



## **DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

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

**Planning Commission Hearing Date: March 5, 2019, 6:30 P.M.**

**Board of Commissioners Hearing Date: March 26, 2019, 6:30 P.M.**

### **STAFF ANALYSIS**

**Case No.:** Z-19-1243041 **Agenda #:** N. 5

**Location/Address:** 3085 Lexington Terrace, Decatur. **Commission District:** 5 **Super District:** 7

**Parcel ID(s):** 15-196-03-008

**Request:** Rezone property from MU-4 (Mixed-Use High Density) to MR-2 (Medium Density Residential-2) for a 120-unit single-family attached townhome development at a density of 11 units per acre.

**Property Owner(s):** ALA Ambling Grove, LLC

**Applicant/Agent:** Morris, Manning & Martin, LLP

**Acreage:** 10.903 acres

**Existing Land Use:** Developed with some underground infrastructure and roads.

**Surrounding Properties:** To the north and northwest: the Retreat at Madison senior housing development; to the northeast: a vacant lot and the North Center office park; to the east: a Public Storage self-storage facility; to the southeast and south: Trinity Christian Center and the Assembly of God Tabernacle churches; to the southwest: the Austin Meadows condominium development; to the west: U Store-It self storage.

**Adjacent Zoning:** **North:** MU-4 **South:** HR-2 **East:** OD **West:** OD **Northeast:** MU-4, OD **Northwest:** MU-4 **Southeast:** HR-2 **Southwest:** OD

**Comprehensive Plan:** **CRC (Commercial Redevelopment Corridor)** ☒ **Consistent** ☐ **Inconsistent**

<b>Proposed Density:</b> 11 units per acre	<b>Existing Density:</b> 16.42 units per acre were approved pursuant to CZ-08-15152.
<b>Proposed Units:</b> 120	<b>Existing Units:</b> 179 units were approved pursuant to CZ-08-15152.
<b>Proposed Lot Coverage:</b> 82%	<b>Existing Lot Coverage:</b> Lot coverage of 2008 proposal is unknown.

**Zoning History:** In 2003, the Board of Commissioners approved CZ-02006, a request to rezone the subject property, as well as two adjoining properties, from C-1 (with conditions) to OCR (with conditions), for 88 townhomes on the subject property, a senior housing development on the adjoining property to the north, and a retail building on the adjoining property to the northeast. Streets and utilities were installed but the townhome development was not built out. In 2004, the Planning Department issued an administrative modification of the proposal to allow an

increase in the number of townhomes from 88 to 115 and a decrease in the number of senior housing apartments from 200 to 172. In 2008, the Board of Commissioners approved, pursuant to CZ-0815152, a Major Modification of the 2003 conditions to allow construction of a 179-unit apartment complex for seniors on the subject property. This facility was not constructed, although a 200-unit senior housing development (the Retreat at Madison senior housing development) was constructed in 2009 on the adjoining property to the north, on the site where senior housing had originally been proposed in 2003.

#### **SITE AND PROJECT ANALYSIS**

The subject property is an L-shaped parcel located approximately ¼ mile southeast of the intersection of Covington Highway and Interstate 285, in south-central DeKalb County. The property address is on Lexington Terrace, which is one of the private drives that the previous developer constructed within the development site, but the property fronts on Agape Way, a local street that serves as a frontage road along approximately 2,500 feet of the Interstate. The property is currently partially improved with street pavement and underground utilities. A stream traverses the property just below the angle of the “L” that characterizes the shape of the property.

The applicant proposes a 120-unit, fee-simple townhome development using the existing street pattern that was established in 2004. The units would be sold as fee-simple lots with a front yard. The site plan depicts a 26-foot wide private drive with two-foot landscape strips back of curb and 4-foot sidewalks on both sides. Elevations depict two-story, 23 foot high townhomes with ground floor entrances, front-facing garages, brick and/or siding facades, and gable roofs at a 6:12 pitch.

The property is located in a Commercial Redevelopment Corridor character area that extends approximately 1.62 miles southward from the intersection of Covington Highway and Interstate 285 to Wesley Chapel Road. Much of the corridor is developed with commercial land uses; the only other residential development within this stretch of the corridor is the 216-unit KRC Ridge apartment complex, located approximately .62 miles to the south of the subject property.

#### **LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

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

The proposed development would add residential uses to a predominantly commercial corridor, thus helping to balance the mix of land uses in the corridor. In addition, it is consistent with Comprehensive Plan Policy No. 6 to: “Cluster high density development at nodes and along major corridors outside of established residential areas.”

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

As a residential land use with townhome-style buildings, the proposed development would have smaller, less bulky buildings than the Retreat at Madison development on the adjacent property to the north and northwest, which is comprised of two buildings, each with four stories and approximately 100 units each. The proposed development would be separated from the Trinity Christian Center to the south by wooded land, which is protected from development by a stream buffer on both sides of the stream that runs through the northern half of the church property. The proposed development is not expected to affect the use of the adjoining commercial properties to the northeast and east.

- C. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:** It appears that the property would not have a reasonable economic use as currently zoned. The property is improved with streets and utilities to accommodate a townhome development but is zoned, pursuant to CZ-0815152, for a multifamily apartment building, which has not been developed since it was approved ten years ago.
- D. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

The proposed townhomes are compatible with the land uses on surrounding properties and are not expected to negatively affect the use of these properties.

- 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 proposed development is substantially similar to the development that was approved in 2003. Except for development of the adjoining property to the north for the Retreat at Madison, land uses on adjoining properties has remained constant during the fifteen years since the 2003 rezoning approval. Townhome development of the property was considered suitable in 2003 and is still suitable in the context of surrounding development and the policies of the Comprehensive Plan.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

- 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 Department of Public Works Traffic Engineering Division has commented that the proposed development would not interrupt traffic flow on surrounding streets. The DeKalb County Board of Education has commented that neighborhood elementary, middle, and high schools have capacity for the additional students who would be expected to live in the development. There has been no indication that utilities would be overburdened by the proposed development.

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

There has been no indication that the proposed development would cause unusual or unexpected impacts on the natural environment or surrounding natural resources.

**Compliance with District Standards:**

MR-2 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 12 d.u.s/acre W/Bonuses: 24 d.u.s/ac.	11 units per acre	Yes
MIN. OPEN SPACE	15%	17.9%	Yes
MIN. TRANSITIONAL BUFFER	None required on this site.	N.A.	N.A.

MIN. LOT AREA (S-F ATT.)		1,000 square feet	1,200 square feet	Yes
MIN. LOT WIDTH (S-F ATT.)		20 feet	20 feet	Yes
MAX. LOT COVERAGE		85%	82%	Yes
<b>MR-2 STANDARD</b>		<b>REQUIRED/ALLOWED</b>	<b>PROVIDED/PROPOSED</b>	<b>COMPLIANCE</b>
BUILDING SETBACKS	FRONT w/o alley (For entire bldg. site)	Determined by utility placement, ROW, streetscape	47.5 – 50 feet	Yes
	INTERIOR SIDE	Not required.	N.A.	N.A.
	REAR W/O ALLEY (For entire bldg. site)	15 feet	40 – 75 feet	Yes
MINIMUM UNIT SIZE		1,000 square feet	1,800+ square feet	Yes
MAX. BLDG. HEIGHT		3 stories or 45 feet	2 ½ stories	Yes
PARKING		Min.: 1.5 space/unit + .25 guest spaces/unit = 210 spaces Max.: 3 spaces/unit + .25 guest spaces/unit = 390 spaces	378 spaces	Yes
STREETSCAPING ON PRIVATE DRIVE		5-foot landscape strip, 5-foot sidewalk, street trees 50 feet on center or every other unit, whichever distance is less	2-foot landscape strip, 5-foot sidewalk, street trees not shown	Applicant intends to seek administrative variances as per Sec. 5.7.6(C).
STREETSCAPING ON AGAPE WAY		6-foot landscape strip, 5-foot sidewalk, street trees 30 feet on center	6-foot landscape strip, 5-foot sidewalk, street trees 30 feet on center	Yes

#### QUALITY OF LIFE METRICS

Open Space: 84,942 square feet (17.9%)

Linear Feet of New Sidewalk or Trails: Information not provided.

**STAFF RECOMMENDATION**: APPROVAL WITH CONDITIONS.

The proposed development would add residential uses to a predominantly commercial corridor along Covington Highway, thereby helping to balance the mix of land uses in the corridor. In addition, it is consistent with Comprehensive Plan Policy No. 6 to: “Cluster high density development at nodes and along major corridors outside of established residential areas.” As a residential land use with townhome-style buildings, the proposed development would have smaller, less bulky buildings than the Retreat at Madison development on the adjacent property to the north and northwest, which is comprised of two buildings, each with four stories and approximately 100 units each. The proposed development would be separated from the Trinity Christian Center to the south by wooded land, which is protected from development by a stream buffer on both sides of the stream that runs through the northern half of the church property. The proposed development is not expected to affect the use of

the adjoining commercial properties to the northeast and east. The proposed development is substantially similar to the development that was approved in 2003. Except for development of the adjoining property to the north for the Retreat at Madison, land uses on adjoining properties has remained constant during the fifteen years since the 2003 rezoning approval. Townhome development of the property was considered suitable in 2003 and is still suitable in the context of surrounding development and the policies of the Comprehensive Plan. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following condition:

1. The development shall contain a maximum of 120 single-family attached, fee-simple, townhouse-style dwelling units.

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs

## 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 or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **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** *(A Certificate of Appropriateness is 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** *(Required to seek 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 major changes to zoning conditions that were approved by the Board of Commissioner for 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 requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**



## DEKALB COUNTY GOVERNMENT

### PLANNING DEPARTMENT

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 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. Recommend Low Impact Development features/Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **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 buffer was 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.




## Zoning Comments

N1 & N2. Rock Chapel Road is SR 124. GDOT review and permits required. . Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Rock Chapel Road is classified as a major arterial. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 50 feet from centerline required. All public infrastructure is required on public right of way- even if it exceeds 50 feet from centerline. Applicant is encouraged to seek an access easement across private property to obtain access to the traffic signal at Rock Mountain Rd and Rock Chapel Road. Street lighting along Rock Chapel Road required.

N3. No customer parking within public right of way along Chantilly Road due to close proximity of multiple intersections. Chantilly Road is classified as a local road. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Right of way dedication of 27.5 feet from centerline of Chantilly Road. These requirements will be applied with any land development permits.

N4. Rice Road, Classified as a local road. No comment.



N5. Lexington Trace is classified as a local road. Agape Way is classified as a local road. Agape Road is located within the I-285 right of way. GDOT review and approval is required. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Applicant must coordinate with the Major Mobility Improvement Projects (MMIP) proposed managed lanes project along the east wall of I-285. Contact Tim Matthews ([TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov)) prior to permitting. Local roads require a 27.5 foot right of way dedication from centerline, 5 foot landscape strip, 5 foot sidewalk. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements. Streetlights required. Infrastructure improvements required on all frontages.

N6. Nicole Lane is classified as a local road. Reginald Court is classified as a local road. No comment.

N7 & N8. E. Tupelo Street is classified as a local roads. Oldfield Road is classified as a local road. All local public roads require a 27.5 foot right of way from centerline, five foot landscape strip, five foot sidewalk and street lights. Infrastructure improvements required on all frontages. See Chapter 14-190 and Chapter 5 of the Zoning Code for required infrastructure improvements.

N9. Wellborn Road is classified as a collector road. Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 bike lane, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Requires GDOT approval and review. Contact Justin Hatch at GDOT District 7 ([juhatch@dot.gov](mailto:juhatch@dot.gov)). Major arterials require a 50 right of way dedication from centerline, 6 foot sidewalks, 4 foot bike lane, 5 foot landscape strip and street lights. Number of units requires two access points per code. Eliminate the acceleration lane at entrance. GDOT has just awarded an intersection project at the intersection of Covington Hwy at Wellborn Rd/Cove Lake Road. Coordinate with construction awarded to Baldwin Paving. Install a roundabout at the access point on Wellborn Road- eliminates the right turn lane and the left turn lane. The Transportation Division will support the one entrance with the installation of a roundabout, but still requires Board action to vary from the code.

N10. Flowers Road is classified as a collector road. . Collector Roads require a 35 foot right of way dedication from centerline, 6 foot sidewalk, 4 foot bike lake, 5 foot landscape strip, and streetlights. Covington Hwy is classified as major arterial. Extend infrastructure improvements along all property lines. Intersection, stopping and left turn sight distance required to be verified by Professional Engineer at entrance on Wellborn Road due to curve and possible hill crest along Wellborn Road. Minimum sight distance requirements must be met for permitting.



(N5)

**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-19-1243041

Parcel I.D. #: 15-196-03-008

Address: 3085

LEXINGTON TERRACE

DECATUR, 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) 6/7<sup>TH</sup> 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. NO PROBLEM THAT
WOULD INTERFERE WITH TRAFFIC FLOW.

Signature: George White



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [malexander@dekalbcountyga.gov](mailto:malexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: Z-19-1243041

Parcel I.D. #: 15-196-03-008

Address: 3085 Lexington Terrace

Decatur, Georgia

**WATER:**

Size of existing water main: 8" DI Water Main (adequate/inadequate)

Distance from property to nearest main: On Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Cobb Fowler Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Snapfinger WTF ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD)

Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: Cobb

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

2/15/2019

N.5

Z-19-1243041- 2019-3213/15-196-03-008

→ 3085 Lexington Ter, Decatur, GA 30035

☐ Amendment

- Please see general comments.

N.6

SLUP-19-1243042/ 2019-3214/16-188-04-025

1794 Nicole Lane, Lithonia

☐ Amendment

- Septic installed on 06/09/1972.
- Review general comments.

N.7

LP-19-1243107/2019-3330/15-2-2-03-103

2602 E. Tupelo St., Atlanta, GA

☒ Amendment

- Note: Property 2593 located in the same area has septic installed 07/26/1974. Septic installation may apply.

N.8

Z-19-1243-43/2019-3215/15-202-03-103

2602 E. Tupelo St., Atlanta, GA

☐ Amendment

- Note: Property 2593 located in the same area has septic installed 07/26/1974. Septic installation may apply.



2/15/2019

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

**General Comments:**

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

**DeKalb County Board of Health**

**DeKalb County School District  
Development Review Comments**

**Analysis Date: 2/19/2019**

**Submitted to:** DeKalb County

**Case #:** Z-19-1243041

**Parcel #:** 15-196-03-008

**Name of Development:** Ambling Grove Townhomes  
**Location:** 3085 Lexington Terrace, Decatur, GA 30035

**Description:** Proposed development of 120 lot townhomes. This property is located near Covington Hwy and Redwing Circle.

**Impact of Development:** When fully constructed, this development would be expected to house 22 students: 10 at Peachcrest ES, 1 at Bethune MS, 1 at Towers HS, 9 at other DCSD schools and 1 in private school. All three neighborhood schools have capacity for additional students.

	Peachcrest	Bethune, Mary McLeod	Towers HS	Other DCSD Schools	Private Schools	Total
<b>Current Condition of Schools</b>	<b>ES</b>	<b>MS</b>				
Capacity	950	1,350	1,299			
Portables	2	0	0			
Enrollment (Fcst. Oct. 2019)	873	875	824			
Seats Available	77	475	475			
Utilization (%)	91.9%	64.8%	63.4%			
<b>New students from development</b>	<b>10</b>	<b>1</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>22</b>
New Enrollment	883	876	825			
New Seats Available	67	474	474			
New Utilization	92.9%	64.9%	63.5%			

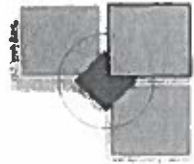
<b>Yield Rates</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	0.085718	0.054275	0.001538	0.141530
Middle	0.010824	0.012454	0.000384	0.023663
High	0.009346	0.008734	0.007407	0.025487
<b>Total</b>	<b>0.1059</b>	<b>0.0755</b>	<b>0.0093</b>	<b>0.1907</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	120			
<b>Unit Type</b>	TH			
<b>Cluster</b>	Towers HS			
<b>Units x Yield</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Elementary	10.29	6.51	0.18	16.98
Middle	1.30	1.49	0.05	2.84
High	1.12	1.05	0.89	3.06
<b>Total</b>	<b>12.71</b>	<b>9.05</b>	<b>1.12</b>	<b>22.88</b>
<b>Anticipated Students</b>	<b>Attend Home School</b>	<b>Attend other DCSD School</b>	<b>Private School</b>	<b>Total</b>
Peachcrest ES	10	7	0	17
Bethune, Mary McLeod MS	1	1	0	2
Towers HS	1	1	1	3
<b>Total</b>	<b>12</b>	<b>9</b>	<b>1</b>	<b>22</b>



# 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

Z/CZ No. 19-1243041  
Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_  
ALA Ambling Grove LLC (a/k/a Rotunda Land and Development Group, LLC) c/o Morris, Manning & Martin, LLP  
Applicant: \_\_\_\_\_ E-Mail: hmassie@rotundaland.com

Applicant Mailing Address:  
860 Johnson Ferry Road, Suite 140-123

Applicant Phone: 404-334-3298

Fax: n/a

Owner(s): ALA Ambling Grove LLC

E-Mail: hmassie@rotundaland.com

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

Owner's Mailing Address:  
860 Johnson Ferry Road, Suite 140-123

Owner(s) Phone: 404-334-3298

Fax: \_\_\_\_\_

Address/Location of Subject Property: 3085 Lexington Terrace, et al. (See Attached)

District(s): 15 Land Lot(s): 196 Block: 03 Parcel(s): See Attached

Acreage: 10.403

Commission District(s): Dist 5, Super Dist 7

Present Zoning Category: MU-4

Proposed Zoning Category: MR-2

Present Land Use Category: CRC

### 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 ☒

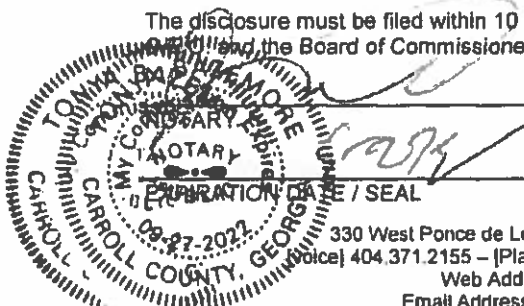
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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

Andrew A. Baker 12/11/2018  
SIGNATURE OF APPLICANT / DATE

Check One: Owner ☒ Agent ☐



330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030  
Phone: 404.371.2155 - (Planning Fax) (404) 371-4558 (Development Fax) (404) 371-3007  
Web Address: <http://www.dekalbcountyga.gov/planning>  
Email Address: [planninganddevelopment@dekalbcountyga.gov](mailto:planninganddevelopment@dekalbcountyga.gov)

## LIST OF OWNERS

Wellborn Road Common Tenancy  
c/o William Probst, Trustee  
and Leon Jack Swertfeger, Beneficiary  
c/o H. Wayne Farmer, Successor Trustee under  
Order dated October 5, 2016, DeKalb County Probate  
Court of the Residual Trust under Item 7 of the Last Will  
& Testament of Leon Jack Swertfeger

2872 Woodcock Blvd #100  
Atlanta, GA 30341  
Phone: 770-220-2535

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**VIA CERTIFIED MAIL**

December 12, 2018

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

RE: Meeting to Discuss Proposed Rezoning of Land Located at 3085 Lexington Terrace—Including Interior Lots (the “Property”)

Dear Property Owner:

I represent ALA Ambling Grove LLC (a/k/a Rotunda Land and Development Group, LLC), which proposes to file rezoning application in the near future to allow development of the Property with a townhome community. The property is located near the southeastern intersection of Covington Highway and Interstate 285 and is currently zoned for 179 apartments per CZ-8-15152.

You are receiving this letter because you own property within 500 feet of the Property. No change in zoning is proposed on your property. As a part of any rezoning 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 Thursday, December 27, 2018 at 7:00 pm at The Assembly of God Tabernacle at 1580 Agape Way, Decatur, Georgia 30035 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.

We understand that this is a difficult time of year for a community engagement meeting. Should you be unable to attend and have any questions or comments, please do not hesitate to call me, my client Henry Massie (404-334-3298) or Corbin Armstrong (404-495-8463) in my office.

Thank you for your consideration.

Sincerely,

Carl E. Westmoreland, Jr.  
Attorney for Applicant

cc: Henry Massie (hmassie@rotundaland.com)

**Furman, Melora L.**

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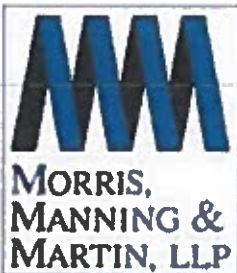
**From:** Corbin Armstrong <carmstrong@mmmlaw.com>  
**Sent:** Thursday, January 24, 2019 7:23 PM  
**To:** tomatk@bellsouth.net  
**Cc:** Carl Westmoreland; Furman, Melora L.  
**Subject:** Zoning Application within 1/2 Mile of Glenwood Estates Civic Association [MMM-mmmdms1.35159.127873]  
**Attachments:** 12284405 (1) (35159\_127873) (Application Z-19-1243041. Submitted 1.3.19. 8.5 x 11 pages only).PDF; 12279710 (1) (35159\_127873) (Elevations 1. Submitted 1.3.19).PDF; 12279714 (1) (35159\_127873) (Elevations 2. Submitted 1.3.19).PDF; 12305892 (1) (35159\_127873) (Site Plan Submitted 1.10.19).PDF

Dear Mr. Atkinson,

I am contacting my client, Rotunda Land Development Group, recently submitted a rezoning application for a townhome development within a ½ mile of your neighborhood organization, Glenwood Estates Civic Association. The proposed development fronts on Agape Way and is located near the southeastern intersection of Covington highway and 285—just south of The Retreat at Madison Place apartments. The application will go to Community Council on February 11<sup>th</sup>, Planning Commission on March 5<sup>th</sup> and the Board of Commissioners on March 26<sup>th</sup>.

The application is attached. Please let me know if you or the Glenwood Estates Civic Association have any concerns or questions about the application.

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](http://mmmlaw.com)



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## Corbin Armstrong

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**From:** Corbin Armstrong  
**Sent:** Wednesday, December 12, 2018 11:27 AM  
**To:** 'dennisallen05@comcast.net'; 'kbarksdal22@gmail.com'; 'samson\_burrell@yahoo.com'; 'dstbc@bellsouth.net'; 'janrcostello@gmail.com'; 'jaycunningham2014@yahoo.com'; 'mstonya@earthlink.net'; 'hlove1223@aol.com'; 'mercernic451@gmail.com'; 'oneiloooo4@comcast.net'; 'marshallenglishr@yahoo.com'; 'konceptatlanta@bellsouth.net'; 'jonathanjaypee@aol.com'; 'w\_duane\_williams@yahoo.com'  
**Cc:** Carl Westmoreland (cwestmoreland@mmmlaw.com); Henry W. Massie (hmassie@rotundaland.com)  
**Subject:** Proposed Rezoning Application--3085 Lexington Terrace--Community Meeting [MMM-mmmdms1.35159.127873]  
**Attachments:** 3085 Lexington Terrace Notice Map.pdf; 12241350 (1) (35159\_127873) (Notice Letter to Neighbors Regarding Pre-Submittal Meeting - Rotunda).PDF

Dear Community Council 5 Members,

On behalf of Mr. Westmoreland, find attached an invitation to attend a community meeting regarding a proposed rezoning application for property located at 3085 Lexington Terrace. The letter was sent to all property owners within 500 feet, as depicted on the attached map. As described in the letter, the community meeting will occur on Thursday, December 27<sup>th</sup> at 7:00 pm. Based on the list of neighborhood contacts provided by DeKalb County, we were unable to ascertain which neighborhood and community groups are in the vicinity. Kindly forward this notice to any neighborhood groups that may be interested in or affected by the proposed application.

Kind Regards,



**Corbin Armstrong**  
Associate

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

[mmmlaw.com](http://mmmlaw.com)



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### Meeting Held at 1580 Agape Way

Dedicated to better business,  
beautiful streetscapes, and  
protected greenspace.

**Rezoning**  
**Letter of Application and Impact Analysis**

**I. Letter of Application**

This application requests a rezoning of a 10.903 acre property from the MU-4 district to the MR-2 district. The proposed development is located near the southeastern intersection of Interstate 285 and Covington Highway and can be accessed by both Agape Way and Covington Highway. The rezoning would enable the redevelopment of the property with a 120 unit townhome community.

The property was originally zoned pursuant to CZ-02-006 in 2003 to allow a 115 unit townhome development. The property was then subdivided into townhome lots and improved with private streets and necessary utilities. In 2008, pursuant to CZ-08-15152, the property underwent a modification of conditions to allow a 179 unit apartment complex. However, the apartment complex was never constructed. Finally, in 2015, the property was rezoned to MU-4 as a part of the county-wide rezoning, with the conditions allowing a 179 unit apartment complex surviving. The proposed rezoning will allow for the completion of a development in keeping with the originally intended townhome use.

**II. Impact Analysis**

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

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Comprehensive Plan designates the site as Commercial Redevelopment Corridor. The proposed MR-2 zoning and townhome use are identified as an appropriate zoning category and use in the Commercial Redevelopment Corridor. Further, a policy of the Commercial Redevelopment Corridor is to improve, aesthetically and functionally, areas that are in economic decline or vacant. The proposed development will revitalize a piece of land that has been partially improved with roads, but left vacant and undeveloped since its original rezoning 15 years ago.

**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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. To the north of the property is the Retreat at Madison, an active adult multifamily development. To the West is Interstate 285. To the southwest is the Trinity Broadcasting Network and a church. To the southeast is a small office building and a self-storage facility. To the east is an undeveloped lot that abuts Covington Highway. The nearby properties along Covington Highway are primarily commercial with some multifamily. Across Covington Highway to the east is a single-family subdivision.

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

The property does not have reasonable economic use as currently zoned, as is demonstrated by the lack of development on the site since the most recent rezoning ten years ago. Further, the property is currently zoned mixed use but encumbered by a condition that requires the development of an apartment complex, which is inconsistent with the streets and utilities already in place on the property. The zoning is therefore incongruent and a rezoning is appropriate.

**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. The proposed townhome development is compatible with the nearby commercial and residential uses.

**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.**

As noted above, the county-wide rezoning in 2015 imposed a mixed use zoning category on the property whilst retaining the previous conditions. The property has remained vacant since it was zoned in 2008. The proposed MR-2 zoning category is compatible with the comprehensive plan and allows development of the property with a use that is appropriate in the area.

---

**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 will have some impact on schools, however the proposed number of units is less than what is currently permissible on the property. The existing transportation facilities, utilities and streets are suitable to support a development of this size and scale.

**AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP**

**AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY FROM C-1 (cond.) DISTRICT TO OCR (cond) DISTRICT FOR PROPERTY LOCATED ON THE SOUTHEAST INTERSECTION OF REDWING CIRCLE/COVINGTON HIGHWAY AND INTERSTATE 285. AND FOR OTHER PURPOSES.**

**APPLICANT:** Baranco & Associates c/o Seyfarth Shaw  
**OWNER:**

**COMMISSION DISTRICTS:** 3 & 7

**WHEREAS**, Baranco & Associates c/o Seyfarth Shaw has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the Southeast intersection of Redwing Circle/Covington Highway and Interstate 285., and more particularly described as follows:

All that tract or parcel of land lying and being in **District 15, Land Lot 196, Block 03, Parcels 005, 006, 007, 008 & 022** of DeKalb County, Georgia, containing 18.40 acres, and

**WHEREAS**, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IV, Division 1, Section 27-832 and Section 27-833 for amending the DeKalb County Zoning Ordinance for the subject property from C-1 (cond.) District to OCR (cond) District.

**THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:**

**Part 1:** Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, as set forth in Section 27-4 of the DeKalb County Zoning Ordinance, an amendment to rezone property located on the Southeast intersection of Redwing Circle/Covington Highway and Interstate 285., is hereby approved.

**Part 2:** That if this amendment is approved conditionally under the provisions of Section 27-833 and Section 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Section 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance (Attachment A).

**Part 3:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Part 4:** This ordinance hereby approved does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved only by the application to the Zoning Board of Appeals.

**FINAL CONDITIONS FOR: CZ-02006**

**REQUESTED BY APPLICANT:**

For 88 townhomes plus 200 elderly housing units and a commercial area of 15,000 square feet based on a conceptual plan.

**PLANNING DEPARTMENT:**

Deferral for code amendment allowing variances to be granted or for a change in the site plan. According to the conceptual plan submitted by the applicant, residential uses comprise 93.8 per cent of the square footage and use of this site. Residential is identified by the code as an accessory use which should be subordinate to the principal use. Commercial and/or office uses should comprise the majority of the use of the property with residential as an accessory, and, therefore, minority use. If the elderly unit structure is to be over two stories, a height variance in the form of a special land use permit would be required. The proposed residential and commercial uses should be integrated into a design which would accommodate the intent of the OCR district. In addition, the OCR regulations are being revised to differentiate among various types of mixed use developments. It may be possible that the revised OCR regulations could accommodate this site in a better fashion.

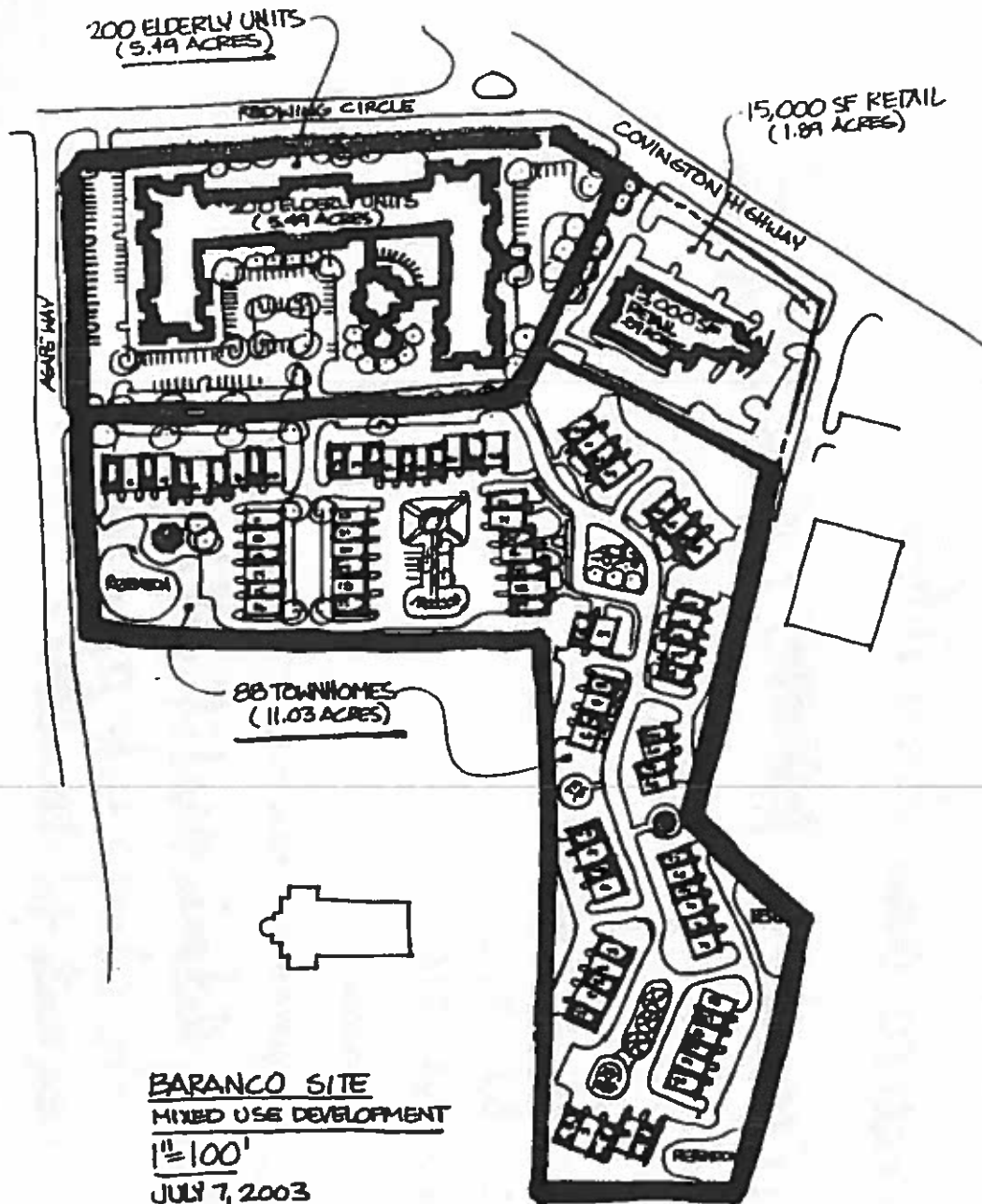
**PLANNING COMMISSION:**

Approval.

**BOARD OF COMMISSIONERS:**

Approved per site plan - September 23, 2003.





BARANCO SITE  
MIXED USE DEVELOPMENT

1"=100'

JULY 7, 2003

REBEKKA DESIGN ASSOCIATES, P.C.

DEKALB COUNTY, GEORGIA



The Honorable Vernon Jones  
Chief Executive Officer

## THE DeKALB COUNTY PLANNING DEPARTMENT

FILE COPY



Raymond R. White, Sr., AICP  
Director

June 9, 2004

Mr. Timothy W. Womack  
Vice-President - Development  
Ambling Development Company  
7000 Central Parkway, NE  
Suite 1100  
Atlanta, GA 30328

Re: Request for Administrative Modification of Zoning Conditions of Zoning Case CZ-02006

Dear Mr. Womack:

In response to your recent request for administrative modification by the planning department of conditions of zoning on case CZ-02006 pertaining to property located at the southeast intersection of Interstate Highway 285 and Covington Highway/Redwing Circle, the planning department has no objection to the request for the modification of the original rezoning conditions as outlined in your letter. Code Section 27-845 does not prohibit the Planning Director from administratively making changes which would reduce the overall number of units, not raise the height, or not move a building closer to a property line. Code Section 27-845 allows the Director of Planning to make minor modifications to zoning conditions, provided those modifications are made necessary by actual field conditions, do not alter the impact of the development on nearby properties, and do not change the intent or the integrity of the conditions as originally imposed. This modification is approved as long as any building or structure is not moved closer to a property line, the height of any building is not increased, buffer requirements are not changed, nor will there be any change in any proportion of floor space devoted to a different use. The modification reduces the number of apartment units, thereby increasing the townhome units, both of which are considered multifamily, does not raise the height of any structure, and does not move any structure closer to a property line.

By this letter it is confirmed that this rezoning case is administratively modified as of this date, June 9, 2004, as you requested to make the change in a condition of zoning originally approved by the Board of Commissioners relative to the site plan and list of conditions. This modification changes the site plan by reducing the number of apartment units and increasing the number of townhomes. Overall, there is no increase, however, in the number of units. This modification applies only to the properties indicated on the attached plat. All other conditions of the rezoning of September 23, 2003, not related to this modification, are still in effect. There is a concern on the part of the staff, however, about the lack of recreational opportunities and green space since the orientation of the development is toward the elderly. Covington Highway is not conducive to walking and neither are Redwing Circle and Agape Way. Some walking areas for the tenants and/or owners should be provided if possible. The parking area on the northwest part of the property appears to have opportunity for some type of modification or variance to reduce the parking to provide more green space.

**DEKALB COUNTY**

ITEM NO.

**BOARD OF COMMISSIONERS****ZONING AGENDA / MINUTES****MEETING DATE:** November 18, 2008**HEARING TYPE**  
**PUBLIC HEARING****ACTION TYPE**  
**ORDINANCE****SUBJECT:** Rezone – Ambling Development Partners c/o Torien Priestly**COMMISSION DISTRICTS:** 3 & 7**DEPARTMENT:** Planning**PUBLIC HEARING:** YES ☒ NO**ATTACHMENT:** ☒ YES ☐ No**INFORMATION CONTACT:** Patrick Ejike/Kevin Hunter**PAGES:** 12**PHONE NUMBER:** (404) 371-2155**PURPOSE:**  
**CZ-08-15152**

Application of Ambling Development Partners c/o Torien Priestly to **modify conditions of zoning pursuant to case (CZ-02006) by revising the approved site plan.** The property is located on along the east side of Agape Way south of Covington Highway near I-285 in unincorporated DeKalb County, as defined by the boundary survey submitted with the application and referenced by tax parcel 15-196A on the zoning map. The property has approximately 293 feet of frontage on Agape Way and contains 11.56 acres.

**Subject Property:** 15-196-03-008**RECOMMENDATION(S):****PLANNING DEPARTMENT:**

**APPROVAL WITH CONDITIONS.** The proposed request to modify conditions to allow a 179 unit senior apartment complex in lieu of 115 townhomes is consistent with the underlying zoning district OCR (Office-Commercial-Residential) and with the intent and policies of the 2005-2025 Comprehensive Land Use Plan. The proposed senior adult living complex is adjacent to an existing senior apartment complex and has access to Covington Highway which is classified as a major thoroughfare. The development as proposed provides for interconnectivity and provides high density development near major corridors (Covington Highway and I-285). The requested density of 15.48 units per acre for multi-family development is permitted within the OCR zoning district which allows multi-family dwellings up to 30 units per acre. Therefore, the Planning and Development Departments recommends "Approval" of the modification request, subject to the following conditions:

1. Based on general compliance with the conceptual site plan submitted to the Planning and Development Department on October 20, 2008.
2. Allow no more than 179 apartment units for seniors 55 years of age and older.
3. Exterior building facades facing public right-of-way shall consist of a minimum 40% brick or stone. Remaining building facades shall consist either or a combination of cementitious siding, hard stucco, wood siding, brick or stone. Vinyl siding is prohibited.
4. Limit maximum building height to four (4) stories per SLUP-03037.
5. Provide outdoor amenity area consisting of walking paths and exercise stations.
6. Exterior fencing along right-of-way shall consist of brick or wrought iron construction.
7. Monument sign with landscaping and external lighting shall match materials on building exterior.

**PLANNING COMMISSION:**

**Approval** as conditioned by staff with an additional condition for hand rails in the bathrooms by a vote of 6-0-0.

ACTION: H12

MOTION was made by Commissioner Johnson, seconded by Commissioner Boyer and passed 7-0-0-0 to approve per staff's conditions and Planning Commission's condition to allow for handrails in the bathroom, the rezoning application of Ambling Development Partners c/o Torien Priestly.

ADOPTED: NOV 18 2008  
(DATE)

*Kathie Gannon*

PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: NOV 18 2008  
(DATE)

*[Signature]*

CLERK,  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: DEC - 5 2008  
(DATE)

*Vernon Jones*

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_  
(DATE)

CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETO STATEMENT ATTACHED: \_\_\_\_\_

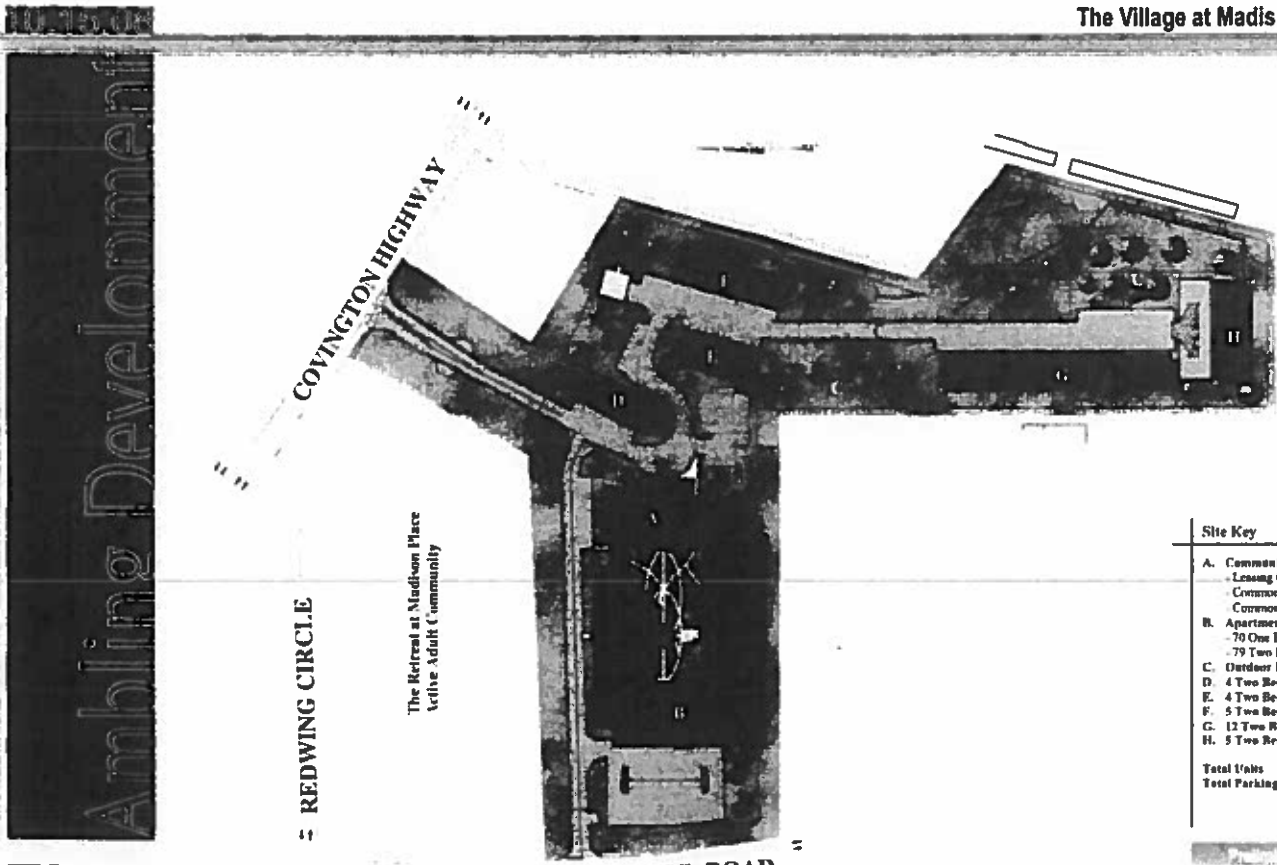
MINUTES:

Torian R. Priestly, 7000 Central Parkway, Suite 1100, Atlanta, Ga. 30328, spoke in support of the application.

Jerry Jackson, 2587 Flat Shoals Road, Decatur, Ga. 3034, spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - JEFF RADER	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - BURRELL ELLIS	<u>X</u>	_____	_____	_____
DISTRICT 5 - LEE MAY	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

The Village at Madison Place



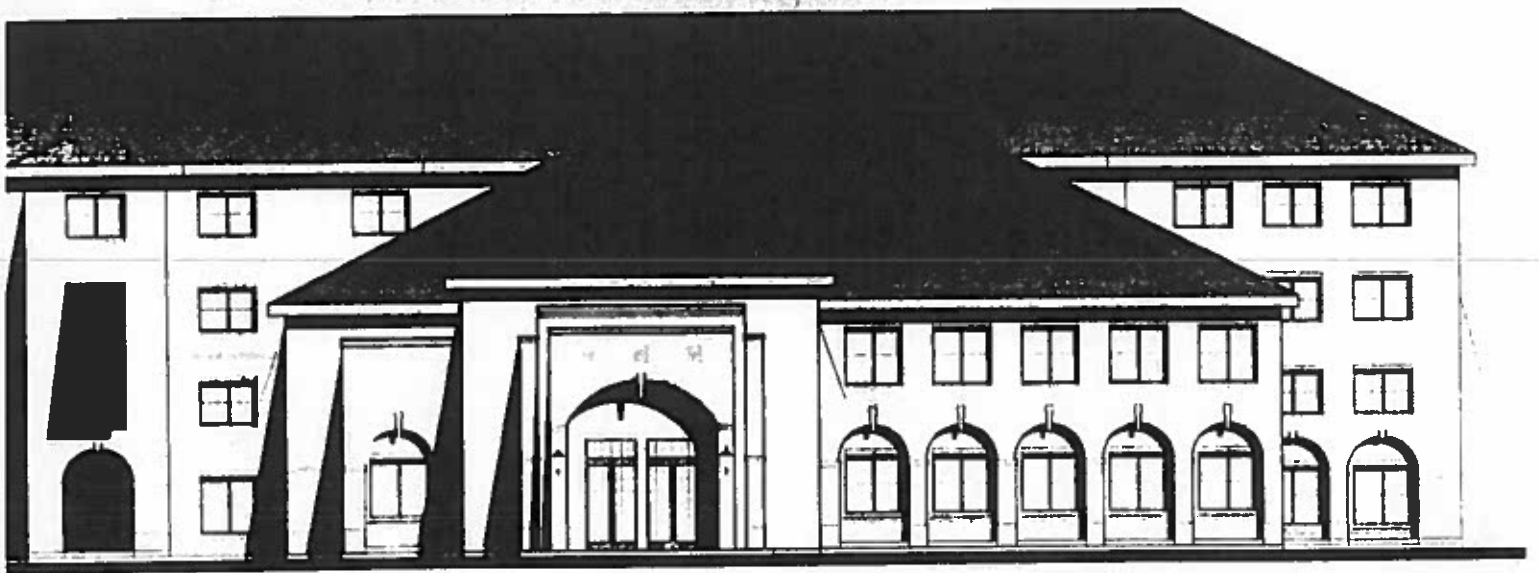
REDWING CIRCLE

The Retreat at Madison Place  
Active Adult Community

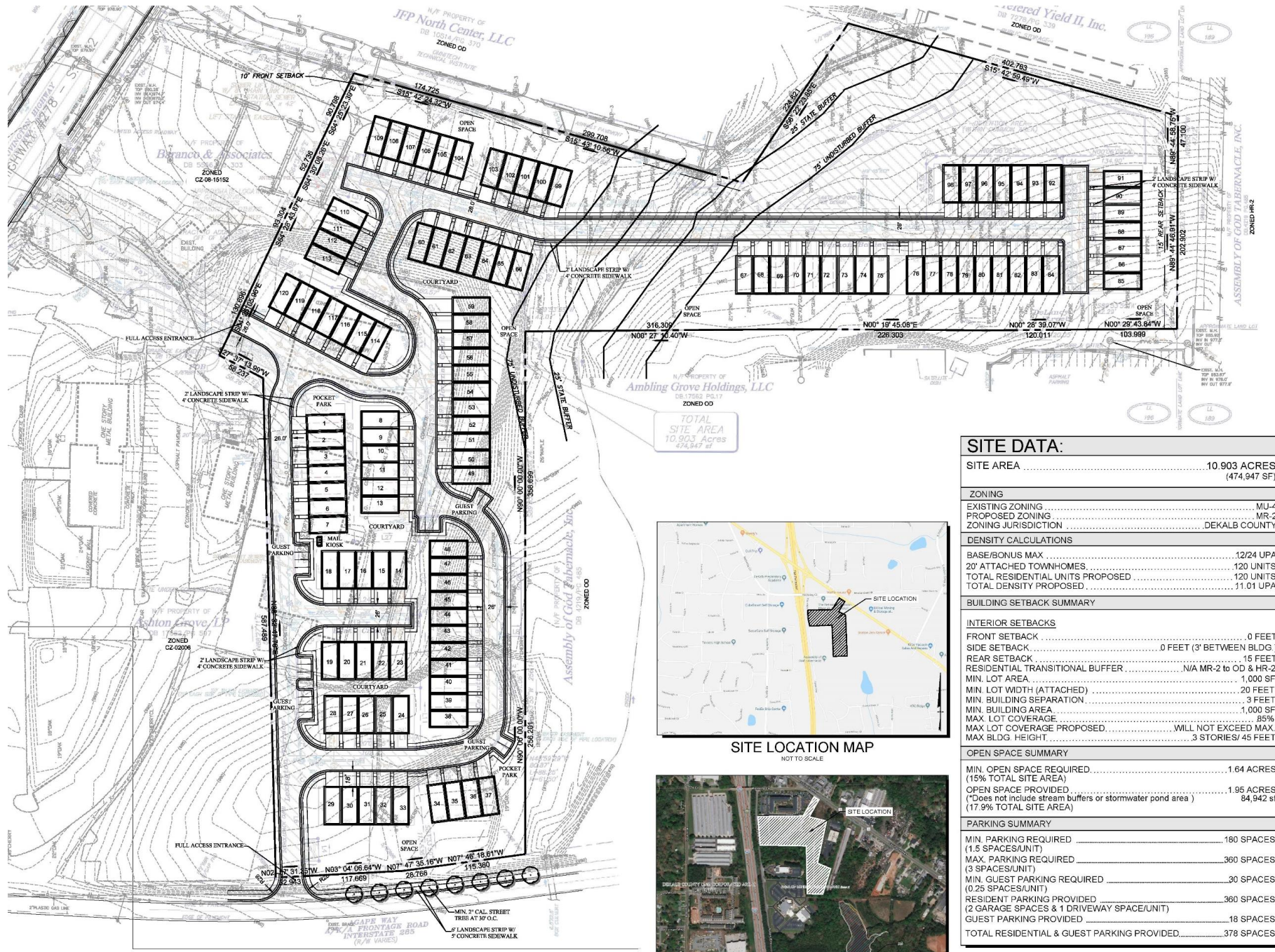
AGAPE ROAD

Site Key	
A. Community Building	
- Leasing Office	
- Common Laundry	
- Common Spaces	
B. Apartment Building	
- 70 One Bedroom Units	
- 79 Two Bedroom Units	
C. Outdoor Recreation Area	
D. 4 Two Bedroom Flats	
E. 4 Two Bedroom Flats	
F. 5 Two Bedroom Flats	
G. 12 Two Bedroom Flats	
H. 5 Two Bedroom Flats	
Total Units	179
Total Parking Spaces	215

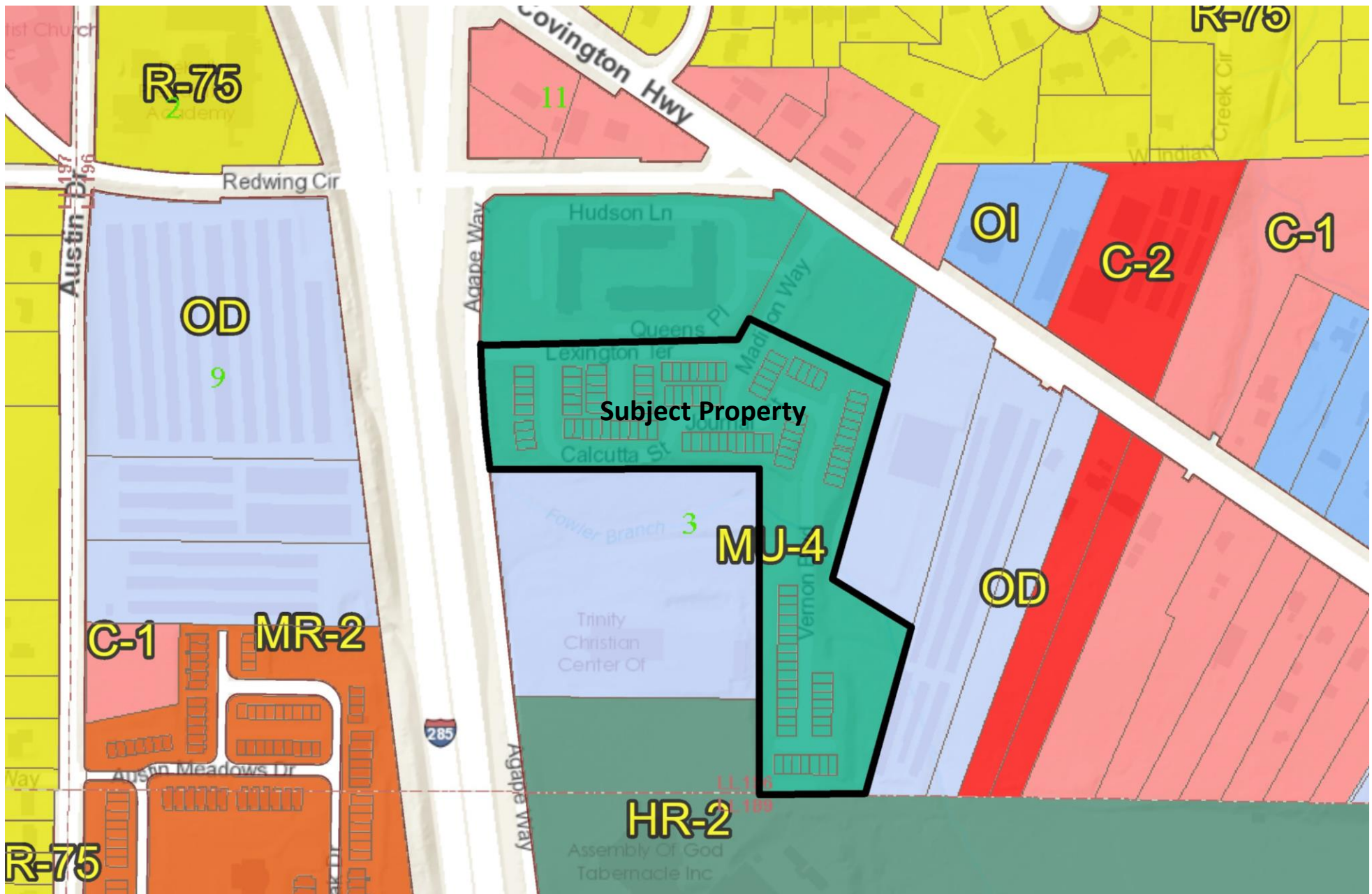
CZ-08-15152



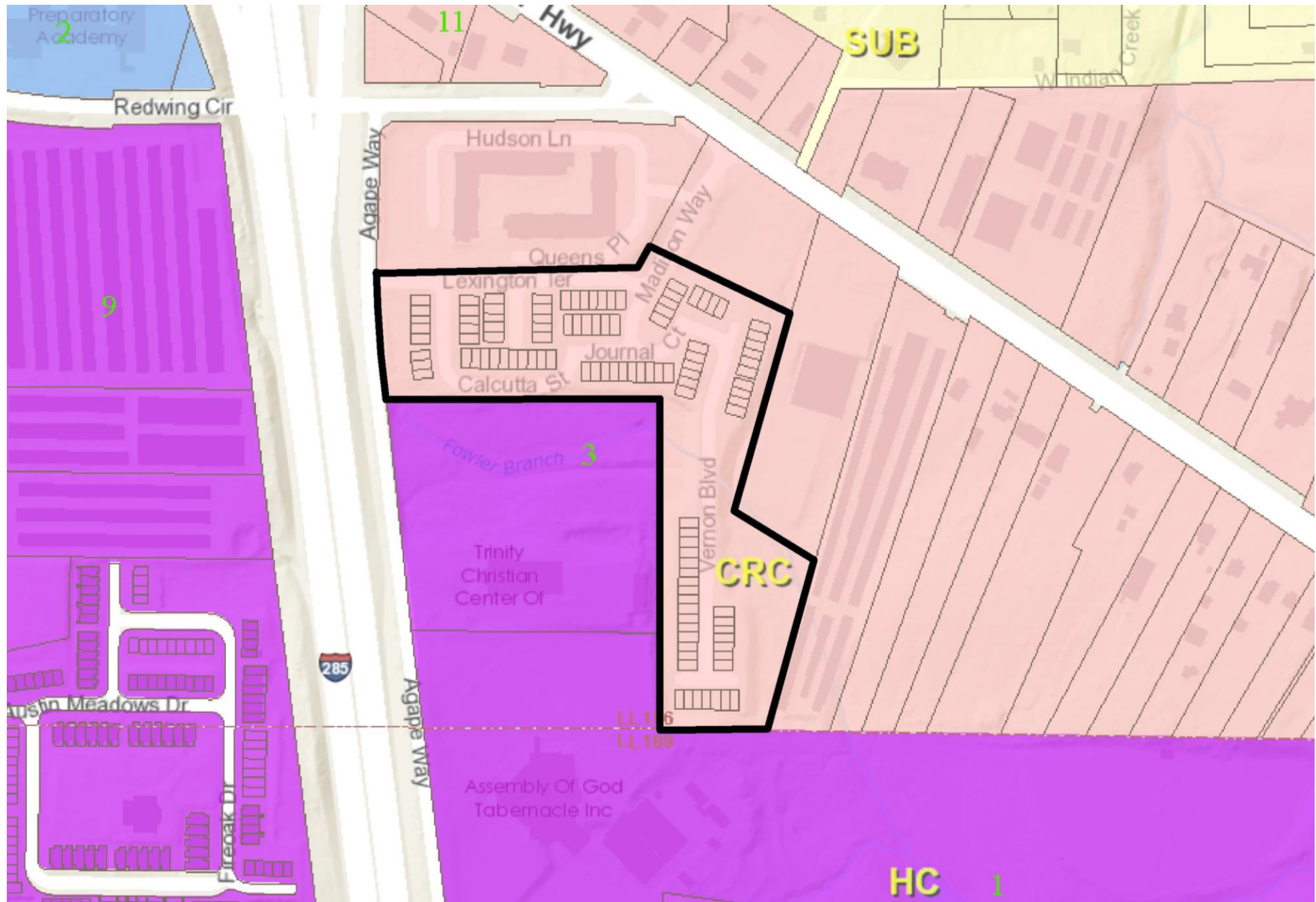




















Entrance to subject property from Agape Way.

View from Agape Way beyond the gates into the property.

