DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

RECEIVED
MAY 03 2018
By

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: C2 15 19762

APPLICANT NAME: Century Communities of Georgia, LLC c/o Battle Law, P.C.

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

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

OWNER NAME: ~~Please see attachment~~ Century Communities of Georgia, LLC (If more than one owner, attach contact information for each owner)

Daytime Phone#: (6)597-5469 Fax #: _____ E-mail: tturner@centurycommunities.com

Mailing Address: 3091 Governors Lake Drive, Suite 200, Norcross, GA 30071

SUBJECT PROPERTY ADDRESS OR LOCATION: ~~Please see attachment~~ 3360 Mountain Drive

Decatur, DeKalb County, GA, _____

District(s): 15 Land Lot(s): 250 Block(s): 01 Parcel(s): 013

Acreage or Square Feet: 18.898 Commission District(s): 4 Existing Zoning: MU-5

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

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

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

Owner: X Agent: ____
(Check One)

Signature of Applicant: Ted Turner

Printed Name of Applicant: Ted Turner, Century Communities

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DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 4/9/2018

TO WHOM IT MAY CONCERN:

(I), (WE), Century Communities of Georgia, LLC
Name of Owner(s)

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

Battle Law, P.C.
Name of Applicant or Representative

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

Notary Public — Owner

Notary Public — Owner

Notary Public — Owner

Notary Public — Owner

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Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Pre-application conference is required prior to filing application: copy must be submitted at filing)

Applicant Name: Century Communities Phone: 404 601 7616 Email: mlb@battlelawpc.com

Property Address: 3360 Montan Drive

Tax Parcel ID: 15 250 01 013 Comm. District: 4 (super=6) Acreage: 22-82

Existing Use: prior underlying underconstruction Proposed Use SF-D & SF-A

Rezoning: Yes ____ No X

Existing Zoning: MU-5 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: MODIFICATION OF CONDITIONS:

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): CZ 15 19762

Condition(s) to be modified and request for rear-entry only on TH.

(1) Eliminate the rear-entry approved

(2) Replace the site plan with corrected heights of TH up to 45 feet.

(3) Condition #5 (#32) to add Hardi-plank (fiber cement siding) as a permissable exterior facade material (allowed on all 4 sides of SF-D and just rear + sides facades of SF-A).

(4) Condition #21. Remove the [illegible] portion from [illegible]

SIGN IN SHEET
COMMUNITY MEETING

Project: 3360 Mountain Drive, Decatur, GA 30032

Location: 3360 Mountain Drive, Decatur, GA 30032

Date: 4/25/18 Time: 6:30-7:30 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Emily	Halery	659 Farrar Ct.	Decatur, GA	30032	404-580-2178	evh27@gmail.com
Morgan	Rowe	658 Farrar Ct	Decatur GA	30032		Mrsandrowe3@gmail.com
Andrew	Shahan	664 Farrar Court	Decatur GA	30032		andrewshahan@hotmail.com
Connie	White	652 Farrar Court	Decatur GA	30032	4 315.0380	Connie White 652e gmail.com
Annie	Italiano	623 Farrar Ct.	Decatur	30032	470-532-8658	anneitaliano1@gmail.com
VICTORIA	WEBB		ANNDALE ST	30032		VIC@FURIOUSDREAMS.COM
Roxanne	Daley	One West Ct. Sq, Ste 750	Decatur	30032		rod@battlelawpc.com
Matt	Leatherman	659 Farrar Ct.	Decatur	30032	404-580-2195	grammymatt@gmail.com

Title	FirstName	LastName	Address	City	State	Zip
	Numi	Brennan	1124 Morningside Pl Ne	Atlanta	GA	30306-3060
Ms.	Neha	Patel	114 Glenn St	Decatur	GA	30030-2001
Mr.	Michael	Briones	1259 Euclade Ct Ne	Atlanta	GA	30329-3729
Mr.	Jason	Smith	13097 Region Trce	Alpharetta	GA	30004-4295
Current Property Owner			133 Johnson Ferry Rd	Marietta	GA	30068-4923
Ms.	Maria	Walker	135 Tamarisk Dr	Atlanta	GA	30342-1421
Current Property Owner			1640 Powers Ferry Rd Se	Marietta	GA	30067-5491
Current Property Owner			1701 Mountain Industrial Blvd	Stone Mountain	GA	30083-1027
Current Property Owner			1845 Satellite Blvd Ste 750	Duluth	GA	30097-4005
Ms.	Sharon	Vaisvilas	190 Forest Glen Way	Avondale Estates	GA	30002-1206
Mr.	Wesley	Brooks	199 Ivy Glen Cir	Avondale Estates	GA	30002-1764
Ms.	Margie	Hunt	200 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Margie	Hunt	200 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Diana	Adebulehin	200 Ivy Glen Cir	Avondale Estates	GA	30002-1766
	Tosaporn	Krasaeath	201 Amberwood Dr E	Vidalia	GA	30474-5428
Ms.	Kimberly	Davis	201 Forest Glen Way	Avondale Estates	GA	30002-1209
Mr.	William	Harris	204 Forest Glen Way	Avondale Estates	GA	30002-1208
Mr.	Anson	Ashbury	205 Glendale Ave	Decatur	GA	30030-1919
Mr.	Matthew	Huff	206 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Macarena	Garcia	206 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Scott	Ellington	208 Ivy Park Sq	Avondale Estates	GA	30002-1772
Mr.	Miguel	Figueroa	2107 N Decatur Rd	Decatur	GA	30033-5305
Ms.	Maria	Fraire	212 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Ms.	Kimberly	Burnside	213 Ivy Glen Cir	Avondale Estates	GA	30002-1765
Ms.	Vicki	Meachum	214 Ivy Park Sq	Avondale Estates	GA	30002-1772
Ms.	Angela	Hale	215 Forest Glen Way	Avondale Estates	GA	30002-1209
Ms.	Nancy	Coltrin	217 Forest Glen Cir	Avondale Estates	GA	30002-1203
Ms.	Karla	Drenner	218 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Usman	Javaid	219 Ivy Glen Cir	Avondale Estates	GA	30002-1765
Ms.	Stephanie	Jackman	220 Ivy Park Sq	Avondale Estates	GA	30002-1772
	Changlin	Ding	224 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Matthew	Burroughs	225 Ivy Glen Cir	Avondale Estates	GA	30002-1765
Ms.	Wendy	Seel	226 Forest Glen Cir	Avondale Estates	GA	30002-1204
Mr.	Mark	Stone	227 Ivy Park Sq	Avondale Estates	GA	30002-1773

Ms.	Sarah	Reise	230 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Frank	Angiulo	230 Ivy Park Sq	Avondale Estates	GA	30002-1772
Ms.	Janet	Hallazgo	231 Ivy Park Sq	Avondale Estates	GA	30002-1773
Mr.	Ben	Perl	232 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Leonora	Grant	232 Ivy Park Sq	Avondale Estates	GA	30002-1772
Mr.	William	Boley	233 Ivy Glen Cir	Avondale Estates	GA	30002-1765
	M	S	233 Montague Pl	South Orange	NJ	07079-2128
Mr.	Jason	Drew	234 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Stephen	Sharp	235 Ivy Park Sq	Avondale Estates	GA	30002-1773
Ms.	Mable	Dotson	238 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Yuda	Chen	242 Ivy Glen Cir	Avondale Estates	GA	30002-1766
		Marta	2424 Piedmont Rd Ne	Atlanta	GA	30324-3311
Mr.	Brett	Lyon	244 Forest Glen Cir	Avondale Estates	GA	30002-1204
	Hiu	Yau	246 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Leonardo	Becerra	251 Forest Glen Cir	Avondale Estates	GA	30002-1203
Mr.	Harper	Jack	2607 Edgecrest Pt	Lawrenceville	GA	30043-6936
Ms.	Jean	Castaneda	261 Forest Glen Way	Avondale Estates	GA	30002-1209
Mr.	Stephen	Parker	263 Ivy Glen Cir	Avondale Estates	GA	30002-1765
Mr.	Jeremiah	Zeis	264 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Mary	Williams	264 Ivy Glen Cir	Avondale Estates	GA	30002-1766
	Wytch	Stubbs	270 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	John	Grover	271 Somerlane Pl	Avondale Estates	GA	30002-1232
Mr.	Michael	Schardan	275 Forest Glen Cir	Avondale Estates	GA	30002-1205
Ms.	Dorothea	Watson	278 Forest Glen Cir	Avondale Estates	GA	30002-1204
Ms.	Noreen	Javaid	278 Laredo Dr	Decatur	GA	30030-2228
Current Property Owner			280 Northern Ave	Avondale Estates	GA	30002-1281
Mr.	Michael	Conwell	285 Forest Glen Cir	Avondale Estates	GA	30002-1205
Ms.	Jacqueline	Rouse	286 Forest Glen Cir	Avondale Estates	GA	30002-1204
Mr.	Minton	Hilden	287 Ivy Glen Cir	Avondale Estates	GA	30002-1769
Ms.	Dina	Wills	288 Ivy Glen Cir	Avondale Estates	GA	30002-1766
	Lee	Williams	291 Forest Glen Cir	Avondale Estates	GA	30002-1205
Mr.	Wilbert	Ison	292 Forest Glen Cir	Avondale Estates	GA	30002-1204
	H	Loggins	292 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Mr.	Brian	Coe	298 Ivy Glen Cir	Avondale Estates	GA	30002-1766
Ms.	Kelly	Cox	299 Ivy Glen Cir	Avondale Estates	GA	30002-1769

Ms.	Elena	Alonso	3244 Spring Dr	Doraville	GA	30360-2421
Ms.	Dana	Greear	3438 Mountain Dr	Decatur	GA	30032-1203
Current Property Owner			3591 Stewart Rd	Doraville	GA	30340-2712
Mr.	Anthony	Nastri	3886 Bretton Woods Rd	Decatur	GA	30032-1402
Mr.	Winston	James	3939 Sable Dr	Stone Mountain	GA	30083-4445
Mr.	Michael	Lo	4027 Signal Rdg Sw	Lilburn	GA	30047-3321
Mr.	Alastair	Gardner	407 Rammel Oaks Dr	Avondale Estates	GA	30002-1169
Mr.	John	Milner	408 Rammel Oaks Dr	Avondale Estates	GA	30002-1170
Current Property Owner			4169 Kings Troop Rd	Stone Mountain	GA	30083-4724
Current Property Owner			4200 Northside Pkwy Nw	Atlanta	GA	30327-3007
Current Property Owner			428 Carolina Cir	Durham	NC	27707-2253
Current Property Owner			4286 Memorial Dr	Decatur	GA	30032-1221
Current Property Owner			4292 Memorial Dr	Decatur	GA	30032-1224
Current Property Owner			4828 Ashford Dunwoody Rd	Atlanta	GA	30338-4832
Current Property Owner			500 Sugar Mill Rd	Atlanta	GA	30350-2865
Ms.	Linda	Fay	504 Brentwood St	Austin	TX	78752-4104
Current Property Owner			550 Pharr Rd Ne Ste 220	Atlanta	ga	30305-3433
		Weeks	618 Farrar Ct	Decatur	GA	30032-1209
Ms.	Anne	Italiano	623 Farrar Ct	Decatur	GA	30032-1204
Mr.	Max	Mount	634 Farrar Ct	Decatur	GA	30032-1209
Ms.	Cynthia	Decamp	635 Farrar Ct	Decatur	GA	30032-1204
Ms.	Cheryl	Hollifield	640 Farrar Ct	Decatur	GA	30032-1209
Mr.	Freddie	Jefferson	641 Farrar Ct	Decatur	GA	30032-1204
Ms.	Constance	White	652 Farrar Ct	Decatur	GA	30032-1209
Mr.	Morgan	Rowe	658 Farrar Ct	Decatur	GA	30032-1209
		Weeks	6581 Crestbrook Dr	Morrison	CO	80465-2231
Ms.	Emily	Halevy	659 Farrar Ct	Decatur	GA	30032-1204
Mr.	William	Shahan	664 Farrar Ct	Decatur	GA	30032-1209
Ms.	Barbara	Hood	665 Farrar Ct	Decatur	GA	30032-1204
Ms.	Neha	Patel	668 Farrar Ct	Decatur	GA	30032-1209
Mr.	Ray	Craig	669 Farrar Ct	Decatur	GA	30032-1204
Ms.	Joanna	Weinberg	674 Farrar Ct	Decatur	GA	30032-1209
Mr.	Joseph	Loisel	681 Farrar Ct	Decatur	GA	30032-1204
Mr.	Edwin	Trausneck	690 Farrar Ct	Decatur	GA	30032-1209
	Courtney	McClellan	696 Farrar Ct	Decatur	GA	30032-1209

Mr.	Scott	Anderson	697 Farrar Ct	Decatur	GA	30032-1204
	Mika	Mueller-Rougier	702 Farrar Ct	Decatur	GA	30032-1211
Mr.	Daniel	Lee	717 Farrar Ct	Decatur	GA	30032-1210
Current Property Owner			738 Rollingwood Dr	Stone Mountain	GA	30087-2741
Mr.	Istvan	Kolosi	94 Dartmouth Ave	Avondale Estates	GA	30002-1414
Ms.	Pamela	Dooley	Po Box 807	Clarkston	GA	30021-0807
Current Property Owner			Po Box 910	Decatur	GA	30031-0910
Rammel Oaks HOA			Po Box 242	Avondale Estates	GA	30002

Battle Law, P.C.
Commercial Real Estate & Zoning
ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:
Phone: 404-601-7616 ext. 2
Fax: 404-745-0045
Email: bdc@battlelawpc.com

MAJOR MODIFICATION APPLICATION FOR TOWNHOMES / SINGLE – FAMILY HOMES DEVELOPMENT

Community Meeting
Wednesday, April 25, 2018
6:30 pm until 7:30 pm
3360 Mountain Drive
Decatur, Georgia 30032
Front Entrance Trailer

PROPOSED LOCATION:
3360 Mountain Drive
Decatur, Georgia 30032

2018026644 DEED BOOK 26708 Pg 645
Filed and Recorded:
1/22/2018 2:57:46 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia
Real Estate Transfer Tax $2,910.00

PREPARED BY AND RETURN TO:
MCMICHAEL & GRAY, PC
3490 PIEDMONT RD NE SUITE 1000
ATLANTA GA 30305-4809
FILE # CONST-170883 (DCA)

STATE OF GEORGIA

COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE (this "Deed") is made July 27, 2017 by **EMAA, LLC**, a Florida limited liability company, as "Grantor", to **Century Communities of Georgia, LLC**, a Colorado limited liability company, as "Grantee" ("Grantor" and "Grantee" to include their respective successors, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following described property:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in DeKalb County, Georgia, as more particularly described on Exhibit A attached to this Deed and incorporated by this reference.

TOGETHER WITH all permits, privileges, rights, members, easements, and appurtenances thereto; all improvements, trees, timber and other crops and plants located thereon; and all plans and studies relating thereto (the "Property").

http://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=71099290&key1=26708&key2=645&county=44&countyname=DEKALB&userid=251358&appid=4

TO HAVE AND TO HOLD the Property, together with all and singular rights, the members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE; subject only to those matters set forth on Exhibit B attached to this Deed and incorporated by this reference (the "Permitted Title Exceptions").

AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of any persons owning, holding or claiming by, through or under Grantor, except for claims arising under or by virtue of the Permitted Title Exceptions.

IN WITNESS WHEREOF, Grantor has executed and delivered this Deed as of the date first above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

My commission expires:

[NOTARY SEAL]

LAKISHA HOPKINS
Notary Public, Georgia
Gwinnett County
My Commission Expires
November 29, 2019

GRANTOR:

EMAA, LLC,
a Florida limited liability company

By: _____ (SEAL)
Name: Carlos Arenas
Title: Manager

http://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=71099290&key1=26708&key2=645&county=44&countyname=DEKALB&userid=251358&appid=4

EXHIBIT A

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 250 of the 15th District, DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a #5 rebar found located at the common intersection to Land Lots 250, 251, 10 and 11; said point being the TRUE POINT OF BEGINNING; thence along the Land Lot Line common to Land Lots 250 & 251, South 02 degrees 06 minutes 18 seconds West a distance of 412.17 feet to a point; thence leaving said Land Lot Line, North 87 degrees 52 minutes 21 seconds West a distance of 97.05 feet to a point; thence North 02 degrees 07 minutes 39 seconds East a distance of 99.60 feet to a point; thence 18.84 feet along an arc of a curve to the left, said curve having a radius of 205.50 feet and a chord bearing and distance of North 00 degrees 29 minutes 57 seconds West 18.84 feet to a point; thence South 86 degrees 52 minutes 24 seconds West a distance of 55.00 feet to a point; thence South 01 degrees 11 minutes 04 seconds East a distance of 10.19 feet to a point; thence South 02 degrees 07 minutes 29 seconds West a distance of 626.09 feet to a point; thence 22.78 feet along an arc of a curve to the left, said curve having a radius of 14.50 feet and a chord bearing and distance of North 42 degrees 52 minutes 26 seconds West 20.51 feet to a point; thence North 87 degrees 52 minutes 54 seconds West a distance of 259.07 feet to a point; thence 40.34 feet along an arc of a curve to the left, said curve having a radius of 20.50 feet and a chord bearing and distance of South 35 degrees 45 minutes 51 seconds West 34.14 feet to a point; thence South 20 degrees 36 minutes 09 seconds East a distance of 41.24 feet to a point; thence 97.41 feet along an arc of a curve to the right, said curve having a radius of 152.50 feet and a chord bearing and distance of South 02 degrees 18 minutes 12 seconds East 95.76 feet to a point; thence South 15 degrees 59 minutes 45 seconds West a distance of 241.63 feet to a point; thence South 74 degrees 00 minutes 15 seconds East a distance of 12.00 feet to a point; thence South 15 degrees 59 minutes 45 seconds West a distance of 58.33 feet to a point; thence South 16 degrees 14 minutes 31 seconds East a distance of 236.94 feet to a point on the northwesterly right-of-way line of Mountain Drive (150' R/W); thence along said right-of-way line, South 73 degrees 45 minutes 29 seconds West a distance of 80.00 feet to a point; thence leaving said right-of-way line, North 16 degrees 14 minutes 31 seconds West a distance of 235.69 feet to a point; thence North 15 degrees 59 minutes 45 seconds East a distance of 67.38 feet to a point; thence South 73 degrees 45 minutes 29 seconds West a distance of 198.24 feet to a point; thence North 02 degrees 25 minutes 41 seconds East a distance of 1,026.56 feet to an iron pin found; thence North 89 degrees 42 minutes 48 seconds West a distance of 465.08 feet to an iron pin set; thence North 00 degrees 15 minutes 09 seconds East a distance of 350.21 feet to an iron pin found on the Land Lot Line common to Land Lots 10 & 251; thence along the Land Lot Line common to Land Lots 10 & 251, South 89 degrees 42 minutes 32 seconds East a distance of 1,200.34 feet to a #5 rebar found and the TRUE POINT OF BEGINNING.

Said tract identified as "Phase II" and containing 19.640 acres according to ALTA/ACSM Land Title Survey for Avondale Hills Phase II by Planners and Engineers Collaborative, Michael C. Sanford, GRLS No, 3179, dated October 16, 2016, as last revised June 6, 2107.

[LEGAL DESCRIPTION CONTINUED ON FOLLOWING PAGE]

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 250 of the 15th District, DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a #5 rebar found located at the common intersection to Land Lots 250, 251, 10 and 11; thence along a direct tie, South 25 degrees 26 minutes 44 seconds West a distance of 775.74 feet to a point and the TRUE POINT OF BEGINNING; thence South 02 degrees 07 minutes 52 seconds West a distance of 753.18 feet to a point; thence North 87 degrees 52 minutes 21 seconds West a distance of 161.27 feet to a point; thence 18.00 feet along an arc of a curve to the right, said curve having a radius of 14.50 feet and a chord bearing and distance of North 52 degrees 19 minutes 08 seconds West 16.86 feet to a point; thence 139.55 feet along an arc of a curve to the right, said curve having a radius of 572.50 feet and a chord bearing and distance of North 09 degrees 46 minutes 56 seconds West 139.21 feet to a point; thence 33.84 feet along an arc of a curve to the right, said curve having a radius of 20.56 feet and a chord bearing and distance of North 44 degrees 47 minutes 40 seconds East 30.15 feet to a point; thence South 87 degrees 52 minutes 08 seconds East a distance of 126. 72 feet to a point; thence South 02 degrees 06 minutes 59 seconds West a distance of 15.01 feet to a point; thence South 87 degrees 52 minutes 53 seconds East a distance of 56.57 feet to a point and the TRUE POINT OF BEGINNING.

Said tract identified as "Out Parcel" and containing 0.722 acres (31,444 square feet) according to ALTA/ACSM Land Title Survey for Avondale Hills Phase II by Planners and Engineers Collaborative, Michael C. Sanford, GRLS No, 3179, dated October 16, 2016, as last revised June 6, 2107.

http://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=71099290&key1=26708&key2=645&county=44&countyname=DEKALB&userid=251358&appid=4

DEED BOOK 26708 Pg 649
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

EXHIBIT B

Permitted Title Exceptions

1. Ad valorem taxes for 2017 and subsequent years, not yet due and payable.
2. Easement from Campbell Coal Company to Georgia Power Company dated April 16, 1937 and recorded in Deed Book 453, Page 580, DeKalb County, Georgia Records.
3. Easement to Georgia Power Company dated April 2, 1970 and recorded in Deed Book 2524, Page 737, aforesaid records.
4. Easement to Georgia Power Company dated February 20, 1989 and recorded in Deed Book 6412, Page 612, aforesaid records.
5. Sewer Easement to DeKalb County recorded in Deed Book 1947, Page 114, aforesaid records.
6. Rights of access in Cable Television Service Agreement between Indio Properties and Cable DeKalb, Inc. dated March 22, 1982 and recorded in Deed Book 4707, Page 677, aforesaid records.
7. Easement Agreement from EMAA, LLC to Atlanta Gas Light Company dated November 15, 2015 and recorded in Deed Book 25359, Page 286, aforesaid records.
8. Stormwater Detention Facilities Inspection and Maintenance Agreement (Plan of Avondale Hills Phase I) dated May 21, 2016 and recorded in Deed Book 25580, Page 776, aforesaid records.
9. Stormwater Detention Facilities Inspection and Maintenance Agreement (Plan of Avondale Hills Phase II) dated July 5, 2017 and recorded in Deed Book 26354, Page 731, aforesaid records.

http://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=71099290&key1=26708&key2=645&county=44&countyname=DEKALB&userid=251358&appid=4

STATEMENT OF INTENT AND IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for Major Change of Condition for
CZ15-19762

by

CENTURY COMMUNITIES OF GEORGIA, LLC

for

18.898± Acres of Land
located in
Land Lot 205, 15th District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, GA30030
404-601-7616

I. STATEMENT OF INTENT

The Subject Property is an 18.898-acre tract that is currently zoned MU-5 pursuant to CZ15-19762, and is part of the 30.5 acre Mixed Use Project (the "Mixed Use Project") being developed by Carlos Arenas and is affiliated company. The Applicant, Century Communities of Georgia, LLC, acquired the portion of the Project to be developed for 115 single-family detached and attached homes (the "Residential Development"). This Major Change of Condition Application is limited to the Subject Property, as the proposed changes only impact the Subject Property.

The Applicant has final platted Phase I of the Residential Development which is 3.919 acres, and all of the single family detached and attached units have been pre-sold. In connection with the permitting of the Subject Property for Phases II and III of the Residential Development, it was determined by the Land Development and Planning Staff that a few changes would be needed to the zoning conditions approved with CZ15-19762 for the Applicant to proceed with permitting. Those modifications to the Subject Property **only** are as follows:

Condition 1: The 30.5 acre tract (the "Project Site") shall be developed in general conformity with the location of land uses shown on the conceptual plan entitled Avondale Hills/DUR #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015 (the "Original Site Plan")***, as amended and modified by the Site Plan submitted to the Planning and Sustainability Staff on May 3, 2018 removing the alleyway located behind townhomes T-54 to T69 as identified on the Original Site Plan.***

Condition 21: Install an 8 foot tall opaque fence along the north, east and ~~west~~ property line.

Additional Condition 5: The building materials of all facades, residential, and principal residential structures (townhomes and SF detached) shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, or stucco. No vinyl siding. ***Fiber cement siding shall also be an allowed façade material for residential structures (townhomes and SF detached).***

Additional Condition 6: Notwithstanding anything in any other condition or the Original Site Plan, the maximum number of stories of the residential homes shall be 3

stories, at a maximum height of 45 ft.

It is the Applicant's contention that the proposed modification have no negative impact on the surrounding community off of Mountain Drive, including the Farrar Road single family residential community. The justification for the modifications are as follows:

Condition 1 Modification: Due to the step slope along the western boundary line of the property, the installation of the alleyway is prohibitive due to site conditions.

Condition 21 Modification: The installation of the fence would have to be located within the stream buffer, which could impede the natural flow of the stream, and block the visual aesthetics along the western boundary line of the Subject Property.

Additional Condition 5 Modification: It is the Applicant's contention that the reference to fiber cement (commonly known by the brand Hardiplank) was inadvertently left out of the list of permitted materials. Fiber cement siding is a common siding used in the majority of homes build in the United States, and is both aesthetically appealing, but also durable.

Proposed Additional Condition 6: The Original Site Plan provided for a maximum of 4 stories at 35 ft in height for the residential units. This was clearly a scrivener's error as this would result in 7 foot high ceilings to achieve 4 stories. The intent was for 3 stories at a maximum of 45 ft in height, which is standard for a 3 story building, which includes the pitched roof.

III. IMPACT ANALYSIS

(a) Suitability of use: The proposed application will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property.

(b) Effect on adjacent property: The uses of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners,

(c) Economic use of current zoning: The economic value of the Subject Property would be significantly diminished without the approval of the requested.

(d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.

(e) Effect on historic building, sites, etc. The approval of this Major Change of Condition Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.

(f) Environmental Impact. The approval of this Major Change of Condition Application will not result in any adverse environmental impact.

(e) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property is currently zoned MU-5 which is in conformity with the Regional Center designation for the Subject Property.

(f) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

CONSTITUTIONAL ALLEGATIONS

The portions of the Zoning Resolution of DeKalb County as applied to the subject Property which classify or may classify the 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 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of DeKalb County to the 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 and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an

abuse of discretion in violation of 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to amend the zoning conditions applicable to the Property as proposed 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 rezoning of the subject 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 the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

IV. CONCLUSION

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

Respectfully submitted,

M.R.D.

Michèle L. Battle
Attorney For Applicant

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

NAME OF GOV'T OFFICIAL	OFFICIAL **POSITION**	AMOUNT OF **CONTRIBUTION**
Kathie Gannon	**Commissioner**	**$350**
Mereda Davis Johnson	**Commissioner**	**$500**
Sharon Barnes Sutton	**Commissioner**	**$350**
Greg Adams	**Commissioner**	**$350**
Larry Johnson	**Commissioner**	**$400**

By: _____ B.C.
Printed Name: Michele Battle

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 250 of the 15th District, Dekalb County, Georgia and being more particularly described as follows:

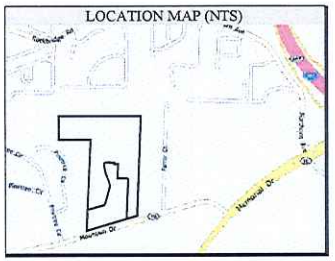
BEGINNING at a #5 rebar found located at the common intersection to Land Lots 250, 251, 10 and 11; said point being the TRUE POINT OF BEGINNING; thence along the land lot line common to land lots 250 & 251, South 02 degrees 6 minutes 18 seconds West a distance of 412.17 feet to a point; thence leaving said land lot line, North 87 degrees 52 minutes 21 seconds West a distance of 97.05 feet to a point; thence North 2 degrees 7 minutes 39 seconds East a distance of 99.60 feet to a point; thence 18.84 feet along an arc of a curve to the left, said curve having a radius of 205.50 feet and a chord bearing and distance of North 0 degrees 29 minutes 57 seconds West 18.84 feet to a point; thence South 86 degrees 52 minutes 24 seconds West a distance of 55.00 feet to a point; thence 10.20 feet along an arc of a curve to the right, said curve having a radius of 150.50 feet and a chord bearing and distance of South 01 degree 11 minutes 4 seconds East 10.19 feet to a point; thence South 02 degrees 07 minutes 29 seconds West 318.92 feet to a point; thence South 2 degrees 7 minutes 29 seconds West a distance of 84.00 feet to a point; thence continue Southerly along said line, a distance of 139.16 feet; thence continue Southerly along said line, a distance of 84.00 feet; thence 22.78 feet along an arc of a curve to the left, said curve having a radius of 14.50 feet and a chord bearing and distance of North 42 degrees 52 minutes 26 seconds West 20.51 feet to a point; thence North 87 degrees 52 minutes 21 seconds West a distance of 140.68 feet to a point; thence North 2 degrees 7 minutes 52 seconds East a distance of 208.18 feet to a point; thence North 87 degrees 52 minutes 53 seconds West a distance of 56.57 feet to a point; thence North 2 degrees 6 minutes 59 seconds East a distance of 15.01 feet to a point; thence North 87 degrees 52 minutes 8 seconds West a distance of 126.72 feet to a point; thence 33.84 feet along an arc of a curve to the left, said curve having a radius of 20.56 feet and a chord bearing and distance of South 44 degrees 47 minutes 40 seconds West 30.15 feet to a point; thence 139.55 feet along an arc of a curve to the left, said curve having a radius of 572.50 feet and a chord bearing and distance of South 9 degrees 46 minutes 56 seconds East 139.21 feet to a point; thence South 19 degrees 52 minutes 17 seconds East a distance of 100.59 feet to a point; thence South 20 degrees 36 minutes 9 seconds East a distance of 41.24 feet to a point; thence 97.41 feet along an arc of a curve to the right, said curve having a radius of 152.50 feet and a chord bearing and distance of South 2 degrees 18 minutes 12 seconds East 95.76 feet to a point; thence South 15 degrees 59 minutes 45 seconds West a distance of 241.63 feet to a point; thence South 73 degrees 45 minutes 29 seconds West a distance of 263.26 feet to a point; thence North 2 degrees 25 minutes 41 seconds East a distance of 1,026.56 feet to a point; thence North 89 degrees 42 minutes 48 seconds West a distance of 465.08 feet to a point; thence North 0 degrees 15 minutes 9 seconds East a distance of 350.21 feet to a point; thence South 89 degrees 42 minutes 32 seconds East a distance of 1,200.34 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 18.898 acres.

NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBERS 13089C0069J, PANEL 69 OF 201, EFFECTIVE DATE MAY 16, 2013 AND FOUND A PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE AE. (THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS).
3. THIS SITE IS TIED TO GRID NORTH BASED ON GPS OBSERVATIONS THAT WERE ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE ON OCTOBER, 2016. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). GEORGIA WEST ZONE STATE PLANE COORDINATES.
4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

LOCATION MAP (NTS)



REV	DATE	DESCRIPTION	BY

ZONING EXHIBIT

DRAWN BY: MCS
CHECKED BY: MCS
FIELD: MAY 2, 2018
DATE: MAY 3, 2018
SCALE: 1"=50'

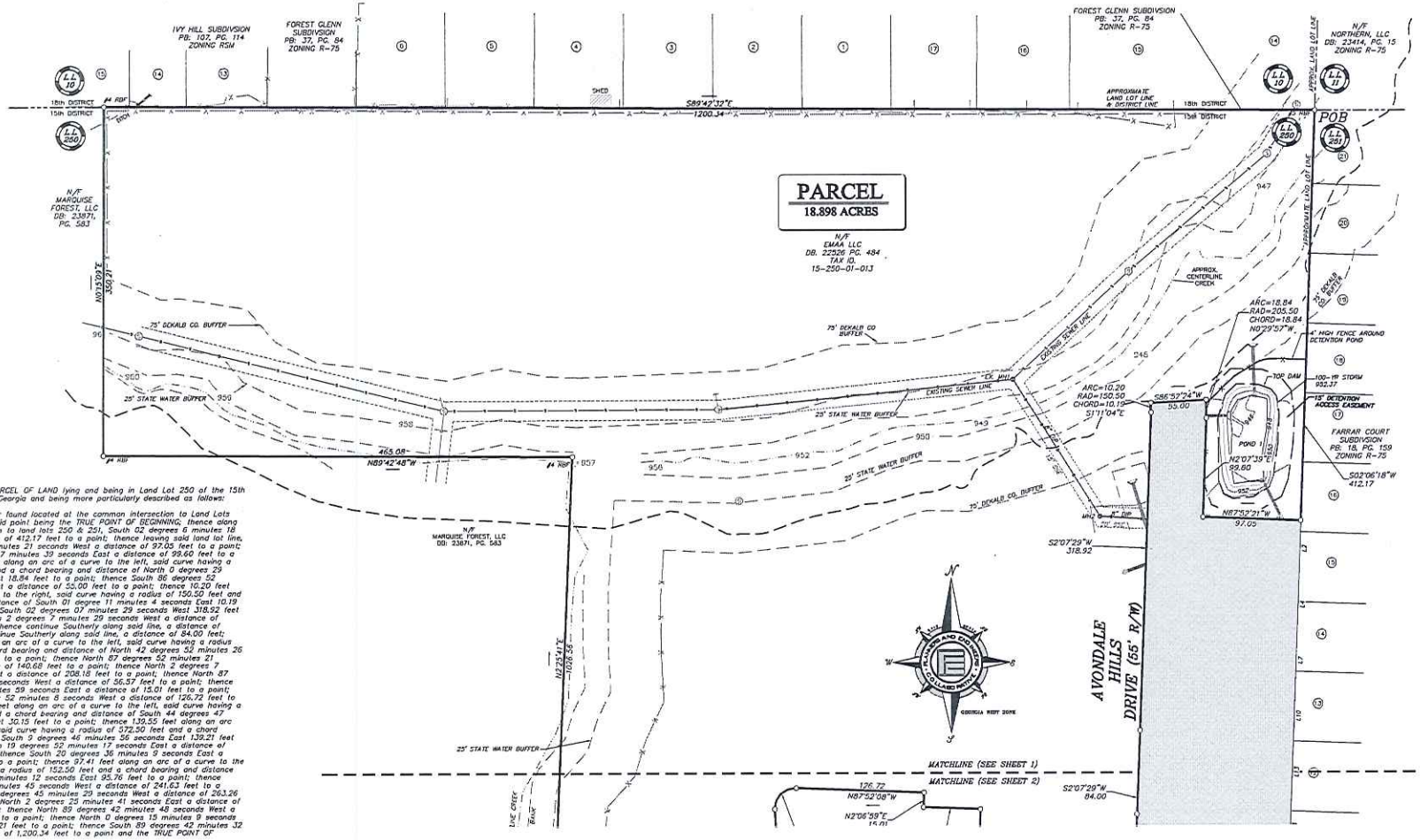
0 25 50 100

FOR

AVONDALE HILLS PHASE II-A

DEKALB COUNTY GEORGIA

LAND LOT(S) 250
DISTRICT 15th



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Said tract containing 18.898 acres.

THIS PLAN IS FOR ZONING PURPOSES ONLY

SHEET 1 OF 2

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●CIVIL ENGINEERING ● LAND SURVEYING
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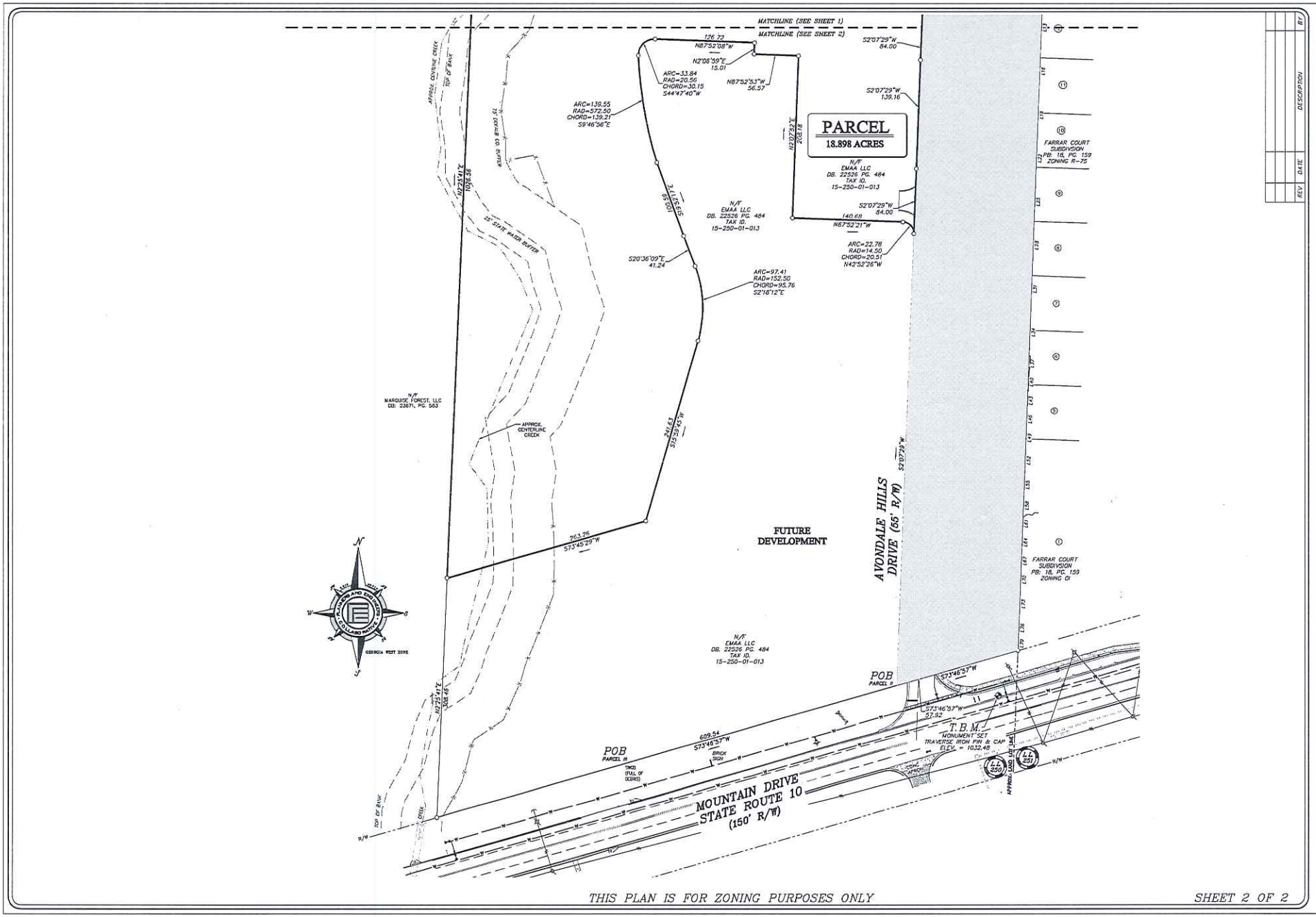
(770) 451-2216 ● WWW.PEACI.COM



THIS PLAN IS FOR ZONING PURPOSES ONLY

SHEET 2 OF 2

REV	DATE	DESCRIPTION	BY

ZONING EXHIBIT

DRAWN BY: MCS
CHECKED BY: MCS
FILE NO.: 16206.00
DATE: MAY 3, 2018
SCALE: 1"=50'

0 25 50 100

FOR

AVONDALE HILLS PHASE II-A

DEKALB COUNTY
GEORGIA

LAND LOT(S) 250
DISTRICT 15th

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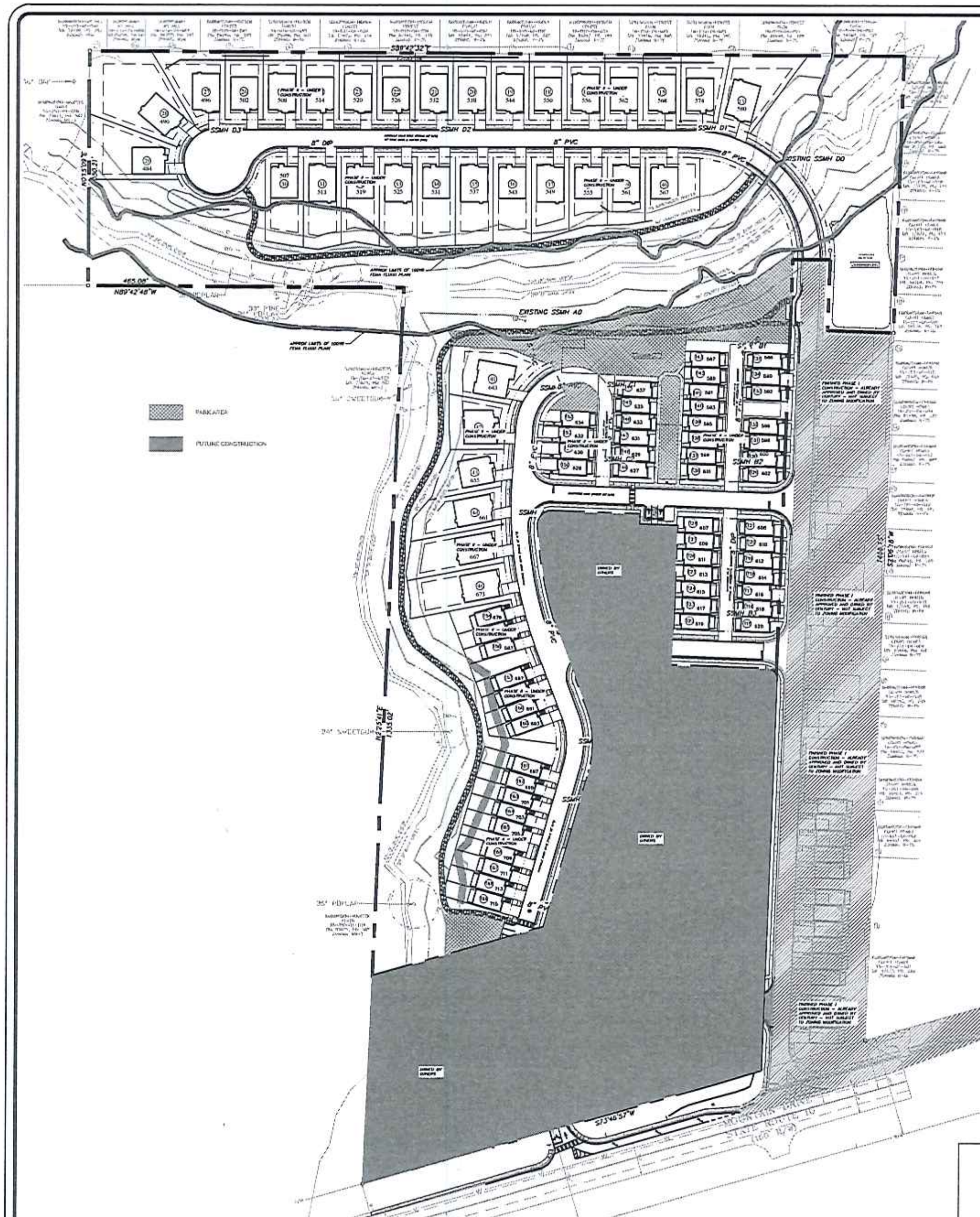
■ CIVIL ENGINEERING ■ LAND SURVEYING
330 RESEARCH COURT FEAGHTEE CORNER, GEORGIA 30092
(770) 451-2741 ■ WWW.PECATL.COM



SITE DATA:	
TOTAL AREA	30.05 ACRES
DISTURBED AREA	18.43 ACRES
ZONING	
ZONING JURISDICTION	DeKALB COUNTY
CURRENT ZONING	RM-85
PROPOSED ZONING	PC-3
ZONING CASE NUMBER	CZ-15-19762

ZONING REQUIREMENTS

LAND USE SUMMARY

46 Single Family Detached Dwellings	
2 Stories Residential	35' Maximum
Yard Requirements	[illegible]
Maximum Lot Coverage	[illegible]
Minimum Lot Width	[illegible]
Minimum Lot Size	[illegible]
Parking	2 Spaces per Dwelling
47 Single Family Attached Dwellings (Townhomes)	
3 Stories Residential	45' Maximum
Yard Requirements	[illegible]
Maximum Lot Coverage	[illegible]
Minimum Lot Width	20'
Minimum Lot Area	[illegible]
Parking	1.75 Spaces per Dwelling

ZONING

[illegible]	[illegible]
Density	**Total Units / Total Acreage / Density**
Residential (Detached + Attached)	[illegible]
Existing Lot Coverage	[illegible]
Proposed Lot Coverage	
Residential (Detached)	[illegible]
Residential (Attached)	[illegible]
Parking	
Required Parking Single Family Attached	[illegible]
Provided Parking Single Family Attached	[illegible]
Required Parking Single Family Detached	[illegible]
Provided Parking Single Family Detached	[illegible]
Open Space Calculations	
Total Open Space Percentage	[illegible]
Total Park Space Percentage	[illegible]
One acre of Park Space or Square	[illegible]

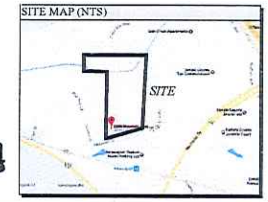
NARRATIVE OF ADMINISTRATIVE CHANGES

SMALL CHANGES WERE MADE TO THE ORIGINAL SITE PLAN. [illegible]

MAIN PROJECT ADDRESS:
3360 MOUNTAIN DRIVE
DECATUR, GEORGIA 30032

GEORGIA 811
Utilities Protection Center, Inc.
Know what's below. Call before you dig.

SITE MAP (NTS)



Avondale Hills - APARTMENTS

A Master Planned Residential Condominium Community

FOR

INLAND ATLANTIC
1175 PEACHTREE STREET NE,
100 COLONY SQUARE, STE 830
ATLANTA, GA 30361 / Phone: 404-963-8110

CITY OF DECATUR
DEKALB COUNTY
GEORGIA

LAND LOT 250
15th DISTRICT

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350 RESEARCH COURT ▪ NORCROSS, GEORGIA 30092 ▪ (770)451-2741 ▪ FAX (770)451-3915 ▪ WWW.PECATL.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION

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SHEET TITLE
ZONING COMPARISON

0 40 80 160 240

SCALE: 1" = 80'
DATE: MAY 2, 2018
PROJECT: 16206.00B

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED PROFESSIONAL ENGINEER

5/2/2018

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # [illegible] EXP. 6/22/2018

ZON
SHEET #

24' Century Communities Townhomes

Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480-3881

Builder:
Century Communities, Inc.
3091 Governors Lake Drive
Norcross, GA 30071
678.533.1160

24' Century Communities Townhomes

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