

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability 178 Sams Street, Decatur, GA 30030

Wednesday, December 11, 2024

Planning Department Staff Analysis



Cedric Hudson

Interim Director

Chief Executive Officer

N3. Case No: A-24-1247286

Parcel ID(s): 15 251 03 001

Commission District 05 Super District 07

- Applicant: Housing Authority of DeKalb County 246 Sycamore Street, #260 Decatur, GA 30030
- Owner: Metropolitan Atlanta Rapid Transit Authority 2424 Piedmont Road NE Atlanta, GA 30324
- Project Name: 4200 Memorial Drive Housing Development
- Location: 4200 Memorial Drive, Decatur, GA 30032
- **Request:** Variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase retaining wall height to construct high-density residential within the HR-2 (High-Density Residential-2) zoning district.

Staff Recommendation: Approval with conditions

Conditions for Approval:

- 1) Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.
- 2) Applicant shall install fencing on top of the wall to enhance security and delineation of the property.

STAFF FINDINGS:

The applicant is requesting a variance from Section 27-5.4.7 to increase the maximum allowable height for one of the retaining walls (wall 3 of 17) at the Kensington Pointe development site from 4 feet to 10 feet. While the Metropolitan Atlanta Rapid Transit Authority (MARTA) owns the property, the HADC is the ground lessee and responsible for developing and owning the improvements under construction. The scope of work includes 74 senior units, 185 family-designated units, and 15,000 square feet of office space. The variance is needed to accommodate the height required for the southernmost courtyard.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

The subject property presents exceptional physical conditions that necessitate a variance. The site spans 4.73 acres and has a unique right-triangular shape, which has required multiple design iterations to accommodate the planned development. The property is characterized by a consistent 5% slope across the site, with elevations increasing southward. These topographical challenges are compounded by the need to create ADA-compliant roadways and sidewalks, which are difficult to achieve due to the site's steep slopes. Additionally, the southern portion of the site has been graded down to mitigate an even steeper slope, facilitating access to the parking garage. The proposed 10.03-foot retaining wall is essential to overcome these grading challenges, ensuring safe and accessible use of the senior residents' courtyard amenities, which include a community garden, gazebo, and walking path. Strict application of the zoning ordinance would limit the functional use of these spaces, depriving residents of rights and privileges typically available in similarly zoned areas, thus justifying the requested variance.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:

The requested variance is tailored to address the specific needs of the development site without exceeding what is necessary for its functional and accessible use. The proposed 10 foot retaining wall is required to facilitate the grade transition between the lower and upper building steps, with a total elevation difference of 10.72 feet. This wall is essential to ensure the courtyard, which includes senior amenities such as a community garden and walking paths, remains level and accessible to senior residents. By maintaining a level courtyard consistent with the upper building's finished floor elevation, the retaining wall will meet ADA accessibility requirements and allow for safe usage of the amenities. The variance does not request any special privileges or exceed what is allowed for other properties within the same zoning district. The request solely seeks relief to make the development feasible, ensuring that the site serves its intended purpose without imposing undue hardship on the surrounding area.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:

Granting the requested variance will not be detrimental to the public welfare or cause harm to the surrounding properties. In fact, the development may offer significant community benefits, including the provision of affordable housing. The variance request is narrowly focused on improving the functionality and accessibility of the senior residents' courtyard and community garden, which will enhance the quality of life for those residents. The applicant is proposing additional fencing to be installed atop the wall to prevent accidents or falls. Furthermore, the variance has received support from several community stakeholders.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Strict application of the zoning requirements would create significant challenges for the development, resulting in undue hardship. Reducing the height of the retaining wall would reduce the available buildable area for the courtyard and amenity spaces, which are required for senior residents. The project must comply with ADA accessibility standards, which require roadways and sidewalks to maintain a slope of less than 5%. However, the existing site grades exceed this threshold in several areas, limiting design flexibility. Without the variance, the roadway would need to be elevated to match the height of a 4-foot wall, which would significantly increase the slope of the sidewalk and roadway, violating the ADA slope requirement. Therefore, granting the variance is essential to ensure accessibility and avoid further hardships in the project's design and buildout.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The requested variance aligns with the spirit and purpose of the DeKalb County Zoning Ordinance and supports the overall goals of the DeKalb County Comprehensive Plan. The development is situated within the RC (Regional Center) character area, which promotes high-intensity, mixed-use development in centralized locations that enhance walkability, reduce automobile dependency, and encourage transit usage. The proposed project furthers these objectives by integrating residential, commercial, and transit-oriented elements, consistent with the area's role as a regional destination for employment, shopping, and services. Additionally, this development is part of the first phase of MARTA's Kensington Transit-Oriented Development Masterplan. Therefore, granting the variance would be consistent with the broader goals of the County's planning and development initiatives.

FINAL STAFF ANALYSIS:

The requested variance for the retaining wall at 4200 Memorial Drive is necessary to accommodate the significant grade transitions on the site, ensuring the functionality and accessibility of the senior housing courtyard and its associated amenities. The unique topography of the property, combined with the need to maintain ADA-compliant roadways and sidewalks, necessitates a variance to avoid hardship and provide a safe and usable environment for residents. The variance will not detract from the public welfare, as it contributes to the development of affordable housing and enhances access to transit options. Additionally, the proposal aligns with the DeKalb County Comprehensive Plan and the broader goals of MARTA's Kensington Transit-Oriented Development Masterplan. Therefore, staff recommends approval with conditions of the application.

Staff Recommendation: Approval with conditions

Conditions for Approval:

- 1. Applicant must list the case number, approval date, type of variance and all conditions on any site plans submitted for this property.
- 2. Applicant shall install fencing on top of the wall to enhance security and delineation of the property.



DEPARTMENT OF PLANNING & SUSTAINABILITY Chief Executive Officer

Michael Thurmond

Interim Director

Cedric Hudson

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES, SPECIAL **EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

Applicant and/or Authorized Representative:		
Mailing Address:		
City/State/Zip Code:		
Email:		
Telephone Home:	Business:	
OWNER C	OF RECORD OF SUBJECT PROPERTY	(
Owner:		
Address (Mailing):		
Email:	Telephone Home:	Business:
ADDRESS	S/LOCATION OF SUBJECT PROPERTY	Y
Address:	City:	State: Zip:
District(s): Land Lot	Block:	Parcel:
Zoning Classification:	Commission District & Super	District:
CHECK TYPE OF HEARING REQUESTED):	
VARIANCE (From Development Sta	andards causing undue hardship upon o	wners of property.)
SPECIAL EXCEPTIONS (To reduce	e or waive off-street parking or loading s	pace requirements.)
OFFICIAL APPEAL OF ADMINIST	RATIVE DECISIONS.	

*PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW **GUIDELINES MAY RESULT IN SCHEDULING DELAYS.***

Email plansustain@dekalbcountyga.gov with any questions.



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE:	Applicant	
	Signature:	
DATE:	Applicant	
	Signature:	



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the ZoningBoard of Appeals for the requests as shown in this application.

DATE: _____

Applicant/Agent ______ Signature:

TO WHOM IT MAY CONCERN:

(I)/ (WE): _____ (Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Notary Public

Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature



November 6, 2024

Sent via email: RLBragg@dekalbcountyga.gov

Rachel Bragg Zoning Administrator Planning & Sustainability Department 178 Sams Street Decatur, Ga 30030

SUBJECT: Variance Application Letter of Support

Dear Members of the Zoning Board of Appeals,

On behalf of the Kensington Pointe Master Development located at 4200 Memorial Drive, DeKalb County, Ga, we would like to express our support for the project and its request for a variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase the maximum retaining wall height from 4' to 10.03' for wall three of the seventeen retaining walls located at the development site.

As the owner of the underlying land, MARTA believes this Transit Oriented Development project will provide for a public benefit to the local community with the development of 74-affordable senior units, 185-units designated for families, and 15,000 sf of new office space for the Housing Authority of DeKalb County to further its mission of building out safe and affordable housing within the community. We do not feel that the build-out of a 10.03' wall to support the construction of the senior courtyard and outdoor amenity space will be in any way detrimental to any of the local stakeholders and community. Additionally, the retaining wall will allow for ADA compliance (accessibility) with the adjacent sidewalk and roadway. We thank you for your consideration on this matter.

Sincerely,

Larry Prescott, P.E. Assistant General Manager Design, Engineering and Infrastructure

cc: Sidney Douse, MARTA PM Willie Walker, MARTA Manager of ROW, Acquisition & Dispositions Pierce Walker, Housing Development Corporation



Affordable housing as a platform to enhance lives.

DeKalb County Zoning Board of Appeals 1300 Commerce Drive Decatur, Ga 30030

LETTER OF INTENT

10/24/2024

Subject: Variance request from Section 27-5.4.7 to increase maximum retaining wall height of 4'.

Dear Members of the Zoning Board of Appeals,

My name is E. P. Walker, Jr., President & CEO of the Housing Authority of DeKalb County (HADC), and I am writing to formally request a variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance. My request pertains to increasing the maximum retaining wall height from 4' to 10.03' for wall three of the seventeen retaining walls located at the development site known as Kensington Pointe. The Metropolitan Atlanta Rapid Transit Authority (MARTA) owns the underlying land whereas the HADC, as the ground lessee, is developing and will ultimately own the improvements currently under construction. The purpose of this variance is to facilitate the construction of a retaining wall with sufficient height to allow for the build-out of the project's southern-most courtyard of this affordable housing and mixed-use development.

1. <u>Physical Conditions of the Site:</u>

The site is located at 4200 Memorial Drive in unincorporated DeKalb County at the SW corner of the Kensington Rd and Memorial Dr intersection. The site resembles a right triangle and consists of 4.73 AC. The unique shape of the site has prompted various design iterations and solutions to develop an overall cohesive site layout and building configuration. The project contemplates an affordable, Transit Oriented Development that proposes 185 units of family housing, 74 units of senior housing, 15,000sf of office space for the Housing Authority of DeKalb County, and a shared 6 story, 375 space parking deck. The site has a consistent 5% slope across the property; elevations reduce as you travel northward. The site is bordered to the West by the Department of Juvenile Justice (DJJ) on one parcel and the Phoenix Station development on another. The proposed location of the retaining wall seeking a variance runs along the western portion of the courtyard to the senior living apartment complex. The courtyard is home to the senior's outdoor amenities which consist of a community garden, gazebo, and walking path. These were designed in accordance with standards set by the Ga Department of Community Affairs. The elevation difference between the courtyard community garden and the internal private roadway is a significant one which is why a retaining wall with a height of 10.03' has been proposed. The wall will allow for safe utilization and accessibility of the courtyard amenities while maintaining the ADA compliant slopes for the roadway and sidewalks. For additional context, the site grading at the north of the development was quite substantial and reduced the existing frontage elevation from 1056' to 1044' (or 12') to allow access to Kensington Road. With this, the southern portion of the site had to be graded down to mitigate a significantly steeper slope heading southward and to allow access to the parking garage around the mid-point of the site.

2. Minimum Variance Necessary:

BOARD OF COMMISSIONERS

Ms. Carleen Cumberbatch CHAIR Dr. Thomas Coleman VICE CHAIR

Dr. Glenwood Ross COMMISSIONER Ms. Dorothy Williams COMMISSIONER Mr. Charles Yi COMMISSIONER Ms. Yuvette Hudson COMMISSIONER Mr. E. P. "Pete" Walker, Jr. PRESIDENT AND CEO Along with the design team, I want to assure the Zoning Board that our request is solely for the minimum variance necessary to make this section of the development site functional, usable, and accessible to the senior residents. The courtyard and surrounding area must be constructed to specific parameters and size to ensure that senior residents can enjoy and fully use their outdoor amenity spaces. The wall must be constructed at 10.03' height in order to transition the grade for the building step. Architecturally, the senior building steps in elevation at the threshold between the lower part of the wall and the upper part from 1062.22' to 1072.94' - an elevation difference of 10.72'. A site wall is necessary to make up the majority of this height differential because the courtyard above the wall is required to be level with the finished floor elevation of the upper building step to maintain proper accessibility. This request does not seek advantages beyond those available to other property owners in the same zoning district.

3. <u>Public Welfare:</u>

The variance being pursued will not harm the public welfare or be a detriment to the community. Overall, the development will provide very necessary affordable housing in this community. This combined with its proximity to the Kensington MARTA Station, makes this development very impactful to lower-income residents seeking alternatives to car-based transportation. The variance will only affect the build-out and accessibility of courtyard and the community garden for the senior residents. The wall itself is designed to and will be constructed to the required safety standards and building code. Additionally, code required fencing will be built atop the wall to avoid any possibility of residents or guests falling over the wall. Support letters are being provided from several community stakeholders.

4. Ordinance Hardship:

If a strict interpretation of the zoning law is upheld, there would be negative implications for the project. Any redesign to reduce the height of the wall would reduce the buildable area of the courtyard and its amenity space. Additionally, the roads and adjacent sidewalks must maintain ADA accessibility along the roadway. This means that all the roads have to be less than 5% longitudinally. It restricts our ability to follow the existing grade since the existing grade is steeper than 5% in some cases. If the wall cannot be approved at its current height, the roadway would have to be elevated to coincide with a 4' wall which would significantly increase the slope of a portion of the sidewalk and roadway above the 5% ADA threshold. This variance approval is critical to allowing the build out of the space while maintaining accessibility throughout the site and prevent any further hardships to the project.

5. <u>Alignment with the Spirit of the Law:</u>

We firmly believe that our variance request aligns with the spirit of the law and does not undermine the project's intent to provide for the public's welfare. Given the development's core purpose of providing safe, accessible, and affordable housing in DeKalb County, we feel that the project is in line with the housing goals as outlined in the DeKalb County Comprehensive Plan. Additionally, this development is part of the initial phase of MARTA's Kensington Transit Oriented Development Masterplan.

In conclusion, my development team and I appreciate your time and consideration of this variance request. Please review the enclosed support documentation which will provide visual detail to the narratives above. We are committed to bringing about a successful development in continued collaboration with the County and community stakeholders.

Sincerely,

Eugene D Walker Jr

E. P. Walker, Jr.



Survey, Site Plans, and Reference Material

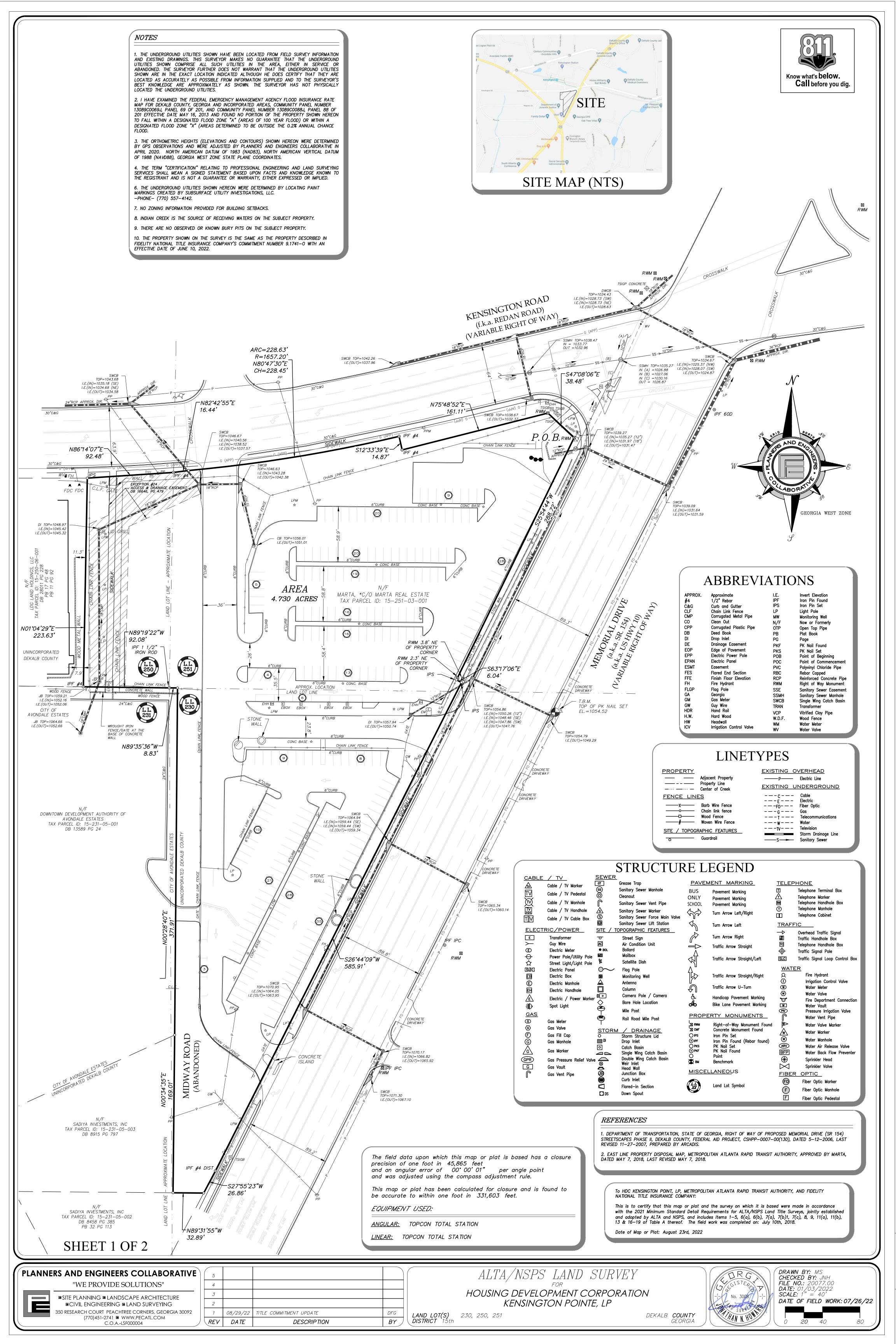
- Survey dated 1/3/2022 with Legal Description
 - (2 pages)
- Site Plan from Approved LDP
 - (4 pages)
- Plan Sheet showing the Pre-demolition Topography
 - (1 page)
- o Erosion Control Plan Sheets showing the Construction Phased Topography

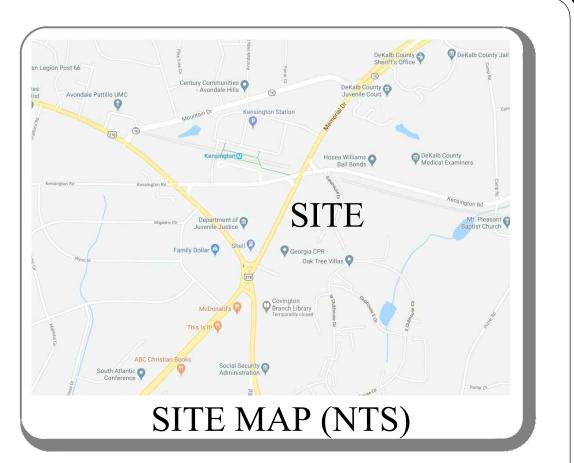
(3 pages)

o Site Plan of Retaining Wall Location

(1 page)

- Snapshot of Zoomed-in Retaining Wall #3
 - (1 page)
- o Elevations annotated to show ADA Compliance Scenarios
 - (1 page)
- o Snapshot of Wall Profile with Technical Specs from the Wall Designer
 - (1 page)





TITLE EXCEPTIONS

Fidelity National Title Insurance Company's commitment number 9.1741–0 with an effective date of June 10, 2022 was used in the preparation of this survey and the listed exceptions are as follows:

10. Permit to Cut or Trim Trees from Lawson Investment Co. to Georgia Power Company, dated May 10, 1961, in Deed Book 1578, page 547, Records of the Clerk of Superior Court of DeKalb County, Georgia. Comment: Affects subject property. Blanket in nature and cannot be plotted.

11. Right of Way Deed from Kensington Realty Company, Inc. to State Highway Department of Georgia, dated December 2, 1969, recorded January 16, 1970, in Deed Book 2496, page 778, aforesaid records.

Comment: No longer affects subject property. Deeded area is now Dekalb County R/W.

12. Right of Way Deed from Kensington Realty Company, Inc. to State Highway Department of Georgia, dated December 2, 1969, recorded January 16, 1970, in Deed Book 2496, page 780,

LEGAL DESCRIPTION

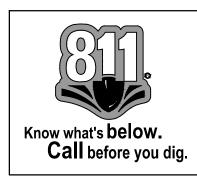
Georgia, dated December 2, 1969, recorded January 16, 1970, in Deed Book 2496, page 780, aforesaid records.	LEGAL DESCRIPTION
Comment: No longer affects subject property. Deeded area is now Dekalb County R/W.	
13. Right of Way Easement from Kensington Realty Co., Inc. to State Department of Georgia, dated November 19, 1969, recorded January 16, 1970, in Deed Book 2496, page 782, aforesaid	ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 230, 250 AND 251 OF THE 15TH/ DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
records. Comment: No longer affects subject property. Temporary construction easement.	BEGIN AT THE FOUND RIGHT OF WAY MONUMENT LOCATED AT THE SOUTHEAST END OF A MITERED INTERSECTION CREATED BY THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY LINE OF
14. Right of Way Deed from Kensington Realty Company, Inc. to State Highway Department of Georgia, dated December 31, 1969, recorded January 20, 1970, in Deed Book 2500, page 266, aforesaid records.	MEMORIAL DRIVE (A.K.A. SR 154 & US HWY 10) (VARIABLE PUBLIC RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY LINE OF KENSINGTON ROAD (F.K.A. REDAN ROAD) (VARIABLE PUBLIC RIGHT OF WAY), SAID MONUMENT BEING THE TRUE POINT OF BEGINNING;
Comment: No longer affects subject property. Deeded area is now Dekalb County R/W.	THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY OF MEMORIAL DRIVE THE FOLLOWING COURSES AND DISTANCES:
15. Right of Way Deed from Kensington Realty Company, Inc. to State Highway Department of Georgia, dated December 31, 1969, recorded January 20, 1970, in Deed Book 2500, page 269, aforesaid records.	SOUTH 25 DEGREES 54 MINUTES 44 SECONDS WEST A DISTANCE OF 288.72 FEET TO A SET 5/8 INCH REBAR;
Comment: No longer affects subject property. Deeded area is now Dekalb County R/W.	
16. Right of Way Deed from Kensington Realty Company, Inc. to State Highway Department of Georgia, dated December 31, 1969, recorded January 20, 1970, in Deed Book 2500, page 272, aforesaid records.	SOUTH 63 DEGREES 17 MINUTES 06 SECONDS EAST A DISTANCE OF 6.04 FEET TO A SET 5/8 INCH REBAR;
Comment: No longer affects subject property. Deeded area is now Dekalb County R/W.	SOUTH 26 DEGREES 44 MINUTES 09 SECONDS WEST A DISTANCE OF 585.91 A FOUND 1/2 INCH REBAR DISTURBED;
17. Sewer Easement from Monumental Properties, Inc. to DeKalb County, Georgia, dated June 12, 1970, recorded July 7, 1970, in Deed Book 2546, page 330, aforesaid records.	SOUTH 27 DEGREES 55 MINUTES 23 SECONDS WEST A DISTANCE OF 26.86 TO A POINT;
Comment: Does not affect. Easement lies within Memorial Dr. R/W.	THENCE, LEAVING SAID NORTHWESTERLY RIGHT OF WAY OF MEMORIAL DRIVE AND ACROSS THE RIGHT
18. Sewer Easement from Monumental Properties, Inc. to DeKalb County, Georgia, dated June 12, 1970, recorded July 7, 1970, in Deed Book 2546, page 332, aforesaid records. Comment: Does not affect.	OF WAY OF MIDWAY ROAD (ABANDONED) SOUTH 89 DEGREES 31 MINUTES 55 SECONDS WEST A DISTANCE OF 32.89 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF MIDWAY ROAD (ABANDONED);
19. Right of Way Easement from Monumental Properties, Inc. to State Highway Department of Georgia, dated July 12, 1971, recorded July 29, 1971, in Deed Book 2677, page 72, aforesaid records.	THENCE, ALONG SAID RIGHT OF WAY LINE, NORTH OO DEGREES 34 MINUTES 35 SECONDS EAST A DISTANCE OF 169.01 FEET TO A POINT ON A LINE COMMON TO THE CITY LIMITS OF AVALON AND UNINCORPORATED DEKALB COUNTY;
Comment: Does not affect.	THENCE, ALONG SAID RIGHT OF WAY LINE AND CITY LIMITS LINE NORTH, 00 DEGREES 28 MINUTES 40
20. Right of Way Easement from Monumental Properties, Inc. to State Highway Department of Georgia, dated July 12, 1971, recorded July 29, 1971, in Deed Book 2677, page 74, aforesaid	SECONDS EAST A DISTANCE OF 371.91 FEET TO A POINT ON THE LAND LOT LINE COMMON TO LAND LOTS 230 AND 251;
records. Comment: Does not affect.	THENCE, LEAVING THE WESTERLY RIGHT OF WAY LINE OF MIDWAY ROAD AND ALONG THE LAND LOT LINE COMMON TO LAND LOTS 231 AND LAND LOT 250 AND THE LINE COMMON TO THE CITY LIMITS OF
21. Right of Way Easement (Temporary) from Monumental Properties, Inc. to State Highway Department of Georgia, dated July 12, 1971, recorded July 29, 1971, in Deed Book 2677, page 76, aforesaid records.	AVALON AND UNINCORPORATED DEKALB COUNTY, NORTH 89 DEGREES 35 MINUTES 36 SECONDS WEST A DISTANCE OF 8.82 FEET TO A 1–1/2 INCH IRON ROD FOUND AT THE LAND LOT CORNER COMMON TO LAND LOTS 230, 231, 250, AND 251;
Comment: Does not affect. 22. Right of Way Easement (Temporary) from Monumental Properties, Inc. to State Highway	THENCE, ALONG THE LAND LOT LINE COMMON TO LAND LOTS 231 AND 250 AND CONTINUING ALONG THE SAID CITY LIMITS LINE, NORTH 89 DEGREES 19 MINUTES 22 SECONDS WEST A DISTANCE OF 92.08
Department of Georgia, dated July 12, 1971, recorded July 29, 1971, in Deed Book 2677, page 78, aforesaid records.	FEET TO A 1/2 INCH REBAR FOUND; THENCE, LEAVING LINE COMMON TO LAND LOTS 231 AND 250 AND THE CITY LIMITS LINE AND ALONG
Comment: Does not affect. 23. Easements contained in that certain Deed from Metropolitan Atlanta Rapid Transit Authority to	THE PROPERTY LINE COMMON TO EAND LOTS 231 AND 230 AND THE CITT EIMITS EINE AND ALONG THE PROPERTY LINE COMMON TO MARTA AND LDG LAND HOLDINGS, LLC, NORTH 01 DEGREES 04 MINUTES 29 SECONDS EAST A DISTANCE OF 223.63 FEET TO A 5/8 INCH REBAR SET ON THE
The Department of Transportation, dated January 13, 1994, recorded March 15, 1994, in Deed Book 8105, page 277, aforesaid records.	SOUTHERLY RIGHT OF WAY OF KENSINGTON ROAD;
Comment: Does not affect.	THENCE ALONG SAID RIGHT OF WAY OF KENSINGTON ROAD THE FOLLOWING COURSES AND DISTANCES:
24. Access and Drainage Easement Agreement between Metropolitan Atlanta Rapid Transit Authority and The Downtown Development Authority of Avondale Estates, dated May 5, 2004, recorded September 30, 2004, in Deed Book 16646, page 479, aforesaid records.	NORTH 86 DEGREES 14 MINUTES 07 SECONDS EAST A DISTANCE OF 92.48 FEET TO A FOUND 1/2 INCH REBAR;
Comment: Affects subject property as shown.	NORTH 82 DEGREES 42 MINUTES 55 SECONDS EAST A DISTANCE OF 16.44 FEET TO A POINT;
25. Construction Easement from Metropolitan Atlanta Rapid Transit Authority to Department of Transportation, dated June 23, 2008, recorded August 25, 2008, in Deed Book 20903, page 209, aforesaid records.	ALONG A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 228.63 FEET, HAVING A RADIUS OF 1657.20 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 80 DEGREES 47 MINUTES 26 SECONDS EAST, A DISTANCE OF 228.45 FEET TO A 1/2 INCH REBAR FOUND;
Comment: Does not affect. 26. Construction Easement from Metropolitan Atlanta Rapid Transit Authority to the Department	SOUTH 12 DEGREES 33 MINUTES 39 SECONDS EAST A DISTANCE OF 14.87 FEET TO A 1/2 INCH REBAR FOUND;
of Transportation and the County of DeKalb, Georgia, dated November 10, 2008, recorded November 12, 2008, in Deed Book 21134, page 314, aforesaid records. Comment: Does not affect.	NORTH 75 DEGREES 48 MINUTES 52 SECONDS EAST A DISTANCE OF 161.11 FEET TO A 4×4 CONCRETE RIGHT OF WAY MONUMENT ON THE NORTHERN MOST END OF A MITERED INTERSECTION;
27. Right of Way Deed from Metropolitan Atlanta Rapid Transit Authority to Georgia Department of Transportation, dated November 10, 2008, recorded November 12, 2008, in Deed Book 21134, page 319, aforesaid records. Comment: Does not affect.	THENCE, ALONG SAID MITER, SOUTH 47 DEGREES 08 MINUTES 06 SECONDS EAST A DISTANCE OF 38.48 FEET TO A 4×4 CONCRETE RIGHT OF WAY MONUMENT FOUND, SAID MONUMENT BEING THE TRUE POINT OF BEGINNING.

Comment: Does not affect.

28. Right of Way Deed from Metropolitan Atlanta Rapid Transit Authority to Georgia Department of Transportation, dated November 10, 2008, recorded November 12, 2008, in Deed Book 21134, page 326, aforesaid records. Comment: Does not affect.

All matters shown on that plat of survey:
a. Plat Book 10, page 54. Comment: Affects. Blanket in nature.
b. Plat Book 32, page 113. Comment: Does not affect.
c. Plat Book 303, page 49. Comment: Affects. Blanket in nature.

THE ABOVE DESCRIBED PARCEL CONTAINS 4.730 ACRES (206,049 SQUARE FEET).



SHEET 2 OF 2

PLANNERS AND ENGINEERS COLLABORATIVE	5				ALTA/NSPS LAND SURVEY	DRG	DRAWN BY: MS CHECKED BY: JNH
"WE PROVIDE SOLUTIONS"	4				FOR	THE TEPOTE	FILE NO.: 20077.00
SITE PLANNING E LANDSCAPE ARCHITECTURE	3				HOUSING DEVELOPMENT CORPORATION		DATE: 01/03/2022 SCALE: 1" = 40'
CIVIL ENGINEERING E LAND SURVEYING	2				KENSINGTON POINTE, LP	- in the s	DATE OF FIELD WORK: 07/26/22
350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 (770)451-2741 ■ WWW.PECATL.COM	1	08/29/22	TITLE COMMITMENT UPDATE	DFG	LAND LOT(S) 230, 250, 251 DEKALB COUNTY	SURTIN H	
C.O.ALSF000004	REV	DATE	DESCRIPTION	BY	DISTRICT 15th GEORGIA	MAN N. NO	0 20 40 80



7	8	9	10	11	12

		13	14	15
[Sľ	TE DATA:		
	<u> </u>			
	ADD	RESS	4200 MEMORIAL D DECATUR GA, 3003	
	SITE	AREA	4.73 ACRES	
	<u>Z01</u>	NING		
	PRO	POSED ZONING	HR-2	
	ZON	IING JURISDICTION	DEKALB	
	<u>DE\</u>	ELOPMENT STANDA	RDS	
	MUL	TI-FAMILY UNITS	185 UNITS	
$\left(\right)$	SEN	IOR LIVING UNITS	74 UNITS	
\rangle	тот	AL UNITS	259 UNITS	
\geq	UNI	T DENSITY	54.76 UNITS/AC	\leq
,	OPE	IN SPACE REQUIRED	15.0% (0.71 AC)	
\smallsetminus	OPE	IN SPACE PROVIDED	17.6% (0.83 AC)	
	FRO	NT SETBACK	10 FEET	
	SIDE	E SETBACK	10 FEET	
	COF	RNER SETBACK	10 FEET	
	REA	R SETBACK	20 FEET	
	DWE	ELLING BUILDING HEIGHT	4 STORIES OR 65'	MAXIMUM
	PAF	RKING		
	REQ	UIRED PARKING	366 SPACES MINIM	IUM
	PAR	KING SPACES PROVIDED	359 STANDARD SP	PACES, 16 ADA SPACES
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	<u>S</u>	ITE NOTES:		
	1.	ALL STRIPING AND ARRO	WS TO MEET GEORGIA DOT STAND	DARDS.
	2.	IS LESS THAN 5 INCHES H	HE PUBLIC RIGHT OF WAY WHERE HIGH, THE EXISTING CURB SHALL B EKALB REQUIREMENTS AND THE S	BE REMOVED AND REPLACED
	3.	OR STREET INFRASTRU MAINTENANCE BONDS DEMONSTRATE ADEQUA PREPARED BY A GEO SANITARY SEWER INS	ON AND ACCEPTANCE OF SANITA CTURE TO THE DEKALB, "AS-BUIL ARE REQUIRED. THE STREE TE COMPACTION WITH PROFESSION RGIA REGISTERED PROFESSION STALLATION SHALL INCLUDE A SSFUL MANDRELL PULL AND	LT" DRAWINGS AND 3-YEAR T CONSTRUCTION SHALL NAL TESTING AND REPORTS JAL CIVIL ENGINEER. THE AN INTERNAL TELEVISION
	4.	WITH REQUIREMENTS OF GUTTER SHALL CONFO	ALK ALONG PUBLIC RIGHT-OF-WA) OF DEKALB CODE. SIDEWALKS A RM TO THE DEKALB STANDAR ACKS ZONES AS SHOWN AS E	AND CONCRETE CURB AND DD DETAILS. LOCATION OF
	5.	ALL WORK AND MATERIA AND CODES AND O.S.H.A	LS SHALL COMPLY WITH THE DEKA STANDARDS.	ALB, GEORGIA REGULATIONS
	6.	EXISTING STRUCTURES REMOVED, OR RELOCATE	WITHIN CONSTRUCTION LIMITS D AS NECESSARY.	ARE TO BE ABANDONED

<u>/+\</u>

- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE SCHEMATIC IN NATURE. SEE ARCHITECTURAL PLANS FOR ACTUAL DIMENSIONS.
- SITE CONTRACTOR SHALL FURNISH "AS-BUILT" DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS

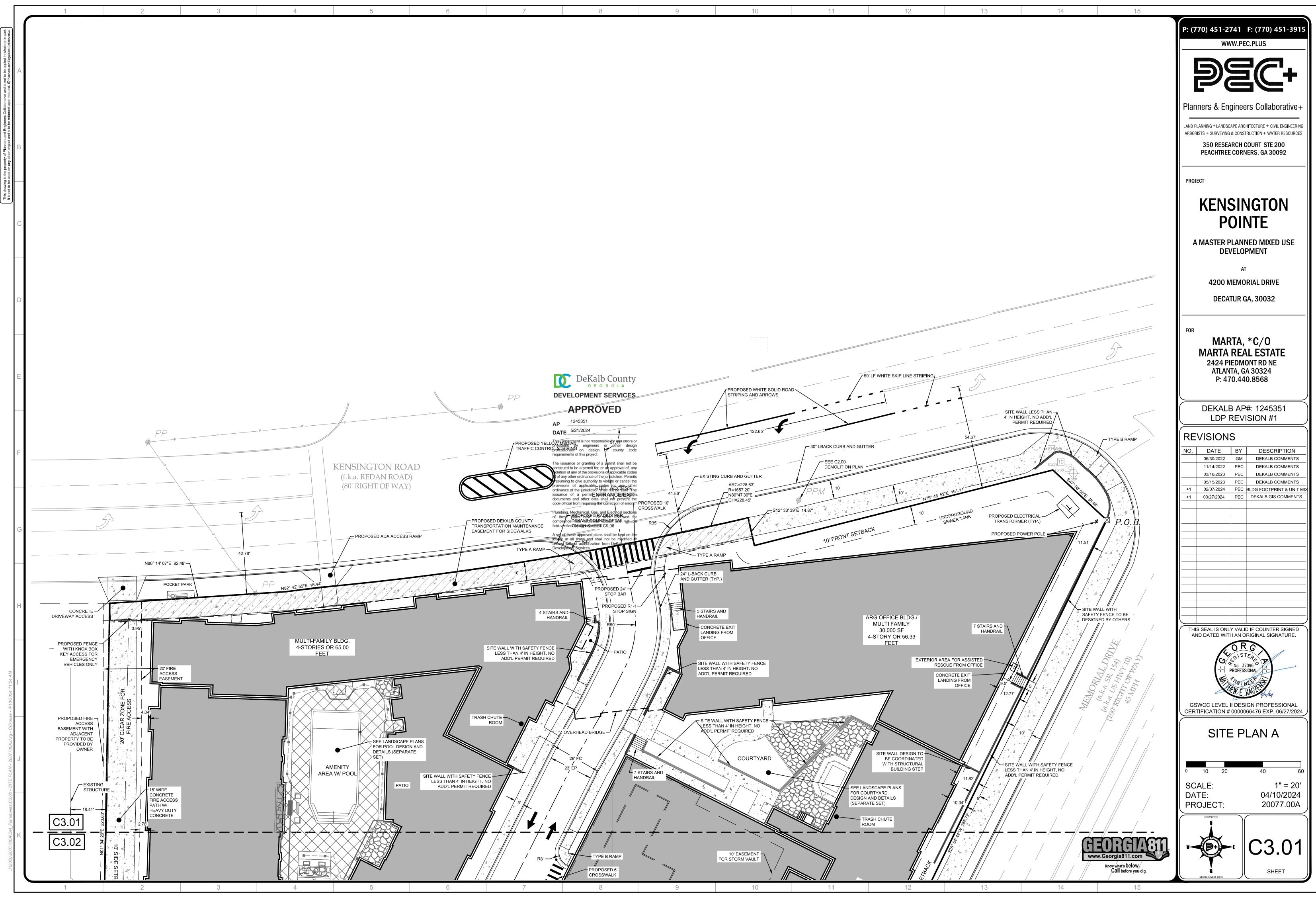
10. SITE WORK CONTRACTOR IS RESPONSIBLE FOR WORK TO WITHIN 5' OF THE BUILDINGS 1. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATION INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS AND POLES, ETC., GOVERNING AUTHORITIES SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.

- 12. ALL TEMPORARY AND PERMANENT SIGNS SHALL BE PERMITTED SEPARATELY.
- 13. OPEN BURNING OR BURY PITS ARE NOT ALLOWED.
- 14. THERE ARE NO KNOWN WETLANDS ON SITE PER THE NATIONAL WETLANDS INVENTORY MAP.
- 15. ALL REQUIRED TRAFFIC SIGNAGE MUST MEET MUTCD STANDARDS.
- 16. DUMPSTERS FOR HOUSEHOLD WASTE WILL BE ROLLED FROM THE COMPACTOR AT TRASH CHUTES TO PROPOSED TRASH DUMPSTER AND RECYCLING ENCLOSURE FOR SERVICING. PROPERTY MANAGERS WILL HAVE TO SUPPLY THE PERSONNEL FOR MOVING THESE DUMPSTERS.
- . ~FOR THE RECYCLABLE MATERIAL THERE NEEDS TO BE A DESCRIPTION OF WHAT TYPE OF CONTAINERS WILL BE USED~ RECYCLABLE MATERIAL CONTAINERS WILL BE ROLLED FROM THE COLLECTION CHUTE TO PROPOSED TRASH DUMPSTER AND RECYCLING ENCLOSURE FOR SERVICING. PROPERTY MANAGERS ARE RESPONSIBLE FOR MOVING THE RECYCLING CONTAINERS FROM THE COLLECTION POINT TO ENCLOSURE FOR SERVICING.

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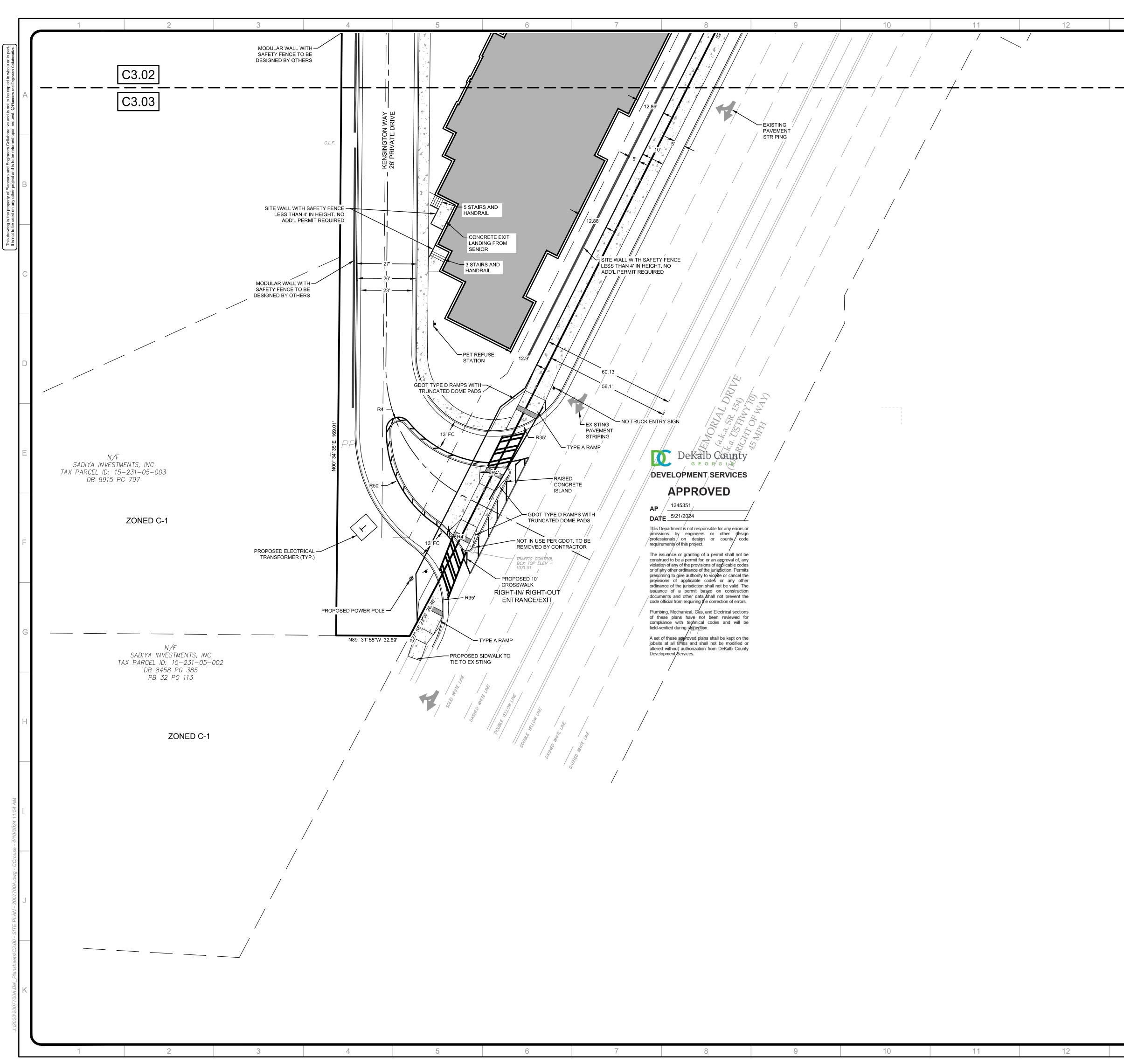
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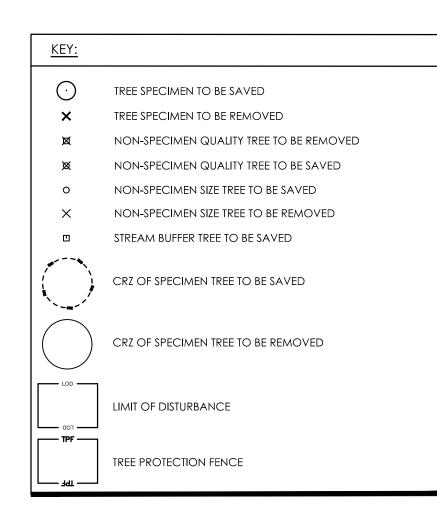
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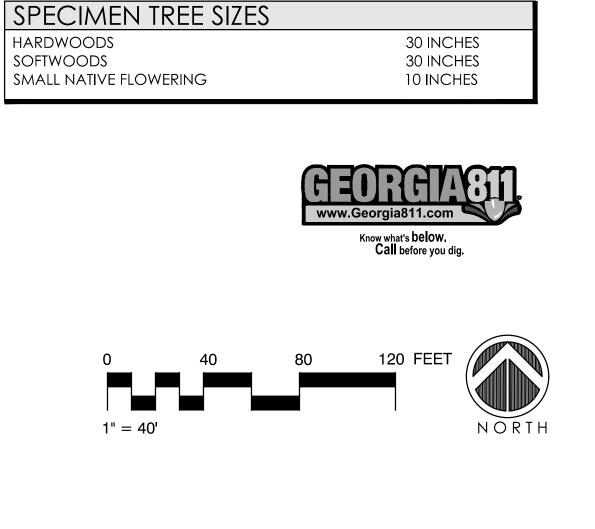


TREE TABLE NOTE:

SEE SHEET TPR.1-1 FOR CATEGORIZED TREE LISTINGS/TABLES.

NOTES:

- 1. NO ONE SHALL ENCROACH, PLACE SOLVENTS, BUILDING, MACHINERY, BUILDING DEBRIS OR ANY OTHER MATERIAL WITHIN 6' OUTSIDE THE PERIPHERY OF THE CRZ OR WITHIN ANY TREE SAVE AREA, TRANSITIONAL BUFFER ZONE, STREAM BUFFER, OR STATE BUFFER ZONE.
- 2. ALL TREE FENCE AND OTHER TREE PROTECTION DEVICES MUST REMAIN IN FUNCTIONING CONDITION UNTIL COMPLETION OF THE PROJECT OR UNTIL THE CO IS ISSUED.
- 3. A TREE THAT IS DESIGNATED TO BE SAVED, BUT IS DAMAGED DURING CONSTRUCTION, SHALL BE REPLACED WITH 4" CALIPER TREES EQUAL TO THE UNIT VALUE OF THE TREE REMOVED. ANY SPECIMEN TREE DAMAGED SHALL BE REPLACED WITH 4" CALIPER TREES EQUAL TO 1.5 TIMES THE DBH OF THE DAMAGED SPECIMEN TREE.
- ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.
 ALL TREE PROTECTION DEVICES, INCLUDING CRITICAL ROOT ZONE (CRZ) PROTECTION, TO BE INSTALLED PRIOR TO THE START OF LAND DISTURBANCE, AND MAINTAINED UNTIL FINAL LANDSCAPING.
- 6. ALL TREE PROTECTION FENCING TO BE INSPECTED DAILY, AND REPAIRED OR REPLACED AS NEEDED.
 7. NO PARKING, STORAGE OR OTHER CONSTRUCTION ACTIVITIES ARE TO OCCUR
- WITHIN THE TREE PROTECTION AREA (CRZ).
 8. CONSTRUCTION MATERIAL STAGING/DELIVERY, PORTABLE TOILET, CONCRETE
- CONSTRUCTION MATERIAL STAGING/DELIVERT, FORTABLE TOILLT, CONCRETE WASHOUT, ETC. ARE NOT TO BE LOCATED WITHIN THE TREE PROTECTION AREA (CRZ).
 ALL REQUIRED VEGETATION MUST BE MAINTAINED FOR TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION.





350 RESEARCH COURT PEACHTREE CORNERS, GEORGIA 30092 O: 770.451.2741

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KENSINGTON POINTE

KENSINGTON RD (3383, 3391, 3393) @ MEMORIAL DRIVE (4200) DECATUR, GA 30032

CITY OF DECATUR DEKALB GA

land lot District

HOUSING DEVELOPMENT

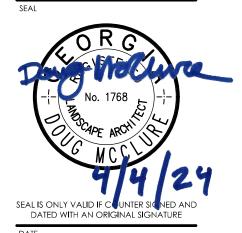
750 COMMERCE DR SUITE 110 DECATUR, GA 30030

CONTACT: 470.440.8568

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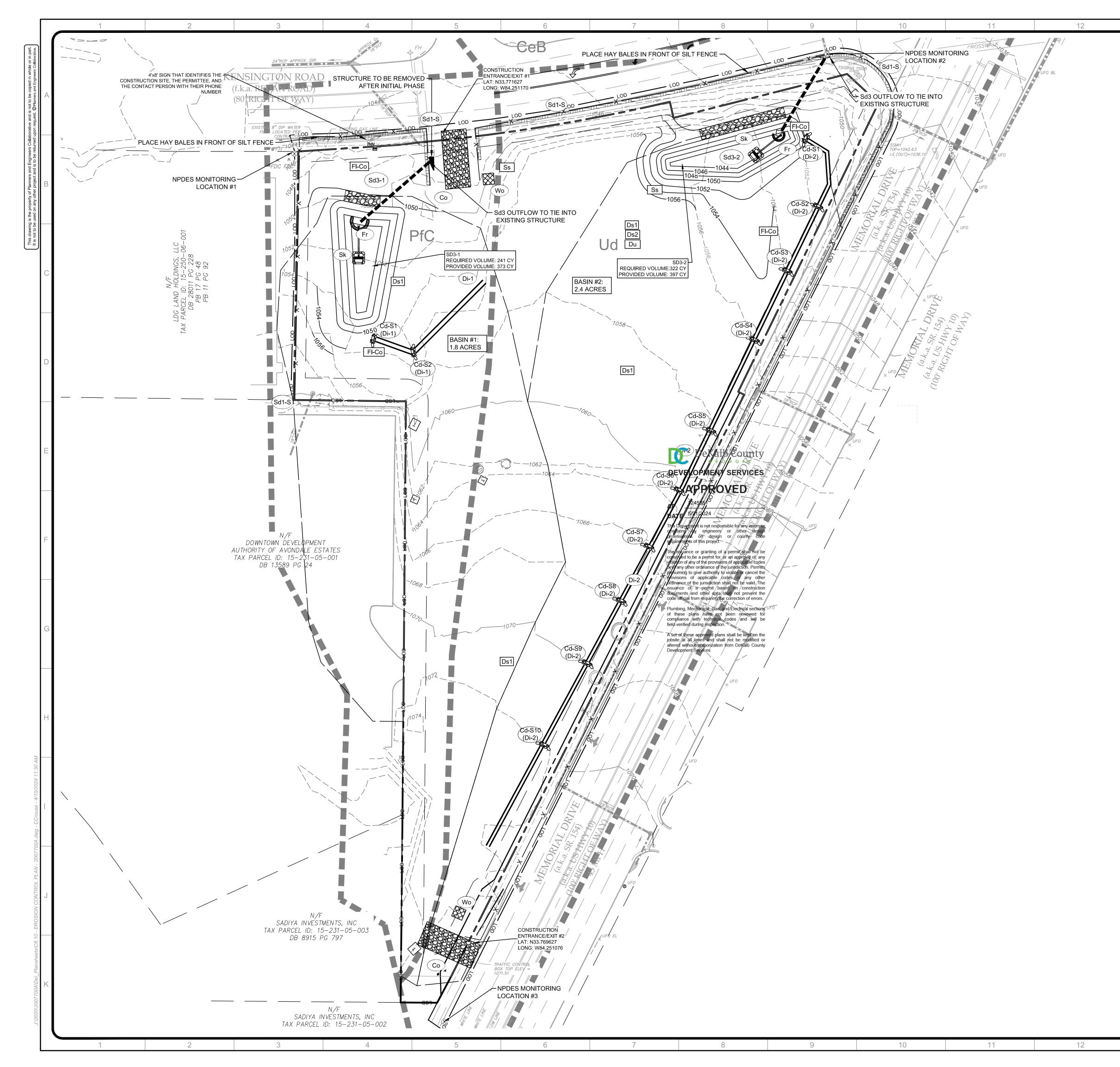
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TREE LOCATION & PROTECTION PLAN

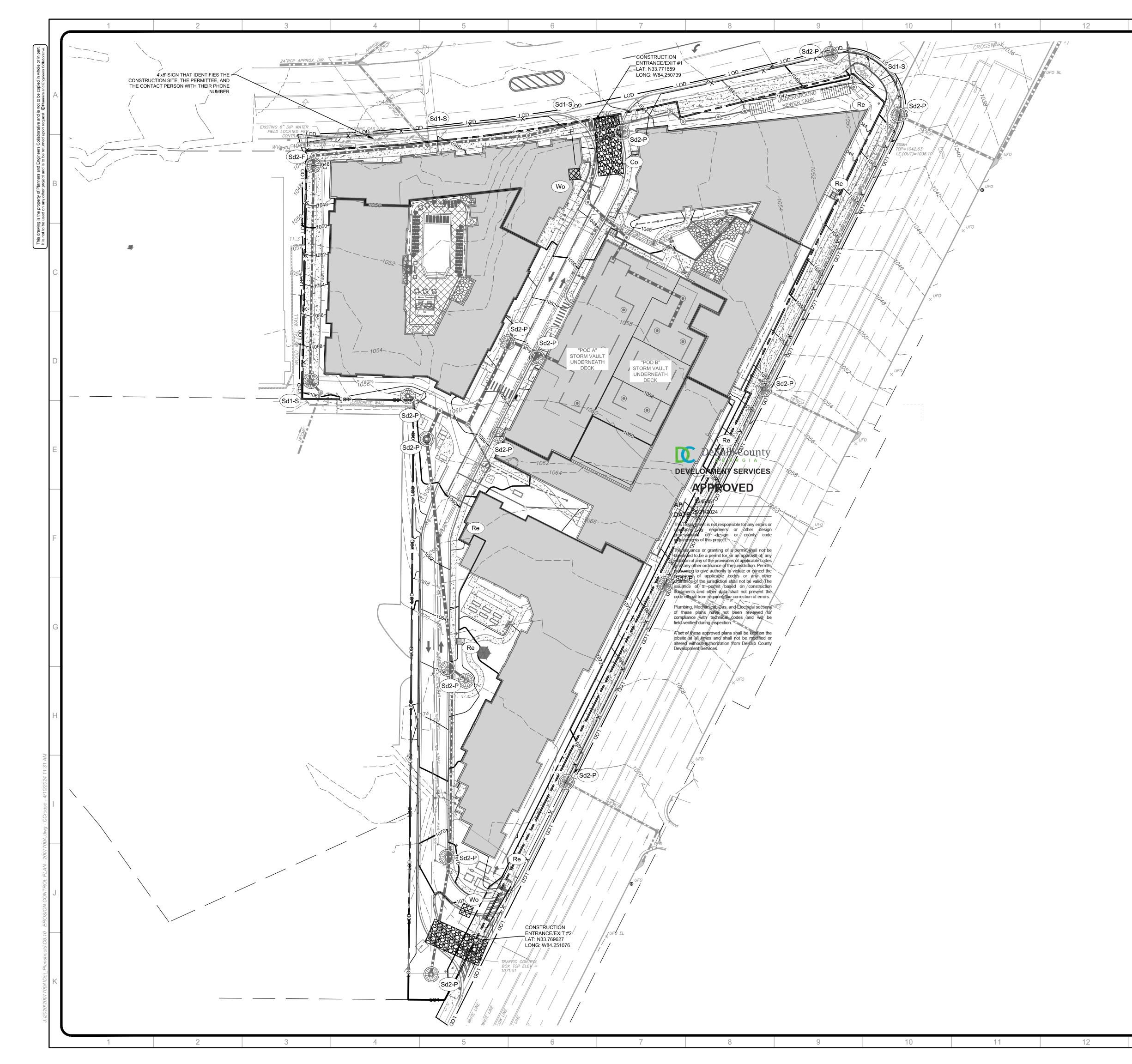




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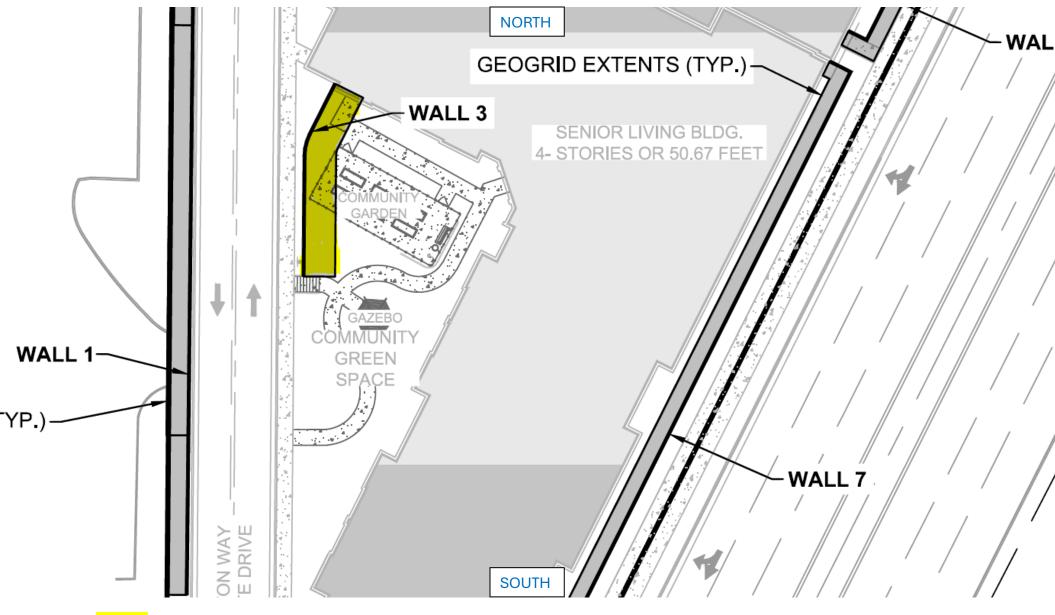
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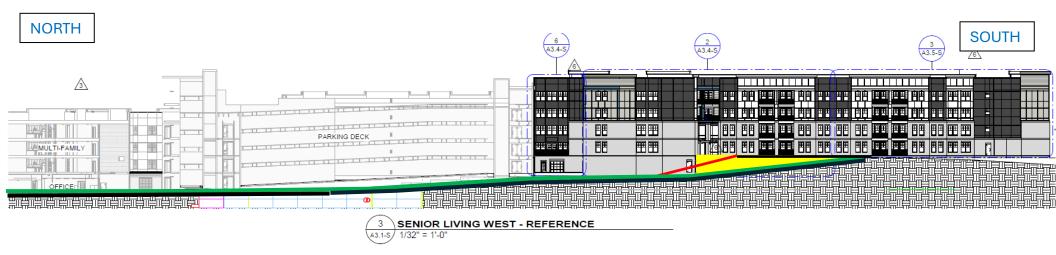
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Table of	Retaining Wall Heights	GSWCC LEVEL II DESIGN PROFESSIONAL
1201e of 1 09 Rev 1(5/21/24)	Retaining Wall Heights: Location	CERTIFICATION # 0000066476 EXP. 06/27/2024
yes yes	Western property line across from Senior Living, northern segment Western property line across from Senior Living, southern segment	WALL LOCATION
yes	West of Senior Living community garden	EXHIBIT
yes yes	NEcorner at office wrapping southward East of office	
yes	East of Multi-family, northern segment	⁰ 20 40 80 120
yes yes	East of Multi-family, mid segment East of Multi-family, mid segment	SCALE: 1" = 40'
yes	East of Multi-family, mid segment	DATE: 10/07/2024 PROJECT: 20077.00A
yes yes	East of Multi-family, southern segment Northeast in office courtyard	GRID NORTH
yes	Middle segment of office courtyard West segment of office courtyard	
yes yes	Norhthern corner of garage at Kensignton Way	
yes yes	West of office at Kensington Way East of Multi-family doughnut at Kenginton Way, northern segment	
yes	East of Multi-family doughnut at Kenginton Way, mid segment	SHEET
	13 14 15	GEORGIA WEST ZONE



= aerial perspective and demarcation of retaining wall #3



- = elevation perspective and demarcation of retaining wall #3
- = roadway and sidewalk meeting max 5% slope for ADA purposes(variance approval)
- = roadway and sidewalk exceeding max 5% slope for ADA purposes(variance denial)

