



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)

BOA No. _____

Applicant and/or
Authorized Representative LDG Development, LLC c/o Battle Law, P.C.

Mailing Address: One West Court Square, Suite 750

City/State/Zip Code: Decatur, GA 30030

Email: mlb@battlelawpc.com

Telephone Home: 404.601.7616 Business: 404.601.7616 Fax No.:

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: See Attached

Address (Mailing):

City/State/Zip Code:

Email:

Telephone Home: Business: Fax No.:

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: See Schedule 1 Attached Hereto City: State: Zip:

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

District(s): Land Lot(s): Block: Parcel:

District(s): Land Lot(s): Block: Parcel:

Zoning Classification: HR-3 Commission District & Super District: 4 & 6

CIRCLE TYPE OF HEARING REQUESTED

[X] VARIANCE (From Development Standards causing undue hardship upon owners of property.)

[] SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

[] OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: _____

Fee Paid: _____



ZONING BOARD OF APPEALS APPLICATION
AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 3/7/19

Battle Law P.C.

Applicant: By: [Signature]
Signature

DATE: _____

Applicant: _____
Signature



DeKalb County
GEORGIA

ZONING BOARD OF APPEALS APPLICATION

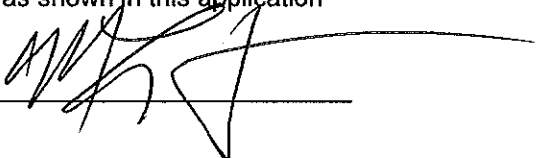
AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

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I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application

DATE: 12/19/18

Applicant/Agent: 
Signature

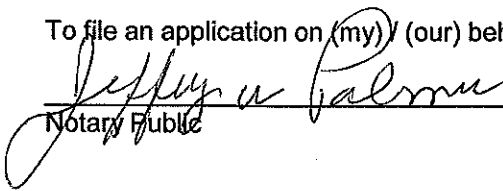
TO WHOM IT MAY CONCERN:

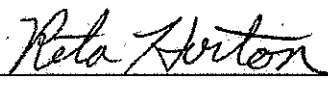
(I)/ (WE) Rickie Clements / Reta Horton / CVRS Holdings, LLC
(Name of Owners)

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

LDG Development , LLC and Battie Law P.C.
(Name of Applicant or Representative)

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


Notary Public

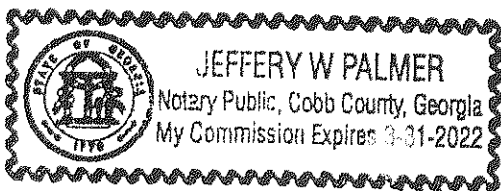

Owner

Notary Public

Owner

Notary Public

Owner





DeKalb County
G E O R G I A

ZONING BOARD OF APPEALS APPLICATION

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DATE: 3/7/19

Applicant/Agent: [Signature]
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Rickie A. Clements
(Name of Owners)

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 Representative)

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

LORITA A PRIMUS
Notary Public NOTARY PUBLIC
DeKalb County, Georgia
My Commission Expires April 7, 2022
Notary Public

Rickie A. Clements
Owner

Owner

Lorita A. Primus
Notary Public

Owner



DeKalb County
GEORGIA

3

ZONING BOARD OF APPEALS APPLICATION

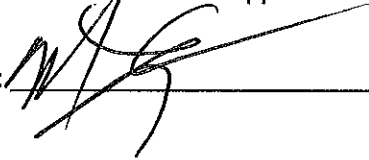
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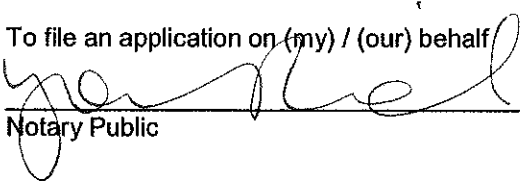
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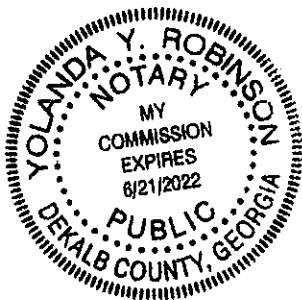
Notary Public

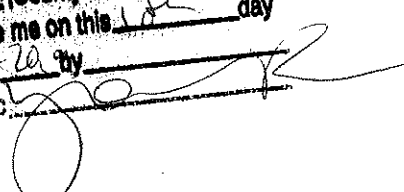

Owner

Owner

Owner

CVRS Holdings LLC



State of GA, County of Gwinnett
Signed before me on this 10th day
of March 2019 by 
Notary Public



DeKalb County
GEORGIA

ZONING BOARD OF APPEALS APPLICATION

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DATE: 3/7/19

Applicant/Agent Signature [Signature]

TO WHOM IT MAY CONCERN:

(I)/ (WE) CVRS Holdings, LLC
(Name of Owners)

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 Representative)

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

[Signature]
Notary Public

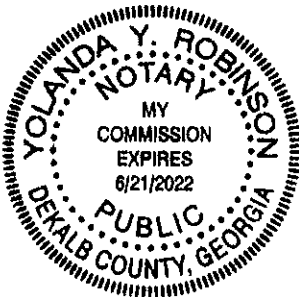
[Signature]
Owner

Notary Public

Owner

Notary Public

Owner



State of GA, County of Cowdlett
Signed before me on this 10th day
of March, 2019 by [Signature]
Notary Public [Signature]

STATEMENT OF INTENT
AND
VARIANCE JUSTIFICATION

APPLICANT: LDG Development, LLC c/o Battle Law, P.C.

SUBJECT
PROPERTY: 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road

ZONING
DESIGNATION: HR-3 (Conditional)

ATTORNEY: Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
Phone: 404.601.7616

STATEMENT OF INTENT

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, LDG Development, LLC, is developing a 222 multi-family units (the "Project"). In connection with the development of the Project, the Applicant is seeking the following variances:

1. Elimination of the transitional buffer along the eastern and western boundary lines;
and
2. Reduction of the rear yard setback from 20 ft to 10 ft.

It should be noted that the DeKalb County Board of Commissioner approved Rezoning Application **CZ-18-22040** on August 28, 2018.

VARIANCE JUSTIFICATION

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district;**

The Subject Property is an assemblage of six residential lots which are across from the Kensington MARTA Station. This area has a land use designation of Regional Center. The Project will be developed for affordable housing in the area, which is highly needed in the area as home prices, and rental rates in the area continue to rise. The conditions applicable to the Subject Property were highly negotiated, and in order to remain consistent with the approved conditions, the Applicant is seeking to eliminate the transitional buffers along the eastern and western boundary lines as the adjacent properties, as well as a reduction of the rear setback.

With respect to the transitional buffers, while the adjacent properties are zoned R-75 the area owned by DeKalb County and MARTA. The DeKalb County parcel is currently undeveloped and was purchased to provide greenspace at the intersection of Covington Highway and Kensington Road. It is the intent of the Applicant to incorporate the County's greenspace lot with the enhanced open space area being developed along the western boundary line. As grading is not permitted within a transitional buffer, the Applicant must obtain the elimination of the transitional buffer along the western boundary line in order to construct the enhanced greenspace as shown on the submitted site plan. In order to achieve the square footage required for the enhanced open space as shown on the submitted site plan, the Application had to move the proposed building closer to the eastern boundary line. The eastern boundary line is abutted by property owned by MARTA, which is currently used as parking lot by the Juvenile Justice Building to the rear of the Subject Property. MARTA recently put out an RFP for a mixed-use project for the MARTA property. Therefore, no transitional buffer is needed along the eastern boundary of the Subject Property.

Finally, in order to development a mixed-use project on the Subject Property as envisioned by the Comprehensive Land Use Plan, the LCI Study for the Kensington MARTA area and the approved zoning conditions, the Subject Property is shallow in depth. Additionally, the community and the Board of Commissioners required streetscape improvements which require the dedication of sufficient right of way to provide for a 2 ft curb, 10ft landscape strip, 10ft sidewalk, together with the 10ft front yard setback, along with the driving lanes. This resulted in pushing the improvements further back on an already shallow lot. Therefore, the Applicant is seeking a reduction in the rear yard setback.

It is the Applicant's contention that shape and size of the Subject Property were not created by the owner or Applicant, and that the strict application of the requirements of the Zoning Ordinance provisions in question would deprive the Applicant of rights and privileges enjoyed by other property owners in the same zoning district.

2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

It is the Applicant's contention that the requested variances do not go beyond the minimum necessary to afford relief, and do not constitute a special privilege.

- 3. The grant of the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located**

The granting of the requested variances will not have a negative impact on the surrounding community or be detrimental to the public welfare.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of Chapter 27 of the Zoning Ordinance will cause undue and unnecessary hardship on the Applicant.**

The literal interpretation and strict application of the applicable provision or requirements of Chapter 27 of the Zoning Ordinance would cause undue and unnecessary hardship on the Applicant, and thereby cause the Applicant to be treated in a manner which is dissimilar to other comparable businesses.

- 5. The requested variance would be consistent with the spirit and purpose of the DeKalb County Zoning Ordinance and the Comprehensive Plan text.**

The requested variances are consistent with the spirit, purpose and intent of the DeKalb County Zoning Ordinance and the Comprehensive Plan text.

CONSTITUTIONAL ALLEGATIONS

The portions of the Zoning Resolution of DeKalb County as applied to the Subject Property which classify or may classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph 1 and 2 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

In addition, the development of the Subject Property subject to the present standards set forth in the Zoning Ordinance 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.

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County without any rational basis therefore, constituting an abuse of discretion in violation of

Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

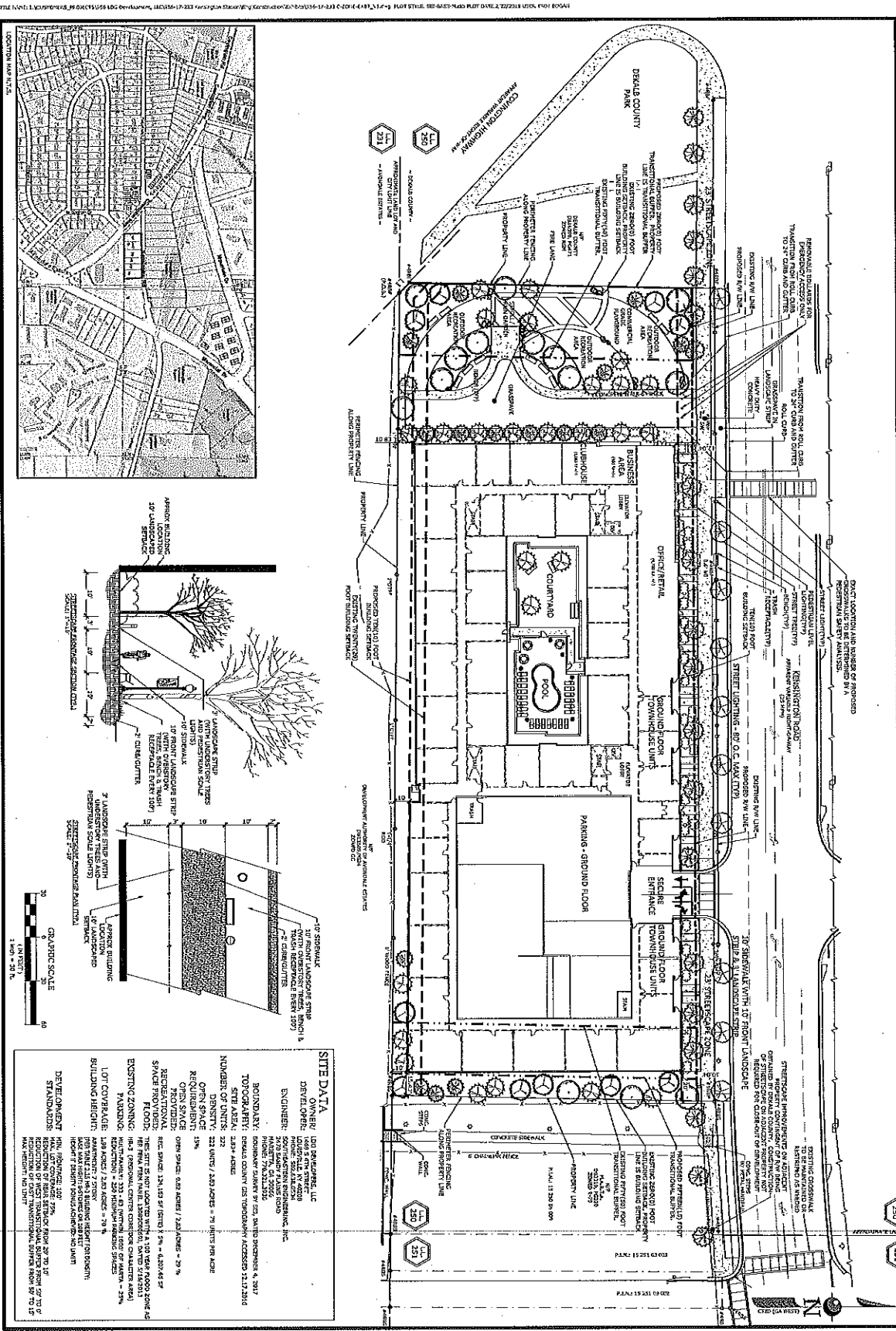
A refusal by the DeKalb County Board of Zoning Appeals to grant the variances as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any variances or special exceptions granted with respect to the subject Property that are subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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.



PROJECT GRANTED AND REVIEWED BY:
LDG DEVELOPERS, LLC
 1469 S 4TH STREET
 LOUISVILLE, KY 40268
 PHONE: 502.638.0534

SEI
 SOUTHEASTERN ENGINEERING, INC.
 1118 14th Street, Louisville, KY 40203
 502-261-5515

NO.	REVISION DESCRIPTION	DATE

ZONING SITE PLAN
 KENSBURTON STATION
 PROJECT LOCATED AT:
 LL 250 OF THE 15 DISTRICT
 UNINCORPORATED DEKALB COUNTY
 GEORGIA

811
 Call before you dig
 1-800-4-A-DIG

311
 Call before you dig
 1-800-4-A-DIG

DEVELOPMENT STANDARDS:
 MIN. FRONT SETBACK: 10 FT.
 MIN. SIDE SETBACK: 5 FT.
 MIN. REAR SETBACK: 10 FT.
 MIN. LOT AREA: 10,000 SQ. FT.
 MIN. FRONT YARD OPEN SPACE: 10%
 MIN. REAR YARD OPEN SPACE: 10%
 MIN. SIDE YARD OPEN SPACE: 10%
 MIN. FRONT PORCH HEIGHT: 8 FT.
 MIN. REAR PORCH HEIGHT: 8 FT.
 MIN. SIDE PORCH HEIGHT: 8 FT.
 MIN. FRONT PORCH DEPTH: 5 FT.
 MIN. REAR PORCH DEPTH: 5 FT.
 MIN. SIDE PORCH DEPTH: 5 FT.
 MIN. FRONT PORCH AREA: 100 SQ. FT.
 MIN. REAR PORCH AREA: 100 SQ. FT.
 MIN. SIDE PORCH AREA: 100 SQ. FT.
 MIN. FRONT PORCH SETBACK: 5 FT.
 MIN. REAR PORCH SETBACK: 5 FT.
 MIN. SIDE PORCH SETBACK: 5 FT.
 MIN. FRONT PORCH FINISH: CONCRETE
 MIN. REAR PORCH FINISH: CONCRETE
 MIN. SIDE PORCH FINISH: CONCRETE

THESE STANDARDS ARE SUBJECT TO THE ZONING ORDINANCES OF DEKALB COUNTY, GEORGIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

THIS REPORT IS THE PROPERTY OF THE CLIENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THIS REPORT WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DAMAGE, LOSS, OR INJURY RESULTING FROM THE USE OF THIS REPORT.

LEGEND

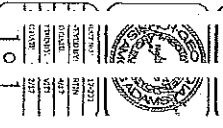
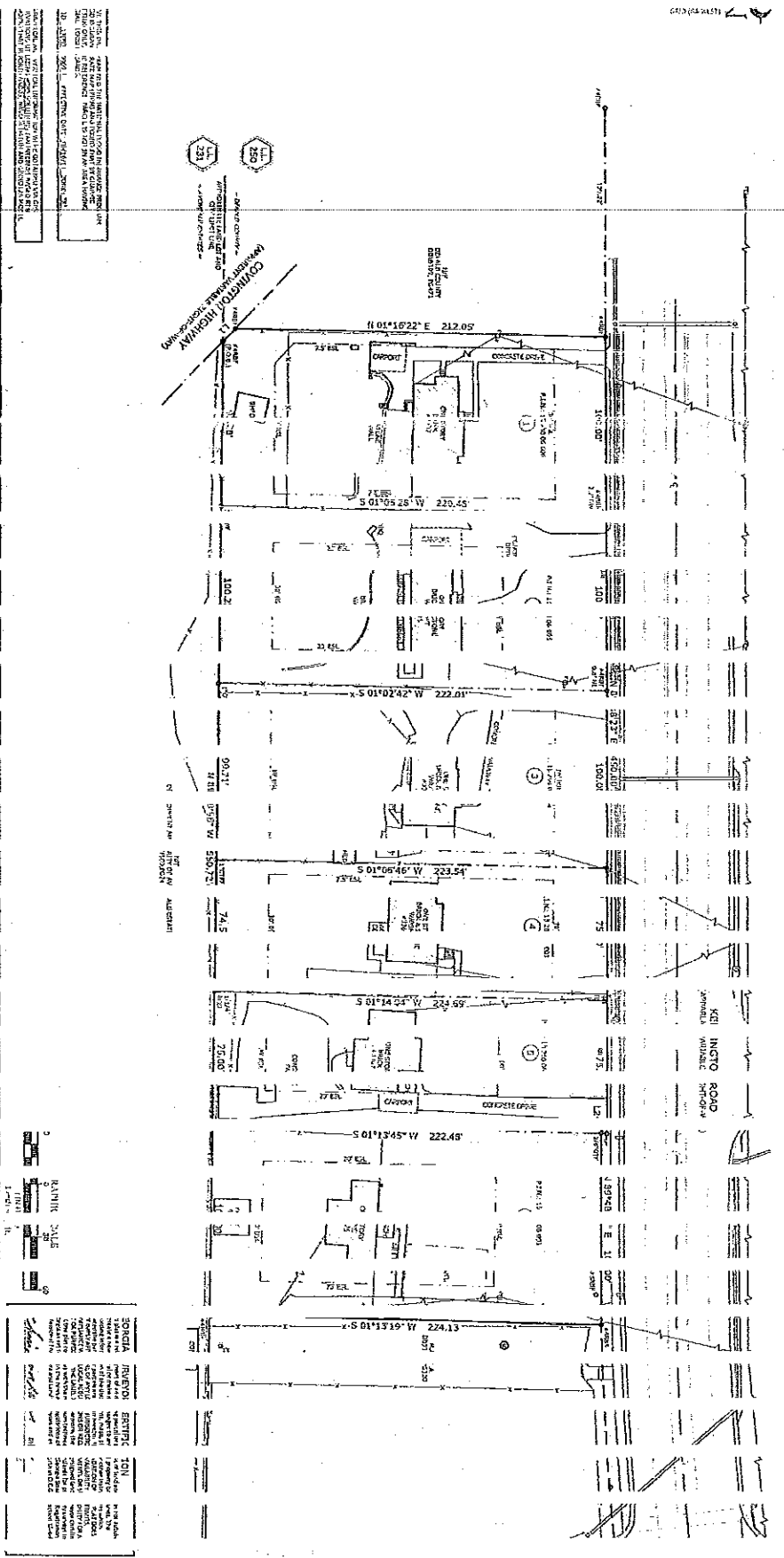
1	EXISTING BUILDING
2	EXISTING DRIVE
3	EXISTING SIDEWALK
4	EXISTING CURB
5	EXISTING DRIVE
6	EXISTING SIDEWALK
7	EXISTING CURB
8	EXISTING DRIVE
9	EXISTING SIDEWALK
10	EXISTING CURB
11	EXISTING DRIVE
12	EXISTING SIDEWALK
13	EXISTING CURB
14	EXISTING DRIVE
15	EXISTING SIDEWALK
16	EXISTING CURB
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94	EXISTING CURB
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96	EXISTING SIDEWALK
97	EXISTING CURB
98	EXISTING DRIVE
99	EXISTING SIDEWALK
100	EXISTING CURB

AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	EXISTING DRIVE	1,200.00
2	EXISTING SIDEWALK	1,500.00
3	EXISTING CURB	1,000.00
4	EXISTING DRIVE	1,200.00
5	EXISTING SIDEWALK	1,500.00
6	EXISTING CURB	1,000.00
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80	EXISTING SIDEWALK	1,500.00
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90	EXISTING CURB	1,000.00
91	EXISTING DRIVE	1,200.00
92	EXISTING SIDEWALK	1,500.00
93	EXISTING CURB	1,000.00
94	EXISTING DRIVE	1,200.00
95	EXISTING SIDEWALK	1,500.00
96	EXISTING CURB	1,000.00
97	EXISTING DRIVE	1,200.00
98	EXISTING SIDEWALK	1,500.00
99	EXISTING CURB	1,000.00
100	EXISTING DRIVE	1,200.00

NET TABLE

LINE	DESCRIPTION	NET AREA (SQ. FT.)
1	EXISTING DRIVE	1,200.00
2	EXISTING SIDEWALK	1,500.00
3	EXISTING CURB	1,000.00
4	EXISTING DRIVE	1,200.00
5	EXISTING SIDEWALK	1,500.00
6	EXISTING CURB	1,000.00
7	EXISTING DRIVE	1,200.00
8	EXISTING SIDEWALK	1,500.00
9	EXISTING CURB	1,000.00
10	EXISTING DRIVE	1,200.00
11	EXISTING SIDEWALK	1,500.00
12	EXISTING CURB	1,000.00
13	EXISTING DRIVE	1,200.00
14	EXISTING SIDEWALK	1,500.00
15	EXISTING CURB	1,000.00
16	EXISTING DRIVE	1,200.00
17	EXISTING SIDEWALK	1,500.00
18	EXISTING CURB	1,000.00
19	EXISTING DRIVE	1,200.00
20	EXISTING SIDEWALK	1,500.00
21	EXISTING CURB	1,000.00
22	EXISTING DRIVE	1,200.00
23	EXISTING SIDEWALK	1,500.00
24	EXISTING CURB	1,000.00
25	EXISTING DRIVE	1,200.00
26	EXISTING SIDEWALK	1,500.00
27	EXISTING CURB	1,000.00
28	EXISTING DRIVE	1,200.00
29	EXISTING SIDEWALK	1,500.00
30	EXISTING CURB	1,000.00
31	EXISTING DRIVE	1,200.00
32	EXISTING SIDEWALK	1,500.00
33	EXISTING CURB	1,000.00
34	EXISTING DRIVE	1,200.00
35	EXISTING SIDEWALK	1,500.00
36	EXISTING CURB	1,000.00
37	EXISTING DRIVE	1,200.00
38	EXISTING SIDEWALK	1,500.00
39	EXISTING CURB	1,000.00
40	EXISTING DRIVE	1,200.00
41	EXISTING SIDEWALK	1,500.00
42	EXISTING CURB	1,000.00
43	EXISTING DRIVE	1,200.00
44	EXISTING SIDEWALK	1,500.00
45	EXISTING CURB	1,000.00
46	EXISTING DRIVE	1,200.00
47	EXISTING SIDEWALK	1,500.00
48	EXISTING CURB	1,000.00
49	EXISTING DRIVE	1,200.00
50	EXISTING SIDEWALK	1,500.00
51	EXISTING CURB	1,000.00
52	EXISTING DRIVE	1,200.00
53	EXISTING SIDEWALK	1,500.00
54	EXISTING CURB	1,000.00
55	EXISTING DRIVE	1,200.00
56	EXISTING SIDEWALK	1,500.00
57	EXISTING CURB	1,000.00
58	EXISTING DRIVE	1,200.00
59	EXISTING SIDEWALK	1,500.00
60	EXISTING CURB	1,000.00
61	EXISTING DRIVE	1,200.00
62	EXISTING SIDEWALK	1,500.00
63	EXISTING CURB	1,000.00
64	EXISTING DRIVE	1,200.00
65	EXISTING SIDEWALK	1,500.00
66	EXISTING CURB	1,000.00
67	EXISTING DRIVE	1,200.00
68	EXISTING SIDEWALK	1,500.00
69	EXISTING CURB	1,000.00
70	EXISTING DRIVE	1,200.00
71	EXISTING SIDEWALK	1,500.00
72	EXISTING CURB	1,000.00
73	EXISTING DRIVE	1,200.00
74	EXISTING SIDEWALK	1,500.00
75	EXISTING CURB	1,000.00
76	EXISTING DRIVE	1,200.00
77	EXISTING SIDEWALK	1,500.00
78	EXISTING CURB	1,000.00
79	EXISTING DRIVE	1,200.00
80	EXISTING SIDEWALK	1,500.00
81	EXISTING CURB	1,000.00
82	EXISTING DRIVE	1,200.00
83	EXISTING SIDEWALK	1,500.00
84	EXISTING CURB	1,000.00
85	EXISTING DRIVE	1,200.00
86	EXISTING SIDEWALK	1,500.00
87	EXISTING CURB	1,000.00
88	EXISTING DRIVE	1,200.00
89	EXISTING SIDEWALK	1,500.00
90	EXISTING CURB	1,000.00
91	EXISTING DRIVE	1,200.00
92	EXISTING SIDEWALK	1,500.00
93	EXISTING CURB	1,000.00
94	EXISTING DRIVE	1,200.00
95	EXISTING SIDEWALK	1,500.00
96	EXISTING CURB	1,000.00
97	EXISTING DRIVE	1,200.00
98	EXISTING SIDEWALK	1,500.00
99	EXISTING CURB	1,000.00
100	EXISTING DRIVE	1,200.00



LDG DEVELOPMENT, LLC

LOCATED IN:
 LAND LOT 250 OF THE 15TH DISTRICT
 DEKALB COUNTY, GEORGIA

ALL PORTIONS OF THIS PLAN ARE EXCEPTED & COVERED BY THE FOLLOWING INSTRUMENTS:

NO.	DATE	DESCRIPTION
1	12/15/2023	PRELIMINARY PLAT
2	01/10/2024	FINAL PLAT



RECOMMENDED CONDITIONS
CZ-18-22040

Rezone from R-75 (Residential Medium Lot-75) to HR-3 (High-Density Residential)

1. The +/-2.83 acres tract (the "Project Site") shall be developed in general conformity with the conceptual site plan entitled ZONING SITE PLAN- KENSINGTON STATION Southeast Engineering, Inc. dated May 31, 2018, last revised August 22, 2018 and stamped received by the Department of Planning and Sustainability on August 24, 2018 (the "Approved Plan").
2. The Project Site shall be developed for an affordable mixed-use apartment complex for no more than 244 residential units and a minimum of 4,500 sq. ft. of Office/Retail Space (excluding the portions of the residential only business center, fitness center and residential leasing office) facing Kensington Road between the main driveway and secure entrance. The Office/Retail Space shall be available for rental to approved lessees, which may include a business center with services that are available and marketed to the public.
3. The apartment complex shall serve individuals and families with household earnings between 30% to 80% of the Area Median Income ("AMI"), with an average of 60% of AMI in accordance with the Georgia Department of Community Affairs ("DCA") Low Income Housing Tax Credit ("LIHTC") guidelines. The apartment complex shall be ADA Compliant and a minimum of Five (5%) of the units shall be fully handicap accessible, and a minimum of two (2%) of the units shall be visual and hearing impaired accessible.
4. Upon development, the apartment complex shall be managed by a DCA approved certified property management company.
5. The amenity package for the development shall include a community room, fitness center, roof top community space, business center, and Recreational Space (as hereinafter defined).
6. The Project Site shall include a minimum 6,207.65 sq. ft. recreational area (the "Recreational Space"), which Recreational Space shall be developed in general conformity with the Approved Plan, and shall include commercial grade playground equipment, open play areas unobstructed by trees, shrubs, equipment or furniture, walking trails/sidewalks, and a swimming pool. The grading and landscaping of the Enhanced Greenspace shall be subject to the approval of the County Arborist. The Developer shall install pet refuse stations at appropriate locations along internal sidewalks/walking trails and specifically along the Kensington Road sidewalk. Notwithstanding the foregoing, the final layout of the Enhanced Greenspace shall be reviewed and approved in writing by the District and Super District Commissioners for the area in which the Project Site is located PRIOR to the issuance of the Land Development Permit for the 244 units.
7. If the DeKalb County elects to develop all or a portion of the property adjacent to the Project Site, being Tax Parcel 15-250-06-007, as public greenspace, the Developer shall work cooperatively with DeKalb County to integrate the Recreational Space with the public greenspace.
8. The building to be erected on the Project Site shall be developed in general conformity with the conceptual elevations prepared by Studio A Architecture, dated May 23, 2018 entitled KENSINGTON STREET APARTMENT COMPLEX and stamped received by the Department of

Planning and Sustainability on July 23, 2018. The building materials will be a combination of non-reflective glass, glass block, brick, metal panels, cement panels, EIFS and masonry (at the lower levels). The final building ELEVATIONS shall be approved in writing by the District and Super District Commissioners for the District in which the Project Site is located PRIOR to the issuance of the Building Permit for the Project Site.

9. The streetscape zone shall be constructed along the perimeter of the Project Site abutting Kensington Road and extend to the corner of Kensington Road and Covington Highway, including the installation of sidewalks, landscape strips, street trees approved by the County Arborist and pedestrian scale lights, in accordance with the layout shown on the Approved Plan with a 2ft curb, a 10ft landscape strip adjacent to back of curb for street furniture, overstory trees and required street lights, a 10 ft sidewalk, and a 3ft landscape strip adjacent to back of sidewalk, for understory trees and decorative lamps.
10. Internal sidewalks (minimum five feet in width) shall be constructed adjacent to all buildings, continuously connected throughout the entire Project Site to provide for continuous connectivity to the buildings. If the pathway crosses a driveway it shall be clearly marked with striping, pavers, or raised crosswalk.
11. Refuse areas shall not be visible from the public street and shall be fenced or screened with a combination of materials and colors to match building materials of the primary building.
12. All stormwater detention shall be underground.
13. Prior to the issuance of the Land Development Permit for the Project Site, the developer shall submit to the DeKalb County Transportation Department a Pedestrian Safety Analysis prepared by a professional transportation engineer for safe pedestrian access from the Project Site to the Kensington MARTA Station. The Applicant shall be required to implement the recommendations set forth in the Analysis as required by the Transportation Department.
14. All equipment located on the flat top roof shall be screened from view.
15. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Historic Preservation Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

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