



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-3526
File Status: Preliminary Item

5/28/2019

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Toll Bros., Inc. c/o Morris, Manning and Martin, LLP to rezone property from R-85 (Residential Medium Lot) District to HR-2 (High Density Residential-2) District to develop a student housing development consisting of 202 apartment units on 3.38 acres at a density of 60 units per acre, at 957, 961, 953, 949, 946, 948, 9552, 956 and 960 Milledge Place.

PETITION NO: N1. Z-19-1235071

PROPOSED USE: 202 Apartments

LOCATION: 957, 961, 953, 949, 946, 948, 952, 956 and 960 Milledge Place, Atlanta, GA.

PARCEL NO.: 18-106-10-033 through 18-106-10-041

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Toll Bros., Inc. c/o Morris, Manning and Martin, LLP to rezone property from R-85 (Residential Medium Lot) District to HR-2 (High Density Residential-2) District to develop a student housing development consisting of 202 apartment units on 3.38 acres at a density of 60 units per acre. The property is located on the north and south side of Milledge Place, the east side of Briarcliff Road, the north side of Clifton Road and the west side of Biltmore Drive at 957, 961, 953, 949, 948, 952, 956 and 960 Milledge Place. The property has approximately 115 feet of frontage on Briarcliff Road; 735 feet of frontage on Milledge Place; 450 feet of frontage on Clifton Road; and 518 feet of frontage on Biltmore Drive and contains 3.38 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIED

PLANNING COMMISSION: DEFERRAL UNTIL NOVEMBER 2019 REZONING CYCLE

PLANNING STAFF: Deferral Until November 2019 Rezoning Agenda

STAFF ANALYSIS: The proposed rezoning request from R-85 (Medium Lot Residential) District to HR-2 (High Density Residential-3) District is compatible with apartment zoning MR-2 (Medium Density Residential

-2) District adjacent to the site along Briarcliff Road. The proposed apartments are suitable in view of the surrounding higher intensity commercial uses in the area. However, the applicant has requested that the rezoning petition be deferred until the November 2019 rezoning agenda in order to gather more information about the proposed plans and coordinate the timing of the development with MARTA's improvements in the area. Therefore, per the applicant's request, the Planning and Sustainability Department recommends that the application be "Deferred until the November 2019 rezoning agenda".

PLANNING COMMISSION VOTE: Deferral to November 2019 9-0-0. A. Atkins moved, J. Johnson seconded for deferral to the November 2019 agenda, per Staff recommendation.

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



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: May 07, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: May 28, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1235071 **Agenda #:** N.1

Location/Address: The north and south side of Milledge Place; the east side of Briarcliff Road; the north side of Clairmont Road and the west side of Biltmore Drive at 957, 961, 953, 949, 946, 948, 952, 956 and 960 Milledge Place, Atlanta, Georgia. **Commission District: 2 Super District: 6**

Parcel ID: 18-106-10-033 thru 18-106-10-041

Request: To rezone property from R-85 (Residential Medium Lot) District to HR-2 (High Density Residential-2) District to develop a student housing development consisting of 202 apartment units on 3.38 acres at a density of 60 units per acre.

Property Owners: Perry Hamilton, Kimberly Perry Mergler & Eva Ann Perry Zwack; Karen G. Wise & Stuart L. Gottler; William W. Galloway & G. Douglas Dillard; David W. Amis & Jonathan T. DeLoach; Lynn E. & Edward J. Ryan; Bobby W. Goldberg; The Estate of Benjamin L. Wyckoff, Jr. & Estelle Wyckoff; Bottom Line Properties, LLC & The Estate of Grace J. Netland

Applicant/Agent: Toll Bros., Inc. c/o Morris, Manning and Martin, LLP

Acreage: 3.38 Acres

Existing Land Use: Nine (9) Single-Family Detached Residences

Surrounding Properties: QuikTrip; Pig-N-Chik BBQ; Atlantic Briarcliff Apartment Homes

Adjacent & Surrounding Zoning: North: MR-2 (Medium Density-Residential-2) District
West: M (Light-Industrial) District; East: O-I (Office-Institutional) District
South: C-1 (Local Commercial) District

Comprehensive Plan: Town Center (TC) Consistent X

Proposed Building Square Feet: 202 Apartment Units	Existing Units: 9 Single-Family Detached Residences
Proposed Lot Coverage: <80%	Existing Lot Coverage: <35% Per Lot

SUBJECT PROPERTY & ZONING HISTORY:

The 3.38-acre site has frontage on Briarcliff Road (a minor arterial), Clifton Road (a minor arterial), Milledge Place and Biltmore Drive (both local streets). The site is currently developed with nine (9) single-family detached residences. There is curb and gutter along all street frontages but only Clifton Road has sidewalks. Adjacent to the site along Briarcliff Road is Atlantic Briarcliff Apartments. West of the site is commercial uses including a Quik-Trip gas and convenience store. Along the south side of Clifton Road across from the site is Pig-N-Chik Barbeque. DeKalb County records indicate that the property was zoned R-85 (Residential Medium Lot) with the establishment of the 1956 Zoning Ordinance.

PROJECT ANALYSIS:

Per the submitted application and site plan, the applicant is requesting to rezone the property from R-55 (Residential Medium Lot) District to the HR-2 (High Density Residential-2) District to develop 202 apartment units at a density of 60 units per acre by achieving bonus density qualifiers. The submitted site plan depicts a basement level, first floor and parking garage. The total proposed building height is five (5) stories. A 15-foot wide transitional buffer is proposed adjacent to MR-2 zoned property. Per Chapter 27- Article 5 of the DeKalb County Code, a 30-foot wide transitional buffer is required.

One (1) right-in/right-out access point is depicted from Briarcliff Road. One (1) left-in/right out access only is proposed on Biltmore Road. No access is proposed from Clifton Road. Per Land Development Code Sec. 14-400 (5) a minimum of three (3) access points is required for 200 units on a collector street. Per the submitted documentation, parking will be provided in an interior deck and connections to Emory via the Emory Shuttle and to MARTA via the existing bus stop and future MARTA line are anticipated. The applicant intends to pursue a variance to reduce the number of access points from three to two and to reduce the required transitional buffer from 30 feet to 15 feet.

ZONING ANALYSIS:

The R-85 (Residential Medium Lot) District allows single-family detached residences on minimum 12,000 square foot lots. The HR-2 (High Density Residential-2) District allows high density, high-rise residential uses.

Adjacent property zoned MR-2 (Medium Density Residential) pursuant to CZ-85061 and developed as apartments along Briarcliff Road support the proposed HR-2 (High-Density Residential) zoning district on the site. The current zoning at that location is not consistent and compatible with adjacent zoning districts. The subject site is a stand-alone R-85 (Residential) zoned lot between MR-2 and commercial (C-1) zoned properties on Briarcliff Road. To the rear of the site along Biltmore Road is undeveloped property zoned O-I (Office-Institutional) pursuant to CZ-82063. Although the site is currently developed with single-family detached residences, there is no appropriate transition of land use from higher to lower density at the intersection of Briarcliff Road and Clifton Road. Therefore, the zoning analysis concludes that the proposed HR-2 District would be appropriate for the subject site.

IMPACT ANALYSIS:

Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The 2035 Comprehensive Plan designates the subject site within a Town Center. Located at the intersection of Briarcliff Road and Clifton Road, the rezoning proposal is consistent with the following Land Use Policy: Location

Criteria – The most intense development shall occur in the center of the node or at the major intersections within the defined area. Higher density residential is encouraged within the defined area (stand alone or as a vertical mixed-use development).

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

The proposed rezoning to the HR-2 (High Density Residential-2) District for apartments is suitable given the adjacent Atlantic Briarcliff apartment homes and surrounding commercial uses in the area.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Given that the site is located within a Town Center Character Area for high density development, the property may not have a reasonable economic use as currently zoned R-85 (Residential Medium Lot) District for single-family detached residences. The proposed rezoning to the HR-2 District allows more options for more viable economic performance.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The rezoning request to the HR-2 (High Density Residential-2) District should not adversely affect the use or usability of adjacent and nearby commercial and apartment properties along Briarcliff Road.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

The site is at a heavily traveled intersection (Briarcliff Road and Clifton Road). The proposed use for apartments allows higher density residential uses consistent with the Town Center Character Area policies identified by the 2035 Comprehensive Plan.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

There are no known historic buildings, sites, districts or archeological resources that would be adversely affected by the rezoning request to the HR-2 District.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The request for 202 apartment units would have an impact on vehicle and pedestrian traffic in the area. Access points and road improvements are critical to development. The applicant is requesting to defer this petition to learn what improvement plans MARTA (Metropolitan Atlanta Rapid Transit Authority) has for the area and how it may affect the proposed development. Per the DeKalb County Schools, the proposed development may generate approximately seven (7) new school students. When fully constructed, this development would be expected to house 5 students at Briar Vista ES, 1 at Druid Hills MS, 2 at Druid Hills HS, and 1 at other DCSD schools. All three neighborhood schools have capacity for additional students.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The request for HR-2 zoning on the site should not adversely impact the environment or surrounding natural resources. However, the Land Disturbance Permit (LDP) process would require approval to establish tree preservation standards, storm water management and emergency vehicle access.

COMPLIANCE WITH HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT STANDARDS PER TABLE 2.4: Medium and High Density-Residential Zoning Districts

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
DWELLING UNITS PER ACRE	Base maximum 40 Units Per Acre Bonus maximum 60 Units Per Acre	60 Units Per Acre	No. Site Plan does not depict how site will achieve bonus maximum density.
STREET FRONTAGE	100 Feet	Approximately 100 feet of frontage on Briarcliff Road; 735 feet of frontage on Milledge Place; 450 feet of frontage on Clifton Road; and 518 feet of frontage along Biltmore Drive	Yes
LOT COVERAGE	Max. 85%	85%	Yes
FRONT SETBACK	Min. 10 Feet	10 Feet	Yes
TRANSITIONAL BUFFER Table 5.2(a)	30 Feet adjacent to MR-2 zoned District	15-Foot undisturbed buffer	No. Must seek variance with Zoning Board of Appeals
HEIGHT-Table 2.13 HR-2	Base maximum height at 40 units per acre is 4 stories or 60 feet Bonus maximum height up to 60 units per acre is 6 stories or 75 feet	70 Feet	No. Site Plan does not depict how site will achieve bonus maximum height.
OPEN SPACE	Min. 15%	15%	Yes
PARKING – ARTICLE 6 Min. (1.5) space per dwelling unit	1.5 x 202 units = 303 parking spaces.	303 Parking Spaces	Yes. Parking is within parking garage.

STAFF RECOMMENDATION: DEFERRAL UNTIL NOVEMBER 2019 REZONING AGENDA

The proposed rezoning request from R-85 (Medium Lot Residential) District to HR-2 (High Density Residential-3) District is compatible with apartment zoning MR-2 (Medium Density Residential -2) District adjacent to the site along Briarcliff Road. The proposed apartments are suitable in view of the surrounding higher intensity commercial uses in the area. However, the applicant has requested that the rezoning petition be deferred until the November 2019 rezoning agenda in order to gather more information about the proposed plans and coordinate the timing of the development with MARTA's improvements in the area. Therefore, per the applicant's request, the Planning and Sustainability Department recommends that the application be **"Deferred Until the November 2019 Rezoning Agenda"**.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph

Hill, Karen F.

From: Carl Westmoreland <CWestmoreland@mmmlaw.com>
Sent: Monday, April 22, 2019 11:07 AM
To: Hill, Karen F.; Alexander, Michelle M.
Cc: Rader, Jeff; Gannon, Kathie; Stephen Bates (sbates@tollbrothers.com); 'khernacki@gmail.com'; Payne, David C; 'woody@glawgp.com'; Doug Dillard (DDillard@dillardsellers.com); Corbin Armstrong
Subject: Z-18-1235069 and A-19-1243237; Milledge Place

On behalf of the applicant, please accept this as a request to defer the above rezoning application until the Commission's November agenda. This also requests deferral of the variance application until an available Board of Zoning Appeals' agenda after the rezoning. The reason for the delay is that both the applicant and county need more information about the plans and timing for MARTA's improvements in the area. We understand that the zoning case has been advertised and that someone will need to be at the 5/7 Planning Commission and the 5/28 BOC meetings to reiterate the deferral request. By copy, I'm asking representatives of the neighbors and other interested parties to inform their contacts that the applicant will not be moving forward in May. Please let me know if you have questions or need anything further.



Carl Westmoreland
Partner

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Atlanta, GA 30326

mmmlaw.com



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NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- ✓ **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- ✓ **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*

Sketch Plat Approval *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*

Overlay Review *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*

Historic Preservation *(Certificate of Appropriateness required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*

- ✓ **Variance or Special Exception** *(Required seeking relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

\Minor Modification *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*

Major Modification *(Required submittal of a complete zoning application for a public hearing if there are any proposed changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*

Business License *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*

Alcohol License *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above require submittal of application, fees and supporting documents. Please consult with the appropriate department/division.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE
THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov or
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov**

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water and consequently, State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

- **Retaining Wall**

Any proposed wall must comply with DeKalb County Code of Ordinances Chapter 27- 5.4.7



(N-1)

**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID
JREID@DEKALBCOUNTYGA.GOV

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: 2-18-1235071 Parcel I.D. #: 18-106-10-033

Address: Willege Pl
Atlanta, GA

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

Plans and field reviewed. Nothing to indicate traffic interruption.

Signature: [Signature]

**DeKalb County School District
Development Review Comments**

Analysis Date: 4/15/2019

Submitted to: DeKalb County **Case #:** Z-19-1235071
Parcel #: 18-106-10-033 -034 -035 -036 -037
-038 -039 - 040 - 041

Name of Development: Milledge Place Apartments
Location: Milledge Place and Briarcliff Road (Near Clifton Rd and Biltmore Place)

Description: Proposed 5-story apartment development with 202 1&2 Bedroom units marketed to Emory Univ. students.

Impact of Development: When fully constructed, this development would be expected to house 7 students: 3 at Briar Vista ES, 1 at Druid Hills MS, 2 at Druid Hills HS, 1 at other DCSD schools. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Druid Hills			Other DCSD Schools	Private Schools	Total
	Briar Vista ES	MS	Druid Hills HS			
Capacity	500	1,182	1,405			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2019)	422	949	1,388			
Seats Available	78	233	17			
Utilization (%)	84.4%	80.3%	98.8%			
New students from development	3	1	2	1	0	7
New Enrollment	425	950	1,390			
New Seats Available	75	232	15			
New Utilization	85.0%	80.4%	98.9%			

Yield Rates		Attend Home School	Attend other DCSD School	Private School	Total
Elementary		0.013378	0.006126	0.002393	0.021897
Middle		0.003381	0.000000	0.001593	0.004974
High		0.009417	0.001748	0.001445	0.012610
Total		0.026175	0.007874	0.005431	0.039481
Student Calculations					
Proposed Units	202				
Unit Type	Apt				
Cluster	Druid Hills HS				
Units x Yield		Attend Home School	Attend other DCSD School	Private School	Total
Elementary		2.70	1.24	0.48	4.42
Middle		0.68	0.00	0.32	1.00
High		1.90	0.35	0.29	2.54
Total		5.28	1.59	1.09	7.96
Anticipated Students		Attend Home School	Attend other DCSD School	Private School	Total
Briar Vista ES		3	1	0	4
Druid Hills MS		1	0	0	1
Druid Hills HS		2	0	0	2
Total		6	1	0	7

Millage Place and Briarcliff Road (Near Clifton Rd and Biltmore Place)

[illegible]

Rezoning
Summary and Impact Analysis

I. Letter of Application

This application requests a rezoning of a 3.38 acre assemblage of properties from the R-85 district to the HR-2 district. The proposed development is located north of Emory University and has frontage on Biltmore Drive, Clifton Road and Briarcliff Road. The rezoning would enable the redevelopment of the property with a multifamily student housing development containing approximately 202 units with a height of five stories. Parking will be provided in an interior deck and connections to Emory via the Emory Shuttle and to MARTA via the existing bus stop and future MARTA line are anticipated.

II. Impact Analysis

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The Comprehensive Plan designates the site as Town Center. The proposed development is consistent with the policy and intent the Comprehensive Plan. The Comprehensive Plan explicitly states that HR-2 is an appropriate category within Town Center. Further, an intent of the Town Center character area is to promote the concentration of residential structures which reduce automobile travel and promote walkability and transit usage. The proposed multifamily student housing development would allow for a vibrant, pedestrian and transit friendly use to complement the adjacent Emory University campus and the Centers for Disease Control and Prevention (CDC).

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Across Biltmore Drive to the east is Emory University. Across Clifton Road to the southwest are railroad tracks, a restaurant, and a shopping center. Across Briarcliff Road to the northwest is a gas station and commercial cooking oil recycling facility. Adjacent to the north are the Atlantic Briarcliff apartment homes. The proposed multifamily use is suitable in view of the surrounding higher intensity commercial and multifamily uses. Further, the proposed multifamily student housing use is appropriate given its proximity to Emory University and existing and future transit facilities in the area.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The lack of significant renovations to the property as well as the surrounding classifications of medium density residential, commercial, office institutional, and light industrial suggest that the current single-family residential classification no longer has a reasonable economic use.

D. Whether the zoning proposal will adversely affect the existing use and usability of adjacent or nearby properties.

The zoning proposal will not adversely affect the existing use and usability of adjacent or nearby properties. As mentioned above, the property is surrounded by uses that are compatible with the scale of the proposed development. The proposed development will add a vibrant multifamily student housing use to the mix of commercial, multifamily and university uses nearby.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The rezoning will bring the property in conformity with the surrounding properties of high and medium intensity uses and would eliminate what is currently an island of single-family use. Further, the proposed zoning is appropriate given that a MARTA rail line and station have been approved for construction in the nearby area. The MARTA station will likely catalyze further higher density development in the area. Finally, the property will serve the Emory University and CDC communities by providing a housing option within close proximity.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts or archaeological resources.

The proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed use will not cause an excessive or burdensome use of streets, transportation facilities, utilities or schools. The proposed development is not anticipated to have any impact on schools because it will be marketed and designed for student housing use. The proposed development will have some impact on existing streets, transportation facilities and utilities. However, those impacts will be mitigated by the proximity to Emory University's campus and the existing and future MARTA facilities.



March 25, 2019

Corbin Armstrong, Esq.
404-495-8463
carmstrong@mmmlaw.com
www.mmmlaw.com

VIA EMAIL: meisenberg@dekalbcountyga.gov
VIA U.S. POSTAL SERVICE

Marian Eisenberg
Zoning Administrator
DeKalb County
Planning & Sustainability
330 W. Ponce de Leon Avenue
Decatur, GA 30030

Re: Request to Withdraw Application LP-18-1235069; Milledge Place

Dear Marian:

By this letter, the applicant for the above captioned application requests to withdraw the land use amendment application for property located at Milledge Place. After discussion with the County and GDOT, the applicant proposes to reduce the requested density for the proposed project from 372 units to 202 units. The applicant has requested to change the rezoning category request from HR-3 to HR-2. The property is currently in the Town Center land use category. Therefore, the land use amendment is no longer necessary and the applicant requests to withdraw the land use amendment request.



Sincerely,

Corbin Armstrong
Corbin Armstrong

Marian Eisenberg
March 25, 2019
Page 2

cc: Carl Westmoreland (via email: cwestmoreland@mmmlaw.com)
Larry Washington (via email: lwashington@dekalbcountyga.gov)
Michelle Alexander (via email: mmalexander@dekalbcountyga.gov)
Karen Hill (via email: KFHill@dekalbcountyga.gov)
Cedric Hudson (via email: chudson@dekalbcountyga.gov)



Exhibit A

Property Owner Contact and Address List

Property Owner and Contact	Property Address	Tax Parcel ID
Cathy Perry Hamilton, Kimberly Perry Mergler and Eva Ann Perry Zwack 521 Moreno Circle St. Petersburg, FL 33703	957 Milledge Place	18 106 10 034
Karen G. Wise and Stuart L. Gottler 961 Milledge Place Atlanta, GA 30329	961 Milledge Place	18 106 10 033
William W. Galloway and G. Douglas Dillard 3500 Lenox Road N.E., Suite 760 Atlanta, GA 30326	953 Milledge Place	18 106 10 035
David W. Amis and Jonathan T. DeLoach 949 Milledge Place Atlanta, GA 30329	949 Milledge Place	18 106 10 036
Lynn E. Ryan and Edward J. Ryan 946 Milledge Place Atlanta, GA 30329	946 Milledge Place	18 106 10 037
Bobby W. Goldberg 948 Milledge Place Atlanta, GA 30329	948 Milledge Place	18 106 10 038
The Estate of Benjamin L. Wyckoff, Jr. and The Estate of Estelle Wyckoff 543 Terrace Avenue, N.E. Atlanta, GA 30307	952 Milledge Place	18 106 10 039
Bottom Line Properties, LLC 1579 Monroe Drive, N.E., F-304 Atlanta, GA 30324	956 Milledge Place	18 106 10 040
The Estate of Grace J. Netland P.O. Box 980488 Park City, UT 84098	960 Milledge Place	18 106 10 041





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
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Toll Bros., Inc. Phone: 404-419-2157 Email: Sbates@tollbrothersinc.com
Property Address: 961, 957, 953, 949, 946, 948, 952, 956 and 960 Milledge Place Atlanta, GA 30329
Tax Parcel ID: SEE ATTACHED Comm. District(s): 2 Acreage: ~~3.4~~, 4.4
Existing Use: Single Family Residential Proposed Use Multifamily Residential
Supplemental Regs: _____ Overlay District: N/A DRI: N/A
Rezoning: Yes X No _____
Existing Zoning: R-85 Proposed Zoning: HR-3 Square Footage/Number of Units: 374 85/acre
Rezoning Request: Request to zone from R-85 to HR-3.

Land Use Plan Amendment: Yes X No _____

Existing Land Use: Town Center Proposed Land Use: Regional Center Consistent _____ Inconsistent _____

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

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:



DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: ☒ Review Calendar Dates: ☒ PC: ☒ BOC: ☒
Letter of Intent: ☒ Impact Analysis: ☒ Owner Authorization(s): ☒ Campaign Disclosure: ☒
Zoning Conditions: _____ Community Council Meeting: ☒ Public Notice, Signs: ☒
Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
Lighting Plan: _____ Tent Permit: _____ *Traffic Study*

Review of Site Plan

Density: _____ Density Bonuses: *Include in letter of intent* Mix of Uses: _____ Open Space: ☒ Enhanced
Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size:
_____ Frontage: _____ Street Widths: _____ Landscape Strips: _____ Buffers: _____
Parking Lot Landscaping: ☒ Parking - Auto: _____ Parking - Bicycle: _____ Screening:
_____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____ Bldg. Height: _____ Bldg.
Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____ Roofs: _____ Fenestration: _____
Façade Design: *5-7-7* Garages: _____ Pedestrian Plan: ☒ Perimeter Landscape Strip: *10'*
Possible Variances: *Buffer adjacent to MR-2 30'*

Comments:

Planner: *MRS*

Date *6/19/18*

Filing Fees

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



Carl E. Westmoreland, Jr.
404-504-7799
cew@mmmlaw.com
www.mmmlaw.com

June 11, 2018

RE: Meeting to Discuss Proposed Rezoning and Land Use Map Amendment for the
Redevelopment of land located at 961, 957, 953, 949, 946, 948, 952, 956 and 960
Milledge Place (the "Property")

Dear Property Owner:

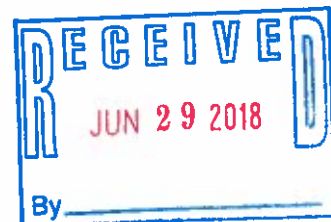
We represent Toll Bros., Inc. which proposes to file rezoning and land use map amendment applications in the near future to allow redevelopment of the Property with multifamily residences. The property, which is located near the intersection of Briarcliff and Clifton Roads, is currently zoned R-85 with the land use designation of Town Center and is proposed to be rezoned to HR-3 with the land use designation of Regional Center.

You are receiving this letter because you own property within 500 feet of the Property, or represent a neighborhood organization within a half mile of the Property. No change in zoning or land use designation is proposed on your property. As a part of any rezoning and land use amendment process, DeKalb County requires that the applicant notify its neighbors regarding the proposal and request feedback on the proposal. We have an open house meeting on Wednesday, June 27, 2018 at 7:00 pm at the Taqueria del Sol catering office at 1145 Zonolite Road, Suite 11 Atlanta, Georgia to answer any questions you may have regarding the proposal. On behalf of my client, I would like to invite you to attend the meeting to further discuss the proposed application and any concerns that you may have.

Thank you for your consideration.

Sincerely,

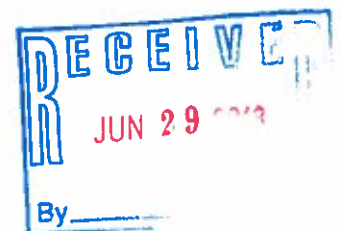
Carl E. Westmoreland, Jr.
Attorney for Applicant



Enclosures

cc: Stephen Bates (via email: sbates@tollbrothers.com)
W. Woodson Galloway, Esq. (via email: woody@glawgp.com)

PHILBECK CHRISTOPHER	994 BURTC ATLANTA GA 30329
EMORY UNIVERSITY	201 DOWN ATLANTA GA 30322
PERRY FAMILY PROPERTIES LLC	521 MORE ST PETERSBURG FL 33703
BAC HOLDINGS LLLP	1982 STAR ATLANTA GA 30345
NANCY KNOX SCHAFER REVOCAL	44 SEA DU SANTA ROSA BEACH FL 32459
BOTTOM LINE PROPERTIES LLC	1579 MON ATLANTA GA 30324
EMORY UNIVERSITY	1599 CLIFT ATLANTA GA 30322
MARCUS AUTISM CENTER INC	1665 TULL ATLANTA GA 30329
GALLOWAY WILLIAM W	3500 LENC ATLANTA GA 30326
NETLAND GRACE J	PO BOX 98 PARK CITY UT 84098
PLANT IMPROVEMENT COMPANY	PO BOX 15 ATLANTA GA 30333
SHEPHERD STEPHEN B	PO BOX 80 ATLANTA GA 31106
SHEPHERD CONSTRUCTION CO IN	1800 BRIAI ATLANTA GA 30329
OCEAN CLIFTON LLC	1025 KANE BAY HARBOR ISLANDS FL 33154
WYCKOFF L BENJAMIN JR	543 TERRA ATLANTA GA 3030



Corbin Armstrong

From: Corbin Armstrong
Sent: Monday, June 11, 2018 5:13 PM
To: 'bbelton@mindspring.com'; 'betty_blondeau@bellsouth.net'; 'ian@bogost.com';
'tedaniel@mindspring.com'; 'me9461@bellsouth.net'; 'artghansen@gmail.com';
'crmaise@mindspring.com'; 'Heather@RenewalDesignBuild.com';
'patathomas@patathomas.com'; 'jturner@turnerresearch.com'
Cc: Carl Westmoreland (cwestmoreland@mmmlaw.com)
Subject: Community Meeting Invitation-- Rezoning and Land Use Amendment Applications in
Community Council 2 [WOV-mmmdms1.31315.109453]
Attachments: 11838173 (1) (31315_109453) (Notice Letter Regarding Community Meeting Milledge
Place).PDF

Dear Community Council 2 Members,

Find attached an invitation to attend a community meeting regarding rezoning and land use amendment applications for properties located at 961, 957, 953, 949, 946, 948, 952, 956 and 960 Milledge Place. As described in the letter, the community meeting will occur on Wednesday, June 27th at 7:00 pm.

Kind Regards,



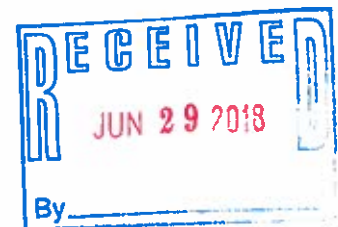
Corbin Armstrong
Associate

Direct: 404-495-8463
carmstrong@mmmlaw.com
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326

mmmlaw.com



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Corbin Armstrong

From: Corbin Armstrong
Sent: Monday, June 11, 2018 5:29 PM
To: 'amdavey@bellsouth.net'; 'beckyevans@mindspring.com'; 'tauxecyn@aol.com'; 'antjr@emory.edu'; 'charlie.bleau@scimeasure.com'; 'macdell@earthlink.net'; 'pelam898@bellsouth.net'; 'ralstont@bellsouth.net'; 'rolfgrun@bellsouth.net'; 'wasa3@msn.com'; 'president@lavistapark.org'; 'execvp@lavistapark.org'; 'president@woodlandhillsatlanta.org'; 'zoning@lavistapark.org'; 'davidlitt55@yahoo.com'
Cc: Carl Westmoreland (cwestmoreland@mmmlaw.com)
Subject: RE: Invitation to Community Meeting Regarding Proposed Rezoning and Land Use Amendment Applications [IWOV-mmmdms1.31315.109453]
Attachments: 11838173 (1) (31315_109453) (Notice Letter Regarding Community Meeting Milledge Place).PDF

Invitation attached.

From: Corbin Armstrong
Sent: Monday, June 11, 2018 5:28 PM
To: 'amdavey@bellsouth.net'; 'beckyevans@mindspring.com'; 'tauxecyn@aol.com'; 'antjr@emory.edu'; 'charlie.bleau@scimeasure.com'; 'macdell@earthlink.net'; 'pelam898@bellsouth.net'; 'ralstont@bellsouth.net'; 'rolfgrun@bellsouth.net'; 'wasa3@msn.com'; 'president@lavistapark.org'; 'execvp@lavistapark.org'; 'president@woodlandhillsatlanta.org'; 'zoning@lavistapark.org'; 'davidlitt55@yahoo.com'
Cc: Carl Westmoreland (cwestmoreland@mmmlaw.com)
Subject: Invitation to Community Meeting Regarding Proposed Rezoning and Land Use Amendment Applications [IWOV-mmmdms1.31315.109453]

Dear Neighborhood Leaders,

You are being contacted because you are listed by the DeKalb County Department of Planning and Sustainability as a leader for a neighborhood organization, listed below, that may be located within a half mile of properties located at 961, 957, 953, 949, 946, 948, 952, 956 and 960 Milledge Place, the subject of a rezoning and land use plan amendment application. Attached is an invitation to attend a pre-submittal community meeting on Wednesday, June 27th at 7:00pm.

If your organization is not located within a half mile of the relevant properties. Please disregard this email. If you are aware of additional organizations located within a half mile of the properties, please let us know so that we can provide notice to those as well.

Kind Regards,
Corbin

Organizations included:

- Druid Hills
- Druid Hills Civic Association
- LaVista Park Civic Association
- Woodland Hills Neighborhood Association
- Victoria Estates Civic Association



Corbin Armstrong

From: Corbin Armstrong
Sent: Tuesday, June 19, 2018 3:13 PM
To: bbelton@mindspring.com; betty_blondeau@bellsouth.net; ian@bogost.com; tedaniel@mindspring.com; me9461@bellsouth.net; artghansen@gmail.com; crmaise@mindspring.com; Heather@RenewalDesignBuild.com; patathomas@patathomas.com; jturner@turnerresearch.com
Cc: Carl Westmoreland
Subject: RE: Community Meeting Invitation-- Rezoning and Land Use Amendment Applications in Community Council 2 [IWOV-mmmdms1.31315.124878]

Community Council 2 Members,

In regard to the community meeting referenced below, we were unable to obtain a precise list of neighborhood associations or organizations within a half mile of the property because DeKalb is in the midst of updating their neighborhood association contact list. We sent notice to the provided neighborhood contacts for Druid Hills, Druid Hills Civic Association, LaVista Park Civic Association, Woodland Hills Neighborhood Association and Victoria Estates Civic Association.

Please let me know if you are aware of any other neighborhood associations within a half mile of the property.

Kind Regards,
Corbin



Corbin Armstrong
Associate

Direct: 404-495-8463
carmstrong@mmmlaw.com
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326

mmmlaw.com



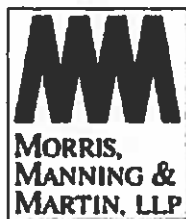
This e-mail message and its attachments are for the sole use of the designated recipient(s). They may contain confidential information, legally privileged information or other information subject to legal restrictions. If you are not a designated recipient of this message, please do not read, copy, use or disclose this message or its attachments, notify the sender by replying to this message and delete or destroy all copies of this message and attachments in all media. Thank you.

From: Corbin Armstrong
Sent: Monday, June 11, 2018 5:13 PM
To: 'bbelton@mindspring.com'; 'betty_blondeau@bellsouth.net'; 'ian@bogost.com'; 'tedaniel@mindspring.com'; 'me9461@bellsouth.net'; 'artghansen@gmail.com'; 'crmaise@mindspring.com'; 'Heather@RenewalDesignBuild.com'; 'patathomas@patathomas.com'; 'jturner@turnerresearch.com'
Cc: Carl Westmoreland (cwestmoreland@mmmlaw.com)
Subject: Community Meeting Invitation-- Rezoning and Land Use Amendment Applications in Community Council 2 [IWOV-mmmdms1.31315.109453]

Dear Community Council 2 Members,

Find attached an invitation to attend a community meeting regarding rezoning and land use amendment applications for properties located at 961, 957, 953, 949, 946, 948, 952, 956 and 960 Milledge Place. As described in the letter, the community meeting will occur on Wednesday, June 27th at 7:00 pm.

Kind Regards,



Corbin Armstrong

Associate

Direct: 404-495-8463

carmstrong@mmmlaw.com

1600 Atlanta Financial Center

3343 Peachtree Road, NE

mmmlaw.com Atlanta, GA 30326



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DeKalb Community Meeting Sign-In Sheet
For Attendance Purposes Only
 Milledge Place Redevelopment
 June 27th, 2018, 7:00 PM
 1145 Zonolite, suite 11



Name	Address	Phone	E-mail
Dan Clark			dans.clarke@emory.edu
Betty Willis	EMORY	404 727-5312	betty.willis@emory.edu
David Parn	Emory	4-727-0960	david.parn@emory.edu
David Annis	949 milledge	4-321-7950	david@mentorsw.com
Dr. Gregor	432 Burlington Rd		
Mrs. Longoria	1022 Biltmore Dr. Arl. Gk, 30329	404-423-9070	l.a.longoria@hotmail.com
Ian Bogost	1676 ECLIFIELD AVE 30307		ian@bogost.com
Louis Myer	1082 Briar Vista Dr 30324	404-325-7137	Lmyer@aol.com
Martha Pacini	958 Castle Falls Dr. 30329 Victoria Estates	404-320-1203	marthapacini@gmail.com
Joshua Pacini	780 castle Falls Dr NE Atlanta Ga 30329	678-768-5743	joshua.pacini@gmail.com

1145 Zonolite, suite 11

[illegible]

Rezoning
Summary and Impact Analysis

I. Letter of Application

This application requests a rezoning of a 3.38 acre assemblage of properties from the R-85 district to the HR-2 district. The proposed development is located north of Emory University and has frontage on Biltmore Drive, Clifton Road and Briarcliff Road. The rezoning would enable the redevelopment of the property with a multifamily student housing development containing approximately 202 units with a height of five stories. Parking will be provided in an interior deck and connections to Emory via the Emory Shuttle and to MARTA via the existing bus stop and future MARTA line are anticipated.

II. Impact Analysis

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The Comprehensive Plan designates the site as Town Center. The proposed development is consistent with the policy and intent the Comprehensive Plan. The Comprehensive Plan explicitly states that HR-2 is an appropriate category within Town Center. Further, an intent of the Town Center character area is to promote the concentration of residential structures which reduce automobile travel and promote walkability and transit usage. The proposed multifamily student housing development would allow for a vibrant, pedestrian and transit friendly use to complement the adjacent Emory University campus and the Centers for Disease Control and Prevention (CDC).

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Across Biltmore Drive to the east is Emory University. Across Clifton Road to the southwest are railroad tracks, a restaurant, and a shopping center. Across Briarcliff Road to the northwest is a gas station and commercial cooking oil recycling facility. Adjacent to the north are the Atlantic Briarcliff apartment homes. The proposed multifamily use is suitable in view of the surrounding higher intensity commercial and multifamily uses. Further, the proposed multifamily student housing use is appropriate given its proximity to Emory University and existing and future transit facilities in the area.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The lack of significant renovations to the property as well as the surrounding classifications of medium density residential, commercial, office institutional, and light industrial suggest that the current single-family residential classification no longer has a reasonable economic use.

D. Whether the zoning proposal will adversely affect the existing use and usability of adjacent or nearby properties.

The zoning proposal will not adversely affect the existing use and usability of adjacent or nearby properties. As mentioned above, the property is surrounded by uses that are compatible with the scale of the proposed development. The proposed development will add a vibrant multifamily student housing use to the mix of commercial, multifamily and university uses nearby.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The rezoning will bring the property in conformity with the surrounding properties of high and medium intensity uses and would eliminate what is currently an island of single-family use. Further, the proposed zoning is appropriate given that a MARTA rail line and station have been approved for construction in the nearby area. The MARTA station will likely catalyze further higher density development in the area. Finally, the property will serve the Emory University and CDC communities by providing a housing option within close proximity.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts or archaeological resources.

The proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposed use will not cause an excessive or burdensome use of streets, transportation facilities, utilities or schools. The proposed development is not anticipated to have any impact on schools because it will be marketed and designed for student housing use. The proposed development will have some impact on existing streets, transportation facilities and utilities. However, those impacts will be mitigated by the proximity to Emory University's campus and the existing and future MARTA facilities.

N.1

Z-19-1235071

Site Survey



**BRIARCLIFF ROAD
(SR #42)
(APPARENT VARIABLE WIDTH
RIGHT OF WAY)**

**(OLD BRIARCLIFF ROAD)
(APPARENT VARIABLE WIDTH RIGHT OF WAY)**

**MILLEDDGE PLACE NE
(APPARENT 50' RIGHT OF WAY)**

**BILTMORE ROAD
(APPARENT 60' RIGHT OF WAY)**

SITE INFORMATION

LOT 1
CURRENT OWNER: KATHY G. WISE & STUART L. GOTTLE
DB. 2250 P.L. 851
TAX PARCEL: D # 18 108 19 333
ADDRESS: 941 MILLEDGE PLACE NE

LOT 2
CURRENT OWNER: PERRY FAMILY PROPERTIES LLC
DB. 874 P.L. 710
TAX PARCEL: D # 18 108 19 334
ADDRESS: 947 MILLEDGE PLACE NE

LOT 3
CURRENT OWNER: LIAM GALLOWAY & DOUGLAS DELAND
DB. 2867 P.L. 48
TAX PARCEL: D # 18 108 19 336
ADDRESS: 949 MILLEDGE PLACE NE

LOT 4
CURRENT OWNER: DAVID W. AMB & JONATHAN TERRY DELACH
DB. 1800 P.L. 729
TAX PARCEL: D # 18 108 19 338
ADDRESS: 949 MILLEDGE PLACE NE

LOT 5
CURRENT OWNER: LYNN E. RYAN & EDWARD J. RYAN
DB. 10101 P.L. 48
TAX PARCEL: D # 18 108 19 337
ADDRESS: 949 MILLEDGE PLACE NE

SITE INFORMATION (CONT.)

LOT 6
CURRENT OWNER: BOBBY W. GOLDBERG
DB. 3054 P.L. 81
TAX PARCEL: D # 18 108 19 338
ADDRESS: 949 MILLEDGE PLACE NE

LOT 7
CURRENT OWNER: BENJAMIN L. WYCKOFF JR. & ESTELLE WYCKOFF
DB. 3055 P.L. 108
TAX PARCEL: D # 18 108 19 338
ADDRESS: 949 MILLEDGE PLACE NE

LOT 8
CURRENT OWNER: BOTTOM LINE PROPERTIES LLC
DB. 22408 P.L. 379
TAX PARCEL: D # 18 108 19 341
ADDRESS: 949 MILLEDGE PLACE NE

LOT 9
CURRENT OWNER: GRACE J. NETLAND
DB. 832 P.L. 810
TAX PARCEL: D # 18 108 19 341
ADDRESS: 949 MILLEDGE PLACE NE

LOT 10
CURRENT OWNER: GRACE J. NETLAND
DB. 832 P.L. 810
TAX PARCEL: D # 18 108 19 341
ADDRESS: 949 MILLEDGE PLACE NE

LOT 11
CURRENT OWNER: GRACE J. NETLAND
DB. 832 P.L. 810
TAX PARCEL: D # 18 108 19 341
ADDRESS: 949 MILLEDGE PLACE NE

LOT 12
CURRENT OWNER: GRACE J. NETLAND
DB. 832 P.L. 810
TAX PARCEL: D # 18 108 19 341
ADDRESS: 949 MILLEDGE PLACE NE



SURVEY NOTES

EQUIPMENT USED:
A TRIMBLE R-10 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.

CLOSURE STATEMENT:
THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE OF ONE FOOT IN 107,500 FEET AND AN ANGLE CLOSURE OF 80" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPOUND RULE.

THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE (GA WEST ZONE) MAGN.

ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES. MEASURING UNITS OF THIS SURVEY ARE IN U.S. SURVEY FEET.

FIELD WORK FOR THIS PROJECT WAS COMPLETED ON JUNE 16, 2014.

DUO TO VARIANCES IN GPS EQUIPMENT TECHNOLOGY, FORMAL ADJUSTMENTS TO STATE PLANE MODELS AND DAILY CONDITIONS IMPACTING GPS RECEIPTIVITY, GPS SOLUTIONS MAY VARY FROM THOSE PROVIDED ON THIS SURVEY BOTH HORIZONTALLY AND VERTICALLY. ANY AND ALL CONTRACTORS, CONSULTANTS, INDIVIDUALS OR ENTITIES RELYING ON STATE PLANE COORDINATES TO RELATE TO DATA PROVIDED ON THIS SURVEY MUST LOCALIZE TO THE SURVEY CONTROL, BENCHMARKS OR PROPERTY MONUMENTATION ESTABLISHED BY THIS SURVEY IN ORDER TO ENSURE ACCURACY OF DATA. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY CERTAINLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THIS SURVEY MAY NOT REPRESENT OFFSITE PAINT STRIPING TO THE ACCURACY REQUIRED FOR LAND DESIGN. TERRAMARK LOCATES THE FOOT OF PAVING AND CRITICAL POINTS TO REFLECT ACCURATE TOPOGRAPHIC DATA ONLY. ACCURACY OF PAINT LOCATIONS SHOULD BE VIEWED WITH SURVEYOR PRECISE TO THE SURVEY FOR DESIGN.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON AS BASED ON OBSERVATIONS TAKEN BY TERRAMARK EMPLOYEES AT THE TIME OF THE SURVEY. IT IS THE RESPONSIBILITY OF THE OWNER AND HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS TO OBTAIN ANY AND ALL INFORMATION THAT MAY BE NECESSARY TO ENTER A COMPANED SPACE SUCH AS A STRUCTURE, TRENCH, TUNNEL, OR OTHER ENCLOSED SPACE. THE OWNER AND HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY CERTAINLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

INFORMATION REGARDING STORM SEWER AND SANITARY SEWER AS SHOWN HEREON IS BASED ON OBSERVATIONS TAKEN BY TERRAMARK EMPLOYEES AT THE TIME OF THE SURVEY. IT IS THE RESPONSIBILITY OF THE OWNER AND HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS TO OBTAIN ANY AND ALL INFORMATION THAT MAY BE NECESSARY TO ENTER A COMPANED SPACE SUCH AS A STRUCTURE, TRENCH, TUNNEL, OR OTHER ENCLOSED SPACE. THE OWNER AND HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY CERTAINLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

TERRAMARK LAND SURVEYING, INC. WAS UNABLE TO DETERMINE THE EXTENT OF PIPES MANHOLE AS APPROXIMATE LOCATION ONLY. ACCORDING TO PIPES, IS DRAWN ON THE SURVEY TO REFLECT THE OBSERVED DIRECTION BASED UPON A VISUAL INSPECTION OF THE STRUCTURE ONLY AND IS SHOWN FOR INFORMATIONAL PURPOSES.

STATE WATERS AND BUFFERS ARE SHOWN OR NOT SHOWN HEREON ARE SUBJECT TO REVIEW BY LOCAL JURISDICTION OFFICIALS. IT IS THE RESPONSIBILITY OF THE LOCAL AUTHORITY TO DETERMINE SPECIFIC WATER CLASSIFICATION. THEREFORE, TERRAMARK LAND SURVEYING ACCEPTS NO RESPONSIBILITY IN THE IDENTIFICATION OF BAD WATERS OR BUFFERS IDENTIFIED OR NOT IDENTIFIED HEREON.

PROPERTY IS SUBJECT TO RIGHTS OF UPSTREAM AND DOWNSTREAM OWNERS IN THE RIGHT OF WAY OF CREEKS AND BRANCHES CROSSING OR ADJOINING SUBJECT PROPERTY AND THE NATURAL FLOW THEREOF, FREE FROM DAMNIFICATION OR POLLUTION.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, FIRM OR ENTITY WITHOUT THE EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, FIRM OR ENTITY.

TERRAMARK LAND SURVEYING, INC. DOES NOT WARRANT THE EXISTENCE OR NON-EXISTENCE OF ANY UTILITIES OR HAZARDOUS WASTE IN THE SURVEY AREA.

CURVE TABLE

CURVE	ARC	ANGLE	CHORD	ON BEARING
1	26.67'	26.67°	26.67'	S 89°32'22" W
2	26.67'	26.67°	26.67'	S 89°32'22" W
3	26.67'	26.67°	26.67'	S 89°32'22" W
4	26.67'	26.67°	26.67'	S 89°32'22" W
5	26.67'	26.67°	26.67'	S 89°32'22" W
6	26.67'	26.67°	26.67'	S 89°32'22" W
7	26.67'	26.67°	26.67'	S 89°32'22" W
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10	26.67'	26.67°	26.67'	S 89°32'22" W
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15	26.67'	26.67°	26.67'	S 89°32'22" W
16	26.67'	26.67°	26.67'	S 89°32'22" W
17	26.67'	26.67°	26.67'	S 89°32'22" W
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26	26.67'	26.67°	26.67'	S 89°32'22" W
27	26.67'	26.67°	26.67'	S 89°32'22" W
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67	26.67'	26.67°	26.67'	S 89°32'22" W
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87	26.67'	26.67°	26.67'	S 89°32'22" W
88	26.67'	26.67°	26.67'	S 89°32'22" W
89	26.67'	26.67°	26.67'	S 89°32'22" W
90	26.67'	26.67°	26.67'	S 89°32'22" W
91	26.67'	26.67°	26.67'	S 89°32'22" W
92	26.67'	26.67°	26.67'	S 89°32'22" W
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97	26.67'	26.67°	26.67'	S 89°32'22" W
98	26.67'	26.67°	26.67'	S 89°32'22" W
99	26.67'	26.67°	26.67'	S 89°32'22" W
100	26.67'	26.67°	26.67'	S 89°32'22" W

AREA TABLE

PARCEL	SQ. FT.	OR	AC.
PARCEL 1	11,349	OR	0.2605
PARCEL 2	10,262	OR	0.2356
PARCEL 3	11,926	OR	0.2738
PARCEL 4	23,604	OR	0.5419
PARCEL 5	13,230	OR	0.3037
PARCEL 6	14,496	OR	0.3328
PARCEL 7	19,284	OR	0.4427
PARCEL 8	10,970	OR	0.2518
PARCEL 9	10,041	OR	0.2305
MILLEDDGE PL. RIGHT OF WAY	22,213	OR	0.5099
TOTAL AREA	147,375	OR	3.3833

TIE TABLE

LINE	BEARING	DISTANCE
T1	N 72°02'00" W	3.47'
T2	N 89°32'22" W	4.88'
T3	S 89°32'22" W	1.80'

TITLE NOTES

ACCORDING TO THE "YR" PL 0000 INSURANCE RATE MAP OF DEKALB COUNTY, GEORGIA (PAVED, NUMBERED, UNPAVED), DATED 5/16/2013, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN ON THIS SURVEY.

SUBJECT PROPERTY HAS ACCESS TO THE PUBLIC RIGHT OF WAY OF MILLEDGE PLACE NE, BRIARCLIFF ROAD (SR #42), CLIFTON ROAD AND BILTMORE ROAD.

REFERENCE MATERIAL

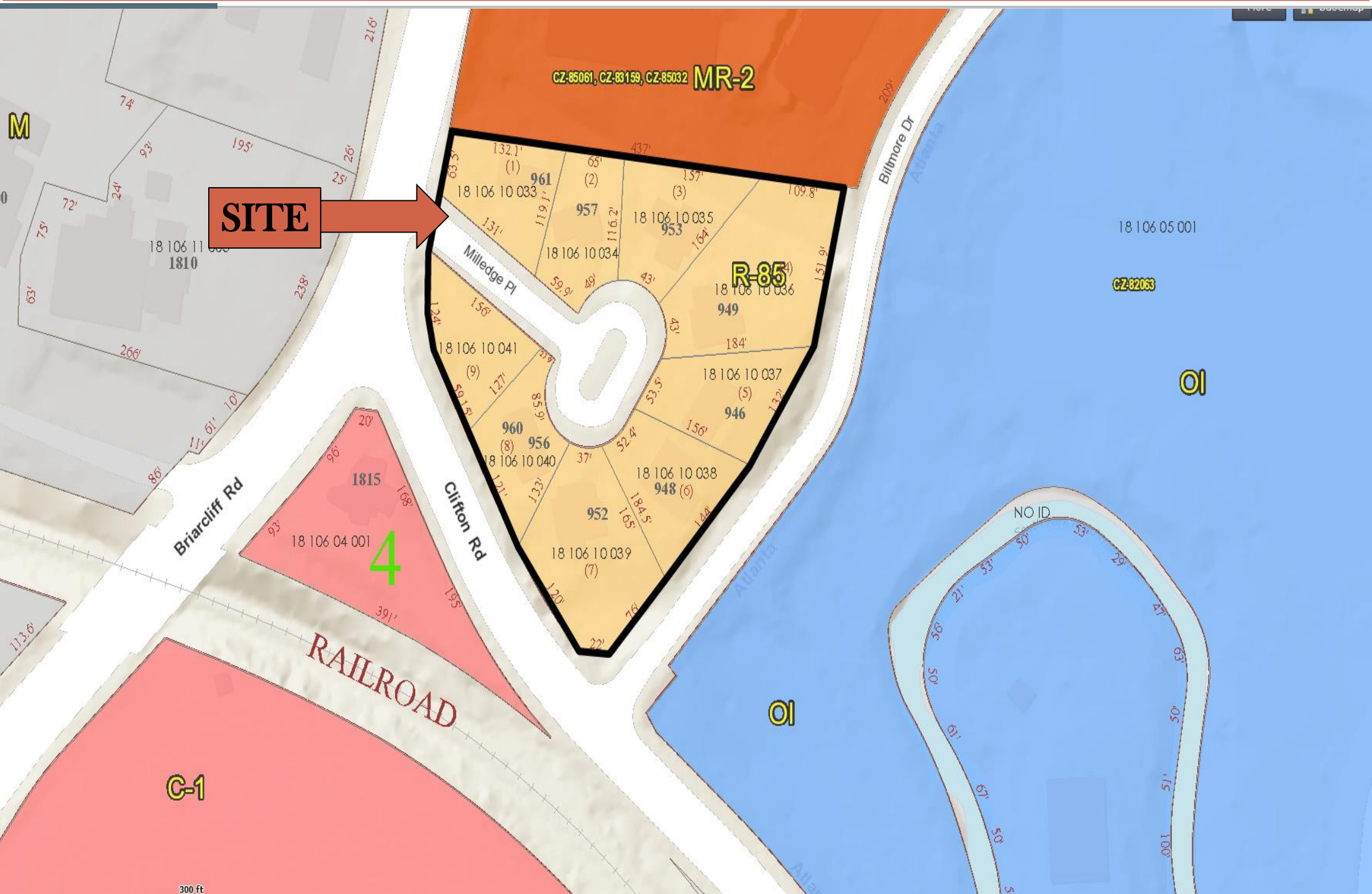
- SURVEY FOR D AND G INVESTMENTS, LLC PREPARED BY LANDMARK ENGINEERING CORPORATION DATED 04/10/2014
- PLAT ENTITLED EASTVIEW GARDENS SUBDIVISION PREPARED BY LANDMARK ENGINEERING CORPORATION RECORDED IN PLAT BOOK 24 PAGE 42 IN THE PUBLIC RECORDS OF DEKALB COUNTY, GEORGIA
- PLAT ENTITLED EASTVIEW GARDENS SUBDIVISION PREPARED BY JACOBSON & CO. ENGINEERS RECORDED IN PLAT BOOK 25 PAGE 1

TerraMark
Professional Land Surveying

BOUNDARY SURVEY FOR TOLL BROTHERS (MILLEDGE PLACE) LOCATED IN LAND LOT 106, 18th DISTRICT DEKALB COUNTY, GEORGIA

SURVEYOR'S CERTIFICATE

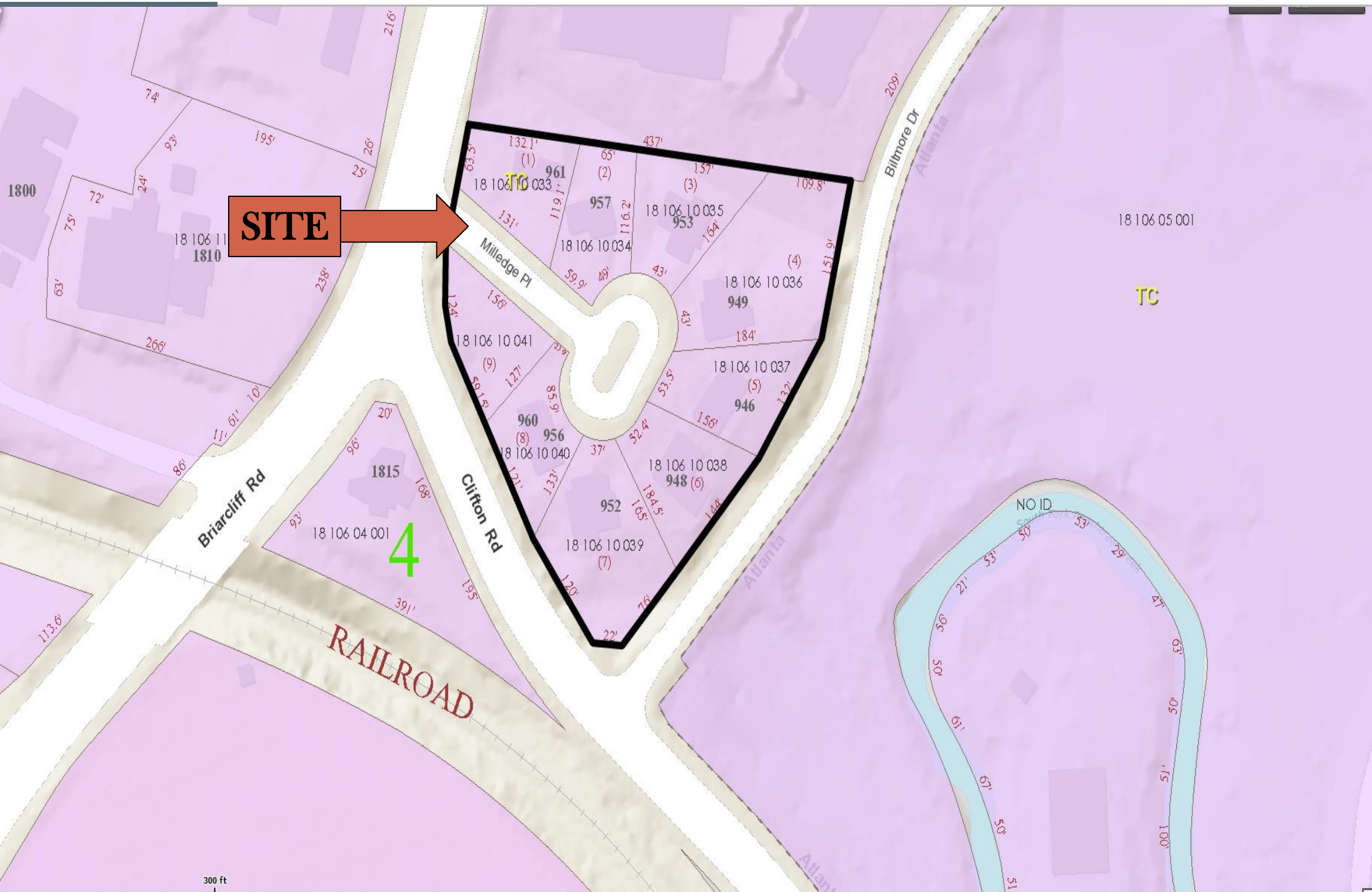
THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 180-2 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA SURVEY ACT (O.C.G.A. § 43-15-42, 43-15-43, 43-15-44, 43-15-45, 43-15-46, 43-15-47, 43-15-48, 43-15-49, 43-15-50, 43-15-51, 43-15-52, 43-15-53, 43-15-54, 43-15-55, 43-15-56, 43-15-57, 43-15-58, 43-15-59, 43-15-60, 43-15-61, 43-15-62, 43-15-63, 43-15-64, 43-15-65, 43-15-66, 43-15-67, 43-15-68, 43-15-69, 43-15-70, 43-15-71, 43-15-72, 43-15-73, 43-15-74, 43-15-75, 43-15-76, 43-15-77, 43-15-78, 43-15-79, 43-15-80, 43-15-81, 43-15-82, 43-15-83, 43-15-84, 43-15-85, 43-15-86, 43-15-87, 43-15-88, 43-15-89, 43-15-90, 43-15-91, 43-15-92, 43-15-93, 43-15-94, 43-15-95, 43-15-96, 43-15-97, 43-15-98, 43-15-99, 43-16-1, 43-16-2, 43-16-3, 43-16-4, 43-16-5, 43-16-6, 43-16-7, 43-16-8, 43-16-9, 43-16-10, 43-16-11, 43-16-12, 43-16-13, 43-16-14, 43-16-15, 43-16-16, 43-16-17, 43-16-18, 43-16-19, 43-16-20, 43-16-21, 43-16-22, 43-16-23, 43-16-24, 43-16-25, 43-16-26, 43-16-27, 43-16-28, 43-16-29, 43-16-30, 43-16-31, 43-16-32, 43-16-33, 43-16-34, 43-16-35, 43-16



N.1

Z-19-1235071

Future Land Use Map Town Center







Residential Properties along Milledge Place

