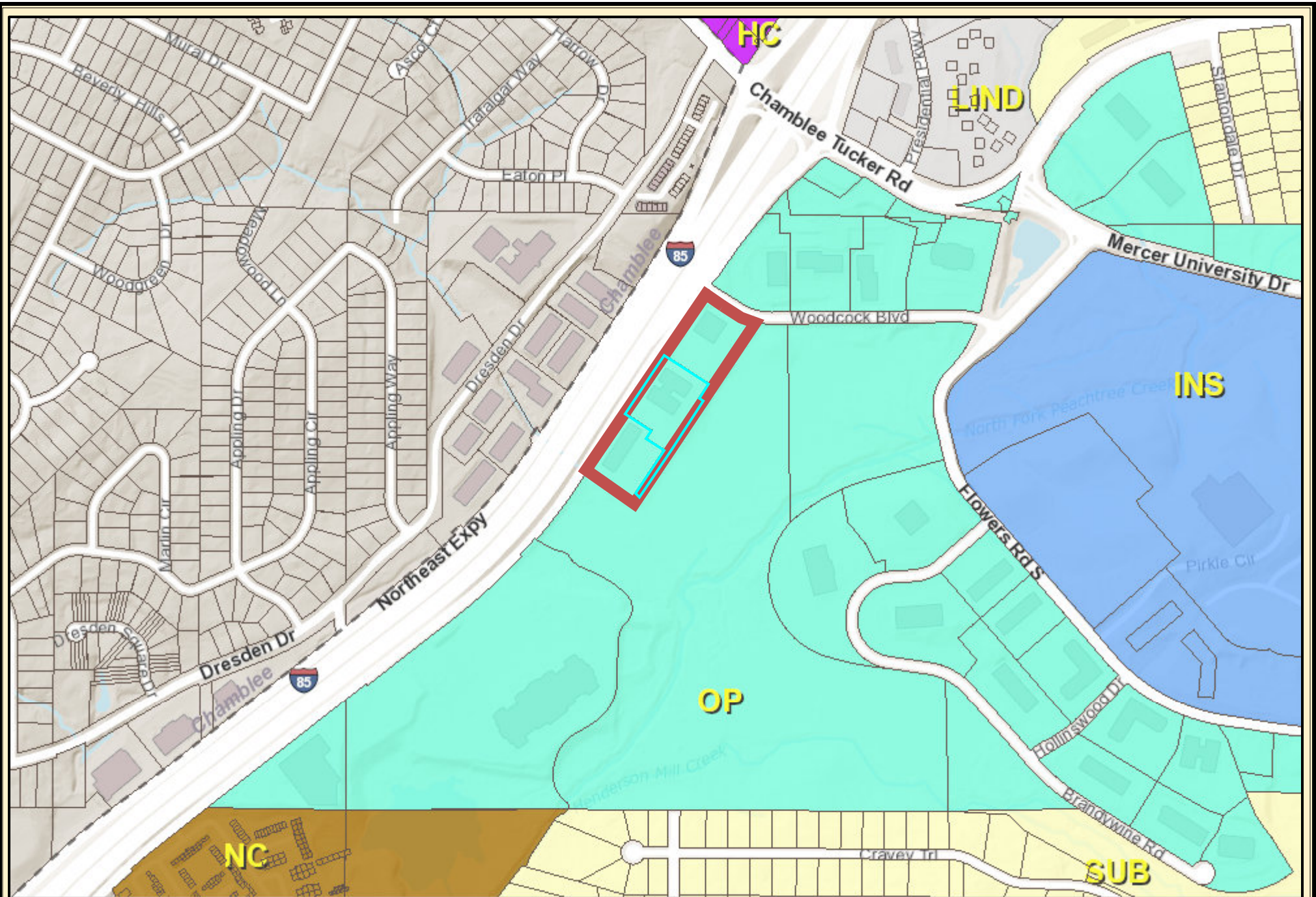


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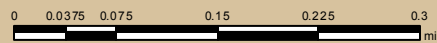


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NE Expressway FLU Map



Date Printed: 10/27/2022

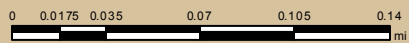


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NE Expressway Aerial Map



Date Printed: 10/27/2022



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