



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 6, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: March 27, 2018, 6:30 P.M.**

STAFF ANALYSIS

Case No.: Z-18-22040 **Agenda #:** N. 9

Location/Address: 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road, Decatur **Commission District:** 4 **Super District:** 6

Parcel ID(s): 15-250-06-001 through -006

Request: To rezone property from R-75 (Residential Medium Lot) District and O-I (Office-Institutional) District to HR-3 (High-Density Residential) District for development of 244 multi-family units at a density of 86 units per acre.

Property Owner(s): Rickie A. Clements, Reta Horton, and CVRS Holdings, LLC

Applicant/Agent: LDG Development, LLC c/o Battle Law, PC

Acreage: 2.83 acres

Existing Land Use: Single-family detached homes.

Surrounding Properties: To the north, northeast, and northwest: the Kensington MARTA station; to the east: an unused parking lot; to the southeast and south: the DeKalb County Juvenile Detention Center; to the southwest: single-family residential (City of Avondale Estates); to the west: Kensington Trace townhomes (City of Avondale Estates)

Adjacent Zoning: **North:** R-75 **South:** N.A. (Avondale Estates) **East:** R-75 **West:** RSM and Avondale Estates **Northeast:** R-75 **Northwest:** R-75 **Southeast:** N.A. (Avondale Estates) **Southwest:** N.A. (Avondale Estates)

Comprehensive Plan: RC (Regional Center) ☒ **Consistent** ☐ **Inconsistent**

Proposed Density: 86.22 units/acre	Existing Density: 2.12 units/acre
Proposed Units: 244	Existing Units: 6
Proposed Lot Coverage: 71%	Existing Lot Coverage: (estimate) 15%

Zoning History:

In 2004, the Board of Commissioners (BOC) rezoned three of the parcels that comprise the subject property from R-75 to OI with the condition that the property would be used for business and professional offices and business services uses: 3345 Kensington Road (CZ-04015), 3367 Kensington Road (CZ-04055), and 3375 Kensington Road (CZ-04107). The other parcels appear to have been zoned R-75 since adoption of the first zoning ordinance and map in 1956.

PROJECT ANALYSIS

The subject property is comprised of six contiguous parcels that total 2.83 acres. They are developed with single-family detached homes that were constructed in 1935, 1951, and 1952. The homes are located on a triangular property that is bounded on Kensington Road on the north, Memorial Drive on the southeast, and Covington Highway on the southwest. The homes face the Kensington MARTA Station, which is located across Kensington Road to the north. Mature trees are growing in the yards, and the grade of the home sites is located above that of the street. A sidewalk is located along the fronts of the parcels.

The subject property is part of a Regional Center character area that extends east to I-285, encompassing several DeKalb County buildings, including the Tax commissioner's Central Office, the Roads and Drainage Department, and the Sanitation Department. The Regional Center designation also extends to the north and south to encompass several residential neighborhoods. The Avondale Estates eastern city boundary is located across Covington Highway to the west and southwest.

Land uses on adjacent and nearby properties are a mixture of office, institutional, and residential. The properties back up to the DeKalb Juvenile Justice Center. A Rite-Aid pharmacy is located within ½ mile; a Walmart store is located within approximately 1.5 miles; and the Belvedere Place is located approximately 2 miles from the subject property.

The adjoining properties to the immediate west is vacant, is zoned RSM (Residential-Small Lot Mix), and is owned by DeKalb County. Two contiguous parcels to the east are zoned R-75 and are owned by MARTA. The easternmost parcel has 3.35 acres and appears to be an unused, gated, asphalt parking lot. The application states that LDG Development has responded to an RFP for these parcels and if it is selected, LDG will amend the proposal under consideration in this staff report to include the MARTA properties.

The proposal is for a 244-unit, six-story multifamily residential development. The site plan shows a two-way driveway from Kensington Drive into a parking deck, although the applicant has informed staff that surface parking may be constructed. The site plan also shows a swimming pool amenity area and a walking path around the sides and rear of the site. The applicant also proposes installation of Energy Star-qualified features within the units.

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 proposal is consistent with the following Regional Center policies of the 2035 Comprehensive Plan: "Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in a Regional Center shall be targeted to a broad range of income levels." (RC Policy No. 16) and "Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled." (RC Policy No. 20)

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

The proposed development is not expected to negatively impact the use and development of adjacent and nearby properties.

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

The O-I properties appear to have little economic value for office use because they have not been redeveloped for offices since they were zoned for that purpose in 2004. The rezoning of these properties to OI diminished the economic value of the adjoining R-75 properties. The non-residential uses of land to the rear of the residential properties reduced their value for single-family homes.

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

The proposed development is not expected to adversely affect adjoining or nearby 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 subject property is surrounded by streets and non-residential development, and does not have a residential neighborhood character. Redevelopment for multifamily residential is supported by the consideration that residents of mid- or high-density housing typically trade the tranquility and green space of a lower-density residential neighborhood for the conveniences and affordability of a unit in a multifamily development.

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:

There has been no indication that the proposed development would generate excessive demands on the public infrastructure. The Board of Education has commented that there is sufficient capacity at the neighborhood elementary, middle, and high schools.

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

The proposed development is not expected to have unusual impacts on the natural environment.

Compliance with District Standards:

MR-2 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 60 d.u.s/acre W/Bonuses: 120 d.u.s/ac.	86.22 units/acre; Proximity to MARTA = 100% density bonus = 60 bonus units	Yes
MIN. OPEN SPACE	15%	29%	Yes
MIN. LOT AREA	Not Applicable	—	—
MIN. LOT WIDTH	100 ft.	559 feet	Yes

MAX. LOT COVERAGE		85%	71%	Yes
MIN. TRANSITIONAL BUFFER		50 feet on west side and on east side if MARTA properties are not incorporated.	36.5 feet	A variance will be necessary.
BUILDING SETBACKS	FRONT (For entire bldg. site)	Determined by utility placement, ROW, and streetscape	—	—
	INTERIOR SIDE	Not applicable	—	—
	REAR W/O ALLEY	20 ft.	20 ft.	Yes
	REAR W/ALLEY	Not applicable	—	—
MINIMUM UNIT SIZE		650 square feet	1 brm – 850 s.f. 2 brm – 1,080 s.f. 3 brm – 1,185 s.f.	Yes
MAX. BLDG. HEIGHT		8 stories or 100 feet	4 stories	Yes
TRANS'L HEIGHT PLANE		Applicable on west side and on east side if MARTA properties are not incorporated	Information on provided.	Non-compliance will necessitate variance(s)
PARKING		Min. – 1.5 spaces/unit = 366 spaces Max. – 3 spaces/unit = 732 spaces	400 spaces	Yes
SIDEWALKS AND STREETSCAPING		6-ft. sidewalk, 10-ft. landscape strip, street trees planted 40 ft. on center.	6-ft. landscape strip shown on interior side of 5-ft. sidewalk, w/ trees planted 40 ft. on center.	Non-compliance will necessitate variance(s)

STAFF RECOMMENDATION: FULL CYCLE DEFERRAL

The applicant has requested full cycle deferral to allow time to proceed with purchase of the adjoining MARTA-owned properties. The Department of Planning and Sustainability agrees with the request and recommends “Full Cycle Deferral”.

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.

Furman, Melora L.

Subject: FW: Zoning Comments

From: Keeter, Patrece

Sent: Tuesday, February 20, 2018 3:04 PM

To: Hill, LaSondra <lahill@dekalbcountyga.gov>

Cc: Eisenberg, Marian <meisenberg@dekalbcountyga.gov>

Subject: Zoning Comments

N9. 244 units with one access point is violates code section 14-200 (5). 3 access points are required. Kensington Road is a collector. 35 feet of right of way is required with 4 foot bike lanes. (Chapter 14-190 of Land Development Code). In lieu of bike lanes, a 10 multiuse path can be constructed. A six foot sidewalk, 10 foot (combination front and back of sidewalk) landscape strip and street lights are required (Zoning Code Chapter 5, Page 14). All public infrastructure must be on right of way, including sidewalks and street lights. Extend the sidewalks to the intersection of Kensington Road and Covington Hwy within right of way.

Patrece Keeter

pkkeeter@dekalbcountyga.gov

Engineering Manager

DeKalb County Department of Public Works, Transportation Division

1950 West Exchange Place
Suite 400
Tucker, Georgia 30084

 770-492-5281
 678-758-3860
<http://www.dekalbcountyga.gov>





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 OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-18-22040

Parcel I.D. #: 15-250-06-001 through -006

Address: 3337, 3345, 3361, 3367 and 3375 Kensington Road
Decatur, Georgia

WATER:

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

Distance from property to nearest main: 100+ Feet Southwest from the Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Cobb Fowler Creek Basin

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: 113+ Feet Southwest of the property

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

Sewage Capacity: * (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

* Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the anticipated capacity needs associated with your project.

Signature

DeKalb County Board of Health
404.508.7900 • www.dekalbhealth.net
2/14/2018

→ N.9

Z-18-22040/15-250-06-001 through -006

3337,3345,3353,3361,3367 and 3375 Kensington Road, Decatur, A

☐ Amendment

- Please see general comments.

N.10

SLUP-18-222032/16 100 06 004

2053 South Stone Mountain, Lithonia , GA

☐ Amendment

- Note: Septic system installed in on property 2-16-1961. Septic system was repaired on 8/21/2003.
- Contact Division of Environmental Health regarding septic system capacity. Please see general comments.

N.11

CZ-18-22045/15-085-01-036-037 and 15-096-01-002, -009,010,- 071

3130,3138,3158,3220,3224, and 3234 Snapfinger Road, Decatur, GA

☐ Amendment

- Septic system installed on 6/3/2014 on property 3138 Snapfinger Road, Decatur.
- Please see general comments.

N.12

TA-18-22052

The Bouldercrest-CedarGrove-Moreland Overlay District Table

☒ Amendment

- Please see general comments.

DEKALB COUNTY



02/14/2018

To: Ms. Madolyn Spann, Planning Manager
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, Hotel Accommodation or **swimming pool** prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a pre-existing 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
445 Winn Way – Box 987
Decatur, GA 30031
404.294.3700 • www.dekalbhealth.net

**DeKalb County School District
Zoning Review Comments**

Analysis Date: 2/12/2018

Submitted to: DeKalb County

Case #: Z-18-22040

Name of Development: Phoenix Station

Parcel #: 15-250-06-001/2/3/4/5/6

Location: Kensington Road near Covington Hwy

Description: Former single-family lots redeveloped into an apartment complex with 244 units.

Impact of Development: When fully constructed, this development would be expected to house 15 students: 5 at Avondale ES, 3 at Druid Hills MS, 2 at Druid Hills HS, 4 at other DCSD schools and 1 in private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Avondale ES	Druid Hills MS	Druid Hills HS	Other DCSD Schools	Private Schools	Total
Capacity	678	1,182	1,405			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2018)	510	947	1,302			
Seats Available	168	235	103			
Utilization (%)	75.2%	80.1%	92.7%			
New students from development	5	3	2	5	1	16

New Enrollment	515	950	1,304
New Seats Available	163	232	101
New Utilization	76.0%	80.4%	92.8%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.019265	0.013124	0.002128	0.083826
Middle	0.010955	0.002483	0.001419	0.029085
High	0.007895	0.002365	0.000946	0.045046
Total	0.0381	0.0180	0.0045	0.1580
Student Calculations				
Proposed Units	244			
Unit Type	APT			
Cluster	Druid Hills			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	4.70	3.20	0.52	8.42
Middle	2.67	0.61	0.35	3.63
High	1.93	0.58	0.23	2.74
Total	9.30	4.39	1.10	14.79
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Avondale ES	5	3	1	9
Druid Hills MS	3	1	0	4
Druid Hills HS	2	1	0	3
Total	10	5	1	16

Furman, Melora L.

From: Michele Battle <mlb@battlelawpc.com>
Sent: Wednesday, February 21, 2018 12:45 PM
To: Furman, Melora L.
Cc: Roxanne Daley; Chris Byrd; Eisenberg, Marian
Subject: LDG Development

Please be advised that we are requesting a full cycle deferral for the LDG Kensington Road property.

Michèle L. Battle, Esq.
Battle Law, P.C.



One West Court Square, Suite 750,
Decatur, GA 30030

Phone: 404.601.7616

Fax: 404.745.0045

E-mail: mlb@battlelawpc.com

www.battlelawpc.com

IRS Circular 230 Disclosure:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Confidentiality Notice

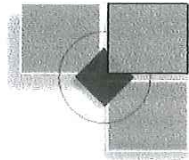
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DeKalb County Department of Planning & Sustainability

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: LDG Development, LLC c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

Applicant Mailing Address: One West Court Sq., Suite 750, Decatur, GA 30030

Applicant Phone: 404-601-7616 Fax: 404-745-0045

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

Owner's Mailing Address: _____

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: See Schedule 1 Attached Hereto

District(s): 15 Land Lot(s): 250 Block: 06 Parcel(s): 001 - 006

Acreage: 2.834 Commission District (s): 4 & 6

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

Present Land Use Category: Regional 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 Contribution

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 ☒

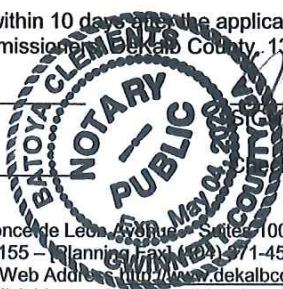
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

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 of DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

May 04, 2020
EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT / DATE

Check One: Owner _____ Agent _____

330 West Ponce de Leon Avenue, 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

LDG DEVELOPMENT, LLC

REZONING APPLICATION

LIST OF OWNERS AND PROPERTY INFORMATION

Owner: Rickie A. Clements
Owner
Address: 3367 Kensington Road
Decatur, GA 30032
Tax Parcel: 15 250 06 002
Address: 3367 Kensington Road
Zoned: O-I (CZ-04107)

Owner: Reta Horton
Owner
Address: 1471 Northside Drive NW
Conyers, GA 30012
Tax Parcel: 15 250 06 005
Address: 3345 Kensington Road
Zoned: O-I (CZ-04-015)

Owner: CVRS Holdings, LLC
Owner
Address: 1845 Satellite Blvd, Suite 750
Duluth, GA 30097

Multiple Tax

Parcels/Address: 15 250 06 004	3353 Kensington Road	Zoned: R-75
15 250 06 003	3361 Kensington Road	Zoned: R-75
15 250 06 001	3375 Kensington Road	Zoned: O-I (CZ-04-055)
15 250 06 006	3337 Kensington Road	Zoned: R-75

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: 12-28-2017

CHECK TYPE OF APPLICATION:

() LAND USE PLAN

(X) REZONE

() MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), RICKIE CLEMENTS

(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
LDG Development, LLC and Battle Law, P.C.

(Name of Applicant or Agent Representing Owner)

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

Kareen J Michel 12/28/17
Notary Public

Rickie A. Clements
Owner

KAREEN J MICHEL
Notary Public - State of Georgia
Newton County
My Commission Expires Dec 12, 2019
Notary Public

Owner

Notary Public

Owner

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: 12-30-17

CHECK TYPE OF APPLICATION:

() LAND USE PLAN

(X) REZONE

() MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), RETA HORTON

(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to
LDG Development, LLC and Battle Law, P.C.

(Name of Applicant or Agent Representing Owner)

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

 Notary Public	LISA A HEIDLE NOTARY PUBLIC Henry County State of Georgia My Comm. Expires July 5, 2020  Owner
--	--

Notary Public

Owner

Notary Public

Owner

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: 12-28-17

CHECK TYPE OF APPLICATION:

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

TO WHOM IT MAY CONCERN:

(I) (WE), CVRS Holdings, LLC
(Name of owner(s))

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

LDG Development, LLC and Battle Law, P.C.

(Name of Applicant or Agent Representing Owner)

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

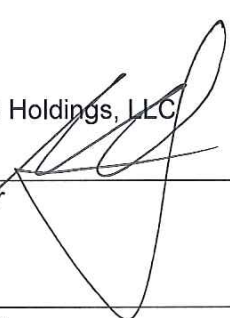

Notary Public



Notary Public

Notary Public

CVRS Holdings, LLC

By: 
Owner

Owner

Owner

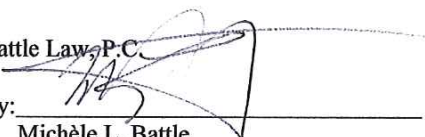
Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michèle L. Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Michael Thurman	CEO	\$350

Battle Law, P.C.

By: 

Michèle L. Battle



ONE WEST COURT SQUARE SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at
Phone: 404-601-7616 ext. 2
Fax: 404-745-0045
Email: btcl@battlawpc.com

REZONING FROM RSM, O-I & R-75 TO HR-1 FOR A MULTI-FAMILY APARTMENT COMPLEX

Community Meeting
Wednesday, August 23, 2017
6:30 pm until 7:30 pm
Covington Branch Library
3500 Covington Highway
Decatur, Georgia 30032

***Please note Change of Date**

PROPOSED LOCATIONS:

3331, 3337, 3345, 3353, 3361, 3367 &
3375 KENSINGTON ROAD
DECATUR, GA

ALONG WITH OTHER POTENTIAL

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Andrew D Lindeman	7 Reese Way	Avondale Estates	GA	30002-1663
Aryc W Mosher	4 Reese Way	Avondale Estates	GA	30002-1663
Aynoka C Bender	13 Reese Way	Avondale Estates	GA	30002-1663
Brooklyn D Morris	6 Reese Way	Avondale Estates	GA	30002-1663
Cceed Properties Llc	3429 Covington Hwy	Decatur	GA	30032-1514
Chelsea Jaggard	11 Reese Way	Avondale Estates	GA	30002-1663
Clearview Realty Solutions Llc	3361 Kensington Rd	Decatur	GA	30032-1512
Cvrs Holdings Llc	1845 Satellite Blvd Ste 750	Duluth	GA	30097-4005
Daniel T Chandler	3282 Majestic Cir	Avondale Estates	GA	30002-1620
Dekalb County	1300 Commerce Dr	Decatur	GA	30030-3222
Downtown Dev Auth Avond Est	21 N Avondale Plz	Avondale Estates	GA	30002-1317
Edwin John Moehring	900 Nottingham Dr	Avondale Estates	GA	30002-1626
Eunice M Warren	15 Reese Way	Avondale Estates	GA	30002-1663
Gayle L Skelton	3294 Majestic Cir	Avondale Estates	GA	30002-1620
Gena L Hill	17 Reese Way	Avondale Estates	GA	30002-1663
James B Wactor	2810 Gleneagles Pointe	Alpharetta	GA	30005-7475
James T Yawn	3308 Majestic Cir	Avondale Estates	GA	30002-1622
James William Smith	885 Nottingham Dr	Avondale Estates	GA	30002-1666
Jason W Swichtenberg	3302 Majestic Cir	Avondale Estates	GA	30002-1622
Jeanette Anita Gibson	5 Reese Way	Avondale Estates	GA	30002-1663
Jenny L Martin	886 Nottingham Dr	Avondale Estates	GA	30002-1624
Jimmy G Tallant	3285 Kensington Rd	Avondale Estates	GA	30002-1652
John Kramer	19 Reese Way	Avondale Estates	GA	30002-1663
Kate E Murphy	893 Nottingham Dr	Avondale Estates	GA	30002-1666
Kathryn R Parker	153 Battery Pl Ne	Atlanta	GA	30307-2522
Life General Contractors Inc	1815 Hembree Rd	Alpharetta	GA	30009-2049
Liga Lidums	2 Reese Way	Avondale Estates	GA	30002-1663
Marta	2424 Piedmont Rd Ne	Atlanta	GA	30324-3311
Marva J Richardson	8 Reese Way	Avondale Estates	GA	30002-1663
Marvin R Winter	1280 Oxford Rd Ne	Atlanta	GA	30306-2427
Megan Popielarczyk Schubnell	3288 Majestic Cir	Avondale Estates	GA	30002-1620
Michael C Dobbs	3279 Kensington Rd	Avondale Estates	GA	30002-1652
Patricia Tarver	14 Reese Way	Avondale Estates	GA	30002-1663

Patrick M Gallagher	10 Reese Way	Avondale Estates	GA	30002-1663
Randi E Stillman	9 Reese Way	Avondale Estates	GA	30002-1663
Reta Horton	1471 Northside Dr Nw	Conyers	GA	30012-4157
Rhonda L Briscoe	12 Reese Way	Avondale Estates	GA	30002-1663
Richard Vitaris	3284 Kensington Rd	Avondale Estates	GA	30002-1651
Rickie A Clements	3367 Kensington Rd	Decatur	GA	30032-1512
Russell L Grantham	906 Nottingham Dr	Avondale Estates	GA	30002-1626
Sadiya Investments Inc	5555 Oakbrook Pkwy	Norcross	GA	30093-6254
Shahzad Shah	75 Independence Way	Cranston	RI	02921-2036
Straughan-Moss Development Ir	5490 McGinnis Ferry Rd	Alpharetta	GA	30005-3923
Terry Lewis Skinner	867 Nottingham Dr	Avondale Estates	GA	30002-1625
Terry Robeson	1 Reese Way	Avondale Estates	GA	30002-1663
Tessu S Mammen	3282 Kensington Rd	Avondale Estates	GA	30002-1651
Tommie Haywood III	3280 Kensington Rd	Avondale Estates	GA	30002-1651
W Crawford Elliott	3278 Kensington Rd	Avondale Estates	GA	30002-1651
Weeks And Associates LLC	618 Farrar Ct	Decatur	GA	30032-1209
Weber Smb	619 Farrar Ct	Decatur	GA	30032-1204
Walker Maria L	622 Farrar Ct	Decatur	GA	30032-1209
Italiano Anne M	623 Farrar Ct	Decatur	GA	30032-1204
Clearview Realty Solutions LLC	628 Farrar Ct	Decatur	GA	30032-1209
Glover James P	629 Farrar Ct	Decatur	GA	30032-1204
Mount Max Jr	634 Farrar Ct	Decatur	GA	30032-1209
Decamp Cynthia C	635 Farrar Ct	Decatur	GA	30032-1204
Hollifield Cheryl	640 Farrar Ct	Decatur	GA	30032-1209
Jefferson Freddie B	641 Farrar Ct	Decatur	GA	30032-1204
Baugh John D	646 Farrar Ct	Decatur	GA	30032-1209
Brennan Numi R	647 Farrar Ct	Decatur	GA	30032-1204
White Constance A	652 Farrar Ct	Decatur	GA	30032-1209
Figueroa Miguel A Iii	653 Farrar Ct	Decatur	GA	30032-1204
Rowe Morgan Jane	658 Farrar Ct	Decatur	GA	30032-1209
Halevy Emily V	659 Farrar Ct	Decatur	GA	30032-1204
Shahan William Andrew	664 Farrar Ct	Decatur	GA	30032-1209
Hood Barbara	665 Farrar Ct	Decatur	GA	30032-1204
Patel Neha	668 Farrar Ct	Decatur	GA	30032-1209

Craig Ray D	669 Farrar Ct	Decatur	GA	30032-1204
Weinberg Joanna	674 Farrar Ct	Decatur	GA	30032-1209
Walker Maria L	675 Farrar Ct	Decatur	GA	30032-1204
Weeks And Associates LLC	680 Farrar Ct	Decatur	GA	30032-1209
Loisel Joseph Robert	681 Farrar Ct	Decatur	GA	30032-1204
Weeks And Associates LLC	684 Farrar Ct	Decatur	GA	30032-1209
Patel Neha	685 Farrar Ct	Decatur	GA	30032-1204
Trausneck Edwin J Jr	690 Farrar Ct	Decatur	GA	30032-1209
Smith Jason M	691 Farrar Ct	Decatur	GA	30032-1204
McClellan Courtney	696 Farrar Ct	Decatur	GA	30032-1209
Anderson Scott F	697 Farrar Ct	Decatur	GA	30032-1204
Mueller-Rougier Mika	702 Farrar Ct	Decatur	GA	30032-1211
Nastri Anthony J	703 Farrar Ct	Decatur	GA	30032-1210
Figueroa Miguel A	708 Farrar Ct	Decatur	GA	30032-1211
Weeks And Associates LLC	709 Farrar Ct	Decatur	GA	30032-1210
Lee Daniel R	717 Farrar Ct	Decatur	GA	30032-1210
Berkeley Village Condominium A	500 Sugar Mill Road, Building B, Atlanta		GA	30350

<u>Name</u>	<u>Title</u>	<u>FirstName</u> <u>MiddleName</u> <u>LastName</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Avondale Pattillo United Methodist Church			3266 Mour Decatur		GA	30032
Marta		Marta	3271 Mour Decatur		GA	30032
Marta		Marta	3297 Mour Decatur		GA	30032
Marta		Marta	3298 Mour Decatur		GA	30032
Marta		Marta	3305 Mour Decatur		GA	30032
Marta		Marta	3313 Mour Decatur		GA	30032
Marta		Marta	3321 Mour Decatur		GA	30032
Marta		Marta	3347 Mour Decatur		GA	30032
Marta		Marta	3375 Mour Decatur		GA	30032
Marta		Marta	3383 Mour Decatur		GA	30032
Marta		Marta	3407 Mour Decatur		GA	30032
Marta		Marta	3417 Mour Decatur		GA	30032
Marta		Marta	4497 Mour Decatur		GA	30032
Salmon Properties Llc			3292 Mour Decatur		GA	30032-1102
Emaa Llc			3360 Mour Decatur		GA	30032-1132
Michael Lo Mr.	Michael	Lo	3402 Mour Decatur		GA	30032-1201
I N D Z Holdings Llc			3408 Mour Decatur		GA	30032-1201
Weeks		Weeks	3418 Mour Decatur		GA	30032-1201
Dana L Gre Ms.	Dana	L Greear	3438 Mour Decatur		GA	30032-1203
Rem-Kiks Group Llc			3448 Mour Decatur		GA	30032-1203
Avondale Park Llc			3458 Mour Decatur		GA	30032-1203
Avondale Park Llc			3468 Mour Decatur		GA	30032-1203
Avondale Park Llc			3478 Mour Decatur		GA	30032-1203

SIGN IN SHEET

3331, 3337, 3345, 3353, 3361, 3367 & 3375 KENSINGTON ROAD
 REZONING COMMUNITY MEETING
 COVINGTON BRANCH LIBRARY – 3500 COVINGTON HIGHWAY

WEDNESDAY, AUGUST 23, 2017 6:30 PM – 7:30 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Tae Arrington	Arrington	Rockledge St Rye	Sta Mtn	30083	479 2084	joe@earthlink.net
Rickie	Clements	3367 Kensington Road	Sta. NHD	30032	478 6889	rickiebell@earthlink.net
Wilson	Bentley	Box 128	Absdale Est	30032	479 71388	skbentley@cloud.com
Catherine	Brackett	3158 Stratford Green Place	Avondale Est, GA	30002	404 297 4003	Catherine.Brackett@att.net
Connie	White	652 Farrer Ct.	Decatur	30032	404.375.0380	Connie White 652@gmail
Roslyn	Allison	2398-T Lawrenceville Hwy Decatur	Decatur	30033	470 207-5919	allisongroup2020@yahoo.com
CAND	Bynum	1449 S 4th	Decatur	40001		
Felipe	Castellano	133 Johnson Bay	Marathon	30068	407 7775	Felipe@spk.com.us

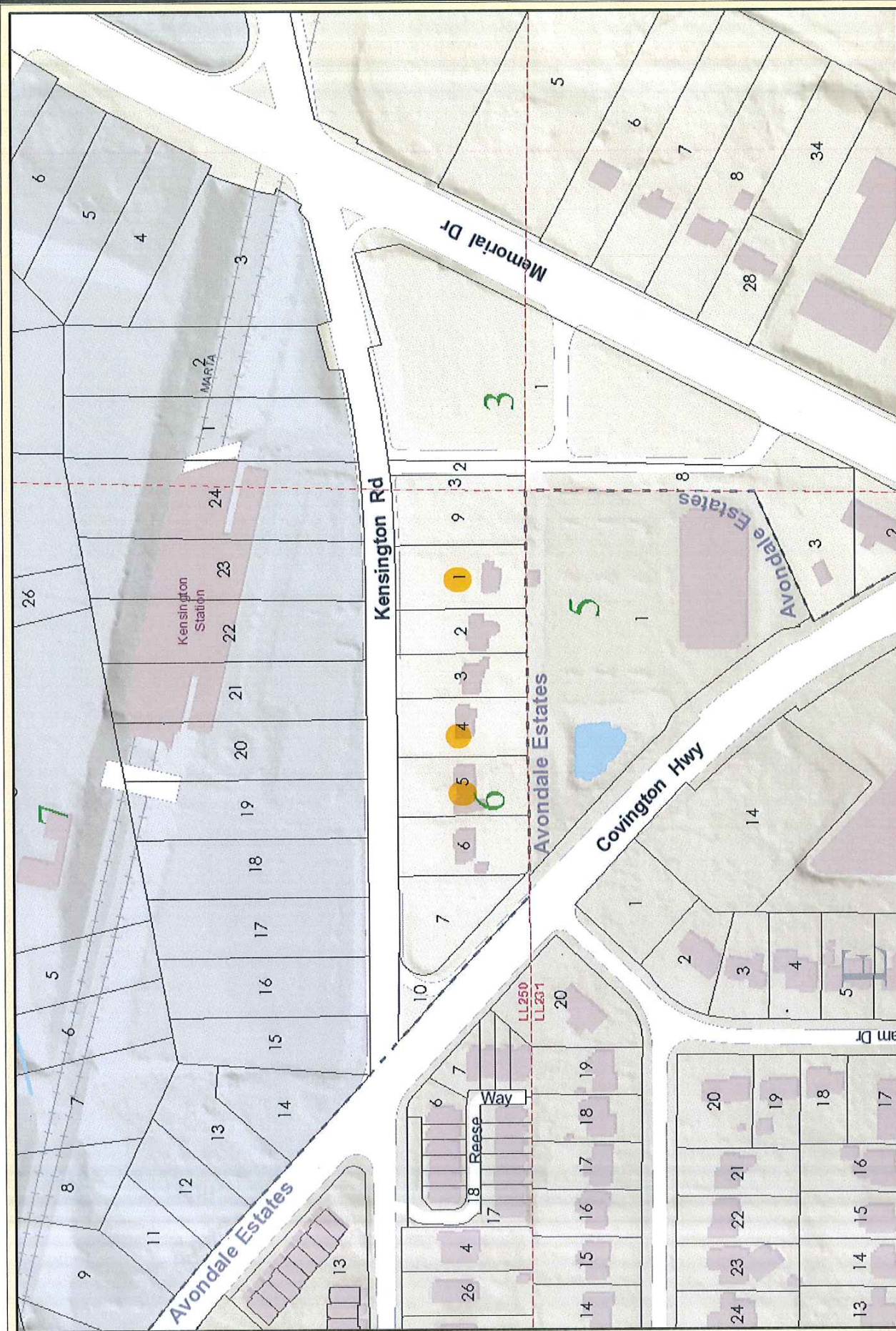
SIGN IN SHEET

3331, 3337, 3345, 3353, 3361, 3367 & 3375 KENSINGTON ROAD
 REZONING COMMUNITY MEETING
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WEDNESDAY, AUGUST 23, 2017 6:30 PM - 7:30 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Shonda Ed	MOEHRENG	900 Nottingham Dr	Avondale ESTS	30002		
CAROL	HAUL SPANHAM	906 Nottingham DR	Avondale Estates	30002		
Morgan	Rowe	658 Farrar Ct.	Decatur	30032		
Matt	Leatherman	659 Farrar Ct.	Decatur	30032	4-580-2195	gmmymix@gmail.com
Booker	Warren	15 Reese Way	Avondale Estates	30002	850-445-3622	bookerwarren@yahoo.com
Mike	Copp	602 N. 1st St.	St. ML	30053	478-253-4891	17Helen@aol.com
Thonda	Briscoe	12 Reese Way	Avondale ESTS	30002	678-361-7580	audrinda@yahoo.com



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Phoenix Station

Date Printed: 1/2/2018



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PhoenixStation 2018
LDG Development

Phoenix Station



Submitted to:

DeKalb County Planning and Sustainability Dept

Submitted By:

LDG Development, LLC

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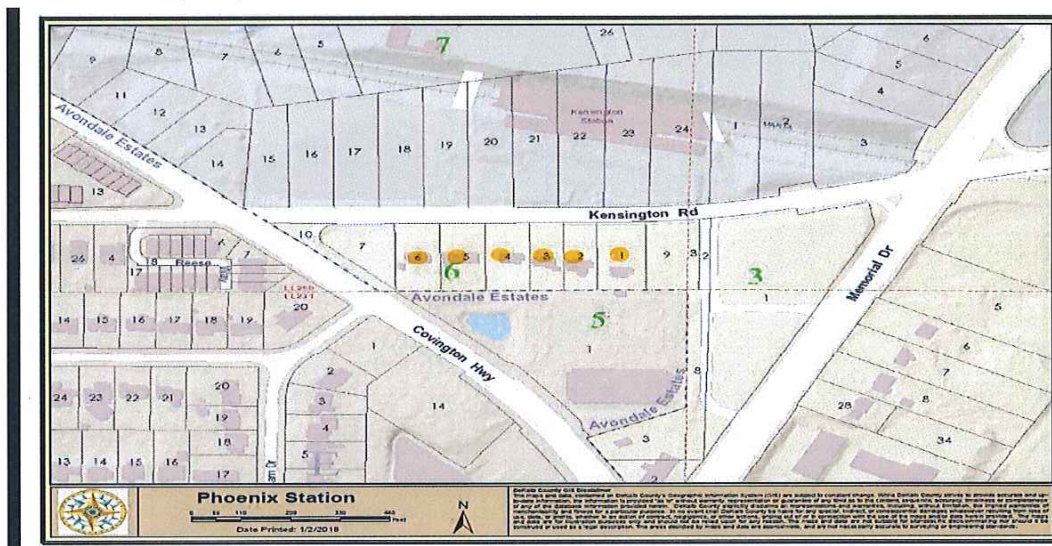
- a) Project Location/ MARTA Owned Properties
- b) Public Transit
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- d) Energy Star, LEED or Southface
- e) Development Team Capacity
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 - LDG Fact Sheet
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- g) Rental Housing Activity
- h) Financing Narrative
- i) Development Schedule
- j) Site Control (Including Single Family Home Options)

1. EXECUTIVE SUMMARY

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1. EXECUTIVE SUMMARY

LDG Development is pleased to present to the DeKalb County Board of Commissioners a proposal for the rezoning of six (6) contiguous parcels located in unincorporated DeKalb County, being 3337, 3345, 3353, 3361, 33, 67 and 3375 Kensington Road. The parcels, located south of the Kensington MARTA Stations (see vicinity map below), are being assembled to provide 244 new affordable housing units reserved for families with children, individuals and persons with disabilities with incomes at or below 60% of the area median income. Named Phoenix Station, this development will provide a new high quality affordable housing choice to the hard-working families and individuals of South DeKalb.



LDG recognizes MARTA as one of Metro Atlanta’s major economic forces, as well as, on of the nation’s top transportation agencies. We share in both DeKalb County and MARTA’s long term vision to “create transit oriented communities that connect people to opportunities and drive sustainable community development”. LDG Development is eager to work with both DeKalb County and MARTA to further this mission.

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LDG possesses over 25 years of experience as architects, developers, contractors and project managers on a broad spectrum of developments, including affordable housing. LDG fully understands the difficulty of completing developments requiring multiple layers of financing, agency involvement and neighborhood input. In addition, LDG is familiar with numerous financing products including but not limited to 9% and 4% Affordable Housing Tax Credits, Tax Exempt Multifamily bonds, HOME funds, Affordable Housing Trust Funds and tax abatement programs.

Site Plan and Development

Phoenix Station has been thoughtfully planned with the overall well-being of its residents and the community at large in mind. Once completed *Phoenix Station* will provide the facilities and staff to create a community friendly development that will benefit its residents and the surrounding neighborhood. A total of 244 apartment homes are planned all of which will have access to full amenities including a swimming pool, business center, fitness room, community space and immediate access to public transportation.

Phoenix Station is an essential element to the cohesive master plan that right now consists of the Avondale Hills and Avondale Park communities; two developments that include 300-market rate apartments with a percentage of units reserved for those with incomes between 61% and 80% AMI, fee simple townhomes, \$200k-\$300k single family homes, office space, commercial/retail space and with the addition of *Phoenix Station*, 200 units of quality housing for families and individuals making 60% or less AMI, as well as, seniors and persons with disabilities who may be on fixed incomes.

Phoenix Station is a true investment in affordable housing at a great location connected to public transit.



(PH1: site plan including Avondale Hills and Avondale Park)

Building Description

Surrounded by a wide variety of public and private services, *Phoenix Station* will be a four-story residential elevator-served building with community space, on-site parking and outdoor recreational features including a commercial grade playground and swimming pool. This quality development will provide modern dwelling units with 'state-of-the-art' amenities including Energy Star appliances, washer and dryer hook ups and energy efficient heating and air. Residents will enjoy a well-maintained, landscaped setting with immediate access to public mass transit in the form of the Kensington MARTA Station directly across Kensington Road.

Reserved for families and individuals with household earnings within 60% of the area median income, *Phoenix Station*, will be an ideal choice for young professionals just starting out, hard-working families with children, seniors on a fixed income, as well as, persons with disabilities who desire quality, safe and sustainable apartment home living in a vibrant environment with access to public transit at an affordable price.



(PH2: Elevation)

The proposed development will be built using Tax Exempt Multifamily Bond financing and 4% Affordable Housing Tax Credits.

Unit Description

Phoenix Station will include (28)- 850 sf. 1-Bedroom, (108)-1,080 sf. 2-bedroom and (116)-1,185 sf. 3-bedroom units with very affordable rents ranging from \$670.00 for a 1BR to \$890.00 per month for a 3BR.

Unit Amenities:

- Washer and Dryer Hook Ups
- Energy Star Appliances
- Pre-Wired for Security System
- Spacious Floor Plans
- Dishwasher
- Durable Konecto VCT flooring throughout
- Window blinds
- Walk-in Closets
- Energy efficient central heating and air
- One, Two and Three Bedroom apartments

Community Amenities:

- Four story building
- Brick/stone and Hardi-Plank Siding
- Contemporary Design
- Aesthetically pleasing
- Multipurpose Community Room
- Business Center
- Fitness Center
- On site Laundry Facilities
- Swimming Pool
- Landscaped grounds
- 24 Hour Emergency Maintenance
- Picnic Area with Grill
- The project as proposed will meet state's Energy Codes.

Accessibility Requirements:

- Accessible building entrance on an accessible route
- Accessible and usable public and common use areas
- Usable doors 32" minimum clear width
- Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
- Reinforced walls for grab bars
- Usable Kitchens and usable bathrooms

2. PROJECT SIGNIFICANCE

2. PROJECT SIGNIFIGANCE

Public and private partnerships are defined as “A cooperative venture between public sectors and private sectors, built on the expertise of each partner, that best meets clearly defined public needs through the appropriate allocation of risks, rewards and responsibilities”

LDG Development believes one way to achieve a revitalized and healthy community is by establishing strong public and private partnerships. LDG Development has a proven track record of creating and maintaining these types of relationships.

LDG Development understands the need for a development such as *Phoenix Station* and is excited to participate in the redevelopment of the area around the Kensington MARTA Station.

The need for this development is clear and easily defined:

- There is a need to help relieve this area of South DeKalb from the economic and aesthetic burden that always accompany disinvested areas.
- There is a need to assist in stabilizing the existing affordable housing stock for families in South DeKalb which today is deteriorating due to lack of development dollars being committed.
- There is a need for capital investment of this size and scope which will invite more investment as South DeKalb begins to improve.
- There is a need for more quality affordable housing for families with children, as well as, for persons with disabilities.



(The Parke on Covington: Covington Highway)



(Waterford Manor: Covington Highway)

Additionally, LDG Development is grateful to have the opportunity to be a part of developments like this which invest in the future affordability of an area on the incline.

3. COMMUNITY IMPACT

3. COMMUNITY IMPACT

1) The needs for this development are clear and easily defined:

- There is a need to relieve the targeted area around the Kensington MARTA Station in South DeKalb from the economic and aesthetic liability that always burden areas of disinvestment.
- There is a need to revitalize and begin to replace a deteriorating rental housing stock in South DeKalb which has not seen a meaningful upgrade in housing for families in decades.
- There is a need for new quality affordable housing for families with children, as well as, for persons with disabilities.
- There is a need to refurbish the existing infrastructure of DeKalb County and to redevelop the target area around the Kensington MARTA Station which will help to minimize unnecessary urban sprawl.
- There is a need to return vacant and underutilized property to the county tax roll.

2) The benefits of this development are equally clear:

- This development provides new housing units for families and persons with disabilities.
- This development will help to revive the targeted area by investing in local affordable housing which today is deteriorating.
- Investment of this size and scope will invite more investment as the neighborhood continues to improve.
- This development will replenish a deteriorating housing stock while simultaneously employing energy efficient and green building techniques.
- This development will refurbish the existing infrastructure of the targeted area and redevelop the county core helping to minimize unnecessary urban sprawl

3) LDG Development has presented a proposal that embraces, DeKalb County Government's goals, objectives, guidelines and policies, as stated by the "*DeKalb County Comprehensive Plan 2035*"

According to the "*DeKalb County Comprehensive Plan 2035*":

- a) *Issue*: "The location of affordable housing is often away from major amenities, employment centers and higher-income neighborhoods" (*Chapter 5-Issues and Opportunities, pg. 44*)

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Opportunity: "DeKalb has proximity to downtown Atlanta and many growing in-town neighborhoods. (Chapter 5-Issues and Opportunities, pg. 44)

- b) *Issue:* "Multi-family - Many older multi-family developments are suffering from physical deterioration and are often concentrated in areas with higher poverty rates." (Chapter 5-Issues and Opportunities, pg. 43)

Opportunity: "Many new re-developments have added density and a diversity of housing types and options." (Chapter 5-Issues and Opportunities, pg. 43)

- c) *Issues:* " 1. Areas with high levels of development have raised density and traffic concerns amongst existing residents. 2. Traffic congestion and commute times, especially around high growth areas, could impact future development and zoning decisions. 3. Some high intensity uses are not adequately served by public transportation" (Chapter 5-Issues and Opportunities, pg. 43)

Opportunity: "The increased acceptance and demand for Transit Oriented Development (TOD) has increased redevelopment opportunities around existing MARTA stations." (Chapter 5-Issues and Opportunities, pg. 43)

- d) *Issue:* " Many subdivisions built over the last 30 years are in need of increased upkeep, maintenance or rehabilitation." (Chapter 5-Issues and Opportunities, pg. 44)

Opportunity: "Density and housing types are increasing within some new developments allowing for more housing options." (Chapter 5-Issues and Opportunities, pg. 44)

- e) "In 2000 there were nearly twice as many jobs as housing units in DeKalb County. The total occupied units include owners and renters. This trend is expected to continue into the future. According to these statistics, there is and will continue to be a need for additional housing units in DeKalb County." (Chapter 2-Quality of Life Elements, pg. 20)

- f) "Perhaps, if additional and mixed housing units were provided in the county more employees would be willing to reside in the County, potentially decreasing automobile dependency, traffic congestion and pollution and also improve the economy as less money would be spent outside of the county where wages are paid." (Chapter 2-Quality of Life Elements, pg. 20)

- g) "Identify and encourage the development of priority areas for new infill or redevelopment." (Chapter 7-Land Use, Policies, pg. 58)

- h) "Improve the aesthetic appearance of developments along major corridors." (Chapter 7-Land Use, Policies, pg. 58)

- i) "Encourage development within and near principal transportation corridors and activity centers." (Chapter 7-Land Use, Policies, pg. 58)

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- j) "Encourage Transit Oriented Development (TOD) in appropriate locations" (*Chapter 7-Land Use, Policies, pg. 58*)
- k) "Encourage the use of buffers by large scale office, commercial, industrial, institutional and high density residential development to reduce noise and air pollution in residential neighborhoods. (*Chapter 7-Land Use, Policies, pg. 59*)
- l) "Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels." (*Chapter 7-Land Use, Regional Center Character Area Policies, pg. 59*)
- m) "Kensington MARTA Station Mixed -Use Redevelopment - Develop high -density housing/office/retail uses." (*Chapter 7-Land Use, Kensington Station Activity Center, F. pg. 87*)

Additionally,

LDG Development has presented a proposal that embraces the DeKalb County Board of Commissioners', Management Team's and Planning Team's goals and objectives, as outlined by the "*Kensington Livable Centers Initiative; Transit Oriented Development Plan*" dated September 7, 2012

According to the "*Kensington Livable Centers Initiative; Transit Oriented Development Plan*":

- a) "The substantial employment base in and around the study area will be another market for new retail and residential development." (*Section 2.4- Demographics and Market, pg. 17*)
- b) "A survey of apartment communities around the study area shows wide variation in age, rents and occupancy rates. The newest communities had the highest rents – \$820 to \$1,100 for one bedroom units and \$1,060 to \$1,280 for twos. Occupancy rates for six of the ten communities surveyed were 90 percent or above." (*Section 2.4- Demographics and Market, pg. 18*)
- c) "A critical strategy in support of commercial and office space vitality in the study area is to encourage the addition of housing units. Housing is an important component of the vision for Kensington and residential development can serve as a crucial catalyst for retail expansion." (*Section 4.6- Economic Development Recommendations, pg. 53*)
- d) "The residential market analysis identifies significant opportunities for the area and specific target markets for new housing. Housing should be encouraged and promoted as a key component to development projects in Kensington." (*Section 4.6- Economic Development Recommendations, pg. 53*)

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- e) "Age of Housing: Housing in the 2-mile radius surrounding the Study Area tends to be older than that in the residential market area and DeKalb County. Median year built for housing in these geographies ranges from 1973 near the Study Area to 1979 in DeKalb County." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis*, pg. 9)
- f) "Based on an evaluation of the surrounding housing market, the competitive supply, the attributes of the Study Area and Marketek's experience in facilitation of residential development, we estimate that during the first ten years of development, approximately 670 for sale and 1,026 rental units could be absorbed in the Study Area." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)
- g) "Combined, there is demand for 1,696 housing units in the Kensington LCI TOD Study Area, 40 percent ownership and 60 percent rental." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)
- h) "The projection for potential demand for housing in the Study Area assumes that development will begin as the economy stabilizes and Atlanta enters another period of growth. These projections also assume there will exist marketable rental and for-sale housing product and that an aggressive marketing program for new housing will be underway. The recommended housing types would include primarily newly constructed apartments, condominiums and townhouses, with a small share of small-lot single-family detached homes." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)

We feel this proposed development more than fulfills the core values of the "DeKalb County Comprehensive Plan 2035" and the "Kensington Livable Centers Initiative; Transit Oriented Development Plan" by providing an opportunity for all residents of South DeKalb to have affordable, safe, and sanitary housing through a very creative design approach that revitalizes vacant and underutilized land while embracing the unique character of the neighborhood.

APPENDICES

- a) Project Location
- b) Public Transit
- c) Supportive Services
- d) Energy Star, LEED or Southface
- e) Development Team Capacity
 - LDG Firm Resume
 - LDG Fact Sheet
 - REO
- f) Federal and State Funding
- g) Rental Housing Activity
- h) Financing Narrative
- i) Development Schedule
- j) Site Control
- k) Land Use and Zoning Verification
- l) 3-Mile Radius Jobs Report
- m) 3-Mile Radius Jobs Report

a) PROJECT LOCATION

While assembling the properties, LDG Development took into account existing anchors that make the neighborhood strong and unique. With this in mind, future residents of *Phoenix Station* will have access to numerous community services located in close proximity.

Phoenix Station will be located within ½ mile of the following community amenities: Crossroads Bible Church, First Spanish Baptist Church, Rite-Aid Pharmacy, DeKalb County Government Offices, Avondale Elementary School, DeKalb County Public Library. A full-service Walmart is located at 3580 Memorial Drive, approximately 1.5 miles away from the proposed location. Belvedere Plaza, whose tenants include Kroger Grocery, Family Dollar and a variety of restaurants and smaller retail is approximately 2 miles from the site on Memorial Drive.

Additionally, Peace Baptist Church at 440 Covington Highway, with a community engaged congregation of nearly 3000 worshipers and led by Pastor Tyrone Barnette is within 2.0 miles of the proposed site.

b) PUBLIC TRANSIT

Phoenix Station will have access to safe, walkable neighborhood paths. Most notably, residents will have access to quality public transit service directly adjacent to the Kensington MARTA Station which provides access to some of Atlanta's largest employers, as well as, The City of Stone Mountain, Georgia Piedmont Technical College, Georgia Department of Labor, Memorial Drive Park & Ride, North DeKalb Mall, Northlake Mall and The DeKalb Lou Walker Senior Center.

c) SUPPORTIVE SERVICES

Supportive services are required by the Department of Community Affairs to be provided by the owner at no charge to interested individuals living in the development. These services are yet to be determined but could include such things as classes for business literacy and resume building, health and nutrition classes and credit counseling.

d) ENERGY STAR, LEED OR SOUTHFACE

ENERGY STAR FEATURES:

- Energy Star rated heating and cooling products
- Energy Star rated dishwasher and refrigerator
- Energy Star qualified ceiling fans, light fixtures and ventilation fans
- Energy Star qualified water heaters

GREEN CONSTRUCTION TECHNIQUES

- Development is located within one-quarter (1/4) mile of one or more stops for two or more public bus lines useable by building occupants
- Compact florescent light bulbs installed (CFLs) throughout the project
- The average flow rate for all lavatory faucets is ≤ 2.0 gallons per minute (gpm).
- The average flow rate for all showers is ≤ 2.0 gallons per minute (gpm).
- The average flow rate for all toilets is ≤ 1.3 gallons per flush (gpf).
- All domestic hot water piping shall have R-4 insulation. Insulation shall be properly installed on all piping elbows to adequately insulate the 90-degree bend.

e) DEVELOPMENT TEAM CAPACITY

- i. Firm Resume
- ii. LDG Fact Sheet
- iii. LDG REO

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LDG Development

i. Firm Resume



Narrative of LDG Development, LLC

LDG Development, LLC "LDG" has been developing rental housing, as well as affordable housing communities (with 9% housing credits and Tax Exempt Bonds w/ 4% credits) for over 15 years. Chris Dischinger and Mark Lechner formed LDG in 1994. From 1994 thru 2002 they started the company by acquiring/ developing / building and managing apartments and single-family homes. During this time LDG also acquired and managed some commercial real estate. In 2002 LDG saw an opportunity to enter the Housing Tax Credit program. Using this model as a springboard LDG has developed 5,506 units in Virginia, Indiana, Kentucky, Louisiana and Texas. LDG largest presence is in Texas with 3,085 units developed. Due to the large presence in Texas, a new office was opened in March 2013 in Austin, TX.

LDG has an excellent reputation in each of the communities it serves, as well as with the various State Housing Agencies. We strive to identify superior locations, develop high-quality housing and place qualified on-site 3rd party management.

We have also developed an internal Asset Management Program to monitor the key aspects of each of our developments, beginning with the construction phase through stabilization. After stabilization, the focus of our Asset Management Program is to monitor both the financial and operational performance of the development against agreed-upon benchmark and standards, as well as assure that all compliance reporting is completed timely and in accordance with IRS and State Housing Agency requirements.

ii. LDG Fact Sheet



LDG Development is an ensemble of design and development professionals, whose mission is to provide the highest quality housing possible for our residents. Since its inception in 1994, LDG has specialized in the development of high quality, sustainable apartments and single-family homes. Led by Louisville, KY native Chris Dischinger and Mark Lechner, LDG has provided over 5000 units of housing for individuals, families and seniors in Kentucky, Texas, Louisiana, Kansas and Virginia. Additionally, LDG is excited in 2016 to have been welcomed into Tennessee and Georgia.

LDG Development Fact Sheet

- ***LDG is socially driven.*** LDG is built on the belief that “everyone deserves a quality place to live.” This philosophy, for the past two decades has and will continue to serve as the guiding principle for all of LDG’s work.
- ***LDG engages thoughtful design.*** With contemporary design, quality eco-friendly materials and strategic planning LDG builds dwellings that will sustain in style and durability for years to come.
- ***LDG stimulates the local economy.*** Every community development LDG builds brings revenue for local contractors and partners. For every 100 units built, there are an average of 122 short-term contractors hired and (5) five permanent positions created. LDG helps reverse a slowing economy and troubled job market. Additionally, our new residents bring much needed revenue to local businesses.
- ***LDG continues to excel.*** Since, the year 2000, LDG has developed nearly 3500 units of affordable housing across the country. This has led the company to be named by *Affordable Housing and Finance Magazine* in 2015 as one of the country’s 20 most prolific affordable housing providers.

- ***LDG community investor.*** LDG has generated in excess of \$500 million of investment for the communities we serve.
- ***LDG is highly respected in the housing industry.*** LDG Development is highly respected throughout the affordable housing community and has a stellar reputation of consistently delivering quality, contemporary and sustainable housing for the hard working families of the communities they serve.
- ***LDG has a solid track record built on performance.*** LDG is solicited year after year, by a number of cities, to return and help provide quality affordable housing. Many of LDG's developments under construction in 2015 and 2016, as well as, proposed developments being considered for 2017 and 2018 are in markets where LDG already has a strong track record of success.
- ***LDG cares about the communities and families they serve.*** When families take pride in where they live - they stay and they thrive. Behavioral Studies continue to show that children perform better at school when they are proud of where they live. Single parents worry less about income after rent is due. It means active seniors can finally relax after a lifetime of work. Children can enjoy a safe environment to play, learn and grow. This is why we take every measure to insure the safety and wellbeing of our residents.



“Everyone deserves a quality place to live.”

iii. REO

#	Property Name	Address	City	State	Units
1	Woods of Glen Hill Manor	11313 Bold Forbes Lane	Louisville	KY	108
2	Elkhorn Creek Phase I	101 Overview Path	Georgetown	KY	44
3	Elkhorn Creek Phase II	101 Overview Path	Georgetown	KY	48
4	Overlook Terraces	8027 Glimmer Way	Louisville	KY	144
5	Falcon Crest Apartments	3800 Falcon Crest Drive	Louisville	KY	208
6	Gleneagles Apartments	2920 Polo Club Blvd	Lexington	KY	184
7	Park Place at Loyola	6200 Loyola Lane	Austin	TX	252
8	Harris Branch Apartments	12435 Dessau Road	Austin	TX	248
9	The Villas at Shaver	3271 Shaver Street	Pasadena	TX	240
10	Santora Villas	1805 Frontier Valley Drive	Austin	TX	192
11	Inwood Crossings	3540 North Inwood St	Wichita	KS	260
12	The Muses	1720 Baronne St	New Orleans	LA	211
13	The Muses II	1720 Baronne St	New Orleans	LA	52
14	Renaissance Housing	Scattered Site	Louisville	KY	26
15	Whispering Woods	3202 Margee Drive	Louisville	KY	48
16	Whispering Woods Phase II	3202 Margee Drive	Louisville	KY	50
17	Elk River	101 Rykara Path	Georgetown	KY	40
18	Towne Commons	324 Towne Drive	Elizabethtown	KY	92
19	Melbourne Senior	3075 Mustang Drive	Alvin	TX	110
20	Floral Gardens	7950 S. Sam Houston Pkwy	Houston	TX	100
21	Steeplechase Farms	3621 Steeplechase Drive	Sherman	TX	156
22	Mallard Crossings	3711 Greenwell Springs Road	Baton Rouge	LA	192
23	Woodcrest Apartments	1682 Lobdell Boulevard	Baton Rouge	LA	48
24	Brookcreek Crossing	14700 Bridgecreek Drive	Midlothian	VA	70
25	Paddock at Norwood	1044 Norwood Park Blvd	Austin	TX	228
26	Villas at Colt Run	700 East Houston Rd	Houston	TX	138
27	Newport Village	5925 FM 2100	Crosby	TX	80
28	The Pointe at Ben White	Ben White Blvd	Austin	TX	250
29	Villages at Ben White	Ben White Blvd	Austin	TX	183
30	Stallion Pointe LP	South Race Street	FL Worth	TX	264
31	Harris Branch Senior	Dessau Road	Austin	TX	208
32	Port Royal Apartments	Airline Highway	Baton Rouge	LA	192
33	Sansom Ridge, LP	La Junta Street	Austin	TX	240
34	Sansom Point Senior LP	La Junta Street	Austin	TX	120
35	The Paddock at Grandview	Trinity Lane	Nashville	TN	240
36	Peach Orchard Development	Peach Orchard Road	Augusta	GA	240
37	Riverport Senior	3320 Mary Oconnor Drive	Louisville	KY	108
38	Riverport Family Scholar House	3311 Cathe Dykstra Way	Louisville	KY	64
Total Units					5,678

f) FEDERAL and STATE FUNDING

LDG has completed more than 20 developments utilizing Multifamily Tax Exempt bonds and 4% Affordable Housing Tax Credits during the past 10 years. During this time, LDG has completed developments that are similar in scope and scale to the proposed *Phoenix Station* development including “The Villages at Ben White” in Austin, TX, “Brook Creek Crossing” in Midlothian, VA and “The Villas at Colt Run” in Houston TX. LDG has demonstrated over the years it has the capacity to build, develop and maintain this type of housing.

Most recently, LDG began construction on 240 units of affordable housing in South Augusta. Much like the proposed *Phoenix Station* development, this development utilizes Tax Exempt multifamily bonds and 4% affordable housing tax credits. “Peach Orchard” in Augusta is on schedule to begin pre-leasing in November of 2017 with a construction completion date of May 2018.

g) RENTAL HOUSING ACTIVITY

All proposed units will be rental housing reserved for those at the 60% AMI level or below. The current underwriting model proposes the following rent structure (please note this is subject to change)

DeKalb County; Atlanta-Sandy Springs GA MSA

# of Br's	# of Baths	% of AMGI	# of Units	Square Footage	2017 Max. Rent	Proposed Project Rents
1-Br	1-Ba	60%	20	728	784	\$651
2-Br	2-Ba	60%	108	964	942	\$765
3-Br	2-Ba	60%	116	1,317	1,087	\$868

h) FINANCING NARRATIVE

The goal of the Financing Structure is to maximize a variety of financing sources for the purpose of making the most efficient use of each source. At the same time, the goal is to create a financial structure that will allow for high-quality construction while providing affordable rents and sustainable ongoing operations.

Total Preliminary Development Costs:

\$46,264,752.00 (please see the attached excel sheet for additional information pertaining to preliminary sources & uses of funds).

Comments on Uses of Funds:

The current construction budget reflects an estimate which includes demolition of the existing single family homes, lead and asbestos abatement, the utilization of Green Construction Techniques and the creation of ADA Accessible Units.

Soft Costs are based on actual soft costs from recent like LDG developments. Attorney's fees are higher due to the use of Multifamily Tax Exempt Bonds and 4% Affordable Housing Tax Credits. Third party reports such surveys, Phase I Environmental reviews, and lead and asbestos testing are included and will be required as part of the DCA Tax Credit application and will be provided by the developer at developer's cost.

Comments on Sources of Funds and Financing Structure:

The project Sources of Funds were assembled to allow for high quality new construction while minimizing the amount of permanent debt, therefore allowing for the most affordable levels of rents.

Affordable Housing Tax Credits (LIHTC): Since the development will be located in a Qualified Census Tract, the project is able to take advantage of the 130% Basis Boost, which helps bring more equity to the project. The price quotes for LIHTC's at this time are approximately \$0.935 for Federal Tax Credits approximately \$0.58 for State Credits which are the equity prices reflected in the pro forma. Total owner equity of *\$25,704,486.00* is anticipated through the sale of Federal and State LIHTC's.

Construction Loan: The project will utilize a construction loan of up to *\$8,782,063.00*. The exact sizing of the construction loan is subject to the final negotiated equity pay ins from the syndicator (s) of the LIHTC.

Permanent Loan: The project will utilize traditional permanent loan financing in the amount of *\$18,844,000.00* based on a rate of *4.85%*. The forward rate of *4.85%* takes into consideration the current timing of the project. The permanent loan is sized to allow for cushion if at the time of closing with the investors and lender the actual rate exceeds *4.85%*. The permanent loan is also sized to allow for affordable rents below the 60% limits. Lastly, the amount of cash flow that

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LDG Development

remains after the payment of the permanent loan principle and interest on an annual basis is needed to pay off the Deferred Developer Fee within the required 10-year period. Please note, any decrease in the projected cash flow would prevent the Deferred Developer Fee from being repaid with the required 10-year period.

Deferred Developer Fee: The project team will defer \$1,250,000.00 of the \$2.5mm total fee. The deferred developer fee is limited by the Georgia Department of Community Affairs to ½ of the total Developer Fee which is further restricted to \$2.5mm so that it can be repaid prior to DCA's 10-year repayment requirement.

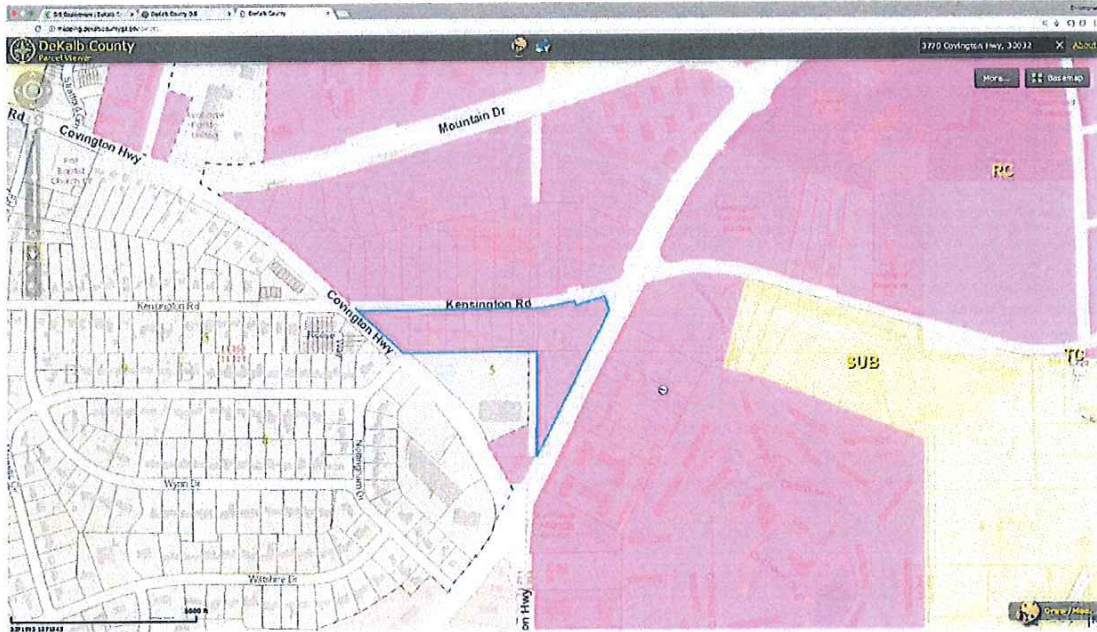
i) Development Schedule

If DeKalb County Board of Commissioners approves the proposed rezoning of the 6 parcels, LDG expects to close and begin construction within 18 months thereafter (December 2019). A 16-month construction period is anticipated (April, 2021). We expect to begin leasing units during month 9 of the construction period (September, 2020) with 100% occupancy achieved at month 14 (February 2021).

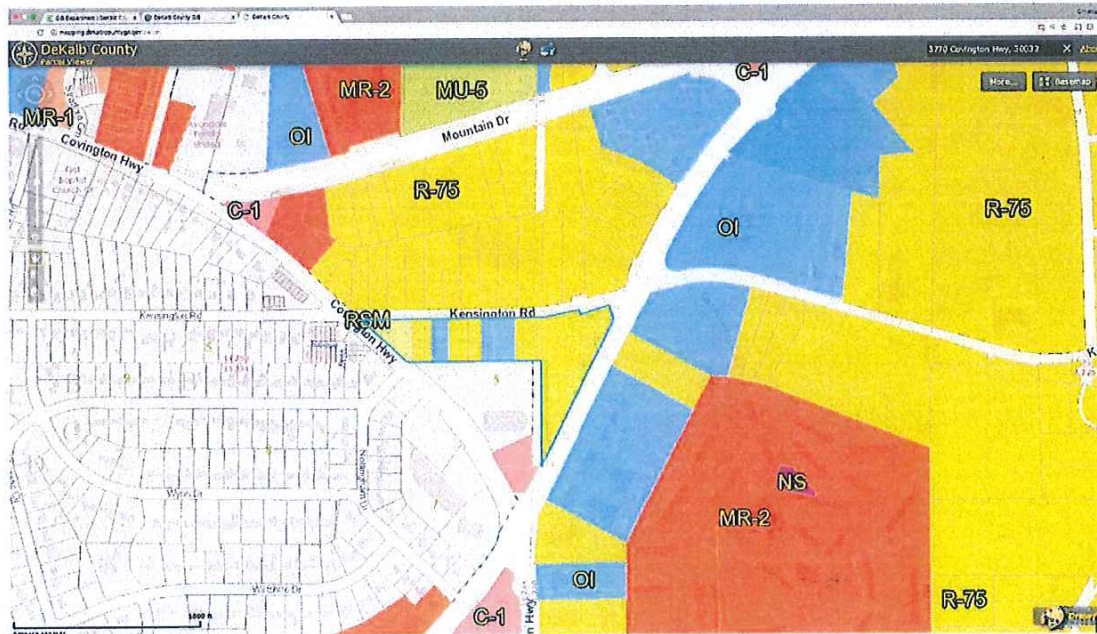
j- SITE CONTROL

LDG currently has the 6 parcel under contract for acquisition, subject to the approval of the Rezoning Application being submitted to DeKalb County. LDG is also pursuing the acquisition of the following four (4) lots adjacent to the 6 parcels at the corner of Kensington Road and Memorial Drive currently owned by MARTA: 4200 Memorial Drive, 3393 Kensington Road, 3383 Kensington Road and 3321 Kensington Road. MARTA has elected to put out a RFP concerning these four parcels. If LDG's proposal is selected, LDG will amend the submitted Rezoning Application to include the additional MARTA parcels. If LDG's proposal is not selected by MARTA, then LDG will continue to pursue the development of the 6 parcels that is currently has under contract as set forth in this proposal.

k) LAND USE and ZONING VERIFICATION



(Land Use: Regional Center)



Zoning: R-75 and OI:

1) 3-Mile Radius Jobs Report

Based on *United States Census Bureau* data: (see attached data)

Within a 3-mile radius of the Kensington MARTA Station there are:

- 23,720 jobs that pay \$3333.00 per month or less (\$39,996.00 per year)
- 54% of the men and women working these positions travel more than 10 miles to get to work everyday
- Nearly 20% travel more than 25 miles while 8% actually travel more than 50 miles

Given the opportunity of a quality housing choice for themselves and their families, many of these people would undoubtedly choose to live closer to their places of employment.

OnTheMap

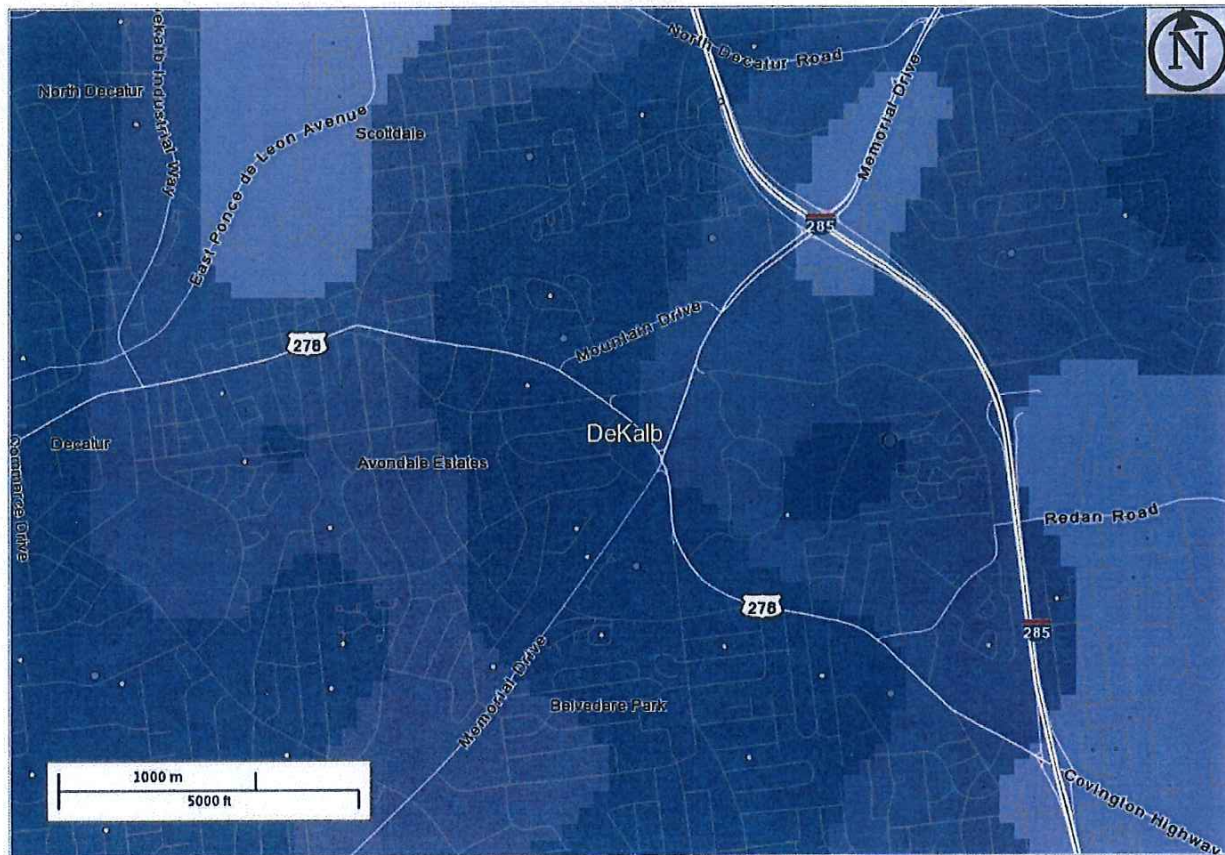
Distance/Direction Report - Work to Home

All Jobs for \$1,250 per month or less in 2014

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 05/11/2017

Counts and Density of Home Locations for All Jobs in Work Selection Area in 2014

\$1,250 per month or less



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 8
- 9 - 19
- 20 - 37
- 38 - 63
- 64 - 96

Job Count [Jobs/Census Block]

- 1 - 2
- 3 - 5
- 6 - 10
- 11 - 17
- 18 - 27

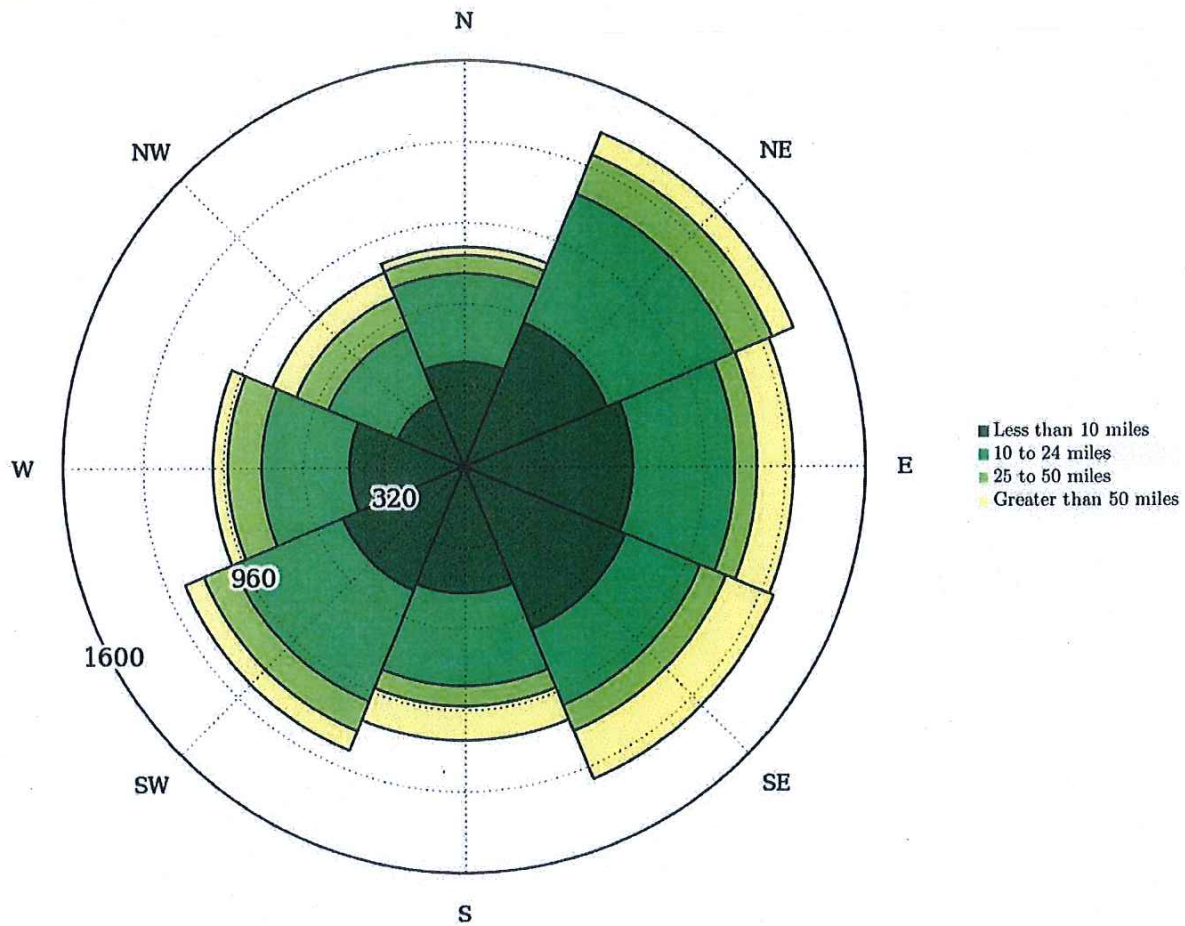
Selection Areas

- Analysis Selection



All Jobs for \$1,250 per month or less in 2014

Distance and Direction from Work Census Block to Home Census Block, Employed in Selection Area



All Jobs for \$1,250 per month or less in 2014

Distance from Work Census Block to Home Census Block, Employed in Selection Area

Distance	2014	
	Count	Share
Total All Jobs	9,048	100.0
Less than 10 miles	4,163	46.0
10 to 24 miles	3,113	34.4
25 to 50 miles	914	10.1
Greater than 50 miles	858	9.5

Additional Information

Analysis Settings

Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2014
Job Type	All Jobs
Selection Area	Selection Area Address buffered 3.00 miles
Selected Census Blocks	1,319
Analysis Generation Date	05/11/2017 13:47 - OnTheMap 6.5
Code Revision	d811b5cc7e2dd2dc6203f94e753d94cc84f265af
LODES Data Version	20160219

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2014).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

OnTheMap

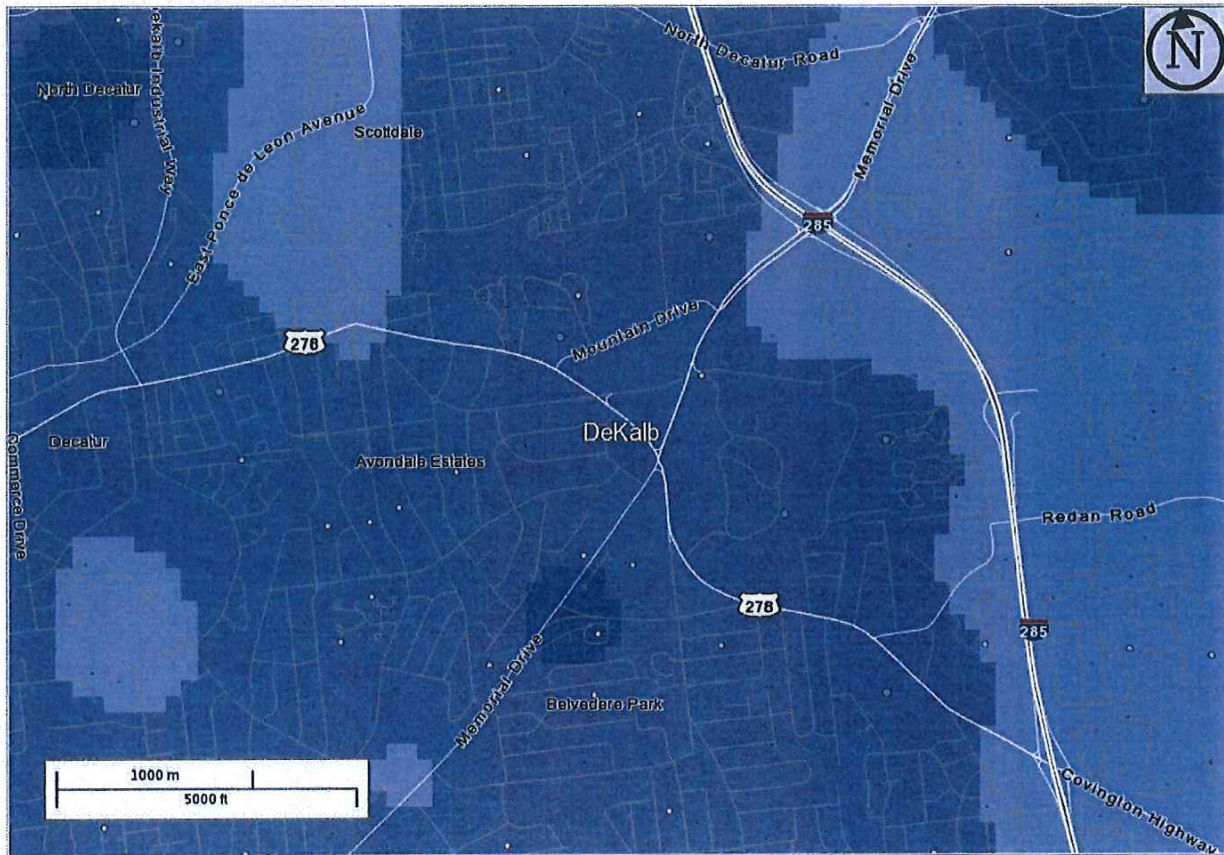
Distance/Direction Report - Work to Home

All Jobs for \$1,251 to \$3,333 per month in 2014

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 05/11/2017

Counts and Density of Home Locations for All Jobs in Work Selection Area in 2014

\$1,251 to \$3,333 per month



Map Legend

Job Density [Jobs/Sq. Mile]

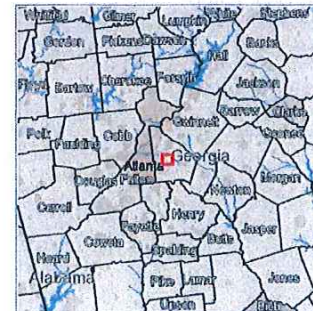
- 5 - 14
- 15 - 44
- 45 - 93
- 94 - 161
- 162 - 250

Job Count [Jobs/Census Block]

- 1 - 3
- 4 - 10
- 11 - 21
- 22 - 38
- 39 - 59

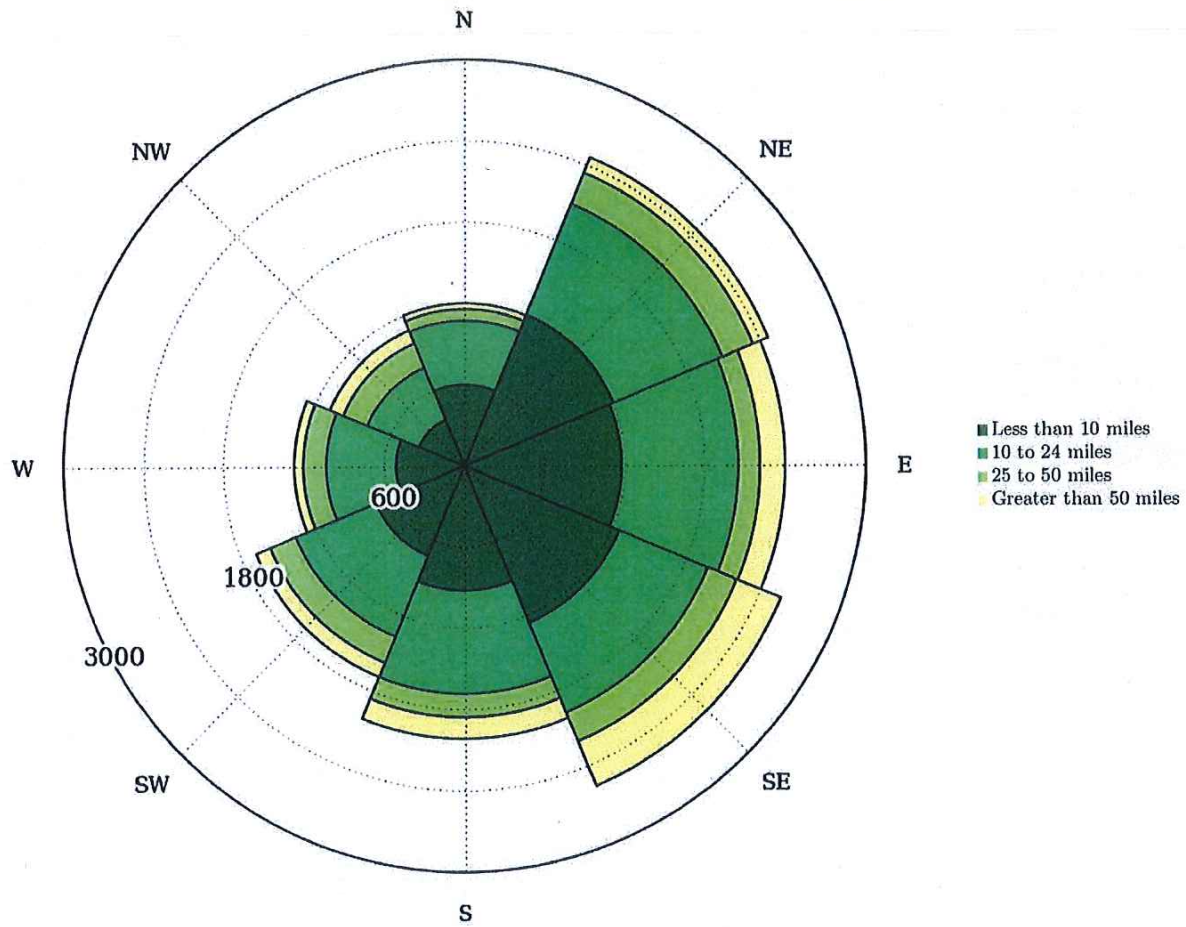
Selection Areas

- Analysis Selection



All Jobs for \$1,251 to \$3,333 per month in 2014

Distance and Direction from Work Census Block to Home Census Block, Employed in Selection Area



All Jobs for \$1,251 to \$3,333 per month in 2014

Distance from Work Census Block to Home Census Block, Employed in Selection Area

Distance	2014	
	Count	Share
Total All Jobs	14,672	100.0
Less than 10 miles	6,763	46.1
10 to 24 miles	5,284	36.0
25 to 50 miles	1,471	10.0
Greater than 50 miles	1,154	7.9

Additional Information

Analysis Settings

Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2014
Job Type	All Jobs
Selection Area	Selection Area Address buffered 3.00 miles
Selected Census Blocks	1,319
Analysis Generation Date	05/11/2017 13:47 - OnTheMap 6.5
Code Revision	d811b5cc7e2dd2dc6203f94e753d94ce84f265af
LODES Data Version	20160219

Data Sources

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Notes

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2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application to Amend Official Zoning Map

of

LDG DEVELOPMENT, LLC

for

2.83± Acres of Land
located in
Land Lot 250, 15th District, DeKalb County

From R-75 and O-I to HR-3

Submitted for Applicant by:

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I. INTRODUCTION

The Subject Property is a 2.83+/- acre assembled tract of land located at 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road, Decatur having frontage on Kensington Road and Covington Highway. The Applicant is seeking to rezone the Subject Property from R-75 and O-I to HR-3 to allow for the development of a 244 multi-family units, at a density of 87 units per acre. The Land Use Designation for the Subject Property is Regional Center. This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance, § 27-829(f). A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

II. DESCRIPTION OF AREA

The Subject Property is located on Kensington Road across the street from the entrance to the Kensington MARTA railway station. Kensington Road is a minor arterial road which intersects with both Covington Highway on the west end and Memorial Drive on the east end. Adjacent to the rear of the Subject Property is 3408 Covington Highway which is improved with the 4-story Georgia Department of Juvenile Justice building.

The Regional Center designation was introduced into the Covington Highway corridor in the recently approved 2035 Comprehensive Plan for DeKalb County. The Regional Center designation runs from Covington Highway to the South, to the properties fronting on Mountain Drive to the West, to Rockbridge Road to the North, to I-285 to the east. Prior to this time, the same area was designated Town Center, with a maximum density of 60 units per acre. This is the only area wholly within unincorporated DeKalb County with a Regional Center land use

designation, which allows for it to be controlled 100% by the DeKalb County Board of Commissioners. As more and more of DeKalb County has become incorporated, it is crystal clear that the DeKalb County Board of Commissioners views the area around the Kensington MARTA station and the surrounding municipal buildings, as the future economic engine of unincorporated DeKalb County.

The Subject Property is an assemblage of 6 parcels, 3 of which were rezoned in 2004 to O-I for small business use when it became apparent that the homes along this portion of Kensington Road were predominantly being used as rental housing. As such, the 6 parcels beg to be redevelopment as part of an assemblage for a transit oriented development, such as the Applicant is proposing, based on the location directly across from the Kensington MARTA Station.

II. DESCRIPTION OF PROJECT

Submitted simultaneously with this Statement of Intent is a detailed summary of the proposed project submitted by the Applicant.

III. IMPACT ANALYSIS

A.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is designated Regional Center under the DeKalb Comprehensive Land Use Plan through 2035, and located in an Activity Center. It is the Applicant's contention that the proposed project and rezoning is in conformity with the Activity Centers Policy Statement, including:

1. Encouraging the maximum density of residential in mixed use projects not to exceed the allowable units per acre, with the most intense development located towards the commercial and/or office core of the Activity Center.
2. Locate development and activities within easy walking distance of transportation facilities.

B.

**THE PROPOSED REZONING PERMITS A USE THAT IS
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND
NEARBY PROPERTY.**

The Subject Property is a transportation oriented development which is located directly across the street from the Kensington MARTA Station, and directly behind a 4-story commercial building. It is the Applicant's contention that the proposed rezoning permits a use that is suitable in view of the use and development of adjacent and nearby property.

C.

**THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property as an assemblage has no use as currently zoned, and as individually used parcels, they have marginal value. Each lot has a single-family house built upon it that has an average age of more than 60 years. These homes were left isolated after the Kensington MARTA Station opened in June of 1993. The R-75 properties only have value as rental properties, which is roughly the same for the properties zoned O-I. The O-I lots are undersized and not suitable for redevelopment as stand-alone buildings. Additionally, there are two office parks in

the area that are partially occupied. Therefore, the three O-I parcels have marginal value as currently zoned.

The Applicant and the owners respectfully submit that the Zoning Ordinance of DeKalb County, Georgia, as amended from time to time and known as the "DeKalb County Zoning Ordinance", to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, 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 Subject Property pursuant to the DeKalb County Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current zoning classification and any other zoning of the Subject Property save for what has been requested by it as established in the DeKalb County Zoning Ordinance 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. 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. Further, the existing inconsistent zoning classifications constitute, 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 Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant 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.

The Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the Subject 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.

Finally, the Applicant protests any action which would prohibit development of the Subject Property as requested inasmuch as the Zoning Ordinance was adopted in violation of or in other

respects does not comply with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. and minimum procedural due process standards guaranteed by the Constitutional provisions set forth above.

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, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

D.

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed rezoning will in no way adversely affect the existing use or usability of adjacent or nearby property. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property.

E.

**OTHER EXISTING OR CHANGING CONDITIONS
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is located is predominately commercial. Developing multi-family housing along commercial corridors within residential corridors, lessens the impact of this more intense use on established residential communities, and allows for a more urban look and feel for the project that is more in line with current trends in the apartment development market. Therefore, the proposed rezoning is consistent with the current trends in the area.

F.

**THE ZONING PROPOSAL WILL NOT
ADVERSELY AFFECT HISTORIC BUILDINGS,
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The proposed rezoning, if approved, will not affect existing transportation facilities or utilities, and it will not negatively impact the schools in the area, which are Avondale Elementary at 74%, Druid Hills Middle School at 78% capacity and Druid Hills High School at 93% capacity, according to the DeKalb County Public School website and 10/3/2017 Enrollment Report. With respect to sanitary sewer capacity, the Applicant has submitted a Sewer Capacity Request Letter for the area. In light of the daily improvements being made to the system, it is anticipated that sewer capacity will not be an issue when the project is brought online in April of 2021, which is the projected opening date for the project.

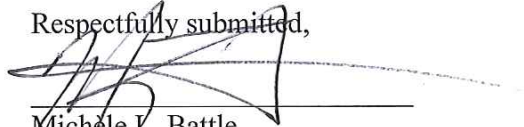
IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning

Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 4th day of January, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Battle', is written over a horizontal line.

Michele L. Battle
Attorney For Applicant

ADDITIONAL CONSTITUTIONAL ALLEGATION

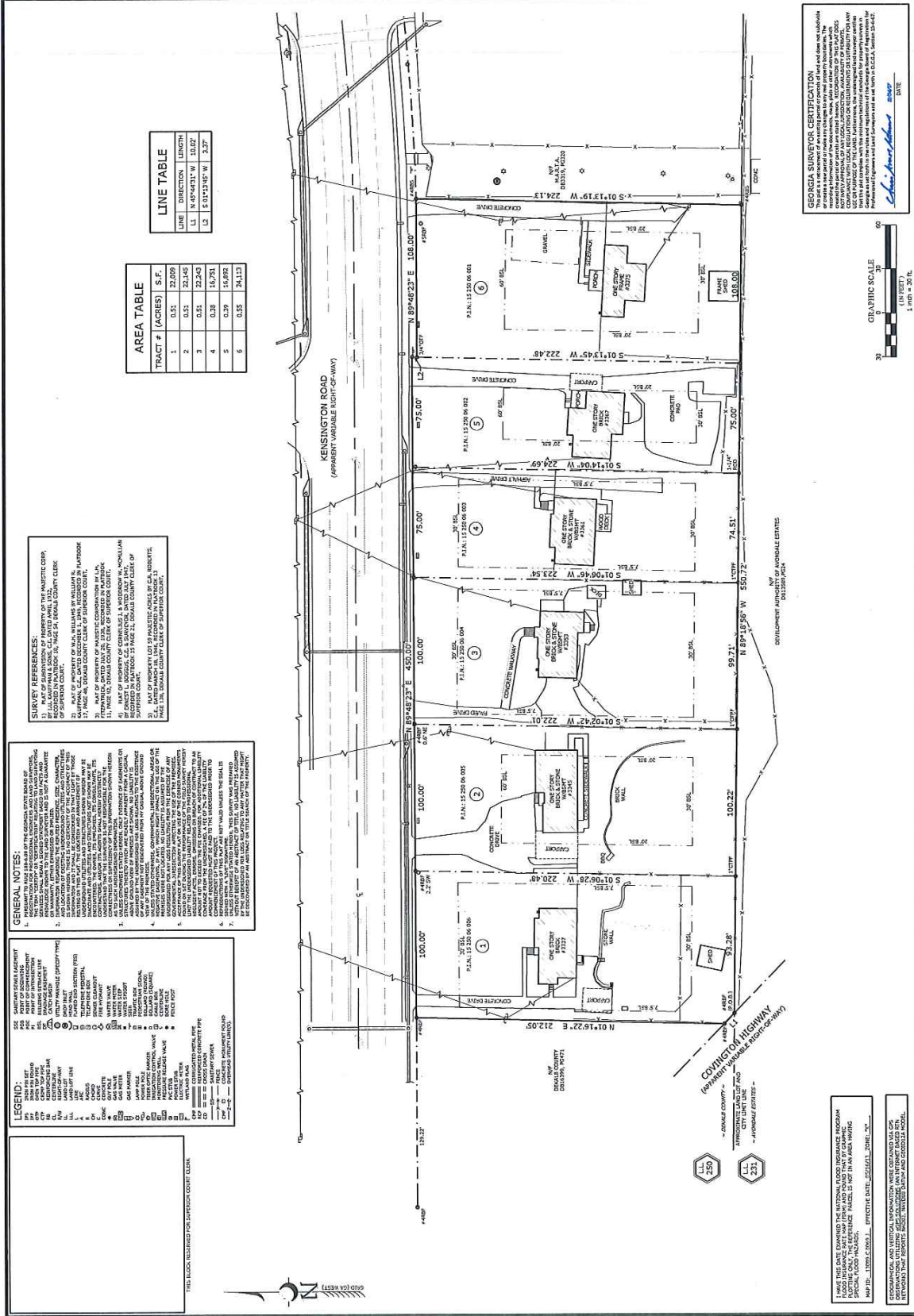
The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Subject Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed by the Applicant in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

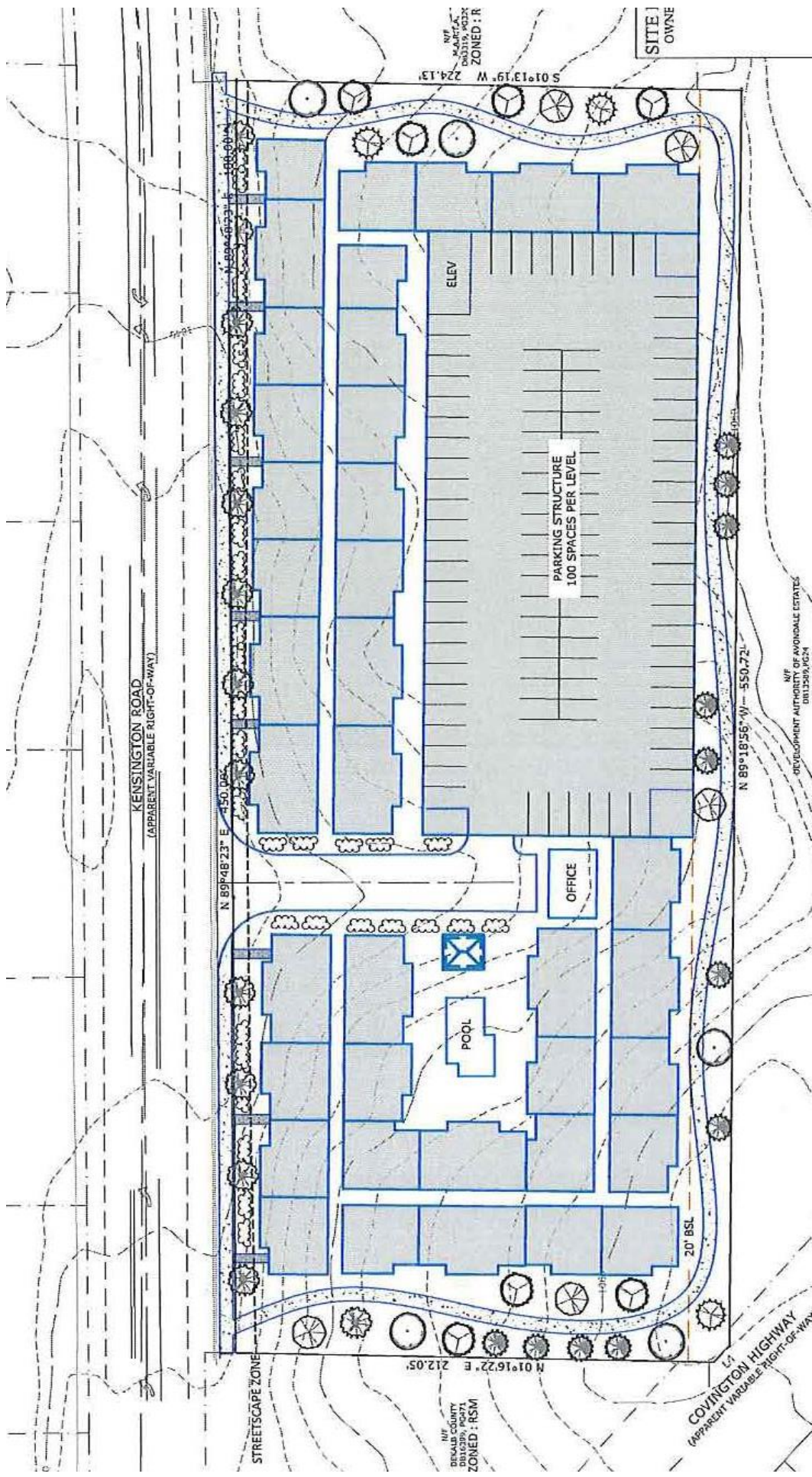
LEGAL DESCRIPTION

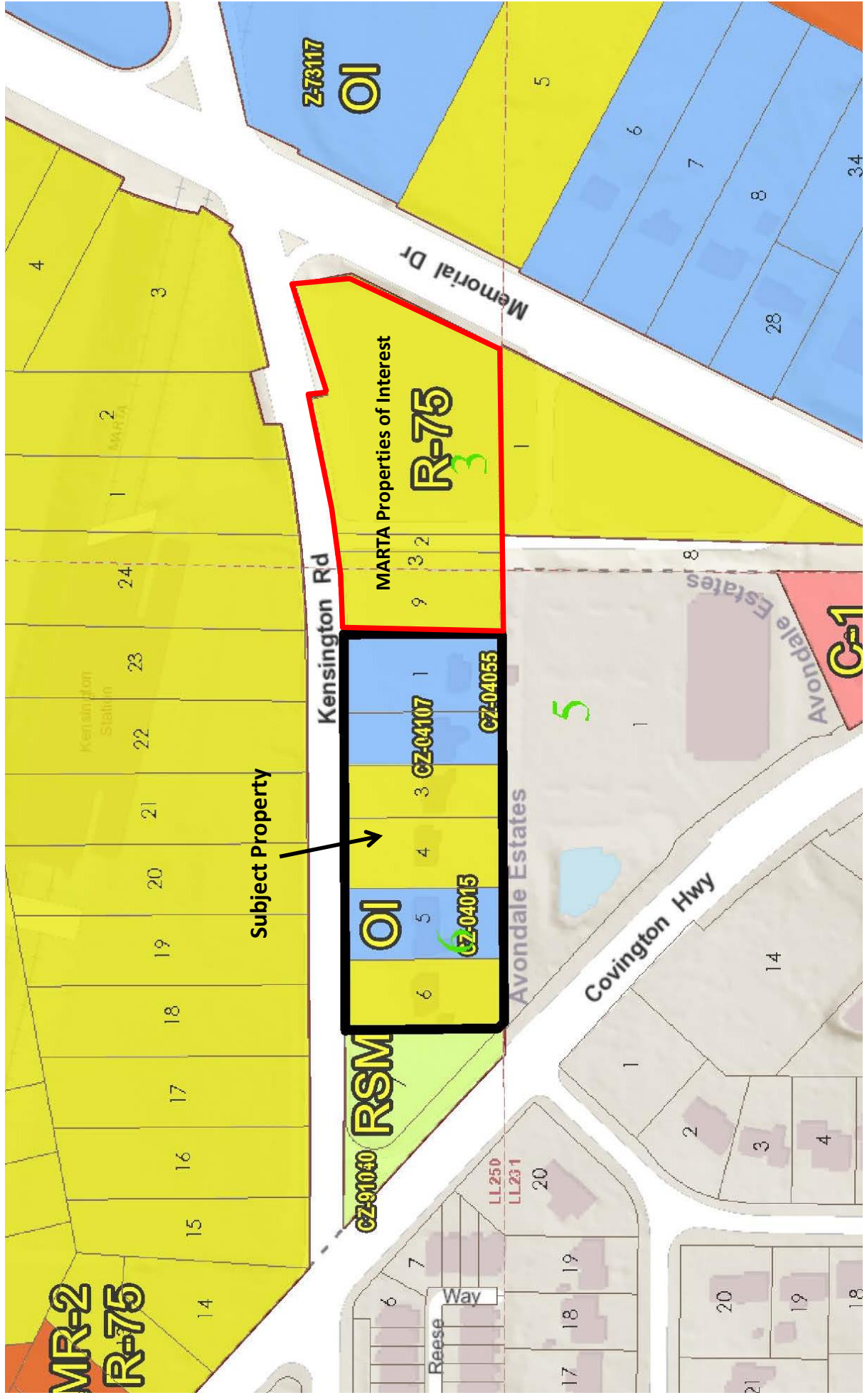
ALL THAT TRACT or parcel of land lying and being in Land Lot 250 of the 15 District, of DeKalb County, Georgia and being more particularly described as follows:

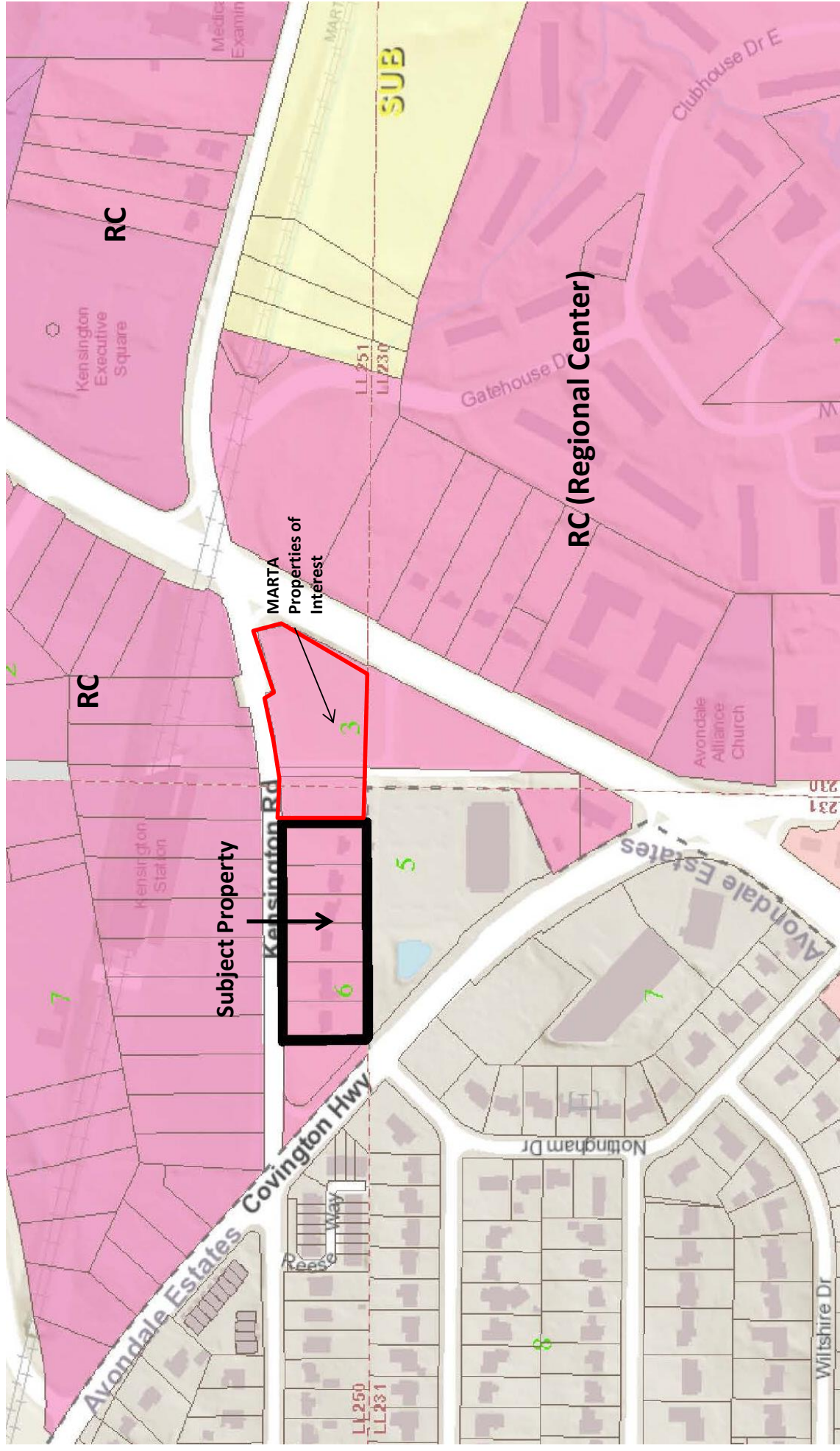
BEGINNING at a No.4 re-bar found at the intersection of the Northeasterly variable right-of-way of Covington Highway with the line dividing Land Lots 231 and 250 of the aforesaid District and County; THENCE proceeding NORTH 45 DEGREES 44 MINUTES 31 SECONDS WEST along said right-of-way a distance of 10.02 feet to a point and No.4 re-bar found; THENCE departing said right-of-way and proceeding NORTH 01 DEGREES 16 MINUTES 22 SECONDS EAST a distance of 212.05 feet to a point and No.4 re-bar found on the Southerly variable right-of-way of Kensington Road; THENCE proceeding NORTH 89 DEGREES 48 MINUTES 23 SECONDS EAST along said right-of-way a distance of 450.00 feet to a point; THENCE proceeding SOUTH 01 DEGREES 13 MINUTES 45 SECONDS WEST a distance of 3.37 feet to a point and 3/4-inch open-top pipe found; THENCE proceeding NORTH 89 DEGREES 48 MINUTES 23 SECONDS EAST a distance of 108.00 feet to a point; THENCE departing said right-of-way and proceeding SOUTH 01 DEGREES 13 MINUTES 19 SECONDS WEST a distance of 224.13 feet to a point on the aforesaid Land Lot line dividing Land Lots 231 and 250; THENCE proceeding along said Land Lot Line NORTH 89 DEGREES 18 MINUTES 56 SECONDS WEST a distance of 550.72 feet to a point and POINT OF BEGINNING.

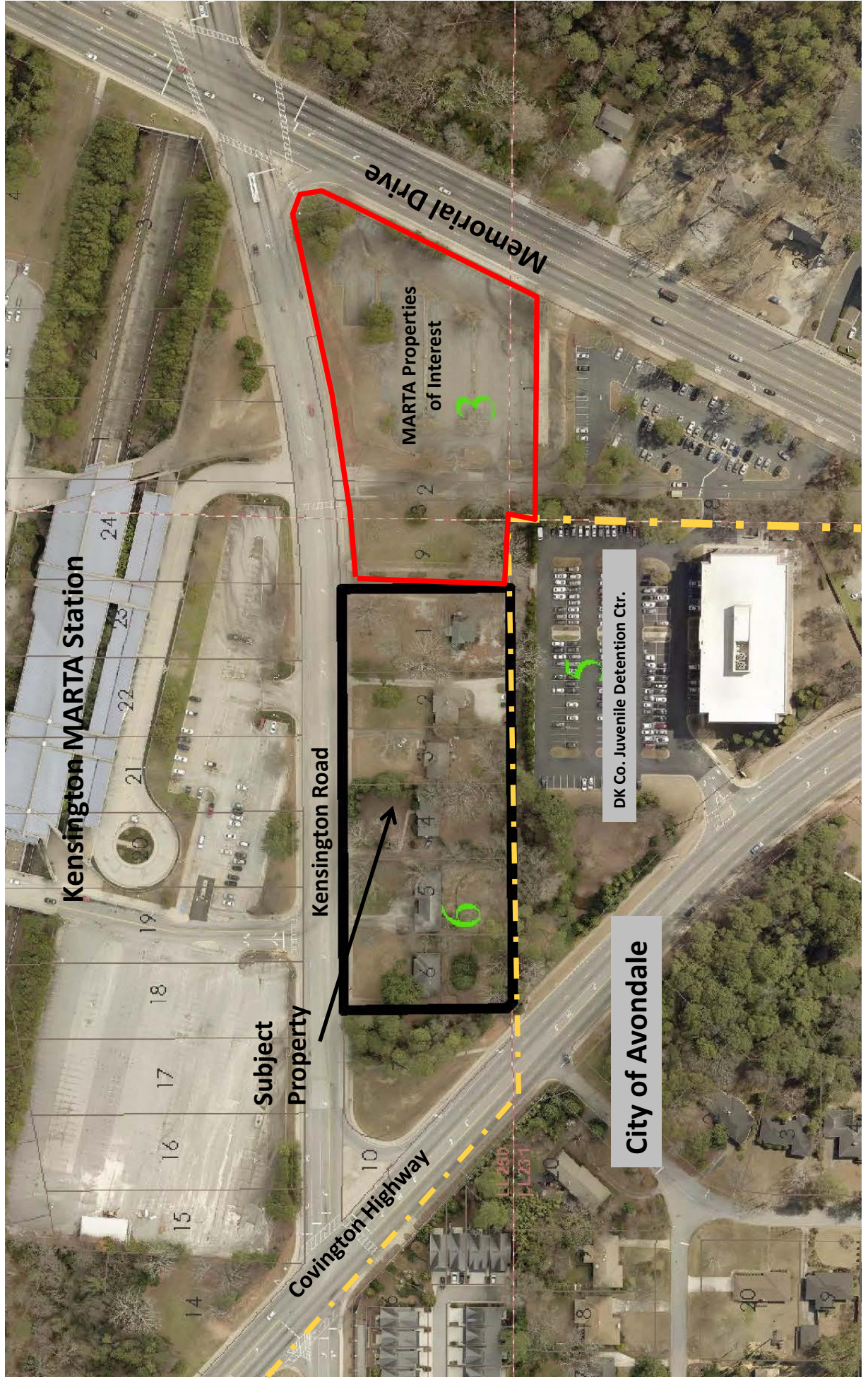
Said parcel contains 124,153 Square Feet or 2.85 Acres.











N. 9 Z-18-22040

Site Photos

