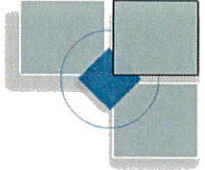




DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. _____

Filing Fee: _____

Date Received: _____ Application No.: _____

Applicant: Loren Wimpfheimer E-Mail: Loren.wimpfheimer@capkeyrealestate.com

Applicant Mailing Address: 4401 Northside Parkway, Suite 711, Atlanta, GA 30327

Applicant Phone: 404-220-7608 Fax: _____

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

Owner's Mailing Address: _____

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: 1639 Eastland Road

District(s): 15 Land Lot(s): 143 Block: 19 Parcel(s): 1514319011

Acreage: 18.9 Commission District(s): District 3

Present Zoning Category: R-75 Proposed Zoning Category: MR-1

Present Land Use Category: TN

PLEASE READ THE FOLLOWING BEFORE SIGNING

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

Disclosure of Campaign Contributions

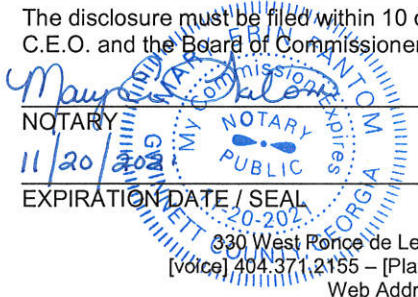
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

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

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



Signature of Applicant: [Signature] DATE

Check One: Owner Agent [checked]

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: Kenneth Wood Phone: 770-451-2741 Email: ken@peccatl.com

Property Address: 1639 Eastland Rd

Tax Parcel ID: 15-143-19-011 Comm. District(s): 3 & 6 Acreage: 8.912

Existing Use: vacant church/office Proposed Use: Free single Townhomes

Supplemental Regs: _____ Overlay District: NA DRI: _____

Rezoning: Yes _____ No _____

Existing Zoning: R7S Proposed Zoning: MR-1 Square Footage/Number of Units: _____

Rezoning Request: increase of T.H. 20' width to 24' width, units face roads
6.96 ya

Land Use Plan Amendment: Yes _____ No

Existing Land Use: TN Proposed Land Use: _____ Consistent _____ Inconsistent _____

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

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

6/7/2019

Re: **Pre-Community Meeting**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Neighbors,

Planners and Engineers Collaborative, Inc. and Capkey Real Estate Advisors would like to inform you that a Land Use application will be submitted on July 5, 2019 to the DeKalb County Planning & Sustainability. The request would rezone the property located at 1639 Eastland Road from R-75 to MR-1, which would allow for a new single-family attached townhome development. The proposed development would leave much of the property undisturbed and would preserve many of the existing trees on the site.

A neighborhood meeting will be held on Tuesday, June 25, 2019 from 6:30 to 7:30pm at Community Bible Chapel (1430 Bouldercrest Road). The purpose of the meeting is to provide neighbors and interested parties with the opportunity to meet with PEC and the Developer to ask any questions and/or voice any concerns.

We are committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please feel free to reach out to Loren Wimpfheimer of Capkey at 404-220-7608.

Sincerely,
Planners and Engineers Collaborative, Inc.



Kenneth J. Wood, P.E, LEED AP
President

For the Firm

kjw/ht/dp

DeKalb County Neighborhood Registry - Commission District 3

First Name	Last Name	Email	Address	City	State	Zip Code	Affiliation Name	Commission District	Super District	Phone
Elfreda	Berry	elfreda@bellsouth.net					Community Council 3	3		
Beth	Bond	bethbond@bellsouth.net					Community Council 3	3		
Pat	Lawrence	pat.lawrencecraig@gmail.com					Community Council 3	3		
Lisa	Glover	lglover@ivyviningconsulting.com					Community Council 3	3		
Jettie	Guinyard	guinyard1@aol.com					Community Council 3	3		
Peggy	Hodby	phthompson3@msn.com					Community Council 3	3		
Nettie	Jackson	NettieJackson@me.com					Community Council 3	3		
Carolyn	Jones	carolyn.jones818@yahoo.com					Community Council 3	3		
Donald	Murray	murraydonze@bellsouth.net					Community Council 3	3		
Kenneth	Powell	pdk-powell@comcast.net					Community Council 3	3		
Willie	Pringle	aprangle@bellsouth.net					Community Council 3	3		
Brenda	Rhames						Community Council 3	3		
Samuel	Smith	samandbettysmith@bellsouth.net					Community Council 3	3		
Tommy	Travis	TommyTTravisconsulting@gmail.com					Community Council 3	3		
Norma	Washington	nahwash4ms@aol.com					Community Council 3	3		
Tene	Harris	tharris@galleryatsouthdekalb.com	2801 Candler Rd	Decatur	GA	30031	Gallery at South DeKalb	3	6	(404) 463-3282
Christopher	Sanders	csanders@eastmetrocid.com	2724 Wesley Chapel Road #360909	Decatur	GA	30036	East Metro DeKalb CID	3	7	(404) 908-8305
Powell	Wayne	Pdk-powell@comcast.net	P.O. 374	Decatur	GA	30031	Belvidere Civic Club	3	7	
Rob	Roark	rob-roark@allsouthwarehouse.com	1775 Continental Way	Atlanta	GA	30316	CABA Vice President	3	6	(404) 243-7560
Joel L.	Gross	jgross@stickybusiness.net	4140 Bonsal Road	Conley	GA	30288	Greater Conley Ind. CID Chair	3	6	(404) 363-9447
Rob	Roark	rob-roark@allsouthwarehouse.com					Greater Conley Ind. CID Secretary/Treasurer	3	6	(404) 243-7560
Ali	Hassan	AliHasanandassociates.com	3496 Midway	Decatur	GA	30032	Ali Hasan and Associates	3	7	(718) 926-0228
Danita	Locks	dlocks1019@aol.com	1211 Crescentwood Lane	Decatur	GA			3	7	(973) 978-3657
Sandra	Stephens	sls1289@gmail.com	1289 Crescentwood Lane	Decatur	GA	30032	Crescentwood HOA	3	7	(321) 217-1000
Leanne	Frank	leannef@lightnountain.com	3141 Bonway Dr	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7	
Frank	Golley	frank@golleyrealty.com	3392 Midway Rd	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7	
Melanie	Funk	mfunk64@att.net	3392 Midway Rd	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7	
Rachel	Barrow	rbarrow@comcast.net	3355 Beech Dr	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7	
Judy	Preston	hjpreston23@gmail.com	2305 Bailey St				Corner Stone Of Praise	3	6	
Erik	Lips		1307 Crescent Wood Lane	Decatur	GA	30032	Meadow Acres Neighborhood Assoc.	3	7	
Pat	Akins		3347 Beech Dr	Decatur	GA	30032		3	7	
Samantha	Berlinsky	saberlinsky@gmail.com	1301 Crescentwood Lane	Decatur	GA	30032	Crescentwood	3	7	(803) 616-2536
Monica	McGannon	mhand27@gahoe.com	1305 Crescentwood Lane				Meadowbrook Acres Neighborhood	3	7	
Joel	Gross	jgross@stickybusiness.net	4140 Bonsal Rd	Conley	GA		GCI CID	3	6	(678) 283-2045
Sandra	Arnold	edsan@bellsouth.net	4296 Cedar Valley Court	Conley	GA	30328	Cedar Grove Civic Association	3	6	(404) 241-4636
Vernell	Barnes, AIA	barnesve@yahoo.com	3826 Loyola Court	Decatur	GA	30034	Staff/Appointee - Commissioner Watson	3	7	(770) 605-9829
John	Evans	naacpdek@comcast.net	3011 Rainbow Drive, Suite 180A	Decatur	GA	30034	NAACP DeKalb County Branch	3	7	(404) 241-8006
Brenda	Pace	bcpace2@gmail.com	2638 Glenvalley Drive	Decatur	GA	30032	East Lake Terrace Community Association, Inc.	3	7	(404) 277-4942

7/5/2019

DeKalb County Dept. of Planning & Sustainability
330 West Ponce de Leon Ave, Stes. 100-500
Decatur, GA 30030

Re: **Community Meeting Summary and Comments from Neighbors**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Planning and Zoning,

The community meeting was held on Tuesday, June 25, 2019 from 6:30 to 7:30pm at Community Bible Chapel (1430 Bouldercrest Road). The meeting was attended by about 8 surrounding residents. The residents showed us where they lived in the community. One person lived on the northwest side of the property, three lived across Eastland Road or down the street. Others lived along Lake drive (3) and some others just lived in the general area.

The comments received from the community are as follows:

- How much of the existing trees are being preserved on the site
 - Answer: the majority of the site will remain undisturbed and most of all the trees on the western property will be preserved.
- Worried about traffic on Lake Drive, wanting to see if access to Eastland can be done.
 - Answer: We can look and talk to the county about access to Eastland Road. We told them we heard the comment and will look at the second access point. We also told them that Lake was a new road being finished now and that we had felt like since it was underutilized it was the best traffic option.
- Worried about lifestyle on Lake with new traffic and not just trees
 - Answer: We told them these were home ownership and with a established HOA proposed. We made the case that the amount of towns on Lake would not see a major impact to their road. We believe this is due to the property being undeveloped now and the neighbors only seeing trees on the site now.
- Stormwater – How to handle:
 - Answer: we are installing several new ponds and have reduced the impervious by not having a very aggressive layout on the site. Stormwater would be handled in detention ponds and water quality, which we would break up throughout the site in different places.
- Zoning: - Do we need to go for MR-1 or is there another category.
 - Answer: We told them we were already looking into RSM since we are not using as much of the lot that we could go with lower density and approach to zoning at RSM.
- Style of architecture - The neighbors said they live in very modern style house, wanted to see if we could look into changing the architecture to be more modern.
 - Answer: We told them we would run some market reports and look into the architecture style to see how we can best fit.
- Sanitary Sewer – does it have capacity to handle the development?
 - Answer: we told them we have received the approval for the sanitary sewer capacity for the site.
- Stream on the front of the site, would it be piped?
 - Answer: We told them we were going to go through the EPD and corps to pipe the stream because the stream in that area is mostly piped already and it use to be a old detention pond, want to be able to help the aesthetics.



Sincerely,
Planners and Engineers Collaborative, Inc.

A handwritten signature in blue ink, appearing to read 'Ken Wood', is written over a solid black horizontal line.

Kenneth J. Wood, P.E., LEED AP
President

For the Firm

kjw/dp/ht

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 143 of the 15th District, Dekalb County, Georgia and being more particularly described as follows:

Beginning at a #4 rebar set point, located at the intersection of the southerly right of way (R/W) line of Eastland Road (R/W varies public) and the westerly R/W line of Bouldercrest Road (R/W varies public) said point being the POINT OF BEGINNING; thence along said westerly R/W line of Bouldercrest Road (R/W varies public) South 01 degree 58 minutes 51 seconds East a distance of 986.95 feet to a #4 rebar set and the common intersection of land lots 114 & 143; thence along said common intersection of land lots 114 & 143 North 88 degrees 34 minutes 31 seconds West a distance of 417.64 feet to a #4 rebar found; thence leaving said common intersection of land lots 114 & 143 North 0 degrees 37 minutes 3 seconds East a distance of 980.47 feet to a #4 rebar set located at the southerly R/W Eastland Road (R/W varies public); thence South 89 degrees 19 minutes 3 seconds East a distance of 372.86 feet to #4 rebar set and the TRUE POINT OF BEGINNING.

Said tract containing 8.919 acres.

7/5/2019

DeKalb County Dept. of Planning & Sustainability
330 West Ponce de Leon Ave, Stes. 100-500
Decatur, GA 30030

Re: **Analysis Requirements**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Planning and Zoning,

Below are responses required per the DeKalb County Application to Rezone;

Section 27-832. Standards and factors governing review of proposed amendments to official zoning maps. The following standards and factors are found to be relevant to the exercise of the County’s zoning powers and shall govern the review of all proposed amendments to the official zoning maps:

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 proposal would change the zoning designation of the property from R-75 to RSM. The future land use designation for this site, as delineated by the DeKalb county comprehensive plan is Traditional Neighborhood (TN). RSM is a permitted zoning district in this character area. The change in zoning would facilitate the development of a new townhome community that would contribute to building the residential character of the area—a key goal of the comprehensive plan. The new proposed townhomes would have an orientation towards Eastland Road with alleys behind, and would be close to the street; these are all key ideas of the TN. Additionally, if approved, the development will occur in tandem with the extension of Lake Drive, the bounding road along the site’s eastern edge. The extension will enable the construction of townhomes along the eastern edge toward the southern property line, which will add to the residential character of the area, advancing the intent of the TN character area.

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 from R-75 to RSM would permit a new townhome development—a drastic improvement from the existing dilapidated church structure that is currently on the property. The new development would improve the condition and appearance of the parcel. A significant portion of the natural area and features of the site would be preserved (accounting for almost 60 percent of the site), but the overgrowth that makes up most of the site’s frontage would be removed. The townhomes would be built along the northern and eastern property lines, which would significantly enhance the streetscapes along Lake Drive and Eastland Road with new, residential character, as called for in the comprehensive plan. This area is also very mixed in character, with much of the land being un- or underdeveloped. To the west are two residential streets developed with traditional single-family homes, with several undeveloped lots interspersed. The density of these blocks ranges from 1.7 units per acre to 3 units per acre. To the east directly across Lake Drive are four newly-built modern homes. These homes are similar in height and bulk to the proposed townhomes, and more are planned to be built upon the extension of Lake Drive. Further from the site, across Bouldercrest Road, is the Ashford East Village apartment complex with a density of approximately 10 units per acre. The addition of townhomes at this location will contribute to the mixed character, which is suitable for adjacent development and in line with the comprehensive plan.



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

The existing R-75 zoning would allow for the construction of approximately 38 single-family homes on 10,000 square foot lots. However, the site has many natural conditions that are impediments to development, including: a stream on the western side of the site that is subject to stream buffers, steep topography on either side of the stream, and a significant area of wetlands towards the middle of the southern half of the site. Because of these constraints, well over 50 percent of the site is unusable, and should be preserved. This leaves only about 3.7 acres of buildable land, which, under the R-75 zoning would yield approximately 16 lots. When necessary improvements such as internal alleyways, stormwater detention, and site grading are complete, the number of lots would be even lower, severely depleting any potential to redevelop this site.

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

The zoning proposal will not adversely affect the use or usability of adjacent or nearby properties. The RSM zoning district is included among those permitted under the Traditional Neighborhood future land use designation. The proposed townhomes permitted under the RSM district will add to the residential streetscape along Eastland Road, where there is currently only the small, dilapidated church building. The townhomes along Eastland will be rear-loaded, so that all of the parking/driving operations for these homes will occur in the alleyway behind them. Because of this, they will not cause additional traffic directly onto Eastland Road, burdening nearby homes.

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 property is owned by Oasis Family Life Church, and the existing structure on the 8.9-acre property is a small church. The existing structure is small, very old (built in 1938), and functionally obsolete. The costs to renovate the structure and improve its usability are very high, making reuse of the structure as a church infeasible. Being situated amidst a well-established neighborhood, and having a future land use designation of Traditional Neighborhood, the most suitable use for this site is residential. However, due to the complicated topography and the stream running through the western half of the site, over 50 percent of the site is virtually unusable. Therefore, 'traditional' neighborhood development (in the sense of continuing the pattern of small grid-like blocks) is nearly impossible to construct at this site. The site plan configuration as presented, with attached townhomes, is the optimal use of the site, while respecting the natural limitations and preserving existing wetlands and trees on the site.

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

The zoning proposal will not affect historic buildings, sites, districts, or archaeological resources. The site is not located in a historic district, and there are no historic buildings within the immediate vicinity of the project. Based on a cursory view of the area, many of the houses on surrounding streets appear to have been built in the latter half of the 20th century. Additionally, many of the homes directly adjacent to or across the street from the site are new construction or very modern in appearance, and were built in the early 2000s.

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 proposal will not result in excess or burdensome use of existing streets, transportation facilities, utilities or schools. A significant number of lots surrounding the project site are currently vacant or unoccupied. The density proposed by the project is less than the maximum allowed in the character area. As mentioned previously, the extension of Lake Drive will expand the street frontage for building on the project site and directly across the street, as well as extend utility infrastructure improvements (water, sewer). Because of this, the infrastructure will be able to meet capacity for new buildings.

Sincerely,
Planners and Engineers Collaborative, Inc.



A handwritten signature in blue ink, appearing to read 'Ken Wood', written over a horizontal line.

Kenneth J. Wood, P.E., LEED AP
President

For the Firm

kjw/dp

7/5/2019

DeKalb County Dept. of Planning & Sustainability
330 West Ponce de Leon Ave, Stes. 100-500
Decatur, GA 30030

Re: **Letter of Intent**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Planning and Zoning,

This rezoning application is being submitted on behalf of the developer, Capkey Real Estate Advisors. This application proposes to rezone the 8.9-acre site that is currently zoned R-75 (Residential Medium Lot) to RSM (Residential Small Lot). This rezoning would facilitate the construction of a new, 67-unit townhome development consisting of rear- and front-loaded townhomes.

The site is located in the southwestern area of DeKalb County near the Atlanta city line and the border of Fulton County. The site is bounded by Eastland Road to the north, Lake Drive to the east, Glen Emerald Park to the south, and an unpaved, unused alleyway to the east.

The surrounding uses are as follows:

- East: across Lake Drive is the rear elevation of a church building, screened by significant overgrowth. There are also several new construction single-family homes facing the site.
- West: across the overgrown, unpaved alleyway are three dead-end streets lined with single-family homes built in the mid-20th century.
- North: across Eastland Road are eight single-family homes built in the mid-to-late 20th century. To the northwest is a Methodist church, and to the northeast are single family homes within Atlanta city limits.
- South: immediately south of the site is a large community park called Glen Emerald park. It is improved with tennis courts and a playground and has a large lake.

Zoning Rationale

The site is located in the Traditional Neighborhood (TN) character area as specified in the City’s comprehensive plan. The Traditional Neighborhood character area envisions preserving the style and appeal of older, traditional neighborhoods with features such as a pedestrian-focused circulation, grid-like street patterns, and buildings close to the front property line. The comprehensive plan states that acceptable zoning designations within this character area include residential single-family districts (such as R-100 through R-60), medium-density residential districts (such as RSM and MR-1), and mixed-use/non-residential districts (such as MU-1, MU-2, NS, C-1, and O&I).

The rezoning proposal for a new townhome development on the subject property is consistent with the comprehensive plan’s vision for walkable, human-scale, residential development to occur in this area. The proposal includes 67 townhomes that match the approximate size and scale of surrounding single-family homes. Additionally, the townhomes along the larger thoroughfare, Eastland Road, will be rear-loaded and accessed via an alleyway from behind, which is expressly encouraged by the TN character area of the comprehensive plan. The proposal for townhomes at this location contributes to the mix of residential development that characterizes this area, creating



a transition from the single-family homes that surround the site to the north and west, and the well-established apartment communities further to the south and east of the site.

The proposed project is a drastic improvement from the site's existing conditions. Currently, the site is occupied by an old, dilapidated church building that has received several code enforcement violation citations. The structure is very old (built in 1938), and is functionally obsolete. Renovating and reusing the existing structure as a church is infeasible, given the high costs of renovation and the scope of work necessary to improve it. Additionally, the church is surrounded by a significant amount of grass and tree overgrowth on all sides. The overgrowth extends for almost the entire frontage of Eastland Road, and covers the entire rest of the site perimeter. The proposed project would clear the overgrowth from the street frontages visible to neighbors and passersby. Townhomes would be built along the northern and eastern property lines, fronting the single-family homes across the street and matching them in the context of bulk and height. The townhomes would extend down the newly extended Lake Drive (construction is currently underway), creating a welcoming, pedestrian-oriented street frontage from which the Glen Emerald Park may be accessed. This development would provide more 'eyes on the street' along this road before the public access, improving public safety.

The proposal to rezone to the RSM district and the subsequent development of townhomes is the optimal use of the site. As mentioned, the property is currently improved with a small church that is in dire need of redevelopment. Being that the site is nestled amongst established single-family homes, and that the future land use designation is traditional neighborhood, it is clear that the best use of the site is residential. The existing R-75 zoning on the 8.9-acre site would theoretically allow for 38 single-family homes on 10,000 square foot lots. However, the site has a variety of issues that are impediments to the full use and development of the site: a stream on the western half of the site that is subject to stream buffers, steep topography on either side of the stream, and a significant area of wetlands towards the middle of the southern half of the site. Due to these constraints, more than 50 percent of the site area is unusable. Only about 3.7 acres of the site is buildable, and under the R-75 zoning (with a 10,000 square foot minimum lot size), the redevelopment potential is severely depleted.

The proposed project would work with the topographic and natural constraints, not against them. The goals of the TN future land use designation encourage small, grid-like blocks. Ideally, this would mean extending the existing Diamond and Emerald Avenues eastward across the site and proposing homes on either side. However, due to the complicated topography described above, this is virtually impossible. Therefore, given the obstacles imposed by the natural features coupled with the limiting dimensional requirements of the existing R-75 zoning, the site plan configuration as presented is the optimal use of the site. In addition to continuing the streetscape, visually improving the neighborhood, and adding new homes in an appropriate size and scale, this proposal will also preserve the wetlands, trees, and stream buffers that occupy over 50 percent of the site.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for DeKalb County (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.



The Property is presently suitable for RSM as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by DeKalb County, and the Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by DeKalb County, and the Board of Commissioners to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The Applicant and Owner respectfully request the approval and support of DeKalb County's Board of Commissioners, and Planning Staff of the Applicant's rezoning request to change the project site's zoning from R-75 (Residential Medium Lot) to RSM (Residential Small Lot). Applicant and owner believe that this rezoning would ensure the optimal use of the site—a new, 67-unit single-family attached townhome development.

The Applicant respectfully submits this proposal as the most appropriate use of the site. In addition to maintaining the intent of the character area, it provides new single-family housing that is consistent with existing context and will improve the existing streetscape and neighborhood.

The Applicant, owner, and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.

Kenneth J. Wood, P.E., LEED AP
President

For the Firm

kjw/dp/ht

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

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

DATE: 5/29/2019

CHECK TYPE OF APPLICATION:

- () LAND USE PLAN
- () REZONE
- () MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), Oasis Family Life Church / Cynthia Anderson
(Name of owner(s))

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

Kenneth Wood - Planners and Engineers Collaborative
(Name of Applicant or Agent Representing Owner)

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

B. Layman
Notary Public

Cynthia Anderson
Owner

Notary Public

Owner

Notary Public

Owner



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes _____ No *

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Mary Erin Fantom
Notary

Isabel M. Harris
Signature of Applicant /Date

Check one: Owner _____ Agent

11/20/2021
Expiration Date/ Seal



*Notary seal not needed if answer is "no".