

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Stein Investment Co., LLC c/o Dennis J Webb for a future land use amendment request to change from Neighborhood Center (NC) to Regional Center (RC) to allow for a mixed-use development comprising approximately 14,000 square feet of accessory restaurant and retail space and 264 multi-family apartments, at 2814 Clairmont Road.

PETITION NO: D1. LP-20-1244107 2020-0834

PROPOSED USE: To amend the Land Use Plan Map from Neighborhood Center (NC) to Regional Center (RC)

LOCATION: 2794,2778, 2804, 2806,2810, 2814, 3080 and 3070 Clairmont Road and 3068 Briarcliff Road in Atlanta, Georgia

PARCEL NO. : 18-196-04-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041

INFO. CONTACT: Larry Washington

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Stein Investment Co., LLC c/o Dennis J Webb for a future land use amendment request to change from Neighborhood Center (NC) to Regional Center (RC) to allow for a mixed-use development comprising approximately 14,000 square feet of accessory restaurant and retail space and 264 multi-family apartments. The property is located on the northwest corner of Clairmont Road and Briarcliff Road, approximately 120 feet south of Interstate 85 at 2794, 2778, 2804, 2806, 2810, 2814, 3080 and 3070 Clairmont Road; and 3068 Briarcliff Road in Atlanta, Georgia. The property has approximately 670 feet of frontage along Clairmont Road, approximately 196 feet of frontage on Briarcliff Road and contains 3.85 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (10/27/2020) Approval. (8/20/2020) Full Cycle Deferral.

PLANNING COMMISSION: (11/5/2020) Pending. (9/1/2020) Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The policies of the Comprehensive Plan do not call for having two different types of activity centers in the same location, as that requires two different and distinct types of core areas where the more intense development is supposed to be located, and there does not appear to be enough land remaining outside of these two core areas to provide an adequate building height and land use transition to the existing single-family subdivisions abutting the perimeter of the Activity Center. The proposed RC land use amendment is premature because it is only amending the land use policy for a portion of the existing Neighborhood Center Character Area, instead of replacing the entire area of NC designation. Therefore, the proposed land use amendment is not in accordance with the 2035 Comprehensive plan and is inconsistent with the following Regional Center Character Area Policies: Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods. Maximum Density— Encourage the maximum density of residential in mixed use projects not to exceed 120 dwelling units per acre, with the most intense development located towards the

commercial and/or office core of the Regional Center. Properties located along the outer edges of the Regional Center shall be sensitive to the building height and density of adjacent single family residential. High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels. High Density Development - Each Regional Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods. Therefore, it is the recommendation of Staff that this application be "Denied".

PLANNING COMMISSION VOTE: (11/5/2020) Pending. (9/1/2020) Full Cycle Deferral 7-0-0. A. Atkins moved, J. Johnson seconded for a "Full Cycle Deferral". V. Moore was no longer present.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (10/27/2020) Approval 3-0-0. (8/20/2020) Full Cycle Deferral 4-0-0.



DeKalb County Department of Planning & Sustainability

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Decatur, GA 30030
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**Planning Commission Hearing Date: November 5, 2020, 5:30 P.M.
Board of Commissioners Hearing Date: November 19, 2020, 5:30 P.M.**

STAFF ANALYSIS

Case No.:	LP-20-144107	Agenda #: D.1
Location/Address:	2794,2778, 2804, 2806,2810, 2814, 3080 and 3070 Clairmont Road and 3068 Briarcliff Road in Atlanta, Georgia.	Commission District: 2 Super District: 6
Parcel IDs:	18-196-04-029,18-196-04-033,18-196-04-034,18-196-04-035,18-196-04-037,18-196-04-038,18-196-04-039,18-196-04-040,18-196-04-041,2814 Clairmont Rd, Atlanta, GA 30329	
Request:	To amend the Land Use Plan Map from Neighborhood Center (NC) to Regional Center (RC)	
Property Owner(s):	Stein Investment Co., LLC	
Applicant/Agent:	Dennis J Webb	
Acreage:	3.85 acres	
Existing Land Use:	Neighborhood Center (NC)	
Surrounding Properties:	Stand-alone vacant lots, single-story commercial uses, strip centers with large parking fields, and garden-style apartments.	
Adjacent Land Use:	Northwest: City of Brookhaven: Mixed Use Business Center District (MU-BC)) Northeast: City of Chamblee: Commercial /Office Use South: Neighborhood Center (NC), Suburban (SUB) East: Suburban (SUB)	
Comprehensive Plan:	West: Suburban (SUB), Office Professional (OP) ☐ Consistent ☒ Inconsistent	
Proposed Density: 69 units/acre		Existing Density: N/A : dwelling unit
Proposed Units/Square Ft.: 264 units/10,000 sq. Ft.		Existing Units/Square Feet: N/A: du/acre
Proposed Lot Coverage: N/A		Existing Lot Coverage: N/A

Companion Application:

The applicant has filed a companion application (Z-20-144107) to amend the zoning of the subject property from Local Commercial (C-1) and General Commercial (C-2) to High Density Residential-3 (HR-3).

STAFF RECOMMENDATION: Denial

The policies of the Comprehensive Plan do not call for having two different types of activity centers in the same location, as that requires two different and distinct types of core areas where the more intense development is supposed to be located, and there does not appear to be enough land remaining outside of these two core areas to provide an adequate building height and land use transition to the existing single-family subdivisions abutting the perimeter of the Activity Center. The proposed RC land use amendment is premature because it is only amending the land use policy for a portion of the existing Neighborhood Center Character Area, instead of replacing the entire area of NC designation.

Therefore, the proposed land use amendment is not in accordance with the 2035 Comprehensive plan and is inconsistent with the following Regional Center Character Area Policies:

- Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.
- Maximum Density— Encourage the maximum density of residential in mixed use projects not to exceed 120 dwelling units per acre, with the most intense development located towards the commercial and/or office core of the Regional Center. Properties located along the outer edges of the Regional Center shall be sensitive to the building height and density of adjacent single family residential.
- High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels.
- High Density Development - Each Regional Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.

SUBJECT PROPERTIES AND SURROUNDING AREA

The subject property currently consists of a standalone vacant lot, multiple auto repair shops with abutting single-story commercial uses, strip centers with large parking fields, and garden-style apartments. The property is located on the northwest corner of Clairmont Road and Briarcliff Road, approximately 120 feet south of Interstate 85 and approximately 670 feet of frontage along Clairmont Road and contains 3.85 acres.

PROPOSED PROJECT

The proposed project is to allow for a mixed-use development comprising approximately 10,000 square feet of restaurant and retail space and 264 multi-family apartments.

LAND USE ANALYSIS

The applicant requests a Future Land Use (FLU) map amendment to change the FLU category of a 3.85-acre nine-parcel site from Neighborhood Center (NC) to Regional Center (RC).The current land use designation Neighborhood Center is intended to serve the local neighborhood's need for goods and services with density not to exceed 24 units per acre. The applicant has requested to amend the land use map to RC, a classification permitting a density of up to 120 dwelling units per acre. The request to change the land use to RC was requested because the development includes 264 multi-family apartments at the density of 69 units per acre. The subject property's land use designation of NC does not permit density over 24 units/acre and requires a land use amendment (LP-20-1244107). The requested amendment from NC to RC is inconsistent with the 2035 Comprehensive Plan and is viewed as spot land use. (Land Use Map Attachment A.4).

Land Use Compatibility

The Land Use Compatibility policy states that development intensity shall transition from the most dense toward the edge/periphery of the activity center. Smaller scale professional services and residential developments may serve as transitional buffers to existing neighborhoods. The current land use proposal is in direct conflict with the land use compatibility policies and concepts. The Intensity Ring Concept comprises a three ring approach described by: (1) Core-the inner ring with the most intense level of density, (2) Intermediate- middle ring which represents a transition of lesser intense density, and (3) Outer Ring- with the purpose to transition into single family residential with enhanced buffers, low density and lower building heights.

Meanwhile, the proposed Regional Center (RC) land use amendment comprises of a small boundary area (9 parcels), that would be designated by the County's highest density character area which would be surrounded by small urban scale developments with insufficient buffer requirements per the intensity ring concept. The proposed RC will remain in the middle of a Neighborhood Center land use designation interrupting the uniformity of the Comprehensive Plan creating a spot land use amendment.

The northern portion of the intersection particularly the Northeast quadrant located in the City of Chamblee is considered a Mixed Use Business Center District (MU-BC) intended to facilitate high-rise urban developments to support a multi-modal environment. In the northwest quadrant located in the City of Brookhaven, the existing land use is Commercial/Office. Both cities contain intense, regional commercial, office and employment uses. The regional center could support such land use amendment with larger tracts of land and higher density per acre, as referenced in the Regional Center policy. The future land use activity centers intensity rings concept would apply, allowing the most intense level of density in the core (City of Chamblee & Brookhaven)and the subject property as the outer ring protecting single family residential and small-scale development for compatibility. The proposed location would be considered the lesser intense density of the regional center (outer ring). The development project itself may be compatible with the surrounding uses, however the land use amendment as a Regional Center is not compatible with the existing land use.

PLEASE INSERT THIS AND RESPOND TO EACH OF THE CRITERIA AS REQUIRED BY THE ZONING ORDINANCE

7.3.4. Standards and factors governing review of proposed amendments to the comprehensive plan map. The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties. The development project itself may be suitable with the surrounding uses, however the land use amendment as a Regional Center is not compatible with the existing land use.

B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties. The proposed RC will remain in the middle of a Neighborhood Center land use designation interrupting the uniformity of the Comprehensives Plan creating a spot land use amendment.

C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Article 7. November 2017 Administration & Enforcement Zoning Ordinance of DeKalb County 7-12 . Regional Center land use will pose a major burden on the surrounding area infrastructure.

D. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies. The current land use proposal is in direct conflict with the land use compatibility polices and inconsistent with the comprehensive plan

E. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines. There are no potential impacts on properties nor adjoining governmental jurisdiction.

F. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change. G. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change. There will be not impact on historic buildings, site, districts or archaeological resources.

The policies of the Comprehensive Plan do not call for having two different types of activity centers in the same location, as that requires two different and distinct types of core areas where the more intense development is supposed to be located, and there does not appear to be enough land remaining outside of these two core areas to provide an adequate building height and land use transition to the existing single-family subdivisions abutting the perimeter of the Activity Center.

(See attached Supplemental Land Use Report)

Attachments:

1. Department and Division Comments
2. Supplemental Land Use Report
3. Application
4. (Map A.1) Site Plan
5. (Map A.2) Land Use Plan Map
6. (Map A.4) Aerial Photograph
7. (Map A.5) Land Use Example Photographs

[illegible]

Regional Center Policies

These policies are primarily applicable to activity centers that do not have adopted studies. Studies that are adopted for Regional Centers are referred to as Small Area Plans (SAP), and they provide more detailed guidelines and recommendations for land use, zoning, development, transportation, housing, economic development, and green space. If there are conflicts between SAP and Regional Center policies, SAP policies shall take precedence.

Regional Center Intent - The intent of the Regional Activity Center is to promote the concentration of regional serving activities to a centralized location that allow for a variety of uses while reducing automobile travel, promoting walkability and increased transit usage. These areas consist of a high intensity of regional commercial, office, employment areas and higher-education facilities. These areas are characterized by high vehicular traffic, and high transit use, including stops, shelters and transfer points. The areas also have on-site parking, high floor-area-ratios, large tracts of land, and campus or unified development. The proposed density for areas of this type allows up to 120 dwelling units per acre, with a preferable minimum of 10 stories, no maximum.

Regional Center Primary Uses *(click use that applies to this project)*

- ☐ Townhomes
- ☐ Condominiums
- ☒ Apartments
- ☐ Health Care Facilities
- ☒ Retail and Commercial
- ☐ Office
- ☐ Institutional
- ☐ Entertainment and Cultural Facilities
- ☐ Park and Recreational Facilities
- ☐ Public and Civic Facilities

Core Intensities for Regional Center

- **Core** – The most intense level of density and building heights occur here.
- **Intermediate** - This represents a transition of a lesser intense density than the core. Building heights are also lower than the core.
- **Outer Ring** – The purpose is to transition into the single family residential, with enhanced buffers, low density, and lower building heights than intermediate.

Choose the appropriate location of the proposed project:

- ☐ Core of the Regional Center (120+ dwelling units per acre)
- ☐ Intermediate (Over 24 - 100 dwelling units per acre)
- ☒ Outer Ring (8-24 dwelling units per acre)

Land Use Policy Analysis

(Based on Chapter 7 Land Use of the DeKalb County 2035 Comprehensive Plan)

DeKalb County Long Range Planning Division

Supplemental Land Use Report *(for developments proposed in Activity Centers)*

Regional Center Policies	Consistent with Comprehensive Plan			Additional comments that justify staff recommendation
	YES	NO	Not Applicable	
1. Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.	☐	☒	☐	The proposed land use change will not protect single-family neighborhoods.
2. Maximum Density — Encourage the maximum density of residential in mixed use projects not to exceed 120 dwelling units per acre, with the most intense development located towards the commercial and/or office core of the Regional Center. Properties located along the outer edges of the Regional Center shall be sensitive to the building height and density of adjacent single family residential. (Refer to Figure 7.3, page 61 of the comprehensive plan)	☐	☒	☐	
3. Retrofitting - Foster retrofitting for conformity with traditional neighborhood principles.	☐	☐	☒	
4. Pedestrian Scale Development - Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.	☒	☐	☐	The project will promote a walkable and friendly pedestrian scale environment.
5. Mixed Use Development - Create compact mixed-use districts and reduce automobile dependency and travel to obtain basic services.	☒	☐	☐	According to the project description, Mixed-use will be included with the development. In order to make an accurate assessment on whether this project will reduce automobile dependency will be determine once a traffic study is completed.
6. Transitional Buffers - Require greater setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.	☒	☐	☐	The zoning code will ensure the necessary transitional buffers required
7. Enhanced Buffers - Require the incorporation of enhanced buffers in efforts to protect single family neighborhoods.	☐	☒	☐	
8. Staggered Heights - Require the consideration of staggered height implementation when developments are adjacent to single family residential neighborhoods.	☐	☐	☒	
9. Streetscaping - Improve street character with consistent signage, lighting, landscaping and other design features.	☒	☐	☐	Landscaping improvements
10. Pocket Parks - Create focal points	☐	☐	☒	

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Supplemental Land Use Report *(for developments proposed in Activity Centers)*

through the use of existing pocket parks and squares for community activities.				
11. Cultural Diversity - Promote activities to highlight historic and cultural assets in the community and provide opportunities for community interaction.	☐	☐	☒	
12. Infill Development - Utilize vacant properties in the neighborhood as an opportunity for infill development of compatible structures.	☒	☐	☐	The development will provide a much better use of space than what's currently exist now. Infill Development is desired for this location, with the right land use designation this project could be considered the perfect fit for the community.
13. Parking - Clearly define road edges by locating buildings near the roadside with parking in the rear.	☐	☐	☒	TBD, more information is needed
14. Open Space and linkages - Encourage that all development and redevelopment in activity centers provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages and other design features.	☐	☐	☒	TBD, more information is needed
15. Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Implement the recommendations of the Master Active Living Plans (MALPs).	☐	☐	☒	TBD, more information is needed
16. High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels.	☐	☒	☐	The residential component of this development falls tremendously below the threshold of units per acre. The targeted market has not been disclosed as of now.
17. Pedestrian Enhancements - Create a pedestrian-friendly environment by adding sidewalks that link neighborhood amenities.	☐	☐	☒	TBD, more information is needed
18. Traffic Calming - Organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.	☐	☒	☐	TBD, traffic study is needed
19. Pedestrian Oriented Design - Design shall be pedestrian-oriented with walkable connections between different uses.	☒	☐	☐	Pedestrian Oriented Design within the development.

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Supplemental Land Use Report (for developments proposed in Activity Centers)



20. VMT - Promote new and redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT).	☐	☐	☒	TBD
21. High Density Development - Each Regional Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.	☐	☒	☐	Percentage of mixed use: <u>60%</u> Residential __ Office <u>20%</u> Retail <u>10%</u> Open Space <u>10%</u> Restaurant Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages
22. Small Area Plans (SAPs) -Implement appropriate sub-policies (pages 85-114 in the comprehensive plan) and development guidelines in Regional Centers that have Small Area Plans, which provide more guidance to the development of mixed use and transition down to single family residential.	☐	☒	☐	This project is within the following SAP of the Regional Center: ☐ Medline Activity Center ☐ Wesley Chapel LCI ☐ Candler Road Flat Shoals LCI ☐ Redan Road Indian Creek Master Active Plan ☐ Toco Hills Node of the North Druid Hills LCI <i>If one of the above is checked, provide policies and map for that particular study, that supports recommendation.</i>
23. Preferred Uses – Each Regional Center shall include a high density mix of retail, office, services, and employment to serve neighborhoods.	☐	☒	☐	Percentage of mixed use: __ Residential __ Office __ Retail __ Open Space Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages

Economic Development Analysis

(Based on the 2014 DeKalb County Economic Strategic Plan)

Policies	Compliance with the Strategic Plan			Additional comments that justify staff recommendation
	Yes	No	N/A	
Target Industry and Niches ☐ Click here if no Target Industry applies				
Professional and Business Services (PBS) Business services are, in their broadest sense, occupations geared toward providing services in the business world. Professional services are those requiring niche educational training, such as architects, engineers, accountants, doctors, and lawyers. ☐ Niche Markets: Entrepreneur-Enabled Businesses, E-commerce, Engineering, Creative Design, Consulting, Accounting, & Marketing	☐	☒	☐	
Life Sciences - Services, products, and activities that are broadly related to research, manufacturing and other activities focused upon or utilizing living organisms, with particular attention to activities relating to the maintenance or restoration of health. Life sciences relies on high levels of scientific and technology research, and therefore depends heavily on research institutions such as universities.	☐	☒	☐	

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Supplemental Land Use Report *(for developments proposed in Activity Centers)*



□Niche Markets: Biotechnology, Bioinformatics, Proteomics, Health IT, Senior Care Services

Tourism - Tourism as an industry focuses on destinations, travelers, and the businesses that accommodate those travelers. Professions within it include travel agents, event planners, museum curators, archivists, and various supporting occupations.

☐
☒
☐

□Niche Markets: Cultural Tourism, Bed & Breakfast Inns, Youth Sporting Events, Dynamic Tour Packaging

LOGISTICS - the process of planning, implementing, and controlling the efficient flow of goods and services through the supply chain from producer to consumer. Distribution includes all freight carriers (air, trucking, and intermodal) and warehousing. The integration of international trade, logistics, and distribution into one continuous supply chain driven by free trade has put this industry at the forefront of economic growth.

☐
☒
☐

□Niche Markets: Specialized Freight Trucking, Back Office Support Services, Truck Terminals, Warehouse Distribution.

CONSTRUCTION AND SUPPORT TRADES (CST) - Construction is the creation of improvement of man-made structures. It can include residential, commercial, and industrial building construction, or civil construction, which encompasses infrastructure and utilities. Construction support trades are those that enable but do not directly participate in construction operations, to include material and equipment providers and contractors.

☐
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☐

□Niche Markets: Construction Materials Manufacturing, Contracting, Homebuilding

Advanced Manufacturing - Advanced manufacturing is a category of manufacturing that utilizes innovative technologies to make better products and improve the methods to produce those products. The kinds of manufacturers that can prosper in a new American economy need to "green" their production methods and think creatively about how consumers will use them.

☐
☒
☐

□Niche Markets: Fabricated Metals Manufacturing, Medical Equipment and Supplies, Laboratory Equipment and Supplies, Light Manufacturing and Assembly.

□Criteria: Green and Creative

Employment Centers

Project within Employment Center? ☐ YES (select location below) ☒ NO (move to the next section)

Northern DeKalb Employment Center Location (check one):

☐ The I-85 / I-285 interchange

DeKalb County Long Range Planning Division

Supplemental Land Use Report *(for developments proposed in Activity Centers)*



Though significantly developed, the strategic interstate crossing and proximity to both Mercer University and the airport indicate this location is currently underleveraged. Investments to expanded transportation options should be considered to enable efficient mobility and facilitate development in this area.

☐ Northlake Mall

Located at I-285 and Lavista Road, the Northlake Mall is an existing employment center that should continue to be supported through this the Strategic Plan and the County's Comprehensive Plan.

Industry Characteristics

- Target Area: FPS and Life Sciences
- Supporting Industries: Specialty Retail, IT Services, & Educational Services.

West Central DeKalb Employment Center Location

(check one):

☐ Intersection of Briarcliff Road North Druid Hills Road

With direct access to I-85, this area contains office and retail space, and is linked to the healthcare engines of the Clifton Corridor. A significant opportunity exists to expand the life sciences cluster. Only a short distance north of Emory and CDC, this currently only houses a strip mall and has potential for further development.

☐ Intersection of I-85 and Clairmont Road

Serving as a major interstate access for much of the district, this strategically located exit can build off of the success of adjoining Brookhaven. This employment center can build on existing development nearby at Executive Park.

☐ Intersection of N Druid Hills Road and Lavista Road

Offers opportunity for expansion. Currently houses a Georgia Department of Labor career center, restaurants, office space and retail establishments. Existing infrastructure would have to be upgraded to allow for greater density in this area.

Industry Characteristics

- Target Area: FPS, Life Sciences, Tourism
- Supporting Industries: General Retail, IT Services, Educational Services

Southwest DeKalb Employment Center Location (check one):

☐ I-20/ Candler Road

Currently housing the South DeKalb Mall, this exit is well positioned and has plenty of available infrastructure for redevelopment.

☐ I-20 / I-285 Interchange

This junction of two interstate highways has large tracts of undeveloped land located nearby.

☐ Memorial Drive (Kensington MARTA Station)

The segment of Memorial Drive between Atlanta and Avondale Estates could stand to benefit greatly from redevelopment and currently only houses underperforming or underutilized retail and commercial establishments.

☐ Moreland Area

Already a substantial commercial logistics and manufacturing corridor, the Moreland area is close to the I-675 / I-285 Interchange and has room for additional growth.

Industry Characteristics

- Target Area: Logistics, CST, Manufacturing
- Supporting Industries: Specialty Retail, General Retail, Educational Services

East Central DeKalb Employment Center Location (check one):

☐ Stone Mountain Industrial Park

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Located near the intersection of two major roads, this industrial park has a well-established CID and is a strong candidate for further development.

☐ Memorial Drive, I-285 Interchange

Despite the presence of the county jail, the importance of this interchange and the proximity of a Transit Oriented Development priority MARTA station make this area viable for redevelopment.

Industry Characteristics

- Target Area: Tourism, Logistics, CST
- Supporting Industries: General Retail, Educational Services

Southeast DeKalb Employment Center Location *(check one)*

☐ I-285/Indian Creek MARTA Station

Found along the border between Districts 4 and 5, this location houses both a MARTA station and open land which make it a potential candidate for further development (Currently a MARTA-only exit).

☐ I-285 / Covington Hwy

This strategic intersection is centrally located in the county and already contains several retail and other commercial developments.

Industry Characteristics

- Target Area: Life Sciences, Tourism, Logistics, Manufacturing
- Supporting Industries: General Retail, IT Services, Educational Services

Quality of Place Enhancements

New Employment Centers and the Comprehensive Plan

☐ This project will initiate a land use amendment:

Public input is an essential to further assisting the viability of the proposed centers. We recommend incorporating the employment centers as part of the comprehensive plan, with neighborhood feedback for any potential zoning changes or proposed development. Likewise, land ownership patterns and other potential conflicts should be vetted to ensure proactive resolution of issues impacting the employment centers.

☐ The project will provide connectivity for employment centers:

As part of the broader strategy, effort should be made to better connect the employment centers. This could be accomplished through improving existing road infrastructure and street connectivity in and around the centers. Additionally, consideration should be given to expanding transit options. While heavy rail expansions may be currently unattainable due to funding, more busing, increased car pool incentives and other measures can reduce traffic and increase commercial activity.

☐ This project will create Gateways:

Another important way to integrate these employment centers in the Comp Plan and develop their identity is to encourage the creation of "gateways." These gateways should include prominent and effective signage, landscaping, and a name that defines their identity. These gateways not only clearly delineate the geographical boundaries of the employment centers but also help develop a brand and culture around the employment centers and for the county.

Enter additional comments here, to support the above selection if needed.

Impact Analysis

(In support of Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.)

Questions	Compliant			Comments to support zoning proposal
	YES	NO	N/A	

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Supplemental Land Use Report *(for developments proposed in Activity Centers)*



A. Zoning proposal is in conformity with the policy and intent of the comprehensive plan:	☐	☒	☐	The proposed land use is inconsistent with the comprehensive plan.
B. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:	☒	☐	☐	The proposed development uses will be permit and suitable compatible with nearby properties with a land use designation lesser than Regional Center
C. The property to be affected by the zoning proposal has a reasonable economic use as currently zoned:	☐	☐	☒	
D. The zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:	☐	☒	☐	
E. There are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:	☐	☐	☒	
F. The zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:	☐	☒	☐	
G. The zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:	☒	☐	☐	Existing infrastructure: Infrastructure improvement should happen simultaneously or prior to the development.
H. The zoning proposal adversely impacts the environment or surrounding natural resources.	☐	☒	☐	

Transportation Planning Analysis

(Based on the DeKalb County 2014 Comprehensive Transportation Plan)

Policies	Compliant with the CTP			Additional comments that justify staff recommendation
	Yes	No	N/A	
Functional Classification for the project site: ☐ Freeway ☒ Major/Principal Arterial ☐ Minor Arterial ☐ Collector ☐ Local	☒	☐	☐	
Freight ☒ Located on a truck or sanitation route ☐ Proximity of Landfill or Transfer Station ☒ Located on a state route ☐ Located in proximity of rail lines and / or crossings	☒	☐	☐	Truck Route is located on Clairmont Road. See page 35 in the 2014 Transportation Plan.
Access Management	☒	☐	☐	
Complete Streets Policy County / Developer will consider installing bicycle and / or pedestrian facilities, and Transit facilities.	☒	☐	☐	
Design: The following street design guidelines and best practices are listed on page 16 in the Appendix document of the CTP.	☒	☐	☐	
Application: See page 16 in the Appendix document of the CTP	☐	☐	☐	
Exemptions:	☐	☒	☐	

DeKalb County Long Range Planning Division

Supplemental Land Use Report *(for developments proposed in Activity Centers)*



- ☐ Roadway corridor legally prohibits specific users (e.g. bicyclists and pedestrians on interstate)
- ☐ Cost of providing bicycle or pedestrian facilities is excessively disproportionate to the need or probable use
- ☐ Absence of current and future need is documented
- ☐ Roadways not owned or operated by DeKalb County.

Performance Measures. Success of complete streets include: ☐ Miles of new on-street bicycle routes ☐ Miles of new or reconstructed sidewalks ☐ Percentage completion of bicycle and pedestrian networks as envisioned by the latest DeKalb County Comprehensive Transportation Plan ☐ Increase in pedestrian and bicycle volumes along key corridors	☒	☐	☐	
Human Services Transportation	☐	☐	☐	

Bicycle and Pedestrian Level of Service Goals and Connectivity ☐ LOS B (within an activity center) ☒ LOS B (not within an activity center) ☐ LOS C (not within an activity center) ☐ Existing PATH Trail	☒	☐	☐	
--	-------------------------------------	--------------------------	--------------------------	--

Priority Bicycle Network ☒ First Tier Priority Network ☐ Second Tier Priority Network ☐ Existing PATH ☐ Future PATH	☒	☐	☐
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MARTA and TOD	YES	NO	N/A	
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Bus Routes ☒ Project is on a bus route ☒ Project is near a bus route ☐ Project is not close to a bus route	☒	☐	☐	MARTA bus route 19 runs along Clairmont Road. MARTA bus route 47 runs within proximity to Briarcliff Road.
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Transit Stations ☐ Project is on a transit station site ☐ Project is near a transit station ☒ Project is not close to an existing transit station	☐	☐	☐
---	--------------------------	--------------------------	--------------------------

Priority Projects within the 2014 Transportation Plan ☐ Tier 1 ☒ Tier 2 ☐ Tier 3 ☐ None ☒ GDOT Tier 1	☒	☐	☐	DeKalb 2014 Transportation Plan Project ID 5093 Clairmont Road Multimodal Corridor Improvements page 73. Tier 2B DeKalb 2014 Transportation Plan Project ID 0685 Briarcliff Road Corridor ATMS and Intersection Improvements page 80. Tier 2B DeKalb 2014 Transportation Plan Project ID 0792 Briarcliff Road P. Tier 2C DeKalb 2014 Transportation Plan Project ID 0420 Briarcliff Road Multimodal Corridor Improvements.
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Attachments: ☒ Future Land Use Map ☐ Infograph of economic and demographic data

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

APPLICATION TO AMEND COMPREHENSIVE LAND USE PLAN
OF DEKALB COUNTY, GEORGIA

Application No.: _____ Date Received: _____

Applicant's Name: Stein Investment Co, LLC (Virginia), E-Mail: dwebb@sgrlaw.com
c/o Dennis J. Webb, Jr.

Applicant's Mailing Address: 1230 Peachtree Street, Suite 3100, Atlanta, Georgia 30309

Applicant's Daytime Phone #: (404) 815-3620 Fax: (404) 685-6920

(If more than one owner, attach information for each owner as Exhibit "A")

Owner's Name: See Exhibit "A" E-Mail: _____

Owner's Mailing Address: _____

Owner's Daytime Phone #: _____ Fax: _____

Address/Location of Subject Property: See Exhibit "A"

District(s): 18th Land Lot(s): 196 Block(s): 04 Parcel(s): See Exhibit "A"

Acreage: +/- 3.845 Commission District(s): 2nd and 6th

Current Land Use Designation: NC Proposed Land Use Designation: RC

Current Zoning Classification(s): C-1/C-2

PLEASE READ THE FOLLOWING BEFORE SIGNING

- I. This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.
- II.
- III. Disclosure of Campaign Contributions: In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered: Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? ☒ Yes ☐ No
- IV.

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

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

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

NOTARY Sheila Johnson SIGNATURE OF APPLICANT [Signature]
12/29/2023 Check One: Owner ☐ Agent ☒ DATE _____
EXPIRATION DATE / SEAL



EXHIBIT "A"

Address/Location of Subject Property

JMAR Investors, LP

2814 Clairmont Road/18 196 04 029
2810 Clairmont Road/18 196 04 040
2806 Clairmont Road/18 196 04 039
2804 Clairmont Road/18 196 04 037
2794 Clairmont Road/18 196 04 035
2778 Clairmont Road/18 196 04 034
3080 Clairmont Road/18 196 04 033
3070 Clairmont Road/18 196 04 038

3068 Briarcliff, LLC

3068 Briarcliff Road/18 196 04 041

DEPARTMENT OF PLANNING & SUSTAINABILITY

LAND USE (FUTURE DEVELOPMENT) MAP AMENDMENT APPLICATION
AUTHORIZATION

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

DATE: 6-12-20

CHECK TYPE OF APPLICATION:

(X) LAND USE MAP AMENDMENT

☒ REZONE

() MINOR MODIFICATION

☒ SPECIAL LAND USE PERMIT

TO WHOM IT MAY CONCERN:

(X) / (WE), 3068 Briarcliff, LLC
(Name of owner(s))

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

Stein Investment Co, LLC (Virginia)/Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP
(Name of Applicant or Agent Representing Owner)

to file and application on ~~(my)~~ / (our) behalf.


Notary Public


Owner 3068 Briarcliff, LLC



Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

LAND USE (FUTURE DEVELOPMENT) MAP AMENDMENT APPLICATION
AUTHORIZATION

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

DATE: 6.12.20

CHECK TYPE OF APPLICATION:

(X) LAND USE MAP AMENDMENT

☒ REZONE

() MINOR MODIFICATION

☒ SPECIAL LAND USE PERMIT

TO WHOM IT MAY CONCERN:

(X) / (WE), JMAR Investors, L.P.
(Name of owner(s))

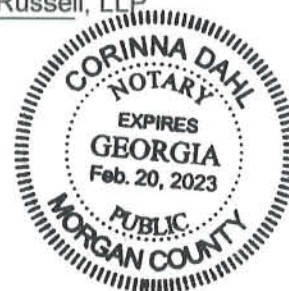
being (owner) / ~~(owners)~~ of the property described below or attached hereby delegate authority to

Stein Investment Co, LLC (Virginia)/Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP
(Name of Applicant or Agent Representing Owner)

to file and application on ~~(our)~~ / (our) behalf.

Corinna Dahl
Notary Public

Ray W. Hill
Owner JMAR Investors, L.P.



Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X

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

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

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

STEIN INVESTMENT CO, LLC (VIRGINIA)

Notary _____



Expiration Date/Seal

 6/11/20
Signature of Applicant/Date

Check one: Owner _____ Agent X

*Notarization is not needed if the response is "No".

PRE-APPLICATION MEETING

TUESDAY, JUNE 23

REZONING & LAND USE AMENDMENT

PROPERTIES AT NORTHWEST CORNER OF BRIARCLIFF AND CLAIMONT ROAD

DENN WEBB

Applicant Name: Denn Webb **Phone** 404-815-3620 **Email:** dwebb@sgrlaw.com

Property Address: Various properties at the northwest corner of Briarcliff Road and Clairmont Road
(See attached)

Tax Parcel ID: See attached

Commission District 2 Super District 6

Existing Use: LIGHT INDUSTRIAL on 3.845 acres

Supplemental Regulations: NA

Overlay District---No **DRI:** NA

Rezoning Request: HR-3 to allow 264 apartments with some residential units above ground floor retail at 69 units per acre with 5 to 6 story building heights.

Existing Zoning: C1 & C2 **Proposed Zoning:** HR-3

Land Use Amendment: RC (up to 120 units per acre)

Existing Land Use: NC **Proposed Land Use:** RC

Special Land Use Permit: NA

Major Modification: NA

Pre-submittal Community Meeting: Due to current COVID-19 restrictions which prohibit gatherings of 10 or more people, and which are subject to change, the pre-submittal community meeting must be done via a virtual meeting. The applicant must comply with the pre-community meeting notification requirements. No application for an amendment to the land use plan, an amendment to the official zoning map, special land use permit, or a major amendment/modification to conditions of zoning shall be filed and/or accepted for filing until you have attended and held a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s) and/or community groups within one-half (1/2) mile of the subject property, as well as adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be scheduled at 7:00 p.m. on a weekday (Monday – Friday) in a facility within one-half (1/2) mile of the subject property and shall not take place less than fifteen (15) days after the date of the written notice. Applicants are required to provide documentation of the meeting notice distributed and sign-in sheets from the meeting. **Applicant said he will host a virtual webex meeting.**

Deadline for hosting Community Meeting: July 1, 2020

Filing Deadline: July 2, 2020—email your rezoning application.

Community Council meeting: August 11, 2020 (Dist. 2) subject to COVID-19 restrictions

Planning Commission meeting: September 1, 2020 subject to COVID 19 restrictions

Board of Commissioner meeting: September 22, 2020 subject to COVID 19 restrictions

Public Hearing Signs-- Planning Department will post all public hearing signs and community council signs.

Zoning Standards—Please consult HR-3 zoning requirements of Article 2 of the DeKalb County Zoning Ordinance, as well as Article 4, 5, and 6 of zoning ordinance.

Possible Variances: None known at this time.

Comments: The applicant has been made aware of the items in the pre-app form regarding “*What to know before you file your application*”, “*Review of the Site Plan*”, and the filing fees as shown on three screenshots below. This application requires a land use amendment to Regional Center which will impact the proposed rezoning application. There may be transportation issues which will need to be addressed.

APPLICANT COMPLETED PRE-APPLICATION MEETING ON TUESDAY JUNE 23RD, 2020 AT 10:00 A.M.

John Reid

Senior Planner

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____
Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____
Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____ Enhanced
Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size: _____
Frontage: _____ Street Widths: _____ Landscape Strips: _____ Buffers: _____
Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____ Screening: _____

Pre Application Conference Form - Word

John Reid

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____ Enhanced
 Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size: _____
 Frontage: _____ Street Widths: _____ Landscape Strips: _____ Buffers: _____
 Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____ Screening: _____
 Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____ Bldg. Height: _____ Bldg.
 Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____ Roofs: _____ Fenestration: _____
 Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____
 Possible Variances: _____

 Comments: _____

PAGE 2 OF 2 352 WORDS

Search for anything

9:16 AM 6/23/2020

Pre Application Conference Form - Word

John Reid

Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____

Possible Variances: _____

 Comments: _____

 Planner: _____ Date _____

Filing Fees

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

PAGE 2 OF 2 352 WORDS

Search for anything

9:17 AM 6/23/2020

BRIARCLIFF WEST – PRE-APPLICATION COMMUNITY MEETING
JULY 1, 2020 (7:00PM) VIA WEBEX CONFERENCE

LIST OF MEETING ATTENDEES:

DW	Dennis (Den) Webb		
AZ	Adam Zuckerman		
AP	Alan Pinsker		
BV	barbara Gibbs vargas		
B	BCurran		
	Call-in User_3		
	Call-in User_4		
	Call-in User_5		
	Call-in User_6		
C	ck		
CD	Clayton Daspit		
D	david		
DR	David & Nancy Romeiko		
GS	Gunter Sharp		
JL	Jason Linscott		
JL	John LP		
L	Leah		
MD	M. Drysdale		
M	mahad		
M	MJP		
NB	Nate Bradshaw		
N	Nicole		
RR	Ranyatta Roland		
SB	Susan Bailey		

LEGAL DESCRIPTION

TRACT ONE AND TRACT TWO (COMBINED)

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district of Dekalb County, Georgia and being more particularly as follows:

Commencing at the north end of mitered right-of-way of Clairmont Road and Briarcliff Road this being the true point of beginning.

THENCE South 34 degrees 51 minutes 46 seconds West for a distance of 31.02 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 100.01 feet to a point;

THENCE North 18 degrees 10 minutes 25 seconds West for a distance of 5.29 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 83.93 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 51.03 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 70.82 feet to an IPS 1 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 351.60 feet to an IPF 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 169.97 feet to a NF IN 2.5"OTP;

THENCE North 08 degrees 47 minutes 55 seconds West for a distance of 86.89 feet to an IPF 5/8"RB;

THENCE North 86 degrees 08 minutes 29 seconds East for a distance of 190.23 feet to an IPS 1 1/2"RB;

THENCE South 28 degrees 51 minutes 41 seconds East for a distance of 53.52 feet to an IPS 1 1/2"RB;

THENCE South 28 degrees 13 minutes 38 seconds East for a distance of 102.61 feet to a R/W MON;

THENCE South 19 degrees 37 minutes 21 seconds East for a distance of 70.04 feet to a point;

THENCE along a curve to the right having a radius of 2814.44 feet and an arc length of 62.39 feet, being subtended by a chord of South 17 degrees 27 minutes 23 seconds East for a distance of 62.38 feet to a point;

THENCE North 73 degrees 10 minutes 43 seconds East for a distance of 5.00 feet to a point;

THENCE along a curve to the right having a radius of 2819.44 feet and an arc length of 32.86 feet, being subtended by a chord of South 16 degrees 29 minutes 15 seconds East for a distance of 32.86 feet to a point;

THENCE South 18 degrees 22 minutes 53 seconds East for a distance of 321.30 feet to a point at the true point of beginning.

Said property contains 3.845 acres.

STATEMENT OF INTENT

and

Other Material Required by
The DeKalb County Zoning Ordinance
for the
Land Use Map Amendment Application

of

Stein Investment Co, LLC

for

± 3.845 Acres of Land
located in
Land Lot 196, 18th District, DeKalb County

From Neighborhood Center to Regional Center

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks a Comprehensive Land Use Map Amendment for ±3.845 acres of land located in Land Lots 196, 18th District of DeKalb County (“Subject Property”). The Subject Property consists of nine tax parcels and is positioned in the Southwest quadrant of the intersection of Interstate 85 and Clairmont Road. This node is characterized by high traffic volumes; I-85 experiences approximately 250,000 vehicle trips per weekday and Clairmont Road 43,000 vehicle trips per weekday.

The northern portion of the intersection contains intense, regional commercial, office and employment uses and correspondingly intense land use designations. For example, the northeast quadrant lies in the City of Chamblee. It includes Century Center and is zoned MU-BC (Mixed-Use-Business Center). The MU-BC district is designed to “facilitate a high-rise urban form of development with a mix of uses.” (City of Chamblee Unified Development Ordinance, Section 210-12). Accordingly, it authorizes, among other things, multi-family, office, restaurant/retail and hotel uses with no restrictions on height or density. (Chamblee UDO at Section 210-12).

Similarly, the northwest quadrant of the node lies in the City of Brookhaven. It is zoned OI (Office-Institutional), a district intended to accommodate “institutional and office uses, as well as supporting retail and service uses.” (City of Brookhaven Zoning Ordinance, Section 27-261(d)). The OI district has a base height restriction of five stories or 70 feet, but allows greater heights with a Special Use Permit. (Brookhaven Zoning Code at Section 27-294). ¹

The southern portion of the node lies in unincorporated DeKalb County. Although

¹ In addition to the more intense uses and entitlements on the north side of the node, the Applicant also notes that the \$1.5 B Children’s Healthcare of Atlanta campus and the \$1 B Emory Executive Park healthy innovation district development are in proximity at the intersection of I-85 and North Druid Hills Road. In addition to allowing for a variety of uses, these developments are projected to create 7,500 new jobs.

exposed to the same intensity as the properties to the north, the DeKalb parcels do not have the zoning and land use designations necessary for the “urban form of development” that the area justifies. Instead, the properties are zoned C-1 and C-2, which restrict building heights to two stories or 35 feet, or MR-2 (Medium Density Residential), which restricts building heights to three stories or 45 feet. Equally limiting, the properties are designated as “Neighborhood Center” on DeKalb County’s Comprehensive Plan, a classification that confines residential development to 24 units per acre or less. As a result, the parcels in the southern portion of the node have stagnated and are characterized by older, stand-alone, single-story commercial uses, strip centers with large parking fields, and garden-style apartments.

The Subject Property is no exception. At a gateway into unincorporated DeKalb County, the Subject Property is zoned C-1 and C-2 and contains five older, single-story buildings surrounded by asphalt. Two buildings are vacant. Of the remaining three, each houses an auto-related business, including auto repair, oil change, and auto salvage/outdoor auto storage. The Subject Property also has 15 full-access curb cuts, nine on Clairmont Road and six on Briarcliff Road.

The Applicant hopes to transform the Subject Property into vibrant, pedestrian-oriented, mixed-use development that is consistent with its location and the northern quadrants in this node. The development will include $\pm$ 10,000 square feet of restaurant/retail space and 264 multi-family units located in three buildings.² Building “C” is at the corner of Clairmont and Briarcliff Roads and will contain a two-story restaurant structure with a rooftop patio. Adjacent and to the west, Building “B” is envisioned as a six-story residential building with ground floor retail. To the north, Building “A” will consist of five/six-story residential building that wraps a

² The residential density proposed is 69 units per acre. The Applicant will be relying upon a

parking deck and provides walk-out units on Clairmont Road. Buildings “C” and “B” will be separated from Building “A” by an inviting pedestrian plaza and vehicular drop off area.

In contrast to the existing condition, the Subject Property will have only one direct access point onto the right-of way, a right-in/right-out on Clairmont Road. Further, the Clairmont and Briarcliff frontages will include significant streetscape, providing for a four foot bike lane, an eight foot sidewalk (compared to Dekalb’s six foot sidewalk requirement) and landscape strips, among other things. The development will provide 50% more open space than code requires and an outdoor amenity for residents. Finally, the development has been planned to allow for future right-of-way improvements on Clairmont Road. The Georgia Department of Transportation (“GDOT”) has plans (GDOT PI 0015956) to improve Clairmont Road along the entire frontage of the Subject Property extending south toward Audubon Drive by, among other things, constructing a raised median and creating an additional southbound thru-lane. This development has been specifically designed to accommodate and further enhance³ GDOT’s proposed improvements.

In order to construct the development as proposed, the Applicant seeks to amend the County’s Land Use Plan with respect to the Subject Property from “Neighborhood Center (NC)” to “Regional Center (RC).” Accordingly, the Applicant submits this Application which includes a Statement of Intent, a preservation of the Applicant’s constitutional rights, and the Impact Analysis as required by the DeKalb County Zoning Ordinance, § 27-7.3.4. A survey of the Subject Property as well as a site plan and conceptual renderings have been filed contemporaneously with the Application, along with other required materials.

density bonus to achieve this density.

³ For example, the GDOT project contemplates a five foot sidewalk while the Applicant is proposing an eight foot sidewalk.

II. IMPACT ANALYSIS

A.

THE PROPOSED LAND USE PLAN CHANGE PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The Subject Property is in the southwest quadrant of a major node that, to the north, includes high-intensity office, commercial and residential uses and entitlements that will allow for more. On the south side and in immediate proximity to the Subject Property, the uses adjacent and nearby are comparable in both nature (i.e., multi-family at the Camden St. Clair (West) and commercial/restaurant at Williamsburg Village (East)) and height (i.e., Briarcliff Oaks Apartments (West) and Kingsbridge Retirement Community (Southwest)). Finally, the Subject Property also abuts property currently zoned HR-2 (High Density Residential—2) (Camden St. Clair (West)), a complimentary zoning district.

B.

THE PROPOSED LAND USE PLAN CHANGE WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

See A above.

C.

**THE PROPOSED LAND USE PLAN CHANGE WILL NOT RESULT
IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR
BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION
FACILITIES, UTILITIES, OR SCHOOLS.**

The development, if approved, will not adversely affect existing transportation facilities. The Applicant will be providing a Traffic Impact Study that directly responds to this issue and highlights two additional points relevant to traffic. First, through this development, the Applicant will be removing 15 full-access curb cuts and replacing them with only one direct access point onto the right-of-way, a right-in and right-out on Clairmont Road. This change will improve traffic flow by controlling access to the right-of-way. Second, the Subject Property is zoned commercial now, meaning that the site is already entitled for a number of uses that could generate significantly more traffic than proposed (e.g., A health/fitness club and automated car wash are allowed on the site today as of right and would generate 31% more daily trips; a pharmacy without a drive-thru, a high-turnover sit-down restaurant and an automated car wash are allowed on the site today as of right and would generate 54% more daily trips).

Water and sewer exist at the Subject Property. Further, the Applicant is in the process of securing a sewer capacity letter from the County.

Finally, and as to schools, the Subject Property is served by Sagamore Hills Elementary School, Henderson Middle School and Lakeside High School. The Applicant notes that the majority of the multi-family units are studio and one-bedroom and, hence, not designed for families. Therefore, while the Subject Property may generate some additional school-aged children, the Applicant anticipates that the numbers will be low and should have, at best, a negligible impact on the County school system.

D.

**THE REQUESTED AMENDMENT IS CONSISTENT WITH THE WRITTEN
POLICIES IN THE COMPREHENSIVE PLAN TEXT.**

As alluded to above, the node in which the Subject Property is located is already functioning as a regional center, from both a traffic standpoint and, on the north side, from a use and entitlement standpoint. Changing the designation on the Subject Property recognizes this fact and promotes a number of policies and goals of the County's Comprehensive Plan, including:

- Creating compact mixed-use districts and reducing automobile dependency and travel to obtain basic services.
- Creating pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.
- Improving street character with consistent signage, lighting, landscaping and other design features.
- Including a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.
- Providing setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.
- Adding traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.
- Identifying and encouraging new and innovative approaches to quality residential development which expand housing opportunities and minimize public and

private costs.

- Enhancing existing and developing new gateways throughout the County.

E.

**THE PROPOSED AMENDMENT WILL NOT NEGATIVELY IMPACT PROPERTIES
IN ADJOINING GOVERNMENTAL JURISDICTIONS.**

The Subject Property is in proximity to the jurisdictional boundaries of the City of Chamblee and the City of Brookhaven. As detailed above, both jurisdictions have uses and entitlements that are similar to that requested and complimentary to the development proposed. Therefore, there will be no negative impact on properties in adjoining governmental jurisdictions.

F.

**OTHER EXISTING AND CHANGING CONDITIONS AFFECTING
THE USE AND REDEVELOPMENT OF THIS LAND.**

Both the Subject Property's zoning and Land Use designation have lagged change and growth in the immediate area. The Applicant seeks to rectify that fact, proposing a development that will be an asset for the nearby community and, potentially, a catalyst for additional high-quality redevelopment for other parcels in area.

G.

**THE PROPOSED USE WILL NOT HAVE ANY IMPACT UPON HISTORIC
BUILDINGS, SITES, DISTRICTS OR ARCHEOLOGICAL RESOURCES.**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the zoning requested.

**III. NOTICE OF CONSTITUTIONAL CHALLENGE AND PRESERVATION OF
CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the existing land use map designation on the Subject Property is unconstitutional and that a refusal to approve the proposed land use map amendment, or any attempt to amend the land use map to an intervening classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion, all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed landuse map amendment, or any attempt to amend the land use map to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed land use map amendment, or any attempt amend the land use map to an intervening classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the the proposed land use map amendment, or any attempt amend the land use map to an intervening classification, 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 Constitution of the State of Georgia.

DeKalb County's Zoning Ordinance lacks adequate standards for the Board of Commissioners to exercise its power to review this Application. Specifically, the "standards and factors" set out in Section 27-7.3.5 are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to zone and rezone property, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First

Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

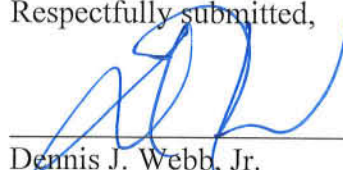
The Applicant raises the defenses of lack of standing and failure to exhaust administrative remedies.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed Land Use Map amendment be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 2nd day of July, 2020.

Respectfully submitted,



Dennis J. Webb, Jr.
Attorney for Applicant

Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No ✓

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

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

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



Notary



Expiration Date _____

3068 BRIARCLIFF, LLC



Signature of Applicant/Date

Check one: Owner X Agent _____

*Notarization is not needed if the response is "No".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

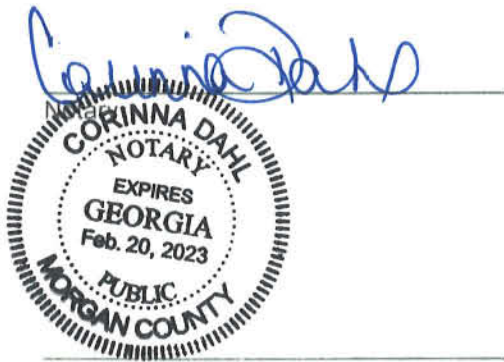
Have you, the applicant, made \$250.00 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application?

Yes _____ No ✓

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

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

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



Expiration Date/Seal

JMAR INVESTORS, L.P.

Ray W Hill
Signature of Applicant/Date

Check one: Owner X Agent _____

*Notarization is not needed if the response is "No".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ☒ No ☐

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

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2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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

Sheila Johnson
Notary



12/29/2023
Expiration Date/Seal

DENNIS J. WEBB, JR.

[Signature]
Signature of Applicant/Date

Check one: Owner ☐ Agent ☒

*Notarization is not needed if the response is "No".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X

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

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

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

Sheila Johnson
Notary



12/29/2023
Expiration Date/Seal

KATHRYN M. ZICKERT

Kathryn M. Zickert (by J. Munkh Bock w/express permission)
Signature of Applicant/Date

Check one: Owner _____ Agent X

*Notarization is not needed if the response is "No".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

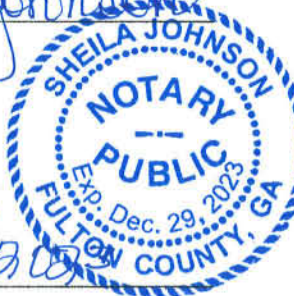
Have you, the applicant, made \$250.00 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application?

Yes _____ No X

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

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

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Sheila Johnson
Notary

12/29/2023
Expiration Date/Seal

J. ALEXANDER BROCK

J. Alexander Brock
Signature of Applicant/Date
Check one: Owner _____ Agent X

*Notarization is not needed if the response is "No".

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes X No _____

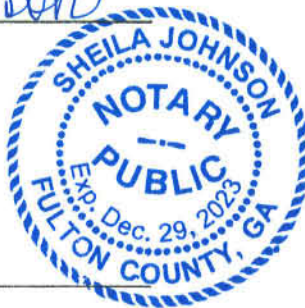
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

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

SMITH, GAMBRELL & RUSSELL, LLP

Sheila Johnson
Notary



12/29/2023
Expiration Date/Seal

[Signature]
Signature of Applicant/Date
Check one: Owner _____ Agent X

*Notarization is not needed if the response is "No".

Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Tel: 404 815-3500
www.sgrlaw.com

SMITH, GAMBRELL & RUSSELL, LLP
Attorneys At Law

J. Alexander Brock
Direct Tel: (404) 815-3603
Direct Fax: (404) 685-6903
jabrock@sgrlaw.com

July 2, 2020

Ms. Barbara Sanders
DeKalb County Clerk to Commission and CEO
1300 Commerce Drive
Decatur, GA 30030

Re: Campaign Contribution Disclosure – June 2018 through May 2020

Dear Ms. Sanders:

This letter is intended to provide campaign contributions as required by state law for Kathryn M. Zickert, Dennis J. Webb, Jr., J. Alexander Brock and Smith, Gambrell & Russell, LLP. Please be advised that over the past two years our total contributions have been as follows:

CANDIDATE	AMOUNT	DATE	CONTRIBUTOR
Steve Bradshaw	\$500.00	06/04/2019	Dennis J. Webb, Jr.
Michael Thurmond	\$1,000.00	08/08/2019	Smith, Gambrell & Russell, LLP

Please do not hesitate to contact me if you require any further information.

Sincerely,


J. Alexander Brock
Attorney

JAB/jab
cc: DeKalb County Planning Commissioner



Atlanta | Austin | Jacksonville | London | Los Angeles | Miami | Munich | New York | Southampton | Washington D.C.

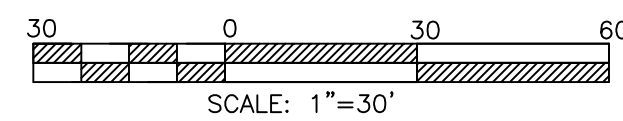
ALTA/NSPS LAND TITLE SURVEY FOR:

STEIN INVESTMENT COMPANY, LLC, a Virginia limited liability company, FIRST AMERICAN TITLE INSURANCE COMPANY

LAND LOT 196 – 18TH DISTRICT

DEKALB COUNTY, GEORGIA

DATE OF FIELD WORK 11–20–2017 (TRAVERSE), 8–9–2019 (FIELD OBSERVATION)
DATE OF PLAT PREPARATION 8–8–2019
EQUIPMENT USED: TRIMBLE S6



THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACE O.C.G.A. 15-6-167, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19 AND 43-15-22.

UTILITY NOTE: PATRICK & ASSOCIATES, INC. NOR THE LICENSED PROFESSIONAL ASSUME ANY LIABILITY FOR THE EXISTENCE, LOCATION, MATERIAL OR SIZE OF ANY UNDERGROUND UTILITY SHOWN ON THIS SURVEY. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE EXISTENCE, EXACT LOCATION, MATERIAL AND SIZE OF ANY UNDERGROUND UTILITY ASSOCIATED WITH THE PROJECT.

Survey Notes

The field data upon which this plat is based has a closure precision of one foot in 137,721 feet, an angular error of 02 seconds per angle point, and was adjusted using compass rule.

This plat has been calculated for closure and found to be accurate within one foot in 240,744 feet.

There are no parking space on this property.

The property has direct access to Briarcliff Road and Clairmont Road which is an accepted public street or highway.

There is no evidence of earth moving work.

There is no evidence of currently ongoing building construction and building additions.

There is no evidence of any changes in street right of way.

There is no evidence of cemeteries or burial grounds.

There is no evidence of the site being used as a solid waste dump, storage of hazardous waste, a sump, or sanitary landfill.

There are no party walls with adjoining property owners.

No wetlands report was provided for this survey.

Patrick & Associates, Inc. has a Professional Liability Insurance policy in the amount of \$1,000,000.

FLOOD NOTE:

By graphic plotting only, this property is not in zone "X" Flood Insurance Rate Map No. 13089c00541 and 13089c00581 which bears an effective date May 16, 2013. No field surveying was performed to determine this zone.

Utility Notes

The existence and location of the surface and sub-surface utilities shown are based upon available records and surface visible evidence as of FEBRUARY 1, 2018. The extent and liability of this information is limited to Standards for a Quality Level C Utility Investigation as defined by the American Society of Civil Engineers (ASCE, Publication 38-02).

Before digging in this area, call utility locators at 1-800-282-7411 for field locations (request for ground markings) of underground utility lines.

Field Measured Legal Description

TRACT ONE AND TRACT TWO (COMBINED)

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district of DeKalb County, Georgia and being more particularly as follows:

Commencing at the north end of mitered right-of-way of Clairmont Road and Briarcliff Road this being the true point of beginning.

THENCE South 34 degrees 51 minutes 46 seconds West for a distance of 31.02 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 100.01 feet to a point;

THENCE North 18 degrees 10 minutes 25 seconds West for a distance of 5.29 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 83.93 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 70.82 feet to an IPS 1 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 351.60 feet to an IPF 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 169.97 feet to a NF IN 2.5"OTP;

THENCE North 08 degrees 07 minutes 58 seconds West for a distance of 86.89 feet to an IPF 5/8"RB;

THENCE North 86 degrees 08 minutes 29 seconds East for a distance of 190.23 feet to an IPS 1 1/2"rb;

THENCE South 28 degrees 51 minutes 41 seconds East for a distance of 53.52 feet to an IPS 1 1/2"rb;

THENCE South 28 degrees 13 minutes 38 seconds East for a distance of 102.61 feet to a R/W MON;

THENCE South 19 degrees 37 minutes 21 seconds East for a distance of 70.04 feet to a point;

THENCE along a curve to the right having a radius of 2814.44 feet and an arc length of 62.39 feet, being subtended by a chord of South 17 degrees 27 minutes 23 seconds East for a distance of 62.38 feet to a point;

THENCE North 73 degrees 10 minutes 43 seconds East for a distance of 5.00 feet to a point;

THENCE along a curve to the right having a radius of 2819.44 feet and an arc length of 32.86 feet, being subtended by a chord of South 16 degrees 29 minutes 15 seconds East for a distance of 32.86 feet to a point;

THENCE South 18 degrees 22 minutes 53 seconds East for a distance of 321.30 feet to a point at the true point of beginning.

Said property contains 3.845 acres.

Field Measured Legal Description

TRACT ONE

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district of DeKalb County, Georgia and being more particularly as follows:

Commencing at the north end of mitered right-of-way of Clairmont Road and Briarcliff Road this being the true point of beginning.

THENCE South 34 degrees 51 minutes 46 seconds West for a distance of 31.02 feet to a point;

THENCE North 18 degrees 10 minutes 25 seconds West for a distance of 5.29 feet to a point;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 83.93 feet to a MAG N/F;

THENCE North 13 degrees 37 minutes 52 seconds West for a distance of 148.95 feet to a MAG N/F;

THENCE South 75 degrees 54 minutes 26 seconds West for a distance of 25.96 feet to a MAG-N/F;

THENCE South 83 degrees 17 minutes 17 seconds West for a distance of 25.00 feet to a point;

THENCE South 13 degrees 37 minutes 52 seconds East for a distance of 144.65 feet to a MAG N/F;

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 70.82 feet to an IPS 1 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 351.60 feet to an IPF 1/2"RB;

THENCE North 09 degrees 12 minutes 08 seconds West for a distance of 169.97 feet to an IPF 2.5"OTP;

THENCE North 08 degrees 47 minutes 55 seconds East for a distance of 86.89 feet to an IPF 5/8"RB;

THENCE North 86 degrees 08 minutes 29 seconds East for a distance of 190.23 feet to an IPS 1 1/2"RB;

THENCE South 28 degrees 51 minutes 41 seconds East for a distance of 53.52 feet to an IPS 1 1/2"RB;

THENCE South 19 degrees 37 minutes 21 seconds East for a distance of 70.04 feet to a point;

THENCE along a curve to the right having a radius of 2814.44 feet and an arc length of 62.39 feet, being subtended by a chord of South 17 degrees 27 minutes 23 seconds East for a distance of 62.38 feet to a point;

THENCE North 73 degrees 10 minutes 43 seconds East for a distance of 5.00 feet to a point;

THENCE along a curve to the right having a radius of 2819.44 feet and an arc length of 32.86 feet, being subtended by a chord of South 16 degrees 29 minutes 15 seconds East for a distance of 32.86 feet to a point;

THENCE South 18 degrees 22 minutes 53 seconds East for a distance of 321.30 feet to a point at the true point of beginning.

Said property contains 3.681 acres.

TRACT TWO

ALL THAT TRACT or parcel of land lying and being in land lot 196 of the 18th district DeKalb County, Georgia and being more particularly described as follows:

Commencing at the north end of mitered right-of-way of Briarcliff Road and Clairmont Road, thence South 34 degrees 51 minutes 46 seconds West 31.02 feet, thence North 89 degrees 07 minutes 58 seconds West 100.01 feet, thence North 18 degrees 10 minutes 25 seconds West 5.29 feet, thence North 89 degrees 07 minutes 58 seconds West 83.93 feet to a Nail Fnd. at the true point of beginning.

THENCE North 89 degrees 07 minutes 58 seconds West for a distance of 51.03 feet to a MAG N/F;

THENCE North 13 degrees 37 minutes 52 seconds West for a distance of 144.65 feet to a point;

THENCE South 83 degrees 17 minutes 17 seconds East for a distance of 25.00 feet to a MAG-N/F;

THENCE North 75 degrees 54 minutes 26 seconds East for a distance of 25.96 feet to a MAG N/F;

THENCE South 13 degrees 37 minutes 52 seconds East for a distance of 148.95 feet to a Nail Fnd. at the true point of beginning.

Said property contains 0.164 acres.

Items Corresponding to Schedule B

Notes Corresponding to Special Exceptions Schedule B - Section II
STEIN INVESTMENT COMPANY, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY
Commitment No: NCS-938604-ATL
Effective Date: July 12, 2019 @ 8:00 a.m.

- Easement from J.T. Hill to Georgia Power Company, dated January 28, 1947, filed for record June 27, 1947, and recorded in Deed Book 689, Page 236, DeKalb County, Georgia records. Unable to determine location to plot on survey.
- Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated May 7, 1958, filed for record May 19, 1958, and recorded in Deed Book 1338, Page 312, aforesaid records. Unable to determine location to plot on survey. Address list on deed (2804 Clairmont Road) is part of subject property. The affect of this easement would be limited to the parcel listed on the deed.
- Easements as conveyed in Right-of-Way Deed from Julia Jones Hill and Pierce Oil Company to State Highway Department of Georgia, dated October 18, 1961, filed for record October 20, 1961 and recorded in Deed Book 1617, Page 199, aforesaid records. Does not affect subject property.
- Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated June 14, 1963, filed for record July 9, 1963, and recorded in Deed Book 1785, Page 312, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- Right-of-Way Easement from Mrs. Julia J. Hill to Georgia Power Company, dated November 16, 1965, filed for record January 27, 1966, and recorded in Deed Book 2069, Page 470, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- Right-of-Way Easement from Mrs. Julia Jones Hill to Georgia Power Company, dated September 20, 1972, filed for record October 9, 1972, and recorded in Deed Book 2894, Page 338, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- Easements as conveyed in Right of Way Deed from Julia Jones Hill to Department of Transportation, dated August 5, 1977, filed for record August 31, 1977 and recorded in Deed Book 3696, Page 933, aforesaid records. As shown on survey.
- Easement from Tune-Up-Clinic Incorporated to Georgia Power Company, dated December 1, 1982, filed for record February 16, 1983, and recorded in Deed Book 4717, Page 518, aforesaid records. Deed describes a blanket easement, could affect property. The affect of this easement would be limited to the parcel listed on the deed.
- Matters as shown on that certain plat recorded in Plat Book 10, Page 63, aforesaid records. Plat is of parent tract as shown on survey.
- Matters as shown on that certain plat recorded in Plat Book 30, Page 100, aforesaid records. Plat lies within subject property, no adverse affect on property.
- Matters as shown on that certain plat recorded in Plat Book 40, Page 115, aforesaid records. Plat lies within subject property, no adverse affect on property.
- Terms and provisions of that certain unrecorded lease as evidenced by Memorandum of Lease from Julia Jones Hill to BP Oil Company, an Ohio corporation, dated September 13, 1990, filed for record September 21, 1990 and recorded in Deed Book 6799, Page 232, aforesaid records. As shown on survey.
- Terms and provisions of that certain unrecorded lease as evidenced by Lease Modification from Julia Jones Hill to Waffle House, Inc., dated May 21, 1993, filed for record June 6, 1993 and recorded in Deed Book 7739, Page 269, aforesaid records. As shown on survey.

Statement of Encroachments

Fence meanders along west property line.

Zoning Information

No zoning report provided for survey.

Area

Total LAND area of subject property is 3.845 Acres
TRACT ONE is 3.681 Acres.
TRACT TWO is 0.164 Acres.

ALTA/NSPS Land Title Survey

Surveyor's Certification:

To: STEIN INVESTMENT COMPANY,LLC. a Virginia limited liability company
FIRST AMERICAN TITLE INSURANCE COMPANY.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes Items 1, 3, 4, 8, 11, 13, 14, 16, 17, 18 and 19 of Table A thereof.

The field work was completed on: Survey Traverse November 20, 2017
Field Observation August 9, 2019.

Date of Plat or Map: August 8, 2019
Equipment used: Trimble S6

James S. Hull Jr.
James S. Hull, Jr.
Registration/License No. 2856



PATRICK & ASSOCIATES, INC.
SURVEYING & ENGINEERING
928 BLACKLAWN ROAD
CONYERS, GEORGIA 30094
PH: 770-483-9745

MASTER 29131
JOB NO. 19-607
DWG. NO. 32903

Drawing name: C:\Users\robert.barclift\KHP\PTC Development Services - Documents\017481003 3086 Briarcliff Road\CAD\PlanSheets\C2-00 - SITE PLAN.dwg C2-00 SITE PLAN Jul 01, 2020 5:35pm by: Robert.Barclift

STREETSCAPE SUMMARY:

BRIARCLIFF ROAD NORTHEAST
(MINOR ARTERIAL - DEKALB CLASSIFICATION)
EDGE OF EXISTING TRAVEL LANE
4' BIKE LANE
30" CURB AND GUTTER
4' LANDSCAPE STRIP
6' SIDEWALK (MINIMUM WIDTH)
6' LANDSCAPE STRIP (INTERMITTENT)

CLAIRMONT ROAD
STATE ROUTE 155 (MAJOR ARTERIAL - DEKALB CLASSIFICATION)
EDGE OF PROPOSED TRAVEL LANE (ROAD WIDENING)
4' BIKE LANE
30" CURB AND GUTTER
6' LANDSCAPE STRIP
8' SIDEWALK
2' LANDSCAPE STRIP

DEVELOPMENT SUMMARY:

LAND USE

APARTMENTS	
ALLOWED (BASE+20% BONUS)	276 (72 UNITS/ACRE)
PROPOSED	264 (68.7 UNITS/ACRE)

BUILDING SUMMARY

BUILDING A	204,865 SF
BUILDING B	77,854 SF
BUILDING C	5,020 SF

PARKING SUMMARY

APARTMENTS	
REQ'D	396 SPACES (1.5 PER UNIT)
PROVIDED	370 (1.4 PER UNIT)
COMMERCIAL	
REQ'D (RESTAURANT)	67 SPACES (1/150 SF)
PROVIDED	57 SPACES (1/167 SF)

LOADING SUMMARY

REQUIRED	4 SPACES (INCL. 1 x XL SPACE)
PROVIDED	2 SPACES (12' x 35' x 14' CLEAR)

BUILDING HEIGHT

<u>BUILDING</u>	<u>MAX (BASE / BONUS)</u>	<u>PROPOSED</u>
A	8 STORIES / NO LIMIT	6 STORIES
B	10 STORIES / NO LIMIT	6 STORIES
C	--	2 STORIES

FLOOD PLAIN

THIS PROJECT DOES NOT LIE WITHIN A 100 YEAR FLOOD
HAZARD ZONE AS DEFINED BY THE F.E.M.A. "FLOOD HAZARD
BOUNDARY MAP" COMMUNITY PANEL NUMBER 13089C0054K,
DATED 8/15/2019.

ZONING SUMMARY:

<u>SITE AREA</u>	
EXISTING	3.845 ACRES

ZONING

ZONING CLASSIFICATION	
EXISTING	C1 & C2
PROPOSED	HR-3

OVERLAY DISTRICT

N/A

FUTURE LAND USE (COMPREHENSIVE PLAN)

EXISTING	NC (NEIGHBORHOOD CENTER)
PROPOSED	RC (REGIONAL CENTER)

OPEN SPACE

REQ'D	15%
PROVIDED	21%

OUTDOOR RECREATION AREA (5.7.7(G))

REQ'D	5%
PROVIDED	5%

LOT COVERAGE (PERCENT IMPERVIOUS)

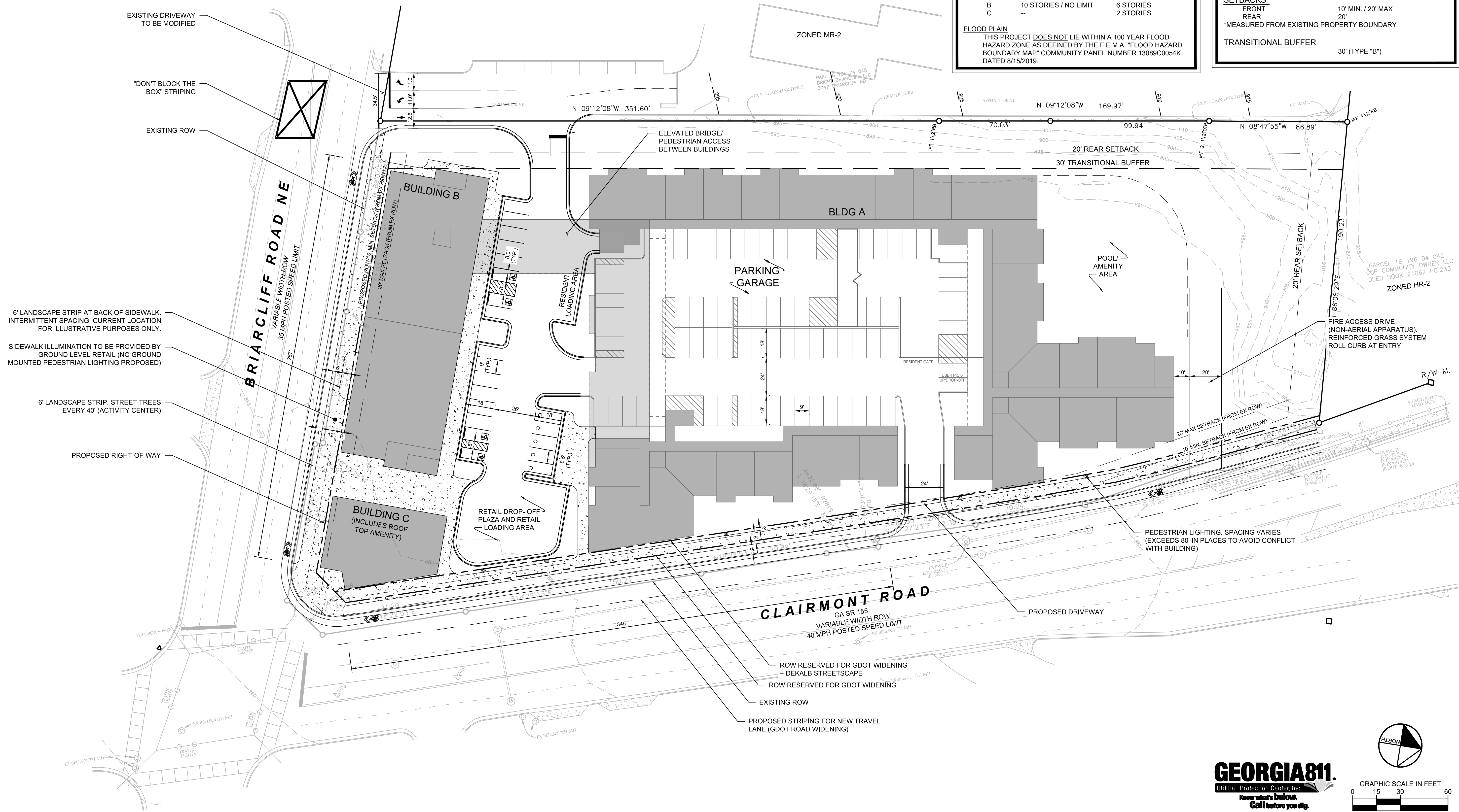
MAX	85%
PROPOSED	84%

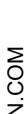
SETBACKS*

FRONT	10' MIN. / 20' MAX
REAR	20'

THE TESTS FROM THE FIVE

30' (TYPE "B")



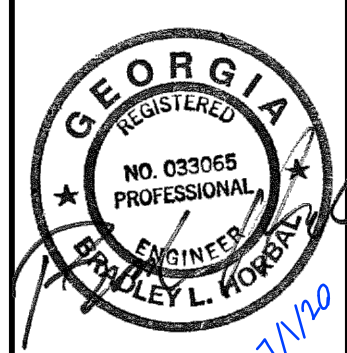

STEIN INVESTMENT GROUP
 5607 GLENRIDGE DRIVE, SUITE 200
 ATLANTA, GA 30342
 PHONE: 770.580.2480

PREPARED FOR
 PREPARED BY


Kimley-Horn
 © 2009 KIMLEY-HORN AND ASSOCIATES, INC.
 3930 EAST JONES BRIDGE ROAD, SUITE 350
 PEACHTER, GA 30092
 PHONE: 770.925.0744
 WWW.KIMLEY-HORN.COM

[illegible]

BRIARCLIFF WEST
3080 BRIARCLIFF ROAD
ATLANTA, GA 30329
DEKALB COUNTY

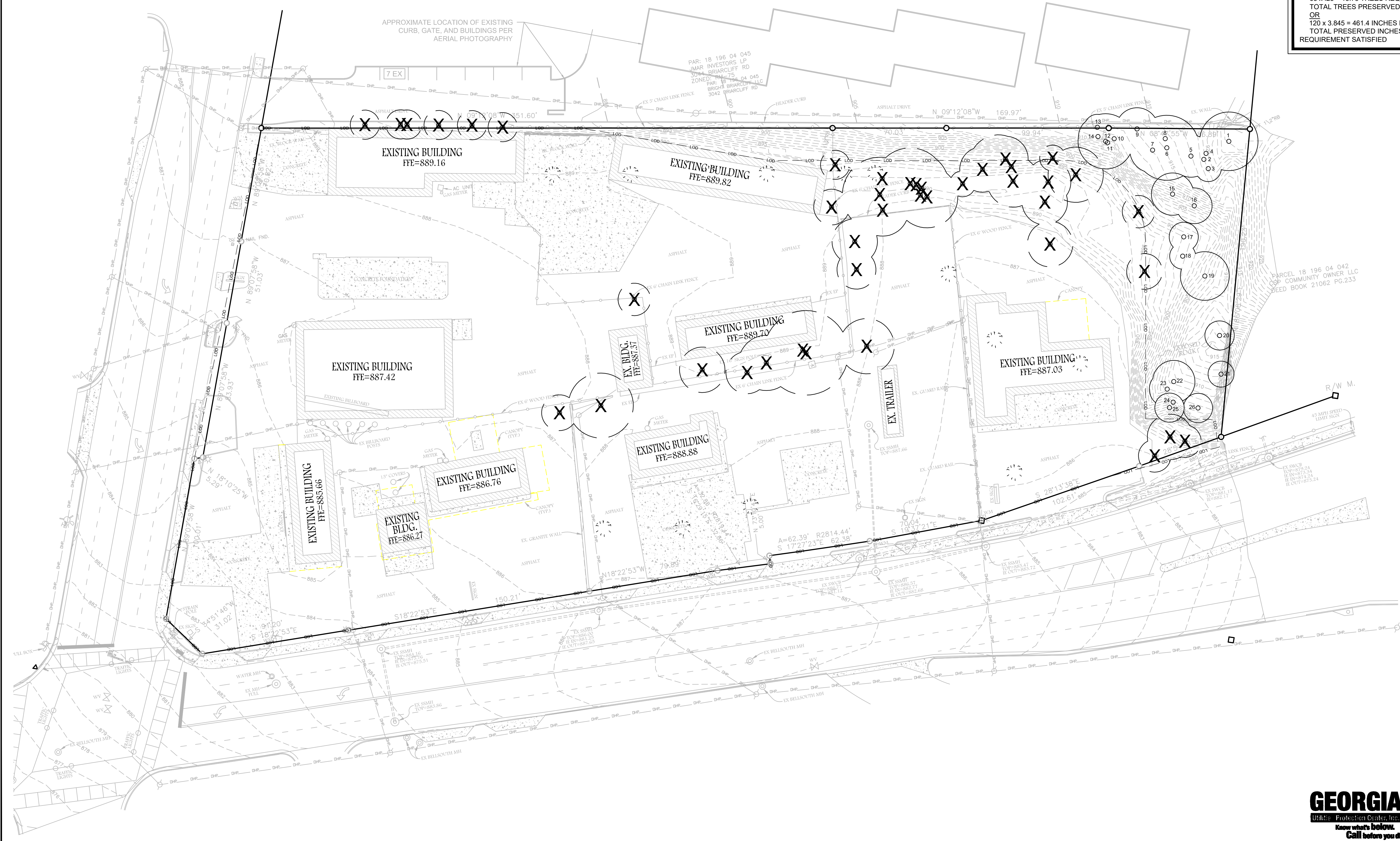


GSWCC NO. (LEVEL II)	22363
DRAWN BY	RWB
DESIGNED BY	RWB
REVIEWED BY	BLH
DATE	7/1/20
PROJECT NO.	017481003

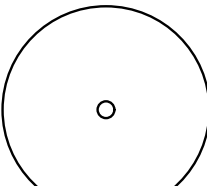
REZONING
SITE PLAN

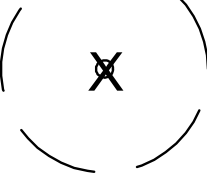
SHEET NUMBER
C0.10

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LEGEND:

 TREE TO REMAIN

 TREE TO REMOVE

 TRANSITIONAL BUFFER TYPE B

 LIMIT OF DISTURBANCE

CALCULATIONS:

SITE DENSITY:

TOTAL SITE AREA: 3.845 ACRES
30 UNITS PER ACRE REQUIRED
3.845 x 30 = 115.35 UNITS REQUIRED

EXISTING UNITS: 83.8
115.35 - 83.8 = 31.55 REPLACEMENT UNITS REQUIRED
REPLACEMENT UNITS PROVIDED: 31.8
REQUIREMENT SATISFIED

PARKING LOT:

1 TREE REQUIRED PER 8 PARKING SPACES
TOTAL PARKING SPACES IN SURFACE LOT: 21
21 / 8 = 3 TREES REQUIRED
TOTAL TREES PROVIDED IN PARKING LOT: 3
REQUIREMENT SATISFIED

SIGNIFICANT TREE PRESERVATION:

120" PER ACRE OR 25% (WHICHEVER IS LESS) OF EXISTING
SIGNIFICANT TREES TO BE PRESERVED
TOTAL SITE AREA: 3.845 ACRES
TOTAL SIGNIFICANT TREES: 63 TREES
63 x .25 = 15.75 TREES REQUIRED TO BE PRESERVED
TOTAL TREES PRESERVED: 26 TREES
OR
120 x 3.845 = 461.4 INCHES REQUIRED TO BE PRESERVED
TOTAL PRESERVED INCHES: 292 INCHES
REQUIREMENT SATISFIED

TREE #	EXISTING TREES TO REMAIN (IN INCHES)	UNITS
1	18	4.8
2	10	3.2
3	8	2.4
4	8	2.4
5	13	4
6	20	5.4
7	14	4
8	8	2.4
9	13	4
10	12	3.2
11	8	2.4
12	17	4.8
13	8	2.4
14	12	3.2
15	13	4
16	11	3.2
17	9	2.4
18	8	2.4
19	15	4
20	9	2.4
21	8	2.4
22	13	4
23	11	3.2
24	8	2.4
25	9	2.4
26	9	2.4
SUBTOTALS:		83.8

PREPARED BY

Kimley»Horn

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3080 BRIARCLIFF ROAD, SUITE 200
ATLANTA, GA 30329
PHONE 770.825.0744
WWW.KIMLEY-HORN.COM

STEIN INVESTMENT GROUP

5607 GLENRIDGE DRIVE, SUITE 200
ATLANTA, GA 30342
PHONE: 770.580.2480

PROJECT

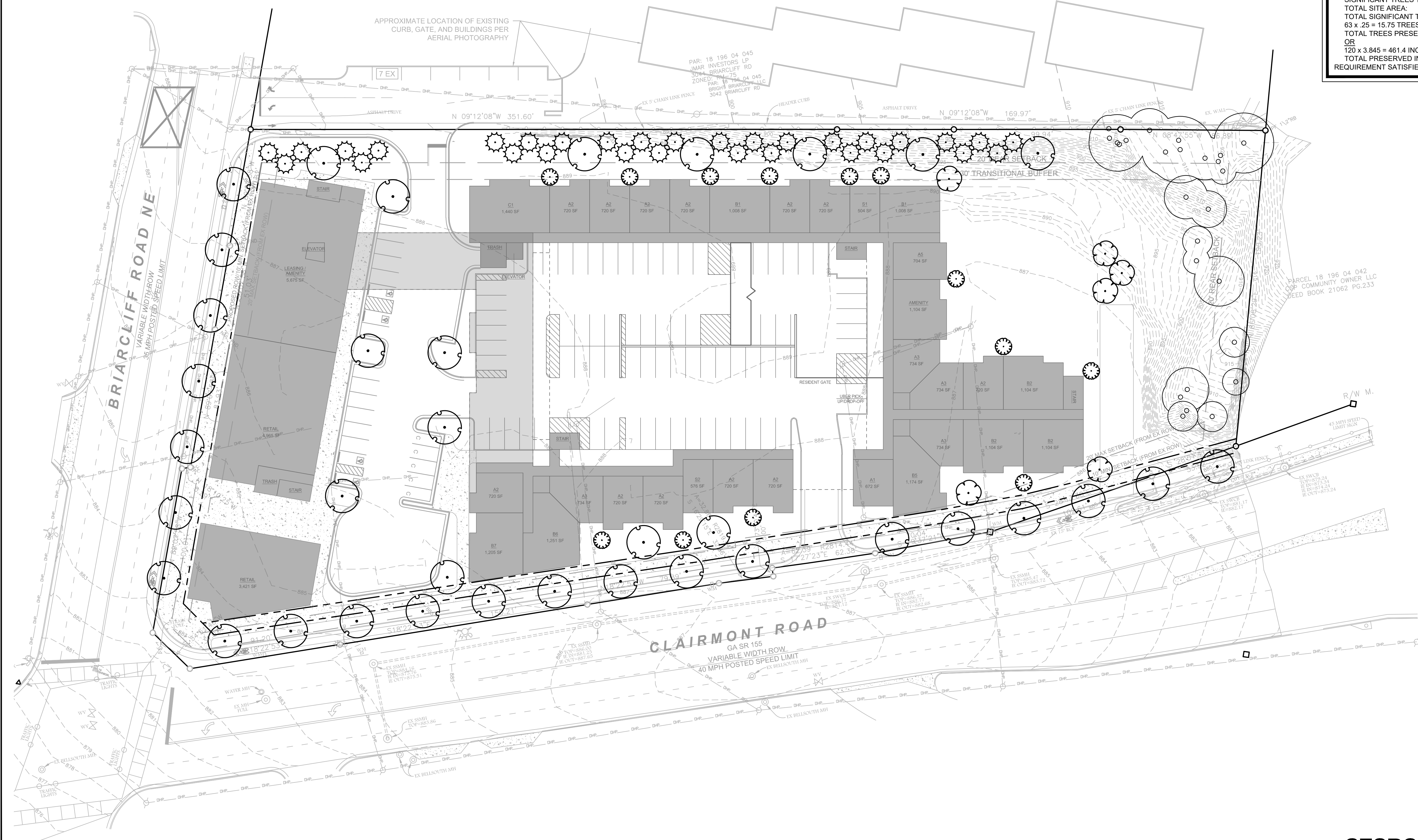
BRIARCLIFF WEST
3080 BRIARCLIFF ROAD
ATLANTA, GA 30329
DEKALB COUNTY

PRELIMINARY
NOT FOR CONSTRUCTION

7/1/20

GSWCC NO. (LEVEL II) 22363
DRAWN BY KCW
DESIGNED BY KCW
REVIEWED BY TML
DATE 7/1/2020
PROJECT NO. 017481003
TITLE **TREE PROTECTION PLAN**
SHEET NUMBER **L1-00**

Drawing name: C:\Users\Kate.Winn\KIMPTC Development Services - Documents\017481003_3086 Briarcliff Road\CAD\PlanSheets\1-00 LANDSCAPE PLAN.dwg Jun 30, 2020 2:01pm by Kate.Winn



CONCEPT PLANT SCHEDULE

		QTY	SIZE	UNITS	TOTAL UNITS
	COLUMNAR DECIDUOUS TREE	13	2" CAL	.4	5.2
	EVERGREEN TREE	31	2" CAL	.2	6.2
	OVERSTORY TREE	36	3" CAL	.5	18.0
	UNDERSTORY TREE	6	2" CAL	.4	2.4

CALCULATIONS:

SITE DENSITY:

TOTAL SITE AREA: 3.845 ACRES
30 UNITS PER ACRE REQUIRED
3.845 x 30 = 115.35 UNITS REQUIRED

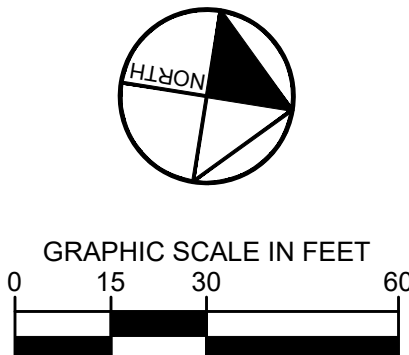
EXISTING UNITS: 83.8
115.35 - 83.8 = 31.55 REPLACEMENT UNITS REQUIRED
REPLACEMENT UNITS PROVIDED: 31.8
REQUIREMENT SATISFIED

PARKING LOT:

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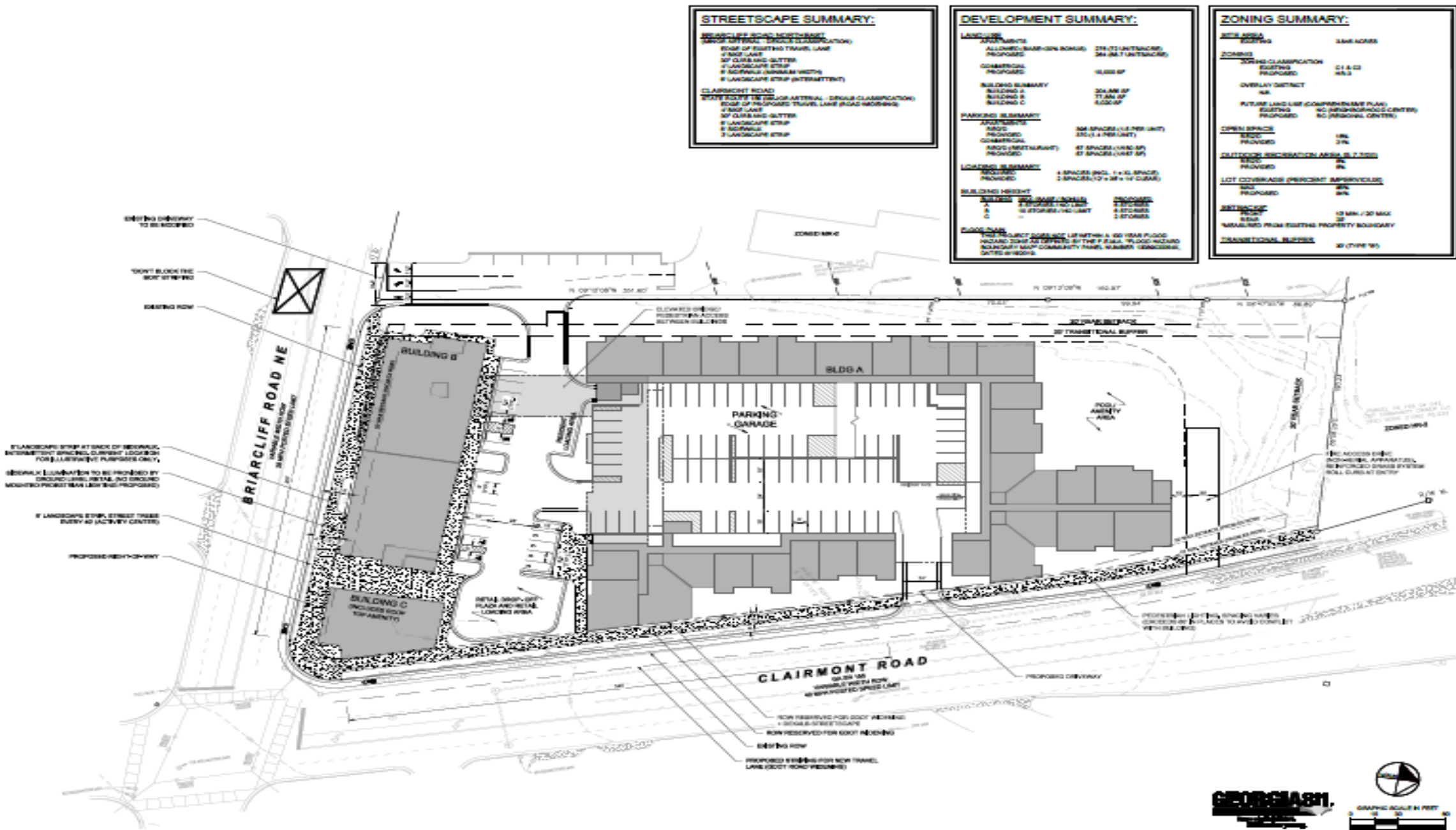
GSWCC NO. (LEVEL II)	22363
DRAWN BY	KCW
DESIGNED BY	KCW
REVIEWED BY	TML
DATE	7/1/2020
PROJECT NO.	017481003
TITLE	TREE REPLACEMENT PLAN
SHEET NUMBER	L2-00

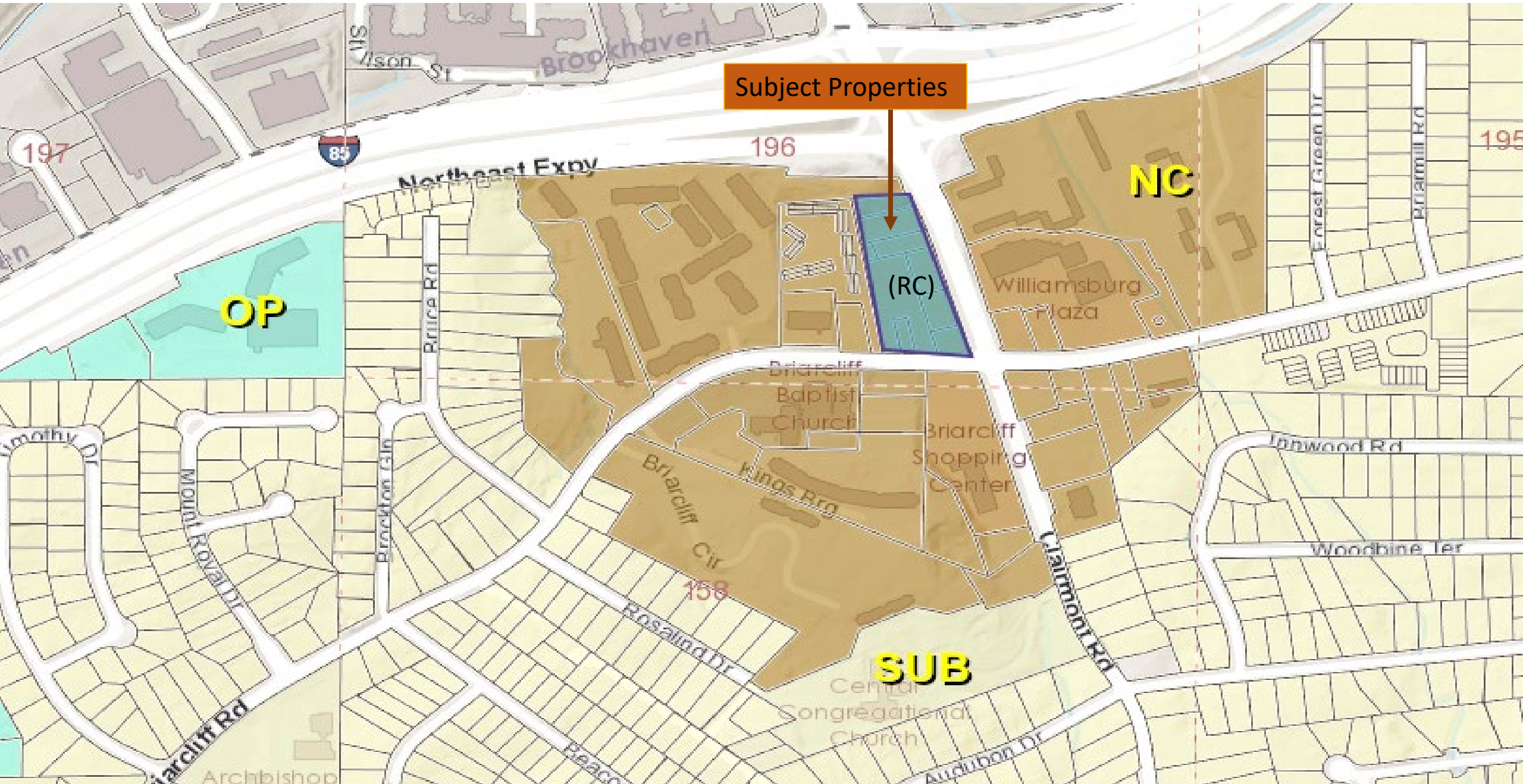
PREPARED FOR
STEIN INVESTMENT GROUP

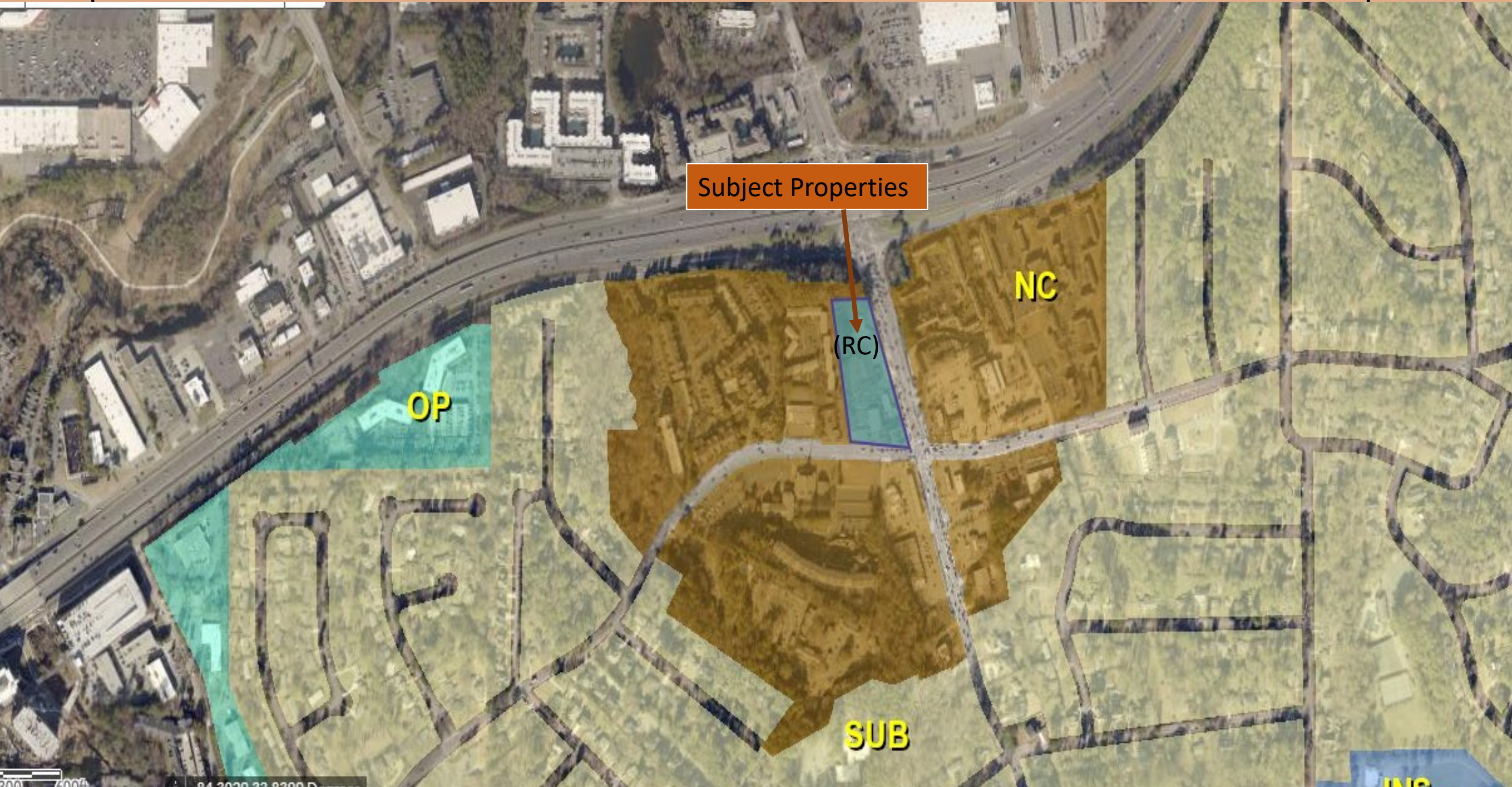
PREPARED BY
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Subject Properties

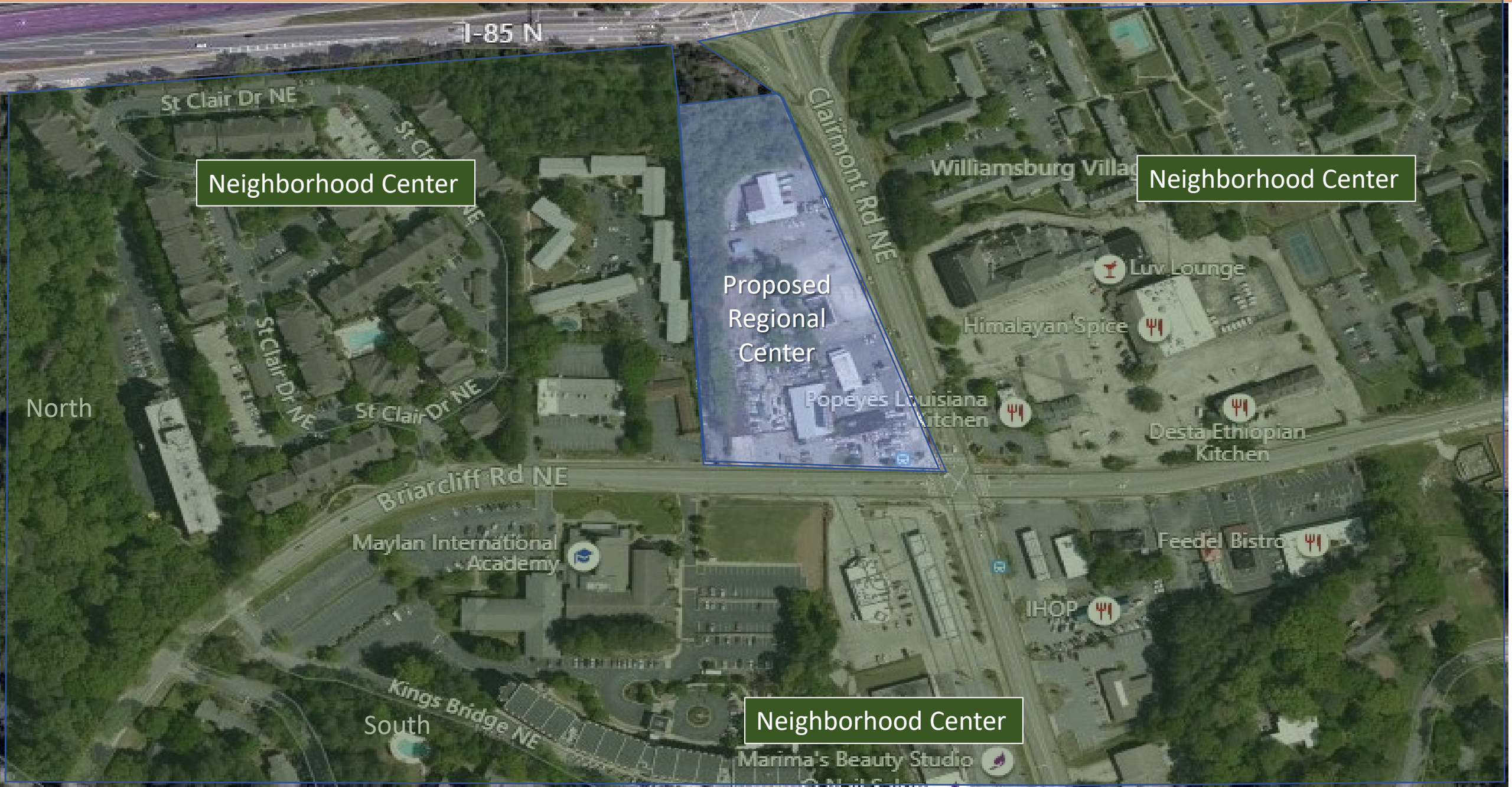
NC

(RC)

OP

SUB

INC



Neighborhood Center

Proposed Regional Center

Neighborhood Center

Neighborhood Center

DEKALB ACTIVITY CENTERS



Neighborhood Center

Primary Uses:
Townhomes, Condominiums, Apartments, Retail & Commercial, Office, Park & Rec, Civic, Entertainment, Health Care & Technology

Density: Up to 24 dwelling units per acre

Desired Building Height: Up to 3 stories



Town Center

Primary Uses:
Townhomes, Condominiums, Apartments, Retail & Commercial, Office, Park & Rec, Civic, Entertainment, Health Care & Technology

Density: Up to 60 dwelling units per acre

Desired Building Height: Up to 5 stories



Regional Center

Primary Uses:
Townhomes, Condominiums, Apartments, Retail & Commercial, Office, Park & Rec, Civic, Entertainment, Health Care & Technology

Density: up to 120 dwelling units per acre

Desired Building Height: Over 10 stories (no maximum)



Regional Center Characteristics

- Regional Center covers large tracts of land
- Promotes a cluster of Unified Development.
- Consist of high floor-area-ratios.
- Consist of high vehicular traffic and transit Use.
- Consist high intensity of Regional commercial, office, and employment areas.
- Consist of major Infrastructure.
- Density :Up to 120 units per acre.
- Building Height : minimum 10 stories.