

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.

PETITION NO: D3-2024-0106 Z-24-1246799

PROPOSED USE: Rental townhomes.

LOCATION: 3744 Redan Road, Decatur, Georgia 30032

PARCEL NO. : 15-220-01-026

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2024) Denial. (Feb. 2024) Full cycle deferral.

PLANNING COMMISSION: (July 11, 2024) Pending. (March 5, 2024) Two-cycle deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Battle Law, P.C., is seeking to rezone the subject property from the R-75 (Residential Medium Lot-75) Zoning District to the MR-1 (Medium Density Residential – 1) Zoning District for the development of a single-family, attached rental community. The applicant has also filed a companion application (LP-23- 1246832) to amend the future land use map from the SUB (Suburban) to CRC (Commercial Redevelopment Corridor) character area. Based on the submitted information, the proposal to allow three-story townhomes at a density of approximately ten (10) units per acre is generally consistent with the policies and strategies of the CRC Character Area. CRC focuses on the redevelopment of commercial corridors in decline with townhomes, apartments, retail, office, and commercial at maximum building heights of 3 stories and maximum densities of 18 units per acre (Pg. 37 2050 *Unified Plan*). If approved, the future land use designation will support this rezoning request and the proposed project. The requested MR-1 zoning provides a transition between the O-I (Office Institutional) zoning to the west and the MR-2 zoned single-family subdivision to the east and is consistent with the MR-1 zoning approximately three hundred (300) feet to the west of the subject site. The subject property is located adjacent to the Covington Overlay District, Covington Highway Corridor Master Active Living Plan study area, and the Indian Creek District Overlay. The site is a transitional parcel, and thus, requires a more nuanced review and a site-specific development. The proposed development would consist of sixty-three (63) units at a density of approximately ten (10) dwelling units per acre. The proposed MR-1 zoning district allows a maximum base density of eight (8) units per acre; densities above 8 up to a maximum of twelve (12) units per acre are allowed with the provision of density bonus features. As specified in Section 2.12.7 *Bonus Density Qualifying Standards*, the subject site is within an Opportunity Zone, which provides a 100% bonus above the base density (8). While the density bonus calculation is not included on the applicants site plan, Staff has

requested the site plan to be updated. However, it does appear the applicant has met the density bonus (8 du/a + (8)100% = 16 du/a) but since the bonus maximum is 12, the applicant is capped at 12 du/a. The proposed zoning and land use appear to be consistent with the surrounding land uses. However, the conceptual plan submitted to Staff in May of 2024 (labeled “A” enclosed) received feedback that must be addressed in order for the project to comply with the *Zoning Ordinance*. The updated conceptual plan (“Updated Site Plan –A” enclosed) presents a design which still fails to comply with the *Zoning Ordinance*. While the applicant has worked with Staff to provide alternative design scenarios, the site’s size may inhibit a development that would provide the desired number of units for the developer and meet the *Zoning Ordinance* requirements. The proposed development appears to meet the required 30-foot buffers 9(Section 5.4.5 *Transitional Buffers*) along the northwest property line adjacent to a single-family detached subdivision, however, they are disturbed which may require a variance from the Zoning Board of Appeals. The updated conceptual plan incorporates one (1) cul-de-sac and three (3) permanent dead-end streets and/or parking areas. DeKalb County Subdivision Regulations specify street designs meet the maximum cul-de-sac length (1,200 feet) which the applicant provides. However, compliance with Section 5.7.6 *Single Family Attached Buildings* (C. 3 and C.10) regarding alley length (150 feet) and/or private drive requirements was not provided on the updated conceptual plan. A pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks is required per Section 5.7.6. (3) *Single-family attached buildings*. It does not appear the applicant has met this requirement. Additionally, block length per Section 5.1.1 *Blocks* has not been provided on the conceptual plan. Furthermore, the development provides minimal amenities aside from two (2) small pocket parks and an enhanced stormwater retention pond area. Interdepartmental comments include satisfying conditions specific to stormwater and tree protection (see attached). These have not been addressed on the updated site plan. The *2050 Unified Plan* calls for developments that foster walkability through compact development and mixed-use districts, aligning with CRC character area guidelines which also emphasize the importance of complementing single-family areas in height and density (Pg. 37). The balance between minimal pedestrian-oriented design (aside from the sidewalk network along Redan Road and the stormwater detention area) and building mass, may not enhance the residential appeal of the surrounding community. The current site design does not meet applicable development standards. In order to meet the development requirements, the number of units may need to be decreased due to the size and shape of the parcel. The design does not encourage a denser street grid as part of the redevelopment, the design includes one (1) dead-end street along Redan Road with limited interconnectedness and public space. As ongoing development in the vicinity continues (including mixed-use projects, like the redevelopment of Indian Creek MARTA Station, Electric Owl Studios, and residential infill projects), the area may require careful attention of integral design and density management of infill parcels along Redan Road. Particularly those bordering Overlay Districts, SAP’s, and single-family neighborhoods. The site plan, as designed, does not appear to meet development requirements (Sections 5.4.5, 5.7.6, 5.1.1) and may not contribute to the compatibility to the proposed Land Use Amendment (CRC). Therefore, upon review of Section 7.3.5. (A, B, and D) of the *Zoning Ordinance*, staff recommends “Denial of the rezoning request”. However, Staff continues to support the land use amendment of the subject form SUB to CRC.

PLANNING COMMISSION VOTE: (July 11, 2024) Pending. (March 5, 2024) Two-Cycle Deferral 7-1-0. Jan Costello moved, Edward Patton seconded for a two-cycle deferral to the July 2024 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2024) Denial 7-0-0. (Feb. 2024) Full Cycle Deferral 9-0-0.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

Planning Commission Hearing Date: July 11, 2024
Board of Commissioners Hearing Date: July 25, 2024

STAFF ANALYSIS

Case No.:	Z-24-1246799	Agenda #: 2024-0106	
Address:	3744 Redan Road	Commission District: 05	Super District: 07
Parcel ID(s):	15-220-01-026		
Request:	Rezone property from R-75 (Residential Medium Lot-75) Zoning District to MR-1 (Medium Density Residential-1) Zoning District to develop rental townhomes.		
Property Owner(s):	Mattie Lee Patton Hall Estate		
Applicant/Agent:	Battle Law P.C., LLC.		
Acreage:	5.87 acres		
Existing Land Use:	Vacant Parcel		
Surrounding Properties:	North: MR-2, R-75 East: MR-2, C-2 South: OI, MR-2, MR-1 West: RNC, R-75		
Comprehensive Plan:	SUB (Suburban), Proposed CRC Commercial Redevelopment Corridor) Consistent X Inconsistent		

Staff Recommendation: Denial

The applicant, Battle Law, P.C., is seeking to rezone the subject property from the R-75 (Residential Medium Lot-75) Zoning District to the MR-1 (Medium Density Residential – 1) Zoning District for the development of a single-family, attached rental community. The applicant has also filed a companion application (LP-23-1246832) to amend the future land use map from the SUB (Suburban) to CRC (Commercial Redevelopment Corridor) character area.

Based on the submitted information, the proposal to allow three-story townhomes at a density of approximately ten (10) units per acre is generally consistent with the policies and strategies of the CRC Character Area. CRC focuses on the redevelopment of commercial corridors in decline with townhomes, apartments, retail, office, and commercial at maximum building heights of 3 stories and maximum densities of 18 units per acre (Pg. 37 *2050 Unified Plan*). If approved, the future land use designation will support this rezoning request and the proposed project. The requested MR-1 zoning provides a transition between the O-I (Office Institutional) zoning

to the west and the MR-2 zoned single-family subdivision to the east and is consistent with the MR-1 zoning approximately three hundred (300) feet to the west of the subject site. The subject property is located adjacent to the Covington Overlay District, Covington Highway Corridor Master Active Living Plan study area, and the Indian Creek District Overlay. The site is a transitional parcel, and thus, requires a more nuanced review and a site-specific development.

The proposed development would consist of sixty-three (63) units at a density of approximately ten (10) dwelling units per acre. The proposed MR-1 zoning district allows a maximum base density of eight (8) units per acre; densities above 8 up to a maximum of twelve (12) units per acre are allowed with the provision of density bonus features. As specified in Section 2.12.7 *Bonus Density Qualifying Standards*, the subject site is within an Opportunity Zone, which provides a 100% bonus above the base density (8). While the density bonus calculation is not included on the applicants site plan, Staff has requested the site plan to be updated. However, it does appear the applicant has met the density bonus ($8 \text{ du/a} + (8)100\% = 16 \text{ du/a}$) but since the bonus maximum is 12, the applicant is capped at 12 du/a.

The proposed zoning and land use appear to be consistent with the surrounding land uses. However, the conceptual plan submitted to Staff in May of 2024 (labeled “A” enclosed) received feedback that must be addressed in order for the project to comply with the *Zoning Ordinance*. The updated conceptual plan (“Updated Site Plan –A” enclosed) presents a design which still fails to comply with the *Zoning Ordinance*. While the applicant has worked with Staff to provide alternative design scenarios, the site’s size may inhibit a development that would provide the desired number of units for the developer and meet the *Zoning Ordinance* requirements. The proposed development appears to meet the required 30-foot buffers 9(Section 5.4.5 *Transitional Buffers*) along the northwest property line adjacent to a single-family detached subdivision, however, they are disturbed which may require a variance from the Zoning Board of Appeals. The updated conceptual plan incorporates one (1) cul-de-sac and three (3) permanent dead-end streets and/or parking areas. DeKalb County Subdivision Regulations specify street designs meet the maximum cul-de-sac length (1,200 feet) which the applicant provides.

However, compliance with Section 5.7.6 *Single Family Attached Buildings* (C. 3 and C.10) regarding alley length (150 feet) and/or private drive requirements was not provided on the updated conceptual plan. A pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks is required per Section 5.7.6. (3) *Single-family attached buildings*. It does not appear the applicant has met this requirement. Additionally, block length per Section 5.1.1 *Blocks* has not been provided on the conceptual plan. Furthermore, the development provides minimal amenities aside from two (2) small pocket parks and an enhanced stormwater retention pond area. Interdepartmental comments include satisfying conditions specific to stormwater and tree protection (see attached). These have not been addressed on the updated site plan.

The *2050 Unified Plan* calls for developments that foster walkability through compact development and mixed-use districts, aligning with CRC character area guidelines which also emphasize the importance of complementing single-family areas in height and density (Pg. 37). The balance between minimal pedestrian-oriented design (aside from the sidewalk network along Redan Road and the stormwater detention area) and building mass, may not enhance the residential appeal of the surrounding community. The current site design does not meet applicable development standards.

In order to meet the development requirements, the number of units may need to be decreased due to the size and shape of the parcel. The design does not encourage a denser street grid as part of the redevelopment, the design includes one (1) dead-end street along Redan Road with limited interconnectedness and public space. As ongoing development in the vicinity continues (including mixed-use projects, like the redevelopment of Indian Creek MARTA Station, Electric Owl Studios, and residential infill projects), the area may require careful attention of integral design and density management of infill parcels along Redan Road. Particularly those

bordering Overlay Districts, SAP's, and single-family neighborhoods. The site plan, as designed, does not appear to meet development requirements (Sections 5.4.5, 5.7.6, 5.1.1) and may not contribute to the compatibility to the proposed Land Use Amendment (CRC). Therefore, upon review of Section 7.3.5. (A, B, and D) of the *Zoning Ordinance*, staff recommends a "*Denial*". However, Staff continues to support the land use amendment of the subject from SUB to CRC.

ZONING COMMENTS FEBRUARY 2024

N1 & N2- 3744 Redan Road- This section of Redan Road is classified as a local road. (The Planning Department may want to look into this because I believe it is a typo on the map.) With a local road: Minimum right of way dedication of 27.5 feet from centerline OR such that all required public infrastructure is within right of way, whichever greater. Requires 12 foot travel lane with curb and gutter, a 6 foot landscape strip (with at least 5 feet between the back of curb and the sidewalk), pedestrian scale street lights (Street Light Engineer: Herman Fowler at hefowler@dekalbcountyga.gov). All interior streets are required to be private streets. Be sure to watch the required separation of access points in Code Section 14-200 (6). This minimum spacing applies to access points on both sides of the road. Verify access point has stopping and intersection sight distances at time of permitting.

N3. 2209 Lawrenceville Hwy. Add 5 foot sidewalks on White Blvd five feet from the back of curb along property frontage. Add pedestrian scale street lighting on all property frontages. (Street Light Engineer: Herman Fowler at hefowler@dekalbcountyga.gov) Verify property lines (property corner shown in the roadway). Dedicate right of way to 8 feet behind curb for sidewalk and street light installations.

N4. 6009 Memorial Drive. No comments

N5. 2020 & 2030 Moreland Ave. Moreland Ave is SR 42. Requires GDOT review and approval prior to permitting. Moreland Ave is a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within the State/County right of way, whichever greater. Requires a 10 foot landscape strip (with 5 feet of the landscape strip between the back of the sidewalk and the curb), a 10 foot multiuse path, and pedestrian scale lighting. (Street Light Engineer: Herman Fowler at hefowler@dekalbcountyga.gov) Only one access point will be allowed on Hillcrest Drive. Be sure to consult with DeKalb County Code Section 14-200 (6) for minimum driveway spacing. This applies to drives on both sides of the street. Hillcrest Drive is classified as a local road. Right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within the right of way. A local street requires a 12 foot travel lane with curb and gutter, 6 foot landscape strip and a 5 foot sidewalk. Verify access points have stopping and intersection sight distances at time of permitting.

2/5/2024

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
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.

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

2/5/2024

N.1 LP-24-1246832 15-220-01-026

3744 Redan Road, Decatur, GA 30032

- Please review general comments.

N.2 Z-24-1246799 15-220-01-026

3744 Redan Road, Decatur, GA 30032

- Please see general comments.

N.3 SLUP-24-1246801 / 18-100-01-004

2209 Lawrenceville Hwy, Decatur, GA 30033

- Please see general comments.

N.4 SLUP-24-1246803/ 18-072-02-072

6009 Memorial Drive, Ste 10, Stone Mountain, GA 30083

- Please review general comments.

**N.5 SLUP-24-1246804 15-081-01-003, 15-081-01-004, 15-081-01-036,15-081-01-006,
15-081-01-007**

2020 & 2030 MORELAND AVENUE and 1022 & 1032 HILLCREST DRIVE ATLANTA, GA 30316

- Please review general comments.

**DeKalb County School District
Development Review Comments**

Analysis Date: 1/31/2024

Submitted to: DeKalb County

Case #: Z-24-1246788

Parcel #: 15-220-01-26

Name of Development: Redan Rd, 3744

Location: Redan Road between Longshore Dr and Oakwood Manor

Description: Application to construct 74 for-rent townhomes on a large single-family parcel.

Impact of Development: When fully constructed, this development would be expected to generate 25 students: 10 at Peachcrest Elementary School, 6 at Bethune Middle School, 5 at Towers High School, 4 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Peachcrest Elementary School	Bethune Middle School	Towers High School	Other DCSD Schools	Private Schools	Total
Capacity	984	1,290	1,302			
Portables	0	0	0			
Enrollment (Oct. 2023)	650	665	769			
Seats Available	334	625	533			
Utilization (%)	66.1%	51.6%	59.1%			
New students from development	10	6	5	4	0	25

New Enrollment	660	671	774
New Seats Available	324	619	528
New Utilization	67.1%	52.0%	59.4%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.1297	0.0284	0.0007	0.1588
Middle	0.0751	0.0178	0.0000	0.0929
High	0.0673	0.0186	0.0000	0.0860
Total	0.2721	0.0649	0.0007	0.3377

Student Calculations				
Proposed Units	74			
	Unit Type	APT		
Cluster	Towers High School			
	Attend Home School	Attend other DCSD School	Private School	Total
Units x Yield				
Elementary	9.60	2.10	0.05	11.75
Middle	5.56	1.32	0.00	6.88
High	4.98	1.38	0.00	6.36
Total	20.14	4.80	0.05	24.99



Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Peachcrest Elementary School	10	2	0	12
Bethune Middle School	6	1	0	7
Towers High School	5	1	0	6
Total	21	4	0	25



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

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**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**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: _____



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: LP-24-1246832 Parcel I.D. #: 15-220-01-026

Address: 3744 Redan Rd, Decatur, GA 30032

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: Did not see any traffic engineering
concerns at this time.

Signature: *Jerry White*



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-24-1246799 Parcel I.D. #: 15-220-01-026

Address: 3744 Redan Road, Decatur, GA 30032

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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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: Did not see any traffic engineering concerns
at this time.

Signature: Jerry White



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: LP-24-1246832 & Z-24-1246799

Parcel I.D. #: 15-220-01-026

Address: 3744 Redan Road, Decatur, GA 30032.

Drainage Basin: Indian Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No known flood, erosion and sedimentation issues have been reported on this property. The rezoning if approved will not have any adverse effect on the on the property.

Required detention facility(s): Stormwater detention/retention will be required.

COMMENTS:

Compliance with the Chapter 14 of the code as applicable and more importantly, sec. 14-40 and others is required.

Signature: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: _____

Applicant E-Mail Address: _____

Applicant Mailing Address: _____

Applicant Daytime Phone: _____ Fax: _____

Owner Name: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: _____

Parcel ID#: _____

Acreage: _____

Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal www.epermits.dekalbcountyga.gov

You MUST email us that you've submitted the application online. For questions, email: 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 email lahill@dekalbcountyga.gov 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 online [epermits.dekalbcountyga.gov](http://www.epermits.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 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
 - _____ e. 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. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
 - _____ **I. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - _____ **J. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: 11-28-2023

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

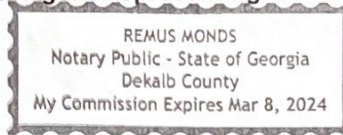
(I) (WE), TIMOTHY L. HALL, EXECUTOR OF THE MATTIE LEE PATTON HALL ESTATE
(Name of owner(s))

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

3744 Redan Rd, LLC

(Name of Applicant or Agent Representing Owner)

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



[Signature]
Notary Public

Timothy L. Hall, EXECUTOR OF THE MATTIE LEE PATTON HALL ESTATE
Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ____ No ____*

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

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

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

3744 Redan Rd LLC

By:  _____

Printed Name: _____ Title: _____
Signature of Applicant /Date

Check one: Owner _____ Agent _____

Notary

Expiration Date/ Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

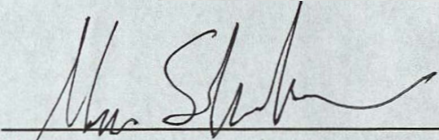
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

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 Clerk of Superior Court, DeKalb County, Georgia 30030.



Notary



Signature of Applicant /Date

Check one: Owner Agent

MARK SCHWABACHER
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires July 13, 2027

Expiration Date/ Seal

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

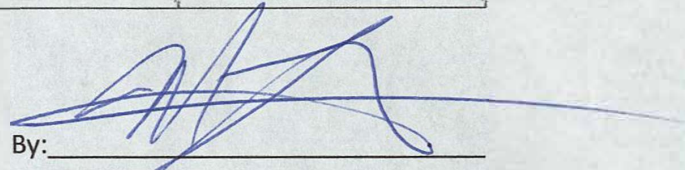
Campaign Contribution Disclosure Statement
Last Updated 11/9/2023

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele Battle, of Battle law, P.C. in the past two years, aggregating \$250.00 or more, to local

gt,vel 11111e1 (crffitrals- Wfro wnY CUISicie1- o'ns appi\tomm.

Name	Position	Amount	Date
Lorraine Cochran-Johnson	Commissioner	\$750.00	6/17/22
Mereda Davis Johnson	Commissioner	\$1,000.00	11/1/23



By: _____

Printed Name: _____ Michele Battle



Government 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

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

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



STATE OF GEORGIA,

DEKALB County

THIS INDENTURE, made this 19th day of February in the year of our Lord One Thousand Nine Hundred and Sixty-five

between E. R. Hall of the State of Georgia and County of DeKalb of the first part and Mattie P. Hall of the State of Georgia and County of DeKalb of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part Y of the second part, her heirs and assigns, all that tract or parcel of land lying and being in Land Lot 220 of the 15th District of DeKalb County,

Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of Redan Road at a point 399.1 feet northeasterly from the southeastern corner of the G. J. Morris property; thence northeasterly along the northwesterly side of Redan Road 99.6 feet to an iron pin; thence northwesterly 1076.4 feet to an iron pin which is on the eastern boundary of the Bailey property; thence southerly along the Bailey property 90 feet to an iron pin at the northern corner of a 4.07 acre tract of property sold by Mrs. Effie Williams Burdette to M. D. Shaw; thence southeasterly along the Shaw property, 1019.8 feet to the point of beginning, being two (2) acres, more or less, according to a survey by W. F. Harman, Surveyor, dated February 17, 1950.

This deed subject to the balance due at the Bank of Tucker.

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

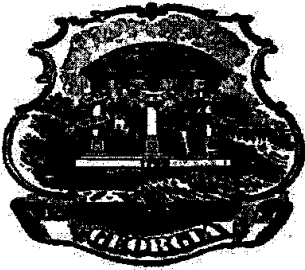
And the said part Y of the first part, for his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part Y of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand and affixed seal, the day and year above written.

Signed, sealed and delivered in the presence of

Witness section with signatures and notary seal

Signatures and stamps: ER Hall, DeKalb Co. Ga., FILED, 4 15 PM '65



STATE OF GEORGIA,

DEKALB

County

THIS INDENTURE, made this 19th day of February

in the year of our Lord One Thousand Nine Hundred and Sixty-five

between Ernest Reed Hall

of the State of Georgia and County of DeKalb of the first part

and Mattie P. Hall

of the State of Georgia and County of DeKalb of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said part Y of the second part, her heirs and assigns, all that tract or parcel of land lying and being in Land Lto 220 of the 15th District of DeKalb County,

Georgia, being part of Lot No. 9 of the Subdivision of property of Mrs. W. Scott Williams, according to the plat of survey made by E. Z. Huff, C. E., September, 1937, and being more particularly described as follows:

BEGINNING at an iron pin on the northwest side of Redan Road one thousand eighty (1080) feet southwesterly from the point where the northwest side of Redan Road intersects the east line of Land Lot 220; thence running southwesterly along the northwest side of Redan Road one hundred ninety nine and one-tenth (199.1) feet to an iron pin; running thence northwesterly eight hundred sixty six and four-tenths (866.4) feet to an iron pin on the east line of the property of Bailey; thence northerly along Bailey's east line two hundred forty (240) feet; thence southeasterly one thousand nineteen and eight-tenths (1,019.8) feet to the point of beginning; containing four and seven hundredths (4.07) acres, according to plat of M. D. Shaw property made by W. F. Harmon, Surveyor, dated February 14, 1950.

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

And the said part Y of the first part, for his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part Y of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Notary Public Seal for Olin C. Bradshaw, Georgia State at Large, My Commission Expires Jan. 4, 1969. Witness: Olin C. Bradshaw

Handwritten signatures and stamps: E. Reed Hall (Seal), Mattie P. Hall (Seal), FILED DEKALB CO. GA. (Seal), 4 15 PM '65 (Seal)

Recorded Feb. 25th, 1965 Ben B. Burress Clerk

3744 Redan Rd Community Meeting Addresses

STAR 2022 SFR3 BORROWER LP	591 WEST PUTNAM AVE	GREENWICH CT 6830
ANIWODI-EL NEKAYBAW	1146 LONGSHORE DR	DECATUR GA 30032
OSGOOD ANGELA	1074 LONGSHORE DR	DECATUR GA 30032
DISCOVERY ENTERPRISES III LLC	3905 LINDSEY RD NE	MARIETTA GA 30067
WATERS TED W	1050 LONGSHORE DR	DECATUR GA 30032
FKH SFR PROPCO A LP	1850 PARKWAY PL STE 900	MARIETTA GA 30067
VB SIX LLC	3500 PARK CENTER DR STE 100	DAYTON OH 45414
DAWN STEPHANIE	3697 OAKWOOD MNR	DECATUR GA 30032
3689 OAKWOOD MANOR LLC	422 CARTER AVE	ATLANTA GA 30317
SMILANSKI BEN FURMAN	1275 SHILOH RD # 2950	KENNESAW GA 30144
CHARLES LAUREL JAMAL	1111 OAKWOOD MANOR CV	DECATUR GA 30032
SFR XII ATL OWNER 4 LP	4645 HAWTHORNE LN NW	WASHINGTON DC 20016
MORRISON DEBORAH PARKS	1124 OAKWOOD MANOR CT	DECATUR GA 30032
NGUYEN BRUCE	95 COUNTRY CLUB DR	HAYWARD CA 94542
BELIARD MARIE C	1072 CANAL ST	DECATUR GA 30032
SMITH JACKSON	1069 LONGSHORE DR	DECATUR GA 30032
JACKSON LILLIAN M	1159 LONGSHORE DR	DECATUR GA 30032
246 COVINGTON LLC	1575 NORTHSIDE DR NW STE 470	ATLANTA GA 30318
FAVORS GLENDA	1079 CANAL ST	DECATUR GA 30032
BOCKMAN ELIZABETH I	1067 CANAL ST	DECATUR GA 30032
TATUM RAYMOND	1100 DOVE VALLEY RD	DECATUR GA 30032
MUNG THANG	1088 DOVE VALLEY RD	DECATUR GA 30032
SFR XII NM ATL OWNER 1 LP	9200 E HAMPTON DR	CAPITOL HEIGHTS MD 20743
SMITH DAWN P	1213 WINSTON DR	DECATUR GA 30032
SIMMONS SIERRA	1198 WINSTON DR	DECATUR GA 30032
NDONG M	3822 LONDON DR	DECATUR GA 30032
JACOB JOHNEY	3790 LONDON DR	DECATUR GA 30032
GETACHEW YONATAN	3784 LONDON DR	DECATUR GA 30032
HEMPHILL SHELTON C	2491 MILLER OAKS CIR	DECATUR GA 30035
BYRD GLORIA T	1220 WINSTON DR	DECATUR GA 30032
SNG SHAO KUAN	1065 LONGSHORE CV	DECATUR GA 30032
FOUSKEY MICAH	1055 LONGSHORE CV	DECATUR GA 30032
DIM NEAM KHAN	1037 LONGSHORE CV	DECATUR GA 30032
MILAM FAMILY REVOCBALE TRUST	612 LOST KEY DR # 901 B	PENSACOLA FL 32507

MILAM FAMILY REVOCBALE TRUST	612 LOST KEY DR # 901 B	PENSACOLA FL 32507
HALL MATTIE P	648 ELF SCHOOL RD	HAYESVILLE NC 28904
RODGERS ROSALYN Y	3773 OAKWOOD MNR	DECATUR GA 30032
DOESBURG LISA M	3765 OAKWOOD MNR	DECATUR GA 30030
DUPREE MARSHA	3683 OAKWOOD MNR	DECATUR GA 30032
SFR XII ATL OWNER 5 LP	9200 E HAMPTON DR	CAPITOL HEIGHTS MD 20743
SFR XII ATL OWNER 1 LP	3718 OAKWOOD MNR	DECATUR GA 30032
FARRELL JAMES N	3726 OAKWOOD MNR	DECATUR GA 30032
FONGBEMI JOYCE BANKS	1132 OAKWOOD MANOR CT	DECATUR GA 30032
INDIAN CREEK FAMILY DEVELOPMENT LP	1469 S 4TH ST	LOUISVILLE KY 40208
STAR 2021 SFR2 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
JONES MICHAEL	1136 CANAL ST	DECATUR GA 30032
PATTERSON ESMOND J JR	4618 RIVER RD	ELLENWOOD GA 30294
BRITTIAN LOUISE WATKINS	1084 CANAL ST	DECATUR GA 30032
GROSS PATRICK D	2320 DOREEN CT NE	ATLANTA GA 30345
DUNCAN CYNTHIA D	1139 CANAL ST	DECATUR GA 30032
BERNRICH PROPERTIES LLC	810 MOORINGS CIR	STEVENSVILLE MD 21666
STAR 2021 SRF1 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
PERKINS JOYCE	1076 DOVE VALLEY RD	DECATUR GA 30032
JACKSON BOBBY JACK	1064 DOVE VALLEY RD	DECATUR GA 30032
OWEN JAMES E	610 KINGSBURY ST	SHELBY NC 28150
SANDTON REAL ESTATE LLC	333 SANDY SPRINGS CIR STE 226	ATLANTA GA 30328
VASANTI INC	2164 FAIRBURN RD	DOUGLASVILLE GA 30135
DEXTER JEANETTE	1227 WINSTON DR	DECATUR GA 30032
CHAPMAN ALLEN LEONARD	1239 WINSTON DR	DECATUR GA 30032
BAKER STREET HOMES LLC	300 MONTGOMERY ST # 350	SAN FRANCISCO CA 94104
CUNNINGHAM III ROBERT L	1188 WINSTON DR	DECATUR GA 30032
GETACHEW YONATAN	3780 LONDON DR	DECATUR GA 30032
BUFFINGTON CHRIS	4085 STILLWATER DR	DULUTH GA 30096
TODD ANDRE M	3797 LONDON DR	DECATUR GA 30032
PARK YOON JOO	4014 BARR CIR	TUCKER GA 30084
WEISSE HERBERT	820 CAMPBELL AVE	MUKILTEO WA 98275
EAGLE MARIANNA Y	1027 LONGSHORE CV	DECATUR GA 30032
NGAO JOSEPH	1028 LONGSHORE CV	DECATUR GA 30032
DISCOVERY ENTERPRISES III LLC	3905 LINDSEY RD NE	MARIETTA GA 30067

SIMMONS AUSTIN	1112 LONGSHORE DR	DECATUR GA 30032
JONES CLIFFORD JR	3716 REDAN RD	DECATUR GA 30032
HALE DARRELL E	8357 SPIVEY RD	JONESBORO GA 30236
PEMAGBI MIATTA M	3717 OAKWOOD MNR	DECATUR GA 30032
WILLIAMS EDDYE G	3715 OAKWOOD MNR	DECATUR GA 30032
HARRIS EYVLON	3700 OAKWOOD MNR	DECATUR GA 30032
BURTON RHONDA T	3328 WOLF CLUB LN	ATLANTA GA 30349
OWENS BARBARA	3750 OAKWOOD MNR	DECATUR GA 30032
LONG ZADIE	3754 OAKWOOD MNR	DECATUR GA 30032
PEACE BAPTIST CHURCH INC	4000 COVINGTON HWY	DECATUR GA 30032
PHILLIPS LAWRENCE P	1124 CANAL ST	DECATUR GA 30032
HINES TYRONE	1118 CANAL ST	DECATUR GA 30032
CLIFTON NICHOLAS	1100 CANAL ST	DECATUR GA 30032
GARDNER MICHAELA C	1113 LONGSHORE DR	DECATUR GA 30032
SPRY ISAAC E	1119 LONGSHORE DR	DECATUR GA 30032
STORY PROPERTY INVESTMENTS LLC	PO BOX 2332	BEAUFORT SC 29901
THOMAS GWENDOLYN	1111 CANAL ST	DECATUR GA 30032
RAWLS KENNETH	1970 CRESCENT MOON DR NE	CONYERS GA 30012
STAR 2021 SFR1 LP	591 W PUTNUM AVE	GREENWICH CT 6830
WATSON SEAN	1146 WINSTON DR	DECATUR GA 30032
MOSQUEDA NANCY SIXTOS	1154 WINSTON DR	DECATUR GA 30032
WHITE NIGEL	211 BALLARD CIR	STOCKBRIDGE GA 30281
SAGE SUN GLOBAL LLC	634 VILLAGE CREEK DR	LILBURN GA 30047
HII MING LANG	3774 LONDON DR	DECATUR GA 30032
WEBSTER LAZZETTA B	3768 LONDON DR	DECATUR GA 30032
SCOTT ELIZABETH D	2531 BRENTFORD PL	DECATUR GA 30032
PORTER BRENDA WELCH	3634 PORTER CT	DECATUR GA 30032
PORTER BRENDA WELCH	3634 PORTER CT	DECATUR GA 30032
JONES HERMAN	1140 LONGSHORE DR	DECATUR GA 30032
SICKMAN AARON	1130 LONGSHORE DR	DECATUR GA 30032
FYR SFR BORROWER LLC	3505 KOGER BLVD 400	DULUTH GA 30096
TUSCANY REALTY INC	325 VICKERY CIR	ROSWELL GA 30075
WILLIAMS RONNIE	3739 OAKWOOD MNR	DECATUR GA 30032
FKH SFR PROPCO A LP	1850 PARKWAY PL STE 900	MARIETTA GA 30067
DAVIES BRENDA	3707 OAKWOOD MNR	DECATUR GA 30032

2017 2 IH BORROWER LP	1717 MAIN ST STE 2000	DALLAS TX 75201
CHERRY LINDA GAIL	1102 OAKWOOD MANOR CV	DECATUR GA 30032
BRISTOW COURTNEY MATTHEW	13302 JEFFERSON SQUARE CT	DECATUR GA 30030
THOMAS DOGBAMA JACKSON	3762 OAKWOOD MNR	DECATUR GA 30032
YARBORO MARCIA	1123 OAKWOOD MANOR CT	DECATUR GA 30032
GO BOEN GIM	4027 SIGNAL RDG SW	LILBURN GA 30047
MORE AND CO LLC	492 EMILY DR SW	LILBURN GA 30047
MORASH LEA ROSE	1103 LONGSHORE DR	DECATUR GA 30032
RODRIGUEZ JOEL	1131 LONGSHORE DR	DECATUR GA 30032
MESFIN AZIEB	1141 LONGSHORE DR	DECATUR GA 30032
SANCHEZ JOSE R	1153 LONGSHORE DR	DECATUR GA 30032
JUHAN HELEN M	1063 CANAL ST	DECATUR GA 30032
TYLER MARTIN A	1051 CANAL ST	DECATUR GA 30032
PELLEGRINI LARRY	1041 CANAL ST	DECATUR GA 30032
STARKS MALACHI	PO BOX 372606	DECATUR GA 30037
COBURN JOSH S	1118 DOVE VALLEY RD	DECATUR GA 30032
WARD TERRELL	1137 WINSTON DR	DECATUR GA 30032
HUFF WILLIAM TYREE	1153 WINSTON DR	DECATUR GA 30032
AISHA MASSA	1525 NEW HOPE RD	LAWRENCEVILLE GA 30045
VALSHA INVESTMENTS LLC	6874 WYNPINE PT	STONE MOUNTAIN GA 30087
SMITH NIGEL	3800 LONDON DR	DECATUR GA 30032
BOLTON CARTOSHA	3796 LONDON DR	DECATUR GA 30032
REDAN VILLAGE PARTNERS LLC	1904 MONROE DR NE STE 235	ATLANTA GA 30324
PORTER BRENDA WELCH	3634 PORTER CT	DECATUR GA 30032
PORTER FRED	3672 PORTER CT	DECATUR GA 30032
CRUMP JEREMY	1062 LONGSHORE CV	DECATUR GA 30032
DUROJAIYE MUYIDEEN	1070 LONGSHORE CV	DECATUR GA 30032
PFIN II F LLC	6300 POWERS FERRY RD STE 600 142	ATLANTA GA 30339
DROBNIC DARYL L	1152 LONGSHORE DR	DECATUR GA 30032
STAR 2021 SFR1 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
KECK KRISTINA GRACE	1056 LONGSHORE DR	DECATUR GA 30032
EBO DENA M	3753 OAKWOOD MNR	DECATUR GA 30032
CARTER LORETTA D	3747 OAKWOOD MNR	DECATUR GA 30032
HENDERSON ANGELIA R	3693 OAKWOOD MNR	DECATUR GA 30032
MITCHELL KENNETH L	5632 BRENSTON LN	ELLENWOOD GA 30294

THOMAS STEPHON ODELL	1113 OAKWOOD MANOR CV	DECATUR GA 30032
GODFREY BRENDA	1107 OAKWOOD MANOR CV	DECATUR GA 30032
WILSON NIKKI KAI	3316 S COBB DR UNIT 163	SMYRNA GA 30080
TOH TEPLAH K	1120 OAKWOOD MANOR CT	DECATUR GA 30032
NGUYEN BRUCE	95 COUNTRY CLUB DR	HAYWARD CA 94542
DURBAN LLC	3139 BOLDMERE TRL SE	SMYRNA GA 30080
FOSTER JACQUELINE YVETTE	1066 CANAL ST	DECATUR GA 30032
1077 LONGSHORE DRIVE LLC	505 BLUE RIDGE TER	CANTON GA 30114
YEUNG WILFRED	728 BRUSHWOOD CT	SOMERSET NJ 8873
BAITEY CELESTE	1083 CANAL ST	DECATUR GA 30032
SCHNEIDER JEFFREY	1073 CANAL ST	DECATUR GA 30032
DOVE VALLEY ROAD SANCTUARY	4426 HUGH HOWELL RD STE 200	TUCKER GA 30084
HILL FINESS	1094 DOVE VALLEY RD	DECATUR GA 30032
YANCEY MICHAEL A SR	1177 WINSTON DR	DECATUR GA 30032
KHIEV RICHARD	1207 WINSTON DR	DECATUR GA 30032
JACKSON JUAREZ	425 PAYTON CT	STOCKBRIDGE GA 30281
CERBERUS SFR HOLDINGS II LP	1850 PARKWAY PL STE 900	MARIETTA GA 30067
SMITH SAMEERAH	3792 LONDON DR	DECATUR GA 30032
K55 DESIGN CONSULTANT LLC	229 CHEMIN DE VIE	ATLANTA GA 30342
HEMPHILL SHELTON C JR	2491 MILLER OAKS CIR	DECATUR GA 30035
VILLANUEVA GERALDYN M	1238 WINSTON DR	DECATUR GA 30032
POWELL PRODUCTIONS LLC	5579 CHAMBLEE DUNWOODY RD B504	ATLANTA GA 30338
KENRIDGE NMF LLC	2 ENTERPRISE DR STE 406	SHELTON CT 6484
PORTER JEAN E	1056 PORTER RD	DECATUR GA 30032
BAKER ANDREW	1061 LONGSHORE CV	DECATUR GA 30032
SMITH CHRISTOPHER A	1043 LONGSHORE CV	DECATUR GA 30032
DOHERTY ADEWOLE	1124 LONGSHORE DR	DECATUR GA 30032
DE PASQUALE ROSARIO	1084 LONGSHORE DR	DECATUR GA 30032
MILAM FAMILY REVOCBALE TRUST	612 LOST KEY DR # 901 B	PENSACOLA FL 32507
SCOTT EARNESTINE	3761 OAKWOOD MNR	DECATUR GA 30032
SHAW MONICA	3735 OAKWOOD MNR	DECATUR GA 30032
BETHEA AMON	3711 OAKWOOD MNR	DECATUR GA 30032
NEAL DAMON L	3692 OAKWOOD MNR	DECATUR GA 30032
ARESTEGUI MARIA SOLEDAD	3722 OAKWOOD MNR	DECATUR GA 30032
VAZQUEZ IVAN MONTALVO	1103 OAKWOOD MANOR CV	DECATUR GA 30032

TALON ASSETS LLC	675 SEMINOLE AVE STE 301	ATLANTA GA 30307
SRMZ 2 LLC	5001 PLAZA ON THE LK STE 200	AUSTIN TX 78746
NGUYEN BRUCE	95 COUNTRY CLUB DR	HAYWARD CA 94542
REDWINE PROPERTY MANAGEMENT IN	2282 WENDER DR	TUCKER GA 30084
LASATER W LYNNETTE	1130 CANAL ST	DECATUR GA 30032
CAO QIN	2 GROSVENOR PL	GREAT NECK NY 11021
HOUSLEY LYNNE P	1083 LONGSHORE DR	DECATUR GA 30032
BOLLEY LINDA K	1147 LONGSHORE DR	DECATUR GA 30032
STAR 2021 SFR1 BORROWER LP	591 W PUTNUM AVE	GREENWICH CT 6830
GRAHAM AUBREY	1107 CANAL ST	DECATUR GA 30032
PENN JOHN H	1047 CANAL ST	DECATUR GA 30032
SONG ABRAHAM KYU	1124 DOVE VALLEY RD	DECATUR GA 30032
STONE RONNIE	1082 DOVE VALLEY RD	DECATUR GA 30032
COLLINS TREVOR	1065 DOVE VALLEY RD	DECATUR GA 30032
DOVE VALLEY HOLDINGS LLC	P O BOX 2456	DECATUR GA 30031
N AND R BUSINESS ENTERPRISES	1925 MASON MILL RD	DECATUR GA 30033
SFR XII ATL OWNER 2 LP	4645 HAWTHORNE LN	WASHINGTON DC 20016
HILLMAN MARION L	1219 WINSTON DR	DECATUR GA 30032
FYR SFR BORROWER LLC	3505 KOGER BLVD 400	DULUTH GA 30096
SANTIAGO JUAN JAVIER NIEVES	1184 WINSTON DR	DECATUR GA 30032
RODRIGUEZ JOSE	3606 VINYARD WAY	LAWRENCEVILLE GA 30044
CAMPBELL NANCY J	3794 LONDON DR	DECATUR GA 30032
BARNES ANJEL C	3778 LONDON DR	DECATUR GA 30032
EJ CAPITAL PARTNERS LLC	1416 AVENUE LCK	BROOKLYN NY 11230
REDAN VILLAGE PARTNERS LLC	1904 MONROE DR NE STE 235	ATLANTA GA 30324
TMF AVONDALE HOLDINGS LLC	603 E BROADWAY ST	PROSPER TX 75078
PORTER FRED	3672 PORTER CT	DECATUR GA 30032
BUSBY TAMECA	1066 LONGSHORE CV	DECATUR GA 30032
UAP NGO PUM	1031 LONGSHORE CV	DECATUR GA 30032
JAUDON JASON ALLEN	1108 LONGSHORE DR	DECATUR GA 30032
REYES HILARIO	1102 LONGSHORE DR	DECATUR GA 30032
INDIAN CREEK FAMILY DEVELOPMENT LP	545 S 3RD ST	LOUISVILLE KY 40202
MILAM FAMILY REVOCBALE TRUST	612 LOST KEY DR # 901 B	PENSACOLA FL 32507
HASHIM ABOUD MOHAMED S	3725 OAKWOOD MNR	DECATUR GA 30032
KING JAMES E	3721 OAKWOOD MNR	DECATUR GA 30032

ICM SFR LP	58 S RIVER DR STE 150	TEMPE AZ 85281
ALLEN RANDY	3710 OAKWOOD MNR	DECATUR GA 30032
ELLIS REFINANCE PORTFOLIO LLC	1165 KINGSTON DR NE	ATLANTA GA 30345
FERRER OMAR	3758 OAKWOOD MNR	DECATUR GA 30032
WESTCHESTER REDAN COVE LLC	1904 MONROE DR NE STE 235	ATLANTA GA 30324
PEACHCREST MANAGEMENT LLC	4477 SIMS CT	TUCKER GA 30084
ANIS JOSIE L	1106 CANAL ST	DECATUR GA 30032
THURNTON-MURRAY DONNA M	1109 LONGSHORE DR	DECATUR GA 30032
KENNEDY ANDY R	1125 LONGSHORE DR	DECATUR GA 30032
SFR XII NM ATL OWNER 1 LP	9200 E HAMPTON DR	CAPITOL HEIGHTS MD 20743
TDH HOLDINGS LLC	1163 SPRINGDALE RD NE	ATLANTA GA 30306
BURKE KRISTOPHER ARTHUR	1058 DOVE VALLEY RD	DECATUR GA 30032
NA REAL ESTATE INVESTMENTS LLC	4935 N PEACHTREE RD	DUNWOODY GA 30338
WILLIAMS KENNETH K	1166 WINSTON DR	DECATUR GA 30032
SINCLAIR DEBBIE ANN	3629 RIVER RIDGE CT	DECATUR GA 30034
BROWN MARY H	3810 LONDON DR	DECATUR GA 30032
NIPPER JR SAMUEL	3151 KITTEERY DR	SNELLVILLE GA 30039
ROGALA ANDREW	3772 LONDON DR	DECATUR GA 30032
G E ADAN LLC	3851 HOLCOMB BRIDGE RD STE 300	NORCROSS GA 30092
VASQUEZ JORGE	436 JEFFERSON RIVER RD	ATHENS GA 30607
VALERA TANYA E	1044 LONGSHORE CV	DECATUR GA 30032
JIROUSCHEK ANTHONY	1050 LONGSHORE CV	DECATUR GA 30032
HILL SANYSHA D	1032 LONGSHORE CV	DECATUR GA 30032
NGUNGRU ANTHONY M	3710 LOREN DR	DECATUR GA 30032
BUCHANAN BARTON III	1096 LONGSHORE DR	DECATUR GA 30032
HALE DARRELL E	8357 SPIVEY RD	JONESBORO GA 30236
WILLIAMS GEINA M	3769 OAKWOOD MNR	DECATUR GA 30032
MAUNG THAN HTAY	3743 OAKWOOD MNR	DECATUR GA 30032
HALPER JASON	2401 AVENUE X	BROOKLYN NY 11235
RUSHIN ADRIENNE S	3703 OAKWOOD MNR	DECATUR GA 30032
HAMILTON LEROY	3680 OAKWOOD MNR	DECATUR GA 30032
HOOKS BRIDGET L	3714 OAKWOOD MNR	DECATUR GA 30032
ARIHI ANDRE CLOPHIA	3730 IVY CIR	CONYERS GA 30013
MCMILLON SIBYL	1106 OAKWOOD MANOR CV	DECATUR GA 30032
MANN MARILYN M	1127 OAKWOOD MANOR CT	DECATUR GA 30032

DAVIS STANLEY L	1128 OAKWOOD MANOR CT	DECATUR GA 30032
LO MICHAEL	4027 SIGNAL RDG SW	LILBURN GA 30047
REDAN VILLAGE PARTNERS LLC	1904 MONROE DR NE STE 235	ATLANTA GA 30324
HOWARD BOBBIE MOORE	1142 CANAL ST	DECATUR GA 30032
ARRINGTON WANDA	570 WADLEY COLEMAN LAKE RD	SWAINSBORO GA 30401
SFR XII ATL OWNER 3 LP	9200 E HAMPTON DR	CAPITOL HEIGHTS MD 20743
SANCHEZ DARIO B	1137 LONGSHORE DR	DECATUR GA 30032
BRANDON DOREEN	1133 CANAL ST	DECATUR GA 30032
ALEXANDER CALVIN	1095 CANAL ST	DECATUR GA 30032
BROWN FRANCENIA S	3364 VERACRUZ WAY	DECATUR GA 30034
KPM HOLDINGS LLC	2517 MELLVILLE AVE	DECATUR GA 30032
BRINKER AIMEE M	1070 DOVE VALLEY RD	DECATUR GA 30032
N AND R BUSINESS ENTERPRISES	1925 MASON MILL RD	DECATUR GA 30033
RANDALL CANDACE	1161 WINSTON DR	DECATUR GA 30032
URIBE MARTHA JULIANA	5805 STATE BRIDGE RD BOX G 434	JOHNS CREEK GA 30097
WELLS DENEEN	1172 WINSTON DR	DECATUR GA 30032
PENNY JUNE STEVENSON	2339 MORGAN HILL DR	DACULA GA 30019
HEGWOOD III FRED	6933 SCARLET RIDGE DR	BRENTWOOD TN 37027
SRAN PROPERTIES LLC	28 QUEENS CT	LAKESWOOD NJ 8701
WATKINS JAMES E	4968 LINSKOTT PL APT 1	LOS ANGELES CA 90016
COFER TABITHA A	1056 LONGSHORE CV	DECATUR GA 30032
KIMMONS MICHAEL	1024 LONGSHORE CV	DECATUR GA 30032



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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) 558-8656. 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
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS REZONING FROM R75 TO MR-1 AND A LAND USE AMENDMENT FROM SUBURBAN TO CRC FOR A 61 UNIT TOWNHOME HOME COMMUNITY.

Project Title: 3744 Redan Road

When: December 13th, 2023

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

Register in advance for this meeting:

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

Meeting ID: 864 6141 7000

Password: 851487

PROPOSED LOCATION(S):

Parcel Number - 15 220 01 026



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STATEMENT OF INTENT

and

Other Material Required by the
DeKalb Zoning Ordinance
For

A Rezoning from R-75 to MR-1 and Future Land Use Amendment from SUB to CRC
to Allow for Rental Townhomes

of

**3744 Redan Road, LLC.
c/o Battle Law, P.C.**

for

+/-5.87 Acres of Land
Being 3744 Redan Road
DeKalb, Georgia and
Parcel No. 15 220 01 026

Submitted for Applicant by:

Joshua Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
jsm@battlelawpc.com



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I. LETTER OF INTENT

3744 Redan Road, LLC. (the “Applicant”) is seeking to develop on +/- 5.87 acres of land being Tax Parcel No. 15 220 01 026 having frontage on 3744 Redan Road (the “Subject Property”) with rental townhomes. The Applicant is seeking a rezoning from R-75 to MR-1 and a future land use amendment from SUB to CRC of the Subject Property to allow for rental townhomes.

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. DEKALB REZONING CRITERIA

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

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

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The zoning proposal calls for seventy-four (74) single-family attached townhomes. To achieve this, the applicant proposes a future land use amendment from Suburban to Commercial Redevelopment Corridor and a rezoning from R-75 to MR-1. This exact request was just approved for property two parcels west of the Subject Property at the corner of Redan Road and Longshore Drive where that property owner will be constructing single-family attached townhomes. Furthermore, there are apartments across Redan Road in the Redan Cove development and in the Sunrise View Apartment development. There are townhomes off London Drive in the rear of a residential development across Redan Road as well. So, the proposed townhomes will fit in with the development that already exists in the area.

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

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

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The surrounding properties are either already developed or development is underway.



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- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;*

The property to the west of the Subject Property has received a future land use amendment and rezoning for exactly what the Applicant is requesting. The previously approved application sets a precedent for this area and lends supporting grounds for approval of this zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not in a historic district and the Applicant is not aware of any archaeological resources on the site.

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

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

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

The zoning proposal will not adversely impact the environment or surrounding natural resources. While the development will require grading and clearing, the development will not impact the environment anymore than necessary.

III. DEKALB FUTURE LAND USE AMENDMENT CRITERIA

- A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;*

The proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby properties. The zoning proposal calls for seventy-four (74) single-family attached townhomes. To achieve this, the applicant proposes a future land use amendment from Suburban to Commercial Redevelopment Corridor and a rezoning from R-75 to MR-1. This exact request was just approved for property two parcels west of the Subject Property at the corner of Redan Road and Longshore Drive where that property owner will be constructing single-family attached townhomes. Furthermore, there are apartments across Redan Road in the Redan Cove development and in the Sunrise View Apartment development. There are townhomes off London Drive in the rear of a residential development across Redan Road as well. So, the proposed townhomes will fit in with the development that already exists in the area.



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- B. *Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;*

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The surrounding properties are either already developed or development is underway.

- C. *Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;*

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

- D. *Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small area studies.*

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

- E. *Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines;*

There are no potential impacts on properties in an adjoining governmental jurisdiction. The Subject Property is not near the County line.

- F. *Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change;*

The property to the west of the Subject Property has received a future land use amendment and rezoning for exactly what the Applicant is requesting. The previously approved application sets a precedent for this area and lends supporting grounds for approval of this zoning proposal.

- G. *Whether there will be an impact on historic buildings, sites, districts, or archaeological resources resulting from the proposed change.*

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not in a historic district and the Applicant is not aware of any archaeological resources on the site.

IV. CONCLUSION



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For the foregoing reasons, the Applicant hereby requests that the applications for a rezoning and future land use amendment be approved. The Applicant welcomes any questions and feedback from the planning staff.

V. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the Dekalb 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 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 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 and Future Land Use Amendment 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.



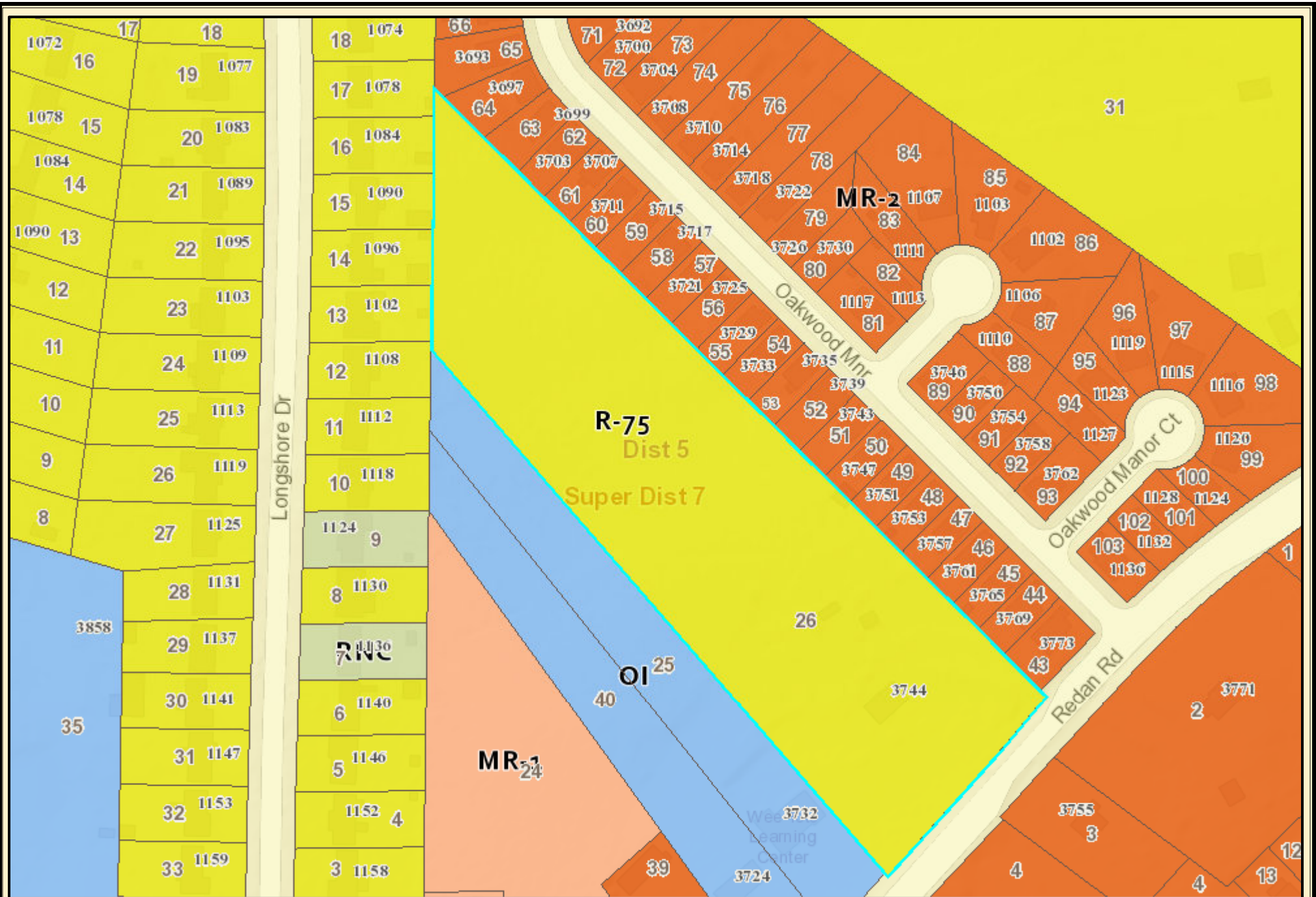
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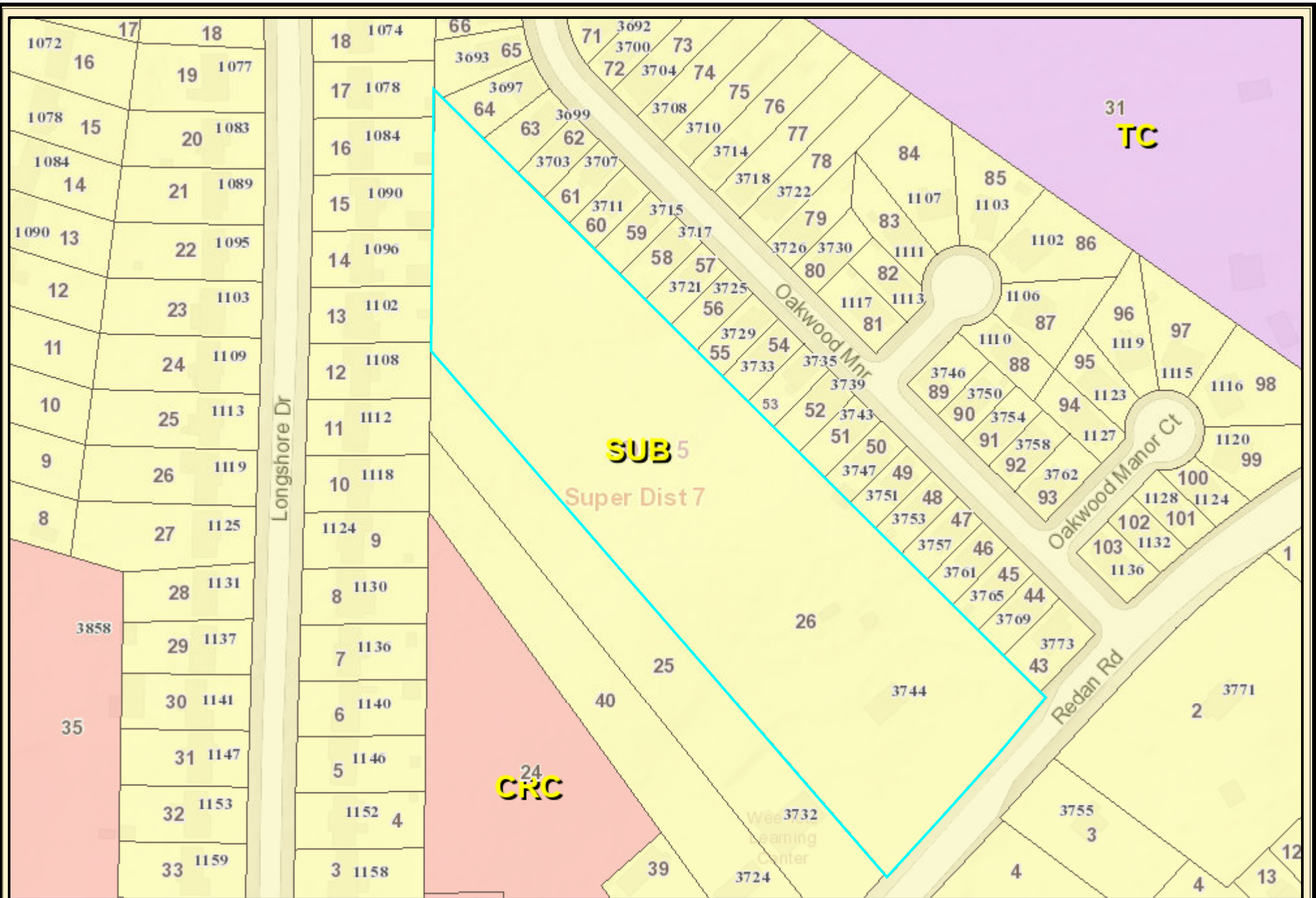
A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and rezoning 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 DeKalb 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.

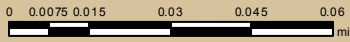
Joshua Mahoney, Esq.
Attorney for the Applicant







DeKalb County Parcel Map



Date Printed: 2/15/2024



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-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. 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.