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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of KBD Development c/o Battle Law, P.C. to rezone from Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of R-100 & C-1 to Bouldercrest Overlay District Tier 3 & Soapstone Historic District with underlying zoning of RSM district to allow for construction of single-family attached townhomes, at 2098 & 2021 Cedar Grove Road and 3345 Bouldercrest Road.

PETITION NO: D3-2023-0340 Z-23-1246390

PROPOSED USE: Single-family, attached townhomes.

LOCATION: 2098 & 2124 Cedar Grove Road, Conley, GA 30288 and 3345 Bouldercrest Road, Ellenwood , GA 30294.

PARCEL NO. : 15-021-01-010, 15-021-01-015, 15-021-01-016

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of KBD Development c/o Battle Law, P.C. to rezone from Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of R-100 & C-1 to Bouldercrest Overlay District Tier 3 & Soapstone Historic District with underlying zoning of RSM district to allow for construction of single-family attached townhomes. The property is located on the southwest side of Bouldercrest Road and the northwest side of Cedar Grove Road, at 3345 Bouldercrest Road, 2098 and 2124 Cedar Grove Road in Ellenwood, Georgia. The property has approximately 820 feet of frontage along Cedar Grove Road and 450 feet of frontage along Bouldercrest Road and contains 12.2 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (August 9, 2023) Two-cycle deferral. **(April 12, 2023)** Deferral.

PLANNING COMMISSION: Sept. 12, 2023) Pending. **(May 2, 2023)** Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: This request was deferred from the May 25th, 2023 Board of Commissioners (BOC) meeting. Based on the submitted information, the SLUP proposal to allow townhomes within Tier 3 of the Bouldercrest Overlay District with a density of 7.29 units per acre is generally consistent with the Suburban (SUB) and Neighborhood Center (NC) Character Areas calling for the protection of established residential areas at densities up to eight units per acre. There is also a companion request for a rezoning t an underlying zoning of RSM within Tier 3 of the Bouldercrest Overlay District to allow townhomes (see case Z-23-1246390). The proposed townhomes appear to be an appropriate transitional land use between the commercial zoning around the Bouldercrest Rd/Cedar Grove intersection and the single-family detached subdivision (Smithfield Grove) to the north. A stream, 20-foot undisturbed transitional buffer, and a 100-year floodplain separate the proposed townhome development from that single-family subdivision. Additionally, the plan prefers four pocket parks and two open courtyards with convenient pedestrian and vehicular connectivity throughout the project. Therefore, it appears that the request is compatible with surrounding uses and is consistent with the policies and strategies of the SUB Character Area to protect established single-family neighborhoods. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The County Transportation Department has provided infrastructure requirements relating

to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached). While the proposed land use, transitional buffers, pocket parks, and open space appears to be compatible with the surrounding area, the Conceptual Plan will need to be redesigned to comply with Section 3.39.6.C.9.a of the Zoning Ordinance which requires that all townhome developments must be accessed from the rear via a private alley or private drive. This rear access requirement would be in addition to providing street access within the entire project site which comply with public right-of-way standards. Additionally, the following information needs to be provided to demonstrate compliance with Tier 3 BOD requirements in order to confirm that the zoning proposal is compatible with adjacent and surrounding properties: 1. The proposed units on the plan need to indicate which are fee-simple, stand-alone lots (i.e., lot lines extending beyond the building envelope) and which ones will be in a condominium ownership arrangement so that zoning compliance can be confirmed. 2. The applicant needs to provide tabular data showing the square footage of the proposed guest parking areas and proposed driveways so that the Floor Area Ratio (FAR) of the project can be reviewed for compliance (Max FAR allowed is 1.0) 3. For units 27 – 29 verify compliance with the required 20- foot side yard setback No new information has been submitted since the May 25th, 2023 BOC meeting to address the aforementioned deficiencies. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Denied".

PLANNING COMMISSION VOTE: (September 12, 2023) Pending. (May 2, 2023) Full Cycle Deferral 6-1-0. Deanna Murphy moved, Jan Costello seconded for a Full Cycle Deferral to the July 2023 zoning agenda, per Staff recommendation. Tess Snipes opposed; Vivian Moore was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (August 9, 2023) Two-cycle deferral 6-0-0. (April 12, 2023) Deferral 6-0-0. The Council recommended deferral to allow more time for the applicant and community to meet again to see if a revised plan and consensus could be reached. Many members of the surrounding community were concerned this application would set a precedent for townhomes up and down Bouldercrest Road and would create traffic impacts that existing transportation infrastructure could not handle.

DeKalb County
GEORGIA

Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

178 Sams Street, Suite 3600
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: September 12, 2023
Board of Commissioners Hearing Date: September 28, 2023

STAFF ANALYSIS

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Case No.:	2023-0340	**Agenda #:** D3
Location/ Address:	The southwest side of Bouldercrest Road and the northwest side of Cedar Grove Road at 3345 Bouldercrest Road and 2098 and 2124 Cedar Grove Road in Ellenwood, Georgia.	Commission District: 3 Super District: 6
Parcel ID:	15-021-01-010, 15-021-01-015,15-021-01-016	
Request:	To rezone properties from Bouldercrest Overlay District Tier 3 & Soapstone Historic District with underlying zoning of R-100 (Residential Medium Lot) & C-1 (Local Commercial) to Bouldercrest Overlay District Tier 3 with underlying zoning district of RSM (Residential Small Lot Mix) to allow for the construction of single-family attached townhomes.	
Property Owner:	Bouldercrest Holdings, LLC	
Applicant/Agent:	KBD Development c/o Battle Law P.C.	
Acreage:	12.2	
Existing Land Use:	Vacant Land	
Surrounding Properties:	Commercial and Single-Family Residential	
Adjacent Zoning:	**North:** Bouldercrest Overlay Tier 3/R-100 **South:** Bouldercrest Overlay Tier 3/R-100 **East:** MR-2 **West:** C-1 & HR-3	
Comprehensive Plan:	SUB (Suburban) & NC (Neighborhood Center)	**Consistent** ☐ **Inconsistent** ☐

Proposed Density: 8 du/acre
Existing Density: NA
Proposed Units/Square Ft.: 89 single-family attached townhomes
Existing Units/Square Feet: Vacant
Proposed Lot Coverage: NA
Existing Lot Coverage: NA

STAFF RECOMMENDATION: DENIAL

This request was deferred from the May 25, 2023 Board of Commissioners meeting. Based on the submitted information, the RSM zoning proposal within Tier 3 of the Bouldercrest Overlay District with a density of 7.29 units per acre is *generally* consistent with the Suburban (SUB) and Neighborhood Center (NC) Character Areas calling for protection of established residential neighborhood at densities up to eight units per acre. There is also a companion request for a Special Land Use Permit (SLUP) to allow townhomes within the Tier 3 of the Bouldercrest Overlay District (see case SLUP 23 1246391). The proposed townhomes appear to be an appropriate transitional land use between the commercial zoning around the Bouldercrest Rd/Cedar Grove intersection and the single-family detached subdivision (Smithfield Grove) to the north. A stream, 20-foot undisturbed transitional buffer, and a 100-year floodplain separate the proposed townhome development from that single-family subdivision. Additionally the plan profers four pocket parks and two open courtyards with convenient pedestrian and vehicular connectivity throughout the project. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The County Transportation Department has provided infrastructure requirements relating to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached). Therefore it appears that the request is compatible with surrounding uses.

While the proposed land use, transitional buffers, pocket parks, and open space appears to be compatible with the surrounding area, the Conceptual Plan will need to be redesigned to comply with Section 3.39.6.C.9.a of the *Zoning Ordinance* which requires that all townhome developments must be accessed from the rear via a private alley or private drive. This rear access requirement would be in addition to providing street access within the entire project site which comply with public right-of-way standards. Additionally, the following information needs to be provided to demonstrate compliance with Tier 3 BOD requirements in order to confirm that the zoning proposal is compatible with adjacent and surrounding properties:

1. The proposed units on the plan need to indicate which are fee-simple, stand-alone lots (i.e. lot lines extending beyond the building envelope) and which ones will be in a condominium ownership arrangement so that zoning compliance can be confirmed.
2. The applicant needs to provide tabular data showing the square footage of the proposed guest parking areas and proposed driveways so that the Floor Area Ratio (FAR) of the project can be reviewed for compliance (Max FAR allowed is 1.0)
3. For units 27 – 29 verify compliance with the required 20- foot side yard setback

No new information has been submitted since the May 25th, 2023 BOC meeting to address the aforementioned deficiencies. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Denied".

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: ***PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO***
RACHEL BRAGG RLBRAGG@DEKALBCOUNTYGA.GOV OR
JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: _____

Parcel I.D. #: _____

Address: _____

_____

_____

WATER:

Size of existing water main: _____**(adequate/inadequate)**

Distance from property to nearest main: _____

Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

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

Water Treatment Facility: _____**() adequate ( ) inadequate**

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

COMMENTS:

Signature: _____

DEKALB COUNTY

Board of Health

4/14/2023

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager

Cc: Alan Gaines, Environmental Health Deputy Director

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 operation or swimming pool 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.

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

N1 2023-0334 **SLUP 23-1246378**

16-183-02-003, 16-202-02-005

4449 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments.
- Note: There are several properties of septic in this area.

N2 2020-0335 **Z-23-1246378**

16-183-02-003, 16-202-02-005

8361 & 8637 Covington Highway, Lithonia, GA 30058

- Please review general comments.

N3 2023-0335 **SLUP 23-1246382**

18-053-02-036

1500 North Decatur Road, Atlanta, GA 30306

- Please review general comments.

N4 2023-0337 **CZ 23-1246383**

18-103-03-017, 18-103-03-018

1799 & 1805 Clairmont Road, Decatur, GA 30033

- Please review general comments.
- Our record indicates a septic system installed on surrounding property at 1788 Clairmont. No record in our office for 1799 or 1805 Clairmont Road. This property may have a septic system.

N5 2023-0338 **Z -23-1246384**

15-053-03-001, 15-044-09-030

2001 River Road & 2938 Bouldercrest Road, Ellenwood, GA 30394

- Please review general comments.
- Note: Septic system indicated on surrounding areas.

N6 2023-0339 **SLUP 23-1246386**

15-200-02-040 15-200-02-040

3507 Memorial Drive, Decatur, GA 30032

- Please review general comments.
- This establishment should contact Health Department Division of Environmental Health

N7 2023-0340 **Z 23-1246390**

15-021-01-010, 15-021-02-015, 15-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

N8 2023-0341 **SLUP 23-1246391**

15-021-01-010, 15-021--01-015, 15-021-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

N9 2023-0342 **Z-23-1246379**

15-201-01-010

1439 Conway Road, Decatur, GA 30030

- Please review general comments

DeKalb County
GEORGIA

Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

Zoning Comments – April 2023

N1. 4449 Rockbridge Road - Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Watch required driveway spacing in Code Section 14-200(6).

N2. 8361 Covington Hwy/8367 Covington Hwy - Stonecrest Overlay District Tier 1. Covington Hwy is classified as a major arterial. (This section is not a state route.) Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Please provide sheet C-112 (as referenced) for the ROW improvements.

N3. 1526 North Decatur Road - Within the Druid Hills Historic District. North Decatur Road is a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path (dependent on Historic District Review). No poles may remain within the limits of the path. Requires pedestrian scale streetlights of the historic district street lighting standard. (hefowler@dekalbcountyga.gov)

N4. 1799/1805 Clairmont Road - Clairmont Road is SR 155. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov) GDOT Right of way AND Signal upgrade permits required. Upgrade pedestrian signal head/crosswalks at the signalized intersection. Clairmont Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

N5. 2001 River Road - Project within the Bouldercrest Overlay District Tier Corr 1. Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) River Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Old Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Old River Road is classified as a local residential road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

DeKalb County
GEORGIA

N6. 3507 Memorial Drive - Memorial Drive a state route. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Connect sidewalks in front of outparcels, as right of way allows. Coordinate with the Transportation Division.

N7. & N8. 3345 Bouldercrest Rd/2098 Cedar Grove Road - Bouldercrest overlay Dist. Tier 3. Soapstone Hist District (2098). Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Cedar Grove Road is classified as a Minor Arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Extend sidewalks to Clark Street, as right of way allows. Coordinate with the Transportation Division. Relocate guest parking away from Bouldercrest Road to reduce conflicts with entering/exiting space, driveway, and Bouldercrest Rd.

N9. 1439 Conway Drive - Conway Drive is classified as a local road. Extend road along property frontages. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

DeKalb County School District
Development Review Comments

Analysis Date: 4/13/2023

Submitted to: DeKalb County

Case #: Z-23-124390
Parcel #: 15-021-01-010/-015/-016

Name of Development: Bouldercrest Rd @ Cedar Grove Rd
Location: 2098 & 2124 Cedar Grove Road, 3345 Bouldercrest Rd

Description: Three single-family parcels proposed to be redeveloped into 94 attached units.

Impact of Development: When the units are fully constructed, this development would be expected to generate 37 students: 8 at Cedar Grove Elementary School, 12 at Cedar Grove Middle School, 11 at Cedar Grove High School, 6 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Cedar Grove Elementary School	Cedar Grove Middle School	Cedar Grove High School	Other DCSD Schools	Private Schools	Total
Capacity	672	1,290	1,271			
Portables	0	0	0			
Enrollment (Oct. 2022)	553	780	1,126			
Seats Available	119	510	145			
Utilization (%)	82.3%	60.5%	88.6%			
New students from development	8	12	11	6	0	37
New Enrollment	561	792	1,137			
New Seats Available	111	498	134			
New Utilization	83.5%	61.4%	89.5%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0868	0.0385	0.0014	0.1267
Middle	0.1309	0.0114	0.0028	0.1451
High	0.1124	0.0100	0.0014	0.1238
Total	**0.3301**	**0.0598**	**0.0057**	**0.3956**

Student Calculations

Proposed Units	94
Unit Type	TH
Cluster	Cedar Grove High School

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	8.16	3.62	0.13	11.91
Middle	12.30	1.07	0.27	13.64
High	10.57	0.94	0.13	11.64
Total	**31.03**	**5.63**	**0.53**	**37.19**

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Cedar Grove Elementary School	8	4	0	12
Cedar Grove Middle School	12	1	0	13
Cedar Grove High School	11	1	0	12
Total	**31**	**6**	**0**	**37**

DeKalb County School District

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

N-7

NOTE: *PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO RACHEL BRAGG RLBRAGG@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV*

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

N-7-2023-0340

Case No.: Z-23-1246390 **Parcel I.D. #:** 15-021 01-010, 15-021 01-013, 15-021 01-016

Address: 2098 & 2124 Cedar Grove Road
3345 Bouldercrest Road
Ellenwood, Ga. 30294

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.

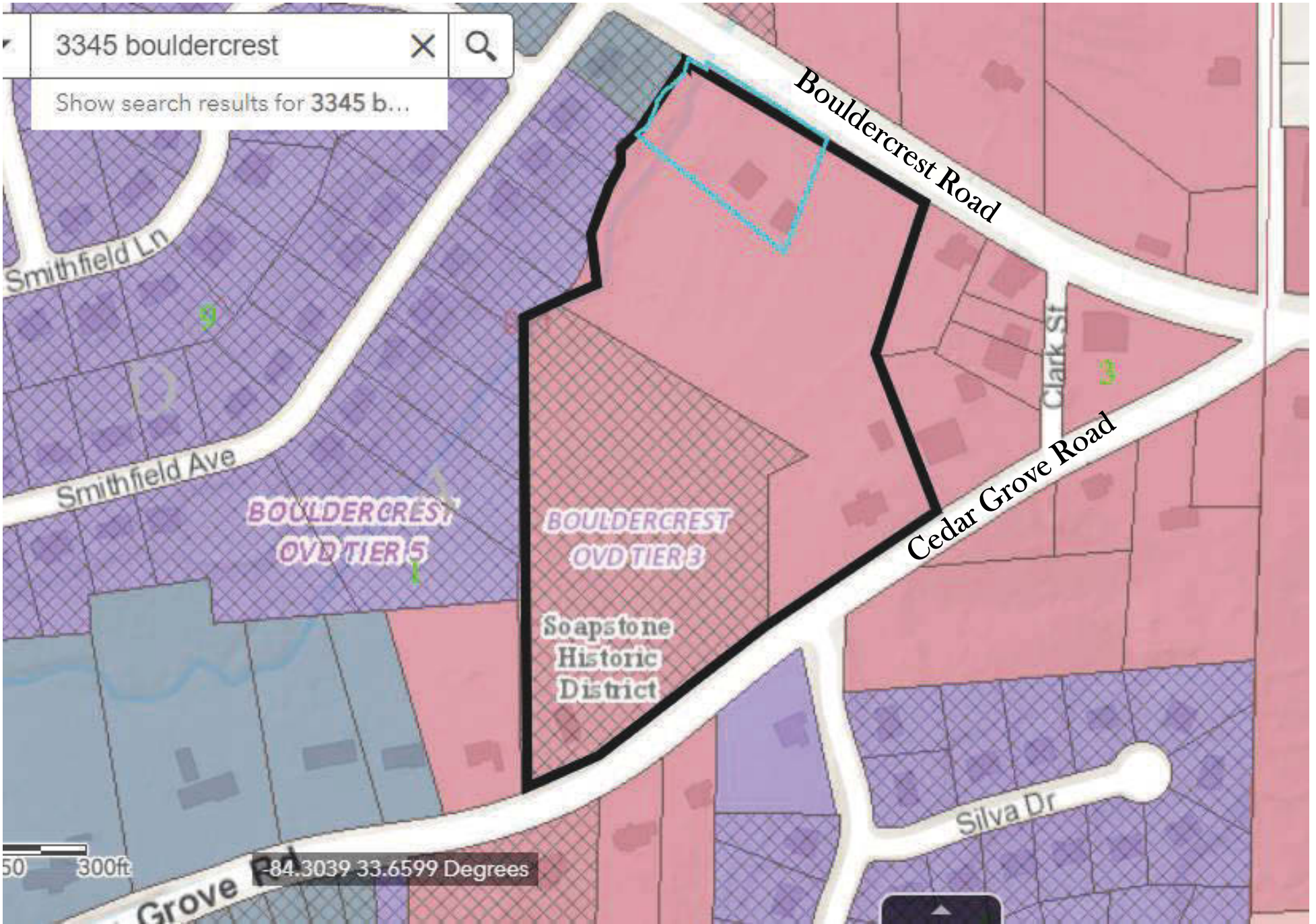
COMMENTS:

No Traffic Engineering concerns at this time.

Signature: _____

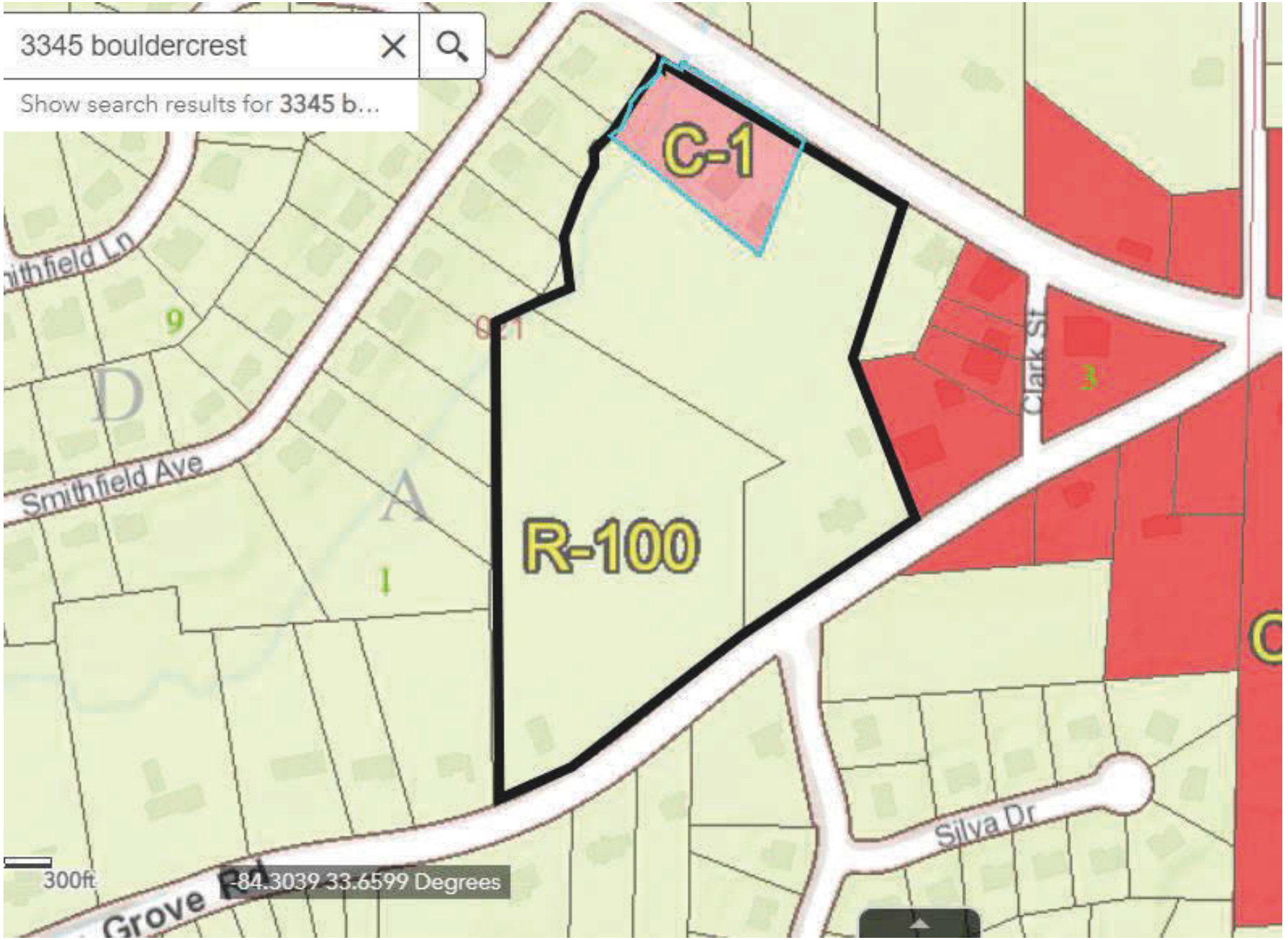
Z 23 1246390 & SLUP 23 1246391

ZONING MAP



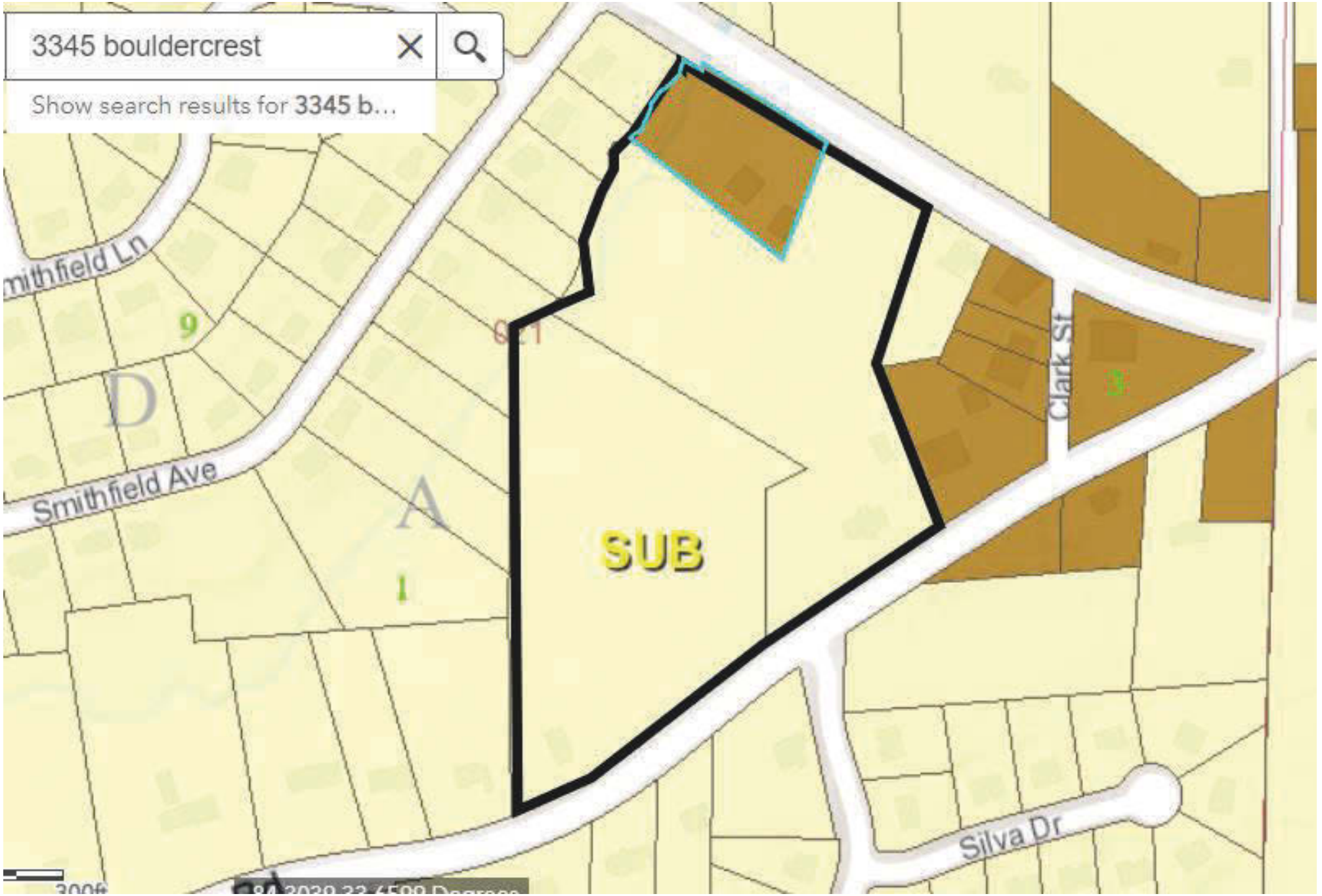
Z 23 1246390 & SLUP 23 1246391

ZONING MAP



Z 23 1246390 & SLUP 23 1246391

Land Use Map



Z 23 1246390 & SLUP 23 1246391

Aerial

Z 23 1246390 & SLUP 23 1246391

Site Plan

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

178 Sams Street
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONING APPLICATION CHECKLIST

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

_____ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre-Application form (**to be completed in pre-application meeting). Please call 404-371-2155 for appointment.

_____ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets).** Letter(s) from homeowners association(s) may also be provided.

_____3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

_____ **A. Application form** with name and address of applicant and owner, and address of subject property;

_____ B**. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;

_____**C. Letter of application and impact analysis**

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

_____ **D. Authorization Form,** if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.

_____ **E. Campaign disclosure statement** (required by State law).

_____ **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*

_____ G**. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:

____ a. complete boundaries of subject property;
____ b. dimensioned access points and vehicular circulation drives;
____ c. location of all existing and proposed buildings, structures, setbacks and parking;
____ d. location of 100 year floodplain and any streams;
____ e. notation of the total acreage or square footage of the subject property;
____ f. landscaping, tree removal and replacement, buffer(s); and
____ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

_____ **H. Reduced Site Plan**, reduced to 8.5" x 11".

_____ **I. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).

_____ **J. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

_____ **K. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

178 Sams Street
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received: _____ Application No: _____

Applicant Name: KBD Development c/o Battle Law P.C.

Applicant E-Mail Address: mlb@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake Tucker, Building J, Suite 100 , Georgia 30084

Applicant Daytime Phone: 404-601-7616 ex.8 Fax: N/A

Owner Name: Bouldercrest Holdings LLC
If more than one owner, attach list of owners.

Owner Mailing Address: P.O Box 20465 Atlanta , GA 30325

Owner Daytime Phone: _____

Address of Subject Property: * Please see attached

Parcel ID#: _____

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

Subject Properties:

3345 Bouldercrest Road, Dekalb County GA, 30294

Acreage- 1.15 acres

Parcel #-15 021 01 010

Land Lot- 21

Block-1

Parcel- 10

Commission District- 3

Current Zoning- C-1

Proposed Zoning- RSM

2098 Cedar Grove Road Conley, GA 30288

Acreage-5.57 acres

Parcel #- 15 021 01 016

Land Lot-21

Block-1

Commission District-3

Current Zoning- R-100

Proposed Zoning-RSM

Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to https://otago.zoom.us/join and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jnb@battlelawpc.com

Community Meeting to discuss Special Land Use application to allow for the development of Fee simple single family attached townhomes

Project Title: 2098 Cedar Grove Road

When: March 1st, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:
https://otago.zoom.us/join

Meeting ID: 822 5867 1251
Password: 313760

Proposed Location(s):
2098 & 2124 Cedar Grove Road and 3345 Boulder-crest Road

FREDRIKSEN STEVE J JR	9300 SE 157TH PL
BOULDERCREST HOLDINGS LLC	P O BOX 20465
JORDON TWILLA J	2004 CEDAR GROVE RD
CEDAR GROVE INVESTMENT HOLDING LLC	1833 LAWRENCEVILLE HWY
TATUM YVONNE	3306 BOULDERCREST RD
SHAW MARY ANN	303 TRAIL SPRINGS CT
FORTE SHANNON M	4165 OLD HOUSE DR
BOLDEN CAMILLE KUULEI	4185 OLD HOUSE DR
JOY JUANITA T EST PERS REP AND HEIRS	325 CHESTNUT RD
CARTER LINDA JOYCE	4150 OLD HOUSE DR
JONES SHUPIER	2144 SILVA DR
RNTR 2 LLC	3495 PIEDMONT RD NE BLDG/STE 11/300
PFIN II F LLC	6300 POWERS FERRY RD STE 600 142
SMITH CHERRY L	2136 SILVA WAY
BOOKMAN KEVIN PAUL	4050 SMITHFIELD TRL
REAMS VERLINDA N	4066 SMITHFIELD TRL
ROBINSON SAMUEL	1991 SMITHFIELD AVE
MITCHELL TIFFANY C	5672 REYNARD TRL
GREEN SUSIE M	3993 SMITHFIELD LN
DENT ELLIE GLENN	3435 BOULDERCREST RD
JOHNSON DARRYL	PO BOX 144
DOMAIN INVESTMENTS LLC	950 EAGLES LANDING PKWY STE 487
AKG FUTURE INVESTMENT INC	562 CASCADE DR
DRB GROUP GEORGIA LLC	160 WHITNEY ST
BURRELL EARL GORDON	2107 CEDAR GROVE RD
DOWORG NETWORKS LLC	3046 MILLER RD
WEST ADRIANE	2150 SILVA DR
FLOWERS RICKEY	4184 OLD HOUSE DR
CARSON MARTY D	2134 SILVA CT
WILLIAMS NAAMA ROZIANE	2133 SILVA CT
NEXPOINT SFR SPE 3 LLC	8615 CLIFF CAMERON DR STE 200
GIDDENS DAMIYON	4058 SMITHFIELD TRL
THOMAS LARRY	4048 SMITHFIELD LN
GILL STEPHEN B	4077 SMITHFIELD LN
HOLNESS HA WON SHIN	1983 SMITHFIELD AVE
FLETCHER JOHN W	4069 SMITHFIELD LN
LOPEZ LIDIA ILLESCAS	4054 CEDAR GROVE PL
HARRIS ROBERT	3451 BOULDERCREST RD
WRIGHT ALEXIS	2036 CEDAR GROVE RD
LEE NAN-HSIUNG	2020 CEDAR GROVE RD
HOLLAND BOBBY D	1992 SMITHFIELD AVE
ERVIN MICHAEL LANCE	1966 SMITHFIELD AVE
LYONS ILINA	2085 CEDAR GROVE RD
ROBBINS JAMES	2097 CEDAR GROVE RD
WATTERS LINZY	4195 OLD HOUSE DR
INGS JEROME F	4221 OLD HOUSE DR
SAFARI ONE ASSET COMPANY LLC	5001 PLAZA ON THE LAKE STE 200

SMITH SAMUEL D	2132 SILVA DR
ELLIS THOMAS JR	2152 SILVA CT
SMITH TREASA L	2151 SILVA CT
JACKSON DONNIE T	4000 SMITHFIELD LN
TYNER MARLON D	4083 SMITHFIELD TRL
HENDRIX GRADY L	4064 SMITHFIELD LN
MILE HIGH BORROWER 1 VALUE LLC	PO BOX 4090
CARTER REBECCA	1959 SMITHFIELD AVE
TRUSTEES OF CEDAR GROVE UNITED	3430 BOULDERCREST RD
NICHOLSON DERRICK T	4060 CEDAR GROVE PL
THOMAS EDWARD L	P.O. BOX 963
BOULDERCREST HOLDINGS LLC	P O BOX 20465
CARHUAMACA MARIO HINOSTROZA	2008 SMITHFIELD AVE
TATUM YVONNE	3306 BOULDERCREST RD
GEORGIA CUMBERLAND ASSOCITION OF	P.O. BOX 12000
FREEMAN ERIK	4175 OLD HOUSE DR
SIMMONS ELLIS	4698 TARA WOODS WAY
TIGER REVOCABLE TRUST	2137 SILVA DR
BEMBRY LINDA V	2124 SILVA CT
SHACK DARRELL	2147 SILVA CT
HOLLAND MARK	4042 SMITHFIELD TRL
GROSS DAVETA	4056 SMITHFIELD LN
RESICAP GEORGIA OWNER II LLC	3630 PEACHTREE RD NE
ANDREWS ANGELA A	4001 SMITHFIELD LN
JEWELL CLARA J	4047 SMITHFIELD LN
TRUSTEES OF CEDAR GROVE UNITED	3420 BOULDERCREST RD
JACKSON TERRY A	4018 CEDAR GROVE PL
RS RENTAL II LLC	31 HUDSON YARDS
PARKS ROBYN	1982 SMITHFIELD AVE
SINCLAIR DAVID A JR	1974 SMITHFIELD AVE
AKG FUTURE INVESTMENT INC	562 CASCADE DR
BLACK JAMES H	2065 CEDAR GROVE RD
DRB GROUP GEORGIA LLC	2099 GAITHER RD STE 600
TURNER DONNA U	4205 OLD HOUSE DR
HAMILTON BRITTNEY N	4215 OLD HOUSE DR
FISHER FELICIA	4160 OLD HOUSE DR
BAILEY MAURICE	2138 SILVA DR
DANIELS APRIL	2140 SILVA CT
BAF 3 LLC	5001 PLAZA ON THE LK STE 200
LOVE STACEY M	4075 SMITHFIELD TRL
A TO Z MANAGEMENT LLC	P O BOX 370189
JORDAN SHANNA D	1967 SMITHFIELD AVE
HANDS OF FAITH DELIVERANCE CENTER	8512 N POND DR
TRUSTEES OF CEDAR GROVE UNITED	3430 BOULDERCREST RD
SMITH JEANINE S	3431 BOULDERCREST RD
CARPENTER ERIC W	4034 CEDAR GROVE PL
PROGRESS RESIDENTIAL BORROWER 18 LLC	P O BOX 4090

FRAZIER BELINDA	2000 SMITHFIELD AVE
OLYMPUS BORROWER 1 LLC	P O BOX 4090
AKG FUTURE INVESTMENT INC	562 CASCADE DR
CJ SCHMIDT HOLDINGS LLC	2639 BRICKELL SQ
DRB GROUP GEORGIA LLC	2099 GAITHER RD STE 600
DRB GROUP GEORGIA LLC	160 WHITNEY ST
CURRIE ANTHONY W	2110 SILVA CT
MERCHARLES CARLO	2128 SILVA CT
TRUE NORTH PROPERTY OWNER B LLC	PO BOX 4090
SILVA COURT LLC	100 GLENDALOUGH CT D2
FIFE JOHN ERIC	4044 SMITHFIELD LN
PORTRESS ANTHONY	4052 SMITHFIELD LN
WILSON JEFFREY	1445 WOODMONT LN # 4403
SMITHFIELD LLC	200 MISTLETOE RD
SENIOR LEORA M	2171 BARBARA LN
BOULDERCREST HOLDINGS LLC	P O BOX 20465
REINIER GOMEZ	3375 BOULDERCREST RD
USHER DWIGHT ANTOINE	2058 SMITHFIELD AVE
TAH 2017 1 BORROWER LLC	1508 BROOKHOLLOW DR
WARKA INVESTMENTS LLC	3619 WALNUT CREEK WAY
AKG FUTURE INVESTMENT INC	562 CASCADE DR
BUILDERS PROFESSIONAL GROUP LLC	160 WHITNEY ST
MULLEN JIMMIE J	PO BOX 563
FERGUSON ERICA S	2131 SILVA DR
BELL WILLIE FRANK JR	2117 SILVA DR
BOOKER MARILYN V	2121 SILVA CT
COX MEOCHE	2128 SILVA WAY
NOLTON LAYONDRA EVONNE	4088 SMITHFIELD TRL
HUTCHERSON CAROL E	4036 SMITHFIELD LN
BRUNSON JACKSON SHELIA	2023 SMITHFIELD AVE
WHITE CEOLA R	2007 SMITHFIELD AVE
KING KEONKA M	4009 SMITHFIELD LN
JOHNSON DONNA	4025 SMITHFIELD LN
BANKS DEXTER B	4035 SMITHFIELD LN
ROYAL GRAHAM	4008 CEDAR GROVE PL
RUCKER RICKY	2170 BARBARA LN
OMODELE AYODELE A	4203 CLARK ST
FREDRIKSEN STEPHEN J JR	9300 SE 157TH PL
MEADOWS DAVID	2048 SMITHFIELD AVE
MIMS CELESTE RENEE	2032 SMITHFIELD AVE
AXOM ENTERPRISES LLC	PO BOX 433
THOMAS EDWARD L	P.O. BOX 963
NALL EZELL	2125 SILVA DR
HARRIS BROWN CYDRENA YVONNE	2111 SILVA DR
HARKNESS TRACY	2109 SILVA CT
CUNEGIN DONALD	2116 SILVA WAY
BESEBEDA LLC	950 EAGLES LANDING PKWY # 487

OWENS ELENTEE	4028 SMITHFIELD LN
TAH MS 2 BORROWER LLC	1508 BROOKHOLLOW DR
CERRIO DONNA	2015 SMITHFIELD AVE
THOMAS KERON O	4017 SMITHFIELD LN
WILLIAMS GLORIA	4029 SMITHFIELD LN
FKH SFR PROPCO B HLD LP	1850 PARKWAY PL STE 900

SUMMERFIELD FL 34491
ATLANTA GA 30325
CONLEY GA 30288
DECATUR GA 30033
ELLENWOOD GA 30294
MCDONOUGH GA 30253
CONLEY GA 30288
CONLEY GA 30288
COVINGTON GA 30016
CONLEY GA 30288
CONLEY GA 30288
ATLANTA GA 30305
ATLANTA GA 30339
CONLEY GA 30288
ELLENWOOD GA 30294
ELLENWOOD GA 30294
ELLENWOOD GA 30294
LITHONIA GA 30038
ELLENWOOD GA 30294
CONLEY GA 30288
CONLEY GA 30288
STOCKBRIDGE GA 30281
LILBURN GA 30047
FAYETTEVILLE GA 30214
ATLANTA GA 30310
LITHONIA GA 30038
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
CHARLOTTE NC 28269
ELLENWOOD GA 30294
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ELLENWOOD GA 30294
ELLENWOOD GA 30294
CONLEY GA 30288
CONLEY GA 30280
CONLEY GA 30288
ELLENWOOD GA 30294
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CONLEY GA 30288
CONLEY GA 30288
AUSTIN TX 78746

CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
ELLENWOOD GA 30294
ELLENWOOD GA 30294
ELLENWOOD GA 30294
SCOTTSDALE AZ 85261
ELLENWOOD GA 30294
CONLEY GA 30288
ELLENWOOD GA 30294
REX GA 30273
ATLANTA GA 30325
ELLENWOOD GA 30294
ELLENWOOD GA 30294
CALHOUN GA 30703
CONLEY GA 30288
ELLENWOOD GA 30294
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
ELLENWOOD GA 30294
ELLENWOOD GA 30294
ATLANTA GA 30326
ELLENWOOD GA 30294
ELLENWOOD GA 30294
CONLEY GA 30288
ELLENWOOD GA 30294
NEW YORK NY 10001
ELLENWOOD GA 30294
ELLENWOOD GA 30294
LILBURN GA 30047
CONLEY GA 30288
ROCKVILLE MD 20850
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
AUSTIN TX 78746
ELLENWOOD GA 30294
DECATUR GA 30037
ELLENWOOD GA 30294
RIVERDALE GA 30274
CONLEY GA 30288
CONLEY GA 30288
ELLENWOOD GA 30294
SCOTTSDALE AZ 85261

ELLENWOOD GA 30294
SCOTTSDALE AZ 85261
LILBURN GA 30047
ATLANTA GA 30341
ROCKVILLE MD 20850
FAYETTEVILLE GA 30214
CONLEY GA 30288
CONLEY GA 30288
SCOTTSDALE AZ 85261
TYRONE GA 30290
ELLENWOOD GA 30294
ELLENWOOD GA 30294
ATLANTA GA 30318
LOS GATOS CA 95032
ELLENWOOD GA 30294
ATLANTA GA 30325
ELLENWOOD GA 30294
ELLENWOOD GA 30294
SANTA ANA CA 92705
LITHONIA GA 30038
LILBURN GA 30047
FAYETTEVILLE GA 30214
STOCKBRIDGE GA 30281
CONLEY GA 30288
CONLEY GA 30288
CUMMING GA 30028
CONLEY GA 30288
ELLENWOOD GA 30294
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ELLENWOOD GA 30294
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ELLENWOOD GA 30294
CONLEY GA 30288
SUMMERFIELD FL 34491
ELLENWOOD GA 30294
ELLENWOOD GA 30294
LITHONIA GA 30058
REX GA 30273
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
CONLEY GA 30288
STOCKBRIDGE GA 30281

ELLENWOOD GA 30294
SANTA ANA CA 92705
ELLENWOOD GA 30294
ELLENWOOD GA 30294
ELLENWOOD GA 30294
MARIETTA GA 30067

First Name	Last Name	Email
AW		alexis.wright@outlook.com
Verlinda	Reams	verlinda.reams@yahoo.com
R		rmariephotos@gmail.com
Delois Robinson		Delois10@yahoo.com
Calvin		cmcholdingsandinvestments@gmail.com
Mj Tatum		melissa30312@gmail.com
Chad Lambeth		clambeth@pec.plus
Michele	Battle	mlb@battlelawpc.com
Chris	Davis	chris.davis294@gmail.com
Mya king		Myacking@Gmail.com
Brandon Woods		Brandon@edgelineatl.com

2124 Cedar Grove Road Conley, GA 30288

Acreage-5.50 acres

Parcel #-15 021 01 015

Land Lot-21

Block -1

Commission District-3

Current Zoning- R-100

Proposed Zoning-RSM

2124 Cedar Grove Road Conley, GA 30288

Acreage-5.50 acres

Parcel #-15 021 01 015

Land Lot-21

Block -1

Commission District-3

Current Rezoning- R-100

Proposed Zoning-RSM

Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning from R-100 and C-1 to RSM and a Special Land Use Permit
To Allow Townhomes

of

KBD DEVELOPMENT
c/o Battle Law, P.C.

for

+/-12.22 Acres of Land
Being 3345 Bouldercrest Road, and 2098, 2124 Cedar Grove Road
DeKalb County, Georgia and
Parcel Nos. 15 021 01 016, 15 021 01 015, 15 021 01 010

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

Battle Law

I. LETTER OF INTENT

KBD Development (the "Applicant") is seeking to develop on +/- 12.22 acres of land being Tax Parcel No. 15 021 01 016, 15 021 01 015, 15 021 01 010 having frontage on 3345 Bouldercrest Road, and 2098, 2124 Cedar Grove Road (the "Subject Property") with 94 single family attached townhomes on private right of way. The Applicant is seeking a Rezoning from R-100 and C-1 to RSM and a Special Land Use Permit of the Subject Property.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. REZONING CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future land use map shows that the Subject Property has Suburban and Neighborhood Commercial future land use designations. Both future land use designations permit the RSM zoning district, which in turn permits the single family attached townhomes. Therefore, the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. The Subject Property is near the corner of Bouldercrest Road and Cedar Grove Road where a significant commercial node exists. The zoning proposal would allow for a transition from that commercial node into the less intense residential uses that abut the Subject Property. A transition from the commercial node to less intense residential by way of a moderately intense residential use is a common practice that helps to support the nearby businesses with additional rooftops and protect the less intense, single-family detached homes from commercial encroachment. In fact, this zoning proposal would remedy this very issue. One parcel that is part of the zoning proposal is zoned C-1 and being used as a motorcycle bar. This parcel immediately abuts property zoned R-100 that is being used for a single-family detached home. The zoning proposal would remove the motorcycle bar and buffer the existing residential subdivision from the proposed townhomes. This, in turn, would provide much needed protection for the single family homes from the existing commercial and the proposed townhomes. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

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

The Subject Property does not have a reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The zoning proposal will only affect those properties included in the application. The commercial properties to the east will not be adversely affected by the townhomes. In fact, they might benefit from the additional customers that can take advantage of the nearby businesses. The single-family detached homes to the west and northwest will not be adversely affected as there will be a significant buffer between the townhomes and the existing single-family detached homes. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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

The Applicant is not aware of other existing or changing conditions affecting the use and development of the Subject Property which give supporting grounds for either approval or disapproval of the zoning proposal.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. One parcel that is part of the zoning proposal lies within the Soapstone Historic Overlay District. The Applicant will complete all due diligence required by the County to ensure that no sensitive historic artifacts are on the Subject Property. If there are, then the Applicant will satisfy all County requirements to protect those assets. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

G. 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; and

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal is for 94 single-family attached townhomes. So, any traffic impact will be low. Thus, there will not be an excessive or burdensome use of existing streets. Additionally, there are two bus stops nearby for residents to take advantage of. However, with the number of units proposed, there will not be an excessive or burdensome use of transportation facilities. Lastly, there will not be an excessive or burdensome use of schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The zoning proposal will not adversely impact the environment or surrounding natural resources. The zoning proposal will result in some trees being cut down, but any development would require the same. While there is a stream that runs along the northwest portion of the property, along with some flood plain, the development will stay away from that area. The stream will be protected by following the County's code for streams and stream buffers. Therefore, the zoning proposal will not adversely impact the environment or surrounding natural resources.

III. SPECIAL LAND USE PERMIT CRITERIA

A. *Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;*

The size of the site is adequate for the proposed use. The zoning proposal will satisfy all County requirements for yards, open space, off-street parking, and all other applicable requirements of the RSM zoning district.

B. *Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use;*

The zoning proposal will permit a use that is compatible with adjacent and nearby property or properties and the zoning proposal will not create an adverse impact on any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration. The Subject Property is near the corner of Bouldercrest Road and Cedar Grove Road where a significant commercial node exists. The zoning proposal would allow for a transition from that commercial node into the less intense residential uses that abut the Subject Property. A transition from the commercial node to less intense residential by way of a moderately intense residential use is a common practice that helps to support the nearby businesses with additional rooftops and protect the less intense, single-family detached homes from commercial encroachment. In fact, this zoning proposal would remedy this very issue. One parcel that is part of the zoning proposal is zoned C-1 and being used as a motorcycle bar. This parcel immediately abuts property zoned R-100 that is being used for a single-family detached home. The zoning proposal would remove the motorcycle bar and buffer the existing residential subdivision from the proposed townhomes. This, in turn, would provide much needed protection for the single family homes from the existing commercial and the proposed townhomes. Therefore, The zoning proposal will permit a use that is compatible with adjacent and nearby property or properties.

Additionally, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The zoning proposal will have some, but a minimal, impact on traffic, and will not create any odor, dust, vibration, or any other issues that could adversely impact the surrounding properties.

Therefore, the zoning proposal will permit a use that is compatible with adjacent and nearby property or properties and the zoning proposal will not create an adverse impact on any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration.

C. *Adequacy of public services, public facilities, and utilities to serve the use contemplated;*

There are adequate public services, facilities, and utilities to serve the contemplated use.

D. *Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;*

The public street on which the use is proposed to be located is adequate and there is sufficient traffic carrying capacity for the use proposed. The Subject Property fronts on two arterial streets. Bouldercrest Road is classified as a Major Arterial, while Cedar Grove Road is classified as a Minor Arterial. Thus, there is plenty of carrying capacity on the abutting roadways.

E. *Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.*

There is adequate ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon. There are two points of ingress/egress to the Subject Property. One point is off Bouldercrest Road and the other is off Cedar Grove Road. The Subject Property is laid out to allow the flow of traffic through the proposed community so that residents can enter or exit from either ingress/egress point.

F. *Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;*

The proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The proposed use is residential whereas the surrounding properties are either residential or commercial. The proposed residential use will not have any "hours of operation." Therefore, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation.

G. *Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;*

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. The use is residential. The property owners will use the land merely for residential purposes.

H. *Whether or not the proposed use is consistent with, advances, conflicts, or detracts from the policies of the Comprehensive Plan;*

The proposed use is consistent with and advances the policies of the Comprehensive Plan. The future land use map shows that the Subject Property has Suburban and Neighborhood Commercial future land use designations. Both future land use designations permit the RSM zoning district, which in turn permits the single family attached townhomes.

Additionally, the zoning proposal reserves space for public pocket parks. This serves to create a open green space for the community to enjoy.

I. Whether or not there is adequate provision of refuse and service areas;

There is adequate provision of refuse and service areas.

J. Whether the length of time for which the special land use permit is granted should be limited in duration;

The length of time for which the special land use permit is granted should not be limited in duration. The Applicant intends to develop this site for property owners to purchase homes. If the Special Land Use Permit were to expire, the property would suddenly become non-conforming and the property owners would bear that burden at no fault of their own.

K. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings;

The size, scale, and massing of proposed buildings is appropriate in relation to the size of the Subject Property and in relation to the size, scale, and massing of the adjacent and nearby lots and buildings.

L. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. One parcel that is part of the zoning proposal lies within the Soapstone Historic Overlay District. The Applicant will complete all due diligence required by the County to ensure that no sensitive historic artifacts are on the Subject Property. If there are, then the Applicant will satisfy all County requirements to protect those assets. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

M. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

The proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

N. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, as expressed and evidenced during the review process.

The proposed use is consistent with the needs of the neighborhood or the community as a whole. The zoning proposal will allow for additional consumers to frequent the nearby businesses, it will provide a public pocket park for the community to enjoy, and the zoning proposal will provide for additional housing to combat the ongoing housing crisis.

IV. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the applications for a Rezoning from R-100 and C-1 to RSM and Special Land Use Permit be approved. The Applicant welcomes any questions and feedback from the planning staff.

V. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

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 the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and 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 would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of 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 irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone 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 Rezoning or Special Land Use Permit 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 an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or Rezoning and Special Land Use Permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Rezoning and Special Land Use Permit in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification 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 this unconstitutional land use designation and/or zoning classification 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 Fulton 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.

Michele L. Battle, Esq.
Attorney for the Applicant

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

178 Sams Street
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: 03/08/2023

TO WHOM IT MAY CONCERN:

(I) (WE) Bouldercrest Holdings LLC
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 Agent or Representative

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

Notary Public

Owner

LEAH LOVING
NOTARY PUBLIC
Douglas County
State of Georgia
My Comm. Expires Aug. 15, 2026

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DeKalb County
GEORGIA

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404.371.4556 (f)
DeKalbCountyGa.gov

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DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made $250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes_____ No ✓ *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.

2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Leah Loving
Notary

LEAH LOVING
NOTARY PUBLIC
Douglas County
State of Georgia
My Comm. Expires Aug. 15, 2026

Aug. 15, 2026
Expiration Date/ Seal

Cole Kelly, manager
Signature of Applicant /Date

Check one: Owner ✓ Agent_____

*Notary seal not needed if answer is "no".

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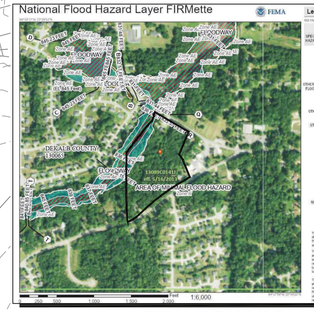
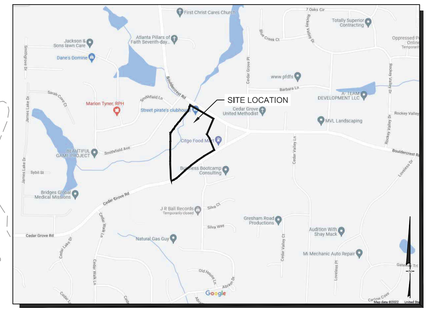
National Flood Hazard Layer FIRMette — FEMA



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	12.297 ACRES (535,644 SF)
ZONING	
EXISTING ZONING	R-100 (SINGLE-FAMILY DETACHED)/ C-1 (LOCAL COMMERCIAL)
EXISTING OVERLAY DISTRICT	TIER 3 - BOULDERCREST OVERLAY DISTRICT
EXISTING CHARACTER AREA	SUBURBAN
PROPOSED ZONING	RSM (SMALL LOT RESIDENTIAL MIX)
ZONING JURISDICTION	DEKALB COUNTY
USE CALCULATIONS	
MAXIMUM ALLOWABLE DENSITY	0.5 FAR
PROPOSED 24'x 50' REAR LOAD TOWNHOMES	23 UNITS @1,800 SF EACH
PROPOSED 24'x 50' FRONT LOAD TOWNHOMES	66 UNITS
TOTAL PROPOSED DENSITY	0.29 FAR (89 UNITS)
SETBACK REQUIREMENTS	
FRONT RESIDENTIAL SETBACK	MIN - 5 FEET; MAX - 15 FEET
FRONT SETBACK (BCGM - TIER3)	0 FEET W/ON STREET PARKING
SIDE SETBACK	0 FEET; 20 FEET (IF PROPERTY LINE IS ADJACENT TO AN EXISTING BUILDING WITH WINDOWS FACING PROPERTY LINE)
SIDE CORNER SETBACK	SAME AS FRONT SETBACK
REAR SETBACK	10 FEET
TOWNHOME FRONT YARD	MIN 8 FEET; MAX 15 FEET FROM THE BACK OF THE SIDEWALK
REQUIRED BUFFERS	20 FEET AGAINST R DISTRICT
DEVELOPMENT STANDARDS	
MIN LOT AREA	1,000 SF
MIN LOT WIDTH	25 FEET
MAX LOT COVERAGE	70% PER LOT OR TOTAL PROJECT ACREAGE
MIN HEATED SF PER UNIT	1,200 SF
MAX BUILDING HEIGHT	3 STORIES OR 40 FEET
MIN STREETSCAPE	MIN LANDSCAPE STRIP - 5 FEET; MIN SIDEWALK WIDTH 8 FEET
OPEN SPACE CALCULATIONS	
OPEN SPACE REQUIRED	20% OF TOTAL LAND AREA (2.46 ACRES)
OPEN SPACE PROPOSED	21.1% (2.59 ACRES) NOT INCLUDING STREAM BUFFERS, FLOODPLAIN, AND BUILDING SETBACKS
PARKING REQUIREMENTS	
TOTAL PARKING REQUIRED	MIN 2 SPACES PER SFA UNIT
PROPOSED RESIDENT PARKING	2 SPACE / GARAGE AND 2 SPACE / DRIVEWAY
PROPOSED GUEST PARKING	18 SPACES
TOTAL PARKING PROVIDED	374 SPACES

24 HOUR CONTACT:
CHRIS DAVIS

GEORGIA811 www.Georgia811.com
Know what's below. Call before you dig.

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350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

BOULDERCREST RD @ CEDAR GROVE RD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

3345 BOULDERCREST RD
2098, 2124 CEDAR GROVE RD
ELLENWOOD GEORGIA, 30294,30288

DEKALB COUNTY JURISDICTION

FOR

KBD DEVELOPMENT, LLC

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

PRELIMINARY
NOT TO BE RELEASED FOR CONSTRUCTION

CONCEPTUAL MASTER PLAN

0 25 50 100 150

SCALE: 1" = 50'
DATE: 02/20/2023
PROJECT: 22170.00A

GRID NORTH
GEORGIA WEST ZONE

C2
SHEET

J:\2022\22170\00A\Docs\Design & Exhibits\Concepts\22170.00A - Site - Concept2.dwg - MKopp - 2/21/2023 3:09 PM

Planners & Engineers Collaborative+

0′ 50′ 100′ 150′

SCALE: 1" = 50′

BOULDERCREST RD @ CEDAR GROVE RD

DEKALB COUNTY

EDGE/LINE

KBD DEVELOPMENT & CONSTRUCTION

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

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: __X_____ Review Calendar Dates: __X_____ PC: _**____ BOC: _**_____ Letter of Intent: __X___Impact Analysis: _X____ Owner Authorization(s):__X___ Campaign Disclosure: __X___ Zoning Conditions: _na_____ Community Council Meeting: ___**____ Public Notice, Signs: ___X_____ Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): ___X_____ Sketch Plat: ___X_____ Bldg. Permits: __X_____ Fire Inspection: __X_____ Business License: __X_____ State License: _____ Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

****Filing Deadline for complete application to be considered for May 2023 zoning cycle is March 2, 2023. Last day to hold community meeting with 15 days notice to be considered for May 2023 cycle is March 1, 2023. If there are more than 20 cases on May 2023 agenda cycle then case would be heard in July 2023.**

Review of Site Plan

Density: ___X_____ Density Bonuses: __X_____ Mix of Uses: _____ Open Space: ___X____ Enhanced Open Space: __X_____ Setbacks: front __X____ sides __X____ side corner _____ rear _____ Lot Size: _X_____ Frontage: ____X_____ Street Widths: ____X____ Landscape Strips:___X____ Buffers:___X____ Parking Lot Landscaping: __X_____ Parking - Auto: __X_____ Parking - Bicycle: ____X____ Screening: ____X_____ Streetscapes: ___X____ Sidewalks: __X___Fencing/Walls:_____ Bldg. Height: __X___ Bldg. Orientation: _X____ Bldg. Separation: _____ Bldg. Materials: _X____ Roofs: _____ Fenestration: __X_____ Façade Design: ___X___ Garages: ___X___ Pedestrian Plan:____X___ Perimeter Landscape Strip: _____

Possible Variances: ___See comments below.

_____

_____

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DEPARTMENT OF PLANNING & SUSTAINABILITY

Comments: __. The proposed single-family attached townhomes will require a Special Land Use Permit (SLUP) since properties fall within Tier 3 of the BOD and abuts residential zoning/Tier 5 of BOD . Because 3345 Bouldercrest is tied to a specific commercial land use via zoning conditions (lawn sales and repair per CZ 86187), a rezoning to RSM for all the properties in the application (if RSM is chosen as the desired zoning district) is also required in addition to the SLUP. The maximum base density will depend on the underlying zoning district chosen (for example, if RSM is chosen maximum base density is 4 units per acre). Anything above the base density of the underlying zoning district will require density bonuses as illustrated in Article 2 of the Zoning Ordinance. **The maximum density allowed in Suburban character area is 8 units per acre with provision of density bonuses**..

Applicant will need to show compliance with zoning ordinance and bouldercrest overlay district requirements including but not limited to building material requirements, maximum building height and transitional height plane requirements of zoning ordinance, parking, parking lot landscaping, street trees and sidewalks and landscape strip along Cedar Grove Rd and Bouldercrest Rd, and a transitional buffer where site abuts R-100 residential zoning. While not a zoning issue, there appears to be a stream on the northwest side of the property which could impact buildability due to required stream buffers and floodplain areas. Other requirements per Article 5 and Article 2 of the Zoning Ordinance. It appears that a portion of the properties fall within the Soapstone Historic District which has additional requirements. Please contact Historic Planner for more information.

Applicant will need to provide justification as to how the proposed RSM zoning district (if chosen) is compatible with the surrounding area.

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review will be done upon official submission of a SLUP & Rezone application and concept plan

Planner:_John Reid_____Date_01/31/23_____

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

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OI, OD, OIT, NS, C1, C2, M, M2	$750.00
LAND USE MAP AMENDMENT	$500.00
SPECIAL LAND USE PERMIT	$400.00

Battle Law

5/24/2023
VIA: EMAIL
Z-23-1246390 and
SLUP-23-1246391
ATTN: Brandon White (blwhite@dekalbcountyga.gov)

Current Planning Manager White:

On behalf of the Applicant for the proposed Rezoning and Special Land Use Permit applications for property located at 2098 and 2124 Cedar Grove Road, and 3345 Bouldercrest Road, being parcel numbers 15-021-01-010, 15-021-01-015, and 15-021-01-016 pertaining to petition numbers Z-23-1246390 and SLUP-23-1246391, I respectfully request to defer this application two cycles.

Prepared By:

Joshua Mahoney

For Battle Law, P.C.