

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Cameron Grogan c/o BF Austin, LLC to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of a new, 62-unit, single-family attached development, at 1491, 1531 and 1555 Austin Drive.

PETITION NO: N2-2024-1109 Z-24-1247190

PROPOSED USE: Single-family attached townhomes.

LOCATION: 1491, 1531, and 1555 Austin Drive, Decatur, Georgia 30032

PARCEL NO. : 15 197 02 011, 15 197 02 010, 15 197 02 033

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Cameron Grogan c/o BF Austin, LLC to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of a new, 62-unit, single-family attached development.

RECOMMENDATION:

COMMUNITY COUNCIL: (October 2024) Full cycle deferral.

PLANNING COMMISSION: (November 7, 2024) Pending.

PLANNING STAFF: Two-Cycle Deferral.

STAFF ANALYSIS: The proposed RSM zoning district and townhomes appear to be an appropriate land use and zoning transition from the commercial self-storage and condominiums to the east (across Austin Drive) within the OD, C-1, and MR-2 districts to the single-family detached and institutional (Towers High School) uses to the west within the R-75 district. The intent of the RSM district is to “provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options” (Sec. 2.12.1. RSM Statement of purpose and intent). While the proposed density of 7.8 units per acre is consistent with the maximum densities allowed by the SUB character area, it appears that a lower and more compatible density with the adjacent single-family neighborhoods may be more appropriate. Additionally, a planned mixture of land uses including single-family detached, single-family cottages, townhomes, and open space may be more consistent with the intent of the RSM district and the SUB character area to protect adjacent and nearby single-family residential neighborhoods. Furthermore, the applicant may want to consider a transition in building height from the three-story townhomes proposed along the frontage of Austin Drive to 1.5 to 2- story single-family cottages or open space along the rear property line to provide compatibility with the single-family residential (R-75) uses to the west. Additionally, in consideration of a project redesign, the applicant should clarify if the proposed units will be fee-simple or a condominium form of ownership, if there will be any proposed rental units, and provide clarity as to whether the project complies with the sidewalk, street tree, road width requirements of the Zoning Ordinance. The applicant has requested a deferral to the January 2025 agenda cycle to allow for site plan revisions and additional neighborhood discussions (see attached). However, Staff is recommending a “*Two-cycle deferral to*

the March 2025 zoning agenda” to allow the applicant ample time to consider redesigning the project to provide more appropriate compatibility with the surrounding area.

PLANNING COMMISSION VOTE: (November 7, 2024) Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (October 2024) Full Cycle Deferral 6-1-0 to allow for the District 3 Commissioner to take their place on the Board of Commissioners after the Nov. election.



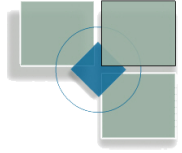
Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

178 Sams Street, Suite 3600

Decatur, GA 30030

(404) 371-2155 / plansustain@dekalbcountyga.gov



Planning Commission Hearing Date: November 7, 2024
Board of Commissioners Hearing Date: November 21, 2024

STAFF ANALYSIS

Case No.:	Z-24-1247190	Agenda #: 2024-1109
Location/Address:	1491, 1531, and 1555 Austin Drive in Decatur, Georgia.	Commission District: 3 Super District: 7
Parcel ID:	15-197-02-10, 11, & 33	
Request:	To rezone properties from R-75 (Residential Medium Lot District-75) to RSM (Residential Small Lot Mix) district to allow the construction of a single-family attached development.	
Property Owner:	BF Austin LLC	
Applicant/Agent:	Cameron Grogan	
Acreage:	7.8 acres	
Existing Land Use:	Vacant land and vacant single-family structures	
Surrounding Properties:	Institutional (Towers High School), Single-Family Residential, Commercial (Self Storage Warehouse), and Townhomes.	
Adjacent Zoning:	North: R-75 South: R-75 East: OD, C-1, MRD West: R-75	
Comprehensive Plan	SUB (Suburban)	X Consistent Inconsistent
Proposed Density:	7.8 du/acre	Existing Density: NA
Proposed Units/Square Ft.:	62 single-family attached townhomes	Existing Units/Square Feet: Vacant

STAFF RECOMMENDATION: TWO- CYCLE DEFERRAL

The proposed RSM zoning district and townhomes appear to be an appropriate land use and zoning transition from the commercial self-storage and condominiums to the east (across Austin Drive) within the OD, C-1, and MR-2 districts to the single-family detached and institutional (Towers High School) uses to the west within the R-75 district. The intent of the RSM district is to “provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options” (Sec. 2.12.1. RSM Statement of purpose and intent). While the proposed density of 7.8 units per acre is consistent with the maximum densities allowed by the SUB character area, it appears that a lower and more

compatible density with the adjacent single-family neighborhoods may be more appropriate. Additionally, a planned mixture of land uses including single-family detached, single-family cottages, townhomes, and open space may be more consistent with the intent of the RSM district and the SUB character area to protect adjacent and nearby single-family residential neighborhoods. Furthermore, the applicant may want to consider a transition in building height from the three-story townhomes proposed along the frontage of Austin Drive to 1.5 to 2-story single-family cottages or open space along the rear property line to provide compatibility with the single-family residential (R-75) uses to the west.

Additionally, in consideration of a project redesign, the applicant should clarify if the proposed units will be fee-simple or a condominium form of ownership, if there will be any proposed rental units, and provide clarity as to whether the project complies with the sidewalk, street tree, road width requirements of the Zoning Ordinance. The applicant has requested a deferral to the January 2025 agenda cycle to allow for site plan revisions and additional neighborhood discussions (see attached). However, Staff is recommending a *two-cycle deferral* to allow the applicant ample time to consider re-designing the project to provide more appropriate compatibility with the surrounding area.

ZONING COMMENTS – OCTOBER 2024

N1. (SLUP-24-1247188) 4293 Hambrick Road: No overlay district in place. No changes to the structure just the functional property use. Roadway classified as Local. No proposed changes or edits to the property frontage.

N2. (Z-24-1247190) 1491, 1531 & 1555 Austin Drive: No overlay district in place. No site distance issues. Proposed improvement along a roadway classified as a collector: Rezoning and property upgrade; Shoulder improvements requirements in Zoning Code 5.4.3, 10-foot multiuse path with pedestrian scale streetlights. Project is on a bus route maintain exiting Marta bus stops.

N3. (Z-24-1247191) 3960 Rockbridge Road: No overlay restrictions. Road classified as Minor Arterial. Regulatory traffic signs posted at 45 MPH. No site distance issues to note. Rezoning and reusage of property would require proper parking lot marking for ingress and egress with plaza directly in front of subject property. Right and Left turning issues should be mitigated with proper Traffic engineering evaluation in reference to placement of parking lot entrance and exit. Would consider placing KIDS AT PLAY (NON regulatory) warning signs in advance of subject property in both directions. Contact Dekalb County Roads and Drainage for signage installation. Project is on along Marta bus route.

N4. (Z-24-1247192) 3089 Snapfinger Road: Roadway classification Major Arterial. Snapfinger Road is SR 155. Regulatory posted speed is 45MPH. Limited sight distance to driveway. MUTCD calls for Vehicular warning signs Section 2C.49. Subject parcel driveway has limited sight distance. Advance warning signs should be posted on the shoulder and median for both lanes going east bound. Contact (JLivingston@dot.ga.gov) with GDOT for on state routes.

N5. (Z-24-1247194) 2452 La Fortune Drive: No overlay district. Roadway classification is local road. Shoulder/Frontage improvements requirements in Zoning Code 5.4.3, 10-foot multiuse path with pedestrian scale streetlights.



9/20/2024

To: Ms. LaSondra Hill, Planning
From: Ryan Cira, Environmental Health Director
Cc: Alan Gaines, 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.

DeKalb Public Health

445 Winn Way – Box 987
Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



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 Public Health

445 Winn Way – Box 987
Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net

**DeKalb County School District
Development Review Comments**

Analysis Date: 9/17/2024

Submitted to: Dekalb County

Case #: Z-24-1247190

Parcel #: 1519702011 1519702010 1519702033

Name of Development: 1491 Austin Drive, Decatur 30032

Location: 1491,1531&1555 Austin Drive, Decatur 30032

Description: Rezoning request to allow for development of a 62 single-family homes.

Impact of Development: When fully constructed, this development would be expected to generate 9 students: 1 at Peachcrest Elementary School, 1 at Bethune Middle School, 0 at Towers High School, 6 at other DCSD schools, and 1 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	1	1	0	6	1	9

New Enrollment	651	666	769
New Seats Available	333	624	533
New Utilization	66.2%	51.6%	59.1%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0167	0.0682	0.0127	0.0977
Middle	0.0099	0.0122	0.0000	0.0221
High	0.0027	0.0202	0.0040	0.0269
Total	0.0294	0.1006	0.0167	0.1467
Student Calculations				
Proposed Units	62			
Unit Type	TH			
Cluster	Towers High School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	1.04	4.23	0.79	6.06
Middle	0.62	0.76	0.00	1.38
High	0.17	1.25	0.25	1.67
Total	1.83	6.24	1.04	9.11
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Peachcrest Elementary School	1	4	1	6
Bethune Middle School	1	1	0	2
Towers High School	0	1	0	1
Total	2	6	1	9



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

1109 Z-24-1247190 1491 1531 1555 Austin Drive Recommendation: Denial.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe pedestrian and vehicular circulation are required compliant with DeKalb street standards. Paved off-street parking is required. Functional sidewalks, unobstructed by vehicles in driveways, are not clear in the site plan.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and Water Quality Control is required as a condition of land development permit approval. Show how runoff reduction and water quality treatment will be provided. There is a ridgeline through the development with drainage to both Snapfinger Creek as well as Cobbs Creek. Stormwater management under the private roadway is not recommended as system failures may restrict access to residences.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site and is noted in the plan. Typical state waters buffer requires a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.



**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

**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: 15 197 02 010, 15 197 02 011, 15 197 02 033

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

02-01
02-010
02-033

Case No.: Z-24-1247190 Parcel I.D. #s: 15-197
Address: 1491, 1531 & 1555 Austin Drive
Decatur, Georgia 30030

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: *John Reid*



**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: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: Cameron Grogan

Applicant E-Mail Address: cgrogan@williamsbrothersdev.com

Applicant Mailing Address: _____

Applicant Daytime Phone: _____ Fax: _____

Owner Name: BF AUSTIN LLC

If more than one owner, attach list of owners.

Owner Mailing Address: 931 PONCE DE LEON AVE ATLANTA GA 30306

Owner Daytime Phone: _____

Address of Subject Property: 1491, 1531, 1555 AUSTIN DRIVE, DECATUR, GA 30032

Parcel ID#: PIDs 15 197 02 011, 15 197 02 033 and 15 197 02 010

Acreage: 7.861

Commission District: Dist. 3, Super Dist 7

Present Zoning District(s): R-75

Proposed Zoning District: RSM

Present Land Use Designation: Suburban

Proposed Land Use Designation (if applicable): Suburban

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

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

Applicant Name: Cameron Grogan _ Property address 1491 Austin Drive _____

Tax Parcel ID: _15 197 02 011 _ Comm. District(s): 3 & 7 _____ Acreage: 6 acres

Existing Use: Vacant Structures Proposed Use: Single- Family attached townhomes

Supplemental Regs: _____ DRI: _NA_____

Rezoning: Yes No

Existing Zoning: R-75 _____ Proposed Zoning: RSM

Land Use Plan Amendment: Yes _____ No

Existing Land Use: _SUB _____ Proposed Land Use: _NA- SUB

Consistent _____ Inconsistent _____

Special Land Use Permit: Yes _____ No

Major Modification: NA

Existing Case Number(s): _N_____

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: Review Calendar Dates: _____ PC: 11/07/24** _____ BOC:

_11/21/24** _____ Letter of Intent: Impact Analysis: Owner Authorization(s): _____

Campaign Disclosure: Zoning Conditions: Community Council Meeting:

DEPARTMENT OF PLANNING & SUSTAINABILITY

10/09/24* 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

***Deadline for hosting pre-community meeting with 15 days notice for November 2024 agenda cycle would be 08/19/24**

****Filing Deadline for application is 08/26/24—PLEASE EMAIL John Reid in addition to submitting application through portal, and confirm with John Reid that he has received your complete application.**

Review of Site Plan—NO SITE PLAN SUBMITTED

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: NA no site plan provided for pre-app meeting.

Comments: _____

Applicant indicated community meeting with 15 days notice was held Monday August 19th. Show how proposed RSM rezoning is compatible with surrounding area including single-family area to north, south, and west. Show how proposed zoning is consistent with the Suburban Character Area of the 2050 Comprehensive Plan. Show compliance with RSM zoning requirements including but not limited to undisturbed transitional buffer requirements, building materials, minimum building setbacks, maximum building height, minimum lot area, minimum unit size, minimum parking requirements, sidewalk and street tree requirements, etc. Maximum density cannot exceed SUB character area of 8 units per acre. Any density above 4 units per acre must provide and document density bonuses as outlined in Article 2, Section 2.12.5.C (*Density bonus eligibility and Percent*) of the Zoning Ordinance.

DEPARTMENT OF PLANNING & SUSTAINABILITY

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review and official Planning Department recommendation will be done upon official submission of a rezoning or rezoning including a concept plan. If the application were to be approved, the applicant would have to submit and obtain approval of a sketch plat creating the various fee-simple lots, and then submit for land disturbance permits and building permits.

Planner: John Reid Date 08/20/24

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

Dear Property Owner:

You are invited to join a **VIRTUAL NEIGHBORHOOD MEETING on Microsoft Teams**, on Monday, August 19, 2024, from 6:00PM- 7:00PM to discuss a request by BF AUSTIN, LLC to rezone approximately 7.9 acres of land located 1491, 1531 and 1555 Austin Drive, Decatur, Georgia 30032 from R-75 to RSM to accommodate the development of 62 townhomes. Each townhome unit is proposed to have a minimum heated floor area of 1,200 square feet and a maximum height of 45 feet.

There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to attend the meeting due to a conflict with your schedule, but would like to learn about the project, please contact Denise Hayley at **404.446.9819**, or email her at dhayley@cglawfirm.com and she will send you a summary of the meeting.

YOU ARE INVITED TO A MICROSOFT TEAMS MEETING

Monday, August 19, 2024, at 6:00 PM EASTERN TIME

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 264 665 273 042

Passcode: R36ZWW

Dial in by phone

[+1 872-240-1286,,884217591#](#) United States, Chicago

[Find a local number](#)

Phone conference ID: 884 217 591#

Register in advance for this meeting:

<https://events.teams.microsoft.com/event/e7980e87-9dec-443c-98b1-69b8c4bdfaf9@5dad1b2a-9cfc-4766-aa06-bd57056efcb6>

If you have any questions regarding the meeting, please contact Denise Hayley at dhayley@cglawfirm.com or 404.446.9819.

1. Summary

Meeting title "VIRTUAL NEIGHBORHOOD MEETING to discuss application to rezone 1491, 1531 and 1555 Austin Drive, Decatur, GA"
Registration page views 13
Registered participants 9
Canceled registrations 0
Attended participants 41
Start time "8/19/24, 5:11:54 PM"
End time "8/19/24, 7:33:51 PM"
Meeting duration 2h 21m 56s
Average attendance time 56m

2. Participants

Name First Join Last Leave In-Meeting Duration Email Participant ID (UPN) Role Registration First Name Registration Last
Name Registration Email Registration Time Registration Status
Maiysha Rashad "8/19/24, 5:19:50 PM" "8/19/24, 7:24:33 PM" 1h 28m 40s mrashad@cglawfirm.com mrashad@cglawfirm.com
Organizer
Denise Hayley "8/19/24, 5:56:08 PM" "8/19/24, 7:24:51 PM" 1h 28m 42s dhayley@cglawfirm.com dhayley@cglawfirm.com
Organizer
Hakim Hilliard "8/19/24, 6:05:27 PM" "8/19/24, 7:24:34 PM" 1h 19m 6s hhilliard@cglawfirm.com hhilliard@cglawfirm.com
Organizer
Hakim Hilliard (Unverified) "8/19/24, 5:20:21 PM" "8/19/24, 5:22:01 PM" 1m 40s Presenter
+14044324057 (Unverified) "8/19/24, 5:36:15 PM" "8/19/24, 7:33:51 PM" 1h 57m 36s Attendee
Wynette (Unverified) "8/19/24, 5:39:53 PM" "8/19/24, 6:51:54 PM" 1h 12m 1s Attendee Wynette Smith
wsmith@agnesscott.edu "8/19/24, 10:27:29 AM" Registered
Wynette (Unverified) "8/19/24, 5:44:11 PM" "8/19/24, 6:51:51 PM" 1h 7m 40s Attendee Wynette Smith
wsmith@agnesscott.edu "8/19/24, 10:27:29 AM" Registered
+14047913864 (Unverified) "8/19/24, 5:46:59 PM" "8/19/24, 7:29:11 PM" 1h 42m 12s Attendee
Dorothy (Unverified) "8/19/24, 5:55:47 PM" "8/19/24, 7:24:47 PM" 1h 29m Attendee Dorothy Solomon
dotsolman@gmail.com "8/08/24, 7:29:52 AM" Registered
+14049340509 (Unverified) "8/19/24, 5:58:24 PM" "8/19/24, 7:24:55 PM" 1h 26m 31s Attendee
Hakim Hilliard (Unverified) "8/19/24, 5:58:52 PM" "8/19/24, 6:01:18 PM" 2m 25s Presenter
Karen Burnham (Unverified) "8/19/24, 5:59:09 PM" "8/19/24, 7:13:02 PM" 1h 13m 52s Attendee
amanda (Unverified) "8/19/24, 5:59:10 PM" "8/19/24, 7:24:31 PM" 1h 22m 16s Attendee
Michael (Unverified) "8/19/24, 5:59:13 PM" "8/19/24, 6:04:42 PM" 5m 28s Attendee
Annika Zapf "8/19/24, 6:00:12 PM" "8/19/24, 7:25:05 PM" 1h 24m 52s Attendee
Velma Youngblood (Unverified) "8/19/24, 6:00:59 PM" "8/19/24, 7:24:45 PM" 1h 23m 46s Attendee
+14047357085 (Unverified) "8/19/24, 6:01:10 PM" "8/19/24, 7:24:56 PM" 1h 21m 28s Attendee
Tiffany (Unverified) "8/19/24, 6:02:29 PM" "8/19/24, 7:24:33 PM" 1h 22m 4s Attendee
+14048579257 (Unverified) "8/19/24, 6:03:00 PM" "8/19/24, 7:26:11 PM" 1h 23m 11s Attendee
+14043048729 (Unverified) "8/19/24, 6:03:06 PM" "8/19/24, 6:04:12 PM" 1m 6s Attendee
+16785223090 (Unverified) "8/19/24, 6:03:14 PM" "8/19/24, 6:12:37 PM" 9m 22s Attendee
Lavell (Unverified) "8/19/24, 6:04:02 PM" "8/19/24, 6:08:45 PM" 4m 42s Attendee Lavell Lewis
lavell.lewis@gmail.com "8/19/24, 9:35:55 AM" Registered
Ali Nuckles "8/19/24, 6:05:18 PM" "8/19/24, 7:06:49 PM" 1h 1m 31s anuckles1@gsu.edu anuckles1@gsu.edu Attendee
Ali Nuckles nuck2039@gmail.com "8/19/24, 10:28:33 AM" Registered
Hakim Hilliard (Unverified) "8/19/24, 6:05:18 PM" "8/19/24, 6:05:49 PM" 30s Attendee
Tonia (Unverified) "8/19/24, 6:05:19 PM" "8/19/24, 7:24:40 PM" 1h 19m 21s Attendee
+14044063402 (Unverified) "8/19/24, 6:05:44 PM" "8/19/24, 7:24:28 PM" 1h 18m 43s Attendee
Michael (Unverified) "8/19/24, 6:06:17 PM" "8/19/24, 7:24:33 PM" 1h 18m 15s Attendee
Lavell Lewis - (DeKalb Alphas) "8/19/24, 6:08:20 PM" "8/19/24, 6:08:29 PM" 9s lavell.lewis@dekalbalphas.org
lavell.lewis@dekalbalphas.org Attendee Lavell Lewis lavell.lewis@gmail.com "8/19/24, 9:35:55 AM" Registered
Lavell Lewis "8/19/24, 6:08:32 PM" "8/19/24, 7:24:36 PM" 1h 14m 15s Attendee
+16787487160 (Unverified) "8/19/24, 6:08:50 PM" "8/19/24, 6:19:18 PM" 10m 28s Attendee
+1404933235 (Unverified) "8/19/24, 6:10:01 PM" "8/19/24, 7:24:34 PM" 1h 14m 32s Attendee
Cameron Grogan (Unverified) "8/19/24, 6:10:15 PM" "8/19/24, 7:24:31 PM" 1h 14m 15s Presenter
+17702358140 (Unverified) "8/19/24, 6:11:24 PM" "8/19/24, 7:24:42 PM" 1h 13m 18s Attendee
Clarke (Unverified) "8/19/24, 6:12:42 PM" "8/19/24, 6:16:51 PM" 4m 8s Attendee
ANTHONY WILSON "8/19/24, 6:14:02 PM" "8/19/24, 6:27:13 PM" 13m 11s Attendee
LaDena Bolton (Unverified) "8/19/24, 6:14:07 PM" "8/19/24, 6:51:42 PM" 37m 34s Attendee
+16788422401 (Unverified) "8/19/24, 6:16:35 PM" "8/19/24, 7:24:43 PM" 1h 8m 8s Attendee
+16786132589 (Unverified) "8/19/24, 6:16:37 PM" "8/19/24, 6:57:11 PM" 40m 33s Attendee
+14042747216 (Unverified) "8/19/24, 6:18:56 PM" "8/19/24, 6:57:45 PM" 38m 48s Attendee
Joscelyn (Unverified) "8/19/24, 6:18:59 PM" "8/19/24, 7:24:33 PM" 1h 5m 34s Attendee
Roselyn Z (Unverified) "8/19/24, 6:39:00 PM" "8/19/24, 7:13:59 PM" 34m 58s Attendee
Margaret Tawes chunksmine@gmail.com "8/16/24, 7:40:20 AM" Registered
Edie Mitchell ediebump@gmail.com "8/16/24, 11:09:23 AM" Registered
Amanda Kembel amandakembel@gmail.com "8/19/24, 10:18:23 AM" Registered
LaDena Bolton ladena.bolton@yahoo.com "8/19/24, 10:35:25 AM" Registered
Cynthia Edwards cynthiawedwards53@hotmail.com "8/19/24, 5:25:44 PM" Registered

3. In-Meeting Activities

Name Join Time Leave Time Duration Email Role
Maiysha Rashad "8/19/24, 5:19:50 PM" "8/19/24, 5:22:00 PM" 2m 10s mrashad@cglawfirm.com Organizer
Maiysha Rashad "8/19/24, 5:58:03 PM" "8/19/24, 7:24:33 PM" 1h 26m 30s mrashad@cglawfirm.com Organizer
Denise Hayley "8/19/24, 5:56:08 PM" "8/19/24, 7:24:51 PM" 1h 28m 42s dhayley@cglawfirm.com Organizer
Hakim Hilliard "8/19/24, 6:05:27 PM" "8/19/24, 7:24:34 PM" 1h 19m 6s hhilliard@cglawfirm.com Organizer
Hakim Hilliard (Unverified) "8/19/24, 5:20:21 PM" "8/19/24, 5:22:01 PM" 1m 40s Presenter
+14044324057 (Unverified) "8/19/24, 5:36:15 PM" "8/19/24, 7:33:51 PM" 1h 57m 36s Attendee
Wynette (Unverified) "8/19/24, 5:39:53 PM" "8/19/24, 6:51:54 PM" 1h 12m 1s Attendee
Wynette (Unverified) "8/19/24, 5:44:11 PM" "8/19/24, 6:51:51 PM" 1h 7m 40s Attendee
+14047913864 (Unverified) "8/19/24, 5:46:59 PM" "8/19/24, 7:29:11 PM" 1h 42m 12s Attendee
Dorothy (Unverified) "8/19/24, 5:55:47 PM" "8/19/24, 7:24:47 PM" 1h 29m Attendee
+14049340509 (Unverified) "8/19/24, 5:58:24 PM" "8/19/24, 7:24:55 PM" 1h 26m 31s Attendee
Hakim Hilliard (Unverified) "8/19/24, 5:58:52 PM" "8/19/24, 6:01:18 PM" 2m 25s Presenter
Karen Burnham (Unverified) "8/19/24, 5:59:09 PM" "8/19/24, 7:13:02 PM" 1h 13m 52s Attendee
amanda (Unverified) "8/19/24, 5:59:10 PM" "8/19/24, 6:47:27 PM" 48m 17s Attendee
amanda (Unverified) "8/19/24, 6:50:32 PM" "8/19/24, 7:24:31 PM" 33m 59s Attendee
Michael (Unverified) "8/19/24, 5:59:13 PM" "8/19/24, 6:04:42 PM" 5m 28s Attendee
Annika Zapf "8/19/24, 6:00:12 PM" "8/19/24, 7:25:05 PM" 1h 24m 52s Attendee
Velma Youngblood (Unverified) "8/19/24, 6:00:59 PM" "8/19/24, 7:24:45 PM" 1h 23m 46s Attendee
+14047357085 (Unverified) "8/19/24, 6:01:10 PM" "8/19/24, 6:02:55 PM" 1m 45s Attendee
+14047357085 (Unverified) "8/19/24, 6:05:12 PM" "8/19/24, 7:24:56 PM" 1h 19m 43s Attendee
Tiffany (Unverified) "8/19/24, 6:02:29 PM" "8/19/24, 7:24:33 PM" 1h 22m 4s Attendee
+14048579257 (Unverified) "8/19/24, 6:03:00 PM" "8/19/24, 7:26:11 PM" 1h 23m 11s Attendee
+14043048729 (Unverified) "8/19/24, 6:03:06 PM" "8/19/24, 6:04:12 PM" 1m 6s Attendee
+16785223090 (Unverified) "8/19/24, 6:03:14 PM" "8/19/24, 6:12:37 PM" 9m 22s Attendee

Lavell (Unverified)	"8/19/24, 6:04:02 PM"	"8/19/24, 6:08:45 PM"	4m 42s	Attendee	
Ali Nuckles	"8/19/24, 6:05:18 PM"	"8/19/24, 7:06:49 PM"	1h 1m 31s	anuckles1@gsu.edu	Attendee
Hakim Hilliard (Unverified)	"8/19/24, 6:05:18 PM"	"8/19/24, 6:05:49 PM"	30s		Attendee
Tonia (Unverified)	"8/19/24, 6:05:19 PM"	"8/19/24, 7:24:40 PM"	1h 19m 21s		Attendee
+14044063402 (Unverified)	"8/19/24, 6:05:44 PM"	"8/19/24, 7:24:28 PM"	1h 18m 43s		Attendee
Michael (Unverified)	"8/19/24, 6:06:17 PM"	"8/19/24, 7:24:33 PM"	1h 18m 15s		Attendee
Lavell Lewis - (DeKalb Alphas)	"8/19/24, 6:08:20 PM"	"8/19/24, 6:08:29 PM"	9s	lavell.lewis@dekalbalphas.org	Attendee
Lavell Lewis	"8/19/24, 6:08:32 PM"	"8/19/24, 6:59:46 PM"	51m 13s		Attendee
Lavell Lewis	"8/19/24, 7:01:34 PM"	"8/19/24, 7:24:36 PM"	23m 2s		Attendee
+16787487160 (Unverified)	"8/19/24, 6:08:50 PM"	"8/19/24, 6:19:18 PM"	10m 28s		Attendee
+14049333235 (Unverified)	"8/19/24, 6:10:01 PM"	"8/19/24, 7:24:34 PM"	1h 14m 32s		Attendee
Cameron Grogan (Unverified)	"8/19/24, 6:10:15 PM"	"8/19/24, 7:24:31 PM"	1h 14m 15s		Presenter
+17702358140 (Unverified)	"8/19/24, 6:11:24 PM"	"8/19/24, 7:24:42 PM"	1h 13m 18s		Attendee
Clarke (Unverified)	"8/19/24, 6:12:42 PM"	"8/19/24, 6:16:51 PM"	4m 8s		Attendee
ANTHONY WILSON	"8/19/24, 6:14:02 PM"	"8/19/24, 6:27:13 PM"	13m 11s		Attendee
LaDena Bolton (Unverified)	"8/19/24, 6:14:07 PM"	"8/19/24, 6:51:42 PM"	37m 34s		Attendee
+16788422401 (Unverified)	"8/19/24, 6:16:35 PM"	"8/19/24, 7:24:43 PM"	1h 8m 8s		Attendee
+16786132589 (Unverified)	"8/19/24, 6:16:37 PM"	"8/19/24, 6:57:11 PM"	40m 33s		Attendee
+14042747216 (Unverified)	"8/19/24, 6:18:56 PM"	"8/19/24, 6:57:45 PM"	38m 48s		Attendee
Joscelyn (Unverified)	"8/19/24, 6:18:59 PM"	"8/19/24, 7:24:33 PM"	1h 5m 34s		Attendee
Roselyn Z (Unverified)	"8/19/24, 6:39:00 PM"	"8/19/24, 7:13:59 PM"	34m 58s		Attendee

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ____ No ____*

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

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

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

Notary

Digitally signed by CAMERON GROGAN

Signature of Applicant /Date

Check one: Owner _____ Agent _____

Expiration Date/ Seal

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

AUTHORIZATION

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

Date: 8/20/2024

TO WHOM IT MAY CONCERN:

(I) (WE) BFG Austin, LLC
Name of owner(s)

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

Cameron Grogan, CMWB Company, LLC
Name of Agent or Representative

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



Notary Public _____

Peter Fellman *member*
Owner BF AUSTIN, LLC

Notary Public _____

Owner _____


Notary Public _____

Owner _____

Notary Public _____

Owner _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ___ No X*

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

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

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

Notary

MEMBA
BF DUSTIN, LLC
Signature of Applicant /Date

Check one: Owner ___ X ___ Agent ___

Expiration Date/ Seal

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

8/26/2024

Re: **Letter of Intent – RSM Rezoning**
1491, 1531, 1555 AUSTIN DRIVE
PEC+ Project No. 23294.00B

Dear Community Development Officials,

This application seeks to rezone the approximately 7.861-acre site known as Austin Drive (the “Subject Property,” PIDs 15 197 02 011, 15 197 02 033 and 15 197 02 010) from R-75 to RSM. The change would allow for the development of a new, 62-unit, single-family attached development.

Site, Site History and Proposal

The Subject Property is located at the northwest intersection of Austin Drive and Towers Way in central DeKalb County. The near the intersection of Covington Highway and 285, and is located adjacent to Towers High School. The site is made up of three parcels that total approximately 7.861-acres.

The proposed project would include 32 rear-entry townhomes and 30 front-entry townhomes, all with a minimum width of 24 feet. The minimum unit size would be 1,200 heated square feet, and the maximum height of the units would be 3 stories or 45 feet. Twenty-seven percent of the site (2.2 acres) would consist of open space, including 1.7 acres of enhanced open space. The development would have 186 parking spaces, including 16 spaces for guests.

The base density permitted in the RSM district is 4 units per acre. This site design would seek an additional 4 units per acre to achieve a total permitted density of 8 units per acre. The proposed 62-unit subdivision has a gross site density of 7.8 units per acre. The proposed density bonuses include:

- Amenity proximity (for 20% of base additional density)
- Public improvement – a bus shelter (for 20% of base additional density)
- Public improvement – public art (for 20% of base additional density)
- Additional enhanced open space—20% beyond required including a pocket park, community green, and a landscaped stormwater pond that will serve as an amenity (for 50% of base additional density)

Rationale for Request

This area is part of the “suburban” character area per the DeKalb County Comprehensive Plan, and is on the border of the more intense commercial redevelopment corridor (CRC) across Austin Drive to the east. As such, the proposed RSM zoning is compatible with the underlying designation and is therefore aligned with the comprehensive plan. Per the DeKalb County Unified Development Ordinance, the intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Future development should provide better pedestrian and community connectivity and be designed in a way that preserves and enhances existing greenspace. The proposal meets the purpose and intent of the district per the DeKalb County UDO.

The immediate area is characterized by different types of single-family development, including townhomes, detached homes, as well as diverse commercial and institutional uses across Austin Drive, such as DeKalb Preparatory Academy and a self-storage facility. The proposed development represents

a middle ground between these uses, creating a reasonable transition in land use intensity between the more intense CRC character area and the lower-intensity Suburban character area.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for DeKalb County (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for RSM as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by DeKalb County and the Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by DeKalb County and the Board of Commissioners to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, 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.

Conclusion

The applicant and owner respectfully request that the DeKalb County Board of Commissioners, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for the development of a new, single-family attached subdivision. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.

8/26/2024

Re: **Letter of Intent – RSM Rezoning**
1491, 1531, 1555 AUSTIN DRIVE
PEC+ Project No. 23294.00B

Dear Community Development officials,

Please see below the responses to the Standards Governing the Exercise of the Zoning Power:

The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

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

This area is part of the “suburban” character area per the DeKalb County Comprehensive Plan, and is on the border of the more intense commercial redevelopment corridor (CRC) across Austin Drive to the east. As such, the proposed RSM zoning is compatible with the underlying designation and is therefore aligned with the comprehensive plan. Per the DeKalb County Unified Development Ordinance, the intent of the Suburban Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. Future development should provide better pedestrian and community connectivity and be designed in a way that preserves and enhances existing greenspace. The proposal meets the purpose and intent of the district per the DeKalb County UDO.

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

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposal includes 62 single-family attached homes, which is a use compatible with the surrounding uses, including single family homes, townhomes, and commercial/institutional uses. Therefore, the proposed change would allow for a use that is suitable in view of the use and development of adjacent and nearby property.

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

The proposal does not have a reasonable use as zoned. Due to the small size of this assemblage of parcels the subject property does not have a reasonable use under the R-75 designation. This site cannot be feasibly be used as large lot residential, and the best and highest use of it would be a townhome subdivision similar to others in the area. This proposal, however, would ensure that the natural area on the site remains intact to the extent possible, while still maintaining a reasonable economic use.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Most of the nearby properties are already developed. The proposed use includes significant open area around the exterior of the property, and will protect adjacent parcels from negative externalities associated with development and land disturbance. The proposed new use would be in harmony with the use and usability of existing properties.

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 site area is a prime redevelopment parcel in metro Atlanta. The County has tremendous pressures for growth, and this development is suitable in ensuring the goals of the comprehensive plan are met by steering that growth toward quality with an emphasis on good design.

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

There are no historic sites or districts in proximity to the site. There are no archaeological resources present on the site.

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

The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed project will attract a variety of buyers, and will not overwhelm existing utilities or facilities in any one particular way. Additionally, the suburban character area is designated as those areas of the county which can support new areas of growth due to the presence of existing utilities and capacity.

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

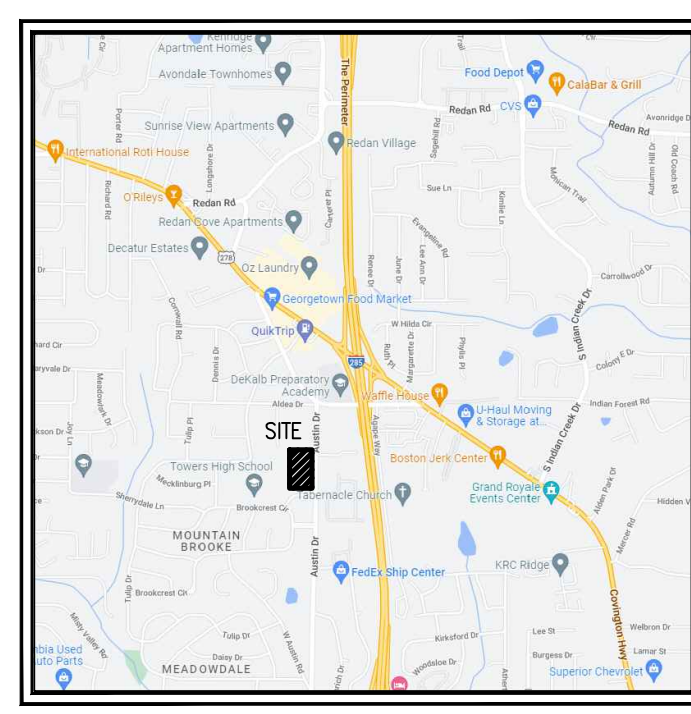
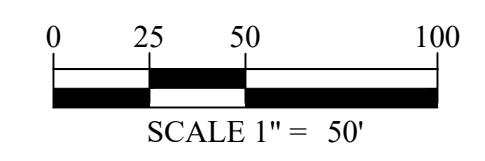
The zoning proposal earmarks over 25% of the site for open space. The proposal represents an effective balance for growth within the county/metro Atlanta with the need to conserve resources.

The applicant and owner respectfully request that the DeKalb County Board of Commissioners, Planning Commission and Planning Staff approve and support the Applicant's request to rezone the subject property from R-75 to RSM for the purposes of creating a new, high-quality, single-family detached development. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.



W&A Engineering
CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
TRAFFIC ENGINEERING - SURVEYING
ECONOMIC DEVELOPMENT

355 Oneta Street, Suite D100
Athens, GA 30601
P: (706) 310-0400 • F: (706) 310-0411
waengineering.com

ALL DRAWINGS SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OF SERVICE ARE TO BE USED ONLY FOR THE SPECIFIC PROJECT, AND ENGINEERS SHALL BE HELD LEGALLY RESPONSIBLE TO THE USE OF THE INSTRUMENTS OF SERVICE AND SHALL RETAIN FULL PROTECTION UNDER UNITED STATES COPYRIGHT LAW.

BOUNDARY AND TOPOGRAPHIC SURVEY FOR:
BF AUSTIN, LLC; LYNN BENTLEY WALLIS; ALVA O. BENTLEY
A/K/A ALVA OSBORNE BENTLEY; THE ABRAM LAW GROUP, LLC;
TRINITY TITLE INSURANCE AGENCY, INC.; FIRST AMERICAN
TITLE INSURANCE COMPANY; PIEDMONT RESIDENTIAL, LLC

1491, 1531, & 1555 AUSTIN DRIVE, DECATUR, GA 30032
15TH DISTRICT, DEKALB COUNTY

DATE: 06/23/2022
DRAFTED BY: RN
REVISIONS
NOTE: Unless noted otherwise, recorded exceptions are filed in the office of the Clerk of Superior Court of Athens-Clarke County, Georgia.

REFERENCES:
DEED BOOK 690, PAGE 440
DEED BOOK 7616, PAGE 747, 749-750
DEED BOOK 1576, PAGE 60
DEED BOOK 27000, PAGE 579 & 582

OWNER OF RECORD:
JASON ZAKOCS
1491, 1531, & 1555 AUSTIN DRIVE
DECATUR, GA 30032

DEKALB COUNTY CLERK OF SUPERIOR COURT
556 NORTH MCDONOUGH STREET
DECATUR, GA 30030

VEDDER SURVEYS & ASSOCIATES
1648 JULIETTE ROAD
FORSYTH, GA 31029

REGISTERED PROFESSIONAL SURVEYOR
WILLIAM BRIAN MITCHELL
No. 10000
BRIAN MITCHELL
BRIAN MITCHELL
BRIAN MITCHELL

220251
ALTA/NSPS LAND
TITLE SURVEY

6/23/22
DATE

SHEET: 1 OF 1

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

- SURVEY NOTES:**
1. THE FIELD DATA UPON WHICH THIS PLAN IS BASED UPON HAS A CLOSURE PRECISION OF ONE FOOT IN 352,747 FEET, AND AN ANGULAR ERROR OF 2" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,037,655 FEET BY MAP CHECK.
 2. FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 3-SECOND LEICA TS16 TOTAL STATION INSTRUMENT.
 3. HORIZONTAL DATUM IS GRID NORTH, GEORGIA STATE PLANE, WEST ZONE AND VERTICAL DATUM IS NAVD83, ESTABLISHED ON-SITE NETWORK GPS OBSERVATIONS WITH A LEICA GS16 GNSS RTK RECEIVER.
 4. THIS SURVEY WAS PERFORMED WITHOUT A TITLE COMMITMENT AND MAY BE SUBJECT TO LEASES, EASEMENTS, AND RESTRICTIONS OF RECORD NOT REFLECTED UPON THIS SURVEY.
 5. FIELDWORK COMPLETED: 5/25/2022.
 6. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB1004 (2016), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
 7. NO EXISTING NATIONAL GEODETIC SURVEY MONUMENT WAS FOUND TO BE WITHIN 500' OF SUBJECT PROPERTY.

GPS CONTROL NOTE:
The initial control points for this survey were located utilizing GPS. The equipment used was a Champion TK0 GNSS receiver with Carlson SurvCE data collection software. All coordinates are based on NAD83(2011) and Geoid12A. Network RTK corrections were received via a cellular modem. The type of survey was network RTK utilizing the Trimble VRS real time network operated by cGPS Solutions, Inc. The relative positional accuracy, as calculated according to the Federal Geographic Data Committee Part 3: National Standard for Spatial Data Accuracy, is .04 ft. Horizontal and .07 ft. Vertical at the 95% confidence level.

RECORD LEGAL DESCRIPTION
All that tract or parcel of land lying and being in Land Lot 197 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a point where the Westerly Right of Way of Austin Drive (Right of Way varies) intersects with the Southerly Right of Way of Aldo Drive; running thence in a Southerly direction along the Westerly Right of Way of Aldo Drive a distance of 516.4 feet to an iron pin found on the Westerly Right of Way of Aldo Drive and the True Point of Beginning; running thence South 01 Degree 42 Minutes 19 Seconds East along said Westerly Right of Way of Aldo Drive a distance of 165.62 feet to an iron pin found; continuing thence South 01 Degree 02 Minutes 49 Seconds East a distance of 201.38 feet to an iron pin found; continuing thence South 01 Degree 00 Minutes 27 Seconds East a distance of 372.06 feet to an iron pin found; continuing thence South 01 Degree 01 Minute 26 Seconds East a distance of 20.00 feet to an iron pin found; thence leaving said Right of Way and running South 88 Degrees 28 Minutes 30 Seconds West a distance of 13.11 feet to an iron pin found; running thence South 01 Degree 28 Minutes 47 Seconds East a distance of 100 feet to an iron pin found on the Northerly Right of Way of Towers Way (a 50 foot Right of Way); running thence South 88 Degrees 32 Minutes 07 Seconds West a distance of 394.15 feet to an iron pin found; running thence North 00 Degrees 00 Minutes 00 Seconds East a distance of 119.63 feet to an iron pin found; continuing thence North 00 Degrees 00 Minutes 00 Seconds East a distance of 379.66 feet to an iron pin found; continuing thence North 00 Degrees 00 Minutes 00 Seconds East a distance of 200.80 feet to an iron pin found; running thence North 00 Degrees 46 Minutes 45 Seconds West a distance of 184.61 feet to an iron pin found; running thence North 89 Degrees 19 Minutes 39 Seconds East a distance of 391.30 feet to an iron pin found on the Westerly Right of Way of Austin Drive and the True Point of Beginning; being known as 1491, 1531 and 1555 Austin Drive, according to the present system of numbering houses in DeKalb County, Georgia, and also being known as DeKalb County Tax Parcels numbered 15-197-02-011 (1491 Austin Drive), 15-197-02-010 (1531 Austin Drive), and 15-197-02-033 (1555 Austin Drive).

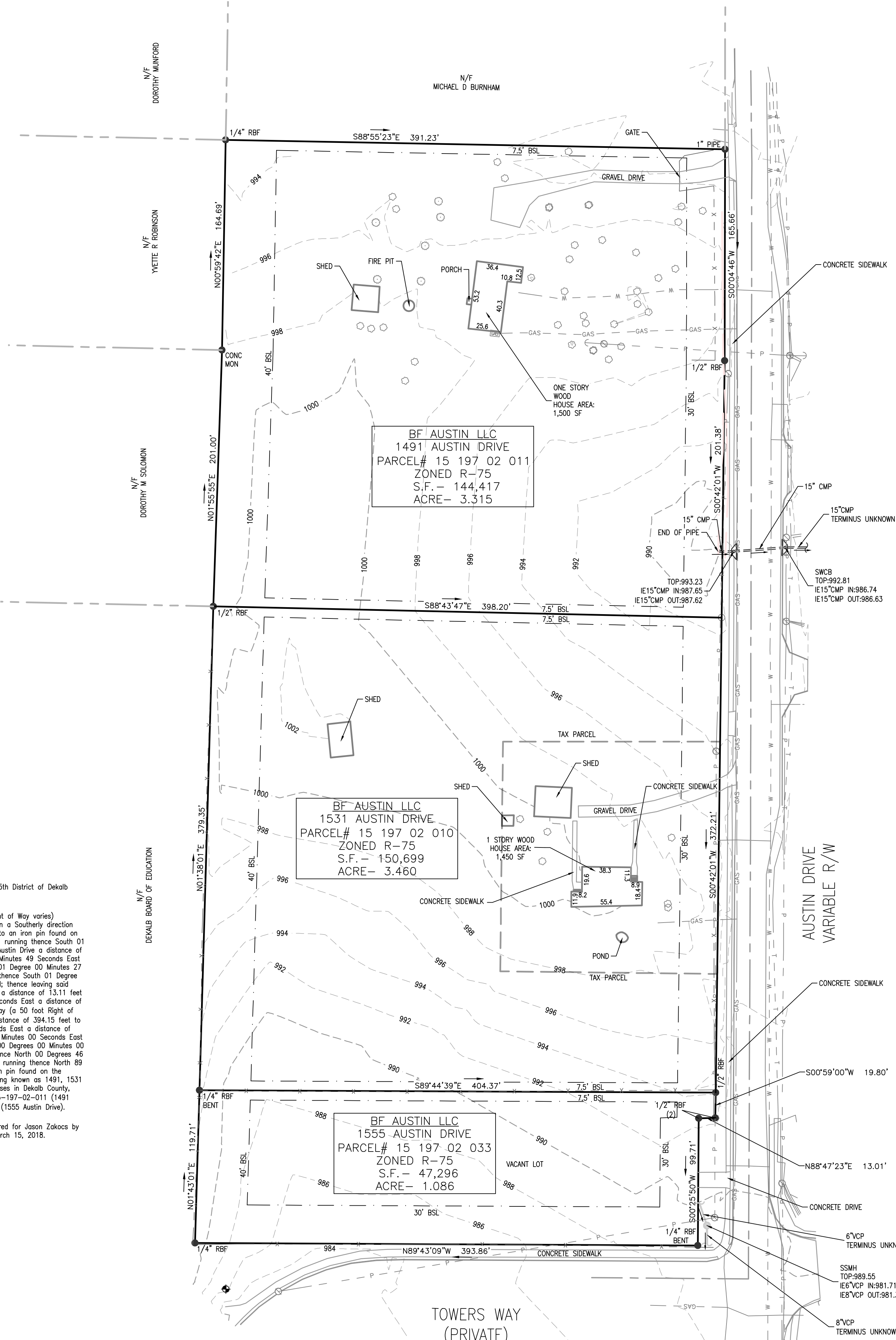
This legal description was prepared from that certain plat of survey prepared for Jason Zakocs by Vedder Surveys & Associates, George E. Vedder, GRLS No. 2562, dated March 15, 2018.

- SURVEY LEGEND**
- B.S.L. - BUILDING SETBACK LINE
 - CMF - CORRUGATED METAL PIPE
 - DB - DEED BOOK
 - DE - DRAINAGE EASEMENT
 - DI - DUCTILE IRON PIPE
 - FD - FIRE DEPARTMENT CONNECTION
 - FES - FLARED END SECTION (STORM)
 - FTE - FINISHED FLOOR ELEVATION
 - GI - GRATE INLET
 - HEPE - HIGH DENSITY POLYETHYLENE
 - INS - INSERT ELEVATION
 - OCS - OUTLET CONTROL STRUCTURE
 - PB - PLAT BOOK
 - PT - POWER TELEPHONE POLE
 - RCF - REINFORCED CONCRETE PIPE
 - SS - SANITARY SEWER EASEMENT
 - CMF - CONCRETE MONUMENT FOUND
 - IF - IRON PIN FOUND
 - PS - IRON PIN SET
 - OPT - OPEN TOP PIPE
 - POC - POINT OF COMMENCEMENT
 - R/W - RIGHT-OF-WAY
 - TP - TRUE POINT OF BEGINNING
 - TR - TYPICAL
 - PC - PROPERTY CORNER FOUND
 - PCF - PROPERTY CORNER FOUND
 - PCMF - CONCRETE MONUMENT FOUND
 - EB - ELEVATION BENCHMARK
 - DELTA (SURVEY CONTROL)
 - AC - AIR CONDITIONING UNIT
 - CB - CATCHBASIN
 - CO - CLEANOUT
 - FO - FIBER OPTIC (MARKER)
 - FI - FIRE HYDRANT
 - GV - GAS VALVE
 - GM - GAS METER
 - GS - GAS MARKER
 - GW - GUY WIRE/ANCHOR
 - HW - HEADWALL
 - JB - JUNCTION BOX
 - LP - LIGHTPILE
 - MH - MANHOLE
 - SMH - SANITARY SEWER MANHOLE
 - TPED - TELEPHONE PEDESTAL
 - WI - WEIR INLET
 - WM - WATER METER
 - WV - WATER VALVE
 - UT - UTILITY POLE
 - TR - TRANSMISSION UTILITY POLE
 - TRNS - POWER TRANSFORMER
 - FL - FENCE LINE
 - UL - OVERHEAD UTILITY
 - OP - OVERHEAD POWER
 - UP - UNDERGROUND POWER
 - OT - OVERHEAD TELEPHONE
 - UTL - UNDERGROUND TELEPHONE
 - TR - TRAFFIC UTILITY
 - FO - FIBER-OPTIC
 - NAT - NATURAL GAS
 - FLO - FLOODPLAIN
 - SS - SANITARY SEWER
 - SE - SEWER FORCEMAIN
 - SVC - SANITARY SEWER SERVICE
 - W - WATERLINE

UTILITY NOTE:
PERSONS USING THIS DRAWING SHALL MAKE THEIR OWN DETERMINATION OF THE LOCATION, DEPTH, AND DESCRIPTION OF UNDERGROUND AND OVERHEAD UTILITIES. THE UTILITY PROTECTION SERVICE SHOULD BE CONTACTED AT 1 (800) 282-7411 FOR A FIELD STAKEOUT, BEFORE ANY CONSTRUCTION COMMENCES.

UNDERGROUND UTILITIES LOCATED BY GROUNDHANK UTILITY DETECTION, LLC
355 ONETA STREET STE. 3020
ATHENS, GA 30601

UTILITY PROVIDERS:
AT&T
COMCAST
ATLANTA GAS LIGHT
GA POWER
DEKALB COUNTY WATER & SEWER



- ALTA TABLE A ITEMS:**
- 1) **Monuments** found or set as noted. Property corners set per 1/2 inch rebar or concrete nail, unless related otherwise.
 - 2) **Address** of property is: 1491, 1531, & 1555 AUSTIN DRIVE, 15TH DISTRICT, DEKALB COUNTY
 - 3) **Flood:** Subject Property is located within areas having zone designations of "ZONE X", determined to be outside the 0.2% annual chance floodplain by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 13089C0151J with an effective date of 5/16/2013 for community number 135159C, City Of Decatur, Georgia.
 - 4) **Acres:** Subject property is 7.861 acres.
 - 5) **Isographic:** Contour information based on 2 foot contours from GPS observations taken in the field.
 - 6) - Building setbacks depicted and labeled on survey.
 - 7) **Buildings:** a) Exterior dimensions of all buildings at ground level. b) Square footage of buildings.
 - 8) **Substantial features:** [In addition to typical improvements, parking lots, billboards, signs, swimming pools, landscaped areas, substantial areas of refuse]
 - 9) **Parking:** Typical parking spaces: none found. Handicap spaces: none found. Total spaces provided: N/A
 - 10) **Walls:** As designated by client, a determination of the relationship and location of certain division or party walls with respect to adjoining properties.
 - 11) **Utilities:** See utility note.
 - 12) **Adjoining property owners** are shown per current tax records.
 - 13) **Distance to nearest intersecting street**, as shown.
 - 14) **Current construction:** at the time of survey, there was no evidence of current earth moving work, building construction, or building additions.
 - 15) **Right-of-way:** At the time of survey there were no changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction or observable evidence of recent street or sidewalk construction repairs.
 - 16) **Utility easements:** Property benefits from the following plottable offsite/appurtenant easements
 - 17) **Professional Liability Insurance** policy obtained by the surveyor in the minimum amount of \$2,048,000 to be in effect throughout the contract term. Certificate of insurance to be furnished upon request, but this item shall not be addressed on the face of the plat or map.

TITLE EXCEPTIONS
Concerning Schedule B, Part II, First American Title Insurance Company #22-0072, effective April 14, 2022, the following items affect subject parcel (Items 1-8 are not survey matters).

9. Right-of-way deed from Albert Osborn to DeKalb County, dated July 20, 1946, recorded in Deed Book 690, Page 440, DeKalb County records. NOT PLOTTABLE, MAY AFFECT SUBJECT PROPERTY.
10. Permit to Cut or Trim Trees from A.M. Osborne to Georgia Power Company, dated April 11, 1961, recorded in Deed Book 1576, Page 60, aforesaid records. DOES NOT AFFECT SUBJECT PROPERTY.

OWNER OF RECORD:
JASON ZAKOCS
1491, 1531, & 1555 AUSTIN DRIVE
DECATUR, GA 30032

DEKALB COUNTY CLERK OF SUPERIOR COURT
556 NORTH MCDONOUGH STREET
DECATUR, GA 30030

VEDDER SURVEYS & ASSOCIATES
1648 JULIETTE ROAD
FORSYTH, GA 31029

SURVEYOR'S CERTIFICATE
THIS PLAN 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 PLAN 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 PLAN COMPLES 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.

William Brian Mitchell
WILLIAM BRIAN MITCHELL, PLS3472

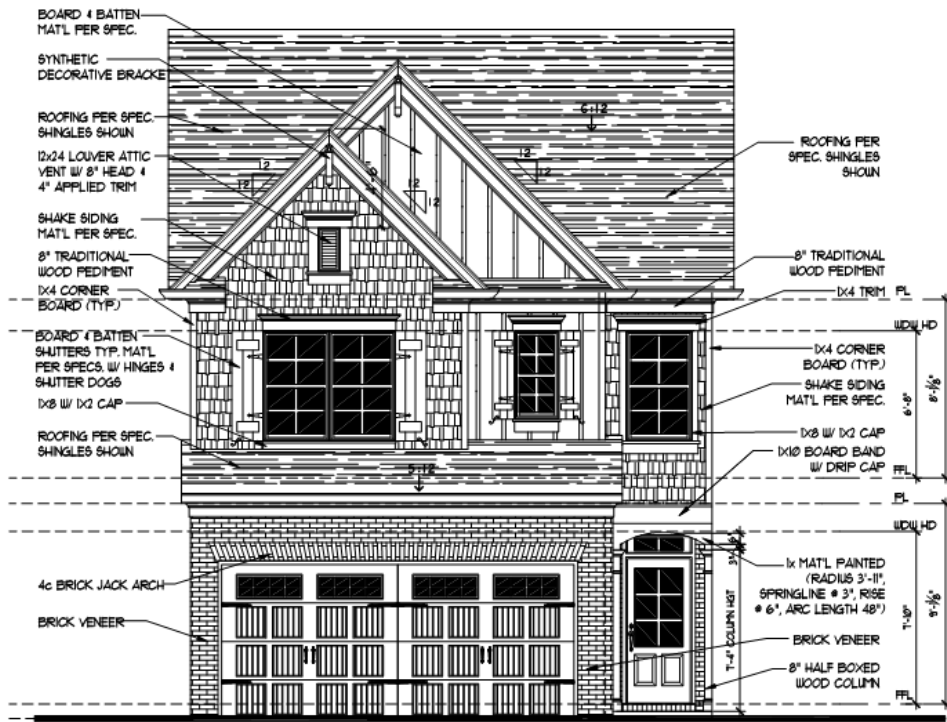
6/23/22
DATE

RECORD LEGAL DESCRIPTION

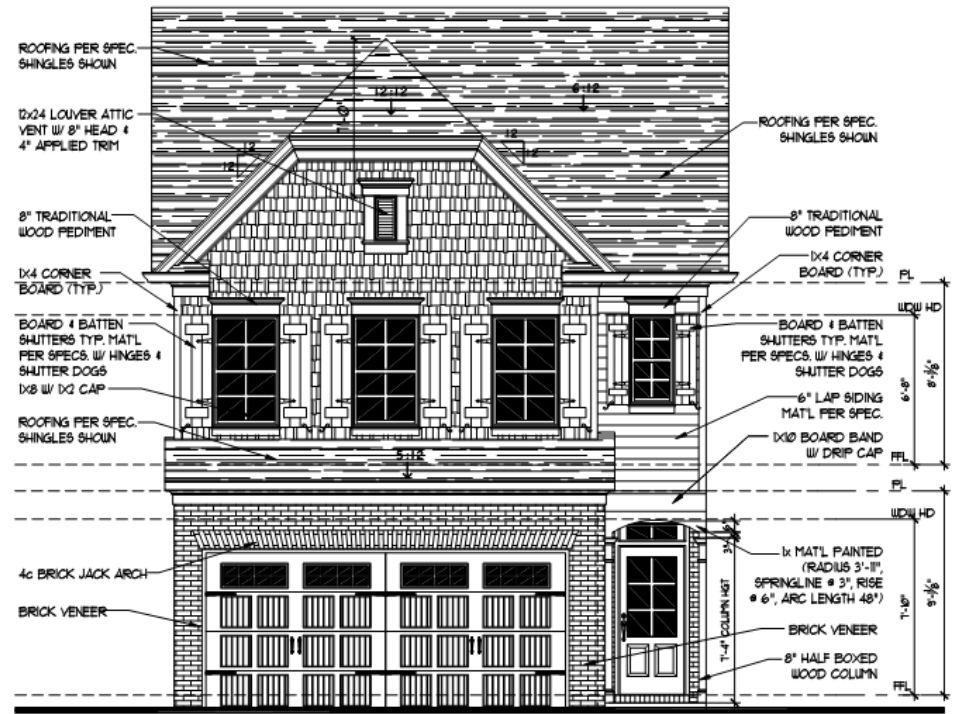
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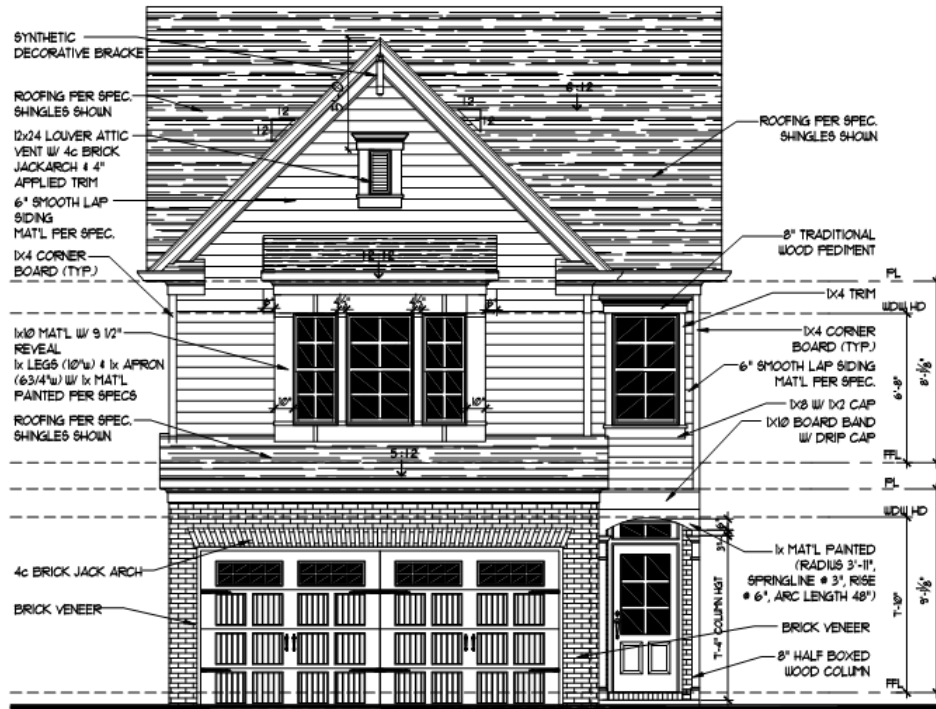
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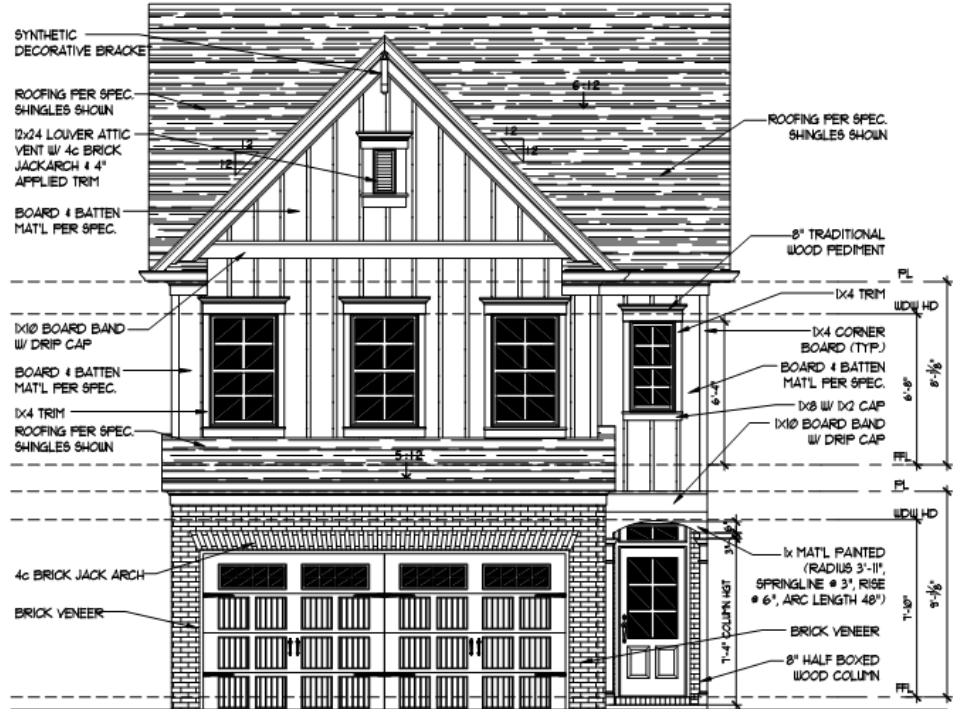
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 A1.1 SCALE: 1/4" = 1'-0"



1 Front Elevation "B"
 A1.2 SCALE: 1/4" = 1'-0"



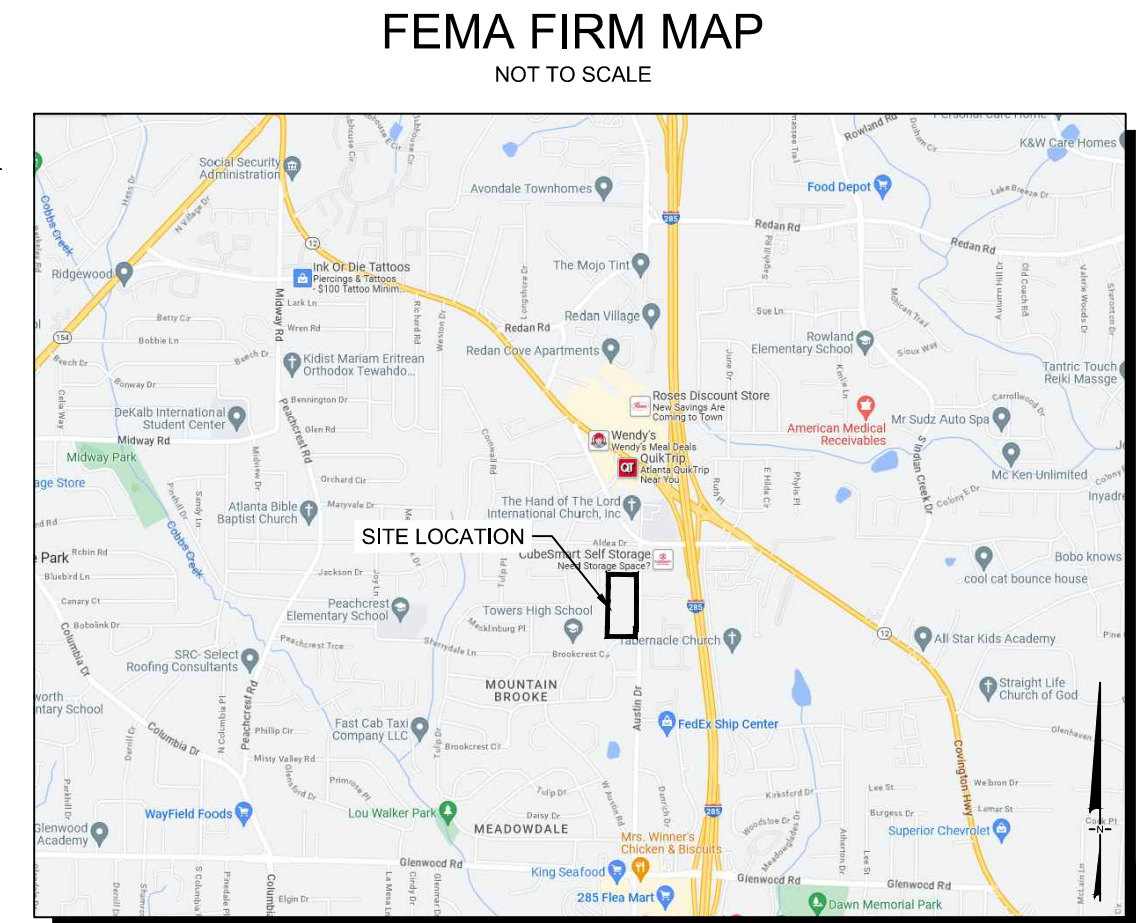
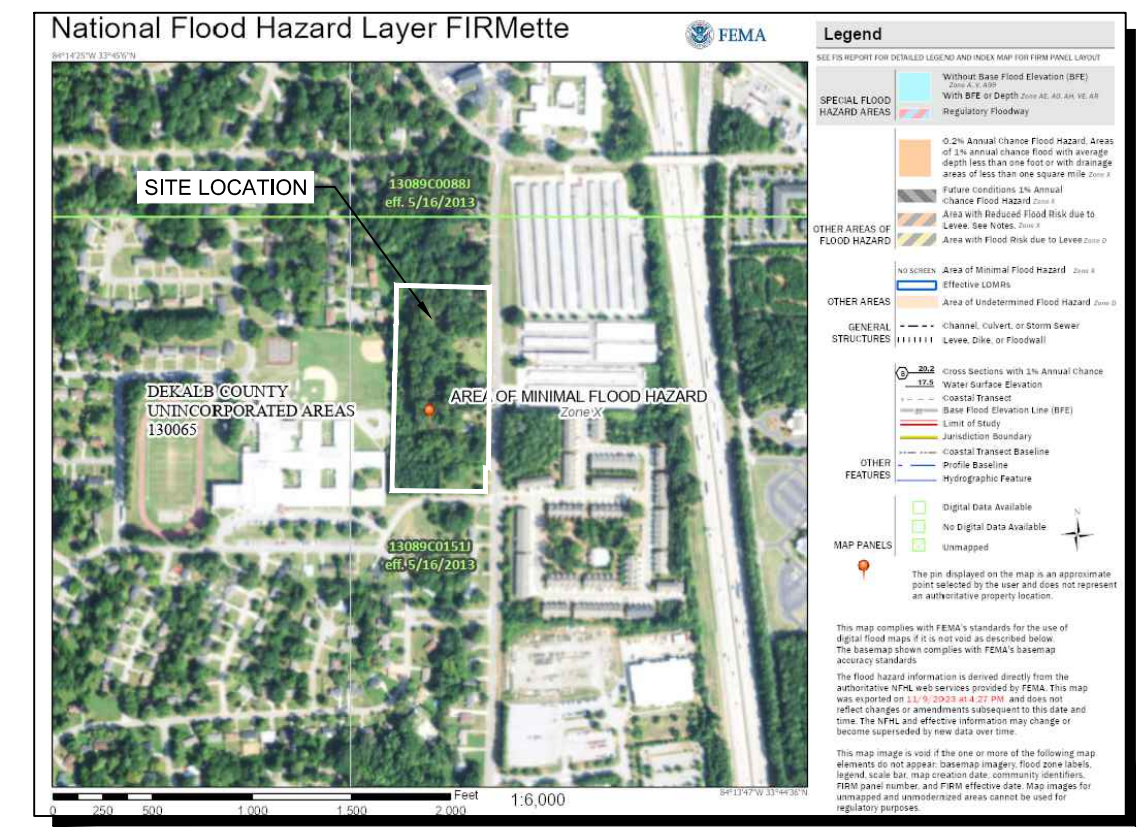
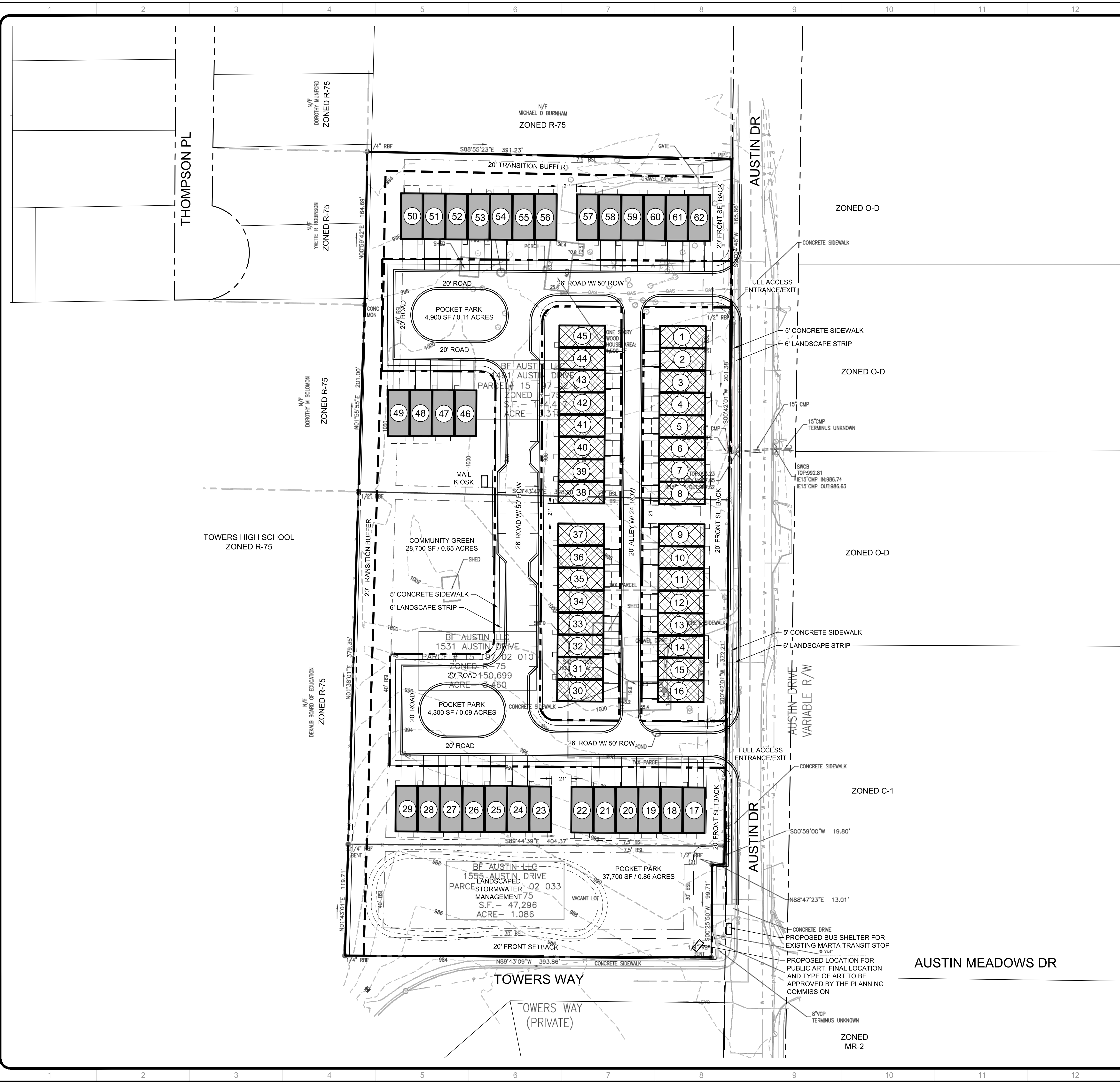
1 Front Elevation "C"
 A1.3 SCALE: 1/4" = 1'-0"



1 Front Elevation "D"
 A1.4 SCALE: 1/4" = 1'-0"

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J:\2024\23294\08\DW\Concepts & Exhibits\23294_08B_Site_Zone_1.dwg - J:\2024\23294_08B_Site_Zone_1.dwg - 8/23/2024 1:04 PM



SITE LOCATION MAP NOT TO SCALE

SITE DATA:	
SITE AREA	7.861 ACRES (342,412 sq. ft.)
ZONING	R-75 (RESIDENTIAL MEDIUM LOT)
EXISTING ZONING	R-75 (RESIDENTIAL MEDIUM LOT)
PROPOSED ZONING	RSM (SMALL LOT RESIDENTIAL MIX)
EXISTING LAND USE	SUB (SUBURBAN)
ZONING JURISDICTION	DEKALB COUNTY
USE CALCULATIONS	
MAXIMUM ALLOWABLE DENSITY	4.0 UPA (8.0 UPA WITH BONUSES)
PROPOSED 24x50' REAR ENTRY TOWNHOME	32 UNITS (2-STORY)
PROPOSED 24x50' FRONT ENTRY TOWNHOME	30 UNITS (2-STORY)
TOTAL PROPOSED DENSITY	62 UNITS (7.8 DU/A)
SETBACK REQUIREMENTS	
FRONT SETBACK (MAJOR THOROUGHFARES)	MIN: 20 FEET; MAX: 30 FEET
FRONT SETBACK (ALL OTHER STREETS)	20 FEET
FRONT WITH ALLEY ACCESS	10 FEET
SIDE SETBACK	SFA: 0 FEET
SIDE CORNER SETBACK	20 FEET
REAR SETBACK	15 FEET; WITH ALLEY - 10 FEET
REQUIRED BUFFERS	20 FEET AGAINST R DISTRICT
DEVELOPMENT STANDARDS (URBAN SFD)	
MIN LOT AREA	1,000 SF
MIN LOT WIDTH	25 FEET
MAX LOT COVERAGE	70% (700 SF PER LOT OR 5.5 ACRES)
MIN UNIT SIZE	1,200 HEATED SF
MAX HEIGHT	3 STORIES OR 45 FEET
OPEN SPACE CALCULATIONS	
MIN OPEN SPACE REQUIRED	20% (1.57 ACRES / 68,482 SF)
MIN ENHANCED OPEN SPACE REQ.	50% OF TOTAL OPEN SPACE (0.785 ACRES)
PROPOSED ENHANCED OPEN SPACE	20% (1.7 ACRES / 75,600 SF)
TOTAL PROPOSED OPEN SPACE	27% (2.20 ACRES / 96,000 SF)
PARKING REQUIREMENTS	
MINIMUM PARKING REQUIRED	1.5 SPACES PER DWELLING UNIT + 0.25 SPACE PER DU FOR GUEST PARKING
MAXIMUM PARKING ALLOWED	3 SPACES/ DU + 0.25 SPACE/ DU FOR GUESTS
PROPOSED GUEST PARKING	15 SPACES + 1 HC SPACE
PROPOSED RESIDENTIAL PARKING	186 SPACES (2 GARAGE SP. + 1 DRIVEWAY SP.)

DENSITY BONUSES:

- AMENITY PROXIMITY - TOWERS HIGH SCHOOL ADJACENT TO SITE - 20% OF BASE DENSITY (0.8 UPA)
- PUBLIC IMPROVEMENT - PROPOSED BUS SHELTER - 20% OF BASE DENSITY (0.8 UPA)
- PUBLIC IMPROVEMENT - PUBLIC ART - 20% OF BASE DENSITY (0.8 UPA)
- ADDITIONAL ENHANCED OPEN SPACE (20%) - 50% OF BASE DENSITY (2.0 UPA)

BASE DENSITY = 4.0 UPA
 TOTAL DENSITY BONUSES TO BE APPLIED = 4.4 ADDITIONAL UPA
 MAXIMUM DENSITY WITH BONUSES APPLIED = 8.0 UPA
 TOTAL PROPOSED DENSITY WITH BONUSES = 7.8 UPA

24 HOUR CONTACT:
CAMERON GROGAN
GEORGIA811
www.Georgia811.com
Know what's below. Call before you dig.

P: (770) 451-2741 F: (770) 451-3915
 WWW.PEC.PLUS

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 ARBORISTS + SURVEYING + CONSTRUCTION + WATER RESOURCES
 350 RESEARCH COURT STE 200
 PEACHTREE CORNERS, GA 30092

PROJECT
AUSTIN DR @ TOWERS WAY
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT
 AT
 AUSTIN DR (1491, 1531, 1555)
 DECATUR GA, 30032
 DEKALB COUNTY JURISDICTION

FOR
BRADEN FELLMAN GROUP

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

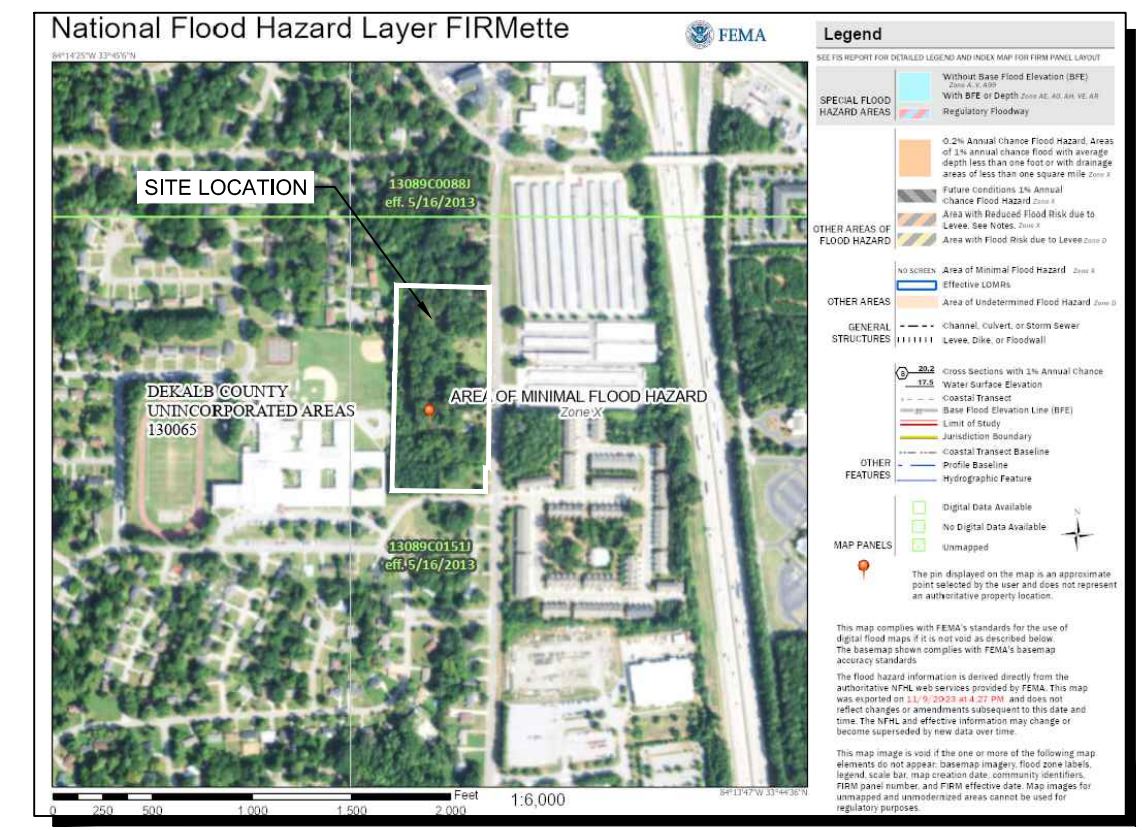
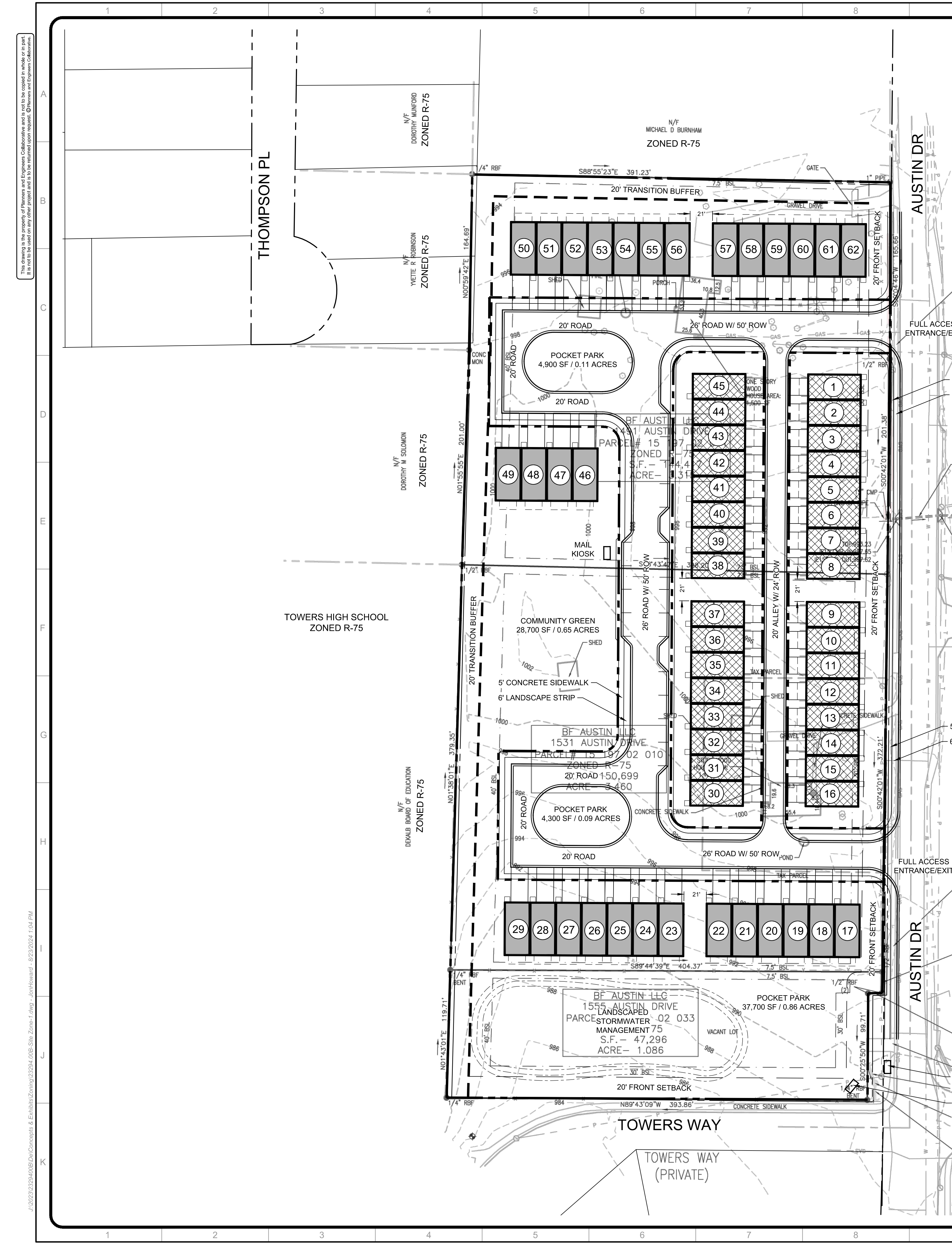
THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000058389 EXP. 10/28/2024

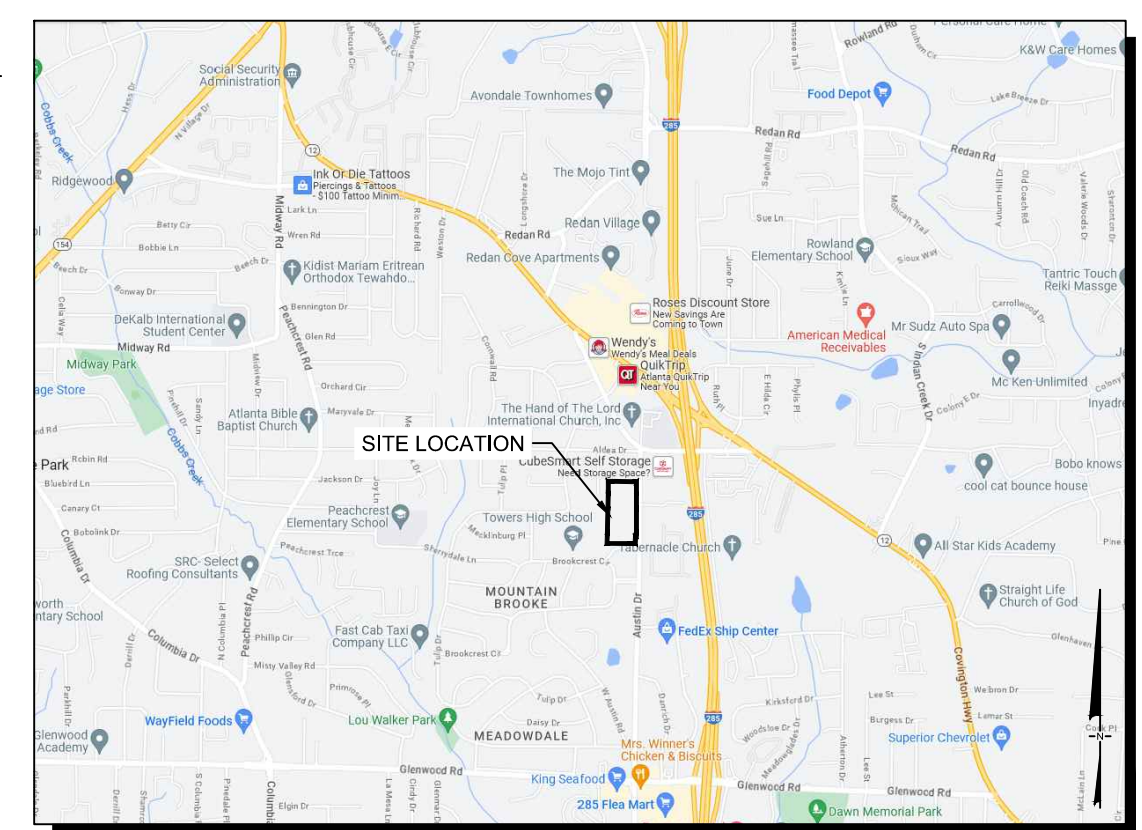
REZONING SITE PLAN

SCALE: 1" = 50'
 DATE: 08/26/2024
 PROJECT: 23294.00B

Z1 SHEET



FEMA FIRM MAP NOT TO SCALE



SITE LOCATION MAP NOT TO SCALE

SITE DATA:

SITE AREA	7.861 ACRES (342,412 sq. ft.)
ZONING	R-75 (RESIDENTIAL MEDIUM LOT)
EXISTING ZONING	R-75 (RESIDENTIAL MEDIUM LOT)
PROPOSED ZONING	RSM (SMALL LOT RESIDENTIAL MIX)
EXISTING LAND USE	SUB (SUBURBAN)
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350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

AUSTIN DR @ TOWERS WAY

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT
AUSTIN DR (1491, 1531, 1555)
DECATUR GA, 30032

DEKALB COUNTY JURISDICTION

FOR

BRADEN FELLMAN GROUP

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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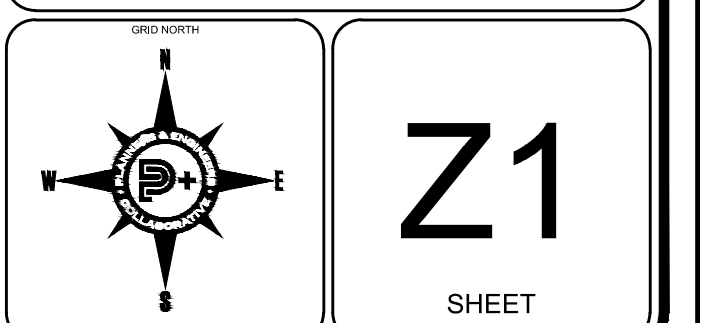


GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000058389 EXP. 10/28/2024

REZONING SITE PLAN



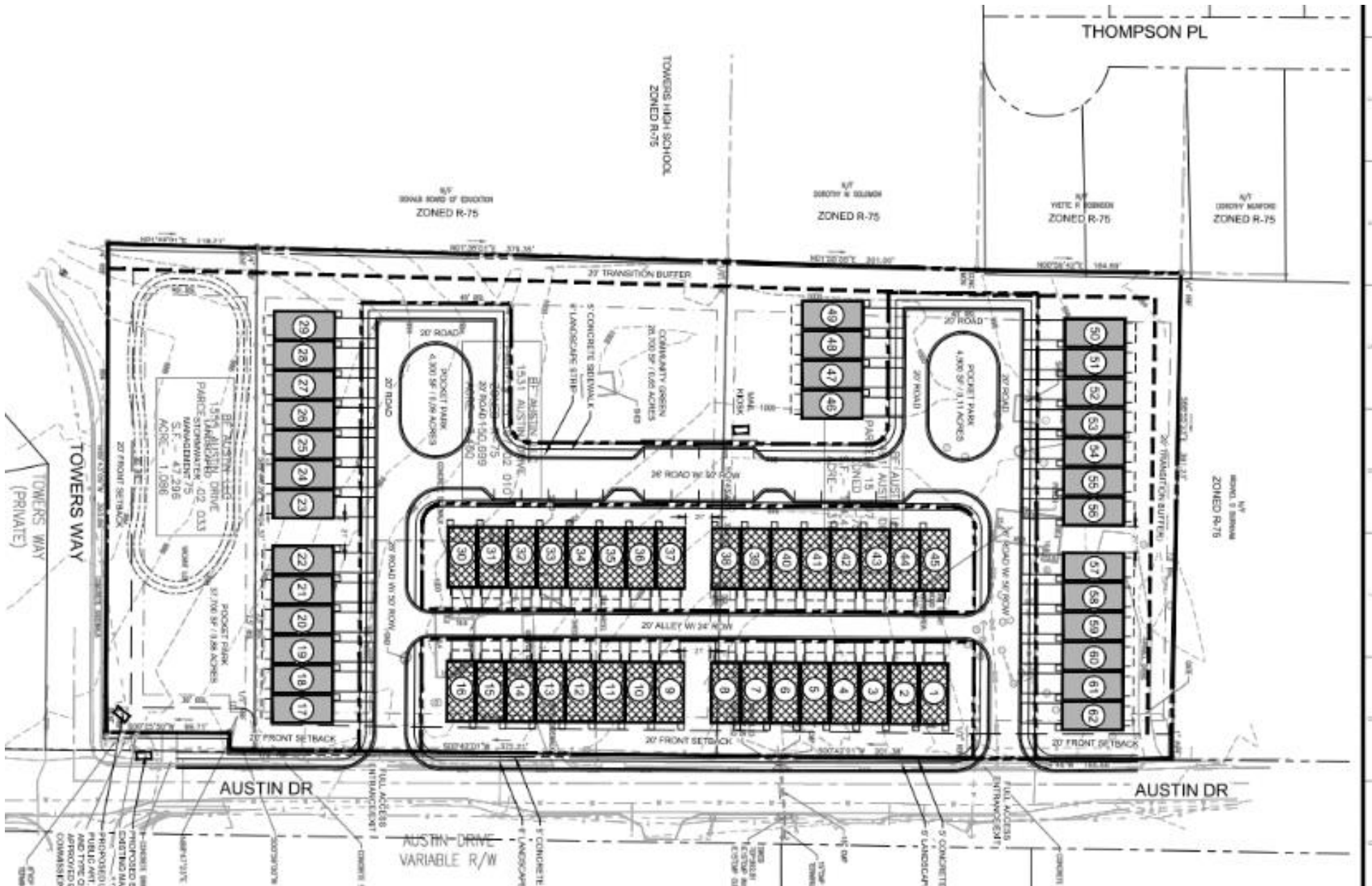
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DATE: 08/26/2024
PROJECT: 23294.00B

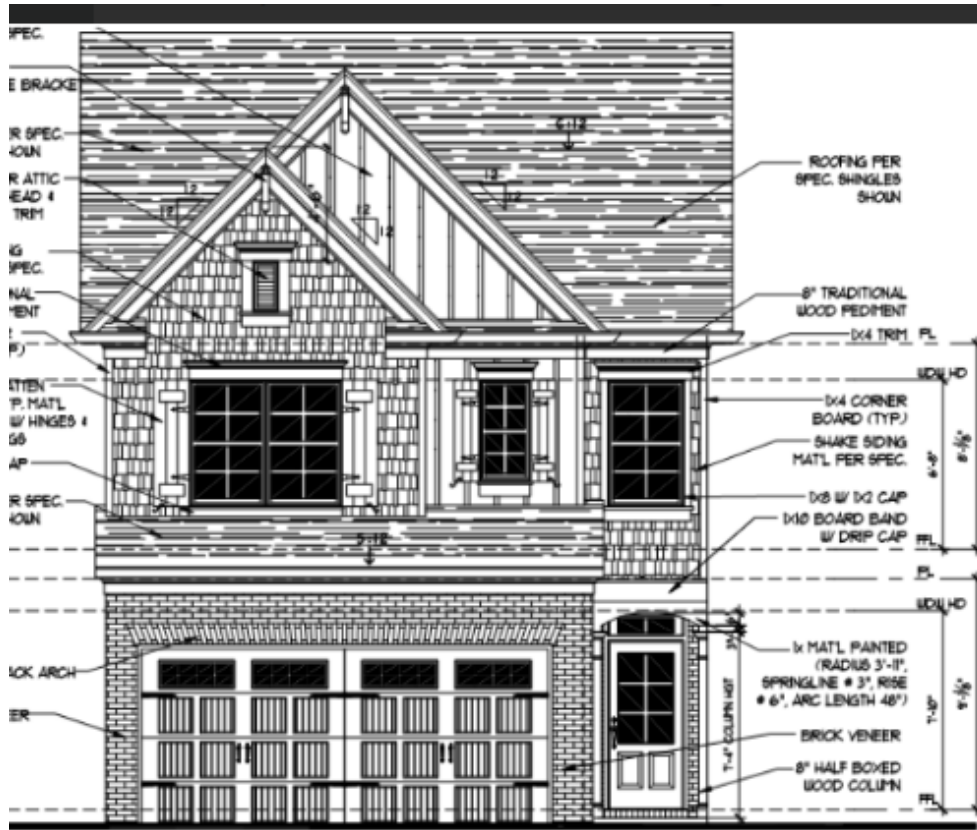


Z 24 1247190

Site Photo

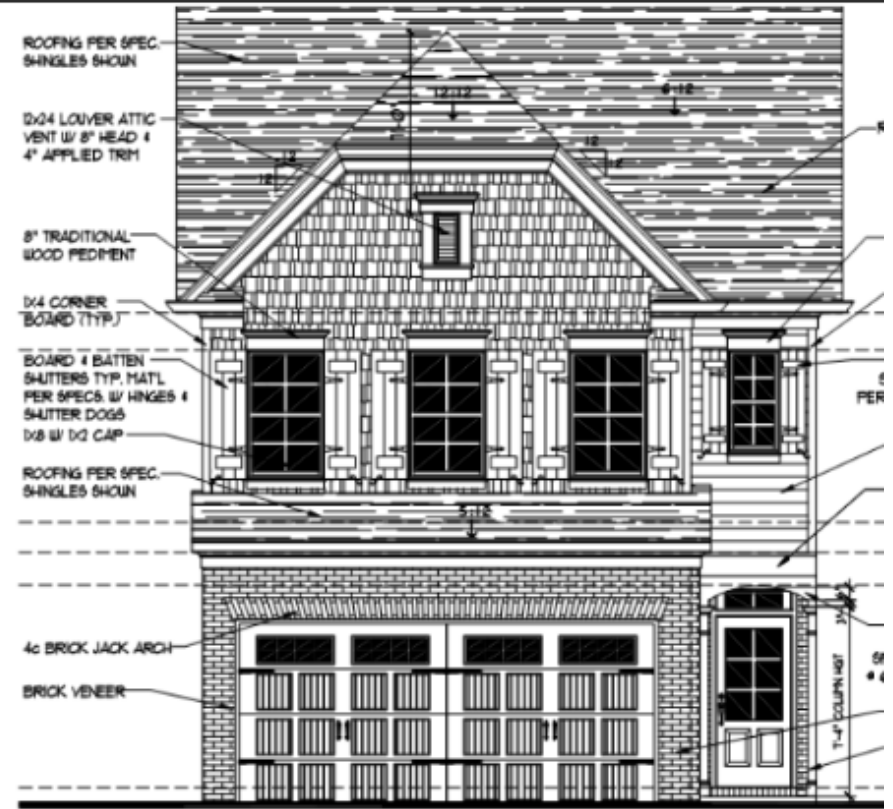






1 Front Elevation "A"

ALL SCALE: 1/4" = 1'-0"



1 Front Elevation "B"

ALL SCALE: 1/4" = 1'-0"







Z 24 1247190

Aerial Photo

