



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: July 7, 2020
Board of Commissioners Hearing Date: July 30, 2020**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS
STAFF ANALYSIS**

Case No.: CZ-20-1243960 **Agenda #:** N. 9
Location/Address: 2620 Shell Bark Road **Commission District:** 5 **Super District:** 7
Parcel IDs: 16-009-01-001, 16-024-06-001
Request: A major modification of the zoning conditions of Case Z-07-13334 and CZ-04-111 to allow 38 townhomes within the MU-4 (Mixed Use High Density) District and Tier 2 of the I-20 Overlay District.
Applicant/Agent: Venture Communities LLC c/o Dunlavy Law Group LLC
Acreage: 7.02 acres
Existing Land Use: Undeveloped, wooded.
Surrounding Properties: To the east, northeast, and southeast (City of Stonecrest): A light industrial manufacturing plant; to the west, southwest, and northwest: the Longview Pointe condominium community (zoned MU-4 & I-20 Overlay District); to the north (zoned M & I-20 Overlay District): a Citgo service station; to the south (zoned MU-4 & I-20 Overlay District): Longview Walk condominium community.

Comprehensive Plan: HC (Highway Corridor) **Consistent** **Inconsistent**

Proposed Density: 5.27 units/acre	Existing Density: N.A. (undeveloped)
Proposed Units: 38	Existing Units/Square Feet: N.A. (undeveloped)
Proposed Lot Coverage: 49%	Existing Lot Coverage: N.A. (undeveloped)

Zoning History: The subject property is part of a larger, 62.48-acre tract that was rezoned in 2004 from M (Light Industrial) and OD (Office Distribution) to OCR (Office Commercial Residential) pursuant to CZ-04-111. (In 2015, the OCR district was converted to MU-4 (Mixed Use-4)). Most of the original tract was developed for single-family and condominium units, leaving the subject property undeveloped. In 2007, 6.02 acres of the subject was modified pursuant to CZ-07-13334 to allow 40 multifamily apartment units instead of the originally-planned townhomes.

SITE AND AREA ANALYSIS

The subject property is a 7.02 acre tract with frontage on Acuity Way, a two-lane collector. (There is no frontage on Shell Bark Drive; the address is a remnant of the addresses assigned to the larger 62.48-acre tract. Shell Bark Drive is located approximately 1,018 to the west and serves the adjoining condominium development.) The subject property is vacant and wooded. A stream runs across the northwestern third of the site and along the western border of the site. Land on either side of the stream is flood plain.

The subject property is part of a larger tract that was originally rezoned for residential development in 2004. Since 2004, 35.16 acres immediately to the south of the subject property has been built out as a 160-home single-family detached subdivision called Longview Pointe. The 20.28 acres to the immediate west of the subject property have been built out as 155 condominium units known as Longview Walk.

Nearby land uses are predominantly townhomes and multifamily condominiums to the west, and light industrial uses to the east and northeast. For example, the Acuity Brands lighting manufacturing plant is located to the east, directly across Acuity Way from the subject property.

PROJECT ANALYSIS

The applicant requests:

- a) deletion of all three conditions approved in 2007, which reference multifamily buildings, multifamily building elevations, the condominium form of ownership of the multifamily units, and marketing of the units to persons aged 55 and older; and
- b) modification of the 2004 condition No. 3 that specifies the exterior materials of the building and gating of the community.

The application includes elevations that show a southern farmhouse style of design for the townhomes. The application states, "With respect to condition #3, it is Applicant's desire to build a new, updated, modernized product that will market well with home buyers of today – not homebuyers of 2004. The southern farmhouse style is in big demand and will be of a very high quality, comparable to any product in the immediate vicinity of the Subject Property . . . "

The application further states, "As to the conditions imposed in 2007, the Applicant wishes not to construct stacked flats. It believes such a community would be incompatible with Longview Pointe and Longview Walk and not in high demand in the area. Moreover, there is little demand for age-restricted communities in this location. A reworked, quality townhome product would be more viable and more attractive."

LAND USE AND ZONING ANALYSIS

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

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

The zoning proposal is consistent with the following policies and strategies of the 2035 Comprehensive Plan: "Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents." (Housing Policy No. 9) and "Ensure that new development and redevelopment is compatible with existing residential areas." (Land Use Policy No. 4)

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

The proposed townhomes would provide an alternative to the single-family detached and multifamily condominiums that have already been developed on the adjoining properties to the west and south.

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

Because the zoning of the property would not change, this consideration is not applicable to the application under consideration.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The adjoining properties are developed with compatible residential uses.

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:

According to the applicant, the housing market has changed since the zoning conditions were originally approved in 2004 and modified in 2007.

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

There are no historic buildings, sites, districts, or archaeological resources on or near the subject property.

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

There have been no comments from reviewing agencies, departments, or divisions indicating that the proposal would excessively burden the existing street, transportation, utility, or school infrastructure.

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

There has been no indication that the proposed development would impact the natural environment or surrounding natural resources any more than what is typical for residential redevelopment of a predominantly wooded site.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The zoning proposal is consistent with the following policies and strategies of the 2035 Comprehensive Plan: “Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents.” (Housing Policy No. 9) and “Ensure that new development and redevelopment is compatible with existing residential areas.” (Land Use Policy No. 4) According to the applicant, the housing market has changed since the zoning conditions were originally approved in 2004 and modified in 2007. The modifications don’t change the land use type that could be developed on the property – it will remain residential – but they would, in the applicant’s opinion, make the property and residential development on the property more suited for today’s housing market. Since there does not appear to be a need for the previously approved housing type at the subject location, staff agrees that the modifications are appropriate. Therefore, the Department of Planning and Sustainability recommends “Approval” with the conditions attached on the following pages as marked-up and final versions.

Attachments:

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

NEXT STEPS

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

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

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

From: Linda Dunlavy <ldunlavy@dunlavylawgroup.com>
Sent: Thursday, June 4, 2020 8:48 AM
To: Furman, Melora L. <mlfurman@dekalbcountyga.gov>
Cc: Bob White & Sean Randall (seanr@totalpropertyadvisors.com) <seanr@totalpropertyadvisors.com>
Subject: Venture Communities Major Modification Application Case # CZ-20-1243960

Melora:

Prior to filing the application referenced above, the applicant was not able to hold a community pre-submittal meeting due to the Covid-19 virus crisis. Since then the applicant has communicated with representatives of the three HOAs adjacent to the property which is the subject of the application—Longview Pointe HOA, Longview Walk condos HOA and the Longview Walk townhome HOA. We invited representatives of all three HOAs to a Zoom meeting last evening. Representatives from two of the three associations attended the meeting. Unfortunately, the Longview Pointe representatives did not attend. Attendees were as follows: Johnetta Williams (condos), Khara Grant (townhomes), John Stankowitz (townhomes), Paul (last name not given)(condos), myself (legal counsel), Sean Randall (applicant representative) and Harold Cunliffe (property owner). The meeting lasted for over an hour and was positive. We anticipate securing letters of support from representatives of both associations in attendance.

Let me know if you need more details but I wanted you to be aware of this community outreach.

Linda

Linda I. Dunlavy
Dunlavy Law Group
1026 B Atlanta Avenue
Decatur, GA 30030
404-371-4101
ldunlavy@dunlavylawgroup.com



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.

- **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.

- **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 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.

N1., N2 No comment

N3. No Comment

N4. Stephenson Rd is classified as a collector road. ROW dedication of 35 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required. Add sidewalks across frontage of outparcel at 1451 Stephenson Road (16 162 05 001). Interior Streets residential: 55 right of way, 5 foot sidewalks, streetlights required. Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting.

N5. Stephenson Rd is classified as a collector road. ROW dedication of 35 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required. Alford is classified at a local road. ROW dedication of 27.5 feet from centerline or to accommodate all public infrastructure, whichever greater. 5-foot sidewalk, streetlights required. Provide an enhanced pedestrian crossing with a pedestrian refuge median and rectangular rapid flashing beacon for access to school. Add sidewalks across frontage of outparcel at 949 Stephenson Road (16 129 02 008). Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting.

N6 & N7. Wesley Chapel Road is classified as a major arterial. ROW dedication of 50 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required. Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting.

N8. Parcel has no frontage to right of way. Verify access easements.

N9. Panola Industrial and Acuity Way are both classified as collectors. ROW dedication of 35 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required on all public right of way frontages. Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting. Access to interior road needs to meet at a 90-degree angle to the existing street to meet county code.

N10. Memorial Drive. GDOT review and permits required prior to LDP. The right of way falls within the jurisdiction of the City of Atlanta. Professional courtesy would allow COA a chance to comment. No comments.

N11. Bermuda Road is classified as a collector. ROW dedication of 35 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required. Interior roads are shown as private. If public- ROW must be 55 feet, 5-foot sidewalks and streetlights required. Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting.

N12. Columbia Drive is classified as a minor arterial. ROW dedication of 40 feet from centerline or to accommodate all public infrastructure, whichever greater. Bike lanes, 6-foot sidewalk, streetlights required. Watch required ROW dedication as it may impact offsets and # of lots. Contact Herman Fowler at hefowler@dekalbcountyga.gov for street lighting.



**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.: CZ-20-1243960

Parcel I.D. #: 16-009-01-001, 16-024-06-001

Address: 2620 Shell Bark Road

Decatur, Georgia

WATER:

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

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Lower Snapfinger 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)

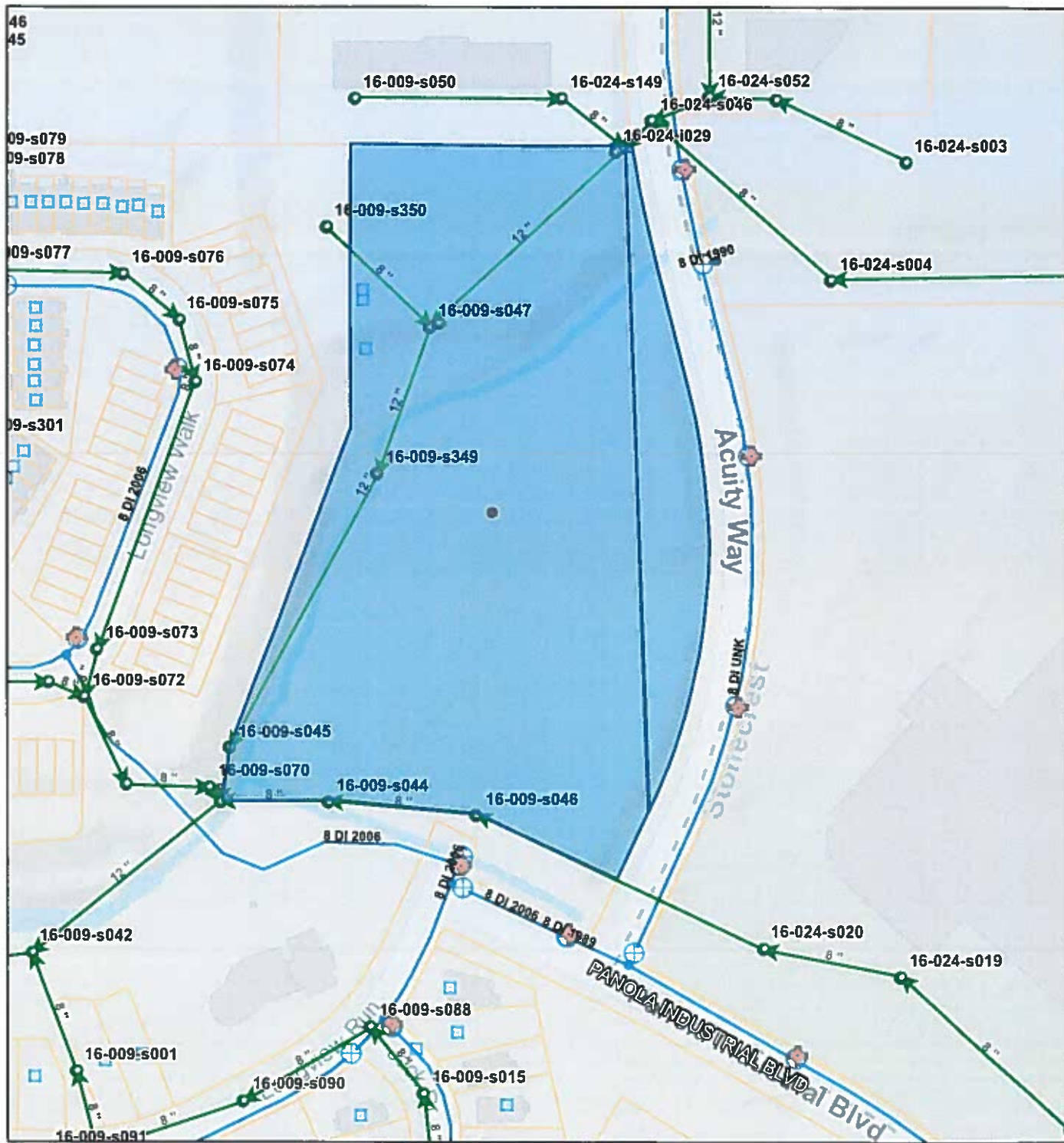
Current Flow: 21.77 (MGPD)

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.

Signature: _____

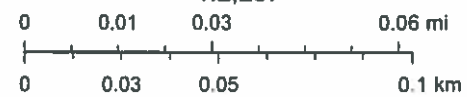
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|------------------------|----------------|-------------|
| Manholes | Water Valves | Water Meter |
| DEKALB | Water Fittings | Streets |
| Sewer Mains | Plug | Parcels |
| DEKALB | Tap Sleeve | Land Lot |
| Sewersheds | Tee | Districts |
| Lower Snapfinger Creek | WML | |
| Water Hydrants | Water Mains | |





Board of Health

06/15/2020

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 operation or swimming pool prior to starting construction.

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

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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



Board of Health

- N.1 Z-20-1243838 2020-0598 / 15-013-01, 15-013-01-018
4341 East Conley Road, Conley, GA 30288
- Please review general comments.
- N.2 Z-20-1243839 2020-0599 / 15-013-02-017
4388 East Conley Road, Conley, GA 30288
- Please review general comments.
- N.3 CZ-20-1243935 2020-0600 / 18-261-01-006, 18-261-01-062
4575 Chamblee Tucker Road, Tucker, GA 30084
- Please review general comments.
- N.4 Z-20-1243841 2020-0601/ 16-159-01-003, 16-162-05-002, 16-162-05-003
1503 Stephenson Road, Lithonia, GA 30058
- Please review general comments.
- N.5 Z-20-1243958 2020-0602 / 16-128-02-001, 16-128-02-003, 16-128-02-011, 16-129-02-009
800 Alford Road, Stone Mountain, GA 30087
- Please review general comments.
- N.6 Z-20-1243955 2020-0603 15-131-03-009, 15-131-03-001, 15-131-03-012, 15-131-03-013
2450 Wesley Chapel Road, Decatur, GA 30035
- Please review general comments.
- N.7 SLUP-20-1243956 2020-0604 15-131-03-009, 15-131-03-001, 15-131-03-012, 15-131-03-013
2450 Wesley Chapel Road, Decatur, GA 30035
- Please review general comments.
- N.8 SLUP-20-1243957 2020-0605 / 15-015-04-013
3468 Moreland Ave., Conley, GA 30288
- Please review general comments.
- N.9 CZ-2—1243960 2020-0606 16-009-01-001,18-024-06-001
2620 Shell Bark Road, Decatur, GA 30035



Board of Health

- N.10 Z-20-1243968 2020-0607 / 15-179-11-025
2017 Memorial Drive, Atlanta, GA 30317
 - Please review general comments.

- N.11 Z-20-1243972 2020-0608 /18-083-01-010
1347 Bermuda Road, Stone Mountain, GA 30087
 - Please review general comments.

- N.12 Z-20-1243977 2020-0609 15-154-12-003
2043 Columbia Drive, Decatur, GA 30032
 - Septic system installed on this property on June 24, 1975
 - Please review general comments.

- N.13 TA-20-1244029 2020-0610
DeKalb County, GA
 - Please review general comments.

- N.14 RE: Public Art 2020-0611 / 16-071-09-001
2387 Wellborn Road, Lithonia, GA 30058
 - Please review general comments.

**DeKalb County School District
Development Review Comments**

Analysis Date: 6/16/2020

Submitted to: DeKalb County

Case #: Z-20-1243960

Parcel #: 16-009-01-001/16-024-06-001

Name of Development: 2620 Shell Bark Road

Location: 2620 Shell Bark Road and 2641 Acuity Way

Description: Twenty-eight (28) townhomes off Shell Bark Road

Impact of Development: When fully constructed, this development would be expected to generate 10 students: 2 at Fairington ES, 2 at Miller Grove MS, 2 at Miller Grove HS, 4 at other DCSD schools, and 0 at private schools. Fairington ES is over capacity, but the effect of this development is expected to be minimal.

Current Condition of Schools	Fairington ES	Miller Grove MS	Miller Grove HS	Other DCSD Schools	Private Schools	Total
Capacity	575	1,127	1,830			
Portables	3	16	0			
Enrollment (Fcast. Oct. 2020)	620	805	1,203			
Seats Available	-45	322	627			
Utilization (%)	107.8%	71.4%	65.7%			
New students from development	2	2	2	4	0	10
New Enrollment	622	807	1,205			
New Seats Available	-47	320	625			
New Utilization	108.2%	71.6%	65.8%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.075382	0.077793	0.006456	0.159631
Middle	0.060176	0.029622	0.002230	0.092028
High	0.065514	0.015739	0.001712	0.082965
Total	0.2011	0.1232	0.0104	0.3346
Student Calculations				
Proposed Units	28			
Unit Type	TH			
Cluster	Miller Grove HS			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	2.11	2.18	0.18	4.47
Middle	1.68	0.83	0.06	2.57
High	1.83	0.44	0.05	2.32
Total	5.62	3.45	0.29	9.36
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Fairington ES	2	2	0	4
Miller Grove MS	2	1	0	3
Miller Grove HS	2	1	0	3
Total	6	4	0	10

April 27, 2020

**VIA FIRST CLASS MAIL AND E-MAIL TO:
KFHill@dekalbcountyga.gov**

Karen F. Hill, Planner
DeKalb County Department of Planning and Sustainability
330 West Ponce de Leon Avenue, 2nd Floor
Decatur, GA 30030

**RE: Letter of Application---Modification of Zoning Conditions Longview Run
Z-07-13334 and CZ-04-111-2620 Shell Bark Road and 2641 Acuity Way (f/k/a Lithonia
Way)**

Dear Karen:

As you know, I represent Venture Communities, LLC (“Venture”), the contract purchaser of property at 2620 Shell Bark Road (16-09-01-001) and 2641 Acuity Way (16-24-06-001). I submit this Letter of Application in support of Venture’s request to modify some of the zoning conditions originally imposed in 2004 when the DeKalb County Board of Commissioners rezoned the Subject Property and the conditions imposed in 2007 when the Board of Commissioners approved modification of the original conditions pertaining to approximately 6.02 acres of the originally zoned tract. In 2004, the Board of Commissioners rezoned the approximate 62.48 acres from M and OD to OCR¹ to allow for the development of a mixed use subdivision comprised of townhome units and single family detached units (380 units total) and 3.5 acres for a commercial retail development. In 2007 the Board of Commissioners modified conditions to allow for the development of 6.02 acres of the original tract to be developed for 40 stacked flat units. The approved list of conditions for both actions along with a proposed site plan, survey, legal description, impact analysis and other materials required by the Zoning Ordinance are filed contemporaneously with this Letter of Application.

Since the conditional rezoning of the Subject Property in 2004, the entire tract with the exception of +/-7.028 acres has been built out, the ownership of the Subject Property has changed, and the economics for development of the Subject Property have changed. Due to changing conditions over the 13 years since the modified conditions were approved, Venture seeks to delete the conditions imposed in 2007 and modify Condition #3 in the 2004 zoning conditions as follows:

- **Delete the conditions imposed in 2007** which were: 1) the proposed multi-family building shall be constructed to appear substantially in compliance with the building elevation titled, “Proposed Elevation proposed Unit Flats Scheme 1”, prepared by David McGee, and stamped as received 4-27-

¹ With the adoption of the new zoning ordinance in 2015, the effective zoning classification for the Subject Property became MU-4. See zoning package included herewith.

07; 2) this proposal will not be used as apartments but shall be used as condos; 3) and will be marketed to residents 55 and older; and 4) all other conditions of zoning related the Case No. CZ-04111 not previously modified, shall remain in effect.

- Modify Condition #3 of the 2004 rezoning such that the first sentence of that condition be modified to read, “the townhomes will have a minimum of a two-car garage and facades shall be comprised of brick, stone, Hardiplank siding, cementitious materials or a mixture of any of the foregoing materials”.

Applicant submits that modification of the conditions as requested, and as more fully set forth in the Impact Analysis, meets the standards and factors specified in the Zoning Ordinance at Section 7.3.5 and requests approval of its Application.

I look forward to working with staff and residents in connection with this request and ask that you please contact me directly with any questions, concerns, feedback or requests regarding this application as it moves through the process.

Sincerely yours,

DUNLAVY LAW GROUP, LLC



Linda I. Dunlavy
Attorney for Applicant
Venture Communities, LLC

LID: jl
With enclosures

cc: Sean Randall
Bob White
Harold Cunliffe

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: Z-07-13334

APPLICANT NAME: Venture Communities, LLC c/o Dunlavy Law Group, LLC

Daytime Phone#: 404-371-4101 Fax #: 404-371-8901 E-mail: ldunlavy@dunlavylawgroup.com

Mailing Address: 1026 B Atlanta Avenue, Decatur, GA 30030

OWNER NAME: STB Lots, LLC (If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-409-3086 Fax #: _____ E-mail: hcunliffe@pacificgroupinc.com

Mailing Address: 5755 Dupree Drive, N.W., #130, Atlanta, GA 30327-4352

SUBJECT PROPERTY ADDRESS OR LOCATION: 2620 Shell Bark Road and 2641 Acuity Way
_____, DeKalb County, GA, _____

District(s): 16 Land Lot(s): 9 and 024 Block(s): 01 and 06 Parcel(s): 001

* Acreage or Square Feet: +/- Commission District(s): 5 & 7 Existing Zoning: MU-4

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?
 Yes X No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: Agent: _____
(Check One)

Signature of Applicant: 

Printed Name of Applicant: Robert C. White Major Modification Application

Tax Parcel -I.D.
Nos. 16-009-01-001
and 16-024-06-001



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: 4/20/2020

TO WHOM IT MAY CONCERN:

(I), (WE), Harold Cunliffe of STB Lots, LLC
Name of Owner(s)

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

Venture Communities, LLC and Dunlavy Law Group, LLC
Name of Applicant or Representative

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

Geri Lynn Kelly
Notary Public
Geri Lynn Kelly

[Signature]
Owner
Harold Cunliffe

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



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

Notary Public	Owner
<u>Geri Lynn Kelly</u>	<u>STB LOTS, LLC</u>
<u>Geri Lynn Kelly</u>	<u>By Chatwood Land, LLC</u>
	<u>By [Signature]</u>
	<u>Harold Cunliffe, Manager</u>
Notary Public	Owner

Notary Public _____ Owner _____



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

VENTURE COMMUNITIES, LLC
5500 INTERSTATE NORTH PKWY STE 150
SANDY SPRINGS GA 30328-4662
(770) 693-4362

AMERIS BANK
2401 WINDY RIDGE PKWY SE
ATLANTA, GA 30339-5635

64-175/612

100016

DATE 04/15/2020

Pay: *****Two hundred fifty dollars and no cents

\$ ****250.00

TO
THE
ORDER
OF

DEKALB COUNTY

Craig D. Gyp

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈000 1000 16⑈ ⑆06 120 1754⑆ 204924806 1⑈

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: Venture Communities, LLC Phone: 404-371-4101 Email: ldunlavy@dunlavylawgroup.com

Property Address: 2620 Shell Bark Road and 2641 Acuity Way

Tax Parcel ID: 16-09-01-001;16-24-06-001 Comm. District(s): 5 and 7 Acreage: +/-7.02

Existing Use: undeveloped Proposed Use townhome community

Supplemental Regs: _____ Overlay District: I-20 DRI: _____

Rezoning: Yes _____ No

Existing Zoning: MU-4 Proposed Zoning: MU-4 Square Footage/Number of Units: 38 units

Rezoning Request: Request to delete conditions of zoning from 2007 modification (Z-07-1334) that property be developed for 40 stacked flats and be marketed to seniors; request to modify condition #3 of 2004 zoning (CZ-04-111) to eliminate requirement that facades must be mix of brick, stacked stone and hardi-plank

Land Use Plan Amendment: Yes _____ No

Existing Land Use: HC Proposed Land Use: HC Consistent Inconsistent _____

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

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): CZ-04-111; Z-07-1334

Condition(s) to be modified:

2 conditions imposed in Z-07-1334

Condition No. 3 in CZ-04-111

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____
 Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____
 Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
 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

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: _____

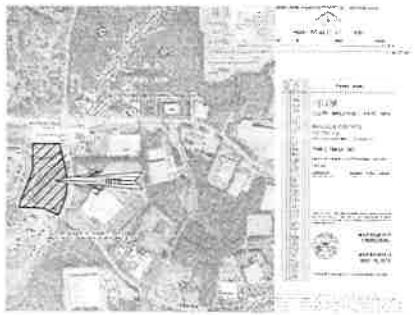
Comments:

Planner: Karen F. Hill

Date 4/23/2020

Filing Fees

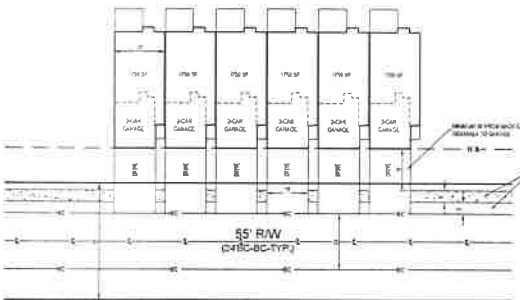
REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00



FLOOD MAP
N.T.S.

WATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND BY DETERMINING THE LOCATION OF THE SUBJECT PROPERTY INTO DESIGN PLANTS FROM MAP NUMBER 13089C0158J, DATED MAY 18, 2010, THE REFERENCED PROPERTY IS LOCATED IN THE UNSHADED REGION.

ZONE A (UNSHADED) AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD FLOODPLAIN.



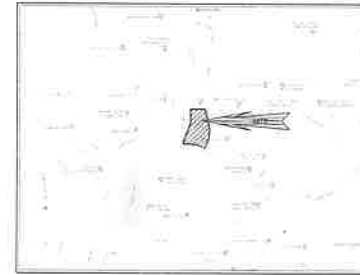
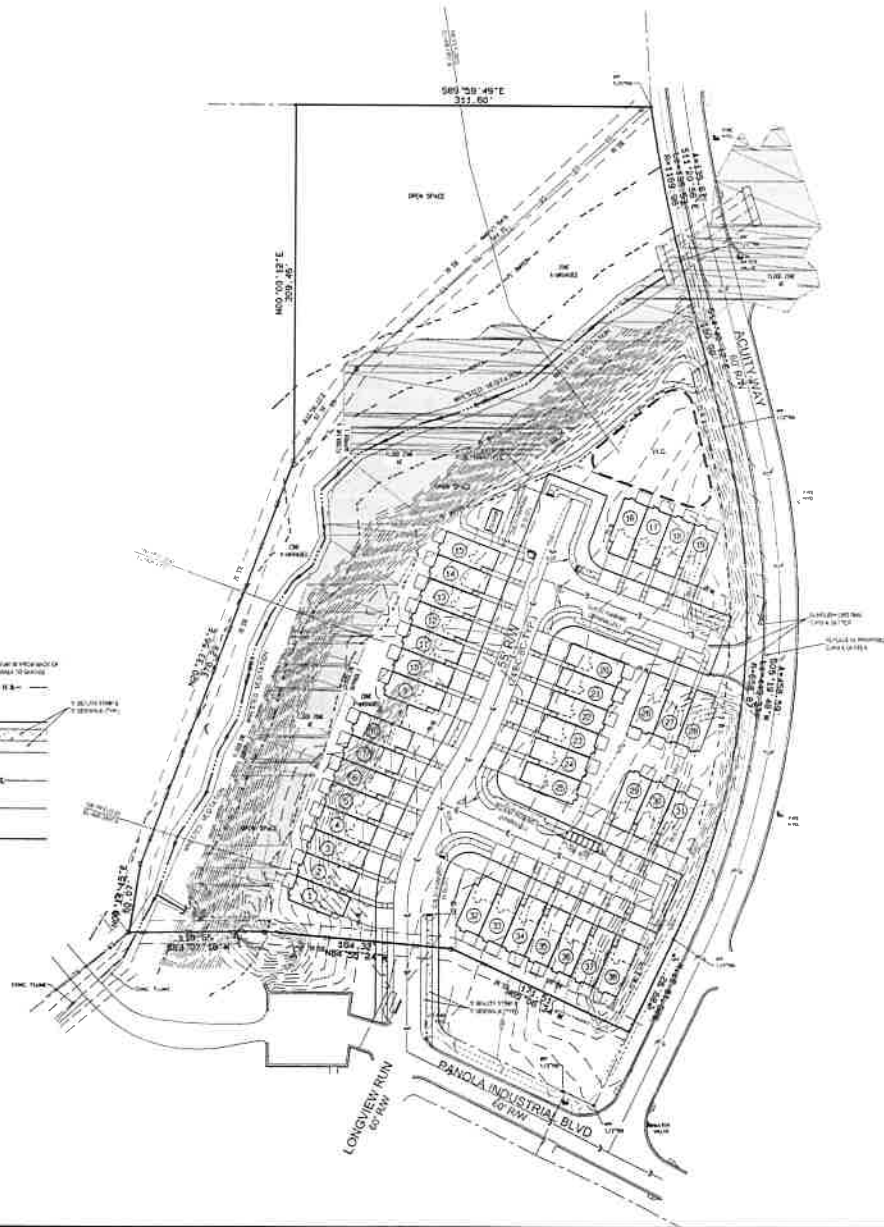
TYPICAL UNIT
N.T.S.



TYPICAL GUEST
PARALLEL PARKING
N.T.S.



TYPICAL GUEST
SLOT PARKING
N.T.S.



LOCATION MAP
N.T.S.

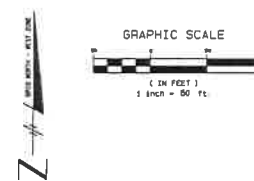
- NOTES:
- BOUNDARY & TOPIC INFORMATION FROM A SURVEY BY RYAN M. SCHULTZ, NORTH POINT LAND SURVEYING, DATED APRIL 22, 2020.
 - FLOODPLAIN ELEVATIONS PER DEKALB COUNTY GIS.
 - FLOOD LINE IS APPROXIMATE AND IS PER FEMA FIRM MAP 13089C0158J.

DEVELOPMENT DATA

TOTAL SITE AREA:	7.028 AC
CURRENT ZONING:	M4.4
PROPOSED UNITS:	36 UNITS
PROPOSED DENSITY:	5.41 UNITS/AC
DECLINED OPEN SPACE:	20% (1.4 AC)
PROPOSED OPEN SPACE:	51% (3.6 AC)
MINIMUM LOT COVERAGE:	80%
MINIMUM BUILDING UNIT SIZE:	800 SF
MAXIMUM BUILDING HEIGHT:	40' OR 3 STORIES (WHICHEVER IS LESS)
MINIMUM LOT WIDTH:	20'
GUEST PARKING:	13 SPACES
SETBACK:	15'
FRONT:	10'
SIDE:	0'
BACK CORNER:	0'

OWNER/DEVELOPER (FROM PERMITTEE):
 578 LOTS, LLC
 2755 DUPRE DRIVE NW
 SUITE 130
 ATLANTA, GA 30327
 PHONE (404) 409-3588
 24 HOUR EMERGENCY CONTACT:
 SEAN SANDALL (770) 416-7515

ENGINEER:
 WATTS & BROWNING ENGINEERS, INC.
 1348 OLD 41 HWY NW, SUITE #225
 MARIETTA, GA 30060
 PHONE (678) 324-8192
 FAX (770) 884-8870
 CONTACT DARYL COOK



TOWNHOME EXHIBIT
 FOR
 LONGVIEW RUN
 LAND LOT 9 - 16TH DISTRICT
 DEKALB COUNTY, GEORGIA

REVISION	NO.	DATE	DESCRIPTION



SCALE:	1" = 50'
DESIGNED BY:	DRG
DRAWN BY:	JJT
CHECKED BY:	DRG
INITIAL ISSUE DATE:	06/17/2020
JOB NUMBER:	200124
SHEET NUMBER:	1

IMPACT ANALYSIS

**IMPACT ANALYSIS FOR MAJOR MODIFICATION OF ZONING
CONDITIONS (Z-07-13334 and CZ 04-111)**

And

Other Material Required by
DeKalb County Zoning Ordinance

Of

VENTURE COMMUNITIES, LLC

For

+/- 7.028 acres of Land
Located in
Land Lots 9 and 24, 16th District, DeKalb County

2620 Shell Bark Road (16-09-01-001)
and 2641 Acuity Way f/k/a Lithonia Way (16-24-06-001)

Submitted for Applicant by:

Linda I. Dunlavy
Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, Georgia 30030
(404) 371-4101 Phone
(404) 371-8901 Facsimile
ldunlavy@dunlavylawgroup.com

I. INTRODUCTION

The Applicant desires to develop a 38-unit townhome community of the Subject Property. Its vision is to build Southern farmhouse style homes. The homes will be 3 bedroom 2 and 1/2 baths and between 1700 and 1800 square feet. They will be two stories, have two car garages, with facades comprised of a mix of board and batten, shake and plank cementitious material (Hardie). It is anticipated that upon completion they will list for between \$220,000 and \$260,000. *Conceptual elevations and interior photos of the proposed units are included with this submittal.* This proposed housing product will blend well with the existing homes in the area but provide home buyers with an updated modern product more in keeping with today's marketing demands. This Application seeks a major modification of conditions for conditions imposed in 2004 and 2007 on the Subject Property to enable the Applicant's vision.

The Board of Commissioners rezoned the Subject Property (+/- 7.02 acres), as part of a larger rezoning (+/- 62.48 acres), from M and OD to OCR¹ with conditions in 2004 (CZ-04-111)². In 2007 (Z-07-13334), the Board of Commissioners approved a major modification of conditions for +/-6.02 acres of the Subject Property.³ At the time of the rezoning in 2004, the +/- 62.48 acres was completely undeveloped. Since the original 2004 rezoning, all of the +/- 62.48 acres have been developed except for the Subject Property. +/- 35.16 acres immediately to the south of the Subject Property has been fully built out as a single-family detached subdivision comprised of 160 homes known as

¹ With adoption of a new zoning ordinance in 2015, OCR properties such as the Subject Property became MU-4 districts.

² The zoning agenda packet along with conditions imposed in 2004 are included with this submittal.

³ The zoning agenda packet for the 2007 modification is included with this submittal along with the approved modified conditions.

“Longview Pointe”.⁴ Immediately to the southwest of the Subject Property a 155- unit condominium community known as “Longview Walk” has been built along with the development of a commercial strip center fronting on Snapfinger Woods Road on an additional +/- 20.28 acres.⁵ The Subject Property was originally designed for 34-40 townhome units as part of the 2004 rezoning. However, in 2007, +/- 6.02 acres of the Subject Property were approved (per a major modification application) for “40 stacked-flat units” in lieu of townhomes. Since 2004, conditions impacting the Subject Property have changed dramatically. The original developer encountered financial difficulty and no longer owns the Subject Property. In the first two years of the build out for Longview Pointe, only 18 single-family homes were built. The bank foreclosed on the property and in 2011, the current owner purchased 142 lots in Longview Pointe along with the Subject Property, secured money for the clubhouse and generally worked to stabilize the Longview Pointe community. Build out on Longview Pointe was not completed until 2015-2016. All amenities including a playground and clubhouse have been installed. With the completion of the Longview Pointe community and its stabilization, the Applicant believes that the Subject Property is viable for development but not as a stacked flat community. It proposes to construct a 38-unit townhome community, similar to the original concept plan in 2004. However, in order to make the townhome community on the Subject Property a reality, a modification of conditions is required.

The Applicant has had the required pre-application meeting with Planning and Sustainability staff and has reached out to the homeowner’s associations of both Longview Pointe and Longview Walk. The Applicant is attempting to schedule

⁴ A copy of the final plat for Longview Pointe is included with this submittal.

⁵ A copy of the approved Longview Walk final plat is included with this submittal.

community meetings with both associations in order to present its site plan and secure feedback. In these times of Covid-19 lockdowns, holding a community meeting has not yet been possible but the Applicant will continue its efforts throughout the course of the modification process and will attempt to meet with both the Longview Pointe and Longview Walk Homeowners Association (“HOA”) via Zoom, Go To Meeting or teleconference. The Applicant has spoken several times via phone with Hassan Harris, President of the Longview Pointe HOA regarding this project. The Applicant submits this Impact Analysis in support of its modification request.

A. SUBJECT PROPERTY

The Subject Property is comprised of +/- 7.02 undeveloped acres. It is south of Snapfinger Woods Road and fronts on the west side of Acuity Way (f/k/a Lithonia Way), just west of the City of Stonecrest city limits. A large stream runs from the northeast corner to the southwest corner of the property and the property is encumbered with a 20-foot sanitary sewer easement to the north of and parallel to the stream. Land on either side of the stream is within a designated flood plain. To the immediate north and northeast are two gas station/convenience stores (Shell and Chevron) along with associated strip commercial businesses including a liquor store, tax preparation service and beauty supply store. Immediately to the west is the Longview Walk 155-unit condominium community and to the immediate south, the Longview Pointe 160-unit single-family detached residential subdivision. Further to the north and west are a mix of apartment, townhome and single-family communities. Across Acuity Way to the east and to the south of Panola Industrial Boulevard is the City of Stonecrest with industrial uses including Acuity Brands Lighting, Georgia Pacific Chemicals, Georgia Pacific, and

Almex. The property is within the I-20 Overlay District. As noted above, it is zoned MU-4 with conditions and is within the HC (Highway Commercial) future land use district.

B. APPLICANT'S PROPOSAL

Currently, the Subject Property is undeveloped. Since the conditional rezoning of the Subject Property in November of 2007, the ownership of the Subject Property, the economics and the physical characteristics of the Subject Property have changed. Due to changing conditions over the 13 years since the Subject Property was approved for stacked flats, the Applicant proposes to modify one of the original conditions imposed in conjunction with the original zoning of the Subject Property in 2004 and both of the conditions imposed in the modification of 2007. Specifically, as noted in the Letter of Application submitted contemporaneously with this Impact Analysis, the Applicant seeks modification of Condition # 3 in the 2004 rezoning and deletion of the two conditions in the 2007 modification. Specifically, the Applicant proposes the following with respect to those conditions:

- Modify Condition #3 such that the first sentence of that condition is altered to read as follows⁶: “the townhomes will have a minimum of a two-car garage and facades shall be comprised of a mixture of brick, stone, and “Hardiplank siding, cementitious materials or a mixture of any of the foregoing materials.””
- Delete all conditions contained in the 2007 modification. Those conditions are as follows: 1) All other conditions of zoning related to Case No. CZ-0411 not previously modified, shall remain in effect; 2) The proposed multi-family building shall be constructed to appear substantially in compliance with the building elevation titled “Proposed Elevation Unit flats Scheme 1”, prepared by David McGee and stamped as received 4-7-07; 3) This proposal shall not be used as apartments but as condos and will be marketed to resident over 55 years old.

⁶ Original language deleted is shown as a strike out and proposed new language is highlighted.

With respect to condition #3, it is Applicant's desire to build a new updated, modernized product that will market well with home buyers of today—not homebuyers of 2004. The southern farmhouse style is in big demand and will be of a very high quality, comparable to any product in the immediate vicinity of the Subject Property. The Applicant proposes a two-car garage product with batten and board, shakes, Hardie Plank lap siding and other durable materials. As to the conditions imposed in 2007, the Applicant wishes not to construct stacked flats. It believes such a community would be incompatible with Longview Pointe and Longview Walk and not in high demand in the community. Moreover, there is little demand for age-restricted communities in this location. A reworked, quality townhome product would be more viable and more attractive.

II. IMPACT ANALYSIS

Pursuant to Section 7.3.5 of the Zoning Ordinance, approval of major modification requests such as that of the Applicant are governed by consideration of certain factors and standards by the Board of Commissioners. These standards and factors for review along with their application to the Applicant's request are as follows:

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

The modification of conditions request is consistent with the comprehensive plan—intent and policies. It is within the HC (Highway Corridor) future land use designation and is consistent with that designation. *See included land use map and excerpts from text of plan, p. 57, Table 7.4.* It promotes new communities with greenspace, neighborhood parks and an appropriate mix of uses and housing types. It promotes pedestrian connectivity between residential and park spaces. It clusters housing in order to preserve and maintain important environmental features such as the stream and its buffers on the Subject Property. It allows for the development of a townhome community compatible with the surrounding residential communities.

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.

Except for uses in the City of Stonecrest to the east, the vast majority of uses in the immediate vicinity of the Subject Property are residential with a mixture of commercial uses. There are several town home communities of compatible and complimentary design and caliber to that contemplated by the Applicant. The proposed townhome community would be more in keeping with its immediate surrounds than the 2007 approved stack flats community and would positively impact property values in the area.

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

The Subject Property has a reasonable economic use as zoned, but the conditions may, in some instances, have a negative impact on the economics of the development project. Stacked flats would be difficult to market in this area. In addition, the stacked flat rendering contemplated no enclosed garages but only off-street parking. *A copy of the proposed site plan for the stacked flats is included in this submittal.* The Applicant's proposal would include an attached two-car garage with each unit that would be required by the HOA documents to be maintained as a garage and not converted to additional living space. Thus, the Applicant believes this neighborhood would be more visually attractive than if all the residents' cars were parked outside. By allowing a quality townhome community, the County would move this non-contributing vacant property onto the tax rolls and improve the immediate community.

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

While considered by the DeKalb County Zoning Ordinance to be "major" modifications, the modifications sought by the Applicant will not adversely affect use or usability of adjacent or nearby properties. The changes proposed will allow the completion of an underdeveloped subdivision which will serve to enhance the community as a whole. The number of units proposed (38) is less than originally approved (40), thereby lessening any impacts. Stacked flats would have required surface parking, whereas the modification proposed provides for two car attached garages for each unit.

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 economics and the physical layout of the Subject Property have changed in the 13 years since it was considered for a stacked flats community. The

economic viability of a townhome community is greater than a stacked flats community and could be marketed easily. The property has remained vacant and undeveloped largely because of the stacked flats condition.

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

The Applicant is not aware of any historic buildings, sites, districts or archeological resources on the Subject Property or nearby.

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.

Vehicle trips generated by the proposed townhome community will be less than the stacked flats originally approved due to the reduction in the number of overall units. The ITE Trip Generation estimates are 223 new vehicle trips per day week days; 17 vehicle trips at the peak hour of adjacent streets a.m. and 20 vehicle trips at the peak hour of adjacent streets p.m. Saturday and Sunday trips would be slightly less. Snapfinger Woods Drive is classified by DeKalb County as a minor arterial street as is Panola Industrial Road, whereas Acuity Way is a local street. Snapfinger Woods and Panola Industrial have capacities of 10,000 vehicle trips per day and currently function under capacity. Public schools serving the Subject Property are Fairington Elementary, Miller Grove Middle School and Miller Grove Highschool. While Fairington Elementary is operating currently at capacity, Miller Grove Middle School in 2019-2020 was operating with approximately 300 students less than capacity and Miller Grove Highschool was operating with approximately 550 fewer students than capacity. All public utilities are already available at the site. The proposed use will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

The proposed townhome community is less dense than what was previously approved by two units. Additionally, it preserves more than 3.6 acres of open space. No encroachment into the stream buffer is proposed. The environmentally sensitive features on site (floodplain, creek and vegetation) will be left undisturbed.

Based on the foregoing, the Applicant submits that the Application meets all the relevant standards to modify the conditions as proposed and asks for Board approval of same.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current conditional zoning classification, to the extent that it prohibits the use proposed, constitutes an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners in violation of the due process and equal protection rights of the property owner guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Further, the Applicant respectfully submits that the Board's failure to approve the requested major modification of conditions application would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the application for a major modification of conditions of zoning for the Subject Property be approved. The Applicant also invites and welcomes any comments from Staff or other officials of County and community so that such recommendations or input might be incorporated as this application undergoes further review.

This 27th day of April, 2020.

Respectfully submitted,



Linda I. Dunlavy
Attorney for Applicant

Dunlavy Law Group, LLC
1026 B Atlanta Avenue
Decatur, Georgia 30030
(404) 371-4101 Telephone
(404) 371-8901 Facsimile

DEED TO SUBJECT PROPERTY

2011001080 DEED BOOK 22303 Pg 669

Real Estate Transfer Tax \$3.00

Filed and Recorded:
1/4/2011 11:50:19 AM
Linda Carter
Clerk of Superior Court
DeKalb County, Georgia

Upon recording return to:

SLUTZKY, WOLFE AND BAILEY, LLP
2255 Cumberland Parkway
Building 1300
Atlanta, Georgia 30339
(770) 438-8000

LIMITED WARRANTY DEED

THIS INDENTURE, made effective as of this 29th day of December, 2010, by and between **CRM CENTRAL PROPERTIES, LLC**, a Georgia limited liability company ("Grantor"), and **STB LOTS, LLC**, a Georgia limited liability company ("Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all of that certain tract or parcel of land lying and being in DeKalb County, Georgia, being more particularly described in Exhibit A attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property").

This conveyance is made subject to (i) the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges which are not yet due and payable, (ii) all applicable laws (including zoning, building ordinances and land use regulations), (iii) all easements, restrictions, covenants, agreements, conditions, or other matters of record, (iv) all matters that may be revealed by a current and accurate survey or inspection of the property, (v) rights of any tenants in possession of all or any part of the property, and (vi) any other matters known to Grantee.

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

AND THE SAID Grantor shall warrant and forever defend the right and title to said Property unto the Grantee against the lawful claims of all persons claiming by, through or under Grantor but not otherwise.

[SIGNATURES ON THE FOLLOWING PAGE]

20

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

GRANTOR: **CRM CENTRAL PROPERTIES, LLC**, a Georgia limited liability company

By: CRM Properties Manager, LLC, a Georgia limited liability company

Its: Sole Member

By: [Signature] (SEAL)

Name: Andrew Kroll

Its: Vice President

Signed, sealed, and delivered in the presence of:

[Signature]
WITNESS

[Signature]
NOTARY PUBLIC

My Commission Expires:

[AFFIX NOTARY SEAL]

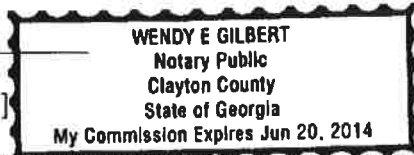


EXHIBIT "A"
Legal Description

TRACT 3:

TRACT 1 (PROPERTY BOUNDED BY LITHONIA WAY ON EAST, LONGVIEW POINTE SUBDIVISION ON SOUTH, LONGVIEW POINT CONDOMINIUM ON WEST, AND TRACT 2, BELOW, ON NORTHWEST)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 9 and 24, 16th Land District of DeKalb County, Georgia, as shown on survey dated January 20, 2005, prepared by Robert Armstrong, GRLS Number 1901, and being more particularly described as follows:

BEGINNING at the intersection on the southerly right-of-way of Snapfinger Woods Road (100 foot right-of-way) and the easterly right-of-way of Shellbark Road (60' right-of-way);

thence along said right-of-way of Snapfinger Woods Road South 89 degrees 43 minutes 02 seconds East, a distance of 610.77 feet to a ½" rebar found;

thence leaving said right-of-way South 00 degrees 03 minutes 00 seconds West, a distance of 254.73 feet to a 5/8" rebar set;

thence South 89 degrees 58 minutes 50 seconds East, a distance of 712.41 feet to a 5/8" rebar set on the westerly right-of-way of Lithonia Way (60' right-of-way);

thence along said right-of-way along a curve to the left, said curve having an arc distance of 135.60 feet, with a radius of 1,169.36 feet, and being subtended by a chord bearing of South 11 degrees 19 minutes 54 seconds East at a distance of 135.53 feet to a point;

thence continuing along said right-of-way South 14 degrees 39 minutes 13 seconds East, a distance of 150.00 feet to a ½" rebar found;

thence continuing along said right-of-way along a curve to the right, said curve having an arc distance of 458.59 feet, with a radius of 656.87 feet, and being subtended by a chord bearing of South 05 degrees 20 minutes 47 seconds West at a distance of 449.33 feet to a point;

thence continuing along said right-of-way South 25 degrees 20 minutes 36 seconds West, a distance of 161.81 feet to a ½" rebar found on the northerly right-of-way of Panola Industrial Boulevard (60' right-of-way);

thence along said right-of-way of Panola Industrial Boulevard along a curve to the left, said curve having an arc distance of 27.87 feet, with a radius of 2,417.13 feet, and being subtended by a chord bearing of North 65 degrees 00 minutes 36 seconds West at a distance of 27.87 feet to a point;

thence along the westerly right-of-way of Panola Industrial Boulevard South 24 degrees 39 minutes 35 seconds West, a distance of 60.00 feet to a point;

thence along the southerly right-of-way of Panola Industrial Boulevard along a curve to the right, said curve having an arc distance of 183.68 feet, with a radius of 2,357.13 feet, and being subtended by a chord bearing of South 63 degrees 05 minutes 04 seconds East at a distance of 183.63 feet to a point;

thence continuing along said right-of-way South 60 degrees 51 minutes 08 seconds East, a distance of 150.86 feet to a point;

thence continuing along said right-of-way along a curve to the right, said curve having an arc distance of 414.22 feet, with a radius of 823.42 feet, and being subtended by a chord bearing of South 46 degrees 32 minutes 39 seconds East at a distance of 409.87 feet to a ½" rebar found;

thence leaving said right-of-way North 58 degrees 48 minutes 57 seconds West, a distance of 594.13 feet to a ½" rebar found;

thence South 29 degrees 46 minutes 25 seconds West, a distance of 1,059.97 feet to a 1" crimped top pipe found;

thence South 86 degrees 08 minutes 28 seconds West, a distance of 499.96 feet to a ½" rebar found;
 thence South 03 degrees 48 minutes 06 seconds East, a distance of 441.69 feet to a 5/8" rebar set;
 thence North 80 degrees 02 minutes 22 seconds West, a distance of 75.68 feet to a ½" rebar found;
 thence North 72 degrees 36 minutes 59 seconds West, a distance of 202.72 feet to a ½" rebar found;
 thence North 66 degrees 26 minutes 16 seconds West, a distance of 100.08 feet to a ½" rebar found;
 thence North 50 degrees 04 minutes 23 seconds West, a distance of 96.52 feet to a ½" rebar found;
 thence North 18 degrees 18 minutes 18 seconds East, a distance of 164.85 feet to a ½" rebar found;
 thence North 34 degrees 44 minutes 22 seconds East, a distance of 101.21 feet to a ½" rebar found;
 thence North 20 degrees 18 minutes 12 seconds West, a distance of 105.95 feet to a ½" rebar found;
 thence North 14 degrees 49 minutes 27 seconds West, a distance of 262.58 feet to a ½" rebar found;
 thence North 05 degrees 14 minutes 37 seconds East, a distance of 160.75 feet to a ½" rebar found;
 thence North 13 degrees 55 minutes 33 seconds West, a distance of 174.98 feet to a ½" rebar found;
 thence North 10 degrees 52 minutes 45 seconds East, a distance of 139.85 feet to a ½" rebar found;
 thence North 27 degrees 44 minutes 25 seconds East, a distance of 184.47 feet to a PK nail found;
 thence North 20 degrees 25 minutes 32 seconds West, a distance of 43.77 feet to a ½" rebar found;
 thence North 28 degrees 14 minutes 02 seconds East, a distance of 559.82 feet to a ½" rebar with cap found;
 thence North 66 degrees 47 minutes 42 seconds West, a distance of 339.96 feet to a ½" rebar with cap found on
 the easterly right-of-way of Shellbark Road;
 thence along said right-of-way along a curve to the left, said curve having an arc distance of 275.18 feet, with a
 radius of 427.50 feet, and being subtended by a chord bearing of North 18 degrees 58 minutes 06 seconds East at
 a distance of 270.45 feet to a point;
 thence continuing along said right-of-way North 00 degrees 31 minutes 43 seconds East, a distance of 374.71 feet
 to a point on the southerly right-of-way of Snappfinger Woods Road; said point being the POINT OF
 BEGINNING.

Said tract or parcel containing 2,784,814 square feet, or 63.93 acres.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 9, 16th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way of Snappfinger Woods Road (100 foot right-of-way) and the easterly right-of-way of Shellbark Road (60 foot right-of-way); thence along said right-of-way of Shellbark Road South 00 degrees 31 minutes 43 seconds West, a distance of 252.10 feet to a point, said point being the POINT OF BEGINNING; thence leaving said right-of-way South 89 degrees 28 minutes 17 seconds East, a distance of 612.89 feet to a 5/8" rebar set; thence South 89 degrees 58 minutes 50 seconds East, a distance of 712.41 feet to a 5/8" rebar set on the westerly right-of-way of Lithonia Way (60 foot right-of-way); thence

South 48 degrees 22 minutes 53 seconds West, a distance of 344.05 feet to a point at a sanitary sewer manhole; thence South 33 degrees 59 minutes 16 seconds West, a distance of 97.50 feet to a point at a sanitary sewer manhole; thence South 20 degrees 34 minutes 55 seconds West, a distance of 376.29 feet to a point at a sanitary sewer manhole; thence South 09 degrees 15 minutes 12 seconds West, a distance of 60.07 feet to a point at a sanitary sewer manhole; thence South 51 degrees 35 minutes 50 seconds West, a distance of 267.28 feet to a point at a sanitary sewer manhole; thence South 83 degrees 41 minutes 46 seconds West, a distance of 341.09 feet to a point at a sanitary sewer manhole; thence North 82 degrees 55 minutes 56 seconds West, a distance of 227.23 feet to a point at a sanitary sewer manhole; thence North 60 degrees 17 minutes 34 seconds West, a distance of 73.70 feet to a point; thence North 28 degrees 14 minutes 02 seconds East, a distance of 401.22 feet to a 1/2" rebar with cap found; thence North 66 degrees 47 minutes 42 seconds West, a distance of 339.96 feet to a 1/2" rebar with cap found on the easterly right-of-way of Shellbark Road; thence along said right-of-way along a curve to the left, said curve having an arc distance of 275.18 feet, with a radius of 427.50 feet, and being subtended by a chord bearing of North 18 degrees 58 minute 06 seconds East at a distance of 270.45 feet to a point; thence continuing along said right-of-way North 00 degrees 31 minutes 43 seconds East, a distance of 122.61 feet to a point, said point being the POINT OF BEGINNING.

Said tract or parcel containing 835,958 square feet, or 19.191 acres.

FURTHER LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 9, 16th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at the intersection of the southerly right-of-way of Snapfinger Woods Road (100 foot right-of-way) and the easterly right-of-way of Shellbark Road (60 foot right-of-way); thence along said right-of-way of Snapfinger Woods Road South 89 degrees 43 minutes 02 seconds East, a distance of 610.77 feet to a 1/2" rebar found; thence leaving said right-of-way South 00 degrees 03 minutes 00 seconds West, a distance of 254.73 feet to a 5/8" rebar set; thence North 89 degrees 28 minutes 17 seconds West, a distance of 612.89 feet to a point on the easterly right-of-way of Shellbark Road; thence along said right-of-way North 00 degrees 31 minutes 43 seconds East, a distance of 252.10 feet to a point on the southerly right-of-way of Snapfinger Woods Road, said point being the POINT OF BEGINNING.

Said tract or parcel containing 155,045 square feet, or 3.559 acres.

FURTHER LESS AND EXCEPT:

All subdivided lots and all other areas, including open areas, depicted on Plat of Longview Pointe Subdivision, recorded at Plat Book 190, pages 47-55, aforesaid records.

FURTHER LESS AND EXCEPT:

All that tract or parcel of land lying and being in the Land Lots 9 & 24 of District 16, County of DeKalb, Georgia and being more particularly described as Parcel 16-009-07-092.

FURTHER LESS AND EXCEPT:

All that tract or parcel of land lying and being in the Land Lots 9 & 24, County of DeKalb, Georgia and being more particularly described as Green Space/Open Space 226,178 S.F., Green Space/Open Space 9,004 S.F., Green Space/Open Space 15,840 S.F., Green Space/Open Space 29,671 S.F. and Green Space/Open Space 58,009 S.F. as depicted on the Final Plat for Longview Pointe, recorded on June 27, 2007 in DeKalb County Records at Plat Book 190, Pages 47 through 55.

TOGETHER WITH:

TRACT 2 (TRIANGULAR-SHAPED PARCEL EAST OF LONGWOOD CONDOMINIUM AND NORTHWEST OF TRACT 1 ABOVE)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 9, 16th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way of Snapfinger Woods Road (100 foot right-of-way) and the easterly right-of-way of Shellbark Road (60 foot right-of-way); thence along said right-of-way of Shellbark Road South 00 degrees 31 minutes 43 seconds West, a distance of 252.10 feet to a point, said point being the POINT OF BEGINNING; thence leaving said right-of-way South 89 degrees 28 minutes 17 seconds East, a distance of 612.89 feet to a 5/8" rebar set; thence South 89 degrees 58 minutes 50 seconds East, a distance of 712.41 feet to a 5/8" rebar set on the westerly right-of-way of Lithonia Way (60 foot right-of-way); thence

South 48 degrees 22 minutes 53 seconds West, a distance of 344.05 feet to a point at a sanitary sewer manhole; thence South 33 degrees 59 minutes 16 seconds West, a distance of 97.50 feet to a point at a sanitary sewer manhole; thence South 20 degrees 34 minutes 55 seconds West, a distance of 376.29 feet to a point at a sanitary sewer manhole; thence South 09 degrees 15 minutes 12 seconds West, a distance of 60.07 feet to a point at a sanitary sewer manhole; thence South 51 degrees 35 minutes 50 seconds West, a distance of 267.28 feet to a point at a sanitary sewer manhole; thence South 83 degrees 41 minutes 46 seconds West, a distance of 341.09 feet to a point at a sanitary sewer manhole; thence North 82 degrees 55 minutes 56 seconds West, a distance of 227.23 feet to a point at a sanitary sewer manhole; thence North 60 degrees 17 minutes 34 seconds West, a distance of 73.70 feet to a point; thence North 28 degrees 14 minutes 02 seconds East, a distance of 401.22 feet to a 1/2" rebar with cap found; thence North 66 degrees 47 minutes 42 seconds West, a distance of 339.96 feet to a 1/2" rebar with cap found on the easterly right-of-way of Shellbark Road; thence along said right-of-way along a curve to the left, said curve having an arc distance of 275.18 feet, with a radius of 427.50 feet, and being subtended by a chord bearing of North 18 degrees 58 minutes 06 seconds East at a distance of 270.45 feet to a point; thence continuing along said right-of-way North 00 degrees 31 minutes 43 seconds East, a distance of 122.61 feet to a point, said point being the POINT OF BEGINNING.

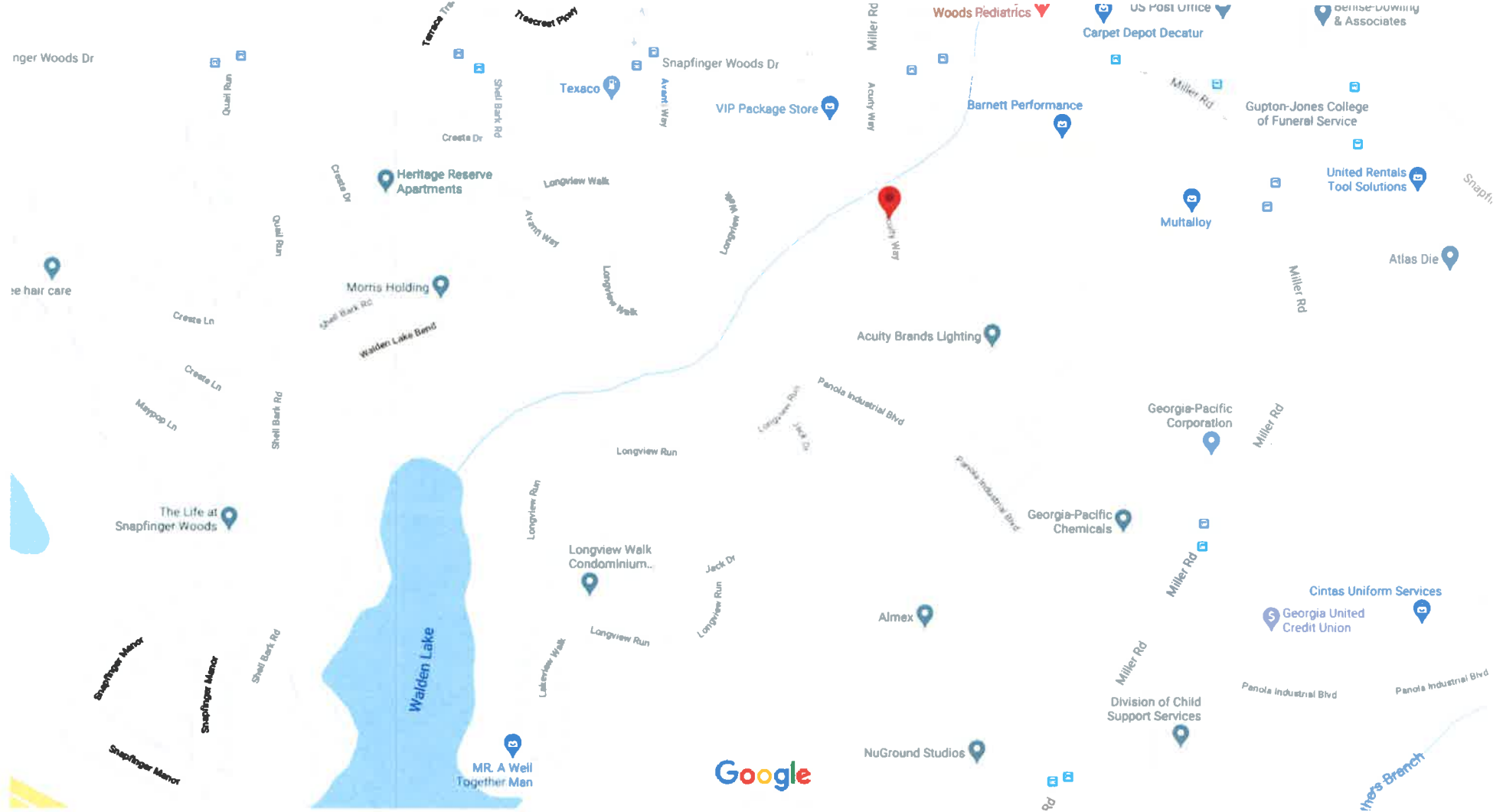
Said tract or parcel containing 835,958 square feet, or 19.191 acres.

LESS AND EXCEPT:

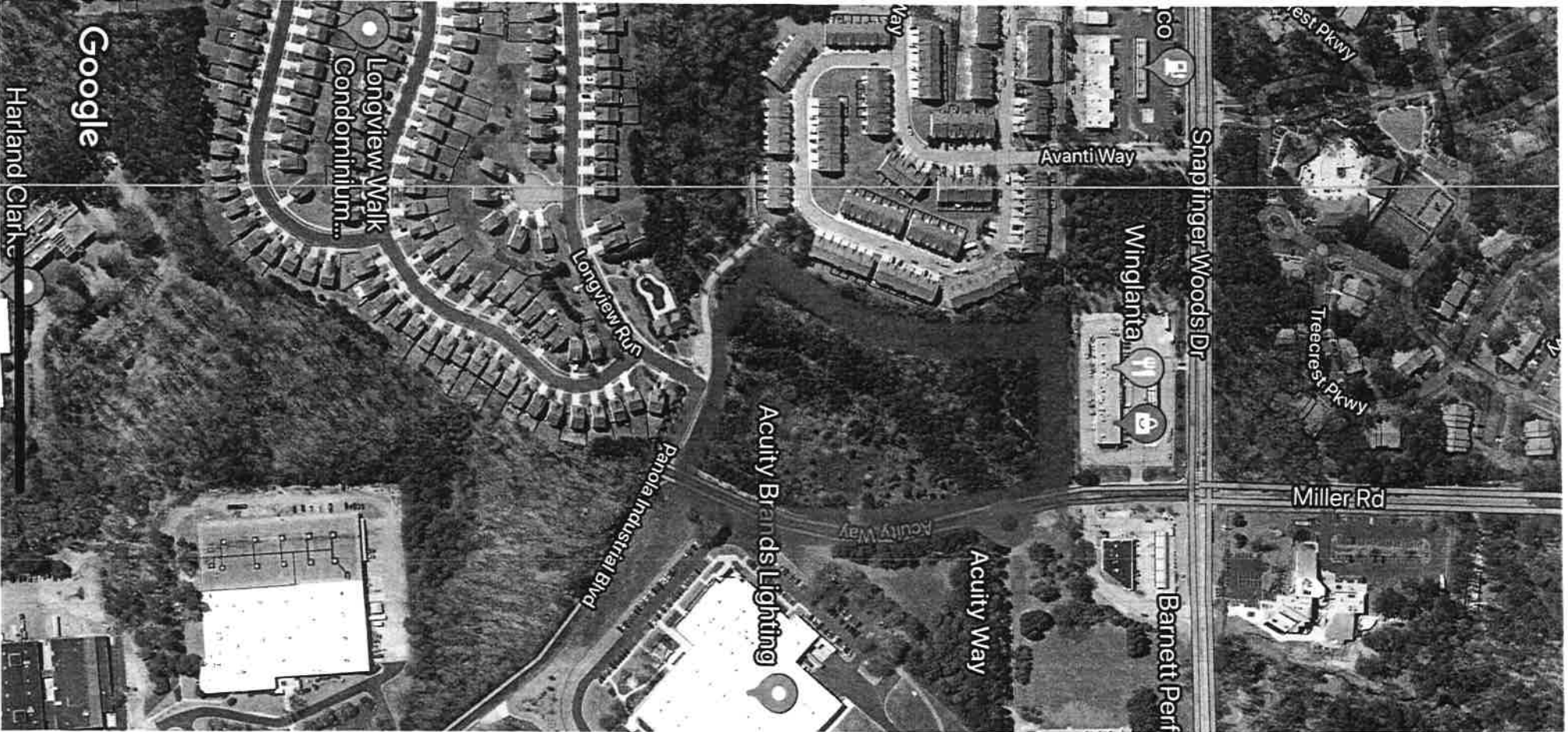
All units and all other property depicted on Plat of Longview Walk Condominium recorded at Plat Book 180, page 40, aforesaid records.

RELEVANT MAPS

Google Maps Acuity Way



Map data ©2020 200 ft



Google

Harland Clarke

Longview Walk
Condominium...

Longview Run

Pahola Industrial Blvd

Acuity Brands Lighting

Acuity Way

Acuity Way

Avanti Way

Winglania

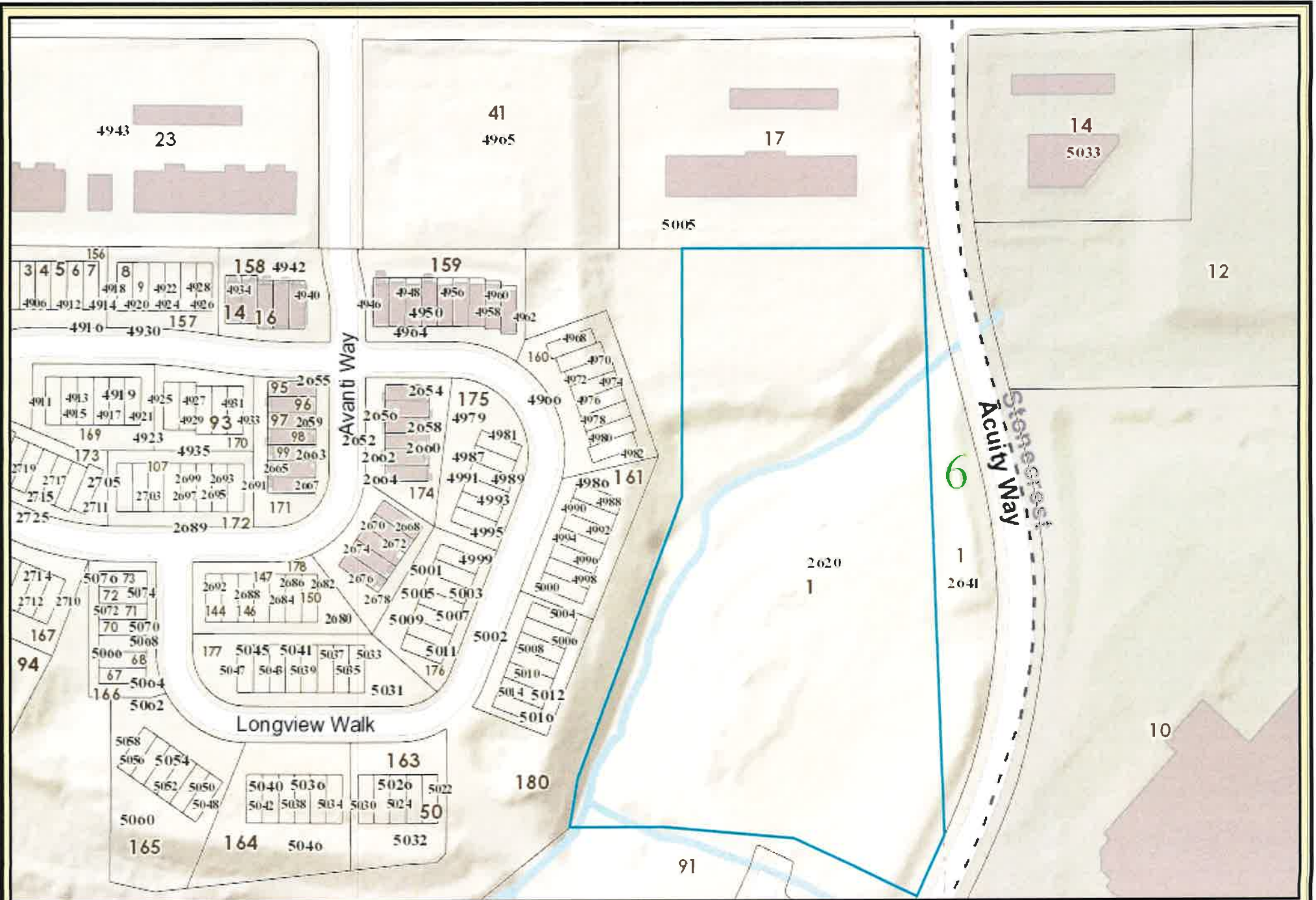
Barnett Perf

Snapfinger Woods Dr

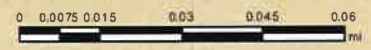
Miller Rd

Treecrest Pkwy

West Pkwy



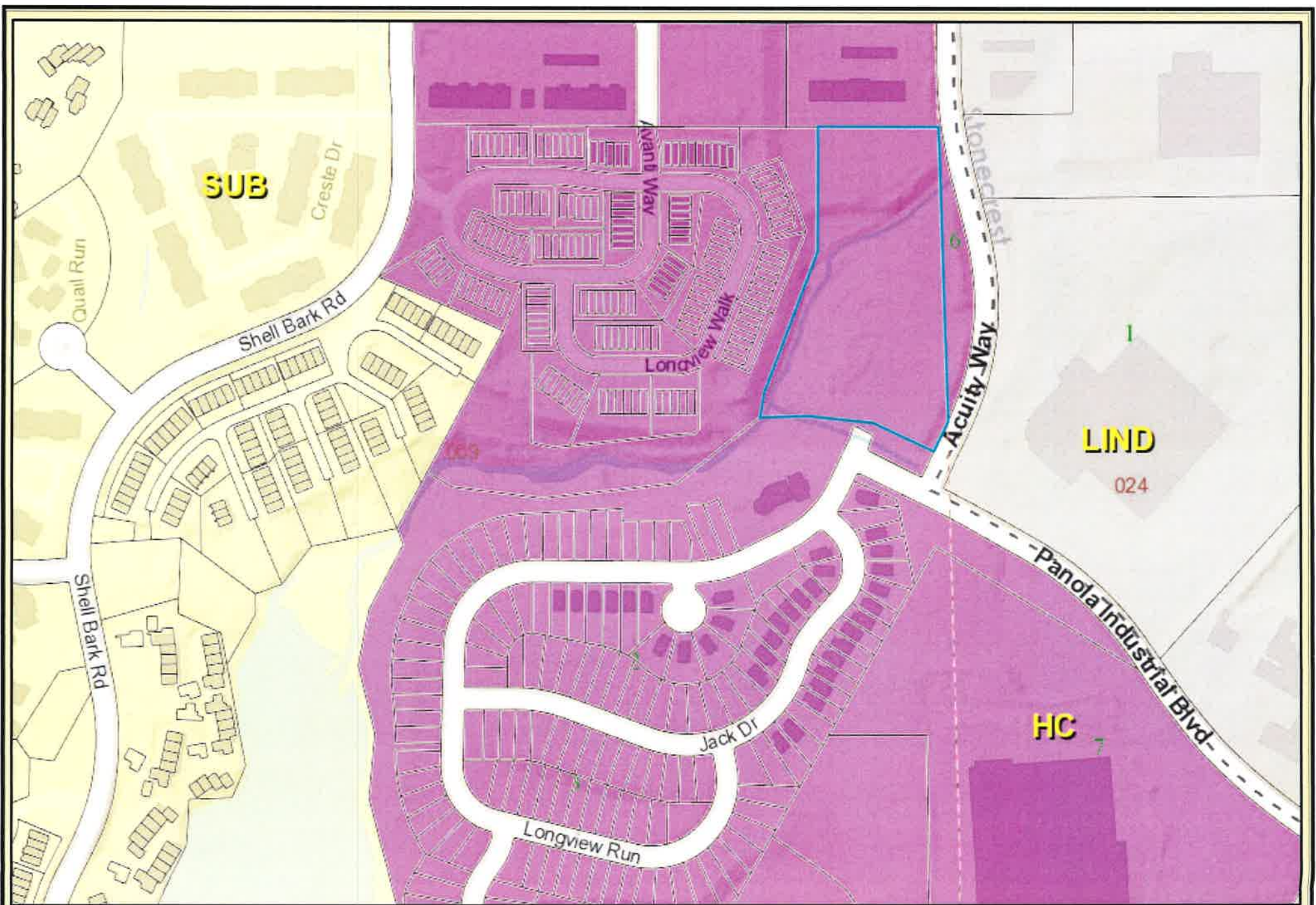
DeKalb County Parcel Map



Date Printed: 4/22/2020



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DeKalb County Parcel Map



Date Printed: 4/22/2020



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TAX RECORDS

Last Deed Amount \$3,000.00

[Click here to view property map](#)

[Additional Property Information](#)

Property Value/Billing Assessment

Taxable Year	2019
Land Value	\$20,000
Building Value	\$0
Misc. Improvement Value	\$0
Total Value	\$20,000
40% Taxable Assessment	\$8,000
Appeal Assessment	\$6,800

* Appeal Assessment is a temporary value until appeal is resolved

Information as of 4/22/2020

For additional information on the data above,
contact the Property Appraisal Department at 404-371-2471

2014	\$80.08	\$80.08	\$0.00
2013	\$76.08	\$76.08	\$0.00
2012	\$82.24	\$82.24	\$0.00

Delinquent Taxes/
Tax Sale Information

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[FiFa-GED Book/Page](#)
[Levy Date](#)
[Sale Date](#)
[Delinquent Amount Due](#)



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<p>Property Identification</p> <p>Parcel ID 16 009 01 001 Pin Number 0619931 Property Address 2620 SHELL BARK RD Property Type Real Estate Tax District S6 - EAST METRO CID</p> <p>Owner Information</p> <p>Jan. 1st Owner Last Name, First Name STB LOTS LLC Co-Owner Current Owner STB LOTS LLC Co-Owner</p> <p>Owner Address 5755 DUPREE DR NW # 130 ATLANTA GA 30327-4352</p> <p>Care of Information</p> <p style="text-align: center; color: #A52A2A;">** CHANGE MAILING ADDRESS? **</p> <p>Homesstead Exemption</p> <p>Exemption Type - NO EXEMPTION Tax Exempt Amount \$0.00</p> <p>APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE</p> <p>Other Exemption Information</p> <p>Exemption Type Value Exemption Amount \$0.00</p> <p>Deed Information</p> <p>Deed Type LIMITEDWARRANTY DEED Deed Book/Page 22303 / 00669 Plat Book/Page 0 / 0</p> <p>Property Characteristics/ Sales Information</p> <p>NBHD Code 9030 Zoning Type OCR - OFF COMM RESID Improvement Type Last Deed Date 12/29/2010</p>	<p>Tax Information Summary</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Taxable Year</td> <td style="text-align: right;">2019</td> </tr> <tr> <td>Millage Rate</td> <td style="text-align: right;">0.04689</td> </tr> <tr> <td>DeKalb County Taxes Billed</td> <td style="text-align: right;">\$2,112.40</td> </tr> <tr> <td>DeKalb County Taxes Paid</td> <td style="text-align: right;">\$2,112.40</td> </tr> <tr> <td>DeKalb County Taxes Due</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Taxes Billed</td> <td style="text-align: right;">\$2,112.40</td> </tr> <tr> <td>Total Taxes Paid</td> <td style="text-align: right;">\$2,112.40</td> </tr> <tr> <td>Total Taxes Due</td> <td style="text-align: right;">\$0.00</td> </tr> </table> <p style="text-align: center;">DeKalb County Taxes</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>First Payment Date</td> <td style="text-align: right;">8/20/2019</td> </tr> <tr> <td>First Payment Amount</td> <td style="text-align: right;">\$2,112.40</td> </tr> <tr> <td>Last Payment Date</td> <td style="text-align: right;">8/20/2019</td> </tr> <tr> <td>Last Payment Amount</td> <td style="text-align: right;">\$2,112.40</td> </tr> </table> <p style="text-align: center;"> Tax Paid Receipt Tax Bill Details </p> <p style="text-align: center;"> -- Choose a Tax Year -- ▼ Get Tax Payoff Info. </p> <p>Property Tax Mailing Address</p> <p>DeKalb County Tax Commissioner Collections Division PO Box 100004 Decatur, GA 30031-7004</p> <p style="text-align: center;">Prior Years Tax</p> <p style="text-align: center; color: #A52A2A;">*** Please note that payment posting information may be delayed due to batch processing***</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">DeKalb County Tax</th> <th style="text-align: left;"><u>Tax Year</u></th> <th style="text-align: left;"><u>Total Owed</u></th> <th style="text-align: left;"><u>Total Paid</u></th> <th style="text-align: left;"><u>Total Due</u></th> <th style="text-align: left;"><u>Adjusted Bill Due Date</u></th> </tr> </thead> <tbody> <tr> <td></td> <td>2019</td> <td>\$2,112.40</td> <td>\$2,112.40</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2018</td> <td>\$2,615.00</td> <td>\$2,615.00</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2017</td> <td>\$2,495.78</td> <td>\$2,495.78</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2016</td> <td>\$2,501.08</td> <td>\$2,501.08</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2015</td> <td>\$2,522.28</td> <td>\$2,522.28</td> <td>\$0.00</td> <td></td> </tr> </tbody> </table>	Taxable Year	2019	Millage Rate	0.04689	DeKalb County Taxes Billed	\$2,112.40	DeKalb County Taxes Paid	\$2,112.40	DeKalb County Taxes Due	\$0.00	Total Taxes Billed	\$2,112.40	Total Taxes Paid	\$2,112.40	Total Taxes Due	\$0.00	First Payment Date	8/20/2019	First Payment Amount	\$2,112.40	Last Payment Date	8/20/2019	Last Payment Amount	\$2,112.40	DeKalb County Tax	<u>Tax Year</u>	<u>Total Owed</u>	<u>Total Paid</u>	<u>Total Due</u>	<u>Adjusted Bill Due Date</u>		2019	\$2,112.40	\$2,112.40	\$0.00			2018	\$2,615.00	\$2,615.00	\$0.00			2017	\$2,495.78	\$2,495.78	\$0.00			2016	\$2,501.08	\$2,501.08	\$0.00			2015	\$2,522.28	\$2,522.28	\$0.00	
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	2015	\$2,522.28	\$2,522.28	\$0.00																																																									

Last Deed Amount \$3,000.00

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Property Value/Billing Assessment

Taxable Year	2019
Land Value	\$132,500
Building Value	\$0
Misc. Improvement Value	\$0
Total Value	\$132,500
40% Taxable Assessment	\$53,000
Appeal Assessment	\$45,050

* Appeal Assessment is a temporary value until appeal is resolved

Information as of 4/22/2020

For additional information on the data above,
contact the Property Appraisal Department at 404-371-2471

2014	\$320.66	\$320.66	\$0.00
2013	\$301.06	\$301.06	\$0.00
2012	\$301.40	\$301.40	\$0.00

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LONGVIEW POINTE PHOTOS



LP
LONGVIEW
POINTE



THE UNIVERSITY OF THE SOUTH ALABAMA
SCHOOL OF BUSINESS
YAN (2022)

NO PARKING
EXCEPT FOR
EMERGENCY VEHICLES





LONGVIEW WALK GOOGLE IMAGES







BOUNDARY SURVEY

PROPOSED SITE PLAN

CONCEPTUAL ELEVATION AND
INTERIOR PHOTOS



VC VENTURE COMMUNITIES

5500 INTERSTATE NORTH PARKWAY
SUITE 150 - SANDY SPRINGS, GA. 30328

FRONT ELEVATIONS

DEKALB COUNTY

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MAIN STREET
DESIGN & CONSTRUCTION
INCORPORATED

278-297-2454 407 DUNN CANTONMENT ROAD
DUNWOODY, GA 30328

A 001

1231 NEW YORK, USA

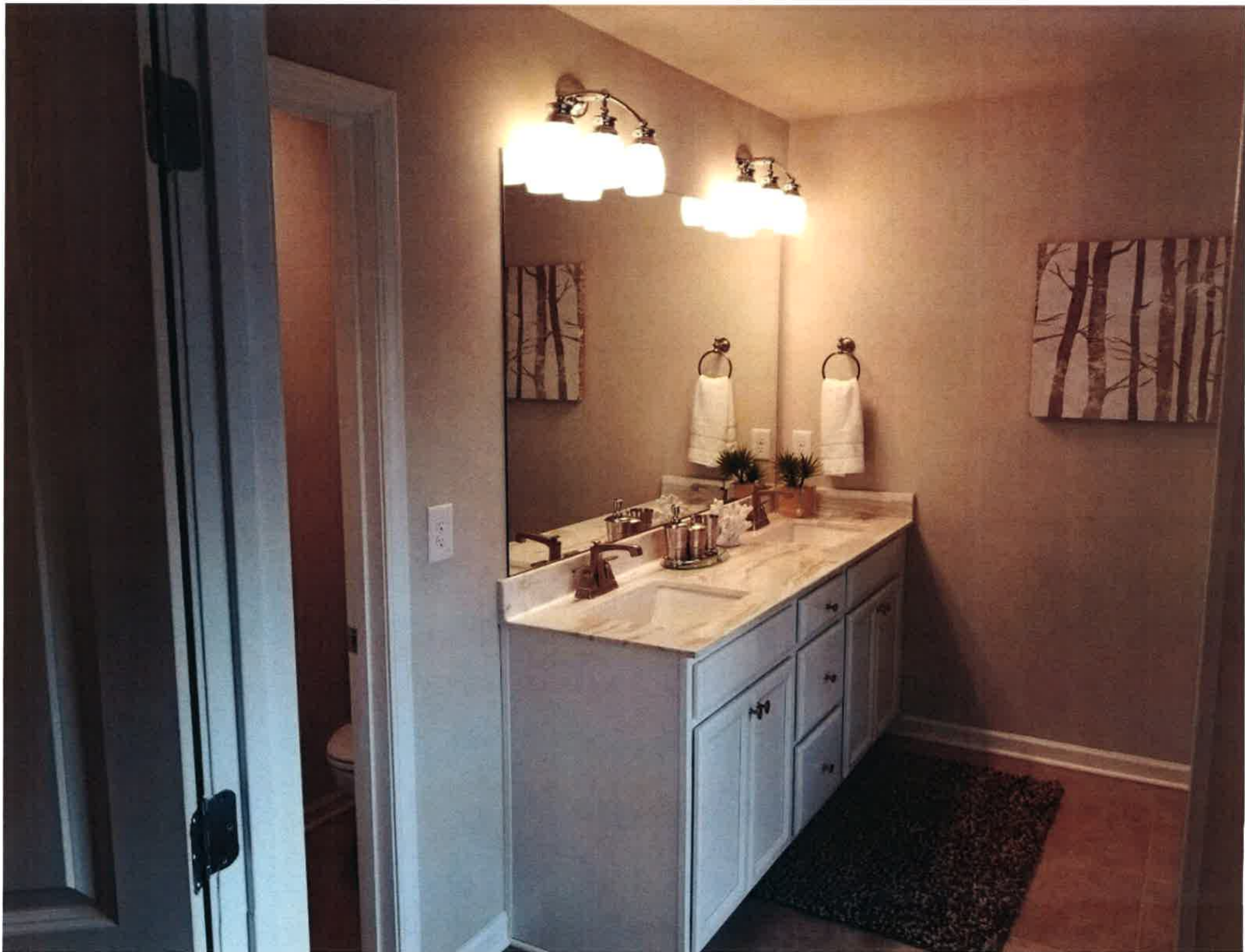


















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<p>Property Identification</p> <p>Parcel ID 16 024 06 001 Pin Number 2961791 Property Address 2641 LITHONIA WAY Property Type Real Estate Tax District S6 - EAST METRO CID</p> <p>Owner Information</p> <p>Jan. 1st Owner Last Name, First Name STB LOTS LLC Co-Owner Current Owner STB LOTS LLC Co-Owner</p> <p>Owner Address 5755 DUPREE DR NW 130 ATLANTA GA 30327</p> <p>Care of Information</p> <p style="text-align: center; color: #cc0000;">** CHANGE MAILING ADDRESS? **</p> <p>Exemption Type</p> <p>Exemption Type Homestead Exemption - NO EXEMPTION Tax Exempt Amount \$0.00</p> <p>APPLY FOR BASIC HOMESTEAD EXEMPTION AND PROPERTY ASSESSMENT FREEZE</p> <p>Other Exemption Information</p> <p>Exemption Type Value Exemption Amount \$0.00</p> <p>Deed Information</p> <p>Deed Type LIMITEDWARRANTY DEED Deed Book/Page 22303 / 00669 Plat Book/Page 0000 / 0000</p> <p>Property Characteristics/ Sales Information</p> <p>NBHD Code 9030 Zoning Type X - UNKNOWN Improvement Type Last Deed Date 12/29/2010</p>	<p style="text-align: center;">Tax Information Summary</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>Taxable Year</td> <td style="text-align: right;">2019</td> </tr> <tr> <td>Millage Rate</td> <td style="text-align: right;">0.04689</td> </tr> <tr> <td>DeKalb County Taxes Billed</td> <td style="text-align: right;">\$333.26</td> </tr> <tr> <td>DeKalb County Taxes Paid</td> <td style="text-align: right;">\$333.26</td> </tr> <tr> <td>DeKalb County Taxes Due</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Total Taxes Billed</td> <td style="text-align: right;">\$333.26</td> </tr> <tr> <td>Total Taxes Paid</td> <td style="text-align: right;">\$333.26</td> </tr> <tr> <td>Total Taxes Due</td> <td style="text-align: right;">\$0.00</td> </tr> </table> <p style="text-align: center;">DeKalb County Taxes</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td>First Payment Date</td> <td style="text-align: right;">8/20/2019</td> </tr> <tr> <td>First Payment Amount</td> <td style="text-align: right;">\$333.26</td> </tr> <tr> <td>Last Payment Date</td> <td style="text-align: right;">8/20/2019</td> </tr> <tr> <td>Last Payment Amount</td> <td style="text-align: right;">\$333.26</td> </tr> </table> <p style="text-align: center;"> <input type="button" value="Tax Paid Receipt"/> <input type="button" value="Tax Bill Details"/> </p> <p style="text-align: center;"> <input type="button" value="-- Choose a Tax Year --"/> <input type="button" value="Get Tax Payoff Info."/> </p> <p style="text-align: center;">Property Tax Mailing Address</p> <p>DeKalb County Tax Commissioner Collections Division PO Box 100004 Decatur, GA 30031-7004</p> <p style="text-align: center;">Prior Years Tax</p> <p style="text-align: center; color: #cc0000;">*** Please note that payment posting information may be delayed due to batch processing***</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">DeKalb County Tax</th> <th style="text-align: left;">TaxYear</th> <th style="text-align: left;">Total Owed</th> <th style="text-align: left;">Total Paid</th> <th style="text-align: left;">Total Due</th> <th style="text-align: left;">Adjusted Bill Due Date</th> </tr> </thead> <tbody> <tr> <td></td> <td>2019</td> <td>\$333.26</td> <td>\$333.26</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2018</td> <td>\$409.12</td> <td>\$409.12</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2017</td> <td>\$391.14</td> <td>\$391.14</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2016</td> <td>\$391.92</td> <td>\$391.92</td> <td>\$0.00</td> <td></td> </tr> <tr> <td></td> <td>2015</td> <td>\$395.12</td> <td>\$395.12</td> <td>\$0.00</td> <td></td> </tr> </tbody> </table>	Taxable Year	2019	Millage Rate	0.04689	DeKalb County Taxes Billed	\$333.26	DeKalb County Taxes Paid	\$333.26	DeKalb County Taxes Due	\$0.00	Total Taxes Billed	\$333.26	Total Taxes Paid	\$333.26	Total Taxes Due	\$0.00	First Payment Date	8/20/2019	First Payment Amount	\$333.26	Last Payment Date	8/20/2019	Last Payment Amount	\$333.26	DeKalb County Tax	TaxYear	Total Owed	Total Paid	Total Due	Adjusted Bill Due Date		2019	\$333.26	\$333.26	\$0.00			2018	\$409.12	\$409.12	\$0.00			2017	\$391.14	\$391.14	\$0.00			2016	\$391.92	\$391.92	\$0.00			2015	\$395.12	\$395.12	\$0.00	
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2004 ZONING MATERIAL

HearingType:
Public Hearing

**DEKALB COUNTY
BOARD OF COMMISSIONERS
BUSINESS AGENDA / MINUTES**

DecisionType:
Ordinance

MEETING DATE December 23, 2004

SUBJECT: Rezone - Benchmark Group Management

Commission Districts: 5 and 7

DEPARTMENT: PLANNING

Public Hearing: No

Attachment: Yes

Pages: 22

INFORMATION Shari Strickland/John
Bell
CONTACT:

Deferred from 11/30 & 12/14 for decision only.

PURPOSE:

CZ-04-111

Application of Benchmark Group Management to rezone property generally located on the south side of Snapfinger Woods Drive, between Shell Bark Road and Lithonia Industrial Way from M and OD to OCR(cond) to allow for a mixed-use development. The property has frontage of approximately 615 feet along Snapfinger Woods Drive, approximately 653 feet along Shell Bark Road, 796.11 feet along Lithonia Industrial Way, and approximately 831.99 feet along Panola Industrial Boulevard, and contains 62.48 acres.

SUBJECT PROPERTY

Parcel-ID #: 16-009-01-001 16-009-01-016

Property Address:

RECOMMENDATION(S):

PLANNING DEPARTMENT:

APPROVAL (Revised 11/22/04): A revised conceptual site plan proposing 183 town homes units, and 189 single family detached units has been submitted to provide for four (4) points of access, instead of two (2), consistent with the requirements as described under Chapter 14-200 of the DeKalb County Land Development Regulations, and the policies and intent of the Comprehensive Plan. Additional landscape buffering is being proposed to separate the proposed residential areas from the existing industrial areas to the east on Lithonia Industrial Way and Panola Industrial Boulevard. The commercial area proposes limited commercial uses, as permitted in the OCR (Office-Commercial-Residential) District. The conceptual plan as revised appears to be a better approach for the proposed infill development. Therefore, it is the recommendation of the Planning Department that the application be approved, subject to the following conditions:

1. Development of the site shall be in substantial compliance with the revised conceptual site plan dated September 18, 2004, and list of conditions submitted by the project applicant stamped December 14, 2004;
2. Dedicate and improve additional right-of-way along the Shellbark Road right-of-way from the entrance of the proposed (141condominium townhomes unit) site to Snapfinger Road to provide for an additional storage lane, subject to the approval of the Development Department
3. All roadway and access improvements shall be subject to the approval of the Development Department.

PLANNING COMMISSION

Defer to Board of Commissioners

COMMUNITY COUNCIL:

Deferral(13-0-2): Deferral with the recommendations that applicants take forward conditions as follows: higher cost housing (\$250,000 and up) on all single family and Fee Simple Townhomes, and bring along studies made on the impact to schools and traffic.



DEKALB COUNTY PLANNING DEPARTMENT

1300 Commerce Drive, Suite 400, Decatur, Georgia 30030-3221

Phone: (404)371-2155

Fax: (404)371-2813



DeKalb County

The Honorable Vernon Jones
Chief Executive Officer

ZONING ANALYSIS

Shari R.C. Strickland
Acting Planning Director

Case No: CZ-04111

Agenda #: N- 28

Parcel-ID: 16-009-01-001 16-009-01-016

Applicant: Benchmark Group Management (Dillard & Galloway, LLC)

Commission Districts: 5 and 7

Agent Authorized By:

Signed by:

Location: south side of Snapfinger Woods Drive, between Shell Bark Road and Lithonia Industrial Way

SITE CHARACTERISTICS:

Adjacent Land Use:

Adjacent Zoning:

Compatibility of size and configuration with development standards (sketch attached if necessary):

Comprehensive Plan Recommendation:

Existing Zoning: M, OD

Proposed Zoning: OCR(cond)

Est. Max Net Density/Acre: NA

Est. Max Net Density/Acre: NA

Estimated Max. Units: NA

Estimated Max. Units: NA

CONDITIONS REQUESTED BY APPLICANT:

Acreage: 62.4

Conditioned on a mixed use development based on a conceptual plan.

ZONING HISTORY:

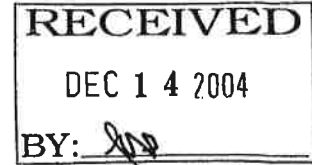
PLANNING DEPARTMENT RECOMMENDATION (S):

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Benchmark Group of Companies
Suite 102, Building F
6111 Peachtree Dunwoody Road
Atlanta, Georgia 30307



**Application for Rezoning and Land Use Amendment, Nos. Z-04-111 and LP-04-0077, for
OCR and OPR.**

1. The maximum units will be 380 single-family residences and there will be 3.5 acres for commercial retail development.
2. The development will include sidewalks on both sides of internal streets, underground utilities and streetlights.
3. The townhomes will have a minimum of a one-car garage and facades of a mixture of brick, stone and "Hardi-plank" siding. There shall not be vinyl on the facades, sides or backs of the homes. The design of the front facades shall vary such that two adjacent homes will not be the same. The townhomes will be a minimum of 1400 square feet of heated area but will predominately be 1400 to 1600 square feet of heated area. The mandatory homeowners association will be responsible for all lawn maintenance. The development will be gated for security purposes.
4. The single family detached homes will have a minimum of a two car garages and facades made of a mixture of brick, stone and "Hardi-plank" siding. There shall not be vinyl on the facades, sides or backs of the homes. The design of the front facades shall vary such that two adjacent homes will not be the same. The detached homes will be from 1600 to 2000 square feet with a minimum of 1600 square feet of heated area. The mandatory homeowners association will be responsible for all lawn maintenance.
5. A recreation and gathering area will be located centrally within the development to serve the needs of all homeowners within the development. There will also be a playground centrally located in the development. Pedestrian access will be provided for residents to access these areas. There will be a picnic area and walking trails near the lake.
6. The townhomes and detached homes will be connected only by an emergency access road.
7. The commercial component will provide retail convenience appropriate to support existing and proposed residential development in the immediate area. The commercial component shall be made of building materials that will be similar to and blend with the rest of the development.
8. The use of the commercial buildings shall be limited to those permitted uses in the Office-Commercial-Residential District with the exception of the following: liquor store; coin operated laundry ; and linen and diaper service,

9. Mandatory Homeowners Associations will be incorporated for each portion of the development to control all common areas and amenities. A professional maintenance company shall have the responsibility for the maintenance of common area landscaping and all lawn maintenance.
10. Each entrance to the development will have a decorative landscaped entrance. The design shall be submitted with the sketch plat approval application and shall be subject to review and approval by the Planning Commission.
11. No townhome will be marketed to investors as rental property.

ZONING

Existing Zoning: Industrial and Office Distribution

Comprehensive Plan: LMR-Residential 0-8 U/AC

Proposed Zoning: OCR
Residential Density: 6.4 U/AC

SINGLE FAMILY DETACHED HOMES
189 UNITS

JOHN H. HARLAND COMPANY

SUMMARY

Site Acreage	62.487
Total Commercial Area	3.5 AC
Single Family Lots:	189
Townhomes:	183
Total Residential Units:	372

JOHN H. HARLAND COMPANY

LITHONIA LIGHTING

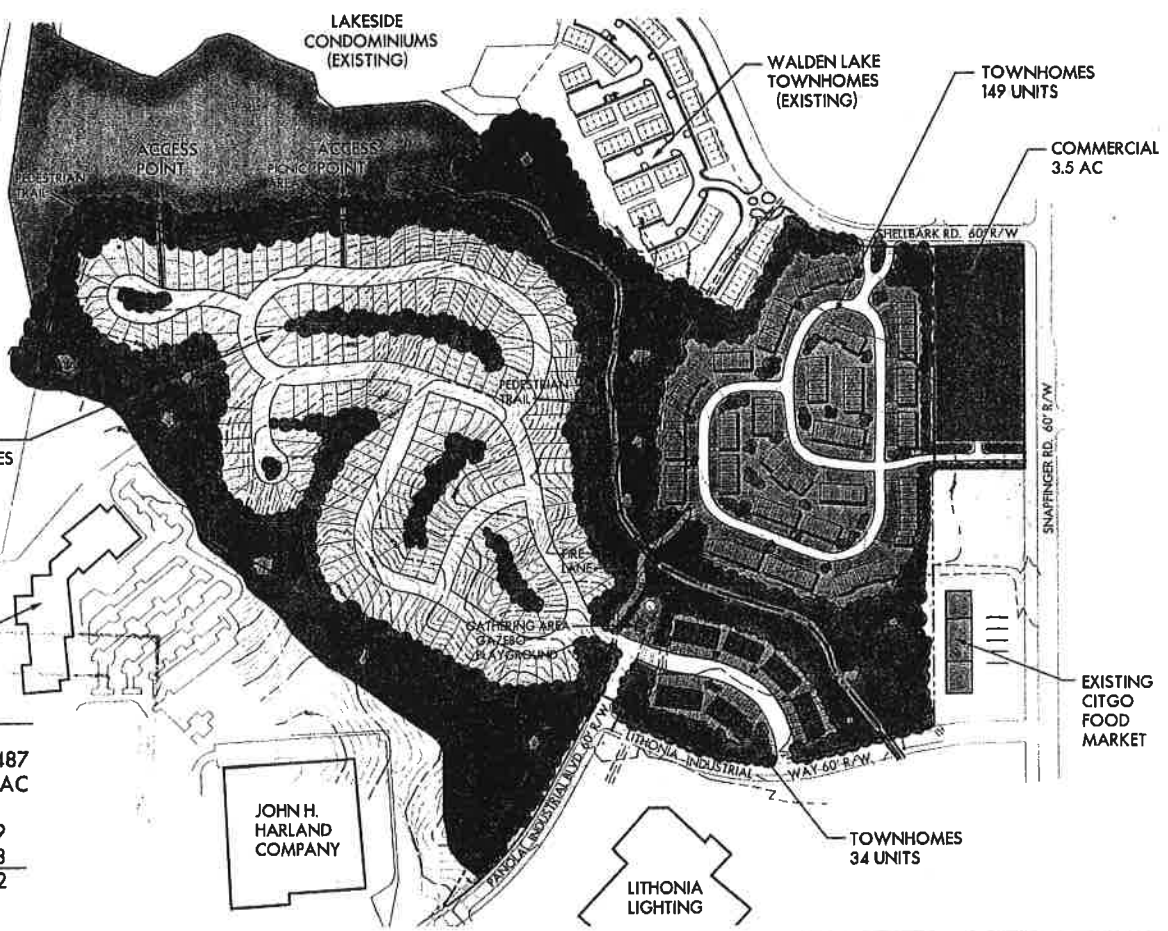
SNAPFINGER WOODS DEVELOPMENT

BY BENCHMARK GROUP

ZONING PLAN

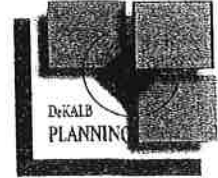
November 18, 2004

FGOR





THE DEKALB COUNTY PLANNING DEPARTMENT



The Honorable Vernon Jones
Chief Executive Officer

Shari R. C. Strickland
Acting Director

ZONING ANALYSIS

Case No: CZ-04-111

Agenda #: N. 28

Parcel-ID: 16-009

Applicant: Benchmark Group

Commission Districts: 5 and 7

Agent Authorized By:

Signed By:

Location: Shell Bark Road/Lithonia Industrial Way

SITE CHARACTERISTICS: Vacant tract-surrounding by commercial/residential land use

Adjacent Land Use: RM-100 (residential) and M (Commercial)

Adjacent Zoning: RM-100/OI

Compatibility of size and configuration with development standards (sketch attached if necessary):

The proposed project site is too small for the use contemplated and does not provide for adequate public access.

Comprehensive Plan Recommendation:	<u>LMR</u>	<u>Acreage:</u>	<u>62.48</u>
Existing Zoning:	<u>M/OD</u>	<u>Proposed Zoning:</u>	<u>OCR</u>
Est. Max Net Density/Acre:	<u>N/A</u>	<u>Est. Max Net Density/Acre:</u>	<u>N/A</u>
Estimated Max. Units:	<u>N/A</u>	<u>Estimated Max. Units:</u>	<u>N/A</u>

CONDITIONS REQUESTED BY APPLICANT:

Conditioned on a mixed-use development based on a conceptual plan.

ZONING HISTORY:

PLANNING DEPARTMENT RECOMMENDATION:

DENIAL: The proposed project site consists of approximately 62.5 acres, approximately 3.5 acres would be devoted to commercial development, with 174 town homes and 208 single family detached units. Based on the submitted and, as well as field inspection of the proposed site, it appears that the overall area is too small for the density proposed and does not adequately provide for the use contemplated.

Furthermore, surrounding area would be significant impacted by the density of the proposed development accessing existing road systems that does not provide for the required four (4) points of access, as well as other requirements as described under Chapter 14 of the DeKalb County Land Development Ordinance. Therefore, it is the recommendation of the Planning Department that the application be "Denied."

SITE ANALYSIS:

The 62.49 acre project site is a vacant heavily wooded parcel located on the south side of Snapfinger Woods Drive, between Shell Road and Lithonia Industrial Way, in the Decatur area of Unincorporated DeKalb County. The character of the area consists of commercial, residential, and industrial land uses. Access to the site is via Lithonia Industrial Way, a major thoroughfare and Panola Industrial Blvd. Surrounding land uses consists of single-family residential uses to the north, and west within RM-100 (Multifamily Residential) District; Lithonia Lighting Company and the John Harland Company located in the M (Industrial) District to the south; OI (Office Institution) to the east.

PROJECT ANALYSIS:

The applicant is requesting an Amendment to Official Zoning Map pursuant to Section 27-821 of the DeKalb County Zoning Ordinance, to have the subject property currently zoned OD (Office-Distribution) and M (Industrial) to OCR (Office-Commercial-Residential). The Applicant proposes a development on the Subject Property consisting of approximately 3.5 acres be devoted to commercial development, with 174 town homes, and 208 single family detached units.”

Comments from the Development Department indicated that the proposed project site is bordered by an extensive floodplain, as also noted by the project applicant. However, it appears based on the topographical maps obtained from the Development Department that the proposed project site is not located within the 100 year Flood Hazard Zone.

ZONING ANALYSIS

The zoning map indicates that there are no parcel in the land lot and district of the proposed project site with the OCR zoning classification; however, the area does provide for residential land use (condominiums), west of the proposed site zoned RM 100 (Multifamily Residential) District. However, it appears that the proposed use contemplated would adversely affect neighboring properties as a result of the overall density, access and circulation.

Section 14-200 of the DeKalb County Land Development Regulations states, “Residential units over 300 units shall have a minimum of four (4) access point; preferred type of primary access is Collector Street. The submitted site plan depicts approximately three hundred-eighty (380) units are proposed; with one (1) point of access at Panola Industrial Boulevard (a two lane collector). Therefore, it appears that the applicant does not meet the requirements of the zoning ordinance.

Section 14-57 of the DeKalb County Land Development Ordinances as it relates to “public street access,” states, “To assure the adequate provision of safe and convenient traffic, access and circulation, both vehicular and pedestrian access, is required in new land developments.” The submitted conceptual site plan does not provide for appropriate public street access. Therefore, it appears that the proposed project does not meet the requirements of the Land Development Ordinance.

COUNTY DEPARTMENTS/ DIVISION COMMENTS OR RECOMMENDATIONS:

DEKALB COUNTY PUBLIC WORKS DEPARTMENT:

Water and Sewer:

No information was submitted at the writing of the staff analysis.

Traffic:

	Snapfinger Woods Drive Minor Thoroughfare	Shell Bark Road Local Road
Capacity:	10,000	6,000
Latest:	7,293	No count
Hourly Capacity:	1,000	600
Peak Hours Volume:	729	N/A
Trips Generated:	Existing Zoning: 8,705 TPD	Proposed Zoning: N/A

Schools located within the proposed project area: According to information received from the DeKalb County Public Schools system, the following schools are located in zip 30035

Schools	Address
Canby Lane Elementary	4150 Green Hawk Trail, Decatur, Georgia 30035
Miller Grove Middle School	2215 Miller Road, Decatur, Georgia 30035
Mary McLeod Bethune Middle	5200 Covington Highway, Decatur, Georgia 30035

This information further indicated that there are no high schools within the 30035 zip code area. It appears that Redan High School 5247 Redan Road, Stone Mountain, GA (7 miles from the proposed site and Stephenson High School, 922 Stephenson Road, Stone Mountain, GA (7 miles from the proposed site) are the closest. The DCPS School System was also contacted regarding capacity figures, FTE (Full-time Equivalents)/current enrollment figures. However, the school board did not respond at the time of this writing. However, Miller Grove Middle School was contacted. According to the school officials, Miller Grove can accommodate 1,200 students. At present, the school has an enrollment of 1,326 students and has added fourteen (14) mobile units.

PLANNING DEPARTMENT COMMENTS AND RECOMMENDATION
ON ZONING MATTERS SET FORTH IN
O.C.G.A. 36-67-3

AGENDA: # N. 28

APPLICATION: # CZ-04-111

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendment to official zoning map” states that the following standards and factors are found to be relevant to the exercise of the county’s zoning powers and shall govern the review of all proposed amendments to the zoning maps:

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

The zoning map indicates that there are no parcels in the land lot and district of the proposed project with the OCR zoning classification; the area does provide for residential land use, east of the proposed site zoned RM 100 (Multifamily Residential) District. However, it appears that the use contemplated is inconsistent with the neighboring properties based on a to dense development, and a parcel that is too small to accommodate the proposed development).

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

It does not appear that the zoning proposal will permit a use, which is suitable in view of the existing use and development of adjacent and nearby properties. The proposed use would have adverse impacts on access and circulation as a result of the density of the proposed project. The use appears premature at this present time.

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

Based on the submitted information it is not possible for the zoning analysis staff to determine whether the property has a reasonable economics use as currently zoned.

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

Based on the submitted information it appears that the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

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

Based on the submitted information it is not possible for the zoning analysis staff to determine whether the property to be affected by the zoning proposal has a reasonable economic use.

F. 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:

Please see staff recommendation.

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

Based on the submitted information it does not appear that the project proposal would not adversely affect historic buildings, sites, or archaeological resources.

H. 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.

Based on the submitted information, it appears that the proposed project would result in a use, which would cause an excessive or burdensome use of existing streets, transportation facilities, and schools. The conceptual site plan does not provide for adequate public street access as well as safety as described under the Section 14-200 of the Land Development Regulation.

Information received from the DeKalb County School System indicated that there are no high schools within the 30035 zip code area. It appears that Redan High School 5247 Redan Road, Stone Mountain, GA (7 miles from the proposed site) and Stephenson High School, 922 Stephenson Road, Stone Mountain, GA (7 miles from the proposed site) are the closest. The DCPS School System was also contacted regarding capacity figures, FTE (Full-time Equivalents)/current enrollment figures. However, the school board did not respond at the time of this writing. However, Miller Grove Middle School was contacted. According to the school officials, Miller Grove can accommodate 1,200 students. At present, the student has an enrollment of 1,326 students and has added fourteen (14) mobile units. The proposed project would significantly impact the resources of the school system.

DENIAL: The proposed project site consists of approximately 62.5 acres, approximately 3.5 acres would be devoted to commercial development, with 174 town homes and 208 single family detached units. Based on the submitted and, as well as field inspection of the proposed site, it appears that the overall area is too small for the density proposed and does not adequately provide for the use contemplated. Furthermore, surrounding area would be significantly impacted by the density of the proposed development accessing existing road systems that does not provide for the required four (4) points of access, as well as other requirements as described under Chapter 14 of the DeKalb County Land Development Ordinance. Therefore, it is the recommendation of the Planning Department that the application be "Denied."

APPLICATION FOR REZONING

DEKALB COUNTY

LETTER OF INTENT

The Applicant, Benchmark Group Management Co., L.L.C., on behalf of Snapfinger (Atlanta) Investors, L.P. ("Owners"), requests the rezoning of Owner's property, approximately 62.487 acres of land located near the intersection of Snapfinger Woods Drive and Shell Bark Road in Land Lot 9 of the 16th District of DeKalb County, Georgia (the "Property"). The Property is currently zoned OD (Office-Distribution) and M (Industrial) and is designated as LMR on the Land Use Plan Map.

~~The Applicant is seeking to have the Subject Property zoned OCR (Office/Commercial-Residential) and to have the land use classification changed to OPR (Office/Professional). The Applicant proposes a development on the Subject Property consisting of approximately 3.5 acres devoted to commercial development, 174 town homes, and 208 single family detached units.~~

With respect to the criteria set forth in the attached rezoning application, the Applicant responds to the following standards:

A. Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan:

DeKalb County's Comprehensive Plan designates the property as LMR. The Property is zoned M and OD, which are zoning classifications that are not permitted in the LMR land use category. DeKalb County Zoning Ordinance, Section 27-45. Adjacent property to the east is designated as IND and adjacent property to the west is designated MDR or LMR. ~~By designating the Property OPR, the Applicant's proposed development creates a transition between the property designated for industrial development in the east and that designated for~~

~~MDR and LMR residential development to the west.~~ It would also enhance a mixed-use environment, create opportunities for local neighborhood shopping and thereby reduce traffic. The Applicant proposes an overall net density that is compatible with densities within the LMR land use category.

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

The rezoning of the Property to OCR would be consistent with the neighboring and nearby properties. Walden Lake shares a large portion of the Property's western border. Property adjacent to the proposed development to the west is zoned RM-100 and is currently being used for town homes and condominiums. Adjacent property to the north on Snapfinger Woods Drive is zoned M and is being used for a gas station, a hair salon, and a beauty products supply business. Property on the opposite side of Snapfinger Woods Drive is zoned RM-100 and is being used for multi-family dwellings. Property adjacent to the proposed development to the east is zoned OI and M and is being used for large warehouses and an office complex. ~~The property is bordered to the south by extensive floodplain and Interstate 20. The development proposed by the Applicant would create a more gradual transition between property zoned IND in the east and property zoned RM-100 to the west and north. Further, the development~~ proposed by the Applicant would create a commercial node on Snapfinger Woods Drive to provide commercial services to the local community.

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

The Property does not have a reasonable economic use as currently zoned. The parcel zoned OD is currently landlocked. The parcel that is zoned industrial has remained vacant for

many years. Attempts to create an industrial use while protecting the water quality of Walden Lake and Snapfinger Creek and maintaining the buffer would place substantial hardship on the owner.

D. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:

The proposed development will not adversely affect the existing use or usability of adjacent or nearby properties. The Applicant is seeking to rezone the Property to create a quality neighborhood that will benefit the community. The proposed development will also create opportunities for local neighborhood shopping and thereby reduce traffic. As such, it is compatible with the use and development of neighboring and nearby properties and does not create objectionable conditions. Moreover, the proposed development will not lead to blight or to the depreciation of any surrounding property values.

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 proposed rezoning:

Supporting grounds exist for approval of the proposed rezoning of the Property. The portion of the Property that is zoned for an industrial use is in close proximity to a large lake and Snapfinger Creek. The portion of the Property zoned OD is currently landlocked. The fact that topography and location of the Property makes it impossible to attain a reasonable economic return under the current M and OD zoning classifications significantly reduces the value of the Property and is detrimental to the Owners.

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

There are no historic buildings, sites, districts, or archeological resources on the Property.

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

The proposed development will not tax the existing water supply or sewage, drainage or transportation facilities. Moreover, the proposed development will not cause an excessive or burdensome use of the area schools, fire or police protection or solid waste collections and disposal services provided by the County. There are adequate public facilities and services in the area to serve the proposed development.

The portions of the Zoning Ordinance of DeKalb County that classify, or that may classify the Property, into any zoning district other the OCR zoning category requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Zoning Ordinance of DeKalb County to the Property that restricts its use to any zoning classification other than the OCR zoning category requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth

Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.


A denial of this Application would constitute an arbitrary and capricious act by the Board of Commissioners of DeKalb County without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Board of Commissioners of DeKalb County to amend the Official Zoning Map of DeKalb County, as it relates to the Property, to the OCR zoning category requested by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the Official Zoning Map of DeKalb County designation of the Property that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional

category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

Accordingly, the Applicant respectfully requests that this Application be granted and that the Property be designated to the OCR zoning category requested by the Applicant.

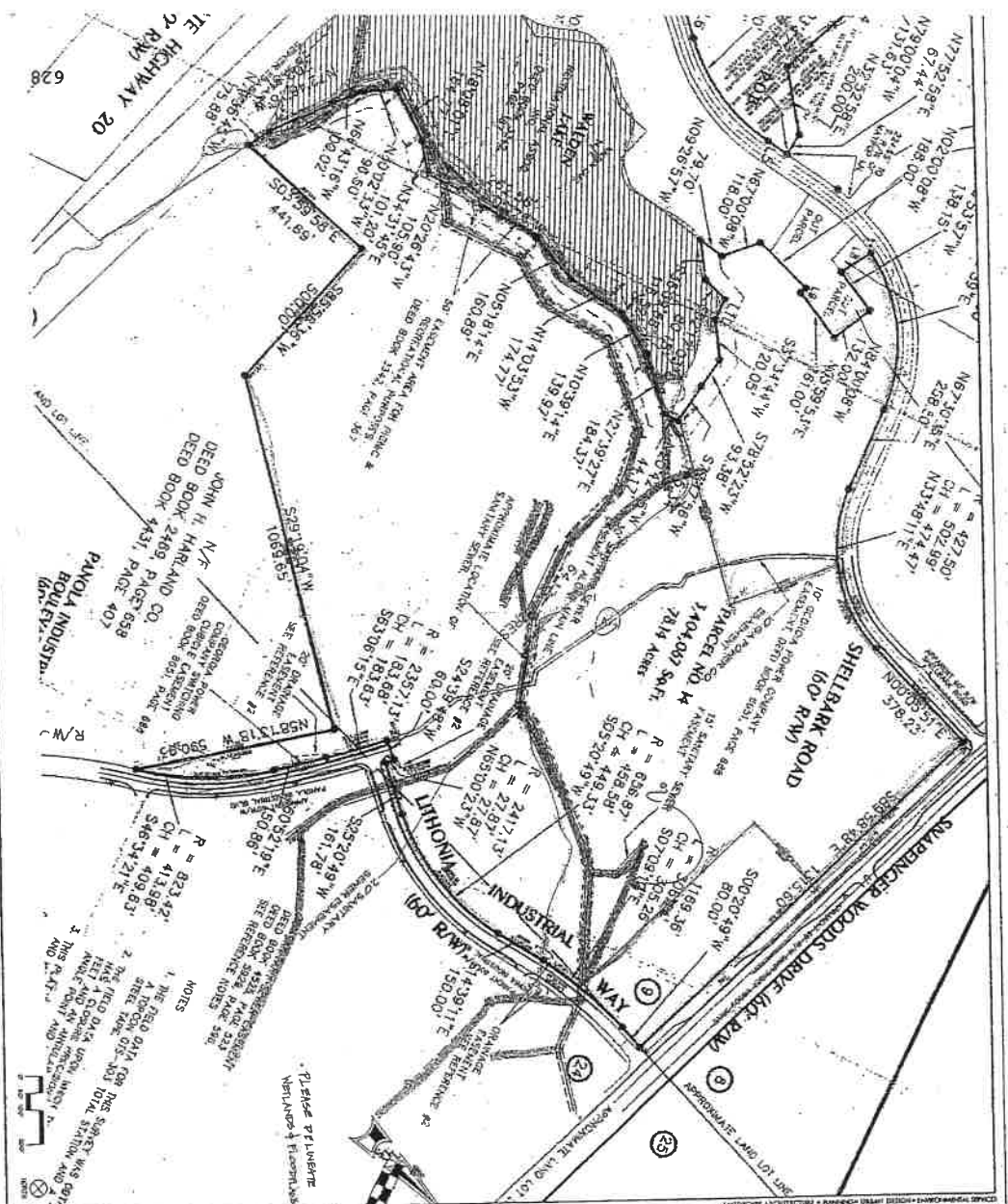
DILLARD & GALLOWAY, LLC

By: 

G. Douglas Dillard
Laurel A. David
Attorney for Applicant

3500 Lenox Road, N.E.
Suite 760
Atlanta, GA 30326
(404) 965-3680

105555



THE HIGHWAY 20
R/W

JOHN H. HARLAND CO.
DEED BOOK 2469, PAGE 858
3431, PAGE 407

PANOLA INDUSTRIES
BOULEVARD

R/W

NOTES
1. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED FROM A TOTAL STATION AND A GPS RECEIVER.
2. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED FROM A TOTAL STATION AND A GPS RECEIVER.
3. THIS SURVEY WAS OBTAINED FROM A TOTAL STATION AND A GPS RECEIVER.

NO.	DESCRIPTION	DATE
1	FIELD DATA	10/15/11
2	OFFICE CALCULATIONS	10/15/11
3	FINAL SURVEY	10/15/11

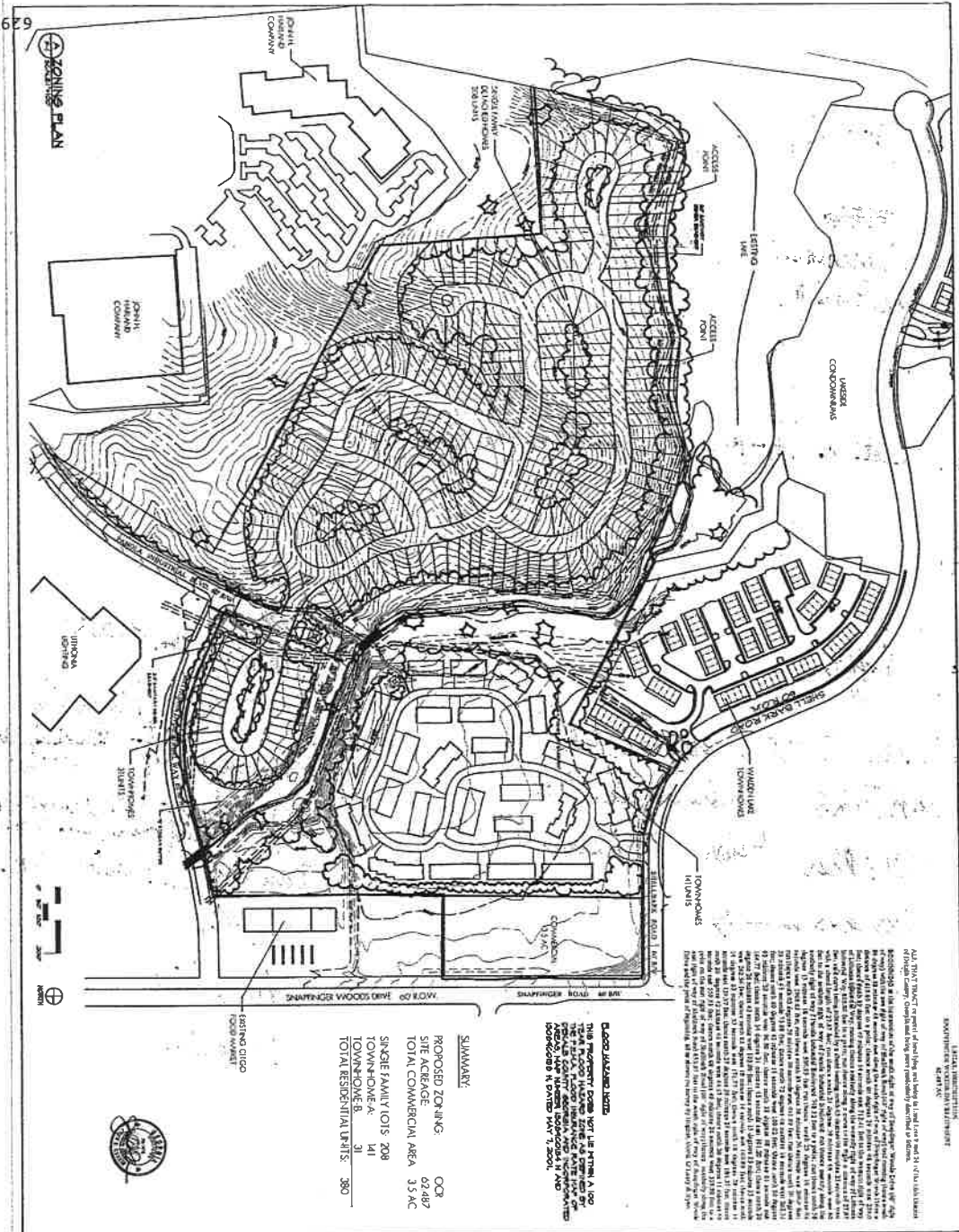
AVANTI PROPERTY

NO.	DESCRIPTION	DATE
1	FIELD DATA	10/15/11
2	OFFICE CALCULATIONS	10/15/11
3	FINAL SURVEY	10/15/11

HUGHES | GOOD | O'LEARY & RYAN

FOR RELEASE TO CLIENT ONLY

AMERICAN ARCHITECTURE • ARCHITECTURAL DESIGN • ENVIRONMENTAL SERVICES



L&L ARCHITECTURE
DEVELOPER: WYNNE VENTURES
DATE: N/A

D. CAROL JACKSON, OWNER
THIS PROPERTY IS NOT TO BE BUILT IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCE. THIS PROPERTY IS NOT TO BE BUILT IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCE. THIS PROPERTY IS NOT TO BE BUILT IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCE.

SUMMARY

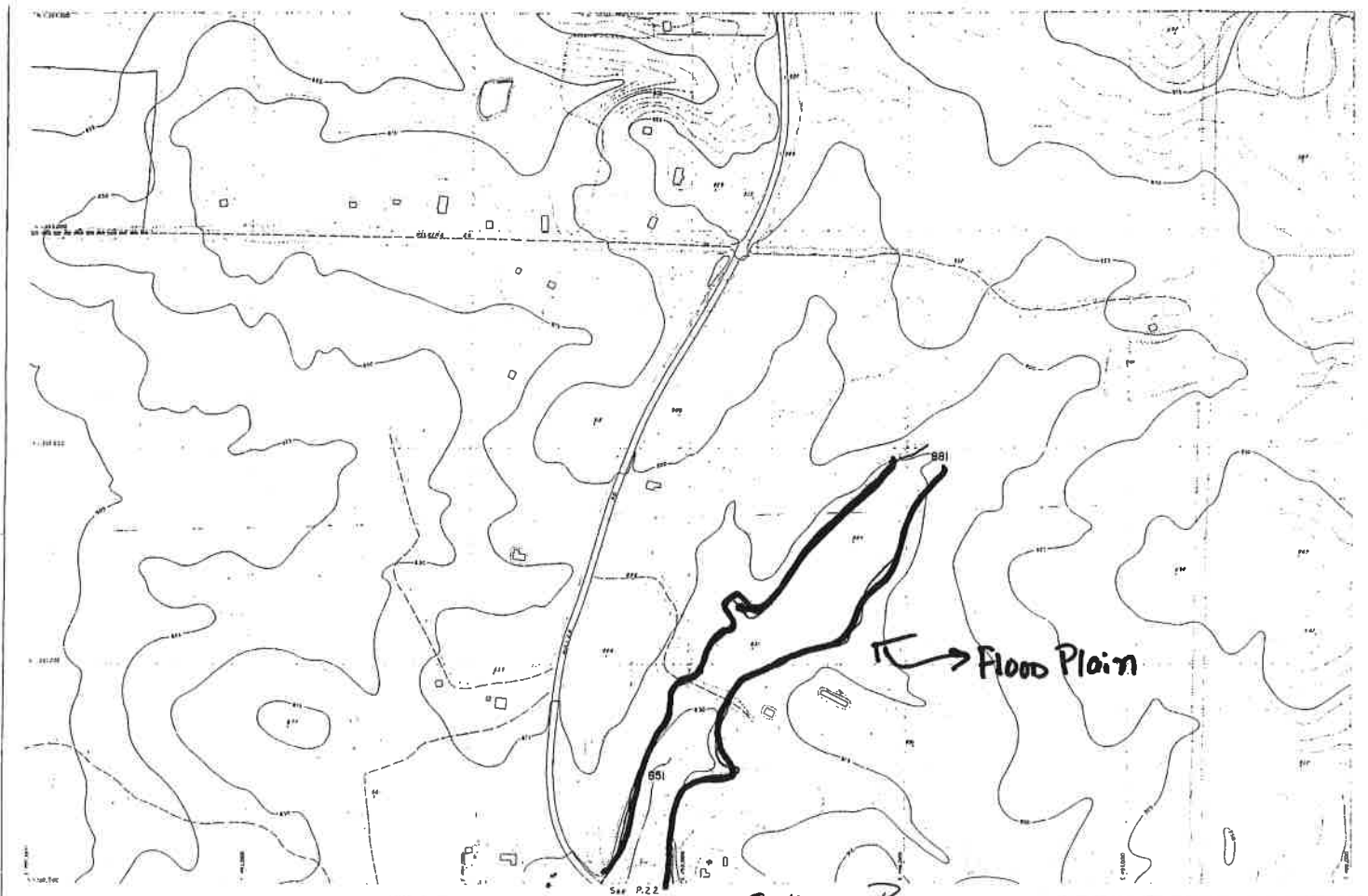
PROPOSED ZONING:	CC
SITE ACREAGE:	67.482
TOTAL COMMERCIAL AREA:	3.5 AC
SINGLE FAMILY LOTS:	208
TOWNHOME A:	141
TOWNHOME B:	31
TOTAL RESIDENTIAL UNITS:	380

NO.	DATE	DESCRIPTION
1	11/27/21	ISSUED
2	12/14/21	REVISED
3	12/14/21	REVISED
4	12/14/21	REVISED
5	12/14/21	REVISED
6	12/14/21	REVISED
7	12/14/21	REVISED
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100	12/14/21	REVISED

SNAPFINGER WOODS DEVELOPMENT
DEKALB COUNTY, GEORGIA
BENCHMARK GROUP
ATLANTA, GEORGIA



HUGHES | GOOD | O'LEARY & RYAN



Flood Plain

EXHIBIT B

SCALE 1" = 200'

CONTOUR INTERVAL 10 FEET (5 FOOT AUXILIARY)

MAP COMPILED BY PHOTOGRAMMETRIC METHODS FROM AERIAL PHOTOGRAPHS DATED 1953

BY BROWN INC. BIRMINGHAM, ALA.

NOTE: ALL CONTOURS (10') ARE ACCURATE TO ONE CONTOUR INTERVAL (10 FT) PER CONT. AN ACCURACY TO ONE HALF (5') CONTOUR INTERVAL.

LEGEND

- IRF
- IRL
- MAJOR
- MINOR
- ROAD
- RAILROAD
- CONTOUR
- WATER
- BOUNDARY

These maps are the property of DeKalb County, Georgia and are for the use of governmental agencies. Their use by private parties is limited only on the condition that the maps shall not be sold, copied or printed for resale without the express written permission of the DeKalb County Planning Director.

16

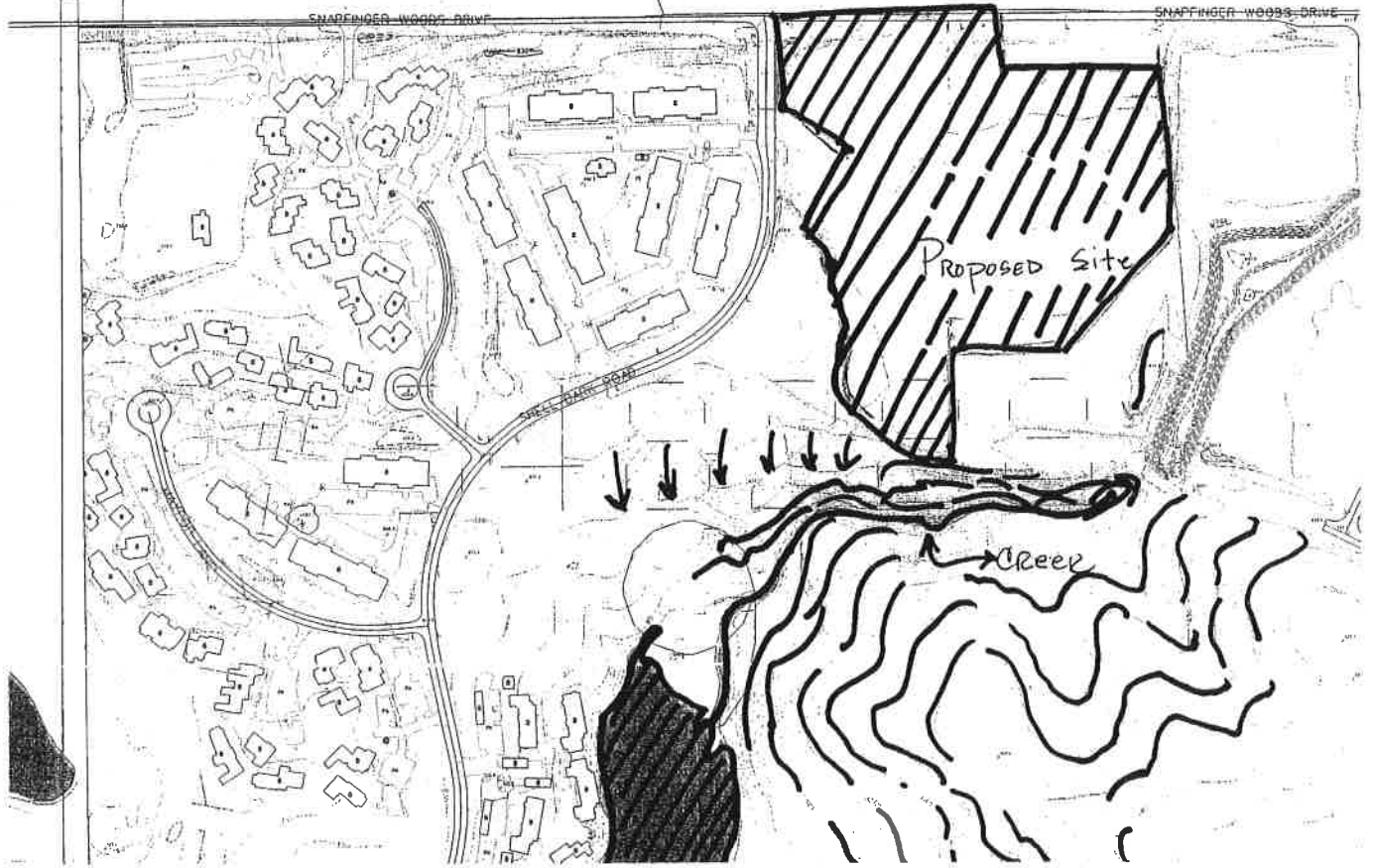
DEKALB COUNTY, GEORGIA

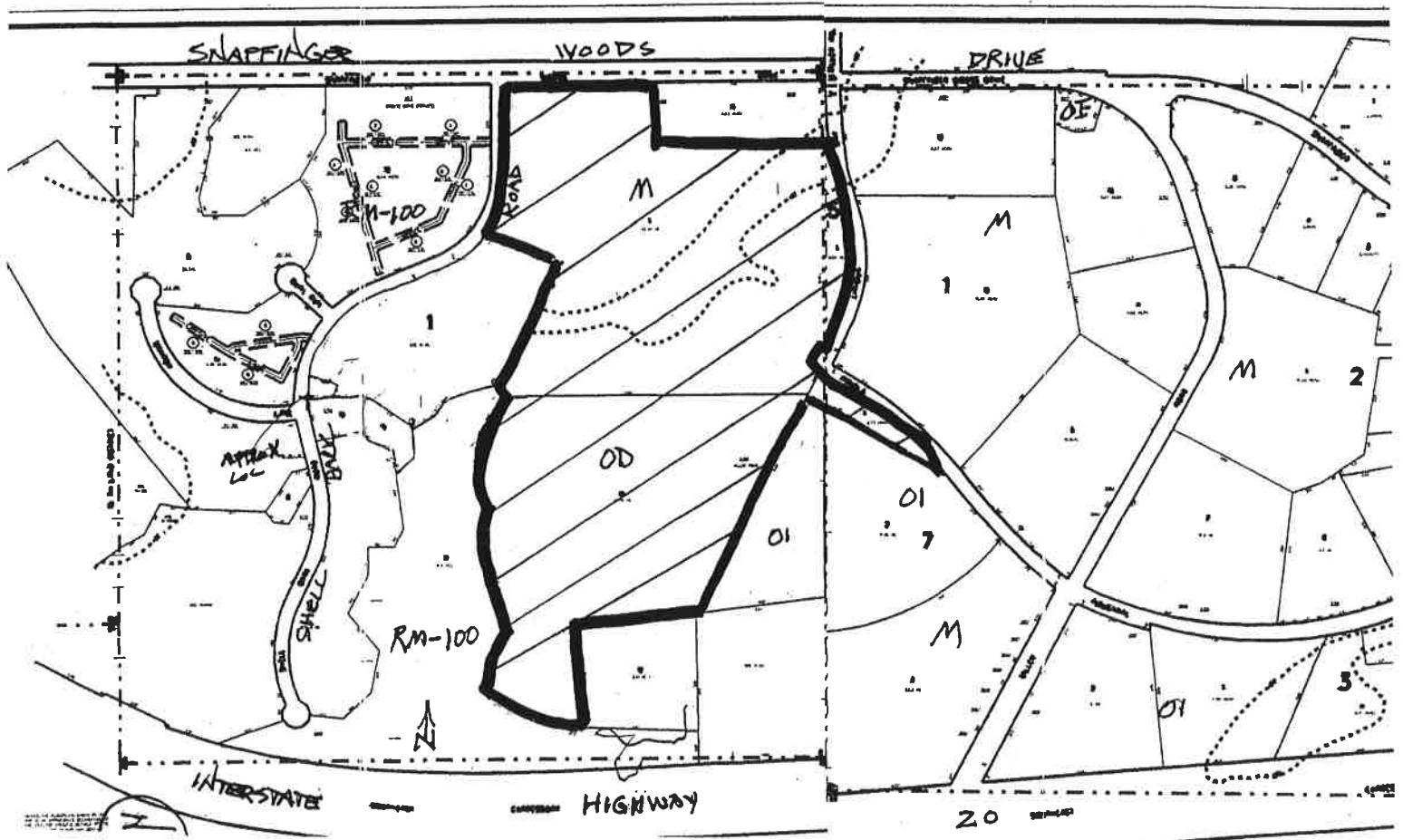
TOPOGRAPHIC MAP

MAP INDEX NO. J-24	DATE
Shirley C. Carr, Twp.	DIRECTOR OF PUBLIC WORKS
	DIRECTOR OF PLANNING
PAGE 21 OF 25	COMMISSIONER OF ROADS AND REVENUE

Topography

EXHIBIT C





ZONING MAP

APPLICATION NO:	N28 CZ-04-111
PROJECT APPLICANT:	BENCHMARK GROUP MANAGEMENT
REQUEST:	M AND OD TO OCR
PARCEL ID:	16-009

2007 MODIFICATION MATERIAL

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: May 22, 2007

ACTION TYPE
ORDINANCE

HEARING TYPE
PUBLIC HEARING

SUBJECT: **Rezone** – Benchmark Snapfinger Woods c/o The Battle Law Group

COMMISSION DISTRICTS: 3 & 7

DEPARTMENT: Planning

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 14

PHONE NUMBER: (404) 371-2155

PURPOSE:
Z-07-13334

Application of Benchmark Snapfinger Woods c/o The Battle Law Group to modify conditions of zoning (CZ-04-111) from OCR (cond.) to OCR (cond.). The property is generally located on the south side of Snapfinger Woods Drive, between Shell Bark Road and Lithonia Industrial Way and contains 6.17 acres.

Subject Property: 16-009-01-001

RECOMMENDATION(S):

PLANNING DEPARTMENT:

Approval. Based on the findings and conclusions in this staff analysis, as well as the submitted site plan, application form, and field inspection of the project site, it appears that the proposed modification meets the minimum requirements of the zoning ordinance for approval of the modification. The requested change in condition would be supported by the housing objective of the Comprehensive Plan to "Develop an appropriate mix of dwelling types, sizes, and prices to meet the current and projected housing needs of County residents." Therefore, it is the recommendation of the Planning and Development Department that the application be "Approved".

PLANNING COMMISSION:

Approval.

COMMUNITY COUNCIL:

Approval w/conditions that floor plans have 2-bedroom units and include age restriction of 65 years of age.



DeKalb County Planning & Development Department

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404)371-2155 or (404)371-2813 (Fax)



The Honorable Vernon Jones
Chief Executive Officer

Patrick Ejike
Director

ZONING ANALYSIS

Case No: Z-07-13334 Agenda #: N-28

Location / Address: The property is located on the south side of Snapfinger Woods Drive, at the southwest corner of Snapfinger Woods Drive and Lithonia Way (formerly Avanti Way). Commission District: 3 Super District: 7

Parcel - ID: 16-009-01-001

Request: To modify conditions of zoning (CZ-04-111) from OCR (Cond) to OCR (cond) for 40 "stacked flats" units (multi-family dwelling units in five (5) buildings).

Property Owner: Benchmark Snapfinger Woods Llc

Applicant / Agent: Benchmark Snapfinger Woods C/O The Battle Law Group

Acreage: 6.02

Existing Land Use: The property has been cleared for development.

Surrounding Properties: The subject property is part of a tract at the southwestern corner of Snapfinger Woods Drive and Miller Road. A single-family residential neighborhood lies across Snapfinger Woods Drive, to the northwest. Light industrial land uses and warehouse/distribution buildings are located to the east, northeast, and southwest.

Adjacent Zoning: North: M South: OCR East: M West: OCR
North-East: M North-West: OCR South-East: M South-West: OCR

Comprehensive Plan: LMR Consistent Inconsistent

Proposed Density / Acre: 6.64	Existing Density / Acre: 0
Proposed Units / Square ft: 40	Existing Units / Square ft: 0

Zoning History

The property was rezoned from the M (Industrial) District and the OD (Office Distribution) District to the OCR-conditional (Office-Commercial-Residential - conditional) district in 2004. The conditional site plan proposed 183 town home units and 189 single-family detached units, or a total of 372 units. The applicant requests a modification of the condition to allow construction of 40 "stacked flat" units (i.e., multifamily units) as a substitute for 40 of the previously approved units.

Planning and Development Department Recommendation:

APPROVAL: Based on the findings and conclusions in this staff analysis, as well as the submitted site plan, application form, and field inspection of the project site, it appears that the proposed modification meets the minimum requirements of the zoning ordinance for approval of the modification. The requested change in condition would be supported by the housing objective of the Comprehensive Plan to "Develop an appropriate mix of dwelling types, sizes, and prices to meet the current and projected housing needs of County residents." Therefore, it is the recommendation of the Planning and Development Department that

the modification be approved, subject to the following conditions:

1. All other conditions of zoning related the Case No. CZ-04111 not previously modified, shall remain in effect.
2. The proposed multifamily building shall be constructed to appear substantially in compliance with the building elevation titled, "Proposed Elevation Proposed Unit Flats Scheme 1", prepared by David McGee, and stamped as received 4-27-07.

SITE ANALYSIS

The subject property has 239.92 feet of frontage on the west side of Lithonia Way (formerly Avanti Way), and measures 6.017 acres. It was prepared for development along with the entire tract, and the ground has been leveled and cleared of trees. The western portion of Panola Industrial Boulevard extends into the tract at the southern tip of the subject property. The entire tract is 62.487 acres and is currently being developed with 160 single-family homes and 155 "townhome" (attached single-family) units. The site has been cleared of trees.

PROJECT ANALYSIS

The project site is part of a larger, 62.5-acre tract that was approved for development of 183 single-family attached (town home) units and 189 single-family detached units. The property owner now wishes to construct 40 multifamily ("stacked flat") units, reduce the number of single-family to 160, and reduce the number of townhome dwelling units to 155. The multifamily units would be located in five buildings, grouped around an 86-space parking lot. The proposed new multifamily portion of the larger development would be located at the eastern corner of the larger tract.

The applicant has submitted an elevation of the type of building proposed for the construction project. It shows a two-story building with exterior materials of siding and stone, double-hung windows, a front and back porch, and two ornamental chimneys.

The applicant points out that the new units would be marketed for seniors aged 55 or more and sold as condominiums.

CONDITIONS REQUESTED BY APPLICANT

Modify Condition #1 of Cz-04111 in order to permit the development of 40 stacked flats (i.e. Multi-family dwellings) in stead of the 34 townhome units approved on the previously approved site plan.

ZONING ANALYSIS

The requested change of condition would not change the zoning classification that was approved in 1994, since multifamily residential land uses are permitted by right in the OCR zoning district. The change of condition would not affect the existing zoning pattern, which consists of OCR zoning to the southeast, south, and southwest to a distance of more than 2,000 feet and RM-100 to the north, across Covington Road.

LAND USE PLAN CONSISTENCY

The requested change to the condition does not require a change to the land use map because both town homes and "stacked flats" are permitted within the OCR district. The proposed stacked flats are therefore consistent with the Comprehensive Plan Land Use Map.

The proposal is consistent with Comprehensive Plan policies. An objective of the Comprehensive Development Plan, contained in Section VII, is to: "Develop an appropriate mix of dwelling types, sizes, and prices to meet the current and projected housing needs of County residents." The proposed multifamily units would help to diversify the residential types in the entire development.

ACCESS AND CIRCULATION

The site plan indicates that access would be provided in the same manner as for the previously proposed townhomes. Panola Industrial Boulevard would be extended into the site, and would branch off into the parking lot for the proposed development. The site plan indicates that each of the proposed buildings would be accessed from this parking lot.

DEVELOPMENT ANALYSIS

Storm and Water Quality -- Drainage and stormwater runoff issues are subject to review by the Land Development Division and the Department of Watershed Management.

Streets and Sidewalks -- Subject to review by the Land Development Division and the Transportation Division.

Parking -- Two parking spaces are required for each dwelling unit, or a total of 80 spaces. The submitted site plan indicates that 82 spaces would be provided in a central parking lot.

DEKALB COUNTY PUBLIC WORKS DEPARTMENT

TRAFFIC:

Category: MINOR THOROUGHFARE

Street Name: Snapfinger Woods Drive Lithonia Way

Comments on condition and planned improvements: No comments received at the time this staff report was written.

WATER:

Size of main serving property:

No comments received at the time this staff report was written.

SEWER:

Outfall Serving Project:

Is Sewer adjacent to this property

Treatment Plant:

No comments received at the time this staff report was written.

WASTE GENERATION IF RESIDENTIAL:

No comments received at the time this staff report was written.

DRAINAGE:

No comments received at the time this staff report was written.

COUNTY DEPARTMENT DIVISION COMMENTS OR RECOMMENDATIONS

DIVISION OF ENVIRONMENTAL HEALTH:

No comments received at the time this staff report was written.

DEKALB COUNTY BOARD OF EDUCATION

SCHOOL: No comments received at the time this staff analysis was written.

Name of School: High School Middle School Elementary School

Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to official zoning map" states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the zoning maps:

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

The proposed modification is consistent with policies of the Comprehensive Plan that support diversity in housing types. A change in the land use map is not under consideration.

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

The proposed multifamily units would complement the single-family and attached units that were approved in 1994 and are partially completed.

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

Rezoning to a different classification is not requested; therefore this consideration is not applicable.

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

Rather than adversely affecting adjoining or nearby properties, the modification would allow development that would complement the mix of housing types that is already approved in the overall development.

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

As no change in the zoning classification is involved, this consideration is not applicable.

F. 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 modification is requested to enable the developer to introduce a housing type that is preferable to those which were previously approved. The shift to housing that would be appealing to seniors is likely a response to changes in the housing market, prompted by development activity after the property was rezoned in 1994.

G. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources

Construction of housing units that would result from the modification would not affect any historic bildings, sites, districts, or archeological resources.

H. 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.

If successfully marketed to seniors, the proposed multifamily units would not place any burden on the school system. The new units would not increase demands on public facilities or infrastructure beyond those that were expected when the property was zoned in 1994.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATION:

APPROVAL: Based on the findings and conclusions in this staff analysis, as well as the submitted site plan, application form, and field inspection of the project site, it appears that the proposed modification meets the minimum requirements of the zoning ordinance for approval of the modification. The requested change in condition would be supported by the housing objective of the Comprehensive Plan to "Develop an appropriate mix of dwelling types, sizes, and prices to meet the current and projected housing needs of County residents." Therefore, it is the recommendation of the Planning and Development Department that the modification be approved, subject to the following conditions:

1. All other conditions of zoning related the Case No. CZ-04111 not previously modified, shall remain in effect.
2. The proposed multifamily building shall be constructed to appear substantially in compliance with the building elevation titled, "Proposed Elevation Proposed Unit Flats Scheme 1", prepared by David McGee, and stamped as received 4-27-07.

ATTACHMENTS:

Zoning Analysis
Letter of Intent
Site Plan
Zoning Map
Land Use Map
Pictometry

ZONING AMENDMENT TO CHANGE CONDITIONS
LETTER OF INTENT

Project Description

The Applicant, Benchmark Group is currently developing a mixed use project on certain property having frontage along Snapfinger Woods Drive, Lithonia Industrial Way and Shellbark Road. The Subject Property is zoned OCR and is subject to the zoning condition set forth in zoning case CZ-04111, including condition 1 which states that the rezoning was conditioned on that certain site plan dated September 18, 2004 and submitted to the Planning Department on November 22, 2004. The Applicant is submitting this Zoning Amendment to Change Condition Application in order to modify Condition 1 in order to permit the development of 40 stacked flat units in the area currently shown on the plat for the development of 34 townhome units having access off of Lithonia Industrial Way.

The Subject Property is a 6.17 acre tract which is a portion of the overall 62.487 acre tract which was rezoned to OCR (cond.) on December 23, 2004. The project, known as Longview Run, was approved with an overall maximum residential density of 380 units. The product type mix is as follows:

Single-Family Detached:	160 units currently under construction
Townhomes:	155 units constructed
Stack Flats:	40 units proposed
Total Units:	355 units

At the time of the rezoning it was the Applicant's intent to develop the Subject Property for 34 townhomes, consistent with the other 155 units which have already been constructed. However, in order to provide an additional product type in the Project which may be more attractive to seniors ages 55 and up, the Applicant desires to develop the Subject Property for 40 stacked flats which will be sold as condominium units.

Broken down to its simplest form, this request is about whether the units on the Subject Property will be separated vertically or horizontally. Whether stack flats or townhomes the units will be sold as condominium unit, and not individually platted lots. Both unit types will provide a total of 80 parking spaces. The buildings in which the stack units will be located will also be two stories in height like the originally proposed townhome units. The difference between the two product types is that with the stacked flats each individual unit will have a single floor instead of two floors. Additionally the façade of the stack flats building will not look like a townhome. The proposed elevations for the stack flat units are included as a part of this Application. Each building will contain 8 units, which will be accessed through internal hallways. The entrances into the building will be located along the sides of the buildings, thereby allowing the front and rear facades of the building to be identical. It is the Applicant's belief that the proposed

change in product type will allow the Longview Project to be marketed as a true intergenerational project with housing type options which allow individuals from all walks of life to live in manner which suits their particular style.

It should also be noted that under the OCR District Regulations, the dwelling types permit in the OCR district are single family, two-family, and three family homes, and multi-family homes. Multifamily homes are defined by the code as a dwelling unit in a building containing four (4) or more attached units. This definition does not require that each unit be on a separate lot, which is required if the unit is a non-condominium single-family attached unit. It is the Applicant's position that the District Regulations were intentionally crafted in this manner so as to give developers more flexibility with developing different product types in mixed use projects. Therefore, the proposed modification of the product type for the Subject Property is consistent with both the intent and spirit of the OCR District Regulations.

Based upon the foregoing, the Applicant is respectfully requesting the approval of this Application.

IMPACT ANALYSIS

LAND LOT: 9 DISTRICT: 16th

ADDRESS: 0 Snapfinger Woods Drive
Tax Parcel No.: 16 009 01 001

CHANGE OF CONDITION: OCR (cond.) to OCR (cond.)

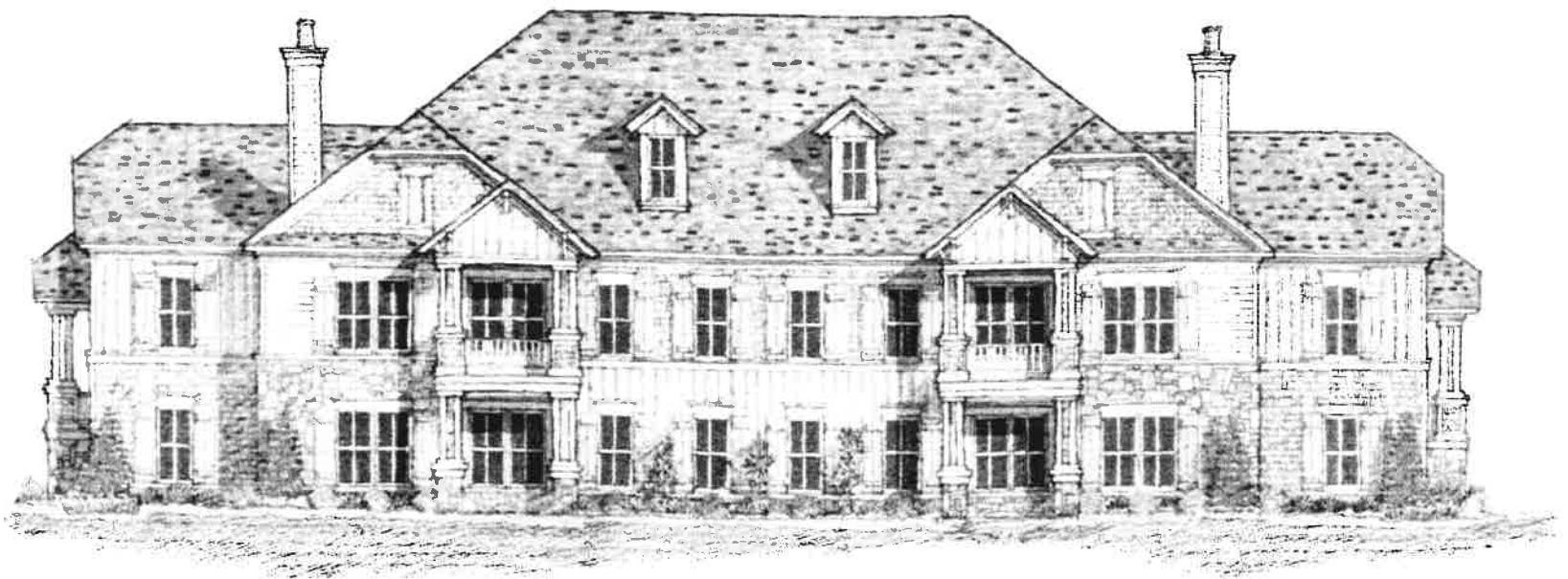
APPLICANT: Benchmark Group

CONTACT PERSON: Michèle L. Battle, Esq.
The Battle Law Group, P.C.
68 N. Avondale Road, Suite D
Avondale Estates, Georgia 30002
Phone: (404) 299-6960

-
- (a) Suitability of use: The change of condition will permit a use that is suitable in view of the uses and developments adjacent and nearby the subject property.
 - (b) Effect on adjacent property: The uses of the subject property as contemplated in this Application will have no adverse impact on the adjacent property owners.
 - (c) Economic use of current zoning: The subject property can be utilized as currently zoned.
 - (d) Effect on public facilities: The approval of this change of conditions application will not have any adverse impact on the public facilities in the area.
 - (e) Effect on historic building, sites, etc. The approval of this change of conditions application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
 - (f) Environmental Impact. The approval of this change of conditions application will not result in any adverse environmental impact.
 - (e) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property as currently zoned is in conformity with the comprehensive land use plan for the area.

- (f) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

04-27-07P05:07 RCVD



PROPOSED ELEVATION

PROPOSED UNIT FLATS

A-3

10/10/03 11:52 AM 6/20/03

N →

← SITE

Warehouse

Highway

Canal

Warehouse
+ in writing

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: May 22, 2007

HEARING TYPE
PUBLIC HEARING

ACTION TYPE
ORDINANCE

SUBJECT: **Rezone** -- Benchmark Snapfinger Woods c/o The Battle Law Group

COMMISSION DISTRICTS: 3 & 7

DEPARTMENT: Planning

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 14

PHONE NUMBER: (404) 371-2155

PURPOSE:
Z-07-13334

Application of Benchmark Snapfinger Woods c/o The Battle Law Group to modify conditions of zoning (CZ-04-111) from OCR (cond.) to OCR (cond.). The property is generally located on the south side of Snapfinger Woods Drive, between Shell Bark Road and Lithonia Industrial Way and contains 6.17 acres.

Subject Property: 16-009-01-001

RECOMMENDATION(S):

PLANNING DEPARTMENT:

Approval. Based on the findings and conclusions in this staff analysis, as well as the submitted site plan, application form, and field inspection of the project site, it appears that the proposed modification meets the minimum requirements of the zoning ordinance for approval of the modification. The requested change in condition would be supported by the housing objective of the Comprehensive Plan to "Develop an appropriate mix of dwelling types, sizes, and prices to meet the current and projected housing needs of County residents." Therefore, it is the recommendation of the Planning and Development Department that the application be "Approved".

PLANNING COMMISSION:

Approval.

COMMUNITY COUNCIL:

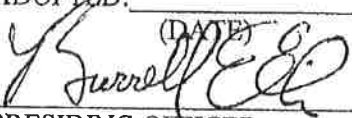
Approval w/conditions that floor plans have 2-bedroom units and include age restriction of 65 years of age.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

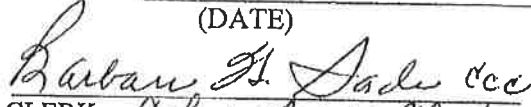
ACTION: H14

MOTION was made by Commissioner Stokes, seconded by Commissioner May, and passed 5-0-0-2, to approve with conditions as read by Kevin Hunter, and two additional conditions submitted by Commissioner May as follows: This proposal will not be used as apartments but shall be used as condos and will be marketed to residents 55 and older, the Benchmark Snapfinger Woods c/o The Battle Law Group. Commissioner Boyer was out of the room and not voting. Commissioner Johnson was absent and not voting.

ADOPTED: MAY 22 2007


 (DATE)

 PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: MAY 22 2007

 (DATE)

 CLERK, Chief Deputy (Pres)
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: JUN 18 2007


 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____

 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

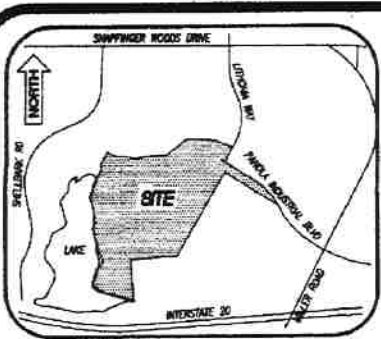
Michele Battle, 68 N. Avondale, Suite D, Avondale Estates, Ga. 30002, spoke in support and submitted two renderings for the record.

Willie Pringle, 2714 Pleasant Wood Drive, Decatur, Ga. 30034, spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER				X
DISTRICT 2 - JEFF RADER	X			
DISTRICT 3 - LARRY JOHNSON				X
DISTRICT 4 - BURRELL ELLIS	X			
DISTRICT 5 - LEE MAY	X			
DISTRICT 6 - KATHIE GANNON	X			
DISTRICT 7 - CONNIE STOKES	X			

STACKED FLATS PROPOSED SITE PLAN

LONGVIEW POINTE PLAT



VICINITY MAP • NOT TO SCALE •

CERTIFICATIONS

WATER AND SEWER AVAILABILITY ACKNOWLEDGMENT

I, THE UNDERSIGNED, HEREBY STATE THAT ALL LOTS SHOWN ON THE PLAN FOR THE PROJECT SHOWN AS LOCATED POWER LINES IN LAND LOTS 9 & 24 OF THE 16th DISTRICT, DEKALB COUNTY, GEORGIA, ARE PROVIDED WITH SERVICES FOR CONNECTION TO THE PUBLIC WATER AND SANITARY SEWER SYSTEMS.

THIS THE 22nd DAY OF May 2007.

[Signature]
OWNER

I CERTIFY THAT THIS PROJECT MEETS THE DEKALB COUNTY STORMWATER QUALITY REQUIREMENTS PER THE DEVELOPMENT ORDINANCE SECTION 14-42.

[Signature]
P.E. NO. 28543
WATER ENGINEER



I CERTIFY THAT THE DEVELOPER HAS COMPLIED WITH THE FEASIBLE WATER REQUIREMENTS AND THE SANITARY SEWER REQUIREMENTS OF THE COUNTY.

THIS 30th DAY OF May 2007.

[Signature]
SUPERVISOR
DEPARTMENT OF WATERSHED MANAGEMENT
DEKALB COUNTY

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY ALL AFFECTED DEPARTMENTS AND COMPLIES WITH ALL ZONING, ENVIRONMENTAL AND SUBDIVISION REQUIREMENTS.

THIS 6th DAY OF June 2007.

[Signature]
DIRECTOR OF PUBLIC WORKS, DEKALB COUNTY, GEORGIA

THIS IS TO CERTIFY THAT THIS FINAL PLAN COMPLIES WITH ALL COUNTY ZONING, ENVIRONMENTAL AND SUBDIVISION ORDINANCES AND REGULATIONS AND ALL APPLICABLE STATE AND FEDERAL LAWS.

DATED THIS 12th DAY OF June 2007.

[Signature]
DIRECTOR, DEVELOPMENT DEPARTMENT.

THIS IS TO CERTIFY THAT THIS FINAL PLAN COMPLIES WITH ALL COUNTY ZONING, ENVIRONMENTAL, AND SUBDIVISION ORDINANCES AND REGULATIONS AND ALL APPLICABLE STATE AND FEDERAL LAWS.

DATED THIS 12th DAY OF June 2007.

[Signature]
DIRECTOR, PLANNING DEPARTMENT.

THIS PLAN HAS BEEN SUBMITTED TO AND ACCEPTED BY THE ZONING OFFICER OF DEKALB COUNTY, GEORGIA, AND HAS BEEN APPROVED AND RECORDED BY THE CLERK OF DEKALB COUNTY AS MEETING ALL CONDITIONS PRESENT TO RECORD THIS INSTRUMENT.

DATED THIS 18th DAY OF June 2007.

[Signature]
OWNER/DEVELOPER
BY DIRECTOR: **VENON JONES**
CHIEF EXECUTIVE OFFICER
DEKALB COUNTY, GEORGIA
BENCHMARK SNAPPINGER WOODS, LLC
6111 PEACHTREE DUNWOODY ROAD
BUILDING F, SUITE 102
ATLANTA, GA 30328
(770) 393-3984

SURVEYOR'S AND OWNER'S ACKNOWLEDGEMENT

(1) SURVEYOR'S ACKNOWLEDGEMENT

IN MY OPINION, THIS PLAN, DRAWN BY ME OR UNDER MY SUPERVISION, WAS MADE FROM AN ACTUAL SURVEY, AND IS A CORRECT REPRESENTATION OF THE LAND PLATES AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

[Signature]
ROBERT T. ARMSTRONG, LS
PLS NO. 2981
Plat Book 190 Pg 47
Filed and Recorded Jun-27-2007 10:47
2007-0121100
Linda Carter
Clerk of Superior Court
DeKalb County, Georgia



(2) OWNER'S ACKNOWLEDGEMENT

I, BENCHMARK SNAPPINGER WOODS, LLC, THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGES THAT THIS PLAN WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY ALL RIGHTS-OF-WAY, WATER RIGHTS AND SEWER LINES SHOWN HEREIN IN FEE SIMPLE TO DEKALB COUNTY, AND FURTHER DEED TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATERCOURSES, DRAINAGE EASEMENTS AND PUBLIC PLACES HEREBY SHOWN FOR THE PURPOSES AND CONDEMNATIONS HEREBY EXPRESSED. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HELDS HARMLESS DEKALB COUNTY FROM ANY AND ALL CLAIMS, DAMAGES OR REWARDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON AS ACCORDANT WITH THE ZONING, PLANS, EASEMENTS, DITCHES, CROSSINGS, CULVERTS, WATER TUNNELS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EXCESS SHOWN, AND ON ACCOUNT OF SHOWBART, THE COLLECTION AND DISCHARGE OF SURFACE WATER, OR THE CHANGING OF COURSES OF STREAMS.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT DEKALB COUNTY SHALL NOT BE LIABLE TO HIM/HER, HIS/HER HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS-DRAIN EXTENSION, DITCHES, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALKS, CHANGING OF COURSES OF STREAMS AND TUNNELS, FLOODING FROM WATERS, CREEKS AND RIVERS, SURFACE WATER, AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAN AND DO HEREBY BIND MYSELF AND OWNERS SUCCESSORS IN TITLE TO DEFEND BY VIRTUE OF THESE PROVISIONS.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 22nd DAY OF May 2007.

[Signature]
WITNESS: BRIAN OATES
BENCHMARK SNAPPINGER WOODS, LLC
OWNER
[Signature]
RALPH DUCK DAVIES
HENRY PUBLIC

ZONING COMMISSION DECISION (CASE CZ-0411)

Approved (revised 11/22/04): A revised conceptual site plan proposing 183 town house units, and 188 single family detached units has been submitted to provide for four (4) points of access, instead of two (2), consistent with the requirements as described under Chapter 14-300 of the DeKalb County Land Development Regulations, and the policies and intent of the Comprehensive Plan. Additional landscape buffering is being proposed to separate the proposed residential areas from the existing industrial areas to the east on Littleton Industrial Way and Peachtree Industrial Road. The commercial area proposed limited commercial uses, as permitted in the CCZ (Office-Commercial-Residential) District. The conceptual plan as revised appears to be better aligned with the provisions of the development. Therefore, it is the recommendation of the Planning Department that the application be approved, subject to the following conditions:

1. Encroachment of the site shall be in substantial compliance with the revised conceptual site plan dated September 18, 2004, and set of conditions established by the subject applicant started December 14, 2004.
2. Dedicate and improve additional right-of-way along the Spellingway Road right-of-way from the entrance of the proposed (74) condominium town house lots to Spellingway Road to provide for an additional storage lane, subject to the approval of the Development Department.
3. All encroachment and easement shall be subject to the approval of the Development Department.
4. BENCHMARK GROUP OF COMPANIES SPECIFICATIONS:
 1. The maximum lot will be 300 single-family residential and there will be 3.5 acres for commercial retail development.
 2. The development will include sidewalks on both sides of internal streets, underground utilities and streetlights.
 3. The townhomes will have a minimum of a one-car garage and facade of a mixture of brick, stone and "third-phase" siding. There shall not be sign on the facade, side or back of the house. The design of the front facade shall vary so that two adjacent houses will not be the same. The townhomes will be a minimum of 1400 square feet heated area. The mandatory homeowners association will be responsible for all lawn maintenance. The development will be gated for security purposes.
 4. The single family detached houses will be a minimum of a two car garage and facade made of a mixture of brick, stone and "third-phase" siding.
 5. A recreation and gathering area will be located centrally within the development to serve the needs of homeowners with the development. There will also be a playground centrally located in the development. Pastebasket access will be provided for residents to access these areas. There will also be a picnic area and walking trails near the lake.
 6. The townhomes and detached homes will be constructed with an emergency access road.
 7. The commercial component will provide retail convenience appropriate to support existing and proposed residential development in the immediate area. The commercial component shall be made of including structures that will be similar in style and design with the rest of the development.
 8. The use of the commercial buildings shall be limited to those permitted uses in the Office-commercial-residential district with the exception of the following: liquor stores, coin operated laundry, and food and alcohol service.
 9. Mandatory homeowners association will be incorporated for each portion of the development to control all common areas and amenities. A professional maintenance company and staff the responsibility for the maintenance of common areas landscaping and all lawn maintenance.
 10. Each entrance to the development will have a decorative landscaped entrance. The design shall be submitted with the sketch plan conceptual application and shall be subject to review and approval by the planning commission.
 11. No townhomes will be constructed in excess of rental purposes.

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
P.O.B. POINT OF BEGINNING	⊗ WATER VALVE
P.A.C. POINT OF ADJACENCY	⊗ WATER METER
C.T.P. CALIBRATED TOP PIPE	⊗ FIRE HYDRANT
G.T.P. OPEN TOP PIPE	⊗ SANITARY SEWER
— SS — SANITARY SEWER	⊗ SEWER SERVICE
— W — WATER	⊗ DOUBLE WING CATCH BASIN
	⊗ SINGLE WING CATCH BASIN
	⊗ DROP INLET
	⊗ LUNATION BOX
	⊗ SAND INLET

GENERAL NOTES

A PORTION OF THIS PROPERTY IS SHOWN TO BE LOCATED WITHIN THE LIMITS OF A DESIGNATED 100 YEAR FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS NO. 13080C0154 H AND 13080C0156 H, DATED MAY 7, 2001. THE STATEMENT IS BASED ON GRAPHICALLY LOCATING THIS PROPERTY ON SAID MAP. NO ADDITIONAL FIELD WORK HAS BEEN PERFORMED TO MAKE OF HENRY THIS DETERMINATION.

RECORD MONTH REFERENCED FROM REVISION PLAT FOR WILLEN LANE DATED AUGUST 14, 2002, REVISED SEPTEMBER 2, 2003 BY SEILER & ASSOCIATES, INC., RECORDED IN PLAT BOOK 130, PAGE 130. DEKALB COUNTY RECORDS.

THE FIELD CLOSURE UPON WHICH THIS PLAN IS BASED WAS A CLOSURE PRECISION OF ONE FOOT IN 22,500 FEET, AND AN ANGULAR ERROR OF 02 SECONDS PER SETUP, AND WAS NOT ADJUSTED. A TOPCON GTS-313 ELECTRONIC TOTAL STATION WAS USED TO MEASURE ANGLES AND DISTANCES.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 814,292 FEET.

ELECTRIC SERVICE IS UNDERGROUND.

PROVISIONS HAVE BEEN MADE FOR STREET LIGHTING.

SEWERINGS ARE REQUIRED.

NUMBER OF LOTS: 180
TOTAL AREA: 35.14 ACRES
DENSITY: 4.55 LOTS/ACRE
GREENSPACE/OPEN SPACE: 2.78 ACRES (22.1% OF TOTAL AREA)
0.17 ACRES OF GREENSPACE/OPEN SPACE IN FLOODPLAIN (2.2% BY TOTAL GREENSPACE/OPEN SPACE)

ZONING: CCZ
MINIMUM LOT AREA: 3,500 S.F.
MINIMUM LOT WIDTH: 30'
MINIMUM HEIGHT OF STRUCTURES = 8'
MINIMUM LOT AREA COVERED BY BUILDINGS = 50%
BUILDING SETBACKS: 20' FRONT, 30' REAR, 5' SIDE, 15' CORNER.

NO WORK IN RIGHT-OF-WAY, INCLUDING PAVED SURFACES, IS PERMITTED WITHOUT WRITTEN AUTHORIZATION FROM DEKALB COUNTY PUBLIC WORKS DEPARTMENT.

A 10' LANDSCAPE BUFFER EXISTS ON ALL DOUBLE FRONTAGE LOTS. EXTERNAL LOTS SHALL HAVE THE BUFFER ON THE EXTERNAL STREET FRONTAGE. INTERNAL LOTS' BUFFER SHALL BE ON THE (SIDE) WHICH IS/ARE NOT THE PRIMARY ACCESS (STREET) OR THE STREET TO THE REAR OF THE HOUSE.

FOR HOMES LOCATED BELOW THE STREET, A SEWER RELIEF VALVE IS REQUIRED ON CRAWL-OUT CURBIDE EACH BUILDING AND BELOW THE LOWEST FINISHED FLOOR ELEVATION A BACKFLOW CHECK VALVE IS REQUIRED BETWEEN CRAWL-OUT AND THE STRUCTURE.

A 10 FT. DRAINAGE EASEMENT EXISTS BETWEEN ALL LOTS AND ALONG THE PERIMETER BOUNDARY LINES OF THE SUBDIVISION EXCEPT WHERE SHOWN OTHERWISE.

SUBSEQUENT BUILDERS AND DEVELOPERS OF INDIVIDUAL LOTS SHALL MAKE PROVISIONS TO CONDUCT LOT GENERATED SURFACE WATERS TO THE DRAINAGE FACILITIES PROVIDED BY THE DEVELOPER WITHOUT UNAUTHORIZED DISCHARGE OVER ADJACENT PROPERTIES.

EASEMENTS FOR STORM DRAINAGE AND SANITARY SEWER LINES SHALL BE CENTERED ON THE PIPES.

ALL BUILDINGS LOCATED ADJACENT TO THE INTERMEDIATE REGIONAL FLOODPLAIN SHALL BE CONSTRUCTED SO THAT PORTIONS OF THE STRUCTURE, INCLUDING THE BASEMENT FLOOR ON CRIM. AREAS, SHALL BE NOT LESS THAN THREE FEET ABOVE THE INTERMEDIATE REGIONAL FLOOD ELEVATIONS.

AN EASEMENT SHALL EXIST WHICH INCLUDES THE FLOOD PLAN PLUS FIVE FEET.

STORMWATER DETENTION IS PROVIDED IN THE LAKE ADJACENT TO THE SITE AS SHOWN IN THE VICINITY MAP ON THIS SHEET.

WATERS OF THE UNITED STATES, INCLUDING THE LAKES AND ADJACENT WETLANDS, SHOWN ON THE PLAN ARE UNDER THE JURISDICTION OF THE ARMY CORPS OF ENGINEERS. LOT OWNERS ARE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.

INDIVIDUAL RESIDENTIAL BUILDINGS, IN A SUBDIVISION WHERE A NOTICE OF INTENT (NOI) IS REQUIRED TO COMPLY WITH FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATIONS, MUST ALSO FILE A NOI AND A NOTICE OF TERMINATION (NOT) WITH THE GEORGIA DEPT. OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION (EPA), A STORM WATER POLLUTION PREVENTION PLAN MUST BE DEVELOPED AND IMPLEMENTED.

THE OWNER/DEVELOPER IS RESPONSIBLE FOR PROVIDING LONG SIDE AND SHORT SIDE WATER SERVICE LINES EXTENDED PAST ON OUTSIDE THE SIDEWALK.

NEED LANDFILLS ON THE BUILDING OF CONSTRUCTION DEBRS, TREE STUMPS AND TOPS ON ANY OTHER REUSE IS PROHIBITED EXCEPT IN W-2 INDUSTRIAL DISTRICT PER LAND DEVELOPMENT ORDINANCE CHAPTER 14, ARTICLE 8, SECTION 14-576(b)(6).

THE FOLLOWING LOTS CONTAIN FILL DEPTH OF TWO (2) FEET OR GREATER BETWEEN THE ROAD RIGHT-OF-WAY AND REAR BUILDING LINE AND HAVE REVEALED FILL DURING THE DEVELOPMENT STAGE. THESE LOTS REQUIRE COMPACTION CERTIFICATION SEALED BY A REGISTERED PROFESSIONAL GEOTECHNICAL ENGINEER TO BE SUBMITTED PRIOR TO FINAL PLAN RECORRING. LOTS: 1-8, 12-28, 32-36, 121-131

LOTS THAT WILL REQUIRE FILL DEPTH OF TWO (2) FEET OR GREATER BETWEEN THE ROAD RIGHT-OF-WAY AND REAR BUILDING LINE AT THE TIME OF FUTURE LOT GRADING WILL REQUIRE A COMPACTION CERTIFICATION SEALED BY A REGISTERED PROFESSIONAL GEOTECHNICAL ENGINEER TO BE SUBMITTED AT THE TIME OF BUILDING PERMIT APPLICATION.

DECLARATIONS AND CONVEYANCES RECORDED IN DE 1882; PD 228; DATED 10/12/04. AN EIGHT (8) FOOT RECORDED IN DE 2006-9 P9 10B, DATED 6/25/07. SITE PLAN REQUIRED ON ALL LOTS.

AN AS-BUILT ELEVATION CERTIFICATE IS REQUIRED PRIOR TO FINISHING ON THE FOLLOWING LOTS: 2, 3, 5, 4, 7, 30, 31, 32, 33, 34, 35, 37, 39, 50, 60, 61, 68, 69.

A FOUNDATION LOCATION CERTIFICATE MUST BE SUBMITTED TO DEKALB COUNTY PRIOR TO FOOTING INSPECTION FOR THE FOLLOWING LOTS. ALL EASEMENTS, BUFFERS, AND FLOOD LIMITS ON THESE LOTS MUST BE CLEARLY IDENTIFIED ON SITE AT THE TIME OF FOOTING INSPECTION. LOTS: 1-3, 27-31, 32-35 AND 81-150

THE HOMEOWNERS ASSOCIATION WILL OWN AND BE RESPONSIBLE FOR MAINTAINING ALL GREEN SPACE/OPEN SPACE/COMMON AREAS AND STORMWATER DETENTION FACILITIES. DEKALB COUNTY IS RESPONSIBLE FOR MAINTAINING THE STORM DRAIN PIPES.

ARSTRONG LAND SURVEYING, INC.
POST OFFICE BOX 775
DOUGLASVILLE, GEORGIA 30133
PHONE: (770)897-0777 / FAX: (770)897-4666
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NO.	DATE	DESCRIPTION	INITIALS
1	1/2/07	COUNTY COMMENTS	JM
2	1/4/07	APPROVED ORDINANCE EASEMENTS	JM
3	1/28/07	COUNTY COMMENTS	JM
4	2/21/07	COUNTY COMMENTS	JM
5	2/21/07	COUNTY COMMENTS	JM
6	4/11/07	COUNTY COMMENTS	JM
7	5/21/07	COUNTY COMMENTS	JM
8	6/21/07	COUNTY COMMENTS	JM

SCALE: 1" = 50'
FIELD DATE: 1/11/07
PLAT DATE: 11/2/06

REVISIONS: 05-FOOTINGS
06-MADE: 05-02
07-ADD: 05-02

FIELD: 1504 PAVEN, 74 CHECKED: RJA.
DRAWING: 05-FOOTINGS
06-MADE: 05-02
07-ADD: 05-02



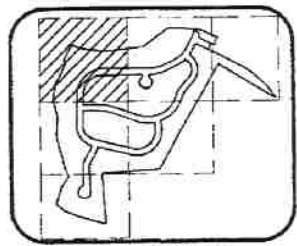
NOW OR FORMERLY
WALDEN LAKE
PB 130, PG 120
ZONING: RM100



FLOODPLAIN
NOTE: FLOODPLAIN LIES
ENTIRELY WITHIN OPEN
SPACE/GREEN SPACE. NO
PORTION OF ANY LOTS LIE
WITHIN THE FLOODPLAIN.

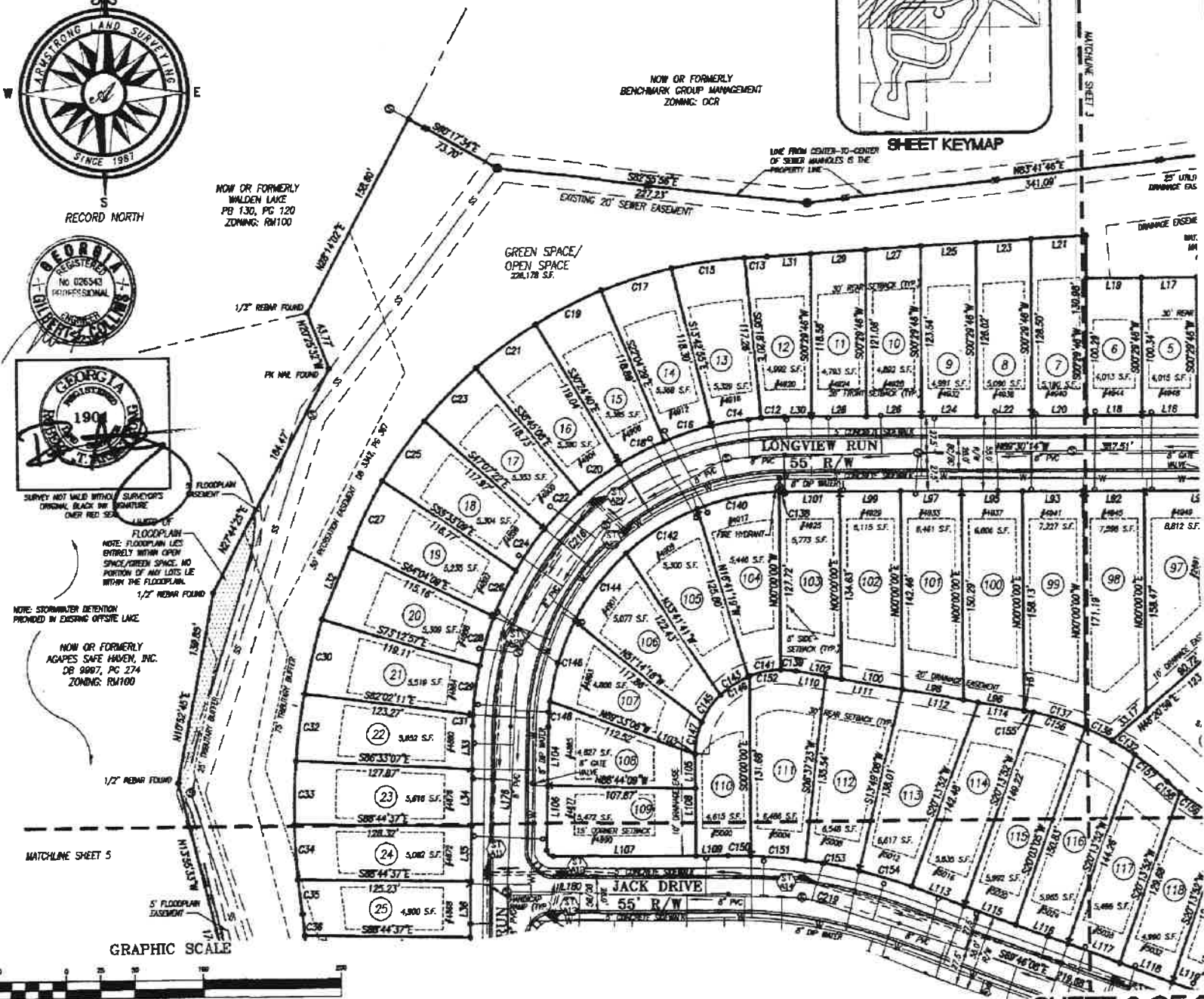
NOTE: STORMWATER DETENTION
PROVIDED IN EXISTING OFFSHORE LAKE

NOW OR FORMERLY
ACAPES SAFE HAVEN, INC.
DB 9907, PG 274
ZONING: RM100



NOW OR FORMERLY
BENCHMARK GROUP MANAGEMENT
ZONING: DCR

LINE FROM CENTER-TO-CENTER
OF SEWER MAIN/POLES IS THE
PROPERTY LINE



NO.	DATE	DESCRIPTION	INITIALS
1	1/21/07	COUNTY COMMENTS	TM
2	1/24/07	ADDED DRAINAGE EASEMENTS	TM
3	1/21/07	COUNTY COMMENTS	TM
4	2/21/07	COUNTY COMMENTS	TM
5	2/28/07	COUNTY COMMENTS	TM
6	4/21/07	COUNTY COMMENTS	TM
7	6/22/07	COUNTY COMMENTS	TM

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR PERSONS WHOSE NAME IS SET FORTH IN THE REVISIONS. ANY OTHER PERSONS WHOSE NAMES ARE SET FORTH IN THIS SURVEY ARE TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

LONGVIEW POINTE

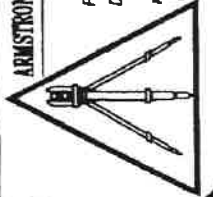
DCR #05120601 AP #7119

LAND LOTS 9 & 24
16th DISTRICT
DEKALB COUNTY, GEORGIA

ARMSTRONG LAND SURVEYING, INC.

POST OFFICE BOX 775
DOUGLASHVILLE, GEORGIA 30133

PHONE: (770) 977-0077 / FAX: (770) 977-0000
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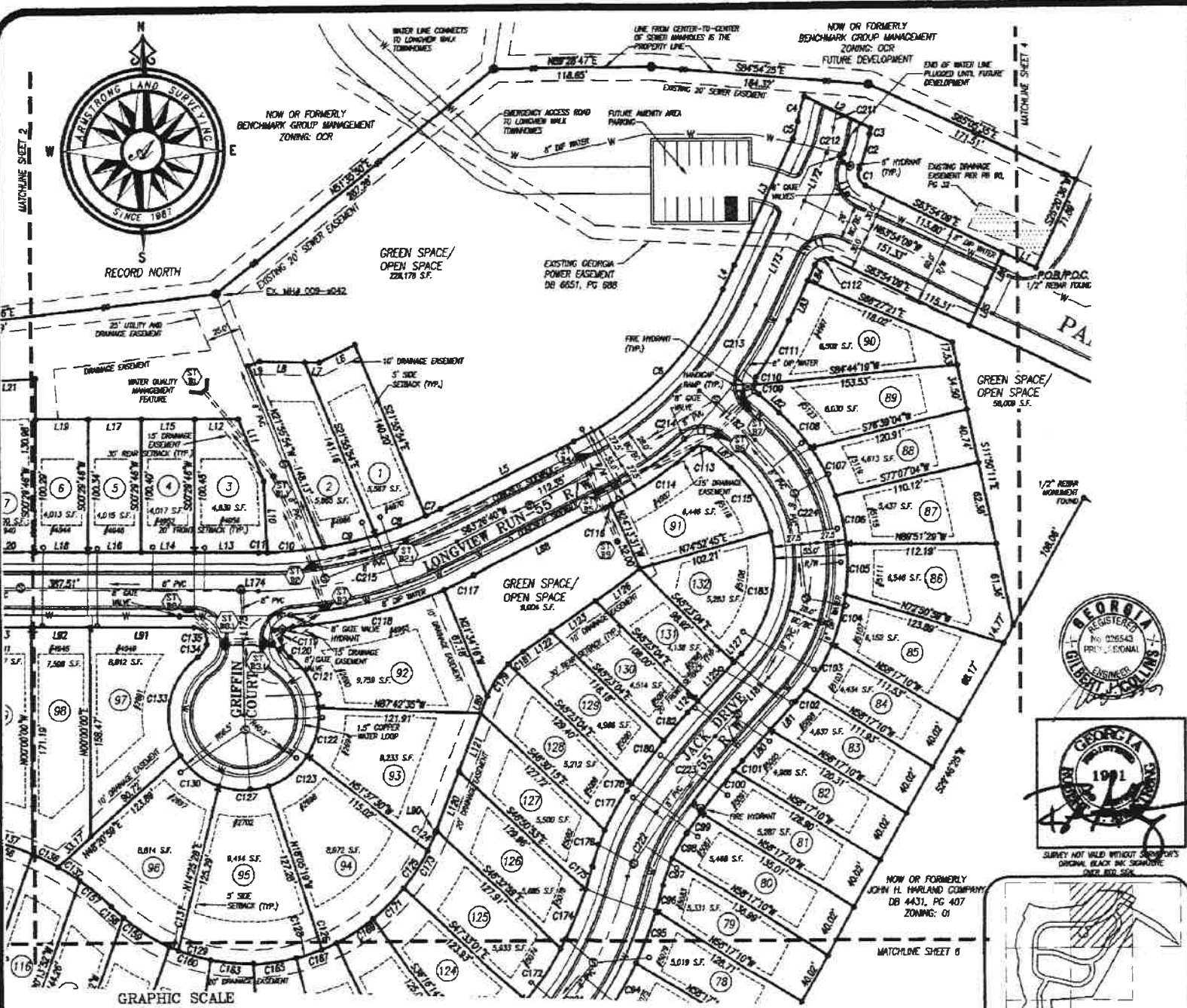
(IN FEET)
1 inch = 50 ft



NOW OR FORMERLY BENCHMARK GROUP MANAGEMENT ZONING: OCR

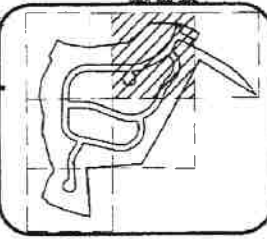
GREEN SPACE/ OPEN SPACE 22,178 S.F.

NOW OR FORMERLY BENCHMARK GROUP MANAGEMENT ZONING: OCR FUTURE DEVELOPMENT



Plot Book 190 Ps 49

SHEET 3 OF 9



SHEET KEYMAP

NO.	DATE	DESCRIPTION
1	1/2/07	CREATY COMMENTS
2	1/9/07	ADDED DRAINAGE EASEMENTS
3	1/21/07	COUNTY COMMENTS
4	2/21/07	COUNTY COMMENTS
5	3/19/07	COUNTY COMMENTS
6	4/11/07	COUNTY COMMENTS
7	5/21/07	COUNTY COMMENTS

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REVISIONS

ARMSTRONG LAND SURVEYING, INC.
 REGISTERED PROFESSIONAL ENGINEERS
 No. 026543
 LICENSED IN THE STATE OF GEORGIA

LONGVIEW POINTE
 OCR #05120R01 AP #7119
 LAND LOTS 9 & 24
 LAND LOT ~ DISTRICT ~ SECTION
 DEKALB COUNTY, GEORGIA

SCALE: 1" = 50'
 FIELD DATE: 1/11/07
 PLOT DATE: 1/12/07

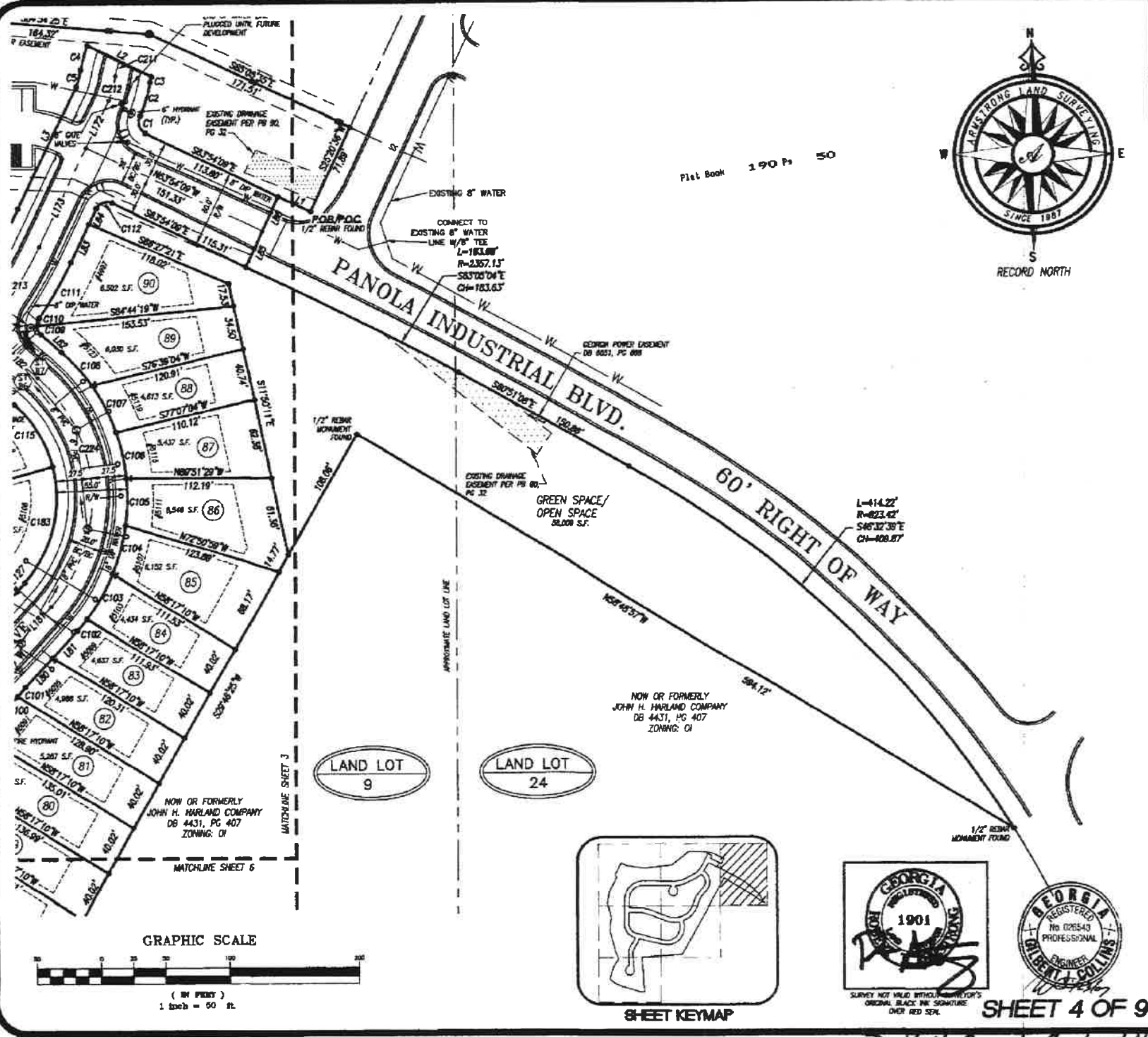
DRAWING NAME: GS-009PALS
 JOB NAME: GS-002
 FIELD: H&M
 DRAWING: TM
 CHECKED BY: [Signature]
 DRAWING MADE: GS-002

ARMSTRONG LAND SURVEYING, INC.

POST OFFICE BOX 775
 DOUGLASSVILLE, GEORGIA 30133

PHONE: (770) 977-8077 / FAX: (770) 977-8888
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DeKalb County Contract No. 07-800310



NO.	DATE	REVISIONS	INITIALS
1	1/2/02	COUNTY COMMENTS	JM
2	1/2/02	ADDED CORNER EASEMENTS	JM
3	1/21/02	COUNTY COMMENTS	JM
4	2/21/02	COUNTY COMMENTS	JM
5	2/29/02	COUNTY COMMENTS	JM
6	4/11/02	COUNTY COMMENTS	JM
7	8/22/02	COUNTY COMMENTS	JM

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS WHOSE NAMES ARE SHOWN HEREON WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

FINAL PLAT FOR

LONGVIEW POINTE
DCR #0512001 AP #7119

LAND LOTS 9 & 24
LAND LOT ~ SECTION
DEKALB COUNTY, GEORGIA

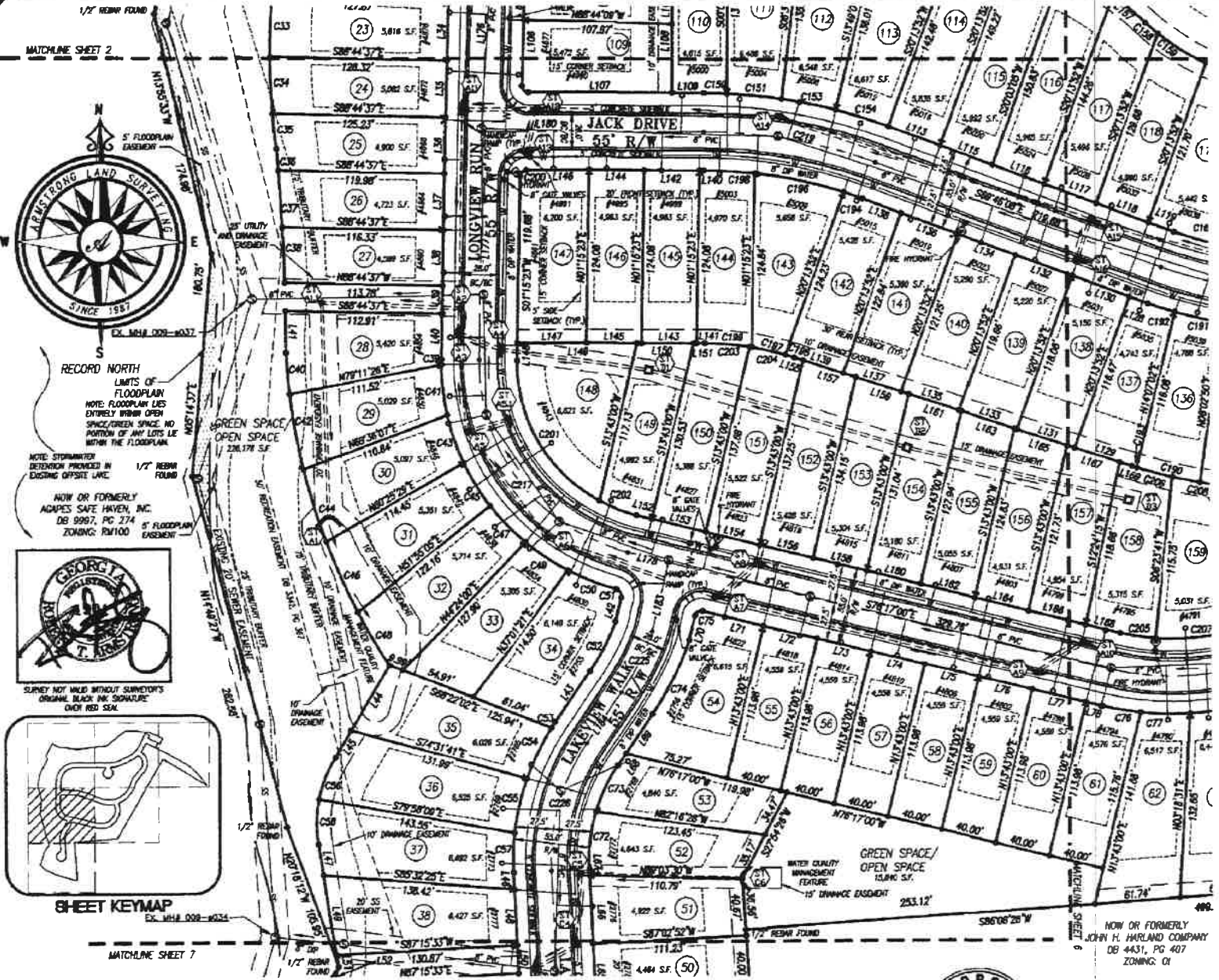
PREP: HSB DRAWN: TM CHECKED: RL
DRAWING MADE 05-20-04
JOB NAME: 05-02

SCALE: 1" = 50'
FIELD DATE: 1/17/06
PLOT DATE: 1/17/06

ARMSTRONG LAND SURVEYING, INC.
POST OFFICE BOX 775
DOUGLASVILLE, GEORGIA 30133

PHONE: (770)877-9677 / FAX: (770)877-0808
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SHEET 4 OF 9

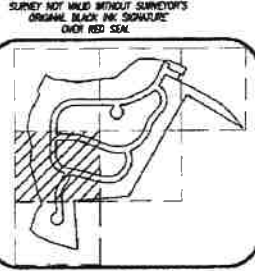


RECORD NORTH
LIMITS OF FLOODPLAIN
NOTE: FLOODPLAIN LIES ENTIRELY WITHIN OPEN SPACE/GREEN SPACE. NO PORTION OF ANY LOTS LIE WITHIN THE FLOODPLAIN.

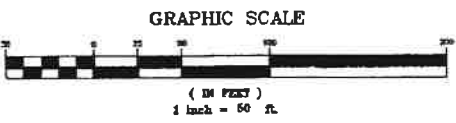
NOTE: STORMWATER DETENTION PROVIDED IN EXISTING OFFSITE LAKE.

1/2" REBAR FOUND

NOW OR FORMERLY ADJACENT TO SAFE HAYEN, INC. DB 9987, PG 374 5' FLOODPLAIN ZONING: RM100



SHEET KEYMAP
EX. 1014 002-1024



Plot Book 190 Ps 51



SHEET 5 OF 9

REVISIONS			
NO.	DATE	DESCRIPTION	INITIALS
1	1/2/07	COUNTY COMMENTS	TM
2	1/2/07	ADDED DRAINAGE EASEMENTS	TM
3	1/21/07	COUNTY COMMENTS	TM
4	2/1/07	COUNTY COMMENTS	TM
5	1/29/07	COUNTY COMMENTS	TM
6	2/21/07	COUNTY COMMENTS	TM

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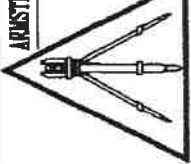
LONGVIEW POINTE

DCR #05120001 AP #7119
LAND LOTS 9 & 24
DISTRICT ~ SECTION
DEKALB COUNTY, GEORGIA

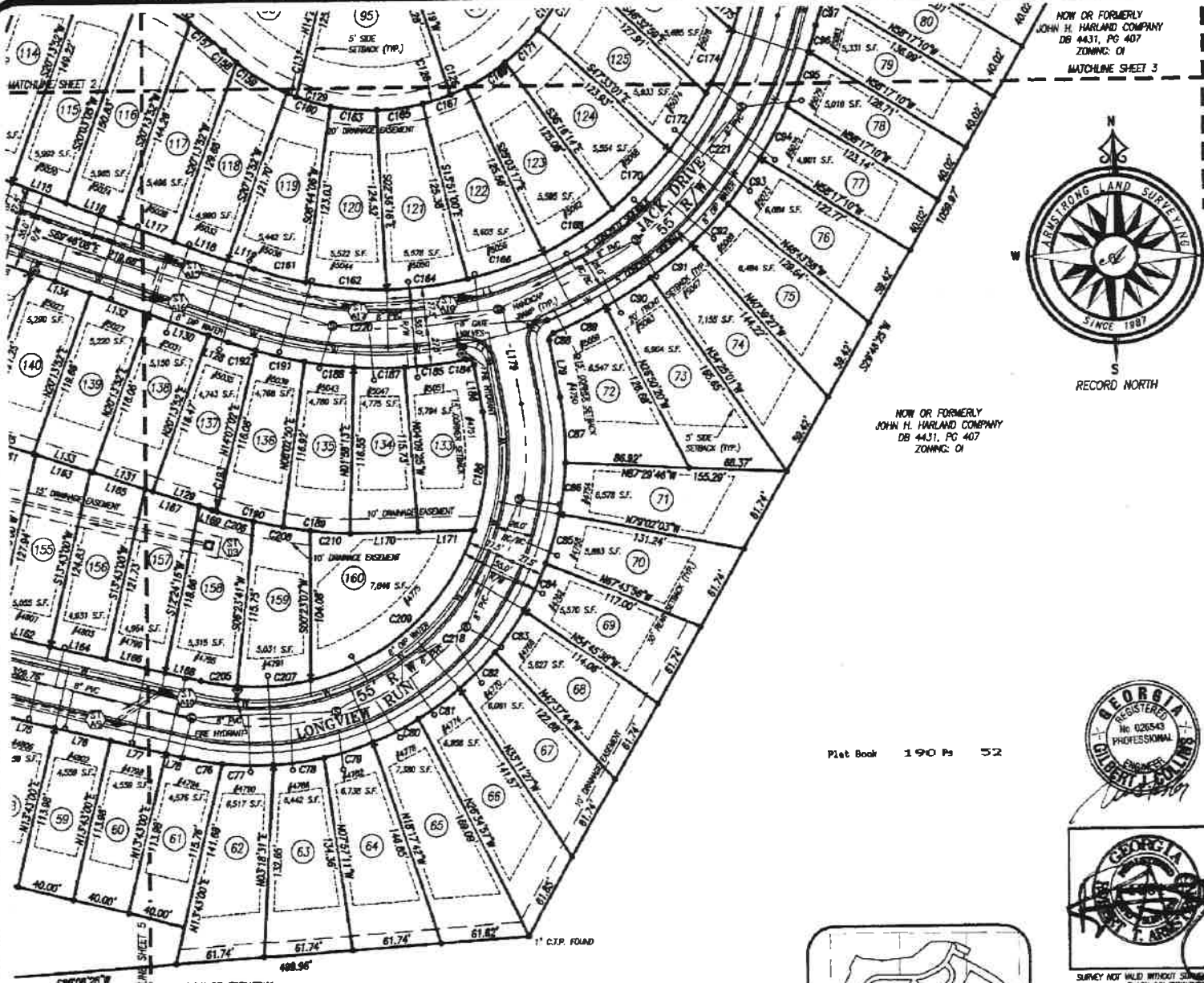
ARMSTRONG LAND SURVEYING, INC.

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DOUGLASSVILLE, GEORGIA 30133

PHONE: (770)717-0777 / FAX: (770)717-0888
© COMPANY ADDRESS AND BUSINESS, INC. 2007



DeKalb County Contract No. 07-800310

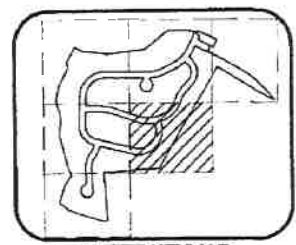


NOW OR FORMERLY
JOHN H. HARLAND COMPANY
DB 4431, PG 407
ZONING: O1
MATCHLINE SHEET 3



NOW OR FORMERLY
JOHN H. HARLAND COMPANY
DB 4431, PG 407
ZONING: O1

Plat Book 190 Ps 52



SHEET KEYMAP

SHEET 6 OF 9

NO.	DATE	REVISIONS
1	1/27/07	COUNTY COMMENTS
2	1/29/07	AMSD DRAWING EASEMENTS
3	1/29/07	COUNTY COMMENTS
4	2/21/07	COUNTY COMMENTS
5	3/18/07	COUNTY COMMENTS
6	4/22/07	COUNTY COMMENTS

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR PERSONS NAMED HEREON AND EXPRESSLY FOR THE PURPOSES SET FORTH HEREON. IT IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

LONGVIEW POINT
DCR #05120801 AP #7119
LAND LOTS 9 & 24
LAND LOT ~ DISTRICT ~ SECTION
DEKALB COUNTY, GEORGIA

SCALE: 1" = 50'
FIELD DATE: 1/13/06
PLAT DATE: 1/23/06

DRAWING NAME: 05-0307P&L4
JOB NAME: 05-002

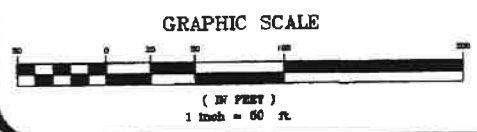
FIELD REVISIONS: NONE
CHECKED BY: [Signature]
DRAWN BY: [Signature]

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DOUGLASVILLE, GEORGIA 30133

PHONE: (770)877-0077 / FAX: (770)877-8888

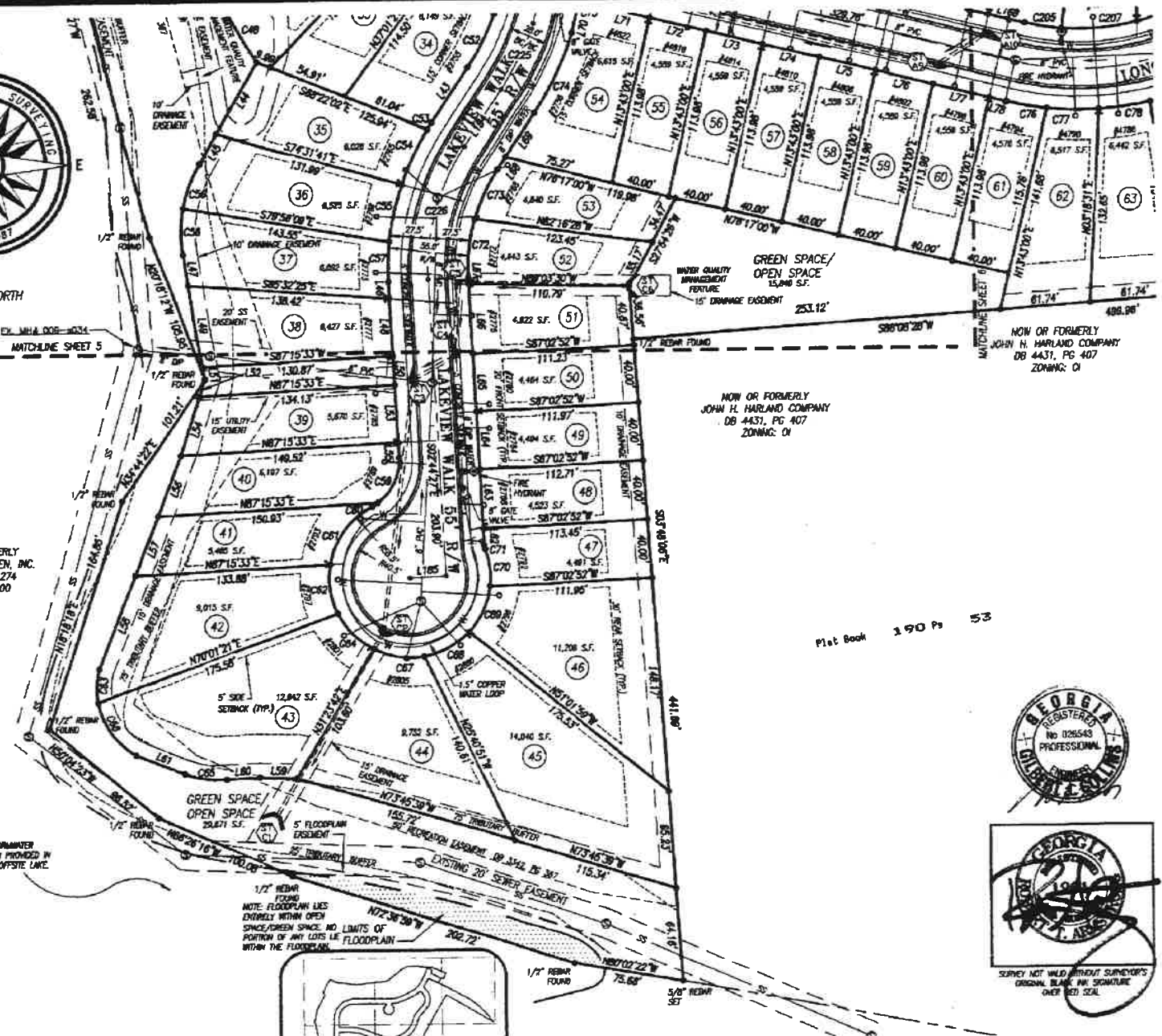
© 1997 ARMSTRONG LAND SURVEYING, INC.



DeKalb County Contract No. 07-800310



RECORD NORTH



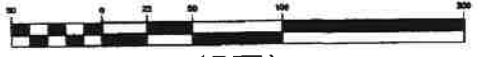
NOW OR FORMERLY
ACAPES SAFE HAVEN, INC.
DB 8997, PG 274
ZONING: RM100

NOW OR FORMERLY
JOHN H. HARLAND COMPANY
DB 4431, PG 407
ZONING: O1

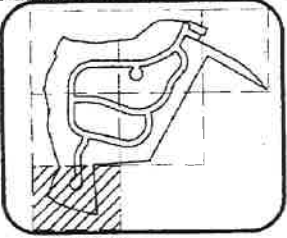


Plot Book 190 Pg 53

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



SHEET KEYMAP

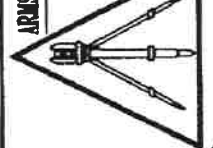
REVISIONS	
NO.	DESCRIPTION
1	ADDED DRAINAGE EASEMENTS
2	COUNTY COMMENTS
3	COUNTY COMMENTS
4	COUNTY COMMENTS
5	COUNTY COMMENTS
6	COUNTY COMMENTS
7	COUNTY COMMENTS
8	COUNTY COMMENTS

LONGVIEW POINTE

DOB 0612001 AP 7119
LAND LOTS 9 & 24
LAND LOT # DISTRICT # SECTION
DEKALB COUNTY, GEORGIA

ARSTRONG LAND SURVEYING, INC.

POST OFFICE BOX 775
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PHONE: (770) 977-0177 / FAX: (770) 977-0888



SHEET 7 OF 9

LINE TABLE

Table with 3 columns: LINE, LENGTH, BEARING. Lists line segments from 1.1 to 4.2 with their respective lengths and bearings.

CURVE TABLE

Table with 4 columns: CURVE, LENGTH, RADIUS, DIRECTION, CHORD. Lists curve data for curves C1 through C90, including length, radius, direction, and chord length.

Plot Book 190 ps 94



ARMSTRONG LAND SURVEYING, INC. LONGVIEW POINTE. DCR #05120001 AP #7119. LAND LOTS 9 & 24. LAND LOT -- DISTRICT -- SECTION -- DEKALB COUNTY, GEORGIA. FIELD NEW DRAIN IN CHECKER RUN. SCALE: 1" = 60'. FIELD DATE: 11/11/08. PLAT DATE: 08/08/09.

STORM PIPE CHART

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST A1	HW	36" HDPE	1.30% 155'	800.45
ST A1.1	JB	36" HDPE	1.80% 100'	811.83
ST A2	JB	36" HDPE	1.80% 100'	813.36
ST A3	DWCB	24" HDPE	0.89% 18'	814.11
ST A5	JB	18" RCP	1.52% 71'	815.39
ST A6	JB	18" RCP	0.92% 92'	816.40
ST A7	SWCB	18" RCP	2.20% 129'	819.36
ST A9	SWCB	18" HDPE	6.26% 236'	834.51
ST A10	SWCB	18" RCP	1.80% 43'	835.56
ST A5	JB			815.39
ST A5.1	DWCB	18" RCP	3.88% 29'	816.83
ST A7	SWCB	18" RCP	0.85% 39'	819.36
ST A8	SWCB	18" RCP	0.85% 39'	819.84

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST A2	JB	30" HDPE	4.36% 144'	813.35
ST A11	SWCB	24" RCP	4.80% 64'	819.72
ST A12	DWCB	18" RCP	8.84% 174'	823.11
ST A14	SWCB	18" RCP	6.84% 238'	838.53
ST A15	SWCB	18" RCP	3.63% 130'	852.03
ST A17	JB	18" RCP	3.68% 130'	856.82
ST A18	SWCB	18" RCP	4.00% 79'	860.00
ST A12	DWCB	18" RCP		823.11
ST A13	DWCB	18" RCP		824.00
ST A15	SWCB	18" RCP		852.03
ST A16	SWCB	18" RCP	1.94% 31'	852.79

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST A17	SWCB	18" RCP	2.97% 178'	819.72
ST A20	JB	18" RCP	1.41% 116'	826.04
ST A21	SWCB	18" RCP	1.41% 116'	827.74
ST A22	SWCB	18" RCP	1.39% 32'	828.19

COL-BE-SAC LOTS

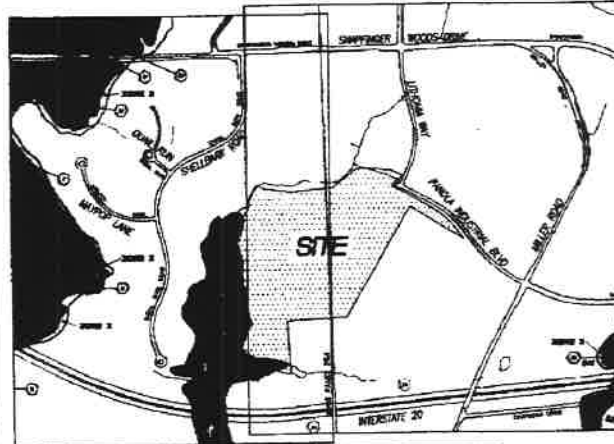
LOT #	WIDTH AT R/W	WIDTH AT BLDG LINE
40	43.85'	35.81'
41	50.24'	45.53'
42	35.44'	41.40'
43	35.81'	48.00'
44	35.81'	55.83'
45	35.81'	44.37'
46	35.81'	50.76'
47	40.34'	40.30'
83	37.70'	50.26'
84	37.70'	46.45'
85	37.70'	49.84'
86	37.70'	48.52'

STORM PIPE CHART

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST B1	HW	24" HDPE	0.89% 83'	830.99
ST B1.1	JB	24" HDPE	1.76% 72'	837.23
ST B2	DWCB	24" HDPE	3.57% 75'	839.17
ST B2.1	JB	24" HDPE	2.99% 146'	841.88
ST B4	SWCB	24" RCP	8.20% 29'	846.24
ST B5	SWCB	18" HDPE	4.84% 102'	848.22
ST B6	SWCB	18" RCP	0.94% 29'	853.85
ST B7	SWCB	18" HDPE	4.84% 102'	853.85
ST B5	SWCB	18" HDPE	4.84% 102'	853.85
ST B9	DI	18" HDPE	8.29% 43'	852.50
ST B2	DWCB	24" RCP	2.57% 32'	830.17
ST B3	DWCB	18" HDPE	0.89% 52'	840.19
ST B3.1	DWCB	18" HDPE	0.89% 52'	841.00
ST B6.1	DWCB	18" HDPE	1.93% 31'	847.95
ST B8	DWCB	18" HDPE	0.63% 39'	842.45

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST C1	HW	30" HDPE	0.64% 145'	803.24
ST C2	DWCB	30" RCP	2.76% 175'	804.17
ST C3	SWCB	30" RCP	3.48% 31'	808.12
ST C4	SWCB	30" HDPE	1.80% 52'	810.31
ST C5	JB	30" HDPE	5.19% 112'	811.53
ST C6	HW	30" HDPE	5.19% 112'	817.59

STORM STRUCTURE	STRUCTURE TYPE	PIPE SIZE/MATERIAL	PIPE SLOPE & LENGTH	INVERT OF STRUCTURE
ST A4	DWCB	18" HDPE	8.35% 108'	815.02
ST D1	DI	18" HDPE	5.49% 190'	824.22
ST D2	DI	18" HDPE	5.49% 190'	835.00
ST D3	DI	18" HDPE	5.88% 165'	844.67

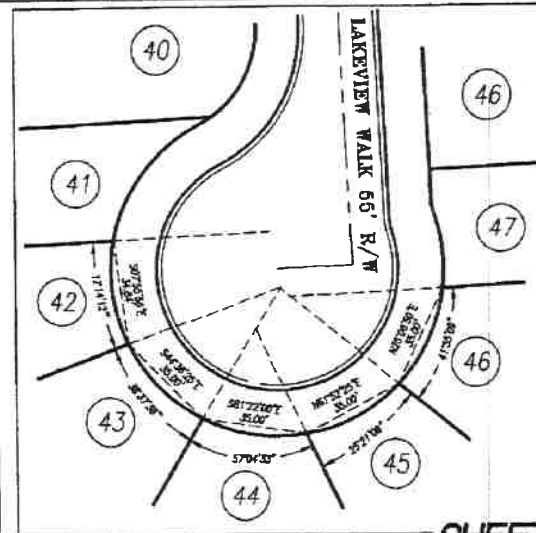
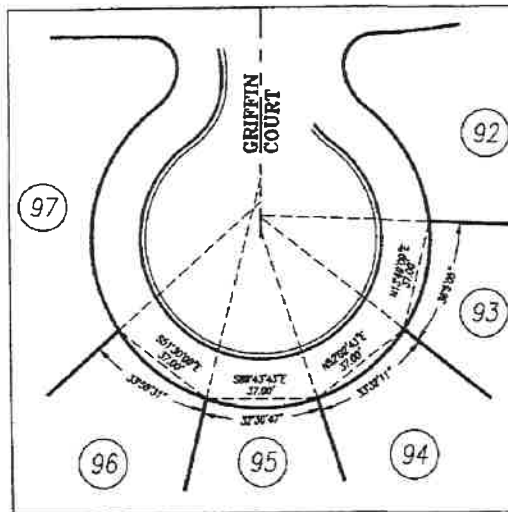


FIRM
FIRM INSURANCE RATE MAP
DEKALB COUNTY,
GEORGIA
AND INCORPORATED AREAS

DATE: 08/11/05
SCALE: AS SHOWN
BY: [Signature]
OFFICE: 1011 7th St, NW
ATLANTA, GA 30309

FIRM
FIRM INSURANCE RATE MAP
DEKALB COUNTY,
GEORGIA
AND INCORPORATED AREAS

DATE: 08/11/05
SCALE: AS SHOWN
BY: [Signature]
OFFICE: 1011 7th St, NW
ATLANTA, GA 30309



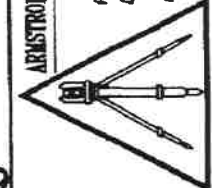
Plat Book 190 Ps 55
Linda Carter
Clerk of Superior Court
DeKalb County, Georgia

SHEET 9 OF 9

DeKalb County Contract No. 07-800310

LONGVIEW POINTE
DCR #05120801 AP #7119
LAND LOTS 9 & 24
LAND LOT ~ DISTRICT ~ SECTION
DEKALB COUNTY, GEORGIA

ARMSTRONG LAND SURVEYING, INC.
POST OFFICE BOX 775
DOUGLASSVILLE, GEORGIA 30133
PHONE (770) 577-1111 / FAX (770) 577-0889
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REVISIONS

NO.	DATE	DESCRIPTION
1	1/27/07	COUNTY COMMENTS
2	1/28/07	ADDED DRAINAGE ELEMENTS
3	1/31/07	COUNTY COMMENTS
4	2/21/07	COUNTY COMMENTS
5	3/28/07	COUNTY COMMENTS
6	4/21/07	COUNTY COMMENTS

THIS DRAWING IS NOT VALID UNLESS THE SURVEYOR'S SEAL AND SIGNATURE ARE PRESENT. ANY CHANGES TO THIS DRAWING MUST BE MADE BY THE SURVEYOR OR HIS AUTHORIZED REPRESENTATIVE. ANY CHANGES MADE BY OTHER PERSONS OR FIRMS WITHOUT THE SURVEYOR'S AUTHORIZATION ARE VOID.

DATE: 08/11/05
SCALE: 1" = 40'
FIELD DATE: 1/1/05
PLAT DATE: 1/1/05
DRAWING NAME: 05-007044
JOB NAME: 05-000

LONGVIEW WALK PLAT

E-MAILS TO HOA REPRESENTATIVES

Linda Dunlavy

From: Sean Randall <seanr@totalpropertyadvisors.com>
Sent: Thursday, April 23, 2020 10:07 AM
To: kboyer@homesideproperties.com
Subject: Longview Walk HOA

Dear Ms. Boyer,

I just left you a voicemail message. I got your name from Tim Jenkins at Rocklyn Homes and I trust you may be able to assist me. When convenient, if you could please forward the contact information for the Longview Walk HOA President (a gated, townhome community off of Snapfinger Woods Drive in Decatur, Georgia). I would like to reach out to the Longview Walk HOA to discuss an upcoming rezoning modification for an adjacent vacant piece of property off of Acuity Way known as Longview Run. We are planning a 38-unit townhome development and would like to discuss this project with our neighbors.

Thank you for your prompt attention to this matter and I look forward to hearing from you soon.

Best Regards,

Sean

Sean G. Randall

Total Property Advisors, LLC
5098 Riverview Road, Suite 100
Atlanta, Georgia 30327
Mobile Phone: (770) 616-7515
E-Mail: seanr@totalpropertyadvisors.com

Linda Dunlavy

From: Sean Randall <seanr@totalpropertyadvisors.com>
Sent: Thursday, April 23, 2020 9:59 AM
To: Hassan Harris (hassanharris74@gmail.com)
Subject: Zoom Meeting with the HOA Board at Longview Point

Hassan,

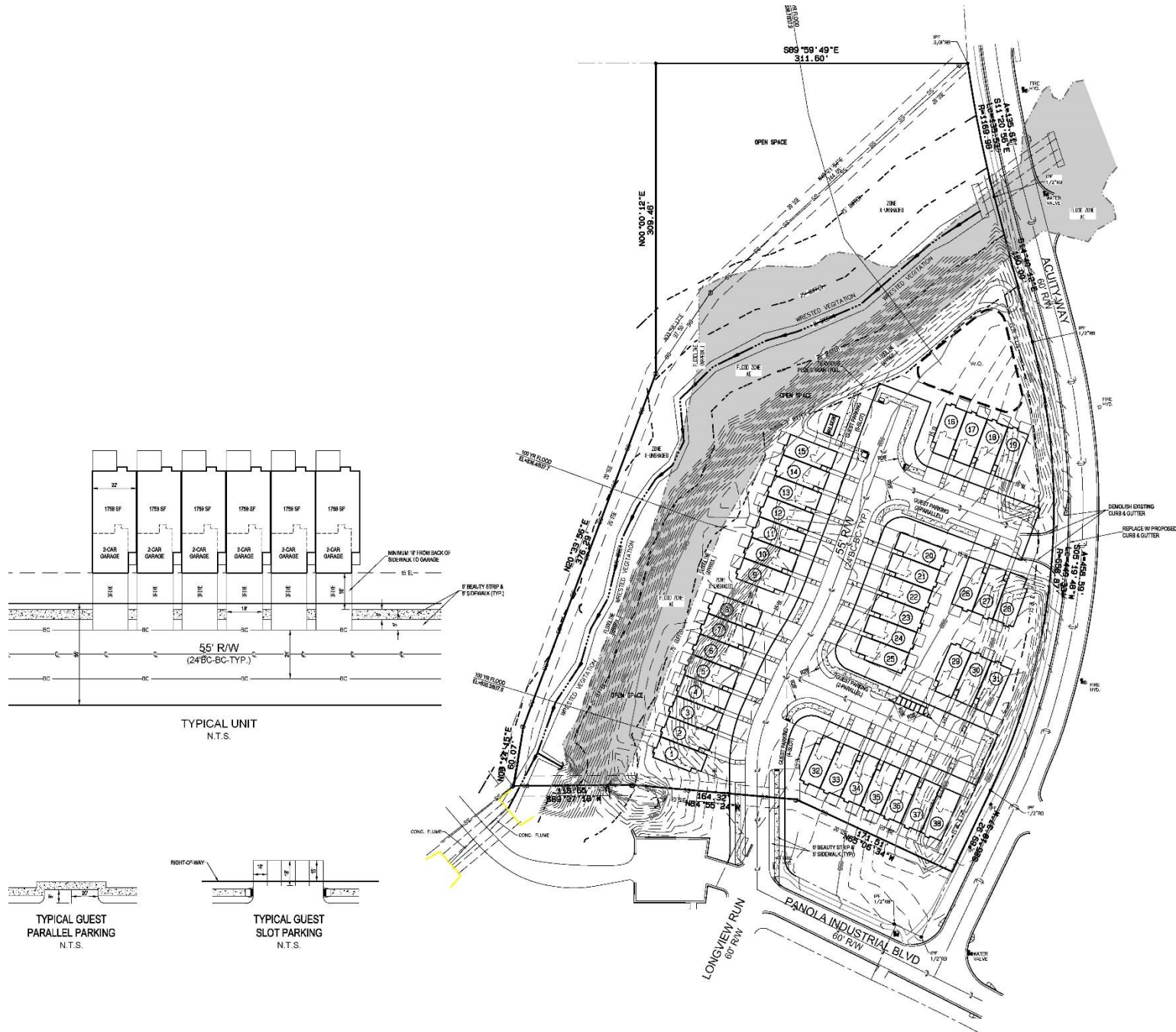
I trust things are well with you and you and your family are safe! I just left you a voicemail regarding setting up a Zoom Meeting in the near future with you and your HOA board members at Longview Point to review and discuss the rezoning modification application for the proposed 38 unit Townhome development at Longview Walk. My understanding from our prior conversation was that you were going to discuss this issue at your board meeting this past Tuesday and set a couple of times when it would be convenient for a Zoom Meeting. In the meantime, I can forward a packet of materials we are preparing in conjunction with the rezoning application.

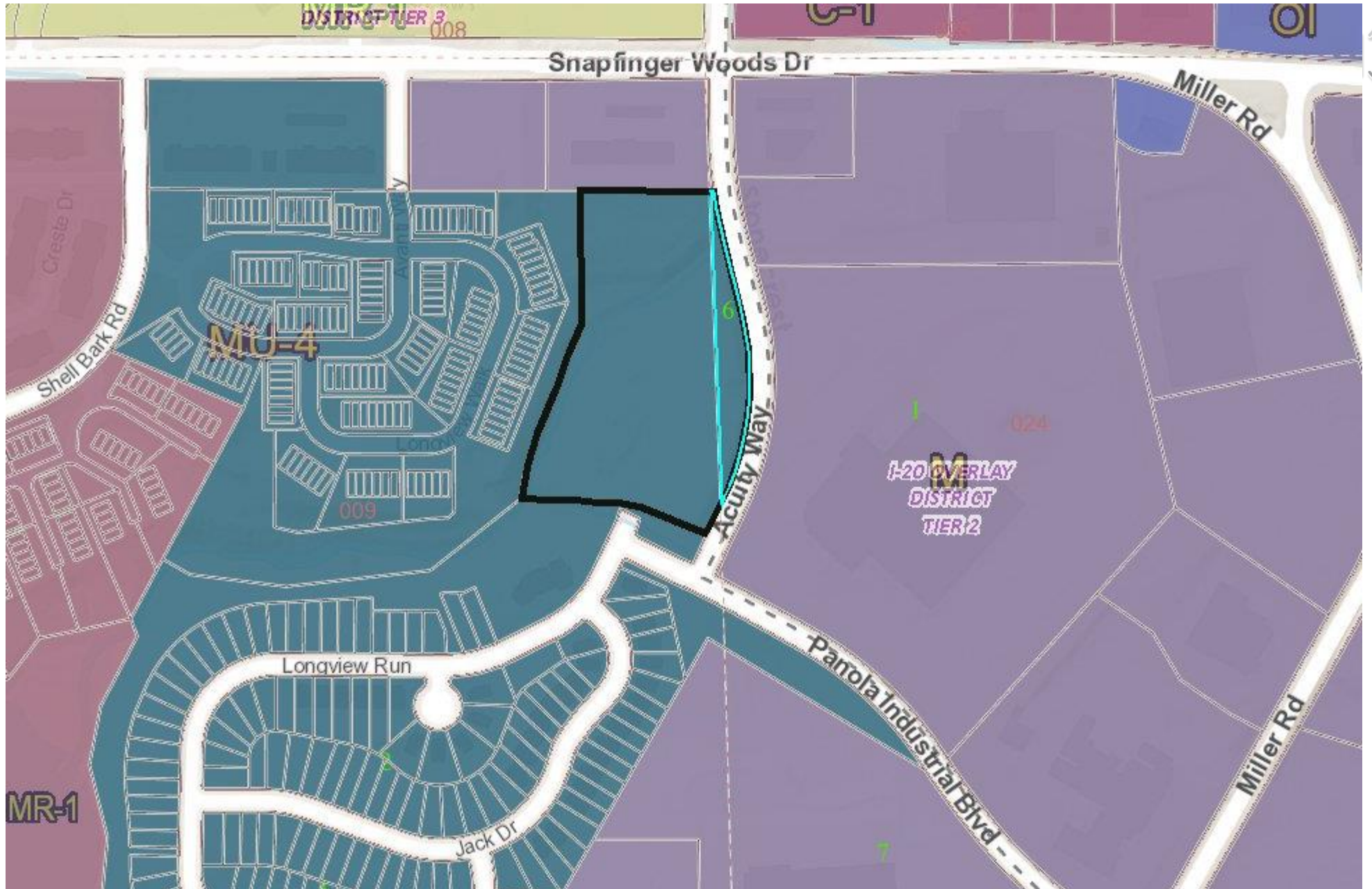
Thank you so much for all your help and I look forward to speaking with you soon!

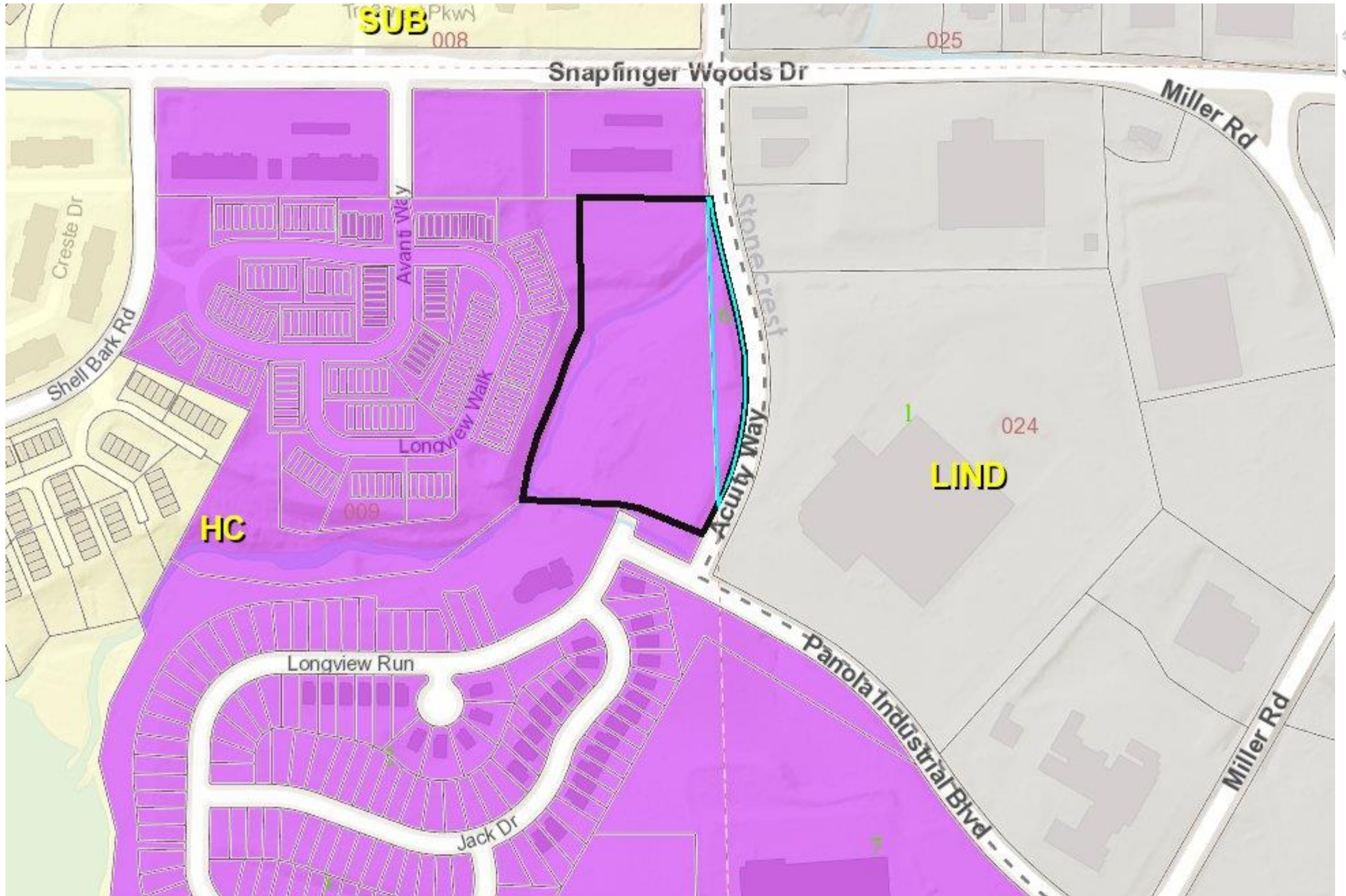
Best Regards,

Sean

Sean G. Randall
Total Property Advisors, LLC
5098 Riverview Road, Suite 100
Atlanta, Georgia 30327
Mobile Phone: (770) 616-7515
E-Mail: seanr@totalpropertyadvisors.com











Subject Property



(left) adjoining condominiums, "Longview Walk"



(right) Adjoining single-family homes, "Longview Pointe"