

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: PSC Holdings Druid Hills LLC c/o Julie L. Sellers

Daytime Phone #: (404) 665-1242 Fax #: _____

Mailing Address: Dillard Sellers, LLC, 1776 Peachtree St. NW, Suite 390N, Atlanta GA 30309

_____ E-mail: jsellers@dillardsellers.com

OWNER NAME: Please see attached. (If
more than one owner, attach contact information for each owner)

Daytime Phone #: _____ Fax #: _____

Mailing Address: _____

_____ E-mail: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: 3033 North Druid Hill Road

_____, DeKalb County, GA, 30329

District(s): 10 th Land Lot(s): 113 Block(s): _____ Parcel(s): 18-112-02-003

Acreage or Square Feet: 0.77 Commission District(s): District 2 Existing Zoning: C-1
Super District 6

Proposed Special Land Use (SLUP): restaurant with drive thru

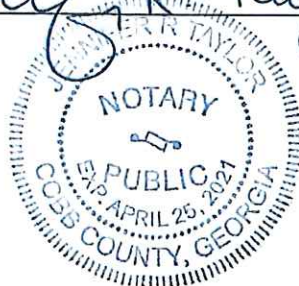
I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: _____ Agent: X Signature of Applicant: 
(Check One)

Printed Name of Applicant: Julie L. Sellers

Notary Signature and Seal:





DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

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

Date: 10/28/2020

TO WHOM IT MAY CONCERN:

(I) (WE), Sharon E. Barefoot and the Estate of Reginaldo Castaldo

Name of Owner(s)

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

Name of Applicant or Agent

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

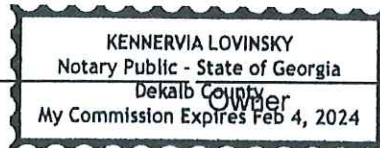
Kennervia Lovinsky
Notary Public

Reginaldo Castaldo Executor
Owner

Kennervia Lovinsky
Notary Public

Sharon E. Barefoot
Owner

Notary Public



Notary Public

Owner

Property Owners/Sellers

1. Sharon E. Barefoot

Address: 3201 Meadowlark Rd Dunn NC 28334

Telephone Number: 404 326-0664

2. Estate of Reginaldo Castaldo

Address: 1511 Rainier Falls Dr Atlanta GA 30329

Telephone Number: 404-213-6092

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

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

Applicant Name: Julie Sellers Phone: 404-665-1242 Email: jseller@dillardsellers.com

Property Address: 3033 North Druid Hills Road

Tax Parcel ID: 18-112-02-003 Comm. District(s): 216 Acreage: 0.77

Existing Use: Vacant Restaurant Proposed Use: Restaurant w/ Drive thru

Supplemental Regs: 27-4.2.23 Overlay District: --- DRI: ---

Rezoning: Yes --- No ✓

Existing Zoning: C-1 Proposed Zoning: --- Square Footage/Number of Units: ---

Rezoning Request: ---

Land Use Plan Amendment: Yes --- No ✓

Existing Land Use: C-1 Proposed Land Use: --- Consistent ✓ Inconsistent ---

Special Land Use Permit: Yes ✓ No --- Article Number(s) 27- 4.2.23

Special Land Use Request(s) Restaurant w/ Drive thru

Major Modification:

Existing Case Number(s): ---

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: _____
Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____ Bldg. Height: _____ Bldg.
Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____ Roofs: _____ Fenestration: _____
Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____
Possible Variances: possible buffer variance

Comments:

Planner: 

Date 10/20/20

Filing Fees

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

LAND USE MAP AMENDMENT	\$500.00
------------------------	----------

SPECIAL LAND USE PERMIT	\$400.00
-------------------------	----------

Dear Property Owner:

We invite you to join us for a Community Meeting video conference learn about a redevelopment plan for an outparcel near the Toco Hills Shopping Plaza for a Andy's Frozen Custard location. We anticipate filing a Special Land Use Permit Application for approval of a drive thru and are providing you this notice because your property may be within 500 feet of the redevelopment site.

REQUEST: Special Land Use Permit Application

STREET LOCATION: 3033 North Druid Hills Road

PROPOSED DEVELOPMENT: Andy's Frozen Custard with a drive-thru facility

COMMUNITY MEETING

October 27, 2020

6:30pm

Due to the COVID-19 outbreak and in accordance with social distancing guidelines, online access to the Community Meeting will be:

Zoom Meeting

<https://zoom.us/j/98238156753?pwd=Zy9tV1YwTFJSbi9BWjVNbEFqOW1udz09>

Meeting ID: 982 3815 6753; Passcode: 661530

Participants may also join by telephone

1 (312) 626-6799

Meeting ID: 982 3815 6753; Passcode: 661530

Other public hearings will likely include:

COMMUNITY COUNCIL

December 8, 2020

6:30 p.m.*

PLANNING COMMISSION HEARING

January 5, 2021

6:30pm*

BOARD OF COUNTY COMMISSIONERS HEARING

January 26, 2021

6:30pm*

*Location to be determined by DeKalb County

If you have questions about the application or development plans, please contact Julie L. Sellers at (404) 665-1242 or jsellers@dillardsellers.com.

Dear Property Owner:

We invite you to join us for a Community Meeting video conference learn about a redevelopment plan for an outparcel near the Toco Hills Shopping Plaza for a Andy's Frozen Custard location. We anticipate filing a Special Land Use Permit Application for approval of a drive thru and are providing you this notice because your property may be within 500 feet of the redevelopment site.

REQUEST: Special Land Use Permit Application

STREET LOCATION: 3033 North Druid Hills Road

PROPOSED DEVELOPMENT: Andy's Frozen Custard with a drive-thru facility

COMMUNITY MEETING

October 27, 2020

6:30pm

Due to the COVID-19 outbreak and in accordance with social distancing guidelines, online access to the Community Meeting will be:

Zoom Meeting

<https://zoom.us/j/98238156753?pwd=Zy9tV1YwTFJSbi9BWjVNbEFqOW1udz09>

Meeting ID: 982 3815 6753; Passcode: 661530

Participants may also join by telephone

1 (312) 626-6799

Meeting ID: 982 3815 6753; Passcode: 661530

Other public hearings will likely include:

COMMUNITY COUNCIL

December 8, 2020

6:30 p.m.*

PLANNING COMMISSION HEARING

January 5, 2021

6:30pm*

BOARD OF COUNTY COMMISSIONERS HEARING

January 26, 2021

6:30pm*

*Location to be determined by DeKalb County

If you have questions about the application or development plans, please contact Julie L. Sellers at (404) 665-1242 or jsellers@dillardsellers.com.



Name and Address of Sender

Dillard Sellers, LLC
1776 Peachtree Street NW
Suite 390N
Atlanta, GA 30309

Check type of mail or service

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature Required | <input type="checkbox"/> Priority Mail Express |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail |
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation |
| <input type="checkbox"/> Collect on Delivery (COD) | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Priority Mail | |

Affix Stamp Here
(for additional copies of this 1
Postmark with Date of Rec)



0000

U.S. POSTAGE PAID
ATLANTA, GA
30339
OCT 14, 20
AMOUNT
\$21.07
R2305H130535-47

USPS Tracking/Article Number

Addressee (Name, Street, City, State, & ZIP Code™)

Postage	(Extra Service) Fee	Handling Charge	Actual if Regis
---------	---------------------	-----------------	-----------------

1. HILDEBRAN MICHAEL E
1183 PROVIDENCE PL
DECATUR GA 30033

2. REIMER RODERICK B
1154 PROVIDENCE PL
DECATUR GA 30033

3. ARMSTRONG NICHOLAS S
1130 PROVIDENCE PL
DECATUR GA 30033

4. TALBOT THANDI A
1153 PROVIDENCE PL
DECATUR GA 30033

5. THOMAS JOHN N JR
1148 PROVIDENCE PL
DECATUR GA 30033

6. ZAVACKI RAYMOND
1141 WALDORFS CT
DECATUR GA 30033

7. ALVAREZ SUSAN
1142 WALDORFS CT
DECATUR GA 30033

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office



Name and Address of Sender		Check type of mail or service	Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.												
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.		WILSON ASHLEY SCHERER 1182 PROVIDENCE PL DECATUR GA 30033													
2.		BENEDICT ALAN LEE LIVING TRUST 3920 PACES MNR ATLANTA GA 30339													
3.		BROCK EVANNE L 1110 NORTHCHASE PKWY STE 150 MARIETTA GA 30067													
4.		PATEL RAJESH S 1133 PROVIDENCE PL DECATUR GA 30033													
5.		BRENNAMAN GARY BURGESS 1106 PROVIDENCE PL DECATUR GA 30033													
6.		CLAIRMONT PRESBYTERIAN CHURCH 1994 CLAIRMONT RD DECATUR GA 30033													
7.		KRYGER PETER J 1142 PROVIDENCE PL DECATUR GA 30033													
8.															
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)													



Check type of mail or service

<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Affix Stamp Here
(for additional copies of this receipt).
Postmark with Date of Receipt.

USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.		ABREU LINDSEY CATHARINE 1188 PROVIDENCE PL DECATUR GA 30033													
2.		JENKS MARY A REVOCABLE LIVING TRUST 1136 PROVIDENCE PL DECATUR GA 30033													
3.		KIANI SOROOSH 1147 PROVIDENCE PL DECATUR GA 30033													
4.		BRIDGEPOINT CHURCH AT TOCO HILLS INC 1995 CLAIMONT RD. DECATUR GA 30033													
5.		PROVIDENCE TOWNHOMES 11735 POINTE PL ROSWELL GA 30076													
6.		TOCO INSTANT PRINTING INC 2960 N DRUID HILLS RD NE ATLANTA GA 30329													
7.		CLARK LINDSEY 1157 PROVIDENCE PL DECATUR GA 30033													
8.															

WILL POSTAGE
 ATLANTA GA
 OCT 11 2020
 3708USPS

Handling Charge - Registered and over \$50,000 in value

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

Total Number of Pieces Listed by Sender <div style="font-size: 2em; font-weight: bold; text-align: center;">7</div>	Total Number of Pieces Received at Post Office <div style="font-size: 2em; font-weight: bold; text-align: center;">7</div>
--	---



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.												
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.		CHAN BONNIE 1171 PROVIDENCE PL DECATUR GA 30033														
2.		KING ERIC JOSEPH 1126 PROVIDENCE PL DECATUR GA 30033														
3.		BROGDEN CAMERON 1145 PROVIDENCE PL DECATUR GA 30033														
4.		JONES ALEXANDER H 1138 PROVIDENCE PL DECATUR GA 30033														
5.		NEWFIELD PETER M 1126 WALDORFS CT DECATUR GA 30033														
6.		REARDON SUSAN B 1178 PROVIDENCE PL DECATUR GA 30033														
7.		SUMMERS JOY HARRELL 1137 PROVIDENCE PL DECATUR GA 30033														
8.																
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)												



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.		MURRAY MARY BUTLER 1145 WALDORFS CT DECATUR GA 30033															
2.		PARK CHONG WOO 2996 N DRUID HILLS RD NE DECATUR GA 30033															
3.		LALL BIANCA 1165 PROVIDENCE PL DECATUR GA 30033															
4.		CASTALDO REGINALDO 3033 N DRUID HILLS RD NE ATLANTA GA 30329															
5.		NORTHERN REALTY LLC 45 OTTAWA AVE SW STE 600 GRAND RAPIDS MI 49503															
6.		NOVAK DEVELOPMENT CORPORATION 6400 POWERS FERRY RD NW # 100 ATLANTA GA 30339															
7.		VADLAMUDI RATNA 1151 PROVIDENCE PL DECATUR GA 30033															
8.																	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)													



Firm Mailing Book For Accountable Mail

Name and Address of Sender Dillard Sellers, LLC 1776 Peachtree Street NW Suite 390N Atlanta, GA 30309		Check type of mail or service <input type="checkbox"/> Adult Signature Required <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Signature Confirmation Restricted Delivery		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee			
1.	KILBURN NORMAN W III 1132 PROVIDENCE PL DECATUR GA 30033																
2.	ZHANG LIN 1150 PROVIDENCE PL DECATUR GA 30033																
3.	PREUSS TODD M 1150 MCCONNELL DR DECATUR GA 30033																
4.	PATEL JITENDRA K 1184 PROVIDENCE PL DECATUR GA 30033																
5.	KUO JAMES 1172 PROVIDENCE PL DECATUR GA 30033																
6.	NELMS KAREN S 1162 PROVIDENCE PL DECATUR GA 30033																
7.	PEREZ CHRISSY 1175 PROVIDENCE PL DECATUR GA 30033																
8.																	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office															

Handling Charge - if Registered and over \$50,000 in value

ALL POSTAL STORE
ATLANTA GA
OCT 14 2020
USPS



Name and Address of Sender		Check type of mail or service	Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.												
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.		WISNIEWSKI TOM C 1125 WALDORFS CT DECATUR GA 30033													
2.		MILLER PALMORE DEBRA 1962 AZALEA CIR DECATUR GA 30033													
3.		CLAIRMONT PRESBYTERIAN CHURCH 1994 CLAIRMONT RD DECATUR GA 30033													
4.		BENNETT TIFFANY IVIE 1163 PROVIDENCE PL DECATUR GA 30033													
5.		CURLIN THOMAS KENNEDY 1149 PROVIDENCE PL DECATUR GA 30033													
6.		HUTTON BRADLEY M 1134 PROVIDENCE PL DECATUR GA 30033													
7.		WASHBURN MARJORIE 1122 PROVIDENCE PL DECATUR GA 30033													
8.															
Total Number of Pieces Listed by Sender 7		Total Number of Pieces Received at Post Office 7		Postmaster Per (Name of receiving employee)											



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.		VARGAS WILLY 1186 PROVIDENCE PL DECATUR GA 30033															
2.		KRUSZEWSKI PATRICE 1174 PROVIDENCE PL DECATUR GA 30033															
3.		SLOAN AMANDA 1131 PROVIDENCE PL DECATUR GA 30033															
4.		GOWDA RENUKA 1181 PROVIDENCE PL DECATUR GA 30033															
5.		TAPS DUSTIN 1156 PROVIDENCE PL DECATUR GA 30033															
6.		KRAUS RICHARD 2968 N DRUID HILLS RD NE ATLANTA GA 30329															
7.		TWENTY NINE SIXTY THREE NORTH 6000 LAKE FORREST DR STE 400 ATLANTA GA 30328															
8.																	
Total Number of Pieces Listed by Sender 7		Total Number of Pieces Received at Post Office 7		Postmaster, Per (Name of receiving employee)													



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.		LI ZHONG 1169 PROVIDENCE PL DECATUR GA 30033															
2.		WANG HEQIONG 1128 PROVIDENCE PL DECATUR GA 30033															
3.		HSU HSIN JU 1155 PROVIDENCE PL DECATUR GA 30033															
4.		CARROLL JOHN P 1180 PROVIDENCE PL DECATUR GA 30033															
5.		OLLAR JOHN D 1168 MCCONNELL DR DECATUR GA 30033															
6.		CLAIRMONT PRESBYTERIAN CHURCH 1994 CLAIRMONT RD DECATUR GA 30033															
7.		ALL IS POSSIBLE LLC 1027 PARC LN E DECATUR GA 30033															
8.																	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office															

Handling Charge if Registered and over \$50,000 in value



Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling



Name and Address of Sender		Check type of mail or service	Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.												
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.		OBIDENY MIKHAIL 16565 QUAYSIDE DR ALPHARETTA GA 30004													
2.		ZAVACKI RAYMOND 1141 WALDORFS CT DECATUR GA 30033													
3.		LIU CHANG 1158 PROVIDENCE PL DECATUR GA 30033													
4.		PARK CHONG WOO 2996 N DRUID HILLS RD NE ATLANTA GA 30329													
5.		TOCO HILLS (E&A) LLC 1221 MAIN ST # 1000 COLUMBIA SC 29201													
6.		ZARINA INVESTMENTS LLLP 3987 MERRIWEATHER WOODS ALPHARETTA GA 30022													
7.		TOCO HILLS (E&A) LLC 1221 MAIN ST # 1000 COLUMBIA SC 29201													
8.															
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office													



Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.		BAUGHCUM JIMMY 1167 PROVIDENCE PL DECATUR GA 30033															
2.		JAJJA MOHAMMAD RAHEEL 1152 PROVIDENCE PL DECATUR GA 30033															
3.		CLAIRMONT PRESBYTERIAN CHURCH 1994 CLAIRMONT RD DECATUR GA 30033															
4.		KARL PHILIP J 1164 PROVIDENCE PL DECATUR GA 30033															
5.		THOMAS ROBIN L 1185 PROVIDENCE PL DECATUR GA 30033															
6.		SCHRECK ADDISON JOHNSON 1159 PROVIDENCE PL DECATUR GA 30033															
7.		LERCH ANDREW J 1173 PROVIDENCE PL DECATUR GA 30033															
8.																	

Handing Charge - Registered and over \$50,000 in value

Postmaster, Per (Name of receiving employee)

Total Number of Pieces
Listed by SenderTotal Number of Pieces
Received at Post Office



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.													
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee	
1.		FULLER SUSAN M 1140 PROVIDENCE PL DECATUR GA 30033				Handling Charge - if Registered and over \$50,000 in value											
2.																	
3.		PHILLIPS MICHAEL KENT 1146 PROVIDENCE PL DECATUR GA 30033															
4.																	
5.		MADDOX BROOKS WELLS III 1134 WALDORFS CT DECATUR GA 30033															
6.		ALLEN GEORGE J 1124 PROVIDENCE PL # 31 DECATUR GA 30033															
7.																	
8.		PIERRE JEANETTE ST 1176 PROVIDENCE PL DECATUR GA 30033															
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)													



Firm Mailing Book For Accountable Mail

Name and Address of Sender		Check type of mail or service		Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.															
USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee			
1.		WOODLEY SHARONA 1129 PROVIDENCE PL DECATUR GA 30033				Handling Charge - if Registered and over \$50,000 in value													
2.		AHMED OMAR M 2564 RETREAT CIR LISLE, IL 60532																	
3.		PALMER ERNEST J 1121 PROVIDENCE PL DECATUR, GA 30033																	
4.		BOROWSKY BARBARA J 1125 PROVIDENCE PL # 27 DECATUR, GA 30033																	
5.		GRIMES ERIN ELIZABETH 1127 PROVIDENCE PL DECATUR, GA 30033																	
6.																			
7.																			
8.																			
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)															

LEGAL DESCRIPTION

RECORD PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 112 of the 18th District of DeKalb County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the common intersection of Land Lots 103, 104, 111, 112, running thence in a Northerly direction along the Western Line of Land Lot 112, 11.02 feet to an iron pin, thence continuing Northerly along the Western Line of Land Lot 112 218.35 feet AND THE TRUE POINT OF BEGINNING, running thence North 00 degrees 34 minutes 48 seconds east along the western line of Land Lot 112, a distance of 170.00 feet to an iron pin, running thence north 78 degrees 21 minutes 07 seconds east, a distance of 175.70 feet to a nail set located on the Southwestern side of North Druid Hills Road (60-foot right-of-way); running thence south 28 degrees 45 minutes 10 seconds east along the Southwestern side of North Druid Hills Road, a distance of 148.06 feet to a nail set; continuing thence south 27 degrees 24 minutes 30 seconds east along the Southwestern side of North Druid Hills Road, a distance of 31.94 feet to a nail set; running thence south 79 degrees 40 minutes 41 seconds west, a distance of 264.00 feet to an iron pin located on the Western Line of Land Lot 112, and the point of beginning, said tract containing 0.854 acres, according to plat of survey by Jean G. Cribb, Registered Land Surveyor, dated February 2, 1979.

LESS AND EXCEPT from the above-described property any portion of subject property conveyed in Right-of-Way Deed from Hardsee's Food Systems, Inc., a North Carolina corporation to DeKalb County, dated April 10, 1979, recorded in Deed Book 4025, page 186, DeKalb County, Georgia, Records.

SURVEY PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lot 112, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the Westerly right-of-way of North Druid Hills Road (variable right-of-way) with the Westerly line of Land Lot 112, thence along said right-of-way, in a southerly direction, 289 feet to a 1/2 inch open top pipe found; thence South 78 degrees 21 minutes 53 seconds West, a distance of 5.80 feet to a 5/8 inch rebar set, said point being the True Point of Beginning; thence continuing along said right-of-way, along a curve to the right, said curve having an arc length of 179.15 feet with a radius of 2037.34 feet, being subtended by a chord bearing of South 27 degrees 59 minutes 55 seconds East, a distance of 179.09 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 79 degrees 41 minutes 53 seconds West, a distance of 243.15 feet to a 1/2 inch rebar found on the westerly line of Land Lot 112; thence along said Land Lot Line North 00 degrees 36 minutes 00 seconds East, a distance of 170.04 feet to a 1/2 inch rebar found; thence leaving said Land Lot Line North 78 degrees 21 minutes 53 seconds East, a distance of 156.59 feet to a 5/8 inch rebar set on the Westerly right-of-way of North Druid Hills Road, said point being the True Point of Beginning.

Said tract of land contains 0.780 Acres.

BEING THE SAME PROPERTY AS DESCRIBED IN A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 08497.0005, EFFECTIVE DATE JULY 11, 2020.



①



②



③



④



⑤



⑥

SITE PHOTOGRAPHS

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 08497.0005, REVISION NO. 1, EFFECTIVE DATE JULY 11, 2020.

10. Easement from REGINALDO AND SHARON B. CASTALDO TO GEORGIA POWER COMPANY, executed May 2, 1993 (SIC), filed April 23, 1993, recorded in Deed Book 7645, Page 765, DeKalb County, Georgia Records.

AFFECTS SITE - BLANKET EASEMENT - NOT PLOTTABLE

11. Easement from HARDEE'S FOOD SYSTEMS (sic) TO GEORGIA POWER COMPANY, executed May 8, 1979, filed June 23, 1979, recorded in Deed Book 4091, Page 19, DeKalb County, Georgia Records.

AFFECTS SITE - BLANKET EASEMENT - NOT PLOTTABLE

12. Right of Way Deed from HARDEE'S FOOD SYSTEMS, INC., to DeKALB COUNTY, executed April 10, 1979, filed April 28, 1979, recorded in Deed Book 4025, Page 156, DeKalb County, Georgia Records.

AFFECTS SITE - BLANKET EASEMENT FOR DRAINAGE - NOT PLOTTABLE

13. INTENTIONALLY DELETED

14. Right-of-Way Easement from CLAIRMONT PRESBYTERIAN CHURCH TO GEORGIA POWER COMPANY, executed November 18, 1956, filed December 20, 1956, recorded in Deed Book 1238, Page 265, DeKalb County, Georgia Records.

AFFECTS SITE - BLANKET EASEMENT - NOT PLOTTABLE

SURVEY PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lot 112, 18th District, DeKalb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the Westerly right-of-way of North Druid Hills Road (variable right-of-way) with the Westerly line of Land Lot 112, thence along said right-of-way, in a southerly direction, 289 feet to a 1/2 inch open top pipe found; thence South 78 degrees 21 minutes 53 seconds West, a distance of 5.80 feet to a 5/8 inch rebar set, said point being the True Point of Beginning; thence continuing along said right-of-way, along a curve to the right, said curve having an arc length of 179.15 feet with a radius of 2037.34 feet, being subtended by a chord bearing of South 27 degrees 59 minutes 55 seconds East, a distance of 179.09 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 78 degrees 41 minutes 53 seconds West, a distance of 243.15 feet to a 1/2 inch rebar found on the westerly line of Land Lot 112; thence, along said Land Lot Line North 00 degrees 36 minutes 00 seconds East, a distance of 170.04 feet to a 1/2 inch rebar found; thence leaving said Land Lot Line North 78 degrees 21 minutes 53 seconds East, a distance of 156.59 feet to a 5/8 inch rebar set on the Westerly right-of-way of North Druid Hills Road, said point being the True Point of Beginning.

Said tract of land contains 0.780 Acres.

BEING THE SAME PROPERTY AS DESCRIBED IN A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 08497.0005, EFFECTIVE DATE JULY 11, 2020.

RECORD PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 112, 18th District of DeKalb County, Georgia, being more particularly described as follows:

TO-TO BE THE TRUE POINT OF BEGINNING, begin at the common intersection of Land Lots 103, 104, 111, 112, running thence in a southerly direction along the western line of Land Lot 112, 11.92 feet to an iron pin, thence continuing southerly along the western line of Land Lot 112, 11.92 feet AND THE TRUE POINT OF BEGINNING, running thence North 48 degrees 24 minutes 18 seconds east, along the western line of Land Lot 112, a distance of 170.09 feet to an iron pin, running thence North 78 degrees 21 minutes 53 seconds West, a distance of 243.15 feet to a 1/2 inch rebar found on the westerly line of Land Lot 112; thence, along said Land Lot Line North 00 degrees 36 minutes 00 seconds East, a distance of 170.04 feet to a 1/2 inch rebar found; thence leaving said Land Lot Line North 78 degrees 21 minutes 53 seconds East, a distance of 156.59 feet to a 5/8 inch rebar set on the Westerly right-of-way of North Druid Hills Road, said point being the True Point of Beginning.

Registered Land Surveyor, dated February 2, 1979.

LESS AND EXCEPT from the above-described property any portion of subject property conveyed in Right-of-Way Deed from Hardee's Food Systems, Inc., a North Carolina corporation to DeKalb County, dated April 10, 1979, recorded in Deed Book 4025, page 156, DeKalb County, Georgia, Records.

VICINITY MAP

SITE LOCATION - LATITUDE: 33° 48' 49" LONGITUDE: 84° 18' 34"



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1308900058K, AND THE DATE OF SAID MAP IS AUGUST 15, 2019. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, COORDINATE SYSTEM OF THE STATE PLANE COORDINATE SYSTEM.

THE SITE IS ZONED "C-1" (LOCAL COMMERCIAL DISTRICT) AS SHOWN IN A ZONING LETTER FROM DEKALB COUNTY DATED AUGUST 11, 2020, AND LIES WITHIN THE TOWNE CENTER CHARACTER AREA. THE MINIMUM YARD SETBACKS ARE:

FRONT - 20 FEET MINIMUM / 60 FEET MAXIMUM; SIDE - 15 FEET; REAR - 20 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

THE TAX PARCEL NUMBER OF THE SUBJECT SITE IS 18 112 02 003

OBSERVABLE ENCROACHMENTS, BOUNDARY ISSUES, AND OTHER PROPERTY MATTERS THAT ARE KNOWN TO THE SURVEYOR ARE SHOWN ON THE SURVEY.

SURVEY REFERENCES
1-2- TOPOGRAPHIC SURVEY OF TOCO HILLS PROMENADE, PREPARED BY GEOSURVEY, LTD., DATED DECEMBER 3, 2008 (JOB NO. 20083675).

SURVEYOR CERTIFICATION (ALTA/NSPS)

To: PSC Holdings-Druid Hills, LLC
First Mid Bank & Trust
Kitchens Kelley Gaynes, P.C.
Chicago 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, 2, 3, 4, 6(a), 7(a), 7(b)-7(d), 8, 9, 11, & 13 of Table A thereof. The field work was completed on August 10, 2020.

Date: August 10, 2020



SURVEYOR CERTIFICATION (GEORGIA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OR ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

John T. Newman
Georgia Professional
Land Surveyor # 3324

ALTA/NSPS LAND TITLE SURVEY

3033 North Druid Hills Road

FOR

PSC Holdings-Druid Hills, LLC
First Mid Bank & Trust
Kitchens Kelley Gaynes, P.C.
Chicago Title Insurance Company

GS JOB NO:	20206677	DRAWING SCALE:	1"= 20'	SURVEY DATE:	08-10-2020
FIELD WORK:	LB	CITY:	UNINCORPORATED	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	JTN	COUNTY:	DEKALB	No. Date Description	
REVIEWED:	JRC	STATE:	GA	1. 8-26-20 Address comments	
DWG FILE:	20206677-01.dwg	LAND LOT:	112		
		DISTRICT:	18TH		

GeoSurvey

Land Surveying • 3D Laser Scanning

1660 Barnes Mill Road
Marietta, Georgia 30062

Phone: (770) 795-9900
Fax: (770) 795-8880

www.geosurvey.com
EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621

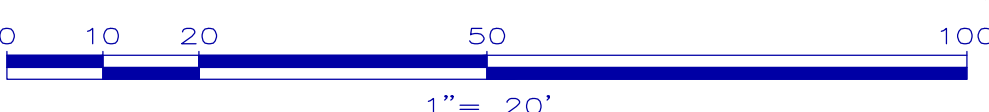
N/F PROPERTY OF
MEGHAN CASTALDO
AS EXECUTRIX UNDER THE LAST WILL AND
TESTAMENT OF REGINALDO CASTALDO A/K/A
REGINALD CASTALDO AND SHARON B. CASTALDO
N/K/A SHARON ELAINE BAREFOOT
DEED BOOK 7491 / PAGE 434

SITE AREA
0.780 Acres
33,989 sf
ZONED C-1

N/F PROPERTY OF
PROVIDENCE TOWNHOMES ASSOCIATION, INC.
DEED BOOK 13638 / PAGE 260
PLAT BOOK 127 / PAGE 52
ZONED MR-1

PARKING SUMMARY
45 REGULAR
2 HANDICAP
47 TOTAL

GRAPHIC SCALE



1"= 20'

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
1227 NORTH PEACHTREE PARKWAY, STE 178
PEACHTREE CITY, GA 30269

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

LEGEND

STANDARD ABBREVIATIONS

AC AIR CONDITIONER
BH BORE HOLE
BSL BUILDING SETBACK LINE
CI CURB INLET
CMP CORRUGATED METAL PIPE
CMF CONCRETE MONUMENT FND
CO SANITARY CLEANOUT
CPED COMMUNICATION PEDESTAL
CPT CRIMPED TOP PIPE
DI DROP INLET
DIP DUCTILE IRON PIPE
DWB DOUBLE WING CATCH BASIN
FNC FENCE
FND FOUND
FM GAS METER
INV INVERT
JB JUNCTION BOX
MH MANHOLE
OCS OUTLET CONTROL STRUCTURE
OTP OPEN TOP PIPE
PKS PK NAIL SET
PMB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
RCP REINFORCED CONCRETE PIPE
RBR IRON REINFORCING BAR
RBS 5/8"RBR SET CAPPED LSF 621
SS SANITARY SEWER
SWCB SINGLE WING CATCH BASIN
TRANS ELECTRIC TRANSFORMER

STANDARD SYMBOLS

OVERHEAD TRAFFIC SIGNAL LIGHT
POWER POLE
GUY WIRE
POWER LINE
LIGHT POLE
ELECTRIC TRANSFORMER
WATER VAULT
GAS VALVE
GAS METER
WATER VALVE
WATER METER
FIRE HYDRANT
UNDERGROUND ELECTRIC LINE
UNDERGROUND GAS LINE
UNDERGROUND COMMUNICATION LINE
UNDERGROUND WATER LINE
PHOTO POSITION INDICATOR
REGULAR PARKING SPACE COUNT
HANDICAP PARKING SPACE
TREE POSITION INDICATOR
SIGN
POWER BOX

CLOSURE STATEMENT

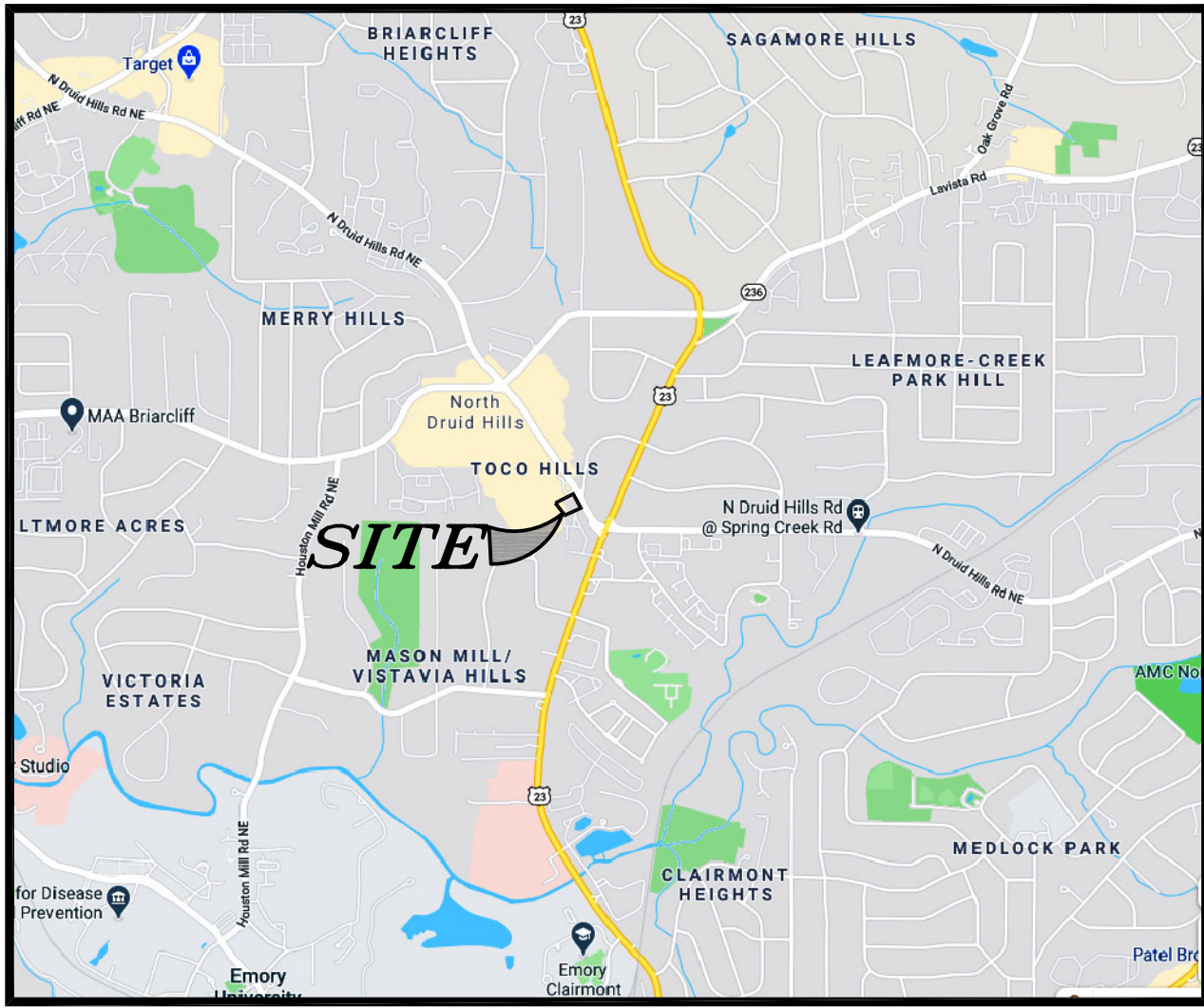
THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 104,942", AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-6 TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 202,062 FEET, WITHIN LIMIT.

IF YOU DIG

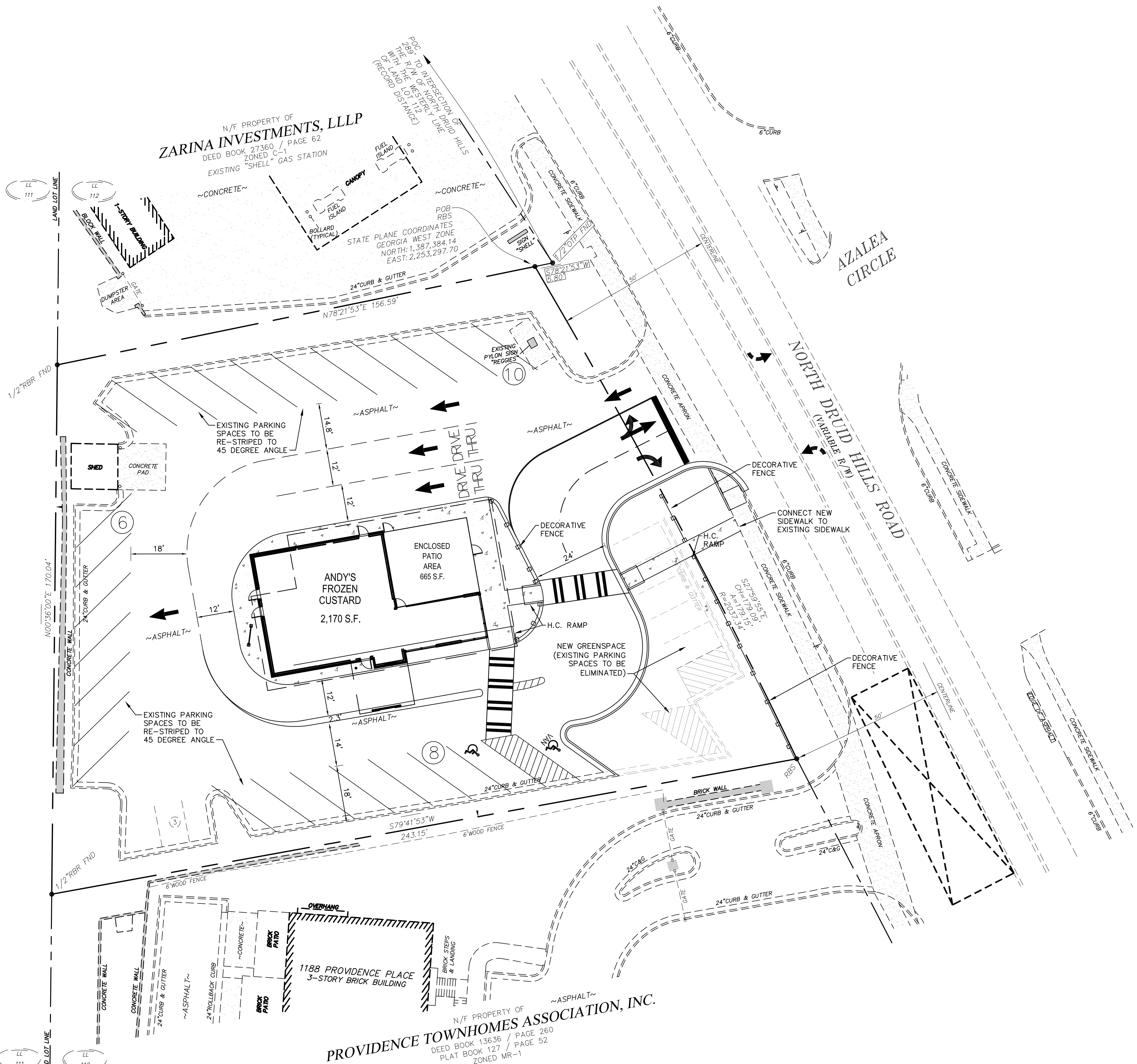


Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

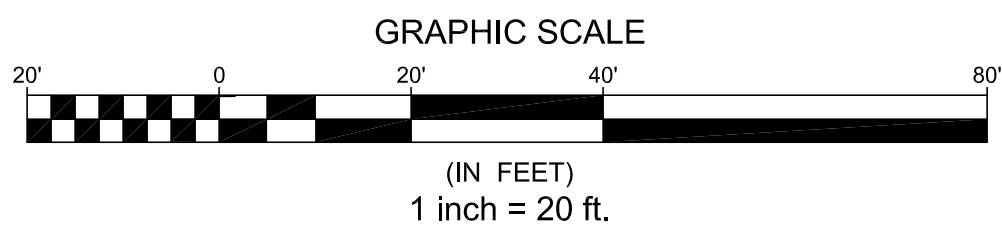


LOCATION MAP
(NOT TO SCALE)

SITE DATA						
TENANT	BLDG. AREA (S.F.)	MIN. PARKING SPACES REQUIRED	MAX. PARKING SPACES ALLOWED	EXISTING PARKING SPACES TO REMAIN		SITE AREA
PROPOSED RETAIL	2,835	19	38	NORMAL/COMPACT	HC TOTAL	0.78 ACRES
DRIVE THRU STACKING LENGTH: 15 CARS						



CONCEPTUAL SITE PLAN



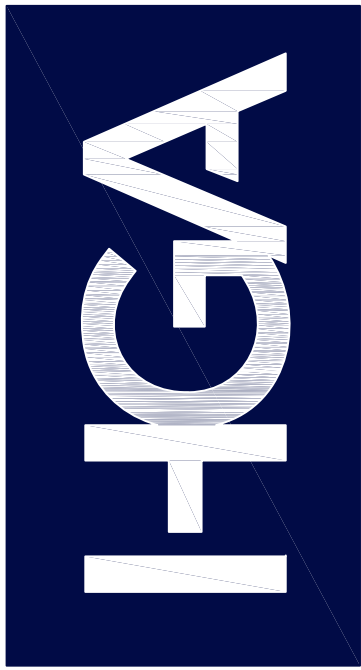
Know what's below.
Call before you dig.

Dial 811
Or Call 800-282-7411

THE LOCATION OF ALL UTILITIES (ABOVE OR BELOW GROUND) SHOWN ON THESE DRAWINGS ARE APPROXIMATE & WERE OBTAINED FROM OBSERVATIONS AT THE SITE AND/OR FROM THE UTILITY OWNERS. HAINES GIPSON & ASSOC., INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE PROPERTY OR HIS AGENT AND/OR THE CONTRACTOR TO DETERMINE EXACT FIELD LOCATION OF EXISTING UTILITIES (ABOVE OR BELOW GROUND) & TO NOTIFY UTILITY OWNERS BEFORE BEGINNING ANY CONSTRUCTION.

CAUTION-NOTE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. GA. LAW REQUIRES THE CONTRACTOR TO CALL THE UTILITY PROTECTION CENTER AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE THE RELOCATION OF ALL THE UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



HAINES GIPSON & ASSOCIATES
Civil • Structural • Bridge

SEAL



PEACH STATE CUSTARD

ANDY'S FROZEN
CUSTARD

3033 NORTH DRUID HILLS ROAD
DEKALB COUNTY, GEORGIA
LAND LOT 112 OF THE 18TH DISTRICT

DESCRIPTION

DATE

BY

NO.

DRAWN BY

RAM

CHECKED BY

RCL

DATE

9/28/2020

SHEET TITLE

CONCEPTUAL
SITE PLAN

SHEET NUMBER

SP8.0



LETTER OF INTENT AND IMPACT ANALYSIS

Special Land Use Permit Application

Applicant:

PSC Holdings Druid Hills, LLC

Property:

3033 North Druid Hills Road

Parcel ID No:

18 112 02 003

Submitted for Applicant by:

Julie L. Sellers

DILLARD SELLERS

1776 Peachtree Street NW, Suite 390N

Atlanta, Georgia, 30309

(404) 665-1242

jsellers@dillardsellers.com

Introduction

Applicant, PSC Holdings Druid Hills, LLC, requests approval of a Special Land Use Permit for the property located at 3033 North Druid Hills Road, Atlanta, Georgia (tax parcel no. 18 112 02 003) (the "Property"). The Property is approximately +/- 0.78 acres of land that is zoned C-1, Local Commercial District, and is within the Town Center Activity Center Character Area.

This application is submitted to allow for the redevelopment of the Property for an Andy's Frozen Custard location with a drive-thru. Since 1986, Andy's Frozen Custard, a national desert franchise with more than 85 locations across the country, has been operating a family-friendly business focusing on quality ingredients and personal service. This popular desert restaurant is new to Georgia with one location in Alpharetta and one location under construction in Athens. Restaurant drive-thru use within the Activity Center Character Area is subject to the grant of a Special Land Use Permit, pursuant to Dekalb County, Georgia Code of Ordinances Table 4.1.

In 1979, the Property was zoned for commercial use and has historically been used for a commercial uses. In 1999, a developer rezoned the adjacent property from O-I to RM-100 to allow for the construction of a townhouse community next to the commercial property. The townhome community was constructed and is known as Providence Place. On September 30, 2020 a pre-application meeting took place via video conference with the Planning Development staff. The Applicant has initiated conversations with the adjacent property owners living in the Providence townhome community. A pre-application community meeting was held via video conference on October 27, 2020. The attached notice was emailed to the Community Council

District 2 members and sent via regular mail to the addresses attached. The sign in sheet from the community meeting is also attached.

Relevant to the consideration of this request is the fact that the drive-thru will allow customers to order from their car, but no speaker system is used. Instead, the customers either order at the service window or if a few cars are in line, an employee personally takes the orders at the cars. As such, common concerns of noise associated with drive-thru use is not a factor. In addition, the redevelopment as proposed will transform this outdated commercial property by adding additional greenspace along the road and enhancing the pedestrian experience in the Property. The open-air seating area is positioned facing the gas station adjacent to the parcel and away from the residential use.

The restaurant will operate in accordance with all provisions of the County's Zoning Code §4.2.23. The establishment of a drive-thru restaurant will provide a use that is compatible with the surrounding C-1 zoning and existing local commercial uses. The Property is adjacent to a Shell gas station, the Toco Hills Shopping Center, and the Providence Place community.

As set forth below, the Applicant satisfies the County's requirements for a special land use permit for drive-thru facilities. For these reasons, the Applicant respectfully requests its application be granted as submitted.

Documented Impact Analysis

The Applicant's application satisfies the applicable criteria set forth in the Dekalb County Zoning Code, Section 27-1836; 27-7.4.6.

A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

The size of the site is adequate for the contemplated use and the redevelopment of this Property will enhance the area. Given the fact that the Providence Place property was

rezoned after the commercial use was established on the Property, the County may apply a transitional buffer requirement. If so, the Applicant will request a variance to allow for the redevelopment of the site within its current conditions as the imposition of a transitional buffer would take significant property needed for parking for any commercial use of the Property.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The proposed drive-thru restaurant is compatible with the surrounding area and land use within the district.

C. Adequacy of public services, public facilities, and utilities to serve the use contemplated:

Adequate public services, facilities, and utilities exist to serve the proposed drive-thru restaurant.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area:

North Druid Hills Road has two travel lanes in each direction and multiple turning lanes. There is sufficient capacity to support a drive-thru restaurant use. Because North Druid Hills has significant traffic volume, the use will not create an unduly increase in traffic. Most of the patrons for this location are anticipated to already be in the North Druid Hills area either as pedestrians or in vehicles.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use:

No, traffic generated by the proposed drive-thru restaurant will not adversely impact existing land uses along access routes to the site. The character of the vehicles is the same vehicles already on the road and the traffic generated is anticipated to be traffic already in the area.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular references to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:

There is adequate ingress and egress to the subject property. The proposed redevelopment will enhance the pedestrian access along North Druid Hills and provide for safe and convenient access for both pedestrians and vehicles.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use:

No, the proposed drive-thru restaurant will not create adverse impacts upon any adjoining land uses by reason of noise, smoke, odor, dust or vibration. Of particular note, the restaurant drive-thru will not utilize a speaker system at the menu board and does not cook food at the restaurant with the exception of the desert offerings.

H. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

No, the proposed drive-thru restaurant will not create adverse impacts upon any adjoining land uses by reason of hours of operation.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:

No, the proposed drive-thru restaurant will not create any adverse impacts upon any adjoining land use by reason of the manner of operation.

J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located:

Yes, the proposed restaurant and accompanying drive-thru is consistent with all requirements of C-1 classification.

K. Whether or not the proposed use is consistent with the policies of the Comprehensive Plan:

Yes, the proposed drive-thru restaurants are consistent with the policies of the County's comprehensive plan. The redevelopment as proposed will enhance the pedestrian experience along the North Druid Hills corridor.

L. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

As noted above, the Property has been zoned for commercial uses since 1979 and twenty years later a residential developer received approval to rezone the adjacent property and construct townhomes. If the County interprets the Code to impose a transitional buffer on the Property, a variance will be requested.

M. Whether or not there is adequate provision of refuse and service areas:

Yes, there will be adequate provision of refuse and service areas.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

No, the length of time for the SLUP should not be limited in duration.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings:

The size, scale, and massing of the proposed drive-thru restaurant building is appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

No, the proposed drive-thru restaurant will not adversely affect historic buildings, sites, districts, or archaeological resources. No known historic or archaeological resources are known to be on the Property or the immediate area.

Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit:

The proposed restaurant with a drive-thru lane complies with the following supplemental regulations per Sec.27-4.2.23 of the DeKalb County Zoning Code:

- a. Not located within sixty feet of a residentially zoned property.
- b. Drive-thru facility located on property greater than ten thousand square feet in area
- c. Drive-thru lanes and service windows serving drive-thru lanes are located on the side and rear of building
- d. No drive-thru canopies according to site plan
- e. Speaker boxes shall be directed away from any adjacent residential properties – none proposed.
- f. All lighting from drive-thru facilities shall be shaded and screened to be directed away from adjacent residential property.

R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building:

No, the proposed drive-thru restaurant will not create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

No, the proposed drive-thru restaurant will not result in a disproportionate proliferation of that or similar uses in the subject character area.

T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

Yes, the proposed drive-thru restaurant will be consistent with the needs of the neighborhood and to the community as a whole, be compatible with the neighborhood, and will not be in conflict with the overall objectives of the comprehensive plan. The redevelopment of the site will help enhance the pedestrian experience in the corridor.

Required Constitution and Ante Litem Notice

Failure to approve the requested variances would be unconstitutional. Georgia law and the procedures of Dekalb County require the Applicant to raise Federal and State constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Dekalb County Unified Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Dekalb County Unified Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by Dekalb County to grant the application as requested would constitute a taking of the Applicant's property.

Because of this unconstitutional taking, Dekalb County would be required to pay just compensation to the Applicant.

A denial of this application would constitute an arbitrary and capricious act by Dekalb County without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by Dekalb County to approve this conditional use permit for the Property in accordance with the criteria as requested by the Applicant and required by the County would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the requests subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this application be granted as requested by the Applicant. If there are any questions about this request, you may contact me at 404-665-1242 or jsellers@dillardsellers.com.

Sincerely,

DILLARD SELLERS, LLC

A handwritten signature in blue ink, appearing to read 'Julie L. Sellers', with a stylized, flowing script.

Julie L. Sellers

CAMPAIGN DISCLOSURE STATEMENT

Pursuant to the provisions of O.C.G.A. §36-67A-3, please find below a list of the contributions made by JULIE L. SELLERS to officials in DEKALB COUNTY in the past two years, aggregating \$250.00 or more, to local government officials who may review this Application.

<u>NAME OF GOV'T. OFFICIAL</u>	<u>POSITION</u>	<u>AMOUNT OF CONTRIBUTION</u>	<u>DATE OF CONTRIBUTION</u>
Steve Bradshaw	Board of Commissioners	\$250.00	3/26/2018

DILLARD SELLERS LLC



Julie L. Sellers

Date: 10/29/20