

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 01 Super District 07

Application of Sid Tejpaal c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive.

PETITION NO: N5-2023-0875 SLUP-23-1246545

PROPOSED USE: Residential use; and, to allow thirteen (13) townhomes in the existing parking area.

LOCATION: 3003 Chamblee-Tucker Road; and, 2936 Mercer University Drive, Chamblee, Georgia 30341.

PARCEL NO. : 18-283-04-001; 18-266-05-014

INFO. CONTACT: Andrea Folgherait, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Sid Tejpaal c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive in Chamblee, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Two-Cycle Deferral.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant, Sid Tejpaal c/o Battle Law P.C., is seeking a special land use permit (SLUP) to redevelop an existing office building into a multi-family residential apartment building with newly constructed townhomes. Since the September 12th Planning Commission Meeting, the Applicant has addressed Staff's concerns regarding open space, accessibility, and connection the Northfork Peachtree Creek Greenway expansion. The applicant has done so by incorporating streetscape designs such as sidewalks, relocating the gym, reducing the townhome units from thirteen (13) to seven (7), and work with DeKalb County to connect to the Greenway per condition 2. The proposed development includes thirty-seven (37) units and now seven (7) townhomes. Currently, the space is vacant but previously operated as an office building. The subject property is located in a Regional Center (RC) activity center and more specifically, is a part of the *Presidential Parkway Regional Center, Edge District 1*. According to the *2050 Unified Plan*, there should be an appropriate transition between more intense mixed-use development and low density single-family residential uses. The proposal can serve as a transition parcel between such uses. The proposed multi-family and townhome development advances the policies of the *2050 Unified Plan*, being located at the "Edge" of the RC Character Area which include pedestrian connections internal to the site and provision of open space. It is recommended to incorporate street trees throughout the parking lot and plantings within the park. The *2050 Unified Plan* specifies that the primary land use of *Edge District 1* is to provide multifamily housing up to 24 du/acre and no more than 4 stories (pg.183). The proposed development is multi-family housing at 8 du/acre and 3 stories. The intent of a RC is to "Promote

the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage” (pg. 31). As presented, the site plan seems to provide access to connection points such as the gym, central park, and the future Greenway expansion (per condition 2). Although the current site plan could be improved to clarify where the Greenway will be located, the expansion is set to run adjacent along the western edge of the subject site. Given the proximity to the proposed Greenway expansion and Mercer University, there should be consideration for bike racks, which are not displayed on the site plan and further encourage non-vehicular traffic. The subject site presents some difficulties. A significant portion of the northwest side of the site is within an “X” and “AE” classified flood zone. The County Land Development Division has supplied comments in connection with the high-risk flood plain, proposed gym location, tree removal within the flood and/or stream buffer, as well as a secondary access point (see attached). Community Council District One (1) shared concern regarding the condition of the bridge on Mercer University Drive directly south of the subject property. The bridge is a part of DeKalb County’s Trail Comprehensive Study as well as the 2050 Comprehensive Transportation Program (CTP). It appears that Phase 3 (around the project area) will be started in 7-12 years. The applicant has not met all requirements set forth in *Section 5.4.3 Streetscape Elements and Dimensions*. Specifically, requirements for the required sidewalk and landscape strip dimensions. There may be difficulty meeting these requirements because of the flood plain and easements limiting the necessary space for the landscape strips and sidewalks. Variance(s) may be needed. As proposed, the applicant has not included plans to incorporate any variety of uses other than residential. However, the site is located on the “Edge” of the Core RC and adjacent to single-family properties which may be more fit for residential-only rather than a mix of uses. Furthermore, the *Unified Plan* also specifies because this area borders existing single-family properties, developments should be used for smaller multi-family residential developments, which the applicant has shown. Staff understands the potential of the subject property being adjacent to Mercer University, Greenway, and serving as a transitional “Edge” between a Core RC and single-family residential. Therefore, upon review of Section 7.4.6 of the *Zoning Ordinance*, Staff recommends “Approval with the attached conditions”.

PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-0-0. Edward Patton moved, Jana Johnson seconded for a 2-cycle deferral to the Jan 2024 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-0-0.

SLUP-23-1246545 (2023-0875)
Recommended Conditions (Sept. BOC)
3003 Chamblee-Tucker Road

1. The Applicant shall submit an updated site plan to the planning staff showing all required open space calculations, streetscape requirements, sidewalks, and landscape strips prior to the issuance of a land disturbance permit. The Applicant may need to seek variances to satisfy these requirements.
2. The Applicant agrees to work with DeKalb County, in good faith on an easement, or other transaction, to accommodate the Northfork Peachtree Creek Greenway trail.



DeKalb County Department of Planning & Sustainability

**178 Sams Street,
Decatur, GA 30030**

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: September 12, 2023

Board of Commissioners Hearing Date: September 28, 2023

STAFF ANALYSIS

| | | |
|--------------------------------|---|--|
| Case No.: | SLUP-23-1246545 | Agenda #: 2023-0875 |
| Address: | 3003 Chamblee-Tucker Road & 2936 Mercer University Drive | Commission District: 01 Super District: 07 |
| Parcel ID(s): | 18-283-04-001, 18-266-05-014 | |
| Request: | Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within the O-I (Office Institutional) Zoning District. | |
| Property Owner(s): | Sid Tejapaul | |
| Applicant/Agent: | Battle Law, P.C. | |
| Acreage: | 5.39 | |
| Existing Land Use: | Regional Center | |
| Surrounding Properties: | North: MR-1, M East: C-1, NS South: O-I West: R-100 | |
| Comprehensive Plan: | Regional Center | |
| | Consistent X Inconsistent | |

Staff Recommendation: Approval with Conditions.

The applicant, Sid Tejapaul c/o Battle Law P.C., is seeking a special land use permit (SLUP) to redevelop an existing office building into a multi-family residential apartment building with newly constructed townhomes. Since the September 12th Planning Commission Meeting, the Applicant has addressed Staff's concerns regarding open space, accessibility, and connection the Northfork Peachtree Creek Greenway expansion. The applicant has done so by incorporating streetscape designs such as sidewalks, relocating the gym, reducing the townhome units from thirteen (13) to seven (7), and work with DeKalb County to connect to the Greenway per condition 2. The proposed development includes thirty-seven (37) units and now seven (7) townhomes. Currently, the space is vacant but previously operated as an office building.

The subject property is located in a Regional Center (RC) activity center and more specifically, is a part of the *Presidential Parkway Regional Center, Edge District 1*. According to the *2050 Unified Plan*, there should be an appropriate transition between more intense mixed-use development and low density single-family residential uses. The proposal can serve as a transition parcel between such uses. The proposed multi-family and townhome development advances the policies of the *2050 Unified Plan*, being located at the “Edge” of the RC Character Area which include pedestrian connections internal to the site and provision of open space. It is recommended to incorporate street trees throughout the parking lot and plantings within the park.

The *2050 Unified Plan* specifies that the primary land use of *Edge District 1* is to provide multifamily housing up to 24 du/acre and no more than 4 stories (pg.183). The proposed development is multi-family housing at 8 du/acre and 3 stories. The intent of a RC is to “Promote the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage” (pg. 31). As presented, the site plan seems to provide access to connection points such as the gym, central park, and the future Greenway expansion (per condition 2). Although the current site plan could be improved to clarify where the Greenway will be located, the expansion is set to run adjacent along the western edge of the subject site. Given the proximity to the proposed Greenway expansion and Mercer University, there should be consideration for bike racks, which are not displayed on the site plan and further encourage non-vehicular traffic.

The subject site presents some difficulties. A significant portion of the northwest side of the site is within an “X” and “AE” classified flood zone. The County Land Development Division has supplied comments in connection with the high-risk flood plain, proposed gym location, tree removal within the flood and/or stream buffer, as well as a secondary access point (see attached). Community Council District One (1) shared concern regarding the condition of the bridge on Mercer University Drive directly south of the subject property. The bridge is a part of DeKalb County’s Trail Comprehensive Study as well as the 2050 Comprehensive Transportation Program (CTP). It appears that Phase 3 (around the project area) will be started in 7-12 years. The applicant has not met all requirements set forth in *Section 5.4.3 Streetscape Elements and Dimensions*. Specifically, requirements for the required sidewalk and landscape strip dimensions. There may be difficulty meeting these requirements because of the flood plain and easements limiting the necessary space for the landscape strips and sidewalks. Variance(s) may be needed.

As proposed, the applicant has not included plans to incorporate any variety of uses other than residential. However, the site is located on the “Edge” of the Core RC and adjacent to single-family properties which may be more fit for residential-only rather than a mix of uses.

Furthermore, the *Unified Plan* also specifies because this area borders existing single-family properties, developments should be used for smaller multi-family residential developments, which the applicant has shown. Staff understands the potential of the subject property being adjacent to Mercer University, Greenway, and serving as a transitional “Edge” between a Core RC and single-family residential. Therefore, upon review of Section 7.4.6 of the *Zoning Ordinance*, Staff recommends Approval with the following conditions:

1. The Applicant shall submit an updated site plan to the planning staff showing all required open space calculations, streetscape requirements, sidewalks, and landscape strips prior to the issuance of a land disturbance permit. The Applicant may need to seek variances to satisfy these requirements.
2. The Applicant agrees to work with DeKalb County, in good faith on an easement, or other transaction, to accommodate the Northfork Peachtree Creek Greenway trail.



Battle Law

Proposed Conditions for 3003 Mercer University Drive

The planning staff recommends approval of the Applicant's application for a Special Land Use Permit to allow the conversion of an office building into a high-rise apartment building subject to the following conditions:

1. The Applicant shall submit an updated site plan to the planning staff showing all required open space calculations, streetscape requirements, sidewalks, and landscape strips prior to the issuance of a land disturbance permit. The Applicant may need to seek variances to satisfy these requirements.
2. The Applicant agrees to work with DeKalb County, in good faith on an easement, or other transaction, to accommodate the Northfork Peachtree Creek Greenway trail.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ **Parcel I.D. #:** _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ **Size of line required, if inadequate:** _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes _____ No _____ **If no, distance to nearest line:** _____

Water Treatment Facility: _____ **adequate** _____ **inadequate** _____

Sewage Capacity: _____ (MGPD) **Current Flow:** _____ (MGPD)

COMMENTS:

Signature: _____

8/15/2023

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

404.508.7900 • www.dekalbhealth.net

8/15/2023

N4-2023-0874

15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008
& 15-158-02-009

4127,4139,4147,4149,4163 & 4173 Maplewood Drive, Decatur, GA 30035

☐ Amendment

- Please review general comments.
- Septic installed at 4163 Maplewood Drive on 2/20/2010
- Septic installed at 4173 Maplewood Drive on 09/16/1969 and repairs on 09/16/1969
- Septic installed at 4147 Maplewood Drive on 04/21/1989

N5-2023-0875

SLUP-23-1246545 18-283-04-001, 18-266-05-014

3003 Chamblee-Tucker Road & 2936 Mercer University Drive, Chamblee, GA 30341

☐ Amendment

- Please review general comments.
- Surrounding area on septic 2889,2898 and 3154. Please note we have no record. Property may be on septic.

N6-2023-0876

SLUP-23-1246546 16-126-02-068

1480 South Deshon Road, Lithonia, GA 30058

☐ Amendment

- Please review general comments.
- Surrounding area indicated to have septic installed: 1450, 1451, 1388, 1500.

N7-2023-0877

CZ-23-1246550 16-102-01-001

6290 Saylor Park, Lithonia, GA 30058

☐ Amendment

- Please review general comments.

Zoning Comments September 2023

N1: **3137 Weslock Circle -**
No Comments.

N2 & N3: **7566 Union Grove Road –**
No Comments.

N4: **4127, 4139, 4147, 4149, 4163 & 4173 Maplewood Drive –**
Maplewood Drive is classified as a collector.

N5: **3401 Rainbow Drive –**
Mercer University Drive is classified as minor arterials and a collector. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Ensure there is pedestrian connectivity between the proposed development and the public sidewalk infrastructure. Ensure that the access points meet the minimum sight distance standards per AASHTO. Note required confirming sight distance on plans at Land Disturbance Permit phase.

N6: **1480 South Deshon Road –**
No Comments.

N7: **6290 Sayler Park –**
No Comments.

**DeKalb County School District
Development Review Comments**

Analysis Date: 8/2/2023

Submitted to: DeKalb County

Case #: SLUP-23-1246545

Parcel #: 18-283-04-001, 18-266-05-014

Name of Development: 3003 Chamblee Tucker Rd & 2936 Mercer University Dr

Location: Office complex at northeast corner of Chamblee Tucker Rd and Mercer University Dr

Description: Current office building to be converted into 47 residential apartments plus 13 townhomes to be constructed in the current parking lot.

Impact of Development: When fully constructed, this development would be expected to generate 7 students: 4 at Henderson Mill Elementary, 2 at Henderson Middle School, 1 at Lakeside High School, 0 at other DCSD schools, and 0 at private school. Enrollment at Henderson Mill and Lakeside is over capacity, but the impact of this development is expected to be small. Because of the weight restriction on the bridge, school buses will need to be able to turn around on-site.

| | Henderson Mill Elementary | Henderson Middle School | Lakeside High School | Other DCSD Schools | Private Schools | Total |
|-------------------------------------|---------------------------------|-------------------------------|-------------------------|-----------------------|--------------------|-------|
| Current Condition of Schools | | | | | | |
| Capacity | 504 | 1,590 | 1,705 | | | |
| Portables | 7 | 0 | 11 | | | |
| Enrollment (Oct. 2022) | 505 | 1,363 | 2,147 | | | |
| Seats Available | -1 | 227 | -442 | | | |
| Utilization (%) | 100.2% | 85.7% | 125.9% | | | |

| | | | | | | |
|--------------------------------------|---|---|---|---|---|---|
| New students from development | 4 | 2 | 1 | 0 | 0 | 7 |
|--------------------------------------|---|---|---|---|---|---|

| | | | |
|---------------------|--------|-------|--------|
| New Enrollment | 509 | 1,365 | 2,148 |
| New Seats Available | -5 | 225 | -443 |
| New Utilization | 101.0% | 85.8% | 126.0% |

| | Attend Home School | Attend other DCSD School | Private School | Total |
|-----------------------------|--------------------------|--------------------------------|-------------------|---------------|
| Yield Rates | | | | |
| Elementary | 0.0626 | 0.0042 | 0.0006 | 0.0674 |
| Middle | 0.0248 | 0.0028 | 0.0006 | 0.0282 |
| High | 0.0200 | 0.0030 | 0.0006 | 0.0236 |
| Total | 0.1074 | 0.0100 | 0.0018 | 0.1192 |
| Student Calculations | | | | |
| Proposed Units | 60 | | | |
| Unit Type | Mixed | | | |
| Cluster | Lakeside High School | | | |
| | Attend Home School | Attend other DCSD School | Private School | Total |
| Units x Yield | | | | |
| Elementary | 3.75 | 0.25 | 0.04 | 4.04 |
| Middle | 1.49 | 0.17 | 0.03 | 1.69 |
| High | 1.20 | 0.18 | 0.04 | 1.42 |
| Total | 6.44 | 0.60 | 0.11 | 7.15 |
| | Attend Home School | Attend other DCSD School | Private School | Total |
| Anticipated Students | | | | |
| Henderson Mill Elementary | 4 | 0 | 0 | 4 |
| Henderson Middle School | 2 | 0 | 0 | 2 |
| Lakeside High School | 1 | 0 | 0 | 1 |
| Total | 7 | 0 | 0 | 7 |



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-23-1246545 Parcel I.D. #: 18-266 05 014
18-283 04 001
 Address: 3003 Chamblee Tucker Road + 2936 Mercer University Drive Chamblee, Ga. 30341
Chamblee, Georgia 30041

Adjacent Roadway (s):

| | |
|------------------|------------------|
| | |
| (classification) | (classification) |

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

| |
|--|
| Did not see any traffic engineering concerns at this time. |
| |
| |
| |
| |
| |

Signature: *Janith Russell*



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No: _____

APPLICANT NAME: Sid Tejpaal c/o Battle Law P.C.

Daytime Phone: 404-601-7616 E-Mail: mlb@battlelawpc.com

Mailing Address: 3562 Habersham at Northlake, Bldg. J. Suite 100
Tucker, GA 30084

Owner Name: See attached owner's authorizations
(If more than one owner, attach contact information for each owner)

Daytime Phone: _____ E-Mail: _____

Mailing Address: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: 3003 Chamblee-Tucker Road

18 283 04 001 Chamblee, GA DeKalb County, GA 30041

18 266 05 014
Parcel ID: _____ Acreage or Square Feet: 5.39 Commission Districts: 1 & 7

Existing Zoning: OI Proposed Special Land Use (SLUP): High-rise apartment

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

Owner: _____ Agent: X

Signature of Applicant:



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://battlelawpc.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join” . To join by phone, please dial (646) 931-3860. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Mark Schwabacher at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: mas@battlelawpc.com

NEW DATE

COMMUNITY MEETING TO DISCUSS A SPECIAL LAND USE PERMIT FOR THE CONVERSION OF AN OFFICE BUILDING INTO MULTI-FAMILY RESIDENTIAL

**Project Title: 3003 Chamblee Tucker
Road, Atlanta GA 30341**

When: June 27, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://battlelawpc.zoom.us/join>

Meeting ID: 894 1947 7747

Passcode: 754548

PROPOSED LOCATION(S):

Parcel Number - 18 283 04 001

| | | |
|--------------------------------|---------------------------------|-------------------------|
| LAW YVONNE | 3077 STANTONDALE DR | CHAMBLEE GA 30341 |
| ZUCKERMAN MICHAEL | 3093 STANTONDALE DR | ATLANTA GA 30341 |
| PRIESTER HARRIET P | 3034 STANTONDALE DR | CHAMBLEE GA 30341 |
| BRIDGES CATHERINE | 3069 STANTONDALE DR | CHAMBLEE GA 30341 |
| BURGGRAAF DOUGLAS J | 1863 FORREST RD | LAWRENCEVILLE GA 30043 |
| BOYD ATLANTA RHODES LLC | P.O. BOX 13470 | RICHMOND VA 23225 |
| REGENT CENTRE CONDO ASSOC INC | 1874 PIEDMONT AVE NE STE 495-D | ATLANT GA 30324 |
| MACKEY ANDREW | 3033 STANTONDALE DR | ATLANTA GA 30341 |
| STINNETT RICHARD D | 3084 MARGAVERA TER | CHAMBLEE GA 30341 |
| BLOCK TOBY F | 3044 STANTONDALE DR | CHAMBLEE GA 30341 |
| WAMSLEY JESSICA MICHELLE | 3045 STANTONDALE DR | CHAMBLEE GA 30341 |
| MENDOZA JESUS | 3061 STANTONDALE DR | CHAMBLEE GA 30341 |
| SHEFFLER DELACRUZ SHEILA M | 3068 STANTONDALE DR | CHAMBLEE GA 30341 |
| BEAL ANN C | 3052 STANTONDALE DR | CHAMBLEE GA 30341 |
| CORPORATION OF MERCER | 1500 MERCER UNIVERSITY DR | MACON GA 31207 |
| LAU JOSEPH | 3020 MERCER UNIVERSITY DR # 200 | CHAMBLEE GA 30341 |
| BOYD ATLANTA COLUMBIA LLC | P.O. BOX 13470 | RICHMOND VA 23225 |
| EVERLAND INC | 4029 NOBLEMAN PT | DULUTH GA 30097 |
| CLAY AWET | 3076 MARGAVERA TER | ATLANTA GA 30341 |
| PFISTER LAURA D | 3068 MARGAVERA TER | CHAMBLEE GA 30341 |
| KWOK WAI MAN | 235 PARK CREEK DR | ALPHARETTA GA 30005 |
| LYNCH ISABEL CABALLERO | 3084 STANTONDALE DR | ATLANTA GA 30341 |
| RDUS LLC | 9675 AUTRY FALLS DR | ALPHARETTA GA 30022 |
| 3028 CHAMBLEE TUCKER ROAD LLC | 2030 MAIN ST NW # 210 | ATLANTA GA 30318 |
| PECK STEVEN | 3053 STANTONDALE DR | CHAMBLEE GA 30341 |
| HERNANDEZ RACHEL M | 3044 MARGAVERA TER | CHAMBLEE GA 30341 |
| DERMID KRISTIAN K | 3060 STANTONDALE DR | ATLANTA GA 30341 |
| GEORGIA DEPT OF TRANSPORTATION | 600 W PEACHTREE ST NW | ATLANTA GA 30308 |
| PARK RIDGE EIGHTY-FIVE CONDO | 2144 BUFORD HWY STE 110 | BUFORD GA 30518 |
| HOFFSPIEGEL BUILDING LLC | 2900 CHAMBLEE TUCKER RD BLDG 15 | ATLANTA GA 30341 |
| ROZHAVSKY YEVGINE | 3060 MARGAVERA TER | CHAMBLEE GA 30341 |
| SHAN JIANFU | 3052 MARGAVERA TER | ATLANTA GA 30341 |
| RDUS LLC | 9675 AUTRY FALLS DR | ALPHARETTA GA 30022 |
| LYMAN RUTH | 3076 STANTONDALE DR | CHAMBLEE GA 30341 |
| GEORGIA DEPT OF TRANSPORTATION | 600 W PEACHTREE ST NW | ATLANTA GA 30308 |
| GEORGIA DEPT OF TRANSPORTATION | 600 W PEACHTREE ST NW | ATLANTA GA 30308 |
| LIN TAO | 2763 JORDAN LN | LITHIA SPRINGS GA 30122 |
| MALESKI SUSAN M | 3092 MARGAVERA TER | CHAMBLEE GA 30341 |
| MEHRPAD MOHAMMAD T | 3034 MARGAVERA TER | CHAMBLEE GA 30341 |

NEW DATE: Notice of Community Meeting

Mark Schwabacher <MAS@battlelawpc.com>

Thu 6/8/2023 10:30 AM

Cc:Michele Battle <mlb@battlelawpc.com>;Josh Mahoney <jsm@battlelawpc.com>

Bcc:9371phtr@att.net <9371phtr@att.net>;bwhite.te93@gtalumni.org <bwhite.te93@gtalumni.org>;chaiwon.kim@cpacs.org <chaiwon.kim@cpacs.org>;dougiers1979@gmail.com <dougiers1979@gmail.com>;ejhanfelt@bellsouth.net <ejhanfelt@bellsouth.net>;ewtingley@gmail.com <ewtingley@gmail.com>;kelmark@comcast.net <kelmark@comcast.net>;kelmark@comcast.net <kelmark@comcast.net>;kmglen@att.net <kmglen@att.net>;michael.smith@dunwoodyga.gov <michael.smith@dunwoodyga.gov>;paul.maner@yahoo.com <paul.maner@yahoo.com>;pennhastings@yahoo.com <pennhastings@yahoo.com>;pennhastings@yahoo.com <pennhastings@yahoo.com>;president@tuckercivic.org <president@tuckercivic.org>;respy49779@aol.com <respy49779@aol.com>;russjam2000@yahoo.com <russjam2000@yahoo.com>;Sandymurray@comcast.net <Sandymurray@comcast.net>;thomas.bowen@yahoo.com <thomas.bowen@yahoo.com>;respy49779@aol.com <respy49779@aol.com>;chuckhunt1972@gmail.com <chuckhunt1972@gmail.com>

Hello all,

Due to a conflict with Community Council District 1, we have re-scheduled the below Community Meeting for 3003 Chamblee Tucker Road to Tuesday Jun. 27 at 6pm, to provide an opportunity for all to attend.

Here is the new Zoom information:

Topic: 3003 Chamblee Tucker Road - Community Meeting

Time: Jun 27, 2023 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://battlelawpc.zoom.us/j/89419477747?pwd=MHpkRUtqTmhVSjlLdXpVTTZpU0ZiZz09>

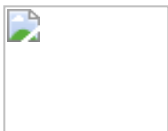
Meeting ID: 894 1947 7747

Passcode: 754548

Dial-In

+1 646 931 3860 US

Thank you, and I apologize for the inconvenience,



Mark Schwabacher.

(he/him/his)

Legal Intern

Phone: 404-601-7616

Mobile: 203-216-3967

Email: mas@battlelawpc.com

3562 Habersham at Northlake

Bldg. J, Suite 100

Tucker, GA 30084

www.battlelawpc.com



Community Meeting Attendance

| Name (Original Name) | User Email | Join Time | Leave Time | Duration (l | Guest | Recording | In Waiting Room |
|---------------------------|---------------------|-----------------|-----------------|-------------|-------|-----------|-----------------|
| Mark S (Mark Schwabacher) | mas@battlelawpc.com | 6/27/2023 17:46 | 6/27/2023 18:27 | 42 | No | | No |
| bperkins | | 6/27/2023 18:00 | 6/27/2023 18:00 | 1 | Yes | | Yes |
| bperkins | | 6/27/2023 18:00 | 6/27/2023 18:27 | 28 | Yes | Yes | No |
| Michele Battle | | 6/27/2023 18:04 | 6/27/2023 18:27 | 24 | No | Yes | No |
| Jenna Teston | | 6/27/2023 18:07 | 6/27/2023 18:07 | 1 | Yes | | Yes |
| Jenna Teston | | 6/27/2023 18:07 | 6/27/2023 18:27 | 20 | Yes | Yes | No |



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb Zoning Ordinance
For
A Special Land Use Permit for a
Apartment Building

of

Sid Tejpaul
c/o Battle Law, P.C.

for

+/- 5.39 Acres of Land
Being 3003 Chamblee-Tucker Drive
Chamblee, Georgia and
Parcel Nos. 18 283 04 001 and 18 266 05 014

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

RDUS LLC (the “Applicant”) is seeking to redevelop an existing vacant office building on +/- 5.39 acres of land being Tax Parcel Nos. 18 283 04 001 and 18 266 05 014, having frontage on 3003 Chamblee-Tucker Road (the “Subject Property”), into a residential apartment building with thirteen townhomes. The Applicant is seeking a Special Land Use Permit to allow the existing office building to be used as a residential apartment and to allow for thirteen townhomes to be constructed in the existing parking area.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County zoning ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. SPECIAL LAND USE IMPACT ANALYSIS; SEC 27-7.4.6

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

The 5.39 acre site is large enough to encompass the existing office space, thirteen townhomes, and sufficient parking without any intrusion into the buffer zones already on the property. The proposed site plan requires only a special land use permit for the proposed residential use and the Applicant is not requesting any variances at this time.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed residential use of the Subject Property is not expected to cause noise, smoke, odor, dust, or vibration. Adding sixty residences to the Subject Property will cause a slight increase in traffic, but the traffic is unlikely to exceed the traffic that used to be on the site when it was an active office space.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.

The site is served by adequate utilities to serve the proposed residential uses that were maintained as part of the previous office use.

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



Battle Law

The Subject Property has primary access to Mercer University Drive, which is a collector class road equipped to handle traffic associated with residential use. Additionally, the Subject Property is located approximately 0.3 miles from I-85, so longer distance traffic has a convenient path from the Subject Property to the highway system without burdening local roads.

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

The Subject Property is currently served by one main access point off of Mercer University Drive. The Applicant is not requesting any variances into the stream buffer zone on the property, leaving space available for the proposed North Fork Peachtree Creek Greenway. Creating new residences near the proposed Greenway will allow additional people to enjoy that pedestrian access. Fire and emergency access is available to the Subject Property directly through Mercer University Drive.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The proposed residential use of the Subject Property will not have hours of operation different from the nearby residential uses.

G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

Besides the special land use permit, the proposed use meets all other requirements of the OI zoning district.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The proposed use advances the policies of the comprehensive plan. According to the 2050 Unified Plan, the Subject Property is part of the Presidential Parkway Regional Center, Edge District 1. The plan specifies that the preferred intent of Edge District 1 is to provide multi-family housing up to 24 du/acre and no more than 4 stories. The proposed development is multi-family housing at 11 du/acre and 3 stories. Granting the Special Land Use Permit will advance the goals of the Presidential Parkway Regional Center by supplying needed housing and generating new tax dollars from a property that is currently underutilized.

I. Whether there is adequate provision of refuse and service areas.

The Site Plan provides adequate facilities for refuse handling.



Battle Law

J. Whether the length of time for which the Special Land Use Permit is granted should be limited in duration.

The length of time for which the Special Land Use Permit is granted should not be limited in duration. The intended residential use is expected to be indefinite.

K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The largest structure included on the Applicant's site plan already exists, so the building height will not create any new shadow impacts on adjoining lots. The proposed new townhomes are separated from neighboring residences by an existing vegetative buffer of mature trees, limiting any shadow impacts related to height.

L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The Applicant has no knowledge of any historic buildings, sites, districts, or archeological resources on the Subject Property.

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

There are no supplemental criteria in Sec. 7.4.7 for this Special Land Use Permit.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

Due to limited attendance at the first community meeting held 6/27/23, the Applicant will be hosting another community to ensure that the community's views are heard and included.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Special Land Use Permit for a residential building be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS



Battle Law

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

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Special Land Use Permit of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

A refusal to allow the Special Land Use Permit 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,



Battle Law

O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant



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: 6-23-2023

TO WHOM IT MAY CONCERN:

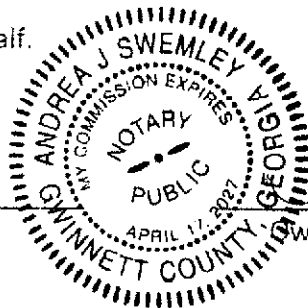
(I), (WE) ATOSH BHARDWAT (Member KPP Investments)
Name of owners(s) (If more than one owner, attach a separate sheet)

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

SID TEJPAUL
Name of Agent or Representative

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

Andrea J. Swemley
Notary Public



Atosh Bhardwaj
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No ✓ *

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

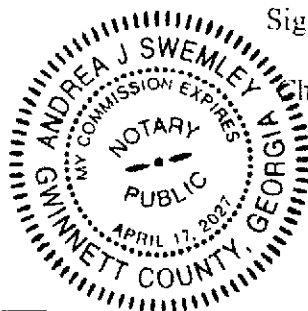
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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

Andrea J. Swemley
Notary

Michael Branchina
Signature of Applicant /Date

Check one: Owner ✓ Agent _____



April 17, 2017

Expiration Date Seal

*Notary seal not needed if answer is "no".



DeKalb County

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: June 23, 2023

TO WHOM IT MAY CONCERN:

(I), (WE) Ranjan Raj
Name of owners(s) (If more than one owner, attach a separate sheet)

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

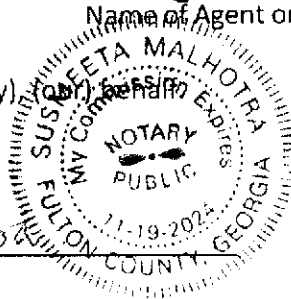
Sid Tejpal

Name of Agent or Representative

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

Susmeeta Malhotra

Notary Public



Ranjan Raj

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X *

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

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

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

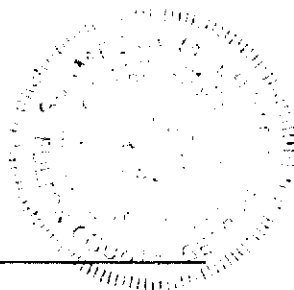
Susmeeta Mulla

Notary

Rajiv K. June 23, 2023

Signature of Applicant /Date

Check one: Owner ✓ Agent _____



exp 11-19-2024

Expiration Date/ Seal

*Notary seal not needed if answer is "no".



DeKalb County

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.

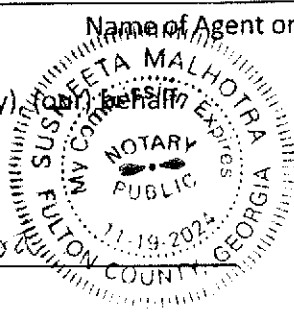
Date: June 23, 2023

TO WHOM IT MAY CONCERN:

(I), (WE) Ranjan Raj (Member RPS Legacy, LLC)
Name of owners(s) (If more than one owner, attach a separate sheet)

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

| | |
|--|----------------------------|
| Name of Agent or Representative | |
| to file an application on (my) <u>own</u> behalf | |
| <u>Susmeeta Malhotra</u> Notary Public | <u>Ranjan Raj</u> Owner |
| Notary Public | Owner |
| Notary Public | Owner |
| Notary Public | Owner |
| Notary Public | Owner |





DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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Yes _____ No X *

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

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

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

Sumeeta Mallikarjuna
Notary

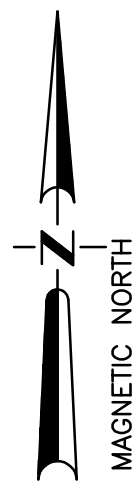
Pavita Raj June 23, 2023.
Signature of Applicant /Date

Check one: Owner ✓ Agent _____

Exps 11-19-2024

Expiration Date/ Seal

*Notary seal not needed if answer is "no".



CHAMBLEE TUCKER RD
R/W VARIES

P.O.C.
N 09°08'22"W 117.28'

10' S.S.E.
DEED BOOK 1399, PAGE 66
DEED BOOK 1477, PAGE 665
DEED BOOK 1479, PAGE 543

10' S.S.E.
DEED BOOK 1997,
PAGE 260

SURVEY DATA.

95% OF THE DATA SHOWN FOR THIS PLAT WAS OBTAINED UTILIZING GPS. IT INCLUDES ALL HORIZONTAL AND VERTICAL CONTROL POINT INFORMATION. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A CARLSON BRX7 WITH A CARLSON RT4 TABLET AND A TOPCOM GT 1003 ROBOTIC TOTAL STATION. THE TECHNIQUE WAS RTK CORRECTED MEASUREMENTS. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED ON THIS SURVEY WERE 0.06 FEET HORIZONTALLY AND 0.03 VERTICALLY AT THE 95% CONFIDENCE LEVEL.

FIELD WORK COMPLETED ON APRIL 25, 2023

SURVEY BEARINGS WERE ROTATED TO GEORGIA WEST STATE PLANE COORDINATE SYSTEM USING 1983 DATUM AND VERTICAL DATUM OF 1988.

THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 29,857 FEET.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND NO WARRANTIES EXTEND TO ANY UNNAMED PERSON WITHOUT A RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON

COPYRIGHT 2023 DIVERSIFIED TECHNICAL GROUP, LLC
THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

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, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67

J. Scott Smith
J. SCOTT SMITH, PLS 3014

4/25/23
DATE



LEGEND

| | | | |
|--------|--------------------|-----|-------------------------|
| R/W | RIGHT OF WAY | FES | FLARED END SECTION |
| WM | WATER METER | JB | JUNCTION BOX |
| B/L | BUILDING LINE | HW | HEADWALL |
| P | PROPERTY LINE | CL | CENTER LINE |
| A | FIRE HYDRANT | DR | DRAINAGE DIRECTION |
| V | VALVE | HN | HOUSE NUMBER |
| WM | WATER MAIN | IPF | IRON PIN FOUND |
| MH | MANHOLE | IPF | IRON PIN SET |
| SE | SEWER LINE | E | ELECTRIC POWER |
| DE | DRAINAGE EASEMENT | R | RADIUS OF CURVATURE |
| SE | SEWER EASEMENT | CB | DOUBLE WING CATCH BASIN |
| G | GAS LINE | PP | SINGLE WING CATCH BASIN |
| PP | POWER POLE | PO | POWER POLE |
| N&C | NAIL IN CAP | A | ARC OF CURVE |
| LP | LIGHT POLE | INV | INVERT |
| EE | EXISTING ELEVATION | DI | DROP INLET |
| RB | REBAR | PE | PROPOSED ELEVATION |
| O.T.P. | OPEN TOP PIPE | POB | POINT OF BEGINNING |

General Notes:

SURVEY AS PER IRON PINS FOUND DEED BOOK 6496, PAGE 28, SURVEY FOR UNIVERSITY OFFICE PARK PREPARED BY EARTH PRO LAND SURVEYORS DATED SEPTEMBER 28, 2017 AND REVISED DECEMBER 2, 2017. AND OTHER REFERENCES AS NOTED HEREON

THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND PROPERTY IS SUBJECT TO ALL MATTERS OF TITLE. SEWER EASEMENT AND DRAINAGE EASEMENT TAKEN FROM SURVEY BY EARTH PRO-SEE ABOVE NOTE.

SAID DESCRIBED PROPERTY IS LOCATED WITHIN A FLOOD ZONE DESIGNATION "X" AND "AE" BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP NO 13089C0019K, WITH A DATE OF IDENTIFICATION OF 8/15/2019, FOR COMMUNITY NUMBER 130065, IN DEKALB COUNTY, STATE OF GEORGIA WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

NO EVIDENCE OF RECENT WORK ON SUBJECT PROPERTY PROPERTY IS VACANT

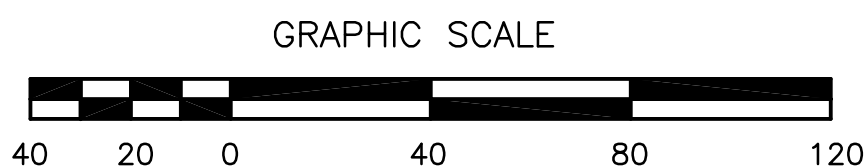
PROPERTY HAS DIRECT ACCESS TO MERCER UNIVERSITY DRIVE, A PUBLIC RIGHT OF WAY.

GEORGIA POWER EASEMENT
DEED BOOK 6865, PAGE 435

LAND LOT 283
APPROX. LAND LOT LINE
LAND LOT 266

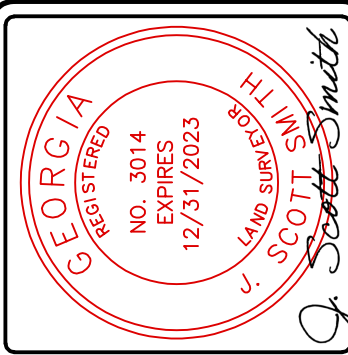
NOW OR FORMERLY
JOSEPH LAU
DEED BOOK 18432, PAGE 113
ZONED OI

MERCER UNIVERSITY DRIVE
R/W VARIES



DIVERSIFIED TECHNICAL GROUP, L.L.C.

LAND SURVEYORS - LAND PLANNERS
Land Surveying Firm License# 587
2700 BRASELTON HIGHWAY
SUITE 10-430
Dacula, Georgia 30019
PH. 770-614-7095
EMAIL: dgsurvey@dtgllc.com



Boundary and As-Built Survey
Sid Telpaul

LAND LOTS(S): 283, 266
DEKALB COUNTY, GEORGIA
DISTRICT: 18

DATE 4/25/23
DRAWN J.S.S.
CHECKED J.S.S.
SCALE 1"= 40'
SHEET TITLE

Boundary
As-Built

PROJECT NUMBER
23155
1
DRAWING NUMBER

Exhibit "A"


Legal Description

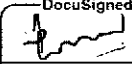
All that tract of land in land lot in DeKalb County, in the state of Georgia with an address known as 3003 Chamblee Tucker Road Atlanta GA 30341 with a tax ID number of 18-283-04-001.

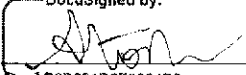
RUTGERS BUILDING

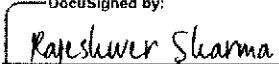
All that tract or parcel of land, lying and being in Land Lots 266 and 283 of the 18th District of DeKalb County, Georgia, being more particularly described as follows:

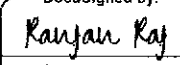
Commence at the intersection of the northeasterly right-of-way line of Mercer University Drive (formerly Flowers Road) (variable R/W), with the southeasterly right-of-way line of Chamblee-Tucker Road (variable R/W), as said rights-of-way now exist, said point having coordinates according to the Georgia State Plane Coordinate System of North: 1,410,638.70 and East: 469,017.35; thence along the northeasterly right-of-way line of Mercer University Drive the following two (2) courses and distances: 1) South 09 degrees 08 minutes 22 seconds East 117.28 feet, and 2) South 50 degrees 55 minutes 36 seconds East 165.81 feet to the POINT OF BEGINNING, said point being a southerly corner of property of The Koger Company (now or formerly), as recorded in Deed Book 6496, page 28, of the public records of DeKalb County, Georgia; thence departing said northeasterly right-of-way line of Mercer University Drive and along the southeasterly and easterly line of property of The Koger Company, as recorded in said public records the following three (3) courses and distances: 1) North 60 degrees 22 minutes 34 seconds East 181.13 feet, 2) North 46 degrees 29 minutes 27 seconds East 379.61 feet, and 3) North 75 degrees 15 minutes 06 seconds East 172.00 feet to a point, said point lying on the southwesterly line of Warren View Acres Subdivision as recorded in Plat Book 26, page 73, of said public records; thence along the southwesterly line of Warren View Acres Subdivision South 14 degrees 44 minutes 54 seconds East 472.00 feet to a point; thence South 00 degrees 18 minutes 31 seconds West 179.19 feet to a point on the northerly right-of-way line of Mercer University Drive; thence along the northerly right-of-way line of Mercer University Drive the following two (2) courses and distances: 1) North 76 degrees 14 minutes 21 seconds West 473.58 feet, and 2) North 63 degrees 34 minutes 58 seconds West 288.42 feet to the Point of Beginning. Containing 251,331 square feet, or 5.770 acres, more or less.

DocuSigned by:

Purchaser 4/5/2023
Date

DocuSigned by:

Purchaser 4/5/2023
Date

DocuSigned by:

Seller 4/5/2023
Date

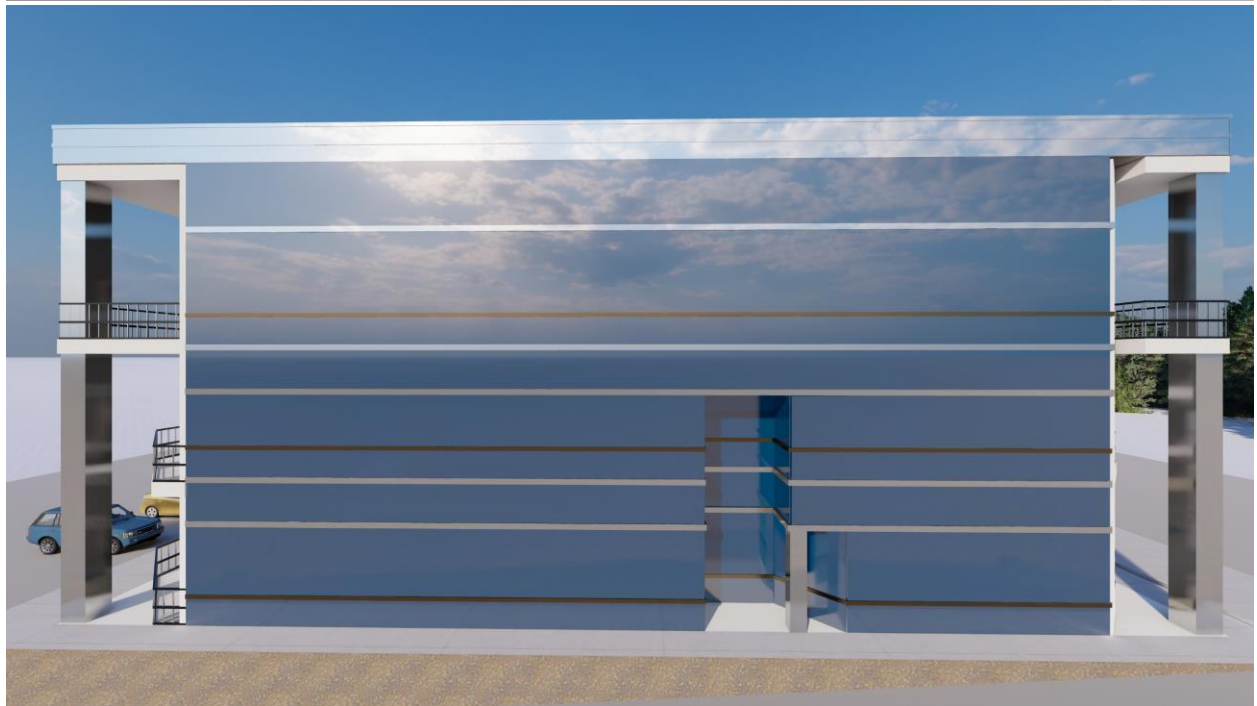
DocuSigned by:

Seller 4/6/2023
Date

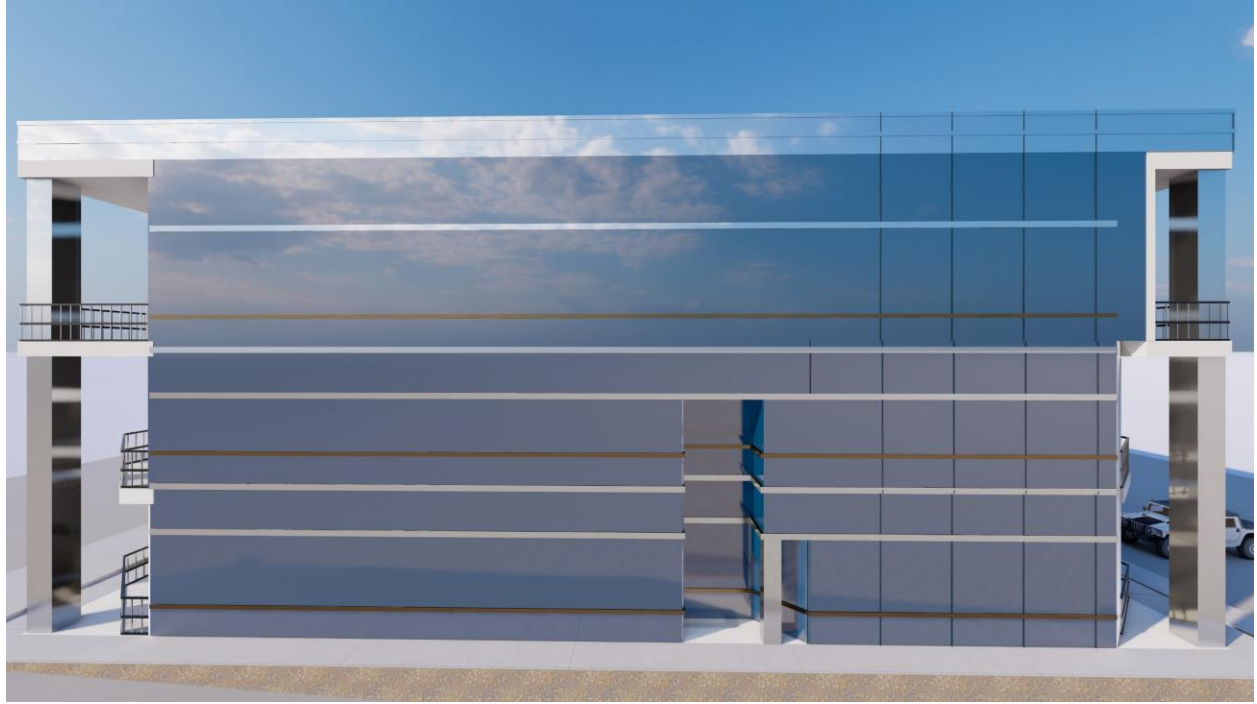
DocuSigned by:

Seller 4/5/2023
Date

Renderings & Elevations









Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant Name: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes _____ No _____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No _____

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

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

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

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

Review of Site Plan

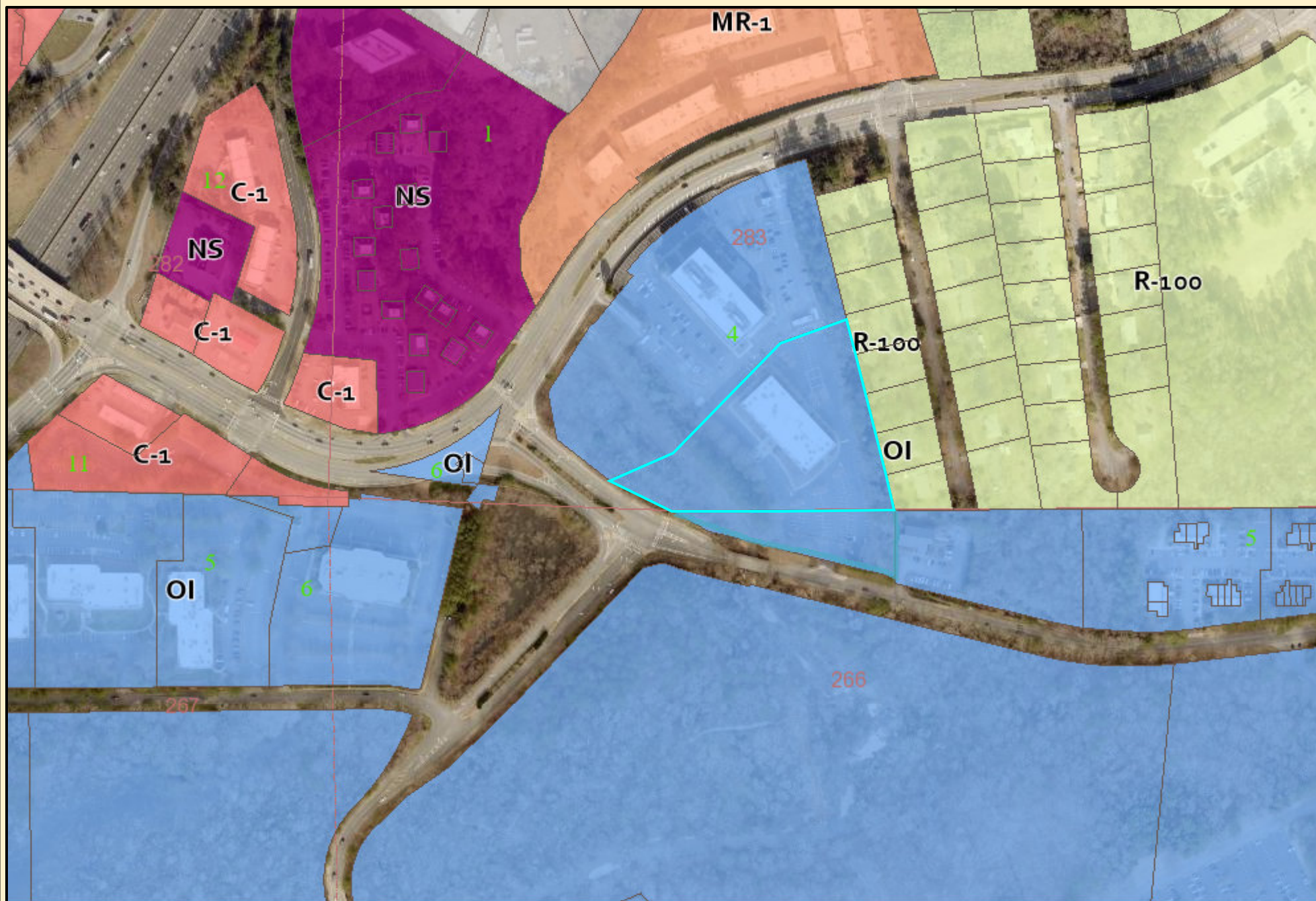
Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____
Enhanced Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____
Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____
Buffers: _____ Parking Lot Landscaping: _____ Parking - Auto: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

Comments: _____

Planner: _____ Date: _____

FILING FEES

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



DeKalb County Parcel Map

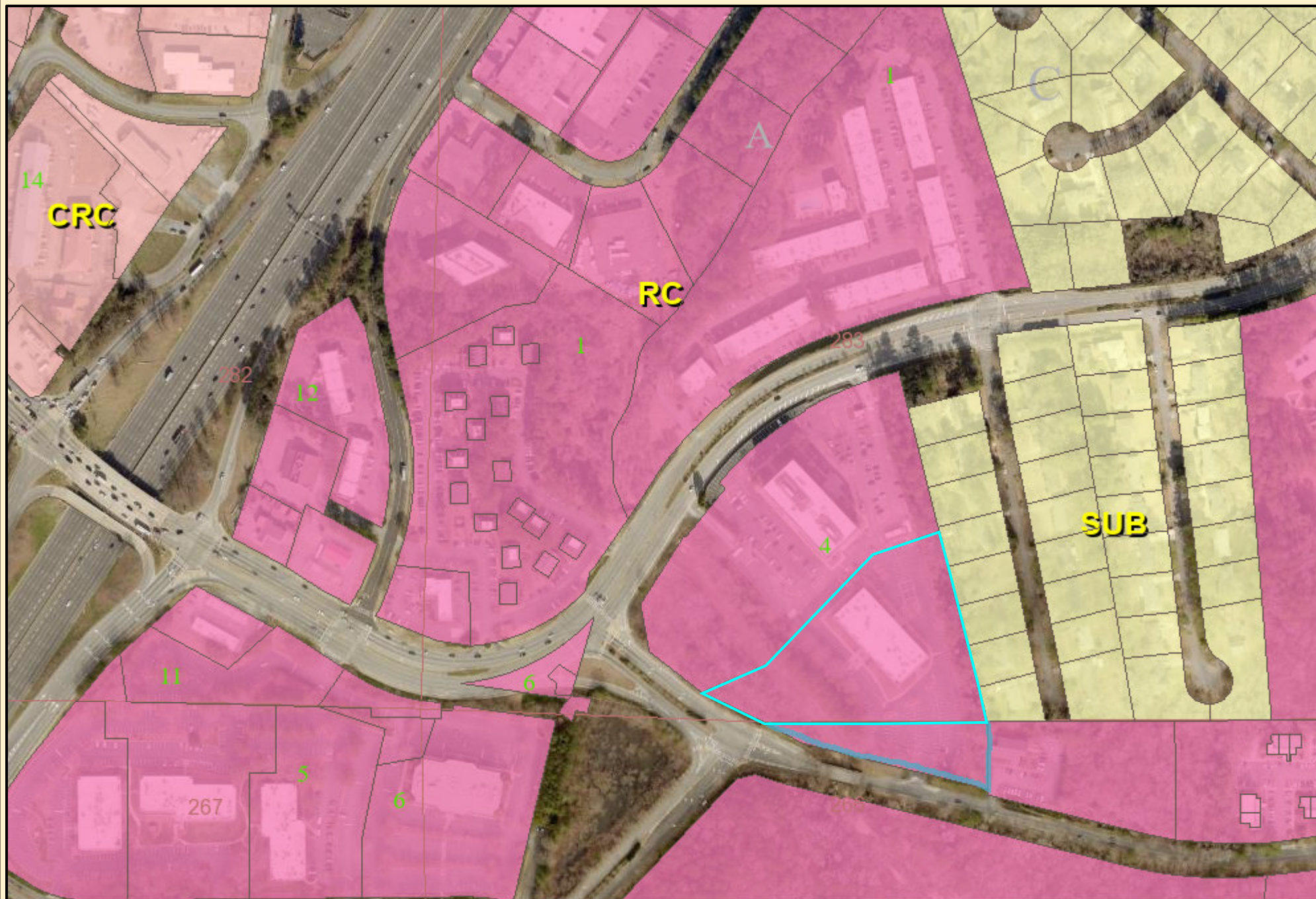
0 0.0175 0.035 0.07 0.105 0.14 mi

Date Printed: 9/1/2023



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DeKalb County Parcel Map

0 0.0175 0.035 0.07 0.105 0.14 mi

Date Printed: 9/1/2023



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DeKalb County Parcel Map

0 0.0075 0.015 0.03 0.045 0.06
mi

Date Printed: 9/1/2023



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