

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

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CLERK OF SUPERIOR COURT
DEKALB COUNTY, GA

MARK GANNON,)
)
 Plaintiff,)
)
 vs.)
)
 CITY OF DECATUR, GEORGIA,)
 and the CITY OF DECATUR ZONING)
 BOARD OF)
 APPEALS, and CARTER USA,)
)
 Defendants.)
)
 _____)

CIVIL ACTION FILE NO.

13CV6669-9

APPEAL AND PETITION FOR MANDAMUS

COMES NOW, Plaintiff herein, and in support of his Appeal and Petition for Mandamus shows the Court the following:

1.

Preliminary Statement

This action stems from the Defendant Decatur Zoning Board Appeals' May 13, 2013, denial of Plaintiff's appeal from a decision of the Zoning Administrator that Carter USA met all relevant requirements of the Decatur Zoning Ordinance in its proposal to develop 315 West Ponce de Leon Avenue in DeKalb County on +/- 4.9 acres of land (hereinafter "Subject Property") with a 10 story office building, 5 story apartment building, 484 space parking garage, and a 5 story retail/residential building, surface parking and a roundabout.

Parties

2.

Plaintiff Mark Gannon owns and resides with his wife, Kathie Gannon, at property at 335

West Ponce de Leon, #615 adjacent to the Subject Property in the City of Decatur, DeKalb County, Georgia.

3.

Defendant City of Decatur, Georgia, and (“City”) is an entity entitled to sue and be sued; is the ultimate issuing authority for building permits, and is subject to the venue and jurisdiction of this Court. Defendant City may be served with process through its Mayor, Jim Baskett, at 509 N. McDonough Street, Decatur, Georgia 30030.

4.

Defendant City of Decatur Zoning Board of Appeals (“ZBA”), is the government body with the power and duty under the City of Decatur Code to decide administrative appeals in accord with Section 12.3, and may be served by serving Neil Dobbs, Chairperson of the ZBA at the Board’s official office 509 N. McDonough Street, Decatur, Georgia 30030.

5.

The Defendant Carter USA, is the owner of the Subject Property at 315 West Ponce de Leon Avenue and may be served by serving R. Scott Taylor, Registered Agent, 171 17th Street, Suite 1200, Atlanta, Georgia 30363.

Facts Relevant to All Counts

6.

The Subject Property is zoned C-2 General Commercial and is located at 315 West Ponce de Leon Avenue in the City of Decatur and is currently developed with a 10 story office building with a drive in banking establishment and surface parking lots.

7.

Downtown Multiple Dwellings are an allowable use in the C-2 General Commercial district after review by the Decatur Downtown Development Authority (“DDA”). See Section 7.9.2(16.2) of the City Code, a copy of which is attached hereto as Exhibit A.

On December 15, 2008, the Decatur City Commission adopted Ordinance O-08-Z-11 approving development of the Subject Property subject to 34 conditions for a “downtown multiple dwelling development” with a residential component not to exceed 160 dwelling units. A copy of this ordinance is attached hereto as Exhibit B.

8.

In December of 2013, the City adopted amendments to the Zoning Ordinance O-12-Z-16 removing the requirement that “downtown multiple dwelling developments” be reviewed by the City Commission after a public hearing. A copy of this Ordinance is attached hereto as Exhibit B.

9.

On or about February 11, 2013, Defendant Carter USA (“Carter”) submitted site plans and conceptual elevations to the City’s Planning Zoning and Inspections Office for review and approval pursuant to Section 7.9.2 , 10.18 and 10.19 to allow for a Multiple Dwelling Development which would add new 5 story 235 dwelling unit apartment building, a 7 story-527 space parking deck , and a new retail residential building connected to the existing 10 story office building (“Carter application”). A copy of the site plan is attached hereto as Exhibit C.

10.

On or about February 15, 2013, the Zoning Administrator for the City of Decatur

notified property owners adjoining the Subject Property of the application for review and inviting residents to a City facilitated meeting to discuss the application on February 26th.

11.

A meeting was held at City Hall to discuss Carter's application and numerous residents were in attendance including Plaintiff.

12.

On March 19, 2013, the Zoning Administrator sent a detailed memorandum to the Decatur Downtown Development Authority outlining the review process, standards of review and providing her assessment that the plan was in full compliance with the requirements of the Zoning Ordinance. A copy of this memorandum is attached hereto as Exhibit D.

13.

On March 22, the DDA conducted a public hearing and adopted a resolution after review of Carter's application finding that it met all requirements of the Zoning Ordinance.

14.

On March 29, 2013, the Zoning Administrator forwarded a letter to Carter notifying it of the DDA's finding that the plans were in compliance and advising Carter that it could proceed to apply for a building permit. A copy of this letter is attached hereto as Exhibit E.

15.

On or about April 12, 2013, the Plaintiff filed an appeal to the ZBA of the Zoning Administrator's determination that the Carter application was code compliant. Plaintiff Gannon argued in his appeal that the Zoning Administrator had made an error in interpreting various provisions of the Zoning Ordinance as applied to the Carter application, said errors including but not being limited to the following:

- The Zoning Administrator failed to follow the procedures established in the applicable

ordinance for providing public notice.

- The Zoning Administrator failed to consistently apply the relevant requirements and standards for Downtown Multiple Dwelling developments and developments in the Special Pedestrian Area.
- The Zoning Administrator has not addressed applicable ordinances which require variance approval by the ZBA.
- Revised ordinances relating to Downtown Multiple Dwellings and C-2 zoned districts passed by the City Commission in 2012 are in conflict.
- The City failed to comply with due process when it change the zoning ordinance from that approved in Ordinance O-08-Z-11

A copy of this appeal is attached as Exhibit F.

16.

Plaintiff was joined in this appeal by more than 40 other property owners. See Exhibit F.

17.

The ZBA heard Plaintiff's appeal on May 13, 2013, and voted to deny the appeal in a split vote of 3-2.

18.

As an adjoining property owner to the Subject Property, Plaintiff is substantially aggrieved by the ZBA's decision.

19.

The ZBA's vote on Plaintiff's appeal is final and Plaintiff has no further administrative remedies available to him to protest same.

20.

Plaintiff has no adequate remedy at law to correct the errors made by the ZBA which include but are not limited to the following:

- The ZBA upheld the decision of the DDA that the project complied with the sidewalk, streetscape, screening of parking spaces, parking areas, drive through, and other requirements in Chapter 10 because certain aspects of the development were “grandfathered”. Because the site is presented as a unified development and because where the existing office building is located a brand new retail/ residential building is being erected, a new roundabout is being installed and ingress is being relocated, it is error to state that the new ordinance requirements do not apply—anytime a site is redeveloped the new ordinance requirements apply—it was error to find otherwise.
- Chapter 10 provides that where a plan cannot meet the requirements of the standards therein, the applicant must secure an exception from the City Commission after a public hearing before the Planning Commission and the City Commission. See Section 10.19.4. Rather than provide for exceptions to the standards required administratively the applicant should have been required to seek exceptions as to the parking space screening, parking areas, drive through and other requirements where the plan did not meet the standards set forth. Not requiring pursuit of the exception requirements was error.
- The notice provisions of the ordinance were not followed. 15 days’ notice was required, not eleven. Such notice was not in compliance with the Code and it was error to proceed without provision of proper notice. See Section 10.18.4.5.

COUNT I - MANDAMUS

21.

Paragraphs 1 through 20 are incorporated herein by reference as if fully restated herein.

22.

Defendants erred in their approval of the Carter application and denial of the appeal and were required to sustain the appeal if it did not comply with the standards governing Carter’s application.

23.

Defendants are constrained by law from going outside the standards for approval in considering or voting upon the Carter application.

24.

Defendants considered factors not authorized by the relevant zoning standards in denying Plaintiff's appeal.

25.

In light of the foregoing, Defendants decision to deny Plaintiff's appeal was arbitrary, capricious and a gross and manifest abuse of discretion.

26.

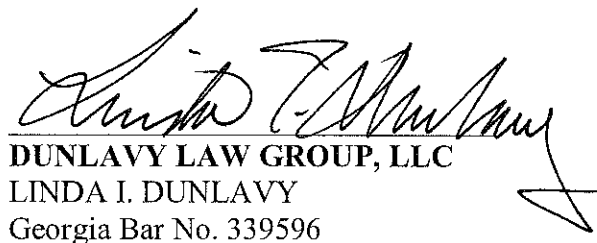
Plaintiff has a clear legal right to reversal of the ZBA decision and granting of his appeal such that a writ of mandamus should issue against the ZBA to compel due performance in accord with the Code of Ordinances of the City.

WHEREFORE, Plaintiff prays for the following relief:

- A. That summons and process issue and that the Defendants be served as required by statute;
- B. Mandamus nisi issue, requiring Defendants to appear and show cause why Plaintiff's prayers should not be granted;
- D. Alternatively, that this matter be remanded to the ZBA for reconsideration in compliance with all applicable laws;
- H. The Court award such other and further relief as it deems appropriate and just.

This 13 day of June, 2013.

1026 B Atlanta Avenue
Decatur, Georgia 30030
404-371-4101 (voice)
404-371-8901 (fax)
ldunlavy@dunlavylawgroup.com


DUNLAVY LAW GROUP, LLC
LINDA I. DUNLAVY
Georgia Bar No. 339596

Section 7.9. - C-2 general business district.

7.9.1. *Purposes of the district.* The purpose of this district is to provide sufficient space for a wide variety of retail sales and service activities serving the entire city and embracing the present central business district. This district is currently built up with a general mixture of retail sales and service activities, government and civic uses. Controls including off-street parking and loading and sign limitation, represent desirable goals for existing activities and mandatory requirements for development of new uses or redevelopment of existing uses.

7.9.2. *Permitted principal and accessory uses.*

1. Nonresidential uses permitted in C-1 local commercial district.
2. Automobile and automobile parts sales, automotive mechanical and body repair shops (see special regulations in section 7.9.4).
3. Bowling alleys, clubs and lodges, billiard parlors, theaters other than drive-in.
4. Business offices, general and sales agencies, taxicab services.
5. Carpet cleaning, laundries and dry cleaning establishments, tire recapping shops, service establishments such as blueprinting, catering, employment, costume rental.
6. Furniture sales, wholesale and retail pet shops without veterinary service, retail stores and shops dealing in general merchandise including department stores.
7. Hotels, motels and tourist homes, lodging and boarding houses.
8. Undertaking establishments and funeral homes.
9. Radio and television studios.
10. Restaurants, grills, soda shops, etc., including drive-in type but not curb parking.
11. Churches and other places of worship.
- 11.1. Veterinary hospitals, after a public hearing by the planning commission and approval of the city commission and subject to the regulations in article X, supplementary regulations and modifications.
12. Signs, accessory, principal and outdoor.
13. Uses and structures which are customarily accessory to central business activities, are located on same lot as principal use or contiguous lot under one ownership, and do not involve operations not in keeping with central business district character.
14. Family and group personal care homes, after a public hearing by the planning commission and approval by the city commission, and subject to regulations in article X, supplementary regulations and modifications.
15. Attached and detached townhouses as permitted in and in accordance with the regulations of the HDSF high-density single family district, after review by the Decatur Downtown Development Authority in accordance with Section 10.18.4.4., after a public hearing by the planning commission and approval by the city commission.
16. Multiple-family dwellings as permitted in and in accordance with the regulations of the RM-60 and RMH multiple-family residential districts, after review by the Decatur Downtown Development Authority in accordance with Section 10.18.4.4., after a public hearing by the planning commission and approval by the city commission.
- 16.1. Homes for the elderly, after a public hearing by the planning commission and approval by the city commission.
- 16.2. Downtown multiple dwellings, after review by the Decatur Downtown Development



Authority in accordance with Section 10.18.4.4., after a public hearing by the planning commission and approval by the city commission and subject to regulations in article X, supplementary regulations and modifications.

17. A single-family dwelling unit of at least 600 square feet of floor area which is accessory to a principal commercial use.
18. Nursery schools, kindergartens and day care centers after a public hearing by the planning commission and approval by the city commission.
19. Communications towers, including additional buildings or other supporting equipment used with the tower or antenna, after a public hearing by the planning commission and approval by the city commission and subject to the regulations in article X, supplementary regulations and modifications.
20. Antennas, subject to the regulations in article X, supplementary regulations and modifications.

7.9.3. Development standards.

1. Minimum front yard: None
2. Minimum yards: None, except when the C-2 General Business District line abuts a R-85 or R-60 Single Family Residential District line, the yard for the building or use in the C-2 General Business District shall not be less than 30 feet. When a street or alley separates a building or use in the C-2 General Business District from an abutting R-85 or R-60 Single Family Residential District, half of the street or alley right-of-way width measured from the centerline of the street or alley shall be considered as part of the required yard.

In addition to the minimum yards and buffers required by this section, where a property in the C-2 General Business District abuts a R-85 or R-60 Single Family residential district line, no portion of any structure shall protrude through a height limiting plane beginning 35 feet above the boundary of any required yard and extending inward over the C-2 District at an angle of 45 degrees.

3. Maximum building height: 80 feet—Exceptions to maximum building height may be permitted after public hearing by the planning commission and approval by the city commission.

7.9.4. Special regulations. Automobile mechanical and body repair shops permitted in C-2 general business district shall conform to the following:

1. Building shall have no opening other than a stationary window along a side adjoining a residential district line.
2. No parts or waste materials shall be stored outside the building.

7.9.5. Performance standards. Performance standards for C-3 heavy commercial uses (section 7.10.4.) shall apply to uses in the C-2 general business district except that the emission of smoke to a greater density than number 1 on the Ringelmann chart is prohibited.

O-12-Z-16
AN ORDINANCE
AMENDING THE TEXT
OF THE
DECATUR ZONING ORDINANCE

WHEREAS, the City of Decatur Planning Commission, after making a detailed study, has proposed amendments to the text of the Decatur Zoning Ordinance regulating downtown multiple dwelling development standards in the City of Decatur; and

WHEREAS, the proposed amendments have been made for the purpose of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of present and future inhabitants of the City of Decatur, Georgia; of lessening congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to reduce flooding and other stormwater impacts; and other public necessities; and

WHEREAS, the proposed amendments have also been made under the direction of the 2010 Strategic Plan with reasonable consideration among other things to the character of the community and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, conserving the value of buildings, and encouraging the most appropriate use of land, buildings and other structures throughout the City of Decatur; and

WHEREAS, proposed revisions have been made after detailed study and recommendations made after a public hearing before the Zoning Task Force and Decatur Planning Commission at which all owners of property were given opportunity after public notice as required by Georgia statute to file their protests, suggestions or criticisms, if any; and

WHEREAS, the Decatur City Commission has considered the proposed amendments to the text of the Decatur Zoning Ordinance, as well as comments by interested residents at public hearings and the recommendations by the Decatur Planning Commission; and

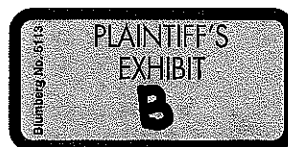
WHEREAS, the Decatur City Commission wishes to approve the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Commissioners of the City of Decatur, Georgia, and it is hereby ordained by authority of the same, that Appendix A, Zoning, of the Code of the City of Decatur, Georgia, is amended as follows:

Article X. Supplementary Regulations and Modifications

Section 10.18, Downtown Multiple Dwellings, Generally, is amended as follows:

1. Item no. 10.18.2, "Supplemental standards for approval" is deleted in its entirety and a new item 10.18.2 is substituted, which shall read as follows:



“10.18.2. Supplemental standards for approval. In addition to the standards described in section 10.14, the following standards shall be considered in determining whether the proposed development shall be approved:

1. Sidewalks. The proposed development shall be built out to the sidewalk line. It must provide adequate pedestrian access. There must be on-grade access to the ground floor for pedestrians.
2. Open space. The proposed development shall provide adequate outdoor open space for residents and other tenants.
3. Parking. Vehicular parking for the proposed development shall be underground or effectively screened by retail or residential space or by landscape treatment. Parked vehicles shall be screened from view from the public right of way.
4. Ingress and egress. The proposed points of vehicular ingress and egress must complement or improve existing traffic patterns and provide safe and convenient access for bicyclists and pedestrians.
5. Ground floor retail. The proposed development shall include retail or residential uses on the ground floor. Those uses shall be oriented to the sidewalk.
6. Site utilities. All utilities for the proposed development shall be underground.
7. Lighting. All lighting shall be arranged so that it is directed away from and does not fall on any adjacent residential property.
8. Noise. All mechanical equipment, such as fans, air conditioning units, etc., shall be placed sufficiently away from adjacent residential properties to ensure that noise generated by such equipment does not adversely impact such adjacent residential properties. Uses shall comply with the noise performance standards in Section 7.10.4.10.”

2. Item no. 10.18.4, “Supplemental application requirements” is deleted in its entirety and a new item 10.18.4 is substituted, which shall read as follows:

“10.18.4. Supplemental application requirements. Each application shall be accompanied by plans which shall include the following information:

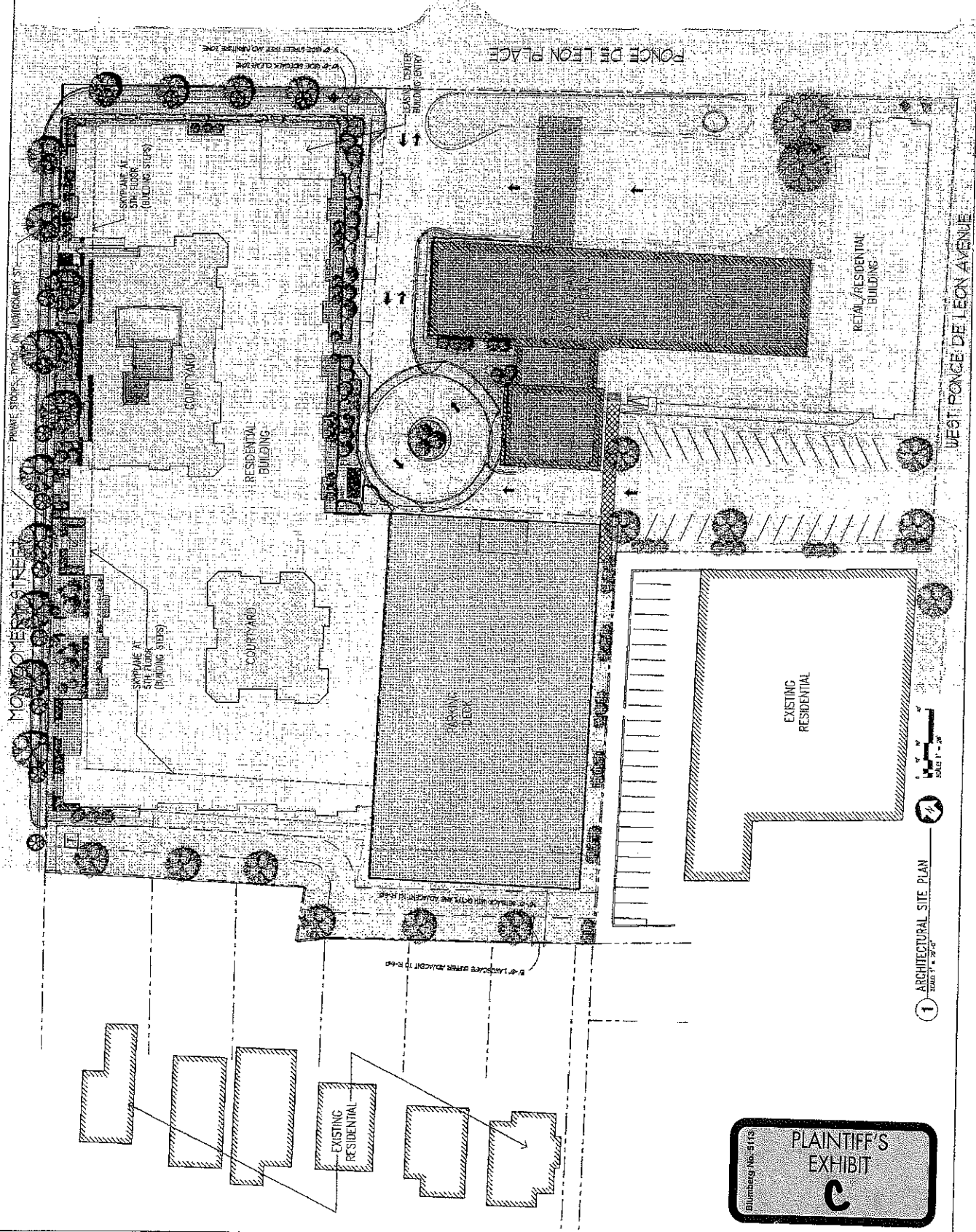
1. A written description of the proposed development, including number and size of proposed dwellings, amount of commercial, recreational and/or other spaces, and all other information necessary to show that the proposed development complies with the standards described in section 10.18.2 and 10.19.
2. Comprehensive site plan showing existing and proposed buildings and other structures, parking areas, recreation and other special use areas and any commercial use areas. The site plan shall include at a minimum:
 - a. Location and width of buffers and landscaping if required by sections 7.9, 7.10 and/or 10.14.

- b. Location and width of sidewalks, location and species of street trees
 - c. Location and number of on-site parking spaces
 - d. Location of pedestrian entries
 - e. Location and size of open space if required by 10.18.2.2 and 7.9.3.3.a.
 - f. Location of parking lot screening if required by 10.18.2.3.
 - g. Location of site utilities pursuant to 10.18.2.6.
3. Site cross-section, building elevations and floor plans. Building plans shall be drawn at a $\frac{1}{8}'' = 1'$ scale or larger. Elevations shall include façade composition pursuant to section 7.9.3.3.b.
4. Each application must be presented for review before the DDA. The DDA shall review the application according to the standards set forth in Sections 10.18.2 and 10.19.3 and shall issue a resolution stating whether or not the application has met those standards. Each application shall include a DDA resolution recommending approval or denial of the project as part of the application package prior to the issuance of a building permit.
5. When a proposed development, building or use is adjacent to a R-85 or R-60 Single Family Residential District line, the property owner and development team will be required to meet a minimum of one time with the adjoining property owners directly impacted by the project. The meeting shall occur prior to submitting for a building permit or meeting with the DDA. Conceptual site plans and conceptual elevations must be made public at least two weeks before the meeting. The city will provide facilitation services and criteria for the meeting based on the standards in section 10.18.2 and 10.19.3.”

Approved this 3rd day of December, 2012.

Effective the 7th day of January, 2013.

Attest: Peggy Merriss
Peggy Merriss
Acting City Clerk



Bloomberg No. 5113
PLAINTIFF'S EXHIBIT
C

March 19, 2013

Memorandum

TO: Decatur Downtown Development Authority
Lyn Menne, Assistant City Manager for Community and Economic Development

FROM: Amanda Thompson, Planning Director

RE: DDA Hearing on the proposed plan for 315 West Ponce de Leon

The purpose of this memo is to outline the process and review jurisdiction for the Decatur Downtown Development Authority (DDA) related to Downtown Multiple Dwellings. As part of the recommendations of the Zoning Task Force in 2012 the DDA received a formal, expanded role in reviewing certain types of residential developments in downtown Decatur. When a downtown multiple dwelling is proposed, the DDA is asked to review the project and issue a resolution recommending approval or denial of the project according to specific development standards. Applicants cannot apply for a building permit without a resolution of approval from the DDA.

Carter USA has proposed a retail and residential project for the property at 315 West Ponce de Leon. Since this site is adjacent to an R60 zoning district the applicant was required to meet with the adjoining property owners. The applicant has met with the adjoining property owners two times and adjusted their plans based on feedback from the residents. The next step in the process is their submission and hearing before the DDA.

The DDA reviews the project according to the zoning standards in Section 10.18.2 and 10.19.3. I have reviewed the proposed project and found it to be zoning compliant. A copy of the applicable zoning standards and my zoning review is attached.

At the meeting on Friday I will present my recommendation and will be happy to answer any questions about the process to date, the applicable ordinance and my review.



Development Department Report
 March 19, 2013

Proposed Project:

The subject property is a 4.9 acre site developed with a 10 story office building and a large surface parking lot. The applicant proposes to build a 5 story apartment building, a 484 space parking garage and a 5 story retail/residential building that will connect to the existing office building. In addition to the existing office building, the site will include 235 dwelling units, 10,000 square feet of new retail space and 527 total parking spaces (garage and site).

Downtown Multiple Dwellings are an allowable use in the C2 General Commercial district after a review by the Decatur Downtown Development Authority. (Sec. 7.9.2.16.2) The DDA reviews the standards in Section 10.18.2 and 10.19.3

The proposed development meets the minimum standards in Section 10.18 Downtown Multiple Dwellings.

	Required	Proposed
Minimum Lot Area	1 acre	4.9 acres
Minimum Lot Area per Family	620 square feet	917 square feet
Minimum Floor Area per Dwelling Unit	550 square feet	683 square feet
Maximum Building Height	80 feet	70 feet
Parking	Min. 1 space per unit and a max of 2 spaces per unit 235 spaces 470 spaces	352 spaces for residential AK

The proposed development meets the required design standards in Section 7.9 when a project is adjacent to an R60 zoning districts.

	Required	Proposed
Yard with Street	30 foot set-back measured from residential property line	30 foot yard from residential property line
Yard with No Street	30 foot set-back yard from residential property line	30 foot yard from residential property line
Undisturbed Buffer	15 foot evergreen buffer	15 foot evergreen buffer
Height Limiting Place	45 degrees	45 degrees
Building Façade	Max. 250 foot without a break or pocket park	Complies
Vertical Expression Lines	Change in depth/materials every 40 feet	Complies
R60 Streetscape	15 foot streetscape	15 foot streetscape
Residential use must face front of existing R-60	Residential use in first 35 feet fronting Montgomery R-60 front yards	All residential use

Visitor Parking	Adequate Guest Parking	Two areas for designated guest parking
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STANDARDS FOR DDA REVIEW

Section 10.18.2

“10.18.2. Supplemental standards for approval. In addition to the standards described in section 10.14, the following standards shall be considered in determining whether the proposed development shall be approved:

Sidewalks. The proposed development shall be built out to the sidewalk line. It must provide adequate pedestrian access. There must be on-grade access to the ground floor for pedestrians.

The proposed plan is in compliance with this requirement.

The two proposed buildings are built up to the sidewalk line. The apartment building in the rear has ordinance required setbacks in the façade of the building that created a varied building face. The Montgomery frontage was designed to provide for setbacks and courtyards to limit building massing facing R-60 properties on Montgomery. The project meets the 35 foot height limit requirement on Montgomery. There is a continual landscape treatment and sidewalk along Montgomery Street that provides a welcoming pedestrian experience. The applicant has proposed to build sidewalks on the entire exterior of the development according to the city's streetscape standards. Interior circulation will be provided by a sidewalk on the west side of the office building and the south side of the rear apartment building connecting the leasing office and the parking deck. There will be at grade access for pedestrians to the leasing office, the new retail building and the garage. The existing office building has stairs now and will continue to have stairs to provide access to the lobby. A sidewalk is provided to connect to the building as a drop off point for pedestrians in the roundabout. Exit only pedestrian access is provided in two places in the interior of the apartment building and in the buffer area. The first floor apartment units on Montgomery Street will have ground floor access to Montgomery Street. No general or visitor entry is provided from Montgomery Street to the apartments.

Proposed Condition:

Additional crosswalks and ramps will have to be provided at all the entry points to the site and at the two pedestrian access points for the parking garage.

- 1. Open space.** The proposed development shall provide adequate outdoor open space for residents and other tenants.

The proposed plan is in compliance with this requirement.

The applicant proposes to provide an interior courtyard, an outdoor amenity area with a swimming pool and each unit will have a balcony. Residents will also have access to a dog walk area on the south side of the parking garage. The total amount of open space for the site is 110,582 square feet or 51%. ~~This includes all areas not covered by a building.~~ The total amount

of recreational space for public and private use is 27,343 square feet or 12.6%. This includes the two courtyards and balconies. It does not include the landscape buffer areas since they are not all available for recreational access. A typical open space requirement for these types of developments is 10%.

- 2. Parking.** Vehicular parking for the proposed development shall be underground or effectively screened by retail or residential space or by landscape treatment. Parked vehicles shall be screened from view from the public right of way.

The proposed plan is in compliance with this requirement.

The applicant proposes to build a 484 space, 7-level parking deck that will sit on the interior of the site. It is not adjacent to any public right of way or street frontage in the Special Pedestrian Area. The north façade of the deck will be screened by apartments. The western and southern facades will be screened by evergreen landscaping. The entry to the deck on the east side will not contain any screening features, although it will be blocked from view by the existing office building. No screening is required since it is interior to the site.

The applicant has agreed to treat the southern façade of the parking deck with painting and vertical elements that will tie the parking garage into the proposed buildings visually. A notch has been designed into the corner of the deck to preserve an existing stand of trees at the southwest corner. The walls of the parking deck are designed to block headlights of cars.

- 3. Ingress and egress.** The proposed points of vehicular ingress and egress must complement or improve existing traffic patterns and provide safe and convenient access for bicyclists and pedestrians.

The proposed plan is in compliance with this requirement.

The applicant proposes to maintain the same ingress and egress that exists today for the site. Vehicles can enter the site on West Ponce de Leon and enter or exit the site on Ponce de Leon Place. The round about feature in the middle of the site allows for coordinated interior circulation. No changes are proposed for the drive through. The location of the leasing office and the layout of the site encourage the use of the parking garage and provide safer access for pedestrians and bicyclists through defined routes to and from the buildings.

- 4. Ground floor retail.** The proposed development shall include retail or residential uses on the ground floor. Those uses shall be oriented to the sidewalk.

The proposed plan is in compliance with this requirement.

There are retail uses on the ground floor in the building fronting West Ponce de Leon Avenue. There are residential uses on the ground floor and the leasing office on Ponce de Leon Place and Montgomery Street.

- 5. Site utilities.** All utilities for the proposed development shall be underground.

The proposed plan is in compliance with this requirement.

- 6. Lighting.** All lighting shall be arranged so that it is directed away from and does not fall on any adjacent residential property.

The proposed plan is in compliance with this requirement.

- 7. Noise.** All mechanical equipment, such as fans, air conditioning units, etc., shall be placed sufficiently away from adjacent residential properties to ensure that noise generated by such equipment does not adversely impact such adjacent residential properties. Uses shall comply with the noise performance standards in Section 7.10.4.10."

The proposed plan is in compliance with this requirement.

The applicant proposes to place all mechanical equipment on the roof the apartment buildings in the centerline of the building.

Section 10.19.2 Special Pedestrian Area.

The following requirements apply to the portion of the building on West Ponce de Leon and Ponce de Leon Place. They do not apply to portions of the site where there are no proposed changes. Those portions are considered grandfathered in their current condition.

- 1. Sidewalks.** Sidewalks shall be built along all public streets in the C-2 District. All sidewalks shall have a minimum width of 15 feet with a minimum clear zone of ten feet and a minimum street tree planting and street furniture zone of five feet.

Exception: Where the existing building line does not presently provide a minimum sidewalk width of 15 feet, the minimum sidewalk width may be reduced to the actual width of the existing sidewalk.

The proposed plan is in compliance with this requirement.

The applicant has proposed a 10 foot wide sidewalk and 5 foot furniture strip on West Ponce de Leon and the portions of Ponce de Leon Place that are being modified.

- 2. Street tree and street furniture zone.** There shall be a continuous street tree and street furniture zone adjacent to the curb which shall not be less than five feet in width. In addition to the planting of trees as is required in this section, this zone is also intended for the placement of street furniture including light poles, litter receptacles and similar items. Trees shall be planted a maximum of 40 feet on center within the street tree and street furniture zone. Newly planted trees shall be a minimum of 33 ½ inches in caliper measured six inches above ground level, and shall be limbed up to a minimum of six feet.

The proposed plan is in compliance with this requirement.

3. Buildings to face street. The purpose of this requirement is to encourage the development of buildings that complement pedestrian activity in the central business district by providing direct access to the building and business activities from the sidewalk. All properties with frontage on the streets or street segments described in section 10.19.1 shall be developed with buildings facing said streets or street segments and with the primary building entrance facing onto the sidewalk and street. One-story buildings shall be at least 16 feet in height at the facade facing the street. All non-residential buildings shall have commercial uses on the ground floor level facing the street and shall be directly accessible from the street and sidewalk. When direct pedestrian access from the sidewalk to a business is not presently warranted, the building design shall allow for the addition of such access in the future. For the purposes of this section, commercial use shall mean any retail use, business or professional service, personal service, repair service, or restaurant.

The proposed plan is in compliance with this requirement.

The proposed buildings exceed the minimum 16 foot height requirement, have direct pedestrian access from the sidewalk and have retail and or residential uses.

4. Parking areas and driveways. Parking areas or driveways, except for a driveway to reach a side or rear yard or on-site parking facility, are not permitted between the sidewalk and the front of the building. Any permitted driveway shall be perpendicular to any adjacent street. No property shall have more than one curb cut along any of the streets or street segments described in section 10.19.1; provided, however, that a hotel may have a circular driveway in order to provide for the arrival and departure of guests, but shall not increase the number of curb cuts to more than two. Surface parking areas shall not be located along or within 60 feet of any public street or street segment in the Downtown Decatur Special Pedestrian Area. Buildings shall not be set back more than 30 feet from the edge of the street curb.

The proposed plan is in compliance with this requirement.

The applicant is not proposing any changes to the current curb cuts or surface parking within 60 feet of the Special Pedestrian Area. The drive through and the surface parking lot are considered grandfathered. All drives are perpendicular to the adjacent streets. The parking garage is setback more than 60 feet from any public street.

5. Drive-in or drive-through facilities. Vehicular access to a drive-in or drive-through use shall not be permitted from a street or street segment in the Downtown Decatur Special Pedestrian Area.

The proposed plan is in compliance with this requirement because no changes are proposed for the existing drive through facility. It is grandfathered in its current condition. Unless an applicant seeks to enlarge it or perform site work on that portion of the site these zoning regulations do not apply.

6. Multiple-level parking facilities. Multiple level parking facilities which have street frontage in the special pedestrian area shall have a minimum setback of three feet above the first level. The parking facility shall be designed so that no vehicle or vehicle part may extend beyond the setback line or exterior wall of the facility.

This regulation does not apply because the proposed parking facility does not have street frontage in the Special Pedestrian Area.

7. Cornice lines. Multiple-story buildings of three or more stories shall have a cornice line between the second and third stories.

The proposed plan is in compliance with this requirement.

The retail/residential building on West Ponce de Leon has a first story that is 2 floors with a white cornice line separating the retail and residential uses that wraps the entire building. The apartment building on Ponce de Leon Place has 2 separate treatments for the cornice line due to the change in topography on that street as it approaches Montgomery Street.

The applicant should identify the cornice line material for the rear apartment building.

8. Glazing. Buildings which have street frontage in the special pedestrian area shall have a minimum glazing of 25 percent of the total area of the first floor elevation.

The proposed plan is in compliance with this requirement.

ZONING BOARD OF APPEALS –NOTICE OF APPEAL

TO: ZONING BOARD OF APPEALS MEMBERS AND ZONING ADMINISTRATOR, DECATUR, GEORGIA

APRIL 12, 2013

RE: 315 W. PONCE DE LEON AVENUE, APPLICATION FOR BUILDING PERMIT : RESOLUTION OF THE DECATUR DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BASED UPON THE ADMINISTRATIVE DECISIONS BY THE ZONING ADMINISTRATOR AS SET FORTH IN THE MARCH 19, 2013, DEVELOPMENT DEPARTMENT REPORT TO THE DDA. **(ATTACHMENT 1)**

INTRODUCTION

We, the undersigned, (PLEASE SEE SIGNATURE PAGES) hereby appeal the decisions of the Zoning Administrator as outlined in the March 19, 2013, report and consequently the Resolution passed by the Downtown Development Authority. Further, we question the validity of revisions to the Downtown Multiple Dwelling ordinances passed by the City Commission, 12/3/12).

This appeal includes the following concerns:

1. The Zoning Administrator failed to follow the procedures established in the applicable ordinance for providing public notice.
2. The Zoning Administrator failed to consistently apply the relevant requirements and standards for Downtown Multiple Dwelling developments and developments in the Special Pedestrian Area to the development proposal.
3. The Zoning Administrator has not addressed applicable ordinances, which require variance approval by the Zoning Board of Appeal.
4. Revised ordinances relating to Downtown Multiple Dwellings and C-2 zoned districts passed by City Commission, December 3, 2012, conflict in wording and intent with multiple ordinances currently in effect.
5. Noncompliance with zoning code procedures for due process re: the change to Ordinance 0-08-Z-11.

ZONING BOARD OF APPEALS AUTHORITY TO ACT

Section 12.3 Appeals *An appeal from a decision of the Zoning Administrator may be taken to the board by any person aggrieved, or by any officer, department, board or agency of the City of Decatur affected by such decision.*

Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the Zoning Administrator and with the board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.



An appeal stays all proceedings in furtherance of the action appealed from unless the zoning administrator certified to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the zoning administrator and on due cause shown.

Section 12.4 Hearing *The board shall fix a date for the hearing of an appeal within the time specified by its rules, give public notice thereof, and decide the same within a reasonable time. It shall be the duty of the zoning administrator to post notices of the time and place of the hearing in a newspaper of general circulation and by placard on or within 300 feet of the property as measured along the street right-of-way line. Upon the hearing of such appeal, any party may appear in person, or by agent or attorney.*

Section 12.5.1 Error of zoning administrator. *The board in appropriate cases and subject to appropriate conditions and safeguards shall have the following powers: Error of Zoning Administrator. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made of the zoning administrator in the enforcement of this ordinance.*

ITEM ONE

Noncompliance with codified procedures for public notification pertaining to the property located at 315 West Ponce de Leon Avenue, Decatur, Georgia, which are found in Section 10.18.4 item 5, Supplemental application requirements adopted December 3, 2012.

Section 10.18.4.5 Supplemental Application Requirement

When a proposed development, building or use is adjacent to a R-85 or R-60 Single Family Residential District line, the property owner and development team will be required to meet a minimum of one time with the adjoining property owners directly impacted by the project. The meeting shall occur prior to submitting for a building permit or meeting with the DDA. Conceptual site plans and conceptual elevations must be made public at least two weeks before the meeting. The city will provide facilitation services and criteria for the meeting based on standards in section 10.18.2 and 10.19.3.

The Zoning Administrator issued an information packet, dated February 15, 2013, addressed to homeowners adjacent to the 315 West Ponce de Leon Avenue property, which included an invitation to a meeting scheduled for February 26, 2013, a conceptual site plan, and a hand-edited copy of the “new Downtown Multiple Dwelling Ordinances” (**ATTACHMENT #2**). This notification was given eleven (11) days prior to the meeting called by the Zoning Administrator and does not meet the ordinance requirement to provide two weeks notice prior to the meeting. The new ordinance included in the packet was in a rough draft format with hand-written notations. This draft ostensibly was passed by the City Commission on December 3, 2012, but it is still not available in final form on Municode as of the date of this Appeal. Additionally, we can find no evidence that the conceptual site plans and conceptual elevations were ever “made public” in the sense that phrase is typically used for notifications of government actions.

ITEM TWO

Errors in decisions and determinations made by the Zoning Administrator in the enforcement of the following code sections:

Section 10.18.2 Supplemental Standards for approval

1. Sidewalks *The proposed development shall be built out to the sidewalk line. It must provide adequate pedestrian access. There must be on-grade access to the ground floor for pedestrians.*

The Zoning Administrator's report states, "The proposed plan is in compliance with this requirement."

The Report goes on to state, "The applicant has proposed to build sidewalks on the entire exterior of the development according to the City's streetscape standards."

Section 10.19.2. Required Streetscape Improvements 1. Sidewalks *Sidewalks shall be built along all public streets in the C-2 District. All sidewalks shall have a minimum width of 15 feet with a minimum clear zone of ten feet and a minimum street tree planting and street furniture zone of five feet.*

The plan does not provide for required streetscape improvements along Ponce de Leon Place from the corner of West Ponce de Leon Avenue north to the project's main driveway entrance on Ponce de Leon Place, "according to the City's streetscape standards." This section of street is a dominant streetscape and is a significant omission.

2. Open Space *The proposed development shall provide adequate outdoor open space for residents and other tenants.*

The Zoning Administrator's Report states, "The proposed plan is in compliance with the requirement to provide adequate open space for residents and other tenants."

There is no ordinance that defines adequate outdoor open space. There are no provisions in the plan to provide access to open space by office and retail tenants, as is currently allowed by the pocket park on the West Ponce de Leon Avenue street frontage. Is the drive-through now counted as open space in this plan? Which specific areas are included in the formula for the calculation for open space and do these areas also serve as driveways, parking, and sidewalks? In a comprehensive plan, the total amount of open space needs should be defined.

In addition, the administrator counts the proposed C-2 DMD residential unit balconies as open space. There are no provisions for future protection of the adequacy of this open space with regards to light, air circulation, and privacy so it should not be included in calculations. It should be noted that the balcony open spaces of the 335 West Ponce Condominiums would be severely compromised by the intrusion of a parking deck, larger than their entire building, which restricts use, access to light and to privacy.

3. Parking *Vehicular parking for the proposed development shall be underground or effectively screened by retail or residential space or by landscape treatment. Parked vehicles shall be screened from view from the public right of way.*

The Zoning Administrator states, "The proposed plan is in compliance with the requirement."

The Report states that the parking deck is **“to sit on the interior of the site.”** As shown on the site plan, the deck is on the south and west property lines of the site, abutting R-60 homes and C-2 residential homes. Only the lower floors of the exposed deck, on the southern and western facades will be screened by landscaping. In addition, the parking deck with parked vehicles will not be screened from view of the public right of way. **(ATTACHMENT #3)** The 335 West Ponce Condominium building is to be used to provide partial screening of the parking deck from the public right of way. This is only limited screening and it is provided by a building that is on an adjacent property.

The surface parking lots on the south and east sides of the property do not provide screening from the view of the public right of way.

4. Ingress and Egress *The proposed points of vehicular ingress and egress must complement or improve existing traffic patterns and provide safe and convenient access for bicyclists and pedestrians.*

In 2008 the City Commission passed special zoning conditions for this property. Condition 7 provided some mitigation to reduce potential traffic increases in the adjacent R-60 residential neighborhood. A traffic control device to force right turns only was to be installed at the exit from the site onto Ponce de Leon Place, subject to allowing emergency vehicle access. **(ATTACHMENT #4)** The current proposed plan provides for NO improvements to traffic patterns and in fact will exacerbate an already unsafe speeding and cut-through problem in the adjacent neighborhood.

6. Site Utilities *All utilities for the proposed development shall be underground.*

While the Zoning Administrator notes that **“all utilities for development shall be underground”**, the Downtown Development Authority and staff discussed the negative impact of this requirement on the Montgomery Street residents and stated in the hearing that existing utility poles serving Montgomery Street residences shall remain above ground. This recommended condition voted for by the DDA has not been put in written form for the protection of the residents.

Section 10.19.2. Special Pedestrian Area

1. Sidewalks *Sidewalks shall be built along all public streets in the C-2 District. All sidewalks shall have a minimum width of 15 feet with a minimum clear zone of ten feet and a minimum street tree planting and street furniture zone of five feet.*

The Zoning Administrator states that **“these requirements do not apply to portions of the site where there are no proposed changes. Those portions are considered grandfathered in their current condition.”**

← what! this making that up!

The plan does not provide for required streetscape improvements along Ponce de Leon Place from the corner of West Ponce de Leon Avenue north to the project’s main driveway entrance on Ponce de Leon Place, **“according to the City’s streetscape standards.”** This section of street is a dominant streetscape and is a significant omission.

We can find no ordinance that defines and allows a “grandfathered” exception to these requirements. The Zoning Administrator does not have the express authority to make a discretionary judgment. If a variance is allowed, approval comes under the authority of the Zoning Board of Appeals, *Section 12.5 Powers and Duties of the Zoning Board of Appeals*. As noted previously, the plan is not in compliance with this requirement.

4. Parking Areas and Driveways *Parking areas or driveways, except for a driveway to reach a side or rear yard or on-site parking facility, are not permitted between the sidewalk and the front of the building. Any permitted driveway shall be perpendicular to any adjacent street. No property shall have more than one curb cut along any of the streets or street segments described in section 10.19.1; provided, however, that a hotel may have a circular driveway in order to provide for the arrival and departure of guests, but shall not increase the number of curb cuts to more than two. Surface parking areas shall not be located along or within 60 feet of any public street or street segment in the Downtown Decatur Special Pedestrian Area. Buildings shall not be set back more than 30 feet from the edge of the street curb*

The Zoning Administrator states that, ***"the plan is in compliance with all aspects of this requirement."***

The surface parking area on West Ponce de Leon Avenue, which runs north and perpendicular to the street, remains on the site plan. The Zoning Administrator made an unauthorized decision to create a variance from the code section related to surface parking. Additionally, surface parking spaces remain within 60 feet of the street on the Ponce de Leon Place side of the development.

5. Drive-through Facilities *Vehicular access to a drive-in or drive-through use shall not be permitted from a street or street segment in the Downtown Decatur Special Pedestrian Area.*

The Zoning Administrator stated that, ***"The proposed plan is in compliance with this requirement because no changes are proposed for the existing drive through facility. It is grandfathered in its current condition. Unless an applicant seeks to enlarge it or perform site work on that portion of the site these zoning regulations do not apply."*** Again, we can find no ordinance that defines and allows a "grandfathered" exception to these requirements. The Zoning Administrator made an unauthorized decision to allow an existing drive-through to remain. The City ordinances clearly indicate that surface parking lot drive-throughs are undesirable. To allow the continued use of a drive-through on a property planned for such major redevelopment is a variance to the ordinances and, as such, approval should fall under the jurisdiction of the Zoning Board of Appeals.

ITEM THREE

The Zoning Administrator has not addressed the lack of a comprehensive site plan provided by the developer for the project at 315 West Ponce de Leon Avenue.

Section 10.18.4 Supplemental application requirements Each application shall be accompanied by plans which shall include the following information:

1. A written description of the proposed development, including the number and size of commercial, recreational, and/or other spaces, and all other information necessary to show that the proposed development complies with the standards described in Section 10.18.2 and 10.19.
2. Comprehensive site plan showing existing and proposed buildings and other structures, parking areas, recreation, and other special use areas and any commercial use areas.

The code section above is applicable to the proposed development. The plans submitted to the City and DDA do not comply with the above code sections in that they are not a "comprehensive site plan." (See following paragraph for a common definition of comprehensive planning.) The concept plan does not show how currently undeveloped areas will be developed in the future. The eastern edge of the parcel is currently occupied by the Wells Fargo drive-through and contains parking within 60 feet of the sidewalk. The lease on the drive-through is for a finite period of time and the future use of this portion of the property has not been addressed. The same issue exists on the western edge of the parcel. If the City is not going to require or allow any additional building expansion or compliance with code, beyond what is currently shown on the site plan for the 315 W. Ponce de Leon development, that fact should be codified.

"**Comprehensive planning** is a term used in the United States by land use planners to describe a process that determines community goals and aspirations in terms of community development. The outcome of comprehensive planning is the Comprehensive Plan which dictates public policy in terms of transportation, utilities, land use, recreation, and housing. Comprehensive plans typically encompass large geographical areas, a broad range of topics, and cover a long-term time horizon." (Source Wikipedia)

ITEM FOUR

The ordinance changes approved by the City Commission on December 3, 2012, (as far as can be determined without a final version) appear to be in conflict with the following existing ordinances.

1. Conflicts with district land use restrictions.

Section 6.2 Use of land *No land shall be used except for a purpose permitted in the district in which it is located.*

The revised ordinance, Section 7.9.3 states, "When a street separates a building or use in the C-2 General Business District, the street width measured from the R-60 or R-85 property line shall be considered as part of the required yard." Using R-60 land to the advantage of the C-2 property owner in this unique geographical case is inconsistent with the application of Section 6-2 between all other districts in the City and is counter to the intent of Section 6-2.

2. Conflicts with R-60 district property use.

Section 7.2.1 Purpose of the district *The purpose of this district is to provide for single-family residential development of low-intensity (not over seven families per acre) use with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with such surroundings. The district is located to protect existing developments of this character.*

Once again, the purpose of R-60 zoning is for the express purpose creating low-intensity residential use, not as a measuring resource for C-2 property owners.

3. Conflicts with HDSF property use.

7.4.1. Purpose of the district *The purpose of this district is to provide for high-intensity residential use (maximum of 43 families per acre). The districts are so located as to encourage multistory (elevator) apartment development.*

7.4.2. Permitted principal and accessory uses *1. All uses permitted in R-85, R-60 and RM-60 residential districts 2. Multiple-family dwellings, high-rise (elevator). 3. Multilevel parking facilities as accessory uses to permitted principal residential uses. 4. Accessory uses as permitted in section*

Because the apartment development on the back portion of the 315 property (that area closest to Montgomery Street) does not include retail development on the ground floor facing Ponce de Leon Place, we contend that this portion of the development is not a true Downtown Multiple Dwelling use. In effect, allowing that residential use is a de facto rezoning of that portion of the property and a more accurate categorization is High Density Single Family use. Based on that area's effective use (HDSF), the property owner should be required to apply for rezoning of that portion of the property and the development should adhere to the standards for HDSF zoning.

ITEM FIVE

NONCOMPLIANCE WITH ZONING CODE PROCEDURES FOR DUE PROCESS RE: *The change to an ordinance approving a Downtown Multiple Dwelling for the property located at 315 West Ponce de Leon Avenue, O-08-Z-11*

On December 15, 2008, the City Commission passed zoning ordinance O-08-Z-11. (See Attachment 3)

This ordinance approved a Downtown Multiple Dwelling Development for the property located at 315 West Ponce de Leon Avenue, subject to 34 conditions. This ordinance constituted a conditional rezoning of the property.

After receiving the February, 2013 information packet for the new 315 development, adjacent property owners were informed by the Zoning Administrator, upon questioning, that the 2008 conditional zoning had gone away with the adoption of a new process (12/3/12) for approval of new DMD projects. The property owner, in essence, gets to choose to accept the existing ordinance from 2008 with City Commission approval for a DMD use with conditions or they can submit a new proposal under the new process adopted December 3, 2012.

The 315 owner elected to apply for DDA approval under the new ordinance (December 3, 2012) rather than adhere to the existing (2008) zoning ordinance. We contend that the City should not have allowed this action because the existing ordinance (2008) was still in effect. In order to revoke or rescind the 2008 ordinance, the City was required to follow due process. Due process for such a change required public notice and a public hearing as specified in the Georgia Zoning Procedures Law, O. C.G.A. § 36-66-1 et seq.

Public notice was not provided for a change in zoning of 315 W. Ponce de Leon Ave. No notice was emailed or mailed to adjacent property owners regarding zoning changes to this property and no notice of this rezoning has been located in the press. The minutes of the December 3, 2012, meeting have been requested as they are not posted on the City website. The video stream is on the website for this meeting on revised ordinances and the City Commission vote.

However, there is no mention of a revocation clause, no presentation or mention of the elimination or a waiver of the 2008 ordinance (O-08-Z-11) approving DMD use with conditions. There is nothing in the adopted ordinances to note the elimination of the previous conditional approval. No public hearing on the change to this property was held. The City Commission approved revisions to citywide standards. However, that change was made without offering due process for the communities adjacent to any of the DMD properties with existing conditional approvals in place.

IN CONCLUSION

There are numerous errors on the part of the Zoning Administrator in making decisions, determinations and recommendations to the DDA that the project as proposed for 315 W. Ponce de Leon Avenue is "zoning compliant." The DDA Resolution, being based on incorrect information should be set aside. A legal determination needs to be made as to the applicability of the revised code, ostensibly adopted on December 3, 2012, and the status of the existing DMD use with conditions for this property. The project could conceivably proceed under Ordinance # O-08-Z-11.

3 SIGNATURE PAGES ATTACHED

We, the following homeowners/residents of the 335 West Ponce Condominiums, support the attached Appeal that is being submitted to the City of Decatur regarding the 315 West Ponce de Leon Ave. property to insure that it is in compliance with City Codes:

Name (Printed)	Signature	Unit #	Mailing Address
Mark Gannon	Mark Gannon	615	335 W Ponce de Leon Ave, Decatur, GA 30030
Kathryn Gannon	Kathryn Gannon	615	335 W Ponce de Leon Ave, Decatur, GA 30030
James Diez	James Diez	407	335 W Ponce de Leon Ave, Decatur, GA 30030
T. DONOVAN	T. Donovan	415	335 W Ponce de Leon Ave, Decatur, GA 30030
S. DONOVAN	S. Donovan	415	335 W Ponce de Leon Ave, Decatur, GA 30030
Chungwen Wei	Chungwen Wei	401	335 W Ponce de Leon Ave, Decatur, GA 30030
Jenny Gold	Jenny Gold	510	335 W Ponce de Leon Ave, Decatur, GA 30030
BRIAN McGREEVY	Brian McGreevy	411	335 W Ponce de Leon Ave, Decatur, GA 30030
Jackie Gray	Jackie Gray	306	335 W Ponce de Leon Ave, Decatur, GA 30030
Carter Rhodes	Sorry CARTER Rhodes	603	335 W Ponce de Leon Ave, Decatur, GA 30030
MICHAEL DAVIS	Michael Davis	313	335 W Ponce de Leon Ave, Decatur, GA 30030
LISA DAVIE	Lisa Davie	313	335 W Ponce de Leon Ave, Decatur, GA 30030
Siv Balachandran	Siv Balachandran	403	335 W Ponce de Leon Ave, Decatur, GA 30030
Jane Damon	Jane Damon	409	335 W Ponce de Leon Ave, Decatur, GA 30030
Lois CUREY	Lois Currey	512	335 W Ponce de Leon Ave, Decatur, GA 30030
LARRY CUREY	Larry Currey	512	335 W Ponce de Leon Ave, Decatur, GA 30030
Melinda Lehrer	Melinda Lehrer	611	335 W Ponce de Leon Ave, Decatur, GA 30030
Stefanie Pierce	Stefanie Pierce	406	335 W Ponce de Leon Ave, Decatur, GA 30030
Christine Perkel	Christine Perkel	604	335 W Ponce de Leon Ave, Decatur, GA 30030
Sarah Gillman	Sarah Gillman	212	335 W Ponce de Leon Ave, Decatur, GA 30030
Ginia Taylor	Ginia Taylor	505	335 W Ponce de Leon Ave, Decatur, GA 30030
Martin Emanuel	MARTIN EMANUEL	612	335 W Ponce de Leon Ave, Decatur, GA 30030
ANNIE EMANUEL	Annie Emanuel	612	335 W Ponce de Leon Ave, Decatur, GA 30030
VANESSA LAMPE	Vanessa Lampe	301	335 W Ponce de Leon Ave, Decatur, GA 30030
DAVID HEIMBUCH	David Heimbuch	301	335 W Ponce de Leon Ave, Decatur, GA 30030
Yvonne Waffner	Yvonne Waffner	608	335 W Ponce de Leon Ave, Decatur, GA 30030

