### LAND USE PLAN AMENDMENT APPLICATION

**Planning & Zoning** 2635 Talley Street Decatur, GA 30030 Phone 404-377-6198 Fax 404-378-5054



Please attach a map showing the area for which the amendment is proposed and all immediately adjacent land uses. If there is more than one owner besides the applicant, please list on a separate page.

Address(es) of property 614, 618, 622 East Lake Drive	Decatur, GA 30030
Existing land use category <u>RL - Low Density Residential</u>	Proposed land use category <u>RM - Medium Dens</u>
Name of applicant Parkland Communities, Inc. c/o Battle I	Phone 404-601-7616
Address 3562 Habersham at Northlake Building J, Suite 1	City/state/ZIP Tucker, Georgia 30084
Email mlb@battlelawpc.com	
Name of property owner See Exhibit A	Phone 404-601-7616
Address See Exhibit A	City/state/ZIP Tucker, Georgia 30084
Reason(s) for proposed amendment	dential, does not allow for the zoning that we are seeking.

List of all permitted land uses for the subject area under the existing Comprehensive Land Use Plan \_\_\_\_\_\_ Low Density Residential land use allows for R-85, R-60, and R-50.

Please answer all of the following questions on a separate sheet,

1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?

2. What adverse affects does the proposed amendment have on the existing use or usability of adjacent or nearby property?

3. To what extent will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

Date \_\_\_\_

I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

Applicant signature

### ZONING MAP AMENDMENT APPLICATION

Planning & Zoning 2635 Talley Street

Decatur, GA 30030 Phone 404-377-6198 Fax 404-378-5054



If there is more than one owner besides the applicant, please list on a separate page. If the applicant is not the current property owner, please provide a notarized authorization for this application from the current property owner. Refer to the submittal checklist for submittal requirements.

Address(es) of property 614, 618, 622 East Lake Drive	Decatur, GA 30030
Existing zoning <u>R-60</u>	Proposed zoning <u>RM-43</u>
Existing use of property Residential	Proposed use of property <u>Residential</u>
Name of applicant Parkland Communities, Inc. c/o Battle I	Phone 404-601-7616
Address 3562 Habersham at Northlake Building J, Suite 10	City/state/ZIP Tucker, Georgia 30084
Email mlb@battlelawpc.com	
Name of property owner <u>See Exhibit A</u>	Phone 404-601-7616
Address See Exhibit A	City/state/ZIP Tucker, Georgia 30084

Within the two years immediately preceding the filing of this application, have you, the applicant, made campaign contributions aggregating \$250 or more, or made gifts having an aggregate value of \$250 or more to a local government official of the City of Decatur who will consider this application?  $\Box$  Yes  $\Delta$  No

If you answered yes to the above question, you must file a disclosure report with the Planning & Zoning Department showing the following. The report must be filed within ten days of filing the application.

- 1. The name of the local government official to whom the campaign contribution or gift was made.
- 2. The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application and the date of each contribution.
- 3. An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application.

Please answer all of the following questions on a separate sheet.

- 1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?
- 2. What adverse affects does the proposed amendment have on the existing use or usability of adjacent or nearby property?
- 3. To what extent will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
- 4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

1/26 Date 1/26

I hereby certify that the above a	ind attache	d statemer	s and o	locur	nents are true to the best of my knowledge and belief.
			1		, <u>,</u>

Applicant signature

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Revised April 2015

#### Submittal checklist

**Site plan.** Please attach a plan of the proposed development with the following information. Provide to-scale size copy as well as one copy in an  $8.5 \times 11^{"}$  format. Also, please provide an electronic file of the entire application.

- 1. All property lines with dimensions.
- 2. Location of buildings or other structures, drainage courses, and easements.
- 3. Proposed street right-of-way lines.
- 4. Comprehensive site development plan if application is for commercial, industrial, high density single-family residential or institutional use.
- 5. North arrow, scale, land lot, block and lot numbers.

Survey. Please attach a survey of the property. Provide one to-scale copy as well as one copy in an 8.5 x 11" format.

Floor plans and building elevations. Provide proposed floor plans and elevations of proposed building improvements.

**Project summary.** Please provide a summary description of the proposed project, including number, height, floor area and proposed use of each building.

**Planned Unit Development (PUD).** Please refer to Section 5.4.5. of the Unified Development Ordinance for additional submittal requirements.

### SPECIAL EXCEPTION APPLICATION

**Planning & Zoning** 2635 Talley Street Decatur, GA 30030 Phone 404-377-6198 Fax 404-378-5054



Attach a survey of the property drawn to scale and showing the following information. Please provide one to-scale copy of all plans, as well as one copy of all plans in an 8½ x 11<sup>°</sup> format. If the applicant is not the current property owner, provide a notarized authorization for this application from the current property owner.

1. all property lines with dimensions

- 2. location of buildings and other structures, creeks and easements referenced to property lines
- 3. north arrow, scale, lot and block numbers and land lot
- 4 topographic and drainage information if pertinent
- 5. comprehensive site plan (if applicable)
- 6 building elevations (if applicable)

Address of property 614, 618, 622 East Lake Drive	Decatur, GA 30030
Name of applicant Parkland Communities, Inc. c/o Battle I	Phone 404-601-7616
Address 3562 Habersham at Northlake Building J, Suite 19	City/state/ZIP Tucker, Georgia 30084
Email mlb@battlelawpc.com	
Name of property owner See Exhibit A	Phone 404-601-7616
Address See Exhibit A	City/state/ZIP Tucker, Georgia 30084
Current zoning of property <u>R-60</u>	
•••••	
Please answer all of the following questions on a separate sheet.	
1. What is the special exception requested? What code requirem	nent do you wish to vary from?

- 2. Explain how the proposed special exception will be suitable in view of the use and development of adjacent and nearby properties.
- 3. What impact will the proposed exception have on the existing use or usability of adjacent or nearby properties?
- 4. What impact will the proposed exception have on public safety, traffic on public streets, transportation facilities, utilities and other public services?
- 5. What impact will the proposed exception have on established property values and on the health, safety, comfort and general welfare of the residents of the City?

I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.	
Applicant signature	

#### STATEMENT OF INTENT

As Required by City of Decatur, Georgia Zoning Ordinance

For

Rezoning Application, Land Use Amendment, and Special Exception Application pursuant to the City of Decatur Zoning Ordinance

by

Parkland Communities, Inc. c/o Battle Law, P.C.

For 1.675 acres of land located at 614, 618, and 622 East Lake Drive, being Tax Parcel Nos. 15 213 04 164, 15 213 04 158, and 15 213 04 159

Submitted for Applicant by:

Michèle L. Battle Battle Law, P.C. 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084 404) 601-7616 Phone (404) 745-0045 Facsimile mlb@battlelawpc.com

#### I. STATEMENT OF INTENT

The Applicant, Parkland Communities, Inc., is seeking to rezone and amend the land use of 1.675 acres of land located at the corner East Lake Drive and Feld Avenue, being tax parcel nos. 15 213 04 164, 15 213 04 158, and 15 213 04 159 ("The Subject Property"). The Applicant is seeking the RM-43 zoning designation to allow for the development of 34 stacked flat homes. The Subject Property is currently zoned R-60 with a future land use designation of Low Density Residential. The Applicant is also seeking a land use amendment to Medium Density Residential to allow for the proposed stacked flat product. The proposed 34 homes will increase housing options in the area and be especially attractive to young families. The Subject Property is particularly striking due to its proximity to Oakhurst Park. Harmony Park, and Oakhurst Elementary School. The proposed rezoning and associated development are appropriate for the area and would be a positive asset to the greater community.

Number of Units	34
Building Height	43'7" to top of ridge; 36' mean roof height
Floor Area	2 bedroom units, 17 units, 1,636 sf/unit
	3 bedroom units, 17 units, 1,956 sf/unit
	Total: 61,064sf
Proposed Use of Each Building	All proposed buildings are residential, stacked
	flats

This document is submitted as a Letter of Intent, Impact Analysis and notice of Applicant's preservation of their constitutional rights. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

#### II. Impact Analysis

#### ZONING MAP AMENDMENT

1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?

The uses permitted under the proposed RM (medium density residential) land use category is suitable in view of the use and development of adjacent and nearby property. The parcel immediately North of the Subject Property has a RM land use designation. The property to the immediate East has a land use category of C, being commercial and high-density residential. Additionally, a number of other parcels with RM and C land use designations exist in close proximity to the Subject Property.

2. What adverse affects does the proposed amendment have on the existing use or usability of adjacent or nearby property?

To the Applicant's knowledge, the proposed amendment will not have any adverse effects on the existing use or usability of adjacent or nearby properties. It will increase housing options in a desirable area where that is encouraged.

3. To what extent will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

To the Applicant's knowledge, the proposed amendment will not result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

To the Applicant's knowledge, there are no other existing or changing conditions affecting the use and development of the Subject Property, because of their impact on the public health, safety, morality, and general welfare of the community.

#### LAND USE PLAN AMENDMENT

1. How would the uses permitted under the proposed land use category be suitable in view of the use and development of adjacent and nearby property?

The uses permitted under the proposed land use category of RM (medium density residential) are suitable in view of the use and development of adjacent and nearby property. Land uses surrounding the Subject Property include RL, RM, and C.

2. What adverse affects does the proposed amendment have on the existing use or usability of adjacent or nearby property?

The proposed amendment from RL to RM does not have any adverse effects on the existing use or usability of adjacent or nearby property.

3. To what extent will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

To the Applicant's knowledge, the proposed amendment will not result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

4. Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds of either approval or disapproval of the proposed amendment?

To the Applicant's knowledge, there are no other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality, and general welfare of the community, give supporting grounds of either approval or disapproval of the proposed amendment.

#### SPECIAL EXCEPTION

1. What is the special exception requested? What code requirement do you wish to vary from?

The Applicant is seeking exception from code section 9.1.2.e.

- Explain how the proposed special exception will be suitable in view of the use and development of adjacent and nearby properties? The proposed development is inclusive of affordable housing units at 80% of the area median income (AMI).
- What impact will the proposed exception have on public safety, traffic on public streets, transportation facilities, utilities, and other public services?
  The proposed exception will not have an impact on public safety, traffic on public streets, transportation facilities, utilities, and other public services.

4. What impact will the proposed exception have on established property values and on the health, safety, comfort, and general welfare of the residents of the City?

The proposed exception will not have an impact on established property values and on the health, safety, comfort, and general welfare of the residents of the City.

#### III. NOTICE OF PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the City Decatur Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the City of Decatur Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests. A denial of this Application would constitute an arbitrary and capricious act by the City of Decatur City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Decatur City Council to rezone the Subject Property to the classification as requested or issue the special land use permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property or granting of a special land use permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

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

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

#### **IV. CONCLUSION**

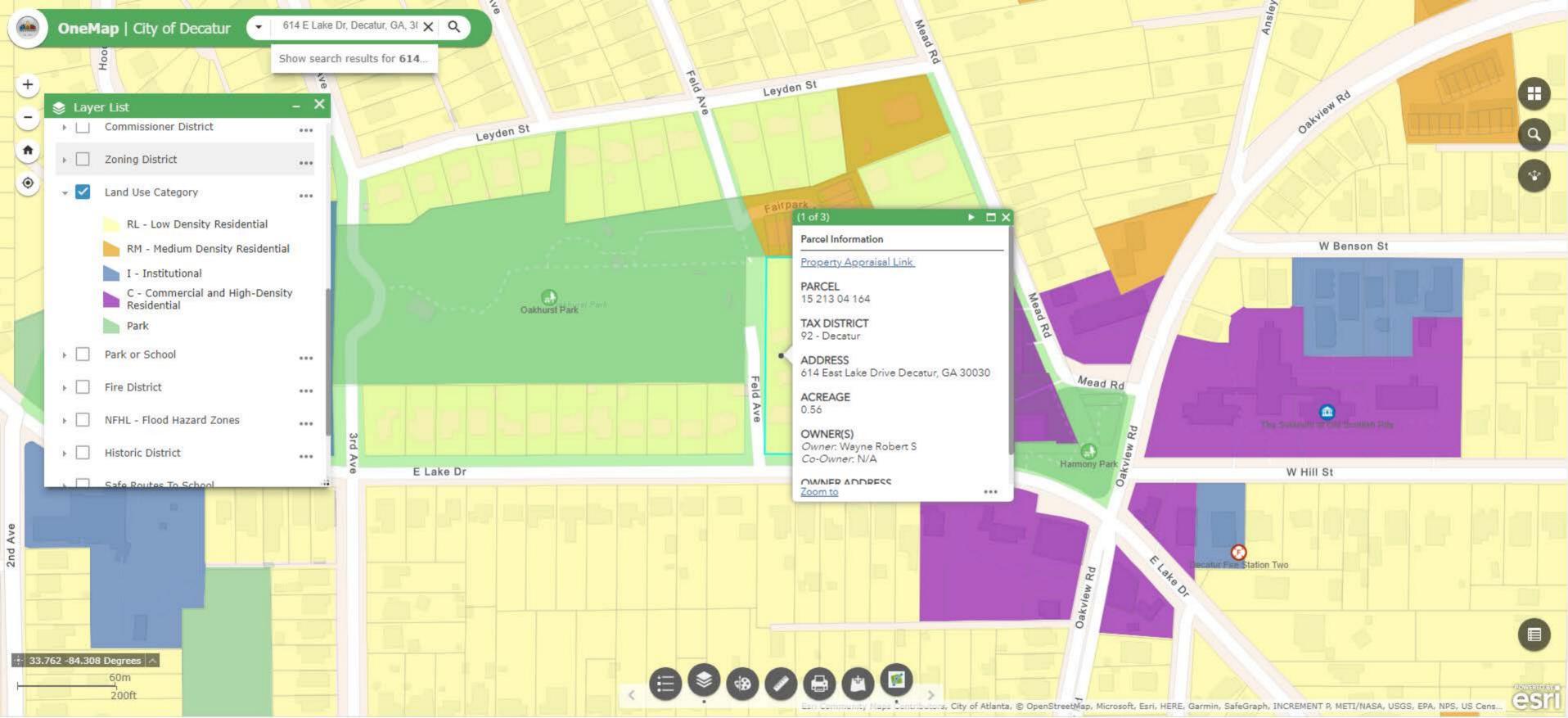
For the foregoing reasons, the Applicant respectfully requests that the applications at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Decatur so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 27<sup>h</sup> day of February 2022.

Respectfully Submitted,

Michele Battle /DLB

Michele L. Battle, Esq. Attorney for Applicant



#### "Exhibit A"

#### Parkland Communities, Inc. c/o Battle Law, P.C.

#### **Rezoning Application**

#### LIST OF OWNERS AND PROPERTY INFORMATION

Owner:	Robert S Wayne
<b>Owner Mailing Address:</b>	623 East Lake Drive, Decatur, Georgia 30030
Property Address:	614 East Lake Drive, Decatur, Georgia 30030
Parcel:	15 213 04 164
Zoned:	R-60

**Owner:** 

Owner Mailing Address: Property Address: Parcel: Zoned: Bruce Robert Cohen, as Trustee of the Sheldon B. Cohen Revocable Trust (per PSA) PO Box 2586, Decatur, Georgia 30031 618 East Lake Drive, Decatur, Georgia 30030 15 213 04 158 R-60

Owner:	Larry Bowens
<b>Owner Mailing Address:</b>	3100 Weslock Circle, Decatur, Georgia 30034
<b>Property Address:</b>	622 East Lake Drive, Decatur, Georgia 30030
Parcel:	15 213 04 159
Zoned:	R-60



October 21, 2021

Re: Owner's Acknowledgement of Parkland Communities, Inc. Rezoning Application

To Whom It May Concern:

Owner of 614 East Lake Drive Decatur, Georgia 30030: Robert S Wayne acknowledges its awareness of Parkland Communities, Inc. rezoning request and grants Parkland Communities, Inc. the authority to apply for the rezoning.

11/121 Robert S Wayne

Witness Signature

Notary Public Seal and Signature



Respectfully,

Acd.

James Jacobi President Parkland Communities, Inc.





October 21, 2021

Re: Owner's Acknowledgement of Parkland Communities, Inc. Rezoning Application

To Whom It May Concern:

Owner of 618 East Lake Drive Decatur, Georgia 30030: Bruce Robert Cohen, as Trustee of the Sheldon B. Cohen Revocable Trust (per PSA) acknowledges its awareness of Parkland Communities, Inc. rezoning request and grants Parkland Communities, Inc. the authority to apply for the rezoning.

m Ralert an

Bruce Robert Cohen, as Trustee of the Sheldon B. Cohen Revocable Trust (per PSA)

Witness Signature

Notary Public Seal and Signature

Holly Jackson Notary Public Dekalb County, Georgia My Commission Expires September 11, 2023



Respectfully,

James Jacobi President Parkland Communities, Inc.



October 21, 2021

Re: Owner's Acknowledgement of Parkland Communities, Inc. Rezoning Application

To Whom It May Concern:

Owner of 622 East Lake Drive Decatur, Georgia 30030: Larry Bowens acknowledges its awareness of Parkland Communities, Inc. rezoning request and grants Parkland Communities, Inc. the authority to apply for the rezoning.

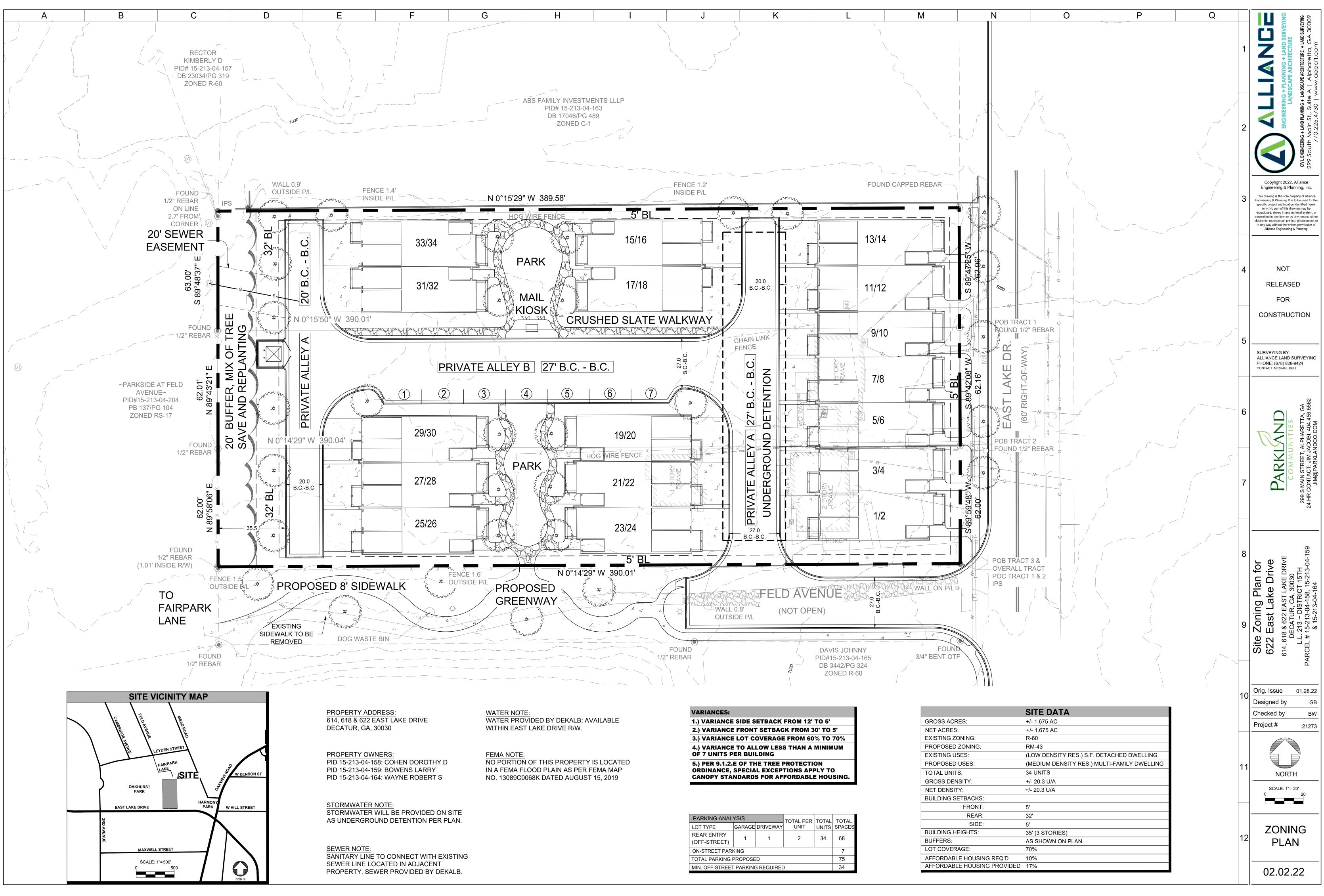
Bowens Lat ness Signature

Public Seal and nature



Respectfully,

James Jacobi President Parkland Communities, Inc.



#### TITLE COMMITMENT

THIS BLOCK RESERVED FOR THE CLERK OF THE

SUPERIOR COURT

SURVEYORS COMMENTS ON B-11 TITLE EXCEPTIONS AS SHOWN IN THAT COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY. SAID COMMITMENT HAVING A FILE NUMBER OF 21-0412 AND AN EFFECTIVE DATE OF 12/08/2021

- 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
- 2. Any owner's policy issued pursuant hereto will contain under Schedule B the standard exceptions set forth on the inside cover. Any loan policy will also contain under Schedule B thereof, the standard exceptions set forth on the inside cover of this commitment relating to the owner's policy.
- 3. Standard Exceptions 2 and 3 may be removed from the policy when a satisfactory survey and inspection of the premises is made.
- 4. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
- 5. Any additional taxes, interest and/or penalties which may be assessed for prior tax years by virtue of adjustment, re-appraisal, re-assessment, appeal or other amendment to the tax records of the county in which the subject property is located.
- 6. Rights of upper and lower riparian owners in and to the waters of creek crossing or adjoining the property, and the natural flow thereof, free from diminution or pollution.
- 7. No insurance is afforded as to the exact amount of acreage contained in the property described herein.
- 8. All matters as shown on that certain ALTAINSPS Land Title Survey for Parkland Communities, Inc. and First American Title Insurance Company prepared by , Georgia RLS #\_\_\_\_, dated \_\_\_\_\_

#### As to Tract 1 only:

9. Findings of Fact and Order on Complaint In Rem for Abatement of Nuisance. City of Decatur, Georgia vs. 622 E. Lake Drive, dated April 27, 2010, filed April 30, 2010, recorded in Deed Book 21949, page 237, DeKalb County records. LEGAL DESCRIPTION IS BLANKET AND INCLUDES PARCEL I

#### TITLE LEGAL DESCRIPTIONS

#### TRACT I

All that tract or parcel of land lying and being in Land Lot 213 of the 15<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows: BEGINNING at a point on the north side of E. Lake Drive, 915 feet east from the northeast intersection of E. Lake Drive and Third Avenue; running thence along the north side of E. Lake Drive 63 feet, more or less to a point; running thence north 190 feet to a point; continuing north 200 feet, more or less, to a point; running thence west 63 feet, more or less, to a point; running thence south 200 feet, more or less, to a point; continuing south 190 feet to the north side of E. Lake Drive and the POINT OF BEGINNING: being improved property known as 622 E. Lake Drive, DeKalb County, Georgia. TRACT 2

All that tract or parcel of land lying and being in Land Lot 213 of the 15<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin on the North Side of East Lake Drive, a distance of 853.0 feet East as measured along the North Side of East Lake Drive from Third Avenue (having a 60 foot right-of-way); running thence East along the North Side of East Lake Drive, a distance of 62.0 feet to an Iron pin; thence North, a distance of 390 feet to an Iron pin; thence West, a distance of 62.0 feet to an iron pin; thence South, a distance of 390 feet to an iron pin and the point of beginning, being improved property known as 618 East Lake Drive, Decatur, Georgia 30030 according to the system of numbering houses in DeKalb County, Georgia and being the same property conveyed to Gwendolyn D. Rich by virtue of a Quitclaim Deed dated on October 18, 1985 and recorded in Deed Book 6836, Page 310; DeKalb County, Records.

Parcel: 15 213 04 158 Address: 618 E. Lake Drive

#### TRACT 3

All that tract or parcel of land lying and being in Land Lot 213 of the 15<sup>th</sup> District of Cobb County, Georgia, as shown on Plat of Survey by McClung Surveying, Inc. prepared for Robert S. Wayne, dated January 16, 1997, and being more particularly described as follows:

BEGINNING at an iron pin on the north side of East Lake Drive (60 foot right-of-way) 791 feet east as measured along the north side of East Lake Drive, from the northeast corner of the intersection of East Lake Drive and Third Avenue, said iron pin also being at the northeast corner of the intersection of East Lake Drive and Field Avenue (not open); running thence east along the north side of East Lake Drive 62 feet to an iron pin; running thence north 00 degrees 02 minutes 10 seconds West along the line dividing Lots 1 and 2, said Block and Subdivision hereinafter described, 390 feet to an iron pin; running thence west 89 degrees 45 minutes 19 seconds west 62 feet to a fence post on the east side of Feld Avenue (not open); running thence south 00 degrees 02 minutes 10 seconds east 390 feet to an iron pin on the north side of East Lake Drive and the point of beginning according o survey for Kathy A. Coker and Louis J Passarelta, Jr., prepared by Eston Pendley, Registered Land Survey, dated May 23, 1979, and being known as Lot 1, Block E., Mrs. Mary Myrtis Glenn Subdivision, and being known as 614 East Lake Drive, Decatur, Georgia.

#### ZONING

THE SUBJECT PROPERTY IS ZONED R-60 PER CITY OF DECATUR ZONING MAP ACCESSED OCTOBER 6, 2021

THE SETBACKS FOR ZONE R-60 SINGLE-FAMILY RESIDENTIAL PER CITY OF DECATUR MUNICODE ACCESSED ON 10/06/2021 ARE AS FOLLOWS:

FRONT: 30' FEET SIDE: 10' FEET REAR: 30' FEET

MAXIMUM BUILDING HEIGHT: 35' FEET

ANY SETBACKS AND BUFFERS SHOWN ARE GOVERNED BY THE LOCAL JURISDICTION AND SHOULD BE CONFIRMED IN WRITING PRIOR TO LAND PLANNING OR ANY CONSTRUCTION ACTIVITIES.

#### SURVEYED LEGAL TRACT |

A parcel of land lying in land lot 213 of the 15<sup>th</sup> district, Dekalb County, Georgia and being more particularly as described.

Commence at a set 1/2" rebar at the intersection between the northerly right of way of East Lake Drive (60' right of way) and the easterly right of way of Feld Avenue (Not open); thence leaving said easterly right of way of Feld Avenue, run North 89 degrees 59 minutes 48 seconds East along said northerly right of way of East Lake Drive for a distance of 62.00 feet to a found 1/2 rebar; thence run North 89 degrees 42 minutes 08 seconds East for a distance of 62.16 feet to found 1/2" rebar being the POINT OF BEGINNING of the parcel herein described; thence leaving said northerly right of way of East Lake Drive run North 00 degrees 15 minutes 50 seconds West for a distance of 390.01 feet to a found 1/2" rebar; thence run South 89 degrees 48 minutes 37 seconds East for a distance of 63.00 feet to a point; thence run South 00 degrees 15 minutes 29 seconds East for a distance of 389.58 feet to a found capped rebar; thence run South 89 degrees 47 minutes 25 seconds West for a distance of 62.96 feet to the POINT OF BEGINNING. Said parcel being 24,549 square feet, or 0.564 acres.

#### SURVEYED LEGAL TRACT 2

A parcel of land lying in land lot 213 of the 15<sup>th</sup> district, Dekalb County, Georgia and being more particularly as described.

Commence at a set 1/2" rebar at the intersection between the northerly right of way of East Lake Drive (60' right of way) and the easterly right of way of Feld Avenue (Not open); thence leaving said easterly right of way of Feld Avenue, run North 89 degrees 59 minutes 48 seconds East along said northerly right of way of East Lake Drive for a distance of 62.00 feet to a found 1/2" rebar being the POINT OF BEGINNING of the parcel herein described; thence leaving said northerly right of way of East Lake Drive run North OO degrees 14 minutes 29 seconds West for a distance of 390.04 feet to a found 1/2" rebar; thence run North 89 degrees 43 minutes 21 seconds East for a distance of 62.01 feet to a found 1/2" rebar; thence run South OO degrees 15 minutes 50 seconds East for a distance of 390.01 feet to a found 1/2" rebar; thence run South 89 degrees 42 minutes 08 seconds West for a distance of 62.16 feet to the POINT OF BEGINNING. Said parcel being 24,214 square feet, or 0.556 acres.

#### SURVEYED LEGAL TRACT 3

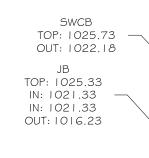
A parcel of land lying in land lot 213 of the 15<sup>th</sup> district, Dekalb County, Georgia and being more particularly as described.

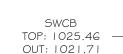
Commence at a set 1/2" rebar at the intersection between the northerly right of way of East Lake Drive (60' right of way) and the easterly right of way of Feld Avenue (Not open); said 1/2" rebar being the POINT OF BEGINNING of the parcel herein described; thence leaving said northerly right of way of East Lake Drive, run North OO degrees 14 minutes 29 seconds West along said easterly right of way of Feld Avenue for a distance of 390.01 zet to a point; thence leaving said easterly right of way of Feld Avenue run North  $\delta$ degrees 58 minutes OG seconds East for a distance of 62.00 feet to a found 1/2" rebar; thence run South 00 degrees 14 minutes 29 seconds East for a distance of 390.04 feet to a found 1/2" rebar; thence run South 89 degrees 59 minutes 48 seconds West for a distance of 62.00 feet to the POINT OF BEGINNING. Said parcel being 24,181 square feet, or 0.555 acres.

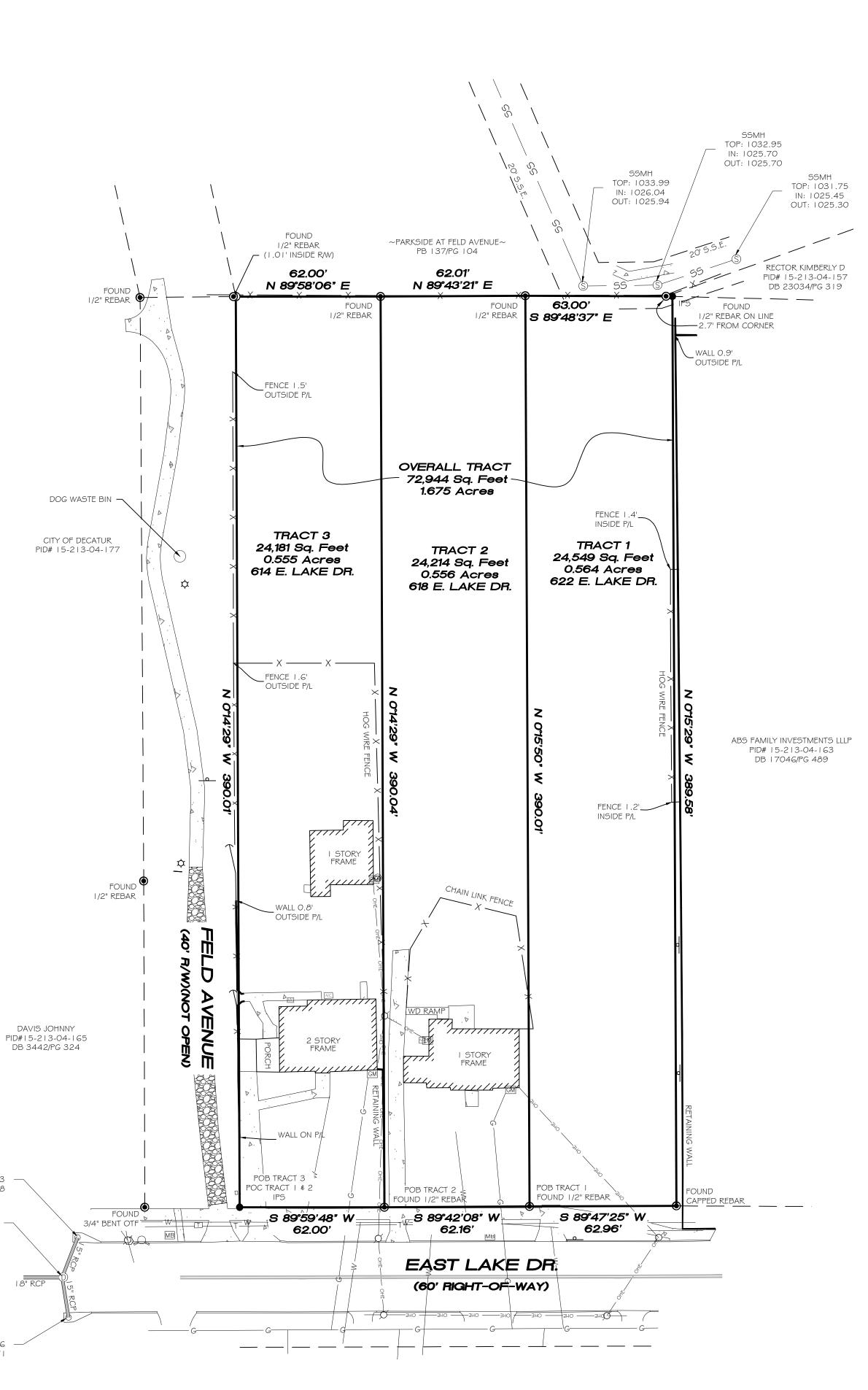
#### OVERALL SURVEYED LEGAL

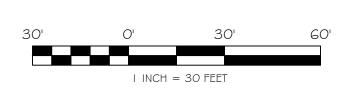
#### A parcel of land lying in land lot 213 of the 15<sup>th</sup> district, Dekalb County, Georgia and being more particularly as described.

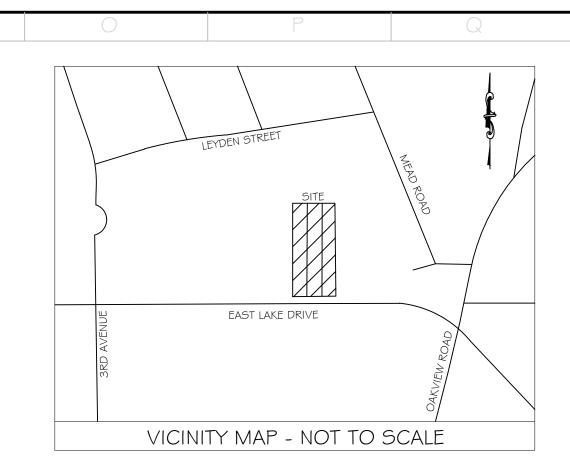
Commence at a set 1/2" rebar at the intersection between the northerly right of way of East Lake Drive (60' right of way) and the easterly right of way of Feld Avenue (Not open); said 1/2" rebar being the POINT OF BEGINNING of the parcel herein described; thence leaving said northerly right of way of East Lake Drive, run North 00 degrees 14 minutes 29 seconds West along said easterly right of way of Feld Avenue for a distance of 390.01 feet to a point; thence leaving said Right of Way run North 89 degrees 58 minutes 06 seconds East for a distance of 62.00 feet to a found 1/2 inch rebar; thence run North 89 degrees 43 minutes 21 seconds East for a distance of 62.01 feet to a found 1/2 inch rear; thence run South 89 degrees 48 minutes 37 seconds East for a distance of 63.00 feet to a set 5/8 inch capped rebar; thence run South 00 degrees 15 minutes 29 seconds East for a distance of 389.58 feet to a found capped rebar, said point lying on the aforementioned Northerly Right of Way of East Lake Drive (60' Right of Way); thence run South 89 degrees 47 minutes 25 seconds West along said Right of Way for a distance of 62.96 feet to a found 1/2 inch rebar; thence run South 89 degrees 42 minutes 08 seconds West along said Right of Way for a distance of 62.16 feet to a found 1/2 inch rebar; thence run South 89 degrees 59 minutes 48 seconds West along said Right of Way for a distance of 62.00 feet to the POINT OF BEGINNING. Said parcel contains 1.675 Acres or 72,945.95 Square Feet











#### SURVEY NOTES

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Know what's **below**.

Call before you dig

THE LOCATIONS OF EXISTING DERGROUND UTILITIES ARE SHOWN

AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE.

IE CONTRACTOR SHALL DETERMINE TI

EXACT LOCATION OF ALL EXISTING

UTILITIES BEFORE COMMENCING WOR AND AGREES TO BE FULLY RESPONSIB

FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE

CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

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- I. All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
- 2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
- 3. According to the Flood Insurance Rate Map (FIRM) for DeKalb County, Georgia, (Community-panel number 13089C 0068K, dated August 15, 2019), all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
- 4. The locations of underground utilities shown hereon are based on visible structures and maps and a KMZ file provided by Subsurface Utility Investigations Inc. and are approximate only. The property shown hereon may be served by underground utilities which are not shown hereon. Alliance makes no warranties or claims that all utilities are marked or accurate. All Utility Companies should be contacted before beginning any design or construction. SUI's report can be provided upon request.
- 5. North arrow and bearings shown hereon are based on GA West Zone -NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 10-19-2021 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey
- 6. The field data upon which this plat is based has a closure precision of one foot in 11,355 feet and an angular error on 09 seconds per angle point and was adjusted using the compass rule method.
- 7. This plat has been calculated for closure and is found to be accurate within one foot in 638,084 feet.
- 8. Equipment used for measurement: Angular: Leica TS I Gi Robotic Total Station Linear: Leica TS I Gi Robotic Total Station GPS: Leica GS GPS Reciever
- 9. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
- 10. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
- II. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
- 12. There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field Survey.
- 13. Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
- 14. At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.

#### SURVEYOR CERTIFICATION

TO: Parkland Communities, Inc., a Georgia Corporation & First American Title Insurance Company

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTAINSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11(b), 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF DECEMBER OF 2021.

01/07/2021 MICHAEL C. BELL, GA P.L.S. #3465

#### SURVEYOR CERTIFICATION



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

MICHAEL C. BELL, GA P.L.S. #3465

01/07/2021

Date



# THE MAGNOLIA

# 3 Bed / 2.5 Bath 1,958 sqft



Second



# Third



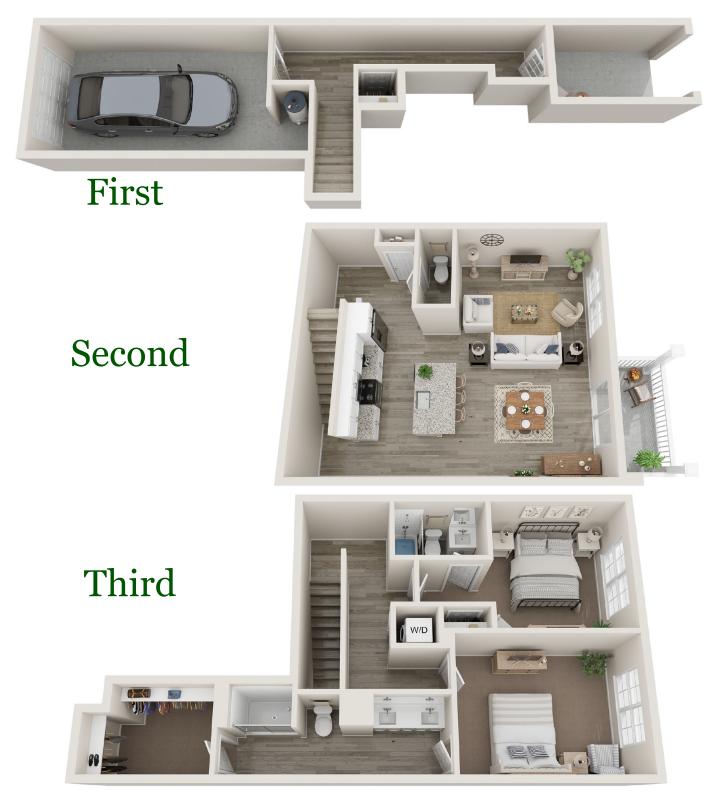
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# THE LAUREL

## 2 Bed / 2.5 Bath 1,636 sqft





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### Kimley **»Horn**

### MEMORANDUM

To: Jim Jacobi, Parkland Communities, Inc.

From: John D. Walker, P.E., PTOE, Kimley-Horn and Associates, Inc. Olivia Zuvanich, E.I., Kimley-Horn and Associates, Inc.

Date: January 21, 2022

RE: Oakhurst Park, Decatur, Georgia – Trip Generation Memorandum

Kimley-Horn is pleased to provide this memorandum summarizing the trip generation for the proposed *Oakhurst Park* development on an approximate 0.56-acre property located on the east side of Feld Avenue and north of East Lake Drive in the City of Decatur, DeKalb County, Georgia.

#### **PROJECT OVERVIEW**

As currently envisioned, the development will consist of approximately 34 townhomes. This memorandum provides density and trip generation for the proposed *Oakhurst Park* development.

#### TRIP GENERATION

Project traffic, for the purposes of this evaluation, is defined as the vehicle trips expected to be generated by the proposed development. Anticipated trip generation for the *Oakhurst Park* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10<sup>th</sup> Edition, 2017.

The densities and the project trip generation for the proposed development are summarized by land use in **Table 1**.

Table 1: Gross Trip Generation											
ITE Densite	Daily Traffic			AM Peak			PM Peak				
Land Use	Code	Density	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multifamily Housing (Low-Rise)	220	34 units	216	108	108	17	4	13	23	14	9
Total Gros	s Trips		216	108	108	17	4	13	23	14	9

Based on the trip generation shown in **Table 1**, the proposed *Oakhurst Park* development is projected to generate approximately 216 daily trips (108 in, 108 out), 17 AM peak hour trips (4 in, 13 out), and 23 PM peak hour trips (14 in, 9 out).

Attachments:

- Trip Generation Analysis
- Concept Site Plan

	Generation Analysis Oakhurst Park , DeKalb County, Georgia								
and Use Intensity Daily AM Peak Ho						Ir PM Peak Hour			
		Trips	Total	In	Out	Total	In	Out	
Proposed Site Traffic									
220 Multifamily Housing (Low-Rise) - General Urban/Suburban	34 d.u.	216	17	4	13	23	14	9	
Gross Trips		216	17	4	13	23	14	9	

k:\amt\_marketing\parkland communities\oakhurst trip gen - decatur - january 2022\analysis\{oakhurst-tripgen.xls]trip generation

Kimley **»Horn**