



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-4075
File Status: Preliminary Item

11/19/2019

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

SUBJECT:

COMMISSION DISTRICT(S): 3 & 7

Application of Georgia General Snapfinger Dev c/o Battle Law to rezone property from R-100 (Residential Medium Lot-100) to MR-1 (Medium Density Residential-1) for a mixed residential development, at Kelley Chapel Road and Snapfinger Road.

PETITION NO: D4. Z-19-1243385

PROPOSED USE: Single-Family Townhomes and Detached Homes

LOCATION: 2658 Kelley Chapel Road and 2317, 2349, & 2610 Snapfinger Road, Decatur.

PARCEL NOS.: 15-126-05-003, -015, -021, & -022

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application Z-19-1243385 of Georgia General Snapfinger Dev c/o Battle Law to rezone property from R-100 (Residential Medium Lot-100) to MR-1 (Medium Density Residential-1) for a mixed residential development consisting of 132 single-family attached townhomes and 24 single-family detached homes at a density of 9.05 units per acre. The property is located on the east side of Kelley Chapel Road and the west side of Snapfinger Road, at 2658 Kelley Chapel Road and 2317, 2349, and 2610 Snapfinger Road, Decatur. The property has approximately 1,067 feet of frontage along the east side of Kelley Chapel Road (including the abandoned right-of-way) and 847 feet of frontage along the west side of Snapfinger Road and contains 17.24 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: (10/9/19) NO VOTE TAKEN. (8/14/19) DENIAL.

PLANNING COMMISSION: (11/5/19) APPROVAL WITH CONDITIONS. (9/10/19) FULL CYCLE DEFERRAL.

PLANNING STAFF: (11/5/19) APPROVAL WITH CONDITIONS. (9/10/19) FULL CYCLE DEFERRAL.

STAFF ANALYSIS: (11/5/19) The proposed development would result in a suitable transition of residential

densities and housing types in relation to the Wesley Club Apartments to the east and the Rainover Estates single-family residential neighborhood to the west., consistent with the Wesley Chapel Livable Centers Initiative (LCI) Study. The companion application for a land use map amendment would re-designate the property to a Town Center activity center. If constructed in accordance with the Staff-recommended conditions for streetscaping and pedestrian connections, the development would be consistent with the following Town Center policies: “Improve street character with consistent signage, lighting, landscaping, and other design features. (No. 9) and “Design shall be pedestrian-oriented with walkable connections between different uses. (No. 19) By providing both single-family detached and attached (townhome) housing types, the zoning proposal is consistent with Housing Policy No. 9 to “. . . provide a variety of housing opportunities and choices to better accommodate the needs of residents.” The proposal is not expected to adversely affect the use or usability of adjacent or nearby property. Therefore, the Department of Planning and Sustainability recommends “Approval with conditions”

PLANNING COMMISSION VOTE: (11/5/19) Approval with Conditions, 7-0-0. A. Atkins moved and J. West seconded for approval with Staff's conditions, with a correction to a typographic error in Condition No. 10 and with three additional conditions requested by the applicant. **(9/10/19) Full Cycle Deferral, 8-0-1.** V. Moore moved and E. Patton seconded for a full cycle deferral as per the staff recommendation. A. Atkins abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (10/9/19) No quorum. Members in attendance did not discuss or take a vote on this deferred case because the applicant did not present changes to the proposal. **(8/14/19) Denial 6-2-4.** The Board thought that the density of the proposed development is too high, that it would generate too much traffic, and that the units would not be maintained in good condition.

RECOMMENDED CONDITIONS

Z-19-1243385

Rezoned from R-100 (Residential Medium Lot-100) to MR-1 (medium Density Residential-1)

November 8, 2019

1. The proposed development shall consist of a maximum of 124 single-family attached townhomes and 26 single-family detached homes at a maximum density of 8.7 units per acre.
2. Open space and enhanced open space shall be provided at the square footages and locations shown on the site plan titled, "Site Zoning Plans for Snapfinger Road Tract", prepared by AEP, dated 10-21-19. Enhancements to the linear park on the former Snapfinger Road right-of-way shall be subject to approval by staff of the Planning Division.
3. Landscaping and streetscaping (including street trees, open space enhancements in parks, and between Units 123 - 137 and Units 138 - 150 and between Units 89 – 106 and Units 107 - 122) shall substantially comply with the colored site plan titled, "Snapfinger Road", prepared by AEP, stamped as received by the Department of Planning and Sustainability on October 22, 2019.
4. Applicant shall make roadway/streetscaping improvements on Snapfinger Road from the entrance to the proposed development to Wesley Club Drive (the entrance to the Wesley Club Apartments), which shall be constructed to current county standards, including: a 24-foot pavement, a header curb, a six-foot landscape strip back of curb planted with street trees at least 30 feet on center, a five-foot sidewalk adjacent to the interior edge of the landscape strip, and street lights. The roadway/streetscaping improvements shall be subject to approval by the county Transportation Division.
5. Pedestrian crossings shall be marked across the west entrance to the development, across the east turnaround entrance to link sidewalks on either sides of the refuge triangles in the turnaround, and across street intersections to connect sidewalks on opposite sides of the street.
6. Driveways to individual units shall be at least 20 feet long as measured from edge of sidewalk to garage, to prevent parked vehicles from blocking pedestrian crossings. Pedestrian crossings shall be provided across residential driveways by continuing the sidewalk paving material across the intervening driveway or by otherwise marking the crossing.
7. An outdoor lighting plan shall be submitted in conjunction with the application for a land disturbance permit and shall meet the standards of Sec. 5.6.1 of the DeKalb County Zoning Code.

8. 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.
9. Final lot layout shall be subject to sketch plat approval in accordance with DeKalb County Ordinances, Chapter 27 (Zoning Code) and Chapter 14 (Land Development Code).
10. At no time shall more than 35% of the homes located within the subdivision be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to DeKalb County simultaneously with the recording of the Final Subdivision Plat.
11. The enhanced open space shall include a dog park.
12. Applicant shall work cooperatively with the County Arborist to ensure that native trees and shrubs are planted within the required landscaped areas.
13. The single-family detached units shall be craftsman style bungalow homes. The single-family attached units shall have front facades that contain a mixture of a minimum of two materials and textures, including hardiplank, batten board siding, stackstone, brick, cedar shingles or fiber cement, and/or such other materials and textures approved by the Planning & sustainability Department which are complementary to a craftsman style single-family detached bungalow home. The use of vinyl siding is strictly prohibited.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: November 5, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: November 19, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1243385 **Agenda #:** D. 4

Location/Address: 2658 Kelley Chapel Road, Decatur **Commission District:** 3 **Super District:** 7

Parcel ID(s): 15-126-05-003, -015, -021, -022

Request: Rezone property from R-100 (Residential Medium Lot-100) to MR-1(Medium Density Residential-1) for a mixed residential development consisting of 124 single-family attached townhomes and 26 single-family detached homes at a density of 8.7 units per acre.

Property Owner(s): Georgia General Snapfinger Development, LLC

Applicant/Agent: Georgia General Snapfinger Development, LLC c/o Battle Law, P.C.

Acreage: 17.24 acres

Existing Land Use: Two single-family homes

Surrounding Properties: To the north: Interstate 20; to the northeast and east: the Wesley Club multifamily residential development; to the southeast: vacant, wooded land; to the south, southwest, west, and northwest: single-family detached homes

Adjacent Zoning: **North:** I-20 **South:** R-100 **East:** HR-2 **West:** R-100 **Northeast:** HR-2 **Northwest:** R-100 **Southeast:** R-100 **Southwest:** R-100

Comprehensive Plan: SUB (Suburban) **Consistent** **Inconsistent** (See LP-19-1243384)

Proposed Density: 8.7 units/acre	Existing Density: .12 units/acre
Proposed Units: 150	Existing Units: 2
Proposed Open Space: Information not provided	Existing Open Space: (estimated) 98%

Companion Application: The applicant has filed a companion application (LP-19-1243384) to amend the 2035 Future Land Use Map from SUB (Suburban) to TC (Town Center).

Zoning History: In June, 2007, the Board of Commissioners denied an application to rezone the subject property from R-100 (Residential Medium Lot-100) to RM-75 (a pre-2015 multifamily residential zoning classification that allowed up to 18 units per acre). The Board of Commissioners also denied a companion application to amend the Future Land Use Map from LDR (Low Density Residential) to HDR (High Density Residential).

SITE AND PROJECT ANALYSIS

The subject property is a 17.24-acre tract of land located approximately 1,000 feet southwest of the Interstate 20 - Wesley Chapel Road interchange. Approximately 225 feet of the west side of the property fronts on a paved stub of Kelley Chapel Road that extends just beyond Kelley Chapel Road's intersection with Shadowbrook Place, a local collector street that connects with neighborhoods to the west. The remainder of the western frontage is on abandoned Kelley Chapel Road right-of-way, which forms a 34-foot wide boundary between the subject property and the rear yards of properties located in the Rainover Estates single-family residential subdivision to the west. The east side of the property fronts on Snapfinger Road. The Wesley Club Apartments, a multifamily development with a density of 19 units per acre, is located across Snapfinger Road from the subject property.

The site is densely wooded. Although the site plan indicates the footprints of homes on two of the four parcels that comprise the site, the County's aerial photographs indicate that these homes have been demolished or partially destroyed.

The I-20-Wesley-Chapel Road interchange is the focal point of a Town Center character area that includes several shopping centers and a range of service-oriented establishments and religious and educational institutions, as well as several gas stations, primarily on Wesley Chapel Road. It is also one of the major interchanges in the I-20 Overlay District. Snapfinger Road separates the subject property from the Town Center and I-20 Overlay District.

The property is included in the study area of the Wesley Chapel Livable Centers Initiative (LCI) Study, which proposes a four- to two-lane residential street through the subject property to connect a the Town Center land uses north of I-20 with the educational land uses approximately 1600 feet south of the subject property (the Wesley Chapel Library, Rainbow Elementary School, and South DeKalb High School). The study townhomes to the east of this street and single-family residential to the west. Mixed use development would be located to the west of Wesley Chapel Road. The study thus plans for a transition of densities and intensities of land uses from Wesley Chapel Road to the single-family residential neighborhoods to the west of the subject property.

Revised Proposal

The proposal was deferred full cycle from the October zoning cycle and has been revised during the deferral period. The number of units has been reduced from 156 units to 150 units and the density has been reduced from 9.05 to 8.7 units per acre. The revised proposal consists of 124 single-family attached townhome units (formerly, 132 units) and 26 single-family detached homes (formerly 24 homes). The single-family lots would be located on the west side of the site, on the side of the site that is closest to the single-family residential lots of the Rainover Estates subdivision. Building lengths have been reduced and contain four to eight units each (reduced from six to ten units each). Each townhome unit would have a front-entry, two-car garage.

The revised proposal involves vehicular access from the Kelley Chapel Road stub and via a turnaround on Snapfinger Road (formerly, access was at three points on Snapfinger). The reduction in the number of units and provision of a roundabout at the Snapfinger Road entrance reduced the required number of access points. The north-south internal street on the west side of the site is proposed to be a public street. The applicant has verbally described a plan to petition for abandonment of the portion of the Snapfinger Road R-O-W to the north of a proposed turnaround entrance that fronts the site and to swap this right-of-way with the proposed north-south public street. A linear park is proposed to replace the Snapfinger Road right-of-way north of the turnaround entrance. An 8-foot privacy fence would be installed along what is now the east side of the right-of-way. The park and fence are intended to buffer the proposed development from the Wesley Club Apartments. Staff has recommended a condition for streetscaping on the section of Snapfinger Road south of the turnaround entrance to Wesley Club Drive (the entrance to the adjoining Wesley Club Apartments).

The site plan shows that the wooded area at the north end of the site, next to I-20, would remain undeveloped. A 4,000 square foot “tot lot” playground is located next to this undeveloped area.

Access and Transportation Considerations:

Snapfinger Road and the Kelley Chapel Road dead-end are both two-way local streets that connect the property to Rainbow Drive to the south. Kelley Chapel Road ends in a stub that intersects with Shadowbrook Place, a local street that provided access to the single family residential neighborhood to the west. The Kelley Chapel Road-Rainbow Drive intersection is improved with turn lanes, traffic signals, and pedestrian crossings.

Snapfinger Road intersects with Rainbow Drive approximately 300 feet west of the Rainbow Drive-Wesley Chapel Road intersection, where Rainbow Drive has been widened to accommodate turning movements in and out of the commercial properties located on all four sides of the intersection. A Quik Trip service station on the northwest corner of the intersection generates numerous vehicular trips and turning movements at this busy intersection. The proposed entrance to the development at the Kelley Chapel Road-Shadowbrook Place intersection is intended to relieve traffic from the development that might otherwise travel through the Snapfinger Road-Rainbow Drive intersection.

MR – 1 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 8 units/acre W/Bonuses: 12 units/ac.	8.7 units/acre	Yes w/density bonus
DENSITY BONUSES	Sidewalks and/or road improvements beyond project site.	Improvements on Snapfinger Road beyond the project site to the Snapfinger Road driveway entrance of the Wesley Club apartments (20% greater than base = + 1.6 units)	Yes
MIN. OPEN SPACE /ENHANCED OPEN SPACE (Applicable if project is > 5 ac. or ≥ 36 d.u.s)	Open space: min. 20% of total site acreage = 3.44 ac. Enhanced O.S.: min. 10% of total site acreage = 15,019 s.f.	Approx.. 24.9% = approx.. 4.55 acres Approx. 16,000 s.f.	Yes Yes
MIN. TRANSITIONAL BUFFER	30-foot buffer along north and south property lines	30-foot buffer along north and south property lines	Yes
MIN. LOT AREA	S-F detached: 5,000 s.f. S-F attached: Not applicable	5,000 – 6,669 s.f. S-F attached: Not applicable	Yes N.A.
MIN. LOT WIDTH	S-F detached: 45 feet S-F attached: Not applicable	S-F detached: 50 - 64 feet S-F attached: Not applicable	Yes N.A.
MIN LOT WIDTH- NEW CORNER LOT	60 feet	63 – 64 feet	Yes
MAX. LOT COVERAGE – S-F LOTS	60%	60%	Yes
MAX. LOT COVERAGE –TOTAL ACREAGE OF TOWNHOME PORTION	80%	80%	Yes

MR – 1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
REQUIRED BUILDING SETBACKS	FRONT (Town Center)	S-F detached: 0 ft. - determined by utility placement and streetscape S-F attached: : 0 ft. - determined by utility placement and streetscape	S-F detached: 10 ft. S-F attached: 20 ft.	S-F detached: Yes S-F attached: Yes
	INTERIOR SIDE	S-F detached: 3 ft. w/min. 10 ft. separation between bldgs. S-F attached: 20 ft. on sides of overall building site	S-F detached: 5 ft. for each lot (10 ft. separation) S-F attached: More than 20 ft. open space provided around s-f attached portion of site	S-F detached: Yes S-F attached: Yes
	SIDE – CORNER LOT	S-F detached: 0 ft. - determined by utility placement and streetscape S-F attached: Not applicable – no corner lots	S-F detached: 10 ft. S-F attached: Not applicable	S-F detached: Yes S-F attached: Not applicable
	REAR (W/O ALLEY)	S-F detached: 20 ft. S-F attached: 15 ft. for overall bldg. site	S-F detached: 18 ft. S-F attached: More than 15 ft. open space provided around s-f attached portion of site	S-F detached: variances required. S-F attached: Yes
MINIMUM UNIT SIZE		S-F detached: 1,200 s.f. S-F attached: 1,200 s.f.	S-F detached: 1,200 s.f. S-F attached: 1,200 s.f.	Yes Yes
MAX. BLDG. HEIGHT		S-F detached: 35 ft. S-F attached: 3 stories or 45 ft.	2 stories or 35 ft.	Yes
PARKING		S-F detached: Min. 2/unit; Max. 4/unit S-F attached: min. 1.5/unit + .25 guest pkng.; max. 3/unit + .25 guest pkng. Guest pkng: min. 30, max. 30	S-F detached: 2 garage, 2 driveway S-F attached: 1 garage, 1 driveway 30 spaces (on private drive E)	S-F detached: Yes S-F attached: Yes Yes
MAX. BLOCK LENGTH IN TOWN CENTER		500 feet	560-600 feet	Admin. waiver required
MIN. STREETSCAPE DIMENSIONS - PRIVATE DRIVES		5-ft. landscape strip and 5-ft. sidewalk on each side; street trees every 50 ft. or every other unit, whichever is less	6-ft. landscape strip and 5-ft. sidewalk; street trees every other unit for s-f attached (40 ft.), every 60 ft. for s-f detached	Admin. waiver required for street tree spacing

QUALITY OF LIFE METRICS

Open Space: approx. 4.55 acres

Linear Feet of New Sidewalks: 8,430 feet

Linear Feet of New Trails: approx.. 430 ft.

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 companion application for a land use map amendment would re-designate the property to a Town Center activity center. If constructed in accordance with the conditions for streetscaping and pedestrian connections recommended by Staff, the development would be consistent with the following Town Center policies: “Improve street character with consistent signage, lighting, landscaping, and other design features. (No. 9) and “Design shall be pedestrian-oriented with walkable connections between different uses. (No. 19) By providing both single-family detached and attached (townhome) housing types, the zoning proposal is consistent with Housing Policy No. 9 to “. . . provide a variety of housing opportunities and choices to better accommodate the needs of residents.”

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 development would result in a suitable transition of residential densities and housing types in relation to the Wesley Club Apartments to the east and the Rainover Estates single-family residential neighborhood to the west, consistent with the Wesley Chapel Livable Centers Initiative (LCI) Study.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned: The property to be affected by the zoning proposal appears to have reasonable economic use as currently zoned for single-family detached homes. However, this statement doesn’t preclude the possibility that the proposed zoning proposal is suitable.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property: The proposal is not expected to adversely affect the use or usability of adjacent or nearby property. A 30-foot buffer would be located along the residentially-zoned property to the south. On the west, the rear yards of single-family lots would be buffered from rear yards of the homes to the west by a 34-foot wide unopened right-of way. The proposed linear park would form a buffer on the east side of the site, and the north end of the site would be reserved as natural open space.

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 step-down of residential densities across the site is consistent with the transition of densities and intensities of land uses proposed in the Wesley Chapel Livable Centers Initiative (LCI) Study for the area between Wesley Chapel Road and the single-family residential neighborhoods to the west of the subject property. The proposed density of 8.7 units per acre is .7 units per acre above the base Suburban density and far below the maximum density allowed in a Town Center.

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

There are no historic buildings, sites, districts, or archaeological resources on or near the subject property.

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:

The applicant has been working with County Transportation Division on roadway improvements that would mitigate the effect of traffic from the proposed development on the Snapfinger Road-Rainbow Drive intersection. The School District has indicated in its comments that there is adequate capacity for the number of elementary, middle, and high school students who are projected to live in the development. There have been no comments from reviewing departments and agencies that indicate other problems. Staff has recommended to the applicant that, if rezoning of the property is approved, a Sewer Capacity Request be submitted early in the permitting process.

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

The proposed development would not impact the environment to a greater degree than what is expected for residential development of a predominantly wooded property.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

The proposed development would result in a suitable transition of residential densities and housing types in relation to the Wesley Club Apartments to the east and the Rainover Estates single-family residential neighborhood to the west., consistent with the Wesley Chapel Livable Centers Initiative (LCI) Study. The companion application for a land use map amendment would re-designate the property to a Town Center activity center. If constructed in accordance with the Staff-recommended conditions for streetscaping and pedestrian connections, the development would be consistent with the following Town Center policies: “Improve street character with consistent signage, lighting, landscaping, and other design features. (No. 9) and “Design shall be pedestrian-oriented with walkable connections between different uses. (No. 19) By providing both single-family detached and attached (townhome) housing types, the zoning proposal is consistent with Housing Policy No. 9 to “. . . provide a variety of housing opportunities and choices to better accommodate the needs of residents.” The proposal is not expected to adversely affect the use or usability of adjacent or nearby property. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The proposed development shall consist of a maximum of 124 single-family attached townhomes and 26 single-family detached homes at a maximum density of 8.7 units per acre.
2. Open space and enhanced open space shall be provided at the square footages and locations shown on the site plan titled, “Site Zoning Plans for Snapfinger Road Tract”, prepared by AEP, dated 10-21-19. Enhancements to the linear park on the former Snapfinger Road right-of-way shall be subject to approval by staff of the Planning Division.
3. Landscaping and streetscaping (including street trees, open space enhancements in parks, and between Units 123 - 137 and Units 138 - 150 and between Units 89 – 106 and Units 107 - 122) shall substantially comply with the colored site plan titled, “Snapfinger Road”, prepared by AEP, stamped as received by the Department of Planning and Sustainability on October 22, 2019.
4. Applicant shall make roadway/streetscaping improvements on Snapfinger Road from the entrance to the proposed development to Wesley Club Drive (the entrance to the Wesley Club Apartments), which shall be constructed to current county standards, including: a 24-foot pavement, a header curb, a six-foot landscape strip back of curb planted with street trees at least 30 feet on center, a five-foot sidewalk adjacent to the interior edge of the landscape strip, and street lights. The roadway/streetscaping improvements shall be subject to approval by the county Transportation Division.
5. Pedestrian crossings shall be marked across the west entrance to the development, across the east turnaround entrance to link sidewalks on either sides of the refuge triangles in the turnaround, and across street intersections to connect sidewalks on opposite sides of the street.

6. Driveways to individual units shall be at least 20 feet long as measured from edge of sidewalk to garage, to prevent parked vehicles from blocking pedestrian crossings. Pedestrian crossings shall be provided across residential driveways by continuing the sidewalk paving material across the intervening driveway or by otherwise marking the crossing.
7. An outdoor lighting plan shall be submitted in conjunction with the application for a land disturbance permit and shall meet the standards of Sec. 5.6.1 of the DeKalb County Zoning Code.
8. 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.
9. Final lot layout shall be subject to sketch plat approval in accordance with DeKalb County Ordinances, Chapter 27 (Zoning Code) and Chapter 14 (Land Development Code).
10. At no time shall more than 35% of the homes located within the subdivision be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to DeKalb County simultaneously with the recording of the Final Subdivision Plat.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Building Design Examples
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.

Comments – Transportation Division



N8. [Based on site plan dated 7/18/19] Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights. Add Street Lights at entrance on Kelly Chapel Road.

N9. Hard to make zoning comments without knowing the number of trips or specific use. 25 acres- need more info. DRI? Looks like N9 is being split into a 350K sq. foot distribution center and a 300-unit apartment complex.

N10. Requires traffic Study and sight distance study. Clifton Springs is a minor arterial. Requires 40 foot right of way donation from centerline, 6-foot planting strip, 6-foot sidewalk, bike facilities and street lights. Left turn lane into facility from Clifton Springs Road. DRI with N11?

N11. Traffic Study Required. DRI with N10? 300 units- one access point? No site plans? Flat Shoals Parkway is SR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. Traffic study should include impacts of U-turns on neighboring intersections and determine if pavement is available too accommodate U-turns.

N12. No Comments

N13. No Comments

N14. No Comments

N15. No Comments

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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 AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-19-1243385 Parcel I.D. #: 15-126-05-003, 015, 021, 022
Address: 2658
Kelley Chapel Rd
Dacula, 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. NO PROBLEM THAT WOULD INTERFERE WITH TRAFFIC FLOW.

Signature: Jerry White



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

D4 GA General Snaffinger Dev Z-19-1243385

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.



**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.: Z-19-1243385

Parcel I.D. #: 15-126-05-003, 15-126-05-015, 15-126-05-021, & 15-126-05-022

Address: 2658 Kelly Chapel Road

Decatur, Georgia

WATER:

Size of existing water main: 8" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Cobb Fowler Creek Basin

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

Water Treatment Facility: Snapfinger Creek 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. *

Signature: 

DEKALB COUNTY



Board of Health

8/15/2019

To: Ms. Madolyn Spann, Planning Manager
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 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.

DeKalb County Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/15/2019

N.5

Z-19-1243381 2019-4072 15-143-19-011

1639 Eastland Road, Atlanta, GA 30316

Amendment

- Please review comments.

N.6

Z-19-1243383 2019-4072 15-143-19-011

5065 Flat Shoals Pkwy, Decatur, Ga 33034

Amendment

- Please review comments.

N.7

LP-19-1243384 2019-4074 15-126-05-003, 15-126-05-015,15-126-05-021,15-126-05-022

2317, 2349, and 2610 Snapfinger Road, Decatur, GA

Amendment

- Please review comments.

N.8

Z-19-1243385 2019-4075 15-126-05-003, 15-126-05-015,15-126-05-021,15-126-05022

2658 Kelley Chapel Road 2317,2349 and 2610 Snapfinger Road, Decatur, GA 30034

Amendment

- Please review comments.



**DeKalb County School District
Development Review Comments**

Analysis Date: 8/16/2019

Submitted to: DeKalb County **Case #:** Z-19-1243385
Parcel #: 15-126-05-003/-015/-022

Name of Development: 2658 Kelley Chapel Road
Location: Kelley Chapel Road north of Rainbow Drive

Description: Proposed 132 unit development with a mix of attached and detached homes.

Impact of Development: When fully constructed, this development would be expected to house 62 students: 19 at Rainbow ES, 8 at Chapel Hill MS, 16 at Southwest DeKalb HS, 17 at other DCSD schools, and 2 in private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Rainbow ES	Chapel Hill MS	Southwest DeKalb HS	Other DCSD Schools	Private Schools	Total
Capacity	638	1,076	1,825			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2019)	373	868	1,151			
Seats Available	265	208	674			
Utilization (%)	58.5%	80.7%	63.1%			
New students from development	19	8	16	17	2	62
New Enrollment	392	876	1,167			
New Seats Available	246	200	658			
New Utilization	61.4%	81.4%	63.9%			

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.1472	0.0452	0.0030	0.1954
Middle	0.0631	0.0415	0.0088	0.1134
High	0.1176	0.0357	0.0093	0.1626
Total	0.3279	0.1225	0.0211	0.4715
Student Calculations				
Proposed Units	132			
Unit Type	SF/TH			
Cluster	Southwest DeKalb HS			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	19.43	5.96	0.40	25.79
Middle	8.33	5.48	1.16	14.97
High	15.52	4.72	1.23	21.47
Total	43.28	16.16	2.79	62.23
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Rainbow ES	19	6	0	25
Chapel Hill MS	8	6	1	15
Southwest DeKalb HS	16	5	1	22
Total	43	17	2	62



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Date Received: _____ Application No.: 2-19-1243385
Z/CZ No. _____ Filing Fee: _____

Applicant: Georgia General Snapfinger Development LLC E-Mail: mlb@battlelawpc.com

Applicant Mailing Address: c/o Battle Law P.C. One West Court Square, Ste 750 Decatur, GA 30030

Applicant Phone: 404.601.7616 Fax: 404.745.0045

Owner(s): Georgia General Snapfinger Development, LLC E-Mail: maxieprice1@gmail.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: P.O. Box 704 Loganville, Georgia 30052

Owner(s) Phone: 770.317.3000 Fax: _____

Address/Location of Subject Property: 2658 Kelley Chapel Road, 2317, 2349 & 2610 Snapfinger Road

District(s): 15 Land Lot(s): 126 Block: 05 Parcel(s): 003, 015, 021 & 022

Acreage: 17.20 Commission District(s): 3 & 7

Present Zoning Category: R100 Proposed Zoning Category: MR-1

Present Land Use Category: SUB Proposed: IN TC MUF

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

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

Have you the applicant made \$250 or more in campaign contributions 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:

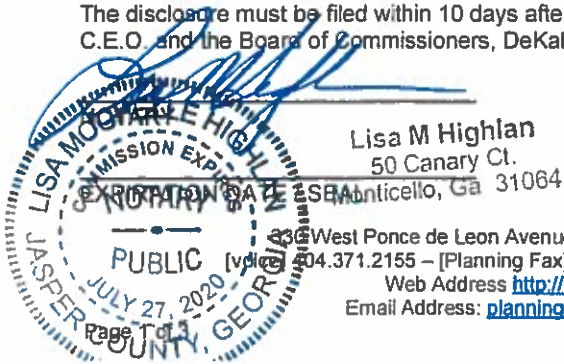
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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

Georgia General Snapfinger Development, LLC
By: [Signature]

SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent



Lisa M Highlan
50 Canary Ct.
Smyrna, Ga 31064

1300 West Ponce de Leon Avenue – Suites 100-500 – Decatur, Georgia – 30030
Phone: (404) 371-2155 – [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address: <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

B Battle Law, P.C.
Commercial Real Estate & Zoning
ONE WEST COURT SQUARE, SUITE 750
DECATUR, GA 30030

What is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: bdc@battlelawpc.com

You recently received a Community Meeting notice regarding a Rezoning and a Possible Land Use Amendment for property located at

2658 Kelly Lake Road

THE CORRECT ADDRESS IS
2658 Kelley Chapel Road, 2317, 2349, &
2610 Snapfinger Road

Once again this meeting will be held
Tuesday, June 25, 2019 at 6:30pm —
8:00pm

At Wesley Chapel Library
2681 Wesley Chapel Road
Decatur, GA 30034

SIGN IN SHEET

2658 Kelly Lake Road, 2317, 2349, & 2610 Snapfinger Road

COMMUNITY MEETING

Wesley Chapel Library-2861 Wesley Chapel Road

Tuesday, June 25, 2019 6:30 PM – 8:00 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Lakeysha	Tucker	4034 shadowbrook Pl	Decatur, GA	30034	404-543-0617	Keyshia00@hotmail.com
Gloria	Tucker				404-798-5721	
Janice	Kelsey	4066 Rainbow Dr	Decatur, GA	30034	404-284-5695	kelsey4066@comcast.net
Dan	Karski	Kelley Chapel	"	"	678-249-7881	dan.greatland@gmail.com
Terrilyn	Heath	2631 Candler Woods Dr	Decatur	30832	404-381-6006	kekeety@bellsouth.net
Arthur	Baugh	3985 Rainover Dr	Dec	30034	404-542-7237	
Treandus	Baugh	3985 Rainover Dr	Decatur	30034	404-438-4609	
Charles	Shaw					
Thomas	Allen	2586 Bright Ct. Decatur GA 30034				gme205@comcast.net
Betty	Allen	2586 Bright Ct	Decatur	30034		

I. STATEMENT OF INTENT

The Applicant, Georgia General Snapfinger Development, LLC, is the owner of the following four tax parcels with an assembled acreage of 17.23 acres (the “Subject Property”):

Tax Parcel 15 126 05 015 2658 Kelley Chapel Road

Tax Parcel 15 126 05 021 2317 Snapfinger Road

Tax Parcel 15 126 05 022 2610 Snapfinger Road

Tax Parcel 15 126 05 003 2349 Snapfinger Road

The Subject Property has a land use designation of Suburban (SUB) and is currently zoned R-100. The Applicant is seeking to develop 156 townhome units, and 25 single-family detached units on the Subject Property. In order to develop the proposed project, the Applicant is seeking to rezone the Subject Property from R-100 to MR-1. Additionally, simultaneously with the submission of this Application, the Applicant has filed an application to amend the land use designation from SUB to Traditional Neighborhood.

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

III. IMPACT ANALYSIS

- (a) Suitability of use: The proposed rezoning will permit uses that are suitable in view of the existing residential and multi-family uses on the parcels adjacent and nearby the Subject Property. The proposed rezoning will allow for the development of both

townhome and single family uses which are in line with the Wesley Chapel Activity Center small study. The Subject Property is abutted to the North by the Wesley Club apartment complex which is within the I-20 Overlay District with a land use designation of Town Center, to the South by the Rainover Estates and Shadowbrook single-family detached subdivisions zoned R-100 with a land use of SUB, to the West by I-20, and to the East by vacant land zoned R-100 and MR-1. The proposed rezoning to MR-1 will provide for a suitable transition between these existing uses. It should also be noted that with the exclusion of the Subject Property and one adjacent tract, the remaining properties with frontage on Snapfinger Road have a land use designation of Town Center, are included in the I-20 Overlay District, and are zoned MR-1. There is little to no logic in forcing the Subject Property to remain zoned R-100.

- (b) Effect on adjacent property: The proposed rezoning of the Subject Property for the development of townhomes and single-family homes will have no inverse impact on the adjacent properties. Currently, the Subject Property is undeveloped and serves as a pedestrian cut-through and dumping ground. The proposed development will alleviate these issues, as there will be more eyes on the street, and the Applicant is proposing fencing along Snapfinger Road to cut down on pedestrian cut through traffic.

Additionally, the development of the proposed project will provide an economic uplift to an area that was hit hard by the 2007/2008 housing crisis. Many homeowners are still recovering from the economic downturn. The sales price for the proposed townhome units will start at \$175,000.00 and increase as units sell. The single-family detached

homes in the area have an average value of \$135,000.00. The proposed townhomes will exceed this value, which will help to increase the surrounding home values. Diversifying the housing type in the area, is a policy goal in the Comprehensive Plan for the area, and there is no question that allowing townhomes will support this goal by providing for homeownership that is more attractive to empty nesters, and millennials who are looking for newer homes, at a great value with less maintenance.

- (c) Economic use of current zoning: The Subject Property has no use as currently zoned R-100 based on the adjacent multi-family use.

- (d) Effect on public facilities: The Subject Property is in an area with public utility availability and convenient access to major thoroughfares. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.

- (e) Environmental Impact. The approval of this Rezoning Application will not result in any adverse environmental impact.

- (f) Effect on adjoining governmental interest. The approval of this Rezoning Application will not have any adverse impact on any adjoining governmental interests. The Subject Property is located in unincorporated DeKalb County, as is not near the boundaries of any incorporated City.

- (g) Conformity with the Intent of the Comprehensive Plan or Land Use Plan: The proposed

Rezoning is consistent with the intent of the Wesley Chapel Activity Center policies, and with the Traditional Neighborhood policies, including:

- (i) Protection of Existing Residential Neighborhoods;
- (ii) Walkability;
- (iii) Infill Development;
- (iv) Connectivity; and
- (v) Sense of Place.

(h) Effect on historical buildings, etc. The approval of this Rezoning Application will not have any adverse impact on any historical buildings, sites, district or archeological resources resulting from any proposed future development of the Subject Property.

(i) Existing or changing conditions supporting approval or denial. The DeKalb County Board of Commissioners has acknowledged its commitment to the growth and development of the Wesley Chapel Corridor. The Subject Property is one of the largest assembled underdeveloped tracts within the Wesley Chapel corridor. Change in the area is coming but has been slow along the East side of the I-20 Corridor. The proposed project will support the development and redevelopment of other property within the Wesley Chapel corridor. As currently zoned R-100, there is no market for the sole development of single-family homes on the Subject Property, particularly in light of the multi-family development which is on the north side of Snapfinger Road.

Furthermore, while the small area study for Wesley Chapel shows the Subject Property

being developed for single family detached homes, it assumes that the Wesley Club Apartments will be demolished and replaced with a multifamily mixed use project and townhomes to provide for a suitable transition between the higher intensity apartment use and the existing single-family detached subdivisions off of Kelley Chapel Road. Unfortunately, this assumption is dubious as the Wesley Club Apartments is subject to Declaration of Land Use Restrictive Covenants recorded in Deed Book 19230, Page 323, DeKalb County real property records, in favor of the Georgia Housing and Finance Authority which requires the use of the Subject Property for Low Income Housing until 2021. The current owner, Wesley Club, LLC, is a subsidiary of AGPM, LLC out of Florida, which specializes in the development and maintenance of affordable housing developments. Wesley Club Apartments was acquired and rehabbed in 2002 with the use of bond financing issued by the DeKalb County Housing Authority. Therefore, the likelihood of the Wesley Club being sold and developed for market rate housing is fairly slim, as Wesley Club, LLC's current financing for the Subject Property doesn't expire until 2026. Previous discussion with the property owner suggests that they will be looking to renew the Land Use Restrictive Covenants in order to continue with their current Fannie Mae financing for the property.

With respect to the small area study, what is most stunning is that it seeks to displace affordable housing units built with federal and state funds. It should not be the County's goal and objective to displace or reduce the number of affordable housing units in the area in order to accommodate new market rate units. Affordable housing is needed and very difficult to come by, as fewer and fewer communities are supportive of affordable

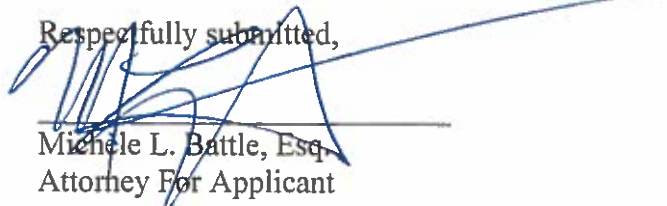
housing, yet more and more people need affordable housing. It is no secret that the County is seeking rapid rail from to the Stonecrest Mall area. In order to achieve this goal density must increase along the route to justify the rail line. The remove of 257 dwelling units would therefore be in opposition to the goal of increased density. Furthermore, it is counter intuitive to actively seek to displace those families living in Wesley Club who are most in need of direct access to public transportation. Plans already exist to provide an express lane and bus route along the I-20 Corridor, with a bus station to be located on Wesley Chapel Road. The redevelopment of the Wesley Club Apartments may be necessary if the MARTA Station is located adjacent to the site, but that does not mean that 100% of the land will be impacted, nor does it mean that the owner will elect to displace over 257 units of affordable housing in favor of a market rate mixed use project and townhomes. In all likelihood, they will simply seek to upgrade their units, or redevelop the project with newer units. Consequently, the development of the Subject Property is what will be providing a suitable transition between the Wesley Club Apartments and the existing residential subdivision starting at Kelley Chapel Road. The small area study clearly shows that townhome units provide a suitable transition between a multi-family product and a single-family detached product. The Subject Property can and should provide this transition.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application

and are attached hereto and by this reference incorporated herein.

This 3rd day of July, 2019.

Respectfully submitted,

Michele L. Battle, Esq.
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

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 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 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.

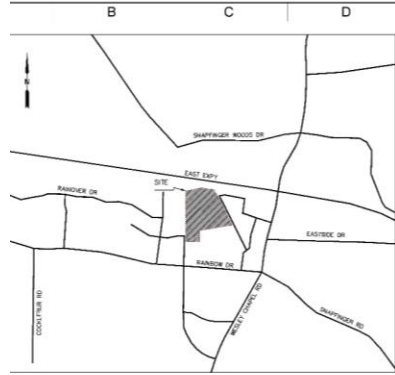
A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s)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

The existing 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 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 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.

D.3 LP-19-1243384

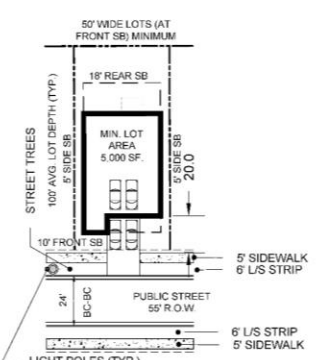
D.4 Z-19-1243385

Site Plan 10-21-19

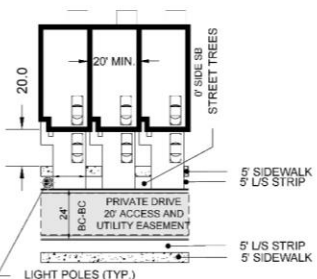


VICINITY MAP - NOT TO SCALE
 LAND LOT(S): 126 DISTRICT: 15TH
 DEKALB COUNTY
 DATE: JUNE 16, 2019

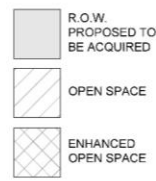
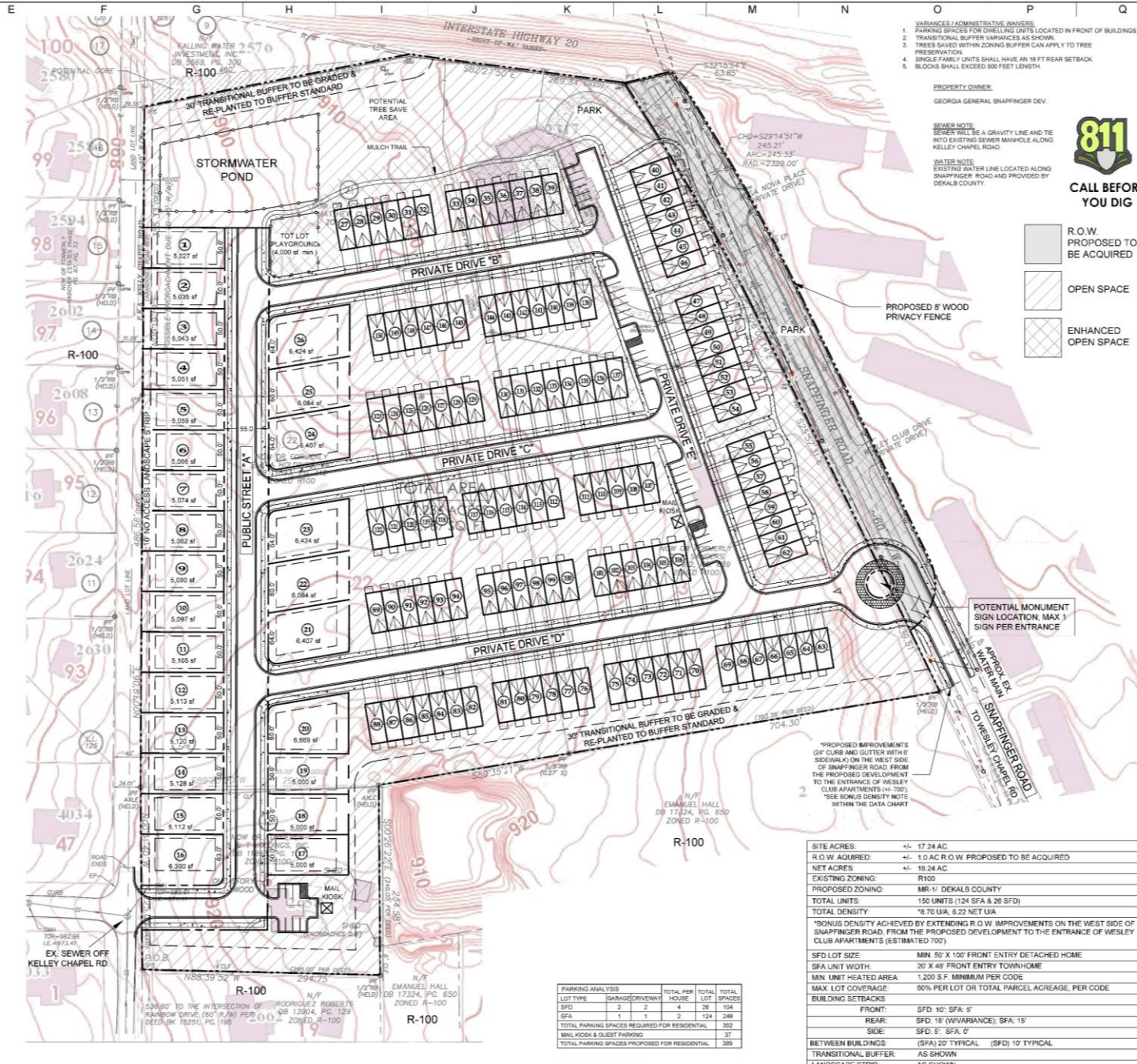
NO PORTION OF THIS PROPERTY IS LOCATED IN
 A FEMA FLOOD PLAIN AS PER FEMA MAP NO.
 13088C0153, DATED MAY 16, 2013



TYPICAL LOT DETAIL - N.T.S.
 SINGLE FAMILY DETACHED
 FRONT ENTRY - 50' X 100'



TYPICAL LOT DETAIL - N.T.S.
 SINGLE FAMILY ATTACHED
 FRONT ENTRY - 20' X 45'



- VARIANCES / ADMINISTRATIVE APPROVALS
- PARKING SPACES FOR CHILLING UNITS LOCATED IN FRONT OF BUILDINGS
 - TRANSITIONAL BUFFER VARIANCES AS SHOWN
 - TREES SAVED WITHIN ZONING BUFFER CAN APPLY TO TREE PRESERVATION.
 - SINGLE FAMILY UNITS SHALL HAVE AN 18' FT REAR SETBACK.
 - BLOCKS SHALL EXCEED 500 FEET LENGTH.

PROPERTY OWNER:
 GEORGIA GENERAL SNAPPINGER DEV.

SEWER NOTE:
 SEWER WILL BE A GRAVITY LINE AND TIE INTO EXISTING SEWER MANHOLE ALONG KELLEY CHAPEL ROAD.

WATER NOTE:
 EXISTING WATER LINE LOCATED ALONG SNAPPINGER ROAD AND PROVIDED BY DEKALB COUNTY.

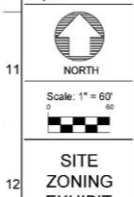


Developer:
 Georgia General Snappinger Development, LLC
 Contact No. 770-232-0000

Site Zoning Plans for
 SNAPPINGER ROAD TRACT
 2810 SNAPPINGER ROAD
 DEKALB COUNTY, GA
 LAND LOT 126, 15TH DISTRICT
 PARCEL ID: #15 126 05 03 015 021 & 022

Issue: 10/21/19
 Rev (1):
 Rev (2):
 Rev (3):
 Rev (4):
 Rev (5):
 Rev (7):

Designed by: SW
 Checked by: JJ
 Project #:



SITE ZONING FYH/RT

D. 3 LP-19-1243384

D. 4 Z-19-1243385

Colored Site Plan

SNAPPINGER ROAD



Received by Dept. of
Planning & Sustainability
10-22-19

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Building Design Example 1



D. 3 LP-19-1243384

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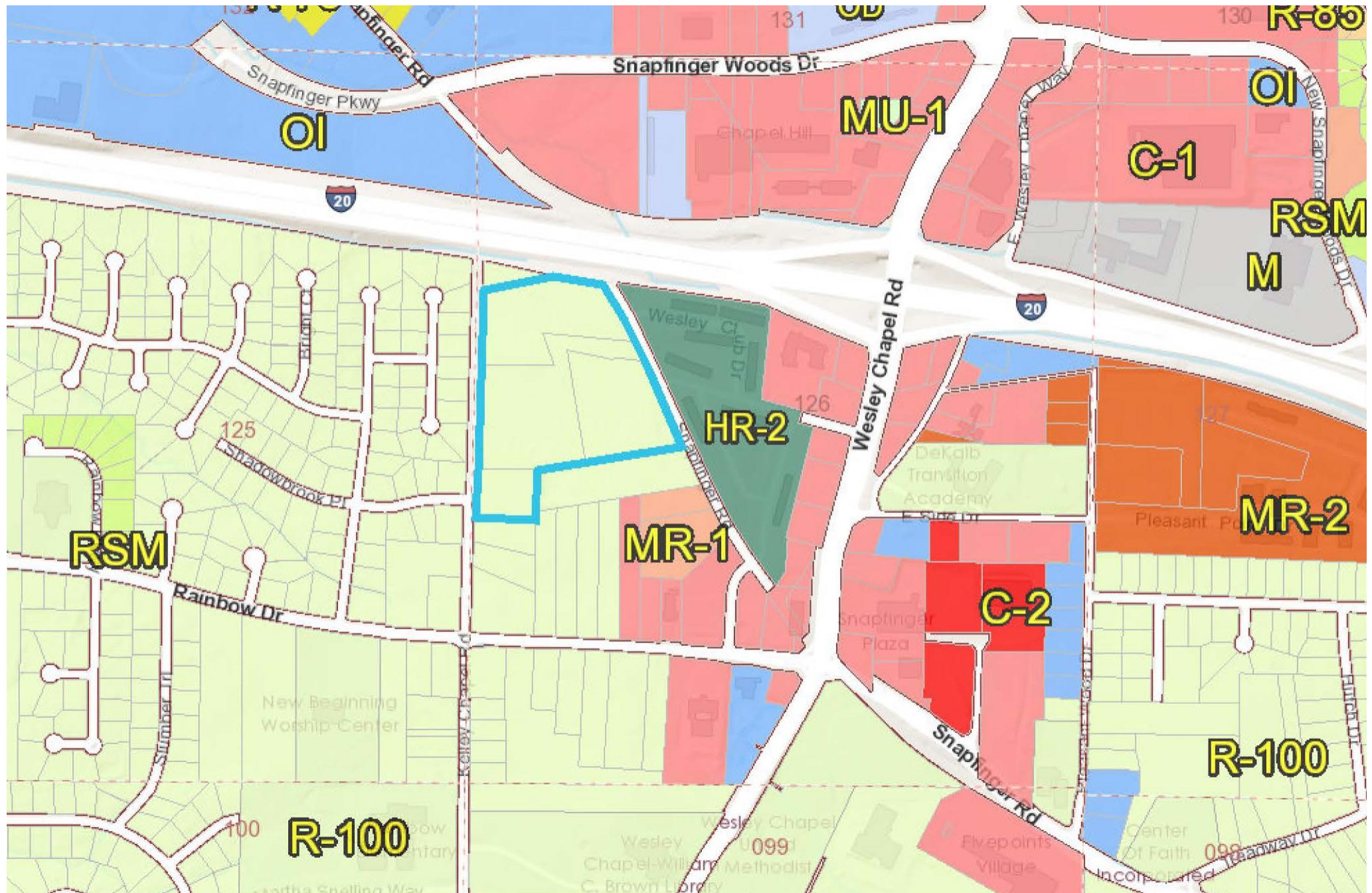
Building Design Example 2



D. 3 LP-19-1243384

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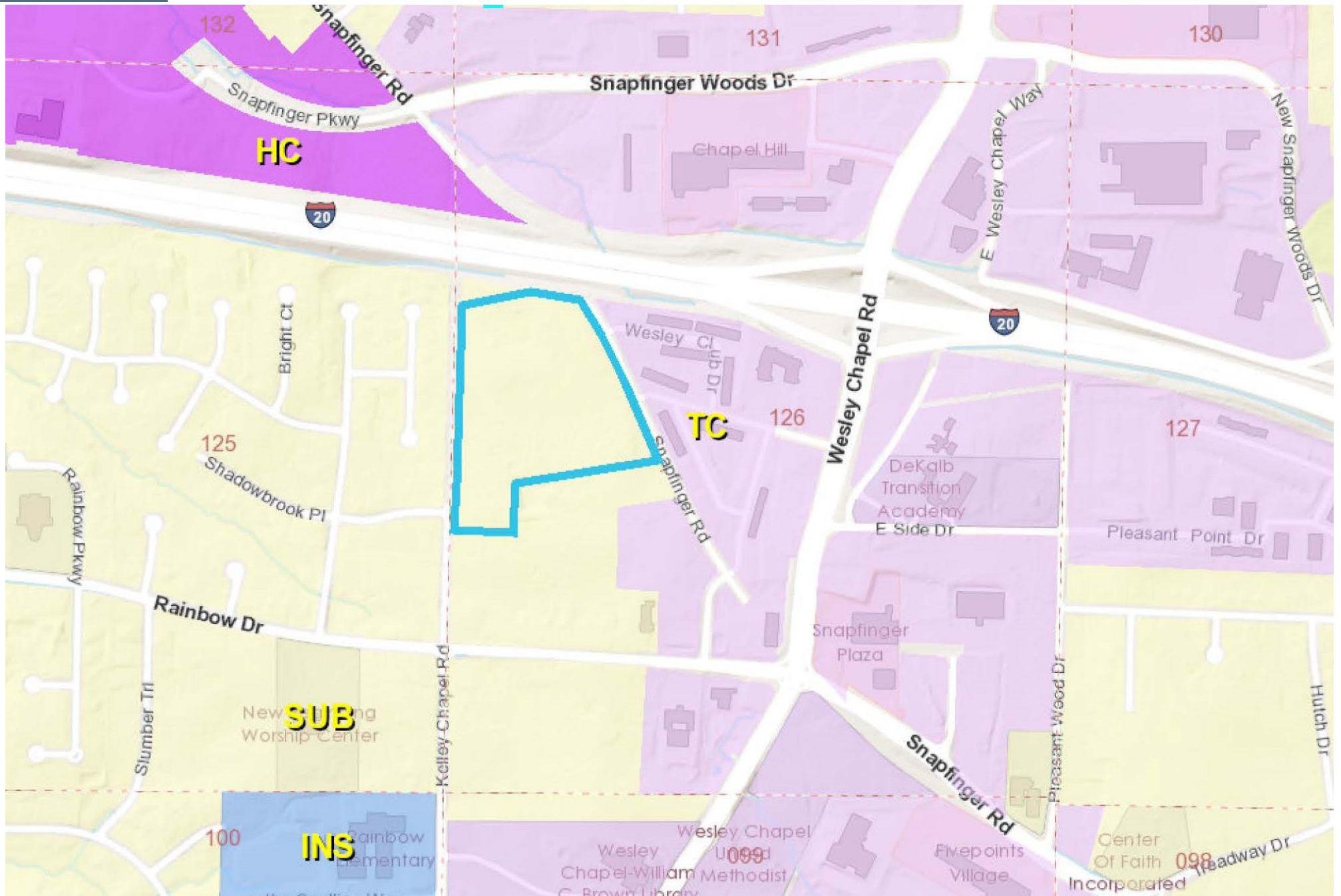
Zoning Map



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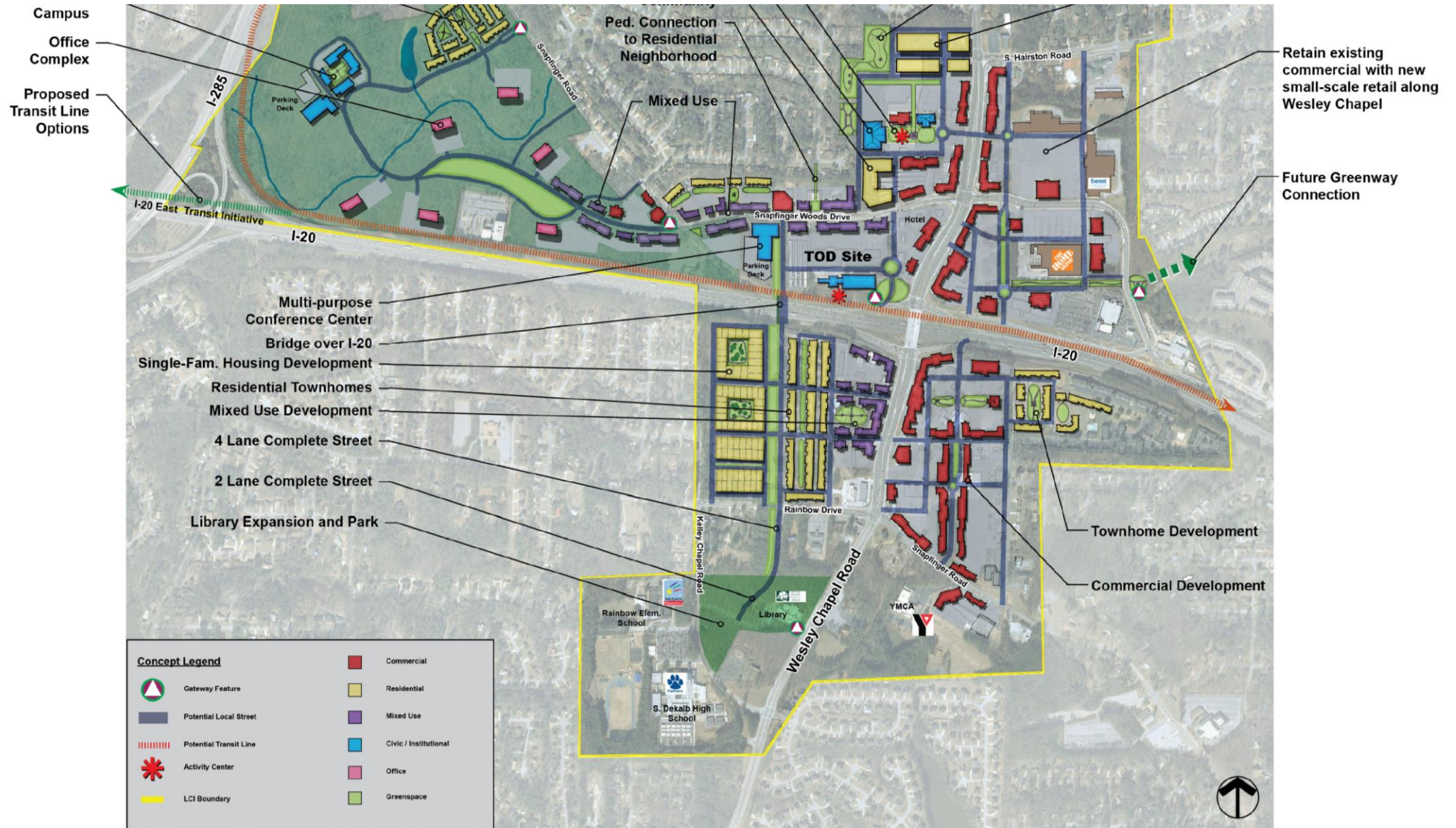
Land Use Map



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Wesley Chapel LCI Plan (detail)



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Aerial View



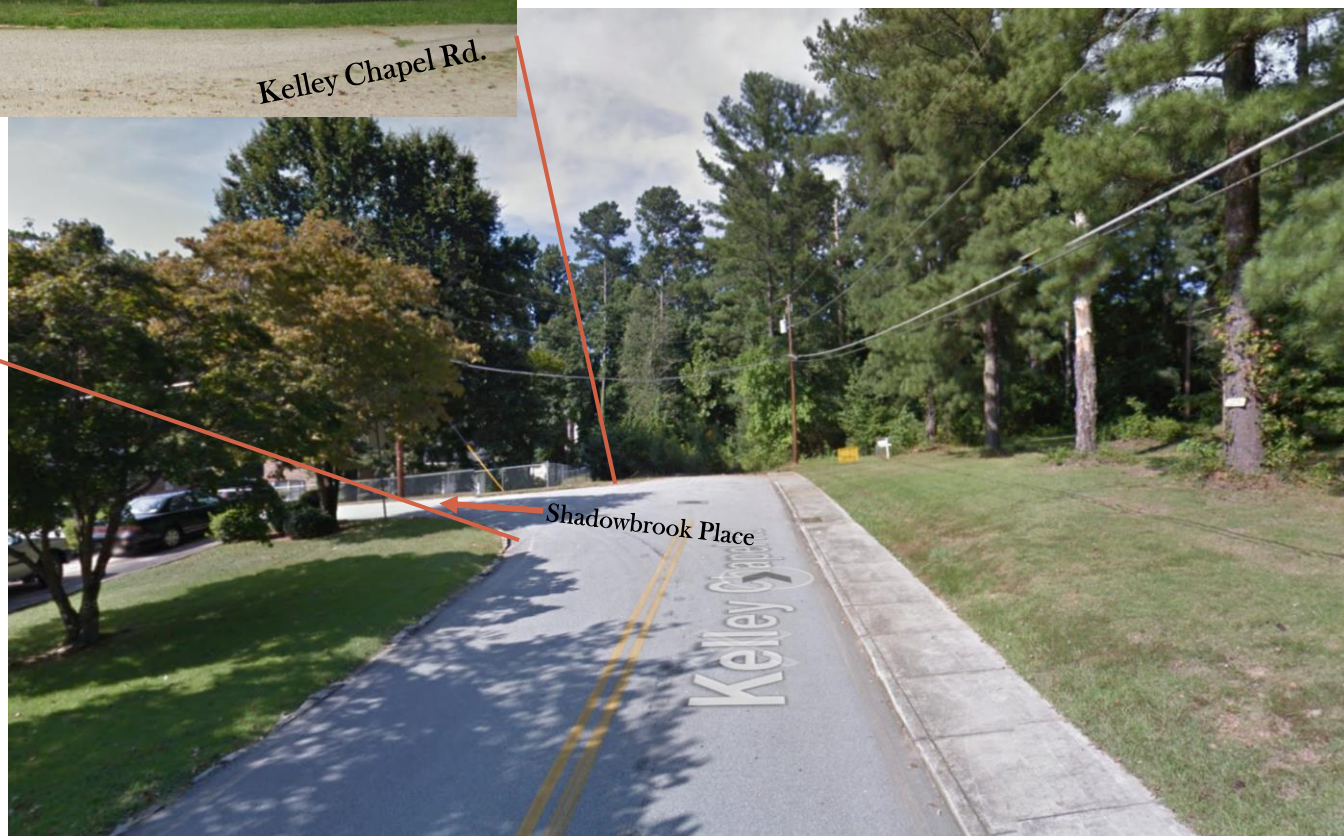
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Site Photos



Kelley Chapel Road frontage and single-family homes to the west.



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Site Photos



Snapfinger Road frontage and Wesley Club Apartments on opposite side.