**Public Hearing: YES ☒ NO ☐** **Department:** Planning & Sustainability

**SUBJECT:**
**COMMISSION DISTRICT(S): 5 & 7**
**Application of Raw Properties, Inc. c/o Michelle Battle for a Major Modification to zoning conditions pursuant to CZ-18-22045 to add a condition to allow a restaurant on-site in the C-1 (Local Commercial) District, at 3138 Snapfinger Road.**
**PETITION NO: N2. CZ-21-1244668 2021-2425**

**PROPOSED USE: Modification of conditions to allow a restaurant.**

**LOCATION:** 3138 Snapfinger Road.

**PARCEL NO. :** 15-096-02-002; 15-096-02-009; 15-096-02-040; 15-096-02-071
**INFO. CONTACT:** Melora Furman, Sr. Planner.

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**
Application of Raw Properties, Inc. c/o Michelle Battle for a Major Modification to zoning conditions pursuant to CZ-18-22045 to add a condition to allow a restaurant on-site in the C-1 (Local Commercial) District. The property is located on the east side of Snapfinger Road, approximately 150 feet south of Beech Valley Lane, at 3138, 3158, 3186, 3148, and 3224 Snapfinger Road in Decatur, Georgia. The property has approximately 790 feet of frontage along Snapfinger Road and contains 6.89 acres.

**RECOMMENDATION:**
**COMMUNITY COUNCIL:** Approval with one condition.

**PLANNING COMMISSION:** Pending.

**PLANNING STAFF:** Approval with Conditions.

**STAFF ANALYSIS:** Instead of conforming to the character of a residential suburb with occasional nodes of neighborhood-serving, small-scale businesses, the properties that surround the subject property appear to be transitioning from a type of semi-rural character that can be found in the least developed areas of the County. Thus, it is difficult to identify policies that apply to the proposed development. At the same time, the proposed development does not appear to directly or indirectly conflict with any of the policies of the Suburban character area, and would be suitable in view of the use and development of adjacent and nearby properties. The restaurant would need to comply with the Noise Ordinance of the County Code, so that it would not disturb residents that might eventually occupy a residential neighborhood that has been platted for a location approximately 200 feet to the north. In addition, Staff has proposed a condition to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit. The restaurant would be a unique venue that would provide an alternative dining/entertainment experience to that provided by a chain or "fast food" restaurant. There has been no indication from commenting divisions, departments, and agencies that the proposed restaurant would burden the existing infrastructure. Therefore, the Department of Planning and Sustainability recommends "Approval with Conditions".

**PLANNING COMMISSION VOTE:** Pending.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with one condition 8-2-0,** that the applicant not come back at a later date to amend the closing time of the restaurant.

## RECOMMENDED CONDITIONS

CZ-21-1244668

Major Modification of Conditions of CZ-18-22045

1. The improvements shall be developed in substantial conformity with the site plan titled, Green Acres, dated 1-8-2021, and prepared by Courtland Landscape Architecture and Construction, Inc.
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
    p. Restaurant
7. Signage on the Property shall be limited to a monument sign 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 restaurant shall comply with Article VII of the DeKalb County Code (the "Noise Ordinance").

11. No outdoor speakers shall be permitted in the portion of the project site delineated as "Phase I" on the site plan cited in Condition No. 1.

12. 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.

**Marked-Up Conditions of CZ-18022045**

1. The improvements shall be developed in substantial conformity with ~~the architectural site plan provided to the Planning Commission dated January 3, 2018~~ the site plan titled, Green Acres, dated 1-8-2021, and prepared by Courtland Landscape Architecture and Construction, Inc.

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:

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    d. General Business Office
    e. Insurance Office
    f. Legal Office
    g. Medical Office
    h. Real Estate Office
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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
p. Restaurant

7. Signage on the Property shall be limited to a monument sign 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 restaurant shall comply with Article VII of the DeKalb County Code (the "Noise Ordinance").

11. No outdoor speakers shall be permitted in the portion of the project site delineated as "Phase I" on the site plan cited in Condition No. 1.

12. 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.

1 TYPICAL ELEVATION
SCALE: n/a

ARCHITECTURAL SITE PLAN
PROPERTY AREA: 35,117 sf

100 0 100 200 300 400
GRAPHIC SCALE

STATE OF GEORGIA
PAUL GIRARDEAU
CERTIFICATION No. 026660
REGISTERED ARCHITECT

Abri DESIGN STUDIO
ARCHITECTURE PLANNING
P.O. BOX 669504 MARIETTA GA. 30066
Phone Number 770-639-0200

PROJECT
RAW PROPERTIES INC.

LAND LOTS 65 AND 96
15TH LAND DISTRICT
DEKALB COUNTY, GEORGIA

PROJECT OWNER
RAW PROPERTIES INC

SHEET TITLE
ARCHITECTURAL SITE PLAN

RELEASED FOR CONSTRUCTION 00/00/00
PRELIMINARY NOT FOR CONSTRUCTION 01/03/18

REVISIONS

| MARK | DATE | ISSUE BY | DESCRIPTION |
|---|---|---|---|
| | | | |

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WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND FIELD CONDITIONS ON THE JOB AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES

SHEET OF

SHEET
A-1000

JOB NUMBER
2018.00

ARCHITECTRAL SITE.DWG

DeKalb County
GEORGIA

Michael Thurmond
Chief Executive Officer

**DeKalb County Department of Planning & Sustainability**
**330 Ponce De Leon Avenue, Suite 300**
**Decatur, GA 30030**
**(404) 371-2155 / www.dekalbcountyga.gov/planning**

**Planning Commission Hearing Date: May 4, 2021, 5:30 P.M.**
**Board of Commissioners Hearing Date: May 27, 2021, 5:30 P.M.**

# MAJOR MODIFICATION – CHANGE OF CONDITIONS
# STAFF ANALYSIS

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| | |
|---|---|
| **Case No.:** | CZ-21-1244668 **Agenda #:** N. 2 |
| **Location/Address:** | 3138 Snapfinger Road, Decatur, GA **Commission District:** 5 **Super District:** 7 |
| **Parcel ID:** | 15-096-02- 002, -009, -010, & 071, and 15-065-02-04 |
| **Request:** | **A major modification of the conditions pursuant to CZ-18-22045 to add a condition to allow a restaurant in a C-1 (Local Commercial) district.** |
| **Property Owner:** | Raw Properties, Inc. |
| **Applicant/Agent:** | Raw Properties, Inc., c/o Michele Battle |
| **Acreage:** | 6.89 acres |
| **Existing Land Use:** | Undeveloped, wooded |
| **Surrounding Properties:** | To the north: a construction supply storage facility (zoned C-1); to the northeast and east: stream buffer and woods (City of Stonecrest); to the southeast and south: storage facilities (zoned C-1); to the southwest: Snapfinger Road; to the west: woods (zoned NS); to the northwest: Snapfinger Road. |
| **Comprehensive Plan:** | SUB (Suburban) **Consistent** [X] **Inconsistent** [ ] |

| | |
|---|---|
| **Proposed Building Square Ft. (Total of Phases I and II):** 6,300 s.f. | **Existing Building Square Feet:** None (lot is undeveloped) |
| **Proposed Lot Coverage:** 55% | **Existing Lot Coverage:** None (lot is undeveloped) |

**Zoning History:** In 2007, the Board of Commissioners rezoned the subject property from R-75 (Single-Family Residential) and C-1 (Local Commercial) to C-1 with conditions for a mixed office and retail development called the Mill at Snapfinger (CZ-07-3899). In addition to the subject property, the Mill at Snapfinger would have included adjoining properties to the west, north, and south, including the land between Snapfinger Road and the abandoned right-of-way of Old Snapfinger Road, for a total of 8.90 acres of property. In 2018, the Board of Commissioners approved CZ-18-22045, a proposal for development of office space for building contractors and building trades

such as electrical or plumbing businesses. Approval of CZ-18-22045 was conditioned on a site plan, a list of allowed uses, provision of security lighting, gating of the entrance after hours, and a prohibition of outdoor storage. These conditions remain in place and are the conditions that the applicant seeks to modify.

**SITE ANALYSIS**

The subject property is a 6.89-acre tract comprised of five parcels located between the abandoned right-of way of Old Snapfinger Road and Snapfinger Creek, which also forms the western boundary of the City of Stonecrest. The southeastern portion of the property is in a floodplain. The property is undeveloped and wooded.

Vehicular access to the property is provided by a divided, four-lane major thoroughfare, and there are no local residential streets in the surrounding vicinity except to the north. The closest residential neighborhood is located approximately 700 feet to the north and fronts on Snapfinger Road; the closest residential neighborhood is located along the Riders Trail, Battle Green Way, and Sleepy Hollow Court cul-de-sacs, approximately 1,450 feet to the north. Residential lots have been platted closer to the subject property, along Beech Valley Lane, but they haven't been developed since the plat was recorded in 2017. In addition, the subject property is separated from the Beech Valley Lane lots by 3130 Snapfinger Road, an adjoining property that is developed with what appears to be a construction supply company with outside storage of gravel and sand on a 1.8-acre lot. The closest residential neighborhoods in other directions are located across stream buffers and major thoroughfares. The adjoining three-acre properties to the south are occupied by what appear to be three storage buildings, and signs on the property advertise a landscape company and warehouses that are "coming soon". Properties on the opposite side of Snapfinger Road from a point opposite Beech Valley Lane to the intersection of Flat Shoals Road, a distance of approximately 1,600 feet, are undeveloped and heavily wooded, and lack any intersecting streets that would provide access to the residential neighborhoods to the west. Snapfinger Creek is located on the east side of the subject property, forming a boundary that separates it from properties further to the east.

Snapfinger Road is a four-lane, divided major arterial. About 350 feet beyond the southern end of the subject property, Snapfinger Road intersects with what is a four-lane, divided major arterial to the west (Flat Shoals Parkway) and a local street to the east (Cleveland Road).

The intersections of Snapfinger, Flat Shoals, and Cleveland form a node of low-intensity commercial uses with C-1, OI, and NS zoning. Within this node, the land uses include the Creekview Plaza shopping center, two gas stations with convenience stores, a hair salon, a day care center, and an insurance office. Land uses beyond this node are single-family residential with R-100 zoning. Several contractors' offices are located on nearby or adjoining C-1 properties.

The project site is obscured from view from Snapfinger Road by the woods on the property located on the east side of Snapfinger Road that is located between Snapfinger Road and the private road that borders the west side of the subject property.

**PROJECT ANALYSIS**

The applicant proposes to construct a Caribbean-style restaurant with a 4,500 square foot main building; an 1,800 square foot open air pavilion with a bar, kitchen, and seating area; and landscaped grounds with open-air gathering spaces suitable for special events such as parties and weddings. Vehicular access to the property and 100 parking spaces are located at the north end of the project site. The pavilion and the south half of the landscaped grounds are planned to be constructed as Phase II. The applicant has stated that the restaurant will not be a late-night establishment.

**Compliance with Development Standards:**

| C-1 STANDARD | | REQUIRED/ALLOWED | PROVIDED/PROPOSED | COMPLIANCE |
|---|---|---|---|---|
| MIN. LOT AREA | | 20,000 s.f. | 6.89 acres | Yes |
| MIN. LOT WIDTH | | 100 ft. | 1,366.79 feet | Yes |
| MAX. LOT COVERAGE | | 80% | 55% | Yes |
| MIN. OPEN SPACE | | 5,000 – 39,999 s.f. of gross floor area – 10% | 45% | Yes |
| MIN. TRANSITIONAL BUFFER | | None required. | N.A. | N.A. |
| PROPERTY PERIMETER LANDSCAPE STRIP | | Min. 5 feet wide, planted as per 5.4.4(C) | 10-foot wide landscape strip | Yes |
| MAX. BLDG. HEIGHT WITHOUT SLUP | | 2 stories and 35 feet | 2 stories and 35 feet | Yes |
| BLDG. SETBACKS | FRONT | 50 feet | 100 feet | Yes |
| | INTERIOR SIDE | Min. 20 ft. | Approximately 145 feet | Yes |
| | REAR | Min. 30 foot setback superseded by 75 ft. stream buffer | Approximately 230 feet | Yes |
| MIN. STREETSCAPE DIMENSIONS - PROPERTY FRONTAGE | | (Arterials) 10-ft. landscape strip and 6-ft. sidewalk on each side, and street trees (check Activity Ctr.) 50 ft. on center or for every unit | No streetscaping is proposed. | A variance will be needed. |
| TRANS'L HEIGHT PLANE | | Not required | N.A. | N.A. |
| PARKING | | Min: one space/150 s.f. floor area but not less than 10 spaces = 30 spaces<br>Max: one space/75 s.f. floor area but not less than 10 spaces = 60 spaces | At 100 spaces, the proposed parking exceeds the allowed maximum | A variance will be needed. |

**LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

The subject property is designated as a Suburban character area, which is visualized in the *Comprehensive Plan* as a primarily single-family or low-density residential area with small scale non-residential land uses that are intended to provide services and amenities for the closest residential neighborhoods in the character area. However, regardless of its land use designation, the subject property is not embedded in a character area that fits the Suburban description. Instead of conforming to the character of a residential suburb with occasional nodes of neighborhood-serving, small-scale businesses, the properties that surround the subject property appear to be transitioning from a type of semi-rural character that can be found in the least developed areas of the County. Thus, it is difficult to identify policies that apply to the proposed development. At the same time, the proposed development does not appear to directly or indirectly conflict with any of the policies of the Suburban character area.

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

The proposed restaurant would be suitable in view of the use and development of adjacent and nearby properties. The restaurant would need to comply with the *Noise Ordinance* of the *County Code*, so that it would not disturb residents that might eventually occupy the Beech Valley Lane subdivision. Additionally, Staff has proposed a condition to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit.

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

Lack of development of the site for the contractors' offices approved in 2018 indicates a lack of market interest in use of the site for this purpose.

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

As explained for Item B, above, the proposed restaurant would need to comply with the *Noise Ordinance* of the *County Code*, so that it would not disturb residents in the neighborhood that might eventually be developed approximately 200 feet to the north. In addition, Staff has proposed conditions to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit. The proposed restaurant is not expected to negatively affect the use or usability of adjacent or nearby property in any other way. On the positive side, it might add value or a noticeable identity to the nearby area.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

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The restaurant would be a unique venue that would provide an alternative dining/entertainment experience to that provided by a "chain" or "fast food" restaurant. Residents within the applicable commission districts have expressed desire for such destinations.

**A. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**B. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

There has been no indication from commenting divisions, departments, and agencies that the proposed restaurant would burden the existing infrastructure.

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

The site plan indicates that the development would comply with the 75-foot stream buffer regulations. In addition, the site plan includes comparably large areas of open space, which would have less of an impact than a development with higher amounts of building square footage or impervious surfaces. The proposed restaurant would not conflict with development on adjoining properties.

**STAFF RECOMMENDATION:**

Instead of conforming to the character of a residential suburb with occasional nodes of neighborhood-serving, small-scale businesses, the properties that surround the subject property appear to be transitioning from a type of semi-rural character that can be found in the least developed areas of the County. Thus, it is difficult to identify policies that apply to the proposed development. At the same time, the proposed development does not appear to directly or indirectly conflict with any of the policies of the Suburban character area, and would be suitable in view of the use and development of adjacent and nearby properties. The restaurant would need to comply with the Noise Ordinance of the County Code, so that it would not disturb residents that might eventually occupy a residential neighborhood that has been platted for a location approximately 200 feet to the north. In addition, Staff has proposed a condition to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit. The restaurant would be a unique venue that would provide an alternative dining/entertainment experience to that provided by a chain or "fast food" restaurant. There has been no indication from commenting divisions, departments, and agencies that the proposed restaurant would burden the existing infrastructure. Therefore, the Department of Planning and Sustainability recommends "Approval", with the following conditions (Note: a "clean" version of the modified conditions follows this marked-up version):

1. The improvements shall be developed in substantial conformity with ~~the architectural site plan provided to the Planning Commission dated January 3, 2018~~ the site plan titled, Green Acres, dated 1-8-2021, and prepared by Courtland Landscape Architecture and Construction, Inc.

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:

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    f. Legal Office
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    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
    p. Restaurant

7. Signage on the Property shall be limited to a monument sign 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 restaurant shall comply with Article VII of the DeKalb County Code (the "Noise Ordinance").

11. No outdoor speakers shall be permitted in the portion of the project site delineated as "Phase I" on the site plan cited in Condition No. 1.

. **Clean Version of Conditions**

1. The improvements shall be developed in substantial conformity with the site plan titled, Green Acres, dated 1-8-2021, and prepared by Courtland Landscape Architecture and Construction, Inc..

2. Both entrance points off Snapfinger Road shall be gated to prevent vehicular access to the Property after business hours.

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10. The restaurant shall comply with Article VII of the DeKalb County Code (the “Noise Ordinance”).

11. No outdoor speakers shall be permitted in the portion of the project site delineated as “Phase I” on the site plan cited in Condition No. 1.

12. 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.

**ATTACHMENTS:**

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Survey (existing conditions)
5. Site Plan
6. Elevations, Renderings
7. Land Use Map
8. Zoning Map
9. Aerial View
10. Site Photos

**NEXT STEPS**

***Following an approval of this zoning action, one or several of the following may be required:***

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*

- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*

- **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*

- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*

- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*

- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*

- **Historic Preservation** (*A* Certificate of Appropriateness *is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*

- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*

- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*

- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*

- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

***NOTE:*** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO **MICHELLE M ALEXANDER** mmalexander@dekalbcountyga.gov OR **JOHN REID** JREID@DEKALBCOUNTYGA.GOV

## COMMENTS FORM:
## PUBLIC WORKS WATER AND SEWER

**Case No.:** CZ-21-1244668

**Parcel I.D. #:** 15-096-02-002, 15-096-02-009, 15-096-02-010, 15-096-02-071, & 15-065-02-~~004~~ 040 DT

**Address:** 3138 Snapfinger Road

Decatur, Georgia 30034-3625

**WATER:**

**Size of existing water main:** 6" CI Water Main _____ (adequate/inadequate)

**Distance from property to nearest main:** Adjacent to Property

**Size of line required, if inadequate:** N/A

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**SEWER:**

**Outfall Servicing Project:** Snapfinger Creek Basin

**Is sewer adjacent to property:** Yes (X) No ( ) **If no, distance to nearest line:**_____

**Water Treatment Facility:** Snapfinger WTF ( ) adequate ( ) inadequate

**Sewage Capacity;** * (MGPD) **Current Flow:** 21.77 (MGPD)

**COMMENTS:**

*** Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.**

Downstream, wet-weather sewer spill. DT
Dec. 2020 map

**Signature:** Carlos

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

**The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.**

**DEVELOPMENT ANALYSIS:**

- **Transportation/Access/Row**

  Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

  Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

  The presence of FEMA Flood Hazard Area **was** **not** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

  Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

  State water buffer **was not** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

  Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

Zoning Comments 4.19.21

N1. SR 8- GDOT review and permits required prior to DeKalb permitting. GDOT District 7: juhatch@dot.ga/gov Existing curb cut must be modified to come in at a 90 degree angle. Lawrenceville Hwy is a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 50 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

N2. Private road must be brought up to current standards either as a road or a driveway. We have lots of problem with truck parking in the immediate area (the public part).

N3. Jamieson Place and Market Street both local residential. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 27.5 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires 6-foot sidewalks, streetlights, 6-foot landscape strip. Reviewer will be looking at driveway placement in relationship with the intersection during the development review process- please maximize during design.

N4. No comments

N5. . SR 155- GDOT review and permits required prior to DeKalb permitting. GDOT District 7: juhatch@dot.ga/gov Flat Shoals Parkway is a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Please be aware of the minimum number of access points for the number of units this road would serve. Complete a traffic signal warrant study at the intersection of Flat Shoals Pkwy at Woodberry Pkwy to include analysis on the number of required exit lanes. Dedicate 50 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

N6. South Indian Creek Road is classified as a collector street. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 35 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

**04/19/2021**

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

N.1 Z-21-1244664 18-116-01-031
2382 Lawrenceville Highway, Decatur, GA 30033
Commission District: 4 Super District: 6
Acreage: .81 acres
- Please review general comments.

N.2 CZ-21-12446688 15-096-02-002,009, -010, & 071, and 15-065-02-04
3138 Snapfinger Road, Decatur GA
Commission District: 5 Super District: 3
Acreage: 6.89 acres
- Please review general comments.

N.3 Z-21-1244669 18-067-03-011
3720 Jamieson Place, Clarkston, GA
Commission District: 4 Super District: 6
Acreage: .44 acres
- Septic installed October 22,1999
- 1000 gallons
- Please review general comments.

N.4 SLUP-19-1243861 15-041-01-152
2902 Cedar Trace Drive, Ellenwood, GA 30294
Commission District: 3 Super District: 6
Acreage: .4 acres
- Please see general comments.

N.5 Z-21-1244671 15-061-03-001
4743 Flat Shoals Pkwy, Decatur, GA 30034
Commission District: 03 Super District: 07
Acreage: 17.52 acres
- Please review general comments.

N.6 CZ-21-1244672 15-195-08-035
Stone Mountain, GA 30038
Acreage: 1.11 acres
- Septic installed in surrounding area.
- Please review general comments.

(N-2)

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

***COMMENTS FORM:***

## *PUBLIC WORKS TRAFFIC ENGINEERING*

**Case No.:** CZ-21-1244668 **Parcel I.D. #:** 15-096-02-002

**Address:** 3138
Snapfinger Rd
Decatur, Ga

**Adjacent Roadway (s):**

| | |
|---|---|
| _____ | _____ |
| _____ (classification) | _____ (classification) |
| Capacity (TPD)_____ | Capacity (TPD)_____ |
| Latest Count (TPD) _____ | Latest Count (TPD) _____ |
| Hourly Capacity (VPH)_____ | Hourly Capacity (VPH) _____ |
| Peak Hour. Volume (VPH)_____ | Peak Hour. Volume (VPH)_____ |
| Existing number of traffic lanes _____ | Existing number of traffic lanes _____ |
| Existing right of way width _____ | Existing right of way width _____ |
| Proposed number of traffic lanes _____ | Proposed number of traffic lanes _____ |
| Proposed right of way width _____ | Proposed right of way width _____ |

**Please provide additional information relating to the following statement.**

**According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the_____square foot place of worship building would generate_____vehicle trip ends, with approximately____peak hour vehicle trip ends.**

**Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____(Single Family Residential) District designation which allows a maximum of____units per acres, and the given fact that the project site is approximately_____acres in land area,_____daily vehicle trip end, and____peak hour vehicle trip end would be generated with residential development of the parcel.**

**COMMENTS:**

Plans and Field Reviewed. Nothing found that would disrupt Traffic flow.

**Signature:** David Ross

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

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

Tax Parcel ID: 15-096-02-009,071, 010, 002, and 15-096-01-040 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

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# 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

| | | |
|---|---|---|
| **REZONING:** | 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 |
| **LAND USE MAP AMENDMENT** | | $500.00 |
| **SPECIAL LAND USE PERMIT** | | $400.00 |

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Clark Harrison Building
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Decatur, GA 30030

## 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)

**Signature of Applicant:** RAW PROPERTIES, INC. By: _____

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

DeKalb County

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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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.

Notary Public

RAW PROPERTIES, INC.

By:
Owner, Printed Name: Robert Wilson, President

BATOYA CLEMENTS NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES May 4, 2024

Notary Public

Owner

Notary Public

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.

| **NAME OF GOV'T OFFICIAL** | OFFICIAL **POSITION** | AMOUNT OF **CONTRIBUTION** |
|---|---|---|
| Ted Terry | **Commissioner** | **$500** |
| Mereda Davis Johnson | **Commissioner** | **$250** |
| | | |
| | | |
| | | |
| | | |
| | | |

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. 13089G 0154 J AND 13089G 0162 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 PLATTED, & 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 12,698 FEET AND AN ANGULAR ERROR OF 00°00'02"PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. PARTY: WW, AJ

TRACT – 1:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 140,031 FEET.

TRACT – 2:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 214,449 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 110,880 FEET.

TRACT – 8:
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 125,499 FEET.

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

## REFERENCES:

1. DEED BOOK 24361, PAGE 280–292
2. DEED BOOK 25076, PAGE 186
3. DEED BOOK 25076, PAGE 187
4. DEED BOOK 25076, PAGE 188

RIGHT OF WAY DEEDS:
5. DEED BOOK 20582, PAGES 547–554
6. DEED BOOK 22484, PAGE 490
7. DEED BOOK 24182, PAGES 793–799
8. DEED BOOK 20582, PAGES 555–561
9. DEED BOOK 20582, PAGES 562–569

10. RIGHT OF WAY PLANS FOR SNAPFINGER ROAD WIDENING GDOT PROJECT NUMBER STP–165–1 (060), P.I. NUMBER 721820, SHEETS 13–01 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–100 (SINGLE FAMILY RESIDENTIAL DISTRICT)

## STATE WATERS BUFFER:

AN UNDISTURBED 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, NO FORMAL WETLANDS DELINEATION HAS PERFORMED ON THIS SITE.

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

*TRACT – 1*
*ALONG C/L OF CREEK:*

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N 03°41'31" W | 38.70' |
| L2 | N 10°30'42" W | 18.03' |
| L3 | N 22°01'26" W | 12.35' |
| L4 | N 64°01'01" W | 18.36' |
| L5 | N 30°20'01" W | 28.78' |
| L6 | N 02°51'34" W | 31.77' |
| L7 | N 19°55'10" W | 29.83' |
| L8 | N 31°50'08" W | 34.83' |
| L9 | N 10°40'53" E | 37.03' |
| L10 | N 31°42'20" W | 59.66' |
| L11 | N 12°35'53" W | 18.93' |
| L12 | N 02°39'50" E | 27.44' |
| L13 | N 24°23'40" W | 53.96' |
| L14 | N 20°52'09" W | 40.64' |
| L15 | N 30°22'29" W | 26.40' |
| L16 | N 01°40'37" W | 17.63' |
| L17 | N 60°19'45" E | 28.14' |
| L18 | N 83°40'14" E | 18.01' |
| L19 | N 32°08'57" E | 14.49' |
| L20 | N 44°11'51" W | 19.92' |
| L21 | N 80°23'01" W | 33.82' |
| L22 | N 45°40'01" W | 63.36' |
| L23 | N 22°42'03" W | 40.00' |
| L24 | N 03°15'39" W | 29.89' |
| L25 | N 18°49'51" E | 77.78' |
| L26 | N 18°45'19" W | 13.04' |
| L27 | N 57°10'29" W | 46.59' |
| L28 | N 69°29'10" W | 19.30' |
| L29 | N 45°42'36" W | 30.19' |

*TRACT – 2*
*ALONG PROPERTY LINES:*

| LINE | BEARING | DISTANCE |
|---|---|---|
| L30 | S 89°54'36" E | 26.98' |
| L31 | S 20°45'00" E | 48.46' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 966.45' | 465.70' | 461.21' | S 05°46'20" E | 27°36'32" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L32 | S 07°52'31" W | 198.14' |
| L33 | N 81°55'41" W | 20.00' |
| L34 | S 08°32'25" W | 260.06' |
| L35 | S 71°56'21" W | 37.12' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C2 | 863.28' | 367.02' | 364.26' | N 04°48'50" W | 24°21'33" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L36 | N 52°22'19" E | 15.00' |
| L37 | N 07°29'47" E | 533.33' |
| L38 | N 05°43'33" E | 72.86' |

*TRACT – 3*
*ALONG PROPERTY LINES:*

| LINE | BEARING | DISTANCE |
|---|---|---|
| L39 | N 80°15'22" E | 55.50' |
| L40 | S 21°29'31" E | 38.99' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C3 | 1021.45' | 62.06' | 62.05' | S 17°50'10" E | 03°28'52" |
| C4 | 1021.45' | 430.14' | 426.97' | S 04°01'54" E | 24°07'40" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L41 | S 07°52'28" W | 198.20' |
| L42 | S 81°58'04" E | 25.00' |
| L43 | S 08°32'25" W | 58.47' |
| L44 | S 08°32'25" W | 208.25' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C5 | 575.74' | 117.53' | 117.33' | S 00°38'00" E | 11°41'48" |
| C6 | 575.74' | 140.03' | 139.69' | S 13°26'58" E | 13°56'08" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L45 | S 22°18'30" E | 10.00' |
| L46 | S 23°20'48" E | 18.00' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C7 | 536.40' | 88.12' | 88.02' | S 27°31'28" E | 09°24'44" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L47 | N 40°18'32" W | 52.00' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C8 | 863.28' | 378.31' | 375.29' | N 29°32'51" W | 25°06'30" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L48 | N 71°56'21" E | 37.12' |
| L49 | N 08°10'39" E | 260.06' |
| L50 | S 81°55'41" E | 20.00' |
| L51 | N 07°52'31" E | 198.14' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 966.45' | 465.70' | 461.21' | N 05°46'20" W | 27°36'32" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L31 | N 20°45'00" W | 48.46' |

*TRACT – 4*
*ALONG PROPERTY LINES:*

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C3 | 1021.45' | 62.06' | 62.05' | N 17°50'10" W | 03°28'52" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L40 | N 21°29'31" W | 38.99' |

*TRACT – 6*
*ALONG PROPERTY LINES:*

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C5 | 575.74' | 117.53' | 117.33' | N 00°38'00" W | 11°41'48" |

| LINE | BEARING | DISTANCE |
|---|---|---|
| L44 | N 08°32'25" E | 208.25' |
| L42 | N 81°58'04" W | 25.00' |
| L41 | N 07°52'28" E | 198.20' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C4 | 1021.45' | 430.14' | 426.97' | N 04°01'54" W | 24°07'40" |

*TRACT – 7*
*ALONG PROPERTY LINES:*

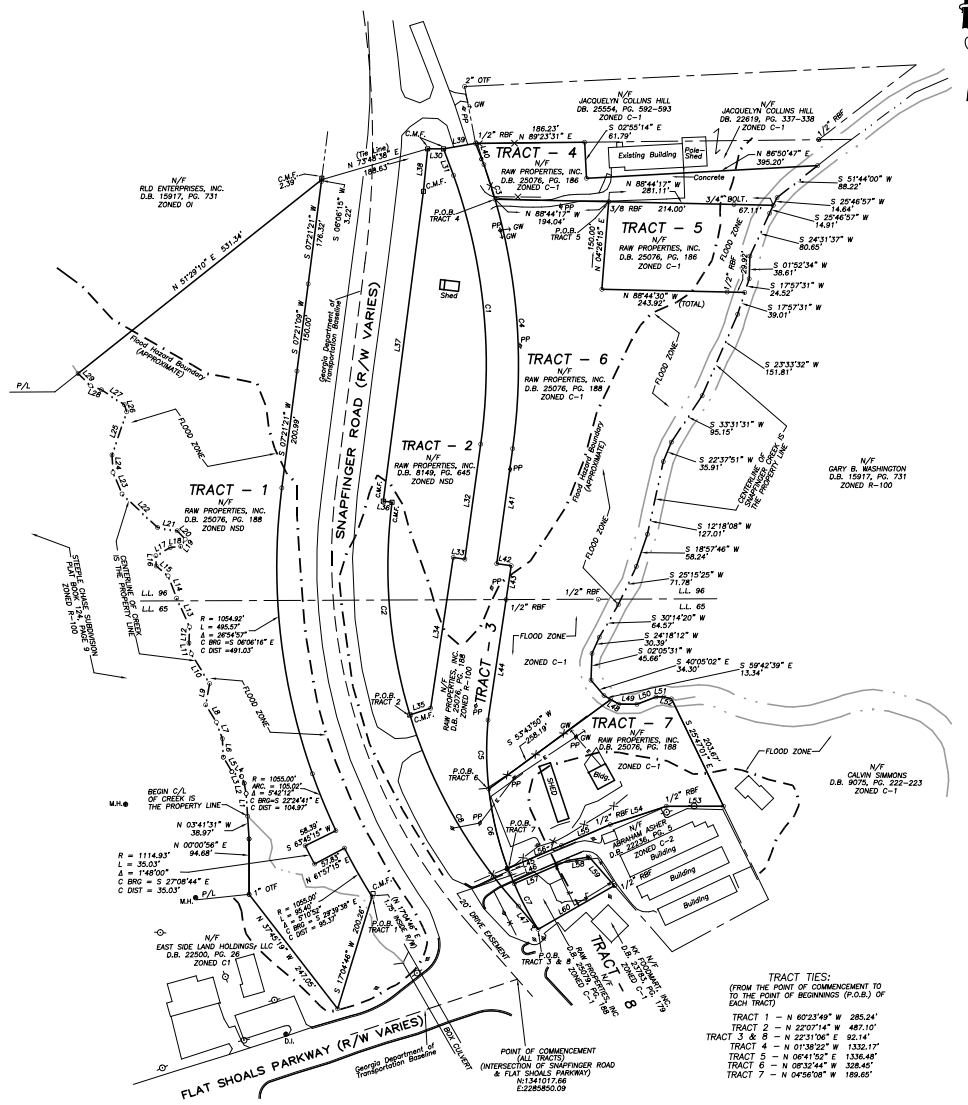
| LINE | BEARING | DISTANCE |
|---|---|---|
| L48 | S 59°42'39" E | 15.67' |
| L49 | S 89°37'33" E | 31.25' |
| L50 | S 69°01'16" E | 14.79' |
| L51 | N 89°07'34" E | 13.15' |
| L52 | S 75°27'51" E | 13.89' |
| L53 | S 89°58'38" E | 97.56' |
| L54 | S 71°55'20" W | 100.65' |
| L55 | S 66°48'26" W | 90.44' |
| L56 | S 66°46'07" W | 99.84' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C6 | 575.74' | 140.03' | 139.69' | N 13°26'58" W | 13°56'08" |

*TRACT – 8*
*ALONG PROPERTY LINES:*

| LINE | BEARING | DISTANCE |
|---|---|---|
| L57 | N 66°46'03" E | 99.96' |
| L58 | N 80°39'37" E | 36.68' |
| L59 | S 41°10'32" E | 65.00' |
| L60 | S 66°11'04" W | 150.01' |

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C7 | 536.40' | 88.12' | 88.02' | N 27°31'28" W | 09°24'44" |




*TRACT TIES:*
*(FROM THE POINT OF COMMENCEMENT TO TO THE POINT OF BEGINNINGS (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°31'06" E 92.14'
TRACT 4 – N 01°38'22" W 1332.13'
TRACT 5 – N 06°41'52" E 1336.48'
TRACT 6 – N 08°32'44" W 328.45'
TRACT 7 – N 04°56'08" W 189.65'

LEGEND:

| | | |
|---|---|---|
| ⊙ I.P.F. | – | IRON PIN FOUND |
| ○ C.T.F. | – | CRIMPED TOP PIN FOUND |
| ⊗ R.B.F. | – | REBAR PIN FOUND |
| ⊗ R.B.S. | – | REBAR PIN SET |
| ○ O.T.F. | – | OPEN TOP FOUND |
| ▲ A.I.F. | – | ANGLE IRON FOUND |
| ▣ C.M.F. | – | CONCRETE MONUMENT FOUND |
| P/L | – | PROPERTY LINE |
| R/W | – | RIGHT OF WAY |
| N/F | – | NOW OR FORMERLY |
| C/L | – | CENTER LINE |
| L.L.L. | – | LAND LOT LINE |
| ⊕ F.H. | – | FIRE HYDRANT |
| ⊗ G.V. | – | GATE VALVE |
| W.M. | – | WATER METER |
| –W– | – | WATER MAIN |
| D.I.P. | – | DUCTILE IRON PIPE |
| PVC | – | POLYVINYL CHLORIDE PIPE |
| ⊕ P.P. | – | POWER POLE |
| ⊕ S.P. | – | SERVICE POLE |
| ⊕ T.P. | – | TELEPHONE POLE |
| ⊡ P.B. | – | POWER TRANSFORMER BOX |
| ⊠ T.R. | – | TELEPHONE RISER |
| –E– | – | ELECTRICAL LINE |
| –T– | – | TELEPHONE CABLE |
| –G– | – | 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 |
| ⊗ M.H. | – | STORM DRAIN MANHOLE |
| ▣ D.I. | – | DROP INLET |
| E.P. | – | EDGE OF PAVEMENT |
| B.C. | – | BACK OF CURB |
| GW | – | GUY WIRE |
| SWCB | – | SINGLE WING CATCH BASIN |
| DWCB | – | DOUBLE WING CATCH BASIN |
| ⟷ | – | CONTIGUOUS |

100' 0' 100' 200' 300'
GRAPHIC SCALE – FEET

REVISIONS:

| DATE | COMMENTS |
|---|---|
| | |

SEAL
GEORGIA REGISTERED No. 2647 LAND SURVEYOR CHRIS M. PATON

THIS DRAWING, AS AN INSTRUMENT OF SERVICE, IS AND SHALL REMAIN THE PROPERTY OF THE SURVEYOR AND SHALL NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE PERMISSION OF THE SURVEYOR.

REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 256
GAINESVILLE, GA. 30503
PHONE: (770) 532–6492
FAX: (770) 532–1995
www.patonsurveying.com
PATON LAND SURVEYING, LLC

BOUNDARY SURVEY FOR:

# RAW PROPERTIES, INC.

LOCATED IN:
LAND LOTS 65 AND 96 – 15TH LAND DISTRICT
DEKALB COUNTY, GEORGIA

SHEET NUMBER 1 OF 1
FILE NAME
SCALE 1" = 100'
REVISED DATE: 12 – 22 – 2017, 01 – 09 – 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, 15th 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, Eastling 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;

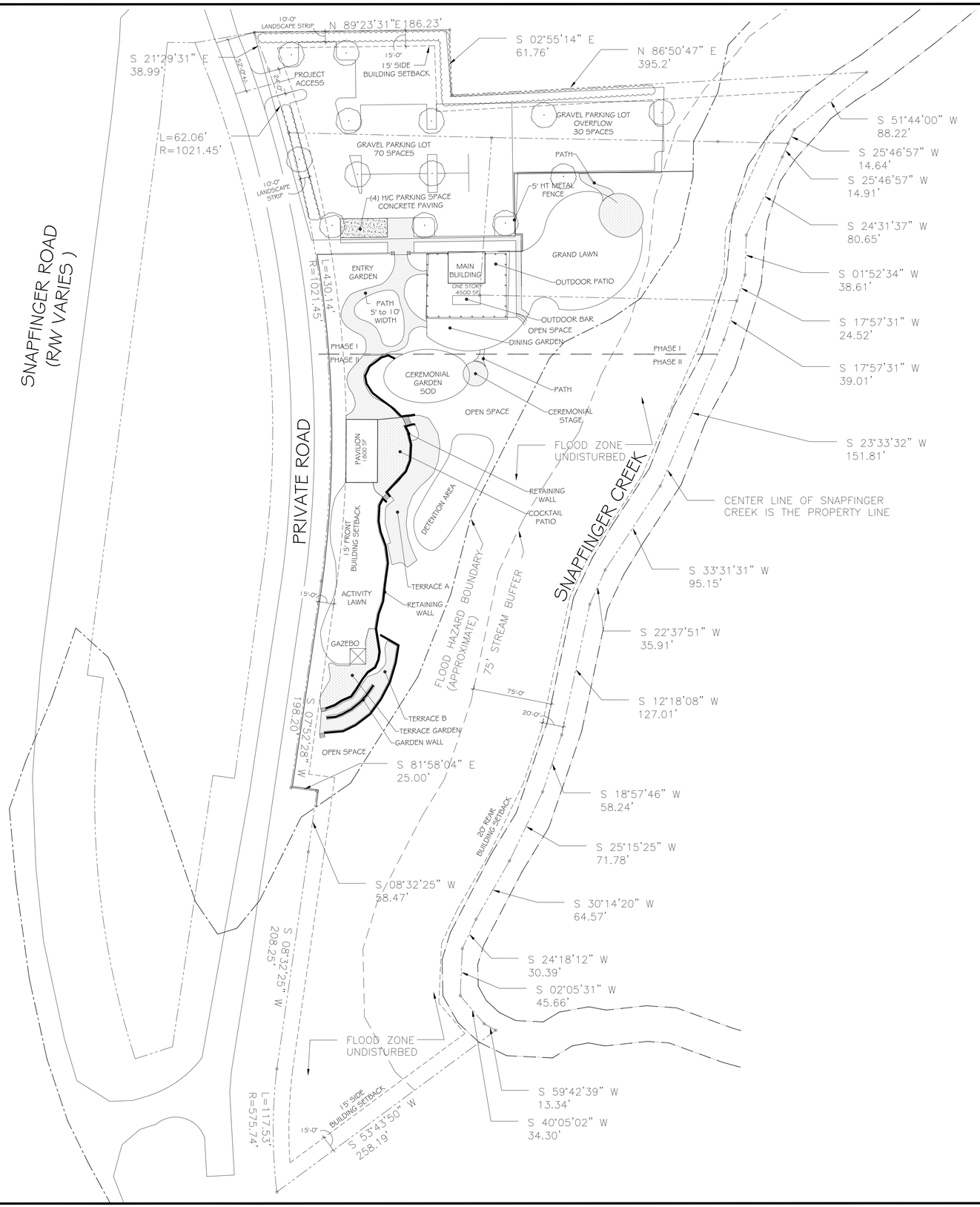
**Thence leaving said Snapfinger Creek proceed the following courses:**

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.




**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

COURTLAND LANDSCAPE ARCHITECTURE & CONSTRUCTION, INC.
www.courtlandlandscape.com 770.402.8086
407 W. Ponce De Leon Ave. Suite B. Decatur, Ga. 30030

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**

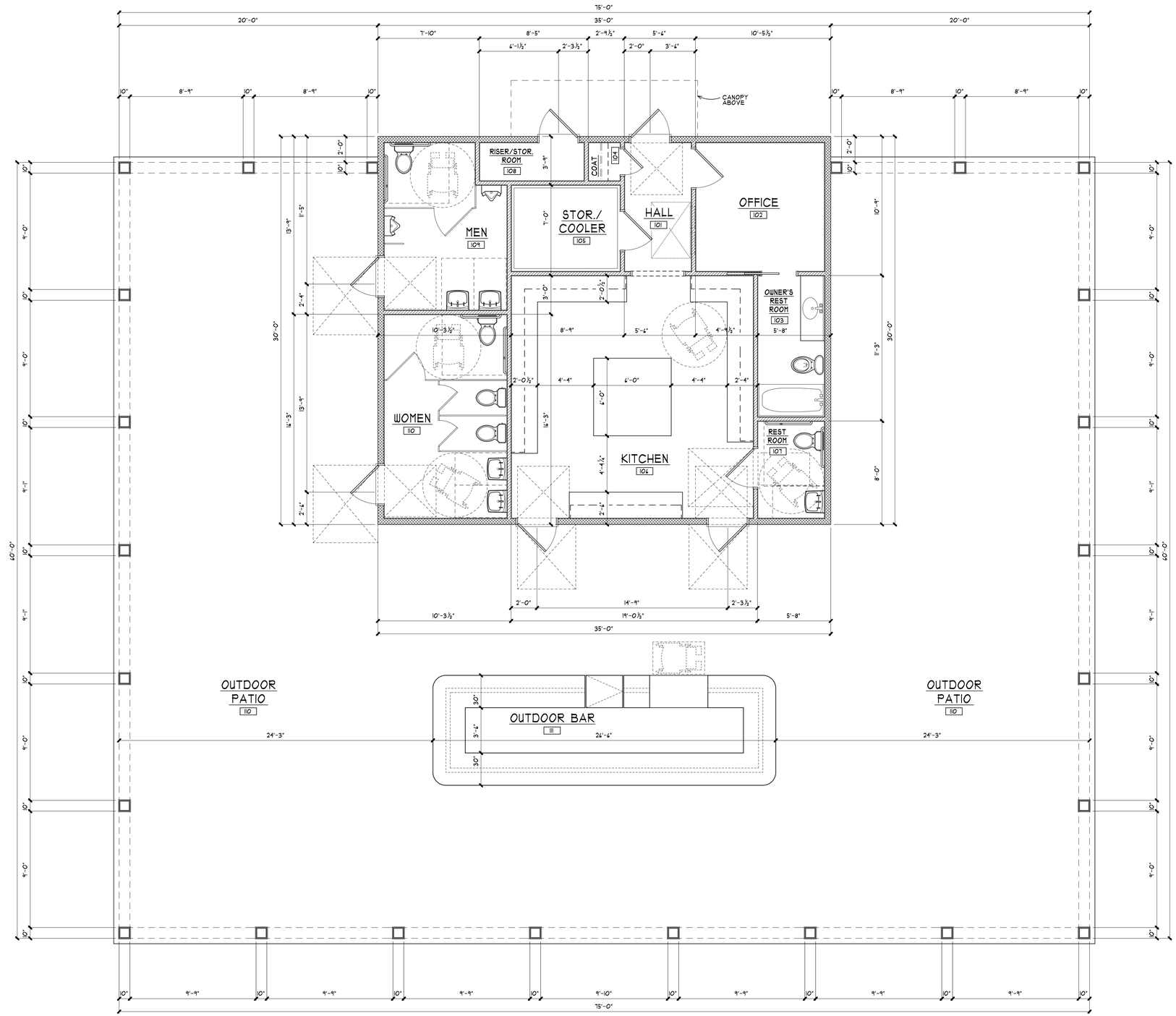
Project Location
3138 - 3158 Snapfinger Road
Decatur, GA

Project No.
Drawn By:

Date: 01.08. 2021

Sheet Title
**Site Plan**

Sheet Number
1




1 A1-02 FIRST FLOOR PLAN

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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IMPORTANT NOTES:

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

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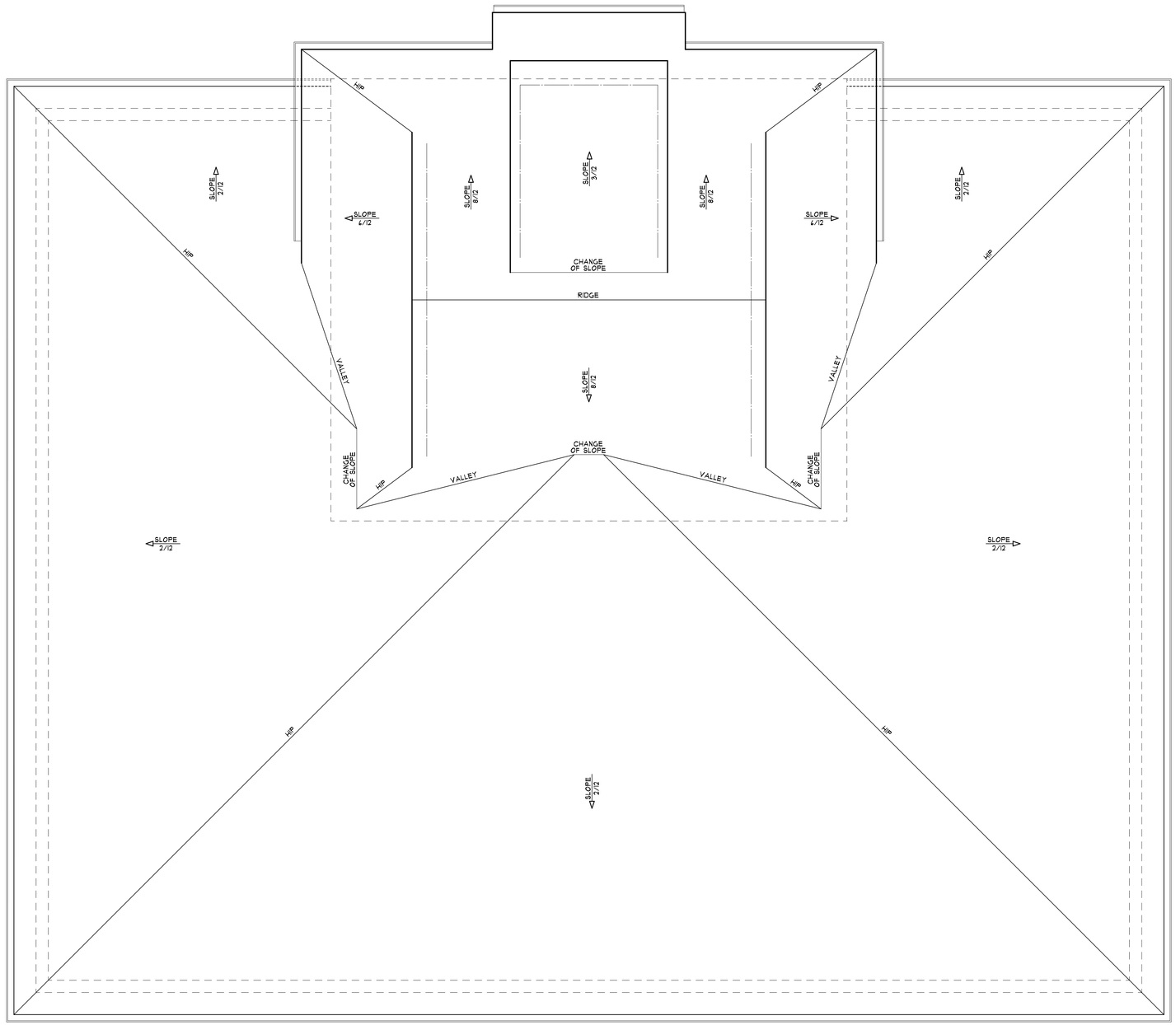


1 A1-03 ROOF PLAN

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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Architect
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| DATE | PROJECT NUMBER |
|---|---|
| 02/05/21 | 2020-309 |

REVISIONS

| DATE | DESCRIPTION |
|---|---|
| | |

SHEET
A1-03

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1 A2-01 REAR ELEVATION

1/4" = 1'-0"

2 A2-01 LEFT ELEVATION

1/4" = 1'-0"

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Architect
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| DATE | PROJECT NUMBER |
|---|---|
| 02/05/21 | 2020-309 |

REVISIONS

| DATE | DESCRIPTION |
|---|---|
| | |

SHEET
A2-01

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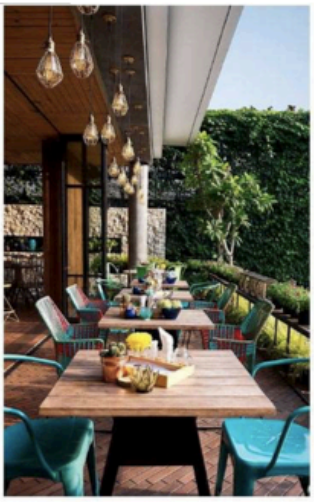
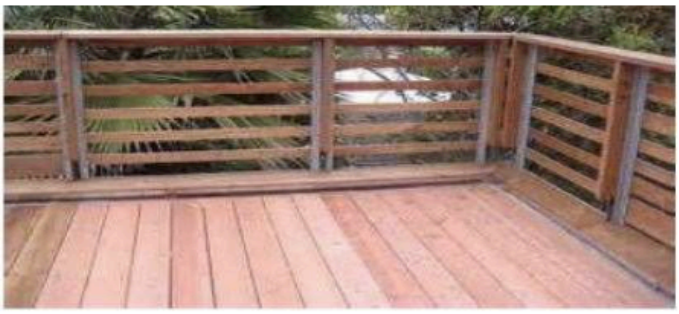
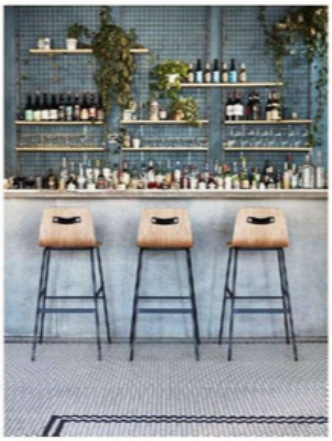
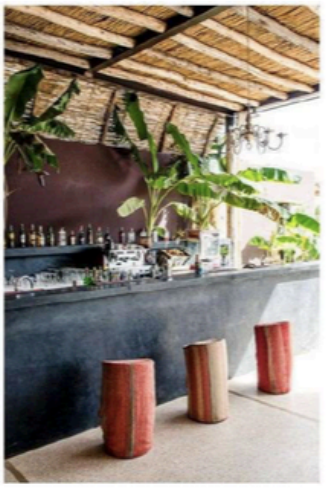
# Green Acres

## Patio

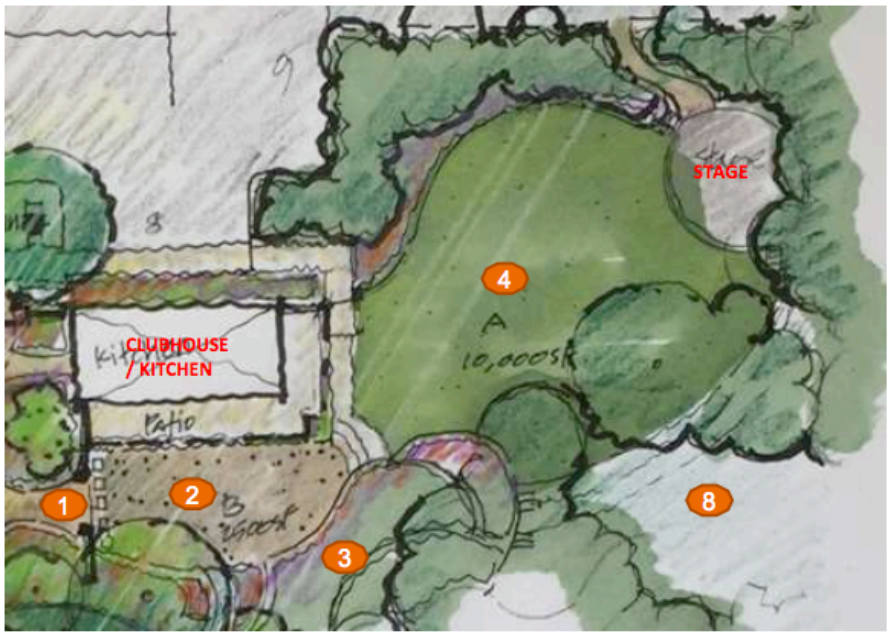








# Green Acres



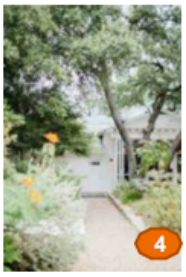

## Clubhouse/Kitchen
## Dinning Garden
## Grand Lawn

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, 15th 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

## 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 11th 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 with 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 ae 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.

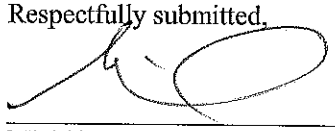
**G.**
**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

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,



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. A-11
Item No. 2018-164 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 24th 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=MjZxSEozUTIyOC9YYmlMYnZUaWg3dz09**

**Meeting ID: 751 5761 2548**

**Passcode: 00ahEd**

We look forward to virtually meeting you all!

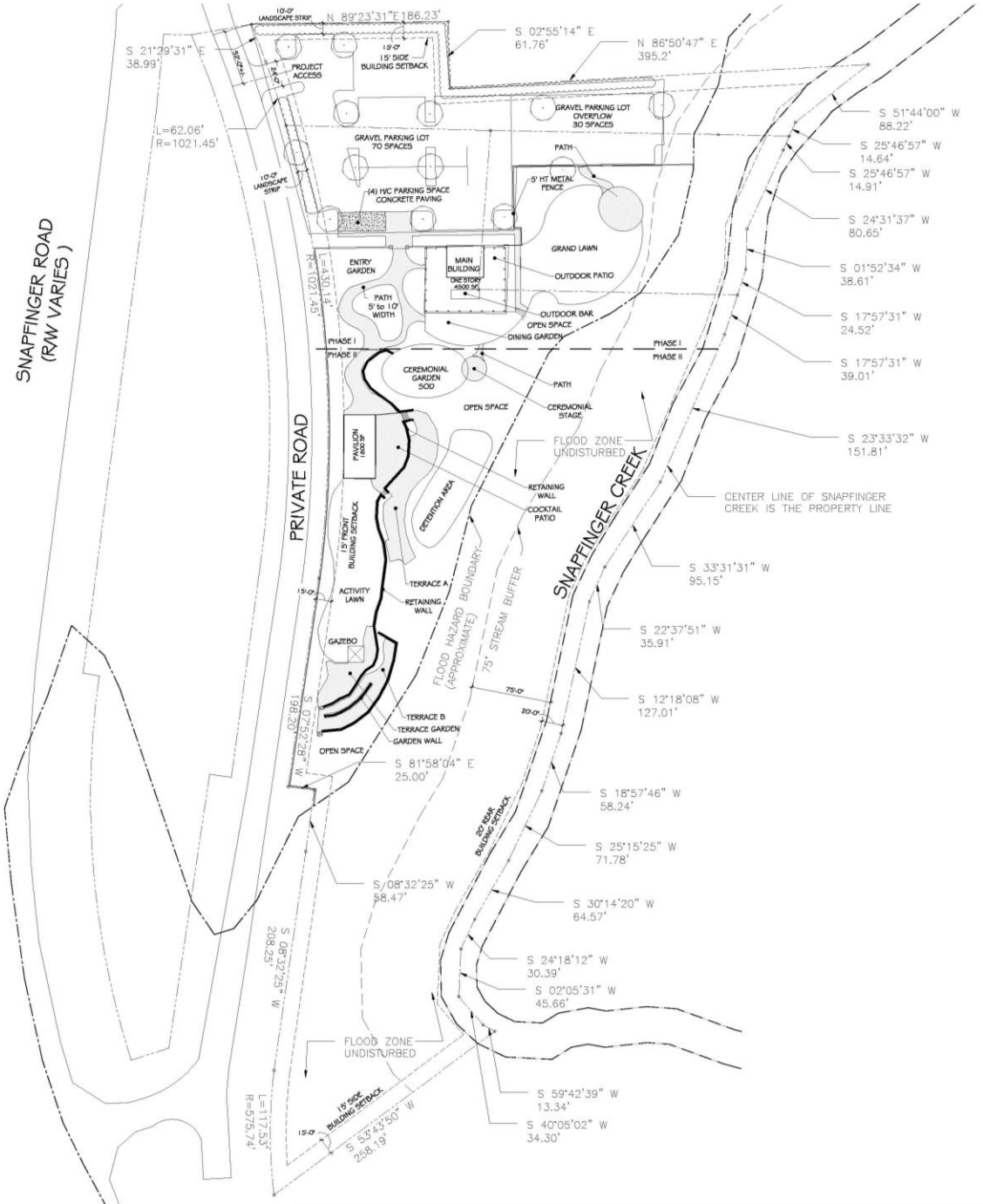
Thank You,

Arianne & Gerik

ENT! Social Events, LLC

# N. 2 CZ-21-1244668

## Site Plan



# N. 2 CZ-21-1244668

## Elevations

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

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

# N. 2 CZ-21-1244668 Outdoor Seating Concept

## Green Acres

## Main Entrance Welcome Garden

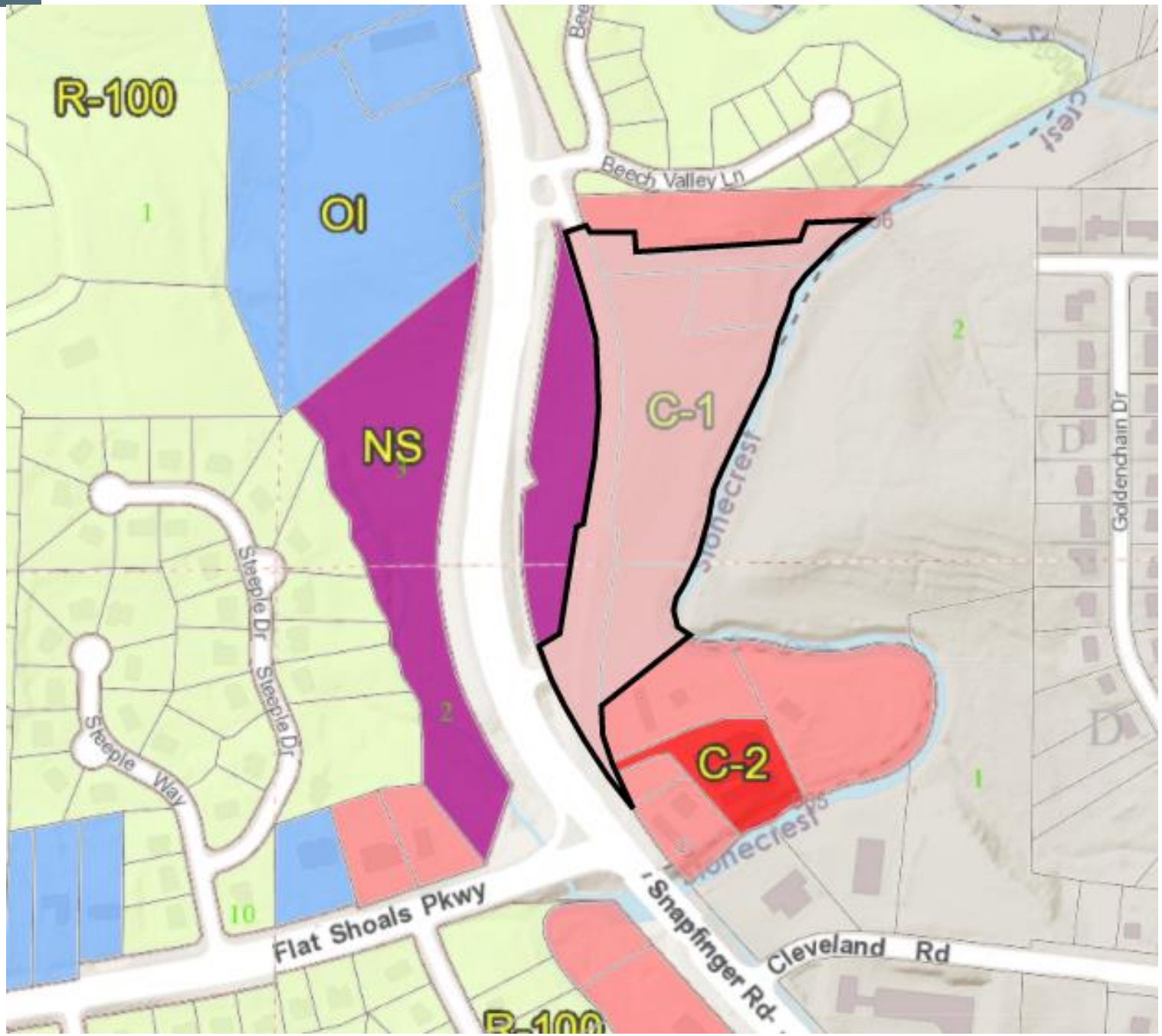
1. Arrival Court: Existing tree, flower pots, display features
2. Entry Structure: Portal of the site, fence/wall panel
3. Event display features: theme of the event, atmosphere.
4. Welcome garden: start to the 'garden' experience, node of circulation to different function areas.
5. Planting: layers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

## Green Acres

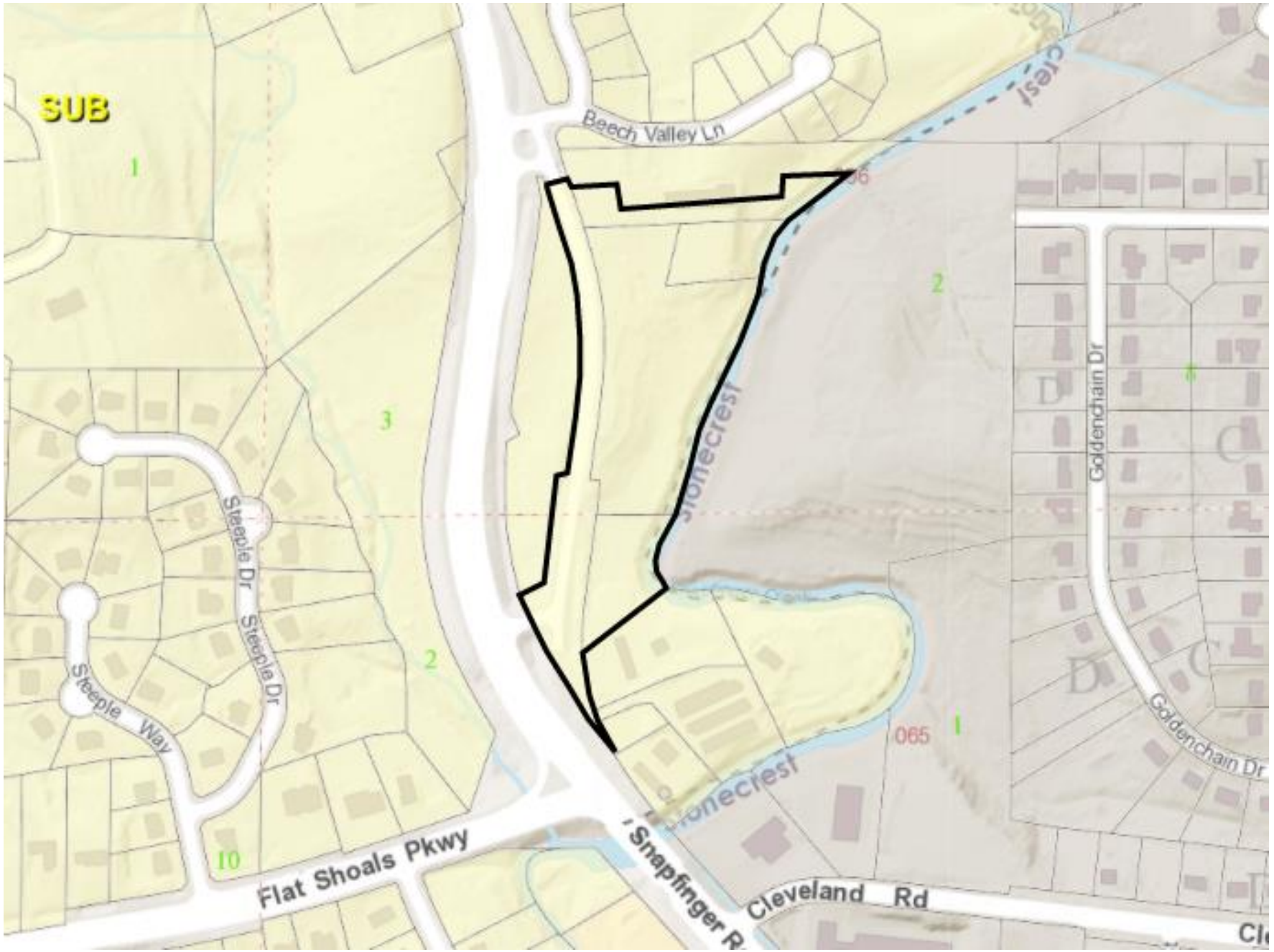
## Clubhouse/Kitchen
## Dinning Garden
## Grand Lawn

temporary tent on grand lawn...

# N. 2 CZ-21-1244668 Zoning Map



# N. 2 CZ-21-1244668 Land Use Map



# N. 2 CZ-21-1244668

## Aerial View

# N. 2 CZ-21-1244668 Site Photos

View of Subject Property from Beech Valley Lane

# N. 2 CZ-21-1244668 Site Photos

**View of Subject Property from Southern Entrance Point**