

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 03; Super District 07

**Application of James Cantrell for a Major Modification of the conditional site plan and other conditions of RSM (Residential Small Lot Mix) zoning approved pursuant to CZ-18-22025, for six single-family homes, at 3446 Midway Road.**

**PETITION NO:** N4. CZ-21-1245234 (2021-3158)

**PROPOSED USE:** Six single-family homes.

**LOCATION:** 3446 Midway Road, Decatur, Georgia 30032

**PARCEL NO. :** 15-218-13-061

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of James Cantrell for a Major Modification of the conditional site plan and other conditions of RSM (Residential Small Lot Mix) zoning approved pursuant to CZ-18-22025, for six single-family homes. The property is located on the southwest corner of Midway Road and Beech Drive, at 3446 Midway Road, Decatur, Georgia. The property has approximately 211 feet of frontage on Midway Road and 210 feet of frontage on Beech Drive and contains 1.12 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

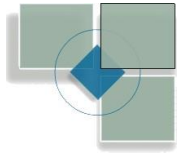
**PLANNING COMMISSION:** Full Cycle Deferral.

**PLANNING STAFF:** Deferral.

**STAFF ANALYSIS:** The request is to modify the existing zoning conditions within the RSM zoning district that the Board of Commissioners approved in 2018 per CZ 18 2125 (see attached) to maintain the previously approved number of single-family, detached homes (six units), but to re-orient those units so that their front facades face Midway Road and Beech Road instead of constructing the units on a new internal private street. While the proposed modification request to re-orient the front facades of the homes to face Midway Road and Beech Road appears to be a more neighborhood friendly design than a gated community, there are transportation issues that need to be addressed relating to the increased number of driveways on Midway Road, and the close proximity of the northern driveway to the Midway Road/Beech Drive intersection. The plans need to show more enhanced open space features to demonstrate compliance with the enhanced open space requirements of the Zoning Ordinance. Additionally, the application needs to address the impact criteria of Section 7.3.5. relating to compatibility with surrounding uses, transportation impacts, etc and provide more justification for the reason for the modification request needs to be provided. Therefore, it cannot be determined if the proposal is compatible with the surrounding single-family subdivisions on adjacent and nearby properties (Sec 7.3.5.B). It is the recommendation of the Planning and Sustainability Department that the request to “Deferred” to allow these issues to be addressed.

**PLANNING COMMISSION VOTE:** Full Cycle Deferral 8-0-0. Vivian Moore moved, Gwendolyn McCoy seconded for FCD, per staff recommendation to the Jan. 2022 zoning agenda.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Approval 8-0-0.



**Planning Commission Hearing Date: November 4, 2021**  
**Board of Commissioners Hearing Date: November 18, 2021**

**STAFF ANALYSIS**

<b>Case No.:</b>	CZ-21-1245234	<b>Agenda #:</b> N4
<b>Location / Address:</b>	The southwest corner of Midway Road and Beech Drive, at 3446 Midway Road, Decatur, Georgia.	<b>Commission District:</b> 3 & 7 <b>Super District:</b>
<b>Parcel ID:</b>	15-218-13-061	
<b>Request:</b>	For a Major Modification of the conditional site plan and other conditions of RSM (Residential Small Lot Mix) zoning approved pursuant to CZ-18-22025, for six single-family homes.	
<b>Property Owner:</b>	Flyaway Homes LLC	
<b>Applicant/Agent:</b>	James Cantrell	
<b>Acreage:</b>	1.12	
<b>Existing Land Use:</b>	Single-family home and vacant land	
<b>Surrounding Properties:</b>	Single-family homes	
<b>Adjacent Zoning:</b>	<b>North:</b> RSM <b>South:</b> R - 7 5 <b>East:</b> R-75 <b>West:</b> R-75	
<b>Comprehensive Plan:</b>	Suburban	<b>Consistent</b> <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>Proposed Density:</b>	5.35 units per acre	<b>Existing Density:</b> NA
<b>Proposed Lot Coverage:</b>	NA	<b>Existing Units/Square Feet:</b> Single-family home and vacant land. <b>Existing Lot Coverage:</b> NA

**Staff Recommendation: DEFERRAL**

The request is to modify the existing zoning conditions within the RSM zoning district that the Board of Commissioners approved in 2018 per CZ 18 2125 (see attached) to maintain the previously approved number of single-family, detached homes (six units), but to re-orient those units so that their front facades face Midway Road and Beech Road instead of constructing the units on a new internal private street. While the proposed modification request to re-orient the front facades of the homes to face Midway Road and Beech Road appears to be a more neighborhood friendly design than a gated community, there are transportation issues that need to be addressed relating to the increased number of driveways on Midway Road, and the close proximity of the northern driveway to the Midway Road/Beech Drive intersection. The plans

need to show more enhanced open space features to demonstrate compliance with the enhanced open space requirements of the Zoning Ordinance. Additionally, the application needs to address the impact criteria of Section 7.3.5. relating to compatibility with surrounding uses, transportation impacts, etc and provide more justification for the reason for the modification request needs to be provided. Therefore, it cannot be determined if the proposal is compatible with the surrounding single-family subdivisions on adjacent and nearby properties (Sec 7.3.5.B). It is the recommendation of the Planning and Sustainability Department that the request to "Deferred" to allow these issues to be addressed.

### **ZONING HISTORY**

The subject property has been zoned R-SM (Small Lot Residential Mix) with zoning conditions since the Board of Commissioners approved this zoning on August 28, 2018.

### **PROJECT ANALYSIS**

The property is moderately flat off of Midway and Beech Road, with a moderate number of mature trees and foliage. The property is surrounded by single-family detached homes to the north, south, east, and west.

The subject property comprises 1.12 acres and contains a single-family structure and vacant land. There were 10 conditions approved in 2018, and the applicant is wanting to amend Condition #1 (site plan), #4 (required right of way dedication), and #6 (required brick wall around site perimeter). The previous 2018 approval was for six single-family detached homes which faced a private internal street with the rear of the homes facing Midway and Beech Road. The proposed modification is to integrate the design to be more compatible with the surrounding neighborhood by orienting the fronts of the six homes to face Midway and Beech roads and eliminate the new private street and convert that area into open space. The number of homes and density are not changing from the previous 2018 zoning approval. The RSM district allows a base density of four (4) units per acre, with density up to eight (8) units per acre if certain community enhancements or provisions are provided. To achieve the desired density of 5.35 units per acre, the applicant is requesting a 50% density bonus based on the inclusion of enhanced open space (i.e.,  $4 \text{ DU/AC} \times 50\% = 2 \text{ DU/AC}$ ;  $4+2=6 \text{ DU/AC}$  (maximum)). To get this type of density bonus, at least 20% open space must be enhanced open space such as dog parks, pocket parks, pool amenities, etc. The site plan indicates that the applicant is providing 20% open space but does not show how the open space is "enhanced" with trails/gazebos/picnic areas. Planning Department would recommend that the applicant revise the plan to provide enhanced open space features to demonstrate compliance with the enhanced open space requirements. The applicant is also providing Earthcraft certified homes as an additional density bonus (50% density bonus).

The applicant will comply with Article 5 regarding required sidewalks and landscape strips to further provide an appropriate integration with the surrounding neighborhood. Since the applicant is wanting to integrate the proposed residential subdivision into the surrounding neighborhood and avoid having a gated community, the proposed modification also eliminates Condition #6 which requires the installation of a brick wall around the perimeter of the site. The proposed homes comply with the minimum building setback requirements, maximum lot coverage (max 50%), and building height (28 feet) requirements. No transitional buffer is required since single-family detached units are proposed.

The property has frontage along Midway Road and Beech Road. Beech Road is a two-lane local road with curb, gutter, and sidewalk. Midway Road is a two-lane collector road with curb, gutter, and sidewalks. The Plan proposes access from each home to Midway and Beech Road.

**COMPATIBILITY WITH MR-2 ZONING REQUIREMENTS**

<b>STANDARD</b>	<b>RSM REQUIREMENT</b>	<b>EXISTING/PROPOSED</b>	<b>COMPLIANCE</b>
<b>MAX DENSITY</b>	4-8 units per acre maximum	5.35 units per acre with two 50% density bonuses: A enhanced open space bonus and a certified Earthcraft home for all proposed residential units.	Yes, but need to provide revised plan that shows enhanced features such as trail and gazebo/picnic areas
<b>LOT WIDTH</b>	50 feet	50 to 60 feet	Yes
<b>LOT AREA</b>	5000 s.f. (Min.)	5,000 s.f.	Yes
<b>MAX. LOT COVERAGE</b>	50%	54.7%	Yes
<b>FRONT SETBACK</b>	Min 20 ft from Midway Rd Min. 20 ft from Beech Rd	20 ft	Yes
<b>REAR SETBACK</b>	20 ft.	20 ft	Yes
<b>SIDE SETBACK</b>	3 ft. with min. 10 feet separation between buildings	10 ft with 20 ft separation between buildings	Yes
<b>MAX. BLDG. HEIGHT</b>	35 feet	2 stories/28 feet	Yes
<b>MIN OPEN SPACE</b>	20%	35%	Yes.
<b>MIN UNIT SIZE</b>	1,200 s.f.	2,100 s.f.	Yes
<b>MIN ENHANCED OPEN SPACE</b>	35%	35%	Yes, but need to provide revised plan that shows enhanced features such as trail and gazebo/picnic areas
<b>TRANSITIONAL BUFFER</b>	No transitional buffer required since single-family detached homes are proposed.	No buffer provided.	Yes



<b>PARKING</b>	Min of 12 spaces Max of 24 spaces	Applicant indicates at least two parking spaces will be provided for each residential unit.	Yes
<b>SIDEWALKS AND STREETSCAPE</b>	5 ft wide sidewalk and 6-ft wide landscape strip with street trees every 30 ft on center along Beech Road  10-foot wide landscape strip and 6-foot wide sidewalk along Midway Road with street trees every 50 feet on center.	Plan shows compliance  Plan shows compliance with 10 ft landscape strip and street trees 50 ft on center. Plan does not provide 6 ft wide sidewalk (5 ft provided)	Yes  Yes for LS and Street trees. No for 6 ft sidewalk. Non-compliance will necessitate variances from BZA.

#### **LAND USE AND ZONING ANALYSIS:**

Section 27-7.3.5 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

Based on the submitted information, it appears that the proposed major modification request to maintain the previously approved number of residential units but re-orient the front facades of the homes to face Midway Road and Beech Road is a more neighborhood friendly concept, but formal justification for why the request is being made as well as revised plans showing compliance with enhanced open space requirements need to be provided to verify compatibility with surrounding properties and conformity with the intent of the comprehensive plan.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

Based on the submitted information, it appears that the proposed major modification request to maintain the previously approved number of residential units but re-orient the front facades of the homes to face Midway Road and Beech Road is a more neighborhood friendly concept, but formal justification for why the request is being made as well as revised plans showing compliance with enhanced open space requirements need to be provided to verify compatibility with surrounding properties

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

It appears that the property may have a reasonable economic use as currently zoned RSM and approved for six single-family detached homes.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

See response to Criteria B above.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

See response to Criteria “A” above.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

Based on the submitted information, no historic buildings, sites, districts, or archaeological resources are located on the subject property or in the surrounding

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

Based on the submitted site plan and information, there are transportation issues that need to be addressed relating to the increased number of driveways on Midway Road, and the close proximity of the northern driveway to the Midway Road/Beech Drive intersection. There has been no indication from reviewing departments and agencies that the proposal could cause excessive use of utilities or schools. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is available.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:**

Since there is no proposed increase in the number of residential units previously approved by the Board of Commissioners in 2018, the proposed development is not expected to have unusual impacts on the natural environment.

**PLANNING AND SUSTAINABILITY DEPARTMENT RECOMMENDATION: DEFERRAL**

**Attachments:**

1. Public Works Department Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs



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](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-21-1245234

Parcel I.D. #: 15 218-13-061

Address: 3446 Midway Road

Decatur, Georgia

WATER:

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

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Cobb Fowler

Outfall Servicing Project: Indian Creek Basin

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

Water Treatment Facility: Snapfinger WTF ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD)

Current Flow: 21.77 (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.

Will require sewer capacity. May be capacity restricted. Della Taylor

Signature: Carla

## Public Works Comments – October 2021

N1. No comment.

N2. 5277 Rockbridge Road. Would be nice if the neighborhood connected to Wexford Lane for roadway network connectivity. Rockbridge Road is classified as a minor arterial. At a minimum-ROW dedication 40 feet from centerline (or all public infrastructure on right of way- including streetlights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4- foot bike lane (or a 10 foot multiuse path in lieu of 4 foot bike lanes and 6 foot sidewalk), street trees, streetlights required. Professional engineer to verify sight distance at all access points per AASHTO guidelines- to be submitted with permitting.

N3. Tilson Road and Second Ave are both classified as collectors. At a minimum-ROW dedication 35 feet from centerline (or all public infrastructure on right of way- including streetlights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4- foot bike lane, street trees, streetlights required. Professional engineer to verify sight distance at all access points per AASHTO guidelines- to be submitted with permitting. Watch the requirements for number of access points required based on the number of units. Section 14-200 (5) of the Land Development Code.

N4. Midway at Beech. Midway is classified as a collector road. At a minimum-ROW dedication 35 feet from centerline (or all public infrastructure on right of way- including streetlights, which ever greater), 6-foot sidewalk, 10 foot landscape strip, pedestrian scale, 4- foot bike lane, street trees, streetlights required. Professional engineer to verify sight distance at all access points per AASHTO guidelines- to be submitted with permitting. Beech is classified as a local road. At a minimum-ROW dedication 27.5 feet from centerline (or all public infrastructure on right of way- including streetlights, which ever greater), 6-foot sidewalk, 6 foot landscape strip, pedestrian scale, street trees, streetlights required. Professional engineer to verify sight distance at all access points per AASHTO guidelines- to be submitted with permitting.

# DEKALB COUNTY



10/13/2021

To: Ms. Madolyn Spann, Planning Manager  
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 operation or swimming pool 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.

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

DeKalb County Board of Health

## DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

10/13/2021

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N.1

SLUP-21-1245190

3815 Boring Road, Decatur, GA 30034

☐ Amendment

- Please review opening letter for details.
- Research indicates septic system installed on property in 9/30/1971.

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N.2

Z-21-1245221 2021-3156 John/Laurel 18-038-04-003

5277 Rockbridge Road, Stone Mountain, GA 30088

☐ Amendment

- Please review letter for additional details.
- Research indicates septic system installed on surrounding property 5237 Rockbridge Road; Stone Mountain, GA.

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N.3

SLUP-21-1245227 2021-3157 Jeremy 15-140-04-007,15-140-04-055

2318 2nd Avenue, Decatur, GA 30032

☐ Amendment

- Please review letter for additional details.
- Research indicates surrounding property with septic system install on 2038 Tilson Road, Decatur, GA.

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N.4

CZ-21-124534 2021-3158 John 15-218-13-061

3446 Midway Road, Decatur, GA 30032

☐ Amendment

- Please review general comments.
- Research indicates septic system installed on property 3401 Midway Road, Decatur, Ga 30032 on 06/27/08.

## DeKalb County Board of Health

404.508.7900 • [www.dekalbhealth.net](http://www.dekalbhealth.net)

10/13/2021

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N.5

TA-21-1244986 2021-3159 John/Brandon

Special Land Use Permit (SLUP)

☒ Amendment

- Please review general comments.

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N.6

TA-21-1245114 2021-3160 Jeremy/Brandon

County-Wide

☒ Amendment

- Please review general comments.

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N.7

TA-21-1245238 2021-3161 Lasondra/Brandon

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County-Wide

☒ Amendment

- Please review general comments.

**DeKalb County School District  
Development Review Comments**

**Analysis Date:** 10/18/2021

**Submitted to:** DeKalb County

**Case #:** Z-21-1245234

**Parcel #:** 15-218-13-061

**Name of Development:** Midway Road at Beech Drive

**Location:** 3446 Midway Road

**Description:** Single-family detached development with 6 units replacing 1 home.

**Impact of Development:** When fully constructed, this development would be expected to generate 2 students: 0 at Peachcrest Elementary School, 0 at Bethune Middle School, 0 at Towers High School, 2 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

	Peachcrest Elementary School	Bethune Middle School	Towers High School	Other DCSD Schools	Private Schools	Total
<b>Current Condition of Schools</b>						
Capacity	984	1,290	1,302			
Portables	0	0	0			
Enrollment (Oct. 2021)	652	737	792			
Seats Available	332	553	510			
Utilization (%)	66.3%	57.1%	60.8%			
<b>New students from development</b>	0	0	0	2	0	2
New Enrollment	652	737	792			
New Seats Available	332	553	510			
New Utilization	66.3%	57.1%	60.8%			

	Attend Home School	Attend other DCSD School	Private School	Total
<b>Yield Rates</b>				
Elementary	0.0218	0.1080	0.0352	0.1650
Middle	0.0056	0.0759	0.0151	0.0965
High	0.0000	0.0199	0.0108	0.0307
<b>Total</b>	<b>0.0273</b>	<b>0.2038</b>	<b>0.0611</b>	<b>0.2922</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	6			
<b>Unit Type</b>	SF			
<b>Cluster</b>	Towers High School			
	Attend Home School	Attend other DCSD School	Private School	Total
<b>Units x Yield</b>				
Elementary	0.13	0.65	0.21	0.99
Middle	0.03	0.46	0.09	0.58
High	0.00	0.12	0.06	0.18
<b>Total</b>	<b>0.16</b>	<b>1.23</b>	<b>0.36</b>	<b>1.75</b>
	Attend Home School	Attend other DCSD School	Private School	Total
<b>Anticipated Students</b>				
Peachcrest Elementary School	0	1	0	1
Bethune Middle School	0	1	0	1
Towers High School	0	0	0	0
<b>Total</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>



N-4



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](mailto:mmalexander@dekalbcountyga.gov) AND/OR LASONDRA HILL  
[lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-21-1245234 Parcel I.D. #: 15-218-13-06/

Address: 3446  
Midway Rd  
Decatur, GA

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<sup>th</sup> 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.

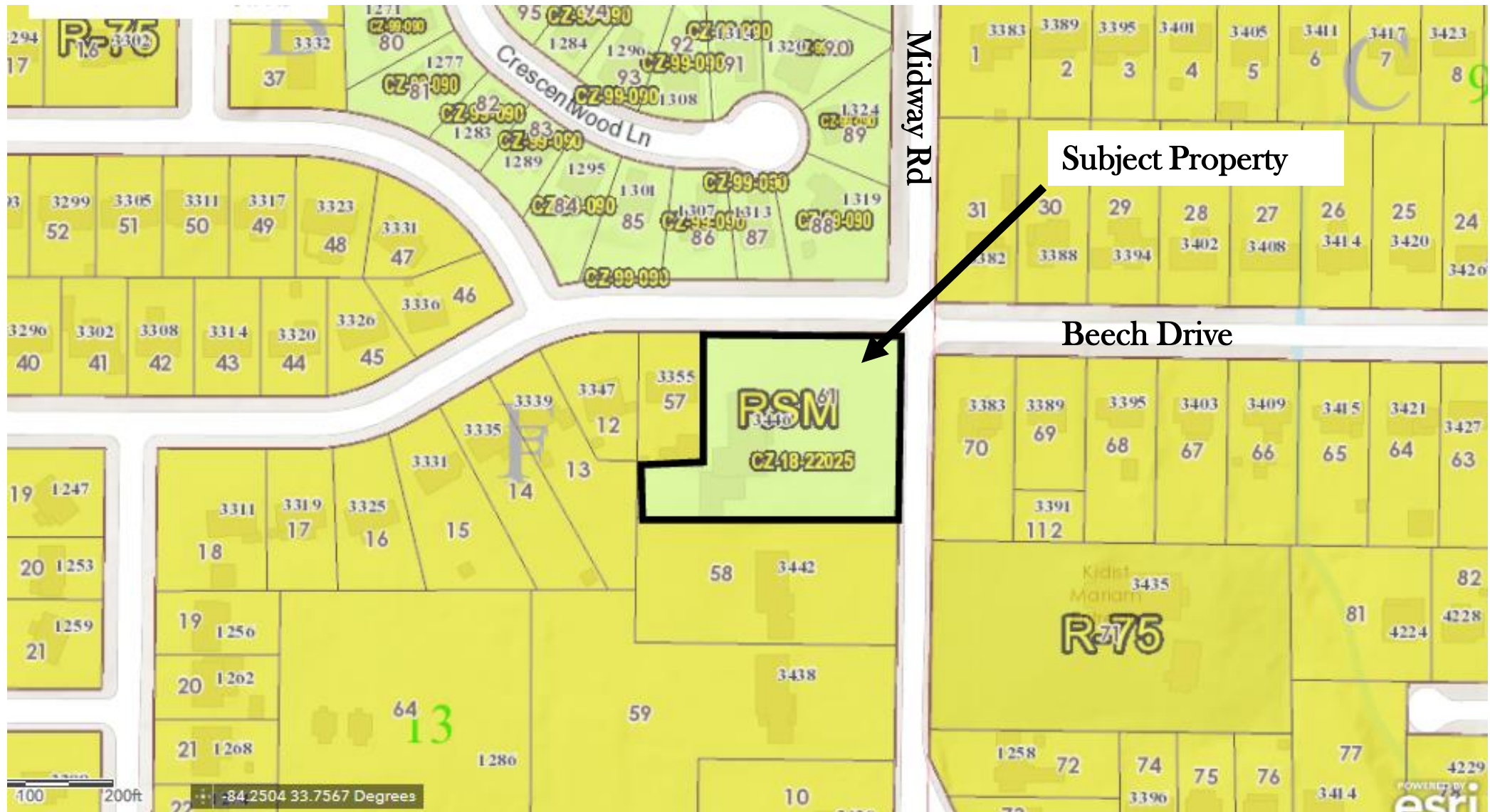
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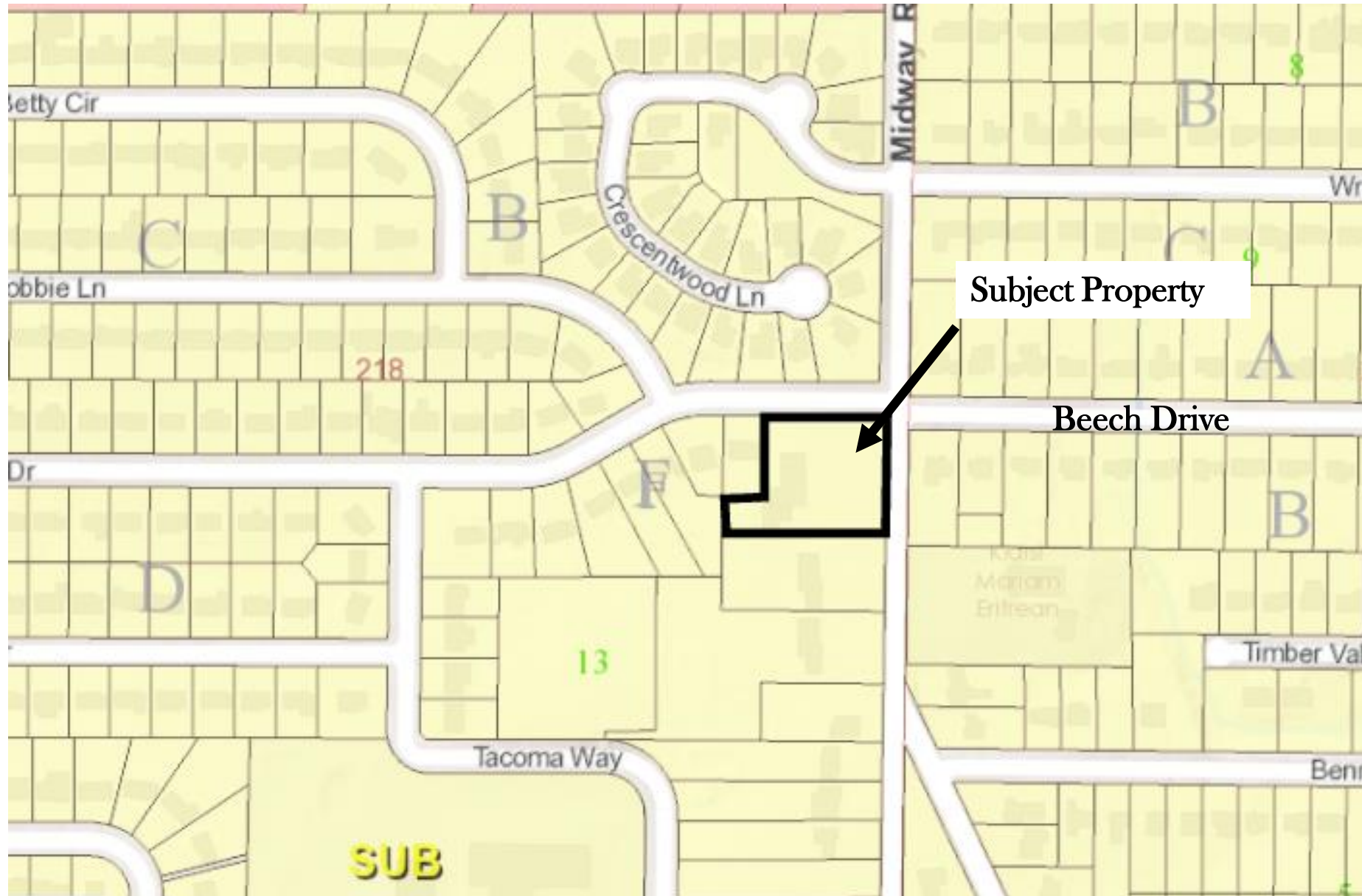
Plans and field reviewed. Nothing found that would change flow of traffic.

Signature: [Signature]

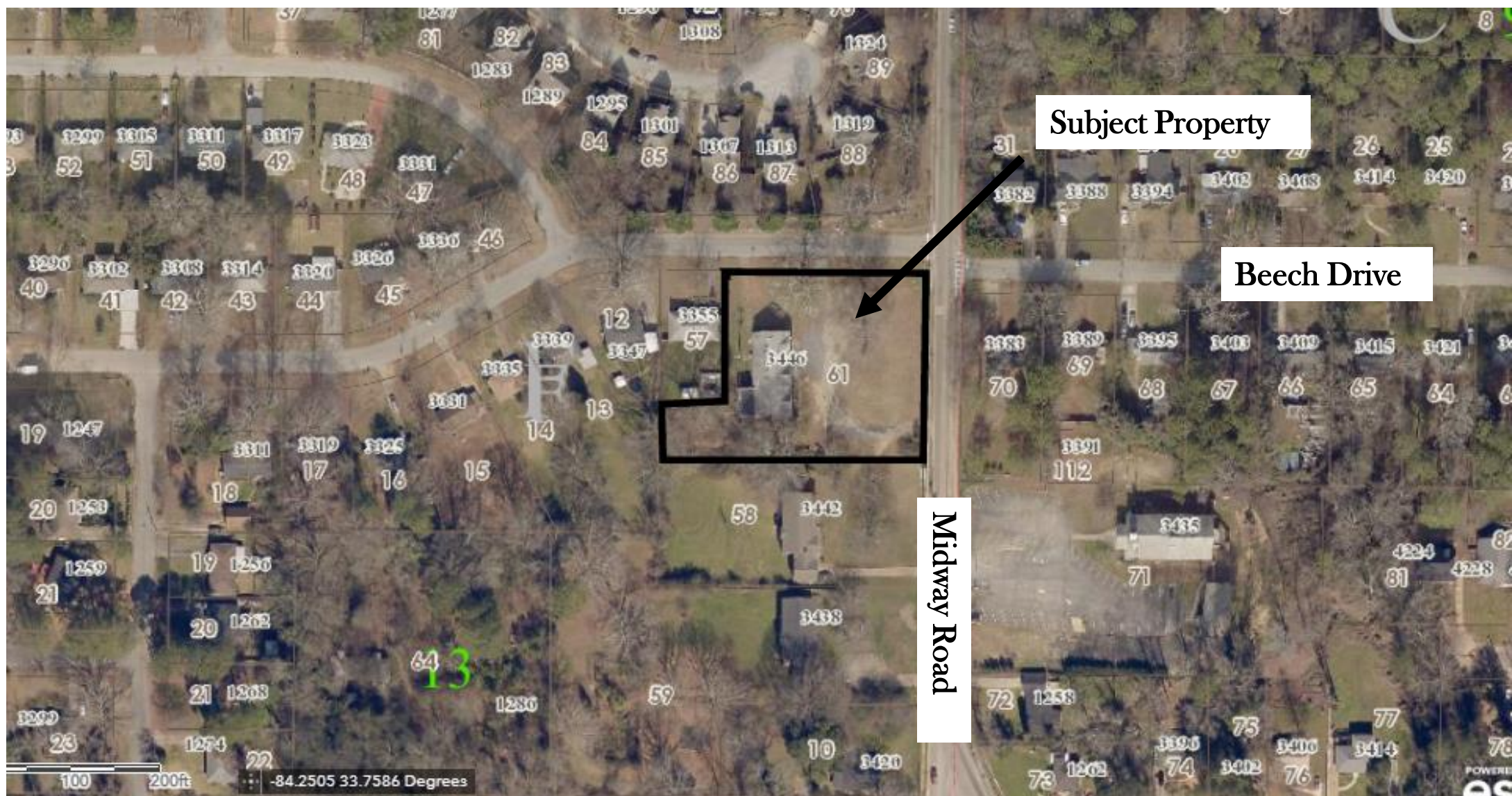
N4 CZ 21 1245234

ZONING MAP

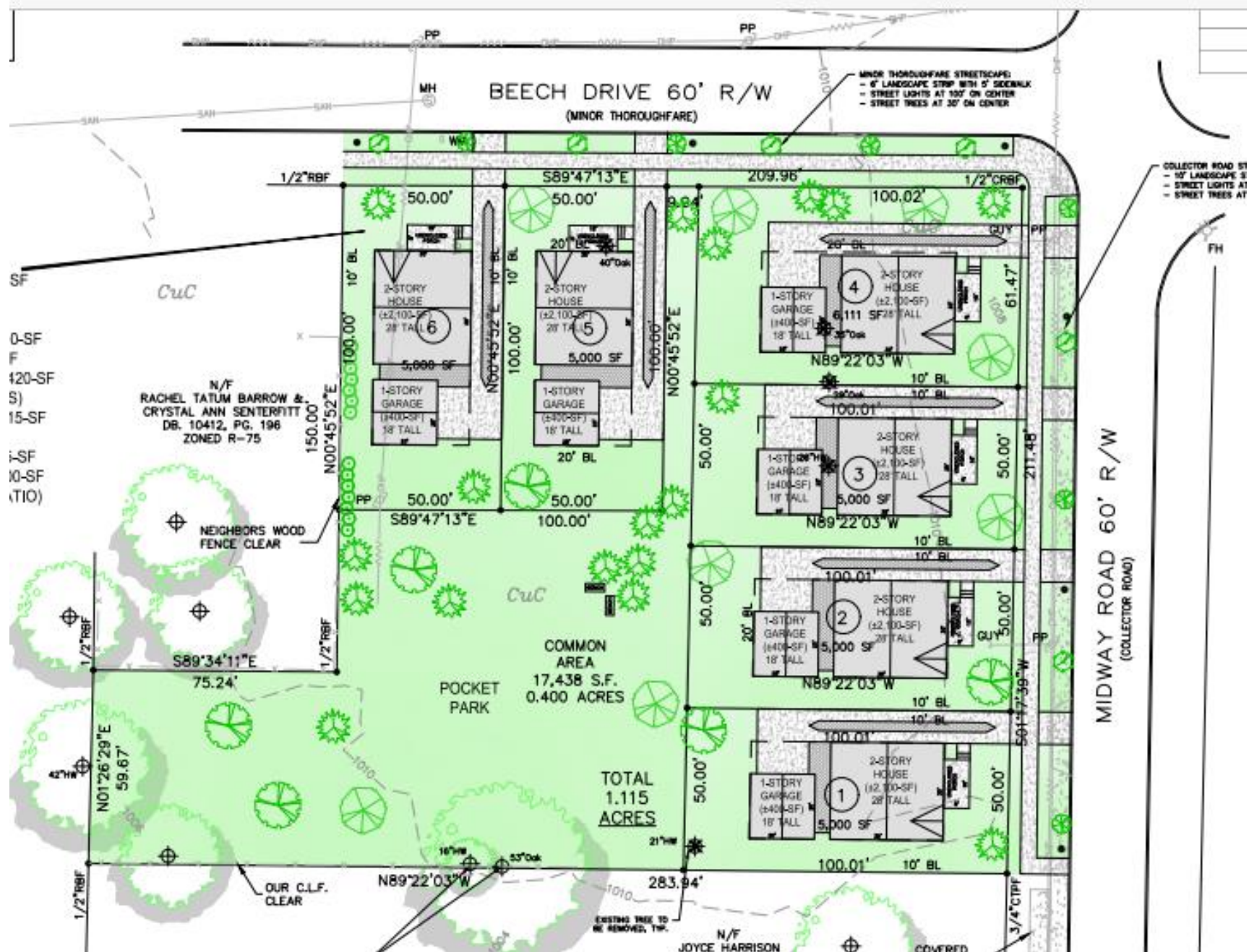




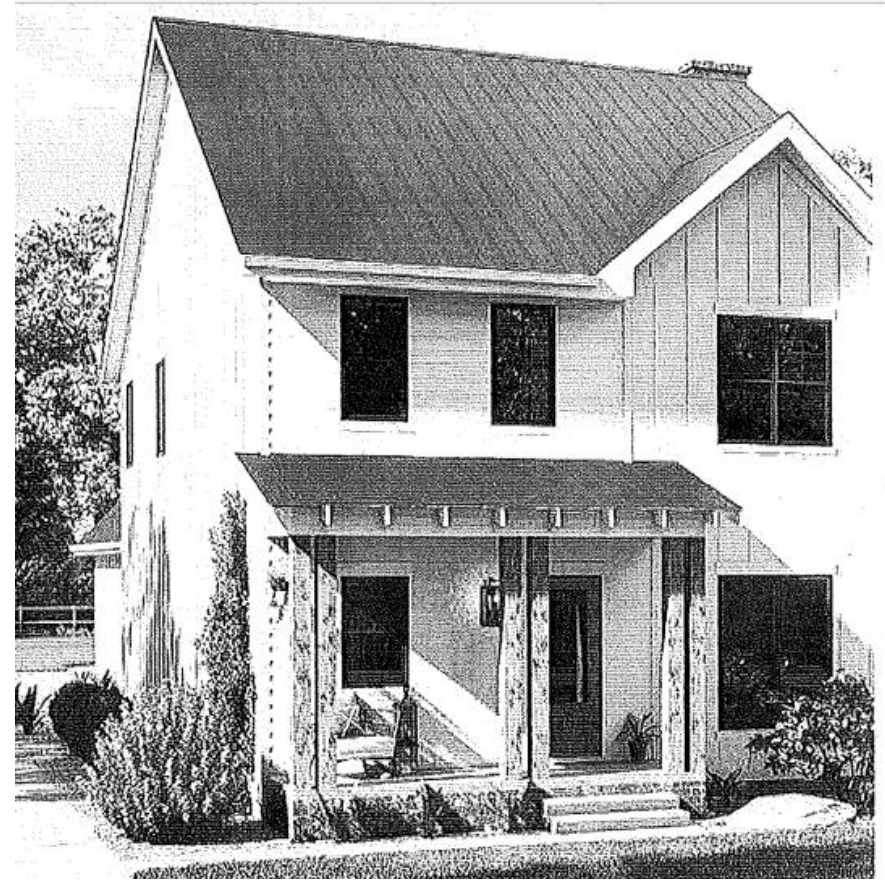
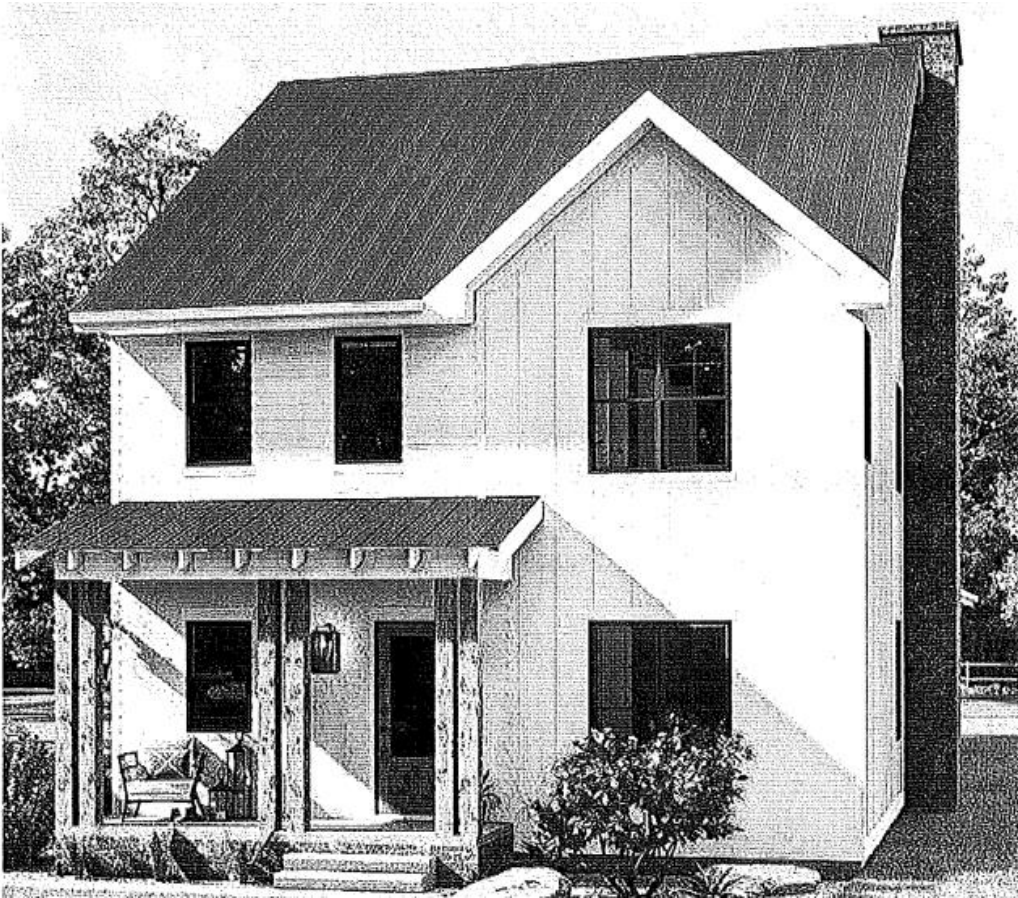




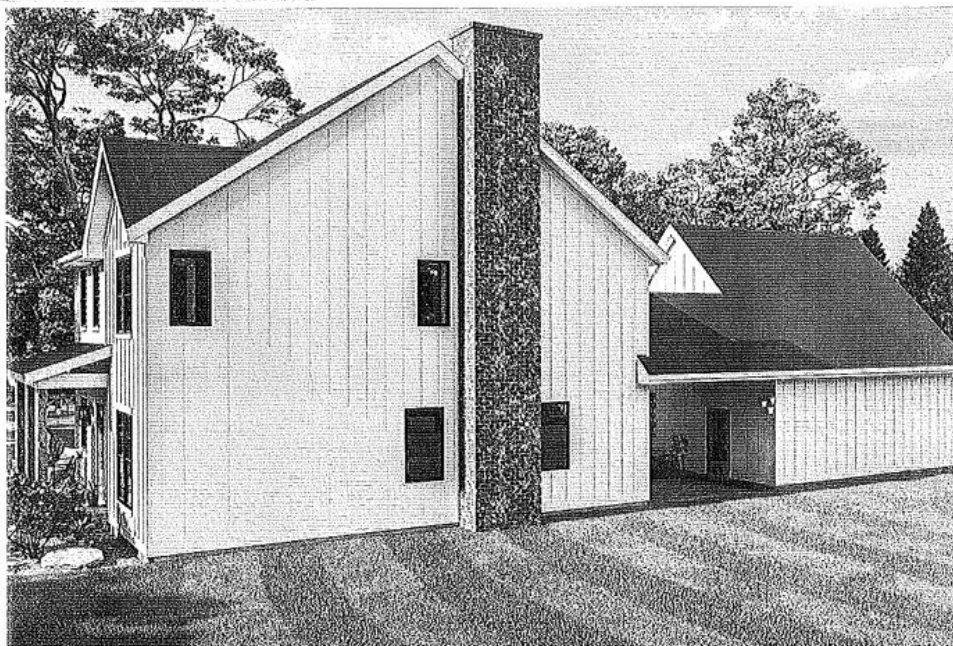
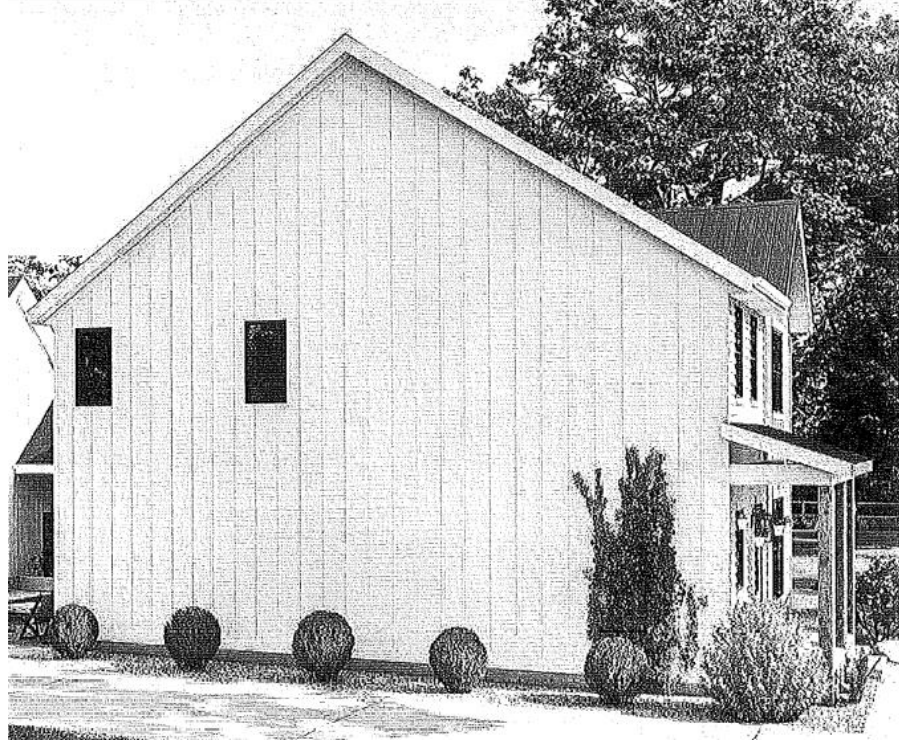
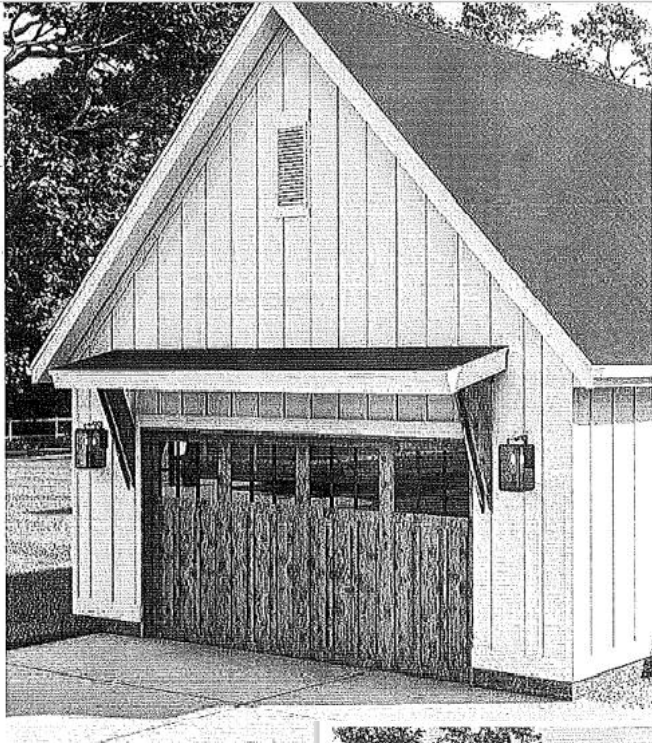








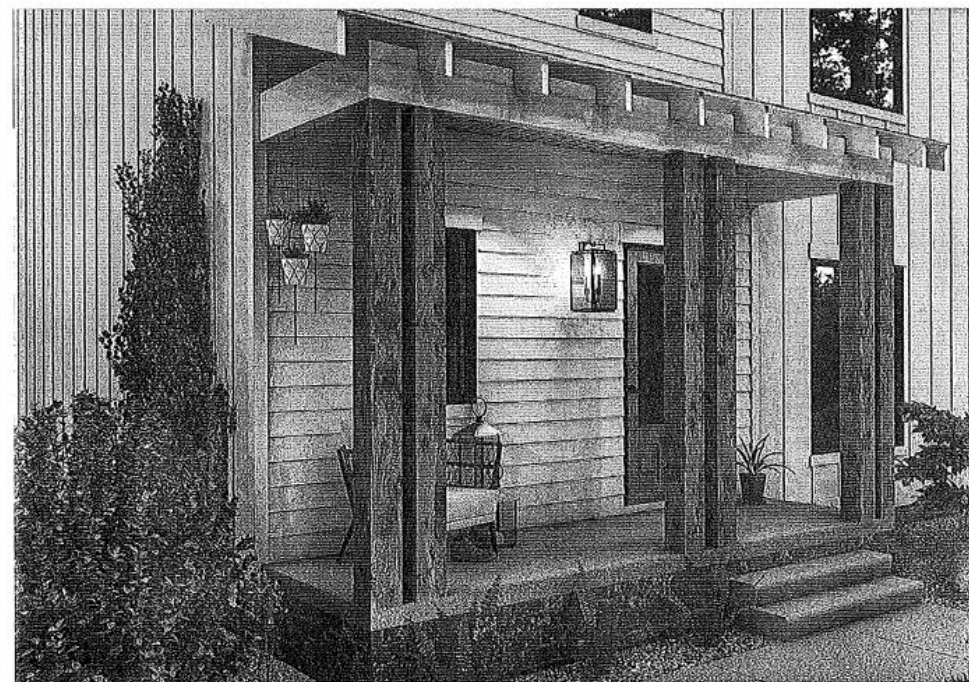
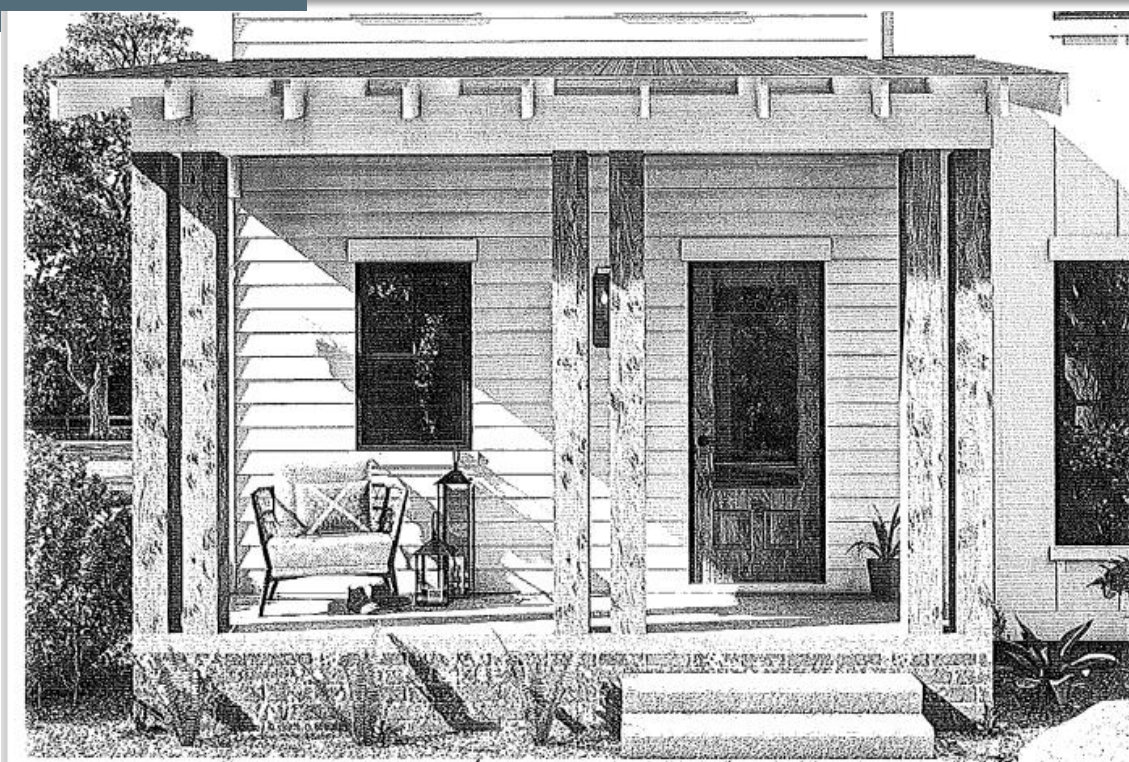






N4 CZ 21 1245234

## Conceptual Elevations





## DEPARTMENT OF PLANNING &amp; SUSTAINABILITY

## MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: Z-18-22025APPLICANT NAME: JIM CANTRELLDaytime Phone#: 770-330-9404 Fax #: 678-550-7468 E-mail: jim@AHPcapital.netMailing Address: 3904 N. DRUID HILLS RD. STE. 100, DECATUR, GA 30030OWNER NAME: ELYAWAY HOMES LLC (If more than  
one owner, attach contact information for each owner)Daytime Phone#: 770-330-9404 Fax #: 678-550-7468 E-mail: jim@AHPcapital.netMailing Address: 3446 MIDWAY RD, DECATUR, GA 30032SUBJECT PROPERTY ADDRESS OR LOCATION: 3446 MIDWAY RD, DECATUR, GA 30032

\_\_\_\_\_, DeKalb County, GA, \_\_\_\_\_

District(s): 15TH Land Lot(s): 218 Block(s): \_\_\_\_\_ Parcel(s): 15-218-12-061Acreage or Square Feet: 1.115 Commission District(s): \_\_\_\_\_ Existing Zoning: \_\_\_\_\_

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

\_\_\_\_ Yes X No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)Owner: X Agent: \_\_\_\_\_  
(Check One)Signature of Applicant: Printed Name of Applicant: Jim Cantrell Major Modification Application

Comm. ALL

Item No. 2018-2462 Date: 8/28/18

Clerk's Office

Approved Conditions  
Unofficial until ratified by the Board

Date: 8/28/18 Initials: MLF

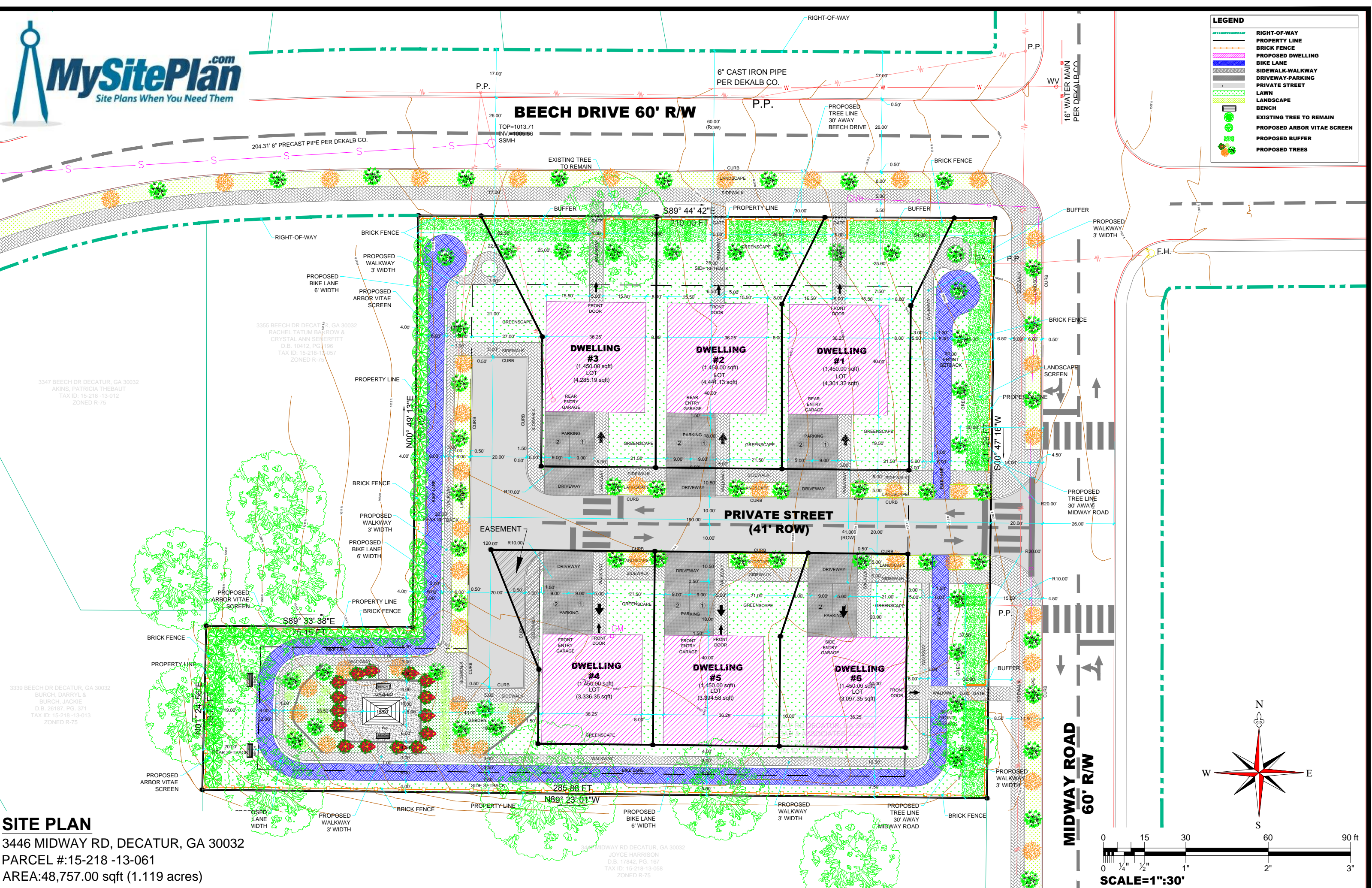
**RECOMMENDED CONDITIONS – 8-16-18**  
**Z-18-22025**

Rezoning from R-75 (Residential Medium Lot-75) to RSM (Residential Small Lot Mix)

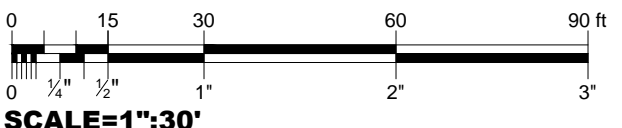
1. The subject property shall be developed for six urban single-family detached homes in substantial conformity to the site plan titled, "Site Plan 3446 Midway Road", stamped as received by the Department of Planning and Sustainability on 8-10-18, which depicts the homes next to Midway Road and Beech Drive facing the adjoining street with walkways leading from the front doors to the adjoining street.
2. A screen shall be planted along the rear (west) property line, which shall consist of sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae, subject to approval by the County Arbortist.
3. A minimum of two benches shall be located in the enhanced open space.
4. Right-of-way shall be dedicated as required by the Transportation Division of Public Works. A bike lane shall be provided unless waived by the Board of Commissioners.
5. The houses shall be no more than two stories high.
6. The fence that surrounds the development shall be made of brick, stone, wrought iron, or aluminum that looks like wrought iron, and shall not be solid (i.e., it shall have openings that allow clear views and air flow through the fence along its entire length). Said fence shall have gates to allow passage between homes that face Midway Road and Beech Drive to the adjoining street. The fence shall otherwise comply with Article 5 of the Zoning Ordinance, Table. 5.3 Fence and Wall Standards.
7. Building materials and form shall comply with Article 5.7 of the Zoning Ordinance.
8. Storm water detention shall be located so that it is not visible from either Midway Road or Beech Drive.
9. The development shall have a mandatory property owners association, in accordance with Article 5.7.6(c)(11) of the Zoning Ordinance.
10. A hydrology study shall be presented to the Board of Commissioners.



LEGEND	
	RIGHT-OF-WAY
	PROPERTY LINE
	BRICK FENCE
	PROPOSED DWELLING
	BIKE LANE
	SIDEWALK-WALKWAY
	DRIVEWAY-PARKING
	PRIVATE STREET
	LAWN
	LANDSCAPE
	BENCH
	EXISTING TREE TO REMAIN
	PROPOSED ARBOR VITAE SCREEN
	PROPOSED BUFFER
	PROPOSED TREES



**SITE PLAN**  
3446 MIDWAY RD, DECATUR, GA 30032  
PARCEL #.15-218 -13-061  
AREA:48,757.00 sqft (1.119 acres)

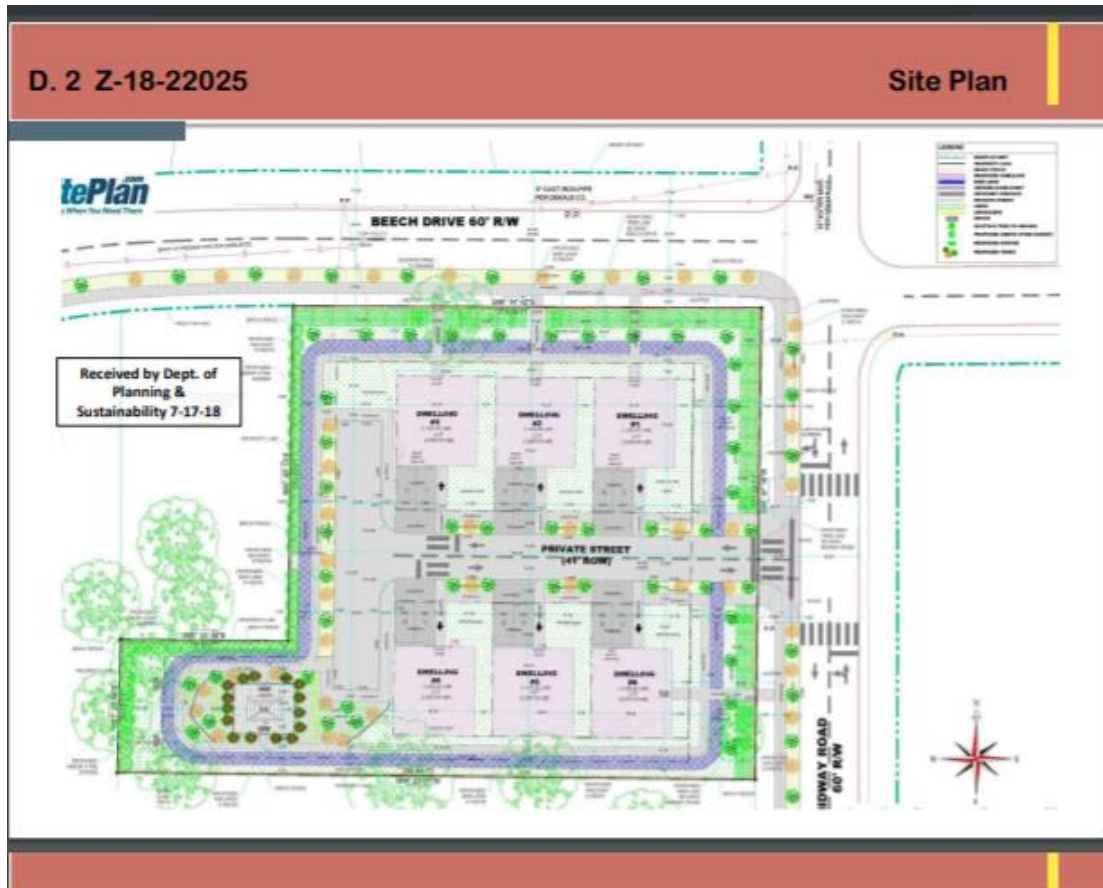




## 2018 PREVIOUSLY APPROVED SITE PLAN

D. 2 Z-18-22025

Site Plan



11-21-216

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

MAJOR MODIFICATION APPLICATION CHECKLIST (SUBMIT 4 COMPLETE, COLLATED SETS AND PDF  
FLASH DRIVE OF APPLICATION DOCUMENTS)

June 22, 2021

☒ 1. Mandatory Pre-Application Conference with Planning & Sustainability staff. Pre-Application form to be completed in pre-application meeting. Please call (404) 371-2155 to schedule pre-app conference.

August 12, 2021

☒ 2. Hold a Community Meeting with surrounding neighborhood associations and residents. Notify staff in advance of date, time, and location of meeting. Provide documentation (e.g., meeting notice, sign-in sheets, letter(s) from homeowners associations).

☒ 3. Application Form. Form must be completely filled out and be the first page of packet.

☐ n/a 4. Notarized Authorization Form, if the applicant is not the owner of the subject property, which

☐ a. is signed and notarized by all owners of the subject property;

☐ b. contains the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property; and

☒ c. includes a warranty deed, if ownership is less than 2 consecutive years.

☒ 5. Written Legal Description of subject property, in metes and bounds.

☒ 6. Boundary Survey (showing existing buildings, structures, and improvements), prepared and sealed within the last ten years by a professional engineer, or land surveyor registered in the State of Georgia and is consistent with the plat(s) on Official Tax Record. Applicant shall certify that the Boundary Survey is complete and currently accurate. Site plans shall be drawn to scale showing all proposed development or redevelopment projects, proposed buildings, structures, and improvements. Site plans must include the following:

☐ a. Complete boundaries of subject property including curb cuts, internal vehicular circulation facilities, and sidewalks;

☐ b. Location of buildings, structures, setback lines, buffer lines, and parking;

☐ c. Location of any 100-year floodplains, streams, and stream buffer lines;

☐ d. Notation of the total acreage or square footage of the subject property;

☐ e. Landscaping, trees, open space, and undisturbed buffers;

☐ f. Notation of building square footages and heights, residential density calculations, existing and proposed lot coverage, required and proposed parking, and open space calculations;

☐ g. Four copies of site plans:

1. Full-size site plans (at least 11" x 17"): 4 copies, folded.

2. Site plan reduced to 8 1/2" x 11". 4 copies

☐ n/a 7. Attached approved Conditions. Include statement of any additional conditions proposed.

☒ 8. Letter of Application identifying the proposed modification to conditions, the reason for the request, the existing and proposed use of the property, and detailed characteristics of the proposed use (e.g., floor area, height of buildings, number of units, mix of unit types, hours of operation, etc)

☒ 9. Written detailed Impact Analysis of the anticipated impact of the proposed use and change in conditions, in response to the standards and factors specified in Section 27-832 of the DeKalb County Zoning Ordinance.

☐ n/a 10. Campaign disclosure statement, if applicable, to be filed in compliance with State law.

☒ 11. Application fee. Make payable to "DeKalb County". \$250.00

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

DeKalb County

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

Clark Harrison Bldg  
330 W. Ponce de Leon Ave  
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: Z-18-22025

APPLICANT NAME: JIM CANTRELL

Daytime Phone#: 770-330-9404 Fax #: 678-550-7468 E-mail: jim@AHPcapital.net

Mailing Address: 3904 N. DRUID HILLS RD STE. 108, DECATUR, GA 30030

OWNER NAME: FLYAWAY HOMES LLC (If more than  
one owner, attach contact information for each owner)

Daytime Phone#: 770-330-9404 Fax #: 678-550-7468 E-mail: jim@AHPcapital.net

Mailing Address: 3446 MIDWAY RD, DECATUR GA 30032

SUBJECT PROPERTY ADDRESS OR LOCATION: 3446 MIDWAY RD, DECATUR, GA 30032

, DeKalb County, GA,

District(s): 15TH Land Lot(s): 218 Block(s):  Parcel(s): 15-218-13-061

Acreage or Square Feet: 1.115 Commission District(s):  Existing Zoning:

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

Yes X No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: X Agent:   
(Check One)

Signature of Applicant: 

Printed Name of Applicant: Jim Cantrell Major Modification Application

DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING CONDITIONS

**Sec. 27-833. Conditions.** Conditions may be requested by an applicant, recommended by the planning department and planning commission, and imposed by the board of commissioners, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

- a) Conditions may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the district(s) involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the district(s) involved. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- b) A condition, whether recommended by a commissioner, the applicant, or any other person or entity, placed upon an application after the required deadline for advertising in the legal organ of the county prior to the scheduled hearing before the planning commission, shall be treated as an amendment to the application and shall follow the requirements of Section 27-826.
- c) Once imposed, conditions shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 27-845 of this Chapter.

**Sec. 27-845. Modifications and changes to conditional zoning amendments.**

(a) The Director of Planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by the actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions within 30 calendar days of receipt of a complete request for such minor changes. After making a decision, the director of planning shall have 10 calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Aggrieved person(s) shall have 15 calendar days from the posting of the sign to appeal the planning director's decision by filing an application for appeal with the secretary of the zoning board of appeals. A person shall be considered aggrieved for purposes of this section only if said person or said person's property was the subject of the action appealed from, or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(b) Any major change to conditions attached to an approved zoning amendment shall require an application and hearing before the planning commission and the board of commissioners as is required in this article V, division I, of this chapter of the Code, for amendments to the official

DEPARTMENT OF PLANNING & SUSTAINABILITY

zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute “major change” for the purposes of interpreting this section:

- (1) The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
- (2) Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
- (3) Any decrease in the minimum size of residential units imposed in the original conditional amendment;
- (4) Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
- (5) Any increase in the height of any building or structure;
- (6) Any change in the portion of floor space devoted to different authorized uses; or
- (7) All changes to conditions, except minor changes as defined in section 27-845(a), imposed by the board of commissioners when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

CAMPAIGN DISCLOSURE

If you, the applicant, have made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application, you must file, within 10 days after this application is filed, a disclosure report in the office of the Chief Executive Officer and the office of the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, GA 30030. The report must show:

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

FILING FEES –MAJOR MODIFICATIONS/CHANGE OF ZONING CONDITIONS

All Districts	\$250.00
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DEPARTMENT OF PLANNING & SUSTAINABILITY

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: 09/11/2021

TO WHOM IT MAY CONCERN:

(I), (WE), James Cantrell  
Name of Owner(s)

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

Name of Applicant Representative

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

SPater

Notary Public

Owner

Notary Public

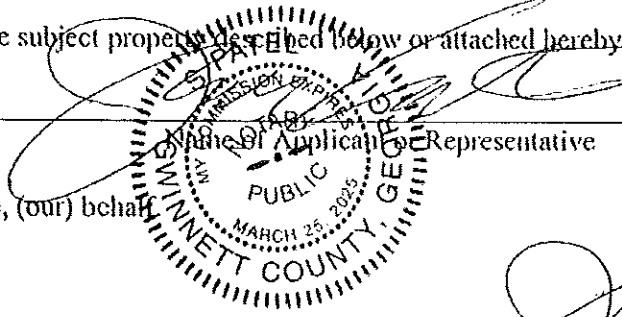
Owner

Notary Public

Owner

Notary Public

Owner



James Cantrell



June 22, 2021

## PRE-APPLICATION MEETING

Major Modification Application  
DeKalb County Department of Planning & Sustainability  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

Project: Single Family Residential  
3466 Midway Road  
Decatur, GA

### Participating:

Melora Furman, Senior Planner, DeKalb County  
Milton Pate, Contineo Group  
Ron Crump, Contineo Group  
Erick Garcia-Salas, Contineo Group  
Shaunda Stafford, Contineo Group

A Pre-Application Meeting was scheduled with Melora Furman, Senior Planner with DeKalb County, to review the application process for a "Major Modification" to the property at 3466 Midway Road. Currently, the property is zoned site plan specific with certain conditions. The process to apply for a "Major Modification" will be very similar to rezoning.

### 1. PROCESS

- a. Submit the "Major Modification Application", which will be based on the "Major Modification Application Checklist".
- b. Schedule a Community Meeting. At present, the next available deadline to host this meeting will be September 9, 2021. It will be the responsibility of the owner/developer, or its designated representative (Contineo Group) to schedule this meeting and to properly notify the public.
- c. The subject property is located in District 3. A "Community Council Meeting" will be scheduled by DeKalb County for October 13, 2021. This will be a Zoom meeting.
- d. After the "Community Council Meeting", the applicant will appear and present at the November 4, 2021 "Planning Commission" meeting, which is a public hearing.
- e. The "Planning Commission will recommend approval to the DeKalb County "Board of Commissioners" at the November 18, 2021 meeting, which is also a public hearing.

f. Submission:

- (1) One PDF file for all application requirements to include a copy of the check payment.
- (2) Drop off 2 hard copy print sets and the actual payment at the "drop off" bin at DeKalb County. They are still not working from the office.

**2. SITE PLAN / LANDSCAPE PLAN**

- a. Remove the western parcel, which is not part of this project, and is currently shown on the Sketch Plat plan prepared by SCI Development Services.
- b. The subject property is currently zoned RSM with conditions. The new site plan should meet RSM requirements. This will include the following:
  - (1) Setbacks.
  - (2) Landscape strip along both street frontages.
  - (3) A Bike Path along both street frontages.
  - (4) Landscape Open Space (35% ?)
- c. The subject property is in the "Suburban" Character Area.
- d. Setbacks:
  - (1) Front Setback        20 feet
  - (2) Side Setback         5 feet
  - (3) Rear Setback        20 feet
- e. In the site plan "Table", state "Proposed Minimum Unit Size of 1,200 SF.
- f. Maximum building height is 35 feet.
- g. Both Beech Drive and Midway Road are considered "local" streets.
- h. A 6-foot landscape strip is required along both Beech Street and Midway Road.
  - (1) Within the landscape strips, DeKalb County will require "street" trees at 30-foot on center.
- i. A 5-foot sidewalk is required along both Beech Street and Midway Road.

- j. A 4-foot bike path is required along both Beech Street and Midway Road.
- k. Melora Furman recommended that the corner lot (Lot 4) be screened from the road.
- l. Melora Furman referred the design team to Article 5.7.4, which outlines architectural requirements.
  - (1) The architectural "pattern" does not need to vary as there are not 8 lots in a row.
  - (2) Brick and stone are the preferred primary exterior building materials.
  - (3) We will need to provide architectural elevations and/or renderings for the Community Meeting, Council Meeting and Public Hearings.

### 3. SUMMARY

- a. Melora Furman expressed her belief that staff would support this project.
- b. She indicated the District 3 Commissioner had long expressed his desire for some type of single family product on this property.
- c. Melora Furman to send us the following:
  - (1) Copy of the Pre-App Form.
  - (2) Neighborhood Registry of property owners. She indicated she would try and produce the file from the original rezoning, which should have all property owners, neighborhood associations, etc. that would need to be notified by letter.
  - (3) The "Major Modification Application" and checklist.
  - (4) Melora Furman indicated she, most probably, would be the assigned planner for this project and would be available to assist us moving forward.

Milton Pate  
Contineo Group

June 22, 2021

Return to: MCMANAMY MCLEOD HELLER, LLC  
3520 PIEDMONT ROAD, SUITE 110  
ATLANTA, GA 30305  
File # 19-01-9839  
Parcel ID: 15-218-13-061

2019062537 DEED BOOK 27499 Pg 585  
Real Estate Transfer Tax \$205.60  
Filed and Recorded:  
4/19/2019 4:14:55 PM  
Debra DeBerry  
Clerk of Superior Court  
DeKalb County, Georgia

STATE OF GEORGIA  
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE made this 17th day of April, 2019 between

Ali Ihsan and Associates LLC

as party or parties of the first part, hereinafter called Grantor, and

FLYAWAY HOMES, LLC

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 218 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE INTERSECTION FORMED BY THE SOUTHERN LINE OF THE RIGHT OF WAY OF BEECH DRIVE WITH THE WESTERN LINE OF THE RIGHT OF WAY OF MIDWAY ROAD; THENCE SOUTHERLY ALONG THE WESTERN LINE OF THE RIGHT OF WAY OF MIDWAY ROAD; BEARING SOUTH 00 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 211 FEET TO AN IRON PIN; THENCE DUE WEST A DISTANCE OF 283.7 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 24 MINUTES EAST A DISTANCE OF 59.9 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 44 MINUTES EAST A DISTANCE OF 75 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 15 MINUTES EAST A DISTANCE OF 150 FEET TO AN IRON PIN ON THE SOUTHERN LINE OF THE RIGHT OF WAY OF BEECH DRIVE; THENCE ALONG THE SOUTHERN RIGHT OF WAY LINE OF BEECH DRIVE NORTH 89 DEGREES 36 MINUTES 30 SECONDS EAST A DISTANCE OF 210 FEET TO THE POINT OF BEGINNING, AS SHOWN ON PLAT OF SURVEY MADE FOR GREGORY STALIS BY EASTON PENDLEY & ASSOC., INC. DATED AUGUST 30, 1996. SAID PROPERTY BEING KNOWN AS 3446 MIDWAY ROAD, ACCORDING TO THE PRESENT SYSTEM ON MUNBERING PROPERTY IN DEKALB COUNTY, GEORGIA.

MAP #15-218-13-061

Subject to all easements and restrictive covenants of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims passing by or through Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Ali Ihsan and Associates LLC

Notary Public

My Commission expires:

[Notary Seal]

BY: *[Signature]* (SEAL)  
Maufeq B. Ali, as Authorized Agent

CORPORATE SEAL

Corporate Seal

BEGINNING at an iron pin at the intersection formed by the Southerly line of the right way of Beech Drive with the Western line of the right of way of Midway Road; thence Southerly along the Western line of the right of way of Midway Road bearing South 00 degrees 38 minutes 30 seconds West a distance of 211 feet to an iron pin; thence due West a distance of 283.7 feet to an iron pin; thence North 00 degrees 24 minutes East a distance of 59.9 feet to an iron pin; thence South 89 degrees 44 minutes East a distance of 75 feet to an iron pin; thence North 00 degrees 15 minutes East a distance of 150 feet to an iron pin on the Southern line of the right of way of Beech Drive; thence along the Southern right of way line of Beech Drive North 89 degrees 36 minutes 30 seconds East a distance of 210 feet to the point of Beginning, as shown on plat of survey made for Gregory Stalls by Easton Pendley & Assoc., Inc., dated August 30, 1996. Said property being known as 3446 Midway Road, according to the present system on numbering property in DeKalb County, Georgia.

Grantor: Ali Alim Ihsan  
Marital Status: Not married  
Address: 401 Cook Drive  
Ellenwood, Georgia 30294

Grantee: Ali Ihsan and Associates, LLC  
Agent: Ali Alim Ihsan  
Marital Status: Not applicable  
Address: 401 Cook Drive  
Ellenwood, Georgia 30294

Vesting Information / Property Interest: Ali Ihsan and Associates, LLC receives the property from Grantor in fee simple as the sole owner.

#### Signatures

Grantor signed, sealed, and delivered this Quit Claim Deed to Grantee on October 31, 2017.

Grantor (or authorized agent)

Signed: [Signature]  
Print Name: ALI ALIM IHSAN

#### Witnesses

On this the 31 day of 10, 2017, the foregoing QUIT CLAIM DEED was sworn to and acknowledged before me by the following person(s), known or proven to me to be the person(s) whose name(s) is/are subscribed to within the instrument:

Zaid Adid Ansari  
Zakir Hussain (names  
of signatories). I further swear that I am unrelated to the parties signing this document by blood and hold no interest in the transaction.

*aj*

03/24/2019

Exhibit "C"

**APPROVED CONDITIONS**

**Z-18-22025**

**Rezoning from R-75 (Residential Medium Lot-75) to RSM (Residential Small Lot Mix)**

1. The subject property shall be developed for six urban single-family detached homes in substantial conformity to the site plan titled, "Site Plan 3446 Midway Road", stamped as received by the Department of Planning and Sustainability on 8-10-18, which depicts the homes next to Midway Road and Beech Drive facing the adjoining street with walkways leading from the front doors to the adjoining street.
2. A screen shall be planted along the rear (west) property line, which shall consist of sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae, subject to approval by the County Arbortist.
3. A minimum of two benches shall be located in the enhanced open space.
4. Right-of-way shall be dedicated as required by the Transportation Division of Public Works. A bike lane shall be provided unless waived by the Board of Commissioners.
5. The houses shall be no more than two stories high.
6. The fence that surrounds the development shall be made of brick, stone, wrought iron, or aluminum that looks like wrought iron, and shall not be solid (i.e., it shall have openings that allow clear views and air flow through the fence along its entire length). Said fence shall have gates to allow passage between homes that face Midway Road and Beech Drive to the adjoining street. The fence shall otherwise comply with Article 5 of the Zoning Ordinance, Table. 5.3 Fence and Wall Standards.
7. Building materials and form shall comply with Article 5.7 of the Zoning Ordinance.
8. Storm water detention shall be located so that it is not visible from either Midway Road or Beech Drive.
9. The development shall have a mandatory property owners association, in accordance with Article 5.7.6(c)(11) of the Zoning Ordinance.
10. A hydrology study shall be presented to the Board of Commissioners.



August 31, 2021

**LETTER OF APPLICATION / IMPACT ANALYSIS**

Major Modification Application  
DeKalb County Department of Planning & Sustainability  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

Project: Single Family Residential  
3466 Midway Road  
Decatur, GA

The property was previously zoned with the conditions for 6 single-family residential lots, however the lots were turned inward with smaller homes. The proposed modification takes the same number of lots and turns them outward to face toward the primary residential streets as was previously requested by the neighborhood and zoning board.

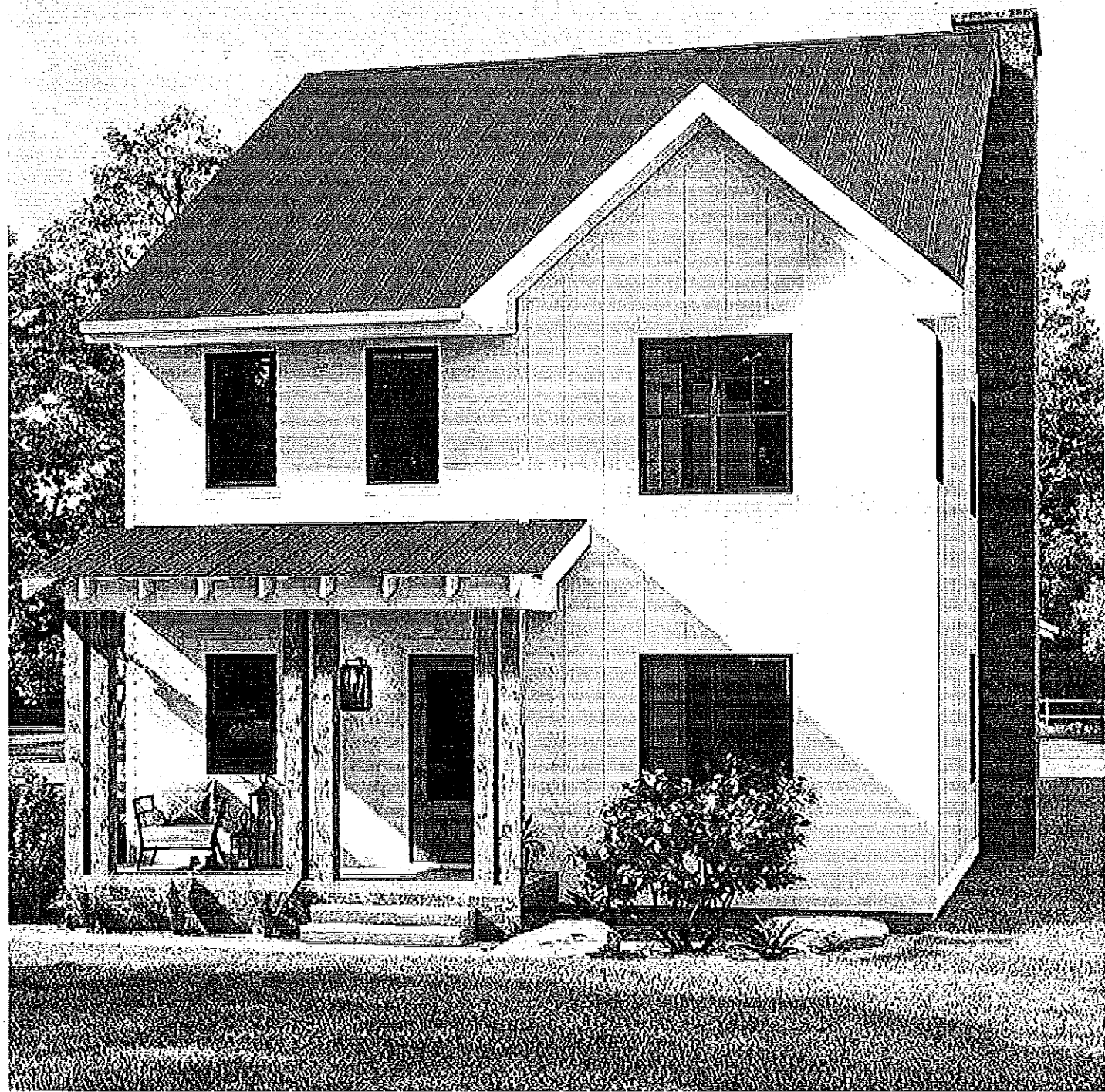
There are no new impacts created by the modification as the number of homes remains the same. No additional requirements or conditions are anticipated as part of this modification.

Please feel free to contact us if you should have any questions.  
Thank you,

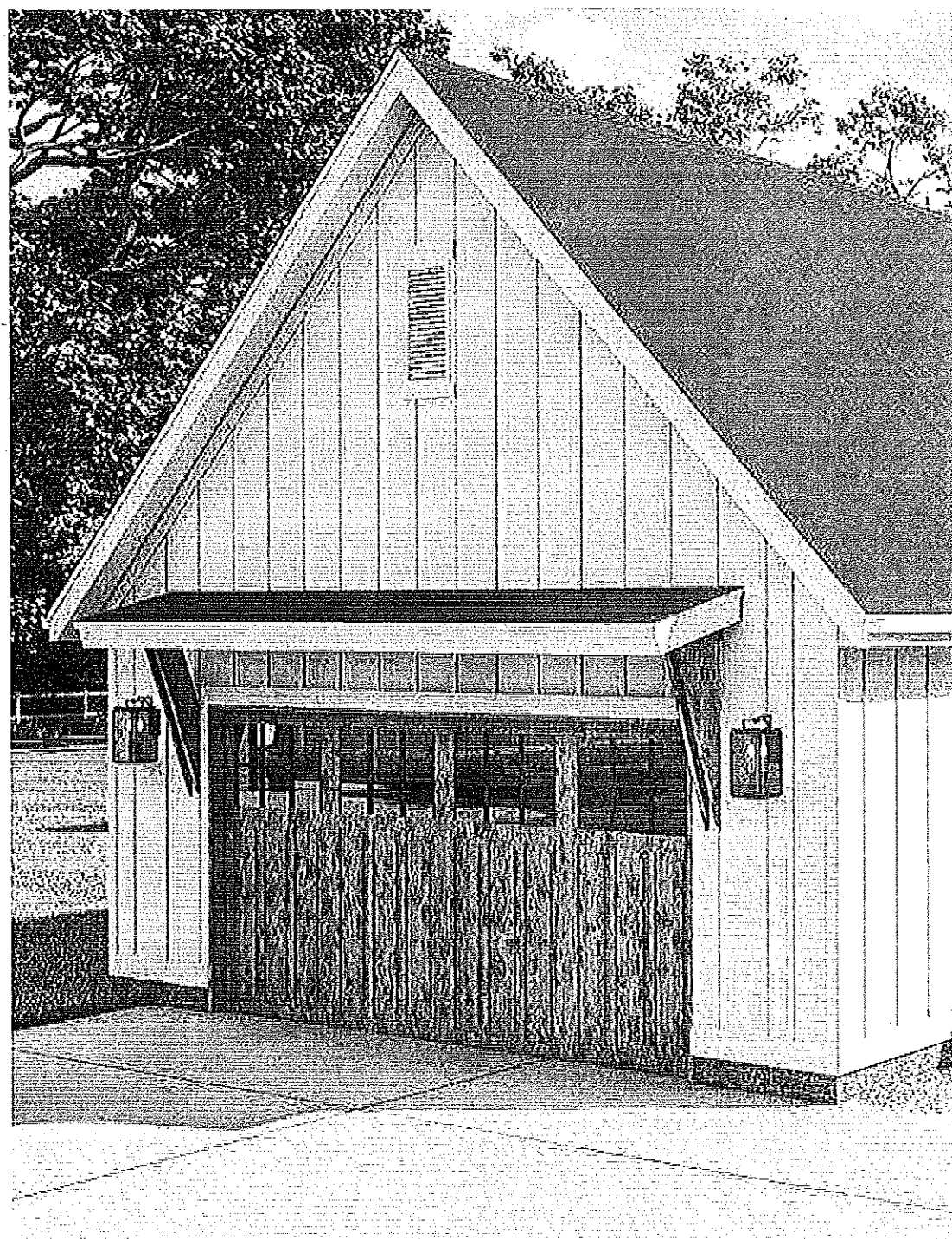
A handwritten signature in black ink, appearing to read "Ron T. Crump", is written over the printed name.

Ron Crump  
Contineo Group  
RonC@TheContineoGroup.com  
404.556.7721

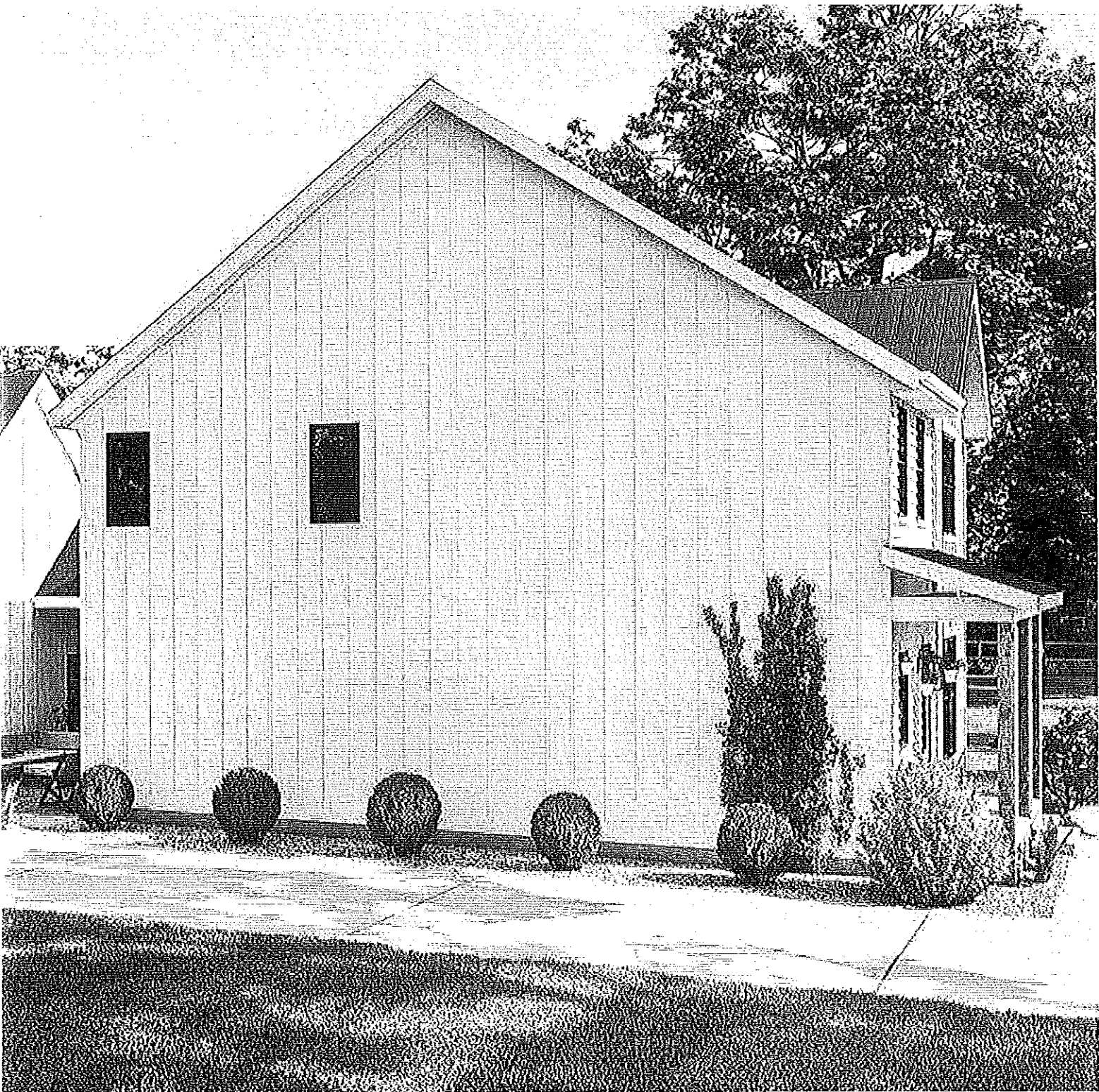


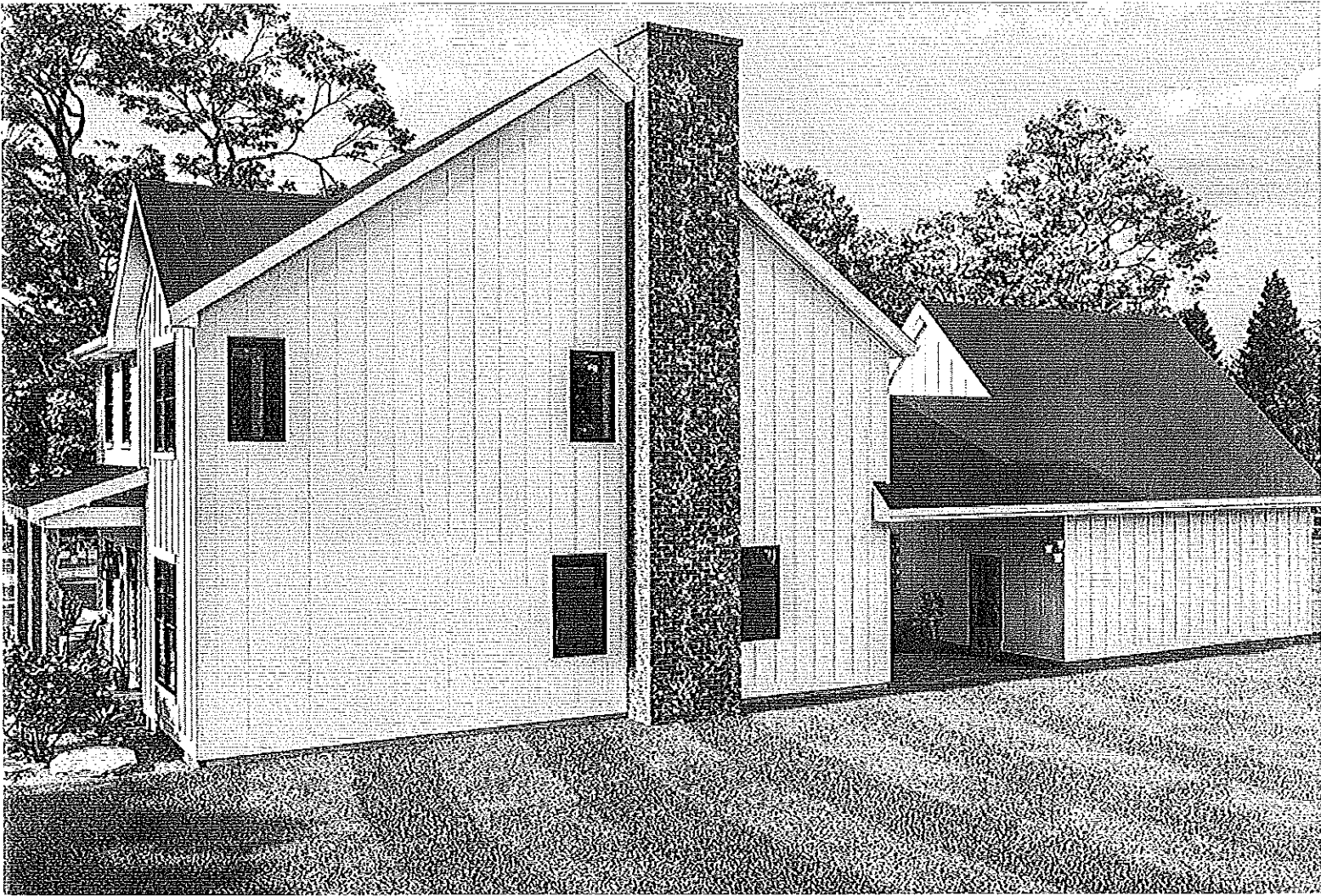


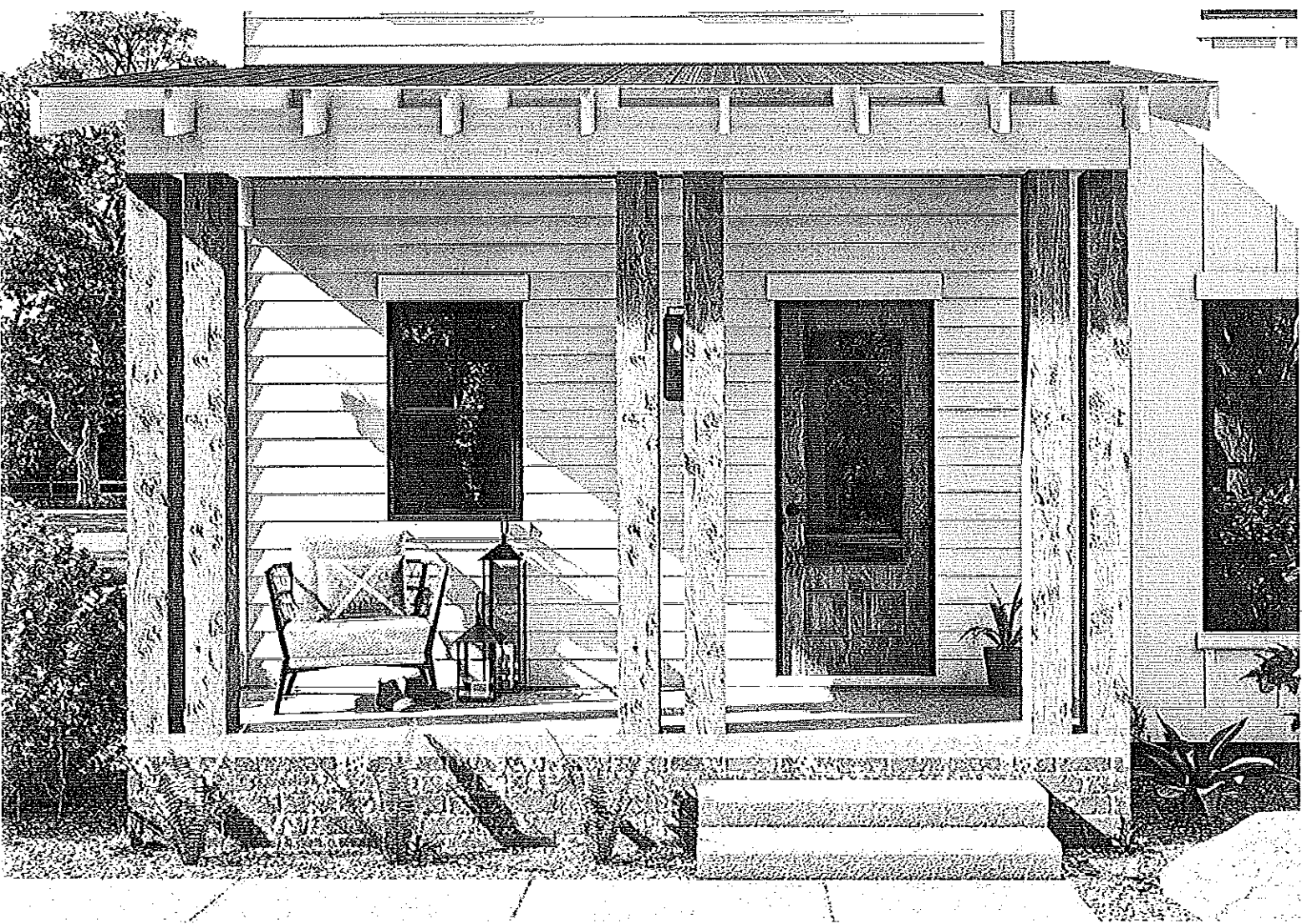


















July 20, 2021

RE: COMMUNITY MEETING

Proposed Single-Family Residential Project  
3466 Midway Road  
Decatur, GA

Good afternoon,

This letter is to bring to your attention that a "Community Workshop", in keeping with the requirements of DeKalb County, will be held virtually on Thursday, August 12, 2021 at 7:00 pm. The property developer, Flyaway Homes, LLC, is planning to design and construct a new residential project consisting of six new single-family houses on property defined as Parcel No. 15-218-13-061 located at 3466 Midway Road in Decatur, GA.

Because of the Covid pandemic and a concern for public health, the workshop will be conducted virtually via ZOOM. To access the Community Meeting, please use the following link for the scheduled ZOOM meeting.

You are invited to a Zoom meeting.  
When: Aug 12, 2021 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:  
<https://us02web.zoom.us/join/zt0tdO-trjsoHNQCAh9MdcXXCAocDXeSyjPD>

Or you may go to ZOOM.com and enter Meeting #8903650. The passcode is 140390.

After registering, you will receive a confirmation email containing information about joining the meeting.

Sincerely,

Milton Pate  
Owner's Authorized Representative

404-405-4959  
miltonp@thecontineogroup.com





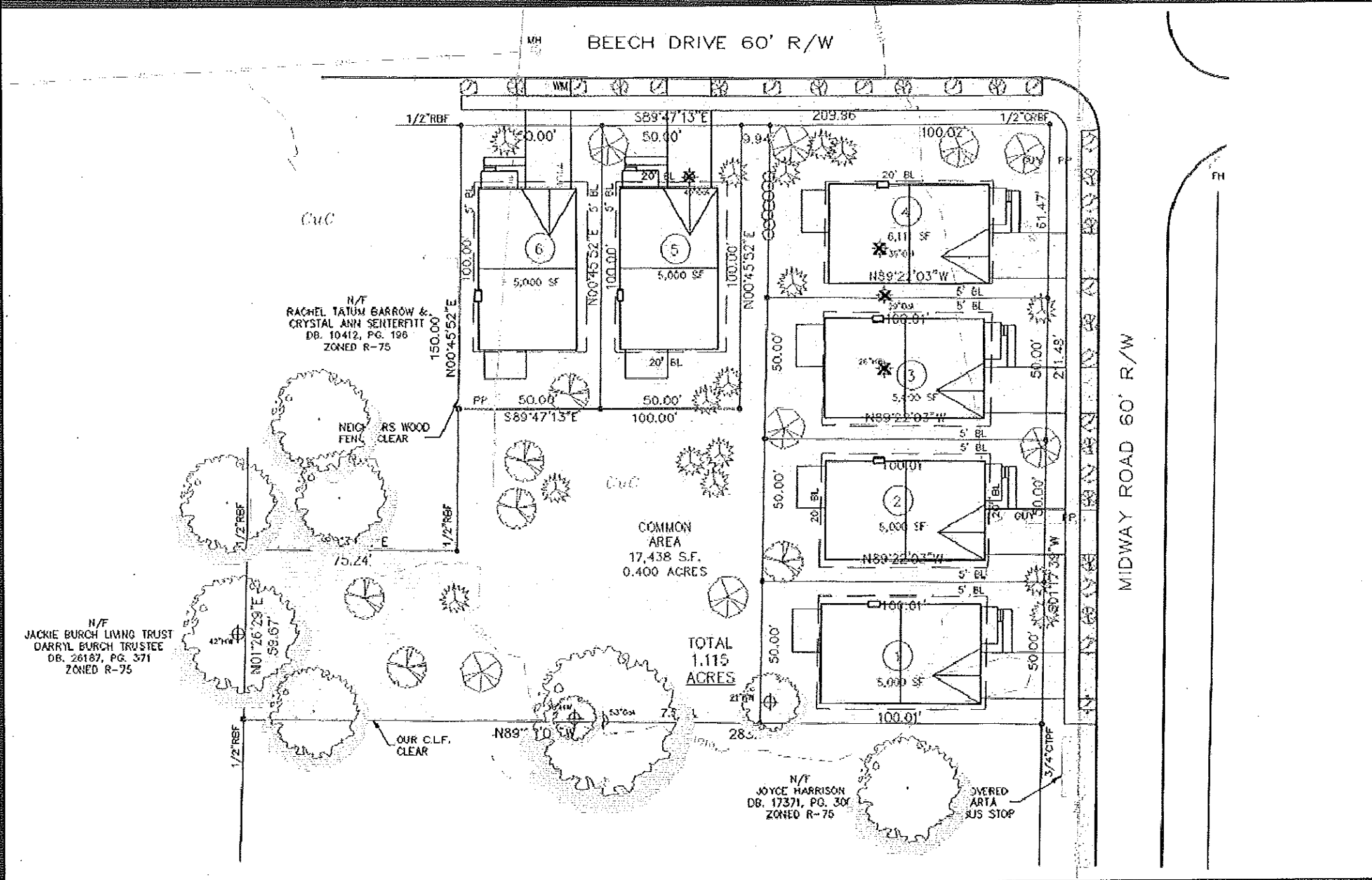
Name: 21-216-CSP02 Pages: 1

Thumbnails

21-216-CSP02 X



[1] Layout1  
Scale Not Set



Kevin Polite

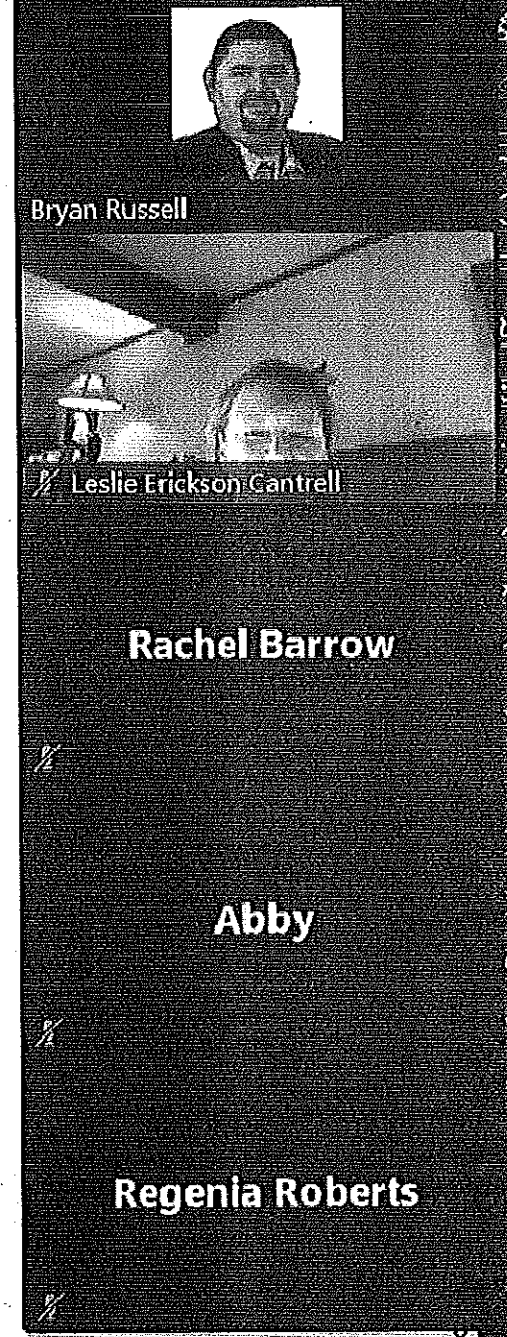
Frank Golley

Leslie Erickson Cantrell

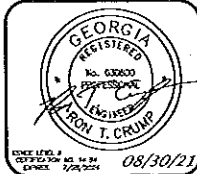
Rachel Barrow

Abby

36.00 x 24.00 in Scale Not Set







# MIDWAY MEADOWS

ISSUED FOR: SKETCH PLAT  
JURISDICTION: DEKALB COUNTY  
LOCATION: 3446 MIDWAY ROAD  
DECATUR GA 30032

[illegible]

DRAWN: AK	CHECK: RTC
JOB NO: 21-216	DATE: 08/30/2

SHEET SK-04

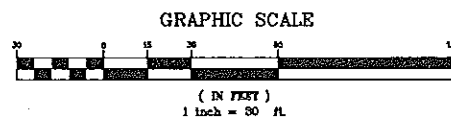


NOTE:  
THERE ARE NO 100-YEAR FLOOD  
PLAINS, STREAMS, OR STREAM  
BUFFERS ON OR WITHIN 100-FT  
OF THE PROPERTY





BASE BEARING ON  
CA GRID WEST



PROJECT NUMBER  
54563



Exhibit "B"

[a]

03/24/2019

RESERVED FOR CLERK OF COURT

NOTE: THE PROPERTY SHOWN HEREON IS NOT IN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE F.I.R.M. NO. 13089C0069J, DATED MAY 16, 2013.

LEGEND  
I.P.F. - IRON PIN FOUND  
I.P.S. - IRON PIN SET  
R.B.F. - RE-BAR FOUND  
O.T. - OPEN TOP  
C.T. - CRIMPED TOP  
F.N.D. - FOUND  
R/W - RIGHT-OF-WAY  
P.L. - PROPERTY LINE  
C.L. - CENTER LINE  
B.L. - BUILDING LINE  
L.L. - LAND LOT LINE  
-W- - WATER LINE  
-S- - SEWER LINE  
-G- - GAS LINE  
-F- - FENCE LINE  
-P- - POWER LINE  
-V- - OVERHEAD LINES  
P.P. - POWER POLE  
U.P. - UTILITY POLE  
G.A. - GUY ANCHOR  
P.C. - PILE  
R.N. - RADIUS  
TAN. - TANGENT  
U.S. - UNDERGROUND TELECOMMUNICATIONS LINE  
H.D.P. - HIGH DENSITY POLYETHYLENE PIPE  
T.S.C.B. - TRAFFIC SIGNAL CONTROL BOX  
O.C.S. - OUTLET CONTROL STRUCTURE  
I.C.V. - IRRIGATION CONTROL VALVE  
S.E.S. - SAFETY END SECTION  
P.O.B. - POINT OF BEGINNING  
P.O.C. - POINT OF COMMENCEMENT  
IRON PINS SET ARE 1/2" RE-BARS UNLESS OTHERWISE NOTED.  
C.B. - CATCH BASIN  
S.M.B. - SINGLE WING CATCH BASIN  
D.M.C.B. - DOUBLE WING CATCH BASIN  
J.B. - JUNCTION BOX  
D.I. - DROP INLET  
C.I. - CURB INLET  
H.W. - HEAD WALL  
C.M.P. - CORRUGATED METAL PIPE  
R.C.P. - REINFORCED CONCRETE PIPE  
D.I.P. - DUCTILE IRON PIPE  
D.E. - DRAINAGE EASEMENT  
S.S.H. - SANITARY SEWER MANHOLE  
S.S.E. - SANITARY SEWER EASEMENT  
F.H. - FIRE HYDRANT  
W.V. - WATER VALVE  
W.M. - WATER METER  
G.V. - GAS VALVE  
G.M. - GAS METER  
N.F. - NOW OR FORMERLY  
D.B. - DEED BOOK  
P.B. - PLAT BOOK  
P.G. - PAGE  
C.M.F. - CONCRETE MONUMENT FOUND  
U.S.P. - UNDERGROUND POWER LINE

CLOSURE NOTES:

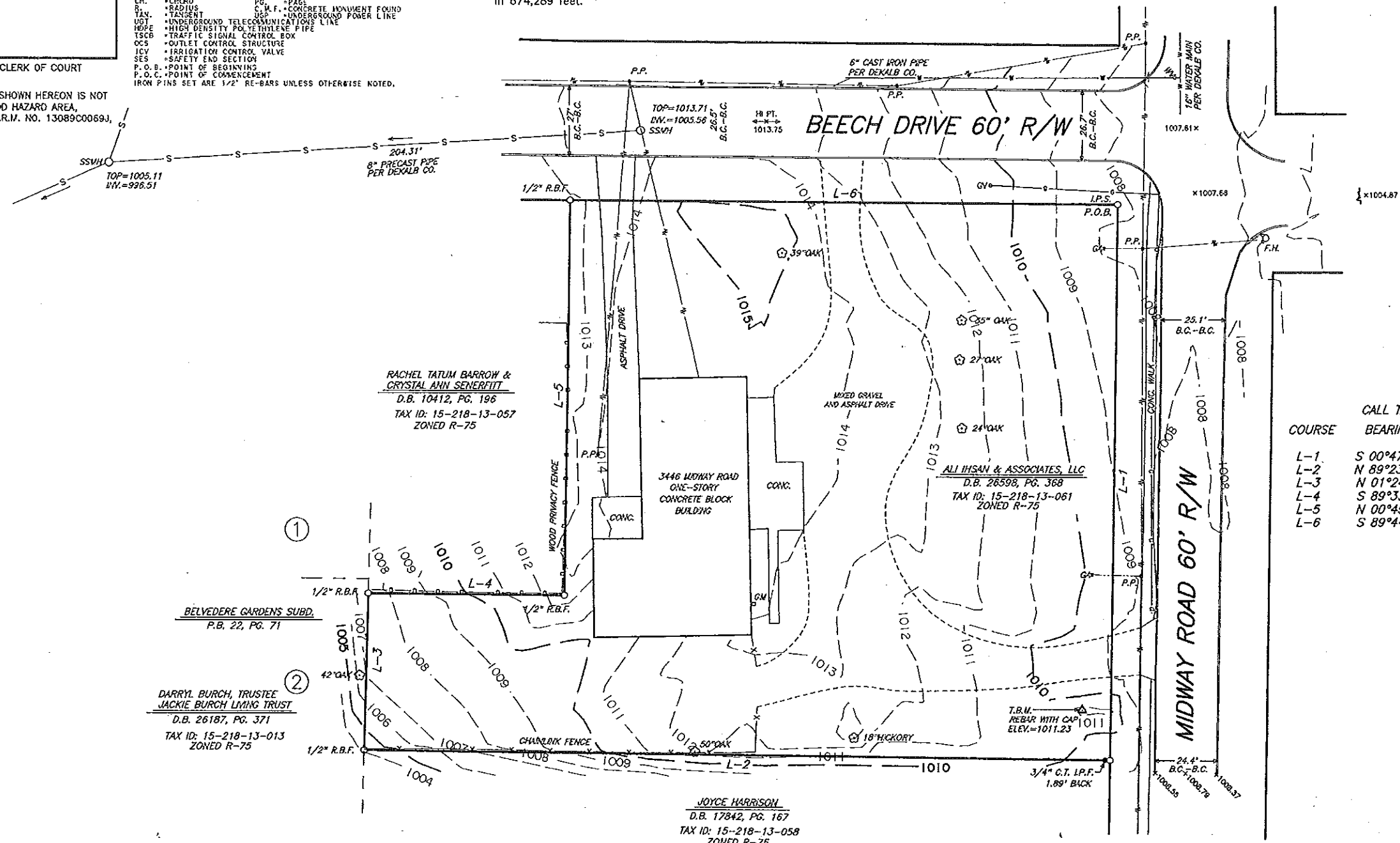
- The field data upon which this plat is based has a closure precision of one foot in 14,857 feet and an angular error of 14" per angle point, and was adjusted by the Compass Rule.
- The equipment used to obtain the linear and angular measurements was a NIKON NPL-522.
- This plot has been calculated for closure and is found to be accurate within one foot in 674,289 feet.

GPS STATEMENT

THE COORDINATES AND ELEVATIONS OF THE CONTROL POINTS OF THIS SURVEY WERE ESTABLISHED USING GPS. THE EQUIPMENT USED WAS A CHAMPION MODEL TKO DUAL FREQUENCY RECEIVER OPERATING IN RTK MODE WITH A SCEPTER DATA COLLECTOR RUNNING CARLSON SURVEY VERSION 5.06 SOFTWARE RECEIVING NETWORK RTK CORRECTIONS FROM EGPS SOLUTIONS, INC. OF NORCROSS, GA VIA THE MOBILE HOTSPOT APPLICATION OF AN ANDROID CELL PHONE. THE HORIZONTAL DATUM IS NAD83(2011) LOCATED IN THE GEORGIA WEST ZONE AND THE VERTICAL DATUM IS NAVD83(GEOD 12B).

GEORGIA WEST ZONE

GRID NORTH



CALL TABLE		
COURSE	BEARING	DISTANCE
L-1	S 00°47'16"W	211.29'
L-2	N 89°23'01"W	285.88'
L-3	N 01°24'56"E	59.72'
L-4	S 89°33'38"E	75.15'
L-5	N 00°49'11"E	150.02'
L-6	S 89°44'42"E	210.00'

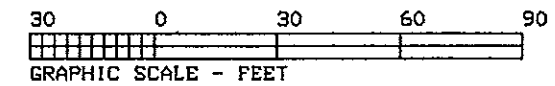
GENERAL NOTES

- THIS TRACT IS DESIGNATED DEKALB COUNTY TAX PARCEL 15-218-13-081 AND IS ZONED R-75. ADDRESS: 3446 MIDWAY ROAD DECATUR, GA 30032.
- WATER AND SEWAGE DISPOSAL PROVIDED BY DEKALB COUNTY.
- OWNER: ALI IHSAN & ASSOCIATES, LLC PER DEED BOOK 26598, PAGE 368.
- ELEVATIONS DETERMINED BY TRIGONOMETRIC LEVELING. CONTOURS SHOWN AT 1-FOOT INTERVALS. VERTICAL DATUM IS NAVD83 (GEOD 12B).
- THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.
- ALL UNDERGROUND UTILITY LOCATION SHOWN HEREON IS APPROXIMATE AND IS BASED ON THE LOCATION OF ABOVEGROUND APPURTENANCES, FLAGS AND PAINT MARKS PLACED BY UNDERGROUND UTILITY LOCATION SERVICES. THE SURVEYOR DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.
- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS 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.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR 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.

MARK B. LINCOLN GA LS NO 2625  
11-78-17  
DATE

AREA = 1.119 ACRES  
(48,757 SQ. FT.)



BOUNDARY RETRACEMENT & TOPOGRAPHIC SURVEY FOR:

ALI IHSAN & ASSOCIATES, LLC

LAND LOT(S) 218 15th DISTRICT  
DEKALB COUNTY, GEORGIA

LINCOLN SURVEYING, INC.  
CERTIFICATE OF AUTHORIZATION NO. LSF000773

LOT: BLOCK: S/D:

UNIT: PHASE: SCALE: 1"=30'

DATE(S) OF FIELD SURVEY: 11/20/17

DATE OF PLAT PREPARATION: 11/28/17

4290 UNION SPRINGS ROAD  
STOCKBRIDGE, GA 30281  
770-922-1753

