

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 1 & 7

Application of Corporation of Mercer University c/o Battle Law PC to request a Special Land Use Permit to allow up to five stories in building height for any future development on the Mercer University Campus in the O-I (Office Institutional) District, 2930 Flowers Road.

PETITION NO: N2. SLUP-21-1244383 2020-1532

PROPOSED USE: Proposed 5-story buildings.

LOCATION: 2930 Flowers Road, Chamblee, GA 30341

PARCEL NO. : 18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-005

INFO. CONTACT: Jeremy McNeil, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Corporation of Mercer University c/o Battle Law PC to request a Special Land Use Permit to allow up to five stories in building height for any future development on the Mercer University Campus in the O-I (Office Institutional) District. The property is located on the south side of Mercer University Drive and the east, north, and south side of Flowers Road at 2930, 2960, 3000, 3015, 3041, 3151, 3200, and 3246 Flowers Road; and 3001 and 3100 Mercer University Drive in Chamblee, Georgia. The property has approximately 3,846 feet of frontage along Mercer University Drive, 8,000 feet of frontage along Flowers Road and contains 169.59 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Full Cycle Deferral.

STAFF ANALYSIS: The site is located within an Institutional Character Area designated by the DeKalb County 2035 Comprehensive Plan which designate specific areas that provide institutional services that consist of large areas used for religious, civic, educational and governmental purposes. The proposed expansion and redevelopment may not create an adverse impact on the adjoining land uses. However, the applicant has not provided any detailed plans or showing the proposed location or renderings of the any five story buildings. Therefore, it is the recommendation of the Planning and Sustainability Department that the Special Land Use Permit (SLUP) on the subject site be deferred full cycle pending submittal of the proposed more detailed information regarding future plans. Therefore, Staff's recommendation is for "Full Cycle Deferral".

PLANNING COMMISSION VOTE: Approval 8-0-1. P. Womack, Jr. moved, L. Osler seconded for Approval as submitted, to bring the property into compliance. J. Johnson abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 5-0-0.



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond
Chief Executive Officer

**Planning Commission Hearing Date: January 5, 2021
Board of Commissioners Hearing Date: January 28, 2021**

STAFF ANALYSIS

Case No.: SLUP-21-1244383 **Agenda #:** N2

Location/Address: The property is located on the south side of Mercer University Drive and the east, north, and south side of Flowers Road at 2930, 2960, 3000, 3015, 3041, 3151, 3200, and 3246 Flowers Road; and 3001 and 3100 Mercer University Drive in Chamblee, Georgia. **Commission District:** 01 **Super District:** 07

Parcel ID: 18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-005

Request: To request a Special Land Use Permit to allow up to five stories in building height for any future development on the Mercer University Campus in the O-I (Office Institutional) District.

Property Owner/Agent: The Corporation of Mercer University

Applicant/Agent: Battle Law P.C.

Acreage: 163.53 acres

Existing Land Use: Academic buildings

Surrounding Properties/ Adjacent Zoning: North: OI (Office Institutional) and MR-1 (Medium Density Residential-1; Office buildings and student housing. East: OI (Office Institutional); Office buildings South: OI (Office Institutional); Office buildings West: OI (Office Institutional); Office buildings.

Comprehensive Plan: Institutional (INS) Consistent Inconsistent

Proposed Building Sq. Footage: N/A	Existing Building Sq. Footage: N/A
Proposed Lot Coverage: <80%	Existing Lot Coverage: <80%

SUBJECT PROPERTIES AND ZONING HISTORY

The property is located on the south side of Mercer University Drive and the east, north, and south side of Flowers Road at 2930, 2960, 3000, 3015, 3041, 3151, 3200, and 3246 Flowers Road; and 3001 and 3100 Mercer University Drive in Chamblee, Georgia. The site contains approximately 163.53 acres. The subject property is surrounded OI zoned properties and office building to the north, east, south, and west.

The subject property is currently zoned OI (Office Institutional) District with a future land use designation of Institutional (INS). The property appears to have been zoned OI (Office Institutional) since adoption to the first zoning ordinance and map in 1956.

PROJECT ANALYSIS

Based on the submitted materials, the applicant is seeking to obtain a Special Land Use Permit to Special Land Use Permit (SLUP) to increase the maximum allowed height of all existing and future buildings on the Mercer University campus to be up to five (5) stories.

Currently, the O-I District regulations require a special land use permit for any building in excess of two stories located in the O-I District outside of an “activity center”.

IMPACT ANALYSIS

Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

- A. Adequacy of the size of the site for the 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:**

Subject property is more than adequate for the proposed use, with the additional building height. The subject property is about 163.53 acres. The built environment of Mercer’s campus occupies only a fraction of that space. Furthermore, the Applicant has expressed interest in preserving the wooded area that exists at the northwestern portion of the subject property, and as well as in other areas around the subject property, both because of the environmental sensitivity of these areas, as well as the Mercer’s desire to build more density within the University Circle in the center of the campus.

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

The proposed use/height is compatible with the height and use of the adjacent properties.

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

The subject property is currently served by water and sewer.

- 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 proposed use, so as not to unduly increase traffic or create congestion in the area:**

The Subject Property is located on Flowers Road and Mercer University Drive, which is classified as a “collector street”, and has adequate capacity to handle the volume of traffic to be generated by the proposed use. If the applicant were only allowed to develop future buildings at a height of two stories, the projects would have to be spread out over a greater area of land, possibly with access from both Mercer University Drive and Flowers Road.

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.

The existing land uses located along the access routes to the site will not be adversely affected.

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

The proposed use has adequacy of ingress and egress to the subject property and all proposed buildings.

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

The proposed redevelopment should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

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

The hours of operation should not create adverse impacts upon adjoining land uses.

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.

The proposed use will create adverse impacts upon any adjoining land uses.

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

Proposed use is a permitted use within the O-I Zoning District with a Special Land Use Permit (SLUP).

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The site is located within an Institutional Character Area designated by the DeKalb County 2035 Comprehensive Plan which designate specific areas that provide institutional services that consist of large areas used for religious, civic, educational and governmental purposes.

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

A transitional buffer is not required for this site.

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

Adequate refuse areas will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration: The proposed use is a permanent use and should not be limited to any length of time on the subject site.

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 adjacent and nearby lots and buildings.

The proposed buildings are 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 use will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed SLUP will not adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed SLUP complies with all of the supplemental regulations per Sec.27- 2.24.1 of the *DeKalb County Zoning Code*.

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

Based on the submitted materials, the proposed use will not create a negative shadow impact on the any adjoining lot or building as a result of the proposed building height since the proposed building height will be consistent with other existing buildings that are over three stories.

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

The proposed use would be consistent with the needs of the neighborhood or the community.

COMPLIANCE WITH DISTRICT STANDARDS

The site zoned OI District must comply with minimum development standards per Article 2 – 2.24.1 Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (OI)	MINIMUM OF 100 FEET ON A PUBLIC STREET FRONTAGE	>100	YES
LOT AREA (OI)	15,000 SQUARE FEET	163.53 acres	YES
LOT COVERAGE	Max. 80%	<80%	YES
FRONT BUILDING SETBACK	50 FEET	Unknown	Unknown
TRANSITIONAL BUFFER Table 5.2(a)	50 feet adjacent to Residential Districts	>50 feet	Yes
HEIGHT	2 stories/35 Feet	2-5 Stories	YES, if approved

STAFF RECOMMENDATION:

The site is located within an Institutional Character Area designated by the *DeKalb County 2035 Comprehensive Plan* which designate specific areas that provide institutional services that consist of large areas used for religious, civic, educational and governmental purposes. Therefore, it is the recommendation of the Planning and Sustainability Department that the requested Special Land Use Permit (SLUP) on the subject site shall be approved.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map and Land Use Map
5. Aerial Photograph/Site Photographs

Zoning comments: 12/14/2020

N1. Constitution Road is classified as a minor arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontages at permitting. You may want to check whether this goes against the planning efforts in the DeKalb County SDAT Report Plan to limit trucks on Bouldercrest Road.

N2. Mercer University Drive and Flowers Road are both classified as collector roads. . Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Coordination is required with GDOT Project PI No. 0015646. Dedicate necessary right of way and easements needed for bridge construction.

N3. Rock Chapel Road is classified as a major arterial and state route. GDOT review and permits required, including updated traffic signal permit, prior to receiving permit. Requesting a traffic study to include all phases with proposed land uses. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N4. No comments

N5 & N6. Flat Shoals Pkwy is classified as a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Dedicate right of way to match surrounding parcels. Flakes Mill Road is classified as a minor arterial. . A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Limit access points to one access point on each road by closing the access point nearest the intersection.

N7. No comments

N8. Briarcliff Road and Shallowford Road are both classified as minor arterials. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N9. Covington Hwy is classified at a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N10. North Druid Hill is classified as a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path- preferred) and street lighting along all property frontage at permitting.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-21-1244383

Parcel I.D. #: 18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-005

Address: 2930, 2960, 3000, 3015, 3041, 3151, 3200, and 3246 Flowers Road; 3001 and 3100 Mercer University Drive
Chamblee, Georgia

WATER:

Size of existing water main: 6" CI, 8" CI, 8" DI, 16" CI, and 48" CI Water Main (adequate/inadequate) *SD*

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: North Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: R. M. Clayton WTF () adequate () inadequate

Sewage Capacity; * (MGPD) Current Flow: 127 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

CAPACITY RESTRICTED AREA
SD

Signature: *[Handwritten Signature]*



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer **was** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

**Board of Health**

12/14/2020

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.



Board of Health

- N.1 Z-21-1244232 2020-1531/15-077-01-002
1795 Constitution Road, Atlanta, GA 30316
- Please review general comments.
- N.2 SLUP-21-1244383 202-1532/18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-0052930
2930 Flowers Road South, Chamblee, GA 30341
- Please review general comments.
- Septic system installed on property 3000 Flowers Road on 09/24/1970.
- N.3 CZ-21-1244384 2020-1534/16-195-01-002,16-195-011-004,16-195-01-006,16-195-01-007
1688 Rock Chapel Road; Lithonia, GA 30058
- Please review general comments.
- Septic indicated on several properties surrounding this location.
- N.4 SLUP-21-1244387 2020-1535/15-164-02-001
4085 Glenwood Road, Decatur, GA 30032
- Please review general comments.
- Septic indicated on several properties; installed between 10-07-59 – July 2001.
- N.5 SLUP-21-1244388 2020-1536/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic indicated on several properties in surrounding area.
- N.6 SLUP-21-1244389 2020-1537/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic system indicated on several properties in surrounding area.
- N.7 Z-21-1244393 2020-1538/15-201-05-002
1548 Line Street, Decatur, GA 30032
- Please review general comments.
- Septic indicated on surrounding property: 1799 Line Street on April 22, 1996.



Board of Health

- N.8 SLUP-21-1244393 2020-1539/18-233-07-002
2345 Shallowford Road, Atlanta, GA 30345
 - Please review general comments.
 - Septic system indicated on surrounding properties.

- N.9 Z-21-1244398 2020-1541/15-162-04-007
5021 Covington Highway, Decatur, GA 30035
 - Please review general comments.
 - Septic system installed 05/24/1967.

- N.10 SLUP-21-1244417 2020-1542/18-112-02-003
3033 North Druid Hills Road, Atlanta, GA 30329
 - Please review general comments.
 - Septic system installed on surrounding property 3035 North Druid Hills Road in 04/14/1980.

- N.11 TA-21-1244279 2020-1543
County-Wide (ALL DISTRICTS)

- N.12 TA-21-1244414 2020-1546
County-Wide (ALL DISTRICTS)

- N.13 V-20-1244428 15-228-01-003, 15-228-01-005, 15-228-01-093, 15-288-01-094
1014 Elder Lane, Stone Mountain, GA 30083



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No. SLUP-21-1244383 Parcel I.D. #: 18-265-05-002

Address: Flowers Rd
Chamblee
Georgia

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour Volume (VPH) _____	Peak Hour Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

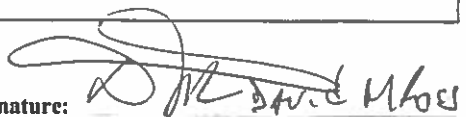
Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Plans and field reviewed. Nothing found that would disrupt traffic flow.

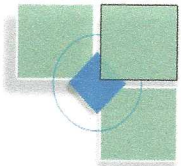
Signature: 



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: Application No.:

APPLICANT NAME: The Corporation of Mercer University c/o Battle Law P.C.

Daytime Phone #: 404-601-7616 Fax #: 404-745-0045

Mailing Address: One West Court Square, Suite 750 Decatur, GA. 30030

E-mail: mlb@battlelawpc.com

OWNER NAME: See Attached Exhibit A
(If more than one owner, attach contact information for each owner)

Daytime Phone #: See Attached Exhibit A Fax #: See Attached Exhibit A

Mailing Address: See Attached Exhibit A

E-mail: See Attached Exhibit A

SUBJECT PROPERTY ADDRESS OR LOCATION: 2930, 3000, 3200, and 3246 Flowers Road S.
30341, 3001 and 3100 Mercer University Drive

Chamblee, DeKalb County, GA, 30341

District(s): 18 Land Lot(s): 265 and 266 Block(s): Parcel(s): See Attached Exhibit A

Acreage or Square Feet: 163.53 acres Commission District(s): 1 and 7 Existing Zoning: O-I

Proposed Special Land Use (SLUP): The Corporation of Mercer University is asking for a blanket SLUP
to allow for five (5) story buildings across its campus.

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

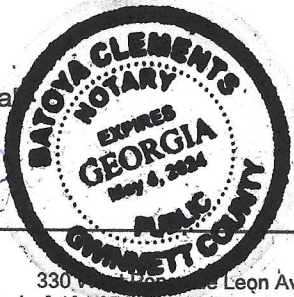
Owner: Agent: X
(Check One)

Signature of Applicant:
[Handwritten Signature]

FOR BATTLE LAW, P.C.
Printed Name of Applicant:

Michele L. Battle, President

Notary Signature and Seal
[Handwritten Signature]



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: Corporation of Mercer University c/o Battle Law P.C. Phone: 404-601-7616_

Email: mlb@battlelawpc.com__

Property Address: __ 2930, 3000, 2960, 3200, 3015 and 3246 Flowers Road S. Chamblee, GA. 30341. 3001 and 3100 Mercer University Drive Chamblee, GA. 30341

Tax Parcel ID: 18 266 01 004; 18 266 01 005; 18 266 01 007; 18 266 01 002; 18 266 01 003; 18 265 05 002; 18 265 05 003; 18 266 02 005 _____ Comm. District(s): __ 1 & 7 _____ Acreage: _175.22_____

Existing Use: __ Institutional _____ Proposed Use __ Institutional _____

Supplemental Regs: __ NA _____ Overlay District: __ NA _____ DRI: __ Probably not since there is not proposed project at this time; this is a "blanket SLUP" request to building heights of up to five stories for future buildings across its campus. DRI status will need to be verified via Atlanta Regional Commission _____

Rezoning: Yes ____ No X ____

Existing Zoning: __ O-I _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request:
__ NA _____

Land Use Plan Amendment: Yes ____ No X ____

Existing Land Use: _____ Proposed Land Use: _____ Consistent ____ Inconsistent _____

Special Land Use Permit: Yes X ____ No ____ Article Number(s) 27- _2.24.1 Table 2.2. _____

Special Land Use Request(s) __ The Corporation of Mercer University is asking for a blanket special land use permit to allow five (5) story buildings across its campus.

Major Modification:

Existing Case Number(s): __ NA _____

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):
 —blanket SLUP no specific buildings at this time Sketch Plat: Bldg. Permits:
 —blanket SLUP no specific buildings at this time Fire Inspection: blanket SLUP
Business License: blanket SLUP State License: Lighting Plan: Tent
Permit: Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan—not applicable, this is a blanket height SLUP for future development

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: —blanket variance for five story building height for future
development

Comments: Applicant to submit boundary survey and show as built of existing buildings on campus and label height of each building. Applicant will also reference which portion of the campus previously received approval of a SLUP of five story building height by the Board of Commissioners. Applicant will also show the

DEPARTMENT OF PLANNING & SUSTAINABILITY

property that Mercer owns that is not included in the blanket SLUP, and indicate what type of land use is adjacent to the area proposed for blanket SLUP so any potential impacts can be assessed.

Planner: John Reid Date 10/23/2020

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

Parcel Numbers and Property Addresses

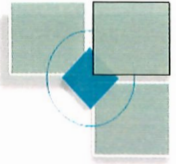
Parcel Numbers	Addresses	Owner	Phone Number	Email
18 266 01 005	3000 Flowers Road S Chamblee, GA 30341	Mercer GSA LLC		
18 266 01 004	2930 Flowers Road S Chamblee, GA 30341	Corporation of Mercer and Mercer University		
18 266 01 002	3001 Mercer University Drive Chamblee, GA 30341	Corporation of Mercer and Mercer University		
18 265 05 003	3246 Flowers Road S Chamblee, GA 30341	Corporation of Mercer and Mercer University		
18 265 05 002	3200 Flowers Road S Chamblee, GA 30341	Corporation of Mercer and Mercer University		
18 266 01 003	3100 Mercer University Drive Chamblee, GA 30341	Corporation of Mercer and Mercer University		



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



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: 10/29/2020

TO WHOM IT MAY CONCERN:

(I) (WE), The Corporation of Mercer University, a.k.a. Mercer University.
Name of Owner(s)

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

The Corporation of Mercer University c/o Battle Law P.C.
Name of Applicant or Agent

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

Barbara Short
Notary Public 7-16-2024

James S. Netherton
Owner James S. Netherton, Ph.D.
Executive Vice Pres Admin & Finance

Notary Public

Owner

Notary Public

Owner

Notary Public

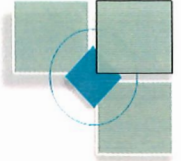
Owner



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



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: 10/29/2020

TO WHOM IT MAY CONCERN:

(I) (WE), Mercer GSA LLC
Name of Owner(s)

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

Mercer GSA LLC c/o Battle Law P.C.
Name of Applicant or Agent

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

[Signature]
Notary Public exp 7-16-2024

[Signature]
Owner James S. Netherton, Ph.D.
Executive Vice Pres Admin & Finance

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

**Board of Health**

12/14/2020

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

January 12, 2021

VIA EMAIL

Brandon White, Zoning Manager
DeKalb County Planning & Sustainability Dept
330 W. Ponce de Leon Avenue
Decatur, GA 30030

Re: SLUP-21-1244383 Flowers Rd.
Applicant: Corporation of Mercer

Dear Brandon,

Attached please find the Amended and Restated Statement of Intent and Impact Analysis for the above referenced application. It is our hope that the clarity provided in the attached will allow the Planning and Sustainability Department to support the approval of SLUP-21-1244383.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Michèle L. Battle

**AMENDED AND RESTATED
STATEMENT OF INTENT**

And

Other Material Required by
DeKalb County, Georgia Zoning Ordinance
For

A Special Land Use Permit for an Increase in Height pursuant to
the DeKalb County Zoning Ordinance

Of

CORPORATION OF MERCER,
For

+/-175 acres of Land
Being all of

2930, 3000, 3015, 3200, and 3246 Flowers Road S. and
3001, and 3100 Mercer University Drive
Being in Land Lots 265 and 266, 18th District,
Unincorporated DeKalb County

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Corporation of Mercer, Mercer University and Mercer GSA LLC (the “Applicant”) are the owners of +/-175 acres of land located at 2930, 3000, 3015, 3200, and 3246 Flowers Road S. and 3001 and 3100 Mercer University Drive, which is a part of the +/-300 acre Mercer University Atlanta Campus (the “Mercer Campus”) located off of Flowers Road and Mercer University Drive. The entire Mercer Campus is zoned O-I and the main portion of the Mercer Campus has a land use designation of Institutional. The Corporation of Mercer (the “Applicant”) is seeking a Special Land Use Permit (SLUP) to increase the allowed height of all existing and future buildings on the Mercer campus to be up to five (5) stories. Currently, the O-I District regulations require a special land use permit for any building located in the O-I District outside of an “activity center.”

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Zoning Ordinance Section 27-7.4.6 Criteria. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. MERCER CAMPUS INFORMATION

The Applicant has been located at the Mercer Campus since the 1950’s. Over the past 60 years Mercer has development multiple buildings on the Mercer Campus in compliance with the applicable O-I District Regulations under which it has been zoned during this time. Prior to the adoption of the updated Zoning Ordinance in September of 2015, the O-I District Regulations provided for the following:

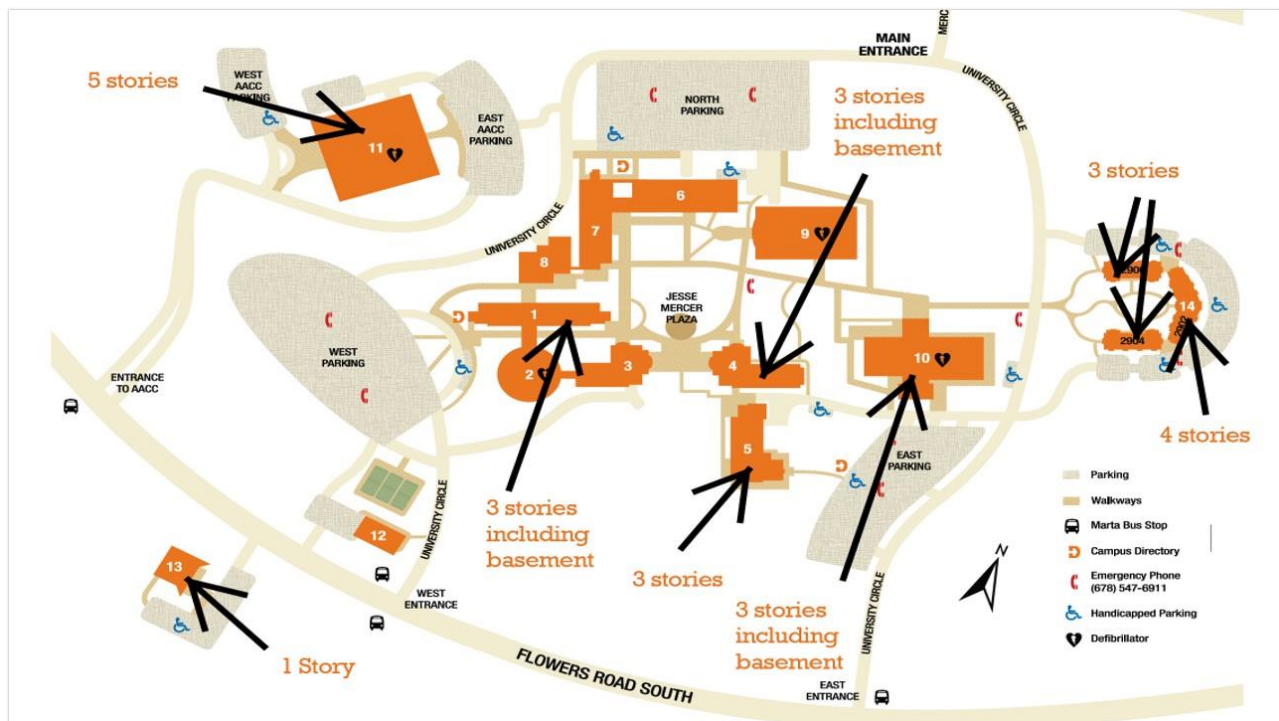
Sec. 27-493. - Height of buildings and structures.

The maximum height of any building or structure shall not exceed five (5) stories and seventy (70) feet. Buildings exceeding five (5) stories and seventy (70) feet in height shall be permitted only upon approval of a special land use permit by the board of commissioners. Buildings in excess of three (3) stories must be approved by the department of fire and rescue services to assure adequacy of fire protection facilities and services.

All of the buildings currently erected on the Mercer Campus where built PRIOR to the adoption of the current DeKalb County Zoning Ordinance, which now requires a Special Land Use Permit in order to exceed 2 stories. As a result, over 50% of the buildings on the Mercer Campus are in excess of 2 stories. As a result, these buildings are considered to be legal nonconforming structures.

In 2019, a Special Land Use Permit was approved by the DeKalb County Board of Commissioners (SLUP-19-1243047) to allow for the development of two five (5) story mixed used student housing buildings. During the SLUP process there were discussion

with the DeKalb County GIS Department regarding consolidating the multiple parcels that make up the school campus, as the tax parcel boundary lines were left over from conveyances that happened decades ago. In reviewing this suggestion after the SLUP was approved for the mixed use project, it became clear that a SLUP was necessary in order to bring all of the campus buildings in excess of 2 stories into compliance, along with any new buildings that the Applicant may anticipate building in the future on the Mercer Campus. Based on the fact that the Mercer Campus is not adjacent to any residential development, and owns the entire oval area in which the campus is located, there does not appear to be any justification for requiring Mercer to obtain a Special Land Use Permit for any new buildings built on the Mercer Campus. Despite owning over 175 acres of land, it is Mercer's desire to build within or near the internal driveway called University Circle which is where all the campus buildings are currently located. Centrally locating their buildings within the area allows for easier access for students and faculty to all the campus buildings. Consequently, building up instead of out makes the most sense in order to maximize spaces. The Mercer Campus is a graduate student campus. Historically, they have not emphasized on campus living, however, that is no longer the case, as evidence by the mixed-use student housing buildings currently under construction. The Applicant wants more students to live on campus which will help to reduce their carbon footprint with less automobile trips to and from campus. Approving the proposed SLUP will allow the Applicant to improve its campus in the same way it has over the past 60 years. The Applicant has been a good neighbor and has always strived to develop its campus in a responsible manner. This SLUP will allow it to continue to do the same for the next 60 years.



II. ZONING ORDINANCE SECTION 27-7.4.6 - CRITERIA

A. Adequacy of the size of the Site for contemplated use/height: The Subject Property is more than adequate for the proposed use, with the additional building height. The Subject Property is about 175 acres. The built environment of Mercer's Campus occupies only a fraction of that space. Furthermore, the Applicant has expressed interest in preserving the wooded area that exists at the northwestern portion of the Subject Property, and as well as in other areas around the Subject Property, both because of the environmental sensitivity of these areas, as well as the Mercer's desire to build more density within the University Circle in the center of the campus.

B. Compatibility of the proposed use/height with adjacent properties: The proposed use/height is compatible with the height and use of adjacent properties including the four (4) story Cantera by Courtland apartment units located at 3311 Flowers Road S. Additionally, the Subject Property is located adjacent to the property at 2960 Flowers Road S, which was approved last years for a height increase to 5 stories.

C. Adequacy of public services, facilities and utilities: There are adequate public services, facilities and utilities to support the proposed uses.

D. Adequacy of the public street: The Subject Property is located on Flowers Road and Mercer University Drive, which is classified as a “Local Road”, and has adequate capacity to handle the volume of traffic to be generated by the proposed use. If the Applicant were only allowed to develop future buildings at a height of two stories, the projects would have to be spread out over a greater area of land, possibly with access from both Mercer University Drive and Flowers Road. This would be a significant occurrence, as Mercer University Drive is already congested due to cut through traffic from Chamblee Tucker Road to Henderson Mill Road.

E. Possibility of adverse effect along access routes to the site: There is no possibility of adverse effect along the access route to the Subject Property as a result of the use of the Subject Property, or proposed height of the proposed improvements.

F. Ingress and egress to the Subject Property: There is adequate ingress and egress to the Subject Property.

G. Adverse impact on adjoining land use by reason of noise, smoke, odor, dust or vibration: The Applicant’s proposed use of the Subject Property will not create an adverse impact on the adjoining land uses by reason of noise, smoke, odor, dust or vibration.

H. Adverse impact on adjoining land use by reason of hours of operation: The Applicant’s hours of operation will not have an adverse impact on the adjoining land uses.

I. Adverse impact by manner of operation: The manner of operation of the Applicant will not have an adverse impact on the adjoining land uses.

J. Use consistent with zoning district classification: The use of the Subject Property for any five-story building with non-residential permitted and accessory uses on the first floor is consistent with the O-I District Regulations.

K. Use consistent with the Comprehensive Land Use Plan: The use of the property will continue to be for a college campus, which is consistent with the Comprehensive Land Use Plan.

L. Compliance with buffer zones and setback requirements: The proposed uses will be developed in compliance with the development requirements for the O-I District Regulations.

M. Adequate provision for refuse and service areas: There is adequate provision for refuse and service areas.

N. Length of time for SLUP: The special land use permit should not be limited in duration.

O. Appropriateness of size, scale and massing of buildings in comparison to adjacent properties: The size, scale and massing of the proposed building heights are appropriate in comparison to the surrounding uses. The proposed height is appropriate in size, scale and massing of the buildings currently on the Mercer campus, as well as in the surrounding area.

P. Adverse historic impact: The proposed project will not have an adverse impact on any historic buildings, sites, districts or archaeological resources in the surrounding area.

Q. Satisfaction of Supplemental Regulations: N/A

R. Negative Shadow Impact: The proposed increase in height will not create a negative shadow impact on nearby or adjacent properties.

S. Compatibility with Community Needs. Mercer University is apart of the community. The ability to provide a campus that meets the needs of the graduate students attending the campus is key to the continued viability of the campus. The surrounding community can only benefit from Mercer being able to develop its campus in a way that fulfills the needs of its students, while not negatively impacting the surrounding offices and residential communities. Additionally, building vertically instead of horizontally can only serve to protect the environmentally sensitive areas on the Subject Property, and reduce stormwater runoff by reduced impervious service coverage.

III. CONSTITUTIONAL ALLEGATIONS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the

Applicant in violation of the due process and equal protection rights guaranteed by 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 1 of the Constitution of the State of Georgia.

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

IV. CONCLUSION

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

This 12th day of January, 2021.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant

STATEMENT OF INTENT

And

Other Material Required by
DeKalb County, Georgia Zoning Ordinance
For

A Special Land Use Permit for an Increase in Height pursuant to
the DeKalb County Zoning Ordinance

Of

CORPORATION OF MERCER,
For

+/-165.53 acres of Land
Being all of

2930, 3000, 3200, and 3246 Flowers Road S. and 3001 and
3100 Mercer University Drive
Being in Land Lots 265 and 266, 18th District,
Unincorporated DeKalb County

Submitted for Applicant by:

Michèle L. Battle
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile_
mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Corporation of Mercer, Mercer University and Mercer GSA LLC are the owners of +/-163.53 acres of land located at 2930, 3000, 3200, and 3246 Flowers Road S., and 3001 and 3100 Mercer University Drive, which is a part of the +/-300 acre Mercer University Atlanta Campus (the “Mercer Campus”) located off of Flowers Road and Mercer University Drive. The entire Mercer Campus is zoned O-I and the main portion of the Mercer Campus has a land use designation of Institutional. The Corporation of Mercer (the “Applicant”) is seeking a Special Land Use Permit (SLUP) to increase the allowed height of all existing and future buildings on the Mercer campus to be up to five (5) stories. Currently, the O-I District regulations require a special land use permit for any building in excess of two stories located in the O-I District outside of an “activity center.”

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Zoning Ordinance Section 27-7.4.6 Criteria. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. ZONING ORDINANCE SECTION 27-7.4.6 - CRITERIA

A. Adequacy of the size of the Site for contemplated use/height: The Subject Property is more than adequate for the proposed use, with the additional building height. The Subject Property is about 163.53 acres. The built environment of Mercer’s Campus occupies only a fraction of that space. Furthermore, the Applicant has expressed interest in preserving the wooded area that exists at the northwestern portion of the Subject Property, and as well as in other areas around the Subject Property, both because of the environmental sensitivity of these areas, as well as the Mercer’s desire to build more density within the University Circle in the center of the campus.

B. Compatibility of the proposed use/height with adjacent properties: The proposed use/height is compatible with the height and use of adjacent properties including the four (4) story Cantera by Courtland apartment units located at 3311 Flowers Road S. Additionally, the Subject Property is located adjacent to the property at 2960 Flowers Road S, which was approved last years for a height increase to 5 stories.

C. Adequacy of public services, facilities and utilities: There are adequate public services, facilities and utilities to support the proposed uses.

D. Adequacy of the public street: The Subject Property is located on Flowers Road and Mercer University Drive, which is classified as a “Collector Street”, and has adequate capacity to handle the volume of traffic to be generated by the proposed use. If the Applicant were only allowed to develop future buildings at a height of two stories, the projects would have to be spread out over a greater area of land, possibly with access from both Mercer University Drive and Flowers Road.

E. Possibility of adverse effect along access routes to the site: There is no possibility of adverse effect along the access route to the Subject Property as a result of the use of the Subject Property, or proposed height of the proposed improvements.

F. Ingress and egress to the Subject Property: There is adequate ingress and egress to the Subject Property.

G. Adverse impact on adjoining land use by reason of noise, smoke, odor, dust or vibration: The Applicant’s proposed use of the Subject Property will not create an adverse impact on the adjoining land uses by reason of noise, smoke, odor, dust or vibration.

H. Adverse impact on adjoining land use by reason of hours of operation: The Applicant’s hours of operation will not have an adverse impact on the adjoining land uses.

I. Adverse impact by manner of operation: The manner of operation of the Applicant will not have an adverse impact on the adjoining land uses.

J. Use consistent with zoning district classification: The use of the Subject Property for buildings up to five-stories is consistent with the O-I District Regulations.

K. Use consistent with the Comprehensive Land Use Plan: The use of the property will continue to be for a college campus, which is consistent with the Comprehensive Land Use Plan.

L. Compliance with buffer zones and setback requirements: The proposed uses will be developed in compliance with the development requirements for the O-I District Regulations.

M. Adequate provision for refuse and service areas: There is adequate provision for refuse and service areas.

N. Length of time for SLUP: The special land use permit should not be limited in duration.

O. Appropriateness of size, scale and massing of buildings in comparison to adjacent properties: The size, scale and massing of the proposed building heights are appropriate in comparison to the surrounding uses. The proposed height is appropriate in size, scale and massing of the buildings currently on the Mercer campus, as well as in the surrounding area.

P. Adverse historic impact: The proposed project will not have an adverse impact on any historic buildings, sites, districts or archaeological resources in the surrounding area.

Q. Satisfaction of Supplemental Regulations: N/A

R. Negative Shadow Impact: The proposed increase in height will not create a negative shadow impact on nearby or adjacent properties.

S. Compatibility with Community Needs. Mercer University is apart of the community. The ability to provide a campus that meets the needs of the graduate students attending the campus is key to the continued viability of the campus. The surrounding community can only benefit from Mercer being able to develop its campus in a way that fulfills the needs of its students, while not negatively impacting the surrounding offices and residential communities. Additionally, building vertically instead of horizontally can only serve to protect the environmentally sensitive areas on the Subject Property, and reduce stormwater runoff by reduced impervious service coverage.

III. CONSTITUTIONAL ALLEGATIONS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the

Applicant in violation of the due process and equal protection rights guaranteed by 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 1 of the Constitution of the State of Georgia.

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

IV. CONCLUSION

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

This 28th day of October, 2020.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN DEKALB COUNTY, GEORGIA IN LAND LOTS 248 AND 266 OF THE 18TH LAND DISTRICT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT-OF-WAY MARKER AT THE SOUTHEAST INTERSECTION OF MERCER UNIVERSITY DRIVE AND FLOWERS ROAD, HAVING GA WEST ZONE STATE PLANE COORDINATES NORTHING=1410289.71, EASTING=2265862.50, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, N 76° 08' 19" E FOR A DISTANCE OF 48.08 FEET TO A POINT, THENCE, S 71° 33' 24" E FOR A DISTANCE OF 41.78 FEET TO A POINT, THENCE, S 74° 03' 31" E FOR A DISTANCE OF 59.56 FEET TO A POINT, THENCE, S 76° 17' 52" E FOR A DISTANCE OF 120.22 FEET TO A POINT, THENCE, N 13° 41' 47" E FOR A DISTANCE OF 5.42 FEET TO A POINT, THENCE, S 76° 12' 18" E FOR A DISTANCE OF 750.24 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 994.93 FEET, AND WHOSE LONG CHORD BEARS S 88° 05' 49" E FOR A DISTANCE OF 354.16 FEET TO A POINT, THENCE, N 83° 35' 57" E FOR A DISTANCE OF 1417.71 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 59° 15' 05", HAVING A RADIUS OF 778.31 FEET, AND WHOSE LONG CHORD BEARS S 67° 10' 48" E FOR A DISTANCE OF 769.68 FEET TO POINT, THENCE, S 37° 33' 18" E FOR A DISTANCE OF 23.83 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 04° 49' 53", HAVING A RADIUS OF 643.11 FEET, AND WHOSE LONG CHORD BEARS S 39° 58' 04" E FOR A DISTANCE OF 54.21 FEET TO A POINT, THENCE, S 39° 01' 17" W FOR A DISTANCE OF 290.51 FEET TO A POINT, THENCE, S 51° 57' 44" E FOR A DISTANCE OF 22.90 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 21° 32' 48", HAVING A RADIUS OF 984.93 FEET, AND WHOSE LONG CHORD BEARS S 17° 04' 06" W FOR A DISTANCE OF 368.21 FEET, THENCE, S 06° 17' 42" W FOR A DISTANCE OF 207.95 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 55° 00' 04", HAVING A RADIUS OF 606.62 FEET, AND WHOSE LONG CHORD BEARS S 33° 42' 42" W FOR A DISTANCE OF 560.22 FEET TO A POINT, THENCE, S 61° 17' 42" W FOR A DISTANCE OF 421.02 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 04° 38' 21", HAVING A RADIUS OF 215.25 FEET, AND WHOSE LONG CHORD BEARS S 63° 43' 34" W FOR A DISTANCE OF 235.98 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 11° 14' 58", HAVING A RADIUS OF 2834.16 FEET, AND WHOSE LONG CHORD BEARS S 71° 41' 49" W FOR A DISTANCE OF 555.56 FEET TO A POINT, THENCE, N 12° 40' 45" W FOR A DISTANCE OF 4.74 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 17° 31' 18", HAVING A RADIUS OF 2829.80 FEET, AND WHOSE LONG CHORD BEARS S 86° 04' 27" W FOR A DISTANCE OF 862.01 FEET TO A POINT, THENCE, N 05° 36' 55" E FOR A DISTANCE OF 242.82 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 26° 47' 53", HAVING A RADIUS OF 177.90 FEET, AND WHOSE LONG CHORD BEARS N 07° 43' 49" W FOR A DISTANCE OF 82.45 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 50° 04' 16", HAVING A RADIUS OF 36.84 FEET, AND WHOSE LONG CHORD BEARS N 52° 36' 57" W FOR A DISTANCE OF 31.18 FEET TO A POINT, THENCE, N 83° 41' 31" W FOR A DISTANCE OF 148.79 FEET TO A POINT, THENCE, N 41° 51' 27" W FOR A DISTANCE OF 46.70 FEET TO A POINT, THENCE, N 58° 29' 47" W FOR A DISTANCE OF 8.24 FEET TO A POINT, THENCE, S 31° 30' 13" W FOR A DISTANCE OF 8.75 FEET TO A POINT, THENCE, N 84° 26' 57" W FOR A DISTANCE OF 97.73 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 44° 46' 40", HAVING A RADIUS OF 189.50 FEET, AND WHOSE LONG CHORD BEARS N 62° 13' 38" W FOR A DISTANCE OF 144.36 FEET TO A POINT, THENCE, N 39° 50' 27" W FOR A DISTANCE OF 440.48 FEET TO A POINT, THENCE, S 49° 40' 23" W FOR A DISTANCE OF 475.92 FEET TO A POINT, THENCE, N 40° 18' 14" W FOR A DISTANCE OF 938.82 FEET TO A POINT, THENCE, N 49° 25' 02" E FOR A DISTANCE OF 24.27 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 07° 16' 03", HAVING A RADIUS OF 290.00 FEET, AND WHOSE LONG CHORD BEARS N 36° 47' 04" W FOR A DISTANCE OF 36.76 FEET TO A POINT, THENCE, S 65° 50' 58" W FOR A DISTANCE OF 24.07 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 09° 19' 01", HAVING A RADIUS OF 127.33 FEET, AND WHOSE LONG CHORD BEARS N 30° 15' 07" W FOR A DISTANCE OF 20.68 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 14° 22' 19", HAVING A RADIUS OF 351.97 FEET, AND WHOSE LONG CHORD BEARS N 20° 53' 22" W FOR A DISTANCE OF 88.06 FEET TO A POINT, THENCE, N 13° 42' 18" W FOR A DISTANCE OF 216.16 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 61° 30' 08", HAVING A RADIUS OF 190.37 FEET, AND WHOSE LONG CHORD BEARS N 17° 02' 42" E FOR A DISTANCE OF 194.68 FEET TO A POINT, THENCE, N 47° 40' 17" E FOR A DISTANCE OF 40.85 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 07° 36' 30", HAVING A RADIUS OF 411.97 FEET, AND WHOSE LONG CHORD BEARS N 43° 59' 27" E FOR A DISTANCE OF 54.67 FEET TO A POINT, THENCE, N 55° 30' 25" E FOR A DISTANCE OF 127.17 FEET TO A POINT, THENCE, N 46° 29' 48" E FOR A DISTANCE OF 179.78 FEET TO A POINT, THENCE, N 43° 46' 14" E FOR A DISTANCE OF 508.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 165.53 ACRES MORE OR LESS.

LEGAL DESCRIPTION TRACT 2

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN DEKALB COUNTY, GEORGIA IN LAND LOTS 248 AND 266 OF THE 18TH LAND DISTRICT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR ON THE SOUTHERLY MARGIN OF FLOWERS ROAD, HAVING GA WEST ZONE STATE PLANE COORDINATES NORTHING=1407930.65, EASTING=2265862.50, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, S 80° 41' 13" E FOR A DISTANCE OF 279.93 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 09° 05' 20", HAVING A RADIUS OF 2906.61 FEET, AND WHOSE LONG CHORD BEARS S 86° 02' 56" E FOR A DISTANCE OF 460.60 FEET TO A POINT, THENCE, S 16° 43' 13" W FOR A DISTANCE OF 268.29 FEET TO A POINT, THENCE, S 17° 27' 46" E FOR A DISTANCE OF 184.95 FEET TO A POINT, THENCE, N 89° 10' 26" W FOR A DISTANCE OF 511.73 FEET TO A POINT, THENCE, N 27° 51' 55" W FOR A DISTANCE OF 55.73 FEET TO A POINT, THENCE, N 20° 00' 34" W FOR A DISTANCE OF 232.79 FEET TO A POINT, THENCE, N 20° 43' 09" W FOR A DISTANCE OF 106.62 FEET TO A POINT, THENCE, N 21° 49' 06" W FOR A DISTANCE OF 64.32 FEET TO A POINT, THENCE, N 24° 52' 39" W FOR A DISTANCE OF 83.32 FEET TO THE POINT OF BEGINNING.

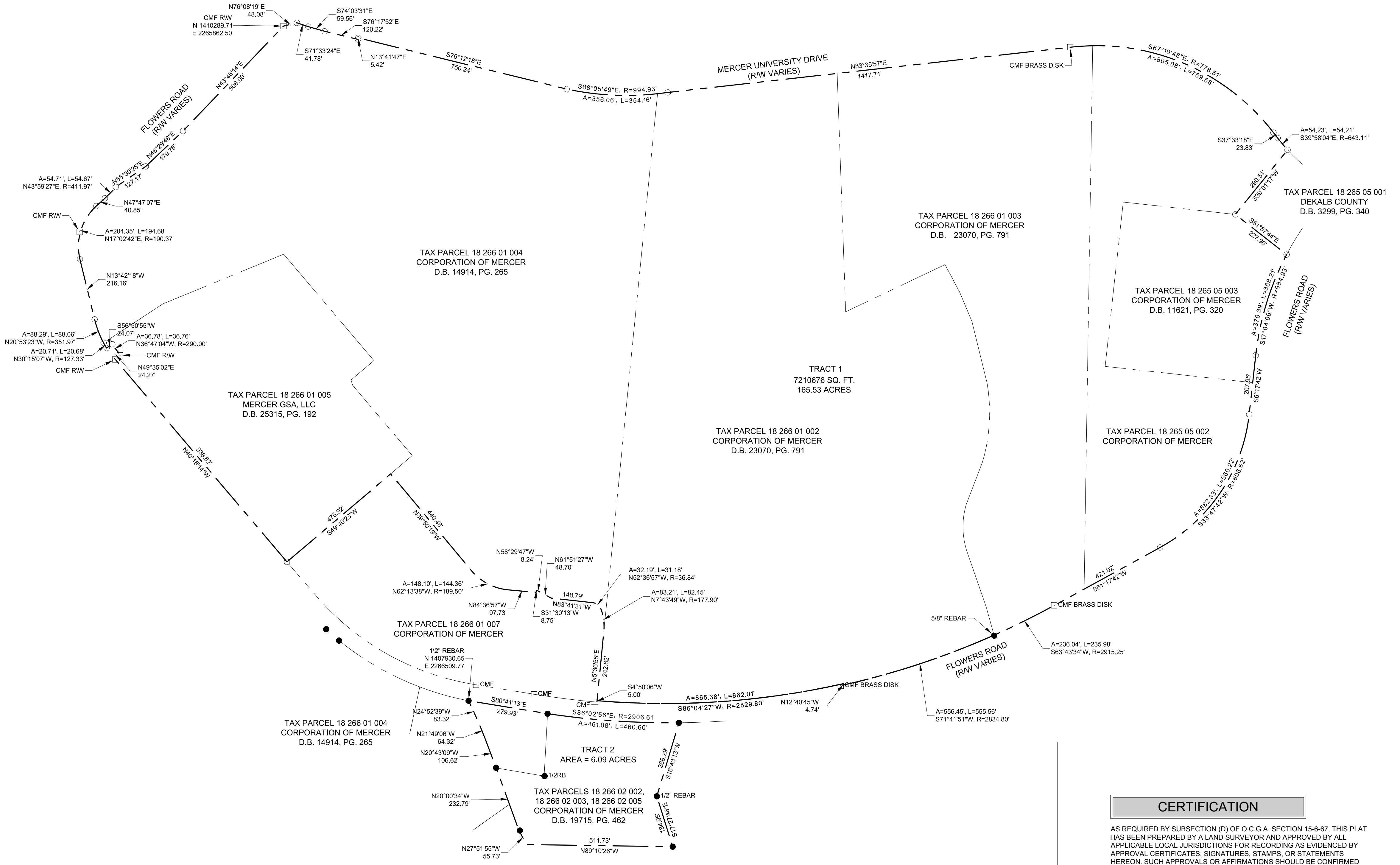
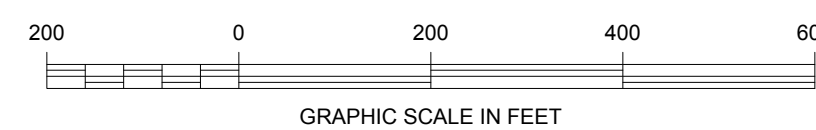
SAID PARCEL CONTAINS 165.53 ACRES MORE OR LESS.

MISCELLANEOUS NOTES

- 1. THIS PLAT 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 ACT O.C.G.A. 15-6-67 AS AMENDED BY HB76 (2017).
2. THIS DOCUMENT WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR AT THE OFFICE OF WELLSTON ASSOCIATES LAND SURVEYORS, LLC AUTHORITY O.C.G.A. 43-15-22.
3. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS AN AVERAGE RELATIVE ACCURACY OF 0.03 FEET AT THE 95% CONFIDENCE LEVEL. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 356,957 FEET. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY UTILIZING A SOKKIA GPS RTK DUAL FREQUENCY RECEIVER. FIELD WORK COMPLETED ON 10-16-20.
4. WELLSTON ASSOCIATES LAND SURVEYORS, LLC DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN.
5. BY GRAPHICAL PLOTTING ONLY, A PORTION OF THE SUBJECT AREA LIES WITHIN ZONE "A" OF THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NO. 13089C0057K AND 13089C0019K, DATED AUGUST 15, 2019.
6. THE PURPOSE OF THIS SURVEY IS TO COMBINE THE TAX PARCELS AS SHOWN HEREON INTO A SINGLE PARCEL.

LEGEND OF SYMBOLS

- IRON PIN FOUND
IRON PIN SET (1/2" REBAR W/CAP)
CONCRETE MONUMENT FOUND
PROPERTY LINE



CERTIFICATION

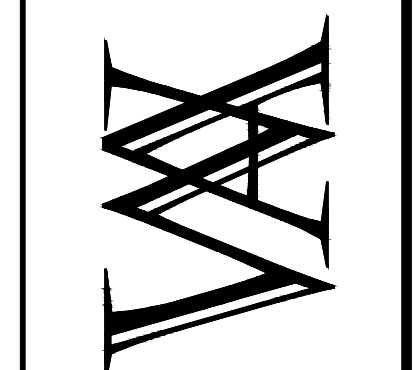
AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. 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.

Carl B. Levi, GARLS#2744
COA #LSF000949

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT, OR PLAN FOR FILING: (OR THE FOLLOWING GOVERNMENTAL BODIES HAVE AFFIRMED THAT APPROVAL IS NOT REQUIRED)

Revisions table with columns: No., Date, Description.

WELLSTON ASSOCIATES LAND SURVEYORS, LLC
506 OSIGIAN BOULEVARD, SUITE 2
WARNER ROBINS, GEORGIA 31088
OFFICE (478) 971-3382
WWW.WELLSTONASSOC.COM



CONSOLIDATION SURVEY FOR CORPORATION OF MERCER
18TH LAND DISTRICT GEORGIA
LAND LOTS 266, 266, 267, & 248 DEKALB COUNTY

Project No.: 1104-017
Drawing No.: 017-COJ
Drawn By: C.B.L.
Checked By:

R.L.S. No.: 2744

Date: OCTOBER 23, 2020
Scale: 1"=200'

Sheet No.: 1 of 1

LEGAL DESCRIPTION TRACT 1

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN DEKALB COUNTY, GEORGIA IN LAND LOTS 248 AND 266 OF THE 18TH LAND DISTRICT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE, S 71° 33' 24" E FOR A DISTANCE OF 41.78 FEET TO A POINT,
THENCE, S 74° 03' 31" E FOR A DISTANCE OF 59.56 FEET TO A POINT,
THENCE, S 76° 17' 52" E FOR A DISTANCE OF 120.22 FEET TO A POINT,
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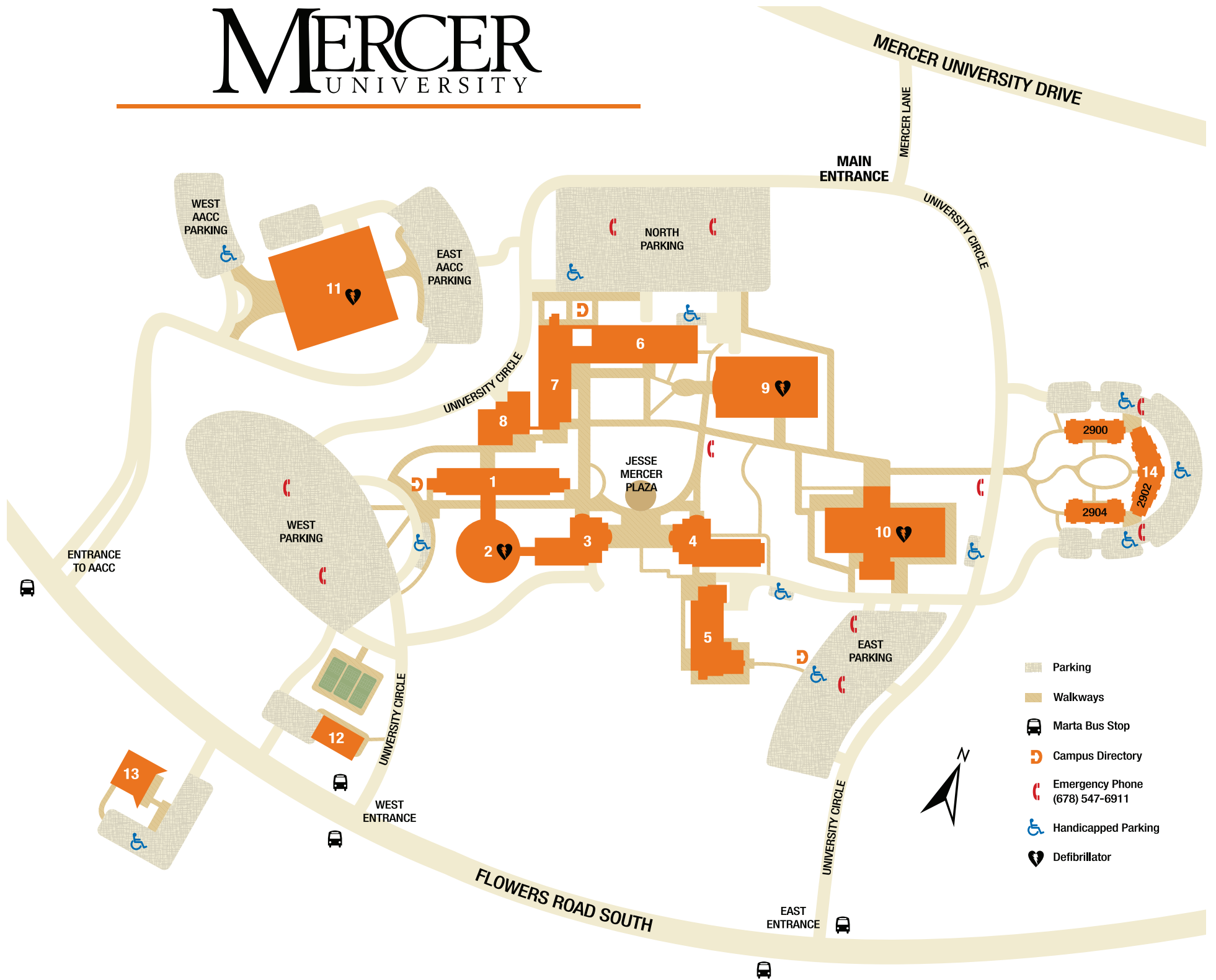
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Mercer University Cecil B. Day Campus

1. Davis Building (DB)

- Bursar's Office/Fee Payment
- College of Health Professions
 - Department of Physical Therapy
 - Department of Physician Assistant Studies
 - Department of Public Health
- Physical Therapy Clinic
- Registrar
- Financial Planning

2. Cecil B. Day Hall (DH)

- Auditorium
- International Programs
 - English Language Institute

3. McAfee School of Theology Building (THE)

- Theology Admissions
- Baptist Women in Ministry

4. Business and Education Academic Building (BE)

- Stetson School of Business and Economics
 - Business School Admissions
- Tift College of Education
 - Teacher Education Programs

5. Georgia Baptist College of Nursing Building (NUR)

- Nursing Admissions

6. Pharmacy Administration and Cafeteria Building (PAC)

- College of Pharmacy
 - Dean's Office
- Admissions/Student Affairs for College of Pharmacy
- ATM
- Auxiliary Services
- Bookstore
- Cafeteria (MAC)
- Copy Center/Mail Room
- Mercer Police
- Trustee's Dining Room (TDR)

7. Duvall Building

- College of Pharmacy Faculty Offices

8. College of Pharmacy Teaching and Research Center (PH)

9. Swilley Library (SL)

- Library
- Academic Resource Center
- Brown Art Gallery
- Drug Information Center
- Technology Support Services
- Wooten Auditorium (WOT)

10. Sheffield Student Center (SH)

- Student Affairs Division
 - Dean of Students' Office
 - Campus Health Services
 - Counseling Center
 - Housing, Disabilities and Student Activities/Student Organizations
 - Wellness and Recreation Gym, Exercise Facilities and Pool

11. Atlanta Administration and Conference Center (AACC)

2930 Flowers Road South

- Auditorium
- Career Services
- Penfield College
- Distance Learning Classroom
- Human Resources

- Offices of the President and Senior Vice President, Atlanta
- Tift College of Education
 - Educational Leadership Programs
- University Admissions
 - Penfield College Admissions
 - Tift College of Education Admissions
- University Advancement
 - Alumni Services and University Special Events
 - Development
- American Baptist Historical Society
- Center for Health and Learning
- Atlanta Regional Evening Student Support Center

12. Physical Plant

3042 Flowers Road South

13. Institute for Advanced Clinical Research at Mercer University

3015 Flowers Road South

14. Student Housing

2900, 2902 and 2904 University Circle

Building Elevations Above Two (2) Stories

Building Name	ID Number on Campus Map	Elevation (Stories)
Davis	1	3 stories (basement, 1 and 2)
Business and Education	4	3 stories (basement, 1 and 2)
Nursing	5	3 stories (1,2,3)
Sheffield Gym	10	3 stories (basement, 1 and 2)
AACC Building	11	5 stories
Student Apartments	14	3 stories

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Larry Johnson	Commissioner	\$250
Lorraine Cochran-Johnson	Commissioner	\$250

By: 
Printed Name: Michele L. Battle

October 8, 2020

RE: Proposed Special Land Use Permit Project at 2930, 3000, 3015, 3041, 3151, 3200, and 3246 Flowers Road S. and 3001 and 3100 Mercer University Drive, Chamblee, Unincorporated DeKalb County, Georgia 30341

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Tuesday, October 27th, 2020 from 6:00 pm – 7:00 pm to discuss the proposed Special Land Use Permit for the Mercer University Campus to provide for a blanket increase of the height of on-campus buildings from 2 stories to 5 stories.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 5 or email us at jlj@battlelawpc.com and we'll send you a summary of the meeting.

Zoom Meeting Details

Meeting ID: 821 3111 4849

Password: 982115

Internet: <https://otago.zoom.us/join>

Telephone: (646) 558-8656

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

Michèle Battle

Michèle L. Battle

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Boyd Atlanta Rhodes Llc	1 N Wacker Dr Ste 4025	Chicago	IL	60606-2844
3060 Mercer Sp Llc	3060 Mercer University Dr	Chamblee	GA	30341-4135
A Carey Huddlestun	3120 Bolero Dr	Atlanta	GA	30341-5758
Adam C Gerald	2826 Dunnington Cir	Atlanta	GA	30341-5608
Adam Toll	3239 Embry Hills Dr	Chamblee	GA	30341-4327
Adile R Bayakly	3160 Mercer University Dr	Chamblee	GA	30341-5630
Akio Uetsuki	2958 Dunnington Cir	Atlanta	GA	30341-5610
Akkaraju Rakesh Sarma	3136 Mercer University Dr	Atlanta	GA	30341-5630
Akrivy Stewart	1966 Kanawha Dr	Stone Mountain	GA	30087-2109
Al P Hayden	3263 Embry Hills Dr	Atlanta	GA	30341-4327
Alex Fairchild	3204 Embry Hills Dr	Atlanta	GA	30341-4328
Ali S Yarbou	3070 Mercer University Dr	Atlanta	GA	30341-4138
Alice M Lovelace	3434 Embry Cir	Chamblee	GA	30341-5612
Anderson Merle V Revoc Lvng Ai	3363 Embry Cir	Chamblee	GA	30341-5640
Andre W Hodges	3314 Balmoral Dr	Atlanta	GA	30341-5618
Andrew McLdendon	3151 Embry Hills Dr	Chamblee	GA	30341-4325
Ann C Beal	3052 Stantondale Dr	Chamblee	GA	30341-4106
Ann L Albright	3138 Mercer University Dr	Chamblee	GA	30341-5630
Anny Pamela Perez	3128 Embry Hills Dr	Atlanta	GA	30341-4326
Arthur James Cooper	2879 Dunnington Cir	Atlanta	GA	30341-5607
Ashley Caggiano	3377 Embry Cir	Chamblee	GA	30341-5640
Ashley McCollum	3032 Henderson Mill Rd	Atlanta	GA	30341-5602
Association Of Energy Engineer	3168 Mercer University Dr	Atlanta	GA	30341-5630
Atpa Rutgers Llc	5404 Wisconsin Ave Ste 1150	Chevy Chase	MD	20815-3573
Autumn Levy	2926 Dunnington Cir	Chamblee	GA	30341-5610
Awet Clay	3076 Margavera Ter	Atlanta	GA	30341-4102
Barbara Jo Call	2714 Briarlake Woods Way Ne	Atlanta	GA	30345-3908
Barrington Property Owners	11525 Park Woods Cir	Alpharetta	GA	30005-2422
Belinda G Buckley	3000 Henderson Mill Rd	Atlanta	GA	30341-5602
Benjamin Charity	3283 Balmoral Dr	Atlanta	GA	30341-5615
Betty Devereaux Brown	3246 Embry Hills Dr	Chamblee	GA	30341-4328
Billie June Randall	3047 Henderson Mill Rd	Chamblee	GA	30341-5601
Billy Robert Hood	3008 Henderson Mill Rd	Chamblee	GA	30341-5602

Billy W Fernander	3288 Balmoral Dr	Atlanta	GA	30341-5616
Bonnie M Babinelli	2769 Dunnington Cir	Atlanta	GA	30341-5605
Brent A Holland	2799 Dunnington Cir	Chamblee	GA	30341-5605
Brian T Wilson	3270 Embry Hills Dr	Chamblee	GA	30341-4328
Bromley Mary Clare Trustee Bro	3050 Henderson Mill Rd	Chamblee	GA	30341-5602
Brook N Friedlander	3346 Embry Cir	Chamblee	GA	30341-5641
Bruce Edward Neal	3316 Mercer University Dr	Chamblee	GA	30341-5634
Cameron M Argotsinger	3265 Alton Rd	Atlanta	GA	30341-4305
Carol K Garrett	3419 Embry Cir	Chamblee	GA	30341-5611
Carole C Awalt	3403 Embry Cir	Atlanta	GA	30341-5611
Caroline A Smith	3462 Embry Cir	Chamblee	GA	30341-5612
Caroline Wood	3231 Alton Rd	Atlanta	GA	30341-4305
Carolyn Ann Smith	3184 Embry Hills Dr	Chamblee	GA	30341-4345
Chad A Thompson	2862 Dunnington Cir	Chamblee	GA	30341-5608
Charles P Ferguson	3416 Embry Cir	Chamblee	GA	30341-5612
Charles S Varner	3288 Embry Hills Dr	Chamblee	GA	30341-4328
Cehade Y Chihane	2919 Dunnington Cir	Atlanta	GA	30341-5609
Christina L Campbell	3069 Stantondale Dr	Chamblee	GA	30341-4105
Christopher J Watson	2871 Dunnington Cir	Chamblee	GA	30341-5607
Corporation Of Mercer	1350 Spring St Nw	Atlanta	GA	30309-2864
Corporation Of Mercer	3001 Mercer University Dr	Atlanta	GA	30341-4115
Corporation Of Mercer Universit	1400 Coleman Ave	Macon	GA	31207-0001
Dafre Llc	3084 Mercer University Dr	Atlanta	GA	30341-4139
Daniel Hofert	3221 Alton Rd	Chamblee	GA	30341-4305
Daniel Y Kwon	2854 Dunnington Cir	Atlanta	GA	30341-5608
David Allen Steinhauer	3278 Embry Hills Dr	Chamblee	GA	30341-4328
David Gordon Paul	3328 Mercer University Dr	Atlanta	GA	30341-5634
David Spooner	3201 Embry Hills Dr	Chamblee	GA	30341-4327
David W Jones	3411 Embry Cir	Atlanta	GA	30341-5611
Dean B Nordhielm	2911 Dunnington Cir	Atlanta	GA	30341-5609
Decatur W Morse Jr	3228 Embry Hills Dr	Chamblee	GA	30341-4328
Dekalb Board Of Education	1701 Mountain Industrial Blvd	Stone Mountain	GA	30083-1027
Dekalb County	1300 Commerce Dr	Decatur	GA	30030-3222
Dennis H Fritsch	2788 Dunnington Cir	Atlanta	GA	30341-5606

Derric M Raggs	2950 Dunnington Cir	Atlanta	GA	30341-5610
EKMARL Allen C	3297 Embry Hills Drive	Chamblee	GA	30341
Eliana Haydee Tyre	3069 Margavera Ter	Atlanta	GA	30341-4101
Elias Hatoun	3470 Embry Cir	Chamblee	GA	30341-5612
Elizabeth M Francois	2780 Dunnington Cir	Atlanta	GA	30341-5606
Embry Hills Club Inc	2975 Medinah Ct	Atlanta	GA	30341-5621
Everland Inc	4029 Nobleman Pt	Peachtree C	GA	30097-2363
Fayyaz Haq	3074 Henderson Mill Rd	Atlanta	GA	30341-5638
Fbo Paulette George Hatoun Hai	3369 Embry Cir	Chamblee	GA	30341-5640
Florence Coleman Stowe	2021 Oak Grove Rd Ne	Atlanta	GA	30345-3842
Flowers Ga Partners Llc	3024 Peachtree Rd Nw Ste 300	Atlanta	GA	30305-2202
Frances Eleanor Brown	2903 Dunnington Cir	Atlanta	GA	30341-5609
Francis A Petrus	3193 Alton Rd	Atlanta	GA	30341-4356
Frederic W Victor	3203 Alton Rd	Atlanta	GA	30341-4305
Frederick H Crudder	3372 Embry Cir	Chamblee	GA	30341-5641
Gary E Youngblood	3390 Embry Cir	Chamblee	GA	30341-5641
Gary K Shannon	2957 Dunnington Cir	Atlanta	GA	30341-5609
Gayle E Crew	2939 Dunnington Cir	Atlanta	GA	30341-5609
Georgia Agape Inc	3094 Mercer University Dr	Atlanta	GA	30341-4141
Georgia Dept Of Transportation	600 W Peachtree St Nw	Atlanta	GA	30308-3607
Georgia Press Association Inc	3066 Mercer University Dr	Chamblee	GA	30341-4137
Gwendolyn A Freeman	3146 Mercer University Dr	Chamblee	GA	30341-5630
Harry Y Parmenter	2827 Dunnington Cir	Atlanta	GA	30341-5607
Helen Black Edenfield	2863 Dunnington Cir	Atlanta	GA	30341-5607
Helen E Strickland	3257 Alton Rd	Atlanta	GA	30341-4305
Howard D Allen Grady	3247 Embry Hills Dr	Atlanta	GA	30341-4327
J C Shekhar Reddy	1670 Riverside Rd	Roswell	GA	30076-5135
Jack C Shapiro	3053 Margavera Ter	Chamblee	GA	30341-4101
Jack R Parker III	3292 Mercer University Dr	Chamblee	GA	30341-5632
James E Tebbel Jr	3427 Embry Cir	Atlanta	GA	30341-5611
Janice M Moriarity	2894 Dunnington Cir	Atlanta	GA	30341-5608
Jaqueline Richards	3084 Henderson Mill Rd	Chamblee	GA	30341-5638
Jared Inlow	6031 Rocky Shoals Ct	Tucker	GA	30084-1600
Jason E Tincher	3249 Alton Rd	Atlanta	GA	30341-4305

Jean A Peterson	3142 Embry Hills Dr	Atlanta	GA	30341-4326
Jean W Walls	3262 Embry Hills Dr	Chamblee	GA	30341-4328
Jeanne E Mielke	3169 Embry Hills Dr	Chamblee	GA	30341-4325
Jeffrey A May	3360 Embry Cir	Chamblee	GA	30341-5641
Jennifer D Seymour	3400 Embry Cir	Chamblee	GA	30341-5612
Jeremy Adams	3279 Embry Hills Dr	Atlanta	GA	30341-4327
Jessica Michelle Wamsley	3045 Stantondale Dr	Chamblee	GA	30341-4105
Jesus Mendoza	3061 Stantondale Dr	Chamblee	GA	30341-4105
Jianfu Shan	3052 Margavera Ter	Chamblee	GA	30341-4102
Joan Carole Krahl	5070 Spring Rock Ter Ne	Roswell	GA	30075-5451
Joel Shallenberger	3126 Bolero Dr	Chamblee	GA	30341-5758
John C Schellman	3134 Embry Hills Dr	Atlanta	GA	30341-4326
John David Marsh	3255 Embry Hills Dr	Chamblee	GA	30341-4327
John Dodson	3220 Embry Hills Dr	Chamblee	GA	30341-4328
John Goodman	3437 Embry Cir	Chamblee	GA	30341-5611
John H Owen	Po Box 922334	Norcross	GA	30010-2334
John W Liu	3144 Mercer University Dr	Chamblee	GA	30341-5630
Jonathan B Sears	2910 Dunnington Cir	Atlanta	GA	30341-5610
Jonnie Lee Lopez	3295 Mercer University Dr	Atlanta	GA	30341-5639
Joseph Lau	3020 Mercer University Dr	Chamblee	GA	30341-4145
Judy L Brower	3236 Embry Hills Dr	Atlanta	GA	30341-4328
Julia D Hicks	2804 Dunnington Cir	Chamblee	GA	30341-5608
Juliana K Cyril	2818 Dunnington Cir	Atlanta	GA	30341-5608
Justin Spinks	2815 Dunnington Cir	Atlanta	GA	30341-5607
Karen M Britting	3211 Alton Rd	Chamblee	GA	30341-4305
Kathleen L Campbell	Po Box 941514	Atlanta	GA	31141-0514
Kathleen P Oconnor	2796 Dunnington Cir	Chamblee	GA	30341-5606
Kelly Meierhofer	3156 Mercer University Dr	Atlanta	GA	30341-5630
Koger Co The	2951 Flowers Rd S	Atlanta	GA	30341-5532
Laura D Pfister	3068 Margavera Ter	Chamblee	GA	30341-4102
Laura J Wilson	3132 Mercer University Dr	Chamblee	GA	30341-5630
Leon C Hendee III	3134 Bolero Dr	Atlanta	GA	30341-5758
Linda Beatrice Nunn	3306 Balmoral Dr	Chamblee	GA	30341-5618
Lisa Buckalew	3300 Mercer University Dr	Atlanta	GA	30341-5634

Lori Tanzoach Turbe	3424 Embry Cir	Atlanta	GA	30341-5612
Lorraine McGillivray	3148 Mercer University Dr	Atlanta	GA	30341-5630
Lydia F White	2761 Dunnington Cir	Chamblee	GA	30341-5605
Lyndsey Jones	3129 Embry Hills Dr	Chamblee	GA	30341-4325
Maanav Mahindru	2777 Dunnington Cir	Atlanta	GA	30341-5605
Margaret L Adams	3159 Embry Hills Dr	Chamblee	GA	30341-4325
Maria Chihane	2942 Dunnington Cir	Chamblee	GA	30341-5610
Mark A Lloyd	3108 Bolero Dr	Atlanta	GA	30341-5758
Martha E Wroolie	3448 Embry Cir	Chamblee	GA	30341-5612
Mary Jo M Garvin	2878 Dunnington Cir	Atlanta	GA	30341-5608
Mary W Carlton	3034 Stantondale Dr	Chamblee	GA	30341-4106
Matthew C Johnson	2887 Dunnington Cir	Atlanta	GA	30341-5607
Michael G Sherberger	3273 Alton Rd	Atlanta	GA	30341-4305
Michael Hill	3142 Mercer University Dr	Atlanta	GA	30341-5630
Michael S Kelly	2895 Dunnington Cir	Atlanta	GA	30341-5607
Michael T Hayes	3355 Embry Cir	Chamblee	GA	30341-5640
Michelle Joyner Tracy	3196 Embry Hills Dr	Chamblee	GA	30341-4345
Mimi Shauna Cheek	1394 Indian Trail Lilburn Rd	Norcross	GA	30093-2677
Mirza Dobric	3154 Mercer University Dr	Chamblee	GA	30341-5630
Mohammad T Mehrpad	3034 Margavera Ter	Chamblee	GA	30341-4102
Moire Holdings Llc	9795 Farmbrook Ln	Alpharetta	GA	30022-5503
Mzn Mitchell Investments Llc	2900 Chamblee Tucker Rd Bldg 1	Atlanta	GA	30341-4100
Nathalie I Lefebvre	3160 Embry Hills Dr	Atlanta	GA	30341-4326
Nathan A Price	3241 Alton Rd	Chamblee	GA	30341-4305
Neal W Plunkett	3041 Margavera Ter	Chamblee	GA	30341-4101
Neena Rani Tucker	3016 Henderson Mill Rd	Atlanta	GA	30341-5602
Nhan Thanh Tran	3152 Embry Hills Dr	Chamblee	GA	30341-4326
Nicklaus L King	3453 Embry Cir	Atlanta	GA	30341-5611
Noelia Barrera	2846 Dunnington Cir	Atlanta	GA	30341-5608
Oleg Bilukha	3143 Embry Hills Dr	Chamblee	GA	30341-4325
Pae McLemore	3126 Mercer University Dr	Chamblee	GA	30341-5630
Paul Edward Ashford	3037 Henderson Mill Rd	Atlanta	GA	30341-5601
Paul S Barranco	3077 Margavera Ter	Chamblee	GA	30341-4101
Pavel Favorov	3231 Embry Hills Dr	Chamblee	GA	30341-4327

Penny B Eisenstein	3327 Embry Cir	Chamblee	GA	30341-4318
Peter R Hendricks	3287 Embry Hills Dr	Chamblee	GA	30341-4327
Phillip L Ladzinske	3271 Embry Hills Dr	Chamblee	GA	30341-4327
Poolos George Nick	3098 Henderson Mill Rd	Chamblee	Ga	30341
Rae R Dewoody	3461 Embry Cir	Atlanta	GA	30341-5611
Ralph C Cox	3273 Balmoral Dr	Atlanta	GA	30341-5615
Rampersad Immigration Grp Llc	3300 Buckeye Rd Ste 220	Atlanta	GA	30341-4232
Ravi P Singh	3057 Oaktree Ln	Duluth	GA	30096-5885
Raymond P Rampersad	3134 Mercer University Dr	Chamblee	GA	30341-5630
Rebecca Perkins	3445 Embry Cir	Chamblee	GA	30341-5611
Regent Centre Development Co	1874 Piedmont Ave Ne	Atlanta	GA	30324-4869
Richard S Gross	3301 Balmoral Dr	Atlanta	GA	30341-5617
Robert C Starr	2918 Dunnington Cir	Atlanta	GA	30341-5610
Robert D Kwasha	9795 Huntcliff Trce	Atlanta	GA	30350-2712
Robert Eugene Patterson	3017 Henderson Mill Rd	Chamblee	GA	30341-5601
Robert G Hutton	3280 Balmoral Dr	Atlanta	GA	30341-5616
Robert L Snee	2810 Dunnington Cir	Chamblee	GA	30341-5608
Robert W Douthit	3298 Balmoral Dr	Atlanta	GA	30341-5616
Roman A Khiyayev	3089 Colonial Way	Atlanta	GA	30341-5309
Rosalien M Payne	3150 Mercer University Dr	Atlanta	GA	30341-5630
Rozina A Hussain	3140 Mercer University Dr	Atlanta	GA	30341-5630
Ruben Diaz	3212 Embry Hills Dr	Chamblee	GA	30341-4328
Rubicon Investment Grp Llc	2840 Dunnington Cir	Chamblee	GA	30341-5608
Russell Geary	3044 Margavera Ter	Chamblee	GA	30341-4102
Russell Spornberger	3456 Embry Cir	Atlanta	GA	30341-5612
Ryan Berndt	3308 Mercer University Dr	Atlanta	GA	30341-5634
Sally S Bennett	3060 Stantondale Dr	Chamblee	GA	30341-4106
Scalp Maters Atlanta Llc	3060 Mercer University Dr Ste 3	Atlanta	GA	30341-4135
Sean Goldstein	4031 Kingsley Park Ln	Peachtree (GA	30096-2425
Sharon Kendall	3221 Embry Hills Dr	Chamblee	GA	30341-4327
Sharon P Lewis	3135 Embry Hills Dr	Atlanta	GA	30341-4325
Sherry L Adams	1468 Winston Pl	Decatur	GA	30033-1955
Shubhaya Saha	2753 Dunnington Cir	Chamblee	GA	30341-5605
Silver Oaks Atlanta Llc	129 S 11th St	Nashville	TN	37206-2954

Sobeta Llc	1244 North Ave Ne	Atlanta	GA	30307-1525
Stefan James Cashwell	3165 Alton Rd	Atlanta	GA	30341-4356
Stephen Bordeleau	2929 Dunnington Cir	Chamblee	GA	30341-5609
Stephen C Austin	2870 Dunnington Cir	Atlanta	GA	30341-5608
Stephen D McCracken	2990 Henderson Mill Rd	Chamblee	GA	30341-5635
Stephen J Leotis	2934 Dunnington Cir	Chamblee	GA	30341-5610
Steven H Lyons	3254 Bolero Trce	Atlanta	GA	30341-5761
Steven Peck	3053 Stantondale Dr	Chamblee	GA	30341-4105
Sungmee Park	1610 Reserve Cir	Decatur	GA	30033-1537
Sylvia M Naguib	2764 Dunnington Cir	Atlanta	GA	30341-5606
Tarik Merad Boudia	3003 Henderson Mill Rd	Atlanta	GA	30341-5601
Teh Chih Lee	3272 Balmoral Dr	Chamblee	GA	30341-5616
Theodore Mowinski	2947 Dunnington Cir	Chamblee	GA	30341-5609
Thirty One Fourteen Mercer Llc	3114 Mercer University Dr	Atlanta	GA	30341-4144
Thomas B Ingram Jr	3187 Alton Rd	Chamblee	GA	30341-4356
Thomas C Stanford	3061 Margavera Ter	Chamblee	GA	30341-4101
Tisca C Denson	3408 Embry Cir	Chamblee	GA	30341-5612
Tivoli Ii Llc	Po Box 8984	Richmond	VA	23225-0684
Toby F Block	3044 Stantondale Dr	Chamblee	GA	30341-4106
Veronika Zarnitsyna	3128 Mercer University Dr	Atlanta	GA	30341-5630
Victoria Chihane	3027 Henderson Mill Rd	Atlanta	GA	30341-5601
Virginia O Bailey	2902 Dunnington Cir	Atlanta	GA	30341-5610
W D Mallard	3291 Balmoral Dr	Atlanta	GA	30341-5615
Weijie Chen	3130 Mercer University Dr	Atlanta	GA	30341-5630
Whitney Patel	3147 Alton Rd	Chamblee	GA	30341-4303
William A Sewell	3313 Mercer University Dr	Atlanta	GA	30341-5633
William R Fortner	3213 Embry Hills Dr	Chamblee	GA	30341-4327
William Thomas Collier	3385 Embry Cir	Chamblee	GA	30341-5640
Wubalem Tekeste	3254 Embry Hills Dr	Chamblee	GA	30341-4328
Yevgine Rozhavsky	3060 Margavera Ter	Chamblee	GA	30341-4102
Yue Qiu	3158 Mercer University Dr	Chamblee	GA	30341-5630

