

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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

APPLICATION TO AMEND COMPREHENSIVE LAND USE PLAN
OF DEKALB COUNTY, GEORGIA

Application No.: LP 18 1235089 Date Received: _____

Applicant's Name: Grandview Residential, LLC c/o Battle Law, PC E-Mail: mlb@battlelawpc.com

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

Applicant's Daytime Phone #: 404-601-7616 Fax: 404-745-0045

(If more than one owner, attach information for each owner as Exhibit "A")

Owner's Name: Aaron and Laura Pettiford E-Mail lauraepet@gmail.com

Owner's Mailing Address 5277 Rosser Road, Stone Mountain, GA 30087

Owner's Daytime Phone # 770-934-5705 Fax: _____

Address/Location of Subject Property: 1473 Columbia Drive, Decatur, GA

District(s): 15 Land Lot(s): 186 Block(s): 01 Parcel(s): 004

Acreage: 2.366 Commission District(s): 3 & 7

Current Land Use Designation: SUB Proposed Land Use Designation: ~~XX~~ Town Center (TC)

Current Zoning Classification(s): R-75

PLEASE READ THE FOLLOWING BEFORE SIGNING

- I. This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.
- II.
- III. Disclosure of Campaign Contributions: In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered: Have you, the applicant, made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? _____ Yes X No
- IV.

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 the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY
May 04, 2020
EXPIRATION DATE / SEAL

SIGNATURE OF APPLICANT
Check One: Owner _____ Agent ✓ DATE _____



LIMITED POWER OF ATTORNEY

STATE OF GEORGIA

COUNTY OF DEKALB

KNOWN ALL MEN BY THESE PRESENTS:

That Aaron Pettiford SR., an individual, being a resident of DeKalb County, State of Georgia, does hereby constitute and appoint his wife, Laura Pettiford, of DeKalb County, Georgia, as his true and lawful attorney-in-fact, to do all of the following in his name, place and stead, to wit:

- (a) To enter into, make, execute and deliver an Agreement for the sale of 1473 Columbia Drive, DeKalb County;
- (b) To enter into, make, execute and deliver any and all legal documents and instruments necessary to consummate and close the sale of the land described in the attached Exhibit "A" pursuant to the price, terms, and conditions outlined herein above, including but not limited to Warranty Deed, the DeKalb County Rezoning Application, property owner's affidavit, closing statement, and corrective deeds necessary to correct inaccurate legal descriptions; and
- (c) To take all and any other action and do any and all other acts which said attorney-in-fact, in his sole discretion, may deem advisable, necessary or appropriate to the authority described in the preceding paragraphs (a) and (b).

The undersigned hereby ratifies, adopts and confirms all and every act heretofore taken or hereafter taken by Laura Pettiford to accomplish any and all of the foregoing purposes by virtue of and pursuant to this Power of Attorney.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed and has affixed his signature and seal this 29 day of June, 2018.

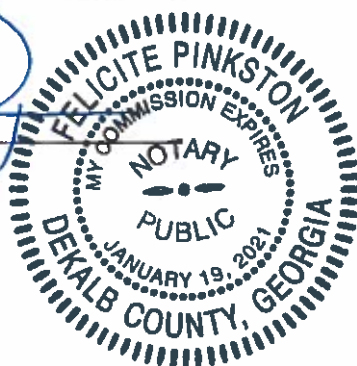
Signed, sealed and delivered
in the presence of:

Aaron Pettiford Sr. (SEAL)

Aaron Pettiford Sr.

Anglique Austin
Witness

Felicite Pinkston
Notary Public



**LAND USE (FUTURE DEVELOPMENT) MAP AMENDMENT APPLICATION
AUTHORIZATION**

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: June 29 2018

CHECK TYPE OF APPLICATION:

LAND USE MAP AMENDMENT

REZONE

MINOR MODIFICATION

SPECIAL LAND USE PERMIT

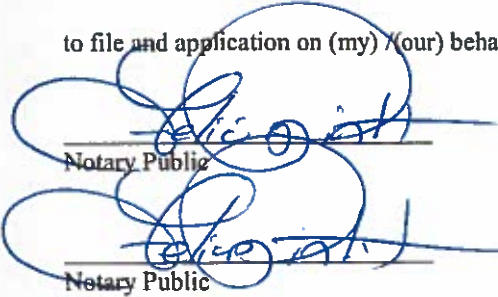
TO WHOM IT MAY CONCERN:

(I) / (WE), Aaron and Laura Pettiford
(Name of owner(s))

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

Grandview Residential, LLC and Battle Law, P.C.
(Name of Applicant or Agent Representing Owner)

to file and application on (my)/(our) behalf.

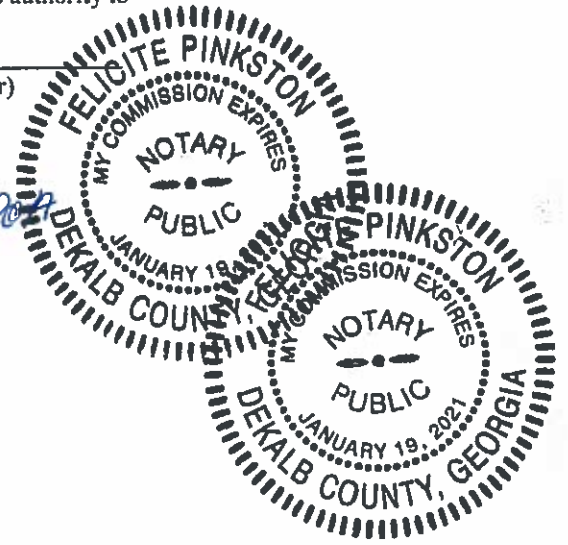


AARON PETTIFORD
Aaron Pettiford
Owner Aaron Pettiford

LAURA PETTIFORD
Laura Pettiford
Owner Laura Pettiford

Notary Public

Owner



Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

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

By: 
Printed Name: Michele Battle

<u>Title</u>	<u>FirstName</u>	<u>MiddleName</u>	<u>LastName</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Current Property Owner				3350 Riverwood Pkwy Se	Atlanta	GA	30339-6401
Mr.	Aaron	A	Pettiford	5277 Rosser Rd	Stone Mountain	GA	30087-1429
Mr.	Abraham		Asher	1306 Breezy Ln Ne	Atlanta	GA	30329-3543
Mr.	Alan		Grobes	3043 Lauren Parc Rd	Decatur	GA	30032-3616
Mr.	Andy	Lee	Beasley	3124 San Juan Dr	Decatur	GA	30032-3625
Ms.	Arlene		Alexander	3076 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Augustus	Walter	Railey	1463 Columbia Dr	Decatur	GA	30032-3602
Mr.	Benjamin	G	McKay	3086 Santa Monica Dr	Decatur	GA	30032-3631
Ms.	Bertina		Brown	3086 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Betty	Jean	Davis	3110 San Juan Dr	Decatur	GA	30032-3625
Mr.	Bobby	J	Wines	2986 Everson Ridge Ct	Snellville	GA	30039-4405
Mr.	Brandon		Goins	3082 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Brian	A	Dinapoli	3008 Lauren Parc Rd	Decatur	GA	30032-3632
	Britt-Marie	K	Cole-Johnson	60 Main St	Farmington	CT	06032-2232
	C	Jean	Glover	3076 San Juan Dr	Decatur	GA	30032-3624
	Candrice	R	Heath	Po Box 14063	Tallahassee	FL	32317-4063
Ms.	Carmen		Adisson	3053 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Carol	G	Daniel	3096 San Juan Dr	Decatur	GA	30032-3624
Ms.	Caroline	Hays	Snipes	10814 Mallard Dr	Jonesboro	GA	30238-6630
Ms.	Carolyn		Wood	3016 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Chanel	N	Ryan	3088 Lauren Parc Rd	Decatur	GA	30032-3632
	Chanis	Rose	Sinclair	3075 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Chinette	D	Williams	3152 Bobolink Dr	Decatur	GA	30032-3709
Ms.	Christina	M	Higgins	3076 Santa Monica Dr	Decatur	GA	30032-3631
Ms.	Christine	C	McFaull	3020 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Corey		Turner	Po Box 2190	Lithonia	GA	30058-1046
Current Property Owner				Po Box 386	Marietta	GA	30061-0386
Mr.	Darrell	V	Mann	2988 Lauren Parc Rd	Decatur	GA	30032-3633
Mr.	David	M	Post	19831 Tidy Tips Ln	Spring	TX	77379-5141
Mr.	David		Robinson	3073 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Dorothy	A	Copenhaver	1561 Tanager Cir	Decatur	GA	30032-3725
Mr.	Dustin		Maxwell	3153 Bobolink Dr	Decatur	GA	30032-3705
Mr.	Elisha	W	Mooring	3022 Lauren Parc Rd	Decatur	GA	30032-3632

Mr.	Eric	A	Bailey	3092 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Erica	Chae	Leong	Po Box 586	Avondale E	GA	30002-0586
Ms.	Erika	Lee	Rademacher	3080 San Juan Dr	Decatur	GA	30032-3624
	Fu	Shi	Quan	3038 Lauren Parc Rd	Decatur	GA	30032-3632
	G	Arlene	Johnson	3118 Santa Monica Dr	Decatur	GA	30032-3629
Mr.	Gene	S	Brown	2665 Dr Bramblett Rd	Cumming	GA	30028-9125
Ms.	Heather		Perry	3106 San Juan Dr	Decatur	GA	30032-3625
Current Property Owner				539 S Main St	Findlay	OH	45840-3229
Current Property Owner				3006 Clairmont Rd 'Ne Ste 100	Brookhaven	GA	30329-1602
Mr.	Horace		Thomas	3142 Bobolink Dr	Decatur	GA	30032-3709
Current Property Owner				750 Commerce Dr	Decatur	GA	30030-2628
Mr.	Jabari	J	Cole	3034 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Jamie	L	Patton	3105 San Juan Dr	Decatur	GA	30032-3626
Mr.	Jerome		Perdum	Po Box 21662	Brooklyn	NY	11202-1662
Mr.	Jonathan	B	Kohler	3070 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Jonathan		Gooding	3004 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Joshua	H	Avent	3018 Lauren Parc Rd	Decatur	GA	30032-3632
	Journey		Taylor	3064 Lauren Parc Rd	Decatur	GA	30032-3632
	Juda		Dominguez	1503 Columbia Dr	Decatur	GA	30032-4661
Ms.	Judith		Gunn	3074 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Katherine	Diane	Schneider	3077 San Juan Dr	Decatur	GA	30032-3623
Ms.	Kathleen	E	Taylor	1497 Columbia Dr	Decatur	GA	30032-3602
Ms.	Kay	W	Johnson	3047 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Kellie	J	Robinson	3063 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Kesia	R	Hunt	3044 Lauren Parc Rd	Decatur	GA	30032-3632
	Khalisiala	L	Wituka	3045 Lauren Parc Rd	Decatur	GA	30032-3616
	Kierra-Kaitlyn		Moore	3056 Lauren Parc Rd # 22	Decatur	GA	30032-3632
	Kyante	M	Gadson	3030 Lauren Parc Rd	Decatur	GA	30032-3632
	La Chenna		Cromer	11417 Honeysuckle Ct	Upper Marl	MD	20774-1592
Ms.	Laqueta	W	Goodman	12 Kingstone Rd	Avondale E	GA	30002-1461
Ms.	Laura	A	Monchun	2994 Lauren Parc Rd	Decatur	GA	30032-3633
Ms.	Laura	E	Burrows	1521 Patapsco St	Baltimore	MD	21230-4507
Ms.	Lauren	P	Scott	3144 Santa Monica Dr	Decatur	GA	30032-3629
	Leslie	E	Davis	3048 Lauren Parc Rd	Decatur	GA	30032-3632

Ms.	Marlene	A	Williams	1642 Ivy Glenn Rd	Decatur	GA	30032-4634
Ms.	Mary	L	Baker	1438 Columbia Dr	Decatur	GA	30032-3603
Current Property Owner				2870 Peachtree Rd NW	Atlanta	GA	30305-2918
Ms.	Meaza	K	Worku	16210 40th Dr Se	Bothell	WA	98012-5038
Ms.	Megan		Adams	3052 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Melissa		Luther	3060 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Michael	J	Crawley	3067 Lauren Parc Rd	Decatur	GA	30032-3616
Mr.	Michael		Love	2992 Lauren Parc Rd	Decatur	GA	30032-3633
Ms.	Michele	B	Reid	3049 Lauren Parc Rd	Decatur	GA	30032-3616
Mr.	Mike		Ingulli	1448 Columbia Dr	Decatur	GA	30032-3603
Ms.	Monique	Lenora	Vianen	3069 Lauren Parc Rd	Decatur	GA	30032-3616
Current Property Owner				Po Box 855	Decatur	GA	30031-0855
Ms.	Neelam		Zahoor	3042 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Pamela		Perry	3086 San Juan Dr	Decatur	GA	30032-3624
Ms.	Patrice		Smith	3090 Lauren Parc Rd # 6	Decatur	GA	30032-3632
Ms.	Patricia	A	Hinkle	3081 San Juan Dr	Decatur	GA	30032-3623
Mr.	Patrick		Stewart	Po Box 1866	Decatur	GA	30031-1866
Current Property Owner				2370 Buck Dr	Marietta	GA	30062-4625
	Persita		Taylor	1647 Ivy Glenn Rd	Decatur	GA	30032-4681
Current Property Owner				4800 Peachtree Pkwy	Peachtree (GA		30097-2371
Current Property Owner				3505 Koger Blvd	Duluth	GA	30096-8977
Mr.	Ricardo		Caceda	38 River Ridge Cir	Little Rock	AR	72227-1502
Mr.	Richard		Brumlow	3051 Lauren Parc Rd	Decatur	GA	30032-3616
Mr.	Richard		Post	3068 Lauren Parc Rd	Decatur	GA	30032-3632
Current Property Owner				3505 Koger Blvd	Duluth	GA	30096-8977
Mr.	Robert		Gordon	3084 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Robert	H	Adams	3000 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Robert	W	Reagin	1571 Tanager Cir	Decatur	GA	30032-3725
			Roger	124 Santa Paula Ave	Oxnard	CA	93035-4585
Mr.	Roosevelt		Samuels	3148 Bobolink Dr	Decatur	GA	30032-3709
Ms.	Rosa	L	Prather	3119 San Juan Dr	Decatur	GA	30032-3626
Ms.	Rosa	Michelle	Garcia	3026 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Rosalind		Rhoden	2986 Lauren Parc Rd	Decatur	GA	30032-3633
Ms.	Rosalyn		Scott	1460 Columbia Dr	Decatur	GA	30032-3603

Ms.	Sasha	N	Daniels	3062 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Scot		Hollonbeck	537 McKoy St	Decatur	GA	30030-4951
Mr.	Scott	Gray	Schamberger	3059 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Shalene	L	Magee	3058 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Shana		Lastner	3036 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Sharon	E	Bryant	3138 Santa Monica Dr	Decatur	GA	30032-3629
Ms.	Sharon	E	Bryant	3138 Santa Monica Dr	Decatur	GA	30032-3629
Current Property Owner				Po Box 920790	Norcross	GA	30010-0790
Current Property Owner				4545 S Berkeley Lake Rd	Berkeley La	GA	30071-1640
Mr.	Solomon	W	Jefferson	3065 Lauren Parc Rd	Decatur	GA	30032-3616
Mr.	Steve	L	Kimbio	3071 Lauren Parc Rd	Decatur	GA	30032-3616
Ms.	Summer	S	Jeter	3006 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Sylvia		Jenkins	3112 Brians Creek Dr Se	Conyers	GA	30013-6437
Ms.	Tamara	K Sutton	Brown	3096 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Tamila	L	Jackson	3046 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Tammy	L	Hoffman	3028 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Tenecia	S	Deans	2998 Lauren Parc Rd	Decatur	GA	30032-3633
	Thanh	Hong Thi	Kha	5319 Galleon Xing	Decatur	GA	30035-3045
Current Property Owner				1836 Longdale Dr	Decatur	GA	30032-5242
Mr.	Thomas		Bass	2990 Lauren Parc Rd	Decatur	GA	30032-3633
Mr.	Thomas	R	Dougherty	3098 Lauren Parc Rd	Decatur	GA	30032-3632
Mr.	Tillman		Johnson	4304 Harvest Hill Ct	Decatur	GA	30034-3514
Current Property Owner				882 Martin Luther King Jr Dr Sw	Atlanta	GA	30314-3600
Mr.	Tolulope		Adebayo	3055 Lauren Parc Rd # 62	Decatur	GA	30032-3616
Mr.	Tony	M	Jameson	1567 Tanager Cir	Decatur	GA	30032-3725
Ms.	Tonya	N	Smiley	3014 Lauren Parc Rd	Decatur	GA	30032-3632
Current Property Owner				3745 Preakness Dr	Decatur	GA	30034-3343
Ms.	Valerie		Anderson	1579 Tanager Cir	Decatur	GA	30032-3725
Mr.	Victor		Hand	3072 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Victoria		Komery	3113 San Juan Dr	Decatur	GA	30032-3626
Mr.	William		Earl	1742 Parkhill Dr	Decatur	GA	30032-4518
	Wintana	E	Araya	3024 Lauren Parc Rd	Decatur	GA	30032-3632
Ms.	Zita	L	Swan	2996 Lauren Parc Rd	Decatur	GA	30032-3633



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

LAND USE CHANGE TO TRADITIONAL NEIGHBORHOOD & REZONING TO MR-1 FOR 25 UNITS TOWNHOME COMMUNITIES

Community Meeting
Monday, July 2, 2018
6:30 pm until 7:30 pm
1473 Columbia Drive
Decatur, Georgia 30032

PROPOSED LOCATION:
1473 Columbia Drive
Decatur, Georgia 30032

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 186 of the 15th Land District of DeKalb County, Georgia, and being more particularly described as follows:

Commencing at the corner formed by the intersection of the North side of said Land Lot 186 with the southwestern side of Columbia Drive, at a point, thence run southeastern along southwestern Right of Way of Columbia Drive 214 feet to a 0.5"RBF,

Thence run North 89 Degrees 44 Minutes 35 Seconds West a distance of 6.30 feet to a 0.5"RBS,
The True Point of Beginning;

From The True Point of Beginning established run southeasterly along said Right of Way of Columbia Drive South 23 Degrees 12 Minutes 30 Seconds East a distance of 193.46 feet to a 0.5"RBS,

Thence leaving said Right of Way run South 67 Degrees 14 Minutes 05 Seconds West a distance of 199.90 feet to a 0.5"RBS,

Thence run South 58 Degrees 14 Minutes 05 Seconds West a distance of 179.00 feet to a 0.5"RBS,

Thence run South 03 Degrees 59 Minutes 05 Seconds West a distance of 152.45 feet to a 0.5"RBF,

Thence run South 89 Degrees 19 Minutes 33 Seconds West a distance of 22.50 feet to a 0.5"RBF,

Thence run North 02 Degrees 05 Minutes 50 Seconds West a distance of 28.99 feet to a 0.5"RBF,

Thence run North 01 Degrees 31 Minutes 02 Seconds West a distance of 79.96 feet to a 0.5"RBF,

Thence run North 01 Degrees 33 Minutes 35 Seconds West a distance of 138.17 feet to a 0.5"RBF,

Thence run North 01 Degrees 20 Minutes 10 Seconds West a distance of 142.89 feet to a 1" ROD,

Thence run North 01 Degrees 42 Minutes 09 Seconds West a distance of 113.29 feet to a 0.5"RBS,

Thence run South 89 Degrees 44 Minutes 35 Seconds East a distance of 307.01 feet to a 0.5"RBS,
said point being the True Point of Beginning.

Land Area = 2.263 AC

Survey completed by Survey Land Express, Inc., dated February 28, 2018

The End

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application to Amend the Land Use Designation

of

GRANDVIEW RESIDENTIAL, LLC

for

1473 Columbia Drive
+/-2.366 Acres of Land
located in
Land Lot 186, 15th District, DeKalb County

From Suburban to Town Center

Submitted for Applicant by:

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

I. LETTER OF INTENT

The Applicant, Grandview Residential, LLC, is seeking a Land Use Amendment from Suburban (SUB) to Town Center (TC) for the ±2.366-acre tract of land located at 1473 Columbia Drive, Decatur, Unincorporated DeKalb County, Georgia (the “Subject Property”). Simultaneously with seeking a Land Use Amendment of the Subject Property, the Applicant is submitting an application to rezone the Subject Property from R-75 to MR-2 (Medium Density Residential 2) for the development of twenty-five (25) single-family attached townhomes on the Subject Property at a density of 10.5 units per acre. The proposed project will include 41% enhanced open space, including a community greenspace and a dog park area. Additionally, the units have a two-car garage with access from an alley, together with guest parking areas, an alleyway.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance, § 27-7.3.5. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

A.

THE LAND USE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is currently designated Suburban under the DeKalb Comprehensive Land Use Plan through 2035. It is the Applicant’s contention that amending the Land Use from Suburban to Town Center is in conformity with the Policy and Intent of the Comprehensive Plan as it

will allow for infill development that is consistent with the Lauren Parc Condominium Community located adjacent to the rear of the Subject Property which has a Land Use Designation of Town Center, and is zoned MR-2 to the Subject Property, while being in conformity with the following character area policies:

1. Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.
2. Maximum Density - Properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single family residential.
3. Streetscaping - Improve street character with consistent signage, lighting, landscaping and other design features.
4. Parking - Clearly define road edges by locating buildings near the roadside with parking in the rear.
5. Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access; and

B.

**THE PROPOSED LAND USE AMENDMENT PERMITS A USE THAT IS
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND
NEARBY PROPERTY.**

The proposed land use amendment to Town Center will permit the continued development of single-family attached housing along the Columbia Drive corridor. The Subject Property is an infill lot. The rear of the Subject Property is adjacent to the Lauren Parc townhome community (CZ-02044) which is zoned MR-2 with a land use designation of Town Center. The proposed change in land use will allow for an expansion of the existing Town Center designation in the community. The Lauren Parc community is the sole town home development along Columbia Drive which was developed in 2004. The expansion of the Town Center Land Use will allow for a development that will continue to diversify the available single-family product in the area. Also, it will allow for an upgrade of townhome product in the area. Lauren Parc is a 54 units development at a density of 11.84 units per acre with a +/-17.5 ft wide product and one car front entry garage, with minimal useable common area, and price points between January, 2016 to December, 2017 starting from \$117,500 to a high of \$143,000. The proposed project will be developed at a density of 10.5 units per acre with a minimum 20ft wide product, two car rear entry garage, with useable community greenspace and a dog park at a price point starting at \$240,000 to \$275,000.00.

Finally, the proposed change in land use will support the development of a product that will not only support, but improve, the property values in the surrounding single-family community which has been slow to recover from the 2007 economic downturn in the real estate market. As the Subject Property is located on Columbia Drive, a minor thoroughfare, the integrity of the single family detached product behind the Subject Property will be protected, while still benefitting from the increase value, and aesthetic enhancements along Columbia Drive.

C.

**THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property does not have a reasonable economic value. The Subject Property is an irregularly shaped lot, on a double yellow minor arterial road. The development of new single family detached residential product along Columbia Drive simply is not economically feasible, particularly when located adjacent to an existing townhome development. Therefore, the Applicant and the owners respectfully submit that the Zoning Ordinance of DeKalb County, Georgia, as amended from time to time and known as the "DeKalb County Zoning Ordinance", to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the DeKalb County Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current zoning classification and any other zoning of the Subject Property save for what has been requested by it as established in the DeKalb County

Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently

exist as to do so not only would constitute a taking of the Subject Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

Finally, the Applicant protests any action which would prohibit development of the Subject Property as requested inasmuch as the Zoning Ordinance was adopted in violation of or in other respects does not comply with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. and minimum procedural due process standards guaranteed by the Constitutional provisions set forth above.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

D.

**THE PROPOSED LAND USE CHANGE WILL NOT ADVERSELY AFFECT THE
EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed change in land use will not adversely affect the existing use or usability of adjacent or nearby property, rather it will enhance it. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property. The Columbia Drive corridor has a mixture of uses, from commercial uses further west moving towards Memorial Drive, to the daycare facilities, places of worship and retail commercial center east of the Subject Property moving towards Glenwood Road. The proposed land use amendment will allow for the development of single family attached units at a density which is less than the adjacent townhome community but will permit the development of units at a density and price point that is a step up

from the existing townhomes.

E.

**OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is located is a residential community with townhomes and single family detached homes. This type of development is precisely what the DeKalb County Commissioners envisioned when they established the new zoning ordinance which made notable changes to the configuration of townhome communities. The proposed project has embraced the changes by providing rear entry access and enhanced open space that will provide ample green space for residents to enjoy in a variety of ways. These progressive features provide for a more cohesive subdivision that is centered around the spirit of community and togetherness.

F.

**THE ZONING PROPOSAL WILL NOT
ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**


The proposed rezoning, if approved, will not affect existing transportation facilities or utilities. Additionally, it will not negatively impact the schools in the area. According to the DeKalb County Public School website and 10/3/2017 Enrollment Report, Peachcrest Elementary is at 89% capacity, Mary McLeod Bethune Middle School is at 63% capacity and Towers High School is at 74% capacity. Therefore, if approved, the requested rezoning will not result in a use that is burdensome to the streets, transportation facilities or schools.

IV. CONCLUSION

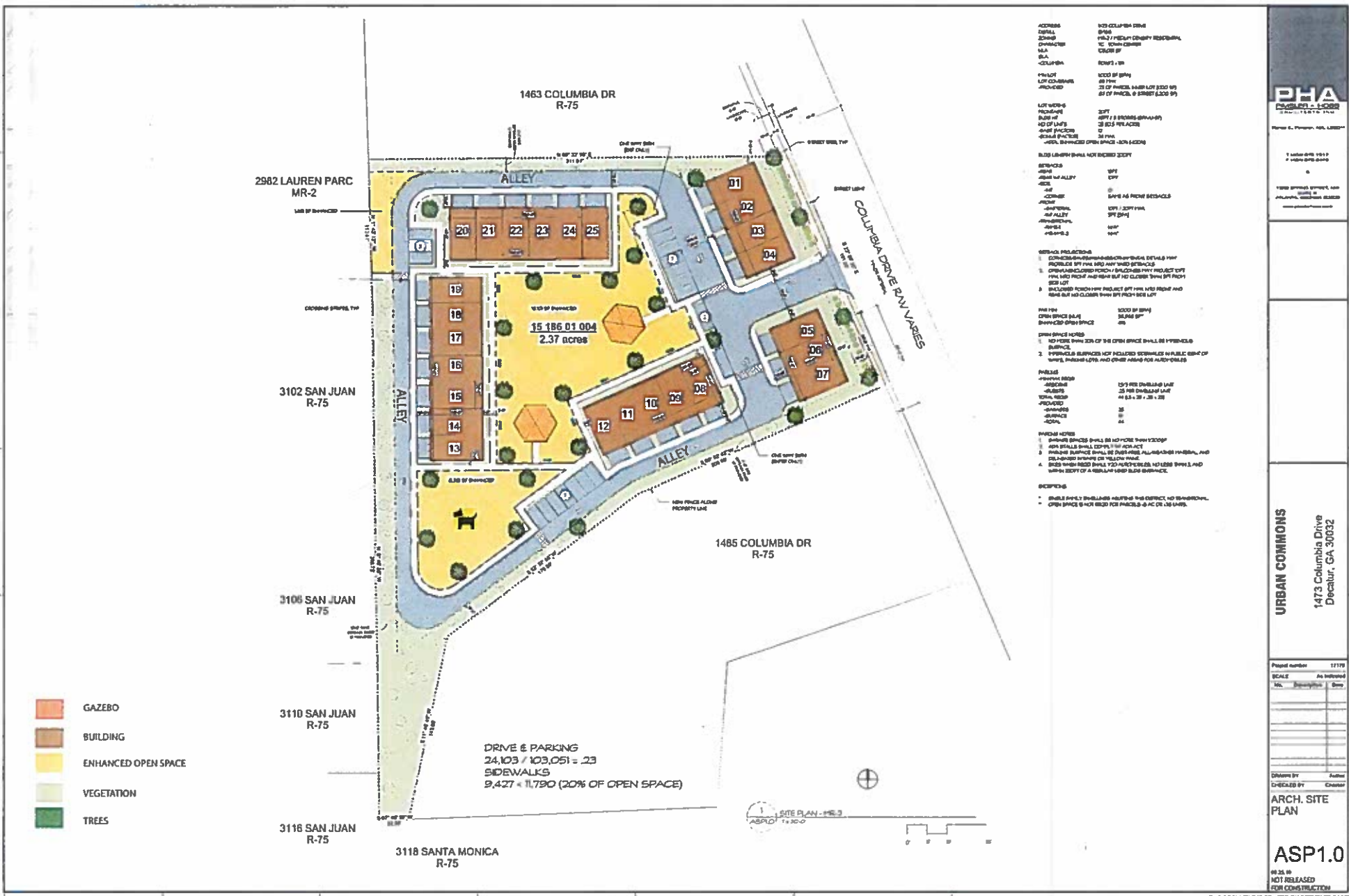
For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application, and are attached hereto and by this reference incorporated herein.

This 30 day of July, 2018.

Respectfully submitted,



Michèle L. Battle
Attorney For Applicant



ADDRESS: 1473 COLUMBIA DRIVE
 CITY: DECATUR
 COUNTY: DECATUR
 STATE: GA
 ZIP: 30032

LOT AREA: 103,051 SQ FT
 LOT COVERAGE: 25%
 MAXIMUM HEIGHT: 35 FT

SETBACKS:
 FRONT: 25 FT
 REAR: 10 FT
 SIDE: 5 FT

OPEN SPACE: 2.37 ACRES
 SIDEWALKS: 9,427 SQ FT (20% OF OPEN SPACE)

LEGEND:
 GAZEBO
 BUILDING
 ENHANCED OPEN SPACE
 VEGETATION
 TREES



URBAN COMMONS
 1473 Columbia Drive
 Decatur, GA 30032

Project number	17179
SCALE	As Indicated
DATE	08/11/11
DESIGNED BY	Author
CHECKED BY	Checker
ARCH. SITE PLAN	
ASP1.0	
NOT FOR CONSTRUCTION	



2
A3.1 Big Elverson Garage



1
A3.1 Big Elverson Road

PHA
 PLANNING + ARCHITECTURE
 7 HUNTERS HILL
 FAYETTEVILLE, GA 30215
 770.427.1000
 www.phaarch.com

**COLUMBIA DRIVE
 TOWNHOMES**
 1473 Columbia Drive
 Decatur, GA 30032

Project number	17179
SCALE	MTS
NO.	Description

DRAWN BY: [blank] Architect
 CHECKED BY: [blank] Designer

**BUILDING
 ELEVATIONS**

A3.1

DRAWING NOT TO SCALE
 UNITS ARE 30' W X 60' D X 30' H

original
 NOT RELEASED
 FOR CONSTRUCTION