

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: APC Contractors Inc.

Applicant E-Mail Address: ppedreira@apccontractors.us

Applicant Mailing Address: 6060 Dawson Blvd. Suite J
Norcross, GA 30093

Applicant Daytime Phone: 678)407-0601 Fax: 678)407-0677

Owner Name: PLEASE SEE ATTACHED LIST
If more than one owner, attach list of owners.

Owner Mailing Address: PLEASE SEE ATTACHED LIST

Owner Daytime Phone: PLEASE SEE ATTACHED LIST

Address of Subject Property: ¹ 3229 , ² 3237 , ³ 3245 , ⁴ 3251 , ⁵ 3265 Memorial Dr.
Decatur, GA 30032

Parcel ID#: ¹ 15 201 07 007 , ² 15 201 07 005 , ³ 15 201 07 004 , ⁴ 15 201 07 003 , ⁵ 15 201 07 001

Acreage: 2.843 Commission District: 3 SD-7

Present Zoning District(s): O-I Office Institutional

Proposed Zoning District: MR-2 Medium Density Residential - 2

Present Land Use Designation: CRC

Proposed Land Use Designation (if applicable): N/A

Memorial Drive Decatur, GA 30032

Parcel ID	Address	Owner(s) Name(s)	Owner(s) Mailing Adress	Daytime Phone
1	15 201 02 022 3229	Safari Enterprises Inc	1811 Ballybunion Dr., Jones Creek, GA 30097	678-776-4942
2	15 201 02 023 3237	Leathers Realty Corp	PO Box 65, Mansfield GA 30055	770-385-8828
3	15 201 02 024 3245	Leathers, Robert Thomas & James Harrison Jr	PO Box 365, Avondale Estates GA 30002	404-993-6000
4	15 201 02 025 3251	Leathers, James H Jr	PO Box 65, Mansfield GA 30057	770-385-8830
5	15 201 02 026 3265	Love Divine Inc	3265 Memorial dr. Decatur GA 30032	470-334-9643

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: APC Contractor Phone: 6/407-0601 Email: info@apccontractors.us
c/o Artillo Pedreira & Pilar Pedreira

Property Address: 3265 Memorial Dr.

Tax Parcel ID: 15-201-07-001 Comm. District(s): 3 & 7 Acreage: 1.34 ac.

Existing Use: 1 s-f dwelling Proposed Use: _____

Supplemental Regs: --- Overlay District: NO DRI: NO

Rezoning: Yes No _____

Existing Zoning: O-I Proposed Zoning: MR-2 Square Footage/Number of Units: 13 dus

Rezoning Request: Rezone to allow 13 s-f attached townhome units at a density of 9.7 du/ac.

Land Use Plan Amendment: Yes _____ No

Existing Land Use: CRC Proposed Land Use: CRC 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: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: Review Calendar Dates: PC: BOC:
 Letter of Intent: Impact Analysis: Owner Authorization(s): Campaign Disclosure:
 Zoning Conditions: Community Council Meeting: Public Notice, Signs:
 Tree Survey, Conservation: Land Disturbance Permit (LDP): Sketch Plat:
 Bldg. Permits: Fire Inspection: Business License: State License:
 Lighting Plan: Tent Permit:

Review of Site Plan

Density: 9.7 Density Bonuses: NOT NEEDED Mix of Uses: Open Space: NOT REQUIRED Enhanced
 Open Space: N.A. Setbacks: front sides side corner rear Lot Size:
 Frontage: Street Widths: Landscape Strips: Buffers:
 Parking Lot Landscaping: Parking - Auto: Parking - Bicycle: Screening:
 Streetscapes: Sidewalks: Fencing/Walls: Bldg. Height: Bldg.
 Orientation: Bldg. Separation: Bldg. Materials: Roofs: Fenestration:
 Façade Design: Garages: Pedestrian Plan: Perimeter Landscape Strip: Not needed
 Possible Variances: _____

Comments:

May be fa-simple, max lot coverage 85% parking in rear-entry garages was discussed. Density will provide customers for ~~the~~ commercial uses in the CRC.

Planner: Melora Farnham Date 3/3/20

Filing Fees

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



CONTRACTORS, INC.
EXPERIENCE • QUALITY • DEDICATION

June 16, 2020

Pilar Pedreira
ppedreira@apccontractors.us
Aracelis Saladin
Arisellsaugusta@gmail.com

PUBLIC NOTICE
TO
Request for Rezoning
Filed by APC Contractors, Inc.
Location: 3265, 3229, 3251, 3245, 3237 Memorial Drive
Decatur, Ga 30032

Current Zoning – OI (Office / Institutional)

Current Use – Residential

Proposed Zoning – RSM (Residential Small Mix)

Proposed Use – ~~Single-Family Attached Residences/Townhouses~~

Dear neighbor,

Our family at APC Contractors Inc. would like to invite you to meet with us and the community at **7:00 pm** on Tuesday, June 25, 2020 to discuss the new project located at 3265, 3229, 3251, 3245, 3237 Memorial drive, Decatur GA 30032.

In the interest of the public health and safety, our family at APC Contractors Inc., as per Dekalb County's directive, will hold the pre-submittal community meeting via **ZOOM**. Please utilize the following link to join the meeting:

Location: <https://us02web.zoom.us/j/89778676367>

Date & Time: Tuesday, June 25, 2020 at 7:00PM

If you have any questions or would like us to email you a direct invitation link to the meeting, feel free to reach out to our team at: rigadepo@gmail.com

Thank you so much and hope you and your family stay safe.

Warm wishes,

Aracelis Saladin

6060 Dawson Blvd. Suite J. Norcross GA 30093
Phone: (678) 407-0601 Fax: (678) 407-0677



CONTRACTORS, INC.

EXPERIENCE · QUALITY · DEDICATION

June 20, 2020

Pilar Pedreira
pedreira@apccontractors.us
Aracelis Saladin
risellsaugusta@gmail.com

PUBLIC NOTICE
TO
Request for Rezoning
Filed by APC Contractors, Inc.
Location: 3265, 3229, 3251, 3245, 3237 Memorial Drive
Decatur, Ga 30032

Current Zoning – OI (Office / Institutional)

Current Use – Residential

Proposed Zoning – MR2 (Medium Density Residential 2)

Proposed Use – Single-Family Attached Residences/Townhouses

Dear neighbor,

We wanted to confirm the right date/time for our community meeting. The meeting will be held on Thursday, June 25, 2020 at 7:00 PM, to discuss the new project located at 3265, 3229, 3251, 3245, 3237 Memorial Drive, Decatur GA 30032.

In the interest of the public health and safety, our family at APC Contractors Inc., as per Dekalb County's directive, will hold our community meeting via **ZOOM**. Please utilize the following link to join the meeting:

Location: <https://us02web.zoom.us/j/89778676367>

Date & Time: Thursday June 25, 2020 at 7:00PM

If you have any questions or would like us to email you a link to the meeting, feel free to reach out to our team at: rigadepo@gmail.com.

We apologize for any confusion the previous invitation might have caused.

Warm wishes,

Aracelis Saladin

**Valor Tower / APC Contractors
Community Meeting for Rezoning Request**

Thursday, June 25, 2020 Time: 7 pm

Attendees Roster

Name	Address
Shelby Kurland	1645 Carter Rd, Decatur GA
Chris Skelley	2770 Amelia Ave.
Alex McLaughlin	1525 Carter Rd
Chris DeBree	1491 Woodfern Dr.
Trey Denckenbacher	1555 Thomas Rd
Christina Moore	2730 Fairlee Dr, Decatur
Mike Tarnower	1542 Carter Rd
Denise Edward	3357 York Place, Decatur
Doug Collins	1524 Carter Rd
Annette Edward	3232 Memorial Dr. Decatur
MARIA	
Kenneth W. Powell	3056 San Juan Dr.
Sandra Benjamin	144 Thomas Dr
Nicole Puvu	
BRIAN	1552 Thomas Dr
MANIF	

ALETHA Edward
Robison, Mitchell
Jeannette DUMBAR

Emily Cox
William HUBBARD



LETTER OF APPLICATION AND IMPACT ANALYSIS

INTRODUCTION

To whomever this may concern,

This Letter of Application and Impact Analysis is intended to comply with the application procedures established by DeKalb County, Georgia for submittal of land use applications, as required by the Zoning Ordinance of DeKalb County, Georgia (“Zoning Ordinance”), DeKalb County Public Hearing Application Requirements, and other DeKalb County Ordinances and Standards.

The Applicant has submitted contemporaneously with this Letter of Application and Impact Analysis the application package for the Proposed Zoning and Proposed Use, as may be amended (the “Application”). With regard to any zoning, special use permit, and variances requested in the Application (as applicable), the Applicant incorporates herein all statements made in the Public Hearing Application.

1. LETTER OF APPLICATION

Applicant:	APC Contractors, Inc.
Subject Property:	2.843 Acres Designated as DeKalb County
	Tax Parcel(s): 15 201 07 007
	15 201 07 005
	15 201 07 004
	15 201 07 003
	15 201 07 001
Current Zoning:	Office-Institutional
Proposed Zoning:	Medium Density Residential - 2
Existing Use:	4 Single-Family Residences/ 1 Vacant Lot
Proposed Use:	Attached Single Family Residences/Townhouses
ROW Access:	Conway Road and Thomas Road

The Applicant submits the Application for the purpose of rezoning the Subject Property from the O-I zoning classification to MR-2 for the purpose of developing 44 Townhouse Units thereon.

Townhome units will be a maximum of 42 feet in height, 22 feet wide, and be constructed with minimum 2,341 square feet of finished area. Elevation Drawings are submitted with the Application and incorporated herein by reference.

2. IMPACT ANALYSIS

Pursuant to Zoning Ordinance § 27-7.3.5, when exercising the County's zoning powers, consideration shall be given to factors associated with the use including, but not limited to, the following. The Applicant's Proposed Use satisfies all of these criteria as described below:

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The Subject Property is located in the Memorial Drive Corridor, which identifies MR-2 as a Permitted Zoning and Townhouses as an appropriate Primary Use in this character area. Also, the proposed design for the Townhomes incorporates uniformed front setbacks, rear-entry garage, varied rooflines, and ample open space, all in accordance with the design preferences described in the Comprehensive Plan.

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

The Zoning Proposal will permit Townhouses, a residential use, which is suitable in view of the use and development of the adjacent properties, which are also residential MR-2. Memorial Drive is located to the North of the Subject Property and is a major commercial corridor; to the East is Thomas Rd which is the location of Archbishop Hope Church of Atlanta, a large institutional use currently zoned R-75 . West of the Subject Property is Conway Rd with majority zoned MR-2 , to the South is Julian St which consists of a majority mixture of MR-2 and R-75 As such, the proposed MR-2 zoning will serve as a transitional zoning from high intensity uses along Memorial Drive to the nearby neighborhood .

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

The Subject Property does not have a reasonable economic use as currently zoned as single family residential homes are present in O-I zoning. The comprehensive plan states character areas and permitted zoning districts for O-I zoning district to allows for Suburban, Neighborhood Center, Town Center, Regional Center, Office Park, Institutional, Light Industrial, Commercial Redevelopment Corridor and Highway Corridor.

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

The Zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties because the Zoning Proposal will allow for a residential Proposed Use that is compatible with the surrounding residential areas.

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 shape, size and topography of the Subject Property necessitate rezoning of the Subject Property, as its narrow depth and large width hinder redevelopment using Current Zoning. The increasing population of DeKalb County necessitates more dense development to accommodate projected growth, as contemplated by the Comprehensive Plan.

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

The Zoning Proposal will not adversely affect historic buildings, sites, districts, or archeological resources because there are no historic buildings, sites, districts, or archeological resources on or adjacent to 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 Zoning Proposal will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The projected impact on schools and utilities will be in keeping with projected growth, and applicable impact fees from the development will fund infrastructure improvements. The number of car trips and need for transportation facilities will be comparable to surrounding uses, the developer will make improvements to surrounding rights-of-way as required by applicable regulations for project improvements.

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

The Zoning Proposal will not adversely impact the environment or surrounding natural resources in fact, because approximately 77% of workers in DeKalb County do not reside in the County, providing additional housing units in the County may lead to more employees residing in the County, potentially decreasing automobile dependency, traffic congestion, and pollution caused by commuters driving through the County to work elsewhere. Also, the Zoning Proposal will not adversely impact the local watershed because there are no streams or stream buffers on the Subject Property and all stormwater will be managed according to the applicable codes and engineering standards. Also, the Proposed Use abutting the Right of Way. Finally, the Subject Property will be planted with numerous trees throughout the site while maintaining some of the existing trees.

CONCLUSION

Because the Proposed Use and site design comply with all criteria appropriate for consideration of the land use application, the Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. The Applicant and owners reserve the right to amend and supplement this Letter of Application and Impact Analysis at any time.

Sincerely,

Pilar Pedreira, Applicant



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: June 25, 2020 Ref: 3237 Memorial Drive, Decatur

TO WHOM IT MAY CONCERN:

(I) (WE) Leathers Realty Corp.
Name of owner(s)

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

APC Contractors, Inc
Name of Agent or Representative

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

Laura Elizabeth Bolsen
Notary Public
Laura Elizabeth Bolsen
Notary Public
DeKalb County, Georgia
My Commission Expires 7/5/2021

Notary Public

Laura Elizabeth Bolsen
Notary Public

Laura Elizabeth Bolsen
Notary Public
Laura Elizabeth Bolsen
Notary Public
DeKalb County, Georgia
My Commission Expires 7/5/2021

Notary Public

Leathers Realty Corp
by Robert T. Leathers
Owner Robert T Leathers CEO

by James H. Leathers Jr
Owner James H. Leathers Jr CFO/Sec

Owner

Owner



404.371.2155 (o) | Clark Harrison Building
404.371.4556 (f) | 330 W. Ponce de Leon Ave
DeKalbCountyGa.gov | Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: June 25, 2020 Ref 3245 Memorial Dr., Decatur
3251 Memorial Dr., Decatur

TO WHOM IT MAY CONCERN:

(I) (WE) JAMES LEATHERS and ROBERT LEATHERS
Name of owner(s)

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

APC CONTRACTORS, Inc.

Name of Agent or Representative

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

Laura Elizabeth Bolsen
Notary Public
Laura Elizabeth Bolsen
Notary Public
DeKalb County, Georgia
My Commission Expires 7/5/2021

James H. Leathers, Jr
Owner James H. Leathers, Jr

Robert T. Leathers
Owner Robert T. Leathers

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 6-12-2020

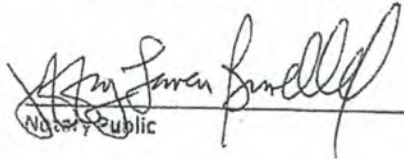
TO WHOM IT MAY CONCERN:

(I) (WE) LOVE DIVINE, INC.
Name of owner(s)

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

APC CONTRACTORS, Inc.
Name of Agent or Representative

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


Notary Public


Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X *

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

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

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

Notary

Gilvan Pedreira 6/29/2020
Signature of Applicant /Date

Check one: Owner _____ Agent X

Expiration Date/ Seal

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

Legal Description

Lots 1 through 40, Block G, Columbia Acres
Plat Book 11, Page 88
DeKalb County, Georgia

All that tract or parcels of land lying in Land Lot 201, 15th District, City of Decatur, DeKalb County, Georgia, said parcels being in the names of: Leathers Realty Corp. (per Deed Book 3332, Page 45, DeKalb County Records); Robert T. Leathers and James H. Leathers, Jr. (per Deed Book 3476, Page 122 and Deed Book 4478, Page 146, said records); Safari Enterprises, Inc. (per Deed Book 11099, Page 479, said records) and Love Divine Inc. (per Deed Book 14068, Page 272, said records) and being more particularly described as follows:

Beginning at a 1/2-inch rebar with cap stamped "LSF001283", set, at the intersection of the south right-of-way of Memorial Drive, State Route 154 (a variable width right-of-way) with the west right-of-way of Thomas Road (a 50 foot right-of-way);

Thence with said west right-of-way of Thomas Road, South 02°18'04" West a distance of 366.32 feet to a 2-inch by 2-inch peg found at the intersection of said west right-of-way of Thomas Road with the north right-of-way of Julian Street (a 60 foot right-of-way);

Thence departing said west right-of-way of Thomas Road and with said north right-of-way of Julian Street, South 89°37'30" West a distance of 500.96 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, at the intersection of said north right-of-way of Julian Street with the east right-of-way of Conway Road (a 50 foot right-of-way);

Thence departing said north right-of-way of Julian Street and with said east right-of-way of Conway Road, North 00°33'44" East a distance of 134.02 feet to a 1/2-inch rebar with cap stamped "LSF001283", set, at the intersection of said east right-of-way of Conway Road and said south right-of-way of Memorial Drive;

Thence departing said east right-of-way of Conway Road and with said south right-of-way of Memorial Drive the following two courses and distances: following the arc of a curve to the left a distance of 120.32 feet (said arc being subtended by a radius of 7230.00 feet and a chord of North 67°14'12" East a distance of 120.32 feet) to a point and following the arc of a curve to the left a distance of 445.43 feet (said arc being subtended by a radius of 7322.37 feet and a chord of North 64°55'36" East a distance of 445.36 feet) back to the POINT OF BEGINNING.

Containing 123,860 square feet or 2.843 acres of land.

GeoTerra USA, LLC
Roswell, Georgia
Karie L. Colburn, PLS 2963