

APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>The Ardent Companies</u>	NAME: <u>See Attachment A</u>
ADDRESS: <u>2100 Powers Ferry Road, Ste. 300</u>	ADDRESS: _____
CITY: <u>Atlanta</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30339</u>	STATE: _____ ZIP: _____
PHONE: <u>770-450-8796</u>	PHONE: _____
CONTACT PERSON: <u>Dennis J. Webb, Jr.</u> PHONE: <u>404-815-3620</u>	
CONTACT'S E-MAIL: <u>djwebb@sgrlaw.com</u>	

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-75</u> REQUESTED ZONING DISTRICT: <u>RSM</u>
PRESENT LAND USE CATEGORY: <u>SUB/CRC</u> REQUESTED LAND USE CATEGORY: <u>SUB/CRC</u>
LAND DISTRICT(S): <u>18</u> LAND LOT(S): <u>165, 166, 188, 189</u> ACREAGE: <u>7.219</u>
ADDRESS OF PROPERTY: <u>3254, 3298, 3304, 3320 Lawrenceville Hwy. and 4448, 4530 Henderson Drive</u>
PROPOSED DEVELOPMENT: <u>40 urban single-family detached homes</u>
CONCURRENT VARIANCES: <u>Modify Sec. 5.2.3 B to reduce the prerequisite conditions from two to one condition</u>

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>57</u> ⁴⁰ units	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>3,600</u>	Total Building Sq. Ft. _____
Density: <u>7.89 u/a</u>	Density: _____

CITY OF TUCKER

OCT 23 2017

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RZ-17-004

VC-17-004-01

UPDATED 8/12/2016

**Exhibit A
To
The Ardent Companies
Rezone Application
For
3254, 3298, 3304, 3320 Lawrenceville Hwy. and
4448, 4530 Henderson Drive**

Elizabeth C. Jackson
120 Parkwood Lane
Decatur, GA 30030

Bonnie White
380 Neptune Drive, NE
Palm Bay, FL 32907

Cecil L. Strickland Family Trust
2672 Brickell Square
Atlanta, GA 30341

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.



Signature of Applicant

9-21-17

Date

Neville Allison, Managing Director, The Ardent Companies

Type or Print Name and Title



Signature of Notary Public

9/20/17

Date



PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Bonnie F. White, authorize, The Ardent Companies,
(Property Owner) (Applicant)

to file for RZ, CV, at 3254, 3298, 3304, 3320 Lawrenceville Hwy. # 4530, 9998
(RZ, CA, SLUP, CV) (Address) *Arden*
Dome

on this date Sept 21, 2017
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Bonnie F White 9-21-17
Signature of Property Owner Date

Bonnie F white
Type or Print Name and Title

J. M. Kulkarni 9/21/17
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

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"Cecil L. Strickland Family Trust"

I, Emily Strickland & Lana Sachsenmaier, authorize, The Ardent Companies,
 (Property Owner) (Applicant)

to file for RZ, CV at 3254, 3298, 3304, 3320 Lawrenceville Hwy. + 4530, 4448
 (RZ, CA, SLUP, CV) (Address) *Henderson Drive*

on this date Sept 22, 2017
 (Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
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- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Lana Sachsenmaier
 Signature of Property Owner

9/22/17
 Date

Lana Sachsenmaier
 Type or Print Name and Title

Brandon Wise
 Signature of Notary Public

9/22/17
 Date



PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Elizabeth C Jackson, authorize, The Ardent Companies,
(Property Owner) (Applicant)

to file for RZ ; CV at 3254, 3298, 3304, 3320 Lawrenceville Hwy. + 4530, 4448
(RZ, CA, SLUP, CV) (Address) *Henderson Drive*

on this date September 23, 2017
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
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- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Eden J Landow POA 9/23/17
Signature of Property Owner Date

Eden J. Landow
Type or Print Name and Title

TALITHA DEANN UMBERHANDT
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires Sept. 7, 2021

[Signature] 9/23/2017
Signature of Notary Public Date Notary Seal

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. **CIRCLE ONE:** **Party to Petition** (if party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (if in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1.	5.
2.	6.
3.	7.
4.	8.

3. **CAMPAIGN CONTRIBUTIONS:**

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Bonnie F White
 Signature: Bonnie F. White Date: 9-21-17

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (if party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (if in opposition, proceed to sections 3 and 4 below)

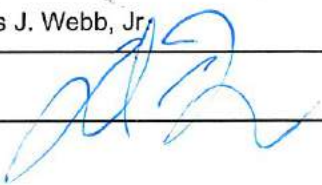
2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- | | |
|-------------------------------------|----|
| 1. The Ardent Companies | 5. |
| 2. Cecil L. Strickland Family Trust | 6. |
| 3. Elizabeth Jackson | 7. |
| 4. Bonnie White | 8. |

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Dennis J. Webb, Jr.
 Signature:  Date: 09/25/17

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE:

YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. **CIRCLE ONE:**

Party to Petition (if party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (if in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:


- | | |
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| 3. Elizabeth Jackson | 7. |
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3. **CAMPAIGN CONTRIBUTIONS:**

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Kathryn M. Zickert

Signature:  Date: 09/25/17

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- | | |
|-------------------------------------|----|
| 1. The Ardent Companies | 5. |
| 2. Cecil L. Strickland Family Trust | 6. |
| 3. Elizabeth Jackson | 7. |
| 4. Bonnie White | 8. |

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) J. Alexander Brock

Signature: 

Date: 09/25/17



PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Lankford at clankford@tuckerga.gov to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: The Ardent Companies

Site Address: 3254 Lawrenceville Hwy Parcel Size: 3.67

Proposal Description: 28 units, townhomes (7.62 u/a)

Existing Zoning Designation and Case Number: R-75

Proposed Zoning Designation: RSM

Comprehensive Land Use Map Designation: SUB

Overlay District: NA

Staff: Cat Lankford Date: May 11, 2017

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R2-17-004
VC-17-004-01

OVERALL TRACT LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lots 165, 166, 188, and 189 of the 18th District of Dekalb County, Georgia, and being more particularly described as follows:

Beginning at the right of way monument found at the intersection of on the northerly right of way of Lawrenceville Highway (a.k.a. US HWY 29) (a.k.a. GA HWY 8) (variable right of way width) and the easterly right of way of Henderson Drive (right of way is unknown), said right of way monument being the TRUE POINT OF BEGINNING;

THENCE leaving said northerly right of way of Lawrenceville Highway and proceed along said easterly right of way of Henderson Drive North 06 degrees 22 minutes 06 seconds West, a distance of 164.48 feet to an iron pin set at the common corner of Land Lots 165, 166, 188, and 189 and also being the property corner; thence along the southerly land lot line of Land Lot 189 and northerly Land Lot 165 North 89 degrees 52 minutes 54 seconds West, a distance of 506.30 feet to an iron pin set; thence leaving said southerly land lot line of Land Lot 189 and northerly Land Lot 165 North 00 degrees 11 minutes 34 seconds East, a distance of 200.00 feet to an iron pin set; thence North 00 degrees 06 minutes 24 seconds East, a distance of 100.00 feet to an iron pin set; thence South 89 degrees 53 minutes 36 seconds East, a distance of 506.00 feet to an iron pin set on the westerly land lot line of Land Lot 188 and the easterly land lot line of Land Lot 189 ; thence along said westerly land lot line of Land Lot 188 and the easterly land lot line of Land Lot 189 South 00 degrees 06 minutes 24 seconds West, a distance of 28.36 feet to an iron pin set; thence leaving said westerly land lot line of Land Lot 188 and the easterly land lot line of Land Lot 189 North 87 degrees 47 minutes 21 seconds East, a distance of 221.37 feet to an iron pin set; thence South 89 degrees 20 minutes 13 seconds East, a distance of 181.09 feet to a 1/2 inch rebar found; thence North 64 degrees 50 minutes 21 seconds East, a distance of 11.11 feet to an iron pin set; thence North 00 degrees 40 minutes 46 seconds West, a distance of 82.70 feet to an iron pin set; thence North 54 degrees 58 minutes 38 seconds East, a distance of 148.44 feet iron pin set; thence South 00 degrees 13 minutes 01 seconds East, a distance of 32.50 feet to a 2 inch iron rod found; thence North 55 degrees 41 minutes 49 seconds East, a distance of 39.04 feet to an iron pin set; thence North 55 degrees 46 minutes 10 seconds East, a distance of 12.30 feet an iron pin set; thence South 38 degrees 59 minutes 31 seconds East, a distance of 153.32 feet to an iron pin set on said northerly right of way of Lawrenceville Highway; thence along said northerly right of way of Lawrenceville Highway the following courses and distances: South 54 degrees 08 minutes 33 seconds West, a distance of 130.69 feet to an iron pin set; South 53 degrees 54 minutes 32 seconds West, a distance of 39.47 feet to an iron pin set; South 54 degrees 12 minutes 18 seconds West, a distance of 148.00 feet to an iron pin set; South 53 degrees 56 minutes 20 seconds West, a distance of 227.60 feet to a 1/2 inch rebar with cap found; South 51 degrees 33 minutes 45 seconds West, a distance of 59.68 feet a right of way monument found; North 38 degrees 52 minutes 58 seconds West, a distance of 35.00 feet to an iron pin set; South 51 degrees 07 minutes 02 seconds West, a distance of 20.38 feet to an iron pin set; South 38 degrees 52 minutes 58 seconds East, a distance of 35.00 feet to a right of way monument found; thence South 50 degrees 59 minutes 35 seconds West, a distance of 192.69 feet to a right of way monument found, said monument being the TRUE POINT OF BEGINNING.

Containing 7.219 acres.

STATEMENT OF INTENT

and

Other Material Required by
City of Tucker Zoning Ordinance
for the
Rezoning Application

of

THE ARDENT COMPANIES, LLC

for

±7.219 Acres of Land
located in
Land Lots 166, 188 and 189, 18th District, DeKalb County

Address:
3320, 3304, 3298 & 3254 Lawrenceville Highway and 4530 & 4448 Henderson Drive

Submitted for Applicant by:

Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Promenade II Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

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I. INTRODUCTION

This Application seeks to rezone ± 7.219 acres of land located in Land Lot 166, 188, and 189, 18th District of DeKalb County (the “Subject Property”) from Residential Medium Lot (R-75) to Small Lot Residential Mix (RSM). The Subject Property is located on the north side of Lawrenceville Highway, approximately 190 feet south of its intersection with Northlake Parkway. More particularly, the Subject Property is comprised of six (6) parcels located at 3320 Lawrenceville Highway (Parcel ID: 18-188-02-033); 3304 Lawrenceville Highway (Parcel ID: 18-188-02-031); 3298 Lawrenceville Highway (Parcel ID: 18-188-02-030); 3254 Lawrenceville Highway (Parcel ID: 18-166-01-001); 4530 Henderson Drive (Parcel ID: 18-189-02-016); and 4448 Henderson Drive (Parcel ID: 18-189-02-019). Additionally, the application assumes the abandonment of 0.15 acres of land within the right-of-way of Henderson Drive which is made unnecessary by this assemblage¹ as well as the abandonment of 0.01 acres of Lawrenceville Highway². All six parcels of the Subject Property are currently zoned R-75.

At present, the Subject Property is occupied by eight single-family structures and undeveloped land. The Applicant intends to redevelop the Subject Property for forty (40) urban single-family detached homes and appurtenant site improvements (the “Proposed Development”). The City of Tucker’s Comprehensive Land Use Plan designates the Subject Property as Suburban (SUB) and Commercial Redevelopment Corridor (CRC)³, both of which fully allow the proposed RSM zoning and urban single-family detached use.

¹ Concurrently with its rezoning application, the Applicant will also be seeking a right-of-way abandonment for a portion of Henderson Drive through DeKalb County.

² Concurrently with its rezoning application, the Applicant will also be seeking a right-of-way abandonment for a portion of Lawrenceville Highway through the Georgia Department of Transportation.

³ 3320 Lawrenceville Highway is designated as CRC, all other parcels are designated as SUB.

The Applicant submits this document as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a written justification for the Application as required by the City of Tucker Zoning Ordinance, § 7.3.5. A Site Plan has been filed with the original Application, along with the other required materials.

II. HISTORY

To the Applicant's knowledge, no other rezoning applications have been filed concerning the Subject Property. All parcels that comprise the Subject Property were formerly within unincorporated DeKalb County and zoned R-75. In 2016, when the City of Tucker was incorporated, the Subject Property fell within the newly formed city boundaries and was made subject to Tucker's R-75 zoning and land use designations.

III. IMPACT ANALYSIS

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

The City of Tucker has adopted the DeKalb County 2025 Comprehensive Plan (the "Plan") and its associated land use designations pending the development and adoption of its own Comprehensive Plan. The Plan consists of a text and series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Plan in order to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. The Subject Property falls entirely within the Suburban and Commercial Redevelopment Corridor land use designations, which are fully consistent and commensurate with the proposed use.

The proposed development of the Subject Property fosters a number of general policies and strategies of the County's Comprehensive Plan, including:

HP3: Enhance the County's existing supply of housing.

SPP2: Create pedestrian scale communities that focus on the relationship between the street, buildings, and people.

SPS2: Create neighborhood focal points through the use of existing pockets parks and squares for community activities.

SPS5: Develop and consider corridors and gateways that promote sense of place.

TP14: Improve the use and accessibility mass transit.

TS1: Encourage the construction of sidewalks in new developments.

LUP6: Ensure that new development and redevelopment is compatible with existing residential areas.

LUP8: Improve the aesthetic appearance of developments along major corridors.

SCAP1: Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.

SCAP9: Density increases shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.

SCAS17: Create neighborhood focal points through the use of existing pockets parks and squares for community activities.

SCAS25: Provide an appropriate mix of housing styles and choices, allowing citizens of different economic levels to reside together.

CRCCAP1: Provide safe and attractive facilities for bicyclists and pedestrians.

CRCCAS2: Create and implement performance and aesthetic standards to improve visual appearance.

In summary, the proposed development serves to implement specific goals, objectives and policies of the City's Comprehensive Plan. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby properties, in an area which is convenient to shopping and office uses, transportation and recreational facilities. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comprehensive Plan.

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. The proposed RSM zoning will allow a use that is complementary to the adjacent uses and the area as a whole. The site abuts residential properties to the north and west, the right-of-way of Lawrenceville Highway to the south, and property zoned Local Commercial (C-1) to the northeast. To the east of the Subject Property along Lawrenceville Highway lies undeveloped property zoned R-75 as well as a Bojangles restaurant and Racetrac gas station, both zoned C-1. To the north, are single-family residential properties on Robinhill Court, Chisholm Court and Orly Court, all zoned R-75. To the west of the Subject Property are single-family residential lots on Terri Lynn Court and Cameo Court, zoned R-75. To the south, across the right-of-way of Lawrenceville Highway is a Quicktrip gas station zoned C-1, the Avery Hills Townhomes zoned RSM, and two single-family residential properties zoned R-75⁴. The RSM zoning will allow a medium density, urban single-family detached development that is harmonious with, and complementary to, the surrounding uses. As a result, the proposed RSM zoning is completely appropriate for the Subject Property, given the surrounding uses.

In addition, the proposed homes will be in line with the other recent residential development in the area. Directly across Lawrenceville Highway from the Subject Property lies

⁴ The two single-family residential properties, located at 3259 Lawrenceville Hwy and 3563 Bishop Drive, are included in a separate, concurrent rezoning request by the same Applicant to rezone from R-75 to RSM.

the Avery Hills Townhomes which are of a similar nature and similar zoning (RSM) as the Proposed Development. The Avery Hills development contains approximately 57 attached townhomes and replaces older single-family residences that were situated directly on Lawrenceville Highway. The Avery Hills property was rezoned from R-75 and C-1 to R-A8 (i.e. RSM)⁵ under DeKalb County zoning case CZ-02047 to support the development of higher-density townhomes. The current application is analogous to the Avery Hills development in that the nature of the development is substantially similar and the rezoning is similar. The Applicant, paralleling the Avery Hills development, seeks to rezone R-75 property to RSM in order to remove the older, underdeveloped and impractical single-family structures that are situated directly on Lawrenceville Highway, to create a higher-density residential development that is in accord with the trending development in the vicinity.

Additionally, the intended final appearance of this development will include appropriate attention to scale, buffering, setbacks, and landscaping so that this development will blend harmoniously with its surroundings. The proposed homes will provide an elegant and attractive design that will offer much needed upscale housing stock to the surrounding area. Therefore, the requested zoning district is therefore entirely consistent with and suitable in light of the current and future development plans and patterns.

C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

No. The current economic conditions and the development trends in the immediate area necessitate higher-density residential development, making it highly unlikely that the Subject Properties will ever be redeveloped at the current density. The development in the area is

⁵ The rezoning was from R-75 and C-1 to RA-8. However, the R-A8 designation was changed to RSM when DeKalb County adopted its updated Zoning Ordinance in August 2015.

trending toward commercial and higher-density residential and away from the low-density developments allowed under the current R-75 zoning, particularly along the Lawrenceville Highway corridor. The current character of the area surrounding the Subject Property is one that is predominantly commercial with a few remaining low-density residential properties. Moreover, the few remaining single-family structures in the area are used primarily as either rental properties or for commercial purposes. This is evident from the commercial uses on the R-75 parcels just south of the Subject Property at 3217 Lawrenceville Highway (Strickland Realty Co.) and 3193 Lawrenceville Highway (used as a general contractor's equipment yard).

In fact, the area has been transformed over the last half-century from a primarily suburban area to one that is overwhelmingly commercial and of a higher intensity use. Much of this growth is due to the evolution of Lawrenceville Highway into a major roadway and the proximity to Interstate 285, which is less than a mile south of the Subject Property. The Subject Property's existing residential structures, and their associated R-75 zoning, are remnants of a time when Lawrenceville Highway was much smaller and the area was typified by detached single-family residential on large lots. However, the area's growth over the last 50 years and the Subject Property's location on a highly traveled, five-lane highway renders any development under R-75 (i.e. low-density single-family residences) unrealistic and out of date with the current status the area.

The recent residential development in the area consists of higher-density uses, such as the neighboring Ardent Hills Townhome development directly across Lawrenceville Highway to the south, zoned RSM with a density of ± 7.92 units per acre, and the Weston development approximately 1,500 feet north of the Subject Property on Lawrenceville, which is also zoned RSM with a density of ± 5.44 units per acre. In fact the Weston development is also an urban

single-family detached residential development that is substantially similar in density and character to the Proposed Development. Consequently, Proposed Development and its corresponding RSM zoning fall directly in line with these other recent residential developments.

D. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY OR PROPERTIES.

No. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both “off-site” and “on-site” transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Many of these devices have been or will be utilized in this application.

The Proposed Development will pay careful attention to scale, buffering, setbacks, and landscaping so that it will blend and complement the adjacent developments. The development will include twenty (20) foot transitional buffers along the yards that abut the R-75 properties to the north and west. This transitional buffer will also include appropriate landscaping to further mitigate any impacts from the Proposed Development. In addition, the proposed RSM zoning will help serve as a transition between the commercial properties to the northeast and the remaining residential properties to the north and west of the Subject Property. Accordingly,

rezoning the Subject Property to RSM will not adversely affect the nearby existing uses and will enhance the adjacent 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.

Its location on a major roadway, coupled with the actual development which has occurred in this area, make the Subject Property an ideal location for this type of redevelopment. The current zoning limits development to detached single-family residences, but the trend in the surrounding area has long been toward higher-density residential and commercial development. The existing single-family structures on the Subject Property are some of the last remaining vestiges of a time when Lawrenceville Highway was less heavily traveled and the surrounding area was much closer to a semi-rural environment. In fact, the structures on the Subject Property were constructed over 70 years ago when single-family residential parcels and farms lined a much smaller Lawrenceville Highway. Today, however, scarcely any single-family residences remain directly on the 5-lane major arterial and the few that do are used as rental property or for commercial purposes. In order keep up with the growth in the area and make the Subject Property more marketable, it requires a more appropriate zoning, such as RSM, that will allow redevelopment consistent with other uses in the area and its location on a major highway.

Indeed, the Lawrenceville Highway corridor, from south of I-285 north through downtown Tucker, is heavily commercial with very few single-family residential developments. Moreover, the development in the immediate area is defined by commercial and denser residential. For example, the Racetrac gas station and Bojangles restaurant, immediately northeast of the Subject Property, were developed in the last five years. Moreover, the recent residential construction in the area has been higher-density uses found under the RSM zoning.

The Avery Hills Townhomes, zoned RSM, are located immediately across Lawrenceville Highway from the Subject Property and were developed in 2005. In addition, the Weston development located at 3423 Lawrenceville Highway, is also zoned RSM and is currently under construction for 45 small lot single-family residences.⁶ As evidenced by the recent residential construction in the area, the RSM zoning is fitting with the trend toward higher-density residential developments. Hence, the zoning requested here conforms to the ideals and spirit of the City of Tucker's Zoning Ordinance, as well as fitting with the recent progress of the area, while developing a practical, useful and marketable development that will redevelop an underutilized property into an asset for the immediate area and the city as a whole.

F. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.

The Applicant is not aware of any 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. WHETHER 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.

No. The proposed development will not overly burden existing streets or transportation facilities. According to the ITE Trip Generation Manual, the forty (40) single-family detached homes (ITE category 210) will generate 380.8 total trips on a weekday, 30.8 trips during the A.M. peak hour, and 40.8 trips during the P.M. peak hour. This will be a net increase of 295.12 weekday trips, 23.87 A.M. peak trips, and 31.62 P.M. peak trips above the existing use. The

⁶ The Weston development consists of 45 single-family detached houses on 8.43 acres (a density of 5.34 units per acre).

Subject Property is located on Lawrenceville Highway, a five-lane state highway classified as a major arterial, which indicates that the road is intended to carry large volumes of traffic. This major roadway is more than adequate to accommodate the minor number of additional trips the proposed development will generate. Further, the project is served by mass transit with excellent access to two MARTA bus routes (Bus Route 75 and 125), which will help mitigate any impacts from the Proposed Development.

As for utilities, the Subject Properties have access to water and sewer. Finally, the proposed development will not create an excessive or burdensome use of the community's schools. The Subject Property is served by Brockett Elementary School, Tucker Middle School, and Tucker High School service area, all of which are listed as below capacity according to DeKalb County Schools' FTE Enrolment Report, dated October 2016. As a result, the proposed development is not anticipated to have a significant impact on local schools.

H. WHETHER THE ZONING PROPOSAL ADVERSELY IMPACTS THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.

The Applicant will comply with all federal, state, and City regulations relating to environmental protection to ensure that the proposed development will not adversely affect the environment.

IV. DENSITY BONUS

Pursuant to § 2.12.5, the maximum base density may be increased through the special application of density bonuses as indicated by Table 2.6. The maximum base density under the RSM zoning is four (4) units per acre, which may be increased up to eight (8) units per acre with density bonuses. *See* City of Tucker Zoning Ordinance, Table 2.4. Through a combination of several qualifying density bonus categories, the Applicant is proposing a density of 7.6 units per acre.

For instance, the proposed development will qualify for a density bonus through the installation of a public art display (locally produced) within an enhanced landscape area along Lawrenceville Highway as indicated on the site plan attached to this Application. The Applicant will continue to refine the public art design options during the rezoning process and final design considerations are to be approved by Staff.

Additionally, the site is within one-quarter (0.25) mile of an acceptable civic use (pediatrics and family medicine) as shown on site location map (depicted as the shortest street route). The City of Tucker's Zoning Ordinance §2.12.7.B.1 defines qualifying health or medical amenities as including clinics and offices for health, dental and/or medical services, as defined in Article 9. Article 9 of the Zoning Ordinance defines a health clinic as "a facility or institution, whether public or private, principally engaged in providing services for health maintenance..." The Northlake Professional Center houses a number of medical services that fall within the definitions of Articles 2 and 9, and, accordingly is a qualifies as a health amenity.

In total, these design features provide individual bonuses that achieve the density required to produce forty (40) single-family lots on the Subject Property.

V. CONCURRENT VARIANCES VC-17-004-01

Pursuant to § 7.5.10, the Applicant simultaneously requests the following Concurrent Variance from the provisions of the City's Zoning Ordinance and development requirements along with approval of its Rezoning Application:

1. REQUESTED VARIANCE #1

Requirement:

Zoning Ordinance, § 5.2.3 Compatibility of New and Existing Subdivisions, Subsection B:

B. Compatibility of new lots with adjacent lots shall be demonstrated by at least two (2) of the following:

Variance:

The Applicant hereby requests a variance to the requirements of Zoning Ordinance, § 5.2.3.B to reduce the prerequisite to conform with two (2) of the criteria listed in this Section to one (1) criterion. The proposed site design will incorporate a transitional buffer of twenty (20) feet along the property lines abutting existing neighborhoods, however the criteria requiring larger lots is not practical due to the location of the Subject Property. The property is located in-between existing neighborhoods, with lot sizes exceeding 12,000 sf, and a major arterial roadway, Lawrenceville Highway. The property's location on Lawrenceville Highway makes it more conducive to higher density residential development, as evidenced by other recent residential development along the corridor. However, strict compliance with § 5.2.3.B would require the site to be developed with lots larger than 10,000 sf, which is not feasible given its location and would prohibit any redevelopment of the property as detached residential. In fact, a 10,000 sf lot would be allowed under the current R-75 zoning, which, as stated in the previous sections of this Statement of Intent, is not practical for development directly on Lawrenceville Highway.

Moreover, the proposed urban detached residential acts as a transition from the more intense commercial uses to the east and the existing low-density residential to the north and west. Strict compliance with § 5.2.3.B would eliminate this transition between uses. Therefore, the Applicant hereby requests relief from this code section to be allowed to develop urban single-family detached homes in conformance with only one of the criteria listed under § 5.2.3.B of the Zoning Ordinance.

VI. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The zoning on the Subject Property (and any intervening zoning district other than that requested) is unconstitutional. Further, the Zoning Ordinance of the City of Tucker, Georgia lacks adequate standards for the Mayor and City Council to exercise their power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The Board of County Commissioners is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Tucker, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of the City of Tucker, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the subject property as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the application for rezoning or to zone the property to any other classification including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of the City of Tucker, Georgia, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Any limitation on the time for presentation of the issues before the Mayor and City Council who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

The Zoning Ordinance of the City of Tucker is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

VII. 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 the City of Tucker so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 23rd day of October, 2017.

Respectfully submitted,



Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

Smith, Gambrell & Russell, LLP
Promenade II, suite 3100
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309
404-815-3500

OCT 23 2017


RECEIVED

RZ-17-004

VC-17-004-01

M E M O R A N D U M

TO: City of Tucker, Department of Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209), 
 Kathryn M. Zickert, Smith, Gambrell & Russell, LLP
 Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

DATE: October 23, 2017

RE: Environmental Site Analysis - 3320, 3304, 3298 & 3254 Lawrenceville Highway
 and 4530 & 4448 Henderson Drive

1) CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The Subject Property is located on the north side of Lawrenceville Highway, approximately 190 feet south of its intersection with Northlake Parkway. More particularly, the Subject Property is comprised of six (6) parcels located at 3320 Lawrenceville Highway (Parcel ID: 18-188-02-033); 3304 Lawrenceville Highway (Parcel ID: 18-188-02-031); 3298 Lawrenceville Highway (Parcel ID: 18-188-02-030); 3254 Lawrenceville Highway (Parcel ID: 18-166-01-001); 4530 Henderson Drive (Parcel ID: 18-189-02-016); and 4448 Henderson Drive (Parcel ID: 18-189-02-019). Additionally, the application assumes the abandonment of 0.15 acres of land within the right-of-way of Henderson Drive which is made unnecessary by this assemblage as well as the abandonment of 0.01 acres of Lawrenceville Highway. All six parcels of the Subject Property are currently zoned R-75.

At present, the Subject Property is occupied by eight single family structures and undeveloped land. The Applicant seeks to rezone the Subject Property to Small Lot Residential Mix (RSM) to develop forty (40) urban detached single family homes and appurtenant site improvements. The City of Tucker's Comprehensive Land Use Plan designates the Subject Property as Suburban (SUB) and Commercial Redevelopment Corridor (CRC), both of which fully allow the proposed RSM zoning and urban detached residential use.

The City of Tucker has adopted the DeKalb County 2025 Comprehensive Plan (the "Plan") and its associated land use designations pending the development and adoption of its own Comprehensive Plan. The Plan identifies the Suburban character area as:

"The Suburban (SUB) Character Areas include those areas that have developed in traditional suburban land use patterns and are developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns.

The primary Land uses include: **Single Family Detached Residential**, Townhomes, Apartments, Assisted Living Facilities, Neighborhood retail, Schools, Libraries, Health Care Facilities, Parks and Recreational Facilities, Public and Civic Facilities, and Religious Institutions with a **density of 0 to 8 dwelling units per acre.**" (emphasis added)

Additionally, the Plan identifies the Commercial Redevelopment Corridor character area as:

"The commercial redevelopment corridor character areas consist of declining, unattractive, vacant or underutilized strip-style shopping centers. They are often characterized by a high degree of vehicular traffic and transit (if applicable), on-site parking, a low degree of open space, moderate floor to area ratio, large tracks of land and campus or unified development.

The Primary Land Uses include: Commercial and Retail, Offices, Condominiums, Townhomes, Mixed Use and Institutional at a density of up to 18 dwelling units per acre."

The proposed development meets the intent of the SUB and CRC character areas by providing 40 urban detached homes on 7.219 acres, which equates to a density of 5.54 units per acre. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby properties, in an area which is convenient to shopping and office uses, transportation and recreational facilities. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comprehensive Plan.

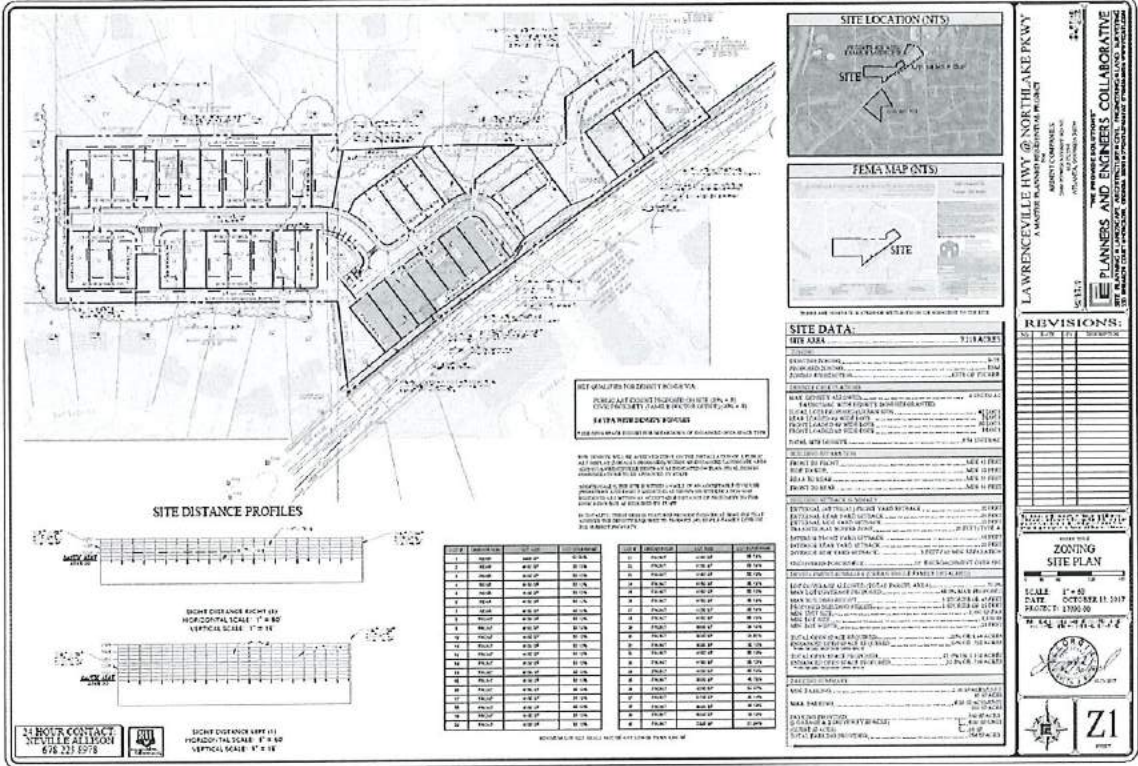


Figure 1. Site Plan

ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

a) Wetlands

There are no wetlands on the property as indicated by the U. S. Fish and Wildlife Service, National Wetlands Inventory Maps.

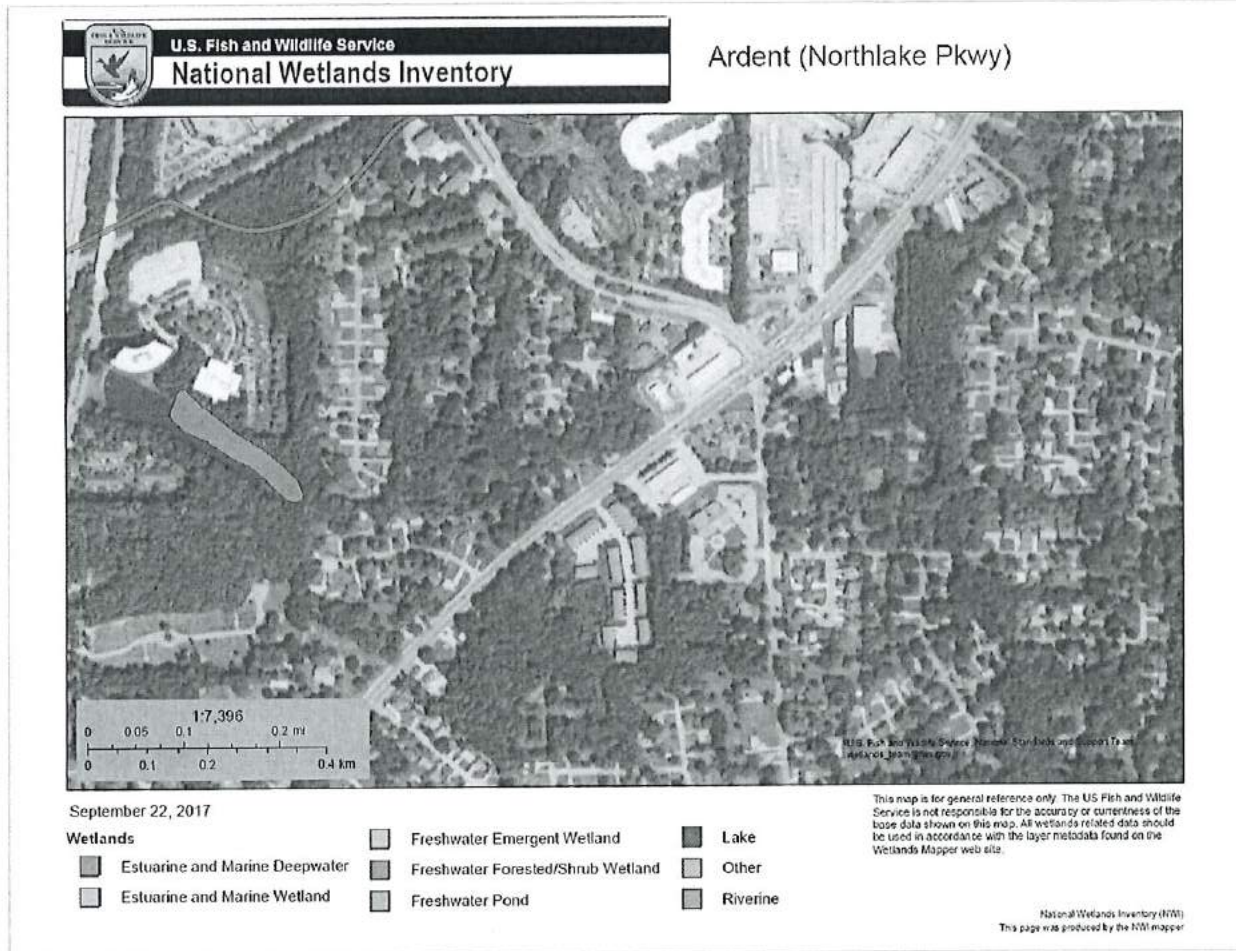


Figure 2. National Wetlands Inventory Map

b) Floodplain

No portion of the site is located in the Special Flood Hazard Area according to FEMA FIRM Map, Panel number 13089C0078J, revised May 16, 2013.

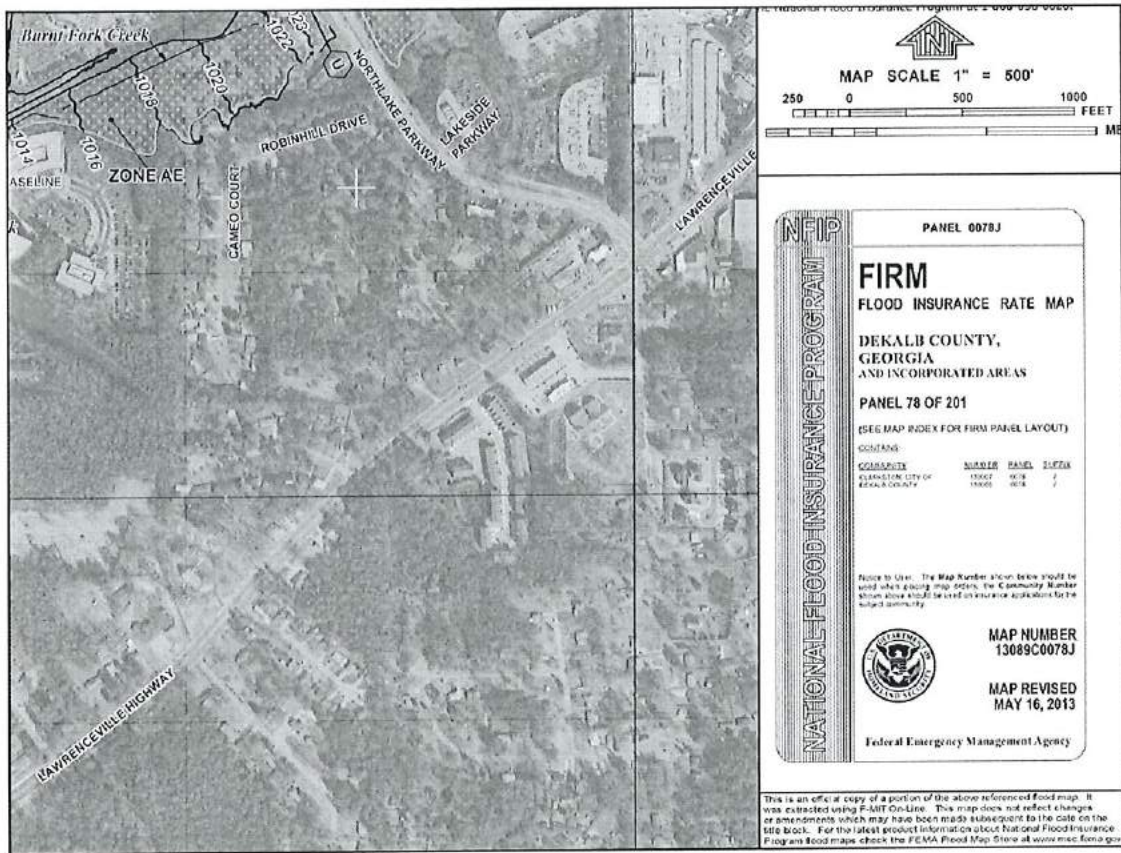


Figure 3. FEMA FIRM Panel

c) Streams/stream buffers

There have been no state waters observed on site or documented in FEMA mapping or National Wetland Inventory.

d) Slopes exceeding 25 percent over a 10-foot rise in elevation

Based on topographic survey and site observation there are no slopes in excess of 25% over a 10-foot in rise on the Subject Property.

e) Vegetation

The project site consists of parcels with existing single family homes with typical residential landscaping. The existing vegetation on the undeveloped portions of the site consists primarily of trees and low lying brush.

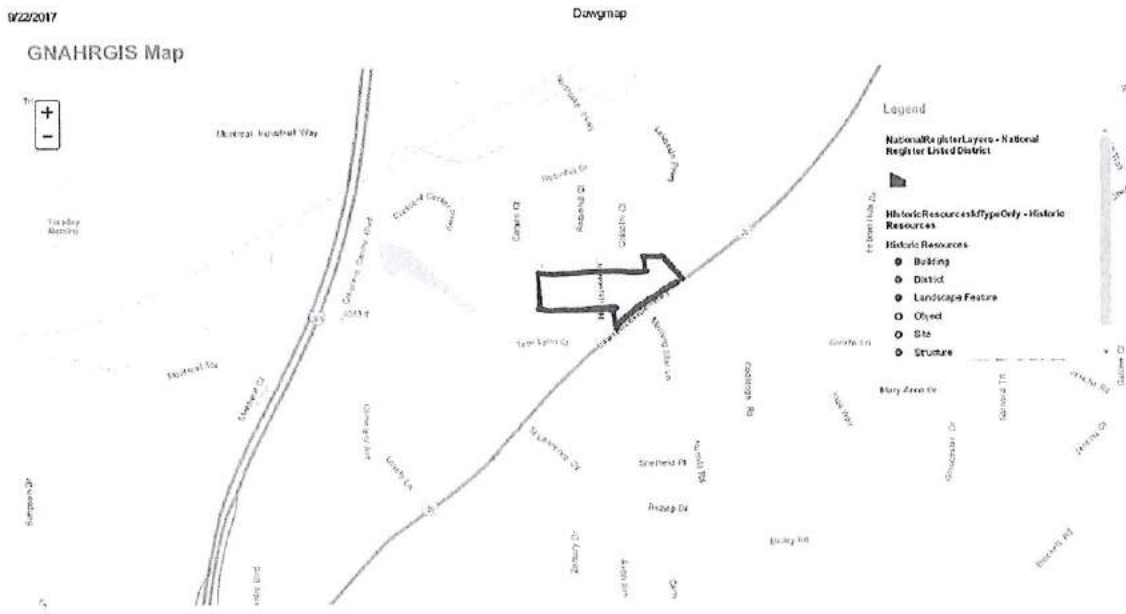
An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there is one plant native to the region (Michaux's Sumac) that is endangered. This species was not found onsite during the site visit on September 23, 2017.

f) Wildlife Species (including fish)

An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service, which did not indicate any endangered species in the area. The report did reveal that there are several species of migratory birds in the region. None were found to be present or nesting at the project location during the site visit on September 23, 2017.

g) Archeological/Historical Sites

According Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry. The site consists of several existing single family homes constructed between 1930's and 1950's.



<https://www.gnahrgis.org/gnahrgis/main.do>

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Figure 4. GNAHRGIS Map

2) PROJECT IMPLEMENTATION MEASURES.

a) **Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.**

The project is a redevelopment of several individual parcels containing single family homes. There are no environmentally sensitive areas such as wetlands, streams, steep slopes or floodplain. The surrounding areas have been developed since the early to mid-1900's.

b) **Protection of water quality**

The proposed project will treat stormwater for pollutants and release runoff at a 'wooded' condition flow rate. The overall impact to the downstream stormwater infrastructure will be positive, as no stormwater treatment currently exists.

c) **Minimization of negative impacts on existing infrastructure**

The proposed development has access to existing utilities with sufficient capacity to support the proposed development. The proposed development is not anticipated to overly burden existing utilities.

d) **Minimization on archeological/historically significant areas**

No archeological/historically significant areas were identified on or adjacent to the site and as a result no impacts are anticipated.

e) **Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.**

No environmentally stressed areas exist in the immediate vicinity (waste treatment facilities, airports, railroads, landfills, etc.).

f) **Creation and preservation of green space and open space**

The proposed development will incorporate 21.0% (1.56 acres) of the overall site for reforestation and enhanced open space amenity areas.

g) **Protection of citizens from the negative impacts of noise and lighting**

A 20' transitional buffer will separate the proposed development from the adjacent single-family homes. The buffer will include landscaping designed to minimize noise and lighting impacts to nearby properties.

h) Protection of parks and recreational green space

No existing parks will be impacted.

i) Minimization of impacts to wildlife habitats

No sensitive wildlife areas were observed during the site visit and as a result no impacts are anticipated.