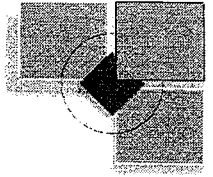




DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

APR 26 2018

Z/CZ No. 2-18-22285
Filing Fee: 500.00

Date Received: _____ Application No.: _____

Applicant: Sam Artopoews and R. Kyle Williams E-Mail: sartopoews@williamsteusink.com

Applicant Mailing Address: 309 Sycamore Street, Decatur, Georgia 30030

Applicant Phone: 404-373-9590 Fax: 404-378-6049

Owner(s): See Exhibit A E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2010 Enrique Drive, The Villages, FL 32159

Owner(s) Phone: 352-259-4299 Fax: _____

Address/Location of Subject Property: 4213 Memorial Drive

District(s): 15 Land Lot(s): 230 Block: 01 Parcel(s): 005

Acreage: 2.3 Commission District(s): 4 and 6

Present Zoning Category: R-75 Proposed Zoning Category: HR-3

Present Land Use Category: RC

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

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 No

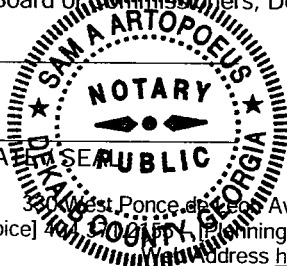
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

NOTARY

1/21/19
EXPIRATION DATE



[Signature]
SIGNATURE OF APPLICANT / DATE

Check One: Owner _____ Agent

300 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] (404) 371-3000 [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Address <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov



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

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: Kensington Sta. LLC
@ Kyle Williams (agent) Phone: 41373-9590 Email: kwilliams@williamseusink.com

Property Address: 423 4213 Memorial Dr 30032

Tax Parcel ID: 15-230-01-005 Comm. District: 4 Acreage: 2.3

Existing Use: undeveloped Proposed Use: Apt

Rezoning: Yes No

Existing Zoning: R25 Proposed Zoning: HR3 Square Footage/Number of Units: 200

Rezoning Request: 7 story apts w/ 6 story parking garage

Land Use Plan Amendment: Yes No

Existing Land Use: RC 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 and request:



COPY

R. Kyle Williams
Attorney at Law

404.373.9351 Direct Dial
kwilliams@williamsteusink.com

April 26, 2018

via Hand Delivery

Andrew Baker, Director
DeKalb County, Georgia
Department of Planning and Sustainability
330 West Ponce de Leon Avenue
Decatur, Georgia 30030

Re: **APPLICATION FOR REZONING**

4213 Memorial Drive, Decatur, DeKalb County, Georgia 30332

Tax Parcel ID No. 15 230 01 005

Dear Director Baker:

I represent John and Shirley Spinelli (collectively, "Applicant"). Applicant owns that certain real property known as and located at 4213 Memorial Drive, Decatur, DeKalb County, Georgia 30332 (Tax Parcel ID No. 15 230 01 005) (the "Property"). The land area of the Property is 2.269 acres or 98,873.504 sq. ft. At one point in time the Property was improved with a one-story residential duplex, which burned. Currently, the Property is vacant and undeveloped.

The Property is currently zoned R-75 (Residential Medium Lot-75), with a Land Use classification as Regional Center (RC) based upon the 2035 Comprehensive Plan and Future Land Use Map.

The adjacent and adjoining properties on Memorial Drive to the north and south of the Property are zoned OI (Office-Institutional). The adjacent and adjoining property to the rear of the Property is zoned MR-2 (Heavy Industrial), pursuant to CZ-88089.

The Property is on the west side of Memorial Drive, with two hundred feet (200') of street frontage on Memorial Drive. The Property is immediately to the southwest of the intersection of Memorial Drive and Kensington Road. The Property is across the street from a fenced and closed overflow surface parking lot formerly servicing the MARTA Kensington Station and is cattycorner to the Georgia Department of Juvenile Justice located at 3408 Covington Highway, Decatur, DeKalb County, Georgia 30032.

The Property is northeast and outside of the Kensington-Memorial Drive Overlay District – Tier I.

A. SUMMARY OF PROPOSED REZONING

Applicant requests rezoning of the Property from R-75 (Residential Medium Lot-75) to HR-3 (High Density Residential-3). The requested rezoning of the Property does not require an amendment to the Land Use Plan as it is consistent with the Existing Land Use classification as Regional Center (RC) set forth in the 2035 Comprehensive Plan and Future Land Use Map comprehensive.

Applicant is under contract to sell the Property to Kensington Station, LLC (“Kensington Station”) conditioned upon the requested rezoning. Kensington Station intends to develop and use the Property as two (2) seven (7) story residential apartment buildings with incidental street level storefront retail and commercial fronting Memorial Drive, as detailed and conditioned upon the plans submitted in support of this Application. The proposed development would consist of an apartment unit mix of fifty-nine (59) one-bedroom apartments, one hundred and six (106) two-bedroom apartments, and fifty-three (53) three-bedroom apartments for a total of two hundred and eighteen (218) residential units.

A. DOCUMENTED IMPACT ANALYSIS

(a) Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.

The proposed rezoning of the Property will permit development of a higher density residential apartment use with incidental street level storefront retail and commercial fronting Memorial Drive that is suitable in view of the use and development of adjacent and nearby property. The adjacent and adjoining properties on Memorial Drive to the north and south of the Property are zoned OI (Office-Institutional). The adjacent and adjoining property to the rear of the Property is zoned MR-2 (Heavy Industrial) pursuant to CZ-88089.

The Property is centrally located within the highly trafficked commercial area at the intersection of Memorial Drive and Kensington Road. The Property is within walking distance of the MARTA Kensington Station. The surrounding area is a mix of governmental, commercial, retail, and other non-residential uses. However, the immediate surrounding area is lacking in high density residential uses.

The proposed rezoning would allow for a higher density residential development that would complement and better serve the existing non-residential uses. The proposed rezoning and development would serve as a catalyst for other residential redevelopment adjacent to and within the Kensington-Memorial Drive Overlay. While outside of the boundaries of the overlay district, the proposed rezoning is consistent with the overlay’s stated objective to “create a positive real estate investment climate which will stimulate economic development and job creation.” The proposed rezoning and development would allow for a trans-oriented development near the MARTA Kensington Station that is sought by the Kensington-Memorial Drive Overlay District.

More importantly, the current zoning of the Property as R-75 (Residential Medium Lot-

75) is obsolete and inconsistent with the 2035 Comprehensive Plan and Future Land Use Map comprehensive. It is not economically feasible or desirable that the Property be used as a single-family house as currently zoned. By contrast, the proposed rezoning is consistent with the Existing Land Use classification of the Property as Regional Center (RC) as set forth in the 2035 Comprehensive Plan and Future Land Use Map comprehensive.

(b) Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.

As detailed in Section (a) above, the proposed rezoning is consistent with and will not adversely affect the existing use or usability of adjacent and nearby properties. Furthermore, the proposed rezoning is consistent with the Existing Land Use classification of the Property as Regional Center (RC) as set forth in the 2035 Comprehensive Plan and Future Land Use Map comprehensive.

(c) Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed rezoning will not result in uses which would cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools. The Property is well served by existing streets, transportation facilities, and utilities within the immediate surrounding areas located at the intersection of Kensington Road and Memorial Drive. The proposed apartment development will not impact existing schools as apartment uses typically do not attract families with school age children given the unit size. The existing infrastructure is more than sufficient to support the proposed residential development. More importantly, the Property is ideally situated within walking distance of the MARTA Kensington Station and will introduce a needed residential use to complement the existing non-residential uses in the immediate surround area.

(d) Whether the amendment is consistent with the written policies in the comprehensive plan text.

The requested rezoning of the Property does not require an amendment to the Land Use Plan. The proposed rezoning is consistent with the Existing Land Use classification of the Property as Regional Center (RC) as set forth in the 2035 Comprehensive Plan and Future Land Use Map comprehensive.

(e) Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.

The Property is not located near county or municipal boundary lines. As such, there are no potential impacts on property or properties in any adjoining governmental jurisdiction.

(f) **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.**

Except as detailed above, there are no other existing or changing conditions affecting the use or development of the affected land areas which support either approval or denial of the proposed land use change.

(g) **Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

The proposed rezoning and development will have no impact on any historic building, site, district, or archaeological resource.

B. ADDITIONAL SUPPORTING DOCUMENTATION

Applicant includes as additional support for its Application the following:

1. Pre-Application Form Rezone, Special Land Use Permit, Modification, and Land Use;
2. Application to Amend Official Zoning Map of DeKalb County, Georgia;
3. Rezone Application Authorization, John Spinelli and Shirley Spinelli;
4. Notarized Authorization by Property Owner for Representation (John Spinelli);
5. Notarized Authorization by Property Owner for Representation (Shirley Spinelli);
6. Public Notice for Community Meeting;
7. *Deed Under Power of Sale*, dated January 7, 2014;
8. Legal Description of the Property;
9. Zoning Map of the Property;
10. Survey of Property, prepared by Survey Land Express, Inc., dated March 5, 2018;
11. Architectural, Elevation, and Landscape Plans (Sheet Nos. 1 – 6), prepared by REMOS Architects, dated April 18, 2018;
12. Four (4) Conceptual Drawings, prepared by REMOS Architects; and,
13. Application Fee.

The Community Meeting is scheduled for 7:00 p.m. on Tuesday, May 15, 2018 at the Covington Branch Library located at 3500 Covington Highway, Decatur, Georgia 30032. Applicant will supplement this Application immediately following the Community Meeting to provide documentation of the meeting, sign-in sheets from the meeting, and any correspondence or other documents received during or after the meeting.

I appreciate consideration of this request for rezoning. Please do not hesitate to contact me with any questions or request for additional information or documentation.

Sincerely,



R. Kyle Williams

Encl.

RKW/etb

cc: John and Shirley Spinelli
Kensington Station, LLC

Campaign Disclosure pursuant to OCGA Chapter 36-37A.

Name and Position:	Date and Amount	
CEO of DeKalb County Michael Thurmond	April 26, 2017	\$250.00
Commissioner of DeKalb County Jeff Radar	January 1, 2018	\$250.00
Commissioner of DeKalb County Steve Bradshaw	September 9, 2016	\$100.00
Commissioner of DeKalb County Larry Johnson	January 30, 2018	\$100.00



WILLIAMS
TEUSINK

R. Kyle Williams
Attorney at Law

404.373.9351 Direct Dial
kwilliams@williamsteusink.com

April 30, 2018

via Hand Delivery

Andrew Baker, Director
DeKalb County, Georgia
Department of Planning and Sustainability
330 West Ponce de Leon Avenue
Decatur, Georgia 30030

Re: **Z-18-22285 - APPLICATION FOR REZONING**

4213 Memorial Drive, Decatur, DeKalb County, Georgia 30332

Tax Parcel ID No. 15 230 01 005

Dear Director Baker:

On behalf of Applicants, I supplement the above-referenced Rezoning Application to file proofs of service of public notice of the Community Meeting upon the surrounding neighborhood association(s) and/or community groups within one-half (1/2) mile of the subject property, as well as adjacent and nearby property owners within five hundred (500) feet of the subject property.

I appreciate consideration of this request for rezoning. Please do not hesitate to contact me with any questions or request for additional information or documentation.

Sincerely,


R. Kyle Williams

Encl.

RKW/etb

cc: John and Shirley Spinelli
Kensington Station, LLC

PUBLIC NOTICE

REQUEST FOR REZONING

FILED BY: JOHN AND SHIRLEY SPINELLI (OWNER)
KENSINGTON STATION, LLC (DEVELOPER)
WILLIAMS TEUSINK, LLC (COUNSEL)

PROPERTY LOCATED: 4213 MEMORIAL DRIVE, DECATUR, GEORGIA 30332

CURRENT ZONING: R-75 (RESIDENTIAL MEDIUM LOT-75)

CURRENT LAND USE: REGIONAL CENTER (RC)

CURRENT USE: UNDEVELOPED LAND

PROPOSED ZONING: HR-3 (HIGH DENSITY RESIDENTIAL-3)

PROPOSED LAND USE: REGIONAL CENTER (RC)

PROPOSED USE: RESIDENTIAL APARTMENTS WITH STREET LEVEL
STOREFRONT RETAIL AND INCIDENTAL COMMERCIAL
FRONTING MEMORIAL DRIVE

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

LOCATION: COVINGTON BRANCH LIBRARY
3500 COVINGTON HIGHWAY
DECATUR, GEORGIA 30032

DATE & TIME: TUESDAY, MAY 15, 2018 AT 7:00 PM

Notice Date: April 25, 2018



Kyle Williams <kwilliams@williamsteusink.com>

PUBLIC NOTICE: Community Meeting for Rezoning of 4213 Memorial Dr.

Kyle Williams <kwilliams@williamsteusink.com>

Mon, Apr 30, 2018 at 11:07 AM

To: Kyle Williams <kwilliams@williamsteusink.com>

Cc: "Robin L. Detar" <srbradshaw@dekalbcountyga.gov>, "Alesia D. Brooks" <adbrooks@dekalbcountyga.gov>, Kelly Cato <kgannon@dekalbcountyga.gov>

Bcc: joeba@earthlink.net, njqb@outlook.com, o4corvett@bellsouth.net, legal51996@yahoo.com, conward.jones07@gmail.com, davidkaminski2012@gmail.com, grammymix@gmail.com, blusty@mindspring.com, tonyastri@gmail.com, ojonwudegu@yahoo.com, evorari@bellsouth.net, Victoria Webb <vic@furiousdreams.com>, allisongroup40@gmail.com, little.creek@aol.com

Please see the attached Public Notice for a Community Meeting on Tuesday, May 15 at 7 pm at the Covington Branch Library regarding proposed rezoning of 4213 Memorial Drive.

Kyle

R. Kyle Williams

WILLIAMS TEUSINK, LLC
The High House
309 Sycamore Street
Decatur, Georgia 30030
Direct Dial: (404) 373-9351
Cell: (404) 931-7032
Facsimile: (404) 378-6049
kwilliams@williamsteusink.com
www.williamsteusink.com

Vacation Alert: I will be out of the office from May 3, 2018 through May 13, 2018, with no access to voicemail and emails. Please contact my assistant Sam Artopoulos at 404-373-9590 or sartopoulos@williamsteusink.com during this time. I will return to the office on Monday, May, 14, 2018.

This communication is CONFIDENTIAL and solely for intended recipients. If you are not an intended recipient, your receipt of this communication is the result of an inadvertent or unauthorized disclosure. Sender reserves and asserts all rights to confidentiality and privileges that are applicable and for violations thereof. Accordingly, immediately DESTROY all copies of the email and attachments, and NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this communication. NO DUTIES ARE CREATED BY THIS COMMUNICATION.

CIRCULAR 230 DISCLOSURE: This communication is not intended to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

 Public Notice for Community Meeting.pdf
66K

Parcel	Owner	Mailing Address
15 230 01 010	4151 MEMORIAL LLC	550 PHARR RD STE 220 ATLANTA GA 30305
15 230 01 034	4151 MEMORIAL LLC	550 PHARR RD STE 220 ATLANTA GA 30305
15 231 05 001	DOWNTOWN DEV AUTH OR AVOND EST	21 N AVONDALE PLZ AVONDALE ESTATE GA 30002-1317
15 230 01 003	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 230 01 022	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 230 01 026	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 230 01 036	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 250 06 009	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 250 07 024	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 251 02 002	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 251 02 003	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 251 02 004	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 251 03 001	MARTA	2424 PIEDMONT RD NE ATLANTA GA 30324-3330
15 230 01 028	ROBINSON I MICHELLE	4179 MEMORIAL DR DECATUR GA 30032-1503
15 230 01 001	CC OTV LLC	131 SOUNDVIEW LN, NEW CANAAN CT 06840
15 230 01 037	CC OTV LLC	131 SOUNDVIEW LN, NEW CANAAN CT 06840
15 251 05 015	DEKALB COUNTY	1330 COMMERCE DR # 6 DECATUR GA 30030
	Oak Tree Villas	3465 Kensington Road, Decatur GA 30032
15 230 01 006	RITCHIE WILLIAM C	PO BOX 489 HULL GA 30646-0489
15 230 01 007	RITCHIE WILLIAM C	PO BOX 489 HULL GA 30646-0489
15 230 01 008	RITCHIE WILLIAM C	PO BOX 489 HULL GA 30646-0489



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

REZONE APPLICATION AUTHORIZATION

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

DATE: 3/26/2018

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(WE), John and Shirley Spinelli
(Name of owner(s))

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

Kyle Williams and Sam Artopoulos
(Name of Applicant or Agent Representing Owner)

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

[Signature]
Notary Public

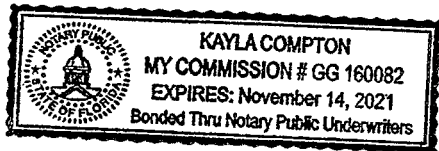
John Spinelli
Owner

[Signature]
Notary Public

Shirley Spinelli
Owner

Notary Public

Owner

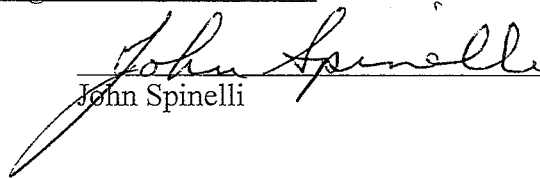


**NOTARIZED AUTHORIZATION BY PROPERTY OWNER
FOR REPRESENTATION**

4213 Memorial Drive, Decatur, Georgia 30032
(Tax Parcel Id No. 15 230 01 005)


I, John Spinelli, am the owner of the property located at 4213 Memorial Drive, Decatur, DeKalb County, Georgia 30032, as shown in the records of DeKalb County, Georgia, which is the subject matter of the attached Application. I authorize the persons and firm named below to act as Applicant and my representative in pursuit of this Application, in all matters related to zoning, permitting, planning, and development.

Name of Applicant: R. Kyle Williams
Sam Artopoeus
Name of Firm: Williams Teusink, LLC
Address: The High House
309 Sycamore Street
Decatur, Georgia 30030
Telephone No.: (404) 373-9590
Email: kwilliams@williamsteusink.com
sartopoeus@williamsteusink.com



John Spinelli

Sworn and subscribed
Before me this 27 day of March, 2018.



Notary Public
Commission Expiration Date: 11-14-21

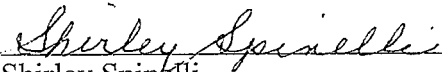


**NOTARIZED AUTHORIZATION BY PROPERTY OWNER
FOR REPRESENTATION**

4213 Memorial Drive, Decatur, Georgia 30032
(Tax Parcel Id No. 15 230 01 005)

I, Shirley Spinelli, am the owner of the property located at 4213 Memorial Drive, Decatur, DeKalb County, Georgia 30032, as shown in the records of DeKalb County, Georgia, which is the subject matter of the attached Application. I authorize the persons and firm named below to act as Applicant and my representative in pursuit of this Application, in all matters related to zoning, permitting, planning, and development.

Name of Applicant: R. Kyle Williams
Sam Artopoeus
Name of Firm: Williams Teusink, LLC
Address: The High House
309 Sycamore Street
Decatur, Georgia 30030
Telephone No.: (404) 373-9590
Email: kwilliams@williamsteusink.com
sartopoeus@williamsteusink.com



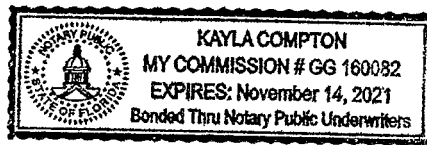
Shirley Spinelli

Sworn and subscribed
Before me this 29 day of March, 2018.



Notary Public

Commission Expiration Date: 11-14-21



PUBLIC NOTICE

REQUEST FOR REZONING

FILED BY: JOHN AND SHIRLEY SPINELLI (OWNER)
KENSINGTON STATION, LLC (DEVELOPER)
WILLIAMS TEUSINK, LLC (COUNSEL)

PROPERTY LOCATED: 4213 MEMORIAL DRIVE, DECATUR, GEORGIA 30332

CURRENT ZONING: R-75 (RESIDENTIAL MEDIUM LOT-75)

CURRENT LAND USE: REGIONAL CENTER (RC)

CURRENT USE: UNDEVELOPED LAND

PROPOSED ZONING: HR-3 (HIGH DENSITY RESIDENTIAL-3)

PROPOSED LAND USE: REGIONAL CENTER (RC)

PROPOSED USE: RESIDENTIAL APARTMENTS WITH STREET LEVEL
STOREFRONT RETAIL AND INCIDENTAL COMMERCIAL
FRONTING MEMORIAL DRIVE

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

LOCATION: COVINGTON BRANCH LIBRARY
3500 COVINGTON HIGHWAY
DECATUR, GEORGIA 30032

DATE & TIME: TUESDAY, MAY 15, 2018 AT 7:00 PM

Notice Date: April 25, 2018

After Recording, Return To:
Boling Rice LLC
Attn: Taylor Rice
207 Pirkle Ferry Rd.
Cumming, GA 30040
TR/62,924



DEED BOOK

24234 Pg 583

Real Estate Transfer Tax \$0.00

Filed and Recorded:
1/31/2014 4:29:28 PM
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

STATE OF GEORGIA
COUNTY OF FORSYTH

DEED UNDER POWER OF SALE

THIS INDENTURE, made and entered into this 7th day of January, 2014, by and between Allan H. Forsyth, Sr. and Patricia N. Forsyth and Allan H. Forsyth, Sr., as trustee of the Testamentary Trust created under the Last Will and Testament of Maybelle Forsyth Quinn, acting by and through John S. Spinelli and Shirley M. Spinelli as Attorney-in-Fact, party of the first part, and John S. Spinelli and Shirley M. Spinelli, party of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of One Hundred Six Thousand Two Hundred Sixty Six and 00/100th Dollars (\$106,266.00), cash in hand paid at and before the sealing and delivery of these presents, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said part of the second part, successors and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots 230 and 231 of the 15th District of DeKalb County, Georgia, and being known as Lot 80 of a part of Majestic Acres Subdivision, according to plat of record in Plat Book 13, page 114, DeKalb County Records, which plat is incorporated herein by reference for a more complete description thereof.

Less and Except herefrom any portion of the subject property contained in that Georgia Department of Transportation Right-of-way Deed from Allan H. Forsyth, Sr., dated August 22, 2007, filed September 7, 2007 and recorded in Deed Book 20283, page 592, DeKalb County Records.

This conveyance is made by virtue of the power of sale contained in a certain Security Deed executed and delivered by Allan H. Forsyth, Sr. and Patricia N. Forsyth and Allan H. Forsyth, Sr., as trustee of the Testamentary Trust created under the Last Will and Testament of

Maybelle Forsyth Quinn executed in favor of Crescent Bank & Trust Company, which Deed to Secure Debt is recorded in Deed Book 20179, page 341 and modified in Deed Book 21015, page 276 as transferred to John S. Spinelli and Shirley M. Spinelli in Deed Book 21905, page 536, Dekalb County, Georgia records, given to secure an indebtedness evidenced by a note executed by Allan H. Forsyth, Sr. and Patricia N. Forsyth and Allan H. Forsyth, Sr., as trustee of the Testamentary Trust created under the Last Will and Testament of Maybelle Forsyth Quinn executed in favor of Crescent Bank & Trust Company.

Default has occurred in the payment of the debt evidenced by said note and secured by said deed by the non-payment of the debt when due. By reason of said default and in accordance with the terms of said note and security deed, the said John S. Spinelli and Shirley M. Spinelli has declared the total balance of said debt due and the said security deed foreclosable; and John S. Spinelli and Shirley M. Spinelli, as Attorney-in-Fact for Allan H. Forsyth, Sr. and Patricia N. Forsyth and Allan H. Forsyth, Sr., as trustee of the Testamentary Trust created under the Last Will and Testament of Maybelle Forsyth Quinn, duly advertised said property for sale in the The Champion, a newspaper in which Sheriff's sales for Dekalb County, Georgia, are advertised, in December 2013, and proceeded to expose the same for sale before the Courthouse door in Dekalb County, Georgia, on a legal sale day, to wit: the first Tuesday in January, 2014, the same being January 7, 2014, and within the legal hours of sale, to wit: between 10:00 A.M. and 4:00 P.M. at which sale John S. Spinelli and Shirley M. Spinelli, party of the second part, was the highest and best bidder for cash and said property was knocked off to John S. Spinelli and Shirley M. Spinelli at and for the sum of One Hundred Six Thousand Two Hundred Sixty Six and 00/100th Dollars (\$106,266.00), all in accordance with the powers and terms contained in said deed.

Notice in compliance with Official Code of Georgia Annotated Section 44-14-162.2 was given to the said party of the first part and to all other persons, if any, entitled thereto.

TO HAVE AND TO HOLD the said bargained premises, together with all singular the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of the said John S. Spinelli and Shirley M. Spinelli, party of the second part, its successors and assigns, forever, in fee simple, in as full and ample a manner as the same was possessed and held by party of the first part.

DEED BOOK 24234 Ps 585
Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

This conveyance is made subject to outstanding ad valorem taxes, easements, and restrictive covenants appearing of record, if any.

IN WITNESS WHEREOF, party of the first part, acting by and through John S. Spinelli and Shirley M. Spinelli, Attorney-in-Fact, as aforesaid, has hereunto set its hand and seal on the day and year first above written.

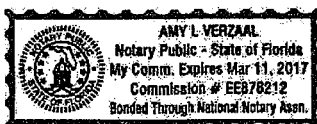
John S. Spinelli and Shirley M. Spinelli,
Attorney in Fact for Allan H. Forsyth, Sr. and
Patricia N. Forsyth and Allan H. Forsyth, Sr., as
trustee of the Testamentary Trust created under the
Last Will and Testament of Maybelle Forsyth
Quinn

Signed, sealed and delivered
in the presence of:

Richard O. Melton
Witness

Amy L. Verzaal
Notary Public, (SEAL)

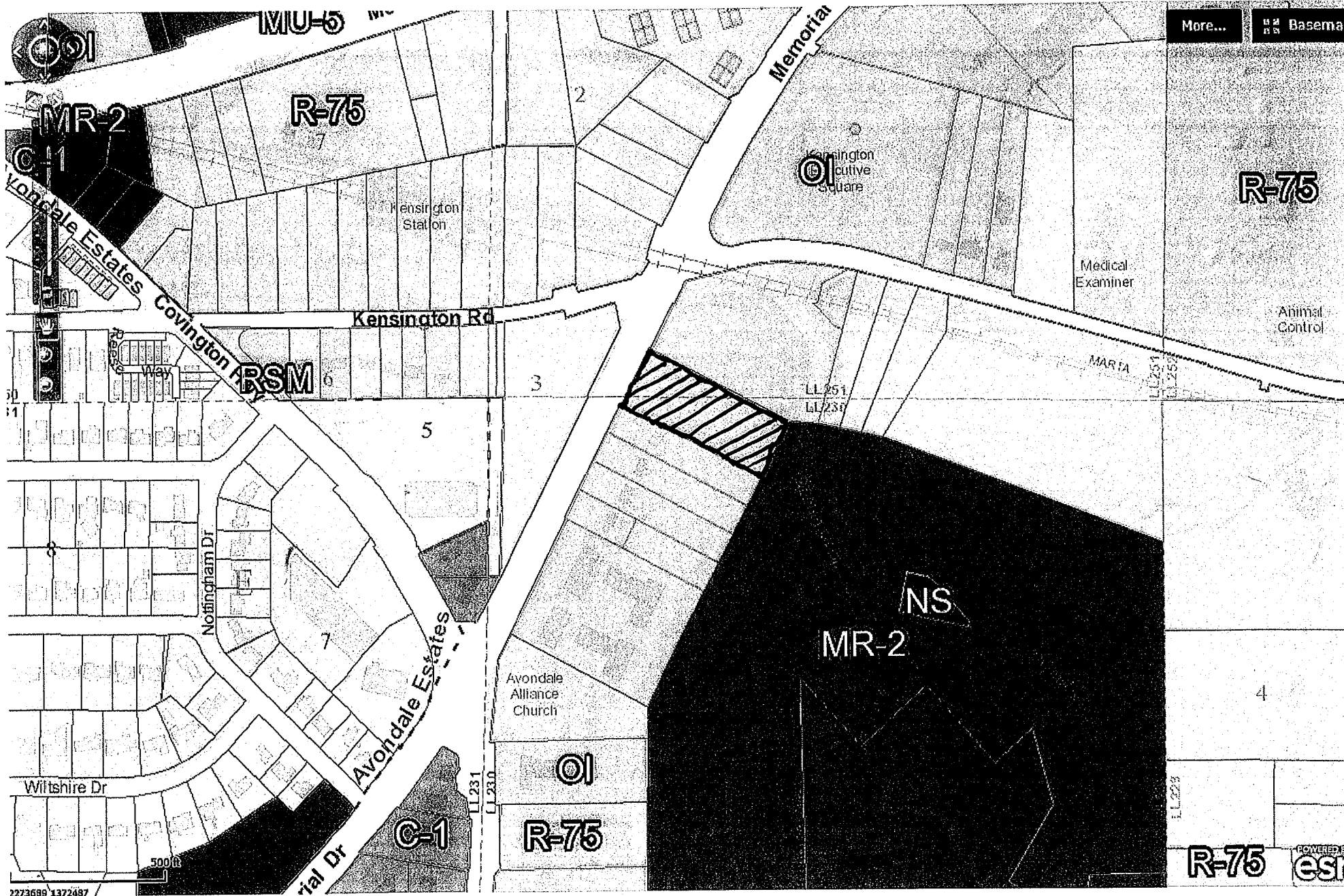
John S. Spinelli (Seal)
John S. Spinelli
Shirley M. Spinelli (Seal)
Shirley M. Spinelli



All that tract or parcel of land lying and being in Land Lots 230 and 231 of the 15th District of DeKalb County, Georgia, and being known as Lot 80 of a part of Majestic Acres Subdivision, according to plat of record in Plat Book 13, page 114, DeKalb County Records, which plat is incorporated herein by reference for a more complete description thereof.

Less and Except herefrom any portion of the subject property contained in that Georgia Department of Transportation Right-of-way Deed from Allan H. Forsyth, Sr., dated August 22, 2007, filed September 7, 2007 and recorded in Deed Book 20283, page 592, DeKalb County Records.

Subject Property

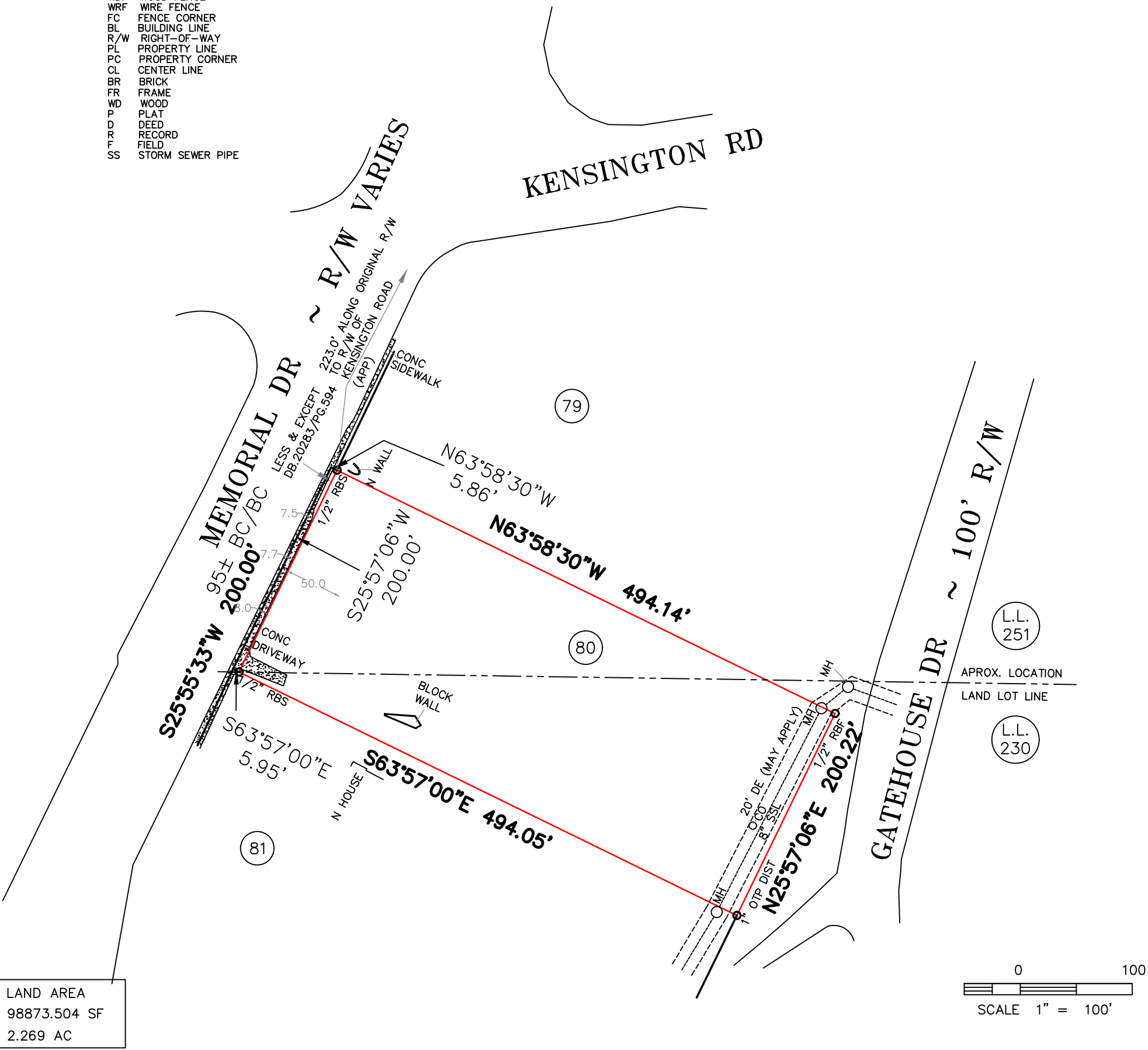


*** LEGEND ***

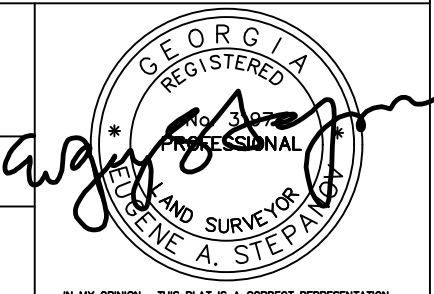
- POB POINT OF BEGINNING
- LLL LAND LOT LINE
- MH MAN HOLE
- SSL SANITARY SEWER LINE
- CB CATCH BASIN
- JB JUNCTION BOX
- DI DRAINAGE INLET
- YI YARD INLET
- HW HEAD WALL
- PP POWER POLE
- PW POWER LINE
- SSE SANITARY SEWER EASEMENT
- DE DRAINAGE EASEMENT
- UE UTILITY EASEMENT
- AE ACCESS EASEMENT
- TB TOP OF BANK
- CMP CORRUGATED METAL PIPE
- RCP REINFORCED CONC. PIPE
- APP AS PER PLAT
- APD AS PER DEED
- APR AS PER RECORD
- APF AS PER FIELD
- BC BACK OF CURB
- EP EDGE OF PAVEMENT
- OU OWNERSHIP UNCLEAR
- OH OVERHANG
- GL GAS LINE
- WM WATER METER
- WL WATER LINE
- WV WATER VALVE
- N N'BORS.
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- OTP OPEN TOP PIPE FOUND
- CTP CRIMP TOP PIPE FOUND
- RBF REINFORCING BAR FOUND
- AI ANGLE IRON FOUND
- CP CALCULATED POINT
- X-X FENCE
- CLF CHAIN LINK FENCE
- WDF WOOD FENCE
- WRF WIRE FENCE
- FC FENCE CORNER
- BL BUILDING LINE
- R/W RIGHT-OF-WAY
- PL PROPERTY LINE
- PC PROPERTY CORNER
- CL CENTER LINE
- BR BRICK
- FR FRAME
- WD WOOD
- P PLAT
- D DEED
- R RECORD
- F FIELD
- SS STORM SEWER PIPE

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



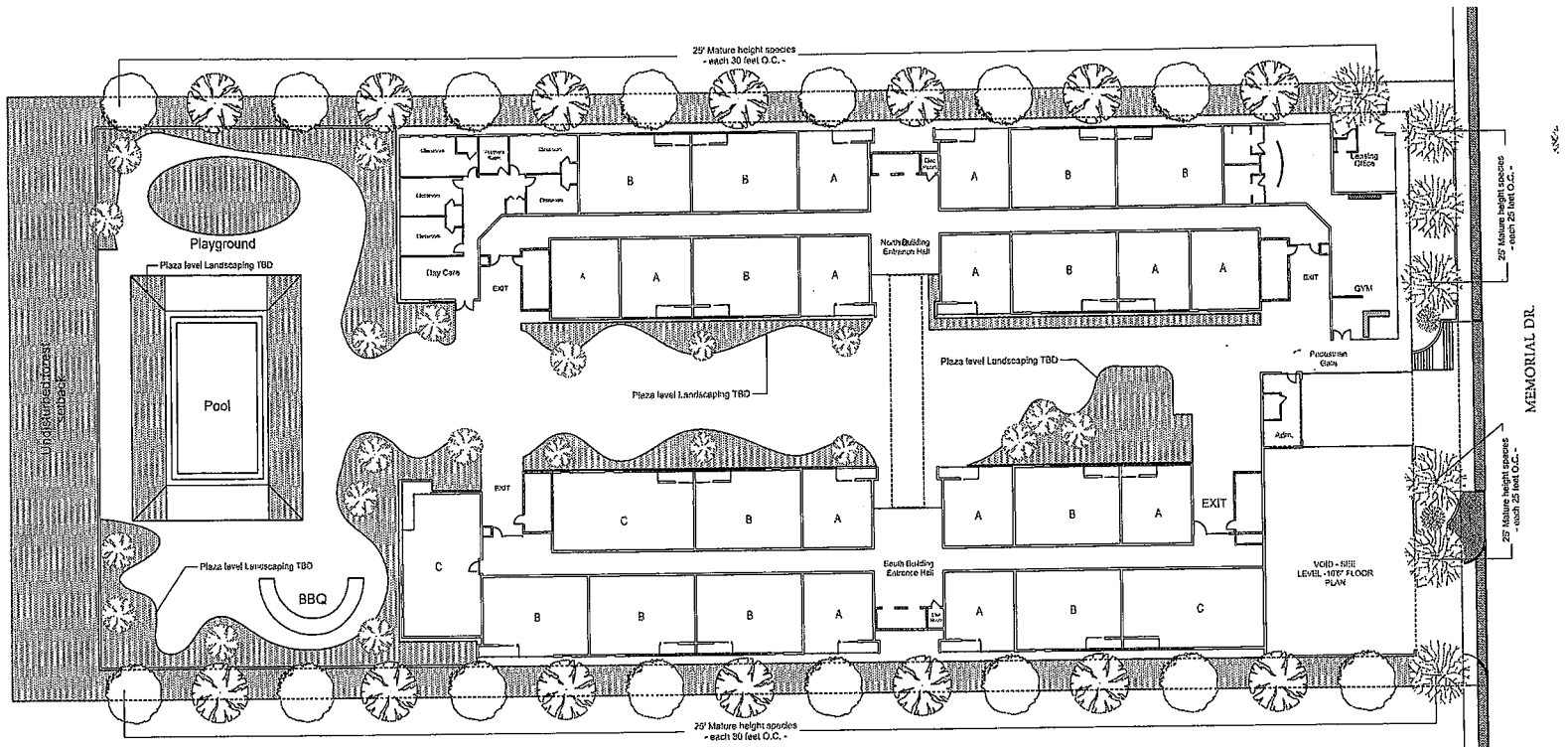
LAND AREA
98873.504 SF
2.269 AC

LOT 80 BLOCK SUBDIVISION MAJESTIC ACRES UNIT LAND LOT 230 & 251 15TH DISTRICT SECTION DEKALB COUNTY, GEORGIA PB.13/PG.114 DB.24234/PG.583 FIELD WORK DATE FEB 21, 2018 PRINTED/SIGNED MAR 5, 2018 ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED PAPER SIZE: 11" x 17"	PLAT PREPARED FOR: SHEET 1 OF 1 <h2 style="text-align: center;">KENSINGTON STATION, LLC</h2> PROPERTY ADDRESS: 4213 MEMORIAL DR DECATUR, GA 30032 <div style="text-align: right;">  </div>
OB COORD #20180339 DWG #20180339	<h3 style="margin: 0;">SURVEY LAND EXPRESS, INC</h3> LAND SURVEYING SERVICES 24 LENOX POINTE ATLANTA, GA 30324 FAX 404-601-0941 TEL 404-252-5747 INFO@SURVEYLANDEXPRESS.COM

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET, AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

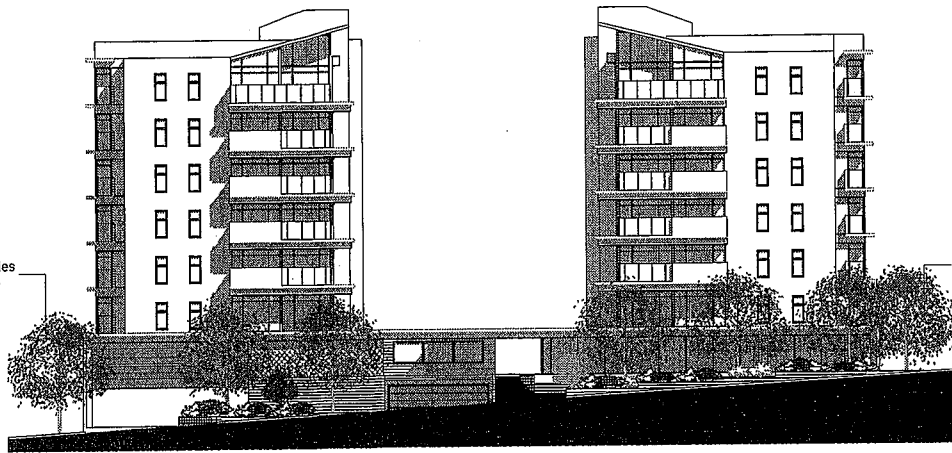
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

NO.	DATE	DESCRIPTION



Landscape Plan

1/16" = 1'-0"



East Elevation Landscape

3/32" = 1'-0"

LANDSCAPE NOTES.

- Landscape strip.**
- The streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate.
- Street Trees.**
- Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the director of planning.
- Plant types.**
- Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard of American Nursery Stock, ANSI Z60.1.

Memorial Drive - Apartments
4213 Memorial Dr.
Decatur, GA 30032

CONSULTANTS:
ALBERTO CHINCHILLA
architect
JANNETH ARDILA
architect

14501 Pine Blvd., Suite 107
Pembroke Pines, FL 33029

STRUCTURAL ENG.:

M.E.P. ENG.:

CIVIL ENG.:

LANDSCAPE ARCH.:

SEAL:

A.R. 0011702

REVISIONS:

No.	Description	Date

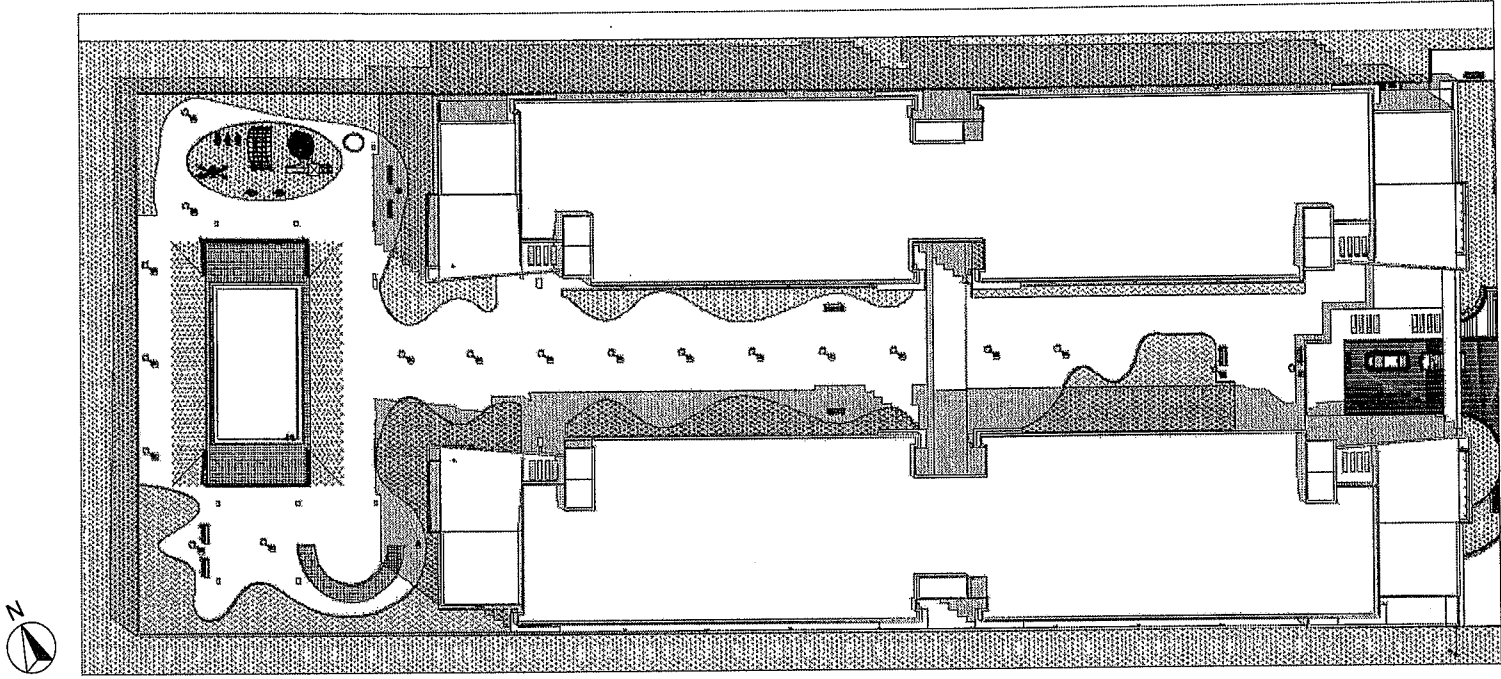
Project No:	AT.010
Model File:	
Drawn by:	J.A.C.
Approved by:	A.R.
Date:	4/18/2018

Copyright

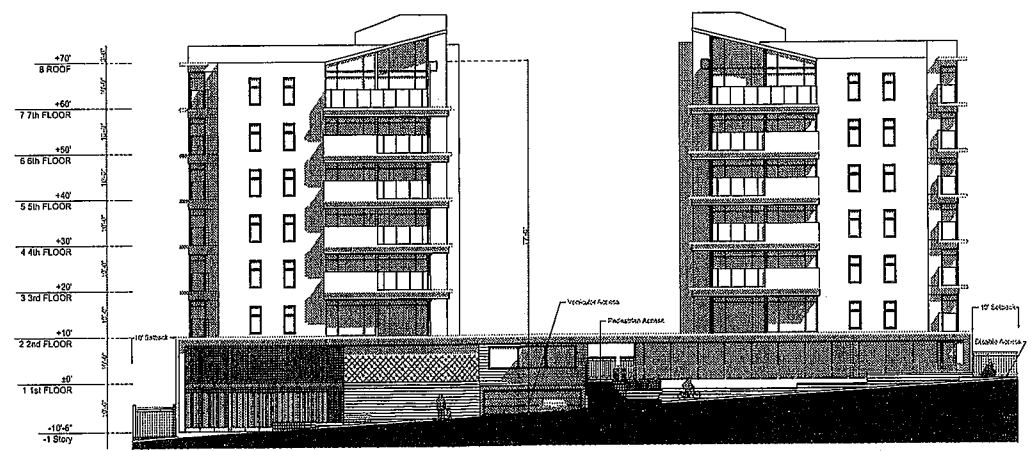
Content
Roof Plan Image
East Elevation
Zoning Legend

Sheet Title
A-101

Sheet Number



Roof Plan image



East Elevation

3/32" = 1'-0"

ZONING LEGEND:

OWNER / DEVELOPER: Kensington Station, LLC.
160 Clairmont Ave. #239
Decatur, GA 30030

ARCHITECT: Alejandro Remos, RA
18501 Pines Blvd. #107
Pembroke Pines, FL 33029

PROPOSED ZONING: HR3

SITE AREA: 2.34+ acres, 99,065 SF

DENSITY ALLOWED: 120 units/acre = 276 units
DENSITY PROPOSED: 95 units/acre = 220 units

OPEN SPACE REQUIRED: 15.00 %
OPEN SPACE PROVIDED: 18.4 % + 8,308 SF Open Area Plaza Level

LOT COVERAGE ALLOWED: 85.00 %
LOT COVERAGE PROVIDED: 81.60 %

LOT WIDTH REQUIRED: 100 FT.
LOT WIDTH PROVIDED: 200.33 FT.

BUILDING HEIGHT ALLOWED: No Limit
BUILDING HEIGHT PROPOSED: 77 FT. - 7 Stories (Height to last floor level = 67 FT)

PARKING REQUIRED:	330 Spaces	UNIT MIX:	
PARKING PROVIDED:	348 Spaces	UNIT A TOTAL 59	ONE BEDROOM APARTMENT 612 SF
BUILDING AREA:	262,136 SF	UNIT B TOTAL 108	TWO BEDROOM APARTMENT 942 SF
BALCONY AREA:	11,410 SF	UNIT C TOTAL 53	THREE BEDROOM APARTMENT 1,259 SF
PARKING GARAGE AREA:	161,670 SF		

NO.	DESCRIPTION	DATE

Project No:	AT.010
Model File:	
Drawn by:	J.A.C
Approved by:	A.R.
Date:	4/18/2018

Scale:	
Copyright:	

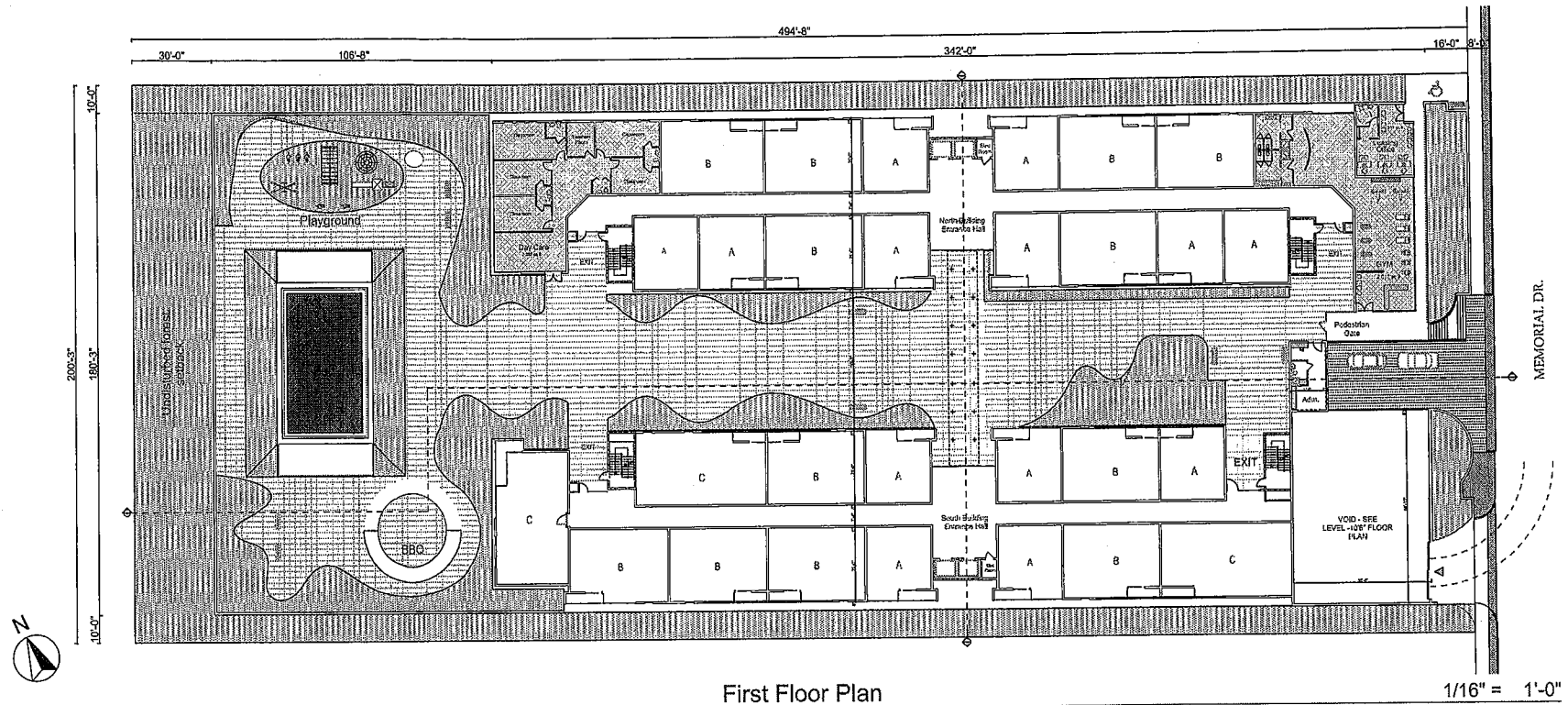
Content:	

First Floor Plan.
Section 1

Sheet Title
A-102

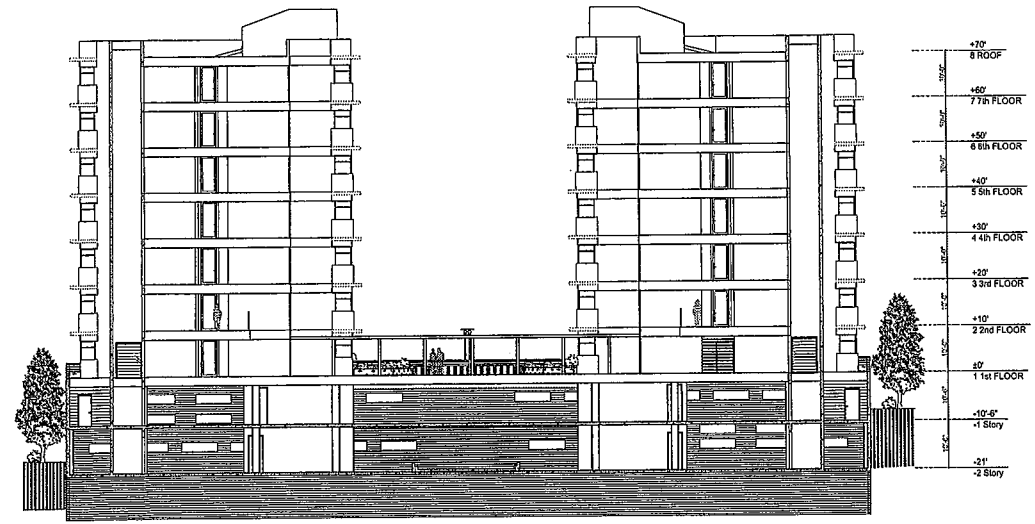
Sheet Number

2



First Floor Plan

1/16" = 1'-0"



Section 1

3/32" = 1'-0"

REVISIONS:

No.	Description

Project No:	AT.010
Model File:	
Drawn by:	J.A.C.
Approved by:	A.R.
Date:	4/18/2018

Scale:

Date:

Copyright:

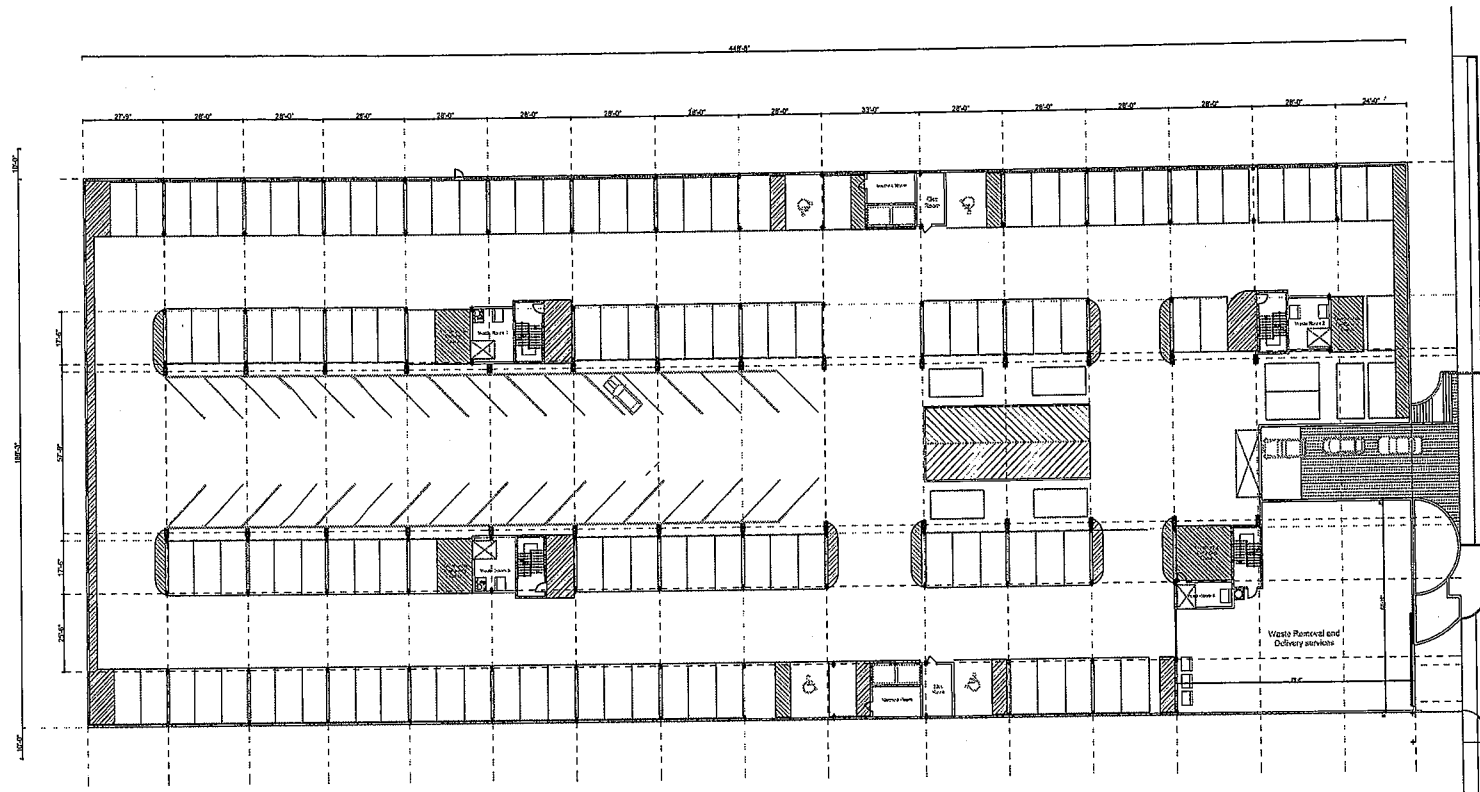
Content

Parking Level 1,
North Elevation

Sheet Title

A-103

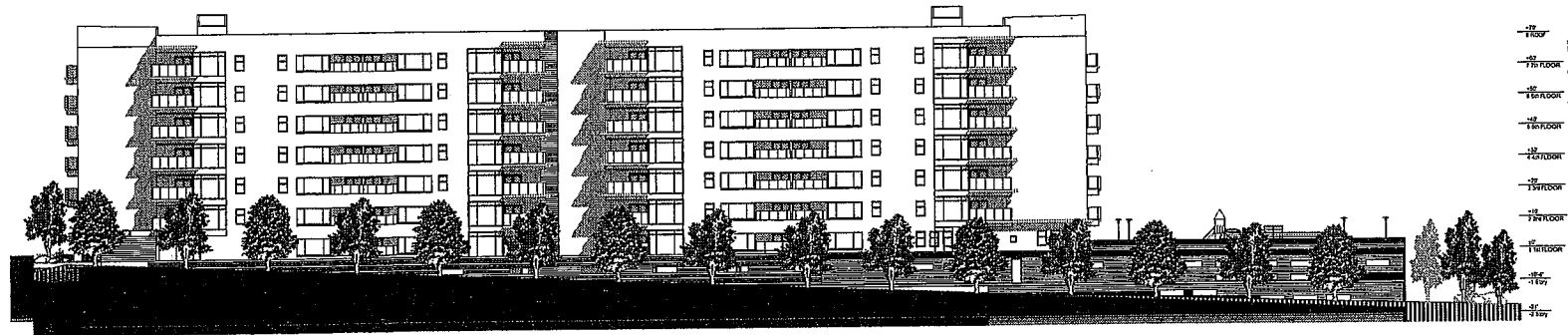
Sheet Number



Total 388 parking spaces
2 level garage 161,760 S.F -

Parking Level 1

1/16" = 1'-0"



North Elevation

1/16" = 1'-0"

REVISIONS:

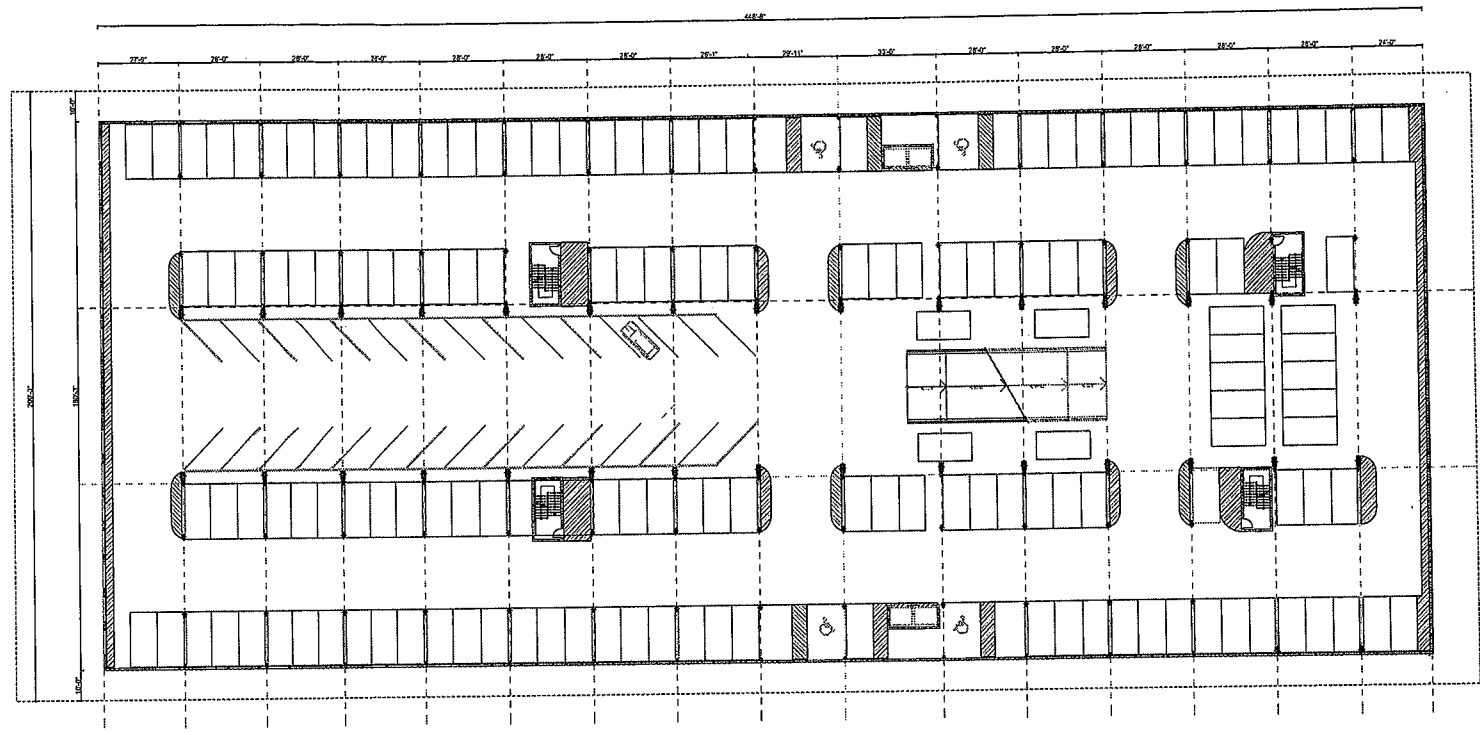
No.	Description	Date

Project No:	AT.010
Model File:	
Drawn by:	J.A.C
Approved by:	A.R.
Date:	4/18/2019
Scale:	
Copyright:	

Content
Section 2, Parking
- Level 2

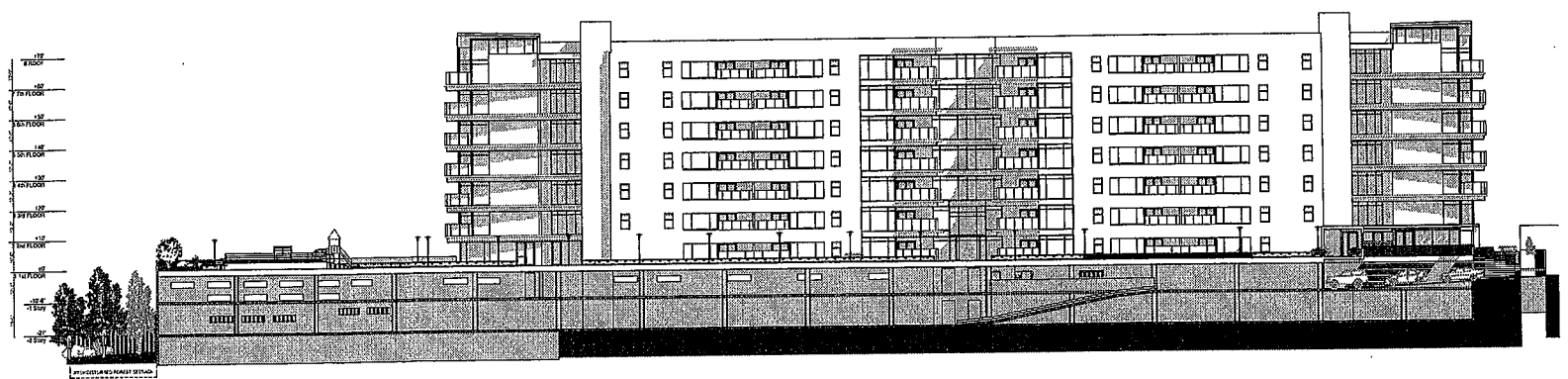
Sheet Title
A-104

Sheet Number
4



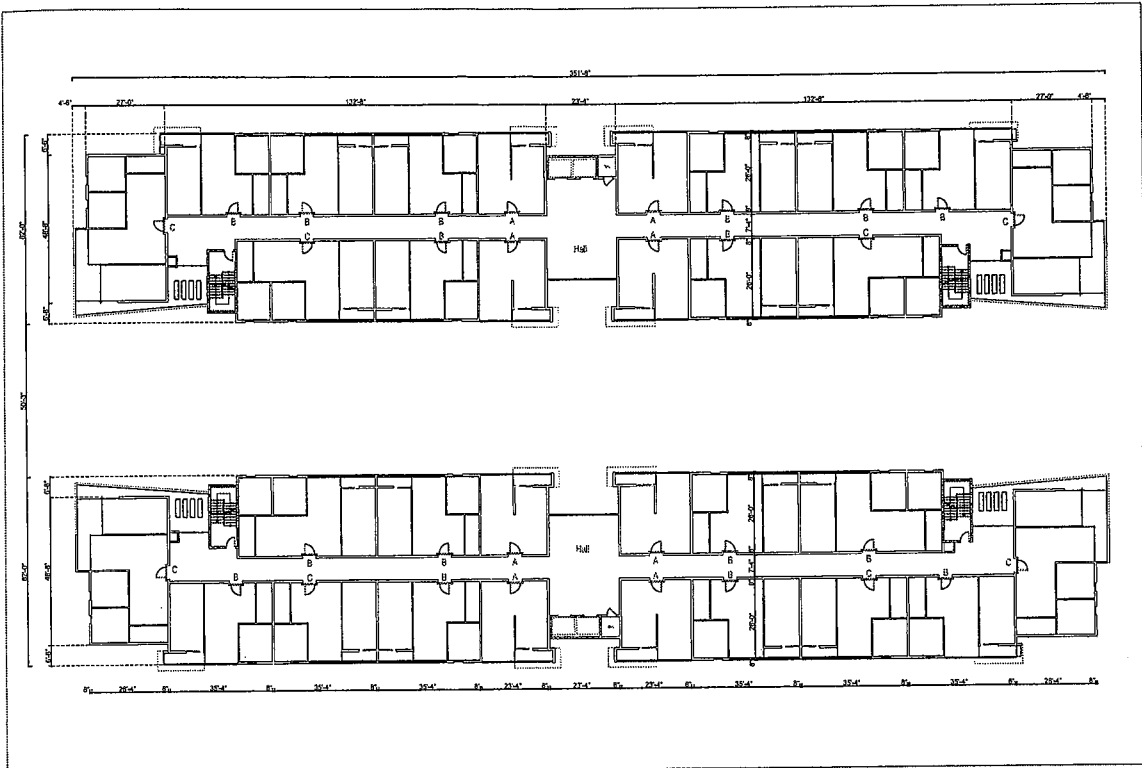
Parking - Level 2

1/16" = 1'-0"

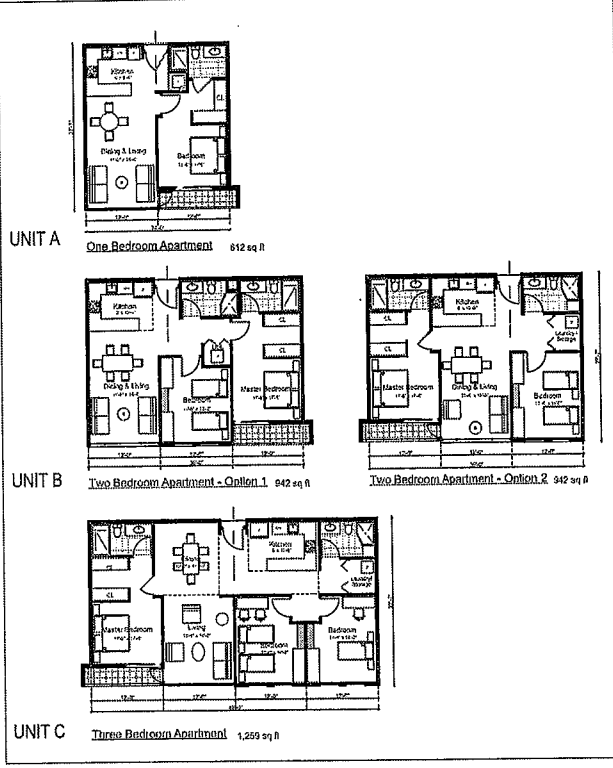


Section 2

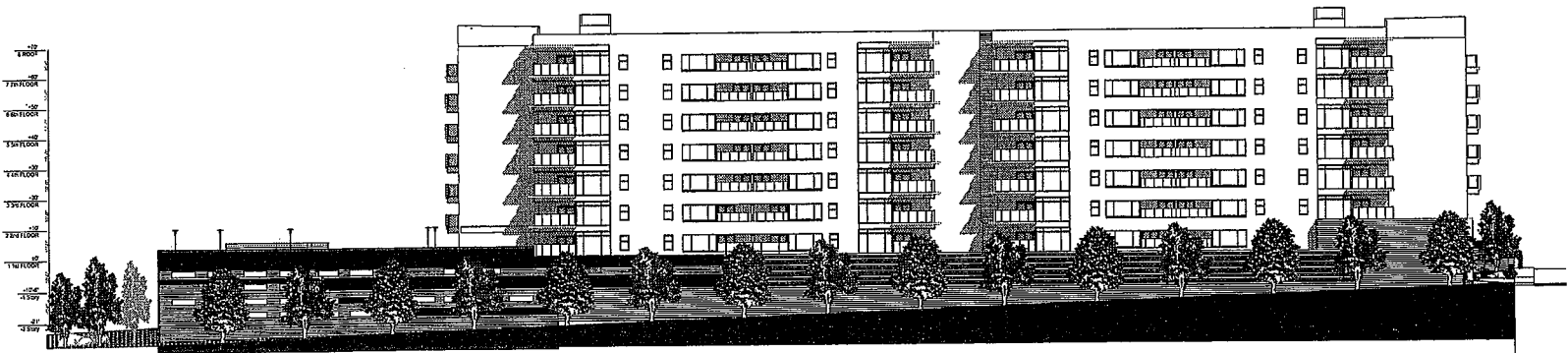
1/16" = 1'-0"



Typical Floor Plan 1/16" = 1'-0"



Units Floor Plan 1/8" = 1'-0"



South Elevation 1/16" = 1'-0"

REMOS architects
 Alejandro Remos P.A., 0011702
 1801 Pines Blvd., Suite 107
 Palm Beach, FL 33480
 Tel: 561-442-7122
 Fax: 561-442-7160
 email: remos@remospa.com

Memorial Drive - Apartments
 4213 Memorial Dr.
 Decatur, GA 30032

CONSULTANTS:
ALBERTO CHINCHILLA
 architect

JANNETH ARDILA
 architect

1801 Pines Blvd., Suite 107
 Palm Beach, FL 33480

STRUCTURAL ENG.:

M.E.P. ENG.:

CIVIL ENG.:

LANDSCAPE ARCH.:

SEAL:

A.R. 0011702

REVISIONS:

Project No: AT.010
Model File:
Drawn by: J.A.C.
Approved by: A.R.
Date: 4/18/2018
Scale:
Copyright:

Content:
 Typical Floor Plan,
 South Elevation,
 Units Floor Plan

Sheet Title:
 A-105

Sheet Number:
 5