

Planning, Zoning, and Inspections

509 N. McDonough St.
Decatur, Georgia 30030
404-370-4104 • Fax 404-370-0691
info@decaturga.com • www.decaturga.com

Memorandum

TO: Planning Commission

FROM: Ryan Sellers, Senior Planner

DATE: March 8, 2022

SUBJECT: Planning Commission Agenda Packet

The following item is scheduled for consideration at the Planning Commission meeting on **Tuesday, March 8, 2022** at 7:00 p.m. in the City Commission Meeting Room, at Decatur City Hall at 509 North McDonough Street:

- Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a change in land use designation from RL – Low Density Residential to I – Institutional for property at 465 Clairemont Avenue.
- Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a rezoning from R-60 – Single Family Residential to I – Institutional for property at 465 Clairemont Avenue.
- Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a conditional use permit to operate a daycare at **465 Clairemont Avenue**.
- Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a change in land use designation from RL – Low Density Residential to RM – Medium Density Residential for properties at 614, 618 and 622 East Lake Drive.
- Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a rezoning from R-60 Single Family Residential to RM-43 Multiple Family Residential for properties at **614**, **618** and **622 East Lake Drive**.
- Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a special exception to canopy coverage standards for affordable housing for properties at **614**, **618** and **622 East Lake Drive**.

City of Decatur Planning Commission

March 8, 2022 Meeting AGENDA

Decatur City Hall City Commission Room 509 North McDonough Street 7:00 PM

I.	Call	to	Order

II. Old Business:

a. Approval of Minutes from February 8, 2022 regularly scheduled meeting.

III. New Business:

- A. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a change in land use designation from RL Low Density Residential to I Institutional for property at **465 Clairemont Avenue**.
- B. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a rezoning from R-60 Single Family Residential to I Institutional for property at **465 Clairemont Avenue**.
- C. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a conditional use permit to operate a daycare at **465 Clairemont Avenue**.
- D. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a change in land use designation from RL Low Density Residential to RM Medium Density Residential for properties at 614, 618 and 622 East Lake Drive.
- E. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a rezoning from R-60 Single Family Residential to RM-43 Multiple Family Residential for properties at **614**, **618** and **622 East Lake Drive**.
- F. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a special exception to canopy coverage standards for affordable housing for properties at **614**, **618** and **622 East Lake Drive.**

IV. Other Business

V. Adjournment

Consistent with requirements of O.C.G.A. §50-14-1(e)(1) this agenda was posted by Tuesday, February 22, 2022.

This meeting will be held in-person. Members of the public wishing to participate during the "Public Comment" portion of the meeting may attend the meeting in one of two ways:

- 1. Attend in-person by coming to Decatur City Hall, 509 N. McDonough Street. A temperature check and wearing of a face covering are required for entry into the building.
- 2. Register in advance at https://www.decaturga.com/bc-pc/page/planning-commission-27. After registering, you will receive a confirmation email containing information about joining the meeting. You may also participate by phone by calling (929) 205-6099 and entering the meeting ID (the 11-digit number shown in the Zoom registration link).

NOTE – This meeting will utilize virtual meeting technology. We cannot guarantee it will operate as planned. If your participation must be a matter of public record, attend the meeting in person or email your comments to Ryan Sellers, Senior Planner, at ryan.sellers@decaturga.com by 5:00 p.m. on Monday, March 7th.

Members of the public may also view the live broadcast of the Decatur Planning Commission meeting at https://www.decaturga.com/citycommission/page/streaming-video

City of Decatur Planning Commission

February 8, 2022 Meeting MINUTES (Draft)

Members present: Mike Travis (Acting Chair), Gregory Chilik, Lori Leland-Kirk, Todd Ohlandt, Joe

Greco, Harold Buckley, Jr. (Chair and present in the audience)

Members absent: Rachel Cogburn

I. CALL TO ORDER

The City of Decatur Planning Commission met on February 8, 2022 in a regular meeting. At 7:00 p.m., a quorum of in-person members were present and Acting Chair Travis called the meeting to order. He provided introductions and an overview of the procedures of the meeting.

II. OLD BUSINESS

Approval of the January 11, 2022 Regular Meeting minutes.

Acting Chair Travis read the first item of the agenda to approve the January 11, 2022 Regular Meeting minutes. Mr. Chilik moved and Mr. Greco seconded to approve the minutes with one minor change from Ms. Leland-Kirk. There was one abstention from Mr. Ohlandt. Motion carried 4-0.

III. NEW BUSINESS

A. Andrew Rutledge, Office of Design LLC, on behalf of Eri Levine, has requested a special exception from Section 5.3.3.B. of the UDO to allow surface parking along and within 60' of the public street for property located at 104-108 Church Street.

Acting Chair Travis read the first new business item into the record. Mr. Andrew Rutledge, Office of Design LLC, 619 East College Ave, on behalf of Eri Levine, presented the request for a special exception from Section 5.3.3.B. to allow surface parking along and within 60' of the public street.

Mr. Rutledge stated that they are looking to redevelop this property with a new film editing studio. He stated that there is an existing shared driveway that runs along the side of the property that they would retain and create some angle parking along the side of the building.

In response to Acting Chair Travis, Mr. Rutledge stated that the handicap spot would be the only surface parking along and within 60' of the public street. He noted that over 50% of the existing lots around this property has surface parking right up against the sidewalk. He added that their surface parking area would have a greenspace buffer and that the parking would be on the side of the building opposed to being directly in front of the building like most of the older buildings along Church Street.

In response to Ms. Leland-Kirk, Mr. Rutledge stated that there would be four access points into the building. He added that you could enter through the back or the front door access point, which would provide for ADA accessibility. He confirmed that it would still have a front door presence facing the street.

City of Decatur Planning Commission February 8, 2022 Meeting Minutes (draft)

Acting Chair Travis opened the public hearing. Residents were requested to use the chat function to record their comments, verbally share their comments, or email Ryan Sellers, Senior Planner, so that he could read those into the record.

Mr. John Leake, 255 W Parkwood Rd, spoke neither in support or opposition. He informed the commissioners of an accident between a cyclist and a motorist, in which the cyclist was killed as the motorist opened his front door. He asked not to obstruct Church Street in any way that is possible to avoid.

There being no public comment, Acting Chair Travis closed the public comment period.

In response to Mr. Leake's concern, Acting Chair Travis reassured that this request would not have any adverse effect to bicycle pedestrian pathways or existing conditions along the street.

Mr. Chilik made an observation that the design presented reflects the spirit of the Downtown Decatur Special Pedestrian Area standards. He added that there is no obstruction between the front door and the sidewalk. He added that the handicap spot does encroach upon the 60' but not in a way that goes against the standards thus he does not see any reason to oppose this request.

Mr. Greco stated that the proposed parking seemed like a good, reasonable solution that is in the spirit of the general walkability and avoiding surface parking in front of buildings.

In response to Acting Chair Travis, Mr. Sellers, Senior Planner, stated that the Planning Commission could approve this special exception subject to the condition that if any damage is done to the streetscape, it would be on the developer to repair and/or replace.

In response to Acting Chair Travis, Mr. Rutledge stated that they would be tying into the existing sanitary because they are buying credits. He added that they may have to remove one tree but they would plant a new one or place the old one back in. He also added that they would repair any of the streetscape that get damaged during construction.

Ms. Leland-Kirk agreed with Mr. Chilik that she thought the side parking has a minimal impact on the streetscape and is keeping with the intent of the Downtown Decatur Special Pedestrian Area.

On a motion by Ms. Leland-Kirk, seconded by Mr. Greco, the requested special exception was unanimously recommended for approval. Motion carried, 5-0.

The recommendation is to be forwarded to the City Commission for consideration and action.

City of Decatur Planning Commission February 8, 2022 Meeting Minutes (draft)

IV. OTHER BUSINESS

V. ADJOURNMENT - There being no other business, the meeting adjourned at 7:18 p.m.

Consistent with the requirements of O.C.G.A. §50-14-1(e)(2)(B) these minutes were approved at the next regularly scheduled meeting on March 8, 2022 and made part of the record.

(draft)
Ryan Sellers, Senior Planner
Acting Secretary to the Planning Commission

LAND USE PLAN **AMENDMENT** APPLICATION

Revised April 2015

Planning & Zoning

2635 Talley Street Decatur, GA 30030 Phone 404-377-6198 Fax 404-378-5054



Address(es) of property 465 Clairemont Avenue (18 006 03 105, r	emnant portion of now consolidated parcel) Decatur, GA 30030		
existing land use category RL (Low-Density Residential)	Proposed land use category I (Institutional)		
Name of applicant Smarties Academy c/o Julie Sellers	Phone (404) 665-1242		
Address 1776 Peachtree Street, NW, Suite 415-South	City/state/ZIP Atlanta, Georgia 30309		
mail jsellers@dillardsellers.com			
The Southeastern Synod of the Name of property owner Evangelical Lutheran Church in America	Phone		
Address			
	City/state/ZIPer adjacent parcel (119 Erie Avenue), land use designation I (Instituti		
	amendment would provide a uniform designation for consolidated p		
Proposed amendment allows Applicant requested rezoning to Institu	amendment would provide a uniform designation for consolidated putional (I), to maintain the current day care use		
ist of all permitted land uses for the subject area under the e	Y/7		
7.00	skidding comprehensive Land Ose Plant		
lease answer all of the following questions on a separate sho			
How would the uses permitted under the proposed land us evelopment of adjacent and nearby property?			
. What adverse affects does the proposed amendment have roperty?	on the existing use or usability of adjacent or nearby		
To what extent will the proposed amendment result in uses se of existing streets, transportation facilities, utilities or scho	s which will or could cause an excessive or burdensome ools?		
Are there other existing or changing conditions affecting the f their impact on the public health, safety, morality and gene or either approval or disapproval of the proposed amendmen			
002690000000000000000000000000000000000			
nereby certify that the above and attached statements and documents are			
pplicant signature BOGUMILA KABAT			

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 465 Clairemont Avenue (18 006 03 105 and 1 Existing zoning R-60 (Single-Family Residential)	
Described to the second	
Existing use of property Daycare and Church	Proposed use of property Daycare
Name of applicant Smarties Academy c/o Julie Sellers	Phone (404) 665-1242
Address 1776 Peachtree Street, NW, Suite 415-South	City/state/ZIP Atlanta, Georgia 30309
Email jsellers@dillardsellers.com The Southeastern Synod of the	
Name of property owner <u>Evangelical Lutheran Church in America</u>	Phone
Address	
9 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	9.00000640000000000000000000000000000000
Within the two years immediately preceding the filing of this contributions aggregating \$250 or more, or made gifts havin government official of the City of Decatur who will consider If you answered yes to the above question, you must file a dishowing the following. The report must be filed within too.	this application? Yes No
b	ays of filing the application.
 The name of the local government official to whom the ca 	mpaign contribution or gift was made.
The dollar amount of each campaign contribution made be the two years immediately preceding the filing of the application.	cattori and the date of each contribution.
An enumeration and description of each gift having a value government official during the two years immediately prec	eaing the filing of the application.
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Please answer all of the following questions on a separate she	eet.
I. How would the uses permitted under the proposed land us development of adjacent and nearby property?	e category be suitable in view of the use and
2. What adverse affects does the proposed amendment have property?	on the existing use or usability of adjacent or nearby
 To what extent will the proposed amendment result in uses use of existing streets, transportation facilities, utilities or so 	(tools)
I. Are there other existing or changing conditions affecting the of their impact on the public health, safety, morality and ger grounds for either approval or disapproval of the proposed and the proposed and the proposed are considered.	e use and development of the property which, because neral welfare of the community, give supporting amendment?
4 0 4 8 6 C B C B C B C B C B C B C B C B C B C	
hereby certify that the above and attached statements and documents are t	
pplicant signature <u>Bogumila</u> Kabat	Date 2/04/2022
evised April 2015	goly for

CONDITIONAL USE PERMIT APPLICATION

Planning & Zoning 2635 Talley Street

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



Before submitting this application, you must schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for approval. Attach a plat of the property drawn to scale and showing property lines, locations and heights of existing and proposed buildings and other structures, locations of all driveways and parking/loading areas, a north arrow, and any other information required to demonstrate conformance with the standards for the specific conditional use requested. Please provide one to-scale copy of all plans, as well as one copy of all plans in an 8½ x 11° format. If the applicant is not the current property owner, provide a notarized authorization for this application from the current property owner.

Name of applicant Smarties Academy c/o Julie Sellers	6 03 106; combined lots as of 10/29/2021) Decatur, GA 3003 Phone (404) 665-1242
Address 1776 Peachtree Street, NW, Suite 415-South	City/state/ZIP Atlanta, Georgia 30309
Email jsellers@dillardsellers.com	City/state/ZIP
The Southeastern Synod of the Name of property owner <u>Evangelical Lutheran Church in America</u>	Phone
Address	City/state/ZIP
☐ Major amendment to existing conditional use permit	New conditional use permit request
Existing zoning R-60concurrent rezoning request to I (Institutional)	Use requested Daycare
004990000000000000000000000000000000000	***************************************
Please answer all of the following questions on a separate she	
1. How would the proposed use be suitable in view of the use	
2. How is the proposed use consistent with existing zoning re	guirements?
3. What adverse affects does the proposed use have on the ex	
4 To what extent will as could the annual to	disting use or usability of adjacent or nearby property?
4. To what extent will or could the proposed use cause an exc transportation facilities, utilities or other public facilities?	essive or burdensome use of existing streets,
5. Describe how the proposed ingress and egress to the subje traffic impact of the proposed use relative to street capacity	ct property is adequate. Include an evaluation of the and safety of public streets and nearby pedestrian uses
6. What impact will the proposed use have on established procomfort and general welfare of the residents of the City?	perty values and on the public health, safety, morality,
000000000000000000000000000000000000000	
I hereby certify that the above and attached statements and documents are	True to the bast of mulmandad
Applicant signature Bogumila Kaba-t	Date $2/94/2022$
For personal care home, assisted living facility and nursing home application corresponding permit or authorization for the operation of the facility from the with its rules and regulations. I also certify that the proposed facility will mee laws and regulations and with all codes and regulations of the City.	ons, I certify that I have applied for or will immediately apply for the
Applicant signature	Date

Revised April 2015

PROPERTY OWNER AUTHORIZATION

Planning & Zoning

2635 Talley Street Decatur, GA 30030 Phone 404-377-6198 Fax 404-378-5054



This authorization form must be completed and attached to any City of Decatur planning application for which the applicant is not the property owner. If there is more than one property owner, each owner must complete a separate authorization.

Addresses of property 465 Clairemont Ave. (18 006 03 105 &	18 006 03 106, combined lots) Decatur, GA 30030
Name of applicant Smarties Academy c/o Julie Sellers	Phone404-665-1242
Address 1776 Peachtree St. NW, Ste. 415-S	City/state/ZIP Atlanta, Ga 30307
Email _isellers@dillardsellers.com	
The Southeastern Synod of the Evangelical Name of property owner <u>Lutheran Church in America</u>	Phone 404-589-1977 EX-221
Address PO BOX 400	City/state/ZIP Decodus 6A 80031
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	G G G G G G G G G G G G G G G G G G G
hereby swear and affirm that I am the owner of the property located at the abo I hereby authorize the applicant listed above to file this application as my agent	ve address, which is the subject matter of the attached application.
Owner signature to even the	Date February 7, 2022
Personally appeared before me this day of Few yay	,20 <u>71</u>
Notary public Remoting	
Notably bublicated	
PUBLO	
And Oyphor A ith Arization is for the Applications submitted by Sm	arties Academy, including a Land Use Amendment, Zoning Map

2022000862 DEED BOOK 30023 Pg 669 Filed and Recorded: 1/4/2022 9:21:00 AM Recording Fee: \$25.00 Prepared By: 3227306427 Debra DeBerry Clerk of Superior Court DeKalb County, Georgia

Return Recorded Document to: Origin Title and Escrow, Inc 160 Clairemont Ave. Suite 490 Decatur, GA 30030 Tax Parcel No.: 18-006-03-106 and 18-006-03-105

OUITCLAIM DEED

STATE OF GEORGIA COUNTY OF DEKALB FILE #: 21-12274

THIS INDENTURE, Made the Zet day of December, 2021, between The Lutheran Church of the Messiah, Inc, a/k/a The Lutheran Church of the Messiah a/k/a The Evangelical Lutheran Church of the Messiah, a Georgia nonprofit corporation, as party or parties of the first part, hereinafter called Grantor, and The Southeastern Synod of the Evangelical Lutheran Church in America, a North Carolina nonprofit corporation, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 6 OF THE 18TH LAND DISTRICT OF DEKALB COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE SOUTHEAST CORNER OF ERIE AVENUE AND CLAIREMONT AVENUE, THENCE NORTH ALONG THE SOUTHEASTERN SIDE OF ERIE AVENUE NORTH 44 DEGREES 35 MINUTES EAST A DISTANCE OF 370.5 FEET MORE OR LESS TO AN IRON PIN FOUND; THENCE RUNNING ALONG THE SOUTHWESTERN SIDE OF PROPERTY CURRENTLY KNOWN AS 135 ERIE AVE, OWNED BY THOMAS O RAMSEY, SOUTH 45 DEGREES 28 MINUTES EAST A DISTANCE OF 171.48 MORE OR LESS TO A POINT; THENCE NORTH 86 DEGREES EAST A DISTANCE OF 230 FEET MORE OR LESS TO A POINT; THENCE SOUTH 46 DEGREES 13 MINUTES 12 SECONDS WEST A DISTANCE OF 315 MORE OR LESS TO A POINT; THENCE NORTH 47 DEGREES 02 MINUTES 57 SECONDS EAST A DISTANCE OF 121.15 FEET TO AN IRON PIN; THENCE SOUTH 38 DEGREES 21 MINUTES 39 SECONDS WEST A DISTANCE OF 226,39 FEET TO THE NORTHEASTERN SIDE OF CLAIREMONT AVENUE; THENCE NORTHWESTERLY ALONG CLAIREMONT AVENUE A DISTSANCE OF 231 FEET MORE OR LESS TO THE CORNER OF ERIE AVENUE AND CLAIREMONT AVENUE, BEING THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written. NOTAR SALE

A SOLIC A SOLI

Signed, sealed and delivered in the

presence of:

(Notary Public)

The Lutheran Charch of the Messiah, Inc.

(Seal) By Elizabeth Turner, CEO and authorized signatory by

resolution.

PT-61 (Rcv. 2/18)	o be file	ed in	DEKALB (COUNT	Ϋ́		PT-61 04	4-2022-000121
SECTION A - SELLER'S INFORMATION (Do not use agent's information)					SECTION C - TAX COMPU	TATION		
					Exempt Code If no exempt code enter NONE		Corporation to Corporation	
MAILING ADDRESS (STREET & NUMBER) 465 Clairemont Ave					1	Actual Value of consideration received by seller Complete Line 1A if actual value unknown		
CITY, STATE / PROVINCE / Decatur, GA 30030	Consideration of the Constitution of the Const	, COUNTRY	1/3/2022		1.	A. Estimated fair Personal prop	market value of Real and erty	\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)				2	2. Fair market value of Personal Property only		\$0.00	
BUYERS'S BUSINESS / ORGANIZATION / OTHER NAME The Southeastern Synod of the Evangelical Luthern Church*					3. Amount of liens and encumbrances not removed by transfer		\$0.00	
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) PO Box 400			4.	4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$0.00		
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Decatur, GA 30031 USA (Check Buyers Intended Use (Residential (R) Commercial (Agricultural (R) Industrial			al 5.	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$0.00		
	SEC	TION D - PE	ROPERTY INFORMAT	ION (Locat	on of	Property (Street	, Route, Hwy, etc))	
HOUSE NUMBER & EXTEN	The state of the s			POST	DIRECTION		SUITE NUMBER	
COUNTY		214-14-0-123-0-13-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0-0	CITY (IF APPLICABLE) Decatur		- 100	MAP & PARCEL NUMBER 18-006-03-105 & 18-006-03-106		ACCOUNT NUMBER
TAX DISTRICT	GMD		LAND DISTRICT	ACI	RES		LAND LOT	SUB LOT & BLOCK
		SE	CTION E - RECORDI	NG INFOR	OITAN	N (Official Use 0	Only)	
DATE		30023		DEED PA			PLAT BOOK	PLAT PAGE

ADDITIONAL BUYERS None

^{...*} This symbol signifies that the data was too big for the field. The original values are shown below.

SELLER'S BUSINESS NAME: The Luthern Church of the Messiah, Inc. aka The Lutheran Church of the Messiah aka The Evangelical L

BUYER'S BUSINESS NAME: The Southeastern Synod of the Evangelical Luthern Church in America

Disclosure Report Applicant Representatives

Within the (2) years immediately preceding the filing of this rezoning application have you, as the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more to a local government official who will consider the application?

Circle One:

Yes



Campaign Contribution and Disclosure Report Completed on Behalf of:

Dillard Sellers, LLC, Applicant Representatives

- Smarties Child Care, LLC d/b/a Smarties Academy;
- Applicant for Rezoning, Land Use Plan Amendment, and Condition Use Permit at 465 Clairemont Avenue

2.7. 2022

R. Baxter Russell
on belief & D. Hard Sellog, UL

LETTER OF REQUEST AND SUMMARY

City of Decatur

Land Use Plan Amendment Application Zoning Map Amendment Application Conditional Use Permit Application

Applicant:

Smarties Child Care, LLC d/b/a Smarties Academy c/o Julie L. Sellers

Property:

465 Clairemont Avenue Decatur, Georgia 30030

Parcel ID Nos.:

18 006 03 105 18 006 03 106

Submitted for Applicant by:

Julie L. Sellers
R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street NW, Suite 415-S
Atlanta, Georgia 30309
(404) 665-1242
jsellers@dillardsellers.com
brussell@dillardsellers.com

I. INTRODUCTION

The subject property is approximately 2.55 acres located at the corner of Clairemont Avenue and Erie Avenue in the City of Decatur, (DeKalb County Parcel Nos. 18 006 03 105 & 18 006 03 106, previously described as 465 Clairemont Avenue and 119 Erie Avenue, hereafter the "Property"). On October 29, 2021, the City of Decatur approved the combination of the Property's two parcels into one parcel retaining the address of 465 Clairemont Avenue. The Property is zoned R-60 and has Comprehensive Plan Land Use Designation of "I" Institutional, with a small 0.21-acre portion remaining "RL" Low Density Residential. The Property was developed as a church campus for the Lutheran Church of The Messiah.

The Applicant, Smarties Academy ("Applicant"), owns and operates a day care and early childhood education center in the church facilities on the Property. Beginning as an at-home childcare in 2008, Smarties Academy began operating at the Property in April 2012. For the last ten years, the Academy and its founder Bogna Kabat have grown the day care into a valued member of the community providing high-quality childcare and early education for children and families in Decatur and the surrounding areas. The church campus buildings provide the classrooms and outdoor space for the children to learn.

Due to the residential zoning of the Property, the Applicant's day care use has functioned as a legal accessory use to the church's primary use of the Property. The Applicant desires to continue operating its day care at the Clairemont Avenue location and submits this application to make the zoning consistent with the use of the Property.

II. REQUEST SUMMARY

Applicant requests approval of (1) Rezoning, (2) Land Use Plan Amendment, and (3) Conditional Use Permit. The majority of the Property (yellow start below) is designated as Institutional on the Land Use Plan, this application seeks to make the zoning and land use plan consistent and recognize the institutional (education) use of the Property. To achieve this, the designation for a small remnant of the now combined Property must be changed to from "RL" (yellow) to "I" (blue) for a consistent Institutional district.

Location of parcel for land use change:



Despite the historic institutional use, the Property has a residential zoning classification of R-60. This application request approval for the zoning to be consistent with the Land Use designation and the use of the Property as Institutional. Finally, the Applicant submits a Conditional Use Permit application to operate a day care in accordance with the Unified Development Ordinance's ("UDO") Allowed Use Table and use classifications for properties zoned Institutional.

Submitted Requests

- 1. Land Use Plan Amendment (Parcel No. 18 006 03 105)—change the land use plan designation for the remnant parcel from "RL" to "I".
- 2. Zoning Map Amendment (Parcel Nos. 18 006 03 105 & 18 006 03 106)—change the zoning for the Property from R-60 to Institutional District, in accordance with the current and requested land use designation.
- 3. Conditional Use Permit (Parcel Nos. 18 006 03 105 & 18 006 03 106)—request permission to operate a day care, in accordance with the requested zoning map amendment.

III. STANDARDS FOR APPROVAL

The Applicant fully satisfies the criteria set forth in the City's UDO for the submitted Land Use Plan Amendment, Zoning Map Amendment, and Conditional Use Permit. Because Smarties Academy has been operating for over a decade, this application is not a typical rezoning that would change the designation to allow for a completely different use. Instead, these applications are submitted for the continuation of an educational day care center in anticipation of the church use not continuing. Applicant seeks the required approvals to transition the day care use from accessory use to primary use in the event the church ceases operations and extinguishes its primary use of the Property.

Additionally, Applicant's document submission for these applications is unique. Typical application submissions include a site development plan showing the new building types and uses proposed by the zoning request. In this circumstance, the Applicant requests to permission to transition its accessory use to a primary use of the Property. No new uses or building types are currently proposed by the Applicant. While new development or building expansion may be requested in the future, Applicant does not propose any modifications to the church buildings or to the use of Property at this time. Because the existing church buildings are intended to continue serving the day care facility and no new development is currently planned, Applicant submits a survey for its applications in lieu of a future development site plan. Pursuant to UDO Section 5.1.2(C), the Applicant submits a survey showing the existing conditions on the Property to accomplish this rezoning from R-60 to I. Based on the desire and intent to maintain its historic institutional use on the Property, Applicant's submission completely and accurately represents the site conditions for the current and continuing day care center use. The Applicant respectfully requests its applications be granted by the City Commission.

A. Land Use Plan Amendment Request

The Applicant satisfies all the criteria for rezoning as set forth in the Decatur UDO, Section 11.2.2 and the Decatur Land Use Plan Amendment Application Form.

1. Does the proposed amendment permit uses that are suitable in view of the use and

development of adjacent and nearby property?

Yes, Applicant's proposed land use plan amendment seeks to change the land use designation from RL to I for the remnant 0.21 acres of the larger 2.55-acre Property. Applicant's request creates a consistent land use plan designation for the entire Property. This request also allows consistent rezoning and use of the Property for a continued day care use compatible with the residential and institutional uses on surrounding properties.

2. Does the proposed amendment adversely affect the existing use or usability of adjacent or nearby property?

Applicant's requested land use plan amendment will have no adverse impacts on the surrounding properties. The proposed amendment for the remnant 0.21 acres will provide a consistent land use plan designation for the Property. Additionally, the requested amendment will allow continuation of a beneficial day care use through approvals of the concurrent rezoning and conditional use permit described herein.

3. 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?

The proposed amendment will not create a burdensome use of existing public facilities. Rather, the requested amendment will provide a consistent land use designation for the entire Property and allow the continuation of a high-quality day care operation.

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?

Applicant established a day care on the Property as an accessory use to the church in 2012. Applicant requests the proposed land use plan amendment, concurrent with the rezoning and conditional use permit applications, in order to continue operating the day care as a primary use on the Property. Approval of these requests allowing the Applicant's continued use of the Property as a day care will provide a sustained benefit and positive impact on the public health and general welfare of the surrounding community.

B. Zoning Map Amendment Request (R-60 to I)

The Applicant satisfies all the criteria for rezoning as set forth in the UDO, Section 11.2.2 and the Decatur Zoning Amendment Application Form.

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant requests a rezoning from R-60 to I to continue operating the day care as the primary use of the Property. The rezoning seeks to establish the Applicant's accessory use of the church facility as a legal primary use. The day care use complies with uses and development on surrounding properties. Applicant's requested rezoning does not seek to

modify use or development on the Property.

2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

Applicant's proposed rezoning of the Property to the Institutional District will have no adverse impact on surrounding properties. This rezoning together with the concurrent land use plan and use permit application will allow a beneficial day care use to continue.

3. Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?

The Property's current R-60 zoning is inconsistent and incompatible with the current land use plan designation for Institutional on the majority of the site. Due to this inconsistency and previous development of the church facilities, the Property's reasonable economic use is limited as currently zoned. Applicant requests this rezoning to the Institutional District to comply with the City's land use plan designation and to continue operating the existing day care as a legal primary use.

4. Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

No, Applicant's requested rezoning will not cause a burdensome use of public facilities. Applicant requests a rezoning to the Institutional District to maintain the current low impact use of the Property as a day care.

5. Does the zoning proposal conform with the policy and intent of the Comprehensive Land Use Plan?

Yes, Applicant's requested rezoning to the Institutional District is compatible with the Institutional land use plan designation on the majority of the Property. A concurrent land use plan amendment application has been submitted for the smaller remnant parcel, requesting the consistent Institutional designation for this portion of land.

6. 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 zoning proposal?

Applicant's day care and early childhood education business provides a productive and beneficial use of the Property for community residents, children and families. Applicant seeks to rezone the Property to maintain a positive impact on the public health and general welfare, by transitioning this day care from an accessory use of the church to the Property's primary use.

C. Conditional Use Permit Request (Day Care)

The Applicant satisfies all the criteria for a conditional use permit as set forth in the

UDO, Section 11.2.3 and the Decatur Conditional Use Permit Application Form.

1. How would the proposed use be suitable in view of the use and development of adjacent and nearby property?

The Applicant currently operates a day care that is consistent with the residential and institutional uses on surrounding properties. In connection with the submitted land use plan and rezoning applications, the requested use permit will allow the Applicant to continue operating its day care use at the Property.

2. How is the proposed use consistent with existing zoning requirements?

Applicant's day care use is consistent with the intent and standards of the Institutional District as described in the City's UDO. Applicant's day care utilizes the church buildings and facilities permitted under the Institutional District. Additionally, Applicant's day care will comply with the supplemental use standards for general day care use, as outlined in the UDO, Section 6.5.2.

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

Applicant's use of the Property as a day care will have no adverse impacts on the use or usability of surrounding properties. The day care will continue to provide a benefit to community residents and families.

4. To what extent will or could the proposed use cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities?

Applicant's day care is a low impact use of the Property and will not cause a burden to any public facilities.

5. Describe how the proposed ingress and egress to the subject property is adequate. Include an evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.

Applicant's current day care operation provides adequate ingress and egress to the Property through a parking lot entrance and exit located on Erie Avenue. The Property also features a connection to the parking lot through an ingress/egress on Clairemont Avenue. Applicant plans to maintain this parking lot as the day care's primary access point. Applicant's continued day care use will not adversely impact traffic patterns or public safety along Erie Avenue or Clairemont Avenue. Should any unforeseen concerns arise during the application review process, Applicant will work to address these comments with city staff.

6. What impact will the proposed use have on established property values and on the public health, safety, morality, comfort and general welfare of the residents of the City?

Applicant currently operates a day care and early childhood education business at the Property. This day care provides high-quality childcare and education for community

residents. Applicant's business is an asset to the City and establishes a valuable use on the Property to the benefit of surrounding property owners. In connection with the concurrent land use plan and rezoning applications, Applicant requests this conditional use permit to transition its accessory day care use to a legal primary use of the Property. By maintaining the day care business at the current location, Applicant seeks to continue providing a valuable service for the community to the benefit of surrounding properties.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Decatur City Commission approve these applications. In summary, the requests seek to continue Smarties Academy's decade long history of serving Decatur families and to have the zoning reflect the use may continue as a primary rather than accessory use of the Property. We look forward to working with the City and are available to discuss these applications and any questions. Please do not hesitate to contact me at 404-665-1242 or jsellers@dillardsellers.com.

Sincerely,

DILLARD SELLERS, LLC

/s/ Julie L. Sellers, Esq.
Julie L. Sellers
R. Baxter Russell
Attorneys for the Applicant

Exhibit A REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of the City of Decatur require us to raise Federal and State constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Unified Development Ordinance of the City of Decatur, Georgia ("UDO"), facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are 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 and 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 UDO, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the Applications as 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 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 the Applications would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Decatur City Commission (including its members in both their official and individual capacity) to grant the Application as requested would constitute a taking of the Applicant's property. Because of this unconstitutional taking, the City of Decatur would be required to pay just compensation to the Applicant.

A denial of the Application would constitute an arbitrary and capricious act by the Decatur City Commission (including its members in both their official and individual capacity) without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and 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. A refusal to grant any of the requested applications including land use plan amendment, rezoning, and/or conditional use permit would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Decatur City Commission (including its members in both their official and individual capacity) to grant any of the requested applications including land use plan amendment, rezoning, and/or conditional use permit for the Property in accordance with the criteria as requested

by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicants and applicants or owners of the 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 approval of the Applications 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 Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of these applications would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the rezoning as requested by the Applicant. If action is not taken by the City to approve the rezoning application within a reasonable time, a claim will be filed in the Superior Court of Dekalb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the City Commission or any court of competent jurisdiction, any zoning decision by the City Commission in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the City Commission and requests that the Commission determine the standing of any individual who challenges or objects to the Commission decision to grant the requested land use plan amendment, rezoning, and/or conditional use permit. Applicant further raises this objection before the City Commission to preserve said objection on appeal, if any, to any court of competent jurisdiction.



Planning, Zoning, and Inspections

509 N. McDonough St.
Decatur, Georgia 30030
404-370-4104 • Fax 404-370-0691
info@decaturga.com • www.decaturga.com

October 29, 2021

Lutheran Church of the Messiah C/o Bogna Kabat 465 Clairemont Ave Decatur, GA 30030

Re: Lot Combination

465 Clairemont Ave and 119 Erie Ave, City of Decatur, DeKalb Co., Georgia

VIA: Electronic mail - bogna@smartiesacademy.com

Dear Ms. Kabat:

The purpose of this letter is to confirm that the City of Decatur approves the combination of parcel #18 006 03 106 and parcel #18 006 03 105 into one parcel to retain the address of 465 Clairemont Avenue.

The city's ordinances allow for administrative approval for lot combinations as long as the lots are contiguous, are within the same jurisdiction, and ownership of record is the same for all properties to be combined. The parcel would remain within the R-60 –Single Family Residential zoning district.

This letter does not waive or relinquish any requirements for any easements that may be part of either parcel. A building permit may be issued for this property in accordance with the city's current zoning and building standards. Please contact me at 678-553-6607 or ryan.sellers@decaturga.com if you have any questions.

Sincerely,

Ryan Sellers Senior Planner

Acting Zoning Administrator

cc:

Jennings Bell

DeKalb County GIS Dept.

Address File

Sec. 5.1. - Institutional District

5.1.1. - Purpose

The purpose of this district is to recognize the particular needs of colleges, seminaries and hospitals already existing and to permit the variety of uses necessary to support such institutions without resorting to spot zoning. The designation of this district within the City shall be made by amendment to the zoning map following consideration of a comprehensive site development plan by the Decatur Planning Commission and approval by the City Commission.

5.1.2. - Development Standards

A. Establishment

Institutional zoning districts shall be established only through regular zoning amendment procedures after consideration by the Planning Commission and approval by the City Commission of a comprehensive site development plan. The comprehensive site development plan will become the regulations governing the development of the institutional zoning district upon establishment of the district, along with the other applicable provisions of this UDO.

B. Amendments

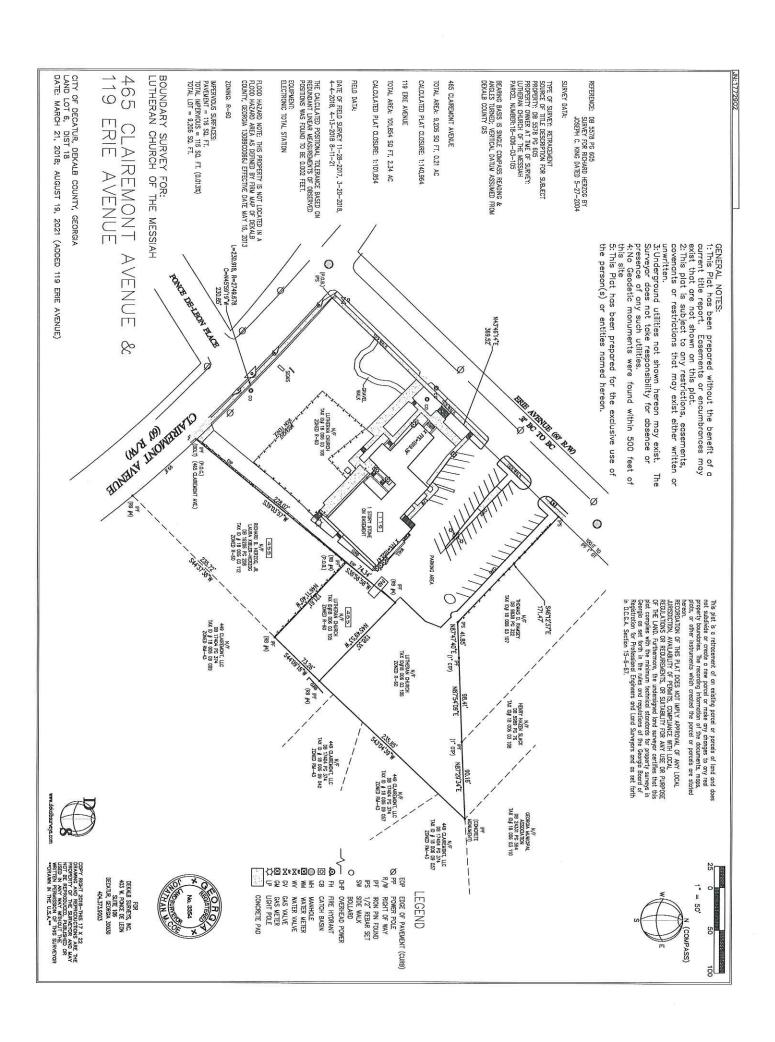
Amendments to the comprehensive site development plan of an institutional zoning district shall be made by following the same procedure required for amending the UDO and map.

C. Rezoning

Properties which are already developed may be considered for rezoning to institutional with the submission of a site plan showing existing conditions. Any changes proposed in the development or use of the property must be clearly indicated on a comprehensive site development plan.









Planning, Zoning, and Inspections

509 N. McDonough St.

Decatur, Georgia 30030

404-370-4104 Fax 404-370-0691

info@decaturga.com www.decaturga.com

Planning Commission Staff Report March 2022

The Planning Commission will meet on March 8, 2022. The following staff report has been prepared for an application that was received by the Planning and Zoning Division of the Community and Economic Development Department.

Applicant: Smarties Academy c/o Julie Sellers

Property Address: 465 Clairemont Avenue

Parcel ID: 18 006 03 105

Present Land Use Category: RL – Low Density Residential

Proposed Land Use Category: I – Institutional

Present Zoning District: R-60 – Single Family Residential

Proposed Zoning District: I – Institutional

- 1. The subject property is an approximate 2.55 acre parcel (111,078 SF) currently owned by The Southeastern Synod of the Evangelical Lutheran Church in America. The subject property is currently zoned R-60 Single Family Residential. The site currently contains the church campus for the Lutheran Church of The Messiah.
- 2. The applicant, Smarties Academy, currently owns and operates a day care and early childhood education center within the church campus buildings.
- 3. In anticipation of the church use being discontinued, the applicant would like to continue to use this property and transition the day care use from an accessory use to the primary use in the event that the church ceases operations and is no longer the primary use.
- 4. In order to achieve the proposed use, the applicant is seeking to amend the land use map from RL Low Density Residential to I Institutional, as well as rezone the subject property from R-60 Single Family Residential to I Institutional.

Planning Commission Staff Report March 2022 465 Clairemont Ave Page **2** of **7**

- 5. Per the Allowed Use Table in Section 6.2. of the UDO, day cares are allowed within the I Institutional district as a conditional use, thus the applicant is also seeking a Conditional Use Permit.
- 6. The applicant is requesting a rezoning, a land use amendment, and a conditional use permit. All of these request requires the approval of the City Commission with recommendation from the Planning Commission.
- 7. Abutting properties to the north and west are zoned R-60 Single Family Residential. Properties to the south and east are zoned RM-43 Multiple Family Residential.
- 8. *Other requirements.* If approved, the project remains subject to current local life safety and fire codes, site development, local soil erosion, drainage, and tree preservation ordinances.

Changing the land use designation of a property

- 9. The following standards, per Section 11.2.2.F.2. of the UDO, shall be considered when an amendment to the comprehensive land use plan is requested:
 - 1) Does the proposed amendment permit uses that are suitable in view of the use and development of adjacent and nearby property?
 - 2) Does the proposed amendment adversely affect the existing use or usability of adjacent or nearby property?
 - 3) 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?

Planning Commission Staff Report March 2022 465 Clairemont Ave Page **3** of **7**

Rezoning a property

- 10. The following standards, per Section 11.2.2.F.1. of the UDO, shall be considered when a change to the zoning map is requested:
 - 1) Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
 - 2) Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
 - 3) Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?
 - 4) Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
 - 5) Does the zoning proposal conform with the policy and intent of the Comprehensive Land Use Plan?
 - 6) 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 zoning proposal?

Conditional Use Permit

- 11. The following standards, per Section 11.2.3.G. of the UDO, shall be considered when a conditional use permit is requested:
 - 1) Whether the proposed use is suitable in view of the use and development of adjacent and nearby property.
 - 2) Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located.
 - 3) Whether the proposed use adversely affects the existing use or usability of adjacent or nearby property.

Planning Commission Staff Report March 2022 465 Clairemont Ave Page **4** of **7**

- 4) Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities.
- 5) Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
- 6) Whether there are other existing or changing conditions 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 use.

Planning Commission Staff Report March 2022 465 Clairemont Ave Page **5** of **7**

Exhibit A Location Map



Planning Commission Staff Report March 2022 465 Clairemont Ave Page **6** of **7**

Exhibit B
Existing Zoning Map



Planning Commission Staff Report March 2022 465 Clairemont Ave Page **7** of **7**

Exhibit C
Existing Land Use Map



O-22-Z-XX

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE USE IN AN INSTITUTIONAL ZONING DISTRICT LOCATED AT 465 CLAIREMONT AVENUE

WHEREAS, the Decatur City Commission has considered the proposed application, plans and other information submitted by the applicant, as well as comments by the applicant and interested residents at public hearings; and

WHEREAS, the Decatur City Commission finds the information submitted with the application and presented at the public hearings establishes that the proposed development meets the standards established in Article 5 and Article 11 of the Unified Development Ordinance; and

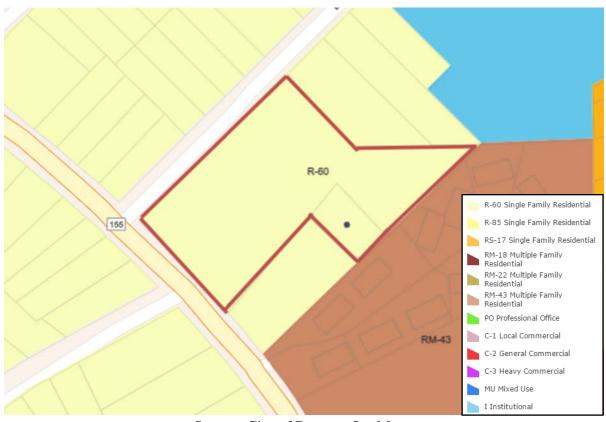
WHEREAS, the Decatur City Commission desires to approve a conditional use permit for a day care on the property located at 465 Clairemont Avenue.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

A day care use at 465 Clairemont Avenue, identified on the attached exhibit "A" as the "subject property," is approved for conditional use permit.

Approved this	th day of	, 2022.
		Attest:
		Meredith Roark City Clerk

Exhibit A
Existing Zoning Map



O-22-Z-XX

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN

WHEREAS, the Decatur City Commission adopted an official Zoning Map for the City of Decatur on February 4, 1988; and

WHEREAS, the Decatur City Commission has considered the proposed application and other information submitted by the applicant, as well as comments by the applicant and members of the public at public hearings; and

WHEREAS, the Decatur City Commission finds that the facts submitted with the application and presented at the public hearings establish that the proposed amendment to the Comprehensive Land Use Plan meets the standards established in Section 11.2.2 of the Decatur Unified Development Ordinance; and

WHEREAS, the Decatur City Commission desires to amend the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

The land use designation for the property located at 465 Clairemont Avenue, such property also identified on the attached exhibit "A" as the "subject property," is changed from RL – Low Density Residential to I – Institutional.

Approved this	th day of	, 2022.	
		Attest:	
		Meredith Roark, O	City Clerk

Exhibit A
Existing Land Use Map



Source: City of Decatur OneMap

O-22-Z-XX

AN ORDINANCE AMENDING THE ZONING MAP

WHEREAS, the Decatur City Commission adopted an official Zoning Map for the City of Decatur on February 4, 1988; and

WHEREAS, the Decatur City Commission has considered the proposed application and other information submitted by the applicant, as well as comments by the applicant and members of the public at public hearings; and

WHEREAS, the Decatur City Commission finds that the facts submitted with the application and presented at the public hearings establish that the proposed amendment to the Zoning Map meets the standards established in Sections 11.2.2 of the Decatur Unified Development Ordinance; and

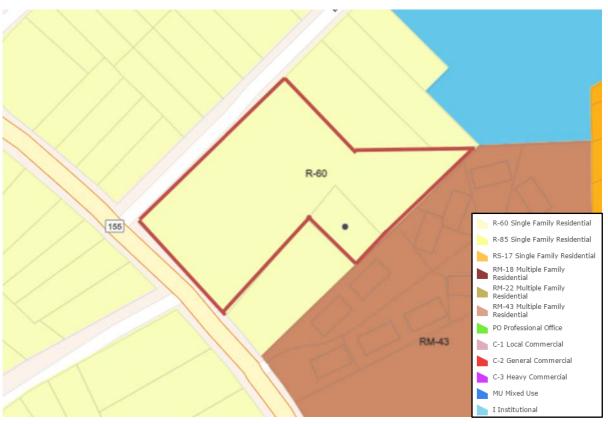
WHEREAS, the Decatur City Commission wishes to amend the Zoning Map; and

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

The property located at 465 Clairemont Avenue, such property also identified on the attached Exhibit "A" as the "subject property," is rezoned from R-60 –Single Family Residential to I– Institutional.

Approved this	th day of	, 2022.
		Attest:
		Meredith Roark, City Clerk

Exhibit A
Existing Zoning Map



Source: City of Decatur OneMap

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 RL - Low Density Residential Proposed land use category RM - Medium Densin Name of applicant Parkland Communities, Inc. c/o Battle In Phone 404-601-7616 Address 3562 Habersham at Northlake Building J, Suite 104 City/state/ZIP Tucker, Georgia 30084 Email mlb@battlelawpc.com Phone 404-601-7616 Name of property owner See Exhibit A City/state/ZIP Tucker, Georgia 30084 Address See Exhibit A The current land use, Low Density Residential, does not allow for the zoning that we are seeking. Reason(s) for proposed amendment 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? I hereby certify that the above and attached statements and documents are true to the best of my knowledge and belief.

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 R-60	Proposed zoning RM-43
Existing use of property Residential	Proposed use of property Residential
Name of applicant Parkland Communities, Inc. c/o Battle I	Phone 404-601-7616
Address 3562 Habersham at Northlake Building J, Suite 106	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

Within the two years immediately preceding the filing of this appropriate contributions aggregating \$250 or more, or made gifts having a government official of the City of Decatur who will consider this	n aggregate value of \$250 or more to a local
If you answered yes to the above question, you must file a discle showing the following. The report must be filed within ten days	osure report with the Planning & Zoning Department of filing the application.
1. The name of the local government official to whom the camp	aign contribution or gift was made.
The dollar amount of each campaign contribution made by the the two years immediately preceding the filing of the application	ne applicant to the local government official during ion and the date of each contribution.
An enumeration and description of each gift having a value of government official during the two years immediately preceding	f \$250 or more made by the applicant to the localing the filing of the application.
	• • • • • • • • • • • • • • • • • • • •
Please answer all of the following questions on a separate sheet.	
 How would the uses permitted under the proposed land use of development of adjacent and nearby property? 	category be suitable in view of the use and
What adverse affects does the proposed amendment have on property?	the existing use or usability of adjacent or nearby
To what extent will the proposed amendment result in uses w use of existing streets, transportation facilities, utilities or scho	hich will or could cause an excessive or burdensome ols?
4. Are there other existing or changing conditions affecting the u of their impact on the public health, safety, morality and gener grounds for either approval or disapproval of the proposed am	ral welfare of the community, give supporting
·····	•••••
I hereby certify that the above and attached statements and documents are tru	e to the best of my knowledge and belief.
Applicant signature Amus Applicant	Date 1/26 /2022
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 x 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, multiple-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" 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 16	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 R-60	

Please answer all of the following questions on a separate sheet	
1. What is the special exception requested? What code requiren	nent do you wish to vary from?
2. Explain how the proposed special exception will be suitable in nearby properties.	view of the use and development of adjacent and
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 safet utilities and other public services?	y, traffic on public streets, transportation facilities,
5. What impact will the proposed exception have on established and general welfare of the residents of the City?	property values and on the health, safety, comfort
I hereby certify that the above and attached statements and documents are tru	e to the best of my knowledge and belief
Applicant signature Mondo. (A.6)	Date 1/26/2022

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).
- 3. 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

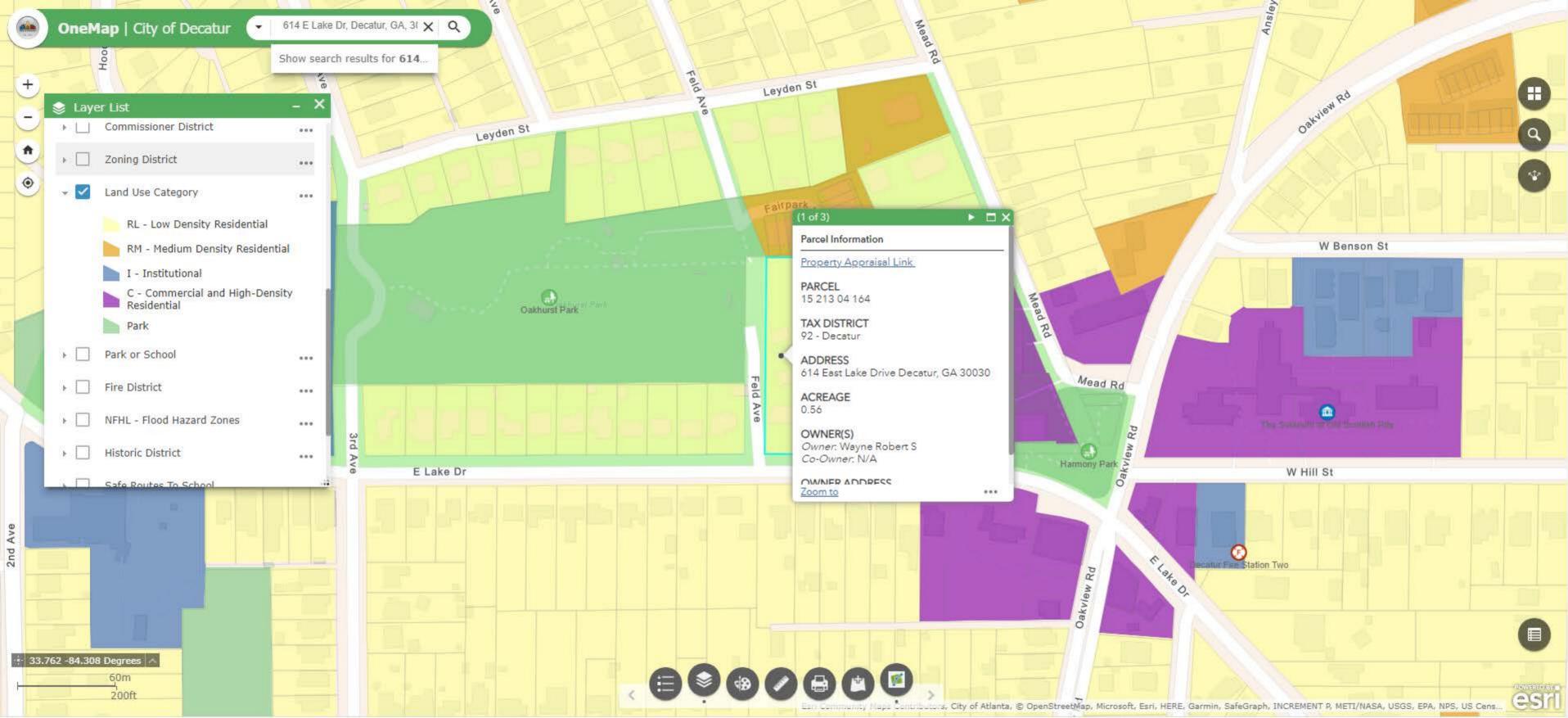
For the foregoing reasons, the Applicant respectfully requests that the applications at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Decatur so that such recommendations or input might be incorporated as conditions of approval of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

This 27^h day of February 2022.

Respectfully Submitted,

Michele L. Battle, Esq. Attorney for Applicant

Michele Battle /DLB



"Exhibit A"

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

Rezoning Application

LIST OF OWNERS AND PROPERTY INFORMATION

Owner: Robert S Wayne

Owner Mailing Address: 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: Bruce Robert Cohen, as Trustee of the Sheldon B. Cohen

Revocable Trust (per PSA)

Owner Mailing Address: PO Box 2586, Decatur, Georgia 30031

Property Address: 618 East Lake Drive, Decatur, Georgia 30030

Parcel: 15 213 04 158

Zoned: R-60

Owner: Larry Bowens

Owner Mailing Address: 3100 Weslock Circle, Decatur, Georgia 30034 Property Address: 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

11/17/21

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.

Robert S Wayne

Witness Signature

Notary Public Seal and Signature

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 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.

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 Communiti

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.

Larry Bowens

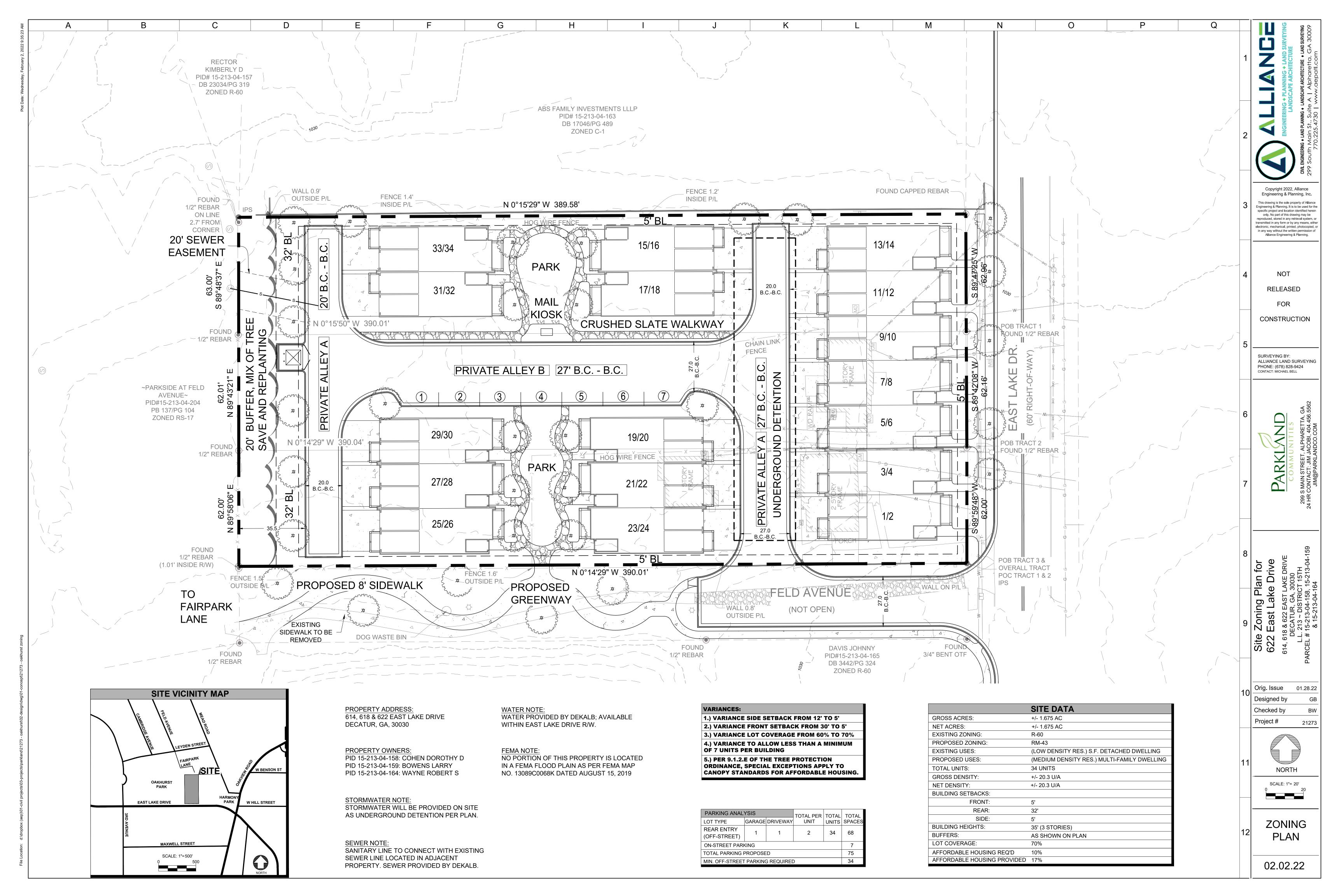
Witness Signature

Notary Public Seal and Signature

Respectfully,

James Jacobi President

Parkland Communities, Inc.



TITLE COMMITMENT

SURVEYORS COMMENTS ON B-II 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

- 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.
- 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.

2. Any owner's policy issued pursuant hereto will contain under Schedule B the standard

- 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 ALTA/NSPS Land Title Survey for Parkland Communities, Inc. and First American Title Insurance Company prepared by , Georgia RLS #____, dated _____

As to Tract | 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

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

BEGINNING at a point on the north side of E. Lake Drive, $9\,\mathrm{I}\,5$ 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.

All that tract or parcel of land lying and being in Land Lot 213 of the 15th 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 15th 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

BEGINNING at an iron pin on the north side of East Lake Drive (60 foot right-of-way) 79 l 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 I, 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 I

A parcel of land lying in land lot 213 of the 15th district, Dekalb County, Georgia and being

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 15th 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 00 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 00 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 15th district, Dekalb County, Georgia and being more particularly as described.

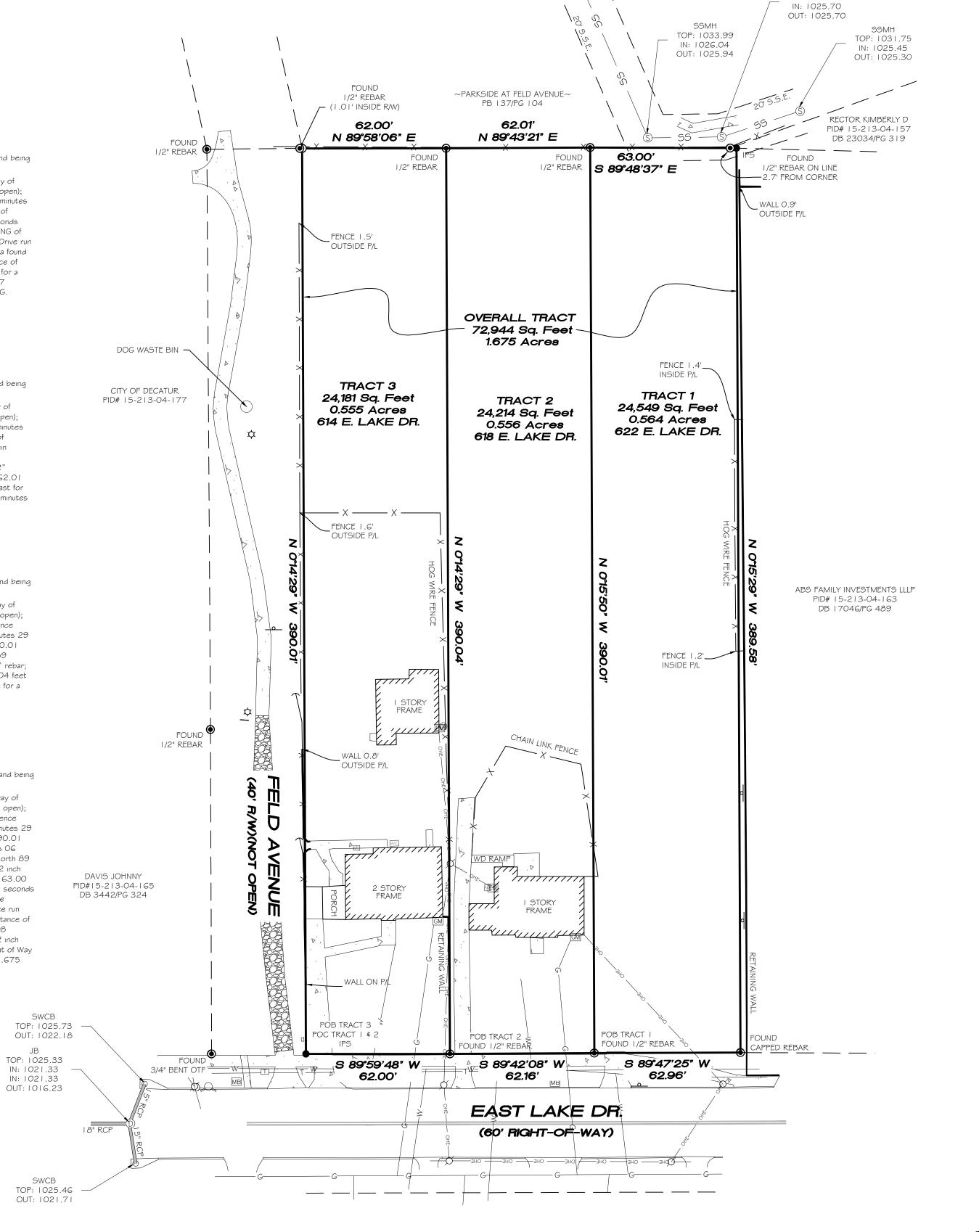
Commence at a set 1/2" rebar at the intersection between the northerly right of way of East Lake Drive (60' right of way) and the easterly right of way of Feld Avenue (Not open); said 1/2" rebar being the POINT OF BEGINNING of the parcel herein described; thence leaving said northerly right of way of 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 degrees 58 minutes 06 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.

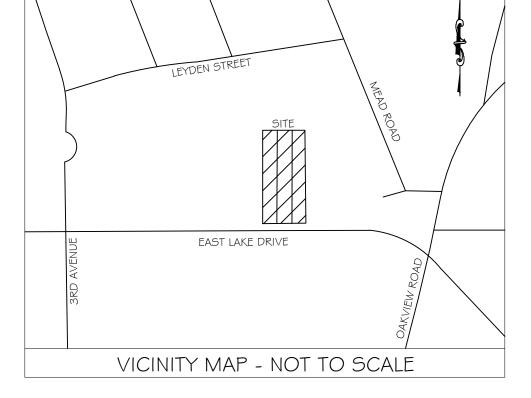
OVERALL SURVEYED LEGAL

A parcel of land lying in land lot 213 of the 15th 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



TOP: 1032.95



SURVEY NOTES

- 1. 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 61 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

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 ALTA/NSPS 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.

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

01/07/2021 Date

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

TO TSI AND D O

R \supset S

S Z \triangleleft

DRAFTED BY: CHECKED BY:

PROJECT #: 2127.

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. HE 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.

COPYRIGHT 2022 ALLIANCE SURVEYING LLC NO REPRODUCTION SHALL BE MADE WITHOUT THE PRIOR WRITTEN CONSENT OF ALLIANCE SURVEYING LLC



THE MAGNOLIA

3 Bed / 2.5 Bath 1,958 sqft



Second



Third





THE LAUREL

2 Bed / 2.5 Bath 1,636 sqft



Second









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*, 10th 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											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak		
			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 Gross 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

Trip Generation Analysis Oakhurst Park Decatur, DeKalb County, Georgia									
Land Use	Intensity	Daily	AM Peak Hour			PM Peak Hour			
		Trips	Total	In	Out	Total	ln	Out	
Proposed Site Traffic									
220 Multifamily Housing (Low-Rise) - General Urban/Suburban	34 d.u.	216	17	4	13	23	14	9	
			ı	1	1				
Gross Trips		216	17	4	13	23	14	9	

k:\amt_marketing\parkland communities\oakhurst trip gen - decatur - january 2022\analysis\foakhurst-tripgen.xls\trip generation



Oakhurst Park Inclusionary Housing Plan

Parkland Communities, Inc.

February 21, 2022



Site location



Site Location

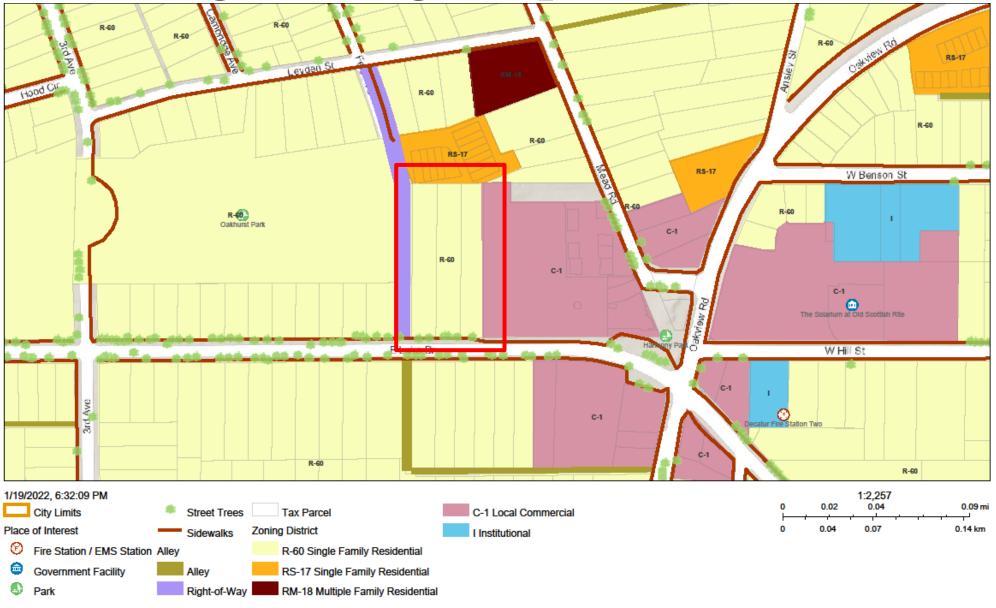
- Project at the corner East Lake Drive and Feld Avenue
- Located at 614, 618, and 622 East Lake Dr
- 1.675 acres of land
- Close to Oakhurst Park, Harmony Park, and Oakhurst Elementary School

Land Uses

Land Uses

- Existing Land Use
 - Low Density Residential
- Proposed Land Use
 - Medium Density Residential

Existing Zoning Map



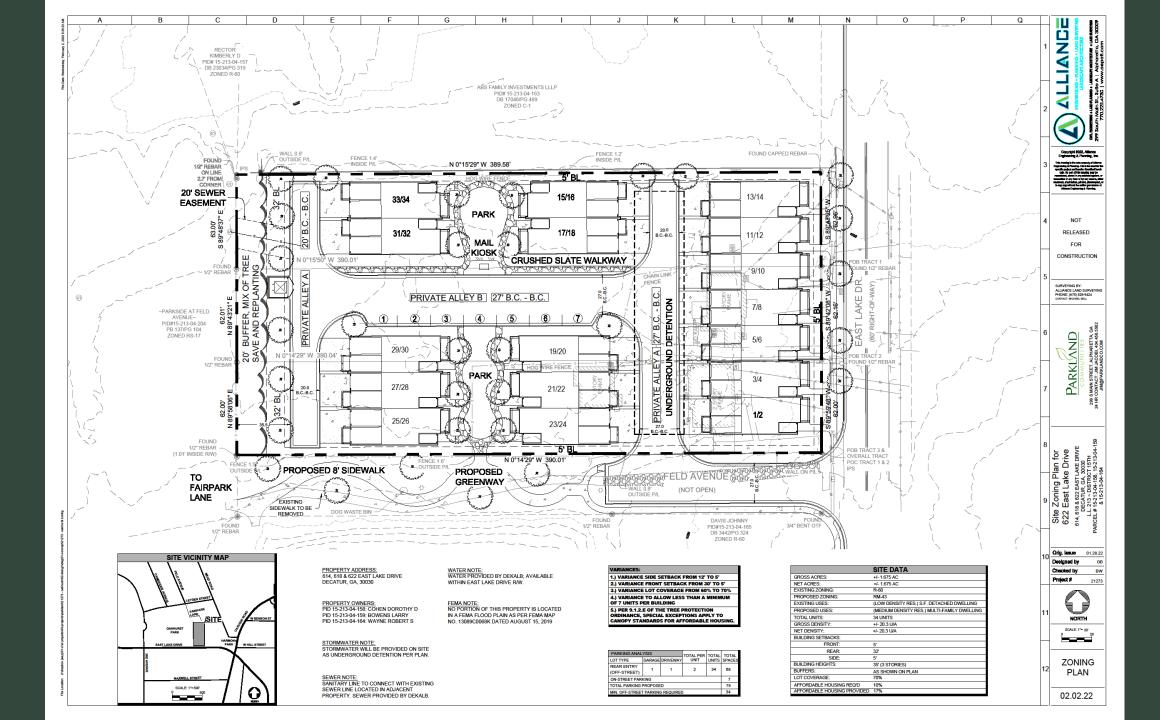
Site Plan





Oakhurst Park







Inclusionary Housing

Proposed Plan

- Professionally-managed rental community
- Thirty-four total units
 - -17×2 -Bedroom units, 1,636 sqft
 - -17×3 -Bedroom units, 1,958 sqft
- Inclusionary and Market-Rate dwelling units
 - Six inclusionary dwelling units, 17.6%
 - Twenty-eight market-rate units
- Six inclusionary dwelling units
 - 50:50 split
 - Three 2-bedroom units
 - Three 3-bedroom units
- Inclusionary dwelling units shall be interspersed among the market rate welling units throughout the development

Floor Plans & Areas

THE MAGNOLIA

3 Bed / 2.5 Bath 1,958 sqft



Second



Third



THE LAUREL

2 Bed / 2.5 Bath 1,636 sqft



Second







Development Phasing & Timing

Project Timeline

- May 2023 LDP issue / site work starts
- March 2024 Site work complete, and Townhome construction starts
- July 2024 Start marketing and pre-leasing
- October 2024 First residents move-in
- June 2025 Construction complete, and all residents moved-in

Phasing & Construction Schedule

- March 2024 Construction starts
- July 2024 Start marketing and pre-leasing
- October 2024 First residents move-in / C.O. Units 1-14
- February 2025 C.O. Units 19-30
- June 2025 Construction complete, and all residents moved-in / C.O. Units 15-18, 31-34

Marketing Plan

- To promote the rental of the inclusionary dwelling units within the development
- Marketing and Pre-leasing will start three months prior to the first move-in
- Owner will provide notice of availability of its intent to rent an inclusionary dwelling unit to the Zoning Administrator
- An affidavit will be provided to the City's Zoning Administrator confirming that household eligibility requirements have been met
- Subleasing of any leasing inclusionary dwelling unit will not be permitted

City of Decatur Lifecycle and Inclusionary Housing Income Limits and Pricing Maximums

2021 HUD FMR Area Income Limits Atlanta-Sandy Springs-Roswell, GA Metropolitan Statistical Area (MSA)

Additional States of the State							
Area Median Income (AMI)		1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
120% AMI	\$	72,480	82,800	93,120	103,440	111,720	120,000
115% AMI	\$	69,460	79,350	89,240	99,130	107,065	115,000
100% AMI	\$	60,400	69,000	77.600	86.200	93,100	100,000
80% AMI	\$	48,320	55,200	62,080	68,960	74,480	80,000
60% AMI	\$	36,240	41,400	46,560	51,720	55,860	60,000
50% AMI	\$	30,200	34,500	38,800	43,100	46,550	50,000
30% AMI	\$	18,120	20,700	23,280	25,860	27,930	30,000

2021 Lifecycle and Inclusionary Rental Housing Maximums

Max Rent at:	Ef	ficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
100% AMI	\$	1,510	1,618	1,040	2 241	2,500
80% AMI	\$	1,208	1,294	1,553	1,793	2,000
60% AMI	\$	906	\$971	1,164	1,345	1,500

2021 Lifecycle and Inclusionary Owner Housing Maximums

Max Sales Price at:	ı	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
120% AMI	\$	217,440	232,920	279,360	322,740	360,000
100% AMI	\$	181,200	194,100	232,800	268,950	300,000
80% AMI	\$	144,960	155,280	186,240	215,160	240,000
60% AMI	\$	108,720	116,460	139,680	161,370	180,000

To be adjusted each year per HUD's published limits

Proposed Pricing

- The proposed pricing for each inclusionary dwelling unit will be based on the 80% AMI when the units are available for rent
- For example, if the units were available in 2021, the 2-bedroom unit would be available for \$1,553/mo and the 3-bedroom unit would be available for \$1,793/mo.

Deed Restriction

The Deed Restriction has not been drafted at this time, but will be provided to staff prior to the final hearing.



Planning, Zoning, and Inspections

509 N. McDonough St.

Decatur, Georgia 30030

404-370-4104 Fax 404-370-0691

info@decaturga.com www.decaturga.com

Planning Commission Staff Report March 2022

The Planning Commission will meet on March 8, 2022. The following staff report has been prepared for an application that was received by the Planning and Zoning Division of the Community and Economic Development Department.

Applicant: Parkland Communities, Inc. c/o Dani Blumenthal

Property Address: 614, 618 and 622 East Lake Drive

Parcel ID: 15 213 04 164; 15 213 04 158; and 15 213 04 159

Present Land Use Category: RL – Low Density Residential

Proposed Land Use Category: RM – Medium Density Residential

Present Zoning District: R-60 – Single Family Residential

Proposed Zoning District: RM-43 – Multiple Family Residential

- 1. The subject properties are an approximate 1.6 acre parcel (69, 696 SF). The subject properties are currently zoned R-60 Single Family Residential. They are currently occupied by single family dwellings.
- 2. The applicant is proposing a 34-unit stacked flat development. This development will include six (6) inclusionary dwelling units at 80% Area Median Income (AMI).
- 3. In order to achieve the project and proposed uses, the applicant is seeking to amend the land use map from RL Low Density Residential to RM Medium Density Residential, as well as rezone the subject property from R-60 Single Family Residential to RM-43 Multiple Family Residential.
- 4. As the City Commission recently passed the new tree ordinance (0-22-Z-01) that will take effect on March 21, 2022, the proposed development would not meet the new

Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **2** of **7**

canopy coverage standards, therefore, the applicant is requesting a special exception to the requirements.

- 5. The applicant is requesting a rezoning, a change in land use designation, and a special exception. Each requires the approval of the City Commission with recommendation from the Planning Commission.
- 6. Properties to the south and west are zoned R-60 Single Family Residential. Abutting property to the north is zoned RS-17 Single Family Residential. Abutting properties to the east are zoned C-1 Local Commercial.
- 7. *Other requirements.* If approved, the project remains subject to current local life safety and fire codes, site development, local soil erosion, drainage, and tree preservation ordinances.

Changing the land use designation of a property

- 8. The following standards, per Section 11.2.2.F.2. of the UDO, shall be considered when an amendment to the comprehensive land use plan is requested:
 - 1) Does the proposed amendment permit uses that are suitable in view of the use and development of adjacent and nearby property?
 - 2) Does the proposed amendment adversely affect the existing use or usability of adjacent or nearby property?
 - 3) 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?

Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **3** of **7**

Rezoning a property

- 9. The following standards, per Section 11.2.2.F.1. of the UDO, shall be considered when a change to the zoning map is requested:
 - 1) Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
 - 2) Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
 - 3) Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?
 - 4) Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
 - 5) Does the zoning proposal conform with the policy and intent of the Comprehensive Land Use Plan?
 - 6) 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 zoning proposal?

Special Exceptions

- 10. The following standards, per Section 11.2.4.E. of the UDO, shall be considered when a special exception is requested:
 - 1) The suitability of the proposed exception in view of the use and development of adjacent and nearby property.
 - 2) The effect that the proposed exception will have on the existing use or usability of adjacent or nearby property.
 - 3) The impact that the proposed development will have on the public safety, traffic on the public streets, transportation facilities, utilities and other public services.

Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **4** of **7**

- 4) The impact that the proposed development will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.
- 5) The economic or marketing impact that these guidelines may have on the property owner or development.

Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **5** of **7**

Exhibit A Location Map



Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **6** of **7**

Exhibit B
Existing Zoning Map



Planning Commission Staff Report March 2022 614-622 E Lake Dr. Page **7** of **7**

Exhibit C
Existing Land Use Map



O-22-Z-XX

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN

WHEREAS, the Decatur City Commission adopted an official Zoning Map for the City of Decatur on February 4, 1988; and

WHEREAS, the Decatur City Commission has considered the proposed application and other information submitted by the applicant, as well as comments by the applicant and members of the public at public hearings; and

WHEREAS, the Decatur City Commission finds that the facts submitted with the application and presented at the public hearings establish that the proposed amendment to the Comprehensive Land Use Plan meets the standards established in Section 11.2.2 of the Decatur Unified Development Ordinance; and

WHEREAS, the Decatur City Commission desires to amend the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

The land use designation for the property located at 614, 618, and 622 East Lake Drive, such property also identified on the attached exhibit "A" as the "subject property," is changed from RL – Low Density Residential to RM – Medium Density Residential.

Approved this	th day of	, 2022.	
		Attest:	
		Meredith Roark, City Clerk	

Exhibit A
Existing Land Use Map



O-22-Z-XX

AN ORDINANCE AMENDING THE ZONING MAP

WHEREAS, the Decatur City Commission adopted an official Zoning Map for the City of Decatur on February 4, 1988; and

WHEREAS, the Decatur City Commission has considered the proposed application and other information submitted by the applicant, as well as comments by the applicant and members of the public at public hearings; and

WHEREAS, the Decatur City Commission finds that the facts submitted with the application and presented at the public hearings establish that the proposed amendment to the Zoning Map meets the standards established in Sections 11.2.2 of the Decatur Unified Development Ordinance; and

WHEREAS, the Decatur City Commission wishes to amend the Zoning Map; and

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

The property located at 614, 618, and 622 East Lake Drive, such property also identified on the attached Exhibit "A" as the "subject property," is rezoned from R-60 –Single Family Residential to RM-43 – Multiple Family Residential.

Approved this	th day of	, 2022.
		Attest:
		Meredith Roark City Clerk

Exhibit A
Existing Zoning Map



O-22-Z-XX

AN ORDINANCE GRANTING A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 614, 618, AND 622 EAST LAKE DRIVE

WHEREAS, the Decatur City Commission has considered the proposed application, plans and other information submitted by the applicant, as well as comments by the applicant and members of the public at public hearings; and

WHEREAS, the Decatur City Commission finds that the information submitted with the application and presented at the public hearings establishes that the proposed development meets the standards established in Section 11.2.4. of the Decatur Unified Development Ordinance; and

WHEREAS, the Decatur City Commission wishes to approve a special exception to canopy coverage standards found in Section 9.1. of the Decatur Unified Development Ordinance to support the community goal of affordable housing for the property located at 614, 618, and 622 East Lake Drive; and

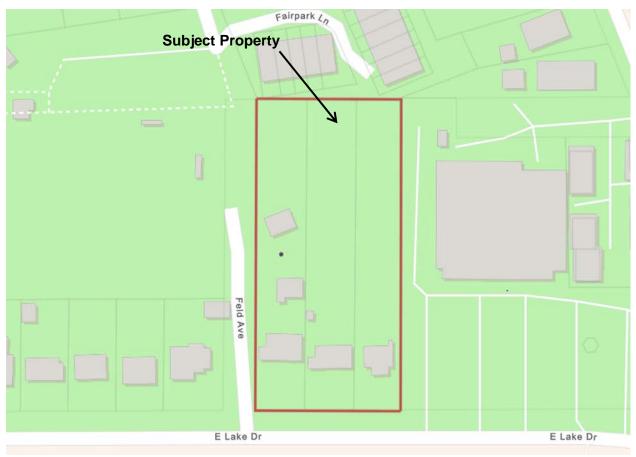
WHEREAS, the Planning Commission has considered this plan in accordance with Section 11.2.4. of the Decatur Unified Development Ordinance and recommends approval.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, as follows:

A special exception for a redevelopment project at 614, 618, and 622 East Lake Drive, identified on the attached map Exhibit "A" as the "subject property," is hereby approved.

Approved this	day of	, 2022.	
		Attest:	
		Meredith	Roark, City Clerk

Exhibit "A"



Source: City of Decatur Zoning Map

Exhibit "B"







