#### **DeKalb County Department of Planning & Sustainability**

#### 178 Sams Street, Decatur, GA 30030

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

Planning Commission Hearing Date: Tuesday, May 2, 2023 Board of Commissioners Hearing Date: Thursday, May 25, 2023

#### **STAFF ANALYSIS**

Case No.:	Z-23-1246378	<b>Agenda #:</b> 2023-0335		
Location/Address:	8361 & 8637 Covington Highway Lithonia, GA 30058	Commission District: 05 Super District: 07		
Parcel ID(s):	16-183-02-003, 16-202-02-005			
Request:	Remove the properties from the Stonecrest Overlay District to allow for light industrial uses.			
<b>Property Owner(s):</b>	Euphoric Ventures, LLC & Project Cross, LLC			
Applicant/Agent:	Austin Brannen			
Acreage:	51.01 & 16.38 acres			
Existing Land Use:	Vacant			
Surrounding Properties:	North: M and M-2 (across Covington Highway) East: M and MHP South: MHP, Interstate 20 and City of Stonecrest West: M			
Comprehensive Plan:	Light Industrial (LIND) Co	nsistent X Inconsistent		

**Staff Recommendation:** Approval with Conditions.

The properties designated as 8361 and 8367 Covington Highway are both zoned M (Light Industrial). This zoning allows for light industrial uses such as warehouse/distribution buildings, truck stops, vehicle storage yards, and light manufacturing. However, in addition to the underlying zoning, the subject properties are located within Tier 1 (High-Rise Mixed-Use Zone) of the Stonecrest Area Overlay District. Per Section 27-3.5.13. of the *Zoning Ordinance*, the majority of uses that would otherwise be permitted per the underlying M-zoning are prohibited by the Overlay. One exception to this is warehouse/distribution buildings, which are permitted by-right because the uses in the O-D (Office-Distribution) Zoning District are authorized in the Overlay. A Land Disturbance Permit (LDP #1245599) was approved for 8361 Covington Highway on September 13, 2022. The scope of work for the LDP and two associated building permits (#3109764 and #3109767) was to construct two warehouse buildings with a cumulative total of 484,000 square feet of space.

The applicant proposes to remove the subject properties from the Stonecrest Area Overlay District to expand the possible uses that can be permitted in the constructed space by the underlying M (Light Industrial) zoning. Light manufacturing, outdoor storage, transportation equipment storage, and vehicle storage are proposed as potential future uses in addition to the already-proposed warehouse/distribution buildings.

Such uses would be consistent with the *DeKalb County 2050 Comprehensive Land Use Plan;* according to the Future Land Use map, the properties are located in a Light Industrial (LIND) character area, which allows up to M-2 (Heavy

Industrial) zoning without the presence of the Stonecrest Overlay. Surrounding uses at the subject property include automobile sales, automobile repair, tire dealers and repair, and outside storage. These uses are located on parcels within Tier 3 (Low-Rise Mixed-Use Zone) of the Overlay, which, like Tier 1, prohibits industrial uses, likely making these existing uses legal nonconforming. To the south and east of the properties is a mobile home park with an underlying zoning of MHP (Mobile Home Park); this property is also located in Tier 1 of the Overlay and the use is also nonconforming.

Section 27-3.5.3. describes the purpose and intent of establishing the Stonecrest Area Overlay District was to allow for the creation of higher-density office, residential, and mixed-use developments. The portions of the Overlay west of Turner Hill Road are located in a Regional Center (RC) Character Area per the Land Use Map, which would support zoning districts as intense as the MU-5 (Mixed-Use Very High Density) Zoning District. At present, lots located here have a mixture of R-75 (Residential Medium Lot-75), C-1, and C-2 zonings and are either undeveloped or have low-intensity residential/commercial uses, which also come into conflict with the Overlay.

Properties directly across the subject parcels on the other side of Interstate 20 are located in the City of Stonecrest, which has its own Stonecrest Area Overlay District that appears to mirror the County's Overlay in terms of intent and verbiage. These City properties are located in Tier 1 (also referred to as the High-Rise Mixed-Use Zone) of the City's Stonecrest Area Overlay District, which more or less allows and prohibits the same uses in Tier 1 of County's Overlay. The south side of Interstate 20 is comparatively more developed than the (unincorporated) north side, with the core of development being the Mall at Stonecrest. Aside from the shopping mall itself, development is limited in scope to traditional suburban "big-box" retail centers, shopping strips, automobile sales, and fast-food restaurants; residential development is limited to the extreme southern and eastern portions of the City's Overlay. At the current time, there is no development that exceeds more than a few stories in height.

Section 3.5.3. (C) of the County's Zoning Ordinance establishes that one of the main purposes of the Overlay is "to implement the policies and objectives of the DeKalb County Comprehensive Plan 1985-2015 and the policies and objectives of the design guidelines for the Stonecrest Overlay District". Considering the recent adoption of the 2050 Comprehensive Land Use Plan and the plan's designation of the subject properties as being in a Light Industrial (LIND) Character Area, staff acknowledges that the intent of the Overlay may no longer be in accordance with future land use plans, and ultimately, staff anticipates the elimination of the Stonecrest Overlay. The majority of the Overlay was previously annexed, undermining the intent and purpose of the Overlay. Furthermore, the implementation of the Overlay has failed to promote the type of growth that was intended by its adoption.

At its meeting held on May 02, 2023, the DeKalb County Planning Commission noted this conflict and voted to recommend approval of the proposal with the condition that said proposal shall conform with Tier 1 of the Stonecrest Area Overlay District, apart from the use restrictions which shall allow for the additional uses of light industrial and (screened) outside storage.

Considering existing conditions along the Covington Highway corridor and the conflict of the Overlay's intent with that of the *Comprehensive Land Use Plan*, it is the recommendation of the Planning & Sustainability Department to approve the proposal with conditions recommended by Staff. Staff also recommends that additional landscaping is provided to enhance the Covington Highway corridor and to screen any uses from the adjacent property zoned MHP to the south and east.

#### Z-23-1246378 Staff Recommended Conditions 05/17/2023

Rezoning request to remove the subject properties from the Stonecrest Area Overlay

District

### 8361 and 8637 Covington Highway Lithonia, GA 30058

- 1. The subject parcels shall comply with all requirements of the Land Development and Zoning Code, including those related to parking lots, landscaping and other required improvements.
- 2. All uses permitted per M (Light Industrial) are allowed on the subject parcels, with the exception of the following uses which shall be prohibited:
  - a. Vehicle storage
  - b. Storage yards
  - c. Outdoor storage
  - d. Salvage yard (Junkyard)
  - e. Storage yard of damaged or confiscated vehicles
  - f. Automobile sales
  - g. Major automobile repair
  - h. Tire retreading or recapping
  - i. Pawn shops or title loans
- 3. All uses must still comply with any applicable supplemental regulations found in Section 4.2 of the *Zoning Ordinance*.
- 4. A transitional buffer of not less than seventy-five (75) feet shall be provided along the eastern boundary lines adjacent to the MHP Zoning District.



#### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO RACHEL BRAGG RLBRAGG @ DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

### COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.:	Z-23-1246378			
Parcel I.D.	, #:1 <u>6-183-02-003</u> , 16-202-02-005			
Address: _	8361 & 8637 COVINGTON HIGHW	AY		
-	LITHONIA, GA 30058			
WATER:				
Size of exis	sting water main: 8"DIP	(adequate/inadequ	uate)	
Distance fo	rom property to nearest main:adjace	nt		
Size of line	e required, if inadequate:			
SEWER: Outfall Se	rvicing Project: Honey Creek			
Is sewer ac	ljacent to property: Yes (x) No ( ) If no	o, distance to nearest line:	:	
Water Tre	atment Facility: Polebridge		() adequate ( )	_
Sewage Ca	pacity; 36 (MGPD)		Current Flow: 28	(MGPD)
COMMEN	rs:			
Sewer	capacity is required.			

Signature: Yola Lewis

#### DEKALB COUNTY

### Board of Health

#### 4/14/2023

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager

Cc: Alan Gaines, Environmental Health Deputy Director

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.

#### DEKALB COUNTY

### Board of Health

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

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

#### N1 2023-0334

SLUP 23-1246378

16-183-02-003, 16-202-02-005

4449 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments.
- Note: There are several properties of septic in this area.

#### N2 2020-0335

Z-23-1246378

16-183-02-003, 16-202-02-005

8361 & 8637 Covington Highway, Lithonia, GA 30058

• Please review general comments.

#### N3 2023-0335

SLUP 23-1246382

18-053-02-036

1500 North Decatur Road, Atlanta, GA 30306

Please review general comments.

#### N4 2023-0337

CZ 23-1246383

18-103-03-017, 18-103-03-018

1799 & 1805 Clairmont Road, Decatur, GA 30033

- Please review general comments.
- Our record indicates a septic system installed on surrounding property at 1788 Clairmont. No record in our office for 1799 or 1805 Clairmont Road. This property may have a septic system.



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

Chief Executive Officer
Michael Thurmond

#### DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director Cedric Hudson

**Zoning Comments - April 2023** 

**N1. 4449 Rockbridge Road** - Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="https://hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Watch required driveway spacing in Code Section 14-200(6).

**N2. 8361 Covington Hwy/8367 Covington Hwy** - Stonecrest Overlay District Tier 1. Covington Hwy is classified as a major arterial. (This section is not a state route.) Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Please provide sheet C-112 (as referenced) for the ROW improvements.

**N3. 1526 North Decatur Road** - Within the Druid Hills Historic District. North Decatur Road is a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path (dependent on Historic District Review). No poles may remain within the limits of the path. Requires pedestrian scale streetlights of the historic district street lighting standard. (hefowler@dekalbcountyga.gov)

**N4. 1799/1805 Clairmont Road** - Clairmont Road is SR 155. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (<a href="mailto:mwilson@dot.ga.gov">mwilson@dot.ga.gov</a>) GDOT Right of way AND Signal upgrade permits required. Upgrade pedestrian signal head/crosswalks at the signalized intersection. Clairmont Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

**N5. 2001** River Road - Project within the Bouldercrest Overlay District Tier Corr 1. Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) River Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Old Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Old River Road is classified as a local residential road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)



**N6. 3507 Memorial Drive** - Memorial Drive a state route. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (<a href="mailto:mwilson@dot.ga.gov">mwilson@dot.ga.gov</a>. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Connect sidewalks in front of outparcels, as right of way allows. Coordinate with the Transportation Division.

N7. & N8. 3345 Bouldercrest Rd/2098 Cedar Grove Road - Bouldercrest overlay Dist. Tier 3. Soapstone Hist District (2098). Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="https://nefabor.org/nefabor.new-remain">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Cedar Grove Road is classified as a Minor Arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Extend sidewalks to Clark Street, as right of way allows. Coordinate with the Transportation Division. Relocate guest parking away from Bouldercrest Road to reduce conflicts with entering/exiting space, driveway, and Bouldercrest Rd.

**N9. 1439 Conway Drive** - Conway Drive is classified as a local road. Extend road along property frontages. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (<a href="https://hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)



#### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

#### **DEVELOPMENT ANALYSIS:**

- Storm Water Management
  - (1) 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 (those sections have been amended recently, and available in Municode), 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 state waters and special flood hazard areas.
  - (2) The county codes require the hydrology study to model the existing conditions as wooded
  - (3) Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.

#### • Flood Hazard Area/Wetlands

The presence of FEMA Flood Hazard Area was not 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.



#### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM



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

#### COMMENTS FORM:

### PUBLIC WORKS TRAFFIC ENGINEERING

10 0 -025, 0.30%	
Case No.: Z-23-1246378	Parcel I.D. #: 16-183-02, 003, 16-202-02-005
Address: 4361 & 8637	
Covington Hwy	
Lithonia, GA 30058	
2.3	Adjacent Roadway (s):

	(classification)	(classification)	
	Compair (TDD)		
	Capacity (TPD)	Capacity (TPD)	
	Latest Count (TPD)  Hourly Capacity (VPH)  Peak Hour. Volume (VPH)	Latest Count (TPD) Hourly Capacity (VPH)	
	Peak Hour, Volume (VPH)	Peak Hour. Volume (VPH)	
	Existing number of traffic lanes	Existing number of traffic lanes	
	Existing right of way width	Existing right of way width	
33 40	Proposed number of traffic lanes	Existing right of way width Proposed number of traffic lanes	
	Proposed right of way width	Proposed right of way width	
Please provide add	litional information relating to the following st		
with approximately Single Family resignment for the peak hour factor.  a maximum of	y peak hour vehicle trip ends.  lence, on the other hand, would generate ten (1  Based on the above referenced formula, the units per acres, and the given fact that the pro-	00 square feet of floor area, with an eight (8%) percent pose of worship building would generate vehicle trip e  0) VTE's per day per dwelling unit, with a ten (10%) per  (Single Family Residential) District designation which spect site is approximately acres in land area, dereated with residential development of the parcel.	nds,
Did Not	see any traffic Engi	Jeering CONCERNS	
MI INIS F	1/110		
		<u> </u>	
			d

Signature: Jerry White

404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov

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

Chief Executive Officer

#### DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Michael Thurmond

Andrew A. Baker, AICP

#### REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) file to planner. Submit application through our online portal epermits.dekalbcountyga.gov You MUST email us that you've submitted the application online. Any questions? Plansustain@dekalbcountyga.gov 1. Schedule a mandatory Pre-Application Conference with Planning & Sustainability staff by appointment. Obtain Pre-

Application form (to be completed in pre-application meeting). Please call 404-371-2155 for appointment. 2. Hold a Pre-Submittal Community Meeting with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners association(s) may also be provided. 3. Submit Application (Email to planner and submit onlineepermits.dekalbcountyga.gov Please assemble materials in the following order.) \_ A. Application form with name and address of applicant and owner, and address of subject property; B. Pre-submittal community meeting notice and sign-in sheet and other documentation of meeting, if any; C. Letter of application and impact analysis 1. Letter of application identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any. 2. Impact analysis of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes. D. Authorization Form, if applicant is not the owner. Must be signed by all owners of the subject property and

notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years. **E. Campaign disclosure statement** (required by State law).

F. Legal boundary survey of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. (If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)

G. Site Plan printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger t ng:

_ G. Site Flan, printed to scale, folded, of any existing and of proposed development, redevelopment. For projects
than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
a. complete boundaries of subject property;
b. dimensioned access points and vehicular circulation drives;
c. location of all existing and proposed buildings, structures, setbacks and parking;
d. location of 100 year floodplain and any streams;
e. notation of the total acreage or square footage of the subject property;
f. landscaping, tree removal and replacement, buffer(s); and
g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces
parking ratios, open space calculations, and other applicable district standards.

H. Reduced Site Plan, reduced to 8.5" x 11".

\_\_ I. Written Legal Description of metes and bounds of the subject property (can be printed on site plan or survey).

J. Building Form Information. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

**K. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

#### **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**



## RECEIVED By Rachel Bragg at 1:37 pm, Mar 08, 2023

404.371.2155 (o) 404.371.4556 (f) eKalbCountyGa.gov Clark Harrison Building 330 W. Ponce de Leon Ave Decatur, GA 30030

#### **DEPARTMENT OF PLANNING & SUSTAINABILITY**

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

Date Received:	Application No:
Applicant Name:Austin Bi	annen
Applicant E-Mail Address: _a	ustin@euphoricdevelopment.com
Applicant Mailing Address: 5	565 Glenridge Connector Suite 325 Atlanta, GA 30342
Applicant Daytime Phone: 6	78-612-6111 Fax:
Owner Name: _Euphoric Ve	entures LLC, Project Cross LLC
	If more than one owner, attach list of owners.
Owner Mailing Address: 556	55 Glenridge Connector Suite 325 Atlanta, GA 30342
Owner Daytime Phone: 678	3-612-6111
Address of Subject Property:	8361 Covington Highway Lithonia, GA 30058,
	8637 Covington Highway Lithonia, GA 30058
Parcel ID#: 1618302003, 1	620202005
Acreage: <u>51,16</u>	Commission District: 5, Super 7
Present Zoning District(s): _	M, Stonecrest Overlay District 1
Proposed Zoning District: N	1
Present Land Use Designation	on: M
Proposed Land Use Designa	ition (if applicable):



February 9, 2023

## Notice of Removal from Stonecrest Overlay District One Application Community Meeting

Dear Property Owner,

Euphoric Ventures LLC and Project Cross LLC are planning to apply for removal from Stonecrest Overlay District One through Dekalb County. The attached Exhibit A shows the location of the property. To find out more about the project, ask questions, and voice your opinion at the following community meeting:

Date: 02/28/2023

Time: 5:00 pm

**Location: Microsoft Teams** 

Meeting ID: 249 911 883 212

Passcode: 2KXPzo

If you have any questions about the meeting, please email hunter@euphoricdevelopment.com.

Sincerely,

Austin Brannen

Meeting Summary

Total Number of Participants 2

Meeting Title

Meeting Start Time 2/28/2023, 4:59:59 PM Meeting End Time 2/28/2023, 5:15:08 PM

Meeting Id 8537b78c-2d78-4891-aed9-d45853c58e2c

Full Name Join Time Leave Time Duration Email Role Participant ID (UPN)

Hunter Himes 2/28/2023, 4:59:59 PM 2/28/2023, 5:15:08 PM 15m 9s hunter@euphoricdevelopment.com Organizer hunter@euphoricdevelopment.com

Austin Brannen 2/28/2023, 5:00:30 PM 2/28/2023, 5:15:06 PM 14m 36s ABrannen@naibg.com Presenter abrannen@naibg.com

#### **Letter of Application**

- Project Address: 8361 Covington Highway Lithonia, GA 30058 & 8637 Covington Highway Lithonia, GA 30058
- 2. Owner: Euphoric Ventures LLC & Project Cross LLC
- 3. Parcel ID's: 1618302003 (51 Acres), 1620202005 (16 Acres)
- 4. Zoning/Overlay Information
  - a. Current Zoning Classification: M
  - b. Proposed Zoning Classification: M
  - c. Current Overlay District: Stonecrest Overlay District One
  - d. Proposed Overlay District: Removal from Stonecrest Overlay District One
- 5. Reason for Request
  - a. We are requesting removal from the Stonecrest overlay for parcels #1618302003 and #1620202005. We are not requesting a change in zoning, just removal from the overlay district. The Dekalb County 2050 Comprehensive Land Use plan has these two parcels included as light industrial and that is what we would like to provide. The overlay district does not align with the 2050 comprehensive plans for these two parcels. The current overlay restrict all M uses so light industrial users are not permitted to occupy the new Class A buildings. Currently only distribution users are allowed to occupy the buildings due to the overlay district. Distribution users do not create as many jobs as light industrial and also creates more truck traffic. A light industrial user will create more and better paying jobs for the area. Removal from the overlay will not affect and of the surrounding properties or their current uses.
- 6. Building Information
  - a. Three light industrial buildings totaling roughly 700,000 SF. The two-buildings associated with parcel #1618302003 are currently under construction and will be completed in late summer 2023. The newly constructed Class A light industrial buildings will provide much needed space for an end user. We have included a 10' paved utility path in the ROW, enhanced street lighting, and decorative landscaping along Covington Highway. Our permit numbers are listed below for reference and we have included site plans and building renderings with the application. We are proposing a 220,000 square foot light industrial building on parcel #1620202005 to be completed at a future date.
    - i. Land Disturbance Permit AP #1245599
    - ii. Building Permit #3109764
    - iii. Building Permit #3109767
  - b. The number of employees will be determined by the end user of the facilities. A light industrial user will create more salaried/hourly employees to run the operation.
  - c. We have included building renderings and the approved site plan with our application
  - d. The hours of operation will be determined by the end user
- 7. Neighborhood and Community Input
  - a. We held our pre-submittal meeting on 02/28 and we did not receive any opposition or comments from the community.
  - b. Several neighbors have voiced support for our request. We can provide contacts if needed.

#### **IMPACT ANALYSIS**

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
  - a. Yes we are in conformity with the policy and intent of the Comprehensive Plan. The Stonecrest area overlay district purpose and intent states implementing the policies and objectives of the DeKalb County Comprehensive Plan and enhancing the long-term economic viability of this portion of DeKalb County by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of DeKalb County. The 2050 Comprehensive Land Use plan has the parcels included as light industrial. The property is zoned M but the overlay does not allow for any M uses. Our facility is attractive to light industrial users due to the proximity to Interstate 20 (0.5 miles), distance to 285, and available work force. Removal from the overlay will attract users with higher paying and more jobs for these facilities. Currently only distribution users are allowed to occupy the buildings due to the overlay district. Distribution users do not create as many jobs as light industrial and also creates more truck traffic.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
  - a. The surrounding properties current uses are heavy industrial, light industrial, commercial, and a mobile home park. Directly across Covington Highway are car junk yards, railroad tracks, and a rock quarry. Our development will not impact the future development of any of the surrounding parcels. The warehouse buildings will be Class A space with storefront sections and an architectural paint scheme. The property also includes a 10' wide utility path in the right of way, deceleration lanes, decorative street lighting, and enhanced landscape features.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - a. The overlay greatly restricts the users who can occupy the buildings which has a negative economic impact. Removal from the overlay district will increase the economic impact of the development due to the available users. As mentioned above, light industrial users create more and better paying jobs than distribution. Large users are attracted to DeKalb due to the proximity to Atlanta and the workforce so removal from the overlay helps us attract these users.
- D. Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.
  - a. Our development will not impact the existing use of the surrounding properties. As mentioned above, we are surrounded by auto salvage yards, truck parking, mobile home park, and a rock quarry. Once completed, the development will include the latest technology in light industrial buildings and will be appealing from Covington highway. Please see our building renderings for reference.

- 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.
  - a. No known existing or changing conditions affecting the use and development of the property. The property is currently being developed with two Class A industrial buildings totaling 484,000 square feet.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
  - a. No historic building, sites, districts, or archaeological resources are present in the surrounding areas.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
  - a. The removal from he overlay will decrease the impact off the existing streets. Light industrial users will create less truck traffic the a strictly distribution users.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
  - a. The development has been designed to all of the latest civil and water quality codes and has been approved by Dekalb County (LDP AP #1245599).

### NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed 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 the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and 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 would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of 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 denying 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 irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights 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 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as 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 Rezoning or Special Land Use Permit of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or Rezoning and Special Land Use Permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Rezoning and Special Land Use Permit in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.





#### 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.

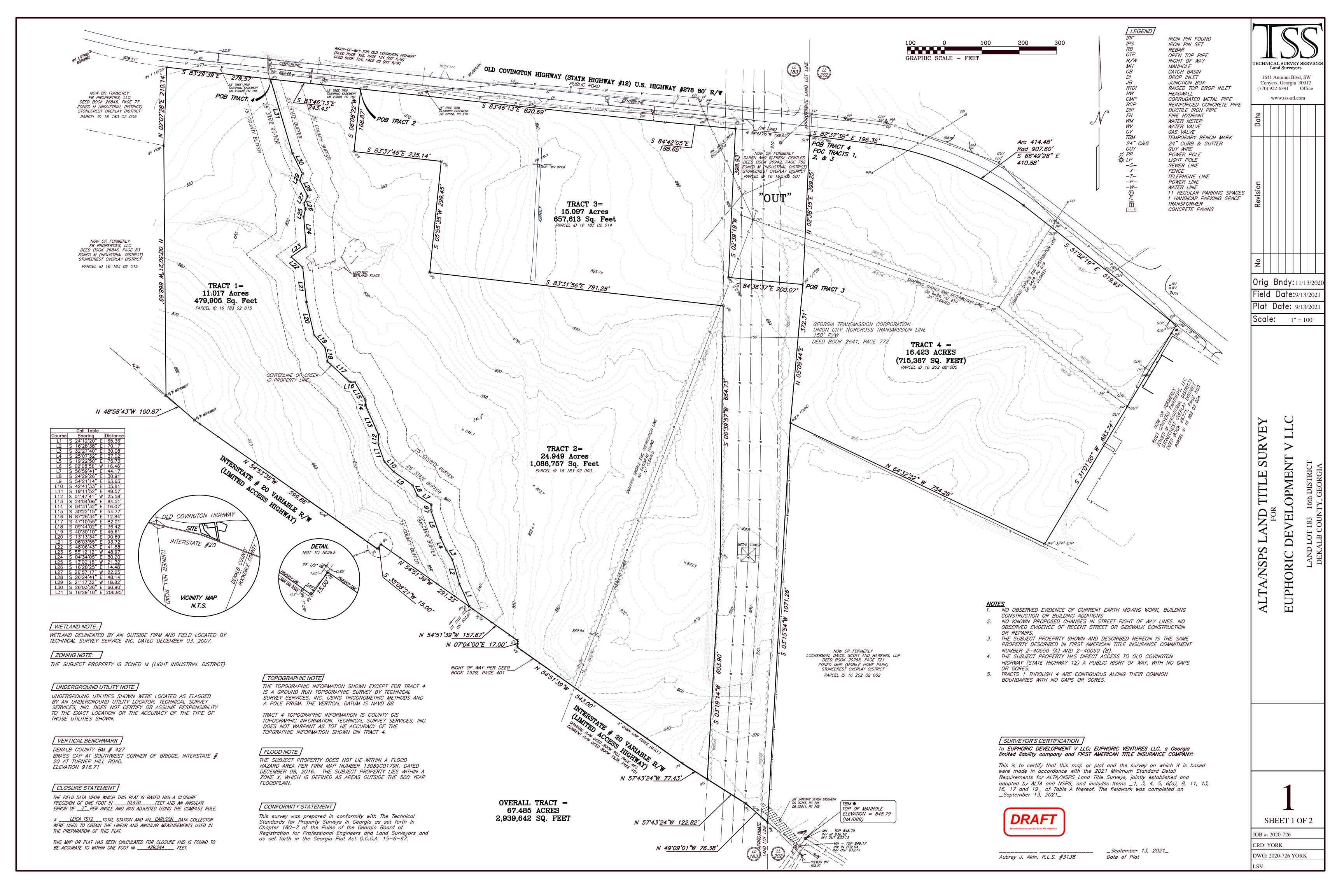
Date: $\frac{2/23/23}{}$	
TO WHOM IT MAY CONCERN:	
(1) (WE) Euphoric Ventures LLC P Name of owner	Project Cross LLC er(s)
being (owner) (owners) of the subject property described authority to  Austin Brannen  Name of Agent or Re	
to file an application on (my) (our) behalf.	
Notary Public Public Property Public Pub	Mustin Mran Owner Mustin Mrn
Notary Public County in County in the County	Owner Owner
Notary Public	Owner
votal y Public	Owner
Notary Public	Owner



#### DEPARTMENT OF PLANNING & SUSTAINABILITY

#### **DISCLOSURE OF CAMPAIGN CONTRIBUTION**

	nce with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following must_be answered.					
	the applicant, made \$250.00 or more in campaign contribution to a local government nin two years immediately preceding the filling of this application?					
Yes	No_X*					
If the answ showing:	er is yes, you must file a disclosure report with the governing authority of DeKalb County					
1.	The name and official position of the local government official to whom the campaign contribution was made.					
2.	The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.					
	sure must be filed within 10 days after the application is first filed and must be submitted O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur,					
Notary	Mustin Manu 2/23/2 Signature of Applicant /Date					
Notary	Check one: Owner X Agent					
Expiration	Date/ Seal					
*Notary se	eal not needed if answer is "no".					



- i. Easement from E. V. Reagin to Southern Telephone and Telegraph Co., Incorporated, dated March 21, 1929 and recorded May 11, 1929 in Deed Book 306, Page 541, records of DeKalb County, Georgia. **(May affect**
- subject property, insufficient legal description to determine location)
  j. Right of Way Deed from Bob Lowe to State Highway Board of Georgia,
  dated December 30, 1929, filed for record January 15, 1930 at 2:00 p.m.,
  recorded in Deed Book 325, Page 134, aforesaid Records. (May affect
- subject property, insufficient legal description to determine location)

  k. Right of Way Deed from R. L. Lowe to State Highway Board of Georgia, dated March 5, 1931, filed for record July 8, 1931 at 9:00 a.m., recorded in Deed Book 354, Page 85, aforesaid Records. (Does affect subject property, not plottable)
- I. General Permit from R. L. Lowe to Southern Telephone and Telegraph Co., Incorporated, dated January 27, 1936, filed for record March 12, 1936 at 10:00 a.m., recorded in Deed Book 428, Page 95, aforesaid Records. (May affect subject property, insufficient legal description to determine location)
- m. General Permit from E. V. Reagin to Southern Telephone and Telegraph Co., Incorporated, dated January 27, 1936, filed for record March 12, 1936 at 10:00 a.m., recorded in Deed Book 428, Page 99, aforesaid Records. (May affect subject property, insufficient legal description to determine location)
- n. General Permit from J. A. Richardson to Southern Telephone and Telegraph Co., Incorporated, dated January 28, 1936, filed for record March 12, 1936 at 10:00 a.m., recorded in Deed Book 428, Page 100, aforesaid Records.

  (May affect subject property, insufficient legal description to determine location)
- o. Easement from R. L. Lowe to Ga. Power Company, dated April 6, 1939, filed for record July 26, 1939 at 1:00 p.m., recorded in Deed Book 500, Page 192, aforesaid Records. (Does affect subject property, not plottable)
- February 19, 1940, filed for record March 13, 1940 at 9:00 a.m., recorded in Deed Book 512, Page 96, aforesaid Records. (Does Not affect subject property, Not in the same Land Lot as subject property)
  q. Easement from E. V. Reagin to Southern Telephone and Telegraph Company,

Right-of-Way Deed from Aron Oxford to Georgia Power Company, dated

- dated April 13, 1940, filed for record April 30, 1940 at 8:00 a.m., recorded in Deed Book 515, Page 212, aforesaid Records. (May affect subject property, insufficient legal description to determine location)
  r. Easement from G. C. Reagin & Ruth Reagin to Georgia Power Company, dated July 21, 1948, filed for record October 20, 1948 at 8;00 a.m., recorded in Deed Book 743, Page 458, aforesaid Records. (May affect
- subject property, illegible copy provided)

  s. Easement from G. C. Reagin & Ruth Reagin to Georgia Power Company, dated July 21, 1948, filed for record October 20, 1948 at 3:00 p.m., recorded in Deed Book 743, Page 459, aforesaid Records. (May affect
- subject property, insufficient legal description to determine location)

  t. Easement from G. C. Reagin to Georgia Power Company, dated June 22, 1949, filed for record August 24, 1949 at 5:00 p.m., recorded in Deed Book 781, Page 56, aforesaid Records. (Does affect subject property, not
- u. Right of Way Deed from Ruth Reagin, sole surviving heir of G. C. Reagin to State Highway Department of Georgia, dated September 26, 1951, filed for record November 6, 1951 at 9:00 a.m., recorded in Deed Book 902, Page 463, aforesaid Records. (Does affect subject property, not plottable)
- v. Right of Way Deed from Estate of Aaron Oxford to American Telephone and Telegraph Company, dated April 20, 1956, filed for record May 28, 1956 at 9:00 a.m., recorded in Deed Book 1193, Page 349, aforesaid Records. (Does NOT affect subject property due to subsequent relocation (see Deed Book 6492, Page 597))
- w. Right of Way Deed (Limited Access) from E. B. Daniels, III to State
  Highway Department of Georgia, dated September 22, 1960, filed for
  record September 22, 1960 at 4:00 p.m., recorded in Deed Book 1529,
  Page 401, aforesaid Records. (Does affect subject property, not plottable)
- x. Access Easement from Ruth Reagin to Carl E. Harris and Myrtle Harris, dated September 29, 1960, filed for record November 7, 1960 at 10:00 a.m., recorded in Deed Book 1541, Page 157, aforesaid Records. (Does affect subject property, not plottable)
- y. Permit for Anchors, Guy Poles and Wires from H. T. Bray to Georgia Power Company, a corporation, dated October 10, 1973, filed for record February 6, 1974 at 9:37 a.m., recorded in Deed Book 3130, Page 417, aforesaid Records. (Does affect subject property, not plottable)
- z. Easement as contained in condemnation as evidenced by that certain Judgement of Court Georgia Power Company vxs. A tract of land and Frank Leakey, at al. being Civil Action File No. 60,893, dated May 7, 1971, filed for record May 18, 1971 at 1:43 p.m., recorded in Deed Book 2648, Page 100, aforesaid Records; and that certain Return of Special Master Georgia Power Company vs. A tract of land and Frank Leakey, et al, being Civil Action File No. 60,893, dated May 5, 1971, filed for record May 18, 1971 at 1:43 p.m., recorded in Deecd Book 2648, Page 102, aforesaid Records. (Does Not affect subject property, Not in the same Land Lot as subject property)
- aa. Easement for Right-of-Way from EB Daniels, III to Georgia Power Company, a corporation, dated May 6, 1971, filed for record May 6, 1971 at 4:27 p.m., recorded in Deed Book 2641, Page 772 aforesaid Records. (Does affect property as shown hereon)
- bb. Right of Way Easement from Dr. Eb Daniels, III to Snapping Shoals Electric Membership Corporation, a corporation, dated February 20, 1981, filed for record May 11, 1984 at 1:43 p.m., recorded in Deed Book 4976, Page 181, aforesaid Records. (Does affect subject property, not plottable) cc. Right of Way Easement from Carl E. Harris to Snapping Shoals Electric

Membership Corporation, a corporation, dated December 28, 1970, filed for

- record February 28, 1984 at 11:30 a.m., recorded in Deed Book 4927, Page 537, aforesaid Records. (Does affect subject property, not plottable) dd. Grant of Easement by and between Comcast of Georgia/Virginia, Inc. and Turner Hill Partners, LLC, dated August 3, 2009, filed for record
- April 9, 2010 at 11:17 a.m., recorded in Deed Book 21924, Page 8, aforesaid Records. (Does affect subject property, not plottable) ee. Right of Way Easement from Earl J. Van Gerpen to Snapping Shoals Electric Membership Corporation, a corporation, dated November 30, 1988, filed for record May 11, 1989 at 1:28 p.m., recorded in Deed Book 6429,
- Page 619, aforesaid Records. (Does affect subject property, not plottable)

  ff. Easement as contained in that certain Limited Warranty Deed from Earl Van
  Gerpen to Turner Hill Partners, a Georgia general partnership, dated June
  16, 1992, filed for record June 16, 1992 at 4:24 p.m., recorded in Deed
  Book 7304, Page 765, aforesaid Records. (Does NOT affect subject
  property, Easement has terminated by merger doctrine)
- gg. Tree Trim / Clearing Easement from Turner Hill Properties, LLC to Georgia Power Company, a Georgia corporation, dated June 13, 2019, filed July 25, 2019 and recorded in Deed Book 27688, Page 216, aforesaid records. (Does affect property as shown hereon)
- hh. Tree Trim / Clearing Easement from Turner Hill Properties, LLC to Georgia Power Company, a Georgia corporation, dated June 13, 2019, filed July 25, 2019 and recorded in Deed Book 27688, Page 183, aforesaid records.

  (Does affect property as shown hereon)
- ii. Tree Trim / Clearing Easement from Turner Hill Properties, LLC to Georgia Power Company, a Georgia corporation, dated June 13, 2019, filed July 25, 2019 and recorded in Deed Book 27688, Page 186, aforesaid records. (Does affect property as shown hereon)

- (jj) Sanitary Sewer Easement Agreement by and between Lockerman, Davis, Scott and Hawkins, L.L.P., a Georgia limited liability partnership, Betty Stephenson Van Gerpen, as Executor of the Estate of Earl Jay Van Gerpen and Turner Hill Partners, a Georgia general partnership, dated as of April 14, 2008, filed for record June 18, 2010 at 9:23 a.m., recorded in Deed Book 22011, Page 745, aforesaid Records. (Does affect property as shown hereon)
- (kk) Sanitary Sewer Easement Agreement by and between Lockerman, Davis, Scott and Hawkins, L.L.P., a Georgia limited liability partnership and Betty Stephenson Van Gerpen, as Executor of the Estate of Earl Jay Van Gerpen and Turner Hill Partners, a Georgia general partnership, dated as of April 14, 2008, filed for record April 18, 2008 at 12:05 p.m., recorded in Deed Book 20765, Page 726, aforesaid Records. (Does affect property as shown hereon)
- (II) Access Easement Agreement by and between Betty Van Gerpen, individually and as Executor U/W of Earl Jay Van Gerpen, deceased, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership, and Harvey R. Holding, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership and York Residential Southeast, LLC, a Georgia limited liability company, dated as of September 30, 2008, filed for record October 6, 2008 at 5:00 p.m., recorded in Deed Book 21079, Page 284, aforesaid Records; as affected by that certain Affidavit of Title as to Voiding and Release of Easements by Robert G. Holt, dated March 18, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 733, aforesaid Records; as further affected by that certain Affidavit of Title as to Voiding and Release of Easements by Betty Van Gerpen, dated June 13, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 739, aforesaid Records. (Does NOT affect subject property)
- (mm)Sanitary Sewer Easement Agreement by and between Betty Van Gerpen, individually and as Executor U/W of Earl Jay Van Gerpen, deceased, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership, and Harvey R. Holding, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership and York Residential Southeast, LLC, a Georgia limited liability company, dated as of September 30, 2008, filed for record October 6, 2008 at 5:00 p.m., recorded in Deed Book 21079, Page 294, aforesaid Records; as affected by that certain Affidavit of Title as to Voiding and Release of Easements by Robert G. Holt, dated March 18, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 733, aforesaid Records; as further affected by that certain Affidavit of Title as to Voiding and Release of Easements by Betty Van Gerpen, dated June 13, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 739, aforesaid Records. (Does NOT affect subject property)
- (nn) All those matters as disclosed by that certain plat recorded in Plat Book 59, Page 41, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)
- (oo) All those matters as disclosed by that certain plat recorded in Plat Book 62, Page 51, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)
- (pp) All those matters as disclosed by that certain plat recorded in Plat Book 62, Page 151, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)
- (qq) All those matters as disclosed by that certain plat recorded in Plat Book 82, Page 32, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)
- (rr) All those matters as disclosed by that certain plat recorded in Plat Book 82, Page 33, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)
- ss) All those matters as disclosed by that certain plat recorded in Plat Book 209, Page 107, aforesaid Records. **(Does Affect Subject Property, No Plottable Matters)**

TITLE EXCEPTIONS - TRACT 4

FIRST AMERICAN TITLE INSURANCE COMPANY
ISSUING OFFICE FILE NUMBER: 2-40050(B)(R)
COMMITMENT DATE: FEBRUARY 25, 2021

- (g) Right-of-Way Deed from Mrs. C.C. Crutchfield to Georgia Power Company, a Georgia corporation, dated September 28, 1970, filed for record October 13, 1970 at 4:05 p.m., recorded in Deed Book 2580, Page 340, Records of DeKalb County, Georgia. (Does NOT Affect Subject Property)
- (h) Easement from Mrs. C.C. Crutchfield aka Martha Crutchfield to Georgia Power Company, dated October 9, 1973, filed for record February 6, 1974 at 9:37 a.m., recorded in Deed Book 3130, Page 377, aforesaid Records. (Does NOT Affect Subject Property)
   (i) Permit for Anchors, Guy Poles and Wires from Mrs. C.C. Crutchfield aka Martha Crutchfield to Georgia Power Company, a corporation, dated October 9, 1973, filed for
- Crutchfield to Georgia Power Company, a corporation, dated October 9, 1973, filed for record February 6, 1974 at 9:37 a.m., recorded in Deed Book 3130, Page 419, aforesaid Records. (May affect subject property, insufficient legal description to determine location)
- (j) Right of Way Easement from Earl J. Van Gerpen to Snapping Shoals Electric Membership Corporation, a corporation, dated November 30, 1988, filed for record May 11, 1989 at 1:28 p.m., recorded in Deed Book 6429, Page 619, aforesaid Records. (Does Affect Subject Property as Shown Hereon)
- (k) Terms, conditions and obligations as contained in that certain Sanitary Sewer Easement Agreement by and between Lockerman, Davis, Scott and Hawkins, L.L.P., a Georgia limited liability partnership and Betty Stephenson Van Gerpen, as Executor of the Estate of Earl Jay Van Gerpen and Turner Hill Partners, a Georgia general partnership, dated as of April 14, 2008, filed for record April 18, 2008 at 12:05 p.m., recorded in Deed Book 20765, Page 726, aforesaid Records. (Does NOT Affect Subject Property)
- (I) Access Easement Agreement by and between Betty Van Gerpen, individually and as Executor U/W of Earl Jay Van Gerpen, deceased, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership, Harvey R. Holdings, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership and York Residential—Southeast, LLC, a Georgia limited liability company, dated as of September 30, 2008, filed for record October 6, 2008 at 5:00 p.m., recorded in Deed Book 21079, Page 284, aforesaid Records; as affected by that certain Affidavit of Title as to Voiding and Release of Easements by Robert G. Holt, dated March 18, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 733, aforesaid Records; as further affected by that certain Affidavit of Title as to Voiding and Release of Easements by Betty Van Gerpen, dated June 13, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 739, aforesaid Records. (Does NOT Affect Subject Property)
- (m) Sanitary Sewer Easement Agreement by and between Betty Van Gerpen, individually and as Executor U/W of Earl Jay Van Gerpen, deceased, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership, Harvey R. Holdings, both individually and as a general partner in Turner Hill Partners, a Georgia general partnership and York Residential—Southeast, LLC, a Georgia limited liability company, dated as of September 30, 2008, filed for record October 6, 2008 at 5:00 p.m., recorded in Deed Book 21079, Page 294, aforesaid Records; as affected by that certain Affidavit of Title as to Voiding and Release of Easements by Robert G. Holt, dated March 18, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 733, aforesaid Records; as further affected by that certain Affidavit of Title as to Voiding and Release of Easements by Betty Van Gerpen, dated June 13, 2019, filed for record June 17, 2019 at 3:00 p.m., recorded in Deed Book 27613, Page 739, aforesaid Records. (Does NOT Affect Subject Property)
- (n) Distribution Tree Trim/Clearing Easement from BLJ Turner Hill Partners LLC to Georgia Power Company, a Georgia corporation, dated August 19, 2020, filed for record November 24, 2020 at 6:25 a.m., recorded in Deed Book 28840, Page 329, aforesaid Records. (Does Affect Subject Property, Not Plottable)
- (o) All those matters as disclosed by that certain plat recorded in Plat Book 59, Page 41, aforesaid Records. (Does Affect Subject Property, No Plottable Matters)

#### LEGAL DESCRIPTIONS

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District,

Dekalb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found at the intersection of the southerly Right of Way of Old Covington Highway also known as State Highway 12 and U.S. Highway 278, (80' Right of Way) and the eastern Land Lot Line of Land Lot 183 and being the Land Lot Line between Land Lots 183 and 202; thence running along said southerly Right of Way of Old Covington Highway the following courses North 84° 42' 05" West a distance of 199.97 feet to an angle iron found disturbed; thence North 84° 42' 05" West a distance of 188.65 feet to a point: thence North 83° 46' 13" West a distance of 820.69 feet to a an iron pin set; thence North 83° 46' 13" West a distance of 243.43 feet to an iron pin set and the TRUE POINT OF BEGINNING; thence from the point thus established and leaving said Right of Way of Old Covington Highway thence South 16° 29' 10" East a distance of 206.95 feet to a point; thence South 26° 03' 26" East a distance of 60.90 feet to a point; thence South 21° 17' 32' West a distance of 18.82 feet to a point; thence South 26° 24' 41" East a distance of 48.14 feet to a point; thence South 26° 57' 17" West a distance of 22.25 feet to a point; thence South 16° 28' 25" East a distance of 14.48 feet to a point; thence South 13° 00' 18" West a distance of 21.32 feet to a point; thence South 04° 34' 05" East a distance of 80.20 feet to a point; thence South 55° 12' 12" West a distance of 48.97 feet to a point; thence South 48° 06' 43" East a distance of 41.88 feet to a point; thence South 06° 03' 55" East a distance of 93.72 feet to a point; thence South 13° 13' 34" East a distance of 90.69 feet to a point; thence South 40" 30' 10" East a distance of 45.61 feet to a point; thence South 09° 44' 02" East a distance of 36.42 feet to a point: thence South 47" 10' 55" East a distance of 82.01 feet to a point: thence North 87° 26' 34" East a distance of 12.84 feet to a point: thence South 30° 22' 15" East a distance of 54.77 feet to a point; thence South 04° 31' 32" East a distance of 16.07 feet to a point; thence South 24° 04' 06" East a distance of 84.51 feet to a point: thence South 01° 47' 41" West a distance of 25.58 feet to a point; thence South 19° 11 52" East a distance of 49.57 feet to a point: thence South 42° 41' 33" East a distance of 35.81 feet to a point: thence South 54° 21' 14" East a distance of 63.63 feet to a point; thence South 24° 29' 26" East a distance of 30.91 feet to a point; thence South 56° 59' 41" East a distance of 44.17 feet to a point; thence South 02° 08' 56" West a distance of 16.46 feet to a point; thence South 19° 22' 50" East a distance of 75.73 feet to a point: thence South 25° 07' 32" East a distance of 37.02 feet to a point: thence South 32° 27' 40" East a distance of 30.08 feet to a point; thence South 16° 28' 38" East a distance of 70.17 feet to a point; thence South 24" 12' 20" East a distance of 65.36 feet to an iron pin set on the northeasterly Right of Way of Interstate #20 (a variable Right of Way); thence running along the northeasterly Right of Way of said Interstate #20 the following courses; North 54° 51' 39" West a distance of 291.33 feet to an iron pin set; thence South 35° 08' 21" West a distance of 15.00 feet to an iron pin set; thence North 54° 53' 35" West a distance of 599.66 feet to a Right of Way monument; thence North 48° 58' 43" West a distance of 100.87 feet to a Right of Way monument thence leaving said Right of Way of Interstate #20; thence North 00° 30' 21" West a distance of 668.69 feet to a 1" crimp top pipe; thence North 02° 07' 28" East a distance of 210.14 feet to a 1 1/2" open top pipe on the southerly Right of Way of Old Covington Highway, also known as State Highway #12 and U.S. Highway #278 (80' Right of Way); thence running along the said Right of Way of Old Covington Highway South 83° 29' 39" East a distance of 279.57 feet to an iron pin set and the TRUE POINT OF BEGINNING. Said tract contains 11.017 Acres (479,905 Square

#### Tract 2

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District, Dekalb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found at the intersection of the southerly Right of Way of Old Covington Highway also known as State Highway 12 and U.S. Highway 278, (80' Right of Way) and the eastern Land Lot Line of Land Lot 183 and being the Land Lot Line between Land Lots 183 and 202; thence running along said southerly Right of Way of Old Covington Highway the following courses North 84° 42' 05" West a distance of 199.97 feet to an angle iron found disturbed; thence North 84° 42' 05" West a distance of 188.65 feet to a point; thence North 83° 46' 13" West a distance of 820.69 feet to a an iron pin set and the TRUE POINT OF BEGINNING; thence from the point thus established and leaving said Right of Way of Old Covington Highway South 06° 08' 22" West a distance of 168.87 feet to an iron pin set; thence South 83' 37' 46" East a distance of 235.14 feet to an iron pin set; thence South 05° 55' 35" West a distance of 299.45 feet to an iron pin set; thence South 83° 31' 56" East a distance of 791.28 feet to an iron pin set on the westerly Right of Way Line of Georgia Transmission Corporation, being a 150 foot Right of Way; thence running along said Georgia Transmission Corporation Right of Way South 00° 39' 57" West a distance of 664.73 feet to an iron pin set; thence continuing along said Georgia Transmission Right of Way South 03' 19' 14" West a distance of 603.90 feet to an iron pin set at the intersection of the westerly Right of Way of the Georgia Transmission Corporation Right of Way and the northeasterly Right of Way of Interstate #20, a variable Right of Way of the limited access highway, thence running along said Right of Way of Interstate 20 the following courses: North 57° 43' 24" West a distance of 77.43 feet to an iron pin set; thence North 54° 51' 39" West a distance of 543.00 feet to an iron pin set; thence North 07° 04' 00" East a distance of 17.00 feet to an iron pin set; thence North 54° 51' 39" West a distance of 157.67 feet to an iron pin set; thence leaving said northeasterly Right of Way of Interstate #20 North 24" 12' 20" West a distance of 65.36 feet to a point; thence North 16° 28' 38" West a distance of 70.17 feet to a point; thence North 32° 27' 40" West a distance of 30.08 feet to a point; thence North 25° 07' 32" West a distance of 37.02 feet to a point; thence North 19° 22' 50" West a distance of 75.73 feet to a point: thence North 02° 08' 56" East a distance of 16.46 feet to a point: thence North 56° 59' 41" West a distance of 44.17 feet to a point: thence North 24° 29' 26" West a distance of 30.91 feet to a point; thence North 54° 21' 14" West a distance of 63.63 feet to a point; thence North 42° 41' 33" West a distance of 35.81 feet to a point; thence North 19° 11' 52" West a distance of 49.57 feet to a point: thence North 01° 47' 41" East a distance of 25.58 feet to a point; thence North 24" 04' 06" West a distance of 84.51 feet to a point; thence North 04° 31' 32" West a distance of 16.07 feet to a point; thence North 30° 22' 15" West a distance of 54.77 feet to a point; thence South 87° 26' 34" West a distance of 12.84 feet to a point; thence North 47° 10' 55" West a distance of 82.01 feet to a point; thence North 09° 44' 02" West a distance of 36.42 feet to a point; thence North 40° 30' 10" West a distance of 45.61 feet to a point; thence North 13° 13' 34" West a distance of 90.69 feet to a point; thence North 06° 03' 55" West a distance of 93.72 feet to a point; thence North 48' 06' 43" West a distance of 41.88 feet to a point: thence North 55° 12' 12" East a distance of 48.97 feet to a point: thence North 04° 34' 05" West a distance of 80.20 feet to a point: thence North 13° 00' 18" East a distance of 21.32 feet to a point; thence North 16° 28' 25" West a distance of 14.48 feet to a point; thence North 26° 57' 17" East a distance of 22.25 feet to a point; thence North 26° 24' 41" West a distance of 48.14 feet to a point; thence North 21° 17' 32" East a distance of 18.82 feet to a point; thence North 26° 03' 26" West a distance of 60.90 feet to a point; thence North 16° 29' 10" West a distance of 206.95 feet to an iron pin set on the aforementioned southerly Right of Way of Old Covington Highway; thence running along said southerly Right of Way of Old Covington Highway South 83° 46' 13" East a distance of 243.43 feet to an iron pin set and the TRUE POINT OF BEGINNING. Said tract contains 24.949 Acres (1,086,757 Square Feet).

#### Tract 3

All that tract or parcel of land lying and being in Land Lot 183 of the 16th District, Dekalb County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found at the intersection of the southerly Right of Way of Old Covington Highway also known as State Highway 12 and U.S. Highway 278, (80' Right of Way) and the eastern Land Lot Line of Land Lot 183 and being the Land Lot Line between Land Lots 183 and 202; thence running along said Land Lot Line South 2° 38' 35' distance of 399.25 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING; from the point thus established and continuing along said Land Lot Line South 5° 09' 44" West 372.31 feet to a rock found; thence continuing along said Land Lot Line South 03° 15' 54" West a distance of 1071.26 feet to an iron pin set at the intersection of said Land Lot Line and the northeasterly Right of Way of Interstate #20 (variable Right of Way); thence running along said northeasterly Right of Way of Interstate #20 North 49° 09' 01" West a distance of 76.38 feet to an iron pin set; thence continuing along said northeasterly Right of Way of Interstate #20 North 57' 43' 24" West a distance of 122.82 feet to an iron pin set at the intersection of the northeasterly Right of Way of Interstate #20 and the western Right of Way of the 150 foot wide Georgia Transmission Corporation Union City- Norcross Transmission Line; thence leaving said Right of Way of Interstate #20 and running along said Georgia Transmission Corporation Right of Way North 03° 19' 14" East a distance of 603.90 feet to an iron pin set; thence continuing along said Georgia Transmission Corporation Right of Way North 00° 39' 57" East a distance of 664.73 feet to an iron pin set; thence leaving said Georgia Transmission Corporation Right of Way North 83° 31' 56" West a distance of 791.28 feet to an iron pin set; thence North 05° 55' 35" East a distance of 299.45 feet to an iron pin set: thence North 83° 37' 46" West a distance of 235.14 feet to an iron pin set; thence North 06° 08' 22" East a distance of 168.87 feet to an iron pin set on the aforementioned southerly Right of Way of Old Covinaton Highway: thence continuing along said Right of Way of Old Covington Highway South 83° 46' 13" East a distance of 820.69 feet to a point; thence continuing along said Right of Way of Old Covington Highway South 84° 42' 05" East a distance of 188.65 feet to an angle iron found disturbed; thence leaving said Right of Way of Old Covington Highway South 02° 39' 19" West a distance of 398.93 feet to a 1/2" rebar found: thence South 84° 36' 37" East a distance of 200.07 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING. Said tract contains 15.097 Acres (657,613

### All that tract or parcel of land lying and being in Land Lot 202 of the 16th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2"rebar found at the intersection of the western Land Lot Line of Land Lot 202 and the southerly Right of Way of Old Covington Highway, also known as State Highway #12 and U.S. Highway #278 (80' R/W); thence running along the southerly Right of Way of Old Covington Highway the following courses: South 82° 37' 38" East a distance of 196.35 feet to a point; thence running along a curve to the right an arc length of 414.48 feet, (said curve having a radius of 907.60 feet, with a chord bearing of South 66° 49' 28" East, and a chord length of 410.88 feet) to a point; thence South 51° 52' 19" East a distance of 519.93 feet to a 1/2'" rebar found; thence leaving said Right of Way of Old Covington Highway; thence South 31° 01' 05" West a distance of 683.74 feet to a 3/4" crimp top pipe found; thence North 64° 32' 22" West a distance of 754.28 feet to a rock found on the western Land Lot line of Land Lot 202; thence running along said Land Lot Line North 05° 09' 44" East a distance of 372.31 feet to a 1/2" rebar found; thence North 02' 38' 35" East a distance of 399.25 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING Said tract contains 16.423 Acres (715,367 Square Feet).

#### Overall Tract

All that tract or parcel of land lying and being in Land Lots 183 and 202 of the 16th District, Dekalb County, Georgia and being more particularly described BEGINNING at a 1/2"rebar found at the intersection of the western Land Lot Line of Land Lot 202 and the southerly Right of Way of Old Covington Highway. also known as State Highway #12 and U.S. Highway #278 (80' R/W); thence running along the southerly Right of Way of Old Covington Highway the following courses: South 82° 37' 38" East a distance of 196.35 feet to a point; thence running along a curve to the right an arc length of 414.48 feet. (said curve having a radius of 907.60 feet, with a chord bearing of South 66° 49' 28" East, and a chord length of 410.88 feet) to a point; thence South 51° 52' 19" East a distance of 519.93 feet to a 1/2" rebar found; thence leaving said Right of Way of Old Covington Highway; thence South 31° 01' 05" West a distance of 683.74 feet to a 3/4" crimp top pipe found; thence North 64° 32' 22" West a distance of 754.28 feet to a rock found on the western Land Lot line of Land Lot 202: thence running along said Land Lot Line South 03° 15' 54" West a distance of 1071.26 feet to an iron pin set at the intersection of said Land Lot Line and the northeasterly Right of Way of Interstate #20 (variable Right of Way): thence running along said northeasterly Right of Way of Interstate #20 North 49° 09' 01" West a distance of 76.38 feet to an iron pin set; thence continuing along said northeasterly Right of Way of Interstate #20 North 57° 43' 24" West a distance of 122.82 feet to an iron pin set at the intersection of the northeasterly Right of Way of Interstate #20 and the western Right of Way of the 150 foot wide Georgia Transmission Corporation Union City-Norcross Transmission Line; thence continuing along said Right of Way of Interstate 20 the following courses: North 57° 43' 24" West a distance of 77.43 feet to an iron pin set; thence North 54° 51' 39" West a distance of 543.00 feet to an iron pin set; thence North 07° 04' 00" East a distance of 17.00 feet to an iron pin set; thence North 54° 51' 39" West a distance of 157.67 feet to an iron pin set; thence North 54° 51' 39" West a distance of 291.33 feet to an iron pin set; thence South 35° 08' 21" West a distance of 15.00 feet to an iron pin set: thence North 54° 53' 35" West a distance of 599.66 feet to a Right of Way monument: thence North 48° 58' 43" West a distance of 100.87 feet to a Right of Way monument thence leaving said Right of Way of Interstate #20; thence North 00° 30' 21" West a distance of 668.69 feet to a 1" crimp top pipe; thence North 02° 07' 28" East a distance of 210.14 feet to a 1 1/2" open top pipe on the southerly Right of Way of Old Covington Highway, also known as State Highway #12 and U.S. Highway #278 (80' Right of Way); thence running along the said Right of Way of Old Covington Highway the following courses: South 83° 29' 39" East a distance of 279.57 feet to an iron pin set: thence North 83° 46' 13" West a distance of 243.43 feet to an iron pin set; thence South 83° 46' 13" East a distance of 820.69 feet to a point; thence continuing along said Right of Way of Old Covington Highway South 84° 42' 05" East a distance of 188.65 feet to an angle iron found disturbed; thence leaving said Right of Way of Old Covington Highway South 02° 39' 19" West a distance of 398.93 feet to a 1/2" rebar found; thence South 84° 36' 37" East a distance of 200.07 feet to a 1/2" rebar found: thence North 02° 38' 35" East a distance of 399.25 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING. Said tract contains 67.485 Acres (2,939,642) Sauare Feet).

TECHNICAL SURVEY SERVICES

1641 Autumn Blvd, SW Conyers, Georgia 30012 (770) 922-6391 Office

www.tss-atl.com

ALTA/NSPS LAND TITLE SUR FOR EUPHORIC DEVELOPMENT V

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2

SHEET 2 OF 2

JOB #: 2020-726

CRD: YORK

DWG: 2020-726 YORK

LSV:

2022044587 PLAT BOOK 300 Pg 76

THIS SPACE IS RESERVED FOR CLERK OF COURT RECORDING INFO

IRON PIN FOUND IRON PIN SET OPEN TOP PIPE MANHOLE CATCH BASIN DROP INLET JUNCTION BOX RAISED TOP DROP INLET HEADWALL CORRUGATED METAL PIPE REINFORCED CONCRETE PIPE DUCTILE IRON PIPE FIRE HYDRANT WATER METER WATER VALVE GAS VALVE TEMPORARY BENCH MARK 24" CURB & GUTTER GUY WIRE POWER POLE LIGHT POLE SEWER LINE *FENCE* TELEPHONE LINE POWER LINE WATER LINE 11 REGULAR PARKING SPACES 1 HANDICAP PARKING SPACE TRANSFORMER CONCRETE PAVING

OWNER / DEVELOPER EUPHORIC VENTURES LLC 5555 GLENRIDGE CONNECTOR SUITE 1100 ATLANTA, GA 30342

ATTN: AUSTIN BRANNEN

404 812-4050

NOTE:

THERE IS NO DEMOLITION INVOLVED ON THIS PROJECT

FLOOD NOTE

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRM MAP NUMBER 13089C0179K, DATED DECEMBER 08, 2016. THE SUBJECT PROPERTY LIES WITHIN A ZONE X, WHICH IS DEFINED AS AREAS OUTSIDE THE 500 YEAR FLOODPLAIN.

WETLAND NOTE:

WETLAND SHOWN PER REPORT BY CONTOUR ENVIRONMENTAL, LLC. DATED NOVEMBER 02, 2020.

ZONING NOTE:

THE SUBJECT PROPERTY IS ZONED M (LIGHT INDUSTRIAL DISTRICT)

VERTICAL BENCHMARK

DEKALB COUNTY BM # 427 BRASS CAP AT SOUTHWEST CORNER OF BRIDGE, INTERSTATE # 20 AT TURNER HILL ROAD. ELEVATION 916.71

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN \_\_\_\_\_\_10,470 \_\_\_\_FEET AND AN ANGULAR ERROR OF \_\_\_\_\_\_PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

A <u>LEICA TS12</u> TOTAL STATION AND AN <u>CARLSON</u> DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 429,244 FEET.

## LOT COMBINATION FOR EUPHORIC VENTURES LLC

## LAND LOT 183 16th DISTRICT DEKALB COUNTY, GEORGIA

AP# 1245299

PARCEL ID'S

PARCEL ID: 16 183 02 015 ADDRESS: 8337 COVINGTON HIGHWAY LITHONIA, GA 30058

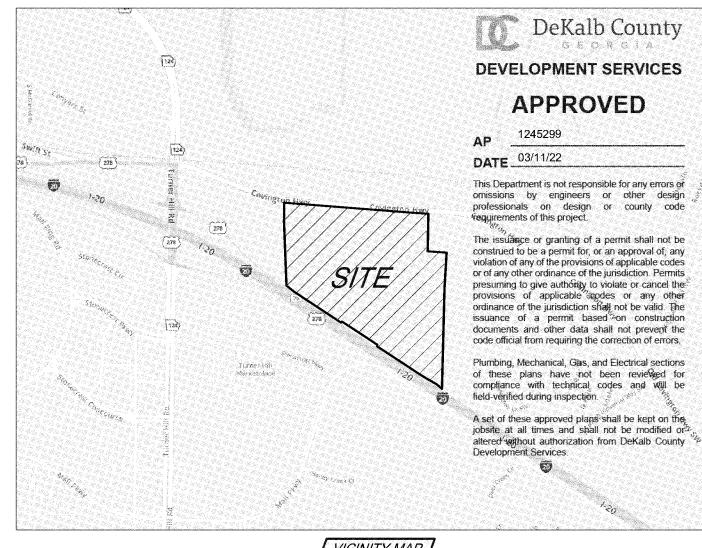
THE SCOPE OF WORK PERFORMED IS TO CREATE A SINGLE

PARCEL BY COMBINING THREE PARCELS

PARCEL ID: 16 183 02 003 ADDRESS: 8361 COVINGTON HIGHWAY LITHONIA, GA 30058

PARCEL ID: 16 183 02 014 ADDRESS: 8461 COVINGTON HIGHWAY LITHONIA, GA 30058

RESULTANT PARCEL ADDRESS PARCEL ID: 16 183 02 003 ADDRESS: 8361 COVINGTON HIGHWAY LITHONIA, GA 30058



VICINITY MAP

(770) 922-6391 Office

TECHNICAL SURVEY SERVICE

1641 Autumn Blvd, SW Conyers, Georgia 30012

Orig Bndy: 11/13/20 Field Date:9/13/202 Plat Date: 9/16/202

**Scale:** 1" = 100'

- 1. RECEIVING WATERS IS HONEY CREEK/ PLUNKETT
- 2. THERE ARE NO BURY PITS ON THIS SITE. 3. ELECTRIC SERVICE TO BE BELOW GROUND.
- 4. WATER SERVICE WILL BE PROVIDED BY DEKALB SEWER SERVICE WILL BE PROVIDED BY DEKLAB
- COUNTY 5. A 75 FT TRIBUTARY WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB
- COUNTY OR GEORGIA E.P.D. 6. THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS
- REGARDING WETLANDS. 7. STREAM BUFFERS ARE MEASURED FROM THE EDGE OF WRESTED VEGETATION

OWNER'S CERTIFICATION: State of Georgia: County of Dekalb:

The owner of the land shown on this plat and whose name is subscribed hereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey and dedicates to the use of the public forever all streets, alley, parks, other public improvements, easements, and public places thereon shown for the purposes and considerations therein expressed.

er: // Wyw. Date: March 8, 2022

By: Euphoric Ventures, LLC

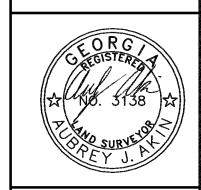
Title: \_Member/President

SURVEYOR'S CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in Section 15-6-67.

Aubrey J. Akin, R.L.S. #3138

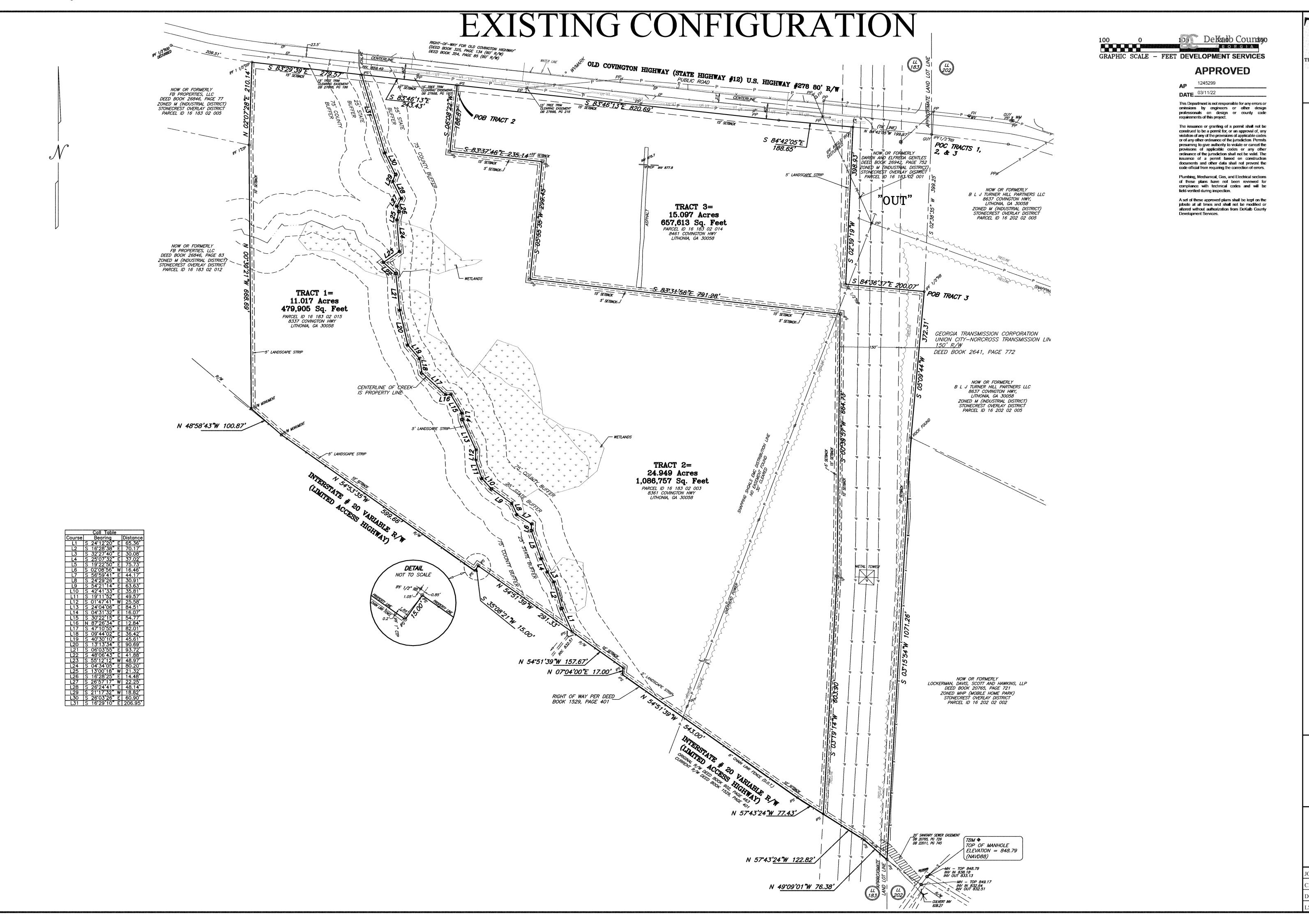
\_September 16, 2021\_



SHEET 1 OF 3

JOB #: 2020-726 CRD: YORK

DWG: 2020-726 YORK





TECHNICAL SURVEY SERVICES
Land Surveyors 1641 Autumn Blvd, SW Conyers, Georgia 30012 (770) 922-6391 Office

www.tss-atl.com

COMBINATION VENTURES **PHORIC** 

SHEET 2 OF 3

JOB #: 2020-726 CRD: YORK

DWG: 2020-726 YORK

FECHNICAL SURVEY SERVICE 1641 Autumn Blvd, SW Conyers, Georgia 30012

(770) 922-6391 Office

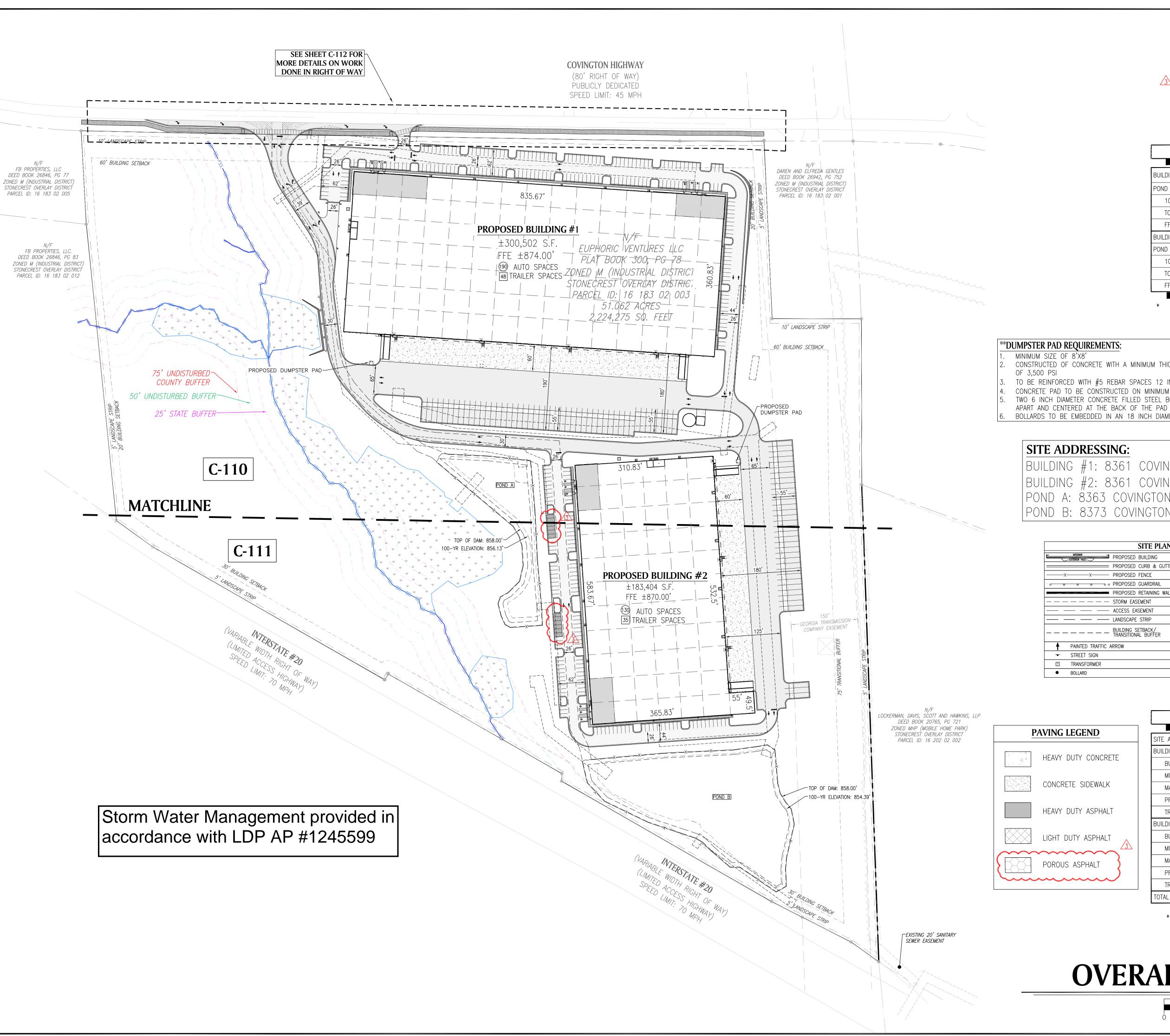
www.tss-atl.com

ENTURES

SHEET 3 OF 3

JOB #: 2020-726

CRD: YORK DWG: 2020-726 YORK





DEVELOPMENT SERVICES

SEE SHEET C-004 FOR GEORGIA TRANSMISSION

COMPANY ENCROACHMENT AGREEMENT partment is not responsible for any

The issuance or granting of a permit sha not be construed to be a permit for, or an approva of, any violation of any of the provisions of applicable codes **PONDS DATA** POND A: Plumbing, Mechanical, Gas, and Electrical se of these plans have not been reviewed for compliance with technical codes and will be field-verified during inspection 100-YR PONDING ELEVATION TOP OF DAM FFE/100-YR ELEV. DIFFERENCE jobsite at all time\$ 7ar817sl BUILDING 2 FFE: POND B: 100-YR PONDING ELEVATION TOP OF DAM 858.00' FFE/100-YR ELEV. DIFFERENCE

\* SEE SHEETS C-210 & C-211 FOR ADDITIONAL POND INFORMATION

### \*\*DUMPSTER PAD REQUIREMENTS:

- CONSTRUCTED OF CONCRETE WITH A MINIMUM THICKNESS OF 6 INCHES AND A MINIMUM COMPRESSIVE STRENGTH
- TO BE REINFORCED WITH #5 REBAR SPACES 12 INCHES ON CENTER BOTH DIRECTIONS
- CONCRETE PAD TO BE CONSTRUCTED ON MINIMUM OF 4 INCHES OF GRADED AGGREGATE BASE (GAB) TWO 6 INCH DIAMETER CONCRETE FILLED STEEL BOLLARDS, A MINIMUM OF 3 FT TALL SHOULD BE SPACED 4 FT
- BOLLARDS TO BE EMBEDDED IN AN 18 INCH DIAMETER CONCRETE FOOTER TO A MINIMUM DEPTH OF 3 FT

### **SITE ADDRESSING:**

BUILDING #1: 8361 COVINGTON HIGHWAY BUILDING 100 BUILDING #2: 8361 COVINGTON HIGHWAY BUILDING 200 POND A: 8363 COVINGTON HIGHWAY POND B: 8373 COVINGTON HIGHWAY

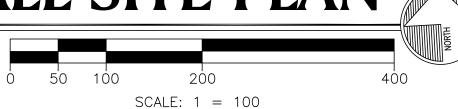
	INTERIOR	PROPOSED BUILDING						EXISTING CURB & GUTTER
	EXTERIOR FACE	PROPOSED CURB & GUTTER		—X—		X		EXISTING FENCE
X-	X	PROPOSED FENCE		0			0	EXISTING GUARDRAIL
0 0	0 0 00	PROPOSED GUARDRAIL						EXISTING RIGHT-OF-WAY
		PROPOSED RETAINING WALL						EXISTING ROAD CENTERLINE
		STORM EASEMENT						EXISTING RETAINING WALL
		ACCESS EASEMENT						LAND LOT LINE
		LANDSCAPE STRIP						SITE BOUNDARY LINE
		BUILDING SETBACK/ TRANSITIONAL BUFFER						ADJACENT PROPERTY LINE
— — — — — TRANSITIONAL BUFFER							EXISTING SS EASEMENT	
<b>†</b>	PAINTED TRAFFIC	ARROW						EXISTING POWER EASEMENT
•	STREET SIGN		. (		$\overline{\gamma}$	$\overline{\gamma}$	<u> </u>	EXISTING TREELINE
Τ	TRANSFORMER				==		=	STREAM TOP OF BANK
•	BOLLARD							STREAM CENTERLINE

PAVING LEGEND				
	HEAVY DUTY CONCRETE			
	CONCRETE SIDEWALK			
	HEAVY DUTY ASPHALT			
	LIGHT DUTY ASPHALT			
	POROUS ASPHALT			
AND SERVICE STREET, ST	and the second of the second o			

SITE ANALYSIS		
SITE AREA:	±51.06 ACRES	
BUILDING #1:	±300,502 S.F.	
BUILDING HEIGHT	50 FT	
MIN. REQUIRED AUTO SPACES	120 SPACES	
MAX. REQUIRED AUTO SPACES	600 SPACES	
PROVIDED AUTO SPACES	190 SPACES	
TRAILER SPACES	48 SPACES	
BUILDING #2:		
BUILDING HEIGHT	45 FT	
MIN. REQUIRED AUTO SPACES	74 SPACES	
MAX. REQUIRED AUTO SPACES	368 SPACES	
PROVIDED AUTO SPACES	130 SPACES	
TRAILER SPACES	35 SPACES	
TOTAL BUILDING AREA:	±483,906 S.F.	

\* BASED OFF MINIMUM AND MAXIMUM PARKING REQUIREMENTS FOR A WAREHOUSE/DISTRIBUTION FACILITY (DEKALB COUNTY CODE OF ORDINANCE)

OVERALL SITE PLAN



PROJECT:

### COVINGTON HIGHWAY **INDUSTRIAL**

LAND LOTS 183 & 202 16TH DISTRICT UNINCORPORATED DEKALB COUNTY, GEORGIA 8361 COVINGTON HIGHWAY LITHONIA, GA 30058

### **EUPHORIC VENTURES LLC**

5555 GLENRIDGE CONNECTOR SUITE 1100 ATLANTA, GA 30342



COA-PEF001716 • EXP. - 6/30/2024

### **REVISIONS**

<b>\</b> L	771516145		
1	06.06.22	COUNTY COMMENT	īS
2	07.20.22	COUNTY COMMENT	S
3	09.06.22	COUNTY COMMENT	S



Know what's **below. Call** before you dig.

24 HR EMERGENCY CONTACT MR. AUSTIN BRANNEN 678-612-6111

03.08.22

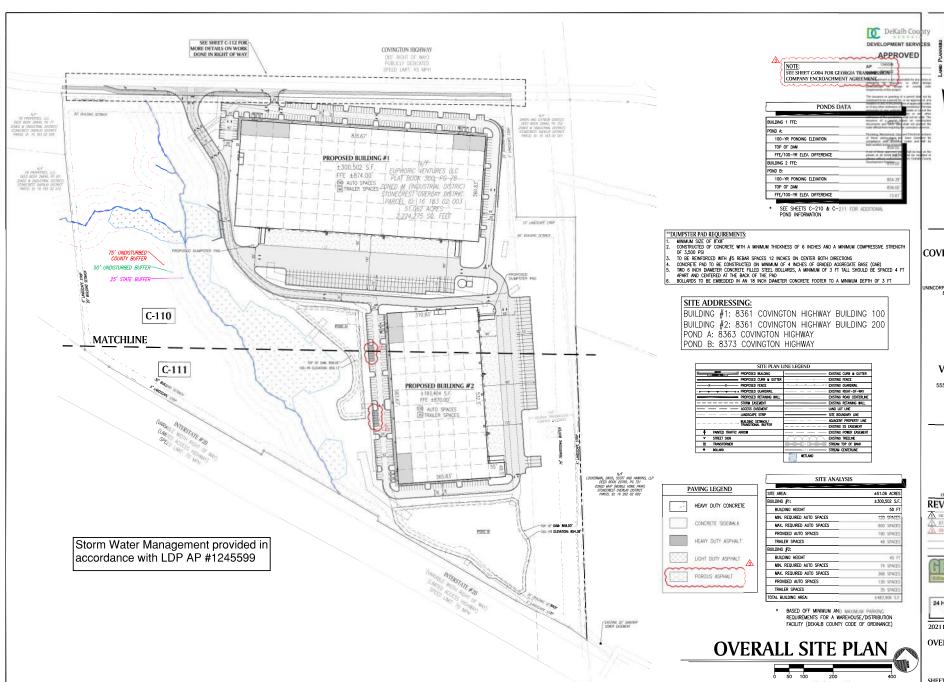
2021107s.dwg

**OVERALL SITE PLAN** 

**C-100** 

**SHEET** 

# Parcel ID: 1620202005 (16 Acres) (920) 60' FRONT BSL 220,000 SF Light Industrial Building (900)



PAULSON MITCHEL

PROJECT:

#### COVINGTON HIGHWAY INDUSTRIAL

LAND LOTS 183 & 202 16TH DISTRICT CORPORATED DEKALB COUNTY, GEORGIA 8361 COVINGTON HIGHWAY LITHONIA, GA 30058

FOR:

#### **EUPHORIC** VENTURES LLC

5555 GLENRIDGE CONNECTOR ATLANTA, GA 30342



REVISIONS



24 HR EMERGENCY CONTACT MR. AUSTIN BRANNEN 678-612-6111

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OVERALL SITE PLAN

C-100 SHEET

#### **Legal Description**

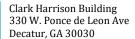
#### **Overall Tract**

All that tract or parcel of land lying and being in Land Lots 183 and 202 of the 16th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at a 1/2"rebar found at the intersection of the western Land Lot Line of Land Lot 202 and the southerly Right of Way of Old Covington Highway, also known as State Highway #12 and U.S. Highway #278 (80' R/W); thence running along the southerly Right of Way of Old Covington Highway the following courses: South 82° 37' 38" East a distance of 196.35 feet to a point; thence running along a curve to the right an arc length of 414.48 feet, (said curve having a radius of 907.60 feet, with a chord bearing of South 66° 49' 28" East, and a chord length of 410.88 feet) to a point; thence South 51° 52' 19" East a distance of 519.93 feet to a 1/2" rebar found; thence leaving said Right of Way of Old Covington Highway; thence South 31° 01' 05" West a distance of 683.74 feet to a 3/4" crimp top pipe found; thence North 64° 32' 22" West a distance of 754.28 feet to a rock found on the western Land Lot line of Land Lot 202; thence running along said Land Lot Line South 03° 15' 54" West a distance of 1071.26 feet to an iron pin set at the intersection of said Land Lot Line and the northeasterly Right of Way of Interstate #20 (variable Right of Way); thence running along said northeasterly Right of Way of Interstate #20 North 49° 09' 01" West a distance of 76.38 feet to an iron pin set; thence continuing along said northeasterly Right of Way of Interstate #20 North 57° 43' 24" West a distance of 122.82 feet to an iron pin set at the intersection of the northeasterly Right of Way of Interstate #20 and the western Right of Way of the 150 foot wide Georgia Transmission Corporation Union City- Norcross Transmission Line; thence continuing along said Right of Way of Interstate 20 the following courses: North 57° 43' 24" West a distance of 77.43 feet to an iron pin set; thence North 54° 51' 39" West a distance of 543.00 feet to an iron pin set; thence North 07° 04' 00" East a distance of 17.00 feet to an iron pin set; thence North 54° 51' 39" West a distance of 157.67 feet to an iron pin set; thence North 54° 51' 39" West a distance of 291.33 feet to an iron pin set; thence South 35° 08' 21" West a distance of 15.00 feet to an iron pin set; thence North 54° 53' 35" West a distance of 599.66 feet to a Right of Way monument; thence North 48° 58' 43" West a distance of 100.87 feet to a Right of Way monument thence leaving said Right of Way of Interstate #20; thence North 00° 30' 21" West a distance of 668.69 feet to a 1" crimp top pipe; thence North 02° 07' 28" East a distance of 210.14 feet to a 1 1/2" open top pipe on the southerly Right of Way of Old Covington Highway, also known as State Highway #12 and U.S. Highway #278 (80' Right of Way); thence running along the said Right of Way of Old Covington Highway the following courses: South 83° 29' 39" East a distance of 279.57 feet to an iron pin set; thence North 83° 46' 13" West a distance of 243.43 feet to an iron pin set; thence South 83° 46' 13" East a distance of 820.69 feet to a point; thence continuing along said Right of Way of Old Covington Highway South 84° 42' 05" East a distance of 188.65 feet to an angle iron found disturbed; thence leaving said Right of Way of Old Covington Highway South 02° 39' 19" West a distance of 398.93 feet to a 1/2" rebar found; thence South 84° 36' 37" East a distance of 200.07 feet to a 1/2" rebar found; thence North 02° 38' 35" East a distance of 399.25 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING. Said tract contains 67.485 Acres (2,939,642 Square Feet).









Chief Executive Officer
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY** 

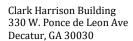
Director

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:HUNTER HIMES Phone: 770 815 1104 _ Email: hunter@euphoricdevelopment.com				
Property Address:8637 Covington Hwy_and others				
Tax Parcel ID: <u>16 202 02 005</u> _ Comm. District(s):5 & 7 Acreage:16.4+				
Existing Use:Vacant Proposed UseTBD				
Supplemental Regs: Overlay District: _Stonecrest Ovd Tier 1 DRI:NA				
<b>Rezoning</b> : YesX No				
Existing Zoning: Proposed Zoning: Square Footage/Number of Units:				
Rezoning Request:Propose to rezone out of the overlay for proposed uses				
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: https://dekalb-mv.sharepoint.com/personal/rlbragg_dekalbcountyga_gov/documents/zoning/pre-apps/8637 covington highway/8637 covington highway/8637 covington highway pre app				





#### **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Possible Vari	ances:		
Comments:			
Planner:	Rachel Bragg Date 02.09.2023 Filing Fees		
REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5 OI, OD, OIT, NS, C1, C2, M, M2	\$500.00 \$750.00 \$750.00	
LAND USE MAP AMENDMENT		\$500.00	
SPECIAL LAND USE PERMIT		\$400.00	

















### **DeKalb County Parcel Map**

Date Printed: 3/13/2023



#### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-Ine maps and date, contained on DeKath County's Geographic Information System (GIS) are subject to constant change. While DeKath County stress to provide a couract and up-builded by the couract of any kind as to the combant, sequence, accuract, timeliness or completeness of any of the database information provided herein. DeKath County explicitly disclaims all representations and warrantes, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKath County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of merchantability and fitness for a particular purpose. In no event shall DeKath County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of merchantability and fitness for a particular purpose. In the maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

