

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**PRE-APPLICATION FORM**  
**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**  
**(Required prior to filing application: signed copy of this form must be submitted at filing)**

Applicant Name: Raw Properties Inc. c/o Michele Battle Phone: 404-745-0045 Email: mlb@battlelawpc.com

Property Address: 3138, 3158, 3186, 3224 Snapfinger Road, 3148 R Snapfinger Road Rear

15-096-02-009,071, 010, 002, and 15-096-01-040  
Tax Parcel ID: \_\_\_\_\_ Comm. District(s): 5 & 7 Acreage: 6.84

Existing Use: Undeveloped Proposed Use Restaurant Space

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No X

Existing Zoning: C-1 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No x

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

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

Special Land Use Request(s) \_\_\_\_\_

**Major Modification:**

Existing Case Number(s): C2-18-22045

Condition(s) to be modified:

Add a condition to allow a restaurant onsite

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting:  x  Review Calendar Dates:  x  PC: 5/4/2021 BOC: 5/27/2021  
 Letter of Intent:  x  Impact Analysis:  x  Owner Authorization(s):  x  Campaign Disclosure:  x   
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: 3.2 acres Enhanced  
 Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_ Lot Size:  
 \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_ Buffers: \_\_\_\_\_  
 Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: 100 Parking - Bicycle: \_\_\_\_\_ Screening:  
 \_\_\_\_\_ Streetscapes: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_ Bldg. Height: \_\_\_\_\_ Bldg.  
 Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials: \_\_\_\_\_ Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_  
 Façade Design: \_\_\_\_\_ Garages: \_\_\_\_\_ Pedestrian Plan: \_\_\_\_\_ Perimeter Landscape Strip: \_\_\_\_\_  
 Possible Variances: \_\_\_\_\_

Comments:

Planner: Dustin Jackson and Matthew Williams Date January 20, 2021

Filing Fees

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: C2-18-22045

APPLICANT NAME: Raw Properties Inc. c/o Michele Battle

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750 Decatur, GA 30030

OWNER NAME: Raw Properties, Inc. (If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-697-0973 Fax #: \_\_\_\_\_ E-mail: robert@wilserv.net

Mailing Address: 407 Mill House Road

SUBJECT PROPERTY ADDRESS OR LOCATION: 3138, 3158, 3186, 3224 Snapfinger Road, 3148 R Snapfinger Road Rear  
\_\_\_\_\_, DeKalb County, GA, 30034

District(s): 15 Land Lot(s): 65 & 96 Block(s): \_\_\_\_\_ Parcel(s): 15-096-02-009, 071, 010, 002,  
15-096-01-040

Acreage or Square Feet: 6.89 acres Commission District(s): 5 & 7 Existing Zoning: C-1

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

\_\_\_\_ Yes X No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: X Agent: \_\_\_\_\_  
(Check One)

RAW PROPERTIES, INC.

Signature of Applicant: By:  \_\_\_\_\_

Printed Name of Applicant: Raw Properties c/o Michele Battle **Major Modification Application**



DeKalb County

404.371.2155 (6)  
404.371.4556 (5)  
DeKalbCountyGa.gov

Clark Harrison Building  
330 W. Ponce de Leon Ave.  
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: February 24 2021

TO WHOM IT MAY CONCERN:

(I, (WE), Raw Properties Inc. Name of Owner(s)

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

Battle Law, P.C. Name of Applicant or Representative

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

[Handwritten signature]

RAW PROPERTIES, INC.  
By: [Signature]  
Owner Printed Name: Robert Wilson, President

Notary Public



Notary Public

Owner

Notary

Owner

Notary Public

Owner



Campaign Contribution Disclosure Statements  
Last Updated 2/24/2021

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

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

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Ted Terry	<b>Commissioner</b>	<b>\$500</b>
Mereda Davis Johnson	<b>Commissioner</b>	<b>\$250</b>

By:   
Printed Name: Michele L. Battle

**NOTES:**

1. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP DEKALB COUNTY, GA. COMMUNITY PANEL NO. 13006B 0154 J AND 13006B 0102 J, EFFECTIVE DATE: MAY 16, 2013. THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATIONS OF THE FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.

EQUIPMENT USED FOR MEASUREMENT:  
TOPCON G.T.S. 303

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

- AREA: TRACT - 1 = 5.83 ACRES  
TRACT - 2 = 2.43 ACRES  
TRACT - 3 = 2.06 ACRES  
TRACT - 4 = 0.81 ACRES  
TRACT - 5 = 0.89 ACRES  
TRACT - 6 = 5.14 ACRES  
TRACT - 7 = 1.47 ACRES  
TRACT - 8 = 0.26 ACRES  
**TOTAL AREA: 18.89 ACRES**

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 12,000 FEET AND AN ANGLE OF ERROR OF 00'00"00" PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. PARTY: MW, NJ

TRACT - 1:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 14,000 FEET.

TRACT - 2:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 21,449 FEET.

TRACT - 3:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 179,354 FEET.

TRACT - 4:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 115,159 FEET.

TRACT - 5:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 214,203 FEET.

TRACT - 6:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 329,413 FEET.

TRACT - 7:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 110,800 FEET.

TRACT - 8:  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 125,489 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AD OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

- REFERENCES:**  
1. DEED BOOK 2481, PAGE 380-392  
2. DEED BOOK 20076, PAGE 186  
3. DEED BOOK 25076, PAGE 187  
4. DEED BOOK 25076, PAGE 188  
5. DEED BOOK 20882, PAGES 547-554  
6. DEED BOOK 24484, PAGE 490  
7. DEED BOOK 24182, PAGES 793-799  
8. DEED BOOK 20882, PAGES 555-561  
9. DEED BOOK 20882, PAGES 562-569

- RIGHT OF WAY DEEDS:**  
1. DEED BOOK 20882, PAGES 547-554  
2. DEED BOOK 24484, PAGE 490  
3. DEED BOOK 24182, PAGES 793-799  
4. DEED BOOK 20882, PAGES 555-561  
5. DEED BOOK 20882, PAGES 562-569
10. RIGHT OF WAY PLANS FOR SWANPINGER ROAD WIDENING GOVT PROJECT NUMBER STP-145-1 (060), P.L. NUMBER 72180, SHEETS 13-31 THRU 13-06, DATED 09/11/2009 AND LAST REVISED 03/01/2010.

**EXISTING ZONING: (AS SHOWN)**  
NEIGHBORHOOD SHOPPING DISTRICT - NSD  
COMMERCIAL - C-1 (LOCAL COMMERCIAL DISTRICT)  
RESIDENTIAL - R-10 (SINGLE FAMILY RESIDENTIAL DISTRICT)

**STATE WATERS BUFFER:**  
AN UNDEVELOPED VEGETATIVE BUFFER MEETING COUNTY AND STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. BUFFER IS TO BE MEASURED FROM THE TOP EDGE OF WATERS BANK.

**WETLANDS STATEMENT:**  
TO THE BEST OF MY KNOWLEDGE, THIS SITE DOES NOT CONTAIN WETLANDS OR FORMAL WETLANDS DELINEATION HAS PERFORMED ON THIS SITE.

THIS PLAT OR SURVEY IS FOR THE EXCLUDING USE OF CO-OWNERS PARTIES LISTED UNDER THE CAPTION "SURVEY FOR". ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

**TRACT - 1**

ALONG C/O OF CREEK:

LINE	BEARING	DISTANCE
L1	N 03°31'11" W	16.20
L2	N 10°32'42" W	18.03
L3	N 22°29'29" W	18.30
L4	N 22°29'29" W	18.30
L5	N 20°20'01" W	28.78
L6	N 02°51'54" W	17.24
L7	N 19°50'10" W	29.83
L8	N 17°50'08" W	24.81
L9	N 10°42'53" E	37.03
L10	N 17°42'50" E	39.61
L11	N 12°54'33" W	18.93
L12	N 02°42'40" W	27.44
L13	N 02°42'40" W	27.44
L14	N 20°29'29" W	40.64
L15	N 02°29'29" W	26.94
L16	N 01°42'50" W	17.83
L17	N 01°42'50" W	17.83
L18	N 87°42'14" E	18.07
L19	N 20°29'29" E	44.94
L20	N 44°11'51" W	19.52
L21	N 44°11'51" W	33.82
L22	N 44°11'51" W	63.50
L23	N 22°29'29" W	40.00
L24	N 03°31'52" W	19.99
L25	N 18°29'21" E	77.78
L26	N 18°29'21" E	13.04
L27	N 27°10'29" E	46.59
L28	N 65°01'29" E	26.30
L29	N 45°42'30" W	30.19

**TRACT - 2**

ALONG PROPERTY LINES:

LINE	BEARING	DISTANCE
L1	N 89°54'30" E	26.98
L2	N 04°42'50" W	29.91

ALONG PROPERTY LINES:

LINE	BEARING	DISTANCE
L1	N 04°42'50" W	29.91
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LINE	BEARING	DISTANCE
L1	N 04°42'50" W	29.91
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ALONG PROPERTY LINES:

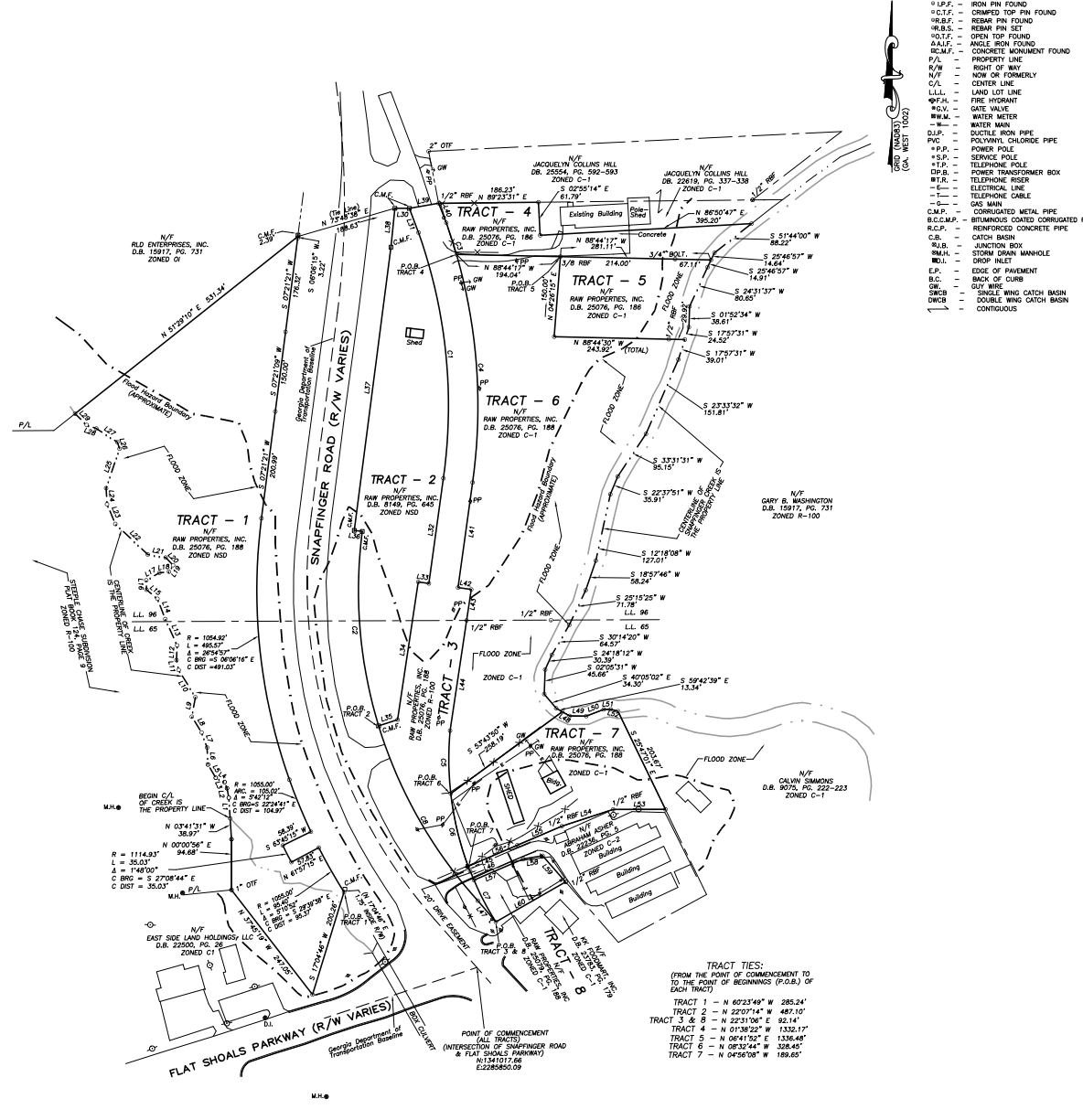
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ALONG PROPERTY LINES:

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L1	N 04°42'50" W	29.91
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- LEGEND:**
- I.P.F. - IRON PIN FOUND
  - C.I.F. - CHANGED PIN FOUND
  - R.B.F. - REBAR PIN FOUND
  - R.S. - REBAR PIN SET
  - O.T.F. - OPEN TOP FOUND
  - R.A.I. - WHOLE IRON FOUND
  - C.M.F. - CONCRETE FOUND
  - P.L. - PROPERTY LINE
  - R.O.W. - RIGHT OF WAY
  - N/O - NOW OR FORMERLY
  - C/L - CENTER LINE
  - L.L.L. - LAND LOT LINE
  - W.F.A. - FIRE HYDRANT
  - G.V. - GATE VALVE
  - W.M. - WATER METER
  - W.M. - WATER MAIN
  - D.I.P. - DUCTILE IRON PIPE
  - P.C. - POLYVINYL CHLORIDE PIPE
  - P.P. - POWER POLE
  - S.P. - SERVICE POLE
  - T.P. - TELEPHONE POLE
  - P.T. - TELEPHONE RISER
  - E.L. - ELECTRICAL LINE
  - T. - TELEPHONE CABLE
  - G.M. - GAS MAIN
  - C.M.P. - CORRUGATED METAL PIPE
  - B.C.C.M.P. - BITUMINOUS COATED CORRUGATED PIPE
  - R.C.P. - REINFORCED CONCRETE PIPE
  - C.B. - CATCH BASIN
  - J.B. - JUNCTION BOX
  - S.D.M. - STORM DRAIN MANHOLE
  - S.H. - DROP HOLE
  - E.P. - EDGE OF CURBMENT
  - B.C. - BACK OF PAVEMENT
  - C.B. - CATCH BASIN
  - S.W.C. - SINGLE WING CATCH BASIN
  - D.W.C. - DOUBLE WING CATCH BASIN
  - C. - CONTIGUOUS

**REVISIONS:**

NO.	DATE	COMMENTS

**SEAL:**

REGISTERED PROFESSIONAL LAND SURVEYORS

**RAW PATTON**  
LAND SURVEYING, LLC

P.O. BOX 256  
DEKALB COUNTY, GA 30038  
PHONE: (770) 532-1992  
FAX: (770) 532-1995  
www.rawpattonsurveying.com

**BOUNDARY SURVEY FOR:**

**RAW PROPERTIES, INC.**  
LOCATED IN: 15TH LAND DISTRICT  
DEKALB COUNTY, GEORGIA

**TRACT TIES:**  
(FROM THE POINT OF COMMENCEMENT TO THE POINT OF BEGINNING (P.O.B.) OF EACH TRACT)

TRACT 1 - N 60°23'49" W 285.24'  
TRACT 2 - N 22°07'14" W 487.10'  
TRACT 3 & 8 - N 22°31'04" E 92.14'  
TRACT 4 - N 01°38'22" W 1330.17'  
TRACT 5 - N 04°11'51" E 1336.48'  
TRACT 6 - N 08°32'44" W 328.65'  
TRACT 7 - N 04°50'08" W 189.65'

**SHEET NUMBER:** 1 OF 1

**FILE NAME:** SCALE 1" = 100'

**REVISED DATE:** 01-19-2017  
01-19-2018

**DATE:** 12-05-2006

**PROJECT NO.:** 17-282

**LEGAL DESCRIPTION**  
**(Combined Tracts 3 thru 6)**

All that tract or parcel of land lying and being in Land Lots 65 and 96, 15<sup>th</sup> Land District, DeKalb County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Snapfinger Road (varying width right of way) & Flat Shoals Parkway (varying width right of way), located at Georgia State Plane Coordinate Northing 1341017.66, Easting 2285850.09, THENCE North 22 degrees 31 minutes 06 seconds East, for a distance of 92.14 feet to a point on the Easterly right-of-way line of said Snapfinger Road and said point being the TRUE POINT OF BEGINNING.

Thence following said Snapfinger Road the following courses:

Thence North 40 degrees 18 minutes 32 seconds West for a distance of 52.00 feet to a point;

Thence along a curve to the right having a radius of 863.28 feet and an arc length of 378.31 feet, being subtended by a chord of North 29 degrees 32 minutes 51 seconds West for a distance of 375.29 feet to a concrete monument found;

Thence leaving said Snapfinger Road proceed the following courses:

Thence North 71 degrees 56 minutes 21 seconds West for a distance of 52.00 feet to a point;

Thence North 08 degrees 32 minutes 25 seconds East, for a distance of 260.06 feet to a point;

Thence South 81 degrees 55 minutes 41 seconds East, for a distance of 20.00 feet to a point;

Thence North 07 degrees 52 minutes 31 seconds East, for a distance of 198.14 feet to a point;

Thence along a curve to the left having a radius of 966.45 feet and an arc length of 465.70 feet, being subtended by a chord of North 05 degrees 46 minutes 20 seconds West, for a distance of 461.21 feet to a point;

Thence North 20 degrees 45 minutes 00 seconds West, for a distance of 48.46 feet to a concrete monument;

Thence North 80 degrees 15 minutes 22 seconds East, for a distance of 55.50 feet to a ½" rebar pin found;

Thence North 89 degrees 23 minutes 31 seconds East, for a distance of 186.23 feet to a point;

Thence South 02 degrees 55 minutes 14 seconds East, for a distance of 61.79 feet to a point;

Thence North 86 degrees 50 minutes 47 seconds East, for a distance of 395.20 feet to a point;

Thence following the following courses via the centerline of Snapfinger Creek:

Thence South 51 degrees 44 minutes 00 seconds West, for a distance of 88.22 feet to a point;

Thence South 25 degrees 46 minutes 57 seconds West, for a distance of 14.64 feet to a point;

Thence South 25 degrees 46 minutes 57 seconds West, for a distance of 14.91 feet to a point;  
Thence South 24 degrees 31 minutes 37 seconds West, for a distance of 80.65 feet to a point;  
Thence South 01 degrees 52 minutes 34 seconds West, for a distance of 38.61 feet to a point;  
Thence South 17 degrees 57 minutes 31 seconds West, for a distance of 24.52 feet to a point;  
Thence South 17 degrees 57 minutes 31 seconds West, for a distance of 39.01 feet to a point;  
Thence South 23 degrees 33 minutes 32 seconds West, for a distance of 151.81 feet to a point;  
Thence South 33 degrees 31 minutes 31 seconds West, for a distance of 95.15 feet to a point;  
Thence South 22 degrees 37 minutes 51 seconds West, for a distance of 35.91 feet to a point;  
Thence South 12 degrees 18 minutes 08 seconds West, for a distance of 127.01 feet to a point;  
Thence South 18 degrees 57 minutes 46 seconds West, for a distance of 58.24 feet to a point;  
Thence South 25 degrees 18 minutes 25 seconds West, for a distance of 71.78 feet to a point;  
Thence South 30 degrees 14 minutes 20 seconds West, for a distance of 64.57 feet to a point;  
Thence South 24 degrees 18 minutes 12 seconds West, for a distance of 30.39 feet to a point;  
Thence South 02 degrees 05 minutes 31 seconds West, for a distance of 45.66 feet to a point;  
Thence South 40 degrees 05 minutes 02 seconds East, for a distance of 34.30 feet to a point;  
Thence South 59 degrees 42 minutes 39 seconds East, for a distance of 13.34 feet to a point;

**Thence leaving said Snapfinger Creek proceed the following courses:**

Thence South 53 degrees 43 minutes 50 seconds West, for a distance of 258.19 feet to the point of beginning for Tract 6;

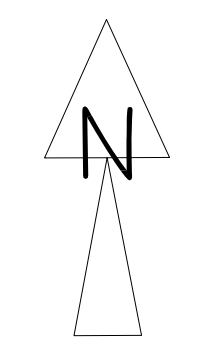
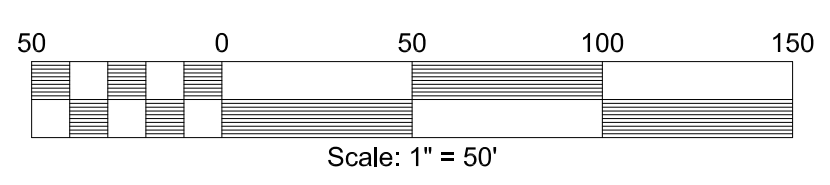
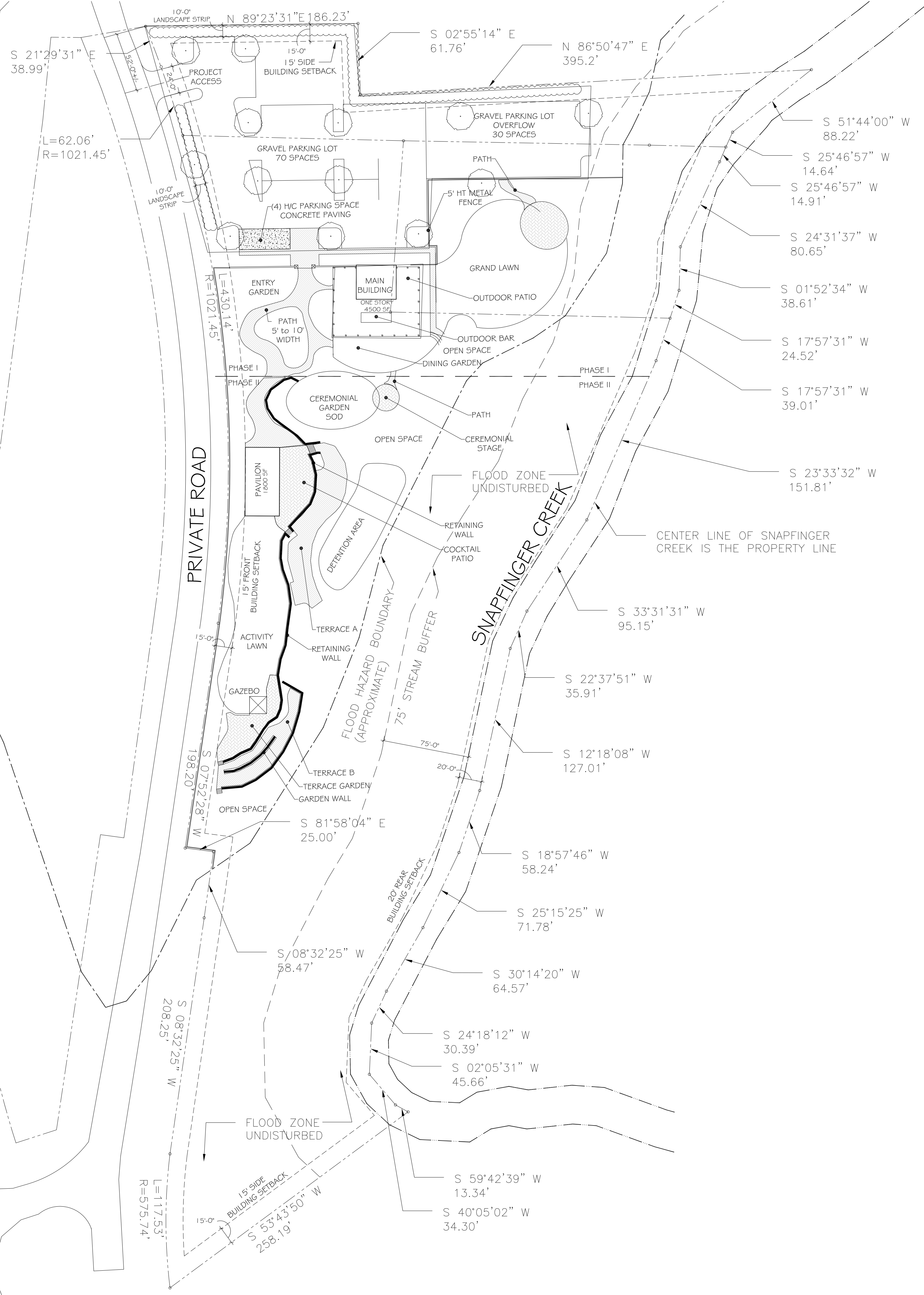
Thence along a curve to the left having a radius of 575.74 feet and an arc length of 140.03 feet, being subtended by a chord of South 13 degrees 26 minutes 58 seconds East, for a distance of 140.03 feet to the point of beginning for Tract 7;

Thence along a curve to the left having a radius of 536.40 feet and an arc length of 88.12 feet, being subtended by a chord of South 27 degrees 31 minutes 58 seconds East, for a distance of 88.12 feet to the TRUE POINT OF BEGINNING.

The combined Tracts 3 thru 6 contain approximately 8.90 acres as shown on that certain Boundary Survey prepared for RAW PROPERTIES, INC., dated December 5, 2006, *last revised* January 9, 2018, prepared by Chris M. Patton, G.R.L S. No 2647, Patton Land Surveying, LLC, Project No. 17-282.



SNAPPINGER ROAD  
(RW VARIES)



**Total Property area: 6.84 acres**

**Proposed Building:**

**Main Building (4500 SF):**

- One Story
- Building: Kitchen, Storage, Office, Restrooms
- Outdoor Patio with roof: Outdoor Bar and Dining Area

**Pavilion (1800 SF):** Outdoor Kitchen, Bar and Seating Area.

**Proposed Parking:**

Parking: total 100 spaces. (1 space/300 to 500sf)  
32300sf total function use area:  
1 space/325sf.

Provide 70 permanent parking space on gravel parking lot.  
30 overflow spaces on gravel.

4 Handicap parking space provided (including 1 van)

**Open Space : Approximately 3.2 acres (45%) .**

- CONCRETE PAVING
- CONCRETE PAVERS
- GRAVEL / CRUSHED SLATE

**archetype**  
landscape

1827 POWERS FERRY RD.  
BUILDING 25, SUITE 300  
ATLANTA, GEORGIA 30339

TELEPHONE: 678.237.8500  
WWW.ARCHETYPELANDSCAPELLC.COM

PROJECT NO. AL 20686.00

Client  
**ENT Social Events, LLC**  
Contact: Arianne Salandy  
(404)-654-0368

NO.	BY	APPROVED	DATE
1	LM	CLIENT SUBMITTAL	01-08-21
1	LM	CLIENT SUBMITTAL	02-24-21
1	LM	ZONING SUBMITTAL	02-25-21

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Project Title  
**Green Acres**

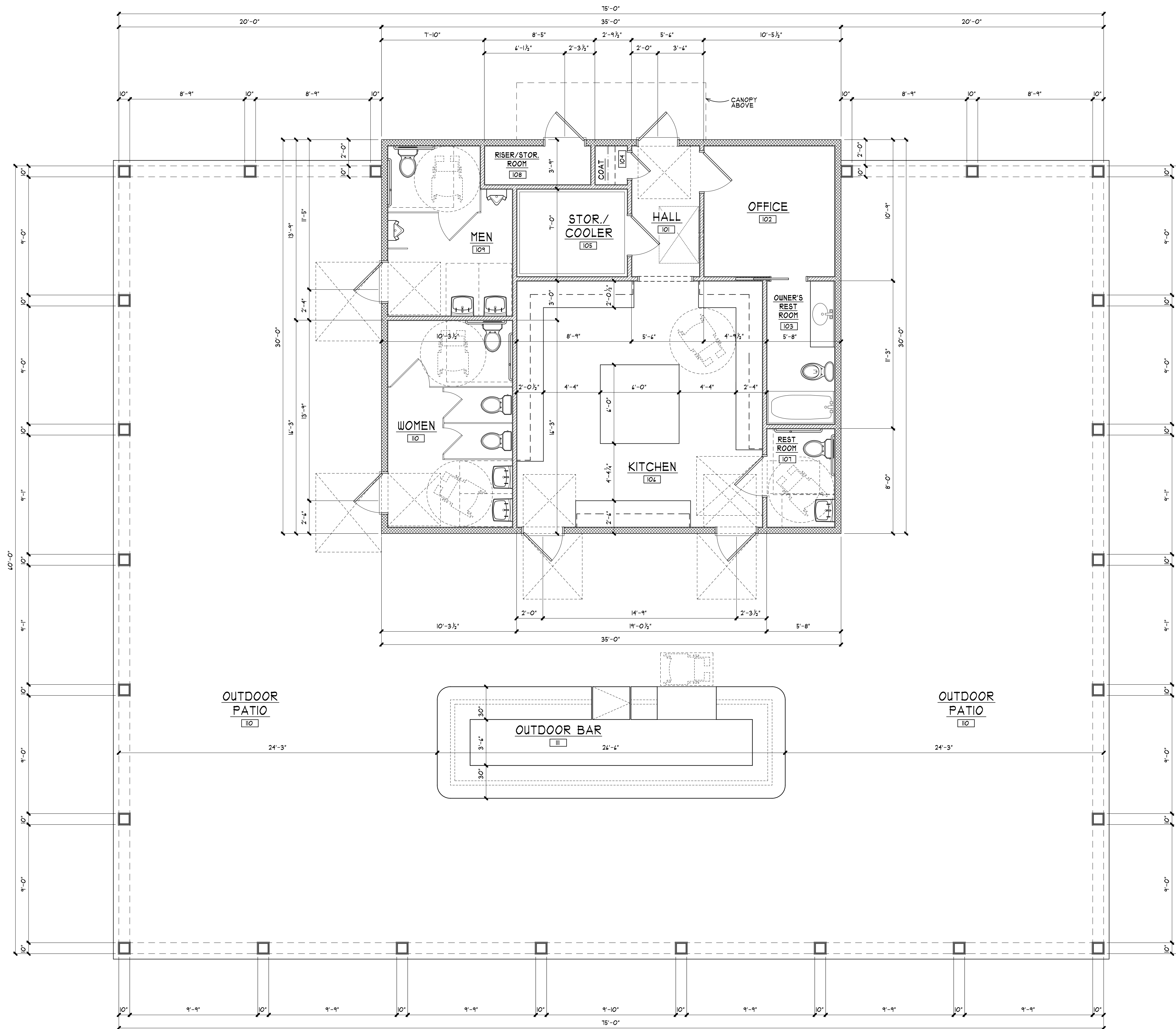
Project Location  
3138 - 3158 Snappinger Road  
Decatur, GA

Project No.  
Drawn By:

Date: 01.08.2021

Sheet Title  
**Site Plan**

Sheet Number  
**1**



1 FIRST FLOOR PLAN  
 A1-02 1/4" = 1'-0"



RLE Designs, LLC  
 Architect  
 3330 Cobb Parkway, NW  
 Suite 324-328  
 Acworth, GA 30101  
 (770) 315-4914  
 www.rledesigns.com

PRELIMINARY DRAWINGS  
 NOT FOR CONSTRUCTION

# Green Acres Residence

City, County, State

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- A1) RLE Designs, LLC assumes no liability for any structure constructed from these drawings. The architectural drawings convey aesthetic design.
  - A2) Plans indicate locations only. Engineering aspect should incorporate actual site conditions.
  - A3) All framing member spacing and connections are to be determined by the contractor or designed by an engineer.

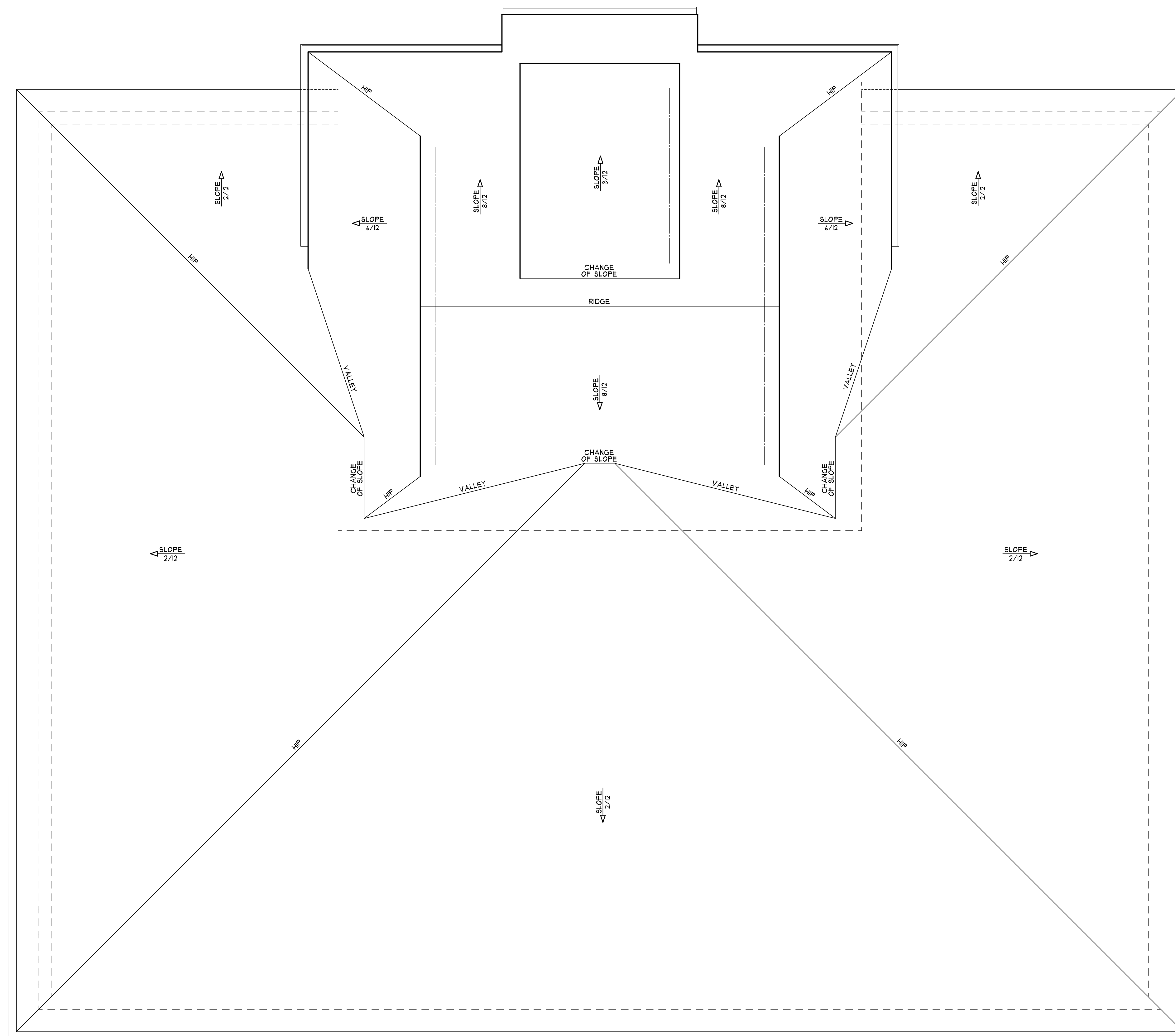
Execution of the Contract by the Contractor is a representation that the Contractor will perform the following:

- C1) Contractor must verify ALL DIMENSIONS. Drawings are not to be scaled.
- C2) Contractor is to report to RLE Designs, LLC any errors, omissions or inconsistencies discovered or made known to him/her in the drawings before proceeding.
- C3) Contractor shall report to RLE Designs, LLC any nonconformity discovered or made known to him/her between the drawings and all APPLICABLE BUILDING CODES.
- C4) Contractor is responsible for quality of material and workmanship.
- C5) Contractor is responsible for means and methods of construction.

DATE	PROJECT NUMBER
02/05/21	2020-309

REVISIONS	
DATE	DESCRIPTION

SHEET  
 A1-02



1 ROOF PLAN  
A1-03 1/4" = 1'-0"

ROOF PLAN NOTES

- - - - - OUTFACE OF MAIN FLOOR STUD BELOW.
- \_\_\_\_\_ OUTFACE OF SECOND FLOOR STUD BELOW.
- SEE CORNICE SECTIONS FOR OVERHANG DIMENSIONS.
- SEE CORNICE SECTIONS FOR GUTTER TYPE AND SIZE.



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DATE	PROJECT NUMBER
02/05/21	2020-309

REVISIONS	
DATE	DESCRIPTION

SHEET  
A1-03





1 REAR ELEVATION  
A2-01 1/4" = 1'-0"



2 LEFT ELEVATION  
A2-01 1/4" = 1'-0"



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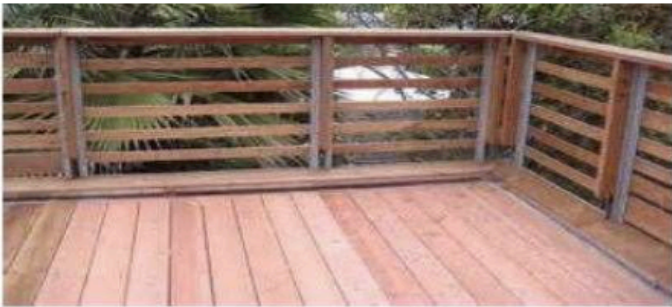
REVISIONS	
DATE	DESCRIPTION

SHEET  
A2-01



# Green Acres

# Patio



# Green Acres



## Clubhouse/Kitchen Dinning Garden Grand Lawn



temporary tent on grand lawn...

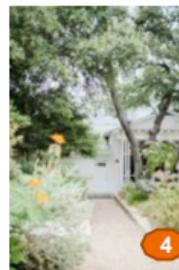


# Green Acres



# Main Entrance Welcome Garden

1. Arrival Court: Existing tree, flower pots, display features
2. Entry Structure: Portal of the site, fence/wall panel
3. Event display features: theme of the event, atmosphere.
4. Welcome garden: start to the 'garden' experience, node of circulation to different function areas.
5. Planting: layers of evergreen, flower shrubs, perennials,, seasonal colors, accent plants, etc.
6. Gravel or mulch path



**STATEMENT OF INTENT**  
**AND**  
**IMPACT ANALYSIS**

And

Other Material Required by  
DeKalb County Zoning Ordinance  
For

Major Modification Application pursuant to  
the DeKalb County Zoning Ordinance

Of

RAW PROPERTIES, INC.

For

+/- 8.90 acres of Land  
located in  
Land Lots 65 & 96, 15<sup>th</sup> District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## I. STATEMENT OF INTENT

The Applicant, Raw Properties, is the owner of the following five tracts of land with an aggregate acreage of 8.90 acres (the “Subject Property”):

3138 Snapfinger Road	Tax Parcel 15-096-02-009
3148 R Snapfinger Road Rear	Tax Parcel 15-096-02-071
3158 Snapfinger Road	Tax Parcel 15-096-02-010
3186 Snapfinger Road	Tax Parcel 15-065-01-040
3224 Snapfinger Road	Tax Parcel 15-096-02-002

The Subject Property is currently zoned C-1 pursuant to Rezoning Case CZ-18-22045 (the “**Existing Zoning Case**”) for the development of office/trade contractor business park (the “**Original Project**”). The Existing Zoning Case was approved subject to the ten (10) conditions which are attached hereto as Exhibit “A” (the “**Current Zoning Conditions**”). Since the approval of the Existing Zoning Case in May of 2018, the Original Project has not been developed, and the property has been listed for sale. ENT Social Events, LLC (the “**Prospective Purchaser**”) has recently placed the property under contract for acquisition. It is their desire to develop an open-air Caribbean restaurant on the Subject Property consistent with the site plans submitted simultaneously with this Application. The current conditions do not allow for the development of a restaurant on the Subject Property. Therefore, it is the Applicant’s desire to amend the Current Zoning Conditions to include an 11<sup>th</sup> condition which would allow for the development of a restaurant on the Subject Property, subject to the conditions proposed by staff. By adding this condition, Applicant’s right to develop the Subject Property under the Current Zoning Conditions is preserved if the Prospective Purchaser fails to acquire the Subject Property.

The proposed restaurant will offer a fusion of Caribbean/American cuisine in an open-air space that will have the look and feel of a Caribbean oasis in Georgia. The atmosphere will be casual chic, with outdoor eating spaces adjacent to the main building which will include the kitchen, business office and bathroom space. Adjacent to this 4,500 sq. ft. building will be the open bar area, which will feature typical Island Specialty Drinks, such as Rum Punch, Daiquiris, Piña Coladas, etc. The balance of the property will feature an open-air pavilion, sculptured landscaped areas, a great lawn and parking areas. It is the Prospective Purchaser’s desire bring the Caribbean to South DeKalb with a comfortable space for both the sophisticated adult, as well as for families seeking a good meal, joy and laughter for evening dinner, or a family dinner after church. During the winter and colder months, commercial grade restaurant heat lamps will be added to keep guest comfortable in the eating areas closest to the main building. The vision for the restaurant is also intended to be a COVID safe environment and allow for adaptability if any other similar virus results in the need for social distancing.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis as required by the DeKalb County Zoning Ordinance, § 27-829(f). A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## **II. IMPACT ANALYSIS**

### **A.**

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

The Subject Property is designated Suburban under the DeKalb Comprehensive Land Use Plan through 2035 and is consistent with the economic development policies set forth in the Comprehensive Plan, as well as with the policies under the Suburban Land Use Designation regarding non-residential development.

### **B.**

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

The Subject Property is located along the Snapfinger Road corridor which is a major arterial road. The Proposed Project will allow for the development of a restaurant on the Subject Property as an additional use. The surrounding area is made up of both residential and non-residential development. There are no restaurants in the immediate area, despite the strong desire by the surrounding community for quality restaurants that are not fast food oriented, or a sports bar.

### **C.**

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

The Subject Property does have a reasonable economic use as presently zoned, but the proposed addition of the restaurant use will be an enhancement to the economic viability of the Subject Property and bring to the community a highly sought after use.

### **D.**

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

The proposed Major Modification will in no way adversely affect the existing use or usability of adjacent or nearby property. There is an existing a self-storage facility and Exxon gas station near the Subject Property, along with residential communities surrounding the area. The residential lot zoned R-100 adjacent to the eastern boundary line of the Subject Property is located within the corporate limits of the City of Stonecrest and is undeveloped and landlocked.

### **E.**

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

There are no existing or changing conditions affecting the use and development of the Subject Property.

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

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

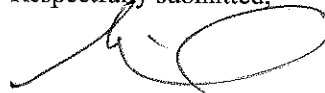
**G.**  
**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH  
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,  
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The Proposed Project will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Snapfinger Road is a major arterial road which can handle any traffic generated by the Proposed Project. The Proposed Project will have no negative impact on the surrounding communities, and there are no schools near the Subject Property.

**IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Major Modification Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

Respectfully submitted,



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Michèle L. Battle  
Attorney For Applicant

## CONSTITUTIONAL ALLEGATIONS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or 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 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.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners 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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to modify the CZ-18-22045 conditions of the Subject Property to the classification as requested 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 modification of the Property 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 Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to unconstitutional conditions and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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



EXHIBIT "A"

Comm. All  
Item No. 2018-1644 Date: 5/22/2018  
Clerk's Office

**RECOMMENDED CONDITIONS**

**Z-18-22045**

**Rezone from R-100 (Residential Small Lot-100) and C-1 (Local Commercial) to C-1 (Local Commercial)**

1. Site layout and configuration shall be in substantial compliance with the architectural site plan provided to the Planning Commission dated January 3, 2018.
2. Both entrance points off Snapfinger Road shall be gated to prevent vehicular access to the Property after business hours.
3. Surveillance cameras shall be erected and maintained throughout the Property and footage from such cameras shall be made available to local law enforcement as requested in connection with the investigation of any criminal activity on or near the Property.
4. Office Hours shall be limited to Monday through Saturday 7:00am until 7:00pm.
5. Eighteen-wheeler truck delivery hours shall be limited to Monday and Friday between 10:00AM and 4:00PM, all other truck deliveries shall be limited to Monday through Friday between 10:00AM and 7:00PM. USPS, UPS, FEDEX and other similar courier services shall be exempt from this delivery hour condition.
6. The use of the Property shall be limited to the following:
  - a. Accounting Office
  - b. Building or Construction Office
  - c. Engineering or Architects Office
  - d. General Business Office
  - e. Insurance Office
  - f. Legal Office
  - g. Medical Office
  - h. Real Estate Office
  - i. Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage
  - j. Plumbing, HV/AC equipment establishments with no outdoor storage
  - k. Quick copy printing store
  - l. Health services clinic
  - m. Kidney dialysis center
  - n. Medical or dental laboratories
  - o. Home healthcare service
7. Signage on the Property shall be limited to monument signs at the entrance point to the Property, with landscaping at the base of the sign.

8. The parking lot shall have adequate lighting in conformity with Chapter 27, Article 5, Section 5.6.1 Outdoor Lighting of the DeKalb County Zoning Ordinance.
9. There shall be no outdoor storage of materials and supplies.
10. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

2/4/2021

My fellow community members:

Great news! We have an exciting proposal for the new site development of an upscale casual restaurant/bar at the property address 3158 Snapfinger Rd, Decatur GA. Our outdoor concept would present the community with an experience unlike any other in Dekalb County and the metro Atlanta area.

With over 4 acres of well landscaped gardens and 2 covered patios, members of the community can enjoy a relaxing picnic on the grand lawn or a delicious handcrafted cocktail under the shade of the patio. Food served will be a fusion of Caribbean and American culture to satisfy your taste buds. The ambience and décor upon entering the grounds promises to be transformative!

Join us on Wednesday 24<sup>th</sup> February 2021 at 6:30pm as we present our concept to you via zoom and discuss some of the details. Please see below for the meeting details.

**Topic: Dekalb County Community Meeting**

**Time: Feb 24, 2021 06:30 PM Eastern Time (US and Canada)**

**Join Zoom Meeting**

**<https://us04web.zoom.us/j/75157612548?pwd=MjZxSEozUTlyOC9YYmlMYnZUaWg3dz09>**

**Meeting ID: 751 5761 2548**

**Passcode: 00ahEd**

We look forward to virtually meeting you all!

Thank You,

Arianne & Gerik

ENT! Social Events, LLC