



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: Kaplan Residential by Dentons US LLP E-Mail: dan.baskerville@dentons.com

Applicant Mailing Address: 303 Peachtree Street, Suite 5300, Atlanta, GA 30308

Applicant Phone: 404-527-8539 Fax: 404-527-4198

Owner(s): The Paideia School Incorporated E-Mail: hardy.laura@paideiaschool.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 1509 S. Ponce De Leon Ave., Atlanta, GA 30307

Owner(s) Phone: (404) 377-3491 Fax: n/a

Address/Location of Subject Property: 1014&1015 Elder, Ln; 3892&3960 Redan Rd. Stone Mt., GA 30083

District(s): 15 Land Lot(s): 221, 228 Block: 01 Parcel(s): 003, 005, 093, 094

Acreage: 19.983 acres +/- Commission District(s): Five and Seven

Present Zoning Category: O-I Proposed Zoning Category: MR-1

Present Land Use Category: Town Center

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:

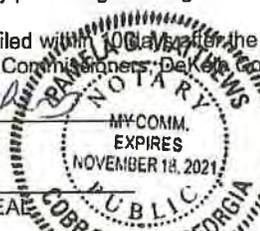
Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

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 with the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

Notary Signature: *Andrew A. Baker*
NOTARY
Nov. 18, 2021
EXPIRATION DATE / SEAL



Signature: _____ Date: September 1, 2020

SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

330 West Peachtree Street, Suite 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov



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: Kaplan Residential by Dentons US LLP Phone: (404)527-8539 Email: dan.baskerville@dentons.com

Property Address: 1014 & 1015 Elder Lane; 3892 & 3960 Redan Road, Stone Mountain, GA 30083

Tax Parcel ID: 15 228 01 003 15 228 01 093 Comm. District(s): 5 & 7 Acreage: 19.983+/-

Existing Use: Vacant/Undeveloped Proposed Use Rental Townhomes

Supplemental Regs: No Overlay District: Indian Creek DRI: N/A

Rezoning: Yes No

Existing Zoning: O-I Proposed Zoning: MR-1 Square Footage/Number of Units: 276313 Sq. ft./230 units

Rezoning Request: To rezone from O-I/Indian Creek District to MR-1/Indian Creek District, utilizing the Density bonus provided for in Marta station bonus in Section 2.12.5(c) of the Zoning Ordinance, as the property is within 1/4 mile of the Indian Creek Marta Station

Land Use Plan Amendment: Yes No

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

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

Special Land Use Request(s)

Major Modification:

Existing Case Number(s): N/A

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: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ 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: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____
 Possible Variances: _____

Comments:

Planner: Karen Hill Date 7/16/20

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

From: Baskerville, Dan

Sent: Tuesday, August 04, 2020 4:19 PM

To: 'dennisallen05@comcast.net' <dennisallen05@comcast.net>; 'kbarksdal22@gmail.com' <kbarksdal22@gmail.com>; 'samson_burrell@yahoo.com' <samson_burrell@yahoo.com>; 'dstbc@bellsouth.net' <dstbc@bellsouth.net>; 'janrcostello@gmail.com' <janrcostello@gmail.com>; 'marshallenglishsr@yahoo.com' <marshallenglishsr@yahoo.com>; 'E7hubbard@gmail.com' <E7hubbard@gmail.com>; 'mstonya@earthlink.net' <mstonya@earthlink.net>; 'hlove1223@aol.com' <hlove1223@aol.com>; 'oneiloooo4@comcast.net' <oneiloooo4@comcast.net>; 'konceptatlanta@bellsouth.net' <konceptatlanta@bellsouth.net>; 'w_duane_williams@yahoo.com' <w_duane_williams@yahoo.com>

Subject: Community Meeting for Pre-Submittal of Rezoning Application

Dear District Five Community Council Members,

Please find attached a letter providing information for a virtual pre-submittal community meeting on **Tuesday, August, 18, 2020, from 6:30 p.m. to 7:30 p.m.,** regarding a rezoning application to be submitted for property located just North of Redan Road, immediately south of the Indian Creek MARTA station. A similar letter is being mailed to the surrounding neighborhood.

Zoom Meeting Information:

<https://dentons.zoom.us/j/99411238473?pwd=S25rYkQ5eWJMNvdRQ2IKZUFZLzJKdz09>

Meeting ID: 994 1123 8473

Passcode: 953218

One tap mobile

+13017158592,,99411238473#,,,,,0#,,953218#

Thank you



Dan Baskerville

Senior Policy Director

D +1 404 527 8539 | US Internal 78539

dan.baskerville@dentons.com

[Bio](#) | [Website](#)

Assistant: Teresa Griffith +1 404 527 8528

Dentons US LLP

Bingham Greenebaum > Cohen & Grigsby > Sayarh & Menjra > Larraín Rencoret > Hamilton Harrison & Mathews > Mardemootoo Balgobin > HPRP > Zain & Co. > Delany Law > Dinner Martin > For more on the firms that have joined Dentons, go to dentons.com/legacyfirms

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August 4, 2020

Re: Community Meeting for Pre-Submittal of Rezoning Application:

Dear Community Council Member,

We represent Kaplan Residential, which is planning to submit a rezoning application on property located in your neighborhood. Specifically, The subject property is located immediately south of the Indian Creek MARTA station, and is immediately north of Redan Rd, with a west border of I-285 and an eastern border of Elder Lane. Specifically it includes the following parcels, which are all currently owned by The Paideia School:

1. 1014 Elder Lane Stone Mountain, GA 30083 (Parcel ID: 15 228 01 003; Acreage: 13.37)
2. 3960 Redan Road Stone Mountain, GA 30083 (Parcel ID: 15 228 01 003; Acreage: 1.38)
3. 3892 Redan Road Stone Mountain, GA 30083 (Parcel ID: 15 228 01 093; Acreage: 1.15)
4. 1015 Elder Lane Stone Mountain, GA 30083 (Parcel ID: 15 228 01 094; Acreage: 4.06)

The proposed project is for a 230 rental-townhouse development. The subject property is zoned O-I (Office-Institutional) and is located within the Indian Creek Overlay District. The O-1 zoning category does not allow for Townhomes, only Multi-Family.

Therefore, Kaplan would need to rezone the property. After speaking with County Planning staff, and doing our own due diligence, we are proposing that the most appropriate zoning for the project would be MR-1 (Medium Density Residential - 1). This would allow for the proposed project, and be consistent with the MR-1 zoning of the property immediately to the North of the subject property. Further, MR-1 is compatible with the current Comprehensive Land Use Plan Character Area: of Town Center.

As you are probably aware, before submitting the application DeKalb County requires applicants for re-zonings to hold a Community Meeting with surrounding neighborhood associations and residents, to provide an adequate opportunity for the community to learn about and provide input on the proposed application. Therefore, we will be holding a community information meeting to provide details on the proposed project, and answer any questions.

All such meetings are currently being held virtually. Therefore, this meeting will be held via Zoom on **Tuesday, August, 18, 2020, from 6:30 p.m. to 7:30 p.m.** Please see connection info below:

Join Zoom Meeting

<https://dentons.zoom.us/j/99411238473?pwd=S25rYkQ5eWJMNvdRQ2lKZUFZLzJKdz09>

Meeting ID: 994 1123 8473

Passcode: 953218

One tap mobile

+13017158592,,99411238473#,,,,,0#,,953218#

For your information we have enclosed a draft site plan and some information about proposed unit types.

We look forward to speaking with you about this exciting project. If you have any questions in the meantime, please feel free to email me at dan.baskerville@dentons.com

Respectfully,

Dan Baskerville, Senior Policy Director
Dentons US LLP

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Respectfully,

Dan Baskerville, Senior Policy Director
Dentons US LLP

THE NEXT FOUR PAGES WERE THE ATTACHMENT TO THE
LETTER REGARDING THE PRE-SUBMITTAL COMMUNITY
MEETING

REDAN INDIAN CREEK - DEKALB COUNTY, GA

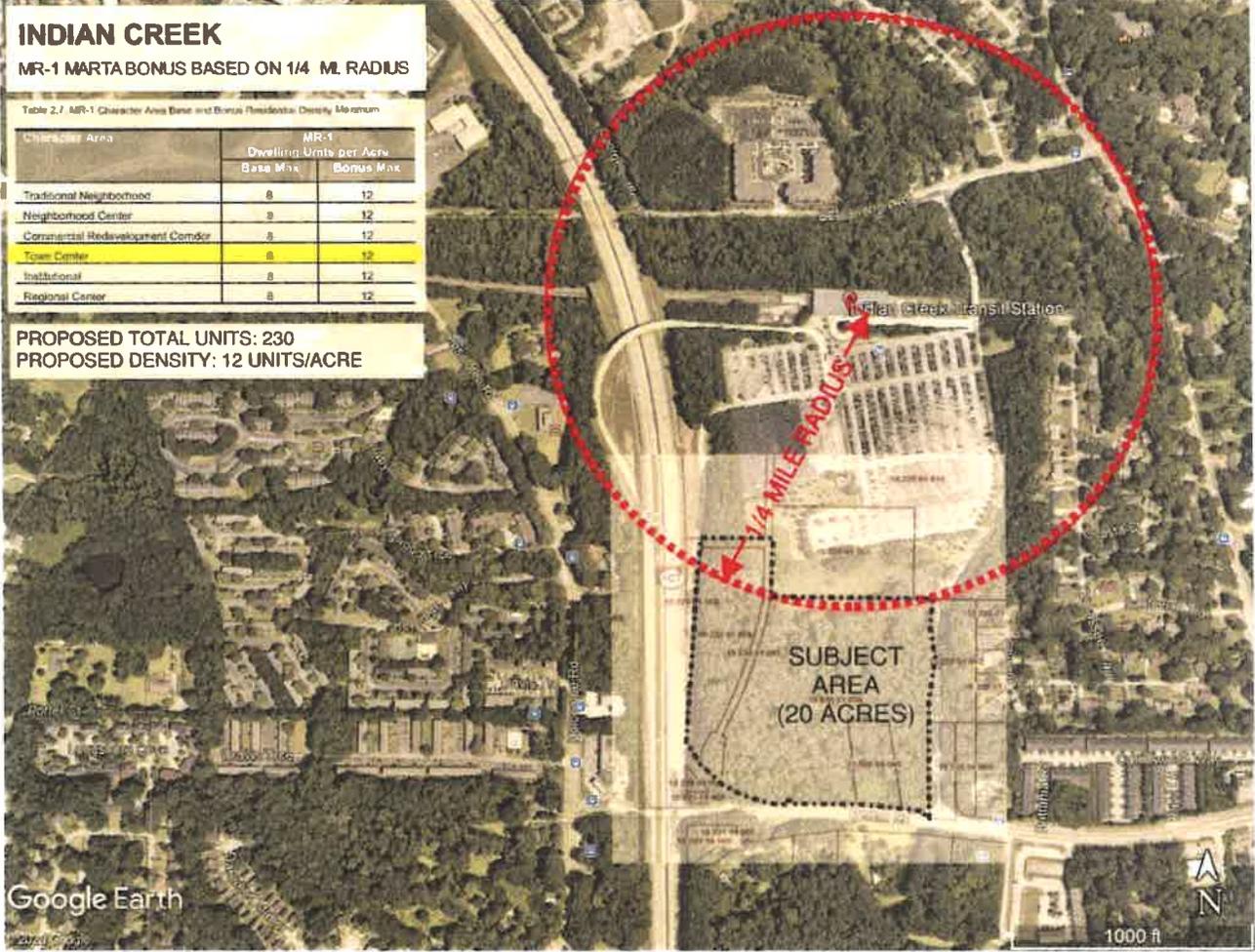
CONCEPTUAL MASTER PLAN

JULY 30, 2020

PREPARED FOR:
KAPLAN RESIDENTIAL

NILES BOLTON ASSOCIATES

ZONING | MR-1 BONUS DENSITY
DEKALB COUNTY, GA

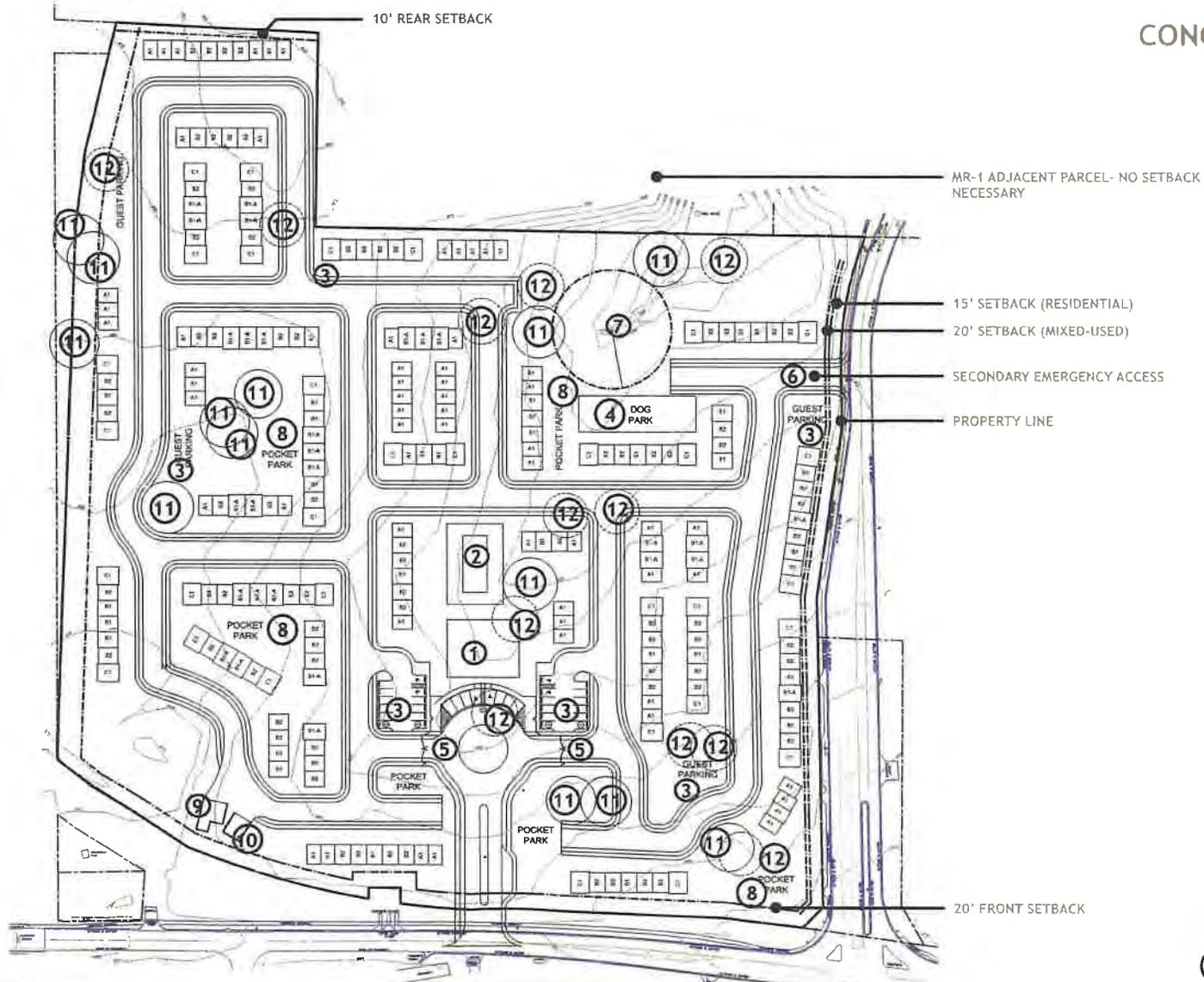


UNIT TARGET MIX
DEKALB COUNTY, GA

UNIT MIX- TARGET RATE				UNIT MIX PROPOSED		
UNIT TYPE	RATIO	UNIT COUNT	SF	RATIO	UNIT COUNT	SF
1BR- A1	26%	60	875	27%	62	875
2BR- B1	9%	20	1322	8%	19	1322
2BR- B1A WITH DEN	13%	30	1384	12%	28	1384
2BR- B2	39%	90	1250	39%	89	1250
3BR- C1	13%	30	1400	14%	32	1400
TOTAL UNITS	100%	230	274960	100%	230	274960
AVERAGE SF/UNIT			1195			1195

CONCEPTUAL SITE PLAN
DEKALB COUNTY, GA

230 UNITS



KEY LEGEND:

1. 6500 SF CLUBHOUSE
2. 2300 SF POOL
3. VISITOR/COMMUNITY PARKING
4. DOG PARK
5. SECURED GATES
6. SECONDARY ACCESS ROAD
7. CREEK WITH 75' RADIUS BUFFER
8. POCKET PARKS
9. WASTE DUMPSTER
10. MAINTENANCE BUILDING
11. 30"+ TREES TO BE PRESERVED (SOLID CIRCLES)
12. 28"-29" TREES FOR CONSIDERATION OF POTENTIAL PRESERVATION (DASHED CIRCLES)



**Within 250 Feet of the Property
Property Owner**

Property Owner	Address	City	State	Zip
MARTA	3923 Durham Park Road	Stone Mountain	Georgia	30083
Verona Manhu	3992 Chemawa Dr	Stone Mountain	Georgia	30083
Ban Thi Ba	4000 Chemawa Dr	Stone Mountain	Georgia	30083
Sherry J. Method	4008 Chemawa Dr	Stone Mountain	Georgia	30083
Clinton Thomas Slater	4009 Chemawa Dr	Stone Mountain	Georgia	30083
Jerry L. Simmons	4001 Chemawa Dr	Stone Mountain	Georgia	30083
Matthew Epstein	3995 Chemawa Dr	Stone Mountain	Georgia	30083
Nay Htoo Moo	3987 Chemawa Dr	Stone Mountain	Georgia	30083
Linda A. Atkins	3975 Chemawa Dr	Stone Mountain	Georgia	30083
Andrea Cooksey	3959 Chemawa Dr	Stone Mountain	Georgia	30083
AMECOM LLC	3967 Chemawa Dr	Stone Mountain	Georgia	30083
MARTA	3974 Redan Road	Stone Mountain	Georgia	30083
Robert Kenner Jr	3992 Redan Rd	Stone Mountain	Georgia	30083
Robert Kenner Jr	3982 Redan Rd	Stone Mountain	Georgia	30083
Mary Ann Osborne	3987 Redan Rd	Stone Mountain	Georgia	30083
Annie Lorrain Hamby	3963 Redan Rd	Stone Mountain	Georgia	30083
Moises Ortiz	3939 Redan Rd	Stone Mountain	Georgia	30083
David Keever	3919 Redan Rd	Stone Mountain	Georgia	30083
Jeffrey M. Keever	1124 Renee Dr	Stone Mountain	Georgia	30083
T and W Properties Inc	1119 Renee Dr	Stone Mountain	Georgia	30083
Joseph Ryan Keever	3897 Redan Rd	Stone Mountain	Georgia	30083
Elizabeth D. Scott	3893 Redan Rd	Stone Mountain	Georgia	30083
Kevin Garell Humbles	3903 Redan Rd	Stone Mountain	Georgia	30083
Unknown Owner	3979 Kensington Road	Stone Mountain	Georgia	30083
Elizabeth D. Scott	3890 Redan Road	Stone Mountain	Georgia	30083
Elizabeth D. Scott	3827 Redan Road	Decatur	Georgia	30032
Michale Lee Miller	3851 Redan Road	Decatur	Georgia	30032
Shir M Rustayye	3859 Redan Road	Decatur	Georgia	30032
L and J Henry Services LLC	3865 Redan Road	Decatur	Georgia	30032
Sharge Investments LLC	1050 Holcombe Road	Decatur	Georgia	30032
Abhi Enterprises LLC	1026 Holcombe Road	Decatur	Georgia	30032
Alliance Enterprises Inc	3931 Kensington Road	Decatur	Georgia	30032
Lisa James	3926 Kensington Road	Decatur	Georgia	30030
Angela McMillon	3874 Kensington Road	Decatur	Georgia	30032
Decatur Wesleyan Church	3840 Kensington Road	Decatur	Georgia	30032

Additional Properties Recommended by Planning Department

Southeast of Property

Property Owner	Address	City	State	Zip
Cherieco J. Wright II	3968 Carlinswood way	Stone Mountain	Georgia	30083
Justine Dawson	3966 Carlinswood Way	Stone Mountain	Georgia	30083
Gladys Bwalya Johnson	3962 Carlinswood Way	Stone Mountain	Georgia	30083
Afrika Massey	3972 Carlinswood Way	Stone Mountain	Georgia	30083
Rebecca J. Hutchins	3976 Carlinswood Way	Stone Mountain	Georgia	30083
Kaneisha Oliver	3980 Carlinswood Way	Stone Mountain	Georgia	30083
Will D. Hayes	3986 Carlinswood Way	Stone Mountain	Georgia	30083
Dominion Station Condominium Ass	3984 Carlin swood Way	Stone Mountain	Georgia	30083
Devon D. Murray	1019 Privy Lane	Stone Mountain	Georgia	30083
Douglas J. Fleming	3971 Carlinswood Way	Stone Mountain	Georgia	30083
Rahaman A. Palas	3975 Carlinswood Way	Stone Mountain	Georgia	30083
Claudine B. Smith	3979 Carlinswood Way	Stone Mountain	Georgia	30083
Debra Ware	3983 Carlinswood Way	Stone Mountain	Georgia	30083
Peter Hamilton	1081 Britannia Rd	Stone Mountain	Georgia	30083

Benyhata Jacobs	1077 Britannia Rd	Stone Mountain	Georgia	30083
Daniel A. Bahata	1069 Britannia Rd	Stone Mountain	Georgia	30083
Lisa E. Wiley	1065 Britannia Rd	Stone Mountain	Georgia	30083
Julanda Wilson	3964 Carlinswood Way	Stone Mountain	Georgia	30083
Herline Emmanuel	3970 Carlinswood Way	Stone Mountain	Georgia	30083
Toni Lee Redding	3988 Carlinswood Way	Stone Mountain	Georgia	30083
Darvel Graves	3992 Carlinswood Way	Stone Mountain	Georgia	30083
Howard Revocable Trust	4000 Carlinswood Way	Stone Mountain	Georgia	30083
Margaret Mason	4006 Carlinswood Way	Stone Mountain	Georgia	30083
Shekina Wilson	4028 Carlinswood Way	Stone Mountain	Georgia	30083
Bryan Thomas	4026 Carlinswood Way	Stone Mountain	Georgia	30083
Nhuhai H. Nguyen	4020 Carlinswood Way	Stone Mountain	Georgia	30083
Erica Handy	4024 Carlinswood Way	Stone Mountain	Georgia	30083
Briana Yvette Sessoms	4036 Carlinswood Way	Stone Mountain	Georgia	30083
MOHAMMEDNUR I MOHAMMEDNU	4040 Carlinswood Way	Stone Mountain	Georgia	30083
Jessica D. Campbell	4046 Carlinswood Way	Stone Mountain	Georgia	30083
Christopher Williams	1037 Crown Blvd	Stone Mountain	Georgia	30083
Margo Doers	1043 Crown Blvd	Stone Mountain	Georgia	30083
KB Home Atlanta LLC	1070 Britannia Rd	Stone Mountain	Georgia	30083
Zandile Nkabinde	1045 Crown Blvd	Stone Mountain	Georgia	30083
Janice Permer	1049 Crown Blvd	Stone Mountain	Georgia	30083
Michael R. Crawford	1055 Crown Blvd	Stone Mountain	Georgia	30083
Veronia Mallory	1036 Crown Blvd	Stone Mountain	Georgia	30083
Richard Stevenson	1040 Crown Blvd	Stone Mountain	Georgia	30083
Karameia Barkley	1044 Crown Blvd	Stone Mountain	Georgia	30083
Jeevan Augustus Brown	1050 Crown Blvd	Stone Mountain	Georgia	30083
James H. Davis III	1052 Crown Blvd	Stone Mountain	Georgia	30083
Gloria Whitaker	1027 Privy Ln	Stone Mountain	Georgia	30083
Glenett Hannah	1048 Crown Blvd	Stone Mountain	Georgia	30083
Vanessa Williams	1025 Privy Ln	Stone Mountain	Georgia	30083
Britney Chappell	1021 Privy Ln	Stone Mountain	Georgia	30083
Jody Parkins	1015 Privy Ln	Stone Mountain	Georgia	30083
Ralph Gary	1011 Privy Ln	Stone Mountain	Georgia	30083
Felisha Digby Blackwell	1022 Privy Ln	Stone Mountain	Georgia	30083
Xiansheng Wang	1010 Privy Ln	Stone Mountain	Georgia	30083
Carla Morgan	1014 Privy Ln	Stone Mountain	Georgia	30083
Jonathan Blacksher	1016 Privy Ln	Stone Mountain	Georgia	30083
Bernice A. Williams	1018 Privy Ln	Stone Mountain	Georgia	30083
GRE management Inc	4092 Redan Rd	Stone Mountain	Georgia	30083
Dantali LLC	4071 Redan Rd	Stone Mountain	Georgia	30083
JCK Global Investment Inc	4081 Redan Rd	Stone Mountain	Georgia	30083
Golden Business Inc	1153 Indian Creek Dr	Stone Mountain	Georgia	30083
AKBO Inc	4043 Redan Rd	Stone Mountain	Georgia	30083
DCJ Properties and Holdings (owns s	4015 Redan Rd	Stone Mountain	Georgia	30083
Willie E. Reese	4015 Redan Rd	Stone Mountain	Georgia	30083
Southwest of Property				
John Kirby	1107 Sagehill Rd	Stone Mountain	Georgia	30083
Basil O. mcPherson	1115 Sagehill Rd	Stone Mountain	Georgia	30083
Michael E. Lombardo	1126 Renee Dr	Stone Mountain	Georgia	30083
Louisiana McCullough	3938 Jane Marie Ln	Stone Mountain	Georgia	30083
Valerie Hillman	3946 Jame Marie Ln	Stone Mountain	Georgia	30083
Randolph Minor	3954 Jane Marie Ln	Stone Mountain	Georgia	30083
PFIN II F LLC	1127 Renee Dr	Stone Mountain	Georgia	30083
Lakimbalynn Parker	3982 Carlinswood Way	Stone Mountain	Georgia	30083
East of the Property				
Cynthia J. Pollard	4016 Chemawa Dr	Stone Mountain	Georgia	30083
Tiberhe Tsehaye	Chemawa Dr	Stone Mountain	Georgia	30083
Marcella Lottie	4027 Chemawa Dr	Stone Mountain	Georgia	30083
Michelle Hill	4033 Chemawa Dr	Stone Mountain	Georgia	30083
Rhonda Earl	4041 Chemawa Dr	Stone Mountain	Georgia	30083
Samath Pol	4049 Chemawa Dr	Stone Mountain	Georgia	30083
Rodney E. Freeman Sr	4057 Chemawa Dr	Stone Mountain	Georgia	30083

Willam S. Dean	1109 Indian Creek Dr	Stone Mountain	Georgia	30083
Tracy D. Culbreath	1071 Yemassee Trl	Stone Mountain	Georgia	30083
Eleanor Scott	1079 Yemassee Trl	Stone Mountain	Georgia	30083
Mohamud A. Elmi	1089 Yemassee Trl	Stone Mountain	Georgia	30083

Below is a list of the people who called in to the virtual (zoom) pre-submittal community meeting held on the evening of August 18, 2020. Several numbers appear more than once, but the total number was over 20 participants. Many good questions were asked and noted, we stayed on long enough for all participants to ask their questions.

Name (Orig	User Email	Join Time	Leave Time	Duration (Minutes)
Dan Baske	dan.baske	#####	#####	84
Devon		#####	#####	8
iPhone		#####	#####	8
Alicia H	msaliciahai	#####	#####	8
chusbandg	chusbandg	#####	#####	1
Doug Yarn	splitsecon	#####	#####	8
R. E Tomp	tomпки@hc	#####	#####	7
Kevin		#####	#####	1
Sharon's iPad		#####	#####	4
Marshall		#####	#####	4
Debra Ware		#####	#####	1
Edward's iPhone		#####	#####	3
Andrés Rul	andresrubio	#####	#####	5
Jonathan Bernard		#####	#####	2
Kevin		#####	#####	1
Kara Barkli	ksbarkley@	#####	#####	1
Marcela Dib		#####	#####	1
Morris		#####	#####	1
Morris		#####	#####	76
Sharon's iPad		#####	#####	76
iPhone		#####	#####	76
Alicia H	msaliciahai	#####	#####	29
R. E Tomp	tomпки@hc	#####	#####	6
Edward's iPhone		#####	#####	40
Marcela Dib		#####	#####	76
Kara Barkli	ksbarkley@	#####	#####	76
Jonathan Bernard		#####	#####	76
Kevin		#####	#####	1
Doug Yarn	splitsecon	#####	#####	17
Devon		#####	#####	76
Marshall		#####	#####	73
chusbandg	chusbandg	#####	#####	1
Andrés Rul	andresrubio	#####	#####	1
chusbandg	chusbandg	#####	#####	73
Andrés Rul	andresrubio	#####	#####	64
Isaac Marc	yitsi80@gn	#####	#####	1
Janice Parmer		#####	#####	1
1.77E+10		#####	#####	74
Isaac Marc	yitsi80@gn	#####	#####	27
Janice Parmer		#####	#####	62
ryanbbrown		#####	#####	1
Ryan and Beth	(ryanbt	#####	#####	75
1.9E+10		#####	#####	2
James Joh	jayjay@jps	#####	#####	1
James Joh	jayjay@jps	#####	#####	1
jalila rustayee		#####	#####	1
Kevin		#####	#####	1
jalila rustayee		#####	#####	6
Kevin		#####	#####	2
James Joh	jayjay@jps	#####	#####	1
1.4E+10		#####	#####	18
James Joh	jayjay@jps	#####	#####	1
James Joh	jayjay@jps	#####	#####	70
1.68E+10		#####	#####	67

Larry Ruck ruckerlc50(#####	#####	1
Larry Ruck ruckerlc50(#####	#####	71
1.9E+10	#####	#####	1
Kevin	#####	#####	1
Kevin	#####	#####	68
Errol Ritchie	#####	#####	1
Errol Ritchie	#####	#####	57
iPhone	#####	#####	1
iPhone	#####	#####	22
cherokee	#####	#####	1
1.9E+10	#####	#####	65
cherokee	#####	#####	64
Doug Yarn splitsecon	#####	#####	50
Julie McKay	#####	#####	3
Julie McKay	#####	#####	55
Joycelyn B.joycelynba	#####	#####	1
Joycelyn B.joycelynba	#####	#####	47
vanessa	#####	#####	1
vanessa	#####	#####	30
MARION	#####	#####	1
MARION	#####	#####	45
Tyson IPHONE 10	#####	#####	1
Tyson IPHONE 10	#####	#####	29
Edward's iPhone	#####	#####	1
Edward's iPhone	#####	#####	1
Edward's iPhone	#####	#####	1
Edward's iPhone	#####	#####	33
vanessa	#####	#####	1
vanessa	#####	#####	7
Andrés Rul andresrubi	#####	#####	12

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: 8/19/20

CHECK TYPE OF APPLICATION:

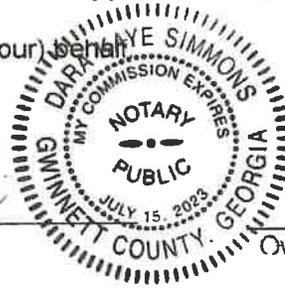
- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), The Paideia School Incorporated
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
Kaplan Residential by Dentons US LLP
(Name of Applicant or Agent Representing Owner)

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



Dara Kay Simmons
Notary Public

[Signature]
Owner

Notary Public

Owner

Notary Public

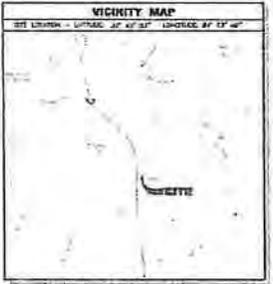
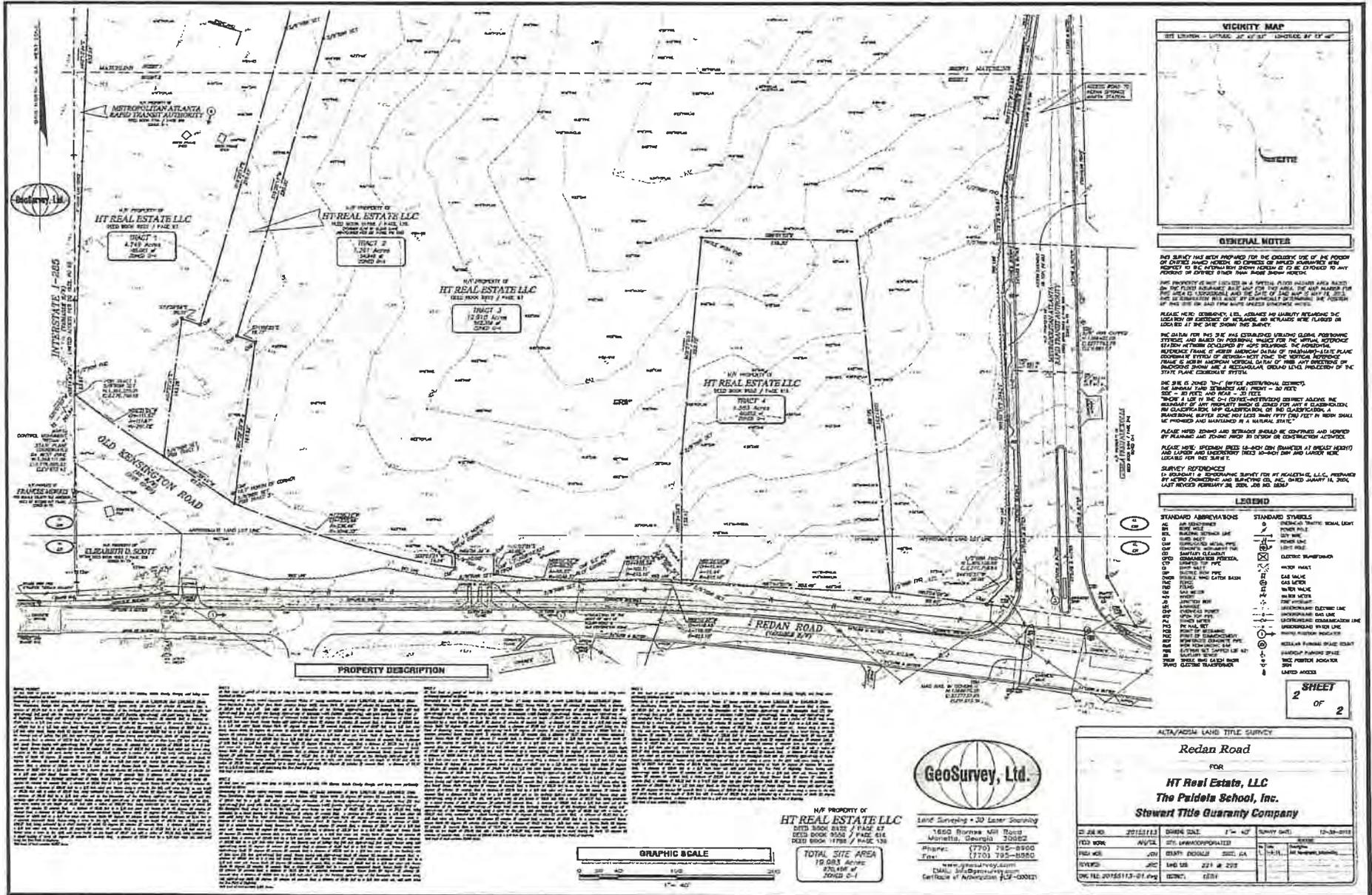
Owner

Legal Description of Property

All that tract or parcel of land lying or being in Land Lots 221 & 228, 15th District, DeKalb County, Georgia, and being more particularly described as follows:

Commencing at a Marta control monument stamped "Redan A" having coordinates of North 1,369,111.08, East 2,276,605.33 (State Plane Coordinates, Georgia West Zone, North American Datum 1983); thence North 35 degrees 07 minutes 03 seconds West, a distance of 261.94 feet to a 5/8 inch rebar set at the intersection of the Northerly right-of-way of Old Kensington Road (50 foot right-of-way) (not open) with the Easterly right-of-way of Interstate I-285 (variable right-of-way), said point being the True Point of Beginning; thence along said right-of-way of Interstate I-285 North 00 degrees 14 minutes 58 seconds West, a distance of 23.94 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 02 degrees 13 minutes 34 seconds East, a distance of 652.64 feet to a 1/2 inch rebar found; thence North 07 degrees 25 minutes 58 seconds East, a distance of 95.07 feet to a 1/2 inch rebar found; thence North 13 degrees 45 minutes 26 seconds East, a distance of 168.80 feet to a 5/8 inch rebar set on the Easterly end of Lullaby Way (40 foot right-of-way) (not open); thence leaving said right-of-way South 87 degrees 08 minutes 59 seconds East, a distance of 253.79 feet to a 5/8 inch rebar set on the Southerly end of Elder Lane (35 foot right-of-way) (not open); thence leaving said right-of-way South 01 degrees 00 minutes 59 seconds West, a distance of 246.63 feet to a 2 inch rod found; thence South 89 degrees 03 minutes 18 seconds East, a distance of 690.11 feet to a 5/8 inch rebar set; thence along a curve to the left, said curve having an arc length of 171.02 feet with a radius of 424.00 feet, being subtended by a chord bearing of South 10 degrees 32 minutes 00 seconds West, a distance of 169.86 feet to a 5/8 inch rebar set; thence South 01 degrees 01 minutes 18 seconds East, a distance of 71.13 feet to a 5/8 inch rebar set; thence South 08 degrees 21 minutes 20 seconds West, a distance of 220.95 feet to a 1/2 inch rebar found; thence South 01 degrees 29 minutes 28 seconds East, a distance of 48.87 feet to a 1/2 inch rebar found; thence South 01 degrees 02 minutes 33 seconds East, a distance of 344.24 feet to a 1/2 inch rebar found; thence South 44 degrees 10 minutes 37 seconds West, a distance of 36.08 feet to a concrete monument found on the Northerly right-of-way of Redan Road (variable right-of-way); thence along said right-of-way North 83 degrees 04 minutes 08 seconds West, a distance of 98.95 feet to a 1/2 inch rebar found; thence North 87 degrees 44 minutes 00 seconds West, a distance of 203.49 feet to a 5/8 inch rebar set; thence along a curve to the left, said curve having an arc length of 116.55 feet with a radius of 812.10 feet, being subtended by a chord bearing of North 89 degrees 10 minutes 37 seconds West, a distance of 116.45 feet to a 5/8 inch rebar set at the intersection of the Northerly right-of-way of Redan Road and the Northerly right-of-way of Old Kensington Road; thence along said right-of-way of Old Kensington Road, along a curve to the right, said curve having an arc length of 88.22 feet with a radius of 1046.37 feet, being subtended by a chord bearing of North 85 degrees 02 minutes 53 seconds West, a distance of 88.20 feet to a 5/8 inch rebar set; thence North 00 degrees 03 minutes 21 seconds East, a distance of 20.06 feet to a concrete monument found; thence North 89 degrees 56 minutes 39 seconds West, a distance of 40.00 feet to a 5/8 inch rebar set; thence South 00 degrees 03 minutes 21 seconds West, a distance of 14.14 feet to a concrete monument found; thence along a curve to the right, said curve having an arc length of 236.49 feet with a radius of 1046.37 feet, being subtended by a chord bearing of North 73 degrees 56 minutes 37 seconds West, a distance of 235.99 feet to a 5/8 inch rebar set; thence North 56 degrees 38 minutes 44 seconds West, a distance of 87.25 feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 111.67 feet with a radius of 751.72 feet, being subtended by a chord bearing of North 55 degrees 21 minutes 01 seconds West, a distance of 111.57 feet to a 5/8 inch rebar set, said point being the True Point of Beginning.

Said tract of land contains approximately 19.983 Acres.



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE COURTESY USE OF THE PROPERTY OWNERS AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

THE PROPERTY IS NOT LOCATED IN A SPECIAL PLACES DESIGN AREA NAMED ON THE PLAT. HOWEVER, THE PROPERTY IS LOCATED IN THE CITY OF ATLANTA, GEORGIA.

PLEASE NOTE: EXISTING UTILITIES, ETC., SHOWN ON THIS SURVEY ARE THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT. THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT.

THE DESIGN FOR THIS SURVEY IS BASED ON THE STATE PLANE COORDINATE SYSTEM AND THE STATE PLANE COORDINATE SYSTEM. THE STATE PLANE COORDINATE SYSTEM IS BASED ON THE STATE PLANE COORDINATE SYSTEM. THE STATE PLANE COORDINATE SYSTEM IS BASED ON THE STATE PLANE COORDINATE SYSTEM.

PLEASE NOTE: EXISTING UTILITIES, ETC., SHOWN ON THIS SURVEY ARE THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT. THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OF EXISTING UTILITIES, ETC., AS SHOWN ON THE PLAT.

SURVEY REFERENCES

1. SURVEY OF THE CITY OF ATLANTA, GEORGIA, PREPARED BY THE CITY OF ATLANTA, GEORGIA, DATED JANUARY 14, 2001.

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC	ACREAGE
AD	ADJUSTED
AS	AS SHOWN
BL	BLOCK
BR	BROADWAY
CA	CITY
CH	CHURCH
CL	CITY LIMITS
CO	COUNTY
CR	COURT
CU	CURB
DA	DRAINAGE
DE	DEPARTMENT
DI	DISTRICT
DO	DRAINAGE
DR	DRAINAGE
EA	EAST
EC	ELECTRIC
ED	ELECTRIC
EE	ELECTRIC
EF	ELECTRIC
EG	ELECTRIC
EH	ELECTRIC
EI	ELECTRIC
EJ	ELECTRIC
EK	ELECTRIC
EL	ELECTRIC
EM	ELECTRIC
EN	ELECTRIC
EO	ELECTRIC
EP	ELECTRIC
EQ	ELECTRIC
ER	ELECTRIC
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ET	ELECTRIC
EU	ELECTRIC
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EW	ELECTRIC
EX	ELECTRIC
EY	ELECTRIC
EZ	ELECTRIC
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FB	FIRE
FC	FIRE
FD	FIRE
FE	FIRE
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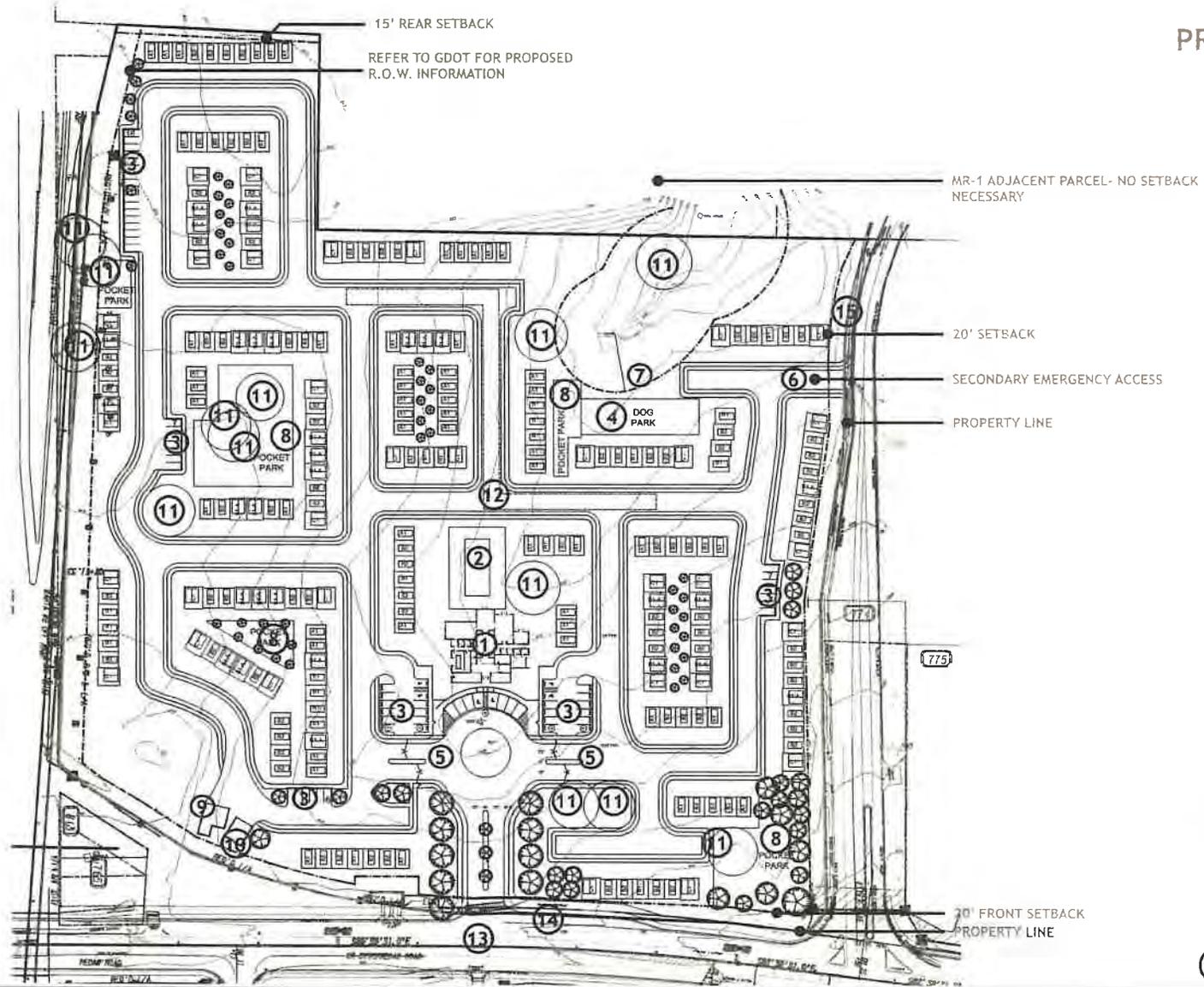
ZONING | REQUIREMENTS & COMPLIANCE

DEKALB COUNTY, GA

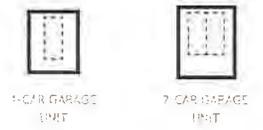
APPLICATION OF KAPLAN RESIDENTIAL		
1014 & 1015 ELDER LANE		
3892 & 3960 REDAN ROAD		
ACREAGE	+/- 19.983 ac.	
CURRENT ZONING	O-1 (OFFICE-INSTITUTIONAL)/ INDIAN CREEK OVERLAY DISTRICT	
PROPOSED ZONING	MR-1 (MEDIUM DENSITY RESIDENTIAL)/ INDIAN CREEK OVERLAY DISTRICT	
CHARACTER AREA	TOWN CENTER	
ZONING ANALYSIS		
CATEGORY	REQUIRED/ALLOWED	PROPOSED
RESIDENTIAL UNITS	8-12 UNITS/ACRE	230 UNITS- 11.5 UNITS/ACRE (MARTA STATION DENSITY BONUSES PER TABLES 2.6, 2.7)
SETBACKS		
FRONT (REDAN RD.)	20'	20'
SIDE (CORNER LOT ON PUBLIC ST.)	20'	20'
REAR	15'	15'
BUILDING HEIGHT	3 STORIES/45'	3 STORIES/39'
REQUIRED BUFFER	NOT REQUIRED PER TABLE 5.2	N/A
OPEN SPACE	MIN. 20% (174,240 SF)	174,240 SF
ENHANCED OPEN SPACE	MIN. 50% OF TOTAL OPEN SPACE (87,120 SF)	113,800 SF
PARKING	403 TOTAL SPACES (1.5 SPACES/UNIT (345) + 0.25 SPACE/UNIT FOR GUEST PARKING (58))	590 TOTAL SPACES (522 DWELLING UNITS + 68 GUESTS)

PROPOSED SITE PLAN
DEKALB COUNTY, GA

230 UNITS

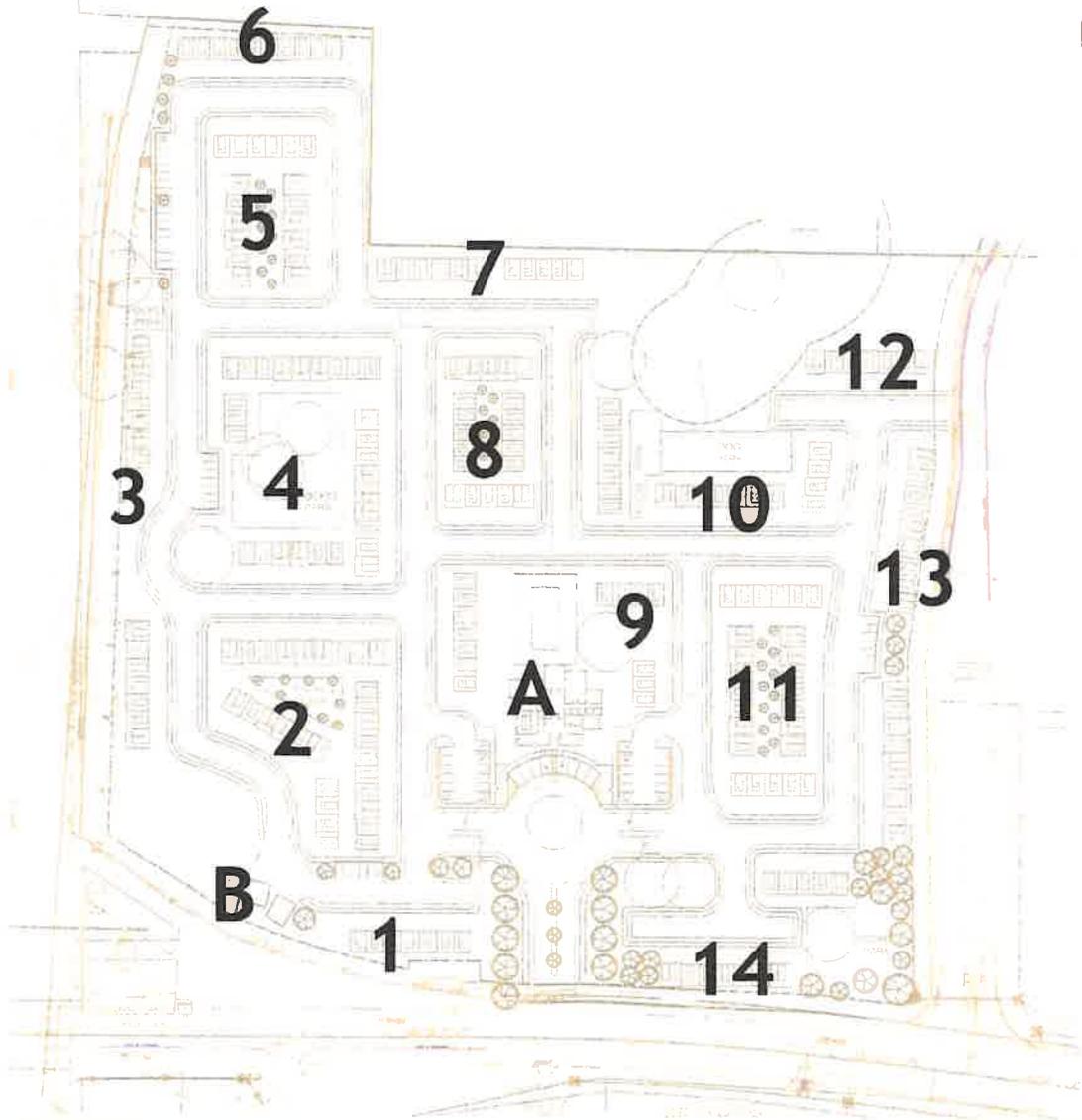


- KEY LEGEND:**
1. 6500 SF CLUBHOUSE
 2. 2300 SF POOL
 3. VISITOR/COMMUNITY PARKING
 4. DOG PARK
 5. SECURED GATES
 6. SECONDARY ACCESS ROAD
 7. CREEK WITH 75' RADIUS BUFFER
 8. POCKET PARKS
 9. WASTE DUMPSTER
 10. MAINTENANCE BUILDING
 11. 30"+ TREES TO BE PRESERVED (SOLID CIRCLES)
 12. STORMWATER MANAGEMENT COMPLYING WITH ALL COUNTY REGULATIONS
 13. PROPOSED GDOT WIDENING OF REDAN RD FROM 2 TO 4 LANES
 14. DECELERATION LANE INTO SUBJECT PROPERTY
 15. EXISTING PEDESTRIAN ACCESS TO MARTA



SCALE: 1/128"=1'-0"

PROPOSED SITE PLAN- LOT COVERAGE
 DEKALB COUNTY, GA

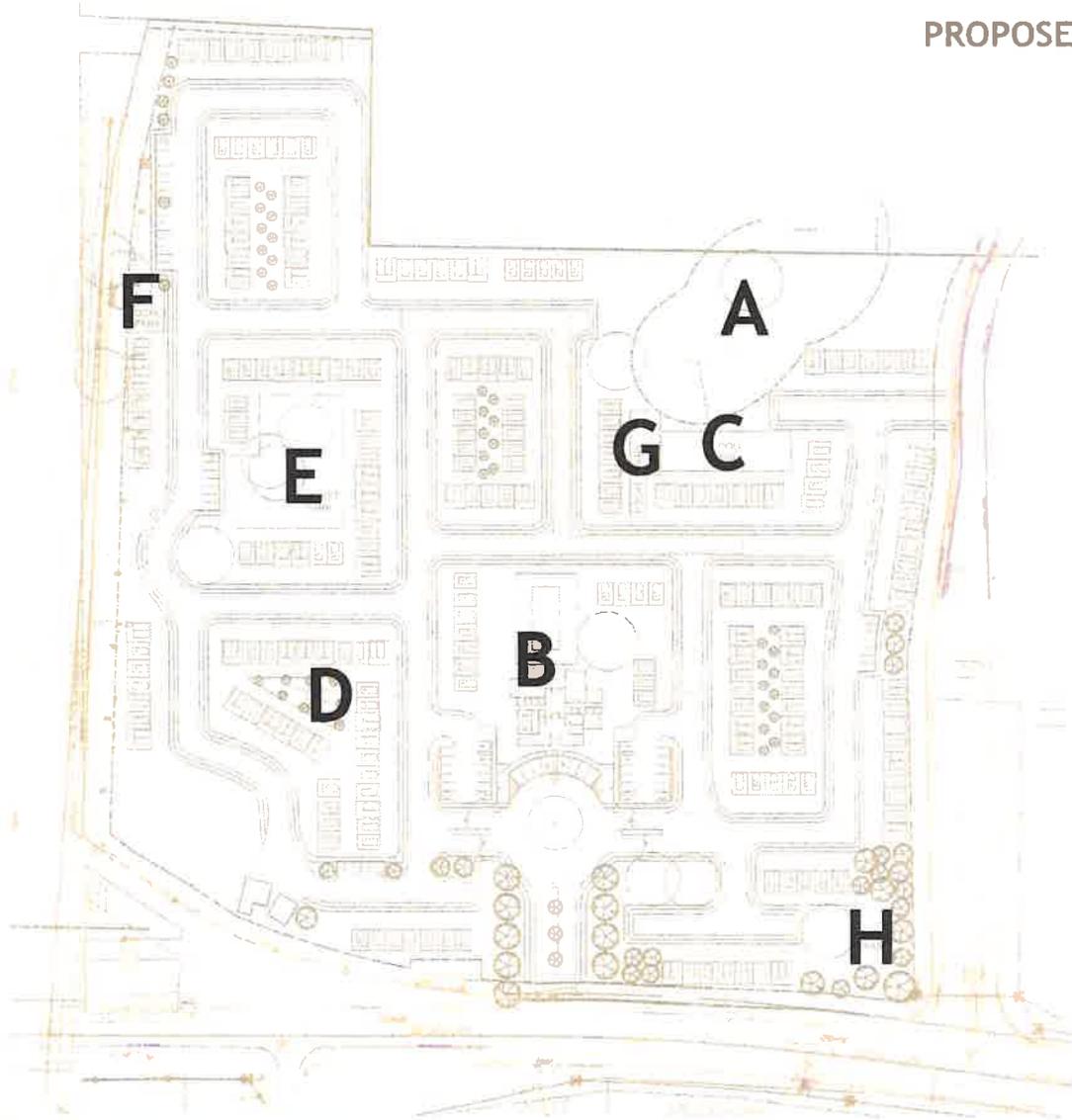


LOT COVERAGE			
PROPERTY SIZE (SF)			871,200.00
PARCEL	BUILDINGS	DRIVEWAYS	TOTAL
1	3375	2700	6075
2	15613	12364	27977
3	8085	6018	14103
4	14027	11175	25202
5	9915	8162	18077
6	4625	3700	8325
7	5653	4705	10358
8	9752	7830	17582
9	6562	5325	11887
10	9140	7390	16530
11	13390	10836	24226
12	3870	3060	6930
13	10280	8220	18500
14	6245	5150	11395
A	13700		13700
B	1620		1620
IMPERVIOUS SURFACES			191,800.00
TOTAL COVERAGE			424,287.00
LOT COVERAGE			49%

PER SEC. 27-2.11.2 (TABLE 2.4) LOT COVERAGE (MAX. % PER LOT OR TOTAL PARCEL ACREAGE): 80%

N SCALE: 1/128"=1'-0"

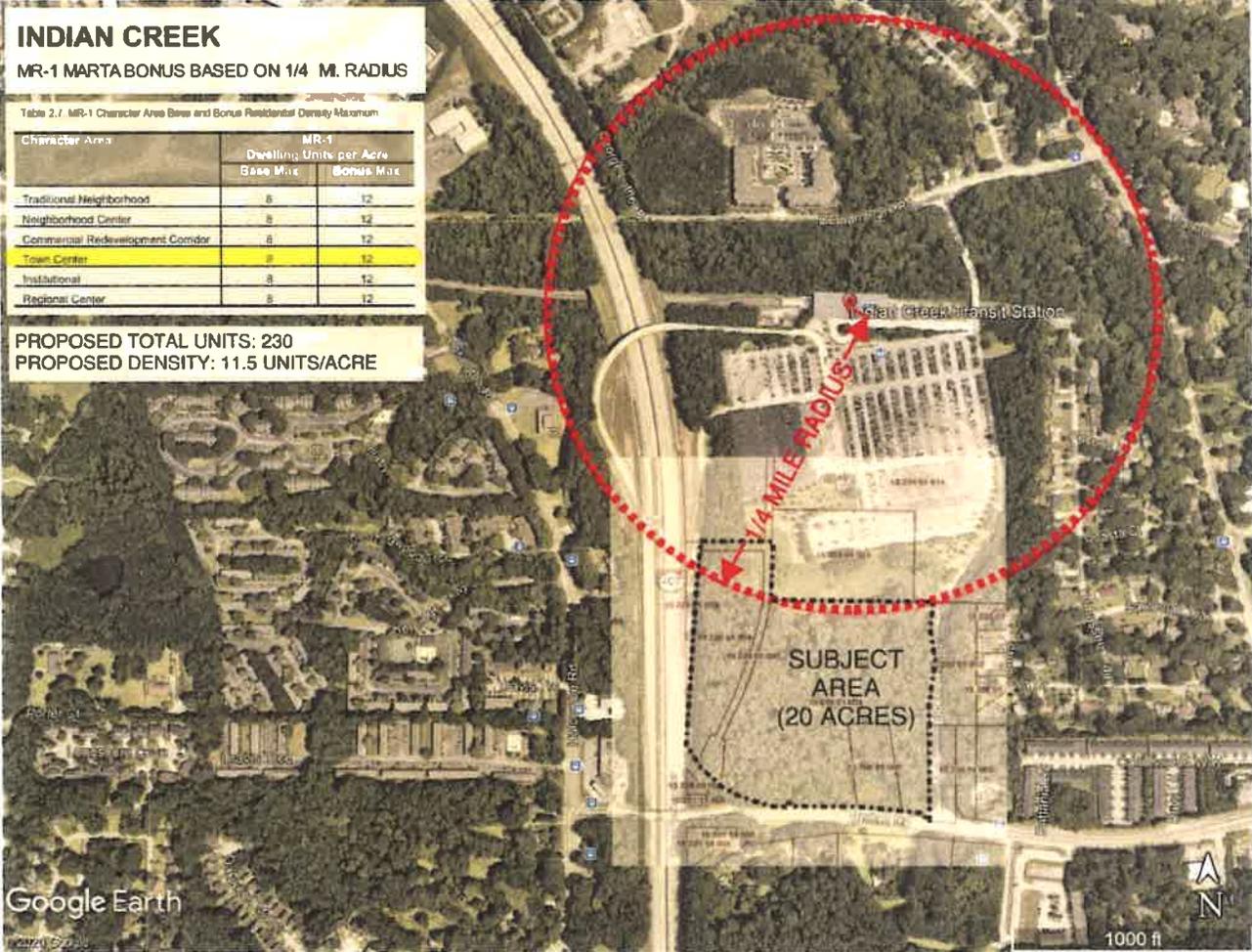
PROPOSED SITE PLAN- ENHANCED OPEN SPACES
 DEKALB COUNTY, GA



KEY	ENHANCED OPEN SPACE	SIZE (SF)
A	STREAM & BUFFER	36670
B	CLUBHOUSE AMENITIES & SURROUNDING AREA	28000
C	DOG PARK	6630
D	POCKET PARK 1	3600
E	POCKET PARK 2	16800
F	POCKET PARK 3	2450
G	POCKET PARK 4	3400
H	POCKET PARK 5	16250
	TOTAL	113800

N
 SCALE: 1/128"=1'-0"

ZONING | MR-1 BONUS DENSITY
DEKALB COUNTY, GA



UNIT & PARKING MIX
DEKALB COUNTY, GA

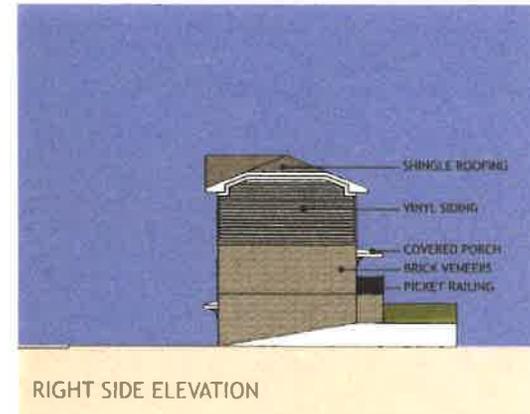
UNIT MIX PROPOSED			
UNIT TYPE	RATIO	UNIT COUNT	SF
1BR- A1	25%	57	875
2BR- B1	8%	19	1322
2BR- B1A WITH DEN	13%	30	1384
2BR- B2	40%	92	1250
3BR- C1	14%	32	1400
TOTAL UNITS	100%	230	276313
AVERAGE SF/UNIT			1201

PARKING	MIN. REQUIRED	MIN. PROPOSED
DWELLING UNITS	345	522
GUESTS	58	68
TOTAL	403	590

EXTERIOR BUILDING ELEVATIONS
DEKALB COUNTY, GA



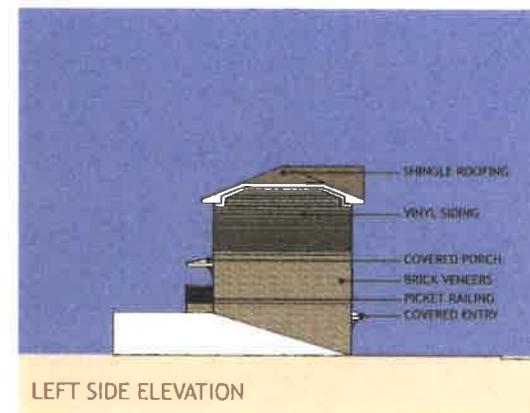
INTERIOR STREET ELEVATION



RIGHT SIDE ELEVATION



REDAN RD. ELEVATION



LEFT SIDE ELEVATION

CONCEPTUAL ELEVATIONS FOR ILLUSTRATIVE PURPOSES ONLY.
DESIGN TO COMPLY WITH ZONING CODE DESIGN REQUIREMENTS.

**LETTER OF APPLICATION, PROJECT SUMMARY
AND
DOCUMENTED IMPACT ANALYSIS**

and other materials required by the
Zoning Ordinance of DeKalb County

for

**APPLICATION TO REZONE PROPERTY
FROM O-I/INDIAN CREEK OVERLAY DISTRICT
TO MR-1/INDIAN CREEK OVERLAY DISTRICT**

for

± 19.983 acres of land
known as

1014 and 1015 Elder Lane and 3892 and 3960 Redan Road

Land Lots 221 and 228, 15th District, DeKalb County, Georgia

Submitted on behalf of

Kaplan Residential, LLC

by

Dentons US LLP

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I. INTRODUCTION

This Application for Rezoning is submitted for a ±19.983-acre parcel of land located in Land Lots 221 and 228 of the 15th District of DeKalb County and known as 1014 and 1015 Elder Lane and 3892 and 3960 Redan Road (collectively the “Property”). The Property is shown on the survey prepared by GeoSurvey, Ltd. dated December 28, 2015 and filed with this Application. The Property is located in Commission District 5 and Super District 7.

The Property is currently zoned O-I (Office-Institutional). The Property lies within the recently adopted Indian Creek Overlay District, which was formerly part of the Kensington-Memorial Drive Overlay District Tier III. Applicant, Kaplan Residential by Dentons US LLP (“Kaplan” or “Applicant”), now seeks approval to rezone the entire Property to MR-1 (Medium Density Residential-1) District/Indian Creek Overlay District to permit development of a 230-unit townhouse community.

This document is submitted as the Letter of Application, Documented Impact Analysis, and other materials required by the Zoning Ordinance of DeKalb County (“Zoning Ordinance”).

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage located at the northwest corner of the intersection of Redan Road, an east-west minor arterial street, and Elder Lane. It is bounded on the north by the Indian Creek MARTA Station (“MARTA station”) and to the west by Interstate 285. The Property is currently undeveloped.

The MARTA station, the final stop on the Blue Line eastbound, includes a park and ride lot with over 2,300 parking spaces. Elder Lane provides northbound and southbound vehicular access to the MARTA station and parking lot. The station also may be accessed by an exit directly off I-285 north. Pedestrian access from the Property to the transit station is currently provided via a sidewalk along the west side of Elder Lane from the Redan Road intersection to the MARTA parking lot.

Residential uses -- detached single family homes and townhomes -- predominate immediately south and east of the Property. These nearby parcels are zoned MR-1, R-100, and R-75. Additionally, all the adjacent parcels owned by MARTA, both developed and undeveloped, are zoned MR-1. A commercial node and institutional uses lie to the east at the intersection of Redan Road and S. Indian Creek Drive. The Property is served by Rowland Elementary School, Mary McLeod Bethune Middle School, and Towers High School.

The Property is designated as “Town Center” in the 2035 Comprehensive Plan. The Plan provides that “the intent of the Town Center Character Area is to promote the concentration of residential and commercial structures which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage” (p. 64). Furthermore, the Redan Road and Indian Creek Drive Small Area Plan, entitled the Master Active Living Plan for the Indian Creek MARTA Station, provides a “Visioning Concept” that includes the Property, with townhomes envisioned along I-285.

III. KAPLAN RESIDENTIAL

Kaplan is a third-generation family-owned company with more than six decades of experience developing master-planned mixed-use communities, apartments, student housing, single family and townhome communities, and innovative urban infill redevelopment projects. Kaplan's track record now encompasses more than \$3 billion in development, including 30,000 residential homes, 3 million square feet of commercial space, and 10 master-planned and mixed-use communities in the northeastern and southeastern United States.

Kaplan began developing in metro Atlanta in the 1980s with projects such as Waterford on Piedmont apartment homes and 450 Piedmont townhomes, which the company still owns and manages today. Other Atlanta-area developments include 375 Highland Townhouses, Park Row Townhouses, and Cosmopolitan. Nathan Kaplan, grandson of the founder, is currently supervising development of Generation, a high-rise apartment building in Downtown Atlanta adjacent to Centennial Olympic Park. For more information on this family-centered, innovative company, go to www.kaplanresidential.com.

IV. PROJECT SUMMARY

As shown on the site plan prepared by Niles Bolton Architects dated September 2, 2020 and filed with this application (the "Site Plan"), Kaplan proposes to develop the Property into a townhome community of 230 residences plus a pool, clubhouse, pocket parks, dog park, and other amenities. The O-I district does not permit townhomes; accordingly, Kaplan is requesting approval to rezone the Property to MR-1.

The MR-1 zoning classification permits up to 12 units/acre with density bonuses (see tables 2.6 and 2.7 of the Zoning Ordinance). The proposed density is 11.5 units per acre, totaling approximately 276,000 square feet, with an average unit size of approximately 1,200 square feet. This unit per acre mix utilizes the MARTA station density bonus set forth section 2.12.5(c) of the Zoning Ordinance, as the Property is within ¼ mile of the MARTA station.

As shown on the Site Plan, the community will be pleasingly arranged around a central axis of a landscaped entryway and focal point leading to the clubhouse and pool. Private streets and sidewalks will connect the residences in a traditional neighborhood pattern. Pocket parks will be located throughout the community, and a dog park will be provided. Sidewalks, building architecture, streetscapes, and site design will be provided in accordance with Indian Creek Overlay District requirements. Primary exterior building materials will include a mix of stucco and brick veneers as prescribed in the Overlay District regulations. The primary roof form will be symmetrical gable covered with shingles and shed-style covers at the entryways.

All units will include either a one or two-car garage and a driveway to allow for parking of at least two vehicles. Approximately 68 additional designated community/visitor parking spaces will be provided onsite. Garages will not face the minor arterial road, Redan Road, or the public street, Elder Lane. The primary entrance point is on Redan Road, with an emergency access point to be provided off Elder Lane. Stormwater management facilities will be designed and installed in accordance with State and County requirements.

Kaplan plans to offer the residences for rent at rates likely ranging from \$1,500 for a one-bedroom unit up to \$2,000 for a three-bedroom home, with a proposed unit mix of:

- 57 one-bedrooms at 875 square feet;
- 141 two-bedrooms, ranging from 1,250 - 1,384 square feet; and
- 32 three-bedrooms at 1,400 square feet.

The purpose of this development is to provide DeKalb County residents with additional options for quality housing accessible to transit. Kaplan intends to coordinate with MARTA to enhance pedestrian access from the community to the station property.

V. DOCUMENTED IMPACT ANALYSIS

The Applicant provides the following information in response to the required analysis:

(A) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan. Yes. The Property lies within a character area designated as “Town Center” in the 2035 Comprehensive Plan, which contemplates density up to 60 units/acre. The requested MR-1 classification is compatible with the Town Center designation. The proposed development is consistent with the intent of this land use designation that the Property and surrounding properties should be redeveloped to promote the concentration of residential structures in order to reduce automobile travel and promote walkability and increased transit usage. Further, as noted in Section II. above, the Redan Road and Indian Creek Drive Small Area Plan includes the Property with townhomes envisioned along I-285.

(B) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. Yes. Several adjacent parcels are zoned MR-1. Other nearby parcels are zoned R-100 and R-75. The proposed development is similar in scale and density to nearby residential areas. Use of the Property for a townhome development is appropriate for this location adjacent to a MARTA station and the I-285 interchange. Allowing additional residences and density in this location can support complimentary retail and commercial uses that are consistent with the type of Transit Oriented Development envisioned for this area.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. The fact that a parcel of this size directly adjacent to a MARTA station and an interstate access point has remained undeveloped while nearly every other property in the vicinity has been developed strongly suggests a lack of market interest in the uses allowed under the O-I classification.

(D) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties. No. The residential use is compatible with adjacent and nearby residential uses, and the design of the community is compatible with the scale and layout of nearby residential areas. The residents of the townhomes will provide new customers for MARTA and support development of community retail, restaurant, and service establishments.

(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. Notwithstanding lot frontage on a minor arterial street and close proximity to a MARTA

station, given the largely residential character of the vicinity the appropriate use for this Property is a medium density townhome development.

(F) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources. Applicant is not aware of any historic buildings, sites, or districts or any archaeological resources near the Property.

(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. No. Kaplan's engineers have conferred with Georgia Department of Transportation (GDOT) personnel about planned upgrades to Redan Road. The project has been designed to accommodate those improvements. Residents of the community will increase ridership for the MARTA station. Kaplan and the design team are consulting with MARTA staff about options to enhance pedestrian access to the station.

Stormwater management facilities will be designed and installed in accordance with State and County requirements. Kaplan is not aware of any deficiencies in public or private utilities that will serve the Property. Sanitary sewer capacity will be determined at the time Kaplan seeks a building permit to construct the townhomes. Kaplan will comply with any remedial actions required by the County at that time.

Given the unit mix and size of the units, Kaplan's experience with similar developments suggests that this community will not create a burden on the school system. The one-bedroom and two-bedroom homes are likely to be rented primarily by one or two-person households. Only 32 units will have three bedrooms.

Applicant further notes that this Application requests a "downzoning" from the current O-I classification, which allows uses such as offices, hotel, apartments, hospital, nursing home, and theatres up to five stories in height. The proposed density of 11.5 townhome units per acre is considerably less dense than the scale of development allowed under the current zoning of the Property.

(H) Whether the zoning proposal adversely impacts the environment or surrounding natural resources. No. Stormwater management facilities will be constructed to prevent runoff onto the public streets or nearby properties.

VI. CONSTITUTIONAL OBJECTIONS

The Applicant respectfully submits that the Zoning Ordinance as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a townhome development, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Zoning Ordinance of DeKalb County deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property.

Further, any attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

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

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

Finally, the Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

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

VII. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from O-1/Indian Creek Overlay District to MR-1/Indian Creek Overlay District be approved.

Submitted this 2nd day of September, 2020.

By:



Sharon A. Gay
Atlanta Managing Partner
Dentons US LLP