



**DeKalb County Department of Planning & Sustainability**

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

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: September 12, 2023  
Board of Commissioners Hearing Date: September 28, 2023**

**STAFF ANALYSIS**

<b>Case No.:</b>	SLUP-23-1246545	<b>Agenda #:</b> 2023-0875
<b>Address:</b>	3003 Chamblee-Tucker Road & 2936 Mercer University Drive	<b>Commission District:</b> 01 <b>Super District:</b> 07
<b>Parcel ID(s):</b>	18-283-04-001, 18-266-05-014	
<b>Request:</b>	Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within the O-I (Office Institutional) Zoning District.	
<b>Property Owner(s):</b>	Sid Tejpaul	
<b>Applicant/Agent:</b>	Battle Law, P.C.	
<b>Acreage:</b>	5.39	
<b>Existing Land Use:</b>	Regional Center	
<b>Surrounding Properties:</b>	North: MR-1, M East: C-1, NS South: O-I West: R-100	
<b>Comprehensive Plan:</b>	Regional Center	
	Consistent <b>X</b>	Inconsistent

**Staff Recommendation: Approval with Conditions.**

The applicant, Sid Tejpaul c/o Battle Law P.C., is seeking a special land use permit (SLUP) to redevelop an existing office building into a multi-family residential apartment building with newly constructed townhomes. Since the September 12<sup>th</sup> Planning Commission Meeting, the Applicant has addressed Staff’s concerns regarding open space, accessibility, and connection the Northfork Peachtree Creek Greenway expansion. The applicant has done so by incorporating streetscape designs such as sidewalks, relocating the gym, reducing the townhome units from thirteen (13) to seven (7), and work with DeKalb County to connect to the Greenway per condition 2. The proposed development includes thirty-seven (37) units and now seven (7) townhomes. Currently, the space is vacant but previously operated as an office building.

The subject property is located in a Regional Center (RC) activity center and more specifically, is a part of the *Presidential Parkway Regional Center, Edge District 1*. According to the *2050 Unified Plan*, there should be an appropriate transition between more intense mixed-use development and low density single-family residential uses. The proposal can serve as a transition parcel between such uses. The proposed multi-family and townhome development advances the policies of the *2050 Unified Plan*, being located at the “Edge” of the RC Character Area which include pedestrian connections internal to the site and provision of open space. It is recommended to incorporate street trees throughout the parking lot and plantings within the park.

The *2050 Unified Plan* specifies that the primary land use of *Edge District 1* is to provide multifamily housing up to 24 du/acre and no more than 4 stories (pg.183). The proposed development is multi-family housing at 8 du/acre and 3 stories. The intent of a RC is to “Promote the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage” (pg. 31). As presented, the site plan seems to provide access to connection points such as the gym, central park, and the future Greenway expansion (per condition 2). Although the current site plan could be improved to clarify where the Greenway will be located, the expansion is set to run adjacent along the western edge of the subject site. Given the proximity to the proposed Greenway expansion and Mercer University, there should be consideration for bike racks, which are not displayed on the site plan and further encourage non-vehicular traffic.

The subject site presents some difficulties. A significant portion of the northwest side of the site is within an “X” and “AE” classified flood zone. The County Land Development Division has supplied comments in connection with the high-risk flood plain, proposed gym location, tree removal within the flood and/or stream buffer, as well as a secondary access point (see attached). Community Council District One (1) shared concern regarding the condition of the bridge on Mercer University Drive directly south of the subject property. The bridge is a part of DeKalb County’s Trail Comprehensive Study as well as the 2050 Comprehensive Transportation Program (CTP). It appears that Phase 3 (around the project area) will be started in 7-12 years. The applicant has not met all requirements set forth in *Section 5.4.3 Streetscape Elements and Dimensions*. Specifically, requirements for the required sidewalk and landscape strip dimensions. There may be difficulty meeting these requirements because of the flood plain and easements limiting the necessary space for the landscape strips and sidewalks. Variance(s) may be needed.

As proposed, the applicant has not included plans to incorporate any variety of uses other than residential. However, the site is located on the “Edge” of the Core RC and adjacent to single-family properties which may be more fit for residential-only rather than a mix of uses.

Furthermore, the *Unified Plan* also specifies because this area borders existing single-family properties, developments should be used for smaller multi-family residential developments, which the applicant has shown. Staff understands the potential of the subject property being adjacent to Mercer University, Greenway, and serving as a transitional “Edge” between a Core RC and single-family residential. Therefore, upon review of Section 7.4.6 of the *Zoning Ordinance*, Staff recommends Approval with the following conditions:

1. The Applicant shall submit an updated site plan to the planning staff showing all required open space calculations, streetscape requirements, sidewalks, and landscape strips prior to the issuance of a land disturbance permit. The Applicant may need to seek variances to satisfy these requirements.
2. The Applicant agrees to work with DeKalb County, in good faith on an easement, or other transaction, to accommodate the Northfork Peachtree Creek Greenway trail.



# Battle Law

## Proposed Conditions for 3003 Mercer University Drive

The planning staff recommends approval of the Applicant's application for a Special Land Use Permit to allow the conversion of an office building into a high-rise apartment building subject to the following conditions:

1. The Applicant shall submit an updated site plan to the planning staff showing all required open space calculations, streetscape requirements, sidewalks, and landscape strips prior to the issuance of a land disturbance permit. The Applicant may need to seek variances to satisfy these requirements.
2. The Applicant agrees to work with DeKalb County, in good faith on an easement, or other transaction, to accommodate the Northfork Peachtree Creek Greenway trail.



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

**COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER**

Case No.: \_\_\_\_\_ Parcel I.D. #: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WATER:**

Size of existing water main: \_\_\_\_\_ (adequate/inadequate)

Distance from property to nearest main: \_\_\_\_\_ Size of line required, if inadequate: \_\_\_\_\_  
\_\_\_\_\_

**SEWER:**

Outfall Servicing Project: \_\_\_\_\_

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

Water Treatment Facility: \_\_\_\_\_ adequate \_\_\_\_ inadequate \_\_\_\_

Sewage Capacity: \_\_\_\_\_ (MGPD) Current Flow: \_\_\_\_\_ (MGPD)

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

8/15/2023

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

General Comments:

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

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

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

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

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

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

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

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

## DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/15/2023

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N4-2023-0874

15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008  
& 15-158-02-009

4127,4139,4147,4149,4163 & 4173 Maplewood Drive, Decatur, GA 30035

Amendment

- Please review general comments.
- Septic installed at 4163 Maplewood Drive on 2/20/2010
- Septic installed at 4173 Maplewood Drive on 09/16/1969 and repairs on 09/16/1969
- Septic installed at 4147 Maplewood Drive on 04/21/1989

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N5-2023-0875

SLUP-23-1246545 18-283-04-001, 18-266-05-014

3003 Chamblee-Tucker Road & 2936 Mercer University Drive, Chamblee, GA 30341

Amendment

- Please review general comments.
- Surrounding area on septic 2889,2898 and 3154. Please note we have no record. Property may be on septic.

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N6-2023-0876

SLUP-23-1246546 16-126-02-068

1480 South Deshon Road, Lithonia, GA 30058

Amendment

- Please review general comments.
- Surrounding area indicated to have septic installed: 1450, 1451, 1388, 1500.

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N7-2023-0877

CZ-23-1246550 16-102-01-001

6290 Saylor Park, Lithonia, GA 30058

Amendment

- Please review general comments.

**Zoning Comments September 2023**

**N1: 3137 Weslock Circle -**  
No Comments.

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**N2 & N3: 7566 Union Grove Road –**  
No Comments.

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**N4: 4127, 4139, 4147, 4149, 4163 & 4173 Maplewood Drive –**  
Maplewood Drive is classified as a collector.

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**N5: 3401 Rainbow Drive –**  
Mercer University Drive is classified as minor arterials and a collector. 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 with 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path. Street Lighting required. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)) No poles may remain within the limits of the path/sidewalk. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Ensure there is pedestrian connectivity between the proposed development and the public sidewalk infrastructure. Ensure that the access points meet the minimum sight distance standards per AASHTO. Note required confirming sight distance on plans at Land Disturbance Permit phase.

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**N6: 1480 South Deshon Road –**  
No Comments.

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**N7: 6290 Sayler Park –**  
No Comments.



**DeKalb County School District  
Development Review Comments**

Analysis Date: 8/2/2023

**Submitted to:** DeKalb County

**Case #:** SLUP-23-1246545

**Parcel #:** 18-283-04-001, 18-266-05-014

**Name of Development:** 3003 Chamblee Tucker Rd & 2936 Mercer University Dr

**Location:** Office complex at northeast corner of Chamblee Tucker Rd and Mercer University Dr

**Description:** Current office building to be converted into 47 residential apartments plus 13 townhomes to be constructed in the current parking lot.

**Impact of Development:** When fully constructed, this development would be expected to generate 7 students: 4 at Henderson Mill Elementary, 2 at Henderson Middle School, 1 at Lakeside High School, 0 at other DCSD schools, and 0 at private school. Enrollment at Henderson Mill and Lakeside is over capacity, but the impact of this development is expected to be small. Because of the weight restriction on the bridge, school buses will need to be able to turn around on-site.

Current Condition of Schools	Henderson	Henderson	Lakeside	Other DCSD	Private	Total
	Mill Elementary	Middle School	High School	Schools	Schools	
Capacity	504	1,590	1,705			
Portables	7	0	11			
Enrollment (Oct. 2022)	505	1,363	2,147			
Seats Available	-1	227	-442			
Utilization (%)	100.2%	85.7%	125.9%			
<b>New students from development</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>7</b>

New Enrollment	509	1,365	2,148			
New Seats Available	-5	225	-443			
New Utilization	101.0%	85.8%	126.0%			

Yield Rates	Attend	Attend other	Private	Total
	Home School	DCSD School	School	
Elementary	0.0626	0.0042	0.0006	0.0674
Middle	0.0248	0.0028	0.0006	0.0282
High	0.0200	0.0030	0.0006	0.0236
<b>Total</b>	<b>0.1074</b>	<b>0.0100</b>	<b>0.0018</b>	<b>0.1192</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	60			
	Mixed			
<b>Unit Type</b>				
	Lakeside High School			
<b>Cluster</b>				
Units x Yield	Attend	Attend other	Private	Total
	Home School	DCSD School	School	
Elementary	3.75	0.25	0.04	4.04
Middle	1.49	0.17	0.03	1.69
High	1.20	0.18	0.04	1.42
<b>Total</b>	<b>6.44</b>	<b>0.60</b>	<b>0.11</b>	<b>7.15</b>
Anticipated Students	Attend	Attend other	Private	Total
	Home School	DCSD School	School	
Henderson Mill Elementary	4	0	0	4
Henderson Middle School	2	0	0	2
Lakeside High School	1	0	0	1
<b>Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

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

**DEVELOPMENT ANALYSIS:**

- **Transportation/Access/Row**

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- **Storm Water Management**

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- **Flood Hazard Area/Wetlands**

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- **Landscaping/Tree Preservation**

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- **Tributary Buffer**

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- **Fire Safety**

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COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-23-1246545 Parcel I.D. #: 18-266 05 014  
18-283. 04 001

Address: 3003 Chamblee Tucker Road + 2936 Mercer University Drive Chamblee, Ga. 30341  
Chamblee, Georgia 30041

Adjacent Roadway (s):

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

I did not see any traffic engineering concerns at this time.

Signature: Jessica P. [Signature]



DeKalb County  
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: \_\_\_\_\_ Application No: \_\_\_\_\_

APPLICANT NAME: Sid Tejpaul c/o Battle Law P.C.

Daytime Phone: 404-601-7616 E-Mail: mlb@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Bldg. J. Suite 100  
Tucker, GA 30084

Owner Name: See attached owner's authorizations  
(If more than one owner, attach contact information for each owner)

Daytime Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

SUBJECT PROPERTY ADDRESS OR LOCATION: 3003 Chamblee-Tucker Road

18 283 04 001 Chamblee, GA DeKalb County, GA 30041

Parcel ID: 18 266 05 014 Acreage or Square Feet: 5.39 Commission Districts: 1 & 7

Existing Zoning: OI Proposed Special Land Use (SLUP): High-rise apartment

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

Owner: \_\_\_\_\_ Agent: X

Signature of Applicant:



## Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100  
Tucker, Georgia 30084

### Zoom Instructions:

Go to <https://battlelawpc.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” . To join by phone, please dial (646) 931-3860. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact  
Mark Schwabacher at:  
Phone: 404-601-7616 ext. 8  
Fax: 404-745-0045  
Email: [mas@battlelawpc.com](mailto:mas@battlelawpc.com)

## NEW DATE

COMMUNITY MEETING TO  
DISCUSS A SPECIAL LAND USE  
PERMIT FOR THE CONVERSION  
OF AN OFFICE BUILDING INTO  
MULTI-FAMILY RESIDENTIAL

Project Title: 3003 Chamblee Tucker  
Road, Atlanta GA 30341

When: June 27, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://battlelawpc.zoom.us/join>

Meeting ID: 894 1947 7747

Passcode: 754548

PROPOSED LOCATION(S):

Parcel Number - 18 283 04 001

LAW YVONNE	3077 STANTONDALE DR	CHAMBLEE GA 30341
ZUCKERMAN MICHAEL	3093 STANTONDALE DR	ATLANTA GA 30341
PRIESTER HARRIET P	3034 STANTONDALE DR	CHAMBLEE GA 30341
BRIDGES CATHERINE	3069 STANTONDALE DR	CHAMBLEE GA 30341
BURGGRAAF DOUGLAS J	1863 FORREST RD	LAWRENCEVILLE GA 30043
BOYD ATLANTA RHODES LLC	P.O. BOX 13470	RICHMOND VA 23225
REGENT CENTRE CONDO ASSOC INC	1874 PIEDMONT AVE NE STE 495-D	ATLANTA GA 30324
MACKEY ANDREW	3033 STANTONDALE DR	ATLANTA GA 30341
STINNETT RICHARD D	3084 MARGAVERA TER	CHAMBLEE GA 30341
BLOCK TOBY F	3044 STANTONDALE DR	CHAMBLEE GA 30341
WAMSLEY JESSICA MICHELLE	3045 STANTONDALE DR	CHAMBLEE GA 30341
MENDOZA JESUS	3061 STANTONDALE DR	CHAMBLEE GA 30341
SHEFFLER DELACRUZ SHEILA M	3068 STANTONDALE DR	CHAMBLEE GA 30341
BEAL ANN C	3052 STANTONDALE DR	CHAMBLEE GA 30341
CORPORATION OF MERCER	1500 MERCER UNIVERSITY DR	MACON GA 31207
LAU JOSEPH	3020 MERCER UNIVERSITY DR # 200	CHAMBLEE GA 30341
BOYD ATLANTA COLUMBIA LLC	P.O. BOX 13470	RICHMOND VA 23225
EVERLAND INC	4029 NOBLEMAN PT	DULUTH GA 30097
CLAY AWET	3076 MARGAVERA TER	ATLANTA GA 30341
PFISTER LAURA D	3068 MARGAVERA TER	CHAMBLEE GA 30341
KWOK WAI MAN	235 PARK CREEK DR	ALPHARETTA GA 30005
LYNCH ISABEL CABALLERO	3084 STANTONDALE DR	ATLANTA GA 30341
RDUS LLC	9675 AUTRY FALLS DR	ALPHARETTA GA 30022
3028 CHAMBLEE TUCKER ROAD LLC	2030 MAIN ST NW # 210	ATLANTA GA 30318
PECK STEVEN	3053 STANTONDALE DR	CHAMBLEE GA 30341
HERNANDEZ RACHEL M	3044 MARGAVERA TER	CHAMBLEE GA 30341
DERMID KRISTIAN K	3060 STANTONDALE DR	ATLANTA GA 30341
GEORGIA DEPT OF TRANSPORTATION	600 W PEACHTREE ST NW	ATLANTA GA 30308
PARK RIDGE EIGHTY-FIVE CONDO	2144 BUFORD HWY STE 110	BUFORD GA 30518
HOFFSPIEGEL BUILDING LLC	2900 CHAMBLEE TUCKER RD BLDG 15	ATLANTA GA 30341
ROZHAVSKY YEVGINE	3060 MARGAVERA TER	CHAMBLEE GA 30341
SHAN JIANFU	3052 MARGAVERA TER	ATLANTA GA 30341
RDUS LLC	9675 AUTRY FALLS DR	ALPHARETTA GA 30022
LYMAN RUTH	3076 STANTONDALE DR	CHAMBLEE GA 30341
GEORGIA DEPT OF TRANSPORTATION	600 W PEACHTREE ST NW	ATLANTA GA 30308
GEORGIA DEPT OF TRANSPORTATION	600 W PEACHTREE ST NW	ATLANTA GA 30308
LIN TAO	2763 JORDAN LN	LITHIA SPRINGS GA 30122
MALESKI SUSAN M	3092 MARGAVERA TER	CHAMBLEE GA 30341
MEHRPAD MOHAMMAD T	3034 MARGAVERA TER	CHAMBLEE GA 30341

## NEW DATE: Notice of Community Meeting

Mark Schwabacher <MAS@battlelawpc.com>

Thu 6/8/2023 10:30 AM

Cc:Michele Battle <mlb@battlelawpc.com>;Josh Mahoney <jsm@battlelawpc.com>  
 Bcc:9371phtr@att.net <9371phtr@att.net>;bwhite.te93@gtalumni.org <bwhite.te93@gtalumni.org>;chaiwon.kim@cpacs.org <chaiwon.kim@cpacs.org>;douggers1979@gmail.com <douggers1979@gmail.com>;ejhanfelt@bellsouth.net <ejhanfelt@bellsouth.net>;ewtingley@gmail.com <ewtingley@gmail.com>;kelmark@comcast.net <kelmark@comcast.net>;kelmark@comcast.net <kelmark@comcast.net>;kmglennt@att.net <kmglennt@att.net>;michael.smith@dunwoodyga.gov <michael.smith@dunwoodyga.gov>;paul.maner@yahoo.com <paul.maner@yahoo.com>;pennhastings@yahoo.com <pennhastings@yahoo.com>;pennhastings@yahoo.com <pennhastings@yahoo.com>;president@tuckercivic.org <president@tuckercivic.org>;respy49779@aol.com <respy49779@aol.com>;russjam2000@yahoo.com <russjam2000@yahoo.com>;Sandymurray@comcast.net <Sandymurray@comcast.net>;thomas.bowen@yahoo.com <thomas.bowen@yahoo.com>;respy49779@aol.com <respy49779@aol.com>;chuckhunt1972@gmail.com <chuckhunt1972@gmail.com>

Hello all,

Due to a conflict with Community Council District 1, we have re-scheduled the below Community Meeting for 3003 Chamblee Tucker Road to Tuesday Jun. 27 at 6pm, to provide an opportunity for all to attend.

Here is the new Zoom information:

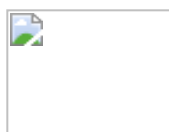
Topic: 3003 Chamblee Tucker Road - Community Meeting  
 Time: Jun 27, 2023 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://battlelawpc.zoom.us/j/89419477747?pwd=MHpkRUtqTmhVSjlLdXpVTTZpU0ZiZz09>

Meeting ID: 894 1947 7747  
 Passcode: 754548

Dial-In  
 +1 646 931 3860 US

Thank you, and I apologize for the inconvenience,



**Mark Schwabacher.**

**(he/him/his)**

Legal Intern

**Phone:** 404-601-7616

**Mobile:** 203-216-3967

**Email:** [mas@battlelawpc.com](mailto:mas@battlelawpc.com)

3562 Habersham at Northlake  
 Bldg. J, Suite 100  
 Tucker, GA 30084

[www.battlelawpc.com](http://www.battlelawpc.com)





## Community Meeting Attendance

Name (Original Name)	User Email	Join Time	Leave Time	Duration (I	Guest	Recording	In Waiting Room
Mark S (Mark Schwabacher)	mas@battlelawpc.com	6/27/2023 17:46	6/27/2023 18:27	42	No		No
bperkins		6/27/2023 18:00	6/27/2023 18:00	1	Yes		Yes
bperkins		6/27/2023 18:00	6/27/2023 18:27	28	Yes	Yes	No
Michele Battle	mlb@battlelawpc.com	6/27/2023 18:04	6/27/2023 18:27	24	No	Yes	No
Jenna Teston		6/27/2023 18:07	6/27/2023 18:07	1	Yes		Yes
Jenna Teston		6/27/2023 18:07	6/27/2023 18:27	20	Yes	Yes	No



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by  
DeKalb Zoning Ordinance  
For  
A Special Land Use Permit for a  
Apartment Building

of

**Sid Tejpaul**  
**c/o Battle Law, P.C.**

for

**+/- 5.39 Acres of Land**  
Being 3003 Chamblee-Tucker Drive  
Chamblee, Georgia and  
Parcel Nos. 18 283 04 001 and 18 266 05 014

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
Habersham at Northlake, Building J, Suite 100  
Tucker, Georgia 300384  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)



# Battle Law

## **I. LETTER OF INTENT**

RDUS LLC (the “Applicant”) is seeking to redevelop an existing vacant office building on +/- 5.39 acres of land being Tax Parcel Nos. 18 283 04 001 and 18 266 05 014, having frontage on 3003 Chamblee-Tucker Road (the “Subject Property”), into a residential apartment building with thirteen townhomes. The Applicant is seeking a Special Land Use Permit to allow the existing office building to be used as a residential apartment and to allow for thirteen townhomes to be constructed in the existing parking area.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County zoning ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

## **II. SPECIAL LAND USE IMPACT ANALYSIS; SEC 27-7.4.6**

**A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The 5.39 acre site is large enough to encompass the existing office space, thirteen townhomes, and sufficient parking without any intrusion into the buffer zones already on the property. The proposed site plan requires only a special land use permit for the proposed residential use and the Applicant is not requesting any variances at this time.

**B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed residential use of the Subject Property is not expected to cause noise, smoke, odor, dust, or vibration. Adding sixty residences to the Subject Property will cause a slight increase in traffic, but the traffic is unlikely to exceed the traffic that used to be on the site when it was an active office space.

**C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.**

The site is served by adequate utilities to serve the proposed residential uses that were maintained as part of the previous office use.

**D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**



## Battle Law

The Subject Property has primary access to Mercer University Drive, which is a collector class road equipped to handle traffic associated with residential use. Additionally, the Subject Property is located approximately 0.3 miles from I-85, so longer distance traffic has a convenient path from the Subject Property to the highway system without burdening local roads.

**E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.**

The Subject Property is currently served by one main access point off of Mercer University Drive. The Applicant is not requesting any variances into the stream buffer zone on the property, leaving space available for the proposed North Fork Peachtree Creek Greenway. Creating new residences near the proposed Greenway will allow additional people to enjoy that pedestrian access. Fire and emergency access is available to the Subject Property directly through Mercer University Drive.

**F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.**

The proposed residential use of the Subject Property will not have hours of operation different from the nearby residential uses.

**G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

Besides the special land use permit, the proposed use meets all other requirements of the OI zoning district.

**H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.**

The proposed use advances the policies of the comprehensive plan. According to the 2050 Unified Plan, the Subject Property is part of the Presidential Parkway Regional Center, Edge District 1. The plan specifies that the preferred intent of Edge District 1 is to provide multi-family housing up to 24 du/acre and no more than 4 stories. The proposed development is multi-family housing at 11 du/acre and 3 stories. Granting the Special Land Use Permit will advance the goals of the Presidential Parkway Regional Center by supplying needed housing and generating new tax dollars from a property that is currently underutilized.

**I. Whether there is adequate provision of refuse and service areas.**

The Site Plan provides adequate facilities for refuse handling.



## Battle Law

**J. Whether the length of time for which the Special Land Use Permit is granted should be limited in duration.**

The length of time for which the Special Land Use Permit is granted should not be limited in duration. The intended residential use is expected to be indefinite.

**K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.**

The largest structure included on the Applicant's site plan already exists, so the building height will not create any new shadow impacts on adjoining lots. The proposed new townhomes are separated from neighboring residences by an existing vegetative buffer of mature trees, limiting any shadow impacts related to height.

**L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

The Applicant has no knowledge of any historic buildings, sites, districts, or archeological resources on the Subject Property.

**M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

There are no supplemental criteria in Sec. 7.4.7 for this Special Land Use Permit.

**N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.**

Due to limited attendance at the first community meeting held 6/27/23, the Applicant will be hosting another community to ensure that the community's views are heard and included.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a Special Land Use Permit for a residential building be approved. The Applicant welcomes any questions and feedback from the planning staff.

### **IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS**



## Battle Law

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 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 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 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,



## Battle 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.

---

Michele L. Battle, Esq.  
Attorney for the Applicant



DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 6-23-2023

TO WHOM IT MAY CONCERN:

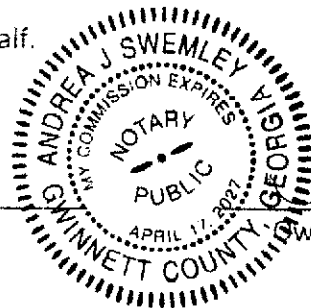
(I), (WE) ATOSH BHARDWAT (Member KPP Investments)  
Name of owners(s) (if more than one owner, attach a separate sheet)

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

SID TEJPAUL

Name of Agent or Representative

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



Andrea J. Swemley  
Notary Public

Atosh Bhardwaj  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner





DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes \_\_\_\_\_ No  /  \*

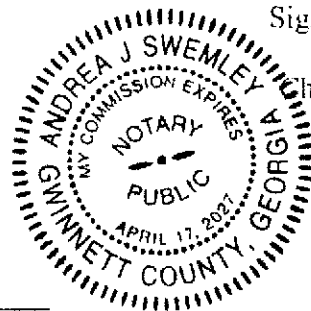
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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

Handwritten signature of Andrea J. Swemley, Notary

Handwritten signature of Mihir Bhattacharya, Signature of Applicant /Date



Check one: Owner  Agent \_\_\_\_\_

Handwritten date: April 17, 2017

Expiration Date Seal

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



DeKalb County

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: June 23, 2023

TO WHOM IT MAY CONCERN:

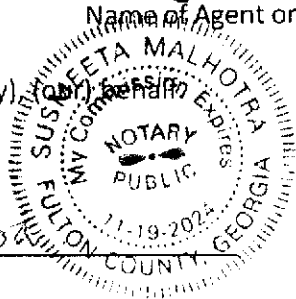
(I), (WE) Ranjan Raj  
Name of owners(s) (if more than one owner, attach a separate sheet)

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

Sid Tejpal

Name of Agent or Representative

to file an application on (my) behalf



Susmeeta Malhotra

Notary Public

Ranjan Raj

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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Yes \_\_\_\_\_ No X \*

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

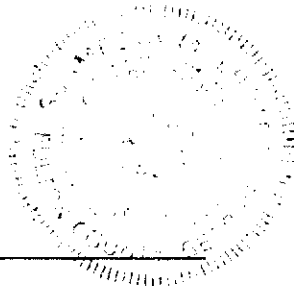
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Susmeeta Mulla  
Notary

Rajiv Koj June 23, 2023  
Signature of Applicant /Date

Check one: Owner  Agent \_\_\_\_\_



exp 11-19-2024  
Expiration Date/ Seal

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



DeKalb County

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: June 23, 2023

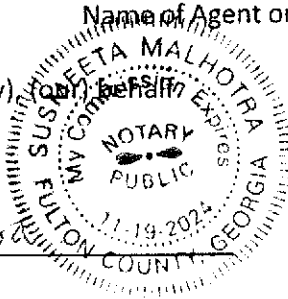
TO WHOM IT MAY CONCERN:

(I), (WE) Ranjan Raj (Member RPS Legacy, LLC)  
Name of owners(s) (If more than one owner, attach a separate sheet)

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

Name of Agent or Representative

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



Susmeeta Malhotra

Notary Public

Ranjan Raj

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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Yes \_\_\_\_\_ No X \*

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

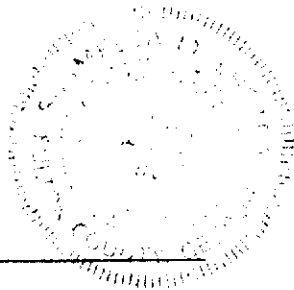
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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Sumeeta Mallikarjuna  
Notary

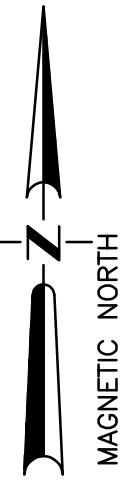
Pragna Raj June 23, 2023.  
Signature of Applicant /Date

Check one: Owner  Agent \_\_\_\_\_



exp 11-19-2024  
Expiration Date/ Seal

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



### LEGEND

R/W	RIGHT OF WAY	FES	FLARED END SECTION
WM	WATER METER	JB	JUNCTION BOX
B/L	BUILDING LINE	HW	HEADWALL
P	PROPERTY LINE	CL	CENTER LINE
A	FIRE HYDRANT	DR	DRAINAGE DIRECTION
V	VALVE	HN	HOUSE NUMBER
WM	WATER MAIN	IPF	IRON PIN FOUND
MH	MANHOLE	IP	IRON PIN SET
S	SEWER LINE	E	ELECTRIC POWER
DE	DRAINAGE EASEMENT	R	RADIUS OF CURVATURE
SE	SEWER EASEMENT	CB	DOUBLE WING CATCH BASIN
G	GAS LINE	CB	SINGLE WING CATCH BASIN
PP	POWER POLE	PP	POWER POLE
N&C	NAIL IN CAP	A	ARC OF CURVE
LP	LIGHT POLE	INV	INVERT
EE	EXISTING ELEVATION	DI	DROP INLET
RB	REBAR	PE	PROPOSED ELEVATION
O.T.P.	OPEN TOP PIPE	POB	POINT OF BEGINNING

### General Notes:

SURVEY AS PER IRON PINS FOUND DEED BOOK 6496, PAGE 28, SURVEY FOR UNIVERSITY OFFICE PARK PREPARED BY EARTH PRO LAND SURVEYORS DATED SEPTEMBER 28, 2017 AND REVISED DECEMBER 2, 2017. AND OTHER REFERENCES AS NOTED HEREON

THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND PROPERTY IS SUBJECT TO ALL MATTERS OF TITLE. SEWER EASEMENT AND DRAINAGE EASEMENT TAKEN FROM SURVEY BY EARTH PRO-SEE ABOVE NOTE.

SAID DESCRIBED PROPERTY IS LOCATED WITHIN A FLOOD ZONE DESIGNATION "X" AND "AE" BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO 13089C0019K, WITH A DATE OF IDENTIFICATION OF 8/15/2019, FOR COMMUNITY NUMBER 130065, IN DEKALB COUNTY, STATE OF GEORGIA WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

NO EVIDENCE OF RECENT WORK ON SUBJECT PROPERTY PROPERTY IS VACANT

PROPERTY HAS DIRECT ACCESS TO MERCER UNIVERSITY DRIVE, A PUBLIC RIGHT OF WAY.

**CHAMBLEE TUCKER RD  
R/W VARIES**

10' S.S.E.  
DEED BOOK 1399, PAGE 66  
DEED BOOK 1477, PAGE 665  
DEED BOOK 1479, PAGE 543

10' S.S.E.  
DEED BOOK 1997,  
PAGE 260

**SURVEY DATA.**  
95% OF THE DATA SHOWN FOR THIS PLAT WAS OBTAINED UTILIZING GPS. IT INCLUDES ALL HORIZONTAL AND VERTICAL CONTROL POINT INFORMATION. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A CARLSON BRX7 WITH A CARLSON RT4 TABLET AND A TOPCOM GT 1003 ROBOTIC TOTAL STATION. THE TECHNIQUE WAS RTK CORRECTED MEASUREMENTS. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED ON THIS SURVEY WERE 0.06 FEET HORIZONTALLY AND 0.03 VERTICALLY AT THE 95% CONFIDENCE LEVEL.

FIELD WORK COMPLETED ON APRIL 25, 2023

SURVEY BEARINGS WERE ROTATED TO GEORGIA WEST STATE PLANE COORDINATE SYSTEM USING 1983 DATUM AND VERTICAL DATUM OF 1988.

THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 29,857 FEET.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND NO WARRANTIES EXTEND TO ANY UNNAMED PERSON WITHOUT A RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON

COPYRIGHT 2023 DIVERSIFIED TECHNICAL GROUP, LLC  
THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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 O.C.G.A. Section 15-6-67

J. Scott Smith  
4/25/23  
DATE



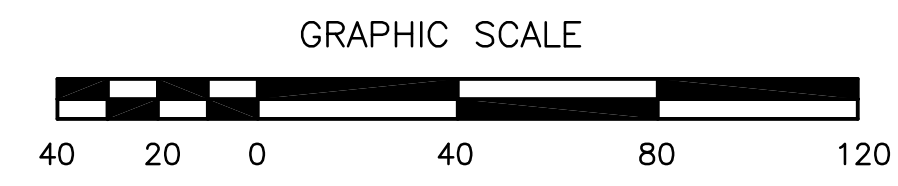
NOW OR FORMERLY  
BOYD ATLANTA RHODES LLC  
DEED BOOK 27008, PAGE 119  
ZONED-OI

NOW OR FORMERLY  
RDUJ, LLC  
&  
RPS LEGACY, LLC  
DEED BOOK 27970, PAGE 665  
ZONED-OI

GEORGIA POWER EASEMENT  
DEED BOOK 6865, PAGE 435

NOW OR FORMERLY  
JOSEPH LAU  
DEED BOOK 18432, PAGE 113  
ZONED OI

**MERCER UNIVERSITY DRIVE  
R/W VARIES**



REVISIONS	
NO.	DESCRIPTION

**DIVERSIFIED TECHNICAL GROUP, L.L.C.**  
LAND SURVEYORS - LAND PLANNERS  
Land Surveying Firm License# 587  
2700 BRASELTON HIGHWAY  
SUITE 10-430  
Dacula, Georgia 30019  
PH. 770-614-7085  
EMAIL: dtg@diversifiedgroup.com



**Boundary and As-Built Survey  
Sid Teipaul**  
LAND LOTS(S): 283, 266  
DISTRICT: 18  
DEKALB COUNTY, GEORGIA

DATE 4/25/23 DRAWN J.S.S. CHECKED J.S.S.  
SCALE 1" = 40'  
SHEET TITLE

**Boundary  
As-Built**

PROJECT NUMBER  
**23155**  
**1**  
DRAWING NUMBER








# Exhibit "A" Legal Description


All that tract of land in land lot in DeKalb County, in the state of Georgia with an address known as 3003 Chamblee Tucker Road Atlanta GA 30341 with a tax ID number of 18-283-04-001

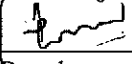
### RUTGERS BUILDING

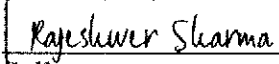
All that tract or parcel of land, lying and being in Land Lots 266 and 283 of the 18th District of DeKalb County, Georgia, being more particularly described as follows:

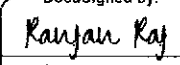
Commence at the intersection of the northeasterly right-of-way line of Mercer University Drive (formerly Flowers Road) (variable R/W), with the southeasterly right-of-way line of Chamblee-Tucker Road (variable R/W), as said rights-of-way now exist, said point having coordinates according to the Georgia State Plane Coordinate System of North: 1,410,638.70 and East: 469,017.35; thence along the northeasterly right-of-way line of Mercer University Drive the following two (2) courses and distances: 1) South 09 degrees 08 minutes 22 seconds East 117.28 feet, and 2) South 50 degrees 55 minutes 36 seconds East 165.81 feet to the POINT OF BEGINNING, said point being a southerly corner of property of The Koger Company (now or formerly), as recorded in Deed Book 6496, page 28, of the public records of DeKalb County, Georgia; thence departing said northeasterly right-of-way line of Mercer University Drive and along the southeasterly and easterly line of property of The Koger Company, as recorded in said public records the following three (3) courses and distances: 1) North 60 degrees 22 minutes 34 seconds East 181.13 feet, 2) North 46 degrees 29 minutes 27 seconds East 379.61 feet, and 3) North 75 degrees 15 minutes 06 seconds East 172.00 feet to a point, said point lying on the southwesterly line of Warren View Acres Subdivision as recorded in Plat Book 26, page 73, of said public records; thence along the southwesterly line of Warren View Acres Subdivision South 14 degrees 44 minutes 54 seconds East 472.00 feet to a point; thence South 00 degrees 18 minutes 31 seconds West 179.19 feet to a point on the northerly right-of-way line of Mercer University Drive; thence along the northerly right-of-way line of Mercer University Drive the following two (2) courses and distances: 1) North 76 degrees 14 minutes 21 seconds West 473.58 feet, and 2) North 63 degrees 34 minutes 58 seconds West 288.42 feet to the Point of Beginning. Containing 251,331 square feet, or 5.770 acres, more or less.

DocuSigned by:  
  
4/5/2023  
Purchaser Date

DocuSigned by:  
  
4/5/2023  
Seller Date

DocuSigned by:  
  
4/5/2023  
Purchaser Date

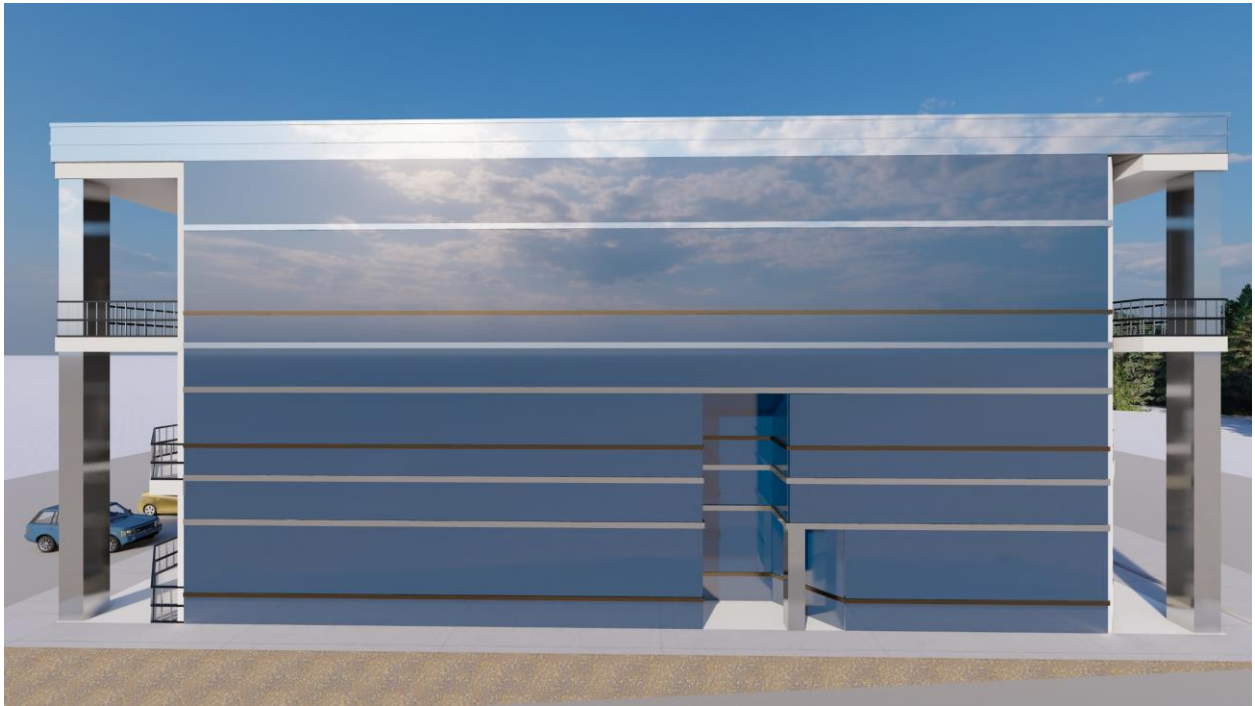
DocuSigned by:  
  
4/6/2023  
Seller Date

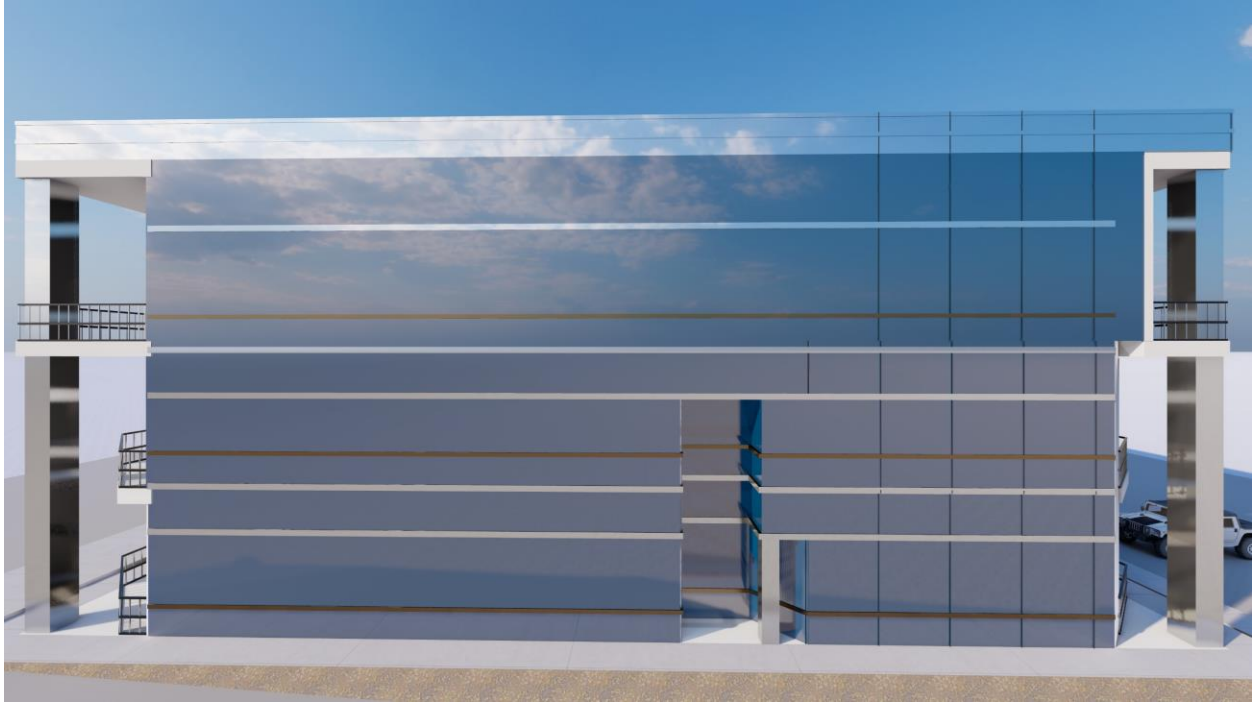
DocuSigned by:  
  
4/5/2023  
Seller Date

## Renderings & Elevations











Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric Hudson

**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: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Comm. District(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

**Rezoning:** Yes \_\_\_\_ No \_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Land Use Plan Amendment:** Yes \_\_\_\_ No \_\_\_\_

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_ Inconsistent \_\_\_\_

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

Special Land Use Request(s): \_\_\_\_\_

\_\_\_\_\_

**Major Modification:**

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting: \_\_\_\_\_ Review Calendar Dates: \_\_\_\_\_ PC: \_\_\_\_\_ BOC: \_\_\_\_\_  
 Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

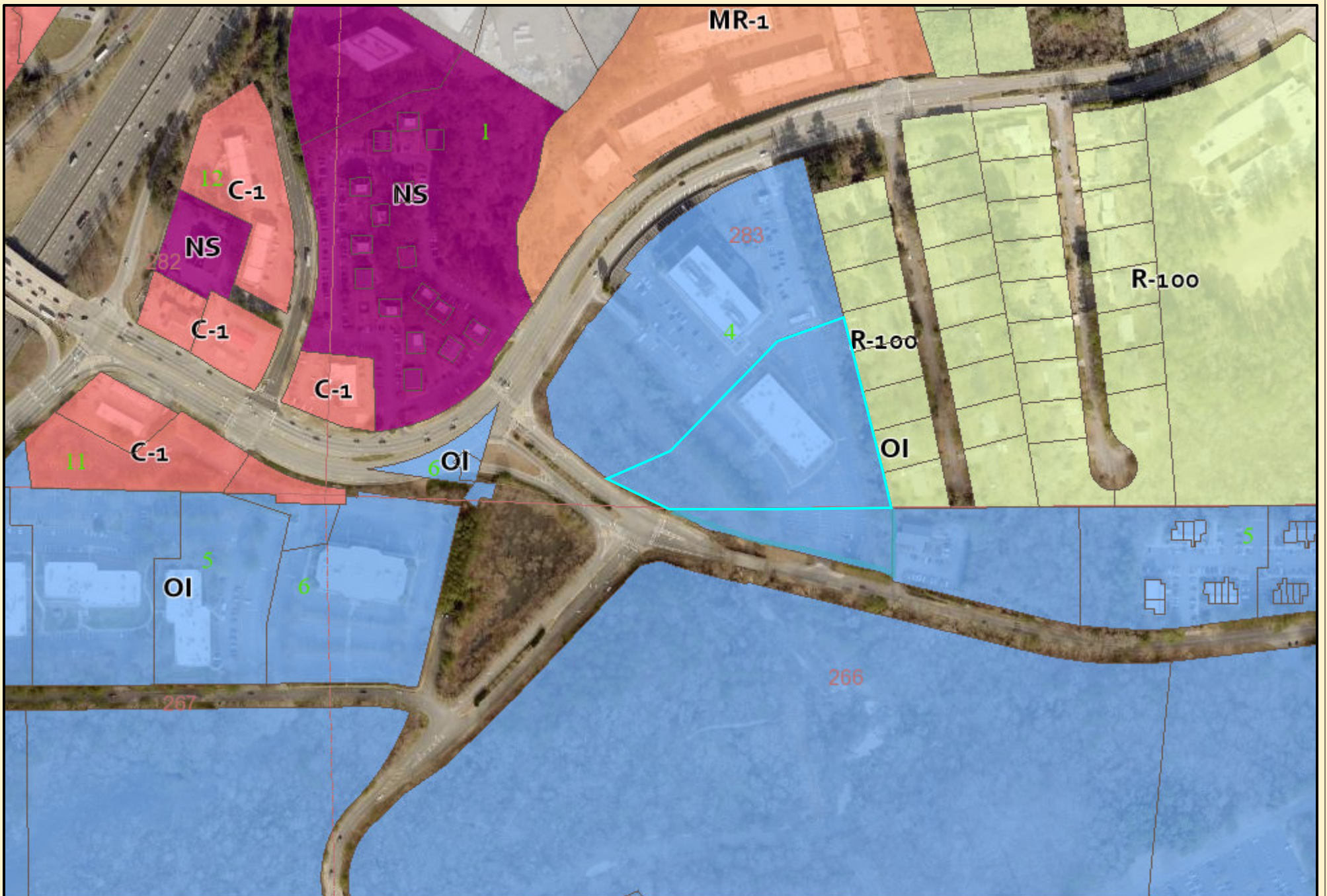
Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: \_\_\_\_\_  
 Enhanced Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_  
 Lot Size: \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: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

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

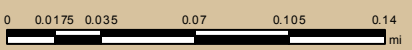
Planner: \_\_\_\_\_ Date: \_\_\_\_\_

**FILING FEES**

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



# DeKalb County Parcel Map

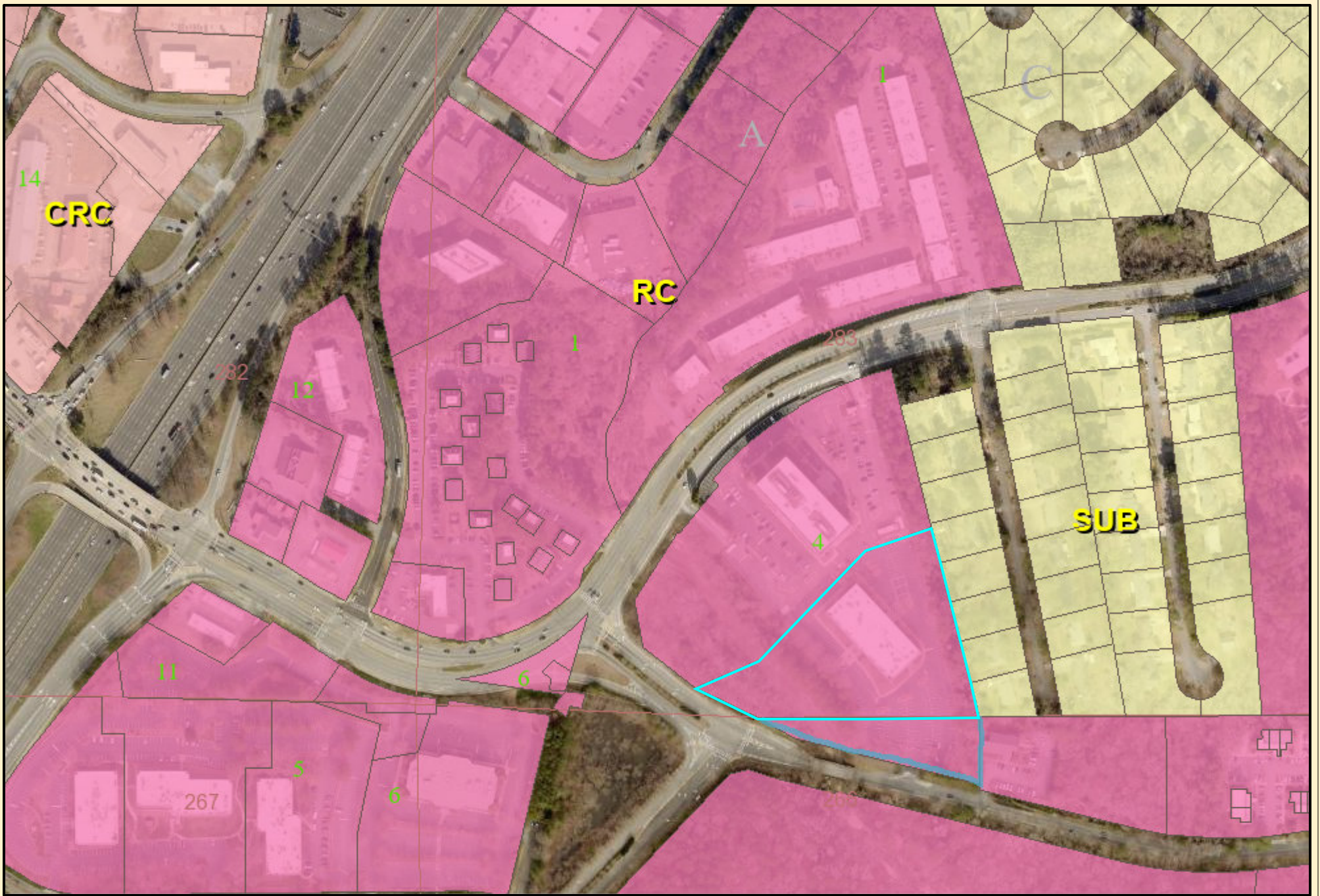


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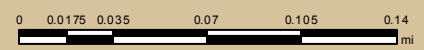


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# DeKalb County Parcel Map



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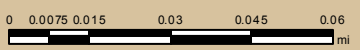


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