



DeKalb County Government

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

Agenda Item

File #: 2019-4074

9/10/2019

File Status: Preliminary Item

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 3 & 7

Application of Georgia General Snapfinger Dev c/o Battle Law to amend the 2035 Future Land Use Plan Map from SUB (Suburban) to TC (Town Center), at 2658 Kelley Chapel Road.

PETITION NO: N7. LP-19-1243384

PROPOSED USE: TC (Town Center) for a mixed residential development.

LOCATION: 2658 Kelley Chapel Road.

PARCEL NO. : 15-126-05-003; 15-126-05-015; 15-126-05-021; 15-126-05-022

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Georgia General Snapfinger Dev c/o Battle Law to amend the 2035 Future Land Use Plan Map from SUB (Suburban) to TC (Town Center). 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.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIAL

PLANNING COMMISSION: PENDING

PLANNING STAFF: FULL CYCLE DEFERRAL

STAFF ANALYSIS: The development proposal matches the 'Outer Ring Intensity' policies which protect surrounding single-family detached residential from Activity Center development. The proposed townhomes transition from the multi-family development (Wesley Club Apartments). And the incorporated single-family detached lots transition to the existing single-family to the west of Kelley Chapel Road by retrofitting to the existing single-family detached homes in the area. The development proposal is consistent with Land Use

Policies (general) and the Town Center Character Area policies of the DeKalb County 2035 Comprehensive Plan. Staff recommends 'Full Cycle Deferral' of the requested Future Land Use Plan Map Amendment at the request of the applicant.

COMMISSION VOTE: PENDING

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **Denial 6-2-4.** The Council 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.



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: September 10, 2019, 6:30 P.M.
Board of Commissioners Hearing Date: September 24, 2019, 6:30 P.M.**

STAFF ANALYSIS

Case No.:	LP-19-1243384	Agenda #: N.7
Location/Address:	2658 Kelley Chapel Road, Decatur, GA 30034	Commission District: 3 Super District:7
Parcel IDs:	15 126 05 003, 015, 021, & 022	
Request:	Future Land Use Plan Map Amendment	
Property Owner(s):	Georgia General Snapfinger Dev	
Applicant/Agent:	Battle Law Group	
Acreage:	17.23	
Existing Land Use:	Suburban (SUB)	
Proposed Land Use:	Town Center (TC)	
Surrounding Properties:		
Adjacent Zoning:	North:R-100 (SUB) South: R-100 (SUB) East: HR-2 (TC) West: R-100 (SUB) Northeast: HR-	
(Adjacent Land Use):	2 (TC) Northwest: R-100 (SUB) Southeast: R-100 (SUB) Southwest: R-100 (SUB)	
Comprehensive Plan:		



Consistent



Inconsistent

Proposed Density: 9.75 units/a.c.

Existing Density: 1 unit

Proposed Units/Square Ft.: 132 townhomes; 24 lots

Existing Units/Square Feet:

Proposed Lot Coverage: N/A

Existing Lot Coverage:

Companion Application:

The applicant has filed a companion application (Z-19-1243385) to amend the Zoning of the parcels from R-100 (single-family) to MR-1 (medium density residential 1).

STAFF RECOMMENDATION: FULL CYCLE DEFERRAL

The development proposal matches the 'Outer Ring Intensity' policies which protect surrounding single-family detached residential from Activity Center development. The proposed townhomes transition from the multi-family development (Wesley Club Apartments) and the incorporated single-family detached lots transition to the existing single-family to the west of Kelley Chapel Road by matching the existing single-family detached homes in the area.

The development proposal is consistent with Land Use Policies (general) and the Town Center Character Area policies of the DeKalb County 2035 Comprehensive Plan. Staff recommends 'Full Cycle Deferral' of the requested Future Land Use Plan Map Amendment at the request of the applicant.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs



MICHELE L. BATTLE, ESQ.
President

August 6, 2019

VIA E-MAIL

Marian Eisenberg, DeKalb County Zoning Administrator
330 W. Ponce De Leon Ave., 3rd Fl.
Decatur, GA 30030

Re: Snapfinger Road - Applications Z-19-1243385 & LP 19-1243384 – Full Cycle Deferral Request

Dear Marian:

On behalf of Georgia General Snapfinger Development, LLC, please be advised that we are requesting a full cycle deferral of the above referenced Applications. Please feel free to contact us with any questions regarding this deferral.

Sincerely,

Michèle L. Battle

DeKalb County Long Range Planning Division
Supplemental Land Use Report (for developments proposed in Activity Centers)

Case No. Project Name:	Existing FLU: Suburban Proposed FLU: Town Center	BOC Hearing Date 9/24/2019	Staff Recommendation Approval
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LP-19-123384

Town Center Premise - These policies are primarily applicable to activity centers that do not have adopted studies. Studies that are adopted for Town Centers are referred to as Small Area Plans (SAP), and they provide more detailed guidelines and recommendations for land use, zoning, development, transportation, housing, economic development, and green space. If there are conflicts between SAP and Town Center policies, SAP policies shall take precedence.

Town Center Intent - The intent of the Town Center Character Area is to promote the concentration of residential and commercial structures, which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage. The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 60 dwelling units per acre.

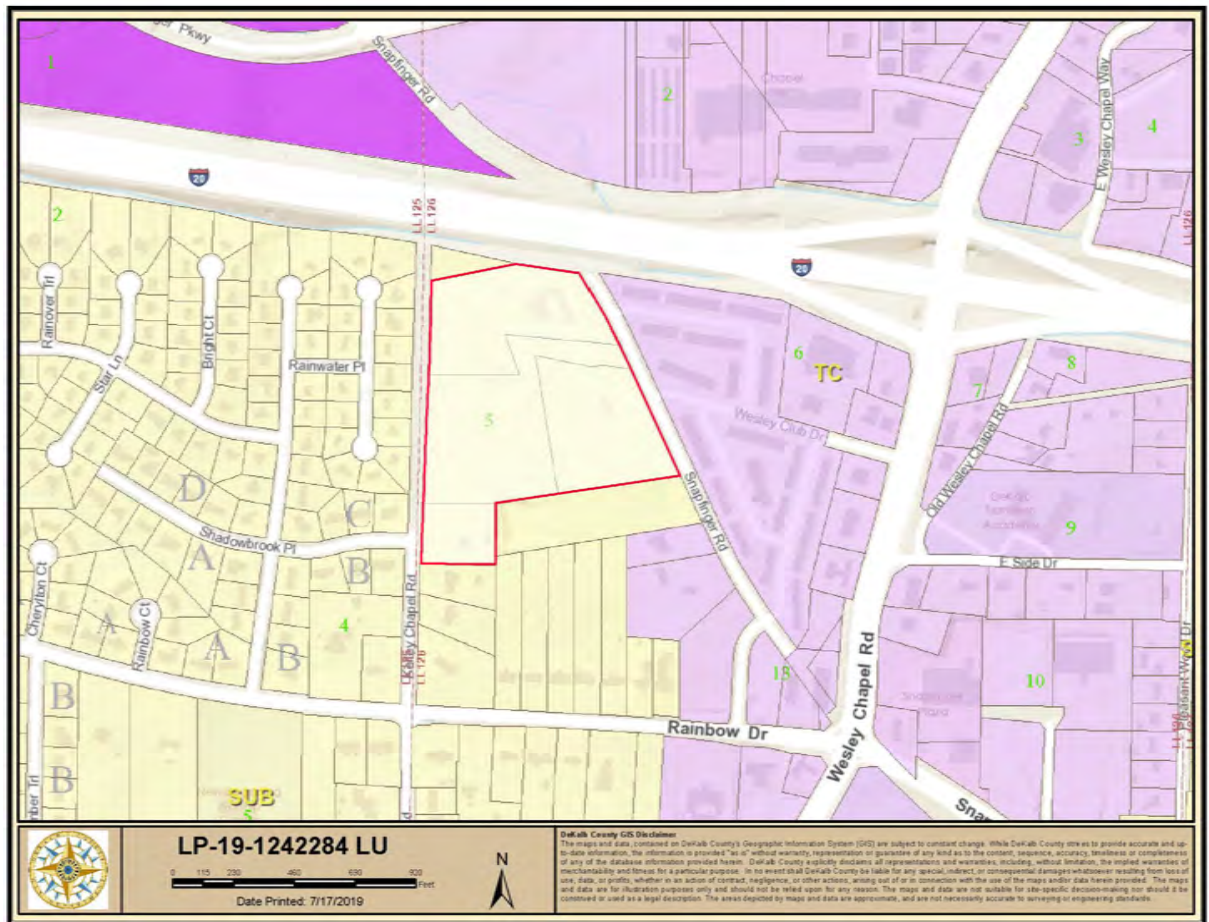
MAPS

Land Use

Town Center
60 dwelling units per acre

Primary Uses

- Townhomes
- Condominiums
- Apartments
- Health Care Facilities
- Retail and Commercial
- Office
- Institutional
- Entertainment and Cultural Facilities
- Park and Recreational Facilities
- Public and Civic Facilities



DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

Project Description

Location: 2658 Kelley Chapel Road, 2317, 2349, & 2610 Snapfinger Road

Developer/Owner: Georgia General Snapfinger Development, LLC

Estimated Completion: 2021

Project Size (Acres, Square Footage, etc.)

Acres: 17.23

- Retail SF: N/A
- Restaurant SF: N/A
- Office SF: N/A
- Hotel SF: N/A Rooms: N/A
- Entertainment: N/A
- Residential SF: N/A Units: 132 Townhomes; 24 single-family detached
- Other:
- **Total SF:** N/A

DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

Land Use Policy Analysis				
<i>(Based on Chapter 7 Land Use of the DeKalb County 2035 Comprehensive Plan)</i>				
Town Center Policies	Compliant with Comprehensive Plan			Additional comments that justify staff recommendation
	YES	NO	Not Applicable	
1. Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.	☒	☐	☐	This proposal would be consistent with 'Outer Ring Intensity' Land Use policies that fits compatibility with the surrounding uses.
2. Maximum Density — Encourage the maximum density of residential in mixed use projects not to exceed 60 dwelling units per acre, with the most intense development located towards the commercial and/or office core of the Town Center. Properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single family residential. (Refer to Figure 7.3, page 60 of the comprehensive plan)	☒	☐	☐	
3. Retrofitting - Foster retrofitting for conformity with traditional neighborhood principles.	☐	☐	☒	
4. Pedestrian Scale Development - Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.	☒	☐	☐	First rendering indicates that the development intends to create enhanced open space as a part of the development and an internal complete street grid.
5. Mixed Use Development - Create compact mixed-use districts and reduce automobile dependency and travel to obtain basic services.	☒	☐	☐	
6. Transitional Buffers - Require greater setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.	☒	☐	☐	
7. Enhanced Buffers - Require the incorporation of enhanced buffers in efforts to protect single family neighborhoods.	☒	☐	☐	
8. Staggered Heights - Require the consideration of staggered height implementation when developments are adjacent to single family residential neighborhoods.	☒	☐	☐	
9. Streetscaping - Improve street character with consistent signage, lighting, landscaping and other design features.	☒	☐	☐	

DeKalb County Long Range Planning Division
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10. Pocket Parks - Create focal points through the use of existing pocket parks and squares for community activities.	☒	☐	☐	The proposal would convert land to enhanced open space.
11. Cultural Diversity - Promote activities to highlight historic and cultural assets in the community and provide opportunities for community interaction.	☐	☐	☒	
12. Infill Development - Utilize vacant properties in the neighborhood as an opportunity for infill development of compatible structures.	☒	☐	☐	
13. Parking - Clearly define road edges by locating buildings near the roadside with parking in the rear.	☐	☐	☒	
14. Open Space and linkages - Encourage that all development and redevelopment in activity centers provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages and other design features.	☐	☐	☒	
15. Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Implement the recommendations of the Master Active Living Plans (MALPs).	☒	☐	☐	
16. High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Town Center shall be targeted to a broad range of income levels.	☒	☐	☐	This development proposal is consistent with 'Outer Ring Intensity' policies.
17. Pedestrian Enhancements - Create a pedestrian-friendly environment by adding sidewalks that link neighborhood amenities.	☒	☐	☐	
18. Traffic Calming - Organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.	☒	☐	☐	
19. Pedestrian Oriented Design - Design shall be pedestrian-oriented with walkable connections between different uses.	☒	☐	☐	
20. VMT - Promote new and redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT).	☒	☐	☐	Transit access within ½ mile? Yes
21. High Density Development - Each Town Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.	☐	☐	☒	Percentage of mixed use: __ Residential __ Office __ Retail __ Open Space Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages
22. Small Area Plans (SAPs) -Implement appropriate sub-policies (pages 85-114 in the comprehensive plan) and development guidelines in Town Centers that have Small Area Plans, which provide more guidance to the development of mixed use and transition down to single family residential.	☐	☐	☒	This project is within the following SAP of the Town Center: ☐ Medline Activity Center ☐ Wesley Chapel LCI ☐ Candler Road Flat Shoals LCI ☐ Redan Road Indian Creek Master Active Plan ☐ Toco Hills Node of the North Druid Hills LCI <i>If one of the above is checked, provide policies and map for that particular study, that supports recommendation.</i>
23. Preferred Uses – Each Town Center shall include a high density mix of retail, office, services, and employment to serve neighborhoods.	☐	☐	☒	Percentage of mixed use: __ Residential __ Office __ Retail __ Open Space Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages

DeKalb County Long Range Planning Division
Supplemental Land Use Report (for developments proposed in Activity Centers)

Economic Development Analysis (Based on the 2014 DeKalb County Economic Strategic Plan)				
Policies	Compliance with the Strategic Plan			Additional comments that justify staff recommendation
	Yes	No	N/A	
Target Industry and Niches ☒ Click here if no Target Industry applies				
Professional and Business Services (PBS) ☐ Niche Markets: Entrepreneur-Enabled Businesses, E-commerce, Engineering, Creative Design, Consulting, Accounting, & Marketing ☐ Criteria: Clean, Sustainable, Creative ☐ Theme Elements: <i>Job types:</i> knowledge, technical, and innovation workers. <i>Entrepreneurship.</i> Businesses in this industry are typically small and locally owned. The opportunity for entrepreneurship is high. <i>Business retention</i> efforts could be expanded to reduce the outflow of businesses and keep them operating within the county.	☐	☐	☒	Supporting Information: Business services are, in their broadest sense, occupations geared toward providing services in the business world. Professional services are those requiring niche educational training, such as architects, engineers, accountants, doctors, and lawyers. Professional and Business Services (PBS) firms exist both as subsidiary operations for parent firms as well as outsourced third-party service providers. Entrepreneur business services is one of the fastest growing sectors of the US economy. Relevance to subject property: None
Life Sciences - Services, products, and activities that are broadly related to research, manufacturing and other activities focused upon or utilizing living organisms, with particular attention to activities relating to the maintenance or restoration of health. ☐ Niche Markets: Biotechnology, Bioinformatics, Proteomics, Health IT, Senior Care Services ☐ Criteria: Clean, Sustainable, Creative ☐ Theme elements: - Jobs types: knowledge, technical, and innovation workers. - Progression in this industry relies on small businesses that pursue ideas and technological advancements made in the public sector. - As businesses grow, access to larger markets becomes vital. - Retention of existing companies is just as important as business attraction for sustained economic growth.	☐	☐	☒	Supporting Information: The Life Sciences industry is currently one of the largest in the U.S. economy and is projected to undergo the swiftest growth in employment and wages among all industries over the next ten years. Life sciences relies on high levels of scientific and technology research, and therefore depends heavily on research institutions such as universities. Moreover, funding requirements within the industry are substantial, placing companies and entrepreneurs that work within the industry in particular need of readily accessible venture capital, government funding, and other sources of funding. Relevance to subject property: None
Tourism - Tourism as an industry focuses on destinations, travelers, and the businesses that accommodate those travelers. ☐ Niche Markets: Cultural Tourism, Bed & Breakfast Inns, Youth Sporting Events, Dynamic Tour Packaging ☐ Criteria: Green, Sustainable, Creative ☐ Theme elements: - Job types: knowledge and innovation workers as well as semi-skilled workers. - Those with an entrepreneurial passion can enter into this industry, which celebrates creativity and ingenuity.	☐	☐	☒	Supporting Information: Professions within it include travel agents, event planners, museum curators, archivists, and various supporting occupations. Being that tourism requires travel, the industry is not considered clean. In recent years, however, tourists have begun to turn toward green and other more socially conscious ways to experience their destinations. Eco-tourism looks to offset environmental costs associated with travel through environmentally friendly activities and accommodations. In this regard, some parts of the industry could be considered green. Tourism is also creative in that it is the energy, passion, and enriching experience that attract tourists to their destinations. Relevance to subject property: None

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LOGISTICS - the process of planning, implementing, and controlling the efficient flow of goods and services through the supply chain from producer to consumer. Distribution includes all freight carriers (air, trucking, and intermodal) and warehousing. □Niche Markets: Specialized Freight Trucking, Back Office Support Services, Truck Terminals, Warehouse Distribution. □Criteria: Sustainable □Theme elements: - Jobs are this industry include knowledge and technical workers as well as semiskilled workers. - As technology and trade regulation continue to evolve, the Logistics industry has great opportunities for entrepreneurs to innovate new and more efficient ways to store and distribute goods. - Retention of DeKalb's Logistics companies will be critical to the continued development of this industry. Many of those companies are located in the Southwest area of the county, where the location advantage is greatest.	□	□	☒	Supporting Information: Until recently, most manufacturing firms coordinated their own warehousing and flow mechanics. Now, these services are often outsourced to develop advanced just-in-time delivery systems. The integration of international trade, logistics, and distribution into one continuous supply chain driven by free trade has put this industry at the forefront of economic growth. Logistics and distribution companies that can capture small and medium sized businesses entering the global market will experience above average growth. These are the businesses that DeKalb County is best suited to support because of its proximity to major interstate corridors and transportation hubs as well as its reasonable labor costs. Relevance to subject property: None
CONSTRUCTION AND SUPPORT TRADES (CST) - Construction is the creation of improvement of man-made structures. It can include residential, commercial, and industrial building construction, or civil construction, which encompasses infrastructure and utilities. □Niche Markets: Construction Materials Manufacturing, Contracting, Homebuilding □Criteria: Clean □Theme elements: - CST employs workers across the full spectrum of skill levels, from architects, to skilled tradesmen, to semi-skilled workers. - Growing emphasis on green construction practices provides opportunities to entrepreneurs and innovators. - Retention of DeKalb's existing CST firms will be essential to industry growth.	□	□	☒	Supporting Information: Construction support trades are those that enable but do not directly participate in construction operations, to include material and equipment providers and contractors. Construction was one of the industries hit hardest by the recession, as great economic uncertainty and liquidity issues caused both public and private entities to rethink new construction projects, or even abandon ongoing projects. Now that the economic recovery is picking up momentum, DeKalb County has an opportunity to capitalize on the nationwide resurgence in the industry. New technologies and eco-friendly construction practices provide a unique opportunity to DeKalb CST entities as they work to complete projects halted during the recession and work on new projects. An excellent example of such a project is the proposed redevelopment of the Doraville GM plant. The proposed conversion of the site into a "livable, mixed-use, transit-oriented development" is an opportunity for an innovative, socially responsible industry resurgence and can serve as a model for similar projects in the future. Relevance to subject property: None
Advanced Manufacturing - Advanced manufacturing is a category of manufacturing that utilizes innovative technologies to make better products and improve the methods to produce those products. □Niche Markets: Fabricated Metals Manufacturing, Medical Equipment and Supplies, Laboratory Equipment and Supplies, Light Manufacturing and Assembly. □Criteria: Green and Creative □Theme elements:	□	□	☒	Supporting Information: The future of manufacturing, in DeKalb County and nationally, is both quick and detailed, but is above all smarter. The kinds of manufacturers that can prosper in a new American economy need to "green" their production methods and think creatively about how consumers will use them. It is no secret that all kinds of manufacturing jobs have become harder to find in recent decades for American workers. Nearly every city in the country has seen a declining

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- Despite current trends, the jobs that remain in manufacturing will require a range of skills. Semi-skilled workers will be needed as well as workers that have specialized technical skills and also, workers that think in innovate ways. - Supporting entrepreneurs with new and exciting ways of commercializing advances in research can give this industry a much-needed breath of fresh air. - Even though manufacturers are not quite as mobile as other businesses, the county must explore ways of keeping manufacturers operating within the county.				manufacturing base. Yet, between 2011 and 2012, there have been some signs of growth in certain manufacturing sectors. The impact that these kinds of jobs can have is huge for the places that can attract them. Relevance to subject property: None
Improve Business Climate				
Business Climate Action Plan 1. Optimize Incentives 2. Support Entrepreneurs & Small Businesses 3. Support Existing Businesses & Foster Expansion 4. Finalize Implementation of Development Services Overhaul 5. Strengthen the Economic Development Organization 6. Improve Marketing, Branding, and Communication for the County & DADC	☐	☐	☒	
Revitalize Commercial Corridors and Embrace New Employment Centers				
Employment Centers Action Plan. Subject property / project provides the following (check all that apply): ☐ Incentivize redevelopment and build public/private partnerships ☐ Secure appropriate zoning. Rezone required? ____ ☐ Appropriate marketing and branding for employment centers and target industries ☐ Creation of a new employment center in DeKalb County ☐ Encourage clustering through target industry support programs	☐	☐	☒	
Click "NO" if the property is not within an employment center.	☐	☐	☒	
Northern DeKalb Employment Center Location (check one): ☐ <u>The I-85 / I-285 interchange</u> - Though significantly developed, the strategic interstate crossing and proximity to both Mercer University and the airport indicate this location is currently underleveraged. Investments to expanded transportation options should be considered to enable efficient mobility and facilitate development in this area. ☐ <u>Northlake Mall</u> - Located at I-285 and Lavista Road, the Northlake Mall is an existing employment center that should continue to be supported through this the Strategic Plan and the County's Comprehensive Plan. <u>Industry Characteristics</u> - Target Area: FPS and Life Sciences - Supporting Industries: Specialty Retail, IT Services, & Educational Services.	☐	☐	☒	
West Central DeKalb Employment Center Location (check one): ☐ <u>Intersection of Briarcliff Road North Druid Hills Road</u> - With direct access to I-85, this area contains office and retail space, and is linked to the healthcare engines of the Clifton Corridor. A significant opportunity exists to expand the life sciences cluster. Only a short distance north of Emory and CDC, this	☐	☐	☒	

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currently only houses a strip mall and has potential for further development. ☐ <u>Intersection of I-85 and Clairmont Road</u> - Serving as a major interstate access for much of the district, this strategically located exit can build off of the success of adjoining Brookhaven. This employment center can build on existing development nearby at Executive Park. ☐ <u>Intersection of N Druid Hills Road and Lavista Road</u> - Offers opportunity for expansion. Currently houses a Georgia Department of Labor career center, restaurants, office space and retail establishments. Existing infrastructure would have to be upgraded to allow for greater density in this area. <u>Industry Characteristics</u> • Target Area: FPS, Life Sciences, Tourism • Supporting Industries: General Retail, IT Services, Educational Services				
Southwest DeKalb Employment Center Location (check one): ☐ <u>I-20/ Candler Road</u> - Currently housing the South DeKalb Mall, this exit is well positioned and has plenty of available infrastructure for redevelopment. ☐ <u>I-20 / I-285 Interchange</u>: This junction of two interstate highways has large tracts of undeveloped land located nearby. ☐ <u>Memorial Drive</u>: The segment of Memorial Drive between Atlanta and Avondale Estates could stand to benefit greatly from redevelopment and currently only houses underperforming or underutilized retail and commercial establishments. ☐ <u>Moreland Area</u>: Already a substantial commercial logistics and manufacturing corridor, the Moreland area is close to the I-675 / I-285 Interchange and has room for additional growth. <u>Industry Characteristics</u> • Target Area: Logistics, CST, Manufacturing • Supporting Industries: Specialty Retail, General Retail, Educational Services	☐	☐	☒	
East Central DeKalb Employment Center Location (check one): ☐ <u>Stone Mountain Industrial Park</u>: Located near the intersection of two major roads, this industrial park has a well-established CID and is a strong candidate for further development. ☐ <u>Memorial Drive, I-285 Interchange</u>: Despite the presence of the county jail, the importance of this interchange and the proximity of a Transit Oriented Development priority MARTA station make this area viable for redevelopment. <u>Industry Characteristics</u> • Target Area: Tourism, Logistics, CST • Supporting Industries: General Retail, Educational Services	☐	☐	☒	
Southeast DeKalb Employment Center Location (check one)	☐	☐	☒	

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<u>□I-285/Indian Creek MARTA Station:</u> Found along the border between Districts 4 and 5, this location houses both a MARTA station and open land which make it a potential candidate for further development (Currently a MARTA-only exit). <u>□I-285 / Covington Hwy:</u> This strategic intersection is centrally located in the county and already contains several retail and other commercial developments. <u>Industry Characteristics</u> • Target Area: Life Sciences, Tourism, Logistics, Manufacturing • Supporting Industries: General Retail, IT Services, Educational Services				
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Quality of Place Enhancements

New Employment Centers and the Comprehensive Plan <u>□This project will initiate a land use amendment:</u> Public input is an essential to further assisting the viability of the proposed centers. We recommend incorporating the employment centers as part of the comprehensive plan, with neighborhood feedback for any potential zoning changes or proposed development. Likewise, land ownership patterns and other potential conflicts should be vetted to ensure proactive resolution of issues impacting the employment centers. <u>□The project will provide connectivity for employment centers:</u> As part of the broader strategy, effort should be made to better connect the employment centers. This could be accomplished through improving existing road infrastructure and street connectivity in and around the centers. Additionally, consideration should be given to expanding transit options. While heavy rail expansions may be currently unattainable due to funding, more busing, increased car pool incentives and other measures can reduce traffic and increase commercial activity. <u>□This project will create Gateways:</u> Another important way to integrate these employment centers in the Comp Plan and develop their identity is to encourage the creation of "gateways." These gateways should include prominent and effective signage, landscaping, and a name that defines their identity. These gateways not only clearly delineate the geographical boundaries of the employment centers but also help develop a brand and culture around the employment centers and for the county.	☐	☐	☒	
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Impact Analysis <i>(In support of Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.)</i>
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Questions	Compliant			Comments to support zoning proposal
	YES	NO	N/A	
A. Zoning proposal is in conformity with the policy and intent of the comprehensive plan:	☑	□	□	The site is located adjacent to a designated Town Center Character Area by the 2035 Comprehensive Plan. Town Centers allow a residential density of up to 60 units per acre.
B. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:	☑	□	□	
C. The property to be affected by the zoning proposal has a	☑	□	□	

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reasonable economic use as currently zoned:				
D. The zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:	☐	☒	☐	
E. 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:	☐	☒	☐	
F. The zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:	☐	☒	☐	
G. 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:	☐	☒	☐	
H. The zoning proposal adversely impacts the environment or surrounding natural resources.	☐	☒	☐	
Transportation Planning Analysis (Based on the DeKalb County 2014 Comprehensive Transportation Plan)				
Policies	Compliant with the CTP			Additional comments that justify staff recommendation
	Yes	No	N/A	
Functional Classification for the project site: ☒ Freeway ☐ Major Arterial ☐ Minor Arterial ☐ Collector ☐ Local	☒	☐	☐	
Freight ☐ Located on a truck or sanitation route ☐ Proximity of Landfill or Transfer Station ☐ Located on a state route ☐ Located in proximity of rail lines and / or crossings	☐	☐	☒	
Access Management	☒	☐	☐	
Complete Streets Policy County / Developer will consider installing bicycle and / or pedestrian facilities, and Transit facilities.	☒	☐	☐	
Design: The following street design guidelines and best practices are listed on page 16 in the Appendix document of the CTP.	☒	☐	☒	
Application: See page 16 in the Appendix document of the CTP	☒	☐	☒	
Exemptions: ☐ Roadway corridor legally prohibits specific users (e.g. bicyclists and pedestrians on interstate) ☐ Cost of providing bicycle or pedestrian facilities is excessively disproportionate to the need or probable use ☐ Absence of current and future need is documented ☐ Roadways not owned or operated by DeKalb County.	☐	☐	☒	
Performance Measures. Success of complete streets include: ☐ Miles of new on-street bicycle routes ☒ Miles of new or reconstructed sidewalks ☐ Percentage completion of bicycle and pedestrian networks as envisioned by the latest DeKalb County Comprehensive Transportation Plan ☐ Increase in pedestrian and bicycle volumes along key corridors	☒	☐	☐	
Human Services Transportation	☐	☐	☒	
Bicycle and Pedestrian Level of Service Goals and Connectivity ☒ LOS B (within an activity center) ☐ LOS C (not within an activity center) ☐ Existing PATH Trail	☒	☐	☐	
Priority Bicycle Network ☐ First Tier Priority Network ☒ Second Tier Priority Network ☐ Existing PATH ☒ Future PATH	☐	☐	☒	

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MARTA and TOD	☐	☐	☐	
Bus Routes ☐ Project is on a bus route ☒ Project is near a bus route ☐ Project is not close to a bus route	☒	☐	☐	
Transit Stations ☐ Project is on a transit station site ☐ Project is near a transit station ☒ Project is not close to a transit station	☒	☐	☐	
Priority Projects for DeKalb County ☐ Tier 1 ☐ Tier 2 ☐ Tier 3 ☒ None	☒	☐	☐	

Table 7.4: Character Area / Land Use Summary

Character Area / Land Use	Density Max (du/ac)	Primary Uses	Permitted Zoning	Small Area Plans (SAP) (Refer to study master plan and SAP policies in this plan. Densities & building heights may vary)
Regional Center	Over 60, no max	Townhomes; Condominiums; Apartments; Retail and commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care, Technology Centers	MU-5, MU-4, MU-3, MU-2, MR-1, MR-2, C-1, OI, HR-1, HR-2, HR-3	Kensington LCI
Town Center	Up to 60	Townhomes; Condominiums; Apartments; Retail and commercial; Office; Park & Rec; Institutional; Civic; Entertainment & Cultural; Health Care, Technology Centers	MU-5, MU-4, MU-3, MU-2, MU-1, MR-1, MR-2, C-1, OI, HR-1, HR-2, RSM,	Candler Road LCI; Emory Village LCI; N. Druid Hills LCI; Wesley Chapel LCI, Medline LCI, Panola MALP
Neighborhood Center	Up to 24	Townhomes; Condominiums; Apartments; Retail and commercial; Office; Park & Rec; Institutional; Civic;	MU-3, MU-2, MU-1, MR-1, MR-2, NS, C-1, OI, NSRSM,	Portion of N. Druid Hills (Mason Mill Node)
Commercial Redevelopment Corridor	18	Commercial and Retail; Office; Condominiums; Townhomes; Mixed Use; Apartments; Institutional	MU-3, MU-2, MU-1,, MR-1, MR-2, OI, OD, RSM	Covington and Belvedere MALP
Traditional Neighborhood	12	Traditional SF homes; Apartments; Assisted living; Neighborhood Retail; Schools; Institutional	MU-2, MU-1,, MR-1, C-1, OI, NS, RSM	None
Highway Corridor	30	Commercial and Retail; Office; Condominiums; Townhomes; Mixed Use; Apartments; Institutional	MU-2, MU-1,, MR-1, C-1, OI, NS, RSM	None
Suburban	Up to 8	SF detached; Townhomes; Assisted Living facilities; Neighborhood Retail; Schools; Libraries; Parks and Related; Health Care; Civic	MU-1,C-1, OI, NS, RSM, RE, RLG, R-100, R-85, R-75, R-60, MHP, RNC	Hidden Hills
Rural Residential	Up to 4	Low-density single family detached; Agricultural related; Cultural & Historic; Institutional	NS, RE, RLG	None
Conservation / Open Space	N/A	Passive parks; Nature trails; Flood plains, wetlands, watersheds; Golf Courses; Athletic Fields, Amphitheaters	All zoning classifications	None
Light Industrial	Up to 120	Warehouse Distribution; Wholesale/Trade; Automotive; Entertainment;	OD, C-2, M-1, HR-1, HR-2, HR-3	None
Heavy Industrial	N/A	Manufacturing; Warehouse Distribution; Wholesale/Trade; Automotive; Entertainment;	OD, C-2, M and M-2	None

Land Use Policies

The **basic premise** is to focus more intense development at the Activity Centers/Nodes. This basic premise will help to protect existing neighborhoods from incompatible land uses. The intent of the 2035 plan is not to allow intense development throughout the designated node, but to provide consideration of the allowable densities/intensities. Listed below are the guiding principles for development.

- A. **Locational Criteria** - The most intense development shall occur in the center of the node or at the major intersections within the defined area. Higher density residential is encouraged within the defined area (stand alone or as a vertical mixed use development). Office uses are encouraged within the node but can also be used as a buffer/transition between existing commercial uses and residential uses. **Density** shall be increased to support urban lifestyles within mixed uses. Bonuses shall be granted for workforce and senior housing.
- B. **Land Use Compatibility** - Development intensity shall transition from the most dense toward the edge/periphery of the activity center. Smaller scale professional services and residential developments may serve as transitions to existing neighborhoods. Staggered heights, greater setbacks, increased screening/buffers can help mitigate compatibility issues.
- C. **Neighborhood Compatibility** - Commercial and office uses that would have a negative or blighting influence on adjacent residential neighborhoods or individual residence shall not be permitted.
- D. **Services/Facilities** - Proposed developments shall not degrade the level of service on roadways, capacity of water/sewer, or cause drainage problems. The developer must provide evidence to the contrary that is acceptable to staff, make on or off site improvements, and/or provide funding to mitigate impact on public facilities and services. All new development will be subject to review of its proposed impact on existing services and infrastructure. Developers will be required to submit additional plans, which will mitigate any negative impacts.
- E. **Environmental** - The proposed development shall be allowed only in areas where it can be demonstrated that environmental damage

will not occur and mitigation measures must be approved by EPD and local stream buffer standards.

- F. **Policies** – The policies and strategies will be used to make recommendations for zoning and land use decisions.
- G. **Mandatory Pre-Application meeting** – shall occur prior to zoning and land use application submittal to guide the applicant with development standards and maintaining an acceptable quality of life.

Policies

1. **Infill** - Identify and encourage the development of priority areas for new infill or redevelopment.
2. **Mixed Use** - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.
3. **Density** - Allow increased density to encourage urban lifestyles that support mixed use in activity centers.
4. **Existing Residential** - Ensure that new development and redevelopment is compatible with existing residential areas.
5. **Parking** - Decrease the amount of land used for surface parking.
6. **Corridor Aesthetics** - Improve the aesthetic appearance of developments along major corridors.
7. **Contextual Design** - Support context sensitive design as a way to mitigate the impact of new development at higher densities and intensities.
8. **Land Development** - Enforce the Land Development Chapter (14) of the County Code to improve development within the County.
9. **Zoning (Commercial)** - Strictly regulate existing nonconforming commercial uses that are not recognized by the Future Development Map.
10. **Development Standards** - Provide standards of development for retail, office and neighborhood-serving commercial uses to protect the appeal and character of neighborhoods.
11. **Transportation** - Encourage development within and near principal transportation corridors and activity centers.
12. **Clustering** - Encourage the clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries which are convenient to population concentrations and major transportation facilities.
13. **TOD** - Encourage Transit Oriented Development (TOD) in appropriate locations.

14. **Brownfield/Greyfields** - Promote the reclamation and re-use of Brownfield and Greyfield development sites.
15. **New Developments** - Promote new communities that feature greenspace and neighborhood parks, pedestrian circulation transportation options, and appropriate mix of uses and housing types.
16. **Buffers** - Encourage the use of buffers by large scale office, commercial, industrial, institutional and high density residential development to reduce noise and air pollution in residential neighborhoods.
17. **Design Guidelines** - Implement design guidelines for site planning, landscaping, hardscaping, and architectural features to exhibit and enhance local character.
18. **Small Area Plans (SAP)** - Create small area studies to address specific land uses issues where needed. Adopted SAPs within Activity Centers (Regional, Town, and Neighborhood Centers) supersede the policies of general policies and guidelines. Implement appropriate sub-policies (pages 85-114 in this chapter) and development guidelines in Activity Centers that have Small Area Plans, which provide more guidance to the development of mixed use and transition down to single family residential.
19. **Connectivity** - Establish inter-parcel connectivity between residential and commercial properties.
20. **Councils, Commissions and Boards** Promote the appropriate training and guidance for the Community Council, Planning Commission and Board of Commissioners to ensure that objective and consistent zoning standards are applied.
21. **GIS** - Implement GIS based planning efforts to improve visual awareness and planning analysis.
22. **Graphic Enhancements** - Illustrate complex concepts with photos, renderings and other imagery.
23. **Developers and Community Engagement** - Encourage developers to work extensively with surrounding neighborhood residents to resolve community concerns prior to formalizing development plans.

Development of Activity Centers

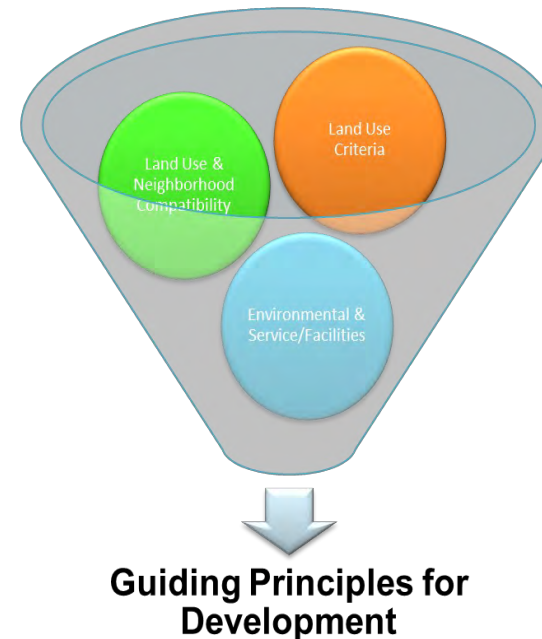


Figure 7.2

Future Land Use Activity Centers Intensity Rings Concept

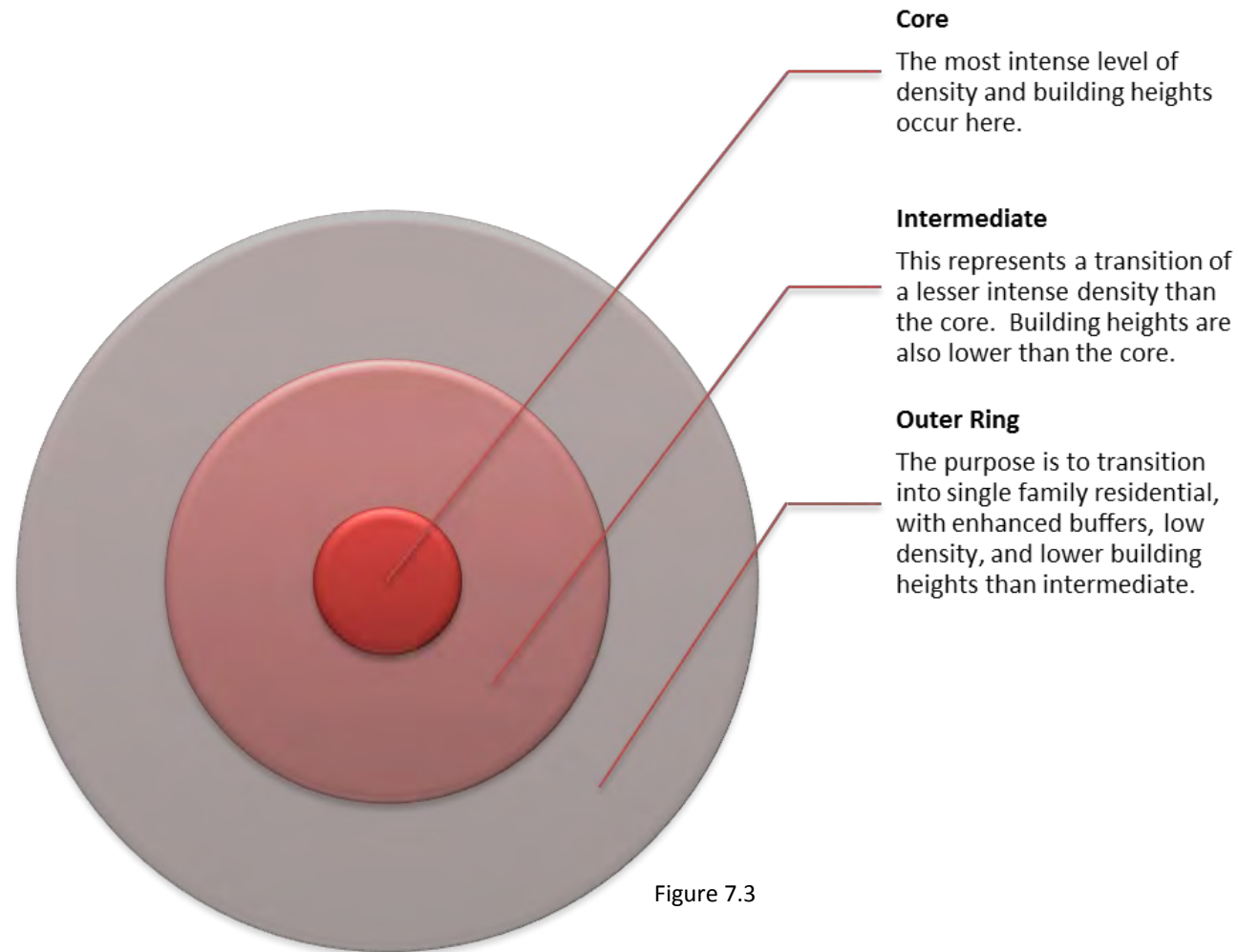


Figure 7.3

**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 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.: LP-19-1243384 Parcel I.D. #: 15126 05 003, 015, 021, & 022

Address: 2658
Kelley Chapel Rd
Decatur, GA 30034

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:

<u>Plans and field reviewed, no problem that would</u>
<u>interfere with traffic flow.</u>

Signature: Jerry White



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

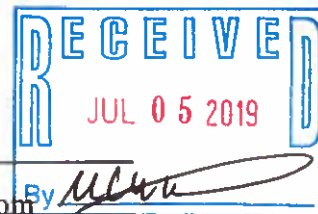
Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

APPLICATION TO AMEND COMPREHENSIVE LAND USE PLAN
OF DEKALB COUNTY, GEORGIA



Application No.: LP-19-1243384 Date Received: _____

Applicant's Name: Georgia General Snapfinger Development, LLC E-Mail: mlb@battlelawpc.com

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

Applicant's Daytime Phone #: 404.601.7616 Fax: 404.745.0045

(If more than one owner, attach information for each owner as Exhibit "A")

Owner's Name: Georgia General Snapfinger Development, LLC E-Mail: maxieprice1@gmail.com

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

Owner's Daytime 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(s): 05 Parcel(s): 003, 015, 021 & 022

Acreage: 17.23 Commission District(s): 3 & 7

Current Land Use Designation: SUB Proposed Land Use Designation: Traditional Neighborhood

Current Zoning Classification(s): R-100

PLEASE READ THE FOLLOWING BEFORE SIGNING

- I. This application form must be completed in its entirety. In addition, any application that lacks any of the required attachments or payment of the filing fee shall be determined to be incomplete and shall not be accepted.
- II.
- III. 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? X Yes No
- IV.

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.

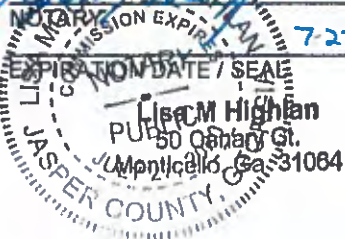
Georgia General Snapfinger Development, LLC

By: Burt D. Mose

SIGNATURE OF APPLICANT

Check One: Owner X Agent June 21, 2019

DATE



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

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

Applicant Name: Bottle Lane Phone: 404-601-7416 Email: mlb@bottlelane.com
Property Address: 2349, 2410, 2317 Snodgrass Rd, 2158 Valley Chapel Rd. 4116, 4124, 4132, 4140
Tax Parcel ID: 15-126-05-021, 022 Comm. District(s): 3, 7 Acreage: Rainbow Dr is 2381
Existing Use: undveloped Proposed Use: townhome See Snodgrass RD
Supplemental Regs: _____ Overlay District: NA DRI: NA 15-126-05-004
Rezoning: Yes ☒ No _____ 013
Existing Zoning: R-100 Proposed Zoning: MP-1 Square Footage/Number of Units: _____ 012
Rezoning Request: 168 townhomes 011
010

Land Use Plan Amendment: Yes ☒ No _____

Existing Land Use: SUB Proposed Land Use: TN Consistent _____ Inconsistent _____

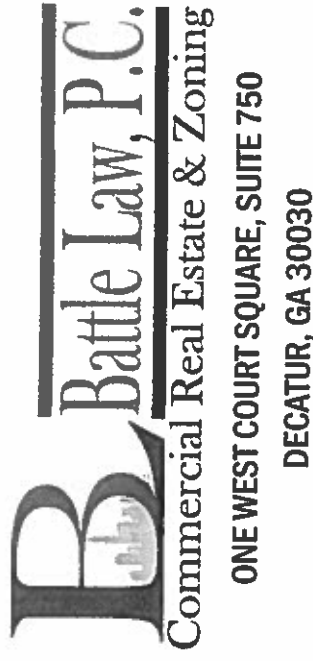
Special Land Use Permit: Yes _____ No _____ Article Number(s) 27- _____

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:



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@battlawpc.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

EXHIBIT A

List of Owners

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

Georgia General Snapfinger Development, LLC
P.O. Box 704
Loganville, GA 30052
(770) 317-3000
maxiepricel@gmail.com

RECEIVED

2019 JUL -2 PM 12: 26

CLERK OF SUPERIOR COURT
DEKALB COUNTY GA

2018138125

DEED BOOK

27082 Pg 181

Real Estate Transfer Tax \$0.00

Filed and Recorded:

8/13/2018 8:57:04 AM

Debra DeBerry

Clerk of Superior Court
DeKalb County, Georgia

Parcel # 15 126 05015

This instrument is being re-recorded
to correct Exhibit "A" hereto.

After Recording Return To:
MAHAFFEY PICKENS TUCKER, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043
File #1001-0007 (MOP Workout)

Please cross-reference:
Deed Book 22652, Page 716
DeKalb County, Georgia Records

QUIT-CLAIM DEED FOR RELEASE OF TAX DEED
(Release of Tax Deed)

STATE OF GEORGIA
COUNTY OF GWINNETT

THIS INDENTURE, made this 29th day of June, in the year of our Lord Two Thousand and Eighteen between,

The Brand Banking Company

as party or parties of the first part (hereinafter referred to as "Grantor"), and

Georgia General Snapfinger Development, LLC

as party or parties of the second part (hereinafter referred to as "Grantee").

WITNESSETH: That the said Grantor for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release, and forever quit-claim to the said Grantee, its heirs and assigns, all the right, title, interest, claim or demand which the said Grantor has or may have had in and to:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 126 of the 15th District of DeKalb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

This deed is given for the sole purpose of releasing any and all claims and rights which

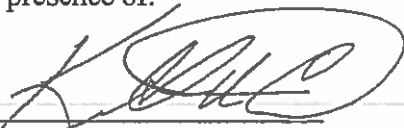
the grantor herein has or may have in and to the above described property by virtue of that Tax Deed dated August 2, 2011, recorded at Deed Book 22652, Page 716, DeKalb County, Georgia Records.

Further, this deed is given subject to that certain Deed to Secure Debt and Security Agreement from Georgia General Snapfinger Development, LLC to The Brand Banking Company dated July 7, 2006 and recorded in Deed Book 18914, Page 770, aforesaid records, as modified by that certain Modification Agreement dated August 19, 2008 and recorded in Deed Book 21121, Page 193, aforesaid records, as further modified by that certain Modification Agreement dated September 27, 2010 and recorded in Deed Book 22205, Page 489, aforesaid records (the "Security Deed") and does not convey, release, waive, or otherwise affect any rights held by the Grantor in the above-described property by virtue of the Security Deed.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, its heirs and assigns, so that neither the said Grantor nor its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year above written.

Signed, sealed and delivered
in the presence of:



Unofficial Witness

THE BRAND BANKING COMPANY,
a Georgia banking corporation

By: 

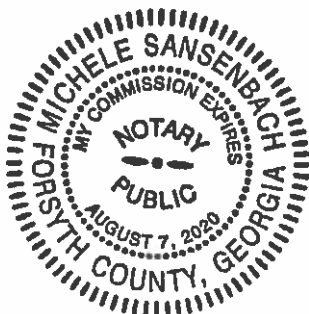
Name: B. Scott Longshore

Title: Senior Vice President



Notary Public

My Commission Expires:



[AFFIX BANK SEAL]

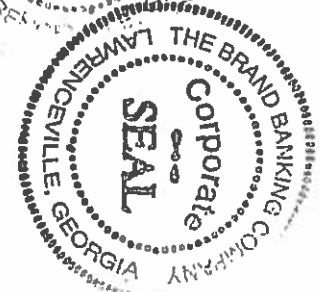


EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 126 of the 15th District of DeKalb County, Georgia containing 1.574 acres as shown on plat of survey for Michael A. Wright by Alvin E. Vaughn & Associates, Inc., certified by A.E. Vaughn Georgia Registered Land Surveyor Number 1629, dated May 26, 1994, and being more particularly described as follows:

BEGINNING at an iron pin located on the East side of Kelley's Chapel Road (also known as Kelley Chapel Road) a distance of 536.6 feet North, as measured along the East side of said Kelley's Chapel Road, from its intersection with the North line of Rainbow Drive; thence North 00 degrees 30 minutes 00 seconds East along the East side of Kelley's Chapel Road a distance of 225.00 feet to an iron pin; thence South 89 Degrees 30 minutes 00 seconds East a distance of 292.00 feet to an iron pin; thence South 00 degrees 35 minutes 28 seconds West a distance of 240.00 feet to an iron pin; thence North 86 degrees 35 minutes 08 seconds West a distance of 295.00 feet to an iron pin located on the East side of Kelley's Chapel Road and the POINT OF BEGINNING.

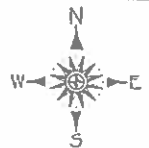
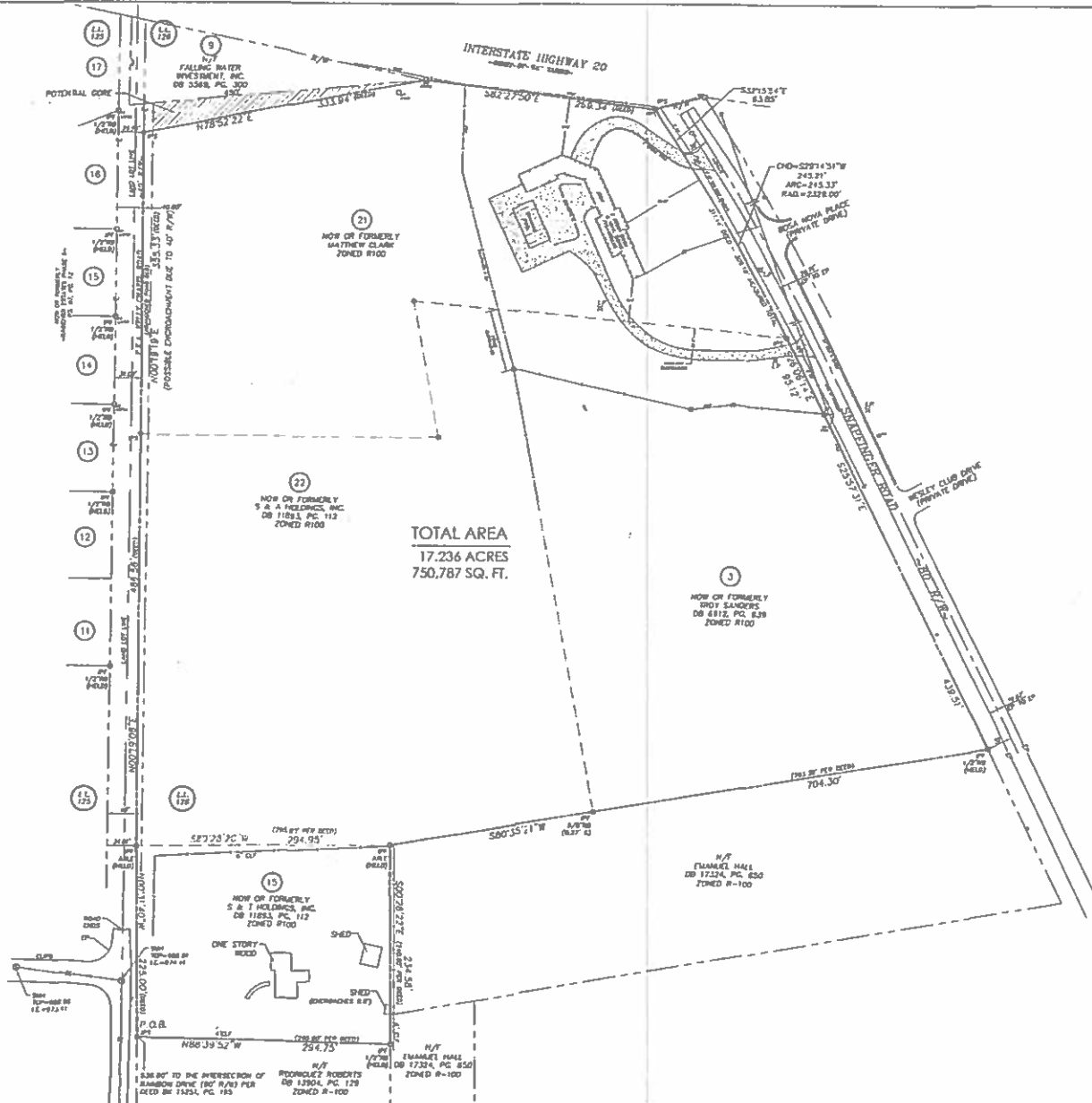
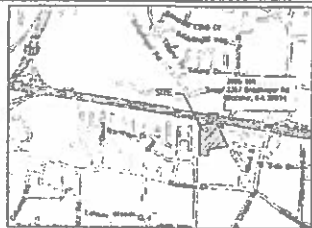
LEGAL DESCRIPTION of TAX PARCEL ID #15 126 05 003, 015, 021 & 022

All that tract or parcel of land lying situate and being in Land Lot 126 of the 15th District of Dekalb County, Georgia, being more particularly described as follows:

Beginning at a the intersection of the Northerly right of way of Rainbow Drive. (60' R/W) and the Easterly right of way of Kelly Chapel Road (R/W varies), said point being the Point of Commencement; thence running northerly along the right of way of Kelly Chapel Road 536.60 feet to an iron pin set and said point being the TRUE POINT OF BEGINNING;

Thence continuing along said right of way N.00°31'40"W. a distance of 225.00 feet to an axle found; thence N.00°19'06"E. a distance of 486.56 feet to an iron pin set; thence N.00°19'19"E. a distance of 355.33 feet to an iron pin set; thence leaving said right of way N.78°52'22"E. a distance of 333.94 feet to a concrete monument found and the right of way of Interstate Highway 20; thence running along the right of way of Interstate Highway 20 S.82°27'50"E. a distance of 269.34 to an iron pin set and the Western right of way of Snapfinger Road (60' R/W); thence running Southerly along said right of way S.32°15'54"E. a distance of 63.85 feet to a point; thence along a curve to the right having a radius of 2329.00 and an arc length of 245.33 feet, subtended by a chord bearing S.29°14'51"E. a distance of 245.21 feet to an iron pin set; thence S.26°06'14"E. a distance of 95.12 feet to an iron pin set; thence S.25°57'31"E. a distance of 439.51 feet to an iron pin found; thence leaving Snapfinger Road right of way S.80°35'21"W. a distance of 704.30 feet to an axle found; thence S.00°26'22"E. a distance of 234.58 feet to an iron pin found; thence N.88°39'52"W. a distance of 294.75 feet to an iron pin set and the TRUE POINT OF BEGINNING.

Said parcel contains 750,787 square feet or 17.236 acres, more or less.



ALL BEARINGS ARE CALCULATED FROM ANGLES MEASURED ON A SINGLE MAGNETIC MERIDIAN

LEGEND

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ALL RIGHTS RESERVED. THIS SURVEY IS THE PROPERTY OF THE SURVEYOR. NO PART OF THIS SURVEY MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

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OWNER/DEVELOPER

LANDMARK VENTURES, LLC
1414 WOODLARK RD.
SUITE 100
DEKALB, GA 30030
TEL: 404-555-1234
FAX: 404-555-1234

SITE NOTES

1. EXISTING BOUNDARY OF LOT 12
2. EXISTING BOUNDARY OF LOT 13

COMMENTS

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SITE ADDRESS

1414 WOODLARK RD.
SUITE 100
DEKALB, GA 30030
TEL: 404-555-1234
FAX: 404-555-1234

BOUNDARY REFERENCES

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LANDMARK VENTURES, LLC

PARCEL # 15 126 05 021, 022, 003, & D15
LAND LOT 126 15TH DISTRICT
DEKALB COUNTY, GEORGIA
DATE: JUNE 14, 2006 SCALE: 1" = 60'

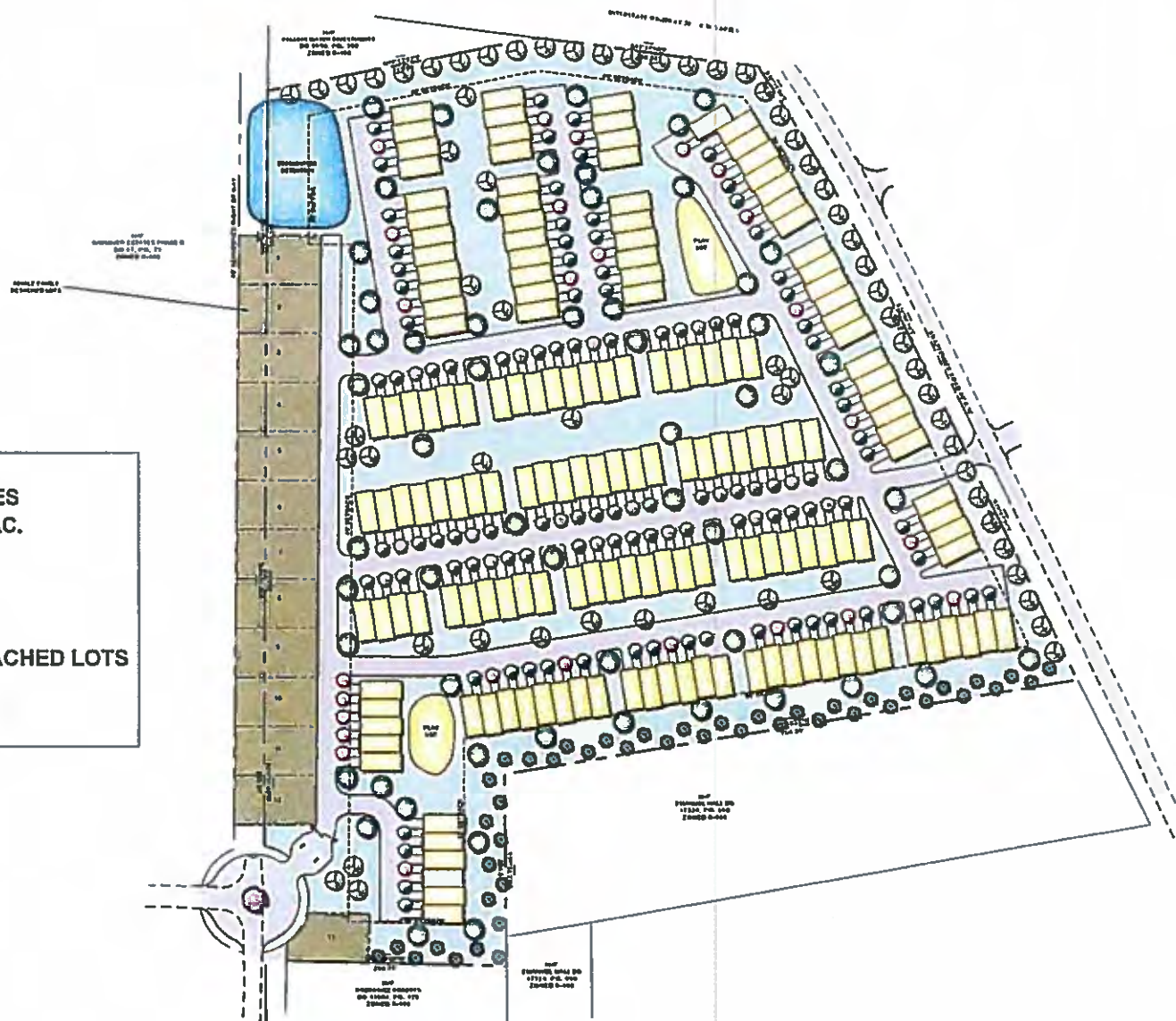
PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
PLANNING - ENGINEERING - LAND SURVEYING
3982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127
PH: (770) 435-2576 - FAX: (770) 943-8812

DRAWN BY
S.C.L.
JOB NO.
2005-101

17.236 ACRES
168 UNITS-TOWNHOMES
DENSITY: 9.75 UNITS/AC.

SINGLE FAMILY DETACHED LOTS

13 LOTS - 60' x 100'



TEL 770.452.7003 FAX 770.452.7004
252 CENTURY PLACE, SUITE 200
ATLANTA, GEORGIA 30303
THOMAS@TOM.COM

LAND PLANNING
CITY ENGINEERING
LANDSCAPE ARCHITECTURE

PROJECT:
WESLEY CHAPEL
SINGLE FAMILY ATTACHED
HOUSING DEVELOPMENT
LAND LOT 126
13th DISTRICT
DEKALB COUNTY, GEORGIA

[illegible]

MASTER PLAN	DATE	1-15-17
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	PROJECT MASTER	PI
	SCALE	1" = 10'

06-112

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STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for Land Use Amendment

of

GEORGIA GENERAL SNAPFINGER DEVELOPMENT, LLC

for

17.23± Acres of Land
located in
Land Lot 126, 15th District, DeKalb County

From SUBURBAN to TRADITIONAL NEIGHBORHOOD

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Sq., Suite
Decatur, GA 30030
Phone: 404-601-7616
Fax: (404) 745-0045
Email: mlb@battlelawpc.com

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 and is currently zoned R-100. The Applicant is seeking to develop 132 townhome units, and 24 single-family detached units on the Subject Property. In order to develop the proposed project, the Applicant is seeking to amend the land use designation from Suburban to Traditional Neighborhood. Additionally, simultaneously with the submission of this Application, the Applicant has filed a Rezoning Application to rezone the Subject Property from R-100 to MR-1.

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 land use amendment will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The current Suburban land use designation supports both single-family detached and single family attached units. The proposed land use change to Traditional Neighborhood

also supports the development of a mixture of residential types. As the Subject Property is abutted to the North by an apartment complex within the I-20 Overlay District with a land use designation of Town Center which allows for a maximum of 60 units per acre, and to the South by property with a land use designation of Suburban which allows up to 8 units per acre, the proposed land use change to Traditional Neighborhood will provide for a suitable transition between these two areas with a maximum of up to 12 units per acre. 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 and are included in the I-20 Overlay District.

- (b) Effect on adjacent property: The proposed land use amendment and use 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 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, while diversifying the housing types in the area to provide for homeownership that is more attractive to empty nesters, and millennials who are looking newer homes, at a great value with less maintenance.

- (c) 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.
- (d) Effect on adjoining governmental interest. The approval of this Land Use 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.
- (e) Conformity with the Intent of the Comprehensive Plan or Land Use Plan: The proposed Land Use Amendment 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.
- (f) Effect on historical buildings, etc. The approval of this Land Use 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.
- (g) 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 the Stonecrest Mall area. In order to achieve this goal density must increase along the route to justify the rail line. The removal 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

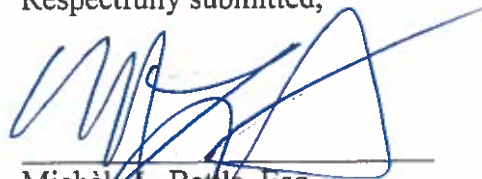
between a multi-family product and a single-family detached product. The Subject Property can and should provide this transition.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Land Use Amendment 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 27th day of June, 2019.

Respectfully submitted,



Michèle L. Bayle, 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.

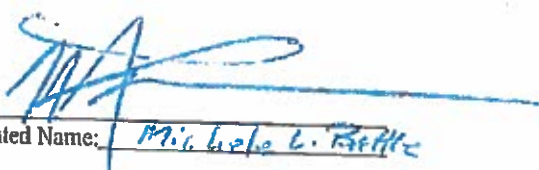
The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If 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.

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

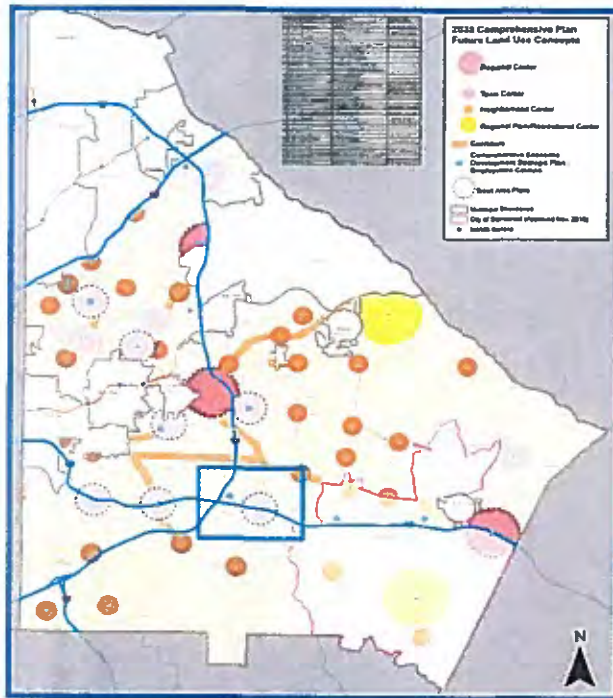
NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Kathie Gannon	Commissioner	\$350
Mereda Davis Johnson	Commissioner	\$500
Larry Johnson	Commissioner	\$250
Lorraine Cochran-Johnson	Commissioner	\$250

By: 

Printed Name: Michele L. Battle

Wesley Chapel Activity Center

Location: Northern portion of the county.
Commission Districts 3
Super District 7
Small Area Plan (SAP): Wesley Chapel LCI Plan
Implementation Tool: I-20 Overlay District

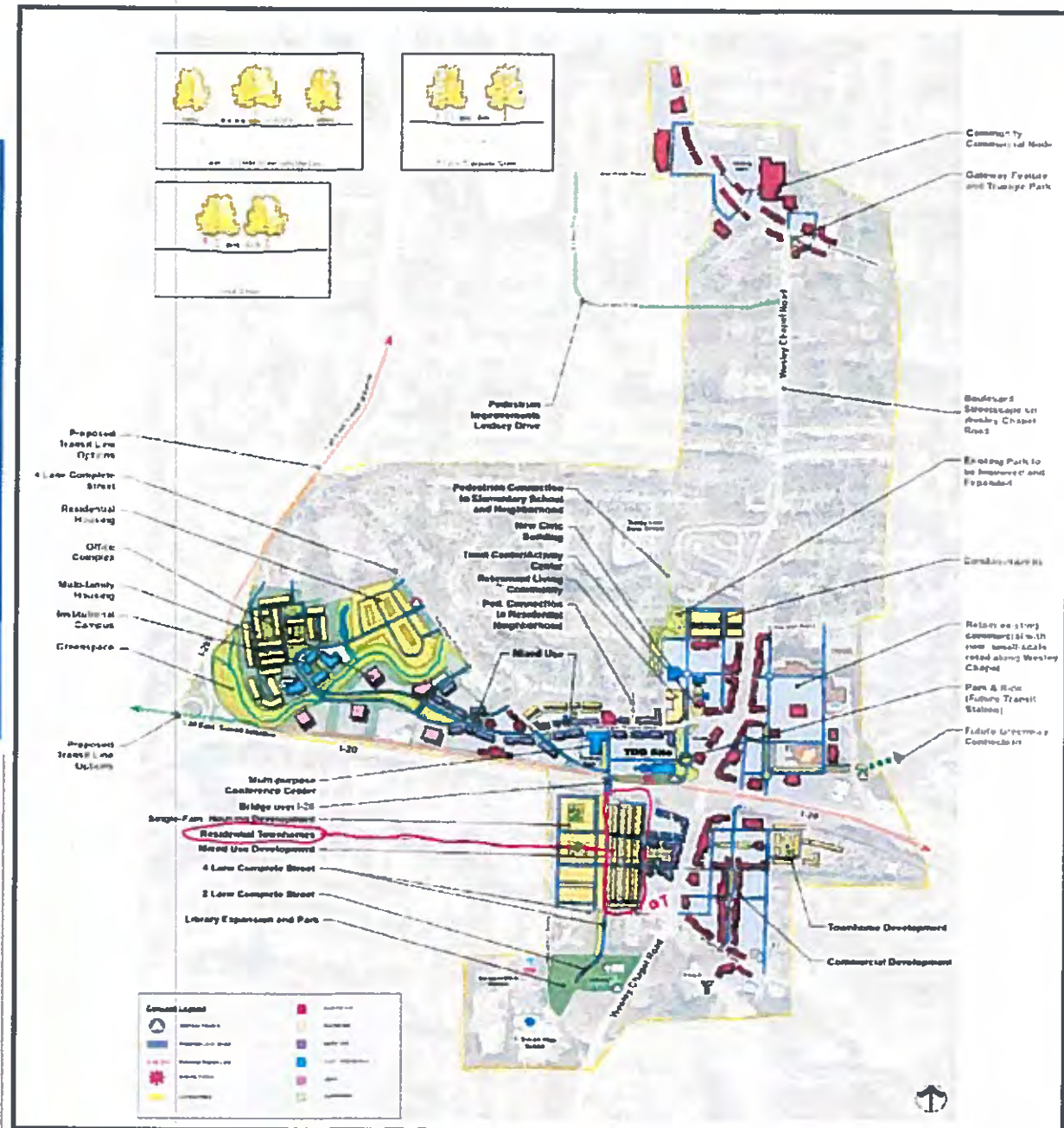


The Wesley Chapel Activity Center derives from the Wesley Chapel Livable Centers Initiative (LCI) Study. The core of the study is the nexus of Interstate 20 and Wesley Chapel Road. Some of the goals of the plan:

- Encourage diversity of mixed income neighborhoods, employment, and recreational choices
- Provide access to a wide range of travel modes, including transit, walking and biking.
- Develop an outreach process that promotes involvement of all stakeholders.

Land Use recommendations from the study are being used as policy guidelines in the comprehensive plan.

Refer to the Wesley Chapel LCI Plan for more details.

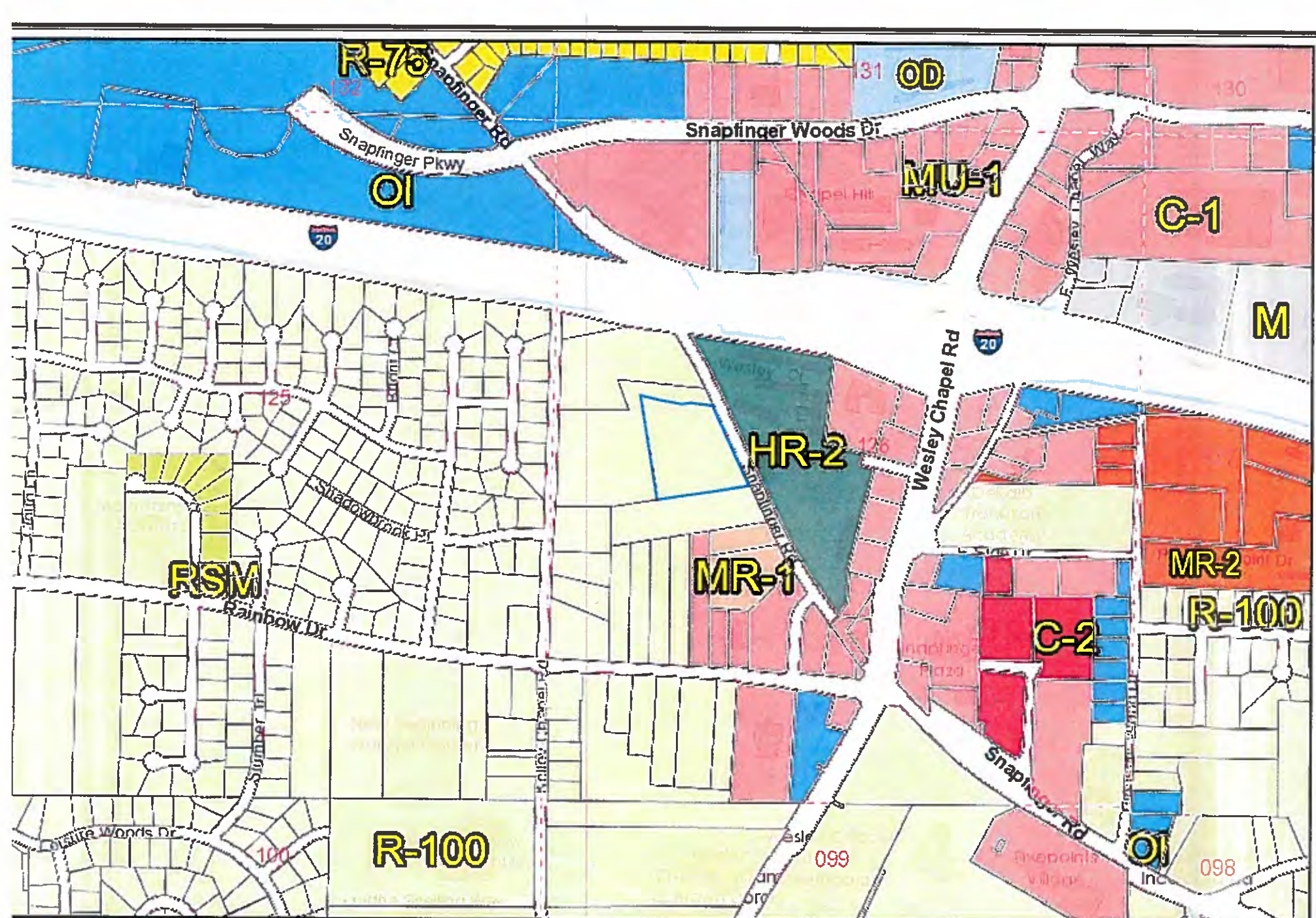




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DeKalb County Parcel Map

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Date Printed: 6/24/2019



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Snafinger Aerial

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Date Printed: 6/24/2019



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LP-19-1242284 Aerial

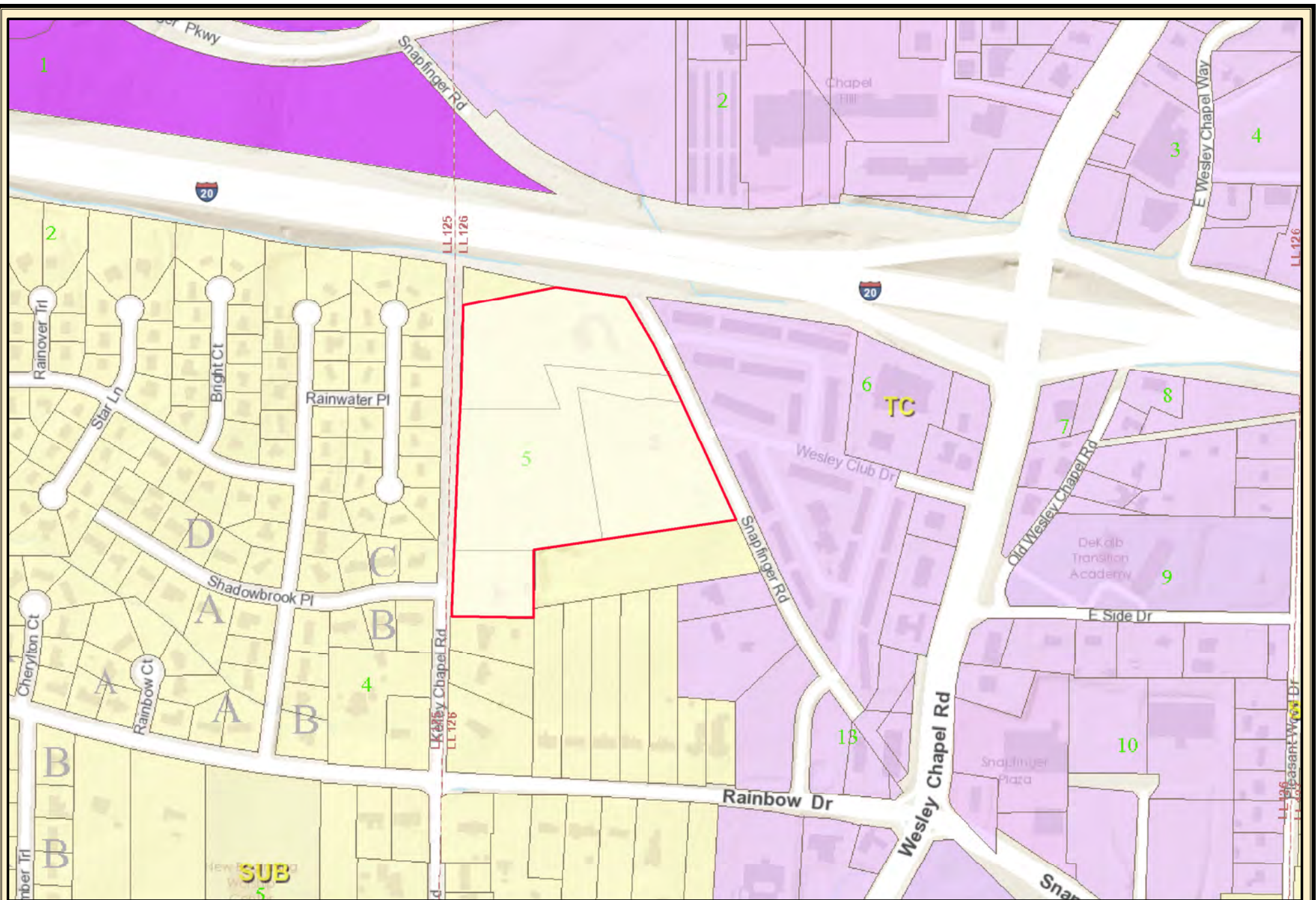
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Date Printed: 7/17/2019



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LP-19-1242284 LU

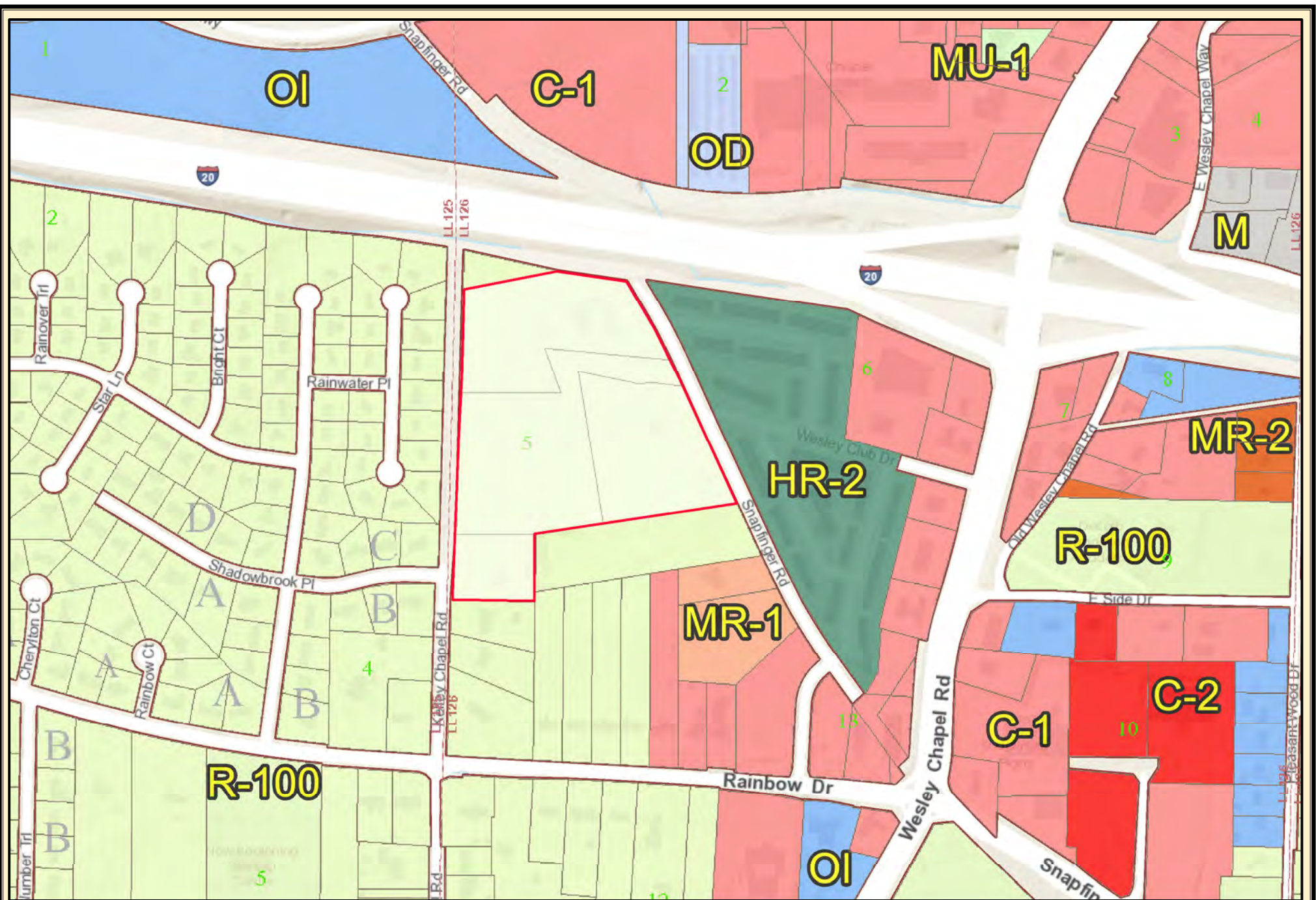


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LP-19-1242284 Zoning

0 115 230 460 690 920 Feet

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