



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or

Authorized Representative Stein Investment Group c/o Dennis J. Webb, Jr, Smith, Gambrell & Russell, LLP

Mailing Address: 1105 W. Peachtree St., NE, # 1000

City/State/Zip Code: Atlanta, GA 30309

Email: djwebb@sgrlaw.com

Telephone Home: _____ Business: 404-815-3500

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: See attached owner's list

Address (Mailing): _____

Email: _____

Telephone Home: _____ Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3082, 3084, 3110 Briarcliff Road City: Atlanta State: GA Zip: 30329

District(s): 18 Land Lot(s): 196 Block: 03 Parcel: 010; 006; 008

Zoning Classification: HR-3 Commission District & Super District: 2/6

CIRCLE TYPE OF HEARING REQUESTED:

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

*** PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. ***

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____ Fee Paid: _____

Filing Guidelines for Applications to the DeKalb County, Ga. Board of Appeals

1. Order of Submitted Materials:

- a. Application Form
- b. Signatures and authorization (including permission to go on property)
- c. Letter of Intent
- d. Surveys, site plans.
- e. Other relevant materials (e.g. photographs, letters of support, citation, etc.)
- f. Filing Fee (\$300 payable to "DeKalb County")

2. Application Materials:

- a. **Submit one (1) digital copy of the completed application and materials to plansustain@dekalbcountyga.gov and hjohnson@dekalbcountyga.gov. DO NOT USE E-permitting services (Project Dox).**
- b. **One (1) hard copy of all materials is required along with the application fee. Contact the ZBA Senior Planner for delivery arrangements.**
- c. Applications must be submitted in complete, collated packets.
- d. All materials must be folded in stacks of 8½ x 11.

3. Surveys and site plans of the Subject Property:

- a. Must be stamped by a professional engineer or surveyor, registered in the State of Georgia.
- b. All plans and surveys must include the following information:
 1. Must show all property lines with dimensions.
 2. Must show the location of all existing and proposed buildings, structures, parking and setbacks (their relationship to the property boundaries).
 3. Must show any other features related to the request such as trees, fences, topography, streams, etc.
 4. Must be to-scale
 5. Must show lot area and lot coverage (impervious materials, including paving and structures).
 6. Larger and small scale plans (8½ x 11) are generally required.
 7. If property is not located in a platted subdivision, a legal description must be included.

4. Letter of Intent:

- a. A typed statement indicating the request and clarifying justification for the proposal based on the criteria as indicated in Section 27-7.5.3 or 7.5.4 of the DeKalb County Zoning Ordinance (see attached information).
- b. Reference the section of the code you are requesting to vary and the amount of requested change, (such as to reduce the rear yard setback from forty (40) feet to twenty (20) feet to construct an addition).

5. Authorization:

- a. If property owner is different from the applicant, the form to authorize the application must be signed by the owner and stamped by a notary.
- b. If property is owned by more than one property owner, all property owners must authorize the request.
- c. Authorize staff and members of the Board of Appeals to go on the property for site analysis and to post signs.

6. Application Fee is \$300. All checks must be payable to "DeKalb County". There are no refunds after notice has been sent to the newspaper for advertisement.

<u>Property Address:</u>	<u>Parcel No.</u>	<u>Owner</u>
3082 Briarcliff Road	18 196 03 010	Kartos Family Trust U A D 12 31 2012 P.O. Box 22147 Knoxville, TN 379
3084 Briarcliff Road	18 196 03 006	SIG Briarcliff LLC 5607 Glenridge Drive, NE, Suite 200 Atlanta, GA 30342
3110 Briarcliff Road	18 196 03 008	REBA Briarcliff LLC 5607 Glenridge Drive, NE, Suite 200 Atlanta, GA 30342

CHECK TYPE OF APPLICATION:

() ADMINISTRATIVE APPEAL

(X) VARIANCE

() SPECIAL EXCEPTION

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the
ZoningBoard of Appeals for the requests as shown in this application.

DATE: _____

Applicant/Agent: _____

Signature Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP

TO WHOM IT MAY CONCERN:

(I)/ (W SIG Briarcliff LLC
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to: Dennis J. Webb, Jr. and
Smith, Gambrell & Russell, LLP
3084 Briarcliff Road (PIN: 1819603006)

Notary Public



Notary Public

Notary Public

Owner

Owner

Owner

() ADMINISTRATIVE APPEAL

(X) VARIANCE

() SPECIAL EXCEPTION

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

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Zoning Board of Appeals for the requests as shown in this application.

DATE: _____

Applicant/Agent: _____

Signature Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP

TO WHOM IT MAY CONCERN:

(I)/ (WE) REBA Briarcliff LLC
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to: Dennis J. Webb, Jr. and Smith,
Gambrell & Russell, LLP

3110 Briarcliff Road (PIN: 1819003008)

Notary Public



Owner

Notary Public

Owner

Notary Public

Owner

CHECK TYPE OF APPLICATION:

() ADMINISTRATIVE APPEAL

(X) VARIANCE

() SPECIAL EXCEPTION

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

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Zoning Board of Appeals for the requests as shown in this application.

DATE: _____

Applicant/Agent: _____

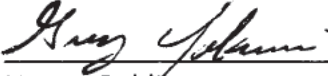
Signature  Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP

TO WHOM IT MAY CONCERN: Kartos Family Trust U/A/D 12/31/2012

(I)/ (WE)
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to: Dennis J. Webb, Jr. and
Smith, Gambrell & Russell, LLP

3082 Briarcliff Road (PIN: 1819603010)



Notary Public

 , Trustee

Owner

Notary Public

Owner

Notary Public

Owner



Letter of Intent

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Variance/Special Exception Application

of

STEIN INVESTMENT CO, LLC

for

± 6.0 Acres of Land
located in
Land Lot 196, 18th District, DeKalb County

A variance to DeKalb County Code of Ordinances § 2.11.2 to reduce the minimum side yard setback from 10' to 2'.

A variance to § 5.4.3 to modify the streetscape.

A variance to § 5.4.5 to reduce the 30' transitional buffer to 0' to remove existing impervious surfaces and to restore a portion of the transitional buffer as shown on the site plan.

A variance to § 5.4.7 to increase the maximum retaining wall height above 6' for existing retaining walls and to reduce the 10' setback for new retaining walls to 0'.

A special exception to § 6.1.14 to reduce the minimum number of loading spaces from four to two 12'x35' spaces.

A special exception to § 6.1.4 reducing the minimum parking to 1.4 spaces per unit for the multi-family residential.

Submitted for Applicant by:
Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 West Peachtree Street, NE, Suite 1000
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks four variances and two special exceptions from the DeKalb County Code of Ordinances (“Zoning Code” or “Code”): 1) A variance to § 2.11.2 to reduce the minimum side yard setback from 10 feet to 2 feet; 2) a variance to § 5.4.3 allow the required streetlights to be placed on the street side of the streetscape; 3) a variance to § 5.4.5 to allow encroachment within the 30 foot transitional buffer to remove existing impervious and restore a portion of the transitional buffer; 4) a variance to § 5.4.7 to increase above 6 feet the maximum retaining wall height for existing walls and to reduce the 10 foot setback for new retaining walls; 5) a special exception to § 6.1.14 reducing the minimum number of loading spaces from four to two 12-foot x 35-foot spaces; and 6) a special exception to § 6.1.4 to reduce the minimum parking to 1.4 spaces per unit for the multi-family residential. The Zoning Code, § 27-7.5.3, authorizes the Zoning Board of Appeals to grant variances where the strict application of any regulation would result in exceptional and undue hardship upon the owner of property. The Zoning Code, § 27-7.5.4, also authorizes the Zoning Board of Appeals to grant special exceptions to reduce off-street parking and loading spaces upon the finding, among others, that the development characteristics differentiate it from the typical use example used in the formulation of the zoning ordinance. Those standards are met here.

The property at issue consists of ± 6.0 acres of land located in the southeast quadrant of the intersection of Interstate 85 and Clairmont Road in Land Lot 196, 18th District of DeKalb County (“Subject Property”). The Subject Property is irregular in shape and has significant topography, with a 30-40 foot drop from the western side to the eastern side. It currently houses the Williamsburg Village Shopping Center (“Williamsburg Village”), a dated shopping center with approximately 90,000 square feet of commercial space. Much of that space is vacant. The site is

almost entirely covered with impervious surfaces and has six full-access curb cuts onto the public right-of-way (two on Clairmont Road and four on Briarcliff Road).

The Applicant hopes to redevelop the Subject Property with a mixed-use project, consisting of \pm 40,000 square feet of restaurant/retail space and 392 multi-family residential units (the “Proposed Development”). To that end, it has filed an application to rezone the Subject Property from C-1 (Local Commercial) to HR-3 (High Density Residential--3 District (HR-3) (Z-22-1245874). The Applicant has worked closely with area stakeholders on the rezoning request and it is consistent with a Small Area Plan approved by the DeKalb County Board of Commissioners on December 8, 2020. The following variances and special exceptions are also necessary to bring the proposed mixed-development to fruition.

The first seeks relief from § 2.11.2, which would require a 10-foot minimum side-yard building setback along Briarcliff Road. With the new development, the Applicant is proposing an extensive streetscape along the Briarcliff Road frontage to include a five-foot landscape strip, a 10-foot multi-use path and an additional 5-foot landscape strip. In keeping with new urbanist concepts, the Applicant is bringing the commercial and retail buildings to the streetscape; the buildings will be roughly 20 feet from back-of-curb. The right-of-way along Briarcliff Road, however, inexplicably juts northward roughly 15 feet in the southwest corner of the Subject Property and juts back south roughly 12 feet just west of the property line. This “notch” does not and cannot serve a public purpose. Absent a variance, though, it would require that the two westernmost commercial buildings be set back roughly 30 feet from back-of-curb while the rest of the commercial buildings fronting Briarcliff Road are at 20 feet from back of curb, disrupting the character of the streetscape proposed for no reason. This variance applies only to the two westernmost commercial buildings.

Second, DeKalb County Code § 5.4.3 requires that streetlights be placed in the landscape strip adjacent to the right-of-way and street trees on the opposite side of the sidewalk. The Applicant is currently developing the mixed-use project on the west side of Clairmont, which is right-of-way controlled by the Georgia Department of Transportation. On that project, GDOT would not allow either street lights or street trees in the landscape strip adjacent to the road for safety reasons. Therefore, out of an abundance of caution and anticipating the same dictate from GDOT on this project, the Applicant seeks a variance to relocate the streetlights to the building side of the Clairmont frontage. Briarcliff Road is county-controlled. The Applicant will be providing a multi-use path on the Briarcliff Road frontage. § 5.4.3, Table 5.1, would require for a new road that the street trees and the street lights be placed in the landscape strip adjacent to the right-of-way. Inexplicably, however, the code requires a different streetscape treatment for existing roads like Briarcliff. The Applicant will provide the requisite number of both street trees and streetlights but, to preserve the new urbanist principles that this development is based upon (ie. Bringing buildings to the streetscape) and to provide greater protection for pedestrian and bicycle traffic, the Applicant seeks to place both the street trees and the street lights in the landscape strip adjacent to the curb as would be required for a new road. It is important to note that the ZBA granted a variance to allow for an alternate streetscape configuration for the referenced development adjacent and across Clairmont Road (west) (A-20-1244494).

Third, the Applicant is requesting a variance from § 5.4.5 to allow disturbance within the 30-foot transitional buffer and a minor reduction in same. The code would require a 30-foot transitional buffer because the Subject Property abuts land zoned MR-2. As alluded to above, however, no transitional buffer exists today; the entire site is covered with impervious surfaces, right to the edges of the property. The Applicant needs a variance simply to remove the impervious surface that is currently there. Once that material is removed, the Applicant will create a 30' buffer

with only intrusions as shown on the site plan for two fire access lanes on the north side of the site, 20 parking spaces on the east side of the site, two new retaining walls and a fully enclosed dumpster. These encroachments into the transitional buffer are necessary given the shape and topography of the Subject Property but are relatively minor.

Fourth, the Applicant seeks a variance to DeKalb County Code of Ordinances § 5.4.7 to increase the maximum retaining wall height for existing retaining walls and to allow for two new walls within 10 feet of a property line. There are two existing retaining walls on the Subject Property that both exceed 6 feet tall, one on the northern property line and one on the western property line. Both walls are lawful, non-conforming uses, are allowed to remain, and are necessary to stabilize the Subject Property and the adjacent property. The Applicant intends to keep both but anticipates that due to their age and condition that they may need to be reinforced or rebuilt in part or in whole. The Applicant is not sure that a variance is even needed for this work but makes this request out of an abundance of caution. Further, the Applicant plans to construct two new walls, one along the northern property boundary and one on the eastern. Both walls will be below 6 feet tall as required by code but both will be within 10 feet of the property line. The new wall on the north side of the property is needed to support the fire lane proposed for that area and to meet the slope requirements for the fire lane. As to the wall along the eastern property line, the Applicant has, given the significant graded change on the site, worked diligently to reduce the grade to get the proposed wall below 6 feet but cannot get it to the existing grade elevation. As noted above, the area in which both of the new walls are proposed to be located is now completely covered in impervious surface and the applicant will be removing that surface and creating a transitional buffer where one has never existed. Under the circumstances, these walls represent a minor intrusion into that area.

Fifth, the Applicant is requesting a reduction in the off-street loading space requirements to provide two 12-foot by 35-foot spaces. The Proposed Development will contain $\pm 370,000$ square feet of building area which requires four loading spaces, one of which must be a 12-foot x 55-foot space, per Zoning Code § 6.1.14. As noted above, the Subject Property is an irregularly shaped parcel with a large change in topography which limits the ability to locate the required number of loading spaces on site. In addition, it is the Applicant's experience from other developments that the two loading spaces provided are sufficient to serve the residential and commercial tenants. The peak demand times for the loading spaces are different for the commercial and the residential tenants. The residential tenants typically use the loading spaces during the weekends or the first of the month outside of work hours, whereas the commercial tenants typically use the loading spaces during normal business hours during the week. As a result, the two 12-foot by 35-foot loading spaces are sufficient to serve the Proposed Development. The ZBA recently granted the same variance for a development adjacent and across Clairmont Road (west) for the exact same reasons (A-20-1244494).

Finally, the Applicant is requesting a special exception to reduce the parking requirement for the multi-family residential. § 6.1.4 of the Zoning Code would require between 1.5 spaces and 3.0 spaces per dwelling unit. This number is excessive. The Proposed Development will include ± 549 residential parking spaces which equates to ratios of ± 1.4 spaces per residential unit. The proposed parking is not a dramatic reduction beyond the minimum required and reflects the practical need of the Proposed Development. Specifically, the residential portion of the development will consist of a majority of studio and one-bedroom units, which are not likely to utilize more than one space per unit. In addition, the Applicant is anticipating an increased amount of pedestrian traffic to the Proposed Development. In fact, the Proposed Development's site design proposes a wider streetscape sidewalk to encourage pedestrian traffic to the ground floor

commercial as well as for the residents and is designed to connect to a PATH foundation trail proposed for the area. Further, the Proposed Development is in close proximity to mass transit with two bus stops on MARTA Route 19, which are within a few hundred feet of the Subject Property. The proximity to mass transit and the enhanced pedestrian streetscape will all serve to reduce the need for auto traffic to/from the site and the need for more parking spaces, making the full provision of spaces unnecessary. The ZBA authorized the same variance for the same reasons for a comparable development adjacent and across Clairmont Road (west) (A-20-1244494).

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written justification for the proposed variance as required by § 27-7.5.3 of the DeKalb County Zoning Ordinance.

II. IMPACT ANALYSIS

This Application meets the criteria for variances:

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The Subject Property is an irregularly shaped parcel with a significant change in topography. These constraints limit the buildable area of the site, as well as the area for parking, loading spaces and sidewalks. This is one of the driving factors coupled with those listed in the paragraphs above, which necessitate the reduced parking, loading spaces, the configuration of the streetscape as well as encroachments to the setbacks the buffer.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the Subject Property is located.**

The Applicant is not requesting more than what is required to allow the Proposed

Development, which was approved by the Board of Commissioners (after months of neighborhood negotiations). The Applicant's request for a reduction in parking, loading spaces, setbacks/buffer and streetscape is necessary to allow the Proposed Development and consistent with other variances that the ZBA has granted for properties in the area.

3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the Subject Property is located.

No. The grant of the requested variances will allow a mixed use, multifamily development that promotes walkability.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

As noted in the paragraphs above, a strict interpretation of the Code would preclude the construction of the Proposed Development as envisioned and approved in the rezoning and land use amendment applications.

5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

Yes. As noted in the paragraphs above, this variance request is being made in conjunction with an application to rezone the Subject Property to HR-3. The site plan attached to this application is the same plan that is attached to the rezoning application and depicts the same design requiring the subject variances. The Applicant anticipates the approval of the rezoning application, thus demonstrating the design is consistent with the spirit of the DeKalb County Zoning Code and the DeKalb County Comprehensive Plan.

6. Criteria Applying to a Variance to Reduce Off-Street Parking and Loading Spaces.

The Zoning Code §27-7.5.4 authorizes the Zoning Board of Appeals to grant a variance to reduce off-street parking and loading spaces upon the finding of certain factors, including the character of the use of the building(s) is such as to make unnecessary the full provision of parking

or loading spaces; as well as the use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance. The nature of a mixed-use development is such that trips are inherently reduced from residents walking to the commercial uses within the same development. The Proposed Development is a mixed-use development with the same walkable characteristics and promotes walkability even further with wider sidewalks and being located in proximity to MARTA bus stops. The DeKalb County Zoning Board of Appeals has routinely granted a reduction in parking for mixed-use developments based on similar factors. For example the Decatur Crossing Mixed Development, located at Scott Boulevard and Church Street, was granted a reduction in residential parking per A-15-19989; as well as an application (A-14-19089) by Atlantic Realty for a mixed-use development seeking to reduce the residential parking, both of which cite the reduced need for parking due to the nature of mixed-use development and proximity to bus transit. Further, and as noted above, the ZBA granted the same variance for the development adjacent and across Clairmont Road (west) (A-20-1244494).

Similarly, the mixed-use nature of the development also creates an efficiency in the loading spaces. As noted in the paragraphs above, the peak demand of the residential and the commercial uses do not occur at the same time, thereby allowing sufficient loading space in two 12-foot x 35-foot spaces. The ZBA also recently granted a variance to allow a similar development in the area to reduce the number of loading spaces from four to two.

III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, are unconstitutional and 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 I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Zoning Board of Appeals' failure to approve the requested variances would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

A refusal to grant the variances in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The practical effect of a denial of the requested variances will be to drive up the cost of housing which will have the effect of discriminating on the basis of race in violation of the Fair Housing Act of the United States and Georgia.

Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the variances to DeKalb County Zoning Ordinance 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 27th day of October, 2022.

Respectfully submitted,

/s/ Dennis J. Webb, Jr.

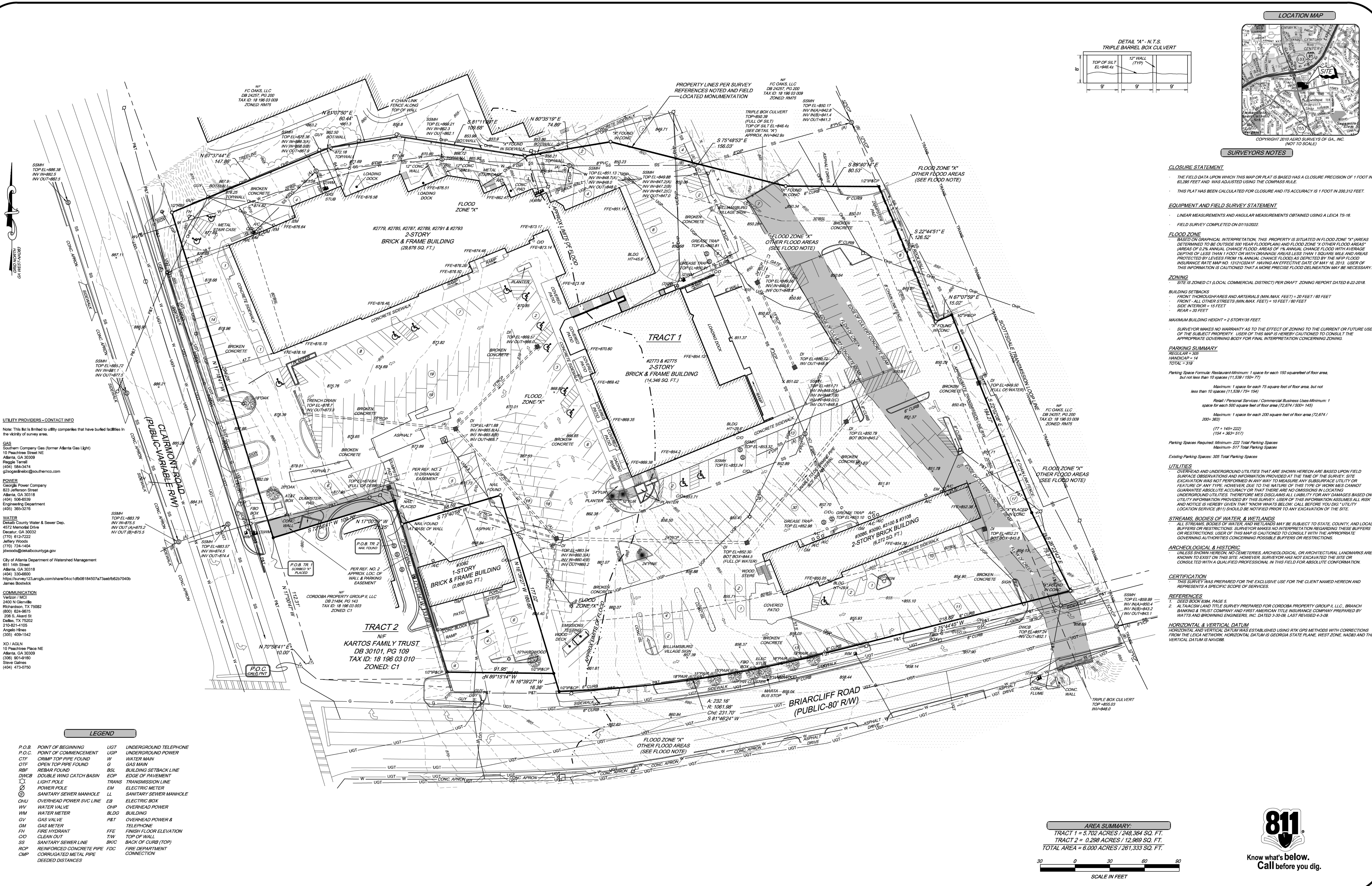
Dennis J. Webb, Jr.

Kathryn M. Zickert

J. Alexander Brock

Attorneys For Applicant

Survey



BOUNDARY & TOPOGRAPHIC SURVEY

OF

WILLIAMSBURG VILLAGE

TAX PARCELS 18 196 03 006, 18 196 03 008 AND 18 196 03 010

PROPERTY INFORMATION	
LAND LOTS:	196
DISTRICT:	18TH
SECTION:	
COUNTY:	DEKALB
STATE:	GA
CITY:	N/A

DRAWING INFORMATION	
DATE:	08/04/2022
SCALE:	1" = 30'
DWN:	JRG
CHK:	JCS
JOB No.:	15290
FILE:	15290-TOPO-0

SURVEYOR'S 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. 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. 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.

James R. Green, P.L.S. #2543

FOR THE FIRM

METRO ENGINEERING & SURVEYING CO., INC.

GA L.S.F. #20538

METRO ENGINEERING & SURVEYING CO., INC.

SURVEYORS - ENGINEERS - PHOTOGRAMMETRISTS

PROVIDING PROFESSIONAL SERVICE SINCE 1967

1469 Highway 20 West - McDonough, Georgia 30253

Phone: 770-707-0777 - Fax: 770-707-0755

www.metro-engineering.com

CLOSURE STATEMENT

- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 60,396 FEET AND WAS ADJUSTED USING THE COMPASS RULE.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND ITS ACCURACY IS 1 FOOT IN 200,312 FEET.

EQUIPMENT AND FIELD SURVEY STATEMENT

- LINEAR MEASUREMENTS AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA TS-16.
- FIELD SURVEY COMPLETED ON 07/15/2022.

FLOOD ZONE

- BASED ON GRAPHICAL INTERPRETATION, THIS PROPERTY IS SITUATED IN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 100 YEAR FLOODS AND FLOOD ZONE "X" OTHER FLOOD AREAS).
- (AREAS OF 0.2% ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOODS AS DEPICTED BY THE NFIP FLOOD INSURANCE RATE MAP NO. 13121C0241F HAVING AN EFFECTIVE DATE OF MAY 16, 2013. USER OF THIS INFORMATION IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NECESSARY.

ZONING

SITE IS ZONED C1 (LOCAL COMMERCIAL DISTRICT) PER DRAFT ZONING REPORT DATED 6-22-2018.

BUILDING SETBACKS

- FRONT THOROUGHFARES AND ARTERIALS (MIN./MAX. FEET) = 20 FEET / 80 FEET
- FRONT / ALL OTHER STREETS (MIN./MAX. FEET) = 10 FEET / 80 FEET
- SIDE INTERIOR = 10 FEET
- REAR = 20 FEET

MAXIMUM BUILDING HEIGHT = 2 STORY/35 FEET

PARKING SUMMARY

REGULAR = 305
HANDICAP = 15
TOTAL = 319

Parking Space Formula: Restaurant/Minimum: 1 space for each 150 square feet of floor area, but not less than 10 spaces (11,539 / 100 = 115.39)

Maximum: 1 space for each 75 square feet of floor area, but not less than 10 spaces (11,539 / 75 = 154)

Retail / Personal Services / Commercial Business Uses/Minimum: 1 space for each 300 square feet of floor area (72,674 / 300 = 242.25)

Maximum: 1 space for each 200 square feet of floor area (72,674 / 200 = 363.37)

(77 + 145 = 222)
(154 + 309 = 517)

Parking Spaces Required: Minimum: 222 Total Parking Spaces
Maximum: 517 Total Parking Spaces

Existing Parking Spaces: 305 Total Parking Spaces

UTILITIES

OVERHEAD AND UNDERGROUND UTILITIES THAT ARE SHOWN HEREON ARE BASED UPON FIELD SURFACE OBSERVATIONS AND INFORMATION PROVIDED AT THE TIME OF THE SURVEY. SITE EXCAVATION HAS NOT BEEN PERFORMED IN ANY WAY TO MEASURE ANY SUBSURFACE UTILITY OR FEATURE OF ANY TYPE. HOWEVER, DUE TO THE NATURE OF THIS TYPE OF WORK, THE SURVEYOR CANNOT GUARANTEE ABSOLUTE ACCURACY OR THAT THERE ARE NO OMISSIONS IN LOCATING UNDERGROUND UTILITIES. THEREFORE, THE SURVEYOR ASSUMES ALL LIABILITY FOR ANY DAMAGES BASED ON UTILITY INFORMATION PROVIDED BY THIS SURVEY. USER OF THIS INFORMATION ASSUMES ALL RISK AND NOTICES IS HEREBY GIVEN THAT KNOW WHATS BELOW, CALL BEFORE YOU DIG. UTILITY LOCATION SERVICE (811) SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION OF THE SITE.

STREAMS, BODIES OF WATER, & WETLANDS

ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS OR RESTRICTIONS. USER OF THIS MAP IS CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS.

ARCHAEOLOGICAL & HISTORIC

UNLESS SHOWN HEREON, NO CEMETERIES, ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE. HOWEVER, SURVEYOR HAS NOT EXCAVATED THE SITE OR CONSULTED WITH A QUALIFIED PROFESSIONAL IN THIS FIELD FOR ABSOLUTE CONFORMATION.

CERTIFICATION

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.

REFERENCES

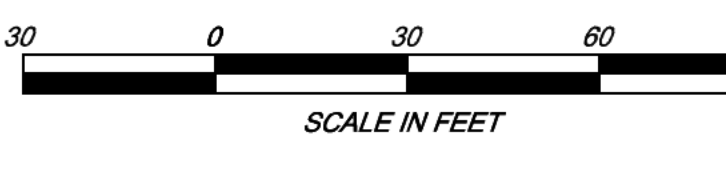
- DEED BOOK 6884, PAGE 6.
- ALTAIRCS LAND TITLE SURVEY PREPARED FOR CORDOBA PROPERTY GROUP II, LLC, BRANCH BANKING & TRUST COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY WATTS AND BROWNING ENGINEERS, INC. DATED 5-30-08, LAST REVISED 4-3-08.

HORIZONTAL & VERTICAL DATUM

HORIZONTAL AND VERTICAL DATUM WAS ESTABLISHED USING RTK GPS METHODS WITH CORRECTIONS FROM THE LEICA NETWORK. HORIZONTAL DATUM IS GEORGIA STATE PLANE, WEST ZONE, NAD83 AND THE VERTICAL DATUM IS NAVD83.

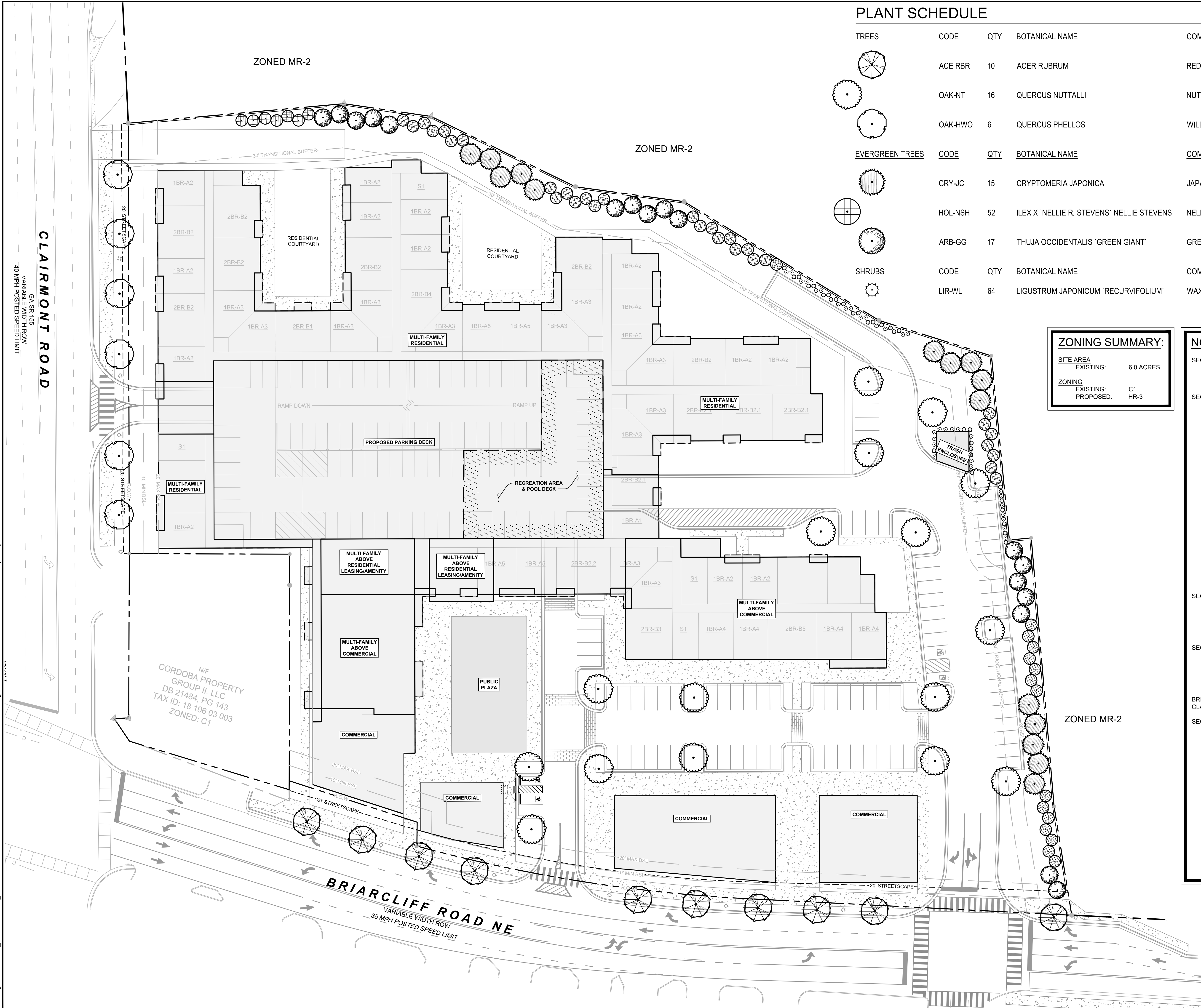
AREA SUMMARY:


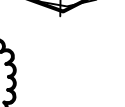




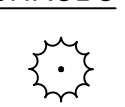
TRACT 1 = 5.702 ACRES / 248,364 SQ. FT.
TRACT 2 = 0.298 ACRES / 12,969 SQ. FT.
TOTAL AREA = 6.000 ACRES / 261,333 SQ. FT.



Site Plan

LandscapePlan



PLANT SCHEDULE							
TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CAL	HEIGHT	SPRD
	ACE RBR	10	ACER RUBRUM	RED MAPLE	2" CAL	12-14' HT	6-7' SPRD
	OAK-NT	16	QUERCUS NUTTALLII	NUTTALL OAK	2" CAL	10' HT.	6-7' SPRD
	OAK-HWO	6	QUERCUS PHELLOS	WILLOW OAK	2" CAL	12-14' HT	6-7' SPRD
EVERGREEN TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CAL	HEIGHT	SPRD
	CRY-JC	15	CRYPTOMERIA JAPONICA	JAPANESE CEDAR	--	6' HT	3-4' SPRD
	HOL-NSH	52	ILEX X 'NELLIE R. STEVENS' NELLIE STEVENS	NELLIE STEVENS HOLLY	--	6' HT	3-4' SPRD
	ARB-GG	17	THUJA OCCIDENTALIS 'GREEN GIANT'	GREEN GIANT ARBORVITAE	--	6' HT	3-4' SPRD
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	SPRD
	LIR-WL	64	LIGUSTRUM JAPONICUM 'RECURVIFOLIUM'	WAX LEAF LIGUSTRUM	3 GAL	18-24"	16-18"

ZONING SUMMARY:

SITE AREA
 EXISTING: 6.0 ACRES

ZONING
 EXISTING: C1
 PROPOSED: HR-3

NOTES:

SEC 3.5.7. TRANSITIONAL BUFFER ZONE REQUIREMENTS
NO TREES, OTHER THAN DEAD OR DISEASED TREES, SHALL BE REMOVED FROM BUFFER ZONE, BUT ADDITIONAL TREES AND PLANT MATERIAL MAY BE ADDED

SEC. 5.4.4. - SITE AND PARKING AREA LANDSCAPING
C. PROPERTY PERIMETER LANDSCAPE STRIP
3. A PERIMETER LANDSCAPE STRIP IS NOT REQUIRED WHERE A TRANSITIONAL BUFFER IS ALSO REQUIRED

D. PARKING AREA LANDSCAPING
MINIMUM OF 10% OF THE TOTAL LOT AREA OF THE PARKING LOT SHALL BE LANDSCAPED
4. MINIMUM OF ONE (1) TREE PER EIGHT (8) PARKING SPACES, AND ONE (1) ISLAND PER TEN (10) PARKING SPACES
TOTAL # OF PARKING SPACES: 79 / 8
TOTAL # OF REQUIRED TREES = 9.86

8. NEWLY PLANTED TREES IN A PARKING LOT SHALL BE A MINIMUM OF 2" CALIPER AS MEASURED AT A HEIGHT OF 6" ABOVE GROUND LEVEL, SHALL BE A MINIMUM OF 10' IN HEIGHT AT PLANTING, SHALL HAVE A 30' MINIMUM MATURE HEIGHT, AND SHALL BE DROUGHT TOLERANT. TREES SHALL BE PLANTED 30" FROM ANY BARRIER CURB. A MINIMUM OF 75% OF TREES PLANTED SHALL BE DECIDUOUS HARDWOOD SHADE TREES.

SEC. 5.4.6. SCREENING
TRASH AND RECYCLING AREAS SHALL BE SURROUNDED BY OPAQUE FENCES, WALLS, OR VEGETATION. VEGETATIVE SCREENING SHALL BE AT LEAST 75% EVERGREEN, WITH A MINIMUM OF 2 ROWS OF PLANTS, AND SHALL GROW TO A HEIGHT OF 6' IN 2 YEARS

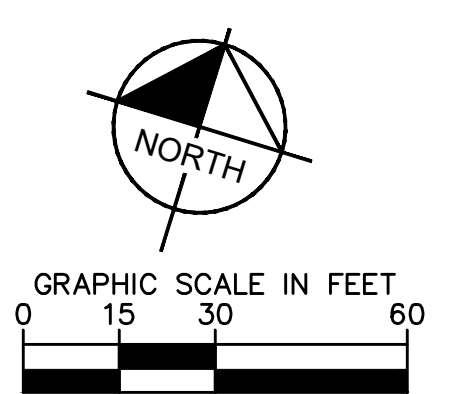
SEC. 3.36.11 LANDSCAPING REQUIREMENTS
A. LANDSCAPE STRIPS
1. CONTINUOUS LANDSCAPED STRIPS SHALL BE CONSTRUCTED ALONG PUBLIC RIGHTS-OF-WAY EXCEPT AT POINTS OF INGRESS OR EGRESS. STREET TREES SHALL BE BETWEEN THE CURB AND SIDEWALK.

BRIARCLIFF ROAD: 415' R.O.W LENGTH / 40' TREE SPACING = 10.38
CLAIRMONT ROAD: 232' R.O.W LENGTH / 40' TREE SPACING = 5.80

SEC 5.4.3 STREETScape ELEMENTS AND DIMENSIONS
A. STREETScape DIMENSIONS AND PLACEMENT
2. IMPROVEMENTS ON EXISTING STREETS
A. APPLICABILITY, NEW DEVELOPMENT AND REDEVELOPMENT OCCURRING ON EXISTING STREETS SHALL PROVIDE A STREETScape ZONE ON THE SIDE OF THE STREET WHERE THE DEVELOPMENT TAKES ITS ACCESS

D. LANDSCAPE STRIPS
I. LANDSCAPE STRIPS SHALL BE LOCATED BETWEEN CURB AND SIDEWALK, DESIGNED WITH STREET TREES

C. LANDSCAPE STRIP MATERIALS AND MAINTENANCE
7. STREET TREES
B. AS REFERENCED FROM TABLE 5.1, STREET TREES SHALL BE SPACED 40' O.C.
H. STREET TREES MINIMUM OF 2" CALIPER AND MATURE HEIGHT OF MINIMUM 25'



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 (770) 530-4114
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KIMLEY - HORN
817 W Peachtree St NW
#601
Atlanta, Ga. 30308

Briarcliff East

Arborist Report



Atlanta, GA, Dekalb
City, State, County

TVM DESIGN	AS SHOWN SCALE
MMM DRAWN	T1
TVM CHECKED	
6/24/2022 DATE	SHEET
	PROJECT No.

